



PETER HOWELL

Partner

Land Use and Entitlement

Orange County

(714) 662-4661

PHowell@rutan.com

Peter Howell's practice includes litigation and advisory matters involving governmental agencies, as well as litigation between private parties, and focuses on environmental and land use matters. Peter regularly advises property owners and developers with land use entitlement issues, both by helping to guide projects through the entitlement and environmental review (CEQA) process and by conducting due diligence review of previously entitled projects. He has represented a wide variety of private and public-sector clients, including property owners, developers, business owners, cities, water districts, redevelopment agencies, and school districts.

Areas of Expertise

- Land Use Entitlement
- Land Use Litigation
- California Environmental Quality Act (CEQA)
- Initiative and Referendum
- Environmental Law

Representative Matters/Cases

- Assisted owner of regional mall in re-entitling property to allow mixed-use development, including 1900 residential units, 1.4 million square feet of commercial use, 750,000 square feet of office space, and 400 hotel rooms.
- Successfully defended lawsuit challenging City's approval of a safe house for victims of domestic violence.
- Successfully defended agency's approval of an emergency water supply project in lawsuit brought under CEQA and the California Coastal act. Award of administrative record preparation costs to agency upheld on appeal.
- Successfully defended city's approval of a 125,000+ square foot indoor/outdoor pool and cafe complex from lawsuit alleging violations of CEQA and other claims.
- Successfully defended city's approval of a conditional purchase and sale agreement related to the proposed development of a hotel project from lawsuit

Related Services

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

Related Industries

- Environmental and Natural Resources
- Public Entities and Municipalities

Bar & Court Admissions

- State Bar of California
-

alleging violations of CEQA and the successor agency laws.

- Conducted due diligence review of entitlements for numerous apartment and mixed-use projects for major residential developer.
- Negotiated development agreement and tax incentive agreement for luxury hotel project, on behalf of developer.
- Represented owner and operator of concrete batch plant in action brought by a city to shut the plant down on the ground that it was not a permitted use. Defeated motion for a preliminary injunction, setting up favorable settlement allowing the plant to continue operating for 15 years and then transition to another use.
- Represented a city in a lawsuit challenging the city's approval of a 510 acre, 760 unit residential development under the California Environmental Quality Act (CEQA) and the Seismic Hazards Mapping Act, resulting in judgment for the City on all issues.
- Assisted developer in entitling a shopping center project, including a big-box retailer, on a former industrial site.
- Represented city in California Environmental Quality Act (CEQA) lawsuit challenging the city's approval of permits issued to big-box retailer, resulting in judgment in favor of the city.
- Successfully defended city before both trial court and Court of Appeal against claims for substantial personal injury and real property damage allegedly suffered as a result of exposure to diesel exhaust fumes from City-owned fire station.
- Represented the owner of a manufacturing facility who was forced to cease operating by the county and threatened with significant penalties. Successfully obtained a writ of mandate requiring the county to allow the facility to operate. Thereafter successfully represented the client on appeal in a related action brought by a group seeking to shut down the facility.
- Represented city in lawsuit seeking damages and injunctive relief related to environmental contamination discovered in a public park. This case was ultimately resolved through settlement agreement which required the defendant to clean up the park and pay the City \$1,000,000.
- Represented numerous cities, as well as building industry groups in lawsuits challenging various aspects of stormwater regulation, including regulations adopted pursuant to the federal Clean Water Act and California Porter-Cologne Act.
- Represented businesses and individuals charged with violating the California False Claims Act. Successfully obtained dismissal of the entire action, which sought several million dollars in penalties. This case was ultimately settled on favorable terms while pending appeal.
- Successfully defended public agency in lawsuit brought in CEQA lawsuit challenging approval of road construction improvements, resulting in judgment in favor of the agency. Judgment affirmed by the Court of Appeal.
- Successfully defended city in lawsuit brought by homeowner for damages caused by alleged failure of sewer pipes, with lawsuit dismissed on summary judgment.
- Represented water district in complicated water rights dispute which resulted in successful prosecution of \$750,000 water assessment claim, as well as dismissal of \$24 million cross-complaint.
- Represented redevelopment agency in action to recover real property

Education

- University of California, Los Angeles (J.D., 2003)
- Bradley University (B.A., 1998), magna cum laude

transferred to a private entity, resulting in settlement in which the defendant agreed to return the property back to the agency in return for its deposit.

- Represented city in CEQA lawsuit against adjacent city, which resulted in favorable settlement after the Court tentatively ruled in favor of the client city's position on dispositive motion.
- Represented church in appellate proceedings related to property dispute with break-away members of congregation, resulting in favorable settlement.
- Represented owner of apartment building complex in contractual dispute with vendors, resulting in favorable settlement.
- Represented individual property owner in civil lawsuit brought by District Attorney for alleged environmental violations and unfair business practices, resulting in dismissal of unfair business practice claims and favorable settlement of remaining claims.
- Represented property owner in action against homeowner's association, resulting in favorable settlement and obtaining award of attorney's fees.
- Successfully defended an individual investor in an action alleging breach of contract and fraud, resulting in a court order finding the plaintiff's claims to be unsupported by evidence and imposing sanctions requiring the plaintiff and plaintiff's attorney to pay the attorney's fees incurred in defending the action.

Published Cases

- Landwatch San Luis Obispo County v. Cambria Community Services District (2018) 25 Cal.App.5th 638
- Tuolumne Jobs & Small Business Alliance v. Superior Court of Tuolumne County (2014) 59 Cal. 4th 1029
- Soco West, Inc. v. California Environmental Protection Agency (2013) 213 Cal. App. 4th 1511
- Del Cerro Mobile Estates v. City of Placentia (2011) 197 Cal. App. 4th 173
- Fullerton Redevelopment Agency v. Southern California Gas Co. (2010) 183 Cal. App. 4th 428
- Golden State Boring & Pipe Jacking, Inc. v. Orange County Water Dist. (2006) 143 Cal. App. 4th 718

Recent Presentations

- SB 375 (2008 legislation designed to reduce greenhouse emissions by encouraging development around public transportation and curbing urban sprawl)
- Attorney Fee Motions under the "Private Attorney General" Statute
- California Environmental Quality Act (CEQA), including but not limited to Developments in CEQA Case Law
- Making the Most of CEQA Exemptions
- Making the Most of Prior CEQA Documentation
- What Do You Mean We Have To Do CEQA AND NEPA Compliance?

Memberships & Associations

- State Bar of California

- Orange County Bar Association

Copyright © 2023 Rutan & Tucker