

DECLARATION OF JOHN WOODRUFF

1. My name is John Woodruff. I am the Chief Financial Officer for the City of Miami Beach.

2. The City has established a sidewalk café program in which the City subsidizes the cost of operating a sidewalk café on City property by offering participants in the sidewalk café program space at a substantially reduced rate under the current market rate for space. The City's sidewalk café program permit rate for space on the City's property is \$25 per square foot.

3. The market rate for storefront space on Ocean Drive is currently \$120 per square foot. This calculation is based on past closings and the price for the only retail space currently for lease on Ocean Drive between 5th and 15th streets. The price per square foot of the currently listed property is \$120 per square foot.

3. Market rate for space on the City's property outside of a brick and mortar building would be similar to the rate for the adjacent indoor storefront space

4. The City of Miami Beach provides a subsidy of a below-market rate for sidewalk cafes who participate in the City's sidewalk café program. The City enacted the sidewalk café program in order to provide a unique experience and environment for the City's residents and visitors to relax and enjoy the consumption of food and/or beverage(s) in the City's unique, vibrant, tropical atmosphere. In exchange for accepting this subsidy and participate in the sidewalk café program, sidewalk café operators must agree to a Sidewalk Café Code of Conduct that ensures that the purposes of the program are advanced by each sidewalk café operator and that no sidewalk café operator actually diminishes the positive impact of the City's subsidy by using it in such a fashion as to diminish the aesthetic appearance of the City and the pleasant experience for residents and tourists that the program seeks to advance.



5. The City Commission has also found that the highest possible standards, criteria, and conditions pertaining to the operation of sidewalk cafes participating in the sidewalk café program are critical to the achievement of the City's interests in subsidizing the sidewalk café program to: (i) preserve the aesthetic character of the City's right of ways by helping to diminish the proliferation of unsightly food displays, street furniture, signage and other visual and physical clutter; (ii) reduce potential nuisances including, without limitation, excessively loud music; hawking from restaurant/sidewalk cafe operators and their employees to passing pedestrians and overcrowding of the right of way; and (iii) aid in the prevention of deceptive, misleading, or bait and switch tactics by sidewalk cafe operators.

I verify under penalty of perjury that the foregoing is true and correct.

Executed on August 6, 2019.



John Woodruff