

RESOLUTION NO. _____

A RESOLUTION OF THE CHAIRPERSON AND MEMBERS OF THE MIAMI BEACH REDEVELOPMENT AGENCY (RDA), APPROVING, IN SUBSTANTIAL FORM, AMENDMENT NO. 2 TO THE LEASE AGREEMENT BETWEEN THE RDA (LANDLORD) AND OPEN VISION ONE, LLC (TENANT), FOR USE OF APPROXIMATELY 4,236 SQUARE FEET OF GROUND FLOOR RETAIL SPACE AT THE ANCHOR SHOPS AND GARAGE, AS A FINE DINING RESTAURANT LOCATED AT 1560 COLLINS AVENUE, SUITE NOS. 3-4 (PREMISES); SAID AMENDMENT EXTENDING THE RENT ABATEMENT PERIOD DUE TO UNANTICIPATED DELAYS RELATED TO THE APPROVAL OF THE GREASE TRAP FOR THE RESTAURANT FOR UP TO AN ADDITIONAL EIGHT (8) MONTHS, UNTIL THE EARLIER OF (i) APRIL 24, 2025 OR (ii) THE DATE THAT IS THIRTY (30) DAYS AFTER TENANT OPENS FOR BUSINESS; AND FURTHER, AUTHORIZING THE EXECUTIVE DIRECTOR TO FINALIZE AND EXECUTE THE AMENDMENT.

WHEREAS, the Miami Beach Redevelopment Agency (the "RDA") is a public body corporate and politic, which owns that certain project commonly known as the "Anchor Shops", containing a garage and ground floor retail spaces located in the area bounded by Washington Avenue and Collins Avenue, in the proximity of 16th Street; and

WHEREAS, the Miami Beach Redevelopment Agency (RDA) (Landlord) and Open Vision One, LLC (Tenant) are parties to a Lease Agreement dated January 13, 2023, pursuant to Resolution No. 673-2022, for use of approximately 4,236 square feet of the retail spaces at the Anchor Shops, located at 1560 Collins Avenue, Suites Nos. 3-4 (Premises), for the operation of a fine dining restaurant (Lease); and

WHEREAS, the Lease term is for nine (9) years and 364 days from January 25, 2023, the date Tenant received possession ("Commencement Date"); and

WHEREAS, on April 25, 2023, the City adopted Resolution No. 681-2023 approving Amendment No.1 to the Lease to adjust the Concession Fee for use of the Outside Concession Area from \$75.00 PSF to \$30.00 PSF for the first year following Rent Commencement and subject to rent escalations thereafter equal to 3% per year; and

WHEREAS, upon obtaining possession of the Premises, Tenant began renovations to convert the former retail space to a new, fine dining venue at the Tenant's sole cost and expense and the Premises was expected to remain closed during the renovation process until the summer of 2024; and

WHEREAS, due to unexpected delays in connection with the permitting process associated with the approval of the new grease trap at the Premises by the Department of Regulatory and Economic Resources (DERM), Tenant's construction schedule has been delayed and the previously anticipated opening date has also been delayed; and

WHEREAS, under the Lease, the Minimum Rent, Percentage Rent and Concession Fee payments are abated during months 8-19 from the Lease Commencement Date (or months 2-13 from the Rent Commencement Date) (Rent Abatement Period) to allow for construction and buildout of the restaurant, which Rent Abatement Period was due to expire on August 24, 2024; and

WHEREAS, during the Rent Abatement Period, Tenant is not required to pay the current monthly Minimum Rent payment, in the amount of \$27,269.25; however Tenant is still required to pay the monthly Operating Expense payments pursuant to the Lease; and

WHEREAS, due to the aforementioned unexpected delays, the Tenant has requested an extension of the Rent Abatement Period for up to an additional eight (8) months, until the earlier of (i) April 24 2025 or (ii) the date that is thirty (30) days after Tenant opens for business, in order to complete the build-out of the restaurant at the Premises; and

WHEREAS, based upon the aforementioned permitting delays, the Executive Director recommends approving, in substantial form, Amendment No. 2 to the Lease, a draft copy of which is attached as Attachment "A" to the RDA Memorandum accompanying this Resolution, memorializing the extended Rent Abatement Period.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE CHAIRPERSON AND MEMBERS OF THE MIAMI BEACH REDEVELOPMENT AGENCY, that the Chairperson and Members of the Miami Beach Redevelopment Agency (RDA) hereby approve, in substantial form, Amendment No. 2 to the Lease Agreement between the RDA (Landlord) and Open Vision One, LLC (Tenant), for use of approximately 4,236 square feet of ground floor retail space at the Anchor Shops and Garage, as a fine dining restaurant located at 1560 Collins Avenue, Suite Nos. 3-4 (Premises); said Amendment extending the Rent Abatement Period due to unanticipated delays related to the approval of the grease trap for up to an additional eight (8) months, until the earlier of (i) April 24, 2025 or (ii) the date that is thirty (30) days after Tenant opens for business; and further, authorize the Executive Director to finalize and execute the Amendment.

PASSED and ADOPTED this ____ day of _____ 2024.

ATTEST:

Steven Meiner, Chairperson

Rafael E. Granado, Secretary

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Redevelopment Agency
General Counsel

Date

10/11/2024