

Freitas, Gabriela

From: Gayle <gayle@cfsystems.com>
Sent: Thursday, January 19, 2023 1:54 PM
To: 'Michele Hanash'
Cc: 'adam shedroff'
Subject: RE: Noise from rooftop venues

Just to let you know, the Conditional Use Permit (CUP) issued in 2019 was strict. Then two year later the venue asked for and was granted a modification to the CUP in 2021 that allowed rooftop entertainment.

CUP issued 2019

Indoors

operate Sun to Wed until midnight
operate Thurs to Sat until 2AM

Outdoor

all operation must cease at midnight
music and entertainment **not** permitted outdoors

Michele,

I am so disheartened to hear that the loud music at The Eatery continues. I will help you navigate the system.

The rooftop eatery appeared at Planning Board April 26, 2023 and May 22, 2022. At that time the board was made aware of noise complaints reported by Code Compliance. The venue's original order requires a password protected volume control that only the manager can control , but obviously that rule was not being complied with. Therefore, I voted to take away permission for rooftop entertainment, but I was out voted. Afterwards, I called the landlord who told me they were trying to evict the rooftop tenant. The court date for eviction was September 2022. I do not know the outcome of that judgement. Landlord would not tell me why they were evicting, but mentioned that the tenant was paying their rent on time.

Yes, it is certainly a burden to call and meet in person Code Compliance at 1AM. Unfortunately that is how our system is set up and puts the victims at a disadvantage. But you have to work within the system and have yourself and your neighbors call code compliance every time you are disturbed by loud noise. Code will then generate a report. You should instruct Code to forward the report to the Planning Department to these folks:

'Madan, Rogelio' <RogelioMadan@miamibeachfl.gov>
'Kallergis, Nick' <NickKallergis@miamibeachfl.gov>;
'Garavito, Alejandro' AlejandroGaravito@miamibeachfl.gov

When the Planning Dept is made aware of several noise complaints, then they will instruct the venue to appear at the Planning Board for a review of the Conditional Use permit. The board has the power to revoke the permit or modify it to make it more strict.

All noise complaints recorded by Code can be found

here: <https://energovcss.miamibeachfl.gov/EnerGovProd/SelfService#/search>

I attached a screen shot to show you how to input the information to locate the reported noise complaints. Strangely, the address in this system for The rooftop Eatery is 723 N N Lincoln Ln (with two "N"s)

The system shows 31 noise complaints from 2020 to present. Three noise complaints occurred after the Planning Board voted on May 22, 2022 to allow the continuance of rooftop entertainment. You may want to forward these four noise complaints to the Planning Dept with a full description of the abusive ongoing noise you are experiencing from the Eatery venue.

Found 31 results

Code Case Number [NC2022-22758](#)

Status No Violation Observed

Type Noise Complaint

Project Name

Opened Date 01/29/2022

Closed Date 01/29/2022

Address 723 N N LINCOLN LN MIAMI BEACH FL -331390000

Main Parcel 0232340070520

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Code Case Number [NC2022-22669](#)

Status No Violation Observed

Type Noise Complaint

Project Name

Opened Date 01/20/2022

Closed Date 01/20/2022

Address 723 N N LINCOLN LN MIAMI BEACH FL -331390000

Main Parcel 0232340070520

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Code Case Number [NC2022-22695](#)

Status No Violation Observed

Type Noise Complaint

Project Name

Opened Date 01/22/2022

Closed Date 01/22/2022

Address 723 N N LINCOLN LN MIAMI BEACH FL -331390000

Main Parcel 0232340070520

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Code Case Number [NC2021-17838](#)

Status No Violation Observed

Type Noise Complaint

Project Name
Opened Date 01/08/2021
Closed Date 01/08/2021
Address 723 N N LINCOLN LN MIAMI BEACH FL -331390000
Main Parcel 0232340070520
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Code Case Number [NC2022-22909](#)
Status No Violation Observed
Type Noise Complaint
Project Name
Opened Date 02/10/2022
Closed Date 02/11/2022
Address 723 N N LINCOLN LN MIAMI BEACH FL -331390000
Main Parcel 0232340070520
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Code Case Number [NC2022-23102](#)
Status No Violation Observed
Type Noise Complaint
Project Name
Opened Date 03/04/2022
Closed Date 03/04/2022
Address 723 N N LINCOLN LN MIAMI BEACH FL 33139-0000
Main Parcel 0232340070520
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Code Case Number [NC2022-23114](#)
Status No Violation Observed
Type Noise Complaint
Project Name
Opened Date 03/05/2022
Closed Date 03/05/2022
Address 723 N N LINCOLN LN MIAMI BEACH FL -331390000
Main Parcel 0232340070520
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Code Case Number [NC2021-18125](#)
Status Closed
Type Noise Complaint
Project Name
Opened Date 01/22/2021
Closed Date 03/08/2022
Address 723 N N LINCOLN LN MIAMI BEACH FL -331390000
Main Parcel 0232340070520
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Code Case Number [NC2021-18585](#)
Status Closed
Type Noise Complaint
Project Name
Opened Date 02/14/2021

Closed Date 03/08/2022
Address 723 N N LINCOLN LN MIAMI BEACH FL -331390000
Main Parcel 0232340070520
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Code Case Number [NC2022-23295](#)
Status No Violation Observed
Type Noise Complaint
Project Name
Opened Date 03/21/2022
Closed Date 03/21/2022
Address 723 N N LINCOLN LN MIAMI BEACH FL 33139-0000
Main Parcel 0232340070520
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Code Case Number [NC2022-23320](#)
Status No Violation Observed
Type Noise Complaint
Project Name
Opened Date 03/23/2022
Closed Date 03/24/2022
Address 723 N N LINCOLN LN MIAMI BEACH FL 33139-0000
Main Parcel 0232340070520
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Code Case Number [NC2022-23524](#)
Status No Violation Observed
Type Noise Complaint
Project Name
Opened Date 04/10/2022
Closed Date 04/10/2022
Address 723 N N LINCOLN LN MIAMI BEACH FL 33139-0000
Main Parcel 0232340070520
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Code Case Number [NC2022-22605](#)
Status No Violation Observed
Type Noise Complaint
Project Name
Opened Date 01/16/2022
Closed Date 01/16/2022
Address 723 N N LINCOLN LN MIAMI BEACH FL -331390000
Main Parcel 0232340070520
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Code Case Number [NC2022-22548](#)
Status No Violation Observed
Type Noise Complaint
Project Name
Opened Date 01/14/2022
Closed Date 01/14/2022
Address 723 N N LINCOLN LN MIAMI BEACH FL -331390000

Main Parcel 0232340070520

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Code Case Number [NC2021-21935](#)

Status No Violation Observed

Type Noise Complaint

Project Name

Opened Date 11/28/2021

Closed Date 11/28/2021

Address 723 N N LINCOLN LN MIAMI BEACH FL -331390000

Main Parcel 0232340070520

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Code Case Number [NC2021-21809](#)

Status No Violation Observed

Type Noise Complaint

Project Name

Opened Date 11/14/2021

Closed Date 11/14/2021

Address 723 N N LINCOLN LN MIAMI BEACH FL -331390000

Main Parcel 0232340070520

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Code Case Number [NC2021-21811](#)

Status No Violation Observed

Type Noise Complaint

Project Name

Opened Date 11/14/2021

Closed Date 11/14/2021

Address 723 N N LINCOLN LN MIAMI BEACH FL -331390000

Main Parcel 0232340070520

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Code Case Number [NC2021-18655](#)

Status Closed

Type Noise Complaint

Project Name

Opened Date 02/18/2021

Closed Date 06/10/2021

Address 723 N N LINCOLN LN MIAMI BEACH FL -331390000

Main Parcel 0232340070520

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Code Case Number [NC2020-16537](#)

Status No Violation Observed

Type Noise Complaint

Project Name

Opened Date 10/02/2020

Closed Date 10/02/2020

Address 723 N N LINCOLN LN MIAMI BEACH FL -331390000

Main Parcel 0232340070520

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Code Case Number [NC2020-16629](#)
Status Written Warning Notice
Type Noise Complaint
Project Name
Opened Date 10/10/2020
Closed Date
Address 723 N N LINCOLN LN MIAMI BEACH FL -331390000
Main Parcel 0232340070520
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Code Case Number [NC2020-16525](#)
Status No Violation Observed
Type Noise Complaint
Project Name
Opened Date 10/01/2020
Closed Date 10/01/2020
Address 723 N N LINCOLN LN MIAMI BEACH FL -331390000
Main Parcel 0232340070520
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Code Case Number [NC2022-22932](#)
Status No Violation Observed
Type Noise Complaint
Project Name
Opened Date 02/13/2022
Closed Date 02/13/2022
Address 723 N N LINCOLN LN MIAMI BEACH FL -331390000
Main Parcel 0232340070520
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Code Case Number [NC2022-23968](#)
Status No Violation Observed
Type Noise Complaint
Project Name
Opened Date 06/10/2022
Closed Date 06/10/2022
Address 723 N N LINCOLN LN MIAMI BEACH FL 33139-0000
Main Parcel 0232340070520

Code Case Number [NC2022-24462](#)
Status No Violation Observed
Type Noise Complaint
Project Name
Opened Date 09/04/2022
Closed Date 09/04/2022
Address 723 N N LINCOLN LN MIAMI BEACH FL 33139-0000
Main Parcel 0232340070520

Code Case Number [NC2022-22782](#)
Status Fine Owed
Type Noise Complaint

Project Name
Opened Date 01/30/2022
Closed Date
Address 723 N N LINCOLN LN MIAMI BEACH FL -331390000
Main Parcel 0232340070520

Code Case Number [NC2022-24458](#)
Status No Violation Observed
Type Noise Complaint
Project Name
Opened Date 09/04/2022
Closed Date 09/04/2022
Address 723 N N LINCOLN LN MIAMI BEACH FL 33139-0000
Main Parcel 0232340070520

Code Case Number [NC2021-21790](#)
Status Closed
Type Noise Complaint
Project Name
Opened Date 11/13/2021
Closed Date 12/20/2022
Address 723 N N LINCOLN LN MIAMI BEACH FL -331390000
Main Parcel 0232340070520

Code Case Number [NC2022-23341](#)
Status Fine Owed
Type Noise Complaint
Project Name
Opened Date 03/25/2022
Closed Date
Address 723 N N LINCOLN LN MIAMI BEACH FL -331390000
Main Parcel 0232340070520
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Code Case Number [NC2022-24751](#)
Status No Violation Observed
Type Noise Complaint
Project Name
Opened Date 10/22/2022
Closed Date 10/22/2022
Address 723 N N LINCOLN LN MIAMI BEACH FL 33139-0000
Main Parcel 0232340070520

Code Case Number [NC2023-25318](#)
Status No Violation Observed
Type Noise Complaint
Project Name
Opened Date 01/01/2023
Closed Date 01/01/2023
Address 723 N N LINCOLN LN MIAMI BEACH FL 33139-0000
Main Parcel 0232340070520

Code Case Number [NC2023-25394](#)
Status Notice of Violation
Type Noise Complaint
Project Name
Opened Date 01/14/2023
Closed Date
Address 723 N N LINCOLN LN MIAMI BEACH FL 33139-0000
Main Parcel 0232340070520

Regards,
Gayle Durham
1455 West Ave, Miami Beach
C 305.812.5331

From: Michele Hanash <michele.hanash@gmail.com>
Sent: Tuesday, January 17, 2023 10:01 AM
To: Gayle <gayle@cfsystems.com>
Subject: Re: Noise from rooftop venues

Hello:

Nice to meet you, Gayle. Thank you for the intro Adam. Typically several nights a week I can hear the music from a rooftop bar inside my apartment. I live close to where the mentioned complaint was based. I was told by code enforcement on several occasions that the noise was coming from the eatery. Unfortunately you sometimes have to let them inside your apartment to get a complaint issued and it's really burdensome to Repeatedly have to do that at 1am. I have had them inside multiple times and they have always verified you could hear the music but I am really tired of doing that especially is nothing is coming from it. I believe something was issued against the Eatery recently, as you could hear the music from the alley. However because of the way the noise travels, it other times you may hear the noise in an apartment and not necessarily on the ground right next to the building.

The code also mentions, I believe, that there are not supposed to be rooftop parties past 8 pm in Residential adjacent buildings.

Separate issue but Euclid Circle is also now doing concerts 3x per week and it's incredibly loud inside the apartment. They cannot face residential buildings blasting their speakers. It's insane. All of this combined in untenable.

Happy to speak on the phone or give further details.

Best,
Michele

Sent from my iPhone

On Jan 15, 2023, at 9:44 PM, Gayle <gayle@cfsystems.com> wrote:

Michele,

Here are my notes about the Lincoln Eatery rooftop restaurant that appeared at Planning Board March 22, 2022

RE: Revocation/Modification of Conditional Use Permit for 723 N Lincoln Lane, Lincoln Eatery

The Planning Board voted 5 to 1 to continue rooftop entertainment conditional use permit. I voted "no" because I believe this rooftop entertainment permit should be immediately revoked. The existing CU required ambient volume with a password protected volume control. There were several noise violations/complaints, including a valid noise violation from a home three blocks away at 1613 Pennsylvania Ave. Ambient volume is defined as a volume that allows casual conversation to be heard.

Regards,
Gayle Durham
1455 West Ave, Miami Beach
C 305.812.5331

From: adam shedroff <adamshedroff@yahoo.com>
Sent: Sunday, January 15, 2023 8:58 PM
To: michele.hanash@gmail.com
Cc: Gayle Durham <gayle@gayledurham.com>; adam shedroff <adamshedroff@yahoo.com>
Subject: Fw: Noise from rooftop venues

Michele,

Once again, but with the correct spelling . . .

Adam Shedroff

[Sent from Yahoo Mail on Android](#)

----- Forwarded Message -----

From: "adam shedroff" <adamshedroff@yahoo.com>
To: "Michelle.Hanash@gmail.com" <Michelle.Hanash@gmail.com>
Cc: "adam shedroff" <adamshedroff@yahoo.com>, "Gayle Durham" <gayle@gayledurham.com>
Sent: Sun, Jan 15, 2023 at 3:48 PM
Subject: Noise from rooftop venues

Good afternoon Michelle, I am Adam Shedroff. We met at the Flamingo Park Neighborhood Association booth on Ocean Drive on Saturday.

Regarding the noise problem, I spoke with
Gayle Durham, a Miami Beach resident who serves on the CMB Planning Board.

The Planning Board reviews applications for entertainment licenses, rooftop venues, hours of operation and other issues. The Board grants the licenses, and can also revoke or modify the terms of the licenses. Gayle is our strong resident advocate on the board.

Gayle told me that the Lincoln Eatery is already under some sort of restrictions due to many noise complaints.

Gayle asked that you to contact her regarding the noise problems you are experiencing.

I have copied Gayle on this email, her email address is gayle@gayledurham.com.

Her phone number is 305-812-5331.

Best regards,

Adam Shedroff