

July 25, 2023

Honorable Members of the Planning Board
c/o Rogelio Madan
City of Miami Beach Planning Department
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

RE: **Letter of Support** – Proposed Conditional Use Permit for One Ocean Commercial Units 1 and 2 – Phillippe Chow Miami Beach

Dear Planning Board Members:

We are writing this letter in connection with Philippe Miami LLC's (the "Applicant") request for a conditional use permit ("CUP") for a restaurant that qualifies as a neighborhood impact establishment. The One Ocean Condominium Association ("Association") have had the opportunity to review the plans and operations plan for the proposed restaurant with the Applicant and have reached agreement with respect to the following terms:

- **Seats:** The establishment shall have 337 total seats, consisting of 227 indoor seats, and 110 outdoor seats. o No outdoor tables shall be located within 65 feet of the residential units fronting Ocean Drive.
- **Hour of Operation:** The hours of operation of the establishment shall be as follows: o Lunch: 11AM – 3PM
 - Dinner: ▪ Indoor: 5PM – 2AM, 7 days per week.
 - Outdoor: 5PM – 11PM, Sunday – Wednesday; 5PM – 12 AM, Thursday – Saturday
 - The 8 northernmost seats on the Ocean Drive frontage shall close at 10PM, 7 days a week
 - **Music and Noise:** Only recorded ambient background music played at a level that does not interfere with normal conversation may be permitted in the indoor and outdoor seating areas. For the outdoor seating areas, the Applicant shall install a sound system with directional speakers and an automatic tamper resistant noise level limiter that does not allow music to exceed 70dBs.
- Furthermore, No entertainment shall be permitted, which includes live music or DJ's. No special events, outdoor bar counters, or outdoor television sets shall be permitted.
 - No outdoor speakers shall be installed facing the early closing area along Ocean Drive or within 70 feet from any portion the residential units fronting Ocean Drive, except for those required for fire and life safety purposes, as shown on attached diagram. Schedule A.

- The Applicant shall install two large planters, one on each side of the northernmost door on the Ocean Drive frontage of the restaurant to mitigate potential noise impacts to the One Ocean residences from the exterior seating area of the restaurant.

- **Canopy:** The Applicant shall submit a Design Review Board Application for installation of an exterior canopy or trellis for the exterior seating areas along Ocean Drive and South Pointe Drive. Such a canopy or trellis shall be designed to mitigate noise impacts from the restaurant to adjacent residential units. The Applicant shall present the design for the proposed canopy or trellis to the Association for design approval prior to submittal to the City.

- **Employee Access:** Employees shall not be permitted in the garden area between the restaurant and the One Ocean residential tower at any time for any reason.

- **Use of Garden:** The Applicant shall not utilize the garden for any purpose, including deliveries or waste collection.

- **Deliveries:** Deliveries may only occur through the front of the establishment or through a dedicated service entrance accessible from the Ocean Drive or South Pointe Drive frontages.

- **Waste Collection:** The garden area between the establishment and the One Ocean residential tower may not be used for waste collections. Waste collections may only occur through the front of the establishment or through a dedicated service entrance accessible from the Ocean Drive or South Pointe Drive frontages.
 - Screening approved by Association or blackout treatment or enclosure of the interior garden-facing storefront windows of the establishment;
 - The final design details of the proposed enclosure wall for the kitchen area on the northwest elevation of the commercial units, as set forth on Schedule B;
 - Default provisions and/or monetary penalties for non-compliance with the limitations set forth herein;
 - The proposed location of a service corridor accessible from Ocean Drive or South Pointe Drive frontages.
 - Must provide and be contingent upon review and approval of the engineering specifications and plans for the wall that will enclose the kitchen.
 - All windows which are garden facing must be blacked out.
 - Any exit to the garden area must be emergency only and be equipped with a hard wired alarm sounding push bar.
 - Employees shall not be permitted in the garden area at any time for any reason.
 - Employees may not gather or loiter in any common area of the condominium for any reason at any time.
 - Garbage may not be removed from the unit through the garden area at any time for any reason.
 - Exhaust of kitchen may not exit the unit into the garden area. (This is already agreed upon in the previous kitchen enclosure document)

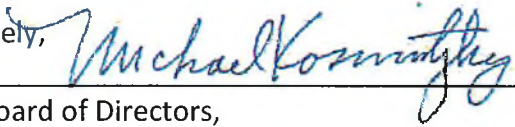
- All seating must be within the LCE boundaries of the unit.
- 11. Any addition of canopy or trellis must be reviewed and approved by the Board prior to application to the City of Miami Beach.

Mutual Good Faith Cooperation and Further Agreement: The Applicant and Association mutually agree to cooperate in good faith with respect to other items that are of concern to the Association, including but not limited to:

The Applicant acknowledges that additional plans and specifications must be presented to the Association for approval with respect to work proposed on any Limited Common Element, such as the proposed enclosure wall, with such approval to not be unreasonably withheld or unduly delayed by the Association.

In light of the agreement between the Applicant and the Association, the Association **supports** of the requested CUP as proposed. We look forward to finally activating our commercial units with a first-class restaurant operator like Philippe Chow.

If you should have any questions, please do not hesitate to contact us.

Sincerely,  /s

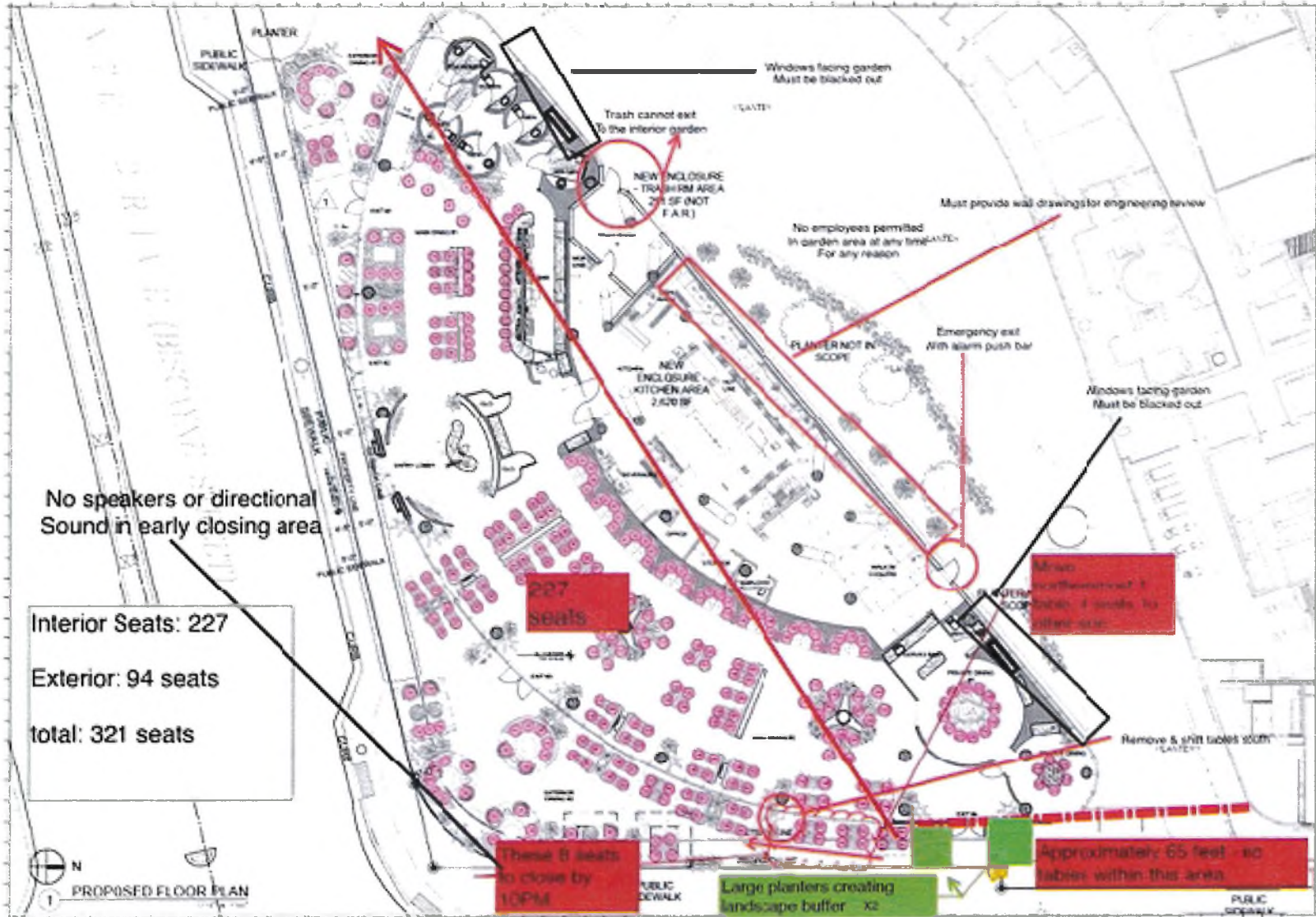
The Board of Directors,
One Ocean Condominium Association, Inc.
Print Name: MICHAEL KOSNITZKY
Title: President

SCHEDULE A



WNR

SCHEDULE B



Handwritten signature