RUTAN

RUTAN & TUCKER, LLP

JEFFREY MELCHING

Partner

Government and Regulatory

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Jeffrey Melching devotes a substantial portion of his practice to municipal law, land use planning and entitlement activities. Jeff is the City Attorney for the City of Irvine and the City of Menifee, and the General Counsel for the Orange County Great Park Corporation.

Jeff has drafted and negotiated many agreements and other contractual instruments that typically accompany land use entitlement, public works and other municipal projects. In addition, he provides telecommunications advice to various clients throughout California in both entitlement and litigation contexts.

Jeff headed up the preparation and defense of the environmental documentation for the City of Irvine's "Great Park" project, where he regularly consulted with environmental and technical consultants on issues ranging from agricultural resources to traffic circulation. He also lead the legal team on Irvine's Northern Sphere entitlement project and associated environmental review, which involved over 12,000 homes and several million square feet of commercial development.

Other significant components of Jeff's practice include telecommunications law, cable law, adoption and implementation of fee programs under the Mitigation Fee Act, and land use litigation involving Constitutional (Free Exercise and/or Free Speech) issues.

Jeff has tried many cases before the California Superior Court as well as the United States District Court, and has argued multiple cases to the California Court of Appeal and the Ninth Circuit Court of Appeals.

Areas of Focus

- Municipal and Government Agency Law
- Environmental Law Under the California Environmental Quality Act
- Land Use Entitlement
- Telecommunications Law

Related Services

- Government and Regulatory
- Affordable Housing and Economic Development
- Land Use and Natural Resources
- Municipal Law General and Special

Related Industries

- Public Entities and Municipalities

Bar & Court Admissions

- State Bar of California

Education

- University of California, Davis, School of Law (J.D., 1995)
- University of California, Los Angeles (B.A., 1992)

- Cable Law
- Religious Land Use
- Development Agreements
- Civil Litigation

Representative Matters/Cases

- Irvine Business Complex Residential Mixed Use Entitlement Project (2010): Jeff lead the City of Irvine's legal team in the development of land use entitlement and environmental review strategies for the creation of an overlay zone to allow for residential mixed use development in a predominantly commercial/industrial district. The entitlements allow for 15,000 residential dwelling units, provide development incentives for residential-serving retail development, and utilize flexible zoning concepts to allow for market-driven changes to development types. From an environmental review standpoint, the entitlements required a hybrid program/project EIR. The city's project was highly controversial, but ultimately neither the entitlements nor the environmental review document were challenged.
- Orange County Great Park Development Agreement (2009): Jeff was the lead negotiator on the City's legal team for a comprehensive set of amendments to the development agreement that accompanies the land use entitlements for the Orange County Great Park. The negotiation involved the joint phasing of infrastructure development for the simultaneous development on public land (Orange County Great Park) and private lands (4,900+ residential units and millions of square feet of commercial development). The matter also involved the granting of a 35% density bonus under the state density bonus law.
- Sierra Club v. City of Orange (2008) 163 Cal.App.4th 523. Jeff was the City of Orange's lead attorney in successfully defending, at both the trial court and court of appeal levels, the entitlement of 4,000+ residential dwelling units on the urban edges of the City of Orange. The case involved complex and novel issues concerning the proper baseline for environmental analysis, the use of (and limitation on) supplements to EIRs, and extra-jurisdictional traffic analysis methodologies.
- Airport Working Group v. City of Irvine (2004), Orange County Superior Court Case No. CC00178. Jeff headed up the City of Irvine's environmental work relating to the reuse of the Former Marine Corps Air Station at El Toro. He has drafted portions of the various environmental documents prepared on behalf of the City of Irvine, including the EIR for the City's "Great Park" project and the various related technical reports. Jeff's primary role was to ensure that the environmental documentation generated by the City withstood attack in litigation. When the EIR was ultimately attacked, Jeff successfully defended the matter in Orange County Superior Court.
- Charter Communications v. County of Santa Cruz (2002) 304 F.3d. 927. This case involved the interpretation of the Federal Cable Act provisions relating to cable television franchise renewals. In the case, the Ninth Circuit recognized that the broad deference owed to local agency franchising decisions. Jeff represented the County of Santa Cruz at the trial court and Ninth Circuit levels.

Publications/Seminars

- Speaker, “Land Use Law Update 2014,” Land Use and Natural Resources Practice Group, May 2014
- Lecturer, “Public Private Partnerships,” University of California Irvine Law School, April 2014
- Speaker, “Middle Class Tax Relief Act,” California Wireless Association, January 2013
- Speaker, “Wireless Issues Update” presented to the City Attorney’s Division of the League of California Cities, May 6, 2010
- Speaker, “Significant Developments in Telecommunications Law and Litigation,” presented to the Los Angeles City Attorneys’ Association, November 2009
- Author/Updater “Liability and Litigation,” Chapter XIII of the Municipal Law Handbook, 2007-2009
- Speaker, “Advanced CEQA Topics 2007,” Association of Environmental Professionals, March 2007 and March 2008
- Speaker, “Beginning CEQA,” Association of Environmental Professionals, November 2006 and November 2007
- Author, “Addressing Religious Freedom in Land Use,” presented to the California County Counsel’s Association, April, 2007
- Author, “What General Practitioners Need to Know Before Suing a Public Entity,” Journal of the State Bar of California, September 2000
- Author, “To Issue, or Not to Issue: A Look at Local Government’s Role in Enforcing the ESA under CEQA and that Pesky Constitution,” paper presented at Continuing Legal Education Seminar, June 2000
- Author, “The Existing Legal Framework for Intergovernmental Cooperation,” Western Cities Magazine, June 1996

Awards & Honors

- Southern California “Super Lawyer” 2010-2012, 2014-2015
- Best Lawyers in America, 2022-2024

- Former Member of the Board of Directors of the Federal Bar Association, Orange County Chapter
- National Association of Telecommunications Officers and Advisers
- Orange County Bar Association
- American Bar Association

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