

DECLARATION OF MARIAN DEL VECCHIO, 301 OCEAN DRIVE, APT. 604, MIAMI BEACH, FL 33139

In 1996, when my husband and I moved to 3<sup>rd</sup> and Ocean Drive, our chief problem was the two grandfathered-in establishments, Amnesia and Penrod's. The noise blasting from their open air venues awakened us at all hours of the night, as did the disruptions to the neighborhood caused by their patrons.

Attached is my correspondence regarding the above, a March 10, 1998 letter to City Commissioners and Commissioner Dermer's March 13, 1998 response, and my March 22, 1999, and April 11, 1999 to Commissioner Nancy Liebman.

This subject was a widespread concern and fodder for me as a cartoonist. From 2000 thru 2005 I did a weekly cartoon for the Miami Beach Neighbors edition of the Miami Herald, a time of growth and of the growing impacts of entertainment in or near residential communities. Attached is a sample Herald cartoon.

The subsequent zoning changes prohibiting entertainment South of Fifth relieved our anxiety that the problems of the entertainment district would migrate into our area. This zoning prohibition allowed realtors to characterize South of Fifth as "Close to the action but not part of it", resulting in a residential investment boom.

The two grandfathered-in establishments continued to be a problem, although Amnesia's new owners succumbed to local pressure and roofed over their atrium. Penrod's outdoor events require a reliance on code enforcement of our noise ordinance, a losing challenge for residents, as my attached Jan. 10 2009 letter demonstrates.

ATTACHMENTS:

March 13, 1998 Miami Beach City Commissioner David Dermer's letter replying to my March 10, 1998 complaint about noise from the Amnesia Supper Club, 136 Collins Ave., Miami Beach.

My March 22, 1999 letter to Miami Beach City Commissioner Nancy Liebman complaining about noise from Amnesia Supper Club, March 20, and from Penrod's, Zero Ocean Drive starting about 6PM Sunday, March 14.

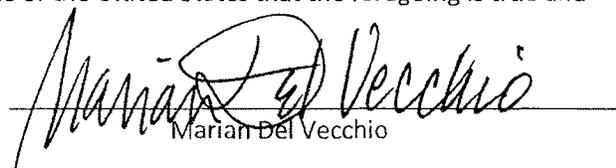
My April 11, 1999 letter to city commissioner Nancy Liebman, listing several complaints I called in to the city about noise: Saturday, March 27, call at 12:30AM; Saturday, April 10, 2:00AM.

My April 6, 2003 cartoon published in the Miami Herald, Beach Neighbors edition, depicting residents on South Pointe Drive encountering club partiers.

My January 10, 2009 memorandum cataloguing my complaints about noise from Nikki Beach Club, Zero Ocean Drive, Saturday afternoon Jan. 10. I called at 3:32pm and was given the complaint number CE09002264.

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

DATED: May 3, 2017

  
Marian Del Vecchio



CITY OF MIAMI BEACH

1700 CONVENTION CENTER DRIVE  
MIAMI BEACH, FLORIDA 33139

DAVID DERMER  
COMMISSIONER

March 13, 1998

Ms. Marion Del Vecchio  
301 Ocean Drive #604  
Miami Beach, Florida 33139

Dear Marion:

I am in receipt of your informative and artistic correspondence of March 10, 1998. Currently, my office is looking into this matter so that you will not be subjected to excessive noise in your neighborhood.

I will keep you abreast of any and all developments on this issue.

Very truly yours,

David Dermer  
Commissioner

DD:sw



March 10 1998

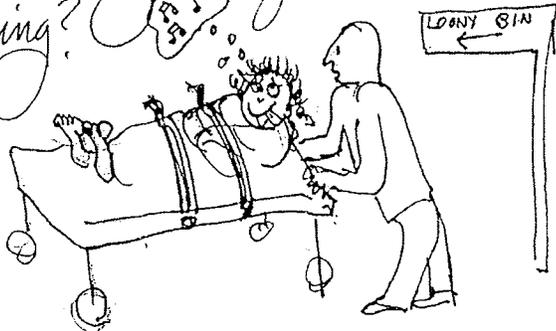
Dear City Commissioners,

Once again we were blasted out of a sound sleep by the Amnesia "soundtrack." Once again we called the police to add a complaint to the others that were being dutifully logged in.



We live  $3\frac{1}{2}$  blocks from Noise Central, AKA Amnesia. God help those even closer.

On behalf of our sanity and that of our law abiding neighbors, would SOMEBODY enforce zoning?



Marian Vecchio  
301 Ocean Drive  
#604

*Marian Del Vecchio*  
301 Ocean Drive, Apt. 604  
Miami Beach, FL 33139  
Tel. (305) 672-2486

March 22, 1999

Commissioner Nancy Liebman  
1700 Convention Center Drive  
Miami Beach, FL

Dear Nancy:

The encouragement we felt when the commission recently took a strong stand on noise enforcement has turned to frustration, at least regarding the Ocean Drive area south of Fifth Street.

It looks, or sounds, as if we're back to square one, as far as Amnesia and Penrod's are concerned.

The most recent occurrence at Amnesia was in the early morning hours, Saturday, March 20. Calls to the police resulted in the customary tepid response - ("We'll send a code enforcement officer") - with no apparent follow through.

On Sunday evening, March 14, the noise from Penrod's was loud enough to penetrate closed windows and ear plugs. It started about 6PM. We called the police at 8:30, and were told that they had received other complaints and were sending someone over. Another call at 9PM drew the same response. At 9:20PM I was told that a police emergency had taken precedence: all cars had been directed to Lincoln Rd. where someone was threatening to jump off a roof. At that point I knew how the potential jumper felt. Apparently one has to go to extremes to get a serious police response.

Sincerely,

  
Marian Del Vecchio

ENCLOSURE: An earlier missive on Amnesia

Marian Del Vecchio  
301 Ocean Drive, Apt. 604  
Miami Beach, FL 33139

April 11, 1999

Commissioner Nancy Liebman  
1700 Convention Center Drive  
Miami Beach, FL 33139

Dear Nancy:

Noise from events at Club Amnesia continues to disrupt our neighborhood. The most recent occasion was the early morning hours, Saturday, April 10. The noise awakened us and kept us awake until we closed the windows, turned on the air conditioner, and put in ear plugs. I called the police at 2:00AM and was told that a code enforcement officer was on his way over. The noise continued until 4:45AM.

On Saturday, March 27, there was a deafening event. I called at 12:30AM, and the police dispatcher said she would send someone right over since they had received many complaints. At 3:15AM, after no noise abatement, I called and was told by another officer that the police department was not responsible. At 3:30AM I spoke to the shift supervisor, Officer Almirantes, who explained that the police were constrained by the requirement that several citations had to be issued on a single night before the event could be shut down.

In my March 22 letter to you I described a March 20 event at Amnesia when complaints to the police brought no results.

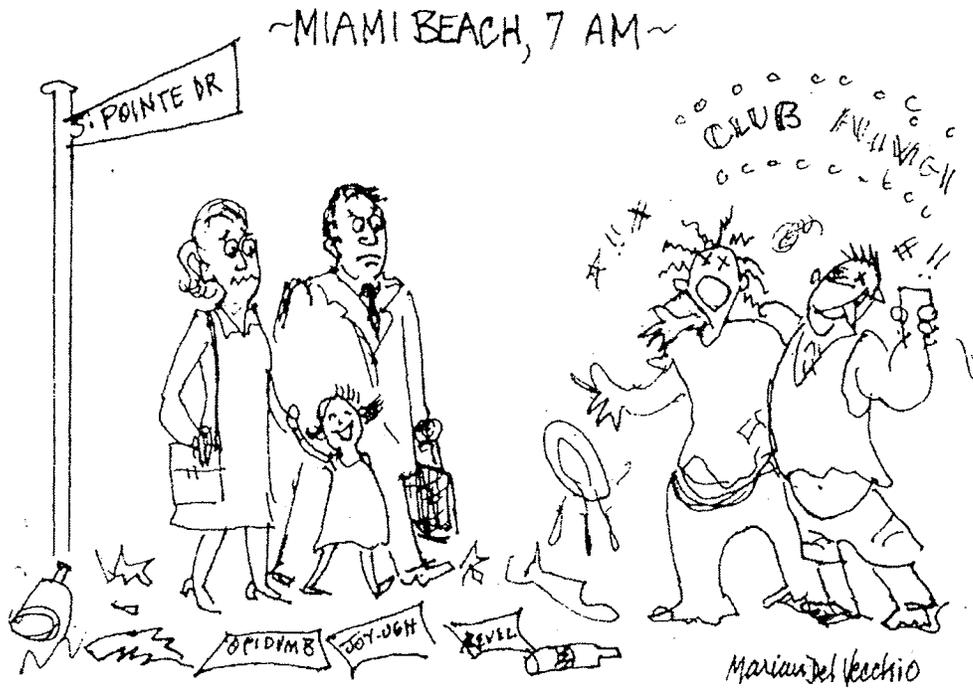
At the Feb. 17 commission discussion about neighborhood noise, you urged citizens to let you know if there was no enforcement. It is manifestly evident that whatever steps have been taken have had no practical results regarding excessive noise from events held at Club Amnesia.

I would appreciate information about steps that the city Administration/Police Department has underway, and what residents may do to assist in that process.

I am also enclosing a copy of a letter my husband wrote to the developer of the 200 Ocean Drive, and Ocean Place condominiums, Scott Greenwald, concerning the particularly damaging effect continued deafening noise from Club Amnesia would have on his developments.

Sincerely,

  
Marian Del Vecchio



To: FDelvecchio@atlanticbb.net  
From: Marian DelVecchio <mdelvecchio@atlanticbb.net>  
Subject: Noise Complaint, Jan.10,Niki Beach Club  
Cc:  
Bcc:  
Attached:

Once again Niki Beach Club's outdoor entertainment is violating the noise ordinance. At 3:32 this afternoon, Saturday, January 10, I called Code at 305-604-2489 and spoke to Eric. I gave my name, address, phone number, and explained that the music is disturbing though we are two city blocks, or approximately 800 feet away.

Eric said he would send a code officer over. I told him what happened the last time we complained about a similar occurrence: the code officer pulled up in his marked car, was observed by two Niki Beach employees, who rushed to warn the DJ, who immediately turned down the music. The complaint was recorded as invalid. Eric responded that they have no other recourse as they do not have unmarked cars.

When I asked for a complaint number Eric said "just a minute" and then put me on hold for five minutes: from 3:34 to 3:39, at which point he gave me a number: CE09002264.

At 3:52 I received a call from an officer who told me code was on the way. The music is very loud--if the complaint is recorded as invalid it will undoubtedly be due to forewarning when the marked car pulls up, which is exactly what happened: an officer called at 3:59 to tell me the code officer could not hear any loud music. I told him they apparently were warned, but asked him to have the code officer let them know there was a complaint and to turn it down.