

# Daniel E. Rottenberg

*Director*

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Dan Rottenberg is a real estate lawyer who focuses on leasing, acquisition, financing and development of retail, office, industrial and mixed-use properties.

He has widespread experience representing owners and developers of commercial real estate projects throughout the United States.

Dan counsels clients through all aspects of their real estate development projects, and he has particularly significant experience dealing with complex condominium structuring agreements and leasing.

He is also a member of the editorial board for the firm's retail blog, [Retail Law Advisor](#).

## **Accolades**

- Massachusetts Super Lawyers, Rising Stars: 2009 - 2011

## **Affiliations**

- International Council of Shopping Centers (ICSC)
- Shopping Center Law & Strategy (ICSC Publication), Board Member

## **Admissions**

- Massachusetts

## **Education**

- Dartmouth College (B.A., *magna cum laude*, 1993)
- Tufts University (M.A.T., 1994)
- New York University School of Law (J.D., 1999)

## Representative Matters

### **Representation of North America's Largest Publicly Traded Owner and Operator of Open-Air Shopping Centers**

Representation of one of the largest publicly traded owners and operators of open-air shopping centers in the U.S. in connection with leasing a 1-million-square-foot retail component of Dania Pointe, a premier, 102-acre, mixed-use project Florida. The development will also include Class A offices, hotels, luxury apartments and public event space.

### **Negotiator for Complex Air Rights Ground Lease**

Negotiation of complex air rights ground lease and development of condominium structure for a luxury residential and retail project spanning the Massachusetts Turnpike.

### **Retail Shopping Center and Office Park Owners**

Representation of the owners of retail shopping centers and office parks in connection with drafting and negotiating tenant leases and related real estate matters.

### **Sales, Acquisitions and Financing of Office and Retail Properties**

Representation of real estate developer in connection with managing the sale, acquisition and financing of various office and retail buildings throughout New England.

### **Real Estate Developers Retail Leasing**

Representation of real estate developers including WS Development and New England Development in connection with numerous leases with national and international retailers including restaurants, boutiques, specialty services, and a range of brand name consumer goods.

### **Samuels & Associates Fenway Developments**

Representation of Samuels & Associates in the development of multiple mixed-use projects involving retail, multifamily, office and tech/innovation elements. The firm has worked with this client to develop more than one-and-a-half million sq. ft. of new mixed-use development in the iconic Fenway neighborhood of Boston. The firm handles all of the permitting, zoning and land use, real estate structuring, development, and leasing for Samuels' Fenway developments.

### **Pebblebrook Hotel Trust Condo Docs for Revere Hotel**

Representation of Pebblebrook Hotel Trust in connection with condominium documents for the redevelopment of the newly-acquired Revere Hotel in Boston.

### **Rubicon Real Estate LLC Acquisition of TJ Maxx Plaza**

Representation of Rubicon Real Estate LLC in connection with the acquisition of TJ Maxx Plaza.

### **Provincetown Commons: A Home for Creativity and Innovation**

Representation of Provincetown Commons, Inc., in connection with corporate formation, governance, obtaining tax exempt status, lease/contract review and negotiation, and obtaining local permits and approvals.

Provincetown Commons is renovating, adapting and programming a nearly century-old community center located in the heart of Provincetown, MA, for use by the local community. The revitalized community center will provide year-round working space and professional support to area artists, other members of the local creative economy, and start-up businesses, and will serve as a gathering space for educational and community initiatives, as well as for the Outer Cape Cod community at large. Aiming to contribute to strengthening Provincetown's year-round economy, the Provincetown Commons will serve as a nexus for creativity, collaboration, and new economic opportunity.

As general counsel to Provincetown Commons, Goulston & Storrs attorneys created formation documents, registered the corporation with the Secretary of the Commonwealth and Massachusetts Attorney General, and obtained 501(c)(3) tax exempt status from the IRS. We worked closely with Provincetown Commons on all aspects of the re-development process, including negotiation of the lease and related documents with the Town of Provincetown, obtaining local permits and approvals and negotiating the construction contract with the contractor. Provincetown Commons had its grand opening in late 2018, and we continue to provide legal support and counsel to the transformative community center.

Provincetown Commons pre-renovation



Provincetown Commons post-renovation



Photos courtesy of Provincetown Commons

## Pro Bono Service

Dan donates his time and skills to the Boston Main Streets Foundation as a member of their Board of Directors. In this role, Dan helps the organization further its mission to support Boston's neighborhood commercial districts so that they are thriving, vibrant centers of commerce and community. Dan is proud to have a long history helping to raise awareness of neighborhood needs within the business communities.

For over 12 years, Dan has been a member of and Pro Bono attorney for the CJP Next Generation Housing Foundation. Dan's legal experience is a powerful resource for the group, as they seek to achieve their goal of developing affordable housing for people with disabilities.

## Blog Posts: Retail Law Advisor

This blog keeps you connected to timely developments and emerging issues in retail law and covers a wide range of topics related to the retail, restaurant and consumer industry. We invite you to learn more about Goulston & Storrs and our Retail, Restaurant & Consumer Group.

August 12, 2020

**Last Minute Shifts to Last-Mile Delivery Centers: Considerations for Retail Landlords**

Owners of shopping centers and other retail spaces are again increasingly looking to novel uses, including distribution and warehouse uses, sometimes called “fulfillment centers”, to fill growing vacancies. These emerging uses raise a number of potential legal issues...

January 22, 2020

**Sustainable Fashion – A G&S Panel Discussion**

Introduction On January 13, 2020, Goulston & Storrs PC hosted a panel discussion featuring leaders in the fashion industry’s movement towards more sustainable practices. The panel was organized by Jen Furey, a member of Goulston & Storrs PC’s retail...

October 10, 2019

**Retail-to-Industrial Conversions: Revolution or Niche Trend?**

It may have been unthinkable ten to fifteen years ago, but the shift in consumer shopping patterns from brick-and-mortar stores to online platforms has resulted in the emergence of retail-to-industrial conversions over the past few years. With lower demand...

August 28, 2019

**What’s Old is New Again: Department Stores Partner with Online-Only Secondhand Apparel Companies**

Apparel merchandisers are predicting that resale will soon become a force in the industry and retailers are beginning to take notice. Increasingly, young shoppers are turning to online, resale and rental for their clothing needs and department stores are...

June 13, 2019

**E-Commerce and Industrial Real Estate: “Last Mile” Delivery and What Else You Should Know**

In recent years, the extensive disruption to the retail real estate landscape caused by the expansive growth of e-commerce (such as altered consumer shopping habits, increased brick-and-mortar vacancies, and big box retailer bankruptcies) has been well-cataloged and analyzed both...

May 24, 2019

**ICSC RECON 2019: In Pursuit of Innovation**

The Las Vegas Convention Center hosted ICSC RECon 2019 this week from May 19-22. This year’s conference was held under the motto “Less traditional. More Innovative”, reflective of the dynamic changes taking place in the retail real estate industry...

May 8, 2019

**The Intersection Between Technology and Retail: The Use of Blockchain Technology in Tracking Supply Chains**

In the past few years, many industries have poured resources into exploring how they can use blockchain to grow. The retail industry is no exception. During 2018, the U.S. retail sector spent double the amount of money on blockchain...

March 27, 2019

### **Intrusion or Tool: Consumer Data's Increasing Role in Retail**

It's no secret that retailers have access to more information about their target consumers than ever before. This information can help retailers not only to target their broad market but also to tailor the communications they deliver to each...

February 13, 2019

### **Second Chances – Embattled Retailers Look to the Next Chapter for Their Brands**

What's old is new again. The intellectual property of legacy brick-and-mortar retailers is increasingly being repurposed for decidedly modern ventures. Although the fate of Toys "R" Us, Inc. has captured the most media attention, a number of prominent retailers...

October 3, 2018

### **Augmented Retail – The Use of Artificial Intelligence and Augmented Reality to Enhance the Customer Shopping Experience**

As competition between brick-and-mortar stores and online shopping continues, retailers with physical stores are using cutting edge technologies to offer unique shopping experiences and added service to consumers. One type of technology that is being used in brick-and-mortar stores...

September 5, 2018

### **Down But Not Out: Using Showrooms to Revamp Brick and Mortar Retail**

Recent trends such as pop-ups suggest that consumers and retailers alike are not prepared to give up on brick and mortar stores, but that they are looking for more creative alternatives to the traditional arrangement. Clothing retailers have begun exploring...

July 10, 2018

### **Leveraged Returns: How Big Box Retailers are Using In-Store Fulfilment Centers to Bring Consumers Back to Brick-and-Mortar**

The growth of e-commerce over the last two decades has forced traditional brick-and-mortar retailers to rethink their operations in order to remain competitive in a rapidly evolving market. For some, this means developing websites and mobile apps to entice...

May 30, 2018

### **ICSC RECon 2018--Stepping Into the Future**

The Las Vegas Convention Center hosted ICSC RECon 2018 last week from May 20-23. Upon their entry into the Convention Center's Central Hall, this year's RECon attendees were greeted by the ICSC Innovation Exchange. This interactive exhibit showcased a...

April 11, 2018

### **Pop-Up Stores- From Mall Kiosks to Dedicated Mall Spaces**

It seems that everywhere we turn, there is another story about how the traditional, enclosed shopping mall is facing a slow and painful death. Big box and other brick and mortar stores are closing, and mall landlords are desperate...

February 14, 2018

### **A Grocery Attack on Multiple Fronts**

Amazon has entered the grocery store space with a bang. From the recent opening of its AmazonGo store , to its acquisition of Whole Foods last August, Amazon has threatened to disrupt the grocery store industry and has jolted...

January 3, 2018

### **Vitamin D and Retail: But Not Without Due Diligence First**

We've all read about the question marks floating around the fate of brick and mortar retail in America. Factors like the strength of e-commerce and shifting consumer preferences (such as the popularity of urban centers over suburbia and consumers&rsquo...

November 8, 2017

### **New Experiences, New Retail Opportunities**

Despite all of the noise about the rise of e-commerce and omnichannel distribution and the demise of brick-and-mortar, 85% of retail sales are still made in physical stores , and physical stores will continue to be at the core...

September 27, 2017

### **The Cure For The Last Mile? Retooling Shopping Malls as E-commerce Distribution Centers**

In addition to gigantic warehouses that e-commerce companies are constructing away from population centers where real estate is limited or too pricey, shopping malls and former shopping mall sites are well poised to be the newest e-commerce logistics and...

August 16, 2017

### **Retail Hybrids: Following Trends in Cars, Sports and Food**

Hybrids of many sorts have been trending in countless industries throughout the years and show no sign of fading away anytime soon. Toyota announced that it sold its 10 millionth hybrid car this year, twenty years after launching its...

July 26, 2017

### **ICSC Deal Making Conference Explores the Changing Retail Industry**

The ICSC New England Conference & Deal Making was held from July 18 through July 20, 2017 at the Hynes Convention Center in Boston. Registered attendance at the Conference was strong again this year, with over 1,200 people registered for...

May 25, 2017

### **ICSC RECon 2017 – ICSC RECon Continues to Draw the Crowds**

ICSC RECon 2017 was held last week from May 21-24 at the Las Vegas Convention Center. This year, the conference lived up to its billing as the "World's Largest Retail Real Estate Convention" with an estimated crowd of 37,000...

May 24, 2017

### **Getting Past the Last Mile: Delivery Challenges For E-Commerce Businesses**

E-commerce businesses have changed the relationship between consumers and retailers through the advent of expedited and low-cost home delivery services. Now, many consumers anticipate both free shipping with their purchase, and to receive their items in a short one...

April 12, 2017

### **The Rise of Concierge Retail**

Retailers have always had to balance a number of different competing factors in order to stay competitive, including location, marketing and convenience. As discussed in this space, in today's market, many retailers are employing an omnichannel retail strategy, making...

March 1, 2017

### **Leveraging Digital Tech to Make Brick and Mortar Retail A Destination**

With a growing percentage of retail sales shifting online, brick-and-mortar retailers are adopting novel approaches to enrich the experience of a visit to their stores. In some cases, stores are using novel technologies to attract new customers. For...

February 1, 2017

### **The (Border) Adjustment Bureau: Hold On to Your (Imported) Hats**

Retailers would be wise to pay close attention to the upcoming tax-plan deliberations of the 115th U.S. Congress. A proposal currently being considered would adjust the U.S. corporate tax by making imports a non-deductible expense. This adjustment is intended...

January 19, 2017

### **Upscale Food Halls—On Trend and On The Rise**

The growth of high-end food halls is taking off around the country as consumers seek fast, fresh, high-quality, chef-driven meals with a local touch, and as landlords seek to cash in on the continued growth of fast-casual dining. These...

December 7, 2016

### **Blockchain – The Future of Real Estate?**

Bitcoin and blockchain technology have been gaining publicity in recent years, and although they are primarily known for their use as a digital payment system, there are also promising uses in many areas where trust, cost and efficiency can...

November 2, 2016

### **Industry-Wide Confidence Shines Through At ICSC's 2016 Law Conference**

The 2016 ICSC Law Conference was held last week at the Diplomat Resort in Hollywood, Florida. Attendance was very strong this year, with over 1425 lawyers, paralegals, lease administrators, brokers and other retail real estate professionals attending. The strong...

September 28, 2016

### **Food For Thought: How Delivery-Only Food Service Is Impacting Retail Real Estate**



Today's consumer is a tricky one – she is impatient and demanding. She requires excellent service in the blink of an eye (or perhaps, more appropriately, in the swipe of a finger), and likes to eat meals made with...

August 17, 2016

### **Selfies: Changing the "Face" of Retail**

Selfies are everywhere. From selfie sticks to photo editing applications, people are looking for new and better ways to take photos of themselves. At the same time, retailers are creatively taking advantage of our selfie obsession. Companies such as...

July 27, 2016

### **ICSC's New England Idea Exchange Draws a Crowd to Talk Shop**

The Hynes Convention Center hosted the ICSC New England Deal Making Conference in Boston last week from July 19 through July 21. ICSC announced that attendance was at an all-time high of about 1,200 people. The conference kicked-off with...

June 29, 2016

### **A Closer Look into the Growth of E-Commerce Sales**

It is widely known that e-commerce sales have been growing and shifting sales from traditional brick-and-mortar establishments. As noted below, overall e-commerce sales in fact still account for a relatively modest percentage of total retail sales. That said, the...

May 26, 2016

### **ICSC RECon 2016 – Holding Court**

ICSC RECon 2016 tipped off with a keynote address by Earvin "Magic" Johnson, Chairman and CEO of Magic Johnson Enterprises and former NBA superstar. Attendance was up by about 2.7 percent from last year, with around 36,000 attendees, representing...

May 11, 2016

### **Microbranding Leads to Big Success**

From your local watering hole to Nordstrom's, microbranding is making a big impact in retail. Microbranding is brand recognition experienced by small-scale businesses in a particular marketplace. The expansion of the internet marketplace, including websites such as Etsy and...

March 23, 2016

### **The "Sharing Economy" Creeps into Retail**

Millenials are having an increasing impact on the retail industry. Reports estimate that the generation's, defined as people born between 1982 and 2004, spending will soon account for approximately 30% of all retail sales, as this blog recently discussed...

February 3, 2016

### **Heavyweights Battle Over The Future Of Retail**

Is the future of retail online, or will it remain in brick-and-mortar stores? It is a common topic of speculation among the retail industry, with some claiming that brick-and-mortar stores are a dying breed and others claiming that they...

December 23, 2015

**Sporting Fashion: An Evolution from the Hardwood to the Runway**

During the 1989 MLB All-Star Game , the world was left in blissful wonderment over the most memorable sports campaign ever produced . The "Bo Knows" campaign became the paradigm of sports marketing, catapulting Nike into mainstream consciousness, and...

November 24, 2015

**Black Friday? Not This Year.**

Black Friday is the infamous day that kicks off the official holiday shopping season in the United States. With many folks and students enjoying the day after Thanksgiving off, Black Friday is the perfect time to start working through...

November 18, 2015

**The War for Talent: It's On**

It's not exactly news that we have a war for talent in the U.S. Since the recession of 2008, business commentators have followed the U.S. population's return to work. When unemployment was high and workers had no alternatives, they...

November 4, 2015

**Strong Showing in Arizona: ICSC's 2015 U.S. Shopping Center Law Conference**

Arizona played host to ICSC 's 2015 U.S. Shopping Center Law Conference, and with great success. The conference took place at the JW Marriott Phoenix Desert Ridge Resort & Spa, which comfortably housed over 1,400 attendees. The conference offered...

October 7, 2015

**Apple Pay, Android Pay, Samsung Pay: Where's Your Wallet?**

Last week Samsung launched its mobile payments app to compete with ApplePay and Android Pay, with much anticipation among technology bloggers. A few Technorati rushed to try the application so they could compare and contrast with the others. While...