

## 2010 Second Quarter CEQA Case Law Update

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Source: *CCN Quarterly CEQA Case Law Update*

### July 2010

There was substantial CEQA activity in the Courts of Appeal and California Supreme Court during the last three months, with ten new decisions summarized in this Update. Most importantly, in the *Stockton Citizens* case, the Supreme Court affirmed CEQA's 30-day statute of limitations, one of the relatively few areas of certainty in CEQA practice. Among the appellate decisions, the first decision evaluating greenhouse gas emissions under CEQA was issued by the First District (*CBE v. City of Richmond*). In the continuing saga of CEQA Wal-Mart decisions, the court in *Melom v. City of Madera* held that modifying a project to include a "supercenter" store does not automatically trigger a supplemental EIR. Finally, a significant decision from the Fourth District indicates that the scope of an agency's CEQA review is limited by the scope of the agency's discretion (*San Diego Navy Broadway Complex v. City of San Diego*); on that basis, the court held that a follow-up design review did not trigger a requirement to evaluate climate change impacts.

Also, the California Supreme Court granted review in the case of *Save the Plastic Bag v. City of Manhattan Beach*, summarized in the last quarterly update. There, the Court of Appeal held that enacting a plastic bag ban required an EIR, due to the potential impacts of mandating paper bags instead of plastic. That is now the one CEQA case pending before the California Supreme Court.

### CASES IN THIS ISSUE:

*Stockton Citizens for Sensible Planning v. City of Stockton*

*Melom v. City of Madera*

*Jones v. Regents of the University of California*

*Watsonville Pilots Association v. City of Watsonville*

*San Joaquin River Exchange Contractors Water Authority v. State Water Resources Control Board*

*Communities for a Better Environment v. City of Richmond*

*Center For Biological Diversity v. County of San Bernardino*

*Tomlinson v. County of Alameda*

*San Diego Navy Broadway Complex Coalition v. City of San Diego*

*City of Santee v. County of San Diego*

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