

CITY OF CORAL GABLES  
LOCAL PLANNING AGENCY (LPA) /  
PLANNING AND ZONING BOARD MEETING  
VERBATIM TRANSCRIPT  
CORAL GABLES CITY HALL  
405 BILTMORE WAY, COMMISSION CHAMBERS  
CORAL GABLES, FLORIDA  
WEDNESDAY, OCTOBER 8, 2014, COMMENCING AT 6:08 P.M.

Board Members Present:

Eibi Aizenstat, Chairperson  
Jeffrey Flanagan, Vice-Chairperson  
Marshall Bellin  
Anthony Bello  
Julio Grabiel  
Maria Alberro Menendez  
Alberto Perez

City Staff and Consultants:

Charles Wu, Assistant Development Services Director  
Ramon Trias, Planning Director  
Craig E. Leen, City Attorney  
Jane Tompkins, Development Services Director  
Walter Carlson, Assistant City Planner  
Scot Bolyard, Principal Planner  
Megan McLaughlin, City Planner  
Michael Miller, Assistant Police Chief  
Yamilet Senespleda, City Engineer  
Carlos Mindreau, City Architect  
Susan Lanelle Trevarthen, Esq.  
Weiss Serota Helfman Pastoriza Cole & Boniske  
Special Counsel to the City

Also Participating:

City Commissioner Frank C. Quesada  
Mario Garcia-Serra, Esq.  
Alberto Cordoves, of Corwil Architects, Inc.  
Hugh Johnson, of Architectural Alliance  
Robert Behar, AIA  
Roney Mateu, AIA

Public Speaker:  
Edgar Jones

1 competent, substantial evidence and testimony  
2 presented on the record today.

3 I'll just ask a generic question, if any  
4 members of the Board have such communication or  
5 site visit to disclose at this time. Anyone?

6 Let the record show there's been none.

7 Thank you, Chair.

8 CHAIRMAN AIZENSTAT: Thank you.

9 Everybody that wishes to speak, if they  
10 could please register. I just want to make  
11 sure everybody has gone ahead and registered,  
12 over at the podium, with the exception of the  
13 presentation and attorneys.

14 At this time, everybody who is going to go  
15 ahead and speak, if they would please stand up  
16 to be sworn in.

17 (Thereupon, all who were to testify were  
18 duly sworn by the court reporter.)

19 CHAIRMAN AIZENSTAT: Thank you. Also, I  
20 ask at this time, if you would please put your  
21 cell phones either on silent or vibrate and so  
22 forth, so we don't get disturbed, I'd  
23 appreciate it. Thank you very much.

24 The first item, we're going to do the  
25 approval of the minutes. We have both of June

1 11th, 2014, and August 13th, 2014. Is there a  
2 motion, any comments?

3 MR. BELLO: So moved.

4 CHAIRMAN AIZENSTAT: We have a motion.  
5 Second?

6 MR. PEREZ: Second.

7 MR. WJ: Does the record show both minutes  
8 are approved?

9 CHAIRMAN AIZENSTAT: We're doing -- First  
10 let's go ahead and do the June 11th. We have a  
11 motion and the second was by --

12 MR. PEREZ: I'll second.

13 CHAIRMAN AIZENSTAT: Albert. Perfect. Any  
14 questions, comments?

15 Call the roll, please.

16 MR. BOLYARD: Anthony Bello?

17 MR. BELLO: Here.

18 MR. BOLYARD: Jeffrey Flanagan?

19 MR. FLANAGAN: Yes.

20 MR. BOLYARD: Julio Grabiell?

21 MR. GRABIEL: Yes.

22 MR. BOLYARD: Maria Menendez?

23 MS. ALBERRO MENENDEZ: Yes.

24 MR. BOLYARD: Alberto Perez?

25 MR. PEREZ: Yes.

1 MR. BOLYARD: Marshall Bellin?

2 MR. BELLIN: Yes.

3 MR. BOLYARD: Eibi Aizenstat?

4 CHAIRMAN AIZENSTAT: Yes.

5 The second is the minutes from the August  
6 13th meeting. Is there a motion?

7 MR. GRABIEL: I move.

8 CHAIRMAN AIZENSTAT: Thank you. Second?

9 MR. BELLIN: I'll second.

10 CHAIRMAN AIZENSTAT: We have a second. Any  
11 comments, questions?

12 Please call the roll.

13 MR. BOLYARD: Jeffrey Flanagan?

14 MR. FLANAGAN: Yes.

15 MR. BOLYARD: Julio Grabiell?

16 MR. GRABIEL: Yes.

17 MR. BOLYARD: Maria Menendez?

18 MS. ALBERRO MENENDEZ: Yes.

19 MR. BOLYARD: Alberto Perez?

20 MR. PEREZ: Yes.

21 MR. BOLYARD: Marshall Bellin?

22 MR. BELLIN: Yes.

23 MR. BOLYARD: Anthony Bello?

24 MR. BELLO: Yes.

25 MR. BOLYARD: Eibi Aizenstat?

1 CHAIRMAN AIZENSTAT: Yes. Thank you.

2 We are going to go ahead and go a little  
3 bit out of order. The last item, which is Item  
4 Number 11, we're going to go ahead and move  
5 that first. The reason for this is because we  
6 have outside counsel that's with us here today  
7 and they're basically on an hourly rate, so if  
8 we can just get that done first and then  
9 outside counsel will be free to leave.

10 The item that we'll review first is an  
11 Ordinance of the City Commission of Coral  
12 Gables, Florida, providing for text amendments  
13 to the City of Coral Gables Official Zoning  
14 Code, amending Article 8, "Definitions," by  
15 providing definitions related to medical  
16 marijuana uses, amending Article 4, "Zoning  
17 Districts," to restrict the location of medical  
18 marijuana uses, amending Article 5,  
19 "Development Standards," by providing  
20 development standards for medical marijuana  
21 uses; affirming that the City will only approve  
22 uses that are legal under Federal law;  
23 providing for severability, repealer,  
24 codification and an effective date.

25 MR. LEEN: Thank you, Mr. Chair. I'm going

<p style="text-align: right;">Page 9</p> <p>1 to be calling up Susan Trevarthen -- and could 2 you come up, Susan -- who's our special 3 counsel. 4 The reason why -- I'm going to turn it over 5 to Charles in a second. The reason why we 6 wanted this to be taken out of order, not only 7 because Ms. Trevarthen is outside counsel, but 8 also, this matter needs a recommendation from 9 this Board so it can go before the City 10 Commission and be decided prior to the upcoming 11 November election for the constitutional 12 amendment. 13 Is that correct, Susan? 14 MS. TREVARTHEN: Prior to January. 15 MR. LEEN: Pardon me, prior to January, 16 when the constitutional amendment, if it's 17 approved, would go into effect. So I have some 18 comments on this matter, but first I'd like to 19 turn it over to Charles and to Susan, to give 20 you an introduction and discussion of it. 21 MR. WU: If Aaron can pull up the 22 PowerPoint. 23 This is to address a couple things that the 24 Florida Legislature had approved, which is the 25 Charlotte's Web. That is scheduled today and</p>	<p style="text-align: right;">Page 11</p> <p>1 So, importantly, it does not authorize 2 violations of Federal law, which at this time, 3 even though we do have not only medical 4 marijuana but also recreational marijuana 5 across the States, it is still federally 6 illegal, and marijuana is listed as what's 7 called a Schedule I drug, and that means that 8 the Federal Government has made a determination 9 that there's no potential medical use that 10 could be beneficial of the drug. So we have 11 this kind of unusual situation, where the 12 Federal law says no, but the states, one by 13 one, are saying yes. We're up to -- I believe 14 we're Number 23 or 24, going down the medical 15 marijuana path, but you'll hear a little bit 16 more later from Craig about this anomaly of the 17 fact that it's still a federally illegal thing 18 that we're doing here. 19 The constitutional amendment also does not 20 address non-medical use. It is purely for 21 medical marijuana, and the current polling 22 projects that the amendment will pass. Earlier 23 in the year, it was overwhelming. It was like 24 88 percent. As there's been more campaigning 25 on both sides, I think it's narrowed, but</p>
<p style="text-align: right;">Page 10</p> <p>1 Susan will give you a little history of the 2 steps we are going through to effectuate that. 3 At the same time, there's a proposed 4 referendum that's going to be on the ballot in 5 November, which will also be somewhat related 6 to this exercise, so I'll just turn it over to 7 Susan. 8 MS. TREVARTHEN: Thank you. Susan 9 Trevarthen, Weiss Serota Helfman, for the City, 10 2525 Ponce. Good to see you this evening. If 11 we can move forward -- Oh, there we go. I'm in 12 control of my own destiny. 13 So there's a couple of things we're talking 14 about today, and the first of them is one of 15 them that you're going to be faced with in the 16 voting booth on November 4th. It's a 17 constitutional amendment that is about the use 18 of medical marijuana, and in summary, it allows 19 the medical use of marijuana for individuals 20 with debilitating medical conditions. It also 21 allows caregivers to assist patients' medical 22 use of the marijuana and makes the Department 23 of Health responsible for rulemaking and 24 implementation of the provision for the medical 25 marijuana. It only applies to Florida law.</p>	<p style="text-align: right;">Page 12</p> <p>1 everything I've heard suggests that it will go 2 forward. 3 So how will this work? A patient will be 4 required to obtain a physician certification, a 5 note. It's a certification, not a 6 prescription, because prescriptions is a thing 7 that exists under Federal law, and doctors 8 could lose their licenses if they prescribe 9 something that's federally illegal, so it's a 10 certification, and it's got to be a physician 11 who's licensed in the State of Florida. That 12 person must examine the person, do a full 13 assessment, determine that the person has a 14 debilitating medical condition as defined by 15 the Constitution, and find that the potential 16 benefits of the medical use of the marijuana 17 would likely outweigh the health risks for the 18 patient. 19 And here's that definition of debilitating 20 medical condition. What is concerning about 21 this definition is that at first blush, when 22 you hear that phrase, you might think the kinds 23 of things that you see earlier in the list, 24 cancer, glaucoma, very significant illnesses 25 that we understand why there might be a medical</p>

<p style="text-align: right;">Page 13</p> <p>1 use of marijuana involved, but the final part  2 of the definition is a catch-all, that allows  3 your physician to basically, on a health basis,  4 do kind of a cost-benefit analysis, and if he  5 or she finds that the benefit to you medically  6 exceeds the cost to you medically, that's  7 enough for that physician to issue the  8 certification. So the breadth of the  9 constitutional amendment is real; it is much  10 broader than you might think at first glance.  11 Once a patient obtains that physician  12 certification, they will apply for a  13 State-issued patient identification card, and  14 that makes them a qualified patient who can  15 purchase and use the drug. Also, the amendment  16 provides for personal caregivers to provide an  17 ID, and the idea behind this is, some of these  18 people are very, very sick and they may not be  19 able to personally be involved in the process  20 of going and getting their drugs. They may  21 need aid from someone else to do that. Then  22 either qualified patients or personal  23 caregivers, those are the two classes of  24 people, they each have to have an ID card.  25 Those are the people who can actually buy the</p>	<p style="text-align: right;">Page 15</p> <p>1 as I said, it's implemented by the Department  2 of Health. The amendment specifically  3 contemplates legislative action, and it says  4 the Florida Legislature can meet and  5 potentially enact laws on this topic, but it's  6 not required to do so for the constitutional  7 amendment's provisions to come into effect.  8 The duties are placed at the feet of the  9 Department of Health.  10 So the DOH must develop regulations that  11 have procedures for the issuance and renewal of  12 these identification cards, procedures to  13 register these treatment centers that are going  14 to be the source of the drug, and finally,  15 regulations that define the amount of marijuana  16 that could reasonably be presumed to be an  17 adequate supply for that person's medical  18 needs.  19 Within nine months of the effective date of  20 the amendment -- and that effective date is  21 January of 2015, it's January 6, so that's the  22 date that I was referring to with Craig -- the  23 Department must begin to issue these ID cards  24 and register medical marijuana treatment  25 centers. If the State decides to drag its feet</p>
<p style="text-align: right;">Page 14</p> <p>1 medical marijuana for the qualifying patient's  2 use. The caregiver is not allowed to use.  3 Where will they get this substance?  4 They'll get it from what the constitutional  5 amendment calls a medical marijuana treatment  6 center, and that medical marijuana treatment  7 center is defined in the Constitution to  8 encompass the entire supply chain, from the  9 seed to the growth to the processing to the  10 refinement to the manufacture, and ultimately  11 to the sale to the end user. All of those  12 activities that, as a Planning and Zoning  13 Board, you understand have potentially very  14 different land use implications, are packed  15 into this one definition of a treatment center.  16 The amendment allows any kind of marijuana.  17 So it is not a very specific kind of  18 non-euphoric, as is discussed in the statute.  19 It is anything that qualifies as marijuana,  20 whether it be for smoking, for edibles, for  21 tinctures, for vaporizing. It is completely  22 open-ended as to the form of the marijuana and  23 the form in which it's taken.  24 It does not protect anyone involved in this  25 process from prosecution under Federal law, and</p>	<p style="text-align: right;">Page 16</p> <p>1 or things happen that prevent this from  2 happening in a timely way, the constitutional  3 amendment is self-effectuating, or  4 self-executing is what lawyers would call it,  5 with regard to an individual's ability to use  6 the drug. So, even if the DOH has missed its  7 deadlines and even if that person has not been  8 able to get an ID card by that time frame, if  9 that person gets the drug and uses it, they  10 will be protected for the medical use as  11 outlined in the amendment.  12 However, the provision for the supply chain  13 of this drug is not self-executing. So we have  14 the situation, we're not quite sure where it's  15 coming from, but if this patient ends up in  16 possession of it and using it, they're  17 protected from prosecution in the event the  18 State fails to move forward with an  19 implementation of the amendment.  20 Now, separate from the amendment, which is  21 a maybe, and it's something you're going to  22 have a say on, on November 4th, over whether  23 that becomes the law, we have also medical  24 marijuana in a different form that is the law  25 today in Florida. Our Legislature met this</p>

<p style="text-align: right;">Page 17</p> <p>1 past spring and they enacted a law that's been  2 referred to in the media as the Charlotte's Web  3 Law. There are actually different strains of  4 marijuana. That's just one. But the defining  5 nature of Charlotte's Web marijuana is that  6 it's non-euphoric. You you don't get high from  7 it. It's something that you take, that it  8 controls seizures, and so the statute is much  9 more narrowly crafted to provide medical  10 marijuana for a subset of patients and a subset  11 of uses, and a very precise kind of marijuana.  12 No smoking is allowed. They've limited the  13 qualifying illnesses so much that, from what  14 I've read, they're even qualifying illnesses  15 that would benefit from Charlotte's Web that  16 aren't eligible to use it, and the patient must  17 be a permanent resident of Florida, under the  18 statutory scheme.  19 So the statute is somewhat similar in that  20 you have a physician involved and there's a  21 process of certifying whether an individual is  22 eligible for the use of the drug. Under the  23 statute, though, the physician must find that  24 there's no other satisfactory treatment option  25 that exists and that the risks are reasonable</p>	<p style="text-align: right;">Page 19</p> <p>1 is also implemented by the Department of  2 Health, and they have been charged with  3 developing rules and they've been in that  4 process. There were several rulemaking  5 hearings held. They issued a final draft rule.  6 That rule was challenged. So, at this time,  7 even though the statute calls for the  8 Charlotte's Web system to start to go  9 operational in January of 2015, because of the  10 rule challenge, it's going to be difficult for  11 that to happen, and it will just be like any  12 other kind of litigation; we'll have to see how  13 things unfold, what the positions the courts  14 take are, in terms of whether the process can  15 proceed without the rule in place and so forth.  16 The bill encourages State university  17 participation, and as I said, there's that  18 January deadline, but it's in doubt because of  19 the challenge to the rule.  20 So, just to sum up the differences between  21 the existing State law, which is very narrow,  22 and the Constitution, which is not yet law, but  23 if it becomes law, is much broader, the  24 existing State law is much narrower and it  25 limits the types of marijuana that can be</p>
<p style="text-align: right;">Page 18</p> <p>1 in light of the potential benefit. The doctor  2 must be registered as the orderer of marijuana  3 for the patient and must maintain a patient  4 treatment plan, and then there's this whole  5 aspect of the statute that forces all of the  6 records associated with this to be centralized  7 and sent to U.F.'s College of Pharmacy so that  8 there can be data kept and we can learn from  9 what happens under the statute.  10 The statute only provides for up to five  11 dispensing organizations, and dispensing  12 organizations are required to be responsible  13 for the entire supply chain, from the seed to  14 the commercial sale to the patient. They must  15 be a registered grow facility that's licensed  16 for the cultivation of more than 400,000  17 plants, and they must be operated by a  18 State-licensed nurseryman who's been in  19 business for more than 30 years in Florida.  20 So, if you've been following this in the  21 papers, you know there's a list of about 40  22 nurseries across the state that qualify for  23 these criteria, and that list is eligible from  24 the Department of Agriculture -- or available.  25 This statute, similarly to the amendment,</p>	<p style="text-align: right;">Page 20</p> <p>1 grown, as well as who may grow it, much more  2 narrowly. It prohibits smoking completely, it  3 integrates this whole process into research  4 studies, and it greatly limits the qualifying  5 conditions of individual patients. It is not  6 broad enough to implement the amendment. So  7 there are some ways which on the face of it,  8 the activities, the provisions of the rule,  9 from the Department of Health, are in direct  10 conflict with the constitutional amendment.  11 The type of marijuana is first and foremost.  12 So there are ways in which these things are  13 not going to co-exist if the voters approve the  14 amendment, but there are other aspects to the  15 process that's being discussed for Charlotte's  16 Web that potentially could be integrated into a  17 system for amendment, too, things about the  18 distribution network and how the treatment  19 centers are handled, and so we would be seeing  20 legislation in the spring to address those  21 anomalies and potentially revise the approach  22 that the Department of Health came up with this  23 year.  24 There's also a statute that was enacted  25 this last year to provide a public records</p>

<p style="text-align: right;">Page 21</p> <p>1 exemption to protect documents related to the</p> <p>2 use of medical marijuana for patient privacy.</p> <p>3 Importantly, there are some cases that look at</p> <p>4 whether those attempts to protect patient</p> <p>5 privacy are effective against the Federal</p> <p>6 system, and at least one case, which I've cited</p> <p>7 here, says no, that if the Feds want that</p> <p>8 information, they can obtain it, regardless of</p> <p>9 what the State law says.</p> <p>10 So let's talk a little bit more about that</p> <p>11 interaction with Federal law. The specific</p> <p>12 Federal law we're talking about is the Federal</p> <p>13 Controlled Substances Act, which prohibits the</p> <p>14 production, distribution and use of marijuana</p> <p>15 for medical or for recreational purposes, and</p> <p>16 this Act and the Federal Government still have</p> <p>17 the regulatory and enforcement standing to be</p> <p>18 active throughout this country, despite what</p> <p>19 individual states are trying to do with this</p> <p>20 issue. And the issue is such that it really</p> <p>21 makes things gray in terms of how we go</p> <p>22 forward.</p> <p>23 As I mentioned, neither the statute nor the</p> <p>24 amendment protect you from Federal prosecution.</p> <p>25 At this time, the Federal Government is in a</p>	<p style="text-align: right;">Page 23</p> <p>1 potentially drag on forever and ever. We're</p> <p>2 reaching a point where half the states and over</p> <p>3 half the population of the country may be</p> <p>4 agreeing to this, so this tension in the law is</p> <p>5 going to have to be resolved at some point.</p> <p>6 Oh, and on the issue of locally, our fate</p> <p>7 locally would be determined by the U.S.</p> <p>8 Attorney's Office for the Southern District of</p> <p>9 Florida, and at this point they have not taken</p> <p>10 a position. So they are not yet on record as</p> <p>11 to what they would do if the constitutional</p> <p>12 amendment passes.</p> <p>13 As I mentioned, there are many other</p> <p>14 experiences out there, some of them going back</p> <p>15 up to 20 years, looking at California. What</p> <p>16 we've learned from looking across the board at</p> <p>17 these other states, with other cities, is that</p> <p>18 preparation is key and that those cities who</p> <p>19 came out of the block early with a regulatory</p> <p>20 strategy, whatever that may be, tight or loose,</p> <p>21 have generally fared better than those that</p> <p>22 just sat back and let the industry do what they</p> <p>23 will. So that's what led us to the ordinances</p> <p>24 that are being presented to you tonight.</p> <p>25 I'll also talk a little bit about revenue,</p>
<p style="text-align: right;">Page 22</p> <p>1 place where the laws haven't been changed, but</p> <p>2 there are administrative policies that have</p> <p>3 been announced by the Department of Justice,</p> <p>4 and so the U.S. Attorney's Office and the other</p> <p>5 law enforcement activities of the Federal</p> <p>6 Government are influenced by these</p> <p>7 interpretations, and they -- if I were to</p> <p>8 summarize it for you, you know, if you're</p> <p>9 engaging in medical or recreational marijuana</p> <p>10 in a state that has it legal and you're</p> <p>11 committing violent acts at the same time,</p> <p>12 you're doing other dastardly deeds, they're</p> <p>13 going to enforce and they're going to cite you</p> <p>14 on the marijuana as well as everything else.</p> <p>15 If, on the other hand, you know, you're a</p> <p>16 cancer patient, you're doing exactly what you</p> <p>17 should under the State scheme, and you're not</p> <p>18 getting into anybody else's business with it,</p> <p>19 then they're leaving it alone, and so for</p> <p>20 example, the Colorado scheme, the Feds have</p> <p>21 indicated they're not going to interfere</p> <p>22 because they feel that the State laws are</p> <p>23 sufficient to make sure that it is carried out</p> <p>24 in a reasonable manner.</p> <p>25 But this is not a situation that will</p>	<p style="text-align: right;">Page 24</p> <p>1 mainly because I always get questions about</p> <p>2 this. There are a lot of claims out there for</p> <p>3 potential significant government revenue</p> <p>4 associated with this activity. What's</p> <p>5 important to understand is, we see these state</p> <p>6 numbers from California -- I mean, from</p> <p>7 Colorado, and they really are amazing, I mean,</p> <p>8 two million dollars in a month. But it's very,</p> <p>9 very different, because the Colorado scheme</p> <p>10 says specifically, local governments can levy</p> <p>11 sales taxes, the State can levy sales taxes,</p> <p>12 and they have. It's essentially, when you add</p> <p>13 it all up, it's like 25 percent on top of the</p> <p>14 cost of the drug, so of course they're seeing</p> <p>15 these kinds of revenues.</p> <p>16 In Florida, we have a different situation.</p> <p>17 We have a constitutional amendment that's</p> <p>18 completely silent on the roll of local</p> <p>19 regulation, doesn't say a word about it,</p> <p>20 doesn't empower revenue-raising, doesn't</p> <p>21 empower anything else. The statute, similarly,</p> <p>22 is completely silent, and the general rules</p> <p>23 that apply to cities are going to apply here.</p> <p>24 So, in our state, our powers to raise revenue</p> <p>25 are limited. We can't just make up ways to</p>

<p style="text-align: right;">Page 25</p> <p>1 create taxes. We have the ability to have ad 2 valorem taxes. We have the ability to enact 3 fees, which meets the requirements of case law 4 and in some cases statutes that limit how 5 burdensome those fees can be, and that's it. 6 We can't just make up a new sales tax. 7 So, from the revenue perspective, it may 8 play out significantly differently here, 9 depending on what happens statewide. The 10 Legislature could take action, they could enact 11 a statute that said cities have the power to 12 tax, and then we would be in a different 13 position. But, you know, I can't read the 14 crystal ball and tell you if that's going to 15 happen or not. 16 So we talked a little bit about 17 implementation time frames. The vote is on 18 November 4th, and January 6th is the effective 19 date of the amendment. In the summer of next 20 year, if the amendment is approved, the 21 Legislature is likely to have acted, and so new 22 statutes would take effect, generally, by July, 23 or May. The DOH rulemaking must be complete by 24 July 6th, 2015, and by October 6th, 2015, the 25 DOH must start issuing the actual ID cards and</p>	<p style="text-align: right;">Page 27</p> <p>1 As I mentioned, the statute and the 2 amendment are silent and the rules are also 3 silent, although there were some limited 4 efforts to place requirements in the rule about 5 spacing, which would be a local siting type of 6 issue. 7 So, under the general law in Florida, where 8 State law is silent, Florida municipalities can 9 regulate in any manner that is not inconsistent 10 with State law. We have a long and robust body 11 of case law that says we don't have to read the 12 minds of the Legislature. If they want to 13 preempt us, they've got to say something. 14 They've got to be more direct about it and not 15 just have silence in a regulatory scheme. The 16 general rule, however, is also that 17 municipalities cannot do anything that is 18 inconsistent with Federal law. So it puts us 19 in this murky legal situation. Federal 20 supremacy certainly supports the local 21 government deciding to conform to Federal law 22 and have prohibition, but there are some cases 23 out there where cities have enacted 24 prohibitions on the basis of, "No, because 25 you're illegal under Federal law," and their</p>
<p style="text-align: right;">Page 26</p> <p>1 registering the treatment centers under the 2 amendment. 3 So what does this mean for local 4 government? All that is kind of interesting, 5 that's what's happening at other levels of 6 government, but we're a city. What can we do 7 about this? And the number one question I get 8 is, "Can we say no?" And my answer to that is 9 arguably yes, for a city. So how do we get 10 ready to say no? We look at, first of all, the 11 legal landscape, and some people point to other 12 states where cities have said no and prohibited 13 these uses within their city and been upheld by 14 courts. The problem with doing that is, each 15 and every one of these medical marijuana 16 schemes is different. The wording of the 17 statute in one state is different from the 18 wording of a constitutional amendment in the 19 other state, and what's more, they're enacted 20 against the backdrop of a whole body of common 21 law and statutes about what cities are and what 22 cities can do, and that varies in every state 23 of our country. So it is hard to say that what 24 happens elsewhere is going to be directly 25 predictive of what's going to happen here.</p>	<p style="text-align: right;">Page 28</p> <p>1 state courts have said that that was invalid, 2 that the city was obligated to find a way to 3 balance both the Federal law and State law, and 4 I think this is a good point to stop and let 5 Craig present -- I see he's interested in 6 bringing up his take on this, because it will 7 affect what you're looking at in your 8 ordinance. 9 MR. LEEN: So we're going to be asking 10 today, and Susan is going to be talking about 11 this, to adopt or to consider adopting some 12 regulations of, you know, one of these medical 13 marijuana treatment center's dispensaries in 14 the City of Coral Gables, and there are 15 benefits to the City for regulating them and 16 even allowing them in certain areas, and Susan 17 is going to explain that. 18 However, I just want you to know my view on 19 this issue. My view is that the City follows 20 Federal law, and that Federal law is very clear 21 on this issue, and it preempts anything the 22 State does, in my opinion. So -- and in my 23 view, as well, if we were to be challenged on 24 this sort of issue, I would, you know, seek to 25 remove that case to Federal Court and I would</p>

<p style="text-align: right;">Page 29</p> <p>1 argue this issue in Federal Court.</p> <p>2 That being said, I want to be clear, in no</p> <p>3 way am I saying that we disagree with or that</p> <p>4 we have a problem with someone who really needs</p> <p>5 medical marijuana using it. That's not what</p> <p>6 I'm saying, and we're not seeking to prohibit</p> <p>7 that in Coral Gables. We're talking more about</p> <p>8 the affirmative action of the City to allow a</p> <p>9 medical marijuana dispensary and all the</p> <p>10 problems that will come along with that in our</p> <p>11 Downtown area, and I do believe that we can say</p> <p>12 no to that, and what I've put -- what I've</p> <p>13 asked to be put and what Susan has put into</p> <p>14 this resolution -- pardon me, into this</p> <p>15 proposed ordinance, is a clause that says that</p> <p>16 even though we're going to adopt all these</p> <p>17 regulations, it's being done in contemplation</p> <p>18 of the idea that one day the Federal Government</p> <p>19 may change the law, because of what's</p> <p>20 happening. But at least as of now, my office</p> <p>21 would have to agree to allow one of these</p> <p>22 dispensaries in the City of Coral Gables and I</p> <p>23 would have to make a finding that Federal law</p> <p>24 permits it. Until that day, they would be</p> <p>25 illegal in the City of Coral Gables, and I</p>	<p style="text-align: right;">Page 31</p> <p>1 at that point it would be as a conditional use,</p> <p>2 subject to a two-year renewal. So these uses</p> <p>3 would be coming in, getting a two-year</p> <p>4 conditional use, and in two years they come</p> <p>5 back and get another two-year conditional use.</p> <p>6 The ordinance also establishes land use</p> <p>7 controls and business regulations to safeguard</p> <p>8 the City, in the event that those Federal rules</p> <p>9 change, as Craig just said.</p> <p>10 So what are we doing to be prepared? We</p> <p>11 have land use requirements. First of all, the</p> <p>12 retail only, as I mentioned, not cultivation,</p> <p>13 not processing. We've identified the C zoning</p> <p>14 district, but we're also identifying some other</p> <p>15 locational restrictions for this use. Those</p> <p>16 include not allowing it within the CBD, just</p> <p>17 generally.</p> <p>18 Also, spacing is an important thing. This</p> <p>19 was discussed in the State rulemaking process,</p> <p>20 and it's also part of current statutory law</p> <p>21 about drug enforcement, that when you're using</p> <p>22 certain drugs within a certain distance of</p> <p>23 protected uses, the criminal penalties are</p> <p>24 enhanced, so this is why we talk about the</p> <p>25 spacings, and in your packet is an ordinance</p>
<p style="text-align: right;">Page 30</p> <p>1 would defend that if we were challenged.</p> <p>2 MS. TREVARTHEN: Okay, so it's holding two</p> <p>3 ideas in your head at once. It's a little bit</p> <p>4 complicated, but once you understand why, I</p> <p>5 think that helps to understand where we are.</p> <p>6 So what our ordinances do is, they affirm</p> <p>7 the City's commitment to the enforcement of</p> <p>8 State and Federal law, and they allow a medical</p> <p>9 marijuana retail center. Now, this is a</p> <p>10 definition that we have created and tried to</p> <p>11 separate out this notion that the treatment</p> <p>12 center has to be everything. You know, from a</p> <p>13 local land use and zoning perspective, that</p> <p>14 doesn't necessarily make a lot of sense. There</p> <p>15 are different impacts that flow from those</p> <p>16 stages in the process. And so what the</p> <p>17 ordinance does is, it defines a medical</p> <p>18 marijuana treatment center consistent with the</p> <p>19 constitutional amendment, but then it creates a</p> <p>20 separate concept, which is a medical marijuana</p> <p>21 retail center, and that's the only one that we</p> <p>22 make provision for within the City of Coral</p> <p>23 Gables, just the retail end of the supply</p> <p>24 chain. And so the ordinance allows it only if</p> <p>25 it's permitted under State and Federal law, and</p>	<p style="text-align: right;">Page 32</p> <p>1 that proposes a 600-foot spacing from Single-</p> <p>2 Family Residential or MF1 zoning district, and</p> <p>3 a thousand foot spacing from schools, day care,</p> <p>4 parks and places of worship, as well as a</p> <p>5 thousand foot spacing from another medical</p> <p>6 marijuana retail center, so you don't have two</p> <p>7 of them, side by side. The regulation calls</p> <p>8 for on-site parking in the amount of one space</p> <p>9 per 150 square feet of floor area, plus one per</p> <p>10 full-time employee and one space for every two</p> <p>11 part-time employees. What we're hearing from</p> <p>12 the states that have these uses is, they're</p> <p>13 relatively intense. This is not like a card</p> <p>14 store that has one or two clerks and maybe</p> <p>15 somebody in the back, in the room. They tend</p> <p>16 to have many different varieties of product,</p> <p>17 and certainly in the beginning, customers who</p> <p>18 need a lot of education, and people who are</p> <p>19 coming into these institutions are staying a</p> <p>20 while and they're having a lot of one-on-one</p> <p>21 interaction with staff, so that suggests a</p> <p>22 high-stance staffing level, and that's why your</p> <p>23 Staff has made the recommendation for the</p> <p>24 parking standards that they have listed here.</p> <p>25 Also, as a procedure, as I mentioned, it would</p>



1 be a conditional use. So there's a number of  
2 protections.

3 Stepping out of the land use ordinance,  
4 which is what is in front of you, because you  
5 have a role always in recommending on the Land  
6 Development Code of the City of Coral Gables,  
7 there's a separate ordinance. It's not before  
8 you this evening, because it's not a land use  
9 ordinance, it's a business regulation, but I  
10 want to make you aware that it's out there,  
11 because it completes the discussion of what  
12 we're doing to protect the City from the  
13 impacts of this use. So there will be an  
14 annual license, a medical marijuana permit,  
15 requirements for Level 2 background screening  
16 of applicants, owners and employees, specified  
17 hours of operation, requirements that are  
18 generally increased for the maintenance of the  
19 business premises and surrounding areas. This  
20 is from the experiences that we've heard about  
21 from states that have these uses, where, you  
22 know, every day before the business opens,  
23 people are lining up down the sidewalk and down  
24 the street, or cars are, you know, overflowing  
25 the parking lot and blocking the street,

1 potentially, those kinds of situations, so  
2 saying out loud that you need to manage your  
3 property so that you're not having these  
4 externalities that will affect either public  
5 property or neighboring private property.

6 Also, the business regulations say there  
7 will be no on-site consumption. That's also in  
8 the constitutional amendment, for no on-site  
9 consumption of marijuana, but we add to it, no  
10 on-site consumption of alcohol. We don't want  
11 to see that happening, either. No outdoor  
12 activities; this is an internal use. There's a  
13 lot more control when it's happening inside.  
14 Also, reportedly, odor is a very significant  
15 aspect of this use, and so if it's happening  
16 outside, that's going to have impacts on  
17 surrounding properties. Odor mitigation is one  
18 of the business regulations, signage  
19 requirements, and the no queuing and loitering,  
20 as I mentioned previously.

21 A security plan would be an element of the  
22 site plan and the business license approval.  
23 You would have an operations plan, video  
24 surveillance, requirements for how the display  
25 of the product and the storage of the product

1 is handled. Basically, you're dealing with a  
2 very valuable product here, if you think of a  
3 high-end jewelry store and how careful they are  
4 in how they handle their inventory, as well as,  
5 you're dealing with a cash-only business, and  
6 so it becomes a very attractive target from a  
7 public safety standpoint of potential crimes.

8 MR. LEEN: If I may, the reason it's cash  
9 only is because it violates Federal law. So,  
10 you know, if it stops violating Federal law,  
11 then there's less of a concern about having it,  
12 plus it would be legal at that point, but as  
13 long as it violates Federal law, there's a lot  
14 of issues that come with allowing it in our  
15 City, including that a different  
16 administration, different Federal  
17 administration, might take a different view of  
18 the matter and decide to prosecute.

19 MS. TREVARTHEN: So when we say cash only,  
20 it's because the banks are literally risking  
21 their Federal Deposit Insurance and their  
22 status as financial institutions. This is  
23 basically seen as money laundering and as  
24 tainted money involved in criminal acts. So  
25 it's been a very big problem in the states that

1 have these uses, and the industry would love to  
2 use the banking system for their own safety,  
3 but they've been unable to do so in most cases.  
4 So what are we doing with all that cash, as  
5 well as all that inventory? Is it safe? Also  
6 providing for alarm systems, and then we added  
7 this requirement for a crime prevention through  
8 environmental design review. This is something  
9 that police departments have people who are  
10 certified, that they can go on the premises and  
11 say, you know, "If you change this landscaping,  
12 you change this layout, you make it inherently  
13 easier to police use," and so we thought that  
14 was a useful idea for the site plan review.

15 Also, we provide for fees for application  
16 and licensing, not, you know, a million  
17 dollars, the kind of fees that you can have  
18 under Florida law for any use.

19 So that takes me through the presentation,  
20 with one additional thought, which is that  
21 we've been looking at these criteria about how  
22 to regulate the use and trying to figure out  
23 what might be the best, from the standpoint of  
24 a planning opinion, of where this is least  
25 impactful on the community, and Charles is

<p style="text-align: right;">Page 37</p> <p>1 going to hand you a revised map. The map  2 that's in your backup has a 600-foot spacing  3 from residential. The one he's handing you is  4 a 500-foot spacing from residential. We're  5 just looking at finer and finer detail of what  6 that means in terms of the sites that result  7 and how they might be able to be used, but  8 everything I have said is subject to, as Craig  9 said -- this is written so that as long as it's  10 illegal under Federal law, we're not going to  11 be issuing approvals, and only when the City  12 Attorney has said it's legal under Federal law  13 would we be actually issuing these approvals.  14 So that concludes my presentation, and I'm  15 happy to answer any questions.  16 CHAIRMAN AIZENSTAT: Any questions for  17 Susan?  18 MR. BELLIN: I have a couple of questions.  19 MS. TREVARTHEN: Sure.  20 MR. BELLIN: Could you define caregiver for  21 me? Is that anybody who takes care of a person  22 with Alzheimer's? Is it a doctor, is it --  23 MS. TREVARTHEN: It's defined in the  24 constitutional amendment, and it doesn't have a  25 lot of constraints on it, but the function of</p>	<p style="text-align: right;">Page 39</p> <p>1 standards and we tried to predict as best we  2 could with incomplete knowledge about what this  3 would be most like, would it be most like  4 retail or would it be more like restaurant or  5 like medical.  6 So do you want to chime in with the thought  7 pattern on that?  8 MR. WU: We wanted to err on the side of  9 having sufficient parking, because if there is  10 going to generate a lot of interest within the  11 parameters of where this retail center is going  12 to be, we would be concerned about any  13 backed-up cars pulling up the right-of-way,  14 queuing to get in and they can't get in because  15 there's not enough parking. So we err on the  16 side of having more parking, and also, in rare  17 cases, we wanted to provide parking for the  18 full-time employees, in addition to the  19 part-time employees. So it's a regulation that  20 we don't know how it's going to work, frankly,  21 because there's no experience in the State of  22 Florida, but we'd like to take a more  23 conservative approach for parking purposes, and  24 can always revisit it if we have experience  25 showing that the parking is excessive, but we</p>
<p style="text-align: right;">Page 38</p> <p>1 that person is, ideally, supposed to be someone  2 who's aiding someone who's ill, in receiving  3 their medicine. The dark view of it and the  4 view in some other states that have had a  5 caregiver provision is, governments see it as  6 basically a licensed drug dealer. But in  7 Colorado, caregivers have the ability to grow  8 their own, so that's been a real problem for  9 them. In Florida, we don't have in the  10 constitutional amendment an ability for the  11 caregiver to grow their own, so hopefully we  12 wouldn't have as many problems related to that.  13 MR. BELLIN: So a child who's taking care  14 of a parent who has Alzheimer's then becomes a  15 caregiver, under this definition?  16 MS. TREVARTHEN: Yes. It doesn't have to  17 be a medical professional.  18 MR. BELLIN: Okay. Another question. Why  19 is the requirement for a retail establishment  20 selling marijuana for one parking space for  21 every 150 square feet? That's not the  22 normal retail.  23 MS. TREVARTHEN: I'll take a shot at it,  24 and I'll also ask Charles to chime in. We  25 looked at your existing set of parking</p>	<p style="text-align: right;">Page 40</p> <p>1 would like to take this approach, one space per  2 150 square feet of -- gross square feet of  3 building, in addition to the employees and  4 part-time employees.  5 MS. TREVARTHEN: If I could also build on  6 that, I've given Staff the advice that we can  7 always loosen. We can also always amend. It's  8 always harder to go more strict. So that has  9 influenced their view.  10 MR. BELLIN: All right, my question is,  11 where do you find a retail establishment that  12 can sell marijuana and still provide one space  13 for every 150 square feet? It's not the normal  14 requirement for retail. So any retail space is  15 not going to be able to provide that.  16 MS. TREVARTHEN: My understanding is that  17 there's some pretty significant capital  18 improvements involved in converting to this  19 use. This is just learning from other states.  20 But the kinds of safety and security  21 mechanisms, the environmental controls, it  22 doesn't really function -- at least at this  23 point. I mean, maybe 50 years from now, it  24 will be very normal and it will be legal  25 everywhere and it will be more like a retail</p>

<p style="text-align: right;">Page 41</p> <p>1 use, but what we're learning anecdotally -- and  2 by the way, we did look for studies. There  3 aren't any. It's kind of chaos out there.  4 It's just examples from other states. What  5 we're learning is that they tend to be very  6 high intensity, much more than your average  7 retail use.  8 MR. WU: If I can direct the Board to the  9 maps, clearly the direction we were given from  10 the City Commission is to make this  11 regulation -- if we do allow it, to make it  12 very restrictive, and hence, we started out  13 with the 1,000-foot buffer from churches, day  14 cares -- places of worship, day cares, parks  15 and schools, and with the revised buffer of 500  16 feet from Single-Family and MF1. We excluded  17 the CBD. So, with the combination of that, the  18 southern part of the City pretty much will not  19 allow this use.  20 Looking in the first page of the new map.  21 We have a handful of properties at the  22 intersection of Salzedo and 8th Street that  23 just turned out to be outside the buffer  24 proposal that we are suggesting today. So  25 that's what we have on the table. The 600-foot</p>	<p style="text-align: right;">Page 43</p> <p>1 looking -- as you blow it up, you see more, you  2 know, and we're looking at very fine-grained  3 here. So the effect of this change is, you  4 have two lots on either side of that  5 intersection that are clearly in the --  6 CHAIRMAN AIZENSTAT: Next to 8th Street?  7 MS. TREVARTHEN: (Nods head).  8 CHAIRMAN AIZENSTAT: Is there any other  9 property within the City boundaries, whether  10 you go 500 or 600, that fall --  11 MS. TREVARTHEN: Not with this zoning  12 strategy, no.  13 MR. WU: Not with this buffer scheme.  14 CHAIRMAN AIZENSTAT: So, either way, it  15 pertains back to only those properties on  16 either side?  17 MS. TREVARTHEN: And exactly how they're  18 defined.  19 CHAIRMAN AIZENSTAT: Okay. So we don't  20 have the ability here to blow this up? If I  21 were to --  22 MS. TREVARTHEN: You have the ability to  23 recommend whatever you see fit. This is a  24 Staff recommendation.  25 CHAIRMAN AIZENSTAT: I understand, but</p>
<p style="text-align: right;">Page 42</p> <p>1 only allowed one property. This circled out to  2 make it two or three more properties.  3 The exercise is not to allow a property  4 that can be -- that can allow this use. The  5 exercise is to allow opportunities; if they  6 want to go in there, we have properties that  7 will be able to do it. So whether the property  8 can meet the Code requirement is not our  9 obligation. That is really what the private  10 industry will have to do in this. If they  11 don't have enough parking, they will have to  12 find parking, et cetera, et cetera.  13 MS. TREVARTHEN: And I agree with Charles;  14 it doesn't have to be purpose-built for them, I  15 mean, and what we're seeing elsewhere is, it's  16 not. Frequently there's substantial  17 improvements made to these premises.  18 CHAIRMAN AIZENSTAT: Why are you reducing  19 it from 600 to 500? What's the purpose of this  20 exercise, in reality? It's not just the  21 hundred feet.  22 MS. TREVARTHEN: Staff raised the question  23 of how the measurement works, and if any  24 portion of the lot is excluded, does that mean  25 the whole lot is excluded, and we were</p>	<p style="text-align: right;">Page 44</p> <p>1 let's just go with what the recommendation is.  2 If I go with the 500 and I blow that up, am  3 I -- or the 600, tell me where I'm cutting out  4 a property or I'm not.  5 MR. WU: I can try. If you go 600, you'd  6 only have the north -- I'm sorry, the southwest  7 corner of Salzedo and 8th Street. That is,  8 today, a stand-alone commercial building. The  9 use is called Amscot Financial, which is a  10 financial services, cash checking, et cetera.  11 CHAIRMAN AIZENSTAT: Right.  12 MR. WU: That building will be the only  13 building allowed.  14 MS. TREVARTHEN: No, the lot, not the  15 building.  16 MR. WU: I'm sorry, the property.  17 CHAIRMAN AIZENSTAT: The property.  18 MR. WU: Will meet the buffering  19 requirements.  20 CHAIRMAN AIZENSTAT: That's with 600, you  21 said?  22 MR. WU: 600 feet. If you go 500 feet, it  23 will allow the adjacent 7-Eleven, along with  24 the laundromat.  25 MS. TREVARTHEN: And since there's a</p>

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1 separation, you would never get both of them,  
 2 but it creates two opportunities instead of  
 3 one.  
 4 CHAIRMAN AIZENSTAT: Can I open up multiple  
 5 locations?  
 6 MS. TREVARTHEN: Not in the City of Coral  
 7 Gables, because we have a requirement that  
 8 these centers be at least a thousand feet from  
 9 each other.  
 10 CHAIRMAN AIZENSTAT: Okay. So you can open  
 11 one up there and that's it.  
 12 Now, just looking at this area, isn't that  
 13 the area where we have actually had problems  
 14 with crime and so forth within our City lately,  
 15 that has been hampering --  
 16 MS. TREVARTHEN: I don't know if I could  
 17 address that.  
 18 CHAIRMAN AIZENSTAT: Could we -- Is there a  
 19 representative from the Police Department?  
 20 MS. TREVARTHEN: This is 8th Street. We've  
 21 looked at that before, so you know where we're  
 22 talking about.  
 23 ASSISTANT CHIEF MILLER: Good evening. I'm  
 24 Michael Miller. I'm the Assistant Chief of  
 25 Police here in Coral Gables. So, specifically,

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1 I don't have the crime numbers that we can talk  
 2 about this area --  
 3 CHAIRMAN AIZENSTAT: Without crime numbers,  
 4 but --  
 5 ASSISTANT CHIEF MILLER: Without crime  
 6 numbers, I can say that generally, our big  
 7 thoroughfares that border our City with other  
 8 cities are typically higher in crime. So the  
 9 8th Street corridor, for example, is an area  
 10 that we see and we focus on quite a bit. We  
 11 see quite a bit of activity there, especially  
 12 on the other side of the road.  
 13 MR. LEEN: Mr. Chair, if I may, one the  
 14 issues that came up is that we would  
 15 normally -- Most of our uses that have  
 16 problematic uses are put in our industrial  
 17 area, which is a -- which still exists on the  
 18 map, but is largely taken up by Merrick Park.  
 19 It's also right next to a high school.  
 20 CHAIRMAN AIZENSTAT: Yes.  
 21 MR. LEEN: So that poses a lot of issues,  
 22 about having a marijuana dispensary right next  
 23 to a high school. So Staff looked at other  
 24 locations where this -- where we might allow  
 25 this. I will say, though, that, you know, the

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1 issue that's come before the Commission  
 2 involves the North Gables, but this would  
 3 not -- just because we're saying that these  
 4 locations would be where it could be in our  
 5 City -- and because there's a benefit to doing  
 6 that, because the concern is that if we are too  
 7 restrictive or we don't allow it, or if a  
 8 court, for example, disagreed with my opinion  
 9 that this was not preempted by Federal law,  
 10 they might allow it anywhere in the City, so  
 11 that's the concern, but I would -- I do want to  
 12 emphasize that this ordinance as drafted would  
 13 not allow these dispensaries anywhere in Coral  
 14 Gables until my office made a finding that it  
 15 was permitted by Federal law. So this is  
 16 very -- This is hypothetical, but it protects  
 17 the City in the event Federal law changes or a  
 18 court finds that that position is not correct.  
 19 CHAIRMAN AIZENSTAT: Okay.  
 20 MS. TREVARTHEN: Could I also address the  
 21 crime question, just based on what I've heard  
 22 some other police agencies saying, because I  
 23 have other cities talking about this? You  
 24 know, there's two theories. If you put this in  
 25 an area that already is engaging in enhanced

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1 police protection, they're already there. If  
 2 you put it in an area that is not having  
 3 enhanced police protection, then now they're  
 4 having new staffing requirements. So there are  
 5 pros and cons on that, but I just wanted to  
 6 share, I've heard some police chiefs look at it  
 7 that way.  
 8 CHAIRMAN AIZENSTAT: Okay, fine.  
 9 MS. ALBERRO MENENDEZ: A question -- I'm  
 10 sorry.  
 11 MR. BELLIN: No, go ahead.  
 12 CHAIRMAN AIZENSTAT: Go ahead, Maria.  
 13 MS. ALBERRO MENENDEZ: If we were to annex  
 14 Little Gables, that even goes away, from what I  
 15 can tell.  
 16 MS. TREVARTHEN: If we were to annex, we  
 17 would have to revisit our regulations. I mean,  
 18 there are a number of scenarios that we might  
 19 have to revisit our regulations. There might  
 20 be a decision a year from now by the Florida  
 21 Supreme Court that says Federal law doesn't  
 22 matter, or Federal law might change, and it  
 23 might say further that local governments have  
 24 no ability to regulate. I mean, we just don't  
 25 know.

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1 MS. ALBERRO MENENDEZ: Right.

2 MS. TREVARTHEN: But as things change, we

3 can revisit. If it's necessary to repeal or to

4 modify, we will do so. That would certainly be

5 changed circumstances.

6 MS. ALBERRO MENENDEZ: Okay.

7 MR. WU: I just want to add one thing. If

8 one was established there and then we annexed

9 them, then that establishment could stay, just

10 to clarify that.

11 MS. TREVARTHEN: That's true. The way that

12 the ordinance is written is, if the protected

13 use comes after the treatment center, or the

14 retail center, it doesn't prevent the retail

15 center from staying, very similar to how our

16 alcoholic beverage licensing works.

17 MS. ALBERRO MENENDEZ: Right, but if it's

18 not established as of the annexation, then it

19 goes away?

20 MS. TREVARTHEN: Yes, that's true.

21 MR. BELLIN: Susan, does that one location

22 have sufficient parking to support --

23 MS. TREVARTHEN: That's not really a

24 question that we can answer, because that

25 presumes that they're moving into that

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1 particular building and that particular land

2 and that particular number.

3 MR. BELLIN: They can't move in with any

4 other building. That's the only one they can

5 move into.

6 MS. TREVARTHEN: Well, no, there's

7 opportunities on either side of the street, and

8 what I'm saying to you is, our -- the way we

9 look at it is not as a developer. We look at

10 it as the City, and we've learned anecdotally

11 from the industry across the country that

12 people don't just move in and put up a sign.

13 There's a significant amount of modification to

14 the premises. And so they could tear down and

15 start over. Who knows what what they would do?

16 And then the real issue becomes not what's

17 striped there from 30 years ago, but what the

18 book regulations would allow for a commercially

19 zoned property in that location. That would be

20 the effective limit.

21 MR. WU: Just to add some more information

22 on what the Board member raised, the property

23 on the west side of Salzedo is 2,000 square

24 feet and change. Based on the parking

25 requirement for this medical use, it would

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1 require 14 spaces plus employee parking. We

2 estimate that 24 spaces exist, so in theory,

3 they might just make it, in terms of the

4 parking requirement. Again, that is just

5 hypothetical. So there is a use that may have

6 sufficient parking, just for the purposes of

7 analyzing what's there. On the east side, it's

8 a different story.

9 CHAIRMAN AIZENSTAT: That's the financial

10 building.

11 MR. WU: No. The west side is the

12 financial.

13 CHAIRMAN AIZENSTAT: Okay.

14 MR. WU: The east side is 7-Eleven and

15 laundromat.

16 CHAIRMAN AIZENSTAT: That's if we go the

17 600 feet?

18 MR. WU: That's if we go 500 feet.

19 CHAIRMAN AIZENSTAT: I'm sorry, 500. With

20 the 600 feet, they wouldn't be able to do that,

21 so --

22 MR. WU: Correct.

23 MS. TREVARTHEN: Well, the issue becomes

24 how you treat it if the lot line is split, and

25 we could still interpret it to be included.

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1 It's just a measurement rule. But we wanted to

2 debate this notion of just going to 500 feet

3 and having the entire lot included, being as it

4 doesn't open up new places for people to

5 locate. It doesn't really change the outcome.

6 MR. BELLO: Mr. Chairman?

7 CHAIRMAN AIZENSTAT: Anthony.

8 MR. BELLO: If we follow the City

9 Attorney's line of reasoning, then there will

10 not be anything like this until Federal law

11 changes.

12 MS. TREVARTHEN: Correct.

13 MR. LEEN: True.

14 MR. BELLO: And is that view, of following

15 Federal law, a policy decision that the

16 Commission makes?

17 MR. LEEN: It's an interesting question. I

18 view it as a legal question. It's a legal

19 question. I have to sign any ordinance that

20 goes to the Commission for form and legal

21 sufficiency. I view that, as the City Attorney

22 of Coral Gables, as I have to say that that

23 would be lawful, what we are doing. I do

24 believe that Federal law -- I don't really

25 think it's debatable. I do believe Federal law

<p style="text-align: right;">Page 53</p> <p>1 preempts in this area. It is illegal.  2 Now, the President, through the Justice  3 Department, has taken the position that they  4 are not enforcing Federal law in certain areas,  5 but it's really -- It's more of a guideline  6 that's being provided to U.S. Attorneys, and it  7 doesn't affect that Congress has passed this  8 statute, that it is in effect, that it is a  9 Schedule I drug, and that it would be illegal,  10 and that in my view, then, we do not have to  11 have a dispensary that gives this drug out  12 within our City, and I feel strongly about  13 that.  14 Ultimately, I take direction of the  15 Commission. If we can make a legal argument  16 that is permissible, the Commission could  17 direct me to do that. But in terms of my  18 opinion as City Attorney, and whether I believe  19 it's legally sufficient, I don't. I think that  20 at this point it is not lawful.  21 Now, we're not applying that to use,  22 because that's a different issue, use. We're  23 not really the ones sponsoring the use, and I'm  24 not saying we're sponsoring anything here, but,  25 you know, if someone is using it, State law</p>	<p style="text-align: right;">Page 55</p> <p>1 legal sense.  2 I'd also note that there's a second reason  3 for doing this, and I think it's equally or  4 even more important. We are communicating to  5 our community and to the industry at large  6 about what we, as the City of Coral Gables,  7 believe. We're giving them a message that  8 we're not interested in being inundated with  9 this use, we will accommodate it in a very  10 strict manner, and right now there are people  11 all over Florida signing options on space,  12 investigating their due diligence on whether  13 spaces can be used for this use. Sending them  14 that message now is very effective, rather than  15 a year from now, they've invested millions of  16 dollars in your community, you say no to them,  17 and they're very motivated to litigate with  18 you. So I think there's a legal reason and  19 there's this practical reason, also, to  20 announce what our policy position is.  21 MR. LEEN: Now, I will also say, though,  22 if -- I am asking you or we've suggested it be  23 placed in the ordinance, and that was at the  24 request of the City Attorney's Office. Now, of  25 course, you don't have to put that in the</p>
<p style="text-align: right;">Page 54</p> <p>1 allows it, there seems to be a movement toward  2 that in the United States, and it's done for  3 compassionate reasons. But this is a little  4 different. This is, we're acting as a  5 regulatory agency in a zoning matter and we're  6 making the determination that this can be  7 placed in our City, and in that respect, I  8 believe that we can rely on Federal law, and  9 that's the opinion I plan to give to the  10 Commission, and that's why I asked that it be  11 written into the ordinance.  12 MR. BELLO: But if we rely on Federal law,  13 then nothing will happen.  14 MR. LEEN: Well, unless it changes.  15 MS. TREVARTHEN: That's correct, and the  16 reason that we have this fall-back regulatory  17 status -- You may say it's a waste of time. It  18 may ultimately be a waste of time, but we are  19 aware, as City attorneys, of situations where  20 we thought we had a regulatory basis, a court  21 announces the law, changes the law, and you  22 have a "Wild, Wild West" that results, that  23 until you can get regulations on the book,  24 theoretically that use goes anywhere, and that  25 is what we're trying to avoid in a technical</p>	<p style="text-align: right;">Page 56</p> <p>1 ordinance if you didn't want. That is a policy  2 choice, to some extent. I do think --  3 MS. TREVARTHEN: By that, he means the  4 statement that it's prohibited.  5 MR. LEEN: Putting it in the actual  6 ordinance, because I'm asking you and the  7 Commission to consider placing that into the  8 ordinance. So, in fact, the City Commission  9 and you, by recommendation, would be taking the  10 position that this would not be allowed until  11 the City Attorney gives an opinion it's  12 permitted under Federal law.  13 Now, as long as -- if, for example, you  14 didn't adopt that, and I planned it, and let's  15 say the Commission was fine with me taking that  16 position but didn't put it into the ordinance,  17 if at another time the Commission wanted me to  18 take the position that this should be allowed,  19 in good faith, as long as I can make the  20 argument in good faith, I can take that  21 position. But I think it's -- My legal counsel  22 is that it's wise to make that clear now. It's  23 much less likely we will get challenged if we  24 are very clear with our position and they know  25 that we plan to -- that it has the support of</p>

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1 the Commission and the Planning & Zoning Board.  
 2 CHAIRMAN AIZENSTAT: In the ordinance that  
 3 you have written, Craig --  
 4 MR. LEEN: Yes.  
 5 CHAIRMAN AIZENSTAT: -- which boundary did  
 6 you use?  
 7 MR. LEEN: Well, this --  
 8 MS. TREVARTHEN: The ordinance was 600.  
 9 MR. LEEN: The ordinance was drafted by  
 10 Planning Staff, which is typical with planning  
 11 ordinances. I asked that these clauses be  
 12 included, so, just to be perfectly clear. I  
 13 did review the ordinance, though, and find it  
 14 to be legally sufficient with that clause  
 15 included.  
 16 CHAIRMAN AIZENSTAT: But if it's written  
 17 here with the 600, if it's changed to the 500,  
 18 for example --  
 19 MR. LEEN: I would still view that as  
 20 legally sufficient.  
 21 Do you have any different view, Susan?  
 22 MS. TREVARTHEN: I think it's a detail and  
 23 it works either way. It's a policy choice. If  
 24 you look at Section 4, on Page 9, Line 265,  
 25 that's the uncoded statement of our position

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1 that it's federally barred, but we've also  
 2 written into the portions that will be codified  
 3 in your Zoning Code a statement that it has to  
 4 be legal under State and Federal law before we  
 5 would allow it to proceed, and I'm just hunting  
 6 for it, because it escaped. Where did that go?  
 7 Do you recall offhand where we added that?  
 8 MS. ALBERRO MENENDEZ: It's in the title, I  
 9 mean.  
 10 MS. TREVARTHEN: It is in the title, and we  
 11 did that on purpose, to put people on notice.  
 12 MR. WU: Susan, on Page 5 in the definition  
 13 of medical marijuana --  
 14 MS. TREVARTHEN: Is that where we put it?  
 15 MR. WU: -- I think that says unless  
 16 prohibited.  
 17 MS. TREVARTHEN: There we go, Line 144.  
 18 MS. ALBERRO MENENDEZ: 144?  
 19 MS. TREVARTHEN: Uh-huh.  
 20 MR. WU: And while you're looking at that,  
 21 I just want to pose a question to Susan for  
 22 consideration. We have on the proposed  
 23 ordinance 1,000 foot from adjacent medical  
 24 marijuana retail center. What is your thoughts  
 25 about considering that buffer for facilities

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1 outside the City, as well?  
 2 MS. TREVARTHEN: We could consider that.  
 3 It's not something that is currently written  
 4 into this ordinance. So, if you want the  
 5 Board's recommendation on that, you could  
 6 debate that.  
 7 MR. WU: I'd just like to put that on the  
 8 table.  
 9 CHAIRMAN AIZENSTAT: So, in other words, if  
 10 across the street, which is City of Miami --  
 11 MR. WU: Exactly.  
 12 CHAIRMAN AIZENSTAT: -- allows a  
 13 location --  
 14 MR. WU: Because you border four different  
 15 jurisdictions. We have a very long City border  
 16 that crosses jurisdiction that -- We just need  
 17 to be aware of that.  
 18 MS. TREVARTHEN: So, in Line 167, it could  
 19 say within a thousand feet of another medical  
 20 marijuana retail center located in the City or  
 21 outside the City. We could --  
 22 CHAIRMAN AIZENSTAT: What happens if, let's  
 23 just say it opens in the City of Coral Gables  
 24 first. The City of Miami's Code says it's okay  
 25 to open another one right across the street in

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1 the City of Miami. What do you do at that  
 2 point? When the two years are up, you --  
 3 MS. TREVARTHEN: That would be City of  
 4 Miami's decision.  
 5 CHAIRMAN AIZENSTAT: Right, but what do you  
 6 do at that point? You revoke the license after  
 7 two years?  
 8 MS. TREVARTHEN: No.  
 9 MR. WU: No.  
 10 MS. TREVARTHEN: No.  
 11 CHAIRMAN AIZENSTAT: So how do you --  
 12 MS. TREVARTHEN: It's not a guarantee.  
 13 MR. WU: Right.  
 14 MS. TREVARTHEN: It's just a suggestion  
 15 that Charles is making.  
 16 CHAIRMAN AIZENSTAT: No, I understand. I  
 17 just want to understand how you enforce it.  
 18 MS. TREVARTHEN: Because, you know, there's  
 19 a reason why alcohol beverage spacing works  
 20 that way. It's really not practical to make it  
 21 work the other way. When somebody has  
 22 invested, opened a business, and five years  
 23 later, a church moves next door, what, do you  
 24 kick them out? Certainly we're building this  
 25 to have maximum discretion, and you're right to

<p style="text-align: right;">Page 61</p> <p>1 point that out, but I just hesitate to say that</p> <p>2 that's the proper rule to have in that case.</p> <p>3 CHAIRMAN AIZENSTAT: But I'm just curious</p> <p>4 what would happen in that case, because we</p> <p>5 don't control what the City of Miami does.</p> <p>6 MS. TREVARTHEN: Well, nothing would</p> <p>7 happen. The effect of Charles's rule would</p> <p>8 only be if it came to the City of Miami first</p> <p>9 and ours came second.</p> <p>10 CHAIRMAN AIZENSTAT: Correct. Okay.</p> <p>11 MR. BELLIN: Susan, you can't have a</p> <p>12 location, as it stands now, in Coral Gables, to</p> <p>13 sell medical marijuana. There's no place you</p> <p>14 can do it, because Federal law prohibits it.</p> <p>15 Is that the case?</p> <p>16 MS. TREVARTHEN: Yes.</p> <p>17 MR. BELLIN: And if Federal law changed</p> <p>18 their mind and said it's now permitted, then</p> <p>19 what happens? Then --</p> <p>20 MS. TREVARTHEN: Then these are the places</p> <p>21 where it's allowed.</p> <p>22 MR. BELLIN: That little, one little --</p> <p>23 MS. TREVARTHEN: That little area, yeah.</p> <p>24 MR. BELLIN: Yeah.</p> <p>25 MS. TREVARTHEN: That is what's before you.</p>	<p style="text-align: right;">Page 63</p> <p>1 them how they wanted us to proceed, and so this</p> <p>2 reflects that general input. Now, they haven't</p> <p>3 seen this yet, because it's got to go through</p> <p>4 you and they'll see this and the business</p> <p>5 regulations on first reading -- Is it later</p> <p>6 this month or November?</p> <p>7 MR. LEEN: I believe later this month. Is</p> <p>8 that true, Jane?</p> <p>9 MS. TREVARTHEN: I can't remember.</p> <p>10 MR. LEEN: Do you plan --</p> <p>11 MS. TOMPKINS: October.</p> <p>12 MR. LEEN: Yeah, so --</p> <p>13 MS. TREVARTHEN: So it is later this month.</p> <p>14 MR. LEEN: -- October 28th.</p> <p>15 MS. TREVARTHEN: So that will be the first</p> <p>16 time they'll be able to see all these details.</p> <p>17 They heard the more general presentation of</p> <p>18 what this issue is.</p> <p>19 CHAIRMAN AIZENSTAT: Jeff, any comments?</p> <p>20 MR. FLANAGAN: I've got some technical</p> <p>21 comments or suggestions, if you want them now,</p> <p>22 or I can sit with you and Craig later, or</p> <p>23 e-mail them, whatever you prefer.</p> <p>24 MR. LEEN: Whatever you prefer.</p> <p>25 MS. TREVARTHEN: It's fine with me.</p>
<p style="text-align: right;">Page 62</p> <p>1 MS. ALBERRO MENENDEZ: Valuable land, then.</p> <p>2 MS. TREVARTHEN: And it allows you to be in</p> <p>3 a posture -- I mean, you could also try to</p> <p>4 prohibit it just generally under State law, but</p> <p>5 that is something that ultimately will end up</p> <p>6 in the courts, and it's -- In my judgment as a</p> <p>7 local government attorney, which could be</p> <p>8 wrong, because a lot's going to happen before</p> <p>9 we're in that courtroom, I think the court's</p> <p>10 going to look at the effect of that</p> <p>11 prohibition, factually, on the ability of</p> <p>12 people to use the drug as intended by the</p> <p>13 constitutional amendment, and they might find</p> <p>14 that we could do it and they might find that we</p> <p>15 can't. So this is a way to avoid having to</p> <p>16 fight that fight and say we've made some</p> <p>17 provision for the use, but, you know, not have</p> <p>18 a major impact in our community.</p> <p>19 MR. BELLIN: But the bottom line is, you</p> <p>20 really don't want it in Coral Gables?</p> <p>21 MS. TREVARTHEN: That's the direction we</p> <p>22 received from the City Commission when we took</p> <p>23 this idea of what to do about the medical</p> <p>24 marijuana issue to them in workshop form in</p> <p>25 August. We got feedback from them and asked</p>	<p style="text-align: right;">Page 64</p> <p>1 MR. LEEN: I'm happy to work with you</p> <p>2 individually or --</p> <p>3 MR. FLANAGAN: Okay, I'll just red line it</p> <p>4 or something.</p> <p>5 MS. TREVARTHEN: Good.</p> <p>6 MR. FLANAGAN: I mean, they're just minor</p> <p>7 things.</p> <p>8 MS. TREVARTHEN: Okay.</p> <p>9 MR. LEEN: We'd be happy to sit with you.</p> <p>10 CHAIRMAN AIZENSTAT: Any other comments to</p> <p>11 Susan, because I'd like to ask if there's</p> <p>12 anybody from the audience that would like to</p> <p>13 comment.</p> <p>14 Thank you, Susan.</p> <p>15 Is there anybody from the audience that</p> <p>16 would like to come up and speak about the</p> <p>17 subject? Not everybody at once. Okay, thank</p> <p>18 you.</p> <p>19 At this point, I'll go ahead and close the</p> <p>20 floor for Board discussion.</p> <p>21 MS. ALBERRO MENENDEZ: I'm ready to make a</p> <p>22 motion in favor of it, with the 500 feet.</p> <p>23 CHAIRMAN AIZENSTAT: With the 500 feet?</p> <p>24 MS. ALBERRO MENENDEZ: Yeah, as recommended</p> <p>25 by Staff.</p>



1 CHAIRMAN AIZENSTAT: Now, the 500 feet as  
2 recommended by Staff is so you don't cut any  
3 properties; is that correct, so you don't split  
4 off any properties?

5 MR. WU: Correct.

6 CHAIRMAN AIZENSTAT: Okay.

7 MR. WU: And my question, just for  
8 clarification, whether you want to include  
9 1,000 feet from medical retail -- marijuana  
10 retail use outside the City, as well.

11 CHAIRMAN AIZENSTAT: Say that one more,  
12 please.

13 MR. WU: Whether to consider a thousand  
14 foot buffer for a medical marijuana retail  
15 center outside the City, as well.

16 CHAIRMAN AIZENSTAT: But that -- Isn't that  
17 in here already?

18 MR. WU: No. This is just strictly the 500  
19 foot --

20 MS. ALBERRO MENENDEZ: No, it's something  
21 he just brought up.

22 MR. WU: The 500-foot buffer is within the  
23 City limits.

24 CHAIRMAN AIZENSTAT: You're talking about  
25 from another city?

1 MR. WU: Outside the City, yes. If someone  
2 is already there first, can they preempt  
3 someone coming into the City.

4 MR. FLANAGAN: If I were to read this, I  
5 could easily read it to say -- I mean, your  
6 radius, your buffer, is a radius because it  
7 doesn't say within a thousand feet either of a  
8 retail center or of a school located within the  
9 corporate limits of the City, unless if that  
10 were somewhere else.

11 MS. TREVARTHEN: Mr. Chair, if I could  
12 address that.

13 CHAIRMAN AIZENSTAT: Please.

14 MS. TREVARTHEN: This is important, because  
15 it affects your whole Zoning Code. Throughout  
16 your Zoning Code, you say all sorts of things  
17 and you don't say in each section, within the  
18 City, within the City, within the City. It's  
19 presumed that our regulatory scope is within  
20 the City. So, you know, I think the better  
21 interpretive rule is to specify if we are  
22 counting something outside of the City. That's  
23 the abnormal thing, not the normal thing, but  
24 Craig may have a view on that, as well.

25 MR. LEEN: I mean, I'd want to look at it

1 in any individual case, but I generally agree  
2 with that. I think that that's probably the  
3 wiser way to proceed, because generally your  
4 authority is within the City. That doesn't  
5 mean that Coral Gables hasn't and won't, in  
6 certain circumstances, if there is something  
7 outside the City that harms us or violates one  
8 of our provisions and we have a special injury,  
9 that we won't seek to enforce even our Code in  
10 certain circumstances, against that. I want to  
11 make that clear. But generally, that's my view  
12 of the matter, too.

13 CHAIRMAN AIZENSTAT: But Craig --

14 MR. LEEN: Yes.

15 CHAIRMAN AIZENSTAT: By adding what Charles  
16 said, within a thousand feet, if it's within  
17 another city, wouldn't that restrict the City  
18 with not allowing it anywhere at all and then  
19 couldn't somebody litigate that?

20 MR. LEEN: It could. I mean, if we ended  
21 up having it so that it couldn't be anywhere?

22 CHAIRMAN AIZENSTAT: I mean, if --

23 MR. LEEN: We would have an argument  
24 against that, in that, well, one, there's  
25 obviously one nearby, because of that, and --

1 I mean, what do you think, Susan?

2 MS. TREVARTHEN: The other thing I would  
3 say is that these spacings are dynamic. In the  
4 moment, they're frozen --

5 MS. ALBERRO MENENDEZ: Right.

6 MS. TREVARTHEN: -- but churches come and  
7 go; other types of uses come and go.

8 MR. LEEN: That's true.

9 MS. TREVARTHEN: And so while it looks  
10 frozen in time, over time there could be a  
11 different impact from these spacings.

12 MR. LEEN: I mean, generally, they're going  
13 to look at whether it was reasonable at the  
14 time that we adopted the ordinance. If it  
15 becomes completely prohibitive and someone asks  
16 to come in, it may be required by the law and I  
17 might have to give an interpretation, or I  
18 might ask Susan to give her opinion.

19 MS. TREVARTHEN: Or we tweak the ordinance.

20 MR. LEEN: We might have to tweak the  
21 ordinance or I might have to find that we have  
22 to follow the preemptive law, which is State  
23 law or Federal law, in that circumstance.

24 So, for example, if we had a law that --  
25 really quickly, if we had a law that abolished

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1 a use that we had to have, per the  
 2 Constitution, and someone wanted to come in,  
 3 per the Constitution, you know, we might have  
 4 to allow it in that instance. So it's better,  
 5 though, to have an ordinance that addresses it,  
 6 which is actually -- That's precisely why we're  
 7 presenting this today, so that we do have an  
 8 ordinance that allows it, so no one could say,  
 9 "Well, you have no ordinance addressing it,  
 10 thus it can go anywhere in this area of the  
 11 City," or something like that.  
 12 CHAIRMAN AIZENSTAT: So, Maria, is your  
 13 motion -- just to be clear, is it with what  
 14 Charles said, with the thousand feet?  
 15 MS. ALBERRO MENENDEZ: No.  
 16 CHAIRMAN AIZENSTAT: It is not?  
 17 MS. ALBERRO MENENDEZ: No.  
 18 CHAIRMAN AIZENSTAT: Okay.  
 19 MR. GRABIEL: I have a question for --  
 20 CHAIRMAN AIZENSTAT: Please.  
 21 MR. GRABIEL: What happens with medical  
 22 facilities within the City limits, say, a  
 23 thousand foot? Would this be --  
 24 MS. TREVARTHEN: Medical marijuana  
 25 facilities?

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1 MR. GRABIEL: No, no. Hospitals, Doctors  
 2 Hospital, as an example, within the City  
 3 limits, within the City of Coral Gables, and  
 4 would this regulation not permit them to use  
 5 medical marijuana to serve their patients?  
 6 MS. TREVARTHEN: It's a good question, and  
 7 let me tell you what I've learned about that.  
 8 I'm having a little feedback.  
 9 We have -- we've talked about it a little  
 10 bit here, but I had already been through this  
 11 process in another city that had a very  
 12 substantial medical presence, and the first  
 13 thing we did was, we called them and said, you  
 14 know, "Are you going to be doing clinical  
 15 trials and testing and is there going to be a  
 16 whole, like, economic development angle of this  
 17 that's very proper and part of your medical use  
 18 that we want to consider," and they said, "We  
 19 are not touching this with a 10-foot pole,"  
 20 because they have a lot of things that are at  
 21 risk, in terms of Federal grant funding,  
 22 approvals for their operations. So I have not  
 23 seen anyone, even in the State University  
 24 System, where the statute is assigning this.  
 25 The universities are like, "We have Federal

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1 grants. We don't want anything to do with  
 2 this. We're not touching it."  
 3 I mean, so if we reach a point where those  
 4 entities are wanting to be involved with actual  
 5 production and retailing, which is, after all,  
 6 what we're talking about, not just giving a  
 7 patient a drug. We're talking about the  
 8 production and the retailing of the product.  
 9 If we reach that point, that's something we  
 10 could look at as a future change.  
 11 MR. GRABIEL: Perhaps giving a variance  
 12 or --  
 13 MR. LEEN: Yeah. Yeah, We would look at  
 14 that. There would have to be some other  
 15 action taken to address that.  
 16 MR. GRABIEL: I'll second it.  
 17 CHAIRMAN AIZENSTAT: We have a motion. Is  
 18 there a second?  
 19 MR. GRABIEL: I'll second.  
 20 CHAIRMAN AIZENSTAT: We have a second. Any  
 21 further discussion? And that is with the 500  
 22 feet?  
 23 MS. ALBERRO MENENDEZ: Yes, sir.  
 24 MR. LEEN: That's right.  
 25 CHAIRMAN AIZENSTAT: No further discussion?

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1 Call the roll, please.  
 2 MR. BOLYARD: Julio Grabiell?  
 3 MR. GRABIEL: Yes.  
 4 MR. BOLYARD: Maria Menendez?  
 5 MS. ALBERRO MENENDEZ: Yes.  
 6 MR. BOLYARD: Alberto Perez?  
 7 MR. PEREZ: Yes.  
 8 MR. BOLYARD: Marshall Bellin?  
 9 MR. BELLIN: Yes.  
 10 MR. BOLYARD: Anthony Bello?  
 11 MR. BELLO: Yes.  
 12 MR. BOLYARD: Jeffrey Flanagan?  
 13 MR. FLANAGAN: Yes.  
 14 MR. BOLYARD: Eibi Aizenstat?  
 15 CHAIRMAN AIZENSTAT: Yes.  
 16 Susan, thank you for being so informative.  
 17 MS. TREVARTHEN: Thank you.  
 18 CHAIRMAN AIZENSTAT: Okay, the next item,  
 19 the next two items, are related and we'll go  
 20 ahead and read them into the record together.  
 21 The first one is an Ordinance of the City  
 22 Commission of Coral Gables, Florida, requesting  
 23 a change of zoning pursuant to Zoning Code  
 24 Article 3, "Development Review," Division 14,  
 25 "Zoning Code Text and Map Amendments," from