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
HPB22-0551

◯ **Board of Adjustment**	◯ **Design Review Board**
☐ Variance from a provision of the Land Development Regulations	☐ Design review approval
☐ Appeal of an administrative decision	☐ Variance
◯ **Planning Board**	◉ **Historic Preservation Board**
☐ Conditional use permit	■ Certificate of Appropriateness for design
☐ Lot split approval	☐ Certificate of Appropriateness for demolition
☐ Amendment to the Land Development Regulations or zoning map	☐ Historic district/site designation
☐ Amendment to the Comprehensive Plan or future land use map	☐ Variance

☐ **Other:**

Property Information – Please attach Legal Description as "Exhibit A"

ADDRESS OF PROPERTY
4000 Collins Avenue, Miami Beach FL 33140

FOLIO NUMBER(S)
02-3226-001-1930

Property Owner Information

PROPERTY OWNER NAME
SOV CMB HOTEL OWNER LLC

ADDRESS	CITY	STATE	ZIPCODE
250 Smoke Valley Road	Osterville	MA	02655

BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS
305-982-5658		kristofer.machado@akerman.com

Applicant Information (if different than owner)

APPLICANT NAME
Same as Owner

ADDRESS	CITY	STATE	ZIPCODE

BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS

Summary of Request

PROVIDE A BRIEF SCOPE OF REQUEST
COA for design of rooftop addition. See LOI for details.

Project Information			
Is there an existing building(s) on the site?	■ Yes	☐ No	
Does the project include interior or exterior demolition?	☐ Yes	■ No	
Provide the total floor area of the new construction.		810	SQ. FT.
Provide the gross floor area of the new construction (including required parking and all usable area).			SQ. FT.

Party responsible for project design				
NAME Jose L. Gomez		■ Architect ☐ Contractor ☐ Landscape Architect ☐ Engineer ☐ Tenant ☐ Other_____		
ADDRESS 8101 Biscayne Blvd. #309		CITY Miami	STATE FL	ZIPCODE 33138
BUSINESS PHONE 305-559-1250	CELL PHONE	EMAIL ADDRESS jgomez@beilinsonarchitectspa.com		

Authorized Representative(s) Information (if applicable)				
NAME Kristofer Machado, Esq.		■ Attorney ☐ Contact ☐ Agent ☐ Other_____		
ADDRESS 98 SE 7 Street, Suite 1100		CITY Miami	STATE FL	ZIPCODE 33131
BUSINESS PHONE 305-982-5658	CELL PHONE	EMAIL ADDRESS kristofer.machado@akerman.com		
NAME Cecilia Torres-Toledo, Esq.		■ Attorney ☐ Contact ☐ Agent ☐ Other_____		
ADDRESS 98 SE 7 Street, Suite 1100		CITY Miami	STATE FL	ZIPCODE 33131
BUSINESS PHONE 305-982-5547	CELL PHONE	EMAIL ADDRESS cecilia.torres-toledo@akerman.com		
NAME		☐ Attorney ☐ Contact ☐ Agent ☐ 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:

- 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".

- 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

SIGNATURE

Robin Brown*

PRINT NAME

11/01/2022

DATE SIGNED

*Manager of Spot On Ventures, LLC
Manager of SOV CMB LLC
Manager of SOV CMB Venture LLC
Manager of SOV CMB Hotel Owner LLC **(OWNER)**

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 Florida

COUNTY OF West Palm Beach

*Manager of Spot On Ventures, LLC
Manager of SOV CMB LLC
Manager of SOV CMB Venture LLC
Manager of SOV CMB Hotel Owner LLC **(OWNER)**

I, Robin Brown*, being first duly sworn, depose and certify as follows: (1) I am the Manager (print title) of SOV CMB HOTEL 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.

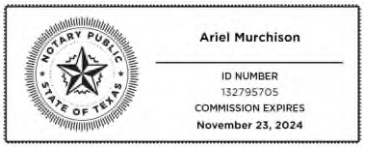
_____

SIGNATURE

State of Texas County of Dallas

Sworn to and subscribed before me this 1st day of November , 20 22 . The foregoing instrument was acknowledged before me by Robin Brown , who has produced Drivers License 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: 11/23/2024

Ariel Murchison

PRINT NAME

Notarized online using audio-video communication

POWER OF ATTORNEY AFFIDAVIT

STATE OF Florida

COUNTY OF West Palm Beach

*Manager of Spot On Ventures, LLC
Manager of SOV CMB LLC
Manager of SOV CMB Venture LLC
Manager of SOV CMB Hotel Owner LLC **(OWNER)**

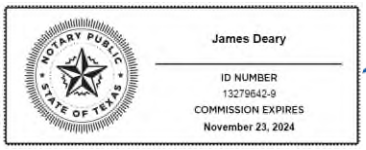
I, Robin Brown*, being first duly sworn, depose and certify as follows: (1) I am the owner or representative of the owner of the real property that is the subject of this application. (2) I hereby authorize Akerman, LLP** to be my representative before the Historic Preservation Board. (3) I also hereby 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.

Robin Brown Principal — Robin Brown

PRINT NAME (and Title, if applicable) **SIGNATURE**

Sworn to and subscribed before me this 1st day of November, 20 22. The foregoing instrument was acknowledged before me by Robin Brown, who has produced DRIVER LICENSE as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



Notary Public, State of Texas

NOTARY PUBLIC

My Commission Expires: 11/23/2024

James Deary 13279642-9

PRINT NAME

State of Texas
County of Travis

**Kristofer Machado, Esq. & Cecilia Torres-Toledo, Esq.

Notarized online using audio-video communication

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.

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.

SOV CMB HOTEL OWNER LLC
NAME OF CORPORATE ENTITY

NAME AND ADDRESS	% OF OWNERSHIP
See Exhibit B	

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.

N/A

TRUST NAME

NAME AND ADDRESS	% INTEREST

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
Kristofer Machado, Esq.	98 SE 7th St., Suite 1100 Miami FL 33131	305-982-5658
Cecilia Torres-Toledo, Esq.	98 SE 7th St., Suite 1100 Miami FL 33131	305-982-5547
Jose L. Gomez	8101 Biscayne Blvd. #309	305-559-1250

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 West Palm Beach

*Manager of Spot On Ventures, LLC
Manager of SOV CMB LLC
Manager of SOV CMB Venture LLC
Manager of SOV CMB Hotel Owner LLC **(OWNER)**

I, Robin Brown*, 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.

Robin Brown

SIGNATURE

Sworn to and subscribed before me this 1st day of November, 2022. The foregoing instrument was acknowledged before me by Robin Brown, who has produced DRIVER LICENSE as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

Notary Public, State of Texas

NOTARY PUBLIC

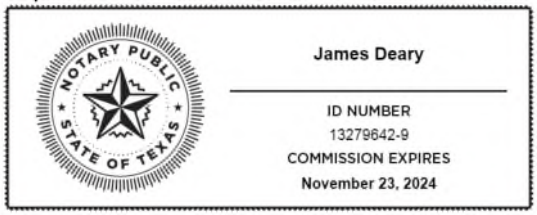
My Commission Expires: 11/23/2024

James Deary 13279642-9

PRINT NAME

State of Texas

County of Travis



Notarized online using audio-video communication

EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION

"HOTEL UNIT" OF 4000 COLLINS CONDOMINIUM, A CONDOMINIUM, TOGETHER WITH AN UNDIVIDED INTEREST IN THE COMMON ELEMENTS APPURTENANT THERETO, ACCORDING TO THE DECLARATION OF CONDOMINIUM RECORDED IN OFFICIAL RECORDS BOOK 33153, PAGE 4459, AS AMENDED FROM TIME TO TIME, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA,

SAID PARCEL OF LAND WHOLLY WITHIN,

LOTS 10 THRU 15 INCLUSIVE, BLOCK 34, LESS A PART OF LOT 13 AT THE NORTHEASTERLY CORNER THEREOF, BOUNDED BY THE TANGENTS TO AN ARC OF A CIRCULAR CURVE HAVING A CENTRAL ANGLE OF 90°00'00", A RADIUS OF 20.00 FEET, SAID EXCEPTED PART OF LOT 13 RECORDED IN DEED BOOK 2723, AT PAGE 294, DADE COUNTY, FLORIDA, ALL SHOWN ON THE AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT CO., PLAT BOOK 5, AT PAGE 7 AND 8 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

TOGETHER WITH:

ANY AND ALL REAL PROPERTY INTERESTS PURSUANT TO THAT CERTAIN PARKING LICENSE AGREEMENT, AS EVIDENCED BY THAT CERTAIN MEMORANDUM OF PARKING LICENSE AGREEMENT DATED___, 2022, AND RECORDED IN BOOK __, PAGE ___, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Exhibit B

Disclosure of Interest: SOV CMB HOTEL OWNER LLC

Property Owned by:

SOV CMB HOTEL OWNER LLC 250 Smoke Valley Road Osterville, MA 02655	100%

SOV CMB HOTEL OWNER LLC Owned by:

SOV CMB VENTURE LLC 250 Smoke Valley Road Osterville, MA 02655	100%

SOV CMB VENTURE LLC Owned by:

SOV CMB LLC 250 Smoke Valley Road Osterville, MA 02655	5%
Highwater Hospitality, LLC 10 St. James Ave. Suite 1700 Boston, MA 02116	95%

SOV CMB LLC Owned by:

Spot On Ventures LLC 250 Smoke Valley Road Osterville, MA 02655	100%

Highwater Hospitality, LLC Owned by:

Samuel S. Plimpton 10 St. James Ave. Suite 1700 Boston, MA 02116	1%
Quiet Cove Capital Corp Ltd. Paulton House, Old Mills Bristol, BS39 7SX, United Kingdom	19.8%
Orbex Holdings LLC PO Box 961510 Boston, MA 02196	19.8%

DeWitt Davenport 19.8%
20 North Main Street
South Yarmouth, MA 02664

Pendo Investments II, LLC 19.8%
300 Commonwealth Avenue
Boston, MA 02115

Longtail Miami LLC 19.8%
10 St. James Ave. Suite 1700
Boston, MA 02116

Spot On Ventures LLC Owned by:

Robin Brown 100%
250 Smoke Valley Road
Osterville, MA 02655

Quiet Cove Capital Corp Ltd Owned by:
Brian Paes-Braga 100%
Paulton House, Old Mills
Bristol, BS39 7SX, United Kingdom

Orbex Holdings LLC Owned by:

Pamela Kolhberg 50%
PO Box 961510
Boston MA 02196

A. Curt Greer 50%
PO Box 961510
Boston MA 02196

Pendo Investments II, LLC Owned by:

Thomas W. Blumenthal Trust 2008 100%
Beneficiary (100%): Thomas W. Blumental
300 Commonwealth Avenue
Boston, MA 02115

Longtail Miami LLC Owned by:

Samuel S. Plimpton 100%
10 St. James Ave/ Suite 1700
Boston, MA 02116