

**RESOLUTION No. 24-260**

**A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING AN EXTENDED HOURS PERMIT FOR WHY I AM, LLC, LOCATED AT 3450 NW 83 AVENUE, UNIT 224, PURSUANT TO CHAPTER 34, ALCOHOLIC BEVERAGES, OF THE CITY'S CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Chapter 34 of the City's Code of Ordinances (the "City's Code") regulates the sale of alcoholic beverages and the hours of operation for various vendors; and

**WHEREAS**, section 34-16(c) of the City's Code authorizes Entertainment Venue to sell alcoholic beverages for consumption on the premises until 1:30 a.m. and no earlier than 8:00 a.m. but shall be able to remain open until 2:00 a.m.; and

**WHEREAS**, Entertainment Venues may apply to remain open for business for the purpose of selling alcoholic beverages for consumption on the premises after 1:30 a.m. pursuant to an extended hours permit in accordance with section 34-16(e) of the City's Code; and

**WHEREAS**, Why I Am, LLC (the "Applicant") is located at 3450 NW 83 Avenue, Unit 224, in the Downtown Mixed Used Zoning District, and is classified as an "Entertainment Venue" for purposes of regulating the sale of alcohol beverages under the City's Code; and

**WHEREAS**, The Applicant seeks approval from the Mayor and City Council for an extended hours permit to sell alcoholic beverages for consumption on the premises until 2:30 a.m., and shall not remain open past 3:30 a.m. in accordance with section 34-16(e)(5) of the City's Code; and

**WHEREAS**, city staff reviewed the permit application and recommends that the Mayor and City Council approve the proposed extended hours permit.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The foregoing recitals are confirmed, adopted, and incorporated herein and made as part hereof by this reference.

**Section 2. Approval.** The Mayor and City Council hereby approve the extended hours permit for Why I Am, LLC (the "Applicant") to sell alcoholic beverages for consumption on the premises until 2:30 a.m., subject to the following conditions:

1. The Applicant shall post and maintain the permit within the establishment in a place where it may be seen at all times.
2. The Applicant shall comply with the following minimum public safety measures as part of the approved safety and security plan from 11:00 p.m. to closing. The city, through its police department, will confirm that the minimum public safety measures are in the safety and security plan. In addition, the chief of police or designee may determine whether and to what extent additional security measures are reasonably necessary for permitted establishments for the purpose of traffic control and public safety. The chief of police or designee shall base this decision on the occupancy, type of alcohol license, traffic control, history of violent incidents that have previously occurred at or were related to the establishment, and any other factor reasonably related to public safety.
  - a. The Applicant shall install and maintain a security camera to record all entrance and exit points (excluding emergency exits) used by patrons of the establishment. Security camera recordings shall be retained by the establishment for a minimum of 45 days from the date of recording and shall be made available to the city within three business days of a written request.
  - b. The Applicant shall maintain on and outside the premises adequate security including: (1) at least one state of Florida licensed class D security officer for every 150 occupants and (2) at least one off-duty police officer outside of the premises during the extended hours of operation and until all patrons have left the premises, to assure the lawful and orderly conduct of patrons as they arrive at the

establishment, during the extended hours of operation, and as they depart. To the extent that two establishments are abutting and located on the same floor, these establishments may share an off-duty police officer.

- c. The Applicant shall use a wand weapons detector, or a similar approved and certified system or technology approved by law enforcement on all patrons entering and reentering the premises. Each patron who enters the establishment without being checked by the weapons detection system as required by their Permit shall be considered a separate violation of the terms of the permit.
  - d. The Applicant shall check all patron's identifications. Each patron who enters the establishment whose ID is not checked as required by the permit shall be considered a separate violation of the terms of the permit.
  - e. The Applicant shall ensure that all areas of the premises including outside seating areas are secure with permanent barriers to prevent access to the premises or the ability to place objects from outside of the premises inside the premises.
  - f. The Applicant shall comply with the requirements of the Florida Responsible Vendor Act including all staff and training requirements set forth at F.S. §561.705 in addition to annual training requirements as part of the Safety and Security Plan.
  - g. The Applicant shall employ a verifiable occupancy load monitoring system within the establishment and keep a count of all individuals within the establishment between 10:00 p.m. and the time of closing. Such count must be readily provided to any officer of the city acting in their official capacity by the establishment upon request.
3. The Applicant shall prevent intrusive exterior lighting on neighboring residential properties emanating from the establishment dealing in alcoholic beverages during the extended hours of operation.
  4. The Applicant shall fully comply with all local, state, and federal laws with regard to the establishment dealing in alcoholic beverages, and all applicable City Code provisions.
  5. After 2:30 a.m., no alcoholic beverages shall be sold at the establishment, and no customers shall be permitted to enter the premises; and
  6. After 3:30 a.m., all lighted signage on the exterior of the premises shall be turned off. However, any exterior lighting used to illuminate common areas such as walkways, parking lots, sidewalks, or areas of customer ingress and egress may remain lit; and

7. No later than 3:30 a.m., the permit holder shall require that all persons, other than employees or agents of the permit holder, leave the establishment except these restaurants in the downtown mixed-use district that chose to stay open later to serve food only; and
8. Thereafter all licensees shall remove or cause to be removed all alcoholic beverages from the area of the premises utilized by customers, patrons, and invitees; all alcoholic beverages shall be stored in original containers or storage containers on a shelf or cabinet; no alcoholic beverages shall be furnished to, consumed by, or possessed by any person within the premises; and the premises shall remain closed for business until the beginning hours of operation; and
9. From 3:30 a.m. until no earlier than 8:00 a.m., the permit holder shall prohibit entry into the establishment by customers or members of the public.

In addition, the grounds for permit suspension set forth in Section 34-16(e)(7) of the City Code, failure of the Applicant to comply with the aforementioned conditions may result in suspension of the extended hours permit.

**Section 3. Effective Date.** This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was offered by Vice Mayor Puig-Corve who moved its adoption.

The motion was seconded by Councilmember Cabral and upon being put to a vote, the vote was as follows:

Mayor Christi Fraga	No
Vice Mayor Oscar Puig-Corve	Yes
Councilwoman Digna Cabral	Yes
Councilman Rafael Pineyro	No
Councilwoman Maureen Porras	Yes

PASSED AND ADOPTED this 23 day of October, 2024.

  
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CHRISTI FRAGA, MAYOR

ATTEST:

  
\_\_\_\_\_  
CONNIE DIAZ, MMC  
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:

  
\_\_\_\_\_  
LORENZO COBIELLA  
GASTESI, LOPEZ & MESTRE, PLLC  
CITY ATTORNEY