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## ACOUSTICAL REVIEW

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Date: 6 August 2021

To: James E. Rauh  
Partner

Greenspoon Marder  
600 Brickell Avenue, 36<sup>th</sup> Floor  
Miami, Florida 33131

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

Re: **Noise Attenuation Plan**  
**EME Exclusive Club**  
**1826 Collins Avenue**  
**Miami Beach, Florida 33139**  
ED+A 211298

Mr. Rauh,

Pursuant to MB Group Entertainment Corp's request to allow entertainment in their existing four-story building at 1826 Collins Avenue, Edward Dugger + Associates (ED+A) has visited the property to inspect existing architectural and audio system conditions, and reviewed the July 12, 2021 submittal package to prepare this report in support of the proposed modifications to the restaurant's existing Conditional Use Permit for a Neighborhood Impact Establishment operating as an Entertainment Establishment.

Please contact ED+A with any questions or comments concerning this report.



## INTRODUCTION

The EME Exclusive Club (EME) is an existing four-story building at 1826 Collins Avenue. The property currently operates as a restaurant with prerecorded music at background level. The Applicant is requesting a conditional use permit for a neighborhood impact establishment operating as an entertainment establishment to allow a DJ and occasionally live entertainment.

The property and surrounding area are located in the CD-2 zoning district. Adjacent uses include the following properties that all appear to be within 100 ft of the building:

- 1850 Collins Avenue (Dorchester Miami Beach Hotel & Suites)
- 1800 Collins Avenue (residential tower)
- 1817 to 1835 James Avenue (Pestana Miami South Beach hotel)
- 1849 James Avenue (residential multifamily)

Aside from the addition of a DJ or live performers, conditions within the restaurant spaces are not expected to change. The Applicant plans to operate with entertainment from 5:00 p.m. to 4:00 a.m.

## REVIEW

ED+A visited the project site on July 28, 2021 and has reviewed the July 12, 2021 “Modification to Conditional Use for: EME Exclusive Club” submittal prepared by Charles H. Benson & Associates Architects, P.A.

The first level is a small reception area with direct access to the second level via a stairway; all floors are accessible from this area from the elevator. The second level consists of a large dining area in the east portion of the building and back-of-house facilities in the west. The building envelope is comprised of storefront window systems with impact-rated glazing on the east and eastern half of the north and south building surfaces. There are operable double-doors that lead to a veranda on the east side of the building.

The third and fourth levels comprise a separate space and include dining, bar, and banquette areas (third level) and lounge and V.I.P. areas (fourth level). The fourth level is open to and overlooks a large portion of the third level below. Primary access to these spaces is provided via the elevator. Both levels are buffered on the west side by back-of-house facilities. The rest of the building façade is comprised of storefront window systems with impact-rated glazing with no operable components. There is a large skylight in the roof above the third and fourth levels.

## COMMENTS

The first level reception area and stairway providing access to the second level should act as a vestibule to reduce sound transmission to the building's exterior via the main entrance doors. The double-doors leading to the veranda on the east side of the building are closed during all hours of operation and will not serve as a direct path of transmission to the exterior.

The back-of-house facilities and west half of the building envelope will effectively serve as a buffer to reduce the transmission of sound generated within the entertainment areas to the building's exterior in these directions. The impact-rated window systems typically provide levels of sound transmission loss that would sufficiently reduce the level of mid- and high-frequency sound audible outside of the building but are not as effective in reducing low-frequency sounds. Therefore, maximum sound levels generated by the audio system will be limited by the sound transmission loss of the window assemblies.

The system settings should be adjusted so that the transmitted sound is not "plainly audible" outside of the building. The low-frequency output of the system will need to be regulated more than sound generated at other frequencies.

The existing audio system is detailed on sheets SP-1, A-5, A-6, and A-7. Each level of the building houses its own distributed audio system, all of which can be controlled independently via equipment in the "sound control" area near the bar on the third level. Though entertainment level sound could be produced simultaneously on all levels of the building, the volume of each may need to be adjusted so that the same total sound level is maintained outside of the building.

## SOUND SYSTEM DESIGN SPECIFICATIONS

ED+A recommends the following design criteria to allow for effective control and management of sound generated throughout the property:

1. Volume controls should be accessible to management only.
2. The establishment has an existing house sound system that should be utilized in the future for all sound—prerecorded or otherwise. Entertainers should not utilize additional loudspeakers or system components.
3. Sound should be provided to each venue separately via designated "zones" of the audio system.
4. Each floor of the building includes its own distributed audio system; these different "zones" should be able to be controlled independently of one another.

5. Measures should be taken to effectively control and reduce the presence of low-frequency sound in all parts of the building and its exterior.
6. The system is governed through use of modern digital signal processors (DSP) that allow for this type of functionality and adjustment.
7. In absence of objective noise level requirements and an audio system layout, tests should be performed to establish maximum allowable sound levels.

## REGULATORY CRITERIA

Standards for Entertainment Establishments are included in Miami Beach Code of Ordinances Division 6. Section 142-1361 defines Entertainment as *“any live show or live performance or music amplified or nonamplified,”* with the exception of *“background music, amplified or nonamplified, played at a volume that does not interfere with normal conversation.”*

Supplemental review guideline criteria to be applied by the Planning Board in addition to standard review guidelines for conditional uses are included in Section 142-1362. Specifically, Section 142-1362(7) requires review of a Noise Attenuation Plan (NAP). The NAP is to address *“how noise will be controlled to meet the requirements of the noise ordinance.”* This document is intended to be the initial draft of the NAP and will be updated as the project proceeds.

The Ordinance’s standards, included in Section 46-152, are as follows:

- *“It shall be unlawful for any person to make, continue or cause to be made or continued any unreasonably loud, excessive, unnecessary or unusual noise.”* Acts declared to be unreasonably loud, excessive, unnecessary or unusual noises are enumerated.
- *“The operation of any...device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 100 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.”*

Section 6-3(b)(3)(B) prohibits entertainment from being conducted between the hours of 5:00 a.m. and 8:00 a.m. but restaurant services may continue.



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## CONCLUSION

The storefront window building façade on the north, east, and south side of the building will allow for increased sound transmission to the building's exterior when compared to that provided by concrete structures. However, this can be controlled via adjustments to the audio system output. By regulating the sound level output of the audio system, particularly at low frequencies, the Applicant can minimize sound transmission to the building's exterior so that it is not plainly audible outdoors.