

NEW YORK CITY LAND USE AND DEVELOPMENT PRACTICE GROUP YEAR IN REVIEW

By: Dan Braff & Christopher DeNicola

2022 was a year of growth and achievement for the New York City Land Use and Development Practice Group, despite developing softness in the market. Member and Partner, Daniel Braff, with the assistance of associate, Christopher DeNicola, as well as the Firm's Real Estate Practice Group, represented purchasers and developers as land use counsel in connection with several high-profile transactions in New York City. The group was zoning counsel to the developer of two hotels totaling over 200k square feet [near JFK airport](#) in connection with the refinancing of loans of nearly \$100M; represented the developer of a 45,000 square foot vacant site in Brooklyn in connection with the acquisition of the property, financing of nearly \$100M, and permitting for a new over 250,000 square foot mixed-use building; acted as zoning counsel in connection with the \$50M acquisition of a shuttered hotel and development rights from an adjoining property in Queens; and conducted extensive zoning due diligence on behalf of a national real estate company for the purchase of a 38-story partially constructed hotel in Midtown, among others.

2022 also saw substantial growth in lender representation. The practice group represented several lenders as land use counsel on development projects primarily in Manhattan, Brooklyn and Queens, which exceeded \$500M dollars in bridge and construction financing with several loans in excess of \$50M. Many of the projects involved challenging zoning issues, including complex zoning lot mergers, transferred development rights, easements and cantilevers over adjoining buildings.

Despite a slowdown in overall transaction volume in the city in the second half of 2022, the practice group continued to represent a significant number of purchasers and sellers of development rights throughout the city and solved complex zoning lot merger issues. This included representing a developer in the purchase of development rights to construct a new approximately 80,000 square foot school in eastern Queens, representing an owner in connection with the assemblage and transfer of development rights for the redevelopment of a northern Bronx property with a new multi-family building, and negotiating several development rights deals in connection with multi-family projects in Brooklyn ranging in size from 10,000 to 100,000 square feet. All representations involved negotiating and drafting complex zoning lot merger documentation, including purchase agreements, declarations of zoning lot restrictions, waivers from parties in interest, and zoning lot development and easement agreements.

Finally, the practice group also performed zoning review and analysis for prospective owners and developers of properties throughout the city, including a large health care system in zoning due diligence review for properties throughout New York City.