

# Danielle Sveska Gensch

Partner | San Francisco

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Danielle Gensch's practice focuses on public agency transactions, particularly in real estate and infrastructure. She has experience in a variety of real estate transactions, including acquisitions, dispositions, leasing and loans, as well as property development issues, reciprocal easement agreements and entitlement review. She assists pension plans, developers and corporations in their investment transactions, acquisition of administrative office space and development of affordable and market-rate housing. Her infrastructure experience includes assisting public agencies, mutual water companies and closely-held companies in the acquisition, disposition and development of solar facilities, landfills, digester gas utilization, scrubbers, water systems and facilities and associated real estate interests, such as easements, licenses and rights-of-way.

Danielle also acts as outside general counsel and special counsel to local districts, transportation agencies, joint powers authorities and cities. In that role, she advises agencies on compliance with Brown Act, conflict of interest and Public Records Act matters. She also advises on a wide variety of contractual matters, including public-private partnerships, fund investments, third-party vendors and development agreements.

Prior to law school, Danielle was a transportation planner/traffic engineer at an engineering firm in the Washington, DC. area.

## EXPERIENCE

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### PUBLIC AGENCY TRANSACTIONS

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**Los Angeles City Pension and Retirement Systems.** Represents the three Los Angeles City pension and retirement systems – City Employees' Retirement System, Fire and Police Pensions, and Water and Power Employees' Retirement Plan. Advised on leases and building acquisition for administrative office space. Assisted in contracts for fund investments, general investment consultant and fund custody.

**Sacramento County Employees' Retirement System.** Responsible for all commercial leasing activities in portfolio of office, industrial, retail and mixed-use buildings. Lead attorney on acquisition of three multi-family residential buildings, sale of retail center and industrial buildings and financings on four multi-family residential assets. Assisted in joint venture development of mixed-use property.

**Employees' Retirement System of the State of Hawaii.** Assisted in review and negotiation of infrastructure and alternative real estate investments.

**San Jose Police and Fire Department Retirement Fund (SJP&F).** Responsible for all commercial leasing activities in portfolio. Lead attorney on acquisition, development and leasing of LEED-certified office building of 120,000 square feet in suburban St. Louis, Missouri. Provided ongoing corporate structuring advice for title-holding entities.

**Alameda County Employees' Retirement Association.** Assisted with preparation of Request for Proposals and associated contract form for real estate investment consultant, general investment and emerging markets searches.

**San Francisco Bay Area Water Emergency Transportation Authority.** Negotiated leases for new ferry terminals in South San Francisco and Richmond, for ferry maintenance facility in Alameda and for terminal expansion adjacent to Ferry Building in San Francisco. Assisted on transfer of municipal ferry systems to agency. Advised on various Brown Act, Public Records Act and conflict of interest issues.

**San Francisco County Transportation Authority.** Advised Board and staff on closed session requirements, conflict of interest issues and meeting administration. Drafted quitclaim deeds and escrow agreement for potential unwind of Transbay Terminal. Negotiated office lease termination and new lease.

**Federal Deposit Insurance Corporation.** Negotiated extensive construction access easement and agreement for adjacent Oceanwide Center in San Francisco for the purpose of preventing future building sinkage or tilt.

**California High-Speed Rail Authority.** Negotiated multiple agreements for acquisition of mitigation property and conservation easement.

**Santa Clara County Health Authority.** Assisted in lease renewal negotiations. Negotiated and closed acquisition of new headquarters building.

**Sleepy Hollow Fire Protection District.** Agency special counsel for potential real estate transaction.

**City of Los Angeles Bureau of Waste Management.** Negotiated design-build agreements for digester gas utilization project at Hyperion Wastewater Treatment Plant.

**Transportation and Waste Management Agencies.** Negotiated power purchase agreements and associated licenses for power-generating facilities (solar array and waste-to-energy).

**County of Sonoma.** Drafted purchase and sale agreement for complex public-private partnership associated with divestiture of County's solid waste assets. Assisted in significant due diligence and procurement activities.

**Special District.** Negotiated amendments to joint powers authority-related documents and purchase and sale agreement for three-party land exchange.

## TRANSACTIONS FOR PRIVATE ENTITIES

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**Confidential Public Company.** Assisted with leasehold restoration requirements. Acquired two office buildings and sold office/lab building. Negotiated sale-leaseback for office, lab and development property.

**Confidential Water Companies.** Negotiated agreements for water rights acquisitions and water company mergers.

**Confidential Private Company.** Negotiated purchase agreement for former redevelopment agency property slated for industrial development.

**Religious Organizations.** Negotiated tie-back agreement for historic property. Negotiated and closed sale of prior headquarters and acquisition of new headquarters.

**San Francisco Center for Psychoanalysis.** Assisted in structuring acquisition of new office and library space. Negotiated and closed sale of vacant lot (former headquarters) and new headquarters. Assisted in temporary leased-space issues.

**Children's Hospital & Research Center Oakland.** Represented Children's in acquisition and financing of medical office building in Walnut Creek, California. Provided assistance on non-profit restructuring and debt matters.

**Automotive Client.** Lead attorney on acquisition of research and development facility in Carlsbad, California.

**Various Clients.** Represented multiple purchasers of office condominiums, potential purchaser of hotel site and new master developer at Mission Bay in San Francisco.

**Residential and Mixed-Use Developer.** Drafted and reviewed CEQA documentation for multiple proposed developments. Advised on brownfields reuse issues for former burn dump, airfield and steel plant.

**Residential Developer.** Reviewed environmental documentation for proposed reuse of former Marine Corps air station. Advised client on development agreement issues.

**Tax Credit Syndicators.** Negotiated limited partnership agreements, loan documents and development agreements for low-income housing tax credit transactions. Performed significant due diligence activities on portfolio of approximately 100 properties.

## INSIGHTS

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### SPEAKING ENGAGEMENTS

Speaker, "Fiduciary, Conflict of Interest and Transparency Issues Involving Investment-Related Service Providers," Nossaman's 2016 Public Pensions & Investments Fiduciaries' Forum, San Francisco, CA, 10.27.2016

Speaker, "Current Trends in Alternative Investment Documentation and Diligence," Nossaman's 2015 Public Pensions & Investments Fiduciaries' Forum, San Francisco, CA, 09.25.2015

Speaker, "Legal and Practical Issues of Easements in California," Lorman Education Services, 05.02.2014

Speaker, "LEED Due Diligence - Risks and Rewards," Greenbuild International Conference & Expo, San Francisco, CA, 11.15.2012

### PUBLICATIONS

Author, "Governor Brown Signs Legislation Changing Commercial Building Owner Obligations on Energy Usage Disclosure," *Nossaman eAlert*, 10.28.2015

Co-Author, "Co-Tenancy Breaches and Remedies: Drafting Guidance for Landlords and Tenants After Grand Prospect Partners," *CA Real Property Journal*, 02.2015

Co-Author, "Separate Account Real Estate Investments: What Do I Need to Know and What is My Role?," *The NAPPA Report*, 03.06.2013

## HONORS & RECOGNITIONS

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Named a Super Lawyers "Northern California Rising Star" in 2014 by *San Francisco* magazine.

## COMMUNITY & PROFESSIONAL

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American Bar Association, Sections on Real Estate and State and Local Government

State Bar of California, Section on Real Estate

Past President of Board of Directors, The Bethany Center (low income senior housing), 2008-2013

National Association of Public Pension Attorneys

## PRACTICES

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Real Estate

Public Pensions & Investments

Environment & Land Use

## INDUSTRIES

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Government & Public Sector

## EDUCATION

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University of Michigan Law School, J.D., 1999, *cum laude*

Cornell University, B.S., 1995, *with distinction*

## ADMISSIONS

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California