

April 10, 2025

Mr. Ozzie Dominguez,
CSM Director of Asset Management
Facilities and Fleet Management Dept.
City of Miami Beach
1833 Bay Road, 2nd Floor
Miami Beach, Florida 33139

Re: Request for Extension of Rent Commencement Date and Rent Abatement Period of the Lease between the City of Miami Beach and Open Vision One, LLC for the Property Located at 1560 Collins Avenue, Suites 3 and 4

Dear Ozzie:

As you know, this firm represents Open Vision One (the “Tenant”) with respect to the Lease between the Tenant and the City of Miami Beach (the “City”) for the property located at 1560 Collins Avenue, Suites 3 and 4 (the “Property”). Please allow this correspondence to serve as a request for Extension of the Rent Commencement Date and Rent Abatement Period of the Lease between the City of Miami Beach and the Tenant for the Property (the “Lease”).

Description of the Property. The Property is located on the south side of 16th Street between Collins and Washington Avenues, in the GU, Government Use, zoning district. It is also located within the Ocean Drive/Collins Avenue Local Historic District and the Miami Beach Architectural District in the National Register of Historic Districts. Miami-Dade County identifies the property by Folio No.: 02-3234-019-1090. Pursuant to the Miami-Dade County Property Appraiser, the property is approximately 261,800 square feet and houses a five-story structure. The top four (4) levels of the structure house a parking garage, while the ground floor provides for commercial uses. This request pertains to suites 3 and 4, the Property.

Request. The Tenant is requesting an eight (8) month extension of time of the commencement date and rent abatement period of the Lease, or in the alternative through the time of receiving a Certificate of Use (CU) from the City of Miami Beach, whichever is earlier. This request is premised upon the permitting issues that have arisen at the Property. As you are aware, there were substantial delays with receiving DERM approval for the Property. Nevertheless, the Tenant did not allow the DERM delays to hinder its efforts. Below is a timeline of permit submission and reviews. You will note, the Tenant did not delay in their permit requests and have consistently pursued the issuance of permits from the City. Unfortunately, the delays from DERM may have impacted the City’s mechanical reviews and delayed the issuance of permit revisions dealing with mechanical aspects, not the least of which is the hood. Please refer to the timeline below:

- **January 13, 2023** – parties entered into a lease agreement



- **March 22, 2023** – BC2321139 - Tenant applied for master permit
 - July 20, 2023 – ***mechanical review passed***
 - ***April 8, 2024*** – permit issued after 4-rounds of comments (review cycles April 2023, July 2023, November 2023, March 2024)
- **June 6, 2024** - RV2422897 to BC2321139 – mechanical revision for gas line, outdoor seating and reconfiguration of toilets
 - 4-rounds of comments (June 2024, September 2024, December 2024, approved on January 15, 2025)
 - ***January 15, 2025*** – revision finalized
- **June 27, 2024** - ELC2414441 – applied for electrical permit for interior remodel
 - ***July 16, 2024*** – permit issued
- **July 1, 2024** – MEC2404476 -applied for mechanical sub-permit for hood
 - Failed reviews June 2024, July 2024, (review cycles for RV2422897 included September and December 2024), February 2025, March 2025)
 - Pending issuance of ***RV2422897***, which was January 2025
- **August 15, 2024** – ELC2414983 – applied for hook-up for new electrical signs
 - 3-rounds of comments (September 2024, October 2024, finalized during last round of comments January 2025)
 - ***February 10, 2025*** – permit issued
- **August 22, 2024** – FP0824-5600 – applied for hood suppression system (permit will not issue until mechanical permit is completed)
- **January 31, 2025** - FP0125-6032 – applied for fire occupant load for CU
- **January 31, 2025** – CU25-6684 – applied for CU
- **February 5, 2025** – PLC2511909 applied for gas line permit – natural gas meter to commercial cooking equipment
 - ***February 10, 2025*** – permit issued

No gap has existed between the filing of these permits and the pursuit of their issuance. Although no new permits were filed between the months of August 2024 and January 2025, as no new permits were necessary, the Tenant pursued the issuance of the applied for permits. During those months the Tenant went through several cycles of reviews for permits, including the mechanical permit (MEC2404476 – submissions for reviews September and December 2024); the electrical permit (ELC2414983 – submissions for reviews in September and October of 2024 and January 2025); and the revisions to the Master permit (RV2422897 to BC2321139 – submissions for

Mr. Ozzie Dominguez
Open Vision One LLC
April 10, 2025
Page 3 of 3

reviews in September and December 2024 and for January 2025). The tenant has actively pursued the issuance of all permits and has not allowed for this matter to be dormant.

While the Tenant was hopeful of having the restaurant open by April 1, 2025, the level of comments and delays in the issuance of permits have rendered that date impossible for opening. As a result, we are requesting an additional amendment and extension of the lease commencement date and rent abatement period for the Property.

Conclusion. The Tenant continues to demonstrate commitment to this process and the City. Their proposed establishment will be consistent with the uses in the area and improve the character of the neighborhood. We respectfully request your support for this extension request.

Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,
MHE LAW PA



Monika H. Entin