

BOARD OF ADJUSTMENT

FROM: Thomas R. Mooney, AICP
Planning Director



DATE: May 5, 2023

RE: File No. ZBA23-0146
1330 15th Street
Appeal of a Decision Regarding a Non-Conforming Suite Hotel Use

1330 15th Street LLC (“Appellant”) - An application has been filed appealing a determination of the Planning Director, in connection with a request to reinstate a non-conforming suite hotel use on a property located in a multifamily residential district. This appeal has been filed pursuant to Sections 118-9 and 118-397 of the City’s Land Development Regulations.

STAFF RECOMMENDATION

Deny the appeal and affirm the determination of the Planning Director.

LEGAL DESCRIPTION

The east 30 ft of Lot 2 & west 1/2 of Lot 3, Block 79, of Alton Beach Bay Front Re-Subdivision, According to the Plat thereof, as recorded in Platbook 16, Page 1 of the Public Records of Miami-Dade County, Florida.

BACKGROUND

Based on City Building Card records (**Exhibit ‘CMB-A’**), the multifamily residential building at 1330 15th Street (the “Property”) was originally constructed as an ‘apartment house’ with 4 units in 1946. The Property is zoned RM-1, Residential Multifamily / Low Intensity.

The Property is also located within the West Avenue Bayfront Overlay District (“Overlay District” or “Overlay”). This Overlay includes properties in the RM-1, residential multifamily low intensity and RM-2, residential multifamily medium intensity, zoning districts. There are no historic districts or individually designated historic sites with the Overlay District.

The City Commission created the Overlay District on June 19th, 2002, pursuant to Ordinance No. 2002-3374. The primary reason for the creation of the Overlay was to preserve the character and quality of life of the neighborhoods surrounding West Avenue, which, at the time, was being impacted by infill development that did not reflect the cohesive low-scale character of the area. The Overlay District expanded the list of main permitted uses for existing low-scale buildings in the neighborhood to include offices, suite hotels and bed and breakfast inns. Included in the adopted Ordinance was express criteria to convert and operate a suite hotel in the Overlay area.

The rationale for including these uses was to provide incentives to retain and adaptively re-use existing single family and/or multifamily buildings that are no more than three (3) stories

in height. Additionally, the parking regulations were modified to include the allowance for a limited number of parking spaces within required front yards.

Prior to the creation of the Overlay District, hotels, apartment-hotels, and suite hotels were permitted uses in the RM-2 and RM-3 zoning districts in the neighborhood. In the RM-1 zoning district, and within the subject area, only single-family homes, townhomes, apartments and bed and breakfast inns were permitted prior to the Overlay. The creation of the Overlay District expanded the list of main permitted uses within the RM-1 zoning district to include suite hotels and offices consistent with the regulations for the RO, residential office zoning district.

On October 14, 2020, the City Commission adopted Ordinance No. 2020-4364, which removed suite hotels as an allowable use within the Overlay District. Offices, as well as bed & breakfast inns within existing single-family homes, were still permitted as part of the renovation of existing structures in the Overlay. However, on September 17, 2021, the City Commission adopted Ordinance No. 2021-4443, which prohibited any future bed and breakfast inns within the Overlay.

HISTORY OF THE USE OF THE PROPERTY

The multifamily building that is the subject of this appeal was licensed as a 4-unit residential apartment building until 2018, when building permit #BC1806547 was issued to renovate and convert the existing 4-unit residential building to an 8-unit suite hotel. On March 4, 2019, and May 14, 2019, a Temporary Certificate of Occupancy (TCO) (**Exhibit 'CMB-B'**) and Final Certificate of Occupancy (CO) (**Exhibit 'CMB-C'**) were issued, respectively, for an 8-unit suite hotel.

On February 19, 2019, a new Business Tax Receipt (BTR # 005837-01-2019 / **Exhibit 'CMB-D'**) was issued to NOTUS LLC, as the owner of the Property at the time, for an 8-room suite hotel. The BTR was renewed for the 2019 - 2020 fiscal year. On December 3, 2019, a system entry by the Finance Department BTR Division was completed to upload a notice submitted by the then-owner of the Property (NOTUS LLC), dated November 27, 2019, advising the Finance Department that the Property had been sold on November 14, 2019, and requesting to close both the BTR and Resort Tax accounts (BTR005837-01-2019 and RT #2159811) for the Property (**Exhibit 'CMB-E'**). At this point the business was deemed closed.

The following is a timeline of the Certificate of Use (CU) and BTR activity for the Property, since November 27, 2019, based on City records:

December 27, 2019:

A new BTR application was submitted through the Finance Department by an entity named '1330 15th Street LLC,' which is the current owner of the Property ("Owner" or "Appellant") (**Exhibit 'CMB-F'**). A new BTR number (BTR008501-12-2019) was assigned to the application and the request was entered in the system as follows:

*'Apartment Building 8 Units/15 Rooms // 1330 15th Street
Previous BTR005837-01-2019 Hotel 8 Units
Previous RL-87036062 Apartment Building 4 Units / 15 Rooms'*

In order to process the BTR request through the internal multidisciplinary department review,

a BLPL record (BLPL2019-08005) was also created and linked to the new BTR. The BLPL record was created with the following description:

*'APT BUILDING 8 UNITS - LOCATED 1330 15TH STREET.
PREVIOUS BTR - BTR005837-01-2018' (Exhibit 'CMB-G')*

This BLPL was internally circulated and approved by the Code Compliance Department, Building Department, Planning Department and Finance Department on December 30, 2019 (**Exhibit 'CMB-G'**).

May 19, 2020:

Finance Department records show that a new CU and BTR (BTR008501-12-2019) was issued for 8 residential apartment units and that all applicable fees were paid (**Exhibit 'CMB-H'**). The BTR categories for "apartment rooms" and "apartment buildings (rental), not including kitchens and bathrooms" are used for non-transient, residential apartments. Also, a new Resort Tax (RTX) account was created by the Finance Department. According to the Finance Department, both the BTR and RTX accounts were created based on Florida Department of Business and Professional Regulation License No. TAP2330379, for Transient Apartment. The Finance Department further confirmed that *"all of the resort taxes paid, from late 2019 to the present, have been for residential-apartment use"* (**Exhibit 'CMB-I'**).

September 30, 2020:

The BTR for 8 residential apartments (BTR008501-12-2019) expired.

October 14, 2020:

Ordinance 2020-4364, which prohibited suite hotels in the West Avenue Overlay, was adopted by the City Commission. **NOTE:** The Planning Board transmitted this ordinance to the City Commission with a favorable recommendation on August 25, 2020, thus initiating zoning in progress and establishing August 25, 2020 as the effective date of the legislation.

December 22, 2020:

The previously issued BTR for 8 residential apartments which, again, is the BTR category utilized by the City for non-transient apartments (BTR008501-12-2019), was renewed for Fiscal Year 2020-2021. Finance Department records show that all fees were paid (**Exhibit 'CMB-J'**).

September 24, 2021:

Pursuant to the bifurcated CU – BTR review process, which was implemented in August 2020, CU applications for the short-term rental of the apartment units at 1330 15th Street were submitted for each unit.

September 30, 2021:

Finance Department records show that the BTR for 8 residential apartments (BTR008501-12-2019) expired. As there was an outstanding late fee balance of \$14.90, the renewal BTR for the fiscal year 2021-2022 is still in 'pending' status.

October 7, 2021:

All of the CU applications for the short-term rental of apartment units at 1330 15th Street were denied by the Planning Department, as the short-term rental of apartment units is prohibited in the underlying RM-1 zoning district.

STANDARD OF REVIEW AND VOTING REQUIREMENT

Pursuant to City Code Section 118-9(b)(2)(E), the standard of review for administrative appeals to the Board of Adjustment is “de novo, meaning that the party appealing the administrative decision bears the burden of going forward with evidence and of persuasion[,] . . . and to that end, the board shall have all the powers of the officer from whom the appeal is taken.”

In order to reverse a determination of the Planning Director, a five-sevenths vote of the Board of Adjustment (the “Board”) is required. See City Code Section 118-9(b)(4).

DETERMINATIONS AS TO LEGAL NON-CONFORMING USES

Chapter 118 of the City Code, at Article IX, entitled “Nonconformances,” establishes regulations governing “non-conforming uses,” which are defined as “a use which exists lawfully prior to the effective date of these land development regulations and is maintained at the time of and after the effective date of these land development regulations, although it does not conform to the use restrictions of these land development regulations.”¹

City Code Section 118-390 refers to “nonconformity” as “a use, building, or lot that does not comply with the regulations of this article,” and provides that “only legally established nonconformities shall have rights under this section.” The term “legally established” is defined, in pertinent part, to apply to “an existing use which conformed to the code at the time it was established.”

City Code Section 118-394 governs the discontinuance, including abandonment, of nonconforming uses. Section 118-394(b) specifically provides that “if there is an intentional and voluntary abandonment of a nonconforming use for a period of more than 183 consecutive days, or if a nonconforming use is changed to a conforming use, said use shall lose its nonconforming status.”

Sec. 118-394. Discontinuance of nonconforming uses.

(a) A nonconforming use may not be enlarged, extended, intensified, or changed, except for a change to a use permitted in the district in which the property is located.

(b) If there is an intentional and voluntary abandonment of a nonconforming use for a period of more than 183 consecutive days, or if a nonconforming use is changed to a conforming use, said use shall lose its nonconforming status. Thereafter, subsequent occupancy and use of the land, building, and/or structure shall conform to the regulations of the districts in which the property is

¹ The City’s regulations on nonconformances provide that “[t]he intent of this section is to encourage nonconformities to ultimately be brought into compliance with current regulations.”

located and any structural alterations necessary to make the structure or building conform to the regulations of the district in which the property is located shall be required. An intentional and voluntary abandonment of use includes, but is not limited to, vacancy of the building or structure in which the nonconforming use was conducted, or discontinuance of the activities consistent with or required for the operation of such nonconforming use.

(c) The planning director or designee shall evaluate the evidence of an intentional and voluntary abandonment of a nonconforming use and determine the status of the nonconforming use. In order for a nonconforming use to retain a nonconforming status, the evidence, collectively, shall at a minimum demonstrate at least one of the following:

(1) Continual operation of the use;

(2) Continual possession of any necessary and valid state and local permits, building permits, licenses, or active/pending application(s) for approval related to prolonging the existence of the use.

(d) Evidence of an intentional and voluntary abandonment of a nonconforming use may include, but shall not be limited to:

(1) Public records, including those available through applicable City of Miami Beach, Miami-Dade County, and State of Florida agencies;

(2) Utility records, including water/sewer accounts, solid waste accounts, and electrical service accounts;

(3) Property records, including executed lease or sales contracts.

Section 118-397 sets forth the procedures and appellate process regarding determinations of a nonconforming use, as noted herein:

Sec. 118-397. - Existence of a nonconforming building or use.

(a) The planning and zoning director shall make a determination as to the existence of a nonconforming use or building and in so doing may make use of affidavits and investigation in addition to the data presented on the city's building card, occupational license or any other official record of the city.

(b) The question as to whether a nonconforming use or building exists shall be a question of fact and in case of doubt or challenge raised to the determination made by the planning and zoning director, the question shall be decided by appeal to the board of adjustment pursuant to the requirements of section 118-9. In making the determination the board may require certain improvements that are necessary to ensure that the nonconforming use or building will not have a negative impact on the neighborhood.

In accordance with the above noted section of the City Code, the Planning Director is authorized to determine whether a use is legal nonconforming. As part of that analysis, the Planning Director is required, under Section 118-394, to determine whether a nonconforming use was intentionally abandoned, or whether it was changed to a conforming use, either of which would result in a discontinuance of the nonconforming use. The Board of Adjustment has jurisdiction to hear an appeal from a determination of the Planning Director as to whether a use is legal nonconforming.

RESPONSE TO PETITION (First Letter Dated February 22, 2023)

Summary of the Appeal

In the initial letter submitted with the appeal application, dated February 22, 2023, 1330 15th Street LLC (the “Owner” or “Appellant”) indicates that on October 1, 2019, the City renewed the BTR for an 8-unit suite hotel on the Property, and that on or around November 12, 2019, the Property was sold to the Appellant. The letter also states that the Appellant never intended to forgo or abandon the Suite Hotel use that existed at the time, and that the Appellant never requested, permitted or authorized changes or revisions to the Certificate of Use or BTR.

Finally, the Appellant has requested that the Board grant the appeal, and reverse the Planning Director, and take the following actions:

1. Issue a Business Tax Receipt (BTR) and Certificate of Use (CU) for the previous use of Suite Hotel; or
2. In the alternative, authorize the use of the property as a transient apartment (short term rental).

Planning Director’s Response

First, the role of the Board with regard to this appeal is to determine whether the previously authorized use of suite hotel, which is now non-conforming at the subject site, was, in fact, abandoned or changed to a conforming use. If the Board determines that the suite hotel use was abandoned or changed to a conforming use (i.e. non-transient residential apartment), then the Board must affirm the decision of the Planning Director. Alternatively, if the Board determines that the previous use of Suite Hotel was *not* abandoned, the Board may grant the appeal and reverse the decision of the Planning Director, which would allow for the property owner to re-apply for a new CU and BTR for a suite hotel use.

Importantly, the Board, as part of these proceedings, does not have the authority to permit transient apartment units, or the short-term rental of apartment units, on the Property. Such use has been prohibited in the district since at least 2010, and there is no record of transient apartment units or short-term rentals ever being authorized on the Property. To reiterate, the only question before the Board is whether the **Suite Hotel** use is legal nonconforming and therefore may be reinstated.

As noted in the background section of this Staff Report, on December 27, 2019, a new BTR application was submitted by the current property owner (1330 15th Street LLC) to the Finance Department (**Exhibit ‘CMB-F’**). A new BTR number (BTR008501-12-2019) was assigned to the application and the request was entered in the system as follows:

*'Apartment Building 8 Units/15 Rooms // 1330 15th Street
Previous BTR005837-01-2019 Hotel 8 Units
Previous RL-87036062 Apartment Building 4 Units / 15 Rooms'*

The application was completed by hand, dated 11/18/2019, and signed by Ananthan Thangavel, the manager of 1330 15th Street LLC (Owner). The type of business is noted as "Apt Bldg.", which was written below the crossed-out phrase "short term rental." This application form indicated that the use applied for was an apartment building, and **not** a hotel, suite hotel, or short term rental (of apartment units). For purposes of the Planning Department's analysis under Section 118-394 as to whether a use is legal non-conforming, the change of use to "apartment building," which is a conforming use, evidences both (i) an abandonment of the nonconforming suite hotel use, and (ii) a change from a nonconforming use to a conforming use. When a nonconforming use is abandoned for more than 183 days or changed to a conforming use, the nonconforming use cannot be reinstated. See Section 118-394(b) of the City Code.

The application was reviewed exactly in the form it was submitted, in accordance with the City's standard review procedure, without any modification by City staff. No evidence submitted to the Planning Department at the time of the 2019 application supports the Appellant's contention that the Appellant never intended to abandon the previous suite hotel use. Additionally, the application – which expressly requested approval for an apartment building – refutes the Owner's claim that the Owner never requested, permitted or authorized changes or revisions to the Certificate of Use or BTR. In fact, no dispute was raised by the Owner until approximately 2 years after the change of use (to residential apartment) was processed.

The Planning Department must rely on the accuracy of the submissions of a property owner. And, based on the application submitted, the Owner affirmatively applied to change the use of the Property to a residential apartment building. A residential apartment building, which was the stated use on the application form submitted by the Owner, not the City, is a permitted use in the underlying zoning district. Accordingly, City staff performed its review based upon this description, and the BTR was approved for 8 residential apartments (BTR008501-12-2019). Additionally, as further noted in the background section, this BTR was renewed for the following fiscal year (2020-2021) on December 22, 2020, and Finance Department records show all fees were paid (**Exhibit 'CMB-J'**).

RESPONSE TO PETITION (Second Letter Dated April 17, 2023)

Summary of Appellant's Second Letter

In the second letter submitted by the Appellant, dated April 17, 2023, the Appellant notes the following:

- On December 18, 2019, a State License for Transient Apartment License was obtained.
- When the BTR was approved on December 30, 2019, the review by the Building Review was passed with a comment "ok per CO1901320". CO19-1320 is the Certificate of Occupancy for the 8-unit suite hotel.

- When the Resort Tax application was submitted, the registration form noted that the “Kind of Business” was identified as “Hotel/Motel”. Additionally, when setting up the resort tax account, an Annual Smoke Detectors Inspection/Test Report was required to be submitted, and the Appellant submitted this report with “short-term rental” listed as the type of occupancy.

In summary, the Appellant relies on the following: Transient Apartment License, the Certificate of Occupancy for an 8 unit suite hotel and the fact that the Owner indicated Hotel/Motel/Short-Term Rental on the resort tax application forms.

Planning Director’s Response

A Certificate of Occupancy (CO) for a building is issued by the Building Official pursuant to the requirements of the Florida Building Code. The change in use for the Property approved by the City in December 2019 was considered a change from a more intense use (hotel) to a less intense use (apartment), and no modifications to the building were required as all of the units met the applicable standards and requirements for a residential apartment use. As such, the Building Department reviewer in December 2019 may have concluded that a non-transient residential apartment use was less intense than the previous use of hotel and approved the CU on that basis. Regardless, the property owner can, and at this point should, modify the CO for the property by submitting a permit application to change the CO to residential apartment. This would be an easy, straightforward application, as all the units in the building contain full kitchens and meet all applicable requirements for a residential use.

Regarding the Transient Apartment License obtained from the Florida Department of Business and Professional Regulation (“DBPR”) on December 18, 2019, such license does not supersede or preempt applicable City Land Development Regulations pertaining to the use of the Property. A business operator’s compliance with State regulatory requirements is a separate matter from whether the use is consistent with the City’s Land Development Regulations. Since transient apartments are, and have been since 2010, prohibited at the subject property, and since suite hotels have been prohibited since 2020, the State license has no bearing on the CU application submitted in 2021 for short-term rentals.

As it pertains to the Resort Tax Registration Form, dated April 12, 2020, the Owner checked “Hotel/Motel” under the “Kind of Business.” However, Staff has confirmed with the Finance Department, that from late 2019 to the present, all resort taxes paid have been for residential apartment use.

Finally, information submitted by the Owner as part of a smoke detector test form, even if inconsistent with the approved CU, could not on its own evidence that, as a zoning matter, the prior use of suite hotel was not abandoned. Smoke detector tests are required as part of the CU and BTR process for various types of occupancies including, but not limited to, hotels and residential apartment uses. The purpose of this form is to substantiate whether required smoke detectors have been installed—**not** to keep active a nonconforming use which, according to the 2019 BTR/CU application, was abandoned.

SUMMARY

The Appellant has noted some inconsistencies in certain application forms that were previously filed in connection with the CU and BTR. These include the State license, the resort tax application form, as well as the smoke detector form. Although these forms refer to a transient hotel use, they are incidental to the actual CU and BTR application which, as a zoning matter, is controlling. Moreover, the appellant has not articulated a tangible reason as to why an application for a CU and BTR for a non-transient, residential apartment was filed, approved, and remained active for almost 2 years.

The BTR for 8 residential apartment units was active for four months during fiscal year 2019-2020, and it was renewed again for the fiscal year 2020-2021, with all fees paid, and remained active for the entire ensuing twelve-month period.

Suite hotels have been a non-conforming use at the subject property since August 25, 2020. It is important to note that the Owner did not request to change the use from residential apartment back to suite hotel – not after the initial BTR was issued on May 19, 2020, and not before the effective date (August 25, 2020) of Ordinance No. 2020-4364, which prohibited Suite Hotels in the West Avenue Overlay.

Pursuant to Section 118-394(b) of the City Code, if there is an intentional and voluntary abandonment of a nonconforming use for a period of more than 183 consecutive days, or if a nonconforming use is changed to a conforming use, said use shall lose its nonconforming status. As of the writing of this report, the Planning Department has not received any substantive evidence that: i. establishes the nonconforming use of suite hotel was not changed to a conforming use of residential apartment; or ii. demonstrates the non-conforming use of suite hotel has been abandoned for less than 183 consecutive days.

As it relates to transient apartment use (short term rental), as noted herein, the underlying zoning district of the subject property (RM-1) has expressly prohibited such use since 2010. Notwithstanding, the Owner made an application for short term rentals in September of 2021. It was not until the CU applications for short term rental use were denied on October 7, 2021, that the Appellant raised questions about the previously approved suite hotel use. This was almost 2 years after the original application for a CU and BTR for 8 residential apartment units was filed.

In conclusion, the Appellant has failed to establish that the previous use of suite hotel was (i) legally established and lawfully continued on the Property to the present, or (ii) never abandoned. In fact, the 2019 CU and BTR application states exactly the opposite – that the Property was changed to a residential apartment building. As such, the appeal should be denied and the decision of the Planning Director should be affirmed. However, should the Board decide to grant the appeal, the Board may, pursuant to Section 118-397(b), require certain improvements that are necessary to ensure that the nonconforming use or building will not have a negative impact on the neighborhood.

RECOMMENDATION

In view of the foregoing, staff recommends that the decision of the Planning Director be **AFFIRMED**, and that the subject appeal be **DENIED**.

Exhibit 'CMB-A'
(limited to front page)

Owner D. ACKERMAN W 2 - 3 Lot E 30 ³ -2 Block 79-A	Mailing Address Subdivision ALTON BEACH	Permit No. 22835	Cost \$23,000.
General Contractor STAR CONSTRUCTION CO. Resub. of Bks. 67 & 79	Address 1330 - 15th St.	Bond No. 3353	
Architect Manfred M. Ungaro	Area 16	Engineer	3233-16-0200
Zoning Regulations: Use R. E.	Building Size: Front 30 Depth 69	Lot Size 50 x 112	
Certificate of Occupancy No.	Height 24	Stories 2	
Type of Construction #3	Foundation Spread Footing	Use APARTMENT HOUSE - 4 units	
Plumbing Contractor # 19997 Alex. Orr, jr. Inc.	Sewer Connection 1,	Roof Tile	Date July 24, 1946
Plumbing Contractor # 20061 Alex. Orr, jr. Inc.	Temporary Closet 1,		Date Aug. 16, 1946
Water Closets 4	Bath Tubs 4	Floor Drains	
Lavatories 4	Showers	Grease Traps 4 Elec. water heaters	
Urinals	Sinks 4	Drinking Fountains	
Gas Stoves 4	Gas Heaters	Rough Approved	Date
Gas Radiators	Gas Turn On Approved O'Neill -- Dec. 17, 1946		
Septic Tank Contractor	Tank Size		Date
Oil Burner Contractor	Tank Size		Date
Sprinkler System			
Electrical Contractor # 23004 Unity Electric Co:	Address		Date Sept. 9, 1946
Switch 20	Range Motors	Fans	Temporary Service # 22842-- 3/5/46 Rafael Electric Co.
OUTLETS Light 20	HEATERS Water Space 8	Centers of Distribution 9	
Receptacles 44	Refrigerators 4	Service equipment 1	
	Irons 4	Sign Outlets	
No. FIXTURES 20	Electrical Contractor		Date
FINAL APPROVED BY Woodmansee	Date of Service 12/12/46		
Alterations or Repairs—Over			
PLUMBING PERMIT # 20218 Alex. Orr, jr. Inc.	1 Floor drain - 2 safe waste drains -		Sept. 23, 1946

Exhibit 'CMB-B'

MIAMIBEACH		
Building Department City of Miami Beach 1700 Convention Center Drive, 2nd floor, Miami Beach, Florida 33139, (305) 673-7610, www.miamibeachfl.gov		
TEMPORARY CERTIFICATE OF OCCUPANCY		
Certificate Number: TCO1900421	Status: Issued	
Applied Date: 02/08/2019	Issued Date: 03/04/2019	Expiration Date: 06/03/2019
Site Address: 1330 15 ST	Unit Number:	Parcel Number: 0232330160200
Tenant: NOTUS LLC	Property Owner: NOTUS LLC NOTUS LLC	
Occupancy Classification Code: R1		
Number of Building Floor:	Total Number of Units of the Building: 8	
Residential/Commercial/Mixed Use: Commercial		
New or Substantial Improvement (Y/N): No	Base Flood Elevation:	
Florida Building Code Edition:	Occupant Load:	
Certificate description and specific conditions: TCO – BC1806547 – Units 101, 102, 103, 104, 201,202, 203,204. Interior remodeling of existing building. Conversion to suite hotel. existing 4 units to new 8 units. PRIVATE PROVIDER REV. & INSP/(MTCI).		
General terms and conditions of this certificate: 1. This is to certify that the above noted structure or portion of the structure has been inspected for compliance of Florida Building Code and the provision of the zoning ordinance 89-2665 of City of Miami Beach for the proposed occupancy and use. 2. As-built elevation certificate shall be provided by the applicant for new construction, addition or substantial improvement, and is retained in the records of the Building Department. If the structure is designed for dry-flood proofing, the tenant shall comply with procedures and guidelines of the Flood Emergency Operation Plan and install watertight shields over openings prior to a flood warning. 3. Any unauthorized additions, alterations or change in use of this property will void Certificate of Occupancy. 4. The tenant shall obtain a final Certificate of Occupancy prior to expiration date of this certificate. A Certificate of Occupancy is hereby granted to use said building for the purpose described above, subject to any condition(s) detailed in this document.		
	3/6/2019	
Ana M. Salgueiro Building Official	Date	
This Certificate of Completion is valid only if there is an ISSUED status and a Building Official Signature.		

Exhibit 'CMB-C'

MIAMIBEACH	
Building Department City of Miami Beach 1700 Convention Center Drive, 2nd floor, Miami Beach, Florida 33139, (305) 673-7610, www.miamibeachfl.gov	
CERTIFICATE OF OCCUPANCY	
Certificate Number: CO19-1320	Status: Issued
Applied Date: 05/14/2019	Issued Date: 05/14/2019
Site Address: 1330 15 ST	Unit Number: Parcel Number: 0232330160200
Tenant:	Property Owner: NOTUS LLC NOTUS LLC
Occupancy Classification Code: R1	
Number of Building Floor:	Total Number of Units of the Building: 8
Residential/Commercial/Mixed Use: Commercial	
New or Substantial Improvement (Y/N): No	Base Flood Elevation:
Florida Building Code Edition:	Occupant Load:
Certificate description and specific conditions: CO -- BC1806547 -- Units 101-103, 201-204/ Interior remodeling of existing building, units 101-103 and 201-204, conversion to suite hotel, existing 4 units to new 8 units.	
General terms and conditions of this certificate:	
1. This is to certify that the above noted structure or portion of the structure has been inspected for compliance of Florida Building Code and the provision of the zoning ordinance 89-2685 of City of Miami Beach for the proposed occupancy and use.	
2. As-built elevation certificate shall be provided by the applicant for new construction, addition or substantial improvement, and is retained in the records of the Building Department. If the structure is designed for dry-flood proofing, the tenant shall comply with procedures and guidelines of the Flood Emergency Operation Plan and install watertight shields over openings prior to a flood warning.	
3. Any unauthorized additions, alterations or change in use of this property will void Certificate of Occupancy.	
A Certificate of Occupancy is hereby granted to use said building for the purpose described above, subject to any condition(s) detailed in this document.	
	5/14/2019
Ana M. Salgueiro Building Official	Date
<i>This Certificate of Completion is valid only if there is an ISSUED status and a Building Official Signature.</i>	

Exhibit 'CMB-D'

CITY OF MIAMI BEACH
CERTIFICATE OF USE, ANNUAL FIRE FEE, AND BUSINESS TAX RECEIPT

1700 Convention Center Drive
Miami Beach, Florida 33139-1819

TRADE NAME: NOTUS LLC
DBA:
IN CARE OF:
ADDRESS: 1330 15 St
MIAMI BEACH, FL -331392249

LICENSE NUMBER: BTR005837-01-2019
Beginning: 02/19/2019
Expires: 09/30/2019
Parcel No: 0232330160200

TRADE ADDRESS: 1330 15 St

A penalty is imposed for failure to keep this Business Tax Receipt exhibited conspicuously at your place of business.

A Business Tax Receipt issued under this article does not waive or supersede other City laws, does not constitute City approval of a particular business activity and does not excuse the licensee from all other laws applicable to the licensee's business.

This Receipt may be transferred:

A. Within 30 days of a bonafide sale, otherwise a complete annual payment is due.

B. To another location within the City if proper approvals and the Additional Information

Storage Locations

Code	Business Type
95009500	HOTELS (SMOKE DETECTOR)

Hotel: #Rooms	8
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Exhibit 'CMB-E'

Miami 11/27/2019

I Matteo Soldatini declare that the property Notus llc 1330 15th street on 11/14/2019 was sold.

I would need to have the BTR and the Resort Taxes cancelled.

-BTR 005837-01-2019
-RESORT TAXES 2159811

Thank you in advance for your help.

Best,

SIGNATURE

MATTEO SOLDATINI

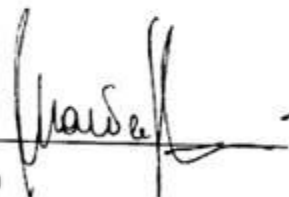
A handwritten signature in black ink, appearing to read 'Matteo Soldatini', is written over a horizontal line. The signature is stylized and cursive.

Exhibit 'CMB-F'
(1 of 2)

BTR 008501-12-2019 / BLPK 2019-08005.

New Plan Number: _____	Amount of Fee Due: \$45.00 Application Fee
Last City License # for This Address: _____	Make Check Payable to: CITY OF MIAMI BEACH

City of Miami Beach

Certificate of Use (CU), Annual Fire Inspection Fee & Business Tax Application

This application is NOT your business tax receipt. Do not operate the business until the Certificate of Use and the Business Tax Receipt are issued.
 The place of business must be available to all inspectors.

Type of Application:

New Business Change of Owner Adding Seats Additional Occupation Change of Location

Application Checklist

Federal ID No Fictitious Name Registration Lease/Deed/Closing Statement
 Articles of Inc (if applicable) State License (if applicable) CU and Annual Fire Fee (non-refundable)
 Bill of Sale Insurance

Does the Application Involve: Change of Use Renovation (Provide Certificate of Occupancy Process Number _____)

A Change of Use may generate additional building and fire code requirements as applied to new construction.

A valid Certificate of Occupancy is required before an occupational license can be issued.

Is the Business one or more of the following types:

Apartment Building Condominium Hotel Restaurant Bakery
 Ice Cream Parlor Delicatessen Nightclub Dancing/Entertainment Real Estate
 Hair Salon Home Based Business Health club Promoter Valet
 Escort Service Janitorial Service Mail Order Pre-Package Food Motor Scooter
 Retail Alcohol Sales Travel (sales) Mobile Caterer Alcoholic Beverage Establishment
 Beach Front Concession Machine Distributor

Is the Business one of the following types:

Adult Congr Liv Facility Day Care Nursing Home Religious Institution School
 Parking Lot / Garage Outdoor Entertainment Open Air Entertainment Pawnshop Warehouse
 Video Game Arcade Gasoline Sales Restaurant Alcoholic Beverage Establishment

Business Name 1330 15th Street LLC Application Date 11/13/2019
 Location 1330 15th St Miami Beach, FL 33139 Lease Own
 Type of Business (be very specific) short term rental Hours of Operation _____
 Hours Serving Alcohol _____ APT Bldg.

Name of Owner (President) Arunthan Thangavel Date of Birth 9/29/1984 DL# TS21-000-80349-0
 EIN 84-8378063 SSN 564-85-4102 St. FL
 Federal ID# _____
 Home Address 1504 Bayrd apt 720 City Miami Beach State FL Zip 33139
 Home Phone (318) 667-1975 Business Phone _____ Cell Phone _____
 Email Address athangavel@laksbmi-capital.com

Send Business Mail to Attention of: Same as above, owner Business Phone (318) 667-1975
 Address _____ City _____ State _____ Zip _____
 Name of Emergency Contact Murugesu Thangavel Phone (661) 400-6577

Exhibit 'CMB-F'
(2 of 2)

Is the Business a:

Hotel or Apartment? If yes, how many units? 8 # of washers/dryers (if owned) 1

Restaurant? How many seats inside? _____ How many seats outside? (private property only) _____
If there will be seats outside on public property (sidewalk), then a Sidewalk Café Permit is required.
Hours of Alcohol Sales _____ (Zoning Review for # of chairs)

Office or Retail Establishment? If yes, approximate sq. ft. _____
If Retail, what is the inventory value? General \$ _____ Food \$ _____ Liquor \$ _____

Hair or Nail Salon? If yes, number of seats _____

Motor Scooter Rentals? If yes, number of scooters _____

A Miami-Dade County Business Tax Receipt is also required. See "Miami Dade County Business Tax for more information."

Contact the Planning Department for a Sign Permit which is required for all signage.

Any person who, in applying for a business license in the City of Miami Beach, who shall make a false statement and/or fail to disclose and/or misrepresent the information requested shall be subject to penalties authorized by City Code Section 102-375.

I UNDERSTAND THAT IT IS MY RESPONSIBILITY TO FOLLOW-UP ON THE APPROVAL PROCESS FOR THIS APPLICATION. TO FOLLOW-UP PLEASE CALL 305-673-7420 FOR FURTHER INSTRUCTIONS AND/OR STATUS.

I HAVE READ THIS APPLICATION AND I DO FREELY AND VOLUNTARILY CONFIRM THAT THE STATEMENTS AND INFORMATION CONTAINED THEREIN ARE TRUE AND CORRECT.

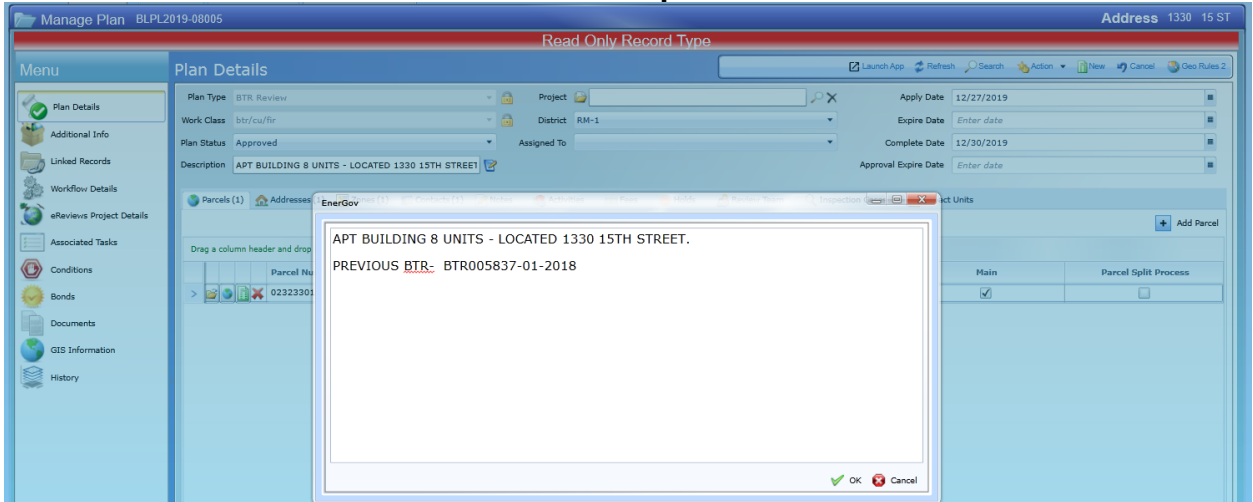
Anantha Thangavel
Print Name

[Signature]
Signature

11/18/2019
Date

Official Use Only: Review by the following Departments may be required:				
Planning & Zoning	Required? <input type="checkbox"/> yes <input type="checkbox"/> no	By _____	Date _____	Comments _____
Concurrency	Required? <input type="checkbox"/> yes <input type="checkbox"/> no	By _____	Date _____	Comments _____
Building	Required? <input type="checkbox"/> yes <input type="checkbox"/> no	By _____	Date _____	Comments _____
Fire	Required? <input type="checkbox"/> yes <input type="checkbox"/> no	By _____	Date _____	Comments _____
Parking	Required? <input type="checkbox"/> yes <input type="checkbox"/> no	By _____	Date _____	Comments _____
Risk Management	Required? <input type="checkbox"/> yes <input type="checkbox"/> no	By _____	Date _____	Comments _____
Public Works	Required? <input type="checkbox"/> yes <input type="checkbox"/> no	By _____	Date _____	Comments _____
Finance	Required? <input type="checkbox"/> yes <input type="checkbox"/> no	By _____	Date _____	Comments _____
Code	Required? <input type="checkbox"/> yes <input type="checkbox"/> no	By _____	Date _____	Comments _____
Notes/Comments _____				

Exhibit 'CMB-G' 'BLPL Description'



'BLPL Approvals'



Exhibit 'CMB-H'

**CITY OF MIAMI BEACH
CERTIFICATE OF USE, ANNUAL FIRE FEE, AND BUSINESS TAX RECEIPT**

1700 Convention Center Drive
Miami Beach, Florida 33139-1819

TRADE NAME: 1330 15TH STREET LLC
DBA:
IN CARE OF:
ADDRESS: 1330 15 St
MIAMI BEACH, FL -331392249

LICENSE NUMBER: BTR008501-12-2019
Beginning: 05/19/2020
Expires: 09/30/2020
Parcel No: 0232330160200

TRADE ADDRESS: 1330 15 St

A penalty is imposed for failure to keep this Business Tax Receipt exhibited conspicuously at your place of business.

A Business Tax Receipt issued under this article does not waive or supersede other City laws, does not constitute City approval of a particular business activity and does not excuse the licensee from all other laws applicable to the licensee's business.

This Receipt may be transferred:

A. Within 30 days of a bonafide sale, otherwise a complete annual payment is due.

B. To another location within the City if proper approvals and the Receipt are obtained prior to opening of the new location.
Additional Information

Storage Locations

Code	Business Type
95000900	APARTMENT ROOMS
95700000	Apartment buildings (rental), not including kitchens and bathrooms
Apartment Bldgs Rental: # Units	
8	


FROM: CITY OF MIAMI BEACH
1700 CONVENTION CENTER DRIVE
MIAMI BEACH, FL 33139-1819





PRESORTED
FIRST CLASS
U.S. POSTAGE
PAID
MIAMI BEACH, FL
PERMIT No 1525

1330 15TH STREET LLC
1504 Bay Rd #720
MIAMI BEACH, FL 33139

Exhibit 'CMB-I'
(1 of 3)


RE: 1330 15th Street

 Gonzalez, Sasha

To  Guzman, Ricardo;  Donoso, Gabriel
Cc  Belush, Michael;  Mooney, Thomas

Retention Policy 2 Year Permanent Delete (2 years) Expires 06/16/2024

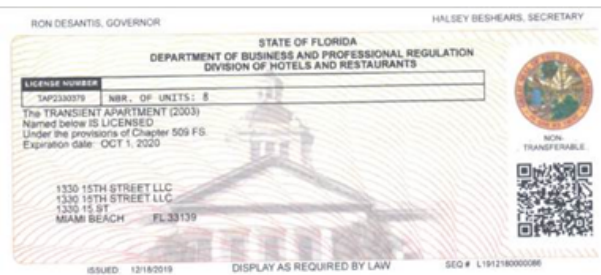
Fri 06/17/2022 3:36 PM

 Follow up. Start by Friday, June 17, 2022. Due by Friday, June 17, 2022.
You replied to this message on 06/17/2022 3:53 PM.
This message is part of a tracked conversation. [Click here to find all related messages or to open the original flagged message.](#)

Ricardo –

Both the BTR and RTX are created based on the State License, which is for an Apartment Building. It was setup on 05/19/2020 and they owe the month of April 2022.

Thank you,



Status

1330 15TH STREET LLC Pending Balance **\$700.00**

Doc Type	Period	Doc No	Period Date	Due Date	Amnt Owed
Tax Return	2022-04	0	04/30/2022	05/20/2022	700.00

MIAMIBEACH

Sasha Gonzalez, Customer Service Manager
FINANCE DEPARTMENT
1755 Meridian Ave, Suite 100, Miami Beach, FL 33139
Tel: 305-673-7420 / www.miamibeachfl.gov

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

Exhibit 'CMB-I'
(2 of 3)

RE: 1330 15th Street

 Donoso, Gabriel

To  Guzman, Ricardo;  Gonzalez, Sasha
Cc  Belush, Michael;  Mooney, Thomas

Retention Policy 2 Year Permanent Delete (2 years) Expires 06/16/2024

Fri 06/17/2022 4:04 PM

 Reply  Reply All  Forward 

 Follow up. Start by Friday, June 17, 2022. Due by Friday, June 17, 2022.
This message is part of a tracked conversation. [Click here to find all related messages or to open the original flagged message.](#)

The type of Resort tax regarding Rental is determined by the Use... In the case of Long term rentals like apartments, they are set up with an Annual account. In the case for Short term, its set up as a monthly account. Hotel/Motel is a monthly account.

Business Account

Account No.:	2302201	Business Name:	1330 15TH STREET LLC		
State Lic. Type:	Apartment	Busn. Address 1:	1330 15TH ST		
Business Type:	Corporation (Articles)	Busn. Address 2:			
Business Kind:	APARTMENT	Business City:	MIAMI BEACH		
Sales Tax Acct.:		Business State:	FL		
Federal ID:	84-3378063	Business Zip:	33139		
Account Type:	Y	Status:	A	Business Phone:	8186671975
Start Date:	12/05/2019	Company Name:	1330 15TH STREET LLC		
Regist. Paid Date:	05/19/2020	Seating Qty:			
Registration Fees:	25.00	Rooms Qty:	8		
Termination Date:		e-Mail Address:	athangavel@lakshmi-capiti		
Termination Reason:					

Business Account




Account No.:	2159811	Business Name:	NOTUS LLC		
State Lic. Type:	DIVISION OF HOTELS	Busn. Address 1:	1330 15TH ST		
Business Type:	Corporation (Articles)	Busn. Address 2:			
Business Kind:	HOTEL / MOTEL	Business City:	MIAMI BEACH		
Sales Tax Acct.:		Business State:	FL		
Federal ID:	46-3475873	Business Zip:	33139		
Account Type:	M	Status:	I	Business Phone:	786-536-2106
Start Date:	02/19/2019	Company Name:	NOTUS LLC		
Regist. Paid Date:	02/19/2019	Seating Qty:			
Registration Fees:	25.00	Rooms Qty:	8		
Termination Date:	11/14/2019	e-Mail Address:	info@redgroup.estate		
Termination Reason:	Business closed - See attached				

MIAMI BEACH


Gabriel Donoso, Financial Analyst III
Finance Department
1700 Convention Center Drive
Miami Beach, FL 33139
Tel: (305) 675-7447





Exhibit 'CMB-I'
(3 of 3)

RE: 1330 15th Street

 Donoso, Gabriel
To  Guzman, Ricardo;  Gonzalez, Sasha

Retention Policy 2 Year Permanent Delete (2 years) Expires 06/29/2024

 Follow up. Start by Monday, April 10, 2023. Due by Monday, April 10, 2023.
You replied to this message on 06/30/2022 2:33 PM.
This message is part of a tracked conversation. [Click here to find all related messages or to open the original flagged message.](#)

 Reply  Reply All  Forward 

Thu 06/30/2022 10:29 AM

Hello they started to file in February 2022 but he went back on taxes collected from 2020 that the business collected but never submitted.

Hope this helps

MIAMIBEACH

Gabriel Donoso, *Financial Analyst III*
Finance Department
1700 Convention Center Drive
Miami Beach, FL 33139
Tel: (305) 673-7447

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

Exhibit 'CMB-J'
(1 of 2)

CITY OF MIAMI BEACH
CERTIFICATE OF USE, ANNUAL FIRE FEE, AND BUSINESS TAX RECEIPT

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DBA:
IN CARE OF:
ADDRESS: 1330 15 St
MIAMI BEACH, FL -331392249

LICENSE NUMBER: BTR008501-12-2019
Beginning: 12/22/2020
Expires: 09/30/2021
Parcel No: 0232330160200

TRADE ADDRESS: 1330 15 St

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95700000	Apartment buildings (rental), not including kitchens and bathrooms
Apartment Bldge Rental: # Units	
8	

FROM: CITY OF MIAMI BEACH
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PRESORTED
FIRST CLASS
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PAID
MIAMI BEACH, FL
PERMIT No 1525

1330 15TH STREET LLC
1330 15 St
MIAMI BEACH, FL -331392249

Exhibit 'CMB-J'
(2 of 2)

Manage License BTR008501-12-2019 Read Only Record Type

Menu Launch App Refresh Search Action Geo Rules 1

License Details

Business Name: 1330 15TH STREET LLC DBA: [Redacted]

License Type: Business License District: RM-1 Application/Renewal Date: 12/27/2019

Classification: BTR Issued By: Williams, Tameya Issued Date: 12/22/2020

Status: Expired Account Number: [Redacted] Expiration Date: 09/30/2021

Description: Renewal: Apartment Building 8 Units/15 Rooms // 1330 15th Street Linked Account Balance: \$0.00 Last Renewal Date: 07/27/2021

License Year: 2021 Outstanding Fees: \$0.00

Parcels (1) Addresses (1) Zones Contacts (1) Notes (1) Fees (4) Business Types (2) Activities Inspection Cases Holds

Fees Deleted Fees Voided Fees

Total: \$146.00 \$0.00

Fee Name	Input Value	Computed Amount	Credit Amount	Status	Manually Added	Fee Order	Invoice	Notes	Adjustment Reason
Occ. Code 95000900 Fee	0.00	\$43.00	\$0.00	Paid In Full	✓	1	00249927	APARTMENT ROOMS	
Occ. Code 95000900 Fee	0.00	\$43.00	\$0.00	Paid In Full	✓	1	00242768	APARTMENT ROOMS	COVID-19 Renew Split: Fee adjusted by 50%
Residential Occupancies - Apartment Buildings	0.00	\$30.00	\$0.00	Paid In Full	✓	1	00242768	Fire Annual Inspection Fee: Residential Occup	COVID-19 Renew Split: Fee adjusted by 50%
Residential Occupancies - Apartment Buildings	0.00	\$30.00	\$0.00	Paid In Full	✓	1	00249927	Fire Annual Inspection Fee: Residential Occup	