



Gensler Moves Downtown



Global architecture firm **Gensler** and **Thomas Properties Group, Inc. (TPGI)** both had incentive to enter into an unusual relationship in negotiating a lease for TPGI's top two floors of the pre-1973 "jewel box" building, a three-story building in between the twin 52-story towers at City National Plaza.

The bottom floor of the building had been leased to retail tenants (a bank branch and two restaurants), but the top two floors of the building had proved difficult to lease as the uppermost floor didn't have any windows. TPGI understood that this unusual space would require a special type of tenant, and in late 2010, identified Gensler as that tenant. However, the parties would have to be creative as Gensler's lease in Santa Monica, which included a very unfavorable holdover provision, was scheduled to expire in late 2011 and the building would require extensive renovations in order to meet Gensler's needs. In October 2010, *David Lambert* of Gilchrist & Rutter PC was brought on to facilitate negotiations and legally document the creative risk sharing approach that the parties were pursuing. In February 2011, Gensler and TPGI entered into a lease agreement for the top two floors of the building.

To read more about *Gensler Moves Downtown*, please visit GilchristRutter.com/Articles.

Former Newhall Land Executive Joins Gilchrist & Rutter as Of Counsel



Gilchrist & Rutter recently announced that prominent real estate development executive and attorney *Steven D. Zimmer* has joined the firm as Of Counsel. Mr. Zimmer was previously the executive vice president of Newhall Land Development, Inc. where he managed all aspects of the environmental, legal, and financial hurdles of the Newhall Ranch master planned community, including entitlement, project planning, project approvals, and local, state and federal project approvals. He also oversaw all CEQA documents and all litigation of land use matters, as well as the critical water supply strategy.

Market Outlook - from the G&R Attorneys ...



Lawsuits against property owners and tenants under the Americans with Disabilities Act (ADA) remain a serious concern in California, where nearly half of such lawsuits are filed nationwide. Even if landlords delegate compliance duties to the tenant in a commercial lease, they are still legally responsible and lawsuits can be expensive to defend and settle. Small-to-medium sized businesses, unaware of ADA violations, are frequently targeted by plaintiffs' attorneys. A California Senate reform bill, designed to require notification to owners and an opportunity to comply before litigation, was defeated this year. A similar bill has been introduced for many years in the U.S. House of Representatives, but has not yet made it out of committee.

Pending this reform, the best approach for property owners and tenants who are subject to ADA/accessibility compliance is to participate in California's Certified Access Specialist program (CASp), which became available in 2009. While certification does not provide immunity from litigation, it can significantly reduce the risk of an unknown ADA violation, as well as the risk of being targeted by ADA enforcement attorneys. CASp encourages facilities to obtain certification of compliance and imposes additional hurdles on potential plaintiffs, including forcing them to participate in a court supervised early evaluation conference before pursuing litigation, as well as creating limitations on damages.

Christine Page is a partner at Gilchrist & Rutter.

Gilchrist & Rutter Recognized on List of Best Lawyers

Gilchrist & Rutter was recognized as one of the "Best Law Firms" in the 2011 - 2012 edition *U.S. News - Best Lawyers*® in the Tier 1 metropolitan rankings in the category of Los Angeles environmental law, as well as Tier 4 in the category of Los Angeles real estate law.

U.S. News and Best Lawyers® rankings are based on a thorough evaluation process that includes collection of client and lawyer evaluations, peer reviews from leading attorneys in their field and additional information provided by law firms.

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Deals & Judgments



Gilchrist & Rutter regularly handles real estate transactions, litigation, and related matters for clients dealing with a range of issues. Below are recent representative deals and judgments. To talk with us about a similar deal or matter, contact the listed attorney.

- \$21,700,000 refinancing of 420-unit manufactured housing project in Los Angeles County (*Duane Montgomery/Richard Close*).
- 63.5 acre development site acquisition on behalf of the purchaser in Quincy, WA (*David Lambert*).
- Three shopping center leases totaling 79,000 square feet to “big box” national retailers (selling toys, office supplies and pet supplies and services) for the owner of an Orange County shopping center (*Steven Heller*, serving as co-counsel).
- Obtained an arbitration award before the Financial Regulatory Authority (FINRA), for a broker whose regulatory record had been unfairly tainted with 15 complaints from investors (who purchased auction rate securities prior to the sub-prime meltdown in 2008). The award expunges all complaints from the broker’s record (*Christine Page*).
- 6 megawatt data center lease with expandable options to 9 megawatt in Quincy, WA (*David Lambert*).
- Retail “pop up” lease extensions to sandwich market, copy center, and cupcake shop tenants, for REIT owner of a downtown Los Angeles office/retail projects (*Steven Heller*).

To read more about G&R’s latest deals and judgments, please visit GilchristRutter.com/Deals&Judgments.

Gilchrist & Rutter Sponsored 40th Annual Crocker Symposium

Gilchrist & Rutter sponsored the 40th annual Benjamin S. Crocker Symposium on Real Estate Law & Business 2011 presented by The Real Property Section of the Los Angeles County Bar Association and The Richard S. Ziman Center for Real Estate UCLA. The Symposium provided more than 500 attendees unparalleled education and the opportunity to network with some of real estate’s biggest players. Entitled “*The California Kaleidoscope*,” the Symposium focused on perspectives and possibilities in an ever changing real estate market.

Gilchrist & Rutter associate, *Elisa Paster*, served on the planning committee for the event held on October 5th.

Gilchrist & Rutter Sponsored 1st Annual REAL Symposium

Gilchrist & Rutter sponsored the 1st annual REAL Symposium on Real Estate and Law - a collaboration of the California State Bar Real Property Section and Stanford Professionals in Real Estate - which brought together Northern California’s top real estate professionals, attorneys, and academic and government personnel for thought provoking discussion and networking.

Gilchrist & Rutter partner, *Donald Nanney*, served as a co-chair for the event held on November 9th.

Gilchrist & Rutter provides updates on legal trends as a service to keep our valued clients and friends informed of the latest legal news. It is designed only to give general information on the developments actually covered. It is not intended to be a comprehensive summary of recent developments in the law, treat exhaustively the subjects covered, provide legal advice or render a legal opinion.

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