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VIA HAND DELIVERY

Thomas Mooney, Director
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: Certificate of Appropriateness and Variances
Fontainebleau Hotel – South Garage and Ballroom Expansion –
4360-4370 Collins Avenue, Miami Beach (the "Property")

Dear Tom:

This law firm represents Fontainebleau Florida Hotel, LLC (the "Applicant"), the owner of the above-referenced parcel (the "Property"). Please consider this letter the Applicant's letter of intent in support of the Certificate of Appropriateness and variance requests before the City's Historic Preservation Board ("HPB"), to allow for the construction of a five-story structure with a parking garage, accessory ballrooms and meeting rooms associated with the main campus of the Fontainebleau Hotel.

Property Description. The Property is between Collins Avenue and Indian Creek Drive between on 43rd Street and 44th Street and is comprised of approximately 44,714 square feet. The Property is currently used as a surface parking lot to serve the hotel's operations. The Fontainebleau was original constructed in 1954 and designed by legendary architect Morris Lapidus. It is located within the Morris Lapidus/Mid-Century Local Historic District, and it is designated as a contributing structure in the City's Historic Properties Database. While the main hotel campus is in the RM-3 zoning district, the subject Property is in the RM-2, Residential Multifamily, Medium

Intensity zoning district. The Fontainebleau Hotel most recently opened again in 2008 after an approximately \$1 billion renovation and redevelopment effort.

Proposed Development Program. The Applicant seeks to construct a five-story structure, which will include a grand ballroom, junior ballroom, meeting rooms, a parking garage and a small rooftop area to be primarily used as a pre-function space. The current hotel operations have been limited because of the ill-proportionate allowance of ballroom and meeting spaces in comparison to hotel room keys. Currently, the Fontainebleau lags behind most of its direct competitors and thus has turned significant ballroom and conference business away from Miami Beach over the years. This proposal is intended to address this deficiency and strengthen the hotel's operations and bring more quality events to Miami Beach. Additionally, the new parking garage will be used for employee parking only and will address a current need for additional parking for employees.

After the initial discussions with the HPB, the Applicant as proposed an interactive augmented reality experience along the perimeter of the building, in order to celebrate the Morris Lapidus/Mid-Century Local Historic District. This will include a set of "experiences" throughout the property that will be set up along a pathway that surrounds the building. Additionally, a kiosk is proposed for the northwest corner of the block, which will direct visitors on how to use the experiences and interact with the stations. A Morris Lapidus statue or bust is also proposed to draw special attention to the central figure who the District is named after. In addition to the programming associated with the kiosks and stations, several changes were made along the perimeter – particularly the north facade – to activate the physical spaces to attract and engage pedestrians.

Compliance with COA Criteria. The Applicant's request complies with the Certificate of Appropriateness criteria in that the proposed improvement is compatible with the surrounding properties; and the exterior architectural features and general design, scale, massing and arrangement are analogous to those of neighboring properties. The proposed renovations will beautify the Property and the minimal exterior additions will be at the rear and not visible.

Variance Requests. In order to construct the proposed project, the Applicant requires the following variances:

1. A variance to the reduce the required subterranean front setback of 20' facing Collins Avenue.
2. A variance to the reduce the required subterranean front setback of 20' facing Indian Creek Drive.

3. A variance to the reduce the required subterranean street side setback of 16' 4" facing 44th Street.
4. A variance to the reduce the required subterranean interior side setback of 16' 4" facing Collins Avenue.
5. A variance to the reduce the required subterranean sum of the side setbacks of 32' 8".
6. A variance to reduce the required pedestal front setback of 20' facing Collins Avenue.
7. A variance to reduce the required pedestal street side setback of 16' 4" facing 44th Street.
8. A variance to reduce the required pedestal interior side setback of 16' 4' facing Collins Avenue.
9. A variance to reduce the required pedestal sum of the sides setbacks of 32' 8".
10. A variance to reduce the required tower front setback of 45' facing Collins Avenue.
11. A variance to reduce the required tower front setback of 45' facing Indian Creek Drive.
12. A variance to reduce the required tower interior side setback of 18' 10".
13. A variance to reduce the required tower sum of side setbacks of 32' 8".
14. A variance of the required residential or commercial use along a street side when parking is provided at the ground level facing 44th Street.
15. A variance of the required residential or commercial use along a street side when parking is provided at the ground level facing Indian Creek Drive.
16. A variance to allow for column encroachment into the drive aisle.

Satisfaction of Hardship Criteria. The Applicant's requests can be broken up into three categories: (1) setback variances for the structure, (2) setback variances for the pedestrian bridge, and (3) variances to the residential or commercial uses requirement where parking is provided. The Applicant satisfies all hardship criteria as follows:

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

The setback variances are a result of the need to accommodate the parking and operational needs on the site, while also providing the structural components for the pedestrian bridge. The code does not contemplate a bridge connecting structures in such a manner, and does not contemplate a complex operation and property such as the Fontainebleau Hotel. The Applicant has also provided landscape terraces throughout the Property to allow for an enhances pedestrian and aesthetic appearance. The existence of

these terraces offset the need for commercial and residential uses on each façade. It is fairly well established that residential or commercial uses would not be viable in these locations, and would result in vacant or underutilized spaces. The terraces are a preferred alternative but require a variance.

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

The Applicant is seeking to improve the operations of its existing hotel and to respond to real market conditions. The ballrooms will serve a real operational need for the hotel, that would bring it in line with competitors in the market. The introduction of this parking structure will also serve to relieve the need for the hotel's employees to rely on public parking and will bring the hotel's employee parking to within private property.

(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;

The Applicant's properties fall within a unique situation and often unique situations result in the need for relief from the Code through variances. Should other property owners fall under similar circumstances, such requests might also be warranted.

(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;

A literal interpretation of the provisions of these land development regulations would work an unnecessary and undue hardship on the Applicant. Such an interpretation would result in tenant spaces that would almost surely suffer and likely result in perpetual vacancies. Further, the code does not contemplate the concept of a pedestrian bridges, but such a bridge would vastly improve the operation of the hotel.

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

The setback variances required are the minimum that will make possible the redevelopment on the Property. The proposed development is not the most intense that

would be permitted on the site, but the request is uniquely needed to serve the historic hotel.

- (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; and**

The granting of the setback variances will be in harmony with the general intent and purpose of the Code, as it is being requested as a direct response to the needs of the existing hotel and to further improve its functionality and viability. The proposed landscaped terraces will provide a pedestrian experience that far improves on the surface parking lot that exists there today.

- (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. The planning and zoning director may require applicants to submit documentation to support this requirement prior to the scheduling of a public hearing or anytime prior to the board of adjustment voting on the applicant's request.**

These variances requested are consistent with the City's comprehensive plan and do not reduce the levels of service as set forth in the plan.

Sea Level Rise and Resiliency Criteria. The proposed renovations will make for a more resilient building. The proposed project advances the sea level rise and resiliency criteria in Section 133-50(a) as follows:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.**

The Applicant will provide a recycling or salvage plan during permitting.

- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.**

The Applicant proposes hurricane impact windows.

- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.**

Operable windows will be provided.

- (4) **Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.**

The Applicant will provide appropriate landscaping at the Property. Proposed species include native and Florida-friendly plants appropriate for the area, including salt tolerant species.

- (5) **Whether 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, including a study of land elevation and elevation of surrounding properties were considered.**

The nature of the building that will be preserved and the existing roadway elevation are located below BFE. As a result, the Applicant will look into ways to protect the ground floor during potential flooding events.

- (6) **The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.**

The nature of the Property that will be preserved is located below BFE. However, an increase in the roadways may be accommodated. Where feasible and appropriate, all critical mechanical and electrical systems will be located above base flood elevation.

- (7) **Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.**

Proper precautions will be taken to ensure the critical mechanical and electrical systems are located above base flood elevation.

- (8) **Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.**

The Applicant is preserving the facades of the Property. It is not feasible to elevate them.

- (9) **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 of the City Code.**


Proper precautions will be taken to protect the Property from potential floods.

- (10) **Where feasible and appropriate, water retention systems shall be provided.**

Given the nature of the proposed development, providing a water retention system is not feasible.

Conclusion. We believe that the approval of the proposed requests will allow for an incredible opportunity to improve the operation and viability of one of the most important properties in the City of Miami Beach. As always, we look forward to your favorable review. Should you have any questions or concerns, please do not hesitate to contact me at 305-377-6238.

Sincerely,

A handwritten signature in blue ink, appearing to be 'MJM', with a large, stylized 'A' at the end.

Michael J. Marrero