

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CHAIRPERSON AND MEMBERS OF THE MIAMI BEACH REDEVELOPMENT AGENCY (RDA), ACCEPTING THE RECOMMENDATION OF THE CITY'S FINANCE AND CITYWIDE PROJECTS COMMITTEE, AND APPROVING, IN SUBSTANTIAL FORM, A 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 AVE, SUITE NOS. 3-4 (PREMISES), FOR A TERM OF NINE (9) YEARS AND THREE-HUNDRED AND SIXTY-TWO (362) DAYS; AND FURTHER AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY TO EXECUTE THE FINAL LEASE AGREEMENT.**

**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 16<sup>th</sup> Street; and

**WHEREAS**, pursuant to a Professional Service Agreement with the City of Miami Beach (the "City"), CBRE, Inc. is authorized to provide real estate brokerage services for the City, and served as the listing agent for the ground floor retail space at the Anchor Shops, located at 1560 Collins Avenue, Suite 3-4 (Premises); and

**WHEREAS**, as a prospective tenant for the Premises, CBRE has identified Open Vision One, LLC, a Florida limited liability company (Tenant); and

**WHEREAS**, Tenant will be retaining Chef Soumen Banerjee, who has most recently been the Director of Culinary Development for Carnival Cruise Lines for over 23 years; and

**WHEREAS**, as part of lease negotiations, the Tenant provided a sample menu, marketing materials, and financial statements, which are set forth as exhibits to the City Commission Memorandum accompanying this Resolution; and

**WHEREAS**, subsequent to negotiations, the Tenant executed a Letter of Intent containing the basic terms and conditions outlined below:

**Premises:** 1560 Collins Avenue, Suite 3-4, Miami Beach, Florida 33139;

**Size:** Approximately 4,236 rentable square feet;

**Term:** Nine (9) years and Three-Hundred Sixty-Two (362) days;

**Renewal Options:** None;

**Lease Commencement Date:** The Lease Commencement will be date Landlord delivers possession of the Premises to Tenant;

**Rent Commencement Date:** The Rent Commencement Date shall be the earlier of: (1) 180 days following the Lease Commencement Date or (2) the date any portion of the Premises opens for business;

**Base Rental Rate:** \$75.00 per rentable square foot, plus applicable sales tax; \$317,700 per year; \$26,475 per month;

**Percentage Rent:** Six percent (6%) over the natural breakpoint of \$5,295,000 for first Lease Year, and resets again each subsequent Lease Year, based upon the Base Rent for each subsequent Lease Year;

**Annual Rent Increases:** The base rental rate shall be increased by three percent (3%) annually;

**Lease Basis:** Tenant shall pay its pro rata share of Real Property Taxes, Property Insurance and Common Area Maintenance for the Project. Tenant's pro rata share shall be determined based upon the ratio of Tenant's floor area to the total floor area of all the retail space in the project; current estimate for NNN costs are \$14.00 per square foot;

**Prepaid Rent:** First month's rent, including sales tax, in the amount of \$28,100;

**Security Deposit:** The amount of \$66,918.22 shall be due upon execution of the Lease documents, in addition to first month's rent;

**Guarantor:** Full personal guaranty shall be required by all owners and spouses;

**Utilities:** Tenant shall be responsible for the cost of its utilities (electricity, trash removal, and water and sewer expense);

**Construction Allowance:** Tenant shall accept the premises in "AS-IS" condition and shall perform any necessary work at its sole cost and expense, including the installation of DERM-approved grease traps;

**Use:** Tenant shall use the Leased Premises solely for the purpose of operating a fine dining restaurant; and will be permitted to sell liquor for on-premises consumption so long as Tenant obtains all the necessary licenses and approvals from the governing municipalities; provided that the primary use of the Premises cannot be a lounge bar or primarily serve Cuban or Latin cuisine; and

**WHEREAS**, in the event, the Tenant desires to use the exterior area, adjacent to a portion of the Interior Premises, Tenant shall be required to execute a Concession Agreement and the square footage allowable shall be subject to approval by the Executive Director, as well as all other governmental City approvals; with the additional square footage being subject to the current base rent rate, operating expenses and applicable sales tax for the year implemented; and

**WHEREAS**, the Letter of Intent was submitted at the May 27, 2022 Finance and Economic Resiliency Committee (FERC) meeting and the FERC recommended in favor of approving a new lease with Open Vision One, LLC based upon the terms and conditions outlined herein; and

**WHEREAS**, per the Agreement with CBRE, the City will be obligated to pay a leasing commission equal to six percent (6%) of the gross aggregate base rent over the initial five years of the lease; therefore, based on the initial five-year gross aggregate base rent of \$1,686,712.45, a leasing commission of \$101,202.75 will be split between CBRE and the Tenant's broker, Keyes Commercial; and

**WHEREAS**, the City will be paying 50% of the commission (\$50,601.37) upon lease execution and 50% upon occupancy of the Premise and rent commencement; and

**WHEREAS**, based upon the competitive rental rate and the favorable lease terms, the Administration recommends accepting the recommendation of the FERC and approving, in substantial form, the proposed new lease agreement, incorporated herein by reference and attached to the City Commission Memorandum accompanying this Resolution as Composite Exhibit "E".

**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 hereby accept the recommendation of the City's Finance and Citywide Projects Committee, and approve, in substantial form, a lease agreement between the Miami Beach Redevelopment Agency (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 Ave, Suite Nos. 3-4 (Premises), for a term of nine (9) years and three-hundred and sixty-two (362) days; and further authorize the Executive Director and Secretary to execute the final lease agreement.

**PASSED** and **ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ 2022.

**ATTEST:**

\_\_\_\_\_  
Dan Gelber, Chairperson

\_\_\_\_\_  
Rafael E. Granado, Secretary

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

7-6-22  
Date

