

Special Focus: Litigation / Regulatory Approval Services



Due to BBP LLC's national practice and the solid track record of our staff in preparing support analyses and causing execution of dozens of public/private development ventures, we often are retained to assist in regulatory approval deliberations and litigation both related and unrelated to past assignments. The staff at BBP LLC has also completed assignments involving initial project approval hearings, plan amendments and modifications to previously-executed development agreements. The assignments noted below address a host of matters including rezoning, administrative hearings and lawsuits.

The projects listed below are some of those managed and/or completed by senior BBP LLC staff, including assignments by Basile and Prost, when they were principals and senior technical staff at other consulting firms:



Tooele, UT – Utah Industrial Depot: Supported the local redevelopment agency in litigation after successfully guided private reuse of 1,700 acres of the Tooele Army Depot (TEAD) located near Salt Lake City, negotiated the sale of a 375,000 square foot plant at the site to Detroit Diesel, Inc., a subsidiary of the Penske Company and later successfully guided efforts to dispose of the remaining 2.7 million square feet of manufacturing/warehouse space and 1,000 acres of land to private interests; nearby jurisdiction sued Tooele for a share of these proceeds and deposition testimony was provided; local redevelopment agency won this litigation.



Alexandria, VA – Property Rezoning Litigation: Assisted the City to defend its actions of not approving a property rezoning near the Old Town area of the City; reviewed depositions of rezoning proponent to refute economic projections and assertions offered; provided deposition testimony in support of non-feasibility of proposed project; City won this litigation.



East Rutherford, NJ – Meadowlands Xanadu: Prepared an economic impact study for the law firm Decotiis, Fitzpatrick, Cole & Wisler, LLP regarding the development of 4.8 million square feet of entertainment, sports, retail, office and hotel space at Meadowlands Xanadu; the assessment focused on the proposed issuance of special concessionaire liquor permits which are to be enabled at Xanadu and the economic impact they will pose to the current restaurant and entertainment entities which currently hold retail consumption liquor licenses in the local municipality; work included market research and economic analysis as well as calculations of projected sales and sales tax Xanadu will generate.

Bloomfield, NJ – Downtown Redevelopment Litigation: Assisted the City's legal counsel in defending the termination of a redevelopment agreement; reviewed expenses incurred by the developer; evaluated project viability at various stages in program development; and, offered expert opinion regarding the appropriateness of actions taken by the developer.

Baltimore, MD – Warner St. Highest and Best Use Analysis: Analyzed the market demand for the “highest and best use” of an industrial parcel along the Baltimore waterfront. In conjunction with a legal action, expert testimony was provided concerning the current market conditions and the realistic development that it could generate.



Washington, DC – Skyland Shopping Center Redevelopment: Served as the financial real estate consultant to the National Capital Revitalization Corporation (NCRC) as part of a Planned Unit Development (PUD) application and prepared testimony for the redevelopment of the Skyland Shopping Center in Southeast Washington, DC into a mixed-use development. Prepared a strategy report to determine potential deal and ownership structures that would serve to optimize NCRC’s financial contributions to the project, both as a lender and as a potential investor.



Washington, DC – Florida Avenue New Town Development Project: Served as an expert witness for a rezoning application as part of a sector plan amendment and conducted a market and economic impact analysis for the Florida Avenue “New Town” Development Project in Northeast Washington, DC. This project involves the redevelopment of the existing Wholesale Farmers Market and adjacent parcels into a mixed-use development comprised of commercial/farmer’s market space, residential units, office space, retail space, parking garage and community space.

Washington, DC – Riverside Planned Unit Development: Served as an expert witness and prepared an economic and fiscal impact evaluation for a planned 1.5 million square foot development in Southwest Washington, DC as part of a Planned Unit Development (PUD) application to the District of Columbia. This proposed project would comprise approximately 1,450 residential units (condominiums, townhomes, apartments) and 24,000 square feet of neighborhood support retail.



Washington, DC – Florida Rock Redevelopment: Served as a financial advisor and expert witness for Holland & Knight, counsel to Florida Rock, as part of a sector plan amendment/rezoning application for a planned 1.1 million square foot development in Southeast Washington, DC as part of a Planned Unit Development (PUD) application to the District of Columbia. This proposed project would comprise new Class A office space, a full service hotel, residential units, and neighborhood supporting retail in a waterfront location.

