



→ James E. Pugh

Partner

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James E. Pugh is a partner in the Real Estate, Land Use and Environmental Practice Group in the firm's Los Angeles and Orange County offices.

Areas of Practice

James specializes in complex land use planning and securing project approvals for virtually all types of major development in California. 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 local, state and federal level. James has represented many of the highest profile and most sophisticated land use projects in the Southern California region, including mixed-use skyscraper complexes in the urban core, entertainment and media studio campuses, multi-family residential, mall redevelopment, and master planning greenfield projects. He serves on the Board of Directors for the Central City Association and chaired its Housing, Land Use and Development Committee. He is also on the Board of Directors for the University of California, Irvine, Center for Real Estate. He is a past President of the Association of Environmental Professional's Orange County Chapter.

James develops creative entitlement strategies that allow clients to realize projects while minimizing legal risk. He presents legal solutions that balance the business objectives of a project with legal requirements and political influences. James is skilled in all aspects of entitlements, general plans, specific plans, zoning, and municipal code provisions in many jurisdictions throughout California. He is adept at negotiating valuable tax incentive agreements and development agreements that secure financial benefits and vested rights respectively. He has negotiated numerous labor agreements with construction and operational unions. He has secured approvals from numerous administrative agencies on wide-ranging land use matters, with a track record wherein no opponent has been able to successfully challenge or stop a project in litigation. James regularly manages teams of technical consultants and engineers to ensure legal adequacy and timely work product. Prior to joining Sheppard Mullin, he was General Counsel for an environmental consulting company where advised the company and its clients regarding legal compliance and environmental document defensibility.

Honors

Real Estate and Construction, *Legal 500*, 2016, 2019

Experience

Representative Matters

Hudson Pacific Properties: Provide strategic entitlement advice for major projects in Hollywood. Advise on methods to create defensible CEQA documents and technical reports in a highly litigious area of Los Angeles. Manage consultant teams to create strong administrative records and cutting-edge technical reports. Successfully obtain entitlements for major media and entertainment projects.

Lightstone Group: Provide due diligence for property acquisition in downtown Los Angeles. Develop creative entitlement strategies to maximize project value. Assess land use constraints and create pathways for approval of major mixed-use hotel project. Develop stakeholder, community, and political support for project.

Holland Partner Group: Secured entitlements for large mixed-use residential project in downtown Los Angeles. Developed creative entitlement strategy that permitted multiple development options for same site. Negotiated with project opposition and stakeholders to avoid administrative appeals and litigation.

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.

Articles

Real Estate, Land Use and Environmental Law Blog Posts

- "City of Los Angeles Releases Draft Hollywood Community Plan Update," June 16, 2017
- "Bright Line Rule: Collateral Estoppel Precludes Attacks on Quasi-Judicial Permit Decisions (But Stay Tuned: Rehearing Granted on the Court's Own Motion)," April 16, 2014
- "Further Confirmation Notice of Exemption Filed Before Project Approval is Void," October 30, 2012
- "The Amorphous "Unusual Circumstances" Exception to CEQA's Categorical Exemption Strikes Again," October 26, 2012
- "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

Media Mentions

Earth Day Special

Los Angeles Daily Journal, 04.22.2011

Speaking Engagements

Speaker, "United to House Los Angeles – Mansion Tax, The Implications of ULA on Commercial Real Estate Transactions and Affordable Housing," Irvine, CA, March 15, 2023

Speaker, "CEQA and Renewable Energy Projects: Traps for the Unwary and Tips for the Savvy," Los Angeles, CA, August 17, 2012

Speaker, "Green Building: Legal and Regulatory Realities," Santa Monica, CA, March 18, 2011

Speaker, "Climate Change and Development Law," Los Angeles, CA, July 31, 2009

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

Events

UCI Center for Real Estate Annual Meeting: Envision the Future

A Sneak Peek into Tomorrow's Real Estate: Navigating AI, Innovate Trends, and Visionary Strategies

Lido House Newport Beach, 03.21.2024

UCI Breakfast Meeting

03.15.2023

CEQA Breakfast Briefing Seminar Series - Los Angeles

Streamlining the CEQA Process

04.25.2013

Memberships

Central City Association of L.A., Board of Directors and Chair of Housing, Land Use & Development Committee

University of California, Center for Real Estate, Board of Directors

Center for Collaboration in Governance, Board of Directors

California State Bar Association, Environmental Law Section

Los Angeles County Bar Association, Environmental Law Section
Urban Land Institute, Member
Association of Environmental Professionals, Past President

Practices

Real Estate, Energy, Land Use & Environmental
Public-Private Partnerships
Environmental
CEQA Documentation and Defense
Historic Preservation

Industries

Cannabis
Energy, Infrastructure and Project Finance
Hospitality
REIT

Education

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

Additional Office

Orange County