

Development, Land Use & Zoning

Goulston & Storrs' Development, Land Use & Zoning Group counsels developers, property owners, tenants, architects, contractors and institutional investors.

Our clients develop substantial commercial real estate projects, including retail, office, sustainable energy, hotel, multifamily residential, mixed-use projects and sports facilities in New England, DC, New York and beyond. We are also counsel to numerous governmental bodies, including the Boston Planning & Development Agency.

Our firm is nationally recognized as a leading real estate law firm. When we see a site plan, we recognize potential issues and offer viable solutions. We are experienced in matters relating to wetlands, air and water quality, traffic and parking, zoning, contaminated property reuse, historical restrictions and environmental regulation. We know the market, have strong working relationships with regulatory agencies and know how to get deals done. Our litigators are prepared for land use cases of every kind.

We help our clients navigate through all aspects of the development cycle, including:

- Site acquisition and assembly
- Development transactions with governmental authorities
- Zoning, permitting and land use litigation
- Green development and smart growth
- Environmental
- Historic Preservation
- Joint Ventures
- Design and construction contracts
- Development and property management agreements
- Condominium and other forms of common ownership
- Construction and permanent financing
- Leasing, including ground leases

Representative Matters

New York City Economic Development Corporation Essex Crossing Mixed-Use Development Project in Manhattan

Representation of the New York City Economic Development Corporation in connection with the redevelopment of the Seward Park Urban Renewal Area, encompassing nine sites on the lower east side of Manhattan. The project was structured to accomplish a number of public goals, including the development of 1,000 new residences (half market rate and half affordable) and the relocation of the Essex Street Market, an iconic public market. The project also includes 450,000 square feet of retail, 400,000 square feet of office space, community attractions, and green spaces. Our work required a public RFP process and negotiation with multiple bidders, purchase and sale agreements, condominium documents, and innovative restrictive covenants.

Multifamily Developer In Connection With the Redevelopment of a Transit Station

Representation of a multifamily developer in connection with the redevelopment of a transit station that will include multifamily residential and retail components, and a new structured parking facility.

Government Center Garage Redevelopment Project

Representation of a privately-held real estate developer in connection with the redevelopment of Bulfinch Crossing, also known as the Government Center Garage Redevelopment project, in Boston, MA, with particular focus on agreements with the MBTA relating to the transit station at the project site.

Permitting and Financing Multi-Use Real Estate

Permitting and financing of a 70-unit apartment, row-house, and townhouse complex with ground-floor retail space in Roxbury.

YMCA of Greater New York Mixed-Use Development Projects

Representation of the YMCA of Greater New York in a number of mixed-use developments, including the negotiation of contracts of sale, development agreements and condominium arrangements for new branches in Chinatown, Chelsea and downtown Brooklyn, as well as in two bond issuances by the New York City Industrial Development Authority, the proceeds of which were used to finance, or refinance, improvements made to a number of YMCA branches.

WS Development Seaport Square Boston, MA

Representation of WS Development in its acquisition, development, financing, and leasing of more than 1.5 million square feet of retail in Boston's Seaport District, which lies at the heart of Boston's waterfront redevelopment and is the largest urban redevelopment project in New England. The project includes the 23-acre Seaport Square, which will ultimately grow to 6.3 million square feet of retail, dining, residential, office, hotel and cultural uses. Seaport Square is a transit-oriented development involving substantial construction and connecting to existing MBTA stations and tunnel structures, and significant coordination with transit agencies.

Time Warner Inc. Development of Time Warner Center in New York City

Representation of Time Warner Inc. in connection with various aspects of the development of Time Warner Center.

New England Development and The Green Company Development of The Pinehills in Plymouth, MA

Representation of Pinehills LLC, a joint venture between New England Development and The Green Company, in the development of The Pinehills, a 3,000 acre mixed-use development in Plymouth, MA including over 3,000 homes, hotel and conference center, community and retail uses, and four golf courses.

New England Development (NED) Master Planning, Development and Financing of University Station in Westwood, MA

Representation of New England Development (NED) in its master planning and development of University Station, a transit-oriented, 120-acre, 2 million-square-foot, mixed-use development in Westwood, Massachusetts, that lies adjacent to a regional Amtrak station and is composed of 750,000 square feet of retail, 650 units of multifamily residential, 325,000 square feet of office, 100 units of assisted living and 160 hotel rooms. The firm represented NED in the financing, development, leasing and disposition of the property, as well as in structuring joint venture agreements with co-developers.

National Public Radio (NPR) Headquarters Relocation in Washington, D.C.

Representation of National Public Radio (NPR) in connection with the relocation of its headquarters and broadcast center to a historic landmark. Goulston & Storrs led NPR through the historic review process, appearing before the D.C. Historic Preservation Review Board and the Mayor's Agent for Historic Preservation to secure the necessary approvals for demolition and partial addition to the historic building. Also assisted NPR in connection with securing zoning entitlements from the Board of Zoning Adjustment, including allowing multiple antennas on the roofs of its expanded headquarters building.

Development of a New Science and Engineering Building

Counseling a large, urban university in connection with the development of a new science and engineering building. Assisted the client with all aspects of the master planning and land use matters related to this development project.

MassDOT Financing and Management Structure of Rose Fitzgerald Kennedy Greenway Conservancy

Representation of the Massachusetts Turnpike Authority (now MassDOT) in its creation of the public-private financing and management structure of the Rose Fitzgerald Kennedy Greenway Conservancy. The firm's work included a comprehensive analysis of the application to the Conservancy of the State Conflict of Interest Law, Public Records Law, Open Meeting Law and State and Federal Lobbying Laws. The firm currently represents the Greenway Conservancy in regards to a host of matters, including compliance with the Commonwealth's Public Records Law and Open Meeting Law.

Kraft Group Permitting and Development of Patriot Place in Foxborough, MA

Representation of The Kraft Group (TKG) in the permitting and development of Patriot Place, a 1.4M SF office, retail, entertainment and hotel complex at Gillette Stadium in Foxborough, MA. The

firm previously assisted TKG with securing federal, state and local approvals to build the \$325 million professional football and soccer stadium.

Harvard University Master Plan Development for North Allston Campus

Representation of Harvard University in the master plan development of land in the North Allston neighborhood on the Boston side of the Charles River, including acquisitions, dispositions, ground leasing, land use, title and public approval matters.

Georgetown University Campus Plan

Representation of Georgetown University in connection with zoning and entitlement approvals for its Campus Plan, which has included coordinating related approvals for its clinical partner, MedStar Georgetown University Hospital. Georgetown is a longstanding client of the firm and has been key to our industry group's platform in the District. Several years ago, we advised the university in its development of Georgetown Community Partnership, a project focused on fostering collaboration for future planning within the university, the community and the city. Large institutions generally undergo the master planning process every 10 years, but through this unprecedented collaboration, Georgetown has secured approval for a plan that will oversee campus development over the next 20 years. We have also been working with Georgetown University and MedStar Georgetown to secure approval for a 500,000-square-foot medical and surgical pavilion that would see the existing hospital complex expanded and modernized. Serving as the university's chief land use counsel, we guided Georgetown in connection with all aspects of the planning process, including coordination with the community and—and its hospital partner—to develop this inclusive plan.

Forest City Realty Trust Cornell Tech Campus New York City

Representation of Forest City Realty Trust in connection with the development, condominium formation and leasing (including ground leasing) of the Cornell Tech campus on Roosevelt Island in New York City, which will include two million square feet of state-of-the-art buildings and two acres of open space, and will be home to more than 2,000 graduate students and hundreds of faculty and staff when completed.

Federal Realty Investment Trust Assembly Row Somerville, MA

Representation of Federal Realty Investment Trust (FRIT) in connection with the development of Assembly Row in Somerville, Massachusetts. This partially completed mixed-use project is composed of multiple parcels and entitled for up to 2,100 residential units, 1.75 million square feet of commercial space, 512,000 square feet of retail, restaurant and cinema space and a 200-room hotel. In addition, the project includes construction of a bus and light rail mass transit station. Goulston & Storrs provided counsel in connection with structuring a series of transactions with AvalonBay for the latter to develop the first two parcels. Both will include ground floor retail space and multifamily residential rental units above. This project also included Brownfields redevelopment, condominium ownership structuring, improvements to state owned parks, REIT tax and other compliance issues and retail leasing.

DivcoWest Cambridge Crossing Boston, Cambridge, and Somerville, Massachusetts

Representation of DivcoWest with respect to Cambridge Crossing, its 42-acre, 5-million-square-foot, mixed-use redevelopment of a former railyard on a site that overlays Boston, Cambridge, and Somerville, MA. The planned development includes a centralized retail square, multifamily residential components, 20 acres of green space, a 370,000-square-foot office building, a 390,000-square-foot office building and significantly improved road infrastructure. The parcel also encompasses a light rail commuter station that will be redeveloped by the MBTA in collaboration with the Cambridge Crossing project.

Brause Realty, Inc. Mixed-Use Development Project in Long Island City, NY

Representation of Brause Realty, Inc. in connection with the purchase and assemblage of land—through a foreclosure process—to develop a 272-unit, mixed-use, multifamily residential apartment building in the Court Square neighborhood of Long Island City, the westernmost residential and commercial neighborhood of the New York City borough of Queens. Our team assisted Brause in entering into a joint venture made up of three substantial real estate investment firms, which then closed on \$105 million construction financing through M&T Bank and the Bank of New York Mellon Corporation.

Cafritz Foundation Development Approval

Representation of the Morris and Gwendolyn Cafritz Foundation on development approval for the second phase of Art Place at Fort Totten, a vibrant, mixed-use complex strategically located on South Dakota Avenue in Northeast Washington, DC.

The Morris and Gwendolyn Cafritz Foundation is the largest private, independent, local foundation focused exclusively on the Washington, D.C. metropolitan area.

Permitting and Development of Parcel 12 Air Rights Project over the Massachusetts Turnpike

Representation of Samuels & Associates in the zoning approval, local, state, and federal permitting, development, and closing on an air rights lease with the Massachusetts Department of Transportation in connection with the construction of the Parcel 12 Air Rights mixed-use project over the Massachusetts Turnpike in the Back Bay neighborhood of Boston.

Commercial Life sciences Center Development

Represented a non-profit economic development corporation in the development, by a private party, of a commercial life sciences center on a hospital campus.

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.

Non-Profit Community Center Redevelopment

Representation of a non-profit organization in connection with the redevelopment of a defunct community center building into a newly renovated, mixed-use, collaborative working space for local

artists and entrepreneurs, including permitting and negotiation of the long-term lease and construction and consulting contracts related to the redevelopment.

International Religious Nonprofit Acquisition and Development of Community Center

Counsel to international religious non-profit in the acquisition and development of a 90,000 square-foot community center in the Upham's Corner area of Boston.

Assistance with Land Use and Zoning Concepts during Site Due Diligence

Representation of a purchasers and development partners during their due diligence relating to potential site acquisition or joint venture pursuit, including the assessment of "highest and best use" and potential redevelopment options, along with review of potential redevelopment plans for zoning and land use compliance.

Land Use and Zoning Entitlement Assistance for Foreign Mission

Representation of a foreign government in connection with the renovation of an embassy and the expansion of a consulate at 3401 Massachusetts Avenue, NW, including the assistance with review by the U.S. Department of State Office of Foreign Missions and the relevant application process to the Foreign Mission Board of Zoning Adjustment (FMBZA). The firm also assisted with the public space permitting review of the public space surrounding the property.

Won Summary Judgment For Developer of the former Edward Sullivan Courthouse

Obtained summary judgment and defended the judgment on appeal clearing the way for our client to proceed with a mixed-use redevelopment of the former Edward Sullivan Courthouse in East Cambridge.

Boston Properties Development of Marriott World Headquarters and Marriott Flagship Demonstration Hotel in Bethesda, MD

Representation of Boston Properties in connection with the development of the Marriott World Headquarters and the Marriott Flagship Demonstration Hotel in Bethesda, MD.

Seaport District Projects

Regulatory approvals for real estate developments throughout Boston's Seaport District, including apartments, condominiums, hotels, and tech, office and retail space.

Developer Designations of Publicly-Owned Sites

Developer designations of publicly-owned sites from the Boston Planning and Development Agency for projects in urban renewal areas; from the Boston Housing Authority for housing redevelopments in Mission Hill, Orient Heights and Charlestown; and from the Massachusetts Department of Transportation for land and air rights parcels including Columbus Center in the Back Bay, the Merano in the Bulfinch Triangle and Parcel 9 in Dudley Square.

23-acre Master-Planned Development in the Seaport District of Boston

Representation of developers of Seaport Square, a 23-acre master-planned development in the Seaport District of Boston, in the permitting, acquisition, disposition, development and financing of multifamily, office, retail, and mixed-use projects.

Harvard University in Land Use, Permitting, Acquisition and Disposition Matters

Representation of Harvard University in land use, permitting, acquisition and disposition matters in the Allston-Brighton neighborhood of Boston.

Development of Mixed-Use Projects to be Built Over the Massachusetts Turnpike

Assist multiple real estate developers in connection with the development of mixed-use projects to be built over the Massachusetts Turnpike. These transformative projects include extensive work on agreements with transportation agencies, local, state, and federal permitting, and analysis of engineering and construction challenges.

Land Acquisition and Permitting for a New Rehabilitation Hospital Building

Land acquisition and permitting for the new rehabilitation hospital building in the Charlestown Navy Yard, and permitting for a different hospital client for a new inpatient building in the Longwood Medical Area.

Boston Properties Joint Venture with Delaware North Hub on Causeway TD Garden Expansion Project

Representation of Boston Properties (in a joint venture with Delaware North) regarding its "Hub on Causeway" TD Garden expansion project, a redevelopment which will encompass more than 1.5 million square feet of mixed-use retail, office, hotel, and residential. The firm's representation includes joint venture formation with Delaware North, acquisition of the project by the JV, development of the first phase of the project and expansion to the Boston Garden development, phase one leasing, as well as options for future tower developments at the site. The site includes North Station, one of Boston's two inbound terminals for buses, Amtrak, and MBTA commuter rail trains.

Boston Land Use

Boston prides itself on being a place of both history and innovation; a compact, walkable city with distinct neighborhoods and a highly engaged citizenry. Partly for these reasons, the City of Boston has perhaps the most rigorous and multi-layered public approval process for new development of any major city in the U.S., administered by highly professional public agency staff and board members.

The Development, Land Use and Zoning Group at Goulston & Storrs has a substantial presence in this arena, with unparalleled depth in guiding Boston development projects through the public approval process. Our experience has followed Boston's growth as it spreads from the downtown core and mixed-use districts like the Seaport, the Back Bay, the Longwood Medical Area and the Fenway to outlying neighborhoods. We have guided Boston projects of every type and scale for non-profit, for-profit and public agency proponents through impact and design reviews, zoning approval and other municipal, state and federal approvals.

We are especially familiar with regulatory programs unique to the City of Boston. We have taken countless projects through Large Project Review under Article 80B of the Boston Zoning Code, including related reviews concerning urban design, climate resilience, accessibility and LEED performance. We have negotiated mitigation agreements concerning linkage, inclusionary development and other public benefits. We are familiar with the role of Impact Advisory Groups in the often-intensive community review process in every Boston neighborhood.

We have extensive experience with Boston zoning approvals, and with special zoning mechanisms. We have achieved Planned Development Area approval for dozens of large-scale projects and have guided many Boston hospitals and universities through Institutional Master Plan approval. We are also familiar with Boston's Urban Renewal program and with Urban Renewal Subdistricts. Our experience extends to more granular approvals for improvements to public ways, groundwater recharge, building code variances and parking freeze permits.

We appear regularly before the Boston Planning and Development Agency Board, the Boston Zoning Commission, the Board of Appeal, the Public Improvement Commission, the Boston Landmarks Commission and other municipal bodies. We have earned the respect of board members and agency staff alike for our thorough preparation, respectful approach to problem-solving and understanding of the planning and policy context of approval decisions.

D.C. Land Use

The Goulston & Storrs Washington DC Land Use group has been at the forefront of the District of Columbia's evolution into a world-class city. We have played a critical role in projects all across the city, from the resurgence of downtown D.C. to the revitalization of the city's great streets and the creation of extraordinary and unique new neighborhoods. We are adept at all aspects of real estate development, including the entitlement and construction of residential, commercial office, and mixed-use buildings as well as the master planning and strategic evaluation for both large sites and individual parcels. We also work extensively with a broad range of medical, educational, and cultural institutions, including many of the District's leading universities, hospitals, and schools.

This group has deep experience navigating the extensive land use, zoning, and historic preservation laws and regulations in the District of Columbia. Our attorneys, architectural historians and historic preservation experts bring our planning expertise and passion for urban development to each project, with a solution-oriented, team-based approach that delivers successful results for each project. We have taken countless projects through the planned unit development (PUD), large tract review, and campus plan processes as well as approvals for design reviews, rezonings, variances and special exceptions, and other entitlements. Our experience also extends to other more granular approvals, including inclusionary zoning, building permit, building code, and public space approvals

Members of the group regularly appear before the District of Columbia Zoning Commission, the Board of Zoning Adjustment (BZA), the D.C. Council, the Historic Preservation Review Board (HPRB), the Mayor's Agent for Historic Preservation, the Public Space Committee, and the District's Zoning Administrator. We are also experienced in navigating the District's overlapping federal approval processes, including reviews before the U.S. Commission of Fine Arts (CFA), the Old Georgetown Board (OGB), and the National Capital Planning Commission (NCPC). We work closely with staff at local and federal agencies as well as with the Advisory Neighborhood Commissions (ANCs) and other citizen and community associations across the city.

We provide exceptional service to local, regional, and national clients by drawing upon broad and deep attorney knowledge and experience, a wide diversity of practice areas, and the broader resources of our firm's Boston and New York offices. The group closely coordinates with real estate transactional lawyers across the firm to provide comprehensive advice relating to such issues as: construction; local, state and federal tax, including tax credits; public policy advocacy; and non-profit groups. We also work closely within both industry-focused and client-focused teams to align our efforts with our clients' business objectives, institutional mission, and industry trends.

Publications

May 29, 2022

Can you put a price on waterfront access? Conservation Law Foundation aims to try.
Boston Globe

January 14, 2022

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

December 2, 2021

Goulston & Storrs Named to the 2022 U.S. News – Best Lawyers® "Best Law Firms" List in 39 Categories

November 10, 2021

Boston Requires Carbon Neutrality for Existing Buildings

May 4, 2021

Does D.C. need to protect industrial land from redevelopment? It's the latest comprehensive plan controversy.

Washington Business Journal

March 8, 2021

Office of Planning Introduces Phase 2 of IZ XI to Apply to Non-Residential Conversions

January 22, 2021

Office of Planning Introduces First Phase of Amendments to Increase Inclusionary Zoning

October 27, 2020

Commercial Real Estate Practice in Massachusetts, Chapter 2 - Due Diligence
MCLE

October 9, 2020

Viewpoint: Women leaders take recovery reins
Washington Business Journal

October 5, 2020

Boston Conservation Commission Implements New Wetlands Ordinance

May 6, 2020

City of Boston Announces Staged Construction Restart, Outlines Expanded Categories and Key Dates

April 9, 2020

DC Zoning Commission Order Extensions and Operations Status

April 1, 2020

Massachusetts Significantly Limits Types of Construction Projects Permitted as COVID-19 Essential Services

February 2, 2020

Boston's Wetlands Ordinance Advances Climate Planning
Banker & Tradesman

September 25, 2019

Cities Tap Hot Real Estate Markets to Expand Economic Opportunity

April 18, 2019

D.C. Transfer and Recordation Taxes May Increase to 5%

December 2018

Podcast - Listen to Opportunity Zones: The Biggest Community Development Opportunity
CUNY TV's The Stoler Report

May 14, 2018

Navigating Rising Waters: The Public Waterfront Act
Boston Bar Journal

February 2018

Legislation Introduced to Amend the Framework Element of the Comprehensive Plan

April 2016

Boston City Council Approves Urban Renewal Plan Extensions

October 2015

Massachusetts State Building Code Update: 9th Edition Anticipated to be Issued without Concurrency Period

June 2015

Proposed Extensions for Boston's Expiring Urban Renewal Plans