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City Manager  
Reports

CITY COMMISSION

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GOODMAN | LLP

April 15, 2015

Via FedEx

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ALL  
COMMISSIONERS  
RECEIVED

Mayor Jack Seiler  
Commissioner Bruce Roberts  
Commissioner Robert McKinzie  
Commissioner Romney Rogers  
Commissioner Dean Trantalis  
Fort Lauderdale City Hall  
100 N. Andrews Avenue  
Fort Lauderdale, FL 33301

Re: Ongoing Adverse Conditions resulting from Beach Place Operations

Dear Mayor and Commissioners:

We send you this appeal in anticipation of your forthcoming hearing relating to Beach Place. We are residents at 1 N. Ft. Lauderdale Beach Boulevard (Ritz Carlton Residences) next door and in occupancy generally from December through May, and then intermittently during the summer. We enjoy living "on the beach" to have available all of the resources that are there, but we are terribly troubled with the excessive abuse that results from the manner in which the nightclubs at Beach Place are operated.

1. Pulsating loud noise, especially on holidays and weekends after midnight when many of us nearby residents have family and guests, are awakened usually after 1 a.m. and then kept awake because of the blaring music from speakers pointed to the outside, often punctuated with whistles and loud shrieking from bar organized contests, etc.
2. It becomes so rowdy after midnight that we stay away from Beach Place for our own safety – staying away on those late nights to avoid mixing it up with the drunk loiterers, unless I am willing to have my wife and daughters-in-law accept the hooting and cat calls.
3. The conditions at the Las Olas parking lot and garage become impossible in the late hours on those busy nights. Be aware of the shrieking of tires from kids showing off, periodic fights and verbal abuse late at night when we walk our dog or are out for a walk.

What do you expect from a very narrow segment of the population who is out drinking after 1 a.m., encouraged by cheap or free drink giveaway tokens handed out on the sidewalk, and attracted by loud music clearly audible next door from the 20<sup>th</sup> floor. Yes, while all segments of the population are entitled to access, that entitlement must come with responsibilities including, not to infringe upon the normal welfare of the majority!


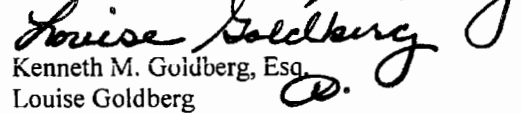
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Mayor Jack Syler  
Commissioner Bruce Roberts  
Commissioner Robert McKenzie  
Commissioner Romney Rogers  
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It is noted that there is opportunity, and exercised with responsibility as do the restaurants and other bars south of Beach Place, for all segments of the population to enjoy Ft. Lauderdale -- but without the welfare of the general neighborhood being jeopardized.

Thanks for considering these circumstances and, hopefully since these conditions have been ongoing for so long, steps will now finally be taken to resolve the matter. Please know that this appeal is also being sent on behalf of the Board of Trustees of the Ritz Carlton Residence Owners.

Very truly yours,

  
  
Kenneth M. Goldberg, Esq.  
Louise Goldberg

Enclosure: December 30, 2014 Memorandum

KMG/dag

cc (via email only): Richard Suth, President/Residence Owners Association  
Monique Soriano, Director of Residences  
Assistant Scott Wyman  
Mr. John Weaver  
Mr. Norman Fixel

To: Ritz Carlton Residences  
Board of Directors

From: K. Goldberg, Esq.

Date: December 30, 2014

Subject: Memo re. Beach Place Operations for Delivery to City Commissioners

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Zoning: Beach Place is in a PRD District. PRD was established for the purpose of promoting the development and redevelopment of the area immediately north of Las OLas Boulevard, generally between the Atlantic Ocean and the Intracoastal Waterway “as a high quality, public and private mixed use area...as a destination resort and county-wide asset.” (Underlining added) Section 47-12.2

Special Entertainment  
Overlay District:

Section 5-51 Purpose and Intent: “...encourage the development of areas which *promote* the cultural, economic educational and *general welfare of the people of Fort Lauderdale ...catering to and promoting tourism and providing entertainment centers for the utilization and enjoyment of the public.*”

*“...encouraging public pedestrian use”*

*“...eliminate deteriorating conditions ...found to be detrimental to the health, safety and welfare of the public.”*

*“...provide for more efficient and effective public safety enforcement in a defined area...”*

(Italics added)

Comments: Conduct promoted by Beach Place is clearly inimical to the above goals (these comments address the after-dark conduct of the nightclub businesses at Beach Place):

1. The general lack of enforcement of safe drinking levels encourages excessive drinking; then, adding loud music, attracts mostly 20-30 year old youth and results in excessive rowdiness and clearly drunk and abusive conduct in the late night hours in the property common areas, and then carries over to the sidewalks and streets.

2. The highly amplified music and noise level accomplishes its goal – it promotes excessive drinking and creates loud, uncontrolled conditions that then interfere with the safety of the public generally –
  - Rousting by rowdy youth of pedestrians, especially in the late hours.
  - Hand outs (free or reduced cost drinks) on the sidewalks, including to disinterested families and minors is clearly an intrusion.
  - Amplified music so loud and directed to the outside, is clearly intended to be heard hundreds of feet beyond the premises to attract and create a boisterous and youthful drinking patronage - - with obvious results.
  - Employees and patrons using the garage at night are roused – and the security and safety of families with kids and women who are alone are serious concerns.
  - Excessive loitering results, especially in the late night and early AM hours, with obvious consequences - - i.e., loud swearing, rousting of other patrons and pedestrians, etc.
  - Instead of Beach Place adjusting their conduct to the environment next to high quality residential developments and a high quality hotel/residence (Ritz Carlton), Beach Place is the loudest facility in the district with all bars catering to the most youthful customers resulting in the inevitable - -
    - Ritz Carlton residents and hotel patrons refrain from letting their teens or unaccompanied women walk in front of Beach Place in the “late after hours” in concern for their security and safety; and
    - Constant solicitation for drinking contributes and encourages even more loiterers.
  - Noise levels are so loud they can clearly be heard (and so loud as to be literally felt) within residences and as far as over a 100 foot distant.

Notes:

1. Section 5-52, et. seq. – Provides that the principals of the fee owner of Beach Place have common control and common ownership responsibility for enforcement of lawful conditions at their owned premises.

2. Section 5-54 – Includes requirements to *maintain* a location as within an Entertainment Overlay District – introducing the concept that the designation is capable of being withdrawn.
3. Section 5-55(i) – Makes clear that “Establishments selling or serving alcoholic beverages must be permitted and operate in compliance with the laws governing the sale and consumption of alcoholic beverages” or required “adequate security shall be as provided by the City Manager based on square footage of a pedestrian walkway and...capacity of the facilities...”

Note: Very different conditions exist at Beach Place than at other area facilities – Simply put, the intended atmosphere encourages drunkenness and rowdiness which spills over into the neighborhood.

Noise Levels:

The very specific permitted noise levels are likely being significantly exceeded. Those noise levels are specifically to be measured “at a distance of five (5) feet from the building structure or establishment – from which the sound is emanating. Section 17.7