



**MILLER STARR
REGALIA**

Arthur F. Coon

Shareholder



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PRACTICE AREAS

Land Use - Litigation
Administrative Law & Hearings
Appellate Advocacy
Eminent Domain & Inverse
Condemnation
Land Disputes, Easements & Lien
Priority Claims
Land Use & CEQA

Art is Chair Emeritus of Miller Starr Regalia's Land Use Practice Group and Chair of its Appellate Practice Group. He is an experienced litigator and represents clients in the areas of CEQA, environmental, and land use law. He has appeared as the counsel of record before the U.S. Supreme Court and has earned numerous professional accolades.

As Chair Emeritus of Miller Starr Regalia's Land Use Practice Group and Chair of its Appellate Practice Group, Art Coon guides clients through a broad range of real property, land use, and environmental matters.

Art has distinguished himself as a litigator at the trial and appellate levels of both federal and state courts, including an appearance as counsel of record before the U.S. Supreme Court. His areas of focus include land use, environmental law, the law of public agencies, extraordinary writs, and the California Environmental Quality Act (CEQA). Art also counsels and advocates for clients who have matters in front of administrative bodies.

EDUCATION

J.D., University of California, Davis, School of Law (1986)

- Order of the Coif
- Editor, *UC Davis Law Review*
- Trial Practice Honors Board
- Recipient of two American Jurisprudence Awards

B.A., University of Southern California (1982)

REPRESENTATIVE MATTERS

Save Lafayette Trees v. East Bay Regional Park District (Pacific Gas and Electric Company, Real Party in Interest) (1st Dist. 2021) 66 Cal.App.5th 21.

Organizacion Comunidad de Alviso v. City of San Jose (6th Dist. 2021) 60 Cal.App.5th 783

Save Lafayette Trees v. City of Lafayette, (1st Dist. 2019) 32 Cal.App.5th 148

Heron Bay Homeowners Association v. City of San Leandro (1st Dist. 2018) 19 Cal.App.5th 376



Sierra Club v. County of Sonoma, et al., Ronald and Ernest Ohlson, dba Ohlson Ranch (Real Parties in Interest and Respondents) (1st Dist. 2017) 11 Cal.App.5th 11

James P. Wilson, et al. v. County of Napa, et al. (1st Dist. 2017) 9 Cal.App.5th 178

California Building Industry Association v. Bay Area Air Quality Management District (2015) 62 Cal.4th 369 (authored amici curiae brief on behalf of League of California Cities and three counties)

The Sierra Club v. Board of Supervisors of County of Napa, et al. (1st Dist. 2012) 205 Cal.App.4th 162

Napa Citizens for Honest Govt., et al. v. Napa County Board of Supervisors (1st Dist. 2001) 91 Cal.App.4th 432

Borden Ranch Partnership and Tsakopoulos v. U.S. Army Corps of Engineers, et al. (261 F.3d 810 (9th Cir. 2001); U.S. Supreme Court, Case No. 01-1243

Mervyn's v. Reyes (1st Dist. 1998) 69 Cal.App.4th 93

San Diego Gas & Electric v. Superior Court (1996) 13 Cal.4th 893 (argued to Court on behalf of amicus curiae)

Benton v. County of Napa (1st Dist. 1991) 226 Cal.App.3d 1485

PRESS & MEDIA

"CA Supreme Court Decision Proves There Is No Short Cut to CEQA; The California Supreme Court reversed a Court of Appeals decision, upholding that the location of medical marijuana dispensaries is subject to CEQA," *GlobeSt.com*, By Kelsi Maree Borland, August 26, 2019

"EIR Fails to State Pollutants Resulting from Development," *GlobeSt.com*, By Lisa Brown, January 15, 2019

"Briggs Law Corp. loses Supreme Court appeal over Wal-Mart opinion," *inewssource.org*, By Brad Racino, March 27, 2018

"Court: Planners Must Consider Greenhouse Gas," *Daily Journal*, By Malcolm Maclachlan, November 17, 2017

"How the Banning Ranch Ruling Will Impact Development," *GlobeSt.com*, By Carrie Rossenfeld, April 5, 2017

"California Supreme Court declines to depublish decision in CEQA case," *Northern California Record*, By Dawn Geske

"Much Ado about Dirt: A Pool Project in Santa Ynez Prompts a Discussion of Environmental Laws among the County Planning Commissioners," *The Sun*, By David Minsky, December 21, 2016

"Lawsuit Against City Could Test Ability to Claim CEQA Exemptions," *Daily Journal*, By Malcolm Maclachlan, September 15, 2016

"Rose Reports that CEQA's Perfect As Is: Don't Worry, Be Happy," *Fox & Hounds*, By Jennifer Hernandez, September 1, 2016

"Be Vigilant Following 'Reverse CEQA' Ruling," *GlobeSt.com*, By Carrie Rossenfeld, January 12, 2016



"No Standard for Evaluating GHG Impact," *GlobeSt.com*, By Carrie Rossenfeld, December 16, 2015

"4 Takeaways From Calif. High Court's Greenhouse Gas Ruling," *Law360*, By Andrew McIntyre, December 1, 2015

"Climate Change in Environmental Impact Assessments," *Climate Change Business Journal*, Vol. 8, No. 7-9, Third Quarter 2015

"Traffic-Congestion Ruling Could Benefit Developers," *GlobeSt.com*, By Carrie Rossenfeld, August 14, 2015

"State High Court Sides with San Diego in CEQA Suit Against University," *Daily Journal*, By Deirdre Newman, August 4, 2015

"What to Know About Coastal Projects," *GlobeSt.com*, By Carrie Rossenfeld, June 8, 2015

"Calif. High Court's CEQA Ruling Won't End Project Disputes," *Law360*, By Andrew McIntyre, March 2, 2015

"Calif. Supreme Court Urged To Reinforce CEQA Exemptions," *Law360*, By Daniel Siegal, December 23, 2014

"Wal-Mart Ruling Opens New Road To Calif. Developers," *Law 360*, By Jonathan Randles, August 8, 2014

"California Lawmakers To Take On Minimum Wage, CEQA Bills," *Law360*, By Erin Coe, August 5, 2013

"Proposed Landmark Law Reform Light on Details, Less Sweeping," *The Daily Journal*, By Fiona Smith, February 26, 2013

"California High Court Could Play Major Role In CEQA Reform," *Law360*, By Erin Coe, March 7, 2013

ASSOCIATIONS

Bay Area Council

Bay Area Economic Forum's CEQA Work Group – Former Member

Bay Planning Coalition

- Member of the Executive and Legislative and Policy Committees
- Former Board of Directors Member

California Land Use Law and Policy Reporter, Argent Communications – Former Editor, Current Advisory Board Member

LEED Accredited Professional (2008, Legacy)

Sustainable Walnut Creek – Founding Member

U.S. Green Building Council, Northern California Chapter, Diablo East Bay Branch – Founding Member, Former Vice Chair



AWARDS & RECOGNITION

Martindale-Hubbell – AV Preeminent Rated (2002–2022)

Super Lawyers Northern California (2006–2022)

Best Lawyers® – Land Use & Zoning Law (2012–2023)

Best Lawyers® – Oakland Land Use and Zoning Law "Lawyer of the Year" (2014, 2019)

American Lawyer Media – "Top Rated Lawyer" for Land Use and Zoning, Energy Law, Environmental Law, and Land Use Law

PUBLICATIONS

Legal Periodicals

"California Supreme Court Rejects All-Or-Nothing Classification Of Permit Decisions, Holding That Whether CEQA Triggering Discretion Exists Must Be Determined On A Case-By-Case Basis," *Miller & Starr, California Real Estate Newsalert*, Vol. 31, No. 2, November 2020 (co-authored with Travis Brooks)

"The California Supreme Court—Reforming CEQA from the Bench?" *California Real Property Journal*, Vol. 35, No. 2, 2017 (co-authored with Matthew C. Henderson, Tom Henry, and Andrew Sabey)

'CEQA-in-Reverse' Case Could Expand Reach of Environmental- Impact Law," *The Recorder*, February 10, 2014 (co-authored with Matthew C. Henderson)

"Reform of CEQA is Incremental, but Thoughtful," *Contra Costa Times* and *Tri-Valley Herald*, September 2013 (co-authored with Matthew C. Henderson)

"Are Courts Actively Limiting CEQA's Scope in the Absence Of Meaningful Legislative Reform?" *Miller & Starr, California Real Estate Newsalert*, Vol. 23, No. 3, January 2013

"A Matter of Discretion? The Court of Appeal Construes the Map Act's Lot Line Adjustment Exclusion to Authorize a Ministerial Local Agency Approval Process and to Allow Sequential Adjustments of Lots," *California Land Use Law & Policy Reporter*, Vol. 21, No. 11, September 2012 (co-authored with Matthew C. Henderson)

"Local Matter or Federal Case? The Network of Cell Tower Regulation in California," *Miller & Starr, California Real Estate Newsalert*, Vol. 21, No. 6, July 2011 (co-authored with Sean R. Marciniak)

"Back to Basics: Setting the Environmental Baseline Under the California Environmental Quality Act," *California Land Use Law & Policy Reporter*, February 2011 (co-authored with Sean R. Marciniak)

"When Environmental Review Under the California Environmental Quality Act Becomes 'Groundhog Day': What's A Frustrated Developer To Do?" *Miller & Starr, California Real Estate Newsalert*, Vol. 20, No. 5, May 2010 (co-authored with Carolyn Nelson Rowan)

"Creditors' Rights Affected by Bankruptcy Judge," *CLTA.org Industry News*, January 19, 2010



"Examining SB 375's Landmark Regional Land Use Planning Scheme: Is The Sacred Cow of Local Land Use Control Now Roadkill?" Argent Communications Group *California Land Use Law & Policy Reporter*, Vol. 18, No. 2, November 2008

"When Inconvenient Truths Displace Popular Fictions: What Proposed SB 375 and The California Legislation Addressing Climate Change Reveal About Local Land Use Planning and Control," *Miller & Starr, California Real Estate Newsalert*, Vol. 18, No. 4, March 2008

"Thinking Globally When Acting Locally: How Will CEQA Adapt to A Changing Environment?" *California Real Property Journal* Vol. 25, No. 2, 2007 (co-authored with Kristina D. Lawson)

"Thrice More Into The Breach: The Supreme Court Takes on Takings in Kelo, San Remo and Lingle." Argent Communications Group *California Land Use Law & Policy Reporter*, Vol. 14, No. 11, August/September 2005 (co-authored with Ethan K. Friedman)

"A New Era: Punitive Damages Reined In By The United States Constitution," *Miller & Starr, California Real Estate Newsalert*, Vol. 15, No. 1, September 2004 (co-authored with Edmund L. Regalia)

"Of Hidden Treasure and 'Fool's Gold': The California Supreme Court Holds Ancient 'Subdivision' Maps Do Not Create Legal Lots," *Miller & Starr, California Real Estate Newsalert*, Vol. 13, No. 5, May 2003 (co-authored with Douglas M. Smith)

"Is Plowing A Point Source Discharge Of Pollutants? The Aftermath Of Borden Ranch," American Bar Association's *Natural Resources & Environment Journal*, Summer 2003

"Compensation For Regulatory Taking Of Property: How Far Can A Regulation Go Before It Goes 'Too Far'?" *Miller & Starr, California Real Estate Newsalert*, Vol. 13, No. 1, September 2002 (co-authored with Edmund L. Regalia)

"Planning Agencies' Newest Hobgoblin: The Napa Citizens Case Shifts General Plan Vertical Consistency Analysis From 'Clear Conflict' To Adequate 'Implementation'," Argent Communications Group *California Land Use Law & Policy Reporter*, Vol. 11, No. 4, December 2001

"Everybody out of the (Vernal) Pool!?! The Army Corps' Jurisdiction Over Isolated Intrastate Waters Dries Up as the U.S. Supreme Court Shoots Down the 'Migratory Bird Rule'," Argent Communications Group *California Land Use Law & Policy Reporter*, Vol. 10, No. 7, March 2001 (revised and reprinted in Argent Communications Group *Western Water Law & Policy Reporter*, Vol. 5, No. 7, May 2001)

"Legal Standards for Local Agency Review of Lot-Line Adjustments (Part 2): Lot Line Adjustments Across Intervening Fees," Argent Communications Group *California Land Use Law & Policy Reporter*, Vol. 7, No. 5, January 1998 (co-authored with Alan Seltzer and Wilson Wendt)

"Legal Standards for Local Agency Review of Lot-Line Adjustments," Argent Communications Group *California Land Use Law & Policy Reporter*, Vol. 7, No. 4, December 1997 (co-authored with Alan Seltzer and Wilson Wendt)

"Standing is a Two-Way Street: The U.S. Supreme Court Upholds the Rights of Parties Economically Damaged by Overregulation to Sue Under the Federal



Endangered Species Act," Argent Communications Group *California Land Use Law & Policy Reporter*, Vol. 7, No. 1, September 1997

"What You Can't See Can't Hurt You - Or Can It? The California Supreme Court Holds That Landowners Must Bear Losses in Property Value Caused by 'Intangible' EMF Intrusions," *California Environmental Law Reporter*, Vol. 1996, No. 10, October 1996

"Case Comment: San Diego Gas & Electric Co. v. Superior Court (Covalt)," *CEB Real Property Law Reporter*, Vol. 19, No. 7, October 1996

Law Reviews

"Dead or Revived? An Examination of California Revivor Law's Terminal Void In The Corporate Existence," *Pacific Law Journal*, Vol. 24, No. 1, 1992

"The Federal Rules in State Courts: A Survey of State Court Systems of Civil Procedure," *Washington Law Review*, Vol. 61, 1986 (co-authored with Professor John B. Oakley)

Articles

"High court well-permit ruling gets it right on CEQA's scope," *Daily Journal*, September 1, 2020

"State high court wrong to not depublish CEQA case," *Daily Journal*, December 11, 2019

"Why The Proposed Calif. Land Use Law Is Deeply Flawed," *Law360*, September 28, 2017 (co-authored with Bryan Wenter)

"Insights On Calif. High Court's CEQA Opinion In Rail Row," *Law360*, August 4, 2017

"Calif. High Court Opinion Offers Little CEQA Guidance," *Law360*, July 19, 2017

"Lessons From Newport Beach's Rejected EIR: Part 2," *Law360*, April 7, 2017

"Lessons From Newport Beach's Rejected EIR: Part 1," *Law360*, April 6, 2017

"CEQA's Continuing Saga In California Supreme Court," *Law360*, January 7, 2016

"New GHG Order Creates Uncertainty for CRE," *GlobeSt.com*, May 14, 2015

"As Climate Continues To Change, So Does CEQA," *Law360*, May 14, 2015 (Originally published as "Executive Order B-30-15 And CEQA GHG Analysis: Evolving Uncertainty At The Intersection Of Law, Policy And Science," Miller Starr Regalia CEQA Developments blog, May 5, 2015)

"Supreme Court Reins in CEQA," *The Registry*, March 23, 2015

"Chaos in California's Environmental Planning?" *U-T San Diego*, January 28, 2015

"California Supreme Court Divided In Key CEQA Case," *Law360*, December 5, 2014.

"CEQA exemptions on trial at high court," *Daily Journal*, December 1, 2014

"CEQA-in-reverse' case could expand reach of environmental-impact law," *The Recorder*, February 10, 2014 (co-authored with Matthew C. Henderson)

"Reform of CEQA is Incremental, but Thoughtful," *Contra Costa Times* and *Tri-Valley Herald*, September 2013 (co-authored with Matthew C. Henderson)



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"Climate Change Impacts of Development Projects," *BUILDERnews Magazine*, July 2007 (co-authored with Kristina D. Lawson)

"Important Accrual - Subsequent Owners May Not Have Standing to Sue for Defects," *San Francisco Daily Journal* and *Los Angeles Daily Journal*, September 7, 2000 (co-authored with Douglas Smith and W. Scott Shepard)

"Liquid Measure - Groundwater Not Owned by State for Purposes of Policy Exclusion," *San Francisco Daily Journal* and *Los Angeles Daily Journal*, May 4, 2000 (co-authored with Douglas Smith)

"Separate and Unequal: 'Serrano' Played an Important Role in Development of School-District Policy," *San Francisco Daily Journal* and *Los Angeles Daily Journal*, December 2, 1999 (co-authored with Scott Sommer)

Blog

Principal author of Miller Starr Regalia's CEQA Developments Blog – www.ceqadevelopments.com (September 2011 to present)

Volunteer Contributor for Association of Environmental Professional's (AEP) CEQA Portal

Books

Chapter 26, "California Environmental Quality Act (CEQA)," *Miller & Starr, California Real Estate 4th*, 2016 (rewritten)

Chapter 25A, "California Environmental Quality Act (CEQA)," *Miller & Starr, California Real Estate 3d*, 2014 (revised and rewritten)

Chapter 25, "Subdivisions, Land Use Planning, and Approvals," *Miller & Starr, California Real Estate 3d*, 2007 (revised and rewritten)

Chapter 25, "Subdivisions," *Miller & Starr, California Real Estate 3d*, 2001 (co-authored with Harry D. Miller)

Chapter 30B, "Community Redevelopment," *Miller & Starr, California Real Estate 3d*, 2004 (co-authored with Basil S. Shiber)

From Here To Attorney: The Ultimate Guide to Excelling in Law School and Launching Your Legal Career, 1993 (co-authored with J. Robert Arnett III and Michael Di Geronimo)

SPEECHES & PRESENTATIONS

"Recent Themes in the CEQA Case Law," Argent Communications Group California Land Use Law & Policy Conference, November 18, 2021 (presenter)

"Supreme Court Case Roundup: What's Been Decided and What's Up Next?," Argent Communications Group California Land Use Law & Policy Conference, March 18, 2019 (co-presenter)

"Thresholds of Significance: Case Law and Best Practices," CLE International's CEQA Conference, December 13, 2018 (panel member)



"CEQA Update 2018," Bay Planning Coalition (BPC) Expert Briefing, October 25, 2018 (panel member)

"Essential Changes to CEQA Law and Guidelines You Must Know to Be Effective (Recent CEQA Decisions)," Argent Communications Group California Land Use Law & Policy Conference, March 5, 2018 (co-presenter)

"Proposed CEQA Guidelines and General Plan Guidelines: An In-Depth Look," CLE International's CEQA Conference, December 14, 2017 (panel member)

"CEQA Update 2017," Bay Planning Coalition (BPC) Expert Briefing, October 17, 2017 (panel member)

"CEQA Update 2016," Bay Planning Coalition (BPC) Expert Briefing, October 5, 2016 (panel member)

"The California Supreme Court: Reforming CEQA from the Bench," The State Bar of California's 35th Annual Real Property Law Section Retreat, May 21, 2016 (co-presenter)

"The Supreme Court's CEQA-in-Reverse Decision: Implications and Observations," Contra Costa County City Attorneys' Association (Membership Luncheon), February 4, 2016

"CEQA Guidelines Update and SB 743 — It's Not Just About Vehicle Miles Traveled," Argent Communications Group's California Land Use Law & Policy Conference, March 9, 2015 (co-presenter)

Miller Starr Regalia's Land Use Program (numerous)

"CEQA Update – Supreme Court and Hot Topics for Review," Bay Planning Coalition Program, 2013–2015

"A Practical Guide to Extraordinary Writs in the Court of Appeals," The State Bar of California Litigation Subsection of the Real Property Law Section, October 20, 2014
McGeorge School of Law, Adjunct Professor – Land Use Planning, Spring 2002

"Annual Recent Developments in Real Property Law Practice," Continuing Education of the Bar (Speaker/Panelist multiple years, Moderator in 2002)