



**MILLER STARR
REGALIA**

Sean Marciniak

Shareholder



📍 Walnut Creek, CA
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PRACTICE AREAS

Litigation
Transactional
Entitlement
Environmental
Land Use & CEQA

Sean represents public agencies, landowners, and developers on a number of environmental and land use matters. He takes a creative and efficient approach to problem solving, and has helped entitle millions of square feet of development in California, including mixed use development, hospitals, laboratories, infrastructure projects, and solar energy projects.

Sean Marciniak is a shareholder in Miller Starr Regalia's Walnut Creek office. Sean represents public agencies, landowners, and developers in a variety of environmental and land use matters, focusing on litigation and counseling under the California Environmental Quality Act. Sean also has developed proficiency in areas that include the National Environmental Policy Act, the Planning and Zoning Law, the Community Redevelopment Law, takings and exactions, development agreements, initiatives and referendums, Local Agency Formulation Commissions, affordable housing, the Subdivision Map Act, natural resource permitting (including under the Endangered Species Act and Clean Water Act Sections 401 and 404), and emerging laws addressing climate change and sustainable development. Sean also has served on the board of directors for the Bay Planning Coalition, and regularly speaks at and participates in workshops addressing development in the San Francisco Bay Area.

In past years, Sean has litigated land use issues in superior and appellate courts across the state, as well as the California Supreme Court. With respect to entitling properties, Sean has shepherded a variety of public and private projects through the appropriate regulatory processes, including solar energy projects, mixed use development, infill development, retail centers, terminal expansions and intermodal transport facilities at California's busiest ports, the expansion and improvement of regional hospitals, and major water supply enhancement projects. In addition to handling such matters, Sean has helped write and edit sections of land use practice guides used across the state, including *Miller & Starr, California Real Estate 4th*, a 12-volume treatise on California real estate law. Prior to joining Miller Starr Regalia, he worked in the environmental and land use practice group at Bingham McCutchen, LLP.

Prior to becoming an attorney, Sean worked as an investigator of judicial misconduct with the State of Texas and as an investigative newspaper reporter. His articles have appeared in the *Wall Street Journal*, the *Dallas Morning News*, and the *Houston Chronicle*.



EDUCATION

J.D., University of California, Berkeley School of Law (2007)

- Jurisprudence Awards in Contracts and Criminal Procedure
- Prosser Awards in Intellectual Property and Civil Procedure
- Order of the Coif.
- During law school, Sean also worked with the criminal division of the U.S. Army Judge Advocate General's Corps, 10th Mountain Division, in Fort Drum, N.Y.

M.A., University of California Graduate School of Journalism (2004)

B.A., Brandeis University, English and American Literature (1999)

ASSOCIATIONS

American Bar Association

Bay Planning Coalition - Former Board Member

Contra Costa County Bar Association

Urban Land Institute

AWARDS & RECOGNITION

Super Lawyers Northern California, "Rising Star" (2012-2017)

PUBLICATIONS

"The Case Against Formula Retail Ordinances: Understanding the Problem and Crafting Solutions," *Shopping Center Law & Strategy*, October 2017 (co-author)

"American Tower Corporation v. City of San Diego (2014): Further Guidance From The Ninth Circuit On The Regulation Of Data Towers In California," *Miller Starr Regalia Legal Update*, December 8, 2014

"Local Matter or Federal Case? The Network of Cell Tower Regulation in California," *Miller & Starr, California Real Estate Newsalert*, Vol. 21, No. 6, July 2011 (co-authored with Arthur Coon)

"Back to Basics: Setting the Environmental Baseline Under the California Environmental Quality Act," *California Land Use Law & Policy Reporter*, February 2011 (co-authored with Arthur Coon)

NEPA Review and Impacts on Climate Change, March 2008

SPEECHES & PRESENTATIONS

"Midsize and Boutique Law Firm Panel," Berkeley Law, September 20, 2017 (panelist)

"Practice Area Table Talks," Berkeley Law, November 3, 2016 (panelist)



**MILLER STARR
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“Infill Development: Critical Paths & Strategic Entitlement Roadmaps,” Miller Starr Regalia, Walnut Creek, California, January 12, 2012

“Development Opportunities in Uncertain Times,” Miller Starr Regalia, Walnut Creek, California, January 1, 2011

“Keeping Bay Projects Moving,” Bay Planning Coalition Workshop Series, 2010

“Central California Annual Land Use & Planning Conference,” Lex and the City, Avila Beach, California, April 3, 2009

LANGUAGES

Spanish