

# Daily Journal

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## Top Women

## Lawyers 2011



### Judy V. Davidoff

SHEPPARD MULLIN RICHTER & HAMPTON LLP

**Location:** San Francisco

**Practice type:** Regulatory

**Practice specialty:** Land use, real estate and environmental

From golf course developments to telecom facilities, Davidoff's statewide practice has put her in the middle of some of the state's most contentious real estate issues. Most recently, she's dealt with land use for retail stores.

Last year, her client, Wal-Mart Stores Inc. won a case before the California Supreme Court that clarified the use of the statute of limitations in regard to challenges of publicly approved land-use projects related to the California Environmental Quality Act. *Stockton Citizens for Sensible Planning v. City of Stockton*, S159690, (Cal. 2010)

Davidoff said the statute of limitations is critical for CEQA, because it gives developers and cities the much needed certainty to proceed on projects.

She said in the economic downturn, more people are starting to get over their concerns about big box retail stores.

If the stores are designed well and set in the right location, people will be open to them, she said. They also provide the sales tax dollars cities need to keep up basic services.

Despite that, concerns about the retail giants persist she said.

One argument for the stores is that one-stop

shopping can reduce greenhouse gas emissions because there aren't as many stops on errands, she said. However there is a lingering concern that the big box retailers are too big, and can put some of the smaller, mom and pop stores out of business.

Davidoff also spent time last year helping to get a new Wal-Mart Distribution center approved in Merced. The Merced City Council approved the center by a vote of 6-1, ending a nearly four-year debate on the project. Davidoff worked closely with the city staff and Wal-Mart throughout the project. Merced City Council's decision to approve the project was challenged under CEQA, and was upheld by the Superior Court of Merced. The distribution center will be Wal-Mart's largest in California.

Davidoff said developers face obstacles at every turn, along with market uncertainty.

It's challenging for developers to go through the extensive regulatory process, which is very expensive, without any assurance that there will be tenants when the project is complete, she said. That landscape is improving, but the past few years have been tough times for the retail business.

— Robert Pierce