

BPC Briefing: CEQA & Environmental Regulations Update

Tuesday, January 30th, 8:30 AM – 12:10 PM | CSUEB Oakland Conference Center

Participant Biographies



Scott Birkey

Partner | *Cox, Castle & Nicholson*

Scott Birkey specializes in land use and natural resources entitlement, compliance, and litigation matters for residential and commercial developers and public agencies throughout the state of California.

His land use practice includes obtaining all forms of land use entitlements, including development agreements, vesting and tentative maps, annexations, general plan amendments, rezoning, site development permits, and other land use approvals for urban infill, large-scale master-planned development, residential and commercial mixed-used development, and renewable energy projects.

His natural resources practice includes obtaining permits and approvals under the federal and state Endangered Species Acts, Section 404 of the Clean Water Act, Section 1603 of the California Fish and Game Code (streambed alteration agreements), and the Porter-Cologne Water Quality Control Act (water quality certifications and waste discharge requirements) for residential, commercial, and renewable energy developers. He has assisted in establishing mitigation banks and conservation easements to satisfy permit obligations, and he has participated in the review and preparation of large-scale habitat conservation plans and natural community conservation plans on behalf of both private developers and public agencies. He has extensive experience preparing and reviewing environmental documents prepared pursuant to the California Environmental Quality Act, the National Environmental Policy Act, and Section 404 of the Clean Water Act.

Mr. Birkey also has significant litigation experience defending project approvals on behalf of residential and commercial developers and public agencies in both state and federal courts. He has litigated numerous challenges to project approvals brought under the California Environmental Quality Act, the National Environmental Policy Act, the Clean Water Act, the Endangered Species Act, and a variety of California planning and zoning laws.



Jim Dorrance

Senior Manager, Power Resources Contracts & Settlements | *Ava Community Energy*

Jim has been at Ava Community Energy for five years and currently leads the Contracts and Settlements team as part of the Power Resources Division at Ava Community Energy. Previous employment was with the power procurement team at Alameda Municipal Power, the power provider for the City of Alameda. Current work with Ava Community Energy involves administering power portfolio Long-Term Contracts which includes tracking development of

projects being built and then ensuring performance when the projects are online. These projects deliver renewable energy to Ava Community Energy Customers and support grid reliability in the State.



Arielle Harris

Partner | *Cox, Castle & Nicholson*

Arielle Harris is an attorney whose practice focuses on land use and appellate matters.

Arielle represents developers, landowners, and public agencies in connection with entitlements and environmental review and permitting for residential and mixed-use projects, transit-oriented infill developments, corporate campuses (including technology and biotechnology), office and industrial parks, retail, military base reuse projects, as well as public infrastructure projects (including water and solar).

She assists clients through all aspects of the administrative land use process, including pre-acquisition due diligence, environmental review pursuant to the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA), obtaining approvals of general plan amendments, specific plans, subdivision maps, and conditional use permits, negotiating and drafting development agreements and subdivision improvement agreements, as well as post-entitlement matters involving approval of final maps and subdivision improvement agreements, project implementation and compliance, and permit and map extensions. Arielle regularly advises clients on maximizing protections under the state housing production laws such as the Housing Accountability Act and Density Bonus Law.

Arielle also helps project applicants, landowners, and public agencies resolve disputes arising out of the land use entitlement and permitting process. An experienced litigator, she represents clients in administrative hearings as well as in litigation at both the trial and appellate court level. She has successfully resolved cases involving claims under CEQA, the California Planning and Zoning Law, Public Trust Doctrine, as well as cases involving easement disputes, due process claims, and related matters.



Amy Higuera

Partner | *Downey Brand LLP*

Amy Higuera has successfully represented numerous clients in achieving favorable results in environmental law and land use entitlement matters. Amy adds to the Downey Brand land use group's depth of experience with the [California Environmental Quality Act](#), among many other federal and state laws that define the complex and changing body of California land use law. Specifically, her practice includes representation and litigation involving CEQA, the

Sustainable Communities and Climate Protection Act, the Cortese-Knox-Hertzberg Government Reorganization Act of 2000, the Subdivision Map Act, the California Endangered Species Act, the [National Environmental Policy Act](#), the federal Endangered Species Act and the federal Clean Water Act provisions associated with wetlands permitting. Amy also has experience representing real estate developers with the

acquisition and disposition of [commercial real estate](#), including due diligence title and zoning compliance review, as well as drafting and negotiating commercial leases.

Amy has worked closely with local government and regulatory agency staff to ensure environmental compliance, as well as with private developers to secure land use entitlements. She has experience providing counsel on highly complex land use and environmental issues and working with clients and stakeholders to develop successful compliance strategies. She has worked closely with metropolitan planning organizations during their environmental review process for the combined regional transportation plans and sustainable communities strategies required under Senate Bill 375. Working in collaboration with cities, counties, and stakeholder groups, these plans include initiatives to expand housing and transportation choices and build stronger regional economies, while achieving greenhouse gas reduction targets, and providing streamlining benefits for consistent development projects.



Linda Klein

Partner | *Cox, Castle & Nicholson*

Ms. Klein is a California land use attorney and a California Environmental Quality Act expert. She works on navigating complex regulatory challenges facing development projects, guiding clients' projects from acquisition to entitlement approvals, and, if necessary, defending the entitlements in trial and appellate courts.

Linda specializes in housing and mixed-use developments in urban and suburban Bay Area locations.

With a background in civil engineering and architecture, she understands the planning and building process. She can effectively articulate clients' visions to planning staff and environmental consultants, as well as ensure conditions and mitigation measures are not only legally sound but practical.



Stanley Lamport

Partner | *Cox, Castle & Nicholson*

With over 35 years of experience, Stanley Lamport is consistently recognized as one of California's leading land use and entitlement lawyers, as well as a leader in the field of lawyer professional responsibility and ethics.

Stan's land use practice focuses on creating and executing strategies to entitle and develop real estate in cities and counties throughout California. As both a transactional land use lawyer and as a land use litigator, Stan offers practical advice on a broad range of issues extending across the entire spectrum of the process – from project acquisition and project planning to entitlement processing, post approval condition compliance, and litigation.

His work encompasses California planning and zoning law, CEQA, the Subdivision Map Act, the California Coastal Act, historic preservation, exactions and dedications, takings, due process, and many other land use issues. Stan has an extensive land use practice before the California Coastal Commission and in California's coastal jurisdictions, which extends the length of the California coastal zone.



Taylor Vencill

Principal | *Ramboll*

Taylor Vencill is a Principal in the Air and Climate Practice at Ramboll, currently located in the San Francisco Bay Area. Ms. Vencill has 15 years of experience in air quality consulting, and supports clients with air permitting, regulatory compliance and reporting, greenhouse gas (GHG) emissions analyses, and technical studies in support of California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) reviews. She leads projects with complex development of air emissions inventories, air dispersion modeling, and health risk assessments for both industrial clients and land use development. Ms. Vencill is a Registered Professional Engineer (Chemical) in California and a California Air Resources Board-Accredited GHG Lead Verifier with Specialty in Oil & Gas and Process Emissions (Executive Order H-21-134). Ms. Vencill holds a MS in Civil and Environmental Engineering from Stanford University and a BS in Chemical Engineering from Cornell University.



Todd Williams

Director | *Fennemore Wendel*

Todd represents clients in the broad spectrum of land use, real estate and environmental issues in both litigation and administrative proceedings.

He works with private clients and public entities, including landowners and developers of residential, infill, commercial and industrial property, as well as local agencies, providing property entitlement processing and local

government land use approvals; CEQA compliance and litigation; planning and zoning law advice; and real property litigation. He also has experience with infill project streamlining, density bonus and housing laws, affordable housing and historic preservation regulations, as well as advising clients on public-private partnerships, the Subdivision Map Act, the Williamson Act, and cannabis land use regulations, along with easement and boundary dispute matters.

A contributing editor on the 2010 – 2011 edition of *State and Local Government Land Use Liability*, and a reviewer of the 2012 and 2013 editions of the *Municipal Law Handbook*, Todd also has spoken throughout the state on land use law, with particular emphasis on CEQA.

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