

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING RESOLUTION NO. 2022-32188, WHICH ADOPTED THE CITY'S ONE-YEAR ACTION PLAN FOR FEDERAL FUNDS FOR FY 2022, AND INCLUDED THE APPROVAL OF THE ALLOCATION OF \$500,000.00 IN HOME FUNDS TO THE HOUSING AUTHORITY OF THE CITY OF MIAMI BEACH (HACMB) FOR THE REPLACEMENT OF THE SEAWALL ("SEAWALL PROJECT") AT 280-300 SOUTH SHORE DRIVE ("PROJECT SITE"); SAID AMENDMENT TO THE RESOLUTION REPLACING HACMB, AS THE SUB-RECIPIENT FOR THE SEAWALL PROJECT AWARD, WITH VISTA BREEZE, LTD., AS VISTA BREEZE HAS SECURED CONTROL OVER THE PROJECT SITE AND THE RIGHT TO DEVELOP AND OWN THE IMPROVEMENTS ON THE PROJECT SITE, PURSUANT TO THAT CERTAIN AMENDED AND RESTATED GROUND LEASE AGREEMENT, DATED AUGUST 6, 2021, BETWEEN HACMB, AS LANDLORD, AND VISTA BREEZE, AS TENANT.

WHEREAS, on June 22, 2022, the Mayor and City Commission adopt Resolution No. 2022-32188; said Resolution adopting the City's *One-Year Action Plan* for federal funds for FY 2022, which included the budgets for the Community Development Block Grant (CDBG) program in the amount of \$941,433; the Home Investment Partnerships (HOME) program in the amount of \$676,153; and the HOME American Rescue Plan (HOME-ARP) funds in the amount of \$1,630,667; further, authorizing the City Manager to: (1) execute all applicable documents related to the appropriation and allocation of these program funds; (2) submit the *One-Year Action Plan* to the HUD; (3) make minor non-substantial changes to the resulting agreements (which do not affect the purpose, scope, approved budget and/or intent of the plans); and (4) extend the expiration dates of said agreements when necessary; and further authorize the City Manager and City Clerk to execute agreements with Sub-Recipients of CDBG and HOME program funds and City interdepartmental agreements for recipients of CDBG, HOME and HOME-ARP program funds; and

WHEREAS, the City had to submit its FY 2022 Action Plan to HUD by August 15, 2022; and

WHEREAS, the *One-Year Action Plan* for FY 2022 was based upon the City's Federal entitlement of \$941,433.00 in CDBG funds and \$676,153.00 in HOME funds; and

WHEREAS, the planning phase was initiated by the City on January 24, 2022, with the issuance a Request for Proposals (RFP) for CDBG, HOME and HOME-ARP program funds; and

WHEREAS, no applications were received for HOME funds during this RFP process; and

WHEREAS, as part of Resolution No. 2022-32188, the Administration recommended that \$500,000.00 in HOME funds be allocated to the Housing Authority of the City of Miami Beach (HACMB) for the replacement of the seawall ("Seawall Project") at 280-300 South Shore Drive ("Project Site"), which Project Site is part of the Vista Breeze affordable housing development; and

WHEREAS, on August 6, 2021, HACMB, as landlord, and Vista Breeze, Ltd. ("Vista Breeze"), a related entity of the Atlantic Pacific Companies, as tenant, executed an Amended and

Restated Ground Lease Agreement ("Ground Lease"); said Ground Lease granting Vista Breeze the right to develop the Project Site as well as other locations as affordable housing developments, with the improvements being owned Vista Breeze during the term of the Ground Lease; and

WHEREAS, simultaneously with this agenda item, in a separate City Commission agenda item, the Administration is recommending the allocation to Vista Breeze of \$503,970.00 in FY 2023 HOME funds, for gap funding for the Vista Breeze affordable housing construction project, consisting of the new construction of 119 units in two buildings on Normandy Isles, located at 165-185 S. Shore Drive and 280-300 S. Shore Drive in Miami Beach; and

WHEREAS, HOME regulations require the project Sub-Recipient and owner of the building/improvement to be constructed be the same entity; and

WHEREAS, in addition to the recommendation for HOME FY 2023 funding for the Vista Breeze affordable housing construction project, the Administration seeks to amend Resolution Number 2022-32188 to change the Sub-Recipient for the Vista Breeze Seawall Project from HACMB to Vista Breeze, as the party who will be responsible for the Seawall Project and who will own the seawall during the term of the Ground Lease.

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 amend Resolution No. 2022-32188, which adopted the City's *One-Year Action Plan* for federal funds for FY 2022, and included the approval of the allocation of \$500,000.00 in HOME funds to the Housing Authority of the City of Miami Beach (HACMB) for the replacement of the seawall ("Seawall Project") at 280-300 South Shore Drive ("Project Site"); said amendment to the Resolution replacing HACMB, as the sub-recipient for the Seawall Project award, with Vista Breeze, Ltd., as Vista Breeze has secured control over the Project Site and the right to develop and own the improvements on the Project Site, pursuant to that certain Amended and Restated Ground Lease Agreement, dated August 6, 2021, between HACMB, as landlord, and Vista Breeze, as tenant.

PASSED and ADOPTED this ____ day of _____, 2023.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney *Sisto* 6-5-23
Date