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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Agenda Item No. 5(I)

Date: November 5, 2014

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

From: Carlos A. Gimenez
Mayor

Subject: Class I Permit Application and Request for a Variance from Section 24-48.24 of the Code of Miami-Dade County by Fisher Island Community Association, Inc. to Construct a Non-Water-Dependent Platform associated with a Ferry Terminal over Tidal Waters at 112 MacArthur Causeway, Miami Beach, Miami-Dade County

Resolution No. R-965-14

Attached, please find for your consideration an application by Fisher Island Community Association, Inc. for a Class I permit and a variance from Sections 24-48.24 of the Code of Miami-Dade County. 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 and the variance.

Jack Osterholt, Deputy Mayor

Memorandum

MIAMI-DADE COUNTY

Date: October 7, 2014

To: Carlos A. Gimenez
Mayor

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

Subject: Class I Permit Application and Request for a Variance from Section 24-48.24 of the Code of Miami-Dade County by Fisher Island Community Association, Inc. to Construct a Non-Water-Dependent Platform associated with a Ferry Terminal over Tidal Waters at 112 MacArthur Causeway, Miami Beach, Miami-Dade County

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Recommendation

I have reviewed the attached application for a Class I permit and a variance by Fisher Island Community Association, Inc. Based upon the applicable evaluation factors set forth in Section 24-48.3 and 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 variance request for the reasons set forth below.

Scope

The project site is located at 112 MacArthur Causeway, Miami Beach, in Commission District 5 (Commissioner Bruno A. Barreiro).

Fiscal Impact/Funding Source

This resolution is a regulatory approval and does not have a fiscal impact as contemplated by Resolution No. R-530-10.

Track Record/Monitor

The Natural Resources Division Chief, Lisa Spadafina, within the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (RER-DERM), will be responsible for monitoring the proposed permit.

Background

This Class I permit application and request for a variance seek authorization to construct a new ferry terminal platform over the tidal waters of Biscayne Bay for a non-water-dependent use at 112 MacArthur Causeway in the City of Miami Beach. The proposed project is required to be reviewed and approved by the Board at a public hearing because Section 24-48.24 of the Code prohibits non-water-dependent fixed structures. Therefore, a variance from the Code, including a standard form application and a public hearing, is required.

The proposed ferry terminal will be the new location for the Fisher Island commercial operations, which include the transport of equipment, large trucks and vehicles between Fisher Island and the mainland. The commercial operations location is currently at the southwest end of the Port of Miami on Dodge Island, in an area that is leased from the Port of Miami. The Fisher Island Community Association, Inc, as applicant, has indicated that the lease will expire in a few years and the Port of Miami Master Plan does not include the applicant as a future tenant. Therefore, they have purchased the subject property to provide for the continued commercial ferry operations and to allow for the modification of the existing passenger ferry service.

The platform will be constructed over water to be used as a staging and access area for vehicles and equipment. Because the staging of vehicles can be located on the uplands, the proposed platform is not consistent with the water-dependency requirement in the Code. As part of RER-DERM's review of the subject application and variance request, the applicant was requested to evaluate alternatives to constructing the platform over water. The applicant indicated that due to the limited size of the property, the staging of vehicles cannot be accommodated on the uplands. The over-water platform was designed to be the minimum size necessary, while allowing for safe and efficient operation.

Section 24-48.3 of the Code requires that RER-DERM evaluate environmental and related impacts including but not limited to aesthetics, navigation, marine resources and any other environmental value affecting the public interest when deciding whether to recommend approval or denial of a proposed project. Section 24-48.25 of the Code provides for the applicant to request a variance from the Code to be ruled upon by the Board, and lists consideration factors including but not limited to environmental impact and aesthetics. The proposed ferry terminal platform and ferry slip will be located in a deep water area that has historically been used for the mooring of large cargo ships and barges, and does not support significant marine resources. Therefore, the proposed project is not reasonably expected to result in adverse environmental impacts, and is also consistent with the historic and existing uses at the adjacent properties.

The proposed project site is not located within an area designated as essential habitat for the West Indian Manatee by the Miami-Dade County Manatee Protection Plan (MPP). However, the Class I permit will require that all standard manatee construction permit conditions be followed during all in-water construction operations. Furthermore, mooring of vessels or barges greater than 100 feet in length will require the use of a fender system that provides a minimum of 4 feet of standoff from the bulkhead under maximum operational compression.

The proposed project has been designed in accordance with all other relevant Miami-Dade County coastal construction criteria and is consistent with all other Miami-Dade County coastal protection provisions. The attached Project Report 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. 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:	RER-DERM Project Report

MEMORANDUM
(Revised)

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

DATE: November 5, 2014

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

SUBJECT: Agenda Item No. 5(I)

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(I)
11-5-14

RESOLUTION NO. R-965-14

RESOLUTION APPROVING A CLASS I PERMIT APPLICATION AND REQUEST FOR A VARIANCE FROM SECTION 24-48.24 OF THE CODE OF MIAMI-DADE COUNTY BY FISHER ISLAND COMMUNITY ASSOCIATION, INC TO CONSTRUCT A NON-WATER-DEPENDENT PLATFORM ASSOCIATED WITH A FERRY TERMINAL OVER TIDAL WATERS AT 112 MACARTHUR CAUSEWAY, MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board having considered all the applicable factors contained within Section 24-48.3 and 24-48.25 of the Code of Miami-Dade County, hereby approves the application by Fisher Island Community Association, Inc. for a Class I permit and a variance from Section 24-48.24 of the Code of Miami-Dade County to construct a non-water-dependent platform associated with a ferry terminal over tidal waters at 112 MacArthur Causeway, Miami Beach, Miami-Dade County, Florida, subject to the conditions set forth in the memorandum from the Miami-Dade County Department of Regulatory and Economic Resources, a copy of which is attached hereto and made a part hereof. The issuance of this approval does not relieve the applicant from obtaining all applicable Federal, State, and local permits.

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

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

By: ***Christopher Agrippa***
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Abbie Schwaderer-Raurell

Attachment A

Class I Permit Application

Class I Permit Application

FOR DEPARTMENTAL USE ONLY	
Date Received:	**Application Number: CLI-2013-0207**

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

1. Applicant Information:

Name: Fisher Island Community Association, Inc.

Address: 1 Fisher Island Drive

Miami, FL Zip Code: 33109

Phone #: (305) 695-3069 Fax#: (305) 604-2373

Email: gsnider@fisherislandfica.com

* 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: Environmental Solutions International, LLC

Address: 600 Biltmore Way, Suite 916

Coral Gables, Florida Zip Code: 33134

Phone #: (305) 479-8346 Fax #:

Email: jared@envtlsolutions.com

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

Folio #(s): 02-4204-000-0065 Latitude: Longitude:

Street Address: 112 MacArthur Causeway Section: 4 Township: 54S Range: 42E

In City or Town: Miami Near City or Town:

Name of waterway at location of the activity: Biscayne Bay

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

X Other: New Ferry Terminal

Estimated project cost = $ 2,000,000.00

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

5. Proposed Use (check all that apply):

- ☐ Single Family
- ☐ Multi-Family
- X 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): Ferries/Barges

Vessel Make/Model (If known):

Draft (s)(range in inches.): 72 inches Length (s)(range in feet.): 120 feet

Total Number of Slips: 1

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

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.)

Fisher Island Community Association, Inc. | Corporation | Florida
Print Name of Applicant (Enter the complete name as registered) | Type (Corp, LLC, LLP, etc.) | State of Registration/Incorporation

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

Signature of Authorized Representative | Gary Snider (Print Authorized Representative's Name) | President (Title) | 6/3/14 (Date)

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

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

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

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

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

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

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

I/We are the fee simple owner(s) of the real property located at 112 MacArthur Causeway, Miami, Miami-Dade County, Florida, otherwise identified in the public records of Miami-Dade County as Folio No. 02-4202-000-0065. 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.)

Fisher Island Community Association, Inc.	Corporation	Florida
Print Name of Owner (Enter the complete name as registered)	Type (Corp, LLC, LLP, etc.)	State of Registration/Incorporation

1 Fisher Island Drive, Miami, Florida 33109
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
	Gary Snider	President	6/3/14
Signature of Authorized Representative	Print Authorized Representative's Name	Title	Date

Please Review Above

Appropriate signature(s) must be included in:

Box 9: either A, B or C

AND

Box 10: either A or B

Revised 11/16/09

Attachment B

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

PERMIT APPLICANT / AUTHORIZED AGENT STATEMENT

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-2013-0207

By the attached Class I Standard Form permit application with supporting documents, I, Jared Zemantauski, Managing Member, Environmental Solutions International, LLC, am the permit applicant's authorized agent, and hereby request permission to perform the work associated with Class I Permit Application CLI-2013-0207. 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,

Jared Zemantauski,
Managing Member
Environmental Solutions International, LLC

ENGINEER LETTER OF CERTIFICATION

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-2013-0207

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,

David Olin, President
Olin Hydrographic Solutions, Inc.
P.E. #57555

6-3-14

CLI-2013-0207 Sketch #3

SHEET INDEX

1. LOCATION MAP
2. EXISTING CONDITIONS
3. PROPOSED SITE PLAN
4. MARINE STRUCTURES LAYOUT
5. MARINE STRUCTURES DIMENSIONS
6. PLATFORM LONGITUDINAL SECTION (SECT.-A)
7. PLATFORM TRANSVERSE SECTION (SECT.-B)
8. SECTION AT BULKHEAD (SECT.-C)
9. SECTION AT RAMP (SECT.-D)
10. WINGWALL DOLPHIN SECTION (SECT.-E) & PLAN
11. SECTION AT FERRY MOORING (SECT.-F)
12. DOLPHIN MOORING CLUSTER DETAIL
13. NOTES

SITE ADDRESS

TERMINAL ISLAND
MACARTHUR CSWY,
Miami Beach, FL 33139

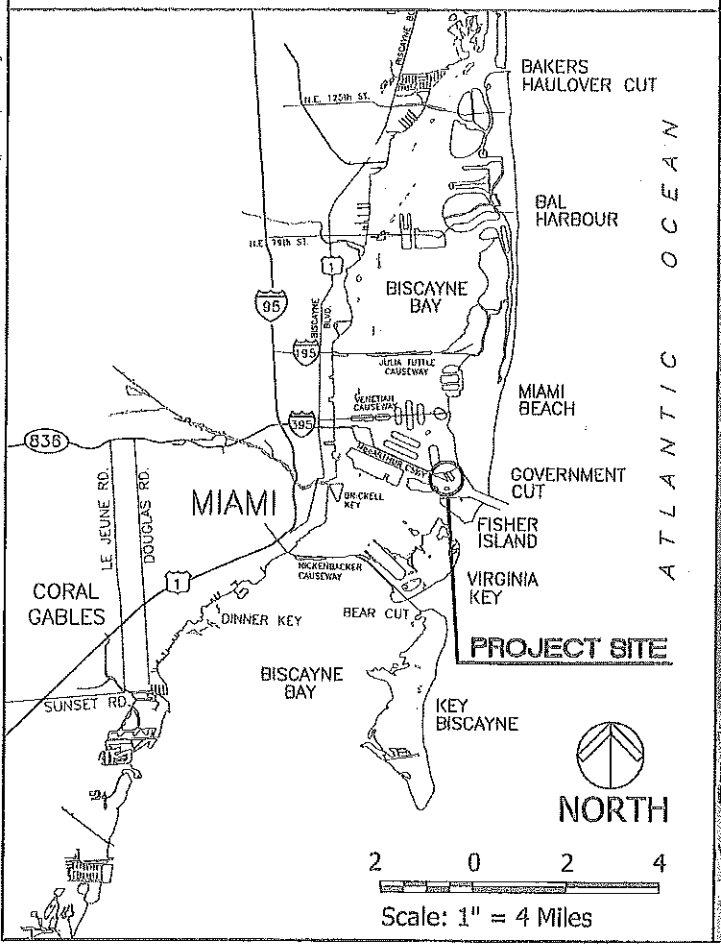
PERMITS

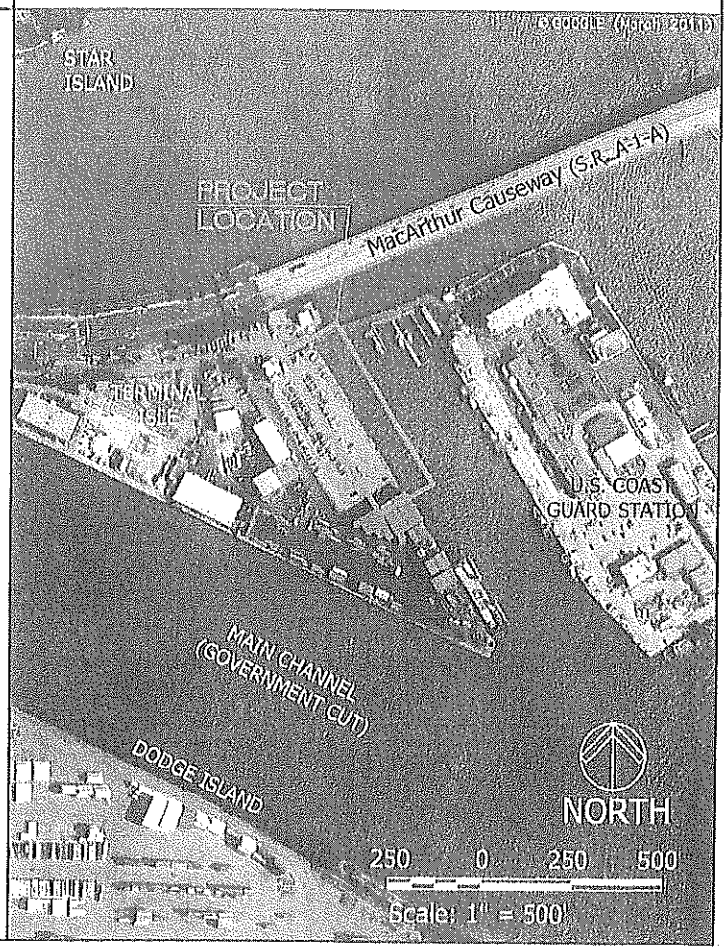
DERM: CLI-2013-0207
FDEP: 13-0312454-002

REVISIONS

1 08/05/13: REVISE PER DERM
2 04/29/14: REMOVE LEASE AREA

RECEIVED
MAY 01 2014
DERM Coastal Resources Section
Natural Resources Regulation & Restoration
Division (NRRRD)





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DAVID G. OLIN
FL.REG.57555

SUN TERMINAL
MACARTHUR CSWY, TERMINAL ISLAND
MIAMI BEACH, FLORIDA 33139

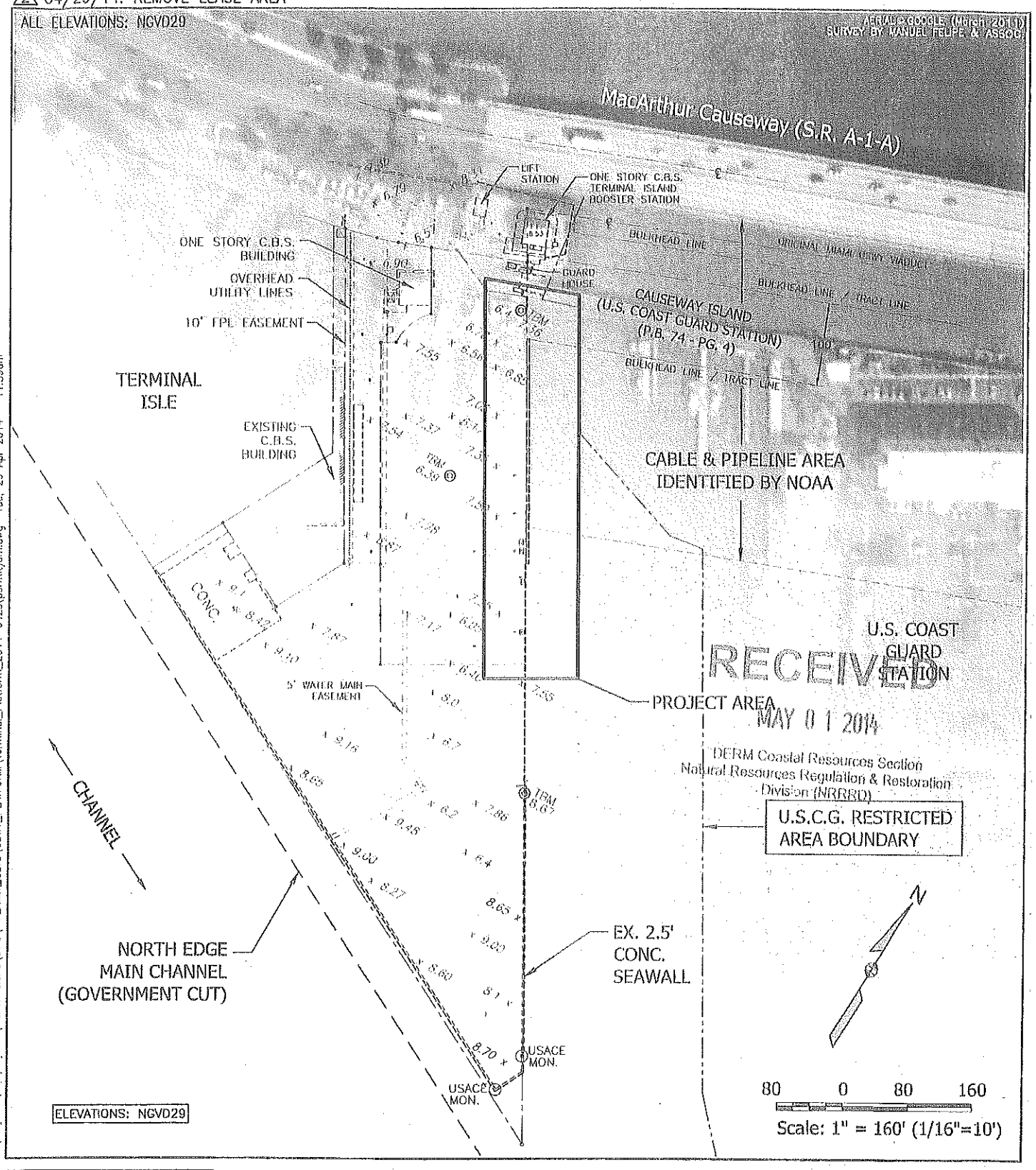
OLIN HYDROGRAPHIC SOLUTIONS, INC.
2900 Calusa St. Coconut Grove, Florida 33133
Tel: 305/619-2800 Fax: 305/860-4411
STATE OF FLORIDA PE #57555 CA #26050
Consulting Engineering, Environmental, and Mapping Services

SUN TERMINAL
FERRY LANDING PLATFORM

LOCATION MAP

JOB: 24802		DATE: 06/12/2013
BY: TS		SHEET 1 OF 13

2 04/29/14: REMOVE LEASE AREA



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SUN TERMINAL FERRY LANDING PLATFORM		
EXISTING CONDITIONS		
JOB: 24802	DATE: 06/12/2013	
BY: TS	SHEET 2 OF 13	

△1 08/05/13: REVISE PER DERM △2 04/29/14: REMOVE LEASE AREA

ALL ELEVATIONS: NGVD29

SURVEY BY MANUEL FELIPE & ASSOC. (12/08) SUPPLEMENTED WITH AERIAL IMAGE DATA

BRIDGE

CAUSEWAY ISLAND
(U.S. COAST GUARD STATION)
(P.B. 74 - PG. 4)

BRIDGE

BULKHEAD LINE / TRACT LINE

EX. U.S.C.G. DOCKS

EX. U.S.C.G. DOCKS

59'

37'

80'

68'

59'

64'

165'

131'

226'

LIGHT POLE (TYP)

PROPOSED 165'x59' (±) VEHICULAR OVERWATER PILE-SUPPORTED CONCRETE PLATFORM

U.S.C.G. RESTRICTED AREA BOUNDARY

CABLE & PIPELINE AREA IDENTIFIED BY NOAA

RAMP

RAMP HOIST DOLPHIN

DOLPHIN FENDER WINGWALL

FERRY 120' x 46' (LENGTH MAY VARY UP TO 152')

WOOD PILE DOLPHIN CLUSTER @ 50' o.c. ±

△1 445 LF ± STEEL SHEETPILE SEAWALL (BEING PROCESSED UNDER CLI-2012-0168)

EX. 5" WATER MAIN EASEMENT

TBM 7.36

TBM 6.39

6.4

7.55

6.56

6.78

6.85

7.37

6.17

7.05

7.35

7.50

7.78

6.81

7.25

7.17

6.05

6.40

7.55

8.0

RECEIVED
MAY 01 2014
DERM Coastal Resources Section
Natural Resources Regulation & Restoration Division (NRRRD)

N

30 0 30 60

Scale: 1" = 60'

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DAVID G. OLIN
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MACARTHUR CSWY, TERMINAL ISLAND
MIAMI BEACH, FLORIDA 33139

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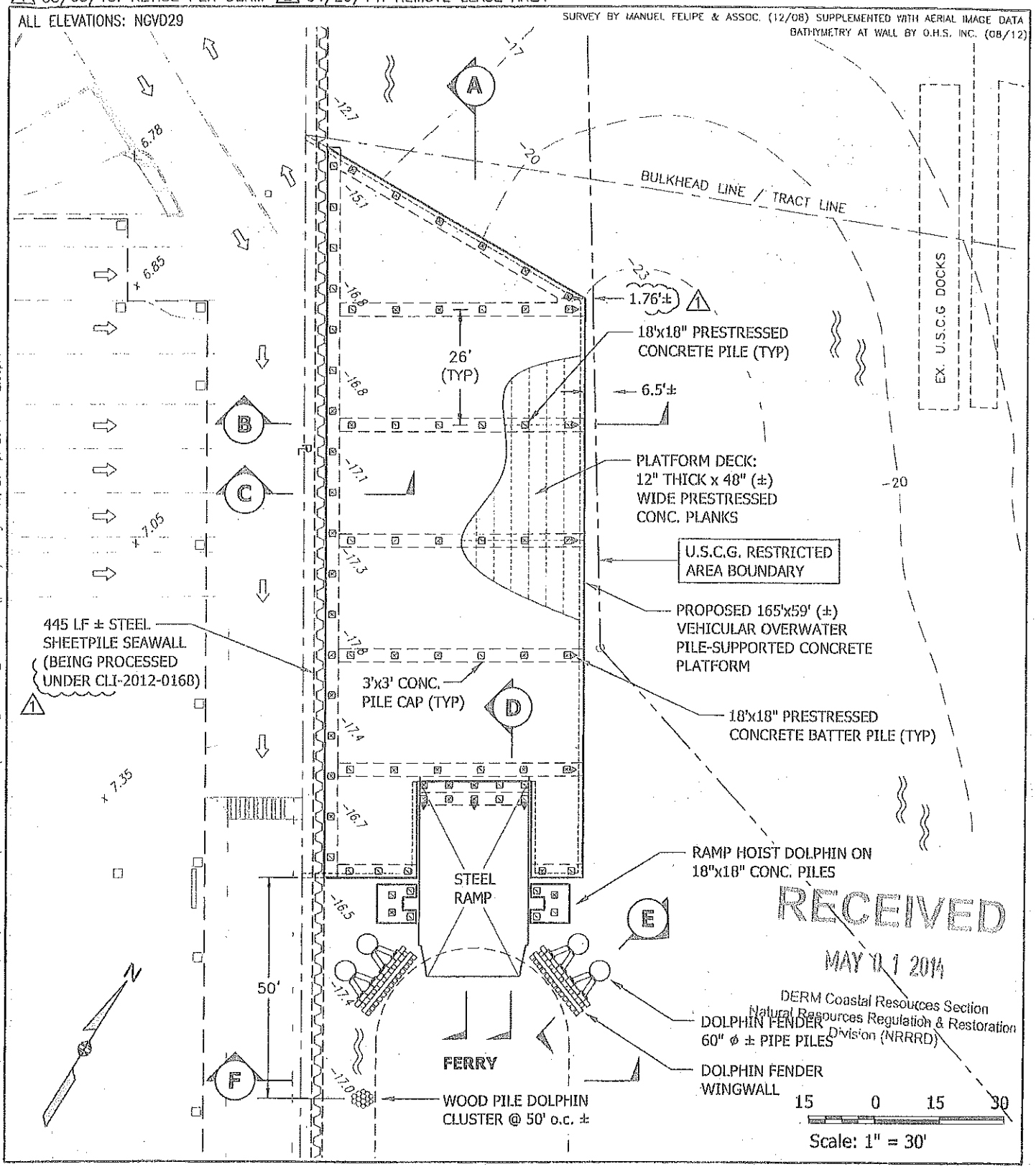
2900 Calusa St. Coconut Grove, Florida 33133
Tel: 305/619-2800 Fax: 305/860-4411
STATE OF FLORIDA PE #57555 CA #26050
Consulting Engineering, Environmental, and Mapping Services

SUN TERMINAL FERRY LANDING PLATFORM		
PROPOSED SITE PLAN		
JOB: 24802	DATE: 06/12/2013	
BY: TS	SHEET 3 OF 13	

1 08/05/13: REVISE PER DERM 2 04/29/14: REMOVE LEASE AREA



DAVID G. OLIN
FL.REG.57555

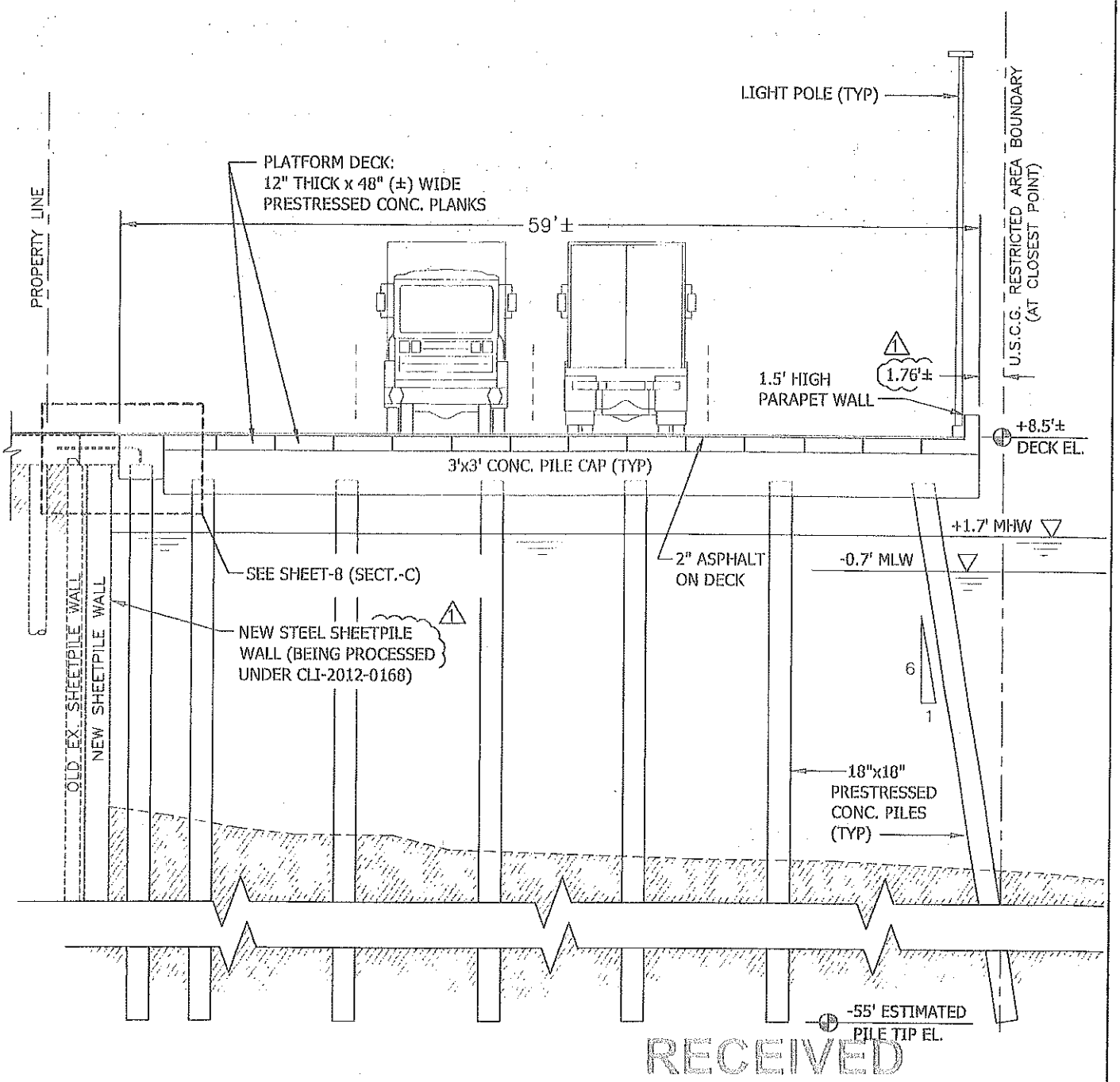
SUN TERMINAL
MACARTHUR CSWY, TERMINAL ISLAND
MIAMI BEACH, FLORIDA 33139

OLIN HYDROGRAPHIC SOLUTIONS, INC.
2900 Calusa St. Coconut Grove, Florida 33133
Tel: 305/619-2800 Fax: 305/860-4411
STATE OF FLORIDA PE #57555 CA #26050
Consulting Engineering, Environmental, and Mapping Services

SUN TERMINAL FERRY LANDING PLATFORM		
MARINE STRUCTURES LAYOUT		
JOB: 24802	DATE: 06/12/2013	
BY: TS	SHEET 4 OF 13	

1 08/05/13: REVISE PER DERM 2 04/29/14: REMOVE LEASE AREA

ALL ELEVATIONS: NGVD29



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MAY 0 1 2014

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

B PLATFORM TRANSVERSE SECTION

Scale: 1" = 10'

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Scale: 1" = 10'

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FL.REG.57555

SUN TERMINAL
MACARTHUR CSWY, TERMINAL ISLAND
MIAMI BEACH, FLORIDA 33139

OLIN HYDROGRAPHIC SOLUTIONS, INC.
2900 Calusa St. Coconut Grove, Florida 33133
Tel: 305/619-2800 Fax: 305/860-4411
STATE OF FLORIDA PE #57555 CA #26050
Consulting Engineering, Environmental, and Mapping Services

SUN TERMINAL FERRY LANDING PLATFORM		
PLATFORM TRANSVERSE SECTION		
JOB: 24802	DATE: 06/12/2013	
BY: TS	SHEET 7 OF 13	

Attachment C

Zoning Memorandum

Memorandum

MIAMI-DADE COUNTY

Date: October 7, 2014

To: Lisa Spadafina, Chief
Natural Resources Division
Department of Regulatory and Economic Resources

From: Lourdes Barrelli, Biologist II
Coastal and Wetlands Resources Section
Department of Regulatory and Economic Resources

Subject: Class I Permit Application and Request for a Variance from Section 24-48.24 of the Code of Miami-Dade County by Fisher Island Community Association to Construct a Non-Water-Dependent Platform associated with a Ferry Terminal over Tidal Waters at 112 MacArthur Causeway, Miami Beach, Miami-Dade County, Florida

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Pursuant to Section 24-48.2(II)(B)(7), of the Code of Miami-Dade County, Florida, a substantiating letter 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

0242040000010

CITY OF MIAMI BEACH
MIAMI BEACH CITY HALL
1700 CONVENTION CENTER DR
MIAMI BEACH, FL 33139-1819

0242040000020

U S COAST GUARD AIR STATION
OPA LOCKA AIRPORT
OPA LOCKA, FL 33054-0000

0242040000030

CITY OF MIAMI BEACH
1700 CONVENTION CENTER DR
MIAMI BEACH, FL 33139-1819

0242040000060

MIAMI BEACH PORT LLC
1200 BRICKELL AVE STE 1500
MIAMI, FL 33131-3221

0242040000065

FISHER ISL COMMUNITY ASSN INC
1 FISHER ISLAND DR
MIAMI BEACH, FL 33109-0001

0242040000070

FLORIDA POWER & LIGHT CO
ATTN PROPERTY TAX DEPT
700 UNIVERSE BLVD
NORTH PALM BEACH, FL 33408-2657

Attachment E

RER-DERM Project Report

PROJECT REPORT
CLASS I PERMIT APPLICATION NO. CLI-2013-0207

Class I Permit Application and Request for a Variance from Section 24-48.24 of the Code of Miami-Dade County by Fisher Island Community Association, Inc. to Construct a Non-Water-Dependent Platform associated with a Ferry Terminal over Tidal Waters at 112 MacArthur Causeway, Miami Beach, Miami-Dade County, Florida

DATE: September 23, 2014

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

1. **Potential Adverse Environmental Impact** – The proposed project is not reasonably expected to result in adverse environmental impact. The ferry terminal platform and slip will be located in a deep water area that has historically been utilized for the mooring of large cargo ships and barges, and does not support significant marine resources. Although the project site is located within the boundaries of critical habitat for Johnson's seagrass, a Federally Listed Threatened Species, seagrasses were not documented at the site.

   The proposed project site is not located within an area designated as essential manatee habitat for the *Trichechus manatus* (West Indian Manatee) by the Miami-Dade County Manatee Protection Plan (MPP); however, the Class I permit will require that all standard manatee construction permit conditions be followed during all in-water construction operations. Furthermore, mooring of vessels or barges greater than 100 feet in length will require the use of a fender system that provides a minimum of 4 feet of standoff from the bulkhead under maximum operational compression.

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

3. **Hydrology** - The proposed project is not reasonably expected to adversely affect surface water drainage or retention of stormwater.

4. **Water Quality** – The proposed project may affect water quality on a temporary basis during construction operations. In order to minimize impacts, the Class I permit will require that proper turbidity controls and a water quality monitoring plan be implemented during the proposed work.

5. **Wellfields** – The proposed project is not reasonably expected to adversely affect wellfields.

6. **Water Supply** – The proposed project is not reasonably expected to adversely affect water supply.

7. **Aquifer Recharge** – The proposed project is not reasonably expected to adversely affect aquifer recharge.

8. **Aesthetics** – The proposed project is designed to be aesthetically compatible with the surrounding areas. However, during the construction process, there may be temporary aesthetic impacts related to the presence of machinery associated with construction activities.

9. **Navigation** – The proposed project is not reasonably expected to adversely affect navigation.

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

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

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

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

14. **Marine and Wildlife Habitats** – The proposed project is not reasonably expected to adversely affect marine and wildlife habitats, as set forth in Number 1 above.

15. **Wetland Soils Suitable for Habitat** – The proposed project does not involve any work in wetland soils.

16. **Floral Values** – The proposed project is not reasonably expected to adversely affect marine flora, as set forth in Number 1 above.

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

18. **Rare, Threatened and Endangered Species** – The proposed project site is not located within an area designated as essential manatee habitat for the West Indian Manatee by the MPP; however, the Class I permit will require that all standard manatee construction permit conditions be followed during all in-water construction operations. Furthermore, mooring of vessels or barges greater than 100 feet in length will require the use of a fender system that provides a minimum of 4 feet of standoff from the bulkhead under maximum operational compression.

    Although the project site is located within the boundaries of critical habitat for Johnson's seagrass, a Federally Listed Threatened Species, seagrasses were not documented at the site.

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 work in 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 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 proposed project will occur on lands owned by the United States Government, and the applicant has provided a letter of no objection by the United States Coast Guard on behalf of the United States Government.

24. **Conformance with Standard Construction Procedures and Practices and Design and Performance Standards** – The proposed project complies with the standard construction procedures and practices and design and performance standards of the applicable portions of the following:
    a) Chapter 33B of the Code of Miami-Dade County
    b) Miami-Dade County Public Works Manual

    The project is to construct a non-water-dependent fixed structure; 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 work is not reasonably expected to create adverse environmental impacts for the reasons set forth in Number 1 above.

25. **Comprehensive Environmental Impact Statement (CEIS)** - In the opinion of the Director, the proposed project is not reasonably expected to result in significant adverse environmental impacts or cumulative adverse environmental impacts. Therefore, a CEIS was not required by RER-DERM to evaluate the project.

26. **Conformance with All Applicable Federal, State and Local Laws and Regulations** - The proposed project is in conformance with applicable State, Federal and local laws and regulations:
    a) Chapter 24 of the Code of Miami-Dade County (variance is required)
    b) United States Clean Water Act (US Army Corps of Engineers permit is required)
    c) 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 proposed project is in conformance with the CDMP. The following is a summary of the proposed project as it relates to the CDMP:

LAND USE ELEMENT I:

Objective 3/Policies 3A, 3B, 3C - Protection of natural resources and systems. – The proposed project is consistent with 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 proposed project.

Port of Miami River Subelement/Objective 3 - Minimization of impacts to estuarine water quality and marine resources. The proposed project is not located within the Miami River.

CONSERVATION, AQUIFER RECHARGES AND DRAINAGE ELEMENT IV:

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

Objective 3/Policy 3E - Limestone mining within the area bounded by the Florida Turnpike, the Miami-Dade/ Broward Levee, 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 is not reasonably expected to compromise flood protection.

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

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

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

Objective 7/Policy 7A - No net loss of high quality, relatively unstressed wetlands. –The proposed project does not involve work in wetlands.

Objective 9/Policies 9A, 9B, 9C - Protection of habitat critical to Federal or State-designated threatened or endangered species. – The proposed project is not reasonably expected to result in any impacts to habitat critical to Federal or State-designated 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 proposed project does not involve work in a mangrove protection area.

Objective 1/ Policy 1B - Natural surface flow into and through coastal wetlands. – The proposed project does not involve work in 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 and related 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 will not result in the degradation or destruction of coastal wetlands, and therefore does not involve monitoring and maintenance of mitigation areas.

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

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

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

Objective 4/Policy 4A, 4C, 4E, 4F – Protection of endangered or threatened animal species - The proposed project is not reasonably expected to 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 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 proposed project site is located within the Shoreline Development Review Boundaries and was approved by the Shoreline Development Review Committee.
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 requests authorization to construct a non-water-dependent fixed platform that 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, and the use is not reasonably expected to result in adverse environmental impacts as set forth in Number 1 above.

30. **Conformance with the Miami-Dade County Manatee Protection Plan** - The proposed project was evaluated for consistency with the MPP. The proposed project is not located within an area designated as essential manatee habitat for the West Indian Manatee by the MPP; however, the Class I permit will require that all standard manatee construction permit conditions be followed during all in-water construction operations. Furthermore, mooring of vessels or barges greater than 100 feet in length will require the use of a fender system that provides a minimum of 4 feet of standoff from the bulkhead under maximum operational compression.

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 located within wetlands.

35. **Class I Permit Applications Proposing to Exceed the Boundaries Described in Section D-5.03(2)(a) of the Miami-Dade County Public Works Manual** – Not Applicable.

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

24-48.3 (2) Dredging and Filling for Class I Permit – Not Applicable.

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 complies with Section 24-48.3 (3) of the Code of Miami-Dade County.

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

The 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 non-water dependent ferry terminal is not located in an area that is accessible to the general public, and is not reasonably expected to impact visual or physical access to the adjacent waters.

37. **Historical significance** – The proposed project is not historically significant.

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

39. **Environmental impact or cumulative environmental impact** – The proposed project is not reasonably expected to result in adverse environmental impacts as set forth in Number 1 above.

40. **Navigation** – The proposed project is not reasonably expected to adversely affect navigation.

41. **Public safety** – The proposed ferry terminal will not be accessible by the general public.

42. **Aesthetics**- The proposed project is aesthetically compatible with the surrounding area; therefore, the project is not reasonably expected to adversely affect aesthetics.

43. **Biscayne Bay Management Plan** – The proposed project consists of a non-water dependent fixed structure that 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 platform is not reasonably expected to result in adverse environmental impacts.

44. **Biscayne Bay Aquatic Preserve Act** - The proposed project is not in full conformance with the Biscayne Bay Aquatic Preserve Act. However, the applicant is requesting a variance as set forth in Number 43 above.

45. **Rules of the Biscayne Bay Aquatic Preserve** - The proposed project is not in full conformance with the rules of the Biscayne Bay Aquatic Preserve. However, the applicant is requesting a variance as set forth in Number 43 above.

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

Lisa Spadafina, Chief
Natural Resources Division

Lourdes Barrelli, Biologist II
Coastal and Wetlands Resources Section