



Michael G. Biddle

Partner

Oakland

1999 Harrison Street
Suite 1650
Oakland, CA 94612-3520

✉ mbiddle@bwslaw.com

☎ **D:** +1 510.903.8824

☎ **T:** +1 510.273.8780

Pronouns: he, him, his

PRACTICES

Environmental Land Use and
Natural Resources

Public Law

Real Estate and Business Law

EDUCATION

J.D., Golden Gate University,
1988

B.A., Environmental Science,
University of California,
Berkeley, 1983

ADMISSION

State Bar of California

AFFILIATIONS

League of California Cities, City
Attorney's Division Post-
Redevelopment Task Force

California Bar Association,
Environmental Law and Public
Law Sections

Michael brings nearly thirty years of experience to his practice advising [public](#) agencies on all matters of municipal law while emphasizing [real estate](#) acquisition, site remediation, [land use](#), CEQA, land disposition and development, and redevelopment dissolution. Michael served the City of Emeryville as its City Attorney from 1994 through 2015, after serving as its Assistant City Attorney for the previous five years, and routinely advised elected and appointed officials, City management and staff on a broad range of issues relating to economic redevelopment, hazardous materials remediation, affordable housing, planning and zoning, public contracting, public art, public finance (taxes, impact fees, assessments), governance (Ralph M. Brown Act, Public Records Act, Political Reform Act), and elections. Michael was also responsible for the management of several site remediation projects undertaken by the City and its former Redevelopment Agency, as well as the City's regulatory Brownfields Program in coordination with the Department of Toxic Substances Control and the Regional Water Quality Control Board.

Michael is a member of the Post-Redevelopment Task Force organized by the City Attorney's division of the League of California Cities to provide guidance to cities and successor agencies on redevelopment dissolution matters.

RESULTS

Emeryville Transit Center Project Leaves The Station

REPRESENTATIVE MATTERS

Programs and Projects

- [Brownfields Program](#) – Pursuant to Polanco Redevelopment Act, managed City approval of cleanup plans and site closure of private

development projects. Managed preparation and implementation of site cleanup plans in coordination with DTSC and RWQCB of numerous public projects.

- Elections – Prepared legislation and impartial analysis of initiative measures related to establishment of city charter, real property transfer tax, utility users tax, transient occupancy tax, business license tax, card room tax, hotel minimum wage.
- Assessment Districts/Impact Fees – Advise staff and engineer in creation of assessment district funding property acquisition and construction of mile long Bay/Shellmound Street; Advised engineer in the creation, renewal and extension of property and business improvement district providing fare-free bus shuttle, operating 7 days a week, serving 2 million riders annually with a budget of \$3.9 million; Reviewed fee studies and drafted legislation for adoption of development impact fees related to traffic, parks and open space, and affordable housing.
- Pixar Animation Studios – Represented City in preparation and review of EIR, advised staff in processing land use entitlements, and negotiated owner participation agreement and development agreement for development of 15 acre site with 800,000 s.f. campus.
- Inclusionary Housing and First Time Homebuyer Program – Drafted inclusionary housing ordinance and negotiated numerous affordable housing covenants with developers of rental and ownership housing. Drafted loan documents and affordable housing covenants in connection with first time homebuyer program and provide ongoing advice relating to loan defaults, foreclosures, workouts, restructures, and short sales.
- Ambassador Laundry – Negotiated purchase and sale agreement for acquisition of five parcels assembled for development of a 100 unit housing development affordable to low income households. Acquired rights of double-faced billboard through settlement of eminent domain action. Negotiated disposition and development agreement for development of project. Prepared legislation for abandonment of public right-of-way as part of site assemblage and acquired through eminent domain underlying fee interest.
- Emeryville Center of Community Life – Drafted and negotiated Master Joint Occupancy Agreement between City and School District to provide \$25 million of Successor Agency bond funds towards construction of \$90 million joint K-12 facility, and space for community recreational, educational, and health programs.
- Emeryville Greenway – Negotiate purchase and sale agreement with Union Pacific Railroad providing for the acquisition and seller's contribution towards cost of remediation of mile long rail spur and two acre rail yard transformed to linear pedestrian/bicycle way and public park.

- Amtrak Station – Developed administrative record to support construction of new train station as statutorily exempt from CEQA. Negotiated real property exchange agreement with U.S. Postal Service for extension of roadway enhancing traffic circulation. Secured aerial easement from Southern Pacific with approval of Public Utilities Commission for pedestrian bridge over main line providing connection to train station.
- Emery Station West – Transit Center – Advised staff in preparation and review of Mitigated Negative Declaration for 250,000 s.f. laboratory/office space, 675 parking spaces, and six Amtrak-bus bays on a 1.1 acre contaminated site subject to consent agreement with the U.S. EPA. Negotiated Development Agreement and Agreement for Public Improvement Funding, providing \$9.5 million of combined Successor Agency funds and state and federal grants for development of 125 public parking spaces and six Amtrak-bus bays for adjacent Amtrak station. Managed investigation and characterization of site conditions, preparation and approval of remedial action plan approved by the U.S. EPA and DTSC. Negotiated Environmental Remediation Agreement requiring implementation of remedial action plan by CBS Corporation pursuant to oversight by the U.S. EPA and DTSC in exchange for release of claims under Polanco Redevelopment Act and AB 440.
- IKEA Home Furnishings – Represented City and Agency as a “responsible agency” in preparation and review of EIR, advised staff in processing land use entitlements, and negotiated owner participation agreement involving development of 10 acre site straddling Emeryville-Oakland border with home furnishings store. Negotiated agreement with City of Oakland regarding distribution of sales tax.
- South Bayfront Site A – Bay Street – Assembled 25 acre site historically devoted to industrial operations, through negotiated purchase and sale agreements or use of eminent domain authority from six separate parties. Negotiated settlement of claims for relocation benefits and loss of goodwill. Managed investigation and characterization of site conditions, preparation and approval of remedial action plan and implementation of remedy pursuant to oversight by DTSC. Supervised and managed cost recovery litigation recovering \$12 million of cleanup costs and fees. Advised staff in preparation and review of EIR, processing land use entitlements, and negotiated agreement with developer involving development of site with 300,000 square feet of retail/restaurants, 15 screen theater, 360 rental units (40% affordable to low income households), 100 ownership units, and a 200 room hotel. Interacted with the Native American Heritage Commission and the Most Likely Descendent, to ensure compliance with CEQA mitigation measures identified to address impacts of development on the Emeryville Shellmound, dating back 2800 years.
- Emeryville Marketplace – Negotiated Development Agreement

regarding development of 675 residential housing units, up to 180,000 s.f. of retail space, 120,000 s.f. of office space, expansion of City park, and exchange of property between City and developer for new alignment of roadway on a 13.5 acre site in several phases.