MIAMIBEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO:

Chairperson and Members

Historic Preservation Board

DATE: July 12, 2016

FROM:

Thomas R. Mooney, AICF

Planning Director

SUBJECT:

HPB0516-0011, 3865 Indian Creek Drive.

The applicant, Venezia Hotel LLC, is requesting a Certificate of Appropriateness for the partial demolition of the west façade in order to accommodate a new door,

including a variance from the minimum area required for hotel units.

STAFF RECOMMENDATION

Approval of the Certificate of Appropriateness and variance with conditions.

EXISTING STRUCTURE

Local Historic District:

Collins Waterfront

Status:

Original Architect:

Construction Date:

Contributing

Alexander Lewis

1947

ZONING / SITE DATA

Legal Description:

Lots 24 & 25 and Lot 23 Less the south 30 feet & tract opposite facing Indiann Creek, Block 30, Miami Beach

Improvement Company Subdivision, According to the Plat Thereof, as Recorded in Plat Book 5, Page 8, of the Public

Records of Miami-Dade County, Florida.

Zonina:

RM-2 Residential Multi-Family, Medium Intensity

Future Land Use Designation:

RM-2 Residential Multi-Family, Medium Intensity

Existing Use:

30 apartment units and 5 hotel units

Proposed Use:

50 unit hotel

THE PROJECT

The applicant has submitted plans entitled "Venezia Hotel" as prepared by Novus Archetype, dated May 16, 2016.

The applicant is requesting a Certificate of Appropriateness for the partial demolition of the west façade in order to accommodate a new door, including a variance from the minimum area required for hotel units.

The applicant is requesting the following variance:

- 1. A variance from the minimum required hotel unit size within the "Contributing" structure: 15% of the hotel units shall be between 300-335 s.f. and 85% of units shall be 335 s.f. or larger, in order to retain 16 hotel units at less than 300 s.f. (the smallest at 226.5 s.f.), 6 hotel units between 300 s.f. and 335 s.f. (12% of the units) and 28 hotel units exceeding 335 s.f. (56% of units).
 - Variance requested from:

Sec. 142-217. Area requirements.

The area requirements in the RM-2 residential multifamily, medium intensity district are as follows:

Minimum Unit Size (Square Feet): Hotel Units: 15%: 300 - 335, 85%: 335+

As part of the improvements on the site, the applicant is requesting a variance from the minimum room area required to operate 50 hotel units. The property has been used as a hotel and as an apartment building throughout the years. The building card indicates that at least 50 bathrooms were originally constructed. However, there are no clear records in the City for a business license for the 50 hotel units. Staff would note that the Code allows the retention of original hotel units with a minimum of 200 s.f. of area located within a contributing building. In this case, the minimum unit size of the hotel units is 226.5 s.f. and more than 50% of the units exceed 335 s.f. The main partition walls will be retained in the original configuration and the increase in size of the units may have a conflict with the existing location of windows and plumbing and electrical lines. The existing sizes of the rooms are consistent with the area of similar hotel units located within the historic district.

The City has recognized that a variance may be granted when the repair or rehabilitation of a building does not preclude the structure's continued designation as a "historic" structure and the variance is the minimum to preserve the historic character and design of the structure. In this case, staff finds that the existing building and the retention of most of its original architectural features, create the practical difficulties that justify the variance requested. Further, similar variances for hotel unit size have been previously approved by the Board of Adjustment within historic buildings. In summary, staff recommends that this variance be approved.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

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:

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.

CONSISTENCY WITH 2025 COMPREHENSIVE PLAN

A preliminary review of the project indicates that the proposed **hotel use** appears to be **consistent** with the Future Land Use Map of the Comprehensive Plan.

COMPLIANCE WITH ZONING CODE

A preliminary review of the project indicates that the application, as proposed, is consistent with the City Code, with the exception of the variances requested herein.

The above noted <u>comments shall not be considered final zoning review</u> or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

COMPLIANCE WITH CERTIFICATE OF APPROPRIATENESS CRITERIA

A decision on an application for a Certificate of Appropriateness shall be based upon the following:

- I. Evaluation of the compatibility of the physical alteration or improvement with surrounding properties and where applicable, compliance with the following criteria pursuant to Section 118-564(a)(1) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
 - a. The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as revised from time to time.
 Satisfied
 - Other guidelines/policies/plans adopted or approved by Resolution or Ordinance by the City Commission.
 Satisfied
- II. In determining whether a particular application is compatible with surrounding properties, the Board shall consider the following criteria pursuant to Section 118-564(a)(2) of the

Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):

a. Exterior architectural features.

Satisfied

- b. General design, scale, massing and arrangement.

 Satisfied
- c. Texture and material and color.

Satisfied

- d. The relationship of a, b, c, above, to other structures and features of the district. **Satisfied**
- e. The purpose for which the district was created. **Satisfied**
- f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.

Not Applicable

- g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.
 Satisfied
- h. The original architectural design or any subsequent modifications that have acquired significance.

 Satisfied
- III. The examination of architectural drawings for consistency with the criteria pursuant to Section 118-564(a)(3) of the Miami Beach Code and stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The criteria referenced above are as follows (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
 - a. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.

 Satisfied
 - b. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.

 Not Satisfied, see variance analysis in 'The Project' description.

c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.

Satisfied

d. The proposed structure, and/or additions to an existing structure is appropriate to and compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties, or the purposes for which the district was created.

Satisfied

e. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.

Satisfied

f. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.

Not Applicable

g. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties and consistent with a City master plan, where applicable.

Not Applicable

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

Satisfied

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

Not Applicable

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

Not Applicable

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

Satisfied

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

Not Applicable

- Any addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
 Not Applicable
- n. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.

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

 Not Applicable

CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION EVALUATION CRITERIA

Section 118-564 (f)(4) of the Land Development Regulations of the Miami Beach Code provides criteria by which the Historic Preservation Board evaluates requests for a Certificate of Appropriateness for Demolition. The following is an analysis of the request based upon these criteria:

a. The Building, Structure, Improvement, or Site is designated on either a national or state level as a part of an Historic Preservation District or as a Historic Architectural Landmark or Site, or is designated pursuant to Division 4, Article X, Chapter 118 of the Miami-Beach Code as a Historic Building, Historic Structure or Historic Site, Historic Improvement, Historic Landscape Feature, historic interior or the Structure is of such historic/architectural interest or quality that it would reasonably meet national, state or local criteria for such designation.

Satisfied

The existing-structure is located within the Collins-Waterfront Local Historic District.

b. The Building, Structure, Improvement, or Site is of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.

Satisfied

The structure is of such design, craftsmanship, or material that it could be

reproduced only with great difficulty and/or expense.

c. The Building, Structure, Improvement, or Site is one of the last remaining examples of its kind in the neighborhood, the country, or the region, or is a distinctive example of an architectural or design style which contributes to the character of the district.

Satisfied

The structure is one of the last remaining examples of its kind and contributes to the character of the district.

d. The building, structure, improvement, or site is a contributing building, structure, improvement, site or landscape feature rather than a noncontributing building, structure, improvement, site or landscape feature in a historic district as defined in section 114-1, or is an architecturally significant feature of a public area of the interior of a historic or contributing building.

Partially Satisfied

The structure is classified as 'Contributing' in the Miami Beach Historic Properties Database.

e. Retention of the Building, Structure, Improvement, Landscape Feature or Site promotes the general welfare of the City by providing an opportunity for study of local history, architecture, and design or by developing an understanding of the importance and value of a particular culture and heritage.

Satisfied

The retention of structure is critical to developing an understanding of an important early Miami Beach architectural style.

f. If the proposed demolition is for the purpose of constructing a parking garage, the Board shall consider it if the parking garage is designed in a manner that is consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, U.S. Department of the Interior (1983), as amended, and/or the design review guidelines for that particular district.

Not Applicable

The demolition proposed is not for the purpose of constructing a parking garage.

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

Not Applicable

No 'Contributing' structures are proposed to be demolished.

h. The Dade County Unsafe Structures Board has ordered the demolition of a Structure without option.

Not Applicable

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

ANALYSIS

The subject structure originally known as the 'Malabo Apartment Hotel' was constructed in 1947 and designed by Alexander Lewis in the Post War Modern style of architecture. The original apartment hotel structure consisted of 30 apartment units and 5 hotel units.

The applicant is currently in the process of changing the use of the structure to a 50 unit hotel. As part of the renovation and restoration of the structure, the applicant is requesting approval for the introduction of a new glass door and sidelite within an existing window opening facing Indian Creek Drive. This modification will require the demolition of the wall beneath the existing window opening. Staff has no objection to the modification proposed as it does not require the demolition of any significant architectural features and could be easily reversed in the future.

VARIANCE ANALYSIS

The existing contributing building has undergone renovations in recent years. The improvements include exterior restoration, new impact windows, new air conditioning system, restoration of terrazzo floors, and interior finishes. The property has been used as a hotel and as an apartment building throughout the years. The applicant is proposing to legalize 50 hotel rooms and allow the use of some undersized units which require a variance. Staff has no objections to the variance requested as the applicant will be retaining the main partition walls of the rooms and the number of non-conforming units is not substantial as noted in the project section of this report. Major modifications of the interior walls may cause conflict with the window locations and existing utilities which would create an undue hardship on the applicant and may have a negative impact on the building. Staff finds that the retention of the historic building and its architectural elements satisfy the practical difficulties and hardship criteria for the granting of the variance.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the application be **approved** subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria and Practical Difficulty and Hardship criteria, as applicable.

HISTORIC PRESERVATION BOARD City of Miami Beach, Florida

MEETING DATE:

July 12, 2016

FILE NO:

HPB0616-0011

PROPERTY:

3865 Indian Creek Drive

APPLICANT:

Venezia Hotel LLC

LEGAL:

Lots 24 & 25 and Lot 23 Less the south 30 feet & tract opposite facing Indiann Creek, Block 30, Miami Beach Improvement Company Subdivision, According to the Plat Thereof, as Recorded in Plat Book 5, Page 8, of the

Public Records of Miami-Dade County, Florida.

IN RE:

The application for a Certificate of Appropriateness for the partial demolition of the west façade in order to accommodate a new door, including a

variance from the minimum area required for hotel units.

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 the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.
 - 2. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code.
 - 3. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(3) of the Miami Beach Code.
 - 4. Is_consistent with Certificate_of_Appropriateness Criteria_for_Demolition_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 if the following conditions are met:

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- 1. Revised elevations, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
 - a. The final design and details of the proposed door and sidelite 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.
- 2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
 - a. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the final revised landscape plan.
 - 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.

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):
 - A variance from the minimum required hotel unit size within the "Contributing" structure 15% of the hotel units shall be between 300-335 s.f. and 85% of units shall be 335 s.f. or larger, in order to retain 16 hotel units at less than 300 s.f. (the smallest at 226.5 s.f.), 6 hotel units between 300 s.f. and 335 s.f. (12% of the units) and 28 hotel units exceeding 335 s.f. (56% of units).
- 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) 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. Where one or more parcels are unified for a single development, the property owner shall execute and record an unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
 - B. Applicant agrees that in the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines

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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.

- C. 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.
- D. The Final Order shall be recorded in the Public Records of Miami-Dade County, <u>prior</u> to the issuance of a Building Permit.
- E. 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.
- F. 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.
- G. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- H. 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 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 and the 1-story rear structure originally constructed as a garage, shall be classified as 'Non-Contributing' in the City's Historic Properties Database.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "Venezia Hotel" as prepared by Novus Archetype, dated May 16, 2016, and 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

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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 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 thisday of	, 20 HISTORIC PRESERVATION BOARD THE CITY OF MIAMI BEACH, FLORIDA BY:
STATE OF FLORIDA COUNTY OF MIAMI-DADE)	DEBORAH TACKETT PRESERVATION AND DESIGN MANAGER FOR THE CHAIR
20_	as acknowledged before me this day of by Deborah Tackett, Preservation and Design Manager, mi Beach, Florida, a Florida Municipal Corporation, on behalf y known to me.

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	NOTARY PUBLIC Miami-Dade County, Florida My commission expires:
Approved As To Form: City Attorney's Office:	(
Filed with the Clerk of the Historic Preserva	tion Board on()
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