

OUR PRACTICE GROUP PROVIDES A 360° VIEW OF EVERY AREA OF LAW THAT IMPACTS CALIFORNIA'S LAND USE LANDSCAPE



AMRIT S. KULKARNI

Chair, Land Use Practice Group

Amrit Kulkarni is a member of the firm's Executive Committee and chairs the Land Use, Environmental Law, and Transportation & Infrastructure Practice Groups. His specialty is providing transaction and litigation counsel on high-profile, complex and often controversial civil infrastructure and commercial and urban development projects throughout California. His experience includes assisting local, state and national clients that are involved in projects for airports, passenger transit systems, freight rail networks, ports, harbors, highways, office buildings, mixed-use residential developments, university campus expansions, and a wide range of commercial and industrial facilities.

Amrit's expertise has been recognized by the *Daily Journal*, which named him one of California's "Top 50 Development, Land Use and Municipal Infrastructure Lawyers" and "Top 25 Land-Use Leaders." He is also listed in "*The Best Lawyers in America*" in the category of Litigation-Land Use and Zoning.

Meyers Nave represents municipalities, special districts, public agencies, private businesses and public-private partnerships involved in all types of development projects throughout California, including in-fill, mixed-use, commercial, industrial, residential, energy, entertainment, sports, and infrastructure projects. Our recognition as go-to Land Use Law experts is underscored by our attorneys serving, since 2006, as co-managing editors and chapter authors of *California Land Use Practice*, an annually updated treatise published by Continuing Education of the Bar.

Meyers Nave serves as lead transaction, compliance and litigation counsel for matters relating to current land uses, land acquisition and planned development, and the permitting process. Our Land Use attorneys help clients navigate a myriad of complex and interrelated local, state and federal land use laws and regulations, including those summarized below.

LAND USE ENTITLEMENTS

We regularly advise clients on compliance with the Subdivision Map Act, Land Conservation Act (Williamson Act) and Surface Mining & Reclamation Act; the requirements of the Permit Streamlining Act; the application of conditional use permits and variances; historic preservation and design and architectural regulations; and zoning ordinances and zone changes.

GENERAL, SPECIFIC & TRANSPORTATION PLANS

Our detailed knowledge of general, specific and transportation plans (and plan amendments) ensures strategic thinking and efficient implementation, paving the way for achieving clients' goals for future capital projects, development and environmental reviews. We lead a plan-level review for broad-based planning documents so projects consistent with plans can move forward without further environmental review.

AIRPORT LAND USE COMPATIBILITY PLANS

We help create and update Airport Land Use Compatibility Plans (ALUCPs) and understand the interplay between aviation infrastructure and development of the surrounding area—and methods to ensure that both support economic viability and public health and safety.

DEVELOPMENT FEES & EXACTIONS

With increasing use of development fees and exactions as tools for filling funding gaps, the associated legal issues have become more complicated. We have successfully defended clients against both constitutional and procedural challenges to the imposition of local taxes, fees and assessments. We have expert experience with California Mitigation Fee Act (AB 1600) compliance, including rules regarding impact fees, dedications, conditions and exactions.

DEVELOPMENT AGREEMENTS & VESTED RIGHTS

Mutually advantageous relationships for public agencies and developers can be achieved through development agreements secured early in the development process. We draft, review and negotiate agreements designed to "lock in" local land use policies, regulations and entitlements and obtain additional conditions, concessions and contributions from developers. We also advise on the vested rights doctrine and the Subdivision Map Act's provision regarding vested rights to an approved tentative map.

FIRST AMENDMENT & LAND USE

Our attorneys guide clients through the interconnection of local government authority with free speech, right to assemble, and religious freedoms. The range of issues we advise on include adult use, public protests, signs, billboards, parade and park permits, panhandling, solicitation, loitering, vending, and the Religious Land Use and Institutionalized Persons Act. We have extensive experience drafting constitutionally sound time, place and manner ordinances and regulations, and successfully defending litigation challenging those regulations.

Land Use Services

- CEQA and NEPA compliance
- Land use entitlements
- Review of EIRs/EISs
- General, specific and transportation plans
- Development fees and exactions
- Development agreements and vested rights
- Planned unit developments, variances, conditional use permits and subdivision maps
- Subdivision improvement and encroachment agreements
- Coastal Commission certification
- Public trust doctrine (tidelands)
- Clean Water Act compliance
- Wetland fill permit acquisition and compliance
- GHG emissions regulations
- Green building, sustainability
- Climate Action, GHG Reduction plans
- First Amendment activity on public and private property
- Endangered Species Act compliance
- Regulatory takings
- Water supply assessments and verification
- Affordable and inclusionary housing and Density Bonus Law compliance
- Annexation and sphere of influence changes
- Military base re-use
- ALUCPs

COASTAL ACT & TIDELANDS

Meyers Nave attorneys represent public entities and private parties in obtaining Coastal Development Permits. We also represent coastal cities and counties in drafting, certifying and amending Local Coastal Programs. To address concerns from the public and the State Lands Commission, we help clients draft, negotiate and document agreements and issue title transfers for the appropriate use of tidelands along the California coastline.

WETLANDS & ENDANGERED SPECIES

Our team advises on wetlands restoration and Section 404 permit matters, having participated in hundreds of consultations under Section 7 of the Endangered Species Act. We also negotiate habitat conservation plans involving timberlands, water use issues, transportation, municipal permitting and development.

ENVIRONMENTAL COMPLIANCE

Our team has overseen the preparation of hundreds of Environmental Impact Reports under CEQA and Environmental Impact Statements under NEPA. We review and advise on Significant Environmental Impacts, Mitigation Measures, Alternatives to the Proposed Project, Discussion of Cumulative Impacts, and Social Effects. We advise on the scope and outline of the environmental review, comments on the administrative draft, responses to comments, and environmental findings.

We have expertise in the ever-changing fields of traffic, air quality and climate change impact analysis, and review technical reports addressing these issues. Since CEQA review can be lengthy and costly, we inform clients of opportunities for streamlined review, including CEQA exemptions, opportunities to “tier” off a prior environmental document, use of addendum to a prior EIR or Negative Declaration, and legislative provisions that fast track projects certified as Environmental Leadership Development Projects.

TAKINGS/LAND USE EXACTIONS

Our land use law attorneys work with our eminent domain and inverse condemnation attorneys to advise clients on complex takings law for land use exactions as it relates to the extent in which public agencies may condition development. Specifically, conditions may be imposed on development as long as the conditions are reasonable, there exists a sufficient nexus between the conditions imposed and the projected burden of the proposed development, and the public entity proves that such conditions have a “rough proportionality” to the development’s impact. Meyers Nave helps clients understand what is meant by these limitations and how to comply with them.

AFFORDING HOUSING & DENSITY BONUS LAW

Meyers Nave advises clients on how affordable housing programs are implemented at the State and local level, such as those involving inclusionary housing and second units. We also advise private developers on their opportunities and public entities on their state-mandated requirements under California’s Density Bonus Law.

The Density Bonus Law provides housing developers with tools to encourage the development of affordable and senior housing, including up to a 35% increase in project densities for most projects, depending on the amount of affordable housing provided, and an 80% increase in density for projects which are completely affordable. We advise on the density bonus itself as well as the law’s larger package of concessions and incentives, such as reduced parking requirements, reduced setback and minimum square footage requirements.