



→ Brooke Miller

Special Counsel

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Brooke has nearly 20 years of experience helping her clients successfully navigate land use planning, zoning, entitlements, environmental, local government and special districts law to expedite and defend their development projects.

Areas of Practice

Brooke partners with clients to develop strategic approaches to land use entitlements. She leverages her expertise in state and local laws to help clients statewide secure development permits for housing, mixed-use, commercial, energy storage and other projects, minimizing risk whenever possible. Brooke has many years of experience working directly with agency staff and advising and presenting before local government officials at the county, city and special district levels. She also successfully defends her clients in litigation under the California Environmental Quality Act (CEQA), Subdivision Map Act and the California Planning and Zoning Law, including in published appellate decisions from the 2nd and 6th District Courts of Appeal.

In addition to her land use and environmental law practice, Brooke has experience practicing under the Cortese-Knox-Herzberg Local Government Reorganization Act, the Coastal Act and the California Global Warming Solutions Act, among other laws. She also has extensive experience in government contracting and public works.

Prior to joining Sheppard Mullin, Brooke practiced in both the private and public sector. After almost a decade in private practice, primarily representing cities and special districts including water, transportation and fire districts, Brooke joined the Santa Cruz County Office of County Counsel as Assistant County Counsel representing the Planning Commission, Planning Department, Department of Public Works, Santa Cruz County Local Agency Formation Commission (LAFCO), County Sanitation Districts and Regional Transportation Commission.

Brooke later joined the San Diego County Counsel's office, advising the County Board of Supervisors and Planning Commission on CEQA compliance and land use entitlements and working closely with County Planning & Development Services and Sustainability staff on the Climate Action Plan update and Countywide CEQA thresholds of significance, including the County's VMT-based transportation threshold. Brooke also defended the County against lawsuits under CEQA and related land use laws in collaboration with counsel for real parties in interest.

Brooke has been recognized as a San Diego Daily Transcript Young Attorneys Award Finalist and received a Litigation Award from the County Counsels' Association of California. Brooke is an Expert Contributor for the California Association of Environmental Professionals (AEP) CEQA Portal and participates in the Urban Land

Institute San Diego-Tijuana Womens' Leadership Initiative.

Experience

- Successfully defended the City of Los Angeles's approval of a housing development in CEQA litigation on behalf of real parties in interest in the published case of *Guerrero et al. v. City of Los Angeles* (2024) __ Cal. App. 5th __, holding petitioners' CEQA claims were untimely under the Statute of Limitations triggered by the first project approval.
- Achieved City Council approval of a long-term contract and sign regulation exception for the installation of digital wayfinding kiosks in Downtown San Diego over opposition from adverse interest groups.
- Worked extensively to obtain federal reauthorization and funding for the Pajaro River Levee Project, an approximately \$400 million flood control project to protect vulnerable agricultural communities in Santa Cruz and Monterey Counties.
- Successfully defended the County of Santa Cruz against litigation under the Subdivision Map Act challenging final map approval for a multiuse project with retail space, a village green and residential units including deed-restricted affordable units.
- Successfully defended the County of Santa Cruz in CEQA litigation in the published case of *Aptos Council v. County of Santa Cruz* (2017) 10 Cal.App.5th 266 (cert. den.), upholding the County's approval of Zoning Code changes against a CEQA challenge based on segmentation claims.

Articles

- Adapting Underutilized Commercial Spaces for Residential Development: New Tools and Challenges
Development Magazine, Spring 2024
- Good, better, BESS: How to build your battery energy storage system
Renewable Energy World, 01.15.2024

Real Estate, Land Use & Environmental Law Blog

- "Adapting Underutilized Commercial Spaces for Residential Redevelopment: New Tools and Challenges," March 27, 2024
- "Conditional Approval is Project Approval: Appellate Court Confirms CEQA Statute of Limitations Triggered by Tentative Map Approval Conditioned on Subsequent Rezoning," January 19, 2024
- "Good, Better, BESS: How to Build Your Energy Storage Systems," January 18, 2024
- "Ninth Circuit Strikes Down Berkeley's Ban on Natural Gas in New Construction, Dealing Blow to California's Electrification Efforts," April 26, 2023
- "Challenge to Housing and Revitalization Project Found Not Cognizable under the Fair Housing Act and California Fair Employment and Housing Act," March 10, 2022
- "Petitioners Failed to Show Subdivision Consistent With a Specific Plan EIR Was Outside the Scope of a Statutory Exemption," March 8, 2022

Media Mentions

Hope For Housing?

Los Angeles Business Journal, 02.05.2024

Court of Appeal Ok's CEQS Approval for LA Housing Project

Daily Journal, 01.22.2024

Speaking Engagements

- "Redeveloping Underperforming Properties: Legal Considerations and Issues," Continuing Education of the Bar - California, September 27, 2023
- "Home Sweet Home: Housing Options Under SB 9," CEB, May 25, 2022

Events

CREW Program - SANDAG 2025 Regional Plan & Implementation Strategies

La Valle Coastal Club, 05.30.2024

Good, Better, BESS: How to Build Your Battery Energy Storage System

Webinar, 03.27.2024

Podcasts & Webinars

Good, Better BESS: How to Build your Battery Energy Storage System

03.27.2024

Practices

Environmental

Real Estate, Energy, Land Use & Environmental

Industries

Energy, Infrastructure and Project Finance

Multifamily Housing

Education

J.D., Notre Dame Law School, 2005; Articles Editor, Journal of Legislation

B.A., Claremont McKenna College, 2002, *cum laude*

Admissions

California