



## **Bryan W. Wenter, AICP**

### **Shareholder**

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Bryan advises and represents clients on a wide range of complex land use, environmental compliance, and government law issues. He is a regular contributor to industry publications, speaks on land use issues nationwide, and has been widely quoted in the news media. Bryan is principal author of Miller Starr Regalia's Land Use Developments Blog.

Bryan Wenter is a shareholder in Miller Starr Regalia's Walnut Creek office and a member of the firm's Land Use Department. His practice centers on land use, environmental compliance, and local government law, with a focus on obtaining and defending land use entitlements throughout California for a wide range of complex development projects including, infill, mixed-use, master-planned and custom residential communities, hotels, retail/commercial, sports and entertainment, industrial, and educational.

He represents and provides strategic advice to developers, homebuilders, landowners, and public agencies in all aspects of land use, including obtaining approvals of general plan amendments, specific plans, planned development zoning and re-zoning, subdivision maps, conditional use permits, variances, and other approvals. He also assists his clients in connection with California Environmental Quality Act (CEQA) compliance, securing vested rights, land use initiatives and referenda, exactions and impact fees, water supply, eminent domain, land use due diligence, and negotiating, drafting, and obtaining approval of various agreements, including development agreements, affordable housing agreements, and subdivision improvement agreements. In addition, he has substantial experience with the Permit Streamlining Act, Coastal Act, Housing Accountability Act, density bonus law and other key housing production laws, redevelopment, annexations, Geologic Hazard Abatement Districts, Business Improvement Districts, Community Facilities Districts, the Religious Land Use and Institutionalized Persons Act (RLUIPA), the Telecommunications Act, surplus property disposition, and easements and boundary disputes. He has also helped draft several recent housing production statutes.

Bryan previously served as City Attorney and Assistant City Attorney for the City of Walnut Creek. In representing Walnut Creek, Bryan advised the City Council, Planning Commission, City Manager, department heads, and staff on all aspects of municipal law, including the Planning and Zoning Law, Subdivision Map Act, CEQA, elections, public finance, public contracts, constitutional matters, Ralph M. Brown Act, Public Records Act, Political Reform Act, telecommunications, ethics, conflicts of interest, risk management, and code enforcement. He has also represented many other public agencies as outside special land use counsel.

Bryan is the current co-chair of the East Bay Leadership Council's Housing Task Force and recently served on the editorial board for The Municipal Law Handbook, published by the League of California Cities. He is a member of the American Bar Association (ABA) and served on the executive committee of ABA's Section of State and Local Government Law. He is past multi-term chair of the Section's Land Use Planning & Zoning Committee and co-chair of its Exactions and Impact Fees Subcommittee. He served as the secretary/treasurer of the American Planning Association's Planning & Law Division and as the division's newsletter editor, as well as the Legislative Director of the Northern California Chapter of the American Planning Association.

Bryan is principal author of Miller Starr Regalia's Land Use Developments blog.

Bryan is a member of the American Institute of Certified Planners (AICP).

Prior to law school, Bryan served as a U.S. Peace Corps volunteer in Papua New Guinea.

## Practice Areas

- Land Use - Entitlement
- Land Use & CEQA
- Land Use - Litigation
- Land Use - Transactional

## Education

J.D., University of North Carolina School of Law (2002)

- Notes & Comments Editor, North Carolina Journal of International Law and Commercial Regulation
- Gressman-Pollitt Award for Outstanding Oral Advocacy

M.R.P., University of North Carolina (2002)

B.A., magna cum laude, University of Oregon (1995)

- Phi Beta Kappa

## Press & Media

“Lafayette City Council postpones decision on Terraces apartment project,” *East Bay Times*, by Jon Kawamoto, August 11, 2020 (quoted)

“Lafayette warned to act soon on big housing project — or risk more than \$15 million in legal fight. Attorney says decision must be made on Terraces of Lafayette by Aug. 3 — or litigation will be the next step.” *East Bay Times*, by Jon Kawamoto, June 23, 2020 (quoted)

“Decision delayed again on East Bay 315-unit apartment plan; Planning Commission reschedules meeting on contentious Terraces of Lafayette,” *The Mercury News*, by Jon Kawamoto, June 12, 2020 (quoted)

“Decision delayed on 315-apartment East Bay housing project. Lafayette Planning Commission to decide June 15; concerns raised about fire hazards, traffic with Terrace plan.” *East Bay Times*, by Jon Kawamoto, May 19, 2020 (quoted)

“Fate of big East Bay housing plan delayed again: Terraces of Lafayette, a 315-unit apartment project, will be discussed in May,” *East Bay Times*, by Jon Kawamoto, April 22, 2020 (quoted)

“SF mayor, county may seize private buildings for coronavirus relief,” *Curbed San Francisco*, By Adam Brinklow, April 16, 2020 (quoted)

“League of CA Cities Request Could Add Cost and Risk to Projects,” *GlobeSt.com*, By Lisa Brown, April 9, 2020 (quoted)

“Post Knick, Calif. Case Is Testing The Federal Court Waters,” *Law360*, by Andrew McIntyre, October 4, 2019 (quoted)

“Developer confident major East Bay apartment project will be built,” *East Bay Times*, by Jon Kawamoto, September 5, 2019 (quoted)

“Developer warns city that council member better not discuss apartment project,” *East Bay Times*, by Jon Kawamoto, August 23, 2019 (quoted)

“Vice mayor announces intent to participate in Deerhill Road development decisions,” *Lamorinda Weekly*, by Pippa Fisher, August 21, 2019 (quoted)

“East Bay official says she won’t recuse herself from discussing apartment project: Lafayette Vice Mayor Candell reverses course on Terraces plan,” *East Bay Times*, by Jon Kawamoto, August 17, 2019 (quoted)

“Divisive 315-unit apartment project advances in East Bay,” *East Bay Times*, by Jon Kawamoto, July 3, 2019 (quoted)

“Knick Ruling Levels The Field, May Signal Court’s Agenda,” *Law360*, by Andrew McIntyre, June 21, 2019 (quoted)

“Lafayette council member recuses herself from proposed housing project discussions,” *East Bay Times*, by Jon Kawamoto, March 2, 2019 (quoted)

“Lafayette’s divisive Deer Hill housing proposal is back — again,” *East Bay Times*, by Jon Kawamoto, January 24, 2019 (quoted)

“Calif. Real Estate Regulations To Watch In 2nd Half Of 2018,” *Law360*, by Andrew McIntyre, July 6, 2018 (quoted)

“Real Estate Cases To Watch In The 2nd Half Of 2018,” *Law360*, by Andrew McIntyre, July 5, 2018 (quoted)

“High Court May Clarify Decades-Old Procedural Takings Issue,” *Law360*, by Andrew McIntyre, March 13, 2018 (quoted)

“High Court Could Clarify Takings Law In Beachfront Dispute,” *Law360*, By Andrew McIntyre, March 1, 2018 (quoted)

“Conservative Group Backs Lawsuit Against WeHo Over Affordable Housing,” *WEHOville*, by Staff, November 4, 2016 (quoted)

“Affordable housing legal dispute likely headed for U.S. Supreme Court,” *Northern California Record*, by John Breslin, October 4, 2016 (quoted)

“Pleasant Hill: County, recreation district spar in court,” *East Bay Times*, by Lisa P. White, August 1, 2016 (quoted)

“Pleasant Hill recreation district sues county,” *East Bay Times*, by Lisa P. White, March 24, 2016 (quoted)

“Danville council shouts down cell tower proposal,” *Danville San Ramon*, by Kalama Hines, November 19, 2015 (quoted)

“California Court Will Hear Developer Challenge to Low-income Housing Rules,” *California Lawyer*, by Michael Rosen Molina, May 2015 (quoted)

“Council Approves Eminent Domain For Arena Project,” *Capital Public Radio News*, by Bob Moffitt, January 8, 2014 (quoted)

“City of Sacramento Approves Eminent Domain Plan for Downtown Arena Project,” *Fox40*, by Ian McDonald, January 7, 2014 (quoted)

“Walnut Creek: Could historic designation delay new Rossmoor events center plans?” *East Bay Times*, by The Street, July 24, 2012 (quoted)

“Half Baked? Oakland pot advocates hope to pass a resolution to legalize recreational marijuana by targeting East Bay soccer moms. And it might just work...,” *Diablo Magazine*, by John Geluardi, September 17, 2010 (quoted)

“The Death of C3 Cannabis Collective. The inside story of a medical cannabis dispensary’s last days and how the City of Walnut Creek ignored pleas of mercy and shut it down,” *East Bay Express*, by Eric Kiefer, April 21, 2010 (quoted)

## Associations

East Bay Leadership Council

- Co-Chair, Housing Task Force (2019-present)

American Bar Association, Section of State & Local Government Law

- Executive Committee (2011–2012)
- Council (2008–2011)
- Chair, Land Use Planning and Zoning Committee (2008–2011)
- Vice-Chair, Land Use Planning and Zoning Committee (2006–2008)
- Co-Chair, Exactions and Impact Fees Subcommittee (2005–present)

American Planning Association, Northern California Chapter

- Legislative Director (2008–2011)

American Planning Association, Planning and Law Division

- Secretary/Treasurer (2006–2008)
- Newsletter Editor (2005–2007)

League of California Cities

- Municipal Law Handbook Editorial Board (2011–2013)
- Member, Housing, Community & Economic Development Policy Committee (2008–2009)

## Awards & Recognition

*Best Lawyers® – Land Use and Zoning Law* (2020)

*Super Lawyers* Northern California (2015-2020)

*Super Lawyers* Northern California Rising Star (2009)

Jefferson Fordham Up & Comers Award, ABA Section of State & Local Government Law (2006)

## Publications

“SB 330: Housing Crisis Act,” *Daily Journal*, January 8, 2020

“Who Should Control Basic Land Use Policy in California’s Ongoing Housing Crisis?,” *Daily Journal*, May 31, 2019

“Justices will weigh takings law state court exhaustion requirement,” *Daily Journal*, September 26, 2018

“Billionaire vs surfers case may go to high court,” *Daily Journal*, March 6, 2018

“Opinion: Easing building rules near transit key for needed housing,” *East Bay Times*, February 9, 2018

“Why The Proposed Calif. Land Use Law Is Deeply Flawed,” *Law360*, September 28, 2017 (co-authored with Arthur Coon)

“Missed Opportunity In Takings Decision,” *Daily Journal*, July 13, 2017

“Damaging A Neighbor's Trees Can Be Very Costly In Calif.,” *Law360*, February 10, 2017

"Affordable Housing Law Passes Muster, for Now," *Daily Journal*, March 2, 2016

"Who Pays For New Schools, Fair Housing And Clean Air? Recent Developments In Exactions And Impact Fees," *Urban Lawyer*, Vol. 42, No. 3, July 2010 (co-authored with W. Andrew Gowder, Jr.)

"Recent Developments In Land Use, Planning And Zoning Law: Exactions And Impact Fees," *Urban Lawyer*, Vol. 41, No. 3, Summer 2009 (co-authored with W. Andrew Gowder, Jr.)

*The RLUIPA Reader: Religious Land Uses, Zoning, and the Courts*, American Bar Association and American Planning Association, 2009 (chapter co-author)

"Recent Developments In Land Use, Planning And Zoning Law: Exactions And Impact Fees," *Urban Lawyer*, Vol. 40, No. 3, Summer 2008 (co-authored with W. Andrew Gowder, Jr.)

"California Voters Split Over Eminent Domain Initiatives," *Central California Builder*, July 2008

"California Land Use Law: A Quarter Century of Key Legal Developments," *California Real Property Journal*, Vol. 24, No. 3, Fall 2006 (co-authored with Cecily T. Talbert and Daniel J. Curtin, Jr.)

## Speeches & Presentations

"Recent Legislative Actions: Overview of Recent Legislative and Legal Activities that Affect Housing, Land Use Planning, and Local General Plans," Contra Costa Transportation Authority, Walnut Creek, CA, October 11, 2019

"East Bay Multi-Family: Migrating Millennials, Navigating Approvals, and New Opportunities," Urban Land Institute – San Francisco, Walnut Creek, CA, April 24, 2018

"Senate Bill 827: Everything You Need to Know About the Landmark Bill Proposing Denser Housing Around California Transit Hubs," Contra Costa County Bar Association Real Estate Section, Walnut Creek, CA, April 20, 2018

"Fixing the Housing Crisis: Innovations in Design, Construction and Law," Panelist, Stanford Professionals in Real Estate (SPIRE) 7th Annual Real Estate and Law (REAL) Symposium, Palo Alto, CA, February 8, 2018

"Developments in California Cannabis Law," Moderator, Contra Costa County Bar Association, November 17, 2017

"Property Rights, Takings, Exactions, and More: A Legal and Practical Update for Planners," APA California 2017 Conference, Sacramento, CA, September 24, 2017

"East Bay Trends 2017: Office, Tech and Housing Beyond the Cycle," Moderator, ULI San Francisco, June 29, 2017

"Annual Land Use Update," Marin County Planning Directors, San Rafael, CA, 2008–2016

"Annual Land Use Update," Contra Costa County Planning Directors, Pleasant Hill, CA, 2006–2016

"Looming Land Use Constitutional Issues," American Bar Association Real Property, Trusts and Estate Annual Meeting, Chicago, IL, July 31, 2015

"Planning for Pot," APA California 2010 Conference, Carlsbad, CA, November 3, 2010

"On Beyond CEQA: California Land Use Law," 2010 Appellate Judicial Attorneys Institute, Burlingame, CA, October 27, 2010

"AICP Exam Prep Workshop," San Jose State University, San Jose, CA, 2008–2013

"Bettman Symposium: Championing the General Plan," American Planning Association 2007 National Planning Conference, Philadelphia, PA, April 15, 2007

"Planning Law Review," American Planning Association, Audio/Web Conference, June 28, 2006

"Exactions and Takings Law," American Planning Association 2007 National Planning Conference, San Antonio, TX, April 25, 2006

## Court Admissions

California

Connecticut (inactive)

Massachusetts (inactive)

District of Massachusetts

Ninth Circuit

Northern District of California