



DANIEL B. MYERS

Attorney

P 510.834.6600

E dmyers@fennemorelaw.com

Oakland, California

Dan provides strategic advice and counsel to clients on real estate transactions and guidance on optimizing real estate holdings. He also assists clients with land use approvals and permitting matters. A skilled negotiator and dealmaker, he regularly writes and speaks on real estate topics. His clients include developers, commercial landlords and tenants, retail and service companies, small businesses, and individuals. Dan also advises clients on advertising and promotional matters.

Real Estate

With more than 20 years of experience, Dan represents real estate clients in all aspects of real property transactions. He negotiates and prepares transactional documents, including purchase and sale agreements, leases, and financing documents, assists clients in negotiating and resolving disputes, and counsels clients on land use and due diligence issues. He has experience representing clients on green leases and drafting green lease provisions. Dan also advises clients on the most effective strategies for disposal of surplus real property.

Land Use

Experienced in diverse areas of land use law, Dan works with clients to obtain land use approvals and conducts due diligence reviews for real estate and corporate transactions. He has represented clients before federal, state, and local agencies in land use, wetlands, air, water and hazardous waste/substances permitting matters.

Advertising, Sweepstakes and Promotions

Dan counsels companies regarding advertising and promotional matters, including in the fitness, food, entertainment, and retail industries. He reviews online, social media, electronic, print, radio, and television advertisements and promotions and contests/sweepstakes materials and advises on compliance with state and federal advertising, pricing, disclosure and substantiation laws and regulations.

EDUCATION

- J.D., *summa cum laude*, Santa Clara University, School of Law
- B.A., with distinction, University of California, Berkeley

AREAS OF PRACTICE

- Advertising
- Craft Brewing
- Green Business
- Land Use
- Real Estate

REPRESENTATIVE CASES

Real Estate

- Represents regional real estate developer/operator in purchase and sale and leasing transactions for office and mixed-use buildings in Oakland.
- Represents national health and fitness center chain in lease transactions throughout California.
- Represented biotech and life sciences companies in leasing transactions for lab and office space in Emeryville, San Mateo, Burlingame and South San Francisco.
- Represents regional restaurant chain in acquisition and development of single and multi-tenant retail properties.
- Represented multi-state parking garage operator in sale of property for development of high-rise residential building, with right to repurchase office and parking lot commercial condominium units in project.
- Represented regional hardware and garden company in leases for new locations and assisted the company in renegotiating leases during bankruptcy proceedings.
- Represented financial services firms leasing class-A office buildings in Oakland and San Francisco.
- Represented national pet food and food manufacturing company in office and industrial lease transactions across the country and sale of industrial, warehouse and manufacturing facilities.
- Represented craft-brewer in negotiating lease for 90,000 square foot industrial building for a brewery, restaurant and offices.
- Represented developer in negotiating construction, loan, intercreditor and lease agreements for acquisition, financing, construction and leasing of mixed-use center, including condominiums, restaurants and parking garage.

Advertising

- Represents fitness and other companies reviewing and providing advice on pricing, advertising and disclosure requirements and best practices.
- Assists companies with design and implementation of sweepstakes and promotional activities.

ARTICLES AND PRESENTATIONS

- Interview, "Twitter vs. Landlord Lawsuit Could Take Years To Resolve," The Registry, January 23, 2023

- Interview, "When Opportunities Present Themselves, Make Sure To Say "YES"," Fennemore Blog, September 7, 2022
- Author, "Two Years In: Trends Are Emerging in Commercial Office Leasing," Daily Journal, May 2022
- Panelist, "East Bay Developer Forum," The Registry, May 2022
- Moderator, "Assignment and Subletting: Trends, Issues and Best Practices," ICSC Law Conference Roundtable, November 2021
- Speaker, "Estoppels & SNDAs: Just Got One, What Do I Do Now?," National Retail Tenants Association, February 2021
- Author, "Surviving the Retail Apocalypse – Are you Prepared?," Retail IT Insights, June 2020
- Speaker, "Commercial Sale Transactions," Continuing Education of the Bar (CEB) Webinar, October 2019
- Speaker, "Commercial Leasing Transactions," Continuing Education of the Bar (CEB) Webinar, October 2019
- Speaker, "CRE Legal Update," CCIM Institute Northern California Chapter, September 2019
- Speaker, "Handling Estoppels & SNDAs," National Retail Tenants Association National Conference, 2017, 2018 and 2019
- Speaker, "Assignment and Subletting: More Complicated Than You Think," panelist, California Lawyers Association, Real Property Law Section Retreat, April 2018
- Speaker, "Transferring Real Property," Continuing Education of the Bar (CEB) Webinar, December 2017
- Speaker, "Commercial Real Estate Transaction 101," panelist, California State Bar Real Property Law Section, April 2016
- Author, "Office Leasing: Drafting and Negotiating the Lease," California Continuing Education of the Bar, "Chapter 45: Green Leasing," and update editor
- Author, "Retail Leasing: Drafting and Negotiating the Lease," California Continuing Education of the Bar, "Chapters 22 (Signage), 41 (Estoppel Certificates) and 44 (Subordination, Nondisturbance and Attornment)," and update editor
- Guest Lecturer, "Key Legal Issues in Advertising," San Jose State University and California State University East Bay, 2005-2020

PROFESSIONAL AND COMMUNITY ACTIVITIES

- Member, California Lawyers Association, Real Property Law Section
- Member, International Council of Shopping Centers (ICSC)
- Member, National Retail Tenants Association (NRTA)
- Member, Executive Committee, Oakland 1, ProVisors
- Member, Executive Committee, ProVisors Real Estate Affinity Group (BAREL)
- Member, Real Estate Section, Alameda County Bar Association
- Former Member, Executive Committee, Real Property Law Section, State Bar of California, 2013-2016
- Former Member, Niles (Fremont) Rotary, 2005-2013

ADMISSIONS

- California