

February 15, 2019

Mayor Dean J. Trantalis, dtrantalis@fortlauderdale.gov
 Vice Mayor Ben Sorensen, BSorensen@fortlauderdale.gov
 Commissioner Heather Moraitis, hmoraitis@fortlauderdale.gov
 Commissioner Steven Glassman, SGlassman@fortlauderdale.gov
 Commissioner Robert L. McKinzie, RMckinzie@fortlauderdale.gov

Via electronic submission

Re: SeaQuest Fort Lauderdale, LLC Development Permit

Dear Mayor Trantalis, Vice Mayor Sorensen, and City Commissioners,

I am writing to follow-up on my initial correspondence with information that I believe is important for the City Commission to know while you consider reviewing the Development Review Committee's (DRC's) action authorizing a change of use at the Galleria Mall for the SeaQuest aquarium.

In response to a public records request, we recently received documents from the Department of Sustainable Development that make clear that the change of use authorization issued for the SeaQuest aquarium was unlawful. These documents show that staff involved in reviewing SeaQuest's application found that the use—specifically an aquarium/zoo/theme park—was not permitted in a B-1 zone, and should not be authorized. Specifically:

- Sept. 24, 2018: Anthony Fajardo (Director) states, "I'm looking at the Seaquest submittal and this is more than an aquarium. They have animal enclosures that I was not aware of They need to address the use and how this meets the definition of a museum vs. a zoological operation. Seaquest is starting to look more like a zoo to me with these different habitats being proposed." Ex. A.
- Oct. 10, 2018: Yvonne Redding (Urban Planner II) states, "this is not a permitted use in the B-1 Zoning District and they can appeal the interpretation to[] the BOA." Ex. B.
- Oct. 15, 2018: Ella Parker (Urban Design & Planning Manager) states, "In preparing DRC comments for the project, staff has concerns that the use is not permitted based on the information submitted as part of the application." Ex. C.
 - Fajardo responded: "I think we need to talk about this in relation to an ancillary use to museum." *Id.*
 - Parker responded: "I think we may be challenged on the definition of museum." *Id.*
 - Redding responded: "They do not discuss a museum component in their narrative or on the floor plan layout. The entire tenant area is display of tanks, animal[] enclosures, or feeding areas. In addition, their narrative does not discuss a 'museum' use." *Id.*

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Norfolk, VA 23510
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- PETA India
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- PETA Australia
- PETA Germany
- PETA Netherlands
- PETA Foundation (U.K.)

- Fajardo responded: “I would craft it to say something to the effect of **describing the use in relation to the permitted museum use and the difference of this in relation to a zoo, which is not permitted.**” *Id.* (emphasis added).

Further, these documents show that SeaQuest’s eleventh-hour attempt to label itself a museum was an effort to circumvent zoning restrictions, and did not accurately reflect the proposed use.

- Nov. 6, 2018: Ella Parker states, “From everything I have researched, typical museums have a primary focus on the procurement, study and display of objects . . . I think we can deduct that this is not the primary commitment for this applicant. We gave them a possible out and they ran with it, but I think we have to ask ourselves about the intent of the primary use, and to qualify it as a museum is misleading. . . . Its purpose is more about animal exhibits similar as perhaps for an indoor theme park. **It is very apparent that the changes to the application were specifically designed to get around the zoning and I think they’re grasping at straws.** In my opinion I think we should be cautious about the primary proposed use which is an aquarium/animal exhibits, **acknowledging that these uses were specifically removed from B-1.**” Ex. D (emphasis added).
- Nov. 13, 2018: Anthony Fajardo tells the applicant’s representative that “in order to be considered a museum the operations of this location would need to meet the [following] minimum requirements,” which include:
 - “A non-profit Institution with tax-exempt status.”
 - “Accredited with a nationally and/or internationally recognized museum organization.” Ex. E.

These documents also confirm that the SeaQuest application was processed as a Site Plan Level II, Change of Use.

- Aug. 27, 2018: Jim Hetzel (Principal Planner) states: “The DRC Committee is the approving body for Site Plan Level II applications, which is applicable to SeaQuest. More specifically, a Site Plan Level II for ‘change of use (if greater impact)’ is the applicable criteria in determining the review level for this project.” Ex. F

The City Commission can request review of DRC action on a Site Plan Level II Change in Use permit. *See* ULDR § 47-24.1(E); *Id.* at Table 1, 18 (authorizing city commission review for a change in use request). In light of these documents, the City Commission should review what appears to be an about face decision that is not supported by the record and is unlawful.

Very truly yours,



Michelle Sinnott
Counsel, Captive Animal Law Enforcement



From: [Anthony Fajardo](#)
To: [Jim Hetzel](#); [Ella Parker](#); [Mohammed Malik](#)
Cc: [Christopher Cooper](#); [Alfred Battle](#)
Subject: Seaquest
Date: Monday, September 24, 2018 4:46:53 PM
Attachments: [image001.png](#)

Jim/Ella/Malik,

I'm looking at the Seaquest submittal and this is more than an aquarium. They have animal enclosures that I was not aware of:

- Chinese Silkies and other birds
- Giant Fleming/Rabbit
- Chinese Pig
- Pigmy Goat
- Ducks
- Hedge Hogs
- Various lizards
- Capybara
- Sloth
- Coatimundi
- Kinkajou

I recognize that MODS has animals on display (various insects, reptiles, aquariums, and the otters), but the habitat for the otters is very though out and installed in a certain way. They need to address the use and how this meets the definition of a museum vs. a zoological operation.

Seaquest is starting to look more like a zoo to me with these different habitats being proposed.

They also need to address Section 6 of the code of ordinances. Specifically 6-6, 6-9, 6-11, 6-13, however there may be other sections they need to address. Please have someone do a word search for animals in Muni-Code to see what we have to get them to respond to.

If you have any questions please let me know, but I think we need to sit down and discuss this before the DRC meeting.

Thank you,

Anthony Greg Fajardo | Director

City of Fort Lauderdale | Department of Sustainable Development

700 NW 19th Avenue | Fort Lauderdale FL 33311

P: (954) 828-5984 E: afajardo@fortlauderdale.gov



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From: [Yvonne Redding](#)
To: [Anthony Fajardo](#)
Subject: RE: Seaquest information
Date: Wednesday, October 10, 2018 9:45:03 AM

Or state this is not a permitted use in the B-1 Zoning District and they can appeal the interpretation too the BOA.

Best,

Yvonne Redding, Urban Planner II

From: Yvonne Redding
Sent: Wednesday, October 10, 2018 9:11 AM
To: Anthony Fajardo
Cc: Ella Parker
Subject: RE: Seaquest information

They only have one facility on their approved list of current "Exhibitors" and that is in Las Vegas. I have emailed them to see if they have any pending applications.

I think we should remove them from the agenda. I can email the applicant stating that the "proposed use" is still under interpretation.

Best,

Yvonne Redding, Urban Planner II

From: Yvonne Redding
Sent: Tuesday, October 9, 2018 9:02 PM
To: Anthony Fajardo
Subject: Re: Seaquest information

I have to look thru their list. By state. Not a searchable doc. I will finish tomorrow

Sent from my iPhone

On Oct 9, 2018, at 7:47 PM, Anthony Fajardo <AFajardo@fortlauderdale.gov> wrote:

Please contact APHIS and see if they have been contacted to designate this facility.

From: Yvonne Redding
Sent: Tuesday, October 09, 2018 10:53 AM
To: Anthony Fajardo; Ella Parker; Mohammed Malik
Subject: Seaquest information

Per USDA APHIS site:

Exhibitors

Individuals or businesses with warm-blooded animals that are on display,

perform for the public, or are used in educational presentations must be licensed as exhibitors with APHIS. Licensed exhibitors include circuses, zoos, educational displays, petting farms/zoos, animal acts, wildlife parks, marine mammal parks, and some sanctuaries. The animals involved in the exhibition may include domestic and exotic animal species.

The Definition of "Animal" The AWA defines "animal" as any live or dead dog, cat, nonhuman primate, guinea pig, hamster, rabbit, or any warm blooded animal used for research, teaching, testing, experimentation, or exhibition purposes, or as a pet. By definition, coldblooded species (amphibians and reptiles) are exempt from coverage under the AWA.

The AWA further excludes the following: n Birds, rats of the genus *Rattus*, and mice of the genus *Mus*, bred for use in research; n Horses not used for research purposes; n Farm animals, including livestock and poultry, used or intended for use as food or fiber or in agricultural research; n Fish; and n Invertebrates (crustaceans, insects).

I think we should restrict them to aquatic animals only as an aquarium use.

Regards,

Yvonne Redding, Urban Planner II

City of Fort Lauderdale | Urban Design & Planning Division

700 NW 19 Avenue, Fort Lauderdale FL 33311

P 954-828-6495 F 954-828-5858 E: yredding@fortlauderdale.gov

[<image001.png>](#)

From: [Anthony Fajardo](#)
To: [Yvonne Redding](#)
Cc: [Ella Parker](#); [Christopher Cooper](#); [Alfred Battle](#); [Mohammed Malik](#); [Jim Hetzel](#)
Subject: Re: Sequest
Date: Tuesday, October 16, 2018 12:43:34 PM
Attachments: [image002.png](#)
[image003.png](#)

Let's make that part of the DRC comments. I would craft it to say something to the effect of describing the use in relation to the permitted museum use and the difference of this in relation to a zoo, which is not permitted.

Anthony Gregory Fajardo | Director
City of Fort Lauderdale | Department of Sustainable Development
954•828•5984
Sent from my iPhone

On Oct 16, 2018, at 8:40 AM, Yvonne Redding <YRedding@fortlauderdale.gov> wrote:

They do not discuss a museum component in their narrative or on the floor plan layout. The entire tenant area is display of tanks, animals enclosures, or feeding areas. In addition, their narrative does not discuss a "museum" use.

Best,

Yvonne Redding, Urban Planner II

From: Ella Parker
Sent: Monday, October 15, 2018 5:03 PM
To: Anthony Fajardo
Cc: Christopher Cooper; Alfred Battle; Mohammed Malik; Jim Hetzel; Yvonne Redding
Subject: RE: Sequest

I think we may be challenged on the definition of museum, but I'll let Mohammed chime in.

Merriam Webster Dictionary defines museum as:

“an institution devoted to the procurement, care, study, and display of objects of lasting interest or value” *also* : a place where objects are exhibited

The Oxford Dictionary defines museum as follows:

A building in which objects of historical, scientific, artistic, or cultural interest are stored and exhibited.

Ella Parker, AICP | Urban Design & Planning Manager

City of Fort Lauderdale | Urban Design & Planning Division

700 NW 19th Avenue | Fort Lauderdale FL 33311

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<image002.png>

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From: Anthony Fajardo

Sent: Monday, October 15, 2018 4:31 PM

To: Ella Parker

Cc: Christopher Cooper; Alfred Battle; Mohammed Malik; Jim Hetzel; Yvonne Redding

Subject: RE: Seaquest

I think we need to talk about this in relation to an ancillary use to museum.

From: Ella Parker

Sent: Monday, October 15, 2018 3:01 PM

To: Anthony Fajardo

Cc: Christopher Cooper; Alfred Battle; Mohammed Malik; Jim Hetzel; Yvonne Redding

Subject: RE: Seaquest

Anthony,

In preparing DRC comments for the project, staff has concerns that the use is not permitted based on the information submitted as part of the application. We would like to include the following comment and request additional information. Please let us know if you have any comments or concerns regarding:

<!--[if !supportLists]-->1) <!--[endif]-->The primary proposed use appears to operate as an aquarium/animal exhibition. Please note aquariums and animal exhibits are not permitted uses in the Boulevard Business (B-1) zoning district. An aquarium typically relates to tanks or enclosures which contain fish and other water creatures and plants. In addition, proposed animals such as Capybara, Coatmundi, Kingajou, Sloths, Otters, and other similar wildlife are not permitted. Please provide additional information about the use and operations to determine if the use is permitted.

In addition, if it is determined the proposed use is permitted, in accordance with the United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS), individuals or businesses with warm-blooded animals that are on display, perform for the public, or are used in educational presentations must be licensed as exhibitors with APHIS. Licensed exhibitors include circuses, zoos, educational displays, petting farms/zoos, animal acts, wildlife parks, and marine mammal parks. Please also provide licensing documentation from Broward County and the Florida Fish and Wildlife Conservation Commission.

Ella Parker, AICP | Urban Design & Planning Manager

City of Fort Lauderdale | Urban Design & Planning Division

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<image002.png>

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From: Anthony Fajardo
Sent: Monday, September 24, 2018 4:47 PM
To: Jim Hetzel; Ella Parker; Mohammed Malik
Cc: Christopher Cooper; Alfred Battle
Subject: Seaquest

Jim/Ella/Malik,

I'm looking at the Seaquest submittal and this is more than an aquarium. They have animal enclosures that I was not aware of:

<!--[if !supportLists]-->•	<!--[endif]-->Chinese Silkies and other birds
<!--[if !supportLists]-->•	<!--[endif]-->Giant Fleming/Rabbit
<!--[if !supportLists]-->•	<!--[endif]-->Chinese Pig
<!--[if !supportLists]-->•	<!--[endif]-->Pigmy Goat
<!--[if !supportLists]-->•	<!--[endif]-->Ducks
<!--[if !supportLists]-->•	<!--[endif]-->Hedge Hogs
<!--[if !supportLists]-->•	<!--[endif]-->Various lizards
<!--[if !supportLists]-->•	<!--[endif]-->Capybara
<!--[if !supportLists]-->•	<!--[endif]-->Sloth
<!--[if !supportLists]-->•	<!--[endif]-->Coatimundi
<!--[if !supportLists]-->•	<!--[endif]-->Kinkajou

I recognize that MODS has animals on display (various insects, reptiles, aquariums, and the otters), but the habitat for the otters is very though out and installed in a certain way. They need to address the use and how this meets the definition of a museum vs. a zoological operation.

Seaquest is starting to look more like a zoo to me with these different habitats being proposed.

They also need to address Section 6 of the code of ordnances. Specifically 6-6, 6-9, 6-11, 6-13, however there may be other sections they need to address. Please have someone do a word search for animals in Muni-Code to see what we have to get them to respond to.

If you have any questions please let me know, but I think we need to sit down and discuss this before the DRC meeting.

Thank you,

Anthony Greg Fajardo | Director

City of Fort Lauderdale | Department of Sustainable Development

700 NW 19th Avenue | Fort Lauderdale FL 33311

P: (954) 828-5984 E: afajardo@fortlauderdale.gov

<image003.png>

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From: [Ella Parker](#)
To: [Anthony Fajardo](#)
Cc: [Yvonne Redding](#); [Mohammed Malik](#); [Lynda Crase](#)
Subject: RE: Seaquest - revised concept plans
Date: Tuesday, November 06, 2018 2:02:04 PM
Attachments: [image002.png](#)
[image001.png](#)

No problem. From everything I have researched, typical museums have a primary focus on the procurement, study and display of objects (whether they are institutionally categorized as art, scientific, natural, or other). However, I think we can deduct that this is not the primary commitment for this applicant. We gave them a possible out and they ran with it, but I think we have to ask ourselves about the intent of the primary use, and to qualify it as a museum is misleading.

In addition to the dictionary definitions, I was quickly able to find some definitions from other municipalities:

- *Auburn, Maine*; Museum means a building or place where works of art or other objects of permanent value are kept and displayed, provided such objects are not offered for sale.
- *Portsmouth, New Hampshire*; Museum: A non-profit permanent institution, open to the public, which acquires, conserves, researches, exhibits, and interprets objects having scientific, historical or artistic value. Museums may include exhibit and display areas, libraries and research areas, administrative offices, areas for constructing exhibits, and storage areas for museum materials, artifacts and objects. Accessory uses may include retail sales, food services for museum visitors or others, manufacturing for museum purposes, and events such as craft demonstrations, receptions, and periodic celebrations, provided that all such accessory uses are incidental and subordinate to the primary non-profit museum use.

This article featured in the Britannica is a good reference for all types of museums:
<https://www.britannica.com/topic/types-of-museums-398830>

While this application would likely fall under the Natural History and Sciences category, I would maintain that it does not meet the definition of museum. It does not as its primary focus keep artifacts or maintain collections. Its purpose is more about animal exhibits similar as perhaps for an indoor theme park. It is very apparent that the changes to the application were specifically designed to get around the zoning and I think they're grasping at straws. In my opinion I think we should be cautious about the primary proposed use which is an aquarium/animal exhibits, acknowledging that these uses were specifically removed from B-1.

In addition, when looking at resources like the International Council of Museums, it's interesting to read their perspective on the definition of museums:
<https://icom.museum/en/activities/standards-guidelines/museum-definition/>

as well as the core standards for museums as identified by the American Alliance of Museums:
<https://www.aam-us.org/programs/ethics-standards-and-professional-practices/core-standards-for-museums/>

Ella Parker, AICP | Urban Design & Planning Manager
City of Fort Lauderdale | Urban Design & Planning Division
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From: Anthony Fajardo
Sent: Monday, November 05, 2018 4:56 PM
To: Lynda Crase
Cc: Yvonne Redding; Ella Parker
Subject: FW: Seaquest - revised concept plans

Lynda,

Please set a meeting so Yvonne, Ella and I can discuss.

Yvonne/Ella, please make sure we look into the museum aspect in relation to how typical museums operate and function.

Thanks,

Anthony Greg Fajardo | Director
City of Fort Lauderdale | Department of Sustainable Development
700 NW 19th Avenue | Fort Lauderdale FL 33311
P: (954) 828-5984 E: afajardo@fortlauderdale.gov



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From: Matthew Scott <mscott@dmblaw.com>
Sent: Friday, November 2, 2018 10:56 AM
To: Anthony Fajardo <AFajardo@fortlauderdale.gov>; Yvonne Redding <YRedding@fortlauderdale.gov>
Cc: Hope Calhoun <hcalhoun@dmblaw.com>
Subject: Seaquest - revised concept plans

Good morning Anthony and Yvonne,

Attached are revised conceptual plans for the Seaquest project. The plan that has color depicts the live animal exhibit areas (blue) and traditional exhibit areas (yellow). The other plan shows the types of exhibits. The estimated sf breakdown is 55% non animal and 45% animal, for the exhibit area. Obviously, if the retail space and other areas were added, the live animal percentage would go down even more.

Please review and let me know what you guys think. I personally think the pretend vet clinic area is a pretty creative idea. Obviously, no live animals would be in there!

In the event you guys are comfortable with this change, my client asked me to mention that they may ultimately move an exhibit or two around as they get deeper into the plan revision, but that they would maintain this percentage breakdown.

Talk to you soon!

Matthew H. Scott

Partner

Dunay, Miskel & Backman, LLP

14 S.E. 4th Street, Suite 36

Boca Raton, FL 33432

Tel (direct): 561-405-3350

Tel (main): 561-405-3300

Fax: 561-409-2341

Email: mscott@dmblaw.com



**DUNAY
MISKEL
BACKMAN** LLP

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From: [Anthony Fajardo](#)
To: [Matthew Scott](#)
Cc: [Hope Calhoun](#); [Yvonne Redding](#); [Christopher Cooper](#)
Subject: RE: Seaquest - revised concept plans
Date: Tuesday, November 13, 2018 6:01:34 PM
Attachments: [image002.png](#)

Matt,

Staff has analyzed the information submitted and researched museum as a use to help determine if the application can qualify under this use. While the City does not specifically define a museum use, it is evident that museums typically have a primary focus on the procurement, conservation and display of objects, whether they are institutionally categorized as artistic, scientific, historic, natural, or other. In addition, from research performed, including the City's Museum of Discovery and Science (MODS), museums generally qualify under the following standards:

- A non-profit Institution with tax-exempt status;
- Accredited with a nationally and/or internationally recognized museum organization (to our knowledge all other museums located in Fort Lauderdale have some accreditation through one or more of these organizations) such as the American Alliance of Museums (AAM) or the International Council of Museums (ICOM);
- Agency accreditation typically includes specific standards for a code of ethics, disaster planning, operations, and may be subject to undisclosed inspections, etc.
- Has dedicated professional staff i.e. curator primarily engaged in the acquisition, care, or exhibition to the public of objects owned or used by the institution;

Please refer to links below for additional information:

American Alliance of Museums:

<https://www.aam-us.org/programs/ethics-standards-and-professional-practices/core-standards-for-museums/>

International Council of Museums:

<https://icom.museum/en/activities/standards-guidelines/museum-definition/>

We believe that in order to be considered a museum the operations of this location would need to meet the minimum requirements listed above.

Please let me know if you have any questions.

Thank you,

Anthony Greg Fajardo | Director

City of Fort Lauderdale | Department of Sustainable Development

700 NW 19th Avenue | Fort Lauderdale FL 33311

P: (954) 828-5984 E: afajardo@fortlauderdale.gov



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From: Matthew Scott <mscott@dmblaw.com>
Sent: Friday, November 2, 2018 10:56 AM
To: Anthony Fajardo <AFajardo@fortlauderdale.gov>; Yvonne Redding <YRedding@fortlauderdale.gov>
Cc: Hope Calhoun <hcalhoun@dmblaw.com>
Subject: Sequest - revised concept plans

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Please review and let me know what you guys think. I personally think the pretend vet clinic area is a pretty creative idea. Obviously, no live animals would be in there!

In the event you guys are comfortable with this change, my client asked me to mention that they may ultimately move an exhibit or two around as they get deeper into the plan revision, but that they would maintain this percentage breakdown.

Talk to you soon!

Matthew H. Scott

Partner

Dunay, Miskel & Backman, LLP

14 S.E. 4th Street, Suite 36

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Email: mscott@dmblaw.com



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|

From: Jim Hetzel
To: Junia Robinson
Cc: Denise Greenstein; Melissa Coningsby; Anthony Fajardo; Christopher Cooper
Subject: RE: SeaQuest at the Galleria Mall
Date: Monday, August 27, 2018 3:37:21 PM

Hi Junia - below is a response that can be forwarded to Ana.

Hi Ana -

All DRC applications initially get reviewed for completeness to ensure all the required information has been provided to the City. Once deemed complete, the application is scheduled for a DRC meeting. There is a 5 week timeframe from initial submittal to the DRC meeting. During that time the DRC staff meets/ conducts an internal meeting to review cases. A DRC Report is generated for each case and is posted online the Friday before each DRC meeting at <https://www.fortlauderdale.gov/departments/city-clerk-s-office/advisory-boards-and-committees/agenda-and-minutes/development-review-committee>.

The City's Unified Land Development Code (ULDR) identifies the review level for applications and the approving body. The DRC Committee is the approving body for Site Plan Level II applications, which is applicable to SeaQuest. More specifically, a Site Plan Level II for "change of use (if greater impact)" is the applicable criteria in determining the review level for this project. This past Friday, a Site Plan Level II application was submitted and the City has 5 days to conduct completeness review. At this time, the completeness review has not been done. If deemed complete, the item will be placed on the September 25, 2018 DRC Agenda. Public comments are welcomed and the DRC meeting is open to the public. Comments can be provided through the City's website, emailing the case planner indicated on the DRC agenda, or attending the DRC meeting. There is no vote conducted on a Site Plan Level II application as the item does not proceed past DRC Committee meaning Planning and Zoning Board and City Commission are not required.

Do not hesitate to contact the City if you have additional questions. Have a great day.

Jim Hetzel, AICP, LEED Green Associate, Principal Planner
 City of Fort Lauderdale | Urban Design and Planning
 P (954) 828-5019 | jhetzel@fortlauderdale.gov

From: Junia Robinson
Sent: Monday, August 27, 2018 1:11 PM
To: Anthony Fajardo; Jim Hetzel; Christopher Cooper
Cc: Denise Greenstein; Melissa Coningsby
Subject: SeaQuest at the Galleria Mall

Thanks, Anthony.

Chris or Jim

Could you please provide a more detailed response to our Neighbor and Commissioner Moraitis's office.

Junia

From: Anthony Fajardo
Sent: Monday, August 27, 2018 12:55 PM
To: Junia Robinson
Cc: Denise Greenstein; Melissa Coningsby; Christopher Lagerbloom; Christopher Cooper; Jim Hetzel
Subject: Re: SeaQuest at the Galleria Mall

Junia

I'm out of the office today, but I've copied Jim Hetzel and Chris Cooper to develop a more thorough response.

The primary thing our neighbors need to realize is the DRC doesn't have discretion to deny an application if that application has met the minimum requirements of the City's code. There is no vote.

Anthony Gregory Fajardo | Director
 City of Fort Lauderdale | Department of Sustainable Development
 954-828-5984
 Sent from my iPhone

On Aug 27, 2018, at 12:45 PM, Junia Robinson <Junia.Robinson@fortlauderdale.gov> wrote:

Anthony,

Could you please respond to the questions below regarding the SeaQuest at Galleria Mall?

I thank you in advance.

Junia

From: Melissa Coningsby
Sent: Monday, August 27, 2018 9:31 AM
To: Denise Greenstein
Cc: Junia Robinson
Subject: FW: SeaQuest at the Galleria Mall

Morning,

Do you know anything about SeaQuest? I don't believe this has been discussed about coming on the agenda. Would you be able to forward to correct staff?

From: Ana Campos <camposapi@gmail.com>
Sent: Friday, August 24, 2018 6:30 PM
To: Melissa Coningsby <MConingsby@fortlauderdale.gov>
Subject: Re: SeaQuest at the Galleria Mall

Hi Melissa,

I've attached a PDF of the Sun Sentinel news story to this email.

I've attached Congressman Ted Deutch's letter to the USDA as well.

I'm interested in knowing how the DRC works. I see they meet twice monthly. Once the DRC receives the building plan from SeaQuest, what happens next?

Does it go on an agenda immediately? Or does it go on an agenda to vote for approval? I'm not sure how that process works. I see public comments are allowed, so that is excellent. Is the public allowed to attend the meetings where the SeaQuest plans are discussed?

Thank you so much!!!

Ana Campos

On Fri, Aug 24, 2018 at 2:01 PM, Melissa Coningsby <MConingsby@fortlauderdale.gov> wrote:

Hi Ana,

So nice talking to you today! Our next pre-agenda meeting

September 24th
 6:00PM-7:00PM
 George English Park Community Center
 1101 Bayview Drive
 Fort Lauderdale, FL 33304

Also, what is your address? Do you live in District 1?

From: Ana Campos <camposapi@gmail.com>

Sent: Friday August 24 2018 11 12 AM

To: Melissa Coningsby <MConingsby@fortlauderdale.gov>; Heather Moraitis <HMoraitis@fortlauderdale.gov>; Denise Greenstein <DGreenstein@fortlauderdale.gov>; Anthony Fajardo <AFajardo@fortlauderdale.gov>; Maxine Singh <MSingh@fortlauderdale.gov>; Dean Trantalis <DTrantalis@fortlauderdale.gov>; Alfred Battle <ABattle@fortlauderdale.gov>; Scott Wyman <SWyman@fortlauderdale.gov>

Subject: Re: SeaQuest at the Galleria Mall

Dear All,

In addition to my request yesterday, please consider reading today's Sun Sentinel article about SeaQuest opening at the Galleria Mall. Mr. Fajardo was also interviewed.

Congressman Ted Deutch is now involved as well and filed a USDA complaint about SeaQuest's violations of the Animal Welfare Act. In order to protect animals in Fort Lauderdale from further future neglect by SeaQuest, he is asking for an investigation regarding animal mistreatment and deaths, and the ongoing cease and desist in Colorado - among other things.

"This organization and its owners have a long-documented history of disregard for the law and for animal welfare," Deutch wrote in the Aug. 1 letter, citing news reports on the deaths of 300 animals before SeaQuest's Las Vegas aquarium opened in 2017. Deutch's letter points to "very serious and disturbing allegations of animal mistreatment by SeaQuest at its aquariums." The congressman represents Florida's 22nd District, which includes the mall on East Sunrise Boulevard.

<http://www.sun-sentinel.com/local/broward/fort-lauderdale/fl-reg-seaquest-fort-lauderdale-animal-abuse-allegations-20180821-story.html>

Look forward to hearing back from you.

Thank you,

Ana Campos

On Thu Aug 23 2018 at 4 17 PM Ana Campos <camposapi@gmail.com> wrote

Dear Mr. Fajardo, Commissioner Moraitis and Mayor Trantalis,

I spoke with Mr. Fajardo on August 18, 2018 and discussed several issues regarding the SeaQuest Aquarium permit. Thank you for referring us to each other. He was very helpful. I really appreciate the time he took to discuss this at length with me. We covered all my concerns and issues and I was pleased with the conversation. I was advised that SeaQuest does not have a building permit and must re-submit their proposal to the City "development review process". As of August 18th they had not done so.

The reason for this email is to notify you that I have reason to believe SeaQuest has begun building without a permit. I visited the store yesterday on August 22, 2018 around 5:00pm. I witnessed a man wearing a hard hat and safety vest entering and exiting. I was able to briefly view the interior of the store. While I only got a quick glance, it looks different to me. I noticed walls (dry walls) that have been constructed and a large plasma screen installed on it. I noticed other areas which had been altered as well. On June 15 and June 16 photographs were obtained of the interior section of the SeaQuest store. I am willing to share these photos with the City if they would be of help.

As I have explained before, SeaQuest builds first and then asks for permits after they are caught. This is true in other states as well. Once caught they play "Woe is me" about the money they already spent in order to force an agency or cities hands to retroactively approve their construction or the animals they usually obtain illegally. This is a documented pattern. I continue to have great concerns about them placing swimming tanks with thousands of gallons of water and sharks, on the 3rd floor of this old mall. I think the floor will collapse.

Please investigate the location. I can provide the photographs of the location from June 15 and 16, to you for comparison. If they have been remodeling inside, I ask that you file a cease and desist or stop order to prevent any further interior construction until they can provide you with the comprehensive building plan that was requested.

Thank you,
Ana Campos

<8-24-2018 - Aquarium coming to Galleria mall accused of animal abuse - Sun Sentinel.pdf>

<USDA SeaQuest Letter- Deutch.pdf>