



BOARD OF COUNTY COMMISSIONERS

Natural Resources Management Department

2725 Judge Fran Jamieson Way
Building A, Room 219
Viera, Florida 32940

Natural Resources Comments
22V00005
OBC Realty

April 15, 2021

Michael S. Allen, P.E.
Allen Engineering, Inc.
106 Dixie Lane
Cocoa Beach, FL 32931

**RE: 3477 S. Atlantic Avenue, Cocoa Beach, FL.
Multi-Family Unit - Quadruplex
Parcel No. 25-37-35-25-1-8, Tax Account No. 2520973**

Dear Mr. Allen:

This letter serves to provide Natural Resources Management Department (NRM) comments on a multi-family development proposed on an oceanfront parcel located at 3477 South Atlantic Avenue, located between Florida Department of Environmental Protection (FDEP) reference monuments R-52-T and R-53-T, in Cocoa Beach, Brevard County. Comments are based on the attached plans provided by Allen Engineering that include, Architectural Plans (Sheets A-0.0 – A-1.4), Existing Conditions and Demolition Plan, and Site & Stripping Plan. Comments are subject to revision based on any changes to the attached plans dated February 24, 2021. NRM determined that the attached plans are not consistent with all criteria established in Brevard County Comprehensive Plan Coastal Element Objective 4; Chapter 62, Article XII, Coastal Setback and Control Lines; and other relevant environmental code.

Per the conceptual plans, the applicant proposes to demolish the existing, non-conforming, multi-family structure, leaving the foundations intact. Plans propose a new multi-family structure within the building footprint of the existing foundation. The multi-family structure will be constructed as a four (4) -story, multi-family quadruplex comprised of (1) one building, two (2) stairwells (east and west), and an elevator with lobby on each floor. The first floor is proposed to contain a pool, pool pump room, and parking garage. The second floor is proposed with two (2) habitable units, and the third and fourth floors are proposed with one habitable unit each.

The proposed pool, pool pump room, two (2) stairwells (east and west), elevator/lobbies, and three (3) habitable units are located east of the Brevard County Coastal Setback Line (CSL). Of these structures, the east stairwell and three (3) habitable units are located east of the 1981 Florida Department of Environmental Protection Coastal Construction Control Line (CCCL). Each of the three (3) units proposes a balcony that is within the existing footprints of the major habitable structure. One proposed (1) habitable unit, the trash/recycling room, the electrical room, and the proposed parking garage are located west of the CSL in accordance with Section 62-4212, the Coastal Setback and Control Lines ordinance.



A site inspection was conducted by NRM on March 26, 2021. The inspection found existing structures located east of the CSL consisting of habitable units, a 245 square foot (SF) wooden deck, and several areas of exposed concrete areas/pads, and sidewalks.

Per Section 62-4201, the proposed habitable structures, stairwells, elevator, and lobbies meet the definition of major habitable structure. A major habitable structure includes the area within the walls, and does not include any area under a roof overhang. The proposed balconies located east of the CCCL meet the definition of major habitable structure as they are proposed within the walls of the major habitable structure.

Per Section 62-4201, the proposed pool, pool pump house, and existing concrete areas/pads and sidewalks meet the definition of a major accessory structure.

Plans to rebuild the major habitable structure upon the remaining foundation footprint of the demolished major habitable structure is permissible as follows:

Sec. 62-4207. Nonconforming structures.

The setback provisions of sections 62-4212 and 62-4213 shall not apply to any modification, maintenance or repair of any nonconforming structure, provided that such

modification, maintenance or repair:

- (1) Does not expand the nonconforming structure further into the area seaward of the coastal setback line;*
- (2) Does not alter the foundation except as is necessary to meet current building code for the existing use;*
- (3) Does not convert major habitable structures into major accessory structures or major accessory structures into major habitable structures.*

However, proposed plans to construct the pool and pool pump house within the existing, non-conforming major habitable structure envelope is not permissible as follows:

Sec. 62-4212. Prohibited structures and activities seaward of CSL.

(a) No new major habitable or major accessory structures shall be constructed seaward of the coastal setback line; and

Sec. 62-4207. Nonconforming structures.

The setback provisions of sections 62-4212 and 62-4213 shall not apply to any modification, maintenance or repair of any nonconforming structure, provided that such modification, maintenance or repair:

- (3) Does not convert major habitable structures into major accessory structures or major accessory structures into major habitable structures.*

From the plans, it appears that the exposed concrete areas/pads, sidewalks and 245 SF wooden deck are to remain as-is, and thus will not conflict with Section 62-4207(3). The applicant should contact this office prior to any modifications.



At time of site plan and/or building permit, an overlay of existing structures/foundation compared to proposed structures shall be required to ensure development does not convert existing uses.

A cross section detail was not provided. At the time of site plan and/or building permit, a cross sectional detail will be required. Excluding permissible alterations to the foundation as described above, per Section 62-4212(c), prohibited activities seaward of the CSL include excavations, including the removal or alteration of soil, sand or vegetation by digging, dredging, filling, drilling, cutting, scooping or hollowing out shall be prohibited seaward of the coastal setback line. Potable water and sewage are connected to the local municipality.

At this time, no elevated dune crossover is proposed. At time of crossover proposal, it shall be constructed in accordance with Section 62-4213(a). The dune crossover location shall be located to minimize impacts to existing native dune vegetation. Dune crossover construction details will be addressed at building permit review and will require FDEP approval/permit.

Coastal Management Element Comprehensive Plan Policy 4.1.A requires that oceanfront development maintain at least 50% of the native dune vegetation on site. A site visit by NRM on March 26, 2021, found most of the property developed with a few sea grape trees along the northern property line. Sea grapes may be pruned to accommodate construction activities. Native dune vegetation seaward of the FDEP 1981 CCCL shall not be removed unless necessary for approved emergency vehicle access or coastal protection needs. Temporary impacts east of the CSL required for construction shall be the minimum necessary, and in-kind restoration with native species shall be required. With the exception of the minimum and temporary impacts required for construction, the use of machinery is not permissible east of the CSL. At the time of permitting, the applicant shall provide more specific information regarding the removal of the invasive species, and restoration/revegetation of disturbed areas east of the CSL. Vegetation east of the CSL shall be native and suitable for the coastal environment.

Gopher tortoises can be found in many coastal areas. Should they be discovered, the applicant shall ensure their appropriate protection in accordance with State regulations.

This letter does not constitute final County approval for the proposed development. The applicant shall be required to comply with all applicable land development regulations at the time of Brevard County site planning and/or permitting. In addition, the applicant is responsible for obtaining all necessary State and Federal approvals or permits. Additional comments may be made upon formal plan submittal. Please contact me at (321) 633-2016 if you should have any questions.

Sincerely,

Juanne Allen

Jeanne Allen
Environmental Resources Management

Attachments:

Existing Conditions and Demolition Plan
Site & Stripping Plan
Architectural Plans (Sheets A-0.0 – A-1.4)