



HANS VAN LIGTEN

Partner

Land Use and Entitlement

Orange County

(714) 662-4640

HVanLigten@rutan.com

A substantial part of Hans Van Ligten's practice focuses on zoning and general planning, California Environmental Quality Act compliance and litigation, U.S. and California Endangered Species Act compliance, 404 wetland regulation and 1602 streambed alteration, and administrative law. The range of projects on which he has worked includes large residential developments, high rise senior citizen housing, commercial/industrial developments, and regional sports facilities such as the Honda Center of Anaheim.

His experience equips him to take a project from raw land through the discretionary permit and CEQA process with local and State governments, and, if necessary, federal agencies as well. Hans will defend the project entitlements in both the trial and appellate courts, as well as pursue any litigation necessary litigation to project the rights of property owners from arbitrary governmental action.

Hans works with landowners to obtain incidental take authorizations under Sections 10 and 7 of the Federal Endangered Species Act. His projects have been located in or near purported Least Bell's Vireo, Willow Fly Catcher, Delhi Sand Flower-loving Fly, Stephens Kangaroo Rat, Quino Checkerspot Butterfly, Riverside Fairy Shrimp, California coastal gnatcatcher potential habitat areas and many others.

Hans worked with his client to establish the Barry Jones Wetlands Mitigation Bank in Western Riverside County, which will preserve the largest remaining vernal pool in Southern California. The Bank is currently selling its wetland mitigation credits to others who may use them as compensatory mitigation for impacts caused by their own proposed developments within the Santa Ana River watershed.

In addition to obtaining Section 10 Incidental Take Permits and Section 7 Incidental Take Statements, Hans has helped clients negotiate the regulatory maze surrounding impacts to wetlands and other waters of the United States, including obtaining Clean Water Act Section 404 permits from the United

Related Services

- Land Use and Entitlement
- Government and Regulatory
- Affordable Housing and Economic Development
- Environmental
- Government Relations and Political
- Municipal Law General and Special
- Real Estate

Related Industries

- Public Entities and Municipalities
- Environmental and Natural Resources

Bar & Court Admissions

- State Bar of California
- U.S. Supreme Court
- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court for the Central District of California

States Army Corps of Engineers, and related issues concerning compliance with California Fish & Game Code Section 1603 Stream Bed Alteration Agreements.

Hans advises a broad range of clients, including landowners, local governments, REITS and prospective real property purchasers about the land use permitting process, including zoning and general plan issues, subdivision maps, environmental impact reports, and discretionary permits (conditional use permits and site plans).

Working closely with other consultants, such as biologists, entomologists, hydrologists and botanists, Hans focuses their efforts to achieve the client's ultimate goal of a legally adequate (and defensible) project approval. Hans has appeared before planning commissions, city councils and boards of supervisors representing clients in administrative hearings on land use and other matters.

Hans has extensive experience with these administrative processes due to his 30 years as a deputy and assistant city attorney in a number of cities in Los Angeles, Orange and Riverside Counties represented by Rutan & Tucker, LLP, including serving as the City Attorney of the City of San Juan Capistrano.

The other major component of Hans' practice is litigation, including, of course, environmental and land use litigation, as well as inverse condemnation claims, real estate disputes, redevelopment and public finance related litigation, and complex civil litigation for private and public clients.

He has tried cases before the California Superior Court as well as the United States District Court, and successfully argued cases to the California Court of Appeal and Ninth U.S. Circuit Court of Appeals.

Areas of Expertise

- Land Use/CEQA/Natural Resources
- Complex Litigation
- Wildlife & Wetland Resources
- Real Estate Development
- Redevelopment
- Environmental

Representative Matters/Cases

- *Hines Nurseries, Inc. (Solano County) (2004-2005)*. Successfully obtained 404 permits, Incidental Take permits, and 1602 Agreements for 280 acre commercial nursery.
- *Center for Community Action and Environmental Justice v. County of Riverside, Space Center, Inc. (Mira Loma) (2000)*. Defended Real-Party-in-Interest national industrial developer in writ of mandate action brought by local environmental group alleging CEQA violations relating to approval of a 900,000 square foot building, including allegedly inadequate air quality and biological/endangered species analysis. Settled on terms highly favorable to developer. Building constructed 2001.

Education

- Loyola Law School (J.D., 1985), cum laude
- University of California, Santa Barbara (B.A., 1981), cum laude

- *Center for Community Action and Environmental Justice v. County of Riverside, Panattoni Development Company*, Riverside Superior Court Case No. RIC-360823 (2002). Successfully defended approval of a 400,000 square foot industrial building in alleged Delhi Sand Flower-loving Fly habitat, as well as an area identified as PM10 hot spot and non-attainment area for air quality. The mitigated negative declaration was upheld and the Court rejected all challenges raised by neighborhood environmental group.
- *Milliken & Greystone Industrial Park (Ontario)*. Worked with developer Fullmer Company to process an EIR for a commercial/industrial development in close proximity to Delhi Flower-loving Sand Fly habitat and within an air quality non-attainment area (San Bernardino County). Worked closely with consultants, staff and city attorney to prepare EIR and move project through administrative process. Appeared at planning commission and city council public hearings. Despite objections from environmental groups and U.S. Fish & Wildlife Service, project approved and not challenged after approval.
- *Friends of Cuyamaca Valley v. Lake Cuyamaca Recreation & Park District (1994)* 28 Cal.App.4th 419. Hired by State of California, Department of Fish & Game to defend an action brought to enjoin the duck hunting season on CEQA grounds. After prevailing at the San Diego Superior Court, successfully defended the judgment before the Fourth District California Court of Appeal.
- *Save Our Residential Environment v. City of West Hollywood (1992)* 9 Cal.App.4th 1745. Represented developer Rossmoor Senior Living in defending approval of a major senior housing project brought by adjoining residents. Successfully argued matter to Court of Appeal and prevailed in a published opinion reversing the superior court.
- *Mountain Lion Foundation v. City of Anaheim, Coal Canyon Company (Coal Canyon Specific Plan) (1993)* Defended writ of mandate claims challenging approval of general plan amendment, specific plan, tentative tract map, and EIR for 1550-unit residential development in Coal Canyon, the last canyon in eastern Orange County along SR-91 Freeway. Superior court denied the writ and upheld the entitlements and EIR.
- *California Department of Fish and Game v. City of Anaheim, Coal Canyon Company (1993)*. California DFG separately sued under CEQA to try to overturn project on CEQA grounds, alleging impacts to various sensitive, endangered, and threatened species. Succeeded on motion to dismiss action as being beyond the authority of the DFG. Matter settled by DFG voluntarily dismissing to avoid possible affirmance on appeal.
- *Various v. City of Anaheim (Anaheim Arena/Pond) (1993)*. Part of Rutan & Tucker team defending three lawsuits brought seeking to delay or prevent construction of what is now Arrowhead Pond. All petitions were denied, settled, or voluntarily dismissed. Arena built on time.
- *Campanula v. City of Anaheim (1995)*. Defended CEQA writ of mandate action brought by property owner near newly-constructed Arrowhead Pond of Anaheim alleging failure to comply with CEQA in implementation of project. Petitioner sought injunction to close \$110 million arena until demands were met. After successfully opposing preliminary injunction, matter settled on terms favorable to City.
- *Karagozian v. City of Laguna Beach (1994-96)*. Defended City in high profile federal Civil Rights claim seeking several million dollars brought by couple who were denied occupancy of their new custom home due to improper exterior

color (and which occurred immediately before Christmas). Case became a cause celebre among local and national media, including a "Paint the House Red, White, and Blue Day" orchestrated by radio station KFI, Los Angeles. Successfully moved for summary judgment in the U.S. District Court on all claims, and then argued case before the U.S. Ninth Circuit Court of Appeals. In unpublished decision, Ninth Circuit upheld city's actions and upheld discretionary design review ordinance that required city approval for exterior color changes, as well as other aesthetic issues.

- *Barry Jones Wetlands Mitigation Bank, Riverside, California (1997-2002)*. Negotiated and prepared the mitigation bank agreement and related documents with the U.S. Army Corps of Engineers, EPA, the United States Fish and Wildlife Service, and the California Department of Fish and Game. The Bank preserves one of the largest remaining vernal pools in the state of California.
- *Rancho Bella Vista, Riverside County, California*. Hans represented the property owner, Pacific Bay Properties, to obtain an Endangered Species Act Section 10 Incidental Take permit and Clean Water Act Section 404 fill permit, as well as on related subdivision map and CEQA issues relating to 800 acre residential development in Western Riverside County.
- *Corona Highlands, Riverside County, California*. Hans prepared the Implementation Agreement for this residential subdivision's Habitat Conservation Plan and obtained a Section 10 and Section 404 permit. Hans also negotiated with the California Department of Fish and Game and obtained one of the first Fish and Game Code Section 2080.1 "Consistency Determinations" in California.
- *Corona Industrial Sand Project v. Elsinore Valley Municipal Water District (Riverside Superior Court)*. Represented a mining joint venture in a multi-million dollar inverse condemnation claim for loss of its mine in Southern California. After a 5-week jury trial, the defendant water district, who had never made a significant settlement offer, paid over \$3 million dollars to our client.
- *Confidential (Los Angeles Superior Court)* Brought an action for malpractice against the former attorneys for the City and Agency in the preceding case for allowing the City to pay millions of dollars on an illegal obligation. Case settled on terms highly favorable to City and Agency.
- *First Interstate BanCorp v. Baldwin Park; Baldwin Park Investment Associates v. Baldwin Park; LINC Financial Services v. Baldwin Park*; Los Angeles Superior Court, U.S. Bankruptcy Court, U.S. District Court
Defended a series of claims brought by the construction lender, FF&E lessor, and developer of Hilton Hotel who sought to enforce a guaranty given by the City of Baldwin Park to secure \$22 million construction loan and a \$4.5 million dollar FFE lease used to construct and furnish the hotel. After litigating the case in the California Superior Court, United States Bankruptcy Court and the United States District Court, the matter was settled with a restructuring of the debt that essentially eliminated the defendant city's liability.
- *Urbatec v. Whittier Redevelopment Agency (Los Angeles Superior Court, U.S. District Court, U.S. Ninth Circuit Court of Appeals)*. Defended a claim brought by a large shopping center developer who built a shopping center in a city redevelopment area. During the early 90's recession, the relationship soured to the point that the developer filed suit first in U.S. District Court and then Superior Court seeking to recover \$32 million in alleged damages for breach of

contract, violation of civil rights, and various business torts. The federal court case was dismissed almost immediately, and that result was affirmed on appeal before the Ninth Circuit. On the eve of trial in the state court action, the case settled with the defendants releasing \$900,000 held in trust in exchange for a modification of the agreement limiting the defendants' ongoing liability and releasing all other claims.

- *McGee v. City of Laguna Beach* (1997) 56 Cal.App.4th. 537. Successfully defended the City of Laguna Beach against a \$33,000,000.00 claim brought by unfortunate victim of collision with a felon fleeing City police officer. Summary judgment upheld on appeal.

Awards & Honors

- AV® Preeminent™ rating with LexisNexis/Martindale Hubbell
- Best Lawyers in America, 2018 - 2022



- Orange County Bar Association
- Federal Bar Association
- National Association of Industrial and Office Properties (NAIOP)