

JOHN RAMIREZ

Partner

Land Use and Entitlement

Orange County

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John Ramirez is a partner in the Land Use, Government, Regulatory and Entitlement Law and Real Estate sections. Prior to joining Rutan & Tucker, LLP, John was an attorney at the Sacramento-based law firm Nielsen, Merksamer, Parrinello, Mueller & Naylor, where he specialized in government and regulatory law. Following his tenure at Nielsen Merksamer, John served as a Staff Attorney with the Pacific Legal Foundation, where he represented land owners on various land use, constitutional law, exaction and rent control cases.

Prior to law school, John served as an Executive Fellow in the Business, Transportation and Housing Agency in the administration of former California Governor Pete Wilson, where John worked on transportation, infrastructure and housing issues. John later worked for the Governor's Office of Planning & Research.

In 2002, the Los Angeles Daily Journal, a leading legal newspaper, named John as one of the "Top 20 Lawyers in the State Under 40."

John attended the University of California, Hastings School of Law, where he was a member of the Hastings Law Journal. During law school, John was chosen to work for California Supreme Court Justice Kathryn Werdegar as a Judicial Extern. John completed his undergraduate studies at the University of California, Irvine.

Areas of Expertise

- Land Use Entitlement
- California Environmental Quality Act
- Water Law
- Election Law and Political Reform Act
- Power Plant and Renewable Energy Siting and Permitting
- Initiative and Referendum
- Public Policy & Writ of Mandate Litigation
- State and Federal Natural Resources Permitting
- State and Federal Voting Rights Acts
- Real Estate Acquisition and Disposition

Related Services

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

Related Industries

- Public Entities and Municipalities

Bar & Court Admissions

- State Bar of California

Education

- University of California, Hastings College of the Law
- University of California, Irvine

- Housing Policy and Law
- Non-Profit Formation and General Counsel
- Governmental Organization General Counsel
- Subdivision Map Act
- Coastal Act
- Solid Waste Disposal and Recycling
- Rent and Vacancy Control
- Inverse Condemnation
- Surface Mining & Reclamation
- Outdoor Advertising and First Amendment
- LAFCO and Annexation

John has obtained numerous victories for his clients in federal and state courts. The following list of decisions demonstrates the scope and breadth of John's legal practice.

Representative Matters/Cases

United States Supreme Court Decisions

- Nixon v. Shrink Missouri Government PAC (U.S. Sup. Ct. 2000) 528 U.S. 377 [represented amicus curiae in campaign finance case]

California Supreme Court Decisions

- Tuolumne Job & Small Business Alliance v. Superior Court (2014) 59 Cal.4th 1029 [successful representation of land use initiative sponsor in a case of first impression holding that a city's adoption of a voter-sponsored initiative is exempt from CEQA]
- San Remo Hotel v. City and County of San Francisco (2002) 27 Cal.4th 643 [represented amicus curiae in hotel conversion/exaction case]

Published Court of Appeals Decisions

- LandWatch San Luis Obispo County v. Cambria Community Services Dist. (2018) 25 Cal. App. 5th 638
- City of Dana Point v. California Coastal Commission (2013) 217 Cal.App.4th 170 [successful representation of City in action against the California Coastal Commission]
- South Orange County Wastewater Authority v. City of Dana Point (2011) 196 Cal.App.4th 1604 [successful representation of City in action arising under CEQA]
- Golden State Boring and Pipe Jacking, Inc. v. Orange County Water District (2006) 143 Cal.App.4th 718 [successful defense of a local water district's substitution of a listed subcontractor]
- City of Santa Monica v. Stewart (2005) 126 Cal.App.4th 43 [representation of City in validation action regarding an adopted voter initiative]
- Moraga-Orinda Fire Protection District v. Weir (2004) 115 Cal.App.4th 477 [representation of amicus curiae in election law case]
- Native American Sacred Site & Environmental Protection Association v. City of

San Juan Capistrano (2004) 120 Cal.App.4th 961 [successful representation of a land developer in a case of first impression holding that the adoption by a city council of a voter-sponsored initiative is exempt from CEQA]

- Schroeder v. Irvine City Council (2002) 97 Cal.App.4th 174 [successful representation of city in an anti-SLAPP action brought in connection with the re-use of MCAS El Toro; obtained an award of \$85,000 in attorneys' fees on behalf of client]
- Friends of the Trails v. Jon E. Blasius (2000) 78 Cal.App.4th 810 [representation of fee owner in prescriptive public easement case]

Ninth Circuit Court of Appeals Decisions

- Guru Nanak Sikh Soc'y v. County of Sutter (9th Cir. 2005) 456 F.3d 978 [represented county in land use permitting dispute]
- San Jose Christian College v. City of Morgan Hill (9th Cir. 2004) 360 F.3d 1024 [successfully defended a municipality in the first Ninth Circuit case brought under the Religious Land Use & Institutionalized Persons Act of 2000]
- Montclair Parkowners v. City of Montclair (9th Cir. 1999) 264 F.3d 829 [successful representation of a mobilehome park owner in reversing a district court dismissal of a challenge to a local mobilehome rent control law]

Federal District Court Decisions

- In re Monterey County Initiative Matter (2006 N.D. Cal.) 427 F.Supp.2d 958 [successful pre-election invalidation of an initiative measure that sought to amend the county's general plan]
- Ventura County Christian High School v. City of San Buenaventura (2002 C.D. Cal.) 233 F.Supp.2d 1241 [successful defense of municipality in civil rights and first amendment action]
- Cottonwood Christian Center v. Cypress Redevelopment Agency (2002 C.D. Cal) 218 F.Supp.2d 1203 [representation of a redevelopment agency in connection with land acquisition and assemblage issues]

John has an extensive government law and land use practice, and assists both private and public clients in the following areas:

Land Use Entitlement, Subdivisions, and California Environmental Quality Act Compliance: John represents private and public clients in connection with all aspects of the Planning and Zoning Law, the California Environmental Quality Act, the National Environmental Policy Act, the Subdivision Map Act, development agreements, Williamson Act, and fees and exactions. John also represents clients in connection with land acquisition and purchase and sale transactions. In the last several years, John has specialized in complex site acquisition, entitlement and CEQA matters for retail, power center and industrial developers.

Water Law: John serves as Assistant General Counsel to the Orange County Water District. John has represented private and public entities on complex water law and policy issues, including compliance with Senate Bill 221 and Senate Bill 610. John assisted in the drafting of Proposition 50, a multi-billion

dollar bond measure that was adopted by the State's voters at the 2002 general election. John also successfully represented the Orange County Water District in *Yorba Linda Water District v. Orange County Water District* (Sup. Ct. Case No. 04CC09152), which involved a complicated water rights dispute stemming from a 1970 water rights contract.

Initiative and Referenda and Campaign and Election Law Compliance: John is recognized statewide as an expert in all aspects of election law and political law, and has drafted dozens of highly technical land use and other local and statewide initiative petitions. John also represents private and public entities in connection with referendum matters, and has successfully litigated the legal validity of dozens of initiative and referendum matters. In 2002, John served as General Counsel to the Richard Riordan for Governor Committee and as General Counsel to the Californians for Safe, Clean Water (Prop. 50) qualification committee. John is also an expert on the Voting Rights Act. John represents numerous private companies on compliance with the California Political Reform Act and the Federal Election and Campaign Act, as amended, and also represents candidates and ballot measures on candidate statement and ballot pamphlet litigation. John's successful published decisions in this regard include *Native American Sacred Site & Environmental Protection Association v. City of San Juan Capistrano*, *Schroeder v. Irvine City Council*, and *In re Monterey County Initiative*.

Federal and State Natural Resource Permitting: John represents private developers on issues arising under the federal and state Endangered Species Acts, obtains Section 404 permits and streambed alteration permits and is well versed in all related regulatory issues. In 2006, John obtained a highly controversial Section 404 permit for JSerra High School in south Orange County, which involved a multi-agency clearance process under section 104 of the National Historic Preservation Act. In this capacity, John successfully defended the client in litigation brought by environmental groups challenging various regulatory decisions made by the Army Corps of Engineers (see, *Sierra Club v. U.S. Army Corps of Engineers* (Case No. 054306 CW (2005))).

Writ of Mandate and Public Policy Litigation: John is recognized statewide as a leading litigator in the realm of highly controversial public policy issues. In addition to his numerous successful reported decisions set forth above, John has also obtained numerous trial court and unpublished court of appeal decisions successfully on behalf of his clients on a wide variety of issues including, but not limited to, inverse condemnation, fees and exactions, rent control, constitutional law, federal and state and civil rights laws including the Fair Housing Act, federal preemption issues, Coastal Act, and housing policy. Among a very partial list of the notable cases John has been involved with, in addition to those listed above, are as follows: *San Remo Hotel v. City and County of San Francisco* [California Supreme Court case involving a vacancy control ordinance and hotel conversions]; *Martinez v. La Quinta Redevelopment Agency* [successful defense of complicated civil rights, Fair Housing Act and mobilehome closure case brought by statewide public interest groups]; *Extra Space of Laguna Hills v. San Clemente* (Sup. Ct. G027790) [successful defense of fee exactions]; *Nixon v. Shrink Missouri Government PAC* [United States

Supreme Court case involving First Amendment issues].

First Amendment (Political Association, Commercial Speech, and Religious Liberty): John represents a variety of public and private clients on a wide array of First Amendment and related constitutional law issues. Currently, he represents one of the State's largest billboard companies on land use entitlement and various litigation matters, all of which involve complex First Amendment issues. In addition, John is a well-recognized expert on issues pertaining to religious liberty, and successfully obtained the first decision from the Ninth Circuit Court of Appeals construing the Religious Land Use and Institutionalized Persons Act of 2000.

Anti-SLAPP Matters: John is a well-recognized expert in connection with litigating Anti-SLAPP matters. In this capacity John has successfully litigated dozens of Anti-SLAPP matters and has obtained significant fee awards for his clients.

Federal, State, and Local Government Ethics and Lobby Regulations: John represents numerous private companies on matters pertaining to complying with the increasingly sophisticated federal, state and local governmental ethics and lobby regulations. In this capacity, John has represented clients before numerous public ethics agencies, including but not limited to, the California Fair Political Practices Commission, the San Diego Ethics Commission, the City of Los Angeles Ethics Commission, and the Federal Election Commission.

Special Districts and Compliance with the Cortese-Knox-Hertzberg Act: John represents public agencies in all aspects relating to local agency formation commissions, special districts, and annexations.

Rent Control: John has represented numerous landowners before local rent control boards on rent control matters and has also litigated rent control matters in State and Federal Courts. Among the cases John has been involved with include *Montclair Parkowners v. City of Montclair*, and *San Remo Hotel v. City and County of San Francisco*.

Fees, General and Special Taxes, and Exactions: John represents public and private clients on all aspects relating to fees, general and special taxes, and exactions. He has represented public agencies in the formation and adoption of fee programs involving nexus studies, and has litigated fee claims under the Mitigation Fee Act.

Non-Profit Entities: John represents Internal Revenue Code Section 501(c)(3), 501(c)(4), and 501(c)(6) charities, social welfare organizations, and trade associations on tax, lobby, and related regulatory issues. Representative clients include the California Rifle and Pistol Association and several statewide ballot measure committees.

Publications

- Failure to Turn Square Corners: The California Supreme Court's Application of

Federal Takings Law, 9 Cal. Land Use & Policy Rptr. 8 (2000).

- The California Supreme Court's Foreclosure of the Compensation Remedy for Takings Claimants: Assessing the Effect of Recent California Supreme Court Opinions, 8 Cal. Land Use & Policy Rptr. 1 (April 1999).
- Campaigning in California: A Practical Guide to State and Federal Campaign Disclosure Laws, California Journal (1998).

Memberships & Associations

- Building Industry Association
- National Association of Industrial and Office Properties
- Association of California Cities-Orange County
- California Political Attorneys' Association
- Catalina Conservancy
- Power Association of Northern California