

OUR PRACTICE GROUP PROVIDES A 360 DEGREE LEGAL VIEW OF EVERY AREA THAT TOUCHES CALIFORNIA'S 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.

Whether for major infrastructure projects, housing developments, shopping centers, development agreements, or planning documents, the Meyers Nave team employs a strategic, problem-solving approach to execute clients' goals while safeguarding project approvals with ironclad defensibility. Due to our statewide presence and reputation, we are the co-managing editors of *California Land Use Practice* and have earned recognition from *Daily Journal*, *Law360*, *Martindale-Hubbel*, *SuperLawyers*, and *U.S. News-Best Lawyers and Law Firms in America*.

The Meyers Nave land use team is a multi-disciplinary group with specialized expertise in land use litigation, transactional land use, climate change and a broad spectrum of environmental issues. Working collaboratively, we provide full legal services at every stage of a land use project.

We help our clients navigate through the many complex land use laws and regulations, including, but not limited to, the California Environmental Quality Act (CEQA); the National Environmental Protection Act (NEPA); the California Climate Solutions Act (AB 32); planning, zoning and subdivision laws; and natural resource protection laws (Clean Water Act, Coastal Act, etc.).

CEQA/NEPA LITIGATION

Meyers Nave has litigated more than 300 CEQA, NEPA and other land use cases, including more than 100 cases during the last five years. We have litigated throughout the state and at every level of the judicial process, including the California Supreme Court. Our cases have been upheld by the court of appeal in published decisions.

We defend our clients in lawsuits alleging improper procedures under CEQA, NEPA and associated claims for violation of civil rights and damages. In the California Supreme Court, we are handling a landmark CEQA case that will have far-reaching implications on categorical exemptions (*Berkeley Hillside Preservation v. City of Berkeley*). We also handled one of the leading CEQA cases on water supply analysis (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova*), setting a precedent for projects statewide. Moreover, our team defends clients' large institutional projects, including

the Port of Los Angeles' terminals, University of California's campus expansions, and City of Sacramento's downtown NBA arena.

LAND USE ENTITLEMENTS

EIRs/EISs

Our team has overseen the preparation of hundreds of Environmental Impact Reports (EIRs) under CEQA and Environmental Impact Statements (EISs) under NEPA. We advise on the scope and outline of the environmental review, comments on the administrative draft (supporting technical appendices and reports etc.), responses to comments, and environmental findings. We have expertise in the dynamic and ever-changing fields of traffic, air quality and climate change impact analysis, and regularly review technical reports addressing these issues.

Since CEQA review can be lengthy and costly, we always inform our clients of opportunities for streamlined review. We model review documents on program EIRs, tiering and other existing streamlining methods.

General, Specific & Transportation Plans

Our detailed knowledge of general, specific and transportation plans—the building blocks of communities—ensures strategic thinking and appropriate implementation, paving the way for clients' desired results for future capital projects, development and environmental reviews. Moreover, we spearhead an efficient plan-level review for broad-based planning documents so projects consistent with agency's plans can be implemented without further environmental review.

Development Agreements & Vested Rights

Often the most advantageous agreements for

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

public agencies and developers are achieved by coming to an agreement early in the development process. We help determine which terms clients can legally impose; draft and review their development agreements to ensure legal compliance; and negotiate agreements to advance their goals.

Development Fees & Exactions

As 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.

Subdivision Maps, Permits & Variances

We regularly advise clients on compliance with the California Subdivision Map Act and the application of conditional use permits and variances.

CLIMATE CHANGE

We have been at the forefront of advising public agencies on the shifting legal framework related to climate change and greenhouse gases (GHGs) under CEQA and NEPA, including the GHG regulations being developed under AB 32. We advise on the legal sufficiency of methodologies for measuring GHG emissions and quantifying the resulting reductions.

We also help develop and evaluate other programs for reducing GHGs, including green building, energy conservation and resource conservation (water and waste). Furthermore, we assist clients in achieving environmental compliance for multimillion-dollar capital improvement projects. Many plans we review include regional transportation and green sustainability components. We advise on the development of Climate Action and GHG Reduction plans to streamline GHG review under CEQA for future projects.

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 (LSPs).

To address concerns from the public and the State Lands Commission, we help our clients draft, negotiate and document agreements and issue title transfers for the appropriate use of one of our state's most valuable resource, the tidelands along our coastline.

AIRPORT LAND USE COMPATIBILITY PLANS

We help create and update Airport Land Use Compatibility Plans (ALUCPs) and have a keen understanding of the interplay between aviation infrastructure and development of the surrounding area—and methods to ensure that both areas support economic viability and public health and safety. To reach these two goals, we guide public agencies adeptly through the maze of land use and environmental regulations on the federal, state and local levels.

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.