

MIAMI BEACH

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 HPB24-0633		Is the property the primary residence & homestead of the applicant/property owner? ☐ Yes ☒ No (if "Yes," provide office of the property appraiser summary report)	
Board of Adjustment ☐ Variance from a provision of the Land Development Regulations ☐ Appeal of an administrative decision ☐ Modification of existing Board Order		Design Review Board ☐ Design review approval ☐ Variance ☐ Modification of existing Board Order	
Planning Board ☐ Conditional Use Permit ☐ Lot Split ☐ Amendment to the Land Development Regulations or Zoning Map ☐ Amendment to the Comprehensive Plan or Future Land Use Map ☐ Modification of existing Board Order		Historic Preservation Board ☒ Certificate of Appropriateness for design ☐ Certificate of Appropriateness for demolition ☐ Historic District/Site Designation ☐ Variance ☐ Modification of existing Board Order	
☐ Other:			
Property Information - Please attach Legal Description as "Exhibit A"			
ADDRESS OF PROPERTY ROWs of Ocean Terrace between 73rd and 75th St., and ROW of 73-75th between Ocean Terr. and Collins Ave.			
FOLIO NUMBER(S) 02-3202-003-1250 (as to OTH Streetscape, LLC). Areas controlled by City do not have address/folio			
Property Owner Information			
PROPERTY OWNER NAME City of Miami Beach			
ADDRESS 1700 Convention Center Drive		CITY Miami Beach	STATE FL
ZIP CODE 33139			
BUSINESS PHONE 305-673-7000	CELL PHONE	EMAIL ADDRESS	
Applicant Information (if different than owner)			
APPLICANT NAME OTH Streetscape LLC c/o Ocean Terrace Holdings, LLC			
ADDRESS 1035 N. Miami Avenue, Suite 201		CITY Miami	STATE FL
ZIP CODE 33136			
BUSINESS PHONE 607-227-7835	CELL PHONE	EMAIL ADDRESS Jared@oceanterraceholdings.com	
Summary of Request			
PROVIDE A BRIEF SCOPE OF REQUEST Limited COA review for location of already approved public art at proposed Ocean Terrace Park. See LOI for details.			

Project Information			
Is there an existing building(s) on the site?		☐ Yes	☒ No
If previous answer is "Yes", is the building architecturally significant per sec. 142-108?		☐ Yes	☒ No
Does the project include interior or exterior demolition?		☐ Yes	☒ 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.	
Party responsible for project design			
NAME Prune Nourry Studio (Géraldine Dufournet Studio Director)		☐ Architect ☐ Contractor ☐ Landscape Architect ☐ Engineer ☐ Tenant ☒ Other <u>Artist</u>	
ADDRESS N/A		CITY	STATE ZIPCODE
BUSINESS PHONE +33 6 64 92 55 15	CELL PHONE	EMAIL ADDRESS geraldine@prunenourry.com	
Authorized Representative(s) Information (if applicable)			
NAME Kristofer Machado, Esq.		☒ Attorney ☐ Contact ☐ Agent ☐ Other _____	
ADDRESS 98 SE 7th St. Suite 1100		CITY Miami	STATE ZIPCODE Florida 33131
BUSINESS PHONE 305-982-5547	CELL PHONE	EMAIL ADDRESS kristofer.machado@akerman.com	
NAME Cecilia Torres-Toledo		☒ Attorney ☐ Contact ☐ Agent ☐ Other _____	
ADDRESS 98 SE 7th St. Suite 1100		CITY Miami	STATE ZIPCODE FL 33131
BUSINESS PHONE 305-982-5547	CELL PHONE	EMAIL ADDRESS cecilia.torres-toledo@akerman.com	
NAME Sandor Scher		☐ Attorney ☐ Contact ☒ Agent ☐ Other _____	
ADDRESS 1035 N. Miami Avenue Suite 201		CITY Miami	STATE ZIPCODE FL 33136
BUSINESS PHONE 305-324-4700	CELL PHONE	EMAIL ADDRESS sscher@clarocorp.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 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

Sandra Schae

PRINT NAME

8/2/2024

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: _____

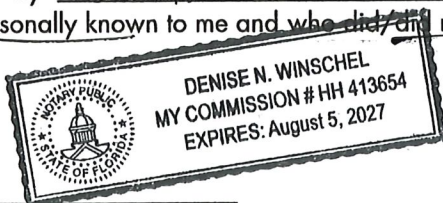
PRINT NAME**ALTERNATE OWNER AFFIDAVIT FOR CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY**STATE OF FloridaCOUNTY OF Miami Dade

I, Sandor Scher, being first duly sworn, depose and certify as follows: (1) I am the Manging Member (print title) of OTH Streetscape 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 2 day of August, 2024. The foregoing instrument was acknowledged before me by Sandor Scher, 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: _____

NOTARY PUBLICDenise N. Winschel**PRINT NAME**

POWER OF ATTORNEY AFFIDAVITSTATE OF Florida

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

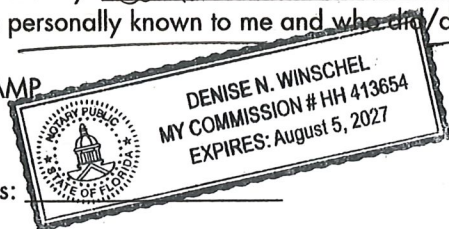
COUNTY OF Miami Dade

I, Sandor Scher, 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.

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

Sworn to and subscribed before me this 2 day of August, 2024. The foregoing instrument was acknowledged before me by Sandor Scher, 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: _____

**NOTARY PUBLIC**Denise N. Winschel**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.

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.

See Exhibit "B"

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

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
<u>Kristofer Machado, Esq.</u>	<u>98 SE 7th St. Suite 1100 Miami FL 33131</u>	<u>305-982-5658</u>
<u>Cecilia Torres-Toledo, Esq.</u>	<u>98 SE 7th St. Suite 1100 Miami FL 33131</u>	<u>305-982-5547</u>
<u>Jared Green</u>	<u>1035 N. Miami Avenue, Suite 201 Miami FL 33136</u>	<u>607-227-7835</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

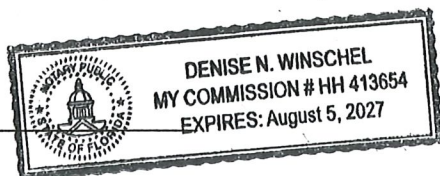
I, Sandor Scher, being first duly sworn, depose and certify as follows: (1) I am the applicant or representative of the applicant. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the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

[Signature]
SIGNATURE

Sworn to and subscribed before me this 2 day of August, 2024. The foregoing instrument was acknowledged before me by Sandor Scher, 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]
NOTARY PUBLIC
Denise N. Winschel
PRINT NAME

EXHIBIT "A"

LEGAL DESCRIPTION:

A portion of the Public Reservation shown on Plat of TOWNSITE OF HARDING, according to the Plat thereof, as recorded in Plat Book 34 at Page 4, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Southeast corner of Lot 7 in Block 1, of said Plat of TOWNSITE OF HARDING; thence South 02°58'50" East, along the Southerly prolongation of the West Right-of-Way line of Ocean Terrace, (First Avenue per Plat Book 34 at Page 4), for 30.00 feet to a point on the center line of 74th Street (Second Street per Plat Book 34 at Page 4); thence North 86°59'28" East, along said center line, for 60.00 feet to a point on the East Right-of-Way line of said Ocean Terrace and the Point of Beginning; thence continue North 86°59'28" East, along said center line, for 31.53 feet to a point on the East line of said Public Reservation; thence North 04°12'42" West, along said East line, for 420.09 feet to a point on the North line of Government Lot 7, lying in Section 2, Township 53 South, Range 42 East, also being the North line of Plat Book 34 at Page 4; thence South 86°59'28" West along said North line of Government Lot 7 for 22.50 feet to a point on said East Right-of-Way line of Ocean Terrace, also being the West line of said Public Reservation; thence South 02°58'50" East, along said East Right-of-Way line and West line, for 420.00 feet to the Point of Beginning.

SURVEYOR'S NOTES:

- This site lies in Section 2, Township 53 South, Range 42 East, City of Miami Beach, Miami-Dade County, Florida.
- Bearings hereon are referred to an assumed value of N 02°58'50" W for the centerline of Collins Avenue.
- Lands shown hereon were not abstracted for easements and/or rights-of-way of records.
- Lands shown hereon containing 11,346 square feet, or 0.260 acres, more or less.
- This is not a "Boundary Survey" but only a graphic depiction of the description shown hereon.
- Dimensions shown hereon are based on Fortin, Leavy, Skiles, sketch #2016-170-NGVD.

SURVEYOR'S CERTIFICATION:

I hereby certify that this "Sketch of Description" was made under my responsible charge on May 8, 2019, and meets the applicable codes as set forth in the Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

"Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper"

FORTIN, LEAVY, SKILES, INC., LB3653

By:

Daniel C. Fortin, Jr., For The Firm
Surveyor and Mapper, LS6435
State of Florida.

Daniel C
Fortin

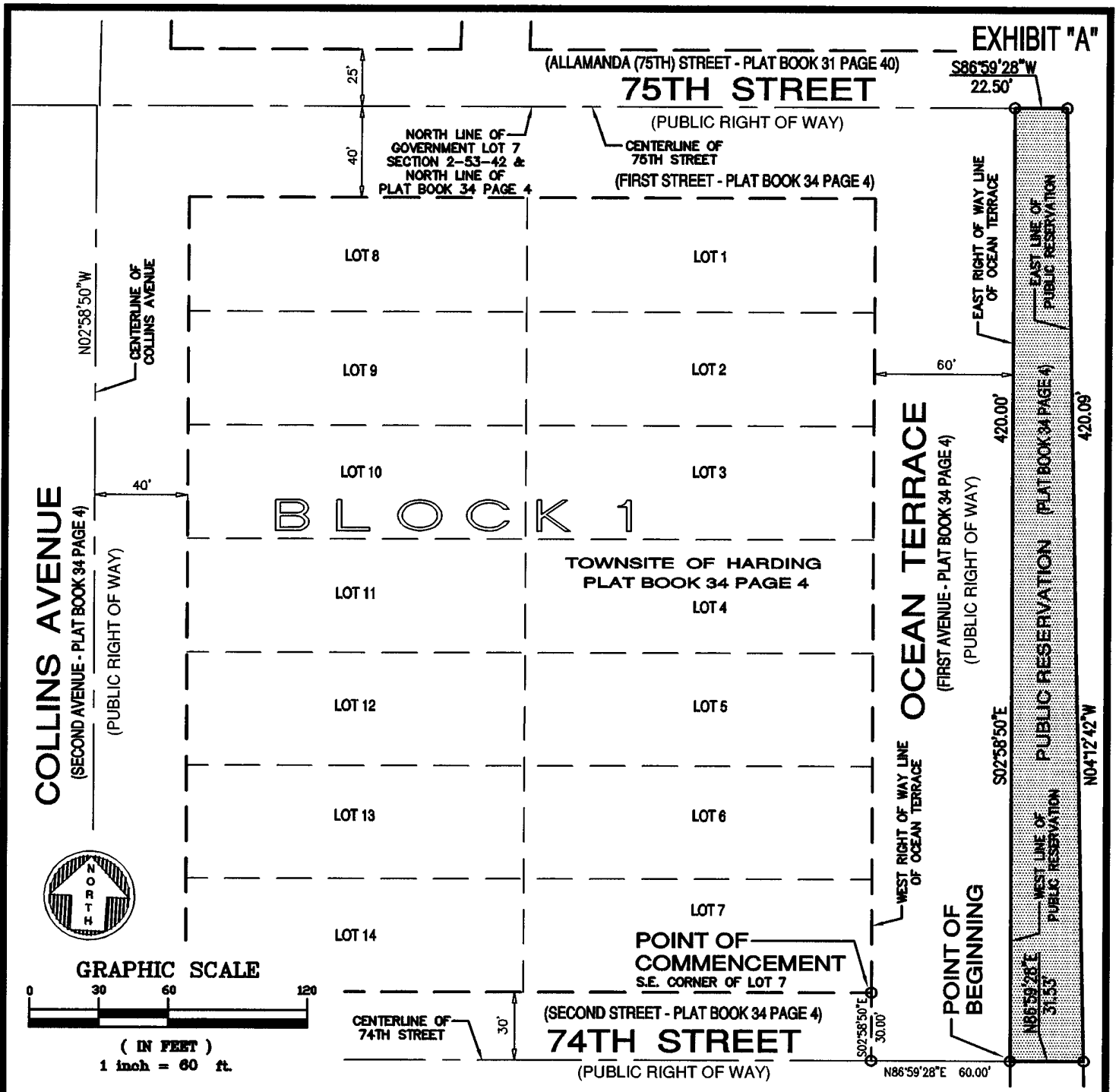
Digitally signed by Daniel C Fortin
DN: c=US, o=IdenTrust ACES
Unaffiliated Individual, cn=Daniel
C Fortin,
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Date: 2019.12.02 11:36:31 -05'00'

Drawn By	MAP
Cad. No.	190176
Ref. Dwg.	2016-170
Plotted:	11/22/19 1:31p

LEGAL DESCRIPTION, NOTES & CERTIFICATION

FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS, SURVEYORS & MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
180 Northeast 168th. Street / North Miami Beach, Florida. 33162
Phone: 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date	5/8/19
Scale	NOT TO SCALE
Job. No.	190441
Dwg. No.	1019-007-K
Sheet	1 of 3



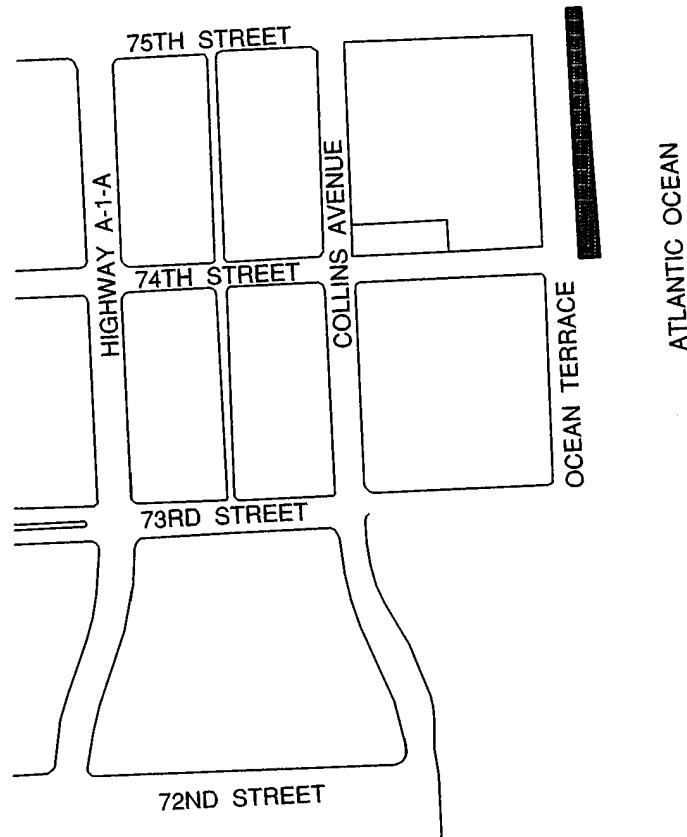
Drawn By	MAP
Cad. No.	190176
Ref. Dwg.	2016-170
Plotted:	11/22/19 1:31p

SKETCH OF DESCRIPTION

FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS, SURVEYORS & MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
180 Northeast 168th. Street / North Miami Beach, Florida. 33162
Phone: 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date	5/8/19
Scale	1"=60'
Job. No.	190441
Dwg. No.	1019-007-K
Sheet	2 of 3

EXHIBIT "A"



Drawn By	MAP
Cad. No.	190176
Ref. Dwg.	2016-170
Plotted:	11/22/19 1:31p

LOCATION SKETCH

FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS, SURVEYORS & MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
180 Northeast 168th. Street / North Miami Beach, Florida. 33162
Phone: 305-653-4493 / Fax 305-651-7152 / Email fls@flsurvey.com

Date	5/8/19
Scale	NOT TO SCALE
Job. No.	190441
Dwg. No.	1019-007-K
Sheet	3 of 3

Exhibit "B"

