


COMMISSION MEMORANDUM

To: Commissioner Steven Meiner, Chairman
Members of the Public Safety and Neighborhood/Quality of Life Committee

From: Alina T. Hudak, City Manager
Rafael A. Paz, City Attorney 

Date: March 23, 2022

Subject: **Alcohol Hours of Sale**
(Referred by the City Commission on February 9, 2022)

Following a lengthy discussion on February 9, 2022, the City Commission adopted the attached Ordinances at First Reading, and referred both Ordinances to the Public Safety and Neighborhood/Quality of Life Committee (Committee) for further discussion and policy direction:

- The Ordinance sponsored by Commissioner Mark Samuelian (Item R5Q), pertaining to the Expanded Art Deco Cultural District, was approved at First Reading as drafted.
- The Ordinance sponsored by Mayor Dan Gelber (Item R5P) was approved at First Reading, as amended. As revised by the City Commission, alcoholic beverage establishments that meet the following criteria or are located in the following geographic areas would be eligible to apply for extended hours approval:
 - (1) *East Collins*. Oceanfront hotels with a minimum of 200 rooms that are located on those properties located east of Collins Avenue, south of 46th Street and north of 15th Street.
 - (2) *Collins Park*. Alcoholic beverage establishments within the area bounded by 19th Street on the south, Liberty Avenue on the west, Collins Avenue on the east and 21st Street on the north.
 - (3) *Normandy Drive*. Alcoholic beverage establishments on properties fronting the south side of Normandy Drive between Rue Notre Dame on the west and Bay Drive on the east, and those properties on both sides of 71st Street, between Vichy Drive on the west and Collins Avenue on the east.
 - (4) *Lincoln Road*. Alcoholic beverage establishments on properties fronting Lincoln Road from Jefferson Avenue to Washington Avenue.
 - (5) *Collins Avenue North*. Alcoholic beverage establishments on properties fronting Collins Avenue from 65th Street to 75th Street.

On March 9, 2022, the City Commission held a discussion regarding the City's comprehensive approach to alcohol hours legislation, in light of the Circuit Court's recent rulings in *Cleveland Ocean LP v. City of Miami Beach*. The Commission Memorandum for the March 9 discussion is attached, including the recommendations of the City Manager and City Attorney.

The City Manager and City Attorney request policy direction from the Committee on the attached legislation, taking into account our recommendations at the March 9th City Commission meeting. If the Committee recommends proceeding with a geographic-based approach, we request direction as to which geographic areas could be eligible for extended hours of service. Based on the Committee's direction, the Administration will conduct further analysis as to whether amended hours of service would be appropriate. This analysis will include the economic impact of both the current and proposed hours, quality-of-life impacts of late-night drinking establishments (including noise, traffic, sanitation), demands on the Police and Fire Departments, and any other relevant information.