

MIAMI BEACH

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OFFICE OF THE CITY MANAGER

NO. LTC # **186-2016**

LETTER TO COMMISSION

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: April 25, 2016

SUBJECT: Noise Report: Q1-2016 (January – March 2016)

This Letter to the Mayor and City Commission (LTC) provides noise data and analysis for the period between January 1, 2016 and March 31, 2016, and reflects information on noise enforcement efforts by the Code Compliance Department (Code). The data presented in this LTC is submitted in accordance to the requirements established in the 2008 Noise Administrative Guidelines, which were adopted via resolution and approved on October 7, 2008. The report includes the following documentation:

- Attachment A: Detailed data table for all noise cases for Q1-2016.
- Attachment B: Detailed data table for commercial noise cases for Q1-2016.
- Attachment C: Disposition of noise cases presented to, filed for appeal, or scheduled to be heard at Special Master Hearings for Q1-2016.

I. Summary

The information provided in this report is based on the data obtained from Permits Plus, the database utilized by Code to track all cases, to include noise complaints. According to Permits Plus, during Q1-2016, there were a total of 1,270 noise cases opened and/or investigated by either Code or the City of Miami Beach Police Department (MBPD). Of these:

- 33 cases were canceled by the complainant prior to the Code's arrival,
- 12 cases were voided,
- 10 cases were identified to be duplicate complaints/entries,
- One case was deemed not applicable to Code and/or was closed, and
- 163 cases were routed to or addressed by the MBPD during periods that Code does not operate.

When the above referenced 219 cases are subtracted from the total number of noise investigations, the result is 1,051 cases with a disposition. The disposition reflects a number of possible outcomes including whether the noise complaint met or failed to meet the noise threshold. During the rating period, of the 1,051 cases, 183 were deemed as meeting the threshold of being excessive, unusual and/or unnecessary; resulting in an aggregate noise validity rate of 17.4%. Further analysis reflects that the noise validity rate for residential areas was 18.8%, whereas the validity rate for commercially zoned areas during the same period was identified at 14.6%.

II. Analysis

As previously mentioned, quarterly noise reports must conform to the 2008 Administrative Guidelines by collecting specific information including the total number of noise complaints by time period, classification by location, time the complaint was received, response time, and the outcome of each noise case. All this information is provided and detailed in Attachment A for all cases, and Attachment B for cases in commercially zoned areas.

The analysis for Q1-2016 indicates that of the total 1,051 cases addressed by Code, 601 (57.2%) were identified to have taken place in residential areas; 288 (27.4%) were identified to have taken place in commercially zoned properties, and 162 (15.4%) took place within the public right of way or on public property (reflected as “Other” in Attachment A). The chart below reflects this information.

BREAKDOWN OF TOTAL CASES BY TYPE		
January 2016 – March 2016		
RESIDENTIAL	601	57.2%
COMMERCIAL	288	27.4%
OTHER	162	15.4%
TOTAL	1,051	100.0%

Historically, noise complaints/cases in residentially zoned areas make up more than half of all noise cases. Further analysis to determine the reasons why a noise complaint failed to meet the threshold to issue a Notice of Violation indicates that in approximately 80% of the complaints, the noise level either failed to meet the excessive, unusual and/or unnecessary threshold, or there was no noise identified upon arrival by the Code Compliance Officer (CCO). The table immediately below provides detailed information on all outcomes based on the assessment of the responding CCO.

ALL CASES

TOTAL CASES THAT FAILED TO MEET NOISE THRESHOLD	No Noise Upon Arrival	Music/Noise Not Loud nor Excessive	Not Loud or Excessive AND After 11PM - Not audible at 100ft.	Music/Noise lowered prior to arrival per complainant	No Access / No Access code	Exception Granted	Not a Code Issue / No Info.
868	402	359	27	26	30	10	14
PERCENTAGES	46.3%	41.3%	3.1%	3.0%	3.5%	1.2%	1.6%

Attachments A and B provide detailed analysis regarding the location of the noise complaint or proactive assessment, (e.g. apartment, bar, club, condominium, etc.), as well as noise type (e.g. loud music, construction noise, barking dog, etc.). The attachment also reflects noise cases by time and day, and day of the week.

As in previous reports, loud music remains the most common type of noise complaint (765 cases - 72.8%) followed by construction-related noise (180 cases – 17.1%). As it relates to day of the week, Saturday continues to be the day with the highest incidents of noise cases (257 cases - 24.5%). Detailed information is provided in Attachment A for all cases, and Attachment B for commercial noise cases.

III. Response Time

Response time is a crucial element in responding to noise complaints. The table below provides the response time for Q1-2016. Response time is described as the period between the time the complaint is received by the Parking Department’s Dispatcher, and “arrival time” to the location by a CCO.

The table below reflects response time and outcome by establishment type.

Average Time for Code Officer to Arrive (Q1-2016)					
Number of Cases*	Establishment Type	Average Time to Officer's Arrival	Status	Number of Cases*	Average Time from Call Received by Dispatch to Code Officer's Arrival
1,007	Residential	0:23:05	VALID	102	0:24:24
			FAILED TO MEET THRESHHOLD	475	0:22:48
	Commercial	0:19:20	VALID	32	0:20:43
			FAILED TO MEET THRESHHOLD	241	0:19:09
	Other	0:23:28	VALID	25	0:23:00
			FAILED TO MEET THRESHHOLD	132	0:23:34
All Cases	0:22:18	VALID	159	0:23:26	
		FAILED TO MEET THRESHHOLD	848	0:22:05	

*Average Time Calculated using only those cases with valid time data for both "Time Call Received by Dispatch" and "Time of Arrival by Code Officer".

IV. Major / Special Events

During Q1-2016, there were a number of noise-related major events including Winter Music Conference (WMC), and Spring Break. These two events are associated with music-related activities which historically contribute to an increase in noise complaints.

V. Special Master Appeal Hearings

As required by Chapter 162 of the Florida Statutes, and part of due-process, noise violations are appealable before a Special Master. Attachment C reflects the resolution and/ or outcome of noise-related cases during this reporting period.

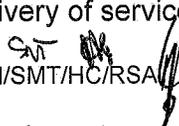
Attachment C reflects that during the evaluation period there were 27 noise-related cases scheduled to be presented before a Special Master. Of these, ten have yet to be heard; and the dispositions of the remaining 17 cases are as follows:

- Five cases were adjudicated guilty, and
- 12 cases were dismissed by the Special Master for various reasons, which may have included failure to meet the “clear and convincing” standard of evidence.

VI. Conclusion

Noise continues to be one of the most important issues addressed by Code as it has a direct correlation with the quality of life of our residents. As such, response time to noise complaints continues to be a key factor for the Department.

Another important element which is being integrated into Code is that of enhanced technology. Along with several other city departments, Code is currently in the process of changing databases, from Permits Plus to Energov. The new web-based platform is designed to allow for greater integration of information across various departments. Due to its web-based process, the database is also designed to facilitate a timelier uploading of information. This is in line with the City's use of technology as a tool to facilitate process. Along with the Body Worn Cameras and a significant increase in both field and academic training, Code continues to improve its business processes and delivery of services.


JLM/SMT/HC/RSA

Attachments

- Attachment A: Noise Case Data, Q1-2016
- Attachment B: Commercial Noise Case Data, Q1-2016
- Attachment C: Special Master Case Result Summary, Q1-2016

ATTACHMENT A - Code Compliance

ALL CASES
Noise Data 01/01/2016 - 03/31/2016 (Q1-2016)

Total Number of Noise Complaint Cases Opened/Calls Received

Total Cases Opened	Less Voided, Canceled, Duplicate Complaints, Complaints not Applicable to Code Compliance	Total with Dispositions	Code or PD Initiated (Proactive)	Complaint Calls Received
1,270	219	1,051	13	1,038

*Voided cases are cases that were entered in error, etc.
Canceled calls are cases canceled by the **complainant prior to a Code Officer's arrival

Disposition of All Noise Cases

Type	#
Total Cases	1,270
Canceled**	33
Voided*	12
Duplicate Complaint	10
Not Applicable to Code	1
Referred to PD	163
Total Valid and Non-Valid Cases handled by Code	1,051
Valid Cases	183
Non-valid Cases	868

Valid Violation Breakdown

Verbal	10	5.5%
Written Warning	142	77.6%
Violation	31	16.9%
Total Valid Cases	183	100%

Noise Cases by Type of Establishment

	Total Cases		Valid		Non-Valid	
	Number of Cases	Percentage of All Cases	Number of Cases	Percentage of Cases	Number of Cases	Percentage of Cases
Residential	601	57.2%	113	18.8%	488	81.2%
Commercial	288	27.4%	42	14.6%	246	85.4%
Other	162	15.4%	28	17.3%	134	82.7%
Unknown	0	0.0%	0	0.0%	0	0.0%
Totals	1,051	100%	183	17.4%	868	82.6%

Residential = Apt, Condo, Single Family
Commercial = Bar, Club, Hotel, Hotel-Condo, Restaurant, Retail, Constr-Com
Other = Bandshell, Beach, Public Property, etc..

	Total Cases		Valid Cases		Non-Valid Cases	
	Number of Cases	Percentage of All Cases	Number of Cases	Percentage of Cases	Number of Cases	Percentage of Cases
APT	275	26.2%	36	3.4%	239	22.7%
BAR	62	5.9%	4	0.4%	58	5.5%
CLUBS	30	2.9%	5	0.5%	25	2.4%
CONDO	155	14.7%	33	3.1%	122	11.6%
CONDO-HOTEL	30	2.9%	6	0.6%	24	2.3%
HOME	171	16.3%	44	4.2%	127	12.1%
OTHER	162	15.4%	28	2.7%	134	12.7%
RESTAURANT	91	8.7%	7	0.7%	84	8.0%
RETAIL	9	0.9%	6	0.6%	3	0.3%
HOTEL	66	6.3%	14	1.3%	52	4.9%
UNKNOWN	0	0.0%	0	0.0%	0	0.0%
Totals	1,051	100%	183	17.4%	868	82.6%

Noise Cases by Noise Type						
Noise Type	TOTALS		Valid Cases		Non-valid Cases	
	LOUD MUSIC	765	72.8%	119	11.3%	646
LIVE ENTERTAINMENT	4	0.4%	1	0.1%	3	0.3%
BARKING DOG	92	8.8%	16	1.5%	76	7.2%
CROWD NOISE	2	0.2%	0	0.0%	2	0.2%
CONSTRUCTION	180	17.1%	47	4.5%	133	12.7%
OTHER	0	0.0%	0	0.0%	0	0.0%
HONKING CARS/ALARMS	8	0.8%	0	0.0%	8	0.8%
Totals	1,051	100%	183	17.4%	868	82.6%

Call Time of Day / Day of Week
ALL CASES (VALID AND NON-VALID)

	Total		7a - 11p		11p - 7a (of the following morning)	
	Monday	104	9.9%	72	6.9%	32
Tuesday	108	10.3%	84	8.0%	24	2.3%
Wednesday	86	8.2%	70	6.7%	16	1.5%
Thursday	136	12.9%	84	8.0%	52	4.9%
Friday	200	19.0%	86	8.2%	114	10.8%
Saturday	257	24.5%	123	11.7%	134	12.7%
Sunday	160	15.2%	119	11.3%	41	3.9%
Totals	1,051	100%	638	60.7%	413	39.3%

VALID

	Total		7a - 11p		11p - 7a (of the following morning)	
	Monday	18	9.8%	12	6.6%	6
Tuesday	10	5.5%	7	3.8%	3	1.6%
Wednesday	16	8.7%	14	7.7%	2	1.1%
Thursday	18	9.8%	16	8.7%	2	1.1%
Friday	34	18.6%	18	9.8%	16	8.7%
Saturday	63	34.4%	32	17.5%	31	16.9%
Sunday	24	13.1%	19	10.4%	5	2.7%
Totals	183	100%	118	64.5%	65	35.5%

NON-VALID

	Total		7a - 11p		11p - 7a (of the following morning)	
	Monday	86	9.9%	60	6.9%	26
Tuesday	98	11.3%	77	8.9%	21	2.4%
Wednesday	70	8.1%	56	6.5%	14	1.6%
Thursday	118	13.6%	68	7.8%	50	5.8%
Friday	166	19.1%	68	7.8%	98	11.3%
Saturday	194	22.4%	91	10.5%	103	11.9%
Sunday	136	15.7%	100	11.5%	36	4.1%
Totals	868	100%	520	59.9%	348	40.1%

Call Time of Day - Residential vs Commercial

	Total		7a - 11p		11p - 7a (of the following morning)	
	RESIDENTIAL	601	57.2%	362	34.4%	239
COMMERCIAL	288	27.4%	149	14.2%	139	13.2%
OTHER	162	15.4%	127	12.1%	35	3.3%
UNKNOWN	0	0.0%	0	0.0%	0	0.0%
Totals	1,051	100%	638	60.7%	413	39.3%

Breakdown of Calls with Identified Complainants and with Anonymous Complainants

	Total Cases		Valid Cases		Non-valid Cases	
Totals	1,051	100%	183	17.4%	868	82.6%
Anonymous Complainant	651	61.9%	86	8.2%	565	53.8%
Anonymous with Contact made	53	5.0%	14	1.3%	39	3.7%
Contact Information Provided	333	31.7%	72	6.9%	261	24.8%
Internal	13	1.2%	11	1.0%	2	0.2%

ATTACHMENT B - Code Compliance

COMMERCIAL NOISE CASES

Noise Data 01/01/2016 - 03/31/2016 (Q1-2016)

Total Number of Noise Complaint Calls Received

Total Commercial Cases Opened	Less		Complaint Calls Received	Total Cases Handled by Code (Valid and Non-valid only)
	Code or PD Initiated (Proactive)	Less Voided, Canceled, Duplicate Complaints, Complaints not Applicable to Code Compliance		
292	8	4	280	288

Disposition of All Commercial Noise Cases

Type	#	%
Valid Cases	42	14.6%
Non-valid Cases	246	85.4%
Total Valid and Non-Valid Cases =	288	100%

Valid Violation Breakdown

Verbal	7	16.7%
Written Warning	18	42.9%
Violation	17	40.5%
Total Valid Cases	42	100%

Noise Cases by Type of Establishment

Location Type	Totals	% of Commercial Cases (By Establishment Type)	Valid		Non-Valid	
			#	%	#	%
BAR	62	21.5%	4	1.4%	58	20.1%
CLUBS	30	10.4%	5	1.7%	25	8.7%
CONDO-HOTEL	30	10.4%	6	2.1%	24	8.3%
RESTAURANT	91	31.6%	7	2.4%	84	29.2%
RETAIL	9	3.1%	6	2.1%	3	1.0%
HOTEL	66	22.9%	14	4.9%	52	18.1%
Total	288	100%	42	14.6%	246	85.4%

Noise Cases by Noise Type

Noise Type	Totals	% of Commercial Cases (By Type of Noise)	Valid		Non-valid	
			#	%	#	%
LOUD MUSIC	266	92.4%	35	12.2%	231	80.2%
LIVE ENTERTAINMENT	1	0.3%	0	0.0%	1	2.4%
BARKING DOG	3	1.0%	0	0.0%	3	1.0%
CROWD NOISE	0	0.0%	0	0.0%	0	0.0%
CONSTRUCTION	18	6.3%	7	2.4%	11	3.8%
OTHER	0	0.0%	0	0.0%	0	0.0%
HONKING CARS/ALARMS	0	0.0%	0	0.0%	0	0.0%
Totals	288	100%	42	14.6%	246	85.4%

Time of Day / Day of Week of Call

ALL CASES (VALID AND NON-VALID)

	Total		7a - 11p		11p - 7a (of the following morning)	
Monday	16	5.6%	8	2.8%	8	2.8%
Tuesday	26	9.0%	18	6.3%	8	2.8%
Wednesday	23	8.0%	17	5.9%	6	2.1%
Thursday	32	11.1%	13	4.5%	19	6.6%
Friday	66	22.9%	21	7.3%	45	15.6%
Saturday	74	25.7%	35	12.2%	39	13.5%
Sunday	51	17.7%	37	12.8%	14	4.9%
Totals	288	100.0%	149	51.7%	139	48.3%

VALID

	Total		7a - 11p		11p - 7a (of the following morning)	
Monday	7	16.7%	5	11.9%	2	4.8%
Tuesday	3	7.1%	1	2.4%	2	4.8%
Wednesday	5	11.9%	5	11.9%	0	0.0%
Thursday	3	7.1%	2	4.8%	1	2.4%
Friday	7	16.7%	4	9.5%	3	7.1%
Saturday	14	33.3%	4	9.5%	10	23.8%
Sunday	3	7.1%	2	4.8%	1	2.4%
Totals	42	100.0%	23	55%	19	45%

NON-VALID

	Total		7a - 11p		11p - 7a (of the following morning)	
Monday	9	3.7%	3	1.2%	6	2.4%
Tuesday	23	9.3%	17	6.9%	6	2.4%
Wednesday	18	7.3%	12	4.9%	6	2.4%
Thursday	29	11.8%	11	4.5%	18	7.3%
Friday	59	24.0%	17	6.9%	42	17.1%
Saturday	60	24.4%	31	12.6%	29	11.8%
Sunday	48	19.5%	35	14.2%	13	5.3%
Totals	246	100%	126	51%	120	49%

Breakdown of Calls with Identified Complainants and with Anonymous Complainants

	Total Cases		Valid Cases		Non-valid Cases	
Total Complaints	288	100%	42	14.6%	246	85.4%
Anonymous Complainant	187	64.9%	19	6.6%	168	58.3%
Anonymous with Contact made	10	3.5%	1	0.3%	9	3.1%
Contact Information Provided	82	28.5%	15	5.2%	67	23.3%
Internal (Proactive)	8	2.8%	7	2.4%	1	0.3%

ATTACHMENT C

Information on Disposition of Cases by Special Master and by Judicial (Q1-2016)						
Date of Violation	Request Filed	Special Master Case Number	Code Case Number	Address	Name	Status
03/15/2015	03/23/2015	JC15000352	CE15006253	45 E STAR ISLAND DR	The Little Lighthouse Foundation Inc	SM 1/28/2016 Adjudicated Guilty of Second Offense. Fine of \$2,000 shall be paid.
03/14/2015	03/23/2015	JC15000353	CE15006251	45 E STAR ISLAND DR	The Little Lighthouse Foundation Inc	SM 1/28/2016 Adjudicated Guilty of First Offense. Fine of \$500 shall be paid.
08/16/2015	08/21/2015	JC15000654	CE15012300	2000 COLLINS AVE	BAGATELLE MIAMI LLC	SM 04/07/2016 Agreed Order submitted. This appeal was valid and the \$250 that carries in the violation shall be aid by 3/18/2016.
10/03/2015	10/20/2015	JC16000047	CE15013854	2377 COLLINS AVE	2377 COLLINS RESORT, LP. D/B/A 1 HOTEL SOUTH BEACH	SM 02/04/2016 The written warning under case number CE15013849 was not proven by clear and convincing evidence to be valid. The notice of violation and fine under case number CE15013854 is reduced to a Written Warning.
10/07/2015	10/13/2015	JC16000048	CE15014013	600 WASHINGTON AVE	ANGLERS VENTURE SUB LLC	SM 02/04/2016 The notice of violation and fine under case number CE15014016 was not proven by clear and convincing evidence to be valid. CASE DISMISSED.
10/08/2015	10/13/2015	JC16000049	CE15014026	600 WASHINGTON AVE	ANGLERS VENTURE SUB LLC	SM 02/04/2016 The notice of violation and fine under case number CE15014026 was not proven by clear and convincing evidence to be valid. CASE DISMISSED.
10/07/2015	10/13/2015	JC16000050	CE15014017	600 WASHINGTON AVE	COASTLAND CONSTRUCTION INC	SM 02/04/2016 The notice of violation and fine under case number CE15014017 was not proven by clear and convincing evidence to be valid. CASE DISMISSED.
10/08/2015	10/13/2015	JC16000051	CE15014025	600 WASHINGTON AVE	COASTLAND CONSTRUCTION INC	SM 02/04/2016 The notice of violation and fine under case number CE15014025 was not proven by clear and convincing evidence to be valid. CASE DISMISSED.
11/03/2015	11/10/2015	JC16000111	CE15014940	1628 COLLINS AVE	NINE BEACH LLC D/B/A 9 BEACH	SM 02/18/2016 Based on the testimony from both parties, this case is DISMISSED.
11/28/2015	12/04/2015	JC16000153	CE15015873	2360 COLLINS AVE	A LOFT SOUTH BEACH	SM 02/18/2016 Notice of Violation and fine under case number CE15015873 was not proven by clear and convincing evidence to be valid. CASE DISMISSED.
11/22/2015	12/07/2015	JC16000154	CE15015679	1508 BAY ROAD	JOSEPH MICHEAL MAROCC #N827	SM 03/03/2016 Notice of Violation and fine under case number CE15015679 is DISMISSED.
11/27/2015	12/07/2015	JC16000155	CE15015853	1628 COLLINS AVE	NINE BEACH LLC D/B/A 9 BEACH	SM 03/03/2016 Violator was not present. This appeal is denied. Based on a dismissal of a previous offense, this violation under CE15016259 becomes a Second Offense. Petitioner adjudicated GUILTY. Fine of \$1,000 to be paid to the City by April 4, 2016.

Date of Violation	Request Filed	Special Master Case Number	Code Case Number	Address	Name	Status
12/02/2015	12/11/2015	JC16000159	CE15016023	600 WASHINGTON AVE	COASTLAND CONSTRUCTION INC	SM 02/18/2016 Notice of Violation and fine under case number CE15016023 was not proven by clear and convincing evidence to be valid. CASE DISMISSED.
01/02/2016	01/08/2016	JC16000205	CE16000111	1701 COLLINS AVE	1701 COLLINS MIAMI OPERATING COMPANY LLC	SM 04/07/2016 As the improper party was listed as the charging document, this case was DISMISSED.
01/02/2016	01/08/2016	JC16000206	CE16000117	1701 COLLINS AVE	1701 COLLINS (MIAMI) OPERATING COMPANY,LLC	SM 04/07/2016 As the improper party was listed as the charging document, this case was DISMISSED.
01/02/2016	01/12/2016	JC16000207	CE16000112	1717 COLLINS AVE	CHISHOLM PROPERTIES SO BEACH INC	SM 06/23/2016
01/23/2016	01/29/2016	JC16000232	CE16000977	100 Collins Avenue		SM 05/05/2016
01/23/2016	02/01/2016	JC16000233	CE16000982	1045 Pennsylvania Ave		SM 05/05/2016
01/24/2016	02/01/2016	JC16000234	CE16001035	1045 Pennsylvania Ave		SM 05/05/2016
01/31/2016	02/05/2016	JC16000236	CE16001330	100 Collins Avenue		SM 05/05/2016
02/11/2016	02/19/2016	JC16000262	CE16001769	850 81st Street	Jennifer Munoz	SM 06/02/2016
03/16/2016	03/22/2016	JC16000281	CE16003189	1701 COLLINS AVE	1701 COLLINS (MIAMI),LLC	SM 04/07/2016 As the improper party was listed as the charging document, this case was DISMISSED.
03/17/2016	03/22/2016	JC16000282	CE16003240	1701 COLLINS AVE	1701 COLLINS (MIAMI) OPERATING COMPANY,LLC	SM 04/07/2016 As the improper party was listed as the charging document, this case was DISMISSED.
03/18/2016	03/23/2016	JC16000283	CE16003283	1732 Collins Avenue	Catalina Hotel, LLC	SM 06/02/2016
03/21/2016	03/30/2016	JC16000323	CE16003459	1052 Ocean Drive	Congress Hotel on Ocean Drive, LLC	SM 06/02/2016
03/28/2016	03/31/2016	JC16000324	CE16003671	1040 Lincoln Road	Colony Theater Café, Inc dba Segafredo	SM 07/07/2016
03/27/2016	04/07/2016	JC16000328	CE16003632	323 23rd Street	Acqua LLC dba Treehouse	SM 07/07/2016