



S. DOUGLAS KERNER

HFM Partner Doug Kerner represents financial institutions, developers, and investors in commercial real estate and lending transactions. Mr. Kerner also represents public and private clients in land use and environmental matters. He has been in private practice in San Diego for 30 years and is a partner in HFM’s Real Estate Practice Group.

REAL ESTATE FINANCE AND TRANSACTIONS

Mr. Kerner negotiates and documents commercial real estate loans, including construction loans and term loans, in both single-bank and syndicated transactions in California and throughout the United States. His experience includes structuring, negotiating, and documenting a \$167 million syndicated construction loan for a high-end retail, office and residential project, and a \$32.5 million term loan to refinance multiple apartment projects located across several counties.

Other deals Mr. Kerner has closed include construction loans for retail malls, senior living/skilled nursing facilities, self-storage projects, hotels, luxury apartments and high-rise residential development. He has also closed term loan transactions involving active-adult communities, senior care facilities, medical office buildings, apartment and condominium projects, retail strip centers, and gas station/convenience store facilities.

In addition, Mr. Kerner represents lenders in commercial debt financing transactions involving various types of credit facilities across a broad range of industries, including a \$300 million credit facility for a national retail developer, a \$30 million line of credit for a foreign renewable energy company, a \$10 million line of credit for a furniture retailer, and a \$6.7 million revolving line of credit for a local self-storage developer. He recently handled the refinance of the historic Spreckels Theater building in downtown San Diego on behalf of the lender.

PRACTICE AREAS

- ▶ Corporate & Securities
- ▶ Real Estate

EDUCATION

- ▶ J.D., Washington University School of Law (1992)
- ▶ B.S., San Diego State University, *cum laude* (1988)

ADMITTED TO PRACTICE

- ▶ California

AFFILIATIONS

- ▶ State Bar of California
- ▶ San Diego County Bar Association
- ▶ South County Economic Development Council Chair, Board of Directors (2018-2019)
- ▶ Chula Vista Charitable Foundation, Board of Directors and Finance Committee Chair
- ▶ Downtown San Diego Partnership, Board of Directors (2022)
- ▶ Forever Balboa Park, Chair, Board of Directors
- ▶ Third Avenue Village Association, Board of Directors, Chair, Economic Development Committee (2014-2017)
- ▶ Rolling Hills Ranch Community Association, Past President
- ▶ Eastlake Little League, Manager

Mr. Kerner often represents clients in the purchase and sale of commercial real estate and commercial leasing transactions. He has negotiated the purchase and sale of restaurants on behalf of buyers and sellers and has negotiated a variety of retail and office leases. He has also handled transactions involving ground leases, including drafting, reviewing, and negotiating new ground leases, and financing loans secured by existing ground leases. He has represented a national restaurant chain in documenting and negotiating its ground leases in California.

LAND USE AND DEVELOPMENT

Mr. Kerner also handles land use matters, representing developers in entitling residential, commercial, and mixed-use projects throughout southern California. He helps clients navigate the increasingly complex local land use approval process and advocates for them at administrative hearings and appeals on development projects. He regularly interacts with engineers, planners, architects, lobbyists, agency staff, and appointed and elected officials, to successfully resolve numerous land use issues, including compliance with the California Environmental Quality Act, to ensure that projects stay on track, obtain timely approvals, and avoid costly litigation. He has obtained approvals for general plan amendments, large specific plans, general plan amendments and zone changes, tentative tract maps, conditional use permits, variances, conservation easements and Williamson Act cancellations.

In addition to private developers, Mr. Kerner has represented public agencies in land use and environmental matters. While serving as a deputy city attorney for the City of Indio, California, he sat on the dais with the Planning Commission at public hearings and worked closely with the Planning Director and staff on a wide range of land use issues. Recently, he negotiated and drafted a complex development agreement involving the SANDAG mid-coast trolley project. This municipal experience gives him a valuable perspective in advising private clients seeking to resolve land use issues with public agencies.

HOSPITALITY AND WINERIES

For many years, Mr. Kerner's practice has also included representing many wineries, both large and small, in the burgeoning Temecula Wine Country. He has advised them on general business and real estate matters and has assisted them in securing land use approvals and development permits for a variety of new and expanded facilities, including wineries, hotels, special event facilities, residential housing, and related uses. He has helped wineries successfully negotiate reciprocal easement agreements, resolve agricultural issues under California's Williamson Act, achieve compliance with zoning, permitting and environmental matters, and navigate public finance issues related to major infrastructure improvements. He was deeply involved in the adoption and implementation of the Temecula Wine Country Community Plan, a project encompassing 18,000 acres in the County of Riverside.

Mr. Kerner is committed to giving back to the communities in which he lives and works. He is a civic leader who has served on several nonprofit boards over the years, where he has gained invaluable experience with nonprofit governance, federal, state, and local grants, and finance. He currently serves on the boards of Forever Balboa Park, where he is the Chair of the Board of Trustees, and the South County Economic Development Council, where he previously served as Board Chair and continues to

serve on the Executive Committee. He has also served on the boards of the Downtown San Diego Partnership and the Chula Vista Charitable Foundation, an affiliate of the San Diego Foundation. In 2017, Mr. Kerner represented the Friends of Balboa Park on a pro bono basis in its acquisition of the Balboa Park Carousel, helping to keep this iconic treasure in San Diego for future generations.

Prior to joining HFM, Mr. Kerner practiced in the San Diego office of Buchanan Ingersoll & Rooney LLP, a national law firm with over 500 lawyers. He was a member of the firm's Financial Institutions, Bankruptcy and Real Estate Section.

Mr. Kerner is a second-generation native San Diegan. He is a passionate Padres and Aztecs fan, loves listening to music and attending concerts, and can occasionally be found on a golf course or a pair of snow skis.