



## **WILLIAM IHRKE**

### **Partner**

Government and Regulatory

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Orange County

(714) 338-1863

[Blhrke@rutan.com](mailto:Blhrke@rutan.com)

Bill Ihrke's practice emphasis includes city attorney and municipal finance issues, land use and entitlement, developing and financing affordable and market rate housing and mixed-use projects, and matters relating to economic development, infrastructure investment, and post-redevelopment/public-private partnerships. He has been interviewed and quoted in several national and state-wide publications concerning the recent litigation and municipal financing issues in connection with the unwinding of redevelopment.

In addition, Bill has litigation and transactional experience in several areas affecting both public and private clients, and as part of his practice, he regularly advises both public and private clients on federal and state planning, zoning and housing laws, relocation requirements for businesses and residences, and land use and entitlement obligations. He also regularly drafts and reviews federal and state legislation, and is very familiar with the legislative process in Sacramento.

He currently serves as the City Attorney for La Quinta and Cerritos, and served as the Assistant City Attorney for the Cities of Yorba Linda and Duarte; and as counsel to the successor agencies to the former redevelopment agencies of Adelanto, Twentynine Palms, Yorba Linda and Duarte. In representing all of these entities, Bill regularly attends public meetings and advises governing bodies and staff on all aspects of public agency law, including the Planning and Zoning Law, Subdivision Map Act, California Environmental Quality Act (CEQA), Ralph M. Brown Act (open meeting law), Public Records Act, Political Reform Act and Fair Political Practices Commission ("FPPC") regulations, Tort Claims Act, Affordable Housing and RHNA compliance, Federal and State labor and employment law (including prevailing wage requirements), real estate law, contract law (including bid-construction, design-build and DBOM models of contracting), parliamentary procedure, code enforcement and implementation of post-redevelopment legislation and case decisions.

Additionally, Bill has experience negotiating and advising clients on commercial and industrial projects, federal and state environmental and toxic tort claims,

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### **Related Services**

- Government and Regulatory
- Affordable Housing and Economic Development
- Infrastructure, Public-Private Partnerships (P3)
- Land Use and Natural Resources
- Municipal Law General and Special
- COVID-19 Resources

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### **Related Industries**

- Public Entities and Municipalities

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### **Bar & Court Admissions**

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

eminent domain cases, state water law including pre-1914 appropriative water rights claims, and general municipal zoning and regulatory matters. He has expertise in state, regional and local land use and planning mandates and regulations, as well as environmental compliance under federal, state and local laws. Specifically, he has both litigation and advisory experience under CEQA, the federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Davis-Sterling Common Interest Development Act, and Redevelopment Dissolution laws.

Bill is currently a member of the firm's Executive Committee. Along with working at Rutan & Tucker, LLP, he served as a Staff Attorney for the United States Court of Appeals for the District of Columbia Circuit, where he advised appellate judges on cases involving Constitutional and federal regulatory requirements, among other matters. In December 2012, Bill was named to the Daily Journal's Top 25 Municipal Lawyers list.

## Representative Transactional Matters

- *Stonegate Affordable Housing Development*. Represented nonprofit community land trust in connection with complex financing arrangement using CDBG, HOME, redevelopment agency funds, and tax credits for multi-family and multi-phase affordable housing project in the City of Irvine.
- *Historic Fox Fullerton Theatre*. Represented redevelopment agency for complex rehabilitation of historic theatre, which involved subdividing property into commercial condominium units, disposition of property, land use and maintenance requirements, negotiating agreements with design professionals and contractors, and multi-year loan disbursements and repayment provisions.
- *San Clemente Senior Center*. Represented city in negotiations with nonprofit corporation for development and use of property under complicated lease and funding agreement for a senior citizen community center.
- *Avalon Bay Density Bonus Housing Project*. Represented a city in negotiating and drafting covenants to implement State density bonus obligations and incentives for a multi-family market rate and affordable residential complex, initially having units as rentals with the ability to convert to owner-occupied condominium units.
- *Fullerton Transportation Center Specific Plan*. Represented city and redevelopment agency in connection with developing and adopting a cutting-edge transit-oriented district ("TOD") specific plan covering multiple acreage around the Fullerton train station and bus depot, including CEQA compliance and EIR review, General Plan and zoning amendments, and adoption of a fee ordinance for cost recovery associated with the specific plan.
- *Land Trust Homebuyer Assistance Program*. Represented a nonprofit community land trust in advising and negotiating documents to implement homebuyer assistance programs, using CDBG and other eligible funds, for qualifying affordable households, which include "silent second" mortgages, conditionally forgiven loans, and "equity sharing" covenants.
- *Woodbury in Irvine*. Represented a city client in connection with a multiple affordable and market rate housing project, which included tax credit and other public financing.
- *Cuesta Villas Senior Affordable Housing and Park Complex in Cerritos*.

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## Education

- George Washington University (J.D., 1999), with honors
- Claremont McKenna College (B.A., 1995), magna cum laude & Phi Beta Kappa

Represented a city client involving a complex senior citizen affordable housing and senior center project, which required the relocating of certain offices and residences.

- *Van Buren and Riverside Freeway Owner Participation Project*. Represented a private land owner in the City of Riverside in connection with the negotiation and implementation of a commercial shopping center to be developed off of the Riverside Freeway.

## Representative Litigation Matters

- *City of Norwalk v. City of Cerritos*, (February 1, 2024) California Court of Appeal, Second Appellate District, Case No. B327413, Certified for Publication
- *City of Ridgecrest v. Bosler, et al* 2019 Cal. App. Unpub. LEXIS 8213
- *City of Lake Elsinore v. Matosantos, et al*, Sacramento Superior Court Case No. 34-2017-80002762CRFL
- *Family Apartments et al v. Matosantos et al.*, Sacramento County Superior Court Case No. 34-2012-80001354. Successfully obtained writ of mandate in favor of affordable housing developer client, deciding that a former redevelopment agreement and related assignments is an “enforceable obligation,” thus enabling former tax increment funds to be used to finance the housing development.
- *Friends for Fullerton’s Future, et al v. City of Fullerton, et al*, Fourth District Court of Appeal, Division Three Case No. G044597. Successfully defended City and Redevelopment Agency at trial court, affirmed unanimously in the court of appeal, in a case holding that the failure by a claimant to serve timely the attorney general, when required by statute, could not be excused under the “good cause” standard.
- *City of Cerritos v. Cerritos Taxpayer Assn.* (2010) 183 Cal. App. 4th 1417. Represented city, redevelopment agency, and nonprofit organization validating complex Affordable Housing, Financing, and Disposition and Development Agreement in published Court of Appeal decision.
- *City of Irvine v. Southern California Association of Governments* (2009) 174 Cal. App. 4th 506. Represented a city in challenge to allocation under the Regional Housing Needs Assessment as failing to comply with state-mandated requirements under housing element law.
- *City of Fullerton v. All Persons Interested, et al.*, Orange County Superior Court Case 30-2009-00308671. Represented city successfully in a validation action approving a complex lease and sublease financing arrangement for a county-run and city-used animal shelter.
- *Willett v. City of Torrance, et al.*, Orange County Superior Court Case 06CC03319. Represented a city client in very contentious litigation concerning an illegal use of property in a public right of way that involved a high-profile land owner.
- *Sugimoto et al. v. City of Irvine*, United States District Court, Central District of California, Case SACV00-262 GLT (EEx). Represented city successfully in case alleging violations of federal civil rights laws, including alleged unlawful searches by police officers during drunk driving arrests.
- *Simmons v. Capistrano Unified School District*, Orange County Superior Court Case 798012. Represented school district successfully in case alleging a hostile workplace in violation of State Fair Employment and Housing Act.

- *Neiss v. Brea Police Department*, Orange County Superior Court Case 99CC18031. Represented city and police department in successful dismissal of a case alleging, under the State Tort Claims Act, negligence for failing to adequately investigate private property.

## Presentations & Speaking Engagements

- “Land Use and CEQA Litigation Update” Presented at the League of California Cities City Attorney Conference, May 17, 2023
- “Land Use and CEQA Litigation Update” Presented at the League of California Cities Annual Conference, September 7, 2022
- “Land Use and CEQA Litigation Update” Presented at the League of California Cities City Attorney Conference, May 6, 2022
- “Land Use and CEQA Litigation Update” Presented at the League of California Cities Annual Conference, September 23, 2021
- “Land Use and CEQA Litigation Update” Presented at the League of California Cities City Attorney Conference, May 21, 2021
- “Land Use and CEQA Litigation Update”. Presented at the League of California Cities Virtual Conference, October 30, 2020
- “Interplay of Federal, State, and Local Health Emergency Orders.” Presented at the IMLA (International Municipal Lawyers Association) Conference, September 21, 2020
- “Housing Legislation Update Presented to the City of Irvine,” joint presentation to the City of Irvine, March 2, 2020
- “Housing Legislation Update: ADU/JADU Update and General Overview of Other Housing Law Legislation,” joint presentation to the City of Dana Point, January 29, 2020
- “Housing Legislation Update Presented to the City of Long Beach,” joint presentation to the City of Long Beach, January 2, 2020
- “Everything You Need to Know About Housing Now,” joint presentation with RSG, April 24, 2019
- “The Brown Act: Public Meetings Without Public Mayhem,” presented at the City Attorneys’ Association of San Diego County Annual Retreat, March 24, 2017
- “2017 Affordable Housing Review: Statutes and Cases,” presented to Land Use Natural Resources Practice Group and Affordable Housing/Economic Development Practice Group, Rutan & Tucker, LLP on February 6, 2017
- “California Prevailing Wage Laws,” presented to Land Use Natural Resources Practice Group, Rutan & Tucker, LLP on October 19, 2015
- “How to Prevail in the Prevailing Wage Arena,” presented to Land Use Natural Resources Practice Group, Rutan & Tucker, LLP on March 3, 2014.
- “The Affordable Housing Cauldron: What’s Brewing Before the Cal. Supremes, the Appellate Courts and the Legislature,” presented to the Land Use and Natural Resources Practice Group, Rutan & Tucker, LLP on December 2, 2013.
- “Post-RDA Litigation and Legislation,” Webinar Presentation for the California Redevelopment Association (CRA), on July 24, 2013.
- “Post-Redevelopment Dissolution Overview,” presented at the League of California Cities, Spring Conference on May 8, 2013
- “After Redevelopment: New Tools and Strategies to Promote Economic Development and Build Sustainable Communities,” Webinar Conference with

all California District Councils of the Urban Land Institute (ULI), on April 16, 2013.

- “The Aftermath of ABx1 26/AB 1484 and Current Events in Affordable Housing,”

## Publications

- JEDI Proposal Seeks to Restore Balance, Daily Journal Publication, May 2014

## Community Affiliations

- League of California Cities, Post-Redevelopment Working Group
- Board of Directors, Santa Ana Chamber of Commerce
- Co-Chair, Government Affairs Council, Santa Ana Chamber of Commerce
- Board of Directors, LGBTQ Center of Orange County
- Former Member, Board of Directors, Legal Aid Society of Orange County

## Memberships & Associations

- Orange County Bar Association
- Member, Rutan & Tucker, LLP Diversity Committee