

City of Coral Gables City Commission Meeting
Agenda Item H-2
March 20, 2018
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Raul Valdes-Fauli
Vice Mayor Pat Keon
Commissioner Vince Lago
Commissioner Frank Quesada
Commissioner Michael Mena

City Staff

City Manager, Cathy Swanson-Rivenbark
City Attorney, Miriam Ramos
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Parks and Recreation Director, Fred Couceyro

Public Speaker(s)

Agenda Item H-2 [9:36:17 a.m.]

A discussion regarding the need to prohibit individual establishments' outdoor amplified music due to the impact on adjacent establishments and a review of current relevant codes and procedures to determine sufficiency to ensure compliance. (Sponsored by Commissioner Quesada)

Commissioner Quesada: Mr. Mayor on the next item, which is H-2. The phrasing is incorrect on here, but when we were discussing the overlay on Giralda, we had a discussion that we need to figure out how to deal with amplified music, so that one merchant doesn't harm another merchant. That we were all in favor of the live music and the outdoor music, we just wanted to make sure that if one merchant's demographic didn't match up with another that, that one merchant wouldn't do well, the other one would be harmed. So, I've been speaking with the B.I.D., I've been speaking to the merchants. So right now technically, we do have a prohibition from the amplified music on Giralda. What I'm asking all of you today is, let's have a moratorium on that to allow amplified music. After today's Commission meeting, I'm going out

there on Giralda and we are going to play with the decibels and the music at the different restaurants just to see what makes sense. I'm doing that with all the merchants today. You are all more than welcome to come along to see what makes sense. So that's it. I just want to make sure that we have moratorium, so that we can allow amplified music out there during this sort of...

Mayor Valdes-Fauli: We have a moratorium on what, would you explain that?

Commissioner Quesada: So currently right now, we had all agreed on the overlay discussion related to Giralda, not to allow amplified music. What I'm saying is, we should allow amplified music for the time being until we figure out how we are going to write the code for that area.

Mayor Valdes-Fauli: I agree.

Commissioner Quesada: The merchants are in favor of it; and again, I'll be out there later today testing with Belkys as well as some of the merchants to figure it out.

Mayor Valdes-Fauli: I received a complaint the other day from somebody on the Zubi Building, which is on the corner of University and Ponce that they were having a party upstairs and this person lives ten blocks away and he said that in his yard he could hear music at 80 decibels, ten yards away, which I think there is something wrong there with space and whatever. A lot of people complain and these are residents complaining about noise.

Commissioner Quesada: That resident is one of my neighbors.

Mayor Valdes-Fauli: I know.

Commissioner Quesada: And, I walked outside and I didn't hear.

Mayor Valdes-Fauli: Was it 80 decibels?

Commissioner Quesada: No. It wasn't in my opinion, but there have been other situations where, yes, you do hear it.

Mayor Valdes-Fauli: I understand, but remember we live in a City, anybody that wants to live downtown, 80 decibels...but you will hear music. I have a neighbor whose son plays the batteries, plays the drums and whatever, it's his right to do it and at midnight or 11 p.m. or whatever time it is, he shuts it down and I chose to live where I live. If you want to live in silence move to Albuquerque New Mexico or something. I think we live with traffic and with

inconveniences, but then we live in Coral Gables and I think that's wonderful. I applaud you for your initiative...which is perfect.

Vice Mayor Keon: I also wanted to ask about – I'm seeing more music, amplified music on the Mile too and I think you are running into a little bit of the same thing. There isn't any overlay on the Mile, but maybe you could kind of look at that also. It is amplified.

City Attorney Ramos: The same overlay that's on Giralda is on the Mile.

Vice Mayor Keon: Is on the Mile? - OK.

Commissioner Quesada: Here's what's happening. I'm having a recurring meeting with merchants on Friday, I'm sorry, on Tuesday mornings at 7:30 (a.m.) at Demetrio and we are discussing what should be the right way to do it.

Mayor Valdes-Fauli: That's wonderful.

Commissioner Quesada: So, I had a meeting this morning; this afternoon I'm getting together with them. We are just dealing with Giralda today; and maybe what we'll do is later in the week or next week, I'll do the same thing with Miracle Mile and the thing is, we have these decibel readers that you can get on your phones and we are just trying to find so that when we create the legislation it's something that makes sense for everyone, because I don't want to create, we don't want to create some legislation that is unfair to one or another, you know. We think that Miracle Mile businesses are going to do very well and so is Giralda, but we want to make sure the rising tide raises all ships.

Mayor Valdes-Fauli: Right.

Commissioner Quesada: So just something that makes sense.

Vice Mayor Keon: Just one more, one more item with regard to music is, I think because of the height of the buildings and whatever on the Mile and it's so open that noise disperses easily and from the Kiwanis festival there was a bandstand at the Mile and Ponce, and a half a block away inside a building you couldn't hear that music. So, I think it may be the openness, sometimes although maybe when it's up high, maybe the Zubi Building, but in general, I think, when its open noise dissipates more rapidly and you don't hear it and you don't feel it. So, the festival on the Mile you couldn't hear it in the residential buildings around it. Although, I know that on the plaza where Graziano's and....whatever that plaza, because of the high buildings around it...

Commissioner Quesada: It bounces around.

Vice Mayor Keon: It bounces off the building. So, I think if you are going to look at some more legislation or if we look at tweaking that, maybe we should look at some of those effects too, because there are certain places that maybe it does have to be turned down. You know more about music than I do.

Commissioner Quesada: What the idea is, we are going around with decibel readers at different times and we are going to measure at different times, when there are a lot of people, when there aren't any people, nighttime, afternoon time, live band, amplified music or not. So, we are trying to collect data at this point, so we can make a well informed decision.

Vice Mayor Keon: But, it makes a difference on the height of the buildings that are surrounding those plazas, those open air things. That needs to be also taken into account when you are doing decibel readings, because what may be appropriate in one place because of the...those buildings.

Commissioner Quesada: Correct. You hit the nail on the head. So the goal is to gather data, come back to everyone and say look, this is the experience that we had with some solid data, so that we can make a well informed, we can legislate that properly.

Vice Mayor Keon: Right – good – thank you.

Commissioner Mena: I was just going to ask if you are also looking at other similarly situated public spaces in other cities.

Commissioner Quesada: Yes, we are, we are. The Design District has a recent buildout and they have a little corridor area, there is a restaurant there called Estefan Kitchen. If you have music – one merchant has music and the rest of the area doesn't, but there is piped in the whole complex has music in there and it's similar to the Giralda space and you walk in and it sort of works for all the merchants there. We are looking at that, we are looking at Coconut Grove; we are looking at Espanola Way, even though we don't match up exactly with these locations, but Espanola Way has got a lot of different merchants right in front of each other that one music could affect the other. We are looking at Lincoln Road. Again, they don't all perfectly match up, but those are the best examples we have in the area.

Mayor Valdes-Fauli: OK.

City Manager Swanson-Rivenbark: Commissioner and Mr. Mayor if we can just clarify since Code is going to have to enforce. You are asking for a moratorium on the amplification of music, but you are not asking that we ignore the noise ordinance.

Commissioner Quesada: So that is correct. So, on Giralda and on Miracle Mile amplified music will be allowed, however and here's the hard part, obviously we don't want one to come in and all of a sudden have a DJ that you can't hear yourself think.

City Manager Swanson-Rivenbark: Understand.

Commissioner Quesada: So I know that's ambiguous, that's not specific enough.

City Attorney Ramos: You would still have to comply with the noise ordinance.

Commissioner Quesada: OK.

City Attorney Ramos: But, you could have amplified music as long as you comply.

Commissioner Quesada: OK. And, the idea is hopefully we can figure this out in the next few weeks. It's only a few weeks of ambiguity before we can legislate the correct solution.

City Manager Swanson-Rivenbark: And, since this is a specific directive as it relates to an existing code, would you make a motion on that?

Commissioner Quesada: So moved to allow amplified music, but to stay within the noise ordinance.

Commissioner Mena: Second.

Commissioner Quesada: Hold on. I want to hear from Fred and Belkys. Does that make sense or no? No it doesn't. I mean the goal is to allow the merchant to have amplified music while we are figuring out what the right decibel level is for him to have.

Mr. Couceyro: The original – the noise ordinance has the decibel reading only comes up to 65. The live music that we talked about was under the purview of a special event permit, which under our guidelines allows 75 in a residential area, such as the plaza that you mentioned, and 85 in areas where there aren't residential.

Commissioner Quesada: So why don't we do this. Typically how loud does live music get?

Mr. Couceyro: I think for that area we've been looking at is 75.

Commissioner Quesada: So, why don't we just say for the time being – so allow amplified music to a level of 75 decibels.

Mr. Couceyro: That works.

City Attorney Ramos: But, live music is always going to be pursuant to a special events permit, correct?

Mr. Couceyro: Yes because the noise ordinance mostly its 16 residential and 65 everywhere else. So, in order to have for the most part live music, unless it's not amplified, acoustic live music might be OK.

Commissioner Quesada: But, what if its amplified music that's under the 75?

Mr. Couceyro: Well it's got to be under – if you are using the noise ordinance, the citywide noise ordinance its 65...

Commissioner Quesada: But hold on. We can't say, well we can, we can say for the time being Giralda, Miracle Mile allow amplified music up to 75 decibels without a special events permit.

Mr. Couceyro: Absolutely.

Vice Mayor Keon: I also think you should maybe, would you be willing to go back and look at the special event noise, because I think sometimes there are some locations that almost every weekend is a special event it seems. So, it's continuously much louder than it would normally be.

Commissioner Quesada: The end goal of this is those locations – live music brings people to downtown, it helps our merchants, it helps our downtown.

Vice Mayor Keon: It does.

Commissioner Quesada: We want to promote it, OK. My goal is to make it easier for merchants, if they want to play live music maybe we don't have to pull special events permit. I'm not making that jump right now, let's work out the detail, the kinks first, so that we don't have these kinds of complaints when a merchant is doing very well and the surrounding businesses are doing very well and they get cut off for an archaic code provision that we have.

City Manager Swanson-Rivenbark: So sir if we can do this. If we can postpone this discussion for half an hour, I'm going to ask Fred and Belkys and whoever else is going to be involved to go out, craft a motion that accomplishes what you want and then we'll ask you to present that motion to you.

Mayor Valdes-Fauli: Is that OK Commissioner?

Commissioner Quesada: Yes, that's fine. Of course. I've been speaking to them, so they know what I want to achieve.

[End: 9:47:09 a.m.]

[Note for the record: Commissioner Quesada reopened Item H-2 at 10:44:32 a.m.]

Commissioner Quesada: Mr. Mayor can I just do a housekeeping item on the amplified music ordinance, pass that motion to give you the language.

Mayor Valdes-Fauli: Right.

Commissioner Quesada: So this is on Item, Madam City Attorney, Mr. Clerk, on Item H-2. I move to impose a moratorium on the enforcement on Section 4-206(3)(a) of the Zoning Code for a period not to exceed 60 days, permitting amplified music, not to exceed a decibel level of 75 decibels, while still adhering to hours of operations specified in the Code, to allow staff to draft appropriate Code revisions for Commission consideration.

Vice Mayor Keon: Second it.

Mayor Valdes-Fauli: OK. All those in favor say aye.

All: Aye.

Mayor Valdes-Fauli: Opposed. Good.

[End: 10:45:16 a.m.]