



## Mitchell A. Korbey

*Partner*  
*Chair, Land Use & Zoning Group*

[mkorbey@herrick.com](mailto:mkorbey@herrick.com)

New York

(212) 592-1483 PHONE

(212) 545-3352 FAX

### SERVICES

- Land Use & Zoning, Government Relations, Real Estate, Affordable New York and 421-a Housing Programs

### EDUCATION

- Brooklyn Law School(J.D., 2003)
- Cornell University(M.R.P.)
  - City and Regional Planning
- Suffolk University

### ADMISSIONS

- New York

---

Mitch Korbey is a partner, and chair of the firm's Land Use & Zoning Group.

Mitch is an accomplished urban planner and land use attorney with more than 30 years of experience in private practice and government service. Prior to joining Herrick, Mitch served as Commissioner of the New York City Board of Standards and Appeals. Prior to that, he directed the Department of City Planning's Brooklyn office, and served as the deputy director of its Staten Island office.

Mitch advises clients on a wide range of zoning and land use issues, including site acquisitions and assemblages, site development options, zoning lot mergers and development rights transfers. He also represents clients in applications for zoning variances, special permits and other discretionary approvals from key New York City agencies, including the Board of Standards and Appeals, Department of City Planning, the Department of Buildings and the Landmarks Preservation Commission.

Mitch regularly counsels prominent real estate developers, owners and lenders regarding their day-to-day management of millions of square feet of real estate in the five boroughs. In doing so, he helps clients navigate the complexities of New York City's byzantine zoning resolution – guiding them to the most efficient intersection of their business goals and what the rules will allow. A former government official, he also keeps clients abreast of political headwinds pointing to zoning changes that could impact their current properties or future development plans.

Mitch is an adjunct professor of law at Brooklyn Law School, and an adjunct with Hunter College's graduate program in urban planning.

For the past four years, Mitch has been recognized by *Chambers USA* as one of New York City's leading zoning lawyers.

## Accolades



LEADING INDIVIDUAL

## Memberships & Associations

- New York State Bar Association
  - Land Use, Green Development and Environmental Committee
- Real Estate Board of New York (REBNY)
- Architecture Institute of America
  - Historic Buildings Committee
- Cornell Association Planners
- Board of Directors, Regional Plan Association (RPA)

## Matters

### **RAL Development - Union Square Redevelopment**

Representing RAL Development on the redevelopment of 124 East 14th Street into a tech-focused office space.

### **L+M Development - \$350+ Million Financing and Development of former J&R Music World**

Represented L+M Development Partners Inc. in a \$350+ million financing transaction for the construction and development of a 45-story mixed use residential condominium building at 25 Park Row in lower Manhattan. The site is the former headquarters of J&R Music World, which closed in 2014.

### **Madison Realty Capital - \$88 Million Construction Loan - Zoning Due Diligence**

Advised Madison Realty Capital on zoning due diligence for a \$88 million construction loan to a seven building multi-phase development in Bedford-Stuyvesant, Brooklyn.

### **Deutsche Bank - Manhattan Zoning Due Diligence**

Herrick represented Deutsche Bank in zoning due diligence for the redevelopment of 150 Rivington Street, the former site of Streit's Matzo Factory.

### **Expedited Zoning Determination - Chinatown**

Represented a major New York developer in an expedited zoning determination from the Department of Buildings on a complicated and oddly-shaped hotel site in Chinatown.

### **Centennial Bank - \$54 Million Manhattan Construction Loan**

Represented Centennial Bank in a \$54 million construction loan to 31st Street ZEF LLC. The loan was secured by a 40-story, 42 unit condominium tower located at 30 East 31st Street.

#### **Brooklyn Bridge Park Developers - Zoning Litigation**

Representing the developers of Brooklyn Bridge Park's Pierhouse hotel and condominium project, in a suit filed by activists, alleging that the project violates the Special Scenic View District regulations established under the Zoning Resolution.

#### **Major Healthcare Institution - Zoning & Land Use Matters**

Representing a major healthcare institution in zoning and land use matters related to their real estate portfolio, and potential acquisitions.

#### **Land Use & Zoning Counsel - National Communications Service Provider**

Advised a national communications service provider with respect to zoning and land use matters for their portfolio of New York City real estate, including potential acquisitions, re-use and redevelopment opportunities.

#### **Madison Realty Capital - Bushwick Zoning Due Diligence**

Represented Madison Realty Capital in zoning due diligence and 421-a vesting due diligence for a new two-building rental complex in Bushwick, Brooklyn.

#### **Madison Realty Capital - \$78 Million Acquisition Zoning Due Diligence**

Advised Madison Realty Capital on zoning due diligence for their \$78 million acquisition of two industrial buildings in Jamaica, Queens.

#### **Property Markets Group - Gowanus Redevelopment, Brooklyn**

Representing Property Markets Group regarding New York City's rezoning study for the Gowanus Canal area.

#### **Soho Retail Condominium Formation and Sale**

Represented 115 Spring Street Company in formation and sale of a Soho retail condominium to SL Green.

#### **\$259 Million Hudson Yards Office Tower Investment**

Represented Mitsui Fudosan America in land use diligence in advance of a \$259 million investment in 55 Hudson Yards, Related Companies' 1.3 million square-foot, Hudson Yards office tower.

#### **South Street Seaport Development Rights Sale**

Advised a consortium of four large financial services companies on the sale of 333,000 square-feet of development rights in Manhattan's South Street Seaport to the Howard Hughes Corporation.

#### **\$211 Million Chelsea Multifamily Acquisition**

Represented Greystar Real Estate Partners in the \$211 million acquisition and mortgage financing of a 204-unit multifamily building in Manhattan's Chelsea neighborhood.

#### **Bushwick Rheingold Brewery Rezoning**

Represented Read Property Group on their applications to various New York City agencies for the rezoning of the Rheingold Brewery site in Bushwick, Brooklyn.

#### **Brooklyn Joint Venture Acquisition**

Represented an affiliate of HK Organization in the joint venture acquisition of The Chocolate Factory, a large mixed-use building in Brooklyn.

#### **Zoning Approvals for SoHo Site**

Representation of a developer in obtaining special permit zoning approvals from The City Planning Commission for a Soho residential development.

#### **Domino Sugar Factory Redevelopment**

Represented an affiliate of the Community Preservation Corporation in the development of the 11.5-acre waterfront complex in Williamsburg, Brooklyn, that was formerly home to Domino Sugar. We advised CPR on the site's rezoning, which will result in one of the largest residential redevelopment projects in the city.

We laid the groundwork for the formal land use and environmental review process, collaborating with Mayor Bloomberg's office, community leaders, and city and state departments and agencies on the design and development. This work included obtaining approval from the New York City Landmarks Preservation Commission, special permits pursuant to a zoning resolution by the New York City Planning Commission, approvals from the New York State Department of Parks, Recreation, and Historic Preservation, the New York State Department of Environmental Conservation, and the U.S. Army Corps of Engineers.

#### **Acquisition of 58th Street Assemblage**

Represented an affiliate of the Bauhouse Group on the acquisition of an assemblage of land, development rights and inclusionary certificates. The site is proposed for residential development, with Bauhouse having hired Norman Foster to design an approximately 292,000 square foot building that will have 95 residential condominiums.

#### **\$220 Million Theater District Financing**

Advised Deutsche Bank in land use and zoning matters in connection with a \$220 million completion financing loan for a condominium conversion project in the Theater District.

#### **\$48 Million Kips Bay Acquisition Financing**

Advised Continental Ventures and their joint venture partner in connection with a \$48.5 million financing for the acquisition of five Kips Bay buildings.

#### **BSA Approval for Landmark Building Conversion**

Represented Lightstone Group in obtaining New York City Board of Standards and Appeals approval for a proposed alteration of a landmark, Garment District office building into a hotel.

#### **Approval to Tear Down Retail Building**

Represented William Friedland Properties in obtaining approval to tear down a two story retail building in a Upper East Side historic district.

#### **CPC Approval for NoHo Historic District Development**

Represented Madison Realty Capital in obtaining City Planning Commission approval for a proposed development in the NoHo Historic District.

#### **600-Unit Rental Project in East Harlem**

Represented a client on the approval of a redevelopment project for a 600-unit rental building to be built in East Harlem; the project features a 80/20 affordable housing arrangement.

**G4 Capital Partners - \$11 Million Mortgage Loan**

Represented G4 Capital Partners in an \$11 million mortgage loan secured by properties in Manhattan and Queens, as well as zoning matters pertaining to tax lot subdivisions.

**Land Use and Zoning for World-Wide Group**

Representing the World-Wide Group in land use and zoning issues at a number of sites in Manhattan.

**Zoning and Land Use Counsel to Steiner NYC**

Represented Steiner NYC in connection with the zoning and land use analysis of various New York City development sites, including the site of a 52-story residential rental tower in Downtown Brooklyn.

**Land Use Counsel on World Trade Center Complex**

Land use counsel to the Port Authority of New York and New Jersey in connection with the development of the new World Trade Center complex.

**Staten Island Retail Center Complex Development**

Representing the Alpert family in connection with the development of a large shopping center complex in Staten Island. Our work includes a significant Uniform Land Use Review Process application involving street mappings, special permits, government relations activities and an environmental impact statement.

**Joint Venture Development of Brooklyn Bridge Park**

Advised Toll Brothers City Living, the urban development division of Toll Brothers, Inc. (NYSE: TOL), in its joint venture with Starwood Capital Group to develop a 550,000-square-foot luxury hotel and residential complex at Brooklyn Bridge Park.

**\$65 Million Mortgage Financing for Luxury Hotel**

Represented PCCP Capital, a real estate private equity firm in the origination of a \$65 million loan used for the acquisition and repositioning of Cassa Hotel, a 165-room luxury hotel property in New York City.

**Toll Brothers - Development Rights Acquisition**

Represented an affiliate of Toll Brothers City Living in the acquisition of development rights from a site on First Avenue between East 52<sup>nd</sup> Street and East 53<sup>rd</sup> Street in Manhattan.

**\$167 Million Hudson Yards Development Site Sale**

Represented Sherwood Equities in the \$167.3 million sale of a Hudson Yards Development Site to the McCourt Group, headed by former Los Angeles Dodgers owner Frank McCourt.

**Land Use & Zoning Advice to Major Sports Team**

Representation of major professional sports team with respect to zoning and land use.

**Land Use & Zoning Review for West Chelsea Site**

Representation of Sherwood Equities with respect to land use and zoning review for various sites in West Chelsea and Hudson Yards.

**Toll Brothers - Zoning Analysis**

Representing Toll Brothers in connection with the zoning analysis of various New York City properties and development sites.

**BSA Building Permit Challenge**

Represented a Brooklyn real estate owner before the New York City Board of Standards and Appeals in connection with a successful effort to prevent adverse parties from obtaining building permits.

### **High Line Acquisitions and Developments**

Represented Sherwood Equities in connection with the acquisition of development sites at 508 West 20th Street and 360 Tenth Avenue, near the High Line Park. We also assisted Sherwood with the acquisition and sale of a significant amount of development rights; and the financing and development of the sites.

### **Samsung New York Real Estate Development**

Represented Samsung Corporation in connection with a mixed-use real estate development in the New York region. We worked closely with Samsung's executive and due diligence team in negotiating the purchase and key documents, completing the due diligence and locating a local developer partner in the U.S.

### **Manhattan "Sky Garage" Condo Development**

Represented Youngwoo & Associates LLC in developing a unique residential condominium building in New York's West Chelsea neighborhood, which features full-floor units with a parking facility for a car at each level. We advised on the land acquisition, construction financing and zoning issues.

### **Rezoning of Williamsburg and Greenpoint Properties**

Representation of several property owners in assuring that New York City's extensive rezoning of Williamsburg/Greenpoint maximized the value of their real property.

### **Industrial-to-Residential Conversion**

Representation of a developer in its application to the New York City Board of Standards & Appeals for a variance to convert an industrial building to a 100-unit residential building.

### **Domino Sugar Factory Redevelopment**

Represented The Community Preservation Corporation in the acquisition, financing and development of the 11.5-acre waterfront complex in Williamsburg, Brooklyn, that was formerly home to Domino Sugar.

### **Five-State Residential Portfolio Acquisition and Financing**

Represented a major real estate investment and service company in its acquisition and financing of a five-state, 14-property portfolio of residential rental and condominium apartment complexes. The portfolio was financed through 14 first mortgage loans and 12 mezzanine loans, culminating in a four-day closing.

### **Counsel on Landmarks Preservation Commission Guidelines**

Represented the owners of a former bank branch in their attempts to lease the interior landmark space to a major national drugstore chain. We worked with the chain and its architects in adjusting its national store design guidelines to meet with standards set by the New York City Landmarks Preservation Commission.

### **Brooklyn Power Generating Facility Litigation**

Represented the owner of a Greenpoint, Brooklyn waterfront property in a successful New York State Siting Board case against Transgas Energy's proposed waterfront power generating facility.

### **Bronx Brownfield Redevelopment**

Represented a New York developer in redeveloping a large Brownfield site in the Bronx and negotiating the relevant transactions documents, including financing, joint venture and purchase option documents. Complex redevelopment issues made use of our Government Relations, and Land Use and Zoning Groups.

**\$150 Million Acquisition of 70 Pine Street**

Represented Youngwoo & Associates in the \$150 million acquisition of 70 Pine Street and an adjacent building in Manhattan.

**Manhattan Building Acquisition and Hotel Development**

Representation of FIT Investment Corporation in connection with the zoning analysis and acquisition of 45 East 33rd Street in New York City, and its redevelopment of the building into a 93,000 square-foot hotel.

**LPC Review for NoHo Property**

Represented a residential building owner with respect to a special permit application and landmarks review for a new property in Manhattan's NoHo neighborhood.