

THE CREEK

come out and play

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The Miami Herald
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Opium not opiate of the people.

**South Pointe residents
complain that nightclub
keeps them up all night.**

BY NICOLE WHITE nwhite@herald.com

MAD RUSH: At 2 one recent morning, traffic filled the street in front of the Opium Gardens at 136 Collins Ave. Sunday is the club's busiest night. RICHARD PATTERSON/For The Herald

They turn on their air conditioners, sleep with pillows over their ears, place plywood in the windows, anything to block out the shaking and thumping as the booming voice of a DJ at a nearby nightclub begs clubgoers to "pump it up, pump it up."

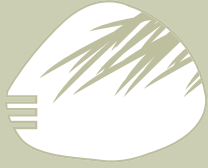
They moved to the burgeoning South Pointe neighborhood in Miami Beach for its urban amenities: condos with ocean views close to a trendy city center that feels more like New York's Tribeca than a South Florida suburb.

But sometimes, it's a little too trendy, as hundreds of clubgoers stream in and out of the über-popular open-air nightclub Opium Gardens at 136 Collins Ave. Complaints have tripled in the past few years as more condominiums like Portofino and Continuum have opened.

"It's been unbearable," said 29-year-old Jennifer Li, whose apartment building faces the nightclub.

The mix that sets the Beach apart from most South Florida communities -- the emphasis on both night life and residential housing -- has created this thorny conflict. The city welcomed Opium's predecessor, Amnesia, in the early 1990s in what was then a depressed area. But the area south of Fifth Street these days is anything but depressed. Restaurants like Nemo and Shoji Sushi line the streets just yards from renovated Art Deco buildings and new luxury condos.

Opium owner Roman Jones says he can't be blamed for running a successful business. He says his club and others like nearby Nikki Beach have contributed as much to the allure of South Pointe as the new luxury homes.



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"The night life created South Beach. South of Fifth Street used to be a slum. We've helped revamp this area," he said.

But the redevelopment dollars for South Pointe were for housing. With more homes came more complaints. Balancing the two has become increasingly difficult, says City Manager Jorge Gonzalez.

"They're equally important; it's what makes our city unique," Gonzalez said.

Gonzalez says it's also one of the toughest things he's had to deal with.

"We need to strike a balance. The residents should not take a back seat," he said. But, he added, "They [Opium] have legitimate permission to run their establishment. What they don't have is a legitimate permission to create a quality-of-life nuisance."

South Beach resident Gary Knight says a nuisance is exactly what Opium and a few other nightspots have become.

Knight and others also complain about outdoor noise from places north of South Pointe, including the Royal Palm Hotel and The Creek, formerly Banana Bungalow hotel. None have permits for outdoor music. The Creek also has four pending violations with the city's code compliance office. The Royal Palm has applied for a permit. Knight says he's complained for years about noise coming from what was Banana Bungalow at 2360 Collins Ave., to no avail.

"You can hear everything their DJ says. The noise is unbelievable," said Knight, whose building is next door.

He contends that the hotel and clubs like Opium repeatedly violate noise ordinances and are punished with nothing more than fines. It's a standing joke, because club owners consider fines a part of doing business on Miami Beach, he says.

"There is noise, and there is noise. I chose to live in a city, and I have no problems with sirens, people playing radios as they drive. . . . This is not normal city noise," Knight said.

Tim Ronan, marketing director for The Creek, says that although he was unaware of the outstanding violations, he knows the hotel has tried to be sensitive to residents' concerns.

"We're not trying to blow anybody out on the pool deck," he said. "We're new. We don't want to anger



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all the neighbors. We've capped the loudness level, and we've been brainstorming with various sound-absorbing ideas."

In South Pointe, many residents say they don't care that Opium is one of the hottest nightclubs, drawing celebrities like Julia Roberts and P. Diddy.

They simply want a good night's sleep. Li's bedroom faces the street, and she invariably hears the noise. "I would put my hands on the wall and just feel it shaking," she said.

Some residents have moved. Others, including Li, are planning to move.

"I can't handle this anymore. It's out of control, and the city has done nothing about it," says Li.

But others are digging in. David Haber, attorney for the Portofino Condominium Association, says residents want Opium to comply with the law or deal with the repercussions.

"Outdoor noise at 5 a.m is not acceptable in a residential community," Haber said. "We want them to comply with the law. If not, then they have to be shut down."

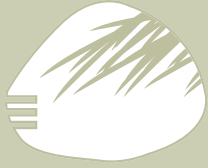
If that doesn't happen, residents like Judy Clayton, who owns two buildings a block away from Opium, say officials will face the wrath of an angry electorate come November.

"They are driving people out of this neighborhood," Clayton said. Clayton says she's lost several tenants who prefer to break their leases rather than deal with the noise.

The city's code compliance office says the club has at least 11 outstanding violations and could be fined as much as \$165,000 when it appears before a special master's court on Thursday. The city says the club has also violated a settlement agreement to build a retractable roof to muffle the noise coming from the club.

Jones says he's been doing a number of things to help settle the complaints, including installing sound-proof panels and curtains, doing away with microphones for DJs and turning down the volume.

As for building the retractable roof, he says the city's building department wouldn't accept the club's design proposals. Building official Phil Azan says the plan the club submitted did not comply with the city's building code.



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If the city has failed to take action in the past, the Opium dispute has its attention now.

Mayor David Dermer and commissioners have told Gonzalez to do whatever he feels is necessary to end the ceaseless complaints, including arresting the club's management if they continue to violate the city's noise ordinance or even going to the extreme of revoking the club's license.

"I think the record shows a history of violating the noise ordinance, and it's time something gets done," Commissioner Saul Gross said.

He says he is not trying to send a message to the night-life industry that the Beach is not business friendly. But he says enough is enough.

Jones says he takes complaints seriously and has been meeting with residents, has turned the volume down in recent weeks and removed the microphones used by DJs.

But he says there are some residents who won't be satisfied no matter what he does - and he can't afford to drive away his clients. Critics say Jones' overtures are a little too late.

"What we want is an immediate cessation of the noise," says South Pointe resident Morris Sunshine. "We want a permanent solution to what's become a permanent nuisance."

