

# EXHIBIT A

RESOLUTION NO. 2022-32230

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND 3425 COLLINS, LLC (DEVELOPER), BASED UPON THE ESSENTIAL TERMS SET FORTH IN THIS RESOLUTION AND PURSUANT TO THE REQUIREMENTS OF THE CITY'S HISTORIC PRESERVATION BOARD CONSOLIDATED ORDER, DATED MAY 25, 2021 (FILE NO. HPB20-0441), INVOLVING JACK STEWART'S "APOLLO" MURAL; SAID MOU REQUIRING DEVELOPER, AT ITS SOLE COST, TO RESTORE, TRANSPORT AND INSTALL THE FULLY RESTORED MURAL ON THE NEW BUILDING FOR FIRE STATION NO. 1.

**WHEREAS**, on May 11, 2021, an application was filed by 3425 Collins, LLC ("The Developer") requesting modifications to a previously issued Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing 16-story hotel building, including the total demolition of the 1955 south addition, and the construction of a new residential 16-story detached ground level tower addition, and modifications to the site plan; and

**WHEREAS**, a mosaic tile mural entitled "*Apollo*" was introduced on the site in 1955, concurrently with the construction of the previously existing Melvin Grossman designed south addition; and

**WHEREAS**, the mural, created by artist Jack Stewart has approximately 92' in length by 17' in height, and was primarily located along the west elevation with a portion extending along the south elevation, wrapping the corner; and

**WHEREAS**, in 2014, the Historic Preservation Board reviewed and approved the demolition of the south addition inclusive of the artistic mural; and

**WHEREAS**, the mural was subsequently removed and relocated to a storage facility and the 1955 addition was demolished; and

**WHEREAS**, approval of the Historic Preservation Board Consolidated Order dated May 25, 2021, required certain conditions be met by the Developer, including the donation of the Jack Stewart "*Apollo*" mural to the City and covering all associated cost for its relocation and restoration; and

**WHEREAS**, prior to the issuance of a building permit for the new residential tower, the Developer shall return to the Historic Preservation Board to present the final plan for the restoration of the mural, including the specific location where it will be installed; and

**WHEREAS**, in July 2021, the Developer engaged the services of RLA Conservation to assess the current condition of *Apollo* and recommend a conservation plan; and

**WHEREAS**, the City has considered a number of options in terms of locating the *Apollo* mural on a City property; however, given the size of the mural, placement on an existing facility has been challenging; and

**WHEREAS**, the Administration recommends that the best option would be for the Developer to install the mural as an integrated architectural feature at the new Fire Station No. 1, once completed; and

**WHEREAS**, the City and the Developer mutually agree upon the essential terms of the MOU, which include requiring the Developer, at its sole cost, to undertake all aspects of restoring the mural; conservation services; design and engineering fees; and upon completion of the restoration and acceptance by the City of the condition of the restored mural, transporting the mural to a storage location, designated by the City Manager's designee; transporting the mural from the City's storage location to Fire Station 1; and installing the mural on the location of the new building for Fire Station No. 1, to be designated by the City Manager's designee.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH FLORIDA** that the Mayor and City Commission hereby approve and authorize the City Manager to execute a Memorandum of Understanding (MOU) between the City and 3425 Collins, LLC (Developer), based upon the essential terms set forth in this Resolution and pursuant to the requirements of the City's Historic Preservation Board Consolidated Order, dated May 25, 2021 (File No. HPB20-0441), involving Jack Stewart's "Apollo" mural; said MOU requiring Developer, at its sole cost, to restore, transport and install the fully restored mural on the new building for Fire Station No. 1.

**PASSED** and **ADOPTED** this 20<sup>th</sup> day of July 2022.



**DAN GELBER, MAYOR**

**ATTEST:**

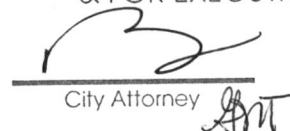


**RAFAEL E. GRANADO, CITY CLERK**

JUL 25 2022



APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION



City Attorney

7-10-22  
Date

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Alina T. Hudak, City Manager  
DATE: July 20, 2022

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND 3425 COLLINS, LLC (DEVELOPER), BASED UPON THE ESSENTIAL TERMS SET FORTH IN THIS RESOLUTION AND PURSUANT TO THE REQUIREMENTS OF THE CITY'S HISTORIC PRESERVATION BOARD CONSOLIDATED ORDER, DATED MAY 25, 2021 (FILE NO. HPB 20-0441), INVOLVING JACK STEWART'S "APOLLO" MURAL; SAID MOU REQUIRING DEVELOPER, AT ITS SOLE COST, TO RESTORE, TRANSPORT AND INSTALL THE FULLY RESTORED MURAL ON THE NEW BUILDING FOR FIRE STATION NO. 1.

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### **RECOMMENDATION**

Adopt this Resolution.

### **BACKGROUND/HISTORY**

On May 11, 2021, an application was filed by 3425 Collins Avenue, LLC ("The Developer") requesting modifications to a previously issued Certificate of Appropriateness for the partial demolition renovation and restoration of the existing 16-story hotel building, including the total demolition of the 1955 south addition, and the construction of a new 16-story detached ground level addition. Specifically, the Developer requested approval of a redesigned new detached ground level tower addition and modifications to the site plan. Approval of the Certificate of Appropriateness required several conditions, including the following related to Jack Stewart's *Apollo* mural (**Attachment 1**):

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*C. The project would remain consistent with the criteria and requirements of section 118-564 and 133-50(a) if the following conditions are met:*

*b. The Developer has proffered to donate the Jack Stewart "Apollo" mural to the City covering all the cost for its relocation and restoration. Prior to the issuance of a building permit for the new residential tower, the Developer shall return to the Board to present the final plan for the restoration of the mural including the specific location*

where it will be installed.

A mosaic tile mural entitled *Apollo* was introduced on the site (3425 Collins Avenue) in 1955 concurrently with the construction of the previously existing Melvin Grossman designed south addition. The mural, created by artist Jack Stewart, was primarily located along the west elevation with a portion extending along south elevation, wrapping the corner. In 2014, the Historic Preservation Board reviewed and approved the demolition of the south addition inclusive of the artistic mural. The mural was subsequently removed and relocated to a storage facility and the 1955 addition was demolished. The Developer has submitted a letter dated October 13, 2020 proffering to donate the mural to the City including covering all the cost for its relocation and restoration (**Attachment 2**).

### **ANALYSIS**

In July 2021, the Developer engaged the services of RLA Conservation to assess the current condition of *Apollo* (**Attachment 3**). RLA Conservation's conservators Rosa Lowinger and Caroline Dickensheets performed an assessment of the mosaic on July 22, 2021. A second assessment, conducted by Dickensheets in conjunction with engineer Douglas Wood and Gal Bensaadon of Red Door Construction was carried out on August 6, 2021.

At the time of the onsite inspections, the mosaic was found to be in very poor condition at the storage site. The pieces are fracturing, tesserae have been lost, aluminum elements have been bent and exhibit corrosion, and there is general dirt, grime, and bio-growth on elements. That said, the mosaic remains a viable artwork that is fully conservable. Time, however, is of the essence. The elements need to be rescued, cleaned and prepared for conservation sooner rather than later or risk additional losses that will result in increased treatment costs and possible irreparable damage. In response, the Developer has continued work with RLA Conservation and has entered Phase II of restoration efforts (**Attachment 4**).

The City has considered a number of options in terms of locating the *Apollo* mural on a City property. Several options were explored, including the façade of the Scott Rakow Youth Center. However, given the size (approximately 92' in length by 17' in height) of the mural, placement on an existing facility has been challenging. The Scott Rakow Youth Center façade, which was proposed as a potential location at the February 9, 2021 Historic Preservation Board Meeting, is not large enough to accommodate the mural. Administration recommends the best option would be for the Developer to install the mural as an integrated architectural feature at the new Fire Station No. 1. Attached to this report is a preliminary image of how this could potentially be accomplished (**Attachment 5**).

In order to proceed with the restoration and site preparation, the City and the Developer must enter into a Memorandum of Understanding, which requires the Developer, at its sole cost, to undertake all aspects of restoring the mural, including, but not limited to, transportation, conservation services, storage, design and engineering fees, and installation of the mural.

### **SUPPORTING SURVEY DATA**

N/A

### **FINANCIAL INFORMATION**

N/A

**Amount(s)/Account(s):**

N/A

**Applicable Area**

South Beach

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

No

**Does this item utilize G.O. Bond Funds?**

No

**Strategic Connection**

Prosperity - Market and promote Miami Beach as a world class arts, culture, and quality entertainment destination.

**Legislative Tracking**

Tourism and Culture

**Sponsor**

Commissioner Alex Fernandez

**ATTACHMENTS:**

**Description**

- ▢ Attach. 1 HPB20-0441
- ▢ Attach. 2 Letter Proffering Mural to City Oct. 2020
- ▢ Attach. 3 RLAAssessment Phase 1
- ▢ Attach. 4 RLAAssessment Phase 2
- ▢ Attach. 5 Fire Station No 1 Rendering with Apollo
- ▢ Resolution

**HISTORIC PRESERVATION BOARD**  
City of Miami Beach, Florida

MEETING DATE: May 11, 2021

PROPERTY/FOLIO: 3425 Collins Avenue / 02-3226-001-1440

FILE NO: HPB20-0441

IN RE: An application has been filed by 3425 Collins, LLC requesting modifications to a previously issued Certificate of Appropriateness for the partial demolition renovation and restoration of the existing 16-story hotel building, including the total demolition of the 1955 south addition, and the construction of a new 16-story detached ground level addition. Specifically, the applicant is requesting approval of redesigned site and landscape plans including the introduction of several structures within the front and rear of the site and variances from the requirements of the Oceanfront and Dune Preservation overlay districts and a variance to reduce the required front setback.

LEGAL: Lots 1 through 8 inclusive, and the 16.00 foot Alley all in Block 21, AMENDED PLAT OF OCEAN FRONT PROPERTY OF THE MIAMI BEACH SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 5, Pages 7 and 8, of the Public Records of Miami-Dade County, Florida.

**CONSOLIDATED 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 Collins Waterfront 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 consistent with Sea Level Rise and Resiliency Review Criteria in Section 133-50(a) of the Miami Beach Code.
  2. Is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.
  3. Is not consistent with Certificate of Appropriateness Criteria "e" in Section 118-564(a)(2) of the Miami Beach Code.
  4. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(3) of the Miami Beach Code.

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5. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(f)(4) of the Miami Beach Code.
- C. The project would remain consistent with the criteria and requirements of section 118-564 and 133-50(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. The Board acknowledges and accepts the applicant's proffer to pay for nine (9) injection wells at a total estimated value of \$225,000, in a continuous system with a total capacity of 18,000 GPM, which will provide water quality treatment for 27 acres in the Indian Creek drainage basin. The City shall select the sites for the injection wells and conduct all construction work and the applicant shall finalize such agreement in a form approved by the City Attorney's Office prior to the issuance of a building permit for the new tower design.
    - b. The applicant has proffered to donate the Jack Stewart "Apollo" mural to the City including covering all the cost for its relocation, installation and restoration. Prior to the issuance of a building permit for the new residential tower, the applicant shall return to the Board to present the final plan for the restoration of the mural including the specific location where it will be installed.
    - c. Final details of all exterior surface finishes and materials of the new residential tower, 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.
    - d. Prior to the issuance of a building permit for the construction of the basement below the existing Versailles Hotel building, the structural engineer of record shall submit a letter to the Planning Department that includes a construction schedule identifying events that render the historic building most vulnerable during the excavation and demolition phases. The structural and/or shoring engineer of record, or a designee licensed as a structural engineer in the State of Florida, shall provide onsite supervision during these times. The engineer of record, or designee, shall notify the Planning Department no later than the next business day if there is an indication of structural failure during this phase of construction.
    - e. No more than two curb cuts ~~be~~ shall be permitted along the Collins Avenue property line with the northern curb cut not to exceed 12'-0" in width and the southern curb cut not to exceed 24'-0" in width, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
    - f. The design of the eastern extension shall be consistent with the plans entitled "Aman Hotel & Residences", as prepared by Revuelta Architecture International, dated January 12, 2021. The final details and materials of the new eastern extension of the Versailles building, inclusive of balconies and guardrails shall be



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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. The applicant shall explore more substantially designed column encasements. For the columns located on the balcony projections.

- g. The design of the porte cochere shall be consistent with the plans entitled "Aman Hotel & Residences", as prepared by Revuelta Architecture International, dated January 12, 2021. Final details and materials of the porte-cochere on the west side of the Versailles building 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. All lighting and any required sprinkler systems shall be completely recessed into the structure.
- h. The interior design, including but not limited to materials, finishes and lighting elements of the new lobby of the Versailles building, as shown in the plans dated February 10, 2020, shall be further developed, in a manner to be reviewed and approved by the Board prior to the issuance of a Building Permit or a revision to any active Building Permit.
- i. The design of the rooftop addition shall be consistent with the plans entitled "Aman Hotel & Residences", as prepared by Revuelta Architecture International, dated January 12, 2021. Final details and materials of the proposed rooftop addition 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. The rooftop addition shall have a maximum floor to ceiling height of 12'-0".
- j. The loading space proposed to be located at the drop off area for the new residential tower along Collins Avenue shall not be permitted. All loading spaces required for the new residential tower shall be located internal to the structure.
- k. Any kitchen equipment and venting systems associated with the ground level café shall be chased internally through to the roof.
- l. The maximum FAR for the project site shall not exceed 3.0.
- m. The facades of the existing building shall be fully restored to the greatest extent possible, with the exceptions noted on the plans, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- n. The original historic "Versailles" signage located on the west elevation shall be recreated to the greatest extent possible, according to available historic documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- o. Final design and details of the proposed entrance on the ground level of the north side of the Versailles building shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or



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the directions from the Board. The original windows to the west of the proposed entrance shall be reintroduced to the greatest extent possible and the design of the north entrance shall be consistent with the plans presented at the January 12, 2021 meeting.

- p. Final details of all exterior surface finishes and materials for the historic Versailles lower and the new residential tower, 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.
- q. A museum quality historic analysis and display of the existing historic structure, inclusive of a photographic and written description of the history and evolution of the original building and its changes of use over time, shall be submitted to and approved by staff, prior to the issuance of a Certificate of Occupancy or a Temporary Certificate of Occupancy; such historic analysis shall be displayed prominently within the public area of the historic structure, in a location to be determined by staff.
- r. 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.
- s. There shall be no TCO or CO issued for the new residential tower portion of the project until the exterior and public interior restoration, as approved by the Board, of the Contributing structure on the site is substantially complete. Staff will perform an inspection of the property to ensure substantial completeness of the approved restoration prior to the approval of any TCO or CO for the new residential tower.
- t. The applicant shall take every precaution to protect the adjacent structures during construction, consistent with applicable strategies outlined in the National Park Service Preservation Tech Notes Bulletin entitled *Temporary Protection, Number 3, Protecting a Historic Structure during Adjacent Construction*, dated July 2001.
- u. If the applicant proceeds with construction of additional basement area, the applicant shall implement comprehensive stormwater management and floodproofing systems in consultation with the Building and Public Works Departments. The systems shall incorporate the following:
  - i. The stormwater management system shall be designed in accordance with the 10/25-year storm event criteria, as determined by the Building Official.
  - ii. The stormwater management system shall include a combination of bio-swales and/or rain gardens, exfiltration trenches, and stormwater injection wells.
  - iii. A conventional cistern shall be provided to collect and store runoff from roof and deck drains and shall include an overflow system to divert runoff to the drainage wells.



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- iv. The existing and proposed basement area shall be dry floodproofed to BFE +1. The basement driveway entrance and exit shall be dry floodproofed to BFE +4.
  - v. Sump pumps shall be provided in the basement and shall have the capacity to remove accumulated water, as well as all vapor and seepage of water during a flooding event.
  - vi. All construction materials below BFE +1 shall be flood damage resistant.
  - vii. A Floodproofing Emergency Operations Plan and a Floodproofing Inspection and Maintenance Plan shall be filed with the Building Department.
  - v. The applicant shall submit an engineering analysis confirming that the basement area could be modified to expand water management capacity at a future point in time where the basement is compromised and can no longer serve other functions, in a manner to be reviewed and approved by the Planning Department, in consultation with the Building and Public Works Departments.
  - w. Final design and details of the proposed front yard guardhouses and rear yard accessory structures 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.
  - x. The outdoor bar counter shall be screened in a manner that it is not visible from any point along the property line adjacent to any right-of-way including the public Beachwalk.
  - y. Within the Dune Preservation Overlay District, any walkway, ramp or deck shall be constructed of wood material only. Any wood deck shall be setback a minimum of 10'-0" from the erosion control line.
  - z. The area within the Dune Preservation Overlay District shall have a minimum required open space of 80%. The open space shall consist of natural landscape, sand beach and may also incorporate artificial turf for up to 50% of the open space requirement. Any artificial turf shall not be located within a required side yard.
  - aa. Within the Oceanfront Overlay District, any deck shall be setback a minimum of 10'-0" from the bulkhead line.
  - bb. The area within the Oceanfront Overlay District shall have a maximum required lot coverage of 50%. A minimum of 50% of the area shall be open to the sky and landscaped.
2. In accordance with Section 118-395(b)(2) of the City Code, the requirement pertaining to an existing structure's setbacks and parking credits, is hereby waived, to allow for the reconstruction of the original floor slabs.

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3. Site plan approval is contingent upon meeting Public School Concurrency requirements. 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 prior to the issuance of a Building Permit.
4. 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 by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. At a minimum, such plan shall incorporate the following:
  - a. Street trees shall be required along 35th Street and Collins Avenue, if feasible, in a manner to be reviewed and approved by the Public Works Department.
  - b. 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. Right-of-way areas shall also be incorporated as part of the irrigation system.
  - c. Any overhead utilities located in the adjacent public right-of-ways, shall be placed underground, if feasible, and subject to the review and approval of the Public Works Department.
  - d. A view corridor shall be created by maintaining a minimum of 50% of the required rear yard setback open and unencumbered, apart from landscaping and decorative open picket fences, from the erosion control line to the rear setback line.
  - e. All shrubs, hedges, low planting and ground cover, and any non-tree proposed to be located within the front yard of the property, shall not exceed 42" in height at maturity.
  - f. The front yard landscaping plan shall be further developed in a more formal, less dense manner that preserves views to the Versailles Hotel.
  - g. Final details of the proposed planting system for the guardhouses shall be provided.
  - h. The project design shall minimize the potential for a project causing a heat island effect on site.
  - i. Cool pavement materials or porous pavement materials shall be utilized.
  - j. The use of Silva Cells or approved equal should be specified for canopy shade trees planted in areas where roofing space may be limited, inclusive of street trees.



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In accordance with Section 118-537, the applicant, the owner(s) of the subject property, 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 master appointed by the City Commission.

## II. Variance(s)

### A. The applicant filed an application with the Planning Department for the following variance(s):

1. A variance to reduce by 5'-2" the required setback of 15'-0" from the side property line in order to construct a walkway with guardrails at 9'-10" from the north side property line on the Dune Preservation Overlay District. (Variance request withdrawn by applicant)
2. A variance to reduce by 10'-9" the required setback of 15'-0" from the side property line in order to construct a walkway with guardrails at 4'-3" from the south side property line on the Dune Preservation Overlay District. (Variance request withdrawn by applicant)
3. A variance to reduce by 5'-2" the required setback of 15'-0" from the side property line in order to construct a walkway with guardrails at 9'-10" from the north side property line on the Oceanfront Overlay District. (Variance request withdrawn by applicant)
4. A variance to reduce by 10'-9" the required setback of 15'-0" from the side property line in order to construct a walkway with guardrails at 4'-3" from the south side property line on the Oceanfront Overlay District. (Variance request withdrawn by applicant)
5. A variance to exceed the required number of one (1) dune crossing for a site with less than 300 linear feet of frontage in order to provide two (2) dune crossings in the Dune Preservation Overlay District.
6. A variance to reduce by 10'-8" the required setback of 20'-0" from the front property line in order to construct a guardhouse structure at 9'-4" from the west property line.

- B. The applicant has submitted plans and documents with the application that satisfy 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 that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:



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That 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;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That 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.

C. The Board hereby grants the requested variance(s) #5 and #6, and imposes the following condition based on its authority in Section 118-354 of the Miami Beach City Code:

1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

**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. This Final Order consolidates all conditions and requirements for Certificate of Appropriateness approval as same are contained herein, in the Orders dated November 14, 2014 (HPB 7490), March 8, 2016 (HPB 7490), and January 12, 2021 (HPB20-0389), and February 9, 2021 (HPB20-0430) and May 11, 2021 (HPB21-0451). Accordingly, this Order shall serve as the Final Order for the proposed project. In the event of a conflict between the provisions hereof and those of the previous Orders, the provisions hereof shall control.

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- B. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
- C. 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.
- D. Applicant agrees that in the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- E. 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.
- F. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- G. 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.
- H. 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.
- I. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- J. 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.
- K. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- 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



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Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.

- M. 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.
- N. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
- O. The applicant shall comply with the electric vehicle parking requirements, pursuant to Sec. 130-39 of the City Code, as applicable.

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 "plans entitled "Versailles" as prepared by Nichols Brosch Wurst Wolfe & Associates, Inc, dated September 22, 2014, plans entitled "Versailles" as prepared by Nichols Brosch Wurst Wolfe & Associates, Inc, dated January 25, 2016, plans entitled "Aman Resort at the Historic Versailles Hotel", as prepared by Revuelta architecture international, dated February 10, 2020, plans entitled "Aman Hotel & Residences", as prepared by Revuelta Architecture International, dated January 12, 2021, ~~and~~ plans entitled "Aman Hotel & Residences", as prepared by Revuelta Architecture International, dated February 9, 2021, ~~and~~ plans entitled "Aman Hotel & Residences", as prepared by Revuelta Architecture International, dated May 11, 2021, and plans entitled "Aman Hotel & Residences", as prepared by Revuelta Architecture International, dated May 11, 2021, 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 Chapter 118 of the City Code; the granting

Page 11 of 11  
HPB20-0441  
Meeting Date: May 11, 2021

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 applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

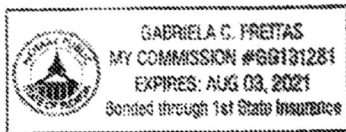
Dated this 25 day of May, 2021.

HISTORIC PRESERVATION BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]  
DEBORAH TACKETT  
HISTORIC PRESERVATION & ARCHITECTURE OFFICER  
FOR THE CHAIR

STATE OF FLORIDA        )  
  )SS  
COUNTY OF MIAMI-DADE    )

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of MAY, 2021, by Deborah Tackett, Historic Preservation & Architecture Officer, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. She is personally known to me.



[Signature]  
NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires: Aug. 3. 2021

Approved As To Form:  
City Attorney's Office: [Signature] ( 5/21/2021 )

Filed with the Clerk of the Historic Preservation Board on [Signature] ( 5/25/21 )

Strike-Through denotes deleted language  
Underscore denotes new language

[Signature]



October 13, 2020

Thomas Mooney  
Director of Planning  
City of Miami Beach  
1700 Convention Center Drive  
Miami Beach, FL 33139

**RE: HPB20-0430 — conditions related to COA for modifications to the previously approved COA for a new design for the detached ground floor addition**

Dear Mr. Mooney,

Our firm represents 3425 Collins, LLC ("Owner") the owner of the parcel of land located at 3425 Collins Avenue (the "Property"), which is the subject of a pending land use board application, HPB20-0430 (the "Pending Application"), currently scheduled for the December 8, 2020 agenda of the Historic Preservation Board ("HPB").

We agree to two conditions that could be placed into the Certificate of Appropriateness ("COA") for the Pending Application. The two conditions that we agree to include in the COA are as follows:

1. Applicant shall pay for nine (9) injection wells at a total estimated value of \$225,000, in a continuous system with a total capacity of 18,000 GPM, which will provide water quality treatment for 27 acres in the Indian Creek drainage basin. The City shall select the sites for the injection wells and conduct all construction work.
2. Applicant shall donate to the City and pay for the repair and installation of the Jack Stewart "Apollo" mural at a location of the City's choice. The obligation in this condition shall expire five (5) years from the date of the issuance of the COA.

Please include this letter in the application files for the Pending Application.

Sincerely,



Neisen O. Kasdin

**PROPOSAL FOR PHASE I WORK**  
**Jackson Stewart's *Apollo Mural***  
**Development of Scope**

June 30, 2021



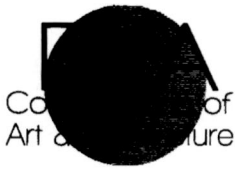
*Figure 1*

***Prepared for:***

Josh Carden and Brandi Reddick | Cultural Affairs / Art in Public Places Coordinator  
Tourism and Culture Development  
1755 Meridian Ave, Suite 500, 5<sup>th</sup> Floor  
Miami Beach, FL 33139  
305.673.7577 ext. 26127  
[joshuacarden@miamibeachfl.gov](mailto:joshuacarden@miamibeachfl.gov)  
[BrandiReddick@miamibeachfl.gov](mailto:BrandiReddick@miamibeachfl.gov)

***Prepared by:***

RLA Conservation, Inc.  
852 NW 71<sup>st</sup> Street  
Miami, FL 33150



**INTRODUCTION:** Jack Stewart’s Apollo is a 90-foot-long mosaic mural was originally installed on the historic Miami Beach Versailles Hotel. This artwork was removed upon the demolition of the hotel and has remained in storage since 2014. It is currently in poor condition, exhibiting loss of tesserae, damage to metal members and possible concrete cracking. That said, RLA Conservation, the lead conservators for this project, believe this remains a conservable and exhibitable artwork. This opinion is based on extensive work with relocating and repairing 20<sup>th</sup> century mosaics in Florida, California and Texas and publications referencing iconic projects.<sup>1</sup>

The luxury hotel group Aman has proposed funding and the conservation of and reinstallation of the mosaic at the Scott Rakow Youth Center in Miami Beach as part of a development agreement with the City of Miami Beach. This proposal provides an estimate for Phase I of this project, the initial development of scope of work (SOW) including the participation of a structural engineer, general contractor, and mosaic conservation specialist. This work, if accepted, is designed to be phase I of a project and not intended to produce construction documents. Those will be part of the second phase of work, which will be priced in conjunction with this phase. Moreover, it is understood that the putting together the SOW, RLA et al will be allowed to continue to work on this project if so desired by the Aman Group. In other words, acceptance of this proposal acknowledges that RLA et al will be allowed to bid on and/ or undertake the subsequent work to save the mosaic.

**PROPOSED WORK:** RLA Conservation of Art + Architecture will provide overall management and coordination of the SOW development with the participation of an engineer and contractor. The proposed engineer is Douglas Wood of Douglas Wood Engineering. The contractor is Gal Bensaadon of Red Door Construction. Both are respected Miami Dade County-based practitioners with over 10 years of experience in similar work. Moreover, the three participants in this proposal have worked together extensively on historic preservation projects. RLA will develop the scope for all actual work required to perform the restoration of the mural. To develop a scope, the following steps are proposed:

1. A site visit to the location of the mosaic mural with the engineer, contractor, and conservator teams. RLA’s team will include participation by both RLA President and Chief Conservator Rosa Lowinger and Architectural Conservator Caroline Dickensheets. As part of this site visit, RLA will undertake documentation of the mosaic with detailed photos and provide a condition report on the current state of the mosaic. This will be used to inform the SOW.
2. Visit to the proposed relocation site at the Scott Rakow Youth Center.
3. 1-2 phone call meetings, lasting no more than 1 hour each.
4. Initial investigation into engineering and contracting requirements.

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<sup>1</sup> See Lowinger, Rosa, Christina Varvi, and Kelly Ciociola (2020) *Logistical Challenges in the Relocation of Monumental, Modern Architectural Artworks*, *Studies in Conservation*, 65:sup1, P192-P198, DOI: [10.1080/00393630.2020.1780855](https://doi.org/10.1080/00393630.2020.1780855)

5. Preparation of a condition report by RLA.
6. Preparation of a Phased Scope of Work with calculated ballpark cost estimates for all known aspects of the work, and caveats where unknowns are found.
7. A timeline for undertaking the work.

**DELIVERABLES:** RLA will compile the findings and provide the proposal outlining the proposed scope of work, suggested project timeline, and specifications for conservation work, and anticipated costs for all phases, including producing engineering drawings, developing methods of attachment, determining whether the concrete bed needs to be repoured, and other aspects of the actual work.

**COST ESTIMATES FOR PHASE I:**

Engineer: \$800.00- \$1,200.00  
Contractor: \$700.00- \$1,000.00  
Conservator: \$2,500.00

Total Estimated Cost of this Phase: Not to exceed \$3,700.00

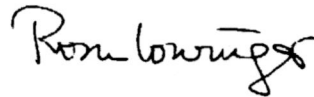
Thank you for the opportunity to care for your collection. Please do not hesitate to contact us with any further questions.

Proposal Prepared by:



Caroline Dickensheets, Architectural Conservator

Proposal Reviewed, Edited, and Approved by:



Rosa Lowinger, President & Chief Conservator

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Accepted by:

\_\_\_\_\_  
(sign & print name)

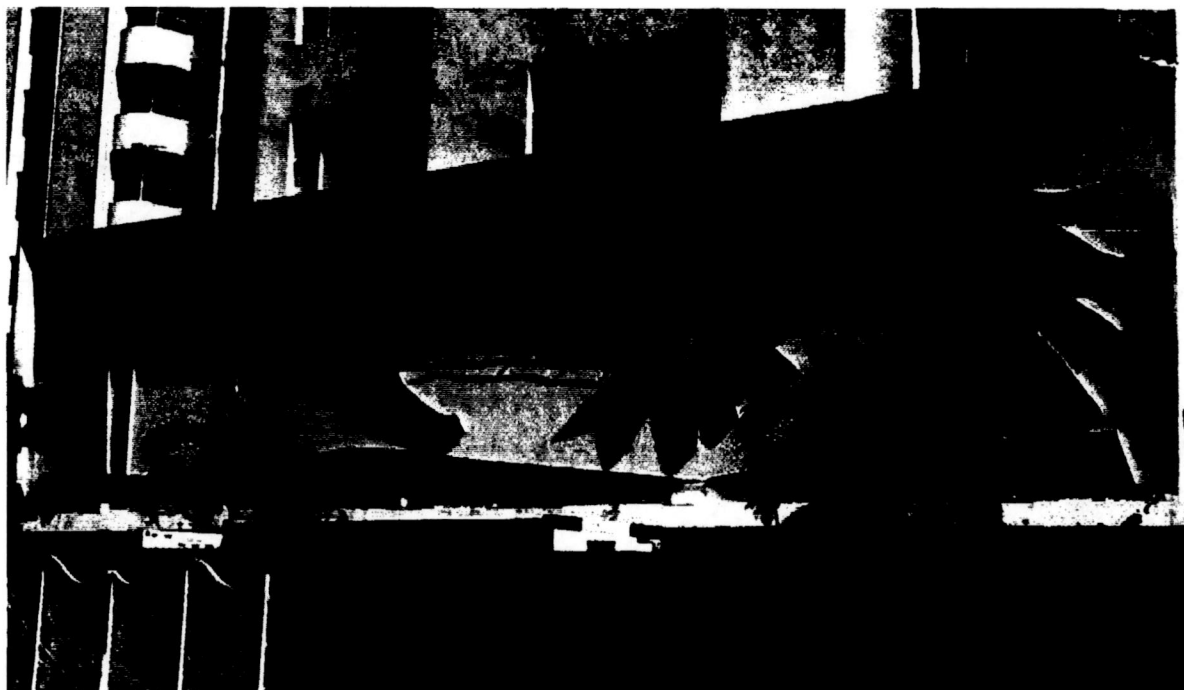
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Date

**PROPOSAL FOR PHASE II WORK**

**Jackson Stewart's *Apollo Mural***

**Conservation of the Mosaic**

**Revised 2.2.2022**



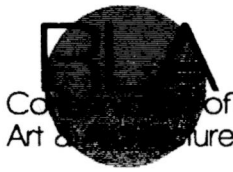
*Figure 1*

***Prepared for:***

Josh Carden and Brandi Reddick | Cultural Affairs / Art in Public Places Coordinator  
Tourism and Culture Development  
1755 Meridian Ave, Suite 500, 5<sup>th</sup> Floor  
Miami Beach, FL 33139  
305.673.7577 ext. 26127 [joshuacarden@miamibeachfl.gov](mailto:joshuacarden@miamibeachfl.gov) [BrandiReddick@miamibeachfl.gov](mailto:BrandiReddick@miamibeachfl.gov)

***Prepared by:***

RLA Conservation, Inc.  
852 NW 71<sup>st</sup> Street  
Miami, FL 33150



**INTRODUCTION:** Jack Stewart's Apollo is a 90-foot-long mosaic mural originally installed on the historic Miami Beach Versailles Hotel. This artwork was removed upon the demolition of the hotel and has remained in storage since 2014. It is currently in poor condition, exhibiting loss of tesserae, damage to metal members and possible concrete cracking. That said, RLA Conservation, the lead conservators for this project, believe this remains a conservable and exhibitable artwork. This opinion is based on extensive work with relocating and repairing 20<sup>th</sup> century mosaics in Florida, California and Texas and publications referencing iconic projects.<sup>1</sup>

The luxury hotel group Aman has proposed funding and the conservation of and reinstallation of the mosaic at the Scott Rakow Youth Center in Miami Beach as part of a development agreement with the City of Miami Beach. This proposal provides an estimate for Phase II of this project, the initial conservation of the mosaic's elements, an inventory of all items, and moving them to a more appropriate storage place until such time as a proper installation site can be determined.

**BACKGROUND:** RLA Conservation's conservators Rosa Lowinger and Caroline Dickensheets performed an assessment of the mosaic on July 22, 2021. A second assessment, conducted by Dickensheets in conjunction with engineer Douglas Wood and Gal Bensaadon of Red Door Construction was carried out on August 6, 2021. At the time of the second assessment, it became clear that the wall selected for installation at the Scott Rakow Youth Center in Miami Beach was not big enough to accommodate the mosaic. Therefore, new thoughts on how to proceed with conservation are being currently considered.

At the time of the onsite inspections, the mosaic was found to be in very poor condition at the site. The pieces are fracturing, tesserae have been lost, aluminum elements have been bent and exhibit corrosion, and there is general dirt, grime, and biogrowth on elements. That said, the mosaic remains a viable artwork that is fully conservable. Time, however, is of the essence. The elements need to be rescued, cleaned and prepared for conservation sooner rather than later or risk additional losses that will result in increased treatment costs and possible irreparable damage.

The new plan of action put forth below addresses the conservation of the artwork's elements themselves. This is a necessary step in preparation for installation. In other words, doing this step will not result in redundancy. This work needs to happen to mitigate the poor removal and storage phases that have taken place so far.

**PROPOSED WORK FOR PHASE II:** Phase II will address the repair and inventory of the mosaic. This version of the proposal is updated to include moving of the mosaic to the Bakehouse site or another site nearby. The following is proposed:

1. Assess and inventory all of the elements. Use a diagram of the installed artwork to try to piece together where everything goes. Assign a number to each item.

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<sup>1</sup> See Lowinger, Rosa, Christina Varvi, and Kelly Ciociola (2020) *Logistical Challenges in the Relocation of Monumental, Modern Architectural Artworks*, *Studies in Conservation*, 65:sup1, P192-P198, DOI: [10.1080/00393630.2020.1780855](https://doi.org/10.1080/00393630.2020.1780855)



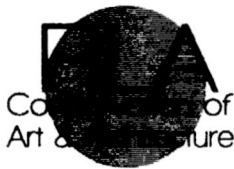
2. Photograph each element and sort the pieces so mosaics and aluminum pieces are separated and carefully catalogued. Determine if any items are missing.
3. Remove weeds and spray for wasps then gather all tesserae for re-use.
4. As the work is no longer able to be worked on at the site in question, devise a plan, together with an art handling firm, for safe transfer of the artwork to a new location. At present the Bakehouse at NW 32<sup>nd</sup> Street near 5<sup>th</sup> Avenue is offered. This site will require placing the elements on concrete blocks to prevent flooding of the mural. We will require fencing and a job box to safeguard tools and materials.
5. Set up a platform for work on the mosaics and aluminum elements. Using a forklift, move the mosaic elements so they are able to be worked on.
6. Clean all of the elements using a conservation grade detergent, low pressure water, and fungicides to remove biogrowths.
7. Reset loose tesserae and source new tesserae to replace missing ones.
8. Perform preliminary repairs to the concrete in preparation for being able to turn the mosaics.
9. Using a forklift, move and turn the mosaics for work on the backs.
10. Remove corrosion from all aluminum elements.
11. Straighten bent aluminum elements and repair connectors.
12. Identify any elements that are missing and provide any additional costs and strategy for their replacement or refabrication. This to include hardware, mosaic elements, and aluminum fragments. The costs of these will be added to the base cost, an allowance is given below.
13. Once elements are conserved, safeguard them in a covered area until they can be installed. The cost of this will need to be calculated separately once we know where the items are going and who will move them.
14. Prepare conservation notes for installation.
15. Meet with possible installers and engineering and hopefully help identify the wall where the pieces will be mounted.

#### **PROPOSED RLA COSTS OF PHASE II:**

These costs are being revised to account for moving the artwork to a new site at the Bakehouse and working from the RLA studios than at the original site. Costs are based on the following rates: Chief Conservator- \$200.00 per hour; Staff Conservators- \$165.00 per hour; Technicians: \$95.00- \$110.00 per hour; Admin- \$65.00 per hour. Note that the revised cost includes the conservation time and labor to assist with the move to a new site. The cost of the move itself will be calculated separately after receiving estimates from qualified art handling firms. We are allowing a contingency for this.

#### **• Labor:**

Conservators:	<b>\$50,000.00 - \$65,000.00</b>
Technicians:	<b>\$120,000.00 - \$150,000.00</b>



Admin/ Insurance: **\$3,000.00- \$4,000.00** (note: This is only for RLA's liability and workman's compensation plus naming Bakehouse as co-insured. The artwork itself will need to be insured by the City for theft or damage .)

• **Materials:** **\$5,000.00** + replacement parts (allowance for replacements **\$5,000.00**)

• **Equipment** (forklift rental, tables, lighting, welding, and rental of fencing for 12 months): allow **\$10,000.00 - \$15,000.00.**

This cost assumes that water and electricity will be available at no charge at the Bakehouse worksite.

• **Documentation, report, research, supervision of move, meetings: \$6,000.00**

**Total Estimated Conservation Cost of Phase II Treatment: \$199,000.00 - \$250,000.00**

**Additional Costs (not to RLA):**

1. For moving the artwork to the Bakehouse will need to be calculated, but we are including an allowance of **\$25,000.00**. To be revised as needed.
2. Final installation range between **\$70,000.00 - \$90,000.00** depending on the location selected and the engineering requirements, including whether the wall itself needs engineering. This will require revision.

Proposal Revised by:

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Caroline Dickensheets, Conservator

---

Rosa Lowinger, President & Chief Conservator

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