



## 601 Washington HPB App 081321 - signed.pdf

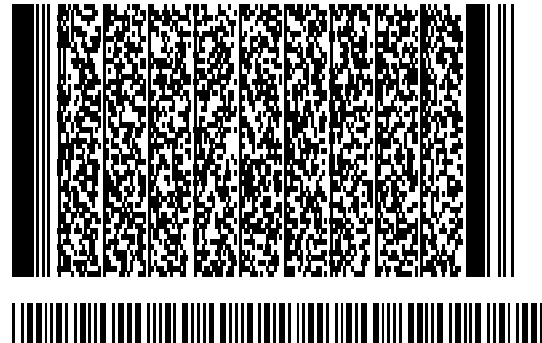
DocVerify ID: 2B9E4022-51DE-476E-997B-42F69E66ABC3  
Created: August 13, 2021 10:01:15 -8:00  
Pages: 9  
Electronic Notary: Yes / State: FL

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### E-Signature Summary

**E-Signature Notary: Diana Ramos (dra)**  
August 13, 2021 10:13:09 -8:00 [BD3569116092] [162.244.152.118]  
dramos@brzoninglaw.com



# MIAMIBEACH

## PLANNING DEPARTMENT

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

### LAND USE BOARD HEARING APPLICATION

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

Application Information			
FILE NUMBER HPB21-0478		Is the property the primary residence & homestead of the applicant/property owner? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (if "Yes," provide office of the property appraiser summary report)	
<b>Board of Adjustment</b> <input type="checkbox"/> Variance from a provision of the Land Development Regulations <input type="checkbox"/> Appeal of an administrative decision <input type="checkbox"/> Modification of existing Board Order		<b>Design Review Board</b> <input type="checkbox"/> Design review approval <input type="checkbox"/> Variance <input type="checkbox"/> Modification of existing Board Order	
<b>Planning Board</b> <input type="checkbox"/> Conditional Use Permit <input type="checkbox"/> Lot Split <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 <input type="checkbox"/> Modification of existing Board Order		<b>Historic Preservation Board</b> <input checked="" type="checkbox"/> Certificate of Appropriateness for design <input type="checkbox"/> Certificate of Appropriateness for demolition <input type="checkbox"/> Historic District/Site Designation <input type="checkbox"/> Variance <input checked="" type="checkbox"/> Modification of existing Board Order	
<input checked="" type="checkbox"/> <b>Other:</b> Modification to HPB File No. 7632 and HPB17-0159.			
Property Information – Please attach Legal Description as “Exhibit A”			
ADDRESS OF PROPERTY 601 Washington Avenue			
FOLIO NUMBER(S) 02-4203-004-0810			
Property Owner Information			
PROPERTY OWNER NAME Washington Squared Owner, LLC			
ADDRESS 888 7 Avenue, 27 Floor		CITY New York	STATE NY
ZIPCODE 10019			
BUSINESS PHONE +1 (212) 894-7091	CELL PHONE	EMAIL ADDRESS EBirnbaum@dreamscapecos.com	
Applicant Information (if different than owner)			
APPLICANT NAME Same			
ADDRESS		CITY	STATE
ZIPCODE			
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	
Summary of Request			
PROVIDE A BRIEF SCOPE OF REQUEST Modification of HPB File No. 7632 and HPB17-0159 to install a sound barrier parapet wall along the north and west boundary of the outdoor pool deck. See Letter of Intent for more details.			

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Project Information			
Is there an existing building(s) on the site?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If previous answer is "Yes", is the building architecturally significant per sec. 142-108?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the project include interior or exterior demolition?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Provide the total floor area of the new construction.		0 SQ. FT.	
Provide the gross floor area of the new construction (including required parking and all usable area).		0 SQ. FT.	
Party responsible for project design			
NAME David Kotch (Criterion Acoustics)		<input type="checkbox"/> Architect	<input type="checkbox"/> Contractor
		<input type="checkbox"/> Engineer	<input type="checkbox"/> Tenant
		<input type="checkbox"/> Landscape Architect	<input checked="" type="checkbox"/> Other <u>Principal Designer</u>
ADDRESS 705 Central Avenue, Unit 4		CITY New Providence	STATE NJ
		ZIPCODE 07974	
BUSINESS PHONE (908) 464-1116	CELL PHONE	EMAIL ADDRESS dkotch@criterionacoustics.com	
Authorized Representative(s) Information (if applicable)			
NAME Michael W. Larkin		<input checked="" type="checkbox"/> Attorney	<input type="checkbox"/> Contact
		<input type="checkbox"/> Agent	<input type="checkbox"/> Other _____
ADDRESS 200 S. Biscayne Blvd., Suite 300		CITY Miami	STATE FL
		ZIPCODE 33131	
BUSINESS PHONE (305) 374-5300	CELL PHONE	EMAIL ADDRESS mlarkin@brzoninglaw.com	
NAME Matthew Amster		<input checked="" type="checkbox"/> Attorney	<input type="checkbox"/> Contact
		<input type="checkbox"/> Agent	<input type="checkbox"/> Other _____
ADDRESS 200 S. Biscayne Blvd., Suite 300		CITY Miami	STATE FL
		ZIPCODE 33131	
BUSINESS PHONE (305) 374-5300	CELL PHONE	EMAIL ADDRESS mamster@brzoninglaw.com	
NAME Raymond Jungles		<input type="checkbox"/> Attorney	<input type="checkbox"/> Contact
		<input type="checkbox"/> Agent	<input checked="" type="checkbox"/> Other <u>Landscape Architect</u>
ADDRESS 2964 Aviation Avenue		CITY Coconut Grove	STATE FL
		ZIPCODE 33133	
BUSINESS PHONE (305) 858-6777	CELL PHONE	EMAIL ADDRESS info@raymondjungles.com	

**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).



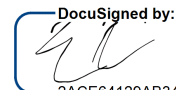
**Please read the following and acknowledge below:**

- 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 forgoing 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

DocuSigned by:  
  
 2ACE64120AB3450...

**SIGNATURE**

Eric Birnbaum

**PRINT NAME**

08/13/2021

**DATE SIGNED**

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**OWNER AFFIDAVIT FOR INDIVIDUAL OWNER**

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

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

I, N/A, 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 \_\_\_\_\_, 2021. 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 FLORIDA

COUNTY OF MIAMI-DADE

I, Eric Birnbaum, being first duly sworn, depose and certify as follows: (1) I am the Manager (print title) of Washington Squared 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.

DocuSigned by:  
  
ZACE64129AB3459...

\_\_\_\_\_  
**SIGNATURE**

Sworn to and subscribed before me this 13TH DAY OF AUGUST, 2021. The foregoing instrument was acknowledged before me by Eric Birnbaum, who has produced \_\_\_\_\_ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

  
Signed on 2021/08/13 10:13:09 -8:00

\_\_\_\_\_  
**NOTARY PUBLIC**

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

**Diana Ramos**  
Commission # **GG 308355**  
Notary Public - State of Florida  
My Commission Expires Apr 10, 2023  
Notary Stamp 2021/08/13 10:13:09 PST BD3569116092

\_\_\_\_\_  
DIANA RAMOS

\_\_\_\_\_  
**PRINT NAME**

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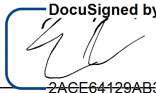
**POWER OF ATTORNEY AFFIDAVIT**

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Eric Birnbaum, 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 M. Larkin, M. Amster, D. Kotch, R. Jungles to be my representative before the Historic Preservation 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.

Eric Birnbaum, Manager  
**PRINT NAME (and Title, if applicable)**

DocuSigned by:  
  
2ACE64129AB3459...  
**SIGNATURE**

Sworn to and subscribed before me this 13TH DAY OF AUGUST, 2021. The foregoing instrument was acknowledged before me by Eric Birnbaum, who has produced \_\_\_\_\_ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



  
Signed on 2021/08/13 10:13:09 -8:00

**NOTARY PUBLIC**

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

DIANA RAMOS

**PRINT NAME**

**CONTRACT FOR PURCHASE**

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

N/A  
\_\_\_\_\_  
**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.



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**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.

Washington Squared Owner, LLC

<b>NAME OF CORPORATE ENTITY</b>	
NAME AND ADDRESS	% OF OWNERSHIP
See Exhibit B - Disclosure of Interest	

N/A

<b>NAME OF CORPORATE ENTITY</b>	
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.

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**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.

N/A

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

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**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
Michael W. Larkin	200 S. Biscayne Boulevard, Suite 300, Miami, FL 33131	(305) 374-5300
Matthew Amster	200 S. Biscayne Boulevard, Suite 300, Miami, FL 33131	(305) 374-5300
David Kotch	705 Central Avenue, Unit 4, New Providence, NJ 07974	(908) 464-1116

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

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

**APPLICANT AFFIDAVIT**

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

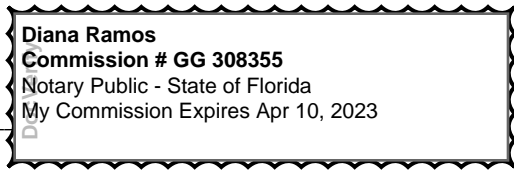
I, Eric Birnbaum, Manager, being first duly sworn, depose and certify as follows: (1) I am the applicant or representative of the applicant. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct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

*[Signature]*  
2ACE64129AB3459...

**SIGNATURE**

Sworn to and subscribed before me this 13TH DAY OF AUGUST, 2021. The foregoing instrument was acknowledged before me by Eric Birnbaum, who has produced \_\_\_\_\_ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



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

*[Signature]*  
Signed on 2021/08/13 10:13:09 -8:00

**NOTARY PUBLIC**

DIANA RAMOS

**PRINT NAME**

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**Exhibit A**

**Legal Description**

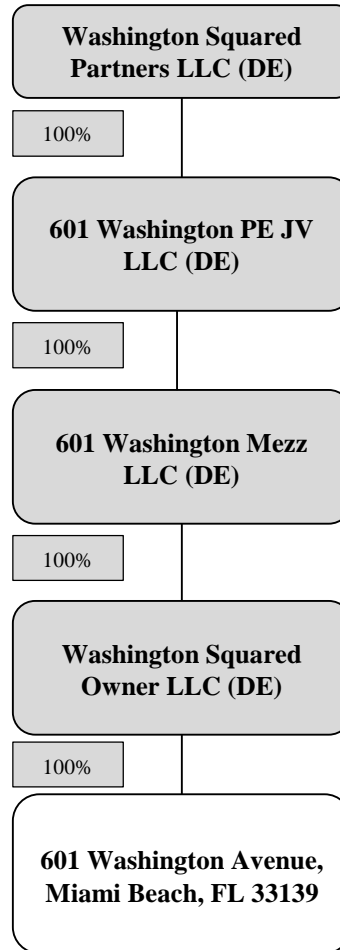
Lots 11, 12, 13, 14, 15, 16, 17, 18, 19 20 and 21 of Block 34, Of Ocean Beach, Fla. Addition No 1, According to the Plat Thereof, as Recorded in Plat Book 3, Page 11, of the Public Records of Miami-Dade County, Florida.

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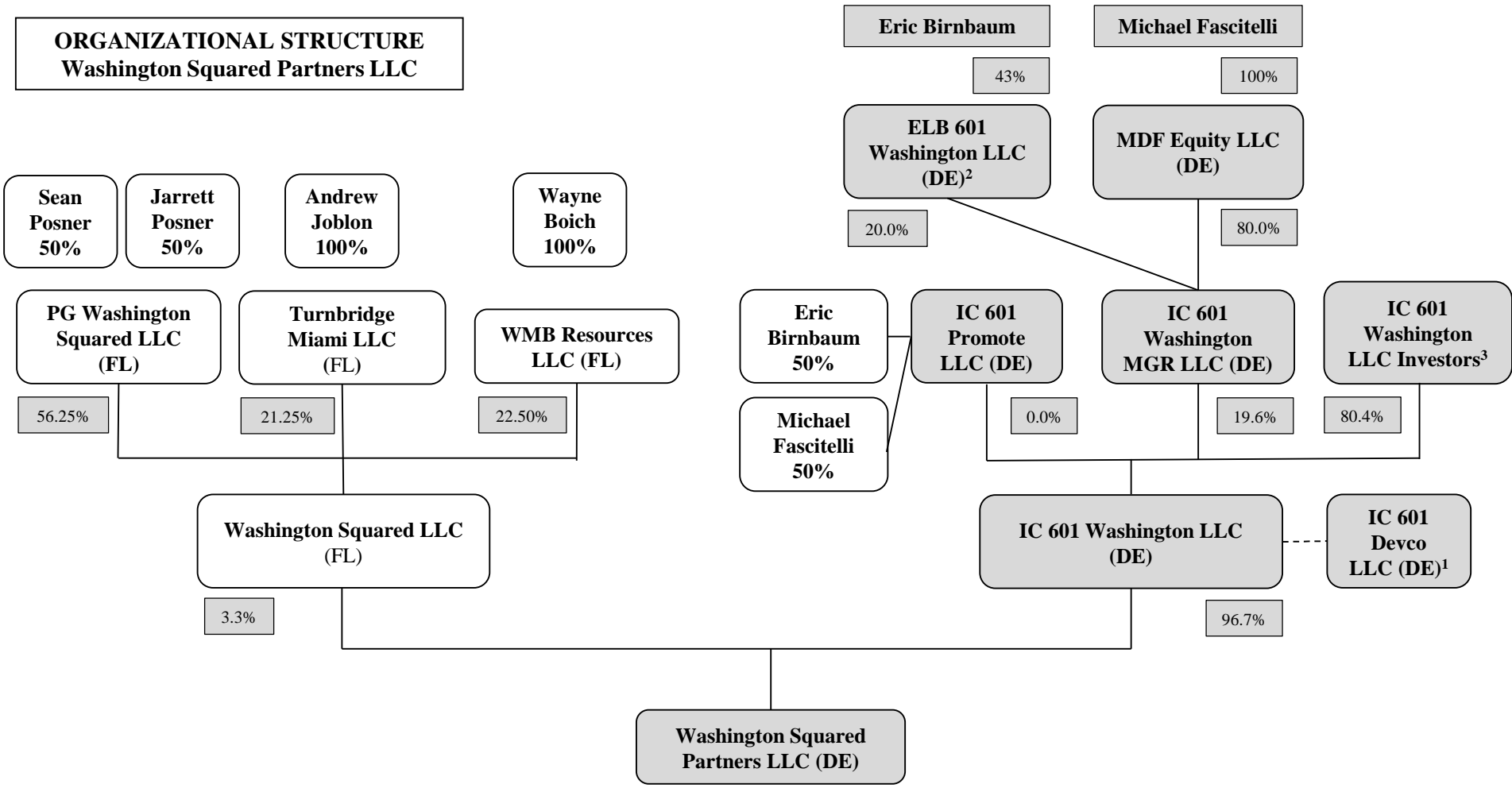


**ORGANIZATIONAL STRUCTURE**  
**601-685 Washington Avenue**

**Exhibit B**



**ORGANIZATIONAL STRUCTURE**  
**Washington Squared Partners LLC**



**Footnotes**

- (1) Pursuant to each Investor Member’s subscription agreement, the Company (IC 601 Washington LLC) pays development fees to IC 601 Devco LLC, whose sole member is ELB MDF Devco LLC, which is owned 100% by Eric Birnbaum and Michael Fascitelli
- (2) Eric Birnbaum is the managing member of ELB 601 Washington LLC
- (3) Pursuant to the IC 601 Washington LLC Limited Liability Company Agreement, “Except as otherwise expressly provided for in the Delaware limited liability company Act, the Investor Members shall not be entitled to vote on any matter to be voted on by the Members, and management of the company shall be exclusively vested in IC 601 Washington MGR LLC”.

**1. Washington Squared Owner LLC**

c/o Andrew Joblon  
1691 Michigan Avenue, Suite 445  
Miami Beach, FL 33139

**2. Washington Squared Partners LLC**

c/o Andrew Joblon  
1691 Michigan Avenue, Suite 445  
Miami Beach, FL 33139

**3. IC 601 Washington LLC**

888 7<sup>th</sup> Avenue, 27<sup>th</sup> Floor  
New York, NY 10019  
(212) 894-7090

**4. IC 601 Washington MGR LLC**

888 7<sup>th</sup> Avenue, 27<sup>th</sup> Floor  
New York, NY 10019  
(212) 894-7090

**5. IC 601 Promote LLC**

888 7<sup>th</sup> Avenue, 27<sup>th</sup> Floor  
New York, NY 10019  
(212) 894-7090

**6. MDF Capital LLC**

888 7<sup>th</sup> Avenue, 27<sup>th</sup> Floor  
New York, NY 10019  
(212) 894-7090

**7. Michael Fascitelli**

888 7<sup>th</sup> Avenue, 27<sup>th</sup> Floor  
New York, NY 10019  
(212) 894-7090

**8. Washington Squared LLC**

c/o Andrew Joblon  
1691 Michigan Avenue, Suite 445  
Miami Beach, FL 33139

**9. Turnbridge Miami LLC**

c/o Andrew Joblon  
1691 Michigan Avenue, Suite 445  
Miami Beach, FL 33139

**10. PG Washington Squared LLC**

c/o Sean Posner  
1691 Michigan Avenue, Suite 445  
Miami Beach, FL 33139

**11. Andrew Joblon**

1691 Michigan Avenue, Suite 445  
Miami Beach, FL 33139

**12. Sean Posner**

1691 Michigan Avenue, Suite 445  
Miami Beach, FL 33139

**13. Jarrett Posner**

1691 Michigan Avenue, Suite 445  
Miami Beach, FL 33139

**14. 601 Washington PE JV LLC**

251 Little Falls Drive  
Wilmington, DE 19808  
(302) 636-5401

**15. WMB Resources LLC / Wayne Boich**

1691 Washington Avenue, Suite 445  
Miami Beach, FL 33139

**16. 601 Washington Mezz LLC**

251 Little Falls Drive  
Wilmington, DE 19808  
(302) 636-5401

**17. MDF Equity LLC**

Corporation Trust Center 1209  
Orange Street  
Wilmington, DE 19801  
(302) 658-7581

**18. IC 601 Devco LLC**

251 Little Falls Drive  
Wilmington, DE 19808  
(302) 636-5401

**19. ELB 601 Washington LLC**

251 Little Falls Drive  
Wilmington, DE 19808  
(302) 636-5401