

Nicki Carlsen

Partner

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Nicki Carlsen is co-chair of Alston & Bird's Environment, Land Use & Natural Resources Group. She focuses her practice on land use, environmental compliance and litigation. She has more than 25 years of experience with the federal, state and local regulations affecting development projects, including land use planning and subdivision laws, the California Environmental Quality Act (CEQA), California Coastal Act, National Environmental Policy Act (NEPA), Clean Water Act, endangered species acts and cultural resources requirements.

Through her representation of industrial, residential and commercial property owners, Nicki can navigate a course of action from project inception to completion. Her land use experience extends to all project entitlements, including general plan amendments, specific plans, development agreements, zone changes, subdivisions, conditional use permits, variances and grading, building and encroachment permits, as well as specialized environmental permits such as coastal development permits, Section 404 permits and "take" permits. She also advises clients regarding proposed regulations at the local, state and federal levels.

Nicki advises clients on how to comply with CEQA and NEPA statutes and oversees the adequacy of CEQA and NEPA documents. She has defended project approvals in the trial and appellate courts and has also prosecuted actions on behalf of property owners to obtain land use entitlements.

Nicki was selected to the 2017-2020 editions of *The Best Lawyers in America*[®] in the areas of Litigation – Land Use and Zoning and Litigation - Environmental.

Representative Experience

- E&B Natural Resources: Provide advice regarding proposed oil and gas codes in City of Carson, Alameda County and Kern County. Counseled client to ensure compliance with CEQA and Coastal Act for a ballot measure to approve oil and gas production project, including a Development Agreement and amendment to coastal Land Use Plan.
- The Boeing Company: Provide environmental advice for facilities in California.
- Fox: Provide environmental and land use advice for studios in the City of Los Angeles.
- San Diego Courthouse, Administrative Office of the Courts: Provided CEQA advice to the development team regarding a \$500 million courthouse project.
- Altamont Wind Turbines, Alameda County (FPL Energy, AES): Advised multiple wind turbine operators on CEQA, NEPA, ESA, CESA and Migratory Bird Treaty Act to secure renewal of permits to operate 5,000 turbines in Altamont Pass, addressing avian mortality issues.

- Sunset Millennium Project, West Hollywood (AREA Property Partners): Facilitated approval of a hotel, residential and retail project located on two blocks on Sunset Strip and defeated three lawsuits challenging environmental impact reports (EIRs) under CEQA in superior court and the court of appeal. Provide ongoing land use and CEQA advice.
- Broad Beach, Malibu (Malibu Bay Company): Advised the development team on CEQA and the Coastal Act to support approval of a Local Coastal Plan (LCP) amendment and issuance of a coastal development permit. Successfully defended entitlements in superior court and the court of appeal. (*Ross v. California Coastal Commission*, No. B225796 (Cal. App. 2d Dist.).)
- Oak Canyon Ranch Project, Calaveras County (Rottman Froman Communities): Facilitated approval of Specific Plan, Zoning Code and Development Agreement and certification of EIR for a 3,000-acre master planned community. Supported the development team in obtaining permit approvals from the Army Corps of Engineers and U.S. Fish & Wildlife Service.
- Sunset Boulevard, West Hollywood (Centrum Properties): Provide land use and CEQA advice for redevelopment of the former Tower Records site.
- Portola Center, Lake Forest (USA Portola): Negotiated a Development Agreement for a residential project (made possible by the closure of the El Toro Air Force Base). Facilitated approval of Minor Amendment to NCCP/HCP to support the project. Provide continuing land use and CEQA advice.
- Santa Monica Mountains Local Coastal Program, Los Angeles County: Advised a property owner in the Santa Monica Mountains regarding development of property under a recently approved LCP.
- San Diego County Regional Airport Authority: Provided CEQA advice to the authority on the demolition of existing airport facilities.
- Ahmanson Ranch Project, Ventura County (Washington Mutual/JPMorgan Chase): Provided land use and environmental counseling for over 10 years on a 2,500-acre master planned community. Defeated and prosecuted over 14 lawsuits to protect project entitlements.

Publications & Presentations

Publications

- “Growth Pains, Little Reform for CEQA in 2014,” *Daily Journal*, December 19, 2014.
- “EPA’s Greenhouse Gas Regulations Split High Court,” *Daily Journal*, March 5, 2014.
- Nicki Carlsen – “Female Powerbroker” in *Law360*
- “Compare Pollution Burdens Across California,” *Daily Journal*, May 16, 2013.
- *Law360* Q&A With Alston & Bird's Nicki Carlsen
- “SB 375 May Result in State Control of Land Use,” *Los Angeles Daily Journal*, May 16, 2012.
- “*Sackett v. EPA*: Due Process Should Require Judicial Review of EPA Compliance Orders,” *Westlaw Journal Environmental*, Vol. 7, No. 6, December 2011.
- “Climate Change Considerations Under NEPA,” *Law360*, March 8, 2010.

Professional & Community Engagement

- California Building Industry Association (CBIA), board of directors, Government Affairs Committee, Legal Action Committee
- California Independent Petroleum Association

- Western States Petroleum Association
- Urban Land Institute (ULI)
- West Hollywood Chamber of Commerce
- *Law360*, Environmental 2013 editorial advisory board
- Bren School of Environmental Science & Management at the University of California, Santa Barbara, Council of Legal Advisors (2013-2016) and instructor: administrative law and land use law

Education

- University of Southern California (J.D., 1990)
- University of Illinois (M.S., 1985)
- University of Illinois (B.S., 1983)

Admitted to Practice

- California

Related Services

Environment, Land Use & Natural Resources | Litigation | Land Use | Climate Change / Carbon Management | Energy | Environmental Litigation | Environmental Compliance, Permitting & Transactions | Chemical & Product Regulation | Environmental Appellate Litigation | Coastal Land Use | Toxic Substances Control Act (TSCA) | Real Estate Litigation | Oil & Natural Gas