

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 PB23-0636			
☐ Board of Adjustment ☐ Variance from a provision of the Land Development Regulations ☐ Appeal of an administrative decision		☐ Design Review Board ☐ Design review approval ☐ Variance	
☒ 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		☐ Historic Preservation Board ☐ Certificate of Appropriateness for design ☐ Certificate of Appropriateness for demolition ☐ Historic district/site designation ☐ Variance	
☐ Other:			
Property Information – Please attach Legal Description as “Exhibit A”			
ADDRESS OF PROPERTY 1100 5 Street, Miami Beach, Florida 33139			
FOLIO NUMBER(S) 02-4203-009-8190			
Property Owner Information			
PROPERTY OWNER NAME Gateway MB LLC			
ADDRESS 41 Bayard Street		CITY New Brunswick	STATE NJ
BUSINESS PHONE 305-374-5300		CELL PHONE	EMAIL ADDRESS info@brzoninglaw.com
ZIPCODE 08901			
Applicant Information (if different than owner)			
APPLICANT NAME The Alton Venture, LLC			
ADDRESS 520 West 27 Street, Suite 302		CITY New York	STATE NY
BUSINESS PHONE 212-603-9988		CELL PHONE	EMAIL ADDRESS amit@sumaidakhurana.com
ZIPCODE 10001			
Summary of Request			
PROVIDE A BRIEF SCOPE OF REQUEST The Applicant seeks Conditional Use Permit approval to develop an innovative five-story commercial office building with a first-floor restaurant referred as Alton & Fifth (the “Project”), including Planning Board Conditional Use approval for a project in excess of 50,000 square feet (Neighborhood Impact Structure as required by §7.2.15.3(c)(iv), City of Miami Beach Resiliency Code), and approval of a mechanical parking system as part of the Conditional Use approval, and in accordance with §5.2.11(e) of the Resiliency Code.			



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.		approx. 65,057 SQ. FT.	
Provide the gross floor area of the new construction (including required parking and all usable area).		approx. 101,381 SQ. FT.	
Party responsible for project design			
NAME Suria Yaffar		☒ Architect ☐ Contractor ☐ Landscape Architect ☐ Engineer ☐ Tenant ☐ Other _____	
ADDRESS 100 Biscayne Blvd., 27 Floor		CITY Miami	STATE FL
BUSINESS PHONE 305-372-5222		CELL PHONE	EMAIL ADDRESS suria@zyscovich.com
Authorized Representative(s) Information (if applicable)			
NAME Michael W. Larkin		☒ Attorney ☐ Contact ☐ Agent ☐ Other _____	
ADDRESS 200 S. Biscayne Blvd, 300, Miami, FL 33131		CITY Miami	STATE FL
BUSINESS PHONE 305-374-5300		CELL PHONE	EMAIL ADDRESS mlarkin@brzoninglaw.com
NAME Paul C. Savage		☒ Attorney ☐ Contact ☐ Agent ☐ Other _____	
ADDRESS 200 S. Biscayne Blvd, 300, Miami, FL 33131		CITY Miami	STATE FL
BUSINESS PHONE 305-374-5300		CELL PHONE	EMAIL ADDRESS psavage@brzoninglaw.com
NAME		☐ Attorney ☐ Contact ☐ Agent ☐ Other _____	
ADDRESS		CITY	STATE
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

DocuSigned by:

Robert Weiss

1C4306EEBA9D491...

SIGNATURE

Robert Weiss, President / Manager

PRINT NAME

2/24/2024

DATE SIGNED

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

DocuSigned by:

Amit Khurana

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SIGNATURE

Amit Khurana, Managing Member of The Alton Venture LLC

PRINT NAME

2/23/2024

DATE SIGNED

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF _____

COUNTY OF _____

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

SIGNATURE

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

NOTARY SEAL OR STAMP

NOTARY PUBLIC

My Commission Expires: _____

PRINT NAME**ALTERNATE OWNER AFFIDAVIT FOR CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY**STATE OF FLORIDACOUNTY OF MIAMI-DADE

I, Robert Weiss, being first duly sworn, depose and certify as follows: (1) I am the President / Manager (print title) of Gateway MB, 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:

Robert Weiss

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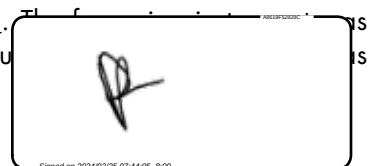
SIGNATURE

Sworn to and subscribed before me this _____ day of 02/25/2024, 20____. The foregoing instrument was acknowledged before me by R. Weiss, 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: _____

Diana Ramos**PRINT NAME**

POWER OF ATTORNEY AFFIDAVITSTATE OF FloridaCOUNTY OF Miami-Dade

I, Robert Weiss, 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/P. Savage to be my representative before the Planning 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.

Robert Weiss, President/Manager**PRINT NAME (and Title, if applicable)**

DocuSigned by:

Robert Weiss

TC4306EEBA9D491...

SIGNATURE

Sworn to and subscribed before me this 02/25/2024, 20 24, The foregoing instrument was acknowledged before me by R. Weiss, who has provided identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

Diana Ramos
Commission # HH 386927
 Notary Public - State of Florida
 My Commission Expires Apr 16, 2027

My Commission Expires: _____

[Signature]
 Signed on 2024/02/25 07:44:05 -8:00

NOTARY PUBLICDiana 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.

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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POWER OF ATTORNEY AFFIDAVIT

STATE OF Florida

COUNTY OF Miami-Dade

I, Amit Khurana, 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/P. Savage to be my representative before the Planning 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.

Amit Khurana, Managing Member

PRINT NAME (and Title, if applicable)

DocuSigned by:

Amit Khurana

962AA4EF34524EE

SIGNATURE

Sworn to and subscribed before me this 02/25/2024, 2024. The foregoing instrument was acknowledged before me by A. Khurana, who has produced identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



My Commission Expires: _____



Signed on 2024/02/25 07:44:05 -8:00

NOTARY PUBLIC

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.

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.

[OWNER]

Gateway MB LLC

NAME OF CORPORATE ENTITY

Please see Exhibit B	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

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.

The Alton Venture, LLC

NAME OF CORPORATE ENTITY

Please see Exhibit C	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

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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
<u>Michael W. Larkin</u>	<u>200 S. Biscayne Blvd, 300, Miami, FL 33131</u>	<u>305-374-5300</u>
<u>Paul C. Savage</u>	<u>200 S. Biscayne Blvd, 300, Miami, FL 33131</u>	<u>305-374-5300</u>
<u>Suria Yaffar</u>	<u>100 Biscayne Blvd., 27 Floor, Miami, FL 33132</u>	<u>305-372-5222</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, Amit Khurana, Managing Member, 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.

Amit Khurana
962AA4EF34524EF...
SIGNATURE

Sworn to and subscribed before me this 02/25/2024 day of February, 2024. The foregoing instrument was acknowledged before me by A. Khurana, who has produced 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 2024/02/25 07:44:05 -8:00
NOTARY PUBLIC

Diana Ramos
PRINT NAME



EXHIBIT A
Legal Description

PARCEL 1:

The East 100 feet of Lot 3, of Block 103, of OCEAN BEACH, FLA. ADDITION NO. 3, according to the Plat thereof, recorded in Plat Book 2, at Page 81, of the Public Records of Dade County, Florida.

PARCEL 2:

Lot 3, less the East 100 feet thereof and less that portion thereof which lies within the external area formed by a 10 foot radius arc concave to the Southeast tangent to the North line of said Lot 3 and tangent to the Southwesterly line of said Lot 3, of Block 103, of OCEAN BEACH, FLA. ADDITION NO. 3, according to the Plat thereof, recorded in Plat Book 2, at Page 81, of the Public Records of Dade County, Florida.

PARCEL 3:

Lot 4, less the East 145.6 feet thereof, of Block 103, of OCEAN BEACH, FLA. ADDITION NO. 3, according to the Plat thereof, recorded in Plat Book 2, at Page 81, of the Public Records of Dade County, Florida.

PARCEL 4:

The East 145.6 feet of Lot 4, of Block 103, of OCEAN BEACH, FLA. ADDITION NO. 3, according to the Plat thereof, recorded in Plat Book 2, at Page 81, of the Public Records of Dade County, Florida.

PARCEL 5:

Lots 5, 6, 7, 8, and 9 of Resubdivision Lots 5 and 6, Block 103, THE OCEAN BEACH REALTY CO.'S OCEAN BEACH ADDITION NO. 3, according to the Plat thereof, recorded in Plat Book 26, at Page 62, of the Public Records of Dade County, Florida.

ALL OF ABOVE DESCRIBED PARCELS 1, 2, 3, 4, AND 5 BEING NOW KNOWN AS:

All of Lots 3 and 4, in Block 103, of OCEAN BEACH FLA., ADDITION NO. 3, according to the Plat thereof, recorded in Plat Book 2, at Page 81, of the Public Records of Dade County, Florida; LESS and EXCEPT that portion of Lot 3 which lies within the external area formed by a 10 foot radius arc concave to the Southeast and tangent to both the North and Southwesterly lines of said Lot 3;

TOGETHER WITH;

Lots 5, 6, 7, 8 and 9, of RESUBDIVISION OF LOTS 5 AND 6, BLOCK 103, OF THE OCEAN BEACH REALTY CO.'S OCEAN BEACH ADDITION NO. 3, according to the plat thereof, recorded in Plat Book 26, at Page 62, of the Public Records of Dade County, Florida.



Disclosure of Interest
“Gateway MB, LLC”

Gateway MB, LLC	
Norton Nesis Irrevocable Trust 2018 (Miriam Weiss Trustee: 41 Bayard Street, New Brunswick, NJ 08901)	50%
Gateway MB Trust (Malia Reichmann Trustee: 41 Bayard Street, New Brunswick, NJ 08901)	50%



Disclosure of Interest
“The Alton Venture LLC”

The Alton Venture LLC	
520 West 27th Street Suite N ^o 302 New York NY 10001	
The Alton UT JV LLC	51%
Gateway MB, LLC	49%

The Alton UT JV LLC				
The Alton Sponsor LLC 100%	SK Alton LLC 100%	The Alton SK LLC 100%	The Alton SS LLC S. Sumaida	50%
			The Alton AK LLC A. Khurana	50%

Gateway MB, LLC	
Norton Nesis Irrevocable Trust 2018 (Miriam Weiss Trustee: 41 Bayard Street, New Brunswick, NJ 08901)	50%
Gateway MB Trust (Malia Reichmann Trustee: 41 Bayard Street, New Brunswick, NJ 08901)	50%

