Memorandum

MIAMI-DADE COUNTY

Agenda Item No. 5(I)

Date: December 18, 2012

To: Honorable Vice Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Resolution Relating to an Application by the University of Miami for a Class I Permit and a Variance from Section 24-48.24 of the Code of Miami-Dade County for the Construction of a Non-Water-Dependent Fixed Structure for an Outdoor Student Venue over Lake Osceola, Coral Gables, Florida

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Attached, please find for your consideration an application by the University of Miami for a Class I permit and a variance from Section 24-48.24. Also attached is the recommendation of the Director of the Department of Regulatory and Economic Resources and a proposed resolution approving the issuance of the Class I permit and approving a variance.

Jack Osterholt, Deputy Mayor

Memorandum

MIAMI-DADE COUNTY

Date: December 18, 2012

To: Carlos A. Gimenez
Mayor

From: Jack Osterholt, Deputy Mayor, Director
Department Regulatory and Economic Resources

Subject: Resolution Relating to an Application by the University of Miami for a Class I Permit and a Variance from Section 24-48.24 of the Code of Miami-Dade County for the Construction of a Non-Water-Dependent Fixed Structure for an Outdoor Student Venue over Lake Osceola, Coral Gables, Florida

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Recommendation
I have reviewed the attached application for a Class I permit and a variance submitted by the University of Miami. Based upon the applicable evaluation factors set forth in Section 24-48.3 and Section 24-48.25 of the Code of Miami-Dade County (Code), Florida, I recommend that the Board of County Commissioners (Board) approve the issuance of a Class I permit and approve the requested variance for the reasons set forth below.

Scope
The site is located in Commissioner Suarez's District 7 on the University of Miami main campus at 1330 Miller Drive, Coral Gables, Florida.

Fiscal Impact/Funding Source
Not applicable

Track Record/Monitor
The Coastal and Wetlands Resources Section Manager, Lisa Spadafina, in the Department of Regulatory and Economic Resources, will monitor the terms and conditions of this permit.

Background
This Class I permit application and variance requests authorization to construct a 1,091 square foot non-water-dependent fixed structure over Lake Osceola, a tidally connected lake at 1330 Miller Drive, on the University of Miami main campus in the City of Coral Gables. Because non-water-dependent fixed structures are prohibited by Section 24-48.24 of the Code, the applicant is seeking a variance from this prohibition at a public hearing before the Board.

Lake Osceola is situated near the center of the University of Miami's main campus, adjacent to the Student Activities Center. Historical records indicate that Lake Osceola was created by dredging the surrounding upland areas to widen a narrow existing waterway. Redevelopment of the Student Activities Center has reduced the lakefront pedestrian area, so the existing walkway will be extended ten (10) feet waterward over Lake Osceola. Construction of the cantilevered walkway will be performed from the uplands and no portion of the walkway, including support structures, will be placed in tidal waters. Site diagrams are included in Attachment B.

The proposed platform is a non-water-dependent fixed structure and is prohibited pursuant to Section 24-48.24 of the Code. Section 24-48.25 of the Code lists consideration factors for such variance requests, including but not limited to: visual or physical access by the general public to Biscayne Bay and its adjacent tidal waters, historical significance, environmental impact, navigation, public safety

and aesthetics. The proposed platform will not limit visual or physical access to Lake Osceola, and is not reasonably expected to impact navigation. The existing shoreline does not provide significant habitat value, as no wetland vegetation or submerged aquatic vegetation was documented in the vicinity of the proposed work. In addition to the above, staff have evaluated the remaining factors for consideration and determined that the proposed project is not reasonably expected to result in adverse impacts. Therefore, the Department of Regulatory and Economic Resources recommends that the requested variance be granted.

The proposed project is not located within an area designated as essential manatee habitat for the *Trichechus manatus* (West Indian Manatee) by the Miami-Dade County Manatee Protection Plan, and no in-water work is proposed to occur. In addition, Lake Osceola is tidally connected through a series of culverts with incorporated grate systems that restrict manatee access to the Lake. Therefore, the proposed project is not reasonably expected to adversely impact the West Indian Manatee.

The proposed project has been designed in accordance with all relevant Miami-Dade County coastal construction criteria and is consistent with all other Miami-Dade County coastal protection provisions. Please find attached a Department of Regulatory and Economic Resources Project Report which sets forth the reasons the proposed project is recommended for approval by the Department of Regulatory and Economic Resources pursuant to the applicable evaluation factors set forth in Section 24-48.3 and 24-48.25 of the Code. The conditions, limitations, and restrictions set forth in the Project Report attached hereto are incorporated herein by references hereto.

Attachments

Attachment A: Class I Permit Application
Attachment B: Owner/Agent Letter, Engineer Certification Letter, and Project Sketches
Attachment C: Zoning Memorandum
Attachment D: Department of Regulatory and Economic Resources Project Report

MEMORANDUM
(Revised)

TO: Honorable Vice Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners

DATE: December 18, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 5(I)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Mayor's report for public hearing**

✓ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(I)
12-18-12

RESOLUTION NO. _____

RESOLUTION RELATING TO AN APPLICATION BY THE UNIVERSITY OF MIAMI FOR A CLASS I PERMIT AND A VARIANCE FROM SECTION 24-48.24 OF THE CODE OF MIAMI-DADE COUNTY FOR THE CONSTRUCTION OF A NON-WATER-DEPENDENT FIXED STRUCTURE FOR AN OUTDOOR STUDENT VENUE OVER LAKE OSCEOLA, CORAL GABLES, FLORIDA

WHEREAS, this board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board having considered all the applicable factors contained within Section 24-48.3 of the Code of Miami-Dade County, hereby approves the application by the University of Miami for a Class I permit and a variance from Section 24-48.24 of the Code of Miami Dade County, Florida for the construction of a non-water-dependent fixed structure for an outdoor student venue over Lake Osceola, Coral Gables, Florida, subject to the conditions set forth in the memorandum from the Director of the Miami-Dade County Department of Regulatory and Economic Resources, a copy of which is attached hereto and made a part hereof. The issuance of this approval does not relieve the applicant from obtaining all applicable Federal, State, and local permits.

The foregoing resolution was offered by Commissioner ,

who moved its adoption. The motion was seconded by Commissioner

and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Vice Chairwoman

Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	Juan C. Zapata

The Chairperson thereupon declared the resolution duly passed and adopted this 18th day of December, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Abbie Schwaderer-Raurell

Attachment A

Class I Permit Application

MIAMI-DADE COUNTY

Class I Permit Application

FOR DEPARTMENTAL USE ONLY

RECEIVED

Date Received: NOV 27 2012

DERM Coastal Resources Section
Natural Resources Regulation & Restoration
Division (NRRRD)

Application Number: CLI-2012-0227

Application Fee: $5,220.00

Application must be filled out in its entirety. Please indicate N/A for non-applicable fields.

1. Applicant Information:

Name: University of Miami

Address: 1535 Levante Ave Suite 205

Coral Gables, Florida Zip Code: 33146

Phone #: (305) 284-6749 Fax#: (305) 376-3108

Email: g.tarbe@miami.edu

* This should be the applicant's information for contact purposes.

2. Applicant's Authorized Permit Agent:

Agent is allowed to process the application, furnish supplemental information relating to the application and bind the applicant to all requirements of the application.

Name: Larry Marbert, Vice President, University of Miami

Address: 1535 Levante Ave Suite 205

Coral Gables, FL Zip Code: 33146

Phone #: 305-284-5660 Fax #:

Email: lmarbert@miami.edu

3. Location where proposed activity exists or will occur (latitude and longitude are only necessary for properties without address or folio #):

Folio #(s): 03-4130-015-0010 Latitude: 25°48'08.72" Longitude: 80°16'45.25"

Street Address: 1330 Miller Drive Section: 22 Township: 54N Range: 41E

In City or Town: Coral Gables Near City or Town:

Name of waterway at location of the activity: Lake Osceola

4. Describe the proposed activity (check all that apply):

- ☐ Seawall
  - ☐ New/Replacement Seawall
  - ☐ Seawall Cap
  - ☐ Batter Piles
  - ☐ King Piles
  - ☐ Footer/Toe Wall
  - ☐ Riprap
- ☐ Dock(s)
- ☐ Pier(s)
- ☐ Viewing Platform
- ☐ Boatlift
- ☐ Mooring Piles
- ☐ Fender Piles
- ☐ Davits
- ☐ Dredging
  - ☐ Maintenance
  - ☐ New
- ☐ Filling
- ☐ Mangrove Trimming
- ☐ Mangrove Removal

X Other: Installation of a Non Water-Dependent Fixed Structure

Estimated project cost = $ 200,000.00

Are you seeking an after-the-fact approval (ATF)? ☐ Yes X No If "Yes", describe the ATF work:

5. Proposed Use (check all that apply):

- ☐ Single Family
- ☐ Multi-Family
- ☐ Private
- X Public
- ☐ Commercial
- ☐ Industrial
- ☐ Utility

6. If the proposed work relates to the mooring of vessels provide the following information (please also indicate if the applicant does not have a vessel):

Proposed Vessel Type (s): N/A

Vessel Make/Model (If known):

Draft (s)(range in inches.): Length (s)(range in feet.):

Total Number of Slips:

7. List all permits or certifications that have been applied for or obtained for the above referenced work:

Issuing Agency	Type of Approval	Identification Number	Application Date	Approval Date

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DERM Coastal Resources Section
Natural Resources Regulation & Restor
Division (NRRRD)

8. Contractor Information (If known):

Name: To Be Determined License # (County/State): _____

Address: _____ Zip Code: _____

Phone #: _____ Fax #: _____ E-mail: _____

9. IMPORTANT NOTICE TO APPLICANTS: The written consent of the property owner is required for all applications to be considered complete. Your application WILL NOT BE PROCESSED unless the Applicant and Owner Consent portion of the application is completed below. You have the obligation to apprise the Department of any changes to information provided in this application.

Application is hereby made for a Miami-Dade County Class I permit to authorize the activities described herein. I agree to or affirm the following:

- I possess the authority to authorize the proposed activities at the subject property, and
- I am familiar with the information, data and plans contained in this application, and
- To the best of my knowledge and belief, the information, data and plans submitted are true, complete and accurate, and
- I will provide any additional information, evidence or data necessary to provide reasonable assurance that the proposed project will comply with the applicable State and County water quality standards both during construction and after the project is completed, and
- I am authorizing the permit agent listed in Section 2 of this application to process the application, furnish supplemental information relating to this application and bind the applicant to all requirements of this application, and
- I agree to provide access and allow entry to the project site to inspectors and authorized representatives of Miami-Dade County for the purpose of making the preliminary analyses of the site and to monitor permitted activities and adherence to all permit conditions.

A. IF APPLICANT IS AN INDIVIDUAL

Signature of Applicant _____ Print Applicant's Name _____ Date _____

B. IF APPLICANT IS OTHER THAN AN INDIVIDUAL OR NATURAL PERSON
(Examples: Corporation, Partnership, Trust, LLC, LLP, etc.)

University of Miami	Corporation	Florida
Print Name of Applicant (Enter the complete name as registered)	Type (Corp, LLC, LLP, etc.)	State of Registration/Incorporation

Under the penalty of perjury, I certify that I have the authority to sign this application on behalf of the Applicant, to bind the Applicant, and if so required to authorize the issuance of a bond on behalf of the Applicant. (If asked, you must provide proof of such authority to the Department). ***Please Note: If additional signatures are required, pursuant to your governing documents, operating agreements, or other applicable agreements or laws, you must attach additional signature pages. ***

Signature of Authorized Representative	Print Authorized Representative's Name	Title	Date
	LARRY MARBERT	VP	11/26/12

C. IF APPLICANT IS A JOINT VENTURE Each party must sign below(If more than two members, list on attached page)

Print Name of Applicant (Enter the complete name as registered)	Type (Corp, LLC, LLP, etc.)	State of Registration/Incorporation
Print Name of Applicant (Enter the complete name as registered)	Type (Corp, LLC, LLP, etc.)	State of Registration/Incorporation

Under the penalty of perjury, I certify that I have the authority to sign this application on behalf of the Applicant, to bind the Applicant, and if so required to authorize the issuance of a bond on behalf of the Applicant. (If asked, you must provide proof of such authority to the Department). ***Please Note: If additional signatures are required, pursuant to your governing documents, operating agreements, or other applicable agreements or laws, you must attach additional signature pages. ***

Signature of Authorized Representative	Print Authorized Representative's Name	Title	Date
Signature of Authorized Representative	Print Authorized Representative's Name	Title	Date

10. WRITTEN CONSENT OF THE PROPERTY OWNER OF THE AREA OF THE PROPOSED WORK

I/We are the fee simple owner(s) of the real property located at 1330 Miller Drive Miami-Dade County, Florida, otherwise identified in the public records of Miami-Dade County as Folio No. 03-4130-015-0010. I am aware and familiar with the contents of this application for a Miami-Dade County Class I Permit to perform the work on or adjacent to the subject property, as described in Section 4 of this application. I possess the riparian rights to the area of the proposed work (if applicable) and hereby consent to the work identified in this Class I Permit application.

A. IF THE OWNER(S) IS AN INDIVIDUAL

Signature of Owner | Print Owner's Name | Date

Signature of Owner | Print Owner's Name | Date

B. IF THE OWNER IS OTHER THAN AN INDIVIDUAL OR NATURAL PERSON
(Examples: Corporation, Partnership, Joint Venture, Trust, LLC, LLP, etc.)

University of Miami — Print Name of Owner (Enter the complete name as registered)
Corporation — Type (Corp, LLC, LLP, etc.)
Florida — State of Registration/Incorporation

1535 Levante Ave. Suite 205, Coral Gables, Florida 33146
Address of Owner

Under the penalty of perjury, I certify that I have the authority to sign this application on behalf of the Owner, to bind the Owner, and if so required to authorize the issuance of a bond on behalf of the Owner. (If asked, you must provide proof of such authority to the Department). ***Please Note: If additional signatures are required, pursuant to your governing documents, operating Agreements, or other applicable agreements or laws, you must attach additional signature pages. ***

Signature of Authorized Representative | Print Authorized Representative's Name: LARRY MORBERT | Title: VP | Date: 11/26/12

Signature of Authorized Representative | Print Authorized Representative's Name | Title | Date

Please Review Above

Appropriate signature(s) must be included in:

Box 9: either A, B or C

AND

Box 10: either A or B

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NOV 27 2012
DERM Coastal Resources Section
Natural Resources Regulation & Restoration
Division (NRRRD)

Attachment B

Owner/Agent Letter, Engineer Certification Letter, and Project Sketches

UNIVERSITY
OF MIAMI

Real Estate & Facilities
1535 Levante Avenue, Suite 205
Coral Gables, FL 33146

Phone: 305-284-6726
Fax: 305-284-2878

PERMIT APPLICANT / AUTHORIZED AGENT STATEMENT

RECEIVED
NOV 27 2012
DERM Coastal Resources Section
Natural Resources Regulation & Restoratio
Division (NRRRD)

November 26, 2012

Miami Dade County Department of Regulatory and Economic Resources
Class I Permitting Program
701 NW 1st Court
Miami, FL 33136

Re: Class I Standard Form Permit Application Number CLI-2012-0227

By the attached Class I Standard Form permit application with supporting documents, I, Larry Marbert, Vice President, University of Miami, am the permit applicant and hereby request permission to perform the work associated with Class I Permit Application CLI-2012-0227. I understand that a Miami-Dade County Class I Standard Form Permit is required to perform this work.

If approval is granted for the proposed work by the Board of County Commissioners, complete and detailed plans and calculations of the proposed work shall be prepared by an engineer licensed in the State of Florida in accordance with the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida. Said plans and calculations shall be subject to the review and approval of the Department. The permit applicant will secure the services of an engineer licensed in the State of Florida to conduct inspections throughout the construction period, and said engineer shall prepare all required drawings of record. In the event that the proposed work which is the subject of this Class I Permit application involves the cutting or trimming of a mangrove tree(s), a detailed plan of the proposed cutting or trimming shall be prepared by a licensed landscape architect and submitted to the Department for review and approval, and the permit applicant will secure the services of a licensed landscape architect to supervise the trimming or cutting.

Respectfully submitted,

Larry Marbert,
Vice President, University of Miami
Permit Applicant

BRILL RODRIGUEZ SALAS & ASSOCIATES, INC.

ENGINEER LETTER OF CERTIFICATION

November 29th, 2012

Miami-Dade County Department of Regulatory and Economic Resources
Class I Permitting Program
701 NW 1st Court
Miami, Florida 33136

RE: Class I Permit Application Number CLI-2012-0227

Ladies and Gentlemen:

This letter will certify that I am an engineer licensed in the State of Florida, qualified by education and experience in the area of engineering design and inspection, and that to the best of my knowledge and belief, the proposed work does not violate any laws of the State of Florida or any provisions of the Code of Miami Dade County which may be applicable, that diligence and recognized standard practices of the engineering profession have been exercised in the engineer's design of the proposed work, and in my opinion based upon my knowledge and belief, the following will not occur:

a. Harmful obstruction or undesirable alteration of the natural flow of the water within the area of the proposed work.

b. Harmful or increased erosion, shoaling of channels or stagnant areas of water. (Not applicable to class IV permits)

c. Material injury to adjacent property.

d. Adverse environmental impacts from changes in water quality or quantity. (Applicable to class IV permits only)

Further, I have been retained by the applicant to provide inspections throughout the construction period and to prepare a set of reproducible record prints of drawings showing changes made during the construction process based upon the marked-up prints, certified surveys, drawings, and other data furnished by the contractor to me.

Sincerely,

ARMANDO SALAS LICENSE No. 38007 STATE OF FLORIDA PROFESSIONAL ENGINEER

Armando Salas
P.E. #38007

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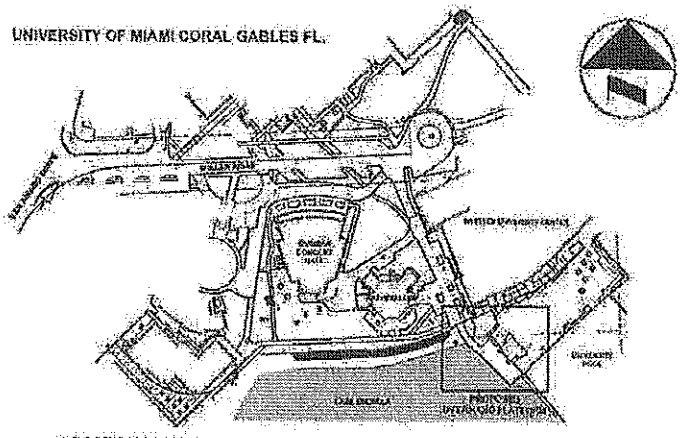
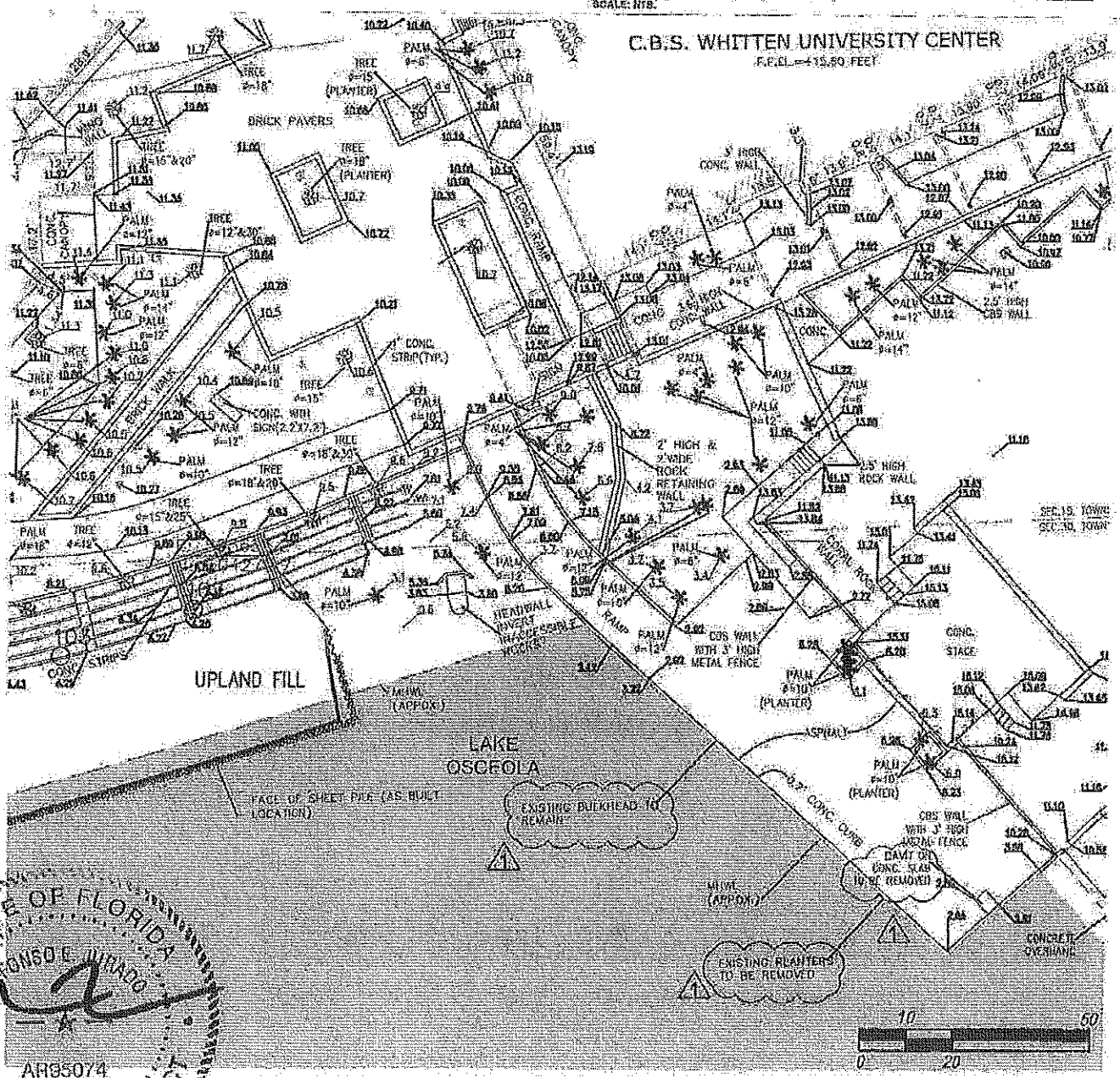
NOV 30 2012
DERM Coastal Resources Section
Natural Resources Regulation & Restoration
Division (NRRRD)

9360 SW 72 Street Suite 262, Miami, FL 33173 / Ph: 305.273.4204 / Fx: 305.273.6575 / Email: asalas@brseng.com

UNIVERSITY OF MIAMI CORAL GABLES FL.



LOCATION PLAN
SCALE: NTS.



STATE OF FLORIDA
ALFONSO E. HURADO
REGISTERED ARCHITECT
AR95074

ARQUITECTONICA
2900 OAK AVENUE
MIAMI, 33133
305.372.1812 PHONE
305.372.1175 FAX

UNIVERSITY OF MIAMI
STUDENT ACTIVITY CENTER
PHASE II

DRAWING NAME: EXISTING CONDITION PLAN

1330 MILLER DRIVE CORAL GABLES FL 33146

REVISION #	DATE	DESCRIPTION
1	11.09.12	DERM COMMENTS

DRAWN BY: LA	CHECKED BY: AJ
SCALE: 1/32" 1'-0"	PROJECT #: 2009
DATE: 11.01.2012	REFERENCE:
DRAWING NUMBER:	

A0.01

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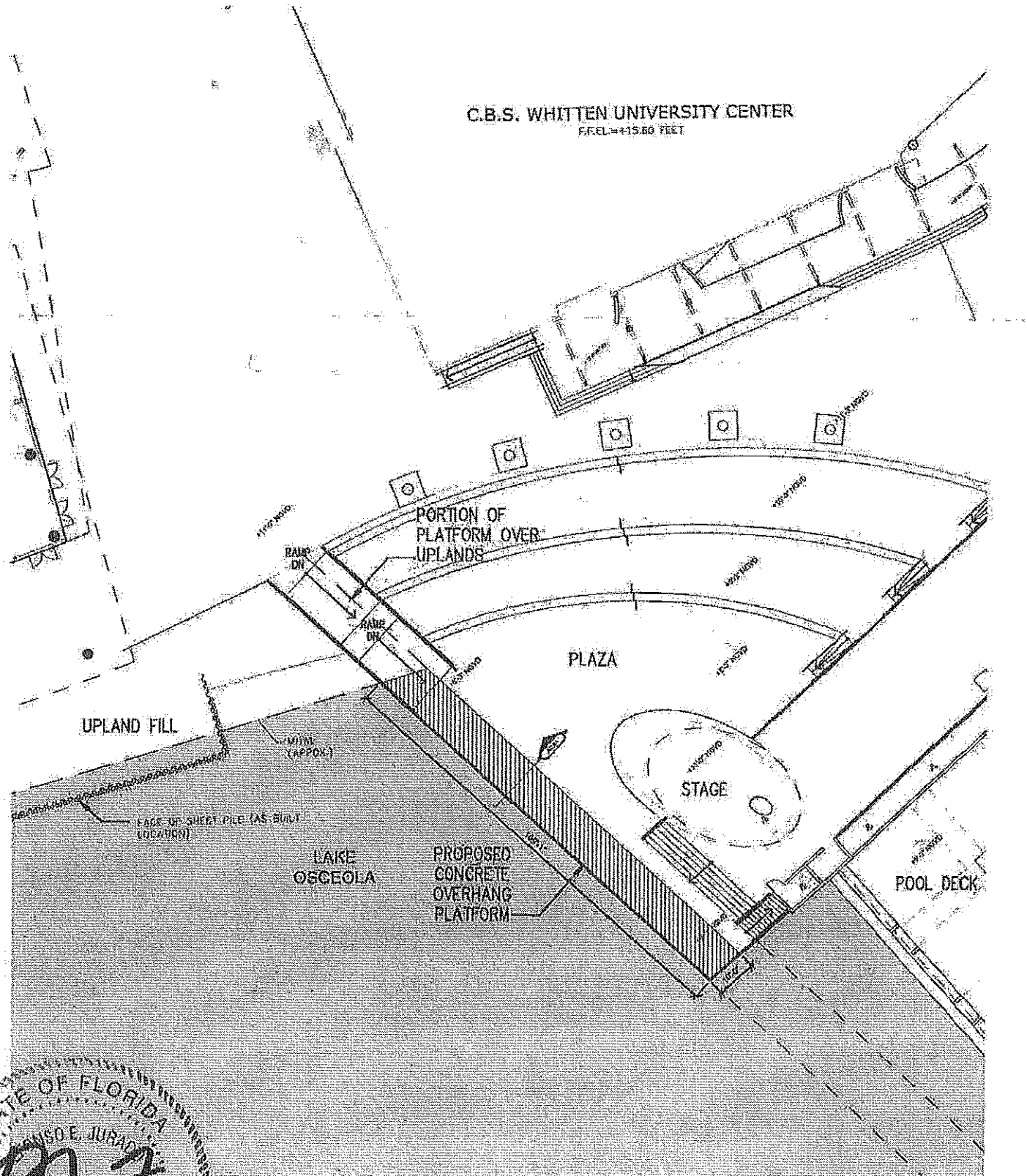

STATE OF FLORIDA
ALFONSO E. JURADO
AR95074
REGISTERED ARCHITECT

ARQUITECTONICA
2900 OAK AVENUE
MIAMI, FL 33133
305.372.1812 PHONE
305.372.1175 FAX

UNIVERSITY OF MIAMI
STUDENT ACTIVITY CENTER
PHASE II

DRAWING NAME: SITE PLAN

1330 MILLER DRIVE CORAL GABLES FL 33146

REVISION #	DATE	DESCRIPTION
1	11.09.12	DERM COMMENTS

DRAWN BY: LA	CHECKED BY: AJ
SCALE: 1/32" = 1'-0"	PROJECT #: 2900
DATE: 11.09.2012	REFERENCE:
DRAWING NUMBER:	A1.01

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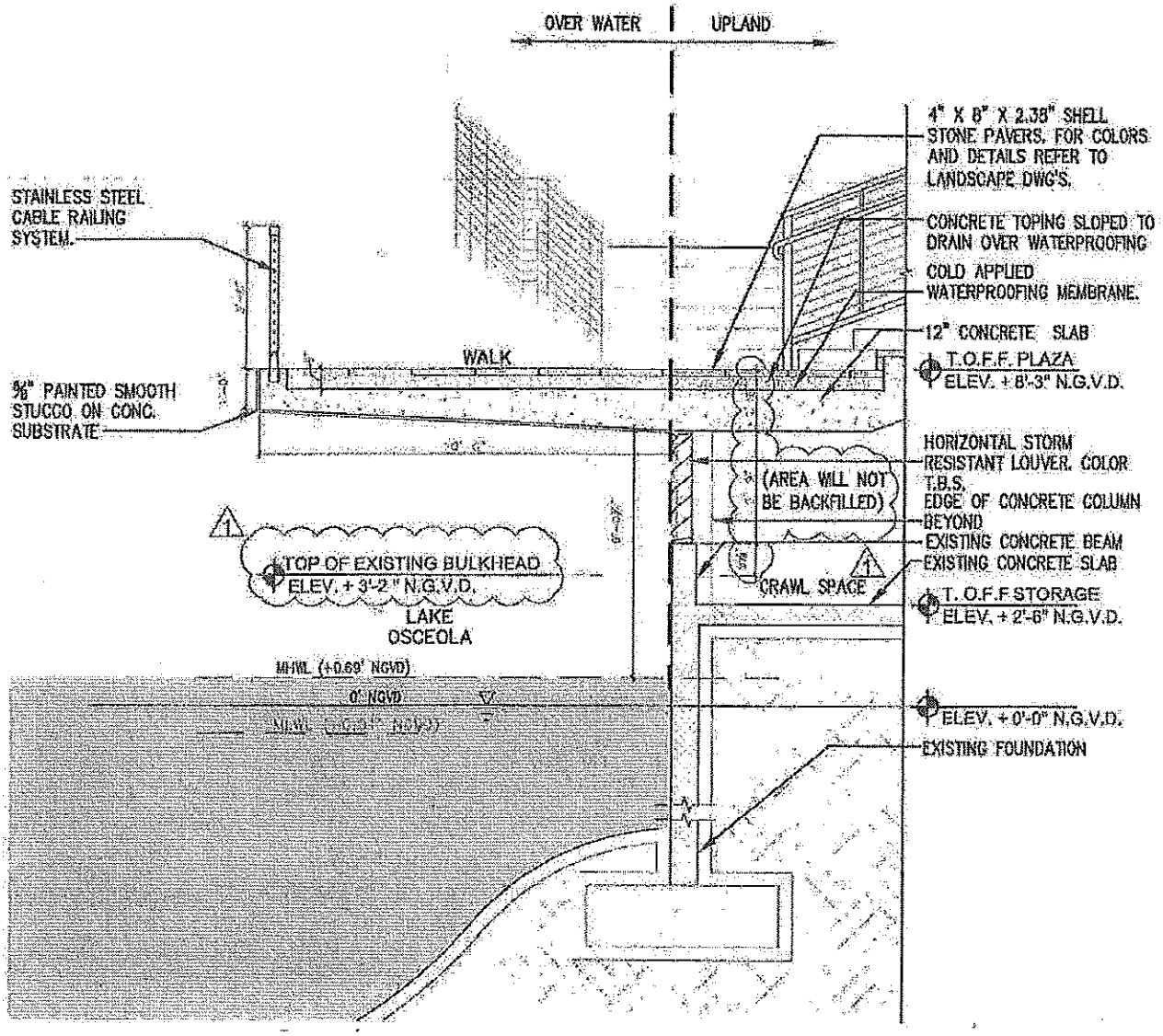

LEGEND:
EXISTING STRUCTURE

STATE OF FLORIDA
ALFONSO E. JURADO
AR95074
REGISTERED ARCHITECT

ARQUITECTONICA
2200 OAK AVENUE
MIAMI, FL 33133
305.372.1012 PHONE
305.372.1175 FAX

UNIVERSITY OF MIAMI
STUDENT ACTIVITY CENTER
PHASE II

DRAWING NAME: OVER WATER PLATFORM SECTION

1330 MILLER DRIVE CORAL GABLES FL 33146

REVISION #	DATE	DESCRIPTION
1	11.09.12	DERM COMMENTS

DRAWN BY: LA	CHECKED BY: AJ
SCALE: 1/4" = 1'-0"	PROJECT #: 2000
DATE: 11.09.2012	REFERENCE:
DRAWING NUMBER:	A2.01

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Attachment C

Zoning Memorandum

Memorandum

MIAMI-DADE COUNTY

Date: November 27, 2012

To: Lisa Spadafina, Manager
Coastal and Wetlands Resources Section
Department of Regulatory and Economic Resources

From: Nicole Fresard, Biologist II
Coastal and Wetlands Resources Section
Department of Regulatory and Economic Resources

Subject: Application by the University of Miami for a Class I Permit and a Variance from Section 24-48.24 of the Code of Miami-Dade County, for the Construction of a Non-Water-Dependent Fixed Structure for an Outdoor Student Venue over Lake Osceola, Coral Gables, Florida

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Pursuant to Section 24-48.2(II)(B)(7), of the Code of Miami-Dade County, Florida, a substantiating letter shall be submitted by the applicant stating that the proposed project does not violate any zoning laws. Said letter will be submitted after approval by the Miami-Dade County Board of County Commissioners and prior to issuance of the Class I permit.

Attachment D

Department of Regulatory and Economic Resources Project Report

PROJECT REPORT
CLASS I PERMIT APPLICATION NO. CLI-2012-0038

Application by the University of Miami for a Class I Permit and a Variance from Section 24-48.24 of the Code of Miami-Dade County, for the Construction of a Non-Water-Dependent Fixed Structure for an Outdoor Student Venue over Lake Osceola, Coral Gables, Florida

DATE: November 9, 2012

Staff's recommendation of approval for the above-referenced permit application is based on the applicable evaluation factors set forth in Section 24-48.3 of the Code of Miami-Dade County (Code), Florida. The following is a summary of the proposed project with respect to each applicable evaluation factor:

1. **Potential Adverse Environmental Impact** –The installation of the proposed platform is not expected to result in adverse environmental impacts. The existing shoreline does not provide significant habitat value, as no wetland vegetation or submerged aquatic vegetation was documented in the vicinity of the proposed work.

   The proposed project is not located within an area designated as essential manatee habitat for the *Trichechus manatus* (West Indian Manatee) by the Miami-Dade County Manatee Protection Plan (MDCMPP). Lake Osceola is tidally connected by a series of culverts with incorporated grate systems that restrict manatee access to the Lake. Because no in-water work is proposed, the project is not reasonably expected to adversely impact manatees. The subject site has the potential to be utilized by the *Crocodylus acutus* (American Crocodile); therefore, the Class I permit shall include conditions to protect rare, threatened and endangered species.

2. **Potential Cumulative Adverse Environmental Impact** – The proposed project is not reasonably expected to result in potential cumulative adverse environmental impacts.

3. **Hydrology** – The proposed project is not reasonably expected to adversely affect surface water drainage or retention of stormwater.

4. **Water Quality** – The proposed project is not reasonably expected to result in impacts to water quality.

5. **Wellfields** – Not applicable.

6. **Water Supply** – Not applicable.

7. **Aquifer Recharge** – Not applicable.

8. **Aesthetics** – The proposed project is designed to be aesthetically compatible with the surrounding area. However, during the construction process, there may be temporary aesthetic impacts related to the presence of machinery associated with construction activities.

9. **Navigation** – The proposed project is not reasonably expected to adversely impact navigation.

10. **Public Health** - The proposed project is not reasonably expected to adversely affect public health.

11. **Historic Values** - The proposed project is not reasonably expected to adversely affect historic values.

12. **Archaeological Values** - The proposed project is not reasonably expected to adversely affect archaeological values.

13. **Air Quality** – The proposed project is not reasonably expected to adversely affect air quality.

14. **Marine and Wildlife Habitats** – The proposed project is not reasonably expected to adversely affect marine and wildlife habitats. The proposed project is not located within an area designated as essential manatee habitat for the West Indian Manatee by the MDCMPP. Lake Osceola is tidally connected by a series of culverts with incorporated grate systems that restrict manatee access to the Lake. Because no in-water work is proposed, the project is not reasonably expected to adversely impact manatees. The site has the potential to be utilized by the American Crocodile; therefore, the Class I permit shall include conditions to protect rare, threatened and endangered species.

15. **Wetland Soils Suitable for Habitat** – There are no wetland soils suitable for habitat in the footprint of the proposed work.

16. **Floral Values** – The proposed project is not reasonably expected to adversely affect floral values, for the reasons set forth in Number 1 above.

17. **Fauna Values** – The proposed project is not reasonably expected to adversely affect marine fauna, for the reasons set forth in Number 1 above.

18. **Rare, Threatened and Endangered Species** – The proposed project is not reasonably expected to adversely affect any rare, threatened or endangered species. The work area is not located in an area designated as critical habitat for Johnson's seagrass, a Federally Listed Threatened Species. The proposed project is not located within an area designated as essential manatee habitat for the West Indian Manatee by the MDCMPP, and no in-water work is proposed. Because Lake Osceola is tidally connected by a series of culverts with incorporated grate systems that restrict manatee access, the proposed project is not reasonably expected to adversely impact manatees. The subject site has the potential to be utilized by the American Crocodile; therefore, the Class I permit shall include conditions to protect rare, threatened and endangered species.

19. **Natural Flood Damage Protection** - The proposed project is not reasonably expected to adversely affect surface water drainage or retention of stormwater.

20. **Wetland Values** – The proposed project does not involve dredging or filling of wetlands.

21. **Land Use Classification** – Pursuant to Section 24-48.2(II)(B)(7), of the Code, a substantiating letter shall be submitted stating that the proposed project does not violate any zoning laws. Said letter will be submitted after the approval by the Board of County Commissioners and prior to the issuance of a Class I permit.

22. **Recreation** - The proposed project does not conflict with the recreation element of the Miami-Dade County Comprehensive Development Master Plan.

23. **Other Environmental Values Affecting the Public Interest** - The proposed project is not reasonably expected to adversely affect other environmental values affecting the public interest. The submerged lands over which the project will occur are owned by the applicant.

24. **Conformance with Standard Construction Procedures and Practices and Design and Performance Standards** – The proposed project includes the installation of a non-water-dependent fixed structure. However, the applicant is requesting a variance to the water dependency requirement of the Code, and the installation of the non-water-dependent structure is not reasonably expected to result in adverse environmental impacts.

25. **Comprehensive Environmental Impact Statement (CEIS)** – In the opinion of the Director, the proposed project will not result in environmental impacts and is not reasonably expected to result in cumulative adverse environmental impacts. Therefore, a CEIS was not required by the Department of Regulatory and Economic Resources to evaluate the project.

26. **Conformance with All Applicable Federal, State and Local Laws and Regulations** - The proposed project is in conformance with the following applicable State, Federal and local laws and regulations:
    a) Chapter 24 of the Code of Miami-Dade County
    b) Rules of the South Florida Water Management District

27. **Conformance with the Miami-Dade County Comprehensive Development Master Plan (CDMP)** - In the opinion of the Department of Regulatory and Economic Resources, the proposed platform is not in full conformance with the CDMP. However, the applicant is requesting a variance from the Section of Code relating to the non-water-dependent structure as it pertains to the proposed project. The following is a summary of the proposed project as it relates to the CDMP:

LAND USE ELEMENT I:

Objective 3/Policies 3A, 3B, 3C - Protection of natural resources and systems. – The proposed project is consistent with the Conservation and Coastal Management Elements of the CDMP. The proposed project is compatible with surrounding land uses and does not involve development in the Big Cypress are of Critical State concern or the East Everglades.

TRANSPORTATION ELEMENT II:

Aviation Subelement/Objective 9 - Aviation System Expansion - There is no aviation element to the proposed project.

Port of Miami River Subelement/Objective 3 - Minimization of impacts to estuarine water quality and marine resources. The proposed project will not take place within the tidal waters of the Miami River.

CONSERVATION, AQUIFER RECHARGES AND DRAINAGE ELEMENT IV:

Objective 3/Policies 3A, 3B, 3D - Wellfield protection area protection. - The proposed project is not located within a wellfield protection area.

Objective 3/Policy 3E - Limestone mining within the area bounded by the Florida Turnpike, the Miami-Dade/Broward Levee, NW 12 Street and Okeechobee Rd - The proposed project is not in this area.

Objective 4/Policies 4A, 4B, 4C - Water storage, aquifer recharge potential and maintenance of natural surface water drainage. - The proposed project is not reasonably expected to adversely affect water storage, aquifer recharge potential or natural surface water drainage.

Objective 5/Policies 5A, 5B, 5F - Flood protection and cut and fill criteria – The proposed project does not compromise flood protection, involve filling for development purposes or involve cut and fill activities.

Objective 6/Policy 6A - Areas of highest suitability for mineral extraction. - The proposed project is not located in an area proposed or suitable for mineral extraction.

Objective 6/Policy 6B - Guidelines for rock quarries for the re-establishment of native flora and fauna. - The proposed project is not located in a rock quarry.

Objective 6/Policy 6D - Suitable fill material for the support of development. – The proposed project does not involve filling for the purposes of development.

Objective 7/Policy 7A - No net loss of high quality, relatively unstressed wetlands. – The proposed project will not result in a net loss of any such wetlands.

Objective 9/Policies 9A, 9B, 9C – Protection of habitat critical to Federal, State-designated threatened or endangered species. – The proposed work area is not located in an area designated as critical habitat for Johnson's seagrass, a Federally Listed Threatened Species. The proposed project is not located within an area designated as essential habitat for the West Indian Manatee by the MDCMPP, and no in-water work is proposed. Because Lake Osceola is tidally connected by a series of culverts with incorporated grate systems that restrict manatee access, the proposed project is not reasonably expected to adversely impact manatees. The subject site has the potential to be utilized by the American Crocodile; therefore, the Class I permit shall include conditions to protect rare, threatened and endangered species.

COASTAL MANAGEMENT ELEMENT VII:

Objective 1/Policy 1A - Tidally connected mangroves in mangrove protection areas. – The proposed project is not located within a designated "Mangrove Protection Area."

Objective 1/ Policy 1B - Natural surface flow into and through coastal wetlands. – The proposed project will not affect natural surface flow into and through coastal wetlands.

Objective 1/ Policy 1C - Elevated boardwalk access through mangroves. – The proposed project does not involve access through mangroves.

Objective 1/Policy 1D - Protection and maintenance of mangrove forests and related natural vegetational communities. - The proposed project does not involve work in mangrove forests, coastal hammock, or other natural vegetational communities.

Objective 1/Policy 1E - Mitigation for the degradation and destruction of coastal wetlands. Monitoring and maintenance of mitigation areas. – The proposed project does not involve the degradation and destruction of coastal wetlands and therefore does not involve monitoring of mitigation for impacts to coastal wetlands.

Objective 1/Policy 1G - Prohibition on dredging or filling of grass/algal flats, hard bottom or other viable benthic communities, except as provided for in Chapter 24 of the Code of Miami-Dade County, Florida. – The proposed project does not involve the dredging or filling of grass/algal flats, hard bottom or other viable benthic communities.

Objective 2/Policies 2A, 2B - Beach restoration and renourishment objectives. - The proposed project does not involve beach restoration or renourishment.

Objective 3/Policy 3E, 3F - Location of new cut and spoil areas for proper stabilization and minimization of damages. - The proposed project does not involve the development or identification of new cut or spoil areas.

Objective 4/Policy 4A, 4C, 4E, 4F – Protection of endangered or threatened animal species. - The proposed project is not reasonably expected to affect endangered or threatened animal species, as set forth in Number 18 above.

Objective 5/Policy 5B - Existing and new areas for water-dependent uses - The proposed project is not reasonably expected to affect existing water dependent uses.

Objective 5/Policy 5D - Consistency with Chapter 33D, Miami-Dade County Code (shoreline access, environmental compatibility of shoreline development) - The Shoreline Development Review Committee has evaluated the proposed project and determined that it is not subject to shoreline development review.

Objective 5/Policy 5F - The siting of water dependent facilities. - The proposed project does not involve the creation of any new water dependent facilities.

28. **Conformance with Chapter 33B, Code of Miami-Dade County** (East Everglades Zoning Overlay Ordinance) – The proposed project is not located within the East Everglades Area.

29. **Conformance with Miami-Dade County Ordinance 81-19** (Biscayne Bay Management Plan Sections 33D-1 through 33D-4 of the Code of Miami-Dade County) - The proposed project is not located within Biscayne Bay.

30. **Conformance with the Miami-Dade County Manatee Protection Plan** – The proposed project is not located within an area designated as essential manatee habitat for the West Indian Manatee by the MDCMPP, and no in-water work is proposed. Because Lake Osceola is tidally connected by a series of culverts with incorporated grate systems that restrict manatee access, the proposed project is not reasonably expected to adversely impact manatees.

31. **Consistency with Miami-Dade County Criteria for Lake Excavation** – The proposed project does not involve lake excavation.

32. **Municipality Recommendation** – Pursuant to Section 24-48.2(II)(B)(7), Code of Miami-Dade County, Florida, a substantiating letter shall be submitted stating that the proposed project does not violate any zoning laws. Said letter will be submitted after the approval by the Board of County Commissioners and prior to the issuance of the Class I permit.

33. **Coastal Resources Management Line** - A coastal resources management line was not required for the proposed project, pursuant to Section 24-48.2(II)(B)(10)(b) of the Code of Miami-Dade County, Florida.

34. **Maximum Protection of a Wetland's Hydrological and Biological Functions** – The proposed project is not reasonably expected to impact wetland hydrological and biological functions.

35. **Class I Permit Applications Proposing to Exceed the Boundaries Described in Section D-5.03(2)(a) of the Miami-Dade County Public Works Manual** – the Department of Regulatory and Economic Resources has considered the following factors:
    i. Whether the proposed exceedance is the minimum necessary to avoid seagrasses or other valuable environmental resources – Not applicable.
    ii. Whether the proposed exceedance is the minimum necessary to achieve adequate water depth for mooring of a vessel – Not applicable.

iii. Whether the applicant has provided notarized letters of consent to the Department of Regulatory and Economic Resources from adjoining riparian property owners – Not applicable.
iv. Whether any letters of objection from adjoining riparian property owners were received by the Department of Regulatory and Economic Resources – Not applicable.

The proposed project was evaluated for compliance with the standards contained in Section 24-48.3(2), (3), and (4) of the Code. The following is a summary of how the standards relate to the proposed project:

24-48.3 (2) Dredging and Filling for Class I Permit - The proposed project does not involve dredging and filling activities.

24-48.3 (3) Minimum Water Depth Required for Boat Slips Created by the Construction or Placement of Fixed or Floating Docks and Piers, Piles and Other Structures Requiring a Permit Under Article IV, Division 1 of Chapter 24 of the Code of Miami-Dade County – The proposed project does not involve the creation of boat slips.

24-48.3 (4) Clean Fill in Wetlands – The proposed project does not involve placing clean fill in wetlands.

The proposed project was also evaluated based upon the applicable factors set forth in Section 24-48.25 of the Code.

36. **Visual or physical access by the general public to Biscayne Bay and its adjacent tidal waters** – The proposed project is not reasonably expected to result in impacts to visual or physical access to Lake Osceola.

37. **Historical significance** – Lake Osceola was created in 1941 though the widening of an existing narrow waterway by dredging of the surrounding upland areas. The proposed project is not reasonably expected to result in impacts to the historical significance of the area.

38. **Need for covered vessel repair facilities** - Not applicable.

39. **Environmental impact or cumulative environmental impact** – The proposed project is not reasonably expected to create adverse environmental impacts.

40. **Navigation** – The proposed project is not reasonably expected to impact navigation. Lake Osceola is tidally connected by a series of culverts with incorporated grate systems.

41. **Public safety** – The proposed project will create an alternate pedestrian path for the students and faculty and potentially reduce vehicular traffic within the University of Miami.

42. **Aesthetics**- The proposed project is designed to be aesthetically compatible with the surrounding area. However, during the construction process, there may be temporary aesthetic impacts related to the presence machinery associated with construction activities.

43. **Biscayne Bay Management Plan** – The proposed project is not located within Biscayne Bay.

44. **Biscayne Bay Aquatic Preserve Act** - The proposed project is not located within Biscayne Bay.

45. **Rules of the Biscayne Bay Aquatic Preserve** - The proposed project is not located within Biscayne Bay.

BASED ON THE FOREGOING, IT IS RECOMMENDED THAT A CLASS I PERMIT BE APPROVED.

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