



Tina Thomas Of Counsel

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Practice Areas

CEQA / NEPA | Land Use

Tina Thomas practices law the same way she lives life outside the firm – with relentless drive, unshakable commitment, and intrepidity.

During the past 40 years, Tina's consistent success on behalf of clients has earned her recognition as one of the State's leading environmental and [land use](#) attorneys. Before joining Downey Brand, Tina founded Thomas Law Group in 2010, after 28 years with Remy, Thomas, Moose & Manley, LLP. Her practice is focused on environmental and entitlement processes, representing property owners, developers, builders, governmental agencies, trade associations, and environmental organizations.

At the core of Tina's efforts is an unwavering commitment to finding solutions that are both economically and environmentally efficient. Tina's work extends beyond the traditional role of attorney, shaping not only land use legislation, but also the way it is practiced and understood. Tina was one of the original authors of the Guide to the California Environmental Quality Act, a text that serves as the leading reference on [CEQA](#) and an instrumental classroom resource. Additionally, Tina played an extensive role in the passage of California Senate Bill 375, authored by Senator Darrell Steinberg, which encourages smart growth and infill development.

A globetrotter, Tina has traveled with her family throughout Asia, the Middle East, Africa, Europe, and Australia, including extensive cycling tours. But her true passion, evident in her choice of career, lies in serving the Sacramento community. Tina regularly performs pro bono work for a number of local nonprofits. Her greatest triumph has been her work with Loaves and Fishes, an organization that serves homeless populations. When Loaves and Fishes was hit with potentially devastating allegations of permit violations by the City of Sacramento, Tina's representation resulted in a settlement favorable to the organization. Similarly, Tina's work with Cottage Housing and Serna Village guarantees that these vital organizations can continue to serve homeless and transitional populations, as well as the Sacramento community at large.

Tina also donates her time and resources to Wind Youth Center, Sacramento Food Bank & Family Services, John Burton Advocates for Youth, WEAVE, and Union Gospel Mission.

Experience

Representative Projects

- **Golden State Warriors Arena** – Represented lead agency throughout the administrative process at the trial court and the appellate court.
- **Raley's Freeport** – Represented applicant throughout the administrative and appellant process.
- **SACOG's Metropolitan Transportation Plan (MTP)** – Assisted SACOG over the course of a two-year administrative process leading to the approval of its first MTP/SCS and certification of the associated Program Environmental Impact Report for the plan in 2012. No litigation was filed challenging the MTP/SCS approval. The agency's second SCS was adopted in 2016 and no litigation was filed. Recently, SACOG approved its third MTP. A CEQA challenge is pending in the Sacramento County Superior Court.
- **Metropolitan Transportation Commission (MTC)** – Assisted MTC during the three-year administrative process leading to approval of the Plan and certification of an Environmental Impact Report. Represented MTC and ABAG in litigation challenging both Plan approval and EIR certification. Of the four lawsuits that were filed, two were settled. The remaining two petitions for writ of mandate were denied in their entirety by the trial court in *Bay Area Citizens v. ABAG* and *The Post Sustainability Institute v. ABAG*. The Bay Area Citizens decision was upheld by the Court of Appeal in a published decision and the Post Sustainability trial court decision was fully affirmed by the Appellate Court. Petitions for Review to the Supreme Court were both denied. In 2017 MTC approved its second MTP/SCS and no litigation was filed. The agency's third MTP/SCS is currently underway.
- **The Greenbriar Project** – Represented prior project applicant during the administrative permitting process and successfully secured the appropriate land use entitlements and EIR certification for the project. Successfully defended project approvals in litigation, filed by Environmental Council of Sacramento. Judge Timothy M. Frawley of the Sacramento County Superior Court ruled in favor of the City of Sacramento and Real Parties on all claims.

Published Decisions

- *Southwest Regional Council of Carpenters v. City of Los Angeles* (2022) 76 Cal.App.5th 1154
- *Coalition for an Equitable Westlake/MacArthur Park v. City of Los Angeles* (2020) 47 Cal.App.5th 368
- *Center for Biological Diversity v. Department of Fish & Wildlife* (2017) 17 Cal.App.5th 1245
- *Mission Bay Alliance v. Office of Community Investment & Infrastructure* (2016) 6 Cal.App.5th 160
- *East Sacramento Partnerships for a Livable City v. City of Sacramento* (2016) 5 Cal.App.5th 281
- *Center for Biological Diversity v. Department of Fish and Wildlife* (2016) 1 Cal.App.5th 452
- *Bay Area Citizens v. Association of Bay Area Governments* (2016) 248 Cal.App.4th 966
- *Center for Biological Diversity v. Department of Fish and Wildlife* (2015) 62 Cal.4th 204
- *North Coast Rivers Alliance v. Marin Municipal Water District Board of Directors* (2013) 216 Cal.App.4th 614

- *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903
- *Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428
- *Chaparral Greens v. City of Chula Vista* (1996) 50 Cal.App.4th 1134
- *Western States Petroleum Association v. Superior Court* (1995) 9 Cal.4th 559
- *Sacramento County v. Local Agency Formation Commission* (1992) 3 Cal.4th 903
- *City of Sacramento v. State Water Resources Control Board* (1992) 2 Cal.App.4th 960
- *Oro Fino Gold Mining Corp. v. County of El Dorado* (1990) 225 Cal.App.3d 872
- *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553
- *Baily v. County of El Dorado* (1985) 162 Cal.App.3d 94
- *Environmental Planning and Information Council v. Superior Court* (1984) 36 Cal.3d 188
- *Environmental Council of Sacramento v. County of Sacramento* (1982) 135 Cal.App.3d 428
- *Environmental Planning and Information Council v. County of El Dorado* (1982) 131 Cal.App.3d 350
- *Perley v. County of Calaveras* (1982) 137 Cal.App.3d 424
- *Rural Landowners Association v. City of Lodi* (1982) 143 Cal.App.3d 1013
- *Sutter Sensible Planning, Inc. v. County of Sutter* (1981) 122 Cal.App.3d 813

Professional & Community Service

- She Shares, 2012-present
- The Robert T. Matsui Center for Politics and Public Service, Advisory Committee Member, 2017-present
- John Burton Advocates for Youth, Board of Directors, 2006-present
- Sacramento Food Bank & Family Services, Member Emeritus, 1989-present
- Meristem, Board Member, 2018-present
- Steinberg Institute, Chair of the Board, 2018-present
- Loaves & Fishes, Pro Bono Counsel, 1995-present
- Mercy Housing, Pro Bono Counsel, 2019-present
- Sacramento County Bar Association, Environmental Law Section, Member, 1981-present
- California Lawyers Association, Environmental Law Section, Member, 1979-present
- Women Lawyers of Sacramento, Member, 1982-present

Education

- J.D., University of San Diego School of Law, 1979

- B.A., Stephens College, 1975

Honors & Rankings

- *Super Lawyers*, Northern California Super Lawyers, Environmental, Land Use/Zoning, 2005-2023
- Cottage Housing, Beacon of Hope Honoree, 2012
- *Sacramento Magazine*, The Power & Influence 100, 2008
- *Sacramento Magazine*, 50 Most Powerful People, 2006
- Sacramento County Bar Association, Distinguished Attorney, 2005
- Sacramento County Bar Association, Downey Allen Justice Award, 1999
- *Sacramento Business Journal*, Women Who Mean Business, 1998
- *Sacramento Magazine*, Lawyers with a Cause, 1987
- *Sacramento Magazine*, The Class of '85 Best and Brightest, 1985

Publications

- *Downey Brand Compilation of Published CEQA Cases in 2023*, January 23, 2024
- *California Policy Seminar Releases Comprehensive Evaluation of CEQA*, Continuing Education of the Bar (CEB) Land Use Forum, Volume 5, Number 2, Spring 1996
- *Absence of Supporting Evidence for Each Initial Study Conclusion in Either Initial Study or Record of Proceedings May Enlarge Scope of Fair Argument on Whether EIR Should Be Prepared in First Instance*, Continuing Education of the Bar (CEB) Land Use Forum, Volume 4, Number 4, Fall 1995
- *Evidence From Outside Administrative Record Cannot Be Admitted in CEQA Challenge to Quasi-Legislative Decision*, Continuing Education of the Bar (CEB) Land Use Forum, Volume 4, Number 2, Spring 1995
- *State Board of Forestry and Fire Protection Must Conform to Provisions of CEQA From Which it Is Not Specifically Exempted*, Continuing Education of the Bar (CEB) Land Use Forum, Volume 3, Number 4, Fall 1994
- *Laurel Heights Improvement Ass'n v Regents of University of California, The Supreme Court Recently Announced Its Rule Defining When Recirculation of a Draft Environmental Impact Report is Required*, Continuing Education of the Bar (CEB) Land Use Forum, Volume 3, Number 2, Spring 1994
- *Legislature Authorizes Master Environmental Impact Reports To Reduce Redundant Environmental Review*, Continuing Education of the Bar (CEB) Land Use Forum, Volume 3, Number 1, Winter 1994
- *Federal Courts' Extraterritorial Application of NEPA*, Continuing Education of the Bar (CEB) Land Use Forum, Volume 2, Number 4, Fall 1993
- *Court of Appeal Rejects Argument That Potential Social Impacts (Increase in Crime) Are Physical Changes in the Environment Under CEQA*, Continuing Education of the Bar (CEB) Land Use Forum, Volume 2, Number 3, Summer 1993

- *In Defense of CEQA*, Continuing Education of the Bar (CEB) Land Use Forum, Volume 2, Number 2, Spring 1993
- *In CEQA 'Compliance Proceeding,' Lack of Adversity Between Parties Does Not Compel to Discharge Writ*, Continuing Education of the Bar (CEB) Land Use Forum, Volume 2, Number 2, Spring 1993
- *Court of Appeal Holds That Trial Court Could Have Considered Evidence Outside Administrative Record in an Ordinary Mandamus Proceeding*, Continuing Education of the Bar (CEB) Land Use Forum, Volume 2, Number 1, Winter 1993
- *Sierra Club v. County of Sonoma Court of Appeal Holds That 'Fair Argument' Standard of Review Applies to Decisions About 'Second-Tier' EIRs for Certain Site-Specific Projects*, Continuing Education of the Bar (CEB) Land Use Forum, Volume 1, Number 5, Fall 1992
- *Trial Court Rules That 'Extended Summary' of EIR, Public Notices, and Public Hearing Testimony Must Be Translated Into Spanish for Kings County Project*, Continuing Education of the Bar (CEB) Land Use Forum, Volume 1, Number 3, Spring 1992
- *When Environmental Impacts May Be Regional, Courts Insist On Broad Scope of Analysis in EIRs*, Continuing Education of the Bar (CEB) Land Use Forum, Volume 1, Number 2, Winter 1992
- *CEQA Challenges Face A New Level of Scrutiny*, Continuing Education of the Bar (CEB) Land Use Forum, Volume 1, Number 1, Fall 1991
- *Guide to the California Environmental Quality Act*, Co-Author, 1987
- *California Land Use*, Co-Author of Chapters on CEQA and NEPA, 1984

Blogs

- *NIMBYism in Newport Beach: Court Upholds Addendum for Apartment Complex Challenged by NIMBY Neighboring Commercial Property Owner*, July 24, 2023
- *California Loses a Talented Planner: A Remembrance*, July 5, 2023
- *UC Regents Prevails Against Dueling Challenges to Fuels Management Plan Designed to Reduce Wildfire Risk in the Berkeley Hills*, June 20, 2023
- *The Fiscal Responsibility Act's Modest NEPA Amendments to Streamline Project Review*, June 13, 2023
- *Sixth District Upholds City's Rejection of Proposed Compensatory Mitigation for Demolition of Historic Building*, June 12, 2023
- *AB 1000: Legislative Restrictions on New Warehouse Construction Granted Reconsideration in 2024*, June 7, 2023
- *Neighbor vs. Neighbor Dispute Over Home Remodel Leads to Reversal of Anti-SLAPP Motion in Court of Appeal*, May 19, 2023
- *Oakland and the A's Prevail on All but One Minor Issue in Ballpark EIR Case; Wind Mitigation Found Inadequate*, April 10, 2023
- *Neighbor's General Complaints of Environmental Concerns Insufficient to Exhaust Administrative Remedies as to CEQA Exemption Determination*, March 6, 2023

- *Court Finds Use of Addendum Improper as Project's GHG Emissions Likely Outside the Scope of Prior Programmatic EIR and Unusual Circumstances Exception Applied to Use of Infill Exemption*, February 21, 2023
- *Design Changes to State Capitol Renovation Revealed in FEIR Did Not Adequately Allow for Public Input or Informed Decision-Making*, January 20, 2023
- *Construction of 90-Foot-Tall Lights at Athletic Field Not Categorically Exempt as either an Existing Facility or Construction of a Small Structure*, December 29, 2022
- *Exhausting Administrative Remedies Does Not Toll the Statute of Limitations When the CEQA Determination Is Not at Issue*, December 23, 2022
- *Court Finds Site Visits and Reports Taken Before and After Issuance of NOP Adequate for Establishing Biological Resources Baseline, EIR's Emergency Evacuation Analysis Upheld*, December 21, 2022