

Memorandum



Date: December 1, 2021

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

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

Subject: Class I Permit Application by Yachting Promotions, Inc.

Agenda Item No. 5(P)

Resolution No. R-1147-21

Recommendation

I have reviewed the attached application for a Class I permit and a variance by Yachting Promotions, Inc. and based upon the applicable evaluation factors set forth in sections 24-48.3 and 24-48.25 of the Code of Miami-Dade County (Code), I recommend that the Board of County Commissioners (Board) approve the issuance of a Class I permit and variance 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 within Biscayne Bay at 801 Biscayne Boulevard, Miami, Florida in Commission District 3, which is represented by Commissioner Keon Hardemon.

Delegation of Authority

This item has no delegation of authority. Upon approval of this item, section 24-48.2(II)(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, as contemplated by Resolution No. R-530-10.

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 installation of a temporary 70 slip docking facility and a variance for the installation of floating structures with a non-water dependent use over tidal waters for the Yachting Promotions, Inc. annual boat show at 801 Biscayne Boulevard in the City of Miami. To be approved, this application must be reviewed and decided by the Board after a public hearing because the creation of 50 or more boat slips is specifically referenced in section 24-48.2 of the Code as work that shall be processed as a Standard Form Class I permit application, and because the scope of work includes the installation of floating structures with a non-water-dependent use. Although the docking facility has a water-dependent use, the applicant also proposes to install tents and other amenities on the floating docks that will not have a water-dependent use and are prohibited pursuant to section 24-

48.23 of the Code. However, section 24-48.25 of the Code provides for the applicant to request a variance from the Code to be heard and ruled upon by the Board. Therefore, a variance from the Code, including a Standard Form Class I permit application and a public hearing, is required.

Pursuant to section 24-48.19 of the Code, Standard Form Class I permits shall be valid for a period of three years from the date of permit issuance unless another time period is permitted as set forth in the resolution by the Board. Due to the recurring nature of the proposed project, the applicant has requested that the permit be authorized for a 10 year period. Authorization for a 10 year period is consistent with the timeframe allowed for extensions of Standard Form Class I permits. If the request is approved, the applicant will be required to obtain administrative modifications to the permit each year, on an annual basis, and DERM staff will evaluate boat show activities for consistency with the regulatory requirements upon the completion of each annual event. In the event that significant non-compliance or environmental impacts occur as a result of construction and/or operation of the boat show, the subsequent modification to the permit shall be deemed to result in a substantial change to the project and said modification shall be subject to a public hearing before the Board, pursuant to section 24-48.13. DERM recommends approval of the requested authorization for a permit for a 10 year period, with the above-mentioned conditions.

The proposed docking facility would include floating docks and ramps to provide for the temporary mooring of up to 70 vessels and will also include floating structures for non-water dependent uses, such as amenities and tents for the exhibitors and attendees. All proposed structures will be installed and removed within a 45-day period and the boat show is proposed to take place over a five day period on an annual basis each February. Although non-water dependent floating structures are prohibited pursuant to section 24-48.23 of the Code, section 24-48.25 of the Code provides that an applicant may request a variance from the prohibition on non-water dependent floating structures, to be ruled upon by the Board. Section 24-48.25 lists consideration factors for such variance requests, including but not limited to: visual or physical access by the general public to Biscayne Bay and its adjacent tidal waters, historical significance, and environmental impact. Due to the limited duration of the event and the measures taken by the applicant to reduce potential environmental impacts, the variance for the use of non-water dependent floating structures is recommended for approval.

In order to ensure that the use of the docking facility and all associated activities will not result in the discharge of pollutants or solid waste into tidal waters, the Class I permit will require the submittal of an operating plan that adequately addresses how the facility and activities will be managed. The facility will also be required to obtain or abide by an existing applicable Marine Facilities Operating Permit prior to the use and throughout the duration of permitted events at the project sites and the water taxi locations at 1 Herald Plaza, Sea Isle marina and Island Gardens marina. In addition, the conditions of the Class I permit will require that best management practices be implemented during any construction work or activities associated with the event. In order to mitigate for temporary water-quality impacts associated with the construction, deconstruction and use of the facility, the applicant has agreed to provide annual contributions to the Biscayne Bay Environmental Enhancement Trust Fund based on the total number of slips each year.

The proposed application has also been evaluated for consistency with the Miami-Dade County Manatee Protection Plan (MPP). The project site is located within an area identified by the MPP as recommended for Freight Terminals/Large Vessels (>100') Berthing. However, the MPP provides for an existing marine facility to continue with the existing use and to renovate as long as there is no change in the facility size and no increase in the number of slips. The project site is currently authorized for the mooring of up to 10 vessels under Marine Facilities Operating Permit MOP-206. Furthermore, the project site has historically

been authorized for the temporary mooring of up to 33 vessels in association with other temporary special events. Although the MPP does not recommend the siting of a high intensity marine related use at the project sites, DERM staff recognize that the boat show is not a permanent facility but is instead a temporary event lasting only five days each year and that the vessels proposed to be moored would arrive prior to the start of the show and remain moored for the duration of the event (i.e. no sea trials).

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. The project site is located within an existing permitted boat basin with water depths of over 20 feet. In addition, the project is temporary in nature and the Class I permit would include specific conditions to provide assurance that any unanticipated environmental impacts shall be restored and/or mitigated in accordance with DERM requirements, and that a performance bond shall be posted prior to permit issuance.

The proposed project has been designed in accordance with all relevant Miami-Dade County coastal construction criteria and is consistent with all other Miami-Dade County coastal protection provisions. The attached Project Report sets forth the reasons the proposed project and variance request are recommended for approval subject to the conditions listed above and additional conditions of the Class I permit, pursuant to the applicable evaluation factors set forth in sections 24-48.3 and 24-48.25 of the Code. The conditions, limitations, and restrictions set forth in the Project Report attached hereto are incorporated herein by references hereto.

Attachments

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

Attachment A
Class I Permit Application



Class I Permit Application

FOR DEPARTMENTAL USE ONLY	
Application Number: _____ Application Date: _____	_____ _____

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

1. Applicant Information: Name: <u>Yachting Promotions, Inc.</u> Address: <u>1650 SE 17th Street</u> <u>Fort Lauderdale</u> Zip Code: <u>33316</u> Phone #: <u>954-325-0321</u> Fax#: _____ Email: _____ <small>* This should be the applicant's information for contact purposes.</small>	2. Applicant's Authorized Permit Agent: <small>Agent is allowed to process the application, furnish supplemental information relating to the application and bind the applicant to all requirements of the application.</small> Name: <u>The Chappell Group, Inc.</u> Address: <u>714 East McNab Road</u> <u>Pompano Beach, FL</u> Zip Code: <u>33060</u> Phone #: <u>954-782-1908</u> Fax #: _____ Email: <u>tyler@thechappellgroup.com</u>
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3. Location where proposed activity exists or will occur (latitude and longitude are only necessary for properties without address or folio #):

Folio #(s): 01-0100-000-0120, 01-4137-073-0010 Latitude: _____ Longitude: _____

Street Address: 801 & 1095 Biscayne Blvd Section: 00 Township: 50 Range: 41

In City or Town: Miami Near City or Town: _____

Name of waterway at location of the activity: Biscayne Bay

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

<input type="checkbox"/> Seawall	<input checked="" type="checkbox"/> Dock(s)	<input type="checkbox"/> Boatlift	<input type="checkbox"/> Dredging	<input type="checkbox"/> Mangrove Trimming
<input type="checkbox"/> New/Replacement Seawall	<input type="checkbox"/> Pier(s)	<input checked="" type="checkbox"/> Mooring Piles	<input type="checkbox"/> Maintenance	<input type="checkbox"/> Mangrove Removal
<input type="checkbox"/> Seawall Cap	<input type="checkbox"/> Viewing Platform	<input type="checkbox"/> Fender Piles	<input type="checkbox"/> New	
<input type="checkbox"/> Batter Piles		<input type="checkbox"/> Davits	<input type="checkbox"/> Filling	
<input type="checkbox"/> King Piles				
<input type="checkbox"/> Footer/Toe Wall				
<input type="checkbox"/> Riprap				

Other: Install temporary floating docks, ramps, pilings and tents for the boat show

Estimated project cost = \$ 150,000

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

5. Proposed Use (check all that apply): <input type="checkbox"/> Single Family <input type="checkbox"/> Multi-Family <input type="checkbox"/> Private <input type="checkbox"/> Public <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> 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): <u>Varries</u> Vessel Make/Model (If known): <u>Varries</u> Draft (s)(range in inches.): _____ Length (s)(range in feet.): _____ Total Number of Slips: <u>70</u>
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7. List all permits or certifications that have been applied for or obtained for the above referenced work:

Issuing Agency	Type of Approval	Identification Number	Application Date	Approval Date

8. Contractor Information (If known):

Name: B&M Marine Construction License # (County/State): CGC052820
Address: 3500 SW 14th Street Deerfield Beach, FL Zip Code: 33442
Phone #: _____ Fax #: _____ E-mail: _____

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

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

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

A. IF APPLICANT IS AN INDIVIDUAL

Signature of Applicant	Print Applicant's Name	Date
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B. IF APPLICANT IS OTHER THAN AN INDIVIDUAL OR NATURAL PERSON

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

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

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	Ri cardo Str u	Vice President	4/19/21
	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) Registration/Incorporation	Type (Corp, LLC, LLP, etc.)	State of
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Print Name of Applicant (Enter the complete name as registered) Registration/Incorporation	Type (Corp, LLC, LLP, etc.)	State of
---	-----------------------------	----------

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
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Signature of Authorized Representative	Print Authorized Representative's Name	Title	Date
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Attachment B

Owner/Agent Letter, Engineer Letter and Project Sketches

ENGINEER LETTER OF CERTIFICATION

Date: Nov. 9, 2021

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-2021-0344
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:

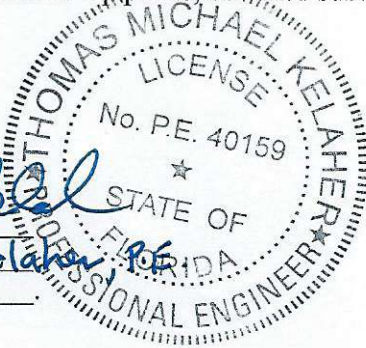
- a. Harmful obstruction or undesirable alteration of the natural flow of the water within the area of the proposed work.
- b. Harmful or increased erosion, shoaling of channels or stagnant areas of water. (Not applicable to class IV permits)
- c. Material injury to adjacent property.
- d. Adverse environmental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


Thomas M. Kolaher, P.E.

P.E. # 40159



PERMIT APPLICANT / AUTHORIZED AGENT STATEMENT

Date: NOV 12, 2021

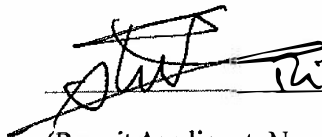
Miami Dade County Department of Regulatory and Economic Resources
Class I Permitting Program
701 NW 1st Court
Miami, FL 33136

Re: Class I Standard Form Permit Application Number CLI-2021-0344

By the attached Class I Standard Form permit application with supporting documents, I, Ricardo Sirul, am the permit applicant/applicant's authorized agent (circle one) and hereby request permission to perform the work associated with Class I Permit Application CLI-2021-0344. I understand that a Miami-Dade County Class I Standard Form Permit is required to perform this work.

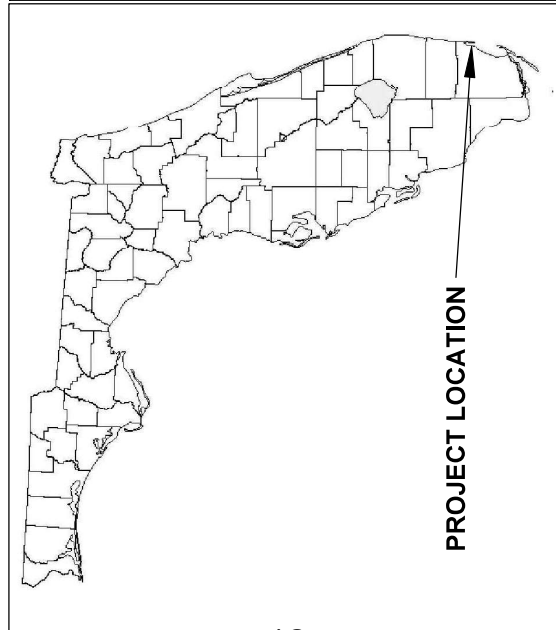
If approval is granted for the proposed work by the Board of County Commissioners, complete and detailed plans and calculations of the proposed work shall be prepared by an engineer licensed in the State of Florida in accordance with the minimum requirements of Chapter 24 of the Code of Miami-Dade County, 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,

 Ricardo Sirul CP & CFO
(Permit Applicants Name), Permit Applicant

(Authorized Agent's Name), Authorized Agent

MIAMI YACHT SHOW-FEC SLIP PLAN SET

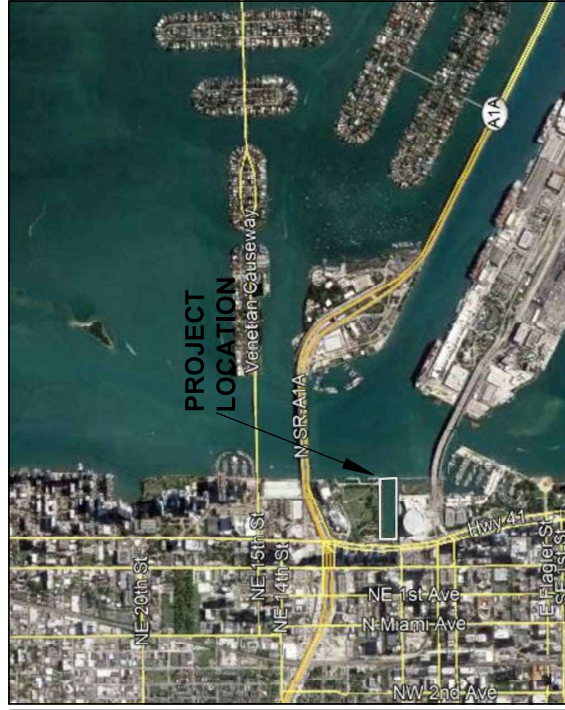


PROJECT LOCATION

LOCATION MAP (n.t.s.)

DRAWING INDEX

SHEET 1: COVER SHEET
 SHEET 2: PROPOSED OVERALL
 SHEET 3: SECTIONS
 SHEET 4: SECTIONS
 SHEET 5: SECTIONS
 SHEET 6: SECTIONS



VICINITY AERIAL (n.t.s.)

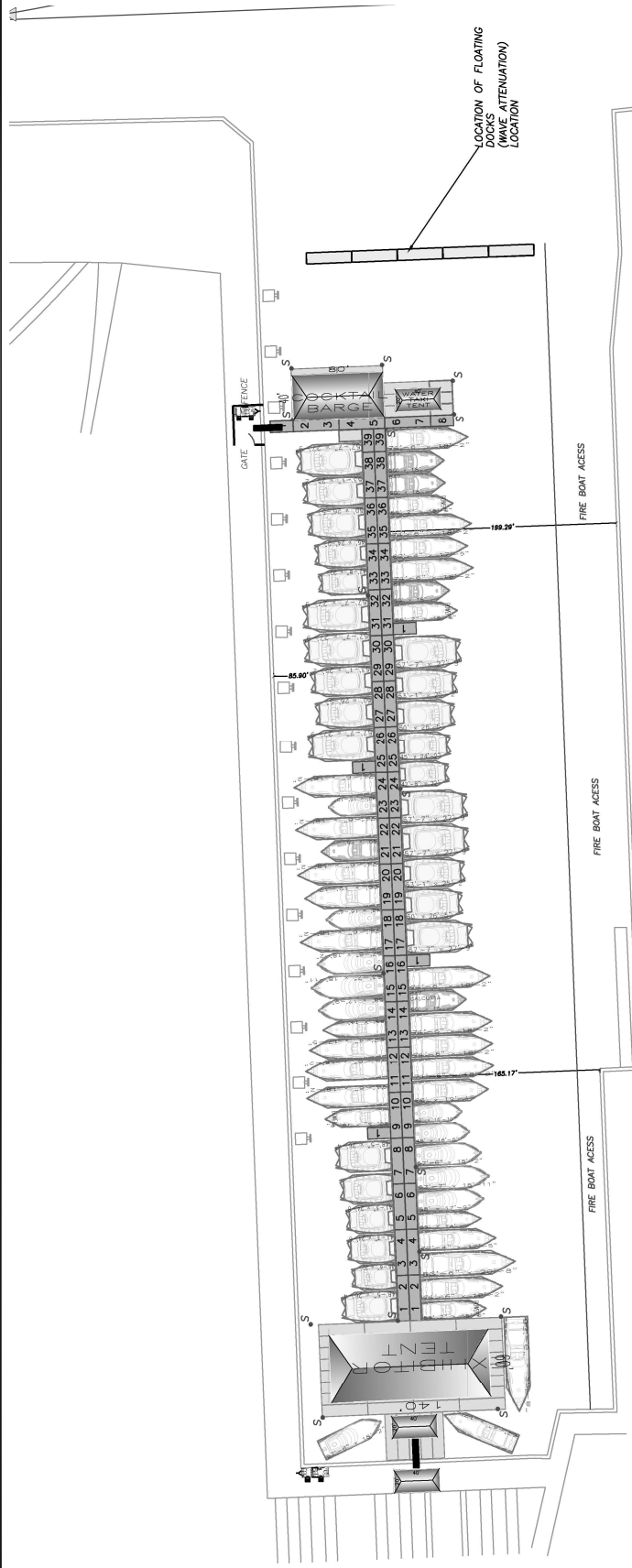
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MIAMI YACHT SHOW-FEC SLIP
 PREPARED FOR:
 YACHTING PROMOTIONS, INC.

Date: 11/14/2021	Sheet: 1	COVER
Proj No: 09-0039.004	of: 6	



LEGEND

(89)		= 10x40' TEMPORARY FLOATING DOCK
(12)		= 10x20' TEMPORARY FLOATING DOCK
(2)		= 4' X 22' DOCK RAMP
(16)		= W12x48 STEEL "T" BEAM (PILING)
(70)		= EXHIBIT OR BOAT
		= TENTS
(5)		= 10x40' TEMPORARY STEEL WAVE ATTENUATION BARGE

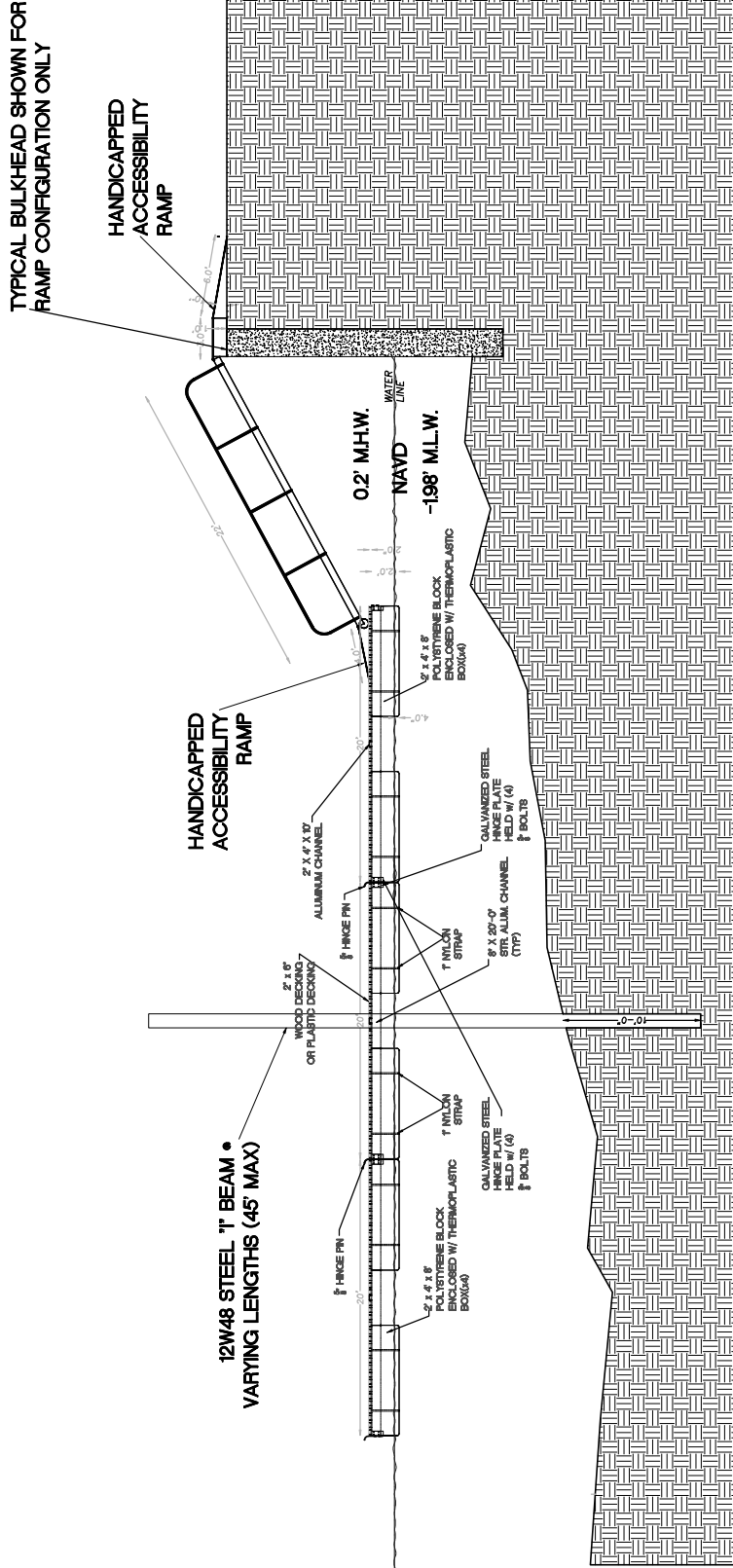
PROPOSED FLOATING DOCKS
 (38,000 ft²)

NOTE:
 1. VENDOR DOCK LOCATION MAY VARY, DRAWING SHOWS TYPICAL LOCATION WITHIN BOUNDARY OF BASIN
 2. 14,000 ft² OF PROPOSED TENTS

<p>MIAMI YACHT SHOW- FEC SLIP</p> <p>PREPARED FOR: YACHTING PROMOTIONS, INC.</p>		<p>PROPOSED CONDITIONS</p> <p>Date: 11/14/2021 Sheet: 2 of 6 Proj No: 09-0039.004</p>
<p>THE Chappell GROUP</p> <p>714 East McNab Road Pompano Beach, Florida 33060 Tel: 954.786.1108 Fax: 954.786.1108 www.thechappellgroup.com</p>		<ul style="list-style-type: none"> • Environmental Consultants • Marina & Wetland Permitting • Mitigation Design & Monitoring • TSE Species Surveys • Tree Surveys/ Appraisals
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PROPOSED CONDITIONS SECTION (TYP.)

N.T.S.



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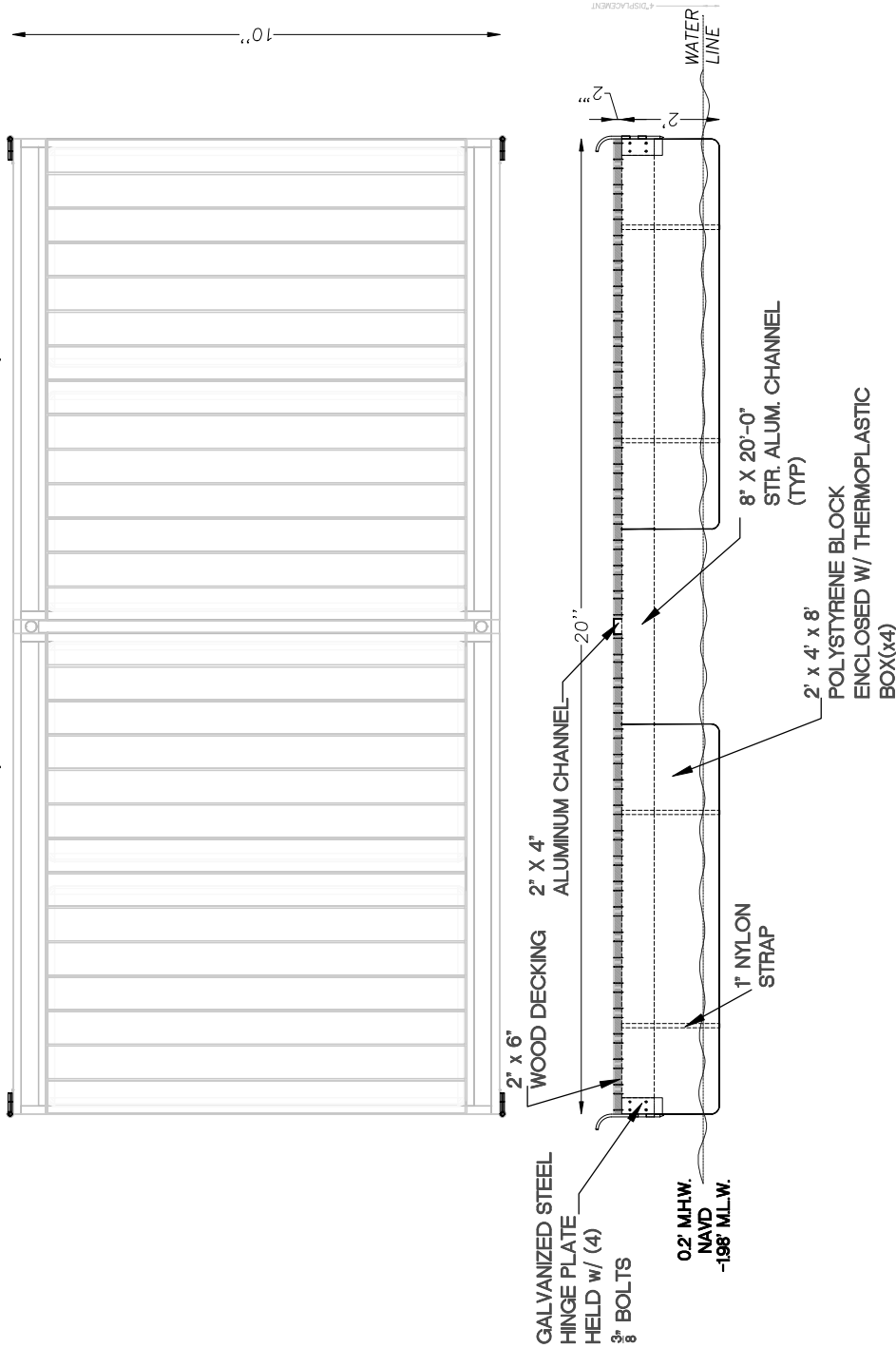
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 YACHTING PROMOTIONS, INC.

Date: 11/14/2021	Sheet: 3	SECTION of: 6
Proj No.: 09-0039.004		

**10' x 20' TEMPORARY FLOATING DOCK
(SECTION THROUGH 20' DIMENSION)**



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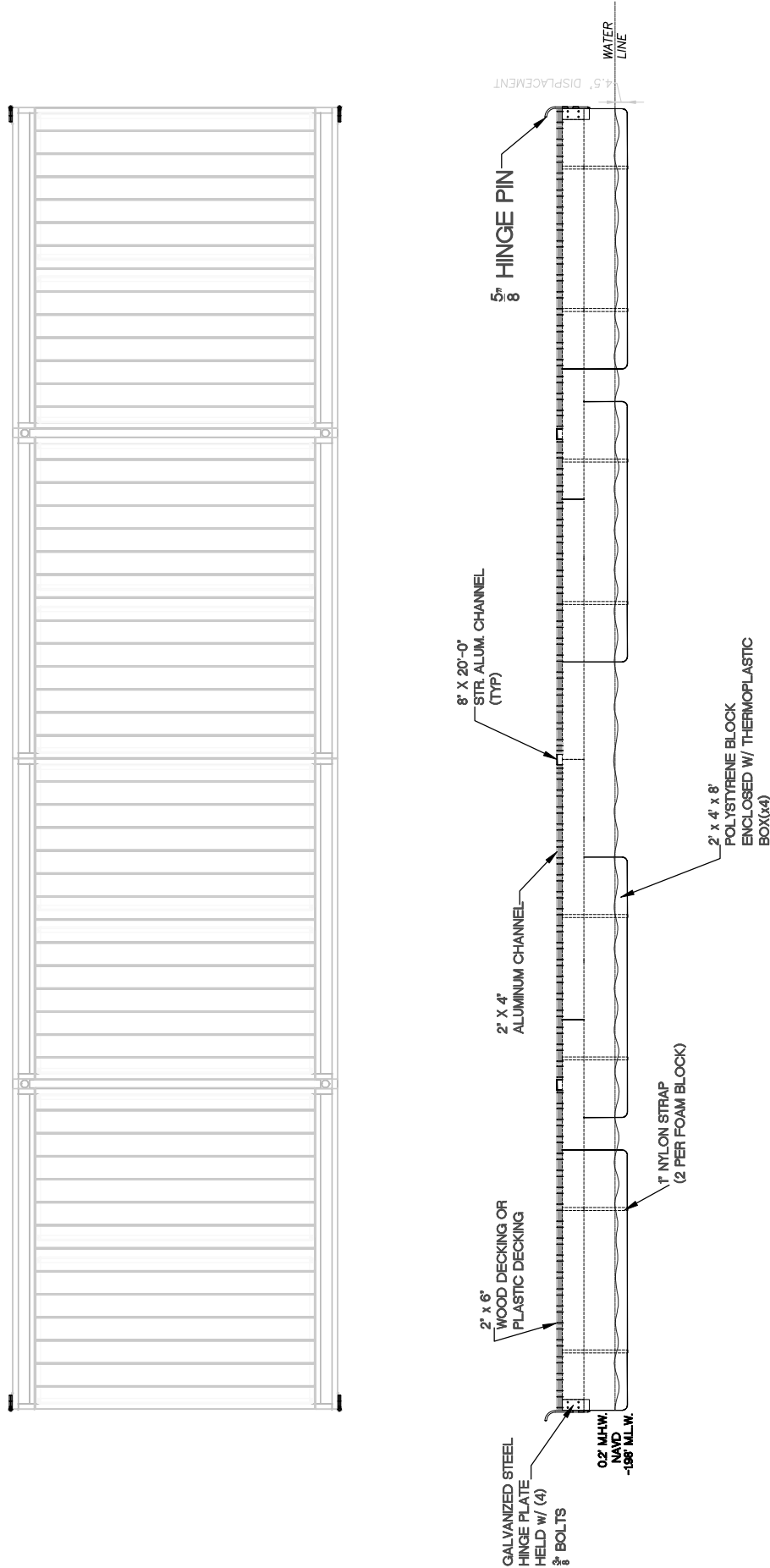
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YACHTING PROMOTIONS, INC.

Date: 11/4/2021	Sheet: 4	of: 6
Proj No: 09-0039.004		

10' x 40' TEMPORARY FLOATING DOCK
(SECTION THROUGH 40' DIMENSION)



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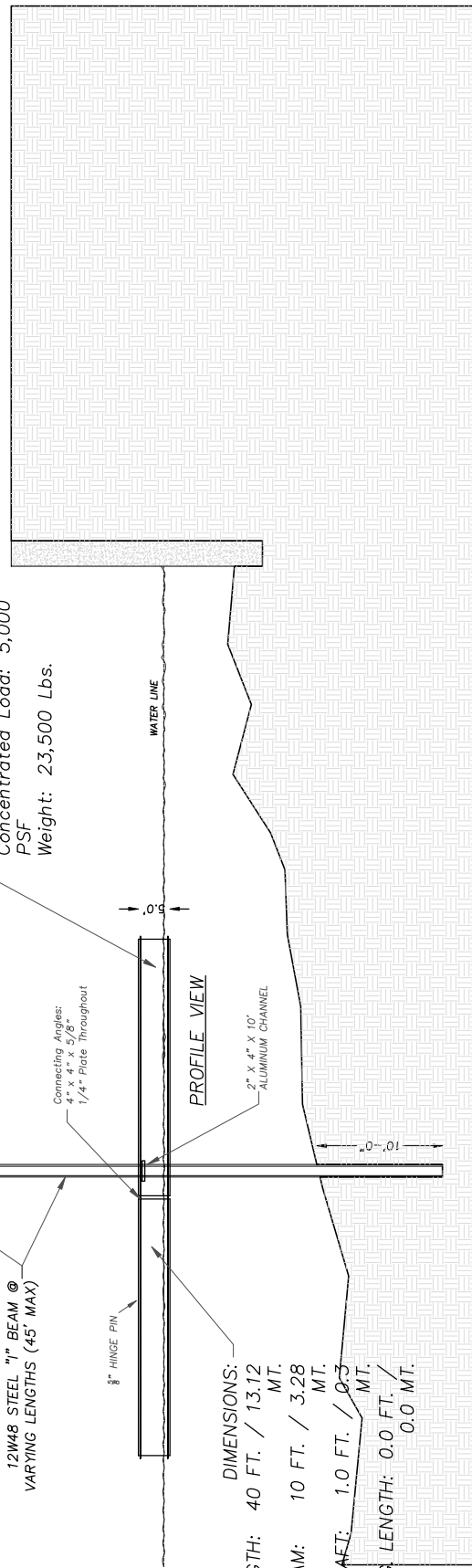
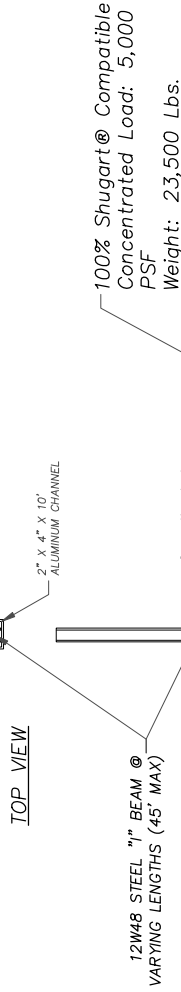
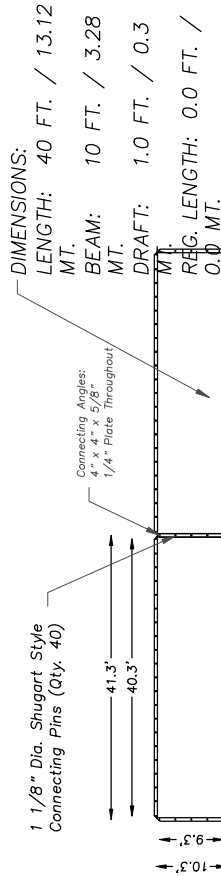
MIAMI YACHT SHOW-FEC SLIP
PREPARED FOR:
YACHTING PROMOTIONS, INC.

10'X40' DOCK SECTION	
Date: 11/14/2021	Sheet: 5 of: 6
Proj No: 09-0039.004	

40'X10'X5' STEEL FLOATING DOCK

NOTES:

- 40' x 10' x 5' Sectional Dock
- 100% Shugart® Compatible
- Concentrated Load: 5,000 PSF
- Weight: 23,500 Lbs.
- Grade A-36 Steel Standard
- Heavy Duty Main Trusses Constructed w/ 6" Channels
- Top Deck Framing: 5" Channels on 12" Centers
- Bottom Deck Framing: 3" Channels on 16 3/4" Centers
- Connecting Angles: 4" x 4" x 5/8"
- 1/4" Plate Throughout
- 1 1/8" Dia. Shugart® Style Connecting Pins (Qty. 40)
- 10'-4" Width - Center Hole to Center Hole
- 41'-4" Length - Center Hole to Center Hole
- External Coating: Seaguard 5000 Epoxy



DIMENSIONS:
 LENGTH: 40 FT. / 13.12 MT.
 BEAM: 10 FT. / 3.28 MT.
 DRAFT: 1.0 FT. / 0.3 MT.
 REG. LENGTH: 0.0 FT. / 0.0 MT.

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MIAMI YACHT SHOW-FEC SLIP
 PREPARED FOR:
 YACHTING PROMOTIONS, INC.

10'X40' DOCK SECTION	
Date: 11/4/2021	Sheet: 6 of: 6
Proj No: 09-0039.004	

Attachment C
Zoning Memorandum

Memorandum



Date: November 19, 2021

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

From: Tammy Burton, Biologist II
Coastal Resources Section
Department of Regulatory and Economic Resources

A handwritten signature in cursive script that reads "Tammy Burton".

Subject: Class I Permit Application and Request for a Variance by Yachting Promotions, Inc. for the Installation of a Temporary 70 Slip Docking Facility for an Annual Boat Show Including Floating Structures with a Non-Water Dependent Use Over Tidal Waters within Biscayne Bay at 801 Biscayne Boulevard, Miami, Miami-Dade County, Florida, for a Period of Ten (10) Years

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 D

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

LIST OF RIPARIAN PROPERTY OWNERS WITHIN 300' RADIUS

LEGAL DESCRIPTION, SITE ADDRESS, FOLIO NUMBER	NAME, MAILING ADDRESS
MIAMI NORTH BLK HD/L S143.5FT W1060.12FT TO POB & LESS SPUR TRACK & LESS COMM AT X OF ELY EXT OF C/L OF NE 9 ST & ELY RW/L BISCAYNE BLVD TH S 89 DEG E 1354.57FT S 00 DEG 801 BISCAYNE BLVD MIAMI, FL 33132 0101000000120	CITY OF MIAMI DEPT OF P & D ASSET MANAGEMENT DIV 444 SW 2 AVE #325 MIAMI, FL 33130
MIAMI NORTH PB B-41 LOTS 1 TO 5 BLK 41 LOT SIZE 36450 SQ FT COC 24103-3230 12 2004 5 728 BISCAYNE BLVD MIAMI, FL 33132 0101040101010	700 BISCAYNE LLC PO BOX 611510 MIAMI, FL 33261
MIAMI NORTH PB B-41 LOTS 6 & 7 & 8 THRU 10 INC BLK 41 LOT SIZE IRREGULAR COC 24103-3230 12 2004 5 225 NE 7TH ST MIAMI, FL 33132 0101040101030	700 BISCAYNE LLC PO BOX 611510 MIAMI, FL 33261-1510
MARITIME ARENA PB 154-37 T-20152 TR A LOT SIZE 11.023 AC M/L FAU 01-0100-000-0121 601 BISCAYNE BLVD MIAMI, FL 33132 0132310550010	MIAMI-DADE COUNTY GSA R/E MGMT 111 NW 1 ST STE 2460 MIAMI, FL 33128
MARITIME ARENA PB 154-37 T-20152 TR B LOT SIZE 2.766 AC M/L FAU 01-0100-000-0121 400 NE 8TH ST MIAMI, FL 33132 0132310550020	MIAMI-DADE COUNTY GSA R/E MGMT 111 NW 1 ST STE 2460 MIAMI, FL 33128
MUSEUM PARK OR TR A TH S 87 DEG W 372.15FT S 64 DEG W 250.56FT FOR POB CONT S 64 DEG W 580.47FT SWLY-SLY AD 20.54FT SLY AD 169.53FT S 80 DEG E 314.06FT N 64 DEG E 247.15FT N 54 DEG E 1095 BISCAYNE BLVD MIAMI, FL 33132 0141370730010	CITY OF MIAMI-DEPT OF P&D ASSET MANAGEMENT DIVISION 444 SW 2 AVE STE# 325 MIAMI, FL 33130
MUSEUM PARK PB 169 - 027 T - 23088 TR B (LIFT STATION) LOT SIZE 32329 SQ FT ML FAU 01 0100 000 0530 1075 BISCAYNE BLVD MIAMI, FL 33132 0141370730020	MIAMI DADE COUNTY WATER AND SEWER 3071 SW 38 AVE MIAMI, FL 33146
MARINABLU CONDO MIAMI NORTH PB B-41 LOTS 1 THRU 10 LESS W17.50FT OF LOTS 4 & 6 & LESS EXT AREA OF CURVES IN ALL FOUR COR FOR RW BLK 40 AS DESC IN DECL OR 26234-3186 888 BISCAYNE BLVD MIAMI, FL 33132 01-3231-068-0001	MARINABLU CONDO ASSOC, INC. C/O AVRA JAIN, PRES. 888 BISCAYNE BLVD MIAMI, FL 33132
900 BISCAYNE BAY CONDO MIAMI NORTH PB B-41 LOTS 1 THRU 10 BLK 21 AS DESC IN DECL OR 26340-0882 900 BISCAYNE BLVD MIAMI, FL 33132 01-3231-069-0001	900 BISCAYNE BAY CONDO ASSOC, INC. C/O PAUL RIZZO, PRES. 990 BISCAYNE BLVD STE 404 MIAMI, FL 33132

Attachment E
DERM Project Report

CLASS I PERMIT APPLICATION NO. CLI-2021-0344

Class I Permit Application and Request for a Variance by Yachting Promotions, Inc. for the Installation of a Temporary 70 Slip Docking Facility or an Annual Boat Show Including Floating Structures with a Non-Water Dependent Use Over Tidal Waters within Biscayne Bay at 801 Biscayne Boulevard, Miami, Miami-Dade County, Florida, for a Period of Ten (10) Years

DATE: November 19, 2021

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 of the proposed project with respect to each applicable evaluation factor:

1. **Potential Adverse Environmental Impact** – Pursuant to Section 24-48.19 of the Code, Standard Form Class I permits shall be valid for a period of three (3) years from the date of permit issuance unless another time period is permitted as set forth in the resolution by the Board. Due to the recurring nature of the proposed project, the applicant has requested that the permit be authorized for a ten (10) year period. Authorization for a ten (10) year period is consistent with the timeframe allowed for extensions of Standard Form Class I permits. If the request is approved, the applicant will be required to obtain administrative modifications to the permit each year, on an annual basis, and DERM staff will evaluate boat show activities for consistency with the regulatory requirements upon the completion of each annual event. In the event that significant non-compliance or environmental impacts occur as a result of construction and/or operation of the boat show, the subsequent modification to the permit shall be deemed to result in a substantial change to the project and said modification shall be subject to a public hearing before the Board, pursuant to Section 24-48.13. DERM recommends approval of the requested authorization for a permit for a ten (10) year period, with the above-mentioned conditions.

The proposed docking facility would include floating docks and ramps to provide for the temporary mooring of up to 70 vessels and will also include floating structures for non-water dependent uses, such as amenities and tents for the exhibitors and attendees as previously authorized. All proposed structures will be installed and removed within a 45-day period and the boat show is proposed to take place over a five (5) day period on an annual basis each February. Although non-water dependent floating structures are prohibited pursuant to Section 24-48.23 of the Code, Section 24-48.25 of the Code provides that an applicant may request a variance from the prohibition on non-water dependent floating structures, to be ruled upon by the Board. Section 24-48.25 lists consideration factors for such variance requests, including but not limited to: visual or physical access by the general public to Biscayne Bay and its adjacent tidal waters, historical significance, and environmental impact. Due to the limited duration of the event and the measures taken by the applicant to reduce potential environmental impacts, the variance for the use of non-water dependent floating structures is recommended for approval.

In order to ensure that the use of the docking facility and all associated activities will not result in the discharge of pollutants or solid waste into tidal waters, the Class I permit will require the submittal of an operating plan that adequately addresses how the facility and activities will be managed. The facility will also be required to obtain or abide by an existing applicable Marine Facilities Operating Permit prior to the use and throughout the duration of permitted events at the project sites and the water taxi locations at 1 Herald Plaza, Sea Isle marina and Island Gardens marina. In addition, the conditions of the Class I permit will require that best management practices be implemented during any construction work or activities associated with the event. In order to mitigate for temporary water-quality impacts associated with the construction, deconstruction and use of the facility, the applicant has agreed to provide annual contributions to the Biscayne Bay Environmental Enhancement Trust Fund based on the total number of slips each year.

The proposed application has also been evaluated for consistency with the Miami-Dade County Manatee Protection Plan (MPP). The project site is located within an area identified by the MPP as recommended for Freight Terminals/Large Vessels(>100') Berthing. However, the MPP provides for an existing marine facility to continue with the existing use and to renovate as long as there is no change in the facility size and no increase in the number of slips. The project site is currently utilized for the mooring of 10 vessels and has an associated Marine Operating Permit. The project site has historically been authorized for the temporary mooring of up to 33 vessels in association with other temporary special events. Although the MPP does not recommend the siting of a high intensity marine related use at the project sites, DERM staff recognize that the boat show is not a permanent facility but is instead a temporary event lasting only five days each year and that the vessels proposed to be moored arrive prior to the start of the show and would remain moored for the duration of the event (i.e. no sea trials).

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 is not reasonably expected to adversely affect water quality. The proposed project may result in temporary minor water quality impacts typically associated with the construction, operation, and demolition of a temporary docking facility. To mitigate for these impacts during the life of the permit, the applicant has agreed to provide annual contributions to the Biscayne Bay Environmental Enhancement Trust Fund that will be used for the creation or enhancement of marine habitat within Biscayne Bay.
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 have negative aesthetic impacts. The boat show is temporary in nature. The temporary vessels, structures, and equipment associated with the boat show will be installed and removed within a 45 day period.
9. **Navigation** – The proposed project will temporarily affect navigation within the project area during the 45 day period between the start of installation of the facility and the completion of removal of all structures and associated equipment. However, significant impacts to navigation are not reasonably expected to occur as all of the proposed slips and structures will be fully contained within the basin.
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 marine flora as set forth in Number 1 above.
17. **Fauna Values** - The proposed project is not reasonably expected to adversely affect marine fauna, as set forth in Number 1 above.
18. **Rare, Threatened and Endangered Species** – The proposed project is not reasonably expected to adversely affect rare, threatened, and endangered species as set forth in Number 1 above.
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 or plan approval shall be submitted stating that the proposed project does not violate any zoning laws. Said letter or plan approval will be submitted after the approval by the Board of County Commissioners and prior to the issuance of a Class I permit.
22. **Recreation** - The proposed project does not conflict with the recreation element of the Miami-Dade County Comprehensive Development Master Plan.
23. **Other Environmental Values Affecting the Public Interest** – The proposed project is not reasonably expected to adversely affect other environmental values affecting the public interest. The applicant is proposing to operate the boat show on a parcel of submerged lands owned by the City of Miami.
24. **Conformance with Standard Construction Procedures and Practices and Design and Performance Standards** – The proposed project involves the temporary installation of a docking facility that has a water-dependent use. In addition, the applicant proposes to install tents and other amenities on the floating docks that would not have a water-dependent use and are prohibited pursuant to Section 24-48.23 of the Code. However, Section 24-48.25 provides for applications for variances to the prohibition of non-water-dependent floating structures to be heard and ruled upon by the Board. The applicant is requesting a variance to the water dependency requirement of the Code, and the proposed structures are not reasonably expected to result in adverse environmental impacts.

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 as set forth in Number 1 above. Therefore, a CEIS was not required by DERM to evaluate the proposed 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 (provided a variance is granted pursuant to Section 24-48.25)
 - b) Florida Department of Environmental Protection (Environmental Regulatory Permit)
 - c) United States Clean Water Act (US Army Corps of Engineers permit pending)
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 the Conservation and Coastal Management elements of the CDMP, and will be compatible with the surrounding land uses in Biscayne Bay, as set forth in Number 1 above. The proposed project 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 will 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 as set forth in Number 1 above.

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,” and the proposed project is not reasonably expected to result in adverse impacts to mangroves as set forth in Number 1 above.

Objective 1/ Policy 1B - Natural surface flow into and through coastal wetlands. – The proposed project will not affect natural surface flow into and through coastal wetlands as set forth in Number 1 above.

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 mangrove forests and related natural vegetational communities.

Objective 1/Policy 1E – Mitigation for the degradation and destruction of coastal wetlands. Monitoring and maintenance of mitigation areas. – The proposed project site 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, as set forth in Number 1 above.

Objective 5/Policy 5B – Existing and new areas for water-dependent and water-related uses. – The project site is appropriate for and environmentally compatible with the proposed activities as set forth in Number 1 above.

Objective 5/Policy 5D – Consistency with Chapter 33D, Miami-Dade County Code (shoreline access, environmental compatibility of shoreline development) – The Shoreline Development Review Committee has evaluated the proposed project and determined that the thresholds for review 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 is consistent with the criteria used to determine appropriateness of the project site as set forth in Number 1 above.

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 consistent with the recommendations of the Biscayne Bay Management Plan in that although the applicant proposes to install tents and other amenities on the floating docks that will not have a water-dependent use, the docking facility is water-dependent.
30. **Conformance with the Miami-Dade County Manatee Protection Plan** - The proposed application has also been evaluated for consistency with the Miami-Dade County Manatee Protection Plan (MPP). The project site is located within an area identified by the MPP as recommended for Freight Terminals/Large Vessels (>100') Berthing. However, the MPP provides for an existing marine facility to continue with the existing use and to renovate as long as there is no change in the facility size and no increase in the number of slips. The project site is currently authorized for the mooring of up to 10 vessels under Marine Facilities Operating Permit MOP-206. Furthermore, the project site has historically been authorized for the temporary mooring of up to 33 vessels in association with other temporary special events. Although the MPP does not recommend the siting of a high intensity marine related use at the project sites, DERM staff recognize that the boat show is not a permanent facility but is instead a temporary event lasting only five days each year and that the vessels proposed to be moored would arrive prior to the start of the show and remain moored for the duration of the event (i.e. no sea trials).
31. **Consistency with Miami-Dade County Criteria for Lake Excavation** – The proposed project does not involve lake excavation.
32. **Municipality Recommendation** – Pursuant to Section 24-48.2(II)(B)(7) of the Code of Miami-Dade County, Florida, a substantiating letter or plan approval shall be submitted stating that the proposed project does not violate any zoning laws. Said letter or plan approval will be submitted after the approval by the Board of County Commissioners and prior to the issuance of the Class I permit.
32. **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.
33. **Maximum Protection of a Wetland's Hydrological and Biological Functions** – The proposed

project is not located in wetlands.

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

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

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

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

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

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

35. **Visual or physical access by the general public to Biscayne Bay and its adjacent tidal waters**

– The proposed project will temporarily affect vessel access within the existing basin during the 45 day period of between the start of installation of the facility and the completion of removal of all structures and associated equipment. However, the event will be open to the general public and will not affect visual or physical access to Biscayne Bay from land.

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

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

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

39. **Navigation** – The proposed project will temporarily affect navigation within the project sites during the 45 day period between the start of installation of the facility and the completion of removal of all structures and associated equipment. However, significant impacts to navigation are not reasonably expected to occur, all of the proposed slips and structures would be fully contained within the basin.

40. **Public safety** – The proposed project is not reasonably expected to adversely affect public safety.

41. **Aesthetics**- The proposed project is not reasonably expected to have negative aesthetic impacts. The boat show is temporary in nature. The structures and equipment associated with the boat show will be installed and removed within a 45 day period.

42. **Biscayne Bay Management Plan** – The proposed project is consistent with the recommendations of the Biscayne Bay Management Plan in that although the applicant proposes to install tents and other amenities on the floating docks that will not have a water-dependent use, the docking facility is water-dependent.

43. **Biscayne Bay Aquatic Preserve Act** – The proposed project is consistent with the recommendations of the Biscayne Bay Aquatic Preserve Act in that although the applicant proposes to install tents and other amenities on some of the floating docks that will not have a water-dependent use, the docking facility is water-dependent.
44. **Rules of the Biscayne Bay Aquatic Preserve** - The proposed project is consistent with the rules of the Biscayne Bay Aquatic Preserve in that although the applicant proposes to install tents and other amenities on some of the floating docks that will not have a water-dependent use, the docking facility is water-dependent.

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



McKee Gray, Manager
Coastal Resources Section



Tammy Burton, Biologist II
Coastal Resources Section



MEMORANDUM
(Revised)

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

DATE: December 1, 2021

FROM: 
Gen Bonzon-Kecnan
County Attorney

SUBJECT: Agenda Item No. 5(P)

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(P)
12-1-21

RESOLUTION NO. _____ R-1147-21

RESOLUTION TAKING ACTION ON A CLASS I PERMIT APPLICATION AND REQUEST FOR A VARIANCE BY YACHTING PROMOTIONS, INC. FOR THE INSTALLATION OF A TEMPORARY 70 SLIP DOCKING FACILITY FOR AN ANNUAL BOAT SHOW INCLUDING FLOATING STRUCTURES WITH A NON-WATER DEPENDENT USE OVER TIDAL WATERS WITHIN BISCAYNE BAY AT 801 BISCAYNE BOULEVARD, MIAMI, MIAMI-DADE COUNTY, FLORIDA, FOR A PERIOD OF TEN YEARS

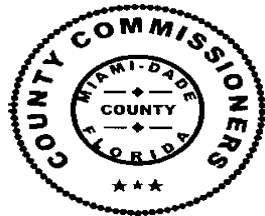
WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board having considered all the applicable factors contained within sections 24-48.3 and 24-48.25 of the Code of Miami-Dade County, hereby approves the application by Yachting Promotions, Inc. for a Class I permit and a variance for the installation of a temporary 70 slip docking facility for an annual boat show including floating structures with a non-water dependent use over tidal waters within Biscayne Bay at 801 Biscayne Boulevard, Miami, Miami-Dade County, Florida, and authorizes the time of completion of the work of the subject permit for a maximum period of ten years, subject to conditions, as set forth in the memorandum from the Miami-Dade County Department of Regulatory and Economic Resources. 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 **Eileen Higgins**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

	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	absent
Kionne L. McGhee	aye	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of December, 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

By: Melissa Adames
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Abbie Schwaderer-Raurell
Christopher J. Wahl