

# Liz Klebaner

Partner | Los Angeles

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Liz Klebaner advises public agency and corporate clients on a variety of complex land use and environmental matters, including California Environmental Quality Act, National Environmental Policy, California Coastal Act, Williamson Act, Subdivision Map Act and Planning and Zoning Law matters and she litigates in both state and federal court. While based in Nossaman's Los Angeles office, Liz has strong ties to Nossaman's Irvine and San Francisco offices. She spent her first years with Nossaman at the firm's Orange County office and continues to advise a range of public agency clients and corporate clients in connection with projects proposed in Orange, Riverside, Imperial and San Diego counties. She also regularly works out of Nossaman's San Francisco office on projects proposed in the City of San Francisco and the Bay Area at large.

Liz regularly comments on CEQA developments and contributes to Nossaman's *Endangered Species Law & Policy* blog. Her coverage of environmental law matters has been published in online and print environmental law news outlets.

Prior to joining Nossaman, Liz represented energy industry stakeholders in regulatory proceedings before the California Energy Commission, the California Public Utilities Commission and the California Air Resources Board.

## EXPERIENCE

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### COMPLIANCE COUNSELING & PERMITTING

**Town of Hillsborough.** CEQA counsel to Town in connection with the development of CEQA documentation for privately-proposed residential development project. The project involved Subdivision Map Act, General Plan consistency, open space and conservation management issues, as well as compliance questions relating to CEQA's mandate for analysis of a reasonable range of feasible project alternatives.

**Santa Clara Valley Transportation Authority.** Provide CEQA counsel to Authority in connection with public-private partnership agreement between the Authority and Google LLC.

**San Francisco County Transportation Authority.** Provide CEQA compliance advice to Authority.

**Orange County Transportation Corridor Agencies.** Provide public law and environmental compliance and strategy recommendations for corridor extension projects. Counsel on key issues, including transportation planning, CEQA and NEPA compliance, state public records and open meetings requirements and Mitigation Fee Act compliance matters.

**San Diego Association of Governments (SANDAG).** Lead CEQA and NEPA counsel to SANDAG in connection with the Airport Connectivity Project and the Revitalization of the Old Town Campus in downtown San Diego. Assisted in the drafting of and provided legal expertise relating to streamlining legislation (AB 2731) in support of same. Advised SANDAG in the preparation of CEQA documentation for a high-profile environmental restoration project proposed to enhance a currently degraded coastal lagoon between the Cities of Oceanside and Carlsbad.

**Rainbow Municipal Water District.** Provide CEQA compliance advice to District in connection with the District's detachment from the San Diego County Water Authority and a variety of projects and programs.

**Kern County Water Agency.** Counsel client regarding the development of a \$25 billion infrastructure project (California Delta Conveyance Project) to improve water supply and fulfill federal and state Endangered Species Act, as well as CEQA and NEPA requirements.

**Cook Hill Properties, LLC.** Lead CEQA counsel for developer sponsored specific plan project in the City of Montebello proposing up to 1200 single family homes, internal circulation network, backbone water system and supporting infrastructure, parkland and hiking trails and a 260-acre nature reserve for the threatened California gnatcatcher. The project proponent was granted all approvals in June 2015.

**Lennar Homes of California.** CEQA, Planning and Zoning Law and environmental law counsel to developer of residential communities. Issues include disclosure, documentation and mitigation of transportation and vehicles miles traveled impacts under SB 743 and impacts to climate change and state jurisdictional waters.

**Diversified Pacific Development Company.** CEQA/NEPA compliance and litigation defense services and administrative proceedings representation for more than 5 master planned development projects totaling more than 1500 acres and providing more than 6,000 market rate and affordable housing units in the Inland Empire area of California. Duties include assisting the client in obtaining local land use approvals and completing defensible CEQA/NEPA documentation. Issues include identification, disclosure and mitigation of project air quality and greenhouse gas emissions.

**Kojima Development.** CEQA/NEPA and state and federal permitting counsel for development projects in Riverside and San Bernardino Counties. Nossaman's duties include obtaining local land use approvals and development agreements, completing defensible CEQA/NEPA documentation. Issues include General Plan consistency in connection with management of sensitive species and vegetation communities.

## LITIGATION

**Rainbow Municipal Water District.** Achieved settlement of all claims filed against the District by Otay Water District in connection with District's determination to exempt actions from CEQA review. The settlement resulted in the affirmation of the validity of the District's CEQA compliance actions and the avoidance of litigation costs. The matter settled prior to the filing of any dispositive motions or the court's setting of merits briefing.

**Solana Beach.** Successful defense of Solana Beach in a Coastal Act and constitutional law challenge to a California Coastal Commission-certified land use plan for the City of Solana Beach. The California Court of Appeal issued a published decision in *Beach & Bluff Conservancy v. City of Solana Beach* (2018) 28 Cal.App.5th 244, finding for the City on all issues.

**Laguna Beach Golf and Bungalow Village, LLC.** Successful defense of real party in interest in CEQA and municipal code challenges to Coastal Development Permit and related CEQA approvals issued by the City of Laguna Beach and appeal of Orange County Superior Court decision in *Fudge v. City of Laguna Beach*.

**Cook Hill Properties, LLC.** Judgment for client, Cook Hill Properties, LLC., in both the California Superior Court and the California Court of Appeal, in *Citizens for Open and Public Participation v. City of Montebello*, involving defense of City CEQA, Subdivision Map Act, Development Agreement statute and Planning and Zoning Law approvals for a 1200-unit residential project and 260-acre nature reserve in the City of Montebello.

**City of Bakersfield.** Judgment for client, City of Bakersfield, in both petition for writ of supersedeas seeking emergency stay and subsequent appeal of Kern County Superior Court decision in *Citizens Against 24th Street Widening Project v. City of Bakersfield* upholding CEQA documentation for a highway improvement project. The California Supreme Court denied review on February 6, 2017.

**Metro Gold Line Construction Authority.** Represented client, Metro Gold Line Authority, in parallel CEQA challenges brought by the City of Pomona and the City of San Dimas. Achieved dismissal of litigation within one year after it was filed.

## INSIGHTS

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### SPEAKING ENGAGEMENTS

Speaker, "Key CEQA Compliance Considerations for Vehicle Miles Traveled Analyses," Nossaman Webinar, 08.04.2020

Speaker, "Climate Change and Cumulative Impacts Analysis: Energy Infrastructure Projects," Law Seminars International's CEQA and the NEPA Rewrite Seminar, 07.29.2020

Speaker, "A Path to Transit and Transportation Project Success in the Wake of the Pandemic: A Panel Discussion Among Legal Professionals," Nossaman Webinar, 06.03.2020

Speaker, "CEQA: Important Developments You Need to Know," Nossaman's 2019 California Land Use Seminar, Costa Mesa, CA, 05.21.2019

Panelist, "Waves of Change: Greenhouse Gas Analysis After the CEQA Guidelines Update," 2019 California Association of Environmental Professionals State Conference, Monterey, CA, 03.26.2019

Speaker, "California Environmental Quality Act (CEQA) Update: Proposed CEQA Guidelines and Key Decisions," Nossaman's 2017 Northern California Environmental & Land Use Seminar, Walnut Creek, CA, 05.18.2017

Speaker, "Proposed CEQA Guidelines and Key Discussions," Nossaman's 2016 Environmental & Land Use Seminar, Costa Mesa, CA, 09.13.2016

Speaker, "2015 Environmental & Land Use Seminar," Nossaman's 2015 Environmental & Land Use Seminar, Newport Beach, CA, 09.22.2015

### PUBLICATIONS

Guest Speaker, "CEQA Streamlining for Transportation Projects," *Nossaman's Digging Into Land Use Law Podcast*, 11.25.2020

Author, "Governor Newsom Signs Major Housing and Transit CEQA Streamlining Bill," *Nossaman eAlert*, 10.06.2020

Co-Author, "General Plan Environmental Justice Guidelines: Do They Apply To You?," *Nossaman eAlert*, 07.07.2020

Co-Author, "Trial and Judgment," *CEB 2019 California Administrative Mandamus*, 2019

Co-Author, "Greenhouse Gas Emissions Analysis: Court Finds Expert State Agency Data Not Good Enough," *Nossaman eAlert*, 10.25.2018

Co-Author, "Proposed CEQA Guideline for Highway Projects Promises Flexibility in the Measurement of Traffic Impacts, But Delivers Ambiguity," *Nossaman eAlert*, 02.07.2018

Co-Author, "Major Revisions to CEQA Guidelines Proposed – Measuring Transportation Impacts Under CEQA: The Paradigm Shift to Vehicle Miles Traveled Arrives," *Nossaman eAlert*, 11.30.2017

Author, "Worth the Wait? The California Supreme Court Rules that CEQA Does Not Require an Analysis of the Environment's Impacts on a Project, Except When it Does," *Nossaman eAlert*, 12.18.2015

Co-Author, "Land Use Roundtable," *California Lawyer*, 09.2015

Author, "California Governor's Office Releases Comprehensive Update to State California Environmental Quality Act (CEQA) Guidelines," *Nossaman eAlert*, 08.17.2015

Co-Author, "The Critical Habitat Exclusion Policy: Implications for Conservation Partnerships on Private Land," *Natural Resources & Environment, American Bar Association Section of Environment, Energy, and Resources, Volume 30, Number 1, Summer 2015*

Co-Author, "California Supreme Court Establishes the Standard of Review for the Unusual Circumstances Exception to CEQA Categorical Exemptions," *Nossaman eAlert*, 03.04.2015

Co-Author, "Notice Period doesn't Cause 9th Circ. to Pause on ESA," *Law360*, 12.12.2014

## COMMUNITY & PROFESSIONAL

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Los Angeles County Bar Association, Member  
California State Bar Environmental Law Section, Member  
Orange County Bar Association, Member  
Council of Infill Builders, Member

## PRACTICES

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Environment & Land Use  
CEQA & NEPA  
Climate Change & Resiliency  
Coastal Development  
Litigation  
Environmental Litigation  
Land Use Entitlements & Litigation

## INDUSTRIES

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Energy & Utilities  
Renewable & Alternative Energy  
Transportation

## EDUCATION

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University of California, Hastings College of the Law, J.D., 2008, Executive Editor, *Hastings International & Comparative Law Review*  
Georgetown University Law Center, 2007, *visiting student*  
Pomona College, B.A., 2003

## LANGUAGES

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Russian

## ADMISSIONS

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California