

MIAMI BEACH

PLANNING DEPARTMENT

1700 Convention Center Drive, Miami Beach, Florida 33139; Tel: 305.673.7550; Web: www.miamibeachfl.gov/planning

LAND USE BOARD HEARING APPLICATION

The following application is submitted for review and consideration of the project described herein by the land use board selected below. A separate application must be completed for each board reviewing the proposed project.

Application Information			
FILE NUMBER ZBA-19-0090		Is the property the primary residence & homestead of the applicant/property owner? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (if "Yes," provide office of the Property Appraiser Summary Report)	
Board of Adjustment <input type="checkbox"/> Variance from a provision of the Land Development Regulations <input type="checkbox"/> Appeal of an administrative decision		Design Review Board <input type="checkbox"/> Design review approval <input type="checkbox"/> Variance	
Planning Board <input type="checkbox"/> Conditional use permit <input type="checkbox"/> Lot split approval <input type="checkbox"/> Amendment to the Land Development Regulations or zoning map <input type="checkbox"/> Amendment to the Comprehensive Plan or future land use map		Historic Preservation Board <input type="checkbox"/> Certificate of Appropriateness for design <input type="checkbox"/> Certificate of Appropriateness for demolition <input type="checkbox"/> Historic district/site designation <input type="checkbox"/> Variance	
<input checked="" type="checkbox"/> Other: MODIFICATION OF VARIANCE - BOARD OF ADJUSTMENT			
Property Information - Please attach Legal Description as "Exhibit A"			
ADDRESS OF PROPERTY 1334 WASHINGTON AVE, MIAMI BEACH, FL 33139			
FOLIO NUMBER(S) 02-3234-011-0020			
Property Owner Information			
PROPERTY OWNER NAME WALDORF HOTEL LLC			
ADDRESS 1334 WASHINGTON AVE		CITY MIAMI BEACH	STATE FL
ZIP CODE 33139			
BUSINESS PHONE 305-538-5592	CELL PHONE 305-803-7381	EMAIL ADDRESS marceten@gmail.com	
Applicant Information (if different than owner)			
APPLICANT NAME BISCAYNE COWBOYS 305, LLC			
ADDRESS 1334 WASHINGTON AVE		CITY MIAMI BEACH	STATE FL
ZIP CODE 33139			
BUSINESS PHONE 305-397-8882	CELL PHONE 786-862-4727	EMAIL ADDRESS niccolototaro@gmail.com	
Summary of Request			
PROVIDE A BRIEF SCOPE OF REQUEST MODIFICATION OF APPLICANT NAME ON EXISTING VARIANCE			

Project Information			
Is there an existing building(s) on the site?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Does the project include interior or exterior demolition?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Provide the total floor area of the new construction.		N/A - EXISTING BLD. SQ. FT.	
Provide the gross floor area of the new construction (including required parking and all usable area)		N/A - EXISTING BLD. SQ. FT.	
Party responsible for project design			
NAME WILLIAM LANE		<input checked="" type="checkbox"/> Architect <input type="checkbox"/> Contractor <input type="checkbox"/> Landscape Architect <input type="checkbox"/> Engineer <input type="checkbox"/> Tenant <input type="checkbox"/> Other _____	
ADDRESS 1480 MARSEILLE DRIVE		CITY MIAMI BEACH	STATE FL
ZIP CODE 33141		EMAIL ADDRESS wlane@williamlane.com	
BUSINESS PHONE 305-865-7830	CELL PHONE 305-606-7714		
Authorized Representative(s) Information (if applicable)			
NAME SAMUEL RUBERT		<input checked="" type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS 2645 EXECUTIVE PARK DRIVE, STE. 122		CITY WESTON	STATE FL
ZIP CODE 33331		EMAIL ADDRESS srubert@rubertlaw.com	
BUSINESS PHONE 954-640-0297	CELL PHONE 305-791-4199		
NAME		<input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS		CITY	STATE
ZIP CODE		EMAIL ADDRESS	
BUSINESS PHONE	CELL PHONE		
NAME		<input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS		CITY	STATE
ZIP CODE		EMAIL ADDRESS	
BUSINESS PHONE	CELL PHONE		

Please note the following information:

- A separate disclosure of interest form must be submitted with this application if the applicant or owner is a corporation, partnership, limited partnership or trustee.
- All applicable affidavits must be completed and the property owner must complete and sign the "Power of Attorney" portion of the affidavit if they will not be present at the hearing, or if other persons are speaking on their behalf.
- To request this material in alternate format, sign language interpreter (five-day notice is required), information on access for persons with disabilities, and accommodation to review any document or participate in any City sponsored proceedings, call 305.604.2489 and select (1) for English or (2) for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

Please read the following and acknowledge below:

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

- Applications for any board hearing(s) will not be accepted without payment of the required fees. All checks are to be made payable to the "City of Miami Beach".
- All disclosures must be submitted in CMB Application format and be consistent with CMB Code Sub-part A Section 2-482(c):
 - (c) If the lobbyist represents a corporation, partnership or trust, the chief officer, partner or beneficiary shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five percent or more ownership interest in such corporation, partnership, or trust.
- Public records notice – All documentation submitted for this application is considered a public record subject to Chapter 119 of the Florida Statutes and shall be disclosed upon request.
- In accordance with the requirements of Section 2-482 of the code of the City of Miami Beach, any individual or group that will be compensated to speak or refrain from speaking in favor or against an application being presented before any of the City's land use boards, shall fully disclose, prior to the public hearing, that they have been, or will be compensated. Such parties include: architects, engineers, landscape architects, contractors, or other persons responsible for project design, as well as authorized representatives attorneys or agents and contact persons who are representing or appearing on behalf of a third party; such individuals must register with the City Clerk prior to the hearing.
- In accordance with Section 118-31. – Disclosure Requirement. Each person or entity requesting approval, relief or other action from the Planning Board, Design Review Board, Historic Preservation Board or the Board of Adjustment shall disclose, at the commencement (or continuance) of the public hearing(s), any consideration provided or committed, directly or on its behalf, for an agreement to support or withhold objection to the requested approval, relief or action, excluding from this requirement consideration for legal or design professional service rendered or to be rendered. The disclosure shall: (I) be in writing, (II) indicate to whom the consideration has been provided or committed, (III) generally describe the nature of the consideration, and (IV) be read into the record by the requesting person or entity prior to submission to the secretary/clerk of the respective board. Upon determination by the applicable board that the foregoing disclosure requirement was not timely satisfied by the person or entity requesting approval, relief or other action as provided above, then (I) the application or order, as applicable, shall immediately be deemed null and void without further force or effect, and (II) no application form said person or entity for the subject property shall be reviewed or considered by the applicable board(s) until expiration of a period of one year after the nullification of the application or order. It shall be unlawful to employ any device, scheme or artifice to circumvent the disclosure requirements of this section and such circumvention shall be deemed a violation of the disclosure requirements of this section.
- When the applicable board reaches a decision a final order will be issued stating the board's decision and any conditions imposed therein. The final order will be recorded with the Miami-Dade Clerk of Courts. The original board order shall remain on file with the City of Miami Beach Planning Department. Under no circumstances will a building permit be issued by the City of Miami Beach without a copy of the recorded final order being included and made a part of the plans submitted for a building permit.

The aforementioned is acknowledged by:

☒ Owner of the subject property ☐ Authorized representative



SIGNATURE

MARCELO TENENBAUM

PRINT NAME

03/04/2019

DATE SIGNED

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF _____

COUNTY OF _____

I, _____, being first duly sworn, depose and certify as follows: (1) I am the owner of the property that is the subject of this application. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (3) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (4) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (5) I am responsible for remove this notice after the date of the hearing.

SIGNATURE

Sworn to and subscribed before me this _____ day of _____, 20____. The foregoing instrument was acknowledged before me by _____, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

NOTARY PUBLIC

My Commission Expires: _____

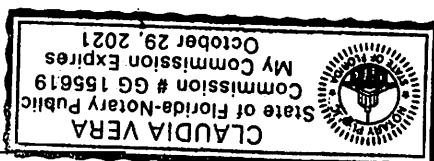
PRINT NAME**ALTERNATE OWNER AFFIDAVIT FOR CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY**STATE OF FloridaCOUNTY OF Miami Dade

I, Niccolo L. Totaro, being first duly sworn, depose and certify as follows: (1) I am the Manager (print title) of Biscayne Cowboys 305, LLC (print name of corporate entity). (2) I am authorized to file this application on behalf of such entity. (3) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (4) The corporate entity named herein is the owner of the business property that is the subject of this application. (5) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (6) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (7) I am responsible for remove this notice after the date of the hearing.

SIGNATURE

Sworn to and subscribed before me this 8th day of February, 2019. The foregoing instrument was acknowledged before me by Niccolo L. Totaro, who has produced FLDL as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

NOTARY PUBLICMy Commission Expires: 10/29/21**PRINT NAME**

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF _____

COUNTY OF _____

I, _____, being first duly sworn, depose and certify as follows: (1) I am the owner of the property that is the subject of this application. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (3) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (4) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (5) I am responsible for remove this notice after the date of the hearing.

SIGNATURE

Sworn to and subscribed before me this _____ day of _____, 20____. The foregoing instrument was acknowledged before me by _____, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

NOTARY PUBLIC

My Commission Expires: _____

PRINT NAME**ALTERNATE OWNER AFFIDAVIT FOR CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY**STATE OF FLORIDACOUNTY OF MIAMI-DADE

I, MARCELO TENENBAUM, being first duly sworn, depose and certify as follows: (1) I am the MANAGER (print title) of WALDORF HOTEL, LLC (print name of corporate entity). (2) I am authorized to file this application on behalf of such entity. (3) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (4) The corporate entity named herein is the owner of the property that is the subject of this application. (5) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (6) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (7) I am responsible for remove this notice after the date of the hearing.

SIGNATURE

Sworn to and subscribed before me this 3 day of MARCH, 2019. The foregoing instrument was acknowledged before me by MARCELO TENENBAUM, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

NOTARY PUBLICMy Commission Expires: AUG. 5th 2020

Andrea Comolli
Commission # GG000279
Expires: August 5, 2020
Bonded thru Aaron Notary

ANDREA COMOLLI

POWER OF ATTORNEY AFFIDAVITSTATE OF FloridaCOUNTY OF Miami Dade

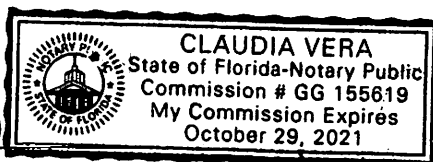
I, Niccolo L. Totaro, being first duly sworn, depose and certify as follows: (1) I am the owner or representative of the owner of the ~~real property~~ ^{business} that is the subject of this application. (2) I hereby authorize Samuel Rubert, ~~President~~ to be my representative before the Board of Adjustment ~~Board~~. (3) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (4) I am responsible for remove this notice after the date of the hearing.

Niccolo L. Totaro, Manager
PRINT NAME (and Title, if applicable)

Niccolo L. Totaro
SIGNATURE

Sworn to and subscribed before me this 8th day of February, 20 19. The foregoing instrument was acknowledged before me by Niccolo L. Totaro, who has produced FLDL as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

My Commission Expires: 10/29/21

Claudia Vera
NOTARY PUBLIC

Claudia Vera
PRINT NAME

CONTRACT FOR PURCHASE

If the applicant is not the owner of the property, but the applicant is a party to a contract to purchase the property, whether or not such contract is contingent on this application, the applicant shall list the names of the contract purchasers below, including any and all principal officers, stockholders, beneficiaries or partners. If any of the contact purchasers are corporations, partnerships, limited liability companies, trusts, or other corporate entities, the applicant shall further disclose the identity of the individuals(s) (natural persons) having the ultimate ownership interest in the entity. If any contingency clause or contract terms involve additional individuals, corporations, partnerships, limited liability companies, trusts, or other corporate entities, list all individuals and/or corporate entities.

NAME**DATE OF CONTRACT**

NAME, ADDRESS AND OFFICE

% OF STOCK

In the event of any changes of ownership or changes in contracts for purchase, subsequent to the date that this application is filed, but prior to the date of a final public hearing, the applicant shall file a supplemental disclosure of interest.

filed, but prior to the date of a final public hearing, the applicant shall file a supplemental disclosure of interest.

DISCLOSURE OF INTEREST
CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY

If the property that is the subject of the application is owned or leased by a corporation, partnership or limited liability company, list ALL of the owners, shareholders, partners, managers and/or members, and the percentage of ownership held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.

WALDORF HOTEL, LLC (PROPERTY OWNER)

NAME OF CORPORATE ENTITY

NAME AND ADDRESS	% OF OWNERSHIP
MARCELO TENENBAUM - 4630 PRAIRIE AVE, MIAMI BEACH, FL 33140	50
JORGE SAVLOFF - 7330 OCEAN TERR APT 901, MIAMI BEACH, FL 33141	50

BISCAYNE COWBOYS 305, LLC (APPLICANT)

NAME OF CORPORATE ENTITY

NAME AND ADDRESS	% OF OWNERSHIP
NICCOLO L. TOTARO - 1504 BAY ROAD, APT 1419, MIAMI BEACH, FL 33139	45
IVAN TOTARO - VIA PASTORELLI 19, MILANO, ITALY 20143	27.5
ROBERTO CARAMIA - VIA CAVOUR 3, CORSICO (MI), ITALY 20094	27.5

If there are additional corporate owners, list such owners, including corporate name and the name, address and percentage of ownership of each additional owner, on a separate page.

DISCLOSURE OF INTEREST
TRUSTEE

If the property that is the subject of the application is owned or leased by a trust, list any and all trustees and beneficiaries of the trust, and the percentage of interest held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.

TRUST NAME	
NAME AND ADDRESS	% INTEREST
N/A	

COMPENSATED LOBBYIST

Pursuant to Section 2-482 of the Miami Beach City Code, all lobbyists shall, before engaging in any lobbying activities, register with the City Clerk. Please list below any and all persons or entities retained by the applicant to lobby City staff or any of the City's land development boards in support of this application.

NAME	ADDRESS	PHONE
<u>Samuel Rubert</u>	<u>2645 Executive Park Dr. Ste. 122, Watson, FL 33331</u>	ofc: <u>954-640-0296/</u> cell: <u>805-791-4199</u>
_____	_____	_____
_____	_____	_____

Additional names can be placed on a separate page attached to this application.

APPLICANT HEREBY ACKNOWLEDGES AND AGREES THAT (1) AN APPROVAL GRANTED BY A LAND DEVELOPMENT BOARD OF THE CITY SHALL BE SUBJECT TO ANY AND ALL CONDITIONS IMPOSED BY SUCH BOARD AND BY ANY OTHER BOARD HAVING JURISDICTION, AND (2) APPLICANT'S PROJECT SHALL COMPLY WITH THE CODE OF THE CITY OF MIAMI BEACH AND ALL OTHER APPLICABLE CITY, STATE AND FEDERAL LAWS.

APPLICANT AFFIDAVIT

STATE OF Florida

COUNTY OF Miami Dade

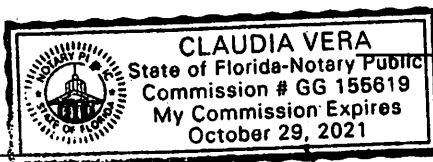
I, Niccolo L. Totaro, being first duly sworn, depose and certify as follows: (1) I am the applicant or representative of the applicant. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief.

Niccolo L. Totaro

SIGNATURE

Sworn to and subscribed before me this 8th day of February, 20 19. The foregoing instrument was acknowledged before me by Niccolo L. Totaro, who has produced FL DL as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



Claudia Vera

NOTARY PUBLIC

My Commission Expires: 10/29/21

Claudia Vera

PRINT NAME

"Exhibit A"
Legal Description

Abbreviated:

H PRATTS RESUB OCEAN BEACH NO 3
PB 6-17
LOT 5 BLK 21
LOT SIZE 51.000 X 115
OR 15983-1349 0793 1

Full:

Lot 5, Block 21, of Amended Plat of Resubdivision of Ocean Beach Addition No, 3, according to the plat thereof as recorded in Plat Book 6 Page 17, Public Records of Miami-Dade County, Florida.