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Fried Frank Brings On City Planning Head to Serve the Firm's Developer Clients

BY FRIED, FRANK, HARRIS, SHRIVER & JACOBSON NOVEMBER 15, 2022 4:20 PM REPRINTS



Land use issues in New York City are never simple, and the ever-changing regulatory landscape can make the city a perilous labyrinth for developers. To help their clients navigate this complex landscape, the law firm Fried Frank recently appointed Anita Laremont, former director of the New York City Department of City Planning, as a partner in its Real Estate Department and Land Use, Zoning, and Development Practice. Partner Insights spoke to Laremont about the issues she'll be tackling on behalf of the firm's developer clients.



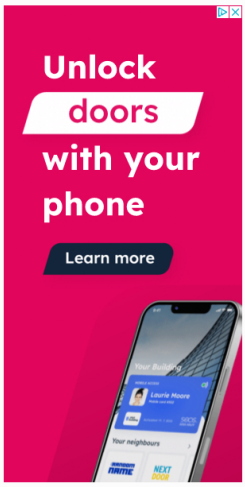
ANITA LAREMONT, PARTNER, FRIED, FRANK, HARRIS, SHRIVER & JACOBSON LLP

Commercial Observer: Talk about some of your proudest accomplishments during your time in City Planning.

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Anita Laremont: I'm proud that we enacted mandatory inclusionary housing, which is a groundbreaking program that requires that where, through a zoning action, residential capacity is substantially increased, any subsequent development must include between 25 to 30 percent of permanently affordable housing. We did a feasibility analysis to ensure that the requirement was financially feasible for developments across the city. We also completed eight major neighborhood rezonings, with at least one in every New York City borough, which created capacity for over 35,000 additional homes, at least a quarter of which will be affordable.

In addition, I'm phenomenally proud of the two rezonings we did in East Midtown. The first resulted in One Vanderbilt, which was the first new office tower in Midtown in over 20 years and a project that my current colleagues at Fried Frank advised on. We followed that rezoning with the Greater East Midtown rezoning and modernized zoning for the whole neighborhood, where the building stock did not have the floor plates and amenities desired by businesses seeking Class A office space today. Since that time, Fried Frank has been counsel to a number of projects located in the district, including the JPMorgan Chase headquarters building at 270 Park Avenue, currently under construction. That rezoning was phenomenally successful, as there were several projects that sought to develop under the newly established rules very quickly following the rezoning's enactment. I believe that this rezoning will help



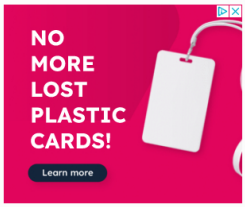
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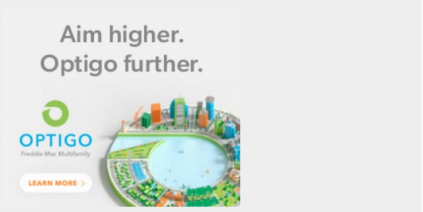
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ensure the continued prominence of this important central business district. I was also very proud that we made permanent resiliency rules, which will be very important for areas that are subject to flooding.

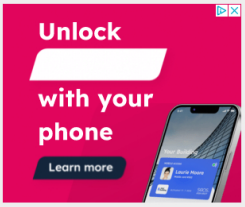


What do you see as some of the largest land use issues facing New York City today?

The existential issue is our housing crisis. We are simply not producing enough housing to meet demand and keep up with population growth. This has resulted in the significant cost of housing we see today and is the cause of displacement and gentrification. If we do not build more housing, we risk losing our place as a world-class city. Businesses won't find this an attractive place to operate because housing will be too expensive for their workers. Part of the issue is that there's a significant anti-development sentiment, along with garden variety NIBMYism. Some people don't seem to understand that if we don't continue to develop so that more people can live here affordably, we won't be able to thrive and grow. And not having a tax-abatement program such as 421a will further exacerbate the issue.

What do you foresee will be some of the most significant issues that you'll be dealing with for Fried Frank's clients?

At the moment, developers are trying to figure out whether there is a path to development without 421a or a replacement tax-abatement program. So we're working with them to explore alternatives, including doing projects with the state. Having served as general counsel at Empire State Development Corporation for a number of years, I understand that the state has the capacity to do some things that are more challenging for the city. People are also looking to understand how to navigate the approvals process in the new city and state administrations, and we are thinking creatively about which types of development would be most appropriate given the scarcity of financing and building sites. Then, there are proposals developers are talking to us about. Clients are exploring the feasibility of commercial conversions of certain class B and C office buildings and hotels. Clients want to understand the requirements that govern the conversion of these buildings to residences. Also, clients are interested in utilizing the Zoning for Transit Accessibility text, enacted by City Planning last year, which allows developers to get a bonus if they are willing to provide a transit easement to the MTA, and we are advising them on the applicable rules and procedures.



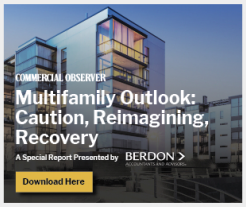
How do you think the vast experience you have on the government side will benefit Fried Frank's clients?

Government regulation is extremely complex and often very arcane, and having counsel with an in-depth understanding of those regulations is always helpful to clients. In my case, not only do I have that expertise on the city side, but my experience as general counsel of Empire State Development Corporation enables me to advise clients on alternative routes to securing approvals. I can also advise clients on how to strategically present their arguments to decision-makers and assess how a client's plans may resonate with policymakers.

What are some of the more specific areas where a firm like Fried Frank can help their clients the most regarding land use issues?

We have a unique practice group, where three of us have served as the general counsel to City Planning. Helping our clients understand the Uniform Land Use Review Process and its intricacies is something we are uniquely positioned to do. We also have a team member who was the general counsel at the Board of Standard and Appeals and helps advise clients on those matters. Having that in-house experience is invaluable to clients because you can explain why a particular provision was written the way that it was — especially if you were the person who crafted it. You can advise on potential pitfalls and challenges, and which government official one would need to speak with about particular issues. Also, many development challenges our clients face are not challenges that can simply be resolved through

approaching one city agency. We can navigate all that needs to happen in order for a project to get approved.



With your experience, you could have landed at so many prestigious firms. Why did you choose Fried Frank?

There are several reasons why I chose Fried Frank. A number of individuals who appeared before me when I worked in government are now my partners in this practice. I regard them as standing at the apex of the profession — they are simply the most knowledgeable people about land use in the city. This group has the largest number of highly competent land use practitioners that I'm aware of in New York. The other reason I chose Fried Frank is that the real estate practice here is extensive. Land use is just a part of what we do. This really is a full-service commercial real estate practice. That makes for tremendous synergies and allows us to provide comprehensive service to our clients. Additionally, since it's a fact of life that a number of land use actions end up in litigation, I'm very pleased that we have expert real estate litigators in-house who provide stellar defenses and sound guidance to help us diminish the likelihood of a project being interrupted.

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edit post

KEYWORDS: 270 Park Avenue, 421a, Anita Laremont, Empire State Development Corporation, Fried Frank, Fried Frank Harris Shriver & Jacobson, JPMorgan Chase, MTA, New York City Department of City Planning, One Vanderbilt, Uniform Land Use Review Process

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