



David P. Lanferman

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PRACTICE AREAS

- Land Use and Natural Resources
- Real Estate
- Environmental

INDUSTRIES

- Agribusiness, Food Processing and Distribution
- Construction and Infrastructure
- Retail

OVERVIEW

Dave Lanferman is a member of the Real Estate, Land Use and Environmental Practice Group in the firm's San Francisco office.

Areas of Practice

Mr. Lanferman's practice emphasizes land use planning and permitting, real estate development, environmental, and regulatory compliance for a wide range of private and public projects. His practice includes extensive experience under the California Environmental Quality Act (CEQA), advising on the appropriate processing of environmental reviews, as well as defending or contesting CEQA approvals, and more than 25 years of experience in virtually all facets of California land planning, zoning, subdivision and development permitting, and public agency practice.

Dave has been lead counsel in litigating numerous significant issues of land use and environmental law, including several appellate decisions involving CEQA, the Mitigation Fee Act, the Subdivision Map Act, vested rights, the validity of mitigation fees or conditions of approval imposed on new development, and issues of state and federal preemption of local regulations. He is one of the preeminent attorneys in California practicing in the area of the Mitigation Fee Act, environmental mitigation impact fees and exactions. His clients include developers, property owners, public agencies, public interest groups and industry associations.

Dave's practice also features extensive litigation and administrative agency experience on land use and development issues, including CEQA and specialized environmental and regulatory practices such as air quality, water resources, flood control, sensitive habitats, endangered species, and the Coastal Act. Mr. Lanferman has assisted public agencies and developers in land use planning, CEQA and environmental review, permitting and obtaining entitlements from State and local governments, and from a wide range of regional, State and federal regulatory agencies for major residential, commercial, and institutional projects.

EDUCATION

- J.D., University of California, Hastings, 1976
- B.A., University of California, Davis, 1973, *high honors, Phi Beta Kappa*

EXPERIENCE

- **CEQA:** Mr. Lanferman provides administrative agency advocacy and litigation involving the sufficiency/validity of CEQA /environmental compliance reviews; CEQA compliance assistance to applicants, consultants, and lead agencies; analysis of EIRs and other CEQA documents. Analysis, negotiation, and litigation of environmental mitigation measures, conditions of approval, mitigation conditions or fees required under CEQA.
- **Planning and transactions:** Mr. Lanferman's practice includes development, permitting and real estate transactional planning, negotiation and documentation; development agreements, annexation and LAFCO compliance; infrastructure finance; environmental review, mitigation and compliance; water supply analysis; mitigation of air emissions; wetlands and natural resources permitting; subdivision map processing; Williamson Act contracts; and CEQA compliance.
- **Administrative agency practice:** Mr. Lanferman frequently appears before local, regional, state, and federal administrative and regulatory agencies. His practice includes city and county boards and administrative agency hearings (e.g., California Coastal Commission; Regional Water Quality Control Boards; Regional Air Pollution Control Districts; Commission on State Mandates; LAFCO).
- **Litigation:** Mr. Lanferman has extensive experience in all aspects of land use and real estate litigation in both state and federal courts. He has an extensive appellate practice, including frequent referrals of amicus briefing for public interest advocacy groups and has argued before the California Supreme Court. Mr. Lanferman has also been lead counsel in several of the most significant cases involving land use and permitting issues such as development fees and exactions, vested rights under the Subdivision Map Act, CEQA review, Clean Air Act and air emission mitigation, State law preemption of local regulations, ballot propositions, and local initiatives and referenda.

HONORS

- Home Builders Association, Associate of the Year, 2009
- Mr. Lanferman has received the AV® rating from Martindale-Hubbell®.

MEMBERSHIPS

- Executive Committee, State Bar Real Property Section
- Vice-Chair, Land Use and Zoning Subsection, State Bar of California, Real Property Law Section
- Former Chair, Board of Directors, Real Estate Section, Alameda County Bar Association
- Former member of Board of Directors, Alameda County Bar Association
- Former President, Southern Alameda County Bar Association
- Former Chair, Governmental Relations Committee, Fremont Chamber of Commerce
- Former member of Board of Directors, Hayward Chamber of Commerce
- Chair, City of Fremont Library Advisory Commission
- Commissioner, City of Fremont City Charter Commission
- Commissioner, Alameda County Library Commission
- Board of Trustees, and Advisory Board Member, Alameda County Library Foundation
- Board of Trustees, Fremont Chamber of Commerce Scholarship Foundation
- Board of Trustees, Voluntary Legal Services Program, Alameda County Bar Association
- City Council Resolution for Community Service, City of Newark

ARTICLES

- "Inclusionary Zoning: Legal Questions and Issues," *Real Property Law Journal* (2011)
- "Assessments: California Supreme Court Raises the Bar in Silicon Valley Taxpayers Case," *The Real Estate Finance Journal* (September 1, 2008)
- "Recent Court Challenges Question Impact Fees," *Land Development* (National Association of Home Builders, Summer 2007)
- Advisory Board, *California Land Use Practice* (CEB, 2006)
- Contributing Editor, *California Real Estate Reporter* (Lexis-Nexis Publishing)
- News From The Courts, July 13, 2004
- "Streamlining CEQA Review for Housing Developments," *Builder Digest* (Feb/Mar 2003)
- "Clear as Mud: New Water Supply Laws Cloud The Development Process" *California Real Estate Journal* (February 2002)
- Impact of New Water Laws on Development in California, January 29, 2002
- "Water Supplies and Land Use Planning," *Associated General Contractors' Journal* (December 2001)
- Editorial Consultant, "Rights and Responsibilities of Adjoining Landowners," *California Pleading and Practice* (Matthew Bender Publ.)
- Editorial Consultant, "Good Faith Improver of Real Property," *California Forms of Pleading and Practice* (Matthew Bender Publ.)
- Advisory Board, *Practice Under the California Environmental Quality Act* (CEB, 1993)

Real Estate, Land Use & Environmental Law Blog Articles

- "'Pay Under Protest' Procedure for 'Other Exactions' Is Not Applicable to All Development Exactions," April 11, 2011
- "Supreme Court Refuses to Hear *Palmer* Case - Are Inclusionary Zoning Practices Due for Change?", October 29, 2009
- "Regulatory Takings Law: Ninth Circuit Panel Holds A Mobile Home Rent Control Ordinance Is Subject To A "Facial Challenge" And Awards Compensation To Property Owners", October 1, 2009
- "Administrative Fee for Tax Collection is an Unconstitutional Hidden Tax", August 28, 2009
- "New Law Automatically Extends Existing Tentative Maps For Two Years, But Also Creates New Pitfalls, And Reduces Some Protections For Recorded Maps", July 18, 2009
- "Appellate Court Decision Invalidating Unjustified "Affordable Housing In Lieu Fees" Is Now Final", June 19, 2009
- "Decision Overturning City's "Affordable Housing in Lieu Fee" Ordered Published by Court of Appeal", March 10, 2009
- "Affordable Housing In Lieu Fees Must Be Shown To Be Reasonably Related, And Limited, To "Deleterious Impacts Of New Development" Like Other Development Fees", February 9, 2009
- "Supreme Court Raises The Bar: Holds Prop. 218 Requires Court To Exercise Independent Judgment Regarding Validity Of Assessments And Places Burden Of Proof On Assessing Agency", July 18, 2008
- "New Law Automatically Extends Existing Vesting Tentative Maps, But Don't Celebrate Too Soon: There Are Pitfalls For The Unwary", July 16, 2008

- "California Supreme Court Upholds Use of 'Common Sense' Exemption, Says that CEQA May Require Consideration of the Effects of 'Displaced Development'", June 26, 2007
- "New State Fees for Water Rights Permits and Licenses Unconstitutional Due to Failure to Demonstrate Reasonable 'Proportionality' to Fee Payors", January 29, 2007

SPEECHES

- "Affordable Housing Programs After the Crash: What Next?" State Bar, Real Property Section Retreat (May 2011)
- "Subdivision Map Act Practice," State Bar of California annual conference (September 2008)
- Impact Fees Update - California Building Industry Association's Major Builders' Conference (August 6, 2008)
- "Impact Fees: A Practical Approach to Smart Growth," State Bar of California, Real Estate Section Retreat (May 2-4, 2008)
- Mitigation Fees on New Housing Development as "Indirect Sources" of Air Emissions -- California Building Industry Association Select Committee on Industry Litigation (May 3, 2008)
- "Development Impact Fees - Dirty Sexy Money," State Bar of California, Real Estate Section (April 2008)
- "How Much Is Too Much? Analysis of Impact Fees," State Bar of California, Real Estate Section (March 2007)
- "Land Use Regulation and Development," California Continuing Education of the Bar (November 2006)
- "Development Impact Fees - Recent Litigation and Legislation," Building Industry Legal Defense Foundation Super Conference (October 2006)
- "Air Quality Mitigation Fees on New Development," Building Industry Association of the Delta (April 2006)
- "Special Taxes, Fees, and Connection Charges," California Building Industry Association/University of Southern California CEB (October 2004)
- "Recent Developments in Development Fees & Exactions," California Building Industry Association (October 2003)
- "Smart Growth vs. Land Use Initiatives and Referenda" Hastings College of the Law, West-Northwest Environmental Law Journal, Symposium on Land Use (April, 2001)
- "Establishing and Litigating Development Impact Fees," Bay Area City Attorneys' Association (March 2000)
- "CEQA for Public Agency Attorneys," County Counsels' Association (September 1999)
- Moderator and Instructor, "Law & Motion Practice," Alameda County Bar Association, Continuing Legal Education Programs (1997, 1998, 1999, 2000, 2001)
- Associate Professor, Environmental Law, California State University Extension