



## → John E. Ponder

Retired - Of Counsel

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John E. Ponder is retired from the firm and is now Of Counsel.

### **Areas of Practice**

John specialized in the representation of clients involved in real estate development. His practice focused on advising and representing major residential, industrial, commercial, Native American Indian tribes, and renewable energy developers through all phases of the land use regulatory process and environmental compliance. His land use experience includes real estate due diligence investigations, negotiating and drafting development agreements, processing land use entitlements, advising tribal governments on environmental and natural resources law, and appearing before governmental agencies and commissions.

### **Real Estate Development**

Real estate development has grown increasingly complex and controversial requiring knowledge of applicable federal, state and local laws, as well as the ability to work with a wide range of diverse interests including governmental agency staff, elected officials, landowners, environmental organizations and citizen groups. John's ability to work with such diverse interests to develop creative, practical and economical solutions is demonstrated by his involvement in the successful approval and permitting of thousands of residential units during the past several years. Most of these residential units were master planned projects in the communities of Sabre Springs, Mira Mesa, Carmel Valley, and Otay Mesa in the City of San Diego.

### **Environmental Compliance**

John assisted clients in obtaining permits and approvals from various federal agencies including the U.S. Army Corps of Engineers (ACOE) and U.S. Fish and Wildlife Service (USFWS). He successfully guided clients through the maze of state and local environmental clearances necessary for development including the requirements of the California Environmental Quality Act (CEQA), California Fish and Game (CDF&G) 1602 Streambed Alteration Agreement, Tribal-State Compacts, and the City of San Diego Multiple Species Conservation Program (MSCP). His working knowledge of environmental constraints and the development process proved invaluable when investigating the potential purchase of real estate and the subsequent preparation of acquisition documents.

### **Litigation**

An experienced litigator, John handled actions involving development disputes, condemnation, environmental compliance, real estate transactions, and construction defect. He has managed complex civil litigation for several residential developers and defended challenges to development approvals. John was lead counsel in

the recent CEQA litigation appellate court decision, *Citizens for Responsible Equitable Environmental Development (CREED) v. City of San Diego* regarding a challenge to an addendum to an EIR involving water supply assessments, greenhouse gas emissions, and exhaustion of administrative remedies.

## **Professional Qualifications and Activities**

John's practice included strong ties to the local, state and national Building Industry Associations. The Building Industry Association of San Diego County (BIASD) is the largest independent chapter of the California Building Association (CBIA). BIASD works closely with CBIA and the National Association of Home Builders (NAHB) on issues related to housing, environmental reform, streamlining permit processing, reducing building fees and construction dispute resolution. The existing relationship with these associations provides continued involvement in the latest issues which impact the development industry.

John has been in a variety of civic committee meetings regarding natural resources, employment and real estate development. He has participated in the preparation and implementation of local legislation regarding the Multiple Species Conservation Plan, revisions to the Environmentally Sensitive Lands Regulations to allow impacts to wetlands, updates to the City of San Diego Zoning Code and the Equal Employment Opportunity Ordinance. John worked with the San Diego Association of Governments (SANDAG) Employment Lands Inventory Committee to examine issues surrounding the supply and demand of land that will be available for development of office, industrial and research and development facilities. He also worked with SANDAG's Quality of Life Stakeholder Working Group, which provides input on Quality of Life Funding Strategy. John was appointed by the San Diego County Regional Airport Authority to the Airport Land Use Compatibility Plan Technical Advisory Group (ATAG). The goal of the ATAG is to enable interested parties to express their concerns regarding the preparation of Airport Land Use Compatibility Plans being prepared for San Diego County airports.

John is a registered lobbyist with the City and County of San Diego and the San Diego County Regional Airport Authority.

## **Honors**

Martindale-Hubbell Law Directory AV rating. This is the highest rating given to a select group of attorneys who have been recognized by their peers for their legal expertise and professional reputations.

Best Lawyers in America, Real Estate and Land Use, *Best Lawyers*, 2018-2023

Real Estate and Construction, *Legal 500*, 2013, 2016

## **Articles**

### **Real Estate, Land Use & Environmental Law Blog Posts**

- "EIR for Downtown San Francisco Mixed-Use Project Upheld Under Supreme Court's Newly Articulated Standard of Review," May 6, 2019
- "Tribe's Gamble That Casino Land Transfer Approval Not Subject to CEQA Pays Off," October 2, 2014

### **Intellectual Property Law Blog Posts**

- "Perils of Waiting: PTAB's Precedential Opinion Panel Designates Two More Decisions Rejecting 315(b) Arguments Regarding Time Bars," September 16, 2019

## Speaking Engagements

"Sunnyvale: Implications & Challenges," San Diego, CA, April 26, 2012

## Events

2014 Tribal Environmental Quality Protection Conference

New and emerging environmental regulation, litigation, compliance and sovereignty issues for Tribes  
05.13.2014

CEQA Breakfast Briefing Seminar Series - San Diego

Streamlining the CEQA Process  
05.15.2013

2012 CEQA Breakfast Briefing - San Diego

Sheppard Mullin San Diego Office, 10.10.2012

## Education

J.D., California Western School of Law, 1980

B.A., San Diego State University, 1976

## Admissions

California