

## David P. Waite

PARTNER

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### Overview

David Waite has substantial real estate transactional and project development expertise providing strategic counsel to public entity, developer, and corporate clients at the local, state and federal level on land use, environmental and regulatory matters. David's practice broadly encompasses regulatory and administrative compliance proceedings, including navigating complex land use approvals and environmental clearances under the California Environmental Quality Act. David's land use practice includes development agreements, annexations, discretionary land use permits, infrastructure agreements, public-private partnerships, subdivisions, variances, zoning, environmental, regulatory compliance, and legislative matters.

Representative projects include multifamily development, affordable and market-rate housing, master-planned communities, regional shopping centers, industrial, high-rise development, transit-oriented mixed-use development, senior housing, assisted living, hospitals, medical office buildings, cemeteries and mortuaries, concert venues, schools, golf courses, hotels, resorts, Brownfields redevelopment, and solid waste facilities.

### Collaborative Engagement

David is a member of an accomplished team of real estate, land use and environmental attorneys, each with unique areas of specialized expertise. David is a collaborative lawyer often coordinating and working side by side on complex projects with a team of professionals including architects, transactional attorneys, engineers, land planners,

#### Practice Areas

Land Use  
Environmental  
Litigation & Counseling  
Real Estate  
Business & Real Estate Disputes  
Environmental Dispute Resolution  
Land Use Disputes  
Master-Planned Development  
Natural Resource Permitting and Conservation

#### Industries

Agriculture  
Energy & Renewable Energy  
Healthcare & Seniors Housing  
Hospitality  
Life Sciences

#### Real Estate Sectors

Affordable Housing  
Industrial  
Land Banking

environmental and community relations specialists. Throughout his practice, David is actively engaged with community representatives, business leaders, elected officials, public planning officials, and building officials.

## Land Use and Environmental Litigation

David has a substantial land use and environmental litigation practice. He has litigated numerous environmental and land use disputes to final judgment throughout the California trial courts and the Court of Appeal. David's litigation practice includes disputes and challenges under the California Environmental Quality Act, the Planning and Zoning Law, and the initiative provisions of the California Elections Code. He has litigated many environmental cleanup, remediation and cost recovery disputes involving contaminated real property. He negotiates complex settlements on numerous environmental and land use disputes.

## Bar & Court Admissions

State Bar of California

## Education

J.D., Georgetown University Law Center, 1986

B.A., New York University, 1983

## Experience

Defending multiple lawsuits brought pursuant to the California Environmental Quality Act challenging a regulatorily mandated water quality compliance project and a separate recycled water project proposed for the Santa Clarita Valley in Los Angeles County.

Transactional and land use representation of a national hospital system to develop a hospital and wellness facility anchored master-planned community located in Bakersfield, California.

Prosecuting land use, environmental and inverse condemnation litigation on behalf of a property owner against the California Department of Transportation arising out of decades long slope

Mixed-Use

Multifamily

Office

Residential, Mixed-Use  
Development & Homebuilding

Retail

failures on property located adjacent to freeway.

Processing land use and regulatory approvals for a national restaurant owner and operator to develop multiple drive-through restaurants located throughout the State of California.

Representing multiple commercial property owners in litigation prosecuting a successful challenge to Malibu's Measure R which proposed to limit commercial development in the Malibu Civic Center.

Representing the owner of a regional shopping mall located in the City of Thousand Oaks to redevelop a portion of an existing mall to include a 165-unit multifamily housing project.

Representing owner of existing office property located in Oxnard, California to redevelop property to multi-family mixed-used development with market rate and affordable housing.

Representing concert venue owner and operator in securing a variety of use permits from multiple jurisdictions located throughout southern California.

Representing developer of high-rise downtown Los Angeles mixed-use project utilizing the City's Transfer of Floor Area Ordinance to develop a 43-story mixed-use project including 319 residential units and 160 hotel rooms.

Representing owner of 36-acres of agriculturally zoned land in Ventura County processing a pre-annexation and development agreement and related land use approvals to develop 250 units of residential housing in the City of Ventura.

Defending legal challenge to the land use entitlements and approvals granted by the City of Los Angeles for the development of the Millennium Hollywood mixed use project located at the Capitol Records site in Hollywood.

Processing land use entitlements and regulatory approvals for the proposed expansion of the Chiquita Canyon landfill in the County of Los Angeles.

Processing land use entitlements and regulatory approvals for the Martin Expo Town Center, a mixed-use transit-oriented development site located in the City of Los Angeles.

Litigated through trial an agreement to develop a cemetery and mortuary facility at the former El Toro Marine Corps Air Station (Heritage Fields and Great Parks Neighborhoods).

Processed land use, environmental and regulatory approvals to develop the Porsche Experience Center at a 53-acre Brownfield site located in the City of Carson.

Processed land use entitlements and regulatory approvals for a 1,135-unit Ponte Vista subdivision and mixed-use development project located in the City of Los Angeles.

Processed land use, environmental and regulatory approvals for the development and use of recycled water at cemetery and mortuary facilities located in Cypress and Covina Hills.

Processed land use entitlements and approvals for the adaptive reuse of Hollywood's Historic Security Pacific Bank to develop a boutique hotel and entertainment facilities. Processed land use entitlements and regulatory approvals from Culver City Redevelopment Agency to construct a 12-story 250,000-square-foot LEED certified office building located in Corporate Pointe.

Processed land use entitlements and approvals to develop 135-unit mixed-use transit-oriented development in Culver City at Exposition Light Rail Station.

Obtained environmental clearances and approvals to develop a 2,000-unit master-planned community on 161-acres of former sugar cane fields on Oahu, Hawaii.

Defended hotel and apartment owners and operators in Proposition 65 litigation involving secondhand tobacco smoke.

Defended a restaurant chain in Proposition 65 litigation involving claimed exposures to mercury in fish and seafood.

Defended a variety of Proposition 65 matters involving importation and sale of vinyl lunchboxes and sale of glassware containing colored artwork.

Prosecuted a RCRA citizen's suit for injunctive relief against the county of Orange at a closed landfill site.

Represented a company in dispute with county of Orange regarding responsibility for implementation of landfill gas control systems and other landfill environmental monitoring systems.

Prosecuted a CERCLA cost recovery action against a lessee of former gun range facility located in the City of Huntington Beach.

Defended 29 municipalities in cost recovery litigation under CERCLA involving the Operating Industries Inc. Superfund site.

Performed transactional due diligence on portfolio of 250 golf course properties in connection with the sale of National Golf Property assets.

Represented a cemetery and mortuary owner and operator on storm water permitting and compliance proceedings.

## Expert Witness Engagements

Domenigoni-Barton Properties LLC v. City of Murietta, Riverside County Superior Court Case No. MCC 1400906 (Development Agreement).

Wu v. Magnus Sunhill Group, Los Angeles County Superior Court Case No. GC045340 (Land Use Entitlements).

K&S Property, LLC v. Villa Development, LLC; Los Angeles Superior Court, Case No. BC 361891, November 2007 (Land Use Due Diligence).

## Insights

### News

Forty-Four Cox, Castle & Nicholson LLP Lawyers Recognized as Best Lawyers® Award Recipients  
Press Release, *Best Lawyers*, 8.17.23

California Relaxes Parking Mandates to Free Up Land for Multifamily Development—but Will Neighbors and Lenders Approve?  
*UrbanLand*, 1.3.23

Op-Ed: The Morning After Declaring a State of Emergency - Confronting The Realities of Homelessness  
Article, *Urbanize: Los Angeles*, 12.21.22

Forty-One Cox Castle Lawyers Named to 2023 Best Lawyers® List  
Press Release, *Best Lawyers*, 8.18.22

Thirty-Four Attorneys Named 2022 California Super Lawyers  
Press Release, *Super Lawyers*, 8.1.22

David Waite and Elizabeth Willes Named 2022 Commercial Real Estate Visionaries  
Press Release, *LA Times*, 5.15.22

David Waite Selected as the 2021 CCA Policy Committee Co-Chair  
Press Release, 2.1.21

Twenty-Five Cox Castle & Nicholson Attorneys have been selected to the 2020 Southern California Super Lawyers  
Press Release, *Super Lawyers*, 5.1.20

ULI's Land-Use Solutions to L.A.'s Homeless Crisis  
Press Release, *Urban Land Institute Los Angeles*, 2.25.20

David Waite Quoted In Commercial Observer Article - Transit-Housing Bill Back in California's Housing Crisis Fight  
News, *Commercial Observer*, 1.9.20

Twenty-Nine Cox, Castle & Nicholson Attorneys Recognized As 2019 Southern California Super Lawyers & Rising Stars  
Press Release, *Southern California Super Lawyers*, 7.15.19

David Waite Mentioned In Sullivan Says SoCal  
News, *Sullivan Says SoCal*, 3.12.19

Thirty-five Cox, Castle & Nicholson Attorneys Recognized As 2018 Southern California Super Lawyers & Rising Stars  
Press Release, *Southern California Super Lawyers*, 7.10.18

David Waite Featured In GlobeSt. Article - Gubernatorial Race to Solve the Housing Crisis  
News, *GlobeSt.*, 6.11.18

David Waite Featured In Bisnow Article - LA's Transit Oriented Communities Program Will Benefit Developers And  
Community  
News, *Bisnow*, 5.14.18

Does A CEQA Lawsuit Stop Your Project? It Depends  
News, *Western Real Estate Business*, 3.5.18

David Waite Featured In Attorney At Law Magazine  
News, *Attorney At Law Magazine*, 2.28.18

David Waite Featured In LA Business Journal Deals & Dealmakers Article  
News, *Los Angeles Business Journal*, 1.8.18

David Waite Featured In GlobeSt.'s Middle Market Digest: This Week In Southwest  
News, *GlobeSt.com*, 1.5.18

David Waite Featured For CRE Credential In Westside Today Article  
News, *Westside Today*, 12.20.17

Cox, Castle & Nicholson Partner David Waite Awarded the CRE® Credential from The Counselors of Real Estate®  
Press Release, *CCN Press Release*, 11.29.17

David Waite Quoted In The Real Deal Article - Will New California Law Cut Red Tape For Developers?  
News, *The Real Deal*, 10.5.17

Andrew Fogg, Kenneth Williams, David Waite, and Gregory Caligari Featured in GlobeSt. Article - Housing Costs and  
Land Use Top List of CRE Woes  
News, *GlobeSt.*, 9.14.17

Cox Castle Nicholson Named to The Legal 500 United States 2017 Series  
Press Release, *The Legal 500 United States 2017 Series*, 8.3.17

David Waite Mentioned In Connect Media Article - How Los Angeles Re-Invents Itself Again, and Again  
News, *Connect Media*, 6.28.17

Thirty Six Cox, Castle & Nicholson Attorneys Recognized As 2017 Southern California Super Lawyers & Rising Stars  
Press Release, *Southern California Super Lawyers*, 6.7.17

David Waite Quoted In Los Angeles Business Journal Article - City of L.A. Rewrites Environmental Report Rules  
News, *Los Angeles Business Journal*, 5.15.17

David Waite Quoted In The Real Deal Article - A Eulogy For Measure S  
News, *The Real Deal*, 4.17.17

David Waite Quoted In Connect Media Article - View from the CRE Community on Measure S  
News, *Connect Media*, 3.9.17

David Waite Quoted In Connect Media Article - Measure S Soundly Defeated in LA  
News, *Connect Media*, 3.8.17

David Waite Was Quoted In The Wall Street Journal Article - Los Angeles Looks to Ban Major Real-Estate  
Developments  
News, *The Wall Street Journal*, 2.16.17

David Waite was featured in The Real Deal  
News, *The Real Deal*, 12.2.16

The Legal Regulations Landowners Need to Know  
News, *Globe St.*, 6.21.16

EXPO Line, The New Development Hotspot  
News, *GlobeSt.*, 6.14.16

Thirty Five Cox, Castle & Nicholson Attorneys Recognized As 2016 Southern California Super Lawyers  
Press Release, *Southern California Super Lawyers*, 6.6.16

Cox, Castle & Nicholson's David Waite Elected To The American College Of Real Estate Lawyers  
Press Release, 5.6.16

Navigating Transportation In Silicon Beach  
News, *Bisnow*, 3.30.16

Sherman Tackles "Empty Density" With Hypo-Park  
News, *FORM Magazine*, 11.18.15

Homes On Line In Sister Cities  
News, *Los Angeles Business Journal*, 10.19.15

Daily Journal - Who Is Most To Blame For Higher Gas Prices?  
News, *Los Angeles Business Journal*, 9.24.15

What Attorneys Wish They Knew When They Graduated  
News, *Law360*, 6.26.15

Thirty Cox, Castle & Nicholson Attorneys Recognized As 2015 Southern California Super Lawyers And Six Named As Rising Stars

Press Release, 1.23.15

Malibu Landowners Sue City To Block Measure R Enforcement

News, *The Los Angeles Times - Malibu*, 1.5.15

Cox, Castle & Nicholson Launches New "Lay of the Land" Blog to Explore State and Federal Regulation of Land Use and Development in California

Press Release, 12.9.14

Daily Journal Selects David Waite on their Top 50 Development Attorneys

News, *Daily Journal*, 8.13.14

Big City Brownfields Catch Developers' Eyes

News, *Daily Journal*, 8.13.14

Malibu's Lid On Chain Stores Sets Up Constitutional Fight

News, *Los Angeles Daily Journal*, 7.17.14

41 Cox, Castle & Nicholson Attorneys Recognized As 2014 Super Lawyers

Press Release, 7.17.14

Land Use Ordinance Could Broadly Impact Where "Formula Retail" Businesses Can Operate

News, *Daily Journal*, 3.18.14

Tide Finally Turns In San Pedro For Residential Project

News, *Los Angeles Business Journal*, 3.10.14

Video: ULI Urban Innovation Grants

News, *Urban Land Institute (ULI)*, 12.4.13

Malibu Planning Commission recommends against chain-store law

News, *Los Angeles Times*, 7.30.13

Waite Won't Stand Still With ULI

News, *Globe St.*, 7.29.13

Urban Land Institute, Los Angeles, Names David P. Waite New Chair

Press Release, *CCN Press Release*, 7.22.13

Battle Looms over Malibu Chain Ordinance

News, *Malibu Times*, 7.17.13



Demand For Higher-End Dorms Fuels Student Housing Boom  
News, *Law 360*, 6.28.13

Santa Monica Civic Faces Showdown  
News, *GlobeSt.com*, 5.24.13

Healthcare Focus: Seniors Decentralization  
News, *GlobeSt.com*, 5.21.13

Waite Joins Cox, Castle & Nicholson  
News, *GlobeSt.com*, 5.15.13

Veteran Land Use and Environmental Attorney Joins Cox Castle & Nicholson  
Press Release, *CCN Press Release*, 5.13.13

No Property Fire Sales Anticipated in Next Phase of RDA Dissolution  
News, *The Bond Buyer*, 4.16.13

## Speaking Engagements

LAHQ's Fireside Chat of 2023  
Conference, Millennium Biltmore Hotel, 6.5.23

Connect Los Angeles 2023  
Conference, Hotel Indigo DTLA, 5.3.23

Interface Seniors Housing West  
Sponsorship, Omni Los Angeles, 2.2.23

Connect Los Angeles  
Conference, Hotel Indigo, 6.22.22

American College of Real Estate Lawyers, Spring Meeting  
Conference, 3.25.22

ULI Large Landowners Forum  
Webinar, 5.13.21

LAHQ Presents A Conversation with LA Councilmember Kevin De Leon  
Webinar, 4.8.21

A+D Museum's Bridging Realities Panel  
Webinar, 10.10.20

Skid Row Housing Trust's Virtual Community Meeting  
6.25.20

StimULI Panel - State of the City Update: Insights from Los Angeles Leaders in Real Estate  
Webinar, 4.16.20

Connect Los Angeles 2020  
3.26.20

ULI's Homelessness—Confronting the Land Use Challenges to Housing the Homeless  
Conference, The Cathedral, Los Angeles, CA, 3.4.20

6th Annual Interface Seniors Housing West  
Conference, The Omni Hotel, Los Angeles, California, 2.20.20

The Counselor's of Real Estate's "Developing The Future City"  
Seminar, Cox Castle Nicholson Office, Irvine, California, 11.20.19

CCA's Innovation in Industry: Housing  
Conference, City Club Los Angeles, Los Angeles, CA, 6.27.19

LAHQ Mayor's Forum - The Future of Cities  
Conference, The California Club, Los Angeles, CA, 6.13.19

LAHQ's Mayor's Forum - The Future of Cities  
Conference, The California Club, Los Angeles, CA, 6.13.19

The Seminar Group's Rethinking Homelessness  
Conference, DoubleTree by Hilton LA Downtown, Los Angeles, CA, 3.8.19

Seminar Group's Rethinking Homelessness  
Seminar, DoubleTree By Hilton Hotel Los Angeles Downtown, Los Angeles, CA, 3.8.19

Connect Westside Los Angeles  
Conference, The Luxe Hotel, Los Angeles, CA, 11.27.18

LAHQ's Developing The Future City  
Conference, The California Club, Los Angeles, CA, 11.8.18

LAHQ's 28 x 2028  
Conference, The California Club, Los Angeles, CA, 6.14.18

2018 California Land Use Law & Policy Conference  
Conference, Omni Hotel, Los Angeles, CA, 3.5.18

4th Annual Interface Seniors Housing West Conference  
Omni Hotel, Los Angeles, CA, 3.1.18

2018 Santa Barbara/Ventura County Market Trend Seminar  
Seminar, Crown Plaza Hotel, Ventura, CA, 2.15.18

UCLA 2018 Housing Supply Symposium  
Conference, University of California, Los Angeles, Los Angeles, California, 2.5.18

2017 Connect Westside Los Angeles  
Conference, Luxe Sunset Boulevard, Los Angeles, CA, 12.13.17

2017 ACREL Annual Meeting  
Conference, InterContinental Hotel, Los Angeles, CA, 10.19.17

Connect Los Angeles 2017  
Conference, Hotel Indigo DTLA, Los Angeles, CA, 6.21.17

Los Angeles Headquarters Association's 56th Annual Awards Luncheon  
Sponsorship, The California Club, Los Angeles, California, 4.26.17

YLG Art of Development Series: Process and Politics of Entitlements  
Seminar, DLR Group, Los Angeles, CA, 4.4.17

ULI Density Wars: Everything You Need to Know About Measure S  
Conference, The Theater at South Park Center, Los Angeles, CA, 2.14.17

Beverly Hills Bar Association Presents "Ballot Box Zoning: The People Have Spoken"  
Seminar, Beverly Hills Bar Association, Beverly Hills, CA, 1.25.17

LAHQ Proudly Presents: Densifying LA  
Conference, City View Penthouse, Los Angeles, CA, 11.10.16

ULI Lard Landowner Forum at the 2016 ULI Fall Meeting  
10.25.16

2016 ULI Large Landowners Forum  
Conference, Union Station, Dallas, TX, 10.25.16

American College of Real Estate Lawyers Annual Meeting 2016  
Conference, The Waldorf Astoria Hotel, New York City, New York, 10.6.16

The National Multiple Sclerosis Society's 41st Annual Dinner of Champions  
Sponsorship, California Science Center, Los Angeles, CA, 9.29.16

ULI Large Landowners Forum  
Conference, Pennsylvania Convention Center, Philadelphia, Pennsylvania, 4.19.16

Forward Thinking for Effective Portfolio Management within Regulatory Realities  
4.19.16

Bisnow's Annual Los Angeles Silicon Beach Event  
Conference, 3.22.16

ULI Fall Meeting 2015 - San Francisco  
Conference, San Francisco, California, 10.7.15

Connect Los Angeles Conference  
Conference, City Club, Los Angeles, California, 6.3.15

ULI Fall Meeting 2014 - New York  
Conference, Javits Center, New York, New York, 10.22.14

ULI Fall Meeting 2014  
Conference, Javits Center, New York, New York, 10.21.14

Westside Urban Forum  
Conference, The Olympic Collection , Los Angeles, California, 10.17.14

Law Seminar International  
Seminar, DoubleTree Guest Suites Santa Monica Hotel, Santa Monica, California, 10.6.14

The CEQA Guidelines : What's Their Role, and What's On The Horizon?  
10.6.14

Subdivision Valuation in Southern California  
Seminar, 8.21.14

Appraisal Institute - Northwestern Branch Breakfast Meeting: "California's Land Use Entitlement Process"  
Seminar, Spitfire Grill, Santa Monica, California, 4.17.14

5th Annual InterFace Healthcare Real Estate West Conference  
Conference, Omni Hotel, Los Angeles, California, 3.18.14

ULI - FutureBuild 2014  
Conference, L.A. Hotel Downtown, Los Angeles, California, 1.28.14

2013 ULI Fall Meeting  
Conference, McCormick Place Convention Center, Chicago, Illinois, 11.6.13

ULI-LA Housing Council '1st Friday' Meeting  
Reception, The ULI-LA office, Los Angeles, California, 6.7.13

Reviving Dormant Real Estate Projects: Legal Considerations  
Evaluating and Assessing Land Use Entitlements, Discretionary Approvals, and Other Key Issues  
Webinar, Strafford Webinar, 6.5.13

2013 ULI Spring Meeting  
Conference, Hilton San Diego Bayfront, 5.15.13

4th Annual InterFace Healthcare Real Estate West Conference  
Conference, Sheraton Hotel, Los Angeles, California, 3.20.13

2016 ULI Spring Meeting  
Conference, Pennsylvania Convention Center, Philadelphia, PA, 11.00

## Publications

Beyond Residential: Office Conversions To Life Science, Industrial And Other Uses  
Client Alert, 8.17.23

2022-23 Top Ten Issues Affecting Real Estate®  
Article, *The Counselors of Real Estate*, 8.15.22

Los Angeles Imposes New Political Contribution Prohibitions and Ethics Commission Reporting Requirements for Real Estate Developers  
Client Alert, 6.16.22

California Focuses On Its Toughest Topics  
Article, *Western Real Estate Business*, 5.7.18

Cracking the Housing Code  
Article, *UCLA*, 4.16.18

Takeaways From California Land Use Conference  
Article, *Daily Journal*, 3.29.18

State High Court Decision May Complicate CEQA Process  
Article, *Daily Journal*, 12.11.15

## Awards & Affiliations

### Honors & Recognitions

*The Best Lawyers in America*, 2023 Edition

*Los Angeles Times*, CRE Visionary, 2022

*Los Angeles Business Journal*, Top 100 Lawyers, Finalist, 2021

Recommended Attorney, Real Estate, *Legal 500 USA*, 2017

Southern California Super Lawyers, 2011-2021

*Los Angeles Daily Journal* Top 50 Development Attorneys, 2014

Martindale Hubbell "AV" Overall Peer Rating 5.0 out of 5.0

### Professional Affiliations

Fellow, American College of Real Estate Lawyers (ACREL), 2016 - Present

Member, The Counselors of Real Estate, 2017 – Present

Los Angeles Headquarters Association, President, 2023; Board of Directors, 2016 - 2023

Urban Land Institute (ULI), Los Angeles District Council, Governance Chair 2015-present; Chair, 2013-2015; Advisory Board, 2006-present; Program Committee Chair, 2006-2013

Urban Land Institute (ULI), Community Development Council-Blue Membership Chair 2013-present

Urban Land Institute (ULI), Board of Governors, 2011-present

Southern California Real Estate Alliance, Chairman Emeritus, 2000-present

Westside Urban Forum, 2004-present

Los Angeles County Bar Association's Environmental and Land Use Sections, Barristers Program

Century City Bar Association, Chair Environmental and Land Use Section, 2004

California Infill Builders Federation, Board Member, 2008-2012