

# John P. Erskine

Partner | Orange County

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John Erskine has substantial experience counseling property owners and development teams on compliance with planning and zoning laws, the California Environmental Quality Act, State resource agency issues, and the California Coastal Act. He has advised and coordinated large development teams in connection with major urban infill multifamily projects, residential/retail mixed use centers, office complexes, mid and high-rise residential projects, oil field land use conversions, and beach/waterfront coastal projects. John has also represented numerous homeowner associations and residential and commercial land owners before counties, cities, and the California Coastal Commission.

John serves as co-chair of Nossaman's statewide coastal law practice. Prior to joining Nossaman as a partner in 1989, he served in several elected and appointed positions in local, County, and State government.

## EXPERIENCE

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**Back Bay Landing (Newport Beach).** Nossaman is lead land use and Coastal Commission counsel for a highly complex land use entitlement assignment for an underutilized 31-acre bay front site in Newport Beach, California. Nossaman has handled all legal and Coastal Commission consulting work associated with a General Plan Amendment, Coastal Land Use Plan Amendment (before the City and Coastal Commission), Zone Change to a Planned Community District approved in 2016, and other land use approvals from the City, County, State Lands Commission, RWQCB, as well as a full EIR and other environmental clearances for future project construction.

**Rio Del Mar Beach Island Homeowners Association.** Represent 27 beachfront property owners in Aptos, California (Santa Cruz County) with respect to real estate title litigation (Quiet Title Action) and processing of a CDP Amendment following Coastal Commission enforcement action (*Weseloh v. County of Santa Cruz*, pending).

**Harbaugh v. California Coastal Commission.** Represent applicant for major remodel in public permit access condition dispute in Carmel Highlands. Litigation filed in July 2019.

**Dana Point Shipyard.** Nossaman represented the lessee/operator of a coastal dependent marine services provider with respect to the Local Coastal Plan Amendment – Dana Point Harbor Revitalization Plan being processed by the County of Orange and City of Dana Point, and secured a long-term lease with County, opposed by Harbor staff.

**Boca del Canon.** Represented multiple lot owners in preparation, processing, and approval of Coastal Development Permit ("CDP") applications for private, gated development in San Clemente. Negotiated and drafted MOU, Deed Restrictions, OTDs, and Subordination Agreements to accomplish Coastal Commission required alternative beach access. Prevailed on demurrer to and dismissal of homeowner-initiated litigation alleging CEQA violations in OC Superior Court.

**Southern California Edison.** Currently representing Southern California Edison in their dealings with the California State Lands Commission regarding decommissioning of the San Onofre Nuclear Power Plant in Southern California. Responsibilities include working with State Lands staff as they move forward with an Environmental Impact Report for decommissioning the facility.

**Solana Beach & Tennis Club.** Represent 152-unit condominium project on bluff in Solana Beach with respect to coastal permitting of shoreline protection.

**Makar Properties, LLC (Pacific City/Huntington Beach).** Nossaman was lead counsel with respect to the Specific Plan, Conceptual Master Plan, CUP, Coastal Development Permit, Coastal Appeal, and Tentative Map approvals as well as EIR certification and defense of same, on one of the largest mixed-use projects on the California coast. Makar's "Pacific City" project includes a 165-room luxury boutique hotel, 195,000 square feet of office, retail, restaurant, entertainment, and dining uses, and 516 residential units on the interior portion of the property above subterranean parking, along with extensive new public facilities, plazas, and open space. Nossaman represented Makar and prevailed in a dispute resolution hearing before the Coastal Commission which determined the project was not appealable, and successfully defended the City and Makar in litigation brought by project opponents.

**Citizen's Association of Sunset Beach.** Advising more than 50 oceanfront property owners on their legal right to a 35-foot-wide, mile-long strip of beachfront area in the Sunset Beach community annexed into the City of Huntington Beach in 2012.

**ExplorOcean (Balboa Fun Zone).** Nossaman served as land use and Coastal Commission counsel on the major coastal reuse and expansion of Balboa Fun Zone, encompassing bay-front City parking lot, commercial buildings, interactive theatre and museum, offices, conference facilities, new boat docks and piers, and other waterside improvements totaling more than 70,000 sq. ft., with a new ocean-going floating classroom. Legal work included advising client and assisting in the drafting, negotiation, and processing of a General Plan Amendment, Coastal Land Use Plan Amendment, PC Text, CUPs, CDPs for project through City Council and Coastal Commission.

**Bolsa Chica Project (Orange County).** Represented Signal Landmark, Koll, and Hearthside Homes for more than a decade in preparing, negotiating, and processing approvals from the Orange County Board of Supervisors, State and Federal Resource Agencies, and the Coastal Commission, for a 3,300 home community on 1700 acres of wetland/upland property in an unincorporated coastal area of Huntington Beach. Successfully defended project entitlement and CEQA approvals from an environmental group challenge.

**Poseidon Resources.** Lead land use counsel for Poseidon Resources in the development of large-scale desalination project in Huntington Beach, California. Advised on regulatory permitting and environmental issues, long-term lease agreements, arrangement with host power plant owners and municipal financing/Owner Participation Agreement; successfully secured City approval of EIR, CUP, and Coastal Development Permit for project.

## INSIGHTS

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### PUBLICATIONS

Co-Author, "California Expands Pay to Play to Cover Local Elected Officials," *Nossaman eAlert*, 11.18.2022

Author, "Sea Level Rise: A Guide for Public and Private Projects," *LexisNexis Practical Guidance*®, 04.01.2022

Author, "As Sea Levels Rise, so do Local Governments' Costs to Address the Issue," *California Special Districts magazine (reprinted from the Daily Journal)*, November-December 2018

Author, "As Sea Levels Rise, so do Local Government's Costs to Address the Issue," *Daily Journal*, 09.13.2018

Author, "Did Koontz Stop Illegal Development Exactions?," *Daily Journal*, 08.13.2014

Co-Author, "Sea Level Rise Guidance for Agencies, Cities," *Daily Journal*, 11.29.2013

## **SPEAKING ENGAGEMENTS**

- Panelist, "From Conception to Reality – What it Takes to Build a Housing Unit in California," 49th Annual Pepperdine Law Review Symposium, Malibu, CA, 03.18.2022
- Speaker, "High Seas, High Cost: HOA Action for Sound Coastal Policy," Educational Community for HOA Homeowners' (ECHO) Community Conversation, 07.07.2021
- Speaker, "Living on the Edge: Managing Sea Level Rise in California," Nossaman's 2021 Water Webinar Series, 05.27.2021
- Speaker, "Rising Sea Levels - Financial Liability Issues to Cities & Legal Issues," International Right of Way Association Chapter 1 Annual Valuation Seminar, Montebello, CA, 02.25.2020
- Speaker, "Legal Implications: Coastal Commission and STRs, SLR and LCP Process," 2019 League of California Cities Annual Conference & Expo, Long Beach, CA, 10.17.2019
- Panelist, "Sea Level Rise / Shoreline Management Options and Funding for Infrastructure," Nossaman's 2019 California Coastal Law Conference, Huntington Beach, CA, 09.10.2019
- Speaker, "Managed Retreat / Sea Level Rise Primer," Nossaman's 2019 California Land Use Seminar, Costa Mesa, CA, 05.21.2019
- Speaker, "Sea Level Rise/Shoreline Management," Nossaman's 2017 California Coastal Law Conference, La Jolla, CA, 10.10.2017
- Speaker, "Building Pacific City," An Urban Infill Committee Workshop, BIA/OC, Irvine, CA, 10.29.2015
- Speaker, "2015 Environmental & Land Use Seminar," Nossaman's 2015 Environmental & Land Use Seminar, Newport Beach, CA, 09.22.2015
- Speaker, "Sea Level Rise and Shoreline Protection," Nossaman's 2015 California Coastal Law Conference, La Jolla, CA, 05.07.2015
- Speaker, "Hot Topics in Coastal Planning," Nossaman's 2014 California Coastal Law Conference, Los Angeles, CA, 01.30.2014
- Speaker, "Navigating the Coastal Process," Nossaman's 2013 California Coastal Law Conference, San Diego, CA, 10.08.2013
- Speaker, "California Coastal Commission 2012: A New Era in Coastal Planning and Permitting," Nossaman California Coastal Commission Seminar, Huntington Beach, CA, 06.12.2012
- Speaker, "Securing Coastal Development Permits from the California Coastal Commission - Emerging Issues and Successful Approaches," Nossaman's Environmental Legal Update, Santa Ana, CA, 05.19.2010
- Speaker, "A Tale of Two Projects: Lessons Learned from Recent Commission Approvals," CLE International's 4th Annual California Coastal Law Conference, Los Angeles, CA, 04.29.2010
- Speaker, "Getting Your CDP and Keeping It," CLE International's 2nd Annual California Coastal Law Conference, Los Angeles, CA, 03.30.2009

## **COMMUNITY & PROFESSIONAL**

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- California Bar Association
- Orange County Business Council, Board of Directors
- Building Industry Association, Orange County Region, Director (1990 – 2001)
- Orange County Charter Revision Committee, Chairman and Legal Drafting Committee (1994-1995)
- Huntington Beach City Council, Councilman and Mayor (1986-1990)
- Huntington Youth Shelter, Vice President (1993) and Director (1991-1994)

## HONORS

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Included in *The Best Lawyers in America*® for Land Use and Zoning Law, 2023-2024  
Listed, *The Legal 500 United States*, Industry Focus - Real Estate - Land Use/Zoning, 2020-2022

## PRACTICES

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Coastal Development  
Environment & Land Use  
Land Use Entitlements & Litigation  
Environmental Litigation  
Water Law

## INDUSTRIES

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Water

## EDUCATION

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Pepperdine Caruso School of Law, J.D., 1978  
California State University, Fullerton, B.A., 1974

## ADMISSIONS

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California  
U.S. District Court, Central District of California