



VILLAGE OF KEY BISCAYNE

Department of Building, Zoning and Planning

Village Council
Robert L. Vernon, Mayor
Jorge E. Mendia, Vice Mayor
Michael Davey
Enrique Garcia
Steve Liedman
Thomas Thornton
Patricia Weinman

DT: April 11, 2007
TO: Jacqueline R. Menendez, Village Manager
FR: Jud Kurlancheek, AICP, Director
Building, Zoning, and Planning Department
RE: Site Plan Review: 350 Ocean Dr. - Sonesta

Director
Jud Kurlancheek, AICP
Chief Building Official
Eugenio M. Santiago, P.E.

APPLICATION SUMMARY

Table with 2 columns: Field Name and Value. Fields include Applicant (SBR - Fortune Associates, LLLP), Request (Site Plan Approval for a 165 Apartment Unit Project), Site Address (350 Ocean Drive), Master Plan (Medium Density Multiple Family and Ocean Resort Hotel), Zoning District (HR Hotel Resort), File Number (SP 17 Filed August 29, 2006), and Recommendation (Approval with Conditions).

Purpose of Site Plan Review: Site plan review is designed to achieve the following objectives:

- 1. To insure that infrastructure (water, sewers, and roads) is in place at the time the development is completed.
2. To encourage logic, imagination, and variety in the design process.
3. To insure that projects are compatible, both aesthetically and functionally, with the surrounding area.
4. To promote excellence in urban design.

5. To encourage buildings that are consistent with the high quality environment associated with the Village.

The Application: The applicant has filed an application for Site Plan approval for 165 apartment units in four (4) towers. At the request of Staff, the applicant submitted an Alternate Site Plan which is discussed a second memorandum.

Site Plan Review Criteria: In order for the project to move forward, the Village's Zoning and Land Development Regulations require the site plan for the above captioned project be approved by the Village Council. In order to approve a site plan, the Council must find that the project is consistent with the following criteria:

Criteria 1 *Natural Environment.* All proposed development shall be designed in such a manner as to preserve, perpetuate and improve the existing natural character of the site. Existing trees and other landscape features shall, to the maximum extent possible, be preserved in their natural state, and additional landscape features shall be provided to enhance architectural features, to relate structural design to the site, and to conceal unattractive uses. In all instances the Village's tree protection, landscaping and all other applicable regulations shall be fully complied with as minimum standards.

Analysis: The Landscape Plan indicates that nearly all of the existing trees will be retained on the site. The Landscape Plan shows a significant increase in the number of trees and shrubs. Landscaping is also planned for Sonesta Drive and the proposed easements/dedication along the north, south and west property lines.

Finding: Consistent. Subject to Staff approval of a detailed Landscape Plan for all site landscaping. Landscape improvements to Sonesta Drive and the proposed easements/dedication along the north, south and west property lines.

Criteria 2 *Open space.* Adequate landscaped open space shall be provided which meets the particular needs and demands of the proposed development and all specific zoning district requirements.

- a. Passive open spaces (those areas not planned for intensive activity) shall be arranged as to enhance internal spatial relationships between proposed structures, to provide buffers between the project and adjacent less intensive uses, to facilitate pedestrian movements within the development, and to improve the overall visual quality of the site.
- b. Active open spaces (those areas containing activities such as playgrounds, tennis courts, swimming pools and other active recreational facilities) shall

be located so as to permit easy access to all residents or users within a development. Private recreational facilities and activities within specific projects shall, wherever possible, complement, rather than duplicate, nearby public recreational activities.

Analysis: The project provides passive and active spaces, consisting of internal ground level and rooftop as well as perimeter vegetative zones, which exceed the Village's regulations for open space requirements.

a. Passive Open Space

1. Passive open space consists of internal pathways shaded by vegetation and trellises which connect buildings with other internal site amenities and with the external environment (street entry and oceanfront). The internal passive spaces include a series of lawns, fountains, reflecting pools, and vegetative and water gardens at the ground level as well as rooftop terraces and garden over the spa. The Alternate Site Plan shows rooftop pools on Towers 4 and 5.
2. Passive spaces at the site perimeters include a dense vegetation zone and landscaped linear park within the extra setback area along the western site perimeter (border with Holiday Colony). This space is designed to provide a substantial buffer between the project and the adjacent single family residential neighborhood as well as to diminish the vertical impact of the proposed buildings. Additionally, dedicated pathways at the north and south side perimeters, providing public access to the ocean, will be densely planted for shade as well as screening of the project from the adjacent multiple family residential properties. These pathways connect to walkways at the Ocean Drive vehicular and pedestrian entrance where decorative pools and tree-lined walkways connect to the Village sidewalks exiting the property. Extensive beachfront dune planting at the eastern site perimeter will provide habitat for wildlife and framing of vistas to the ocean. An environmentally sensitive boardwalk providing direct access from the property to the ocean is planned across the dune system.

b. Active Open Space

1. Active open spaces within the Coastal Construction Zone consist of two tennis courts, which are unique to the Village in terms of location (several other properties have tennis courts, but none are located on the oceanfront), and two open lawn areas which could be utilized for active recreation, one having a formal trellis backdrop. Additionally planned are three oceanfront swimming pools and a smaller spa pool

physically linked by a series of decks interspersed with a lawn and trellis backdrop with oceanfront vistas.

Finding: Consistent.

Criteria 3 *Circulation and parking.* All circulation systems and parking facilities within a proposed development shall be designed and located in such a manner as to comply with the following:

- a. A clearly defined vehicular circulation system shall be provided which allows free movement within the proposed development while discouraging excessive speeds. Said systems shall be separated insofar as practicable from pedestrian circulation systems. Pavement widths and access points to peripheral streets shall be provided which adequately serve the proposed development and which are compatible and functional with circulation systems outside the development.
- b. Whenever possible in proposed residential developments, living units should be located on residential streets or courts that are designed to discourage non-local through traffic.
- c. Off-street parking areas shall be provided which adequately accommodate maximum vehicle storage demands for the proposed project and are located and designed in such a manner so as to conveniently serve the uses to which they are accessory and not create incompatible visual relationships.
- d. Safe and efficient access to all areas of the proposed development shall be provided for emergency and service vehicles, as required by Chapter 52.11 of the South Florida Building Code.
- e. Sidewalks shall be provided as required by the Village regulations.
- f. Handicapped Accessibility shall be provided as required by all applicable regulations.

Analysis: The following analysis is alphabetically keyed to the above criteria.

- a. Vehicular and pedestrian access to the site is provided by Sonesta Drive and E. Heather Drive.
 1. From E. Heather Drive, vehicles enter the site along the western edge of the project on a driveway that is at grade which leads to an entry court. The driveway then descends below grade via a ramp into the garage. The entry court services Towers 1 and 2.

2. From Ocean Drive to Tower 3, vehicles enter the site to a circular entry court which connects to a ramp that descends into the garage. The entry drive and ramp are on the north side of the property facing the Silver Sands parking lot.
 3. From Ocean Drive to Tower 4, vehicles enter the site from a circular driveway on the west side of the property which also leads to a driveway on the north side of the property that descends into the garage.
 4. The garage has two levels below grade. Once a vehicle enters the garage, there are no obstructions to any area of the parking spaces.
- b. All of the entry drives are courts that lead to the residential towers. As such, they serve only the residents of the buildings.
 - c. The garage is located below grade on two levels and contains 515 spaces while the code requires a minimum of 445 spaces.
 - d. Emergency access is provided from Sonesta Drive, E. Heather Drive, and Ocean Drive. In addition, the easements along the west, north and south side of the property provide emergency access.
 - e. All sidewalks and walkways shall meet or exceed Village standards.
 - f. The garage meets the ADA Handicap required parking spaces. ADA building requirements will be verified at the time plans are submitted for a building permit.

Finding: Consistent. Subject to the following:

1. Staff approval of a detailed Sidewalk and Walkway Master Plan with finishes.
2. The six ft. CBS wall on the west property line shall be constructed with sound buffering and absorbing materials.
3. Should the Village proceed with a reduction in the Ocean Drive right of way and tower 4 is moved 50 ft. eastward, all vehicular access should be from Ocean Drive and/or a driveway from Sonesta Drive to the garage.

Criteria 4 *Community services and utilities.* All proposed developments shall be designed and located in such a manner as to insure the adequate provision, use and compatibility of necessary community services and utilities.

- a. An adequate sanitary sewer collection system including all necessary extensions and connections, shall be provided in accordance with Village standards for location and design. Where necessitated by the size of the development and/or by the unavailability of Village treatment facilities, sanitary sewage treatment and disposal systems must be provided in accordance with Village and state standards and regulations.
- b. An efficient solid waste collection system, including the provisions of an adequate number of properly screened local receptacles in locations which afford maximum use and collection convenience, shall be provided in accordance with all applicable Village standards.
- c. A well designed internal system for fire protection, including the provisions of an adequate number of properly located fire hydrants and an efficient access arrangement for emergency fire vehicles, shall be provided to ensure the safety of all persons within the project.

Analysis: The following analysis is alphabetically keyed to the above criteria.

- a. The attached report prepared by our consulting firm 3CTS finds the sanitary sewer collection system meets our concurrency requirements.
- b. The attached report prepared by our consulting firm 3CTS finds the solid waste system meets our concurrency requirements.
- c. The Fire Rescue Department has advised Staff that the project will meet these requirements.

Finding: Consistent.

Criteria 5 *Building and other structures.* All buildings and structures proposed to be located within a development shall be oriented and designed in such a manner as to enhance, rather than detract from, the overall quality of the site and its immediate environment. The following guidelines shall be followed in the review and evaluation of all buildings and structures:

- a. Proposed buildings and structures shall be related harmoniously to the terrain, other buildings and the surrounding neighborhood, and shall not create through their location, style, color or texture, incompatible physical or visual relationships.
- b. All buildings and structures shall be designed and oriented in a manner insuring maximum privacy of residential uses and related activities both on the site being developed and property adjacent thereto.

- c. All permanent outdoor identification features which are intended to call attention to proposed projects and/or structures shall be designed and located in such a manner as to be an integral part of the total project and/or structural design and shall not exceed a size and scale necessary for the recognition from vehicles moving along adjacent streets at prescribed legal speeds.

Analysis: The project is adjacent to high rise buildings on the north and south and single family homes to the west. The Zoning and Land Development Regulations require a minimum west setback of 25 ft. The applicant has provided a 100 to 102 ft. setback for Towers 1 and 2, a 250 ft. setback for Tower 3, and a 50 ft. setback for Tower 4. The Shadow Study (page A6.3 of the plans) indicates that only a few hours a day for a few days a shadow will occur on the single family homes.

There is a 50 to 75 ft. linear park between the single family homes and the project and a 6 ft. CBS wall on the property line. The Landscape Plan indicates there will be substantial landscaping which will mitigate the impact of these buildings on the single family homes.

The plans include alternate elevations for each of the buildings. The applicant has selected the elevations on pages A7.0 and A 7.1. The Site Plan Review Criteria addresses the locations of buildings and the impact on adjacent structures and not architectural finishes. The buildings use exterior materials that are typical to Key Biscayne and South Florida. These materials include concrete, block, stucco and glazing. At this level of design, it is impossible to determine what other finishes and architectural detailing is contemplated.

Finding: Consistent.

Criteria 6 All applicants are required to prove that the project meets the Village's Concurrency Level of Service Standards for Roads, Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Recreation and Open Space.

Analysis: The attached report was prepared by our consulting firm 3CTS. They found the project meets our concurrency requirements for Roads, Solid Waste, Potable Water, and Sanitary Sewer. Also Attached is our analysis of the Recreation and Open Space requirements for the Village and the project.

Finding: Consistent subject to the Concurrency requirement being met for Recreation and Open Space.

Criteria 7 *Other Requirements.* Requirements and recommendations as provided in the Village tree and landscape regulations shall be observed as will the requirements of

all applicable standards and regulations.

Analysis: The project contains an extensive landscape plan which meets our requirements

Finding: Consistent

RECOMMENDATION

Staff recommends approval of the project subject to the attached conditions.

Sonesta Site Plan Approval Conditions

The approvals granted by this Resolution are subject to the Applicant's compliance with the following conditions, to which the Applicant stipulated at the public hearing:

1. Pursuant to policy 1.4.1 (1) (B) of the Village of Key Biscayne Master Plan and the Land Development Regulations. This approval is subject to the condition that the necessary parks and recreation facilities of 2.5 acres per 1,000 permanent population are in place and available either: 1) prior to the issuance of the first Certificate of Occupancy; 2) or construction of the facilities may begin up to one year after the issuance of the Certificate of Occupancy if the facilities are subject to a binding executed contract for the construction of the facilities to be completed within one year of the time the certificate of occupancy is issued.
2. A detailed Landscape Plan for the project for all site landscaping shall be approved by the Village Building, Zoning, and Planning Director prior to the issuance of the first building permit for a principal building;
3. A detailed Sidewalk and Walkway Master Plan with finishes shall be approved by the Village Building, Zoning, and Planning Director prior to the issuance of the first building permit for a principal building;
4. The Applicant shall construct a 16 inch water main on the Applicant's property pursuant to regulatory standards and easements;
5. The Applicant shall provide written documentation from the appropriate regulatory agencies that domestic water and fire protection needs have been satisfied. This documentation shall be approved by the Village prior to the issuance of a building permit;
6. The Applicant shall grant the Village, as shown on the approved site plans, an improved 25 ft. wide public dedicated beach access easement, in a form acceptable to the Village Attorney, on the north side of the property from Ocean Drive to the public beach prior to the issuance of the first Certificate of Occupancy. Improvements in said easement shall be constructed and maintained by the Applicant pursuant to plans approved by the Village Building, Zoning, and Planning Director;
7. The Applicant shall grant to the Village, as shown on the approved site plans, a improved 25 ft. wide public dedicated beach access easement, in a form acceptable to the Village Attorney, on the south side of the property from the East Heather property line to the public beach prior to the issuance of the first Certificate of Occupancy. Improvements in said easement shall be constructed and maintained by the Applicant pursuant to plans approved by the Village Building, Zoning, and Planning Director;
8. As shown on the Site Plans, the Applicant shall grant to the Village an improved dedicated easement guaranteeing perpetual public access over an area varying from 75 – 100 ft. wide (the intent being to provide the maximum amount of public access reasonably feasible), in a form acceptable to the Village Attorney, on the west side of the property from Sonesta Drive to East Enid Drive prior to the issuance of the first Certificate of Occupancy. Improvements in said easement

- shall be constructed and maintained by the Applicant pursuant to plans approved by the Village Building, Zoning, and Planning Director.
9. The Applicant shall construct a six foot high CBS wall containing sound buffering and absorbing materials generally along the west property line . In addition, a gate shall be provided to each property owner abutting such wall should the owner request a gate the archway over said gate may reach a maximum height of eight (8) feet;
 10. The Applicant shall reconstruct the improvements, including sidewalk, paving, drainage, and landscaping on Sonesta Drive and Ocean Dr from the project main entrance to Crandon Boulevard. The design of such improvements shall be approved by the Village Building, Zoning, and Planning Director no later than the last Village Council meeting in December 2007 and the owner shall construct the improvements prior to the issuance of the final Certificate of Occupancy for the first building completed
 11. During the period of construction, Sonesta Drive shall be primarily used for construction vehicles, deliveries, guests, and employees as the means of accessing the project. The Village Manager may authorize the use of East Heather Drive on those occasions when Sonesta Drive can not reasonably be used.
 12. During the period of demolition and construction, an eight ft. high construction fence with dust screening shall be erected along each property boundary prior to the issuance of the first demolition permit and shall remain in place until the first Certificate of Occupancy is issued or other perimeter fences or walls are erected. Said fence may be temporarily moved or removed to allow for construction of improvements or landscaping to be placed along the property lines as required by the approved plans or these conditions.
 13. If the Village Council should find that the westerly 50 ft. of the Ocean Drive right of way is not necessary for right of way purposes after a duly noticed and properly conducted public hearing (the "Excess Right of Way") and decides to vacate the Excess Right of Way within 6 months of the Site Plan approval, the applicant agrees to develop the property substantially in accordance with the Alternate Site Plan for "Sonesta Development" prepared by Glover Smith Bode Inc.: dated 3/29/07 and last revised April 13,2007, (the "Alternate Site Plans"), which are hereby conditionally approved as part of this Site Plan approval. As shown on the Alternate Site Plans the applicant agrees to increase the westerly tower setbacks to 100 feet and increase the width of the westerly public access easement on the northerly 300 feet of the property.
 14. Whenever the term "substantially in accordance with" or "substantially in compliance with" is used in this Resolution or any voluntary covenant or agreement, said determination shall be made by the Building, Zoning, and Planning Director in his/her reasonable discretion.
 15. The elevations presented on pages A7.0 and A7.1 shall be used for the project.

RESOLUTION NO. _____

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A SITE PLAN FOR AN APARTMENT BUILDING AT 350 OCEAN DRIVE, KEY BISCAYNE, FLORIDA; PROVIDING FOR RECORDING; PROVIDING AN EFFECTIVE DATE.

WHEREAS, SBR-Fortune Associates, LLLP (the Applicant) has applied for approval of a site plan for an 165 unit apartment building with the address of 350 Ocean Drive, which property is legally described in attached Exhibit "A" hereto; and

WHEREAS, the Village Council has held the properly noticed public hearings required under the Village of Key Biscayne, Florida, Zoning and Land Development Regulations; and

WHEREAS, the Village Council finds that the proposed site plan, with certain conditions, meets each of the applicable review criteria for approval in Section 30-80 of the Zoning and Land Development Regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That the recitals set forth above are hereby adopted and confirmed.

Section 2. Site Plan Approved. The Site Plan prepared by Glover Smith Bode, Inc. dated March 29, 2007, and consisting of pages G1.0, A1.0, A1.1, A2.0 through A2.3, A3.0, A3.1, A4.0, A5.0 through A5.5, A6.0 through A6.5, A7.0 through A7.7, C-1 through C-6, L0.0, L0.01, L1.00, and D-1 through D-2 is hereby approved, subject to the following conditions in Section 3 below.

Section 3. Conditions. The approvals granted by this Resolution are subject to the Applicant's compliance with the following conditions, to which the Applicant stipulated at the public hearing:

Sonesta Site Plan Approval Conditions

The approvals granted by this Resolution are subject to the Applicant's compliance with the following conditions, to which the Applicant stipulated at the public hearing:

1. Pursuant to policy 1.4.1 (1) (B) of the Village of Key Biscayne Master Plan and the Land Development Regulations. This approval is subject to the condition that the necessary parks and recreation facilities of 2.5 acres per 1,000 permanent population are in place and available either: 1) prior to the issuance of the first Certificate of Occupancy; 2) or construction of the facilities may begin up to one year after the issuance of the Certificate of Occupancy if the facilities are subject to a binding executed contract for the construction of the facilities to be completed within one year of the time the certificate of occupancy is issued.
2. A detailed Landscape Plan for the project for all site landscaping shall be approved by the Village Building, Zoning, and Planning Director prior to the issuance of the first building permit for a principal building;
3. A detailed Sidewalk and Walkway Master Plan with finishes shall be approved by the Village Building, Zoning, and Planning Director prior to the issuance of the first building permit for a principal building;
4. The Applicant shall construct a 16 inch water main on the Applicant's property pursuant to regulatory standards and easements;
5. The Applicant shall provide written documentation from the appropriate regulatory agencies that domestic water and fire protection needs have been satisfied. This documentation shall be approved by the Village prior to the issuance of a building permit;
6. The Applicant shall grant the Village, as shown on the approved site plans, an improved 25 ft. wide public dedicated beach access easement, in a form acceptable to the Village Attorney, on the north side of the property from Ocean Drive to the public beach prior to the issuance of the first Certificate of Occupancy. Improvements in said easement shall be constructed and maintained by the Applicant pursuant to plans approved by the Village Building, Zoning, and Planning Director;

7. The Applicant shall grant to the Village, as shown on the approved site plans, a improved 25 ft. wide public dedicated beach access easement, in a form acceptable to the Village Attorney, on the south side of the property from the East Heather property line to the public beach prior to the issuance of the first Certificate of Occupancy. Improvements in said easement shall be constructed and maintained by the Applicant pursuant to plans approved by the Village Building, Zoning, and Planning Director;
8. As shown on the Site Plans, the Applicant shall grant to the Village an improved dedicated easement guaranteeing perpetual public access over an area varying from 75 - 100 ft. wide (the intent being to provide the maximum amount of public access reasonably feasible), in a form acceptable to the Village Attorney, on the west side of the property from Sonesta Drive to East Enid Drive prior to the issuance of the first Certificate of Occupancy. Improvements in said easement shall be constructed and maintained by the Applicant pursuant to plans approved by the Village Building, Zoning, and Planning Director.
9. The Applicant shall construct a six foot high CBS wall containing sound buffering and absorbing materials generally along the west property line . In addition, a gate shall be provided to each property owner abutting such wall should the owner request a gate the archway over said gate may reach a maximum height of eight (8) feet;
10. The Applicant shall reconstruct the improvements, including sidewalk, paving, drainage, and landscaping on Sonesta Drive and Ocean Dr from the project main entrance to Crandon Boulevard. The design of such improvements shall be approved by the Village Building, Zoning, and Planning Director no later than the last Village Council meeting in December 2007 and the owner shall construct the improvements prior to the issuance of the final Certificate of Occupancy for the first building completed
11. During the period of construction, Sonesta Drive shall be primarily used for construction vehicles, deliveries, guests, and employees as the means of accessing the project. The Village Manager may authorize the use of East Heather Drive on those occasions when Sonesta Drive can not reasonably be used.
12. During the period of demolition and construction, an eight ft. high construction fence with dust screening shall be erected along each property boundary prior to the issuance of the first demolition permit and shall remain in place until the first Certificate of Occupancy is issued or other perimeter fences or walls are erected. Said fence may be temporarily moved or removed to allow for construction of improvements or landscaping to be placed along the property lines as required by the approved plans or these conditions.
13. If the Village Council should find that the westerly 50 ft. of the Ocean Drive right of way is not necessary for right of way purposes after a duly noticed and properly conducted public hearing (the "Excess Right of Way") and decides to vacate the Excess

Right of Way within 6 months of the Site Plan approval, the applicant agrees to develop the property substantially in accordance with the Alternate Site Plan for "Sonesta Development" prepared by Glover Smith Bode Inc.: dated 3/29/07 and last revised April 13, 2007, (the "Alternate Site Plans"), which are hereby conditionally approved as part of this Site Plan approval. As shown on the Alternate Site Plans the applicant agrees to increase the westerly tower setbacks to 100 feet and increase the width of the westerly public access easement on the northerly 300 feet of the property.

14. Whenever the term "substantially in accordance with" or "substantially in compliance with" is used in this Resolution or any voluntary covenant or agreement, said determination shall be made by the Building, Zoning, and Planning Director in his/her reasonable discretion.

15. The elevations presented on pages A7.0 and A7.1 shall be used for the project.

Section 4. Recording. This Resolution shall be recorded, prior to the issuance of a building permit, by the Applicant at its expense in the public records of Miami-Dade County. A copy of the proof of recordation shall be submitted to the Building, Zoning and Planning Department prior to the issuance of any building permits.

Section 5. Effective Date. That this resolution shall become effective upon its adoption.

PASSED AND ADOPTED this ____ day of _____, 2006.

ROBERT VERNON, MAYOR

ATTEST:

Conchita H. Alvarez, CMC
Village Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Village Attorney

CHRONOLOGY

- Jan 24, 2006 Applicant submits an application (LDRA-7) to amend the Zoning and Land Development Regulations by creating a new zoning district called PUD-4 and Site Plan Approval (SP-14). The application did not contain any determinations by the applicant with regard to the required Concurrency for Water-Sewer-Solid-Waste and Recreation and Open Space Concurrency. A Traffic Study was included.
- Mar 14, 2006 Applicant presents the project to the Village Council prior to neighborhood meetings.
- April 10, 11, 18 2007 Public presentations for residents at Grand Bay, Key Colony, and Holiday Isle.
- May 23, 2006 Applicant withdraws the PUD ordinance and Site Plan application. (Applicant has submitted correspondence that only the PUD application was withdrawn).
- Aug 29, 2006 Applicant submits Site Plan Applications (SP-15, SP-16, SP-17). This package included the applicants concurrency determinations for Water-Sewer-Solid-Waste, Traffic, and Recreation and Open Space Concurrency.
- Sept 5, 2006 Applicant submits revisions to Site Plan Applications (SP-15, SP-16, SP-17).
- Oct 27, 2006 Applicant submits revisions to the three Site Plan Applications (SP- 15, SP-16, SP-17).
- Nov 20, 2006 Applicant submits additional information pertaining to their analysis of the Recreation and Open Space Concurrency issues.
- Nov 28, 2007 Staff requests additional information pertaining to the Site Plan and building plans. Staff determines the submission is not complete without this information.
- Nov 29, 2006 Applicant submits additional information pertaining to their analysis of the Recreation and Open Space Concurrency issues.
- Dec 4, 2006 Applicant submits additional information pertaining to calculations used to determine compliance with the Recreation and Open Space Concurrency issues.
- Jan 6, 2007 Staff submits a list of questions to the applicant pertaining to the project. Staff requires this information to make a determination that the plans are

complete and if they comply with the zoning regulations.

- Jan 11, 2007 Staff requests information regarding the existing and proposed floor area of the uses in the hotel. Prior requests were made orally.
- Jan 16, 2008 Applicant submits revised plans in response by Staff for additional information including the information requested on January 11, 2007.
- Jan 22, 2006 Staff determines the application/plans meet the submission requirements for Site Plan Review.
- Jan 23, 2006 The applicant presents the plans for discussion purposes before the Council.

Representatives from Preserve Our Key Biscayne Inc. make a presentation before the Council.

The applicant requests that Council schedule a public hearing date pertaining to Site Plan Review. Council sets the date on February 26, 2007.

Village Council continues discussion to January 30, 2007.

Staff presents a drawing that reduces the right of way on Ocean Drive from 115 ft. to 60 ft., exchanging 55 ft. of public land with the applicant's along the west property line, moving Building 4 to the east, and dedicating the west setback of Building 4 to the Village. This proposal results in publicly owned open space measuring 105 ft. x approximately 250 ft.

- Jan 27, 2007 Building, Zoning, and Planning Director issues an interpretation of the Zoning and Land Development Regulations pertaining to the use of owner occupied hotel rooms finding such use is not permitted.
- Jan 30, 2007 Village Council receives input from the applicant, representatives from Preserve Our Key Biscayne, Inc. and residents. Applicant discusses reducing the average hotel room size to 1000 sq. ft., increasing the west setback to 100 ft., and states these changes represent significant modifications to the plans.

Applicant requests and Council approves moving the site plan hearing from February 26 to March 20, 2007.

Council directs staff to prepare a presentation regarding how other municipalities regulate condominium hotels. The presentation was set for February 13.

- Feb 13, 2007 Staff presents to the Village Council how other municipalities regulate condominium hotels.
- Feb 22, 2007 Applicant files an appeal of the January 27, 2007 zoning decision regarding owner occupants.
- Mar 1, 2007 Applicant requests that the Village move the public meeting for the Site Plan and the Administrative Appeal from March 20 to April 24.
- March 13, 2007 Council sets April 16, 2007 as the public hearing date.
- March 16, 2007 Applicant submits revised site plans to be considered at the April 16, 2007 public hearing. The plans show a project with 165 apartment units in 4 towers. Alternate site plan is submitted showing a reduction in the Ocean Drive right of way, tower 4 divided into two towers and moved 50 ft. to the east.
- March 19, 2007 Applicants requests their appeal of the Administrative Decision regarding owner occupied hotel units not be scheduled for a hearing until further notice from the applicant.
- April 16, 2007 Village Council Site Plan public hearing on 165 unit apartment unit project.

RECREATION AND OPEN SPACE CONCURRENCY DETERMINATION

April 13, 2007

YEAR	TOTAL ACREAGE PARKS AND RECREATION AND OPEN SPACE	POPULATION	LEVEL OF SERVICE (acres/1000 people)	ACTUAL LEVEL OF SERVICE (acres/1000 people)	Shortfall (acres)
1995	14.5	8,841	2.5	1.64	-7.60
2000	19.69	10,507	2.5	1.87	-6.58
2007	26.49	11,160	2.5	2.37	-1.41

PARKS AND RECREATION FACILITIES COUNTED IN 2007

LOCATION	ACREAGE
Calusa Park	3.00
Village Green	9.50
Key Biscayne K-8 Center	2.02
East Enid Lake Park	2.78
Beach Park	2.00
Pocket Parks	0.39
Community Center	1.95
St. Agnes Field	2.13
New Bike Lanes on Crandon and Harbor	1.36
Monaco Reflecting Pools	0.19
Library Park	1.17
TOTAL	26.49

RECREATION AND OPEN SPACE CONCURRENCY PLAN

Location	Additional Land When Designated by the Village Council as Recreational and Open Space
530 Crandon Boulevard	0.52
TOTAL	27.01
SHORTFALL	-0.89

Include as Policy Statements

- Buy Land in Village
- Developer Contributions
- Virginia Key and Crandon Park

SONESTA CONCURRENCY DETERMINATION

Alternative	Provided Dedication	Required Dedication	Surplus Dedication	Concurrency At Adoption of EAR May 15, 2007	Additional Land
A. No Additional Land	1.83	1.02	0.81	-0.60	-0.08
B. Same as Alternative "A" but with a 100 ft. west setback and exchange of surplus ROW for 50 ft. of their property.	2.02	1.02	1.00	-0.41	0.11



Engineers
Architects
Planners

March 30, 2007

Village of Key Biscayne
88 W. McIntyre Street
Key Biscayne, Florida 33149

Attention: Jud Kurlancheek, A.I.C.P.
Director – Building, Zoning & Planning Dept.

Reference: Review of the Proposed Sonesta Key Biscayne Resort

Dear Mr. Kurlancheek:

As requested, we have reviewed the October 2006 Concurrency Study for Water-Sewer-Solid Waste prepared by VSN Engineering, Inc. for the referenced project. We have also reviewed the revised site plan submitted by the developer on 3/16/07 (Appl. No. SP17). Our comments and concerns are as follows:

1. In Section 1.B. of the report, it states that the existing 16" water main on Ocean Drive will be relocated to Atlantic Road. This is being done in order to maintain the existing water system looped to meet the fire flow requirements of the Sonesta project.

The Village is currently in the bidding phase of a project to construct a series of utility improvements in the Holiday Colony area (Zone 4). The project includes the construction of a new 8" DIP water main along Atlantic Road paralleling the main proposed by VSN. Due to the relative timing of these two projects, it is highly unlikely that the 16" main could be constructed before or concurrently with the Zone 4 improvements. Therefore, we would recommend that the Village require that either a monetary contribution by the Sonesta project be made to cover the cost of up-sizing the Atlantic Road 8" water main to a 16" main, or preferably require that the 16" main be constructed by the Sonesta on the Sonesta property within an easement.

2. In Section 1.B. of the report, it states that, based on meeting with Miami-Dade WASD, the existing system is adequate to provide the domestic water and fire protection needs of the proposed project. However, no documentation in support of this is provided, such as meeting minutes and/or calculations.

If you have any questions, or need additional information, please do not hesitate to contact me at (305) 445-2900, or via e-mail at rcastella@c3ts.com.

Sincerely,

Corzo Castella Carballo Thompson Salman, P.A.

Ramon Castella, P.E.
Principal

RC/er

L:\Projects\1108-001\Correspondence\11033007\Kurlancheek.doc



A WBE/DBE firm

Civil Works, Inc.

Miami - Ft. Lauderdale - Orlando
 305-448-5955 954-344-6568 407-339-0040
 www.civilworks.com cwi@civilworks.com

April 2, 2007

Mr. Ramon Castella, P.E.
 Corzo Castella Carballo Thompson Salmon, PA
 901 Ponce de Leon Boulevard, Suite 900
 Coral Gables, FL 33134

RECEIVED
 CORZO CASTELLA

APR 02 2007

Corzo Castella Carballo
 Thompson Salmon, PA

**Re: Review of the Proposed Sonesta Key Biscayne Resort
 Revised Land Uses Alternate A
 Traffic Impact Report
 CWI Project No.: 27111.00**

Dear Ramon:

As requested, we have reviewed the revised traffic generation for the Sonesta Key Biscayne Resort (Alternate A) prepared by The Corradino Group. Based upon the proposed land uses contained in the Alternate A Trip Generation spreadsheet we believe that there will be an overall reduction in the vehicle trips generated from the project, as shown in our attached Exhibit 1.

It is important to recognize that the proposed reduction in vehicle trips can only be achieved if the proposed land uses are the final land uses developed for the project. In other words, the proposed condominiums/townhouses must remain as private units. If these units are operated as a quasi hotel then a new traffic analysis would be required to address this land use. This issue is only brought up based upon the proposed Meeting Room land use being maintained in the revised development scenario.

Exhibit 1 shows our calculations of the existing and proposed traffic generation from the site. Based upon this alternate traffic generation analysis, it can be argued that the proposed project will decrease the traffic generation from the site for the AM and PM peak hour and for the overall period (24 hour daily volume).

Unfortunately we continue to disagree with the Corradino Group's traffic generation analysis for the following reasons:

- ◆ Maximizing the existing traffic generation from the site by including traffic generation from Land Uses included within the Hotel Land Use is not a conservative approach. This methodology falsely increases the existing traffic generation from the site, and thereby, increasing the "net reduction" in traffic generation from the proposed development.

Mr. Ramon Castella, P.E.

April 2, 2007

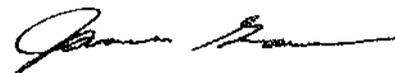
page 2

- ◆ Reducing several of the existing and proposed Land Use generation rates by 50% to 70% for pass-by trips is an incorrect application of this concept. As defined by the Institute of Transportation Engineers "Pass-By Trips are trips made as intermediate stops on the way from an origin to a primary trip destination. Pass-by trips are attracted from traffic passing the site on an adjacent street which contains direct access to the generator. These trips do not require a diversion from another roadway." Therefore, for the proposed project to qualify for the concept of pass-by trips the Sonesta Key Biscayne Resort would need to be located directly on Crandon Boulevard.

Based upon our analysis of the revised land uses, we now agree with the original Findings and Conclusions as listed on page 12 of the report. In particular, we agree with the following statement: **"No additional trips would be generated. In fact, there will be an overall trip reduction for both the AM and PM peak hours."** In addition, we agree with the further statement that the Village's concurrency requirements are met based upon **"no additional trips being assigned to the roadway network"**.

Please review the attached information and if you should have any questions regarding it, please do not hesitate to contact me at (305) 448-5955.

Sincerely,
Civil Works, Inc.



James Gran, P.E.
Vice President

JG/jg

JET102.wpd

Trip Generation For:
Proposed Sonesta Key Biscayne Resort
Key Biscayne, Florida

EXISTING & PROPOSED ITE LAND USES	SIZE	24-HOUR Two-way Traffic	AM PEAK HOUR (7 - 9 AM)		PM PEAK HOUR (4 - 6 PM)	
			ENTER	EXIT	ENTER	EXIT
	Existing Conditions					
Hotel (310)	292 per room	2605	113	82	100	104
Retail (814) (See Note 1)	1.613 per 1000 SF	0	0	0	0	0
Restaurant (931) (See Note 1)	5.730 per 1000 SF	0	0	0	0	0
Bars/Lounges (836) (See Note 1)	3.820 per 1000 SF	0	0	0	0	0
Spa-Health-Fitness (492) (See Note 1)	8.500 per 1000 SF	0	0	0	0	0
Tennis Courts (490) (See Note 2)	10 per court	155	4	4	10	10
Meeting Rooms (710) (See Note 1)	16.280 per 1000 SF	0	0	0	0	0
TOTAL "Existing Traffic"		2760	117	86	110	114
	Proposed Build-out					
Residential Condos (232)	165 per unit	690	11	45	39	24
Retail (814)	1.613 per 1000 SF	71	2	2	2	2
Restaurant (931)	3.000 per 1000 SF	270	1	1	15	7
Bars/Lounges (836)	1.342 per 1000 SF	N/A	0	0	10	5
Spa-Health-Fitness (492)	15.406 per 1000 SF	507	8	11	32	31
Tennis Courts (490) (See Note 3)	2 per court	31	1	1	2	2
Meeting Rooms (710)	4.670 per 1000 SF	51	6	1	1	6
Total: Proposed Project Traffic:		1620	29	61	101	77
TOTAL "Net New Traffic" :		-1140	-88	-25	-9	-37

Notes

- 1: Included in Land Use 310.
2: Generally included in Land Use 310, however this Land Use could generate additional traffic in excess of the volume included in Land Use 310, therefore, a 50% increase in the traffic volume for the specific land use has been included.
3: Generally included in Land Use 232 (Residential Condos), however this Land Use could generate additional traffic in excess of the volume included in Land Use 232, therefore, a 50% increase in the traffic volume for the specific land use has been included.

N/A = Generation Rate Not Available.

Subj: **Sonesta Project - 165 Residential units**
Date: 4/4/2007 10:46:37 A.M. Eastern Daylight Time
From: rcastella@c3ts.com
To: VKBBZP@aol.com

Jud, as a follow up to our 3/30/07 and 4/2/07 review comments regarding the Water-Sewer-Solid Waste and Traffic Concurrency Studies, with the exception of the comments discussed in those letters, we find the project to be in conformance with concurrency requirements for those elements.

Ramon Castella, P.E.
Principal

Corzo Castella Carballo Thompson Salman P.A.
901 Ponce de Leon Blvd., Suite 900
Coral Gables, Florida 33134
Voice 305.445.2900 ext.235
Email rcastella@c3ts.com

March 28, 2007

VIA HAND DELIVERY

Jud Kurlancheek, AICP, Director
Building, Zoning and Planning Department
Village of Key Biscayne Village Hall
88 W. McIntyre Street
Key Biscayne, FL 33149

**Re: SBR – Fortune Associates, LLLP (the "Applicant")
Site Plan Approval Application (the "Application")
350 Ocean Drive, Key Biscayne, Florida (the "Property")
(Application No. SP 17)**

Dear Jud:

Enclosed please find the Applicant's revisions based on your comments that you provided to us dated March 21, 2007 regarding the pending Application. For your reference, the comments are attached to this letter. Also enclosed please find revised traffic, water, sewer, and solid waste concurrency determinations.

Thank you for your consideration of this matter and please do not hesitate to contact me with any questions or requests for additional information.

Sincerely,


for Carter N. McDowell

CNM/ALD/mp

cc: Steve Helfman, Esq.

Alexandra L. Deas

From: VKBBZP@aol.com [mailto:VKBBZP@aol.com]
Sent: Wednesday, March 21, 2007 9:22 AM
To: Carter McDowell
Cc: wfehr@keybiscayne.fl.gov; VKBBZP@aol.com
Subject: SONESTA ZONING COMMENTS: 165 UNIT APARTMENT BUILDING

SONESTA RESORT
Zoning Review 03/20/07 (WGF and JK)

1. Density approved as calculated below:
Allowed = Site Area = 10.33 acres
Proposed = 10.31 acres (Apt. Units = 165 / 16 per ac = 10.3125 acres)
2. BFE for the site is 8.0', but small portion at front SW corner is 9.0'. However, finished floor of all buildings is 9.0' and height of buildings is 158' NGVD, ie not exceeding max. 150' + 8.0' BFE.
3. Proposed FAR of 1.722 (775,000 sq ft), less than 2.0 permitted; confirm via AutoCAD disc or diagram with Building Permit application.
4. Proposed Lot Coverage of 39.9% (179,500 sq ft), less than 40% permitted; confirm via AutoCAD disc or diagram with Building Permit application. (Include all paved areas of site exceeding BFE 8.0').
5. Building setbacks meet or exceed min. required for the HR District.
6. 515 proposed parking spaces exceed the 445 required for proposed uses.
7. Signage - will be considered as part of a building permit application.
8. Grading & Drainage design adequate for this submission. However, fin. fl. el. of 8.0' on Sheet C-3 (Grading & Drainage), does not correspond to the proposed fin. fl. el. of 9.0' on Sheets 6.1 and 6.2 (Sections). Adjust accordingly.
9. The Spa, Restaurant, and other noted Accessory Uses in the HR District are at the discretion of the BZP Director as "any use that is customarily associated with the Main Uses", stated in Section 30-103(a) Accessory Uses. However, this regulation references Section 30-111(e)(2) for Accessory Uses within the HR District which allows "bars, restaurants, lounges, and recreational facilities sized to serve the needs of Hotel guests and residents of the island". (There are no hotel units proposed and therefore no hotel guests to be served). The Director has determined all of the noted Accessory Uses are permitted.
10. Landscaping:

- a. A Tree Removal & Relocation Permit shall be obtained from Miami-Dade County Department of Environmental Regulation (DERM), when plans are submitted for Building Permit.
- b. Landscape Plan as submitted appears to achieve the below goals of the Village Landscape Regulations. Verification will be upon the submission of a detailed landscape plan with the building permit application:
 - utilization of xeriscape and native species plant materials to the greatest extent possible.
 - special accent planting to distinguish the hotel entry from adjacent areas.
 - screening of perimeters, especially adjacent to the Single Family Residential District to the west of the site. Also, screening and softening of architectural voids, utilities, loading and service areas, and of any other area or feature that detracts from the architecture.
 - sensitivity to the oceanfront dune area.
- c. Additional details will be necessary at submission of Permit Plans, including tabular statistics to confirm the required quantities of trees, palms and shrubs, native and otherwise, have been provided in the appropriate locations, details of all hardscape features, including but not limited to site perimeter walls or fencing, decking, and any other detail not yet specified within the Site Details Sheets (Civil Drawings), and an Irrigation Plan(s).

11. Concurrency - please submit updated concurrency determinations for solid waste, potable water, and sanitary sewer as the previous documentation related to a hotel and apartment building. I need this information by Monday, March 26 and it should be submitted by a Professional Engineer who is qualified to make these determinations.

12. Provide typical unit floor plans.

Items 1-10 and 12 - Include in a revised submission which should be delivered to my office no later than Thursday, March 29, 2007. This submission should include 12 sets of larger plans and 19 sets on 11 1/2 x 18 inches.

AOL now offers free email to everyone. Find out more about what's free from AOL at AOL.com.

March 16, 2007

VIA HAND DELIVERY

Jud Kurlancheek, AICP, Director
Building, Zoning and Planning Department
Village of Key Biscayne Village Hall
88 W. McIntyre Street
Key Biscayne, FL 33149

**Re: SBR – Fortune Associates, LLLP
Site Plan Approval Application
350 Ocean Drive, Key Biscayne, Florida
(Application No. SP 17)**

Dear Jud:

As you are aware, this law firm represents Fortune-SBR Associates LLLP, the owner of the property located at 350 Ocean Drive, Key Biscayne, Florida. Please accept the enclosed revised site plan application submittal package for the application you have assigned to as "Application No. SP 17." The revised plans include a modified site plan prepared by Glover Smith Bode Inc. which responds to the comments we have received from the Village to date regarding our previous site plan.

The revised plans include the following unit mix:

165 Residential Units with restaurant and spa facilities.

As a result of the change of the unit mix, we are submitting revised and updated concurrency calculations for all facilities.

Below you will find our revised calculations of the open space concurrency requirement:

The project includes 165 residential dwelling units and therefore must address the recreation and open space concurrency requirements for those dwelling units. As outlined in the table below, in accordance with the 2000 census data for the Village of Key Biscayne, there are 2.47 persons per dwelling unit. That means that the 165 dwelling units included within the development program will generate an expected population of 408 people.

The Key Biscayne recreation and open space standard is 2.5 acres per thousand population resulting in a recreation and open space need of 1.02 acres or 44,431.2 square feet of recreation and open space land. We are presenting three possible alternatives that more than satisfy the open space and recreation concurrency for this project. In fact, at a minimum, the project will provide double the open space than what is required. This will significantly assist the Village in meeting its overall concurrency goals.

The first alternative, Alternative A, which is the plan we are submitting for approval and requires no further actions beyond site plan approval, includes an open space easement on the western portion of the property. The width of the easement varies from 75' (behind the southern four houses on Atlantic) to 50' (behind the northern three houses on Atlantic), this will provide 46,239 s.f. In addition, this alternative includes a 25' wide north beach access easement, consisting of 13,443 s.f., and a 25' wide south beach access easement, consisting of 19,971 s.f. Finally, this alternative includes the north lot on Atlantic, totaling 12,276 s.f. This alternative includes a total of 91,929 s.f. of recreation and open space.

The second alternative, Alternative B, includes everything in Alternative A: the north beach access easement, 25' in width, totaling 13,443 s.f.; the south beach access easement, 25' in width, totaling 19,971 s.f.; the north lot on Atlantic, consisting of 12,276 s.f.; and this alternative includes a 75' buffer on the western boundary line. This 75' open space easement assumes the Ocean Drive right of way is reduced by the Village at some future date from 115' to 65'. The 75' open space easement totals 54,620 s.f. of open space. Alternative B consists of a total of 100,310 s.f. of open space and recreation.

The final option, Alternative C, includes all of Alternative B and in addition this alternative includes the acquisition of the northern three lots on Atlantic consisting of 36,460 sf. This alternative provides a total of 124, 494 s.f.

In summary, Alternatives A and B satisfy open space concurrency needs by more than double what is required and Alternative C proposes almost three times what is required for open space and concurrency needs.

Recreation and Open Space Calculation

$2.47 \text{ persons per unit} \times 165 \text{ dwelling units} = 407.55 \text{ or } 408 \text{ people}$

$408 \text{ people} / 1000 \times 2.5 \text{ ac} = 1.02 \text{ acres}$

$1.02 \text{ AC} \times 43,560 \text{ SF/AC} = 44,431.2 \text{ SF of required recreation and open space}$

Alternative A Recreation and Open Space to be dedicated as part of the Project

75' to 50' -0" Landscape Zone (West Property Boundary) = 46,239 sf

25'-0" Dedicated Access (South Beach Access) = 19,971 sf

25'-0" Dedicated Access (North Beach Access) = 13,443 sf

North lot on Atlantic = 12,276 sf

Total = 91,929 sf

Jud Kurlancheck, AICP, Director
March 16, 2007
Page 3

**Alternative B - Recreation and Open Space to be dedicated as part of the Project
(assuming the Village chooses to reduce the Ocean Drive Right of Way Width to 65'**

75'-0" Landscape Zone (West Property Boundary) = 54,620sf
25'-0" Dedicated Access (South Beach Access) = 19,971 sf
25'-0"Dedicated Access (North Beach Access) = 13,443 sf
North lot on Atlantic = 12,276 sf

Total = 100, 310 sf

**Recreation and Open Space to be dedicated as part of the Project – Alternative C
(assuming acquisition of three lots and Ocean Drive Right of Way is reduced)**

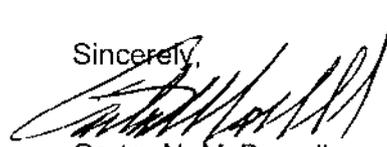
75'-0" Landscape Zone (West Property Boundary) = 54,620 sf
25'-0" Dedicated Access (South Beach Access) = 19,971 sf
25'-0"Dedicated Access (North Beach Access) = 13,443 sf
North 3 lots on Atlantic = 36,460 sf

Total = 124, 494 sf

In addition, you will find enclosed a revised traffic, water, sewer, and solid waste concurrency analysis reflecting the change in unit mix.

Thank you for your consideration of this matter and please do not hesitate to contact me with any questions or requests for additional information.

Sincerely,



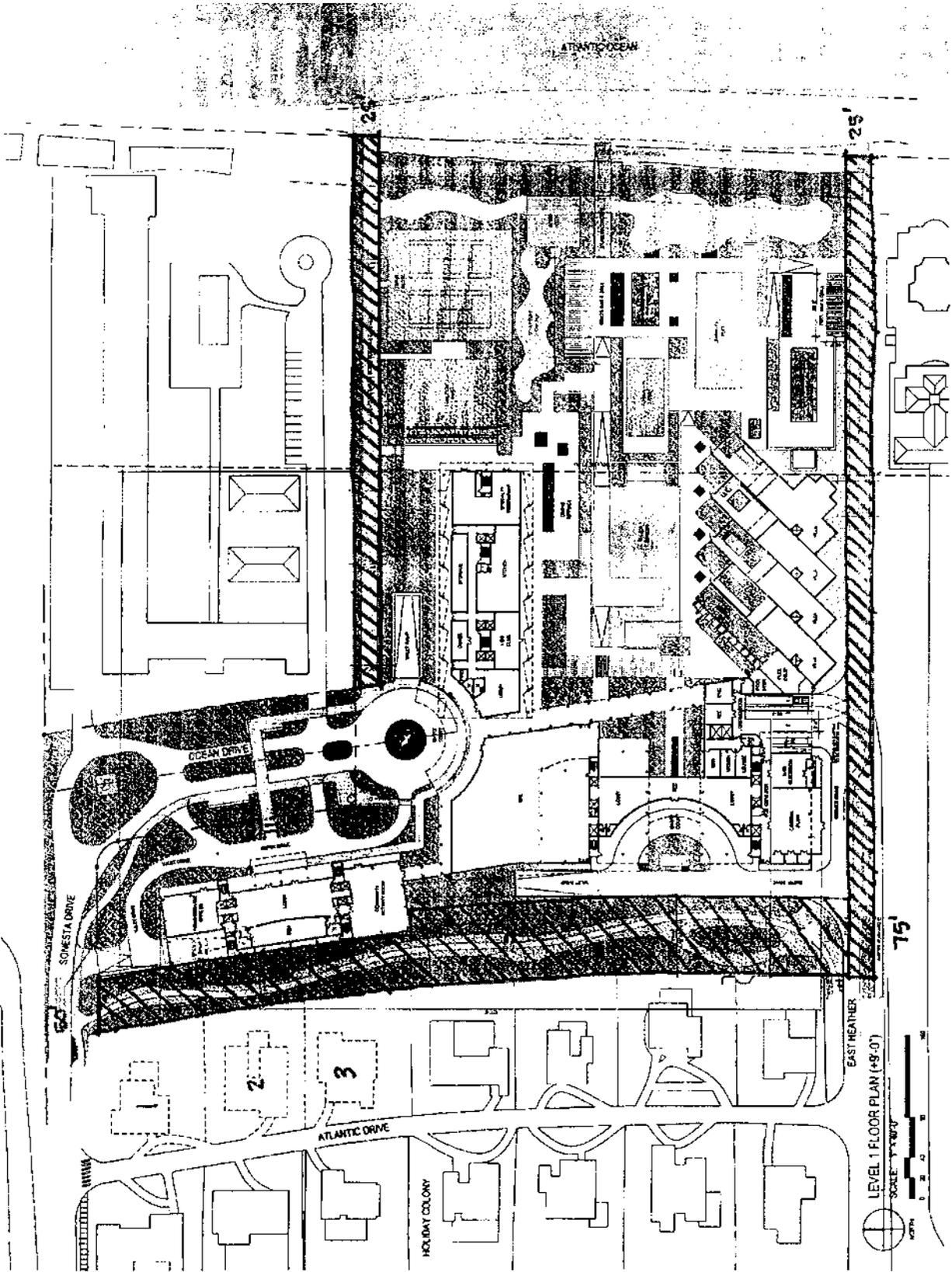
Carter N. McDowell

CNM/ALD/mp

cc: Steve Helfman, Esq.



 <p>Sonestra SONESTA RESORT Key, Bahamas, P.O. Box</p>	<p>OWNER SBR-FLYING ARMCHAIR, L.L.P. 1000 Beach Blvd., Suite 100 Miami Beach, FL 33139 P: 305.361.2800 F: 305.361.2801</p>	 <p>ARCHITECT Glen Stark Bush, Inc. 10000 Collins Ave., Suite 100 Miami Beach, FL 33154 P: 305.441.8888 F: 305.441.8889 www.glenstarkbush.com</p>	<p>LANDSCAPE ARCHITECT Raymond J. Jorgensen, Inc. 10000 Collins Ave., Suite 100 Miami Beach, FL 33154 P: 305.441.8888 F: 305.441.8889 www.rjjorgensen.com</p>	<p>CIVIL ENGINEER SOI Engineering, Inc. 10000 Collins Ave., Suite 100 Miami Beach, FL 33154 P: 305.441.8888 F: 305.441.8889</p>	<p>APPROVED TO SUBMIT APPROVED TO SUBMIT FOR CONSTRUCTION PERMITS AT 10000 COLLINS AVE., SUITE 100 MIAMI BEACH, FL 33154 DATE: 08/14/12</p>	<p>SCALE 1" = 10'-0"</p>	<p>Drawing No. A2.1 LEVEL 1 FLOOR PLAN FLOOR PLAN Scale: 1" = 10'-0"</p>
--	---	---	--	--	--	-------------------------------------	---



LEVEL 1 FLOOR PLAN (48'-0")
EAST HEATHER
SCALE: 1" = 10'-0"
NORTH

Table -1 Project Trip Generation

Alternate A: 165 Residential Condos.

TRIP GENERATION RATES – Existing and Proposed Land Uses

EXISTING				Trip Generation (vph)					
ITE Land Use/ Units / Code	Trip Rates AM / PM			AM Peak			PM Peak		
	Total	IN%	OUT%	Total	IN	OUT	Total	IN	OUT
Hotel / 292 Units / 310	.67 / .70	58/49	42/51	196	114	82	204	100	104
Retail / 1.613K S.F. / 814 –See Note 1	2.71 / 2.71	44/44	56/56	2	1	1	2	1	1
Restaurant/ 5.730K S.F. / 931 –See Note 2	.81 / 7.49	67/67	33/33	2	1	1	22	15	7
Bar-Lounges/ 3.820K S.F. / 936 – See Note 3	0 / 11.34	0/66	0/34	0	0	0	22	15	7
Spa-Health-Fitness Club/ 8.5K S.F./ 492-See Note 4	1.21 / 4.05	42/51	58/49	5	2	3	17	9	8
Tennis Courts / 10 courts / 490 – See Note 4	1.67/ 3.88	50/50	50/50	8	4	4	19	10	9
Meeting Rooms / 16.28 K / 710 –See Note 5	1.55 / 1.49	88/17	12/83	13	11	2	12	2	10
Total Trips				226	133	93	298	152	146

PROPOSED				Trip Generation (vph)					
ITE Land Use/ Units / Code	Trip Rates AM / PM			AM Peak			PM Peak		
	Total	IN %	OUT %	Total	IN	OUT	Total	IN	OUT
Condos/T. House / 165 units / 232	.34 / .36	19/62	81/38	56	11	45	59	37	22
Retail / 1.613 K S.F. / 814 –See Note 1	2.71 / 2.71	44/44	56/56	2	1	1	2	1	1
Restaurant/ 3.0 K S.F. / 931 See Note 2	.81 / 7.49	67/67	33/33	2	1	1	11	7	4
Bar-Lounges/ 1.342 K S.F. / 936 – See Note 3	0 / 11.34	0/66	0/34	0	0	0	8	5	3
Spa-Health-Fitness Club/15.406KS.F./492-See Note 4	1.21/4.05	42/51	58/49	9	4	5	31	16	15
Tennis Courts / 2 courts / 490 –See note 4	1.67 / 3.88	50/50	50/50	2	1	1	4	2	2
Meeting Rooms / 4.67 K / 710 –See Note 5	1.55 / 1.49	88/17	12/83	4	3	1	4	1	3
Total Trips				75	21	54	119	69	50

Difference between Existing and Proposed Land Uses

	Trip Generation (vph)					
	AM Peak			PM Peak		
	Total	IN	OUT	Total	IN	OUT
Existing	226	133	93	298	152	146
Proposed	75	21	54	119	69	50
Difference	151	112	39	179	83	96

Notes

1. AM trip rates for peak hour of adjacent street were not available. Assume same rate as for PM (peak hour of adjacent street traffic). Trips reduced by 70 % to account for passer-by and the fact that hotel rates do account for ancillary uses such as restaurants, lounges, retails, meeting rooms, pools, fitness rooms, etc. Therefore conservative approach.
2. ITE 2nd edition handbook, Table 5.21 average pass-by = 44%, with high = 62%. Used 50% trip reduction. Also see note # 1 above w/regards to fact that hotel rates include several ancillary uses. Therefore conservative approach.
3. No trip data available for AM. Same trip reduction assumptions as in restaurant. See note # 2 above.
4. No data available for pass-by trips. However, assumed 50% trip reduction to account for fact that hotel rates do account for ancillary uses such as restaurants, lounges, retails, meeting rooms, pools, fitness rooms, etc. Therefore conservative approach.
5. ITE Trip Generation does not contain trip rates for meeting rooms. Therefore assumed trip rates from LUC 710, General Office facilities. Also used a 50 % trip reduction as in the other computations above.

Sonesta Key Biscayne Resort – Alternate A – 165 Residential Condos

- Residential Condos = 165
- Retail = 1,613 sf
- Restaurants = 3,000 sf
- Bar/Lounges = 1,342 sf
- Spa-Health-Fitness = 15,406 sf
- Meeting Rooms = 4,670 sf
- Tennis Courts = 2

Trip Generation

<u>Total AM Trips</u>	<u>Total PM Trips</u>
75 vph	119 vph

Difference in Trip generation between Existing and Alternate A

	<u>Total AM Trips</u>	<u>Total PM Trips</u>
Existing	226 vph	298 vph
Alt A	75 vph	119 vph
Difference	<u>- 151 vph</u>	<u>- 179 vph (trip reductions)</u>

Existing Sonesta Beach Hotel and Tennis Club

- Hotel units = 292
- Retail = 1,613 square feet (sf)
- Restaurants = 5,730 sf
- Bars/Lounges = 3,820 sf
- Spa-Health-Fitness = 8,500 sf
- Tennis Courts = 10
- Meeting Rooms = 16,280 sf

Trip Generation

Total AM Trips
226 vph

Total PM Trips
298 vph



Since 1989

CIVIL
LAND DEVELOPMENT
TRAFFIC AND TRANSPORTATION

PROPOSED WATER USE CALCULATIONS

PROJECT: SONESTA
DATE: 15-Mar-07

TYPE OF BUILDING USE	AREA	RATE	ADF
	[sf] [#seats]	[gpd/sf] [gpd/seat]	[gpd]
<u>PROPOSED FLOWS:</u>			
Residential Apartments	161	200	32,200
Restaurant (3,000 sf)	100	50	5,000
Meeting Room (2,000 sf)	133	3	399
Townhomes	4	250	1,000
Spa	16,000	0.35	5,600
SUB-TOTAL			<u>44,199</u>
<u>PREVIOUS FLOWS:</u>			
Hotel	294	100	29,400
SUB-TOTAL			<u>29,400</u>
NET INCREASE:			14,799

VILLAGE OF KEY BISCAYNE

Department of Building, Zoning and Planning

Village Council

Robert Oldakowski, *Mayor*
Jorge E. Mendia, *Vice Mayor*
Martha Fdez-León Broucek
Carol Diaz-Castro
Mortimer Fried
James L. Peters
Robert L. Vernon
Jud Kurlancheek, AICP
Director

Eugenio M. Santiago, P.E.
Chief Building Official

PLANNING AND ZONING APPLICATION

Date Filed: 10-27-06

File # SP 15-16-17 Roush
to be completed by staff

1. REQUEST FOR:

<input type="checkbox"/> SUPERVISORY VARIANCE	<input type="checkbox"/> AMENDMENT TO ZONING ORDINANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> SPECIAL EXCEPTION
<input type="checkbox"/> REGULATORY VARIANCE	<input type="checkbox"/> AMENDMENT TO THE COMPREHENSIVE PLAN
<input checked="" type="checkbox"/> SITE PLAN APPROVAL	<input type="checkbox"/> ZONING DISTRICT CHANGE
<input type="checkbox"/> UNUSUAL USE	
<input type="checkbox"/> OTHER _____	

Explain your request:

See attached Letter of Intent.

2. Street Address of Property: 350 Ocean Drive, Key Biscayne, Florida
Legal Description: Lot(s) See Exhibit "A" Block: _____
Subdivision _____
3. Name of Applicant: SBR – Fortune Associates, LLLP
Mailing Address of Applicant: 1300 Brickell Avenue, Miami, Florida 33131
Business Telephone: 305-351-1000 Home Fax: 305-351-0999

4. Name of Property Owner if Different from Applicant: N/A
 Address of Property Owner if Different from Applicant: _____
 Business Telephone: _____ Home Fax: _____
5. Contact Person: Name: Carter McDowell, Esq. affiliated with the law firm of Bilzin Sumberg Baena Price & Axelrod LLP
 Address: 200 S. Biscayne Blvd. Suite 2500, Miami, Florida 33131
 Phone Number: 305-350-2355 Fax: 305-351-2239
6. Name/address of anyone else who should receive notice of the hearing?
Edgardo Defortuna 1300 Brickell Avenue, Miami, Florida 33131
Carter N. McDowell, Esq. 200 S Biscayne Blvd. Suite 2500, Miami, Florida 33131
7. If applicant is owner, indicate date purchased: April 13, 2005
8. If applicant is lessee, indicate date leased N/A Years _____
9. Is there an option to purchase the property? Yes () No (X)
10. Is the request the result of a violation notice? No If yes, attach a copy of the violation.
11. Existing use of property Hotel. If residential, how many apartments _____
 hotel units 292. If commercial, how many sq. ft. _____
 in your space. Single family home? Yes () No ()
12. If this application pertains to an Appeal of an Administrative Decision, indicate the basis of the appeal. (If necessary attach additional explanation)
N/A
13. If this is a request for a variance, the Code requires that you substantiate why this request should be granted. In order to do this properly, please indicate how your request complies with the following standards:
- (a) Maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community.
- _____
- N/A

- (b) Is compatible with the surrounding land uses and would not be detrimental to the community.

N/A

14. If this is a request for any other type of application, please see staff for a listing of the evaluation criteria.
15. All supporting data and exhibits submitted with this application become a permanent part of the public records.
16. If you are a lobbyist as described in the Village Code, please contact the Village Clerk at 305 365 5506.

SUPERVISORY VARIANCES ONLY

The Supervisory procedure requires the nearest abutting property owner to approve your request and your certification that the work was not performed by you. Your signature on this application constitutes your certification that you did not perform the work. The next step is to request the nearest property owner to sign below or provide a letter approving your request. Their signature certifies that they have read this application and approves of the request.

ABUTTING PROPERTY OWNER AFFIDAVIT

I, the undersigned, have read or have had read to me the information applicable for a request for a Supervisory Variance from the Zoning Regulations. I fully understand that by subscribing my name to the below consent form that I am waiving any objection to the proposed construction as outlined above and as shown on the plans accompanying this application. I further certify that I have subscribed my name freely and without any duress or apparent misrepresentation on the part of the applicant.

Date	Name (Type or Print)	Signature
Address		

ADMINISTRATIVE VARIANCES ONLY

The Administrative Variance procedures require all abutting property owners to approve your request. The attached map will assist you in identifying who must sign the below petition. It is suggested you meet with staff prior to circulating your petition.

ABUTTING PROPERTY OWNER AFFIDAVIT

I, the undersigned, have read or have had read to me the information applicable for a request for and Administrative Variance from the Zoning Regulations. I fully understand that by subscribing my name to the below consent form that I am waiving any objection to the proposed construction as outlined above and as shown on the plans accompanying this application. I further certify that I have subscribed my name freely and without any duress or apparent misrepresentation on the part of the applicant.

Date	Name (Type or Print)	Signature
Address		

Date	Name (Type or Print)	Signature
Address		

Date	Name (Type or Print)	Signature
Address		

Date Name (Type or Print) Signature
Address _____

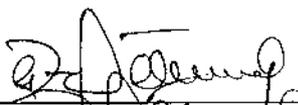
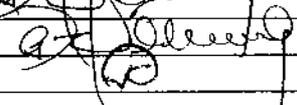
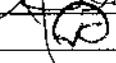
Date Name (Type or Print) Signature
Address _____

Date Name (Type or Print) Signature
Address _____

If you need additional signatures please use the above format.

CERTIFICATION OF COMPLIANCE WITH APPLICABLE REGULATIONS

(I)(We) certify that (I) (we) understand and will comply with the provisions and regulations of the Zoning Regulations. (I)(we) further certify that the above statements and drawings made on any paper or plans submitted herewith are true to the best of (my)(our) knowledge. (I)(we) understand that the application and attachments become part of the official records of the Village and are not returnable.

Signature of Applicant: 
Signature of Owner: 
Application Received by: 
Approved by: _____

Date _____
Date _____
Date 12-27-06
Date _____

AFFIDAVITS

Complete one or more of the following that relates to your request.

Tenant or Owner Affidavit (if tenant is applicant then owner must sign owner/power of attorney affidavit)

I, Edgardo Defortuna, being first duly sworn, depose and say that I am the owner/tenant of the property described herein and which is the subject matter of the proposed hearing; that all the answers to the questions in this application and all supplemental data attached to and made a part of the application are honest and true to the best of my knowledge and belief.

I, Edgardo Defortuna, hereby authorize the staff of the Village of Key Biscayne to enter my property for the purpose of inspecting the property and posting a NOTICE OF PUBLIC HEARING on my property and I take the responsibility of removing this notice after the date of hearing. I also authorize members of the Village Council to inspect my property. I understand these inspections are necessary to permit staff and members of the Village Council to perform their responsibilities as required by the Zoning Ordinance.

SBR-FORTUNE ASSOCIATES, LLLP, a Delaware limited liability limited partnership

By: Fortune KB GP, LLC, a Florida limited liability company, General Partner

By: Fortune International Management Inc., a Florida corporation, its Manager

By: [Signature]
Name: Edgardo Defortuna
Title: President
Date: August 25, 2006
October 2

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Signature of Applicant Sworn to (or affirmed) and subscribed before me this 25 day of October, 2006, by Edgardo A. Defortuna (name of person making statement).



Sudian Perez
Commission # DD295584
Expires: MAR. 02, 2008
www.AARONNOTARY.com

[Signature]
Signature of Notary Public - State of Florida
SUDIEN PEREZ
Print, Type, or Stamp
Commissioned Name of Notary Public

Personally Known OR Produced Identification
Type of Identification Produced _____

CORPORATION AFFIDAVIT

I, Edgardo Defortuna, being first duly sworn, depose and say that we are the President/Vice President, and Secretary/Assistant Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application and all supplemental data attached to and made a part of this application are honest and true to the best of our knowledge and beliefs that said corporation is the owner/tenant of the property described herein and which is the subject matter of the proposed hearing.

I, Edgardo Defortuna, hereby authorize the staff of the Village of Key Biscayne to enter my property for the purpose of inspecting the property and posting a NOTICE OF PUBLIC HEARING on my property and I take the responsibility of removing this notice after the date of hearing. I also authorize members of the Village Council to inspect my property. I understand these inspections are necessary to permit staff and members of the Village Council to perform their responsibilities as required by the Zoning Ordinance.

SBR-FORTUNE ASSOCIATES, LLLP, a Delaware limited liability limited partnership

By: Fortune KB GP, LLC, a Florida limited liability company, General Partner

By: Fortune International Management Inc., a Florida corporation, its Manager

By: [Signature]
Name: Edgardo Defortuna
Title: President
Date: August 25, 2006
October

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Sworn to (or affirmed) and subscribed before me this 25 day of October, 2006, by Edgardo A. Defortuna (name of person making statement)



Sudran Perez
Commission # DD295584
Expires: MAR. 02, 2008
www.AARONNOTARY.com

[Signature]
Signature of Notary Public - State of Florida
SUDRAN PEREZ

Print, Type, or Stamp
Commissioned Name of Notary Public

Personally Known OR Produced Identification
Type of Identification Produced _____

OWNER/POWER OF ATTORNEY AFFIDAVIT

I, Edgardo Defortuna, being duly sworn, depose and say that I am the owner of the described real property and that I am aware of the nature and effect the request for: site plan approval relative to my property, which is hereby made by me OR I am here by authorizing Carter N. McDowell, Esq., affiliated with the law firm of Bilzin Sumberg Baena Price & Axelrod LLP to be my legal representative before the Village Council.

I, Edgardo Defortuna, hereby authorize the staff of the Village of Key Biscayne to enter my property for the purpose of inspecting the property and posting a NOTICE OF PUBLIC HEARING on my property and I take the responsibility of removing this notice after the date of hearing. I also authorize members of the Village Council to inspect my property. I understand these inspections are necessary to permit staff and members of the Village Council to perform their responsibilities as required by the Zoning Ordinance.

SBR-FORTUNE ASSOCIATES, LLLP, a Delaware limited liability limited partnership

By: Fortune KB GP, LLC, a Florida limited liability company, General Partner

By: Fortune International Management Inc., a Florida corporation, its Manager

By: [Signature]
Name: Edgardo Defortuna
Title: President
Date: August 25, 2006
October



Sudian Perez
Commission #DD295584
Expires: MAR. 02, 2008
www.AARONNOTARY.com

[Signature]
Signature of Notary Public, State of Florida
SUDIANN PERET
Print, Type, or Stamp
Commissioned Name of Notary Public

Personally Known OR Produced Identification
Type of Identification Produced _____

LEGAL DESCRIPTION:

Parcel 1

All that piece, parcel or lot of land situate, lying and being in the SW 1/4, Section 32 and Fractional Section 33, Township 54 South, Range 42 East; in the City of Key Biscayne, County of Miami-Dade, State of Florida, and being more particularly described as follows:

Commence at the S.W. corner of Tract 6, SUBDIVISION OF A PORTION OF MATHESON ESTATE according to the plat thereof as recorded in Plat Book 46 at Page 86 of the Public Records of Miami-Dade County, Florida; thence run along the South line of Tract 6, East for a distance of 1200.00 feet to the POINT OF BEGINNING of the following described parcel of land, said POINT OF BEGINNING also being the S.E. corner of the Plat of HOLIDAY COLONY as recorded in Plat Book 50 at Page 87, of the Public Records of Miami-Dade County, Florida; thence continue East for a distance of 761.0 feet more or less to the mean high water line of the Atlantic Ocean; thence meander Northwestery, Northerly and Northeastery along the mean high water line of the Atlantic Ocean for a distance of 518.3 feet more or less to a point lying 500.00 feet North of the South line of Tract 6 extended East as measured at right angles; thence run West along a line 500.00 feet North of, and parallel to, the South line of said Tract 6, as measured at right angles, for a distance of 631.9 feet more or less to a point; thence run South $0^{\circ}38'55''$ West for a distance of 327.79 feet to a point; thence run North $89^{\circ}24'30''$ West for a distance of 157.55 feet to a point of non-tangency with a circular curve concave to the West, the center of which bears North $89^{\circ}51'26''$ West from the aforementioned point of non-tangency; said point also being a point on the Easterly line of Block 5 of the Plat of HOLIDAY COLONY, as recorded in Plat Book 50, Page 87 of the Public Records of Miami-Dade County, Florida; thence run Southerly along the arc of said circular curve having for its elements a central angle of $3^{\circ}14'04''$ and a radius of 3081.59 feet for a distance of 173.96 feet to the POINT OF BEGINNING;

and

Parcel 2

All that piece parcel of lot of land situate, lying and being in the SW 1/4, Section 32, Township 54 South, Range 42 East, in City of Key Biscayne, County of Miami-Dade, State of Florida, and being more particularly described as follows:

Commence at the S.W. corner of Tract 6, SUBDIVISION OF A PORTION OF MATHESON ESTATE according to the plat thereof as recorded in Plat Book 46 at Page 86 of the Public Records of Miami-Dade County, Florida; thence run along the South line of Tract 6, East for a distance of 1200.00 feet to a point of non-tangency with a circular curve concave to the West, the center of which bears North $86^{\circ}37'22''$ West from the aforementioned point of non-tangency, said point also being the SE corner of the Plat of HOLIDAY COLONY, as recorded in Plat Book 50, Page 87 of the Public Records of Miami-Dade County, Florida; thence run Northerly along the arc of said circular curve, having for its elements a central angle of $3^{\circ}14'04''$ and a radius of 3081.59 feet for a distance of 173.96 feet to the POINT OF BEGINNING of the following described parcel of land; thence continue Northerly and Northwestery along the arc of said circular curve having for its elements a central angle of $16^{\circ}46'23''$ and a radius of 3081.59 feet for a distance of 579.42 feet to a point; said point also being a point on the Southerly right of way line of East Drive; thence run along the said right of way line, East for a distance of 160.62 feet to a point of curvature with a curve concave to the Southwest; thence run along the arc of said curve having for its elements a central angle of $80^{\circ}19'47''$ and a radius of 25.00 feet for a distance of 35.05 feet to a point of compound curvature with a circular curve concave to the West, said point also being a point on the Westerly right of way line of Ocean Boulevard; thence run Southerly along the said Westerly right of way line on the arc of the circular curve having for its elements a central angle of $4^{\circ}03'53''$ and a radius of 3260.29 feet for a distance of 231.29 feet to a point; thence leaving the said right of way line, run West 1.87 feet to a point; thence run South $0^{\circ}38'55''$ West for a distance of 327.79 feet to a point; thence run North $89^{\circ}24'30''$ West for a distance of 157.55 feet to the POINT OF BEGINNING.



Disclosure of Ownership Interest
for SBR-Fortune Associates, LLLP, Delaware limited liability limited partnership

SBR-Fortune Associates, LLLP, Delaware limited liability limited partnership 100%
1300 Brickell Avenue
Miami, FL 33131

A. Partners

Fortune KB GP, LLC, a Florida limited liability company
General Partner
1300 Brickell Avenue
Miami, FL 33131

Fortune KB, LLC, a Florida limited liability company
Limited Partner
1300 Brickell Avenue
Miami, FL 33131

Sonesta Beach Resort Limited Partnership, a Delaware limited partnership
Limited Partner
116 Huntington Avenue
Boston, MA 02116

B. Ownership

1. Sonesta Beach Resort Limited Partnership, a Delaware limited partnership 50%
116 Huntington Avenue
Boston, MA 02116

i. Ownership

a. Sonesta International Hotels Corporation, a publicly traded company 100%
116 Huntington Avenue
Boston, MA 02116

(i) Officers

A. Peter J. Sonnabend
Chief Executive Officer and Vice Chairman
116 Huntington Avenue
Boston, MA 02116

B. Stephanie Sonnabend
Chief Executive Officer and President
116 Huntington Avenue
Boston, MA 02116

C. Boy A.J. Van Riel
Vice President and Treasurer
116 Huntington Avenue
Boston, MA 02116

2. Fortune KB, LLC, a Florida limited liability company 49%

i. Ownership

a. See Exhibit "B" 100%

3. Fortune KB GP, LLC, a Florida limited liability company 1%

i. Ownership

a. Edgardo Defortuna 99%
1300 Brickell Avenue
Miami, FL 33131

b. Ana Cristina Defortuna 1%
1300 Brickell Avenue
Miami, FL 33131

Fortune KB LLC % Ownership	Entity Owning % in Fortune KB LLC	Entity Owning a 100% Interest in entity disclosed in Column (B) if applicable	Ultimate Individual Owner	
1	2.04%	Orange Tree Group Investments LLC	N/A	Raja Waheb
2	2.04%	Bay View Alliance LLC	N/A	William Houtzet
3	2.04%	Bay Village Group LLC	N/A	Adib Chartouni
4	1.04%	Bay North Trading LLC	N/A	Alfredo Bolasini
5	3.06%	Emerald House Investments Corp	Cascade Association Ltd.	Carlos Mattos
6	2.04%	Mint Systems LLC	N/A	Juan Calle
7	2.04%	Key Systems LLC	N/A	Andres Martinez
8	2.04%	Grape Tree Investments LLC	N/A	Michel Daccach
9	2.04%	Blue Pond Investments Corp	Falls Group Ltd.	Johanna Von Der Goltz
10	2.04%	EAD Beachfront Investments LLC	N/A	Maria Arnalia Sonego
11	0.61%	Tech Alliance Holdings LLC	N/A	Agusto Nitti
12	2.04%	Marine Group Holdings Corp.	Marine Team Ltd.	Herman Engelhard
13	1.02%	Palms Investments LLC	N/A	Guido Fraiman
14	1.02%	Lake Side Investments Corp.	North Side Group S. A.	Fernando Mihanovich
15	1.02%	Watercourse Investments Corp.	Canal Members Ltd.	Diego Pomerane
16	2.04%	Iceland Investments Corp	Artic Members Ltd.	Sergio Bocotto
17	2.04%	Green Group Systems Corp.	Fall Leaves Group Holdings Ltd.	Felipe Pifeiro
18	2.04%	Ocean Side Trading Corp.	Blue Falls Group S. A.	Juan Urruela Nanne
19	2.04%	Wind Side Investments Corp.	Wind Trading S. A.	Gabriel Chapochnick
20	4.08%	WSW Realty Trust, LLC	N/A	Lance Chody
21	4.08%	Key Towers Group LLC	N/A	Woods Steton
22	0.51%	Seas Trading Corp.	Bay Side Trading S. A.	Carlos Rolando Tarrab
23	1.02%	Coast Group Trading Corp.	Ocean Front Group S. A.	Pierre Kopec
24	1.02%	Astor LLC	N/A	Attilio Bugliotti
25	1.02%	South Bay Group Corp.	Grand Bay Group S. A.	Victor Blanco
26	1.02%	Pond Holdings LLC	N/A	Hugo Bianchi
27	1.02%	Harbor Alliance Corp.	Bay Alliance S. A.	Alvaro Alvarez Mora
28	2.53%	Beirut Holdings LLC	N/A	Fares D. Noujaim
29	49.41%	Fortune Island LLC	N/A	Edgardo Defortuna (99%) Ana Cristina Defortuna (1%)

100.00%



October 27, 2006

VIA HAND DELIVERY

Jud Kurlancheek, AICP, Director
Building, Zoning and Planning Department
Village of Key Biscayne Village Hall
88 W. McIntyre Street
Key Biscayne, FL 33149

**Re: SBR – Fortune Associates, LLLP - Site Plan Approval Application
350 Ocean Drive, Key Biscayne, Florida
(Glover Smith Bode Inc.)**

Dear Jud:

Please accept this letter and the enclosed revised application for site plan approval (the "Application") for the property located at 350 Ocean Drive (the "Property") as a modification to our previously filed application for site plan approval dated January 24, 2006. This firm represents the property owner, SBR – Fortune Associates, LLLP (the "Applicant"). The Sonesta Beach Resort currently operated on the Property but closed on August 31, 2006.

On January 24, 2006, the Applicant submitted an application for site plan approval, an amendment to the zoning ordinance to create a Planned Unit Development (PUD) District and a rezoning to PUD. Based upon requests from the community and the Village Council, the Applicant withdrew the requests for amendment to the zoning ordinance and rezoning on May 23, 2006. The Applicant did not withdraw the site plan review application at that time and stated that we would be filing revised plans that conform to the existing zoning as suggested by the Village Council.

As you are aware from our several meetings, the Applicant has been working on revised plans for the redevelopment of the Sonesta Beach Resort property. As a result of trying to create a project which is compatible to the community, the revised Project includes 63 dwelling units and 191 hotel units and fully conforms to the existing zoning. The Applicant hired Glover Smith Bode Inc. ("GSB") to design a site plan which responds to the Village comments we have received to date from Village staff. In addition, GSB has designed an exterior elevation for the property. GSB has experience on Key Biscayne including the neighboring property, the Grand Bay. The purpose of submitting a site plan and an alternative design to the exterior is to provide the Village with the opportunity to provide input as to which design would be most compatible with Key Biscayne. When the Applicant appeared at the May 23 hearing to withdraw the text amendment, the Village Council asked the Applicant to consider alternative designs which would be more compatible with the Village's existing character. The Applicant has complied with this request by providing an alternative exterior design with this submittal.

As the applicants and design team were working on the design of the project it became clear that one of the major challenges in designing a project to be compatible with the

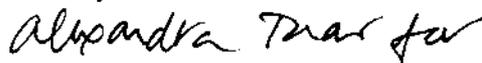
Jud Kurlancheck, AICP, Director
October 26, 2006
Page 2

surrounding properties is the inclusion of all necessary and required parking for the project. The project is required to have a minimum of 617 parking spaces and is in fact providing approximately 822 parking spaces to ensure that there is sufficient parking on site so that there will be no overflow parking into the adjoining residential neighborhood. In the initial designs it became clear that the bulk of the structure necessary to accommodate the required parking was going to make it very difficult to design and develop a project that would be acceptable to both the property owners and to the surrounding properties. As a result, the applicants have made an extraordinary decision to place essentially all of the parking in a parking structure that extends two stories below grade. As shown on the plans, this parking structure will be excavated underneath the central portion of the site. Not surprisingly, the cost of constructing this underground garage will be two and half times the cost of building a conventional parking structure above grade. That represents an additional cost of approximately \$20,000,000 for the project, however, it also means that we will have the ability to put approximately 450,000 square feet of building mass below grade thereby substantially reducing the building bulk that otherwise would effect the neighboring property owners.

As documented in the traffic study prepared by The Coradino Group, the proposed redevelopment of the Sonesta, as submitted as part of this application, will result in a reduction in traffic on the Village roadways as compared to the existing condition today. The existing Sonesta Hotel includes 292 hotel units along with restaurant, meeting space, spa and other facilities. As documented in the traffic study, these accessory uses such as the meeting space, restaurant and other uses in the new development will be of similar magnitude and capacity as the existing facilities on site. The primary difference between the new development and the existing development is the size and quality of the hotel rooms and the accessory facilities, particularly the spa. The spa area has increased significantly over the existing spa reflecting today's standards for spa services; however, the capacity of the new spa is similar to the capacity of the existing spa and recreational facilities provided on site. As a result, the traffic generation from the proposed redevelopment is a slight reduction as compared to the existing development.

Finally, we believe this submittal is complete and sufficient allowing the Village to initiate review and finalize an evaluation. Accordingly, we expect the enclosed application to be placed on the next available zoning meeting agenda with the Wallace Roberts and Todd presentation. We look forward to working with you, the Village Manager and the Village Council as we process these applications through the various hearings. As always if you have any additional questions or need any additional information we will be happy to submit that information to you. We believe that the proposed redevelopment of the Sonesta property is clearly in keeping with the quality of the Village of Key Biscayne. The new facilities will upgrade the existing Sonesta to meet and even exceed today's standards for luxury hotel and residential properties. We are excited about bringing this new facility to the Village of Key Biscayne and look forward to delivering a truly exceptional project to the Village.

Sincerely,



Carter N. McDowell

cc: Steve Helfman, Esq.

Concurrency Analysis - Open Space and Recreation

The project includes 63 residential dwelling units and therefore must address the recreation and open space concurrency requirements for those dwelling units. As outlined in the table below, in accordance with the 2000 census data for the Village of Key Biscayne, there are 2.47 persons per dwelling unit. That means that the 63 dwelling units included within the development program will generate an expected population of 156 people.

The Key Biscayne recreation and open space standard is 2.5 acres per thousand population resulting in a recreation and open space need of .39 acres or 16,988.4 square feet of recreation and open space land. As shown more clearly on the plans, the project proposes to dedicate a 25 foot linear park along the western boundary of the property providing both green space, and a pedestrian, bicycle and possibly even golf cart north/south access. This 25 foot wide linear park will contain 18,000 square feet of open space. In addition, the project proposes to dedicate a 15 foot wide beach access along the northern boundary of the property, this beach access will contain 7,393.6 square feet of open space. In addition, there will be a dedicated access easement on the south property line consisting of 17,457.4 square feet of open space. Therefore, the total recreation and open space to be dedicated and provided by the project is 43,251 square feet or more than double the amount of space that would be required for the 63 dwelling units included in the property. In addition to these dedications, the project will include extensive recreational facilities including but not limited to pools and two tennis courts.

Recreation and Open Space Calculation

2.47 persons per unit x 63 dwelling units = 156 people

156 people/ 1000 x 2.5 ac = .39 AC

.39 AC x 43,560 SF/AC = 16,988.4 SF of required recreation and open space

Recreation and Open Space to be dedicated as part of the Project

25'-0" Landscape Zone (West Property Boundary) = 18,000 sf

15'-0" Dedicated Access (South Property Boundary) = 7,393.6 sf

Dedicated Access (North Property Boundary) = 17,457.4 sf

Total = 43,251 sf

October 27, 2006

VIA HAND DELIVERY

Jud Kurlancheek, AICP, Director
Building, Zoning and Planning Department
Village of Key Biscayne Village Hall
88 W. McIntyre Street
Key Biscayne, FL 33149

**Re: SBR – Fortune Associates, LLLP
Site Plan Approval Application
350 Ocean Drive, Key Biscayne, Florida
(Application No. SP 17)**

Dear Jud:

Please accept this letter and the enclosed revised application for site plan approval (the "Application") for the property located at 350 Ocean Drive (the "Property") as a modification to our previously filed application for site plan approval dated January 24, 2006. This firm represents the property owner, SBR – Fortune Associates, LLLP (the "Applicant"). The Sonesta Beach Resort previously operated on the Property but closed on August 31, 2006.

On January 24, 2006, the Applicant submitted an application for site plan approval, an amendment to the zoning ordinance to create a Planned Unit Development (PUD) District and a rezoning to PUD. Based upon requests from the community and the Village Council, the Applicant withdrew the requests for amendment to the zoning ordinance and rezoning on May 23, 2006. The Applicant did not withdraw the site plan review application at that time and stated that we would be filing revised plans that conform to the existing zoning as suggested by the Village Council.

On September 5, 2006, the Applicant filed its modifications to the site plan application, which the Village accepted and assigned it filing numbers. We are in receipt of your letter dated October 25, 2006 where you determined that the submittal for Application No. SP 17 was "entirely insufficient." At the time of submittal, these elevations were intended to be an alternative. However if you consider the elevations as a separate application, we will provide you with a complete site plan application package. Therefore this letter and attached application are intended to complete Application No. SP 17.

As you are aware from our several meetings, the Applicant has been working on revised plans for the redevelopment of the Sonesta Beach Resort property. As a result of trying to create a project which is compatible to the community, the revised Project includes 63 dwelling units and 191 hotel units and fully conforms to the existing zoning. The Applicant hired SB Architects to design alternative exterior elevations for the buildings shown on the site plan; SB Architects were the designers of the Key Colony project and therefore have previous experience with projects on Key Biscayne. The purpose of submitting an alternative design the exterior is

to provide the Village with the opportunity to provide input as to which design would be most compatible with Key Biscayne. When the Applicant appeared at the May 23 hearing to withdraw the text amendment, the Village Council asked the Applicant to consider alternative designs which would be more compatible with the Village's existing character. The Applicant has complied with this request by providing an alternative exterior design with this submittal.

As the applicants and design team were working on the design of the project it became clear that one of the major challenges in designing a project to be compatible with the surrounding properties is the inclusion of all necessary and required parking for the project. The project is required to have a minimum of 617 parking spaces and is in fact providing approximately 822 parking spaces to ensure that there is sufficient parking on site so that there will be no overflow parking into the adjoining residential neighborhood. In the initial designs it became clear that the bulk of the structure necessary to accommodate the required parking was going to make it very difficult to design and develop a project that would be acceptable to both the property owners and to the surrounding properties. As a result, the applicants have made an extraordinary decision to place essentially all of the parking in a parking structure that extends two stories below grade. As shown on the plans, this parking structure will be excavated underneath the central portion of the site. Not surprisingly, the cost of constructing this underground garage will be two and half times the cost of building a conventional parking structure above grade. That represents an additional cost of approximately \$20,000,000 for the project, however, it also means that we will have the ability to put approximately 450,000 square feet of building mass below grade thereby substantially reducing the building bulk that otherwise would effect the neighboring property owners.

As documented in the traffic study prepared by The Coradino Group, the proposed redevelopment of the Sonesta, as submitted as part of this application, will result in a reduction in traffic on the Village roadways as compared to the existing condition today. The existing Sonesta Hotel includes 292 hotel units along with restaurant, meeting space, spa and other facilities. As documented in the traffic study, these accessory uses such as the meeting space, restaurant and other uses in the new development will be of similar magnitude and capacity as the existing facilities on site. The primary difference between the new development and the existing development is the size and quality of the hotel rooms and the accessory facilities, particularly the spa. The spa area has increased significantly over the existing spa reflecting today's standards for spa services; however, the capacity of the new spa is similar to the capacity of the existing spa and recreational facilities provided on site. As a result, the traffic generation from the proposed redevelopment is a slight reduction as compared to the existing development.

Finally, we believe Application No. SP 17 is complete and sufficient allowing the Village to initiate review of Application No. SP 17 and finalize an evaluation. Accordingly, we expect Application No. SP 17 to be placed on the next available zoning meeting agenda with the Wallace Roberts and Todd presentation. We look forward to working with you, the Village Manager and the Village Council as we process these applications through the various hearings. As always if you have any additional questions or need any additional information we will be happy to submit that information to you. We believe that the proposed redevelopment of



Jud Kurlancheck, AICP, Director
October 27, 2006
Page 3

the Sonesta property is clearly in keeping with the quality of the Village of Key Biscayne. The new facilities will upgrade the existing Sonesta to meet and even exceed today's standards for luxury hotel and residential properties. We are excited about bringing this new facility to the Village of Key Biscayne and look forward to delivering a truly exceptional project to the Village.

Sincerely,


Carter N. McDowell

CNM/ALD/mp

cc: Steve Helfman, Esq.



October 27, 2006

VIA HAND DELIVERY

Jud Kurlancheek, AICP, Director
Building, Zoning and Planning Department
Village of Key Biscayne Village Hall
88 W. McIntyre Street
Key Biscayne, FL 33149

**Re: SBR – Fortune Associates, LLLP
Site Plan Approval Application
350 Ocean Drive, Key Biscayne, Florida
(Application No. SP 15)**

Dear Jud:

As you are aware, this law firm represents Fortune-SBR Associates LLLP, the owner of the property located at 350 Ocean Drive, Key Biscayne, Florida. Please accept the enclosed revised site plan application submittal package for the application you have assigned to as "Application No. SP 15." The revised plans include a modified site plan prepared by Glover Smith Bode Inc. which responds to the comments we have received from the Village to date regarding our previous site plan.

In addition, we are in receipt of your letter dated October 25, 2006 where you found several insufficiencies regarding our pending application for site plan review. We would like to take this opportunity to provide you with the following comments in response. According to your letter, you have determined the submittal insufficient for the following reasons:

1. An irrigation plan must be submitted with the landscape plan.

a.) Key Biscayne code section 30-80(f)(3)(c) requires the landscape plan to show the "method of irrigation." The submittal satisfies this requirement by the note shown on Sheet L 2.0. For your reference, the note states the following:

GENERAL IRRIGATION NOTE:

Landscaped areas will be watered with an electro mechanical irrigation system using drip, bubbler & spray irrigation heads. The system will be operational with electro-mechanical valves connected to a controller, with soil moisture monitored by electro-mechanical sensors.

Viability of utilizing captured rainwater runoff for irrigation is currently being evaluated.

The code does not state an "irrigation plan" is required, merely the "method" of irrigation. Thus the note complies with the code by stating the method of irrigation to be utilized.

b.) The revised submittal includes the same note on Sheet L- 2.0.

2. Signage plans and specifications must be submitted.

a.) Sheets A-2.0, A-2.4 and L-1.00 indicate the location of the proposed signs on the September 5, 2006 filing. All of the sheets depict three proposed monument signs to be constructed 4'-0" high and 8'-0" wide. Two of the signs are located at the entrance of the property on Ocean Drive and an additional sign is located at the end of Sonesta Drive. At this time, the three monument signs include all of the signs proposed in the submittal. Any additional signs will be approved by the Village pursuant to Chapter 30 of the zoning code.

b.) The revised plans depict the signage plans on Sheet A-2.0.

3. Pavement marking and traffic signage plans must be submitted.

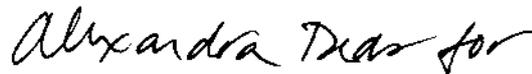
a.) Sheets A-2.0, A-4.0 – 4.3, C-1 and C-3 all illustrate the pavement markings and traffic signage included in the September 5, 2006 submittal.

b.) Sheets C-1 and C-3 of the revised submittal depict the pavement marking and traffic signs.

As stated above, we believe that the enclosed plans address all of the insufficiencies you found with our previous submittal. As a result, we believe Application No. SP 15 is complete and sufficient allowing the Village to initiate review of Application No. SP 15 and finalize an evaluation. Accordingly, we expect Application No. SP 15 to be placed on the next available zoning meeting agenda with the Wallace Roberts and Todd presentation.

Thank you for your consideration of this matter and please do not hesitate to contact me with any questions or requests for additional information.

Sincerely,



Carter N. McDowell

cc: Steve Helfman, Esq.





Carter N. McDowell, Esq.
 Direct Dial: (305) 350-2355
 Direct Facsimile: (305) 351-2239
 E-mail: cmcdowell@bilzin.com

October 27, 2006

VIA HAND DELIVERY

Jud Kurlancheek, AICP, Director
 Building, Zoning and Planning Department
 Village of Key Biscayne Village Hall
 88 W. McIntyre Street
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In addition, we are in receipt of your letter dated October 25, 2006 where you found several insufficiencies regarding our pending application for site plan review. We would like to take this opportunity to provide you with the following comments in response. According to your letter, you have determined the submittal insufficient for the following reasons:

1. An irrigation plan must be submitted with the landscape plan.
 - a.) Key Biscayne code section 30-30(f)(3)(c) requires the landscape plan to show the "method of irrigation." The submittal satisfies this requirement by the note shown on Sheet L 2.0. For your reference, the note states the following:

GENERAL IRRIGATION NOTE:
 Landscaped areas will be watered with an electro mechanical irrigation system using drip, bubbler & spray irrigation heads. The system will be operational with electro-mechanical valves connected to a controller, with soil moisture monitored by electro-mechanical sensors.
 Viability of utilizing captured rainwater runoff for irrigation is currently being evaluated.

Jud Kurlancheek, AICP, Director
October 27, 2006
Page 2

The code does not state an "irrigation plan" is required, merely the "method" of irrigation. Thus the note complies with the code by stating the method of irrigation to be utilized.

- b.) The revised submittal includes the same note on Sheet L- 2.0.
2. Signage plans and specifications must be submitted.
 - a.) Sheets A-2.0, A-2.4 and L-1.00 indicate the location of the proposed signs on the September 5, 2006 filing. All of the sheets depict three proposed monument signs to be constructed 4'-0" high and 8'-0" wide. Two of the signs are located at the entrance of the property on Ocean Drive and an additional sign is located at the end of Sonesta Drive. At this time, the three monument signs include all of the signs proposed in the submittal. Any additional signs will be approved by the Village pursuant to Chapter 30 of the zoning code.
 - b.) The revised plans depict the signage plans on Sheet A-2.0.
 3. Pavement marking and traffic signage plans must be submitted.
 - a.) Sheets ~~A-2.0~~, A-4.0 - 4.3, C-1 and C-3 all illustrate the pavement markings and traffic signage included in the September 5, 2006 submittal.
 - b.) Sheets C-1 and C-3 of the revised submittal depict the pavement marking and traffic signs.

As stated above, we believe that the enclosed plans address all of the insufficiencies you **found with** our previous submittal. As a result, we believe Application No. SP 15 is complete and sufficient allowing the Village to initiate review of Application No. SP 15 and finalize an evaluation. Accordingly, we expect Application No. SP 15 to be placed on the next available zoning meeting agenda with the Wallace Roberts and Todd presentation.

Thank you for your consideration of this matter and please do not hesitate to contact me with any questions or requests for additional information.

Sincerely,



Carter N. McDowell

cc: Steve Helfman, Esq.



VILLAGE OF KEY BISCAYNE

Department of Building, Zoning and Planning

Village Council

Robert Oldakowski, *Mayor*
Jorge E. Mendia, *Vice Mayor*
Martha Fdez-León Broucek
Carol Diaz-Castro
Mortimer Fried
James L. Peters
Robert L. Vernon
Jud Kurlancheek, AICP
Director

PLANNING AND ZONING APPLICATION

Date Filed: 8-29-06

File # SP-15
to be completed by staff

Eugenio M. Santiago, P.E.
Chief Building Official

1. REQUEST FOR:

<input type="checkbox"/> SUPERVISORY VARIANCE	<input type="checkbox"/> AMENDMENT TO ZONING ORDINANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> SPECIAL EXCEPTION
<input type="checkbox"/> REGULATORY VARIANCE	<input type="checkbox"/> AMENDMENT TO THE COMPREHENSIVE PLAN
<input checked="" type="checkbox"/> SITE PLAN APPROVAL	<input type="checkbox"/> ZONING DISTRICT CHANGE
<input type="checkbox"/> UNUSUAL USE	
<input type="checkbox"/> OTHER _____	

Explain your request:

See attached Letter of Intent.

2. Street Address of Property: 350 Ocean Drive, Key Biscayne, Florida
Legal Description: Lot(s) See Exhibit "A" Block: _____
Subdivision _____
3. Name of Applicant: SBR – Fortune Associates, LLLP
Mailing Address of Applicant: 1300 Brickell Avenue, Miami, Florida 33131
Business Telephone: 305-351-1000 Home Fax: 305-351-0999

4. Name of Property Owner if Different from Applicant: N/A
 Address of Property Owner if Different from Applicant: _____
 Business Telephone: _____ Home Fax: _____
5. Contact Person: Name: Carter McDowell, Esq. affiliated with the law firm of
Bilzin Sumberg Baena Price & Axelrod LLP
 Address: 200 S. Biscayne Blvd. Suite 2500, Miami, Florida 33131
 Phone Number: 305-350-2355 Fax: 305-351-2239
6. Name/address of anyone else who should receive notice of the hearing?
Edgardo Defortuna 1300 Brickell Avenue, Miami, Florida 33131
Carter N. McDowell, Esq. 200 S Biscayne Blvd. Suite 2500, Miami, Florida 33131
7. If applicant is owner, indicate date purchased: April 13, 2005
8. If applicant is lessee, indicate date leased N/A Years _____
9. Is there an option to purchase the property? Yes () No (X)
10. Is the request the result of a violation notice? No If yes, attach a copy of the violation.
11. Existing use of property Hotel. If residential, how many apartments _____
 hotel units 292. If commercial, how many sq. ft. _____
 in your space. Single family home? Yes () No ()
12. If this application pertains to an Appeal of an Administrative Decision, indicate the basis
 of the appeal. (If necessary attach additional explanation)
N/A
13. If this is a request for a variance, the Code requires that you substantiate why this request
 should be granted. In order to do this properly, please indicate how your request complies
 with the following standards:
- (a) Maintains the basic intent and purpose of the zoning, subdivision and other land
 use regulations, which is to protect the general welfare of the public, particularly
 as it affects the stability and appearance of the community.
- N/A

- (b) Is compatible with the surrounding land uses and would not be detrimental to the community.

N/A

14. If this is a request for any other type of application, please see staff for a listing of the evaluation criteria.
15. All supporting data and exhibits submitted with this application become a permanent part of the public records.
16. If you are a lobbyist as described in the Village Code, please contact the Village Clerk at 305 365 5506.

SUPERVISORY VARIANCES ONLY

The Supervisory procedure requires the nearest abutting property owner to approve your request and your certification that the work was not performed by you. Your signature on this application constitutes your certification that you did not perform the work. The next step is to request the nearest property owner to sign below or provide a letter approving your request. Their signature certifies that they have read this application and approves of the request.

ABUTTING PROPERTY OWNER AFFIDAVIT

I, the undersigned, have read or have had read to me the information applicable for a request for a Supervisory Variance from the Zoning Regulations. I fully understand that by subscribing my name to the below consent form that I am waiving any objection to the proposed construction as outlined above and as shown on the plans accompanying this application. I further certify that I have subscribed my name freely and without any duress or apparent misrepresentation on the part of the applicant.

_____	_____	_____
Date	Name (Type or Print)	Signature
Address _____		

ADMINISTRATIVE VARIANCES ONLY

The Administrative Variance procedures require all abutting property owners to approve your request. The attached map will assist you in identifying who must sign the below petition. It is suggested you meet with staff prior to circulating your petition.

ABUTTING PROPERTY OWNER AFFIDAVIT

I, the undersigned, have read or have had read to me the information applicable for a request for and Administrative Variance from the Zoning Regulations. I fully understand that by subscribing my name to the below consent form that I am waiving any objection to the proposed construction as outlined above and as shown on the plans accompanying this application. I further certify that I have subscribed my name freely and without any duress or apparent misrepresentation on the part of the applicant.

_____	_____	_____
Date	Name (Type or Print)	Signature
Address _____		

_____	_____	_____
Date	Name (Type or Print)	Signature
Address _____		

_____	_____	_____
Date	Name (Type or Print)	Signature
Address _____		

Date _____ Name (Type or Print) _____ Signature _____
Address _____

Date _____ Name (Type or Print) _____ Signature _____
Address _____

Date _____ Name (Type or Print) _____ Signature _____
Address _____

If you need additional signatures please use the above format.

CERTIFICATION OF COMPLIANCE WITH APPLICABLE REGULATIONS

(I)(We) certify that (I) (we) understand and will comply with the provisions and regulations of the Zoning Regulations. (I)(we) further certify that the above statements and drawings made on any paper or plans submitted herewith are true to the best of (my)(our) knowledge. (I)(we) understand that the application and attachments become part of the official records of the Village and are not returnable.

Signature of Applicant: 
Signature of Owner: 
Application Received by: 
Approved by: _____

Date 8-31-06
Date 8-31-06
Date 8-29-06
Date _____

AFFIDAVITS

Complete one or more of the following that relates to your request.

Tenant or Owner Affidavit (if tenant is applicant then owner must sign owner/power of attorney affidavit)

I, Edgardo Defortuna, being first duly sworn, depose and say that I am the owner/tenant of the property described herein and which is the subject matter of the proposed hearing; that all the answers to the questions in this application and all supplemental data attached to and made a part of the application are honest and true to the best of my knowledge and belief.

I, Edgardo Defortuna, hereby authorize the staff of the Village of Key Biscayne to enter my property for the purpose of inspecting the property and posting a NOTICE OF PUBLIC HEARING on my property and I take the responsibility of removing this notice after the date of hearing. I also authorize members of the Village Council to inspect my property. I understand these inspections are necessary to permit staff and members of the Village Council to perform their responsibilities as required by the Zoning Ordinance.

SBR-FORTUNE ASSOCIATES, LLLP, a Delaware limited liability limited partnership

By: Fortune KB GP, LLC, a Florida limited liability company, General Partner

By: Fortune International Management Inc., a Florida corporation, its Manager

By: [Signature]
Name: Edgardo Defortuna
Title: President
Date: August 29, 2006

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Signature of Applicant Sworn to (or affirmed) and subscribed before me this 29 day of August, 2006, by _____ (name of person making statement).



[Signature]
Signature of Notary Public - State of Florida
SODIAN PEREZ
Print, Type, or Stamp
Commissioned Name of Notary Public

Personally Known OR Produced Identification
Type of Identification Produced _____

CORPORATION AFFIDAVIT

I, Edgardo Defortuna, being first duly sworn, depose and say that we are the President/Vice President, and Secretary/Assistant Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application and all supplemental data attached to and made a part of this application are honest and true to the best of our knowledge and beliefs that said corporation is the owner/tenant of the property described herein and which is the subject matter of the proposed hearing.

I, Edgardo Defortuna, hereby authorize the staff of the Village of Key Biscayne to enter my property for the purpose of inspecting the property and posting a NOTICE OF PUBLIC HEARING on my property and I take the responsibility of removing this notice after the date of hearing. I also authorize members of the Village Council to inspect my property. I understand these inspections are necessary to permit staff and members of the Village Council to perform their responsibilities as required by the Zoning Ordinance.

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By: Fortune International Management Inc., a Florida corporation, its Manager

By: [Signature]
Name: Edgardo Defortuna
Title: President
Date: August 29, 2006

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Sworn to (or affirmed) and subscribed before me this 29 day of August, 2006,
by _____ (name of person making statement)/



[Signature]
Signature of Notary Public - State of Florida
SUDIAN PEREZ
Print, Type, or Stamp
Commissioned Name of Notary Public

Personally Known OR Produced Identification
Type of Identification Produced _____

OWNER/POWER OF ATTORNEY AFFIDAVIT

I, Edgardo Defortuna, being duly sworn, depose and say that I am the owner of the described real property and that I am aware of the nature and effect the request for: site plan approval relative to my property, which is hereby made by me OR I am here by authorizing Carter N. McDowell, Esq., affiliated with the law firm of Bilzin Sumberg Baena Price & Axelrod LLP to be my legal representative before the Village Council.

I, Edgardo Defortuna, hereby authorize the staff of the Village of Key Biscayne to enter my property for the purpose of inspecting the property and posting a NOTICE OF PUBLIC HEARING on my property and I take the responsibility of removing this notice after the date of hearing. I also authorize members of the Village Council to inspect my property. I understand these inspections are necessary to permit staff and members of the Village Council to perform their responsibilities as required by the Zoning Ordinance.

SBR-FORTUNE ASSOCIATES, L.L.P., a Delaware limited liability limited partnership

By: Fortune KB GP, LLC, a Florida limited liability company, General Partner

By: Fortune International Management Inc., a Florida corporation, its Manager

By: [Signature]
Name: Edgardo Defortuna
Title: President
Date: August 29, 2006

 Sodian Perez
Commission #DD295584
Expires: MAR. 02, 2008
www.AARONNOTARY.com

[Signature]
Signature of Notary Public - State of Florida
SODIAN PEREZ
Print, Type, or Stamp
Commissioned Name of Notary Public

Personally Known OR Produced Identification
Type of Identification Produced _____

LEGAL DESCRIPTION:

Parcel 1

All that piece, parcel or lot of land situate, lying and being in the SW 1/4, Section 32 and Fractional Section 33, Township 54 South, Range 42 East; in the City of Key Biscayne, County of Miami-Dade, State of Florida, and being more particularly described as follows:

Commence at the S.W. corner of Tract 6, SUBDIVISION OF A PORTION OF MATHESON ESTATE according to the plat thereof as recorded in Plat Book 46 at Page 86 of the Public Records of Miami-Dade County, Florida; thence run along the South line of Tract 6, East for a distance of 1200.00 feet to the POINT OF BEGINNING of the following described parcel of land, said POINT OF BEGINNING also being the S.E. corner of the Plat of HOLIDAY COLONY as recorded in Plat Book 50 at Page 87, of the Public Records of Miami-Dade County, Florida; thence continue East for a distance of 761.0 feet more or less to the mean high water line of the Atlantic Ocean; thence meander Northwesterly, Northerly and Northeasterly along the mean high water line of the Atlantic Ocean for a distance of 518.3 feet more or less to a point lying 500.00 feet North of the South line of Tract 6 extended East as measured at right angles; thence run West along a line 500.00 feet North of, and parallel to, the South line of said Tract 6, as measured at right angles, for a distance of 631.8 feet more or less to a point; thence run South $0^{\circ}38'55''$ West for a distance of 327.79 feet to a point; thence run North $89^{\circ}24'30''$ West for a distance of 157.55 feet to a point of non-tangency with a circular curve concave to the West, the center of which bears North $89^{\circ}51'26''$ West from the aforementioned point of non-tangency; said point also being a point on the Easterly line of Block 5 of the Plat of HOLIDAY COLONY, as recorded in Plat Book 50, Page 87 of the Public Records of Miami-Dade County, Florida; thence run Southerly along the arc of said circular curve having for its elements a central angle of $3^{\circ}14'04''$ and a radius of 3081.59 feet for a distance of 173.96 feet to the POINT OF BEGINNING.

and

Parcel 2

All that piece parcel of lot of land situate, lying and being in the SW 1/4, Section 32, Township 54 South, Range 42 East, in City of Key Biscayne, County of Miami-Dade, State of Florida, and being more particularly described as follows:

Commence at the S.W. corner of Tract 6, SUBDIVISION OF A PORTION OF MATHESON ESTATE according to the plat thereof as recorded in Plat Book 46 at Page 86 of the Public Records of Miami-Dade County, Florida; thence run along the South line of Tract 6, East for a distance of 1200.00 feet to a point of non-tangency with a circular curve concave to the West, the center of which bears North $86^{\circ}37'22''$ West from the aforementioned point of non-tangency, said point also being the SE corner of the Plat of HOLIDAY COLONY, as recorded in Plat Book 50, Page 87 of the Public Records of Miami-Dade County, Florida; thence run Northerly along the arc of said circular curve, having for its elements a central angle of $3^{\circ}14'04''$ and a radius of 3081.59 feet for a distance of 173.96 feet to the POINT OF BEGINNING of the following described parcel of land; thence continue Northerly and Northwesterly along the arc of said circular curve having for its elements a central angle of $10^{\circ}46'23''$ and a radius of 3081.59 feet for a distance of 579.42 feet to a point; said point also being a point on the Southerly right of way line of East Drive; thence run along the said right of way line, East for a distance of 160.62 feet to a point of curvature with a curve concave to the Southwest; thence run along the arc of said curve having for its elements a central angle of $80^{\circ}19'47''$ and a radius of 25.00 feet for a distance of 35.05 feet to a point of compound curvature with a circular curve concave to the West, said point also being a point on the Westerly right of way line of Ocean Boulevard; thence run Southerly along the said Westerly right of way line on the arc of the circular curve having for its elements a central angle of $4^{\circ}03'53''$ and a radius of 3260.29 feet for a distance of 231.29 feet to a point; thence leaving the said right of way line, run West 1.87 feet to a point; thence run South $0^{\circ}38'55''$ West for a distance of 327.79 feet to a point; thence run North $89^{\circ}24'30''$ West for a distance of 157.55 feet to the POINT OF BEGINNING.



Disclosure of Ownership Interest
for SBR-Fortune Associates, LLLP, Delaware limited liability limited partnership

SBR-Fortune Associates, LLLP, Delaware limited liability limited partnership 100%
1300 Brickell Avenue
Miami, FL 33131

A. Partners

Fortune KB GP, LLC, a Florida limited liability company
General Partner
1300 Brickell Avenue
Miami, FL 33131

Fortune KB, LLC, a Florida limited liability company
Limited Partner
1300 Brickell Avenue
Miami, FL 33131

Sonesta Beach Resort Limited Partnership, a Delaware limited partnership
Limited Partner
116 Huntington Avenue
Boston, MA 02116

B. Ownership

1. Sonesta Beach Resort Limited Partnership, a Delaware limited partnership 50%
116 Huntington Avenue
Boston, MA 02116

i. Ownership

a. Sonesta International Hotels Corporation, a publicly traded company 100%
116 Huntington Avenue
Boston, MA 02116

(i) Officers

A. Peter J. Sonnabend
Chief Executive Officer and Vice Chairman
116 Huntington Avenue
Boston, MA 02116

B. Stephanie Sonnabend
Chief Executive Officer and President
116 Huntington Avenue
Boston, MA 02116

C. Boy A.J. Van Riel
Vice President and Treasurer
116 Huntington Avenue
Boston, MA 02116

2. Fortune KB, LLC, a Florida limited liability company 49%

i. Ownership

a. See Exhibit "B" 100%

3. Fortune KB GP, LLC, a Florida limited liability company 1%

i. Ownership

a. Edgardo Defortuna 99%
1300 Brickell Avenue
Miami, FL 33131

b. Ana Cristina Defortuna 1%
1300 Brickell Avenue
Miami, FL 33131

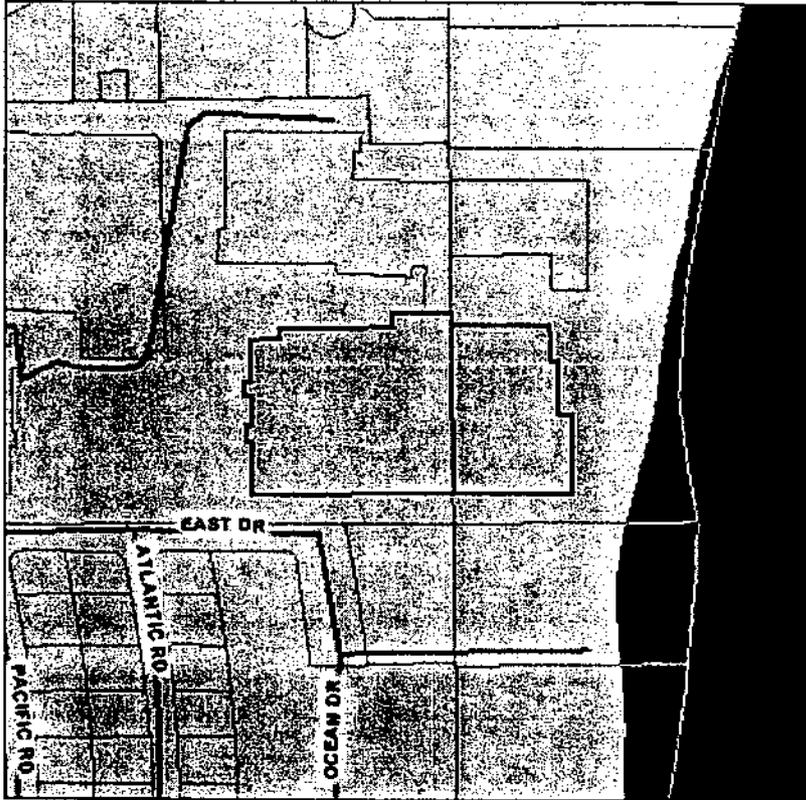
	Fortune KB, LLC % Ownership	Entity Owning % in Fortune KB, LLC	Entity Owning a 100% interest in entity disclosed in Column (B), if applicable	Ultimate Individual Owner
1	2.04%	Orange Tree Group Investments LLC	N/A	Raja Wahab
2	2.04%	Bay View Alliance LLC	N/A	William Houzet
3	2.04%	Bay Village Group LLC	N/A	Adib Chartouni
4	1.04%	Bay North Trading LLC	N/A	Alfredo Bolasini
5	3.06%	Emerald House Investments Corp	Cascade Assoiation Ltd.	Carlos Mattos
6	2.04%	Mint Systems LLC	N/A	Juan Calle
7	2.04%	Key Systems LLC	N/A	Andres Martinez
8	2.04%	Grape Tree Investments LLC	N/A	Michel Daccach
9	2.04%	Blue Pond Investments Corp	Falls Group Ltd.	Johanna Von Der Goltz
10	2.04%	EAD Beachfront Investmnts LLC	N/A	Maria Amalia Sonego
11	0.61%	Tech Alliance Holdings LLC	N/A	Agusto Nitti
12	2.04%	Marine Group Holdings Corp.	Marine Team Ltd.	Herman Engelhard
13	1.02%	Palms Investments LLC	N/A	Guldo Fraiman
14	1.02%	Lake Side Investments Corp.	North Side Group S. A.	Fernando Mihanovich
15	1.02%	Watercourse Investments Corp.	Canal Members Ltd.	Diego Pomerane
16	2.04%	Iceland Investments Corp	Artic Members Ltd.	Sergio Bocclito
17	2.04%	Green Group Systems Corp.	Fall Leaves Group Holdings Ltd.	Felipe Piñeiro
18	2.04%	Ocean Side Trading Corp.	Blue Falls Group S. A.	Juan Urruela Nanne
19	2.04%	Wind Side Investments Corp.	Wind Trading S. A.	Gabriel Chapochnik
20	4.08%	WSW Realty Trust, LLC	N/A	Lance Chody
21	4.08%	Key Towers Group LLC	N/A	Woods Staton
22	0.51%	Seas Trading Corp.	Bay Side Trading S. A.	Carlos Rolando Tarrab
23	1.02%	Coast Group Trading Corp	Ocean Front Group S. A.	Pierre Kopec
24	1.02%	Astor LLC	N/A	Atilio Bugliotti
25	1.02%	South Bay Group Corp.	Grand Bay Group S. A.	Victor Bianco
26	1.02%	Pond Holdings LLC	N/A	Hugo Bianchi
27	1.02%	Harbor Alliance Corp.	Bay Alliance S. A.	Alvaro Alvarez Mora
28	2.53%	Beirut Holdings LLC	N/A	Fares D. Noujaim
29	49.41%	Fortune Island LLC	N/A	Edgardo Defortuna (99%) Ana Cristina Defortuna (1%)

100.00%



CONDOMINIUM LEGAL DESCRIPTION AND LOCATION

Property Information Map



Summary Details:

Folio No.:	24-4232-016-0001
Property:	
Mailing Address:	REF ONLY

Property Information:

Primary Zone:	
CLUC:	
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	0 SQ FT
Year Built:	0
Legal Description:	KEY COLONY NO 1 CONDO DESC 32-33 54 42 & 4-5-6 55 42 5.155 AC ML MATHESON EST PB 46-86 PORT OF TR 4 DESC BEG 1875.95FTE & 63.42FTN OF SW COR OF TR 4

Sale Information:

Sale O/R:	
Sale Date:	0/0
Sale Amount:	\$0

Assessment Information:

INFORMATION NOT AVAILABLE	
---------------------------	--



August 29, 2006

VIA HAND DELIVERY

Jud Kurlancheek, AICP, Director
Building, Zoning and Planning Department
Village of Key Biscayne Village Hall
88 W. McIntyre Street
Key Biscayne, FL 33149

**Re: SBR – Fortune Associates, LLLP
Site Plan Approval Application
350 Ocean Drive, Key Biscayne, Florida
(Nichols Brosch)**

Dear Jud:

Please accept this letter and the enclosed application for site plan approval (the "Application") for the property located at 350 Ocean Drive (the "Property") as an alternative plan to our previously filed application for site plan approval dated January 24, 2006, as modified on August 30, 2006. This firm represents the property owner, SBR – Fortune Associates, LLLP (the "Applicant"). The Sonesta Beach Resort currently operates on the Property but is scheduled to close on August 31, 2006.

After input from the Key Biscayne Village Council, at the May 23, 2006 hearing regarding the originally requested PUD, the Applicant hired the additional architecture firm, Nichols, Brosch, Wurst, Wolfe & Associates, to design an alternative site plan and exterior for the Sonesta redevelopment. The package includes a different site plan and two alternative exterior elevations to the site plan. The Nichols Brosch firm has extensive experience designing hotels and mixed-use residential use resort properties. More importantly, Nichols Brosch has experience designing hotels on Key Biscayne including the neighboring Grand Bay.

As the applicants and design team were working on the design of the project it became clear that one of the major challenges in designing a project to be compatible with the surrounding properties is the inclusion of all necessary and required parking for the project. The project is required to have a minimum of 590 parking spaces and is in fact providing approximately 688 parking spaces to ensure that there is sufficient parking on site so that there will be no overflow parking into the adjoining residential neighborhood. In the initial designs it became clear that the bulk of the structure necessary to accommodate the required parking was going to make it very difficult to design and develop a project that would be acceptable to both the property owners and to the surrounding properties. As a result, the applicants have made an extraordinary decision to place all of the parking in a parking structure that extends below grade. As shown on the plans, this parking structure will be excavated underneath the central portion of the site. Not surprisingly, the cost of constructing this underground garage will be two

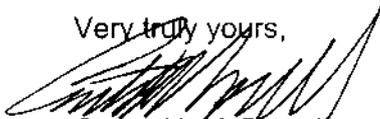
Jud Kurlancheck, AICP, Director
August 29, 2006
Page 2

and half times the cost of building a conventional parking structure above grade. That represents an additional cost of approximately \$20,000,000 for the project, however, it also means that we will have the ability to put approximately 450,000 square feet of building mass below grade thereby substantially reducing the building bulk that otherwise would effect the neighboring property owners.

As documented in the traffic study prepared by The Corradino Group, the proposed redevelopment of the Sonesta, as submitted as part of this application, will result in a reduction in traffic on the Village roadways as compared to the existing condition today. The existing Sonesta Hotel includes 292 hotel units along with restaurant, meeting space, spa and other facilities. As documented in the traffic study, these accessory uses such as the meeting space, restaurant and other uses in the new development will be of similar magnitude and capacity as the existing facilities on site. The primary difference between the new development and the existing development is the size and quality of the hotel rooms and the accessory facilities, particularly the spa. The spa area has increased significantly over the existing spa reflecting today's standards for spa services, however, the capacity of the new spa is, in fact, similar to the capacity of the existing spa and recreational facilities provided on site. As a result, the traffic generation from the proposed redevelopment is a slight reduction as compared to the existing development.

We look forward to working with you, the Village Manager and the Village Council as we process these applications through the various hearings. As always if you have any additional questions or need any additional information we will be happy to submit that information to you. We believe that the proposed redevelopment of the Sonesta property is clearly in keeping with the quality of the Village of Key Biscayne. The new facilities will upgrade the existing Sonesta to meet and even exceed today's standards for luxury hotel and residential properties. We are excited about bringing this new facility to the Village of Key Biscayne and look forward to delivering a truly exceptional project to the Village.

Very truly yours,



Carter N. McDowell

Attachment

MIAMI 1147135.3 7471322281

Concurrency Analysis

Open Space and Recreation

The project includes 63 residential dwelling units and therefore must address the recreation and open space concurrency requirements for those dwelling units. As outlined in the table below, in accordance with the 2000 census data for the Village of Key Biscayne, there are 2.47 persons per dwelling unit. That means that the 63 dwelling units included within the development program will generate an expected population of 156 people.

The Key Biscayne recreation and open space standard is 2.5 acres per thousand population resulting in a recreation and open space need of .39 acres or 16,988.4 square feet of recreation and open space land. As shown more clearly on the plans, the project proposes to dedicate a 25 foot linear park along the western boundary of the property providing both green space, and a pedestrian, bicycle and possibly even golf cart north/south access. This 25 foot wide linear park will contain 18,000 square feet of open space. In addition, the project proposes to dedicate a 15 foot wide beach access along the northern boundary of the property, this beach access will contain 7,393.6 square feet of open space. In addition, there will be a dedicated access easement on the south property line consisting of 17,457.4 square feet of open space. Therefore, the total recreation and open space to be dedicated and provided by the project is 43,251 square feet or more than double the amount of space that would be required for the 63 dwelling units included in the property. In addition to these dedications, the project will include extensive recreational facilities including but not limited to pools and two tennis courts.

Recreation and Open Space Calculation

2.47 persons per unit x 63 dwelling units = 156 people

156 people/ 1000 x 2.5 ac = .39 AC

.39 AC x 43,560 SF/AC = 16,988.4 SF of required recreation and open space

Recreation and Open Space to be dedicated as part of the Project

25'-0" Landscape Zone (West Property Boundary) = 18,000 sf

15'-0" Dedicated Access (North Property Boundary) = 7,393.6 sf

Dedicated Access (South Property Boundary) = 17,457.4 sf

Total = 43,251 sf

Water and Sewer

In terms of water and sewer concurrency, adequate water and sewer facilities exist on site to serve the existing 292 hotel unit building including supporting facilities such as restaurants and a spa. VSN, the civil engineers of this project, have examined the lift stations which service the property and verified with DERM that there is adequate capacity to serve the redevelopment of the Sonesta. Further, any improvements which may be required as a result of the redevelopment will be the sole responsibility of the Applicant.

Traffic

As documented in the traffic study prepared by The Coradino Group, the proposed redevelopment of the Sonesta, as submitted as part of this application, will result in a reduction in traffic on the Village roadways as compared to the existing condition today. The existing Sonesta Hotel includes 292 hotel units along with restaurants, meeting spaces, a spa and other facilities. Included in this package, you will find a traffic study, prepared by the Corradino Group, concluding the project will satisfy concurrency requirements. In fact, the study determines there will be an overall reduction in the number of trips generated by the redevelopment.

As documented in the traffic study, these accessory uses such as the meeting spaces, restaurants and other uses in the new development will be of similar magnitude and capacity as the existing facilities on site. The primary difference between the new development and the existing development is the size and quality of the hotel rooms and the accessory facilities, particularly the spa. The spa area has increased significantly over the existing spa reflecting today's standards for spa services; however, the capacity of the new spa is similar to the capacity of the existing spa and recreational facilities provided on site. As a result, the traffic generation from the proposed redevelopment is a reduction as compared to the existing development.

VILLAGE OF KEY BISCAYNE

Department of Building, Zoning and Planning

Village Council

Robert Oldakowski, *Mayor*
Jorge E. Mendia, *Vice Mayor*
Martha Fdez-León Broucek
Carol Diaz-Castro
Mortimer Fried
James L. Peters
Robert L. Vernon
Jud Kurlancheek, AICP
Director

PLANNING AND ZONING APPLICATION

Date Filed: 8-29-06

File # SP-16
to be completed by staff

Eugenio M. Santiago, P.E.
Chief Building Official

1. REQUEST FOR:

<input type="checkbox"/> SUPERVISORY VARIANCE	<input type="checkbox"/> AMENDMENT TO ZONING ORDINANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> SPECIAL EXCEPTION
<input type="checkbox"/> REGULATORY VARIANCE	<input type="checkbox"/> AMENDMENT TO THE COMPREHENSIVE PLAN
<input checked="" type="checkbox"/> SITE PLAN APPROVAL	<input type="checkbox"/> ZONING DISTRICT CHANGE
<input type="checkbox"/> UNUSUAL USE	
<input type="checkbox"/> OTHER _____	

Explain your request:

See attached Letter of Intent.

2. Street Address of Property: 350 Ocean Drive, Key Biscayne, Florida
Legal Description: Lot(s) See Exhibit "A" Block: _____
Subdivision _____
3. Name of Applicant: SBR - Fortune Associates, LLLP
Mailing Address of Applicant: 1300 Brickell Avenue, Miami, Florida 33131
Business Telephone: 305-351-1000 Home Fax: 305-351-0999

4. Name of Property Owner if Different from Applicant: N/A
 Address of Property Owner if Different from Applicant: _____
 Business Telephone: _____ Home Fax: _____
5. Contact Person: Name: Carter McDowell, Esq. affiliated with the law firm of Bilzin Sumberg Baena Price & Axelrod LLP
 Address: 200 S. Biscayne Blvd. Suite 2500, Miami, Florida 33131
 Phone Number: 305-350-2355 Fax: 305-351-2239
6. Name/address of anyone else who should receive notice of the hearing?
Edgardo Defortuna 1300 Brickell Avenue, Miami, Florida 33131
Carter N. McDowell, Esq. 200 S Biscayne Blvd. Suite 2500, Miami, Florida 33131
7. If applicant is owner, indicate date purchased: April 13, 2005
8. If applicant is lessee, indicate date leased N/A Years _____
9. Is there an option to purchase the property? Yes () No (X)
10. Is the request the result of a violation notice? No If yes, attach a copy of the violation.
11. Existing use of property Hotel. If residential, how many apartments _____
 hotel units 292. If commercial, how many sq. ft. _____
 in your space. Single family home? Yes () No ()
12. If this application pertains to an Appeal of an Administrative Decision, indicate the basis of the appeal. (If necessary attach additional explanation)
N/A
13. If this is a request for a variance, the Code requires that you substantiate why this request should be granted. In order to do this properly, please indicate how your request complies with the following standards:
- (a) Maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community.
- N/A

- (b) Is compatible with the surrounding land uses and would not be detrimental to the community.

N/A

14. If this is a request for any other type of application, please see staff for a listing of the evaluation criteria.
15. All supporting data and exhibits submitted with this application become a permanent part of the public records.
16. If you are a lobbyist as described in the Village Code, please contact the Village Clerk at 305 365 5506.

SUPERVISORY VARIANCES ONLY

The Supervisory procedure requires the nearest abutting property owner to approve your request and your certification that the work was not performed by you. Your signature on this application constitutes your certification that you did not perform the work. The next step is to request the nearest property owner to sign below or provide a letter approving your request. Their signature certifies that they have read this application and approves of the request.

ABUTTING PROPERTY OWNER AFFIDAVIT

I, the undersigned, have read or have had read to me the information applicable for a request for a Supervisory Variance from the Zoning Regulations. I fully understand that by subscribing my name to the below consent form that I am waiving any objection to the proposed construction as outlined above and as shown on the plans accompanying this application. I further certify that I have subscribed my name freely and without any duress or apparent misrepresentation on the part of the applicant.

Date	Name (Type or Print)	Signature
Address		

ADMINISTRATIVE VARIANCES ONLY

The Administrative Variance procedures require all abutting property owners to approve your request. The attached map will assist you in identifying who must sign the below petition. It is suggested you meet with staff prior to circulating your petition.

ABUTTING PROPERTY OWNER AFFIDAVIT

I, the undersigned, have read or have had read to me the information applicable for a request for and Administrative Variance from the Zoning Regulations. I fully understand that by subscribing my name to the below consent form that I am waiving any objection to the proposed construction as outlined above and as shown on the plans accompanying this application. I further certify that I have subscribed my name freely and without any duress or apparent misrepresentation on the part of the applicant.

Date	Name (Type or Print)	Signature
Address		

Date	Name (Type or Print)	Signature
Address		

Date	Name (Type or Print)	Signature
Address		

Date _____ Name (Type or Print) _____ Signature _____
Address _____

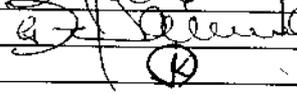
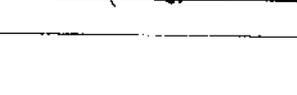
Date _____ Name (Type or Print) _____ Signature _____
Address _____

Date _____ Name (Type or Print) _____ Signature _____
Address _____

If you need additional signatures please use the above format.

CERTIFICATION OF COMPLIANCE WITH APPLICABLE REGULATIONS

(I)(We) certify that (I) (we) understand and will comply with the provisions and regulations of the Zoning Regulations. (I)(we) further certify that the above statements and drawings made on any paper or plans submitted herewith are true to the best of (my)(our) knowledge. (I)(we) understand that the application and attachments become part of the official records of the Village and are not returnable.

Signature of Applicant: 
Signature of Owner: 
Application Received by: 
Approved by: _____

Date 8-31-06
Date 8-31-06
Date 8-29-06
Date _____

AFFIDAVITS

Complete one or more of the following that relates to your request.

Tenant or Owner Affidavit (if tenant is applicant then owner must sign owner/power of attorney affidavit)

I, Edgardo Defortuna, being first duly sworn, depose and say that I am the owner/tenant of the property described herein and which is the subject matter of the proposed hearing; that all the answers to the questions in this application and all supplemental data attached to and made a part of the application are honest and true to the best of my knowledge and belief.

I, Edgardo Defortuna, hereby authorize the staff of the Village of Key Biscayne to enter my property for the purpose of inspecting the property and posting a NOTICE OF PUBLIC HEARING on my property and I take the responsibility of removing this notice after the date of hearing. I also authorize members of the Village Council to inspect my property. I understand these inspections are necessary to permit staff and members of the Village Council to perform their responsibilities as required by the Zoning Ordinance.

SBR-FORTUNE ASSOCIATES, LLLP, a Delaware limited liability limited partnership

By: Fortune KB GP, LLC, a Florida limited liability company, General Partner

By: Fortune International Management Inc., a Florida corporation, its Manager

By: [Signature]
Name: Edgardo Defortuna
Title: President
Date: August 29, 2006

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Signature of Applicant Sworn to (or affirmed) and subscribed before me this 29 day of August, 2006, by _____ (name of person making statement).



[Signature]
Signature of Notary Public - State of Florida
SUDIEN PEREZ
Print, Type, or Stamp
Commissioned Name of Notary Public

Personally Known OR Produced Identification _____
Type of Identification Produced _____

CORPORATION AFFIDAVIT

I, Edgardo Defortuna, being first duly sworn, depose and say that we are the President/Vice President, and Secretary/Assistant Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application and all supplemental data attached to and made a part of this application are honest and true to the best of our knowledge and beliefs that said corporation is the owner/tenant of the property described herein and which is the subject matter of the proposed hearing.

I, Edgardo Defortuna, hereby authorize the staff of the Village of Key Biscayne to enter my property for the purpose of inspecting the property and posting a NOTICE OF PUBLIC HEARING on my property and I take the responsibility of removing this notice after the date of hearing. I also authorize members of the Village Council to inspect my property. I understand these inspections are necessary to permit staff and members of the Village Council to perform their responsibilities as required by the Zoning Ordinance.

SBR-FORTUNE ASSOCIATES, LLLP, a Delaware limited liability limited partnership

By: Fortune KB GP, LLC, a Florida limited liability company, General Partner

By: Fortune International Management Inc., a Florida corporation, its Manager

By: [Signature]
Name: Edgardo Defortuna
Title: President
Date: August 29, 2006

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Sworn to (or affirmed) and subscribed before me this 29 day of August, 2006,
by _____ (name of person making statement)/



[Signature]
Signature of Notary Public - State of Florida
SUDIAN PEREZ
Print, Type, or Stamp
Commissioned Name of Notary Public

Personally Known OR Produced Identification
Type of Identification Produced _____

OWNER/POWER OF ATTORNEY AFFIDAVIT

I, Edgardo Defortuna, being duly sworn, depose and say that I am the owner of the described real property and that I am aware of the nature and effect the request for: site plan approval relative to my property, which is hereby made by me OR I am here by authorizing Carter N. McDowell, Esq., affiliated with the law firm of Bilzin Sumberg Baena Price & Axelrod LLP to be my legal representative before the Village Council.

I, Edgardo Defortuna, hereby authorize the staff of the Village of Key Biscayne to enter my property for the purpose of inspecting the property and posting a NOTICE OF PUBLIC HEARING on my property and I take the responsibility of removing this notice after the date of hearing. I also authorize members of the Village Council to inspect my property. I understand these inspections are necessary to permit staff and members of the Village Council to perform their responsibilities as required by the Zoning Ordinance.

SBR-FORTUNE ASSOCIATES, LLLP, a Delaware limited liability limited partnership

By: Fortune KB GP, LLC, a Florida limited liability company, General Partner

By: Fortune International Management Inc., a Florida corporation, its Manager

By: [Signature]
Name: Edgardo Defortuna
Title: President
Date: August 29, 2006

 Sodian Perez
Commission #DD295584
Expires: MAR. 02, 2008
www.AARONNOTARY.com

[Signature]
Signature of Notary Public - State of Florida
SODIAN PEREZ
Print, Type, or Stamp
Commissioned Name of Notary Public

Personally Known

OR Produced Identification

Type of Identification Produced _____

LEGAL DESCRIPTION:

Parcel 1

All that piece, parcel or lot of land situate, lying and being in the SW 1/4, Section 32 and Fractional Section 33, Township 54 South, Range 42 East, in the City of Key Biscayne, County of Miami-Dade, State of Florida, and being more particularly described as follows:

Commence at the S.W. corner of Tract 6, SUBDIVISION OF A PORTION OF MATHESON ESTATE according to the plat thereof as recorded in Plat Book 46 at Page 86 of the Public Records of Miami-Dade County, Florida; thence run along the South line of Tract 6, East for a distance of 1200.00 feet to the POINT OF BEGINNING of the following described parcel of land, said POINT OF BEGINNING also being the S.E. corner of the Plat of HOLIDAY COLONY as recorded in Plat Book 50 at Page 87, of the Public Records of Miami-Dade County, Florida; thence continue East for a distance of 761.0 feet more or less to the mean high water line of the Atlantic Ocean; thence meander Northwesterly, Northerly and Northeasterly along the mean high water line of the Atlantic Ocean for a distance of 518.3 feet more or less to a point lying 600.00 feet North of the South line of said Tract 6, East as measured at right angles; thence run West along a line 500.00 feet North of, and parallel to, the South line of said Tract 6, as measured at right angles, for a distance of 631.9 feet more or less to a point; thence run South 0°38'55" West for a distance of 327.79 feet to a point; thence run North 89°24'30" West for a distance of 157.55 feet to a point of non-tangency with a circular curve concave to the West, the center of which bears North 89°51'26" West from the aforementioned point of non-tangency, said point also being a point on the Easterly line of Block 5 of the Plat of HOLIDAY COLONY, as recorded in Plat Book 50, Page 87 of the Public Records of Miami-Dade County, Florida; thence run Southerly along the arc of said circular curve having for its elements a central angle of 3°14'04" and a radius of 3081.59 feet for a distance of 173.96 feet to the POINT OF BEGINNING.

and

Parcel 2

All that piece parcel of lot of land situate, lying and being in the SW 1/4, Section 32, Township 54 South, Range 42 East, in City of Key Biscayne, County of Miami-Dade, State of Florida, and being more particularly described as follows:

Commence at the S.W. corner of Tract 6, SUBDIVISION OF A PORTION OF MATHESON ESTATE according to the plat thereof as recorded in Plat Book 46 at Page 86 of the Public Records of Miami-Dade County, Florida; thence run along the South line of Tract 6, East for a distance of 1200.00 feet to a point of non-tangency with a circular curve concave to the West, the center of which bears North 86°37'22" West from the aforementioned point of non-tangency, said point also being the SE corner of the Plat of HOLIDAY COLONY, as recorded in Plat Book 50, Page 87 of the Public Records of Miami-Dade County, Florida; thence run Northerly along the arc of said circular curve, having for its elements a central angle of 3°14'04" and a radius of 3081.59 feet for a distance of 173.96 feet to the POINT OF BEGINNING of the following described parcel of land; thence continue Northerly and Northwesterly along the arc of said circular curve having for its elements a central angle of 10°46'23" and a radius of 3081.59 feet for a distance of 579.42 feet to a point; said point also being a point on the Southerly right of way line of East Drive; thence run along the said right of way line, East for a distance of 160.62 feet to a point of curvature with a curve concave to the Southwest; thence run along the arc of said curve having for its elements a central angle of 80°19'47" and a radius of 25.00 feet for a distance of 35.05 feet to a point of compound curvature with a circular curve concave to the West, said point also being a point on the Westerly right of way line of Ocean Boulevard; thence run Southerly along the said Westerly right of way line on the arc of the circular curve having for its elements a central angle of 4°03'53" and a radius of 3260.29 feet for a distance of 231.29 feet to a point; thence leaving the said right of way line, run West 1.87 feet to a point; thence run South 0°38'55" West for a distance of 327.79 feet to a point; thence run North 89°24'30" West for a distance of 157.55 feet to the POINT OF BEGINNING.



Disclosure of Ownership Interest
for SBR-Fortune Associates, LLLP, Delaware limited liability limited partnership

SBR-Fortune Associates, LLLP, Delaware limited liability limited partnership 100%
1300 Brickell Avenue
Miami, FL 33131

A. Partners

Fortune KB GP, LLC, a Florida limited liability company
General Partner
1300 Brickell Avenue
Miami, FL 33131

Fortune KB, LLC, a Florida limited liability company
Limited Partner
1300 Brickell Avenue
Miami, FL 33131

Sonesta Beach Resort Limited Partnership, a Delaware limited partnership
Limited Partner
116 Huntington Avenue
Boston, MA 02116

B. Ownership

1. Sonesta Beach Resort Limited Partnership, a Delaware limited partnership 50%
116 Huntington Avenue
Boston, MA 02116

i. Ownership

a. Sonesta International Hotels Corporation, a publicly traded company 100%
116 Huntington Avenue
Boston, MA 02116

(i) Officers

A. Peter J. Sonnabend
Chief Executive Officer and Vice Chairman
116 Huntington Avenue
Boston, MA 02116

B. Stephanie Sonnabend
Chief Executive Officer and President
116 Huntington Avenue
Boston, MA 02116

C. Boy A.J. Van Riel
Vice President and Treasurer
116 Huntington Avenue
Boston, MA 02116

2. Fortune KB, LLC, a Florida limited liability company 49%

i. Ownership

a. See Exhibit "B" 100%

3. Fortune KB GP, LLC, a Florida limited liability company 1%

i. Ownership

a. Edgardo Defortuna 99%
1300 Brickell Avenue
Miami, FL 33131

b. Ana Cristina Defortuna 1%
1300 Brickell Avenue
Miami, FL 33131

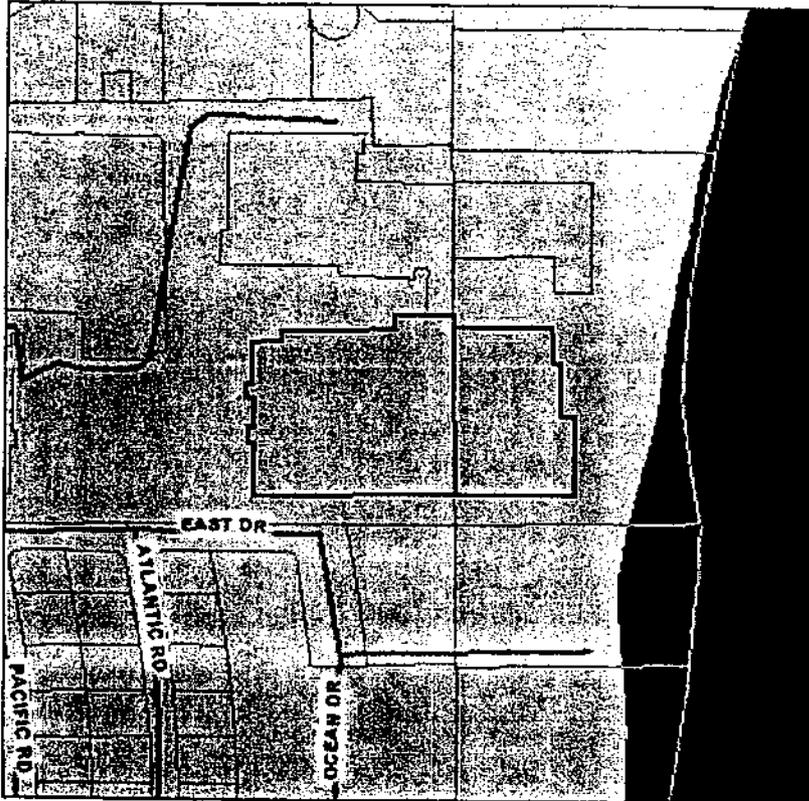
	Fortune KB, LLC % Ownership	Entity Owning % in Fortune KB, LLC	Entity Owning a 100% interest in entity disclosed in Column (B), if applicable	Ultimate Individual Owner
1	2.04%	Orange Tree Group Investments LLC	N/A	Raja Wahab
2	2.04%	Bay View Alliance LLC	N/A	William Houtzet
3	2.04%	Bay Village Group LLC	N/A	Adib Chartouni
4	1.04%	Bay North Trading LLC	N/A	Alfredo Bolasini
5	3.06%	Emerald House Investments Corp	Cascade Association Ltd.	Carlos Mattos
6	2.04%	Mint Systems LLC	N/A	Juan Calle
7	2.04%	Key Systems LLC	N/A	Andres Martinez
8	2.04%	Grape Tree Investments LLC	N/A	Michel Daccach
9	2.04%	Blue Pond Investments Corp	Falls Group Ltd.	Johanna Von Der Goltz
10	2.04%	EAD Beachfront Investments LLC	N/A	Maria Amalia Sonego
11	0.61%	Tech Alliance Holdings LLC	N/A	Agusto Nitti
12	2.04%	Marine Group Holdings Corp.	Marine Team Ltd.	Herman Engelhard
13	1.02%	Palms Investments LLC	N/A	Guido Fraiman
14	1.02%	Lake Side Investments Corp.	North Side Group S. A.	Fernando Mihanovich
15	1.02%	Watercourse Investments Corp.	Canal Members Ltd.	Diego Pomerane
16	2.04%	Iceland Investments Corp	Artic Members Ltd.	Sergio Boccitto
17	2.04%	Green Group Systems Corp.	Fall Leaves Group Holdings Ltd.	Felipe Piñeiro
18	2.04%	Ocean Side Trading Corp.	Blue Falls Group S. A.	Juan Uruela Nanne
19	2.04%	Wind Side Investments Corp.	Wind Trading S. A.	Gabriel Chapochnick
20	4.08%	WSW Realty Trust, LLC	N/A	Lance Chody
21	4.08%	Key Towers Group LLC	N/A	Woods Staton
22	0.51%	Seas Trading Corp.	Bay Side Trading S. A.	Carlos Rolando Tarrab
23	1.02%	Coast Group Trading Corp	Ocean Front Group S. A.	Pierre Kopec
24	1.02%	Astor LLC	N/A	Atilio Bugliotti
25	1.02%	South Bay Group Corp.	Grand Bay Group S. A.	Victor Blanco
26	1.02%	Pond Holdings LLC	N/A	Hugo Bianchi
27	1.02%	Harbor Alliance Corp	Bay Alliance S. A.	Alvaro Alvarez Mora
28	2.53%	Beirut Holdings LLC	N/A	Fares D. Noujaim
29	49.41%	Fortune Island LLC	N/A	Edgardo Defortuna (99%) Ana Cristina Defortuna (1%)

100.00%



CONDOMINIUM LEGAL DESCRIPTION AND LOCATION

Property Information Map



Summary Details:

Folio No.:	24-4232-016-0001
Property:	
Mailing Address:	REF ONLY

Property Information:

Primary Zone:	
CLUC:	
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	0 SQ FT
Year Built:	0
Legal Description:	KEY COLONY NO 1 CONDO DESC 32-33 54 42 & 4-5-6 55 42 5.155 AC M/L MATHESON EST PB 46-86 PORT OF TR 4 DESC BEG 1975.95FTE & 63.42FTN OF SW COR OF TR 4

Sale Information:

Sale O/R:	
Sale Date:	0/0
Sale Amount:	\$0

Assessment Information:

INFORMATION NOT AVAILABLE



August 29, 2006

VIA HAND DELIVERY

Jud Kurlancheek, AICP, Director
Building, Zoning and Planning Department
Village of Key Biscayne Village Hall
88 W. McIntyre Street
Key Biscayne, FL 33149

***Re: SBR – Fortune Associates, LLLP
Site Plan Approval Application
350 Ocean Drive, Key Biscayne, Florida
(Oppenheim)***

Dear Jud:

Please accept this letter and the enclosed revised application for site plan approval (the "Application") for the property located at 350 Ocean Drive (the "Property") as a modification to our previously filed application for site plan approval dated January 24, 2006. This firm represents the property owner, SBR – Fortune Associates, LLLP (the "Applicant"). The Sonesta Beach Resort currently operates on the Property but is scheduled to close on August 31, 2006.

On January 24, 2006, the Applicant submitted an application for site plan approval; an amendment to the zoning ordinance to create a Planned Unit Development (PUD) District and a rezoning to PUD. Based upon requests from the community and the Village Council, the Applicant withdrew the requests for amendment to the zoning ordinance and rezoning on May 23, 2006. The Applicant did not withdraw the site plan review application at that time and stated that we would be filing revised plans that conform to the existing zoning as suggested by the Village Council.

As you are aware from our several meetings, the applicants and the design team of Oppenheim Architecture + Design have been working on revised plans for the redevelopment of the Sonesta Beach Resort property. The revised Project includes 63 dwelling units and 191 hotel units and fully conforms to the existing zoning. In addition to Oppenheim's revised design, the Applicant hired Sandy Babcock Architects to design alternative exterior elevations for the buildings shown on the Oppenheim site plan. Sandy Babcock Architects were the designers of the Key Colony project and therefore have previous experience with projects on Key Biscayne. The purpose of submitting an alternative design the exterior is to provide the Village with the

opportunity to provide input as to which design would be most compatible with Key Biscayne. When the Applicant appeared at the May 23 hearing to withdraw the text amendment, the Village Council asked the Applicant to consider alternative designs which would be more compatible with the Village's existing character. The Applicant has complied with this request by providing an alternative exterior design with this submittal.

As the applicants and design team were working on the design of the project it became clear that one of the major challenges in designing a project to be compatible with the surrounding properties is the inclusion of all necessary and required parking for the project. The project is required to have a minimum of 617 parking spaces and is in fact providing approximately 822 parking spaces to ensure that there is sufficient parking on site so that there will be no overflow parking into the adjoining residential neighborhood. In the initial designs it became clear that the bulk of the structure necessary to accommodate the required parking was going to make it very difficult to design and develop a project that would be acceptable to both the property owners and to the surrounding properties. As a result, the applicants have made an extraordinary decision to place essentially all of the parking in a parking structure that extends three stories below grade. As shown on the plans, this parking structure will be excavated underneath the central portion of the site. Not surprisingly, the cost of constructing this underground garage will be two and half times the cost of building a conventional parking structure above grade. That represents an additional cost of approximately \$20,000,000 for the project, however, it also means that we will have the ability to put approximately 450,000 square feet of building mass below grade thereby substantially reducing the building bulk that otherwise would effect the neighboring property owners.

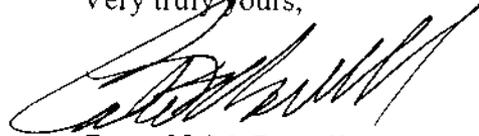
As documented in the traffic study prepared by The Coradino Group, the proposed redevelopment of the Sonesta, as submitted as part of this application, will result in a reduction in traffic on the Village roadways as compared to the existing condition today. The existing Sonesta Hotel includes 292 hotel units along with restaurant, meeting space, spa and other facilities. As documented in the traffic study, these accessory uses such as the meeting space, restaurant and other uses in the new development will be of similar magnitude and capacity as the existing facilities on site. The primary difference between the new development and the existing development is the size and quality of the hotel rooms and the accessory facilities, particularly the spa. The spa area has increased significantly over the existing spa reflecting today's standards for spa services; however, the capacity of the new spa is similar to the capacity of the existing spa and recreational facilities provided on site. As a result, the traffic generation from the proposed redevelopment is a slight reduction as compared to the existing development.

We look forward to working with you, the Village Manager and the Village Council as we process these applications through the various hearings. As always if you have any additional questions or need any additional information we will be happy to submit that information to you. We believe that the proposed redevelopment of the Sonesta property is clearly in keeping with the quality of the Village of Key Biscayne. The new facilities will

Jud Kurlancheck, AICP, Director
August 29, 2006
Page 3

upgrade the existing Sonesta to meet and even exceed today's standards for luxury hotel and residential properties. We are excited about bringing this new facility to the Village of Key Biscayne and look forward to delivering a truly exceptional project to the Village.

Very truly yours,



Carter N. McDowell

Attachment



Concurrency Analysis

Open Space and Recreation

The project includes 63 residential dwelling units and therefore must address the recreation and open space concurrency requirements for those dwelling units. As outlined in the table below, in accordance with the 2000 census data for the Village of Key Biscayne, there are 2.47 persons per dwelling unit. That means that the 63 dwelling units included within the development program will generate an expected population of 156 people.

The Key Biscayne recreation and open space standard is 2.5 acres per thousand population resulting in a recreation and open space need of .39 acres or 16,988.4 square feet of recreation and open space land. As shown more clearly on the plans, the project proposes to dedicate a 25 foot linear park along the western boundary of the property providing both green space, and a pedestrian, bicycle and possibly even golf cart north/south access. This 25 foot wide linear park will contain 18,000 square feet of open space. In addition, the project proposes to dedicate a 15 foot wide beach access along the northern boundary of the property, this beach access will contain 7,393.6 square feet of open space. In addition, there will be a dedicated access easement on the south property line consisting of 17,457.4 square feet of open space. Therefore, the total recreation and open space to be dedicated and provided by the project is 43,251 square feet or more than double the amount of space that would be required for the 63 dwelling units included in the property. In addition to these dedications, the project will include extensive recreational facilities including but not limited to pools and two tennis courts.

Recreation and Open Space Calculation

2.47 persons per unit x 63 dwelling units = 156 people

156 people/ 1000 x 2.5 ac = .39 AC

.39 AC x 43,560 SF/AC = 16,988.4 SF of required recreation and open space

Recreation and Open Space to be dedicated as part of the Project

25'-0" Landscape Zone (West Property Boundary) = 18,000 sf

15'-0" Dedicated Access (North Property Boundary) = 7,393.6 sf

Dedicated Access (South Property Boundary) = 17,457.4 sf

Total = 43,251 sf

Water and Sewer

In terms of water and sewer concurrency, adequate water and sewer facilities exist on site to serve the existing 292 hotel unit building including supporting facilities such as restaurants and a spa. VSN, the civil engineers of this project, have examined the lift stations which service the property and verified with DERM that there is adequate capacity to serve the redevelopment of the Sonesta. Further, any improvements which may be required as a result of the redevelopment will be the sole responsibility of the Applicant.

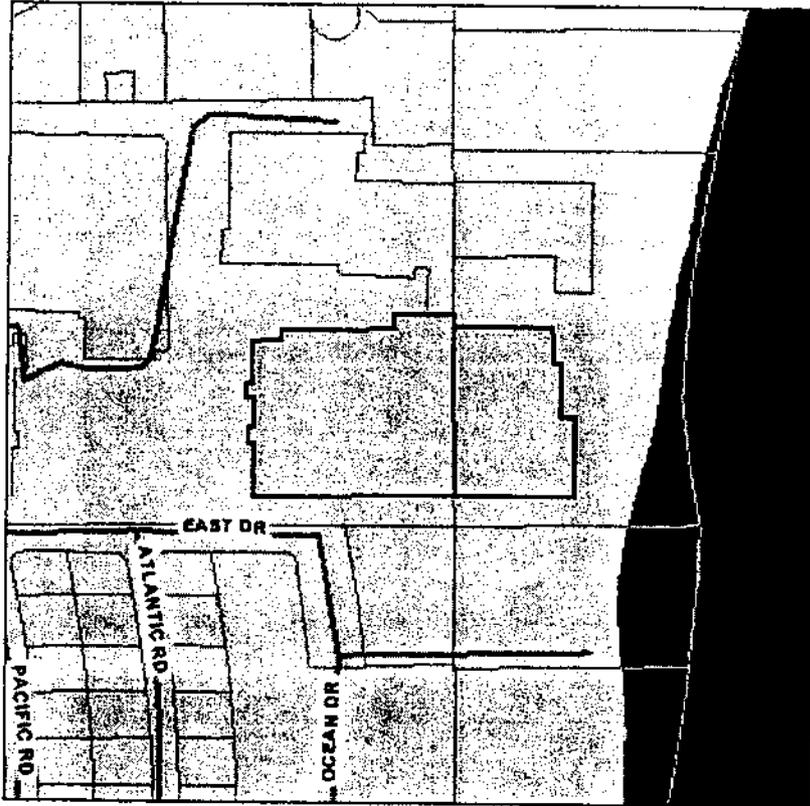
Traffic

As documented in the traffic study prepared by The Coradino Group, the proposed redevelopment of the Sonesta, as submitted as part of this application, will result in a reduction in traffic on the Village roadways as compared to the existing condition today. The existing Sonesta Hotel includes 292 hotel units along with restaurants, meeting spaces, a spa and other facilities. Included in this package, you will find a traffic study, prepared by the Corradino Group, concluding the project will satisfy concurrency requirements. In fact, the study determines there will be an overall reduction in the number of trips generated by the redevelopment.

As documented in the traffic study, these accessory uses such as the meeting spaces, restaurants and other uses in the new development will be of similar magnitude and capacity as the existing facilities on site. The primary difference between the new development and the existing development is the size and quality of the hotel rooms and the accessory facilities, particularly the spa. The spa area has increased significantly over the existing spa reflecting today's standards for spa services; however, the capacity of the new spa is similar to the capacity of the existing spa and recreational facilities provided on site. As a result, the traffic generation from the proposed redevelopment is a reduction as compared to the existing development.

CONDOMINIUM LEGAL DESCRIPTION AND LOCATION

Property Information Map



Summary Details:

Folio No.:	24-4232-016-0001
Property:	
Mailing Address:	REF ONLY

Property Information:

Primary Zone:	
CLUC:	
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	0 SQ FT
Year Built:	0
Legal Description:	KEY COLONY NO 1 CONDO DESC 32-33 54 42 & 4-5-6 55 42 5.155 AC, ML MATHESON EST PB 46-86 PORT OF TR 4 DESC BEG 1975.95FTE & 63.42FTN OF SW COR OF TR 4

Sale Information:

Sale O/R:	
Sale Date:	0/0
Sale Amount:	\$0

Assessment Information:

INFORMATION NOT AVAILABLE



SBR Fortune Associates LLLP

1300 BRICKELL AVENUE
MIAMI, FL 33131

HSBC Bank
Buffalo, New York 14203

1-108/210

Vendor No.
VIL004

Check No.
000287

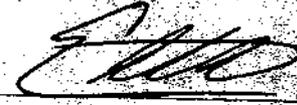
000287
Check Date
08/28/06

EIGHT THOUSAND FOUR HUNDRED SEVENTY NINE DOLLARS AND 50 CENTS*****

\$8,479.50

Pay

VILLAGE OF KEY BISCAYNE
88 WEST MCINTYRE STREET
KEY BISCAYNE FL 33149



⑈000287⑈ ⑆021001088⑆ 610930257⑈

SBR Fortune Associates LLLP

VIL004 VILLAGE OF KEY BISCAYNE

Check Date: 08/28/06

Check No.: 000287

INVOICE NO.	INVOICE DATE	REFERENCE	GROSS	DISCOUNT	NET AMOUNT
082806-2	08/28/06		8,479.50	.00	8,479.50
TOTAL			8,479.50	.00	8,479.50



VILLAGE OF KEY BISCAYNE

Department of Building, Zoning and Planning

Village Council

Robert Oldakowski, *Mayor*
Jorge E. Mendia, *Vice Mayor*
Martha Fdez-León Broucek
Carol Diaz-Castro
Mortimer Fried
James L. Peters
Robert L. Vernon
Jud Kurlancheek, AICP
Director

Eugenio M. Santiago, P.E.
Chief Building Official

PLANNING AND ZONING APPLICATION

Date Filed: 8-29-06

File # SP-17
to be completed by staff

1. REQUEST FOR:

<input type="checkbox"/> SUPERVISORY VARIANCE	<input type="checkbox"/> AMENDMENT TO ZONING ORDINANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> SPECIAL EXCEPTION
<input type="checkbox"/> REGULATORY VARIANCE	<input type="checkbox"/> AMENDMENT TO THE COMPREHENSIVE PLAN
<input checked="" type="checkbox"/> SITE PLAN APPROVAL	<input type="checkbox"/> ZONING DISTRICT CHANGE
<input type="checkbox"/> UNUSUAL USE	
<input type="checkbox"/> OTHER _____	

Explain your request:

See attached Letter of Intent.

2. Street Address of Property: 350 Ocean Drive, Key Biscayne, Florida
Legal Description: Lot(s) See Exhibit "A" Block: _____
Subdivision _____
3. Name of Applicant: SBR - Fortune Associates, LLLP
Mailing Address of Applicant: 1300 Brickell Avenue, Miami, Florida 33131
Business Telephone: 305-351-1000 Home Fax: 305-351-0999

4. Name of Property Owner if Different from Applicant: N/A
 Address of Property Owner if Different from Applicant: _____
 Business Telephone: _____ Home Fax: _____
5. Contact Person: Name: Carter McDowell, Esq. affiliated with the law firm of Bilzin Sumberg Baena Price & Axelrod LLP
 Address: 200 S. Biscayne Blvd. Suite 2500, Miami, Florida 33131
 Phone Number: 305-350-2355 Fax: 305-351-2239
6. Name/address of anyone else who should receive notice of the hearing?
Edgardo Defortuna 1300 Brickell Avenue, Miami, Florida 33131
Carter N. McDowell, Esq. 200 S Biscayne Blvd. Suite 2500, Miami, Florida 33131
7. If applicant is owner, indicate date purchased: April 13, 2005
8. If applicant is lessee, indicate date leased N/A Years _____
9. Is there an option to purchase the property? Yes () No (X)
10. Is the request the result of a violation notice? No If yes, attach a copy of the violation.
11. Existing use of property Hotel. If residential, how many apartments _____
 hotel units 292. If commercial, how many sq. ft. _____
 in your space. Single family home? Yes () No ()
12. If this application pertains to an Appeal of an Administrative Decision, indicate the basis of the appeal. (If necessary attach additional explanation)
N/A
13. If this is a request for a variance, the Code requires that you substantiate why this request should be granted. In order to do this properly, please indicate how your request complies with the following standards:
- (a) Maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community.
- N/A

- (b) Is compatible with the surrounding land uses and would not be detrimental to the community.

N/A

14. If this is a request for any other type of application, please see staff for a listing of the evaluation criteria.
15. All supporting data and exhibits submitted with this application become a permanent part of the public records.
16. If you are a lobbyist as described in the Village Code, please contact the Village Clerk at 305 365 5506.

SUPERVISORY VARIANCES ONLY

The Supervisory procedure requires the nearest abutting property owner to approve your request and your certification that the work was not performed by you. Your signature on this application constitutes your certification that you did not perform the work. The next step is to request the nearest property owner to sign below or provide a letter approving your request. Their signature certifies that they have read this application and approves of the request.

ABUTTING PROPERTY OWNER AFFIDAVIT

I, the undersigned, have read or have had read to me the information applicable for a request for a Supervisory Variance from the Zoning Regulations. I fully understand that by subscribing my name to the below consent form that I am waiving any objection to the proposed construction as outlined above and as shown on the plans accompanying this application. I further certify that I have subscribed my name freely and without any duress or apparent misrepresentation on the part of the applicant.

_____	_____	_____
Date	Name (Type or Print)	Signature
Address _____		

ADMINISTRATIVE VARIANCES ONLY

The Administrative Variance procedures require all abutting property owners to approve your request. The attached map will assist you in identifying who must sign the below petition. It is suggested you meet with staff prior to circulating your petition.

ABUTTING PROPERTY OWNER AFFIDAVIT

I, the undersigned, have read or have had read to me the information applicable for a request for and Administrative Variance from the Zoning Regulations. I fully understand that by subscribing my name to the below consent form that I am waiving any objection to the proposed construction as outlined above and as shown on the plans accompanying this application. I further certify that I have subscribed my name freely and without any duress or apparent misrepresentation on the part of the applicant.

_____	_____	_____
Date	Name (Type or Print)	Signature
Address _____		

_____	_____	_____
Date	Name (Type or Print)	Signature
Address _____		

_____	_____	_____
Date	Name (Type or Print)	Signature
Address _____		

Date Name (Type or Print) Signature
Address _____

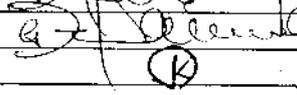
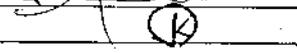
Date Name (Type or Print) Signature
Address _____

Date Name (Type or Print) Signature
Address _____

If you need additional signatures please use the above format.

CERTIFICATION OF COMPLIANCE WITH APPLICABLE REGULATIONS

(I)(We) certify that (I) (we) understand and will comply with the provisions and regulations of the Zoning Regulations. (I)(we) further certify that the above statements and drawings made on any paper or plans submitted herewith are true to the best of (my)(our) knowledge. (I)(we) understand that the application and attachments become part of the official records of the Village and are not returnable.

Signature of Applicant:  Date 8-31-06
Signature of Owner:  Date 8-31-06
Application Received by:  Date 8-29-06
Approved by: _____ Date _____

AFFIDAVITS

Complete one or more of the following that relates to your request.

Tenant or Owner Affidavit (if tenant is applicant then owner must sign owner/power of attorney affidavit)

I, Edgardo Defortuna, being first duly sworn, depose and say that I am the owner/tenant of the property described herein and which is the subject matter of the proposed hearing; that all the answers to the questions in this application and all supplemental data attached to and made a part of the application are honest and true to the best of my knowledge and belief.

I, Edgardo Defortuna, hereby authorize the staff of the Village of Key Biscayne to enter my property for the purpose of inspecting the property and posting a NOTICE OF PUBLIC HEARING on my property and I take the responsibility of removing this notice after the date of hearing. I also authorize members of the Village Council to inspect my property. I understand these inspections are necessary to permit staff and members of the Village Council to perform their responsibilities as required by the Zoning Ordinance.

SBR-FORTUNE ASSOCIATES, LLLP, a Delaware limited liability limited partnership

By: Fortune KB GP, LLC, a Florida limited liability company, General Partner

By: Fortune International Management Inc., a Florida corporation, its Manager

By: [Signature]
Name: Edgardo Defortuna
Title: President
Date: August 29, 2006

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Signature of Applicant Sworn to (or affirmed) and subscribed before me this 29 day of August, 2006, by _____ (name of person making statement).



[Signature]
Signature of Notary Public - State of Florida
SODIAN PEREZ
Print, Type, or Stamp
Commissioned Name of Notary Public

Personally Known

OR Produced Identification

Type of Identification Produced _____

CORPORATION AFFIDAVIT

I, Edgardo Defortuna, being first duly sworn, depose and say that we are the President/Vice President, and Secretary/Assistant Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application and all supplemental data attached to and made a part of this application are honest and true to the best of our knowledge and beliefs that said corporation is the owner/tenant of the property described herein and which is the subject matter of the proposed hearing.

I, Edgardo Defortuna, hereby authorize the staff of the Village of Key Biscayne to enter my property for the purpose of inspecting the property and posting a NOTICE OF PUBLIC HEARING on my property and I take the responsibility of removing this notice after the date of hearing. I also authorize members of the Village Council to inspect my property. I understand these inspections are necessary to permit staff and members of the Village Council to perform their responsibilities as required by the Zoning Ordinance.

SBR-FORTUNE ASSOCIATES, LLLP, a Delaware limited liability limited partnership

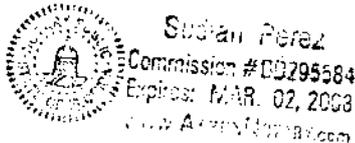
By: Fortune KB GP, LLC, a Florida limited liability company, General Partner

By: Fortune International Management Inc., a Florida corporation, its Manager

By: [Signature]
Name: Edgardo Defortuna
Title: President
Date: August 29, 2006

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Sworn to (or affirmed) and subscribed before me this 29 day of August, 2006,
by _____ (name of person making statement)/



[Signature]
Signature of Notary Public - State of Florida
SUDIAN PEREZ
Print, Type, or Stamp
Commissioned Name of Notary Public

Personally Known OR Produced Identification
Type of Identification Produced _____

OWNER/POWER OF ATTORNEY AFFIDAVIT

I, Edgardo Defortuna, being duly sworn, depose and say that I am the owner of the described real property and that I am aware of the nature and effect the request for: site plan approval

relative to my property, which is hereby made by me OR I am here by authorizing Carter N. McDowell, Esq., affiliated with the law firm of Bilzin Sumberg Baena Price & Axelrod LLP to be my legal representative before the Village Council.

I, Edgardo Defortuna, hereby authorize the staff of the Village of Key Biscayne to enter my property for the purpose of inspecting the property and posting a NOTICE OF PUBLIC HEARING on my property and I take the responsibility of removing this notice after the date of hearing. I also authorize members of the Village Council to inspect my property. I understand these inspections are necessary to permit staff and members of the Village Council to perform their responsibilities as required by the Zoning Ordinance.

SBR-FORTUNE ASSOCIATES, LLLP, a Delaware limited liability limited partnership

By: Fortune KB GP, LLC, a Florida limited liability company, General Partner

By: Fortune International Management Inc., a Florida corporation, its Manager

By: [Signature]
Name: Edgardo Defortuna
Title: President
Date: August 29, 2006



Sodian Perez
Commission # DD295584
Expires: MAR. 02, 2008
WWW.AARONNOTARY.COM

[Signature]
Signature of Notary Public - State of Florida

SODIAN PEREZ
Print, Type, or Stamp
Commissioned Name of Notary Public

Personally Known

OR Produced Identification

Type of Identification Produced _____

LEGAL DESCRIPTION:

Parcel 1

All that piece, parcel or lot of land situate, lying and being in the SW 1/4, Section 32 and Fractional Section 33, Township 54 South, Range 42 East, in the City of Key Biscayne, County of Miami-Dade, State of Florida, and being more particularly described as follows:

Commence at the S.W. corner of Tract 6, SUBDIVISION OF A PORTION OF MATHESON ESTATE according to the plat thereof as recorded in Plat Book 46 at Page 86 of the Public Records of Miami-Dade County, Florida; thence run along the South line of Tract 6, East for a distance of 1200.00 feet to the POINT OF BEGINNING of the following described parcel of land, said POINT OF BEGINNING also being the S.E. corner of the Plat of HOLIDAY COLONY as recorded in Plat Book 50 at Page 87, of the Public Records of Miami-Dade County, Florida; thence continue East for a distance of 761.0 feet more or less to the mean high water line of the Atlantic Ocean; thence meander Northwesterly, Northerly and Northeasterly along the mean high water line of the Atlantic Ocean for a distance of 518.3 feet more or less to a point lying 500.00 feet North of the South line of Tract 6 extended East as measured at right angles; thence run West along a line 500.00 feet North of, and parallel to, the South line of said Tract 6, as measured at right angles, for a distance of 631.8 feet more or less to a point; thence run South 0°38'55" West for a distance of 327.79 feet to a point; thence run North 89°24'30" West for a distance of 157.55 feet to a point of non-tangency with a circular curve concave to the West, the center of which bears North 89°51'26" West from the aforementioned point of non-tangency; said point also being a point on the Easterly line of Block 5 of the Plat of HOLIDAY COLONY, as recorded in Plat Book 50, Page 87 of the Public Records of Miami-Dade County, Florida; thence run Southerly along the arc of said circular curve having for its elements a central angle of 3°14'04" and a radius of 3081.59 feet for a distance of 173.96 feet to the POINT OF BEGINNING.

and

Parcel 2

All that piece parcel of lot of land situate, lying and being in the SW 1/4, Section 32, Township 54 South, Range 42 East, in City of Key Biscayne, County of Miami-Dade, State of Florida, and being more particularly described as follows:

Commence at the S.W. corner of Tract 6, SUBDIVISION OF A PORTION OF MATHESON ESTATE according to the plat thereof as recorded in Plat Book 46 at Page 86 of the Public Records of Miami-Dade County, Florida; thence run along the South line of Tract 6, East for a distance of 1200.00 feet to a point of non-tangency with a circular curve concave to the West, the center of which bears North 86°37'22" West from the aforementioned point of non-tangency, said point also being the SE corner of the Plat of HOLIDAY COLONY, as recorded in Plat Book 50, Page 87 of the Public Records of Miami-Dade County, Florida; thence run Northerly along the arc of said circular curve, having for its elements a central angle of 3°14'04" and a radius of 3081.59 feet for a distance of 173.96 feet to the POINT OF BEGINNING of the following described parcel of land; thence continue Northerly and Northwesterly along the arc of said circular curve having for its elements a central angle of 10°46'23" and a radius of 3081.59 feet for a distance of 579.42 feet to a point; said point also being a point on the Southerly right of way line of East Drive; thence run along the said right of way line, East for a distance of 160.62 feet to a point of curvature with a curve concave to the Southwest; thence run along the arc of said curve having for its elements a central angle of 80°19'47" and a radius of 25.00 feet for a distance of 35.05 feet to a point of compound curvature with a circular curve concave to the West, said point also being a point on the Westerly right of way line of Ocean Boulevard; thence run Southerly along the said Westerly right of way line on the arc of the circular curve having for its elements a central angle of 4°03'53" and a radius of 3260.29 feet for a distance of 231.29 feet to a point; thence leaving the said right of way line, run West 1.87 feet to a point; thence run South 0°38'55" West for a distance of 327.79 feet to a point; thence run North 89°24'30" West for a distance of 157.55 feet to the POINT OF BEGINNING.



Disclosure of Ownership Interest
for SBR-Fortune Associates, LLLP, Delaware limited liability limited partnership

SBR-Fortune Associates, LLLP, Delaware limited liability limited partnership 100%
1300 Brickell Avenue
Miami, FL 33131

A. Partners

Fortune KB GP, LLC, a Florida limited liability company
General Partner
1300 Brickell Avenue
Miami, FL 33131

Fortune KB, LLC, a Florida limited liability company
Limited Partner
1300 Brickell Avenue
Miami, FL 33131

Sonesta Beach Resort Limited Partnership, a Delaware limited partnership
Limited Partner
116 Huntington Avenue
Boston, MA 02116

B. Ownership

1. Sonesta Beach Resort Limited Partnership, a Delaware limited partnership 50%
116 Huntington Avenue
Boston, MA 02116

i. Ownership

a. Sonesta International Hotels Corporation, a publicly traded company 100%
116 Huntington Avenue
Boston, MA 02116

(i) Officers

A. Peter J. Sonnabend
Chief Executive Officer and Vice Chairman
116 Huntington Avenue
Boston, MA 02116

B. Stephanie Sonnabend
Chief Executive Officer and President
116 Huntington Avenue
Boston, MA 02116

C. Boy A.J. Van Riel
Vice President and Treasurer
116 Huntington Avenue
Boston, MA 02116

2. Fortune KB, LLC, a Florida limited liability company 49%

i. Ownership

a. See Exhibit "B" 100%

3. Fortune KB GP, LLC, a Florida limited liability company 1%

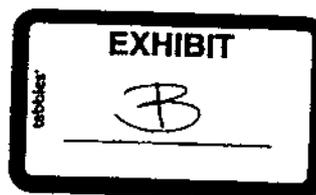
i. Ownership

a. Edgardo Defortuna 99%
1300 Brickell Avenue
Miami, FL 33131

b. Ana Cristina Defortuna 1%
1300 Brickell Avenue
Miami, FL 33131

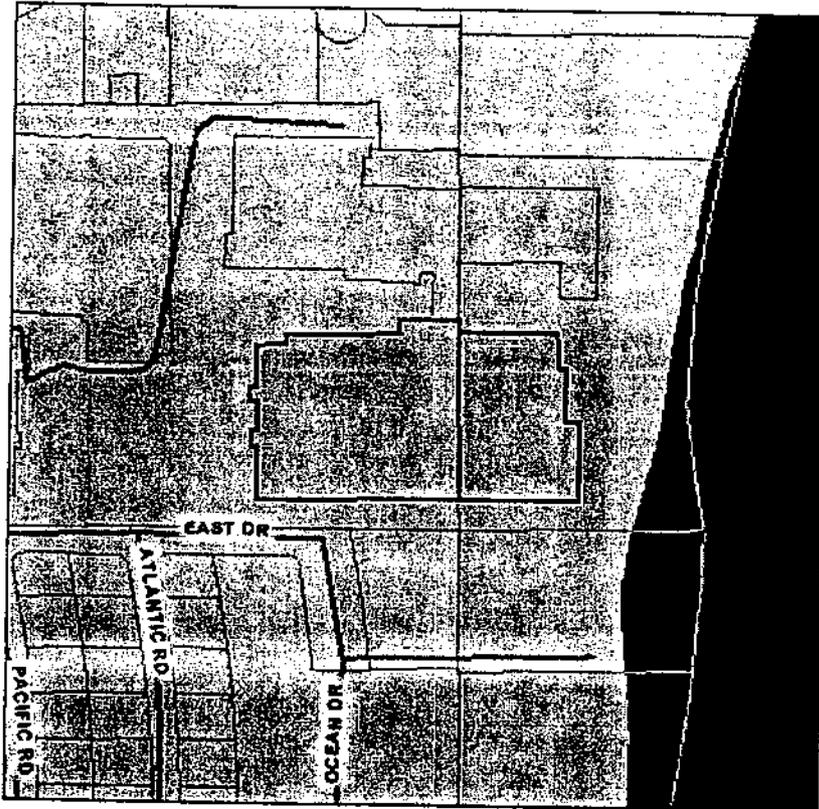
	Fortune KB, LLC % Ownership	Entity Owning % in Fortune KB, LLC	Entity Owning a 100% Interest in entity disclosed in Column (B), if applicable	Ultimate Individual Owner
1	2.04%	Orange Tree Group Investments LLC	N/A	Raja Wahab
2	2.04%	Bay View Alliance LLC	N/A	William Houlzet
3	2.04%	Bay Village Group LLC	N/A	Adib Chartouni
4	1.04%	Bay North Trading LLC	N/A	Alfredo Bolasini
5	3.06%	Emerald House Investments Corp	Cascade Association Ltd.	Carlos Mattos
6	2.04%	Mint Systems LLC	N/A	Juan Calle
7	2.04%	Key Systems LLC	N/A	Andres Martinez
8	2.04%	Grape Tree Investments LLC	N/A	Michel Daccach
9	2.04%	Blue Pond Investments Corp	Falls Group Ltd.	Johanna Von Der Goltz
10	2.04%	EAD Beachfront Investments LLC	N/A	Maria Amalia Sonogo
11	0.61%	Tech Alliance Holdings LLC	N/A	Agusto Niti
12	2.04%	Marine Group Holdings Corp.	Marine Team Ltd.	Herman Engelhard
13	1.02%	Palms Investments LLC	N/A	Guido Fraiman
14	1.02%	Lake Side Investments Corp.	North Side Group S. A.	Fernando Mihanovich
15	1.02%	Watercourse Investments Corp.	Canal Members Ltd.	Diego Pomerane
16	2.04%	Iceland Investments Corp	Artic Members Ltd.	Sergio Boccitto
17	2.04%	Green Group Systems Corp.	Fall Leaves Group Holdings Ltd.	Felipe Piñeiro
18	2.04%	Ocean Side Trading Corp.	Blue Falls Group S. A.	Juan Urruela Nanne
19	2.04%	Wind Side Investments Corp.	Wind Trading S. A.	Gabriel Chapochnick
20	4.08%	WSW Realty Trust, LLC	N/A	Lance Chody
21	4.08%	Key Towers Group LLC	N/A	Woods Staton
22	0.51%	Seas Trading Corp.	Bay Side Trading S. A.	Carlos Rolando Tarrab
23	1.02%	Coast Group Trading Corp	Ocean Front Group S. A.	Pierre Kopec
24	1.02%	Astor LLC	N/A	Atilio Bugliotti
25	1.02%	South Bay Group Corp.	Grand Bay Group S. A.	Victor Blanco
26	1.02%	Pond Holdings LLC	N/A	Hugo Bianchi
27	1.02%	Harbor Alliance Corp.	Bay Alliance S. A.	Alvaro Alvarez Mora
28	2.53%	Beirut Holdings LLC	N/A	Fares D. Noujaim
29	49.41%	Fortune Island LLC	N/A	Edgardo Defortuna (99%) Ana Cristina Defortuna (1%)

100.00%



CONDOMINIUM LEGAL DESCRIPTION AND LOCATION

Property Information Map



Summary Details:

Folio No.:	24-4232-016-0001
Property:	
Mailing Address:	REF ONLY

Property Information:

Primary Zone:	
CLUC:	
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	0 SQ FT
Year Built:	0
Legal Description:	KEY COLONY NO 1 CONDO DESC 32-33 54 42 & 4-5-6 55 42 5.155 AC ML MATHESON EST PB 46-86 PORT OF TR 4 DESC BEG 1975.95FTE & 63.42FTN OF SW COR OF TR 4

Sale Information:

Sale O/R:	
Sale Date:	0/0
Sale Amount:	\$0

Assessment Information:

INFORMATION NOT AVAILABLE	
---------------------------	--



LD KA-27, MAP-04
 SP-14
 file #'s taken on 9-6-06 by
 Ⓟ

VILLAGE OF KEY BISCAIYNE

Department of Building, Zoning and Planning

Village Council

Robert Oldakowski, *Mayor*
 Jorge E. Mendia, *Vice Mayor*
 Martha Fdez-León Broucek
 Carol Diaz-Castro
 Mortimer Fried
 James L. Peters
 Robert L. Vernon
 Jud Kurlancheck, AICP
Director

PLANNING AND ZONING APPLICATION

Eugenio M. Santiago, P.E.
Chief Building Official

5-23-06
 POO + MAP CHANGE
 WITHDRAWN BY
 APPLICANT (LD KA-27)
 SP-14 SITE PLAN
 NOT WITHDRAWN

Date Filed: 1-24-06

File # SP-14
 to be completed by staff

1. **REQUEST FOR:**

<input type="checkbox"/> SUPERVISORY VARIANCE	<input checked="" type="checkbox"/> AMENDMENT TO ZONING ORDINANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> SPECIAL EXCEPTION
<input type="checkbox"/> REGULATORY VARIANCE	<input type="checkbox"/> AMENDMENT TO THE COMPREHENSIVE PLAN
<input checked="" type="checkbox"/> SITE PLAN APPROVAL	<input checked="" type="checkbox"/> ZONING DISTRICT CHANGE
<input type="checkbox"/> UNUSUAL USE	
<input type="checkbox"/> OTHER _____	

Explain your request:

See attached Letter of Intent

2. Street Address of Property: 350 Ocean Drive, Key Biscayne, Florida
 Legal Description: Lot(s) See Exhibit "A" Block: _____
 Subdivision _____

3. Name of Applicant: SBR - Fortune Associates, LLLP
 Mailing Address of Applicant: 1300 Brickell Avenue, Miami, Florida 33131
 Business Telephone: 305-351-1000 Home Fax: 305-351-0999

4. Name of Property Owner if Different from Applicant: N/A
 Address of Property Owner if Different from Applicant: _____
 Business Telephone: _____ Home Fax: _____
5. Contact Person: Name: Carter McDowell
 Address: 200 S. Biscayne Blvd. Suite 2500, Miami, Florida 33131
 Phone Number: 305-350-2355 Fax: 305-351-2239
6. Name/address of anyone else who should receive notice of the hearing?
Edgardo Defortuna 1300 Brickell Avenue, Miami, Florida 33131
Carter McDowell 200 S Biscayne Blvd. Suite 2500, Miami, Florida 33131
7. If applicant is owner, indicate date purchased: April 13, 2005
8. If applicant is lessee, indicate date leased N/A Years _____
9. Is there an option to purchase the property? Yes () No (X)
10. Is the request the result of a violation notice? No If yes, attach a copy of the violation.
11. Existing use of property Hotel. If residential, how many apartments _____
 hotel units 292. If commercial, how many sq. ft. _____
 in your space. Single family home? Yes () No ()
12. If this application pertains to an Appeal of an Administrative Decision, indicate the basis
 of the appeal. (If necessary attach additional explanation)
N/A
13. If this is a request for a variance, the Code requires that you substantiate why this request
 should be granted. In order to do this properly, please indicate how your request complies
 with the following standards:
- (a) Maintains the basic intent and purpose of the zoning, subdivision and other land
 use regulations, which is to protect the general welfare of the public, particularly
 as it affects the stability and appearance of the community.
- N/A

- (b) Is compatible with the surrounding land uses and would not be detrimental to the community.

N/A

14. If this is a request for any other type of application, please see staff for a listing of the evaluation criteria.
15. All supporting data and exhibits submitted with this application become a permanent part of the public records.
16. If you are a lobbyist as described in the Village Code, please contact the Village Clerk at 305 365 5506.

CORPORATION AFFIDAVIT

I, Edgardo Defortuna, being first duly sworn, depose and say that we are the President/Vice President, and Secretary/Assistant Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application and all supplemental data attached to and made a part of this application are honest and true to the best of our knowledge and beliefs that said corporation is the owner/tenant of the property described herein and which is the subject matter of the proposed hearing.

I, Edgardo Defortuna, hereby authorize the staff of the Village of Key Biscayne to enter my property for the purpose of inspecting the property and posting a NOTICE OF PUBLIC HEARING on my property and I take the responsibility of removing this notice after the date of hearing. I also authorize members of the Village Council to inspect my property. I understand these inspections are necessary to permit staff and members of the Village Council to perform their responsibilities as required by the Zoning Ordinance.

SBR-FORTUNE ASSOCIATES, LLLP, a Delaware limited liability limited partnership

By: Fortune KB GP, LLC, a Florida limited liability company, General Partner

By: Fortune International Management Inc., a Florida corporation, its Manager

By: [Signature]
Name: Edgardo Defortuna
Title: President
Date: January __, 2006

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Sworn to (or affirmed) and subscribed before me this 23 day of Jan., 2006,
by _____ (name of person making statement)/

 Lissis Ramos
My Commission DD261459
Expires February 21 2008

[Signature]
Signature of Notary Public - State of Florida

Print, Type, or Stamp
Commissioned Name of Notary Public

Personally Known X OR Produced Identification _____
Type of Identification Produced _____

OWNER/POWER OF ATTORNEY AFFIDAVIT

I, Edgardo Defortuna, being duly sworn, depose and say that I am the owner of the described real property and that I am aware of the nature and effect the request for: site plan approval; amendment to zoning ordinance; zoning district change relative to my property, which is hereby made by me OR I am here by authorizing Carter McDowell to be my legal representative before the Village Council.

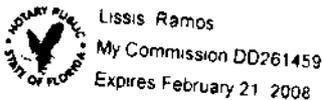
I, Edgardo Defortuna, hereby authorize the staff of the Village of Key Biscayne to enter my property for the purpose of inspecting the property and posting a NOTICE OF PUBLIC HEARING on my property and I take the responsibility of removing this notice after the date of hearing. I also authorize members of the Village Council to inspect my property. I understand these inspections are necessary to permit staff and members of the Village Council to perform their responsibilities as required by the Zoning Ordinance.

SBR-FORTUNE ASSOCIATES, LLLP, a Delaware limited liability limited partnership

By: Fortune KB GP, LLC, a Florida limited liability company, General Partner

By: Fortune International Management Inc., a Florida corporation, its Manager

By: [Signature]
Name: Edgardo Defortuna
Title: President
Date: January __, 2006



[Signature]
Signature of Notary Public - State of Florida

Print, Type, or Stamp
Commissioned Name of Notary Public

Personally Known X OR Produced Identification _____
Type of Identification Produced _____

Disclosure of Ownership Interest
for SBR-Fortune Associates, LLLP, Delaware limited liability limited partnership

SBR-Fortune Associates, LLLP, Delaware limited liability limited partnership 100%
1300 Brickell Avenue
Miami, FL 33131

A. Partners

Fortune KB GP, LLC, a Florida limited liability company
General Partner
1300 Brickell Avenue
Miami, FL 33131

Fortune KB, LLC, a Florida limited liability company
Limited Partner
1300 Brickell Avenue
Miami, FL 33131

Sonesta Beach Resort Limited Partnership, a Delaware limited partnership
Limited Partner
116 Huntington Avenue
Boston, MA 02116

B. Ownership

1. Sonesta Beach Resort Limited Partnership, a Delaware limited partnership 50%
116 Huntington Avenue
Boston, MA 02116

i. Ownership

a. Sonesta International Hotels Corporation, a publicly traded company 100%
116 Huntington Avenue
Boston, MA 02116

(i) Officers

A. Peter J. Sonnabend
Chief Executive Officer and Vice Chairman
116 Huntington Avenue
Boston, MA 02116

B. Stephanie Sonnabend
Chief Executive Officer and President
116 Huntington Avenue
Boston, MA 02116

C. Boy A.J. Van Riel
Vice President and Treasurer
116 Huntington Avenue
Boston, MA 02116

2. Fortune KB, LLC, a Florida limited liability company 49%

i. Ownership

a. Edgardo Defortuna 100%
1300 Brickell Avenue
Miami, FL 33131

3. Fortune KB GP, LLC, a Florida limited liability company 1%

i. Ownership

a. Edgardo Defortuna 100%
1300 Brickell Avenue
Miami, FL 33131

BILZIN SUMBERG BAENA PRICE & AXELROD LLP

A PARTNERSHIP OF PROFESSIONAL ASSOCIATIONS

200 SOUTH BISCAYNE BOULEVARD, SUITE 2300 • MIAMI, FLORIDA 33131-5340

TELEPHONE: (305) 374-7580 • FAX: (305) 374-7593

E-MAIL: INFO@BILZIN.COM • WWW.BILZIN.COM

Carter N. McDowell, Esq.
Direct Dial: (305) 350-2355
Direct Facsimile: (305) 351-2239
E-mail: cmcdowell@bilzin.com

January 24, 2006

VIA HAND DELIVERY

Jud Kurlancheek, AICP, Director
Building, Zoning and Planning Department
Village of Key Biscayne Village Hall
88 W. McIntyre Street
Key Biscayne, FL 33149

Re: SBR – Fortune Associates, LLLP
Zoning and Site Plan Approval Application for 350 Ocean Drive, Key
Biscayne, Florida

Dear Jud:

Please accept this letter and the enclosed application (the "Application") for the property located at 350 Ocean Drive (the "Property"). This firm represents the property owner, SBR – Fortune Associates, LLLP (the "Applicant"). As you are aware from our several meetings, the applicants and their design team lead by Chad Oppenheim of Oppenheim Architecture + Design have been working on plans for the redevelopment of the Sonesta Beach property located at 350 Ocean Drive for several months. As the applicants and designers have worked on the plans for the redevelopment they have found that the building envelope both permitted and encouraged by the existing regulations would create a continuous wall of structure running both north/south along the western boundary of the property and east/west within the property. Having reviewed several preliminary design alternatives that fit within the zoning envelope, we determined that it would make more sense and be more compatible and aesthetically more appropriate to seek modification of zoning envelope in order to allow the creation of separate slender towers on the property as opposed to a single monolithic tower. Therefore, we are seeking a rezoning from Hotel Resort District to Planned Unit Development. Seeking rezoning to Planned Unit Development will create additional design flexibility by allowing the plans for the project become the "zoning" for the property.

In order to accomplish this we are submitting an Application for: 1) Text Amendment to the Land Development Regulations in order to create the Planned Unit Development District; 2)

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Jud Kurlancheck, AICP, Director
January 24, 2006
Page 2

Rezoning from Hotel Resort District to the Planned Unit Development District; and 3) finally we are seeking Site Plan Approval as part of the Plan Unit Development approval process.

As the applicants and design team were working on the design of the project it became clear that one of the major challenges in designing a project to be compatible with the surrounding properties is the inclusion of all necessary and required parking for the project. The project is required to have a minimum of 707 parking spaces and is in fact providing approximately 852 parking spaces to ensure that there is sufficient parking on site so that there will be no overflow parking into the adjoining residential neighborhood. In the initial designs it became clear that the bulk of the structure necessary to accommodate the required parking was going to make it very difficult to design and develop a project that would be acceptable to both the property owners and to the surrounding properties. As a result, the applicants have made an extraordinary decision to place essentially all of the parking in a parking structure that extends three stories below grade. As shown on the plans, this parking structure will be excavated underneath the central portion of the site. Not surprisingly, the cost of constructing this underground garage will be two and half times the cost of building a conventional parking structure above grade. That represents an additional cost of approximately \$20,000,000 for the project, however, it also means that we will have the ability to put approximately 450,000 square feet of building mass below grade thereby substantially reducing the building bulk that otherwise would effect the neighboring property owners.

As part of these applications we are submitting a number of different documents and studies. The following is a general list of those documents including:

1. Plans, including floor plans, elevations, renderings, landscape plans, etc. meeting the requirement for the Site Plan Review Approval process along with the Planned Unit Development Regulations;
2. The draft proposed Text Amendment, for the Planned Unit Development Regulations;
3. Studies by our civil and traffic engineers addressing project impact on water, sewer and solid waste issues and traffic issues;
4. A chart comparing the existing conditions, the allowable conditions under the Hotel Resort District and the proposed conditions under the PUD (attached is Exhibit "A");

The Project as proposed includes 37 dwelling units and 240 multi-bedroom hotel units. As you are aware from some of our prior discussions, it is our intention to seek an amendment to the Key Biscayne Comprehensive Plan language to allow us to create lockout units for a portion of the multi-bedroom hotel units so that the total number of hotel units would be 350 units, as is otherwise permitted by the Key Biscayne Comprehensive Plan. We will be filing that Amendment shortly, although we understand that pursuant to state statutes that application

BILZIN SUMBERG BAENA PRICE & AXELROD LLP

Jud Kurlancheck, AICP, Director
 January 24, 2006
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cannot be finally approved until Key Biscayne has completed its Evaluation and Appraisal Report ("EAR") process.

The project includes 37 residential dwelling units and therefore must address the recreation and open space currency requirements for those dwelling units. As outlined in the table below, in accordance with the 2000 census data for the Village of Key Biscayne, there are 2.47 persons per dwelling unit. That means that the 37 dwelling units included within the development program will generate an expected population of 92 people.

The Key Biscayne recreation and open space standard is 2.5 acres per thousand population resulting in a recreation and open space need of .23 acres or 10,018 square feet of recreation and open space land. As shown more clearly on the plans, the project proposes to dedicate a 25 foot linear park along the western boundary of the property providing both green space, and a pedestrian, bicycle and possibly even golf cart north/south access. This 25 foot wide linear park will contain 17,896 square feet of space. In addition, the project proposes to dedicate a 25 foot wide beach access along the northern boundary of the property, this beach access will contain 14,034 square feet. Therefore, the total recreation and open space to be dedicated and provided by the project is 31,931 square feet or slightly more than three times the amount of space that would be required for the 37 dwelling units including in the property. In addition to these dedications the project will include extensive recreational facilities including but not limited to pools and two tennis courts.

Recreation and Open Space Calculation

2.47 persons per unit x 37 dwelling units = 92 people

92 people/ 1000 x 2.5 ac = .23 AC

.23 AC x 43,560 SF/AC = 10,018 SF of required recreation and open space

Recreation and Open space to be dedicated as part of the Project

25 foot wide beach access	14,034 SF
25 foot wide linear park	<u>17,896 SF</u>
Recreation and open space provided	31,931 SF

As documented in the traffic study prepared by The Coradino Group, the proposed redevelopment of the Sonesta, as submitted as part of this application, will result in a slight reduction in traffic on the Village roadways as compared to the existing condition today. The existing Sonesta Hotel includes 292 hotel units along with restaurant, meeting space, spa and

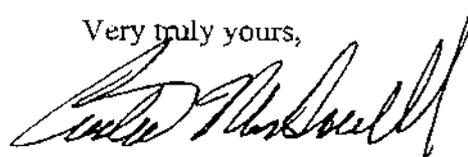
BILZIN SUMBERG BAENA PRICE & AXELROD LLP

Jud Kurlancheck, AICP, Director
January 24, 2006
Page 4

other facilities. As documented in the traffic study, these accessory uses such as the meeting space, restaurant and other uses in the new development will be of similar magnitude and capacity as the existing facilities on site. The primary difference between the new development and the existing development is the size and quality of the hotel rooms and the accessory facilities, particularly the spa. The spa area has increased significantly over the existing spa reflecting today's standards for spa services, however, the capacity of the new spa is, in fact, similar to the capacity of the existing spa and recreational facilities provided on site. As a result, the traffic generation from the proposed redevelopment is a slight reduction as compared to the existing development.

We look forward to working with you, the Village Manager and the Village Council as we process these applications through the various hearings. As always if you have any additional questions or need any additional information we will be happy to submit that information to you. We believe that the proposed redevelopment of the Sonesta property is clearly in keeping with the quality of the Village of Key Biscayne. The new facilities will upgrade the existing Sonesta to meet and even exceed today's standards for luxury hotel and residential properties. We are excited about bringing this new facility to the Village of Key Biscayne and look forward to delivering a truly exceptional project to the Village.

Very truly yours,



Carter N. McDowell

CNM/mc
Attachment