## Wednesday, October 23, 2019 2:00 PM – 3:15 PM

## Workshop 2

## Experiential Retail: Can It Continue to Grow and Will It Help Save the Mall?

Jeremy D. Cohen, Esq. Partner Hartman Simons & Wood LLP 6400 Powers Ferry Road NW Suite 400 Atlanta, GA 30339 jeremy.cohen@hartmansimons.com Nina Kampler Kampler Advisory Group Teaneck, NJ <u>ninakampler@gmail.com</u>

I. Introduction

## II. Experiential Retail – what does it Mean

- A. Types of Uses that are considered "Experiential"
  - (i) Online-First Companies (e.g., Amazon)
  - (ii) Entertainment Uses (e.g., Bowling Alleys and Movie Theaters)
  - (iii) Adapted Traditional Uses (Retailers offering cooking lessons, yoga classes, etc.)
- B. Issues created by Experiential Users
  - (i) Co-Tenancy
  - (ii) Use Restrictions
  - (iii) Parking
  - (iv) Common Area Maintenance Charges bifurcation of costs amongst different uses
- C. Rights of Existing Tenants
  - (i) Waiver letters for prohibited uses
- III. Complete Redevelopment of Existing Mall vs. Partial Redevelopment
  - A. Complete Redevelopment
    - (i) Termination of existing tenants
    - (ii) Timing of demolition and redevelopment
  - B. Partial Redevelopment
    - (i) Construction Issues arising from demolition of vacant boxes only
    - (ii) Protection of rights of existing tenants
- IV. Dealing with Vacancies
  - A. Replacement of Boxes with non-traditional tenants or new uses (e.g., office or residential)
- V. Conclusion