

## DANIEL P. DOPORTO

### REPRESENTATIVE ENGAGEMENTS

The following is a partial list of the current and former clients to whom Dan Doportto has provided land use and CEQA-related legal services, with a brief description of the nature of the services provided.

#### *County of Alameda*

**Juvenile Justice Facility.** Advised County regarding CEQA/NEPA compliance for proposed juvenile justice facility. Services included reviewing portions of joint EIR/EIS to ensure compliance with CEQA and NEPA requirements; reviewing local land use plans of multiple jurisdictions to determine whether alternatives to proposed facility would conform to local land use rules and regulations; reviewing land use regulatory agreement between County and City of Dublin to determine whether agreement constrained County's ability to construct the proposed facility in the City of Dublin.

#### *City of Antioch*

##### **FUA 1 Planning and Environmental Review/General Plan Update and Specific Plan Development.**

Counseled City regarding compliance with CEQA, Planning And Zoning Laws, and Urban Water Management Planning laws (SB 610 and SB 221) for various planning and environmental review processes relating to its 2,700 acre Future Urbanization Area #1 (FUA 1). Prepared and reviewed planning and environmental documents for FUA 1, including: (i) the 2003 General Plan update, to the extent that it established General Plan-level land use designations and permitted uses for FUA 1; (ii) the 2003 EIR for the General Plan Update, as applied to FUA 1; (iii) the General Plan-level Framework Resources Management Plan ("RMP") for the Sand Creek (FUA 1) Focus Area; (iv) the proposed Sand Creek (FUA 1) Specific Plan; (v) the August 2002 Draft EIR for the Sand Creek Specific Plan; (v) the 2003 Revised and Recirculated Draft EIR for the Sand Creek (FUA 1) Specific Plan; and (vi) the Specific Plan-level Programmatic RMP for the Sand Creek Focus Area. Services provided to City included reviewing draft General Plan Update and proposed Specific Plan to ensure consistency in planning documents, reviewing associated environmental impact reports to expedite CEQA process by implementing CEQA's 'tiering' provisions and to ensure consistency between EIRs; working with City's biological consultants to prepare Resources Management Plans; preparing the Water Supply Assessment for the proposed Sand Creek Specific Plan required by SB 610; and preparing resolutions and findings to ensure legal defensibility of City's approvals.

**Residential Development Allocation (RDA) Program Amendment.** Reviewed and evaluated legal defensibility of City's Residential Development Allocation ("RDA") Ordinance. Developed amendments to RDA Ordinance which were adopted by the City in March 2005.

**West Coast Homes v. City of Antioch (Contra Costa County Superior Court).** Represented City in defense of action alleging the City violated Mitigation Fee Act in adopting increased sewer connection fee. Services included evaluating and advising City on validity of increased connection fee under Mitigation Fee Act; developing and advising City regarding strategy for defending Mitigation Fee Act claims; and advising City regarding adoption of new fee to avoid potential future claims.

### *City of Brentwood*

**Special Counsel for Land Use and CEQA Matters.** Currently serving as Special Counsel to the City on a variety of matters arising under the California Environmental Quality Act (CEQA), the Planning and Zoning Laws, the Subdivision Map Act, and other environmental and land use laws. Issues raised include the adequacy of CEQA compliance for land use entitlements, compliance by developers with subdivision conditions of approval, the validity of proposed zoning ordinances, and the adequacy of proposed environmental mitigation requirements relating to special status species.

### *Cambay Group*

**Silver Springs Residential Subdivision Project (El Dorado County).** Advised client regarding subdivision, annexation issues for proposed residential project. Services provided included evaluating whether tentative map for property had expired or had been automatically extended by filing of large lot final map to determine viability of proposed acquisition; participating in development of LAFCO strategy to secure annexation of property to El Dorado Irrigation District and establish that property was not subject to EID moratorium.

### *Centex Homes*

**Woodland Residential Subdivision Project (City of Woodland).** Advise client with respect to CEQA requirements for tentative map to determine whether project presented viable acquisition opportunity. Services provided included reviewing General Plan, Specific Plan, and associated EIRs to determine scope of CEQA review required for tentative map; developing CEQA strategy to avoid need for subsequent EIR.

### *Concerned Citizens of El Dorado County*

**Concerned Citizens v. County of El Dorado (El Dorado County Superior Court).** Represented developer-backed citizens group in challenge to anti-growth initiative measure (Measure Y) purporting to amend the County's General Plan to limit development based on

increased traffic levels of service. Obtained a court order holding that the ordinance had no further force or effect.

***Davidon Homes***

**Davidon Homes v. City of San Ramon (Contra Costa Superior Court).** Represented landowner in challenge to City ordinance limiting owner's ability to amend General Plan and implement residential development project. Assisted in development of settlement strategy providing for City to continue to process development application.

***Equus Group/Slatten Ranch Partners***

**Slatten Ranch Regional Retail Center (City of Antioch).** Advised landowner/developer clients regarding CEQA compliance for approximately 500,000 square foot regional retail center; assisted client in preparing and successfully processing addendum to previously-certified EIR for broader specific plan area; advised client regarding compliance with prevailing wage laws; assisted in negotiating and drafting multi-party reimbursement agreement between client and adjoining cities for shared infrastructure.

***Gerry N. Kamilos, LLC***

**Brookins Ranch Residential Subdivision Project (City of Colusa/Colusa County).** Currently advising client on all aspects of entitlement process for 600 unit residential subdivision project. Services include reviewing and advising on adequacy of environmental impact report prepared for City of Colusa General Plan Update; reviewing General Plan Update, zoning regulations and development proposal to ensure consistency with applicable land use regulations; preparing infrastructure master plan funding agreement; providing strategic advise regarding preparation and processing of entitlement applications and preparation of project-specific CEQA documents; providing strategic advise on preparation and processing of annexation application.

**Mariposa Lakes Specific Plan (City of Stockton/San Joaquin County).** Currently advising client on all aspects of entitlement process for 3,810 acre mixed-use development project in unincorporated San Joaquin County, to be annexed to the City of Stockton. Entitlements sought from the City of Stockton include an Urban Service Area expansion, General Plan amendment, Specific Plan approval, pre-zoning, approval of development agreement, cancellation of Williamson Act contracts, approval of tentative maps, and certification of accompanying environmental impact report (EIR). Approvals and permits sought from other agencies include approvals by the County Local Agency Formation Commission of an amendment to the City's Sphere of Influence and of annexation of the project site to the City, and permits and approvals required by state and federal regulatory agencies for modifications to wetlands and streambeds. Services provided to date include providing strategic advice on preparation and processing of entitlement applications and CEQA documents; reviewing and commenting on administrative drafts of the proposed Specific Plan and CEQA documents, including technical reports to support environmental analysis; and preparing required CEQA findings. Additional services are expected

to include drafting findings to support cancellation of Williamson Act contracts; reviewing and commenting on proposed findings to support legislative approvals; reviewing and commenting on proposed development agreement; reviewing and commenting on applications and supporting materials to obtain regulatory agency approvals, including approvals from the U.S Army Corps of Engineers, the California Department of Fish & Game, and the San Joaquin Valley Air Pollution Control District.

**Mountain House/College Park Specific Plan (San Joaquin County).** Advised client on all aspects of entitlement and development processes for 815 acre mixed-use development project in unincorporated San Joaquin County. Services included providing strategic advice on preparation and processing of entitlement applications including General Plan amendment, Master Plan amendment, Specific Plan approval, re-zoning, approval of development agreement, issuance of use permits, cancellation of Williamson Act contracts, and certification of environmental impact report (EIR); reviewing and advising on adequacy of CEQA documents; preparing required CEQA findings; preparing findings to support cancellation of Williamson Act contracts; and negotiating and drafting agreements to settle disputes with neighboring landowners; negotiating and drafting infrastructure cost-sharing and reimbursement agreements with neighboring landowners and state and local government agencies; and advising on land use, subdivision and environmental issues arising in course of construction.

### ***John Muir/Mt. Diablo Health System***

**Brentwood Medical Center (City of Brentwood).** Counseled major health care provider in successfully preparing and processing application for General Plan amendment, rezoning, and amendment to development agreement for approximately 900,000 square foot mixed use medical center project. Services provided included drafting amendment to development agreement; negotiating and drafting amendments to General Plan and zoning ordinance to ensure consistency with development agreement; working with City staff to prepare legally defensible approval documents including staff report, approval resolution and supporting findings.

**Mt. Diablo Medical Center (City of Concord).** Assisted major health care provider in developing entitlement, subdivision and CEQA strategy for approximately 500,000 square foot expansion of existing downtown hospital, and construction of new approximately 50,000 square foot cardiac care facility. Services provided included meeting and working with City officials and staff to develop political support for project; working with client and consultants to coordinate preparation and assembly of various elements of application package including project description, CEQA compliance assessment, General Plan land use and zoning diagrams, and preliminary architectural, engineering and landscaping drawings; serving as liaison with City staff to ensure that application materials conform to City requirements; developing and packaging project materials to bring to maximum extent possible scope of project within CEQA exemption for hospital retrofit projects.

### ***Kaiser Foundation Hospitals***

**Deer Valley (FUA 1) Medical Center (City of Antioch).** Assisted major health care provider in successfully preparing and processing applications for Phase 2 of 1.2 million square foot mixed use medical center in Future Urbanization Area #1 in Antioch. Services provided included working with client to prepare and process applications for development of a 340,000 square foot hospital building, a 230,000 square foot medical office building, and a 30,000 square foot central utility plant; working with environmental consultants to develop project modifications required to avoid need for an EIR; preparing and processing an addendum to a previously-certified EIR; assisting in negotiation of conditions of approval for tentative map; working with City staff to prepare legally defensible approval documents including staff report, approval resolution and supporting findings; negotiating and drafting oil pipeline relocation agreements with multiple pipeline companies; negotiating and drafting construction easements and rights of entry with neighboring landowners to allow construction to proceed in timely manner; working with City staff preparing 2003 General Plan Update to incorporate provisions to ensure that ongoing medical center project would remain consistent with General Plan.

**Sunset Medical Center (City of Los Angeles).** Advised client with regard to whether seismic retrofit project was exempt from CEQA requirements under Alquist Seismic Safety Act (SB 1953).

**Vacaville Medical Center (City of Vacaville).** Assisted client in preparing applications and developing CEQA strategy for Phase 2 of approximately 800,000 square foot hospital/medical center. Services provided included reviewing existing development agreement to determine whether modifications to project required development agreement amendment; reviewing EIR for existing project approvals to expedite environmental review process for Phase 2; advising on CEQA strategy for Phase 2 approvals and construction; reviewing proposed conditions of approval to ensure consistency with development agreement; reviewing applicable Airport Land Use Compatibility Plan to determine whether project modifications required amendment to ALUC Plan.

**Vallejo Medical Center (City of Vallejo).** Assisted client with CEQA compliance for seismic retrofit project required by SB 1953. Services provided included reviewing CEQA exemption analysis; advising client on steps required to address neighbors complaints regarding noise, slope issues; working with noise consultants to ensure that ongoing construction complies with City's noise ordinance.

### ***Lennar Communities***

**Northern California Portfolio Acquisition (Contra Costa County).** Oversaw land use due diligence for client's successful acquisition of multi-property portfolio of projects from major northern California home builder. Coordinated land use due diligence by five attorneys for six separate projects in four counties. Performed land use due diligence for proposed residential

community, including review of title reports, local planning documents and regulations (general plans, specific plans, zoning ordinances, subdivision ordinances, etc.), Phase 1 environmental site assessments, Airport Compatibility Land Use Plans, applicable CC&Rs, Urban Water Management Plans, Williamson Act contracts, annexation and LAFCO requirements, environmental impact reports covering the sites (*e.g.*, General Plan EIRs, Specific Plan EIRs, etc.), utility service requirements and availability (including water, sewer, fire and police services), school facility requirements and availability, existence of applicable assessment and community facility districts, and other applicable permitting requirements (*e.g.*, federal wetlands/404 permits, state streambed alteration agreements, endangered species permits or requirements). Prepared and coordinated preparation of comprehensive due diligence reports for all properties.

### ***Lennar Mare Island***

**Mare Island Base Reuse Project (City of Vallejo).** Advised client regarding water supply assessment requirements under Urban Water Management Planning laws (SB 610, SB 221). Services provided included reviewing and evaluating sufficiency of City's Urban Water Management Plan to determine whether project could rely on existing Plan to satisfy SB 610 requirements for residential component of base reuse project.

### ***Mercy Housing, Inc.***

**El Dorado Hills Affordable Housing Project (El Dorado County).** On a *pro bono* basis, successfully defended challenge to County's approvals of client's affordable housing project. Negotiated settlement agreement that preserved client's approvals and allowed project to proceed on a timely basis.

**City of Galt Affordable Housing Project (City of Galt).** On a *pro bono* basis, represented client in successful challenge to City's refusal to approve applications for affordable housing project. Negotiated settlement agreement requiring City to re-consider and approve applications, allowing project to proceed on a timely basis.

### ***National Alliance for the Mentally Ill***

**Crestwood Mental Health Facility (City of Pleasant Hill).** Provided *pro bono* representation to non-profit, self-help and advocacy organization in effort to secure land use approvals for residential mental health care facility. Working with facility operator, succeeded in securing necessary approval.

### ***City of Palo Alto***

**Stanford University Medical Center and Stanford Shopping Center Expansion Projects.** Currently advising client on land use and CEQA issues relating to proposed expansion of Stanford University Medical Center and Stanford Shopping Center. Services include reviewing

and advising on entitlement applications; negotiation and drafting development agreements; reviewing and counseling on preparation of environmental impact reports, including supporting technical reports.

**Infrastructure Agreements.** Currently reviewing and revising infrastructure agreements with neighboring municipalities to provide for expansions, improvements and operation/maintenance responsibilities for various aspects of regional wastewater conveyance and treatment facilities.

### ***Paramount Homes/Wm. Lyon Homes***

**Alves Ranch/Vista Del Mar Project (City of Pittsburg).** Advised clients regarding dispute with City and neighboring landowner over rights to water service, including reviewing and evaluating water service agreements between City and neighboring landowner and developing legal and political strategies to successfully overcome obstacles posed by water service agreements; prepared SB 610 Water Supply Assessment for 1,100 acre mixed use development project. Advised clients regarding state and federal requirements for annexation of project site into water agencies' service areas.

### ***Port of Stockton***

**Shields v. Port of Stockton (San Joaquin County Superior Court).** Successfully defended Port's expansion project against CEQA challenge by neighboring property owners. Obtained dismissal of case on demurrer.

### ***Richland Development***

**Sand Creek (FUA 1) Senior Residential Project (City of Antioch).** Advised client regarding whether and extent to which project modifications could require additional environmental review. Services provided included reviewing project proposal and proposed modifications; reviewing prior CEQA documents providing coverage for project (General Plan EIR and draft Specific Plan DEIR); and evaluating and advising client of extent to which prior CEQA documents provided coverage for proposed project modifications and whether subsequent EIR would be required.

### ***Rocklin 650 Investors/Clover Valley Estates Owners Association***

**Clover Valley Lakes (City of Rocklin).** Advised landowners/developer in connection with approximately 620 acre mixed use development project. Services provided included evaluating and advising client on scope of development permitted under development agreement; advising client on entitlement strategy (*e.g.*, scope and timing of entitlement applications, including General Plan amendment, amendment to development agreement, and rezoning); advising client on CEQA strategy; reviewing and advising on tentative map application materials; advising on requirements for processing tentative map application; assisting in negotiation of proposed conditions of approval for tentative map; advising on extent to which zoning ordinance constrains lotting and circulation layouts.

### ***City of Sacramento***

**Natomas Basin Habitat Conservation Plan (City of Sacramento).** Advised City regarding defensibility and adoption of habitat conservation plan (“HCP”) required to permit development in North Natomas Community Plan area. Services provided included reviewing and advising on defensibility of HCP and implementing agreement under state and federal Endangered Species Acts and assisting in representation of City in federal court action (National Wildlife Federation v. Babbitt) challenging U.S. Fish & Wildlife Service’s approval of Natomas Basin HCP and issuance to City of incidental take permits under the federal Endangered Species Act.

### ***San Lucas Ranch/Nancy Crawford-Hall***

**Crawford-Hall v. Cachuma Operations and Maintenance Board (Santa Barbara County Superior Court).** Represented landowner in successful CEQA challenge to joint powers authority’s approval of creek modifications intended to create access for endangered fish species’ to client’s private property, thereby threatening client’s existing ranching and quarrying operations. Reviewed and prepared comments on joint state-federal Environmental Impact Report/Environmental Impact Statement under NEPA and CEQA for renewal of state water rights permits required to continue operation of federal dam.

### ***Sierra Pacific Industries***

**Martis Valley Community Plan (Placer County).** Counseled landowner regarding proposed rezoning of property designated as a “Timber Production Zone.” Advised client regarding requirements for rezoning under CEQA, Planning And Zoning Laws, Forestry Practices Act, California Timberland Productivity Act, and various County and Forestry Department regulations.

**Peaceful Oaks Estates Subdivision (Tuolumne County).** Advised client on adequacy of environmental impact report prepared for proposed 600 acre residential development project in unincorporated Tuolumne County.

### ***Smith Ranch Company***

**Smith Ranch Homeowners Ass’n v. Smith Ranch Co. (Solano County Superior Court).** Successfully defended landowner/residential developer client against quiet title action filed by neighboring homeowners’ association. Obtained favorable ruling on all claims in binding arbitration.

***Toll Bros.***

**Land Use Due Diligence (Contra Costa County).** Performed land use due diligence for proposed property acquisition. Services provided included reviewing title reports, local planning documents and regulations (potentially applicable general plans, specific plans, zoning ordinances, and subdivision ordinances, etc.), Williamson Act contracts, annexation and LAFCO requirements, environmental impact reports and environmental studies covering the site (*e.g.*, General Plan EIR, wetlands delineation, species surveys, etc.), utility service requirements and availability, school facility requirements and availability, and other applicable permitting requirements (*e.g.*, federal wetlands/404 permits, state streambed alteration agreements, endangered species permits or requirements). Reviewed County's planning history and conferred with County officials and staff to assess political support for development of property.

***Windemere BLC Land Co.***

**Dougherty Valley (Contra Costa County).** Counseled developer of 5,000 acre mixed-use, master planned community on various aspects of project development including CEQA compliance, subdivision issues, federal wetlands and endangered species regulations, and various issues arising under client's development agreement and multiple settlement agreements applicable to development of property. Services provided included negotiating with County to resolve disputes over scope of development permitted by development agreement and various settlement agreements; reviewing CEQA documents for existing project approvals to develop CEQA strategy for subsequent project approvals and avoid need for subsequent EIRs; working with County to prepare CEQA documents, including Initial Studies, addenda to EIRs, and mitigated negative declarations; reviewing studies prepared by biological consultants to expedite environmental review and minimize constraints on development posed by biological conditions on project site.