

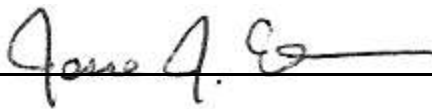


**Sound Study Peer Review for the Proposed
Neighborhood Impact Establishment and
Open Air/Outdoor Entertainment Establishment at
1052 Ocean Drive,
Miami Beach, Florida
(Palace Bar)
PB17-0171**

Prepared for:

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1 Introduction

This report documents a peer review of a noise impact study conducted for the City of Miami Beach related to a request for a Conditional Use Permit being submitted for a Neighborhood Impact Establishment and Open Air/Outdoor Entertainment Establishment being proposed for 1052 Ocean Drive (Palace Bar). The noise impact study specifically addresses potential noise impacts due to the playing of prerecorded music both inside the venue as well as outside on the front patio. The reviewed report, prepared by Edward Dugger + Associates (ED+A) and dated December 11, 2017 describes the proposed project, summarizes results of two separate noise surveys, offers reviews of prior noise studies prepared by The Audio Bug, and provides conclusions.

2 Project Description

The property consists of a nightclub with a front patio facing Ocean Drive and Lummus Park across the street. According to the report, entertainment is planned for both interior and exterior spaces with exterior entertainment being “characterized by short and intermittent shows which last approximately three to five minutes.” These performances would include prerecorded music with lip-synching and dancing. This exterior entertainment is slated to end at midnight every night. The report does not indicate what time dining on the front patio would end nor what hours entertainment or dining would occur inside the venue.

The report is not specific about the potentially impacted nearby properties other than identifying them as being zoned as Commercial-Mixed Use Entertainment with several properties being designated as hotel or motel land uses. Further research has identified some of the nearby potentially-impacted neighbors as being the Congress Hotel immediately to the south of the property and what appears to be a hotel to the north at the southwest corner of Ocean Drive and 11th Street.

3 Comments

The sound study report prepared by ED+A specifically addresses many facets of the project, including anticipated and existing sound levels on the site, and asserts that the venue would comply with established noise control limits. However, there is not sufficient information included with the report that supports this conclusion. Certain details which are lacking in the report, enumerated below, would help to determine the veracity of the conclusion.

3.1 Issues With Data Presentation and Citation of Prior Sound Studies

The report presents much data gleaned both from prior Audio Bug studies as well as results from the two surveys ED+A conducted. However, this information does not form a basis for a compelling argument.

The report states that sound levels measured by both The Audio Bug in 2009 and ED+A in 2017 at the previous Palace Bar location at 1200 Ocean Drive were similar. While this may be the case, other conclusions drawn based on the earlier Audio Bug studies are moot since the conditions (e.g., neighbor proximity, site configuration) at the previous location are likely not the same as those at the new location. Therefore, it is our

position that the only potentially relevant information in these older Audio Bug studies is the sound level data itself (which we have no grounds to question).

The report also cites a 2015 report prepared by the Audio Bug related to the Amarillo restaurant at 1052 Ocean Drive. Specifically, the current report references the 84.2 dBA L_{eq} measured in the area near Amarillo. There are several issues with identifying this as the ambient sound level to compare potential future levels against. First, this 84.2 dBA was derived over five minutes in the immediate vicinity of Amarillo. Being of such short duration, one cannot, with any level of certainty, identify this as representative of the sound level at other times of night or on other days. Furthermore, being that the level was measured in the immediate vicinity of the sound source (Amarillo), it cannot be claimed to necessarily be representative of the ambient sound levels at receptor locations such as near guestroom windows at nearby hotels. For instance, it is highly unlikely that the ambient sound level at the nearest guestroom window at Congress Hotel is 84.2 dBA.

Another issue with the aforementioned Amarillo sound level reported by The Audio Bug also applies to L_{eq} data presented from the ambient survey ED+A performed at 1060 Ocean Drive. While a valuable metric, the L_{eq} is not the most appropriate descriptor of ambient sound level. It is our opinion that the L_{90} , defined as the level exceeded 90% of a defined time period upon which discrete loud events are superimposed, provides a more representative picture of background sound level. The nature of the L_{eq} metric makes it very sensitive to sporadic high levels. It is very likely that the L_{90} , or “residual” sound level, would be several decibels lower and would provide a better indicator of the true ambient level in the area.

Furthermore, the report claims that the ambient L_{eq} consistently measured between 65 to 72 dBA. While this is certainly more reasonable than the aforementioned 84.2 dBA, it may not accurately represent the ambient level on site. While the data was collected in one-minute intervals, it is condensed and presented in one-hour intervals. While making data presentation more convenient, it also eliminates detail in seeing the temporal variability in level. Additionally, when combining many lower L_{eq} values with a few higher ones, the higher ones will dominate the total L_{eq} due to the fact that the average is calculated logarithmically rather than arithmetically.

3.2 Omission of Details Relating to Interior Venue

The report goes to great lengths to assess the potential impact of the exterior component of the venue. However, little mention is made of the interior component aside from a claim that “indoor speakers will not be directed toward the building’s exterior and will not have any substantial effect on the sound levels in the outdoor patio area.” No quantitative evidence supporting this assertion is provided in the report. While we would agree that the exterior portion of the venue will have a greater impact while it is in operation, we are not aware of what the operating hours of the interior venue would be. Presumably, interior entertainment hours would extend beyond those that would be in place outside such that the interior levels would take precedence at those times. This is particularly salient due to the fact that there would apparently be no outdoor bar counter and, thus, servers would be opening and closing the front door often to serve outside patrons. Notwithstanding the potential open door issue, we do not know what the

construction of the exterior wall facing Ocean Drive is so cannot comment on potential related sound transmission issues.

3.3 Unknown Impact of Patron-Generated Noise on Front Patio

Finally, while the report addresses entertainment-related sound outside the venue, patron-generated sound is not addressed. While outside entertainment may end at midnight each night, it is not known how long past midnight patrons will be served outside nor what levels may be expected from them.

4 Conclusions

The sound study report prepared by ED+A provides valuable information but lacks the information necessary from which one can draw a definitive conclusion that there will be no impact upon adjacent areas. This is not to say that operations at the venue will definitely not comply. As stated in the report, the loudspeakers “are the determining factor of compliance with the criteria of the City of Miami Beach’s Noise Ordinance.” With the exception of potential patron-generated noise, we certainly agree with this point. However, no assurances have been provided with respect to sound system level control that would allow us to concur that activities at the venue will, indeed, comply.