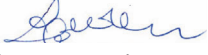


Memorandum



Date: June 18, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

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

Agenda Item No. 5(F)

Subject: Class I Permit Modification by Exito, Ltd.

Recommendation

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

Pursuant to Ordinance No. 16-73, this quasi-judicial matter may be submitted directly for placement on the Board's meeting agenda by the Director of the Department of Regulatory and Economic Resources.

Scope

The project site is located at 480 Arvida Parkway, Coral Gables in Commission District 7, which is represented by Commissioner Raquel A. Regalado.

Delegation of Authority

This item has no delegation of authority. Upon approval of this item, Section 24-48.2(C)(2) of the Code authorizes the Department to issue the permit, provided that other Code requirements are satisfied, such as submittal of final plans and bonds, and to require additional conditions, limitations, and restrictions if consistent with this Board's approval.

Fiscal Impact/Funding Source

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

Track Record/Monitor

The Coastal Resources Section Manager, Rockell Alhale, in the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (DERM), would be responsible for monitoring the proposed permit.

Background

The subject property is the site of an existing single-family residence located adjacent to a canal adjacent to Biscayne Bay in the City of Coral Gables, Miami-Dade County, FL. The property is stabilized by a 180 linear foot concrete seawall, seawall cap, and king piles. The property also contains an existing wood dock and unauthorized structures, specifically a boatlift, davit, floating dock, and a dual slip floating vessel platform with associated PVC piles.

On January 10, 2023, Class I permit CLI-2021-0337 was issued for the installation of a new concrete seawall, batter and king piles, riprap, dock, an elevator boatlift, and an access platform associated with the boatlift at the subject property. Said Class I permit also authorized the removal of unauthorized structures at the subject property including a davit, boatlift, dual slip floating vessel platform and floating dock and the existing king piles in order to install the new seawall within one foot of the

existing seawall. However, during construction, the contractors determined that removal of the concrete king piles would jeopardize the structural integrity of the existing seawall and that filling of tidal waters in association with the installation of a new concrete seawall would be necessary. A modification request to Class I permit CLI-2021-0337 was submitted for said filling work and includes minor deviations to the permitted dock, boatlift, and access platform, and the installation of a seawall cap, batter and king piles, and riprap, as previously approved with the issued permit. The installation of replacement seawalls can be processed administratively as a short form Class I permit application provided the installation of the seawall and the minimum filling or dredging necessary for the installation are within one foot of the wetface of the existing seawall. However, under the subject modification request, the proposed seawall would be installed waterward of the existing concrete king piles, approximately 1.6 feet waterward of the wetface of the existing seawall. The backfill proposed behind the new seawall would result in the filling of tidal waters. Pursuant to Section 24-48.2 of the Code, the filling of tidal waters, including filling associated with the installation of seawalls greater than one foot waterward of their existing location, shall be processed as a standard form application to be heard and decided upon by the Board at public hearing.

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

Pursuant to Section 24-48.4 of the Code, potential adverse environmental impacts and cumulative adverse environmental impacts for a proposed project must be avoided and minimized. Section 24-48.4 of the Code also requires mitigation for permissible projects that otherwise result in unavoidable environmental impacts. Based on an evaluation of the site conditions and the information provided by the Professional Engineer of Record, the proposed seawall would be located the minimum waterward distance necessary to stabilize the shoreline of the subject property. In addition, the area that would be filled does not support significant benthic habitat and no seagrasses were observed within the footprint of the proposed work. Furthermore, the proposed work is not reasonably expected to result in cumulative environmental impacts to water quality. In order to minimize the temporary impacts to water quality as a result of the construction activities associated with the proposed work, the modification to the Class I permit would require that turbidity controls be utilized during all phases of construction to ensure compliance with State and County water quality standards. Mitigation for the filling of tidal waters and minor temporary impacts to water quality associated with the installation of the seawall would be satisfied through the placement of riprap along the new seawall in order to extend the life of the seawall and create habitat. Any portion of the required mitigation that cannot be accommodated onsite would be satisfied through a contribution to the Biscayne Bay Environmental Enhancement Trust Fund.

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

Attachments

Attachment A: Class I Permit Application

Attachment B: Owner/Agent 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: DERM Project Report

Attachment A

Class I Permit Application



Class I Permit Application

FOR DEPARTMENTAL USE ONLY

Date Received:

Application Number:

Application Fee:

(Updated 09/09)

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

1. Applicant Information:

Name: Exito LTD

Address: 480 Arvida Parkway

Coral Gables, FL Zip Code: 33156

Phone #: Fax#:

Email: noel@tibuhome.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: Dock and Marine Construction

Address: 752 NE 79th St

Miami, FL Zip Code: 33138

Phone #: Fax #:

Email: alarson@dockandmarine.net

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

Folio #(s): Folio No-03-5105-002-0170 Latitude: Longitude:

Street Address: 480 Arvida Parkway Section: Township: Range:

In City or Town: Coral Gables Near City or Town:

Name of waterway at location of the activity: Coral Gables Waterway

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

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

☐ Other: _____

Estimated project cost = \$ 200,000.00

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): Outboard

Vessel Make/Model (If known): SeeVee 390

Draft (s)(range in inches.): 32 Length (s)(range in feet.): 39'

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
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8. Contractor Information (If known):

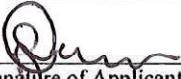
Name: Glen Larson /Dock and Marine Construction License # (County/State): E-410
Address: 752 NE 79th St Miami, FL Zip Code: 33138
Phone #: 305-751-9911 Fax #: _____ E-mail: glarson@dockandmarine.net

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

 _____
Signature of Applicant Print Applicant's Name Date 7/13/23

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 _____

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 Submerged Lands Adjacent to 480 Arvida Parkway Coral Gables, FL Miami-Dade County, Florida, otherwise identified in the public records of Miami-Dade County as Folio No. 63- 5105- 002 -0170

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.)

Hermes Diaz Municipal FL
Print Name of Owner (Enter the complete name as registered) Type (Corp, LLC, LLP, etc.) State of Registration/Incorporation

2800 SW 72nd AV. Miami FL 33155
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] Hermes Diaz Dir. of Public Works 7/13/23
Signature of Authorized Representative Print Authorized Representative's Name Title Date

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

Please Review Above

Appropriate signature(s) must be included in:

Box 9: either A, B or C

AND

Box 10: either A or B

Attachment B

Owner/Agent Letter and Project Sketches

PERMIT APPLICANT / AUTHORIZED AGENT STATEMENT

Date: 7/20/23

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 Modification to Permit Number CLI-2021-0337

By the attached Class I Standard Form modification to Class I permit CLI-2021-0337 with supporting documents, I, Glen Larson, am the authorized agent and hereby request permission to perform the work associated with the modification to Class I Permit CLI-2021-0337. 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,

A handwritten signature in blue ink, appearing to read "Glen Larson", is written over a horizontal line.

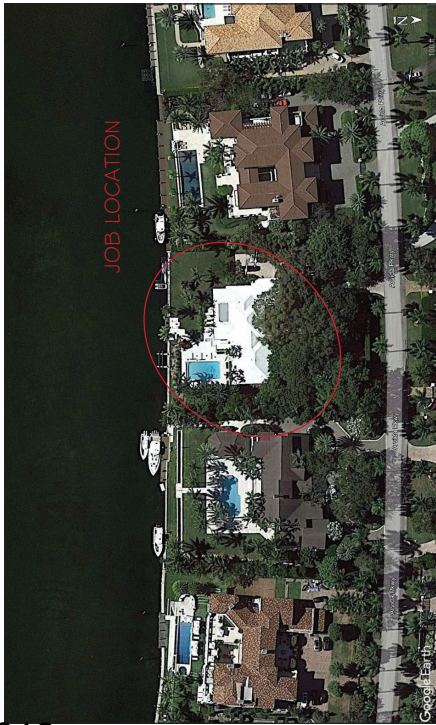
Glen Larson, Authorized Agent

GENERAL NOTES:

- GENERAL:
A. ELEVATIONS SHOWN REFER TO THE NATIONAL GEODETIC VERTICAL DATUM (NGVD) OF 1929.
B. ALL DIMENSIONS ON PLANS ARE SUBJECT TO VERIFICATION IN THE FIELD.
C. IT IS THE INTENT OF THESE PLANS TO BE IN ACCORDANCE WITH APPLICABLE CODES AND AUTHORITIES HAVING JURISDICTION. ANY DISCREPANCIES SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE ENGINEER BEFORE PROCEEDING WITH WORK.
D. IT IS THE INTENT OF THESE PLANS AND THE RESPONSIBILITY OF THE CONTRACTOR TO COMPLY WITH LOCAL, STATE AND FEDERAL ENVIRONMENTAL PERMITS ISSUED FOR THIS PROJECT. IT SHALL BE THE CONTRACTORS RESPONSIBILITY TO FAMILIARIZE AND GOVERN HIMSELF BY ALL PROVISIONS OF THESE PERMITS.

- DESIGN:
IN ACCORDANCE WITH FLORIDA BUILDING CODE 2020, ACI 318-14, NDS 2018, ASCE 7-16 EDITIONS.
WOOD PILES:
A. ALL NEW WOOD PILES TO BE GREENHEART AND COMPLY WITH A.S.T.M. #25-78 AND BE PRESSURE TREATED W.C.A. FEDERAL SPECIFICATIONS TT - W- 550D(I) OR TT-W-00550E(1) AND AWFA-MP-4. PILES TO HAVE A MIN DIA. OF 12".
B. MINIMUM PENETRATION OF ALL PILES TO BE AS FOLLOWS:
INTO BEDROCK 6' MIN
MINIMUM SAFE BEARING 15 TONS WOOD PILES

- BOAT LIFT:
SEE BOAT LIFT SECTION ON PAGE 5



- CONCRETE PILES:
A. PRECAST CONCRETE PILING SHALL BE 12X12" PILES W/6500 P.S.I. MIN. CONCRETE # 4-7716" 270 K.S.I. ASTM A416 LOW-ALLOY STRANDS W/ 2-1/2" MIN. CONCRETE MIN INTO BED. PILES TO BE DRIVEN 6" INTO ROCK OR 12" INTO YIELDING MATERIAL INTO TERM TO ACHIEVE A MIN SAFE BEARING OF 25 TONS SEE 5-4
B. GEOTECHNICAL REPORT IS ATTACHED. MINIMUM LENGTH OF PILES IS APPROXIMATELY 25' BELOW EXISTING LAND STRUCTURES. SOIL STATEMENT PROVIDED
C. MEASUREMENTS FOR SEAWALL ENGINEERING ATTACHED TO PLANS
D. PILES SHALL BE CUT OFF AT ELEVATIONS SHOWN ON THE PLANS & SECTIONS.
E. PILES SHALL BE CUT OFF AT ELEVATIONS SHOWN ON THE PLANS & SECTIONS.

- STRUCTURAL LUMBER:
ALL DIMENSIONAL LUMBER SHALL BE PRESSURE TREATED #1 GRADE SYP OR BETTER AND COMPLY WITH A.I.T.C. 109-69 SPECIFICATIONS.

- HARDWARE:
ALL HARDWARE TO BE HOT DIPPED GALVANIZED ACCORDING TO ASTM A-153-80 OR STAINLESS STEEL.

- BOLTS:
ALL MACHINE BOLTS TO BE HOT DIPPED GALVANIZED ACCORDING TO ASTM A307-83A.

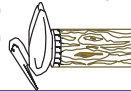
- FASTENING NOTES:
A. 3/4" DIA. STRUTTERS TO PILES - TWO 3/4" DIA. GALVANIZED THRU-BOLTS WITH WASHER EACH SIDE
B. JOISTS TO STRINGERS - SIMPSON ITS 12 S.S. STRAPS W/4" 10d NAILS TOP & BOTTOM. DO NOT BEND OVER JOISTS. FLORIDA STATE WIDE PRODUCT APPROVAL #10456.18
C. IPE FASCIA TO JOISTS - TWO 3 INCH LONG #10 S.S. SCREWS INTO JOIST ENDS
D. 5/4 x 6 IPE DECKING TO JOISTS: TWO 3 INCH LONG #10 STAINLESS STEEL DECK SCREWS EACH INTERSECTION

- CONCRETE AND REINFORCING STEEL:
A. ALL CONCRETE (EXCEPT PRECAST PILES) SHALL ATTAIN A MIN. COMPRESSIVE STRENGTH OF 5000 P.S.I. FOR 0.40 W/CM RATIO MAX AT THE END OF 28 DAYS. FOUR (4) CONCRETE CYLINDERS SHALL BE TAKEN FOR EACH 50 CUBIC YARDS OR FRACTION THEREOF AND SHALL BE TESTED AT 3, 7 & 28 DAYS. SLUMP SHALL NOT EXCEED 5" (+1").
B. ALL REINFORCEMENT SHALL BE 60,000 P.S.I. MINIMUM YIELD NEW BILLET STEEL IN ACCORDANCE WITH ASTM A615 GRADE 60. ALL BAR LAPS SHALL BE A MINIMUM OF 36 BAR DIAMETERS. PLACING AND REINFORCEMENT SHALL CONFORM TO THE LATEST EDITION OF THE ACI MANUAL OF PRACTICE.
C. ALL CONCRETE SHALL BE PLACED WITHIN 90 MINUTES FROM BATCH TIME AND VIBRATED AS REQUIRED BY THE ACI MANUAL OF CONCRETE PRACTICE. TEMPERATURE OF CONCRETE AT TIME OF PLACEMENT SHALL BE BETWEEN 75° AND 100° F.
D. ALL CONCRETE DECK SURFACES SHALL HAVE A LIGHT BROOM FINISH.
E. ALL EXPOSED CONCRETE EDGES SHALL BE CHAMFERED 3/4", OR AS SHOWN ON THE PLANS.
F. ALL POURED CONCRETE SHALL HAVE D.C.I. CORROSION INHIBITOR

LEANDRO FERNANDEZ
LEAF ENGINEERING
C.A. 29777
(786) 390-7493
leaf@leafengineering.net
756 N.E. 79TH STREET
MIAMI, FL 33138



DOCK AND MARINE



CONSTRUCTION, CORP.
752 NE 79TH STREET
MIAMI, FL 33138
F. 305-751-4825
glarson@dockandmarine.net
www.dockandmarine.net

NEW SEAWALL, DOCK,
AND BOAT LIFT AT:
FERNANDEZ RESIDENCE
480 ARVIDA PARKWAY
CORAL GABLES, FL 33156

PAGE TITLE:
MAP AND NOTES

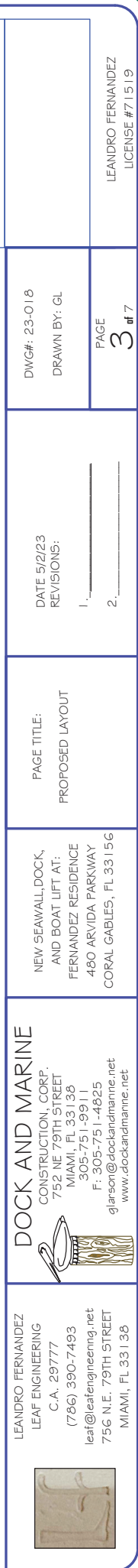
DATE 5/2/23
REVISIONS:

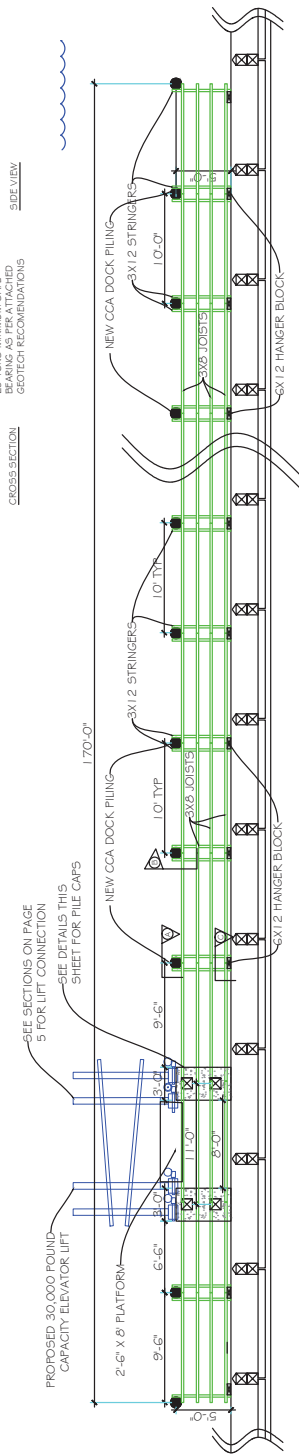
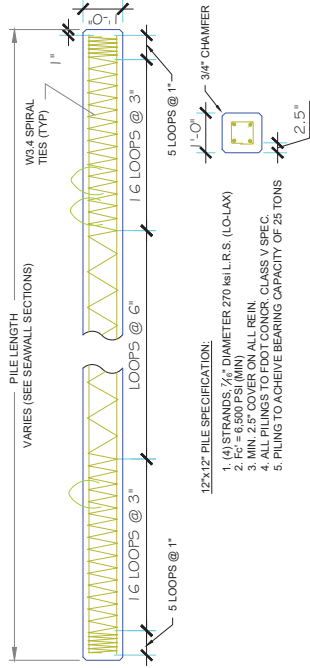
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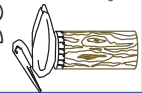
PAGE
1 of 7

LEANDRO FERNANDEZ
LICENSE #71519





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MIAMI, FL 33138
305-751-9911
F: 305-751-4825
arson@dockandmarine.net
www.dockandmarine.net

NEW SEAWALL, DOCK,
AND BOAT LIFT AT:
FERNANDEZ RESIDENCE
480 ARVIDA PARKWAY
CORAL GABLES, FL 33156

PAGE TITLE:
FRAMING AND
FRAME DETAILS

DATE 5/2/23
REVISIONS:

DWG#: 23-018
DRAWN BY: GL

PAGE 4 of 4

LEANDRO FERNANDEZ
LICENSE #71519



REAR PILING TO HAVE HOLE
PRE PUNCHED OR PRE
NEW 12" x 12" PRE-STRESSED CONCRETE DOCK PILING EXTEND
STRANDS 18" MIN INTO CAP DRIVEN TO 25 TONS MINIMUM SAFE
BEARING, TO THE DEPTH SPECIFIED BY GEOTECH REPORT (SEE PAGE 1)



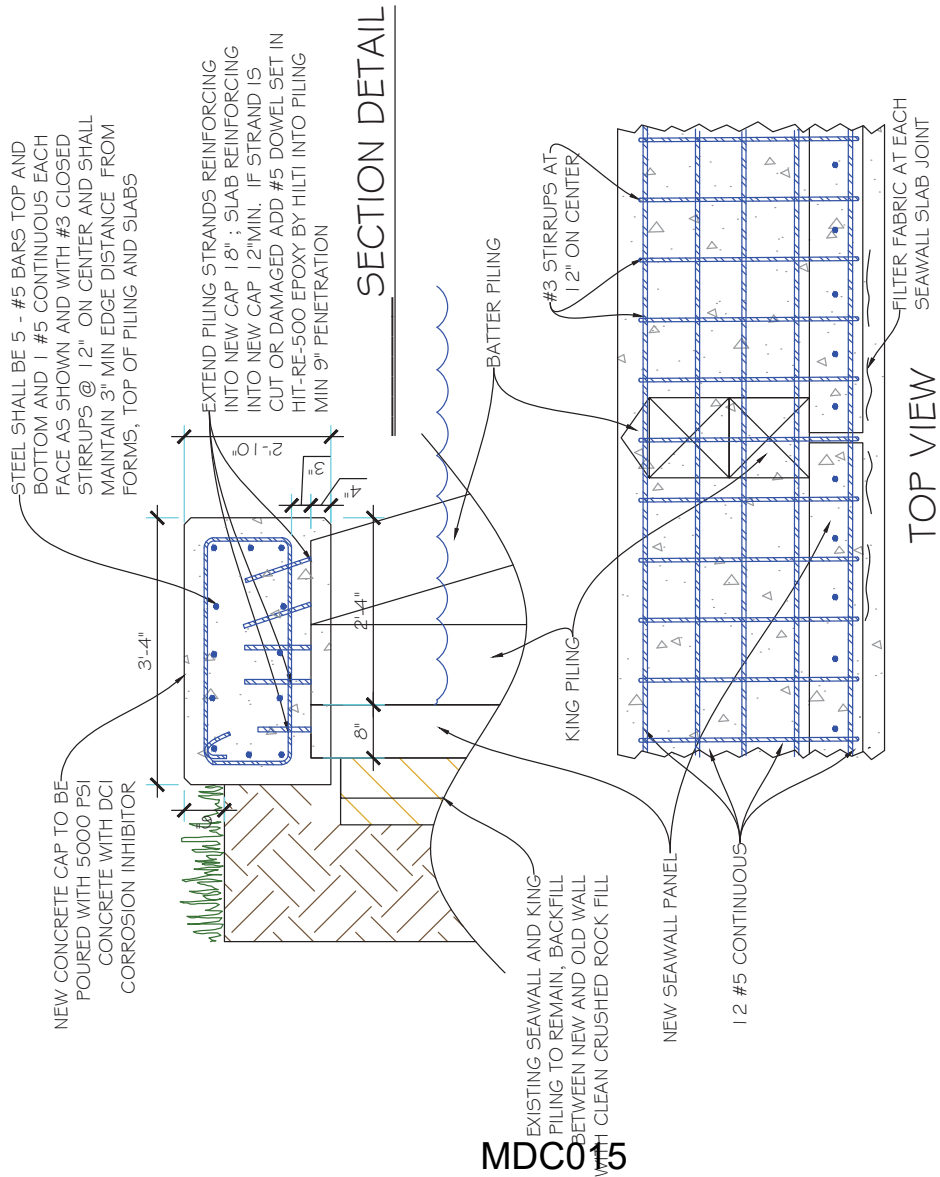
NEW SEAWALL, DOCK,
AND BOAT LIFT AT:
FERNANDEZ RESIDENCE
480 ARVIDA PARKWAY
CORAL GABLES, FL 33156

DATE 5/2/23
REVISIONS:

DWG#: 23-018
DRAWN BY: GL

PAGE 5 of 7

LEANDRO FERNANDEZ
LICENSE #71519



MDC015



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DOCK AND MARINE

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NEW SEAWALL, DOCK,
AND BOAT LIFT AT:
FERNANDEZ RESIDENCE
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CORAL GABLES, FL 33156

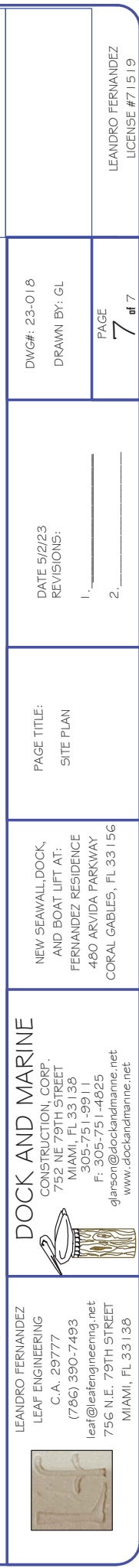
PAGE TITLE:
SEAWALL DETAILS

DATE 5/2/23
REVISIONS:
1. _____
2. _____

DWG#: 23-018
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PAGE
6 of 7

LEANDRO FERNANDEZ
LICENSE #71519



Attachment C

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

Dock and Marine Construction Corp.
752 NE 79th Street
Miami, FL 33138

Jorge Hernandez
444 Arivda Pkwy
Coral Gables, FL 33156

Dock and Marine Construction Corp.
752 NE 79th Street
Miami, FL 33138

500 Arvida LLC
500 Arvida Pkwy
Coral Gables, FL 33156

Karim Alibhai

400 Arvida Parkway
Coral Gables, FL 33156

Dock and Marine Construction Corp.

752 NE 79th Street
Miami, FL 33138

Dock and Marine Construction Corp.

752 NE 79th Street
Miami, FL 33138

JPB Property Holdings, Inc

530 Arvida Parkway
Coral Gables, FL 33156

Attachment D
Zoning Memorandum

Memorandum



Date: April 23, 2024

To: Rockell Alhale, Manager
Coastal Resources
Department of Regulatory and Economic Resources

A blue ink signature of Rockell Alhale.

From: Lindsay Elam, ERPS
Coastal Resources Section
Department of Regulatory and Economic Resources

A blue ink signature of Lindsay Elam.

Subject: Class I Permit Modification Request by Exito, Ltd. for the Filling of Tidal Waters in Association with the Installation of a New Seawall and for the Installation of a Seawall Cap, Batter and King Piles, Riprap, Dock, Boatlift, and Access Platform located 480 Arvida Parkway, Coral Gables, Miami-Dade County, Florida

Pursuant to Section 24-48.2(II)(B)(7), of the Code of Miami-Dade County, Florida, a substantiating letter or plan approval shall be submitted by the applicant stating that the proposed project does not violate any zoning laws. 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

DERM Project Report

CLASS I PERMIT MODIFICATION REQUEST NO. CLI-2021-0337

Class I Permit Modification Request by Exito, Ltd. for the Filling of Tidal Waters in Association with the Installation of a New Seawall and for the Installation of a Seawall Cap, Batter and King Piles, Riprap, Dock, Boatlift, and Access Platform located at 480 Arvida Parkway, Coral Gables, Miami-Dade County, Florida

DATE: April 23, 2024

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

1. **Potential Adverse Environmental Impact** – Pursuant to Section 24-48.4 of the Code, potential adverse environmental impacts and cumulative adverse environmental impacts for a proposed project must be avoided and minimized. Section 24-48.4 of the Code also requires mitigation for permissible projects that otherwise result in unavoidable environmental impacts. Based on an evaluation of the site conditions and the information provided by the Professional Engineer of Record, the proposed seawall would be located the minimum waterward distance necessary to stabilize the shoreline of the subject property. In addition, the area that would be filled does not support significant benthic habitat and no seagrasses were observed within the footprint of the proposed work. Furthermore, the proposed work is not reasonably expected to result in cumulative environmental impacts to water quality. In order to minimize the temporary impacts to water quality as a result of the construction activities associated with the proposed work, the Class I permit would require that turbidity controls be utilized during all phases of construction to ensure compliance with State and County water quality standards. Mitigation for the filling of tidal waters and minor temporary impacts to water quality associated with the installation of a seawall would be satisfied through the placement of riprap along the new seawall in order to extend the life of the seawall and create habitat. Any portion of the required mitigation that cannot be accommodated onsite would be satisfied through a contribution to the Biscayne Bay Environmental Enhancement Trust Fund.
2. **Potential Cumulative Adverse Environmental Impact** – The proposed project is not reasonably expected to result in cumulative adverse environmental impacts as set forth in Number 1 above.
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 surface water quality on a temporary basis during construction operations; however, potential temporary water quality impacts have been minimized and will be mitigated as set for in Number 1 above.
5. **Wellfields** – The proposed project is not reasonably expected to adversely affect wellfields.
6. **Water Supply** – The proposed project is not reasonably expected to adversely affect water supply.
7. **Aquifer Recharge** – The proposed project is not reasonably expected to adversely affect aquifer recharge.
8. **Aesthetics** – The proposed project is not reasonably expected to adversely affect aesthetics.
9. **Navigation** – The 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 is not reasonably expected to adversely affect wetland soils suitable for habitat.
16. **Floral Values** – The proposed project is not reasonably expected to adversely affect floral values as set forth in Number 1 above.
17. **Fauna Values** - The proposed project is not reasonably expected to adversely affect fauna values as set forth in Number 1 above.
18. **Rare, Threatened and Endangered Species** – The proposed project is not reasonably expected to adversely affect rare, threatened and endangered species. The project site is not located within essential habitat for the West Indian Manatee; however, the Class I permit would require that all standard manatee construction conditions be followed during all in-water construction operations. Additionally, there were no federally listed threatened species of corals documented in the proposed project area.
19. **Natural Flood Damage Protection** - The proposed project is not reasonably expected to adversely affect surface water drainage or retention of stormwater.
20. **Wetland Values** – The proposed project is not reasonably expected to adversely affect wetland habitat.
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 proposed project does not violate any zoning laws, or a plan approval, would be submitted prior to permit issuance. Said letter or plan approval would 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 would occur on lands owned by the City of Coral Gables and the applicant has received authorization for use of the subject submerged lands.
24. **Conformance with Standard Construction Procedures and Practices and Design and Performance Standards** – The proposed project complies with the standard construction procedures and practices and design and performance standards of the applicable portions of the Code of Miami-Dade County and the Miami-Dade County Public Works Manual.
25. **Comprehensive Environmental Impact Statement (CEIS)** - In the opinion of the Director, the proposed project is not reasonably expected to result in significant adverse environmental impacts or cumulative adverse environmental impacts. Therefore, a CEIS was not required by DERM to evaluate the project.
26. **Conformance with All Applicable Federal, State and Local Laws and Regulations** - The proposed project is in conformance with applicable State, Federal and local laws and regulations:
 - a) Chapter 24 of the Code of Miami-Dade County
 - b) United States Clean Water Act (US Army Corps of Engineers permit required, the applicant has not yet obtained authorization)
 - c) Florida Department of Environmental Protection (permit is required, the applicant has not yet

obtained authorization)

27. **Conformance with the Miami-Dade County Comprehensive Development Master Plan (CDMP)** – In the opinion of the Director, the proposed project 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 all applicable environmental regulations, is compatible with surrounding land uses in Biscayne Bay and does not involve development in the Big Cypress area of Critical State Concern or the East Everglades.

TRANSPORTATION ELEMENT II

Aviation Subelement/Objective AV-5A - Aviation System Expansion - There is no aviation element to the proposed project.

Port of Miami River Subelement/Objective 3 - Minimization of impacts to estuarine water quality and marine resources. The 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 would not compromise flood protection.

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

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

Objective 7/Policy 7A, 7C, 7D, 7J - Wetland protection and restoration. – The proposed project is not located within a wetland.

Objective 9/Policies 9A, 9B, 9C - Protection of habitat critical to Federal or State-designated threatened or endangered species. – The proposed project is not reasonably expected to adversely affect habitat critical to Federal or State-designated threatened or endangered species.

COASTAL MANAGEMENT ELEMENT VII:

Objective 1/Policy 1A – Mangrove wetlands within Mangrove Protection Areas – The proposed project is not located within a designated “Mangrove Protection Area.”

Objective 1/ Policy 1B - Natural surface flow into and through coastal wetlands. – The proposed project is not located within coastal wetlands.

Objective 1/ Policy 1C - Elevated boardwalk access through mangroves. – The proposed project does not involve the construction of an elevated walkway through mangroves.

Objective 1/Policy 1D - Protection and maintenance of mangrove forests and related natural vegetational communities. - The proposed project is not located within a mangrove forest or related natural vegetational community.

Objective 1/Policy 1E - Mitigation for the degradation and destruction of coastal wetlands. Monitoring and maintenance of mitigation areas. – The proposed project is not located within coastal wetlands.

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

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

Objective 3/Policies 3E, 3F - Location of new cut and spoil areas for proper stabilization and minimization of damages. - The 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 result in impacts to endangered or threatened species.

Objective 5/Policy 5B - Existing and new areas for water-dependent uses. -The proposed project will enhance the existing 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 not located within the Shoreline Development Review boundaries; therefore, the thresholds for review by the Shoreline Development Review Committee under the Shoreline Ordinance do not apply and the proposed project is not subject to shoreline development review.

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

28. **Conformance with Chapter 33B, Code of Miami-Dade County** (East Everglades Zoning Overlay Ordinance) – The proposed project is not located within the East Everglades Area.

Conformance with Miami-Dade County Ordinance 81-19 (Biscayne Bay Management Plan Sections 33D-1 through 33D-4 of the Code of Miami-Dade County) - The proposed project is in conformance with the Biscayne Bay Management Plan.

29. **Conformance with the Miami-Dade County Manatee Protection Plan** - The proposed project is consistent with the Miami-Dade County Manatee Protection Plan. The subject property is not located within an area designated as essential habitat for the West Indian Manatee. However, the Class I permit modification would require that all standard manatee construction conditions be followed during all in water operations.
31. **Consistency with Miami-Dade County Criteria for Lake Excavation** – The proposed project does not involve lake excavation.
32. **Zoning Recommendation** – Pursuant to Section 24-48.2(II)(B)(7) of the Code of Miami-Dade County, Florida, a substantiating letter stating that the proposed project does not violate any zoning laws, or a plan approval, would be submitted prior to permit issuance. Said letter or plan approval would be submitted after the approval by the Board of County Commissioners and prior to the issuance of a 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 a wetland.
35. **Class I Permit Applications Proposing to Exceed the Boundaries Described in Section D-5.03(2)(a) of the Miami-Dade County Public Works Manual** – Not applicable.

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

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

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

24-48.3 (3) Minimum Water Depth Required for Boat Slips Created by the Construction or Placement of Fixed or Floating Docks and Piers, Piles and Other Structures Requiring a Permit Under Article IV, Division 1 of Chapter 24 of the Code of Miami-Dade County – The proposed project complies with the Code-required water depth criteria.

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

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



Rockell Alhale, Manager
Coastal Resources Section



Lindsay Elam, ERPS
Coastal Resources Section



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: June 18, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(F)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(F)
6-18-24

RESOLUTION NO. _____

RESOLUTION TAKING ACTION ON CLASS I PERMIT
MODIFICATION REQUEST BY EXITO, LTD. FOR THE
FILLING OF TIDAL WATERS IN ASSOCIATION WITH THE
INSTALLATION OF A NEW SEAWALL AND FOR THE
INSTALLATION OF A SEAWALL CAP, BATTER AND KING
PILES, RIPRAP, DOCK, BOATLIFT, AND ACCESS
PLATFORM LOCATED AT 480 ARVIDA PARKWAY IN THE
CITY OF CORAL GABLES, MIAMI-DADE COUNTY,
FLORIDA

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board, having considered all the applicable factors contained within section 24-48.3 of the Code of Miami-Dade County, Florida, hereby approves the modification by Exito, Ltd. for the filling of tidal waters in association with the installation of a new seawall and for the installation of a seawall cap, batter and king piles, riprap, dock, boatlift, and access platform located at 480 Arvida Parkway, Coral Gables, Miami-Dade County, Florida, subject to the conditions set forth in the memorandum from the Miami-Dade County Department of Regulatory and Economic Resources, a copy of which is attached hereto and made a part hereof. The issuance of this approval does not relieve the applicant from obtaining all applicable Federal, State, and local permits.

The foregoing resolution was offered by Commissioner ,
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	
Anthony Rodríguez, Vice Chairman	
Marleine Bastien	Juan Carlos Bermudez
Kevin Marino Cabrera	Sen. René García
Roberto J. Gonzalez	Keon Hardemon
Danielle Cohen Higgins	Eileen Higgins
Kionne L. McGhee	Raquel A. Regalado
Micky Steinberg	

The Chairperson thereupon declared the resolution duly passed and adopted this 18th day of June, 2024. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

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

JUAN FERNANDEZ-BARQUIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Christopher J. Wahl
Abbie Schwaderer-Raurell