

# MIAMI BEACH

PLANNING DEPARTMENT

**City of Miami Beach**, 1700 Convention Center Drive, Miami Beach, Florida 33139  
Tel: (305)673-7550, Fax: 305-673-7559

July 12, 2019

Matthew Amster, Esquire  
Bercow, Radell, Fernandez & Larkin  
Southeast Financial Center  
200 South Biscayne Boulevard, Suite 850  
Miami, FL 33131

Sent via Electronic Mail  
MAMster@BRZoningLaw.com

Re: Request for Administrative Interpretation for Medical Cannabis Dispensary  
Located at 500 Collins Avenue, Miami Beach, Florida

Dear Mr. Amster:

I am the Planning Director for the City of Miami Beach, and have thoroughly reviewed the request for the issuance of an Administrative Interpretation for a "Medical Cannabis Dispensary" that will be allegedly located at 500 Collins Avenue, Miami Beach, Florida (the "Property"). This correspondence shall serve to represent the formal response of the Planning Director regarding the request set forth in the correspondence of April 15, 2019, which seeks certain confirmation from the City with regards to the anticipated utilization of the Property.

Please be advised that the Property has a current zoning designation of CPS-2, Commercial Performance Standard General Mixed-Use District, and is further located within the Ocean Beach Local Historic District of the City. The Property is legally required to comply with Section 142-1502(a)(1)(a) of the City's Land Development Regulations, which recognizes the existence of those potential locations that permit pharmacy stores and medical cannabis treatment centers, provided that such perspective utilization of the Property expressly complies with all applicable City code provisions, requirements, criteria, and conditions for the specific intended business use and operation.

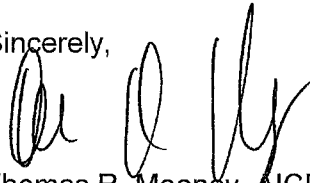
Please be further advised that the permit issued for the subject property on April 9, 2019 (Permit No. BC1910075), which encapsulates the proposed construction for the interior build-out for a "medical dispensary," neither establishes nor delineates an identifiable use of the Property. The issuance of Permit No. BC1910075 for the proposed renovations identified herein, will be legally required to conform to certain aspects of those applicable Land Development Regulations (including the distance separation requirement set forth in Section 142-1502(b)(5)), amongst other provisions of the City's Code of Law and Ordinances before any formal determination of its use may be recognized by the City. In that regard, the Property would be legally required to continue, and fully complete, the renovations at the premises pursuant to Building Permit BC1910075, and obtain any other corresponding authorization(s) to commence an identifiable business operation at the Property.

*Letter to Matthew Amster Re Request for Administrative Interpretation for Medical  
Cannabis Dispensary Located at 500 Collins Avenue, Miami Beach, Florida  
July 12, 2019  
Page 2*

To that effect and equally important, the approval for those renovations may be deemed abandoned should Building Permit No. BC1910075 expire, or a Business Tax Receipt ("BTR") is not obtained within 183 days of issuance of a certificate of occupancy ("CO") or certificate of completion ("CC") for the construction associated with the specifically identified building permit set forth herein.

Should you have any further questions or comments, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Mooney', written in a cursive style.

Thomas R. Mooney, AICP  
Planning Director

TRM/AB/sp

Zone 0519-0495  
00169863.



**BERCOW RADELL FERNANDEZ & LARKIN**  
ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: (305) 377-6236  
E-Mail: MAmster@BRZoningLaw.com

2019 APR 15 PM 1:09  
CMB PLANNING DEPT

**VIA E-MAIL & HAND-DELIVERY**

April 15, 2019

Thomas Mooney, Planning Director  
City of Miami Beach  
1700 Convention Center Drive, 2nd Floor  
Miami Beach, Florida 33139

Re: Request for Administrative Interpretation for Medical Cannabis Dispensary  
Located at 500 Collins Avenue, Miami Beach, Florida.

Dear Tom:

This law firm represents CSM Collins Equities, LP, (the "Owner") with regard to the above referenced property (the "Property") within the City of Miami Beach (the "City"). Please let the following serve as a request for an Administrative Interpretation from the Planning Department that based on the City's issuance of a building permit for a medical cannabis treatment center (also known as a medical cannabis dispensary) at the Property, the Property is vested for such use and no other medical cannabis treatment center may obtain a building permit within 1200 feet of the Property.

Background. On February 13, 2019, the City Commission adopted Ordinance No. 2019-4247 amending Chapter 142 Article V, Division 10 of the Code of the City (the "Code") and providing for regulations relating to the use of Medical Cannabis Treatment Centers. Pursuant to Section 142-1502(b)(4) of the Code, "No medical cannabis treatment center shall be located within 1200 feet of another medical cannabis treatment center." Section 142-1503(h) of the Code states, "No certificate of use, business tax receipt, or building or other permit shall be issued for a medical cannabis treatment center facility or pharmacy store where the proposed place of business does not conform to the requirements of this division."

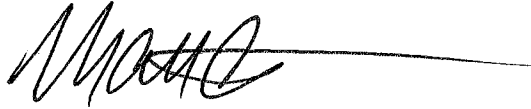
Thomas Mooney, Planning Director  
City of Miami Beach  
April 15, 2019  
Page 2

treatment centers within 1200 feet of the Property. As such, the Owner is the first establishment to obtain a building permit, certificate of use, or business tax receipt within 1200 feet of the Property within Area 1 of the permitted areas. On this basis, no other medical cannabis treatment center may obtain a building permit and operate within 1200 feet of the Property.

Request. The Owner respectfully requests written confirmation that with the City's issuance of the Building Permit, the Property is a vested location for a medical cannabis dispensary and as the first establishment, this means that no other medical cannabis dispensary may obtain a building permit and operate within 1200 feet of the Property pursuant to Section 142-1502(b)(4) of the Code.

Enclosed with this letter is a check for \$1,000 for the required fee for this interpretation. If you have any questions or comments, or need anything further with regards to this request, please give me a call at (305) 377-6236.

Sincerely,



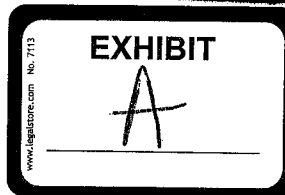
Matthew Amster

Enclosures

cc: Michael W. Larkin, Esq.  
Robert Behar, Esq.

2019 APR 15 PM 1:09  
CITY OF MIAMI BEACH  
CITY PLANNING DEPT

MIAMI BEACH



Building Department  
1700 Convention Center Drive, 2nd FL  
Miami Beach, Florida 33139  
305.673.7610 Fax: 305.673.7857

### Work Permit BC1910075 Building - Commercial

Status: Issued Date: 4/9/2019

Site Address: 500 COLLINS AVE Applied: 02/15/2019

Parcel #: 0242030020100 Issued: 04/09/2019

Total Job Value: \$1,300,000.00 Expiration Date: 10/07/2019

Contractor: HARDESTY & ASSOCIATES INC CBC1250722 Owner: CSM COLLINS REALTY CORP% CORPORATION SERVICE COMPANY 1201 HAYS STREET TALLAHASSEE, FL 32301

500 EAST BALBOA BLVD NEWPORT BEACH, CA

Description: Private Provider MTCL review and inspections only—Interior and Exterior build out Mechanical, Building, electrical and plumbing to convert to medical dispensary.

Inspector Area: Class Code:

Statement of Work	Quantity	Total Fee
Training/Technology Fee - Planning	14,820.00	\$889.20
Permit Fee - Planning Department	7,280.00	\$7,280.00
Florida Building Code - DBPR Fee	148.20	\$148.20
Permit Fee - Fire Department	7,280.00	\$7,280.00
Training/Technology Fee - Fire	14,820.00	\$889.20
Permit Fee - Building Department	9,880.00	\$9,880.00
Training/Technology Fee - Building	14,820.00	\$889.20
MDC Compliance Fee	1,300,000.00	\$780.00
Florida Building Code Admin and Inspector Fund	14,820.00	\$222.30
Overtime Fire Inspection Fee	0.00	\$250.00
Expedited Plans Review - Planning Department	0.00	\$500.00
Sanitation Surcharges	1,300,000.00	\$1,500.00
Permit 20% Initial Charge - Fire	9,100.00	\$1,820.00
Permit 20% Initial Charge - Planning	9,100.00	\$1,820.00
Permit 20% Initial Charge - Building	24,700.00	\$4,940.00
Construction Parking Management Plan (CPMP)	0.00	\$144.00
Expedited Plans Review - Planning Department	0.00	\$500.00
<b>Total of All Fees</b>		<b>\$39,732.10</b>
<b>Total of All Payments</b>		<b>\$39,732.10</b>
<b>Balance Due</b>		<b>\$0.00</b>

Our commitment to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community.

2019 APR 15 PM 1:09  
RECEIVED  
PLANNING DEPT

RECEIVED

2019 APR 15 PM 1:09

CMB PLANNING DEPT

MIAMI BEACH

**BUILDING PERMIT  
AND INSPECTION  
RECORD**

PERMIT NO

DATE

BC1910075

04/09/2019

DESCRIPTION OF WORK

Private Provider MTCI review and inspections only—Interior and Exterior build out. Mechanical, Building, electrical and plumbing to convert to medical dispensary.

OWNER

ADDRESS

CSM COLLINS REALTY CORP% CORPORATION SERVICE

500 COLLINS AVE

CONTRACTOR

LICENSE NO.

HARDESTY & ASSOCIATES INC. CBO1250722

CBO1250722

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

RECEIVED  
2019 APR 15 PM 1:09  
CMB PLANNING DEPT

ORIGINAL CHECK HAS COLORED BACKGROUND WITH OPTICAL DEFERENT LEGS AND MICROPRINTING IN THE BORDER AND AN ARTIFICIAL WATERMARK ON THE BACK

CMB-Collins Equities, L.P.  
670 White Plains Road  
Scarsdale, NY 10583

M & T Checking  
330 Park Avenue  
New York, NY

022000046

DATE	CHECK NO.	AMOUNT
04/11/19	005790	\$1,000.00*

VOID VOID VOID VOID VOID  
One Thousand and no/100 DOLLARS \*\*\*

PAY TO THE ORDER OF

CITY OF MIAMI BEACH

*Laura D. Vey*

VOID After 90 Days

⑆005790⑆ ⑆022000046 9852950755

*MB*