

August 16, 2016

Via Hand Delivery

City of Miami Beach Planning Department
c/o Tui Munday, Senior Planner
1700 Convention Center Drive
Miami Beach, Florida 33139

Re: Sound Study Package for Tatel Restaurant at 1 Lincoln Road a/k/a 1669 Collins Avenue (PB File No. PB0616-0037)

Dear Ms. Munday:

Enclosed please find the following documents relating to the Sound Study for Tatel Restaurant:

- **Peer Reviewer's Satisfaction to Applicant's Sound Study**
- **Applicant's Sound Consultant Response to Peer Reviewer**
- **Applicant's Sound Study Supplement to Peer Reviewer**
- **Peer Review to Applicant's Sound Study**
- **Applicant's Sound Study (already on file)**

If you should require any additional information, please contact the undersigned.

Sincerely,


James E. Rauh, Esq.
For the Firm

Enclosures

Boca Raton | Denver | Ft. Lauderdale | Las Vegas | Miami | Miami Beach | Naples | New York
Orlando | Port St. Lucie | San Diego | Tallahassee | Tampa | West Palm Beach

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In California, Greenspoon Marder LLP practices using the fictitious name and trademark Greenspoon Marder under license from Greenspoon Marder, P.A.
27442183v1

Adrienne Grandolfo

From: Jesse Ehnert <jehnert@arpeggioacoustics.com>
Sent: Monday, August 15, 2016 1:16 PM
To: Don Washburn
Cc: tom@telescoassociates.com; Adrienne Grandolfo; srodriguez@mabelcapital.com; James Rauh
Subject: RE: Tatel / Ritz-Carlton Sound Study Peer Review Response [IWOV-ACTIVE.FID9794050]

Yes, it does.

Jesse J. Ehnert, INCE Bd. Cert.
Principal
Arpeggio Acoustic Consulting, LLC
404-277-6528 (Direct)
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From: Don Washburn [mailto:audiobug1@aol.com]
Sent: Monday, August 15, 2016 1:15 PM
To: jeahnert@arpeggioacoustics.com
Cc: tom@telescoassociates.com; Adrienne.Grandolfo@gmlaw.com; srodriguez@mabelcapital.com; James.Rauh@gmlaw.com
Subject: Re: Tatel / Ritz-Carlton Sound Study Peer Review Response [IWOV-ACTIVE.FID9794050]

Hi Jesse,

We have received confirmation from the Tatel management/operator that they are fine with the process we described below:

"Additionally, the sound system will be adjusted and limited prior to Tatel's opening to ensure that no noise will penetrate these portions of the restaurant's perimeter." This will be the operational set up for the system. Once accomplished, tests will be conducted periodically to verify compliance with the need for no adverse noise impact on the hotel.

Does this satisfy your concerns as described in you note below and peer review?

Thanks,

Don Washburn
President, The Audio Bug, Inc.
Consultants in Acoustics & Electro-Acoustics
3800 Hillcrest Drive, Unit 102
Hollywood, Florida 33021-7937

Phone: 954-983-2788
Fax: 954-983-2789
Cell: 954-881-6036

E-mail: (audiobug1@aol.com)

-----Original Message-----

From: Santiago Rodriguez <srodriguez@mabelcapital.com>
To: James Rauh <James.Rauh@gmlaw.com>
Cc: Don Washburn <audiobug1@aol.com>; Thomas Telesco <tom@telescoassociates.com>; Adrienne Grandolfo <Adrienne.Grandolfo@gmlaw.com>
Sent: Mon, Aug 15, 2016 12:32 pm
Subject: Re: Tatel / Ritz-Carlton Sound Study Peer Review Response [IWOV-ACTIVE.FID9794050]

OK with me.
Thanks. SR

Santiago Rodriguez
General Manager
Hospitality Division
Cell US +13054917844
Cell SPAIN +34 687162837

On Aug 15, 2016, at 11:48 AM, James Rauh <James.Rauh@gmlaw.com> wrote:

Santiago,

We are working on getting the city's sound expert to agree he is OK to the restaurant's sound system plan. As a part of that plan, our consultant (Don) is representing that Tatel will test the sound system after the build out, and program it, to ensure there is no sound penetration into the Ritz-Carlton hotel lobby/corridor. Below is the email exchange on that issue. We just wanted to be sure you are OK with this. Please let me know by reply email that is OK with you.

Thanks, Jim

From: Don Washburn [<mailto:audiobug1@aol.com>]
Sent: Monday, August 15, 2016 11:16 AM
To: jehnert@arpeggioacoustics.com
Cc: James Rauh; Adrienne Grandolfo
Subject: Re: Tatel / Ritz-Carlton Sound Study Peer Review Response [IWOV-ACTIVE.FID9794050]

Hi Jesse,

You are absolutely correct. "Additionally, the sound system will be adjusted and limited prior to Tatel's opening to ensure that no noise will penetrate these portions of the restaurant's perimeter." This will be the operational set up for the system. Once accomplished, tests will be conducted periodically to verify compliance with the need for no adverse noise impact on the hotel.

Thanks for your input. Hope to see you soon!

Regards.

Don Washburn
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E-mail: (audiobug1@aol.com)

-----Original Message-----

From: Jesse Ehnert <jehnert@arpeggioacoustics.com>
To: Don Washburn <audiobug1@aol.com>
Cc: james.rauh <james.rauh@gmlaw.com>; adrienne.grandolfo
<adrienne.grandolfo@gmlaw.com>
Sent: Mon, Aug 15, 2016 10:53 am
Subject: RE: Tatel / Ritz-Carlton Sound Study Peer Review Response [IWOV-
ACTIVE.FID9794050]

Don,

Thanks to you and the attorney for sending over the supplemental information. It certainly helps to have more context.

I am in agreement that there is unlikely to be an issue with respect to Collins Avenue given that only commercial properties are in the immediate vicinity and it is a busy thoroughfare. My main concern would be at the south corridor and at the hotel lobby (and your recordings-which were helpful-confirm this). You have taken measures which will likely reduce sound transmission to these adjacent areas, these measures being an acoustical door at the corridor and the addition of a laminated pane to the window wall between the venue and the hotel lobby. However, as you know, low-frequency sound transmission is very difficult to attenuate and there is no conclusive data that has been presented to me that says that the measures will be enough. The big missing piece of the puzzle is "how loud will it be in the venue?" Only then can one quantitatively make a judgment. In the end, one is left to rely on the statement in your 8/11/16 response:

"Additionally, the sound system will be adjusted and limited prior to Tatel's opening to ensure that no noise will penetrate these portions of the restaurant's perimeter."

If this is dutifully done, there is certainly the potential for minimal or no impact on these adjacent areas. But the onus would be on those involved in this process to make it a reality.

Jesse J. Ehnert, INCE Bd. Cert.
Principal
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<image003.jpg>

From: Don Washburn [mailto:audiobug1@aol.com]
Sent: Friday, August 12, 2016 9:09 AM
To: jehnert@arpeggioacoustics.com
Cc: james.rauh@gmlaw.com; adrienne.grandolfo@gmlaw.com
Subject: Tatel / Ritz-Carlton Sound Study Peer Review Response [IWOV-ACTIVE.FID9794050]

Hi Jesse,

Thanks for calling this morning. It was good to chat with you.

I'm sorry I haven't responded to you before today but I've been on vacation with my wife for the past two weeks and just returned home Wednesday evening.

Attached you will find my response to your peer review report and hopefully you will find that I've covered all your questions on my original report. Please review at your earliest opportunity and let us know whether you have any further questions. I believe you will be satisfied that all your concerns have been resolved and that you will be in a position to advise the City Staff that all will be well.

Please give me a call at some point tomorrow so we can discuss this project.

Best regards,

Don Washburn
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Circular 230.

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August 11, 2016

Thomas R. Mooney, Director
City of Miami Beach Planning Department
1700 Convention Center Drive, 2nd Floor
Miami Beach, FL 33139
Phone: (305) 673-7550, Fax: (786) 394-4799

Reference: Sound Study Peer Review Response
Tatel Restaurant at the Ritz Carlton
1699 Collins Avenue
Miami Beach, FL 33139

Dear Mr. Mooney,

In this letter, I will respond to the Peer Review submitted by Mr. Jesse J. Ehnert of Arpeggio Acoustic Consulting, LLC. In his July 29th report, Mr. Ehnert raises several questions which I will provide answers to below. I've made my comments within each of his letter segments to make them more effective.

I have been on vacation since July 27 and returned just last night. I was not able to respond until today. Much of Mr. Ehnert's assessment of the sound study is related to his need for further information and plans, which have now been forwarded to Mr. Ehnert via FedEx and he now has a broader sense of the project. As such, I feel we will be able to resolve his concerns.

Excerpts from Mr. Ehnert's report and my comments follow.

2 Project Description

The restaurant is located within the Ritz-Carlton Hotel located at 1669 Collins Avenue. Although the report is unclear on some details, it appears that the west side of the venue is along Collins Avenue whereas the other sides of the venue are immediately adjacent to interior Ritz-Carlton spaces. The venue is slated to host DJs, live entertainment, and pre-recorded background music. A distributed sound system is being planned for the space, although the report does not state explicitly that any visiting DJs or live bands will be required to use it.

The Collins Avenue entrance to the restaurant poses no problems in terms of potential sound impact outside since the entire area outside the Ritz-Carlton Hotel consists of commercial properties. The sound system designed for Tatel is a distributed loudspeaker system consisting of many devices. The Tatel is to be a high end restaurant. Hence the distributed loudspeaker system will be operated at moderate sound levels typical of restaurants. DJs and entertainers who will be performing at Tatel will not be allowed to bring their own sound system but use only the "house" system. This will prevent uncontrolled sound levels that might create problems inside the Ritz-Carlton property.



3 Comments

The sound study report prepared by The Audio Bug specifically addresses sound transmission to the exterior along Collins Avenue as well as to a south corridor and the hotel lobby to the east. While it appears that these adjacencies were considered quantitatively, the report lacks some context and details which would be beneficial in assessing potential sound transmission issues.

During the 2010 acoustical tests, I utilized a broad bandwidth sound system driven at approximately 114 dBZ to assess the sound transmission loss characteristics of the restaurant's walls and ceiling. We identified several areas where sound, especially low frequency (bass) energy, was audible outside the restaurant. The primary leaks were observed at the double door system on the corridor along the south side of the restaurant and the glazing system on the east end of the restaurant which separates the restaurant from the Ritz-Carlton's lobby. The applicant's planned modifications to the east wall, south wall and double doors will provide additional sound mitigation sufficient to ensure there is no adverse impact on the corridor to the south or lobby to the east.

3.1 Lack of Context With Respect to Adjacencies

While a floor plan of the space is included within the report, there is little context for where this venue is located in its environs. It is assumed that the porte cochere is on Collins Avenue, at or near the intersection at Lincoln Road, but this is not made clear. Furthermore, aside from reference to a corridor to the south and the hotel lobby to the east, there is no indication of what spaces surround the restaurant. Plans showing the venue within the larger context of the hotel would help to paint a clearer picture of potential sound transmission issues. This applies to any spaces that may be above the venue, as well.

While the floor plan I submitted in my sound report provides details pertaining to the restaurant's interior, there was no information on the surrounding spaces. These were included in the applicant's architectural drawings which are part of the overall submittal to the City. These were recently sent to Mr. Ehnert by the applicant's attorney via FedEx.

During our 2010 study, sound measurements were made in the corridor and lobby of the Ritz-Carlton. In addition tests were made to evaluate sound transmission in the spa which is located directly above the restaurant and the ballroom which is located south of the corridor. Test results in the spa and ballroom indicated that little sound from the test system was audible. I have provided audio recordings made during these tests that confirm this.

3.2 Unknown Nature of Acoustic Measurements

The report states that sound level measurements were made at the site in 2010 but little detail is given with respect to what these measurements comprised. The report states that sound transmission measurements were made with a sound source located within the venue. This would seem to imply that the source was pink noise (as this is what is commonly used in standardized sound transmission tests). This is not clearly established in the report. Confusion arises when looking at the two graphs on pages 3 and 4 of the report which show A and C weighted sound levels within the lobby during a sound transmission test. Given that the level fluctuates as a function of time, it would appear that the source within the venue was not a constant signal (e.g., pink noise) but, rather, a varying source (e.g., music). Furthermore, levels in this graph indicate very high maximum levels of 95.5 dBA and 96.0 dBC within the lobby. These are very

high receiver room levels which would indicate either a very loud source within the venue (likely in excess of 110 dBA), very poor existing sound isolation, or, likely, a combination of both.

Pink noise is the signal that is commonly used in standardized sound transmission tests however it is indistinguishable from other noise sources that are often audible inside large buildings. An alternative signal of music is often more effective as it can be identified more easily, especially if it contains consistent low frequency patterns. We often use a song by Thomas Dolby called "Airhead." It is very identifiable and works well in many sound transmission test scenarios. Our test system was set to generate about 114 dBZ which far exceeds the intended sound level for Tatel. However, it allowed us to identify the areas where sound could be heard from within the restaurant.

A secondary question that arises, given the fact that these tests were conducted some six years ago, is whether anything about the space or the partitions have changed in the interim.

No changes to the structure have been made since my 2010 study, so we can be confident that the observations made then are still applicable.

3.3 Ambiguity Related to Architectural and Sound System Recommendations

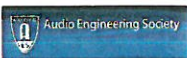
As an appendix to the sound study, there is a report to Telesco Construction Company dated June 14, 2016. This report presents two "temporary construction sound proofing" walls (one of which, while exhibiting an STC of 54, provides low sound transmission values of under 20 decibels at low frequencies under 100 hertz). These walls only appear to be mentioned on the plan on page 5. However, their purpose is not revealed and why they are temporary is not discussed. Additionally, while the plan on page 5 does show such a "temporary" wall at the south corridor, the double door between the venue and corridor, which would likely be the weak link for sound transmission, is not addressed. The report discusses glazing recommendations, including a recommendation to add a laminated pane to the east wall to achieve an STC of approximately 53 which, according to the report, will "eliminate any potential impact on the Ritz-Carlton lobby." However, there is no evidence, in the form of anticipated venue sound levels, to back up this claim. While an STC 53 partition is not insignificant, where source sound levels are high and background sound levels in a receiving room are low, there is no guarantee that such a wall will be sufficient.

Architectural elements were in fluid at the time I submitted my sound study and they have moved forward since then. The drawings provided to the City in the applicant's submittal documents provide more detail on how the design has moved forward. I've provided some of this information below so that the most current information is available for Mr. Ehnert's review. The reference to "temporary" wall was related to the need for the contractor to mitigate the influence of construction noise on the Ritz-Carlton during work inside the restaurant.

We have been working with the construction team to develop permanent solutions for the east glazing wall, the double door along the corridor and the corridor wall. These are provided below.

To the point on anticipated sound levels within the venue, a proposed loudspeaker layout is given in the report. However, no study or indication of potential sound levels within the space are offered. Thus any assessments on potential impacts to adjacent spaces cannot be made.

Additionally, the sound system will be adjusted and limited prior to Tatel's opening to ensure that no



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noise will penetrate these portions of the restaurant's perimeter. The result will be that there will be no impact on the Ritz-Carlton in any area.

4 Conclusions

The sound study report prepared by The Audio Bug provides valuable information but lacks the information necessary from which one can draw a conclusion that there will be no impact upon adjacent areas. Recommendations concerning architectural modifications and sound system layout are given but no quantitative evidence is presented that allows one to conclude that there will be no impact on adjacent areas. Our contention is not that there will definitely be negative impacts but, rather, it is that we have no basis for saying there will not be. For example, the distributed sound system could always be limited in output such that the recommended architectural modifications would be sufficient to ensure adjacent areas are not impacted. However, the onus would then be on the sound system designer, installer, and operator to ensure such a condition.

With the additional information provided, it is my believe that Mr. Ehnert will be convinced that the Tatel restaurant will have no noise influence on any of the surrounding Ritz-Carlton spaces nor will it impact the Collins Avenue area outside the porte cochere. I welcome any questions from Mr. Ehnert and members of the City's Staff.

Respectfully submitted,



Donald J. Washburn
President



GreenspoonMarder

From the desk of:
James E. Rauh, Esq.
1601 Washington Avenue, Suite 300
Miami Beach, Florida 33139
Direct Phone: 305.789.2732
Direct Fax: 305.537.3928
Email: james.rauh@gmlaw.com

June 20, 2016

Via Hand Delivery

Honorable Chair and Members of the Planning Board
Planning & Zoning Department
City of Miami Beach
1700 Convention Center Drive, Second Floor
Miami Beach, Florida 33139

Re: Letter of Intent for Conditional Use Permit for Neighborhood Impact
Establishment for Tatel Restaurant at the Ritz Carlton Hotel at 1669 Collins
Avenue a/k/a 1 Lincoln Road

Dear Chair and Members of the Planning Board:

Our Law Firm represents Tatel Miami LLC (the "Applicant"), the tenant of the restaurant space located on the ground floor fronting Collins Avenue (the "Restaurant Premises") within the historic Ritz Carlton Hotel (the "Hotel"). The Applicant is making this application for a Conditional Use Permit for a Neighborhood Impact Establishment ("NIE"), pursuant to §142-1361 and §142-1362 of the City Code, to operate its Tatel restaurant concept within the Restaurant Premises. Please allow this letter, as well as the enclosed Tatel Restaurant Operations Plan, included with the application materials, to serve as the Applicant's Letter of Intent ("LOI") in connection with the foregoing application.

Historic Ritz Carlton Hotel Site. The One Lincoln Road Building was originally constructed in stages between 1949 and 1950 and designed by Igor Polevitsky. The first stage of the building was constructed in 1949 and consisted of a one (1) story retail structure with varied glass storefronts. The second stage was conducted in 1950 and consisted of a two (2) story office building. The Di Lido Hotel at 1669 Collins Avenue was originally constructed in 1953 and designed by Architect Melvin Grossman and Associate Architect Morris Lapidus and consisted of a nine (9) story masonry hotel structure.

Restaurant Premises. The Restaurant Premises was previously fully licensed and operated as a 200 seat full service restaurant, as indicated by the prior tenants' Business Tax Receipt(s) & Certificate(s) of Use included with the application materials. Most recently, the Restaurant Premises has been continuously used as an event space by the Hotel with food and

beverage services.

Tatel Restaurant Concept. The Applicant is proposing to operate its "Tatel" restaurant concept within the Restaurant Premises. Tatel first opened its doors in Madrid, Spain serving traditional Spanish food with a contemporary twist. The Spanish recipes have been passed down from generation to generation and Tatel aims to provide every patron with a unique experience (a copy of the restaurant's proposed menu is included with the application materials). The Tatel concept is inspired by the 1920's and provides entertainment for patrons to enjoy while dining. The entertainment will consist of a live band with no more than three musicians playing acoustic instruments such as a Spanish guitar or flute, performing near the private dining room and DJ booth located at the East end of the restaurant. In addition, the restaurant will occasionally have a DJ playing a play list. Since the restaurant's patron occupancy content will exceed 199 persons, the venue is considered a Neighborhood Impact Establishment requiring a Conditional Use Permit.

The Hotel is located within the RM-3 (Residential Multi-Family, High Intensity) zoning district, which is designed for high intensity multiple-family residences and hotels. A "hotel" is a main permitted use, and a NIE is an accessory conditional use, in the RM-3 zoning district. As detailed in this LOI, the operational program for the subject restaurant has been designed to minimize the potential impact on the surrounding neighborhood in terms of noise, traffic, parking, security, and waste disposal.

The Applicant's proposed operation of Tatel Restaurant satisfies the criteria set forth under the NIE review guidelines pursuant to §142-1362(a) of the City Code's Land Development Regulations as follows:

(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:

Satisfied. The Applicant has provided a detailed operational/business plan within the enclosed Tatel Restaurant Operations Plans submitted with this application, which addresses the hours of operation, number of employees required to effectively operate the restaurant, menu items, goals of the business, and other operational characteristics pertinent to the application.

(2) A parking plan which fully describes where and how the parking is to be provided and utilized:

Satisfied. Although the restaurant has no parking requirement under the City Code by virtue of the Hotel site's historic designation status, Tatel's patrons will be serviced by the Hotel's existing valet parking company, which utilizes the on-site parking garage as a storage facility. The restaurant's valet pick up / drop off is located in front of the restaurant on Collins Avenue under the existing porte-cochere. Once dropped off, the vehicles are then driven north on Collins Avenue, west on 17th Street, south on Washington Avenue, and east on Lincoln Road to enter the Hotel's on-site parking garage. The Hotel operation has a separate valet pick up /

drop off located at the Hotel's entrance on Lincoln Road. The valet ramp located under the existing porte-cochere entrance on Collins Avenue contains a substantial driveway for the efficient circulation and queuing of vehicles in connection with the valet operation. Even considering the foregoing parking accommodations made available to restaurant patrons, the Applicant anticipates many patrons will either walk from nearby hotels or take public transportation, along with those patrons who are already guests staying within this hotel, thereby further reducing the demand for parking and potential impact on traffic.

(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 will be controlled:

Satisfied. The restaurant's Indoor & Outdoor Crowd Control Plan is contained in the Tatel Restaurant Operations Plans submitted with this application. As evidenced by the floor plan, Tatel's interior layout is designed to accommodate patrons waiting to be seated inside the Restaurant Premises. There will be no patron queuing within the public right of way. The restaurant's main entrance is set back away from Collins Avenue under the existing porte-cochere. Hotel guests are also able to access the restaurant from inside the Hotel. Therefore, the Applicant's crowd control plan will rely primarily on queuing patrons inside the restaurant. *See also* Security Plan contained in the Tatel Restaurant Operations Plans submitted with this application.

(4) A security plan for the establishment and any parking facility, including enforcement of patron age restrictions:

Satisfied. The Security Plan is contained in the Tatel Restaurant Operations Plans submitted with this application. The Applicant will employ its own security staff and will have one (1) security officer on shift during operations. The security officer on shift will have access to the video surveillance of the restaurant, which will be placed at the main entrance of the venue on Collins Avenue. The Applicant's staff will specifically enforce patron age restrictions.

(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:

Satisfied. The Applicant has engaged Traf Tech Engineering, Inc. ("Traf Tech") to conduct a traffic impact analysis to confirm and ensure the Applicant's traffic circulation plan will not have an adverse impact on the immediate neighborhood. Traf Tech's report concludes the "new trips" associated with the Applicant's proposed restaurant will be "minimal." Tatel's valet operations will be serviced by the Hotel's existing valet operator and will sufficiently accommodate the parking needs of patrons of the Applicant's restaurant. The restaurant's valet pick up / drop off is located in front of the restaurant on Collins Avenue under the existing porte-cochere. Once dropped off, the vehicles are then driven north on Collins Avenue, west on 17th Street, south on Washington Avenue, and east on Lincoln Road to enter the Hotel's on-site parking garage. The Hotel operation has a separate valet pick up / drop off located at the Hotel's entrance on Lincoln Road. The valet ramp located under the existing porte-cochere entrance on Collins Avenue contains a substantial driveway for the efficient circulation and queuing of

vehicles in connection with the valet operation. Also, the Applicant anticipates many patrons will either walk from nearby hotels, or take public transportation, along with those patrons who are already guests staying within The Ritz Carlton Hotel.

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

Satisfied. The Sanitation Plan is contained in the Tatel Restaurant Operations Plans submitted with this application and is designed to minimize the potential impact of the restaurant operation on local residents, hotel guests, and traffic. The restaurant will use the Hotel's existing sanitation facilities, located on the south side of the property. Trash pickup occurs one day per week or as needed. The Ritz Carlton Hotel currently utilizes a compactor located within the Waste Management dumpster. This allows space for more items to be placed inside, which also reduces the number of times the dumpster needs to be emptied. Waste removal trucks will utilize the existing loading dock drive on the south side of the property.

(7) A noise attenuation plan which addresses how noise will be controlled to meet the requirements of the noise ordinance:

Satisfied. The Applicant has engaged The Audio Bug, Inc. to conduct a sound impact analysis and recommend sound mitigation measures to ensure the entertainment within the restaurant complies with the City's noise ordinance and does not create any adverse impact on the immediate neighborhood. The "entertainment" will consist of a live band with no more than three musicians playing acoustic instruments such as a Spanish guitar or flute, performing near the private dining room and DJ booth located at the East end of the restaurant. In addition, the restaurant will occasionally have a DJ playing a play list. As evidenced by the floor plan, the entrance to the restaurant is set back away from Collins Avenue under the porte-cochere, and the "entertainment" is proposed for the eastern most portion of the restaurant, and therefore the entertainment is unlikely to have an adverse impact from sound emanating from inside the restaurant.

(8) Proximity of proposed establishment to residential uses:

Satisfied. The Restaurant Premises is embedded within the Hotel space with its entrance on Collins Avenue. There are no residential uses within the close proximity of that entrance. To the south of the Applicant are Walgreens and The Ritz Carlton Hotel. And to the north is The Sagamore Hotel

(9) Cumulative effect of proposed establishment and adjacent pre-existing uses:

Satisfied. The adjacent use to the north is The Sagamore Hotel and the adjacent uses to the south are Walgreens and The Ritz Carlton Hotel. The Restaurant Premises was previously fully licensed and operated as a 200 seat full service restaurant, as indicated by the prior tenants' Business Tax Receipt(s) & Certificate(s) of Use included with the application materials. Most recently, the Restaurant Premises has been continuously used as an event space by the Hotel with

food and beverage services. In light of the foregoing, Tatel's operations are not anticipated to have any adverse effect when other adjacent pre-existing uses are considered.

In addition to satisfying the NIE review guidelines criteria set forth above, the Applicant's proposed operation of the Hotel's food and beverage venues satisfies the standard Conditional Use Review Guidelines pursuant to §118-192 of the City Code's Land Development Regulations.

(1) The use is consistent with the comprehensive plan or neighborhood plan if one exists for the area in which the property is located.

Satisfied. The proposed restaurant use within the Hotel is an accessory use consistent with the comprehensive plan future land use designation of the Property of RM-3.

(2) 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.

Satisfied. The Applicant has engaged Traf Tech Engineering, Inc. ("Traf Teck") to conduct a traffic impact analysis to confirm and ensure the Applicant's traffic circulation plan will not have an adverse impact on the immediate neighborhood. Traf Tech's report concludes the "new trips" associated with the Applicant's proposed restaurant will be "minimal."

(3) Structures and uses associated with the request are consistent with the land development regulations.

Satisfied. The Hotel is a main permitted use within the RM-3 (Residential Multi-Family, High Intensity) zoning district. Further, accessory restaurants, such as Tatel in this case, that are classified as a NIE, are permissible as accessory conditional uses in the RM-3 zoning district.

(4) The public health, safety, morals, and general welfare will not be adversely affected.

Satisfied. The proposed restaurant use, classified as an NIE, is permitted as an accessory conditional use in the RM-3 zoning district and future land use category. In addition, the Applicant has taken measures to ensure the renovation of this existing restaurant are designed in a manner that will not have any adverse impact on the public health, safety, morals and general welfare of the local residents and hotel guests. Lastly, the pre-existing use of the venue was that of a restaurant and the two adjacent properties are hotels/commercial uses.

(5) Adequate off-street parking facilities will be provided.

Satisfied. The Applicant has engaged Traf Tech Engineering, Inc. ("Traf Teck") to conduct a traffic impact analysis to confirm and ensure the Applicant's traffic circulation plan will not have an adverse impact on the immediate neighborhood. Traf Tech's report concludes the "new trips" associated with the Applicant's proposed restaurant will be "minimal." The restaurant's valet pick up / drop off is located in front of the restaurant on Collins Avenue under

the existing porte-cochere. Once dropped off, the vehicles are then driven north on Collins Avenue, west on 17th Street, south on Washington Avenue, and east on Lincoln Road to enter the Hotel's on-site parking garage. The Hotel operation has a separate valet pick up / drop off located at the Hotel's entrance on Lincoln Road. The valet ramp located under the existing porte-cochere entrance on Collins Avenue contains a substantial driveway for the efficient circulation and queuing of vehicles in connection with the valet operation. Even considering the foregoing parking accommodations made available to restaurant patrons, the Applicant anticipates many patrons will either walk from nearby hotels or take public transportation, along with those patrons who are already guests staying within this hotel, thereby further reducing the demand for parking and potential impact on traffic.

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

Satisfied. The Applicant has designed its operation to ensure the restaurant will not have any adverse impact on surrounding property, persons and neighborhood values. As set forth in the cumulative application materials, the Applicant has provided for necessary safeguards in the Tatel Restaurant Operations Plan. Further, the adjacent uses are Walgreens, The Ritz Carlton Hotel, which Tatel is located within, and The Sagamore Hotel.

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

Satisfied. The Restaurant Premises was previously fully licensed and operated as a 200 seat full service restaurant, as indicated by the prior tenants' Business Tax Receipt(s) & Certificate(s) of Use included with the application materials. Most recently, the Restaurant Premises has been continuously used as an event space by the Hotel with food and beverage services. There are no similar accessory conditional uses in the hotel or The Sagamore Hotel. As such, Tatel's restaurant operations are not anticipated to have any negative impact on the surrounding neighborhood.

In light of the foregoing, and the cumulative application materials submitted herewith, we respectfully request your favorable review and approval of this application.

Very Respectfully Submitted,



James E. Rauh, Esq.
For the Firm

enclosures

Tatel Restaurant Operations Plans

Table of Contents

- I. Operational Business Plan**
- II. Parking Plan**
- III. Crowd Control Plan**
- IV. Security Plan**
- V. Traffic Circulation Plan**
- VI. Delivery and Sanitation Plan**
- VII. Noise Attenuation Plan**
- VIII. Transportation Demand Management**

I. Operational Business Plan

Tatel first opened its doors in Madrid, Spain serving traditional Spanish food with a contemporary twist. The Spanish recipes have been passed down from generation to generation and Tatel aims to provide every patron with a unique experience (a copy of the restaurant's proposed menu is included with the application materials). The Tatel concept is inspired by the 1920's and provides entertainment for patrons to enjoy while dining. The entertainment will consist of a live band with no more than three musicians playing acoustic instruments such as a Spanish guitar or flute, performing near the private dining room and DJ booth located at the East end of the restaurant. In addition, the restaurant will occasionally have a DJ playing a play list. A copy of the restaurant's proposed menu is included with the application materials.

Tatel's hours of operation will be from 12:00 P.M. through 5:00 A.M.

The Applicant will employ approximately fifty-nine (59) employees in the restaurant operation as indicated below:

Floor

Employee	Quantity
Servers	21
Hosts/Hostesses	5
Total	26

Bar

Employee	Quantity
Bartenders	6
Total	6

Kitchen

Employee	Quantity
Head Chef	1
Kitchen Staff	17
Porters	4
Total	22

Administrative

Employee	Quantity
General Manager	1
Managers	2
Accountants	2
Total	5

II. Parking Plan

Although the restaurant has no parking requirement under the City Code by virtue of the Hotel site's historic designation status, Tatel's patrons will be serviced by the Hotel's existing valet parking company, which utilizes the on-site parking garage as a storage facility. The restaurant's valet pick up / drop off is located in front of the restaurant on Collins Avenue under the existing porte-cochere. Once dropped off, the vehicles are then driven north on Collins Avenue, west on 17th Street, south on Washington Avenue, and east on Lincoln Road to enter the Hotel's on-site parking garage. The Hotel operation has a separate valet pick up / drop off located at the Hotel's entrance on Lincoln Road. The valet ramp located under the existing porte-cochere entrance on Collins Avenue contains a substantial driveway for the efficient circulation and queuing of vehicles in connection with the valet operation. Even considering the foregoing parking accommodations made available to restaurant patrons, the Applicant anticipates many patrons will either walk from nearby hotels or take public transportation, along with those patrons who are already guests staying within this hotel, thereby further reducing the demand for parking and potential impact on traffic.



III. Indoor and Outdoor Crowd Control Plan

As evidenced by the floor plan, Tatel's interior layout is designed to accommodate patrons waiting to be seated inside the restaurant premises. There will be no patron queuing within the public right of way. The restaurant's main entrance is set back away from Collins Avenue under the porte-cochere. Hotel guests are also able to access the restaurant from inside the hotel. Therefore, the Applicant's crowd control plan will rely primarily on queuing patrons inside the restaurant.

IV. Security Plan

The Applicant will employ its own security staff and will have one (1) security officer on shift during operations. The security officer on shift will have access to the video surveillance of the restaurant, which will be placed at the main entrance of the venue on Collins Avenue. The Applicant's staff will specifically enforce patron age restrictions.

V. Traffic Circulation Plan

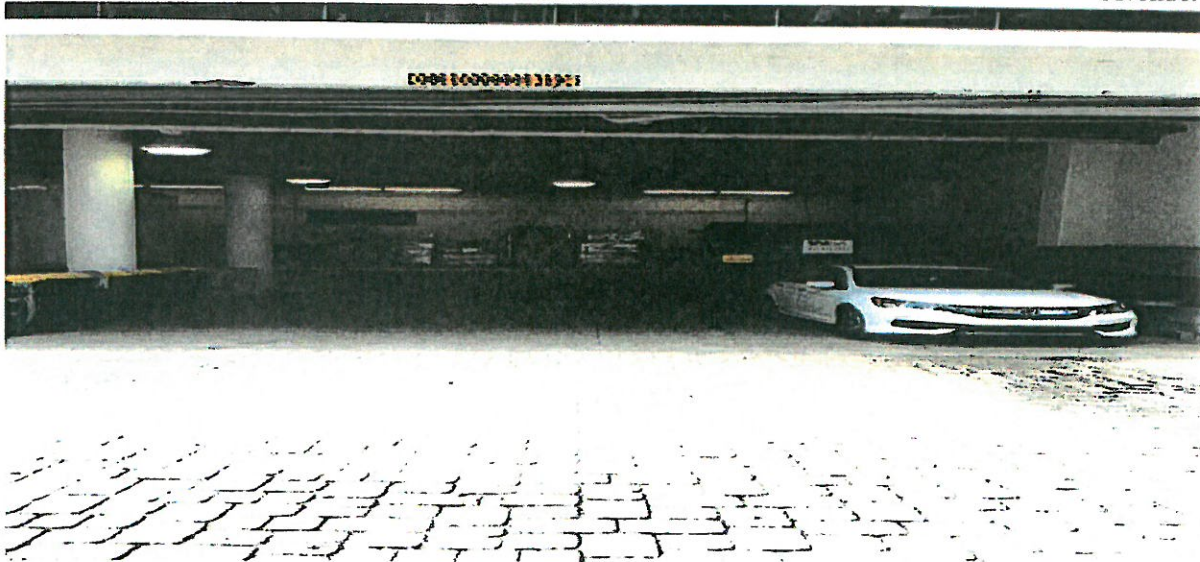
The Applicant has engaged Traf Tech Engineering, Inc. ("Traf Tech") to conduct a traffic impact analysis to confirm and ensure the Applicant's traffic circulation plan will not have an adverse impact on the immediate neighborhood. Traf Tech's report concludes the "new trips" associated with the Applicant's proposed restaurant will be "minimal." Tatel's valet operations will be serviced by the Hotel's existing valet operator and will sufficiently accommodate the parking needs of patrons of the Applicant's restaurant. The restaurant's valet pick up / drop off is located in front of the restaurant on Collins Avenue under the existing porte-cochere. Once dropped off, the vehicles are then driven north on Collins Avenue, west on 17th Street, south on Washington Avenue, and east on Lincoln Road to enter the Hotel's on-site parking garage. The Hotel operation has a separate valet pick up / drop off located at the Hotel's entrance on Lincoln Road. The valet ramp located under the existing porte-cochere entrance on Collins Avenue contains a substantial driveway for the efficient circulation and queuing of vehicles in connection with the valet operation. Also, the Applicant anticipates many patrons will either walk from nearby hotels, or take public transportation, along with those patrons who are already guests staying within The Ritz Carlton Hotel.

VI. Delivery and Sanitation

The restaurant will use the Hotel's existing sanitation facilities, located on the south side of the property. Trash pickup occurs one day per week or as needed. The Ritz Carlton Hotel currently utilizes a compactor located within the Waste Management dumpster. This allows space for more items to be placed inside, which also reduces the number of times the dumpster needs to be emptied. Waste removal trucks will utilize the existing loading dock drive on the south side of the property.



The restaurant will utilize the Hotel's existing loading dock for delivery and receiving, located on the south side of the Hotel, with the majority of deliveries occurring prior to 6:00 A.M. and 5:00 P.M., thereby mitigating any potential impact to the neighborhood and adjoining properties. The existing drive leading to the loading dock contains ample space to accommodate all delivery vehicles required to operate the restaurant, thereby mitigating any potential impact on traffic congestion along Lincoln Road and Collins Avenue.



VII. Noise Attenuation Plan

The Applicant has engaged The Audio Bug, Inc. to conduct a sound impact analysis and recommend sound mitigation measures to ensure the entertainment within the restaurant complies with the City's noise ordinance and does not create any adverse impact on the immediate neighborhood. The "entertainment" will consist of a live band with no more than three musicians playing acoustic instruments such as a Spanish guitar or flute, performing near the private dining room and DJ booth located at the East end of the restaurant. In addition, the restaurant will occasionally have a DJ playing a play list. As evidenced by the floor plan, the entrance to the restaurant is set back away from Collins Avenue under the porte-cochere, and the "entertainment" is proposed for the eastern most portion of the restaurant, and therefore the entertainment is unlikely to have an adverse impact from sound emanating from inside the restaurant.

VIII. Transportation Demand Management

In an effort to incentivize the use of non-automobile modes of transportation for employees, the Applicant will provide secured bicycle, scooter, and motorcycle parking on-site within the garage.



Sound Insulation Prediction (v8.0.9)

Program copyright Marshall Day Acoustics 2015

INSUL

Margin of error is generally within STC +/- 3 dB

Job Name: **Tatel Restaurant - Ritz-Carlton Hotel, Miami Beach, FL**

Job No.: **Glazing System**

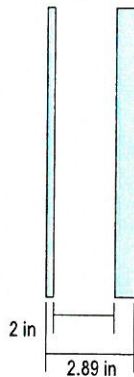
Page No.: **3**

Date: **13 Jul 16**

Initials: **Don Washburn**

File Name: **Glazing System Design Drawing - 2 inch airspace.ixl**

Notes: Simulation for glazing system to increase Transmission Loss (TL) between restaurant and Ritz-Carlton lobby. 2 inch airspace between existing glass and 0.65" laminated glass.



STC 52

OITC 34

System description

Panel 1 : 1 x 0.24 in Glass ($\rho:151.7 \text{ lbs/ft}^3, E:7.6\text{psi}\cdot 10^6, \eta:0.02$)

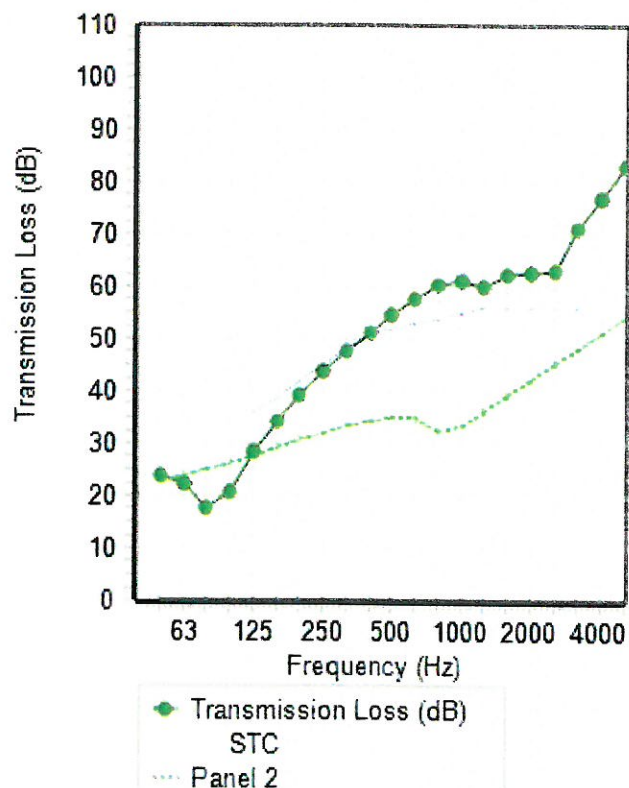
Cavity: None: Stud spacing 24 in

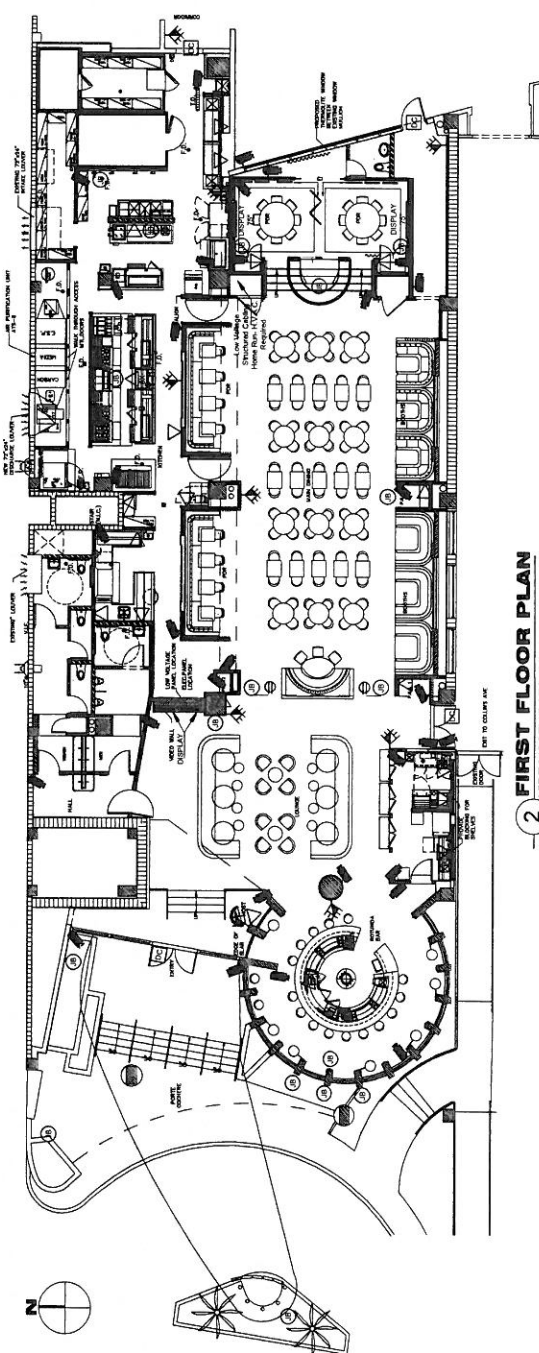
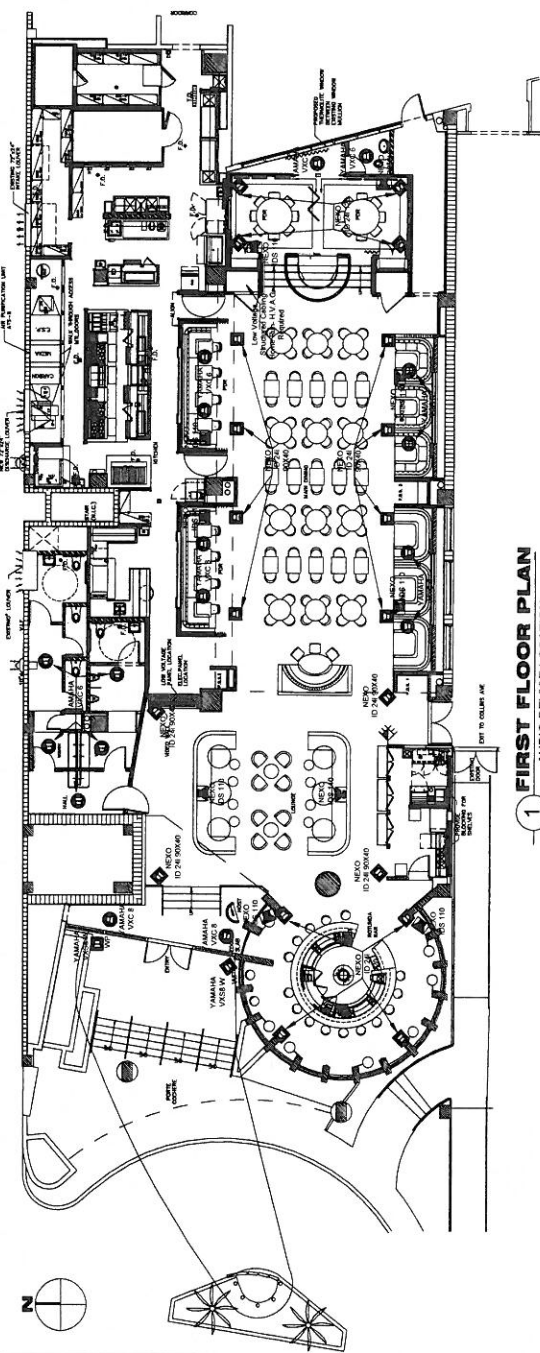
Panel 2 : 1 x 0.65 in Laminated Glass(PVB 0.38mm) ($\rho:151.7 \text{ lbs/ft}^3, E:6.8\text{psi}\cdot 10^6, \eta:0.04$)















Mass-air-mass resonant frequency =79 Hz

frequency (Hz)	TL(dB)	TL(dB)
50	24	
63	22	21
80	18	
100	21	
125	28	25
160	34	
200	39	
250	44	42
315	48	
400	51	
500	55	54
630	58	
800	60	
1000	61	61
1250	60	
1600	62	
2000	63	63
2500	63	
3150	71	
4000	77	75
5000	83	

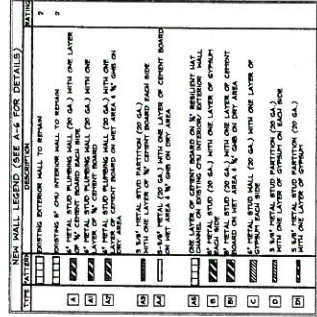
Panel Size 8.9x13 ft; Mass 11.2 lb/ft²





AUDIO AND VIDEO LEGEND	
	LOUDSPEAKER SURFACE MOUNT
	LOUDSPEAKER SURFACE MOUNT
	CILING SPEAKER
	SUBWOOFER, CROUNDS SUPPORT, BANQUETTE
	DISPLAY
	CCTV I / V DROP
	CAMERA HOOD
	CCTV I / V DROP
	DATA P.O.S.
	JUNCTION BOX
	DATA I / V JUNCTION BOX
	MOTION DETECTORS
	DOOR CONTACTS
	DUPLEX RECEPTACLE

AUDIO VISUAL EQUIPMENT LIST			
EQUIPMENT	Using	Power REQ.	
Yamaha V808W Surface Mount Loudspeaker	N/A	N/A	
UJ-10L800P / A10K9P	N/A	N/A	
Yamaha YCZ-8 In Ceiling Speaker	HFA302P Processor	N/A	
Nexo D2 30W All Loudspeaker Module	N/A	N/A	
Nexo DS-135 Subwoofer Module	N/A	N/A	
Nexo D2 34E - Loudspeaker Module	N/A	N/A	
Yamaha YCZ-8 In Ceiling Speaker	N/A	N/A	
Display - Behind Mirror	UJ / FTL	110 Volt - 20 Amp - Isolated Ground - Circuit - Full Display	
Video Wall To Be Determined Upon Client	ETV/MET	110 Volt 20 Amp Circuit With Isolated Ground Per 37 Panels - Total Of 32 Circuits - Overhead 50' High Video Wall Location.	
DJ Equipment and Performance Contributions	UJ/FI/MET	110 Volt - 20 Amp - Isolated Ground Circuit - DJ Booth Location	
Architectural Lighting and Control System - Lutron CA	N/A	N/A	
All Low Voltage Cabling - Perimeter	UJ/FI / Periphery CUD/CAP	N/A	
HD CCTV 12 Channel HD DVR System With 8 TB Storage Capacity - includes UPS And Camera Pkg - includes TMS	UJ/FI/MET	3x 110 Volt - 20 Amp - Isolated Ground Circuit Located At A/V R	
Yamaha MTX 1 - Processor DSP - Includes Equalizer for All A/V R (One Split)	UL	1x 120 Volt - 20 Amp - Isolated Ground Circuit Located At A/V R	
Yamaha ZCP104WS Wall Control Panel - Rack	N/A	N/A	
Yamaha SPX002 Commercial Power Amplifier	N/A	3x 110 Volt - 20 Amp - Isolated Ground Circuit Located At A/V R - Test Of 7 Circuits	
Nexo WS-42 Power Amplifier TD Controller/ Console	UL	1x 110 Volt - 20 Amp - Isolated Ground Circuit Located At A/V R - Test Of 4 Circuits	
Isolated Input Panel - With XLR Inputs - 4x 4 in. - includes Terminations	N/A	N/A	
Video Rack And I/O Equipment - 16x 1U - Includes 16x 1U Components With Accessory Rack ETC.	N/A	N/A	
Misc. Rack And I/O Equipment - Alarm - Data - Fire - Security - Includes 16x 1U Components With Accessory Rack ETC.	UJ/RTV	2x 110 Volt - 20 Amp - Isolated Ground Circuit - A/V R Location	



Sound Insulation Prediction (v8.0.9)

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INSUL

Margin of error is generally within STC +/- 3 dB

Job Name: **Tatel Restaurant - Ritz-Carlton Hotel, Miami Beach, FL**

Job No.: **Glazing System**

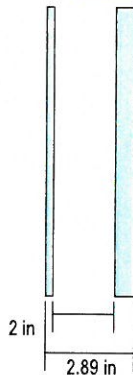
Page No.: **3**

Date: **13 Jul 16**

Initials: **Don Washburn**

File Name: **Glazing System Design Drawing - 2 inch airspace.ixl**

Notes: Simulation for glazing system to increase Transmission Loss (TL) between restaurant and Ritz-Carlton lobby. 2 inch airspace between existing glass and 0.65" laminated glass.



STC 52

OITC 34

System description

Panel 1 : 1 x 0.24 in Glass ($\rho:151.7 \text{ lbs/ft}^3, E:7.6\text{psi}\cdot 10^6, \eta:0.02$)

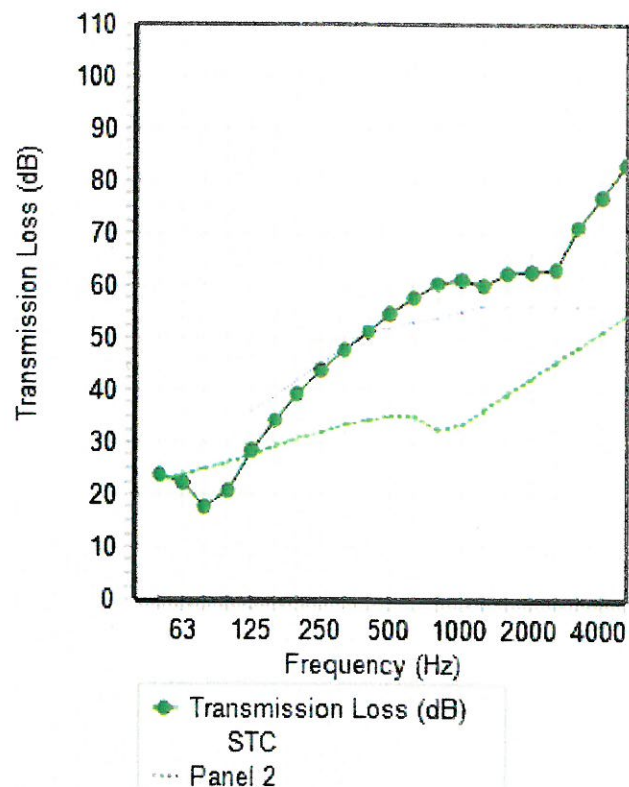
Cavity: None: Stud spacing 24 in

Panel 2 + 1 x 0.65 in Laminated Glass(PVB 0.38mm) ($\rho:151.7 \text{ lbs/ft}^3, E:6.8\text{psi}\cdot 10^6, \eta:0.04$)

Mass-air-mass resonant frequency =79 Hz

frequency (Hz)	TL(dB)	TL(dB)
50	24	
63	22	21
80	18	
100	21	
125	28	25
160	34	
200	39	
250	44	42
315	48	
400	51	
500	55	54
630	58	
800	60	
1000	61	61
1250	60	
1600	62	
2000	63	63
2500	63	
3150	71	
4000	77	75
5000	83	

Panel Size 8.9x13 ft, Mass 11.2 lb/ft²



Temporary Construction Sound Proofing Wall Profile - single sided

Sound Insulation Prediction (v8.0.9)

Program copyright: Marshall Day Acoustics 2015



Margin of error is generally within STC +/- 3 dB

Job Name: Tatel Temp Wall

Job No.: Telesc

Page No.:

Date: 19 Jun 16

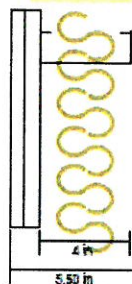
Initials: DJW

File Name: Tatel Construction Sound Proofing Wall - single sided.txt

Notes:

Temporary Construction Sound Proofing

This one-sided partition will, in conjunction with the existing barrier, provide approximately STC-50. When used to fill in the glazing panels in the south wall, we can expect in excess of STC-50.



STC 41

OTC 31

System description

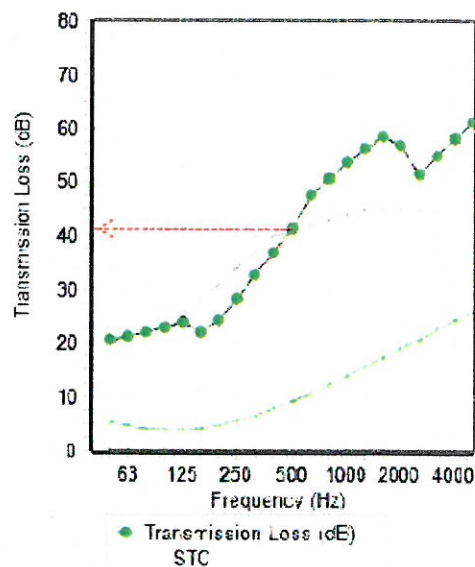
Panel 1 : 2 x 0.53 in Type C Gypsum Board ($\rho=48.94 \text{ lbs/ft}^3$, $E=0.35 \text{ psi} \times 10^6$, $\eta=0.01$)

Cavity: Size/stud (25g); Stud spacing 24 in.; Infil: Fibreglass (10lb/ft³); Thickness: 2.4 in. ($\rho=10 \text{ lbs/ft}^3$, $R=4000 \text{ Pa.s/m}^2$)

Mass-air-mass resonant frequency = 148 Hz

frequency (Hz)	TL(dB)	TL(dB)
50	21	
63	21	21
80	22	
100	23	
125	24	23
160	22	
200	24	
250	28	27
315	33	
400	37	
500	41	40
630	47	
800	51	
1000	54	53
1250	56	
1600	58	
2000	57	55
2500	52	
3150	55	
4000	58	57
5000	61	

Panel Size 6.5x13 ft; Mass 5.8 lb/ft²



Temporary Construction Sound Proofing Wall Profile

Sound Insulation Prediction (v8.0.9)

Program copyright Marshall Day Acoustics 2015

- Key No. 2323

Margin of error is generally within STC +/- 3 dB

Job Name: Tatel Temp Wall

Job No.: Telesc

Page No.:

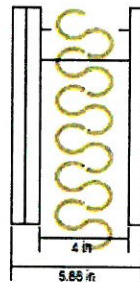
Notes:

Date: 9 Jun 16

Initials: DJW

Temporary Construction Sound Proofing
Wall Profile

File Name: Tatel Construction Sound Proofing Wall.ktd



STC 54

OITC 36

System description

Panel 1 : 2 x 0.63 in Type C Gypsum Board (ρ :48.94 lbs/ft³, E:0.35psi*10⁶, η :0.01)

Cavity: Steel stud (25g); Stud spacing 24 in.; in/ft Fibreglass (10kg/m³); Thickness 2.4 in. (ρ :10 lbs/ft³, Rf:4000 Pa.s/m²)

Panel 2 : 1 x 0.63 in Type C Gypsum Board (ρ :48.94 lbs/ft³, E:0.35psi*10⁶, η :0.01)

Mass-air-mass resonant frequency =57 Hz

frequency (Hz)	TL(dB)	TL(dB)
50	18	
63	13	16
80	18	
100	25	
125	32	29
160	37	
200	42	
250	46	45
315	50	
400	53	
500	56	55
630	59	
800	60	
1000	62	62
1250	63	
1600	63	
2000	58	54
2500	50	
3150	54	
4000	58	57
5000	63	

