


BOARD OF ADJUSTMENT

FROM: Thomas R. Mooney, AICP 
Planning Director

DATE: September 8, 2023

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

An application has been filed by 1330 15th Street, LLC (“Appellant”) 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.

NOTE: On February 1, 2023, the City Commission adopted new Land Development Regulations as part of the Miami Beach Resiliency Code, which became effective on June 1, 2023. The Planning Director’s Determination pursuant to this matter was issued prior to the effective date of the Resiliency Code and, therefore, all references contained within this response cite to the prior Land Development Regulations, which were in effect through May 31, 2023.

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 Plat book 16, Page 1 of the Public Records of Miami-Dade County, Florida.

APPEAL HISTORY

On February 22, 2023, the owner of the property at 1330 15th Street appealed the denial of a Business Tax Receipt on the basis that, pursuant to the Land Development Regulations, short-term rentals are not permitted on the subject property. On May 5, 2023, following argument and testimony from the property owner, Planning Director, and nearby residents, the Board of Adjustment denied the appeal and affirmed the decision of the Planning Director (by a vote of 5-1).

On June 2, 2023, the Board of Adjustment adopted a motion to reconsider its May 5, 2023 decision to deny the appeal and affirm the decision of the Planning Director, based upon newly discovered evidence (by a vote of 5-1). Pursuant to that motion, the appeal was re-noticed for the September 8, 2023 Board of Adjustment meeting.

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,

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.”

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 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 (May 5, 2023 Board of Adjustment Hearing)

First, the role of the Board regarding 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 reinstituted.

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 (May 5, 2023 Board of Adjustment Hearing)

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.

PLANNING DIRECTOR’S UPDATED RESPONSE - September 8, 2023 Board of Adjustment Hearing

Pursuant to the Board of Adjustment’s approval of the June 2, 2023 motion to reconsider its decision to deny the appeal, the Board may now consider newly discovered evidence, take additional testimony, and decide whether to affirm or reverse its original decision. On August 18, 2023, the Office of the Inspector General (OIG) issued the attached Final Report relating to the Review of Complaint and Process Regarding Issuance of Certificate of Use and Business Tax Receipt at 1330 15th Street (“OIG Report”).

As a threshold matter, although the OIG Report concerns issues that relate to the subject of this appeal, pursuant to Article I, Section 2 of the Related Special Acts, and Sections 118-9 and 118-397 of the Land Development Regulations, the Board of Adjustment has the exclusive jurisdiction to decide appeals from formal determinations of the Planning Director. Accordingly, the Board of Adjustment has the full and independent authority to render a final determination as to whether the previous use of suite hotel may be reintroduced.

It is important to note that the OIG Report concluded that there was no malfeasance or neglect by any City employee. Additionally, and in recognition of the Board’s exclusive authority over this matter, the OIG Report does not provide a recommendation regarding the subject appeal. Notwithstanding the conclusions in the OIG Report, and for purposes of clarity, the following is provided in response to certain issues referenced in the OIG Report.

1. Summary of events between May 19, 2020 and September 24, 2021

A CU/BTR was issued to the property owner (Mr. Thangavel) on May 19, 2020 for non-transient apartment rooms. This CU/BTR was renewed on December 20, 2020 and remained active until September 30, 2021.

Notwithstanding the fact that a CU/BTR was issued for non-transient residential apartments at the property, and according to the OIG Report, Mr. Damian Gallo Jr. from the Permit Doctor (who, at the time, was the owner’s permit expediter) acknowledged that the CU/BTR

application process was intended to be for the short-term rental of apartment units and that he was not familiar with the City's definition of "suite hotel." Mr. Gallo Jr. also indicated that the process to obtain a separate CU/BTR was never completed. It appears that Mr. Gallo is referring to the CU/BTR that would otherwise be required for the short-term rental of the eight units in the building; however, this is not clear. Additionally, the employees of the Permit Doctor acknowledge that each unit proposed to be used for short-term rentals must obtain a separate CU/BTR, but such applications were never submitted by the Permit Doctor to the City until September 24, 2021.

Although it is alluded to that there were delays caused by the pandemic, there is no clear explanation as to why the application for the short-term rental of the units was not made until September 24, 2021. The previous use of suite hotel at the property became prohibited in August of 2020 (pursuant to Ordinance No. 2020-4364, which removed "suite hotels" as an allowable use in the West Avenue Bayfront Overlay District). It is important to note that had the CU/BTR application for the short-term rental of the units in the building been submitted as part of the application approved on May 19, 2020, that CU/BTR application would have been denied by Planning and the applicant, at that point, could have potentially modified the application to a suite hotel, which was a permitted use until August of 2020.

Also, it is noted in the OIG Report, that one of the documents uploaded by the Permit Doctor (the permit expeditor) on September 24, 2021 for the short-term rental CU/BTR application was a June 15, 2020 letter from the property owner indicating his intent to apply for a short-term rental BTR for all eight units in the building. However, there is no explanation as to why this correspondence dated June 15, 2020 was not submitted to the City until September 24, 2021, when it was included in a CU/BTR application. Again, if a CU/BTR application for short-term rentals had been submitted prior to August of 2020, although it would have been denied by Planning (because short-term rentals have been prohibited in this district since 2010), it is likely that the applicant would have questioned why the application was denied and been advised that Suite Hotel was still a permitted use and the application could have been modified to reflect a suite hotel.

2. Application Intake for CU/BTR – Planning Review

In the OIG Report, it is noted that as part of December 27, 2019 CU/BTR application, the prior CU/BTR for a suite hotel on the property was uploaded. The report further indicates that this prior BTR was issued to the previous property owner on September 27, 2019 and expired on September 30, 2020. The OIG Report, however, does not recognize that this previous BTR (and corresponding resort tax account) was closed, in writing, by the previous property owner, on November 27, 2019. This is important because the application submitted on December 27, 2019 was properly treated as a new CU/BTR application.

Additionally, as it pertains to the review of the December 27, 2019 CU/BTR application, the Planning comments note that the application is for a residential apartment building (8 units). It is further noted in the OIG Report that there is no explanation of how that determination was made. In this regard it is important to point out that the application submitted by the property owner, and uploaded to the system, was for an apartment building. City staff relies on the accuracy of each applicant's submissions. The subject property is zoned RM-1 (Residential, Multi-Family Low Intensity) and this zoning district expressly permits apartment buildings as

a permitted use. Since this is a permitted use, and the previously issued permit for suite hotel confirmed that the building met the minimum unit size requirements for an apartment unit, there was no reason for a Planning reviewer to inquire further. In short, if a proposed use is permitted within a zoning district, the Planning reviewer does not initiate an inquiry as to why the property owner desires to license a permitted use.

Finally, whether the 'change of use' box was checked or not had no impact on this CU/BTR application in terms of zoning review, as apartment building is a permitted use in the underlying RM-1 zoning district and the previous use (suite hotel) met the applicable unit size and kitchen requirements for an apartment unit, and was a conforming use at the time.

3. Definition of Short-Term Rental (STR)

In the OIG Report, it is noted that suite hotels are defined in Chapter 114 (Definitions) of the Land Development Regulations ("LDRs"), which is the first chapter of the LDRs, but that short-term rentals (STR) are not. However, short-term rentals are in fact defined in the LDRs – at Sec. 142-1111 – as "the rental of apartment or townhome residential properties in districts zoned RM-1, RM-PRD, RM-PRD-2, RPS-1 and RPS-2, CD-1, RO, RO-3 or TH for periods of less than six months and one day."

The fact that the definition of STR is codified in a different section of the LDRs does not change the fact that a suite hotel is a completely different use from an STR. Additionally, the Permit Doctor representatives had full knowledge of what an STR was.

4. Alteration to the CU/BTR Application

On pages 16-18 of the OIG Report, which pertains to the Planning Director's response to the draft OIG Report, the OIG suggests that the City should have more closely scrutinized, or even questioned, the handwritten modifications on the first page of the application. Specifically, the OIG contends that "the normal course of business for modifications to a document would, at a minimum, require that the person who modified the document initial or sign and date the change or that a new application be completed."

First, it is important to note that the Administration will give due consideration to the OIG's recommended process improvements moving forward; however, any prospective recommendations are a completely separate matter from this Appeal. Second, whether to submit a document with handwritten modifications, and whether or not the changes are initialed, is entirely the prerogative of each applicant. Applicants must be responsible for written submissions that they or their representatives provide to the City. Notwithstanding this observation, whether the modification to the first page of the application should have been initialed or re-written is irrelevant as the requested use on the form was clearly and unambiguously for a non-transient residential apartment. Moreover, from a regulatory standpoint, this application, which was submitted almost 4 years ago, did not present anything that was 'confusing' for the reviewer.

SUMMARY

As indicated previously, 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 still has not sufficiently explained why an application for a CU and BTR for a non-transient, residential apartment was filed, approved, renewed, 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 until 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. To date, the Planning Department still 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, notwithstanding the findings and conclusions set forth in the OIG Report, 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 date, or (ii) never abandoned. The written submissions received by the City do not reflect the Appellant's position, in this appeal, that he never intended to abandon the use.² In fact, the 2019 CU and BTR application states exactly the opposite – that the Property was affirmatively changed to a residential apartment building.

At this point, given that suite hotels are prohibited in the Overlay, there is no legal mechanism

² The Appellant relies on a prior decision of the Board pertaining to a nonconforming package liquor store at 865 Collins Avenue. See Appellant's September 8, 2023 submission, at pages 158-59, and 226-27. Without delving into the substantive issues raised in this prior appeal, the Planning Director evaluates each request on an individual basis, taking into account the specific circumstances of each property and after closely reviewing the City's public records. The facts in this case are completely different from the 865 Collins Avenue appeal.

in the Code for the Planning Department to permit the suite hotel use to resume. As such, the appeal should be denied, and the decision of the Planning Director should be affirmed. However, in light of the Board's motion to reconsider, the Board once again has full jurisdiction over this appeal. 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	Mailing Address	Permit No. 22835	Cost \$23,000.
Lot E 30 th -2 Block 79-A	Subdivision ALTON BEACH	Address 1330 - 15th St.	
General Contractor STAR CONSTRUCTION CO. Resub. of Bks. 67 & 79		Bond No. 3353	
Architect Manfred M. Ungaro	Area 16	Engineer	3233 -16-0200
Zoning Regulations: Use R. E.		Lot Size 50 x 112	
Building Size: Front 30	Depth 69	Height 24	Stories 2
Certificate of Occupancy No.		Use APARTMENT HOUSE - 4 units	
Type of Construction #3	Foundation Spread Footing	Roof Tile	Date July 24, 1946
Plumbing Contractor # 19997	Alex. Orr, Jr. Inc.	Sewer Connection 1,	Date July 24, 1946
		Temporary Closet 1,	
Plumbing Contractor # 20061	Alex. Orr, Jr. Inc.	Water Meter 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
OUTLETS Light 20	HEATERS Water	Centers of Distribution 9	Rafael Electric Co.
Receptacles 44	Space 8	Service equipment 1	
	Refrigerators 4	Sign Outlets	
	Irons 4		
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'

MIAMI BEACH		
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'

MIAMI BEACH	
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 89-2665 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.	
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
This Certificate of Completion is valid only if there is an ISSUED status and a Building Official Signature.	

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	LICENSE NUMBER: BTR005837-01-2019
DBA:	Beginning: 02/19/2019
IN CARE OF:	Expires: 09/30/2019
ADDRESS: 1330 15 St MIAMI BEACH, FL -331392249	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

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

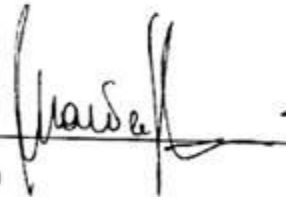
A handwritten signature in black ink, appearing to read 'Matteo Soldatini', written over a horizontal line.

Exhibit 'CMB-F'
(1 of 2)

BTR 008501-12-2019 / BCLPL 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
Federal ID# 84-8378063 SSN 564-85-4122
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 (818) 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.

Ananthan Thangavel
Print Name

[Signature]
Signature

11/18/2019
Date

Official Use Only: Review by the following Departments may be required:

Planning & Zoning	Required? <u>yes</u> <u>no</u>	By _____	Date _____	Comments _____
Concurrency	Required? <u>yes</u> <u>no</u>	By _____	Date _____	Comments _____
Building	Required? <u>yes</u> <u>no</u>	By _____	Date _____	Comments _____
Fire	Required? <u>yes</u> <u>no</u>	By _____	Date _____	Comments _____
Parking	Required? <u>yes</u> <u>no</u>	By _____	Date _____	Comments _____
Risk Management	Required? <u>yes</u> <u>no</u>	By _____	Date _____	Comments _____
Public Works	Required? <u>yes</u> <u>no</u>	By _____	Date _____	Comments _____
Finance	Required? <u>yes</u> <u>no</u>	By _____	Date _____	Comments _____
Code	Required? <u>yes</u> <u>no</u>	By _____	Date _____	Comments _____

Notes/Comments _____

Exhibit 'CMB-G' 'BLPL Description'

The screenshot shows the 'Manage Plan' interface for plan BLPL2019-08005. The 'Plan Details' section is active, showing a 'BTR Review' plan. A modal window is open, displaying the following text:

APT BUILDING 8 UNITS - LOCATED 1330 15TH STREET.
PREVIOUS BTR- BTR005837-01-2018

'BLPL Approvals'

The screenshot shows the 'Manage Plan' interface for plan BLPL2019-08005, specifically the 'Workflow Details' section for the 'BTR/Planning Queue'. The table below lists the workflow items:

Name	Department Name	Assigned User	Status	Assigned Date	Due Date	Completed Date	Priority	Not Required	Comments
Code Enforcement Review	Code Enforcement	Escobar, Silvia	Pass	12/27/2019	12/27/2019	12/30/2019	0	<input type="checkbox"/>	Approved. This contact ha ...
Building Review	Building - Plans Examiners	Chamoun, Gabi	Pass	12/27/2019	01/17/2020	12/30/2019	0	<input type="checkbox"/>	OK per CO19-1320
Planning Department Review	Planning	Williams, Stever	Pass	12/27/2019	01/03/2020	12/30/2019	0	<input type="checkbox"/>	Residential Apartment Bul ...
Finance Review	Finance	Roman, Pablo	Pass	12/27/2019	01/06/2020	12/30/2019	1	<input type="checkbox"/>	

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

Reply Reply All Forward ...

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,

RON DESANTIS, GOVERNOR


HALSEY BESHEARS, SECRETARY


STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF HOTELS AND RESTAURANTS

LICENSE NUMBER
TAP2300370

NBR. OF UNITS: 8

The TRANSIENT APARTMENT (2003)
Named below IS LICENSED
Under the provisions of Chapter 509 FS
Expiration date: OCT 1, 2020


NON-TRANSFERABLE



1330 15TH STREET LLC
1330 15TH STREET LLC
1330 15 ST
MIAMI BEACH FL 33139

ISSUED: 12/16/2019 DISPLAY AS REQUIRED BY LAW SEQ # L1912180000086

Status

1330 15TH STREET LLC

Pending Balance \$700.00

Doc Type	Period	Doc No	Period Date	Due Date	Am't Owed
Tax Return	2022-04	0	04/30/2022	05/20/2022	700.00

MIAMI BEACH

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

 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.

Reply Reply All Forward

Fri 06/17/2022 4:04 PM

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-capital.com
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	



MIAMIBEACH





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

 Reply  Reply All  Forward 

Retention Policy 2 Year Permanent Delete (2 years) Expires 06/29/2024 Thu 06/30/2022 10:29 AM

 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.

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

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: 12/22/2020
Expires: 09/30/2021
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
95000900	APARTMENT ROOMS
95700000	Apartment buildings (rental), not including kitchens and bathrooms

Apartment Bldg 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
1330 15 St
MIAMI BEACH, FL -331392249

Exhibit 'CMB-J'
(2 of 2)

Manage License BTR008501-12-2019

Read Only Record Type

Menu

License Details

Business Name 1330 15TH STREET LLC DBA

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 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 Occupancies - Apartment Buildings	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 Occupancies - Apartment Buildings	



Joseph M. Centorino, Inspector General

To: Honorable Mayor and Members of the City Commission
From: Joseph M. Centorino, Inspector General

Re: Investigation of Complaint and Review of Process Regarding Issuance of Certificate of Use and Business Tax Receipt for 1330 15th Street
OIG No. 23-16

Date: August 18, 2023

EXECUTIVE SUMMARY

The Miami Beach Office of the Inspector General (OIG) has concluded an investigation and process review arising from a complaint made by Ananthan Thangavel, owner of the property located at 1330 15th Street, Miami Beach, which alleged that (1) City of Miami Beach employees may have engaged in malfeasance and/or negligence with respect to the issuance of a Certificate of Use (CU) /Business Tax Receipt (BTR) for the property; (2) an employee of permit expeditor, Permit Doctor, forged the CU/BTR application that was submitted to the City and; (3) a City of Miami Beach Planning and Zoning employee instructed the Miami Beach Police Detective looking into the forgery allegation not to investigate the matter.

Allegations two and three were unsubstantiated. The allegation of forgery was reported by Mr. Thangavel to the Miami Beach Police Department (MBPD). After reviewing the information provided, MBPD determined that the matter was civil in nature, and did not proceed with a criminal investigation, a decision with which the OIG agrees based on its investigation. Regarding the allegation that an employee improperly instructed the MBPD Detective assigned to the complaint not to investigate the matter, both the Detective and the employee involved denied any such instruction, and the OIG found no evidence of any such misconduct.

The first allegation, the issuance of the CU/BTR to Mr. Thangavel, was thoroughly reviewed by the OIG, which concluded that there was no malfeasance or neglect by City employees; however, it did determine that a series of events occurred that led to Mr. Thangavel's obtaining a CU/BTR for a use of the property for which he did not intend to apply. The OIG found that miscommunication, misunderstanding, and/or a misinterpretation of the various meanings of accommodation establishment terminologies throughout the process by Mr. Thangavel and the Permit Doctor employees, the delay in time caused by the pandemic, and a lack of sufficient quality controls on the part of the City resulted in Mr. Thangavel's obtaining a CU/BTR for "APARTMENT ROOMS" (non-transient) instead of one for "HOTELS (SMOKE DETECTOR)" which was the type of CU/BTR that the previous owner was issued to operate a suite hotel at that location.

The OIG reviewed voluminous documentation, including, but not limited to, City records from Planning and Zoning, Finance, Building, Code Compliance, emails, and open-source records and interviews and communications with Mr. Thangavel, City staff, Permit Doctor staff, and the State

of Florida Department of Business and Professional Regulations Licensing staff. The investigation and review of the decision to issue Mr. Thangavel the CU/BTR for apartment rooms focused on the CU/BTR application that was changed by an employee of the Permit Doctor from the original application prepared by Mr. Thangavel and submitted to the City by the Permit Doctor employee on behalf of Mr. Thangavel.

At all times during Mr. Thangavel's pursuit to obtain a CU/BTR to operate a business in Miami Beach, the operation of short-term rentals has been prohibited in the area of the City in which Mr. Thangavel's property is located. However, the operation of suite hotels (a short-term rental method) which is what the previous owner was licensed to operate, was permitted until an ordinance prohibiting its use became effective on August 25, 2020.

The OIG learned that the CU/BTR process that was in place in 2019 during the time of this review has changed, and the current process for customers to apply is predominately completed online through a software system called Citizen Self-Service (CSS) accessed on the City's website. The current process requires that a Certificate of Use be issued prior to applying for a Business Tax receipt which were both requested on a single application. The OIG also learned that the City has engaged consultant Berry Dunn, which is currently conducting a review of the City's regulations and processes relating to development review. They will be evaluating the City's current business practices, which include the CSS, and will be providing recommendations for service improvement.

This OIG report presents its observations of the processes that led to miscommunication, misunderstanding, and/or misinterpretation among those involved, as well as some quality control issues within the City that may still exist in the current process and will provide recommendations that may contribute to Berry Dunn's efforts toward service improvements.

The report concerns issues that are also the subject of an administrative appeal currently pending before the City of Miami Beach Board of Adjustment. Pursuant to Article I, Section 2 of the Related Special Acts, and Sections 118-9 and 118-397 of the Land Development Regulations, the Board of Adjustment has the exclusive jurisdiction to decide appeals from formal determinations of the Planning Director.

On February 22, 2023, the owner of the property at 1330 15th Street appealed the denial of a Business Tax Receipt on the basis that, pursuant to the Land Development Regulations, short-term rentals are not permitted on the subject property. On May 5, 2023, following argument and testimony from the property owner, Planning Director, and nearby residents, the Board of Adjustment denied the appeal and affirmed the decision of the Planning Director.

On June 2, 2023, the Board of Adjustment adopted a motion to reconsider its May 5th decision. Pursuant to that motion, the appeal will be re-noticed for the September 8, 2023, Board of Adjustment meeting. At that time, the Board will take additional testimony, and decide on any further action.

The relevant governing authorities referred to in this report are included in Appendix A.

OIG Authority

Section 2-256 of the Code of Miami Beach codifies that the City of Miami Beach Office of Inspector General is created as an independent body to perform investigations, audits, reviews, and oversight of municipal matters, including city contracts, programs, projects, and expenditures, in order to identify efficiencies and to detect and prevent fraud, waste, mismanagement, misconduct, and abuse of power. The organization and administration of the office must be sufficiently independent to assure that no interference or influence external to the office adversely affects the independence and objectivity of the inspector general.

The OIG has the power to require reports from the city manager, city departments, city agencies, boards, and committees, and city officers and employees, regarding any matter within the jurisdiction of the inspector general. The OIG has the power to subpoena witnesses, administer oaths, and require the production of records regarding any matter within the jurisdiction of the office.

Background

This matter originated from a complaint received by the OIG in April 2023 from the current owner, 1330 15th Street, LLC (Ananthan Thangavel), of the property located at 1330 15th Street, Miami Beach, which included the allegations presented in the summary. In November 2019, Mr. Thangavel purchased the property, which was converted by the previous owner from a four-unit residential apartment to an eight-unit suite hotel. In January 2019 the previous owner submitted an application for a CU/BTR (Exhibit 1) and, in February 2019, was issued a CU/BTR (Exhibit 2) and in May 2019, a Certificate of Occupancy (CO) (Exhibit 3) by the City to operate a suite hotel. The previous owner also applied for and inadvertently received a hotel license from the State of Florida Department of Business and Professional Regulation (DBPR), which will be discussed in detail below.

Within six months of obtaining the CO, the previous owner sold the property to Mr. Thangavel. After purchasing the property, Mr. Thangavel engaged a local permit expediting company, Permit Doctor, to assist him in transferring and obtaining the proper license to operate the business in the City of Miami Beach. Between November 2019 and October 2021, Mr. Thangavel personally and/or through the Permit Doctor initiated and navigated the process to obtain a CU /BTR to operate a business at the property.

On September 4, 2019, prior to Mr. Thangavel's engagement with the Permit Doctor, the City's Planning Director, Thomas Mooney, responded to a request by Pathman Lewis, LLP, on behalf of Mr. Thangavel, for a zoning verification for the property that is the subject of this review. The property is located at 1330 15th Street, Miami Beach, Florida. In his response, Mr. Mooney stated:

Please be advised that the subject property is currently zoned RM-1, Residential - Multi Family, Low Intensity and has a future land use designation of RM-1, Residential - Multi Family, Low Intensity. This district is designed for low intensity, low rise, single and multi-family residences.

In accordance with Section 142-152 of the Land Use Regulations of the Code of the City of Miami Beach, the main permitted uses in the RM-1 District include: single-family detached dwelling; townhomes; apartments; and bed and breakfast inn (pursuant to article V, division 7 of this chapter).

The subject property is also located within the West Avenue Bay Front Overlay District. I have attached a copy of Chapter 142, Article III, Division 5 of the City's Land Development Regulations, which pertain to the West Avenue Bay Front Overlay District.

The West Avenue Bay Front Overlay District permits the adaptive reuse of existing single-family and multi-family residential structures for suites hotels, in accordance with Section 142-845 of the City's Land Development Regulations (attached). The City's Land Development Regulations defines a suite hotel unit and suite hotel as a room, or group of rooms, each containing separate bathroom and full cooking facilities, with ingress and egress which may or may not be through a common lobby, intended for rental to transients on a day-to-day, week-to-week, or month-to-month basis, and not intended for use or used as a permanent dwelling.

The subject property is not located within a local historic district. However, any proposed development shall require the review and approval of the Design Review Board.

Mr. Mooney's letter, written on September 4, 2019, indicates in bold lettering that suite hotels, as defined, were permitted at the location of the property. Although Mr. Mooney's letter does not specifically state it, short-term rentals were not and are not a permitted use at the address where Mr. Thangavel's building is located.

The OIG's review revealed no evidence that Mr. Mooney's letter was considered by Mr. Thangavel and/or shared with the Permit Doctor employees during the pursuit of the CU/BTR to operate in the City. Had this letter been considered and utilized to inform them about the permitted uses at the location of Mr. Thangavel's building, the events that followed and ultimately resulted in Mr. Thangavel's obtaining a CU/BTR for which he did not intend to apply could have been avoided.

Certificate of Use and Business Tax Receipt Process 2019

In order to operate a business in the City of Miami Beach, a business owner must obtain a Certificate of Use (CU), which allows for the specific use of a building and certifies that the use is in compliance with all applicable city codes, regulations, and ordinances. The owner must also obtain a Business Tax Receipt (BTR), which is the method by which the City grants the privilege of engaging in or managing any business, profession, or occupation within the City.

To understand the process that the City used in 2019 to intake, process, and issue a CU and BTR, the OIG met with various Miami Beach staff members, including Thomas Mooney, Planning Director, Ricardo Guzman, Principal Planner, and Sasha Gonzalez, Finance Department Customer Service Manager. Through these meetings, the staff members related that in 2019 the

application for a CU and BTR was completed on one form titled "City of Miami Beach Certificate of Use (CU), Annual Fire Inspection Fee & Business Tax Application." The form was submitted to the Finance Department Customer Service Section. The intake of the application would occur with no initial action by the Finance Department.

The received application would be uploaded into the City's software application (EnerGov) which is used by the Finance, Planning, Building, and Code Compliance Departments to process and review the CU/BTR submittals. Once the application is uploaded, a BTR number is generated for that process, and the system automatically creates a "plan case" known as a BLPL. The BLPL is routed to the regulatory disciplines, which require review and/or inspections for the approval of the CU part of the process. Once the review and inspections have been completed and have passed for the issuance of a CU, the Finance Department ensures that all documentation required for the BTR is received and reviewed, and then the CU/BTR is issued to the owner.

Certificate of Use and Business Tax Receipt 1330 15th Street – Mr. Thangavel

Permit Doctor

In November 2019, Mr. Thangavel engaged the Permit Doctor, a permit expediting company located at 775 17th Street, Miami Beach, to assist him in transferring and obtaining the proper permits and/or licenses to operate a business in the City of Miami Beach. Between November 2019 and October 2021, Mr. Thangavel, through the Permit Doctor and sometimes personally, initiated and navigated the process to obtain a CU/BTR from the City. Throughout the engagement with the Permit Doctor, Mr. Thangavel interacted with Mr. Damien Gallo Jr., who is the son of the owner of the Permit Doctor, and Ms. Eugenia (Jenny) Suraeva, permit runner.

During an interview with the OIG, Mr. Gallo Jr. stated that he met with Mr. Thangavel in person on only one occasion and that all other communications were conducted by telephone or email. Mr. Gallo Jr. related that his services were secured based on a referral from the law firm Pathman Lewis to assist Mr. Thangavel in getting the property at 1332 15th Street licensed for short-term rentals. He recalls that he and Ms. Suraeva submitted applications for a license with the State of Florida and that they started the process with the City of Miami Beach. However, the process was interrupted due to the pandemic, and his communication with Mr. Thangavel ended over a year ago.

According to the emails reviewed by the OIG, Mr. Gallo Jr. was involved in the process from December 2019 through October 2021. Mr. Gallo Jr. recalled that he participated in the inspection process for both the state and city at the property. He did not recall specifically which documents he submitted and in which parts of the process he or Ms. Suraeva participated. During the interview, Mr. Gallo Jr. informed the OIG that it was his belief that Mr. Thangavel wished to pursue the licensing of short-term rentals.

Mr. Gallo Jr. did not recall having any conversations with Mr. Thangavel about suite hotels, and none of the emails or documents reviewed by the OIG mention suite hotels. Mr. Gallo Jr. advised that he did not recall ever being involved with licensing a suite hotel. He said he was unfamiliar with the term suite hotel and did not know the difference between a suite hotel and a short-term rental. While discussing suite hotels during the interview, Mr. Gallo Jr. stated, "Maybe our terminology, we also call it as a short-term, and that could be an error." He indicated that the

process to obtain a CU/BTR was never completed, yet Mr. Thangavel was issued a CU/BTR for apartment rooms on May 19, 2020 (Exhibit 4). Mr. Gallo did not recall the details and could not explain how that CU/BTR was ultimately issued.

Mr. Gallo Jr. was shown a copy of the CU/BTR application that was completed by Mr. Thangavel, dated November 18, 2019 (Exhibit 5). He does not recall the specific application but acknowledged that he is familiar with the application and would have had to receive it from Mr. Thangavel in order to pursue the licensing.

On the first page of the application, the type of application was indicated as "Change of Owner," the application checklist is blank, and the section that asks if the application involves a "Change of Use" was not checked, the type of business was indicated as "Hotel," and the specific description of the business was blank, as depicted in the image below. The second page of the application was additional information and Mr. Thangavel's signature and date.

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: ☒ Change of Owner ☐ Adding Seats ☐ Additional Occupation
☐ New Business ☐ 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 Congreg. Lvy Facility ☐ Day Care ☐ Nursing Home ☐ Religious Institution ☐ School
☐ Parking Lot / Garage ☐ Outdoor Entertainment ☐ Open Air Entertainment ☐ Pre-watersp ☐ Warehouse
☐ Video Game Arcade ☐ Gasoline Sales ☐ Restaurant ☐ Alcoholic Beverage Establishment

Business Name: 1320 15th Street LLC Application Date: 11/18/2019
Location: 1320 15th St, Miami Beach, FL 33139 Lease ☐ Own ☒
Type of Business (be very specific): _____ Hours of Operation: _____
Hours Serving Alcohol: _____

Mr. Gallo Jr. was then shown a copy of the CU/BTR application that was ultimately submitted to the City to be processed and acted upon (Exhibit 6). The handwriting on the first page of this application is different from the original, the type of application was indicated as "Change of Owner," the application checklist was blank, the section that asks if the application involves a "Change of Use" was not checked, the type of business was not indicated, and the specific description of the business was "Short-term rental," which is lined through, and "Apt Bldg" is written in below it, in what appears to be yet a different handwriting as depicted in the image below.

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 11/18/2019
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.

The second page of the application is a duplicate of the original application completed by Mr. Thangavel. Mr. Gallo Jr. stated that he did not complete the document and does not know who did. He acknowledged that one of his employees, possibly permit runner Jenny Suraeva, may have made the change.

During a separate interview with Ms. Suraeva, she was shown the same two CU/BTR applications, and she also did not recall the details of everything she did regarding the process for Mr. Thangavel but stated that she did participate in the process to obtain a CU/BTR. She stated that she was the one who changed the first page of Mr. Thangavel's application, combined it with the original second page signed by Mr. Thangavel, and submitted it to the Finance Department of the City on December 27, 2019. She did not recall the specific circumstance in which the change was made but stated that she would not have changed the document without the approval of Mr. Thangavel. She did not recall how she obtained the approval. She stated that the addition of "Apt Bldg" was not her handwriting and did not recall the circumstances in which that was done.

Mr. Thangavel denied providing such approval, or adding "Apt Bldg" to the document, or seeing the document at the time it was submitted. Both Mr. Gallo Jr. and Ms. Suraeva stated that all of the documents and email transactions regarding the process with Mr. Thangavel have been deleted or destroyed, as they only maintain the documents for two years.

The OIG has been unable to determine who wrote "Apt Bldg" on the application. No one from the City acknowledges making the change, however, the change was made prior to the application being uploaded into the system by the Finance Department.

During their respective interviews, Mr. Gallo Jr. and Ms. Suraeva were both shown copies of CU/BTR applications for each of the eight units in Mr. Thangavel's building that he completed and signed and are dated November 18, 2019 (Exhibit 7 Unit 1). On the first page of this application, the type of application was indicated as "Change of Owner," and the application checklist is blank.

The section that asks if the application involves a “Change of Use” is not checked. The type of business is indicated as “Hotel,” and the specific description of the business is “Short-term Rental,” as depicted in the image below.

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**
☐ Change of Location
☐ Adding Seats
☐ Additional Occupation

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

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

Is the Business one of the following types:
☐ Adult Cong. Liv Facility
☐ Parking Lot / Garage
☐ Video Game Arcade
☐ Day Care
☐ Outdoor Entertainment
☐ Gasoline Sales
☐ Nursing Home
☐ Open Air Entertainment
☐ Restaurant
☐ Religious Institution
☐ Pawnshop
☐ Alcoholic Beverage Establishment
☐ School
☐ Warehouse

Business Name: 1320 15th Street LLC Application Date: 11/18/2019
 Location: 1320 15th St., Miami Beach, FL 33139 Unit 1 Lease ☐ Own ☒
 Type of Business (be very specific): Short term Rental Hours of Operation: _____
 Hours Serving Alcohol: _____

The second page of the application contains additional information and Mr. Thangavel's signature and date. Each of the applications indicates a unit number one through eight. Both Mr. Gallo Jr. and Ms. Suraeva recognized the applications but did not recall when they were received or what happened with them. They related that the City's process required separate CU/BTRs for each unit to be used for a short-term rental; however, these applications were never submitted to the City.

During his interview, Mr. Gallo Jr. was shown eight copies of applications for Certificates of Use (CU) that were submitted electronically through the City's Citizen Self-Service (CSS)¹ portal on September 24, 2021. The applications were for Mr. Thangavel's eight-unit property. The applicant was Damian Gallo, and the business description was "Short-term rental". Mr. Gallo Jr. again recognized and acknowledged that he submitted the applications but did not recall the specifics. After being shown a series of emails in which he and Mr. Thangavel were discussing the process and that it had not been completed, he recalls moving forward with these particular applications. However, by that time, Mr. Thangavel had already been issued a CU/BTR from the City for "apartment rooms" on May 19, 2020, based on the CU/BTR application that was submitted by Ms. Sureava on December 27, 2019, which was renewed by Mr. Thangavel effective December 20, 2020.

¹ The City's process for applying for Certificates of Use and Business Tax Receipts was bifurcated and the application process began to be executed through an online system on the City's website called "Citizen Self-Service."

On October 7, 2021, all of the electronically submitted CU applications for short-term rentals that were submitted by Mr. Gallo Jr. were denied because short-term rentals were not then and are not now permitted at the location of Mr. Thangavel's building.

One of the documents uploaded with the electronic application submitted by Damien Gallo Jr. was a copy of a letter dated June 15, 2020, signed by Mr. Thangavel that stated the following:

I, owner of 1330 15th Street, LLC would like to apply and operate short term vacation rentals in each of the units on property. The unit numbers are as follows; 1, 2, 3, 4, 5, 6, 7, 8. Should you have any questions please don't hesitate to contact me directly.

Short-term rentals have not been authorized in the location of Mr. Thangavel's building since 2010. Had the City been in possession of such a letter when the application that was relied upon to issue the CU/BTR to Mr. Thangavel was received in 2019, he might have been informed by the City that short-term rentals were not permitted, and could then have inquired and proceeded with obtaining a license to operate a suite hotel which was still permitted at the time.

At no time during the process to obtain his CU/BTR did Mr. Thangavel or any Permit Doctor employee obtain or review a copy of the CU/BTR application that was submitted by the previous owner that resulted in a CU/BTR for "HOTELS (SMOKE DETECTOR)" being issued for the operation of a suite hotel.

That application indicates that it is for a "Hotel," and the specific use is identified as "SUITE HOTEL," as depicted in the image below.

Type of Application:			
<input checked="" type="checkbox"/> New Business	<input type="checkbox"/> Change of Owner	<input type="checkbox"/> Adding Seats	<input type="checkbox"/> Additional Occupation
<input type="checkbox"/> Change of Location			
Application Checklist			
<input checked="" type="checkbox"/> Federal ID No.	<input type="checkbox"/> Fictitious Name Registration	<input type="checkbox"/> Lease/Deed/Closing Statement	
<input checked="" type="checkbox"/> Articles of Inc. (if applicable)	<input type="checkbox"/> State License (if applicable)	<input type="checkbox"/> CU and Annual Fire Fee (non refundable)	
<input checked="" type="checkbox"/> Bill of Sale	<input type="checkbox"/> Insurance		
Does the Application involve: <input type="checkbox"/> Change of Use <input type="checkbox"/> 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:			
<input type="checkbox"/> Apartment Building	<input type="checkbox"/> Condominium	<input checked="" type="checkbox"/> Hotel	<input type="checkbox"/> Restaurant
<input type="checkbox"/> Ice Cream Parlor	<input type="checkbox"/> Delicatessen	<input type="checkbox"/> Nightclub	<input type="checkbox"/> Bakery
<input type="checkbox"/> Hair Salon	<input type="checkbox"/> Home Based Business	<input type="checkbox"/> Health club	<input type="checkbox"/> Cancino/Entertainment
<input type="checkbox"/> Escort Service	<input type="checkbox"/> Janitorial Service	<input type="checkbox"/> Mail Order	<input type="checkbox"/> Promoter
<input type="checkbox"/> Retail Alcohol Sales	<input type="checkbox"/> Travel (sales)	<input type="checkbox"/> Mobile Caterer	<input type="checkbox"/> Pre-Package Food
<input type="checkbox"/> Beach Front Concession	<input type="checkbox"/> Machine Distributor		<input type="checkbox"/> Motor Scooter
			<input type="checkbox"/> Alcoholic Beverage Establishment
Is the Business one of the following types:			
<input type="checkbox"/> Adult Congr Liv Facility	<input type="checkbox"/> Day Care	<input type="checkbox"/> Nursing Home	<input type="checkbox"/> Religious Institution
<input type="checkbox"/> Parking Lot / Garage	<input type="checkbox"/> Outdoor Entertainment	<input type="checkbox"/> Open Air Entertainment	<input type="checkbox"/> School
<input type="checkbox"/> Video Game Arcade	<input type="checkbox"/> Gasoline Sales	<input type="checkbox"/> Restaurant	<input type="checkbox"/> Pawnshop
			<input type="checkbox"/> Warehouse
Business Name <u>NOTUS LLC</u>		Application Date: <u>01/16/19</u>	
Location <u>1330 15th STREET</u>		Lease <input type="checkbox"/> Own <input checked="" type="checkbox"/>	
Type of Business (be very specific) <u>SUITE HOTEL</u>		Hours of Operation _____	
Hours Serving Alcohol <u>NA</u>			

State of Florida License

Florida Statute 509.241(2) requires that each person who plans to open a public lodging establishment or a public food service establishment apply for and receive a license from the Department of Business and Professional Regulation (DBPR) Division of Hotels and Restaurants prior to the commencement of operation. The previous owner submitted an application for a hotel license with DBPR and was issued hotel license number HOT2329406 on November 29, 2018. That license was submitted to and considered by the City when it issued the CU/BTR to the previous owner for "HOTELS."

Mr. Gallo Jr. submitted an application that Mr. Thangavel signed and dated November 18, 2019, to DBPR for a hotel license. The application indicated that it was for a "Hotel" and that it was for a "Change of Ownership." The previous owner's license number and information were provided on the application.

On December 17, 2019, a DBPR inspector sent the following email to the Deputy District Manager of the DBPR's Miami Office:

As per our conversation, could you please re-profile this account to a TAPT, this is a 8 units building, 1 mop sink, no office, no Public bathroom, and it will (sic) used as a Short (sic) Rental Apts.

The Deputy District Manager then sent the following email to the licensing team:

Please re-profile this account from a Hotel to a transient apartment. There are no signs advertising establishment as a hotel and no front desk for guest to check in. The establishment was licensed as a hotel under previous owner, but is actually an eight unit transient apartment. Inspector spoke with new owner and he is o.k. with license being reclassified correctly.

Mr. Thangavel was issued "TRANSIENT APARTMENT" license number TAP2330379 by DBPR on December 18, 2019, and has renewed the license each year. The current license expires on October 1, 2023.

Florida Statute 509.242 (1) (a) classifies a "Hotel" as follows:

any public lodging establishment containing sleeping room accommodations for 25 or more guests and providing the services generally provided by a hotel and recognized as a hotel in the community in which it is situated or by the industry.

Florida Statute 509.242 (1) (e) classifies a "Transient apartment" as follows:

a building or complex of buildings in which more than 25 percent of the units are advertised or held out to the public as available for transient occupancy,

"Transient Occupancy" is defined in Florida Statute 509.013 (4)(a)(1) as follows:

any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

The previous owner was improperly issued a hotel license by the State of Florida, which was considered by the City when it issued the CU/BTR for "HOTELS." The "TRANSIENT APARTMENT" license that Mr. Thangavel was issued and currently holds allows for transient rental, however, he was issued a CU/BTR for residential apartments, non-transient use.

Application Intake

The application that was submitted to the City was the application that was altered from the original by Permit Doctor employee Ms. Suraeva. The application was further altered by an unknown person. A review of the information regarding the intake of the application provided by Finance Customer Service Manager Sasha Gonzalez and of information available in the City's EnerGov system revealed that the application workflow process was started, a BTR completeness check was completed, and the application with attachments was scanned into the system on December 27, 2019.

The attachments to the application included copies of a warranty deed, corporate filing, federal tax identification information, and a State of Florida license issued on December 18, 2019, by the Florida Department of Business and Professional Regulation (DBPR) Division of Hotels and Restaurants for a "TRANSIENT APARTMENT." Also uploaded on the same date was a copy of the previous CU/BTR, which was issued to the previous owner on September 27, 2019, and expired on September 30, 2020. The previous CU/BTR was for the specific use of "HOTELS (SMOKE DETECTOR)." There is no mention of a suite hotel in the document.

The application was accepted and uploaded into the system, although it had been altered; pages one and two had different handwriting, and the page one form version was "FORM OCC-1 Rev. 09/13/16, while page two was "FORM OCC-1 Rev. 10/12/04. Sasha Gonzalez, Finance Department Customer Service Manager, informed the OIG that the alteration of the specific type of business from "short term" rental to "Apt Bldg" on the submitted application would not have been made by anyone in the Finance Department as it is the Planning Department that determines the use. The application with the alteration in question was uploaded into the system by the Finance Department. The Chief Financial Officer informed the OIG as follows:

the initial intake of an application is processed by one employee, and the final issuance of the BTR is not released until a supervisor has reviewed the application for thoroughness. A review of the EnerGov system demonstrates that this particular BTR application was processed by a Financial Analyst I and subsequently reviewed by a Financial Analyst II, and ultimately reviewed by a Financial Analyst III before being issued.

The altered application, as described above, was initially accepted and made its way through two additional reviews within the Finance Department without being questioned.

Finance Review

The application that the Finance Department received was a single application for both a Certificate of Use and a Business Tax Receipt. The application was reviewed at intake for its thoroughness. It was then uploaded into the EnerGov system by a Finance staff member, and the system generated a BTR number, BTR008501-12-2019, and a BLPL case number, BLPL2019-08005. This began the process for the Planning, Code Enforcement, Building, and Fire

Departments to conduct their reviews and/or inspections in order for the CU/BTR to be issued. The Finance Department would ultimately review the application again at the end of the process for the issuance of the BTR.

Planning Review

Although each of the above reviews and inspections is important, the foremost review is for the Certificate of Use (CU), which the Planning Department conducts. It is here that the specific use for a specific location is reviewed and determined, and where the Planning Department certifies that the use is in compliance with all applicable city codes, regulations, and ordinances. The Business Tax Receipt (BTR), which is the license to do business in Miami Beach, is issued based on the CU and the State license (if applicable).

In this instance, the information contained in the EnerGov system history shows that the planning review was conducted on December 30, 2019, and was completed on the same day. There are no internal notes or evidence of communication with Mr. Thangavel or anyone from the Permit Doctor. The only contact information listed is for Mr. Thangavel. There is one file attached which is the previous BTR that lists the use as "HOTELS."

The records relating to BTR008501 for Mr. Thangavel's application were available to review through the "Linked Records" icon. The attachments that were available for review included the application with attachments and the previous BTR. The only comments regarding this review appear in the "History" section. The comment reads, "Residential Apartment Building – 8 units." There is no explanation of how that determination was made, however, the only place the word apartment appears is on the modified application as "Apt Bldg" and the license issued by the State which states, "TRANSIENT APARTMENT."

The individual who conducted the review is no longer with the City. An email sent to an attorney representing Mr. Thangavel on June 22, 2022, by Ricardo Guzman, Principal Planner for the City, in the summary of events, states as follows:

"On December 30, 2019: BLPL2019-08005 was approved for 8 residential apartment units (non-transient). This is the precursor for the new CU and BTR. (no supporting documentation provided or requested by the City to support the change of use)."

Mr. Guzman does not have independent knowledge of the details of how this planning review was conducted. The application itself indicates that it is for a "Change of Ownership." The section that states, "Does this Application involve: ☐ Change of Use" is not checked to indicate that it is not a change of use but simply a change of ownership. In fact, none of the applications that were completed by either Mr. Thangavel or Ms. Suraeva, whether they were submitted or not, indicate that the application is for a change of use. The previous BTR identifies the use as "HOTELS." There was no documentation requested or provided supporting the change of use and no evidence that a clarification was sought by anyone in the Planning Department prior to changing the use to "APARTMENT ROOMS."

Building Review

The information contained in the EnerGov system history shows that the building review was conducted on December 30, 2019, and was completed on the same day. There are no internal notes. There is one file attached which is the previous BTR that lists the use as "HOTELS." The records relating to BTR008501 for Mr. Thangavel's application were available to review through the "Linked Records" icon. The attachments that were available for review included the application with attachments and the previous BTR. The only comments regarding this review appear in the "History" section. The comment reads, "OK per CO19-1320" which refers to the Certificate of Occupancy that was issued to the previous owner on May 14, 2019, which states in the certificate description and specific conditions section the following:

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.

The reviewer, Senior Building Inspector Gabi Chamoun, was interviewed by the OIG and informed the OIG that there was no need to change the Certificate of Occupancy (CO) as the requirements for a suite hotel or hotel occupancy are stricter than the requirements for apartment occupancy. Under the existing CO, the owner in the future could apply to change the use from apartment to hotel if it is authorized.

Fire Inspection

The information contained in the EnerGov system history shows that the initial fire inspection of Mr. Thangavel's building was conducted on December 31, 2019. The inspection failed and the building was reinspected on January 7, 2020, and failed again. On April 10, 2020, the building was reinspected and passed. As part of the process, Mr. Thangavel was required to submit to the Miami Beach Fire Prevention Division a completed Annual Single Station Smoke Detectors Inspection/Test Report. That report was completed and dated April 2, 2020. In the section of the form, "TYPE OF OCCUPANCY (SPECIFIC USE)", it states, "Short-term rental" (Exhibit 8).

CU/BTR Issuance

The final step in the process ends where it began--with the Finance Department--for the issuance of the CU/BTR. The information contained in the EnerGov system history shows that this took place on May 19, 2020. An email was uploaded in the system that was sent to Mr. Thangavel on May 19, 2020, from an employee who is no longer with the City, which informed Mr. Thangavel that the only thing left to complete for the issuance of the BTR was payment and the resort tax application. The system shows that all required fees were paid, and the attachments included the email message referenced above and the completed smoke detector form (Exhibit 8) referenced above. It also included a copy of the issued CU/BTR license number BTR008501-12-2019 issued to 1330 15th Street LLC on May 19, 2020, for code 95000900 "APARTMENT ROOMS" and code 95700000 "Apartment buildings (rental), not including kitchens and bathrooms" (Exhibit 4).

The process began on December 27, 2019, and the CU/BTR was issued on May 19, 2020. As previously referenced, the BTR process was ultimately reviewed by a Financial Analyst III, who also did not question the aforementioned issues with the application. Some of the delay in the process was due to the pandemic. However, the major delay was due to failed fire inspections that were resolved and passed in April 2020.

The codes that appear on the BTR are occupational codes from the schedule of taxes found in City Code Section 102-379. The codes relate to a business tax category and the amount of tax. The resort tax application that Mr. Thangavel completed and submitted by email to the Finance Department on May 19, 2020, has "HOTEL/MOTEL" marked as the type of business. However, on the resort tax business account established for 1330 15th Street, the State license type is listed as "Apartment" when in fact, the license issued by DBPR is "TRANSIENT APARTMENT." The business type is listed as "APARTMENT" despite Mr. Thangavel's application identifying the kind of business as "HOTEL/MOTEL."

There is no explanation why the business type was listed as "Apartment" even though the application that was received listed it as "HOTEL/MOTEL" or evidence of communication with Mr. Thangavel or the Permit Doctor employees to clarify the discrepancies. The summary of events by Mr. Guzman previously referenced in this report states as follows:

Also, on May 19, 2020: A new Resort Tax (RTX) account was setup by the Finance Department. Both the BTR and RTX accounts were created based on the Florida State License (#TAP2330379), which is for an Apartment building.

The State of Florida issues transient apartment licenses and non-transient apartment licenses. The difference is the minimum period of time the apartment is rented to guests. Transient apartments are rented more than three times in a calendar year for periods less than 30 days or 1 calendar month, whichever is less. Non-transient apartments are rented for periods of at least 30 days or 1 calendar month, whichever is less. Listing the State license type on the resort tax account as "Apartment" does not capture the actual type of license that the State issued to Mr. Thangavel.

Current Certificate of Use and Business Tax Receipt Process

The method that was used to process and review Mr. Thangavel's combined Certificate of Use (CU) and Business Tax Receipt (BTR) application was changed between June and August 2020. The City moved to a predominately online application process which is accessed from the City's website, called Citizen Self Service (CSS). The City continues to use the existing EnerGov system for the review process. The application for a CU and BTR is no longer a single application. The CU and BTR application processes are independent of each other.

As noted above, the first step in obtaining a license to do business is to obtain a Certificate of Use. The issuance of a CU is under the authority of the Planning and Zoning Department. The CU designation provides confirmation that the intended use at a specified location is consistent with the City's Land Development Regulations.

The City's Information Technology Department provided the OIG assistance in replicating the current application and review process for a CU and BTR. The application for a CU in the CSS portal is a six-step process that includes (1) Locations, (2) Type, (3) Contacts, (4) More Info, (5) Attachments, and (6) Review and Submittal. Throughout the process, there are required fields that, if not completed, will not allow the applicant to move to the next step.

There are only two places in the process that allow the applicant to provide information about the specific use of the business; the first is step two, which has a free text box that says "Description." This text box **is not** (emphasis added) required, which means if one does not complete it, the applicant can move to the next step. The second is step four which allows the applicant to select a type of business from a mandatory checkbox list of eighteen types of businesses, and the last check box is "None of the above." If the "none of the above box" is checked, it does not provide

a free text box or any other information regarding other specific types of businesses. There is no check box for lodging establishments. This step also includes instructive information about Certificates of Use, Business Tax Receipts, and Conditional Uses.

Step five is for attachments, and it only requires a floor plan to be attached. Other documents may be attached but are not required. The final step is where the applicant reviews the inputted information and submits it for review. Once the application is submitted, a CU number is created, and the screen shows in green that states the following:

Your license application was submitted successfully, No fees are due at this time; we will review your application, and we will be in touch with you shortly.

The review process for the CU includes a Planning Department zoning approval and a Fire inspection for each application. Once the Fire inspection approval is entered into the system, the CU is automatically issued. The review of the process with the IT department showed a drop-down list of available uses for the reviewer to select from, and there is a free-form text box for notes. Ricardo Guzman of the Planning Department also provided the OIG with the list of specific uses. It consists of a comprehensive list in alphabetical order, which includes multiple lodging uses, including hotel, hostel, micro apartment units, transient non-residential, transient residential (short-term rental), and bed and breakfast inn. Mr. Guzman advised the OIG that the selected use, along with the notes, would appear on the issued Certificate of Use; for example, for a suite hotel, the approved use would be "Hotel," and the note would identify "Suite Hotel." However, such a list is unavailable for the applicant to choose from when applying for the CU.

A Certificate of Use is required to obtain a Business Tax Receipt, which is the license to operate a business in the City. The BTR occupation code and business tax category are based on the CU designation and the State license (if applicable). Therefore, it is of the utmost importance that the party seeking to obtain a CU has access to a process that provides all the information needed to apply for the **specific use** (emphasis added) that is being sought.

The application for a BTR in the CSS portal uses the same six-step process as the CU. It also has required fields to be completed. In step two, "Type," there is a free text box for the business description, which is not required, and a free text box for the BTR description, which is not required. However, there is a link, "Select Industry Classification," that takes the applicant to a comprehensive list of categories which includes "Accommodation & Food Services" along with other broad industry categories. Once a category is selected, it opens a subcategory list that replicates the occupational codes and business tax categories in the City Code. Step four, "More Info," requires the Certificate of Use number to be entered. The only attachment that is required is an executed lease or recorded warranty deed. Other attachments may be added. Once the application is submitted, a BTR number is created, and the screen shows in green stating the following:

Your license application was submitted successfully, No fees are due at this time; we will review your application, and we will be in touch with you shortly.

The review process for the BTR follows the same process through the EnerGov system. The disciplines that are assigned for the review are dependent on the type of BTR that is going to be issued.

Responses to the Draft Report and OIG Comment

In accordance with Section 2-256 (h) of the Code of Miami Beach, draft copies of this report were provided to the affected individuals and entities covered in the report, including the City Manager, City Attorney, Planning, Finance, and Building Directors, Chief of Police, Permit Doctor (permit expeditor), and the Complainant, Ananthan Thangavel for their discretionary written responses. The OIG received responses from Mr. Thangavel, the City Planning Director, and the Chief Financial Officer. These responses are incorporated herein as Appendices B, C, and D, respectively. The OIG appreciates receiving these responses.

Response of Ananthan Thangavel, Complainant

Mr. Thangavel's responses are included in Appendix B of this report. Mr. Thangavel asserts that the OIG obfuscated the clear fact that it was a City employee who, without his authorization, altered the application by crossing out "short term rental" and inserting "Apt Bldg" on the CU/BTR application in question. Mr. Thangavel states that this information was told to him during a recorded video call with the OIG on May 10, 2023.

The OIG acknowledges that initially, during the video call, the OIG investigator did state that an employee of the City made that change. However, the OIG investigator later revised that comment when Mr. Thangavel sought a clarification:

Just to clarify, so the document that the Planning Director based his entire explanation on in his staff report saying it was my evidence of intent to abandon the use of my property, that document was altered by a City employee?

The OIG investigator responded: "I don't have 100% proof of that right now, because I don't know who did that." At the time of the video call with Mr. Thangavel, the OIG had not spoken to anyone in the Finance Department about the application in question.

On May 16, 2023, the OIG spoke with the Finance Department's Customer Service Manager, Sasha Gonzalez. During that conversation, Ms. Gonzalez was asked if someone from the Finance Department made the change to "Apt Bldg." She informed the OIG that no one would modify an application that is received. She explained to the OIG that they receive the application, collect the fee, and forward it through review and approval. Consequently, the OIG has been unable to determine who made the change in question.

Mr. Thangavel has denied ever giving authorization to anyone to modify his original application, the Permit Doctor employees deny making the change, and all City employees questioned have similarly denied making the change. What is known is that the first page of the original application was completely redone by Ms. Suraeva and that the application with the change in question was uploaded into the system by a Finance Department staff member on December 27, 2019.

In his response, Mr. Thangavel also expressed his view that the alteration of a signed document by a City employee "without express, written consent is the very definition of "malfeasance or neglect." However, as stated above, the OIG does not have sufficient evidence to determine who made the change in question.

Response of Thomas Mooney, Planning Director

Mr. Mooney's response is included in Appendix C of this report. His response provides information to supplement and/or clarify issues raised in the draft report as it pertains to the 2019 CU/BTR process and Mr. Thangavel. The response does not address the issues raised with the current

process that is being used to apply for Certificates of Use and Business Tax Receipts. The issues that were raised by Mr. Mooney in his response have been addressed in the relevant sections of the report.

With respect to the Planning Department's review of the submitted CU/BTR application, Mr. Mooney's response stated as follows:

It is important to point out that the application submitted by the property owner, and uploaded to the system, was for an apartment building. City staff relies on the accuracy of each applicant's submissions.

The OIG appreciates that City staff rely on the accuracy of each applicant's submission. However, it is the reason for the lack of accuracy that concerns the OIG. In this instance, the application was not submitted to the Finance Department by the property owner but by Ms. Jenny Suraeva, an employee of the Permit Doctor (permit expeditor) on behalf of the property owner, Mr. Thangavel. Mr. Thangavel completed the first and second page of the application but did not indicate anywhere on the document the specific type of business use for which he was applying. In her interview with the OIG, Ms. Suraeva admitted to completing a new first page of the application that differed from the original completed by Mr. Thangavel. On the new page that Ms. Suraeva completed, she wrote, "short term rental" as the specific type of business. There were no changes made to the second page of the application.

The application was then further modified, which, arguably, could be the most important consideration in determining the designated use. The modified document showed that "short term rental" had been crossed out and changed to "Apt Bldg" in what appears to be different handwriting. Ms. Suraeva stated that she did not make the change, and Sasha Gonzalez, Finance Department Customer Service Manager, informed the OIG that the change would not have been made by anyone in the Finance Department as it is the Planning Department that determines the use.

Mr. Thangavel has stated that he never authorized anyone to make any modifications to his original application. So, the modified application with different handwriting than the original second page and the specific type of business changed from "short term rental" to "Apt Bldg" in different handwriting was accepted, without question, and uploaded by the Finance Department to be reviewed and relied upon for the issuance of a Certificate of Use and a Business Tax Receipt. The normal course of business for modifications to a document would, at a minimum, require that the person who modified the document initial or sign and date the change or that a new application be completed. Neither of these was done, which has resulted in confusion over who was responsible for the change with possible legal consequences.

Regarding the planning review, Mr. Mooney's response stated the following:

The subject property is zoned RM-1 (Residential, Multi-Family Low Intensity) and this zoning district expressly permits apartment buildings as a permitted use. Since this is a permitted use, and the previously issued permit for suite hotel confirmed that the building met the minimum unit size requirements for an apartment unit, there was no reason for a Planning reviewer to inquire further. In short, if a proposed use is permitted within a zoning district, the Planning reviewer does not initiate an inquiry as to why the property owner desires to license a permitted use.

The OIG would agree that in the cases in which the application was complete and with no strike-throughs or modifications, no further inquiry would be necessary. However, in this instance, the reviewer had an application in which the specific type of business, "short term rental" had been struck through, and "Apt Bldg" had been written in what appears to be different handwriting. As noted above, there were no initials, signature, or date for the change. Moreover, the previous CU/BTR, to which the reviewer had access, was for a suite hotel which is a form of short-term rental. This fact warranted further inquiry prior to an official determination on the permitted use. Although short-term rentals were not permitted within the zoning district, Mr. Mooney stated the following in his response:

It is important to note that had the CU/BTR application for the short-term rental of the units in the building been submitted as part of the application approved on May 19, 2020, that CU/BTR application would have been denied by Planning and the applicant, at that point, could have potentially modified the application to a suite hotel, which was a permitted use until August of 2020.

Mr. Mooney's response makes note that although short-term rentals are not defined in Section 114-1 (the definitions section of the Land Development Regulations (LDRs) of the City Code of Miami Beach), they are defined under Section 142-1111 of the LDRs. The definitions section, however, is the first section of the LDRs and is the logical section for the term to be defined. Indeed, it is Section 114-1 where the definitions of suite hotels, apartment hotels, hostels, and hotels are located. Moreover, Section 142-1105 details the regulations related to suite hotels, apartment hotels, hostels, and hotels, referencing the definitions found in Section 114-1, but is silent regarding short term rentals.

Response of Jason Greene, Chief Financial Officer

Mr. Greene's response is included in Appendix D of this report. Mr. Greene concurs with the OIG that there was no malfeasance or neglect by City employees. He asserts that any miscommunication, misunderstanding, or misinterpretation was between Mr. Thangavel and his permit runner, the Permit Doctor and that Mr. Thangavel relied on the Permit Doctor to handle his local Business Tax Receipt application.

In his response, Mr. Greene stated the following:

The applicant and their permit runner, submitted a Local Business Tax Receipt application with a different type business category than the previous owner. The applicant and their permit runner, also submitted an application with a different type of State license than the previous owner of the property. The applicant was given the Local Business Tax Receipt they applied for.

This statement by Mr. Greene is accurate; however, in 2019, when the application was submitted, it was an application for a Certificate of Use (CU) as well as an application for a Business Tax Receipt (BTR). The Finance Department was the starting point for an applicant to obtain both a CU and a BTR in a single application. In this instance, the Finance Department accepted a two-page application in which the handwriting on the first page was different from the second page, and the specific type of business, "short term rental," was struck through and replaced with "Apt Bldg." That modification to an official application was not initialed, signed, or dated. Nevertheless, the application was accepted without question by the Finance Department and uploaded to be relied upon by the Planning Department for the determination of its permitted use. It was this altered application along with the State of Florida-issued license that the Finance Department relied upon to issue the BTR.

As detailed in this report, the OIG identified that the State of Florida mistakenly issued the previous owner a license for a hotel. As included in Appendix A of this report, Florida Statutes Section 509.242 provides the following definition of a hotel:

any public lodging establishment containing sleeping room accommodations for 25 or more guests and providing the services generally provided by a hotel and recognized as a hotel in the community in which it is situated or by the industry.

The business located at 1330 15th Street does not meet this definition. The appropriate State license should have been for a non-transient apartment which is defined as, "a building or complex of buildings in which 75 percent or more of the units are available for rent to non-transient tenants." Mr. Thangavel was appropriately issued a non-transient apartment license by the State of Florida, which based on the State definition, would allow him to operate a suite hotel or short-term rentals in the City of Miami Beach.

Mr. Greene's response, regarding quality control and supervisory review, points out the following:

the initial intake of an application is processed by one employee, and the final issuance of the BTR is not released until a supervisor has reviewed the application for thoroughness. A review of the EnerGov system demonstrates that this particular BTR application was processed by a Financial Analyst I and subsequently reviewed by a Financial Analyst II, and ultimately reviewed by a Financial Analyst III before being issued.

The OIG has addressed this observation within the sections of the report that address the Finance Department.

Conclusion and Recommendations

The Miami Beach Office of the Inspector General (OIG) has concluded its investigation and process review into allegations that (1) City of Miami Beach employees may have engaged in malfeasance or negligence with respect to the issuance of a Certificate of Use (CU) /Business Tax Receipt (BTR) for the property located at 1330 15th Street, Miami Beach and owned by 1330 15th Street, LLC (Ananthan Thangavel); (2) an employee of permit expeditor, Permit Doctor, forged the CU/BTR application that was submitted to the City and; (3) a City of Miami Beach Planning and Zoning employee instructed the Miami Beach Police Detective looking into the forgery allegation not to investigate the matter.

Allegations two and three were unsubstantiated. The allegation of forgery was reported to the Miami Beach Police Department (MBPD) by Mr. Thangavel. MBPD determined that the matter was civil in nature, and did not proceed with a criminal investigation, a decision with which the OIG agrees based on this review. Regarding the allegation that the MBPD Detective assigned to the complaint was improperly instructed by a City staff member not to investigate the matter, both the Detective and the City employee involved denied that any such instruction occurred, and the OIG found no evidence in this review of any such misconduct.

While the OIG's investigation of Allegation (1) concluded that there was no evidence of malfeasance or negligence on the part of City employees with respect to the issuance of the CU/BTR, it did find some aspects of the City's procedures to be problematic, which led to a

thorough review of the process. In conducting this review, the OIG appreciates the cooperation and assistance of the Planning, Finance, Building, and Information Technology Department staff and specifically, Thomas Mooney, Ricardo Guzman, Sasha Gonzalez, Gabi Chamoun, Ozzy Macias, and Wingrove Duverney.

During the review, the OIG found that miscommunication, misunderstanding, and/or a misinterpretation of the various meanings of accommodation establishment terminologies throughout the process by Mr. Thangavel and the Permit Doctor employees, the delay in time caused by the pandemic, and insufficient quality controls on the part of the City resulted in Mr. Thangavel's being issued a CU/BTR for "APARTMENT ROOMS" (non-transient) (Exhibit 4) instead of "HOTELS (SMOKE DETECTOR)" (Exhibit 2), the Certificate of Use designation that allowed the previous owner to operate as a Suite Hotel.

The OIG found that early in the process, in September 2019, Mr. Thangavel's attorney was provided a zoning determination letter from Planning Director Thomas Mooney that advised them that "suite hotels" were an authorized use in the location of Mr. Thangavel's building. It did not specifically state that "short-term rentals" were prohibited in the area. Although suite hotels are a type of short-term vacation rental, they are considered different from short-term rentals in the City Code. Suite Hotels are defined in the definitions section of the Land Development Regulations of the City Code. However, "Short-term rentals" are not. Throughout his pursuit of a license to operate the business that he purchased as a suite hotel, neither Mr. Thangavel, nor his hired expediter, ever used the term "suite hotel" in their effort to obtain a business license.

The OIG found that it was Permit Doctor employee Damien Gallo Jr's understanding that Mr. Thangavel wished to pursue a license for short-term rentals. Mr. Gallo Jr. and Ms. Suraeva were unaware of the differences between a suite hotel and a short-term rental. In fact, Mr. Gallo Jr. stated that he used it interchangeably and acknowledged that it might have been an error to do so. Mr. Gallo Jr. and Ms. Suraeva informed the OIG that they did not recall ever assisting in the licensing of a suite hotel. It wasn't until the individual short-term rental applications for each of Mr. Thangavel's units were submitted electronically on September 24, 2021, by Mr. Gallo Jr. and denied by the City that they realized that short-term rentals were not authorized at the building's location. By that time, suite hotels were also not authorized.

The OIG found that the City Finance Department accepted and uploaded an application that had been altered into the EnerGov system that would be relied upon for the issuance of the CU/BTR. The writing on the first page was different from the writing on the second page. "Short-term rental" had been lined through, and "APT Bldg" had been added in what appears to be different handwriting, and the form version of page one was different from the form version of page two. Although the Finance Department had two supervisory reviews of the application and associated documents throughout the process, there is no evidence that the validity of the application was ever questioned.

The OIG found that, during the planning review for the Certificate of Use, the application that was submitted in December 2019 (Exhibit 6), as well as the application that was originally completed by Mr. Thangavel and not submitted (Exhibit 5), was for a "Change of Owner." Neither application indicated a "Change of Use." The previous use was for "HOTELS." The Planning Department reviewer had access to the previous BTR and the application, and Mr. Guzman stated in the previously cited email that there were no documents requested or provided to support the change of use, yet the Planning Department approved a change of use from "HOTELS" to "APARTMENT ROOMS" without any communication with Mr. Thangavel or Permit Doctor employees questioning the change of use. The application itself states the following:

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

There is no evidence, no internal notes, or any other documentation indicating that additional building and fire code requirements were or were not needed for the change of use.

The OIG found that the multiple forms required by the City indicated different types of use. The CU/BTR application that was submitted had short-term rental lined through and "Apt Bldg" written below it (Exhibit 6). The required smoke detectors inspection/test report form indicates the type of occupancy as "Short-term rental" (Exhibit 8), and the resort tax registration form indicates "Hotel/Motel" (Exhibit 9). Two of these forms are submitted to the Finance Department, and the other is submitted to the Fire Prevention Division of the Fire Department at different times in the process. There is no evidence of a final supervisory or quality control review that examines all of the required documentation for consistency.

The OIG found that the City relied on the State license to establish the BTR and Resort Tax accounts. The summary of events provided by Mr. Guzman includes the following:

Also, on May 19, 2020: A new Resort Tax (RTX) account was setup by the Finance Department. Both BTR and RTX accounts were created based on the Florida State License (#TAP2330379), which is for an Apartment Building.

The State license (Exhibit 10) was issued for a "Transient Apartment," which, as defined by the State of Florida, allows for short-term rental and suite hotels. For a residential apartment building which is the CU/BTR that the City ultimately issued to Mr. Thangavel, the State of Florida would have issued a "Non Transient Apartment" license.

The miscommunication and misunderstanding of the difference between a suite hotel and a short-term rental by Mr. Thangavel and the Permit Doctor employees; the reliance by the City on the terminology of the State license, which contains definitions that differ from the City's; and a lack of sufficient quality controls on the part of the City, the most significant example being the acceptance and reliance of an obviously altered application with strikethroughs and additions that were not initialed, signed or dated. In fact, it was this altered application that set forth the domino effect that resulted in confusion that led to the granting of a different license than what may have been intended. As a result of these actions, Mr. Thangavel is still pursuing an appeal for reconsideration of this issue through the City's Board of Adjustment.

As part of this review, the OIG, knowing that the process that was used to accept, review and issue Mr. Thangavel's CU/BTR is no longer in effect, reviewed the current CU and BTR processes. The OIG found that the current application process for customers in the Citizen Self-Service portal could still lead to confusion and the potential for Certificates of Use being issued for a use that is not intended.

The OIG found that when a customer first accesses the CU application portal or the BTR application portal, there are no instructions or information for completing the application, which could lead to confusion, misunderstanding of the requirements, and unintended consequences.

The first place that any instructive information or definitions appear in the CU application process is in step four of the six-step process. The only place to specifically describe the type of business is in a text box that is not required to be completed. This text box appears in step two, prior to a

mandatory checkbox that allows the applicant to select from a list of eighteen types of businesses. If the type of business a customer is looking for is not there; there is only an option of checking "none of the above."

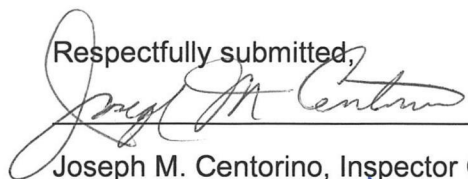
The OIG found that, although the BTR application portal did not have instructions or information when the application process is first accessed, it did have a more robust selection of the types of businesses available to the customer as detailed in this report. The selections mirrored the business tax categories that are represented in the City Code.

A Certificate of Use is required by the City of Miami Beach to obtain a Business Tax Receipt, which is the license to operate a business in the City. The BTR occupation code and business tax category are based on the CU designation and the State license (if applicable). It is of the utmost importance that any party seeking to obtain a CU and BTR to do business in the City have access to a process that is both clear and informative, providing all the information needed to apply for the **specific use** (emphasis added) that is being sought to conduct such business and that the possible consequence legal challenge over the result be minimized. To assist in this process, the OIG offers the following recommendations

1. The term "short-term rental" be defined in Section 114-1, which is the definitions section of the Land Development Regulations, should be consistent with the definitions of other lodging accommodation methods, including suite hotels, apartment hotels, hostels, bed and breakfast, and hotels.
2. The initial screen in the Citizen Self-Service Portal for the Certificate of Use and the Business Tax Receipt application should provide definitions and instructions for completing the process, including any important information that would result in the denial of the application.
3. It should be mandatory that the text box in the Citizen Self-Service Portal for the Certificate of Use application, which instructs the applicant to describe the type of business to be conducted, be completed prior to application moving forward in the process. Currently, the application may move forward in the process without providing a description of the type of business.
4. As the determination of the specific use is the single most important aspect of the issuance of a Certificate of Use and is required and relied upon to obtain a Business Tax Receipt, the selection of available uses should follow the same process as that of the BTR application, with drop-down selection boxes of available uses and sub uses. The back end of the portal that is available to the Planning staff includes a drop-down selection of several uses. That option should be made available to the applicant.
5. Although there did exist some level of quality control in the process reviewed, there should be a protocol for the acceptance of documents that appear to be altered.

Section 2-256 (d) (3) of the City Code confers upon the Office of the Inspector General the power to require reports from the city manager, city departments, city agencies, boards, and committees, and city officers and employees, regarding any matter within the jurisdiction of the inspector general. The OIG requests that the City provide a status report to the OIG within sixty (60) days of the receipt of this report on the implementation of any of the OIG recommendations.

Respectfully submitted,



Joseph M. Centorino, Inspector General



Dylan Hughes, Investigator

CC: Alina Hudak, City Manager
Steven Rothstein, Deputy City Attorney
Thomas Mooney, Planning Director
Jason Greene, Chief Financial Officer
Rick Clements, Chief of Police
Ana Salgueiro, Building Director, Building Official
Ananthan Thangavel, 1330 15th Street, LLC
Damian Gallo Jr., Permit Doctor
Eugenia (Jenny) Suraveva, Permit Doctor

OFFICE OF THE INSPECTOR GENERAL, City of Miami Beach
1130 Washington Avenue, 6th Floor, Miami Beach, FL 33139
Tel: 305.673.7020 • **Hotline: 786.897.1111**
Email: CityofMiamiBeachOIG@miamibeachfl.gov
Website: www.mbinspectorgeneral.com

OIG APPENDIX

“A”

**RELEVANT GOVERNING
AUTHORITIES**

Relevant Governing Authorities

Florida Statutes Section 509.013 Definitions.

(4) (a) "Public lodging establishment" includes a transient public lodging establishment as defined in subparagraph 1. and a nontransient public lodging establishment as defined in subparagraph 2.

1. "Transient public lodging establishment" means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

2. "Nontransient public lodging establishment" means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests for periods of at least 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods of at least 30 days or 1 calendar month.

Florida Statutes Section 509.241 Licenses required; exceptions.

(1) Licenses; Annual Renewals. Each public lodging establishment and public food service establishment shall obtain a license from the division.....

(2) Application For License. Each person who plans to open a public lodging establishment or a public food service establishment shall apply for and receive a license from the division prior to the commencement of operation....

Florida Statutes Section 509.242 Public lodging establishments; classifications.

(1) A public lodging establishment shall be classified as a hotel, motel, nontransient apartment, transient apartment, bed and breakfast inn, timeshare project, or vacation rental if the establishment satisfies the following criteria:

(a) **Hotel.**—A hotel is any public lodging establishment containing sleeping room accommodations for 25 or more guests and providing the services generally provided by a hotel and recognized as a hotel in the community in which it is situated or by the industry.

(d) **Nontransient apartment.**—A nontransient apartment is a building or complex of buildings in which 75 percent or more of the units are available for rent to nontransient tenants.

(e) **Transient apartment.**—A transient apartment is a building or complex of buildings in which more than 25 percent of the units are advertised or held out to the public as available for transient occupancy.

Miami Beach Code Subpart B- Land Development Regulations (LDR)

LDR Section 114-1 Definitions.

Apartment building means a building with or without resident supervision occupied or intended to be occupied by more than two families living separately with separate cooking facilities in each unit.

Apartment unit means a room, or group of rooms, occupied or intended to be occupied as separate living quarters by one family and containing independent cooking and sleeping facilities. (Term includes condominium.)

Certificate of use means a document issued by the city manager or designee allowing the use of a building and certifying that the use is in compliance with all applicable city codes, regulations, and ordinances.

Hotel means a building occupied or intended to be occupied by transient residents, with all residents occupying hotel units and where ingress or egress may or may not be through a common lobby or office that is supervised by a person in charge at all times.

Hotel unit means a room, or group of rooms, each unit containing a separate bathroom facility, with ingress or egress which may or may not be through a common lobby, intended for rental to transients on a day-to-day, week-to-week, or month-to-month basis, not intended for use or used as a permanent dwelling and without cooking facilities.

Suite hotel unit and suite hotel means a room, or group of rooms, each containing separate bathroom and full cooking facilities, with ingress and egress which may or may not be through a common lobby, intended for rental to transients on a day-to-day, week-to-week, or month-to-month basis, not intended for use or used as a permanent dwelling.

Note by OIG: Short-term rental of any type of dwelling is not defined in this section.

LDR Section 142-151. – Purpose.

The RM-1 residential multifamily, low density district is designed for low intensity, low rise, single-family and multiple-family residences.

LDR Section 142-152. - Main permitted and prohibited uses.

(a)The main permitted uses in the RM-1 residential multifamily, low density district are:

(1)Single-family detached dwelling;

(2)Townhomes;

(3)Apartments;

(4)Apartment hotels, hotels, and suite hotels for properties fronting Harding Avenue or Collins Avenue, from the city line on the north, to 73rd Street on the south (pursuant to section 142-1105 of this chapter);

(5)Bed and breakfast inn (pursuant to article V, division 7 of this chapter); and

(6)Apartment hotels, hotels, and suite hotels for properties abutting Lincoln Lane South, between Drexel Avenue and Lenox Avenue, subject to the following regulations:

(i)The lot width of the property shall not exceed 100 feet;

(ii)The lobby from which the property is accessed shall be located within a building fronting Lincoln Road, which is located directly across Lincoln Lane South from the RM-1 property;

(iii)The hotel shall be operated by a single operator; and

(iv)No accessory uses associated with a hotel shall be located or permitted within the RM-1 district.

LDR Section 142-1105 - Suites hotel, apartment hotel, hostel, and hotel.

Relevant Sections:

(a) Suite hotel units and suite hotels, as defined in section 114-1 of the land development regulations, shall conform with the following regulations:

(1) When a hotel unit contains cooking facilities it shall be considered as a suite hotel unit. Suite hotel units may have full cooking facilities, provided the unit is at least 550 square feet in size.

(3) A minimum of ten percent of the total gross area shall be maintained as common area, however this requirement shall not apply to historic district suites hotels. This provision shall not be waived or affected through the variance procedure.

(4) The building shall contain a registration desk and a lobby. Any transient guest or occupant for a suite hotel unit must register at the registration desk. Those transient guest(s) or occupant(s) are prohibited from accessing the suite hotel unit without registration.

(8) Suite hotels shall be prohibited in all zoning districts and overlay districts that do not list suite hotels as a permitted or conditional use.

LDR Section 142-1111 – Short-term rental of apartment units or townhomes.

Relevant Sections:

(a) *Limitations and prohibitions.*

(1) Unless a specific exemption applies below, the rental of apartment or townhome residential properties in districts zoned RM-1, RM-PRD, RM-PRD-2, RPS-1 and RPS-2, CD-1, RO, RO-3 or TH for periods of less than six months and one day is not a permitted use in such districts.

(2) Any advertising or advertisement that promotes the occupancy or use of the residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence for less than six months and one day, as provided herein, or use of the residential premises in violation of this section.

Miami Beach Code Subpart A- General Ordinances Article V. Local Business Tax

Section 102-356- Construction of article; definitions.

Relevant Sections:

Business means every trade, occupation, profession or other manner of revenue-producing activity regardless of whether a profit is actually made.

Business tax means the fees charged and the method by which the city grants the privilege of engaging in or managing any business, profession, or occupation within the city's jurisdiction.

OIG APPENDIX “B”

**RESPONSE OF ANANTHAN THANGAVEL,
COMPLAINANT, TO THE OIG DRAFT REPORT**

From: [Ananthan Thangavel](#)
To: [Alonso, Elisa](#); [Hudson, Phillip M.](#)
Cc: [Centorino, Joseph](#); [Hughes, Dylan](#)
Subject: Re: Cover Letter and OIG Draft Reports: Review of Complaint and Process Regarding Certificate of Use and BTR at 1330 15th Street
Date: Friday, July 14, 2023 1:56:54 PM
Attachments: [20191118-BTR Application-Correct.pdf](#)

[THIS MESSAGE COMES FROM AN EXTERNAL EMAIL - USE CAUTION WHEN REPLYING AND OPENING LINKS OR ATTACHMENTS]

Office of Inspector General,

Thank you for the draft report. In response to the draft report, I would like to request the following: I would like the report to make clear that Ms. Suraeva openly admitted to altering the BTR application document that I submitted to her (attached here), and that the document was then further altered by a City of Miami Beach employee. Furthermore, I have sworn under oath and am prepared to further swear to the fact that I never authorized any change to this document whatsoever, and that all alterations were done without my consent.

Additionally, we were wondering if the IG report could be finalized and made official before July 25th, as the City Attorney's office has requested that the report be made final before they re-engage discussing the matter at hand in our Board of Adjustment case, and they are requesting a large invoice to be paid (~\$4600) by July 25th. If we could finalize the report before that time, it would be a great help towards putting this matter to rest without further harm to me.

Thank you, please let me know.

From: [Ananthan Thangavel](#)
To: [Hughes, Dylan](#)
Cc: [Alonso, Elisa](#); [Hudson, Phillip M.](#); [Centorino, Joseph](#)
Subject: Re: Cover Letter and OIG Draft Reports: Review of Complaint and Process Regarding Certificate of Use and BTR at 1330 15th Street
Date: Tuesday, August 1, 2023 3:05:18 PM

[THIS MESSAGE COMES FROM AN EXTERNAL EMAIL - USE CAUTION WHEN REPLYING AND OPENING LINKS OR ATTACHMENTS]

In further response to the IG report, I would like to comment the following:

While the Inspector General's report did uncover the source of the first unauthorized revision of the BTR application which this matter centers upon (Jenny Suraeva of The Permit Doctor), the report obfuscates a clear and important fact that was stated to me on a recorded video call with the IG office dated 5/10/23. *The second unauthorized revision of this document, which consisted of crossing out Short-Term Rentals and writing Apt. Building, was done by a City of Miami Beach employee.*

Furthermore, the IG's assertion that a City of Miami Beach employee can alter a signed document, and that this behavior is not considered "malfeasance or neglect by City employees" is utterly preposterous. Altering another person's signed document without express, written consent is the very definition of "malfeasance or neglect".

Finally, for any party in this matter to claim they do not have records going back over 2 years is ridiculous. The construction timeline from design/permitting to Certificate of Occupancy of any construction project of consequence is more than 2 years. The Permit Doctor would not be able to perform its very namesake if they in fact did not keep documents going back more than 2 years.

In fact, The Permit Doctor and the City of Miami Beach have no evidence that I authorized these changes to the BTR application because no such evidence exists, because I never authorized any change whatsoever to this document.

OIG APPENDIX “C”

**RESPONSE OF THOMAS MOONEY, PLANNING
DIRECTOR, TO THE OIG DRAFT REPORT**

From: [Mooney, Thomas](#)
To: [Alonso, Elisa](#)
Cc: [Hudak, Alina](#); [Rothstein, Steven](#); [Greene, Jason](#); [Clements, Rick](#); [Salqueiro, Ana](#); [Bain, Tiffany](#); [Williams, Rickelle](#); [Centorino, Joseph](#); [Hughes, Dylan](#)
Subject: Planning Department Response: OIG Review of Complaint and Process Regarding Certificate of Use and BTR at 1330 15th Street
Date: Friday, July 28, 2023 12:24:34 PM
Attachments: [Review of Complaint and Process Regarding Certificate of Use and BTR at 1330 15th Street.pdf](#)
[Cover Letters - City.pdf](#)
Importance: High

Good Afternoon Elisa

This email shall serve as the Planning Department's Response to the Draft OIG Report, dated June 16, 2023, relating to the Review of Complaint and Process Regarding Issuance of Certificate of Use and Business Tax Receipt at 1330 15th Street ("Draft Report").

As a threshold matter, the Draft Report concerns issues that are also the subject of an administrative appeal currently pending before the Board of Adjustment. Pursuant to Article I, Section 2 of the Related Special Acts, and Sections 118-9 and 118-397 of the Land Development Regulations, the Board of Adjustment has the exclusive jurisdiction to decide appeals from formal determinations of the Planning Director.

On February 22, 2023, the owner of the property at 1330 15th Street appealed the denial of a Business Tax Receipt on the basis that, pursuant to the Land Development Regulations, short-term rentals are not permitted on the subject property. On May 5, 2023, and following argument and testimony from the property owner, Planning Director, and nearby residents, the Board of Adjustment denied the appeal and affirmed the decision of the Planning Director.

On June 2, 2023, the Board of Adjustment adopted a motion to reconsider its May 5th decision. Pursuant to that motion, the appeal will be re-noticed for the September 8, 2023 Board of Adjustment meeting. At that time, the Board will take additional testimony, and decide whether to affirm or reverse its original decision.

Notwithstanding the appeal pending before the Board of Adjustment, which will make a final determination as to whether the previous use of suite hotel may be reintroduced, the Planning Department wishes to provide the following information to supplement and/or clarify issues raised in the Draft Report.

1. Response to the Summary, in the Draft Report, of events between May 19, 2020 and September 24, 2021

A CU/BTR was issued to the property owner (Mr. Thangavel) on May 19, 2020 for non-transient apartment rooms. This CU/BTR was renewed on December 20, 2020 and remained active until September 30, 2021.

Notwithstanding the fact that a CU/BTR was issued for the property, on page 6 of the Draft Report, Mr. Gallo Jr. (who, at the time, was the owner's permit expediter) is described as indicating that the

process to obtain a CU/BTR was never completed. It appears that Mr. Gallo is referring to the CU/BTR that would otherwise be required for the short-term rental of the eight units in the building; however, this is not clear. On page 8 of the Draft Report, the employees of the Permit Doctor acknowledge that each unit proposed to be used for short-term rentals must obtain a separate CU/BTR, but such applications were never submitted by the Permit Doctor to the City until September 24, 2021.

There is no explanation as to why an application for the short-term rental of the units was not made until September 24, 2021. The previous use of suite hotel at the property became prohibited in August of 2020 (pursuant to Ordinance No. 2020-4364, which removed "suite hotels" as an allowable use in the West Avenue Bayfront Overlay District). It is important to note that had the CU/BTR application for the short-term rental of the units in the building been submitted as part of the application approved on May 19, 2020, that CU/BTR application would have been denied by Planning and the applicant, at that point, could have potentially modified the application to a suite hotel, which was a permitted use until August of 2020.

2. Request of the Property Owner for the Short-Term Rental of all Eight (8) units

On page 9 of the Draft Report, it is noted that one of the documents uploaded by the Permit Doctor (the permit expediter) on September 24, 2021 for the short-term rental CU/BTR application was a June 15, 2020 letter from the property owner indicating his intent to apply for a short-term rental BTR for all eight units in the building. The Draft Report further notes that this letter was not part of the documentation received by the City on December 27, 2019 and therefore was not considered part of the process.

First, it is not possible for a document that was signed on June 15, 2020 to have been part of an application submitted 6 months earlier, on December 27, 2019. Second, there is no explanation as to why this correspondence from June 15, 2020 was not included in a CU/BTR application until September 24, 2021. Again, if a CU/BTR application for short-term rentals had been submitted prior to August of 2020, although it would have been denied by Planning (because short-term rentals have been prohibited in this district since 2010), it is likely that the applicant would have questioned why the application was denied and been advised that Suite Hotel was still a permitted use and the application could have been modified to reflect a suite hotel.

3. Closing of Previous BTR for Suite Hotel Use

On page 11 of the Draft Report, it is noted that as part of December 27, 2019 CU/BTR application, the prior CU/BTR for a suite hotel on the property was uploaded. The report further indicates that this prior BTR was issued to the previous property owner on September 27, 2019 and expired on September 30, 2020. The report, however, does not recognize that this previous BTR (and corresponding resort tax account) was closed, in writing, by the previous property owner, on November 27, 2019. As such, the application submitted on December 27, 2019 was considered a new CU/BTR application.

4. Planning Review of CU/BTR Application

On page 12 of the Draft Report, under "Planning Review," as it pertains to the review of the December 27, 2019 CU/BTR application, the Planning comments note that the application is for a

residential apartment building (8 units). It is further noted in the report that there is no explanation of how that determination was made.

It is important to point out that the application submitted by the property owner, and uploaded to the system, was for an apartment building. City staff relies on the accuracy of each applicant's submissions. The subject property is zoned RM-1 (Residential, Multi-Family Low Intensity) and this zoning district expressly permits apartment buildings as a permitted use. Since this is a permitted use, and the previously issued permit for suite hotel confirmed that the building met the minimum unit size requirements for an apartment unit, there was no reason for a Planning reviewer to inquire further. In short, if a proposed use is permitted within a zoning district, the Planning reviewer does not initiate an inquiry as to why the property owner desires to license a permitted use.

Also, whether the 'change of use' box was checked or not had no impact on this CU/BTR application in terms of zoning review, as apartment building is a permitted use in the underlying RM-1 zoning district and the previous use (suite hotel) met the applicable unit size and kitchen requirements for an apartment unit.

5. Definition of Short-Term Rental (STR)

On page 17 of the Draft Report, it is noted that suite hotels are defined in the definitions section of the Land Development Regulations ("LDRs"), but that short-term rentals are not. However, short-term rentals are defined under Sec. 142-1111 of the LDRs, as "the rental of apartment or townhome residential properties in districts zoned RM-1, RM-PRD, RM-PRD-2, RPS-1 and RPS-2, CD-1, RO, RO-3 or TH for periods of less than six months and one day."

Thomas R. Mooney, AICP

Planning Director

Planning Department

1700 Convention Center Drive – 2nd Floor, Miami Beach, FL 33139

Tel: 305-673-7000 x6191 / tmooney@miamibeachfl.gov

www.miamibeachfl.gov

It's easy being Green! Please consider our environment before printing this email.

OIG APPENDIX “D”

**RESPONSE OF JASON GREENE, CHIEF FINANCIAL
OFFICER, TO THE OIG DRAFT REPORT**

Hughes, Dylan

From: Greene, Jason
Sent: Monday, July 31, 2023 9:51 AM
To: Hughes, Dylan
Cc: Centorino, Joseph; Hudak, Alina; Bain, Tiffany; Rothstein, Steven; Clements, Rick; Salgueiro, Ana; Mooney, Thomas; Carpenter, Eric; Marquez, Manny
Subject: RE: Cover Letters and OIG Draft Reports: Review of Complaint and Process Regarding Certificate of Use and BTR at 1330 15th Street

Dylan,
Please find below response from Finance.
Thanks,

Business Tax Section Response:

The Business Tax Section of the Finance Department concurs with the Office of the Inspector General (OIG) with respect to the review and process regarding the issuance of the Certificate of Use and Business Tax Receipt for the property located at 1330 15th Street, *"there was no malfeasance or neglect by City employees."*

Allegation 1:

City of Miami Beach employees may have engaged in malfeasance and/or negligence with respect to the issuance of a Certificate of Use (CU) /Business Tax Receipt (BTR) for the property.

Response:

The Business Tax Section concurs with the OIG Conclusion regarding the allegation, *"the issuance of the CU/BTR to Mr. Thangavel, was thoroughly reviewed by the OIG, which concluded that there was no malfeasance or neglect by City employees."*

The property owner hired a permit runner to process their application. If there was any miscommunication, misunderstanding and/or misinterpretation, it was between the applicant, Mr. Thangavel, and his permit runner, the Permit Doctor, as stated in page 17 of the OIG's report, *"during the review, the OIG found that miscommunication, misunderstanding, and/or a misinterpretation of the various meanings of accommodation establishment terminologies throughout the process by Mr. Thangavel and the Permit Doctor employees."* The applicant relied on his permit runner to handle his Local Business Tax Receipt application.

The applicant and their permit runner, submitted a Local Business Tax Receipt application with a different type business category than the previous owner. The applicant and their permit runner, also submitted an application with a different type of State license than the previous owner of the property. The applicant was given the Local Business Tax Receipt they applied for.

The City's Board of Adjustment, at their May 5th, 2023 meeting, denied the applicants appeal to reinstate a non-conforming suite hotel use on the property.

MIAMI BEACH

Jason D. Greene, CGFO, CFE, Chief Financial Officer
City of Miami Beach
1700 Convention Center Drive, Miami Beach, FL 33139

OIG

EXHIBIT 1

**NOTUS LLC CU/BTR
APPLICATION**

BTIR 005837-01-2019

New Business Tax Account # _____	Amount of Fee Due: \$ <u>\$45.00</u> 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-Packaged 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 NOTUS LLC Application Date: 01/16/19
Location 1330 15th STREET Lease ☐ Own ☒
Type of Business (be very specific) SUITE HOTEL Hours of Operation _____
Hours Serving Alcohol NA

Name of Owner/President MATTEO SOLDATINI Date of Birth 06/27/72 DL# _____ St. _____
Federal ID # _____ SSN [REDACTED]
Home Address P. LISCARD AVE City MB State FL Zip 33139
[REDACTED] Phone _____ Cell Phone _____
Email Address INFO@REDGROUP. ESTATE

Send Business Mail to Attention of: RED GROUP Business Phone _____
Address 435 21st ST CU 4 City MB State FL Zip 33139
Name of Emergency Contact MATTEO SOLDATINI [REDACTED]

Is the Business a:

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

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 CONTACT, RICARDO ARNAU (305) 673-7000 (ext. 6951) or E-mail: RicardoArnau@miamibeachfl.gov

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

MAURO SOLDATI
Print Name

Signature

Date

01/16/19

Official Use Only: Review by the following Departments may be required:

Department	Required?	yes	no	By	Date	Comments
Planning & Zoning	Required?	yes	no	By	Date	Comments
Concurrency	Required?	yes	no	By	Date	Comments
Building	Required?	yes	no	By	Date	Comments
Fire	Required?	yes	no	By	Date	Comments
Parking	Required?	yes	no	By	Date	Comments
Risk Management	Required?	yes	no	By	Date	Comments
Public Works	Required?	yes	no	By	Date	Comments
Finance	Required?	yes	no	By	Date	Comments
Code	Required?	yes	no	By	Date	Comments

Notes/Comments

OIG EXHIBIT 2

NOTUS LLC CU/BTR

1700 Convention Center Drive
Miami Beach, Florida 33139-1819

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OIG

EXHIBIT 3

NOTUS LLC

CO

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 89-2665 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.

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

OIG

EXHIBIT 4

1330 13TH ST LLC CU/BTR

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

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

TRADE ADDRESS: 1330 15 St

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
1330 15 St
MIAMI BEACH, FL -331392249

OIG

EXHIBIT 5

**1330 15TH ST LLC ORIGINAL
CU/BTR APPLICATION**

New Business Tax Account # _____ Amount of Fee Due: \$ _____

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:

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

Is the Business one of the following types:

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

Business Name 1330 15th Street LLC
Location 1330 15th St., Miami Beach, FL 33139
Type of Business (be very specific) _____
Hours Serving Alcohol _____

Application Date: 11/18/2019

Lease ☐ Own ☒

Hours of Operation _____

Name of Owner / President Ananthan Thengavel Date of Birth _____

DL# _____

FED ID # _____ SSN _____

Home Address 114 _____ City Miami Beach State FL Zip 33139

Home Phone _____ Business Phone _____ Cell Phone _____

Email Address athangavel@lakshmi-capital.com

Send Business Mail to Attention of: Same as above, owner

Business Phone _____

Address _____ City _____ State _____ Zip _____

Name of Emergency Contact Murugesan Thengavel

Phone _____

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.

Ananthan 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 _____

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EXHIBIT 6

**1330 15TH ST LLC CHANGED
CU/BTR APPLICATION**

BTR 008501-12-2019 / BLPL 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:

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

Is the Business one of the following types:

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

Business Name 1330 15th Street LLC Application Date 11/18/2019
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 Ananthan Thangavel Date of Birth _____ DL# _____
EIN _____ Federal ID# _____ SSN _____
Home Address _____ City Miami Beach State FL Zip 33139
Home Phone _____ Business Phone _____ Cell Phone _____
Email Address athangavel@lakshmi-capital.com

Send Business Mail to Attention of: Same as above, owner Business Phone _____
Address _____ City _____ State _____ Zip _____
Name of Emergency Contact Murugesu Thangavel Phone _____

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."

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

Ananthan 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 _____

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EXHIBIT 7

**1330 15TH ST LLC SHORT-TERM
RENTAL CU/BTR APPLICATIONS
NOT SUBMITTED UNIT 1**

New Business Tax Account # _____ Amount of Fee Due: \$ _____
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 e 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 _____)

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

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

Is the Business one of the following types:

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

Business Name 1330 15th street LLC Application Date: 11/18/2019
Location 1330 15th St., Miami Beach, FL 33139 Unit 1. Lease ☐ Own ☒
Type of Business (be very specific) Short term Rental. Hours of Operation _____
Hours Serving Alcohol _____

Name of Owner / President Ananthan Thangavel Date of Birth 9/29/1984 DL# [REDACTED]
EIN: [REDACTED] Federal ID # [REDACTED] SSN [REDACTED]
Home Address [REDACTED] City Miami Beach State FL Zip 33139
Home Phone [REDACTED] Business Phone _____ Cell Phone _____
Email Address athangavel@lakshmi-capital.com

Send Business Mail to Attention of: Same as above, Owner Business Phone [REDACTED]
Address _____ City _____ State _____ Zip _____
Name of Emergency Contact Murugesha Thangavel Phone [REDACTED]

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.

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

Ananthan 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 _____

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EXHIBIT 8

**1330 15TH ST LLC SMOKE
DETECTOR REPORT**



MIAMI BEACH



ANNUAL SINGLE STATION SMOKE DETECTORS INSPECTION/TEST REPORT

RETURN COMPLETED FORM TO:

MIAMI BEACH FIRE PREVENTION DIVISION
1701 MERIDIAN AVE.- 2ND FLOOR
MIAMI BEACH, FL 33139
TELEPHONE: 305-673-7123
FAX : 305-673-1085

ATTENTION INSPECTOR: _____

The smoke detectors at the following address are: (circle one below)

BATTERY OPERATED

**HARD WIRED 110V
ELECTRICALLY OPERATED**

All single station smoke detectors located at the following address have been inspected/tested for proper operation as recommended by the manufacturer and at the time of inspection are: Battery powered single station smoke alarms must be tested no less than once per week (69A-43) Hard wired single station smoke alarms must be tested annually. (NFPA 72 - 10.4.3)

Please circle one:

OPERATIONAL

NOT OPERATIONAL (*)

NAME OF BUILDING:

1330 15th Street LLC

ADDRESS OF BUILDING:

1330, 15th Street

TYPE OF OCCUPANCY (SPECIFIC USE)

Short-term rental

NAME OF OWNER OR AGENT:

Ananthan Thangavel

OWNER OR AGENT TELEPHONE :

(818) 667-1975

PERSON PERFORMING TEST:

Tiffany Larson

JOB TITLE:

Manager

(*) LIST DEFICIENCIES AND REQUIRED CORRECTIONS: _____

NOTE: Written records/logs of visual inspections and tests shall be kept by the owner for inspection by the authority having jurisdiction.

Tiffany Larson
SIGNATURE:

4/2/2020
DATE

OIG

EXHIBIT 9

1330 15TH ST LLC

**RESORT TAX
REGISTRATION FORM**

**RESORT TAX
REGISTRATION FORM**

1) BUSINESS INFORMATION:

NAME	1330 15TH STREET LLC
ADDRESS	1330 15th street
CITY	Miami Beach
ZIP CODE	33139
PHONE NUMBER	(818) 667-1975
SALES TAX ACCOUNT #	
FEDERAL ID #	84-3378063

2) OPERATOR INFORMATION:

NAME	Ananthan Thangavel
HOME ADDRESS	1504 Bay Rd. Apt. 720
CITY	Miami Beach
STATE	FL
ZIP CODE	33139
PHONE #	(818) 667-1975
DRIVER'S LIC#	T 521-000-84-349-6
SOC. SEC. #	564-85-4107

3) OPERATOR INFORMATION:

NAME	
HOME ADDRESS	
CITY	STATE
ZIP CODE	PHONE # ()
DRIVER'S LIC#	
SOC. SEC. #	

4) OPERATOR INFORMATION:

NAME	
ADDRESS	
CITY	STATE
ZIP CODE	PHONE # ()
DRIVER'S LIC#	
SOC. SEC. #	

5) OPERATOR INFORMATION:

NAME	
ADDRESS	
CITY	STATE
ZIP CODE	PHONE # ()
DRIVER'S LIC#	
SOC. SEC. #	

6) START DATE OF BUSINESS: 12/5/2019

7) TYPE OF STATE LICENSE:

- ☒ DIVISION OF HOTELS & RESTAURANTS
☐ DEPARTMENT OF ALCOHOL, TOBACCO & FIREARMS
☐ DEPARTMENT OF AGRICULTURE

8) TYPE OF BUSINESS:

- ☐ CORPORATION (ARTICLES OF INCORP.) ☐ INDIVIDUAL
☐ PARTNERSHIP (PARTNERSHIP AGREEMENT) ☒ OTHER LLC
☐ TRUST (COURT ORDER)

9) KIND OF BUSINESS: (CHECK ALL THAT APPLY)

- ☐ APARTMENT ☒ HOTEL/MOTEL
☐ BAR/NIGHTCLUB ☐ PROPERTY MGMT.
☐ BOARDING/ROOMING ☐ RESTAURANT
☐ CONDOMINIUM

10) # OF RMS/APTS OR SEATING: 8

11) CONTACT PERSON

NAME	Ananthan Thangavel
ADDRESS	1504 Bay Rd. Apt. 720
CITY, STATE, ZIP CODE	Miami Beach, FL 33139
CONTACT PHONE NUMBER	(818) 667-1975
E-MAIL ADDRESS:	athangavel@lakshmi-capital.com

12)  **4/12/2020**
 OPERATOR'S SIGNATURE DATE

13) RETURN FORM & \$25.00 REGISTRATION FEE TO:

**CITY OF MIAMI BEACH/RESORT TAX
1700 CONVENTION CENTER DRIVE
MIAMI BEACH, FL 33139
PHONE (305)673-7447
FAX(305)673-7004**

DO NOT WRITE IN THIS SPACE	
CERTIFICATE #	REGISTRATION#
YEARLY	MONTHLY
FORMER CERTIFICATE #	

OIG

EXHIBIT 10

1330 15TH ST LLC

STATE OF FLORIDA

LICENSE



**STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**DIVISION OF HOTELS AND RESTAURANTS
2601 BLAIR STONE ROAD
TALLAHASSEE FL 32399-1011**

850-487-1395

**ANANTHAN THANGAVEL
1330 15TH STREET LLC
1504 BAY RD APT 720
MIAMI BEACH FL 33139**

Congratulations! With this license you become one of the nearly one million Floridians licensed by the Department of Business and Professional Regulation. Our professionals and businesses range from architects to yacht brokers, from boxers to barbeque restaurants, and they keep Florida's economy strong.

Every day we work to improve the way we do business in order to serve you better. For information about our services, please log onto **www.myfloridalicense.com**. There you can find more information about our divisions and the regulations that impact you, subscribe to department newsletters and learn more about the Department's initiatives.

Our mission at the Department is: License Efficiently, Regulate Fairly. We constantly strive to serve you better so that you can serve your customers. Thank you for doing business in Florida, and congratulations on your new license!



**STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION**

TAP2330379

ISSUED: 12/18/2019

**TRANSIENT APARTMENT (2003)
1330 15TH STREET LLC
1330 15TH STREET LLC**

IS LICENSED under the provisions of Ch.509 FS.
Expiration date : OCT 1, 2020 L1912180000086

DETACH HERE

RON DESANTIS, GOVERNOR

HALSEY BESHEARS, SECRETARY

**STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF HOTELS AND RESTAURANTS**

LICENSE NUMBER	
TAP2330379	NBR. OF UNITS: 8

The TRANSIENT APARTMENT (2003)
Named below IS LICENSED
Under the provisions of Chapter 509 FS.
Expiration date: OCT 1, 2020

NON-
TRANSFERABLE

**1330 15TH STREET LLC
1330 15TH STREET LLC
1330 15 ST
MIAMI BEACH FL 33139**





Ron DeSantis, Governor

Melanie S. Griffin, Secretary



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DIVISION OF HOTELS AND RESTAURANTS

THE TRANSIENT APARTMENT (2003) HEREIN IS LICENSED UNDER THE
PROVISIONS OF CHAPTER 509, FLORIDA STATUTES
NBR. OF UNITS: 8

1330 15TH STREET LLC

1330 15TH STREET LLC
1330 15 ST
MIAMI BEACH FL 33139

LICENSE NUMBER: TAP2330379

EXPIRATION DATE: OCTOBER 1, 2023

Always verify licenses online at [MyFloridaLicense.com](https://myfloridalicense.com)



Do not alter this document in any form.

This is your license. It is unlawful for anyone other than the licensee to use this document.