



ALEXANDER I. TACHMES, ESQ.  
PARTNER  
Shutts & Bowen LLP  
200 South Biscayne Boulevard  
Suite 4100  
Miami, Florida 33131  
DIRECT (305) 347-7341  
FAX (305) 347-7754  
EMAIL ATachmes@shutts.com

April 26, 2019

Chairperson and Members of the Miami Beach Planning Board  
c/o Tom Mooney, Planning Director  
City of Miami Beach  
1700 Convention Center Drive  
Miami Beach, Florida 33139

**RE: Fairwind Hotel, 1000-1030 Collins Ave.  
Conditional Use Permit Application: Neighborhood Impact and Outdoor  
Entertainment Establishment  
File Number PB19-0270**

Dear Chair and Members:

We represent MLB Fairwinds, LLC, the lessee and operator of the Fairwind Hotel and its restaurant and bar venues (the "Hotel" or "Applicant") located at 1000-1030 Collins Ave. (collectively, the "Property"). On behalf of the Applicant, we are pleased to submit this application for the following Conditional Use Permits:

1. A Neighborhood Impact Establishment due to the collective maximum occupancy load of the alcoholic beverage establishments at the Property exceeding 200 persons; and
2. An Outdoor Entertainment Establishment (to allow for music above background levels, as well as DJs and other live performances) for the restaurant and bar venue in the Property's courtyard (the "Courtyard") at 1000 Collins Avenue.

Enclosed herewith please find all requisite application materials for the foregoing Conditional Use Permits, as well as a detailed analysis of how the Property complies with the City of Miami Beach (the "City") Zoning Code's (the "Code") conditional use review criteria set forth in Chapter 142, Article V, Division 6 of the Code.

### **Background**

Built in 1936, the Fairwind Hotel (formerly known as the Fairmont Hotel) is located in the Miami Beach Ocean Drive / Collins Avenue Historic District and is comprised of three contributing historic structures and a fourth newly constructed building. The Fairwind Hotel contains 104 guest rooms and multiple high quality amenities for both its guests as well as the public at large, including the Courtyard restaurant and bar, a basement lounge (the "Basement Lounge") and a second restaurant in the 1020 Collins building.

### **Neighborhood Impact Establishment**

Because the collective maximum occupancy content of the alcoholic beverages onsite exceeds 200 persons, Neighborhood Impact Establishment approval is required.

### **Outdoor Entertainment Establishment**

The Courtyard is located primarily outdoors but it is surrounded on its north, south and west sides by the Hotel's buildings. Therefore, sound produced by the Courtyard venue will be heavily buffered and will not be problematic to residents living in the Council Towers building to the north at 1040 Collins Avenue. In fact, 2 buildings separate the Courtyard from the apartment building to the north. The other closest neighbors are all non-residential uses.

Although the Basement Lounge is fully enclosed and, thus, does not require an Entertainment conditional use permit, note the following additional sound mitigation factors. The Lounge is located indoors and underground and its entrance on 10<sup>th</sup> Street contains double doors that function as a sound foyer. Therefore, any music as a result of the Entertainment Establishment aspect of the Basement Lounge will not create any disturbance to hotel guests, neighboring properties or the public generally. Further, the entrance to the Basement Lounge is on the southern side of the Property on 10<sup>th</sup> Street, and accordingly far from the apartment buildings to the north.

The Applicant will take all reasonable steps necessary to ensure that its music does not violate the City's noise ordinance. Such steps include adjustments to the existing sound system, designed so as to minimize the music's impact on surrounding properties.

### **Conclusion**

Based upon the foregoing and as more thoroughly detailed in the plans and application materials provided herein, we respectfully request that the Planning Board approve the Conditional Use Permits for a Neighborhood Impact Establishment and Outdoor Entertainment. We are happy to answer any questions.

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.