

# Memorandum



**Date:** February 17, 2021

Agenda Item No. 5(H)

**To:** Honorable Chairman Jose “Pepe” Diaz  
and Members, Board of County Commissioners

**From:** Lourdes M. Gomez, Director  
Department of Regulatory and Economic Resources 

**Subject:** Class I Permit Application by the City of Miami Beach

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## **Recommendation**

I have reviewed the attached application for a Class I permit by the City of Miami Beach 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 on the east side of the Indian Creek Canal between 41 Street and 26 Street, Miami Beach, Miami-Dade County, in Commission District 5, which is represented by Commissioner Eileen Higgins.

## **Fiscal Impact/Funding Source**

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

## **Track Record/Monitor**

The Coastal Resources Section Manager, McKee Gray, 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 by the City of Miami Beach (the City) requests after-the-fact authorization for the filling of tidal waters as well as proposed filling of tidal waters and the removal of approximately 2,209 square feet of mangrove trees in association with the installation of a new concrete seawall along the east side of Indian Creek extending approximately 1.5 miles between 41 Street and 26 Street, in the City of Miami Beach. The proposed project is required to be reviewed by the Board at a public hearing because the filling of tidal waters 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 proposed project extends along the Indian Creek waterway. For all of the upland properties included in the subject application, the City of Miami Beach, as the applicant, has represented that it is the owner with riparian rights or, for the 2811 Indian Creek property, that the City has obtained consent from the property owner, and those representations by the City and the owner consent are included as part of Attachment A to this memorandum. The City has not obtained the necessary owner consent or

ownership interest for a few parcels between 41 Street and 26 Street, identified by folio numbers 02-3226-001-1840 (3865 Indian Creek Drive), 02-3226-001-1470 (3427 Indian Creek Drive), and 02-3226-001-1400 (does not have an address but generally located in the vicinity of 3200 Collin Avenue). Therefore, those parcels are not included in the subject application; however, upon receipt of these property owners’ consent, it is the City’s intention to seek modification of this permit to include these areas. Under the Code, certain approvals may be granted administratively, so it is possible that said modification will not require Board approval. Submerged lands at this location are located within the Biscayne Bay Aquatic Preserve and are owned by the State of Florida. The City has obtained consent from the State for the use of the subject submerged lands. The existing shoreline is stabilized by both concrete and steel sheetpile seawalls in various stages of disrepair.

In August of 2016, the City applied for an administrative Class I permit to install a new concrete seawall along Indian Creek. The new seawall was to be placed no further than 12 inches waterward of the wetface of the existing seawall and this 12 inch limitation enabled work to be processed administratively pursuant to the Code. Class I permit CLI-2016-0222 authorizing the installation of a seawall was issued on November 3, 2016. However, inspections conducted by DERM revealed that sections of the new seawall had been installed significantly beyond 12 inches waterward of the existing seawall (up to 6 feet waterward in some areas). The Code requires that seawalls installed greater than 12 inches waterward of their existing location must be reviewed and approved through a public hearing as a standard form Class I permit application by the Board.

Subsequently the City applied for the subject standard form after-the-fact Class I permit for the unauthorized installation of sections of seawall, for the removal of unauthorized portions of seawall, and for the installation of additional sections of seawall no further than 18 inches waterward of the existing seawall between 41 Street and 26 Street in Miami Beach. Approval of the subject Class I permit application by the Board and subsequent issuance of a Class I permit would bring the unauthorized portions of seawall into compliance with the Code requirements. Note that no unauthorized work has occurred on the three parcels excluded from the subject application (folios 02-3226-001-1840, 02-3226-001-1470, and 02-3226-001-1400).

During the application process, the City identified that the elevation of the existing seawall was not adequate during high tide events and is causing the uplands, including the existing road (a designated evacuation route), to become flooded during extreme tidal events and is seeking to protect and stabilize the shoreline by installing a new concrete seawall. The curvature of the existing seawall within the project area made installation of the new seawall within the previously authorized 12-inch limit challenging, if not impracticable. Therefore, the new concrete seawall and some sections of the existing unauthorized seawall are proposed to be installed and authorized a maximum of 18 inches waterward of the existing seawall. Based on DERM’s evaluation of the site conditions and the information provided by the Professional Engineer of Record, the proposed work will result in the minimal amount of filling of tidal waters necessary to install the proposed seawall.

According to Section 24-48.3(2) of the Code, dredging and filling work proposed in a Class I permit application shall comply with at least one of the criteria listed in that section of the Code. This proposed dredging and filling is the minimum necessary to stabilize the shoreline and therefore complies with

the criteria listed in Section 24.48.3(2)(f) of the Code because it is a physical modification necessary to protect public or private property.

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. Section 24-48.4 of the Code also requires mitigation for permissible projects that otherwise result in adverse environmental impacts. In order to minimize the temporary impacts to water quality as a result of the construction activities associated with the proposed work, the Class I permit will require that turbidity controls be utilized during all phases of construction to ensure compliance with State and County water quality standards. During the DERM biological assessment, a sparse amount of seagrass and mangrove trees were documented within the project footprint. To mitigate for the unavoidable impacts associated with the filling of tidal waters, the impacts to seagrasses, and the temporary impacts to water quality associated with the installation of the new seawall, the City has proposed to place one row of riprap along the toe of the new seawall to extend the life of the seawall and to create habitat. A mitigation bond will be held to ensure the placement of one row of riprap along the length of the new seawall and the balance of mitigation that cannot be accommodated onsite will be satisfied through a contribution to the Biscayne Bay Environmental Enhancement Trust Fund (BBEETF). Additionally, to mitigate for unavoidable impacts to the existing mangroves, a contribution to the BBEETF will be submitted.

The 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 DERM Project Report which sets forth the reasons the proposed project is recommended for approval by DERM pursuant to the applicable evaluation factors and criteria as set forth in Section 24-48.3 of the Code. The conditions, limitations, and restrictions set forth in the attached Project Report are incorporated herein by reference hereto.

**Attachments**

- Attachment A: Class I Permit Application
- Attachment B: Owner/Agent Letter, Engineer Letter and Project Sketches
- Attachment C: Names and Addresses of Owners of All Riparian Property within Three Hundred (300) Feet of the Proposed Work
- Attachment D: DERM Project Report

**Attachment A**

**Class I Permit Application**



# Class I Permit Application

**FOR DEPARTMENTAL USE ONLY**
**Date Received:**
**Application Number:**
**Application Fee:**
**Application must be filled out in its entirety. Please indicate N/A for non-applicable fields.**
**1. Applicant Information:**

Name: City of Miami Beach

Address: 1700 Convention Center Drive
Miami Beach, FL Zip Code: 33139

Phone #: (305) 673-7000

Fax#:

Email: EricCarpenter@miamibeachfl.gov

\* 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: EAS Engineering, Inc.

Address: 55 Almeria Avenue
Coral Gables, FL Zip Code: 33134

Phone #: (305) 445-5553 Fax #: (305) 444-2112

Email: eswakon@eas-eng.com
**3. Location where proposed activity exists or will occur (latitude and longitude are only necessary for properties without address or folio #):**

Folio #(s): (see attached folio list) Latitude: 25.807595 Longitude: -80.125023

Street Address: Section: 23,26,27 Township: 53 S Range: 42 E

In City or Town: Miami Beach Near City or Town:

Name of waterway at location of the activity: Indian Creek
**4. Describe the proposed activity (check all that apply):**

- |   |   |  |                                      |  |
|---|---|--|--------------------------------------|--|
| <input checked="" type="checkbox"/> Seawall                 | <input type="checkbox"/> Dock(s)          | <input type="checkbox"/> Boatlift      | <input type="checkbox"/> Dredging    | <input type="checkbox"/> Mangrove Trimming |
| <input checked="" type="checkbox"/> New/Replacement Seawall | <input type="checkbox"/> Pier(s)          | <input type="checkbox"/> Mooring Piles | <input type="checkbox"/> Maintenance | <input type="checkbox"/> Mangrove Removal  |
| <input checked="" type="checkbox"/> Seawall Cap             | <input type="checkbox"/> Viewing Platform | <input type="checkbox"/> Fender Piles  | <input type="checkbox"/> New         |  |
| <input checked="" type="checkbox"/> Batter Piles            | <input type="checkbox"/> Davits           | <input type="checkbox"/> Filling       |                                      |  |
| <input checked="" type="checkbox"/> King Piles              |   |  |                                      |  |
| <input type="checkbox"/> Footer/Toe Wall                    |   |  |                                      |  |
| <input type="checkbox"/> Riprap                             |   |  |                                      |  |

☐ Other: Project entails the new construction of 2,079 linear feet of seawall and the removal/replacement of 653 linear feet of seawall.
**Estimated project cost = \$** 4,905,600

Are you seeking an after-the-fact approval (ATF)? ☒ Yes ☐ No If "Yes", describe the ATF work: 1,612 linear feet of seawall within 18" of old wet face at creek bottom
**5. Proposed Use (check all that apply):**

- ☐ Single Family  
☐ Multi-Family  
☐ Private  
☒ 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):

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
Corps			01/24/19	Pending
SFWMD			01/24/19	04/21/20

**8. Contractor Information (If known):**

Name: Shoreline Foundation, Inc. License # (County/State): CGC1517337  
 Address: 2781 SW 56th Ave, Pembroke Park, FL Zip Code: 33023  
 Phone #: (954) 985-0460 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.)

City of Miami Beach \_\_\_\_\_ Government Entity \_\_\_\_\_ 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.\*\*\***

Eric Carpenter \_\_\_\_\_ Eric Carpenter \_\_\_\_\_ Assistant City Manager \_\_\_\_\_ 2/21/19  
 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 \_\_\_\_\_ (see below) \_\_\_\_\_ Miami-Dade County, Florida, otherwise identified in the public records of Miami-Dade County as Folio No. \_\_\_\_\_ (see below) \_\_\_\_\_.

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.)

City of Miami Beach \_\_\_\_\_ Government Entity \_\_\_\_\_ Florida \_\_\_\_\_  
 Print Name of Owner (Enter the complete name as registered) \_\_\_\_\_ Type (Corp, LLC, LLP, etc.) \_\_\_\_\_ State of Registration/Incorporation \_\_\_\_\_  
 1700 Convention Center Drive, Miami Beach, FL 33139

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.\*\*\***

Alina Hudak \_\_\_\_\_ Alina Hudak \_\_\_\_\_ Assistant City Manager \_\_\_\_\_ 12/2/2020 | 11:59 AM  
 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

2660 Collins Ave. -- Folio No. 02-3226-001-0781

2701 Indian Creek Dr. -- Folio No. 02-3226-001-0922

2731 Indian Creek Dr. -- Folio No. 02-3226-001-0912

2829 Indian Creek Dr. -- Folio No. 02-3226-039-0005

2835 Indian Creek Dr. -- Folio No. 02-3226-001-0970

2901 Indian Creek Dr. -- Folio No. 02-3226-001-1182

2911 Indian Creek Dr. -- Folio No. 02-3226-001-1172

2925 Indian Creek Dr. -- Folio No. 02-3226-049-0760

3003 Indian Creek Dr. -- Folio No. 02-3226-001-1292

3025 Indian Creek Dr. -- Folio No. 02-3226-036-0005

3101 Indian Creek Dr. -- Folio No. 02-3226-001-1340

3120 Indian Creek Dr. -- Folio No. 02-3226-001-1350

3605 Indian Creek Dr. -- Folio No. 02-3226-001-1635

3715 Indian Creek Dr. -- Folio No. 02-3226-001-1760

4001 Indian Creek Dr. -- Folio No. 02-3226-001-1952

4015 Indian Creek Dr. -- Folio No. 02-3226-017-0005

4021 Indian Creek Dr. -- Folio No. 02-3226-001-1961

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

have acquired an easement at \_\_\_\_\_ (see below) \_\_\_\_\_ Miami-Dade  
 I/We ~~are the fee simple owner(s)~~ of the real property located at \_\_\_\_\_  
 County, Florida, otherwise identified in the public records of Miami-Dade County as Folio No. \_\_\_\_\_ (see below)

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.)

City of Miami Beach \_\_\_\_\_ Government Entity \_\_\_\_\_ Florida \_\_\_\_\_  
 Print Name of Owner (Enter the complete name as registered) \_\_\_\_\_ Type (Corp, LLC, LLP, etc.) \_\_\_\_\_ State of Registration/Incorporation \_\_\_\_\_  
 1700 Convention Center Drive, Miami Beach, FL 33139

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.\*\*\***

Alina Hudak \_\_\_\_\_ Alina Hudak \_\_\_\_\_ Assistant City Manager \_\_\_\_\_ 12/2/2020 | 11:59 AM  
 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

2618 Collins Ave. -- Folio No. 02-3226-001-0760)  
 2642 Collins Ave. -- Folio No. 02-3226-046-001 (Reference)  
 2939 Indian Creek Dr. -- Folio No. 02-3226-019-0001 (Reference)  
 3300 Collins Ave. -- Folio No. 02-3226-001-1430  
 3535 Indian Creek Dr. -- Folio No. 02-3226-011-0001 (Reference)  
 3637 Indian Creek Dr. -- Folio No. 02-3226-001-1640  
 3801 Indian Creek Dr. -- Folio No. 02-3226-044-0001 (Reference)  
 3901 Indian Creek Dr. -- Folio No. 02-3226-032-0001 (Reference)

**Address & Folio Number (City-owned):**

2660 Collins Ave  
02-3226-001-0781

2701 Indian Creek Dr.  
02-3226-001-0922

2731 Indian Creek Dr.  
02-3226-001-0912

2829 Indian Creek Dr.  
02-3226-039-0005

2835 Indian Creek Dr.  
02-3226-001-0970

2901 Indian Creek Dr.  
02-3226-001-1182

2911 Indian Creek Dr.  
02-3226-001-1172

2925 Indian Creek Dr.  
02-3226-049-0760

3003 Indian Creek Dr.  
02-3226-001-1292

3025 Indian Creek Dr.  
02-3226-036-0005

3101 Indian Creek Dr.  
02-3226-001-1340

3120 Indian Creek Dr.  
02-3226-001-1350

3605 Indian Creek Dr.  
02-3226-001-1635

3715 Indian Creek Dr.  
02-3226-001-1760

4001 Indian Creek Dr.  
02-3226-001-1952

4015 Indian Creek Dr.  
02-3226-017-0005

4021 Indian Creek Dr.  
02-3226-001-1961

**Folio Numbers (easement acquired):**

2618 Collins Ave  
02-3226-001-0760

2642 Collins Ave  
02-3226-046-001 (Reference)

2939 Indian Creek Dr.  
02-3226-019-0001 (Reference)

3300 Collins Ave  
02-3226-001-1430

3535 Indian Creek Dr.  
02-3226-011-0001 (Reference)

3637 Indian Creek Dr.  
02-3226-001-1640

3801 Indian Creek Dr.  
02-3226-044-0001 (Reference)

3901 Indian Creek Dr.  
02-3226-032-0001 (Reference)

**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 2811 Indian Creek Dr. Miami-Dade County, Florida, otherwise identified in the public records of Miami-Dade County as Folio No. 02-3226-001-0990

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.)

Watercup 2811 LLC \_\_\_\_\_ LLC \_\_\_\_\_ Florida \_\_\_\_\_  
Print Name of Owner (Enter the complete name as registered) Type (Corp, LLC, LLP, etc.) State of Registration/Incorporation  
5901 NW 151 St. 126, Miami Lakes, FL 33014

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.\*\*\***

 \_\_\_\_\_ Alan Wasserstein \_\_\_\_\_ Manager \_\_\_\_\_ 10-3-20  
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

## **Attachment B**

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



## EAS ENGINEERING, INC.

55 ALMERIA AVE. • CORAL GABLES, FLORIDA 33134 • PHONE: (305) 445-5553 • FAX: (305) 444-2112 • WWW.EAS-ENG.COM

### ENGINEER LETTER OF CERTIFICATION

Miami-Dade County Department of Regulatory and Economic Resources  
Coastal and Wetlands Resources Section  
701 NW 1<sup>st</sup> Court, Suite 600  
Miami, Florida 33136

RE: Class I Standard Form Permit Application Number CLI-2019-0087

Ladies and Gentlemen:

This will certify that I am 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 shall prepare a set of reproducible record prints of drawings showing changes made during the construction process based upon the marked-up prints, drawings and other data furnished by the contractor to me.

Sincerely,



Edward A. Swakon, P.E. #31184

## **PERMIT APPLICANT/ AUTHORIZED AGENT STATEMENT**

Date: April 19, 2019

Miami Dade County Department of Regulatory and Economic Resources  
Coastal and Wetlands Resources Section  
701 NW 1<sup>st</sup> Court  
Miami FL, 33136

Re: Class I Standard Form Permit Application Number CLI- 2019-0087

By the attached Class I Standard Form permit application with supporting documents, I, Edward A. Swakon, am the Permit Applicant's Authorized Permit Agent and hereby request permission to perform the work associated with Class I permit application CLI-2019-0087. 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 registered/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 of Regulatory and Economic Resources. The permit applicant will secure the services of an engineer registered/licensed in the State of Florida to conduct inspections throughout the construction period, and said engineer shall prepare all required drawings of record.

Respectfully submitted,



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Edward A. Swakon, Authorized Agent











Seawall Segment Location	Segment Category	Cross-Section Type	Length (ft.)
17+71.04 to 19+82.27	Construct	Rotated	211.1
19+82.27 to 25+57.44	Remain	Concrete	569.7
25+67.65 to 26+80.00	Remain	Concrete	106.7
26+80.00 to 26+90.00	Remove/Replace	Concrete	10.0
26+90.00 to 29+08.11	Remove/Replace	Concrete	223.1
29+08.11 to 30+31.25	Remain	Concrete	123.3
30+31.25 to 31+91.40	Remove/Replace	Concrete	159.7
31+91.40 to 32+72.16	Remove/Replace	Concrete	80.0
32+72.16 to 35+82.20	Remain	Concrete	311.2
35+82.20 to 35+89.00	Construct	Concrete	6.8
37+79.08 to 37+93.58	Construct	Concrete	14.4
37+93.58 to 38+33.48	Remain	Concrete	39.8
38+33.48 to 39+76.68	Construct	Concrete	146.2
41+76.08 to 44+81.86	Construct	Concrete	313.8
44+81.86 to 45+82.26	Construct	Concrete	100.5
45+82.26 to 46+97.56	Construct	Concrete	115.3
46+97.56 of 48+77.82	Remove/Replace	Concrete	180.0
48+77.82 to 49+67.32	Remain	Concrete	89.8
49+67.32 to 50+82.50	Construct	Concrete	101.5
51+92.60 to 57+49.58	Construct	Sheet pile	557.0
Construction to remain, waterward of existing concrete wall:			1240.5
Remove constructed and replace, waterward of existing concrete wall:			652.8
New construction, waterward of existing concrete wall:			798.5
New construction, waterward of existing concrete wall:			211.1
New construction, waterward of existing sheet pile wall:			557.0
<b>Total:</b>			<b>3459.9</b>

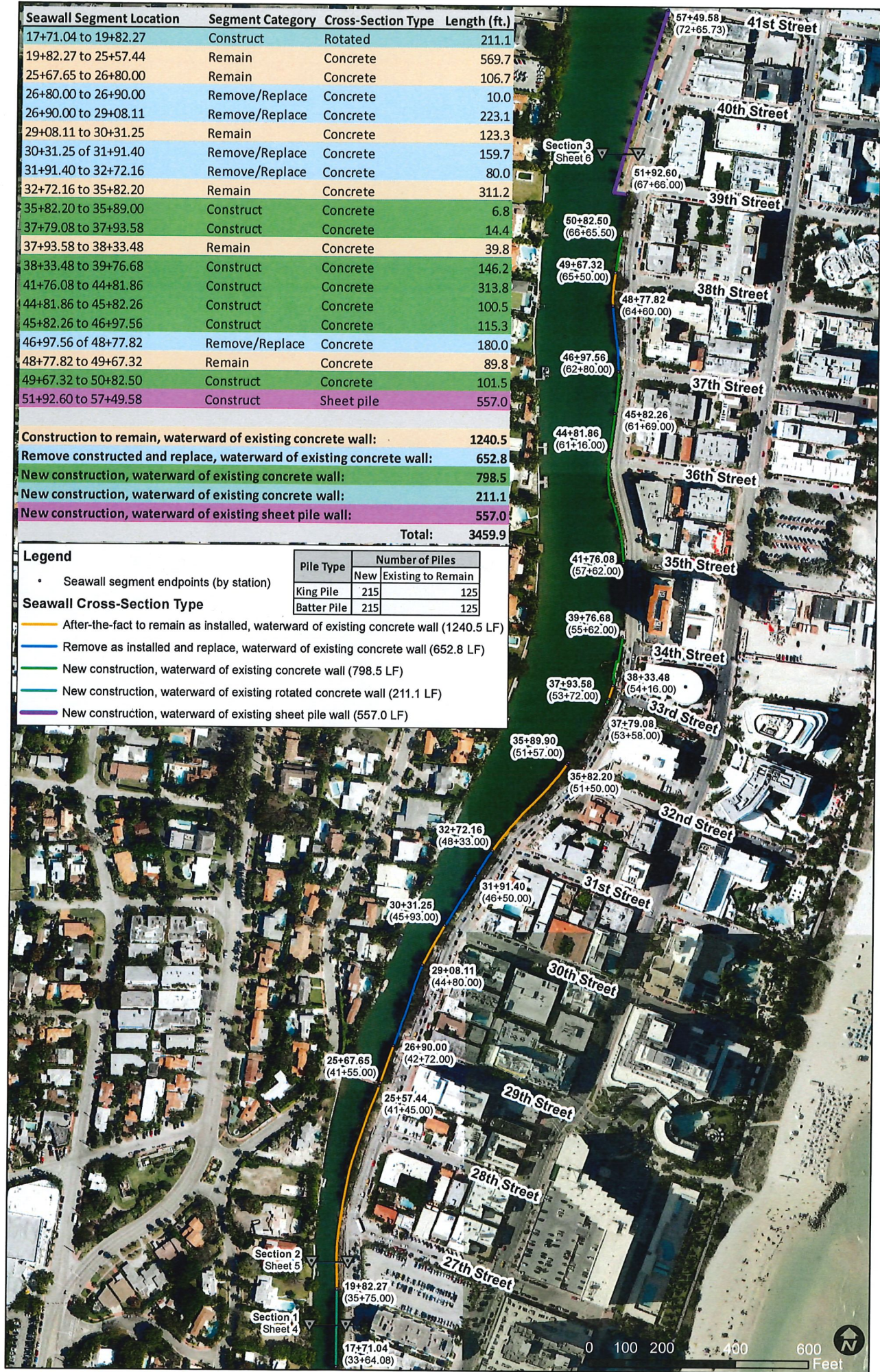
**Legend**

- Seawall segment endpoints (by station)

**Seawall Cross-Section Type**

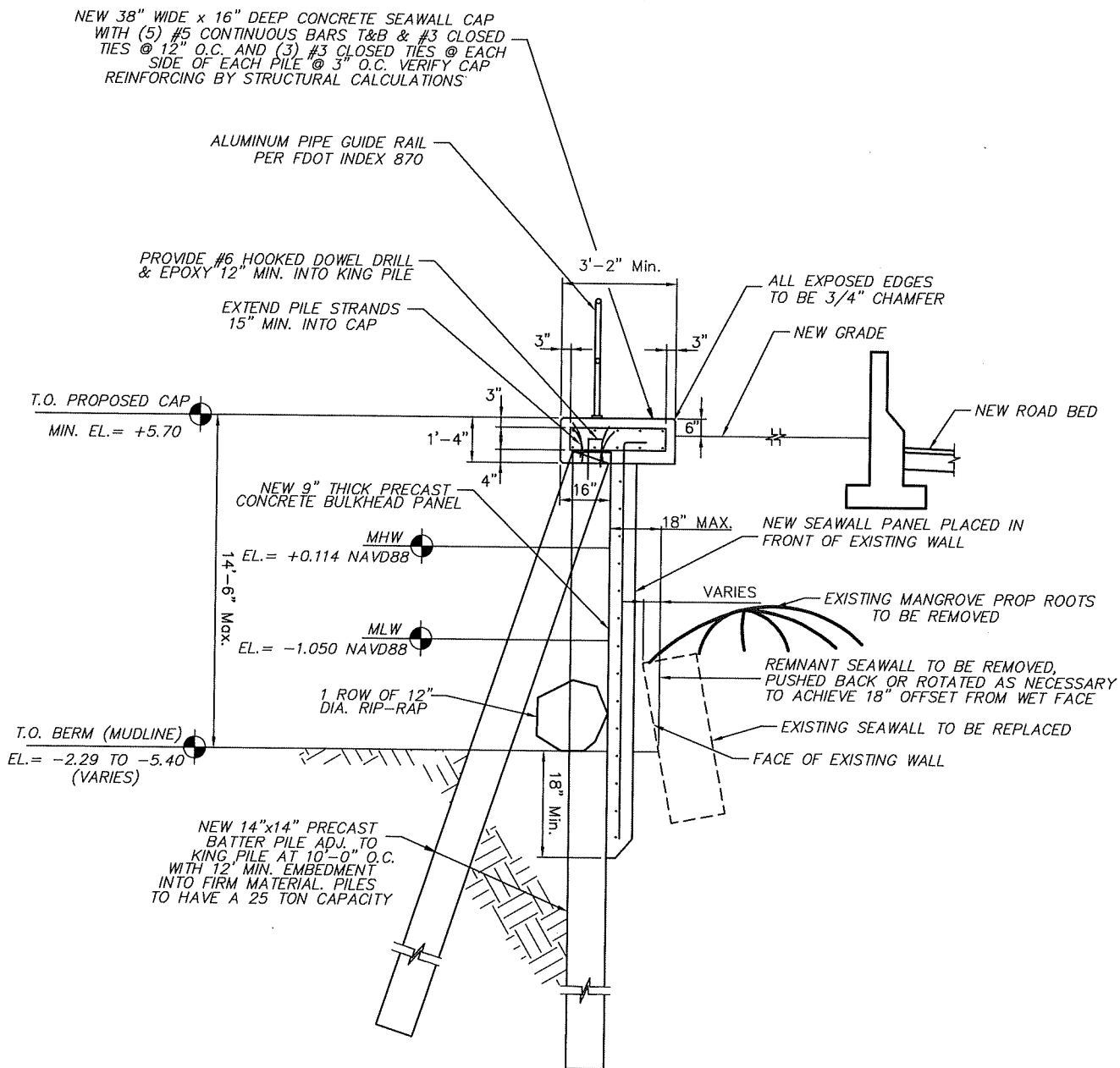
- After-the-fact to remain as installed, waterward of existing concrete wall (1240.5 LF)
- Remove as installed and replace, waterward of existing concrete wall (652.8 LF)
- New construction, waterward of existing concrete wall (798.5 LF)
- New construction, waterward of existing rotated concrete wall (211.1 LF)
- New construction, waterward of existing sheet pile wall (557.0 LF)

Pile Type	Number of Piles	
	New	Existing to Remain
King Pile	215	125
Batter Pile	215	125





REV.	DATE	DESCRIPTION



1 - PROPOSED SEAWALL SECTION FROM STA. 33+64.08 TO 35+75

N.T.S.

PURPOSE: **ROTATED SECTION**

DATUM: NAVD88

JOB #: 2018-02

**EAS ENGINEERING, INC.**

65 ALMERIA AVENUE CORAL GABLES 33134 (305)446-6653

COUNTY OF MIAMI-DADE

STATE OF FLORIDA

APPLICATION BY:

**CITY OF MIAMI BEACH**

1700 CONVENTION CENTER DR

MIAMI BEACH, FLORIDA

SHEET 4

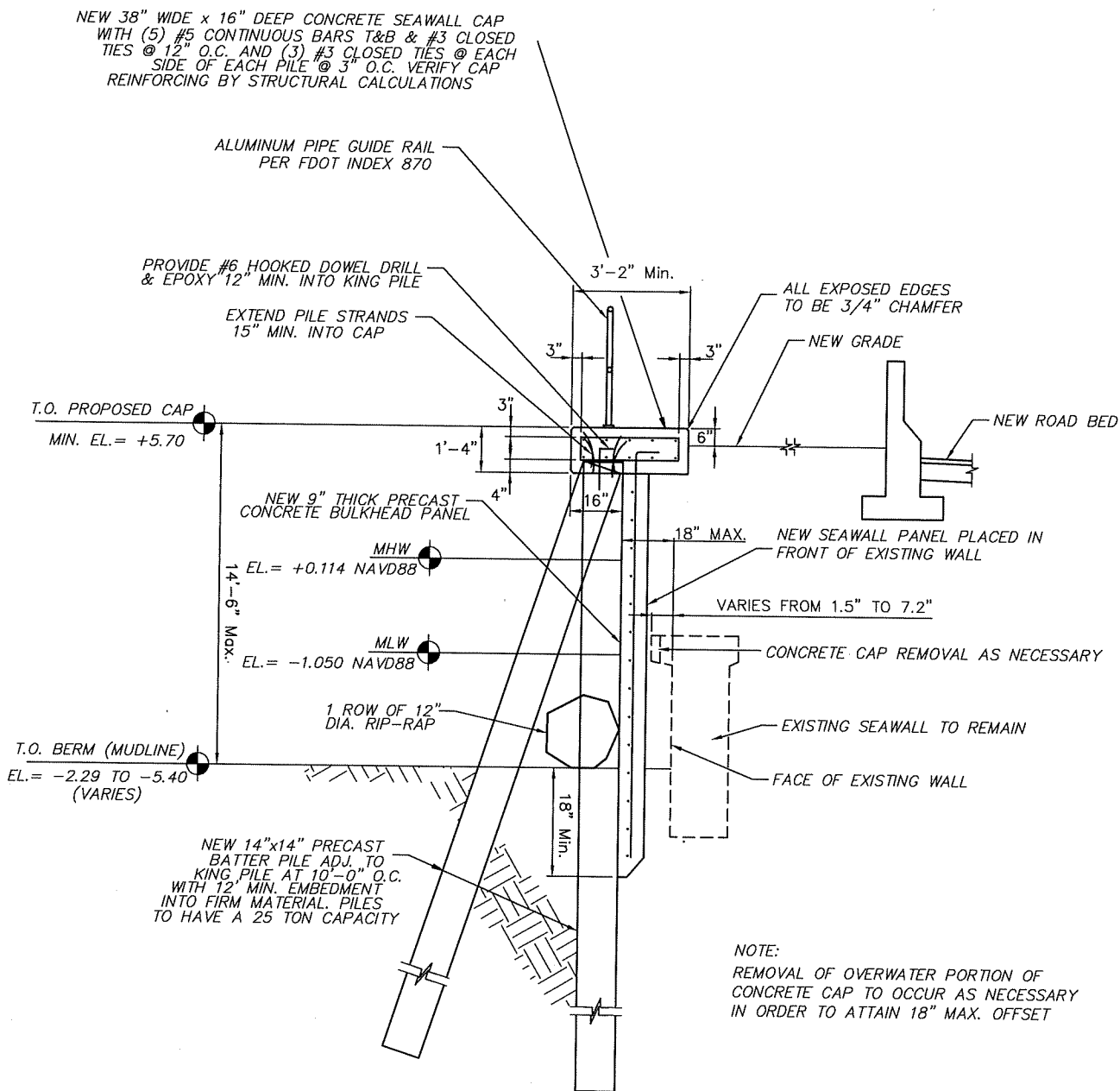
DATE: 04/01/20

SECTION: 23,26,27

TOWNSHIP: 53S

RANGE: 42E

REV.	DATE	DESCRIPTION



2 - PROPOSED SEAWALL SECTION FROM STA. 35+75 TO 67+60

N.T.S.

PURPOSE: **VERTICAL SECTION**

DATUM: NAVD88

JOB #: 2018-02

**EAS ENGINEERING, INC.**

55 ALMERIA AVENUE CORAL GABLES 33134 (305)446-5553

COUNTY OF MIAMI-DADE

STATE OF FLORIDA

APPLICATION BY:

**CITY OF MIAMI BEACH**

1700 CONVENTION CENTER DR

MIAMI BEACH, FLORIDA

SHEET 5

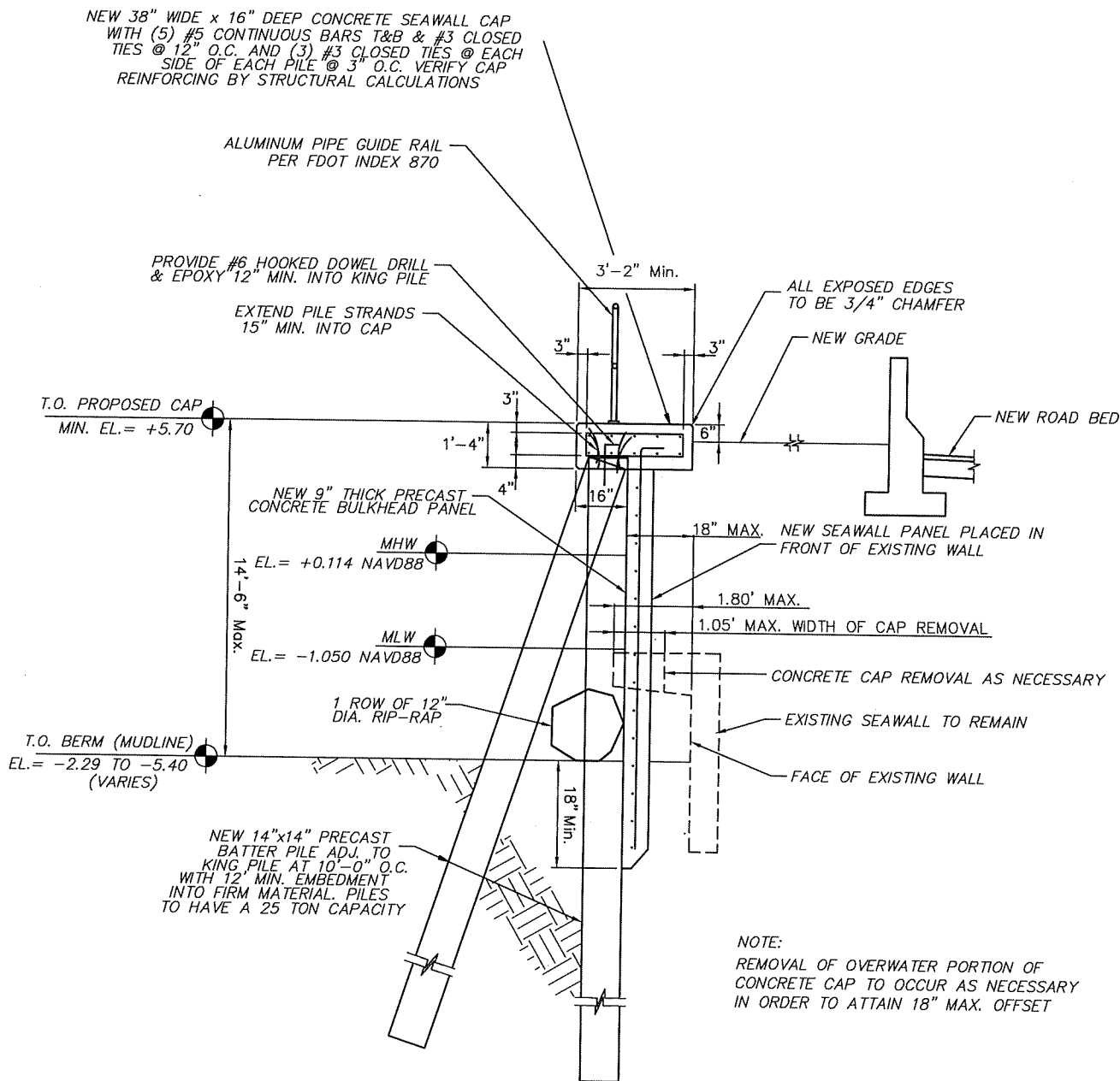
DATE: 04/01/20

SECTION: 23,26,27

TOWNSHIP: 53S

RANGE: 42E

REV. DATE	DESCRIPTION



3 - PROPOSED SEAWALL SECTION FROM STA. 67+60 TO 72+65.73

N.T.S.

PURPOSE: **SHEET PILE SECTION**

DATUM: NAVD88

JOB #: 2018-02

**EAS ENGINEERING, INC.**

55 ALMERIA AVENUE CORAL GABLES 33134 (305)446-5553

COUNTY OF MIAMI-DADE

STATE OF FLORIDA

APPLICATION BY:

**CITY OF MIAMI BEACH**

1700 CONVENTION CENTER DR

MIAMI BEACH, FLORIDA

SHEET 6

DATE: 04/01/20

SECTION: 23,26,27

TOWNSHIP: 53S

RANGE: 42E



## **Attachment C**

### **Names and Addresses of Owners of All Riparian or Wetland Property within Three Hundred (300) Feet of the Proposed Work**

**Bealah Rudner Le & Liz Steinman,**  
**Lessee: Bay Point Office Tower**  
**180 Island Drive**  
**Key Biscayne, FL 33149**

MIAMI BEACH, FL 33149

**Ljubo Skrbic**  
**4012 Garden Ave # 1**  
**West Palm Beach, FL 33405**

**ERY® 5260™**

e  
140

Tricel International LLC  
800 Brickell Ave # 1501  
Miami, FL 33131

Craig Edelstein  
201 East Dilido Drive  
Miami Beach, FL 33139

Isser Elishis & W Yona  
3675 Flamingo Drive  
Miami Beach, FL 33140-3924

Todd Glaser, Kim Glaser  
3681 Flamingo Drive  
Miami Beach, FL 33140-3924

All Souls Episcopal Church  
4025 Pine Tree Drive  
Miami Beach, FL 33140-3601

Silver Tree Inc % Walgreen Co  
# 3942  
PO box 1159  
Deerfield, IL 60015

Alamo Hotel LLC  
210-71 ST #309  
Miami Beach, FL 33141

All of Eight Investments LLC  
1026 West Central Blvd  
Orlando, FL 32805

Central Fla Invest Inc.  
5601 Windhover Drive  
Orlando, FL 32819

29 ICD LLC  
2922 Avenue R  
Brooklyn, NY 11229

29 ICD LLC  
2922 Avenue R  
Brooklyn, NY 11229

Watercup 2811 LLC  
5901 NW 151 ST 126  
Miami Lakes, FL 33014

2618 Collings Capital Holdings  
LLC  
17070 Collins Ave 256  
Sunny Isles Beach, FL 33160

S Teller & Efekta Institute FH  
Lessee: EF Schools Inc.  
204 Lake Street  
Brighton, MA 02131

Como Traymore LLC  
2445 Collins Ave  
Miami Beach, FL 33140-4702

Lance Burstyn  
2505 Flamingo Drive  
Miami Beach, FL 33140

Nelson Gonzalez & W Mariella  
2515 Flamingo Drive  
Miami Beach, FL 33140-4134

Rhonda Pearl TRS  
2525 Flamingo Drive  
Miami Beach, FL 33140

David Muhlrud & W Candace  
2545 Flamingo Drive  
Miami Beach, FL 33140-4134

2575 Flamingo Drive LLC  
2575 Flamingo Drive  
Miami Beach, FL 33140

Joseph Lengyel Trustee  
2601 Flamingo Drive  
Miami Beach, FL 33140-4316

Blanchimont Real Estate LLC  
175 SW 7<sup>th</sup> Street # 1606  
Miami Beach, FL 33130

Shoshana Schechter TRS, Diamont  
Candiotti FBO, Shoshana Schechter  
FBO  
2637 Flamingo Dr.  
Miami Beach, FL 33140

Jay M Bass & W Kathryn  
2653 Flamingo Drive  
Miami Beach, FL 33140-4316

Mandarini LLC Trs, Mandarini Tust  
2675 Flamingo Drive  
Miami Beach, FL 33140

Timothy P. Barber  
917 S lusk Street St 300  
Boise, ID 83706

Glenn Kendall  
2801 Flamingo Drive  
Miami Beach, FL 33140-3914

Steven Wayne Patterson, Carly  
Patterson  
2901 Flamingo Drive  
Miami Beach, FL 33140

John Kane  
210 Commerce Way  
Suite 300  
Portsmouth, NH 03801

Deborah Samuel  
2925 Flamingo Drive  
Miami Beach, FL 33140

Liad P Zadok  
360 NE 59 TR  
Miami, FL 33137

Baba Joshua Yesharim  
2133 N Meridian Ave  
Miami Beach, FL 33139

William R Holloway, WRH  
Ventures LLC  
4201 Collins Ave #2601  
Miami Beach, FL 33140

Ronald Gottlieb & W Sara  
2995 Flamingo Drive  
Miami Beach, FL 33140-3916

Rochelle Barbara Wien TRS  
3005 Flamingo Drive  
Miami Beach, FL 33140

National Realty Ltd  
PO Box F 40170  
Freeport Grand Bahama Island  
Bahamas

Terry Sue Diamond LE  
Rem Terry Sue Diamond Rev Trust  
3301 Flamingo Drive  
Miami Beach, FL 33140

Jack Holder & W Rita  
3303 Flamingo Drive  
Miami Beach, FL 33140-3920

William R. Holloway, Jean Louis  
Deniot  
4401 Collins Ave 2 1504  
Miami Beach, FL 33140

Ilonka Padeh  
3355 Flamingo Drive  
Miami Beach, FL 33140-3920

Alan Jay Cohen & W Dorothy  
3501 Flamingo Drive  
Miami Beach, FL 33140-3922

Tzvi Bogomilsky, Sara Bogomilsky  
3701 Pine Tree Drive  
Miami Beach, FL 33140

Flamingo 3525 LLC  
440 N Andrews Ave  
Fort Lauderdale, FL 33301

Oren Alexander JTRS, Tal  
Alexander JTRS, Alon Alexander  
JTRS  
3541 Flamingo Drive  
Miami Beach, FL 33140

Veronica Sanmartino Flick  
3555 Flamingo Drive  
Miami Beach, FL 33140

**Additional Mailing Labels for Riparian Property Owners within 300'**

Zuckerman Vernon Corp  
2701 N Course Dr APT 416  
Pompano Beach, FL 33069

ZCLL VI LLC  
38294 Pelton Road  
Willoughby, OH 44094

Judith Richard  
2675 Flamingo Dr  
Miami Beach, FL 33140

Babba Joshua Yescharim  
2133 N Meridian Ave  
Miami Beach, FL 33139

Gerardo Lopez Fojaca  
2979 Flamingo Dr  
Miami Beach, FL 33140

3017 Flamingo LLC  
3017 Flamingo Dr  
Miami Beach, FL 33140

David Gray & W Marilyn  
3575 Flamingo Dr  
Miami Beach, FL 33140

Marc Lehmann  
3575 Flamingo Dr  
Miami Beach, FL 33140

Robin Jacobs  
3591 Flamingo Dr  
Miami Beach, FL 33140

Moshe Popack  
3675 Flamingo Dr  
Miami Beach, FL 33140

Ara K Hovnanian  
2925 Flamingo Dr  
Miami Beach, FL 33140

Merl Manor Condominium Association, Inc.  
c/o Beach Properties, Inc.  
PO Box 403818  
Miami Beach, FL 33140

Beach Plaza South Condominium Association, Inc.  
2939 Indian Creek Dr #201  
Miami Beach, FL 33140

Massada Condominium Association, Inc,  
3901 Indian Creek Dr  
Miami Beach, FL 33140

Lake Beach Club Condominium Association, Inc.  
2600 Collins Ave, Unit 203  
Miami Beach, FL 33140

Riverview Villas Condo  
3801 Indian Creek Dr  
Miami Beach, FL 33140

Capomar Condominium Association, Inc.  
2642 Collins Ave  
Miami Beach, FL 33140

**Attachment D**  
**DERM Project Report**

**CLASS I PERMIT APPLICATION NO. CLI-2019-0087**

Class I Permit Application by the City of Miami Beach for the Filling of Tidal Waters and Removal of Mangroves in Association with the Installation of a new Seawall along the East Side of Indian Creek between 41 Street and 26 Street, in the City of Miami Beach, Miami-Dade County, Florida

**DATE: December 4, 2020**

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** – The proposed project extends along the Indian Creek waterway. For all of the upland properties included in the subject application, the City of Miami Beach, as the applicant, has represented that it is the owner with riparian rights or has obtained consent from the property owner, and those representations by the City and the owner consent are included as part of Attachment A to the Mayor's memorandum. Submerged lands at this location are located within the Biscayne Bay Aquatic Preserve and are owned by the State of Florida. The City has obtained consent from the State for the use of the subject submerged lands. The existing shoreline is stabilized by both concrete and steel sheetpile seawalls in various stages of disrepair.

In August of 2016, the City applied for an administrative Class I permit to install a new concrete seawall along Indian Creek. The new seawall was to be placed no further than 12 inches waterward of the wetface of the existing seawall and this 12 inch limitation enabled work to be processed administratively pursuant to the Code. Class I permit CLI-2016-0222 authorizing the installation of a new seawall was issued on November 3, 2016. However, inspections conducted by DERM revealed that sections of the new seawall had been installed significantly beyond 12 inches waterward of the existing seawall (up to 6 feet waterward in some areas). The Code requires that seawalls installed greater than 12 inches waterward of their existing location must be reviewed and approved through a public hearing as a standard form Class I permit application by the Board.

Subsequently, the City applied for the subject standard form after-the-fact Class I permit for the unauthorized installation of sections of seawall, for the removal of unauthorized portions of seawall and for the installation of additional sections of seawall between 41 Street and 26 Street in Miami Beach. Approval of the subject Class I permit application by the Board and subsequent issuance of a Class I permit would bring the unauthorized portions of seawall into compliance with the Code requirements.

During the application process, the City identified that the elevation of the existing seawall was not adequate during high tide events and is causing the uplands, including the existing road (a designated evacuation route), to become flooded during extreme tidal events and is seeking to protect and stabilize the shoreline by installing a new concrete seawall. The curvature of the existing seawall within the project area made installation of the new seawall within the previously authorized 12-inch limit challenging, if not impracticable; therefore, the new concrete seawall and some sections of the existing unauthorized seawall are proposed to be installed and authorized a maximum of 18 inches waterward of the existing seawall. Based on DERM's evaluation of the site conditions and the information provided by the professional engineer of record, the proposed work will result in the minimal amount of filling of tidal waters necessary to install the proposed seawall.

According to Section 24-48.3(2) of the Code, dredging and filling work proposed in a Class I permit application shall comply with at least one of the criteria listed in that section of the Code. This proposed dredging and filling is the minimum necessary to stabilize the shoreline and therefore complies with the criteria listed in Section 24.48.3(2)(f) of the Code because it is a physical modification necessary to protect public or private property.



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. Section 24-48.4 of the Code also requires mitigation for permissible projects that otherwise result in adverse environmental impacts. In order to minimize the temporary impacts to water quality as a result of the construction activities associated with the proposed work, the Class I permit will require that turbidity controls be utilized during all phases of construction to ensure compliance with State and County water quality standards. During the DERM biological assessment a sparse amount of seagrass and 50 square feet of white mangroves were documented within the project footprint. To mitigate for the unavoidable impacts associated with the filling of tidal waters, the impacts to seagrasses, and the temporary impacts to water quality associated with the installation of the new seawall, the City has proposed to place one row of riprap along the toe of the new seawall to extend the life of the seawall and to create habitat. A mitigation bond will be held to ensure the placement of one row of riprap along the length of the new seawall and the balance of mitigation that cannot be accommodated on-site will be satisfied through a contribution to the Biscayne Bay Environmental Enhancement Trust Fund (BBEETF). Additionally, to mitigate for unavoidable impacts to the existing mangroves a contribution to the BBEETF will be submitted.

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 is not reasonably expected to result in adverse impacts to water quality. Although the proposed project may result in minor temporary impacts to surface water quality during construction operations, potential impacts will be minimized and mitigated as set forth in Number 1 above.
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 location of the proposed work will be located along the shoreline leaving most of the canal navigable; therefore, the project is not reasonably expected to 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 does not involve any work in wetland soils.
16. **Floral Values** – The proposed project is not reasonably expected to adversely affect floral values.
17. **Fauna Values** - The proposed project is not reasonably expected to adversely affect fauna values.
18. **Rare, Threatened and Endangered Species** – The proposed project is not reasonably expected to adversely affect rare, threatened and endangered species. The proposed project is consistent with the Miami-Dade County Manatee Protection Plan. The subject property is not located within an area designated as essential habitat for the West Indian Manatee; however, the Class I permit will require that all standard manatee construction conditions be followed during all in water operations.
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 result in adverse impacts to wetland values.
21. **Land Use Classification** – Pursuant to Section 24-48.2(II)(B)(7) of the Code of Miami-Dade County, Florida, applications for Class I permits by a municipality within its own jurisdiction shall not be required to submit a substantiating letter or plan approval from the local zoning authority.
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. For all of the upland properties, the City of Miami Beach, as the applicant, has represented that it is the owner with riparian rights or has obtained consent from the property owner. The City has obtained consent from the State for the use of the subject submerged lands.
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) Florida Department of Environmental Protection (FDEP regulatory authorization or exemption is required)
27. **Conformance with the Miami-Dade County Comprehensive Development Master Plan (CDMP)** - In the opinion of the Director, the proposed project is consistent as required by CDMP policy LU-3A, with the goals, objectives and policies contained in the Conservation, Aquifer Recharge and Drainage and Coastal Management Elements of this Plan, and with all applicable environmental regulations, as well as other elements of 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** – Minimization of impacts to estuarine water quality and marine resources. 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, NW 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. The subject property is not located within an area designated as essential habitat for the West Indian manatee. The Class I permit will require that all standard manatee construction conditions be followed during all in water operations.

#### **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 does not involve beach restoration or renourishment.

**Objective 3/Policies 3E, 3F** - Location of new cut and spoil areas for proper stabilization and minimization of damages. - The Class I permit will include conditions to ensure that the modified shoreline is stable, and is maintained in a manner that prevents erosion into tidal waters.

**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. The subject property is not located within an area designated as essential habitat for the West Indian manatee. The Class I permit will require that all standard manatee construction conditions be followed during all in water operations.

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

**Objective 5/Policy 5D** - Consistency with Chapter 33D, Miami-Dade County Code. (shoreline access, environmental compatibility of shoreline development) – The proposed project site is not located within the Shoreline Development Review boundaries; therefore, the thresholds for review by the Shoreline Development Review Committee under the Shoreline Ordinance do not apply 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 not within an area identified by the Miami-Dade County Manatee Protection Plan (MPP) as essential manatee habitat. The Class I permit will require that all standard manatee construction conditions be followed during all in water operations. The Class I permit will require that all standard manatee construction conditions be followed during all water operations.

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

32. **Zoning Recommendation** – Pursuant to Section 24-48.2(II)(B)(7) of the Code of Miami-Dade County, Florida, applications for Class I permits by a municipality within its own jurisdiction shall not be required to submit a substantiating letter or plan approval from the applicable zoning authority.

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 does not involve impacts to wetlands.

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:

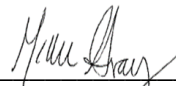
(f) A physical modification necessary to protect public or private property.

**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** – The proposed project does not involve the creation of a boat slip.

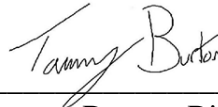
**24-48.3 (4) Clean Fill in Wetlands** – The project involves filling; all fill will meet the definition of clean fill as defined in Section 24-5 of the Code of Miami-Dade County.

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



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McKee Gray, Manager  
Coastal Resources Section



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Tammy Burton, Biologist II  
Coastal Resources Section




## MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**DATE:** February 17, 2021

**FROM:**   
Gen Bonzon-Keenan  
Successor County Attorney

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

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 present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_ 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(H)  
2-17-21

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

RESOLUTION TAKING ACTION ON A CLASS I PERMIT APPLICATION BY THE CITY OF MIAMI BEACH FOR THE FILLING OF TIDAL WATERS AND REMOVAL OF MANGROVE TREES IN ASSOCIATION WITH THE INSTALLATION OF A NEW SEAWALL ALONG THE EAST SIDE OF INDIAN CREEK BETWEEN 41 STREET AND 26 STREET, IN THE CITY OF MIAMI BEACH, 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 the City of Miami Beach for the filling of tidal waters and removal of mangrove trees in association with the installation of a new seawall along the east side of Indian Creek between 41 Street and 26 Street, in the City of Miami Beach, 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:

Jose "Pepe" Diaz, Chairman	
Oliver G. Gilbert, III, Vice-Chairman	
Sen. René García	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared this resolution duly passed and adopted this 17<sup>th</sup> day of February, 2021. 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  
Christopher J. Wahl