

HISTORIC PRESERVATION BOARD City of Miami Beach, Florida

CFN 2015R0273141 OR Bk 29595 Pss 3960 - 3967; (8ps RECORDED 04/29/2015 11:19:01 HARVEY RUVIN; CLERK OF COURT MIAMI-DADE COUNTY, FLORIDA

MEETING DATE:

February 11, 2014

CERTIFICATION

FILE NO:

7414

THIS IS TO CERTIFY THAT THE ATTACHED DOCUMENT IS A TRUE AND ACCURATE COPY OF THE ORIGINAL ON

PROPERTY:

1440 Ocean Drive & 1433 Collins Ave

This document contains 8

LEGAL:

1440 Ocean Drive:

Lot 1, less the north 13 feet &Lot 2, Block 19 of Ocean Beach Addition no. 2, according to the plat thereof, as recorded in Plat Book 2 at page 56 of the public records of Miami-Dade County, Florida.

1433 Collins Avenue:

Lots 18 & 19, Block 19, Ocean Beach, Fla., Addition No. 2, According to the Plat Thereof, as Recorded in Plat Book 2, Page 56, of the Public Records of Miami-Dade County, Florida.

IN RE:

The application for a Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing 3-story Carlton Hotel located at 1433 Collins Avenue, including the construction of a new 1story ground level addition located at the north side of the property, a new 4-story ground level addition located at the south side of the property and a new 1-story rooftop addition. Additionally, the applicant is proposing to construct a pedestrian bridge connecting the Carlton Hotel and the Betsy Hotel, at the third levels. The new pedestrian bridge is proposed to be located above the public alleyway. Alterations to the exterior of the Betsy Hotel located at 1440 Ocean Drive are limited to the pedestrian bridge and alley improvements.

ORDER

The applicants, Betsy Ross Owner, LLC and Ocean Court, LLC, filed an application with the City of Miami Beach Planning Department for a Certificate of Appropriateness.

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:

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- A. The structures are classified as 'Contributing' in the Miami Beach Historic Properties Database and are located within the Ocean Drive/Collins Avenue 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 is not consistent with the Certificate of Appropriateness Criteria 'a' in Section 118-564(a)(1) of the Miami Beach Code, is not consistent with Certificate of Appropriateness Criteria 'a' & 'd' in Section 118-564(a)(2) of the Miami Beach Code, is not consistent with Certificate of Appropriateness Criteria 'b', 'g' & 'j' in Section 118-564(a)(3) of the Miami Beach Code, and is consistent with Certificate of Appropriateness Criteria for Demolition in Section 118-564(f)(4) of the Miami Beach Code.
- C. The project would be consistent with the criteria and requirements of section 118-564 if the following conditions are met:
- Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. The design for the west elevation of proposed 4-story southwest addition, shall be further developed and refined, in a manner to be reviewed and approved the Board.
 - b. The design, details, and finish material for the proposed bridge element connecting the Carlton Hotel with the Betsy Hotel shall be further developed and refined, in a manner to be reviewed and approved by the Board.
 - c. The west elevation of the Carlton Hotel, inclusive of the corner elements and front porch, shall be fully restored, in a manner consistent with available historical 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.
 - d. The proposed permanent awnings located on the west elevation of the Carlton Hotel shall not be permitted. The original eyebrow features located to the side of the entrance shall be reconstructed, according to available historical documentation and may be somewhat increased in depth 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 original main lobby of the Carlton Hotel shall be fully restored in accordance with available historical documentation, and all original materials shall be retained and restored, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

itial details of all exterior surface finishes and materials shall be required, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board, prior to the issuance on a building permit.

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- g. Manufacturers drawings and Dade County product approval numbers for all new windows, doors and glass shall be required and all new proposed windows shall substantially match the original window configurations, in a manner to be reviewed and approved by staff in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- h. The final design and details of all exterior lighting 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. Interior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the historic hotel or the surrounding historic district.
- i. 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. Any rooftop mechanical equipment, structures or screening not shown on the plans approved by the Board may require later Board approval.
- j. A museum quality historic analysis and display of the existing Carlton Hotel 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, <u>prior</u> 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.
- k. The applicant shall submit a complete structural report prepared by a structural engineer registered in the State of Florida for the phased demolition, shoring, bracing, and stabilization of the historic building, including the methodology for the insertion of the new structural system(s), to fully ensure that the structural stability and integrity of the historic building and new construction is preserved both during and after construction of the new rooftop additions, in a manner to be reviewed by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board, and approved by the Building Department, prior to the issuance of a demolition permit.
- I. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms; such transformers and vault rooms, and all other related devices and fixtures, shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of any exterior transformers, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape 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.



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- m. Prior to the issuance of a Certificate of Occupancy, the Architect for the project architect shall verify, in writing, that the project is consistent with the elevations, floor plans, site plan and landscape plans approved by the Planning Department for Building Permit.
- Ownership verification for the triangular parcel located along 14th Place, identified by the Miami-Dade County Property Appraiser as Folio: 02-3234-008-0730, shall be required, subject to the approval of the Planning Director and City Attorney prior to the issuance of a Building Permit.
- 3. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
 - The following conditions shall not supersede the Florida Department of Transportation plans approved and currently under construction for Collins Avenue from 5th Street to Lincoln Road.
 - b. Street trees shall be required along Collins Avenue, placed with a minimum 36" clear space between the tree trunk and the back of curb, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - c. Silva Cells in tree pits, with the City Standard black and white bound aggregate system and fertilization trench, irrigation, and two (2) up-lights per City standards, shall be required for all street and shade trees, 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 utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
 - 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-ofway areas shall also be incorporated as part of the irrigation system.
 - f. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow prevention devices. Backflow prevention devices shall not be permitted within any required yard or any area fronting a street or sidewalk, unless otherwise permitted by the Land Development Regulations. The location of all backflow prevention devices, and how they are screened from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff. The fire department shall require a post-indicator valve (PIV) visible and accessible from the street.



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- g. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all post-indicator valves (PIV), fire department connections (FDC) and all other related devices and fixtures, which shall be clearly indicated on the site and landscape 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.
- h. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms; such transformers and vault rooms, and all other related devices and fixtures, shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of any exterior transformers, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape 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.
- Prior to the issuance of a Certificate of Occupancy, the Landscape Architect for the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.
- All building signage, with the exception of historic signage, shall be composed of flush mounted, non-plastic, individual letters and shall require a separate permit.
- The final exterior surface color scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.
- 6. A traffic mitigation plan, which addresses all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, if required, shall be submitted prior to the issuance of a Building Permit and the final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).
- 8. A traffic mitigation plan, which addresses all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, if required, shall be submitted prior to the issuance of a Building Permit and the final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).
- 10. The project shall comply with any landscaping or other sidewalk/street improvement standards as may be prescribed by a relevant Urban Design Master Plan approved prior to the completion of the project and the issuance of a Certificate of Occupancy.
- 11. The applicant may be required to submit a separate analysis for water and sewer requirements, at the discretion of the Public Works Director, or designee. Based on a



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preliminary review of the proposed project, the following may be required by the Public Works Department:

- a. A traffic and neighborhood impact study shall be conducted as a means to measure a proposed development's impact on transportation and neighborhoods. The study shall address all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, and if required, shall be submitted prior to the issuance of a Building Permit. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code. The developer shall refer to the most recent City of Miami Beach's Traffic and Neighborhood Impact Methodology as issued by the Public Works Department.
- b. Remove/replace sidewalks, curbs and gutters on all street frontages, if applicable. Unless otherwise specified, the standard color for city sidewalks is red, and the standard curb and gutter color is gray.
- c. Mill/resurface asphalt in rear alley along property, if applicable.
- Provide underground utility service connections and on-site transformer location, if necessary.
- e. Provide back-flow prevention devices on all water services.
- f. Provide on-site, self-contained storm water drainage for the proposed development.
- g. Meet water/sewer concurrency requirements including a hydraulic water model analysis and gravity sewer system capacity analysis as determined by the Department and the required upgrades to water and sewer mains servicing this project.
- Payment of City utility impact fees for water meters/services.
- i. Provide flood barrier ramps to underground parking or minimum slab elevation to be at highest adjacent crown road elevation plus 8".
- j. Right-of-way permit must be obtained from Public Works.
- All right-of-way encroachments must be removed.
- All planting/landscaping in the public right-of-way must be approved by the Public Works and Parks Departments.
- 12. 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.

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- The Final Order shall be recorded in the Public Records of Miami-Dade County, <u>prior</u> to the issuance of a Building Permit.
- 14. 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.
- 15. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- 16. 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.

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 by the Board, that the Certificate of Appropriateness is GRANTED for the above-referenced project subject to those certain conditions specified in paragraph C of the Findings of Fact (Condition Nos. 1-16 inclusive) hereof, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Historic Preservation Board, as determined by staff, "Carlton Hotel", as prepared by Shulman + Associates, dated 12/18/13.

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 Final 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 Final Order, have been met.

The issuance of this Certificate of Appropriateness 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 Certificate of Appropriateness was granted, this Certificate of Appropriateness will expire and become null and void. 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), this Certificate of Appropriateness will expire and become null and void.



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In accordance with Section 118-561 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 this Certificate of Appropriateness to Section 118-564, City Code, for revocation or modification of the Certificate of Appropriateness.

HISTORIC PRESERVATION BOARD THE GITY OF MIAMI BEACH, FLORIDA

THOM R. MOONEY, AICP ACTING PLANNING DIRECTOR FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this Light day of March 2014 by Thomas R. Mooney, Acting Planning Director, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

WALDHYS J. RODOLI MY COMMISSION #FF039521 EXPIRES: JUL 24, 2017 Bonded through 1st State Insurance NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: 1-24-14

Approved As To Form: Legal Department: (3-13-14)

Filed with the Clerk of the Historic Preservation Board on 3-14-14 (WSR

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OR Bk 29595 Pss 3956 - 3959; (4ps RECORDED 04/29/2015 11:19:01 HARVEY RUVIN, CLERK OF COURT MIAMI-DADE COUNTY, FLORIDA

HISTORIC PRESERVATION BOARD City of Miami Beach, Florida

MEETING DATE: October 14, 2014

FILE NO:

7414

PROPERTY:

1440 Ocean Drive & 1433 Collins

Avenue

CERTIFICATION THIS IS TO CERTIFY THAT THE ATTACHED DOCUMENT

IS A TRUE AND ACCURATE COPY OF THE ORIGINAL ON FILE IN THE DEFICE OF THE PLANNING DEPARTMENT. CITY OF MIAMI BEACH

LEGAL:

1440 Ocean Drive - The Betsy Hotel

Lot 1, less the north 13 feet &Lot 2, Block 19 of Ocean Beach Addition no. 2, according to the plat thereof, as recorded in Plat Book 2 at page 56 of

the public records of Miami-Dade County, Florida.

1433 Collins Avenue - The Carlton Hotel

Lots 18 & 19, Block 19, Ocean Beach, Fla., Addition No. 2, According to the Plat Thereof, as Recorded in Plat Book 2, Page 56, of the Public

Records of Miami-Dade County, Florida.

IN RE:

The Application for a Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing 3-story Carlton Hotel located at 1433 Collins Avenue, including the construction of a new 1-story ground level addition located at the north side of the property, a new 4-story ground level addition located at the south side of the property and a new 1story rooftop addition. Additionally, the applicant is proposing to construct a pedestrian bridge connecting the Carlton Hotel and the Betsy Hotel, at the third levels. The new pedestrian bridge is proposed to be located above the public alleyway. Alterations to the exterior of the Betsy Hotel located at 1440 Ocean Drive are limited to the pedestrian bridge and alley improvements. [Approved on February 11, 2014, with the exception of the Collins Avenue facade of the new structure and the final design and details of the proposed pedestrian bridge.]

SUPPLEMENTAL ORDER

The applicants, Betsy Ross Owner, LLC and Ocean Court, LLC, filed an application with the City of Miami Beach Planning Department for a Certificate of Appropriateness.

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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:

- A. The subject structures are classified as 'Contributing' structures in the Miami Beach Historic Properties Database, and are located within Ocean Drive/Collins Avenue 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 is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code, is not consistent with Certificate of Appropriateness Criteria 'a', 'c' & 'd' in Section 118-564(a)(2) of the Miami Beach Code, is not consistent with Certificate of Appropriateness Criteria 'b', 'c' & 'g' in Section 118-564(a)(3) of the Miami Beach Code, and is consistent with Certificate of Appropriateness Criteria for Demolition in Section 118-564(f)(4) of the Miami Beach Code.
- C. The project would be consistent with the criteria and requirements of section 118-564 if the following conditions are met:
- Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
 - Final details and material samples for the pedestrian bridge shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - b. The design for the balcony railings shall be further refined in a less dense manner and constructed in a material more appropriate to the surrounding historic district, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - c. A copy of all pages of the recorded Supplemental 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.
- 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.
- The Supplemental Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- 4. The Supplemental 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.



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- 5. The previous Final Order dated February 11, 2014 shall remain in full force and effect.
- The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- 7. 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.

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 by the Board, that the Certificate of Appropriateness is GRANTED for the above-referenced project subject to those certain conditions specified in paragraph C of the Findings of Fact (Condition Nos. 1-7 inclusive) hereof, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Historic Preservation Board, as determined by staff, entitled "Carlton Hotel", as prepared by Shulman + Associates, dated May 28, 2014.

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 a Certificate of Appropriateness 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 Certificate of Appropriateness was granted, the Certificate of Appropriateness will expire and become null and void. 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 Certificate of Appropriateness will expire and become null and void.

In accordance with Section 118-561 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 Certificate of Appropriateness to Section 118-564, City Code, for revocation or modification of the Certificate of Appropriateness.

Dated this 15 day of October, 2014.

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> HISTORIC PRESERVATION BOARD THE CITY OF MIAMI BEACH, FLORIDA

DEBORAH TACKETT

PRESERVATION AND DESIGN MANAGER

FOR THE CHAIR .

STATE OF FLORIDA)

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 13 y day of October 20 by Deborah Tackett, Preservation and Design Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

TERESA MARIA

MY COMMISSION # FF 042183

EXPIRES: December 2, 2017

Bonded Thru Budget Notary Services

NOTÁRY PUBLIC

Miami-Dade County, Florida
My commission expires: 18 - 8

Approved As To Form: City Attorney's Office: 4 (10/15/2014)

Filed with the Clerk of the Historic Preservation Board on 10-15-14 (WJK)

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