

## Alicia Guerra

San Francisco, California  
Shareholder

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### Areas of Practice & Industry Specialties

Land Use; Energy & Natural Resources Law; Environmental Law Practice; Government, Regulatory & Administrative Law; Real Estate; Community Development Finance Law; Chemical Law & Prop 65; Equine Law



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Alicia Guerra has developed a multi-disciplinary practice focused on local, state, and federal land use entitlement and permitting and environmental review for a broad sector of private industry, developers, and public agencies. Ms. Guerra's practice often involves complex and controversial projects at all levels of the administrative process including due diligence, land use entitlements, development agreements, disposition and development agreements, permitting advice, and counsel for water resources, environmental compliance, and wetlands natural resources. She has handled all aspects of these substantive areas, from advising private and public sector clients regarding the applicability of the law, to guiding clients through the permitting and entitlement processes at the local, state or federal level. She advises clients on legal strategies for defensible entitlement and environmental review processes in the face of challenges from local, state and national environmental groups opposing projects.

Ms. Guerra provides assistance to residential developers and home builders of master planned residential and mixed use and golf course resort communities, life science companies and REITs, commercial enterprises, industrial companies, and public agencies in land development, entitlement, and environmental review and natural resources permitting processes. Her expertise includes the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the Clean Water Act (including Sections 401 and 404), federal and state flood control statutes, California's planning laws, and other state and federal laws governing the use of land, water, and other natural resources.

Ms. Guerra assists public and private clients with federal and state natural resources permitting under the federal and state Endangered Species Acts and the Federal Clean Water Act, including the Section 404 permitting and Section 7 consultation processes. She also assists clients with federal and state permitting of energy projects, flood control, reclamation and transportation projects. Her practice focuses on advising commercial/industrial developers, home builders, REITs, public and quasi-public agencies, and industrial and institutional companies in navigating the Clean Water Act and federal and state Endangered Species Acts and other State and Federal laws.

Due to her multi-disciplinary practice and her experience advising both public and private sector entities, Ms. Guerra also advises public agency clients in negotiating and drafting joint powers agreements for infrastructure projects in Northern California. Additionally, she advises both private and public sector entities in negotiating development agreements and disposition and development agreements during the entitlement and post-entitlement processes as such agreements govern the development and construction of major infrastructure.

Ms. Guerra was recognized by *Super Lawyer Magazine* as a Northern California Super Lawyer, a recognition she has received since 2014. In addition, she has been recognized in the *Best Lawyers in America*, Environmental Law and Land Use and Zoning Law, for 2024.

## **Representative Matters**

### *Private Sector Clients*

- Butte Regional Conservation Plan. Advised BCAG regarding CEQA and preparation of habitat conservation plan for compliance with State and Federal Endangered Species Acts.
- Chico Development. Advised client regarding CEQA/NEPA and state and federal permitting and compliance for large mixed use development in Chico.
- Golf Course. Advised client regarding entitlements and state and federal permitting and compliance for golf course in Butte County.
- Power plant/biomass conversion projects to renewable energy. Advise companies and EPC contractors regarding environmental review, and local, state and federal permitting for projects located in Fresno, Richmond, Imperial Valley and Kern County.
- Logistics facilities. Advise developers and end users regarding environmental review, entitlements and permitting for logistics and distribution facilities throughout Bay Area and Central Valley in the face of union and environmental justice organization opposition.
- Redevelopment of Former Army Base and Army Reserve Training Facilities. Advise developers and homebuilders in the acquisition, development and permitting of mixed use residential redevelopment of former Army properties in Monterey and Alameda counties (2007- ongoing).
- Industrial Site and Transit-Oriented Redevelopment Projects. Advise developers in entitlement and local, state and federal permitting and NEPA/CEQA review strategies for redevelopment of former industrial facilities, transit-oriented mixed use redevelopment projects, base reuse projects and development/redevelopment of R&D and life sciences facilities in Northern California (2006-ongoing).
- Delta Project. Advise developer of 5,000 acre tract in South Delta in the land use entitlement, development agreement, NEPA/CEQA, and permitting under Clean Water Act, ESA, and CESA, and flood control permitting of 11,000 unit and 5 million square foot water-oriented mixed use residential development project (2001-ongoing).
- Life Sciences/Biotech/R&D Campuses – Advise clients regarding life sciences and biotech and R&D campus entitlements for projects in Brisbane, South San Francisco, Redwood City, Santa Clara, Dublin, and other Bay Area locations.
- Casino Projects. Advise Tribes and casino operators in natural resources permitting and environmental review for off-Reservation infrastructure for casinos in Northern California and in negotiating joint powers agreements with local municipality and county (2012- ongoing).
- Intermodal Project. Advise developer and city with NEPA review for intermodal facility, track relocation, and compliance with Section 106, Section 4(f) and transportation project requirements pursuant to ISTEA and SAFETEA-LU and advise regarding Federal Railroad Administration and Federal Transit Administration and Caltrans permitting processes.
- Coastal Project. Advise landowner in the development of a land disposition and integrated entitlement/remediation strategy for 400+ acres property along California coast. Advise client in processing local, state and federal entitlements and development of natural resources permitting strategy and NEPA/CEQA review associated with the redevelopment of property in Mendocino County (2007-ongoing).
- Development Projects. Advise landowners and developers in land use approval and entitlement processes, NEPA/CEQA review, and local, state and federal permitting requirements for development projects in Alameda, Contra Costa, Kern, Lake, Mendocino, Merced, Monterey, Napa, Placer, Riverside, San Benito, Sacramento, San Francisco, San Mateo, San Joaquin, Santa Clara, Solano, Sonoma, and Stanislaus counties (1997-ongoing). Public Agency/Quasi-Public Agency.
- Clean Water Act and Flood Control Permitting. Advise municipalities and reclamation districts in compliance with State Porter Cologne Water Quality Act, Federal Clean Water Act and Rivers & Harbors Act (1997-ongoing) for construction of infrastructure.
- Habitat Conservation Plans. Advise municipalities in natural resources permitting, NEPA/CEQA matters

and litigation defense associated with preparation of Habitat Conservation Plans (2000-20013). Advise municipalities in California and Nevada with implementation of HCPs and represent municipalities and developers in the permitting and entitlement processing associated with projects subject to habitat conservation plans (2003- ongoing).

- Transportation Projects. Advise transportation agencies, Tribes, and consultants in natural resources permitting and environmental review for interchange and roadway projects under NEPA/CEQA (2006-ongoing).

#### *Public Agency/Quasi-Public Agency*

- Contra Costa County – CEQA/NEPA review and State and Federal permitting for development of surplus land.
- City of Sacramento – State and Federal permitting and CEQA/NEPA review for the Natomas Basin Habitat Conservation Plan and subsequent permitting, compliance and plan implementation. Involved managing habitat conservation plan and permitting compliance for Natomas Basin in which the Sacramento International Airport is located.
- Reclamation District (RD) 17 – regarding state and federal flood control matters involving the Mossdale Tract – San Joaquin County and CEQA/NEPA review for the Lower San Joaquin River Feasibility Study. Due to this representation, we have also represented the City of Stockton and San Joaquin County with respect to flood control issues under SB 5.
- City of Lathrop Surface Discharge Project for Wastewater Treatment Plant – CEQA review and permitting advice for river discharge permit.
- Graton Rancheria/City of Rohnert Park – advised Tribe and City of Rohnert Park for CEQA compliance and state and federal permitting for off-Reservation infrastructure projects pursuant to Joint Powers Agreement. (we represent other tribes as public agencies under State law for similar off-reservation projects.)
- UC Merced – while at a prior firm, represented UC Merced in CEQA/NEPA compliance and state and federal permitting under the Clean Water Act, Rivers & Harbors Act, Endangered Species Act, Flood Control Act (state and federal requirements), Porter Cologne Water Quality Control Act, and Fish & Game Code for the 10th university campus.
- Habitat Conservation Plans. Advise municipalities in natural resources permitting, NEPA/CEQA matters and litigation defense associated with preparation of Habitat Conservation Plans (2000-20013). Advise municipalities in California and Nevada with implementation of HCPs and represent municipalities and developers in the permitting and entitlement processing associated with projects subject to habitat conservation plans.
- Transportation Projects. Advise transportation agencies, Tribes, and consultants in natural resources permitting and environmental review for interchange and roadway projects under NEPA/CEQA (2006-ongoing).
- Clean Water Act and Flood Control Permitting. Advise municipalities and reclamation districts in compliance with State Porter Cologne Water Quality Act, Federal Clean Water Act and Rivers & Harbors Act (1997-ongoing) for construction of infrastructure.
- UC Merced: Handled the permitting and participated in the environmental review process including medical facilities and currently working on a development effort in the University Community with a focus on housing in proximity to support the campus medical facilities.
- City of Sacramento: Assisted the City regarding the approval of a helipad on the Kaiser Downtown Hospital in Sacramento.

#### *Health Care*

- Advises autism and eating disorder clinics and other medical office related facilities in Northern California on land use matters.

- Advised Kaiser Hospital in Emeryville with preparing the Environmental Impact Report (EIR) (as an environmental consultant).
- Advised Kaiser Hospital in Los Angeles related to neighborhood parking issues.
- HCP, Inc.: Handled life sciences and biotech entitlements for projects in Brisbane, and South San Francisco and currently working on three projects for HCP, Inc.
- UC Merced: Handled the permitting and participated in the environmental review process including medical facilities and currently working on a development effort in the University Community with a focus on housing in proximity to support the campus medical facilities.
- City of Sacramento: Assisted the City regarding the approval of a helipad on the Kaiser Downtown Hospital in Sacramento.

## **Publications**

- U.S. Supreme Court Decision Impacts California Developers, *Buchalter Client Alert*, April 23, 2024
- 24 Legislative Update: 56 New Laws Targeting Housing Development Become Effective in California, *Buchalter Client Alert*, January 2, 2024
- Governor Newsom Signs Major Development Bills into Law, *Buchalter Client Alert*, October 4, 2022
- UC Berkeley Student Enrollment Crisis Inspires Legislative Push to Change CEQA Requirements, *Buchalter Client Alert*, March 16, 2022
- Buchalter COVID-19 Client Alert: California Extends Validity of Housing Entitlements During the COVID-19 Crisis, October 6, 2020
- Buchalter Client Alert COVID-19: Bay Area Shelter-in-Place Order and Local Government Status, April 3, 2020
- Buchalter Client Alert: Impact of COVID-19 on Real Estate Transactions, *Buchalter Client Alert*, March 16, 2020
- Buchalter Client Alert: Land Development and Regulatory Compliance Update (March 13, 2020), *Buchalter Client Alert*, March 13, 2020
- Buchalter Client Alert: Land Development and Regulatory Compliance Update (March 11, 2020), *Buchalter Client Alert*, March 11, 2020
- Senate Bill 50 was the quickest way to encourage growth, *Los Angeles Daily Journal*, February 10, 2020
- Battle Over Federal Property Conveyances, *The Daily Journal*, May 2, 2018

## **Presentations**

- Panelist, "Asset Class Update: Small Businesses, Market Rate & Affordable Housing," BisNow, May 27, 2021
- Speaker, "State Environmental Regulation as it Applies to Tribal Projects and Lands," Tribal Environmental Quality Protection Conference, June 22, 2015
- Speaker, "Structuring Real Estate Development Agreements With Municipalities," Strafford Webinar, April 30, 2015
- Panelist, "CEQA Updates," the State Bar Annual Environmental Law Conference in Yosemite, CA, October 19, 2014
- Panelist, "NEPA Litigation Panel," 16th Environmental Law Section Conference, Phoenix, AZ, September 1, 2008
- Speaker, "California Bar Humboldt Environmental Law Conference," May 1, 2008
- Panelist, "National Association of Environmental Professionals/California Association of Environmental

Professionals," San Diego, CA, April 1, 2008

- Speaker, "National APA and California APA Chapter Conference," San Jose, California, March 1, 2008
- Speaker, " 2nd Annual Global Climate Change Conference," Los Angeles, CA, February 1, 2008
- Speaker, " CLE International 1st Annual Global Climate Change Conference," San Francisco, CA, June 1, 2007
- Speaker, "Environmental Justice for ALI-ABA," Environmental Impact Assessment Conference, San Francisco, CA, April 1, 2006
- Instructor, " AEP NEPA and Workshops for San Francisco and Sacramento Chapters," January 1, 2005

### **Webinars**

- "Strafford CLE Webinar: Structuring Real Estate Development Agreements With Municipalities," June 9, 2020
- "Pincus Webinar: Understanding the Legal Impact of Covid-19 as it Affects Your Clients, Your Life and Your Business," April 8, 2020
- "Webinar: Land Use Issues for Non-Profit and Religious Entities," July 21, 2015

### **Education**

Ms. Guerra earned her J.D. at Santa Clara University School of Law in 1996 and her B.A. from Stanford University in 1988.

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### **Bar Admissions**

- California