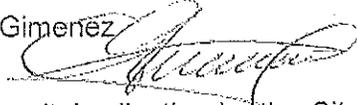


Date: June 5, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

Agenda Item No. 5(G)

From: Carlos A. Gimenez
Mayor



Subject: Class I Permit Application by the City of Miami Beach and Request for a Variance from Section 24-48.24 of the Code of Miami-Dade County, Florida for the Construction of Non-Water Dependent Canopies Associated with the Replacement of the South Pointe Park Fishing Pier within Government Cut in the City of Miami Beach

Resolution No. R-452-12

Attached, please find for your consideration an application by the City of Miami Beach for a Class I permit and a variance. Also attached is the recommendation of the Department of Regulatory and Economic Resources and a proposed resolution approving the issuance of the Class I permit.



Jack Osterholt, Deputy Mayor

Memorandum



Date: May 17, 2012

To: Carlos A. Gimenez
Mayor

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

Subject: Class I Permit Application by the City of Miami Beach and Request for a Variance from Section 24-48.24 of the Code of Miami-Dade County, Florida for the Construction of Non-Water Dependent Canopies Associated with the Replacement of the South Pointe Park Fishing Pier within Government Cut in the City of Miami Beach

Recommendation

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

Scope

The project site is along the north jetty inside Government Cut at South Pointe Park at 1 Washington Avenue, Miami Beach, in Commissioner Barreiro's District 5.

Fiscal Impact/Funding Source

Not applicable

Track Record/Monitor

The Coastal Resources Section Manager in the Miami-Dade Department of Regulatory and Economic Resources will monitor the terms and conditions of this permit.

Background

The attached application for a Class I permit and a variance requests authorization for the replacement of a public fishing pier and the construction of non-water dependent canopies associated with the pier located at 1 Washington Avenue in the City of Miami Beach, Miami-Dade County, Florida. As applicant, the City of Miami Beach is proposing the installation of two (2) non-water-dependent fixed canopies on the fishing pier. Non-water-dependent fixed structures are prohibited pursuant to Section 24-48.24 of the Code. Therefore, the applicant is seeking a variance from this prohibition, which may be granted by the Board at a public hearing.

The project site consists of a public park with an existing fishing pier owned by the City of Miami Beach and located along the north jetty within Government Cut. The pier provided public access for sightseeing and fishing but is now in poor structural condition and is closed. The pier replacement project will occur on submerged lands within a perpetual easement granted by the State of Florida to the City of Miami Beach (Attachment D).

The applicant is proposing to install two (2) permanent canopies on the pier. The canopies are non-water-dependent fixed structures and are prohibited by Section 24-48.24 of the Code. Section 24-48.25 of the Code lists factors for consideration for such variance requests, including but not limited to: visual or physical access by the general public to Biscayne Bay and its adjacent tidal waters, historical significance, environmental impact, navigation, public safety and aesthetics. The proposed canopies will provide the public with protection from the elements, thereby increasing the public safety of users. Since the non-water-dependent structures are not expected to impact navigation or have cumulative environmental impacts, the Department of Regulatory and Economic Resources recommends that the variance for the installation of non-water-dependent fixed structures be granted. The canopy details are included in Attachment B.

The project is not located within an area identified by the Miami-Dade County Manatee Protection Plan as essential manatee habitat for the West Indian Manatee (*Trichechus manatus*). However, the Class I permit will require that all standard manatee conditions be followed during all construction operations.

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

Attachments

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

NOTICE OF PUBLIC HEARING ON AN APPLICATION BY THE CITY OF MIAMI BEACH FOR A CLASS I PERMIT AND A VARIANCE FROM SECTION 24-48.24 OF THE CODE OF MIAMI-DADE COUNTY FOR THE CONSTRUCTION OF NON-WATER DEPENDENT CANOPIES ASSOCIATED WITH THE REPLACEMENT OF THE SOUTH POINTE PARK FISHING PIER WITHIN GOVERNMENT CUT, AT THE SOUTH POINTE PARK AT 1 WASHINGTON AVENUE, MIAMI BEACH, FLORIDA.

BOARD OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

NOTICE IS HEREBY GIVEN pursuant to Article IV, Division 1 of Chapter 24 of the Code of Miami-Dade County that the Board of County Commissioners of Miami-Dade County will hold and conduct a public hearing on a request by the City of Miami Beach. for a Class I Permit and a variance from Section 24-48.24 of the Code of Miami-Dade County for the construction of non-water dependent canopies associated with the replacement of the South Pointe Park Fishing Pier within Government Cut, at the South Pointe Park at 1 Washington Avenue, Miami Beach, Florida. Such public hearing will be held on the 5th day of June 2012 at 9:30 AM in the County Commission Chambers on the 2nd Floor of the Stephen P. Clark Center at 111 NW 1st Street in Miami, Florida.

Plans and details concerning the work requested in the application may be reviewed by interested persons at the office of the Miami-Dade County Department of Regulatory and Economic Resources, 6th Floor, 701 NW 1st Court, Miami, Florida, 33136-3912.

Oral statements will be heard and appropriate records made. For accuracy of records, all important facts and arguments should be prepared in writing in triplicate, with two copies being submitted to the Deputy Clerk of the County Commission at the hearing or mailed to him beforehand (Christopher Agrippa, Deputy Clerk), 111 NW 1st Street, Stephen P. Clark Center, Suite 17-202, Miami, Florida 33128; and with one copy being submitted beforehand to the Miami-Dade County Department of Regulatory and Economic Resources, 701 NW 1st Court, Miami, Florida, 33136-3912.

A person who decides to appeal any decision made by any Board, Agency, or Commission with respect to any matter considered at its meeting or hearing, will need a record of proceedings. Such person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

BOARD OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

HARVEY RUVIN, CLERK

BY: _____
Christopher Agrippa, Deputy Clerk



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: June 5, 2012

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

SUBJECT: Agenda Item No. 5(G)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager'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(G)
6-5-12

RESOLUTION NO. R-452-12

RESOLUTION RELATING TO AN APPLICATION BY THE CITY OF MIAMI BEACH FOR A CLASS I PERMIT AND A VARIANCE FROM SECTION 24-48.24 OF THE CODE OF MIAMI-DADE COUNTY FOR THE CONSTRUCTION OF NON-WATER DEPENDENT CANOPIES ASSOCIATED WITH THE REPLACEMENT OF THE SOUTH POINTE PARK FISHING PIER WITHIN GOVERNMENT CUT, AT THE SOUTH POINTE PARK AT 1 WASHINGTON AVENUE, MIAMI BEACH, 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 a Class I permit and a variance from Section 24-48.24 of the Code of Miami-Dade County for construction of non-water dependent canopies associated with the replacement of the South Pointe Park Fishing Pier within Government Cut, at South Pointe Park at 1 Washington Avenue, Miami Beach, 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 **Bruno A. Barreiro** who moved its adoption. The motion was seconded by Commissioner **Audrey Edmonson** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of June, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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

HARVEY RUVIN, CLERK



By: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Abbie Schwaderer-Raurell

Attachment A
Class I Permit Application



Class I Permit Application

FOR DEPARTMENTAL USE ONLY	
Date Received: <u>RECEIVED</u> <u>DEC 28 2011</u> <small>DEPARTMENT OF LAW SERVICES SECTION NATURAL RESOURCES REGULATION & RESTORATION</small>	Application Number: <u>CLP-2011-0280</u> Application Fee: <u>\$28,750.00</u>

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

1. Applicant Information: Name: <u>Duncan Ballantyne</u> Assistant City Manager <u>City of Miami Beach</u> Address: <u>1700 Convention Center Drive</u> <u>Miami Beach, FL</u> Zip Code: <u>33139</u> Phone #: <u>305-673-7010</u> Fax #: _____ Email: <u>duncanballantyne@miamibeachfl.gov</u> <small>* This should be the applicant's information for contact purposes.</small>	2. Applicant's Authorized Permit Agent: <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>Atkins C/O William Pitcher</u> Address: <u>3230 West Commercial Blvd.</u> <u>Ft. Lauderdale, FL</u> Zip Code: <u>33309</u> Phone #: <u>954-733-7233</u> Fax #: _____ Email: <u>william.pitcher@atkinsglobal.com</u>
--	---

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

Folio #(s): 02-4210-000-0040 Latitude: 25 45' 49.5" N Longitude: 80 7' 48.5" W

Street Address: 1 Washington Ave Section: _____ Township: _____ Range: _____

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

Name of waterway at location of the activity: Government Cut, Miami Harbor

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

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

Other: Fishing Pier

Estimated project cost = \$ 4,000,000

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

5. Proposed Use (check all that apply): <input type="checkbox"/> Single Family <input type="checkbox"/> Multi-Family <input type="checkbox"/> Private <input checked="" type="checkbox"/> Public <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> 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): <u>N/A</u> 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

8. Contractor Information (if known):

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

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

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

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

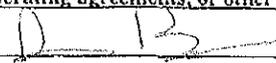
A. IF APPLICANT IS AN INDIVIDUAL

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

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

Duncan Ballantyne _____ City of Miami Beach _____ 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.*****

 Duncan Ballantyne _____ Assistant City Manager _____ 12/24/11 _____
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 _____

DEC 28 2011

Revised 11/16/09

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 1 Washington Avenue Miami-Dade County, Florida, otherwise identified in the public records of Miami-Dade County as Folio No. 02-4210-000-0040.

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.)

Duncan Ballantyne City of Miami Beach 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.*****

D. B. Duncan Ballantyne Assistant City Manager 12/2/11
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

DEC 28 2011

DERM Coastal Resources Section
Natural Resources Regulation & Restoration Division (NRRRD) Revised 11/16/09

Attachment B

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



City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

Office of the City Manager
Tel: 305-673-7010, Fax: 305-673-7782

March 13, 2012

Miami-Dade County PERA
Class I Permitting Program
701 NW 1st Court
Miami, FL 33136

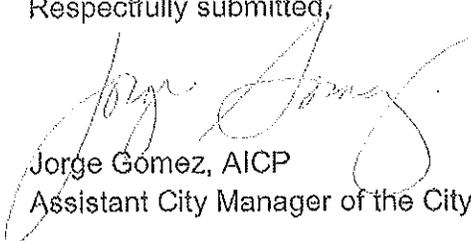
RECEIVED
MAR 26 2012
DERM Coastal Resources Section
Natural Resources Regulation & Restoration
Division (NRRRD)

Re: Class I Permit Application Number CLI-2011-0250

By the attached Class I Standard Form Permit Application with supporting documents, I, Jorge Gomez, Assistant City Manager of the City of Miami Beach, am the permit applicant and hereby request permission to perform the work associated with Class I permit application CLI-2011-0250. 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 Permitting, Environment and Regulatory Affairs. The permit application 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. 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,


Jorge Gomez, AICP
Assistant City Manager of the City of Miami Beach



Atkins North America, Inc.
2001 Northwest 107th Avenue
Miami, Florida 33172-2507
Telephone: +1.305.592.7275
www.atkinsglobal.com/northamerica

ENGINEER LETTER OF CERTIFICATION

March 8, 2012

Miami-Dade County PERA
Class I Permitting Program
701 NW 1st Court, Suite 600
Miami, Florida 33136

RE: Class I Permit Application Number CLI-2011-0250

Ladies and Gentlemen:

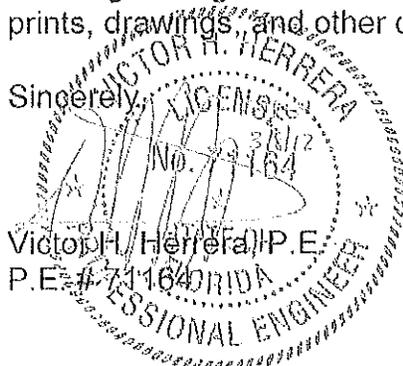
This letter will certify that I am an engineer registered/licensed in the State of Florida, qualified by education and experience in the area of construction, and that to the best of my knowledge and belief, the proposed work does not violate any laws of the State of Florida or any provision of the Code 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 process for 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)

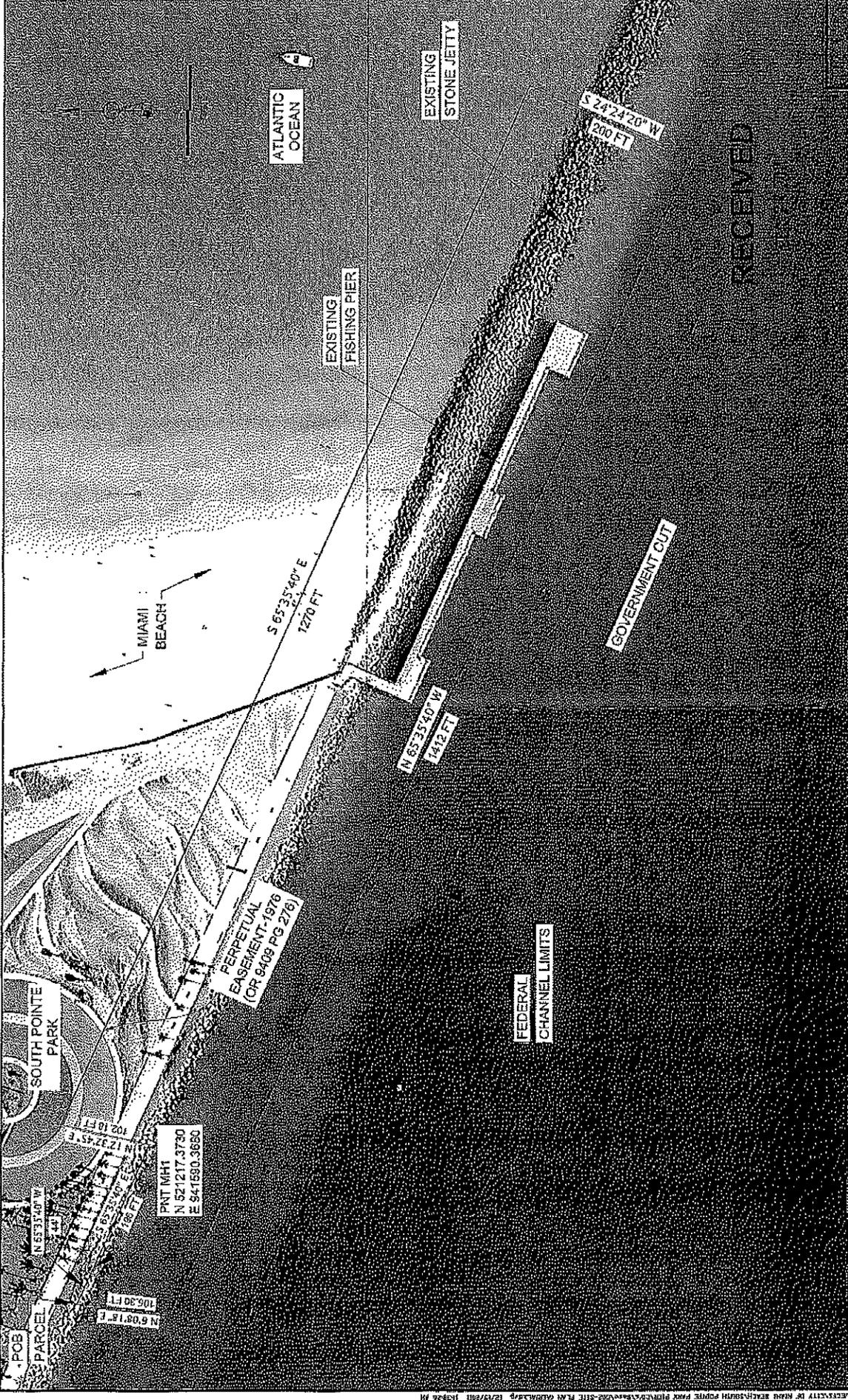
Further, I have been retained by the applicant to provide inspections throughout the construction period and to prepare a set of reproducible record prints of drawings showing changes made during the construction process based upon the marked-up prints, drawings, and other data furnished by the contractor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

Sincerely,

Victor H. Herrera P.E.
P.E. # 71164

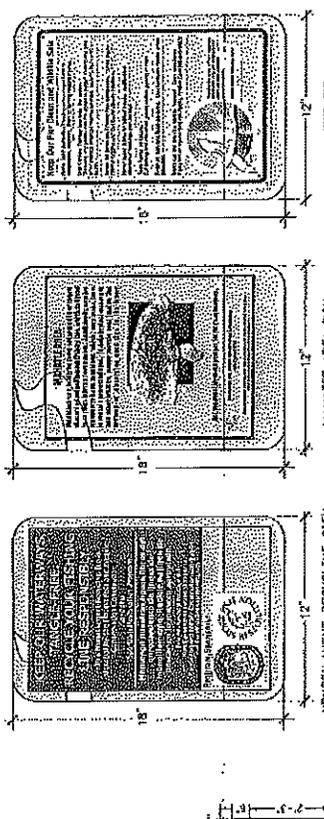
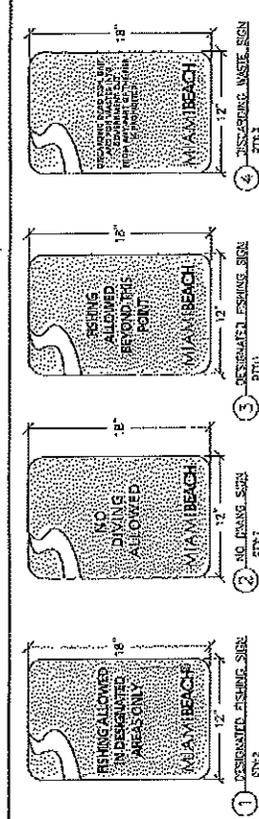


14



ATKINS 2001 NW 30th Avenue Miami, Florida 33132 305.575.4400 www.atkins.com	CITY OF MIAMI BEACH 7700 COMMERCE CENTER DRIVE MIAMI BEACH, FL 33135	PROJECT: SOUTH POINTE PARK PIER SHEET: SITE PLAN (AERIAL)	SHEET G-2

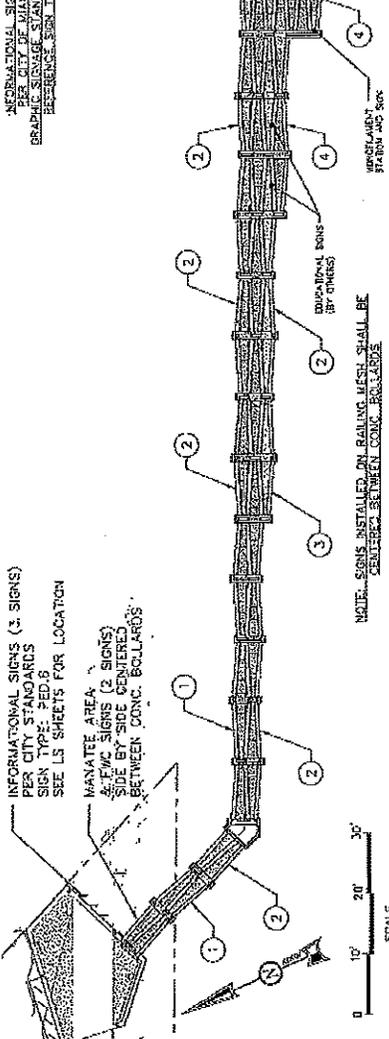
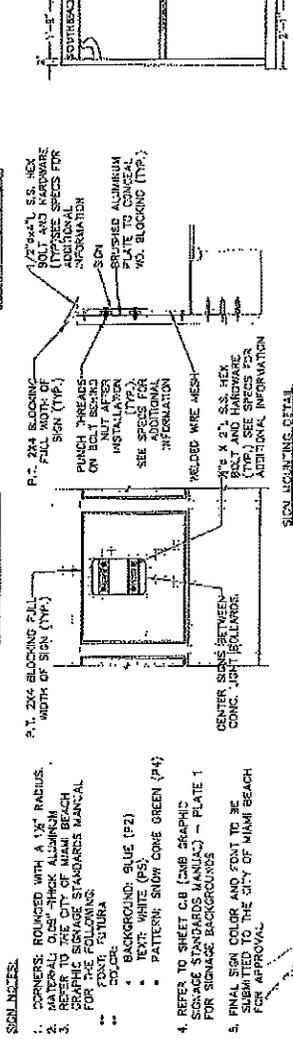
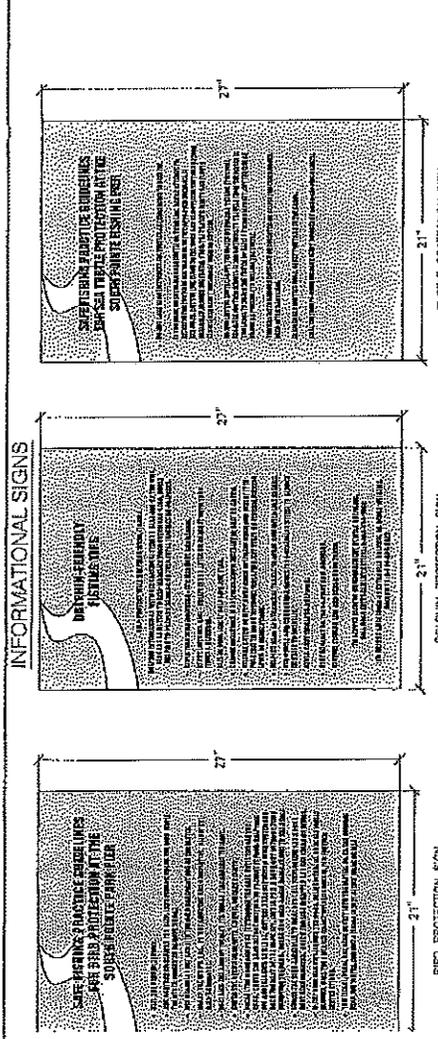
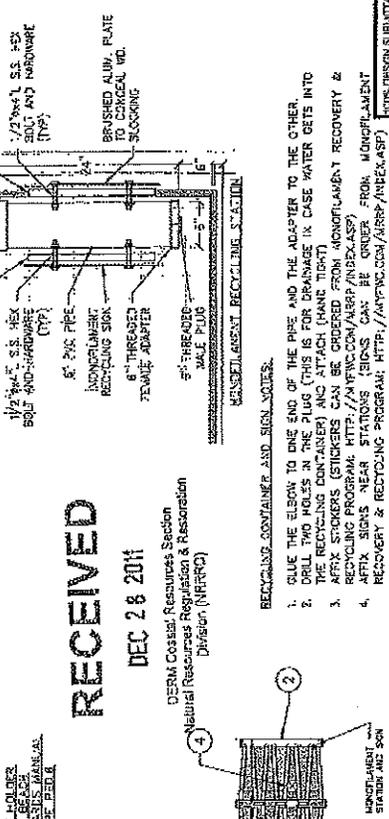
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MONUMENTAL SIGN FOR USE FOR CITY OF MIAMI BEACH GRAPHIC SIGNAGE STANDARDS MANUAL REFERENCE SIGN TYPE PERL-8

RECYCLING CONTAINER AND SIGN SIGNS

- GLUE THE ELBOW TO ONE END OF THE PIPE AND THE ADAPTER TO THE OTHER
- DRILL TWO HOLES IN THE PLUG (THIS IS FOR DRAINAGE IN CASE WATER GETS INTO THE RECYCLING CONTAINER) AND ATTACH (HAND TIGHT)
- AFFIX STICKERS (STICKERS CAN BE ORDERED FROM MONOFILAMENT RECOVERY & RECYCLING PROGRAM: [HTTP://MIFMC.COM/ARRP/INDEX.ASP](http://mifmc.com/ARRP/INDEX.ASP))
- AFFIX SIGNS NEAR STATIONS (SIGNS CAN BE ORDER FROM MONOFILAMENT RECOVERY & RECYCLING PROGRAM: [HTTP://MIFMC.COM/ARRP/INDEX.ASP](http://mifmc.com/ARRP/INDEX.ASP))



RECEIVED
DEC 28 2011

FLORIDA Coastal Resources Section
Natural Resources Regulation & Restoration
Division (NRRD)

ATKINS
1700 N.W. 25th Avenue
Fort Lauderdale, FL 33309
Phone: 954.333.2277
Fax: 954.333.2278
www.atkins.com

CITY OF MIAMI BEACH
1700 S.W. 1st Avenue
Miami Beach, FL 33139

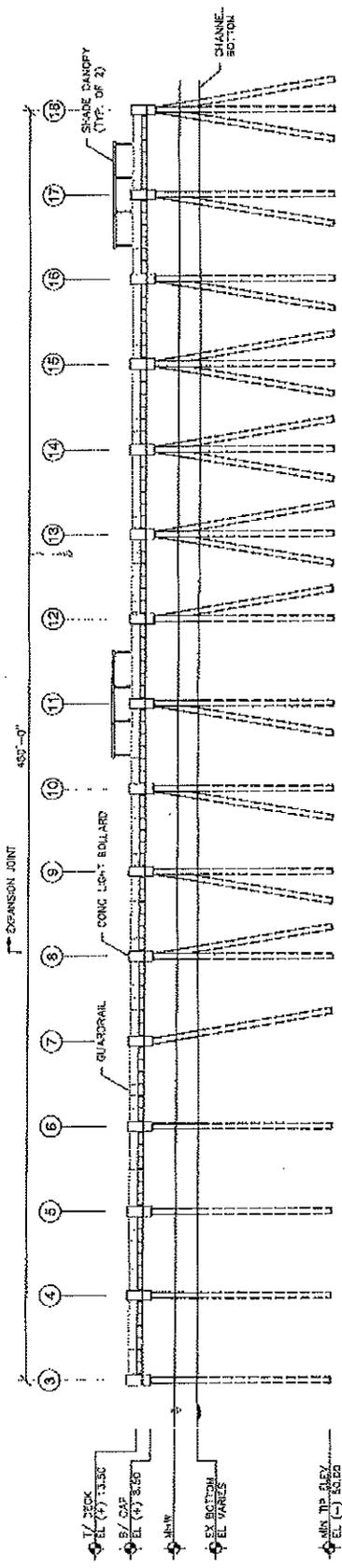
SOUTH POINTE PARK PIER
SIGNAGE PLAN

SHEET G-5

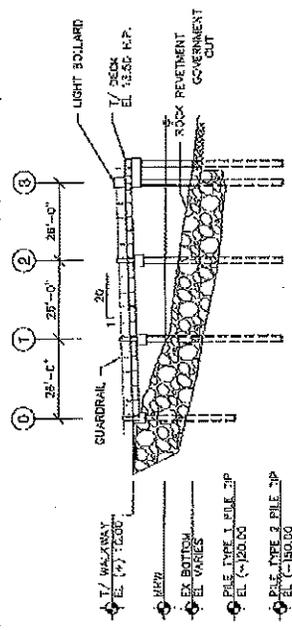
DATE: 08/11/11
SCALE: AS SHOWN
PROJECT: SOUTH POINTE PARK PIER
SHEET FILE: G-5

DESIGNED BY: []
CHECKED BY: []
DRAWN BY: []
DATE: 08/11/11

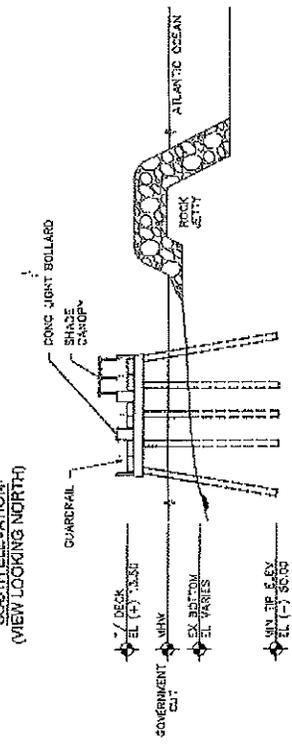
DATE: 08/11/11
SCALE: AS SHOWN
PROJECT: SOUTH POINTE PARK PIER
SHEET FILE: G-5



SOUTH ELEVATION (VIEW LOOKING NORTH)



SOUTH ELEVATION (VIEW LOOKING NORTHEAST)



EAST ELEVATION (VIEW LOOKING WEST)

RECEIVED
DEC 28 2011

City of Miami Beach
Department of Transportation & Recreation
Miami Beach, Florida

SCALE
1" = 10'-0"

NOTES:
1. ELEVATIONS SHOWN ARE IN FEET AND ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).

DESIGNED BY: ATKINS
CHECKED BY: []
DATE: []

<p>ATKINS 251 PINE ST. SUITE 200 MIAMI BEACH, FL 33139 TEL: 305.444.2200 WWW.ATKINS.COM</p>		<p>CITY OF MIAMI BEACH 1700 CONVENT CENTER DRIVE MIAMI BEACH, FL 33139 TEL: 305.461.2311</p>		<p>SOUTH POINTE PARK PIER STRUCTURAL ELEVATIONS</p>	
PROJECT NO.	1700 CONVENT CENTER DRIVE	SHEET NO.	18	TOTAL SHEETS	20
DATE	12/27/11	SCALE	1" = 10'-0"	DESIGNED BY	[]
PROJECT	SOUTH POINTE PARK PIER	CHECKED BY	[]	DATE	[]

LEGEND
① PILE BENT NUMBER

TYPICAL ELEVATIONS (AMUNDSON)
PER TIDAL STATION 872-3770
MHW = (+) 0.34'
MSL = (-) 0.00'
MLW = (-) 2.20'
PLLW = (-) 2.35'

Attachment C
Zoning Memorandum

Memorandum



Date: May 16, 2012

To: Matthew Davis, Chief 
Natural Resources, Regulation and Restoration Division
Department of Regulatory and Economic Resources

From: Allison Hill, Biologist II 
Coastal Resources Section
Department of Regulatory and Economic Resources

Subject: Resolution Relating to an Application by the City of Miami Beach for a Class I Permit and a Variance from Section 24-48.24 of the Code of Miami-Dade County for the Construction of Non-Water Dependent Canopies Associated with the Replacement of the South Pointe Park Fishing Pier within Government Cut, at 1 Washington Avenue, Miami Beach, Florida.

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

Attachment D:

**Florida Department of Environmental Protection
Permit and Perpetual Easement**



Florida Department of Environmental Protection

Southeast District Office
400 N. Congress Avenue, Suite 200
West Palm Beach, FL 33401
561-681-6600

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

City of Miami Beach
c/o Duncan Ballantyne, Assistant Manager
1700 Convention Center Drive
Miami Beach, FL 33139

Dear Mr. Ballantyne:

Enclosed is Environmental Resource Permit No. 13-0263037-004 issued pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, Florida Administrative Code (F.A.C.).

Please review this document carefully to ensure compliance with both the general and specific conditions contained herein. As the permittee, you are responsible for compliance with these conditions. **Please ensure all construction personnel associated with your activity review and understand the attached drawings and conditions.** Failure to comply with this permit may result in liability for damages and restoration, and the imposition of civil penalties up to \$10,000.00 per violation per day pursuant to Sections 403.141 and 403.161, F.S.

In addition, please ensure the construction commencement notice and all other reporting conditions are forwarded to the appropriate office as indicated in the specific conditions.

If you have any questions about this document, please contact me at 561/681-6654 or by email at Gina.Chiello@dep.state.fl.us.

Sincerely,

Gina Chiello
Environmental Specialist II
Submerged Lands & Environmental
Resources Program



Florida Department of Environmental Protection

Southeast District Office
400 N. Congress Avenue, Suite 200
West Palm Beach, FL 33401
561-681-6600

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

Permittee/Authorized Entity:

City of Miami Beach
c/o Duncan Ballantyne, Assistant Manager
1700 Convention Center Drive
Miami Beach, FL 33139
Miami-Dade County

Project Name or Phase:

City of Miami Beach-South Pointe Park Fishing Pier

Authorized Agent:

Atkins
William Pitcher, P.E., Project Manager
2001 Northwest 107th Avenue
Miami, FL 33172
E-mail: bill.pitcher@atkinsglobal.com

ERP Processor:

Gina Chiello
E-mail: Gina.Chiello@dep.state.fl.us

Environmental Resource Permit

State-owned Submerged Lands Authorization -NOT REQUIRED

U.S. Army Corps of Engineers Authorization -Separate Corps Authorization Required

Permit No.: 13-0263037-004

Permit Issuance Date: April 2, 2012

Permit Construction Phase Expiration Date: April 1, 2017

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

PERPETUAL EASEMENT

No. 25637 (2679-13)

WHEREAS, pursuant to application made by the City of Miami Beach, for a perpetual easement in and to certain lands held by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, being lands required for the construction and maintenance of recreation facilities, fishing walkway, Miami Beach, Florida, and pursuant to approval of said application by the said Board of Trustees of the Internal Improvement Trust Fund on March 9, 1976;

NOW, THEREFORE, THIS INDENTURE, made this 1st day of April, A.D. 1976, between the Board of Trustees of the Internal Improvement Trust Fund, as grantor, and the City of Miami Beach, as grantee;

WITNESSETH: That the Board of Trustees of the Internal Improvement Trust Fund, for and in consideration of the sum of One and 00/100 Dollar (\$1.00), receipt of which is hereby acknowledged, does hereby grant unto the said City of Miami Beach a perpetual easement, assignable to the United States of America, for the construction of a fishing walkway approximately 1325 feet long and 12 feet wide, with 40-foot platforms every 150 feet cantilevered over the jetty. A sewer comfort station will also be provided for the convenience of the public using the pier, subject to the conditions hereinafter set forth, in and to the following described land in Dade County, Florida, to-wit:

A parcel of land being a portion of Miami Harbor, Dade County, Florida, more particularly described as follows:

For a point of reference, commence at Monument MH-1 having coordinates of X=785,353.28, Y=521,057.01, thence proceed North 65°35'40" West, 44 feet to the Point of Beginning; from the Point of Beginning, proceed South 65°35'40" East, 196 feet, more or less, to a point on the North Jetty; thence North 12°32'45" East, 102.18 feet to a point on a line which is 100.37 feet northerly of and parallel with the North Jetty; thence along said parallel line South 65°35'40" East, 1270 feet, more or less; thence South 24°24'20" West, 200 feet to a point; thence North 65°35'40" West, 1412 feet, more or less, to a point; thence North 6°08'18" East, 105.30 feet to the Point of Beginning; containing 6.22 acres, more or less.

THIS INSTRUMENT WAS PREPARED BY
DAVID BRETT
ELLIOT BUILDING
TALLAHASSEE, FLORIDA 32304

This easement is granted subject to the following conditions, viz:

(1) The rights hereby conferred shall be subject to any and all prior rights of the United States.

(2) That no title to said land is conferred by this instrument.

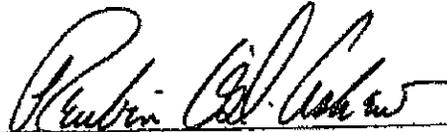
(3) That the grantee herein will not, in the construction and maintenance of said recreation facility, fishing walkway, damage or unduly interfere with public or private rights therein.

(4) That the City of Miami Beach, in accepting this easement, covenants and agrees to comply with and abide by the provisions and conditions herein and assumes all responsibility and liability and agrees to save the State of Florida and the Board of Trustees of the Internal Improvement Trust Fund harmless from all claims of damages arising out of this easement.

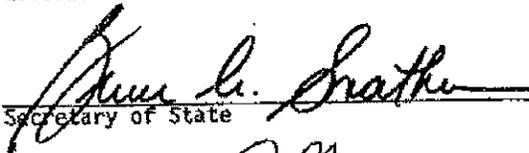
In the event the land herein described shall cease to be used for the herein stated purposes, then the easement over said land herein granted shall become subject to revocation at the option of the Board of Trustees of the Internal Improvement Trust Fund.

TO HAVE AND TO HOLD said easement unto said grantee, its successors and assigns, for the purpose herein set forth.

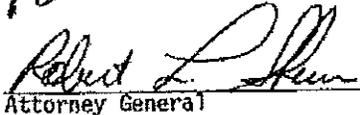
IN TESTIMONY WHEREOF, the members of the Board of Trustees of the Internal Improvement Trust Fund have hereunto subscribed their names and have caused the official seal of said Board of Trustees of the Internal Improvement Trust Fund to be hereunto affixed, in the City of Tallahassee, Florida, on this 26th day of April, A.D. 1976.



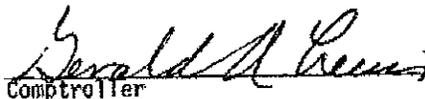
Governor



Secretary of State



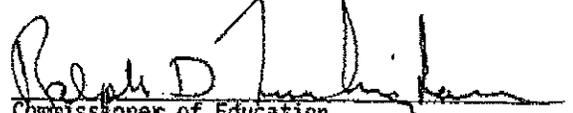
Attorney General



Comptroller

(SEAL)
Board of Trustees
of the Internal
Improvement Trust
Fund.


Treasurer


Commissioner of Education


Commissioner of Agriculture

As and Constituting the Board of Trustees
of the Internal Improvement Trust Fund of
the State of Florida.

Attachment E

**Department of Regulatory and Economic Resources
Project Report**

PROJECT REPORT
CLASS I PERMIT APPLICATION NO. CLI-2011-0250

Class I Permit Application by the City of Miami Beach and Request for a Variance from Section 24-48.24 of the Code of Miami-Dade County, Florida for the Construction of Non-Water Dependent Canopies Associated with the Replacement of the South Pointe Park Fishing Pier within Government Cut in the City of Miami Beach, Florida.

April 27, 2012

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

1. **Potential Adverse Environmental Impact** – The potential adverse environmental impacts from the installation of the proposed structures is minimal. The proposed canopies shall be located over the proposed pier and are not expected to have adverse environmental impacts. The installation of the proposed fishing pier may result in temporary minor water quality impacts typically associated with the construction of marine structures; however, these impacts will be minimized by the use of proper turbidity control devices.

The proposed project is not located within an area identified by the Miami-Dade County Manatee Protection Plan (MDCMPP) as essential manatee habitat for the *Trichechus manatus* (West Indian Manatee). However, the Class I permit will require that all standard manatee conditions be followed during all construction operations.

2. **Potential Cumulative Adverse Environmental Impact** – The proposed pier is being replaced in approximately the same footprint as the existing fishing pier and will be located in an area without significant benthic resources. Coral colonies located on the piles supporting the existing fishing pier and on moveable boulders within the adjacent submerged bottom will be relocated prior to the commencement of work. Therefore, the proposed project is not reasonably expected to result in potential cumulative adverse environmental impacts.
3. **Hydrology** – The proposed project is not reasonably expected to adversely affect surface water drainage or retention of stormwater.
4. **Water Quality** – The proposed project may result in temporary minor water quality impacts typically associated with the construction of marine structures. These impacts include benthic disturbances and increased turbidity from standard demolition and construction activities.

The Class I permit shall require that a water quality monitoring plan and proper turbidity controls be implemented during the demolition and construction events to ensure turbidity levels within the surrounding waters do not exceed State and County water quality standards. If turbidity levels within the surrounding waters exceed water quality standards, construction shall cease until remedial measures have been implemented and the Miami-Dade County Department of Regulatory and Economic Resources approves re-commencement of the project.

5. **Wellfields** – Not applicable.
6. **Water Supply** – Not applicable.
7. **Aquifer Recharge** – Not applicable.
8. **Aesthetics** – The project is designed to be aesthetically compatible with the surrounding area. The fishing pier and canopies will be located approximately in the same footprint as the existing fishing pier. The canopies are proposed to provide aesthetic enhancement and be compatible with the newly designed pier. Therefore, the proposed canopies are not reasonably expected to have negative aesthetic impacts.
9. **Navigation** – Navigation is not reasonably expected to be impacted as a result of demolition, construction, or operation of the fishing pier and associated canopies. The construction of the proposed fishing pier and canopies shall be subject to Coast Guard approval and the applicant shall be required to comply with all State and Federal navigational lighting requirements.
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. Coral colonies located on the piles supporting the existing fishing pier and on moveable boulders within the adjacent submerged bottom will be relocated prior to the commencement of work. Although the proposed project will result in impacts to resources that cannot be successfully relocated, the new pier support pilings will provide suitable habitat for the re-establishment of similar resources.

The proposed project is not located within an area identified by the MDCMPP as essential manatee habitat for the West Indian Manatee. However, the Class I permit will require that all standard manatee conditions be followed during all construction operations.

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

16. **Floral Values** – The proposed project is not reasonably expected to adversely affect floral values.

17. **Fauna Values** – The proposed project is not reasonably expected to adversely affect marine fauna. Coral colonies located on the piles supporting the existing fishing pier and on moveable boulders within the adjacent submerged bottom will be relocated prior to the commencement of work. Although the proposed project will result in impacts to resources that cannot be successfully relocated, the new pier support pilings will provide suitable habitat for the re-establishment of similar resources.

The proposed fishing pier may cause temporary disturbances of the substrate during construction operations. Marine soils in the area of the proposed work may support marine epifauna (animals living on the sediment surface or on the surface of other plants or animals) and infauna (animals living within submerged sediment). However, the impacts are temporary in nature and will be further minimized during demolition and construction activities through the use of standard turbidity control methods.

The proposed project is not located within an area identified by the MDCMPP as essential manatee habitat for the West Indian Manatee. However, the Class I permit will require that all standard manatee conditions be followed during all construction operations.

18. **Rare, Threatened and Endangered Species** – The proposed project is not reasonably expected to adversely affect any rare, threatened or endangered species. The proposed project is not located within an area identified by the MDCMPP as essential manatee habitat for the West Indian Manatee. However, the Class I permit will require that all standard manatee conditions be followed during all construction 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 does not involve dredging or filling of wetlands.

21. **Land Use Classification** – Pursuant to Section 24-48.2(1)(A)(7), of the Code, a substantiating letter shall be submitted stating that the proposed project does not violate any zoning laws. Said letter will be submitted after the approval by the Board of County Commissioners and prior to the issuance of a Class I permit.

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

23. **Other Environmental Values Affecting the Public Interest** - The proposed project is not reasonably expected to adversely affect other environmental values affecting the public interest. The submerged lands on which the project will occur are owned by the State of Florida and granted to the applicant through a Perpetual Easement. Approval has been granted by the Board of Trustees of Internal Improvement Trust Fund of the State of Florida for the use of sovereign submerged lands to construct and operate fishing pier.

24. **Conformance with Standard Construction Procedures and Practices and Design and Performance Standards** – The proposed project includes the installation of non-water-dependent fixed structures. Therefore, the project is not in full conformance with the Biscayne Bay Management Plan or with Section 24-48.24 of the Code. However, the applicant is requesting a variance to the

water dependency requirement of the Code. In addition, the installation of non-water-dependent structures is not reasonably expected to create adverse environmental impacts.

25. **Comprehensive Environmental Impact Statement (CEIS)** – In the opinion of the Director, the proposed project will result in only minimal environmental impacts and is not reasonably expected to result in cumulative adverse environmental impacts. Therefore, a CEIS was not required by the Department of Regulatory and Economic Resources to evaluate the project.
26. **Conformance with All Applicable Federal, State and Local Laws and Regulations** - The proposed project is in conformance with the following applicable State, Federal and local laws and regulations:
 - a) United States Clean Water Act (US Army Corps of Engineers permit is required)
 - b) Federal Endangered Species Act (Florida Fish and Wildlife Conservation Commission)
 - c) Florida Department of Environmental Protection (Sovereign Submerged Land Perpetual Easement and Environmental Resources Permit are required)
27. **Conformance with the Miami-Dade County Comprehensive Development Master Plan (CDMP)** - In the opinion of the Department of Regulatory and Economic Resources, the proposed canopies are not in full conformance with the CDMP. However, the applicant is requesting a variance from the Section of Code relating to these non-water dependant structures as they pertain to the proposed project. The following is a summary of the proposed project as it relates to the CDMP:

LAND USE ELEMENT I:

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

TRANSPORTATION ELEMENT II

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

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

CONSERVATION, AQUIFER RECHARGES AND DRAINAGE ELEMENT IV:

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

Objective 3/Policy 3E - Limestone mining within the area bounded by the Florida Turnpike, the Miami-Dade/Broward Levee, 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 does not compromise flood protection, involve filling for development purposes, and is not related to cut and fill activities.

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

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

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

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

Objective 9/Policies 9A, 9B, 9C – Protection of habitat critical to Federal, State-designated threatened or endangered species. –The proposed work is not located in critical habitat for Johnson's seagrass, a Federally Listed Threatened Species.

The proposed project is not located within an area identified by the MDCMPP as essential manatee habitat for the West Indian Manatee. However, the Class I permit will require that all standard manatee conditions be followed during all construction operations.

COASTAL MANAGEMENT ELEMENT VII:

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

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

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

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

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

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

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

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

Objective 4/Policy 4A, 4C, 4E, 4F – Protection of endangered or threatened animal species. - The proposed work is not reasonably expected to affect endangered or threatened animal species. The proposed project is not located within an area identified by the MDCMPP as essential manatee habitat for the West Indian Manatee. However, the Class I permit will require that all standard manatee conditions be followed during all construction operations.

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

Objective 5/Policy 5D - Consistency with Chapter 33D, Miami-Dade County Code (shoreline access, environmental compatibility of shoreline development) - The proposed project will require approval by the Shoreline Development Review Committee (SDRC) Board of the Miami-Dade Planning and Zoning Department prior to permit issuance.

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

28. **Conformance with Chapter 33B, Code of Miami-Dade County** (East Everglades Zoning Overlay Ordinance) – The proposed project is not located within the East Everglades Area.
29. **Conformance with Miami-Dade County Ordinance 81-19** (Biscayne Bay Management Plan Sections 33D-1 through 33D-4 of the Code of Miami-Dade County) - The proposed project includes the installation of non-water-dependent fixed structures. Therefore, the project is not in full conformance with the Biscayne Bay Management Plan. However, the applicant is requesting a variance to the water dependency requirement of the Code. In addition, the installation of non-water-dependent structures is not reasonably expected to create adverse environmental impacts.
30. **Conformance with the Miami-Dade County Manatee Protection Plan** - The proposed project is not located within an area identified by the MDCMPP as essential manatee habitat for the West Indian Manatee. However, the Class I permit will require that all standard manatee conditions be followed during all construction operations.
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)(A)(7), Code of Miami-Dade County, Florida, a substantiating letter shall be submitted stating that the proposed project does not violate any zoning laws. Said letter will be submitted after the approval by the Board of County Commissioners and prior to the issuance of the Class I permit.
33. **Coastal Resources Management Line** - A coastal resources management line was not required for the proposed project, pursuant to Section 24-48.2(II)(A)(10)(b) of the Code of Miami-Dade County, Florida.
34. **Maximum Protection of a Wetland's Hydrological and Biological Functions** – The proposed project is not expected to impact wetland hydrological and biological functions.
35. **Class I Permit Applications Proposing to Exceed the Boundaries Described in Section D-5.03(2)(a) of the Miami-Dade County Public Works Manual** – the Department of Regulatory and Economic Resources has considered the following factors:
 - i. **Whether the proposed exceedance is the minimum necessary to avoid seagrasses or other valuable environmental resources** – The proposed project has been designed to avoid and minimize environmental impacts to benthic resources within the vicinity of the project site.
 - ii. **Whether the proposed exceedance is the minimum necessary to achieve adequate water depth for mooring of a vessel** – The proposed project does not involve the mooring of vessels with the exception of construction vessels. Said construction vessels shall comply with the water depth requirements set forth in Section 24-48.3(3) of the Code.
 - iii. **Whether the applicant has provided notarized letters of consent to the Department of Regulatory and Economic Resources from adjoining riparian property owners** – Notarized letters of consent from adjoining riparian property owners have not been submitted to the Department of Regulatory and Economic Resources.
 - iv. **Whether any letters of objection from adjoining riparian property owners were received by the Department of Regulatory and Economic Resources** – Letters of objection from adjoining riparian property owners have not been received by Department of Regulatory and Economic Resources.

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

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

24-48.3 (3) Minimum Water Depth Required for Boat Slips Created by the Construction or Placement of Fixed or Floating Docks and Piers, Piles and Other Structures Requiring a Permit Under Article IV, Division 1 of Chapter 24 of the Code of Miami-Dade County – The proposed project does not create boat slips which require the minimum water depth. However, the project area is located adjacent to a Federal Channel and has adequate water depth for the vessels that will be used during demolition and construction activities.

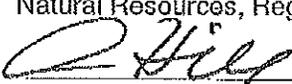
24-48.3 (4) Clean Fill in Wetlands – The proposed project does not involve placing clean fill in wetlands.

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

36. Visual or physical access by the general public to Biscayne Bay and its adjacent tidal waters – The subject fishing pier has provided the general public access to Biscayne Bay and adjacent tidal waters since 1979.
37. Historical significance – The existing fishing pier has been present at this location since 1979.
38. Need for covered vessel repair facilities - Not applicable.
39. Environmental impact or cumulative environmental impact – The proposed project includes the installation of non-water-dependent fixed structures. However, the installation of non-water-dependent structures is not reasonably expected to create adverse environmental impacts.
40. Navigation – Navigation is not reasonably expected to be impacted during demolition, construction, or operation of the fishing pier and associated canopies. The proposed fishing pier and canopies shall be subject to Coast Guard approval and the applicant shall be required to comply with all State and Federal navigational lighting requirements.
41. Public safety – The installation of canopies, non-water-dependent structures, will provide protection from the elements, increasing the public safety of users.
42. Aesthetics- The project is designed to be aesthetically compatible with the surrounding area. The fishing pier and canopies will be located within and adjacent to the footprint of the existing fishing pier. The canopies are proposed to provide aesthetic enhancement and be compatible with the newly designed pier. Therefore, the proposed canopies are not reasonably expected to have negative aesthetic impacts.
43. Biscayne Bay Management Plan – In the opinion of the Department of Regulatory and Economic Resources, elements of the proposed project (i.e. canopies) are not in full conformance with the Biscayne Bay Management Plan. However, the applicant is requesting a variance from the Section of the Code relating to the non-water dependant structures as they pertain to the proposed project. In addition, the applicant has obtained an Environmental Resource Permit (ERP) from the Florida Department of Environmental Protection (FDEP) which authorizes the installation of the non-water dependant structures.
44. Biscayne Bay Aquatic Preserve Act - The proposed project is not in conformance with the Biscayne Bay Aquatic Preserve Act. However, the applicant is requesting a variance from the Section of the Code relating to the non-water dependant structures as they pertain to the proposed project. In addition, the applicant has obtained an ERP from FDEP which authorizes the installation of the non-water dependant structures.
45. Rules of the Biscayne Bay Aquatic Preserve - The proposed project is not in conformance with the rules of the Biscayne Bay Aquatic Preserve. However, the applicant is requesting a variance from the Section of the Code relating to the non-water dependant structures as they pertain to the proposed project. In addition, the applicant has obtained an ERP from the FDEP which authorizes the installation of the non-water dependant structures.

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


Matthew Davis, Chief
Natural Resources, Regulation and Restoration Division


Allison Hill, Biologist II
Coastal Resources Section