

MEMORANDUM

TO: Mr. Michael Belush
Mr. Alejandro Garavito

FROM: Javier F. Aviñó
Nicholas A. Noto

DATE: July 28, 2024

RE: PB24-0670 - 4041 Collins Avenue - Staff First Review Comments - Applicant's Responses

1. Provide a narrative response when addressing the following comments with page(s) location if applicable.

Acknowledged.

2. LOI: Charts: Add a column on the charts for the entertainment hours of operation and explain what type of live entertainment is proposed per venue, DJ? Live bands? Dancers? etc., include this chart on the operational plan, this should be consistent with the sound study, LOI and plans.

The Andaz brand is an upscale luxury hotel brand and the entertainment to be used onsite will include entertainers such as DJs, live musicians, and dancers that compliment typical hotel events such as weddings and corporate events. This is consistent with the text of our existing CUP. However, please note that nearly all of the outdoor entertainment uses are limited to ambient background levels during all hours of operation.

Furthermore, consistent with the brand and typical hotel operations, we will not have any entertainment at any of the outdoor venues that resembles a promoted or headlining DJ event. We will stipulate to a condition that provides that none of the outdoor venues shall host any kind of headlining or promoted DJ or other concert-like event.

The Application retains the language of the existing CUP, allowing "entertainment, including live music" which we believe, in conjunction with a new condition from Planning Board staff which prohibits headlining or promoted DJ events, captures these privileges and will allow the Applicant to maintain its existing typical hotel event operations. We are not seeking an expansion of our existing entertainment operations.

3. LOI Chart existing CUP: clarify/enter entertainment for venue 1: live music at a volume that does not interfere normal conversation.

We are not requesting any changes to the entertainment permitted for Venue 1. Live music is permitted, but limited to ambient background levels. Please see Letter of Intent.

4. Venue 3, proposed chart/plan: interior seats 50 (OK); Exterior seats 122 +14seats @wood deck area and 4 seats @ West entrance area for a total of 140 exterior/outdoor seats, revise charts, totals, LOI information, etc.

See sheet A-2.05. Tones of shade updated to differentiated Indoor and Outdoor. Chart of seat count added for the Exterior Venue 3 for clarification. Total adds up to 122.

5. Venue 5, proposed chart/plan: interior seats (39), label each seat individually on plans to confirm this number, Exterior seats (88) the seats on the outdoor area In front of the meeting room shall be counted and shaded in light red, this is the same area, there is no separation; revise seat count, plans, charts, totals, LOI information, etc.

See sheets from A-2.03 to A-2.06 and A-2.08. Seats have been individually counted on plans to confirm quantity

See sheet A-2.07. Shaded color extends to the terrace in front of the meeting rooms as noted.

See sheet A-2.08 for the seat count. Note added in the northern portion to include two additional chairs in the count.

6. Operational plan checklist item 38: Not submitted: provide deliveries and trash pickup times/hours of operations and location; number of employees, security, valet parking operations. Provide the chart with all the proposed venues per LOI. Provide more details on the type of entertainment per venue. For reference see operational plan provided for PB23-0625:

<https://miamibeach.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=36179&MeetingID=1329>

Operational plan attached.

7. Plans: A-0.2, separate on a different page the zoning data information (Building setbacks, parking,) please use the Planning Department commercial Zoning Data sheet (Checklist item 11c). this is available at: <https://www.miamibeachfl.gov/city-hall/planning/planning-document-checklist>.

Zoning Data Sheet Added to Set, sheet A-0.3 added to the set.

8. A-1.01 and A-1.02: Add text in big red letters: "Previously approved – For Reference only".

See Revised sheets A-2.00 and A-2.01

Note sheets were re-organized and sheet numbers were modified as follows:

A-1.01 renumbered to A-2.00

A-1.02 renumbered to A-2.01

9. A-2.01 - A-2.01.A: expand light green color (Terrace) to go over seats 89 to 96.

See Revised sheets A-2.02 and A-2.04

Note sheets were re-organized and sheet numbers were modified as follows:

A-2.01 renumbered to A-2.02

A-2.01A renumbered to A-2.03

10. A-2.01.A, A-2.01.B: Enlarge plan

Plan sheets A-2.01A and A-2.01B are enlarged plans at the same scale of sheets A-2.01C, A-2.01D and A-2.02A.

Enlarging these sheets only will change the scale ratio between the plan sheets and will affect the proportion of the chart. For clarity between sheets, plans remained at scale presented.

No Plan changes have been executed in response to comment.

Note sheets were re-organized and sheet numbers were modified as follows:

A-2.01A renumbered to A-2.03

A-2.01B renumbered to A-2.04

A-2.01C renumbered to A-2.05

A-2.01.D renumbered to A-2.06

A-2.02A renumbered to A-2.08

11. A-2.01 - A-2.01.B: Provide seating furniture lines in black color. Plan is not legible.

See Revised sheet A-2.02 and A-2.04

Note sheets were re-organized and sheet numbers were modified as follows:

A-2.01 renumbered to A-2.02

A-2.01B renumbered to A-2.04

12. Checklist item 7: Provide copies of all current BTRs. Request this to the Finance Department; The actual copy of the most recent/s BTRs, it shall provide the hotel units and the restaurant seats. Without this the application cannot move forward.

The hotel is closed for renovations and due to the ongoing construction the hotel does not have a current BTR. The most recent active BTR is attached and will be renewed upon completion of the ongoing renovations and receipt of a certificate of occupancy.

13. Plans: plan set shall be organized following the same sequence of the checklist item 11 a-z; the images are appearing at the end on a separate file. The plan set can be divided in different each file cannot exceed 25 MB. Revise.

11a - Scope of work, clearly labeled "First Submittal" and dated with First Submittal deadline date. See Cover sheet A-0.0

11b - Copy of the original survey included in plan package provided in the following sheets: A-0.04 to A-0.08.

11c All Applicable Zoning Information (Use Planning Department zoning data sheet format). See sheet A-0.03 Commercial-Zoning Data Sheet.

11d - Context Location Plan, Min 8.5"X11" Color Aerial 1/2 mile radius, identifying project and showing name of streets. See on sheet A-1.00 LOCATION MAP

11e - Full legal description of the property if not included in survey (for lengthy legal descriptions, attach as a separate document - label clearly) not provided by architect. See Sheet A-0.02 for property description as well as for the survey documents provided

11h – a Site Plan (fully dimensioned with setbacks, existing and proposed, including adjacent right-of-way widths). See Sheet provided on sheet A-1.02.

11i - Current color photographs, dated, Min 4"x 6" of project site and existing structures provided. See sheets from A-1.04 to A-1.05, A-1.11 to A-1.15, and A-1.17 to A-1.20.

11j - Current, color photographs, dated, Min 4"x6" of interior space. See sheets A-1.10 and A-1.16.

11k - Current color photographs, dated, Min 4"x 6" of context, corner to corner, across the street and surrounding properties with a key directional plan. See Sheets from A-1.07 to A-1.09.

11l Existing Conditions Drawings (Floor Plans & Elevations with dimensions). Number of seats, furniture layout if applicable. See sheets A-2.00 FIRST FLOOR PLAN CUP 2022 and A-2.01 SECOND FLOOR PLAN CUP 2022. Elevations and dimensions not provided as they are not required for this application.

11n - Proposed Floor Plans and Roof Plan, including mechanical equipment plan and section marks. Plans shall indicate location of all property lines and setbacks. See Sheet A-1.02 for site plan with property line and setbacks. Roof Plan not applicable to application, drawing not provided.

11p – Proposed section drawings. Not Applicable to application, drawing not provided not provided.

14. Plans Check list item 11i to k , provide images no more than 6 per page in the same order and label the title block accordingly, provide a key directional plan for (k).

Photos have been provided per checklist. Key directional plans have been added to the upper right hand corner of each page. Sheets have been re-organized accordingly.

Please see sheets A-1.04 to A-1.20

15. Sound Study summary is calling section 142-1382 which is a section that does not exist; please provide the appropriate section from the resiliency code and the title of the section that is referring to.

Acknowledged.

16. Plans Check list item 11h and 42; provide a site plan with all the requirements.

11h – Site Plan (fully dimensioned with setbacks, existing and proposed, including adjacent right-of-way widths) See sheet A-1.02.

42a. See Sheet A-1.02.

42b - Parking spaces and dimensions / Loading spaces locations & dimensions. Parking not applicable, parking located at different lot than subject lot, parking count provided on sheet A-0.2. Exterior loading noted on separate loading and valet plans and in operational plan.

42c – Bicycle parking spaces – Not Applicable.

42d – Interior loading area location and dimension. See Sheet A-1.02 with interior loading areas and room sizes

42e – Street level trash-room location and dimensions. See Sheet A-1.02 with areas and room sizes

42f – Delivery route, sanitary operations, valet drop-off & pick-up, and valet route in and. See Civil Plans, not shown on Architectural site plan.

42h - Indicate any backflow preventer and FPL vault if applicable. Not Applicable to application.

42i - Indicate location of the area included in the application if applicable. See sheet on A-1.01 with plan locations called out.

42j - Preliminary on-street loading plan. See loading and valet plans and operational plan.

17. Sound study calls Bazaar area (venue2), where is this? plans, LOI, should coordinate with areas, venue names. Please correct this.

The nomenclature used for all venues has been coordinated across the letter of intent, plans, operational plan, and sound study.

18. Sound study is stating that they have reviewed Audio systems designed for the proposed venues are detailed in the April 3, 2024 “Sound System Installation” drawing set.. provide this set for reference.

Sound system installation drawings submitted.

19. As mentioned before, We will be recommending that sound not be plainly audible at the property lines of any adjacent property at any time of the day or night. This is not a commercial district and we do not want to have the chance that neighboring properties are affected in any way by outdoor entertainment uses on the site. We also need details on the type of entertainment, and will recommend against any kind of headlining or promoted DJ event on the property at any time. We take the most conservative approach in

reviewing any kind of outdoor entertainment, especially in a residential district. I just wanted you to know upfront how we will be reviewing this application, so that you are not surprised if it is negative recommendation for any expansion of outdoor entertainment.

As noted in response to Comment #2, the hotel is being rebranded as an Andaz Hotel. Per our Operational Plan, this is a luxury brand which will provide upscale entertainment experiences to its guests. The Property has never been nor intends to become a concert venue. The Applicant is happy to proffer a condition of the CUP prohibiting any kind of headlining or promoted DJ event on the Property at any time.

This CUP modification is solely seeking a continuation of our existing entertainment entitlements with minor modifications consistent with the repositioning and rebranding of the hotel and the improvements proposed and approved by the Historic Preservation Board. The Applicant is committed to an entertainment program that will ensure that no sound is plainly audible at a distance of 100 feet from the building between the hours of 11:00 p.m. and 7:00 a.m. as required by Section 46-152 of the Code of Ordinances. Before 11:00 p.m., and in order to accommodate hotel programming, the Applicant requests sound louder than ambient background levels outdoors in two of the five Venues. Specifically, the Pool Venue is limited to customary hotel special events only, such as weddings and corporate functions. At all other times the Pool Venue is limited to ambient background level music. The second venue, Venue 5, is the repurposed Andaz Lounge which is the welcoming and reception area of the hotel. As noted in the sound study, Venue 5 is surrounded by building structures on the west, north, and south boundaries which will shield sound that would otherwise emanate from the property. All venues, including Venue 5, will have independent audio systems providing for effective control, management and monitoring of sound levels produced at any venue to ensure compliance with the City's Code.

We also note that although the existing zoning is not a commercial district, the RM-3 is not a traditional residential district. The RM-3 is defined as a "high intensity district [] designed for high intensity multiple-family residences and hotels." The district permits 150-200 foot tall hotels by right and allows a myriad of commercial uses accessory thereto, including eating or drinking uses, retail, office, and alcoholic beverage establishments. Here, the Property has no adjacent residential uses and is bordered by hotels with the Best Western Plus Atlantic Beach Resort on the north, the Hampton Inn Miami Beach and the 4000 Collins Avenue Parking Garage on the west, and the Cadillac Hotel and Beach Club on the south.

Nonetheless, the Applicant remains committed to being a good neighbor and maintaining its good standing with Code Enforcement. The Application allows us to keep those priorities while elevating the guest experience intended by this major renovation and rebranding.

20. Please note that venue 5 is now larger and have an outdoor component with proposed entertainment; staff is concern of the cumulative effect geographic concentration of similar types of conditional uses see CU review criteria No 7 .

While the outdoor component of Venue 5 does add 88 seats, the number of venues is the same and the cumulative impact of entertainment establishments on the neighborhood actually decreases as, based on the revised seat counts proposed in the Application, the

total amount of seats for all venues is decreasing by more than 160 seats. The existing CUP has been approved and in operation since 2014. We have been a good neighbor and the Property has been in good standing with the City for this time period.

21. These comments have been provided as a first review of outstanding issues and are subject to additions and/or deletions pending further review before the meeting date and during building permit review. These comments do not constitute final zoning comments or final zoning approval of the project. For Planning Board, please upload to CSS the above information for the next available Final Submittal date (July 28, 2024). Provide a narrative and label electronic files as: 'MM-DD-YYYY Document Name'.

Acknowledged.