

**Los Angeles**

2029 Century Park East  
Suite 2100  
Los Angeles, CA 90067

**PHONE** 310.284.2218  
**FAX** 310.284.2100  
**EMAIL** [dwaite@coxcastle.com](mailto:dwaite@coxcastle.com)

**PRACTICE AREAS**

- Land Use & Natural Resources
- Environmental
- Litigation & Dispute Resolution
- Real Estate

**EDUCATION**

- J.D., Georgetown University Law Center, 1986
- B.A., New York University, 1983

**BAR AND COURT  
ADMISSIONS**

- State Bar of California

# David P. Waite

PARTNER

**OVERVIEW**

David has over twenty-five years of land use and environmental law experience. His practice focuses on CEQA, climate change, development agreements, discretionary permits and entitlements, infrastructure agreements, public-private partnerships, subdivisions, zoning, environmental regulatory compliance, CERCLA, RCRA, and Proposition 65. David regularly appears before planning commissions, city councils, and other federal, state, and local government agencies on land use and regulatory matters. David has litigated to final judgment numerous environmental and land use disputes. He has represented a variety of developers, lenders and institutional investors on the environmental and land use aspects of workouts, debt restructurings, and foreclosures. David advises clients on transactional matters involving Brownfields and other environmentally impaired real property.

David is a Fellow of the American College of Real Estate Lawyers ("ACREL"). He has been identified by the Los Angeles Daily Journal as one of the "Top 50 Development Attorneys" in California. He is actively involved in numerous Real Estate Industry associations. He is the Governance Chair and immediate past Chair of the Urban Land Institute's Los Angeles District Council ("ULI-LA"). He is Chairman Emeritus of the Southern California Real Estate Alliance and a member of the Westside Urban Forum. He previously served on the Advisory Board of the California Infill Builders Federation.

**REPRESENTATIVE MATTERS****Land Use Matters**

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 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-

**LOS ANGELES**

2029 Century Park East, Suite 2100  
Los Angeles, CA 90067

**P** 310.284.2200 **F** 310.284.2100

**ORANGE COUNTY**

3121 Michelson Drive, Suite 200  
Irvine, CA 92612

**P** 949.260.4600 **F** 949.260.4699

**SAN FRANCISCO**

50 California Street, Suite 3200  
San Francisco, CA 94111

**P** 415.262.5100 **F** 415.262.5199

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.

#### Environmental Matters

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).

---

#### LOS ANGELES

2029 Century Park East, Suite 2100  
Los Angeles, CA 90067

**P** 310.284.2200 **F** 310.284.2100

#### ORANGE COUNTY

3121 Michelson Drive, Suite 200  
Irvine, CA 92612

**P** 949.260.4600 **F** 949.260.4699

#### SAN FRANCISCO

50 California Street, Suite 3200  
San Francisco, CA 94111

**P** 415.262.5100 **F** 415.262.5199

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

## **PUBLICATIONS & SPEAKING ENGAGEMENTS**

---

### Recent Publications

*The California Environmental Quality Act in 2015 – Summary of New Court Decisions, Statutory Changes and Proposed CEQA Guidelines Amendments*, 2/4/2016

*State High Court Decision May Complicate CEQA Process*, Daily Journal, 12/11/2015

*Supreme Court Paves Way For Property Owners To Challenge EPA Compliance Orders, The Conveyor*, March 2012

*New Media/Technology Companies Set A New Standard For The 21st Century Office Building*, Real Estate Finance Journal, Summer 2012

*Calbar Real Property Law Section Newsstand: California Redevelopment: The Winding Road Ahead*, February 2012

*Will Health Care Facilities Prove To Be The Antidote For Orange County's Ailing Commercial Real Estate Market?*, Orange County Business Journal, 9/26/2011

*Los Angeles Business Journal: Lots Of Space*, Los Angeles Business Journal, 2/22/2010

### Recent Speaking Engagements

"Repositioning Space and Transforming Neighborhoods," *Connect Los Angeles 2017*, 6/21/2017

*Los Angeles Headquarters Association's 56th Annual Awards Luncheon*, 4/26/2017

*YLG Art of Development Series: Process and Politics of Entitlements*, 4/4/2017

*ULI Density Wars: Everything You Need to Know About Measure S*, 2/14/2017

*Beverly Hills Bar Association Presents "Ballot Box Zoning: The People Have Spoken"*, 1/25/2017

*LAHQ Proudly Presents: Densifying LA*, 11/10/2016

"Update on Regulatory Issues," *2016 ULI Large Landowners Forum*, 10/25/2016

*American College of Real Estate Lawyers Annual Meeting 2016*, 10/6/2016

*The National Multiple Sclerosis Society's 41st Annual Dinner of Champions*, 9/29/2016

"Forward Thinking for Effective Portfolio Management within Regulatory Realities," *ULI Large Landowners Forum*, 4/19/2016

"Forward Thinking for Effective Portfolio Management within Regulatory Realities," *2016 ULI Spring Meeting*, 4/19/2016

---

#### LOS ANGELES

2029 Century Park East, Suite 2100  
Los Angeles, CA 90067

**P** 310.284.2200 **F** 310.284.2100

#### ORANGE COUNTY

3121 Michelson Drive, Suite 200  
Irvine, CA 92612

**P** 949.260.4600 **F** 949.260.4699

#### SAN FRANCISCO

50 California Street, Suite 3200  
San Francisco, CA 94111

**P** 415.262.5100 **F** 415.262.5199

"Mobility," *Bisnow - The Future of Silicon Beach*, 3/22/2016

"A Case Study On Best Practices For Unlocking Urban Density In A Vibrant Infill Master Planned Community," *ULI Fall Meeting 2015 - San Francisco*, 10/7/2015

"Joint Development and Transit Expansion," *Connect Los Angeles Conference*, 6/3/2015

"Shared Autonomous Vehicles: Anticipated Impacts On Travel, Land Use and Urban Planning," *ULI Fall Meeting 2014 - New York*, 10/22/2014

"Who's Next?: Succession Planning at all Levels," *ULI Fall Meeting 2014*, 10/21/2014

"Rentrification: What to do about the Rental Rate Crisis in LA?," *Westside Urban Forum*, 10/17/2014

"The CEQA Guidelines : What's Their Role, and What's On The Horizon?," *Law Seminar International*, 10/6/2014

"Entitlement Impacts on Land Values," *Southern California Chapter Of The Appraisal Institute - Subdivision Valuation In Southern California*, 8/21/2014

"California's Land Use Entitlement Process," *Appraisal Institute - Northwestern Branch Breakfast Meeting*, 4/17/2014

"2014 Development Outlook—What Are Providers Looking For and How the Growing Shift to Off-Campus, Free-Standing Out-Patient Facilities is Driving Development and the Next Generation of Healthcare Real Estate," *5th Annual InterFace Healthcare Real Estate West Conference*, 3/18/2014

"Space Changers," *ULI - FutureBuild 2014*, 1/28/2014

"Ponte Vista Re-Visioned - Restructuring a Land Deal," *2013 ULI Fall Meeting*, 11/6/2013

*ULI-LA Housing Council '1st Friday' Meeting*, 6/7/2013

"Evaluating And Assessing Land Use Entitlements, Discretionary Approvals, And Other Key Issues," *Reviving Dormant Real Estate Projects: Legal Considerations*, 6/5/2013

"Health Care Consolidation and Decentralization: Land Use Perspectives on the Development of Wellness Facilities," *2013 ULI Spring Meeting*, 5/15/2013

"Is the Traditional MOB an Endangered Species? Can New Ownership and Fresh Capital Successfully Add Value and Reposition Properties into a New Future?," *4th Annual InterFace Healthcare Real Estate West Conference*, 3/20/2013

"Forward Thinking for Effective Portfolio Management within Regulatory Realities, Leadership Session with Carol Murray," *2016 ULI Spring Meeting*, 1/1/1900

"Aftermath Of The Dissolution Of Redevelopment Agencies In California – What Happens Next?," State Bar Of

**LOS ANGELES**

2029 Century Park East, Suite 2100  
Los Angeles, CA 90067

**P** 310.284.2200 **F** 310.284.2100

**ORANGE COUNTY**

3121 Michelson Drive, Suite 200  
Irvine, CA 92612

**P** 949.260.4600 **F** 949.260.4699

**SAN FRANCISCO**

50 California Street, Suite 3200  
San Francisco, CA 94111

**P** 415.262.5100 **F** 415.262.5199

California 85<sup>th</sup> Annual Meeting

"Fixes For Infill Development Barriers," Strategic Growth Council

"CEQA Reform - Ripe For Fundamental Change?," Stimuli Breakfast, 6/20/2012

"What Does The Regional Transportation Plan And The Sustainable Communities Strategy Mean To Development?," Urban Land Institute 3rd Annual Transit-Oriented Development Summit, 6/7/2012

## AWARDS & AFFILIATIONS

---

### Awards & Recognition

- Recommended Attorney, Real Estate, *Legal 500 USA*, 2017
- Southern California Super Lawyers, 2011-2017
- *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
- Los Angeles Headquarters Association, Board of Directors, 2016 - Present
- 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

---

#### LOS ANGELES

2029 Century Park East, Suite 2100  
Los Angeles, CA 90067

**P** 310.284.2200 **F** 310.284.2100

#### ORANGE COUNTY

3121 Michelson Drive, Suite 200  
Irvine, CA 92612

**P** 949.260.4600 **F** 949.260.4699

#### SAN FRANCISCO

50 California Street, Suite 3200  
San Francisco, CA 94111

**P** 415.262.5100 **F** 415.262.5199