



## City of Hallandale Beach City Commission Agenda Cover Memo

Meeting Date:	Item Type:		1 <sup>st</sup> Reading	2 <sup>nd</sup> Reading
<b>6/23/2022</b>	<input checked="" type="checkbox"/> <b>Resolution</b> <input type="checkbox"/> <b>Ordinance</b> <input type="checkbox"/> <b>Other</b>	Ordinance Reading	<b>N/A</b>	<b>N/A</b>
		Public Hearing	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Advertising Required	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Quasi-Judicial:	<input type="checkbox"/>	<input type="checkbox"/>
File No.:				
<b>22-249</b>				
Fiscal Impact (\$):	Account Balance (\$):	Funding Source:	Project Number :	
<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	
Contract/P.O. Required	RFP/RFQ/Bid Number:	Sponsor Name:	Department:	
<input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b>	<b>N/A</b>	<b>Vanessa Leroy, Director</b>	<b>Sustainable Development Department</b>	
Strategic Plan Focus Areas:				
<input type="checkbox"/> <b>Finance &amp; Budget</b>		<input type="checkbox"/> <b>Organizational Capacity</b>		<input checked="" type="checkbox"/> <b>Infrastructure/Projects</b>
Implementation Timeline:				
Estimated Start Date: 6/23/2022    Estimated End Date: 6/23/2022				

### SHORT TITLE:

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, CONSIDERING AMSTERDAM RESTAURANT, INC.'S APPLICATION # CL-22-01814 TO CONDUCT BUSINESS AS A NIGHTCLUB AND SERVE ALCOHOLIC BEVERAGES SEVEN (7) DAYS A WEEK UNTIL 6 A.M., LOCATED AT 100 SOUTH FEDERAL HIGHWAY; PROVIDING FOR AN EFFECTIVE DATE.**

### STAFF SUMMARY:

**Summary:**

The Applicant, Jerios Elchaer, representing the Amsterdam Restaurant Inc. has filed a new application, (#CL-22-01814) requesting a Nightclub License pursuant to Section 5-9 of the City's Code of Ordinances in order to conduct business as a nightclub and serve alcoholic beverages 7

days a week until 6 A.M. at the Amsterdam Restaurant. The establishment is an existing restaurant located at 100 South Federal Highway.

**Background:**

The property consists of a 6,062 square feet restaurant building with a maximum occupancy of 281 persons.

The most recent nightclub license for this property was issued to Thira Taste of the Greek for a 4:00 A.M. closing. The license expired in September 2006.

On November 21, 2021, the Planning and Zoning Board held a public hearing on application # CL-21-03344 by the Jerios Elchaer requesting a Nightclub license with a 6:00 AM closing/7 days per week for the Amsterdam Restaurant. At the hearing, the Interim Police Chief stated that the calls for service report reflected there were 44 incidents at the establishment from July 15, 2021, through November 29, 2021. During public participation, several residents of the residential properties on SE 5th Avenue west of the restaurant expressed concerns resulting from the establishment.

The Planning and Zoning Board recommended denial of the application by a vote of 3 to 0.

On February 2, 2022, at the City Commission hearing, the application (#CL-21-03344) was denied by the City Commission by a vote of 5 to 0.

On April 21, 2022, the applicant filed a new request, (the subject Application #CL-22-01814) for a nightclub license to conduct business to serve alcoholic beverages 7 days a week until 6 A.M.

On May 25, 2022, the Planning and Zoning Board held a public hearing on the application. During public participation, several residents of the residential properties on SE 5th Avenue west of the restaurant expressed concerns resulting from the establishment. The comments included noise emanating from the establishment, inebriated customers outside the premises, and parking on their property by restaurant patrons. The Board recommended approval of the application by a vote of 3 to 2 with staff's conditions and an additional condition that the applicant shall allow residents access to the cameras installed on 5th avenue for inspection if an incident occurs or by request. However, the City Attorney has advised this condition is outside the purview of the City to require, thus, it is not included in staff's recommendations. Please see the attached Planning and Zoning Board Cover Memo and Minutes of the meeting (Exhibits 10 and 11).

**Current Situation:**

Analysis

Interdepartmental Review

The subject application has been reviewed by related Departments/Divisions which provided comments as follows:

1. The Building Division had no objections to the closing time of 6:00 A.M. as the extended hours do not change the occupancy or the maximum capacity of the business.
2. The Fire Department conducted a fire and life safety inspection on May 4, 2022, and found no existing fire code violations or deficiencies; The Department reported that Amsterdam meets all requisite fire codes and presents no significant fire hazards or threats to life safety thus, had no objections to the closing time of 6:00 A.M.

3. The Police Department reported that during a time period of July 15, 2021, to May 3, 2022, there have been 37 service calls to the property. Three of the calls were of concern because they were violent. The first incident involved gunshots being fired at the business manager, the second incident involved an intoxicated patron who violently resisted arrest, and the final incident involved the owner assaulting an employee. Despite these concerning incidents, the owner and management have been working with police staff and have dramatically reduced the calls for service within the past 5 months. At present, the Police Department does not have any objections to the granting of a 6:00 A.M. license.

Currently, detail officers work at this establishment from 10:30 P.M. to 2:30 A.M. The Police Department requires one (1) police officer to work the detail from Monday to Wednesday and two (2) police officers from Thursday to Sunday. If this application were to be approved, the Police Department would require an extension of the police detail hours to 6:30 A.M.

4. The Code Compliance Division reported there were code violations that were outstanding at the time of the November 2021 Planning and Zoning Board Meeting. However, the violations have since been corrected by the applicant.

A current inspection of the property was conducted on May 5, 2022, and pictures were taken. The violations found are as follows: the back perimeter wall of the property needs to be repainted. Also, graffiti eradication is required for the electrical box, the gate, and the trash area. Code Compliance Division requested that a hold be placed on this application until these issues were resolved.

#### Applicable Codes and Ordinances

1. The intent of The Central RAC District is to guide the redevelopment of land within the boundaries of the RAC land use category and the surrounding properties into a vibrant area that provides for a mix of uses and promotes transit while also protecting residential areas.
2. Alcoholic Beverage Establishments in the Central RAC District/RAC Corridor subdistrict are permitted per standards in Chapter 5, Alcoholic Beverages.
3. Chapter 5 Section 5-9 of the Hallandale Beach Code of Ordinances permits Nightclub licenses: issuance and renewals subject to certain conditions. An application for a nightclub license is required to go before the Planning & Zoning Board for a recommendation of approval or denial to the City Commission. The City Commission may then grant the license, deny the license, or grant the license subject to specific conditions.
4. The Amsterdam Restaurant is 6,062 square feet in gross floor area with 119 parking spaces on site and a maximum capacity of 281 persons.
5. The Amsterdam Restaurant currently has a maximum rated capacity of 281 patrons. The business serves beer, wine, and liquor (4COP license) and its current operating hours are from 7 P.M. to 2 A.M. daily.
6. The owner is requesting a Nightclub license to allow the business to remain open until 6:00 A.M. The sale of alcoholic beverages in the City is not permitted after 2:00 A.M. unless a Nightclub License for a later closing time is approved by the City Commission. There are no other changes to the business requested. The granting of a Nightclub license to allow

the expanded operating hours requires approval per Section 5-9 of the City's Code of Ordinances.

7. According to the Hallandale Beach Code of Ordinances. Chapter 5, Section 5-9, nightclub licenses are not transferable and are granted at the City Commission's discretion to the operator of an establishment which serves alcoholic beverages after 2:00 A.M.

#### Review of Application Criteria

Section 5-9 Nightclub Licenses, Issuance, and Renewal set forth the following criteria for Planning and Zoning Board recommendations and for City Commission considerations in making decisions on Nightclub Licenses:

- (1) The amount of off-street parking in relation to the demands created by the extra hours of operation, especially with regard to any spill-over effect creating illegal or hazardous parking or parking in adjacent residential areas.

***The Restaurant property has a total of 119 parking spaces available to serve the patrons. However, the Police Department has advised that overflow parking has occurred on other properties.***

- (2) The amount and degree of law enforcement activities generated by the extra hours of operation, both inside and outside the particular location, with particular reference to noise, vehicular use by patrons, and illegal activity of any kind of employees, patrons, or others associated with the establishment, during or within one hour after the extended hours of operation.

***The Amsterdam Restaurant presently utilizes off-duty police officers at the property. One officer works Monday through Wednesday and two officers work Thursday through Sunday between the hours of 10:30 PM until the current closing time of 2:30 A.M.***

***According to the Memorandum and reports from the Chief of Police (Exhibit 8), the Amsterdam Restaurant generated thirty-seven (37) calls for service from July 15, 2021, through May 3, 2022, per an updated report. The Chief of Police reviewed the application and had no objections to the request as commented under Interdepartmental Review.***

- (3) The adverse effects, if any, that the extended hours of operation will have on neighboring properties, especially with respect to the effects of noise, parking, and glare from headlights or exterior lighting, on nearby residential properties.

***Most of the business is conducted indoors, with 12 seats out of the total 281 seats located in an outdoor patio area fronting South Federal Highway.***

***The property is screened by a masonry wall on the west which generally shields the residential uses to the west from the glare of headlights.***

***The Applicant proposes to secure, after 10 P.M., the two ingress/egress driveways to the west, (SE 5th Avenue) to avoid traffic accessing SE 5th Avenue and provide for all vehicles to enter and exit from Federal Highway after that time. However, overflow parking from the business onto other properties had been observed by the Police Department. In addition, at the Planning and Zoning Board hearing, nearby residents reported noise and overflow parking on their properties resulting from the present operation of the establishment. The***

***applicant has not provided a plan of action to address the parking overflow issue, such as lease agreements for additional parking.***

In accordance with Section 5-9(b), the City Commission may require, as a condition of the privilege of extended hours of operation, compliance with any reasonable conditions deemed by the Commission to be necessary to mitigate or eliminate the adverse effects of that operation. These conditions may include, without being limited to, provision by the owner or operator of the licensee, at his expense, of additional off-street parking, security personnel, and screening and buffering from nearby properties.

Furthermore, according to Section 5-9(c), the granting of extended hours of operation is a privilege subject to modification or termination by the City Commission each year at renewal time, and no person may reasonably rely on the continuation of that privilege. Further, pursuant to Section 5-9(e), the license may be revoked at any time if the licensee either violates a condition of renewal or is operating in a harmful manner to the public health, safety, or welfare.

**Why Action is Necessary:**

Pursuant to Section 5-9, of the Hallandale Beach Code of Ordinances, Planning and Zoning Board recommendation and City Commission approval is required for Nightclub License applications to serve alcoholic beverages in the City after 2:00 A.M.

**Cost Benefit:**

The revenue anticipated by the approval of a 6:00 A.M. Nightclub License for the Amsterdam Restaurant is \$4,220.10 annually.

<b>STAFF RECOMMENDATIONS:</b>
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The Police Department has reported that there have been 37 calls for service to the property from July 15, 2021, through May 3, 2022, three of concern. According to the Department, despite these concerning incidents, the owner and management have been working with police staff to foster a good partnership and have dramatically reduced the calls for service within the past 5 months. At present, the Police Department does not have any objections to the granting of a 6:00 A.M. license.

Accordingly, Staff has no objections to the approval of the application. Should the City Commission decide to approve the application, it should be subject to the following conditions:

1. The Police Department detail officers' hours shall be extended to end at 6:30 A.M. at a staffing level as determined by the Police Department.
2. Additional measures shall be implemented to address parking overflow issues. Such measures must be reviewed and approved by Staff and the City Manager before the issuance of the Nightclub license.
3. Compliance with the code violations referenced in the memorandum from the Code Compliance Official before the issuance of the Nightclub license.


<b>PROPOSED ACTION:</b>
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The City Commission consider the attached Resolution.

**ATTACHMENT(S):**

Exhibit 1 – Proposed Resolution  
Exhibit 2 – Aerial Map  
Exhibit 3 – Location Map  
Exhibit 4 – Applicant's Letter and Backup Information  
Exhibit 5 – Survey Site Plan  
Exhibit 6 – Email from the Building Official  
Exhibit 7 – Memorandum from Fire Department  
Exhibit 8 – Memorandum from Chief of Police  
Exhibit 9 – Memorandum from Code Compliance Official  
Exhibit 10 – Planning and Zoning Board Cover Memo dated May 25, 2022  
Exhibit 11 – Planning and Zoning Board Draft Minutes dated May 25, 2022  
Exhibit 12 – Presentation

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