

REPRESENTATIVE REAL ESTATE AND LAND USE TRANSACTION AND MATTERS

Hoge Fenton attorneys have deep experience and local knowledge in the Northern California public and private real estate arenas. This is a representative sampling of transactions, land use advocacy and litigation matters.

Representative Real Estate Transactions

Acquisitions

- Former Carnation plant in Merced County, including remediation of extensive environmental problems
- All purchases in the U.S. for a Fortune 500 company
- Acquisition of entitlements for a hotel in Cupertino
- Acquisition of multiple properties and entitlement of a power plant on each

Sales

- Multiple golf course properties in San Jose
- 60 acres in Union City
- 8-acre cheese manufacturing facility in San Jose
- 9-acre rose nursery to San Leandro Redevelopment Agency, including mitigation of environmental and demolition issues
- Last major prune orchard in San Jose (100 acres) 50-acre parcel in Livermore, including obtaining entitlements for 155 homes
- \$18M freeway frontage property in Livermore to a mixed-use developer; closed in 35 days
- Industrial building in San Jose for development of 189-unit apartment building
- All sales in the U.S. for a Fortune 500 company

Financing

- Paragon Outlets, Livermore Valley – third largest retail construction project in the United States in 2012
- Debt Restructuring for commercial properties throughout Bay Area
- Radio Transmission towers financing

- Owner/User financing
- Investment financing

Commercial Leasing

- Ground lease of 43 acres of state-owned land; sublease of parcels for apartment and light industrial development; the project included obtaining passage of two bills by the California legislature
- All leases in the continental U.S. for the American subsidiary of a French company
- Lease of major truck terminal facilities, including preparation of the RFP, purchase agreement, lease, and construction documents
- Representation of tenant in the lease of corporate headquarters; tenant received partial ownership in the building as partial consideration for entering into the lease
- Leases, subleases, and lease buyouts for a Fortune 500 corporation throughout the U.S.
- Lease of a 90,000 square foot headquarters building in San Jose
- Lease of two buildings totaling approximately 200,000 square feet in Cupertino
- Leases for a florist franchise throughout the Bay Area
- Ground lease and purchase agreement for hotel in Fremont
- Ground Lease for two buildings in downtown San Jose
- Lease of 77,200 sq. ft. office, research and development and warehouse facility in Milpitas
- Re-negotiated office and manufacturing leases for publicly-held owner with national retailer exiting bankruptcy

Easements

- Negotiation and documentation of easement and boundary issues for a national real estate investment fund

Representative Land Use Advocacy Matters

Redevelopment

- South Livermore Valley Area Specific Plan: representation of landowners and developers in the 10-year process
- Acquisition of entitlements and environmental clearance for the development of 130 acres in Cupertino
- Tehama Country Club (a golf course and 34 homes) development in Monterey County
- Infill development in over one dozen different cities in the counties of San Mateo, Santa Clara, Alameda, Contra Costa, San Joaquin, Santa Cruz, and Monterey
- Complex financing transaction allowing the development of an affordable housing complex in Dublin
- Representation of the master developer in obtaining a public infrastructure bond for a 3,000-unit mixed use project in Lincoln
- Sale of a 4,500 acre ranch for purposes of creating conservation easements in Santa Clara and San Benito counties
- Development of a senior assisted living facility in Carmel through entitlement and successful defense of a CEQA lawsuit based on historical resource issues

- Three separate affordable housing projects, including the entitlement work and subsequent successful defense of CEQA lawsuits on each project

Development Agreements

- Representation of landowners and developers in the eight-year process of completing the Vineyard Avenue Corridor Specific Plan in Pleasanton, including the CEQA work underlying that plan, and four years of implementation
- Agreement among six major developers to share the cost of offsite infrastructure for 307 houses on 700 acres in South Livermore

Subdivision

- Subdivision of vineyard development in Livermore as a court-appointed referee

Land Use Entitlements

- Acquisition of entitlements and environmental clearance for the development of 100 acres in Fairfax
- Sale of a right to obtain an 840-acre conservation easement to home builder for endangered species mitigation and negotiation of easement with the Nature Conservancy

Representative Real Estate and Land Use Litigation Matters

Contract Disputes

- Representation of homebuilder in lawsuit against school districts in Contra Costa County, alleging miscalculation of school fees
- Prosecuted numerous partition actions, including an action involving 40-unit apartment building and son against father involving a residential investment property

CEQA

- Defense of a CEQA lawsuit challenging the development plans of a major hospital
- Representation of ten wineries in the successful resolution of federal court lawsuits alleging disability access violations Defense of a CEQA lawsuit based on historical preservation claims challenging the approval of a senior assisted-living facility in Carmel
- Defense of a CEQA lawsuit challenging a 35-lot subdivision in San Juan Bautista
- Development of a 35-lot subdivision in San Juan Bautista through entitlement and successful defense of a CEQA lawsuit

Hazardous Materials

- Representation of landowners and businesses in a broad array of cases involving such issues as toxic gases, leaking underground gasoline storage tanks, Superfund cleanups, sales and leases of contaminated property, NPDES discharge violations, soil and groundwater contamination, hazardous waste management facilities permits, PCB transformer fires, environmental impact statements, asbestos in buildings, underground injection well violations, wetlands development, TSCA compliance, pesticides registration and reporting under SARA, Title III

- Representation of a major real estate brokerage firm in the resolution of several lawsuits alleging the nondisclosure of mold contamination in homes
- Successful defense of a lawsuit challenging restrictions on a major quarry imposed by Santa Clara County