

**Los Angeles**

2029 Century Park East
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PRACTICE AREAS

- Land Use & Natural Resources
- Real Estate

EDUCATION

- J.D., University of California, Davis School of Law, 1998, *Order of the Coif*, *The Honor Society of Phi Kappa Phi*
- B.A., University of California, Berkeley, 1992

BAR AND COURT ADMISSIONS

- State Bar of California
- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court for the Central, Southern, and Eastern Districts of California

Andrew K. Fogg

PARTNER

OVERVIEW

Andrew Fogg is the Co-Team Leader of Cox, Castle & Nicholson's Land Use and Natural Resources Team. Andrew has extensive experience in representing developers in the land use entitlement process and related areas, including all aspects of planning, zoning, and environmental review, in cities and counties throughout California.

Securing Administrative Land Use Entitlements

Andrew represents developers and public entities in processing administrative land use actions, including the negotiation and approval of numerous entitlement documents, development agreements, owner participation agreements, disposition and development agreements, subdivision approvals, conditional use permits, variances, and zoning and general plan modifications related to various projects. Andrew has been actively involved in a myriad of projects, including urban infill mixed use projects, hospital and healthcare facilities, hospitality projects, master planned communities, residential and commercial condominium developments, commercial centers, and industrial developments.

As part of his entitlement practice, Andrew has advised clients on all aspects of the California Environmental Quality Act (CEQA), including the use of various CEQA exemptions and ensuring the adequacy of project specific Environmental Impact Reports and Mitigated Negative Declarations.

Defending Land Use Entitlements

In addition to representing developers in the entitlement process, Andrew has defended projects that have been challenged under CEQA and other California planning and zoning laws in both state and federal courts.

Biographical Information

Prior to joining the firm, Andrew spent several years as an in house counsel at Amgen, Inc., a Fortune 500 global biotechnical company, where he provided legal support on land use and real estate matters for the company's locations world-wide.

Prior to working in house, Andrew was an attorney in the real estate, land use, and appellate groups at Irell & Manella, LLP, where he represented developers and public entities in land use and related matters.

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In law school, Andrew served as Senior Research Editor for the *UC Davis Law Review* and following graduation, Andrew clerked for the Honorable Dean D. Pregerson in the Federal Court for the Central District of California.

REPRESENTATIVE MATTERS

Some of Andrew's recent approved representative projects include the following:

Luxury Hotel, Palm Desert, California. Represented a developer in approval by City of Palm Desert of proposed five-star 82-room boutique hotel and 59 condominium unit residence project adjacent to El Paseo shopping district and related Development Agreement.

Chandler Ranch / Rolling Hills Country Club Project, Rolling Hills Estates, California. Represented developer in approval by City of Rolling Hills Estates of a project to decommission an existing landfill, reconfigure and expand the existing 18-hole golf course and country club facilities, and approve 114 new single family home subdivision.

Hollywood Farmers' Market, Los Angeles. Represented operator of largest community farmers' market in City of Los Angeles in securing renewal by City of street closure permit over objections of an adjacent commercial property owner.

Riverpark Community, Oxnard, California. Ongoing representation of developers of master-planned community approved for over 2,800 residential units and more that 3.1 million square feet of commercial development in the City of Oxnard.

Apartment Project, San Leandro, California. Represented a developer in approval by City of San Leandro of proposed 66 unit apartment community together with a related Development Agreement.

Assisted Living Facility, Los Angeles. Represented operator of 116-room assisted living facility in entitlement of site; was the first project in the City of Los Angeles to be approved under the City's elder care facility ordinance.

PUBLICATIONS & SPEAKING ENGAGEMENTS

Recent Publications

Supreme Court Sets Standards For Using Future Environmental Baselines In Environmental Impact Reports, CCN Client Alert, 8/9/2013

The United States Supreme Court Holds That The Denial Of A Land Use Permit Can Be A Violation Of Constitutional Law When The Denial Is Based On An Invalid Demand For Money, CCN Client Alert, 6/25/2013

The Demise of California Redevelopment, Abridged, American Planning Association Planning &

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Environmental Law, 7/16/2012

[2012 First Quarter CEQA Case Law Update](#), CCN Quarterly CEQA Case Law Update, 4/30/2012

[2011 Third Quarter CEQA Case Law Update](#), CCN Quarterly CEQA Case Law Update, 11/15/2011

[California Budget Wars: California Supreme Court Modifies Stay Of Redevelopment Elimination Legislation](#), CCN Client Alert, 8/19/2011

[California Budget Wars: California Supreme Court Grants Partial Stay Of Redevelopment Elimination Legislation](#), CCN Client Alert, 8/12/2011

[2011 Second Quarter CEQA Case Law Update](#), CCN Quarterly CEQA Case Law Update, 8/8/2011

[Update: California Budget Wars - Legislature Approves Elimination Of Redevelopment Agencies](#), CCN Client Alert, 6/29/2011

[California Budget Wars: Legislature Approves Elimination Of Redevelopment Agencies](#), CCN Client Alert, 6/17/2011

[2010 Fourth Quarter CEQA Case Law Update](#), CCN Quarterly CEQA Case Law Update, 2/4/2011

[2010 Third Quarter CEQA Case Law Update](#), CCN Quarterly CEQA Case Law Update, 10/21/2010

[2010 Second Quarter CEQA Case Law Update](#), CCN Quarterly CEQA Case Law Update, 7/12/2010

[2009 Fourth Quarter CEQA Case Law Update](#), CCN Quarterly CEQA Case Law Update, 12/1/2009

[Transfer Of Funds From Redevelopment Agencies To State May Affect Existing And Future Redevelopment Project Funding](#), CCN Client Alert, 8/6/2009

[Winter Quarter 2009 CEQA Case Law Update](#), CCN Quarterly CEQA Case Law Update, 4/6/2009

[Court Holds That Affordable Housing In Lieu Fees Must be Reasonably Related To The "Deleterious Impact" Caused By New Market Rate Housing](#), CCN Client Alert, 3/3/2009

Recent Speaking Engagements

"Development is Back! What Kinds of Projects are Happening and What Trends & Market Forces will Drive Activity in 2020?," [11th Annual Interface Healthcare Real Estate West](#), 2/19/2020

"The Big Squeeze in Senior Living (Moderator), REIT Roundtable," [Connect Healthcare 2019](#), 10/2/2019

"Go West! A Journey to the Western Frontier of Downtown Los Angeles and the Land of "OZ"

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(Opportunity Zones)," [*LACBA Real Property Section's Crocker Commercial Real Estate Symposium*](#), 9/26/2019

"The "Missing Middle" Challenges and Opportunities for Middle-Income Housing Development," [*StimULI Breakfast: The "Missing Middle" Challenges and Opportunities for Middle-Income Housing Development*](#), 2/20/2019

"The Convergence of Retail & Healthcare: Sky's The Limit Moderator," [*Connect Healthcare 2018*](#), 10/29/2018

[*9th Annual Interface Healthcare Real Estate West*](#), 2/28/2018

"Finding & Creating Value: A Focus on Acquisition Activity," [*Connect Healthcare 2017*](#), 11/7/2017

"The Retailization of the Healthcare Industry," [*Bisnow's Big West Coast Healthcare Event*](#), 6/15/2017

"Will Demand from Hospitals & Systems Grow for Development Expertise and What Must Developers Do to Become More Efficient and Flexible in a Changing Market?," [*8th Annual Interface Healthcare Real Estate West*](#), 3/7/2017

"How a Changing Healthcare Environment is Changing Healthcare Real Estate Development—An Assessment of Today's Market and the Outlook for 2016," [*7th Annual InterFace Healthcare Real Estate West*](#), 3/2/2016

"ULI Technical Assistance Panel - A Vision for Leimert Park Village," [*ULI Technical Assistance Panel - A Vision For Leimert Park Village*](#), 8/12/2015

"Infrastructure Financing Districts," [*ULI-LA Housing Council 'First Friday' Meeting*](#), 12/5/2014

[*ULI 2014 Urban Marketplace: Make a Deal, Make a Difference*](#), 4/23/2014

[*CBIA's 45th Select Conference On Industry Litigation*](#), 11/16/2013

[*The Development Approval Process*](#), 3/4/2008

[*CBIA's 45th Select Conference On Industry Litigation*](#), 11/16/2013

[*CBIA's 43rd Select Conference on Industry Litigation*](#), 11/17/2012

[*Current Issues in Land Use Regulation and Development: Life After Matosantos*](#), CEB, December 2012

[*The Development Approval Process*](#), Lorman Educational Services, 2007-2010 (presented all day seminar each year in various locations across California including Los Angeles, Pasadena, Palm Springs, and Fresno)

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AWARDS & AFFILIATIONS

Awards & Recognition

- *Best Lawyers*, Land Use and Zoning Law, 2019 - 2021
- Recommended Attorney, Real Estate, *Legal 500 USA*, 2017
- Southern California Super Lawyer, 2015-2020
- Southern California Super Lawyers Rising Stars, 2009-2010

Professional Affiliations

- Los Angeles Economic Development Corporation Land Use and Business Friendly Committees
- Los Angeles Economic Development Corporation State and Local Policy Committee, Co-Chair

Community Affiliations

- St. Bernard High School Board of Advisors

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