

C7 G A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, IN SUBSTANTIAL FORM, AN AGREEMENT WITH THE CHARLYS GROUP, INC. D/B/A CHARLY'S, FOR PARTICIPATION IN THE COMMERCIAL LEASE SUBSIDY PROGRAM, WITH A MAXIMUM ANNUAL REIMBURSEMENT AMOUNT OF \$20,000.00, FOR A TERM OF UP TO THREE (3) YEARS, FOR A TOTAL PROGRAM REIMBURSEMENT AMOUNT NOT TO EXCEED \$60,000.00, SUBJECT TO FUNDING APPROPRIATION AND APPROVAL DURING THE CITY'S BUDGETARY PROCESS FOR EACH FISCAL YEAR DURING THE TERM OF THE AGREEMENT; AND FURTHER AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE THE AGREEMENT.

Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: November 20, 2024

TITLE: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, IN SUBSTANTIAL FORM, AN AGREEMENT WITH THE CHARLYS GROUP, INC. D/B/A CHARLY'S, FOR PARTICIPATION IN THE COMMERCIAL LEASE SUBSIDY PROGRAM, WITH A MAXIMUM ANNUAL REIMBURSEMENT AMOUNT OF \$20,000.00, FOR A TERM OF UP TO THREE (3) YEARS, FOR A TOTAL PROGRAM REIMBURSEMENT AMOUNT NOT TO EXCEED \$60,000.00, SUBJECT TO FUNDING APPROPRIATION AND APPROVAL DURING THE CITY'S BUDGETARY PROCESS FOR EACH FISCAL YEAR DURING THE TERM OF THE AGREEMENT; AND FURTHER AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE THE AGREEMENT.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission adopt the Resolution, authorizing an award and participation agreement under the Commercial Lease Subsidy Program ("Program") to The Charly's Group, Inc. (d/b/a Charly's), located at 345 Lincoln Road ("Property").

BACKGROUND/HISTORY

Initiated by sponsor Vice Mayor Alex Fernandez, and authorized by the Mayor and City Commission, the Commercial Lease Subsidy Program ("Program") is a reimbursement-based financial incentive designed to invigorate the commercial environment within the Art Deco Cultural District (ADCD). The Program's primary objectives are to support arts and cultural businesses, reduce commercial vacancies, and/or phase out non-conforming businesses. The Program leverages existing zoning regulations for the Art Deco/MiMo Commercial Character Overlay District ("Overlay District") to attract appealing business activities that align with the City's cultural brand and community values.

Through this Program, eligible participants may receive reimbursement for:

1. Annual Business Tax Receipt (BTR) fees, and
2. Leasing or mortgage expenses up to a maximum of \$60,000 over three (3) years.

Eligible leasing expenses include: (i) rent or mortgage payments, (ii) insurance, and (iii) real estate taxes. Reimbursement is contingent upon annual budgetary appropriation and continued compliance with Program requirements.

The Program's geographic focus—the Overlay District—includes properties bounded by Ocean Drive to the east, Fifth Street to the south, Washington Avenue to the west, and 23rd Street to the north. The Program specifically targets (i) vacant storefronts, (ii) new-to-market businesses focused on arts and culture, and (iii) legal non-conforming businesses, defined as businesses with valid BTRs whose operations were lawful before being reclassified as non-permitted under Ordinance 2017-4137. Examples include check-cashing stores, pawn shops, souvenir and t-shirt shops, and tobacco and vape dealers.

The Program aims to reimagine the commercial character of the Overlay District by prioritizing businesses that create immersive, shareable experiences, fostering customer engagement through artisanal, experiential, and activity-based concepts.

Program applications are reviewed by City staff, and selected candidates are recommended to the City Commission. Reimbursements are issued after Program participants submit records of eligible expense payments. Additional information, including the Program application, is available via mbbiz.gosmart.org.

ANALYSIS

Applicant Details:

- **Applicant:** The Charlys Group, Inc. d/b/a Charly's (Tenant)
- **Applicant Representative:** Charles Jung, Owner
- **Property Location:** 345 Lincoln Road
- **Landlord:** The Manhattan House, Inc.
- **Business Activity:** Made-to-order churros, waffles, ice cream, and non-alcoholic beverages
- **Website:** www.thecharlys.com

The Applicant signed a lease for the Property on April 9, 2024, but the business has not yet opened, as interior remodeling is still underway to prepare the approximately 1,225 sq. ft. space for its intended food service use (e.g., new commercial exhaust system, new grease interceptor, life safety upgrades, kitchen equipment, etc.). The Applicant has invested significantly in permits and build-out, with an emphasis on creating a visually engaging storefront. As a temporary enhancement, the Applicant voluntarily participated in the City's Vacant Storefront Cover Program, installing an artistic wrap in July 2024.

The previous tenant at this location, Alter Native Retail d/b/a CBD Boutique, held a BTR for CBD, skincare, and pet products retail. On September 2, 2022, following an undercover investigation by the Miami Beach Police Department confirming illegal narcotics activity, the City Manager revoked the previous tenant's BTR and Certificate of Use. This location, which sits at a high-traffic intersection (Lincoln Road and Washington Avenue) near a County public transit hub popular with tourists and the City's workforce, has remained vacant since the license revocation in 2022. The Applicant's future business operation is compatible with its immediately adjacent neighbor who shares the same landlord, and is also a fast-casual restaurant, Raising Canes.

The Applicant's participation in the Program would activate a high-visibility storefront that had previously housed a non-conforming use detrimental to public safety. The proposed business aligns well with the tourism and pedestrian-friendly commercial corridor along Lincoln Road.

Evaluation of Applicant

Through multiple meetings, City staff have assessed the Applicant as a motivated and capable small business entrepreneur. The Applicant's business plan aligns with the Program's goals by reactivating an idle storefront with a family-oriented, tourist-friendly concept that will contribute positively to the local commercial landscape.

FISCAL IMPACT STATEMENT

The Program's fiscal impact to the City is capped at \$20,000 annually for up to three (3) years, contingent upon funding appropriations in each year's budget. Funding for the Program has been secured in the Fiscal Year 2024-2025 budget.

Does this Ordinance require a Business Impact Estimate?
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

Funding for the Commercial Lease Subsidy Program is included in the City's Fiscal Year 2024-2025 budget, with the total financial commitment for The Charlys Group, Inc. capped at \$20,000 annually, for up to three (3) years, depending on continued appropriations. This allocation will support the reimbursement of eligible leasing expenses, as outlined in the Program guidelines, to promote business growth and economic activation within the Art Deco Cultural District.

In exchange for this financial support, the City anticipates a measurable positive economic impact, as the opening of Charly's will contribute to increased foot traffic, support the local workforce, and foster a more family-friendly and culturally vibrant commercial corridor. This investment is expected to yield long-term benefits by enhancing the City's reputation as a destination for both residents and visitors seeking quality, culturally aligned businesses on Lincoln Road.

CONCLUSION

The Commercial Lease Subsidy Program reflects the City's commitment to revitalizing the Art Deco Cultural District by fostering an environment that attracts residents, business owners, and visitors while promoting arts, culture, and family-friendly experiences.

The Applicant's planned restaurant will engage family-oriented tourists and residents alike, activating a vacant space previously occupied by a nonconforming business that conflicted with the district's character. Approving this application will further the City's objective of creating a vibrant, safe, and culturally rich environment.

Applicable Area

South Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?

No

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

Economic Development

Sponsor(s)

Commissioner Alex Fernandez

Co-sponsor(s)

Condensed Title

Execute Agreement, Participation in Commercial Lease Subsidy Program. (Fernandez) ED



City of Miami Beach

COMMERCIAL LEASE SUBSIDY PROGRAM

Welcoming new businesses to
the Art Deco Cultural District

MIAMIBEACH

Commercial Lease Subsidy Program

Table of Contents

- 1. Program Overview..... 2
 - a. Program Purpose
 - b. Incentive Award

- 2. Program Guidelines..... 2
 - a. Eligibility Requirements
 - i. Geographic Requirement
 - ii. Business Type Requirement
 - 1. Type 1: Transition from Legal Nonconforming Business to Permitted Use
 - 2. Type 2: New-to-Market Arts and Culture Uses
 - b. Before You Apply
 - c. Application Process
 - d. Evaluation and Approval
 - e. Compliance Requirements
 - i. Business in Good Standing
 - f. Reimbursement Payments
 - i. Eligible Expenses
 - ii. Maximum Award Amounts

- 3. Application Form..... 8
 - a. Subject Property
 - b. Property Owner
 - c. Current Tenant and Prospective Tenant
 - d. Lease Agreement
 - e. Applicant Acknowledgement and Authorization

- 4. ADCD Overlay Map..... 12

Commercial Lease Subsidy Program

PROGRAM OVERVIEW

The City of Miami Beach's Art Deco / MiMo Commercial Character Overlay District ("ADCD Overlay") encompasses a geographic area within South Beach containing unique cultural, commercial, and entertainment amenities that are vital to the Miami Beach economy and its tourism industry. The Commercial Lease Subsidy Program (the "Program") is a performance-based reimbursement grant incentive created by the Miami Beach City Commission, via Resolution 2022-32207, that reimburses a portion of expenses associated with expenses related to rent, leasing, mortgage, or real estate taxes, for eligible commercial properties within the ADCD Overlay that are leased by a business that promotes the Program's purpose.

Program Purpose.

The City of Miami Beach (the "City") is committed to promoting and attracting diverse commercial activities, with a focus on businesses and family-friendly activities that contribute to the City's cultural arts legacy. The Program mission is to attract wholesome and community-focused spaces that enhance both the visitor experience and resident quality of life. To accomplish this, the Program offers a financial incentive to activate commercial properties with arts and culture uses, or, in the case where properties are vacant or occupied by a legally established business operation that is no longer permitted under the City Code, the incentive encourages property owners to transition their properties to permitted businesses.

Incentive Award.

Program participants are eligible to receive the following:

- Reimbursement of Qualified Expenses. Reimbursement of eligible, paid expenses related to rent, mortgage payments, and/or real estate taxes, in an amount not to exceed \$2,500.00 per month or fifty percent (50%) of total monthly expenses, *whichever is less*. Program participants are eligible to receive an award of up to \$20,000 annually or \$60,000 throughout the three (3) year Program term
- Waiver of Business Tax Receipt Fees. Waiver of the annual fee associated with a City of Miami Beach business tax receipt (BTR) for both the tenant business and/or the property owner throughout the three-year Program term

PROGRAM GUIDELINES

Eligibility Requirements.

The Program is intended to strengthen and transform commercial corridors within the ADCD Overlay, with objectives of (1) encouraging property owners to transition private properties from nonconforming uses to permitted uses and (2) attracting businesses that promote arts and culture. The City Commission, at its discretion, may consider or waive any eligibility criteria at the request and recommendation of the City Manager.

Geographic Requirement. The Program is **only** available to properties with a physical location in the ADCD Overlay. Please refer to the ADCD Overlay Map herein or consult with City staff to confirm that the subject property is eligible to participate.

Business Type Requirement. The Program prioritizes two (2) business types; however, the City Commission, at its discretion, may waive any of the eligibility criteria at the request and recommendation of the City Manager.

Commercial Lease Subsidy Program

❖ **Business Type 1: Replace Existing “Prohibited Use” Tenant with “Permitted Use” Business**

The Subject Property must be occupied by a **legal nonconforming use**, i.e., **the business is not a permitted use** but is grandfathered and currently operating with a **valid BTR**, prior to undergoing a transition to a permitted use. For purposes of eligibility, status as a legal nonconforming use, prohibited use, and/or a permitted use is at the sole discretion of the City Manager. The permitted and prohibited land uses within each zoning district are listed in [Chapter 142, Article II of the City's Land Development Regulations](#).

Definition of ‘Nonconforming Use’. A business that existed lawfully prior to the effective date of Land Development Regulations and the use no longer conforms to the restrictions provided in the Land Development Regulations. (See [Article IX of the City's Land Development Regulations](#)) Business activities that would be prohibited if established after

Examples of businesses that potentially operate lawfully today but were prohibited with the enactment of Ordinance 2017-4137 (Art Deco/MiMo Commercial Character and Formula Commercial Overlay District) include:

- check cashing stores
- pawn shops
- pharmacies
- grocery stores
- package stores
- convenience stores
- souvenir and t-shirt shops
- tobacco/vape dealers
- tattoo studios
- occult science establishments

Operation of these business activities are considered lawful only if the business operation was established prior to enactment of Ordinance 2017-4137, as evidenced by a valid and active BTR.

Requirement for Business Transition. The commercial activity must undergo a transition whereby the current tenant, at the time of application submittal, is a legal nonconforming business and is replaced with a legally permitted use, with valid and active permitting and licensing for the new tenant.

❖ **Business Type 2: New-to-Market Art & Culture Tenants**

Following submission of an Application, Property Owner enters into a lease agreement for the Subject Property with a New Business which promotes arts and culture and creates an immersive and shareable experience that prioritizes customer engagement and leverages onsite activities and events, such as

- *Experiential and artisanal retailers*

For example, technology, design, art and/ or culture-driven retail and incubator-inspired artisan experiences, such as offering an opportunity for patrons to learn how to make, design, or craft their own artistic, decorative, musical, beauty, wellness, gastronomic, culinary, or sensory product, and low-scale performing arts and cultural spaces.

- *Interactive and activity-based spaces*

For example, social media museums and artistic installations and activity-based and curated destinations of art, culture, design, recreation, leisure, wellness, and/or amusement.

New-to-Market Tenant Requirement. The New Business must be an entity without an existing physical location in the ADCD Overlay, and whose presence furthers the goal of attracting high-quality arts and culture uses into the ADCD Overlay. Properties are eligible if the New Business already operates in Miami Beach at a physical address outside of the ADCD Overlay.

Commercial Lease Subsidy Program

The City Commission, at its discretion, may waive any of the eligibility criteria at the request and recommendation of the City Manager.

Before You Apply.

1. Carefully review Program guidelines, application, and related materials.
2. Contact the City's Economic Development Department to discuss your application, business needs, and how the Program can be tailored to maximize your business growth in Miami Beach. A Pre-Submittal Conference is a required prerequisite to submitting your application form.

City of Miami Beach
Economic Development Department
Subject: Commercial Lease Subsidy Program
Email: mbbiz@miamibeachfl.gov Phone: 305-673-7572

3. Schedule a Pre-Submittal Conference to review your Application Form prior to officially applying.

Application Process.

1. An applicant wishing to participate in the Program will request and complete a Pre-Submittal Conference, followed by submission of a complete application to the City of Miami Beach.
2. Consideration for participation in the Program will not commence until an applicant submits a complete Application to the City's Economic Development Department. Any prior communication with the City related to the submission of an Application does not constitute an official submittal.
3. The Application must be signed by an executive officer or owner of the named entity. At the time of submittal, the Application Form must be executed by the owner of record of the Subject Property. Prior to becoming effective, the prospective Tenant Business must also sign the Application form to confirm acceptance of Program requirements.
4. The City will verify receipt of Applications upon submittal. Applications must be evaluated by the City Administration for adherence to Program guidelines and approved by the City Commission.
5. Within thirty (30) days of application receipt and initial review, staff will inform the City Commission and schedule an application presentation at the following City Commission meeting (applicable public notice and agenda deadlines apply). Staff will notify the Applicant when the application is scheduled for consideration at a public meeting. Executive leadership representing the Applicant (both Property Owner and Tenant Business) is required to participate-in-person or virtually at the City Commission meeting.
6. The City Commission-approved Application shall serve as the written Participation Agreement between the City of Miami Beach and the Applicant and shall, at a minimum, specify:
 - a. The maximum amount of Reimbursement Payments the Applicant is eligible to receive throughout the Program term and during each fiscal year;
 - b. Acknowledgement that the City may have access to and review the financial and business records of the Applicant (both Property Owner and Tenant Business) and/or perform onsite visits to verify business activities contained in the Application, Agreement, and Reimbursement Requests;
 - c. Acknowledgement that compliance with the terms and conditions of the approved Application/Agreement is a requirement for the receipt of any Reimbursement Payment and that the Applicant's failure to comply with the terms and conditions of the approved Application/Agreement may be deemed forfeiture of eligibility for receipt of Reimbursement Payments and constitute disqualification of the Applicant's eligibility for the Program;
 - d. Acknowledgement that payment of Reimbursement Payment is conditioned on and subject to specific annual appropriations by the City sufficient to satisfy the amount of Reimbursement Payments under the approved Application/Agreement; and

Commercial Lease Subsidy Program

- e. Acknowledgement that the amount of the Reimbursement payments received will be based on the reimbursement requests qualifying as eligible expenses, as determined by the City in its sole discretion.

Evaluation and Approval.

1. The evaluation and recommendation of an Application will include, but not limited to, whether the Applicant's business activities accomplish the following:
 - a. Transition to compatible uses that are permitted within the underlying zoning district.
 - b. Enhance the City's reputation as a family-friendly destination for world-class cultural arts, recreation and leisure, and wellness; or
 - c. Provide a unique opportunity for experiential and immersive activities consistent with the Miami Beach brand; and/or
 - d. Appeal to residents, tourists, and visitors alike; increase and diversify new employment opportunities; attract economic investment; and enhance property values.
2. At the request and recommendation of the City Manager, the City Commission, in its discretion, may consider or waive any conditions or criteria of eligibility.
3. Discussions with the City about the Program, and the City's review and/or consideration of an Application Form, are not to be construed as an entitlement or right conferred upon an Applicant, business, or property owner.

Compliance Requirements.

1. Program Compliance. To remain eligible for the Lease Subsidy program, participants must maintain continued compliance with Program Requirements and obligations outlined in the Participation Agreement.
2. Subject to Executed Lease Agreement. While an executed Lease Agreement with the Tenant Business is not a requirement at the time of Application submittal, Participants shall only be deemed eligible to receive reimbursement of Eligible Expenses incurred pursuant to an executed and effective Lease Agreement between the Property Owner and Tenant. Tenant's Lease Agreement may become effective within 180 days after submission of Application to the Program and expenses are eligible for reimbursement only if incurred following the effective date of a valid Lease Agreement. Subtenants are not eligible to request reimbursement.
3. Requirement for Good Standing.

- **Business Type 1 - Properties Transitioning from Nonconforming to Permitted Use:**

Commencing at the time of application:

Existing Tenant (Legal Nonconforming Use) must possess a valid BTR for operation at the Subject Property. Businesses that are not permitted under the City Code and/or operating without a valid BTR are not in lawful existence and therefore, the property is not eligible to participate in the Program.

Property Owner, Subject Property, and Existing Tenant must be in good standing with the City of Miami Beach and Miami-Dade County, i.e., no outstanding fees or fines, no current or pending litigation with the City of Miami Beach, and properly licensed and approved by the City, State, and County, as applicable. The same requirement shall apply for the Proposed Tenant, once known.

Prior to Request for Disbursement of Reimbursement Payment and thereafter:

Proposed Tenant must be in good standing, possess a valid BTR and a valid Certificate of Use (CU) for the Subject Property.

Commercial Lease Subsidy Program

- **Business Type 2 - New-to-Market Arts & Culture Businesses:**

Commencing at the time of application:

Property Owner, Subject Property, and Proposed Tenant must be in good standing with the City of Miami Beach and Miami-Dade County, i.e., no outstanding fees or fines, no current or pending litigation with the City of Miami Beach, and properly licensed and approved by the City, State, and County, as applicable.

Prior to Request for Disbursement of Reimbursement Payment and thereafter:

Proposed Tenant must be in good standing, possess a valid BTR and a valid Certificate of Use (CU) for the Subject Property.

4. Lease Occupancy and Open-for-Business Timeframe. Approval of the Application Form and Participation Agreement by the City Commission must occur before the Proposed Tenant opens for business. If a Subject Property participating in the Program does not require substantial tenant improvements, the Proposed Tenant must open for business and commence operations within an agreed-upon timeframe following the Effective Date of the Participation Agreement. The Business and the City of Miami Beach will negotiate a specified and mutually agreeable Timeframe.
5. Requirement for Daytime Operation. Businesses may seek reimbursement of expenses only if their principal business activities:
 - a. are conducted at the Subject Property;
 - b. are open to the public; and
 - c. include daytime operational hours no less than five (5) days a week (include operational hours commencing no later than 12:00 p.m. on days where the business is operating).
6. Taxes, Fines, or other Fees. Where a business is delinquent in paying its taxes, fines, or any other fees due to the City of Miami Beach, the City may withhold Lease Subsidy funds until the business is current and in good standing. In such cases where a business is more than one (1) year delinquent, the Participation Agreement may be terminated, and the business may be disqualified from participating in the Program.
7. Media Announcement. If requested by the City, the Participant must agree to issue a press release announcing the new commercial location with reference to the "City of Miami Beach" by name. No less than forty-eight (48) hours prior to issuance of the press release, the business must provide a copy of the press release to the City of Miami Beach and indicate the precise date and time for publishing of the press release. In support of the announcement, the City's Marketing and Communications Department will also issue a press release and media coverage.
8. Media Appearances. Where applicable, Participants may be asked to provide an employee representative, of at a minimum a senior level executive position, to participate in engagements each year, to assist with recruitment efforts by the City of Miami Beach to attract additional participants to the Program, for example, a media interview, quote for a media story, or comparable engagement.

Reimbursement Payments.

Reimbursement Payments are contingent upon prior satisfaction of each of the following:

- a. City Commission approval of the Application;
- b. Annual appropriation of Program funding by the City Commission; and
- c. Applicant's continuous compliance with the requirements and obligations of an executed Participation Agreement.

Commercial Lease Subsidy Program

Participants may only request, and will only be considered for, the reimbursement of Eligible Expenses.

“Eligible Expenses” are defined as documented payments for expenses related to rent or mortgage costs, leasing expenses, and/or real estate taxes, which were incurred on or after the Effective Date of the Lease for the Subject Property.

Notwithstanding the foregoing, expenses may be deemed ineligible if any of the following apply:

1. Property Owner and Tenant Business have not executed a Lease Agreement;
2. Lease Agreement is not valid and/or effective;
3. Subject Property has not received a Certificate of Use (CU); or
4. Either the Property Owner or the Tenant Business has not obtained a valid and active BTR.

Verification of eligibility of expenses is subject to the sole and absolute discretion of the City.

Frequency of Reimbursement. Participants may submit to the City a request for reimbursement of Eligible Expenses no more frequently than once monthly.

Maximum Award. The City Commission, at its discretion, may waive limitation on maximum award amount, upon the request and recommendation of the City Manager.

1. *Program Term:* \$60,000 over three (3) years
2. *Annually:* \$20,000.00 over 12 months
3. *Monthly:* The lesser of:
 - a. \$2,500.00 per month or
 - b. 50% of monthly expenses (related to Eligible Expenses)

Installment Payment Amount. The amount of the Installment Reimbursement Payment will vary among Participants as it will be computed based on the amount of rent, mortgage, leasing expense, and/or real estate taxes, that is due for the Subject Property. However, the cumulative total amount of Installment Payments within a 12-month period shall not exceed \$20,000 in the aggregate.

Participants will be monitored periodically during the Program year to ensure compliance with the Participation Agreement. Reimbursements of Eligible Expenses will only be issued after the Applicant/Participant has satisfied all commitments as set forth in the Application/Agreement.

Disbursement amounts are set forth and limited in each fiscal year of the disbursement schedule approved in the Agreement and Resolution.

The City shall designate staff, or a third party, to administer the Program and determine Applicant/Participant compliance. Any awards determined to be due to an Applicant/Participant and processed by said designated staff shall require written approval and authorization of the City.

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Commercial Lease Subsidy Program Application

A. SUBJECT PROPERTY

1. Subject Property Address: _____
2. Miami-Dade County Tax Folio: _____
3. Property Title Owner Name/Entity: _____

B. PROPERTY OWNER INFORMATION

1. Business Registered Name: _____
2. Business D/B/A (if applicable): _____
3. Authorized Representative Name and Title: _____
4. Email: _____ Phone: _____
5. Website: _____
6. Mailing Address: _____
7. Has the company or any of its officers ever been subjected to criminal or civil fines and penalties?
Yes: _____ No: _____
If yes, briefly explain: _____
8. Federal Employer Identification (FEIN): _____
9. Business Tax Receipt (BTR) : _____ Annual BTR Fee: _____
10. Florida Sales Tax Registration Number (if applicable): _____
11. NAICS Code(s): _____ SIC Code(s): _____
Not sure? Look up both codes here: <https://www.naics.com/search/>

C. SUBJECT PROPERTY - CURRENT TENANT / BUSINESS (if applicable)

1. Subject Property contains an active business operation? Yes: _____ No: _____
If Yes, please answer the following. If No, proceed to Section E.
2. Business Registered Name: _____
3. Business D/B/A (if applicable): _____
4. Primary Business Activities: _____

5. Authorized Representative Name and Title: _____
6. Email: _____ Phone: _____
7. Website: _____
8. Mailing Address: _____
9. Has the company or any of its officers ever been subjected to criminal or civil fines and penalties? Yes: ____ No: ____
10. If yes, briefly explain: _____
11. Federal Employer Identification (FEIN): _____
12. Business Tax Receipt (BTR): _____ Annual BTR Fee: _____

MIAMIBEACH

Commercial Lease Subsidy Program Application

13. Florida Sales Tax Registration Number (if applicable): _____

14. NAICS Code(s): _____ SIC Code(s): _____
Not sure? Look up both codes here: <https://www.naics.com/search/>

15. Date of Lease Expiration: _____

D. SUBJECT PROPERTY - PROSPECTIVE TENANT / BUSINESS (if applicable)

1. Prospective tenant has been identified for Subject Property? Yes: ____ No: ____ If Yes, please answer:

2. Business Registered Name: _____

3. Business D/B/A: _____

4. Business Primary Business Activities: _____

5. Authorized Representative Name and Title: _____

6. Email: _____ Phone: _____

7. Website: _____

8. Mailing Address: _____

9. Has the company or any of its officers ever been subjected to criminal or civil fines and penalties? Yes: ____ No: ____

If yes, briefly explain: _____

10. Federal Employer Identification (FEIN): _____

11. Business Tax Receipt (BTR): _____ Annual BTR Fee: _____

12. Florida Sales Tax Registration Number (if applicable): _____

13. NAICS Code(s): _____ SIC Code(s): _____

14. Please note that potential reimbursement awards must be discussed with the Economic Development Department prior to application submittal. Maximum reimbursement is up to \$20,000 annually per business, or a total of up to \$60,000 per business over a maximum of three years.

Estimated amount of annual reimbursement to be requested: \$ _____

E. SUBJECT PROPERTY – PROPOSED LEASE TERMS (WITH PROSPECTIVE TENANT)

Please provide the following information as it relates to the Lease Agreement with the Prospective Tenant:

Tenant Business Type: Transition from Nonconforming to Permitted Use ☐ Arts & Culture Business ☐

1. Landlord Name: _____

2. Tenant Name: _____

3. Are Landlord and Tenant related to each other? "Related" means a relationship that might call into question the arms-length nature of a customary transaction because the parties are not independent or on equal footing, including, but not limited to, relatives and business partners. Yes: ____ No: ____

If yes, briefly explain: _____

4. Lease Execution Date: _____ Term Commencement Date: _____

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Commercial Lease Subsidy Program Application

5. Lease Term Expiration Date: _____ Rent Commencement Date: _____
6. Initial Term (months): _____ Renewal Terms (months): _____
7. Size of Leased Premises (sq. ft.): _____ Rent (annual & monthly): _____
8. Mortgage (annual & monthly): _____ Lease-related Expenses: _____
9. Briefly explain the type of expenses for which reimbursement will be sought: _____

10. Required Annual Reporting of Business Activity.

Participants will be required to submit annually information regarding the business, for use by the City in tracking the program's impact on commercial activity. The data requested includes, but is not limited to, the amount of capital investment in real and personal property associated with the property (e.g., costs related to construction, renovation, buildout improvements, and/or fixtures, furniture, and equipment (FF&E)) and employment and wage data (e.g., number of full- and part-time jobs at the property and associated wages). The information submitted will only be used internally by the City from program tracking and will have no bearing on the Participant's program eligibility; provided however, that failure to comply with the City's request for information may result in the denial of reimbursement funds.

F. ACKNOWLEDGEMENT AND APPLICATION AUTHORIZATION

The Applicant acknowledges that adherence to the Application and Program Guidelines is a requirement for receipt of the Lease Subsidy. Failure to comply with Program Guidelines may result in the loss of eligibility for receipt of the Lease Subsidy. Please initial below in acknowledgement of each of the following:

_____ I acknowledge that receipt of any Lease Subsidy funds is conditioned upon compliance with the terms and conditions of the Application Form and Participation Agreement, as authorized by Resolution of the City Commission.

_____ I acknowledge that failure to comply with the terms and conditions of the approved Application Form and Participation Agreement may result in my disqualification from the Program, the forfeiture of any unissued award funds, and the requirement for repayment of funds I have already received.

_____ I agree to refrain from executing a Lease Agreement, or extension thereof, for my property that is the subject of this Application Form, prior to final approval of my participation in the Program, as confirmed in writing by the City of Miami Beach.

_____ I agree that Program participation requires that any Lease Agreement for the Subject Property will contain a statement in standard font size that the property will be subject to these Program requirements, rents payable will be reduced by an amount commensurate with the Subsidy, and the Subsidy may be revoked if, during the Program term, any lienable charges are unpaid for more than one year.

_____ I acknowledge that the Subject Property cannot be approved for the Program if encumbered by any delinquent ad valorem taxes, municipal and county liens, judgments, and encumbrances of any kind.

_____ I agree to maintain business and financial records related to my business, the Subject Property, and the tenant, and submit summary reports of such records, as requested by the City of Miami Beach as part of reimbursement claim submissions.

_____ I agree to comply with efforts to monitor and verify my compliance with the Program, including the City of Miami Beach's requests to review financial and business records and/or perform onsite visits.

A signature is required for the submission of an Application Form. The Applicant(s) must have legal signing authority to bind the company to a contract, i.e., executive officers and owners. By signing this Application Form, the Applicant(s) avers that it is duly authorized to execute on behalf of the company and its legal owner, as applicable. The Applicant confirms that it is duly authorized to enter into contracts related to the Subject Property. Through application to the Program, the Applicant(s) provides consent to the City of Miami Beach to verify the company's business licensure, ownership of property, and business records related to the company and the Subject Property.

The Applicant(s) acknowledges that adherence to the Application Form and Program Guidelines is a requirement for receipt of Reimbursement Payments. Failure to comply with Program Guidelines may result in the loss of eligibility for receipt of funds.

Property Owner

Name: _____

Company: _____

Title: _____

Signature: _____

Date: _____

Tenant Business

Name: _____

Company: _____

Title: _____

Signature: _____

Date: _____

Internal City Use Only – Economic Development Department

Date Received: _____

Approval Signature: _____

Printed Name: _____

Target Commission Meeting Date: _____



Miami Beach Economic Development - Commercial
Lease Subsidy Application FY23-24

The Charlys Group, Inc.

Application #CLSAPP23240007

Name: Charles Jung
Phone: (714) 788-1801
Email: charlesjung92@gmail.com

Applicant Profile

Applicant Type	Organization
Name	Charles Jung
Legal Name	The Charlys Group, Inc.
Email	charlesjung92@gmail.com
Primary Phone	(714) 788-1801
Address	345 Lincoln Road Miami Beach, Florida 33139 UNITED STATES
Website	http://www.thecharlys.com
FEIN / Tax ID	99-0698741
Fiscal Year End Date	12/31
Unique Entity ID (UEI)	

Mission Statement

Our goal is to bring people together to enjoy a happy moment.

Organization History

Name: Charles Jung
Phone: (714) 788-1801
Email: charlesjung92@gmail.com

Intent to Apply

Welcome to the Intent to Apply section for the Miami Beach Commercial Lease Subsidy Program!

By expressing your "Intent to Apply", you're taking the first step towards accessing financial assistance with your commercial lease in the Art Deco / MiMo Commercial Character Overlay District. Submitting this form is mandatory before gaining access to the Program application form.

Before you begin, please review the Program Guidelines.. Compliance with the Program Guidelines is key to submission of a complete and valid application.

Submitting your "Intent to Apply" requires providing answers to a series of question that will help us understand your commercial lease and confirm your eligibility for Program participation.

- I. Applicant of Record: Identify who will handle the application process and whether that individual represents the property owner or a prospective business looking to take advantage of the grant program.
- II. Subject Property: For the commercial property to be leased by a new business, provide the property owner name, address, and tax folio.
- III. Existing Tenant: Answer yes or no, whether an existing business currently operates at the subject property. If applicable, provide the name of the existing business operating onsite, business owner/contact information (name, phone number, email address) business tax receipt (BTR) number and indicate the type of business establishment.
- IV. Prospective Tenant: Is there a prospective tenant under consideration for the property? If applicable, provide the name of the prospective business, business owner/contact information (name, phone number, email address), business tax receipt (BTR) number, and indicate the type of business establishment.

Please note that submitting an Intent to Apply does not complete the application. Once you submit your intent, please contact the City's Economic Development Department with your application number to schedule your Pre-Submittal Conference (PSC).

City of Miami Beach Economic Development Department
Email: mbbiz@miamibeachfl.gov
Phone: 305-673-7572

During the PSC, you'll discuss your application, business needs, and how the Commercial Lease Subsidy Program can be tailored to maximize your business growth in Miami Beach. Completion of a PSC is required to move forward and submit an official application.



Miami Beach Economic Development - Commercial
Lease Subsidy Application FY23-24

The Charlys Group, Inc.

Application #CLSAPP23240007

Name: Charles Jung
Phone: (714) 788-1801
Email: charlesjung92@gmail.com

Thank you for choosing Miami Beach as the location for your business, and we look forward to assisting you in your application journey!

I. APPLICANT OF RECORD

The *Applicant of Record* is the individual/entity that will submit the application, assume responsibility for the grant, and to whom funds will be disbursed. Please specify who will fill out the application and handle the application process.

Full Name

Charles Jung

Phone Number

7147881801

Email Address

charlesjung92@gmail.com

Is the Applicant of Record a

- Property owner whose commercial property will be subject of the application
- Business wishing to participate as tenant at a property owned by someone else

Please select one:

Tenant Business

Subject Property Occupancy Status

Please select one:

The Subject Property is currently occupied

II. SUBJECT PROPERTY

For *Applicants of Record* that own the commercial property that will be leased by a new business (currently vacant). Please ensure that the subject property is located within the Program's geographic boundaries.

Subject Property Address

Subject Property Folio Number

Please provide the 13-digit parcel identifier assigned to the property by Miami-Dade County commencing with "02-".



Miami Beach Economic Development - Commercial
Lease Subsidy Application FY23-24

The Charlys Group, Inc.

Application #CLSAPP23240007

Name: Charles Jung
Phone: (714) 788-1801
Email: charlesjung92@gmail.com

Owner of Title

Please identify the owner of title to the Subject Property.

Owner Authorized Representative

Please identify an Authorized Representative if the Property Owner is not a natural person. (May be completed as "N/A" if it doesn't apply)

Owner Authorized Representative Email

II. SUBJECT PROPERTY

For *Applicants of Record* that own the commercial property with an existing Tenant Business. Please ensure that the subject property is located within the Program's geographic boundaries.

Business Registered Name

Business D/B/A (if applicable)

Primary Business Activities

Date Business Operation began at Subject Property

Business Tax Receipt Number

Authorized Representative Name & Title

Authorized Representative Email

II. SUBJECT PROPERTY

For *Applicants of Record* that are prospective Tenant Business. Please ensure that the subject property is located within the Program's geographic boundaries.

Yes

Prospective Property Address

345 Lincoln Rd

Name of Prospective Property Landlord/Owner



Miami Beach Economic Development - Commercial
Lease Subsidy Application FY23-24

The Charlys Group, Inc.

Application #CLSAPP23240007

Name: Charles Jung
Phone: (714) 788-1801
Email: charlesjung92@gmail.com

Manhattan House, Inc.

III. TENANT BUSINESS APPLICANT

Information regarding the *Tenant Business*. If *Property Owner is Applicant of Record* and *Subject Property* is currently vacant, respond with "Vacant" to each question.

Business Registered Name

The Charlys Group, Inc.

Business D/B/A (if applicable)

Charly's

Primary Business Activities

Selling made-to-order churros and waffles. We also sell ice cream and beverages.

Registered Address

345 Lincoln Rd

Existing Miami Beach Locations (if any)

N/A

Acknowledgements

As the applicant, please confirm the acknowledgments below.

- I have read and understood the Program Guidelines.
- I understand that submitting an Intent to Apply Letter does not constitute a complete application.
- I understand that I must complete a Pre-Submittal Conference with the Miami Beach Economic Development Department in order to move forward with an application.

I have read and understood the Program Guidelines.

I understand that submitting an Intent to Apply Letter does not constitute a complete application.

I understand that I must complete a Pre-Submittal Conference with the Miami Beach Economic Development Department in order to move forward with an application.



Miami Beach Economic Development - Commercial
Lease Subsidy Application FY23-24

The Charlys Group, Inc.

Application #CLSAPP23240007

Name: Charles Jung
Phone: (714) 788-1801
Email: charlesjung92@gmail.com

Subject Property

Subject Property Address:

345 Lincoln Road

Miami-Dade County Tax Folio:

0232340190680

Property Title Owner Name/Entity:

Manhattan House, Inc.



Miami Beach Economic Development - Commercial
Lease Subsidy Application FY23-24

The Charlys Group, Inc.

Application #CLSAPP23240007

Name: Charles Jung
Phone: (714) 788-1801
Email: charlesjung92@gmail.com

Property Owner Information

Business Registered Name:

Manhattan House, Inc.

Business dba:

(if applicable)

Authorized Representative Name

Komal Bhojwani

Authorized Representative Name:

Komal Bhojwani

Authorized Representative Email:

komal.bhojwani@gmail.com

Authorized Representative Phone:

786.200.1697

Website:

N/A

Mailing Address:

5660 COLLINS AVE APT # 5E MIAMI BEACH, FL 33140

Has the company or any of its officers ever been subjected to criminal or civil fines and penalties?

No

If yes, briefly explain:

Federal Employer Identification (FEIN):

N/A

Miami Beach Business Tax Receipt (BTR):

N/A

Annual Miami Beach BTR Fee:

N/A



Miami Beach Economic Development - Commercial
Lease Subsidy Application FY23-24

The Charlys Group, Inc.

Application #CLSAPP23240007

Name: Charles Jung
Phone: (714) 788-1801
Email: charlesjung92@gmail.com

Florida Sales Tax Registration Number:

(if applicable)

N/A

NAICS Code(s):

N/A

SIC Code(s):



Miami Beach Economic Development - Commercial
Lease Subsidy Application FY23-24

The Charlys Group, Inc.

Application #CLSAPP23240007

Name: Charles Jung
Phone: (714) 788-1801
Email: charlesjung92@gmail.com

Proposed Lease Agreement

Tenant Business:

Transition from Nonconforming to Permitted Use

Landlord Name:

Manhattan House, Inc.

Are Landlord and Tenant related to each other? "Related" means a relationship that might call into question the arms-length nature of a customary transaction because the parties are not independent or on equal footing, including, but not limited to, relatives and business partners.

No

If yes, please briefly explain

Lease Execution Date:

2024-04-09

Lease Effective Date:

2024-04-09

Lease Term Expiration Date:

04/09/2035

Rent Commencement Date:

earlier of 4/9/2025 or at store opening

Initial Term (months):

120

Renewal Terms (months):

120

Size of Leased Premises (sq. ft.):

1,206

Rent (annual & monthly):

Staggered. Lowered rent 3 years in lieu of TI. Starts \$10k. Normalized rent is \$17k amonth

Mortgage (annual & monthly):



Miami Beach Economic Development - Commercial
Lease Subsidy Application FY23-24

The Charlys Group, Inc.

Application #CLSAPP23240007

Name: Charles Jung

Phone: (714) 788-1801

Email: charlesjung92@gmail.com

N/A

Lease-related Expenses:

N/A

Briefly explain the type of expenses for which reimbursement will be requested

Rent

Required Annual Reporting of Business Activity

Participants will be required to annually submit information regarding the business, for use by the City in tracking the Program's impact on commercial activity. The data requested includes, but is not limited to, the amount of capital investment in real and personal property associated with the property (e.g., costs related to construction, renovation, buildout improvements, and/or fixtures, furniture, and equipment (FF&E)) and employment and wage data (e.g., number of full- and part-time jobs at the property and associated wages). The information submitted will only be used internally by the City for Program tracking and will have no bearing on the participant's Program eligibility. Failure to comply with the City's request for information may result in the denial of reimbursement funds.

I have read and understood the Annual Reporting requirement



Miami Beach Economic Development - Commercial
Lease Subsidy Application FY23-24

The Charlys Group, Inc.

Application #CLSAPP23240007

Name: Charles Jung

Phone: (714) 788-1801

Email: charlesjung92@gmail.com

Existing Tenant / NonConforming Business

Does subject property contain an active business operation?

No

Business dba:

(if applicable)

Primary Business Activities:

Authorized Representative Name & Title

Authorized Representative Email

Authorized Representative Phone:

Website:

Mailing Address:

Has the company or any of its officers ever been subjected to criminal or civil fines and penalties?

If yes, please provide details

Federal Employer Identification (FEIN):

Miami Beach Business Tax Receipt (BTR):

Annual Miami Beach BTR Fee:

Florida Sales Tax Registration Number

NAICS Code(s):

(Look up code here: <https://www.naics.com/search/>)

SIC Code(s):



Miami Beach Economic Development - Commercial
Lease Subsidy Application FY23-24

The Charlys Group, Inc.

Application #CLSAPP23240007

Name: Charles Jung
Phone: (714) 788-1801
Email: charlesjung92@gmail.com

Prospective / New Tenant (Permitted Use or Art & Culture Business)

Has a prospective tenant has been identified for Subject property?

Yes

Business Registered Name

The Charlys Group, Inc.

Business dba

Charly's

Primary Business Activities

Dessert Cafe

Authorized Representative Name & Title

Charles Jung, Owner

Authorized Representative Email

charlesjung92@gmail.com

Authorized Representative Email

charlesjung92@gmail.com

Website:

thecharlys.com (pending publish)

Mailing Address:

18117 Biscayne Blvd #1018 Miami, FL 33160

Has the company or any of its officers ever been subjected to criminal or civil fines and penalties?

No

If yes, please briefly explain:

Federal Employer Identification (FEIN):

99-0698741

Miami Beach Business Tax Receipt (BTR):

in process

Annual Miami Beach BTR Fee:



Miami Beach Economic Development - Commercial
Lease Subsidy Application FY23-24

The Charlys Group, Inc.

Application #CLSAPP23240007

Name: Charles Jung
Phone: (714) 788-1801
Email: charlesjung92@gmail.com

TBD

Florida Sales Tax Registration Number

(if applicable)

23-8019567551-6

NAICS Code(s):

722513

SIC Code(s):

5812

Estimated amount of annual reimbursement to be requested:

20,000

The Charlys Group, Inc.

Application #CLSAPP23240007

Name: Charles Jung

Phone: (714) 788-1801

Email: charlesjung92@gmail.com

Acknowledgement and Application Authorization

The Applicant acknowledges that adherence to the application and Program Guidelines is a requirement for receipt of reimbursement award funds. Failure to comply with the Program Guidelines may result in the loss of eligibility. Please check each statement in acknowledgement of the following:

- **I acknowledge that receipt of any Program funds is conditioned upon continuous compliance with the terms and conditions of the application and Agreement, as authorized by resolution of the City Commission.**
- **I acknowledge that failure to comply with the terms and conditions of the approved application and Agreement may result in my disqualification from the Program, the forfeiture of any unissued award funds, and the requirement for repayment of funds I have already received.**
- **I agree to refrain from executing a lease agreement, or extension thereof, for the subject property of this application, prior to final approval of my participation in the Program, as confirmed in writing by the City of Miami Beach.**
- **I agree that Program participation requires that any lease agreement for the subject property will contain a statement in standard font size that the property will be subject to these Program requirements, rents payable will be reduced by an amount commensurate with the award, and participation may be revoked if, during the Program term, any outstanding charges are unpaid for more than one year.**
- **I acknowledge that the subject property cannot be approved for the Program if encumbered by any delinquent ad valorem taxes, municipal and county liens, code enforcement violations, judgments, and encumbrances of any kind.**
- **I agree to maintain business and financial records related to my business, the subject property, and the tenant, and submit summary reports of such records, as requested by the City of Miami Beach as part of reimbursement claim submissions.**
- **I agree to comply with efforts to monitor and verify my compliance with the Program, including the City of Miami Beach's requests to review business records and/or perform onsite visits.**

Receipt of any Program funds is conditioned upon continuous compliance with the terms and conditions of the application and Agreement, as authorized by resolution of the City Commission.

Failure to comply with terms and conditions of the approved application and Agreement may result in my disqualification from the Program, the forfeiture of any unissued award funds, and the requirement for repayment of funds I have already received.

I agree to refrain from executing a lease agreement, or extension thereof, for the subject property of this application, prior to final approval of my participation in the Program, as confirmed in writing by the City of Miami Beach.

Program participation requires any lease agreement for the subject property to contain a statement that the property will be subject to these Program requirements, rents payable will be reduced by an amount commensurate with the award.



Miami Beach Economic Development - Commercial
Lease Subsidy Application FY23-24

The Charlys Group, Inc.

Application #CLSAPP23240007

Name: Charles Jung
Phone: (714) 788-1801
Email: charlesjung92@gmail.com

Participation may be revoked if, during the Program term, any outstanding lease agreement charges are unpaid for more than one year.

Subject property cannot be approved for the Program if encumbered by any delinquent ad valorem taxes, municipal and county liens, code enforcement violations, judgments, and encumbrances of any kind.

I agree to maintain business and financial records related to my business, the subject property, and the tenant, and submit summary reports of such records, as requested by the City of Miami Beach as part of reimbursement claim submissions.

I agree to comply with efforts to monitor and verify my compliance with the Program, including the City of Miami Beach's requests to review business records and/or perform onsite visits.

Signature Affidavit - Property Owner

Signatures from all involved parties is required for the submission of an application. The signatory must have legal signing authority to bind the company to a contract, i.e., executive officers and owners. By signing this application, the Applicant(s) attests to be duly authorized to execute on behalf of the company and its legal owner, as applicable. The Applicant confirms that it is duly authorized to enter into contracts related to the subject property. Through application to the Program, the Applicant provides consent to the City of Miami Beach to verify the company's business licensure, ownership of property, and business records related to the company and the subject property.

The Applicant acknowledges that adherence to the application and Program Guidelines is a requirement for receipt of reimbursement payments. Failure to comply with Program Guidelines may result in the loss of eligibility for receipt of funds.

CLS-Application-Signature-Affidavit SIGNED.pdf

Signature Affidavit - New Tenant Business

CLS-Application-Signature-Affidavit SIGNED.pdf

(if applicable)

No File Uploaded

Signatures from all involved parties is required for the submission of an application. The signatory must have legal signing authority to bind the company to a contract, i.e., executive officers and owners. By signing this application, the Applicant(s) attests to be duly authorized to execute on behalf of the company and its legal owner, as applicable. The Applicant confirms that it is duly authorized to enter into contracts related to the subject property. Through application to the Program, the Applicant provides consent to the City of Miami Beach to verify the company's business licensure, ownership of property, and business records related to the company and the subject property.


The Applicant acknowledges that adherence to the application and Program Guidelines is a requirement for receipt of reimbursement payments. Failure to comply with Program Guidelines may result in the loss of eligibility for receipt of funds.

PROPERTY OWNER

Name: Komal Bhojwani

Company: Manhattan House, inc.

Title: Officer and general counsel

Signature: 


Date: 9/16/2024

NEW TENANT BUSINESS

Name: Charles Jung

Company: The Charlys Group, Inc.

Title: Owner

Signature: 

Date: 09/10/2024

EXISTING TENANT BUSINESS (if applicable)

Name: _____

Company: _____

Title: _____

Signature: _____

Date: _____

Internal City use only

Date Received:

Approval Signature:

Printed Name:

Target Commission Meeting Date:



CHARLY'S

churros • waffles • ice cream



CHARLY'S is a dessert cafe on a mission to become America's favorite destination for **made-to-order, fresh** churros and waffles.

We were founded to **bring people together** through delicious, memorable treats. We aim to redefine the dessert scene by delivering classic indulgences with a unique, delightful twist.

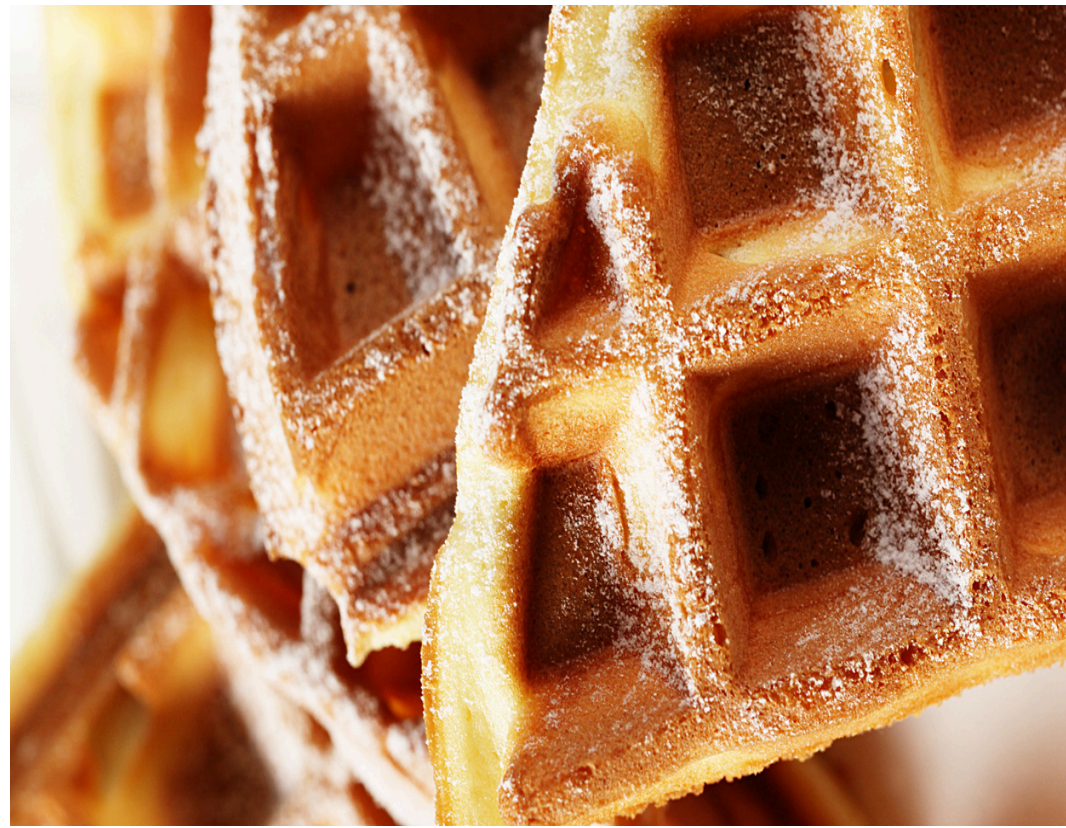
We're more than just a spot for a quick treat; we are a welcoming place to **relax, connect, and enjoy** quality time with friends and family.

EVERYONE LOVES CHURROS, WAFFLES & ICE CREAM

- We use some of the highest quality ingredients that are sourced ethically
- Customers want variety, novelty and choice, so we offer the following dip flavors to complement our churros & waffles:

Dark Chocolate
Milk Chocolate
Crunchy Pistachio
Cookies & Cream

Chocolate Hazelnut
Dulce de Leche
Cookie Butter
Golden Caramel





MENU PREVIEW



Message to Miami Beach Officials

We are thrilled to apply for the Commercial Lease Subsidy Program as we prepare to open our first location on Lincoln Road. This opportunity is particularly meaningful to me, as I have fond memories of visiting this iconic street over the years, and it is incredibly exciting to now join its vibrant business community. We are taking over a unit that previously operated as a nonconforming business and will introduce a new concept focused on bringing friends and families together in a way that enriches the community. Our tagline, “Fall in Love Again,” reflects our values to inspire a love for not only our desserts but for the things that matter in life—community, family and friendship. Thank you for your consideration.

FALL
in love
AGAIN

FALL
in love
AGAIN

FALL
in love
AGAIN

FALL
in love
AGAIN

FOUNDER BIO

Charles Jung is the Founder of Charly's. Charles sees an opportunity to expand the dessert landscape in America by offering tried and tested indulgences in a unique and delicious way.

Prior to Charly's, Charles was a Partner / Research Analyst at Cohen Capital Management, an \$800M investment firm. He was responsible for leading direct investments across the capital structure in both private and public securities. He has extensive knowledge in business strategy, financial analysis, corporate governance and valuation.



RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, IN SUBSTANTIAL FORM, AN AGREEMENT WITH THE CHARLYS GROUP, INC. D/B/A CHARLY'S, FOR PARTICIPATION IN THE COMMERCIAL LEASE SUBSIDY PROGRAM, WITH A MAXIMUM ANNUAL REIMBURSEMENT AMOUNT OF \$20,000.00, FOR A TERM OF UP TO THREE (3) YEARS, FOR A TOTAL PROGRAM REIMBURSEMENT AMOUNT NOT TO EXCEED \$60,000.00, SUBJECT TO FUNDING APPROPRIATION AND APPROVAL DURING THE CITY'S BUDGETARY PROCESS FOR EACH FISCAL YEAR DURING THE TERM OF THE AGREEMENT; AND FURTHER AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE THE AGREEMENT.

WHEREAS, the Mayor and City Commission established the Commercial Lease Subsidy Program ("Program") as a reimbursement-based incentive to enhance the commercial environment within the City's Art Deco Cultural District (ADCDC); and

WHEREAS, the Program supports businesses that align with the City's cultural identity and values, leveraging zoning regulations for the Art Deco/MiMo Commercial Character Overlay District ("Overlay District") to attract desirable activities; and

WHEREAS, the Program aims to transform the Overlay District by prioritizing businesses that enhance community engagement through arts, culture, and activity-based concepts, reduce vacancies, and phase out non-conforming businesses; and

WHEREAS, the Program targets (i) vacant storefronts, (ii) new-to-market businesses focused on arts and culture, and (iii) legal non-conforming businesses, defined as those with valid BTRs whose operations were previously compliant but now non-permitted under Ordinance No. 2017-4137, which established the Overlay District; and

WHEREAS, eligible Program participants may receive, upon submission of verified expenses to the City, reimbursement of (i) Business Tax Receipt (BTR) fees and (ii) certain leasing or mortgage expenses up to \$20,000.00 per year for up to three (3) years, for a total reimbursement amount not to exceed \$60,000.00 during the three-year term of the agreement, to reimburse eligible leasing expenses as outlined in Program guidelines; and

WHEREAS, The Charlys Group, Inc. d/b/a Charly's ("Applicant") has been a tenant at 345 Lincoln Road ("Property") since April 2024, investing in permits and interior renovations to establish a visually engaging food service operation, including voluntarily participation in the City's Vacant Storefront Cover Program; and

WHEREAS, the Property was previously vacated following the City's revocation of the former tenant's BTR due to illegal onsite activities, leaving the space inactive despite high pedestrian foot traffic and proximity to a popular public transit hub; and

WHEREAS, City staff's review of the Program application supports approval, noting the Applicant's potential to activate a high-visibility storefront and improve public safety by replacing the former non-conforming business; and

WHEREAS, the Administration's assessment of the application has found the family-friendly, tourism-oriented small business is well-suited for, and will contribute positively to, the Lincoln Road corridor; and

WHEREAS, funding for the Program to reimburse eligible leasing expenses as outlined in Program guidelines is included in the City's Fiscal Year 2024-2025 budget, with a financial commitment for the Applicant capped at \$20,000.00 annually, for up to three (3) years, contingent upon funding approval by the City during the City's budgetary process for each fiscal year and continued compliance with Program requirements; and

WHEREAS, the Applicant's proposed restaurant will enhance the district by attracting residents and tourists, activating a vacant, previously nonconforming storefront, and advancing the City's goal of creating a culturally rich, safe, and vibrant environment; and

WHEREAS, the City Manager recommends approving, in substantial form, the Program agreement, a copy of which is attached to the City Commission Memorandum accompanying this Resolution, as the Applicant's business will increase foot traffic, support the local workforce, and contribute to a more inviting, family-friendly commercial corridor.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve, in substantial form, an agreement with The Charlys Group, Inc. d/b/a Charly's, for participation in the Commercial Lease Subsidy Program, with a maximum annual reimbursement amount of \$20,000.00, for a term of up to three (3) years, for a total Program reimbursement amount not to exceed \$60,000.00, subject to funding appropriation and approval during the City's budgetary process for each fiscal year during the term of the agreement; and further authorize the City Manager and City Clerk to execute the agreement.

PASSED and ADOPTED this ____ day of _____ 2024.

ATTEST:

Rafael E. Granado, City Clerk

Steven Meiner, Mayor

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

11/13/2024

Date