

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: January 28, 2020

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 19-0270, 1000 – 1030 Collins Avenue – Fairwind Hotel.**
Revocation/Modification Hearing

BACKGROUND

June 25, 2019

A Conditional Use Permit was granted by the Board, for a Neighborhood Impact Establishment and an Outdoor Entertainment Establishment with an occupant content in excess of 200 persons.

October 25, 2019

Field testing of the audio system was performed with the applicant, the applicant's sound consultant, as well as Planning and Code Compliance staff.

October 28, 2019

In accordance with Condition 6.h. of the CUP, an acoustic report was submitted to the Planning Department, summarizing the results of the field test, which took place on October 25, 2019 (attached). The approved speaker location plan, as well as the approved speakers has also been provided.

November 19, 2019

A progress report was scheduled due to outstanding violations related to the CUP. The nature of the violations was discussed by the Board and the progress report was continued to a date certain of December 17, 2019.

November 25, 2019

A cure letter was sent to the operator (attached).

December 3, 2019

A BTR was issued to include entertainment on the premises as authorized by the CUP.

December 17, 2019

The progress report was discussed, and the Board directed staff to schedule a revocation/modification hearing for January 28, 2020.

RECOMMENDATION

Modify the CUP to suspend outdoor entertainment on the property for 30 days, due to the additional violation, as described below, which was issued after the December 17, 2019 meeting.

JANUARY 28, 2020 UPDATE

Since the December 17, 2019 meeting, the following new violation has been registered with the Code Compliance Department:

Case Description: LOUD MUSIC

Case: NC2019-13291

Case Status: Appeal
Open Date: 12/22/2019

CODEVarK
01/09/2020

Case prep checked and forwarded to Clerical for process and return to CCO for appeal hearing.

CODETEJA
01/06/2020
741

Case was appealed Timely

12/22/2019

First manager Lyne that i made contact with advised the DJ had brought in their own speakers for the event. They were not using their Hotels speaker set up

CODETEJA
12/22/2019
741

Arrival 8:30 PM

Departure 9:30 PM

Upon arrival unreasonably loud and excessive music was heard from the inside of my vehicle. I could shapely hear and feel the unreasonably loud music from inside my vehicle. I could distinctly make out percussion instruments playing over the hard bass form the House music. I stepped out of the vehicle where i was immediately met with same loud House music that was not encompassing the neighboring area. I then followed the music to the rear of the courtyard where I observed two large speaker facing out toward collins ave and a DJ. I then made contact with the DJ where I advised him to bring the music down to a reasonable level. I then made contact with the management where I advised her of the reason i was there. I then explained the nature of the complaints and the level the music was heard. I then educated them of the city's noise ordinance and of future complaints. The complaint was not anonymous and no further information was available.

A fifth (5th) Offense was issued.

The applicant is before the Board pursuant to the following conditions:

1. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. The applicant shall appear before the Planning Board for a progress report within 90 days from the issuance of the BTR. The Board reserves the right to modify the Conditional Use approval at the time of a progress report in a non-substantive manner, including modification to the hours of operation, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports. This Conditional Use is also subject to modification or revocation under City Code Sec. 118-194 (c).
- 6.h. The house sound system shall be installed and set in such a manner as to limit the

acoustical output of the system and have password protected security on all controls at all times. The equipment and installation plan for the sound system, including the location of all speakers and sound level controls shall be submitted for the review and approval of the Planning Department. Within 60 days of this approval, the sound system in the facility shall be tested by a qualified acoustic professional, and a report shall be submitted to the Planning Department for review, to verify that it is operating as designed. A sound field test shall be performed with staff present to demonstrate that the sound system will comply with the requirements of this CUP.

11. The Planning Board shall retain the right to call the owner or operator back before the Board and modify the hours of operation or the occupant load should there be valid complaints about loud, excessive, unnecessary, or unusual noise. Nothing in this provision shall be deemed to limit the right of the Planning Board to call back the owner or operator for other reasons and for other modifications of this Conditional Use Permit.
12. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as may be amended from time to time, shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in section 118-194, Code of the City of Miami Beach, Florida.
15. The establishment and operation of this Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the Code of the City of Miami Beach, Florida, and shall be subject to enforcement procedures set forth in Section 114-8 of said Code and such enforcement procedures as are otherwise available. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use.

STAFF ANALYSIS

The Planning Department initially scheduled the progress report for two reasons; first due to code violations that were issued regarding unauthorized entertainment on the property, and second, in anticipation of the issuance of the BTR for the inclusion of entertainment as required by Condition 1. of the CUP.

For reference the following is the list of complaints and violations issued by Code Compliance prior to the December 17, 2019 progress report:

Case Number: ZV2019-02794.
Case Status: Notice of Violation
Open Date: 10/14/2019

While responding to complaint of loud music. I parked vehicle at the rear of property in the alleyway. I met with complainant and heard loud music playing. I then walked to the entrance of the patio by the restaurant and spoke with a lady and asked for the person in charge. I met with two gentleman and ended up talking to the person in charge, Luis Concepcion. I informed him the reason why I was there. There was no dj in the courtyard playing music. He stated on camera there was a dj at the rooftop which is not complying with CUP Section 6(i). The person in charge Luis and I walked back to the rear of the property and the music wasn't loud but within 10 minutes, the music went back up again. Luis was telling me about how we keep showing up and mentioned the complainant by name. He started recording our

conversation and saying how unfair he's receiving another violation and that he's not going to sign it. I asked if I can go up to the rooftop and he denied access which is not complying with CUP Section 16. We then walked to the rear of CVS standing on the north side on 10th Street and the music was lowered and raised again. We then walked back to the rear of the building. I mentioned since there's a dj playing loud music on the rooftop, a noise violation will be given, NC2019-12480 which is not complying with CUP Section 12 and 17 and a conditional use permit is required. I asked if he has a permit and he wasn't aware. Luis then wanted to speak to my Supervisor. I contacted CCA Thomas and gave her his phone number. I also informed her a violation will be written. I asked if she would call the manager Luis Concepcion. He then left and I went back to the vehicle and entered my notes for the Noise Violation.

Met with Director of Operations Carlos Zumaeta. Explained and hand delivered violation.

Case Number: NC2019-121480
Case Status: Appeal
Open Date: 10/13/2019

Section 46-152: Inspection of the above premises this date has revealed that you are in violation of Section 46-152 of the Code of the City of Miami Beach by making, continuing, or causing to be made or continued any unreasonably loud, excessive, unnecessary or unusual noise.

Ref: Loud music from dj on the rooftop.
5th Offense
Body Worn Camera used.
J. Rios (706)

Case Number: NC2019-12464
Case Status: Appeal
Open Date: 10/12/19

LOUD MUSIC
Arrival Time: 3:57 pm
Departure Time: 5:08
Met with Complainant
Reference: Unreasonable Loud and excessive music.
4th Offense: \$ 2,000.00
A.PEREZ736
BWC

***LOUD MUSIC COMING FROM THE ROOF TOP OR THE COURT YARD COMPLAINT
REQUESTING FOR A CALL BACK***

Case Number: NC2019-12309
Case Status: Noise Complaint, no violation issued
Open Date: 09/23/2019

LOUD MUSIC AT THE ROOF TOP

Additional information from 739

Complainant on site

Arrival time@ 9:45 PM

Upon arrival complainant was on site to assist and inform me about the complaint. I walked the surrounding 4 corners of 10th and Collins Ave and music, car noise and unusual street noise was heard. None of the noises was loud and or excessive. I continued the inspection and went to the rooftop of the complainant's building and music was heard. The music was not loud and or excessive. As a courtesy to the complainant I advised him that i will speak to Management at the 1000 Collins Ave Fairwind Hotel and educate Management the city of Miami Beach Noise Ordinance. I then spoke to the Manager on Duty Lyne Metry and advised her about the complaint and if there was an event at the rooftop. She advised me that no rooftop was taking place. We both walked to the rooftop for verification of the closing. Rooftop was closed. I again educated Lyne Metry the Noise Ordinance to the city of Miami Beach. The complainant was on site to know of the findings of his complaint. Complainant was not pleased with the language of the ordinance.

No violation issued at this time.

Body camera in use

Departed @ 10:50 PM

J.Hernandez-739

Case Number: NC2019-12305

Case Status: Noise complaint – Appeal

Open Date: 09/22/2019

Violation of Section 46-152:

Inspection of the above premises this date has revealed that you are in violation of Section 46-152 of the Code of the City of Miami Beach by making, continuing, or causing to be made or continued any unreasonably loud, excessive, unnecessary or unusual noise.

YOU SHALL IMMEDIATELY CEASE THE VIOLATION.

You shall be subject to additional penalties if the violation continues. Repeat violations of Section 46-152 will result in the imposition of larger fines and may also result in revocation, suspension, or the imposition of restrictions on an occupational license and /or certificate of use, or accessory use, and/or injunctive and/or other legal proceedings as provided by law.

3rd Offense \$2000

BWC used

CCO M. Jefferson 747

Arrival 6:18 PM

Responded to a noise complaint of music coming from the rooftop. I drove through Collins Ct on the 900 block and could hear the music from the car. The music could also be heard from the sidewalk on the south side of the property. Upon arrival I parked in front of the property an while exiting my vehicle I could hear the music. I met with the complainant Peter at his property 960 Collins Ave and while inside of the hotel I could not hear the music. While on the porch the music could be heard faintly and we had no issues hearing each other. He then proceeded to take a picture of my name from my shirt. He then request that a supervisor also come to the scene. I made CCA Varela aware. I then made contact with the manager Luis at the Fairwind

property and we walked around to the rear. While in Collins Ct we both could hear the music from the rooftop. He immediately called and had the music lowered. To avoid further problems he instructed the staff to cut the music off and move the customers inside. While in Collins Ct I noticed the complainant Peter recording my interaction with the manager Luis from across the street. I then went back to my vehicle to being the noise case. Peter came by the vehicle twice while I was creating the case to request the violation number. The music playing from the property was loud and excessive upon arrival and was immediately turned off during my interaction with the manager Luis. Violation issued. The violation was signed and accepted by the manager Luis.

Case Number: NC2019-12282
Case Status: Noise complaint – Appeal
Open Date: 09/20/2019

Ref: LOUD MUSIC

Inspection of the above premises this date has revealed that you are in violation of Section 46-152 of the Code of the City of Miami Beach by making, continuing, or causing to be made or continued any unreasonably loud, excessive, unnecessary or unusual noise.

YOU SHALL IMMEDIATELY CEASE THE VIOLATION.

You shall be subject to additional penalties if the violation continues. Repeat violations of Section 46-152 will result in the imposition of larger fines and may also result in revocation, suspension, or the imposition of restrictions on an occupational license and /or certificate of use, or accessory use, and/or injunctive and/or other legal proceedings as provided by law.

2nd offense, \$1,000.00 fine
Notice of violation issued
BWC: Used
L. Negron #740

Case Number: CC2019-07778
Case Status: City Code Violation – Notice of Violation
Open Date: 09/06/2019

Section 102-311. Failing to remit Resort Tax returns and/or payments to the City of Miami Beach as required.

Ref; Finance Resort Tax not paid RT 2098411
1s violation issued
Complaint inspection from finance dept
BWC in use
J Randolph 749

Case Number: NC2019-11858
Case Status: Written Warning Notice
Open Date: 07/25/19

loud music /1000 collins ave
Inspection revealed music was loud and excessive-
Written Warning issued
Body camera in use

J.Hernandez-739

Additional information from 739

Complainant on site

Arrival time@ 10:05 PM

Upon arrival the complainant was on site to assist me with the complaint. I stood at the corner of 10th and Collins Ave and could hear the loud and excessive music coming from the atrium of the Fairwinds Hotel. I followed the music to the middle of the building where the music was being played. I walked the surrounding area and ask to speak to the manager on duty. I then was approached by General Manager Luis Concepcion. I advised him about the complaint and where the music was heard. We both walked to the corner of 10th and Collins Ave and his music was plainly audible. The G.M immediately called the sound man to lower the music for compliance.

Complainant satisfied with the findings and the service of Code

I educated the G.M the city of Miami Beach Noise Ordinance and issued a Written Warning.

Body camera in use

J.Hernandez-739

Departed @ 11:10 PM

STAFF RECOMMENDATION

Staff recommends that the Planning Board discuss the progress report, and in light of the new violation that has been issued, modify the CUP to suspend outdoor entertainment on the property for 30 days. Additionally, it is recommended that the revocation/modification hearing be continued to March 24, 2020.



EDWARD DUGGER + ASSOCIATES, P.A.
Consultants in Architectural Acoustics

ACOUSTICAL MEASUREMENT REPORT

Date: 28 October 2019

To: Michael Belush, AICP
Chief of Planning and Zoning

Planning Department
1700 Convention Center Drive
Miami Beach, Florida 33139

Cc: Tal Alon

MLB Fairwinds LLC
1000 Collins Avenue
Miami Beach, FL 33139

From: Sam Shroyer, ASA INCE
Edward Dugger, FAIA ASA NCAC INCE

Re: **Fairwind Hotel (PB 19-0270)**
1000 – 1030 Collins Avenue
Miami Beach, FL 33139
ED+A 191096

Mr. Belush,

This report summarizes acoustical testing conducted at the Fairwind Hotel on October 25, 2019 to ensure compliance with its Conditional Use Permit and Miami Beach's noise ordinance. These tests enabled ED+A to suggest sound level limits for the courtyard to maintain compliance, though whether or not the sound is "plainly audible" at a given location or time is ultimately at the discretion of the responding Code Compliance officer.

Please contact ED+A with any questions or comments regarding this assessment.

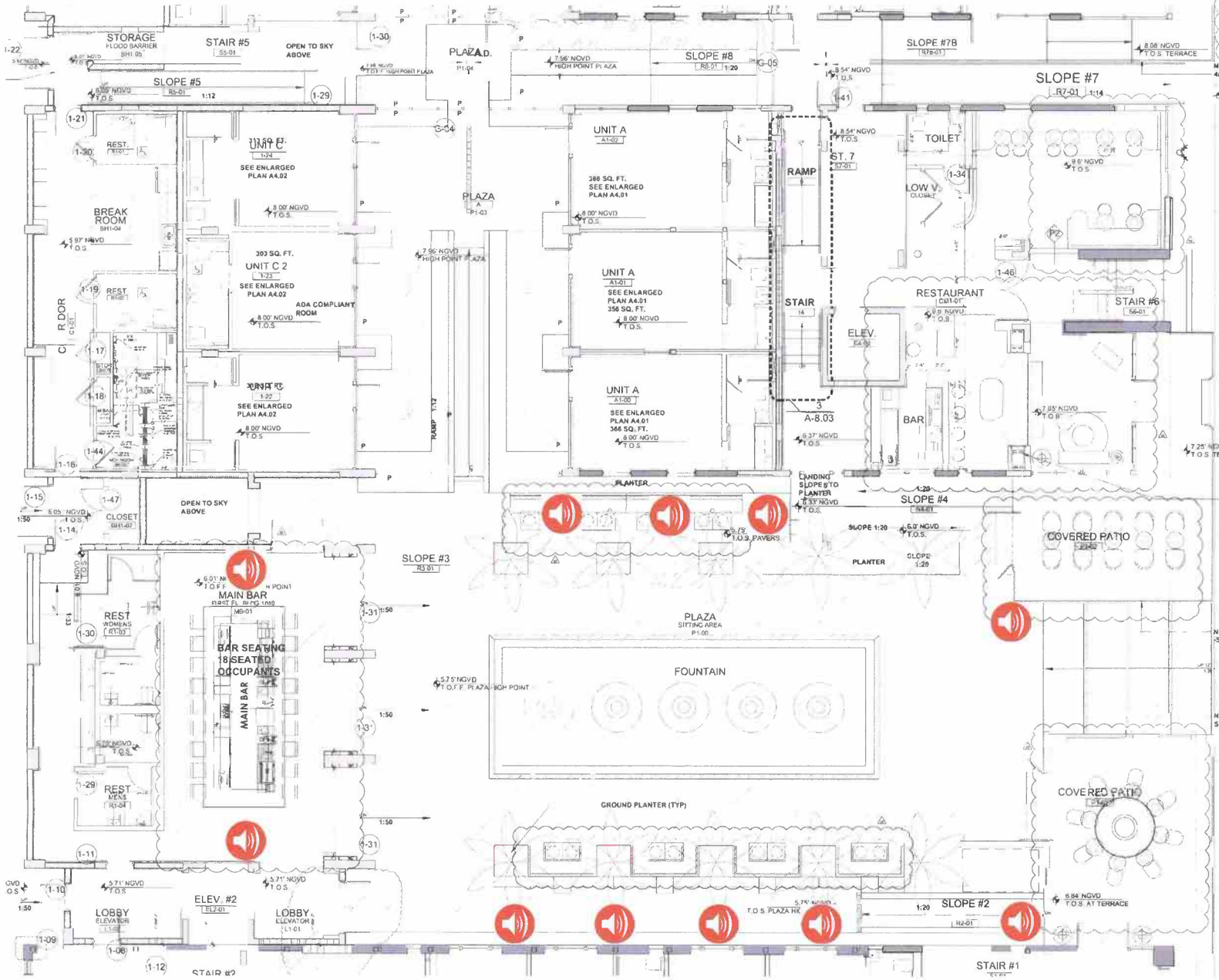


Sam Shroyer and Irineo Jaimes of ED+A visited the Fairwind Hotel on October 25, 2019 to observe the effect of entertainment music in the courtyard on the surrounding area. ED+A were accompanied by hotel management and City of Miami Beach Code Compliance and Planning Department representatives.

Entertainment music was generated by the exterior audio system in Fairwind's courtyard and sound levels were measured in one-second intervals by an acoustical measurement system located near the center of the courtyard. The sound produced by the system was observed by the aforementioned parties at a distance of 100 ft from the property in each direction, as is standard for sound evaluation after 11:00 p.m. When Code Compliance determined that the sound was plainly audible, the sound level was reduced until an appropriate sound level was maintained. All parties agreed that the point of observation 100 ft east of the property (on the north side of 10th Street, south of the Essex Hotel) was most affected and should be the primary location at which sound generated on the Fairwind property is evaluated. However, when noise complaints are received from specific properties (such as the apartments to the north), Code Compliance will likely assess the sound at these locations if access is provided.

Sound level measurements taken off of the property were not useful in informing whether the sound was "plainly audible" due to a constant presence of more dominant noise sources (traffic, etc.) and the sound being noticeable at only certain frequencies (mostly bass). On the north side of 10th Street—where Code Compliance stated sound would be observed in the future—the music was determined to be "plainly audible" when sound levels exceeded 80 dBA in the courtyard. This is consistent with the limit recommended by ED+A previously. However, the measurement data suggest that 92 dBC is the maximum level that should be produced in the courtyard, but 88 to 90 dBC is more consistent with typical sound produced during normal operations.

Hotel management demonstrated that the sound levels can only be controlled by management. DJ's or guest entertainers do not have access to these controls. Additionally, the system installer could likely reduce the low-frequency output of the system to allow for increased levels in the courtyard without being plainly audible 100 ft away from the property. In any case, Fairwind has demonstrated that appropriate levels can be maintained.



Region	Area	Bar/Restaurant Use	Commercial Use
Region 1	1000	78 SF	51
Region 2	1020	78 SF	51
Region 3	1030	483 SF	35
		600 SF	86 SF

KEY

- FIXED SEATING
- NON FIXED SEATING
- CIRCULATION

SEAT COUNT

BUILDING 1020	
FIXED SEATING (BAR)	4
NON FIXED SEATING (RESTAURANT)	30
NON FIXED SEATING (COVERED PATIO)	37
BUILDING 1020 TOTAL OCCUPANCY	71

SEAT COUNT

BUILDING 1010	
FIXED SEATING (MAIN BAR)	18
NON FIXED SEATING (MAIN BAR)	17
BUILDING 1010 TOTAL SEAT COUNT	35

SEAT COUNT

BUILDING 1000	
(COVERED PATIO) FIXED SEATING	23
BUILDING 1000 TOTAL SEAT COUNT	23

SEAT COUNT

COURTYARD	
NON-FIXED SEATING	40
COURTYARD TOTAL SEAT COUNT	40

TOTAL SEAT COUNT

TOTAL SEAT COUNT	169
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ALLAN T. SHULMAN ARCHITECT, P.A.
 (A.R. 0012763)
 180 NORTH BAY STREET
 MIAMI, FL 33139
 PHONE (305) 436-0009
 FAX (305) 436-0170



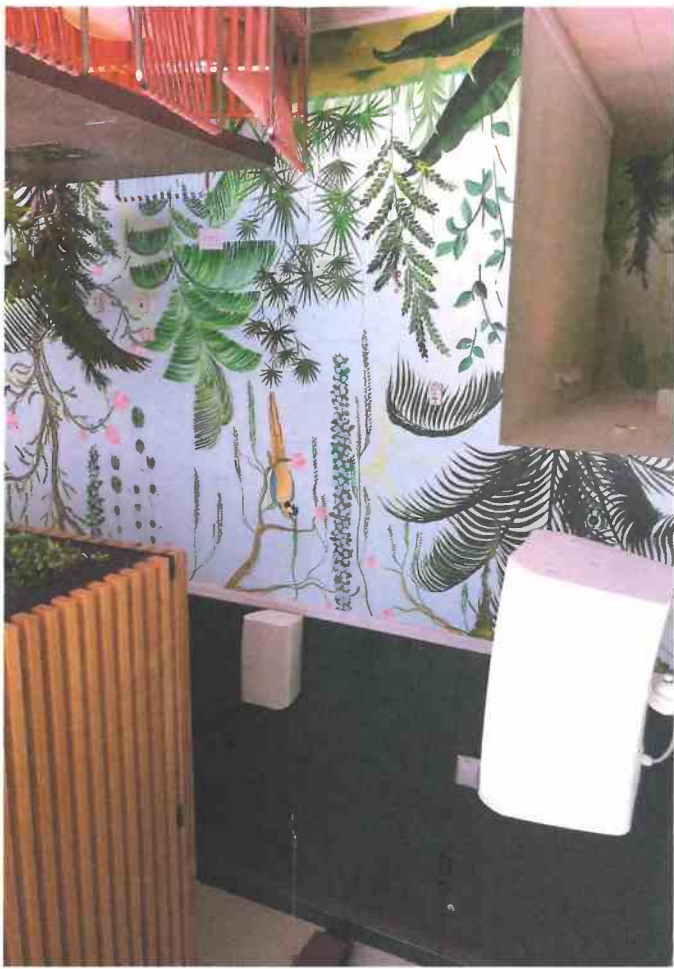
FAIRWIND HOTEL
 1000-1030 COLLINS AVENUE, MIAMI BEACH
 CONSTRUCTION DOCUMENTS

1000 BAYVIEW BOULEVARD
 MIAMI, FL 33139
 08/27/18
 AIA WORKING DRAWINGS
 SEPTEMBER 20, 2020
 (CHECK FOR DEADLINES)
 CITY/STATE
 PROJECT NO.

REVISIONS AND COMMENTS
 LAYOUT PLAN
G-1.14

1 RESTAURANT AND TERRACE FURNITURE LAYOUT
 SCALE: 3/16" = 1'-0"









MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

PLANNING DEPARTMENT
Tel: 305-673-7550 Fax: 305-673-7559

November 25, 2019

MLB Fairwinds, LLC
1000 Collins Avenue
Miami Beach, FL 33139

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
#9214 8901 9403 8300 0005 42

Re: PB19-0270, 1000 – 1030 Collins Avenue –
Fairwind Hotel Conditional Use Permit Cure Letter

Dear Sir/Madam:

A Conditional Use Permit to operate a neighborhood impact establishment and outdoor entertainment establishment was issued to MLB Fairwinds, LLC. on June 25, 2019. It has come to the Planning Department's attention that complaints have been made and violations have been issued by the Code Compliance Department regarding the operation of the venue in a manner that is contrary to the issued conditional use permit (CUP).

In light of the inconsistencies with the following conditions of approval contained in the Conditional Use Permit, including operating with entertainment without first amending the Business Tax Receipt (BTR) to include entertainment, and due to issued code violations, **you are requested to appear at the December 17, 2019 Planning Board hearing** for the continuation of the progress report, which was last heard by the Planning Board on November 19th, 2019.:

- 1 The Planning Board shall maintain jurisdiction of this Conditional Use Permit. The applicant shall appear before the Planning Board for a progress report within 90 days from the issuance of the BTR. The Board reserves the right to modify the Conditional Use approval at the time of a progress report in a non-substantive manner, including modification to the hours of operation, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports. This Conditional Use is also subject to modification or revocation under City Code Sec. 118-194 (c).
6. The Applicant agrees to the following operational conditions for the entire facility:
 - f. The roof top and pool deck may remain open:
Monday through Sunday from 10:00 a.m. to 8:00 p.m.
 - i. Entertainment shall be prohibited on the roof top at all times.
8. A Traffic Demand Management (TDM) plan shall be submitted, reviewed and approved by the Transportation Department within 90 days, prior to the issuance of a BTR for the addition of entertainment and include the following:

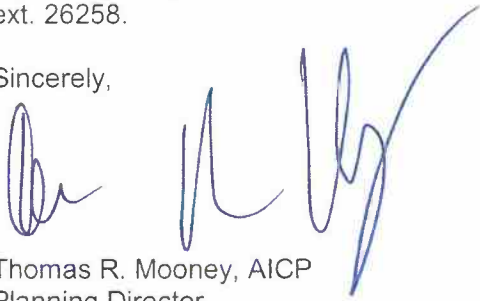
- a. The applicant shall identify locations, acceptable to the Transportation Department, for bicycle racks to be installed in the public right-of-way and within the proposed development. The applicant shall furnish and install the bicycle racks in accordance with the standards outlined in the City of Miami Beach Public Works Manual.
 - b. The applicant shall coordinate with the South Florida Commuter Services in participating in the transit subsidy program.
 - c. The applicant shall provide an analysis proposing for a drop-off and pick-up area shared with the valet drop-off and pick-up spaces.
 - d. The Developer shall conduct an updated valet utilization study incorporating the rideshare demand 60 days after opening of the proposed development with entertainment. The updated analysis shall include weekday peak hour and weekend peak hour analysis. Prior to commencement of the post-opening valet/ride-share analysis, the Developers' Traffic Engineer shall coordinate with the Transportation Department.
- 11 The Planning Board shall retain the right to call the owner or operator back before the Board and modify the hours of operation or the occupant load should there be valid complaints about loud, excessive, unnecessary, or unusual noise. Nothing in this provision shall be deemed to limit the right of the Planning Board to call back the owner or operator for other reasons and for other modifications of this Conditional Use Permit.
- 12 A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as may be amended from time to time, shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in section 118-194, Code of the City of Miami Beach, Florida.
- 15 The establishment and operation of this Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the Code of the City of Miami Beach, Florida, and shall be subject to enforcement procedures set forth in Section 114-8 of said Code and such enforcement procedures as are otherwise available. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use.
16. The applicant agrees and shall be required to provide access to areas subject to this CUP (not including private residences) for inspection by the City (i.e.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the terms and conditions of this CUP.

Please be advised that at the time of the progress report, in accordance with the provisions of the City Code, Section 118-194(3), the Planning Board may consider setting a public hearing for the purpose of examining the noncompliance issues and initiate modification/revocation proceedings. Should the Planning Board consider setting a public hearing for the purpose of examining the noncompliance issues and initiate modification/revocation proceedings, this issue may be placed on the next available meeting of the Board.

If a future public hearing is set, the board may consider the issue of noncompliance and the possible modification or revocation of the approval. Based on substantial competent evidence, the board may consider revoking the approval, modifying the conditions thereof, or imposing additional or supplemental conditions.

If you have any questions, please do not hesitate to contact Mr. Michael Belush at (305) 673-7000 ext. 26258.

Sincerely,

A handwritten signature in blue ink, consisting of several loops and a long, sweeping tail that extends upwards and to the right.

Thomas R. Mooney, AICP
Planning Director

MIAMI BEACH

PLANNING DEPARTMENT

SUBJECT: List of complaints and violations related to
PB 19-0270, 1000 – 1030 Collins Avenue – Fairwind Hotel.

Case Number: ZV2019-02794.
Case Status: Notice of Violation
Open Date: 10/14/2019

While responding to complaint of loud music. I parked vehicle at the rear of property in the alleyway. I met with complainant and heard loud music playing. I then walked to the entrance of the patio by the restaurant and spoke with a lady and asked for the person in charge. I met with two gentleman and ended up talking to the person in charge, Luis Concepcion. I informed him the reason why I was there. There was no dj in the courtyard playing music. He stated on camera there was a dj at the rooftop which is not complying with CUP Section 6(i). The person in charge Luis and I walked back to the rear of the property and the music wasn't loud but within 10 minutes, the music went back up again. Luis was telling me about how we keep showing up and mentioned the complainant by name. He started recording our conversation and saying how unfair he's receiving another violation and that he's not going to sign it. I asked if I can go up to the rooftop and he denied access which is not complying with CUP Section 16. We then walked to the rear of CVS standing on the north side on 10th Street and the music was lowered and raised again. We then walked back to the rear of the building. I mentioned since there's a dj playing loud music on the rooftop, a noise violation will be given, NC2019-12480 which is not complying with CUP Section 12 and 17 and a conditional use permit is required. I asked if he has a permit and he wasn't aware. Luis then wanted to speak to my Supervisor. I contacted CCA Thomas and gave her his phone number. I also informed her a violation will be written. I asked if she would call the manager Luis Concepcion. He then left and I went back to the vehicle and entered my notes for the Noise Violation.

Met with Director of Operations Carlos Zumaeta. Explained and hand delivered violation.

Case Number: NC2019-121480
Case Status: Appeal
Open Date: 10/13/2019

Section 46-152: Inspection of the above premises this date has revealed that you are in violation of Section 46-152 of the Code of the City of Miami Beach by making, continuing, or causing to be made or continued any unreasonably loud, excessive, unnecessary or unusual noise.

Ref: Loud music from dj on the rooftop.
5th Offense
Body Worn Camera used.
J. Rios (706)

Case Number: NC2019-12464
Case Status: Appeal
Open Date: 10/12/19

LOUD MUSIC

Arrival Time: 3:57 pm
Departure Time: 5:08
Met with Complainant
Reference: Unreasonable Loud and excessive music.
4th Offense: \$ 2,000.00
A.PEREZ736
BWC

**LOUD MUSIC COMING FROM THE ROOF TOP OR THE COURT YARD COMPLAINT
REQUESTING FOR A CALL BACK**

Case Number: NC2019-12309
Case Status: Noise Complaint, no violation issued
Open Date: 09/23/2019

LOUD MUSIC AT THE ROOF TOP

Additional information from 739
Complainant on site

Arrival time@ 9:45 PM

Upon arrival complainant was on site to assist and inform me about the complaint. I walked the surrounding 4 corners of 10th and Collins Ave and music, car noise and unusual street noise was heard. None of the noises was loud and or excessive. I continued the inspection and went to the rooftop of the complainant's building and music was heard. The music was not loud and or excessive. As a courtesy to the complainant I advised him that i will speak to Management at the 1000 Collins Ave Fairwind Hotel and educate Management the city of Miami Beach Noise Ordinance. I then spoke to the Manager on Duty Lyne Metry and advised her about the complaint and if there was an event at the rooftop. She advised me that no rooftop was taking place. We both walked to the rooftop for verification of the closing. Rooftop was closed. I again educated Lyne Metry the Noise Ordinance to the city of Miami Beach. The complainant was on site to know of the findings of his complaint. Complainant was not pleased with the language of the ordinance. No violation issued at this time.

Body camera in use
Departed @ 10:50 PM
J.Hernandez-739

Case Number: NC2019-12305
Case Status: Noise complaint – Appeal
Open Date: 09/22/2019

Violation of Section 46-152:

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3rd Offense \$2000

BWC used

CCO M. Jefferson 747

Arrival 6:18 PM

Responded to a noise complaint of music coming from the rooftop. I drove through Collins Ct on the 900 block and could hear the music from the car. The music could also be heard from the sidewalk on the south side of the property. Upon arrival I parked in front of the property and while exiting my vehicle I could hear the music. I met with the complainant Peter at his property 960 Collins Ave and while inside of the hotel I could not hear the music. While on the porch the music could be heard faintly and we had no issues hearing each other. He then proceeded to take a picture of my name from my shirt. He then request that a supervisor also come to the scene. I made CCA Varela aware. I then made contact with the manager Luis at the Fairwind property and we walked around to the rear. While in Collins Ct we both could hear the music from the rooftop. He immediately called and had the music lowered. To avoid further problems he instructed the staff to cut the music off and move the customers inside. While in Collins Ct I noticed the complainant Peter recording my interaction with the manager Luis from across the street. I then went back to my vehicle to being the noise case. Peter came by the vehicle twice while I was creating the case to request the violation number. The music playing from the property was loud and excessive upon arrival and was immediately turned off during my interaction with the manager Luis. Violation issued. The violation was signed and accepted by the manager Luis.

Case Number: NC2019-12282

Case Status: Noise complaint – Appeal

Open Date: 09/20/2019

Ref: LOUD MUSIC

Inspection of the above premises this date has revealed that you are in violation of Section 46-152 of the Code of the City of Miami Beach by making, continuing, or causing to be made or continued any unreasonably loud, excessive, unnecessary or unusual noise.

YOU SHALL IMMEDIATELY CEASE THE VIOLATION.

You shall be subject to additional penalties if the violation continues. Repeat violations of Section 46-152 will result in the imposition of larger fines and may also result in revocation, suspension, or the imposition of restrictions on an occupational license and /or certificate of use, or accessory use, and/or injunctive and/or other legal proceedings as provided by law.

2nd offense, \$1,000.00 fine

Notice of violation issued

BWC: Used