MIDBEACH NEIGHBORHOOD ASSOCIATION (MBNA)

STATEMENT AND HISTORICAL TIMELINE

REGARDING FONTAINEBLEAU HOTEL'S PROPOSED PROJECT

Founded in 2017, the Mid-Beach Neighborhood Association (MBNA), is a nonprofit tax-exempt organization recognized under Section 501(c)(3) of the Internal Revenue Code. The MBNA represents condominium and hotel registered members within the MidBeach area of Miami Beach, Florida, bordered on the South by 23rd street and extending north to 63rd street, including all residential buildings and hotels abutting Collins Avenue and Indian Creek Drive ("Defined Area").

The MBNA has consistently raised concerns regarding the proposed Fontainebleau Hotel's pool deck renovation project, including the scale and height of the water slides, visual impacts along the beachfront, proximity to residential buildings, potential noise and operational effects, traffic and pedestrian safety, public safety considerations, city water consumption, and environmental impacts on dune and coastal areas.

Throughout the review process, MBNA has actively participated in public hearings, hosted and facilitated meetings for its members with City and Fontainebleau representatives as guest speakers, met with City officials and Fontainebleau representatives, submitted comments and recommendations, and advocated for transparency, meaningful community engagement, and adherence to the City's planning, zoning, and historic preservation objectives.

An MBNA Executive Board member who also serves on the City of Miami Beach's Historic Preservation Board recused himself from all discussions regarding this project, including text message exchanges, weekly Executive Board meetings, and monthly Membership meetings. This voluntary recusal was intended to avoid any actual or perceived conflict of interest and to ensure there was no undue influence on MBNA's deliberations. The member resumed participation in late June 2026, after it was determined that the matter would not come before the City's Historic Preservation Board.

The following **Historical Timeline** provides a detailed summary of significant events from August 2025 through June 2026 related to the Fontainebleau Hotel's proposed amenity enhancement project. It is intended to provide historical context and document the key meetings, presentations, governmental actions, legal developments, public hearings, community outreach efforts, and stakeholder discussions that have occurred throughout the review process. It reflects the evolving nature of the proposal and the ongoing efforts of the City, the Fontainebleau, the MBNA, and other interested parties to address concerns and evaluate the project's potential impacts on the surrounding community.

HISTORICAL TIMELINE

August 7, 2025 - The community is made aware of the Fontainebleau's proposed plans.

- The proposed water park project was publicly announced by the Miami Herald on August 7, 2025: **Miami Beach's Fontainebleau hotel is opening a water park with slides,** *by Vinod Sreeharsha*.
- Prior to this public announcement, there was no indication that the Fontainebleau had conducted outreach to the surrounding residential community, or to the MBNA members.
- The Herald article includes this statement from the Fontainebleau:: *"Plans include a 120-foot waterslide, one of the largest drops in the country, Brett Mufson, president of Fontainebleau Development said in an interview with the Miami Herald. That also exceeds the 60-footer at the Tidal Cove water park at the Turnberry Resort in Aventura. Like Tidal Cove in Aventura, with the same ownership, the Fontainebleau water park will be open to the public. Prices have not been announced yet."*
- The article focused on the hotel's plans and anticipated permitting process before the City's Historic Preservation Board.

September 5, 2025 – MBNA learned that Fontainebleau attorney Michael Marrero had hand-delivered a Revised Letter of Intent to Deborah Tackett, the City's Historic Preservation & Architecture Officer.

- MBNA raised concerns regarding several statements contained in the letter.
- The Letter of Intent described the project as follows: *"The Applicant seeks to revitalize the rear yard amenities and encourage a more family-friendly environment through renovations to a portion of the rear yard pool area to make room for a reconfigured, highly amenitized space **including a slide,** kid's play pool, refurbished and new bathrooms, cabanas, and associated supporting spaces. The Project does not propose any modifications to any contributing structures."*
- The letter also outlined the **eleven (11) variances** being requested as part of the application.
- In Paragraph 7, the Applicant further stated: *"The improvements proposed through the Project will replace the existing outdated hotel amenities and will **only be available to guests.** There will be no impact on levels of service."*
- The same paragraph, under **Compliance with Certificate of Appropriateness (COA) Criteria**, asserted that: *"The Applicant's request complies with the Certificate of Appropriateness criteria in that the proposed improvements are **compatible with the surrounding properties** and the proposed renovations will beautify the Property."*

September 26, 2025 - ***Email from Commissioner Laura Dominguez*** *to Planning Director Tom Mooney with questions regarding the Fontainebleau's proposal.* ***Email response from Tom Mooney***

October 8, 2025 - ***Email from Tom Mooney to MBNA President*** *and* ***Email response from MBNA President to Tom Mooney***

October 30, 2025 *-* ***Mordechai ("Mark") Weiss creates the "Stop 6 Flags at FB" WhatsApp chat group*** *to organize and inform residents about the proposed Fontainebleau Water Park project.*

- More than **400 residents** joined the group, including a few Executive Board members of the MBNA.
- Numerous videos, project renderings, updates and community concerns were shared daily on this chat group.
- The discussions within the group reflected widespread and consistent community opposition to the proposed project.

November 12, 2025 - Article in Real Deal is published. It describes the 11 variances being requested at the next HPB meeting.

November 14, 2025 - Alicia Casanova and Phil Siebert, Presidents of the Blue & Green Diamond Condominiums, send email to Mayor Meiner, City Staff, and City Commissioners, expressing numerous concerns over the proposed project.

November 15, 2025 - First **email communication from Fontainebleau Attorney Mickey Marrero** in response to the email communication to the City.
November 17, 2025 - MBNA was copied in email from Miriam Weiss, Attorney and MB Resident, to the HPB that details reasons for her opposition.

November 18, 2025 - First Historic Preservation Board (HPB) Presentation

- Fontainebleau presents the proposed water park and slide tower project to the HPB. Item is placed on the **HPB Agenda** as a New Application.
- Significant neighborhood concerns are raised regarding height, scale, visual impacts, noise, and compatibility with the historic property.
- Public testimony is heard, including opposition from residents and neighborhood organizations.

- HPB members expressed their concerns and three members publicly expressed opposition to the plan as presented.
- The matter is continued for further review.

November 26, 2025 - MBNA Monthly Meeting

- Agenda items included numerous items, primarily the Miami Beach Promenade, not just the Fontainebleau project.
- The group discussed numerous concerns about the Fontainebleau water park project, mainly traffic impacts.
- Frustration that CMB staff seemed to be accommodating the developer's claims without proper review, raising questions about potential conflicts of interest.
- Hiring a traffic engineer to review the plans and make a public statement about potential traffic impacts was considered.
- Randy Hollingworth stated he was removing himself from WhatsApp chats and recusing himself from attending any meetings related to the Fontainebleau.

January 7, 2026 - MBNA Monthly Meeting with special presentation from Anthony Stahl, Senior VP, Fontainebleau Development. **1/7/26 MBNA MEETING ZOOM VIDEO RECORDING**

- Mr. Stahl described Fontainebleau's history and the current proposed project.
- Renderings of the water park, tower and slides, cabanas, and other components were shared.
- After getting feedback from MBNA members, information is posted on the **MidBeach.net** website. The portal is subsequently updated with Message to the Community, video clips of project renderings, and other relevant information.
- MBNA questioned the characterizations, noting that the application described the project as a relatively modest enhancement centered around a "slide" and related amenities, while plans depicted a significantly larger and more complex water park with multiple large-scale water slides, numerous variances, and substantial new structures.
- MBNA also questioned the statement that the facility would be **available only to hotel guests,** given subsequent discussions regarding the sale of "day passes" and broader public access.

January 13, 2026 - Second HPB Hearing

- Fontainebleau returns with additional presentations and project information.
- The hearing lasts several hours with extensive public testimony.

- MBNA, neighboring condominiums, and preservation advocates continue to oppose the proposal.
- No vote is taken; the item is continued.

February 10, 2026 - Third HPB Hearing

- More than 150 residents attend in person and online since a vote is anticipated.
- Before testimony begins, Fontainebleau requests a deferral citing the absence of one HPB member. The HPB grants the deferral and postpones the item.
- Residents approach HPB members on the dais and express their frustrations and opinions after months of hearings without a vote. **Miami Herald article**

February 25, 2026 - Miami Beach City Commission adopts Commissioner Fernandez's **Resolution C7AB** opposing amendment to HB399 for these reasons:

- It preempts local government authority over certain development applications submitted by large destination resorts.
- Requires administrative approval of certain special exceptions and variances rather than review by local land use boards.
- Overrides the authority of the Historic Preservation Board (HPB) and other land use boards.
- Eliminates meaningful public input by removing public hearings on these applications.

March 3, 2026 - HB399 is heard and passes in the FL House of Representatives. This bill was initially filed in the House on November 12, 2025: **HB399 filed by Rep Barrero**

- Opposition continued to grow among Miami Beach residents, preservation advocates, neighborhood associations, and City officials, who argued the legislation would bypass the Historic Preservation Board, allow large-scale development adjacent to the beach without customary municipal oversight, eliminate public hearings and community input, and erode local control over development and historic preservation.

- MBNA leadership and residents send emails and make calls to members of Florida's House and Senate stating their opposition.

- Representative Fabián Basabe publicly opposed HB 399, voted no, and warned that the Fontainebleau proposal was being advanced by consultants tied to Miami Beach overdevelopment. After the bill's passage, he urged City officials to use every remaining local regulatory tool to ensure a transparent and thorough review.

- Florida House of Representatives passed **HB 399** by a **71–38 vote**, advancing legislation that would require local governments to administratively approve certain minor special exceptions and variances for qualifying large destination resorts, including

provisions relative to the proposed Fontainebleau project exclusively. The bill was then transmitted to the Florida Senate for consideration

March 4, 2026 - MBNA Monthly Membership Meeting

- The MBNA holds an emergency community meeting to discuss the controversial Fontainebleau water park proposal and the accompanying state legislation.
- Residents expressed concerns and opposition to the legislation and the project's potential impacts on the neighborhood's historic character, quality of life, and local governance. **3/4/26 MBNA MEETING ZOOM VIDEO RECORDING**

March 10, 2026 - Public Press Conference held on Beachwalk behind Fontainebleau

- Commissioner Alex Fernandez organizes a Press Conference on the Beachwalk behind the Fontainebleau Hotel.
- Mayor Steven Meiner, several CMB Commissioners, City Manager, MBNA representatives, Miriam Weiss, CMB residents, and preservation advocates speak out in opposition of HB 399 and SB 208. Dozens of residents gathered.
- Concerns focus on loss of local control, Home Rule, and elimination of HPB review.

March 13, 2026 – Senator Shevrin Jones files an Amendment to HB 399, proposing to delete lines 104–137 of the bill. Bill passed the Senate after substituting companion bill SB208.

- Those provisions required local governments to administratively approve certain minor special exceptions and variances for qualifying large destination resorts, eliminating the traditional public hearing process before local boards for those applications.
- In the hours leading up to the Senate vote, hundreds of Miami Beach residents contacted Senate leadership and City officials by phone, text, and email in support of Senator Jones' amendment.
- Immediately before the vote, the Senate briefly recessed. After returning to the floor, the amendment was defeated by a vote of 17–20, falling short by just three votes. The Senate roll-call vote is posted on the Fontainebleau portal of the **MBNA website**.
- The Senate then substituted Senate Bill 208 with House Bill 399 and proceeded to final passage. HB 399 passed the Florida Senate, retaining the language relating to administrative approval for qualifying large destination resort projects.

March 14, 2026 - MBNA message to members is posted on website.

March 18, 2026 - Commissioner Alex Fernandez sponsors Resolution R7 AH authorizing the City to take appropriate legal action, if needed, to challenge a portion of HB399 if it is signed into law. Resolution is co-sponsored by three other Commissioners.

- Commissioners discussed the proposed Fontainebleau Water Park proposal and the possibility of pursuing litigation to challenge the project.
- Commission voted to authorize Mayor Meiner to meet with representatives of the Mid-Beach Neighborhood Association (MBNA) to engage in discussion and possible negotiations with the Fontainebleau while simultaneously exploring potential legal options.
- On this same date, the enrolled version of HB 399 was formally delivered to Governor Ron DeSantis for consideration and signature.

March 20, 2026 - Miami Herald publishes an Editorial titled "How Florida developers discovered a not-so-secret weapon to ignore citizen input." This article describes the impact of the controversial HB399 bill passed by the Legislature.

March 25, 2026 - MBNA meets with Commissioner Alex Fernandez and City Staff

- Commissioner Alex Fernandez scheduled a meeting with MBNA leadership to follow up on the March 10th press conference and discuss the direction provided by the City Commission during its March 18th meeting.
- Meeting was attended by City Attorney, Planning Dept Director, and several City Staff members. Also in attendance was Attorney Miriam Weiss representing the Stop 6 Flags movement who provided a detailed presentation about why this proposal constitutes a stand-alone "water park" and not a hotel accessory. She distributed documentation to those present.
- MBNA leadership expressed its concerns and questioned how the project could be classified as an accessory hotel use when water slides of this height and scale are not a customary accessory amenity at any Miami Beach hotel, condominium, or historic landmarks.

March 27, 2026 - Governor Ron DeSantis signs HB 399 into law

- The new law significantly limits Miami Beach's ability to require HPB approval for certain qualifying resort redevelopment projects.

March 30, 2026 - MBNA meets with Mayor Meiner and City Staff

- Mayor Meiner schedules a meeting with MBNA leadership.
- MBNA once again stated they felt the language submitted to the Planning Department was misleading because it characterized the proposed water park as merely the

addition of several family-friendly water slides, per the Proposed Improvements described on the **Revised Letter of Intent** submitted to the City on 9/5/25, not the large scale stand-alone water park recreational attraction project reflected in their renderings. *Difference between a Water Park and Hotel Use Amenity.*

April 21, 2026 - Mayor Meiner, City Staff, and Fontainebleau Reps, including Mr. Jeffrey Soffer, meet in person at City Hall with MBNA leadership to evaluate next steps.

- Mr. Soffer presented a historical of his hotel and his vision for what he called a family-friendly amenity. Soffer acknowledged his role in seeking help from Tallahassee but also expressed a willingness to listen to community concerns.
- Soffer stated he had fought for the changes in Tallahassee because he felt compelled to do "everything he can to protect his asset and protect his project." Soffer said he wants to be "a good neighbor" and "a partner in helping secure additional resources for the community." He concluded that this project would be moving forward regardless.
- Discussions continue regarding whether the project must still proceed through the HPB. Comments issued by the City's Planning Department were shared with MBNA.
- Discussions also focused on the Planning Department's determination that the proposed freestanding water slide tower and related slide structures could be considered an accessory use to the hotel, notwithstanding their non-customary nature, and whether such a determination would affect the project's review and approval process.
- Legal interpretations begin to emerge regarding implementation of the new law.
- MBNA leadership reiterated their numerous concerns and positions.

April 28, 2026 - Article by Aaron Leibowitz is published in The Miami Herald.

- Article describes what has been taking place so far, including comments regarding the April 21st meeting.

April 30, 2026 - State Attorney General Opinion Requested

- State Representative Will Robinson requests a formal opinion from the Attorney General's Office on the Applicability of Section 163.31803, Fla. Stat. (HB 399) to the Certificate of Appropriateness Application submitted by Fontainebleau Miami Beach.

May 5, 2026 - City of Miami Beach, Fontainebleau, MBNA Workshop Meeting

- Additional discussion took place surrounding project modification and mitigation measures.

- Discussion on definition of accessory use vs water park amenity

May 11, 2026 - **Florida Attorney General James Uthmeier issues on Opinion Letter**

- The Attorney General's Office issues an Opinion Letter concluding that Miami Beach cannot require HPB approval before issuing permits since the project qualifies under HB 399. The opinion strongly favors Fontainebleau's position.

May 28, 2026 - CMB Reviews Legal Options

- **LTC 231-2026**, prepared by City Attorney Rick Dopico and transmitted to Mayor Steven Meiner, addresses the Attorney General's Opinion concerning the applicability of Section 163.31803, Florida Statutes (HB 399), to Fontainebleau's Certificate of Appropriateness application.
- Following receipt of the Attorney General's Opinion, City officials reviewed available legal and administrative options, including potential litigation, settlement discussions, and administrative procedures for processing and reviewing the application.
- Discussions focused on the City's authority, potential legal risks, and possible paths forward in light of the Attorney General's interpretation of state law.

June 2, 2026 - Discussions continue

- Mayor Meiner's office schedules a Zoom meeting with MBNA leadership meet to discuss possible steps moving forward.

- It was suggested that the MBNA collaborate with the City and the Fontainebleau on a joint statement informing MBNA members and the greater Miami Beach community about the March Commission's decision and the forthcoming series of discussions that were held in response.

June 29, 2026 - MBNA receives the LTC from City Attorney Dopico.

- City Attorney determines that although the City will continue its review of the Application, based on the submissions received from the Fontainebleau to date, a Public Hearing before the HPW will not be required.

June, 2026 – Current Status

- MBNA remains committed to engaging in constructive discussions aimed at identifying reasonable modifications and mitigation measures that may help address these concerns while preserving the quality of life and character of the Mid-Beach community.

- The Attorney General's Opinion remains the primary legal interpretation supporting the Fontainebleau's position that the project is not subject to certain local land use approvals and not subject to a vote from the Historic Preservation Board (HPB).
- Fontainebleau and MBNA began collaborating on a draft Joint Statement outlining the Fontainebleau's concessions, efforts to address community concerns, and commitment to working collaboratively on future mitigation strategies.
- While MBNA participated in the development of a draft, the organization was unable to reach internal consensus on issuing a Joint Statement. As a result, MBNA is issuing this independent statement, which provides a factual Timeline and summary of actions taken throughout this entire process.

PROJECT MODIFICATION AND MITIGATION MEASURES

June, 2026: Fontainebleau sent MBNA a statement indicating their desire to work with the community. They have considered community feedback and have taken the steps below to address concerns raised throughout the review process:

- **HEIGHT OF SLIDES**. Reducing the overall massing and volume of the water slide structures and lowering the maximum height from the initial 120-foot height concept in the plans submitted to the City, to a maximum height of 99 feet. While these changes lessen the project's visual impact and overall scale, the community remains opposed to this project.
- **ELEVATOR & TOWER.** Eliminating the previously proposed elevator, removing three of the tower's originally planned five levels, and redesigning the architectural cladding to create a more transparent structure with a smaller footprint and reduced occupancy.
- **LANDSCAPING.** Enhancement of landscaping and buffering throughout the site.
- **WATER INFRASTRUCTURE**. Designing the water infrastructure to connect to and be powered by the property's existing system and not increase demand on the City's water supply.
- **NOISE.** Locating mechanical equipment within enclosed areas and parking structures to minimize noise impacts on neighboring properties including designing the mechanical systems to not generate additional sound from equipment other than what currently exists at the site.
- **TURTLE-FRIENDLY.** Incorporating turtle-friendly lighting and coastal-resiliency design measures consistent with State of Florida standards, regulations, and best practices for protecting sea turtle nesting and hatchling activity including appropriate lighting design, fixture selection, shielding, placement, and operational protocols to minimize impacts on the local sea turtle population.

- **DAY PASSES.** Access to the water park slides would be restricted to registered hotel guests and guests who have rented a cabana exclusively.
- **CABANAS.** Eliminating an entire cabana structure and planned retail program, reducing the original project program by approximately 25 percent and significantly decreasing intensity, and phasing the introduction of cabana-related amenities including cabana structures themselves over time.

ADDITIONAL COMMUNITY-FOCUSED COMMITMENTS BY THE FONTAINEBLEAU:

- **PARTNERSHIPS.** Expand family-oriented programs and partnerships, including discounted rates, that benefit Miami Beach residents, local schools, and youth organizations.

- **SECURITY.** Provide 24-hour security coverage along Collins Avenue to ensure appropriate supervision of driveway operations and valet parking activities, in an effort to prevent vehicle line-ups and congestion on Collins Avenue.

- **TRAFFIC CONCERNS.** Collaborate on broader community priorities, including working with the City of Miami Beach and the Florida Department of Transportation (FDOT) to address existing traffic congestion and mobility challenges throughout the neighborhood, with particular focus on Collins Avenue and the 41st Street corridor. Additionally, provide traffic engineering expertise, coordinate with relevant governmental agencies, and support innovative transportation solutions, including a water taxi system and other initiatives designed to reduce traffic congestion.

- **SARGASSUM.** The Fontainebleau recognizes community concerns regarding sargassum and is committed to working collaboratively with MBNA, the City of Miami Beach, and local, state, and federal partners to support research, identify innovative solutions, and strengthen maintenance and mitigation efforts that minimize impacts on residents, visitors, and the environment.

MBNA STATEMENT

MBNA's involvement has been guided by its mission to represent the interests and voices of Mid-Beach residents while promoting responsible development that balances private property rights with preserving neighborhood character, quality of life, and the broader public interest. MBNA has never sought to influence or interfere with the independent judgment or opinions of elected officials or City staff. Rather, its role has been to ensure that the community's concerns, perspectives, and priorities are clearly communicated and thoughtfully considered throughout the decision-making process.

This Statement and Historical Timeline reflects the tedious work and collaborative process spanning almost one year, during which MBNA leadership carefully reviewed the impacts of the Fontainebleau's renderings for their proposed project, and the differences between a stand alone "water park" and a "hotel accessory" use. The MBNA hosted and participated in numerous virtual and in-person meetings with representatives of the Fontainebleau Hotel, Mayor Steven Meiner, City Manager, City Attorney, City's Planning Dept., City Staff, and many community members.

MBNA appreciates the willingness of all parties to engage constructively throughout this process. However, despite these efforts, the proposal presented by the Fontainebleau still does not adequately resolve the community's concerns, priorities, or the principles that have consistently guided MBNA's participation as a non-profit neighborhood organization.