



LAND USE

California offers unparalleled opportunities for land investment and development. The state's regulatory and political landscape, however, is equally spectacular. The path from blueprints to building permits is riddled with legal hurdles. New development invariably fosters concerns from area residents and interest groups. These challenges can extend the approval process and often result in contentious battles.

Luce Forward's Land Use Group knows California and understands the often daunting obstacles to development here. Several of our attorneys are recognized as some of the most experienced and successful land use professionals in the state. From high-rises in San Francisco to master-planned communities in San Diego, big-box retail from Chico to Riverside and San Bernardino counties, whether a luxury resort on the coastal bluffs of Santa Barbara or in the mountains of South Lake Tahoe, we have established an unparalleled record of cost-effective and successful land use and environmental approvals throughout the state. Those successes are the product of five principles that both define and distinguish our land use practice:

- Integrated Perspective.
- Team Approach.
- Technical Expertise.
- Political Sensitivity.
- Public Service.

These five principles are combined in our representation of each new project, and their effectiveness is proven by our record of success.

Integrated Perspective.

Compared to other areas of law, land use occupies a decidedly public realm. It demands of its practitioners a broad understanding of disciplines, well beyond those strictly "legal." Land use attorneys regularly interact with a broad cross-section of professionals, including architects, traffic engineers, biologists, city planners, elected officials and media, to name a few. One of the key advantages of our Land Use Group is that its members are not just lawyers. While all are accomplished land use attorneys, many also possess the unique perspectives and skills that come from experience in other fields. Prior to our legal careers, we practiced architecture, city planning, politics and journalism, and were employed by the same local, state and federal agencies with whom we now regularly work. An integrated perspective - understanding the land use process from all angles, not just legal - has enabled our Land Use Group to flourish as lawyers, strategists and counselors.

It has also empowered our Land Use Group to move deftly throughout the state and navigate the myriad political and environmental issues that arise in land use decision-making. We have negotiated development approvals for sites that are especially sensitive - both environmentally and politically - along California's coast and inland, and facilitated redevelopment of former military bases and facilities. In the state's metropolitan centers, we have steered controversial urban infill projects ranging from condominium towers to hospitals to large retail centers through the gauntlet of local politics. Our Land Use Group draws on its collective experience to assist clients with projects that require the full spectrum of land use and environmental permits, from the complex to the conventional.

Team Approach.

“The whole is greater than the sum of its parts” is a maxim with special significance in the land use arena. The multifaceted nature of land use approvals demands a team-based approach. Our attorneys are team builders, team players and team leaders. Our diverse backgrounds and specialties allow us to mobilize professional teams that are equipped to handle the unique combination of legal issues engendered by each new project. Over the years we have established relationships with many of the state’s premier architectural, engineering and environmental firms, and we assist our clients with assembling a team of design professionals and consultants that is tailor-made for the particular challenges at hand. Finally, having shepherded projects ranging from one-bedroom additions to multi-million dollar planned communities through the approval process, our attorneys are uniquely suited to lead the development team and its consultants all the way through the approval process to a public hearing.

Technical Expertise.

Issuance of a land use permit or environmental review document is the culmination of an often lengthy and painful process of negotiation and consultation with a series of government agencies, each with its own set of arcane rules and regulations. If approached haphazardly, those rules and regulations can turn into barricades, leading to a project’s untimely demise. The Land Use Group’s technical expertise allows us to plot a roadmap for our clients at the earliest stages, preventing unforeseen contingencies and exposing latent roadblocks. We help clients through every step of the process, including:

- Pre-purchase due diligence on the existing land use constraints and opportunities.
- Preparation and submission of development applications with the jurisdictions.
- Negotiation and preparation of complex development agreements.
- Preparation of NEPA and CEQA environmental review documents.
- Meetings with staff from relevant local, state and federal government agencies.
- Community group meetings and media coverage.
- Meetings with elected officials and other decision-makers.
- Presentation of the project to the decision-making body at a public hearing.

Our attorneys understand that the entitlement process is just one piece of the development continuum. Entitlement of a property often dovetails with the purchase and sale process. Coordination with a number of parties, including lenders, tenants and local agencies, is often necessary prior to approval, and generally entails complex contractual agreements. If a development faces opposition, local approval is sometimes challenged in court. When those situations arise, the Group’s attorneys and clients have access to the high-quality support of the other legal groups at Luce Forward, including our premier Real Estate Transaction and Litigation Groups. Access to multiple legal disciplines under one “roof” ensures that the legal needs of a development project can be satisfied promptly and efficiently.

Political Sensitivity.

Another defining feature of land use, as opposed to other areas of law, is that technical expertise alone does not guarantee success. Most of the governmental approvals we seek for our clients are discretionary in nature. This means that while a project may meet all of the applicable legal and regulatory requirements, it still must be able to muster a majority of votes from the decision-making body for approval. The Land Use Group's most senior attorneys, some of whom have practiced land use in California for over 30 years, possess the historical perspective and political savvy that can only be acquired with time. We work with clients to effectively design and position development projects to anticipate and alleviate potential opposition, and respond to the concerns of appointed and elected officials. Through participation in public forums, regular meetings with decision-makers and established relationships with government agency staff, we are in touch with the pulse of local and state politics, and the unwritten policies and rules that oftentimes ultimately determinate a project's fate.

Public Service.

A characteristic of many of our attorneys, which is often overlooked but should not be underestimated, is a commitment to civic duty and public service. We are active in our communities, and during off-hours you will find us speaking at neighborhood roundtables and volunteering with community groups, local nonprofits and electoral campaigns. Whether born in California or drawn here later in life, we share a deep commitment to this state, its communities and the people that define them. For many of us, the practice of land use is a natural extension of that commitment. The result is that we bring a grounded perspective to our professional lives. We are not detached from our work; to the contrary, we bring the passion to our work that comes from caring about how our communities grow and change, and how that change affects the people that live within them.