

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 30 years of experience with 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.

Nicki efficiently and effectively navigates projects from 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, and specialized environmental permits such as coastal development permits, Section 404 permits, and “take” permits.

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

Nicki is recognized in the 2017–2022 editions of *The Best Lawyers in America*® and was named a “Lawyer of the Year” in 2018 in Litigation – Land Use and Zoning. Nicki was recognized in 2018 as one of the “Most Influential Women Lawyers in Los Angeles” by the *Los Angeles Business Journal*.

Representative Experience

- Representing Fox in the updating of its Master Plan for its 50-acre studio in the Century City area of Los Angeles. Advising Fox on development of project entitlements, including specific plan amendment and development agreement, and compliance with CEQA, including consideration of numerous environmental and land use issues to secure its approval.
- Provide CEQA and land use advice regarding several residential and mixed-use projects in the City of West Hollywood and City of Los Angeles for major developer, including evaluation of affordable housing requirements, density bonuses and concessions, and application of the Housing Accountability Act.
- Advise Phillips 66 regarding CEQA compliance for transformation of Rodeo refinery to largest renewable fuels facility in the world, including consideration of land use and environmental permitting for the project.
- Represent Sentinel Peak Resources in the implementation of the Montebello Hills Specific Plan, which consolidates oilfield operations to provide acreage for residential development. Also represented Sentinel in a lawsuit against the city of Los Angeles (*Sentinel Peak Resources California LLC v. City of Los Angeles*, L.A. Superior Court, No. BS 173410) involving one of its oil and gas production sites in the city that was recently dismissed as part of a re-permitting of the site. Also advising Sentinel on its oilfield operations in Culver City, and defending against efforts by the city to eliminate oil operations.

- Represent E&B Natural Resources on several matters involving its oil and gas facilities in California, including regulatory issues with regulating programs by the city of Los Angeles and the California Division of Oil, Gas, and Geothermal Resources (DOGGR), as well as the U.S. Bureau of Land Management and U.S. Fish & Wildlife Service.
- Support Highland Fairview World Logistics Center's CEQA compliance team on a recirculated environmental impact report (EIR) for a 40 million square-foot logistics center.
- Advised The Boeing Company on CEQA and NEPA compliance along with other environmental and land use requirements related to the clean up of the Santa Susana Field Laboratory site.
- Defending UPS against a CEQA and Brown Act challenge to a distribution center in Visalia, California.
- Advised the Malibu Bay Company development team on CEQA and the California Coastal Act to support approval of a local coastal plan (LCP) amendment and issuance of a coastal development permit. Defended entitlements in superior court and the court of appeal. (*Ross v. California Coastal Commission*, 199 Cal. App. 4th 900).
- Represent Broad Beach, California, property owners in a validation action filed by the Broad Beach Geologic Hazard Abatement District against a proposed assessment for a \$60 million beach nourishment program in Malibu. The superior court invalidated the assessment.
- Provided land use and environmental counseling for over 10 years on the Ahmanson Ranch project, a 2,500-acre master-planned community, ultimately defeating and prosecuting over 14 lawsuits to protect project entitlements. Secured approvals for a specific plan and development agreement with a CEQA-compliant EIR that resolved numerous biological issues, including potential impacts to a plant that was previously thought to be extinct, and addressed cultural resources issues and guided our client through wetlands permitting.
- Facilitated the approval of a specific plan, zoning code, and development agreement, and certification of an EIR, for the Oak Canyon Ranch Project in Calaveras County, 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, including resolution of impacts to an archaeological district and impacts to a protected plant with only two known populations.
- Provided CEQA advice to the development team for the \$500 million San Diego Courthouse project.
- Facilitated approval of the Sunset Millennium, a hotel, residential, and retail project located on two blocks on Sunset Strip in Los Angeles and defeated three lawsuits challenging EIRs under CEQA in superior court and the court of appeal.
- Negotiated a development agreement for the Portola Center, a residential project (made possible by the closure of the El Toro Air Force Base). Facilitated approval of a minor amendment to an NCCP/HCP to support the project.
- Provided CEQA advice to the San Diego County Regional Airport on the demolition of existing airport facilities.
- Provided land use and CEQA advice for redevelopment of the former Tower Records site on Sunset Boulevard in West Hollywood, California.
- Advised multiple wine turbine operators on CEQA, NEPA, ESA, CESA, and the Migratory Bird Treaty Act to secure the renewal of permits to operate 5,000 turbines in Altamont Pass, California, addressing avian mortality issues.

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.
- “Female Powerbrokers Q&A: Alston & Bird’s Nicki Carlsen” *Law360*, January 21, 2014.
- “Compare Pollution Burdens Across California,” *Daily Journal*, May 16, 2013.
- “Q&A with Alston & Bird’s Nicki Carlsen,” *Law360*, March 26, 2013.

Professional & Community Engagement

- Central City Association, Executive Board, Co-Chair of the Homelessness Policy Committee
- California Independent Petroleum Association
- Western States Petroleum Association
- Westside Neighborhood School, Board of Trustees
- Bren School of Environmental Science & Management at the University of California, Santa Barbara, Council of Legal Advisors and Instructor: Administrative Law and Land Use Law
- California State University, Northridge, Department of Urban Studies and Planning, Legal Foundations of Planning, lecturer (2021)
- Urban Land Institute (ULI)
- West Hollywood Chamber of Commerce

Accolades

- *The Best Lawyers in America*®, Land Use and Zoning Law; Litigation – Environmental; Litigation – Land Use and Zoning (2017-2022)
- *Lawdragon*, “500 Leading U.S. Environmental & Energy Lawyers” (2021)
- *Los Angeles Business Journal*, “Most Influential Women Lawyers in Los Angeles” (2018)

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 | Environmental Litigation | Environmental Compliance, Permitting & Transactions | Oil & Gas Litigation | Chemical & Product Regulation | Environmental Appellate Litigation | Coastal Land Use | Toxic Substances Control Act (TSCA) | Real Estate Litigation | Oil & Gas