

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FOLLOWING A DULY NOTICED PUBLIC HEARING, AS REQUIRED PURSUANT TO SECTION 82-93(B) OF THE CITY CODE, FINDING THAT THE CRITERIA FOR GRANTING A REVOCABLE PERMIT PURSUANT TO SECTION 82-94 OF THE CITY CODE HAS BEEN SATISFIED, ACCEPTING THE PUBLIC WORKS DEPARTMENT'S RECOMMENDATION AS SET FORTH IN THE COMMISSION MEMORANDUM ACCOMPANYING THIS RESOLUTION, AND APPROVING A REVOCABLE PERMIT REQUEST BY ELAINE R. LEVINE LIVING TRUST, FOR THE PROPERTY LOCATED AT 3333 GARDEN AVENUE, MIAMI BEACH (THE "PROPERTY"), TO ALLOW FOR THE INSTALLATION OF A NEW ALUMINUM SHEET PILING TOEWALL FOOTER, A NEW REINFORCED CONCRETE SEAWALL CAP WITH NEW CONCRETE BATTER PILES, AND A NEW 693.5 SQUARE FEET WOOD DOCK SUPPORTED BY NEW WOOD DOCK PILES WITHIN THE CITY'S SUBMERGED LANDS, IN AN AREA APPROXIMATELY 1,565 SQUARE FEET IN SIZE; AND FURTHER, AUTHORIZING THE CITY MANAGER TO EXECUTE THE REVOCABLE PERMIT.

WHEREAS, Elaine R. Levine Living Trust (the "Applicant"), owner of the property located at 3333 Garden Avenue (the "Property") is requesting the approval of a revocable permit to allow for seawall repair and reinforcement on City of Miami Beach ("City") submerged lands; and

WHEREAS, the existing seawall is approximately 207 square feet in size; and

WHEREAS, the Applicant is seeking to repair and fortify the existing seawall, which will improve the resilience of the Property and the surrounding neighborhood in which it is located; and

WHEREAS, the existing sea wall encroaches upon City-owned submerged lands by approximately 4'3"; and

WHEREAS, the proposed repair and fortification of the existing seawall will result in a maximum encroachment into the City's submerged lands by approximately 5'-7"; and

WHEREAS, on October 17, 2018, the City Commission adopted Ordinance No. 2018-4220, which allows for the construction of new seawalls to encroach on City submerged lands and provides for a cost-efficient manner for such construction; and

WHEREAS, new seawalls that encroach no more than four (4.0) feet into the submerged lands do not require a Revocable Permit; and

WHEREAS, the Applicant has demonstrated that the alternative to the proposed repair and reinforcement, which would require extensive repairs to the existing seawall, would cost in excess of four times the amount of the repair/reinforcement contemplated herein; and

WHEREAS, pursuant to Section 82-93(a) of the City Code, notices of the public hearing have been mailed to owners of land lying within 375 feet of the existing permit area at least 15 days prior to the public hearing; and

WHEREAS, pursuant to Section 82-94 of the City Code, the City Commission shall review the Revocable Permit request and determine whether the request shall be granted or denied following the public hearing; and

WHEREAS, the Public Works Department has analyzed the criteria contained in Code Section 82-94; and

WHEREAS, a summary of the Public Works Department's review and recommendation to grant the Revocable Permit request is set forth in the Commission Memorandum accompanying this Resolution, which Memorandum is incorporated by reference herein.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that the Mayor and City Commission, following a duly noticed public hearing, as required pursuant to Section 82-93(b) of the City Code, find that the criteria for granting a revocable permit pursuant to Section 82-94 of the City Code has been satisfied, accept the Public Works Department's recommendation as set forth in the Commission memorandum accompanying this Resolution, and hereby approve a revocable permit request by Elaine R. Levine Living Trust, for the property located at 3333 Garden Avenue, Miami Beach (the "Property"), to allow for the installation of a new aluminum sheet piling toewall footer, a new reinforced concrete seawall cap with new concrete batter piles, and a new 693.5 square feet wood dock supported by new wood dock piles within the City's submerged lands, in an area approximately 1,565 square feet in size; and further, authorize the City Manager to execute the revocable permit.

PASSED and ADOPTED THIS ____ day of ____, 2021.

ATTEST:

Rafael E. Granado
City Clerk

Dan Gelber
Mayor

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

12-2-21

Date

NE