

Alicia Guerra

San Francisco, California
Shareholder

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Areas of Practice & Industry Specialties

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



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 a permitting or entitlement process at the local, state or federal level.

Ms. Guerra provides assistance to residential developers and home builders of master planned communities, 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, California redevelopment law, 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 flood control and transportation projects. Her practice focuses on advising 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 flood control laws. She also assisted UC Merced, one of the public agencies relying on P-3 agreements for major infrastructure so that the campus would complete the state and federal permitting and environmental review processes for the construction of the UC Merced Campus and associated infrastructure.

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 in 2019, a recognition she has received since 2014.

Representative Matters Private Sector Clients

- 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).
- 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).
- 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, and base reuse projects 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).
- Casino Project. Advise Tribe and casino operator in natural resources permitting and environmental review for off-Reservation infrastructure for casino in Northern California and in negotiating joint powers agreements with local municipality and county (2012-2015).
- 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.
- 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, Sacramento, San Francisco, San Mateo, San Joaquin, Santa Clara, Solano, Sonoma, and Stanislaus counties (1997-ongoing). Public Agency/Quasi-Public Agency
- 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).
- Utility Company Natural Resources Permitting. Advise utility company on development of habitat conservation plans for service territory in support of Section 10(a)(1)(B) and 2081 permits. Also advise client on natural resources permitting matters, including negotiation of Safe Harbor Agreements, Section 7 consultation issues, implementation of existing mitigation programs, and NEPA/CEQA compliance issues (2004-2014).
- 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.

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.
- City of Sacramento – CEQA/NEPA compliance and permitting for Sacramento Railyards (biological resources/permitting issues) and for entire permitting and environmental review compliance for track relocation and intermodal project.
- 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 (2003- ongoing).
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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

- 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.

Bar Admissions

- California