

Land Use

If it relates to the use of land, Downey Brand's attorneys cover it all – whether it involves existing uses, planned development, the permitting process or litigation. Downey Brand's land use attorneys advise clients on the full range of issues related to zoning, entitlements, the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA), Subdivision Map Act, Williamson Act and more.

Our Sacramento and San Francisco land use attorneys routinely handle single and multi-family housing, mixed-use, retail, **commercial real estate**, industrial, mining, energy, and public **infrastructure** projects. We help clients navigate the red tape and potential pitfalls of land use permitting at the local, regional, state, and federal levels – from project conception to completion and every step in-between. Our land use attorneys understand that clients can sometimes be frustrated by the complexity of land use permitting and administrative hurdles, so we provide a road map for achieving their development goals.

Our attorneys realize land use development can have real or perceived impacts on surrounding property owners or interest groups. Our Sacramento and San Francisco land use attorneys routinely meet with and resolve any concerns regarding the development by looking for workable solutions that the development can accommodate. Where negotiated resolutions are not possible, we work to create a defensible environmental document should resistance to a project result in a **lawsuit**.

Success Highlight



On December 21, 2023, the City Design Director approved redevelopment of the former Sacramento Bee site in Midtown to allow demolition of the existing Bee and construction of 538 multi-family residential units. The project, which is consistent with the City's Specific Plan, significantly contributes to the local housing stock as the largest

housing project ever approved in the Central City of Sacramento. The lone opposition came from the preservation community, which claimed that the building maintained historic significance, despite the City's Preservation Director conclusion to the contrary. Opponents have ten days to appeal the decision to the City's Planning Commission. Downey Brand of Counsel **Tina Thomas** and associate **Sam Bacal-Graves** shepherded the project through the process.

Selected Experience

- Represented appellant City of Manhattan Beach and amici curiae California League of Cities (League) and California State Association of Counties (CSAC) in appeal involving CEQA's fair argument standard. Prevailed on appeal to the California Supreme Court. *Save the Plastic Bag Coalition v. City of Manhattan Beach*, 52 Cal.4th 155 (2011)
- Represented solar developers in multi-state Solar Energy Development Programmatic Environmental Impact Statement. Improved requirements and findings for client solar energy companies through comments and meetings 11,000-page draft PEIS for BLM's proposed program governing the development of utility-scale solar energy projects on BLM-administered lands in California, Nevada and New Mexico.
- Defended a case filed against San Bernardino County, including a cause of action under the Brown Act and the County's Sunshine Ordinance. (Ninth Cause of Action). The petition for writ of mandated was denied on all grounds. *Delaware Tetra Technologies v. County of San Bernardino*, Orange County Superior Court Case No. 30-2013-00635125.
- Defended City of Fremont against challenge to City's denial of an application to subdivide under 1094.5. We prevailed both on Petitioner's motion to augment the record (which was denied), and at trial (writ denied in full). *Wang v. City of Fremont*, Alameda County Superior Court Case No. FG10512677.
- Defended City of Napa against action challenging City's easement rights in a public utility easement over private property. Obtained dismissal of entire action against City on demurrer. *Young v. Young*, Napa County Superior Court Case No. 26-51036.
- Defended City of Napa against action challenging City's use of City property burdened by a non-exclusive easement for adjacent property owner. *Uno Fratelli LLC v. City of Napa*, Napa County Superior Court Case Nos. 26-53259, 26-55770.
- Represented solar developers in multi-state Solar Energy Development Programmatic Environmental Impact Statement. Improved requirements and findings for client solar energy companies through comments and meetings 11,000-page draft PEIS for BLM's proposed program governing the development of utility-scale solar energy projects on BLM-administered lands in California, Nevada and New Mexico.
- Represented shopping center developer in Redding in negotiations with Regional Water Quality Control Board for Clean Water Act 401 certification and with the U.S. Army Corps of Engineers on Clean Water Act 303 permit, as well as in discussions with the City about project conditions.
- Represented numerous reclamation districts in levee construction projects dealing with project management, various agency approvals, and resolving archaeological issues related to Native American burial sites.
- Represented the Modesto Irrigation District in 20 separate eminent domain actions involving the acquisition of property for a 230 kV transmission line.
- Represented Three Rivers Levee Improvement Authority in a case against Danna Investment Company

resulting in a verdict that was substantially lower than the pre-litigation offer and deposit of probable compensation, which resulted in a judgment requiring the landowner to return some of the deposit to the public agency.

- Advising a municipal client regarding potential conflicts between existing and proposed conservation easements and strategies for resolving (ongoing).
- Negotiating a conservation easement on behalf of a large landowner (in the early stages).
- Reviewing and analyzing conservation easements and advising clients regarding related issues.

Trade Groups

Featured News

- **Downey Brand Victory: Filing Multiple NODs does not Restart Statute of Limitations** – Attorneys in Downey Brand's land use practice group won their eighth straight appellate victory on behalf of the City of Los Angeles when the Second District Court of Appeal ruled that opponents of a housing project failed to timely file their CEQA lawsuit. Click [here](#) to read about the decision on CEQA Chronicles.
- **Annual Legislative Update: Important Land Use Laws Taking Effect in 2024** – the 2023 legislative session culminated in Governor Newsom signing dozens of land use bills. Our post on CEQA Chronicles discusses the most important. Click [here](#) to read.