

April 3, 2026

By Email to NickKallergis@miamibeachfl.gov

By Email to belias@fowler-white.com

By Email to melissa@melissabeattie.org

By Email to jonathan.planningboard@gmail.com

By Email to ycimentmb@gmail.com

By Email to elizabethklatone@yahoo.com

By Email to planningboardmarks@gmail.com

By Email to san1455@att.net

Nick Kallergis, First Assistant City Attorney
Chairman and Members of the Planning Board
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

Re: Objection to Application, Submissions for Presentation and Request for Time for Presentation on Objection to Application for Conditional Use Permit for the property located at 1685 Collins Avenue, Miami Beach, Florida (Planning Board File No. 25-0811) (Delano Hotel Project).

Dear Mr. Kallergis, Chairman and Members of the Planning Board,

This firm represents Di Lido Beach Resort Land, LLC and Di Lido Beach Hotel Land, LLC. (collectively the "Ritz Carlton") concerning the above referenced matter. They are interested parties and affected persons who own and operate a family hotel and have received approval to build condominium residential building on their property at 1671 Collins Avenue which is within 175 feet of the Applicant's property. They have standing to appear, present evidence and participate as a party at the April 7, 2026 hearing of the Delano Hotel's application.

I will be appearing on behalf of the Ritz Carlton at the Tuesday, April 7, 2026 hearing and request 15 minutes to make my presentation on behalf of the Ritz Carlton. Additionally, Acoustic Consulting Expert David Molho (WSDG) submits his letter and presentation and will also testify and we request 10 minutes for Mr. Molho to make his presentation on behalf of the Ritz Carlton. We need sufficient time for presentation in order that my clients be afforded due process.

The Ritz Carlton objects to the Delano Hotel's Application for a conditional use permit for neighborhood impact establishment which includes requests for outdoor entertainment uses for six venues on the Delano site. It fails to meet the applicable review guidelines

Objection to Application, Submissions for Presentation and Request for Time for Presentation on Objection to Application for Conditional Use Permit for the property located at 1685 Collins Avenue, Miami Beach, Florida (Planning Board File No. 25-0811) (Delano Hotel Project).

because *inter alia* it concentrates similar types of uses that will have a negative impact on the surrounding neighborhood, it fails to provide a scientifically based noise attenuation plan that addresses how noise will be controlled to meet the requirements of the noise ordinance, and fails to address the proximity of residential uses.

We are providing copies of the Ritz Carlton and Acoustic Expert Molho presentations.

Sincerely,

Kent Harrison Robbins

Kent Harrison Robbins
Attorney for the Di Lido Beach Resort Land, LLC and Di Lido Beach Hotel Land, LLC (the Ritz-Carlton)

Enclosures: Di Lido Beach Resort Land, LLC and Di Lido Beach Hotel Land, LLC (the Ritz-Carlton)'s Presentation. (**Exhibit A**)
Acoustic Consulting Expert David Molho Letter and CV. (**Exhibit B**)
Acoustic Consulting Expert David Molho Presentation. (**Exhibit C**)
October 10, 2023 Order granting Ritz-Carlton's Application for Certificate of Appropriateness. (**Exhibit D**)

cc: Debbie Tackett, Historic Preservation and Architecture Officer:
deborah_tackett@miamibeachfl.gov
Tom Mooney, Planning Director: ThomasMooney@miamibeachfl.gov
Neisen O. Kasdin, Attorney for Applicant: neisen.kasdin@akerman.com

EXHIBIT **A**

Planning Board
File No. 25-0811

1685 Collins Avenue

Presentation by Law Offices of Kent Harrison Robbins, P.A.
on behalf of the Ritz-Carlton South Beach.

April 7, 2026

 The Law Offices of Kent Harrison Robbins, P.A.



Ritz-Carlton



DELANO
HOTEL



4th Floor MIMI
Outdoor Dining
and Pool venue



MIAMI BEACH CODE

Miami Beach Code, §7.5.5.4
ENTERTAINMENT ESTABLISHMENTS

(a.)(3.) RM-3 Districts:

A. Outdoor and open-air entertainment, ... shall require conditional use approval,**outdoor and open-air entertainment shall only be permitted as part of a restaurant supper club.**

Miami Beach Code, §1.2.2.4 Commercial Definitions

Restaurant Supper Club means a commercial establishment where food and drinks may be purchased by the public and whose principal business is the preparation, serving, and selling of food to the customer for consumption on the premises.

Miami Beach Code, §2.5.2.2 Conditional Use Standard

A conditional use may be approved if planning board finds that it meets the following general and supplemental standards for approval:

a. General standards. The following general standards shall be met by all conditional uses.

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.

Miami Beach Code, §7.5.5.4
Special Guidelines for Entertainment Establishments

(b.) In reviewing an application for outdoor entertainment establishment...shall apply the following supplemental review guideline criteria [in addition to standard review guidelines] :

C. 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.

G. A noise attenuation plan which addresses how noise will be controlled to meet the requirements of the noise ordinance.

H. Proximity of proposed establishment to residential uses.

CONDITIONAL USE PERMIT MATRIX

GIGI SUPPER CLUB

Live Entertainment

Total Outdoor Seats: 368

Total Outdoor Occupancy: 500

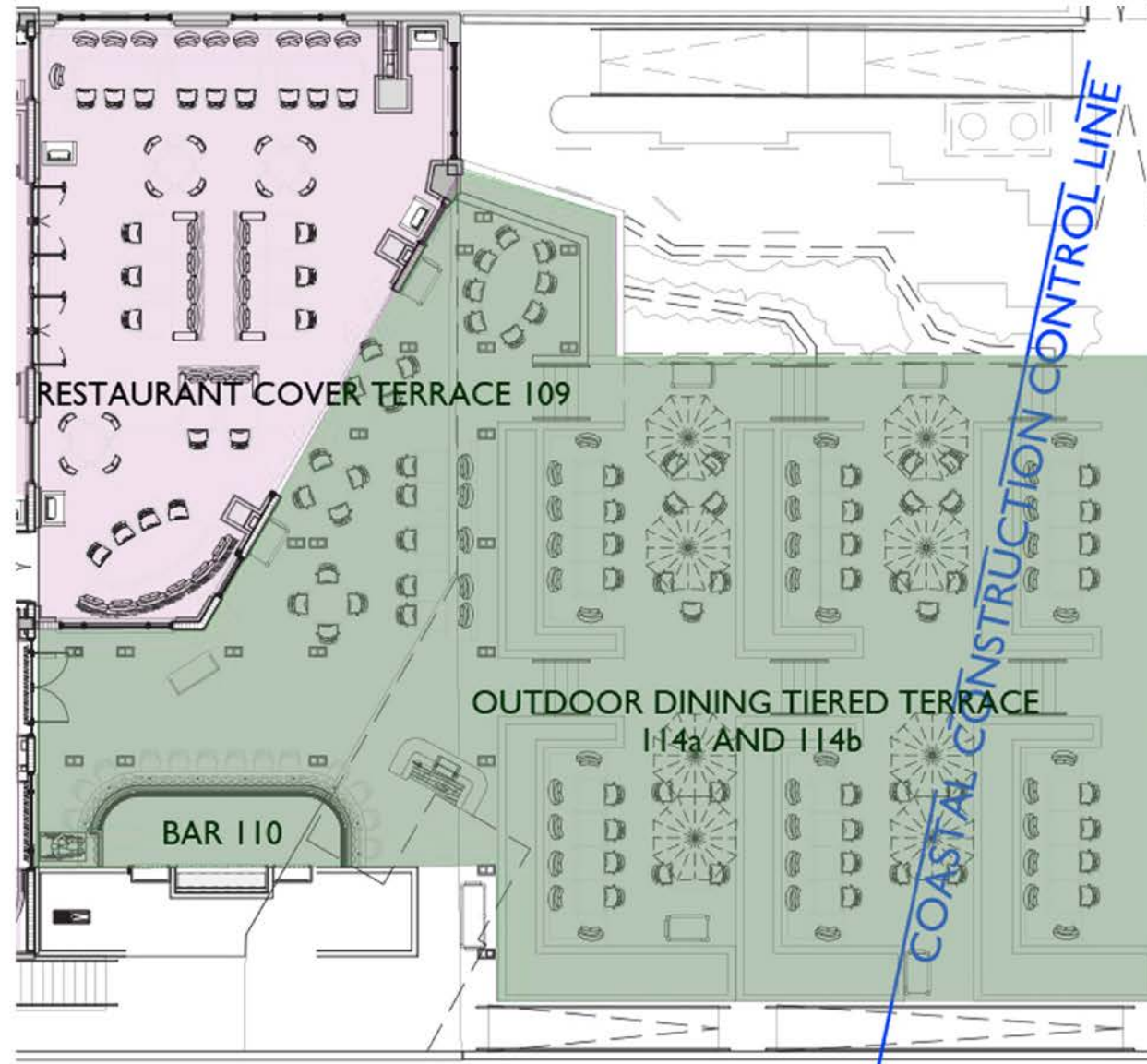
GIGI OUTDOOR DINING AND TIERED TERRACE

Live Entertainment

Total Outdoor Seats: 126

Total Outdoor Occupancy: 134

Venue	Location	Concept	Occupancy	Seating	Hours of Operation for Entertainment	Music and Entertainment
GIGI Outdoor Dining and Tiered Terrace	Ground Floor	Gigi Rigolatto is located on the ground floor of the hotel and serves as the primary all-day dining venue.	134	126	<u>Standard:</u> Sunday–Thursday, 7:00 AM – 11:00 PM; Friday and Saturday, 7:00 AM – 12:00 AM <u>Potential extended hours:</u> 12:00 AM – 2:00AM (Outdoor bar counter to close at 12:00am)	Live entertainment such as acoustic performances, Mediterranean jazz and curated DJ programming, but only ambient music after 12:00 AM.



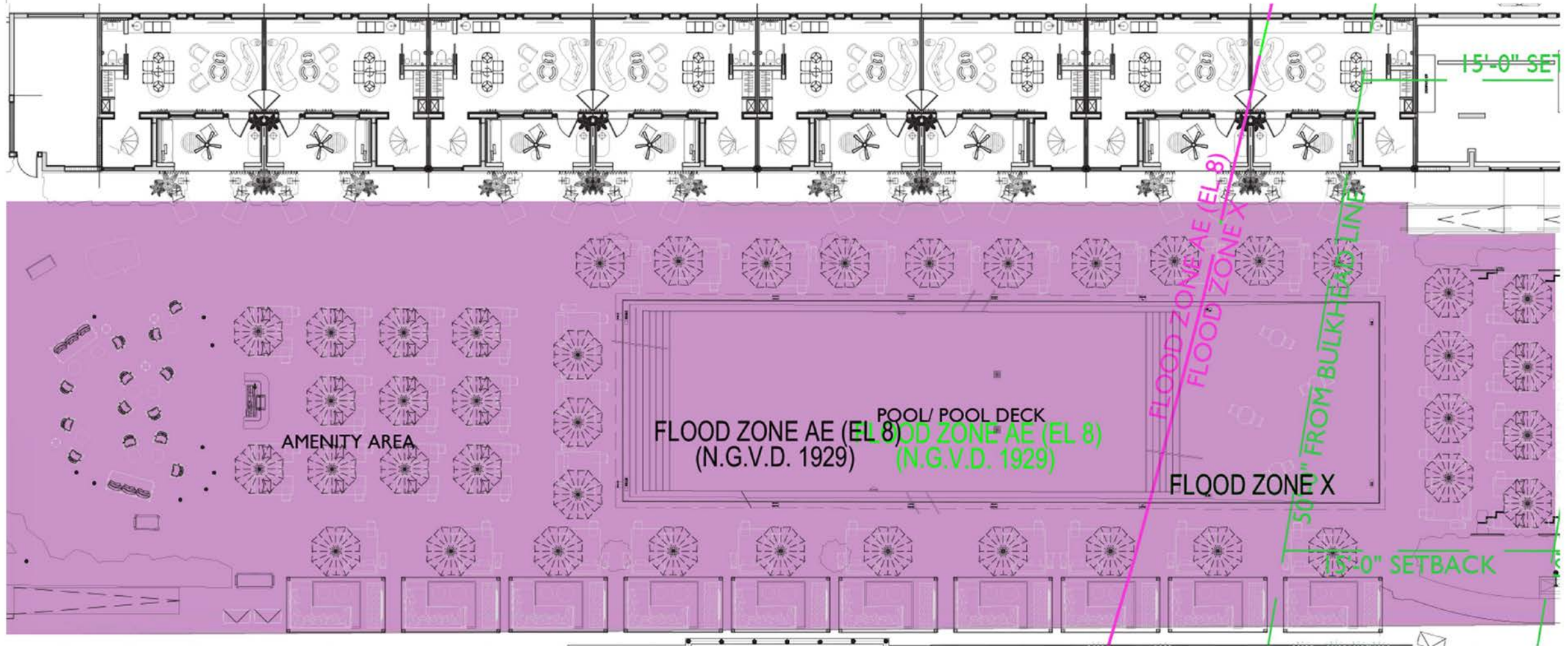
GIGI POOL SERVICE

Live Entertainment

Total Outdoor Seats: 187

Total Outdoor Occupancy: 258

Venue	Location	Concept	Occupancy	Seating	Hours of Operation for Entertainment	Music and Entertainment
GIGI						
Pool Service	Ground Floor	Gigi also oversees food and beverage service to the hotel's pool.	258	187	10:00 AM – Sunset	Background music, live entertainment, acoustic or recorded, and curated DJ programming.



GIGI BELLINI

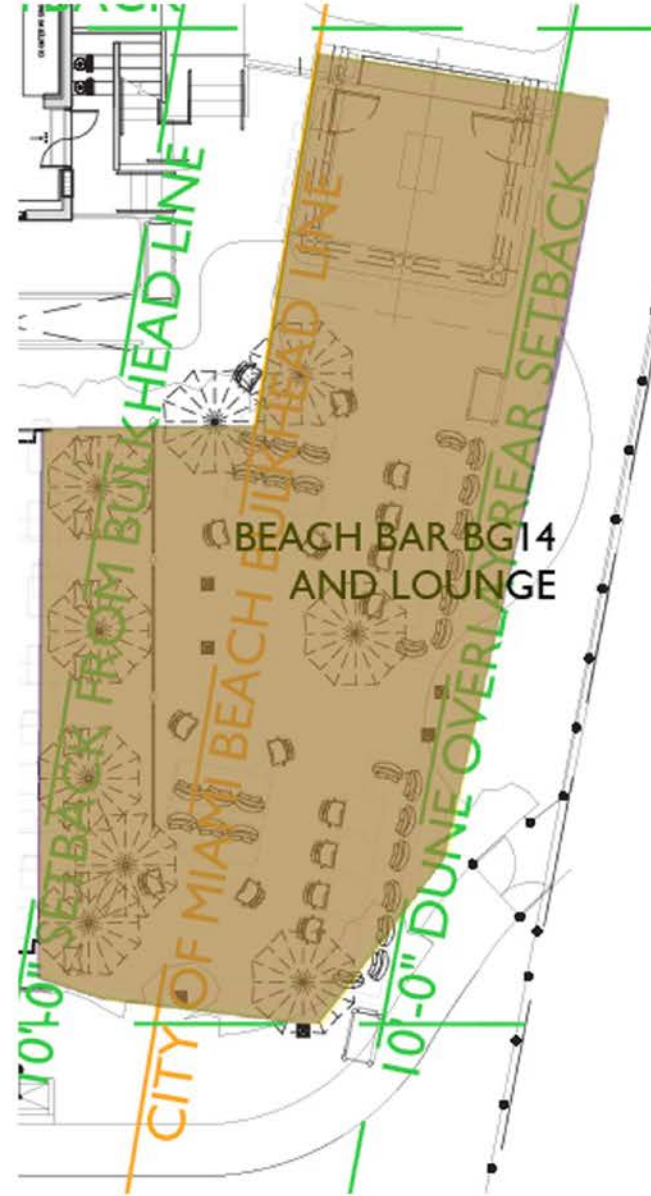
(Encroaches on Dune Overlay)

Live Entertainment

Total Outdoor Seats: 55

Total Outdoor Occupancy: 108

Venue	Location	Concept	Occupancy	Seating	Hours of Operation for Entertainment	Music and Entertainment
GIGI Gigi Bellini	Ground Floor	A dedicated Bellini Bar offering Bellinis, spritzes and Italian fare.	108	55	Standard: 7:00 AM – 12:00 AM Potential extended hours: 12:00 AM – 2:00AM (Outdoor bar counter to close at 12:00am)	Background music, live entertainment, acoustic or recorded, and curated DJ programming, but only ambient music after 12:00AM.



ENCROACHES ON DUNE OVERLAY

4th FLOOR MIMI SUPPER CLUB

Live Entertainment

Total Outdoor Seats: 104

Total Outdoor Occupancy: 113

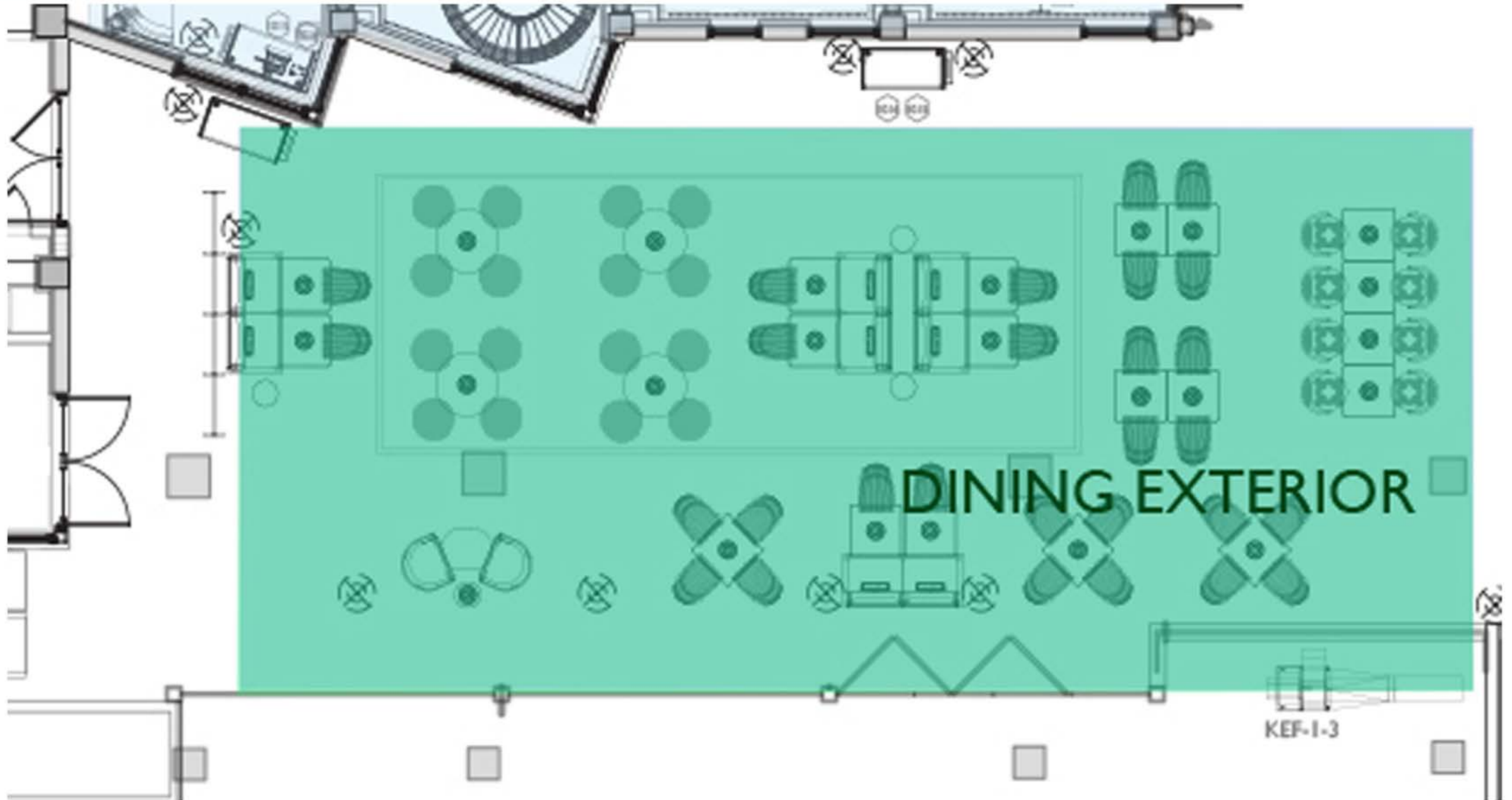
4th FLOOR
MIMI OUTDOOR DINING

Live Entertainment

Total Outdoor Seats: 62

Total Outdoor Occupancy: 81

Venue	Location	Concept	Occupancy	Seating	Hours of Operation for Entertainment	Music and Entertainment
MIMI Outdoor Dining	Fourth Floor	Mimi Kakushi is located on the fourth floor of the hotel and offers a refined dining experience inspired by early 20th-century Osaka.	81	62	Standard: Sunday–Thursday, 11:00 AM – 11:00 PM; Friday and Saturday, 11:00 AM – 12:00 AM Potential extended hours: 12:00 AM – 2:00AM	Live entertainment such as jazz ensembles, playlists, and curated DJ programming, but only ambient music after 12:00 AM.



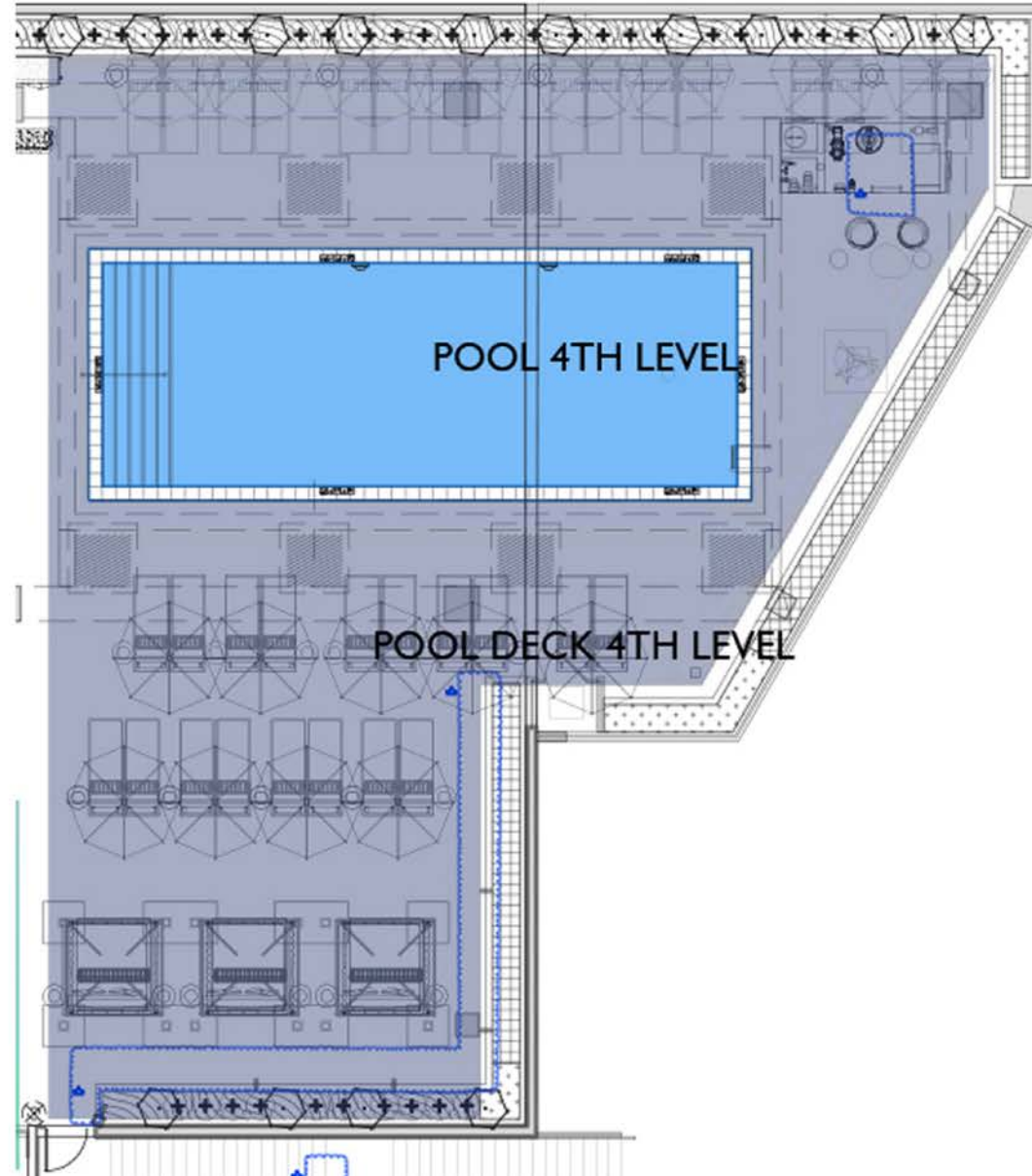
**4th FLOOR
MIMI POOL SERVICE**

Live Entertainment

Total Outdoor Seats: 42

Total Outdoor Occupancy: 71

Venue	Location	Concept	Occupancy	Seating	Hours of Operation for Entertainment	Music and Entertainment
MIMI Pool Service	Fourth Floor	Mimi also oversees food and beverage service to the hotel's fourth floor pool.	71	42	10:00 AM – Sunset	Live entertainment such as jazz ensembles, playlists, and curated DJ programming during operating hours



Six Outdoor Venues for Live Entertainment

Total Outdoor Seats: 472

Total Outdoor Occupancy: 613

**OUTDOOR ENTERTAINMENT
IN PAGE 3 OF DRAFT ORDER**

GIGI SUPPER CLUB

D. Gigi Rigolatto (signature restaurant):

- i. Total occupancy: approximately 273 persons
- ii. Total seats: 125
- iii. Hours of operation: Sunday – Thursday: 7:00 a.m. to 11:00 p.m.; Friday & Saturday: 7:00 a.m. to 12:00 a.m. (midnight); extended hours until 2:00 a.m. per condition 4.J
- iv. Indoor and **outdoor entertainment: permitted until 12:00 a.m. (midnight)**

E. Gigi Rigolatto (outdoor dining terrace):

- i. Total occupancy: approximately 134 persons
- ii. Total seats: 126
- iii. Hours of operation: Sunday – Thursday: 7:00 a.m. to 11:00 p.m.; Friday & Saturday: 7:00 a.m. to 12:00 a.m. (midnight); extended hours until 2:00 a.m. per condition 4.J
- iv. **Outdoor entertainment: permitted until 12:00 a.m. (midnight)**

F. Gigi Rigolatto (pool deck):

- i. Total occupancy: approximately 258 persons
- ii. Total seats: 187
- iii. Hours of operation: 10:00 a.m. to sunset
- iv. **Outdoor entertainment: permitted until 12:00 a.m. (midnight)**

G. Gigi Rigolatto (outdoor bar – Gigi Bellini):

- i. Total occupancy: approximately 108 persons
- ii. Total seats: 55
- iii. Hours of operation: 7:00 a.m. to 12:00 a.m. (midnight); extended hours until 2:00 a.m. per condition 4.J
- iv. **Outdoor entertainment: permitted until 12:00 a.m. (midnight)**

4TH FLOOR MIMI SUPPER CLUB

H. Mimi Kakushi (indoor and outdoor):

- i. Total occupancy: approximately 187 persons
- ii. Total seats: 162
- iii. Hours of operation: Sunday – Thursday: 7:00 a.m. to 11:00 p.m.; Friday & Saturday: 7:00 a.m. to 12:00 a.m. (midnight); extended hours until 2:00 a.m. – per condition 4.J
- iv. Indoor and **outdoor entertainment: permitted until 12:00 a.m. (midnight)**

I. Mimi Kakushi (pool deck):

- i. Total occupancy: approximately 71 persons
- ii. Total seats: 42
- iii. Hours of operation: 10:00 a.m. to sunset
- iv. **Outdoor entertainment: permitted until 12:00 a.m. (midnight)**

EXHIBIT **B**



18430 NE 24th. Avenue
North Miami Beach, FL 33160, USA
+1 786 501 9384
wsdg.com

Phone +1.617.543.9430
Email david.molho@wsdg.com

DATE: April 2, 2026
TO: Kent Robbins – The Law Offices of Kent Harrison Robbins, P.A.
FROM: David Molho – WSDG
RE: The Ritz-Carlton South Beach – Delano Hotel Upgrade
Response to Acoustical Reports
CC: Sergio Molho – Co-CEO, WSDG
John Storyk – Founding Partner, WSDG
Connor Martin – Acoustic Consultant, WSDG

WSDG was asked to perform an independent acoustical review of the materials submitted in support of the Conditional Use Permit (CUP) application for the Delano Hotel located at 1685 Collins Avenue, Miami Beach, Florida.

This review was conducted on behalf of a nearby property, The Ritz-Carlton South Beach, and it is based on the following received documentation:

1. Acoustic report prepared by Direct Sound, LLC (February 5, 2026)
2. AV system design drawings prepared by Sound Investment Audio
3. Independent peer review prepared by Arpeggio (March 16, 2026)
4. Acoustic review and attenuation plan by Direct Sound, LLC (March 26, 2026)
5. Additional peer review response by Arpeggio (March 30, 2026)
6. Staff report and recommendation by Miami Beach Planning Department (April 7, 2026)

1. Executive Summary

The current acoustical reports prepared by Direct Sound, LLC and the supporting documents do not evaluate the potential environmental sound impact, nor do they demonstrate that the project will meet noise limits described at the Miami Beach Noise Ordinance (Chapter 46, Environment - Sec. 46-152) at neighboring buildings.

Given both A) the substantial sound output capabilities of the proposed sound systems, and B) the proximity of the site to the Ritz-Carlton South Beach (among other properties), the expected evaluation would be a predictive acoustic environmental model demonstrating a maximum sound level proposed on the multiple venues and the correlated environmental noise impact. This type of analysis is standard practice for projects involving outdoor amplified sound in close proximity to sensitive receivers.

Without it, there is no reliable way to determine how the sound will affect neighboring properties.

The horn-loaded subwoofers with 24” drivers such as those proposed on the pool deck have a thunderous bass sound output capability that, supplied with sufficient power, will be heard from far distances outdoors. This is the type of bass sound output capability found in a high-end nightclub. These are not small, distributed subwoofers as described in the CUP sound study.

Until such analysis is completed and reviewed, the potential impact remains unquantified and unresolved.

2. Project Areas of Concern

Based on the submitted materials, the project includes multiple open-air entertainment venues, specifically:

- a. Gigi Rigolatto (Ground level): Ground floor indoor dining with outdoor terrace (1st floor pool deck adjacency)
- b. Beach Pool Deck (Ground Level): Distributed audio system across cabanas, bungalows, and pool areas
- c. Mimi Kakushi (Fourth floor): Dining and outdoor terrace
- d. Pool Deck Area (Fourth floor): Outdoor dining and entertainment zones
- e. Rose Bar and Lounge: Interior venue (not considered acoustically critical due to enclosure)

These spaces are proposed to operate with recorded, live, and DJ music, with outdoor activity extending up to midnight and potentially after 2:00 AM under special conditions.

3. AV System Review – Speaker Types and Distribution

Based on our review of the AV drawings we believe that this design includes a high-efficiency professional audio system capable of producing high volumes (SPL) with extended bass content (low-frequency content), which clearly has the potential of disturbing neighbors and violating local noise codes. This system is similar to what can be found at high intensity nightclubs such as E11EVEN, M2 (Mansion), and formerly LIV Nightclub or Club Space.

4. Key Technical Concerns

The submitted documentation package does not show how loud the music generated at the different venues of the Delano Hotel will be received at the Ritz-Carlton.

While these materials provide baseline measurements and general design recommendations, the following critical elements are missing:

a. Predictive Acoustic Modeling

There is *no predictive modeling* to analyze how the sound will travel and how loud it will be at neighboring properties. Acoustic consulting firms perform this kind of studies to understand the behavior of a noise source and its impact into the environment.

b. Quantified Impact at Neighboring Properties

No evaluation of expected source levels and interaction when multiple areas are operating at the same time, and how these scenarios will impact the guests at the Ritz-Carlton and neighboring properties.

c. Low-Frequency Analysis on the Neighboring Properties

Subwoofers (including elevated units) are not evaluated in terms of:

- a. Bass sound, which is more difficult to control and travel further distances (C-weighted levels)
- b. Façade transmission into units

As also concluded by the Arpeggio peer review:

“The submitted report lacks any quantitative prediction of noise impact on adjacent properties, rendering impact assessment incomplete.”

5. Acoustic Risk Assessment

Based on the AV design and lack of acoustic modeling, the following risks are identified:

- a. Bass energy travels further at higher levels and is more likely to be heard over great distances.
- b. Elevated sources (4th floor) will have direct sightline and exposure to Ritz-Carlton’s units.
- c. Simultaneous operation of multiple venues introduces cumulative noise sources
- d. Speaker quantities on the order of 50 to 60 distributed loudspeakers (including Funktion-One F101.2WR models) and approximately 10 to 15 subwoofers (including Funktion-One F124 and BR118 models) across multiple outdoor entertainment areas. The overall system, including amplification, processing, and infrastructure, is on the order of several hundred thousand dollars, which is consistent with a substantial professional entertainment audio system rather than a typical lounge or ambient system.

Predictive modeling is the standard means by which an acoustical engineer / reviewer will assess impact to a property. Without such analysis, there is no technical basis to determine whether the proposed sound system can operate without creating audible or disturbing noise at the neighboring property, as defined by the applicable ordinance.

6. Required Next Step – Acoustic Simulation

A comprehensive acoustic analysis is required prior to approval, including:

- a. 3D sound propagation modeling (ISO 9613-2 or equivalent) – To understand how sound travels across the site and neighborhood
- b. Evaluation in both dBA and dBC (including bass content)
- c. Modeling of Ground-level pool deck, and 4th floor sources
- d. Combined operation scenarios
- e. Receiver locations at Ritz-Carlton façade units with elevations aligned with source heights

Sincerely,

David Molho, Partner, Head of Acoustics – WSDG Miami



DM

DAVID MOLHO

ACOUSTIC CONSULTANT, SOUND ENGINEER, MUSIC PRODUCER

EDUCATION

BERKLEE COLLEGE OF MUSIC
Boston, MA - 2011-2014
Music Production & Engineering
"Magna Cum Laude"

SKILLS

Passionate and motivated with a great sense of humor. Bilingual (English/Spanish). Skilled in anticipating and understanding clients' needs. Successfully meets deadlines, good at problem solving. Ready to contribute with new fresh ideas and generate a great work atmosphere.


AWARDS

Cannes Lions 2016
2 Gold / 1 Silver / 1 Bronze
[Edible Six Pack Rings \(Saltwater Brewery\)](#)

Abbey Road Studios, UK 2014
Wadhams Music Production Scholar Award with Berklee MP&E Dept.

Berklee College of Music 2014
Professional Writing and Music Technology Division Award

CONTACT

 +1 (617) 543-9430

 david.molho@wsdg.com

EXPERIENCE

PARTNER, DIRECTOR OF ACOUSTICS 2015 - PRESENT
WSDG Miami (Walters-Storyk Design Group) - <http://www.wsdg.com/>
Isolation acoustics, internal room acoustics recommendations and studio calibration for some of the biggest clients in the music industry and corporate world.

PRINCIPAL 2015 - PRESENT
Groovyland Music Inc - <http://www.groovylandmusic.com/>
In charge of all operations at Groovyland Music Inc. Recording studio manager until 2023.

WEBMASTER + CM 2015 - 2022
WSDG (Walters-Storyk Design Group) - <http://www.wsdg.com/>
In charge of managing WSDG official website and all social media assets.

US TOUR PRODUCTION MANAGER 2017
Owl Master Booking - <http://www.owlmasterbooking.com/>
Head of production for the concerts of Seu Jorge in Boston and Fort Lauderdale, and Julieta Venegas in Boston and New York City.

MUSIC COMPOSER / SOUND ENGINEER 2015 - 2017
Personal Music - <http://www.personalmusic.com/>
Writing and mixing music for TV, Radio and Digital advertisement for clients such as McDonald's, Toyota, Honda, Telemundo, among others.

LIVE SOUND ENGINEER - FOH 2014 - 2017
City of Homestead - <http://www.cityofhomestead.com/>
In charge of the live sound for the weekly council meetings of the City of Homestead.

CURRENT POSITION: PARTNER, DIRECTOR OF ACOUSTICS - WSDG MIAMI

Acoustic consulting for a wide variety of projects including:

- Doha Oasis (Doha, Qatar):
Site assessment, acoustic testing according to international standards to ensure performance of acoustic recommendations and correct construction.
- IMI Corporate Office (Delray Beach, USA):
Project management, and Structural Acoustics and Isolation recommendations between movie theater generating over 90 dBC of noise and corporate office located immediately above theater. Internal room acoustics recommendations to improve acoustic quality within office.
- BVLGARI Miami Beach Hotel (Miami, USA):
Complete Acoustic Recommendations package of new luxury 5-star hotel in Miami following international luxury rating and brand standards. Project management and presence in OAC meetings.
- FAMA Studios (Santo Domingo, Dominican Republic):
Studio calibration at world-class recording studio in Santo Domingo using advanced audio analysis software.
- Gianfranco M. Residence (Ibiza, Spain):
Private home cinema and underground nightclub. Project management and overview Acoustics and AV Systems packages progress.
- First United Methodist Church (Miami, FL):
Project management for Acoustics and AV Systems recommendations deliverables. Creation of internal room acoustics package to ensure the adequate speech intelligibility within the sensible areas of the church.
- FAENA (Miami, FL):
Site assessment to understand vertical isolation between PH unit and chiller / HVAC machines located at rooftop. Analysis and recommendations to install proper decoupling system to machines at rooftop, ensuring the isolation effectiveness of the vertical system.

CURRENT POSITION: PARTNER, DIRECTOR OF ACOUSTICS - WSDG MIAMI

Completed specialized courses and training including:

- Berklee College of Music "Architectural, Acoustic, and Audio System Design for the Modern Music Production Studio" Completed Course by John Storyk.
- Berklee College of Music - Minor in Acoustics and Electronics.
- Xilica Certification Training.
- System Calibration Training by Dirk Noy, M.Sc. Physics and Gabe Hauser, WSDG Director of Acoustics.
- Alan Parsons' Master Class Training Sessions - ASSR.
- Structural Acoustics Training by Pascal Fleischer, TROMBIK Engineers AG in Basel, Switzerland.
- Digital Audio Networks Training by Oliver Ettlin and Stefan Ledergerber from Simplexity, in Basel, Switzerland.
- Advanced Acoustics Masterclass by Gabe Hauser and Dirk Noy in Basel, Switzerland.

EXHIBIT **C**

ACOUSTIC REVIEW

Delano Hotel Redevelopment

1685 Collins Avenue, Miami Beach, FL

David Molho

Partner, Head of Acoustics – WSDG Miami

On Behalf Of:

**Ritz-Carlton
South Beach**

Nearby Property

Reviewing:

- Direct Sound LLC (February 2026)
- AV Docs – Sound Investment Audio
- Arpeggio Peer Review (March 2026)
- Direct Sound LLC Review Letter (March 2026)
- Arpeggio Additional Peer Review (March 2026)
- Miami Beach Planning Staff Report (March 2026)

"The documents do not show how the sound generated at the Delano will impact the Ritz-Carlton."



No sound level predictions



No propagation analysis



No impact analysis on neighboring hotel

PROJECT OVERVIEW

Venues Proposed at the Delano Hotel

GROUND FL

Pool Deck

CRITICAL

Primary outdoor entertainment
Distributed audio + subwoofers

4TH FLOOR

4th Floor Pool Deck

HIGH CONCERN

Outdoor entertainment zones
Elevated position – direct exposure

GROUND FL

Gigi Rigolatto

MODERATE

Indoor dining + outdoor dining
1st floor pool deck adjacency

INTERIOR

Rose Bar & Lounge

LOW CONCERN

Enclosed interior venue
Not acoustically critical

4TH FLOOR

Mimi Kakushi

HIGH CONCERN

Outdoor dining
DJ / live music programming – Elevated position

SYSTEM SCALE

What Kind of System Are We Talking About?

System Type	Speakers	Subwoofers	Noise Impact
Background Music (Hotel Lobby / Restaurant)	8–16	None	LOW
Lounge / Upscale Bar	12–24	2–4	MODERATE
High-Energy Entertainment (DJ / Live Music)	20–40+	6–12+	HIGH
→ PROPOSED DELANO (All Venues Combined)	~50–60	~10–15	SUBSTANTIAL

★ This is not a background music system.

SPEAKER INVENTORY

Entertainment Professional Audio System

GROUND FLOOR – Beach Pool Deck

Funktion-One F101.2WR

Surface loudspeakers

~20–30 units

6'–8' AFF, façade + cabana mounted

Funktion-One F124 / BR118

High SPL capable Subwoofers

~8–10 units

Floor, millwork & ELEVATED PLANTERS

4TH FLOOR – Mimi Kakushi / Pool Deck

One-Systems 118HSB + Distributed Audio System

DJ / Live Music Capable

~30-37 units

Floor, wall and ceiling mounted, in-ground / direct burial

CRITICAL CONDITION

Several subwoofers are installed within ELEVATED PLANTERS throughout the ground-floor site, plus subwoofers located at the 4th Floor.

Elevated subwoofers = direct line-of-sight propagation toward upper-floor Ritz-Carlton bedrooms.

COMBINED ESTIMATE: ~50-60 speakers | ~10-15 subwoofers

Funktion-One Sound System at Nightclubs





AI Mode **All** Images Forums Shopping News Videos More ▾ Tools ▾

Results for **Miami, FL** · [Choose area](#) ⋮

◆ AI Overview

In Miami, top venues featuring Funktion-One sound systems for premium audio include the **24-hour nightclub E11EVEN**, the iconic **LIV Nightclub at the Fontainebleau**, and **Komodo lounge**. These venues utilize Funktion-One to provide high-fidelity sound, often installed by specialists like Sound Investment to ensure an immersive experience. [Sound Investment AV +3](#)

Clubs & Lounges with Funktion-One Systems

- **E11EVEN Miami:** Features a custom Funktion-One Resolution 6 sound system.
- **LIV Nightclub:** Integrates Funktion-One speakers with advanced amplifiers for high-energy sets.
- **Komodo:** A restaurant/lounge that uses Funktion-One loudspeakers throughout the venue.
- **Mansion (Historical):** Formerly used Funktion-One subwoofers for its renovations.
- **Ultra Music Festival:** The Resistance MegaStructure has utilized Funktion-One Vero sound systems. [Sound Investment AV +5](#)

LIV Nightclub | Sound Investment AV

LIV Nightclub's audio system is designed to deliver an unparalleled auditory experience...

[Sound Investment AV](#) ⋮



FontaineBleau Resort | Sound Investment AV

Komodo. Komodo brings its Southeast Asian-inspired cuisine and vibrant atmosphere to the...

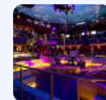
[Sound Investment AV](#) ⋮



Miami's E11even Nightclub | PLSN

Aug 7, 2014 — Aside from its 24-7 policy and genre-blurring business model, E11even...

[PLSN](#) ⋮



Show all

LIVE MUSIC

Live Jazz: Big Band vs Small Ensemble

BIG BAND BRASS SECTION: TRUMPETS, SAXOPHONES, TROMBONES, TUBAS + RHYTHM SECTION (DRUMS, BASS, GUITAR, PIANO)



ENSEMBLE: DRUMS, BASS, PIANO, GUITAR, TRUMPET, SAXOPHONE



Sound levels can vary from 75 dB to over 100 dB depending on band configuration and setlist intensity

WHY THIS MATTERS

Acoustics: Elevation + Bass = Amplified Risk



STREET / OPEN SPACE

Elevated = fewer barriers

Bass travels far

Multiple venues = cumulative

Direct bedroom exposure

5 Things Missing from the Submitted Documentation

01

No Predictive Modeling

No analysis showing where sound will travel or how loud it will be at neighboring properties

02

No Sound Levels at Ritz-Carlton

No predicted levels at the neighboring hotel façades or guestroom locations

03

No Bass / Low-Frequency Assessment

Subwoofers - including elevated units - not evaluated for long-distance propagation

04

No Evaluation of Cumulative Effect of 6 Venues

No analysis of what happens when multiple outdoor areas operate simultaneously.

05

No 4th Floor Source Analysis

4th floor pool deck sources not assessed for direct line-of-sight impact on adjacent hotel

City of Miami Beach Noise Ordinance

The applicant must DEMONSTRATE that the system won't disturb neighbors.

A noise attenuation plan which addresses how noise will be controlled to meet the requirements of the noise ordinance is required.

Without Modeling — These Risks Are Unresolved

Elevated 4th Floor Sources

HIGH

Direct exposure — no shielding toward Ritz-Carlton bedrooms

Subwoofers Bass Propagation

HIGH

High SPL capable raised bass sources increase line-of-sight propagation to upper floors

Broad Coverage + Spill

MODERATE

Dense distributed layout covers entire site — increases environmental spill

Multiple Simultaneous Venues

HIGH

Combined operation of Ground floor + 4th floor not evaluated

Coastal / Open Environment

MODERATE

Coastal acoustics — less natural attenuation than urban canyon settings

Late Night Operation

CRITICAL

Outdoor music permitted to midnight — impacts nighttime "plainly audible" threshold

Without predictive modeling, there is no basis to confirm compliance with the Miami Beach Noise Ordinance at the Ritz-Carlton.

A Proper Acoustic Simulation Before Approval

1

3D Sound Propagation Modeling

ISO 9613-2 or equivalent — predict how sound travels across the site

2

Full-Spectrum Source Data

Including subwoofer characterization (not assumed 'ambient')

3

A-weighted & C-weighted Analysis

Both overall level and bass content evaluated separately

4

All Sources Modeled Separately + Combined

Ground floor outdoor venues, 4th floor outdoor venues - individual and simultaneous

5

Receiver Locations at Ritz-Carlton

Façades, bedrooms balconies, elevations matching source heights

Standard practice. Typical due diligence. Preventative — not reactive.

CONCLUSION

The Bottom Line



The current acoustical submission does NOT demonstrate compatibility with adjacent properties



No predictive modeling = no technical basis for approval



Once built — enforcement is reactive, not preventative



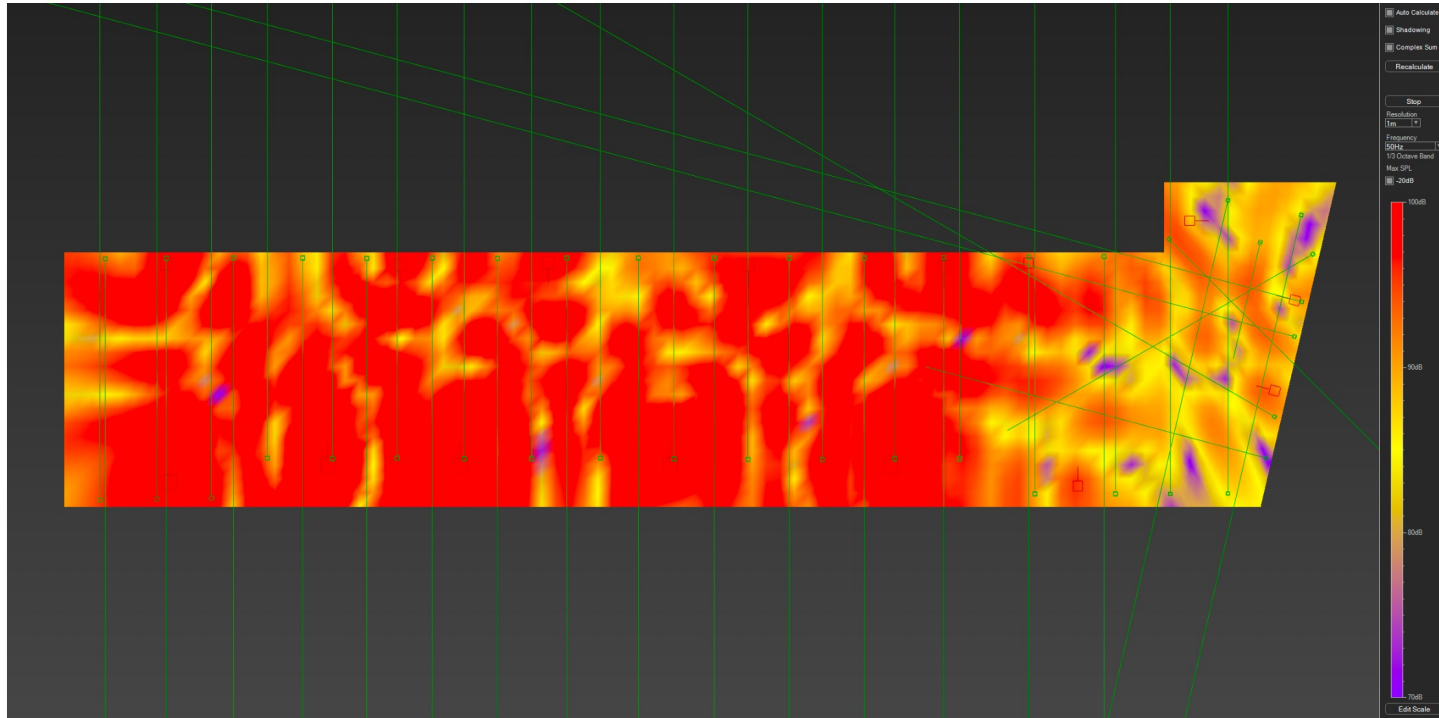
Acoustic simulation is standard, achievable, and required before this project is approved

"Right now, we are being asked to approve a sound system without knowing where the sound will go and how loud that sound will be."

APPENDIX

Low Frequency Heat Map: Seriously Disturbing

Delano Beachclub - 50Hz



APPENDIX

Low Frequency Heat Map: Seriously Disturbing

Delano Restaurant & Terrace - 63Hz

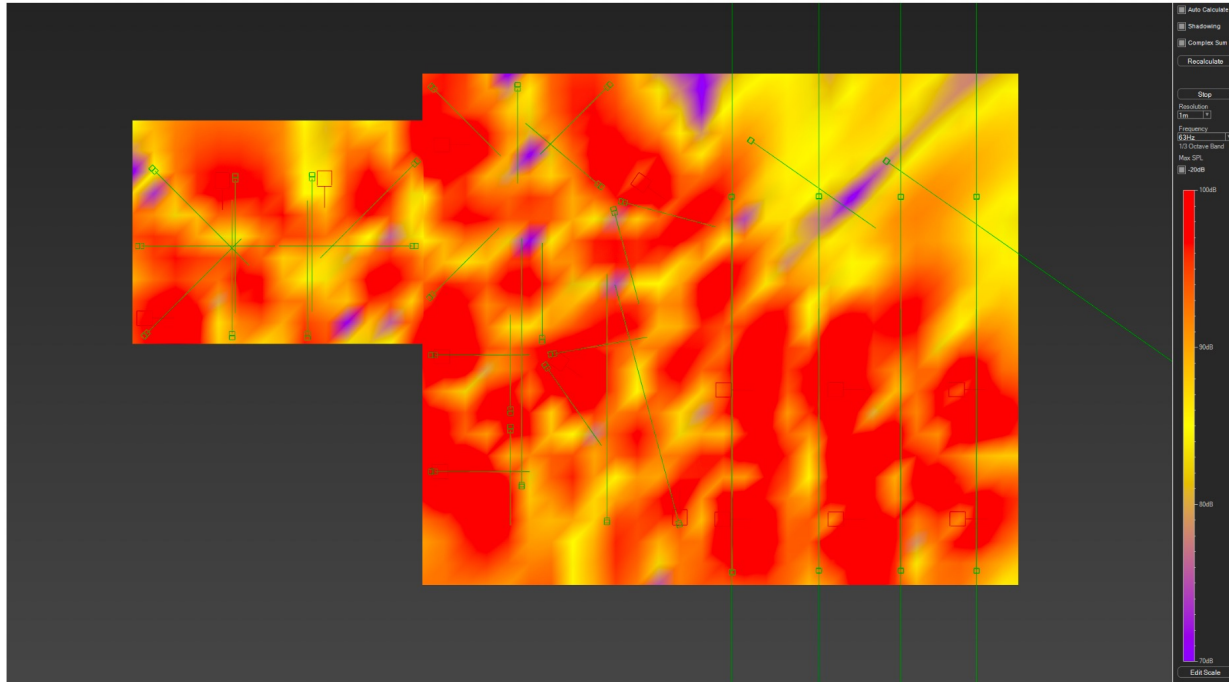


EXHIBIT **D**

**HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida**

MEETING DATE: October 10, 2023

PROPERTY/FOLIO: 1 Lincoln Road / 02-3234-123-0001, 02-3234-123-0021, 02-3234-123-0030, 02-3234-123-0010
1671 Collins Avenue / 02-3234-019-0530

FILE NO: HPB23-0574

APPLICANTS: EBJ Sagamore, LLC, Di Lido Beach Commercial Lessor, LLC, Di Lido Beach Commercial, LLC, Di Lido Beach Resort, LLC, Di Lido Beach Resort Land, LLC

IN RE: An application has been filed requesting a Certificate of Appropriateness for the partial demolition and renovation of two buildings on the site, the total demolition of one building, the construction of a 1-story rooftop addition, the construction of a ground level multi-family residential addition at the northeast corner of the site and modifications to the rear yard site plan.

LEGAL: Parcel 1 (1 Lincoln Road)
Lots 1 thru 4, Lot 17 & South ½ of Lots 5 & 16, Block 29 and a strip of land described in DB 3781-543 and Lots 18-19 & 20, Block 29 and a portion of land being a being a part of the platted Lincoln Road right-of-way, according to the plat thereof recorded in Plat Book 2, Page 77 of the public records of Miami Dade County, Florida.

Parcel 2 (1671 Collins Avenue)
Lot 6 and Lot 15 and the north 25 feet of lot 5 and lot 16, Block 29 of Fisher's First Subdivision of Alton Beach, According to the Plat Thereof, as Recorded in Plat Book 2, Page 77, of the Public Records of Miami-Dade County, Florida, together with a portion of the 30 foot wide right-of-way as shown on said Fisher's First Subdivision of Alton Beach, According to the Plat Thereof, as Recorded in Plat Book 2, Page 77, of the Public Records of Miami-Dade County, Florida.

ORDER

The City of Miami Beach Historic Preservation Board 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 record for this matter:

I. Certificate of Appropriateness

A. The subject site is located within the Ocean Drive/Collins Avenue Local Historic District.

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- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:
1. Is consistent with Sea Level Rise and Resiliency Review Criteria in Section 7.1.2.4(a)(i) of the Land Development Regulations.
 2. Is consistent with Certificate of Appropriateness Criteria in section 2.13.7(d)(ii)(1) of the Land Development Regulations.
 3. Is consistent with Certificate of Appropriateness Criteria in section 2.13.7(d)(ii)(2) of the Land Development Regulations.
 4. Is consistent with Certificate of Appropriateness Criteria in section 2.13.7(d)(ii)(3) of the Land Development Regulations.
 5. Is consistent with Certificate of Appropriateness Criteria in 2.13.7(d)(vi)(4) of the Land Development Regulations.
- C. The project would remain consistent with the criteria and requirements of sections 2.13.7(d) and 7.1.2.4(a) of Land Development Regulations if the following conditions are met:
1. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
 - a. The portion of the new ground level tower addition above 50'-0" in height shall be set back an additional 15'-0" from the east (rear), in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - b. The western façade of the Sagamore Hotel shall be restored to the original 1948 Albert Anis design consistent with available historic documentation to greatest extent possible, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - c. The final design and details of the residential tower addition shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - d. The final design and details of the elevator and bridge addition shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - e. The final design and details of the porte-cochere addition shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

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- f. Final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - g. The proposed outdoor bar counters shall comply with all regulations contained in Section 7.5.4.9 of the Land Development Regulations.
 - h. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and elevation drawings and shall be screened from view, in a manner to be reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - i. A plaque or historic display describing the history and evolution of the buildings shall be placed on the site and shall be located in a manner visible from the right of way, prior to the issuance of a Certificate of Occupancy for the building, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
- a. All hedge and ground cover plantings within the Collins Avenue front yard shall not exceed 36" in height at maturity.
 - b. Prior to issuance of a Building Permit, the applicant shall provide a Tree Report prepared by a Certified Arborist for any existing canopy shade trees with a DBH of 3" or greater located in public or private property, which may be scheduled for removal or relocation for the review and approval of the City of Miami Beach Urban Forester.
 - c. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain.
 - d. The project design shall minimize the potential for a project causing a heat island effect on site.
 - e. Cool pavement materials or porous pavement materials shall be utilized, if applicable.

In accordance with section 2.2.4.8(c) of the Land Development Regulations the applicant, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal the Board's decision on a Certificate of Appropriateness to a special magistrate appointed by the City Commission.

II. Variance(s)

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- A. No Variances have been requested as part of this application.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

III. General Terms and Conditions applying to both 'I. Certificate of Appropriateness' and 'II. Variances' noted above.

- A. The applicant agrees and shall be required to provide access to areas subject to this approval (not including private residences or hotel rooms) for inspection by the City (i.e.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the plans approved by the Board and conditions of this order.
- B. The issuance of a building permit is contingent upon meeting Public School Concurrency requirements, if applicable. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed. No building permit may be issued unless and until the applicant obtains a written finding from Miami-Dade County Public Schools that the applicant has satisfied school concurrency.
- C. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
- D. The applicant shall comply with the electric vehicle parking requirements, pursuant to section 5.1.13 of the land development regulations, as applicable.
- E. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- F. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- G. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit and shall be located immediately after the front cover page of the permit plans.
- H. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- I. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.

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- J. The Final 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.
- K. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- L. 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.
- M. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.

IT IS HEREBY 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 are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the application is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II,III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "**Ritz-Sagamore**", as prepared by **Kobi Karp Architecture and Interior Design, Inc., dated May 8, 2023**, as approved by the Historic Preservation Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required. When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of section 2.13.7 of the Land Development Regulations; the granting of any such extension of time shall be at the discretion of the Board. If

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the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with chapter 2 of the Land Development Regulations, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the Land Development Regulations. Failure to comply with this Order shall subject the application to chapter 2 of the Land Development Regulations, for revocation or modification of the application.

10/13/2023 | 1:38 PM EDT

Dated this _____ day of _____, 20__.

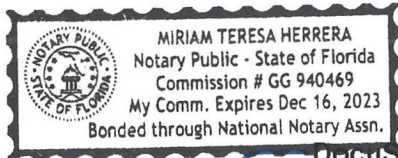
HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
DEBORAH TACKETT
HISTORIC PRESERVATION & ARCHITECTURE OFFICER
FOR THE CHAIR

DocuSigned by:
Deborah Tackett
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STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 13 day of October 2023 by Deborah Tackett, Historic Preservation & Architecture Officer, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. She is personally known to me.



Miriam Herrera
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: 12-16-23

DocuSigned by:

Approved As To Form:
City Attorney's Office:

Nick Kalleg

(10/13/2023 | 1:36) PM EDT
DocuSigned by:

Filed with the Clerk of the Historic Preservation Board on _____

Jessica Gonzalez (10/13/2023 | 2:22 PM EDT
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