

# Zoning, Land Use & Development

Cozen O'Connor has represented residential, commercial, retail, and industrial builders in the development and redevelopment of building lots and millions of square feet of real estate. Our team handles every aspect of the zoning, land use, and development approvals process, from obtaining building permits and variances to negotiating stormwater management and traffic plans. We have experience working on multifamily homes and condominiums, office buildings and shopping centers, single-use buildings such as pharmaceutical headquarters and educational institutions, municipal buildings, and public infrastructure. We are equally adept at managing development in densely built cities as in suburban or rural regions.

Having handled hundreds of projects to date, our real estate lawyers can recognize, anticipate, and resolve issues early. We advise clients candidly when a proposal is likely to confront insurmountable resistance in the approvals process and work closely with architectural, engineering, and budget experts to create realistic, approvable alternatives. Once a development plan is in place, we obtain the necessary approvals to allow construction to begin as soon as possible. We frequently engage government overseers on multiple, parallel tracks and are tenacious about advancing our clients' development goals.

Cozen O'Connor attorneys understand, however, that smart advocacy requires both persistence and diplomacy. Most real estate development — from the addition of a small parking lot to the construction of a one-million-square-foot high rise — invites objection from one party or another. To reach a satisfactory resolution and enable development to go forward, real estate counsel must listen to the concerns of all stakeholders and be able to communicate effectively with government officials, funders, community groups, and residents. Through open and respectful consultation, we are able to keep projects on track and out of court. In those rare cases when negotiation is not possible, we are prepared to litigate to protect clients' legitimate property rights.

## SERVICES

- Appear before boards of elected officials, planning commissions, and zoning hearing boards
- Guide clients through local, state, and federal agency land use application processes
- Negotiate zoning approvals, variances, special exceptions, and conditional uses
- Advocate for rezoning on clients' behalf
- Obtain land use approvals and special use permits
- Obtain site plan and subdivision approvals
- Address grading, floodplain, stormwater management, and other environmental issues
- Address highway occupancy and traffic considerations
- Represent clients in land use, zoning, boundary line, and easement litigation

## Experience

Represented the developer in the acquisition of three acres of undeveloped property within the City of St. Paul that had been held by the Minnesota Department of Transportation since the early 1950s. Obtained city council land use approval for the parcel's redevelopment into 140 market-rate apartment units. The project required parcel assembly by purchasing adjoining property and negotiation of transit-oriented land use requirements.

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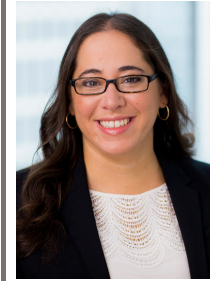
Secured zoning approvals from Fairfax County to redevelop Mars Inc.'s global headquarters building in McLean, Va.

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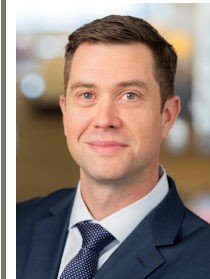
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**Related Practice Areas**

- Business
- Distressed Real Estate
- Infrastructure
- Real Estate
- Real Estate Finance
- Real Estate Litigation

**Industry Sectors**

- Real Estate & Construction

Represented Women's Community Revitalization Project (WCRP), a non-profit and women-lead community development corporation committed to social and economic equity for low-income families, in connection with use and dimensional variances needed from the zoning code for a 33-unit, four-story multifamily low-income housing tax credit development comprised of a community center and associated improvements in West Philadelphia. Assisted WCRP in gaining support for the development from the registered community organization.

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Represented Catholic Housing and Community Services, a division of Catholic Social Services of the Archdiocese of Philadelphia, in connection with variances needed for the renovation of an existing four-story building on Archbishop Ryan's campus in Northeast Philadelphia to include the construction of a new three-story building addition, for a total of 48 affordable units for low-income seniors.

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Secured approval, by an 8-1 vote, for the rezoning of a 12-acre plot in Fairfax County, Va., for industrial use. The matter was highly contentious, with 23 community members appearing at a public hearing before the Board of Supervisors to oppose the client's application, centering on a 75-megawatt data center spanning 402,000 square feet.

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Represented a regional developer in connection with obtaining zoning entitlements for the new construction of a 46-story tower, consisting of 213 residential units, above an existing one-story building in Center City Philadelphia. The completed project will stand among the city's tallest residential towers.

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Served as land use counsel to a developer for a mixed-use development in the Gowanus neighborhood of Brooklyn, including obtaining the first waterfront certification pursuant to the Special Gowanus Mixed Use District.

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Served as land use counsel to a developer for a commercial development in the Long Island City neighborhood of Queens, including negotiating a design and construction phase agreement with Amtrak, negotiating an easement agreement with the LIRR, and bringing an action to quiet title for a portion of the development site.

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Served as land use counsel to a developer for the development of a site in the Jackson Heights neighborhood of Queens, including obtaining a discretionary approval from the Board of Standards and Appeals regarding the height of the building due to its proximity to LaGuardia Airport.

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Served as land use counsel to a developer for the redevelopment of a 242-acre site in the Charleston neighborhood of Staten Island to accommodate a more than two million sq. ft. industrial development relating to offshore wind, including obtaining discretionary approvals from the City Planning Commission.

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Served as land use counsel to a developer for a 2,200 unit residential development in the Mott Haven neighborhood of the Bronx, including the acquisition of development rights from lands under water from the State of New York and the City of New York and the acquisition of development rights from a public utility company.

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Represented a national developer in obtaining Zoning Commission approval of a planned unit development and related map amendment for construction of a 12-story, 101,000 sq. ft. building with 115 all-affordable units and ground floor retail in the NoMa neighborhood of Washington, D.C.

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Obtained zoning relief on behalf of a client who was able to benefit from new penthouse regulations that allow for special exception relief to operate a penthouse restaurant above a 97-room hotel in the Bloomingdale neighborhood of Washington, D.C.

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Obtained zoning and land use approvals for a new office for Chubb that will occupy a state-of-the-art building in Philadelphia. Designed with the highest standards for sustainability, the new 18-floor, 438,000 rentable square foot structure is being developed by our client, Parkway Corporation.

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Represented a developer to obtain D.C. Court of Appeals affirmance of approval by the DC Board of Zoning Adjustment (BZA) of a 36-unit memory care facility in a low-density residential zone that will serve individuals with dementia and Alzheimer's disease, despite substantial opposition from a large group of nearby homeowners.

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Represented a national developer in connection with zoning entitlements for 600 residential units with ground floor retail/commercial services and zoning entitlements for a 142,400 sq. ft. research and development building at the Philadelphia Navy Yard.

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Represented a regional developer in obtaining zoning permits for the erection of a new, 130,000 sq. ft. life sciences building at the Philadelphia Navy Yard.

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Represented a non-profit and women-led community development corporation before the Zoning Board of Adjustment to obtain dimensional variances necessary for a proposed low income housing tax credit development consisting of 27 residences in the Grays Ferry neighborhood in Philadelphia.

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Represented a non-profit developer in resolving zoning and building permitting issues with the Department of Licenses and Inspections that threatened critical timing for the financing of a 46-unit, low income housing tax credit development for seniors in South Philadelphia.

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Represented a regional developer in negotiating agreements with a condominium association and a neighborhood association in connection with a proposed 400,000 sq. ft. office building in the Logan Square neighborhood in Philadelphia.

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Represented real estate developer Parkway Corporation in connection with the zoning, construction, leasing, and \$187 million financing of a new office tower at 2222 Market Street in Philadelphia. The 19-story tower will have 305,000 square feet of rentable space. This transaction drew on the experience of the firm's real estate; construction; corporate; tax; bankruptcy, insolvency & restructuring; and environmental attorneys.

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Representing Freedom Ardmore, LP in obtaining approvals for its rehabilitation of the historic Ardmore Theater.

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Representing The French International School of Philadelphia in obtaining approvals for the expansion of its upper school.

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Represented Rosemont College in obtaining approvals for the construction of its new student center.

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Successfully devised a novel deal structure on behalf of a developer in connection with a public-private partnership for a planned 350,000 sq. ft. mixed-use development on city-owned land. This deal secured State AG approval for construction to proceed on the project, which represents the largest investment in Staten Island in a generation.

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Negotiated an inclusionary housing deal on behalf of MRR Development for a 13-parcel assemblage at the southeast corner of East 56th Street and Lexington Avenue near Billionaires' Row in Manhattan. The development consists of approximately 175,000 sq. ft. of buildable floor area.

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Represented Transformation to Recovery in connection with obtaining zoning approval for the operation of a group living recovery home in South Philadelphia.

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Represented PWR BLD Gym in connection with obtaining zoning relief from the Conshohocken Borough Zoning Hearing Board in order to operate a new power-lifting gym. The client required a use variance as well as a variance from all parking requirements as the site had no ability to accommodate on-site parking.

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Obtained zoning relief from the Philadelphia Board of Adjustment, and entitlements from the Department of Licenses & Inspection, in connection with the Solterra Care medical marijuana dispensary.

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Represented a commercial developer client in connection with obtaining simultaneous land development approvals in Narberth Borough, Pa., for the construction of two new mixed-use buildings.

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Obtained a decision from the Pennsylvania Supreme Court affirming the unanimous decision from the Commonwealth Court of Pennsylvania, affirming decisions of the Court of Common Pleas and the Cheltenham Township Zoning Hearing Board in favor of our real estate developer client, in a case of first impression. The matter centered on a dispute over whether the filing of a mandatory sketch plan creates a vested right for consideration of the plan, as well as any future zoning applications related thereto, under the zoning ordinance in effect when the sketch plan was filed. We convinced the courts that the initial filing does create such a right, and that the township's challenge to the authority of the zoning hearing board to render the initial favorable decision for our client was without merit. The Commonwealth Court's decision, which was affirmed by the Supreme Court of Pennsylvania, permits the client to move forward with a land development plan for the contemplated five-building apartment project, featuring 216 units and a community building.

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Represented a publicly traded REIT in the simultaneous assemblage of land and development rights for a 20-acre mixed-use urban waterfront development site from three public entities and a private developer, and the commencement of construction on a \$1 billion mixed-use neighborhood. The project includes a projected 1.45 million sq. ft. of build-to-suit office projects, a 180-room hotel, a 188-unit residential component, and the reconstruction and enhancement of an existing waterfront park in Camden, N.J.

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Represented University City Science Center in connection with a successful appeal before the Philadelphia Zoning Board of Adjustment, which granted the client a variance to replace signage on its building in West Philadelphia.

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Represented the Convention Center Authority in the negotiation of a development agreement for the Pennsylvania Convention Center, a multi-use public facility occupying four city blocks between 11th & 13th Streets and Arch & Race Streets, in Philadelphia, and assisted with legal matters in connection with expansion.

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Representation of the applicant for a new casino at 8th & Market Streets.

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Represented the SugarHouse Casino, on Delaware Avenue in Philadelphia, in negotiating its development agreement with the city and supervised obtaining multiple land use permits and handling ongoing operational expansion issues.

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Numerous projects at The Navy Yard, including projects containing complex zoning issues as Philadelphia's regulations did not contemplate issues unique to the former Philadelphia Naval Shipyard. Cozen O'Connor represented the developer/landlord in the development and leasing of the new regional headquarters for GlaxoSmithKline in the Philadelphia Navy Yard Corporate Center.

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1706 Rittenhouse, a luxury residential tower voted one of the best 20 projects in North and South America by Urban Land Institute for 2011.

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The Comcast Center, a 58-story tower and currently Philadelphia's tallest structure, an as-of-right development.

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The Pennsylvania Hospital Tower at 8th & Walnut Streets, a complex matter involving city ordinances and hearings before the City Council.

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Worked with code consultant and architect to secure agency approvals from the Department of Buildings and Fire Department for a three-acre site with private roads on the Staten Island waterfront. Prepared chair certification and authorization applications to the City Planning Commission for approval of the landscape plan. Coordinated zoning compliance for project team and facilitated transfer of property from the City of New York to developer client.

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Guided development team through special permitting process for the demolition and replacement of landmarked parking garage with state-of-the-art facility.

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Prepared chair certification and special permit applications to the City Planning Commission for approval of the landscape plan and special permit waiver of the maximum height limit for a development on a full square block along the Greenpoint waterfront.

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Drafted Uniform Land Use Review application, transactional documents and other supporting material to facilitate the transfer of air rights from city-owned parcel to development site in downtown Brooklyn.

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Secured Landmarks Preservation Commission approval for the demolition of a non-contributing, low-rise structure and replacement with a 19-story, glass, contemporary landmark building in Manhattan's Madison Square North Historic District.

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Prosecuted Board of Standards and Appeals variance applications that enabled the conversion and enlargement of three manufacturing buildings in Brooklyn's Fulton Ferry Historic District and the conversion of a 70,000 sq. ft. warehouse to residential use.

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Obtained a significant land development approval for a 14-building, seven-phase project in Lower Gwynedd Township, Pa., for our client, Ortho-McNeil, a subsidiary of Johnson & Johnson.

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