

MIAMIBEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: November 18, 2025

FROM: Thomas R. Mooney, AICP
Planning Director



For TRM

SUBJECT: HPB25-0669, **4441 Collins Avenue- Fontainebleau Hotel**.

An application has been filed requesting a Certificate of Appropriateness for the partial demolition of existing improvements in the rear yard, and the construction of new rear yard amenities for the hotel, including water slides, pools, restrooms, and cabanas. The applicant is also requesting variances from the maximum allowable height for shade structures; a variance from the minimum setback requirements from the Erosion Control Line; variances from the walkway material and maximum walkway width requirements; variances from the minimum open space requirements in both the Dune Preservation and Oceanfront Overlay Districts; a variance from the side setback requirements in the Oceanfront Overlay; a variance from the minimum setback requirements from the Bulkhead line; a variance from the view corridor requirements in the Oceanfront Overlay; a variance from the rear pedestal setback requirements; and variances from the side setback requirements and sum of the side yard setback requirements.

RECOMMENDATION

Approval of the Certificate of Appropriateness.
Approval of Variances 1-4, 6 & 9.
Approval of Variances 10 & 11 with modifications.
Denial of Variance 5.
Continuance of Variances 7 & 8 to a future date.

EXISTING SITE

Local Historic District:	Morris Lapidus/Mid-20 th Century
Classification:	Contributing
Date of Construction:	1954 (Chateau) / 1959 (North Addition - Versailles Tower)
Original Architect:	Morris Lapidus / Herbert Mathes

BACKGROUND

(1952-1954): The original Fontainebleau Hotel was constructed in 1954 and designed by noted Miami Beach architect Morris Lapidus.

(1958-1961): The north expansion of the Fontainebleau, including the existing 15-story north tower, convention hall ballroom, and “cheese wall” lobby, was constructed in 1959 and designed by architect Herbert Mathes.

(1997-2005): The 36-story Fontainebleau II, located at the southwest corner of the site, which included the relocation of 44th Street, was constructed, designed by the architectural firm of

Nichols Brosch Sandoval & Associates. The 18-story Fontainebleau III (which replaced the former Sorrento Hotel), was constructed at the southeast corner of the site, also designed by Nichols Brosch Sandoval & Associates.

On June 8, 2010, the Historic Preservation Board approved a Certificate of Appropriateness for the installation of artificial turf in limited locations at the rear of the site (HPB 7184).

On April 8, 2014, the Historic Preservation Board approved a Certificate of Appropriateness for the partial demolition and renovation of the existing 17-story north tower including the construction of a new 2-story rooftop addition (HPB 7421).

On August 9 2016, the Historic Preservation Board approved variances to reduce the minimum required front setback for a monument sign, and to exceed the maximum aggregate area for signage (HPB0616-0034).

On July 10, 2018, the Historic Preservation Board approved a Certificate of Appropriateness for modifications to the lobby bar area (HPB18-0204).

On June 9, 2020, the Historic Preservation Board approved a Certificate of Appropriateness for the installation of a Stealth Distributed Antenna System (DAS) node within the public right-of-way (HPB19-0371).

On October 13, 2020, the Historic Preservation Board approved a Certificate of Appropriateness for modifications to the existing Tresor Tower including the construction of a new ground level vertical circulation structure in order to facilitate the construction of a new pedestrian bridge over the 44th Street right-of-way connecting the subject property to 4360 Collins Avenue, including variances to reduce the required street side and sum of the side setbacks (HPB20-0390).

On December 13, 2021, the Historic Preservation Board approved a Certificate of Appropriateness for modifications to the existing Sorrento Tower including the construction of a 1-story rooftop addition at an existing 2nd level terrace (HPB21-0484).

ZONING / SITE DATA

Legal Description:	Indian Beach Corp Amd PI Pb 8-61 Lot A & Lots 1 & 2 & S% Of Lot 3 & That Port Of 44 St Desc Beg Nw Cor Of R P Van Camp Th S 07 Deg W 125ft N 82 Deg W 60ft N 07 Deg E 15ft Nwly Ad 78.54ftn.
Zoning:	RM-3, Residential multifamily, high intensity
Future Land Use Designation:	RM-3, Residential multifamily, high intensity
Lot Size:	696,988 S.F. / 3.00 Max FAR
Existing FAR:	1,947,125 S.F. / 2.7 FAR
Proposed Additional FAR:	30,974 S.F. / 0.044 FAR* as indicated by applicant
Remaining FAR:	112,865 S.F.

THE PROJECT

The applicant has submitted plans entitled "Fontainebleau Exterior Renovation as prepared by Gensler dated September 5th, 2025.

COMPLIANCE WITH ZONING CODE

The application is inconsistent with the following sections of the city code, for which variances have been requested, as more specifically described in the variance analysis section of this report.

Dune Preservation Overlay:

1. **Section 7.3.1.1.c.1:** *Shade structures and chickees shall be open on all sides and, with the exception of supporting columns, and shall have an unobstructed, clear space between the edge of the roof covering and finished floor of not more than eight feet.*
Cabana structures are proposed with a height clearance of 12.92' where 8' is permitted.
2. **Section 7.3.1.1.c.2:** *Decks and patios constructed of wood materials with or without built-in tables, chairs, lighting, and benches. All structures shall be located a minimum of 10 feet west of the erosion control line.*
Decks, patios, and furniture are located within the Dune Preservation Overlay and do not comply with the minimum 10' setback.
3. **Section 7.3.1.1.c.6:** *Walkways and ramps constructed of wood materials and which are not more than 6 feet in width.*
The proposed walkways exceed 6' in width.
4. **Section 7.3.1.1.d.1:** *At least 80 percent (80%) of the site shall remain open to the sky, landscaped or maintained as sand beach. All areas covered by the uses permitted above, other than portable beach furniture, shall be considered in the lot coverage calculation.*
The open space for the Dune Preservation Overlay is proposed at 47.7%.

Oceanfront Overlay:

5. **Section 7.3.1.2.b.3:** *There shall be a minimum required 15-foot setback from a side lot line and a minimum required 10-foot setback from the bulkhead line.*
The new waterslide structure is 1'-5" from the interior side lot line where 15' is required.
6. **Section 7.3.1.2.b.3:** *There shall be a minimum required 15-foot setback from a side lot line and a minimum required 10-foot setback from the bulkhead line.*
The new bathroom facility is 0' from the bulkhead line where 10' is required.
7. **Section 7.3.1.2.b.7:** *Lot coverage shall be at least 50 percent (50%) of the required rear yard setback, open to the sky and landscaped. All areas covered by permitted uses, other than portable beach furniture, shall be considered in the lot coverage calculation.*
The proposed open space is 3.7% in the Oceanfront Overlay where 50% is required.
8. **Section 7.3.1.2.b.8:** *A view corridor shall be created by maintaining a minimum of 50 percent (50%) of the required rear yard setback open and unencumbered, apart from landscaping and decorative open picket type fences, from the erosion control line to the rear setback line.*
The proposed view corridor in the Oceanfront Overlay is 30.42% where 50% is required.

RM-3 Building Setback:

9. **Section 7.2.6.3.a:** *Rear Pedestal Setback- 20% of lot depth or 50 feet from the bulkhead line whichever is greater.*
The proposed bathroom and new slide do not comply with the minimum rear setback.

10. **Section 7.2.6.3.a:** *Pedestal Side Setback-7.5' or 8% of the lot width, whichever is greater.*

The proposed waterslide is 1'-5" from the interior side lot line where 20% of the pedestal setback line is required.

11. **Section 7.2.6.3.a:** *Sum of the side yards shall equal 16% of lot width*

The proposed bathroom and new slide do not comply with the sum of the required yard setback.

The foregoing shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

CONSISTENCY WITH 2040 COMPREHENSIVE PLAN

A preliminary review of the project indicates that the existing uses are **consistent** with the Future Land Use Map of the Comprehensive Plan.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4(a)(1) of the Land Development Regulations establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- A. A recycling or salvage plan for partial or total demolition shall be provided.
Not Satisfied
- B. Windows that are proposed to be replaced shall be hurricane proof impact windows.
Satisfied
- C. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Satisfied
- D. Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 4 of the Land Development Regulations.
Satisfied
- E. The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.
Satisfied
- F. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.
Satisfied

- G. In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.
Satisfied
- H. Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.
Not Applicable
- I. When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 in General Ordinances.
Not Applicable
- J. In all new projects, water retention systems shall be provided.
Satisfied
- K. Cool pavement materials or porous pavement materials shall be utilized.
Satisfied
- L. The project design shall minimize the potential for a project causing a heat island effect on site.
Satisfied

COMPLIANCE WITH CERTIFICATE OF APPROPRIATENESS CRITERIA

A decision on an application for a certificate of appropriateness shall be based upon the following:

1. Evaluation of the compatibility of the physical alteration or improvement with surrounding properties and where applicable, compliance with the following criteria pursuant to section 2.13.7(d)(ii)(1) of the Land Development Regulations (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
 - a. The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings may be amended from time to time.
Not Applicable
 - b. The Secretary of Interior's Standards for Reconstruction as may be amended from time to time.
Not Applicable
 - c. Other guidelines/policies/plans adopted or approved by resolution or ordinance by the city commission.
Satisfied

The Secretary of Interior's Guidelines for Rehabilitation are intended as an aid to assist in applying the Secretary of Interior's Standards but are not binding on their own and are not meant to give case-specific advice or to address exceptions of unusual conditions.

2. The examination of architectural drawings for consistency with the criteria pursuant to section 2.13.7(d)(ii)(2) of the Land Development Regulations and stated below, with

regard to the aesthetics, appearances, compatibility, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The criteria referenced above are as follows (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):

- a. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
Satisfied
- b. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Satisfied; however the applicant is requesting variances to exceed the lot coverage, setback, height, and open space.
- c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit.
Satisfied
- d. The proposed structure, or additions to an existing structure are appropriate to and compatible with the environment and adjacent structures, and enhance the appearance of the surrounding properties, or the purposes for which the district was created.
Satisfied
- e. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.
Satisfied
- f. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.
Satisfied
- g. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and

reflection on adjacent properties and consistent with a city master plan, where applicable.

Satisfied

- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.

Satisfied

- i. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.

Satisfied

- j. Any proposed new structure shall have an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).

Not Satisfied; the applicant is requesting a variance to reduce the required 50% view corridor.

- k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.

Not Applicable

- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

Not Applicable

- m. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.

Satisfied

- n. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.

Satisfied

CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION EVALUATION CRITERIA

Section 2.13.7(d)(vi)(4) of the Land Development Regulations provides criteria by which the Historic Preservation Board evaluates requests for a Certificate of Appropriateness for Demolition. The following is an analysis of the request based upon these criteria:

- a. The building, structure, improvement, or site is of such design, craftsmanship, or material that it could be reproduced only with great difficulty or expense.

Not Satisfied:

The existing demolition is for the exterior pool deck, steps, planters and slabs.

- b. The building, structure, improvement, or site is one of the last remaining examples of its kind in the neighborhood, the county, or the region, or is a distinctive example of an architectural or design style which contributes to the character of the district.

Not Satisfied

The existing demolition is for the exterior pool deck, steps, planters and slabs.

- c. Retention of the building, structure, improvement, landscape feature or site promotes the general welfare of the city by providing an opportunity for study of local history, architecture, and design, or by developing an understanding of the importance and value of a particular culture and heritage.

Not Satisfied

The retention of the exterior pool deck, steps, planters and slabs does not promote the general welfare of the city for study of local history, architecture, and design, or by developing an understanding of the importance and value of a particular culture and heritage as it a non-contributing storage building.

- d. In the event an applicant or property owner proposes the total demolition of a contributing structure, historic structure or architecturally significant feature, there shall be definite plans presented to the board for the reuse of the property if the proposed demolition is approved and carried out.

Not Applicable

- e. The county unsafe structures board has ordered the demolition of a structure without option.

Not Applicable

The Miami-Dade County Unsafe Structures Board has not ordered the demolition of the structure.

VARIANCE CRITERIA

The applicant has submitted plans and documents with the application to address Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application regarding the following, as they relate to the requirements of Section 2.8.3(a) of the Land Development Regulations:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
2. The special conditions and circumstances do not result from the action of the applicant;
3. Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;
4. Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district

under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;

5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
6. The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;
7. The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan; and
8. The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.

ANALYSIS

The applicant is proposing a comprehensive revitalization of the property's rear yard to create a more engaging and family-friendly resort environment. The project includes the construction of a new six-story waterslide tower, two-story cabana structures, two storage facilities, a spa restroom, a children's play pool, new stairs, a small bar, and an expanded restroom area. These improvements are intended to enhance the overall guest experience and reinvigorate the site's outdoor amenities, while not negatively impacting the existing architectural character. Importantly, no alterations are proposed to any contributing historic structures on the property.

To accommodate the new program, the project involves the removal of the existing cabanas, selective demolition of interior partitions within the restaurant, and replacement of the existing pool deck and exterior slab areas adjacent to the pool. The new cabana buildings are designed to integrate lifeguard stations, back-of-house facilities, storage areas, ground-floor retail spaces, and elevated lounge areas along the second level, offering both functionality and visual interest. The cabana and restroom structures will feature a clean white stucco finish accented with clear acrylic glass railings and pool enclosures, contributing to a light and contemporary aesthetic that complements the surrounding architecture.

The six-story waterslide tower is centrally located near the Sorento building and features an extruded aluminum pipe screen with vertical picket railings. The design of the waterslide forms a graceful spiral as it ascends upward and creates a dynamic sculptural element within the resort setting. Together, the proposed site improvements reflect a cohesive design approach that is intended to enhance the guest experience and strengthen the recreational character of the property. The new amenities are not anticipated to have any adverse impact on the historic structures on site or the surrounding historic district, with the modifications to the requested variances, as recommended by staff below.

VARIANCE ANALYSIS

The applicant is requesting the following variances from the Dune Preservation Overlay District:

1. A variance to reduce 4.92' of the minimum required 8' height clearance within the Dune Preservation Overlay in order to construct cabanas on a property with a 12.92' height clearance.
Variance requested from:

7.3.1.1 Dune Preservation

c. Uses and structures permitted (Dune Preservation Overlay).

Uses and structures permitted under this division shall be designed to accommodate and channel pedestrian movement in such a manner as to protect and enhance vegetation and the beach. No land or structure shall be used, in whole or in part, except for one or more of the following permitted uses:

1. Shade structures and chickees shall be open on all sides and, with the exception of supporting columns, and shall have an unobstructed, clear space between the edge of the roof covering and finished floor of not more than eight feet.

2. A variance to reduce 10' of the required 10' setback from the bulkhead line within the Dune Preservation Overlay in order to construct a deck and furniture at 0'-0".
Variance requested from:

7.3.1.1 Dune Preservation

c. Uses and structures permitted (Dune Preservation Overlay).

Uses and structures permitted under this division shall be designed to accommodate and channel pedestrian movement in such a manner as to protect and enhance vegetation and the beach. No land or structure shall be used, in whole or in part, except for one or more of the following permitted uses:

2. Decks and patios constructed of wood materials with or without built-in tables, chairs, lighting, and benches. All structures shall be located a minimum of 10 feet west of the erosion control line.

3. A variance to permit walkways and ramp with materials not made of wood and exceed a width of 6' in the Dune Preservation Overlay.
Variance requested from:

7.3.1.1 Dune Preservation

c. Uses and structures permitted (Dune Preservation Overlay).

Uses and structures permitted under this division shall be designed to accommodate and channel pedestrian movement in such a manner as to protect and enhance vegetation and the beach. No land or structure shall be used, in whole or in part, except for one or more of the following permitted uses:

6. Decks and patios constructed of wood materials with or without built-in tables, chairs, lighting, and benches. All structures shall be located a minimum of 10 feet west of the erosion control line. Walkways and ramps constructed of wood materials and which are not more than 6 feet in width.

4. A variance to permit 47.7% of open space where 80% is required in the Dune Preservation Overlay.
Variance requested from:

7.3.1.1 Dune Preservation

d. Development regulations (Dune Preservation Overlay)

1. At least 80 percent (80%) of the site shall remain open to the sky, landscaped or maintained as sand beach. All areas covered by the uses permitted above, other than portable beach furniture, shall be considered in the lot coverage calculation.

The applicant is requesting variance #1 to allow for the construction of new cabanas that provide both functional and safety-related amenities within the rear yard of the site. The proposed cabana

design incorporates essential life-safety elements such as lifeguard stations and back-of-house operations on the ground floor, with a secondary lounge area located above. The additional clearance height beyond the eight-foot limit is proposed to ensure proper ceiling height, ventilation, and accessibility for these dual functions while maintaining structural and safety compliance. The open design of the cabanas features light, transparent materials and minimal massing which preserves visual permeability and airflow, ensuring that the dune environment remains visually intact. The proposed configuration balances operational needs with the intent of the Dune Preservation Overlay by enhancing public safety and guest amenities without adversely affecting the dune landscape.

Variance #2 relates to the proposed setback reduction that is intended to accommodate the new pool and water slide deck area while retaining the existing lawn and landscaped open space adjacent to the dune. The project has been designed to preserve vegetation while improving functionality and circulation within the pool and recreation zone. By integrating the deck at the base of the water slides, the layout provides a safe and efficient transition between the pool, lounge, and play areas without expanding the overall impervious footprint further into the dune overlay district. The deck materials and design minimize ground disturbance and promote visual continuity with the existing resort landscape. The resulting configuration maintains the environmental intent of the Dune Preservation Overlay while allowing a cohesive and accessible recreational design that supports the property's family-oriented enhancements.

Variance #3 is related to walkways and ramps that are required to be constructed of wood materials and no more than 6 feet in width. The variance is requested due to the unique size and configuration of the site, which spans approximately 700 linear feet along the beachfront. Given this substantial frontage, additional and wider access paths are necessary to ensure safe and efficient pedestrian and service circulation throughout the resort. The use of non-wood materials provides greater durability, stability, and compliance with current building code and accessibility standards, particularly in high-moisture, salt-air environments. The proposed materials are visually compatible with the surrounding architecture and are designed to minimize glare and visual impact. The layout of the walkways and ramps channels pedestrian movement in a manner consistent with the Dune Preservation Overlay's goal of protecting vegetation while improving accessibility across the extensive beachfront area. Further, this wood requirement is a code provision that likely should be revisited, as the elevated wooden boardwalk has been replaced with the grade level paver beach walk.

The applicant is also requesting variance #4 to reduce the open space requirement that is required within the Dune Preservation Overlay. It is important to note that the site reflects the unique condition of a historically developed and operational resort property where existing structures, including the Fontainebleau and La Côte facilities, are already located within the Dune Preservation Overlay. The requested variance accommodates modest additions such as a small portion of the deck and waterslide tower that extend minimally into the overlay area while preserving the majority of the dune overlay landscape. The design maintains open view corridors, retains significant landscaped and pervious areas. The proposed configuration represents a balanced approach that enhances recreational functionality while maintaining the environmental and visual character that the Dune Preservation Overlay it is intended to protect. The variances proposed in the Dune Preservation Overlay are consistent with the intent of the code, and do not extend existing non-conformities.

Based on the foregoing, staff believes that the applicant has satisfied the hardship and practical difficulty criteria and recommends approval of variances #1-4.

5. A variance to reduce 13'-7" of the required 15' interior side setback in the Oceanfront Overlay to construct a waterslide structure at 1'-5".
Variance requested from:

7.3.1.2 Oceanfront

b. Additional regulations for oceanfront lots (Oceanfront Overlay).

Oceanfront lots shall have a minimum required rear yard setback of 50 feet at grade and subterranean levels measured from the bulkhead line in which there shall be no construction of any dwelling, hotel, apartment building, commercial building, seawall, parking areas, revetment or other structure incidental to or related to such structure except in accordance with the following provisions:

3. There shall be a minimum required 15-foot setback from a side lot line and a minimum required 10-foot setback from the bulkhead line.

The applicant is requesting variance #5 to reduce the required 15' side setback within the Oceanfront Overlay. The existing Sorento building was constructed with an interior side setback of approximately fifteen (15) feet, consistent with the Oceanfront Overlay requirements. Retaining this 15-foot setback for the proposed improvements is essential to maintain visual uniformity and architectural continuity across the site. By aligning the new construction with the established building line, the project achieves a cohesive and orderly appearance that reinforces the intended character of the Oceanfront Overlay district. Staff finds that a 15-foot setback also allows for adequate landscape treatment and functional separation between structures, enhancing both the aesthetic and environmental quality of the site. This spacing provides sufficient room for planting, drainage, and maintenance access, which contributes to a more attractive and resilient development pattern. Conversely, a reduction to 1'-5" would result in an overly constrained side yard, eliminate opportunities for effective buffering, and appear imposing on the neighboring SoHo Beach house to the south.

In view of the foregoing, staff has concluded that the application does not meet the applicable hardship and practical difficulty criteria and recommends denial of variance #5.

6. A variance to reduce 10'-0" of the required 10' from the bulkhead line in the Oceanfront Overlay to construct a cabana and bathroom structure at 0'-0".
Variance requested from:

7.3.1.2 Oceanfront

b. Additional regulations for oceanfront lots (Oceanfront Overlay).

Oceanfront lots shall have a minimum required rear yard setback of 50 feet at grade and subterranean levels measured from the bulkhead line in which there shall be no construction of any dwelling, hotel, apartment building, commercial building, seawall, parking areas, revetment or other structure incidental to or related to such structure except in accordance with the following provisions:

3. There shall be a minimum required 15-foot setback from a side lot line and a minimum required 10-foot setback from the bulkhead line.

Variance #6 is associated with the reduction of the 10' setback requirement from the bulkhead line and is proposed to accommodate the new pool and waterslide deck area while maintaining the existing lawn and landscaped open space adjacent to the dune. By positioning the cabana and bathroom structures closer to the bulkhead line, the project effectively consolidates active recreational uses into a defined footprint, thereby minimizing the overall impact on the open lawn and dune environment. Integrating the deck and amenities at the base of the water slides ensures

a safe, efficient, and cohesive transition between the pool, lounge, and play areas, which is important to the functionality of the resort's recreational program. The placement of these features has been carefully designed to remain compatible with the existing development pattern and to preserve open view corridors toward the ocean. As such, the requested setback reduction supports an orderly and well-planned site layout that enhances the guest experience without expanding the impervious footprint toward the oceanfront.

Based on the foregoing, staff believes that the applicant has satisfied the hardship and practical difficulty criteria and recommends approval of variance #6.

7. A variance to reduce 46.3% of the required 50% of lot coverage in the Oceanfront Overlay to allow 3.7%.
Variance requested from:

7.3.1.2 Oceanfront

b. Additional regulations for oceanfront lots (Oceanfront Overlay).

Oceanfront lots shall have a minimum required rear yard setback of 50 feet at grade and subterranean levels measured from the bulkhead line in which there shall be no construction of any dwelling, hotel, apartment building, commercial building, seawall, parking areas, revetment or other structure incidental to or related to such structure except in accordance with the following provisions:

7. Lot coverage shall be at least 50 percent (50%) of the required rear yard setback, open to the sky and landscaped. All areas covered by permitted uses, other than portable beach furniture, shall be considered in the lot coverage calculation.

8. A variance to reduce 19.58% of the required 50% of open and unencumbered space from the Erosion Control line in the Oceanfront Overlay to allow 30.42%.
Variance requested from:

7.3.1.2 Oceanfront

b. Additional regulations for oceanfront lots (Oceanfront Overlay).

Oceanfront lots shall have a minimum required rear yard setback of 50 feet at grade and subterranean levels measured from the bulkhead line in which there shall be no construction of any dwelling, hotel, apartment building, commercial building, seawall, parking areas, revetment or other structure incidental to or related to such structure except in accordance with the following provisions

9. A view corridor shall be created by maintaining a minimum of 50 percent (50%) of the required rear yard setback open and unencumbered, apart from landscaping and decorative open picket type fences, from the erosion control line to the rear setback line.

Variances #7 and #8 are similar in nature as they relate to the open area of the minimum lot coverage and view corridor and propose to allow a 3.7% lot coverage, where 50% is required. The proposed variances are very extensive, and the applicant has not provided adequate justification as regarding the hardship and practical difficulty criteria, nor is a rationale provided as to why the extent of the variances are warranted and why it is the minimum necessary. A variance to allow up to 30.42% of open and unencumbered space may be justified given the unique configuration and operational requirements of the existing resort property. While a portion of the rear yard will accommodate necessary recreational amenities that include the water slide and pool deck, the applicant has not adequately addressed why the open space cannot be increased. For these reasons staff recommends that that variances #7 and #8 be continued to a future meeting.

9. A variance to reduce 20% of the required pedestal setback in order to construct a waterslide structure and bathroom facility at 0'-0".
Variance requested from:

7.2.6.3 Development Regulations (RM-3)

- a. *The development regulations in the RM-3 residential multifamily, medium intensity district are as follows:*
Rear Pedestal Setback- 20% of lot depth or 50 feet from the bulkhead line whichever is greater.

The applicant is requesting variance #9 to reduce the required rear pedestal setback in order to construct a waterslide and bathroom facility. The variance is requested due to the physical constraints created by the existing Sorento building and related site improvements along the southeast portion of the property. The existing rear pedestal setback requirement cannot be reasonably met without eliminating the proposed recreational improvements or significantly altering the established site configuration. The Sorento building's existing placement and footprint, combined with the narrow depth of the rear yard, limit available buildable area within the RM-3 district standards.

The proposed waterslide and bathroom facility have been strategically located within the rear yard to maintain functional separation from the main pool deck and guest lounge areas. Consequently, the location of the proposed structures preserves the existing landscaped areas that are adjacent to the dune overlay. Granting the variance would enable the integration of essential recreational amenities within a constrained oceanfront site. The requested relief represents the minimum variance necessary to allow reasonable use of the property consistent with its long-standing resort and hospitality function.

Based on the foregoing, staff believes that the applicant has satisfied the hardship and practical difficulty criteria and recommends approval of variance #9.

10. A variance to reduce 84.56' of the required 85.98' interior side setback in the RM-3 Zoning District in order to construct a waterslide structure at 1'-5".
Variance requested from:

7.2.6.3 Development Regulations (RM-3)

- b. *The development regulations in the RM-3 residential multifamily, medium intensity district are as follows:*
Pedestal Side Setback-7.5' or 8% of the lot width, whichever is greater.

11. A variance to reduce the sum of the required side yard of 16% in the RM-3 Zoning District in order to construct a waterslide and bathroom structure at 1'-5".
Variance requested from:

7.2.6.3 Development Regulations (RM-3)

- c. *The development regulations in the RM-3 residential multifamily, medium intensity district are as follows:*
Sum of the side yards shall equal 16% of lot width

Variances #10 and #11 are associated with reducing the side yard and sum of the side yard to accommodate the waterslide and bathroom facility. The required side setback is based on 8% of

the lot width or approximately 85.98 feet which is disproportionately large given the overall site configuration. Ultimately, this would force the proposed structures to be constructed in the pool, cabana, and deck areas which is currently designated for hotel guests. The relocation would disrupt the circulation patterns and diminish the functionality of the outdoor amenity spaces.

The existing Sorento building maintains a side setback of approximately fifteen (15) feet, which is consistent with the Oceanfront Overlay standards. Staff believes that aligning the proposed improvements with the established building line will maintain a uniform appearance along the interior side of the site, while preserving adequate area for interior landscape treatment and buffering. Furthermore, the required 85.98-foot setback is excessive within the context of this development and inconsistent with the established built condition of the property. The location of the waterslide and bathroom facility in their proposed location represents the most logical and efficient use of available space while maintaining safe distances from the main pool area and preserving guest access to recreation zones. Staff finds that special conditions and circumstances exist which are inherent to the property which contain significant historic resources. The proposed improvements are consistent with the overall resort program, enhancing guest amenities, and do not adversely impact adjacent properties or the intent of the RM-3 setback regulations.

In view of the foregoing, staff believes that the applicant would fully satisfy the hardship and practical difficulty criteria with the condition that a minimum 15' setback is maintained from the side (south) lot line.

SUMMARY

In summary, staff is supportive of the proposed project (with the exceptions noted) as it will preserve the historic integrity of the site while allowing the functional redevelopment of the rear yard. Given the historical and physical characteristics of the site, most of the requested variances represent pragmatic solutions that enhance the resort's offerings without compromising its aesthetic or operational standards.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the following:

1. Approval of the Certificate of Appropriateness, subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Certificate of Appropriateness.
2. Approval of variances 1-4, 6, 9, 10 & 11, with modifications and subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the practical difficulty and hardship criteria.
3. Denial of variance #5.
4. Continuance of variances #7 & #8 to a future date, to be determined and re-noticed.

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: November 18, 2025

PROPERTY/FOLIO: 4441 Collins Avenue / 02-3223-002-0010

FILE NO: HPB25-0669

IN RE: An application for a Certificate of Appropriateness for the partial demolition of existing improvements in the rear yard, and the construction of new rear yard amenities for the hotel, including water slides, pools, restrooms, and cabanas. The applicant is also requesting variances from the maximum allowable height for shade structures; a variance from the minimum setback requirements from the Erosion Control Line; variances from the walkway material and maximum walkway width requirements; variances from the minimum open space requirements in both the Dune Preservation and Oceanfront Overlay Districts; a variance from the side setback requirements in the Oceanfront Overlay; a variance from the minimum setback requirements from the Bulkhead line; a variance from the view corridor requirements in the Oceanfront Overlay; a variance from the rear pedestal setback requirements; and variances from the side setback requirements and sum of the side yard setback requirements.

LEGAL: Indian Beach Corp Amd PI Pb 8-61 Lot A & Lots 1 & 2 & S% Of Lot 3 & That Port Of 44 St Desc Beg Nw Cor Of R P Van Camp Th S 07 Deg W 125ft N 82 Deg W 60ft N 07 Deg E 15ft Nwly Ad 78.54ftn.

ORDER

The City of Miami Beach Historic Preservation Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

I. Certificate of Appropriateness

- A. The subject site is located within the Morris Lapidus/Mid-20th Century Local Historic District.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:
 - 1. Is not consistent with Sea Level Rise and Resiliency Review Criteria 'A' in section 7.1.2.4(a)(1) of the Land Development Regulations.
 - 2. Is consistent with Certificate of Appropriateness Criteria in section 2.13.7(d)(ii)(1) of the Land Development Regulations.
 - 3. Is not consistent with Certificate of Appropriateness Criteria 'j' in section 2.13.7(d)(ii)(2) of the Land Development Regulations.

4. Is not consistent with Certificate of Demolition Criteria 'a', 'b', and 'c' in section 2.13.7(d)(vi)(4) of the Land Development Regulations.
- C. The project would be consistent with the criteria and requirements of section 2.3.7(d) and 7.1.2.4(a) if the following conditions are met:
1. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
 - a. Final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - b. The final location and details of all exterior ramp and railings systems, including materials, dimensions and finishes, shall be provided in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - c. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and elevation drawings and shall be screened from view, in a manner to be reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - d. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit and shall be located immediately after the front cover page of the permit plans.
 2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
 - a. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain.
 - b. The project design shall minimize the potential for a project causing a heat island effect on site.
 - c. Cool pavement materials or porous pavement materials shall be utilized, if applicable.

In accordance with section 2.2.4.8(c) of the Land Development Regulations the applicant, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal the Board's decision on a Certificate of Appropriateness to a special magistrate appointed by the City Commission.

II. Variance(s)

A. The applicant filed an application with the Planning Department for the following variances which were either approved, approved with modifications or denied by the Board:

1. A variance to reduce 4.92' of the minimum required 8' height clearance within the Dune Preservation Overlay in order to construct cabanas on a property with a 12.92' height clearance.
(Variance approved)
2. A variance to reduce 10' of the required 10' setback from the bulkhead line within the Dune Preservation Overlay in order to construct a deck and furniture at 0'-0".
(Variance approved)
3. A variance to permit walkways and ramp with materials not made of wood and exceed a width of 6' in the Dune Preservation Overlay.
(Variance approved)
4. A variance to permit 47.7% of open space where 80% is required in the Dune Preservation Overlay.
(Variance approved)
5. ~~A variance to reduce 13'-7" of the required 15' interior side setback in the Oceanfront Overlay to construct a waterslide structure at 1'-5".~~
(Variance Denied)
6. A variance to reduce 10'-0" of the required 10' from the bulkhead line in the Oceanfront Overlay to construct a cabana and bathroom structure at 0'-0".
(Variance approved)
7. A variance to reduce 46.3% of the required 50% of lot coverage in the Oceanfront Overlay to allow 3.7%.
(Variance Not Approved and Continued to a future meeting)
8. A variance to reduce 19.58% of the required 50% of open and unencumbered space from the Erosion Control line in the Oceanfront Overlay to allow 30.42%.
(Variance Not Approved and Continued to a future meeting)
9. A variance to reduce 20% of the required pedestal setback in order to construct a waterslide structure and bathroom facility at 0'-0".
(Variance approved)
10. A variance to reduce ~~84.56'~~ 70.98' of the required 85.98' interior side setback in the RM-3 Zoning District in order to construct a waterslide structure at ~~4'-5"~~ 15'-0" from the south property line.
(Variance approved, as modified)

11. A variance to reduce the sum of the required side yard of 16% in the RM-3 Zoning District in order to construct a waterslide and bathroom structure at ~~4'-5"~~ 15'-0" from the south property line.

(Variance approved, as modified)

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

III. General Terms and Conditions applying to both 'I. Certificate of Appropriateness' and 'II. Variances' noted above.

- A. The applicant agrees and shall be required to provide access to areas subject to this approval (not including private residences or hotel rooms) for inspection by the City (i.e.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the plans approved by the Board and conditions of this order.
- B. The issuance of a building permit is contingent upon meeting Public School Concurrency requirements, if applicable. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed. No building permit may be issued unless and until the applicant obtains a written finding from Miami-Dade County Public Schools that the applicant has satisfied school concurrency.
- C. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
- D. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- E. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the main building setbacks with the exception of the valve (PIV) which may be visible and accessible from the street.
- F. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit and shall be located immediately after the front cover page of the permit plans.
- G. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- H. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.

- I. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- J. The conditions of approval herein are binding on the applicant, the property owners, operators, and all successors in interest and assigns.
- K. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.
- L. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the application is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II,III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled **“Fontainebleau Exterior Renovation”**, as prepared by Gensler, dated **September 5th, 2025**, as approved by the Historic Preservation Board, as determined by staff. When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required. When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of section 2.13.7 of the Land Development Regulations; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the

