



David P. Lanferman

San Francisco
Four Embarcadero Center
Seventeenth Floor
San Francisco, CA 94111

Tel: 415.774.2996
Fax: 415.434.3947
dlanferman@sheppardmullin.com

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 real estate development, land use planning and permitting, environmental law and litigation, including CEQA, development agreements, mitigation fees, subdivision and zoning approvals, and practice before a wide range of regulatory agencies. He represents developers, builders, property owners and managers, public agencies, institutions, public interest groups and industry associations in many areas of land use planning, development, environmental review, housing and public policy.

Mr. Lanferman is one of the preeminent attorneys in California practicing in the areas of the Mitigation Fee Act, development impact fees, environmental and infrastructure mitigation and exactions. He has a wide range of experience including more than 25 years of practice in all aspects of real estate law and practice before numerous public agencies. He serves on an editorial advisory panel for Continuing Education of the Bar, is a frequent speaker for developers, bar associations and industry groups, and public agency counsel.

EDUCATION

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

EXPERIENCE

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.

Dispute Resolution

- Judge Pro Tem, Alameda County Superior Court
- Judge Pro Tem, Santa Clara County Superior Court
- Administrative Hearing Officer - City of Fremont

HONORS

- Mr. Lanferman has received the AV® rating from Martindale-Hubbell®. This is the highest rating an attorney can earn for "legal ability, integrity and overall professional excellence."

MEMBERSHIPS

- 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

- 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 & Construction Law Blog Articles

- "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

- "Subdivision Map Act Practice," State Bar of California annual conference (September 2008)
- Impact Fees -- 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