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April 26, 2019

City of Miami Beach
Planning Department
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

**RE: Fairwind Hotel, 1000-1030 Collins Ave.
File Number PB19-0270
Comment Response Letter**

To whom it may concern:

This letter shall serve as a response narrative to the 'Staff First Submittal Review Comments' issued on April 19, 2019 pursuant to File No. PB19-0270, a conditional use permit application for neighborhood impact establishment and outdoor entertainment approvals at the Fairwind Hotel, located at 1000-1030 Collins Avenue (the "Property").

1. The survey is completely insufficient. A new survey (updated within the last 6 months) shall be required in order for the application to move forward.

A new survey of the Property, prepared by Biscayne Engineering Company, Inc., dated April 17, 2019, has been submitted to the Planning Department.

2. Subject to further review and analysis from the peer reviewer for the sound study, there are potential serious concerns with the proposal for outdoor entertainment – both live and amplified until 5am 7days a week as proposed. There is a high-rise residential building to the north, and it is not likely that sound will be fully mitigated by the 2-story buildings located on the north side of the subject property. Staff will likely be recommending substantial limitations on the hours of operation for any entertainment level audio outside. Staff would recommend that the applicant develop further restrictions in the hours, days, and types of entertainment that are proposed.

Limitations to live entertainment and controls to the audio systems thereof have been detailed in the applicant's revised Operational Plan. The applicant proposes limiting live performances (not including DJs) to 2:00 A.M. on weekends, 12:00 A.M. on weekdays, and 12:00 A.M. every day of the week for live performances which include percussion instruments. All live entertainment will utilize the Property's venues' existing sound systems, which will be controlled by the Fairwind's management. Further, the applicant's sound consultant has determined that the

buildings surrounding the hotel's courtyard will provide sufficient mitigation so as to avoid any noise impacts to the residential building to the north of the Property.

3. Provide details on the type and nature of proposed live performances anticipated; include exact location for such performances and how audio will be handled.

Live entertainment will consist of DJs and live acoustic bands and musicians. The live acoustic bands and musicians will primarily be comprised of jazz-type music. Audio will be played through the venue's existing sound system and controlled by the Hotel's management. Live performances will occur on a stage area directly north of the Hotel courtyard's main bar, as shown on the site plan of the Property included as a portion of this application.

4. Please provide any current BTR's for the property.

The 2019 Business Tax Receipt for the Property has been submitted to the Planning Department.

Sincerely,

Shutts & Bowen LLP

A handwritten signature in blue ink, appearing to read 'Alexander I. Tachmes', with a stylized flourish at the end.

Alexander I. Tachmes, Esq.

cc: David Coviello, Esq.