

DECLARATION OF BRUCE BACKMAN

My name is Bruce Backman, and I reside at 1800 Sunset Harbour Drive, #2301, Miami Beach, Florida, in the Sunset Harbour neighborhood of Miami Beach. I am a member of the board of directors of the Sunset Harbour Neighborhood Association.

Our Sunset Harbour residential neighborhood includes two towers, the North tower with 217 residential units, the South Tower with 209 residential units on the bayfront perimeter in the RM-3 residential district, and 50 residential units at The Sunset Harbour Townhomes adjacent to Sunset Lake inlet, also in RM-3. Recently opened and new to the neighborhood is the Palau condominium, with 43 residences, constructed close to the Sunset Harbour townhomes, also on the Sunset Lake inlet, in the adjacent CD-2 zone. The Lofts at 1701 Purdy Avenue at the corner of Dade Boulevard are also in the CD-2 zone and contain 27 residential units.

Opposite the tower and townhome and Palau residences is a CD-2 commercial district, the recent location of a new multi-purpose city garage, and new shops and restaurants. With two exceptions, the new commercial establishments, including several fine restaurants, operate in harmony with the neighborhood. The exceptions are Purdy Lounge, 1811 Purdy Avenue, located in the CD-2 zone opposite the large condominiums, and The Bay Club at 1930 Bay Road, also in the CD-2 district. These two establishments feature entertainment, under grandfathered licenses. A zoning amendment now prohibits entertainment for new establishments in the Sunset Harbour CD-2 district.

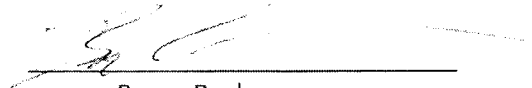
Unfortunately residents, the grandfathered status of these two entertainment enterprises adversely impacts us in several important ways. One is the music and booming base that escapes from the premises when a door is opened. It is virtually impossible to get these establishments cited for violation of the city's noise ordinance, for the code compliance officer is obligated to "observe" a violation in progress. By the time an officer appears, the club has turned down the volume, only to sometimes increase it again once the officer departs.

Even more impactful are the Purdy Lounge patrons. In queue shortly after midnight, they are already loud and excited. From about 2:00 or 3:00 AM till 5:00 AM, many of them exit the bar drunk, screaming, and sometimes fighting. They frequently loiter on the sidewalk in front of the Purdy Lounge or congregate in the nearby Maurice Gibb Memorial Park, where they continue their yelling and altercations. Yelling and screaming outdoors are violations of the noise ordinance but difficult to enforce. Sidewalk and other patron-caused noise outside the premises are not code enforcement's responsibility, but rather the responsibility of police, who must show up in time to catch the raucous culprits, not always realistic when police must prioritize calls according to the gravity of the occurrence. Attempting to obtain code enforcement is so great a burden that many residents have given up the battle. One has to place the telephone call, wait for an officer to be dispatched, in certain cases invite the officer into one's apartment so that the officer can observe the violation.

To the extent possible, new entertainment establishments should not be permitted in neighborhoods such as ours, where residences and commercial are in close proximity.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: May 2, 2017



Bruce Backman