

MIAMI BEACH

PLANNING DEPARTMENT, 1700 CONVENTION CENTER DRIVE, 2ND FLOOR
MIAMI BEACH, FLORIDA 33139, WWW.MIAMIBEACHFL.GOV
305-673-7550

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.

- ☐ BOARD OF ADJUSTMENT
 - ☐ VARIANCE FROM A PROVISION OF THE LAND DEVELOPMENT REGULATIONS
 - ☐ APPEAL OF AN ADMINISTRATIVE DECISION
- ☐ DESIGN REVIEW BOARD
 - ☐ DESIGN REVIEW APPROVAL
 - ☐ VARIANCE RELATED TO PROJECT BEING CONSIDERED OR APPROVED BY DRB.
- ☒ HISTORIC PRESERVATION BOARD
 - ☐ CERTIFICATE OF APPROPRIATENESS FOR DESIGN
 - ☐ CERTIFICATE OF APPROPRIATENESS TO DEMOLISH A STRUCTURE
 - ☐ HISTORIC DISTRICT / SITE DESIGNATION
 - ☒ VARIANCE RELATED TO PROJECT BEING CONSIDERED OR APPROVED BY HPB.
- ☐ PLANNING BOARD
 - ☐ CONDITIONAL USE PERMIT
 - ☐ LOT SPLIT APPROVAL
 - ☐ AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS OR ZONING MAP
 - ☐ AMENDMENT TO THE COMPREHENSIVE PLAN OR FUTURE LAND USE MAP
- ☐ FLOOD PLAIN MANAGEMENT BOARD
 - ☐ FLOOD PLAIN WAIVER
- ☐ OTHER _____

SUBJECT PROPERTY ADDRESS: 763 Collins Avenue (a/k/a 126 8th Street), Miami Beach, Florida

LEGAL DESCRIPTION: PLEASE ATTACH LEGAL DESCRIPTION AS "EXHIBIT A"

FOLIO NUMBER (S) 02-4203-004-0270

1. APPLICANT: ☐ OWNER OF THE SUBJECT PROPERTY ☒ TENANT ☐ ARCHITECT ☐ LANDSCAPE ARCHITECT
☐ ENGINEER ☐ CONTRACTOR ☐ OTHER _____

NAME H&M Hennes & Mauritz, L.P.

ADDRESS c/o Helder Ferreira, 110 Fifth Avenue, 11th Floor, New York, NY 10011

BUSINESS PHONE (201) 736-5203

CELL PHONE _____

E-MAIL ADDRESS Helder.Ferreira@hm.com

OWNER IF DIFFERENT THAN APPLICANT:

NAME Tiffany 3/8 Associates, Ltd.

ADDRESS c/o Marlo Courtney, 804 Ocean Drive, 2nd Floor, Miami Beach, FL 33139

BUSINESS PHONE (305) 531-4411

CELL PHONE _____

E-MAIL ADDRESS Marlo@goldmanproperties.com

2. AUTHORIZED REPRESENTATIVE(S):

☒ ATTORNEY:

NAME Alexander I. Tachmes, Esq.

ADDRESS 200 S. Biscayne Blvd, Suite 4100, Miami, FL 33131

BUSINESS PHONE (305) 358-6300

CELL PHONE _____

E-MAIL ADDRESS ATachmes@shutts.com

☐ AGENT:

NAME _____

ADDRESS _____

BUSINESS PHONE _____

CELL PHONE _____

E-MAIL ADDRESS _____

☐ CONTACT:

NAME _____

ADDRESS _____

BUSINESS PHONE _____

CELL PHONE _____

E-MAIL ADDRESS _____

3. PARTY RESPONSIBLE FOR PROJECT DESIGN:

☒ ARCHITECT

☐ LANDSCAPE ARCHITECT

☐ ENGINEER

☐ CONTRACTOR

☐ OTHER: _____

NAME Jeffrey Taylor, Taylor Architects

ADDRESS 572 N. Broadway, White Plains, NY 10603

BUSINESS PHONE (914) 289-0011

CELL PHONE _____

E-MAIL ADDRESS JT@taylorarchitects.com

FILE NO. _____

4. SUMMARY OF APPLICATION – PROVIDE BRIEF SCOPE OF PROJECT:

Sign variances to: (1) relocate two allowable signs from the ground floor to the second floor; (2) exceed the aggregate 30 sq. ft. maximum sign area for signage related to 8th Street frontage, and (3) relocate an allowable building ID sign from a street front (north elevation) to the south elevation. Please see enclosed Letter of Intent for a more detailed description of the requests.

- 4A. IS THERE AN EXISTING BUILDING(S) ON THE SITE ☒ YES ☐ NO
- 4B. DOES THE PROJECT INCLUDE INTERIOR OR EXTERIOR DEMOLITION ☒ YES ☐ NO
- 4C. PROVIDE THE TOTAL FLOOR AREA OF THE NEW BUILDING (IF APPLICABLE) N/A SQ. FT.
- 4D. PROVIDE THE TOTAL GROSS FLOOR AREA OF THE NEW BUILDING (INCLUDING REQUIRED PARKING AND ALL USEABLE FLOOR SPACE). N/A SQ. FT.

5. APPLICATION FEE (TO BE COMPLETED BY PLANNING STAFF) \$ _____

- 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 FEE. 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 A PROJECT 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, LANDSCAPE ARCHITECTS, ENGINEERS, 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.

FILE NO. _____

- IN ACCORDANCE WITH SEC.118-31. - DISCLOSURE REQUIREMENT. EACH PERSON OR ENTITY REQUESTING APPROVAL, RELIEF OR OTHER ACTION FROM THE PLANNING BOARD, DESIGN REVIEW BOARD, HISTORIC PRESERVATION BOARD (INCLUDING THE JOINT 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 SERVICES 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 FROM 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: _____

PRINT NAME: _____

MARLO COURTNEY

FILE NO. _____

- IN ACCORDANCE WITH SEC.118-31. -- DISCLOSURE REQUIREMENT. EACH PERSON OR ENTITY REQUESTING APPROVAL, RELIEF OR OTHER ACTION FROM THE PLANNING BOARD, DESIGN REVIEW BOARD, HISTORIC PRESERVATION BOARD (INCLUDING THE JOINT 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 SERVICES 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 FROM 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: _____

PRINT NAME: _____

Alexander Keffe

FILE NO. _____

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 removing 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
 (Circle one)

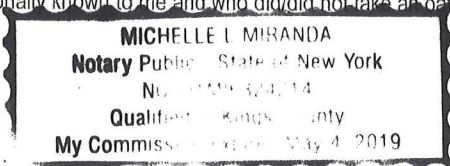
STATE OF _____
 COUNTY OF _____

I, Alexander Kresse, being duly sworn, depose and certify as follows: (1) I am the **Authorized Signatory** (print title) of H & M Hennes & Mauritz L.P. (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 or tenant 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 the subject property for the sole purpose of posting a Notice of Public Hearing on the property, as required by law. (7) I am responsible for removing this notice after the date of the hearing.

Alan Kn
 SIGNATURE

Sworn to and subscribed before me this 7th day of June, 2016. The foregoing instrument was acknowledged before me by Alexander Kresse of H & M Hennes & Mauritz L.P., on behalf of such entity, 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:

May 4, 2019

Michelle L. Miranda
 NOTARY PUBLIC

Michelle L. Miranda
 PRINT NAME

FILE NO. _____

POWER OF ATTORNEY AFFIDAVIT

STATE OF
COUNTY OF

I, Alexander Kresse, being duly sworn and deposed, 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 Alexander Tachmes, Esq. to be my representative before the Hist. Preserv. Board. (3) I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a Notice of Public Hearing on the property, as required by law. (4) I am responsible for removing this notice after the date of the hearing.

Alexander Kresse
PRINT NAME (and Title, if applicable)

[Signature]
SIGNATURE

Sworn to and subscribed before me this 7th day of June, 20 16. The foregoing instrument was acknowledged before me by Alexander Kresse of H & M Hennes & Mauritz L.P. who has produced as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

MICHELLE L MIRANDA
Notary Public - State of New York
NO. 01MI6324214
Qualified in Kings County
My Commission Expires May 4, 2019

My Commission Expires May 4, 2019

[Signature]
NOTARY PUBLIC

Michelle L. Miranda
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 individual(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 is filed, but prior to the date of a final public hearing, the applicant shall file a supplemental disclosure of interest.

FILE NO. _____

POWER OF ATTORNEY AFFIDAVIT

STATE OF
COUNTY OF

the owner's

I, Marlo Courtney, being duly sworn and deposed, 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 H & M Hennes & Mauritz L.P. to be my representative before the Hist. Preserv. Board. (3) I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a Notice of Public Hearing on the property, as required by law. (4) I am responsible for removing this notice after the date of the hearing.

Marlo Courtney, Vice President

PRINT NAME (and Title, if applicable)

SIGNATURE

Sworn to and subscribed before me this day of June, 20 16. The foregoing instrument was acknowledged before me by Marlo Courtney, as Vice President of Tiffanv 3/8 Assocs. Ltd. 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

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

FILE NO. _____

CITY OF MIAMI BEACH
DEVELOPMENT REVIEW BOARD APPLICATION

DISCLOSURE OF INTEREST

1. 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.*

Tiffany 3/8 Associates, Ltd.

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

Please see attached Exhibit "B."

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

IF THERE ARE ADDITIONAL CORPORATE OWNERS, LIST ALL SUCH OWNERS, INCLUDING CORPORATE NAMES AND THE NAME, ADDRESS, AND PERCENTAGE OF OWNERSHIP OF EACH ADDITIONAL OWNER, ON A SEPARATE PAGE.

NOTE: Notarized signature required on page 9

FILE NO. _____

CITY OF MIAMI BEACH
DEVELOPMENT REVIEW BOARD APPLICATION

DISCLOSURE OF INTEREST

1. 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.*

H & M Hennes & Mauritz L.P.

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

Please see attached Exhibit "C."

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

IF THERE ARE ADDITIONAL CORPORATE OWNERS, LIST ALL SUCH OWNERS, INCLUDING CORPORATE NAMES AND THE NAME, ADDRESS, AND PERCENTAGE OF OWNERSHIP OF EACH ADDITIONAL OWNER, ON A SEPARATE PAGE.

NOTE: Notarized signature required on page 9

FILE NO. _____

CITY OF MIAMI BEACH
DEVELOPMENT REVIEW BOARD APPLICATION
DISCLOSURE OF INTEREST

2. TRUSTEE

If the property that is the subject of this 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.*

TRUST NAME

NAME AND ADDRESS

% INTEREST

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NOTE: Notarized signature required on page 9

FILE NO. _____

3. 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 #
a.	<u>Alexander I. Tachmes, Esq.</u>	<u>200 S. Biscayne Blvd, Ste 4100, Miami, FL</u>	<u>(305) 415-7341</u>
b.	<u>Jeffrey Taylor, AIA</u>	<u>572 N. Broadway, White Plains, NY</u>	<u>(914) 289-0011</u>
c.			

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

*Disclosure shall not be required of any entity, the equity interests in which are regularly traded on an established securities market in the United States or other country, or of any entity, the ownership interests of which are held in a limited partnership or other entity, consisting of more than 5,000 separate interests, where no one person or entity holds more than a total of 5% of the ownership interests in the entity.

APPLICANT HEREBY ACKNOWLEDGES AND AGREES THAT (1) ANY 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 New York
COUNTY OF New York

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



SIGNATURE

Sworn to and subscribed before me this 7th day of June, 20 16. 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



My Commission Expires:

May 4, 2019



NOTARY PUBLIC



PRINT NAME

FILE NO. _____

EXHIBIT A

LEGAL DESCRIPTION

Lot 16, Block 12, of OCEAN BEACH 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.

EXHIBIT B

TIFFANY 3/8 ASSOCIATES, LTD. OWNERSHIP STRUCTURE

TIFFANY 3/8 ASSOCIATES, LTD.

Park Tiffany, Inc.	46.0%
C. Joseph Goldman Irrevocable Trust	6.33%
Jessica Goldman Irrevocable Trust	17.33%
Goldman Children Tiffany 3/8 Trust	15.34%
Jessica Goldman 804 Ocean Drive, 2 nd Floor Miami Beach, FL 33139	2.50%
C. Joseph Goldman 804 Ocean Drive, 2 nd Floor Miami Beach, FL 33139	2.50%
Janet Goldman 804 Ocean Drive, 2 nd Floor Miami Beach, FL 33139	10.0%

PARK TIFFANY, INC.

Richard Anthony Goldman Living Trust	100%
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RICHARD ANTHONY GOLDMAN LIVING TRUST

Janet Goldman 804 Ocean Drive, 2 nd Floor Miami Beach, FL 33139	100%
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C. JOSEPH GOLDMAN IRREVOCABLE TRUST

Joey Goldman 804 Ocean Drive, 2 nd Floor Miami Beach, FL 33139	100%
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JESSICA GOLDMAN IRREVOCABLE TRUST

Jessica Goldman	100%
804 Ocean Drive, 2 nd Floor	
Miami Beach, FL 33139	

GOLDMAN CHILDREN TIFFANY 3/8 TRUST

Jessica Goldman	50%
804 Ocean Drive, 2 nd Floor	
Miami Beach, FL 33139	

Joey Goldman	50%
804 Ocean Drive, 2 nd Floor	
Miami Beach, FL 33139	

EXHIBIT C

H & M HENNES & MAURITZ L.P. OWNERSHIP STRUCTURE

H & M HENNES & MAURITZ L.P.

H & M Hennes & Mauritz Holding BV c/o H & M Hennes & Mauritz L.P. 110 Fifth Avenue, 10 th Floor New York, New York 10011	99%
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H & M Hennes & Mauritz Management BV c/o H & M Hennes & Mauritz L.P. 110 Fifth Avenue, 10 th Floor New York, New York 10011	1%
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H & M HENNES & MAURITZ HOLDING BV

H & M Hennes & Mauritz AB, A publicly traded company registered in Stockholm c/o H & M Hennes & Mauritz L.P. 110 Fifth Avenue, 10 th Floor New York, New York 10011	100%
--	------



ALEXANDER I. TACHMES, ESQ.
PARTNER
Shutts & Bowen LLP
200 South Biscayne Boulevard
Suite 4100
Miami, Florida 33131
DIRECT (305) 347-7341
FAX (305) 347-7754
EMAIL ATachmes@shutts.com

June 9, 2016

Chairperson and Members of the Historic Preservation Board
City of Miami Beach
c/o Mr. Thomas Mooney, Planning Director
1700 Convention Center Drive
Miami Beach, FL 33131

**Re: Application for Sign Variances - H&M Hennes & Mauritz, L.P.
763 Collins Avenue**

Dear Chairperson and Members:

We represent H&M Hennes & Mauritz, L.P. ("H&M"), the tenant of the building located at 763 Collins Avenue. H&M opened its first store in the City in 2012 in the original Lincoln Theater building on Lincoln Road. As a result of that store's success, our client is opening its second store at the southeast corner of Collins Avenue and 8th Street in the City's Collins Avenue/Ocean Drive retail district.

Regarding our client's new Collins Avenue store, we are hereby applying for variances in connection with the store's exterior signage. The remainder of the tenant improvement work is being approved at Staff level.

The subject property is located in the Ocean Drive/Collins Avenue Historic District. Although the building is not designated as a contributing structure, it was uniquely designed to complement the surrounding Art Deco and MiMo structures. It is precisely the unique architecture of the building, including angled walls set back from the main façade and decorative glass blocks and geometric windows interspersed throughout the building's walls, that provides the justification for our variance requests. Specifically, we are requesting variances with respect to four (4) signs:

- (1) To relocate an allowable sign from the 1st floor to the 2nd floor on Collins Avenue;
- (2) To relocate an allowable sign from the 1st floor to the 2nd floor on 8th Street;
- (3) To exceed the maximum aggregate area for signage along 8th Street; and
- (4) To relocate an allowable building identification sign from a street front (north elevation/8th Street) to the south elevation.

I. Variance Requests (1) & (2): Relocation of two (2) allowable signs from the first floor to the second floor

The relocation of two signs from the first floor to the second floor on the west and north elevations is necessary due to the unique shape and design of the building. Both of the proposed second floor signs are main business identification signs. Because of the building's unique architectural features, such as angled and recessed walls, varying wall planes and decorative glass features, there is insufficient space on the first floor to install these signs without altering or conflicting with existing architectural features. In addition, because the building does not have a sign band area on the façade at the first floor level on which to install signage, there is no practical place for appropriately sized business identification signs other than on the second floor. Therefore, we are requesting variances for the two main business identification signs on the west and north elevations to allow relocation to the second floor.

It should be noted that these 2 variance requests, relating to relocation of allowable signs from the first floor to the second floor, are permitted under the current Code. However, as a result of proposed sign code amendments which would disallow second floor signage in retail buildings, we have included the requests in this application. Because the Planning Board meeting to review the proposed sign code amendments will likely be held before the HPB meeting during which our variance requests will be heard, it is possible zoning in progress will be in effect before we appear before HPB. Therefore, we are applying for the variances in this application.

II. Variance Request (3): Exceed the maximum aggregate area for signage along 8th Street

With respect to variance request (3) above, H&M is proposing two small signs along its 8th Street frontage, each 6 square feet in size and well below the 30 square foot cap on aggregate sign area per Section 138-172 of the Code. A third sign is proposed at the north end of the property's 11th Court frontage. Although 11th Court is a publicly dedicated right-of-way, it is considered an alley and not a street for purposes of permitting signage. As a result, this 24 square foot sign must be considered as part of the property's 8th Street frontage. When added to the two smaller signs along 8th Street, the total aggregate sign area for the 8th Street frontage exceeds the 30 square foot maximum by 6 square feet. Therefore, we are requesting a variance to exceed the aggregate size of the 8th Street signage by 6 square feet.

It is important to note that the proposed sign code amendments pending before the Planning Board would increase the maximum aggregate sign area per frontage from 30 square feet to 100 square feet. Thus, variance request (3) would not be required under the proposed sign code amendments.

III. Variance Request (4): Relocate an allowable building identification sign from 8th street to the south elevation.

Finally, with respect to variance request (4) above, due to the unique design of the building neither the 8th Street nor Collins Avenue façades lend themselves to a building identification sign at the parapet. Section 138-172 of the Code permits one (1) building identification sign for buildings two (2) stories or higher so long as it is located on the parapet facing a street and the area does not exceed one percent of the wall area on which it is placed. Due to existing architectural elements built into the building's 8th Street and Collins Avenue façades, including angled and recessed walls, varying wall planes, decorative glass features and various geometrically shaped windows, little space remains on the parapet of either façade to install a building identification sign. In addition, installing a building identification sign on either façade would create visual clutter and detract from the building's existing architectural features and focal points. Therefore, we are requesting a variance to relocate our building identification sign from the north elevation to the south elevation (which does not face a street).

In contrast to the architecturally interesting façades along 8th Street and Collins Avenue that serve to enhance the pedestrian experience, the building's south façade is relatively plain and unremarkable in comparison (as part of work to the building, the existing mural that occupies a portion of the south façade will be removed). The majority of the south façade is not visible from the street, and the portion of the façade that is visible is a blank stucco wall comprised of a single wall plane. The relocation of an allowable building identification sign from the north façade to the south façade would better balance and accentuate those architectural elements on the 8th Street and Collins Avenue frontages that make the building unique and engaging, while providing a point of interest on the south façade. The size of the proposed building identification sign is well under the Code's 1% cap, our variance request is limited to relocation from the north street elevation to the south elevation due to the unique architectural design of the building.

IV. Variance Criteria

Our application satisfies Article 1, Section 2 of the Related Special Acts, which allows the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property. For the reasons cited above, the unique shape and design of the building coupled with the building's lack of a sign band area at the first floor level on which to install signage presents practical difficulties in installing adequate business identification signage, as there are very few areas available on the first floor or parapet of either street frontage for signage.

The application also meets the variance criteria contained in Section 118-353(d) of the City Code.

- (1) *Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;*

The existing building was constructed in 1995 and was designed so as to complement the surrounding Art Deco and MiMo structures located in the Ocean Drive/Collins Avenue Historic District. The principal reason for the variance requests is to provide adequate signage for an international retail store located in a uniquely designed, architecturally engaging building. It is the very shape of the building and its unique design elements and wall dimensions, as cited above, that necessitate the variances. The unique design of the building is a special condition and circumstance of this property, not common to other properties.

- (2) *The special conditions and circumstances do not result from the action of the applicant;*

As indicated above, the unique design of the building, including angled and recessed walls, varying wall planes, decorative glass features and various geometrically shaped windows, are special conditions and circumstances not common to other properties. These special conditions and circumstances do not result from actions of the applicant.

- (3) *Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;*

Granting the sign variances will allow H&M to install reasonable signage, common with other retail buildings, that is in balance with the unique architectural features of a building located in the City's vital Collins Avenue/Ocean Drive retail district. Other property owners have the privilege and right to install identification signage on their buildings. Thus, the variances are not conferring any special privileges on the applicant.

- (4) *Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;*

The unique design and shape of the building is creating the hardship. Due to the building's unique architectural features and wall dimensions, and the fact that the existing building does not have a sign band area on the façade at the first floor level on which to install signage, H&M does not have the same opportunity as other properties to install appropriate identification signage. Without these sign variances,

H&M would be deprived of the ability to adequately identify its business, which is a right commonly enjoyed by other businesses and properties in the same zoning district.

- (5) *The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;*

Building identification signage is a common attribute of retail buildings. Other property owners have the privilege and right to install identification signage on their buildings, and the requested variances are the minimum necessary to make reasonable use of the building given its unique shape and design.

- (6) *The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;*

The proposed variances are in harmony with the general intent of the land development regulations. As mentioned above, the unique design and shape of the building are driving the variance requests. The existing building was designed to complement the surrounding Art Deco and MiMo structures located within the Ocean Drive/Collins Avenue Historic District. In order to minimize alteration or conflict with existing architectural elements on the north and west façades, we are requesting these variances.

V. Conclusion

We respectfully request your approval of the sign variances outlined above for H&M's new Collins Avenue store. If you have any questions with regard to the application, please do not hesitate to contact us. Thank you.

Sincerely,

Shutts & Bowen LLP



Alexander I. Tachmes, Esq.

cc: Mr. Helder Ferreira
Mr. Jeffrey Taylor
Kathleen Maurer, Esq.