

**The New Mix Of Issues Arising
From The Trend Toward
More Mixed Use Developments**

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- I. BACKGROUND ON MIXED USE DEVELOPMENTS

- II. COMMON AREA ISSUES

- III. COMMON AREA MAINTENANCE AND OPERATING COSTS ISSUES

- IV. RENT AND PERCENTAGE RENT

- V. THE LIFESTYLE PIECE OF THE PUZZLE – TENANT MIX AND USE ISSUES

- VI. Q & A

I. BACKGROUND

- a. The Genesis And Growth of the Mixed Use Development Concept
- b. Attributes of Mixed Use Developments – What’s In One And Why?
- c. Different Types and Locations of Mixed Use Developments
 - i. Streetscape; Historical Buildings; Commercial Corridors
 - ii. Upscale Planned Developments
- d. Current Status and Structuring of Mixed Use Developments

II. COMMON AREA ISSUES

- a. Parking
 - i. Layout
 - ii. Above and Below Ground Parking
 - iii. Shared and Dedicated Parking – Office, Residential, Retail; Valet Services
- b. Sounds and Smells!
- c. Amenities and Events – Obstruction and Access; Who Has A Restroom?!
- d. Other Common Area Use Issues: Kiosks & Carts; No Build Areas; CC&R's

- III. COMMON AREA MAINTENANCE AND OPERATING COSTS ISSUES
 - a. Different Requirements of Office, Retail, and Residential; How Are The Costs Allocated?
 - i. Addressing the allocation method in the LOI
 - ii. and in the Lease
 - b. Parking Area Cost Allocations
 - c. The Increasing Popularity of the “Flat CAM”

IV. RENT AND PERCENTAGE RENT

- a. Gross Rent Issues
 - i. How A Gross Rent Regime Affects Other Charges Under A Retail Lease
 - ii. Breakpoint Issues In The Gross Rent Context
- b. Percentage Rent Only

V. THE LIFESTYLE PIECE OF THE PUZZLE

- a. The Image Issue: What Kinds of Retail Tenants Go Into Mixed Use Developments?
 - i. National & Regional Retailers
 - ii. “Unique” and Local Retailers
 - iii. Restaurants
- b. Who Is The Anchor In An Anchorless Development?
 - i. Negotiating With The 1,500 To 5,000 SF “Minianchor” Tenant
 - ii. Co-Tenancy Battles
- c. The Radius Clause

VI. QUESTIONS