OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Agenda Item No. 5(E)

Date: March 5, 2013

To: Honorable Chairman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Resolution Relating to an Application by the City of Miami for a Class I Permit and a Variance from Section 24-48.24 of the Code of Miami-Dade County, Florida for the Installation of Non-Water-Dependent Canopies over Tidal Waters in Miamarina at Bayside Marketplace in the City of Miami, Florida

Resolution No. R-143-13

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

Jack Osterholt, Deputy Mayor

Memorandum

MIAMI-DADE COUNTY

Date: February 13, 2013

To: Carlos A. Gimenez
Mayor

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

Subject: Resolution Relating to an Application by the City of Miami for a Class I Permit and a Variance from Section 24-48.24 of the Code of Miami-Dade County, Florida for the Installation of Non-Water-Dependent Canopies over Tidal Waters in Miamarina at Bayside Marketplace in the City of Miami, Florida

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

Scope
The site is in Miamarina at Bayside Marketplace, 401 Biscayne Boulevard, Miami, in Commission District 5 (Comm. Barreiro).

Fiscal Impact/Funding Source
Not applicable

Track Record/Monitor
The Coastal and Wetlands Resources Section Manager, Lisa Spadafina, within the Department of Regulatory and Economic Resources, Division of Environmental Resources Management, will monitor the terms and conditions of the proposed permit.

Background
This Class I permit application and variance requests authorization to install non-water-dependent canopies at the Miamarina at Bayside Marketplace located at 401 Biscayne Boulevard, Miami. Because non-water-dependent fixed structures are prohibited by Section 24-48.24 of the Code, the applicant is seeking a variance from this prohibition at a public hearing before the Board.

The proposed project site is a commercial and recreational marina adjacent to the Bayside Marketplace. The marina is owned and operated by the City of Miami and the docking structures along the north and west sides of the marina are occupied by commercial vessels and rental boats. The marginal docks and adjacent walkways are used by the customers and employees of these operations as well as the general public.

In order to provide shade and protection from the elements for the public, the applicant is proposing to install four (4) permanent canopies along the north and west marginal docks and walkways. The 649 linear feet of canopies will cover 8,761.5 square feet at heights compatible with the view corridors from the main pedestrian areas. The canopies will not extend waterward of the existing marginal docks and the shaded water areas are within existing permitted boat slips. The canopies will be graded towards the uplands in order to prevent positive drainage of stormwater to tidal waters, and are not expected to result in cumulative environmental impacts.

The canopies are non-water-dependent fixed structures that are prohibited by Section 24-48.24 of the Code. Therefore, the applicant has requested a variance in order to allow the canopies. Section 24-48.25 of the Code lists factors for consideration of 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 canopies will provide the proprietors, marina patrons and the general public with protection from the elements, thereby increasing public safety. In addition, staff have evaluated the remaining factors for consideration and determined that the proposed project is not reasonably expected to result in adverse impacts. Therefore, the Department of Regulatory and Economic Resources, Division of Environmental Resources Management, recommends that the requested variance be granted.

The project is located within an area identified by the Miami-Dade County Manatee Protection Plan as essential manatee habitat for the *Trichechus manatus* (West Indian Manatee). Because the installation of the canopies does not include any in-water work, the proposed project is not expected to adversely impact manatees.

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 pursuant to the applicable evaluation factors set forth in Section 24-48.3 and 24-48.25 of the Code of Miami-Dade County. 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: Names and Addresses of Owners of All Riparian or Wetland Property within Three Hundred (300) Feet of the Proposed Work
Attachment E: Department of Regulatory and Economic Resources Project Report

MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: March 5, 2013

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

SUBJECT: Agenda Item No. 5(E)

Please note any items checked.

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

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

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

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

_____ **Budget required**

_____ **Statement of fiscal impact required**

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

_✓_ **No committee review**

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

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

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(E)
3-5-13

RESOLUTION NO. R-143-13

RESOLUTION RELATING TO AN APPLICATION BY THE CITY OF MIAMI FOR A CLASS I PERMIT AND A VARIANCE FROM SECTION 24-48.24 OF THE CODE OF MIAMI-DADE COUNTY FOR THE INSTALLATION OF NON-WATER-DEPENDENT CANOPIES OVER TIDAL WATERS IN MIAMARINA AT BAYSIDE MARKETPLACE IN THE CITY OF MIAMI, 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 for a Class I permit and a variance from Section 24-48.24 of the Code of Miami Dade County, Florida for the installation of non-water-dependent canopies over tidal waters in Miamarina at Bayside Marketplace in the City of Miami, Florida, subject to the conditions set forth in the memorandum from the Director of the Miami-Dade County Department of Regulatory and Economic Resources, a copy of which is attached hereto and made a part hereof. The issuance of this approval does not relieve the applicant from obtaining all applicable Federal, State, and local permits.

The foregoing resolution was offered by Commissioner **Audrey Edmonson**, who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of March, 2013. 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

MIAMI-DADE COUNTY

Class I Permit Application

FOR DEPARTMENTAL USE ONLY

Date Received: RECEIVED DEC 18 2012 DERM Coastal Resources Section Natural Resources Regulation & Restoration Division (NRRRD)

Application Number: CLI-2012-0038

Application Fee: Not Applicable

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

1. Applicant Information:

Name: Johnny Martinez, City Manager, City of Miami

Address: 3500 Pan American Drive

Miami, Florida Zip Code: 33133

Phone #: (305)416-1025 Fax#: (305) 416-1019

Email:

* 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: David Carter, Senior Vice President, ATKINS

Address: 2001 NW 107th Avenue, Miami, Florida

Zip Code: 33172

Phone #: (305) 514-3455 Fax #:

Email: David.Carter@atkinsglobal.com

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

Folio #(s): 01-0100-000-0520 Latitude: Longitude:

Street Address: 401 Biscayne Boulevard Section: 00 Township: 50N Range: 41E

In City or Town: Miami Near City or Town:

Name of waterway at location of the activity: MiaMarina at Bayside

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

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

☒ Other: Installation of non-water dependent canopies and request for a variance.

Estimated project cost = $623,000.00

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

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): Not Applicable

Vessel Make/Model (If known): Not Applicable

Draft (s)(range in inches.): Not Applicable Length (s)(range in feet.): Not Applicable

Total Number of Slips: Not Applicable

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

Revised 11/16/09

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

8. Contractor Information (If known):

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

Address: _____ Zip Code: _____

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

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

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

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

A. IF APPLICANT IS AN INDIVIDUAL

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

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

City of Miami — Print Name of Applicant (Enter the complete name as registered)
Government — Type (Corp, LLC, LLP, etc.)
Florida — 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: Johnny Martinez, P.E. Title: City Manager Date: 12-5-12

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

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

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

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

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

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

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

I/We are the fee simple owner(s) of the real property located at 401 Biscayne Boulevard, Miami, Miami-Dade County, Florida, otherwise identified in the public records of Miami-Dade County as Folio No. 01-0100-000-0520. 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	Government	Florida
Print Name of Owner (Enter the complete name as registered)	Type (Corp, LLC, LLP, etc.)	State of Registration/Incorporation

444 SW 2nd Ave, 10th Floor, Miami FL 33130

Address of Owner

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

Signature of Authorized Representative	Print Authorized Representative's Name	Title	Date
	Johnny Martinez, P.E.	City Manager	12-5-12
Signature of Authorized Representative	Print Authorized Representative's Name	Title	Date

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Natural Resources Regulation & Restoration
Division (NRRRD)

Attachment B

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

PERMIT APPLICANT / AUTHORIZED AGENT STATEMENT

November 15, 2012

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

Re: Class I Standard Form Permit Application Number CLI-2012-0038

By the attached Class I Standard Form permit application with supporting documents, I, David J. Carter, Senior Vice President, ATKINS, am the permit applicant and hereby request permission to perform the work associated with Class I Permit Application CLI-2012-0038. I understand that a Miami-Dade County Class I Standard Form Permit is required to perform this work.

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

Respectfully submitted,

David J. Carter
Senior Vice President, ATKINS
Permit Applicant

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Division (NRRRD)

ENGINEER LETTER OF CERTIFICATION

12/11/2012

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

RE: Class I Permit Application Number CLI-2012-0038

Ladies and Gentlemen:

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

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

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

c. Material injury to adjacent property.

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

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

Sincerely,

Jeovanny Rodriguez
P.E. #61825

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DERM Coastal Resources Section
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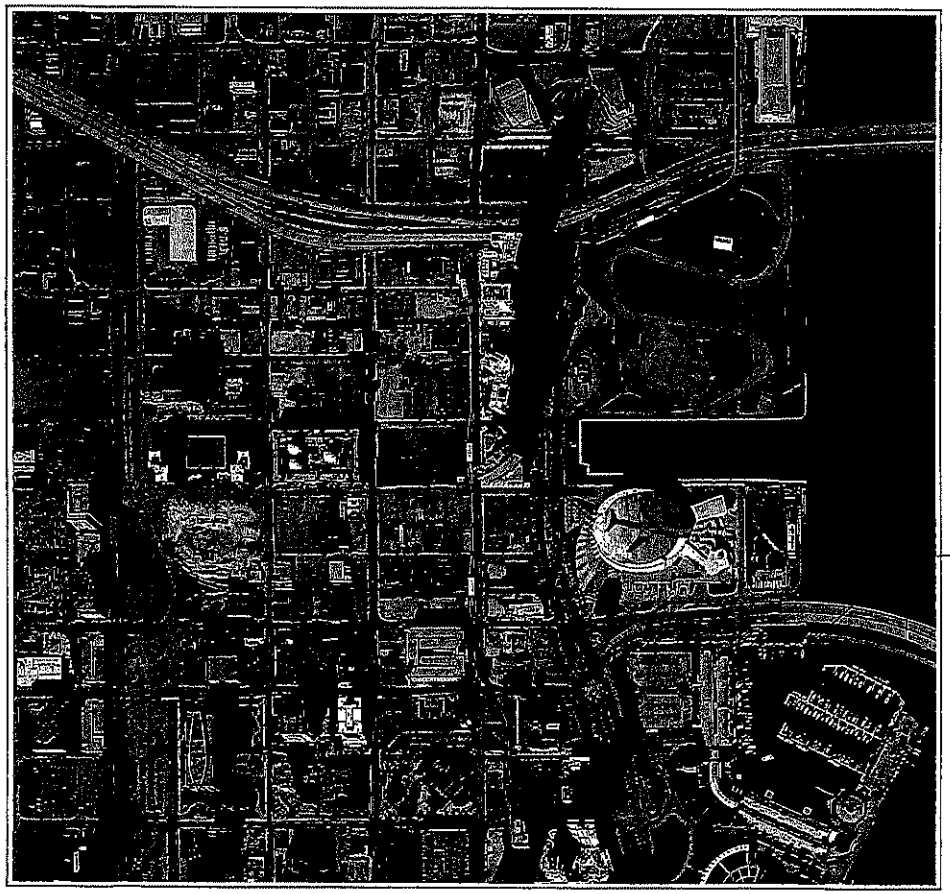
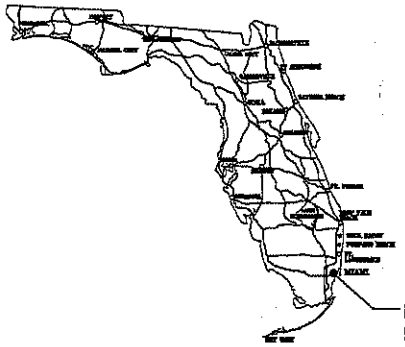
Division (NRRRD)



PROJECT LOCATION



PROJECT LOCATION

1 A-001 PROJECT LOCATION
SCALE: N.T.S.

N

500'
0 1000'

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Natural Resources Regulation & Restoration
Division (NRRRD)

CONSULTANTS:

CLIENT / PROJECT NAME:

CITY OF MIAMI BAYFRONT MARINA

CANOPY DESIGN
DERM CLASS I PERMIT

GENERAL NOTES:

No.	Date	Description

ISSUE LOG

PROFESSIONAL SEALS:

NOT VALID FOR CONSTRUCTION UNLESS SIGNED IN THIS BOX

SHEET TITLE:

PROJECT LOCATION

SHEET INFORMATION:

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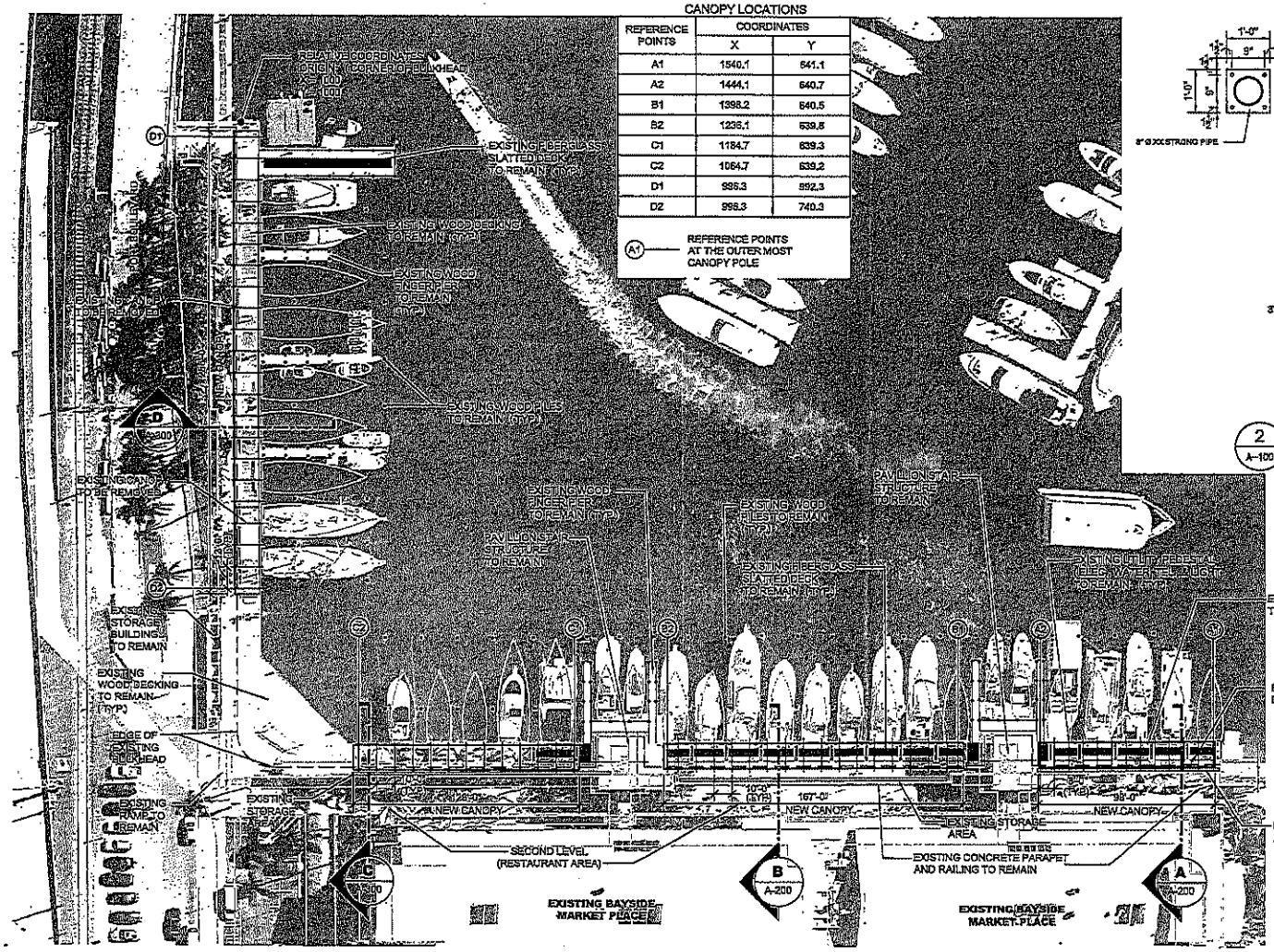
Drawn By:	MP	Sheet Number:
Checked By:	MP	A-001
QC Review:	MP	
Phase: DERM PERMIT		

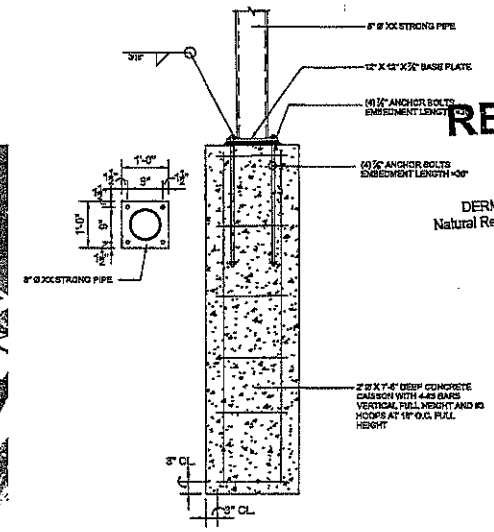


CANOPY LOCATIONS

REFERENCE POINTS	COORDINATES X	COORDINATES Y
A1	1540.1	641.1
A2	1444.1	640.7
B1	1398.2	640.5
B2	1236.1	639.8
C1	1184.7	639.3
C2	1064.7	639.2
D1	996.3	992.3
D2	996.3	740.3

(A1) — REFERENCE POINTS AT THE OUTER MOST CANOPY POLE

1 A-100 SITE PLAN
SCALE: 1/64" = 1'-0"



2 A-100 PROPOSED POLE FOUNDATION DETAIL
SCALE: 3/8" = 1'-0"

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Natural Resources Regulation & Restoration Division (NRRRD)

CLIENT / PROJECT NAME:

CITY OF MIAMI
BAYFRONT
MARINA

CANOPY DESIGN
DERM CLASS 1 PERMIT

GENERAL NOTES:

No.	Date	Description

ISSUE LOG

PROFESSIONAL SEALS:

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SHEET TITLE:

PIER 5 - SITE PLAN
NORTH AND WEST

SHEET INFORMATION:

JOB No.		Date Issued:	
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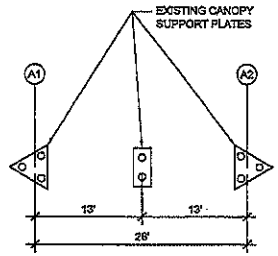
Checked By:	BdP		
QC Review:	BdP		
Phase: DERM PERMIT			



CANOPY LOCATIONS

REFERENCE POINTS	COORDINATES	
	X	Y
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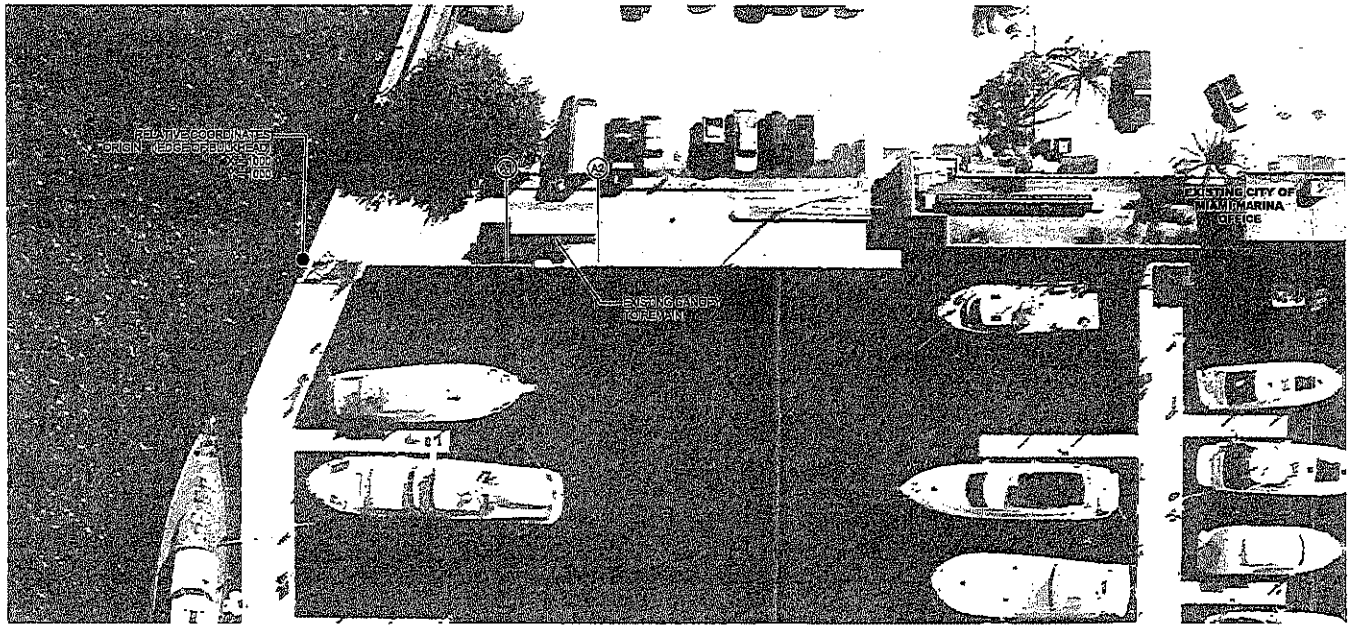
A2	1065.0	1010.8

A1 — REFERENCE POINTS AT THE OUTER MOST CANOPY POLE, CENTER OF CANOPY BASE



1 / A-100 SITE PLAN
SCALE: 1/32" = 1'-0"

N
TRUE NORTH

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

CLIENT / PROJECT NAME:

CITY OF MIAMI
BAYFRONT
MARINA

CANOPY DESIGN
DERM CLASS 1 PERMIT

GENERAL NOTES:

No.	Date	Description

ISSUE LOG

PROFESSIONAL SEALS:

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SHEET TITLE

PIER 5 -
SITE PLAN (EAST)
AND DETAILS

SHEET INFORMATION:

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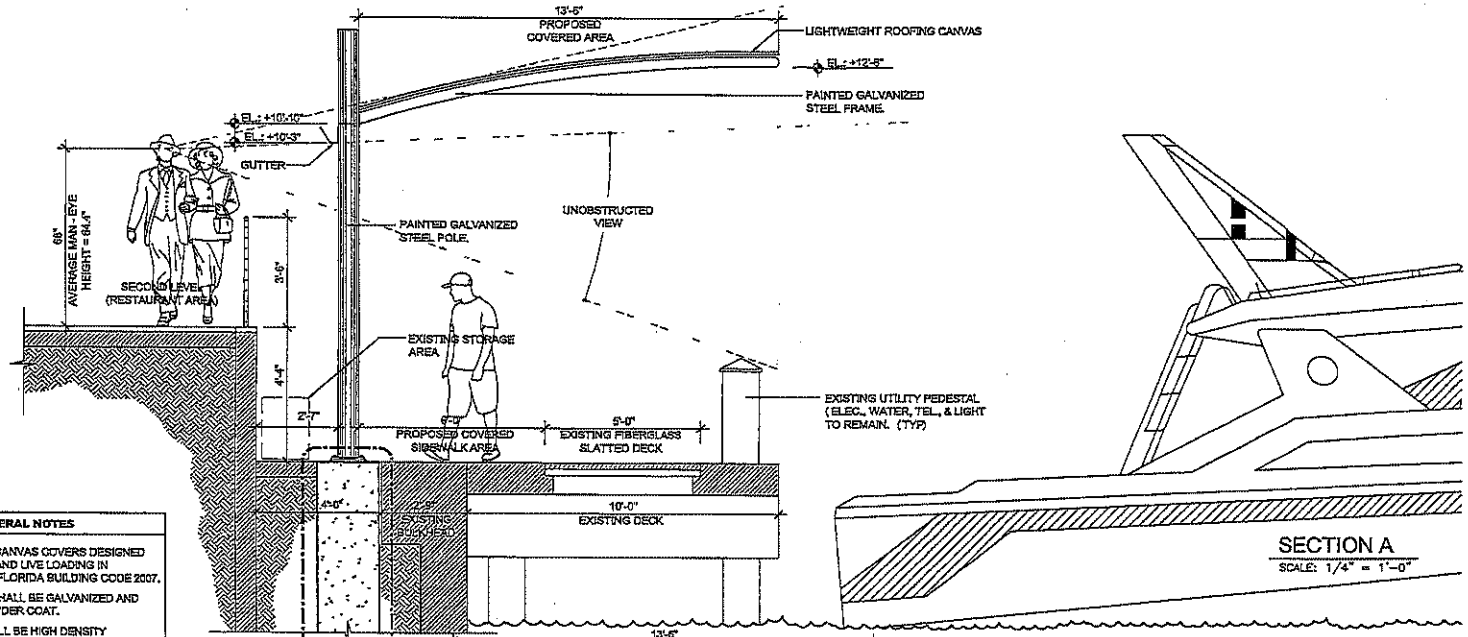
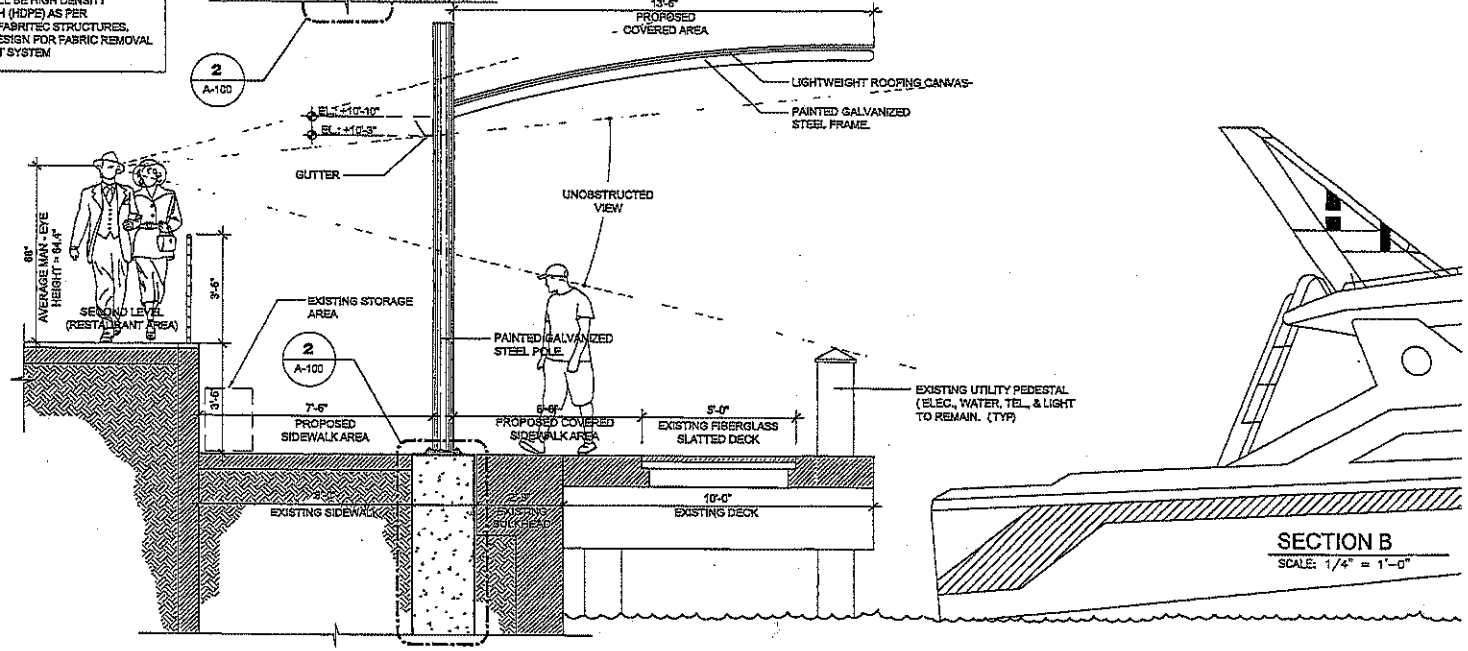
Checked By:	BKP	A-101
QC Review:	BKP	
Phase: DERM PERMIT		



GENERAL NOTES

1. FRAME, POLES AND CANVAS COVERS DESIGNED FOR WIND LOADING AND LIVE LOADING IN ACCORDANCE WITH FLORIDA BUILDING CODE 2007.
2. FRAME AND POLES SHALL BE GALVANIZED AND PAINTED WITH A POWDER COAT.
3. CANVAS FABRIC SHALL BE HIGH DENSITY POLYETHYLENE MESH (HDPE) AS PER MANUFACTURED BY FABRITEC STRUCTURES. CANVAS SHALL BE DESIGN FOR FABRIC REMOVAL AND RE-ATTACHMENT SYSTEM



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MAY 14 2012
DERM Coastal Resources Section
Natural Resources Regulation & Restoration
Division (NRRRD)

CLIENT / PROJECT NAME

CITY OF MIAMI
BAYFRONT
MARINA

CANOPY DESIGN
DERM CLASS 1 PERMIT

GENERAL NOTES:

No.	Date	Description

ISSUE LOG

PROFESSIONAL SEAL:

NOT VALID FOR CONSTRUCTION UNLESS SIGNED IN THIS BOX

SHEET TITLE

SECTIONS

SHEET INFORMATION:

JOB No.	Date Issued:
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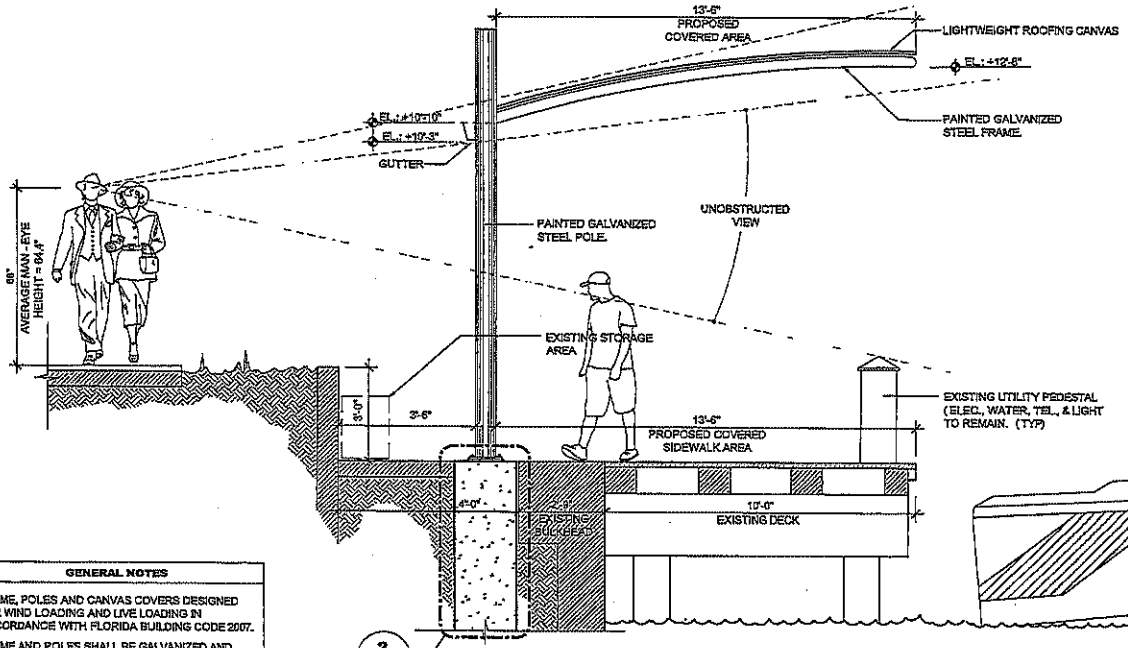
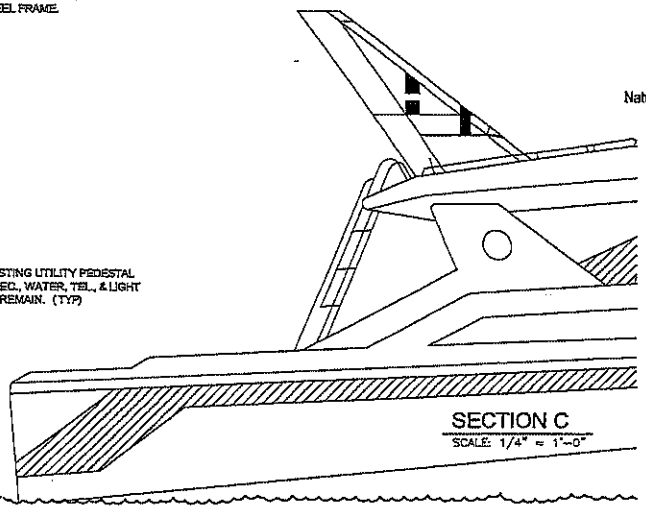
QC Review:	
Phase: DERM PERMIT	

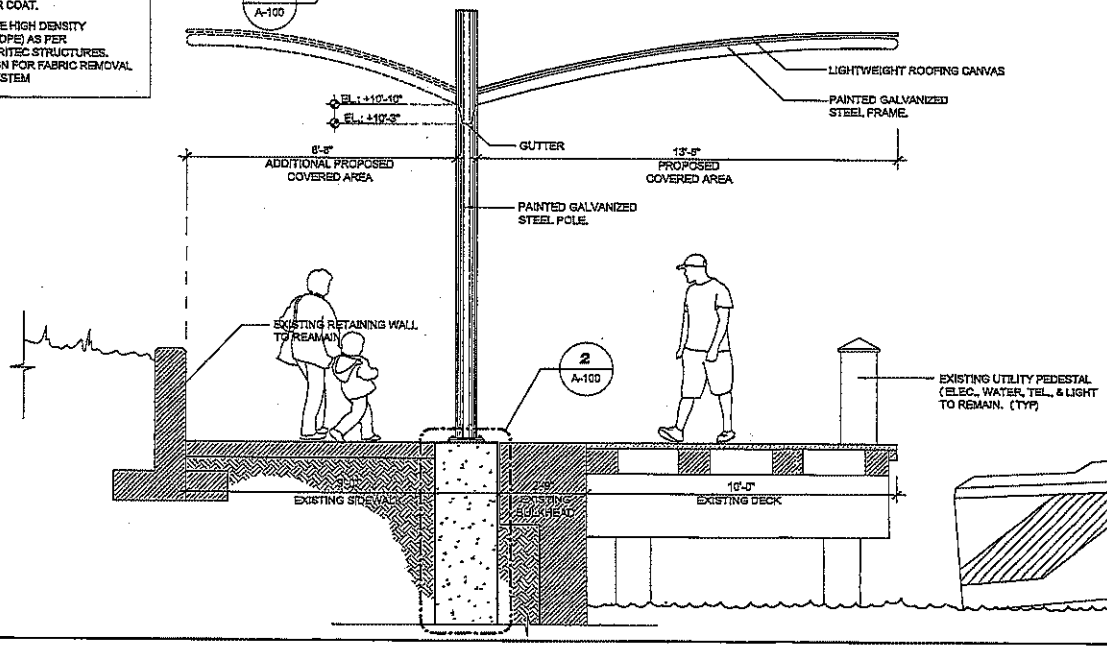


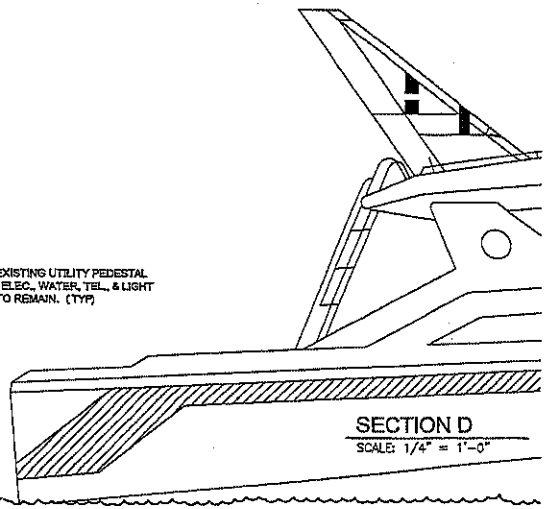


SECTION C
SCALE: 1/4" = 1'-0"

GENERAL NOTES

1. FRAME, POLES AND CANVAS COVERS DESIGNED FOR WIND LOADING AND LIVE LOADING IN ACCORDANCE WITH FLORIDA BUILDING CODE 2007.
2. FRAME AND POLES SHALL BE GALVANIZED AND PAINTED WITH A POWDER COAT.
3. CANVAS FABRIC SHALL BE HIGH DENSITY POLYETHYLENE MESH (HDPE) AS PER MANUFACTURED BY FABRITEC STRUCTURES. CANVAS SHALL BE DESIGN FOR FABRIC REMOVAL AND RE-ATTACHMENT SYSTEM





SECTION D
SCALE: 1/4" = 1'-0"

RECEIVED
MAY 14 2012
DERM Coastal Resources Section
Natural Resources Regulation & Restoration
Division (NRRRD)

CLIENT / PROJECT NAME:

CITY OF MIAMI BAYFRONT MARINA

CANOPY DESIGN
DERM CLASS 1 PERMIT

GENERAL NOTES:

No.	Date	Description

ISSUE LOG

PROFESSIONAL SEALS:

NOT VALID FOR CONSTRUCTION UNLESS SIGNED IN THIS BOX

SHEET TITLE:

SECTIONS

SHEET INFORMATION:

JOB No.	Date Issued:
Drawn By: BdP	Sheet Number:
Checked By: BdP	A-300
QC Review: BdP	
Phase: DERM PERMIT	

Attachment C

Zoning Memorandum

Memorandum

MIAMI-DADE COUNTY

Date: February 8, 2013

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

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

Subject: Application by the City of Miami for a Class I Permit and a Variance from Section 24-48.24 of the Code of Miami-Dade County, Florida for the installation of Non-Water Dependent Canopies Over Tidal Waters in Miamarina at Bayside in the City of Miami

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

Attachment D

Names and Addresses of Owners of All Riparian or Property Within Three Hundred (300) Feet of the Proposed Work

Attn: Bayside Center LTD Partnership
PO BOX 617905
Chicago, IL 60661-7905

Attn: REC CORPORATION
1 Malaga Street
St. Augustine, Fl 32084

Attn: REC CORPORATION
1 Malaga Street
St. Augustine, Fl 32084

Attn: Bayside Center LTD Partnership
PO BOX 617905
Chicago, IL 60661-7905

Attachment F

Department of Regulatory and Economic Resources Project Report

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

Application by the City of Miami for a Class I Permit and a Variance from Section 24-48.24 of the Code of Miami-Dade County, Florida for the installation of Non-Water-Dependent Canopies Over Tidal Waters in Miamarina at Bayside in the City of Miami

DATE: November 8, 2012

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

1. **Potential Adverse Environmental Impact** –The installation and maintenance of the proposed canopies are not expected to have any adverse environmental impacts. The footprint of the canopies will be located over the existing upland walkways and marginal docks, and the in-water areas that will be shaded are existing permitted boat slips in an artificial boat basin that have been in use since at least 1970.

   The proposed project is 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, no in-water work is proposed to occur in association with the installation and maintenance of the canopies.

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

3. **Hydrology** – The proposed project is not reasonably expected to adversely affect surface water drainage or retention of stormwater. The canopies will be graded towards the uplands in order to prevent positive drainage of stormwater to tidal waters.

4. **Water Quality** – The proposed project is not reasonably expected to result in impacts to water quality. Although the canopies will cast a shadow outside of their footprint, the in-water areas that will be shaded are existing permitted boat slips that have been in use since at least 1970.

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 canopies will be located at elevations that will not impact the view corridors associated with the existing facilities and walkways at Bayside Marketplace. Therefore, the proposed canopies are not reasonably expected to have negative aesthetic impacts.

9. **Navigation** – No in-water work is proposed to occur in association with the installation and maintenance of the canopies; therefore, the proposed project is not reasonably expected to adversely affect navigation.

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

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

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

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

14. **Marine and Wildlife Habitats** – The proposed project is not reasonably expected to adversely affect marine and wildlife habitats. The footprint of the proposed canopies will be located over the existing upland walkways and marginal docks, and the in-water areas that will be shaded are existing permitted boat slips in an artificial boat basin that have been in use since at least 1970.

    The proposed project is located within an area identified by the MDCMPP as essential manatee habitat for the West Indian Manatee. However, no in-water work is proposed to occur in association with the installation and maintenance of the canopies.

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

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

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

18. **Rare, Threatened and Endangered Species** – The proposed project is not reasonably expected to adversely affect any rare, threatened or endangered species. The over-water proposed work area is not located in critical habitat for Johnson's seagrass, a Federally Listed Threatened Species. The proposed project is located within an area identified by the MDCMPP as essential manatee habitat for the West Indian Manatee. However, no in-water work is proposed to occur in association with the installation and maintenance of the canopies.

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

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

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

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

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

24. **Conformance with Standard Construction Procedures and Practices and Design and Performance Standards** – The proposed project includes the installation of 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, and 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 not result in environmental impacts and is not reasonably expected to result in cumulative adverse environmental impacts. Therefore, a CEIS was not required by the Department of Regulatory and Economic Resources to evaluate the project.

26. **Conformance with All Applicable Federal, State and Local Laws and Regulations** - The proposed project is in conformance with the following applicable State, Federal and local laws and regulations:
    a) Miami-Dade County Public Works Manual

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 dependent 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 and does not involve development in the Big Cypress area 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 located within an area identified by the MDCMPP as essential manatee habitat for the West Indian Manatee. However, no in-water work is proposed to occur in association with the installation and maintenance of the canopies.

COASTAL MANAGEMENT ELEMENT VII:

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

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

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

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

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

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

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

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

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

Objective 5/Policy 5B - Existing and new areas for water-dependent uses - The proposed project has the potential to enhance existing water dependent uses, by providing protection from the elements to proprietors and patrons of the marina.

Objective 5/Policy 5D - Consistency with Chapter 33D, Miami-Dade County Code (shoreline access, environmental compatibility of shoreline development) - The proposed project has been approved 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 the 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 located within an area identified by the MDCMPP as essential manatee habitat for the West Indian Manatee. However, no in-water work is proposed to occur in association with the installation and maintenance of the canopies.

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

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

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

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** – Not applicable.
    ii. **Whether the proposed exceedance is the minimum necessary to achieve adequate water depth for mooring of a vessel** – Not applicable.
    iii. **Whether the applicant has provided notarized letters of consent to the Department of Regulatory and Economic Resources from adjoining riparian property owners** – Not applicable.
    iv. **Whether any letters of objection from adjoining riparian property owners were received by the Department of Regulatory and Economic Resources** – Not applicable.

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

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

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

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

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

36. **Visual or physical access by the general public to Biscayne Bay and its adjacent tidal waters** – The subject canopies will not impact existing visual or physical access to adjacent waters, and will provide protection from the elements to those utilizing the marginal docks within the project areas.

37. **Historical significance** – The marginal docks and associated facilities have existed in their current location since at least 1970.

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

39. **Environmental impact or cumulative environmental impact** – The installation of the proposed canopies is not reasonably expected to create adverse environmental impacts.

40. **Navigation** – No in-water work is proposed in association with the installation and maintenance of the canopies; therefore, the proposed project is not reasonably expected to adversely affect navigation.

41. **Public safety** – The installation of canopies 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 canopies will be located at elevations that will not impact the view corridors associated with the existing facilities and walkways at Bayside Marketplace. 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, the proposed 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 non-water dependent-structures as it pertains to the proposed project.

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 non-water-dependent structures as it pertains to the proposed project.

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 non-water-dependent structures as it pertains to the proposed project.

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

Lisa Spadafina

Lisa. M. Spadafina, Manager
Coastal Resources Section

CHenyns for

Nicole Fresard, Biologist II
Coastal Resources Section