

17th Annual Advanced Seminar on

CEQA

*Critical updates on major developments for attorneys, environmental and
real estate professionals, planners, and agency officials*

October 1, 2021

Live Online | Pacific Time Zone

Agenda

9:00 Introduction & Overview

Douglas Carstens, Esq., Program Chair
Chatten-Brown Carstens & Minter
Hermosa Beach, CA

9:15 The Legislature Takes on the Housing Crisis

Housing Accountability Act has teeth! How SB 330 and recent litigation, including cases concluding that the state has preempted local government discretion and electorate exercise of its referendum power, are forcing cities' hands

Matthew D. Hinks, Esq.
Jeffer Mangels Butler & Mitchell
Los Angeles, CA

Affordable housing incentives: How SB 35 and overlapping density bonus incentives create opportunities for much larger housing projects than the zoning would normally allow

Beverly Grossman Palmer, Esq.
Strumwasser & Woocher ~ Los Angeles, CA

10:15 Environmental Leadership Development Projects (ELDPs)

What you need to know about SB 7; how it differs from AB 900; and how the much lower dollar amounts, along with heightened environmental and labor provisions, could lead more ELDPs

Susan Brandt-Hawley, Esq.
Brandt-Hawley Law Group ~ Glen Ellen, CA
Whitman F. Manley, Esq.
Remy Moose Manley ~ Sacramento, CA

11:00 Break

11:15 Remedies: Analysis of Friant Ranch Follow on Cases and Newhall Ranch

Recent fallout from the Friant Ranch litigation has included revisiting longstanding principles of remedies available where noncompliance has been established; when and how courts will issue limited writs rather than setting aside all project approvals

Michelle Black, Esq.
Chatten-Brown Carstens & Minter
Hermosa Beach, CA

11:45 The Logistics Revolution: The Explosion of Demand for Warehouses and Other Logistics Facilities Resulting from Us Wanting to Order on a Whim and have Goods Delivered the Next Day

Use of CEQA for addressing GHG emissions from the transportation sector vs. other options for addressing impacts, including structuring projects to include grant programs, fast charging stations, and other incentives for switching to electric vehicles

Adrian Martinez, Esq., Staff Attorney
Earthjustice ~ Los Angeles, CA

12:15 Lunch Break

1:30 CEQA Appellate Case Law Review

Your annual in depth look at the key cases and decisional trends

Howard F. "Chip" Wilkins, III, Esq.
Remy Moose Manley ~ Sacramento, CA

2:30 What Role Do Environmental Justice (EJ) Considerations Play in Public Agency Decision Making?

Evolution of the EJ concept; recent legislative efforts to codify it; interplay of EJ considerations for general planning purposes vs. project consistency determinations; the extent to which CEQA is an appropriate or useful tool for addressing EJ issues

Ashley Werner, Esq., Senior Attorney
Leadership Counsel for Justice & Accountability
Fresno, CA

Jessica Kirchner Flores, AICP, Owner and Managing Principal
Impact Sciences, Inc. ~ Los Angeles, CA

3:15 Break

3:30 Wildfires & CEQA: The Hottest New Topic in CEQA?

OPR Guidelines re updating general plans; SB 12 re development in a Very High Fire Hazard Severity Zones; Tejon Ranch litigation re project impact on environment; Otay Ranch project alleged failure to account properly for wildfire risks

Richard W. Halsey, Director
California Chaparral Institute ~ Escondido, CA

4:15 Bridging the Divide: Lessons, Tips & War Stories for Settling Big Project Disputes

Practitioners share what they've seen work and not work in trying to settle seemingly intractable disputes

Douglas Carstens, Esq., Program Chair, Moderator

James L. Arnone, Esq.
Latham & Watkins ~ Los Angeles, CA

**Aruna M. Prabhala, Esq.,
Urban Wildlands Director**
Center for Biological Diversity ~ Oakland, CA

5:00 Evaluations & Adjourn

Who Should Attend

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

About the Conference

With 2020 in hindsight, 2021 is bring exciting new challenges and perspectives on recurring issues. At the top of many people's agenda has been addressing the intertwined crises of housing supply, affordability, and availability. We will review legislative attempts to deal with this complex set of crises and anticipate what is in the works in the Legislature, the courts, and state and local jurisdictions.

The pandemic has highlighted the growing reliance on the goods distribution infrastructure, and also the human costs of the expansion of that infrastructure. We will explore some recent activity in this sector.

Environmental justice has been thrust to the forefront for many people's consideration by national and local events and this year we will examine EJ issues in the land use and regulatory (CARB, OPR) context.

Climate is changing and wildfires, which have always been a burning issue, are becoming more pressing so we will dive into wildfire issues too. Finally, with some recent lessons learned about settlements in complex and contentious contexts, we will hear tips on achieving win-win solutions in difficult situations.

Jim Arnone won't be able to spend the full day with us this year, but was instrumental in the planning and will participate in the panel on settling big project disputes. We think the program will be stimulating and informative and hope you will agree. Register soon.

~ Douglas Carstens, Esq. of Chatten-Brown Carstens & Minter, Program Co-Chair

Registration & Other Conference Information

Tuition: Regular tuition for this program is \$695 with a group rate of \$625 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$520. For public interest NGO's, students, and people in their job for less than a year, our rate is \$347.50. All rates include admission to all program sessions and course materials.

Make checks payable to Law Seminars International.

As an added value bonus, you'll receive access to audio and video recordings of the program at no extra charge.

Financial aid is available to those who qualify. Contact our office for more information.

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 24, 2021. After that time, we will credit your tuition toward attendance at another program or the purchase of an audio or video replay.

Continuing Education Credit: Live credits: Law Seminars International is a State Bar of California approved MCLE provider. This program qualifies for 6.25 California MCLE, 6.0 AICP planner, and 6.0 ABCEP environmental professional credits. Upon request, we will help you apply for CLE credits in other states and other types of credits.

Time Shift Your Content: Audio and video replay files, with course materials, are available for download or on a flash drive at the same price as live attendance. Files are available for downloading five business days after the program or from the date we receive payment. Flashdrive orders are sent via First Class mail within seven business days after the program or from the date we receive payment. The course materials alone are available for \$75.

Faculty

Douglas Carstens, Program Chair, is the managing partner of Chatten-Brown Carstens & Minter. He has extensive experience in environmental, land use, municipal and natural resource matters. He was a member of the Long Beach Naval Complex Restoration Advisory Board overseeing the implementation of the Base Realignment and Closure Act process for the Long Beach Naval Station and Shipyard. Doug has also written articles and lectured on CEQA, water quality, public trust, and historic resources issues.

James L. Arnone is the Global Chair of the Environment, Land & Resources Department Latham & Watkins. He is an adjunct professor at the University of Southern California Law School, where he has taught Environmental Law since 1996. He also serves on the California Chamber of Commerce Board of Directors, where he serves as Chair of its Environmental Policy Committee.

Michelle Black has been with Chatten-Brown, Carstens & Minter since 2008. She received her Juris Doctorate from UCLA School of Law. While at UCLA, she served as an editor-in-chief of the UCLA Journal of Environmental Law and Policy, a board member of the UCLA Environmental Law Society, and conducted faculty-directed research on the role of the California judiciary in CEQA enforcement.

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.

Jessica Kirchner Flores, AICP, is the Owner and Managing Principal of Impact Sciences Inc., an environmental planning firm headquartered in Los Angeles. She is currently overseeing the preparation of an Environmental Justice Element for a General Plan update, as well as environmental justice analyses for several projects throughout California.

Richard W. Halsey is the Director of the California Chaparral Institute, a non-profit, research and educational organization dedicated to the preservation of California's native chaparral ecosystem. He is a consultant on wildfire issues and has been trained as a Type II wildland firefighter. Through the Institute, he promotes an understanding of and appreciation for California's chaparral ecosystem, the dynamics of wildland fire, and the importance of protecting native shrubland habitats.

Matthew D. Hinks is a partner at Jeffer Mangels Butler & Mitchell. He has special expertise dealing with land use disputes involving property owners and governmental agencies, including disputes arising under the California Environmental Quality Act (CEQA), the Subdivision Map Act, the Housing Accountability Act, Density Bonus Law, Planning and Zoning Law and other federal, state and local land use statutes, regulations and ordinances.

Whitman F. Manley, Remy Moose Manley, focuses on advising and representing public agencies, project applicants, and citizen's groups both during administrative proceedings and in trial and appellate litigation. His practice encompasses California and Federal environmental and land use law, including the California Environmental Quality Act, National Environmental Policy Act, California Planning and Zoning Law, Subdivision Map Act, Williamson Act, initiatives and referenda, air and water quality, solid and hazardous waste, forestry, natural resources, endangered species, wetlands and related matters.

Adrian Martinez is a Staff Attorney at Earthjustice where he works on clean air, clean energy and environmental justice issues. Prior to joining Earthjustice, Adrian worked at the Natural Resources Defense Council as a smog and environmental justice attorney.

Beverly Grossman Palmer is a partner at Strumwasser & Woocher. She represents clients in the fields of election law, land use and environmental law, economic regulation, and education law. Before entering the legal profession, she was a Senior Research Associate at the Environmental Law Institute.

Aruna M. Prabhala is a Senior Attorney for the Center for Biological Diversity. She serves as CBD's Urban Wildlands Director and works to protect habitat for endangered species and limit sprawl. This includes opposition to the Newhall Ranch megadevelopment.

Ashley Werner is a Senior Attorney at the Leadership Counsel for Justice & Accountability (LCJA). Prior to joining LCJA, Ashley worked as a staff attorney with California Rural Legal Assistance, Inc.'s Community Equity Initiative, where she worked to secure improved investment and equitable land use and planning practices in disadvantaged communities in the Central Valley.

Howard F. "Chip" Wilkins, III is a partner at Remy Moose Manley. His practice covers the California Environmental Quality Act (CEQA), the State Planning and Zoning Law, the Subdivision Map Act, the Williamson Act, the California Endangered Species Act, the California Native Plant Protection Act, the Brown Act, the National Environmental Policy Act (NEPA), the federal Endangered Species Act, the federal Clean Water Act, waste management, and water law.