

# MIAMI BEACH

## PLANNING DEPARTMENT

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

### LAND USE BOARD HEARING APPLICATION

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

<b>Application Information</b>			
FILE NUMBER			
<b>Board of Adjustment</b> <input type="checkbox"/> Variance from a provision of the Land Development Regulations <input checked="" type="checkbox"/> Appeal of an administrative decision		<b>Design Review Board</b> <input type="checkbox"/> Design review approval <input type="checkbox"/> Variance	
<b>Planning Board</b> <input type="checkbox"/> Conditional use permit <input type="checkbox"/> Lot split approval <input type="checkbox"/> Amendment to the Land Development Regulations or zoning map <input type="checkbox"/> Amendment to the Comprehensive Plan or future land use map		<b>Historic Preservation Board</b> <input type="checkbox"/> Certificate of Appropriateness for design <input type="checkbox"/> Certificate of Appropriateness for demolition <input type="checkbox"/> Historic district/site designation <input type="checkbox"/> Variance	
<input type="checkbox"/> Other:			
<b>Property Information - Please attach Legal Description as "Exhibit A"</b>			
ADDRESS OF PROPERTY			
1349 Dade Blvd., Miami Beach, Florida, 33139			
FOLIO NUMBER(S)			
02-3233-012-0680			
<b>Property Owner Information</b>			
PROPERTY OWNER NAME			
Vincent J. Festa TRS, Festa Trust Agreement			
ADDRESS		CITY	STATE
8660 4 Villa La Jolla Drive		La Jolla	CA
ZIP CODE		92037	
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	
<b>Applicant Information (if different than owner)</b>			
APPLICANT NAME			
Sunset Land Associates and SH Owner LLC			
ADDRESS		CITY	STATE
1691 Michigan Ave, Suite 510		Miami Beach	FL
ZIP CODE		33139	
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	
305-749-0921		bradley.colmer@decocapital.com	
<b>Summary of Request</b>			
PROVIDE A BRIEF SCOPE OF REQUEST			
Appeal to the Board of Adjustment pursuant to Section 118-9(b)(1) of the City Code in connection with the Planning Director's determination issued on August 30, 2018, for 1349 Dade Blvd., Miami Beach, Florida.			

<b>Project Information</b>			
Is there an existing building(s) on the site?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does the project include interior or exterior demolition?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Provide the total floor area of the new construction.			SQ. FT.
Provide the gross floor area of the new construction (including required parking and all usable area).			SQ. FT.
<b>Party responsible for project design</b>			
NAME N/A		<input type="checkbox"/> Architect <input type="checkbox"/> Contractor <input type="checkbox"/> Landscape Architect <input type="checkbox"/> Engineer <input type="checkbox"/> Tenant <input type="checkbox"/> Other _____	
ADDRESS		CITY	STATE      ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	
<b>Authorized Representative(s) Information (if applicable)</b>			
NAME Tracy Slavens		<input checked="" type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS 701 Brickell Ave		CITY Miami	STATE      ZIPCODE FL      33131
BUSINESS PHONE 305-789-7642	CELL PHONE	EMAIL ADDRESS tracy.slavens@hklaw.com	
NAME Vanessa Madrid		<input checked="" type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS 701 Brickell Ave		CITY Miami	STATE      ZIPCODE FL      33131
BUSINESS PHONE 305-789-7453	CELL PHONE	EMAIL ADDRESS vanessa.madrid@hklaw.com	
NAME		<input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS		CITY	STATE      ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	

**Please note the following information:**

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

**Please read the following and acknowledge below:**

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

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

The aforementioned is acknowledged by:

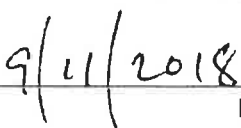
☐ Owner of the subject property    ☒ Authorized representative



**SIGNATURE**

Bradley Colmer, Manager, Sunset Land Associates LLC

**PRINT NAME**



**DATE SIGNED**

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The aforementioned is acknowledged by:

☐ Owner of the subject property    ☒ Authorized representative



**SIGNATURE**

Bradley Colmer, Manager, SH Owner LLC

**PRINT NAME**

9/11/2018

**DATE SIGNED**

**OWNER AFFIDAVIT FOR INDIVIDUAL OWNER**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

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

**SIGNATURE**

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

NOTARY SEAL OR STAMP

**NOTARY PUBLIC**

My Commission Expires: \_\_\_\_\_

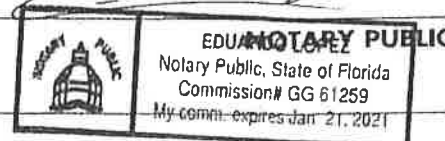
**PRINT NAME****ALTERNATE OWNER AFFIDAVIT FOR CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY**STATE OF FloridaCOUNTY OF Miami-Dade

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

**SIGNATURE**

Sworn to and subscribed before me this 12 day of September, 2018. The foregoing instrument was acknowledged before me by Bradley Colmer, who has produced FL DL as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

My Commission Expires: Jan 21, 2021

**OWNER AFFIDAVIT FOR INDIVIDUAL OWNER**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

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NOTARY SEAL OR STAMP

**NOTARY PUBLIC**

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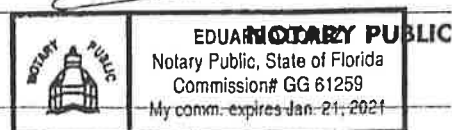
**PRINT NAME****ALTERNATE OWNER AFFIDAVIT FOR CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY**STATE OF FloridaCOUNTY OF Miami-Dade

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

**SIGNATURE**

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NOTARY SEAL OR STAMP

My Commission Expires: Jan 21, 2021

PRINT NAME

**POWER OF ATTORNEY AFFIDAVIT**STATE OF FloridaCOUNTY OF Miami-Dade

I, Bradley Colmer, being first duly sworn, depose and certify as follows: (1) I am the owner or representative of the owner of the real property that is the subject of this application. (2) I hereby authorize Tracy Slavens & Vanessa Madrid to be my representative before the Board of Adjustment Board. (3) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (4) I am responsible for remove this notice after the date of the hearing.

Bradley Colmer, Manager, Sunset Land Associates LLC

PRINT NAME (and Title, if applicable)

SIGNATURE

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NOTARY SEAL OR STAMP

NOTARY PUBLIC

My Commission Expires: Jan 21, 2021

EDUARDO LOPEZ  
Notary Public, State of Florida  
Commission# GG 61259  
My comm. expires Jan. 21, 2021

PRINT NAME

**CONTRACT FOR PURCHASE**

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

NAME

DATE OF CONTRACT

NAME, ADDRESS AND OFFICE

% OF STOCK

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In the event of any changes of ownership or changes in contracts for purchase, subsequent to the date that this application if

PRINT NAME

**POWER OF ATTORNEY AFFIDAVIT**STATE OF FloridaCOUNTY OF Miami-Dade

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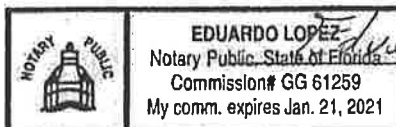
Bradley Colmer, Manager, SH Owner LLC

PRINT NAME (and Title, if applicable)

SIGNATURE

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NOTARY PUBLIC

PRINT NAME

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NAME

DATE OF CONTRACT

NAME, ADDRESS AND OFFICE

% OF STOCK

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

In the event of any changes of ownership or changes in contracts for purchase, subsequent to the date that this application if



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

**DISCLOSURE OF INTEREST**

**CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY**

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

**Sunset Land Associates LLC**

**NAME OF CORPORATE ENTITY**

NAME AND ADDRESS

% OF OWNERSHIP

Please see attached.

**NAME OF CORPORATE ENTITY**

NAME AND ADDRESS

% OF OWNERSHIP

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

**DISCLOSURE OF INTEREST**  
**TRUSTEE**

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

<b>TRUST NAME</b>	
<b>NAME AND ADDRESS</b>	<b>% INTEREST</b>

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**DISCLOSURE OF INTEREST**  
**CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY**

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**SH Owner LLC**

**NAME OF CORPORATE ENTITY**

NAME AND ADDRESS

% OF OWNERSHIP

Please see attached.

**NAME OF CORPORATE ENTITY**

NAME AND ADDRESS

% OF OWNERSHIP

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

**DISCLOSURE OF INTEREST**  
**TRUSTEE**

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<b>TRUST NAME</b>	
<b>NAME AND ADDRESS</b>	<b>% INTEREST</b>

**COMPENSATED LOBBYIST**

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

NAME	ADDRESS	PHONE
<u>Tracy Slavens</u>	<u>701 Brickell Ave, Miami FL 33131</u>	<u>305-786-7642</u>
<u>Vanessa Madrid</u>	<u>701 Brickell Ave, Miami FL 33131</u>	<u>305-789-7453</u>
_____	_____	_____

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

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

**APPLICANT AFFIDAVIT**

STATE OF Florida

COUNTY OF Miami Dade

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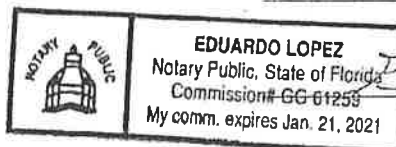
BY: Sunset Land Associates LLC

[Signature]  
**SIGNATURE**

Sworn to and subscribed before me this 12 day of September, 2018. The foregoing instrument was acknowledged before me by Bradley Colmer, who has produced FLDL as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

My Commission Expires: Jan 21, 2021



[Signature]  
**NOTARY PUBLIC**

Eduardo Lopez  
**PRINT NAME**

**COMPENSATED LOBBYIST**

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**APPLICANT AFFIDAVIT**

STATE OF Florida

COUNTY OF Miami Dade

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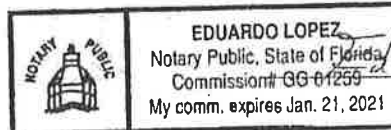
BY: Sh Owner LEO

**SIGNATURE**

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NOTARY SEAL OR STAMP

My Commission Expires: Jan 21, 2021



**NOTARY PUBLIC**

**PRINT NAME**

## **SUPPLEMENTARY DISCLOSURE OF INTEREST**

### **Interests in Sunset Land Associates, LLC**

Percentage of Interest

Sunset Harbor Holdings, LLC	100%
c/o Deco Capital Group	
1691 Michigan Ave., Suite 510	
Miami Beach, FL 33139	

### **Interests in SH Owner, LLC**

Percentage of Interest

Sunset Harbor Holdings, LLC	100%
c/o Deco Capital Group	
1691 Michigan Ave., Suite 510	
Miami Beach, FL 33139	

### **Interests in Sunset Harbor Holdings, LLC**

Percentage of Interest

Deco Capital Investments, LLC	10%
c/o Deco Capital Group	
1691 Michigan Ave., Suite 510	
Miami Beach, FL 33139	

RWNIH-REP Sunset Harbor, LLC	90%
c/o Deco Capital Group	
1691 Michigan Ave., Suite 510	
Miami Beach, FL 33139	

**Interests in Deco Capital Investments, LLC**

Percentage of Interest

Brad Colmer c/o Deco Capital Group 1691 Michigan Ave., Suite 510 Miami Beach, FL 33139	2.65%
Dan Marinberg c/o Deco Capital Group 1691 Michigan Ave., Suite 510 Miami Beach, FL 33139	9.90%
M-1752 Deco Investor, LLC c/o Deco Capital Group 1691 Michigan Ave., Suite 510 Miami Beach, FL 33139	4.98%
Michael Beattie c/o Deco Capital Group 1691 Michigan Ave., Suite 510 Miami Beach, FL 33139	4.42%
Frederic Khalil c/o Deco Capital Group 1691 Michigan Ave., Suite 510 Miami Beach, FL 33139	10.00%
David Neithardt Beaumont c/o Deco Capital Group 1691 Michigan Ave., Suite 510 Miami Beach, FL 33139	6.86%
Douglas Silverman c/o Deco Capital Group 1691 Michigan Ave., Suite 510 Miami Beach, FL 33139	13.53%
Noelle Villaneuva c/o Deco Capital Group 1691 Michigan Ave., Suite 510 Miami Beach, FL 33139	1.60%



Boris Marinberg c/o Deco Capital Group 1691 Michigan Ave., Suite 510 Miami Beach, FL 33139	2.94%
Deco Capital Group, LLC c/o Deco Capital Group 1691 Michigan Ave., Suite 510 Miami Beach, FL 33139	3.58%
Ralph Bekkevold c/o Deco Capital Group 1691 Michigan Ave., Suite 510 Miami Beach, FL 33139	18.95%
Joseph Furst c/o Deco Capital Group 1691 Michigan Ave., Suite 510 Miami Beach, FL 33139	1.69%
Max and Roger Leifer c/o Deco Capital Group 1691 Michigan Ave., Suite 510 Miami Beach, FL 33139	6.76%
Christopher Roe c/o Deco Capital Group 1691 Michigan Ave., Suite 510 Miami Beach, FL 33139	2.56%
Gloria Canasi c/o Deco Capital Group 1691 Michigan Ave., Suite 510 Miami Beach, FL 33139	9.59%

**Interests in RWNH-REP Sunset Harbor LLC**

	Percentage of Interest
RWNH-REP, LLC c/o Deco Capital Group 1691 Michigan Ave., Suite 510 Miami Beach, FL 33139	95.9588%
Ari Shalam c/o Deco Capital Group 1691 Michigan Ave., Suite 510 Miami Beach, FL 33139	0.4822%
Joshua Shapiro c/o Deco Capital Group 1691 Michigan Ave., Suite 510 Miami Beach, FL 33139	0.0698%
Barry Kringstein c/o Deco Capital Group 1691 Michigan Ave., Suite 510 Miami Beach, FL 33139	3.4892%

**Interests in RWNH-REP LLC**

	Percentage of Interest
Marc Rowan and Carolyn Rowan, as Husband and Wife c/o Deco Capital Group 1691 Michigan Ave., Suite 510 Miami Beach, FL 33139	98.5603%
Ken Glassman c/o Deco Capital Group 1691 Michigan Ave., Suite 510 Miami Beach, FL 33139	1.2972%
Mary Harada c/o Deco Capital Group 1691 Michigan Ave., Suite 510 Miami Beach, FL 33139	0.1299%

Ari Shalam  
c/o Deco Capital Group  
1691 Michigan Ave., Suite 510  
Miami Beach, FL 33139

0.0126%

M-1752 Deco Investor, LLC

Percentage of Interest

Camilo Miguel  
c/o Deco Capital Group  
1691 Michigan Ave., Suite 510  
Miami Beach, FL 33139

100%

Deco Capital Group, LLC

Percentage of Interest

Brad Colmer  
c/o Deco Capital Group  
1691 Michigan Ave., Suite 510  
Miami Beach, FL 33139

100%

## EXHIBIT A

Legal Description for 1349 Dade Boulevard:

Lots 11 and 12, Block 16A, of ISLAND VIEW SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 6 at Page 115 of the Public Records of Miami-Dade County.