

Andrew K. Fogg

PARTNER

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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.

Practice Areas

- Environmental
- Environmental Dispute Resolution
- Land Use
- Land Use Disputes
- Litigation & Counseling
- Master-Planned Development
- Natural Resource Permitting and Conservation
- Real Estate

Industries

- Agriculture
- Energy & Renewable Energy
- Healthcare & Seniors Housing
- Hospitality
- Life Sciences

Real Estate Sectors

- Affordable Housing
- Industrial
- Mixed-Use
- Multifamily

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.

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.

Bar & 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

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

Office

Residential, Mixed-Use
Development & Homebuilding

Retail

Experience

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 than 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.

Insights

News

Forty-Four Cox, Castle & Nicholson LLP Lawyers Recognized as Best Lawyers® Award Recipients
Press Release, *Best Lawyers*, 8.17.23

Cox, Castle & Nicholson Recognized in Chambers USA 2023 Guide
Press Release, *Chambers USA 2023 Guide*, 6.1.23

Twenty Attorneys Named Southern California Super Lawyers
Press Release, *Super Lawyers*, 1.10.23

Two Cox, Castle & Nicholson Lawyers Named 2023 Best Lawyers® "Lawyer of the Year"
Press Release, *Best Lawyers*, 8.18.22

Forty-One Cox Castle Lawyers Named to 2023 Best Lawyers® List
Press Release, *Best Lawyers*, 8.18.22

Thirty-Four Attorneys Named 2022 California Super Lawyers

Press Release, *Super Lawyers*, 8.1.22

Chambers Ranks Eight Cox Castle & Nicholson Attorneys for the 2022 USA Guide

Press Release, *Chambers USA*, 6.3.22

Cities Rush to Use Infrastructure Bill to Fund State and Local Projects

News, *GlobeSt.com*, 11.18.21

35 Cox, Castle & Nicholson LLP Lawyers Named to 2022 Best Lawyers® list

Press Release, *Best Lawyers®*, 8.19.21

Chambers Ranks Five Cox Castle & Nicholson Attorneys for the 2021 USA Guide

Press Release, *Chambers USA*, 5.20.21

32 Cox, Castle & Nicholson LLP Lawyers Named to 2021 Best Lawyers® list

Press Release, *Best Lawyers®*, 8.21.20

Twenty-Five Cox Castle & Nicholson Attorneys have been selected to the 2020 Southern California Super Lawyers

Press Release, *Super Lawyers*, 5.1.20

Twenty-Nine Cox, Castle & Nicholson Attorneys Have Been Selected for the 2020 Edition of The Best Lawyers in America®.

Press Release,

The Best Lawyers in America®, 8.16.19

Twenty-Nine Cox, Castle & Nicholson Attorneys Recognized As 2019 Southern California Super Lawyers & Rising Stars

Press Release, *Southern California Super Lawyers*, 7.15.19

Twenty-Six Cox, Castle & Nicholson Attorneys Have Been Selected for the 2019 Edition of The Best Lawyers in America®.

Press Release,

The Best Lawyers in America®, 8.15.18

Thirty-five Cox, Castle & Nicholson Attorneys Recognized As 2018 Southern California Super Lawyers & Rising Stars

Press Release, *Southern California Super Lawyers*, 7.10.18

Andrew Fogg Featured In Real Estate Forum Article - Healthcare's Pulse Is Strong & Steady

News, *Real Estate Forum*, 12.15.17

Andrew Fogg Featured In The Press Enterprise Article - Riverside Approves New Hospital, Huge Healthcare Center Near Moreno Valley

News, *The Press Enterprise*, 11.15.17

Andrew Fogg Featured in GlobeSt.com Article - Urgent Care, The New Hot Retail Tenant
News, *GlobeSt.com*, 9.27.17

Andrew Fogg, Kenneth Williams, David Waite, and Gregory Caligari Featured in GlobeSt. Article - Housing Costs and
Land Use Top List of CRE Woes
News, *GlobeSt.*, 9.14.17

Cox Castle Nicholson Named to The Legal 500 United States 2017 Series
Press Release, *The Legal 500 United States 2017 Series*, 8.3.17

Andrew Fogg Featured In Forbes Article - Healthcare Is Becoming The New Retail
News, *Forbes*, 6.23.17

Thirty Six Cox, Castle & Nicholson Attorneys Recognized As 2017 Southern California Super Lawyers & Rising Stars
Press Release, *Southern California Super Lawyers*, 6.7.17

Matt Wyman was featured in Daily Journal
News, 9.13.16

Matt Wyman and Andrew Fogg were featured in Daily Journal's "Dealmakers"
News, *Daily Journal*, 9.13.16

Which Developers Can Win Public Partnerships
News, *Globe St.*, 8.16.16

Metro Has A New Strategy For Transit Builds
News, *Globe St.*, 8.8.16

Thirty Five Cox, Castle & Nicholson Attorneys Recognized As 2016 Southern California Super Lawyers
Press Release, *Southern California Super Lawyers*, 6.6.16

Revived Real Estate Market A Boom For Transactional Attorneys
News, *Daily Journal*, 12.30.15

Thirty Cox, Castle & Nicholson Attorneys Recognized As 2015 Southern California Super Lawyers And Six Named As
Rising Stars
Press Release, 1.23.15

Ten Cox, Castle & Nicholson LLP Attorneys Are Recognized As 2010 Southern California Super Lawyers Rising Stars
Press Release, *Super Lawyers*, 7.1.10

Ten Cox, Castle & Nicholson LLP Attorneys are Recognized as 2009 Southern California Super Lawyers Rising Stars
Press Release, *Southern California Super Lawyers*, 7.1.09

Speaking Engagements

11th Annual Interface Healthcare Real Estate West
Conference, The Omni Hotel, Los Angeles, California, 2.19.20

Connect Healthcare 2019
Conference, The Resort at Pelican Hill, Newport Coast, CA, 10/02/2019-10/03/2019

LACBA Real Property Section's Crocker Commercial Real Estate Symposium
Conference, Jonathan Club, Los Angeles, CA, 9.26.19

StimULI Breakfast: The "Missing Middle" Challenges and Opportunities for Middle-Income Housing Development
Seminar, Greenberg Glusker, Los Angeles, CA, 2.20.19

Connect Healthcare 2018
Conference, The Resort at Pelican Hill, Newport Coast, CA, 10.29.18

9th Annual Interface Healthcare Real Estate West
The Omni Hotel, Los Angeles, California, 2.28.18

Connect Healthcare 2017
Sponsorship, Andaz Scottsdale Resort & Spa, Scottsdale, Arizona, 11.7.17

Bisnow's Big West Coast Healthcare Event
Conference, Taglyan Complex, Los Angeles, CA, 6.15.17

8th Annual Interface Healthcare Real Estate West
The Omni Hotel, Los Angeles, California, 3.7.17

7th Annual InterFace Healthcare Real Estate West
Conference, Omni, Los Angeles, California, 3.2.16

ULI Technical Assistance Panel - A Vision for Leimert Park Village
Seminar, Los Angeles, CA, 8.12.15

ULI-LA Housing Council 'First Friday' Meeting
Seminar, Paul Hastings, Los Angeles, California, 12.5.14

ULI 2014 Urban Marketplace: Make a Deal, Make a Difference
Conference, Dorothy Chandler Pavilion, Los Angeles, California, 4.23.14

CBIA's 45th Select Conference On Industry Litigation
Conference, Ojai Valley Inn & Spa , La Quinta, California, 11.16.13

CBIA's 43rd Select Conference on Industry Litigation
11.17.12

The Development Approval Process
Lorman Seminars
Seminar, Ramada Inn University, Fresno, California, 3.4.08

Publications

AB 1287 – Legislature Creates an (Additional) Density Bonus for Very Low- and Middle-Income Households
Client Alert, 10.27.23

Supreme Court Limits the Scope of Federal Wetland Regulations
Client Alert, 5.25.23

COVID-19 Presents Unique Challenges to the Healthcare Real Estate Sector
Article, *National Real Estate Investor*, 4.16.20

The Decision in Berkeley Hillside: The California Supreme Court Clarifies the Rules for Using Categorical Exemptions Under CEQA
Client Alert, 3.2.15

Supreme Court Sets Standards for Using Future Environmental Baselines in Environmental Impact Reports
Client Alert, *CCN Client Alert*, 8.9.13

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
Client Alert, *CCN Client Alert*, 6.25.13

The Demise of California Redevelopment, Abridged
Article, *American Planning Association Planning & Environmental Law*, June 2012

First Quarter CEQA Case Law Update
Client Alert, *CCN Quarterly CEQA Case Law Update*, May 2012

2011 Third Quarter CEQA Case Law Update
Client Alert, *CCN Quarterly CEQA Case Law Update*, November 2011

California Budget Wars: California Supreme Court Modifies Stay Of Redevelopment Elimination Legislation
Client Alert, *CCN Client Alert*, 8.19.11

California Budget Wars: California Supreme Court Grants Partial Stay Of Redevelopment Elimination Legislation
Client Alert, *CCN Client Alert*, 8.12.11

2011 Second Quarter CEQA Case Law Update
Client Alert, *CCN Quarterly CEQA Case Law Update*, August 2011

Update: California Budget Wars - Legislature Approves Elimination Of Redevelopment Agencies
Client Alert, *CCN Client Alert*, 6.29.11

California Budget Wars: Legislature Approves Elimination Of Redevelopment Agencies
Client Alert, *CCN Client Alert*, 6.17.11

2010 Fourth Quarter CEQA Case Law Update
Client Alert, *CCN Quarterly CEQA Case Law Update*, February 2011

2010 Third Quarter CEQA Case Law Update
Client Alert, *CCN Quarterly CEQA Case Law Update*, October 2010

2010 Second Quarter CEQA Case Law Update
Client Alert, *CCN Quarterly CEQA Case Law Update*, July 2010

Transfer Of Funds From Redevelopment Agencies To State May Affect Existing And Future Redevelopment Project
Funding
Client Alert, *CCN Client Alert*, 8.6.09

Winter Quarter 2009 CEQA Case Law Update
Client Alert, *CCN Quarterly CEQA Case Law Update*, Winter 2009

Court Holds That Affordable Housing In Lieu Fees Must be Reasonably Related To The "Deleterious Impact" Caused By
New Market Rate Housing
Client Alert, *CCN Client Alert*, 3.3.09

Voluntary Waivers of Right To Protest May Be Enforceable
Article, 10.18.06

An Agreement to Waive the Constitutional Right to Protest Can Be Enforceable (PDF)
Client Alert, 09.30.06

Awards & Affiliations

Honors & Recognitions

Best Lawyers, "Lawyer of the Year" for Land Use and Zoning Law in Los Angeles, 2023

Best Lawyers, Land Use and Zoning Law, 2019 - 2023

Ranked in *Chambers USA California* in Real Estate: Land Use & Zoning, 2021-2023

Recommended Attorney, Real Estate, *Legal 500 USA*, 2017

Southern California Super Lawyer, 2015-2022

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