

**FAIRWIND HOTEL**  
**1000-1030 COLLINS AVENUE**

**OUTDOOR ENTERTAINMENT AND NEIGHBORHOOD IMPACT ESTABLISHMENT**  
**CONDITIONAL USE PERMIT APPLICATIONS**

Consistency with Supplemental Review Guidelines under Section **142-1362**  
of the City of Miami Beach (the “City”) Land Development Regulations (“LDR”)

- 1. An operational/business plan which addresses hours of operation, number of employees, menu items, goals of business, and other operational characteristics pertinent to the application.**

The Fairwind Hotel (the “**Hotel**” or “**Applicant**”) is a hotel containing 104 rooms plus restaurant and bar amenities located at 1000-1030 Collins Avenue (the “**Property**”). The improvements consist of 3 contributing buildings fronting on Collins Avenue and one building consisting of new construction running along the alley at the western portion of the property.

This application relates to the following alcoholic beverage venues:

- A. There is a basement lounge (the “**Basement Lounge**”) located in the 1000 building. This lounge is interior space, contains double doors entering from 10th street and a sound foyer, and is located in the basement level as its name implies. The hours of operation are 8:00 P.M. to 5:00 A.M. This venue is proposed as an Entertainment Establishment. (As used in this application, "Entertainment Establishment" means music can be played above background levels and the venue can contain DJs and other live performers.)
- B. A rooftop pool deck (the “**Pool Deck**”) is located on top of the 1000 building. The Pool Deck is open only to hotel guests. Its hours of operation are 10:00 A.M. to 8:00 P.M. and background music is played.
- C. There is an outdoor courtyard (the “**Courtyard**”) located between the 1000 and 1020 buildings. This courtyard is used as a restaurant and bar area and the hours of operation are 12:00 P.M. to 5:00 A.M., with additional hour restrictions on the proposed live entertainment, as more thoroughly detailed in Section 7 below. A bar counter is located at the rear, western portion of the Property. The Courtyard is proposed as an Entertainment Establishment. Significantly, this Courtyard and any sound produced are insulated from neighboring properties because the Courtyard is surrounded by the Hotel’s buildings on 3 sides.
- D. There is a restaurant located in the 1020 building. The restaurant has both indoor and outdoor seating and its hours of operation are currently 8:00 A.M. to 5:00 A.M.

In addition to requesting an Outdoor Entertainment CUP for the Courtyard, we are also requesting a Neighborhood Impact Establishment CUP because the combined occupancy level of the above alcoholic beverage venues exceeds 200 persons.

**Occupancy Content:**

- Basement: 59 Person Occupant Load
- Pool deck: 69 Person Occupant Load

- Courtyard: 220 Person Occupant Load
- 1020 Restaurant: 69 Person Occupant Load

### **Employees:**

In total, the Fairwind Hotel employs approximately 50 people. On average, the Courtyard has approximately 8 employees working at any given time between bartenders, servers and managers; whereas the Basement Lounge has approximately 3 employees working at any given time. Both venues share the Hotel's back-of-house operations, which contains approximately 6 employees. Note that these numbers do not include security personnel, which is more thoroughly detailed in Section 4 below.

Mr. Michael Ridard of the Mr. Hospitality Management Group will oversee the operations of the Hotel's various venues. Beginning his career in Cannes, France, Mr. Ridard gained experience and exposure operating some of the City's finest establishments, including the Sky Lounge, Le Tantra, and Le Bâoli Cannes. Thereafter, Mr. Ridard moved to Miami where he became one of the founding partners of Mr. Hospitality, one of Miami's premiere restaurant and lounge management groups, where he has overseen the operation of venues across Miami Beach and the greater Miami area, including Bâoli, Marion and El Tucan. Having spent the last 10 years of his 20-year hospitality career in Miami, the Applicant is confident Mr. Ridard will run the Hotel's venues in a world-class manner.

The menus for each of the food establishments within the Hotel are included herein as a portion of the application materials.

## **2. A parking plan which fully describes where and how the parking is to be provided and utilized, e.g., valet, self-park, shared parking, after-hour metered spaces and the manner in which it is to be managed.**

Adequate parking is provided by a combination of valet parking and many self-parking options in the surrounding area, including the Pelican Garage, which is a parking garage directly across the street. Moreover, the overall need for parking spaces City-wide is on a downward trend due to the prevalence of Uber, Lyft and other ride sharing services. Other patrons arrive on foot or on the Miami Beach Trolley.

As more thoroughly detailed in the valet and parking study prepared by the Applicant's Traffic Consultant, Joaquin E. Vargas, P.E., attached hereto, there is a valet parking operation and valet stand directly in front of the property on Collins Avenue. Vehicles are parked by valet attendants in the Pelican Garage, located directly across the street at 1040 Collins Avenue.

## **3. An indoor/outdoor crowd control plan which addresses how large groups of people waiting to gain entry into the establishment, or already on the premises, will be controlled.**

There is ample space in the entryways of each of the venues so that queuing can occur on our client's property and not the sidewalk. Hotel staff ensures that any patron queuing takes place on the Hotel's private property, and not on the public sidewalk.

## **4. A security plan for the establishment and any parking facility, including enforcement of patron age restrictions.**

The safety and security of patrons are of paramount importance. During operating hours of the four venues, two security specialists are on duty, with an emphasis on the Basement Lounge and Courtyard. For safety and security purposes, the Hotel employs a Genetec security surveillance system, with 80 digital cameras around the building, and two in the Basement Lounge. This video system is monitored by the Hotel's team of security specialists on a twenty-four hour, seven-day per week basis.

Patron age restrictions are strictly enforced. Handheld identification verification scanners are used to ensure that patrons adhere to age restriction policies. Security specialists are trained to verify the age of patrons and address such matters appropriately.

**5. A traffic circulation analysis and plan which details the impact of projected traffic on the immediate neighborhood and how this impact is to be mitigated.**

A third party valet company, which was selected by the city to manage this western block of Collins Avenue, manages traffic flow and the use of the parking ramp. Because many patrons walk or take taxis or ride sharing services such as Uber or Lyft, traffic circulation is not significantly impacted by the venues.

**6. A sanitation plan which addresses on-site facilities as well as off-premises issues resulting from the operation of the establishment.**

The Fairwind Hotel contracts with Waste Management, a waste management company, to handle the sanitation needs of the property. Trash is stored in an air-conditioned room at the northwest corner of the Property, as shown on page G-1.03 of the enclosed site plan, and pick-up occurs daily between 7:00 a.m. and 10:00 a.m. along Collins Court.

**7. A noise attenuation plan which addresses how noise will be controlled to meet the requirements of the noise ordinance.**

Two of the venues are proposed to be Entertainment Establishments. Neither is expected to create any sound issues for neighbors.

The Basement Lounge is located underground on 1000 Collins Avenue, which is the southernmost portion of the Property. It is completely enclosed. Moreover, there are double doors and a sound foyer to prevent noise bleed as doors are opened and closed.

The Courtyard is outdoors, but is surrounded on 3 sides by the Hotel's several buildings. It is open to Collins Avenue on the east. Given the Courtyard's siting in the center of several multi-story buildings, any noise emanating from here will be heavily buffered and will not disturb neighbors, including the residential apartment to the building at 1040 Collins Avenue. (Also note that the Courtyard is located on the southernmost end of the Property, i.e., 1000 Collins Avenue.)

Relative to live performances for both the Courtyard and Basement Lounge, all live performance audio will be played through each venue's existing sound system. The volume of the venues' respective sound systems will be controlled by the Hotel's management. The type of live performances within each venue will include primarily DJs and acoustic bands and musicians (with such live bands primarily consisting of jazz). The DJ will be stationed to the rear of the Property

adjacent to the courtyard's main bar (i.e., the northwest corner of the courtyard). Live music and performances are anticipated to be within the same general area, but may also be located in other areas of the courtyard. On a limited basis, a platform may be placed over the existing fountain in connection with fashion shows and similar events. Patrons and musicians will not be using the platform and thus no occupant load increase is proposed in connection with this type of event. Live entertainment (not including DJs) will cease at 2:00AM on weekend nights, and 12:00 AM on weekday nights. Further, any live performance with percussion instruments will be limited to 12:00AM every day of the week.

In addition to the above, and as a proactive measure to prevent any sound bleed to neighbors, the Applicant has hired Edward Dugger + Associates, a prominent sound consultant, to provide recommendations to prevent sound levels from violating the City's noise ordinance. A copy of Mr. Dugger's sound study is included with this application.

**8. Proximity of proposed establishment to residential uses.**

As noted above, the closest residential use is located at 1040 Collins Avenue, to the north of the Property. Given the fact that the Basement Lounge is completely enclosed and opens to the south on 10<sup>th</sup> Street and given that the Courtyard is heavily buffered by 2 structures located between the Courtyard and the apartment building to the north, we are confident that Entertainment Establishment music will not have a material effect on residential uses. This conclusion is further supported by the sound study included as a portion of this application.

**9. Cumulative effect of proposed establishment and adjacent pre-existing uses.**

Given the noise buffers provided by the Hotel's buildings and the noise attenuation plan designed to minimize the external impacts of the Courtyard and Basement Lounge, the cumulative effect on adjacent pre-existing uses will be minimal.

**Consistency with Standard Review Guidelines (Section 118-192 of the LDR)**

**1. The use is consistent with the comprehensive plan or neighborhood plan if one exists for the area in which the property is located.**

The Hotel is located within the City's highest intensity Future Land Use category. Accordingly, the proposed use is consistent with the Comprehensive Plan. Specifically, the proposed use is consistent with the Future Land Use category of MXE, whose purpose as declared in the Comprehensive Plan is "to provide development opportunities for and to enhance the desirability and quality of existing and/or new mixed use areas which accommodate residential, hotel and commercial development." The Hotel is located in the most intense zoning district for entertainment in the City.

**2. The intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the comprehensive plan.**

The use will not exceed the thresholds for levels of service.

**3. Structures and uses associated with the request are consistent with these land development regulations.**

Hotel and accessory entertainment establishment uses are consistent with the City's Land Development Regulations.

**4. The public health, safety, morals, and general welfare will not be adversely affected.**

Due to the controls in place as more thoroughly detailed herein, the public health, safety, morals, and general welfare will not be adversely affected by the Courtyard or Basement Lounge.

**5. Adequate off-street parking facilities will be provided.**

As stated elsewhere in this Operations Plan, adequate parking is available through a multitude of options, including valet, public parking and ride-sharing services.

**6. Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.**

As more thoroughly detailed herein, necessary safeguards will be in place, including security and patron management services, which will ensure the protection of surrounding property, persons and neighborhood values.

**7. The concentration of similar types of uses will not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.**

As the Fairwind Hotel is located in the core of Miami Beach's Mixed-Use Entertainment District, the highest intensity zoning district within the City that has been established for the use and operation of entertainment venues, it is understandable that there are other similar venues nearby.

**Consistency with Sea Level Rise & Resiliency Review Criteria (Section 133-50 of the LDR)**

**1. A recycling or salvage plan for partial or total demolition shall be provided.**

Not applicable.

**2. Windows that are proposed to be replaced shall be hurricane proof impact windows.**

Not applicable

**3. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.**

Not applicable.

**4. Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.**

Not applicable.

5. **Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.**

Not applicable.

6. **The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.**

Not applicable.

7. **Where feasible and appropriate, all critical mechanical and electrical systems shall be located above based flood elevation.**

Not applicable.

8. **Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.**

Not applicable.

9. **When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter 54 of the City Code.**

Not applicable.

10. **Where feasible and appropriate, water retention systems shall be provided.**

Not applicable.