

David Avitabile

Director

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David Avitabile is a real estate attorney who focuses his practice on land use and development. He assists clients with a wide variety of development projects, including residential, commercial office, hospitality, and retail projects. In his practice, David advises clients on all aspects of entitlement and permitting processes in the District of Columbia, including zoning, historic preservation, building code compliance, public space use and other local regulatory processes. He also represents clients in land use and development litigation at both the trial and appellate stages.

David works with private developers, educational institutions, and businesses of all types, including those in the retail, sports and entertainment industries.

Accolades

- *Chambers USA*, Real Estate: Zoning/Land Use, District of Columbia, 2019 - 2022 (Band 2)

Admissions

- District of Columbia
- Virginia

Affiliations

- American Bar Association
- District of Columbia Building Industry Association (DCBIA)
- Higher Education Real Estate Lawyers (HEREL)
- Virginia Bar Association

Education

- University of Virginia School of Law (J.D., 2005)

- Georgetown University (B.A., *magna cum laude*, 2000)
 - with honors

Representative Matters

Georgetown University and Medstar Georgetown University Hospital Campus Plan and Approvals

Representation of Georgetown University in the approval and implementation of its 2017 Campus Plan and related approvals for its clinical partner, MedStar Georgetown University Hospital, including advising Georgetown on all aspects of the planning, zoning, and community engagement process.

Forest City Washington Zoning, Planning, Historic Preservation Matters and Negotiation of Development Agreements

Representation of Forest City Washington in zoning, planning, historic preservation, public space, and permitting requirements as well as the negotiation of development agreements with city agencies and entities related to the development of a new mixed-use neighborhood known as The Yards.

Multifamily Residential and Commercial Developer Approvals

Counsels and represents multiple multifamily residential and commercial developers in zoning entitlement approvals, including planned unit development, design review and variance relief, as well as preservation, building code and public space approvals.

University and Nonprofit Institution Campus Plan Approval

Counsels major universities and nonprofit institutions, including Georgetown University and The George Washington University, in connection with the approval of campus plans as well as new construction and related permitting, compliance and regulatory advice.

Mixed-Use Development for Arts, Medical and Other Institutional Uses

Representation of multiple private and non-profit organizations in the development and implementation of coordinated mixed-use developments for arts, medical, and other institutional uses.

Boston Properties and the George Washington University Zoning and Public Space Approvals

Representation of Boston Properties, Inc. and the George Washington University in connection with zoning and public space approvals for a proposed new trophy office and retail development at 2100 Pennsylvania Avenue, NW.

Museum of the Bible Zoning, Historic Preservation and Permitting

Representation of the Museum of the Bible in the zoning, historic preservation, public space and permitting requirements related to the establishment of a major new museum in Southwest Washington, D.C.

Zoning, Public Space and Permitting Approvals and Agreement and Covenant Negotiations

Representation of a major local commercial property owner in the zoning, public space, and permitting approvals as well as negotiation of related development agreements and covenants related to the construction of a major office building addition to an existing international organization's headquarters in Northwest Washington, D.C.

Giant/Stop & Shop Zoning and Permitting Approvals and Related Appellate Litigation

Representation of Giant/Stop & Shop on the zoning and permitting approvals as well as related appellate litigation for the development of a new grocery store and related mixed-use project in Northwest Washington, D.C.

International Arts & Artists Dupont Circle Headquarters Acquisition, Financing and Land Use Approvals

Representation of, on a pro bono basis, International Arts & Artists in the acquisition, financing, and land use approvals for a new headquarters in the Dupont Circle area of Washington, D.C.

Publications

January 14, 2022

D.C. Zoning Commission Responds to Two of Attorney General's Inclusionary Zoning Proposals

August 28, 2020

State of Play: Reopening Considerations for College and University Athletic Programs

July 6, 2020

New York's "Tenant Safe Harbor Act" – Extended Restrictions Signed Into Law

June 4, 2020

PPP Update - Paycheck Protection Flexibility Act

May 16, 2020

PPP Alert – SBA Releases Loan Forgiveness Application and Instructions

May 13, 2020

IMPORTANT: SBA Update on "Good-Faith Certification" for PPP Loans

May 1, 2020

PPP – Additional Cautionary Guidance, Impact of Forgiveness on Deductible Expenses, and New Loan Amount Limits for Corporate Groups

April 24, 2020

New PPP Loan Availability and Cautionary Guidance Announced

April 10, 2020

Who's Counting? A Closer Look at SBA Affiliation Rules and Size Standards Under the CARES Act

April 7, 2020

UPDATED: Summary COVID-19: Paycheck Protection Program (PPP)

April 3, 2020

SBA Paycheck Protection Program: Loan Documents Available

April 1, 2020

Treasury & SBA Release PPP Sample Application Form & Related Guidance

March 26, 2020

Summary of CARES Act

August 2015

Major Changes to District of Columbia Zoning Regulations