



W. Scott Biel

Partner

Expertise

- Business & Corporate Law
- Construction Law
- Real Estate

Education

- University of Pennsylvania Law School (JD)
- Editor-in-Chief of the University of Pennsylvania Law Review
- US Naval Academy (BS)

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PROFILE

Scott is nationally recognized as an expert on the legal aspects of structuring and negotiation commercial leases and the acquisition, financing and development of commercial real estate projects. For over 25 years he has worked with clients on legal structuring of owner and tenant entities, project site selection and acquisition and negotiation strategies. His clients own, lease and develop office, medical, research & development (R&D) and manufacturing facilities, as well as retail, entertainment and hospitality projects. In the retail sector, Scott has extensive experience in negotiating automobile dealership ground leases and joint venture investments in auto park and travel center facilities, and in the development of golf facilities, aquatic facilities and other retail sports facilities. He also advises non-profit religious and cultural institutions in income-producing development partnerships utilizing their capital assets to renovate and maintain their existing facilities and to generate revenue.

Scott representation of owners, investors and tenants of leased commercial facilities has involved properties throughout the U.S., Canada and Mexico, and in working with advisory teams in the acquisition, financing and development of regional offices and research campuses, and industrial facilities, in China, India, Europe and Israel. Recent transactions have included tax-incentive ground leases of state and municipal-owned properties, private-development projects on public lands, convertible capital leases, sale-leasebacks and ground lease financings (using conventional and synthetic lease structures).

Scott works with his clients to structure their capital investments with an eye towards maintaining long-term flexibility in refinancing, and in anticipating ownership changes and restructuring, changed operational requirements, and market adjustments.

EXPERIENCE

- Negotiated a build-to-suit lease-to-ownership transaction for a client's 1,200,000 square foot office, warehouse and distribution facility in Ontario, California, structured as an operating lease with an option to convert to a capital lease after minimum capital gains holding period, the subsequent conversion to a capital lease, and the subsequent sale and leaseback of the facility.

- Represented the U.S. subsidiary of an Irish pharmaceutical company in negotiating the acquisition and entitlement of 28 acres in San Diego, California and construction agreements for the development of a 450,000-square foot regional headquarters, and R&D, manufacturing and distribution facilities.
- Negotiated the sale of a one million square foot office campus by the ground lessee of 72-acre ground lease in Stanford Business Park in Palo Alto, California on behalf of a leading networking infrastructure company, involving the separation of infrastructure agreements for adjacent ground lease facilities.
- Negotiated multiple transactions for the purchase of over 225 acres of land in San Jose, California, by a leading networking hardware company and related financing and development agreements for over 6,000,000 square feet of corporate headquarters and electronic R&D facilities.
- Represented the first publicly-traded developer of internet data centers in its acquisition, development and hosting agreements for multi-tenant colocation services involving 50 data center facilities in the U.S., Canada and Europe.
- Represented multiple owners and developers of semiconductor fabrication facilities and in related financing of capital equipment to semiconductor manufacturers in the U.S., Japan and Singapore.

ACHIEVEMENTS & AFFILIATIONS

- Martindale-Hubbell AV Preeminent® Rated
- *San Diego Magazine's* Top Lawyers in San Diego®, 2026
- *Connect Lawyers* – Real Estate Award Winner, 2025
- Selected for *The Best Lawyers In America*® ? Real Estate Law, 2013-2025
- *San Diego Magazine's* Top Lawyers in San Diego® – Business, Multi-Year Recipient
- San Diego Super Lawyer, 2013-2021
- San Diego Business Journal's SD500, Most Influential People in San Diego, 2020 - 2021
- San Diego Magazine's Top Lawyers in San Diego® ? Business & Construction, 2020 - 2021
- San Diego Business Journal's Leaders in Law Award Winner – Real Estate, 2021
- San Diego Business Journal's Leaders in Law Award Finalist – Real Estate, 2020
- Featured in San Diego Business Journal's Book of Influential Business Leaders
- Member of the California State Bar

PUBLICATIONS & LECTURES

- “Sustainability Street: Is Green Leasing Ready to Take Off?” Commercial Property Executive, September 21, 2023
- “Anticipating Risks in Franchise Leases,” Commercial Property Executive, October 19, 2022
- “Understanding Unwritten Lease Terms,” Commercial Property Executive, June 1, 2022
- “Beware of Hidden Issues in Commercial Leases: Part II,” Commercial Property Executive, November 3, 2021
- “The Case for Post-Pandemic Flexibility in Commercial Leases,” Commercial Property Executive, May 5, 2021
- Co-Author, “Avoiding Surprise Tax Implications for Private Leasehold Interests,” Commercial Property Executive, July 17, 2019.
- “Whistling Past the Waste Site: Directors' and Officers' Personal Liability for Environmental Decisions and the Role of Liability Insurance Coverage” University of Pennsylvania Law Review, Volume 140, 1991