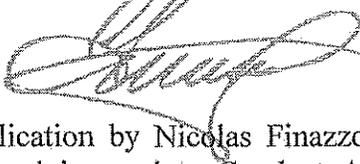


**Date:** February 19, 2014

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

**From:** Carlos A. Gimenez  
Mayor



Agenda Item No. 5(C)

**Subject:** Class I Permit Application by Nicolas Finazzo for After-the-Fact Authorization for Non-Maintenance Dredging and to Conduct Additional Non-Maintenance Dredging within an Artificial Boat Notch at 8545 Old Cutler Road in the City of Coral Gables

Resolution No. R-163-14

Attached, please find for your consideration an application by Nicolas Finazzo for a Class I permit. Also attached is the recommendation of the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (RER-DERM), and a proposed resolution approving the issuance of the Class I permit.



Jack Osterholt, Deputy Mayor

**Date:** January 23, 2014

**To:** Carlos A. Gimenez  
Mayor

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

**Subject:** Class I Permit Application by Nicolas Finazzo for After-the-Fact Authorization for Non-Maintenance Dredging and to Conduct Additional Non-Maintenance Dredging within an Artificial Boat Notch at 8545 Old Cutler Road in the City of Coral Gables

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### Recommendation

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

### Scope

The project site is located at 8545 Old Cutler Road, City of Coral Gables, in Commission District 7 (Commissioner Suarez).

### 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 (DERM), will be responsible for monitoring the proposed permit.

### Background

The subject Class I permit application requests after-the-fact authorization for non-maintenance dredging and to conduct additional non-maintenance dredging within an artificial boat notch at 8545 Old Cutler Road, City of Coral Gables. The project is required to be reviewed and approved by the Board at a public hearing because the scope of work is specifically referenced in Section 24-48.2 of the Code as work that shall be processed as a standard form application. Therefore, a standard form application and a public hearing are required.

The project involves the excavation of 1,680 square feet of the limerock substrate within a privately owned boat notch. DERM staff inspected the site as a result of a citizen complaint of a large plume of turbid water in the adjacent canal and it was determined that a 1,446 square foot area of the boat notch had been dredged without proper authorization. The property owner was issued Uniform Civil Violation Notices and ordered to cease and desist from any further dredging and to obtain a Class 1 coastal construction permit to complete the work. In order to expand the slip and provide adequate water depth for the vessel that is moored on-site, the applicant is requesting authorization to dredge a remaining 234 square foot area.

Although the unauthorized work resulted in temporary water quality impacts, the proposed dredging will be required to be conducted in accordance with the conditions of the Class I permit, which will require that appropriate environmental controls, such as turbidity curtains, be

maintained during all phases of construction. In addition, the Class I permit will require that State and County water quality standards be adhered to at all times.

The applicant is also requesting authorization to extend the dock as part of this Class I permit application. The proposed dredging and dock extension project is not reasonably expected to result in adverse environmental impacts, when conducted with appropriate environmental controls, and is permissible under the Code.

Mitigation for water quality impacts and for impacts to the submerged bottom will be satisfied through a contribution to the Biscayne Bay Environmental Trust Fund in the amount of \$3,312.00. In addition, pursuant to County requirements, the property owner is being assessed double application and permit fees for performing work prior to obtaining the required permit.

The proposed project is located adjacent to an area identified by the Miami-Dade County Manatee Protection Plan (MPP) as essential manatee habitat for the West Indian Manatee. The Class I permit will require that all standard manatee construction permit 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 Miami-Dade County coastal protection provisions. The attached Project Report sets forth the reasons the project is recommended for approval pursuant to the applicable evaluation factors set forth in Section 24-48.3 of the Code. The conditions, limitations, and restrictions set forth in the Project Report attached hereto are incorporated herein by references hereto.

**Attachments**

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



**MEMORANDUM**  
(Revised)

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

**DATE:** February 19, 2014

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

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

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

Agenda Item No. 5(C)

Veto \_\_\_\_\_

2-19-14

Override \_\_\_\_\_

RESOLUTION NO. R-163-14

RESOLUTION APPROVING A CLASS I PERMIT APPLICATION BY NICOLAS FINAZZO FOR AFTER-THE-FACT AUTHORIZATION FOR NON-MAINTENANCE DREDGING AND TO CONDUCT ADDITIONAL NON-MAINTENANCE DREDGING WITHIN AN ARTIFICIAL BOAT NOTCH AT 8545 OLD CUTLER ROAD, CITY OF CORAL GABLES, FLORIDA

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

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board having considered all the applicable factors contained within Sections 24-48.3 of the Code of Miami-Dade County, hereby approves the application by Nicolas Finazzo for a Class I permit for after-the-fact authorization for non-maintenance dredging and to conduct additional non-maintenance dredging within an artificial boat notch at 8545 Old Cutler Road, City of Coral Gables, Florida, subject to the conditions set forth in the memorandum from the Miami-Dade County Department of Regulatory and Economic Resources, Division of Environmental Resources Management, 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 **Esteban L. Bovo, Jr.**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 19<sup>th</sup> day of February, 2014. 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

**Christopher Agrippa**

By: \_\_\_\_\_  
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:	Application Number: <u>CL1-2012-0143</u>
	Application Fee: <u>\$925.00</u>

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

<b>1. Applicant Information:</b> Name: <u>Nicolas Finazzo</u> Address: <u>8545 Old Cutler Road</u> <u>Coral Gables, Florida</u> Zip Code: <u>33143</u> Phone #: _____ Fax#: _____ Email: <u>nfinazzo@aersale.com</u> <small>* This should be the applicant's information for contact purposes.</small>	<b>2. Applicant's Authorized Permit Agent:</b> <small>Agent is allowed to process the application, furnish supplemental information relating to the application and bind the applicant to all requirements of the application.</small> Name: <u>EAS Engineering, Inc.</u> Address: <u>55 Almeria Avenue</u> <u>Coral Gables, Florida</u> Zip Code: <u>33134</u> Phone #: <u>(305) 445-5553</u> Fax #: <u>(305) 444-2112</u> Email: <u>eswakon@eas-eng.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): 03-4132-019-0030 Latitude: 25.41'3"N Longitude: 80.16'06"W  
 Street Address: 8545 Old Cutler Road Section: 32 Township: 54S Range: 41E  
 In City or Town: Coral Gables Near City or Town: \_\_\_\_\_  
 Name of waterway at location of the activity: Unnamed Canal Tributary to Biscayne Bay

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

<input type="checkbox"/> Seawall	<input checked="" type="checkbox"/> Dock(s)	<input type="checkbox"/> Boatlift	<input checked="" type="checkbox"/> Dredging	<input type="checkbox"/> Mangrove Trimming
<input type="checkbox"/> New/Replacement Seawall	<input type="checkbox"/> Pier(s)	<input type="checkbox"/> Mooring Piles	<input checked="" type="checkbox"/> Maintenance	<input type="checkbox"/> Mangrove Removal
<input type="checkbox"/> Seawall Cap	<input type="checkbox"/> Viewing Platform	<input type="checkbox"/> Fender Piles	<input checked="" 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: \_\_\_\_\_

Estimated project cost = \$5,233.00

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

<b>5. Proposed Use (check all that apply):</b> <input checked="" type="checkbox"/> Single Family <input type="checkbox"/> Multi-Family <input type="checkbox"/> Private <input type="checkbox"/> Public <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Utility	<b>6. If the proposed work relates to the mooring of vessels provide the following information (please also indicate if the applicant does not have a vessel):</b> Proposed Vessel Type (s): <u>Motor Yacht</u> Vessel Make/Model (If known): <u>Westport</u> Draft (s)(range in inches.): <u>5'6"</u> Length (s)(range in feet.): <u>111'8"</u> Total Number of Slips: <u>1</u>
---	--

**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: Marin & Marin Construction, Inc. License#: E-1391 (County/State): Miami-Dade County

Address: 4995 SW 72<sup>nd</sup> Avenue #306, Miami, FL Zip Code: 33133

Phone #: (305) 638-3767 Fax #: (305) 638-0277 E-mail: marin\_marin@bellsouth.net

**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**

Nicolas Finazzo Nicolas Finazzo 12/11/13  
 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.)

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

**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



**Attachment B**

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

EAS ENGINEERING, INC.

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

PERMIT APPLICANT / AUTHORIZED AGENT STATEMENT

December 11, 2013

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

Re: Class I Standard Form Permit Application Number CLI-2012-0143

By the attached Class I Standard Form permit application with supporting documents, I, Edward A. Swakon, President, EAS Engineering, Inc. am the applicant's authorized agent and hereby request permission to perform the work associated with Class I Permit Application CLI-2012-0143. 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,



Edward A. Swakon  
President, EAS Engineering, Inc.  
Applicant's Authorized Agent

EAS ENGINEERING, INC.

88 ALMERIA AVE. • CORAL GABLES • FLORIDA 33134 • (305) 445-6593 • FAX: (305) 444-2112 • ESWAKON@EAS-ENG.COM

ENGINEER LETTER OF CERTIFICATION

December 11, 2013

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

RE: Class I Permit Application Number CLI-2012-0143

Ladies and Gentlemen:

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

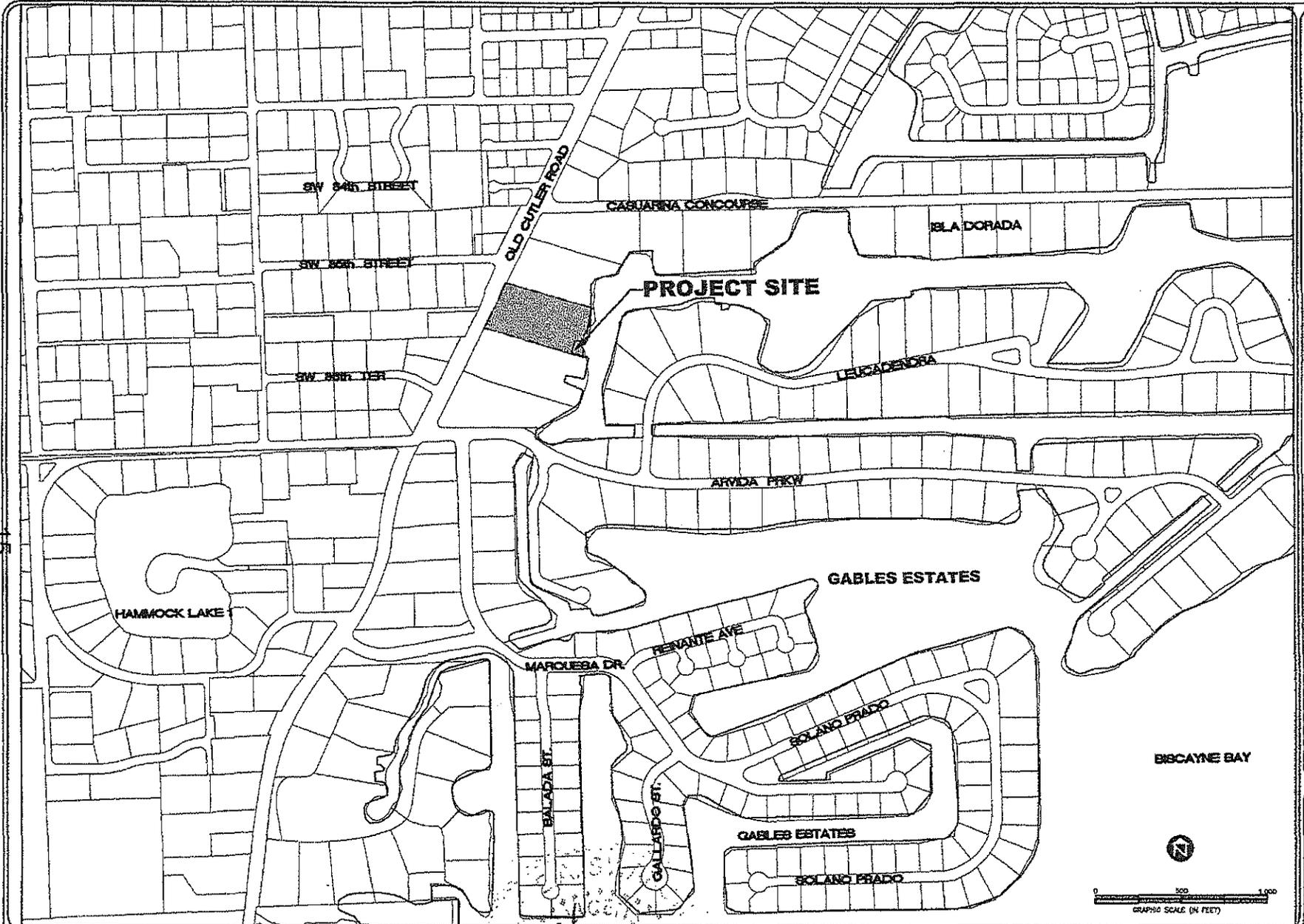
- a. Harmful obstruction or undesirable alteration of the natural flow of the water within the area of the proposed work.
- b. Harmful or increased erosion, shoaling of channels or stagnant areas of water. (Not applicable to class IV permits)
- c. Material injury to adjacent property.
- d. Adverse environmental impacts from changes in water quality or quantity. (Applicable to class IV permits only)

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

Sincerely,

  
Edward A. Swakon  
P.E. License #31184





PURPOSE: **LOCATION MAP**  
 DATUM: N/A  
 JOB NO: 2005-24

**EAS ENGINEERING, INC.**

55 ALMERIA AVENUE CORAL GABLES 33134 (305)446-6658

*12-10-13*  
*2/1/13*  
*[Signature]*

COUNTY OF MIAMI-DADE  
 APPLICATION BY:  
**NICOLAS FINAZZO**  
 8545 OLD CUTLER ROAD  
 CORAL GABLES, FL. 33143  
 SHEET 2

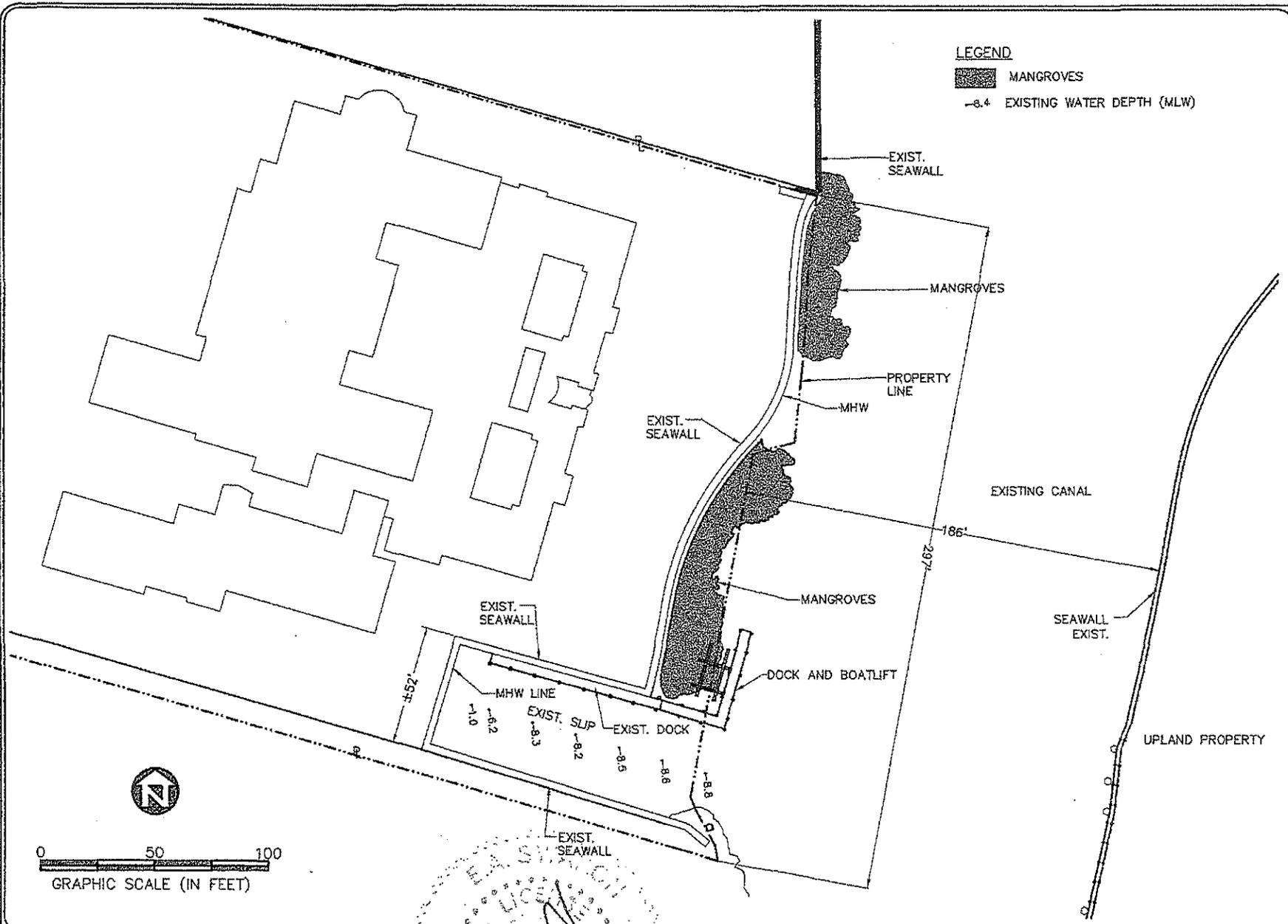
STATE OF FLORIDA

SECTION: 32  
 TOWNSHIP: 54S  
 RANGE: 41E

REV #	DATE & DESCRIPTION

16

**LEGEND**  
 MANGROVES  
 -8.4 EXISTING WATER DEPTH (MLW)



**PURPOSE:** PRE-EXISTING CONDITIONS  
**DATUM:** MLW  
**JOB NO:** 2005-24  
**EAS ENGINEERING, INC.**  
 65 ALMERIA AVENUE CORAL GABLES 33134 (305)445-5653

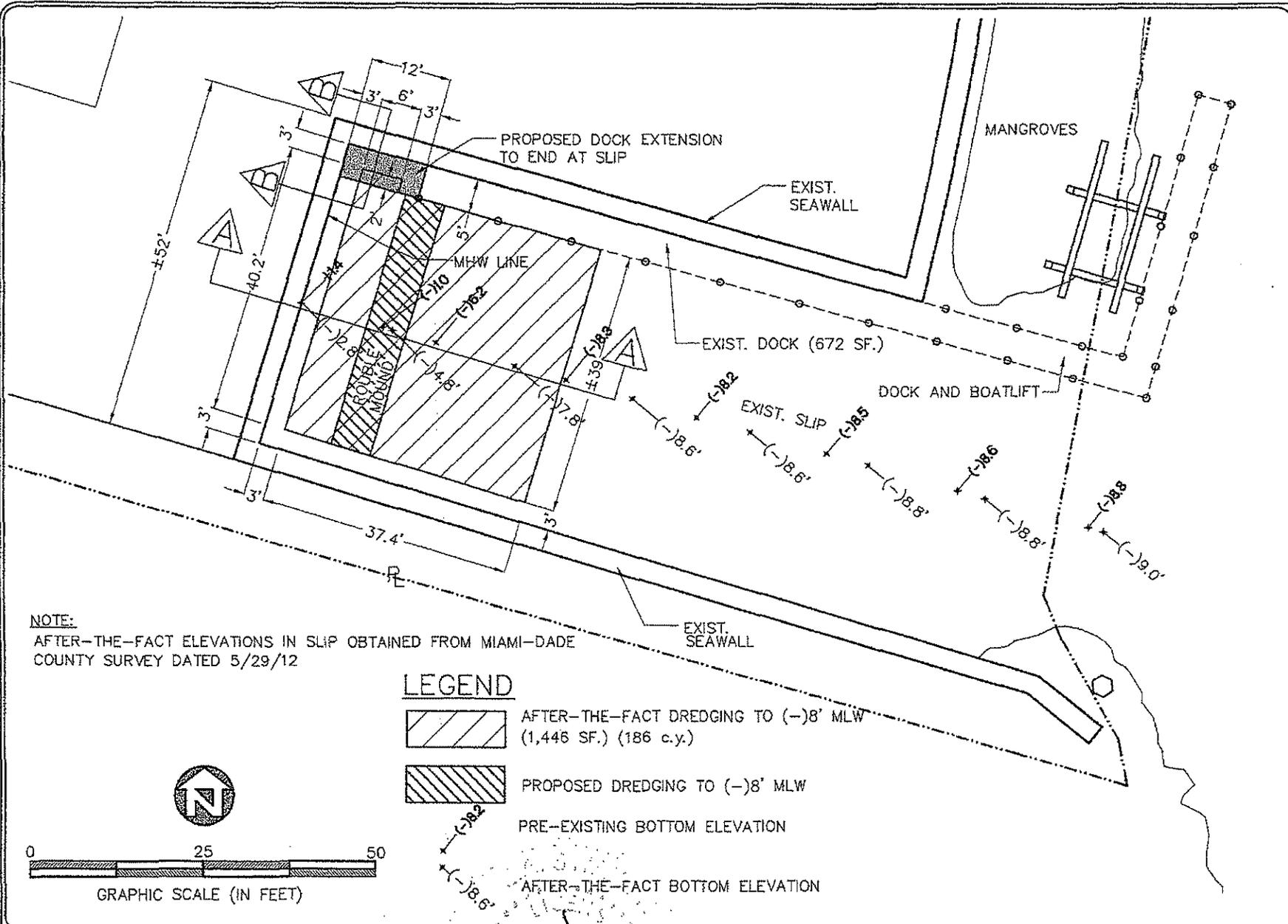
*Handwritten signature and date:*  
 12/10/13

**COUNTY OF MIAMI-DADE**  
**APPLICATION BY:**  
**NICOLAS FINAZZO**  
 8545 OLD CUTTLER ROAD  
 CORAL GABLES, FL. 33143  
**SHEET 3**      **DATE: 12/10/13**

**STATE OF FLORIDA**  
**SECTION: 32**  
**TOWNSHIP: 54S**  
**RANGE: 41E**

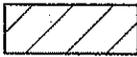
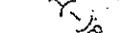
REV. #	DATE & DESCRIPTION

17



**NOTE:**  
 AFTER-THE-FACT ELEVATIONS IN SLIP OBTAINED FROM MIAMI-DADE COUNTY SURVEY DATED 5/29/12

**LEGEND**

-  AFTER-THE-FACT DREDGING TO (-)8' MLW (1,446 SF.) (186 c.y.)
-  PROPOSED DREDGING TO (-)8' MLW
-  PRE-EXISTING BOTTOM ELEVATION
-  AFTER-THE-FACT BOTTOM ELEVATION

**PURPOSE:** SITE PLAN  
**DATUM:** MLW  
**JOB NO:** 2005-24

**EAS ENGINEERING, INC.**  
 65 ALMERIA AVENUE CORAL GABLES 33134 (305)445-5553

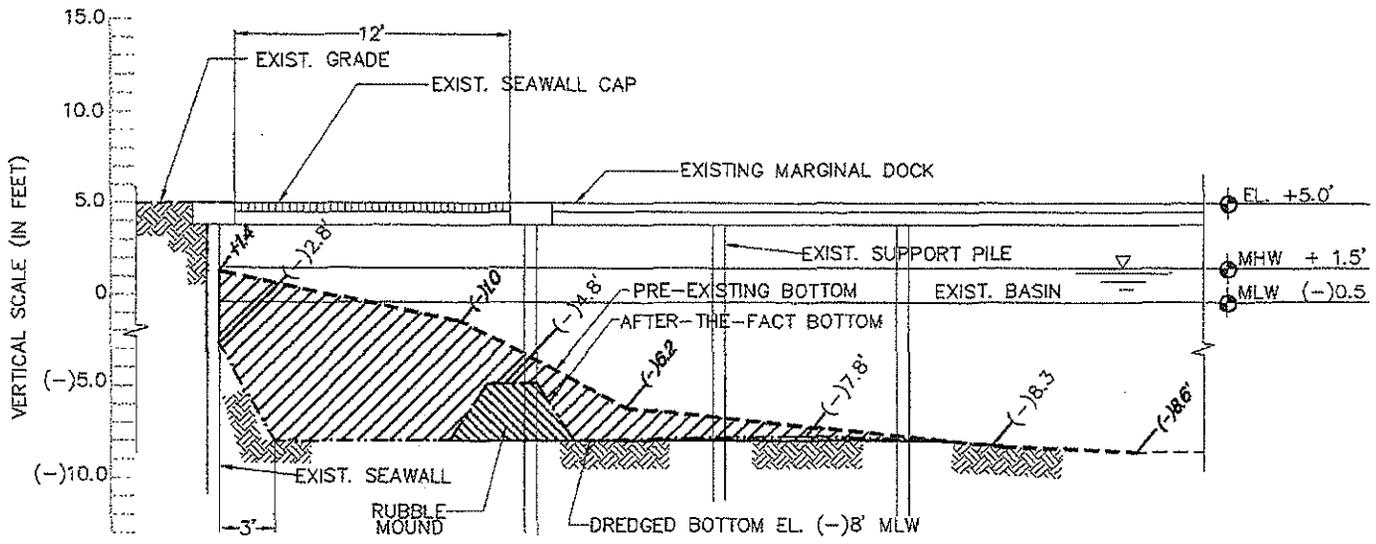
*Handwritten signature and date:*  
 12/10/13

**COUNTY OF MIAMI-DADE**  
**APPLICATION BY:**  
**NICOLAS FINAZZO**  
 8545 OLD CUTLER ROAD  
 CORAL GABLES, FL. 33143  
**SHEET 4**

**STATE OF FLORIDA**  
**SECTION:** 32  
**TOWNSHIP:** 54S  
**RANGE:** 41E

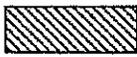
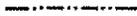
**DATE:** 12/10/13

REV. #	DATE & DESCRIPTION



**SECTION A-A**  
SCALE: 1" = 10'

**LEGEND**

-  AREA DREDGED
-  AREA PROPOSED TO BE DREDGED
-  PRE-EXISTING BOTTOM
-  AFTER-THE-FACT BOTTOM
-  PRE-EXISTING ELEVATIONS
-  AFTER-THE-FACT ELEVATIONS

PURPOSE: SECTION A-A  
DATUM: MLW  
JOB NO: 2005-24

**EAS ENGINEERING, INC.**

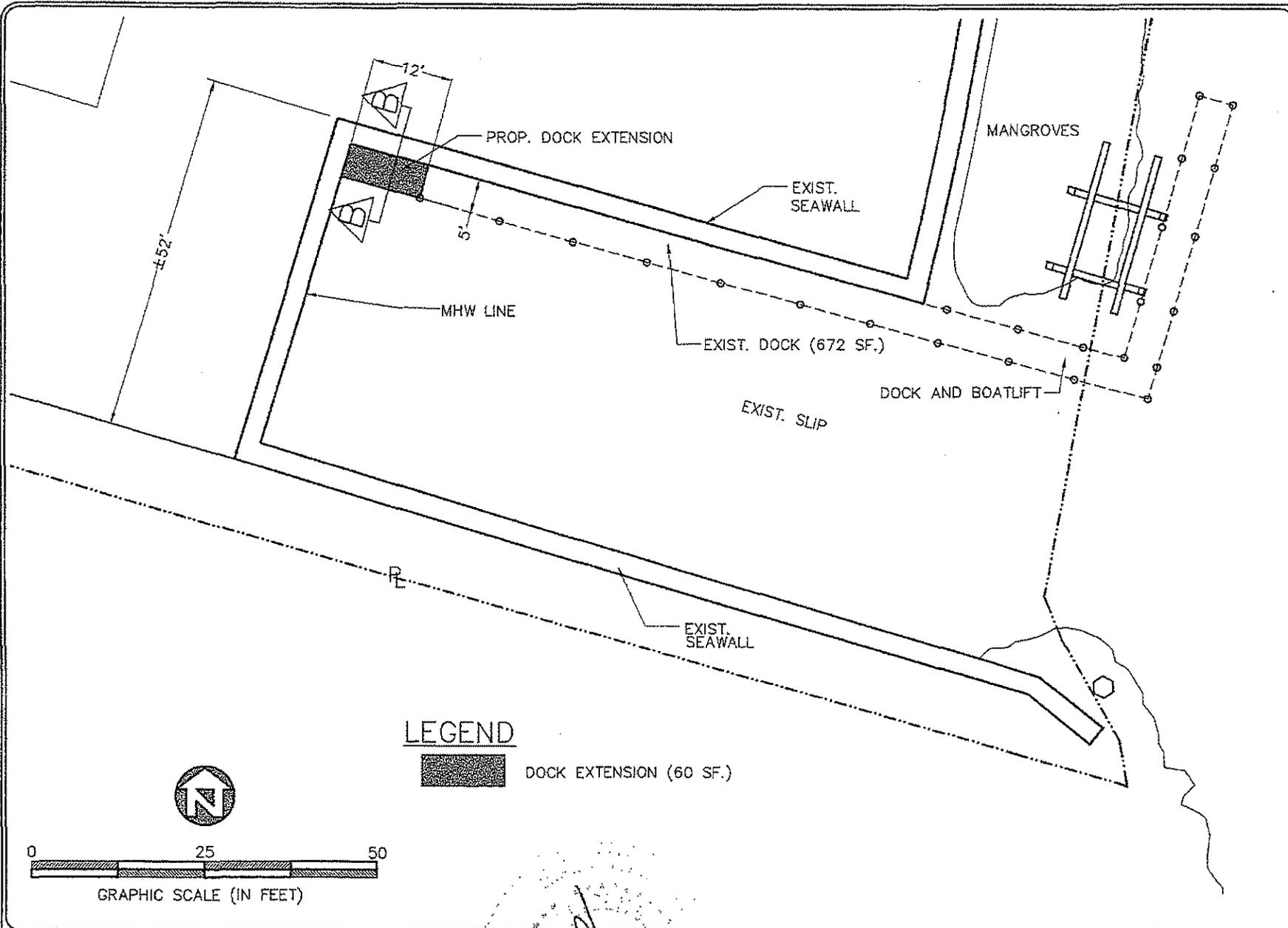
55 ALMERIA AVENUE CORAL GABLES 33134 (305)445-5553

*Handwritten signature and date: 12/10/13*

COUNTY OF MIAMI-DADE  
APPLICATION BY:  
**NICOLAS FINAZZO**  
8545 OLD CUTLER ROAD  
CORAL GABLE, FLORIDA 33143  
SHEET 5

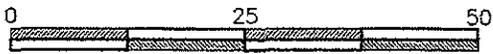
STATE OF FLORIDA  
SECTION: 32  
TOWNSHIP: 54S  
RANGE: 41E  
DATE: 12/10/13

REVISIONS



**LEGEND**

 DOCK EXTENSION (60 SF.)



GRAPHIC SCALE (IN FEET)

*Handwritten signature and date:*  
 12-10-13  
 [Signature]

PURPOSE: PROP. DOCK EXTENSION SITE PLAN  
 DATUM: MLW  
 JOB NO: 2005-24

**EAS ENGINEERING, INC.**

55 ALMERIA AVENUE CORAL GABLES 33134 (305)445-5553

COUNTY OF MIAMI-DADE

APPLICATION BY:

NICOLAS FINAZZO

8545 OLD CUTLER ROAD

CORAL GABLES, FL. 33143

SHEET 6 DATE: 12/10/13

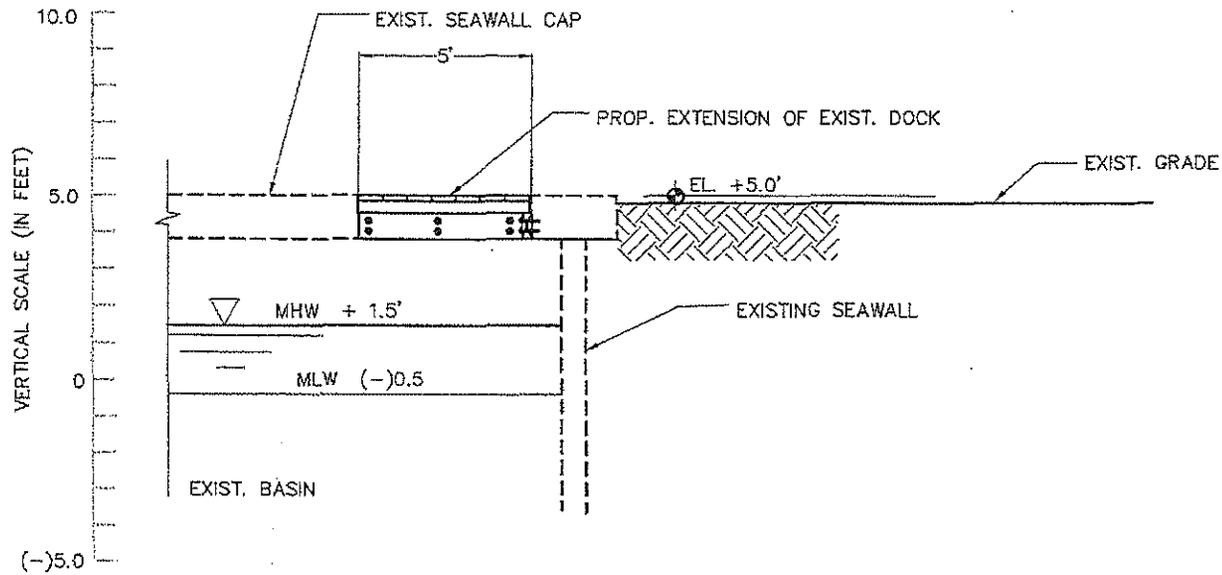
STATE OF FLORIDA

SECTION: 32

TOWNSHIP: 54S

RANGE: 4E

REV # DATE & DESCRIPTION



**SECTION B-B**

SCALE: 1" = 5'

PURPOSE: **SECTION B-B**  
 DATUM: MLW  
 JOB NO: 2005-24

**EAS ENGINEERING, INC.**

55 ALMERIA AVENUE CORAL GABLES 33134 (305)445-5553

*Handwritten signature and date: 12/10/13*

COUNTY OF MIAMI-DADE  
 APPLICATION BY:  
**NICOLAS FINAZZO**  
 8545 OLD CUTLER ROAD  
 CORAL GABLE, FLORIDA 33143  
 SHEET 7

STATE OF FLORIDA

SECTION: 32  
 TOWNSHIP: 54S  
 RANGE: 41E

REV. DATE  
 DESCRIPTION

**Attachment C**

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

~~Steven A. Howard~~  
~~15 Brian Ormand~~  
~~5925 Wisconsin Ave NW Ste 850~~  
~~Washington DC 20015~~

IFG Florida INC  
625 Leucadendra Dr  
Coral Gables, FL 33156-2365

Nicolas Finazzo & Rose Finazzo  
13060 SW 70 Ave  
Pinecrest, FL 33156-6912

Gonzalo Palenzuela & W Yrma  
665 Leucadendra Dr  
Coral Gables, FL 33156-2365

~~Patricia Bean~~  
~~641 Leucadendra Dr~~  
~~Coral Gables, FL 33156-2365~~

Patricia Bean  
641 Leucadendra Dr  
Coral Gables, FL 33156-2365

8525 Old Cutter, LLC  
c/o Alexandre Saverin  
846 Lincoln Rd 4th FL  
Miami Beach FL 33139

William & Camila Zelaya  
8585 Old Cutter Rd.  
Coral Gables, FL  
33143

**Attachment D**  
**Zoning Memorandum**

# Memorandum



**Date:** January 16, 2014

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

**From:** Alain Alonso, Biologist I *A.A.*  
Coastal and Wetlands Resources Section  
Department of Regulatory and Economic Resources

**Subject:** Class I Permit Application for After-the-Fact Authorization for Non-Maintenance Dredging and to Conduct Additional Non-Maintenance Dredging within an Artificial Boat Notch at 8545 Old Cutler Road in the City of Coral Gables, Florida

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

**Attachment E**  
**RER-DERM Project Report**

**PROJECT REPORT**  
**CLASS I PERMIT APPLICATION NO. CLI-2012-0143**

Class I Permit Application by Nicolas Finazzo for After-The-Fact Authorization for Non-Maintenance Dredging and to Conduct Additional Non-Maintenance Dredging within an Artificial Boat Notch at 8545 Old Cutler Road, Miami Dade-County, Florida

**DATE: December 10, 2013**

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

1. **Potential Adverse Environmental Impact** – The project location is within an artificial boat notch in an area that does not support benthic resources. Although the portion of the project that was completed resulted in temporary water quality impacts due to a lack of appropriate environmental controls being implemented, the proposed dredging will be required to be conducted in accordance with the conditions of the Class I permit, which will require that turbidity curtains be maintained during all phases of construction. Therefore, the proposed project is not reasonably expected to result in adverse environmental impacts. Mitigation for the water quality impacts and for impacts to the submerged bottom as a result of non-maintenance dredging will be satisfied through a contribution to the Biscayne Bay Environmental Trust Fund in the amount of \$3,312.00

The subject property is located adjacent to an area designated as essential manatee habitat for the West Indian Manatee by the Miami-Dade County Manatee Protection Plan (MPP). Therefore, the Class I permit will require that all standard manatee construction permit conditions be followed during construction operations. The project location is not located within *Halophila johnsonii* (Johnson's Seagrass) Critical Habitat, and the boat notch does not support benthic resources. Therefore, the proposed project is not reasonably expected to result in any adverse environmental impacts to rare, threatened, or endangered species.

2. **Potential Cumulative Adverse Environmental Impact** – The project is not reasonably expected to result in cumulative adverse environmental impacts.
3. **Hydrology** - The project is not reasonably expected to adversely affect surface water drainage or retention of stormwater.
4. **Water Quality** – The portion of the project that was completed resulted in temporary water quality impacts due to a lack of appropriate environmental controls being implemented; however the proposed dredging will be required to be conducted in accordance with the conditions of the Class I permit which will require that turbidity curtains be maintained during all phases of construction; therefore, the proposed project is not reasonably expected to adversely affect water quality.
5. **Wellfields** – Not applicable.
6. **Water Supply** – Not applicable.
7. **Aquifer Recharge** – Not applicable.
8. **Aesthetics** – The project is not reasonably expected to adversely affect aesthetics.
9. **Navigation** – The project is not reasonably expected to adversely affect navigation.
10. **Public Health** - The project is not reasonably expected to adversely affect public health.
11. **Historic Values** - The project is not reasonably expected to adversely affect historic values.
12. **Archaeological Values** - The project is not reasonably expected to adversely affect archaeological values.
13. **Air Quality** – The project is not reasonably expected to adversely affect air quality.
14. **Marine and Wildlife Habitats** – The project is not reasonably expected to adversely affect marine and wildlife habitats, as set forth in Number 1 above.
15. **Wetland Soils Suitable for Habitat** – The project does not involve any work in wetland soils.
16. **Floral Values** – The project is not reasonably expected to adversely affect floral values, as set forth in Number 1 above.
17. **Fauna Values** - The project is not reasonably expected to adversely affect fauna values, as set forth in Number 1 above.

18. **Rare, Threatened and Endangered Species** – The project is located adjacent to an area designated as essential manatee habitat for the West Indian Manatee by the MPP. However, Class I permit will require that all standard manatee construction permit conditions be followed during all construction operations. The project location is not located within *Halophila johnsonii* (Johnson's Seagrass) Critical Habitat, and the boat notch does not support benthic resources. Therefore, the proposed project is not reasonably expected to result in any adverse environmental impacts to rare, threatened, or endangered species.
19. **Natural Flood Damage Protection** - The project is not reasonably expected to adversely affect surface water drainage or retention of stormwater.
20. **Wetland Values** – The 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 of Miami-Dade County, Florida, a substantiating letter stating that the project does not violate any zoning laws or a plan approval shall be submitted. Said letter or plan approval will be submitted after approval by the Board of County Commissioners and prior to the issuance of the Class I permit.
22. **Recreation** - The project does not conflict with the recreation element of the Miami-Dade County CDMP.
23. **Other Environmental Values Affecting the Public Interest** – The project is not reasonably expected to adversely affect other environmental values affecting the public interest. The project location is within an artificial boat notch on submerged lands owned by the applicant.
24. **Conformance with Standard Construction Procedures and Practices and Design and Performance Standards** The project complies with standard construction procedures and practices and design and performances of the applicable portions of the following:
  - a) Chapter 33B of the Code of Miami-Dade County, Florida
  - b) Miami-Dade County Public Works Manual
25. **Comprehensive Environmental Impact Statement (CEIS)** - In the opinion of the Director, the project is not reasonably expected to result in adverse environmental impacts or cumulative adverse environmental impacts. Therefore, a CEIS was not required by RER-DERM to evaluate the project.
26. **Conformance with All Applicable Federal, State and Local Laws and Regulations** - The project is in conformance with applicable State, Federal and local laws and regulations:
  - a) United States Clean Water Act US Army Corps of Engineers, (permit is required)
  - b) Florida Department of Environmental Protection (permit is required)
27. **Conformance with the Miami-Dade County Comprehensive Development Master Plan (CDMP)** - In the opinion of the Director, the project is in conformance with the CDMP. The following is a summary of the project as it relates to the CDMP:

#### **LAND USE ELEMENT I:**

**Objective 3/Policies 3A, 3B, 3C** - Protection of natural resources and systems. – The 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 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 project.

**Port of Miami River Subelement/Objective 3** - Minimization of impacts to estuarine water quality and marine resources. - The project area is not located 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 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 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 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 project will not compromise flood protection.

**Objective 6/Policy 6A** - Areas of highest suitability for mineral extraction. - The 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 project is not located in a rock quarry.

**Objective 6/Policy 6D** - Fill material on-site is suitable for the support of development. – The project does not involve filling for the purposes of development.

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

**Objective 9/Policies 9A, 9B, 9C** - Protection of habitat critical to Federal or State-designated threatened or endangered species. – The project is not reasonably expected to result in any adverse environmental impacts to rare, threatened, or endangered species, as set forth in Number 18 above.

#### **COASTAL MANAGEMENT ELEMENT VII:**

**Objective 1/Policy 1A** - Tidally connected mangroves in mangrove protection areas – The 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 project does not involve pedestrian access through mangroves.

**Objective 1/Policy 1D** - Protection and maintenance of mangrove forests and related natural vegetational communities. - The 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 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 project does not involve beach restoration or renourishment.

**Objective 3/Policies 3E, 3F** - Location of new cut and spoil areas for proper stabilization and minimization of damages. - The 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 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 project does not involve a new water-dependent use.

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

**Objective 5/Policy 5F** - The siting of water-dependent facilities. - The 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 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 project is in conformance with the Biscayne Bay Management Plan.
30. **Conformance with the Miami-Dade County Manatee Protection Plan** - The project is located adjacent to an area identified by the MPP as essential manatee habitat for the West Indian Manatee. However, the project is not reasonably expected to adversely impact the West Indian Manatee, as in Number 1 above.
31. **Consistency with Miami-Dade County Criteria for Lake Excavation** – The project does not involve lake excavation.
32. **Municipality Recommendation** – Pursuant to Section 24-48.2(II)(B)(7), of the Code of Miami-Dade County, Florida, a substantiating letter stating that the project does not violate any zoning laws or a plan approval shall be submitted. Said letter or plan approval will be submitted after 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 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 project is not reasonably expected to impact wetland hydrological or 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** – Not applicable.

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

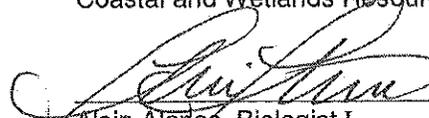
a) Minimum dredging and filling for the creation and maintenance of marina, piers, docks and attendant navigational channels.

**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 excavation will provide adequate water depth for the applicant's vessel throughout the entire boat notch.

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

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

  
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Lisa Spadafina, Manager  
Coastal and Wetlands Resources Section

  
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Alain Alonso, Biologist I  
Coastal and Wetlands Resources Section