

David J. Rabinowitz

Director

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David Rabinowitz is a real estate lawyer focusing on real estate development, leasing, acquisitions and dispositions. With more than 35 years of experience, David represents property owners and tenants with complex leases involving office, retail, industrial, and mixed-use properties. He negotiates commercial real estate leases of all kinds, including full-floor and multi-floor leases for tenant headquarters, leases (domestic and foreign) flagship stores, restaurant leases, and ground leases. David also counsels developers and owners in acquisitions and dispositions (one-off and portfolio transactions), as well as commercial development, and finance matters.

David's widespread experience serving the retail industry prompts *Chambers USA* to laud him as New York retail's "key contact." He frequently represents non-U.S. retailers with their expansions into North America. He also counsels all kinds of retailers and owners in connection with the acquisition, sale and leasing of retail and mixed-use properties, lease restructurings, condominium developments (retail and mixed-use), the acquisition and sale of real estate assets (fee estates and leasehold interests in retail properties) out of bankruptcy, and counseling clients on lease issues (such as exclusives, radius restrictions, assignment/subletting and "going dark") in anticipation of and during a lease dispute. His retail clients include some of the nation's largest "big box" retailers and shopping center developers. David is one of the first American lawyers to become an annual participant in MAPIC, a well-recognized, annual international retail property trade show in Cannes, France.

A leader within the firm, David served Goulston & Storrs in leadership roles, including as Co-Chair of the firm's Retail, Restaurant & Consumer Group and as a member of the firm's Executive Committee.

Accolades

- *Best Lawyers in America*® (2006-2020, 2022-2024): Real Estate Law
- Recognized by *Chambers USA: Guide to Leading Business Lawyers* in the area of real estate law
- Martindale Hubbell Peer Review Rated AV Preeminent™

- New York Metro Super Lawyers, 2005-2011, 2013-2023
- *Who's Who Legal*, Global Leader, Real Estate, 2022
- Named by *The Best Lawyers in America* in the area of real estate law

Affiliations

- Chair of the 2021 ICSC Law Conference
- Chair of 2019 ICSC New York Deal Making Conference
- Member, U.S. Law Conference Program Committee, International Council of Shopping Centers (ICSC)
- Member, New York Deal Making Conference Program Committee, International Council of Shopping Centers (ICSC)
- Member, American College of Real Estate Lawyers (ACREL)
- Member, Urban Land Institute
- Member, Real Estate Board of New York

Admissions

- New York
- New Jersey
- District of Columbia

Education

- Washington College of Law, American University (J.D., 1983)
- Rutgers College (B.A., *with distinction*, 1979)
 - Phi Beta Kappa

Representative Matters

Ten Floor Lease of a Publicly Traded Technology Company in a Major Manhattan Office Building

Representation of a publicly traded technology company to lease ten floors (approximately 350,000 sq. ft.) in a major Manhattan office building to serve as the company's worldwide headquarters.

30,000 sq. ft. Lease in a Manhattan Office Building

Representation of a major law firm in the leasing of a full floor (approximately 30,000 sq. ft.) in a Manhattan office building.

Acquisition and Development for a Global Consumer Goods Company

Representation of a global consumer goods company in connection with the acquisition and development of its first location in Maine.

Preparation of a Credit Tenant/Financeable Ground Lease

Representation of a major developer in the preparation of a credit tenant/financeable ground lease to be used at various properties throughout its US portfolio.

AXA IM Alts and its Affiliates in one of the Largest Industrial Portfolio Acquisitions of 2020

Representation of AXA IM Alts and its affiliates in one of the largest industrial portfolio acquisitions of 2020. The portfolio consists of 27 assets in Chicago, Houston, Los Angeles, Central New Jersey, Dallas, South Florida, Southern New Jersey and Atlanta. In a significant step in its strategy to grow a U.S. wide logistics platform, AXA IM Alts, on behalf of clients and through a joint venture with Cabot Properties, Inc., acquired the 7,984,000 s/f portfolio for approximately \$875 million, through a share purchase of a REIT previously managed by Cabot Properties. Representation included all matters related to property diligence, structuring, joint venture, purchase, financing, tax and environmental considerations of the property, including tax and structuring issues relating to cross-border investments.

Glimcher Refinancing of The Outlook Collection, Jersey Gardens

Representation of Glimcher on the refinancing of The Outlet Collection, Jersey Gardens in Elizabeth, New Jersey.

PREIT \$465M Acquisition of Springfield Town Center

Representation of PREIT in connection with on its \$465M acquisition of the newly re-developed Springfield Town Center in Springfield, VA.

International Retail Client Acquisition and Leasing Matters

Representation of an international retailer in connection with the acquisition and ground lease of property in the United States, including multiple leases in New York City for stores in excess of 100,000 square feet in to-be-built vertical development projects, the sale of an existing facility in Florida, a ground sublease for a new facility in a new mixed-use project being developed on 200 acres in Florida, and the acquisition of 85 acres of land for the development of a 300,000 square-foot distribution facility in Maryland.

Leasing of Restaurants, Boutiques, Specialty Services, and Brand Name Consumer Goods

Representation of client with numerous leases with national and international retailers including restaurants, boutiques, specialty services and a range of brand name consumer goods.

Mixed-Use Leasing for North America's Largest Publicly Traded Owner and Operator of Open-Air Shopping Centers

Representation of North America's largest publicly traded owner and operator of open-air shopping centers in connection with leasing of the 1 million square-foot retail component of a mixed-use project being developed on 100 acres in Florida.

Real Estate Investment Trust Dispositions and Property Acquisitions

Representation of a real estate investment trust in connection with the disposition of 3 malls located in Alabama and Virginia. Also represented the client in connection with the acquisition of a number of properties within their portfolio, including a 1.3 million square-foot mall in Springfield, Virginia which was being redeveloped into a destination shopping venue. Representation of this client also includes retail leasing with brand names and anchor tenants.

GP Fund for Retail Acquisition, Development and Operation Throughout U.S.

Representation of an Atlanta based retail developer in connection with the formation of GP Fund for the acquisition, development and operation of retail or retail-related properties throughout the United States.

Nationwide Retail Rollouts

Representation of a wide range of retailers in connection with their retail rollouts across the country and internationally into malls, outlets, shopping centers and more.

Expansion of Major Fitness and Health Club Chain

Representation of a major fitness and health club chain in connection with their expansion into the New York City market.

Hamleys, Ardene, LXR & Co., EXKi U.S. Expansion

Representation of a wide range of foreign retailers in connection with their expansion into North America. A sampling of these clients includes Hamleys, Ardene, LXR & Co., and EXKi.

National Auto Chain Leasing and Development

Representation of a national auto chain in connection with the acquisition and ground lease of properties for development.

Major Property Owner/Developer Warehouse Leasing and Development

Representation of a major property owner/developer in connection with the retail leasing of a warehouse which is being redeveloped in Newark, NJ.

New Jersey-Based Shopping Center Leasing in New Jersey, New York and Virginia

Representation of a New Jersey-based shopping center owner in connection with the leasing of its shopping centers in New Jersey, New York and Virginia.

Big-Box Retailer Lease Transactions Across U.S.

Representation of a big box retailer in lease transactions across the country. This work often involves the acquisition and ground leasing of real estate, as well as the negotiation of reciprocal easement agreements with adjacent property owners.

Regional Property Owner/ Manager Long Island Leasing and Development

Representation of a regional property owner/manager in connection with the development of property on Long Island and the leasing of its shopping centers.

Real Estate Development Projects Across Northeast

Representation of a real estate development and acquisition company in connection with the acquisition, leasing and sale of real estate development projects in the Northeast.

Mall Acquisitions in Southeast

Representation of a real estate developer in connection with the acquisition of 16 malls located in the Southeast.

Retail Bankruptcy Matters

Representation of a private real estate investment company in connection with the bankruptcy of a large retailer.

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 25, 2021

New York City Vaccine Mandate for Certain Indoor Activities

In early August 2021, New York City Mayor Bill de Blasio announced the Key to NYC , which requires patrons of indoor dining, indoor fitness and indoor entertainment to provide proof of COVID-19 vaccination. Employees at such establishments must also...

April 22, 2021

Considerations for Converting Dark Stores to Industrial

Recorded by JLL

Watch the recording here. Goulston & Storrs real estate attorney, David Rabinowitz was featured in a live podcast, "Considerations for Converting Dark Stores to Industrial". This was part of JLL's Where We Buy podcast series, which focuses on the latest topics affecting retail...

July 15, 2020

As States Lift Restrictions, Retailers are Trapped on the 'Leading Edge'

The avalanche began in an unlikely setting, for avalanches at least: Chesapeake Energy Arena, home to the National Basketball Association's Oklahoma City Thunder, where the home team was set to play the Utah Jazz on the evening of March...

December 19, 2019

The 2019 ICSC New York Deal Making Conference and The Ever-Evolving Retail Scene

The ICSC New York Deal Making Conference ("NYDM") was held at the Jacob Javits Convention Center from December 10-12 and had more than 9,600 registered attendees. This year, ICSC offered much more content than at prior NYDM conferences. Over...

March 6, 2019

Technology Shifts the Retail Landscape for Open Air Centers

ICSC's OAC Summit 2019

I just returned from ICSC's OAC Summit, which was held in Austin last week. For those who have not yet attended this conference, the OAC is not a deal making conference like many other ICSC conferences. Rather, the OAC is...

December 12, 2018

The 2018 ICSC New York Deal Making Conference and The Emergence of Digital

The ICSC New York Deal Making Conference ("NYDMC") was held at the Jacob Javits Convention Center from December 4 – 6. NYDMC is ICSC's second largest conference, with about 10,000 in attendance this year. The conference kicked off with...

November 13, 2018

Three Trends Driving Consumer Behavior in the Retail Real Estate Business

Goulston & Storrs partners Nancy Davids, Matt Epstein, Karen O'Malley and David Rabinowitz recently sat down with Forbes to discuss how changes in consumer behavior continue to drive evolution in the retail real estate business. The group identified three key...

February 21, 2018

Settlement Opens Door For Outer Borough Outlet Centers

In August 2017, Simon Property Group ("SPG") and the Office of the Attorney General of the State of New York ("NYAG") entered into an Assurance of Discontinuance (the "Settlement") regarding alleged anti-competitive effects of radius restrictions used by SPG...

December 13, 2017

ICSC New York Deal Making (2017)

On December 6-7, the Javits Center played host to this year's ICSC NY Deal Making Conference. ICSC featured a new format at this year's Conference. In addition to the deal making opportunities on Wednesday and Thursday, ICSC partnered with...

November 21, 2017

Cannes Brick and Mortar Retail in the United States Make a Comeback?

2017 MAPIC Conference in Cannes, France Last week, a contingent from Goulston & Storrs attended the annual MAPIC conference in Cannes (pronounced "Can"), France for the seventh consecutive year. We expected to field questions about the challenges facing brick...

September 13, 2017

Gearing Up for MAPIC 2017

Our Retail Group is once again getting ready for the annual MAPIC Conference (le marché international professionnel de l'implantation commerciale et de la distribution)! For the 7th year in a row, our team is traveling to Cannes, France for..

August 2, 2017

A Nation of Shopkeepers

David Rabinowitz and Matt Epstein who, with Nancy Davids , co-chair Goulston's Retail, Restaurant and Consumer Group , spent some time in London last month surveying the retail landscape. There are both similarities and differences between the US and UK...

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 17, 2017

The Future of Urban Retail: A Business Real Estate Roundtable

As the competitive retail marketplace continues to shape itself, we take an active role monitoring trends and uncovering the legal ramifications. This week, we are pleased to share Crain's New York Business Real Estate Roundtable. In this piece, the...

April 26, 2017

To Tax or Not to Tax Internet Retailers, that is the Question

Since the dawn of the age of e-commerce, brick-and-mortar retailers have championed "the level playing field". Their battle cry: Internet retailers should be subject to sales tax just like us! This disparity is largely the result of a 1992...

March 29, 2017

End Of An Era Or Simply a Moment In Time?

What conclusions can we draw from the increasing vacancy rates in prime NYC retail real estate ? A momentary blip? Something we've seen many times before, only to be followed by the inevitable climb in rents to their customary...

March 16, 2017

When in Rome: Our Take on the ICSC OAC (Open Air Summit)

We know from our high school history lessons that large scale public shopping centers have been around since the days of the Roman Empire, if not before. The fabled open air markets of cities like Istanbul and Damascus still...

December 15, 2016

A Tale of Two Conventions: MAPIC and ICSC New York

Autumn has been a busy time for our Retail, Restaurant and Consumer team , with our attendance at two major industry events each attracting thousands of attendees. Interestingly, both events recorded their largest attendance numbers to date, and given...

June 16, 2016

To Brexit or Not to Brexit? Our Observations on UK Retail

Our Retail team just returned from a week in London where we met with the firm's UK-based retail clients and other retail industry professionals. The biggest topic of conversation centered around Brexit. On June 23rd, Britain will hold an...

December 16, 2015

ICSC 2015 National Deal Making – Bigger, Better And Back At The Javits Center

This is the second year that the New York ICSC has been held at the Jacob K. Javits Convention Center , and no one is pining for the old venue. Attendance was up, perhaps breaking 10,000, which would be...

December 3, 2015

Report from MAPIC 2015: US Expansion Still Hot Topic

The Goulston & Storrs' MAPIC team has returned from the 21st annual MAPIC (le marché international professionnel de l'implantation commerciale et de la distribution) conference in Cannes, France. From November 16-18, MAPIC hosted its international retail conference at the...

July 1, 2015

Let Freedom Ring!

Goulston & Storrs has a long and proud tradition of supporting diversity. It's not just a theoretical goal; we believe diversity helps us recognize and appreciate alternate viewpoints which ultimately improves our firm and our ability to serve our...

January 14, 2015

Retailing and Technology: Once an Afterthought, Now a Brave New World

There is a continued debate over brick-and-mortar and e-commerce driving innovation in the retail industry. Ultimately, technology enhances a shopper's experience but does not necessarily replace it. Much has been discussed about the success of retailers who embrace the omni channel...

Publications

December 10, 2021

Just Don't Call It A Warehouse: Repurposing Unused Retail Spaces To Support E-Commerce

Bisnow

August 26, 2021

New York City Vaccine Mandate for Certain Indoor Activities

The National Law Review

June 5, 2020

NYC Legislation Limits Enforcement of Personal Liability Provisions and Prohibits Harassment for Certain Commercial Tenants

December 9, 2019

Here's what to expect at ICSC's 2019 NYC event

The Real Deal

November 12, 2019

Rolling Out Retail: The Law and the Order

The Safari Hosted by Traub

January 2018

Risk Mitigation Tips for Foreign Retailers Rolling Out New Products in the U.S.

May 2017

Crains New York Business Real Estate Roundtable: The Future of Urban Retail

February 2015

FDA Finalizes Chain Restaurant Menu Labeling Rules

December 2014

NLRB Claims McDonalds Is "Joint Employer" of Franchisee Employees

July 2014

"The Art and Science of Updating REAs," Probate and Property

Events

October 25-27, 2023

ICSC + U.S. Law 2023

JW Marriott Phoenix Desert Ridge Resort & Spa

September 13 – 15, 2022

RETHINK Office Online Conference

Online

November 3, 2021

ICSC U.S. Law Conference 2021

San Francisco Marriott Marquis

April 22, 2021

JLL, Considerations for Converting Dark Stores to Industrial

October 16, 2020

ICSC U.S. Law Conference 2020

ICSC Webcast

December 10, 2019

Speaker, "New York Deal Making," ICSC

November 15, 2018

Eat, Shop & Play: Navigating and Thriving in the U.S.

Cannes, France

June 2018

Contributor, "Foreign Retailers Can Add Newness, Novelty to Shopping Centers," Retail Insight by Shopping Center Business

Summer 2015

"Negotiating Strategies for a Big Box Lease – Thinking Inside the Box," New York State Bar, Real Property Law Section Summer Meeting

Vergennes, Vermont

November 2014

"This Land is Your Land: Tips from the Experts for Expanding Retail into the USA," Moderator, MAPIC International Retail Property Conference

Cannes, France

October 2014

"Recent Developments: What Have the Courts Been Doing this Past Year?," ICSC US Shopping Center Law Conference

September 2014

Movin' Out: Searching for, Finding, Negotiating & Leasing New Space, Greenpearl