



200 S. Biscayne Boulevard  
Suite 300, Miami, FL 33131

[www.brzoninglaw.com](http://www.brzoninglaw.com)

305.377.6231 office

305.377.6222 fax

[mlarkin@brzoninglaw.com](mailto:mlarkin@brzoninglaw.com)

## **VIA ELECTRONIC SUBMITTAL AND HAND DELIVERY**

July 7, 2024

Rogelio A. Madan, AICP  
Development & Resiliency Officer  
Planning Department  
City of Miami Beach  
1700 Convention Center Drive, 2nd Floor  
Miami Beach, Florida 33139

Re: **DRB24-1026** – Design Review for New Two-Story  
Home with Understory at 94 Palm Avenue, Miami Beach

Dear Mr. Madan,

This law firm represents PALM ISLAND RESIDENCE TRUST (the "Applicant"), the owner of the property located at 94 Palm Avenue (the "Property") in the City of Miami Beach (the "City"). The Applicant intends to build a new Modern style single-family home. Please allow this letter to serve as the letter of intent in connection with a request to go before the Design Review Board ("DRB") for design review of the proposed new two-story home with an understory, waiver to permit additional parking outside of the understory and of the additional required open space, and setback variance relating to an existing nonconforming garage.

Property Description. The Property is a waterfront lot located on Palm Island. The Miami-Dade County Property Appraiser's Office identifies the Property with Folio No. 02-4205-001-0330. See Exhibit A, Property Appraiser Summary Report. The dual frontage lot is approximately 62,081 square feet in size. The Property contains an existing single-family home with a nonconforming garage building in the front yard and multiple nonconforming accessory structures in the east side yard. The existing home was substantially reconstructed in 2003 and is not classified as

architecturally significant. The Property is located within the RS-1, Single Family Residential Zoning District.

Development. The Applicant proposes to construct an exquisitely designed, Modern two-story residence with an understory (the "Project"). The approximate cost of the Project is approximately \$5,900,000.00. The design includes renovating the existing nonconforming garage at the northeast corner and demolishing the remaining portions of the existing home, accessory structures, and pool in the rear yard. The Applicant's goal is to improve the sustainability and resiliency conditions of the Property and provide a new home, with high quality materials, that will contribute to the architectural integrity and history of Palm Island. The front elevation skillfully mixes a variety of materials, including stucco, and decorative stone materials. The front entrance features floating steps to the main doors over a water feature. The hardscape materials include a mix of concrete in a shell finish, crushed coquina fines stone, and limestone pavers. These finishes are purposefully selected to complement the natural elements of the island. The variety of overhang elements, eyebrows, and articulations continues to the side elevations and rear of the home. The main massing is centrally located on this oversized lot.

The home is setback over sixty-five (65) feet from the front and 123 feet from the rear. The smaller accessory buildings provide relief and movement. The home also includes a roof deck, a sport court, and carport that complies with the applicable development requirements. The Applicant's design complies with the current City of Miami Beach Resiliency Code (the "Code") requirements for height, unit size, and lot coverage. The proposed height is thirty-one (31) feet, which is permitted with an understory. The proposed unit size is slightly less than the maximum permitted at forty-seven percent (47%) and the lot coverage is at the permitted thirty percent (30%). This ensures minimal impact on the abutting neighbors.

Design Review. The overall design sufficiently addresses the intent of the Resiliency Code with the main massing centrally located and a variety of architectural articulations and materials, along with extensive plantings. The Project satisfies the criteria pursuant to Section 2.5.3.1 of the Code, as follows:

**a. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.**

This is an existing, oversized, waterfront lot. The minimum lot size for properties in the RS-1 District is 30,000 square feet, and the Property is over 60,000 square feet. The Property is located on the southeast side of Palm Island with views of the MacArthur

Causeway and Dodge Island. The Property is well manicured with shrubs and a variety of palm species.

**b. 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.**

The Property contains an existing single-family home with multiple nonconforming accessory structures. There is a water feature in the front and pool in the rear. The lot has a perimeter front wall and two entrance gates. The driveway wraps around the front fountain, and the only covered parking is within the nonconforming garage structure. The Project includes a water feature and sports court in the front yard and a pool in the rear yard. The accessory structures comply with the main home setbacks and, when located in the rear yard, the rear yard setbacks. The Project considers sea level rise and resiliency with the proposed understory.

**c. 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.**

The architectural plans submitted with the application materials include a zoning data table, site plan, elevations, and multiple diagrams for open space, lot coverage, and the waiver and variance requests to confirm compliance with the requirements for the underlying zoning district.

**d. The color, design, selection of landscape materials and architectural elements of exterior building surfaces and primary public interior areas for developments requiring a building permit in areas of the City identified in section 2.5.3.2.**

The Project is a beautiful new single-family home, with high quality materials. The Project is almost total demolition of a single-family home and construction of a new, two-story single-family home with an understory. The architectural and landscape plans included in the submitted application materials provide a clear depiction of the color, design, selection of landscape materials and architectural elements of exterior building surfaces.

**e. The proposed site plan, and the location, appearance and design of new and existing buildings and structures are in conformity with the standards of this article and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the design review board and all pertinent master plans.**

The Project is in conformity with the intent of the Resiliency Code and standards of the RS-1 development regulations.

**f. The proposed structure, or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties.**

The new home, accessory structures, and renovation of the existing garage structure are sensitivity to and compatible with the surrounding properties. The home is a unique modern style of design with high quality finishes. The resilient design will enhance the street and the waterfront frontages.

**g. The design and layout of the proposed site plan, as well as all new and existing buildings 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 contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.**

The proposed layout of the main home with increased front and rear setbacks and twenty (20) and thirty (30) feet side setbacks minimizes potential impact on adjacent neighbors. Keeping the existing garage structure and driveway entrances provides a consistent experience for the neighbors and pedestrians. The Applicant has paid particular attention to safety, crime prevention, and fire protection with the proposed understory and distance between the accessory structures and the main home. The purpose of the multiple accessory structures is to keep massing, width and height, of the main home to a minimum.

**h. 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 all parking spaces are usable and are safety and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the site.**

The Applicant is proposing to maintain the existing locations for pedestrian and vehicular access to the site. This will ensure minimal interference with traffic flow on Palm Avenue.

Maneuverability is differentiated by materiality of the pavers and grass. Additionally, parking is efficiently reduced with the understory.

**i. 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. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.**

The Applicant will provide sufficient lighting to ensure safe movement of persons and vehicles within the site and for security purposes. The Applicant agrees to minimize glare and reflection, if any, on adjacent properties consistent with the City's Code of Ordinances.

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

Included in the application materials are architectural and landscape plans with sufficient details relating to the proposed landscape and paving materials. The proposed landscape will be lush, with a variety of species.

**k. 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.**

The Project includes multiple landscape buffer layers and large setbacks to ensure that the headlights of vehicles within the understory are adequately shielded from public view, adjacent properties, and pedestrian areas.

**l. The proposed structure has 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).**

The main home has a front setback over sixty-five (65) feet and a rear setback over 123 feet. Locating the main massing to the center of the Property ensures it is sensitive to the surrounding area. Additionally, the new accessory structures comply with the setbacks of the main building. The main home and the accessory structures also comply with the maximum permitted height to maintain permitted view corridors.

**m. The building has, where feasible, space in that part of the ground floor fronting a 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 street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.**

The Project is a new single-family home. Parking is integrated into the proposed understory.

**n. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.**

The rooftop is appropriately and fully integrated into the design of the new home. The Applicant is proposing an intricate aluminum mechanical screen that is consistent with the screening on the ground floor. The proposed painted stucco matches the elevator bulkhead.

**o. An 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).**

The Project includes maintaining and renovating the existing garage structure in the northeast corner of the lot. The remaining portions of the Property is entirely new construction. The proposed new home is setback from the garage structure over seventeen (17) feet.

**p. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.**

Portions of the Project fronting the street include an architecturally appropriate amount of transparency. The front wall is separated with gates to add interest and transparency.

**q. 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 for this single-family home.

**r. In addition to the foregoing criteria, Section 104-6(t) the General Ordinances shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.**

Not applicable for this single-family home.

**s. The structure and site comply with the sea level rise and resiliency review criteria in Chapter 7, Article I, as applicable.**

Confirmed. The structure and site comply with the sea level rise and resiliency review criteria in Chapter 7, Article I, as applicable.

Understory Request. Pursuant to Section 7.2.2.3.b.1 of the Resiliency Code, non-airconditioned understory space located below minimum flood elevation, plus freeboard requires Design Review Board approval. As noted, the design of the Project includes an understory. The proposed non-airconditioned, understory area will be used for open air activities and parking, with an elevator and stairs to access the first floor located close to the center of the floor plan. Portions of enclosed storage will be artfully hidden behind the front entrance steps and a cascading waterfall. Additionally, the new garage is setback over 177 feet from the right of way. The floor of the understory will be pavers set on sand. The understory also complies with the unit size requirements provided in the single-family home district land development regulations. This is a necessary design feature to address sea level rise and resiliency.

Carport Request. Pursuant to Section 7.2.2.3.b.6.E of the Resiliency Code, when an understory is proposed all parking, including required parking, must be within the understory area, and no parking or vehicle storage is be permitted within a required yard, unless approved by the Design Review Board. The Project includes an understory and a carport. The future family of this residence requires an accessible van. The van is over nine (9) feet in height and does not fit within the understory, and based on the height and compatibility considerations, the understory cannot be made taller to accommodate the van. Additionally, due to Miami's heat and rain, the carport is needed to protect the van from harsh elements and will minimize the risk of vandalism if the van cannot be parked within the required yard. Therefore, the Applicant is proposing a carport that fully complies with Section 7.2.2.3.b.12.E of the Code. The carport would be permitted if the understory was not also proposed. It will be constructed out of canvas and pipe for the express purpose of shading the accessible van, and meets the minimum setback and height requirements.

Additional Required Open Space. Section 7.2.2.3.b.2 of the Resiliency Code requires two-story side elevations located parallel to a side property line cannot exceed 50 percent (50%) of the lot depth, or sixty (60) feet, whichever is less, without incorporating additional open space.<sup>1</sup> The open space must be directly adjacent to the required side yard. The intent of this regulation is to break up long expanses of uninterrupted two-story volume near the required side yard setback line. The east two-story elevation contains significant breaks and additional open space to address the intent of the regulation. The two-story elevation is setback an additional twenty-seven (27) feet from the twenty (20) foot setback of the one-story portions. The Project provides 6'-10" wide break, that is 9'-3" deep. There is also an additional 552 square feet of open space. Therefore, the intent of the Code is sufficiently addressed. There are significant front and rear setbacks for the two-story portions to ensure the home is centrally located on the lot, which minimize any potential impacts to the abutting neighbor. The proposed elevation is sensitive and compatible with the surrounding properties and justified based on the larger lot size, and the unique, modern design.

Variance Requests. The new construction related to the Project substantially complies with the Single-Family Residential District standards. The requested variance is necessary to keep the nonconforming garage. Due to the Property's existing characteristics, the Applicant requests a variance of Section 7.2.2.3.b.1. to permit an existing structure to remain within the front and side setbacks of 5'-2" and 2'-10", when 30' and 20' are required respectively.

*Satisfaction of Hardship Criteria.* The Variances requested satisfy the hardship criteria pursuant to Section 2.8.3.a. of the Code, as follows:

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

There are special conditions and circumstances that exist which are peculiar to the nonconforming existing structure. Based on the building records, on file with the City Building Department and part of the application materials, the garage structure at the northeast corner of the Property existed as of 1989. Then, when the prior structures were

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<sup>1</sup> The additional open space must be regular in shape, open to the sky from grade, and at least eight (8) feet in depth, measured perpendicular from the minimum required side setback line. The square footage of the additional open space shall not be less than one percent (1%) of the lot area. The elevation (height) of the open space provided shall not exceed the elevation of the first habitable floor, and at least fifty percent (50%) of the required interior open space area shall be sodded or landscaped previous open space.



substantially renovated in 2003, the garage structure remained in the same location. This is a unique circumstance where the structure has existed lawfully for at least thirty-five (35) years and is not applicable to other structures.

**2. The special conditions and circumstances do not result from the action of the applicant;**

The special circumstances, in this case, do not result from the actions of the Applicant. The Applicant purchased the Property in 2021, with the garage structure, and has grown accustomed to its convenient location and practical use. In response, the Project does the most possible to provide an extremely large front setback to provide relief from the existing garage structure.

**3. Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;**

The Code allows other similarly situated property owners to seek similar variances to accommodate sensitive development when neighbors are not impacted. The variance allows for the continuation of a unique condition that has existed for over thirty-five (35) years to remain. This is not special privileges conferred to the Applicant, but rather maintains a condition that could otherwise remain. The Code permits other similarly situated property owners to make similar requests to accommodate designs that contribute to the context of the neighborhood. Therefore, granting of the Variance in this case, will not confer any special privilege on the Applicant.

**4. Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;**

A literal interpretation of the provisions of the land development regulations would deprive the Applicant rights enjoyed by other properties in the same zoning district. The requested setback variance will produce an enhanced design that is consistent with the character of the neighborhood and directly related to the existing nonconforming structure. Therefore, strict compliance with the land development regulations would be an unnecessary and undue hardship on the Applicant.

**5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure**

The variance relates to the same special conditions that prevents strict compliance with the Code. The variance relates to the existing location of the garage structure, which the Project propose to maintain.

**6. The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and**

Granting of the variance will be in harmony with the general intent and purpose of these land development regulations. The proposed Project is sensitive to the existing garage structure and is intended to minimize the impact of the residents in the area and allow for a beautiful and functional home. The structure has existed without any detrimental impact for over thirty-five (35) years and the renovation of the Property and keeping the nonconforming structure will not be injurious to the area nor detrimental to the public welfare.

**7. The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan. The planning and zoning director may require applicants to submit documentation to support this requirement prior to the scheduling of a public hearing or any time prior to the board of adjustment voting on the applicant's request.**

The purpose of the single-family residential district is to provide development opportunities for and to enhance the desirability and quality of existing and new single family residential development. The Project is consistent with this purpose.

*Practical Difficulty.* The innovative design does the most possible to provide a functional and viable home. There are multiple practical difficulties that must be addressed in order to make practical use of the Property for a new single-family home, such as the multiple frontages and existing nonconformities. Typically, a nonconforming structure is permitted to remain, even though it does not conform to current zoning regulations. However, in this case, because the total value of the renovations will exceed fifty percent (50%) of the value of the building the entire building and any new construction must comply with the current development regulations. That would require demolition of the garage structure entirely. The existing garage structure offers additional

storage space and flexible living quarters, and provides a higher level of security when entering and exiting the Property.

The double lot width has existed since the original home was built in 1925. By 1989, there are building records showing the garage structure. Additionally, in 2002, when the Property was substantially reconstructed, the then-owners also decided to keep the garage structure. It is a feature that the new single-family home will be effectively designed around to maintain.

Sea Level Rise and Resiliency Criteria. The new home advances the sea level rise and resiliency criteria in Section 7.1.2.4 of the Code, as follows:

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

A recycling and salvage plan for demolition of the existing home will be provided at permitting.

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

Hurricane proof impact windows will be provided.

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

The Applicant will provide, where feasible, passive cooling systems.

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

All landscaping will be Florida friendly and resilient.

**5. Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.**

The Applicant is proactively addressing sea level rise projections by raising the first floor of the home to the base flood elevation of 9' NGVD and 5' of freeboard.

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

The elevated first-floor with understory ensures that the home is adaptable to the raising of public rights-of-ways and adjacent land in the future.

**7. Where feasible and appropriate. All critical mechanical and electrical systems are located above base flood elevation.**

All mechanical and electrical systems will be located above base flood elevation.

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

The proposed home is entirely new construction located well-above base flood elevation.

**9. When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.**

No habitable space is located below base floor elevation.

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

Where feasible, water retention systems will be provided.

**11. Cool pavement materials or porous pavement materials shall be utilized.**

Cool pavement materials or porous pavement materials will be utilized where possible.

**12. The design of each project shall minimize the potential for heat island effects on-site.**

The proposed design provides large open spaces and non-air-conditioned shaded living spaces to strategically minimize the potential for heat island effects on site.

Conclusion. Granting this design review application will permit the development of a resilient single-family home that will add value to the surrounding neighborhood. The Modern-style features a variety of high-quality materiality, unique architectural

moments, and lush landscaping. The home complies with Resiliency Code development regulations for height, unit size, and lot coverage, and the main home exceeds the required setbacks ensuring a minimal impact on abutting neighbors.

We look forward to your favorable review of the application. If you have any questions or comments in the interim, please give me a call at 305-377-6231.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized, flowing line that forms a wave-like shape.

Michael W. Larkin

Cc: Emily K. Balter, Esq.

## EXHIBIT A



## OFFICE OF THE PROPERTY APPRAISER

## Summary Report

Generated On: 06/15/2024

PROPERTY INFORMATION	
<b>Folio</b>	02-4205-001-0330
<b>Property Address</b>	94 PALM AVE MIAMI BEACH, FL 33139-5138
<b>Owner</b>	PALM ISLAND HOLDINGS LLC TRS , PALM ISLAND RESIDENCE TR
<b>Mailing Address</b>	94 PALM AVE MIAMI BEACH, FL 33139
<b>Primary Zone</b>	2200 ESTATES - 25000 SQFT LOT
<b>Primary Land Use</b>	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT
<b>Beds / Baths /Half</b>	9 / 14 / 0
<b>Floors</b>	2
<b>Living Units</b>	1
<b>Actual Area</b>	17,230 Sq.Ft
<b>Living Area</b>	10,509 Sq.Ft
<b>Adjusted Area</b>	14,167 Sq.Ft
<b>Lot Size</b>	60,000 Sq.Ft
<b>Year Built</b>	Multiple (See Building Info.)

ASSESSMENT INFORMATION			
Year	2024	2023	2022
<b>Land Value</b>	\$30,000,000	\$21,000,000	\$18,000,000
<b>Building Value</b>	\$5,027,213	\$3,618,745	\$5,139,891
<b>Extra Feature Value</b>	\$171,381	\$173,505	\$175,629
<b>Market Value</b>	\$35,198,594	\$24,792,250	\$23,315,520
<b>Assessed Value</b>	\$24,735,434	\$24,014,985	\$23,315,520

BENEFITS INFORMATION				
Benefit	Type	2024	2023	2022
<b>Save Our Homes Cap</b>	Assessment Reduction	\$10,463,160	\$777,265	
<b>Homestead</b>	Exemption	\$25,000	\$25,000	\$25,000
<b>Second Homestead</b>	Exemption	\$25,000	\$25,000	\$25,000

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

SHORT LEGAL DESCRIPTION	
32 53 42 4-5 54 42	
PALM ISLAND PB 6-54	
LOTS 36 & 37 & 20FT STRIP IN BAY	
ADJ EACH BLK 1	
OR 18142-1043 0698 1	



TAXABLE VALUE INFORMATION			
Year	2024	2023	2022
<b>COUNTY</b>			
<b>Exemption Value</b>	\$50,000	\$50,000	\$50,000
<b>Taxable Value</b>	\$24,685,434	\$23,964,985	\$23,265,520
<b>SCHOOL BOARD</b>			
<b>Exemption Value</b>	\$25,000	\$25,000	\$25,000
<b>Taxable Value</b>	\$24,710,434	\$23,989,985	\$23,290,520
<b>CITY</b>			
<b>Exemption Value</b>	\$50,000	\$50,000	\$50,000
<b>Taxable Value</b>	\$24,685,434	\$23,964,985	\$23,265,520
<b>REGIONAL</b>			
<b>Exemption Value</b>	\$50,000	\$50,000	\$50,000
<b>Taxable Value</b>	\$24,685,434	\$23,964,985	\$23,265,520

SALES INFORMATION			
Previous Sale	Price	OR Book-Page	Qualification Description
08/12/2021	\$28,300,000	32692-3528	Qual by exam of deed
07/24/2011	\$14,200,000	27769-1412	Qual by exam of deed
09/01/2007	\$16,250,000	25980-4788	Sales which are qualified
06/01/1998	\$4,000,000	18142-1043	Sales which are qualified

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