



**Peer Review of Sound Study for
The Palace, 1052 Ocean Drive, Miami Beach, Florida
PB 20-0390**

Prepared for:

**Miami Beach Planning Department
1700 Convention Center Drive
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Prepared by:

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

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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 a Modification to a Conditional Use Permit for a Neighborhood Impact Establishment and an Open Air/Outdoor Entertainment Establishment at 1052 Ocean Drive. The reviewed report, prepared by Edward Dugger + Associates (ED+A) and dated August 27, 2020, describes acoustic testing performed at the site and conclusions related to potential impact.

2 Project Description

The existing venue, The Palace, occupies the ground floor and rooftop of a four-story building at 1052 Ocean Drive. The former La Baguette immediately to the north is being taken over by the Palace. Directly to the south is the Congress Hotel. To the east across Ocean Drive is Lummus Park. Directly to the west is Pelican Garage while, across Collins Avenue from the parking garage, is the Council Towers development at 1040 Collins Avenue which the report cites as being the nearest residential property.

The application seeks to allow DJ performances and occasional drag shows on the rooftop which, at present, only hosts background music. Additionally, they are proposing to expand periodic drag shows on street level northward toward their newly leased space (the former La Baguette).

3 Comments

The sound survey presented in the report appears to have been capably performed and we have no grounds to question the resulting data. Furthermore, the acoustical measurements performed during the early days of the pandemic-related shutdown provide useful baseline information.

However, while the report focuses on the Council Towers property on Collins Avenue to assess potential impact, it is silent on other nearby properties, most notably the Congress Hotel immediately adjacent to the south which appears to have windows on the north façade facing The Palace. Additionally, there is the Miami Beach International Hostel to the northwest on Collins Avenue (immediately north of Pelican Garage). If impact on these properties is a concern, they should be addressed in the study.

Additionally, while we agree with predictions concerning the level of sound that may propagate from The Palace rooftop to the Council Towers property, we are less confident about the potential impact of that sound. As previously stated, the acoustical measurements performed during the early days of the pandemic-related shutdown provide useful baseline information. However, they are influenced by nearby traffic and rooftop HVAC equipment, as stated in the report. We would expect ambient sound levels at more elevated balconies of the Council Towers property to be lower than those closer to the ground due to increased distance from road traffic and HVAC noise, thus resulting in increased potential for audibility of music from The Palace rooftop. For example, if sound from The Palace rooftop is in the mid-60s (dBC) at nearby balconies at Council Towers, as could be the case given sound levels presented in the report, they have the potential to be audible on those terraces if the ambient level is lower, as they may be in the absence of nearby traffic and HVAC equipment.

The previous points speak to the importance of performing additional sound measurements after the sound system is installed to establish acceptable levels on the rooftop to adhere to the Miami Beach Code of Ordinances. If possible, it would also be advisable to confirm that set levels result in no impacts on the nearest residential balconies (and hotel and hostel spaces, as well, if they are deemed a concern).

Finally, the report discusses operational plans for expanded entertainment on the east patio. Should no changes be made to the sound system and sound levels are not increased, we agree that there will be no additional impact upon the aforementioned receptors due to these activities.

4 Conclusions

The sound study presents useful data and draws some reasonable conclusions regarding impact. However, the report is silent on potential impact on guestrooms at the Congress Hotel as well as at the Miami Beach International Hostel, both of which are closer to the Palace rooftop than Council Towers. If noise at these properties is deemed a concern, such should be addressed in the study. Additionally, we recommend that the potential for lower ambient sound levels at higher terraces at Council Towers, and the resulting potential for audibility of music from the Palace rooftop, be addressed more fully. In any event, we strongly agree with the report's suggestion to perform additional sound measurements after the sound system is installed to establish acceptable levels on the rooftop to adhere to the Miami Beach Code of Ordinances. If possible, it would also be advisable to confirm that set levels result in no impacts on the nearest residential balconies (and hotel and hostel spaces, as well, if they are deemed a concern).