

# Real Estate Development & Investment

## ATTORNEYS

Zack R. Andrews  
David C. Canfield  
Stephen D. Caruso  
Andrea Campbell Davison  
Timothy Dugan  
Leo S. Fisher  
Blake W. Frieman  
Robert T. Hicks  
David S. Houston  
Timothy R. Hughes  
Phil W. Jaeger  
Richard D. Kelley  
John G. Kelly  
Jonathan C. Kinney  
Kandis M. Koustenis  
Charles F.B. McAleer Jr.  
Jennifer O. Schiffer  
Richard C. "Rip" Sullivan, Jr.  
Mark M. Viani

Real estate has long been a powerful component of the Washington metropolitan economy, and extensive knowledge of real estate law has always been a strong suit of Bean, Kinney & Korman. Whatever part you play in this dynamic industry – owner, seller, purchaser, lender, developer, broker, landlord, tenant, investor, title insurer, property manager or community association – we offer seasoned, practical and responsive legal support to help you succeed in any economic environment.

Although many of the fundamental principles of real estate law originate from centuries of law and custom, the complexity of issues affecting real estate has grown exponentially. Yet at the same time, effective representation in real estate transactions demands practical, real world advice and counsel, not academic analysis. Real estate industry clients want more than legal answers, they want legal solutions. Bean, Kinney & Korman understands how to identify issues and risks while putting them into context for our clients without losing sight of their goals. But we keep an objective view and are always prepared to advise candidly when the risks may outweigh the benefit of the deal.

We welcome the opportunity to put more than 50 years of experience and accumulated wisdom representing clients in all aspects of the real estate industry at your service.

### ***Transactional***

- Contract formation
- Venture entity / joint venture formation
- Title examination and title issues
- Real estate private equity fund formation
- Evaluation of environmental risk assessment

- Zoning, land use and development rights, land subdivision, density rights transfers
- Distressed asset scenarios and workouts
- Financing
- Affordable housing tax credit financing
- Construction services and contracting
- Commercial leasing
- Tax-deferred exchanges
- Community association matters

### ***Litigation and Contested Actions***

- Construction litigation; mechanic's liens
- Commercial landlord/tenant litigation
- Business bankruptcy
- Business and commercial contract litigation
- Tax assessment contests
- Condemnation

### **PUBLISHED ARTICLES**

Planning Commission approves Final Development Plan for multifamily building in Bailey's Crossroads  
*the Annandale Blog*, October 15, 2021

Supervisors support consolidation for storage facility expansion  
*the Annandale Blog*, July 28, 2021

Madeira School campus plan wins county approval  
*Sun Gazette*, June 21, 2021

Commercial Foreclosure Alternatives (VA)  
*LexisNexis/Practical-Guidance*, January 21, 2021

Kasa Living, a pop-up hotel startup, is coming to Rosslyn  
*Washington Business Journal*, December 28, 2020

Developer targets Days Inn along Route 50 in Arlington for mixed-use

*Washington Business Journal*, October 29, 2020

Federal assistance may prolong bankruptcy filings

*Virginia Lawyers Weekly*, June 1, 2020

Force Majeure and the Doctrine of Impossibility

*Business Crimes Bulletin, LJN*, April 20, 2020

CARES Act: Payroll Tax Benefits

April 1, 2020

How Employers Can Obtain Timely Payment: Tax Credits Under Families First Coronavirus Response Act

March 26, 2020

Maryland COVID-19 Small Business and Nonprofit Assistance

March 24, 2020

Understanding the Available Tax Credits Under Families First Coronavirus Response Act

March 23, 2020

Coronavirus Force Majeure and Real Estate Leases

March 16, 2020

Assignment and Consent Standards in Commercial Leases

*Commercial Leasing Law & Strategy*, March 6, 2020

Dissecting Opportunity Zone Fund Structures

*Opportunity Zone Magazine*, May 6, 2019

D.C.'s Historic Preservation Laws – Not the Zoning Regulations – Remain the Biggest Impediment for Pop-Up Development

*BKK Construction & Land Use Newsletter*, September 1, 2015

A Patriotic Partnership: The Construction Industry and the Military

*BKK Construction & Land Use Newsletter*, June 4, 2015

Fairfax County's Plans for the Route 1 Corridor

*BKK Construction & Land Use Newsletter*, June 4, 2015

Arlington County Board Revisits the Retail Action Plan  
*BKK Construction & Land Use Newsletter*, March 3, 2015

Arlington's New Take on Density Exclusions  
*BKK Construction & Land Use Newsletter*, March 3, 2015

Arlington's New LEED Standards  
*BKK Construction & Land Use Newsletter*, December 5, 2014

Changes are Coming to ISD  
*BKK Construction & Land Use Newsletter*, December 5, 2014

D.C. Office of Planning Takes a Stand Against Pop-Ups With  
New Zoning Text Amendment  
*BKK Construction & Land Use Newsletter*, September 2, 2014

Out of State . . . Out of Mind?: Ensuring that Local and Out-of-  
State Construction Companies Play by the Same Rules  
*BKK Construction & Land Use Newsletter*, June 2, 2014

Look! Up in the Sky! It's a...Plane!: Proposed FAA Policy Could  
Affect Building Heights  
*BKK Construction & Land Use Newsletter*, June 2, 2014

I Know My (Vested) Rights! Developing a Project in a Changing  
Climate  
*BKK Construction & Land Use Newsletter*, March 4, 2014

Saying What You Mean and Meaning What You Say: Collecting  
Cash Proffers for Residential Development  
*Virginia Real Estate, Land Use & Construction Law Blog*,  
January 22, 2014

Much Ado About Subdivision: Building on a Subdivided Lot  
When the Locality Never Approved the Subdivision Plat  
*Virginia Real Estate, Land Use & Construction Law Blog*,  
January 6, 2014

Searching for the Escape Hatch: The Variance  
*BKK Construction & Land Use Newsletter*, December 3, 2013

Of Boats, Dining, and Zoning: Virginia Supreme Court Decides  
Old Dominion Boat Club v. Alexandria City Council  
*Virginia Real Estate, Land Use & Construction Law Blog*,

November 1, 2013

Newberry Station: Political Contributions vs. Political Realities  
*BKK Construction & Land Use Newsletter*, September 10, 2013

Sansotta v. Town of Nags Head: Localities Cannot Manipulate the Litigation Process to Avoid Taking Claims  
*Virginia Real Estate, Land Use & Construction Law Blog*, July 27, 2013

What the SCOTUS Opinion in Koontz v. St. Johns River Water Management District Means for Virginia Property Owners  
*Virginia Real Estate, Land Use & Construction Law Blog*, June 25, 2013

Arlington County Reconsiders Parking Ratios for Commercial Site Plans  
*Mark Viani mviani@beankinney.com, Matt Roberts mroberts@beankinney.com*, June 1, 2013

Zoning Ordinance Revisions Affecting Arlington County's By-Right Outdoor Cafés  
*BKK Construction & Land Use Newsletter*, June 1, 2013

Condemnation Changed (Permanently?) in Virginia  
*AIA Northern Virginia News*, January 1, 2013

Landlords' Liens and Waivers  
*Commercial Leasing Law & Strategy*, December 1, 2012

Understanding Landlords' 'Self-Help' Rights  
*Commercial Leasing Law & Strategy*, September 1, 2012

Landlords' Rights to Self-Help with Defaulting Tenants  
*Real Estate Financial Intelligence*, June 1, 2012

D.C. Jobs Bill has Far-Reaching Implications for Contractors  
*BKK Construction & Land Use Newsletter*, March 1, 2012

Proposed Amendment to Virginia's Constitution Could Limit Government's Use of Eminent Domain  
*BKK Construction & Land Use Newsletter*, March 1, 2012

Wrestling with the Trustee's Strong Arm: Defending Avoidance

Actions Under Section 544 of the Bankruptcy Code  
*Title Insurance Litigation Committee News*, December 18, 2011

Preserving National Historic Treasures  
*Masonry Magazine*, November 18, 2011

A Landlord's Duty to Mitigate in The District Of Columbia,  
Maryland and Virginia  
*Commercial Leasing Law and Strategy, Volume 24, Number 4*,  
October 1, 2011

EPA Storm Water Regulations – Potential Impediment to  
Development  
*AIA Northern Virginia News*, September 1, 2011

Virginia Plays TDR Catch-Up  
*OnSite Magazine*, August 1, 2011

Transferable Development Rights: Now in Action in Arlington  
*Commonwealth Contractor*, May 1, 2011

Nimby! The Views at Clarendon Project and Litigation 2004-  
2011  
*The Fee Simple*, May 1, 2011

The Legal Impact of Green Codes  
*AIA Northern Virginia News*, January 28, 2011

Top 10 Claims for 2009  
*Virginia Land Title Association Examiner, Volume 16, Number 1*,  
December 1, 2010

How Not to Get Sued  
*AIA Northern Virginia News*, March 1, 2010

Mortgage Purchaser Can't Hold Title Insurer Liable for  
Fraudulent Conspiracy Between Originating Lender and  
Settlement Agent  
*Title Insurance Law Newsletter*, February 18, 2010

New RESPA Rules Impact Loan Quotes and the Settlement  
Statement  
*VLTA Examiner, Volume 15, Number 2*, July 1, 2009

Averting Foreclosure with a Deed-in-Lieu  
*Virginia Builder*, May 1, 2009

## **NEWS**

Bean, Kinney & Korman Named a 2022 “Best Law Firm” for Eleventh Consecutive Year  
Thursday November 4, 2021

County Board Approves Red Top Cab Project Amendments  
Tuesday June 15, 2021

Charles (Chas) McAleer, Dean Luo and Harrison Clinton Join Bean, Kinney & Korman  
Friday February 12, 2021

Bean, Kinney & Korman Named a 2021 “Best Law Firm” for Tenth Consecutive Year  
Thursday November 5, 2020

John Kelly was quoted within article: Inside the hardball legal tactics retail landlords are using against tenants  
*The Real Deal*, Thursday July 23, 2020

Kandis M. Koustenis and Dusko J. Stojkov Join Bean, Kinney & Korman  
Thursday June 18, 2020

Timothy Dugan Elected 2020-2021 Chair of the Real Property Section Council of the Maryland State Bar Association  
Thursday May 21, 2020

Timothy Dugan Recognized as Top Attorney by *Bethesda Magazine*  
Tuesday December 10, 2019

Timothy Dugan Joins Bean, Kinney & Korman as a Shareholder  
Wednesday October 16, 2019

David S. Houston Joins Bean, Kinney & Korman as a Shareholder  
Wednesday February 13, 2019

Matthew J. Weinstein Joins Bean, Kinney & Korman  
Tuesday March 14, 2017

Bean, Kinney & Korman Attorneys Win Virginia Supreme Court  
Appeal Involving Local Taxation of Transferable Development  
Rights  
Monday January 9, 2017

Lori Murphy Presented an Update on Proposed Great Falls TD  
Bank  
*Alexandria Gazette Packet*, Tuesday June 11, 2013

Bean, Kinney & Korman Represents Developer of 'The Views'  
at Clarendon in Dismissed Case  
Monday January 3, 2011

Jonathan Kinney receives Arlington Partnership for Affordable  
Housing's Affordable Housing Award  
Tuesday October 5, 2010

Bean, Kinney & Korman Represents Developer 1210 North  
Highland Street in Peter Glassman, Plaintiff v. Arlington County,  
Virginia, et. al.  
Tuesday April 13, 2010

Timothy Hughes featured in "No Word Yet From JBG After  
Judge Dismisses Convention Hotel Lawsuit"  
*Washington Business Journal*, Tuesday March 30, 2010

Arlington Law Firm Puts a Focus on Supporting Energy-Efficient  
Design  
*Sun Gazette*, Sunday May 10, 2009

Bean, Kinney & Korman Plays Significant Role in Introducing  
Arlington's First LEED Gold Residential Building  
Monday April 27, 2009

Arlington Circuit Court Dismisses Lawsuit Challenging Arlington  
County Board's Approval of Views at Clarendon  
Wednesday July 11, 2007

## **SEMINARS & EVENTS**

**Creative Approaches to Increasing the Housing Supply**

2311 WILSON BOULEVARD, SUITE 500, ARLINGTON, VA 22201 | PHONE 703.525.4000 | [www.beankinney.com](http://www.beankinney.com)

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similar outcome in any ©2021 Bean Kinney & Korman PC future  
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online, Wednesday, October 20, 2021

Land Use Institute 2021  
online, Tuesday, October 5, 2021

Investing in Richmond Highway  
Online, Wednesday, May 19, 2021

Negotiating and Drafting Secured Real Estate Finance  
Transactions  
Online, Thursday, November 5, 2020

Shared Workspace Leases in Wake of COVID-19: Risk  
Mitigation, Insurance, Negotiating Key Provisions  
Online, Thursday, July 16, 2020

ULI Washington, D.C. Young Leaders Presentation “Northern  
Virginia Land Use”  
Monday, May 25, 2020

Comparative Zoning and Land Use Laws in Northern Virginia  
and Suburban Maryland  
University of Maryland, Monday, May 25, 2020

Deadlock-Breaking Mechanisms in Real Estate LLCs: Avoiding  
Litigation When Members and Managers Fail to Agree  
Webinar, Thursday, February 27, 2020

Future of Arlington County  
Arlington, VA, Thursday, November 14, 2019

Negotiating Key Provisions in Shared Work Space Agreements  
Webinar, Tuesday, November 12, 2019

2019 Advanced Real Property Institute  
Columbia, MD, Thursday, November 7, 2019

Maryland State Bar Association Land Use Institute: “Recent  
Federal and State Land Use Court Decisions”  
Saturday, May 25, 2019

Transferable Development Rights – What They Are and Why  
You Need to Know  
Bean, Kinney & Korman, Friday, January 27, 2017

“Lunch With...Metro General Manager and CEO Richard Sarles and Arlington County Board Member Mary Hynes”  
Navy League Building, 2300 Wilson Blvd., Arlington, VA 22201,  
Monday, August 5, 2013

Raighne Delaney presents at a Northern Virginia Association of Realtors meeting.  
Wednesday, March 13, 2013

3rd Annual Rosslyn-Ballston Corridor Summit  
Renaissance Arlington Capital View Hotel in Arlington, Virginia,  
Thursday, May 31, 2012