Our California Environmental, Land Use, Energy and Resources practice lawyers have counseling and litigation experience in all aspects of development and redevelopment.

Our attorneys are unmatched in the depth and breadth of their experience processing projects and defending cases brought to challenge development plans and entitlements. Our attorneys have worked on many of the highest profile development projects in California, including energy projects; seaport, rail, airport, water supply, wastewater and other infrastructure projects; hospitals; university and college campuses; retail, office, industrial and mixed use projects; planned communities; residential subdivisions and public utility projects. We have defended cases involving commercial and industrial developments, airports, marine terminals, university development plans, air pollution control regulations, reservoirs, water supply plans, wastewater treatment plants, and residential development projects.

Attorneys in the group author some of the most well-recognized treatises in the field, including Curtin's California Land Use and Planning Law, Practice Under the California Environmental Quality Act, The California Subdivision Map Act and the Development Process, and California Administrative Mandamus.

Our attorneys also routinely teach courses to developers, public agencies, consultants and other attorneys, and have presented annual Breakfast Briefings to our clients for 29 years. We have extensive experience with the full range of issues relating to project development and permitting as well as land use and environmental litigation. Our California practice is part of a nationwide group of attorneys focused on environmental, energy, resource and land use matters.

Our experience extends to the full spectrum of land use and environmental laws relating to development in California. Our California Environmental, Energy, Resources and Land Use practices include counseling and litigation experience in the following areas:
• Affordable Housing
• Annexation and Sphere of Influence Decisions involving LAFCOs
• Assessments and Taxes, including Mello-Roos Districts and Proposition 218
• Brown Act (Open Meeting Law)
• California Environmental Quality Act (CEQA)
• Climate Change and Greenhouse Gas Emissions
• Coastal Zone Management Act, McAteer-Petris Act and Coastal Act
• Condemnation
• Conservation Easements and Other Dedications of Development Rights
• Design Review and Architectural Review
• Disposition and Development Agreements
• Endangered and Threatened Species
• Energy Infrastructure Development
• Energy Regulation
• Federal Land Policy and Management Act (FLPMA)
• Fees, Dedications, Exactions and Other Conditions Of Approval
• General Plans
• Geologic Hazard Abatement Districts (GHADs)
• Historical, Cultural and Archeological Resources
• Improvement Agreements
• Initiatives and Referenda
• Land Use Due Diligence
• Local Government Law
• Master Planned Communities
• Military Base Reuse
• National Environmental Policy Act (NEPA)
• Owner Participation Agreements
• Public and Private Improvement Financing Mechanisms
• Redevelopment
• Religious Land Use and Institutionalized Persons Act (RLUIPA)
• Retail Development
• School Mitigation Agreements and Other School Mitigation Measures
• Sea Level Rise
• Specific Plans
• Subdivision and Parcel Maps
• Takings (Inverse Condemnation)
• Transportation
• Use Permits
• Variances
• Vested Rights, including Development Agreements and Vesting Tentative Maps
• Warren-Alquist Act (California Energy Commission)
• Water Infrastructure Development
• Water Supply Assessments and Verifications
• Water Rights
• Wetlands Permitting
• Williamson Act
• Zoning Regulations

Coronavirus (COVID-19): Guidance for Businesses

PUBLICATIONS

10.01.2020
California Governor’s Executive Order N-80-20 Regarding Commercial Evictions
Updates
Governor Gavin Newsom issued Executive Order N-80-20 on September 23, 2020, extending Executive Order N-28-20 through March 31, 2021, with respect to commercial evictions only.

Updated 06.18.2020
California Urgency Legislation (SB-939) May Significantly Affect Commercial Rent Obligations and Lease Termination Rights
Updates
On Friday, May 22, the California Senate Judiciary Committee voted in favor of an amended version of SB-939, which would limit the rights of many commercial landlords to enforce certain provisions of their leases.

04.30.2020
Bay Area Counties Relax Restriction on Construction and Other Low-Risk Activities

Updates
The six Bay Area counties that led the way in requiring their citizens to shelter in place on March 16 and again on March 31—Alameda, Contra Costa, Marin, San Francisco, San Mateo, and Santa Clara—issued new orders on April 29 extending many of the shelter-in-place requirements to May 31.

04.29.2020

California Governor Newsom Allows Electronic Noticing Under CEQA and Suspends Tribal Consultation Requirements for 60 Days

Updates
Governor Gavin Newsom issued an executive order on April 22 suspending for a period of 60 days (1) the filing, posting, notice, and public access requirements related to certain notices under the California Environmental Quality Act, and providing for electronic posting; and (2) certain aspects of the consultation process with Native American tribes.

04.10.2020

COVID-19 in California: Local Eviction Moratoriums

Updates
Last month, Governor Gavin Newsom signed an Executive Order which allows but does not require local governments to impose temporary limitations on residential and commercial evictions in certain COVID-19 related situations.

04.01.2020

Non-Essential Construction Eliminated in More Restrictive Bay Area Shelter-in-Place Orders

Updates

03.23.2020

California Governor’s Executive Order Aimed at Assisting Borrowers, Tenants, Renters, and Homeowners Affected by COVID-19

Updates
As the widespread economic impacts of the coronavirus (COVID-19) worsen, Governor Gavin Newsom issued Executive Order N-28-20 on March 16, 2020, to assist Californians experiencing financial hardship.

03.19.2020

Real Estate Guidance During the Coronavirus Pandemic

Updates
Below is a list of real estate issues that employees, developers, landlords, tenants, and lenders may need to address in the wake of COVID-19.

03.12.2020

San Francisco Places More Limits on Office Development

Updates
San Francisco voters adopted Proposition E, the “San Francisco Balanced Development Act,” (the act) tying future office development to the city’s production of housing—particularly affordable housing.

02.05.2020

Bird Is the Word: US Fish & Wildlife Service Proposes Narrow Interpretation of Migratory Bird Treaty Act

Updates
The U.S. Fish and Wildlife Service issued a proposed rule on January 30, 2020, that narrowly interprets the protections afforded by the Migratory Bird Treaty Act.

01.30.2020

CEQA Year in Review—2019

Updates
The past year saw several trailblazing opinions, indicating that courts continue to grapple with some of CEQA’s core policies. Click here to read the full report.

10.10.2019

New California Law Restricts Cities’ Ability to Limit Housing

Updates
California Governor Gavin Newsom signed into law yesterday a major set of restrictions on the actions California cities and counties may take to impede housing development. Senate Bill 330 broadly aims to prevent local agencies from putting up new barriers to housing production.
California Lawmakers Deliver Rental Relief: Tenant Protection Act of 2019

Updates
Governor Gavin Newsom signed into law the Tenant Protection Act of 2019, AB 1482, (now California Civil Code Section 1946.2 and 1947.12), on [DATE], joining only Oregon in enacting a statewide rent control law.

09.12.2019

San Francisco Sellers: COPA Now in Effect

Updates
The San Francisco Mayor’s Office of Housing and Community Development released its much-awaited Community Opportunity to Purchase Act (COPA) Program Rules on Monday, September 3, 2019. (The mayor signed COPA on May 3, 2019. More information about the legislation can be found in our previous update.)

PRESENTATIONS

01.22.2020; 01.30.2020; 02.04.2020; 02.06.2020

30th Annual Land Use & Development Law Lunch Briefing

Seminars
A 90-minute multi-panelist briefing on the recent evolution of land use, planning, CEQA, and environmental law in California.

BLOG

California Governor Issues Executive Order N-80-20 Regarding Commercial Evictions
Governor Gavin Newsom has issued Executive Order N-80-20, extending through March 31, 2021 Executive Order N-28-20, which allows local governments to impose commercial eviction moratoriums and restrictions for commercial tenants who are unable to pay their rent because of COVID-19. The governor’s order only addresses commercial evictions (as AB 3308 fully addressed residential evictions through... Continue Reading…

Logging Plan Not Categorically Excluded From Environmental Review Under NEPA
The Ninth Circuit Court of Appeals held that a U.S. Forest Service plan for commercial logging of some 4,700 acres of fire-damaged Mendocino National Forest could not reasonably be interpreted as falling within a NEPA categorical exclusion for “road repair and maintenance.” EPIC v Carlson, 968 F.3d 985 (9th Cir. 2020). The 2018 Ranch Fire... Continue Reading…

BLM’s Lease of Lands in Alaska’s National Petroleum Reserve Using Programmatic-Level EIS Did Not Violate NEPA
The Ninth Circuit held that a 2012 Environmental Impact Statement that provided a programmatic-level analysis for management of lands in the Alaska National Petroleum Reserve could also be used as the site-specific analysis for oil and gas lease sales. Northern Alaska Environmental Center v. U.S. Department of Interior, No.19-35008 (9th Cir., July 9, 2020). The... Continue Reading…

Violation of Zoning Ordinance Limiting Medical Marijuana Cultivation Did Not Justify Seizure of Dispensary’s Medical Marijuana
The Sixth District Court of Appeal held that a medical marijuana dispensary could recover its marijuana plants seized by law enforcement, finding that violation of the ordinance did not render medical marijuana plants “contraband” per se and subject to seizure. Granny Purps, Inc. v County of Santa Cruz, 54 Cal.App.5th 1 (2020). Under established caselaw,... Continue Reading…

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