

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: October 29, 2024

FROM: Thomas R. Mooney, AICP  for TRM
Planning Director

SUBJECT: **PB24-0670 a.k.a. PB22-0519, a.k.a. PB0416-0008, f.k.a. File No. 2136. 4041 Collins Avenue - Hotel.**

An application has been filed requesting modifications to a previously issued conditional use permit for a Neighborhood Impact Establishment with Entertainment. Specifically, the applicant is requesting approval for the renovation and reconfiguration of the previously approved venues in the Hotel and the expansion and introduction of outdoor entertainment in some of the venues, pursuant to Chapter 2, Article V, Section 2.5.2. of the Miami Beach Resiliency Code.

RECOMMENDATION

Approval with conditions.

Legal Description: See Exhibit “A”.

Zoning/Site Data

Zoning District: RM-3 (Residential Multifamily High Intensity)

Future Land Use Designation: RM-3 (Residential Multifamily High Intensity)

Local Historic District: Collins Waterfront Historic District

National Register District: Yes

Surrounding Uses:

North:	Hotel
South:	Hotel
West:	Hotel
East:	Ocean

BACKGROUND / HISTORY

February 10, 2004 - The Historic Preservation Board approved a Certificate of Appropriateness for the removal of non-original portions of the front of the original 1940’s structure, at the entrance driveway, the substantial restoration the structure and a new 11 story residential tower at the rear of the property, connecting to the east elevation of the 1955 addition on the south side of the site. At the same meeting, the Board also approved a parking structure, which is accessed from the north side on 41st Street at the rear of the site, with a new pool deck on top and the relocation of an historic single family home from across the street to the rear of the site, fronting 41st Street.

January 11, 2013 – The Board of Adjustment approved a variance to waive the required hotel unit size in order to retain existing hotel units.

March 12, 2013 - The HPB reviewed and approved a Certificate of Appropriateness for the partial demolition, alteration, renovation and rehabilitation of the existing multi-family complex as part of a new hotel development, including the demolition of the non-historic rear parking structure and pool deck.

July 9, 2013 - The HPB reviewed and approved a modification to the previously issued Certificate of Appropriateness. Specifically, the Board approved a request to obtain a demolition permit of the Non-Contributing portions of the Crown Hotel (the parking structure) before issuance of the full building permit.

August 13, 2013 - The Historic Preservation Board approved a modification to a previously issued Certificate of Appropriateness for the partial demolition, alteration, renovation and rehabilitation of the existing multi-family complex as part of a new hotel development. Specifically, the Board approved modifications to the east elevation of the existing 12-story tower addition built in 2007 and the reconstruction of an original 1940 back-of-house structure located on the east elevation of the existing historic building.

June 24, 2014 - The Planning Board approved a Conditional Use Permit for a Neighborhood Impact Establishment (NIE) with a combined maximum occupant content of 1,284 persons.

August 12, 2014 - The Historic Preservation Board approved a Certificate of Appropriateness for two building identification signs located along the west and south elevations.

August 26, 2014 - The Planning Board approved a Modification to a previously issued Conditional Use Permit for a Neighborhood Impact Establishment (NIE) to increase the previously approved occupant content.

March 24, 2015 - The Planning Board discussed a 90-day Progress Report as required by the Conditional Use Permit.

August 24, 2015 - The Planning Department sent a Cure Letter to the applicant in response to three (3) outstanding code violations. The Cure Letter advised the applicant that a Progress Report was scheduled for the September 30, 2015 meeting, which was re-scheduled for October 9, 2015.

October 9, 2015 - The Planning Board continued the Progress Report due to Code violations for the October 27th, 2015 meeting. The violations were due to sound above ambient levels at the pool deck.

November 24, 2015 - The Planning Board discussed and continued the Progress Report to a date certain of January 26, 2016.

January 26, 2016 - The applicant demonstrated that the sound system was adjusted to comply with the requirements of the CUP and the Board suspended the progress report.

September 13, 2016 - The Historic Preservation Board approved a Certificate of Appropriateness for installation of 3 Building Identification signs.

July 26, 2022- The Planning Board approved modifications to the owner/operator for a previously issued conditional use permit for a Neighborhood Impact Establishment with Entertainment.

April 11, 2023 - The Historic Preservation Board approved a Certificate of Appropriateness for alterations to the hotel property including exterior and public interior modifications, the relocation of the existing 1930s home and the design of a new rear yard site plan including landscape and hardscape modifications.

THE PROJECT

The applicant, Golden Palms LLC, has submitted plans entitled "ANDAZ 4041 COLLINS AVE., MIAMI BEACH, FL 33140" Prepared by EOA July 26, 2024.

Since the plans were initially submitted, the applicant has modified the proposal and is no longer requesting approval for exterior music above an ambient level (a level that would interfere with normal conversation). The applicant is now requesting to increase the occupancy load of the exterior areas, as well as adjustments to the various indoor and outdoor occupancy loads and seats for the site. These changes are due to the complete reconfiguration of the outdoor areas, as recently approved by the Historic Preservation Board.

COMPLIANCE WITH CONDITIONAL USE REVIEW GUIDELINES:

Conditional Uses may be approved in accordance with the procedures and standards set forth in the Miami Beach Resiliency Code Chapter 2, Article V, 2.5.2.2:

- 1. The use shall be consistent with the Comprehensive Plan or Neighborhood Plan if one exists for the area in which the property is located.**

Consistent – The request is consistent with the permissible uses in the RM-3 Residential Multi-family, High Intensity District as designated on the Future Land Use Map within the Comprehensive Plan.

- 2. The intended use or construction would not result in an impact that would exceed the thresholds for the levels of service as set forth in the Comprehensive Plan**

Consistent – The proposal should not result in an impact that would exceed the thresholds for the levels of service as set forth in the Comprehensive Plan.

- 3. Structures and uses associated with the request shall be consistent with these Land Development Regulations.**

Consistent – Neighborhood Impact Establishments are permitted as conditional uses in this zoning district. This comment shall not be considered final zoning review or approval. This and all zoning matters shall require final review and verification prior to the issuance of a Building Permit.

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

Partially Consistent – The proposed establishment may adversely affect the general welfare of nearby residents if noise and other issues are not controlled. Staff has recommended conditions to ensure that the general welfare is maintained. Additionally, the use would have to comply with all applicable laws and regulations for licensure.

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

Consistent – Per previously approved CUP, parking is provided in an off-site parking garage. A zoning analysis will be performed as part of the building permit review.

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

Consistent – Staff is recommending conditions to mitigate any adverse impacts from noise and other issues on the surrounding neighborhood.

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

Partially Consistent – The proposed use is a typically permitted use in the RM-3 zoning district. NIE's are permitted in the RM-3 Zoning District as a conditional use, negative impacts from a concentration of this type of uses may be expected. To ensure this, Staff has proposed conditions to minimize the potential for negative impacts.

8. The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.

Consistent – The Project is existing and complies with the sea level rise and resiliency review criteria provided in Code Section 7.1.2.4

9. Appropriate consideration is given to the safety of and friendliness to pedestrian traffic, passageways through alleys is encouraged where feasible and driveways shall be minimized to the extent possible.

Consistent – The building ground floor plan layout provides safety and friendliness to pedestrians, there is only one driveway on Collins Avenue and pedestrian access is controlled through the ground floor lobby.

NEIGHBORHOOD IMPACT ESTABLISHMENT REVIEW GUIDELINES

In accordance with Chapter 7, Article 5 Sec. 7.5.5.4 of the Miami Beach Resiliency Code, in reviewing an application for an outdoor entertainment establishment, open air entertainment establishment or a neighborhood impact establishment, the Planning Board shall apply the following supplemental review guidelines criteria in addition to the standard review guidelines for conditional uses pursuant to Chapter 2, Article V:

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.

Consistent – The operational plan provided the hours of operations, number of employees and menu items for each venue. Information regarding food operations and security were submitted along with other procedures.

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.

Consistent – As previously approved the property contains an off-site parking garage. Additional details relating to the valet operations have been included in the Applicant's

traffic study. See attached memo from the Transportation Department.

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 would be controlled.**

Consistent – The restaurants and lounges at the Property are located on the ground floor whereas venue 5 is located at the second level. It is not anticipated that there will be large groups of people waiting to gain entry into the restaurants and lounge.

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

Consistent – Per LOI, no crowding or large groups are proposed. The ground floor restaurant has a sizeable waiting area and any access is controlled through the ground floor lobby.

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.**

Consistent – As previously approved, the parking and operations will not change. The applicant has provided a Traffic Study prepared by Kimley Horn; See attached memo from the Transportation Department, including recommended conditions of approval, which have been incorporated into the draft modified Conditional Use Permit.

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

Consistent – As previously approved sanitation operations will take place within the building.

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

Partially Consistent – As previously approved, the applicant is proposing ambient background entertainment. However, staff is recommending that any increase in the already high occupancy loads only be allowed as part of a limited number of special event permits each month.

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

Partially Consistent – The proposed structure is primarily surrounded by hotel uses; however, negative impacts to the hotel uses to the north, south and west may occur if the occupancies and sound levels are not carefully controlled. Staff is recommending conditions to ensure that nearby hotel guests are not negatively affected.

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

Partially Consistent – The increase in overall occupancy count may negatively impact the adjacent hotel properties.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4 of the Land Development establishes review criteria for sea level rise and

resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

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. Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 4 in Land Development Regulations.

Consistent. Resilient, Florida-friendly landscaping will be provided.

5. The project applicant shall consider the 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. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.

Consistent. The existing structure took into consideration adopted sea level rise projections

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 and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to 3 additional feet in height.

Consistent. The existing design is adaptable to the raising of public rights-of-ways and adjacent land.

7. As applicable to all new construction, all critical mechanical and electrical systems shall be located above base flood elevation. All redevelopment projects shall, whenever practicable and economically reasonable, include the relocation of all critical mechanical and electrical systems to a location above base flood.

Not Applicable.

8. Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated up to 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 of 54 in General Ordinances.

Not Applicable.

10. As applicable to all new construction, stormwater retention systems shall be provided.

Not Applicable.

11. Cool pavement materials or porous pavement materials shall be utilized.

Not Applicable. .

12. The design of each project shall minimize the potential for heat island effects on-site.

Not Applicable.

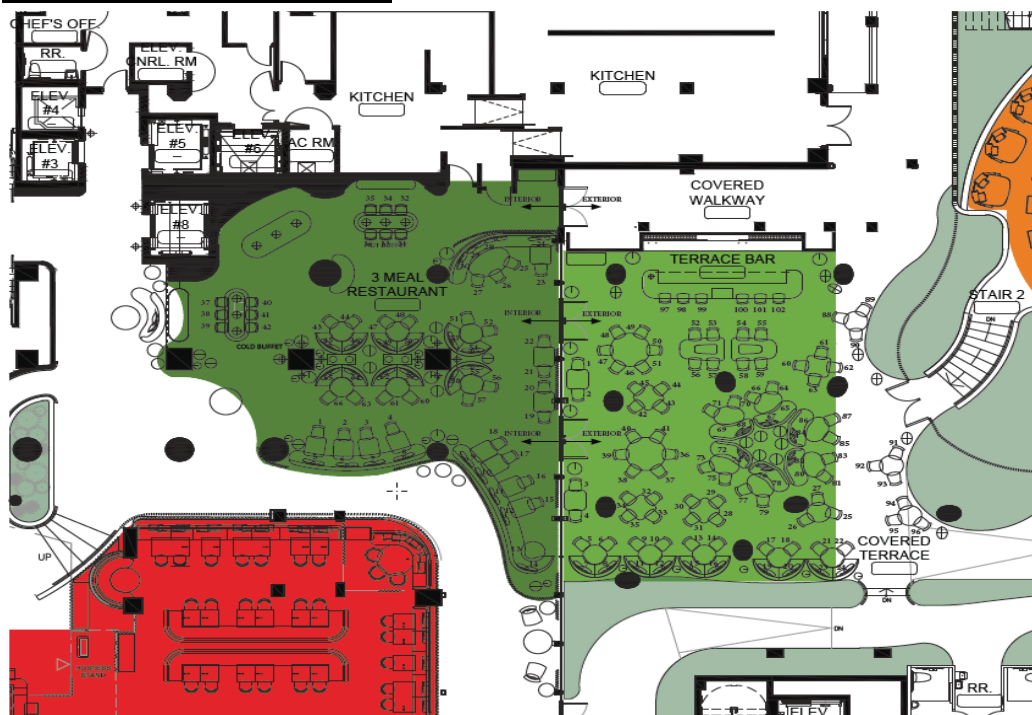
ANALYSIS

Project Description and Operations

The applicant is requesting modifications to the previously approved Conditional Use Permit, including an increase in the overall occupancy load for the interior and exterior venues. This includes the proposed expansion of the occupancy for the pool deck, as well as for a new second floor outdoor deck that will be created for 'Venue 5, Andaz Lounge'. The ground floor features four restaurant venues with a bar, restrooms, and a seating area on both the upper and lower decks that encircle the swimming pool.

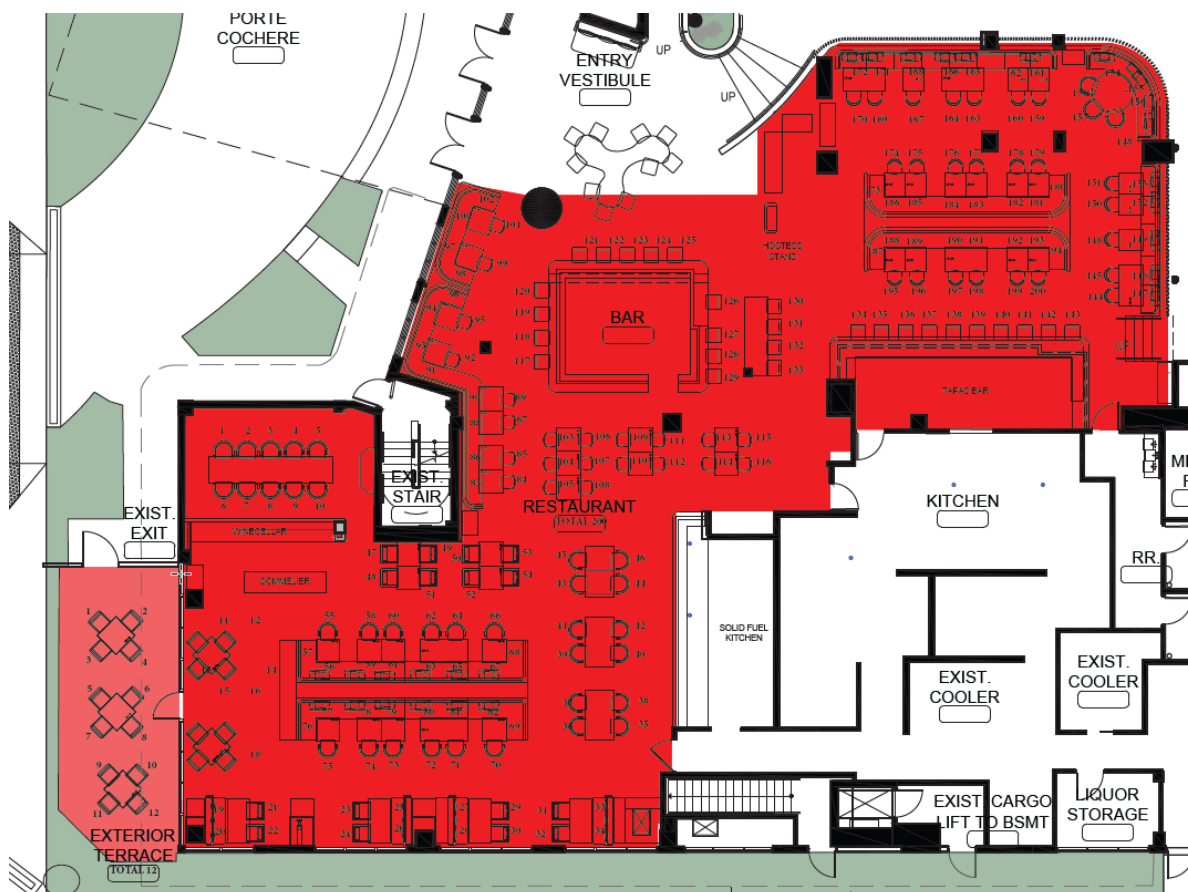
The following charts summarizes the uses and occupancies previously approved for the site (PB 2136) and the modifications that are now proposed by the applicant. Staff recommendations are included in **red**, and a graphic that outlines each of the areas, including indoor and outdoor areas is also provided.

3 Meal Restaurant, Venue 1:



3 Meal Restaurant/Venue 1 (1 st Floor)	PB 2136 Approval	Proposed Modifications by Applicant
	334 persons - maximum occupant load	334 149 persons – maximum ccupant load (decrease)
	Full-service restaurant with 245 seats, which shall be permitted to serve breakfast, lunch, and dinner until 2:00 a.m.	Full-service restaurant with 245 168 seats (66 indoors and 102 outdoors) , which shall be permitted to serve breakfast, lunch, and dinner until 2:00 a.m. (decrease)
	Interior and exterior facing another ground venue, “the Grove”	Remove condition
	Only permitted to play ambient music, which may include live music at a volume that does not interfere with normal conversation	No changes

Bazaar, Venue 2:

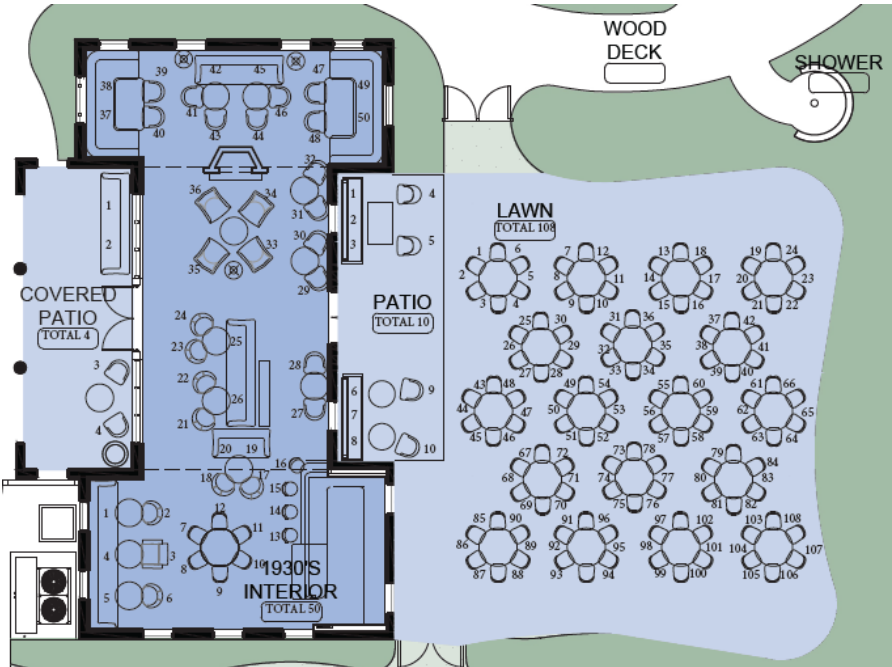


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La Esquina Taqueria Bazaar/Venue 2 (1 st Floor)	PB 2136 Approval	Proposed Modifications by Applicant
	234 persons – maximum occupant load	234 279 persons – maximum occupant load (increase)
	Full-service restaurant and café with approximately 129 seats, which shall be permitted to serve lunch and dinner until 5:00 a.m.	Full-service restaurant and café with approximately 129 212 seats, which shall be permitted to serve lunch and dinner until 5:00 a.m. (increase in seats)
	Entertainment and dance may be permitted in the interior restaurant	No changes
	The café shall be permitted to operate until 3:00 a.m. and includes approximately 48 interior seats and approximately 36 exterior seats.	The café <u>outdoor portion of Venue 2</u> shall be permitted to operate until 3:00 a.m. and includes approximately 48 interior seats and approximately 36 12 exterior seats. (decrease in seats)
	The café shall only be permitted to play ambient background music at a volume that does not interfere with normal conversation.	The café <u>outdoor portion of Venue 2</u> shall only be permitted to play ambient background music at a volume that does not interfere with normal conversation.

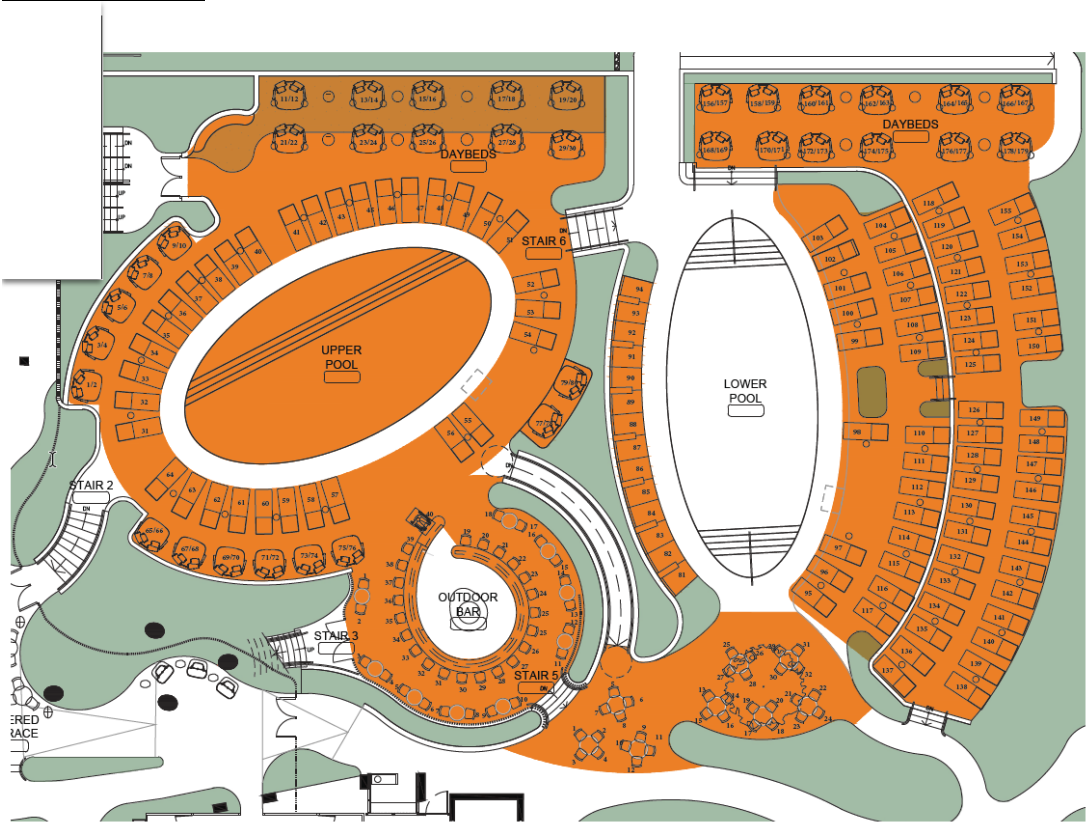
1930's House, Venue 3:



1930's House/Venue 3 (1 st Floor)	PB 2136 Approval	Proposed Modifications by Applicant
	334 person – maximum occupant load	No changes
	A bar lounge which contains approximately 50 seats located in the interior of the house. Entertainment and dancing shall be permitted until 5:00 a.m. in the bar lounge portion of the venue.	No changes
	The Outdoor Northside, includes approximately 19 seats and shall only be permitted to play ambient background music, and shall be permitted to stay open until 3:00 A.M.	Remove Condition
	The Outdoor Southside, which will include approximately 39 seats.	Remove Condition
	The Grove includes approximately <u>64</u> seats, and shall only be permitted to play ambient background music, which may include live music, at a volume that does not	Applicant: The Grove The outdoor <u>patio and lawn</u> includes approximately <u>64</u> <u>122</u> seats, and shall only be permitted to play ambient background music, which may include live music, at a volume that does not interfere with

	interfere with normal conversation, and shall be permitted to stay open until 3:00 a.m.	normal conversation, and shall be permitted to stay open until 3:00 a.m. (increase)
		<u>Food Service shall be permitted during operating hours</u> (Condition added)

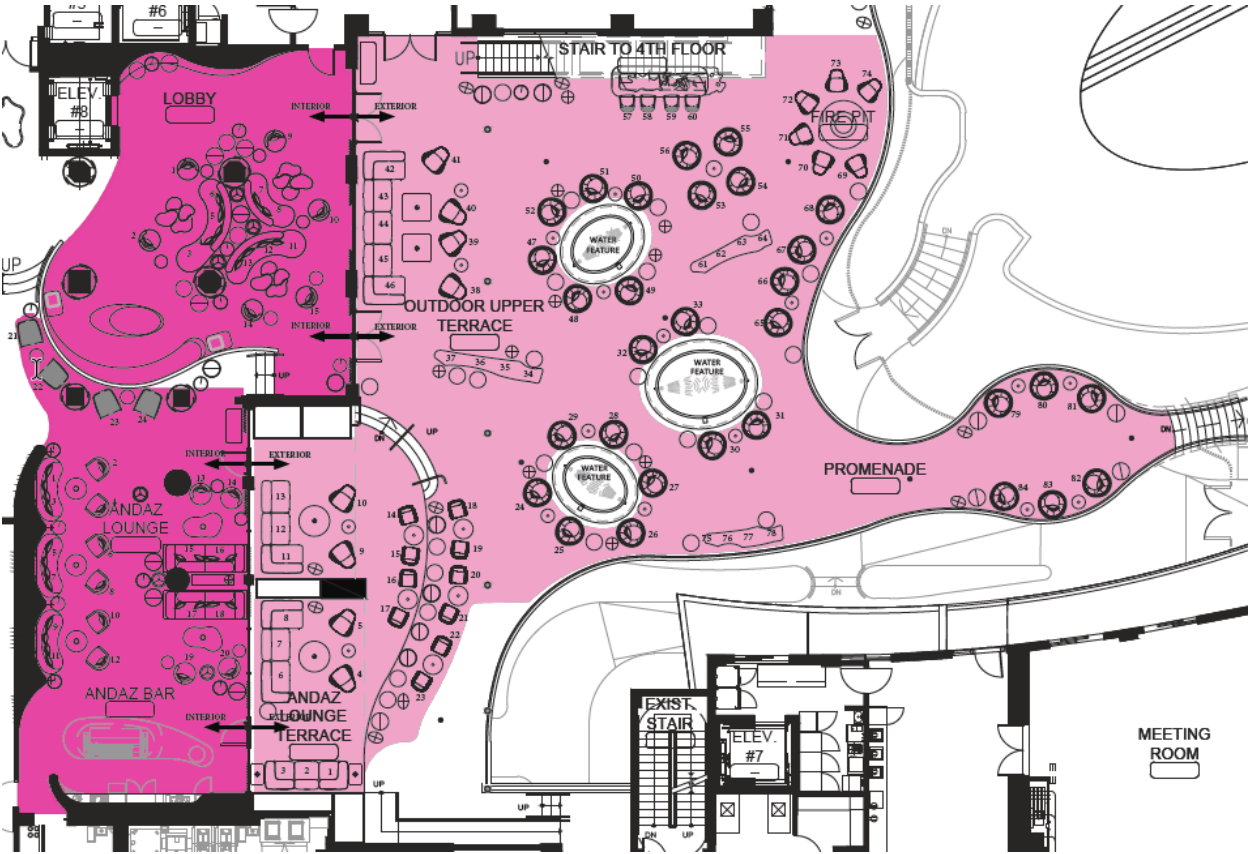
Pool, Venue 4:



Pool/Venue 4 (1 st Floor)	PB 2136 Approval	Proposed Modifications by Applicant
	382 persons – maximum occupant load	382 <u>912</u> persons – maximum occupant load (increase) Staff recommends no increase in occupancy load above 400 persons,

		except as may be permitted by a Special Event Permit (up to 8 per year).
The venue, located in the rear of the property, contains approximately 224 outdoor seats.	The venue, located in the rear of the property, contains approximately 224 <u>251</u> outdoor seats	
Lunch and dinner service shall be permitted until 3:00 a.m., at which time the venue shall be closed.	No changes	
The pool shall only be permitted to play ambient background music, which may include live music, at a volume that does not interfere with normal conversation.	No changes	

Andaz Lounge, Venue 5:



Library/VIP Area & Banquet Andaz Lounge/Venue 5 (2 nd Floor)	PB 2136 Approval	Proposed Modifications by Applicant
	306 persons – maximum	306 <u>369</u> persons – maximum occupant

	occupant load	load (increase)
	The venue is a lounge located in the interior second floor of the Thompson Hotel containing approximately 238 seats.	The venue is a lounge located in <u>on</u> the interior second floor of the Thompson <u>Andaz</u> Hotel containing approximately 238 <u>127</u> seats, <u>39</u> interior and 88 exterior. (decrease)
	Entertainment, including live music and dancing, shall be permitted.	Applicant: Keep this condition, which would allow outdoor entertainment and dancing until 3:00 am outdoors. Staff Recommends that entertainment, including live music and dancing, shall only be permitted indoors. Only background music may be played on the exterior.
	This venue shall be permitted to operate until 5:00 a.m.	Applicant: -This venue shall be permitted to operate until 5:00 a.m. <u>indoors and 3:00 a.m. outdoors.</u>
		Food service shall be permitted during operating hours. (Condition added)

The following is a comparison of the seat and occupancy levels previously approved and those currently proposed:

	PB 2136 Approval	Proposed Modifications
Indoor Seats	618 seats	355 seats
Outdoor Seats	474 seats	575 seats
Total Occupant Load	1590	2043

Sound

The current CUP allows entertainment, inclusive of a DJ or musicians, limited to ambient background music outdoors, until 3:00 am.

The applicant has submitted a sound study prepared by Edward Dugger + Associates, P.A., which confirms the applicants revised plans to maintain the status quo of entertainment at a level that does not interfere with normal conversion for the exterior of the premises. Each venue will be equipped with its own dedicated system zone, enabling independent adjustments of settings for each area. The system designer and/or installer will configure and set output limits to appropriate levels during installation using specialized software available only to them. Wall-mounted panels will be part of the design, allowing for adjustments within the preset limits, and should be accessible only to management, engineering staff, and ownership.

The initial sound study was peer reviewed by the City’s consultant Arpeggio Acoustic Consulting, LLC, and several concerns were noted regarding the proposal to include entertainment above ambient background levels. However, the applicant is no longer requesting to exceed ambient background levels at any time.

CUP Violations

There have not been any violations related to sound in the last year. However, in 2021, there was one noise complaint related to loud music (NC2021-18995), but no violation was issued once contact was made with the appropriate staff.

Deliveries and Sanitation

Refuse and loading operations will be provided at two (2) designated on-street loading zones, one on 41 Street and one on 40 Street, immediately north and south of the hotel. Trash pick-up currently occurs along both on-street loading zones and will remain at these locations. Food/restaurant deliveries will occur at the on-street loading zone on 41 Street, and linen deliveries will occur at the loading zone on 40 Street.

Valet Parking & Transportation

The applicant has provided a Traffic Assessment Methodology prepared by Kimberly Horn (see Transportation Department memo attached).

Security and Crowd Control

As previously approved and pursuant to the operational plan, staff does not anticipate any issues with crowd control in the right of way. The ground floor restaurant has a sizeable waiting area that can be accessed through Collins Avenue and is setback substantially from the sidewalk.

Summary

The proposed increase in occupancy from 1,590 persons to 2,043 persons is a little excessive, and could have negative impacts within the surrounding area, which is zoned residential. Although this proposal maintains entertainment at ambient, background levels, the elevated location of the pool deck and restaurants that are in close proximity to surrounding hotels could have unintended consequences.

Staff is also concerned with the potential for a DJ or live band to create a disruptive atmosphere on the pool deck. Even without ambient level music, the high occupancy of the pool deck is likely to increase noise emanating from the patrons themselves. It is important to note that the subject site is in a residential (RM-3) zoning district, and not a commercial zoning district. Further, a large part of the proposed increase in occupancy is due to the adjustable hard surface approved for the top of the swimming pool, which will accommodate a large dance floor and space with a higher occupancy load. Staff would recommend that the use of such deck only be permitted as part of a Special Events Permit, limited to more than 8 per year.

Figure 1, below, provides a comparison of the previously approved pool deck compared to the current proposal.

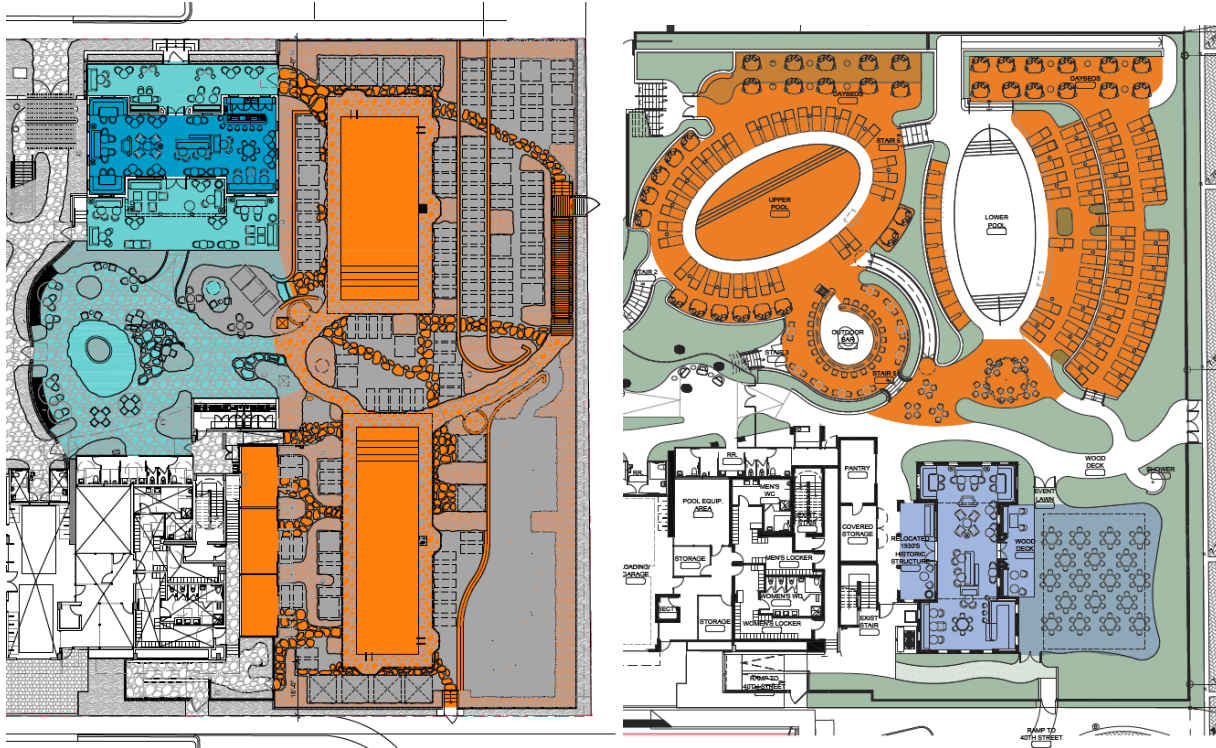


Figure 1: Reconfiguration of the Backyard (Prior on Left, Proposed on Right)

While the existing CUP is very broad in its allowance for entertainment on the exterior of the premises until 3:00 a.m., albeit at an ambient level, staff cannot recommend in favor of the expansion of any outdoor areas to permit entertainment, such as a DJ or a band, even at ambient levels. Of particular concern is the modification proposed for Venue 5, the Andaz Lounge. Currently this area has approval only for indoor entertainment, and the proposed plans include the creation of a large outdoor deck (located above Venue 1, the 3 Meal Restaurant), with an outdoor occupancy load of 262 persons **AND** entertainment at ambient levels until 3:00 am. Staff recommends that entertainment only be allowed in the interior portion of this venue and the exterior limited to recorded ambient background music, with no entertainment component.

Figure 2, below, provides a comparison of the previously approved lounge compared to the current proposal.

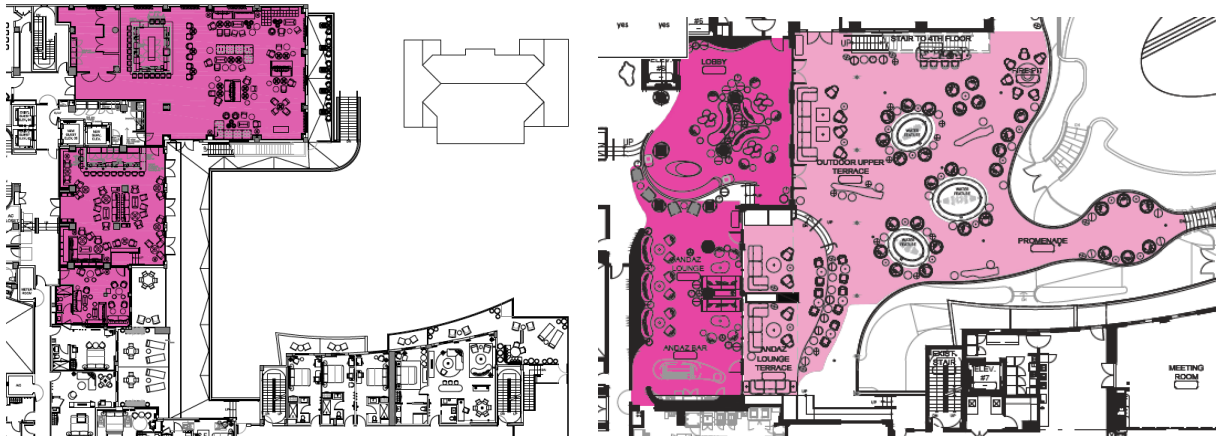


Figure 2: Renovated Second Floor Lobby and Lounge (Prior on Left, Proposed on Right)

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In summary, staff recommends that there be no expansion of the outdoor entertainment venues on the property, including for the pool area, Venue 4, as well as for the Andaz Lounge, Venue 5, except as may be permitted with a Special Event Permit (up to 8 per year).

STAFF RECOMMENDATION

In view of the foregoing, staff recommends the application be approved, subject to the conditions in the attached draft order.

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EXHIBIT A

Legal Description of the Property

PARCEL A

Begin at the Southwest corner of Lot 8, Block 33, amended map of the ocean front property of the Miami Beach Improvement Company, according to the plat thereof as recorded in Plat Book 5, Pages 7 and 8, of the Public Records of Miami-Dade County, Florida; thence North 07° 25' 55" East for 200.00 Feet; thence South 82° 34' 49" East for 355.40 Feet to the intersection with erosion control line recorded in Plat Book 105, Page 62 Sheet 14, of Miami-Dade County, Florida; thence South 06° 58' 25" West along the erosion control line recorded in Plat Book 105, Page 62 Sheet 14 for 200.01 Feet; thence North 82° 34' 43" West for 357.00 Feet to the Point of Beginning.

**PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA**

PROPERTY: 4041 Collins Avenue

FILE NO. PB24-0670 a.k.a. PB22-0519, a.k.a. PB0416-0008, f.k.a. File No. 2136.
4041 Collins Avenue - Hotel.

IN RE: An application for modifications to a previously issued conditional use permit for a Neighborhood Impact Establishment. Specifically, the applicant requested approval for the renovation and reconfiguration of the previously approved venues in the Hotel and the expansion and introduction of outdoor entertainment in some of the venues, pursuant to Chapter 2, Article V, Section 2.5.2. of the Miami Beach Resiliency Code.

**LEGAL
DESCRIPTION:** See "Exhibit A" attached.

MEETING DATE: June 28, 2016; July 26, 2022; October 29, 2022

MODIFIED CONDITIONAL USE PERMIT

The Applicant, Golden Palms, LLC, requested a modification to a previously issued Conditional Use Approval for a Neighborhood Impact Establishment. Specifically the applicant requested approval for the renovation and reconfiguration of the previously approved venues in the Hotel and the expansion and introduction of outdoor entertainment in some of the venues, pursuant to Chapter 2, Article V, Section 2.5.2. of the Miami Beach Resiliency Code. Notice of the request was given, as required by law, and mailed out to owners of property within a distance of 375 feet of the exterior limits of the property upon which the application was made.

The Planning Board of the City of Miami Beach makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the of the record for this matter:

That the property in question is located in the RM-3 – Multifamily Residential High Intensity zoning district;

That the use is consistent with the Comprehensive Plan for the area in which the property is located;

That 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;

That structures and uses associated with the request are consistent with the Land Development Regulations;

That the public health, safety, morals, and general welfare will not be adversely affected;

That necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

IT IS THEREFORE ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record

for this matter, and the staff report and analysis, which is adopted herein, including staff recommendations, as may have been modified by the Planning Board, that a Conditional Use Permit as requested and set forth above, be GRANTED subject to the following conditions to which the applicant has agreed: Underlining denotes new language and ~~strikethrough~~ denotes stricken language from the previous Order.

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, and again within 180 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, 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 (e)~~ Resiliency Code Sec. 2.5.2.5.
2. This Modified Conditional Use Permit is issued to Golden Palms, LLC, as the owner and Hyatt Corporation as the operator of The ~~Confidante~~ Andaz Hotel for a Neighborhood Impact Establishment, consisting of restaurants, lounges, bars and pool deck. Any change of operator or 50% (fifty percent) or more stock ownership shall require the new operator or owner to submit an affidavit, approved by City, to the City of Miami Beach Planning Department, transferring approval to the new operator or owner and acknowledging acceptance of all conditions established herein prior to the issuance of a new Certificate of Use/Business Tax Receipt. A progress report shall be scheduled within 60 days followed by the submission and acceptance of the affidavit.
3. ~~Any change of operator or ownership shall require review and approval by the Planning Board as a modification to this Conditional Use Permit.~~
4. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property owners, operators, and all successors in interest and assigns.
5. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval.
6. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application.
7. As proposed by the applicant, the project authorized by this Conditional Use Permit includes the creation and operation of the following venues, with a maximum occupant content of 1,590 persons or any lesser such occupant content as determined by the Fire Marshal:

a. 3-Meal Restaurant / "Venue 1"

i. ~~334~~ 150 Total Occupancy

- ii. Full-service restaurant with approximately ~~245~~ 168 seats (66 indoors and 102 outdoors), which shall be permitted to serve breakfast, lunch and dinner until 2 a.m.
- ~~iii. Interior and exterior seating facing another ground floor venue, "the Grove."~~
- ~~iv.~~ iii. Only permitted to play ambient background music, which may include live music, at a volume that does not interfere with normal conversation.

b. ~~La Esquina Taqueria~~ Bazaar/ "Venue 2"

- i. ~~234~~ 280 Total Occupancy
- ii. Full-service restaurant ~~and café~~ with approximately ~~429~~ 212 seats which may serve lunch and dinner until 5 a.m.
- iii. Entertainment and dance may be permitted in the interior restaurant.
- iv. The ~~café~~ outdoor portion of Venue 2 shall be permitted to operate until 3 a.m. and includes ~~approximately 48 interior seats and approximately 36~~ 12 exterior seats.
- v. The ~~café~~ outdoor portion of Venue 2 shall only be permitted to play ambient background music at a volume that does not interfere with normal conversation.

c. 1930's House / "Venue 3"

- i. 334 Total Occupancy.
- ii. A bar lounge which contains approximately 50 seats located in the interior of the house. Entertainment and dancing shall be permitted until 5 a.m in the bar lounge portion of the venue.
- ~~iii. The "Outdoor Northside", includes approximately 19 seats and shall only be permitted to play ambient background music, and shall be permitted to stay open until 3:00 a.m.~~
- ~~iv. The "Outdoor Southside", which shall include approximately 39 seats.~~
- ~~v.~~ iii. ~~"The Grove",~~ The outdoor portion includes approximately ~~64~~ 122 seats, and shall only be permitted to play ambient background music, which may include live music, at a volume that does not interfere with normal conversation, and shall be permitted to stay open until 3:00 a.m.
- iv. Food Service shall be permitted during operating hours.

d. Pool / "Venue 4"

- i. ~~382~~ 400 Total Occupancy.
- ii. The venue, located in the rear of the property, contains approximately ~~224~~ 251 outdoor seats.
- iii. Lunch and dinner service shall be permitted until 3:00 a.m., at which time the venue shall be closed.
- iv. The pool shall only be permitted to play ambient background music, which may include live music, at a volume that does not interfere with normal conversation.

e. ~~Library/VIP Area & Banquet~~ Andaz Lounge/ "Venue 5"

- i. ~~306~~ 370 Total Occupancy.
- ii. The venue is a lounge located ~~in~~ on the ~~interior~~ second floor of the ~~Confidante~~ Hotel containing approximately ~~238~~ 127 seats (39 interior and 88 exterior).
- iii. Entertainment, including live music and dancing, shall only be permitted within the interior of the venue. Entertainment, including entertainments at an ambient level, shall be prohibited on the exterior.
- iv. This venue shall be permitted to operate until 5:00 a.m. indoors and 3:00 am outdoors
- v. Food Service shall be permitted during operating hours.

8. Special Events may occur on the premises, subject to City ordinances, rules or regulations existing at the time, and may exceed the hours of operation and occupancy loads specified herein, if permitted by the Fire Marshal, subject to the review and approval of staff, ~~except that during the first ninety days following the issuance of a TCO, occupancy loads for Special Events shall not exceed aggregated permitted on paragraph 7.~~ The Board reserves the right to modify occupancy loads for Special Events at the time of progress reports. Live entertainment may be permitted, only within the areas authorized for such, as specified by this conditional use permit, and provided such entertainment does not exceed a level that would interfere with normal conversation. The number of Special Event Permits shall not exceed eight (8) per year, or such lesser number as may be permitted by a Special Events Permit.
9. The equipment and installation plan for each proposed new sound system, including the location of all speakers and sound system controls shall be submitted to staff for review and approval prior to obtaining a building permit for the renovations and modifications proposed as part of the 10/29/2024 modifications. Ninety days after opening, the sound systems in all the venues shall be tested by a qualified acoustic professional, and a report shall be submitted to staff for review.
10. Hotel security personnel and other hotel staff shall take measures to enforce the Patron Age Restriction of the City Code during the hours of operation of all alcoholic beverage establishments.

11. Street flyers and handouts shall not be permitted, including handbills from third-party promotions.
12. The applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), if deemed necessary, by paying its fair share cost, as determined by the Transportation/Concurrency Management Division, prior to obtaining a Certificate of Occupancy or Business Tax Receipt, whichever may occur first, and any other fair share cost that may be due and owing. Without exception, all concurrency fees, mitigation fees and concurrency administrative costs shall be paid prior to the issuance of a Certificate of Occupancy or Business Tax Receipt.
13. The applicant shall comply with the following Transportation Requirements:
 - a. Valet attendants shall be prohibited from using 43 Street in their route to store and retrieve vehicles.
 - b. Valet operator and hotel security personnel shall monitor pick-up and drop-off areas to ensure that queuing of vehicles will not interfere with traffic on Collins Avenue.
 - c. The applicant shall coordinate with the City of Miami Beach Transportation & Mobility Department to implement an acceptable Transportation Demand Management (TDM) Implementation Plan per the TDM strategies outlined in the most recent Traffic Impact Statement, prior to the issuance of a building permit.
 - d. The applicant shall commit to providing a minimum of eleven (11) and thirty-seven (37) valet attendants during the site's A.M. and P.M. peak periods, respectively. The number of attendants shall be adjusted when higher-than-normal peak demands are encountered to accommodate all vehicular queues on-site.
 - e. Valet service shall be provided 24 hours a day, 7 days a week.
 - f. The applicant shall ensure that rideshare pick-up and drop-off occurs on private property, or in designated rideshare zones that are not located on Collins Avenue and that do not obstruct travel lanes.
14. As proposed by the applicant, security staff shall be posted at each entrance and exit point to the hotel. Security staff shall monitor patron circulation and occupancy levels in order to adjust crowds according to occupant loads. Additional security staff would be hired during special events, holidays, and high occupancy days, based on demand. Security cameras shall be installed around the perimeter of the property, as well as throughout the interior of the property, as needed.
15. During weekends and large events the Applicant shall maintain additional security staff to control crowds when the 41st Street entrance is in operation.
16. Trash collection shall take place seven days a week and noise from trash dumpsters shall be mitigated with rubberized wheels and/or other noise reducing materials, subject to the review and approval of staff.

17. A bicycle parking plan shall be submitted for staff review and approval prior to the issuance of a Building Permit.
18. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of an occupational license to operate this entertainment establishment.
19. The Planning Board shall retain the right to call the owner or operator back before them and modify the hours of operation or the occupant load of the accessory uses proposed for the project 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.
20. 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~~, Section 2.5.2.5 of the Land Development Regulations (LDRs) City Code of the City of Miami Beach, Florida, entitled "Compliance with conditions; revocation or modification".
21. 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.
22. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
23. The executed Conditional Use Permit shall be recorded in the Public Records of Miami-Dade County, Florida, at the expense of the applicant and returned to the Planning Department. No building permit, certificate of occupancy, or certificate of completion shall be issued until this requirement has been satisfied.
24. 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 444-7~~ 1.3.7 of the Code Land Development Regulations (LDR's), entitled "ENFORCEMENT", and such enforcement procedures as are otherwise available. Any failure by the owner, applicant or operators 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 permit.
25. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.
26. Prior to the issuance of the Business Tax Receipt (BTR), the sound system shall be tested under the supervision of a qualified acoustical professional and Planning Staff, to ensure that

all aspects of the system's performance comply with the design intent and recommendations of the sound system study submitted as part of this application.

Dated_____.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: _____
Michael Belush, AICP
Planning & Design Officer
For Chairman

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by Michael Belush, Planning & Design Officer of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

{NOTARIAL SEAL]

Notary:
Print Name
Notary Public, State of Florida
My Commission Expires:
Commission Number:

Approved As To Form:
Legal Department: _____ ()

Filed with the Clerk of the
Planning Board: _____ ()

EXHIBIT A

Legal Description of the Property

PARCEL A

Begin at the Southwest corner of Lot 8, Block 33, amended map of the ocean front property of the Miami Beach Improvement Company, according to the plat thereof as recorded in Plat Book 5, Pages 7 and 8, of the Public Records of Miami-Dade County, Florida; thence North 07° 25' 55" East for 200.00 Feet; thence South 82° 34' 49" East for 355.40 Feet to the intersection with erosion control line recorded in Plat Book 105, Page 62 Sheet 14, of Miami-Dade County, Florida; thence South 06° 58' 25" West along the erosion control line recorded in Plat Book 105, Page 62 Sheet 14 for 200.01 Feet; thence North 82° 34' 43" West for 357.00 Feet to the Point of Beginning.



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

TRANSPORTATION & MOBILITY DEPARTMENT

Tel: 305.673.7514

MEMORANDUM

TO: Thomas R. Mooney, AICP, Director, City of Miami Beach Planning Department

FROM: José R. González, P.E., Director, City of Miami Beach Transportation & Mobility Department

DocuSigned by:
Ornel Rodriguez
91AD3C4A38D84A6...

DATE: October 17, 2024

SUBJECT: 4041 Collins Avenue (Andaz Hotel) – Traffic Impact Statement (PB24-0670/TRN24-0013)

The City of Miami Beach Transportation & Mobility Department has reviewed the subject Traffic Impact Statement submitted by the applicant as part of the Planning Board application for the redevelopment of 4041 Collins Avenue. The site currently consists of 339 hotel rooms, 213 fine-dining restaurant seats, and 30,163 square feet of drinking place. The proposed redevelopment includes the following modifications: a reduction of the number of hotel rooms to 287, an increase in the number of fine-dining restaurant seats to 244, and a reduction of the square footage area of the drinking space to 26,247 square feet.

The proposed modifications are anticipated to be completed by 2026. Since the proposed changes associated with this application are expected to reduce the total number of external trips derived from the different uses that the hotel currently generates, only a Traffic Impact Statement was requested from the applicant. The Traffic Impact Statement associated with this application was completed following City of Miami Beach standards and the approved methodology.

Trip Generation Analysis

The results of the Trip Generation Analysis indicate that the proposed modifications to the site are expected to reduce the total number of external vehicular trips. During the A.M. and P.M. peak hours, a reduction of approximately 20 and 59 external trips is expected, respectively, for a total of approximately 383 total trips during the P.M. peak hour.

Valet Operations & Queuing Analysis

The hotel currently does not provide on-site parking, and all non-rideshare trips are valeted and will continue to be valeted to an off-site parking garage owned by the hotel. The private off-site parking garage is located at the southwest corner of Collins Avenue and 40 Street intersection and does not allow self-parking or public parking.

The existing access to the vehicle drop-off/pick-up area for valet services on Collins Avenue will remain along the hotel's entrance on the ground level at the circular porte-cochere. The existing valet drop-off/pick-up area consists of one valet drop-off/pick-up lane with storage for approximately six (6) vehicles, and one (1) bypass lane. Figure 1 illustrates the valet routes to and from the hotel, and to and from the off-site parking garage.



Figure 1: Valet Route Map (Andaz Hotel)

The peak hour Valet Operations Analysis results indicate that a minimum of eleven (11) valet attendants during the A.M. peak hour and thirty-seven (37) valet attendants during the P.M. peak hour would be required to ensure future valet queues do not exceed the existing storage available at the valet drop-off/pick-up area during the highest peak demand scenarios. Please note that the Valet Operations Analysis did not consider rideshare trips, although a percentage of rideshare trips will be expected from the project site. The number of valet attendants will be adjusted as necessary to ensure valet queues do not enter the public right-of-way.

Entry Gate & Queuing Analysis

The off-site parking garage currently used by the hotel valet services has an existing entry control gate (swing arm) and a garage door activated via proximity card. The Valet Operations Analysis includes the entry gate and garage door processing times, and the results indicate that the expected vehicular queues will not extend onto the public right-of-way.

Loading Operations

Refuse and loading operations will be provided at two (2) designated on-street loading zones, one on 41 Street and one on 40 Street, immediately north and south of the hotel. Trash pick-up currently occurs along both on-street loading zones and will remain at these locations. Food/restaurant deliveries will occur at the on-street loading zone on 41 Street, and linen deliveries will occur at the loading zone on 40 Street.

Transportation Demand Management (TDM)

The hotel site is located within an area that includes elements to incentivize the preferred use of transit, cycling, carpooling, and other alternative transportation modes. There are currently five (5) Miami-Dade County Metrobus Routes (#14, 36/36A, 79, 100, and 150) in the vicinity; and two (2) City of Miami Beach Trolley Routes (Middle Beach Loop and Collins Express) that operate nearby the project site during the A.M. and P.M. hours. The nearest transit stop is located just north of 38 Street, on the east side of Collins Avenue, approximately a 3-minute walk from the project site.

The project's proposed Transportation Demand Management (TDM) strategies include:

- An employee Transportation Coordinator to manage the transportation control measures programs: *Ms. Aka Ali-Ker*.
- 20 short-term secure bicycle parking spaces.
- Hotel concierge with transit information, including route schedules and maps.
- Designated scooter/motorcycle parking spaces in the off-site garage.
- Carpool incentive program for employees.
- Subsidized transit passes for employees.
- 10 rental bikes, which will receive maintenance and monthly wash services.
- Car/vanpooling designated parking spaces in the off-site parking garage.
- Shower facilities that bicyclists may use on-site.

Conditions of Approval

1. The applicant shall coordinate with the City of Miami Beach Transportation & Mobility Department to implement an acceptable Transportation Demand Management (TDM) Implementation Plan per the TDM strategies outlined in the most recent Traffic Impact Statement, prior to the issuance of a building permit.
2. The applicant shall commit to providing a minimum of eleven (11) and thirty-seven (37) valet attendants during the site's A.M. and P.M. peak periods, respectively. The number of attendants shall be adjusted when higher-than-normal peak demands are encountered to accommodate all vehicular queues on-site.
3. The applicant shall commit to providing valet service 24 hours a day, 7 days a week.
4. The applicant must ensure that rideshare pick-up and drop-off occurs on private property, or in designated rideshare zones that are not located on Collins Avenue and that do not obstruct travel lanes.

Conclusion

The City of Miami Beach Transportation & Mobility Department, including the Peer Review Consultant, has no further comments on the Traffic Impact Statement for the proposed 4041 Collins Avenue (Andaz Hotel) redevelopment project.

Please feel free to contact the City of Miami Beach Transportation & Mobility Department if you have any questions on the above.

CC: Otniel Rodríguez, E.I., Assistant Director, City of Miami Beach Transportation & Mobility Department

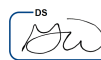
Memorandum to Planning Department Re: 4041 Collins Avenue (Andaz Hotel)

October 17, 2024, Page 4

Ghassan Choueiry, P.E., Senior Transportation Engineer, City of Miami Beach
Transportation & Mobility Department

^{DS}


Grant Webster, Transportation Planner, City of Miami Beach Transportation & Mobility
Department

^{DS}




**Peer Review of Sound Study for
4041 Collins Avenue
Andaz Hotel
PB 24-0670**

Prepared for:

**Miami Beach Planning Department
1700 Convention Center Drive
Miami Beach, Florida 33139**

Prepared by:

A handwritten signature in black ink, appearing to read "Jesse J. Ehnert", written over a horizontal line.

**Jesse J. Ehnert, INCE Bd. Cert., Principal
Arpeggio
1947 Aspen Drive, NE
Atlanta, Georgia 30345
jehnert@arpeggiollc.com
404-277-6528 (Direct)**

July 24, 2024

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1 Introduction

This report documents a peer review of an acoustic study conducted for the City of Miami Beach related to an application for modification of a Conditional Use Permit (CUP) for a Neighborhood Impact Establishment at 4041 Collins Avenue, Andaz Hotel. The reviewed report, prepared by Edward Duggar + Associates (ED+A) and dated July 7, 2024, describes the project, acoustic measurements made in the area, and qualitative assessment of potential entertainment impacts on nearby properties.

2 Project Description

The existing hotel property, located on the east side of Collins Avenue between 40th Street and 41st Street, is to host the following five venues: three-meal restaurant, Bazaar, 1930s historic structure, outdoor pool, and Andaz Lobby and Lounge. All venues had been the subject of a previous CUP pursuit. However, the proposed modifications to the CUP that are germane to the current issue of noise impacts relate to entertainment at the pool and outdoor portions of the Andaz Lobby and Lounge.

While no modification to the closing hour of 3 am is being proposed, allowance for entertainment at these venues until 11 pm is being proposed. It is envisioned that the pool area could host private events such as corporate events and weddings and that entertainment would not be limited to ambient background sound levels during such events until 11 pm when ambient background limits would be restored. The applicant furthermore desires to allow entertainment not limited to ambient background sound levels at outdoor portions of the Andaz Lobby and Lounge until 11 pm when ambient background limits would be restored.

The hotel is surrounded by the following properties: Best Western Atlantic Beach Resort to the north, Cadillac Hotel and Beach Club to the south, Hampton Inn Miami Beach and 4000 Collins Avenue parking garage to the west across Collins Avenue, and Westover Arms hotel to the northwest at the southeast corner of the intersection of Collins Avenue and 41st Street. The report also cites the presence of “apartment/condominium buildings” to the west of Collins Avenue.

3 Discussion

The ED+A sound study thoroughly describes the desired modifications to the CUP in terms of each venue. The study also describes a background noise survey which included the collection of equivalent sound levels as well as L₉₀ values in A-weighted decibels. It should be noted however, that any complaints that would arise from these venues would likely be due to bass sound which is better measured with C-weighted decibels.

The report also claims that the two venues will be surrounded by building structures to the north, west, and south which would help to buffer the propagation of sound to nearby properties, however, this does not appear to be the case, at least toward the north and northwest. Specifically, the pool deck appears likely to have direct line of sight to the Best Western hotel across 41st Street as shown in Figure 1. Furthermore, the pool deck appears to have direct line of sight to the Westover Arms, approximately 300' to the northwest, as shown in Figure 2.



Figure 1 – View of Best Western Atlantic Beach Resort from 41st Street Near Pool Deck
(Via GoogleEarth)

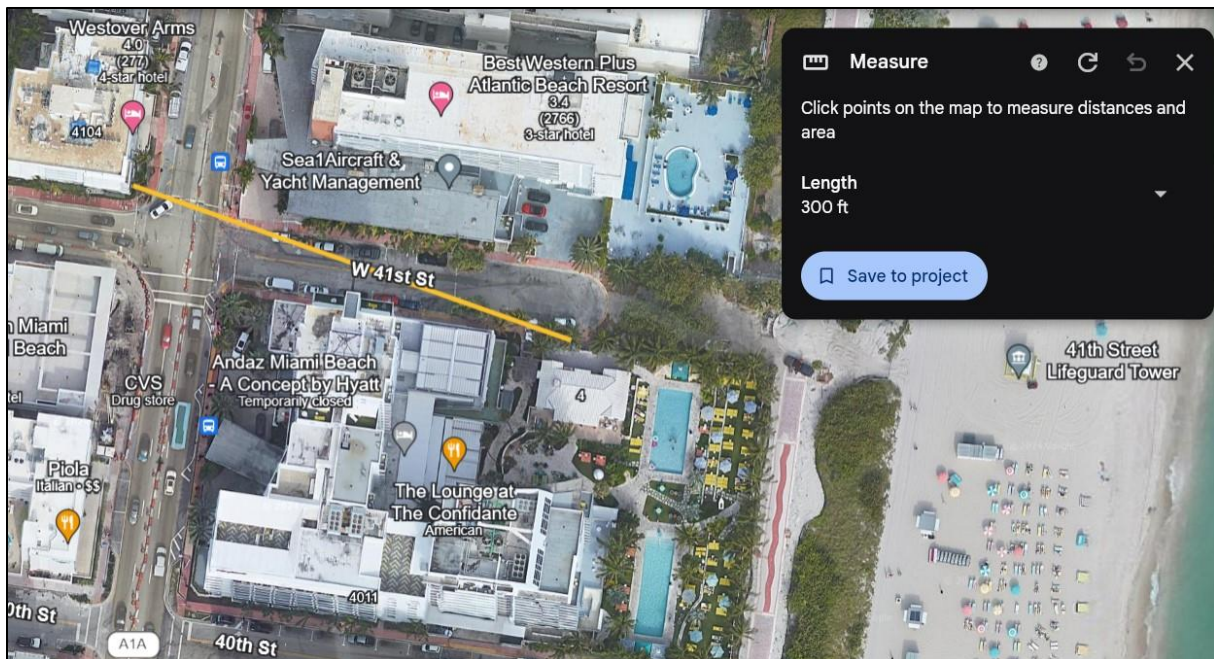


Figure 2 – Line of Sight from Andaz Pool Deck to Westover Arms Hotel
(Via GoogleEarth)

Given the aforementioned line of sight issue, it would be reasonable to expect that impacts would most readily be experienced at those properties, especially the Best Western immediately to the north as shown in both figures. However, we cannot assess that potential impact since the sound study does not present the results of any predictive sound modeling. Without such modeling results or estimates of receiver sound levels, we can neither refute nor confirm any claims related to potential impact.

The salient portion of the Miami Beach Noise Ordinance is reproduced below:

The using, operating, or permitting to be played, used or operated any radio receiving set, television set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in or on the room, vehicle, vessel, floating structure, or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such manner as to be plainly audible at a distance of 100 feet from the building, structure, vessel, floating structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.

It is notable that, according to the sound study, the Planning Board proposes to enforce the “plainly audible at a distance of 100 feet” feature throughout the day (i.e., not only between 11 pm and 7 am). This may be a reasonable action to limit impact on nearby hotel guests but it puts the onus of a successful outcome on a specific group of people. Specifically, lacking any acoustic modeling predictions, we cannot assess potential success. Rather, it will be wholly incumbent on the specific sound system design (which was not presented or modeled to our knowledge), Andaz Hotel representatives, event organizers, and event attendees to adhere to conducive sound level limits.

4 Conclusions

In conclusion, it is our opinion that, given apparent direct line of sight between the pool and possibly outdoor lounge to adjacent hotel properties, especially the Best Western Plus Atlantic Beach Resort immediately to the north, there is the potential for guests in those adjacent properties to be impacted by activities at these two venues. The sound study provided no sound propagation predictions via modeling or other means to inform either confirmation or refutation of any claims related to such impact. Given this lack of information, we can only state that adherence to the city’s noise ordinance seems to be predicated on the specific sound system design (which was not presented or modeled to our knowledge) and the actions of Andaz Hotel representatives, event organizers, and event attendees.