

# Memorandum



**Date:** April 10, 2018

**To:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**From:** Jack Osterholt, Director  
Department of Regulatory and Economic Resources

Agenda Item No. 5(D)

**Subject:** Class I Permit Application by Grove Isle Association, Inc.

## **Recommendation**

I have reviewed the attached application for a Class I permit by Grove Isle Association, Inc. and based upon the applicable evaluation factors set forth in Section 24-48.3 of the Code of Miami-Dade County (Code), I recommend that the Board of County Commissioners (Board) approve the issuance of a Class I permit for the reasons set forth below.

Pursuant to Ordinance No. 16-73, this quasi-judicial matter may be submitted directly for placement on the Board's meeting agenda by the Director of the Department of Regulatory and Economic Resources.

## **Scope**

The project site is located at 1 Grove Isle Drive, Miami, Florida, in Commission District 7, which is represented by Commissioner Xavier L. Suarez.

## **Fiscal Impact/Funding Source**

This resolution is a regulatory approval and does not have a fiscal impact.

## **Track Record/Monitor**

The Coastal and Wetlands Resources Section Manager, Pamela Sweeney, in the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (DERM), will be responsible for monitoring the proposed permit.

## **Background**

The subject Class I permit application requests after-the-fact authorization for the filling of tidal waters in association with the restoration of a private beach and authorization for the removal of unauthorized rock groins, installation of a riprap revetment, and restoration of the private beach within tidal waters of Biscayne Bay, Miami, Florida. The proposed project is required to be reviewed and approved by the Board at a public hearing because the scope of work is specifically referenced in Section 24-48.2 of the Code as work that shall be processed with a standard form application, including a public hearing.

The project site is located along the southwest shoreline of Grove Isle adjacent to the seawall, and will occur within a shallow beach area which has been present since at least 1971. The project site is exposed at low tide and has historically been used as a beach and for water access by the Grove Isle residents. Due to ongoing erosion of the beach area, the applicant installed rock groins and has routinely replenished the beach with sand to counteract erosion. These activities were conducted without the required Class I permit. The applicant is proposing to remove the rock groins and install a riprap revetment with an impermeable liner around the perimeter of the beach in order to elevate and fully contain the beach sand. The project will include a 10 foot wide sloped ramp area that will provide for water access from the new elevated beach. The project will result in the filling of approximately 1,833 square feet of tidal waters.

Pursuant to Section 24-48.4 of the Code, potential adverse environmental impacts and cumulative adverse environmental impacts for a proposed project must be avoided and minimized. The area to be filled will not extend outside of the historic beach area within the applicant's property boundary, and no significant benthic resources or hardbottom habitat were documented within the proposed filling footprint. Therefore, the project is not reasonably expected to result in adverse environmental impacts. The proposed design will raise the beach and associated fill material to an elevation above the mean high water line and will incorporate an impermeable liner and toewall around the perimeter of the beach in order to prevent erosion of the material to tidal waters.

The proposed project is not reasonably expected to affect water quality during construction operations. However, the site is located within the Biscayne Bay Aquatic Preserve and in order to minimize any potential water quality impacts, the applicant will be required to implement proper turbidity controls throughout construction operations and ensure that State and County water quality standards are met. In addition, the Class I permit conditions will require that any in-water equipment will maintain sufficient clearance above the submerged bottom and any benthic resources.

Section 24-48.4 of the Code requires mitigation for permissible projects that otherwise result in unavoidable environmental impacts. The mitigation required for filling of tidal waters will be satisfied through a contribution to the Biscayne Bay Environmental Enhancement Trust Fund.

Staff has determined that the project is consistent with the recommendations of the Miami-Dade County Manatee Protection Plan. The proposed project is not located within an area identified as essential habitat for the West Indian Manatee. However, the Class I permit will require that all standard construction permit conditions regarding manatees be followed during all in-water operations.

The proposed project complies with Section 24-48.3(2) of the Code as related to the criteria for a physical modification to protect public or private property. The project will allow the applicant to continue with the historic use of the area, and has been designed in accordance with all relevant Miami-Dade County coastal and wetland construction criteria and is consistent with all other Miami-Dade County coastal and wetland protection provisions. Please find attached a DERM Project Report which sets forth the reasons the proposed project is recommended for approval by DERM pursuant to the applicable evaluation factors set forth in Section 24-48.3 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 Letter and Project Sketches
- Attachment C: Zoning Memorandum
- Attachment D: DERM Project Report

**Attachment A**  
**Class I Permit Application**



# Class I Permit Application

<b>RECEIVED</b>		ADMINISTRATIVE USE ONLY
Date Received:	JAN 31 2017	Application Number: CFI-2015-0365
Department of Regulatory and Economic Resources Natural Resources Division		Application Fee: \$1,690.00

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

<b>1. Applicant Information:</b> Name: <u>Grove Isle Association, Inc.</u> Address: <u>1 Grove Isle Drive</u> <u>Miami, Florida</u> Zip Code: <u>33133</u> Phone #: <u>(305) 858-1207</u> Fax#: _____ Email: _____ <small>* This should be the applicant's information for contact purposes.</small>	<b>2. Applicant's Authorized Permit Agent:</b> <small>Agent is allowed to process the application, furnish supplemental information relating to the application and bind the applicant to all requirements of the application.</small> Name: <u>John Guttman, P.E.</u> Address: <u>10700 North Kendall Drive #400</u> <u>Miami, Florida</u> Zip Code: <u>33176</u> Phone #: <u>(305) 858-1709</u> Fax #: _____ Email: <u>jguttman@cesmiami.com</u>
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<b>3. Location where proposed activity exists or will occur (latitude and longitude are only necessary for properties without address or folio #):</b>	
Folio #(s): <u>01-4114-015-1360, 01-4114-015-0001</u>	Latitude: _____ Longitude: _____
Street Address: <u>One Grove Isle Drive</u>	Section: <u>23</u> Township: <u>54N</u> Range: <u>41E</u>
In City or Town: <u>Miami</u>	Near City or Town: _____
Name of waterway at location of the activity: _____	

<b>4. Describe the proposed activity (check all that apply):</b>	
<input type="checkbox"/> Seawall <input type="checkbox"/> New/Replacement Seawall <input type="checkbox"/> Seawall Cap <input type="checkbox"/> Batter Piles <input type="checkbox"/> King Piles <input type="checkbox"/> Footer/Toe Wall <input checked="" type="checkbox"/> Riprap	<input type="checkbox"/> Dock(s) <input type="checkbox"/> Pier(s) <input type="checkbox"/> Viewing Platform <input type="checkbox"/> Boatlift <input type="checkbox"/> Mooring Piles <input type="checkbox"/> Fender Piles <input type="checkbox"/> Davits <input type="checkbox"/> Dredging <input type="checkbox"/> Maintenance <input type="checkbox"/> New <input checked="" type="checkbox"/> Filling <input type="checkbox"/> Mangrove Trimming <input type="checkbox"/> Mangrove Removal
<input type="checkbox"/> Other: _____	
Estimated project cost = <u>\$25,000.00</u>	
Are you seeking an after-the-fact approval (ATF)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "Yes", describe the ATF work: _____	

<b>5. Proposed Use (check all that apply):</b> <input type="checkbox"/> Single Family <input type="checkbox"/> Multi-Family <input checked="" type="checkbox"/> Private <input type="checkbox"/> Public <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Utility	<b>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):</b> Proposed Vessel Type (s): <u>N/A</u> Vessel Make/Model (If known): _____ Draft (s)(range in inches.): _____ Length (s)(range in feet.): _____ Total Number of Slips: _____
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<b>7. List all permits or certifications that have been applied for or obtained for the above referenced work:</b>				
Issuing Agency	Type of Approval	Identification Number	Application Date	Approval Date

RECEIVED

JAN 31 2017

8. Contractor Information (If known):

Name: \_\_\_\_\_ License # (County/State): \_\_\_\_\_  
Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_ E-mail: \_\_\_\_\_

Department of Regulatory  
and Economic Resources  
Natural Resources Division

**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**

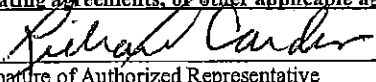
Signature of Applicant \_\_\_\_\_ Print Applicant's Name \_\_\_\_\_ Date \_\_\_\_\_

**B. IF APPLICANT IS OTHER THAN AN INDIVIDUAL OR NATURAL PERSON**

(Examples: Corporation, Partnership, Trust, LLC, LLP, etc.)

Grove Isle Association, Inc. \_\_\_\_\_ 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.\*\*\***

 Richard Cardin \_\_\_\_\_ President \_\_\_\_\_ 1/24/17  
Signature of Authorized Representative Print Authorized Representative's Name Title Date

**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 One Grove Isle Drive, Miami, Miami-Dade County, Florida, otherwise identified in the public records of Miami-Dade County as Folio Nos. 01-4114-015-1360, 01-4114-015-0001. 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.)

Grove Isle Association, Inc. \_\_\_\_\_ Corporation \_\_\_\_\_ Florida \_\_\_\_\_  
Print Name of Owner (Enter the complete name as registered) Type (Corp, LLC, LLP, etc.) State of Registration/Incorporation

One Grove Isle Drive, Miami, Florida \_\_\_\_\_  
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.\*\*\***

Richard Cardin \_\_\_\_\_ Richard Cardin \_\_\_\_\_ President \_\_\_\_\_ 1/24/17  
Signature of Authorized Representative Print Authorized Representative's Name Title Date

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

**RECEIVED**

**JAN 31 2017**

**Department of Regulatory  
and Economic Resources  
Natural Resources Division**

## **Attachment B**

### **Owner/Agent Letter, Engineer Letter and Project Sketches**

**PERMIT APPLICANT / AUTHORIZED AGENT STATEMENT**

Date: \_\_\_\_\_

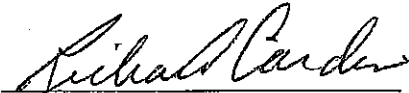
Miami Dade County Department of Regulatory and Economic Resources  
Class I Permitting Program  
701 NW 1<sup>st</sup> Court  
Miami, FL 33136

Re: Class I Standard Form Permit Application Number CLI-2015-0365

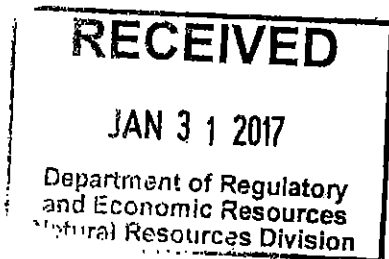
By the attached Class I Standard Form permit application with supporting documents, I, Timothy C. Moore, President, Grove Isle Association, Inc., am the permit applicant and hereby request permission to perform the work associated with Class I Permit Application CLI-2015-0365. I understand that a Miami-Dade 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,



**Richard Cardin**  
~~Timothy C. Moore~~, President  
Grove Isle Association, Inc.







## CONSULTING ENGINEERING & SCIENCE, INC.

Civil Engineers

Coastal Engineers

Environmental Scientists

January 16, 2017

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

RE: Class I Permit Application Number CLI-2015-0365

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, rules, or regulations 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.

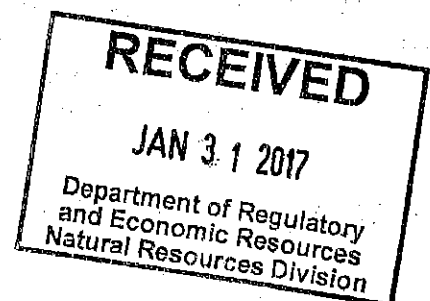
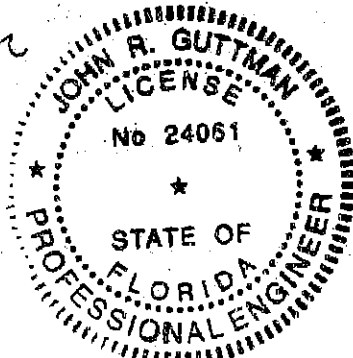
Very truly yours,

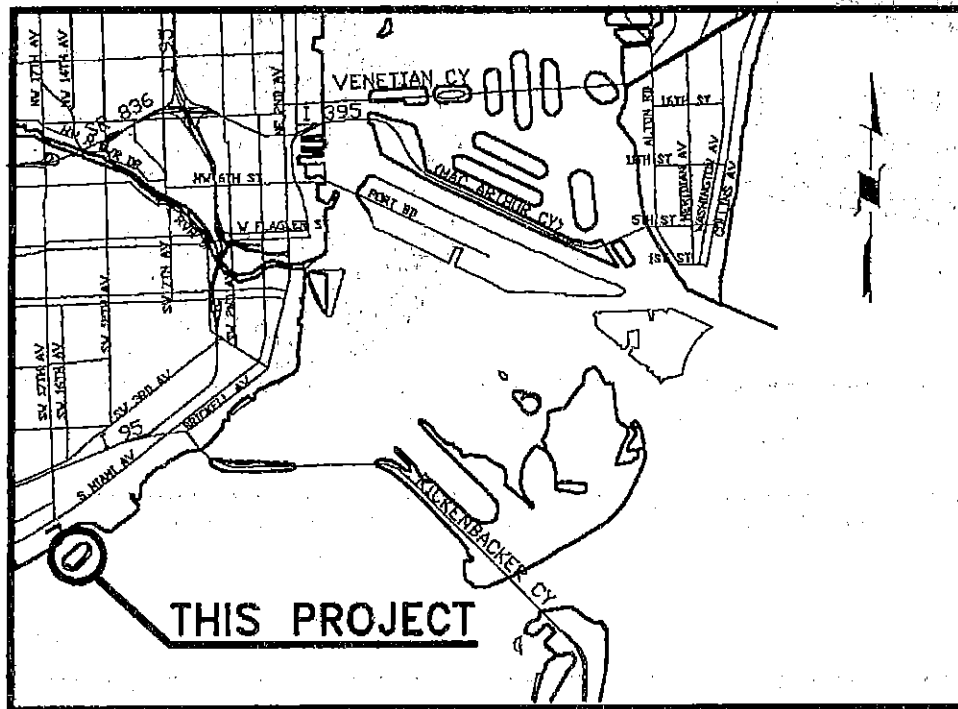
CONSULTING ENGINEERING & SCIENCE, INC.

John R. Guttman, P.E.  
President

P.E. #24061

JRG:agn





## VICINITY MAP

N.T.S.

INDEX OF DRAWINGS	
SHT. No.	TITLE
1	VICINITY MAP & INDEX OF DRAWINGS
2	EXISTING SITE PLAN
3	SITE BATHYMETRY
4	PROPOSED BEACH AREA SITE PLAN
5	PROPOSED BEACH AREA SECTION
6	PROPOSED KAYAK LAUNCH AREA SITE PLAN
7	PROPOSED KAYAK LAUNCH AREA SECTIONS
8	MITIGATION PLAN

PURPOSE: VICINITY MAP & INDEX OF DRAWINGS

DATUM: N/A

PREPARED BY:

Consulting Engineering & Science, Inc.  
10700 N. Kendall Drive, Suite 400  
Miami, Florida 33176

COUNTY OF MIAMI-DADE, STATE OF FLORIDA

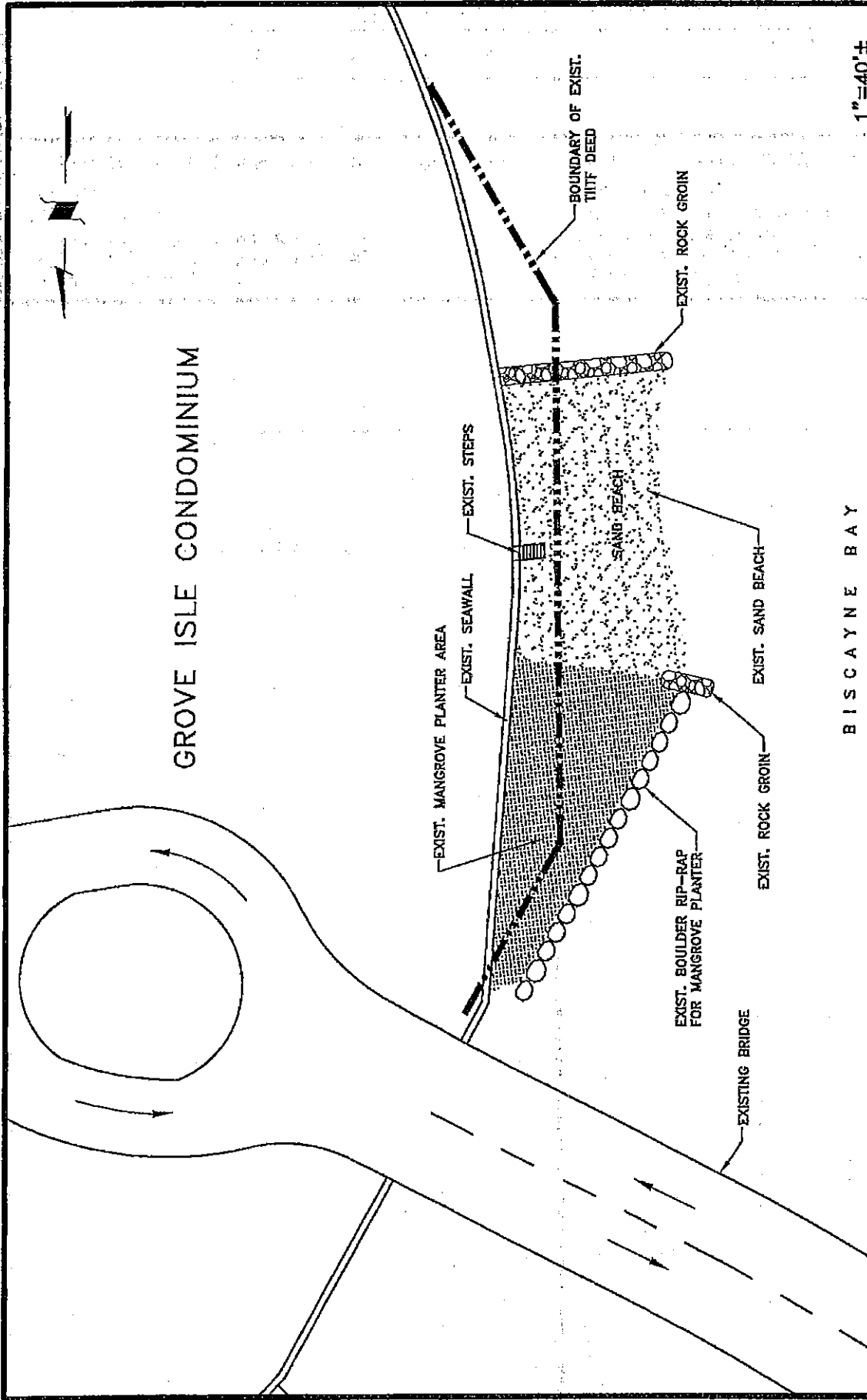
APPLICATION BY:

Grove Isle Association, Inc.  
One Grove Isle Drive  
Coconut Grove, Florida 33133

SHEET 1 OF 8

DATE: 1/12/17

# GROVE ISLE CONDOMINIUM



B I S C A Y N E B A Y

1"=40'±

PURPOSE: EXISTING SITE PLAN

DATUM: N/A

PREPARED BY:

Consulting Engineering & Science, Inc.  
10700 N. Kendall Drive, Suite 400  
Miami, Florida 33176

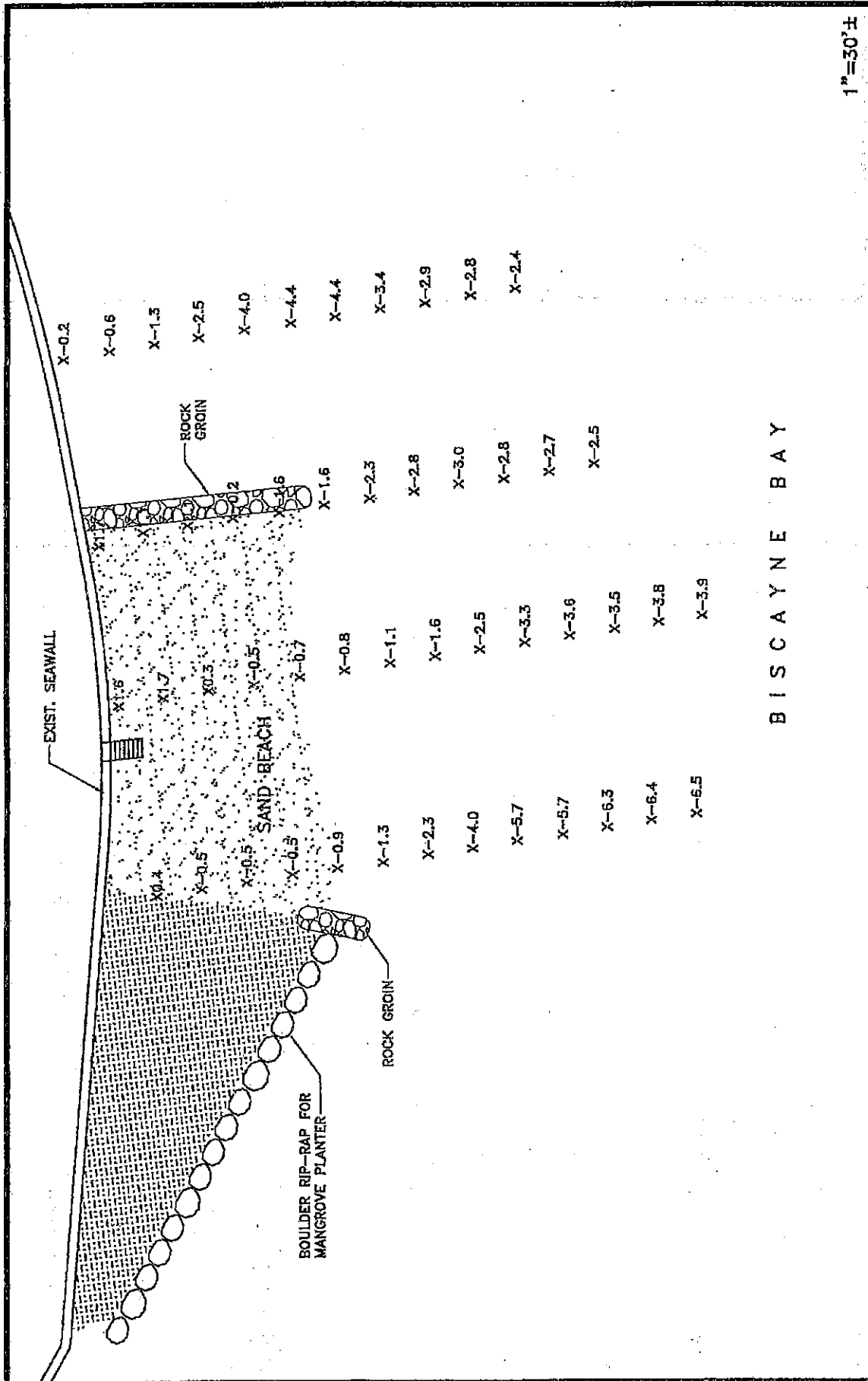
COUNTY OF MIAMI-DADE, STATE OF FLORIDA

APPLICATION BY:

Grove Isle Association, Inc.  
One Grove Isle Drive  
Coconut Grove, Florida 33133

SHEET 2 OF 8

DATE: 1/12/17



PURPOSE: SITE BATHYMETRY

DATUM: N/A

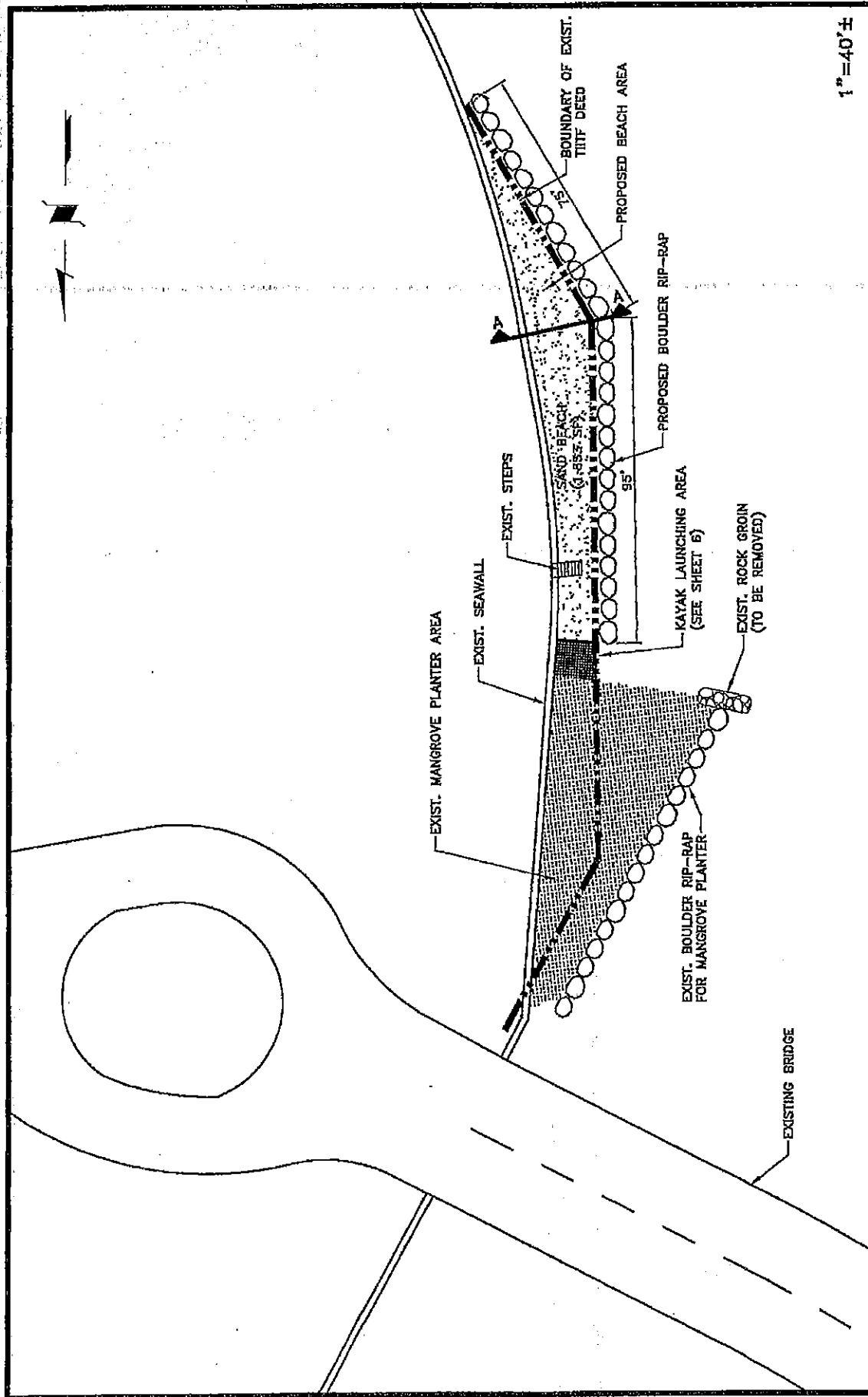
PREPARED BY:  
 Consulting Engineering & Science, Inc.  
 10700 N. Kendall Drive, Suite 400  
 Miami, Florida 33176

COUNTY OF MIAMI-DADE, STATE OF FLORIDA

APPLICATION BY:

Grove Isle Association, Inc.  
 One Grove Isle Drive  
 Coconut Grove, Florida 33133

SHEET 3 OF 8 DATE: 1/12/17



PURPOSE: PROPOSED BEACH AREA SITE PLAN

DATUM: N.G.V.D.

PREPARED BY:

Consulting Engineering & Science, Inc.  
10700 N. Kendall Drive, Suite 400  
Miami, Florida 33176

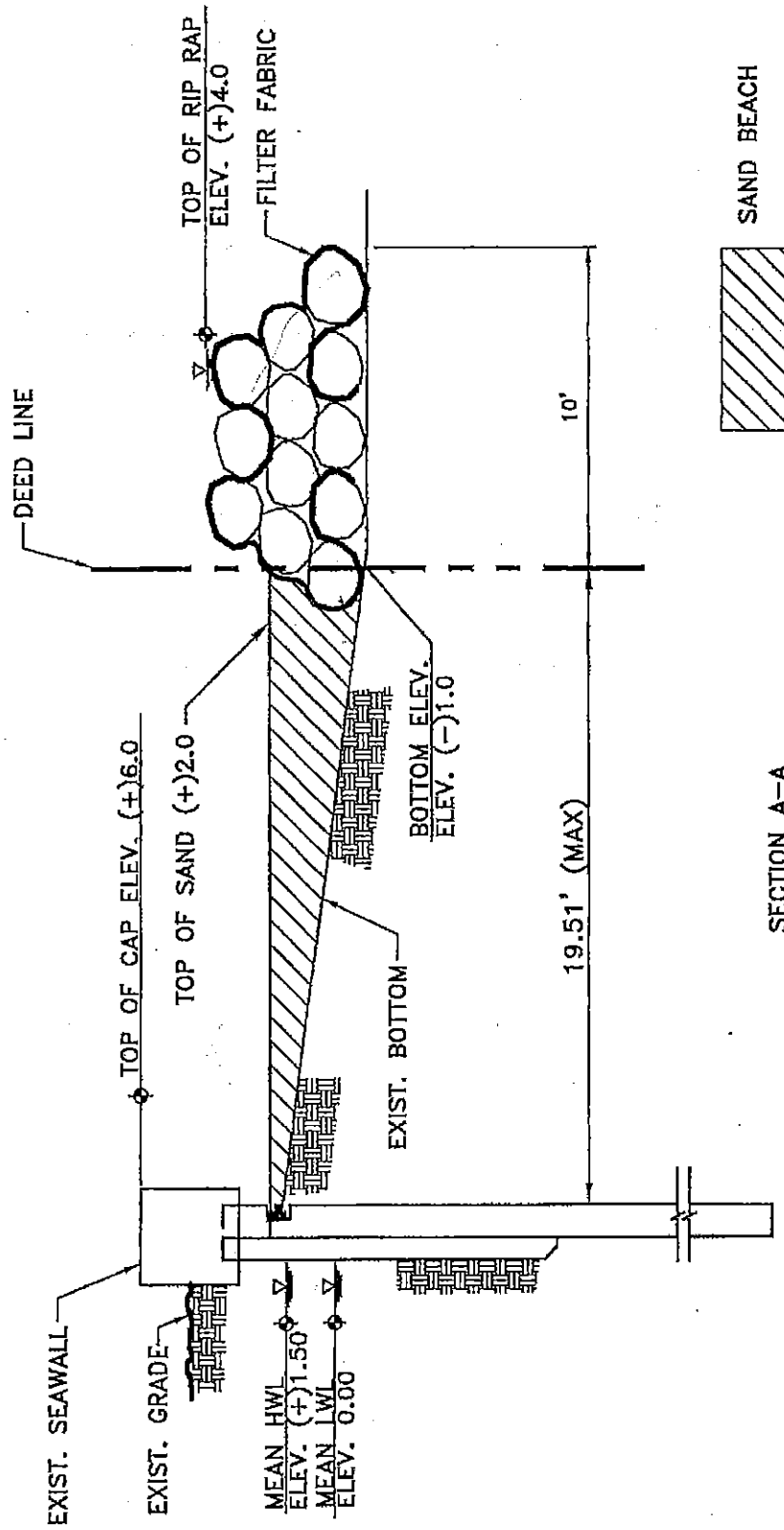
COUNTY OF MIAMI-DADE, STATE OF FLORIDA

APPLICATION BY:

Grove Isle Association, Inc.  
One Grove Isle Drive  
Coconut Grove, Florida 33133

SHEET 4 OF 8

DATE: 1/12/17



3/16" = 1'-0"

PURPOSE: PROPOSED BEACH AREA SECTION

DATUM: N.G.V.D.

PREPARED BY:  
Consulting Engineering & Science, Inc.  
10700 N. Kendall Drive, Suite 400  
Miami, Florida 33176

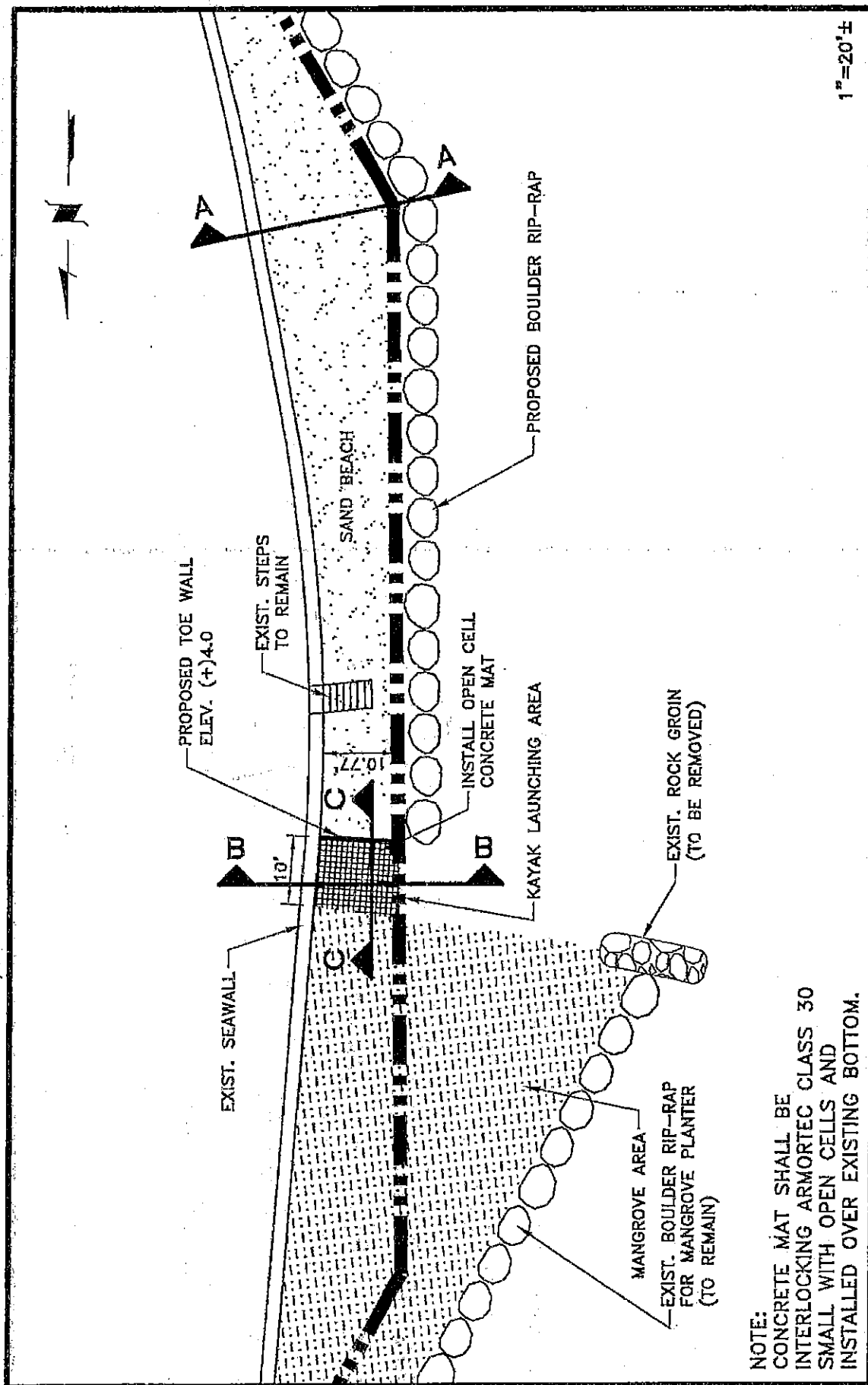
COUNTY OF MIAMI-DADE, STATE OF FLORIDA

APPLICATION BY:

Grove Isle Association, Inc.  
One Grove Isle Drive  
Coconut Grove, Florida 33133

SHEET 5 OF 8

DATE: 1/12/17



PURPOSE: PROPOSED KAYAK LAUNCH AREA SITE PLAN

DATUM: N.G.V.D.

PREPARED BY:

Consulting Engineering & Science, Inc.  
10700 N. Kendall Drive, Suite 400  
Miami, Florida 33176

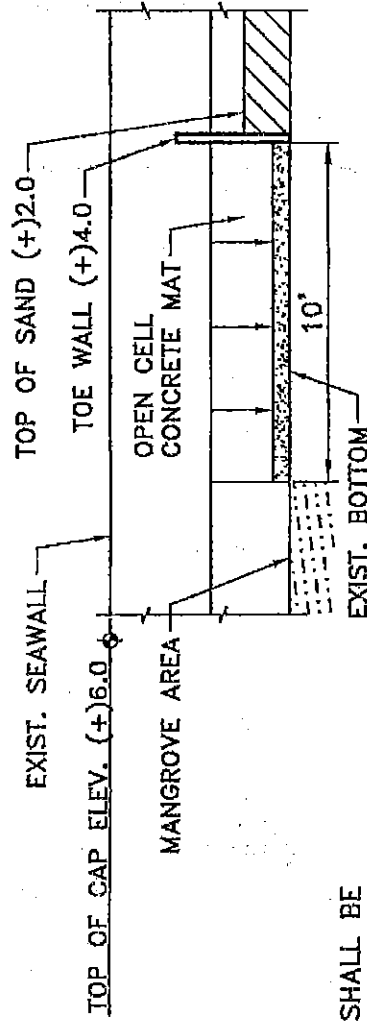
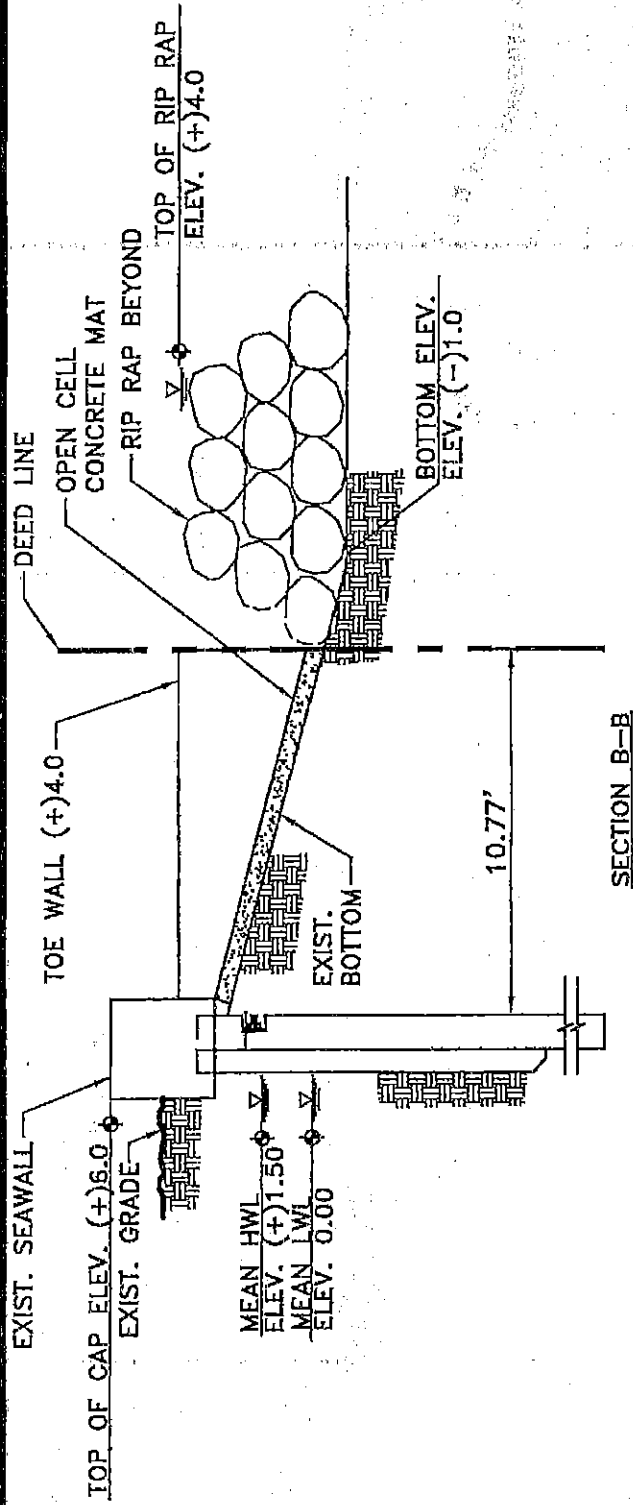
COUNTY OF MIAMI-DADE, STATE OF FLORIDA

APPLICATION BY:

Grove Isle Association, Inc.  
One Grove Isle Drive  
Coconut Grove, Florida 33133

SHEET 6 OF 8

DATE: 1/12/17



NOTE:  
CONCRETE MAT SHALL BE  
INTERLOCKING ARMORTEC CLASS 30  
SMALL WITH OPEN CELLS AND  
INSTALLED OVER EXISTING BOTTOM.

3/16" = 1'-0"

PURPOSE: PROPOSED KAYAK LAUNCH AREA SECTIONS

DATUM: N.G.V.D.

PREPARED BY:

Consulting Engineering & Science, Inc.  
10700 N. Kendall Drive, Suite 400  
Miami, Florida 33176

COUNTY OF MIAMI-DADE, STATE OF FLORIDA

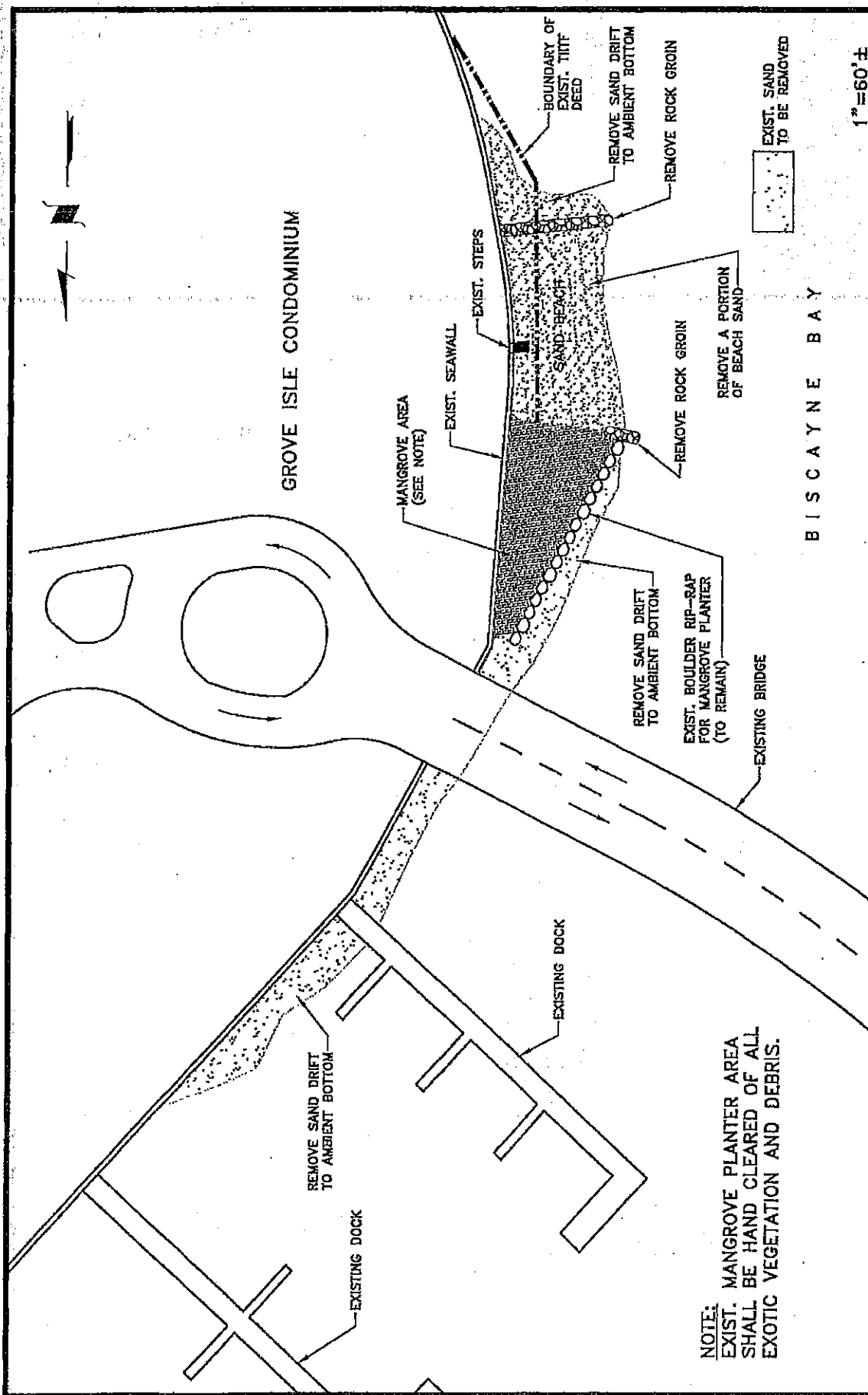
APPLICATION BY:

Grove Isle Association, Inc.  
One Grove Isle Drive  
Coconut Grove, Florida 33133

SHEET 7 OF 8

DATE: 1/12/17





**PURPOSE: MITIGATION PLAN**

DATUM: N/A

PREPARED BY:

Consulting Engineering & Science, Inc.  
10700 N. Kendall Drive, Suite 400  
Miami, Florida 33176

COUNTY OF MIAMI-DADE, STATE OF FLORIDA

APPLICATION BY:

Grove Isle Association, Inc.  
One Grove Isle Drive  
Coconut Grove, Florida 33133

8 30 8 SHEET

DATE: 1/12/17

**Attachment C**  
**Zoning Memorandum**

# Memorandum



**Date:** February 26, 2018

**To:** Pamela Sweeney, Manager *PS*  
Coastal and Wetlands Resources Section  
Department of Regulatory and Economic Resources

**From:** Chrissy Hopps, ERPS *CH*  
Coastal and Wetlands Resources Section  
Department of Regulatory and Economic Resources

**Subject:** Class I Permit Application by Grove Isle Association, Inc. for After-the-Fact Authorization for the Filling of Tidal Waters in Association with the Restoration of a Private Beach and Authorization for the Removal of Unauthorized Rock Groins, Installation of a Riprap Revetment, and Restoration of the Private Beach within Tidal Waters of Biscayne Bay at 1 Grove Isle Drive, Miami, Miami-Dade County, 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 or a plan approval shall be submitted by the applicant stating that the proposed project does not violate any zoning laws. Said letter or plan approval 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**  
**DERM Project Report**

**CLASS I PERMIT APPLICATION NO. CLI-2015-0365**

Class I Permit Application by Grove Isle Association, Inc. for After-the-Fact Authorization for the Filling of Tidal Waters in Association with the Restoration of a Private Beach and Authorization for the Removal of Unauthorized Rock Groins, Installation of a Riprap Revetment, and Restoration of the Private Beach within Tidal Waters of Biscayne Bay at 1 Grove Isle Drive, Miami, Miami-Dade County, Florida.

**DATE: December 18, 2017**

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

1. **Potential Adverse Environmental Impact** – Potential adverse environmental impacts associated with the proposed project are minimal. The project site is located along the southwest shoreline of Grove Isle adjacent to the seawall, and will occur within a shallow beach area which has been present since at least 1971. The project site is exposed at low tide and has historically been utilized as a beach and for water access by the Grove Isle residents. Due to ongoing erosion of the beach area, the applicant installed rock groins and has routinely replenished the beach with sand to counteract erosion; these activities were conducted without the required Class I permit. The applicant is proposing to remove the rock groins and install a riprap revetment with an impermeable liner around the perimeter of the beach in order to elevate and fully contain the beach sand. The project will include a 10 foot wide sloped ramp area that will provide for water access from the new elevated beach. The project will result in the filling of approximately 1,833 square feet of tidal waters.

Pursuant to Section 24-48.4 of the Code, potential adverse environmental impacts and cumulative adverse environmental impacts for a proposed project must be avoided and minimized. The project footprint will not extend outside of the historic beach area, and no significant benthic resources or hardbottom habitat were documented within the proposed filling footprint; therefore, the project is not reasonably expected to result in adverse environmental impacts. The proposed design will raise the beach and associated fill material to an elevation above the mean high water line and will incorporate an impermeable liner and toewall around the perimeter in order to prevent erosion of the material to tidal waters.

The proposed project is not reasonably expected to affect water quality during construction operations. However, the site is located within the Biscayne Bay Aquatic Preserve and in order to minimize any potential water quality impacts, the applicant will be required to implement proper turbidity controls throughout construction operations and ensure that State and County water quality standards are met. Due to shallow water depths, the Class I permit conditions will require that any in-water equipment will maintain sufficient clearance above the submerged bottom and any benthic resources.

Section 24-48.4 of the Code requires mitigation for permissible projects that otherwise result in unavoidable environmental impacts. The mitigation required for the filling of tidal waters will be satisfied through a contribution to the Biscayne Bay Environmental Enhancement Trust Fund.

Staff have determined that the project is consistent with the recommendations of the Miami-Dade County Manatee Protection Plan. The proposed project is not located within an area identified as essential habitat for the West Indian Manatee. However, the Class I permit will require that all standard construction permit conditions regarding manatees be followed during all in-water operations.

2. **Potential Cumulative Adverse Environmental Impact** – The proposed project is not reasonably expected to result in 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 may affect surface water quality on a temporary basis during construction operations. In order to minimize impacts to surface waters, the Class I permit will require that proper turbidity controls be implemented during the proposed work, and will not authorize the use of barges or vessels in association with construction. The staging area for heavy equipment will be required to be located on the adjacent uplands.
5. **Wellfields** – The proposed project is not reasonably expected to adversely affect wellfields.
6. **Water Supply** – The proposed project is not reasonably expected to adversely affect water supply.
7. **Aquifer Recharge** – The proposed project is not reasonably expected to adversely affect aquifer recharge.
8. **Aesthetics** – The proposed project is not reasonably expected to adversely affect aesthetics.
9. **Navigation** – The proposed project is not reasonably expected to adversely affect 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 as set forth in Number 1 above.
15. **Wetland Soils Suitable for Habitat** – The proposed project is not reasonably expected to adversely affect wetland soils suitable for habitat.
16. **Floral Values** – The proposed project is not reasonably expected to adversely affect floral values as set forth in Number 1 above.
17. **Fauna Values** - The proposed project is not reasonably expected to adversely affect fauna values as set forth in Number 1 above.
18. **Rare, Threatened and Endangered Species** – The proposed project is not reasonably expected to adversely affect rare, threatened and endangered species as set forth in Number 1 above.
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 is not reasonably expected to adversely affect wetland values.

21. **Land Use Classification** – Pursuant to Section 24-48.2(II)(B)(7) of the Code of Miami-Dade County, Florida, a substantiating letter stating that the proposed project does not violate any zoning laws, or a plan approval, will be submitted prior to permit issuance. Said letter or plan approval 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 proposed project will occur on lands owned by the applicant and by the State of Florida, and the applicant has obtained authorization from the State.
24. **Conformance with Standard Construction Procedures and Practices and Design and Performance Standards** – The proposed project complies with the standard construction procedures and practices and design and performance standards of the applicable portions of Chapter 33B of the Code of Miami-Dade County and the Miami-Dade County Public Works Manual.
25. **Comprehensive Environmental Impact Statement (CEIS)** - In the opinion of the Director, the proposed project is not reasonably expected to result in significant adverse environmental impacts or cumulative adverse environmental impacts. Therefore, a CEIS was not required by DERM to evaluate the project.
26. **Conformance with All Applicable Federal, State and Local Laws and Regulations** - The proposed project is in conformance with applicable State, Federal and local laws and regulations:
  - a) Chapter 24 of the Code of Miami-Dade County
  - b) United States Clean Water Act (US Army Corps of Engineers permit is required)
  - c) South Florida Water Management District (permit is required).
27. **Conformance with the Miami-Dade County Comprehensive Development Master Plan (CDMP)** - In the opinion of the Director, the proposed project is in conformance with the CDMP. 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 all applicable environmental regulations, is compatible with surrounding land uses in Biscayne Bay and does not involve development in the Big Cypress area of Critical State Concern or the East Everglades.

#### **TRANSPORTATION ELEMENT II**

**Aviation Subelement/Objective AV-5A** - Aviation System Expansion - There is no aviation element to the proposed project.

**Port of Miami River Subelement/Objective 3** – The proposed project is not located within 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, N.W. 12 Street and Okeechobee Road. - The proposed project is not located within 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 will not compromise flood protection.

**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 7/Policy 7A, 7C, 7D, 7J** - Wetland protection and restoration. – The proposed project is not located within a wetland.

**Objective 9/Policies 9A, 9B, 9C** - Protection of habitat critical to Federal or State-designated threatened or endangered species. – The proposed project is not reasonably expected to adversely affect habitat critical to Federal or State-designated threatened or endangered species, and the impacts have been minimized and will be mitigated as set forth in Number 1 above.

**COASTAL MANAGEMENT ELEMENT VII:**

**Objective 1/Policy 1A** – Mangrove wetlands within 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 is not located within coastal wetlands.

**Objective 1/ Policy 1C** - Elevated boardwalk access through mangroves. – The proposed project does not involve the construction of an elevated walkway through mangroves.

**Objective 1/Policy 1D** - Protection and maintenance of mangrove forests and related natural vegetational communities. - The proposed project is not located within a mangrove forest or related natural vegetational community.

**Objective 1/Policy 1E** - Mitigation for the degradation and destruction of coastal wetlands. Monitoring and maintenance of mitigation areas. – The proposed project is not located within 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 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 is in conformance with all applicable portions of the subject Policies as set forth in Number 1 above.
- Objective 3/Policies 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 result in impacts to endangered or threatened species as set forth in Number 1 above.
- Objective 5/Policy 5B** - Existing and new areas for water-dependent uses. - The proposed project will enhance the existing water-dependent use.
- Objective 5/Policy 5D** - Consistency with Chapter 33D, Miami-Dade County Code. (shoreline access, environmental compatibility of shoreline development) – The proposed project site does not meet the thresholds for review by the Shoreline Development Review Committee and the proposed project 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 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 in conformance with the Biscayne Bay Management Plan.
30. **Conformance with the Miami-Dade County Manatee Protection Plan** - The proposed project is consistent with the MPP as set forth in Number 1 above.
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) of the Code of Miami-Dade County, Florida, a substantiating letter stating that the proposed project does not violate any zoning laws, or a plan approval, will be submitted prior to permit issuance. Said letter or plan approval will be submitted after the approval by the Board of County Commissioners and prior to the issuance of a 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.
34. **Maximum Protection of a Wetland's Hydrological and Biological Functions** – The proposed project is not located within a wetland.

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 – Not applicable.

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

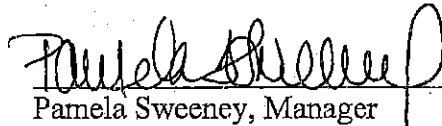
24-48.3 (2) Dredging and Filling for Class I Permit – The proposed project complies with the following criteria:

(f) A physical modification necessary to protect public or private property.

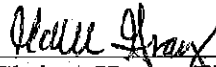
24-48.3 (3) Minimum Water Depth Required for Boat Slips Created by the Construction or Placement of Fixed or Floating Docks and Piers, Piles and Other Structures Requiring a Permit Under Article IV, Division 1 of Chapter 24 of the Code of Miami-Dade County – Not applicable.

24-48.3 (4) Clean Fill in Wetlands – Not applicable.

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



Pamela Sweeney, Manager  
Coastal and Wetlands Resources Section



Chrissy Hopps, ERPS  
Coastal and Wetlands Resources Section



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**DATE:** April 10, 2018

**FROM:**   
Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 5(D)

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
- ☐ Statement of social equity 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(D)  
4-10-18

RESOLUTION NO. \_\_\_\_\_

RESOLUTION TAKING ACTION ON A CLASS I PERMIT APPLICATION BY GROVE ISLE ASSOCIATION, INC. FOR AFTER-THE-FACT AUTHORIZATION FOR THE FILLING OF TIDAL WATERS IN ASSOCIATION WITH THE RESTORATION OF A PRIVATE BEACH AND AUTHORIZATION FOR THE REMOVAL OF UNAUTHORIZED ROCK GROINS, INSTALLATION OF A RIPRAP REVETMENT, AND RESTORATION OF THE PRIVATE BEACH WITHIN TIDAL WATERS OF BISCAYNE BAY AT 1 GROVE ISLE DRIVE, MIAMI, MIAMI-DADE COUNTY, 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 Grove Isle Association, Inc. for after-the-fact authorization for the filling of tidal waters in association with the restoration of a private beach and authorization for the removal of unauthorized rock groins, installation of a riprap revetment, and restoration of the private beach within tidal waters of Biscayne Bay at 1 Grove Isle Drive, Miami, Miami-Dade County, Florida, subject to the conditions set forth in the memorandum from 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:

Esteban L. Bovo, Jr., Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 10<sup>th</sup> day of April, 2018. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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