

Memorandum



Date: February 2, 2021

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

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

Agenda Item No. 5(B)

Subject: Class I Permit Application by Oksana Kirpenko

Resolution No. R-70-21

Recommendation

I have reviewed the attached application for a Class I permit by Oksana Kirpenko 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 386 Golden Beach Drive, in Commission District 4, which is represented by Commissioner Sally A. Heyman.

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, McKee Gray, in the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (DERM), will be responsible for monitoring the proposed permit.

Background

The subject Class I permit application requests authorization for the filling of approximately 1,435 square feet of wetlands supporting halophytic vegetation and the removal of approximately 279 square feet of mangrove canopy within the Town of Golden Beach, Miami-Dade County, Florida. The proposed project is required to be reviewed and approved by the Board at a public hearing because the filling of wetlands supporting halophytic vegetation is specifically referenced in Section 24-48.2 of the Code as work that shall be processed with a standard form application, including a public hearing.

The project site is a single-family waterfront property located on a canal in the Town of Golden Beach. While the subject property has historically been maintained as uplands; over time, the property was regularly inundated by tidal waters due to the relative low elevation of the site and the poor condition of the seawall. The inundation by tidal waters resulted in the establishment of obligate halophytic wetland plant species as defined by Section 24-5 of the Code. The wetlands on-site are primarily comprised of minimal, opportunistic ground cover species that now lack hydrologic connectivity due to construction of a new seawall that was administratively authorized through a Class I permit in 2019. The applicant is requesting authorization to fill their backyard in order to raise the elevation of the

property to prevent further tidal inundation, which would result in the minimal amount of filling of coastal wetlands necessary to adequately and safely protect the property from flooding and erosion. The proposed fill would be wholly contained on the property by the recently constructed seawall and associated seawall cap. In addition, approximately 279 square feet of white and black mangrove canopy would be removed from the property to allow for the redevelopment.

According to Section 24-48.3(2) of the Code, dredging and filling work proposed in a Class I permit application shall comply with at least one of the criteria listed in that section of the Code. The halophytic wetlands onsite opportunistically grew along the seawall due to tidal inundation resulting from the inadequate maintenance of the seawall. The proposed work would result in the minimal amount of filling of opportunistic halophytic wetlands necessary to elevate the property to meet the Town of Golden Beach’s base flood elevation criteria 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 adverse environmental impacts. The halophytic wetlands onsite opportunistically grew due to inadequate maintenance of the seawall and subsequent tidal inundation and the proposed impacts are the minimum necessary to allow for continued historic use of the property. The wetlands and mangroves onsite are isolated from other natural wetland systems, and mitigation for impacts associated with the filling of wetlands and the removal of mangrove canopy 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 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, Engineer 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:

February 3, 2020

Application Number:

CLI-2020-0047

Application Fee:

\$470

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

1. Applicant Information:

Name: Ms. Oksana Kirpenko

Address: 386 Golden Beach Dr.

Golden Beach, FL Zip Code: 33160

Phone #: _____ Fax #: _____

Email: okirpenko@yahoo.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: Kirk Lofgren, Ocean Consulting, LLC

Address: 340 Minorca Ave, Suite 7

Coral Gables, FL Zip Code: 33134

Phone #: 305-921-9344 Fax #: 305-677-3254

Email: justina@oceanconsultingfl.com

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

Folio #(s): 19-1235-005-0720

Latitude: 25.965627° Longitude: -80.121477°

Street Address: 386 Golden Beach Dr.

Section: 35 Township: 51 Range: 42

In City or Town: Golden Beach

Near City or Town: _____

Name of waterway at location of the activity: Intracoastal

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: 1435.4 square feet of wetland fill & 279.22 square feet of mangrove removal

Estimated project cost = \$ \$10,000

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

5. Proposed Use (check all that apply):

- ☒ 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): N/A

Vessel Make/Model (If known): N/A

Draft (s)(range in inches.): N/A Length (s)(range in feet.): N/A

Total Number of Slips: N/A

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
DEP	ERP	TBD	TBD	TBD
US COE	GP/NWP	TBD	TBD	TBD

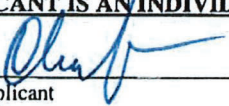
8. Contractor Information (If known):Name: Southeast Marine Construction License # (County/State): CG 060467Address: 404 NE 38th Street Oakland Park, FL Zip Code: 33334Phone #: 954-630-2300 Fax #: _____ E-mail: semarine@semarineconstruction.com

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 Ms. Oksana Kirpenko February 3, 2020
Print Applicant's Name Date

B. IF APPLICANT IS OTHER THAN AN INDIVIDUAL OR NATURAL PERSON

(Examples: Corporation, Partnership, Trust, LLC, LLP, etc.)

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

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

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

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

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

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

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

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

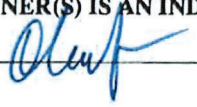
Signature of Authorized Representative _____ Print Authorized Representative's Name _____ Title _____ Date _____

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 386 Golden Beach Dr. Miami-Dade County, Florida, otherwise identified in the public records of Miami-Dade County as Folio No. 19-1235-005-0720.

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		Ms. Oksana Kirpenko	February 3 2020
		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.)

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

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
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, Engineer Letter and Project Sketches

PERMIT APPLICANT / AUTHORIZED AGENT STATEMENT

Date: June 12, 2020

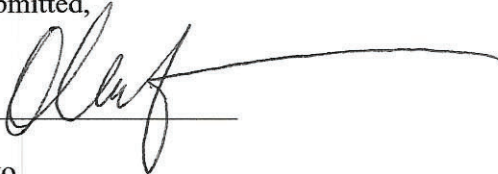
Miami Dade County Department of Regulatory and Economic Resources
Class I Permitting Program
701 NW 1st Court
Miami, FL 33136

Re: Class I Standard Form Permit Application Number CLI-2020-0047

By the attached Class I Standard Form permit application with supporting documents, I, Oksana Kirpenko, am the permit applicant and hereby request permission to perform the work associated with Class I Permit Application CLI-2020-0047. 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 black ink, appearing to read 'Oksana', is written over a horizontal line.

Oksana Kirpenko

ENGINEER LETTER OF CERTIFICATION

Date: 6/12/20

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-2020-0047

Ladies and Gentlemen:

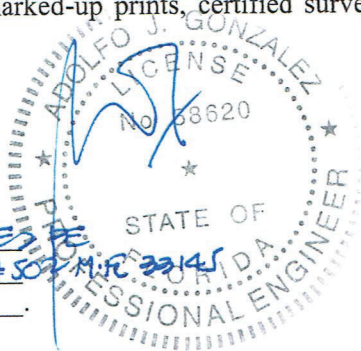
This letter will certify that I am an engineer licensed in the State of Florida, qualified by education and experience in the area of engineering design and inspection, and that to the best of my knowledge and belief, the proposed work does not violate any laws, rules, or regulations of the State of 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:

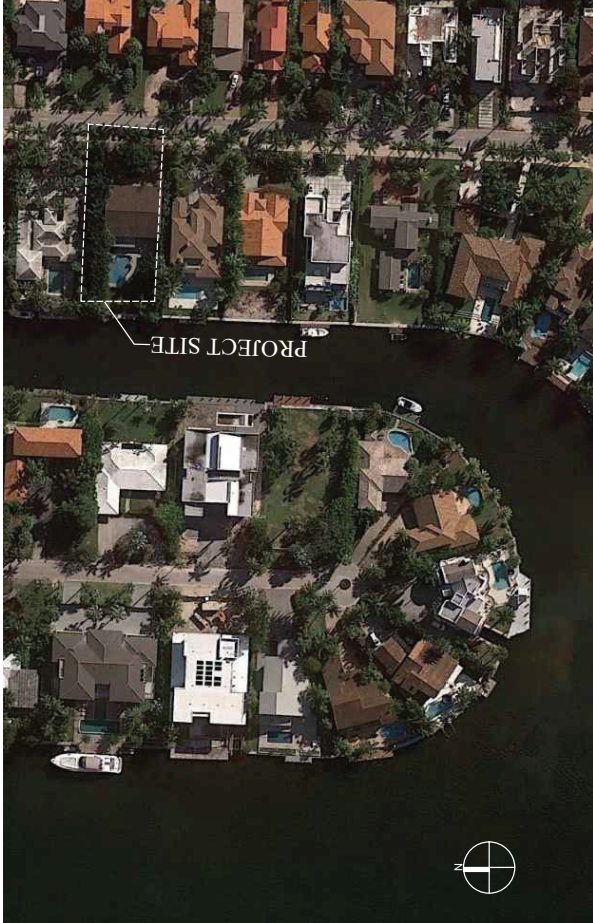
- a. Harmful obstruction or undesirable alteration of the natural flow of the water within the area of the proposed work.
- b. Harmful or increased erosion, shoaling of channels or stagnant areas of water. (Not applicable to class IV permits)
- c. Material injury to adjacent property.
- d. Adverse environmental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

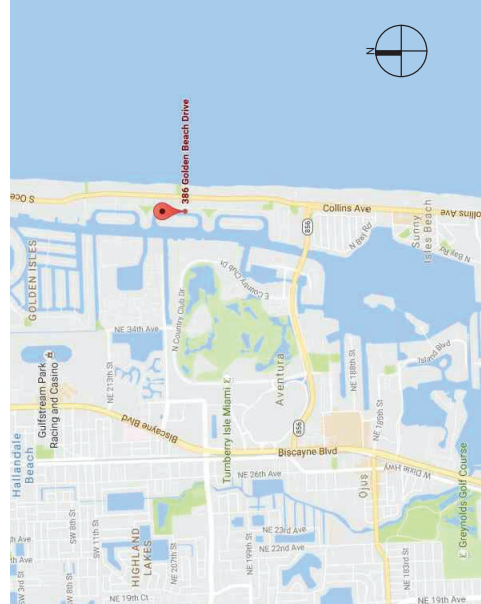
ADOLFO GONZALEZ PE
2050 CORRAL WAY #507 M.C. 33145
305.4158782
P.E. # 58620





10

LOCATION MAP AND LEGAL DESCRIPTION



PROJECT SITE LOCATION:
386 Golden Beach Dr.
Golden Beach, FL 33160

LATITUDE: 25°57'56.21"N
LONGITUDE: 80° 7'17.37"W

FOLIO No.: 19-1235-005-0720

LEGAL DESCRIPTION:
GOLDEN BEACH SEC E PB 8-122
N1/2 OF LOT 48 & LOT 49 BLK G
LOT SIZE 75,000 X 175
OR 17041-3771 1295 4 (CORR DEED)

GENERAL NOTES:

- ELEVATIONS SHOWN REFER TO THE NATIONAL AMERICAN VERTICAL DATUM (NAVD) OF 1988.
- ALL DIMENSIONS ON PLANS ARE SUBJECT TO VERIFICATION IN THE FIELD.
- IT IS THE INTENT OF THESE PLANS TO BE IN ACCORDANCE WITH APPLICABLE CODES AND AUTHORITIES HAVING JURISDICTION. ANY DISCREPANCIES BETWEEN THESE PLANS AND APPLICABLE CODES SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF ENGINEER BEFORE PROCEEDING WITH WORK. CONTRACTOR AND ALL SUBCONTRACTORS ARE RESPONSIBLE FOR ALL LINES, ELEVATIONS, AND MEASUREMENTS IN CONNECTION WITH THEIR WORK.
- 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 CONTRACTOR'S RESPONSIBILITY TO FAMILIARIZE AND GOVERN HIMSELF BY ALL PROVISIONS OF THESE PERMITS.
- APPLICABLE BUILDING CODE: FLORIDA BUILDING CODE, 2017 EDITION (AND CURRENT ADDENDUMS).
- APPROVED CONTRACTOR TO DETERMINE THE SUITABILITY OF EXISTING STRUCTURES AND VERIFY ALL DIMENSIONS. THE APPROVED CONTRACTOR IS RESPONSIBLE FOR ALL METHODS, MEANS, SEQUENCES AND PROCEDURES OF WORK.
- DO NOT SCALE DRAWINGS FOR DIMENSIONS.
- CONTRACTOR TO VERIFY LOCATION OF EXISTING UTILITIES PRIOR TO COMMENCING WORK.
- CONTRACTOR TO PROPERLY FENCE AND SECURE AREA WITH BARRICADES.
- ANY DEVIATION AND/OR SUBSTITUTION FROM THE INFORMATION PROVIDED HEREIN SHALL BE SUBMITTED TO THE ENGINEER FOR APPROVAL PRIOR TO COMMENCEMENT OF WORK.
- ALL NEW MATERIALS AND/OR PATCHWORK SHALL BE PROVIDED TO MATCH EXISTING MATERIALS AND/OR ADJOINING WORK WHERE PRACTICAL EXCEPT AS SPECIFICALLY NOTED HEREIN.
- LICENSED CONTRACTOR SHALL USE ALL POSSIBLE CARE TO PROTECT ALL EXISTING MATERIALS, SURFACES, AND FURNISHINGS FROM DAMAGE DURING ALL PHASES OF CONSTRUCTION.
- THE LICENSED CONTRACTOR TO INSTALL AND REMOVE ALL SHORING AND BRACING AS REQUIRED FOR THE PROPER EXECUTION OF THE WORK.
- ALL NEW WORK AND/OR MATERIALS SHALL CONFORM TO ALL REQUIREMENTS OF EACH ADMINISTRATIVE BODY HAVING JURISDICTION IN EACH PERTAINING CIRCUMSTANCE.
- THE CONTRACTOR WILL EMPLOY AND MAINTAIN ADEQUATE SEDIMENT AND EROSION CONTROL MEASURES TO PROTECT BISCAYNE BAY FROM SEDIMENT AND CONSTRUCTION DEBRIS.

386 GOLDEN BEACH DR.
WETLAND FILL
PROJECT

ENVIRONMENTAL CONSULTANT:

OCEAN

CONSULTING, LLC

340 Minorca Avenue, Suite 7

Coral Gables, Florida 33134

Tel: (305) 921-9344

Fax: (305) 677-3254

CONTRACTOR:

SOUTH EAST MARINE

CONSTRUCTION

404 NE 38th Street

Oakland Park, Florida 33334

Tel: (954) 630-2300

Fax: (954) 630-2381

License # CGC000467

PROJECT ENGINEER:

ADOLFO GONZALEZ P.E.

2010 Coral Way, Suite 502

Miami, FL 33145

Office - 305-415-8782

SEAL / SIGNATURE / DATE

ADOLFO GONZALEZ, PE

Lic. No. 58620

PERMIT DRAWINGS

Issue # Issue Date

① July 13, 2020

PROJECT: 16-5850 CLI-2020-0047

PROJECT LOCATION & NOTES

SCALE: AS SHOWN

SHEET NO.

S-1

**386 GOLDEN BEACH DR.
WETLAND FILL
PROJECT**

ENVIRONMENTAL CONSULTANT:

OCEAN

CONSULTING, LLC

340 Minorca Avenue, Suite 7

Coral Gables, Florida 33134

Tel: (305) 921-9344

Fax: (305) 677-3254

CONTRACTOR:

SOUTH EAST MARINE

CONSTRUCTION

404 NE 38th Street

Oakland Park, Florida 33334

Tel: (954) 630-2300

Fax: (954) 630-2381

License # CGC0060467

PROJECT ENGINEER:

ADOLFO GONZALEZ P.E.

2010 Coral Way, Suite 502

Miami, FL 33145

Office - 305-415-8782

SEAL / SIGNATURE / DATE

ADOLFO GONZALEZ, PE

Lic. No. 58620

PERMIT DRAWINGS

Issue # Issue Date

① July 13, 2020

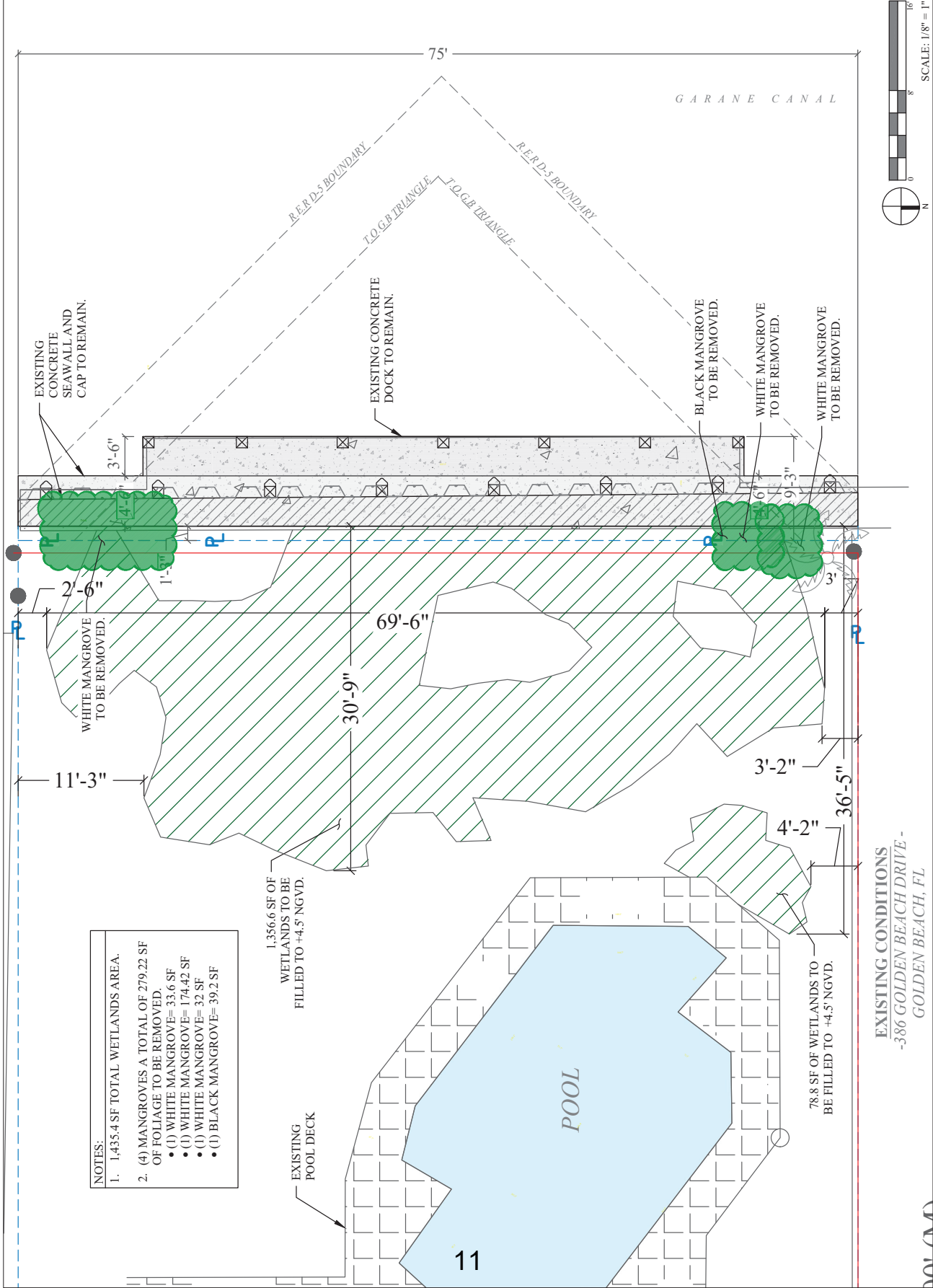
PROJECT: 16-5850 CLI-2020-0047

EXISTING CONDITIONS

SCALE: AS SHOWN

SHEET NO.

S-2



EXISTING CONDITIONS
-386 GOLDEN BEACH DRIVE -
GOLDEN BEACH, FL

**386 GOLDEN BEACH DR.
WETLAND FILL
PROJECT**

ENVIRONMENTAL CONSULTANT:

OCEAN

CONSULTING, LLC

340 Minorca Avenue, Suite 7

Coal Gables, Florida 33134

Tel: (305) 921-9344

Fax: (305) 677-3254

CONTRACTOR:

SOUTH EAST MARINE

CONSTRUCTION

404 NE 38th Street

Oakland Park, Florida 33334

Tel: (954) 630-2300

Fax: (954) 630-2381

License # CGC060467

PROJECT ENGINEER:

ADOLFO GONZALEZ P.E.

2010 Conl Way, Suite 502

Miami, FL 33145

Office - 305-415-8782

SEAL / SIGNATURE / DATE

ADOLFO GONZALEZ, PE

Lic. No. 58620

PERMIT DRAWINGS

Issue # Issue Date

① July 13, 2020

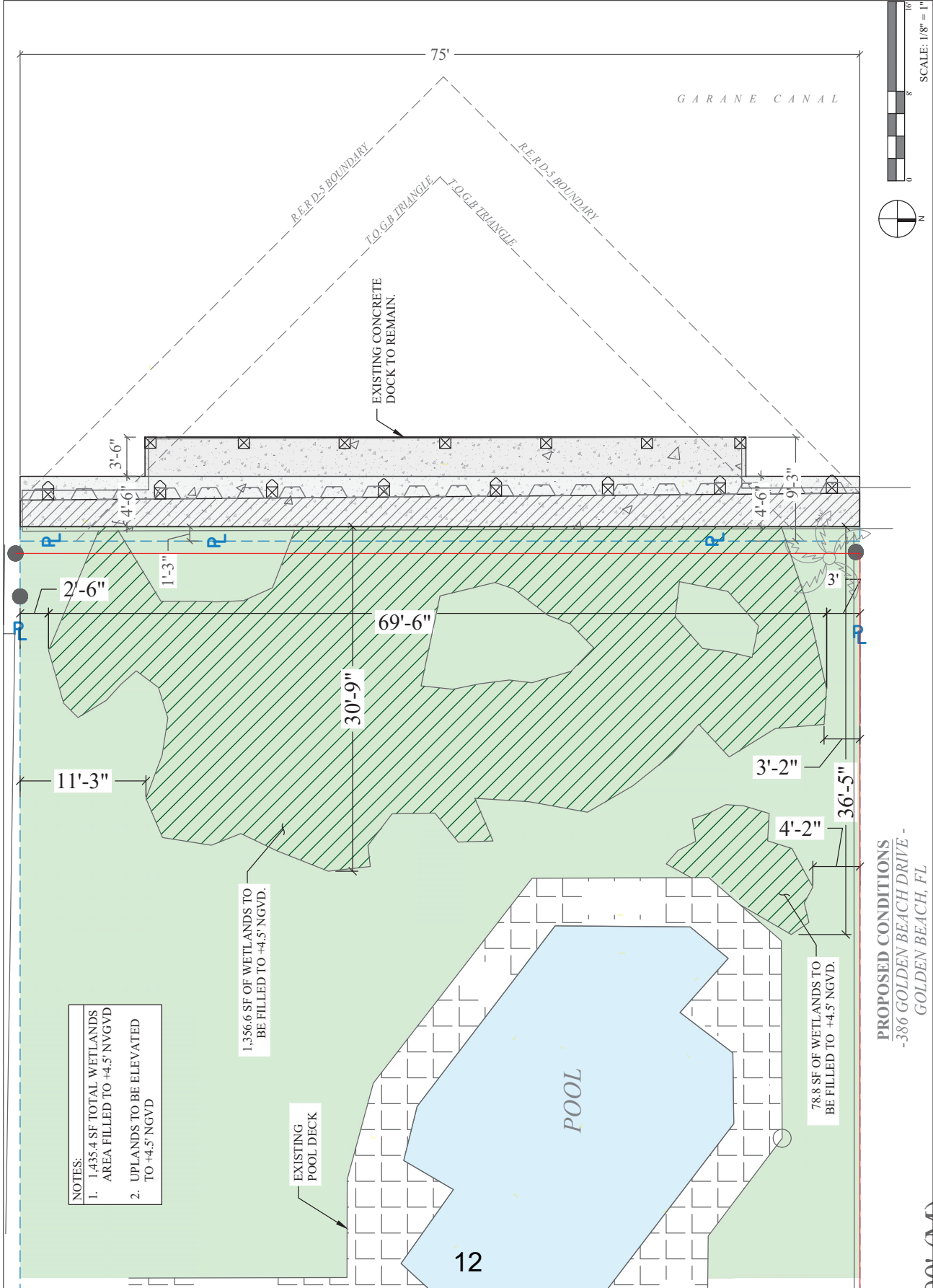
PROJECT: 16-5850 CLI-2020-0047

PROPOSED CONDITIONS

SCALE: AS SHOWN

SHEET NO.

S-3



PROPOSED CONDITIONS
-386 GOLDEN BEACH DRIVE -
GOLDEN BEACH, FL

386 GOLDEN BEACH DR.
WETLAND FILL
PROJECT

ENVIRONMENTAL CONSULTANT:

OCEAN

CONSULTING, LLC

340 Minerva Avenue, Suite 7

Coal Gables, Florida 33134

Tel: (305) 921-9344

Fax: (305) 677-3254

CONTRACTOR:

SOUTH EAST MARINE

CONSTRUCTION

404 NE 38th Street

Oakland Park, Florida 33334

Tel: (954) 630-2300

Fax: (954) 630-2381

License # CGC000467

PROJECT ENGINEER:

ADOLFO GONZALEZ P.E.

2010 Conl Way, Suite 502

Miami, FL 33145

Office - 305-415-8782

SEAL / SIGNATURE / DATE

ADOLFO GONZALEZ, PE

Lic. No. 58620

PERMIT DRAWINGS

Issue # Issue Date

① July 13, 2020

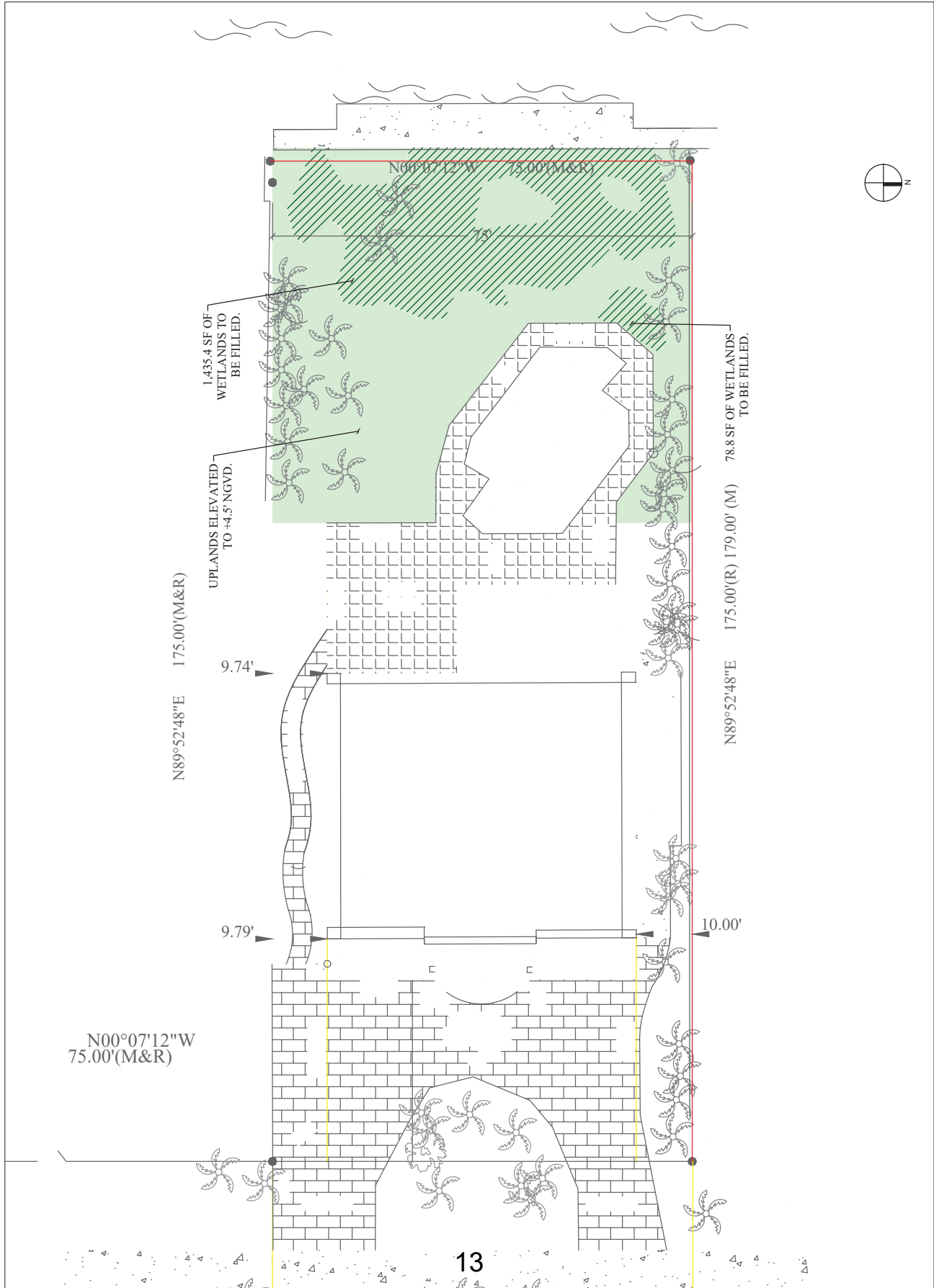
PROJECT: 16-5850 CLI-2020-0047

WETLAND SURVEY

SCALE: AS SHOWN

SHEET NO.

S-3.1



**386 GOLDEN BEACH DR.
WETLAND FILL
PROJECT**

ENVIRONMENTAL CONSULTANT:

OCEAN

CONSULTING, LLC

340 Minorca Avenue, Suite 7

Coal Gables, Florida 33134

Tel: (305) 921-9344

Fax: (305) 677-3254

CONTRACTOR:

SOUTH EAST MARINE

CONSTRUCTION

404 NE 38th Street

Oakland Park, Florida 33334

Tel: (954) 630-2300

Fax: (954) 630-2381

License # CGC060467

PROJECT ENGINEER:

ADOLFO GONZALEZ P.E.

2010 Coral Way, Suite 502

Miami, FL 33145

Office - 305-415-8782

SEAL / SIGNATURE / DATE

ADOLFO GONZALEZ, PE

Lic. No. 58620

PERMIT DRAWINGS

Issue # Issue Date

① July 13, 2020

PROJECT: 16-5850 CLI-2020-0047

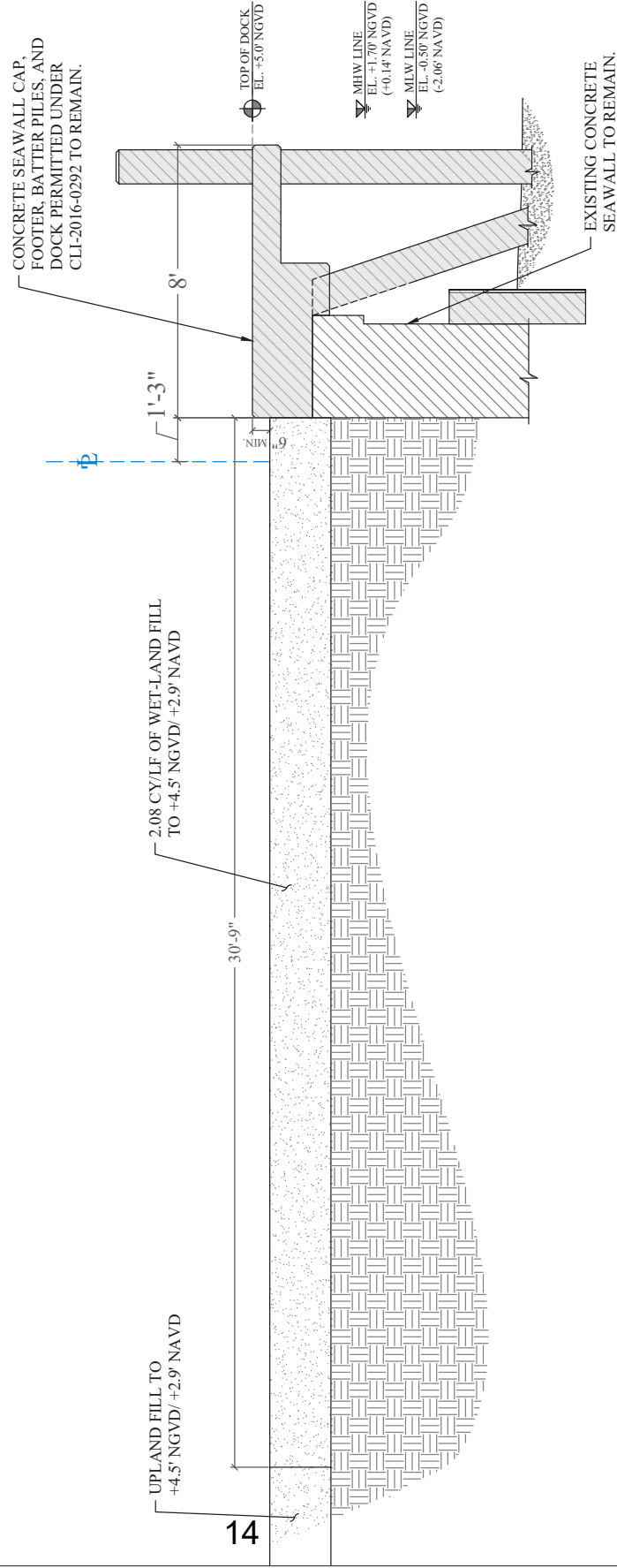
PROPOSED SECTION

SCALE: AS SHOWN

SHEET NO.

S-4

WETLAND FILL QUANTITY	
• AREA = 1,435.4 SF	
• VOLUME = 93.03 CY	
• TO +4.5' NAVD / +2.9' NAVD	



WETLAND FILL SECTION A
N.T.S. S-4

Attachment C

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

**Eric & Keryn Fishman
390 Golden Beach Drive
Golden Beach, Florida 33160**

**Braintree FLA Corp
398 Golden Beach Drive
Golden Beach, Florida 33160**

**El Legado LLC
400 Golden Beach Drive
Golden Beach, Florida 33160**

**Suzanne C Mendal TRS
Isaac Mendal TRS
378 Golden Beach Drive
Golden Beach, Florida 33160**

**Alan Wolfson
368 Golden Beach Drive
Golden Beach, Florida 33160**

**Joseph L Saka TRS
364 Golden Beach Land Trust
364 Golden Beach Drive
Golden Beach, Florida 33160**

**Alan & Cindy Behar
354 Golden Beach Drive
Golden Beach, Florida 33160**

**R and R GB Investment GRP LLC
c/o Fountain Jewelers
801 S. University Drive A112
Plantation, Florida 33324**

**Paul Groll
170 S. Island
Golden Beach, Florida 33160**

**Hunter & Shana Gary
301 Center Island Drive
Golden Beach, Florida 33160**

**John & Karleen Halliwell
495 Centre Island
Golden Beach, Florida 33160**

**Alfredo Jose Fernandez Gallardo
Amy Josefina Pantin Shortt
4000 Hollywood Blvd. #555-S
Hollywood, Florida 33021**

**Pat Markets Holdings Inc.
c/o Rosa Poler
486 N. Parkway
Golden Beach, Florida 33160**

**Manuel Hernandez & Bonnie Kelly
343 Center Island
Golden Beach, Florida 33160**

Attachment D

Zoning Memorandum

Memorandum



Date: December 18, 2020

To: McKee Gray, Manager *McKee Gray*
Coastal Resources Section
Department of Regulatory and Economic Resources

From: Lindsey Precht, Biologist II *Lindsey Precht*
Coastal Resources Section
Department of Regulatory and Economic Resources

Subject: Class I Permit Application by Oksana Kirpenko for the Filling of Wetlands Supporting Halophytic Vegetation and the Removal of Mangrove Canopy in Association with the Upland Construction located at 386 Golden Beach Drive, in the Town of Golden Beach, 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 APPLICATION NO. CLI-2020-0047

Class I Permit Application by Oksana Kirpenko for the Filling of Wetlands Supporting Halophytic Vegetation and the Removal of Mangrove Canopy in Association with the Upland Construction located at 386 Golden Beach Drive, in the Town of Golden Beach, Miami-Dade County, Florida

DATE: November 5, 2020

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 (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. Potential adverse environmental impacts associated with the proposed project are minimal. The wetlands are primarily comprised of sparse, opportunistic ground cover species that lack hydrologic connectivity due to the completion of the administratively authorized seawall through a Class I permit in 2019. The existing halophytic wetlands grew due to the inadequate maintenance of the seawall and subsequent tidal inundation, and the proposed impacts are the minimum necessary to allow for the continued historic use of the property, specifically to bring the elevation of the property up to meet the Town of Golden Beach's base flood criteria. The wetlands and mangroves onsite are isolated from other natural wetland systems, and mitigation for impacts associated with the filling of wetlands and the removal of mangrove canopy 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 fill would be wholly contained on the property by the recently completed seawall and the grade differential between the elevation of the seawall cap and the adjacent proposed fill would be sufficient to prevent upland discharge to tidal waters. Furthermore, no in-water work is proposed and proper turbidity controls, including silt fencing, would be utilized throughout construction operations to ensure that State and County water quality standards are met.
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** – No wetland soils were documented on-site; therefore, the proposed project is not reasonably expected to adversely affect wetland soils suitable for habitat. The wetlands present on the property are opportunistic in nature and are surrounded by uplands and as such, adverse impacts to wetland soils suitable for habitat are not reasonably expected.
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.
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 project involves the filling of wetland habitat which would be mitigated as set forth in Number 1 above.
21. **Land Use Classification** – Pursuant to Section 24-48.2(II)(B)(7) of the Code, 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 applicant.
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 is required and must be obtained prior to performing work)
 - c. Florida Department of Environmental Protection (regulatory permit is required and must be obtained prior to performing work)

- 27. Conformance with the Miami-Dade County Comprehensive Development Master Plan (CDMP)** - In the opinion of the Director, the proposed project is consistent, as required by CDMP policy LU-3A, with the goals, objectives and policies contained in the Conservation, Aquifer Recharge and Drainage and Coastal Management Elements of this Plan, and with all applicable environmental regulations, as well as other elements of 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 project would involve the filling of wetlands which would be mitigated as set forth in Number 1 above.

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 would not affect natural surface flow into and through coastal wetlands.

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

Objective 1/Policy 1D - Protection and maintenance of mangrove forests and related natural vegetational communities. - The project involves the removal of mangroves, which are not part of a Coastal Band Community, and would be mitigated as set forth in Number 1 above.

Objective 1/Policy 1E - Mitigation for the degradation and destruction of coastal wetlands. Monitoring and maintenance of mitigation areas. – The project involves the filling of wetlands which would be mitigated as set forth in Number 1 above.

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 does not involve a water-dependent use.

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

Objective 5/Policy 5F - The siting of water dependent facilities. - The 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.

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 is not located within the Biscayne Bay Aquatic Preserve.

30. **Conformance with the Miami-Dade County Manatee Protection Plan** - The proposed filling and mangrove removal would involve no work in tidal waters; therefore, the Miami-Dade County Manatee Protection Plan is not applicable to the proposed project.
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, 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.
34. **Maximum Protection of a Wetland's Hydrological and Biological Functions** – The project involves the filling of wetlands which would be mitigated as set forth in Number 1 above.
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. 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 does not involve the creation of a slip.

24-48.3 (4) Clean Fill in Wetlands – The project involves the filling of wetlands; all fill would meet the definition of clean fill as defined in Section 24-5 of the Code.

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



McKee Gray, Manager
Coastal Resources Section



Lindsey Precht, Biologist II
Coastal Resources Section



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: February 2, 2021

FROM: 
Gen Bonzon-Keenan
Successor County Attorney

SUBJECT: Agenda Item No. 5(B)

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(B)
2-2-21

RESOLUTION NO. R-70-21

RESOLUTION TAKING ACTION ON A CLASS I PERMIT APPLICATION BY OKSANA KIRPENKO FOR THE FILLING OF WETLANDS SUPPORTING HALOPHYTIC VEGETATION AND THE REMOVAL OF MANGROVE CANOPY IN ASSOCIATION WITH THE UPLAND CONSTRUCTION AT 386 GOLDEN BEACH DRIVE, GOLDEN BEACH, MIAMI-DADE COUNTY, FLORIDA

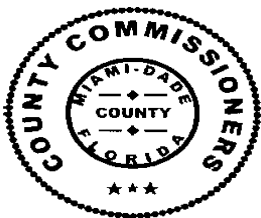
WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

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 of the Code of Miami-Dade County, hereby approves the application by Oksana Kirpenko for the filling of wetlands supporting halophytic vegetation and the removal of mangrove canopy in association with the upland construction at 386 Golden Beach Drive, Golden 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 **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Oliver G. Gilbert, III** and upon being put to a vote, the vote was as follows:

Jose "Pepe" Diaz, Chairman	aye		
Oliver G. Gilbert, III, Vice-Chairman	aye		
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Joe A. Martinez	aye
Kionne L. McGhee	aye	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of February, 2021. 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

HARVEY RUVIN, CLERK

Melissa Adames

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Abbie Schwaderer-Raurell