



James E. Pugh

Associate

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PRACTICE AREAS

- Real Estate
- Land Use and Natural Resources
- Environmental

INDUSTRIES

- Climate Change and Clean Technology

OVERVIEW

James E. Pugh is an associate in the Real Estate, Land Use and Environmental Practice Group in the firm's Los Angeles office, and he is Chair of the firm's Sustainability Committee.

Areas of Practice

James specializes in complex land use planning, obtaining entitlements and project approvals, global climate change, and green building regulations for virtually all types of development. He is an expert in California Environmental Quality Act ("CEQA") compliance and regularly guides clients through the multifaceted environmental review and permitting processes at the state and federal level.

In addition, he routinely advises clients regarding the application of general plans, specific plans, zoning requirements and municipal code provisions in jurisdictions throughout California. He also advises clients regarding compliance with the California Coastal Act, Clean Water Act, Endangered Species Act, Subdivision Map Act, and a variety of other environmental and land use laws. James also has experience negotiating real property purchase and sale agreements. He has successfully represented clients before numerous administrative agencies on wide-ranging land use matters.

Prior to joining Sheppard, Mullin, Richter & Hampton LLP, he was General Counsel for an environmental consulting company where he advised the company and its clients regarding land use law compliance and environmental document defensibility. James also managed large groups of technical consultants and environmental engineers, negotiated contractual agreements, formed strategic business alliances, and was a member of the company's leadership committee.

EDUCATION

- J.D., University of the Pacific McGeorge School of Law, 1999
- B.A., University of California, Irvine, 1995, *cum Laude*

EXPERIENCE

Representative Matters

Building Industry Association ("BIA"): Advise BIA and its builder members regarding development impact fees under the Mitigation Fee Act. Analyze the legal adequacy of development fee nexus studies, negotiate agreements between building

industry members regarding litigation strategies, and represent BIA in administrative hearings.

California Steel Industries, Inc.: Provide ongoing entitlement and permitting advice for steel mill operations, including acquisition and extension of conditional use permits. Provide compliance counseling for air quality issues and emission reduction credits. Lead environmental document defensibility review and provide guidance regarding mitigation monitoring requirements.

Federal Deposit Insurance Corporation ("FDIC"): Draft purchase and sale agreements for Real Estate Owned ("REO") portfolios. Negotiate legal terms and deal points with buyer's counsel for distressed asset acquisition. Draft escrow provisions, grant deeds, bill of sale, assignment and assumption, and direct escrow and title officers during deal closings.

FirmGreen, Inc.: Represent FirmGreen Inc., an alternative energy and renewable fuels company, in securing development financing from a large investment bank, and structuring several other transactions associated with the alternative energy market. Counsel executive management regarding alternative energy market entrance strategies and strategic opportunities in California. Advise regarding acquisition of landfill gas rights and associated land use issues.

Foothill-Eastern Transportation Corridor Agency ("TCA"): Provided CEQA and NEPA counseling for the Southern Orange County Transportation Improvement Project which addressed key issues including endangered species, wetlands, water quality, air quality, archaeological and Native American sites, coastal zone issues, growth inducement and cumulative impacts. Drafted state Findings of Fact and federal Record of Decision for final approval of EIR/EIS.

General Electric Capital Corporation: Represent GE in relation to several urban development projects in the Los Angeles area. Provide counsel regarding entitlement and zoning issues including project permit compliance, specific plan exceptions, zone changes, variances, conditional uses and by-right development. Perform environmental document due diligence for property acquisitions and dispositions. Provide advice regarding compliance with signage regulations in signage supplemental use districts and city-wide ordinances.

Highland Fairview Properties: Advise client with respect to land plan design for complex master planned community. Assist with EIR design and strategy for large phased-development project to facilitate timely entitlements, certification and permitting.

Northrop Grumman Corporation: Represent Northrop in several of its land use matters, ranging from its interests in wind energy developments to general plan and specific plan compliance issues for its facilities. Manage CEQA document preparation and review for projects that include issues such as large-megawatt wind turbines, endangered species, public utility easements, and power distribution infrastructure. Negotiate with state and federal agencies, provide strategic land use advice, and assist in litigation and settlement agreements.

Regents of the University of California: Represent the Regents in connection with development projects located on the San Diego and Irvine campuses. Manage "bullet-proofing" efforts for environmental documents. Negotiate with opposing parties and provide strategic development advice.

The Irvine Company: Provide counsel regarding developing strategy and approach for defensible environmental documentation for large mixed-use master planned communities. Manage large teams of CEQA practitioners and technical consultants. Review and revise technical reports, including air quality, biology, hydrology and traffic. Develop entitlement strategies and preemptive litigation safeguards for high-profile development projects.

The Town of Mammoth Lakes: Prepare due diligence reports for development projects. Advise client regarding adequacy and applicability of previously certified EIR/EIS for airport expansion plans. Manage environmental documentation and CEQA team efforts for resort development.

Tustin Legacy Community Partners (Centex Homes & Shea Homes): Counsel client regarding CEQA compliance strategy and regulations for the Marine Corps Air Station (MCAS), Tustin Legacy master planned community, which included key issues such as water supply, surface water quality, transportation and air quality impacts.

MEMBERSHIPS

- California State Bar Association, Environmental Law Section
- Los Angeles County Bar Association, Environmental Law Section
- Central City Association of L.A., Downtown Parks Subcommittee
- Urban Land Institute
- U.S. Green Building Council, Los Angeles Chapter
- Association of Environmental Professionals, Past President

ARTICLES

- Earth Day Special, *Los Angeles Daily Journal*, April 22, 2011

Real Estate, Land Use and Environmental Law Blog Articles

- "A Case Where CEQA Worked," August 22, 2011
- "Statutory Exemption Not Waived by Conducting EIR; Can be Invoked Even After Litigation Commences," August 5, 2011
- "We're People Too: Corporations Have Standing To File CEQA Citizen Suits," August 5, 2011
- "The Truth About Proposition 23: Is it a 'California Jobs Initiative' or a 'Dirty Energy Proposition'...or Neither?," September 23, 2010
- "Supreme Court Refuses to Hear *Palmer* Case - Are Inclusionary Zoning Practices Due for Change?," October 29, 2009
- "Affordable Housing: Could California's Inclusionary Zoning Laws be on the Brink of Collapse?," August 18, 2009
- "SB 375: California Adopts New Law Geared to Reduce Greenhouse Gas Emissions by Integrating Regional Transportation and Land Use Planning," October 17, 2008

SPEECHES

- Speaker, “Advanced Zoning; Land Use For California,” Lorman Education Services, Palm Desert, CA , September 15, 2006.
- Speaker, “Comparative Analysis of Environmental and Land Use Laws of California & Mexico,” Continuing Legal Education, Ensenada, Mexico, October 2004.