



Andrew M. Skanchy Partner

621 Capitol Mall | 18th Floor
Sacramento, CA 95814

916.520.5412 | Direct
askanchy@downeybrand.com

Practice Areas

CEQA / NEPA | Food & Agriculture | Land Use | Real Property & Land Use
Litigation

Andrew Skanchy helps clients get projects done. Although the permitting process can be confusing and daunting, Andrew has extensive experience navigating clients through the morass and helping them achieve their objectives.

He has represented all types of clients, including cities, public transportation agencies, housing developers, mining companies, water districts, warehouse and commercial developers, school districts, and many more.

From the first inklings of a project, Andrew provides strategic guidance on entitlement considerations and getting a project through the [California Environmental Quality Act \(CEQA\)](#) and [National Environmental Policy Act \(NEPA\)](#) processes, with a primary goal of avoiding litigation. But, should litigation ensue, Andrew is adept at defending project approvals in both federal and state court, having successfully defended both public agencies and private developers when their projects are challenged under CEQA and NEPA.

Since moving to Sacramento, Andrew has immersed himself in the community, serving as a board member for the Sacramento Metro Chamber of Commerce, president of the Greater Broadway Business Improvement District, and a board member for the Urban Land Institute's Young Leaders Group. He is a housing advocate in underserved neighborhoods and, in that regard, has personally developed multi-family housing—an experience that helps him better understand and empathize with the challenges faced by his clients.

Experience

Representative Matters

- Fully litigated and prevailed defending Siskiyou County in writ petition challenging County's vested rights determination for a gravel mining operation. (*McMillan v. County of Siskiyou*, 2020 Cal. App. Unpub. LEXIS 8114.)
- Fully litigated and prevailed defending housing project against CEQA, planning and zoning law, and Brown Act claims (*Citizens for Open & Pub. Participation v. City of Montebello*, 2018 Cal. App. Unpub. LEXIS 709.)

- Fully litigated and prevailed in NEPA litigation defending freeway project in Riverside County (*Center for Biological Diversity v. Federal Highway Administration*, Case No. CV-16-133-GW (C.D. Cal. 2017)).
- Fully litigated and prevailed in defense of lead agency in CEQA litigation regarding Pomona College's Master Plan environmental impact report (*Citizens to Save College Avenue v. City of Claremont* (2017) Case No. BS163235, Superior Court of Los Angeles).
- Fully litigated and prevailed in the defense of two CEQA writ petitions challenging an environmental impact report and CEQA Addendum for an over 1,000-acre aggregate mine project in central California, including published appellate opinion (*Friends of the Kings River v. County of Fresno* (2014) 232 Cal.App.4th 105).
- Advised clients on CEQA and NEPA issues related to the development of numerous wind and solar projects throughout California.
- Provided strategic advice on the drafting of multiple environmental impact reports, including coordination with lead agencies and responding to comments, for mines, malls, and other developments.
- Drafted amicus curiae brief on behalf of League of Cities and California State Association of Counties, leading to favorable appellate court decision upholding use of CEQA tolling agreements (*SPAWN v. County of Marin* (2012) 205 Cal.App.4th 195).
- Advised major railroad company on CEQA and NEPA issues for multiple projects, including new intermodal rail yard and new track construction.
- Authored supplemental brief to California Supreme Court in precedent-setting CEQA case regarding timing of CEQA review (*Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116).
- Negotiated quick, advantageous settlement of CEQA writ petition on behalf of snow park operator.
- Conducted environmental due diligence review and prepared subsequent memoranda regarding environmental liabilities for \$5.5 billion acquisition of Gerber Products Co. by Nestle SA.
- Conducted environmental and permitting due diligence for large-scale mines, financing of major power plant, renewable energy projects, and multiple large, national real estate transactions.
- Lead attorney for major international airport's issues concerning potential air quality violations; met with and advised airport directors; negotiated settlement with air quality district.
- Assisted in case strategy, drafting of summary judgment and other pre-trial documents, leading to a bench trial and a fully favorable federal district court ruling in dispute regarding the extent a local air district may regulate railroads (*Assn. of Am. R.R. v. SCAQMD*, No. 06-01416 (C.D. Cal. April 30, 2007)).
- Handled all aspects of litigation, including depositions, written discovery, pleadings, oral arguments, and motion practice in CERCLA lawsuit, including successful motion to block addition of RCRA claims on procedural grounds (reported in *Toxics Law Reporter*) (*Enns v. Flores*, No. 1:07-CV-01043 (E.D. Cal.)).
- Successfully advocated client's concerns before state legislature regarding Clean Air Act's preemption of proposed legislation to regulate Bio-Diesel fuels, leading to altered legislative language.
- Advised national grocery chain and one of nation's largest agricultural grower on regulatory compliance issues with California Department of Pesticide Regulation (DPR).
- Defended Clean Water Act citizen's suit against international mining company.

- Successfully persuaded California Regional Water Quality Control Board through letters and legal memoranda not to revoke Southern California municipality's authority to issue wastewater permits, thus allowing a fiercely contested commercial development to proceed.

Professional & Community Service

- Greater Broadway Business Improvement District, Board President and Chair of Economic Enhancement and Events Committee, 2019-present; Board Member since 1017
- Sacramento Metro Chamber of Commerce, Board Member, 2000-present
- Urban Land Institute's Young Leaders Group, Board Member, 2012-2014
- Sacramento County Bar Association, Environmental Law Section
- California Lawyers Association, Environmental Law Section

Education

- J.D., College of William & Mary Law School, 2005
- B.A., German and Political Science, University of Utah, 2000

Honors & Rankings

- *Sacramento Magazine*, Top Lawyer, Land Use/Zoning, 2023

Blogs

- *Trial Court Upholds City's Discretion Regarding Whether Resources Qualify as Tribal Cultural Resources; AB 52 Consultation Not Required with Tribe that Failed to Timely Request Consultation*, January 19, 2024
- *Downey Brand Victory: Filing Multiple NODs does not Restart Statute of Limitations*, January 18, 2024
- *City's Decision to Reduce Floor Area Ratio in Single-Family Residential Zone Violates State Housing Law*, January 8, 2024
- *Court Upholds Master Plan EIR's Climate Change Analysis that Used Sector and Region-Specific Data to Develop a Threshold of Significance*, December 20, 2023
- *County Ordinance Creating Wildlife Migration Corridor Found in Compliance with CEQA and the Surface Mining and Reclamation Act*, December 7, 2023
- *Environmental Real Parties may be entitled to attorney's fees for helping agency defend against private party attacks on highway route extension*, September 26, 2023
- *Trial Court's Jurisdiction over CEQA Case is Lost after Writ is Satisfied by Rescission of Project Approvals*, September 25, 2023
- *Statue's Status is History: City Prevails in CEQA Challenge to Removal of Junipero Serra Statue*, June 19, 2023

- *Privately Owned Public Utility Not Required to Comply With CEQA in Eminent Domain Action*, April 17, 2023
- *Substantial Changes to Marilyn Monroe Art Installation Extends Statute of Limitations to Challenge Under CEQA* , March 14, 2023
- *Design Changes to State Capitol Renovation Revealed in FEIR Did Not Adequately Allow for Public Input or Informed Decision-Making*, January 20, 2023