



News & Publications

First Quarter CEQA Case Law Update

May 2012 | Client Alert
CCN Quarterly CEQA Case Law Update

This update reports on the five California Environmental Quality Act (CEQA) decisions issued by the California courts in the first quarter of 2012. One of these decisions, which is particularly notable, is the First District's opinion in the *Berkeley Hillside* case, which dramatically increases the legal and litigation risk associated with the use of categorical exemptions to CEQA analyses. The affected property owner and the city are seeking review from California Supreme Court. A number of depublication requests are also pending with the California Supreme Court.

The *Flanders Foundation* case reiterates the importance of responding to comments in an EIR. *Sierra Nevada Conservation* holds that an EIR may still be required after a Program EIR has been prepared if the Program EIR did not analyze all aspects of the implementation plan. *Consolidated Irrigation District* holds that a water district had standing to bring a CEQA lawsuit. Lastly, *No Wetlands Landfill Expansion* holds that CEQA decisions by local enforcement agencies are not appealable to County Board of Superiors.

Cases In This Issue:

Berkeley Hillside Preservation v. City of Berkeley

Flanders Foundation v. City of Carmel-By-the-Sea

Center for Sierra Nevada Conservation v. County of El Dorado

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Related Practice Areas

Land Use



Consolidated Irrigation District v. City of Selma

No Wetlands Landfill Expansion v. County of Marin

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