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Principal

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Practice Groups

Climate Change and Green Initiatives
Environmental Law
Land Use
Transportation and Infrastructure
Public Power and Telecommunications
Real Estate

California Bar Number
156725

Education

University of California at Berkeley,
School of Law, JD, 1991

Stanford University, BA, Psychology with
honors and distinction, 1986

Practicing Since: 1991

Timothy (Tim) Cremin practices in all areas of environmental and land use law, including the California Environmental Quality Act (CEQA); the National Environmental Policy Act (NEPA); greenhouse gas and climate change regulations; and state and local planning, zoning and subdivision laws. With over 25 years of experience as an environmental and land use attorney in California, Tim represents public and private clients in the permitting process and litigation.

Tim chairs the firm's Climate Change and Green Initiatives Practice Group. His group advises public entities on compliance with California's Global Warming Solutions Acts (AB 32 and SB 32), analysis and regulation of greenhouse gas emissions under CEQA, NEPA and other laws, and emerging areas of climate change regulation. Tim has worked with numerous public agencies on the development of Climate Action Plans to reduce greenhouse gases and formulate adaptation strategies to address climate change impacts.

Tim's specialty is shepherding complex and controversial projects through the maze of land use and environmental regulations on local, state and federal levels. He advises on environmental documentation and findings under CEQA and NEPA and on all aspects of the entitlement process for development projects—from project formulation through administrative review and approval. He is the firm's leading authority on drafting such entitlements and ensuring that project approvals comply with the law and will withstand legal challenge. He analyzes the legal adequacy of detailed and voluminous Environmental Impact Reports (EIRs) and Environmental Impact Statements (EISs) covering all impact areas, particularly traffic, greenhouse gases, climate change, air quality, biology, water, cumulative impacts and alternatives. The majority of these EIRs and EISs have been in the context of threatened litigation by sophisticated opponents. Tim also defends approvals in court against challenges under land use law, CEQA and NEPA.

Tim has worked on large institutional and infrastructure projects, mixed-use projects, transit-oriented developments, shopping centers, residential developments, hotels, and many other projects. Several projects have been located in environmentally sensitive areas and/or have involved habitat conservation plans. In addition to his work on EIRs, EISs, and entitlements, Tim advises clients on adoption of general plans, zoning codes and specific plans; development activities subject to the California Coastal Act; and negotiation of development agreements. Tim also has experience in real estate law, including real property due diligence and acquisition, leases, easements, and purchase and sale agreements.

Early in his legal career, Tim served as assistant city attorney for several Southern California cities, where he provided advice regarding planning, zoning, environmental, real property, subdivision, election (initiative and referendum), open meeting and conflicts-of-interest laws.

Professional Affiliations

- Member, CEB Real Property Law Advisory Committee
- Member, The State Bar of California
- Member, The State Bar of California, Environmental Law Section
- Member, San Francisco Bay Area Planning and Urban Research Association

Presentations and Publications

- Author, “CEQA Update: Appellate Court Rules on Preservation of Documents and Discovery Relating to Administrative Records,” *North County Lawyer*, November 2020
- Presenter, “Strategies for Obtaining Public Agency Approvals and Minimizing Legal Risks for Sports Facility Projects,” Convention, Sports, and Entertainment Facilities Conference, August 12, 2020
- Author, “Appellate Court Rules on Preservation of Documents and Discovery Relating to Administrative Records in CEQA Litigation,” Meyers Nave Client Alert, August 6, 2020
- Author, “CEQA Update: Appellate Court Issues Broad Decision on Greenhouse Gas Analysis,” Meyers Nave Client Alert, July 22, 2020
- Author, “CEQA News: Amended Statutes of Limitations and Rules for Subsequent CEQA Review for Post-Approval Decisions,” *North County Lawyer*, July 2020
- Author, “Emergency Rule Amended for Statutes of Limitations in CEQA and Land Use Cases,” *Real Property Law Reporter*, CEB, July 2020
- Author, “COVID-19 Update: Judicial Council Amends Emergency Rule on Statutes of Limitations in CEQA and Land Use Cases,” Meyers Nave Client Alert, June 1, 2020
- Author, “Court Clarifies Subsequent CEQA Review Rules for Post-Approval Decisions,” Meyers Nave Client Alert, May 26, 2020

- Presenter, “SB 743 & VMT – CEQA Implementation and Issues for Agencies and Developers,” Meyers Nave webinar, May 21, 2020
- Presenter, “CEQA Update: New Laws on Streamlining, Exemptions and Special Legislation for Expediting the CEQA Process,” Alameda County Bar Association, January 2019
- Author, “Major Proposed Revisions to CEQA Guidelines Released By State,” Meyers Nave Client Alert, December 14, 2017
- Presenter, “CEQA: New Strategies for Streamlining the Environmental Review Burden,” League of California Cities Annual Conference, September, 2017
- Author, “Bills Leave Unresolved Cap-and-Trade Issues,” *Daily Journal*, August 2017
- Author, “Practitioner Insights: California, Trump Prepare for Battle Over Fuel Efficiency Standards,” *Bloomberg BNA Daily Environment Report*, May 17, 2017
- Presenter, “Advanced CEQA Workshop,” Association of Environmental Professionals, 2017
- Quoted, “California to Confront Regulatory Hurdles After Pot Vote,” *The Recorder*, November 9, 2016
- Quoted, “Governor Signs Anti-Pollution Bills that Could Help Silicon Valley Rail Projects,” *Silicon Valley Business Journal*, September 8, 2016
- Presenter, “Deferred Mitigation: Case Law and Practice Tips,” CLE International’s 11th Annual CEQA Conference, 2015
- Presenter, “Drought Impacts on Land Use Development,” Orange County City Attorney's Association, 2015
- Author, “CEQA: New Player in Sports Stadium Wars,” *Daily Journal*, March 5, 2015
- Presenter, Land Use Section Workshop, “Land Use Regulation to Address Climate Change - GHG Reduction Measures versus Adaptation,” International Municipal Lawyers Association, Annual Conference, 2013
- Presenter, “CEQA Reform: Threat to Environmental Protection or Long Overdue,” California Special Districts Association Annual Conference, 2013
- Presenter, “CEQA: Past, Present and Future,” California Special Districts Association Webinar, 2013
- Presenter, “Working with the New BAAQMD CEQA Guidelines,” Bay Area City Attorneys Association, 2010
- Author, “Environmentally Sound - Greenhouse Gas Analysis under CEQA,” *The Recorder*, 2010
- Presenter, “The Heated Debate over How to Analyze Global Climate Change Under CEQA,” State Bar of California, Annual Environmental Law Conference at Yosemite, 2009
- Presenter, “Structuring Global Warming and Green Practice,” San Francisco Bar Association, 2008

- Presenter, “Climate Change: Local Government Response,” National Business Institute Seminar, 2008
- Presenter, “Climate Change & Greenhouse Gases under CEQA and AB 32,” California Association of Sanitation Agencies Annual Conference, 2008
- Presenter, “Building a Brighter Future—Green Building Ordinances,” California Contract Cities Association Annual Municipal Seminar, 2008
- Presenter, “Development of Green Building Ordinances,” League of California Cities, City Attorneys Conference, 2008
- Presenter, “Climate Change—Considerations for Local Agencies,” Highway 50 Corridor Planning Commissioners, 2007
- Presenter, “How to Address Climate Change and Greenhouse Gases Under CEQA,” City Attorney Association of Los Angeles County, 2007
- Author, “*Rapanos v. U.S.*: Wading Through the Swamp of Federal Regulation of Wetlands,” *Real Property Law Reporter*, Vol 29 / Number 6, November 2006

Representative Experience

Litigation Experience

- *Concerned Dublin Citizens v. City of Dublin* (2013) 214 Cal.App.4th 1301. Successfully defended the use of a previously certified specific plan EIR to implement a residential project. This is the first published case to interpret state law exemption allowing reliance on a certified specific plan EIR for individual project approvals. The court also ruled that new information on GHGs and new air district regulations did not trigger requirements for a supplemental CEQA review. Also, advised the City during the administrative process to create a defensible record for anticipated litigation. (published decision)
- *Eureka Village HOA v. City of Rancho Cordova*. Successfully defended City approval of US 50 Interchange Project against CEQA lawsuit challenging alternatives, air quality, traffic, noise and visual analysis. Appellate and trial courts ruled in City’s favor on all challenges and denied Petition in its entirety. Advised the City during lengthy administrative process to develop a joint CEQA/NEPA document with Caltrans and created a defensible record for litigation.
- *Klein/ AFSCME v. University of California*. Successfully defended University of California against CEQA lawsuit challenging approval of EIR and CEQA findings for the UC Davis Long Range Development Plan (LRDP) (Davis Campus). Trial court denied all causes of action and dismissed the lawsuit.
- *Save Berkeley Neighborhoods v. University of California*. Representing University of California in defense of writ of mandate and declaratory relief claims under CEQA alleging that student enrollment increases from LRDP projections are subject to environmental review under CEQA. Trial court sustained demurrer without leave to amend and dismissed the action.
- *California Clean Energy Committee v. City of Dublin; Alameda Creek Alliance v. City of Dublin*. Defended the City against two CEQA lawsuits challenging the Dublin Crossing Project, a

redevelopment of the Camp Parks Military Base. Advised the City during the administrative process on developing EIR, including drafting responses to opponents' lengthy EIR comment letters and detailed CEQA findings, to create a defensible record for litigation. Both cases settled on terms favorable to the City.

- *SF Bay Marinas For All, Inc. v. San Francisco Bay Conservation and Development Commission (BCDC)*. Defended developer in challenge to the issuance of a permit by BCDC for residential project that included removal of marina docks and pilings from San Francisco Bay. Successfully obtained dismissal of developer from the lawsuit.
- *Redwood City Residents for Responsible Development v. City of Redwood City*. Defended developer against CEQA and planning lawsuit challenging mid-rise apartment project under Downtown Precise Plan.
- *CREED- 21 v. City of Chino*. Assisted in defending City's Climate Action Plan against numerous challenges. Court ruled in City's favor on all challenges and denied Petition in its entirety.
- *Noble v. Laird*. Defended against a lawsuit brought by neighboring business alleging access rights over Defendants' property on various legal theories, including prescriptive easement rights. Facilitated successful resolution of lawsuit through mediation.
- *CHHMB, LLC v. Liquid Sky Properties*. Defended coastal property owner against an adjacent landowner's claims of prescriptive easement rights and damages. After filing demurrers, the lawsuit was voluntarily dismissed.
- *City of Fresno v. County of Madera*. Represented City in a CEQA challenge to a supplemental EIR approval for a large-scale residential and commercial specific plan project adjacent to City. Litigation ended in a favorable settlement for the City.
- *City of Palmdale v. Palmdale Water District*. Represented City in a challenge to the CEQA review for the Palmdale Water District's pipeline project. Negotiated a favorable settlement on behalf of the City, which included payment of attorney's fees.
- *Mohamed v. City of Rancho Cordova*. Defended City against challenge to development impact fees for residential lots. Obtained City dismissal from lawsuit.
- *City of Santa Cruz v. Superior Court* (1995) 40 Cal.App.4th 1146. Represented developer in discovery dispute regarding councilmember depositions in lawsuit challenging City approval of General Plan and EIR. (published decision)

Project Experience

- *Oakland A's MLB Stadium and Mixed-Use Development Project*. In addition to providing general CEQA advice to the City of Oakland on major development projects, Meyers Nave serves as outside land use and environmental counsel to the City for a waterfront ballpark and mixed-use development project at the Port of Oakland's Howard Terminal. The project includes a 35,000-seat ballpark, 3,000 residential units, 1.5 million sq. ft. of office, 270,000 sq. ft. of retail, a 400-room hotel and a 3,500-seat performance venue. We are advising on the preparation of the Environmental Impact Report (CEQA), land use entitlements, and

project-related agreements including the Development Agreement and Community Benefits Agreement. We also are advising on compliance with special streamlining legislation (AB 734). The project straddles jurisdictions of several agencies with different regulations and permitting processes, including the State Lands Commission (tide and submerged land issues) and the San Francisco Bay Conservation and Development Commission (San Francisco Bay Plan issues).

- *City of Anaheim's "Big A 2050" Plan for Orange County's only MLB Stadium.* Meyers Nave serves as lead land use and CEQA counsel to the City of Anaheim for a mixed-use development and stadium project, known as Big A 2050, on the site of an existing Los Angeles Angels stadium. The project envisions redevelopment of the stadium site to introduce large-scale residential, office, and retail/entertainment uses to create a year-round use. The plan is designed to keep major league baseball in Anaheim for the next 30+ years. Meyers Nave is advising on all entitlements and environmental review required to bring the plan to fruition including a Disposition and Development Agreement, site plans, tentative maps and other required approvals. The project is a key element to the City realizing its vision for the development of the Platinum Triangle Mixed Use area located adjacent to a major Anaheim Regional Transportation Intermodal Center which provides rail, bus, taxi and other services for daily commuters and visitors.
- *Hollywood Park Specific Plan, City of Inglewood.* Advised City on all land use and environmental issues for the redevelopment of the Hollywood Park racetrack. The project is a large-scale, mixed-use development of 3,000 residential units, over 600,000 square feet of retail, a hotel and a casino. Assisted in drafting entitlements and approval findings for the general plan amendment, specific plan, development agreement and EIR. The EIR included a detailed analysis of all impact areas under CEQA.
- *University of California Development Projects.* Advise University of California on land use and CEQA issues in its review and approval of various development projects for campuses throughout State. Projects include housing, long range development plans, mixed use projects and academic facilities.
- *Rio Del Oro Project, City of Rancho Cordova.* Assisted City in the development of entitlement documents for a 4,000-acre master-planned community consisting of 11,000 homes, 111 acres of regional commercial uses, office uses, schools and parks. The entitlements included a joint EIR/EIS with the U.S. Army Corps of Engineers. Reviewed environmental documents for CEQA and NEPA compliance and created legally defensible administrative record. Major issues included biological resources, wetlands, greenhouse gas and water supply.
- *Residential Development Projects, City of Redwood City.* Assisted developer of residential apartment and condominium projects in obtaining planning entitlements and associated CEQA review. Advised on planning and environmental process and ensured legal compliance. Drafted opinion letters on Project's compliance with planning and zoning laws and use of prior EIR for approval of revised Project through Addendum. Negotiated and drafted Affordable Housing Agreements and Development Agreements. Two projects included marinas on San Francisco Bay, which required approvals from federal and state agencies and involved challenging issues on water quality, bay access and public trust. Other projects included mid-rise residential development in Downtown area.

- *Tesoro Refinery*. Advised on all aspects of Title V permitting process by a local air district and EPA for refinery project. Addressed technical and legal issues from application development to permit approval. Assisted in creating detailed responses to extensive public comments on permit under threat of litigation. Helped client develop strategy on permit issuance and environmental review. Advise client on legal authority for proposed permit conditions affecting operations.
- *Due Diligence Advice on Potential Real Estate Acquisitions, Pauls Real Estate Investments, LLC., Elliot Management*. Conducted due diligence review and advised clients regarding land use entitlements and environmental conditions and compliance for a potential property purchase and investment. Drafted detailed memoranda of compliance with standards, issues of concerns, and strategies to reduce entitlement risks.
- *Kinkisharyo Light Rail Vehicle Project, City of Palmdale*. Represented City in the administrative approval process of a light rail vehicle manufacturing and assembly facility for the Los Angeles County Metropolitan Transportation Authority. Created record defending against administrative appeal alleging numerous violations of CEQA and state and local planning laws, including biology, water supply, air quality, public health, “piece-mealing” of the project review and General Plan inconsistency. Assisted the City in drafting detailed responses to appeal and CEQA documentation to support reliance on existing EIR and finding that further CEQA review was not required.
- *Port of Los Angeles, Terminal Projects*. Reviewed major terminal project joint EIR/EIS on behalf of the Port of Los Angeles for CEQA and NEPA compliance, focusing on biological, water quality, air quality, traffic, land use, greenhouse gas, and cumulative impacts. Obtained a successful arbitration decision in a dispute over the installation of low-profile cranes.
- *Climate Action Plans and GHG Reduction Plans, Various Public Agencies*. Advise agencies on all aspects of climate action plan development and CEQA review with emphasis on structuring plans to provide streamlined CEQA review for future projects. Provide guidance on methodologies for measuring GHG emissions and quantifying GHG reduction measures. Advised numerous Bay Area cities, including Dublin, Union City, El Cerrito and Pittsburg, on plan development. Guided the San Bernardino Associated Governments (SANBAG) in developing a first-of-its-kind regional GHG reduction plan for implementation by 21 cities. Collaborated with the environmental consultant to create EIR that cities could rely on for implementation.
- *Wal-Mart Stores, California. Successfully obtained local agency approvals of Wal-Mart stores in various California cities*. Advised on all aspects of the entitlement process, including CEQA review. The entitlement processes included general plan amendments, specific plans, rezoning, development agreements, use permits, vesting tentative maps and regulatory agency permits (U.S. Army Corps of Engineers and the local Regional Water Quality Control Board). Defended lawsuits challenging agency approvals and CEQA documents.
- *Lowe’s Stores, California*. Successfully obtained agency approvals for several Lowe’s stores. Responsible for overseeing the entire entitlement process. Reviewed and drafted findings for CEQA documents and helped formulate planning and zoning entitlements.

- *Facebook Projects, Menlo Park Fire Protection District.* Negotiated agreements with Facebook to address impacts of their development on Fire District. Agreement terms addressed impact fees, inspection and plan services process and payment, and Fire District equipment and facilities. Advise Fire District on local agency approvals needed for construction of new Fire Stations including land use entitlements and CEQA review.
- *IKEA Retail Center, City of Dublin.* Assisted City with processing of various planning entitlements and EIR for a 400,000 sqft commercial retail center including an IKEA Store.
- *Transit-Oriented Development Projects, City of Dublin and City of Milpitas.* Advised cities on administrative processing of project entitlements and associated CEQA review for residential and commercial projects surrounding BART rail stations. Developed the procedure and findings for reliance on a certified EIR for individual project implementation. Major issues included traffic, air quality, public services and joint-use parking.
- *Santa Clara Valley Transportation Authority (VTA), Bay Area Rapid Transit (BART) Extension.* Advising VTA on CEQA compliance for a BART extension into the City of San Jose. The project involves complex issues relating to providing CEQA coverage for various options for the rail route and design, and potential project revisions during construction. Reviewed CEQA documents and findings for legal compliance.
- *Mixed Use and Commercial Development in Walnut Creek.* Advise developer on CEQA and land use issues related to project entitlements, including general and specific plan compliance, subdivision map issues, and options for streamlining environmental review. Projects include fast food restaurant, fitness center, indoor sports facility, skilled nursing center, condominiums and apartments. Projects located in downtown and business park areas.
- *Affordable Housing, Downtown Veterans Project, City of Dublin.* Assisted City with land use approvals and financing for affordable veterans' housing project. Drafted complex financing documents including loan agreements, security documents, and subordination agreements, relating to joint local, state, federal and private project financing. Also drafted documents establishing affordability restrictions and veterans preference for housing units.
- *Commercial Lease Agreement for High-end Restaurant.* Advised restaurant owner in negotiation and drafting of commercial lease for restaurant space.
- *Menlo Park Fire Protection District – Impact Fee Study.* Assisted Fire District in drafting of Nexus Study for Emergency and Fire Services Impact Fee. Advised on development of methodology for Nexus Study. Drafted documents for approval and implementation of fee and agreements by local jurisdictions to impose fee on new development projects.
- *Terrabay Project, City of South San Francisco.* Helped obtain entitlements for a large residential (1,000 units) and commercial (650,000 sqft) project subject to the San Bruno Mountain Habitat Conservation Plan. The entitlements included specific plan, development agreement, subdivision maps, precise plan, and supplemental EIR. Reviewed the legal adequacy of all entitlements under CEQA and state and local law. Negotiated a comprehensive settlement to resolve a lawsuit with a local environmental group.
- *Rancho Malibu Residential Project, Los Angeles County.* Assisted in obtaining California Coastal Commission and County of Los Angeles approval of residential estates project in the environmentally sensitive Santa Monica Mountains. Helped navigate a complicated and

controversial entitlement process involving numerous environmental issues under CEQA and the California Coastal Act. Defended the agencies' approval against a CEQA lawsuit.

- *Conopco Stream Alteration Project, City of Santa Cruz*. Advised on all actions to obtain agency approval and the required federal, state and local permits (including U.S. Department of Fish & Wildlife and Army Corps of Engineers permits) to relocate an intermittent stream. Advised on CEQA environmental review and developing a habitat restoration plan.
- *Great Oaks Mixed Use Project, City of San Jose*. Obtained approval of a general plan amendment and planned development rezoning for a mixed-use project of 1.5 million sqft of commercial and office/research and development uses on 80 acres of former industrial land. Collaborated with city staff to draft the entitlements, including an EIR, an economic analysis, and planned development zoning standards.
- *Drafting of CEQA Comment Letters*. Draft extensive comment letters on CEQA documentation to establish legal vulnerabilities and grounds for potential challenges to projects under CEQA. Types of projects include general plans, specific plans, large development projects, and base reuse plans. Comments addressed all impact areas, alternatives and cumulative impacts.
- *Menlo Park Fire Protection District – Fire Station Development*. Advise on approvals needed for construction of new Fire Station, including land use entitlements and review.
- *Del Rio Wells, City of Modesto*. Advise City on development of EIR for new water well project. Main issues included groundwater and water quality impacts.
- *Independence and Constitution Mixed Use Project, City of Menlo Park*. Assisted in developing plans and environmental studies for a mixed-use hotel and office project in an industrial zone. Entitlements included a general plan amendment, creation of a new zoning district, a development agreement and an EIR. Advised on the development of standards for the new zoning district, and CEQA review.
- *Lodi Shopping Center, City of Lodi*. Served as lead attorney responsible for obtaining the City of Lodi's approval of a 340,000 sqft commercial retail development on 40 acres. Entitlements included a vesting tentative map, a use permit and an EIR. The controversial project was subject to both an initiative challenge and litigation.
- *Harter Specific Plan, City of Yuba City*. Assisted in obtaining approval of 180-acre development project consisting of residential (350 units), commercial (350,000 sqft) and business park (500,000 sqft) uses. Advised on all aspects of the entitlement process including a specific plan, development agreement, use permit, subdivision map, financing plan and EIR. Successfully defended a lawsuit challenging the project's approvals and EIR.
- *Suncreek Project, City of Rancho Cordova*. Counseled City on the analysis and development of entitlement documents for a large mixed-use project consisting of nearly 5,000 residential units, commercial/office uses and a large wetland preserve. Advised on all stages of the joint EIR/EIS with the U.S. Army Corps of Engineers, from preparation of administrative drafts through public release and approval process under CEQA and NEPA. Work also involved extensive coordination with other federal and state regulatory agencies.

- *The Green GPA/SPA Project, City of Dublin.* Assisted City in developing all land use approvals and EIR for project changing general commercial site to a mixed-use site with residential and commercial uses. Entitlements included General and Specific Plan Amendments, rezoning, design review and subdivision maps. Main CEQA issues included air quality, noise, and traffic.