

# AGENDA

## PLANNING BOARD REGULAR MEETING



**Thursday, February 08, 2024 AT 9:30 AM**

**TOWN OF HIGHLAND BEACH, FLORIDA**

3618 S. OCEAN BOULEVARD

HIGHLAND BEACH, FL 33487

Telephone: (561) 278-4548

Website: [www.highlandbeach.us](http://www.highlandbeach.us)

### **LIBRARY COMMUNITY ROOM**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL OF THE AGENDA**
5. **SWEARING IN OF THE PUBLIC**
6. **APPROVAL OF MINUTES**

A. January 11, 2024

7. **UNFINISHED BUSINESS**

A. Development Order Application No. 23-0007 / Seth H. Hochbaum & Laura A. Coburn

Application by Mitchell Scavone, Ray Qualmann Marine Construction, Inc., for a Special Exception Request to install a 100 linear foot seawall/seawall cap, and two 10-foot returns for the property located at 1101 Highland Beach Drive, Unit A.

8. **NEW BUSINESS**

A. None.

9. **ANNOUNCEMENTS**

February 20, 2024

1:30 PM

Town Commission Meeting

March 05, 2024	1:30 PM	Town Commission Meeting
March 12, 2024	1:00 PM	Code Enforcement Meeting
March 14, 2024	9:30 AM	Planning Board Meeting

**10. ADJOURNMENT**

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*Any person that decides to appeal any decision made by the Board of Adjustment & Appeals with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record including testimony and evidence upon which the appeal is based. (State Law requires the above Notice. Any person desiring a verbatim transcript shall have the responsibility, at his/her own cost, to arrange for the transcript.) The Town neither provides nor prepares such record. There may be one or more Town Commissioners attending the meeting.*

*In accordance with the Americans with Disabilities Act (ADA), persons who need accommodation in order to attend or participate in this meeting should contact Town Hall at (561) 278-4548 within a reasonable time prior to this meeting in order to request such assistance.*

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**File Attachments for Item:**

A. January 11, 2024



## TOWN OF HIGHLAND BEACH PLANNING BOARD REGULAR MEETING MINUTES

**LIBRARY COMMUNITY ROOM  
3618 South Ocean Boulevard  
Highland Beach, Florida 33487**

**Date: January 11, 2024  
Time: 9:30 AM**

### **1. CALL TO ORDER**

Chairperson Goldenberg called the meeting to order at 9:30 A.M.

### **2. ROLL CALL**

Board Member Eve Rosen  
Board Member Roger Brown  
Board Member Jason Chudnofsky  
Board Member David Axelrod  
Board Member David Powell  
Vice Chairperson Ilyne Mendelson  
Chairperson Eric Goldenberg  
Town Attorney Leonard Rubin  
Deputy Town Clerk Jaclyn DeHart

#### **ADDITIONAL STAFF PRESENT**

Town Planner Ingrid Allen

### **3. PLEDGE OF ALLEGIANCE**

The Board Members led the Pledge of Allegiance to the United States of America.

### **4. APPROVAL OF THE AGENDA**

**Motion:** Rosen/Chudnofsky - Moved to approve the agenda as presented, which passed 7 to 0.

### **5. SWEARING IN OF THE PUBLIC**

Deputy Town Clerk Jaclyn DeHart swore in those giving testimony.

### **6. PUBLIC COMMENT**

There were no public comments.

**7. APPROVAL OF MINUTES**

**A. December 14, 2023**

**Motion:** Rosen/Mendelson- Moved to approve the minutes as amended which passed 7 to 0.

**8. UNFINISHED BUSINESS**

**A. Development Order Application No. 23-0007 / Seth H. Hochbaum & Laura A. Coburn**

**Application by Mitchell Scavone, Ray Qualmann Marine Construction, Inc., for a Special Exception Request to install a 100 linear foot seawall/seawall cap, and two 10-foot returns for the property located at 1101 Highland Beach Drive, Unit A.**

Chairperson Goldenberg read the title of the item and mentioned that the item was continued from the last Board meeting. He asked the Board Members if they had any ex parte communications to disclose. The Members had no ex parte communications.

Chairperson Goldenberg opened the public hearing and called Town Planner Allen to speak.

Town Planner Allen gave an update on the above-mentioned item and mentioned that there is still not an agreement in place for property in question.

Deputy Town Clerk Jaclyn DeHart read comments that were emailed in by XXX, who was unable to attend the meeting today.

**Motion:** Mendelson/Axelrod – Moved to continue the item to the February 08, 2024, meeting, which motion passed on a 7 to 0 vote.

**9. NEW BUSINESS**

**A. Development Order Application No. 23-0010 / David Nutter / Boca Highland Center, Inc.**

**Application by B&M Marine Construction, Inc. For an amendment to a previously approved special exception request (Development Order No. 21-0008) to install a 465 square foot marginal dock, and a 257 linear foot seawall and cap, for the property located at 4801 South Ocean Boulevard.**

Chairperson Goldenberg read the title of the item and asked the Board Members if they had any ex parte communications to disclose. The Members had no ex parte communications.

Chairperson Goldenberg opened the public hearing and called Town Planner Allen to present the application.

Town Planner Allen presented Development Order No. 23-0010 and mentioned that this application is contingent upon Town Commission approval of a land fill permit pursuant to Chapter 14 of the Town Code of Ordinances.

David Nutter was sworn in and provided comments on the application.

The Board discussed the application followed by a motion.

**MOTION:** Axelrod/Rosen - Moved to approve Development Order No. 22-0010 with conditions (Contingent upon Town Commission approval of a land fill permit pursuant to Chapter 14 of the Town Code of Ordinances); Based upon roll call: Member Axelrod (Yes), Member Rosen (Yes), Member Brown (Yes), Member Powell (Yes), Member Chudnofsky (Yes), Vice Chairperson Mendelson (Yes), and Chairperson Goldenberg (Yes). The motion passed on a 7 to 0 vote.

**B. Development Application No. 23-0012 / Michael J. Beyer**

**Application by Anthony Routhier, Cavadium, Inc., for a major modification to an existing building as provided in Section 30-39 of the Town Code of Ordinances including but not limited to changes to the exterior façade, balconies, exterior walls, number of square feet, roof line, and elevation for the property located at 2365 South Ocean Boulevard.**

Chairperson Goldenberg read the title of the item and asked the Board Members if they had any ex parte communications to disclose. The Members had no ex parte communications.

Chairperson Goldenberg opened the public hearing and called Town Planner Allen to present the application.

Town Planner Allen presented Development Order No. 23-0012.

The applicants were present but provided no comments.

The Board discussed the application followed by a motion.

**MOTION:** Axelrod/Mendelson - Moved to approve Development Order No. 22-0012. Based upon roll call: Member Axelrod (Yes), Vice Chairperson Mendelson (Yes), Member Rosen (Yes), Member Brown (Yes), Member Powell (Yes), Member Chudnofsky (Yes), and Chairperson Goldenberg (Yes). The motion passed on a 7 to 0 vote.

**10. ANNOUNCEMENTS**

Chairperson Goldenberg read the announcements as follows.

January 15, 2024		Town Hall Closed in Observance of Martin Luther King Jr. Day
February 06, 2024	1:30 PM	Town Commission Meeting
February 07, 2024	11:00 AM	Natural Resources Preservation Advisory Board Meeting
February 08, 2024	9:30 AM	Planning Board Meeting

**11. ADJOURNMENT**

The meeting adjourned at 9:56 A.M.

**APPROVED** on February 08, 2024, Planning Board Regular Meeting.

\_\_\_\_\_  
Eric Goldenberg, Chairperson

**ATTEST:**

Transcribed by: Jaclyn DeHart

12/14/2024

\_\_\_\_\_  
Jaclyn DeHart  
Deputy Town Clerk

\_\_\_\_\_  
Date

Disclaimer: Effective May 19, 2020, per Resolution No. 20-008, all meeting minutes are transcribed as a brief summary reflecting the event of this meeting. Verbatim audio/video recordings are permanent records and are available on the Town's Media Archives & Minutes webpage: <https://highlandbeach-fl.municodemeetings.com/>.

**File Attachments for Item:**

A. APPLICATION BY MITCHELL SCAVONE, RAY QUALMANN MARINE CONSTRUCTION, INC., FOR A SPECIAL EXCEPTION REQUEST TO INSTALL A 100 LINEAR FOOT SEAWALL/SEAWALL CAP, AND TWO 10-FOOT RETURNS FOR THE PROPERTY LOCATED AT 1101 HIGHLAND BEACH DRIVE UNIT A. (DO# 23-0007)





# TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

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**MEETING TYPE:** Planning Board Meeting

**MEETING DATE** February 8, 2024

**SUBMITTED BY:** Ingrid Allen, Town Planner, Building Department

**SUBJECT:** APPLICATION BY MITCHELL SCAVONE, RAY QUALMANN MARINE CONSTRUCTION, INC., FOR A SPECIAL EXCEPTION REQUEST TO INSTALL A 100 LINEAR FOOT SEAWALL/SEAWALL CAP, AND TWO 10-FOOT RETURNS FOR THE PROPERTY LOCATED AT 1101 HIGHLAND BEACH DRIVE UNIT A. (DO# 23-0007)

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**SUMMARY:**

At the January 11, 2024 Planning Board (“Board”) meeting, the Board moved to continue this item to the February 8, 2024 meeting. As of the writing of this memorandum, staff has not received an agreement from the Applicant.



# TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

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**MEETING TYPE:** Planning Board Meeting

**MEETING DATE** January 11, 2024

**SUBMITTED BY:** Ingrid Allen, Town Planner, Building Department

**SUBJECT:** APPLICATION BY MITCHELL SCAVONE, RAY QUALMANN MARINE CONSTRUCTION, INC., FOR A SPECIAL EXCEPTION REQUEST TO INSTALL A 100 LINEAR FOOT SEAWALL/SEAWALL CAP, AND TWO 10-FOOT RETURNS FOR THE PROPERTY LOCATED AT 1101 HIGHLAND BEACH DRIVE UNIT A. (DO# 23-0007)

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## **SUMMARY:**

At the December 14, 2023 Planning Board (“Board”) meeting, the Board moved to continue this item to the January 11, 2024 meeting. Consensus from the Board was that they wish to see an agreement between the Applicant and the adjacent property owner to the north that allows for the installation of the seawall. As of the writing of this memorandum, staff has not received an agreement from the Applicant. The Board will be updated on the status of the agreement at the January 11, 2024 Board meeting.



## HIGHLAND BEACH BUILDING DEPARTMENT

3614 S. Ocean Boulevard  
Highland Beach, FL 33487  
Ph: (561) 278-4540

## PLANNING BOARD STAFF REPORT

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**MEETING OF:**        **DECEMBER 14, 2023**

**TO:**                    **PLANNING BOARD**

**FROM:**                **INGRID ALLEN, TOWN PLANNER**

**SUBJECT:**            **APPLICATION BY MITCHELL SCAVONE, RAY QUALMANN MARINE CONSTRUCTION, INC., FOR A SPECIAL EXCEPTION REQUEST TO INSTALL A 100 LINEAR FOOT SEAWALL/SEAWALL CAP, AND TWO 10-FOOT RETURNS FOR THE PROPERTY LOCATED AT 1101 HIGHLAND BEACH DRIVE UNIT A. (DO# 23-0007)**

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### I. GENERAL INFORMATION:

**Applicant (Property Owner):**        Seth H. Hochbaum & Laura A. Coburn  
1101 Highland Beach Drive, Unit A  
Highland Beach, FL 33487

**Applicant's Agent:**                    Mitchell Scavone  
Ray Qualmann Marine Construction, Inc.  
2860 NE 16 Street  
Pompano Beach, FL 33062

**Property Characteristics:**

**Site Location:**                            1101 Highland Beach Drive, Unit A  
**Comprehensive Plan Land Use:**        Multi Family Low Density  
**Zoning District:**                          Residential Multiple Family Low Density (RML)  
**Parcel PCN#:**                                24-43-47-04-02-002-0161

**Request and Analysis:**

The Applicant is proposing to install a 100 linear foot seawall and seawall cap, and two (2) 10-foot returns for the property located at 1101 Highland Beach Drive, Unit A. The installation of the new seawall is proposed 12-inches waterward of the existing seawall. According to the survey provided by the Applicant, the existing and proposed seawalls are located within the adjacent parcel to the north of the subject property. According to the Palm Beach County Property Appraiser, ownership of this adjacent parcel is affiliated with the Ocean Cove at Highland Beach HOA Inc. Given the special exception request is to install a seawall for the Applicant’s property, it is acceptable to the Town that the property owner of 1101 Highland Beach Drive, Unit A is the sole applicant.

The Applicant has obtained South Florida Water Management District (SFWMD) and U.S. Army Corps of Engineers (ACOE) authorizations as follows:

<b>SFWMD (FILE NO.)</b>	<b>ACOE (FILE NO.)</b>
50-108526-P (Exemption No.) 230227-37740 (Application No.)	SAJ-2023-01112(NW-KMM)

Note that staff was advised by the SFWMD that because a previously issued SFWMD environmental resource permit was associated with the property, their review was required for the proposed request rather than the Florida Department of Environmental Protection (FDEP).

According to Section 6-128(b) of the Town Code, all seawalls west of State Road A1A shall be at base flood elevation (BFE) or higher as provided by the FEMA FIRM maps. The current BFE for the property is six (6) feet NAVD, the Applicant’s proposed new seawall is at 6.00 feet NAVD.

Section 30-36(a) of the Town Code states that the Planning Board shall review and be the final authority on applications involving seawalls. In addition, Section 30-36(a) of the Town Code indicates that the Planning Board may approve, approve with conditions, or deny a request for special exception relating to seawalls, bulkheads, retaining walls and accessory marine facilities.

Following an approval by the Planning Board and prior to initiation of construction, the Applicant will be required to obtain a building permit from the Town of Highland Beach Building Department. Pursuant to Section 30-21(g) of the Town Code, commencement of construction shall be initiated within two (2) years following the date of approval by the Planning Board.

Staff reviewed the Applicant’s proposed request and finds that the project is consistent with the Town Code of Ordinances. If the Planning Board should grant approval of the special exception request, staff recommends the following condition of approval which is based on the Applicant’s plan set, date stamped received by the Building Department on November 28, 2023:

1. Prior to the submittal of a Building Permit application to the Town’s Building Department for the installation of the seawall, the Applicant shall provide an executed agreement between the property owner and the Ocean Cove at Highland Beach HOA Inc. to install such seawall or otherwise demonstrate, to the satisfaction of the Town, that the approval of the Ocean Cove at Highland Beach

HOA Inc. is not legally required for the installation of the seawall on property owned by the HOA.

Should you have any questions, please feel free to contact me at (561) 637-2012 or [iallen@highlandbeach.us](mailto:iallen@highlandbeach.us)

**Attachments: Application**

**Aerials**

**Property HOA approval**

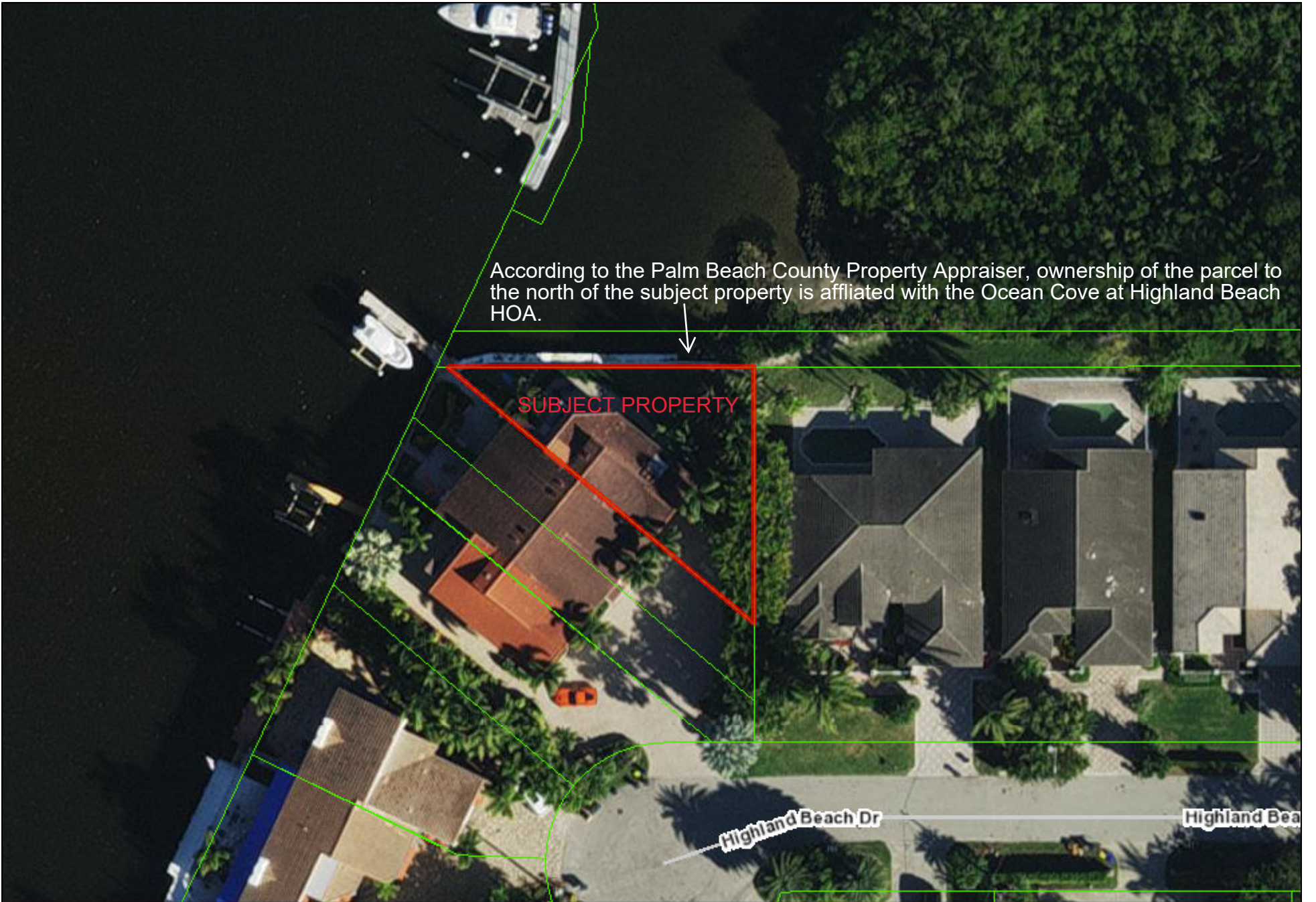
**SFWMD approval**

**ACOE approval**

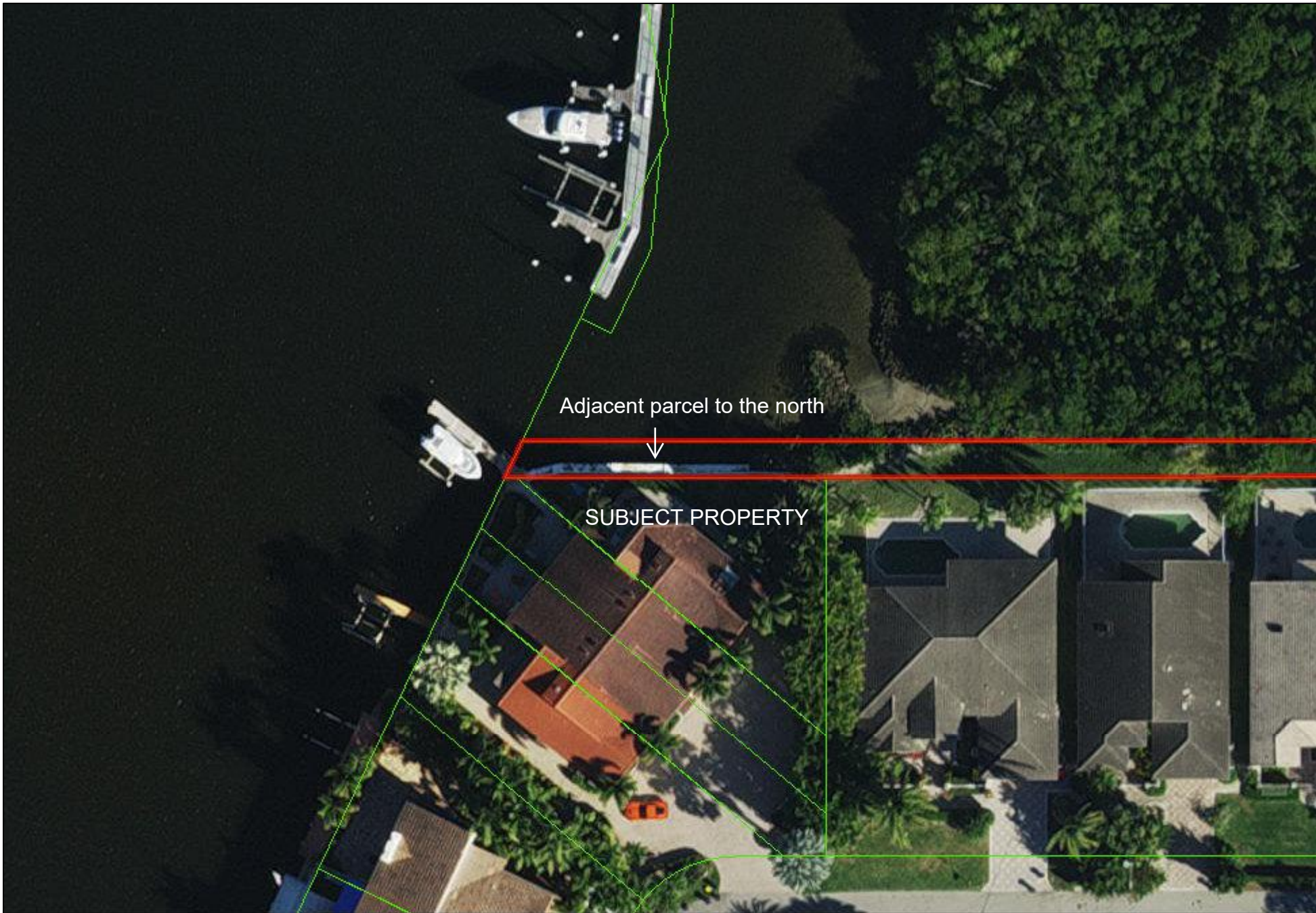
**Applicant proposed plans (11x17)**

According to the Palm Beach County Property Appraiser, ownership of the parcel to the north of the subject property is affiliated with the Ocean Cove at Highland Beach HOA.

SUBJECT PROPERTY



# 1101 Highland beach Dr Unit A



Adjacent parcel to the north



SUBJECT PROPERTY



# Adjacent parcel to the north of subject property

# 1101 Highland Beach Drive Unit A

Looking southward





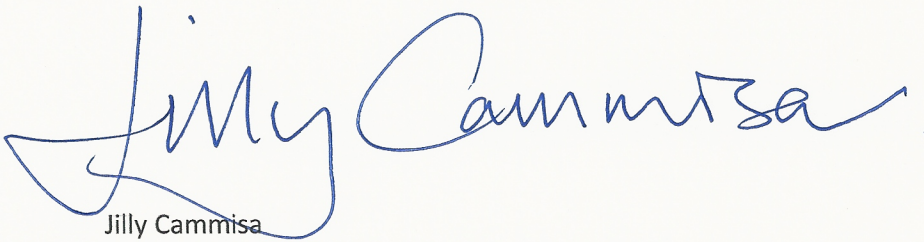
Looking eastward



**Highland Pointe Association Inc.**  
1101 Highland Beach Drive, Apt B.  
Highland Beach Fl 33487

July 21<sup>st</sup>, 2023

Highland Pointe Association Inc. (The Homeowners Association for 1101 Highland Beach Dr.,) gives permission to the owners of 1101 Highland Beach Drive, unit A, Highland Beach Fl 33487 to construct a 100 linear foot precast pile and panel seawall and seawall cap with returns.



Jilly Cammisa

President – Highland Pointe Association Inc.

**Hochbaum-Coburn 230227-37740**

5 messages

**Westerfield, Caitlin** <cwesterf@sfwmd.gov>

Wed, Jul 19, 2023 at 3:45 PM

To: "permits@qualmannmarine.com" &lt;permits@qualmannmarine.com&gt;

Hello,

I received a call about the subject application regarding a typo on the exemption letter write up. This error was fixed on the corrected permit issued on March 24, 2023. Please see the [ePermitting file](#) for the corrected exemption letter and notice of the corrected permit.

Thanks,

**Caitlin Westerfield**

Environmental Analyst II

**Phone:** (561) 682-6058**Email:** [cwesterf@sfwmd.gov](mailto:cwesterf@sfwmd.gov)

3301 Gun Club Road

West Palm Beach, FL 33409

**NOTE:** While the District supports that it is commonplace and convenient to collaborate via email during the pre-application/application process, Permit Applications and Responses to a Request for Additional Information (RAI) submitted via email are **not** an official submittal (Section 4.4 of Environmental

Resource Permit Applicant's Handbook Volume I). For timely and efficient processing of permit applications and RAI responses, please submit online using [ePermitting](#).

Due to Florida's broad public records law, any and all correspondence via email may be subject to disclosure.

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**Permit Dept.** <permits@qualmannmarine.com>  
To: "Westerfield, Caitlin" <cwesterf@sfwmd.gov>

Wed, Jul 19, 2023 at 3:49 PM

Thank you!  
I guess I missed that one.  
Have a great day!

Marie Bessette  
Permit Coordinator

Ray Qualmann Marine Construction Inc  
American Seawall Marine Construction Inc  
2860 NE 16 Street,  
Pompano Beach FL 33062  
954.941.0132

[Quoted text hidden]

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**Permit Dept.** <permits@qualmannmarine.com>  
To: "Westerfield, Caitlin" <cwesterf@sfwmd.gov>

Fri, Jul 28, 2023 at 8:51 AM

Good morning,  
We just heard back from the City regarding this project.  
they require the seawall cap to be at 6.0 NAVD.  
Can I get some type of letter stating that the 6.0 NAVD is approved by SFWMD?  
I am getting the same from ACOE also.  
Let me know.  
Have a great day!

Marie Bessette  
Permit Coordinator

Ray Qualmann Marine Construction Inc  
American Seawall Marine Construction Inc  
2860 NE 16 Street,  
Pompano Beach FL 33062  
954.941.0132

On Wed, Jul 19, 2023 at 3:45 PM Westerfield, Caitlin <cwesterf@sfwmd.gov> wrote:

[Quoted text hidden]

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**Westerfield, Caitlin** <cwesterf@sfwmd.gov>  
To: "Permit Dept." <permits@qualmannmarine.com>

Fri, Jul 28, 2023 at 12:27 PM

Hello,

I cannot provide an official letter unless an exemption request is submitted with the updated plans.

However, if an email will suffice, the District is fine with the change to 6.0 ft NAVD.

Thanks,



**Caitlin Westerfield**

Environmental Analyst II

**Phone:** (561) 682-6058

**Email:** [cwesterf@sfwmd.gov](mailto:cwesterf@sfwmd.gov)

3301 Gun Club Road

West Palm Beach, FL 33409

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Due to Florida's broad public records law, any and all correspondence via email may be subject to disclosure.

**From:** Permit Dept. <permits@qualmannmarine.com>

**Sent:** Friday, July 28, 2023 8:52 AM

**To:** Westerfield, Caitlin <cwesterf@sfwmd.gov>

**Subject:** Re: Hochbaum-Coburn 230227-37740

[Please remember, this is an external email]

[Quoted text hidden]

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**Permit Dept.** <permits@qualmannmarine.com>

To: "Westerfield, Caitlin" <cwesterf@sfwmd.gov>

Fri, Jul 28, 2023 at 12:42 PM

I believe this could do the trick.

Army Corps stated the same.

Thanks

Marie Bessette

Permit Coordinator

Ray Qualmann Marine Construction Inc

American Seawall Marine Construction Inc

2860 NE 16 Street,

Pompano Beach FL 33062

954.941.0132

[Quoted text hidden]



Corrected Copy March 24, 2023

March 22, 2023

*\* Delivered via email*

Seth/Laura Hochbaum/Coburn \*  
1101 Highland Beach Drive Unit A  
Palm Beach, FL 33487

**Subject: Exemption for Hochbaum-Coburn  
Application No. 230227-37740  
Exemption No. 50-108526-P  
Palm Beach County**

Dear Seth & Laura Hochbaum-Coburn:

The South Florida Water Management District (District) reviewed the information submitted for the proposed seawall and pile installation and has determined that the proposed project is exempt from the requirement to obtain an Environmental Resource Permit, pursuant to Rules 62-330.051 (12)(b) and 62-330.051(12)(d), Florida Administrative Code.

The proposed activities will occur at 1101 Highland Beach Drive Unit A, in Highland Beach, Palm Beach County. See Exhibit No. 1.0 for Location Map.

Based on the plans (Exhibit No. 2.0) received by the District on February 24, 2023, the proposed activities to be conducted under the exemption involve:

1. The removal of existing batter piles and rip rap boulders in front of the existing seawall.
2. The construction of a 100 linear-foot precast pile and panel seawall, no more than 12.0 inches waterward from the existing seawall.
3. The construction of seawall caps to incorporate king and batter piles.
4. The construction of two 10-foot returns using one 3.0-inch pin pile at each end of property, with minimal backfilling to achieve grade.

Activities that qualify for this exemption must be conducted and operated using appropriate best management practices and in a manner which does not cause or contribute to a water quality violation. Pursuant to Chapters 62-302 or 62-4, Florida Administrative Code.

This letter does not relieve you from the responsibility of obtaining other permits (federal, state or local) which may be required for the project.

The determination that this project qualifies as an exempt activity may be revoked if the installation is substantially modified, if the basis of the exemption is determined to be materially incorrect, or if the installation results in violation to state water quality standards. Any changes made in the construction plans or location of the project may necessitate a permit from the District. Therefore you are advised to contact the District before beginning any work in wetlands which is not specifically described in the submittal.

The notice of determination that the project qualifies as an exempt activity constitutes final agency action by the District unless a petition for administrative hearing is filed. Upon timely filing of a petition, this Notice will not be effective until further Order of the District. If you have any questions concerning this matter, please contact Caitlin Westerfield, Environmental Analyst 2 at 561-682-6058 or cwesterf@sfwmd.gov, and Susana Pascal, Engineering Specialist IV at (561) 682-2905 or spascal@sfwmd.gov.

Sincerely,



Jesse Markle, P.E.  
Bureau Chief, Environmental Resource Bureau

c: Mitchell Scavone, Ray Qualmann Marine Construction Inc \*



## **Exhibits**

The following exhibits to this permit are incorporated by reference. The exhibits can be viewed by clicking on the links below or by visiting the District's ePermitting website (<http://my.sfwmd.gov/ePermitting>) and searching under this application number 230227-37740.

[Exhibit 1.0 Location Map](#)

[Exhibit 2.0 Plans](#)

## **NOTICE OF RIGHTS**

As required by Chapter 120, Florida Statutes, the following provides notice of the opportunities which may be available for administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, or judicial review pursuant to Section 120.68, Florida Statutes, when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Some of the legal proceedings detailed below may not be applicable or appropriate for your situation. You may wish to consult an attorney regarding your legal rights.

### **RIGHT TO REQUEST ADMINISTRATIVE HEARING**

A person whose substantial interests are or may be affected by the South Florida Water Management District's (District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Florida Statutes. Persons seeking a hearing on a District decision which affects or may affect their substantial interests shall file a petition for hearing in accordance with the filing instructions set forth herein within 21 days of receipt of written notice of the decision unless one of the following shorter time periods apply: (1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Florida Statutes; or (2) within 14 days of service of an Administrative Order pursuant to Section 373.119(1), Florida Statutes. "Receipt of written notice of agency decision" means receipt of written notice through mail, electronic mail, posting, or publication that the District has taken or intends to take final agency action. Any person who receives written notice of a District decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

If the District takes final agency action that materially differs from the noticed intended agency decision, persons who may be substantially affected shall, unless otherwise provided by law, have an additional point of entry pursuant to Rule 28-106.111, Florida Administrative Code.

Any person to whom an emergency order is directed pursuant to Section 373.119(2), Florida Statutes, shall comply therewith immediately, but on petition to the board shall be afforded a hearing as soon as possible.

A person may file a request for an extension of time for filing a petition. The District may grant the request for good cause. Requests for extension of time must be filed with the District prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and whether the District and any other parties agree to or oppose the extension. A timely request for an extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

### **FILING INSTRUCTIONS**

A petition for administrative hearing must be filed with the Office of the District Clerk. Filings with the Office of the District Clerk may be made by mail, hand-delivery, or e-mail. Filings by facsimile will not be accepted. A petition for administrative hearing or other document is deemed filed upon receipt during normal business hours by the Office of the District Clerk at the District's headquarters in West Palm Beach, Florida. The District's normal business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Any document received by the Office of the District Clerk after 5:00 p.m. shall be deemed filed as of 8:00 a.m. on the next regular business day.

Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33406.
- Filings by hand-delivery must be delivered to the Office of the District Clerk. Delivery of a

petition to the District's security desk does not constitute filing. It will be necessary to request that the District's security officer contact the Office of the District Clerk. An employee of the District's Clerk's office will receive and process the petition.

- Filings by e-mail must be transmitted to the Office of the District Clerk at [clerk@sfwmd.gov](mailto:clerk@sfwmd.gov). The filing date for a document transmitted by electronic mail shall be the date the Office of the District Clerk receives the complete document.

### **INITIATION OF ADMINISTRATIVE HEARING**

Pursuant to Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Rules 28-106.201 and 28-106.301, Florida Administrative Code, initiation of an administrative hearing shall be made by written petition to the District in legible form and on 8 1/2 by 11 inch white paper. All petitions shall contain:

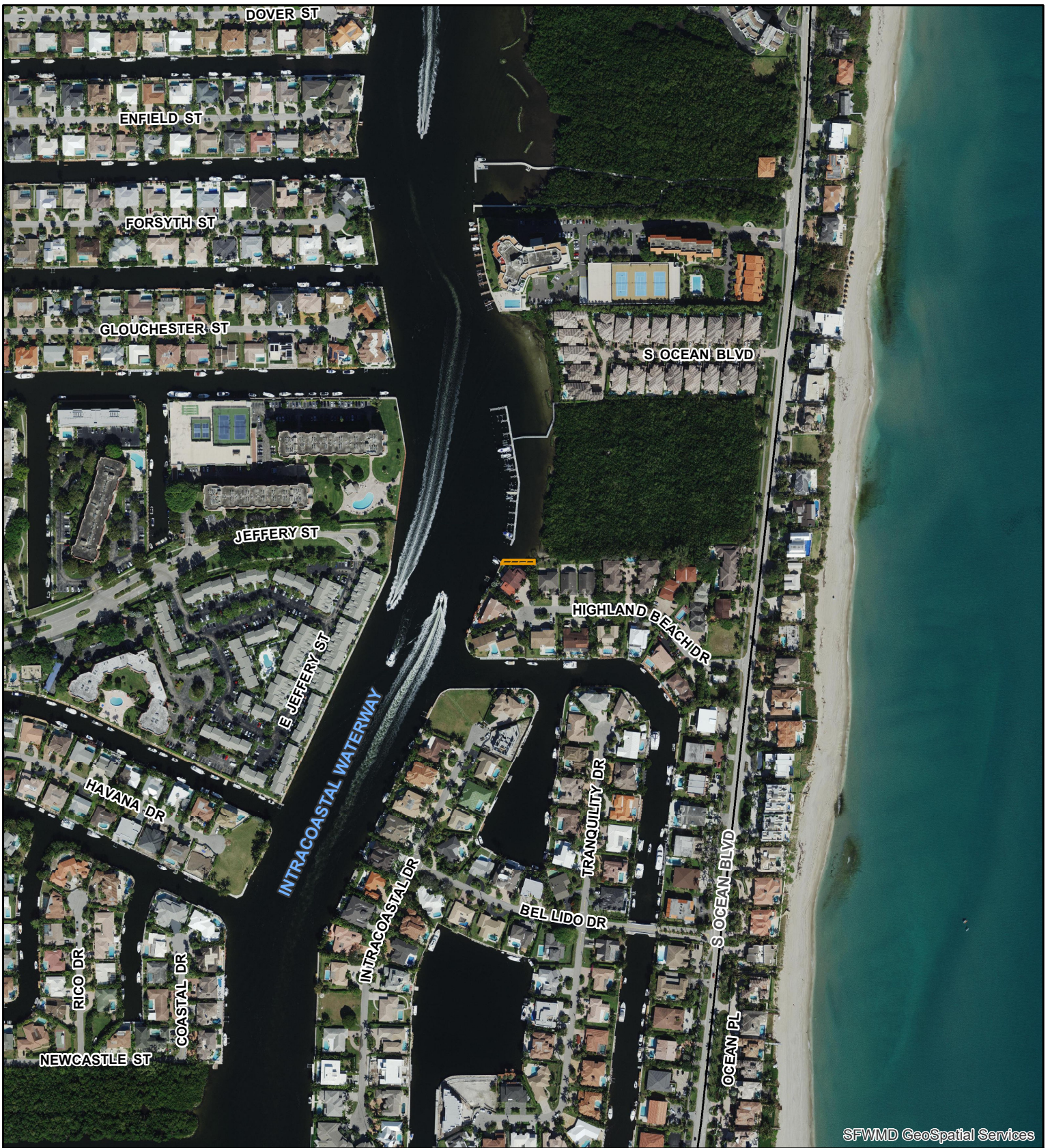
1. Identification of the action being contested, including the permit number, application number, District file number or any other District identification number, if known.
2. The name, address, any email address, any facsimile number, and telephone number of the petitioner, petitioner's attorney or qualified representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the District's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the District's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the District's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the District to take with respect to the District's proposed action.

### **MEDIATION**

The procedures for pursuing mediation are set forth in Section 120.573, Florida Statutes, and Rules 28-106.111 and 28-106.401–.405, Florida Administrative Code. The District is not proposing mediation for this agency action under Section 120.573, Florida Statutes, at this time.

### **RIGHT TO SEEK JUDICIAL REVIEW**

Pursuant to Section 120.68, Florida Statutes, and in accordance with Florida Rule of Appellate Procedure 9.110, a party who is adversely affected by final District action may seek judicial review of the District's final decision by filing a notice of appeal with the Office of the District Clerk in accordance with the filing instructions set forth herein within 30 days of rendition of the order to be reviewed, and by filing a copy of the notice with the appropriate district court of appeals via the Florida Courts E-Filing Portal.



SFWMDC GeoSpatial Services

Exhibit No: 1

Exhibit Created On:  
2023-03-20

PALM BEACH COUNTY, FL

 Application

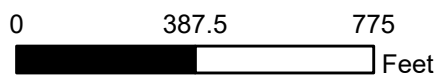


Exemption No: 50-108526-P

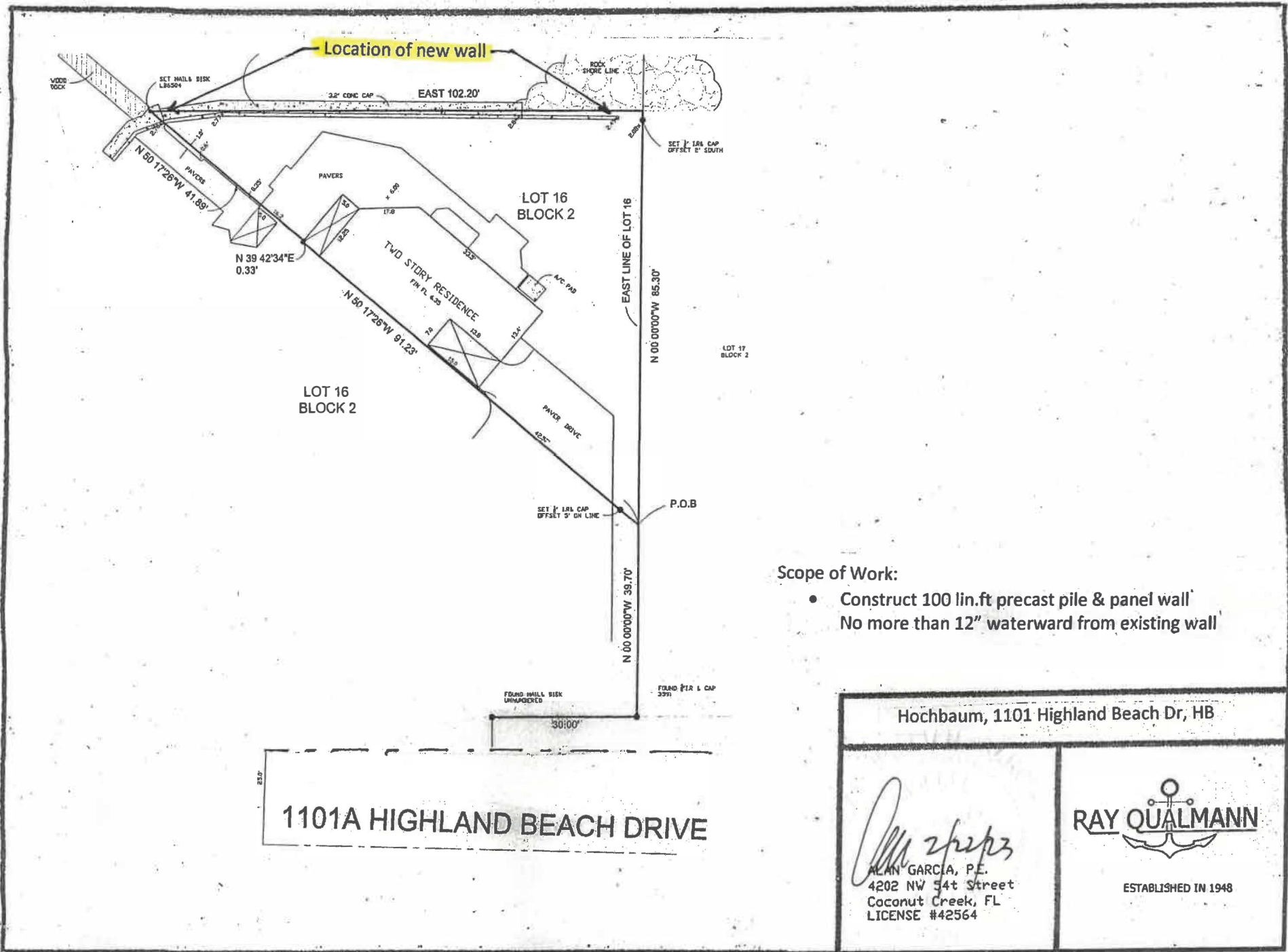
Application Number: 230227-37740

**REGULATION DIVISION**

Project Name: Hochbaum-Coburn



South Florida Water Management

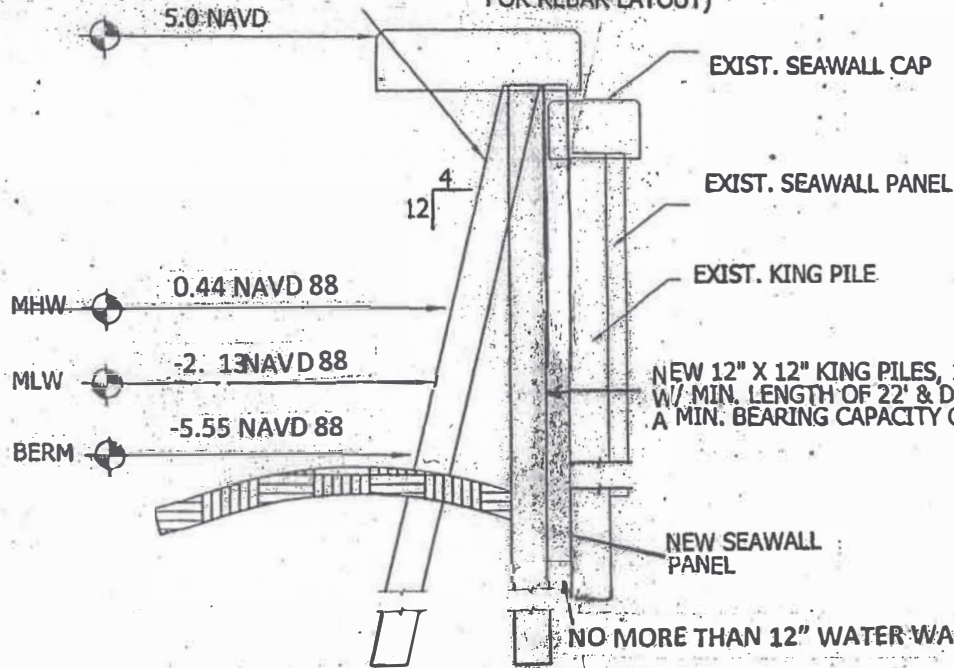


**Scope of Work:**

- Construct 100 lin.ft precast pile & panel wall  
No more than 12" waterward from existing wall

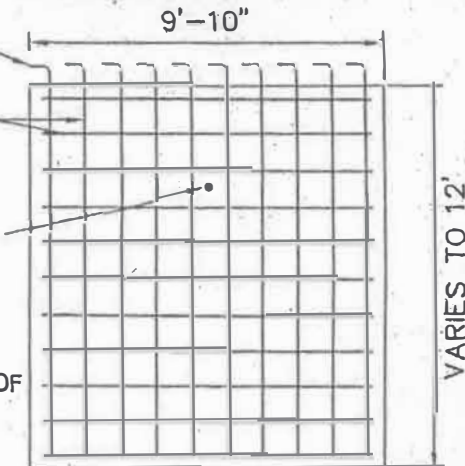
NEW 12" X 12" BATTER PILES, 10' O.C.,  
W/ MIN. LENGTH OF 22' & DRIVEN TO  
A MIN. BEARING CAPACITY OF 15 TONS

SEAWALL CAP  
(SEE CAP CROSS SECTION  
FOR REBAR LAYOUT)



CONCRETE SEAWALL SECTION  
N.T.S.

STD. HOOK IN  
VERT. BAR.  
#5 REBAR 12" O.C.  
VERT., 12" O.C. HORIZ.  
SIDE COVER 6"  
TOP / BOTTOM 4"



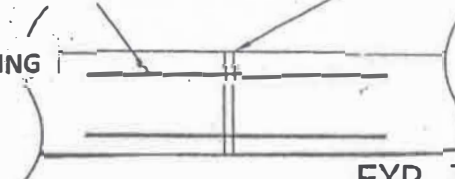
ONE 3" WEEPHOLE,  
PLACED 2'-0"  
INSIDE PANEL EDGE,  
2'-10" BELOW TOP.

PROVIDE TWO 3/4"  
LIFTING HOOKS IN TOP OF  
PANEL OR 1/4" S.S.  
CABLE FOR LIFTING.

TYP. 8" THICK SEAWALL PANEL  
N.T.S.

3/4" DOWEL, 3' LONG, (4).  
EACH CORNER OF CAP REBAR  
CAGE. GREASED TO ALLOW EXPANSION.

1/2" EXP. MATERIAL W/  
BACKER ROD (CONT.  
AROUND JOINT)



NO MORE THAN 12" WATER WARD OF EXISTING

EXP. JOINT DETAIL  
N.T.S.

NOTE: PLACE EXP.  
JT. @ MIDWAY  
APPROX. EVERY 90 L.F. +/-

Hochbaum, 1101 Highland Beach Dr, HB

GENERAL NOTES:

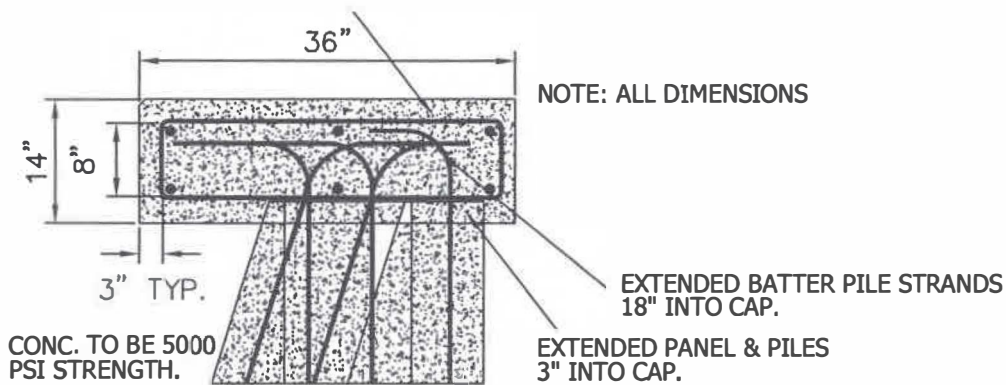
1. ALL CONCRETE TO BE 5000 psi. 28 DAY COMP. STRENGTH.
2. ALL STEEL REBAR TO BE GRADE 60
3. CONCRETE SHALL BE PROPERLY CURED.
4. CONTRACTOR TO OBTAIN UTILITY CLEARANCE PRIOR TO PILE DRIVING. CALL 1-800-432-4770.
5. ASSUMES GOOD BEARING SOIL. IF SILTS OR MUCK IS ENCOUNTERED, INCREASE PANEL DEPTH TO THE POINT OF REFUSAL AND CONTACT ENGINEER.

*Alan Garcia*  
ALAN GARCIA, P.E.  
4202 NW 54th Street  
Coconut Creek, FL  
LICENSE #42564



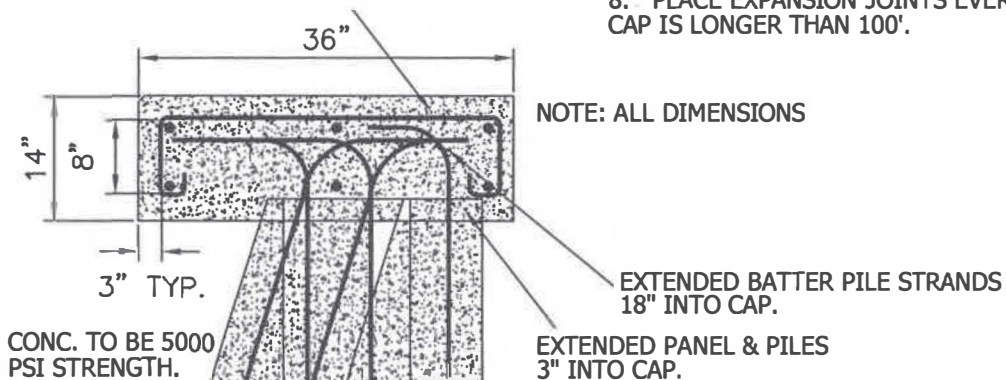
ESTABLISHED IN 1948

(3) - # 5 BARS TOP & BOTTOM,  
W/ # 3 HOOPS 12" O.C., 6" O.C. @ PILE.



**SEAWALL CAP**  
N.T.S.

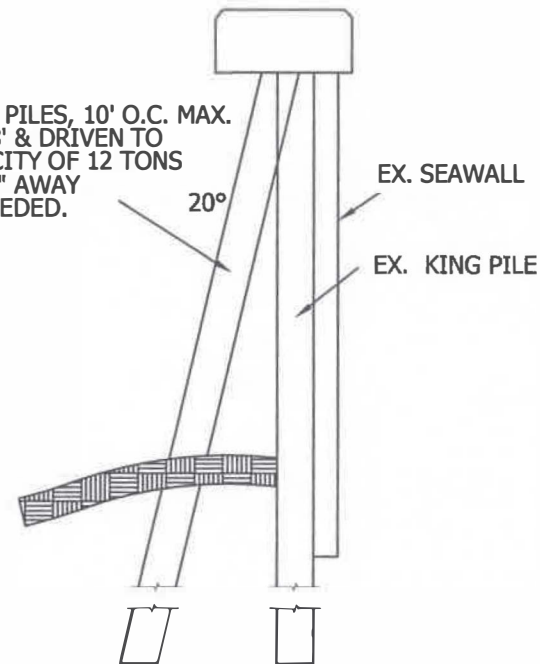
(3) - # 5 BARS TOP & BOTTOM,  
W/ # STIRRUPS 12" O.C., 6" O.C. @ PILE.



**ALTERNATE SEAWALL CAP**  
N.T.S.

SEAWALL CAP  
(SEE CAP CROSS SECTION  
FOR REBAR LAYOUT)

NEW 12" X 12" BATTER PILES, 10' O.C. MAX.  
W/ MIN. LENGTH OF 18' & DRIVEN TO  
A MIN. BEARING CAPACITY OF 12 TONS  
OFFSET BATTER PILE 4" AWAY  
FROM KING PILE, IF NEEDED.



**CONCRETE SEAWALL SECTION**  
N.T.S.

- GENERAL NOTES:
1. ALL CONCRETE TO BE 5000 psi. 28 DAY COMP. STRENGTH.
  2. ALL STEEL REBAR TO BE GRADE 60
  3. CONCRETE SHALL BE PROPERLY CURED.
  4. CONTRACTOR TO OBTAIN UTILITY CLEARANCE PRIOR TO PILE DRIVING. CALL 1-800-432-4770.
  5. PLACE BATTERS AT EACH KING / T-PILE LOCATION.
  6. CAP WIDTH MAY VARY FROM 42", ADJUST LONGITUDINAL STEEL REBAR ACCORDINGLY.
  7. TYPICAL CAP THICKNESS 14".
  8. PLACE EXPANSION JOINTS EVERY 100' IF CAP IS LONGER THAN 100'.

Hochbaum, 1101 Highland Beach Dr Unit A Highland Beach

*[Handwritten signature]*  
2/22/23



ESTABLISHED IN 1948

**Permit for SAJ-2023-01112 (Coburn, Laura/ riprap, seawall 1100 Highland Beach Drive Unit A/Palm Beach)**

7 messages

**Mallett, Kaitlyn M CIV USARMY CESAJ (USA)** <Kaitlyn.M.Mallett@usace.army.mil>

Mon, Jun 5, 2023 at 10:56 AM

To: "Permit Dept." &lt;permits@qualmannmarine.com&gt;

Cc: "sethhochbaum@gmail.com" &lt;sethhochbaum@gmail.com&gt;, "CESAJ, RE Permits SAJ" &lt;REPermitsSAJ.CESAJ@usace.army.mil&gt;

Hello,

Please see the attached permit decision for SAJ-2023-01112. Please let me know if you have any questions. Thank you

**Kaitlyn Mallett**Biologist, Regulatory Division  
Palm Beach Gardens Section[Kaitlyn.M.Mallett@usace.army.mil](mailto:Kaitlyn.M.Mallett@usace.army.mil)

Phone: 561-545-4885

[4400 PGA Blvd., Suite 500](#)  
Palm Beach Gardens, FL 33410**US Army Corps****of Engineers**

Jacksonville District

**From:** CESAJ-RD-SP-General <[Application-sp@usace.army.mil](mailto:Application-sp@usace.army.mil)>**Sent:** Tuesday, February 28, 2023 8:48 AM**To:** Permit Dept. <[permits@qualmannmarine.com](mailto:permits@qualmannmarine.com)>; Mallett, Kaitlyn M CIV USARMY CESAJ (USA) <[Kaitlyn.M.Mallett@usace.army.mil](mailto:Kaitlyn.M.Mallett@usace.army.mil)>**Cc:** [sethhochbaum@gmail.com](mailto:sethhochbaum@gmail.com)**Subject:** SAJ-2023-01112 (Coburn, Laura/ riprap, seawall 1100 Highland Beach Drive Unit A/Palm Beach)

Your application for a Department of the Army, Corps of Engineers permit has been processed and assigned to a Project Manager. The project is known as:



Project No.

(Project Name)

**SAJ-2023-01112** (Coburn, Laura/ riprap, seawall 1100 Highland Beach Drive Unit A/Palm Beach)

Kaitlyn Mallett has been assigned as the Project Manager (PM). Kaitlyn can be contacted at phone number **561-472-3503 office, 561-545-4885 cell** or by electronic mail at [kaitlyn.m.mallett@usace.army.mil](mailto:kaitlyn.m.mallett@usace.army.mil). Please refer to the SAJ No and project name in all future correspondence on this project and direct to your assigned Project Manager.

**Please allow 10 working days for the assigned PM to review the projects before making initial contact with them.**

**BE ADVISED:** You are cautioned that commencement of the proposed work in waters of the United States subject to Corps jurisdiction prior to Department of the Army (DA) authorization would constitute a violation of Federal laws and subject you to possible enforcement action. Receipt of a permit from the Florida Department of Environmental Protection or Florida Water Management Districts and/or other state and local agencies does not obviate the requirement for obtaining a DA permit prior to commencing the proposed work

 Sherilyn Connor

RD-SP RPA

**561-545-6911**

**From:** Permit Dept. <[permits@qualmannmarine.com](mailto:permits@qualmannmarine.com)>

**Sent:** Friday, February 24, 2023 9:58 AM

**To:** CESAJ-RD-SP-General <[Application-sp@usace.army.mil](mailto:Application-sp@usace.army.mil)>

**Subject:** [Non-DoD Source] Hochbaum-Coburn-1101 Highland Beach Dr

Please assign & process

Marie Bessette

Permit Coordinator

Ray Qualmann Marine Construction Inc

American Seawall Marine Construction Inc

2860 NE 16 Street,

Pompano Beach FL 33062

954.941.0132

---

 **20230605-Permit.pdf**  
1575K

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**Mallett, Kaitlyn M CIV USARMY CESAJ (USA)**  
<Kaitlyn.M.Mallett@usace.army.mil>  
To: "Permit Dept." <permits@qualmannmarine.com>

Mon, Jun 26, 2023 at 10:01  
AM

Marie,

Please confirm receipt of the attached. Thank you

[Quoted text hidden]

---

 **20230605-Permit.pdf**  
1575K

---

**Permit Dept.** <permits@qualmannmarine.com>  
To: "Mallett, Kaitlyn M CIV USARMY CESAJ (USA)" <Kaitlyn.M.Mallett@usace.army.mil>

Wed, Jul 19, 2023 at 1:35 PM

Good afternoon Kaitlyn,  
Would it be possible to change the height of the cap to 6.0 NAVD.  
This has been requested by the Planning Dept of Highland Beach.  
Marie Bessette  
Permit Coordinator

Ray Qualmann Marine Construction Inc  
American Seawall Marine Construction Inc  
2860 NE 16 Street,  
Pompano Beach FL 33062  
954.941.0132

[Quoted text hidden]

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**Mallett, Kaitlyn M CIV USARMY CESAJ (USA)**  
<Kaitlyn.M.Mallett@usace.army.mil>  
To: "Permit Dept." <permits@qualmannmarine.com>

Wed, Jul 19, 2023 at 1:37  
PM

Marie,

This could be noted in the as-builts since its not waterward a whole review of a verification may not be needed for height change of seawall cap.

[Quoted text hidden]

**Permit Dept.** <permits@qualmannmarine.com>

Fri, Jul 28, 2023 at 8:49 AM

To: "Mallett, Kaitlyn M CIV USARMY CESAJ (USA)" <Kaitlyn.M.Mallett@usace.army.mil>

Good morning,  
The Town requires the seawall cap to be at 6.0 NAVD.  
What do you need to help us comply with this requirement?  
We will build to 6.0 NAVD.

Marie Bessette  
Permit Coordinator

Ray Qualmann Marine Construction Inc  
American Seawall Marine Construction Inc  
2860 NE 16 Street,  
Pompano Beach FL 33062  
954.941.0132

[Quoted text hidden]

**Mallett, Kaitlyn M CIV USARMY CESAJ (USA)** <Kaitlyn.M.Mallett@usace.army.mil>

Fri, Jul 28, 2023 at 9:03 AM

To: "Permit Dept." <permits@qualmannmarine.com>

Marie,

Since As-builts with XY coordinates is conditioned into the permit and will be needed after completion of the work, the Corps would suggest noting the change on the As-builts since work is not being conducted more waterward than authorized. A new review of the change of 5 ft NAVD to 6 ft NAVD would not change what has been verified already.



**Kaitlyn Mallett**

Biologist, Regulatory Division  
Palm Beach Gardens Section

[Kaitlyn.M.Mallett@usace.army.mil](mailto:Kaitlyn.M.Mallett@usace.army.mil)

Phone: 561-545-4885

4400 PGA Blvd., Suite 500  
Palm Beach Gardens, FL 33410

**US Army Corps**

**of Engineers**

Jacksonville District



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT  
4400 PGA BOULEVARD, SUITE 500  
PALM BEACH GARDENS, FLORIDA 33410

June 5, 2023

Regulatory Division  
South Branch  
Palm Beach Gardens Section  
SAJ-2023-01112(NW-KMM)

Laura Coburn  
1101 Highland Beach Drive, Unit A  
Highland Beach, Florida 33487  
Sent via email: [sethhochbaum@gmail.com](mailto:sethhochbaum@gmail.com)

Dear Laura Coburn:

The U.S. Army Corps of Engineers (Corps) has completed the review of your application for a Department of the Army permit received on February 24, 2023. Your application was assigned file number SAJ-2023-01112(NW-KMM). A review of the information and drawings provided indicates that the proposed work would improve shoreline stabilization for a single-family residence by the installation of 100 linear feet of seawall 12-inches waterward of the existing wetface to the new wetface with new batter and king piles and installation of a 100 linear foot concrete seawall cap overpour (3-foot wide).

The activities subject to this permit are authorized pursuant to authorities under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403), and Section 404 of the Clean Water Act (33 U.S.C. § 1344). The project is located in the Intracoastal Waterway at 1101 Highland Beach Dr. unit A, in Section 04, Township 47 South, Range 43 East, Highland Beach, Palm Beach County, Florida.

Your project, as depicted on the enclosed drawings, is authorized by Nationwide Permit (NWP) 13 (Bank Stabilization). **This verification is valid until March 14, 2026.** Furthermore, if you commence or are under contract to commence this activity before the date that the relevant NWP is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP. In order for this NWP authorization to be valid, you must ensure that the work is performed in accordance with the NWP General Conditions and the Jacksonville District Regional Conditions, and the General and Project-Specific Special Conditions listed below. Alternatively, you can access the U.S. Army Corps of Engineers' (Corps) Jacksonville District's Regulatory Source Book web page for links to view NWP information at: <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>. Please be aware this Internet address is case sensitive and should be entered as it appears above. Once there select "Source Book" and then select "Nationwide Permits." These files contain the description of the NWP authorization, the NWP general conditions, and the regional conditions, which apply specifically to this NWP verification.

You must comply with all of the special and general conditions for NWP-#, including any project-specific conditions included in this letter and all conditions incorporated by reference as described above.

**General Conditions (33 CFR PART 320-330):**

1. The time limit for completing the work authorized ends on **March 14, 2026**.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity, or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit you must obtain the signature of the new owner on the transfer form attached to this letter and forward a copy to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow a representative from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Project Specific Special Conditions:**

The following project specific special conditions are included with this verification:

1. **Reporting Address:** The Permittee shall submit all reports, notifications, documentation and correspondence required by the general and special conditions of this permit to either (not both) of the following addresses:
  - a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).
  - b. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, Florida 32232-0019.

The Permittee shall reference this permit number, SAJ-2023-01112(NW-KMM), on all submittals.

2. **Commencement Notification:** Within 10 days from the date of initiating the work authorized by this permit the Permittee shall submit a completed "Commencement Notification" Form (Attachment 2).
3. **As-Built Certification with X-Y Coordinates:** Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall submit as-built drawings of the authorized work and complete the enclosed "As-Built Certification by Professional Engineer or Surveyor" form, (Attachment 3) to the Corps. The drawings shall be signed and sealed by a registered professional engineer or a professional land surveyor confirming the actual location of all authorized work/structures with respect to the Federal channel and/or within the Federal easement and include the following:
  - a. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings (8½-inch by 11-inch). The drawings shall include the X & Y State Plane coordination points of the most waterward point of the structure. The drawings shall include the dimensions of the structure, location of mean high water line (MHWL), depth of water (at mean low water) at the waterward end of the structure, and the distance from the waterward end of the structure to the near design edge of the Federal channel.
  - b. List of any deviations between the work authorized by this permit and the work as constructed. In the event the completed work deviates, in any manner, from the authorized work, describe on the As-Built Certification Form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any

deviations that have been listed. Please note the depiction and/or description of any deviations on the drawings and/or As-Built Certification Form does not constitute approval of any deviations by the Corps.

- c. The Department of the Army Permit number.
  - d. Within 60 days of completion of the work authorized by this permit, the Permittee shall provide a courtesy copy of the signed and sealed As-Built drawings to the Corps, Engineering Division. Submittals shall be sent either electronically by email at ENPermits.CESAJ@usace.army.mil or by standard mail at Post Office Box 4970, Jacksonville Florida 32232-0019.
4. **Assurance of Navigation and Maintenance:** The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
  5. **Manatee Conditions:** The Permittee shall comply with the “Standard Manatee Conditions for In-Water Work – 2011” (Attachment 4). The most recent version of the Manatee Conditions must be utilized.
  6. **Jacksonville District Programmatic Biological Opinion (JAXBO):** Structures and activities authorized under this permit will be constructed and operated in accordance with all applicable PDCs contained in the JAXBO, based on the permitted activity. Johnson’s seagrass and its critical habitat were delisted from the Endangered Species Act on May 16, 2022. Therefore, JAXBO PDCs required to minimize adverse effects to Johnson’s seagrass and its critical habitat are no longer applicable to any project. Failure to comply with applicable PDCs will constitute noncompliance with this permit. In addition, failure to comply with the applicable PDCs, where a take of listed species occurs, would constitute an unauthorized take. The NMFS is the appropriate authority to determine compliance with the Endangered Species Act. The most current version of JAXBO can be accessed at the Jacksonville District Regulatory Division website in the Endangered Species section of the Sourcebook located at: <http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>

JAXBO may be subject to revision at any time. The most recent version of the JAXBO must be utilized during the design and construction of the permitted work.

7. **Turbidity Barriers:** Prior to the initiation of any of the work authorized by this permit, the Permittee shall install floating turbidity barriers with weighted skirts that extend within 1 foot of the bottom around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained daily until the authorized work has been completed and turbidity within the construction area has returned to ambient levels. Turbidity barriers shall be removed upon stabilization of the work area.
  
8. **Cultural Resources/Historic Properties:**
  - a. No structure or work shall adversely affect impact or disturb properties listed in the National Register of Historic Places (NRHP) or those eligible for inclusion in the NRHP.
  
  - b. If, during permitted activities, items that may have historic or archaeological origin are observed the Permittee shall immediately cease all activities adjacent to the discovery that may result in the destruction of these resources and shall prevent his/her employees from further removing, or otherwise damaging, such resources. The applicant shall notify both the Florida Department of State, Division of Historical Resources, Compliance Review Section at (850)-245-6333 and the Corps, of the observations within the same business day (8 hours). Examples of submerged historical, archaeological or cultural resources include shipwrecks, shipwreck debris fields (such as steam engine parts, or wood planks and beams), anchors, ballast rock, concreted iron objects, concentrations of coal, prehistoric watercraft (such as log "dugouts"), and other evidence of human activity. The materials may be deeply buried in sediment, resting in shallow sediments or above them, or protruding into water. The Corps shall coordinate with the Florida State Historic Preservation Officer (SHPO) to assess the significance of the discovery and devise appropriate actions. Project activities shall not resume without verbal and/or written authorization from the Corps.
  
  - c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition and, if deemed necessary by the SHPO or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based on the circumstances of the discovery, equity to all parties, and



considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

- d. In the unlikely event that unmarked human remains are identified on non-federal lands; they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archaeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the SHPO and from the Corps.
9. **Consent to Easement:** A portion of the authorized work may be located within the Federal right-of-way and therefore, may require a Department of the Army Consent to Easement. The Permittee shall complete the "Application for Consent to Cross U.S. Government Easement" (Attachment 6) and submit to the Corps Real Estate Division SAJ-RE-Consent@usace.army.mil or Post Office Box 4970, Jacksonville, Florida 32232-0019 or by telephone at 904-570-4514. The application should include a boundary survey map along with the authorized construction plans and specifications for the project. Prior to commencement of construction, the Permittee shall provide a copy of the Corps approved Consent to Easement, or correspondence from the Real Estate Division indicating that a Consent to Easement is not required, to the address identified in the **Reporting Address Special Condition**.
10. **Federal Channel Setback:** The most waterward edge of the authorized project shall be constructed no closer than 84 feet from the near design edge of the federal channel as shown in the attached drawings.
11. **Notice of Permit:** The Permittee shall complete and record the "Notice of Department of the Army Authorization" form (attached) with the Clerk of the County Court, Registrar of Deeds or other appropriate official charged with the responsibility of maintaining records of title to or interest in real property within the county of the authorized activity. No later than 90 days from the effective date of this permit, the Permittee shall provide a copy of the recorded Notice of Permit

to the Corps clearly showing a stamp from the appropriate official indicating the book and page at which the Notice of Permit is recorded in the official records and the date of recording.

12. **Fill Material:** The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance in toxic amounts, in accordance with Section 307 of the Clean Water Act.

### **Jurisdictional Determination:**

A jurisdiction determination was not completed with this request. Therefore, this is not an appealable action. However, you may request an approved JD, which is an appealable action, by contacting the Corps for further instruction.

This letter of authorization does not include conditions that would prevent the 'take' of a state-listed fish or wildlife species. These species are protected under sec. 379.411, Florida Statutes, and listed under Rule 68A-27, Florida Administrative Code. With regard to fish and wildlife species designated as species of special concern or threatened by the State of Florida, you are responsible for coordinating directly with the Florida Fish and Wildlife Conservation Commission (FWC). You can visit the FWC license and permitting webpage (<http://www.myfwc.com/license/wildlife/>) for more information, including a list of those fish and wildlife species designated as species of special concern or threatened. The Florida Natural Areas Inventory (<http://www.fnai.org/>) also maintains updated lists, by county, of documented occurrences of those species.

This letter of authorization does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

This letter of authorization does not preclude the necessity to obtain any other Federal, State, or local permits, which may be required.

Thank you for your cooperation with our permit program. The Corps' Jacksonville District Regulatory Division is committed to improving service to our customers. We

strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to complete our automated Customer Service Survey at <https://regulatory.ops.usace.army.mil/customer-service-survey/>. Please be aware this Internet address is case sensitive and you will need to enter it exactly as it appears above. Your input is appreciated – favorable or otherwise.

Should you have any questions related to this NWP verification or have issues accessing the documents reference in this letter, please contact Kaitlyn Mallett at the letterhead address above, via telephone at 561-545-4885, or via e-mail at [Kaitlyn.M.Mallett@usace.army.mil](mailto:Kaitlyn.M.Mallett@usace.army.mil) .

Sincerely,

*Kaitlyn Mallett*

Kaitlyn Mallett  
Project Manager

Enclosures

Cc:

Marie Bessette, Ray Qualmann Marine Construction Inc [permits@qualmannmarine.com](mailto:permits@qualmannmarine.com)

**DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST**

**DA PERMIT NUMBER: SAJ-2023-01112(NW-KMM)**

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, Post Office Box 4970, Jacksonville, FL 32232-0019 or submit via electronic mail to: [SAJ-RD-Enforcement@usace.army.mil](mailto:SAJ-RD-Enforcement@usace.army.mil) (not to exceed 15 MB).

\_\_\_\_\_  
(TRANSFEREE-SIGNATURE)

\_\_\_\_\_  
(SUBDIVISION)

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(LOT)      \_\_\_\_\_  
(BLOCK)

\_\_\_\_\_  
(NAME-PRINTED)

\_\_\_\_\_  
(STREET ADDRESS)

\_\_\_\_\_  
(MAILING ADDRESS)

\_\_\_\_\_  
(CITY, STATE, ZIP CODE)

US Army Corps of Engineers

SAJ-2023-01112(NW-KMM)

Sheet 1 of 5

06/05/2023

[Coordinates](#)

DD (decimal degrees)\*

Latitude 26.4018047

Longitude -80.0659019

[Get Address](#)

Lat,Long 26.4018047,-80.0659019

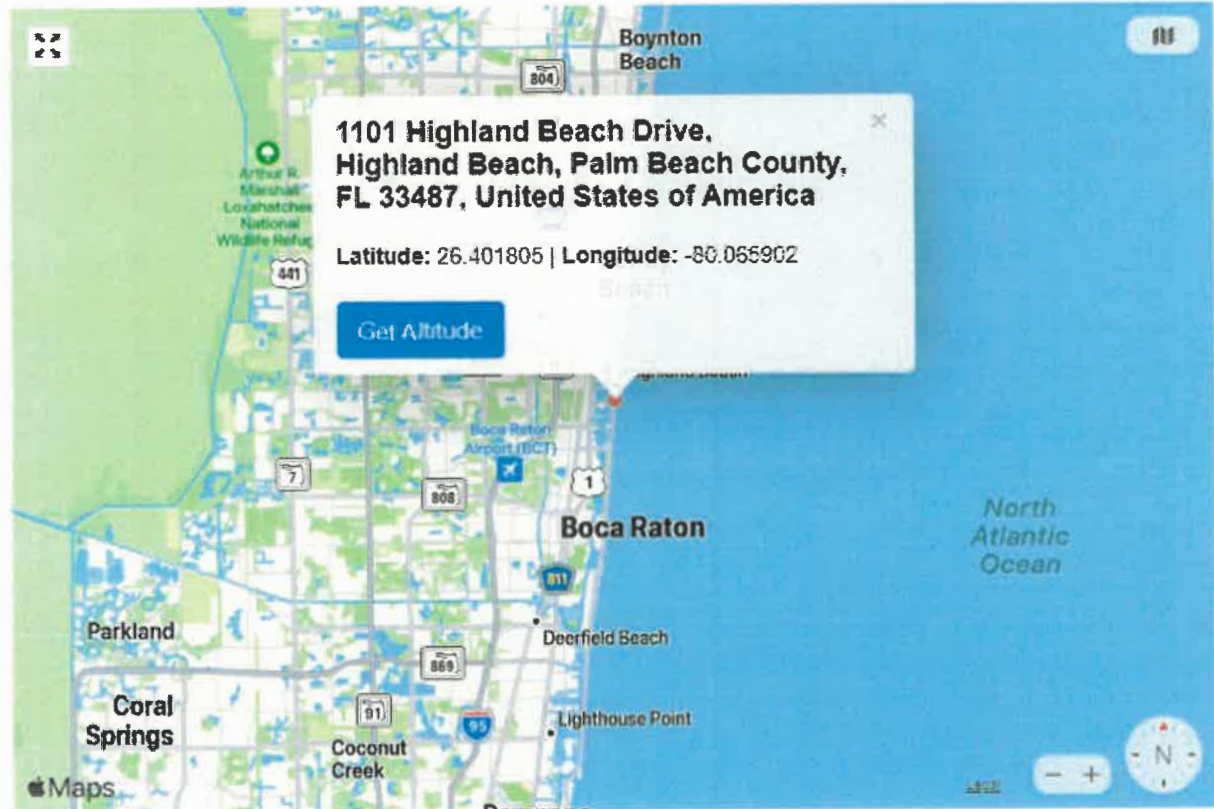
DMS (degrees, minutes, seconds)\*

Latitude  N  S 26 ° 24 ' 6.497 ''

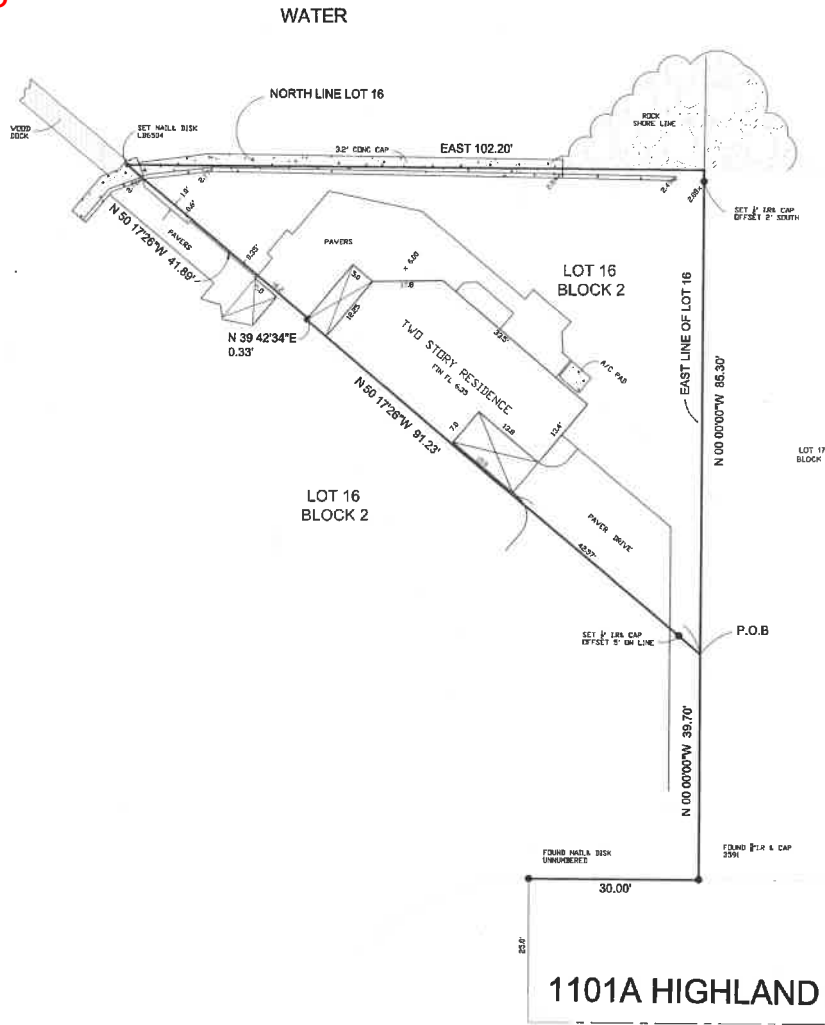
Longitude  E  W 80 ° 3 ' 57.246 ''

[Get Address](#)

\*World Geodetic System 84 (WGS 84)



Ear  
Ae  
Get F  
To A  
Stel  
Bro  
Si



PARCEL "A", A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 47 SOUTH, RANGE 41 EAST, HIGHLAND BEACH, FLORIDA, BEING A PORTION OF LOT 16, BLOCK 2, NE. 1810, AS RECORDED IN PLAT BOOK 26, PAGE 87 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE AFORESAID LOT 16, THENCE WITH AN ASSUMED BEARING OF NORTH ALONG THE EAST LINE OF 16, A DISTANCE OF 92.76 FEET TO THE POINT OF BEGINNING; THENCE WITH A BEARING OF NORTH 88 DEGREES 17 MINUTES, 26 SECONDS WEST, A DISTANCE OF 61.23 FEET TO A POINT; THENCE WITH A BEARING OF NORTH 88 DEGREES, 42 MINUTES, 34 SECONDS EAST, A DISTANCE OF 0.33 FEET TO A POINT; THENCE WITH A BEARING OF NORTH 89 DEGREES, 17 MINUTES, 26 SECONDS WEST, A DISTANCE OF 41.89 FEET TO A POINT LYING ON THE NORTH LINE OF LOT 16, THENCE EAST A DISTANCE OF 102.20 FEET TO THE NORTHEAST CORNER OF LOT 16; THENCE WITH A BEARING OF SOUTH ALONG THE EAST LINE OF LOT 16, A DISTANCE OF 85.36 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

1101A HIGHLAND BEACH DRIVE

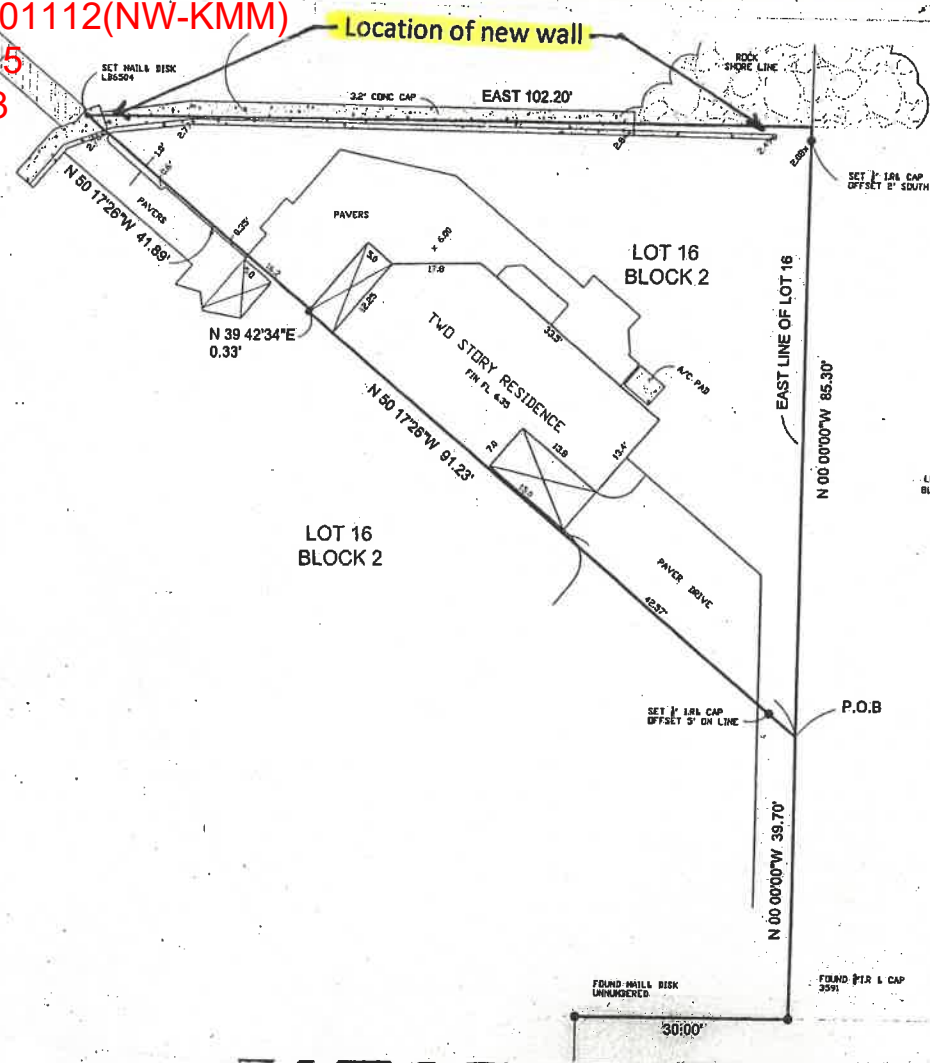
- NOTES**
- 1) BEARINGS SHOWN HEREIN ARE ASSUMED
  - 2) NO ATTEMPT OR FIELD SEARCH WAS MADE TO DISCOVER THE CONTENTS OF ANY INSTRUMENTS OR RECORDS OF RECORDS.
  - 3) ELEVATIONS SHOWN HEREIN ARE BASED ON NAVD 1988 ALL ELEVATIONS SHOWN HEREIN ARE RELATIVE HEIGHTS.
  - 4) NO 30-DAY NOTICE OF RECORDS, FENCES, FOUNDATIONS OR UTILITIES HAVE BEEN LOCATED OR SHOWN ON THIS SURVEY.

100 = official record book 101 = composite block structure 102 = point of curved curve 103 = permanent control point 104 = point of commencement 105 = point of beginning 106 = boundary segment 107 = corner/lot mark 108 = unrecorded land not shown 109 = accurate business	1100 = transformer pad 1101 = Florida power and light 1102 = company monument 1103 = point of reference 1104 = point of intersection 1105 = north line 1106 = road priority fence 1107 = double-line fence 1108 = elevation	1109 = slab book 1110 = typical 1111 = right-of-way 1112 = 30' strip 1113 = bearing table base 1114 = point 1115 = corner 1116 = utility easement 1117 = chain-line fence 1118 = permanent reference monument	1119 = slab 1120 = corner 1121 = 30' strip 1122 = bearing table base 1123 = point 1124 = corner 1125 = utility easement 1126 = chain-line fence 1127 = permanent reference monument	1128 = slab 1129 = corner 1130 = 30' strip 1131 = bearing table base 1132 = point 1133 = corner 1134 = utility easement 1135 = chain-line fence 1136 = permanent reference monument	1137 = slab 1138 = corner 1139 = 30' strip 1140 = bearing table base 1141 = point 1142 = corner 1143 = utility easement 1144 = chain-line fence 1145 = permanent reference monument
---	---	--	---	---	---



<p><b>Robert Burges</b> LAND SURVEYING</p> <p>801 S.E. 9th Ave., Suite 203 Deerfield Beach, FL 33443</p> <p>Phone: 561-433-4024 Fax: 561-433-1069</p> <p>AUTHORIZATION NUMBER: 180004</p> <p>I HEREBY CERTIFY THAT THE SYSTEM OF BOUNDARY SURVEY SHOWN HEREON MEETS THE STANDARDS OF PRACTICE SET FORTH IN CHAPTER 54-17-000-040, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 476.024, FLORIDA STATUTES.</p> <p>HARRY A. BURGESS PLS 0009</p>	CERTIFIED TO:	FIXED ZONE: 18PPC0909P NAD MEAS: AE ELEV 6 NAD DATED: 10-9-2017 DATE: 6-5-2023 JOB NO: 1-22-027 REVISED:	NOT VALID UNLESS SEALED WITH CROSS-SEAL SURVEYOR'S SEAL
	HARRY A. BURGESS PLS 0009		REVISED:

U.S. Army Corps of Engineers  
 SAJ-2023-01112(NW-KMM)  
 Sheet 3 of 5  
 06/05/2023



1101A HIGHLAND BEACH DRIVE

Scope of Work:

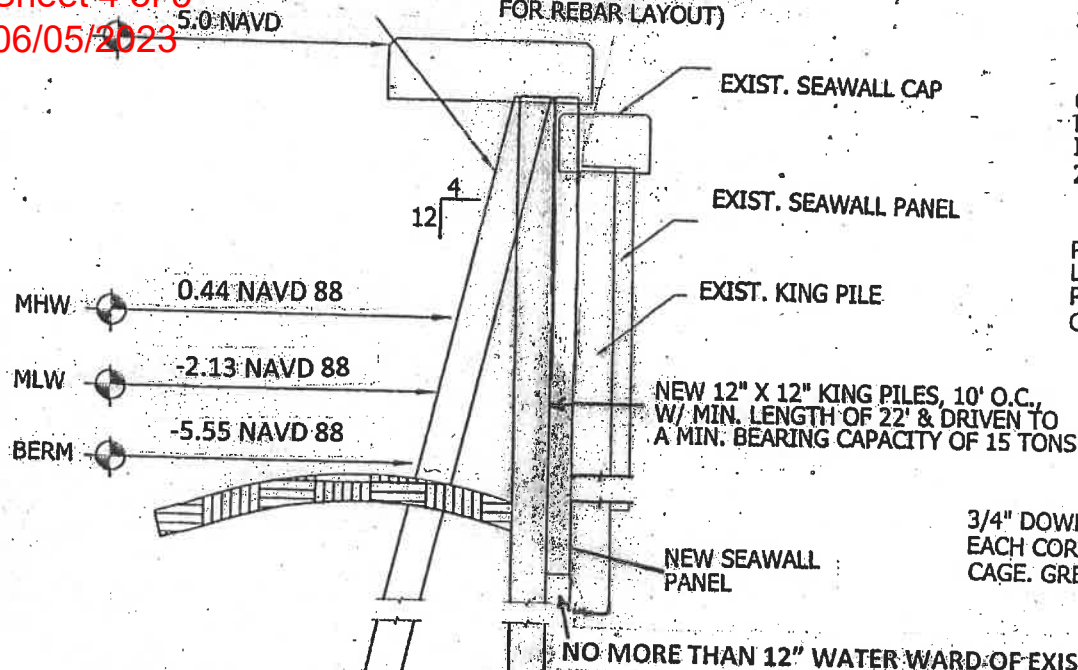
- Construct 100 lin.ft precast pile & panel wall  
 No more than 12" waterward from existing wall

Hochbaum, 1101 Highland Beach Dr, HB

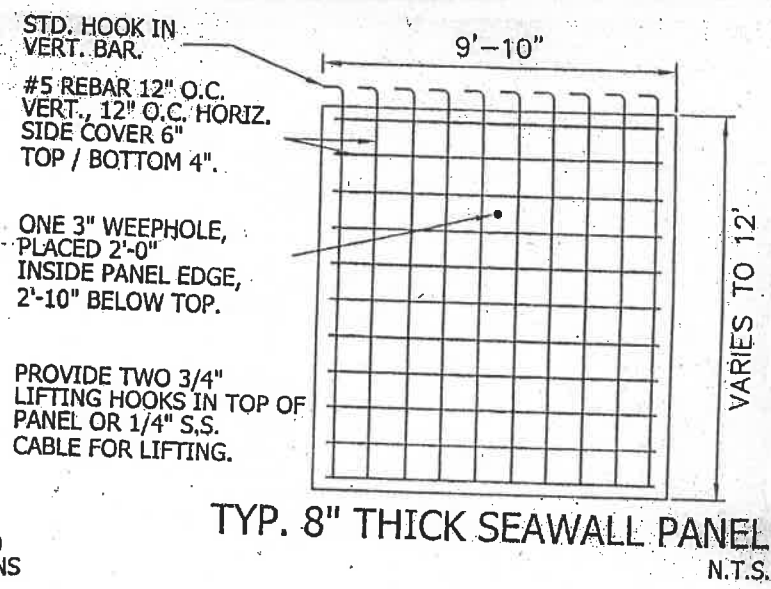
*Alan Garcia*  
 ALAN GARCIA, P.E.  
 4202 NW 54t Street  
 Coconut Creek, FL  
 LICENSE #42564



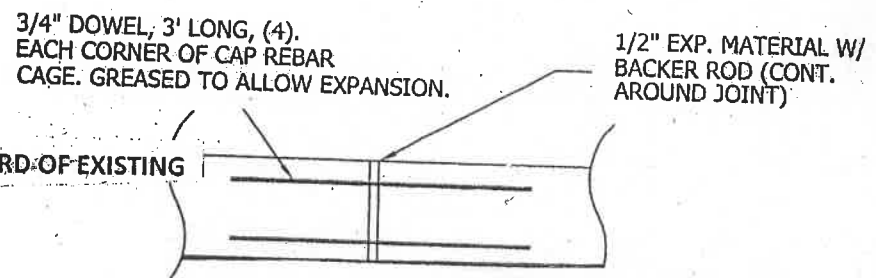
ESTABLISHED IN 1948



**CONCRETE SEAWALL SECTION**  
 N.T.S.



**TYP. 8" THICK SEAWALL PANEL**  
 N.T.S.



**EXP. JOINT DETAIL**  
 N.T.S.

**GENERAL NOTES:**

1. ALL CONCRETE TO BE 5000 psi. 28 DAY COMP. STRENGTH.
2. ALL STEEL REBAR TO BE GRADE 60
3. CONCRETE SHALL BE PROPERLY CURED.
4. CONTRACTOR TO OBTAIN UTILITY CLEARANCE PRIOR TO PILE DRIVING. CALL 1-800-432-4770.
5. ASSUMES GOOD BEARING SOIL. IF SILTS OR MUCK IS ENCOUNTERED, INCREASE PANEL DEPTH TO THE POINT OF REFUSAL AND CONTACT ENGINEER.

Hochbaum, 1101 Highland Beach Dr, HB

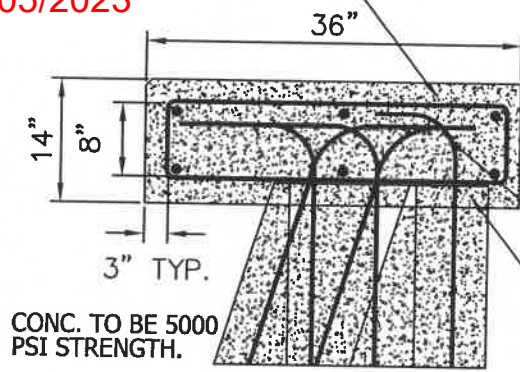
*Alan Garcia*  
 ALAN GARCIA, P.E.  
 4202 NW 54t Street  
 Coconut Creek, FL  
 LICENSE #42564



ESTABLISHED IN 1948



(3) - # 5 BARS TOP & BOTTOM,  
W/ # 3 HOOPS 12" O.C., 6" O.C. @ PILE.



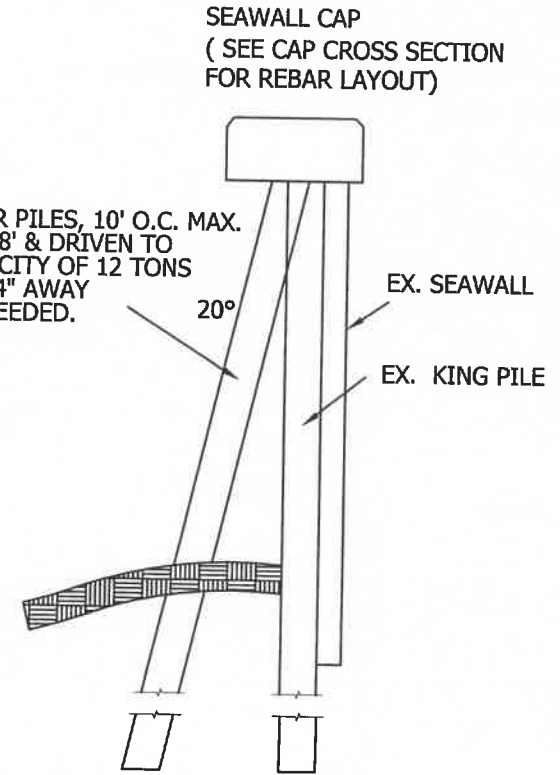
NOTE: ALL DIMENSIONS

EXTENDED BATTER PILE STRANDS  
18" INTO CAP.  
EXTENDED PANEL & PILES  
3" INTO CAP.

CONC. TO BE 5000  
PSI STRENGTH.

**SEAWALL CAP**  
N.T.S.

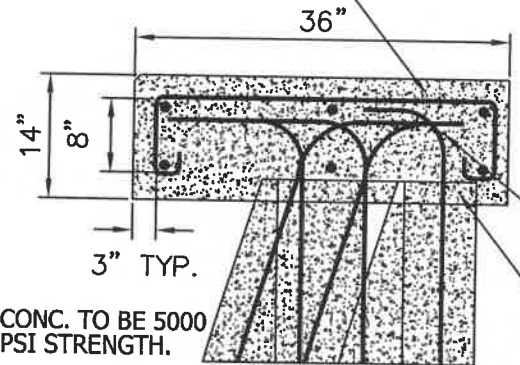
NEW 12" X 12" BATTER PILES, 10' O.C. MAX.  
W/ MIN. LENGTH OF 18' & DRIVEN TO  
A MIN. BEARING CAPACITY OF 12 TONS  
OFFSET BATTER PILE 4" AWAY  
FROM KING PILE, IF NEEDED.



**CONCRETE SEAWALL SECTION**  
N.T.S.

- GENERAL NOTES:
1. ALL CONCRETE TO BE 5000 psi. 28 DAY COMP. STRENGTH.
  2. ALL STEEL REBAR TO BE GRADE 60
  3. CONCRETE SHALL BE PROPERLY CURED.
  4. CONTRACTOR TO OBTAIN UTILITY CLEARANCE PRIOR TO PILE DRIVING. CALL 1-800-432-4770.
  5. PLACE BATTERS AT EACH KING / T-PILE LOCATION.
  6. CAP WIDTH MAY VARY FROM 42", ADJUST LONGITUDINAL STEEL REBAR ACCORDINGLY.
  7. TYPICAL CAP THICKNESS 14".
  8. PLACE EXPANSION JOINTS EVERY 100' IF CAP IS LONGER THAN 100'.

(3) - # 5 BARS TOP & BOTTOM,  
W/ # STIRRUPS 12" O.C., 6" O.C. @ PILE.



NOTE: ALL DIMENSIONS

EXTENDED BATTER PILE STRANDS  
18" INTO CAP.  
EXTENDED PANEL & PILES  
3" INTO CAP.

CONC. TO BE 5000  
PSI STRENGTH.

**ALTERNATE SEAWALL CAP**  
N.T.S.

Hochbaum, 1101 Highland Beach Dr Unit A Highland Beach

*Handwritten signature and date: 2/22/23*



ESTABLISHED IN 1948

**COMMENCEMENT NOTIFICATION**

*Within ten (10) days of initiating the authorized work, submit this form to via electronic mail to [saj-rd-enforcement@usace.army.mil](mailto:saj-rd-enforcement@usace.army.mil) (preferred, not to exceed 15 MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. **Department of the Army Permit Number:** SAJ-       -       (       -       )

2. **Permittee Information:**

Name: \_\_\_\_\_

Email: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

3. **Construction Start Date:** \_\_\_\_\_

4. **Contact to Schedule Inspection:**

Name: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Printed Name of Permittee

\_\_\_\_\_  
Date

**AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER**

Submit this form and one set of as-built engineering drawings to the U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019. For electronic mail [saj-rd-enforcement@usace.army.mil](mailto:saj-rd-enforcement@usace.army.mil) (not to exceed 15 MB).

1. Department of the Army Permit Number: SAJ-       -       (       -       )

2. Permittee Information:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

3. Project Site Identification (physical location/address):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. As-Built Certification: I hereby certify that the authorized work, including any mitigation required by Special Conditions to the permit, has been accomplished in accordance with the Department of the Army permit with any deviations noted below. This determination is based upon on-site observation, scheduled, and conducted by me or by a project representative under my direct supervision. I have enclosed one set of as-built engineering drawings.

\_\_\_\_\_  
Signature of Engineer

\_\_\_\_\_  
Name (*Please type*)

\_\_\_\_\_  
(FL, PR, or VI) Reg. Number

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
ZIP

(Affix Seal)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Telephone Number

Date Work Started: \_\_\_\_\_ Date Work Completed: \_\_\_\_\_

Identify any deviations from the approved permit drawings and/or special conditions (attach additional pages if necessary):

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## STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com)
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at [MyFWC.com/manatee](http://MyFWC.com/manatee). Questions concerning these signs can be sent to the email address listed above.

# CAUTION: MANATEE HABITAT

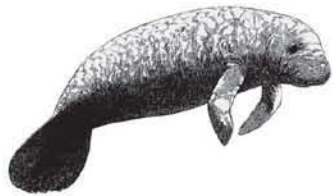
All project vessels

**IDLE SPEED / NO WAKE**

When a manatee is within 50 feet of work  
all in-water activities must

**SHUT DOWN**

Report any collision with or injury to a manatee:



**Wildlife Alert:**

**1-888-404-FWCC(3922)**

cell \*FWC or #FWC

Prepared by:

Permittee: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

### **NOTICE OF DEPARTMENT OF THE ARMY PERMIT**

**TAKE NOTICE** the United States Army Corps of Engineers (Corps) has issued a permit or verification \_\_\_\_\_ to \_\_\_\_\_ (Permittee) on \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, authorizing work in navigable waters of the United States in accordance with Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C 403) on a parcel of land known as Folio/Parcel ID: \_\_\_\_\_ located at \_\_\_\_\_.

Within 30 days of any transfer of interest or control of said property, the Permittee must notify the Corps in writing of the property transfer by submitting the completed permit transfer page included with the issued permit or verification. The subject permit or verification concerns only that portion of the property determined to fall within the jurisdiction of the Corps and this notice is applicable only to those portions of the subject property in, over, under, or affecting navigable waters of the United States.

**Conditions of the Permit/Verification:** The permit or verification is subject to General Conditions and Special Conditions which may affect the use of the work authorized in Intracoastal Waterway. Accordingly, interested parties should closely examine the entire permit or verification, all associated applications, and any subsequent modifications.

To obtain a copy of the authorization in its entirety submit a written request to:  
U.S. Army Corps of Engineers  
Regulatory Division - Special Projects & Enforcement Branch  
Post Office Box 4970  
Jacksonville, Florida 32232-0019

Questions regarding compliance with these conditions should be directed to:  
U.S. Army Corps of Engineers  
Enforcement Section  
Post Office Box 4970  
Jacksonville, Florida 32232-0019

#### **Conflict Between Notice and Permit**

This Notice of Authorization is not a complete summary of the issued permit or verification. Provisions in this Notice of Permit shall not be used in interpreting the permit or verification provisions. In the event of conflict between this Notice of Permit and the permit or verification, the permit or verification shall control.

**This Notice is Not an Encumbrance**

This Notice is for informational purposes only. It is not intended to be a lien, encumbrance, or cloud on the title of the premises.

**Release**

This Notice may not be released or removed from the public records without the prior written consent of the Corps.

This Notice of Authorization is executed on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. This document is being submitted for recordation in the Public Records of Palm Beach County, Florida as part of the requirement imposed by the authorization SAJ-2014-01517 issued by Corps.

Permittee:

\_\_\_\_\_

Address:

\_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, who is personally known to me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public (Seal)

\_\_\_\_\_  
Print

My Commission Expires \_\_\_\_\_



**APPLICATION FOR CONSENT TO CROSS U.S. GOVERNMENT EASEMENT**

APPLICATION IS MADE for a Department of the Army Consent to Easement to construct, maintain, control, operate and repair a (state type of structure) \_\_\_\_\_

\_\_\_\_\_ over, under, across, in, or upon the Easement vested in the United States of America as shown on the attached [include boundary survey map with legal description/construction plans and specifications of project], and situated in Section\_\_\_\_, Township\_\_\_\_ South, Range\_\_\_\_ East, County of\_\_\_\_\_, Florida.

Names and Mailing Addresses of Record Owners: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Physical Address (location of project work): \_\_\_\_\_

\_\_\_\_\_  
Email Address\_\_\_\_\_

Applicant understands that permanent structures affixed to the land or otherwise constructed or situated in a manner lasting or meant to last indefinitely and not expected to change in status, condition, or place are not permitted within the U.S. Easement. Unauthorized structures include, but are not limited to, residential and commercial buildings, swimming pools, patios, outbuildings, fences, gazebos, satellite dishes, oil and gas wells, boat ramps and seawall enclosures of docking areas or other structures as defined in CFR Title 36, Section 327.20. Noncompliance may subject the Applicant to possible removal and enforcement action.

The undersigned agrees that construction of the facility or structure involved in this application shall not begin until the Consent to Cross U.S. Government Easement, herein applied for, shall have been granted and appropriate rights shall have been acquired from the record owners and encumbrances of the underlying fee in the land involved.

\_\_\_\_\_  
Property Owner(s) Name (Print)

\_\_\_\_\_  
Property Owner(s) Name (Print)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Signature)

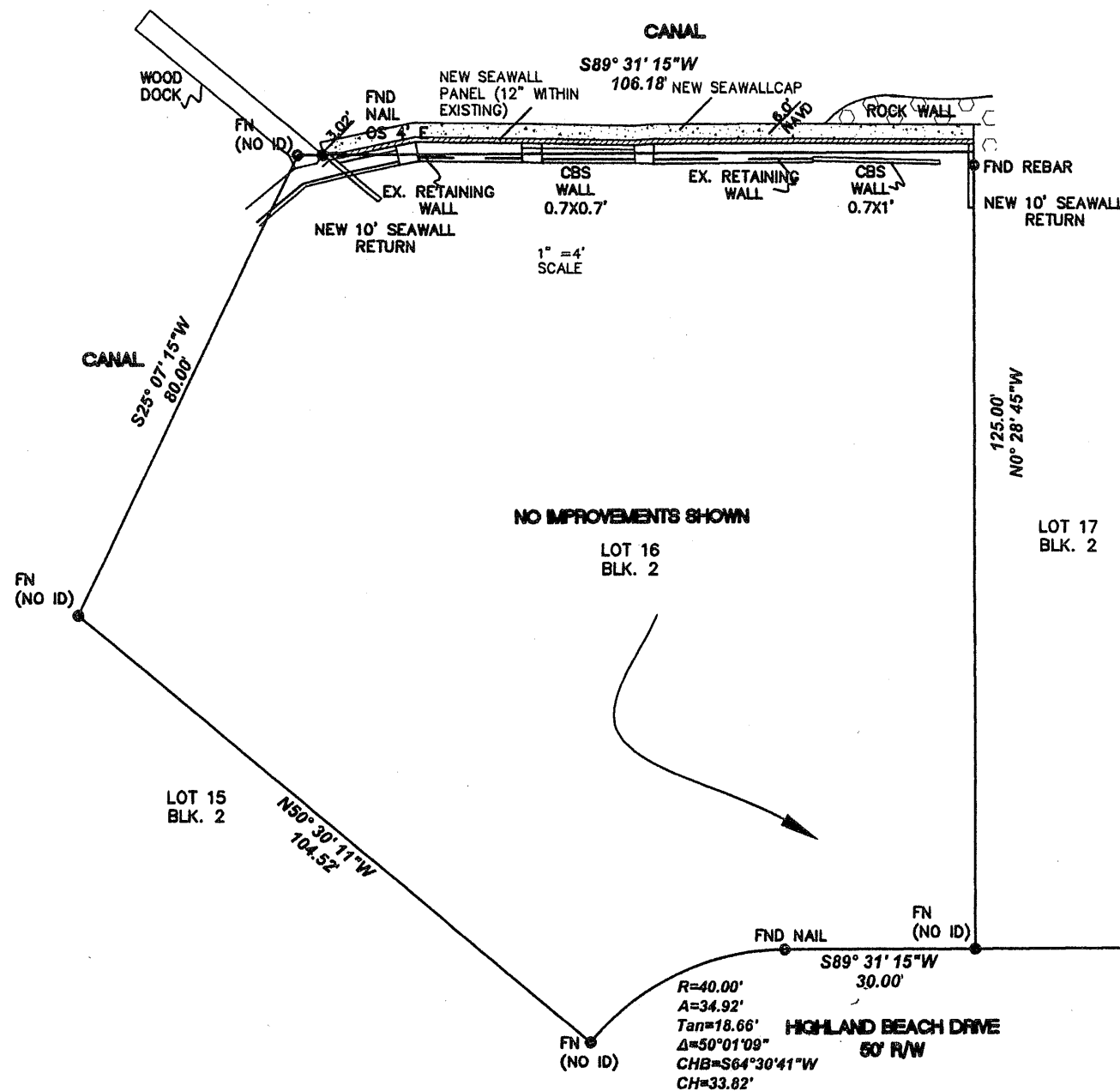
DATE: \_\_\_\_\_

**RETURN TO:** US Army Corps of Engineers, Jacksonville District  
ATTN: Real Estate Division  
P.O. Box 4970  
Jacksonville, FL 32232-0019

RECEIVED

NOV 28 2023

HIGHLAND BEACH  
BUILDING DEPARTMENT



Owner: Hochbaum  
 1101 Highland Beach Drive Unit A  
 Highland Beach FL  
 Contractor: Qualmann Marine

Engineer: Alan W. Garcia, P.E.  
 4202 NW 54th Street  
 Coconut Creek, FL 33073

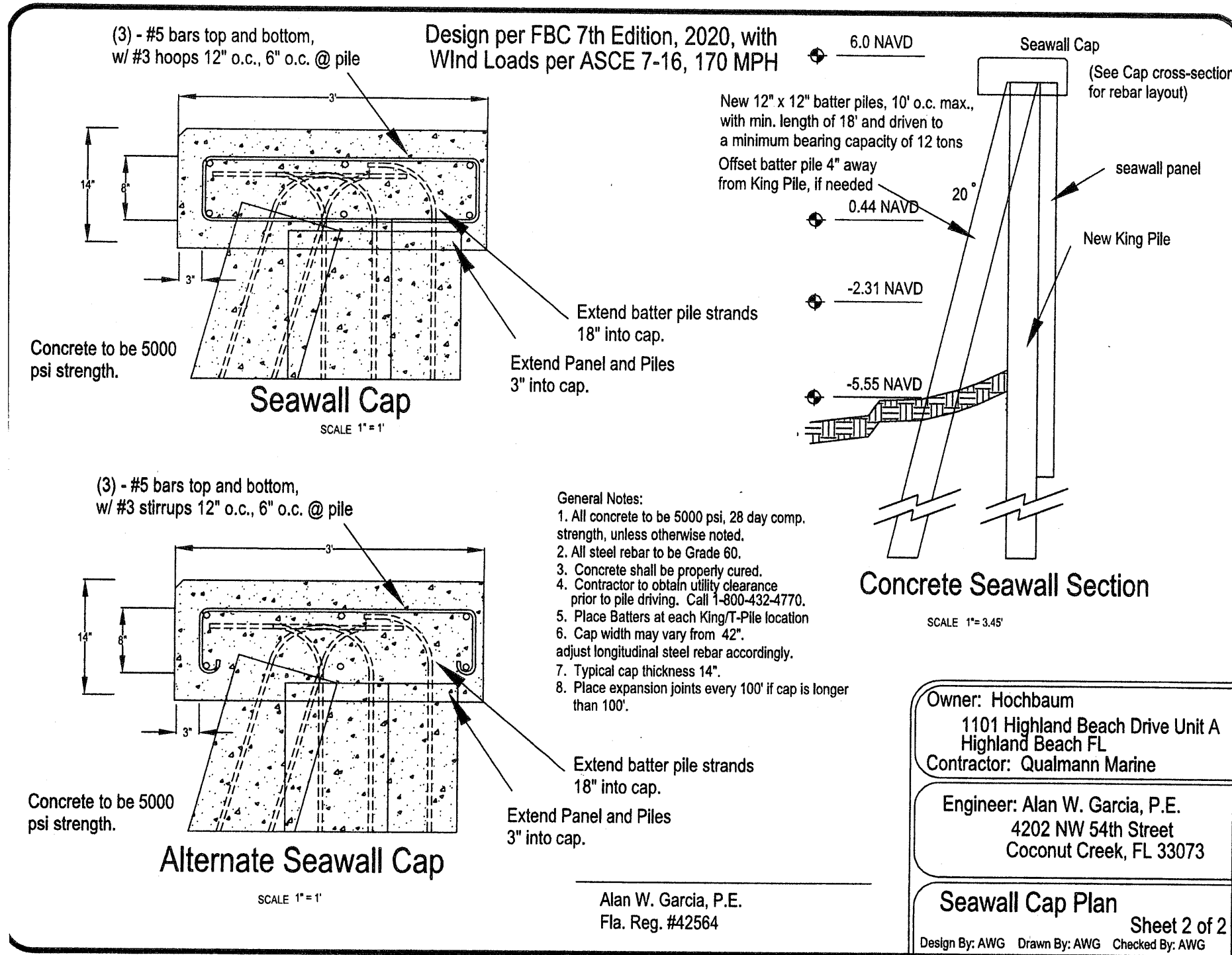
Seawall Cap Plan Survey  
 Sheet 1 of 1  
 Design By: AWG Drawn By: AWG Checked By: AWG

*Alan W. Garcia*  
 ALAN W. GARCIA, P.E.  
 FLA. REG. #42564

RECEIVED

NOV 28 2023

HIGHLAND BEACH  
BUILDING DEPARTMENT



**General Notes:**

1. All concrete to be 5000 psi, 28 day comp. strength, unless otherwise noted.
2. All steel rebar to be Grade 60.
3. Concrete shall be properly cured.
4. Contractor to obtain utility clearance prior to pile driving. Call 1-800-432-4770.
5. Place Batters at each King/T-Pile location
6. Cap width may vary from 42". adjust longitudinal steel rebar accordingly.
7. Typical cap thickness 14".
8. Place expansion joints every 100' if cap is longer than 100'.

**Design per FBC 7th Edition, 2020, with  
Wind Loads per ASCE 7-16, 170 MPH**

6.0 NAVD

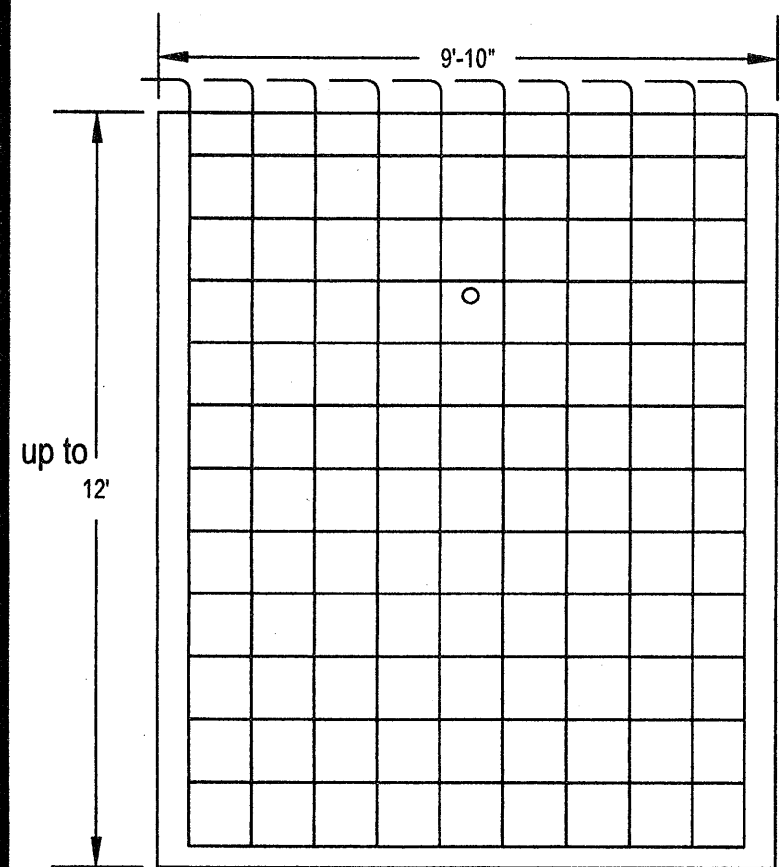
New Seawall Cap (See Cap cross-section for rebar layout)

New 12" x 12" batter piles, 10' o.c. max., with min. length of 18' and driven to a minimum bearing capacity of 12 tons  
Offset batter pile 4" away from King Pile, if needed

Ex. seawall and cap  
New wall to be within 12" of existing wall  
**RECEIVED**

NOV 28 2023

HIGHLAND BEACH  
BUILDING DEPARTMENT



**Typical 8" Thick Seawall Panel**

**SCALE**  
1" = 3.80'

Std. Hook in vertical bar.

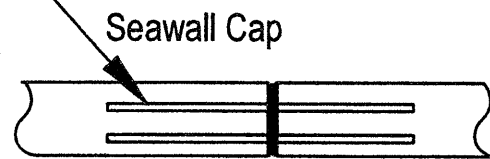
#5 Rebar 12" o.c vertical. 12" o.c. horizontal.  
Side cover 6", top/bottom 4".

One 3" weephole, placed middle inside panel edge, 2'-10" below top.

Provide two 3/4" lifting hooks in top of panel or 1/4" s.s. cable for lifting.

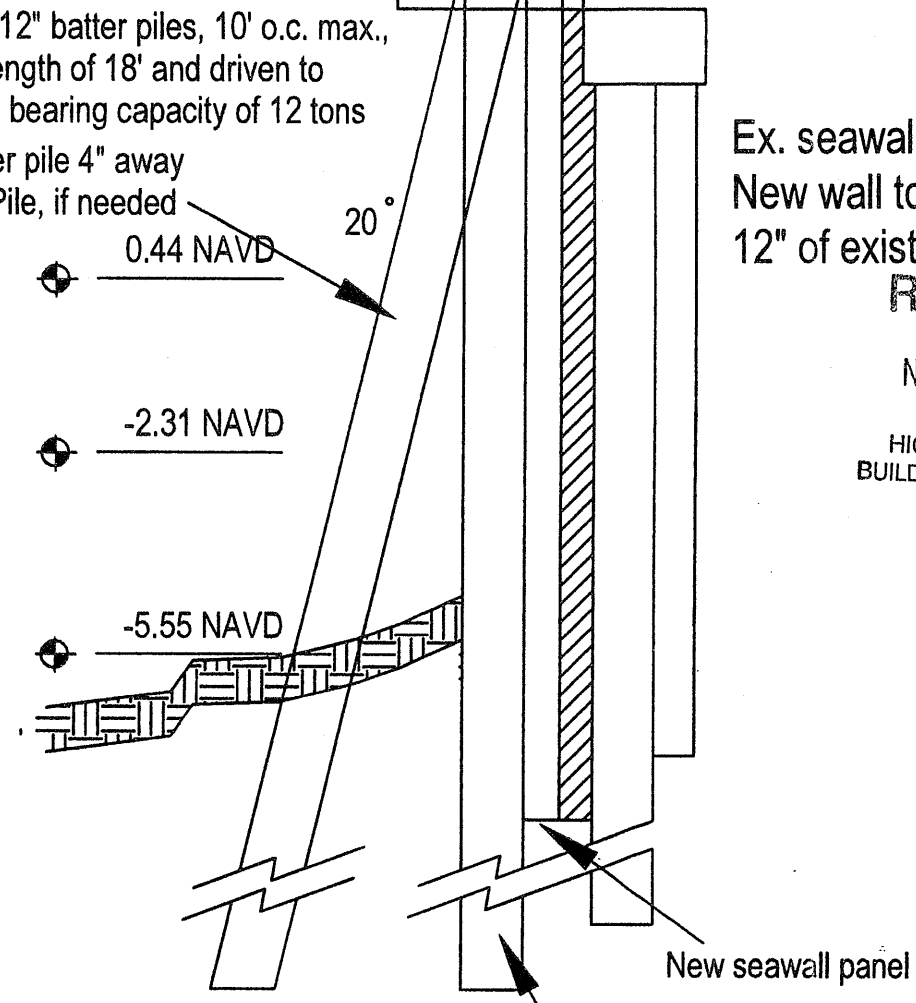
3/4" dowel, 3' long, (4). Each corner of cap rebar cage. Greased to allow expansion.

Note: Place exp. jt @ midway, approximately, every 90 l.f. +/-.



**Exp. Joint Detail**

**SCALE**  
1"=3.23'



**Concrete Seawall Section**

**SCALE**  
1" = 3.80'

New 12" x 12" king piles, 10' o.c. max., with min. length of 18' and driven to a minimum bearing capacity of 12 tons

Owner: Hochbaum  
1101 Highland Beach Drive Unit A  
Highland Beach FL  
Contractor: Qualmann Marine

Engineer: Alan W. Garcia, P.E.  
4202 NW 54th Street  
Coconut Creek, FL 33073

**Seawall Panel Plan**

Sheet 2

Page 60

Design By: AWG Drawn By: AWG Checked By: AWG

Alan W. Garcia, P.E.  
Fla. Reg. #42564  
*AWG* 11/28/23

General Notes:

- 1. All concrete to be 5000 psi, 28 day comp. strength, unless otherwise noted.
- 2. All steel rebar to be Grade 60.
- 3. Concrete shall be properly cured.
- 4. Contractor to obtain utility clearance prior to pile driving. Call 1-800-432-4770.

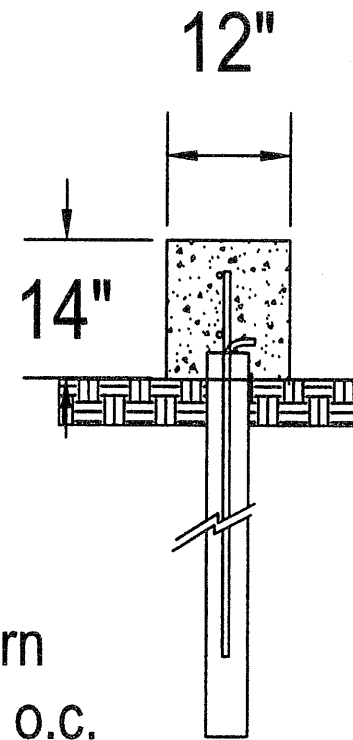
Design per FBC 7th Edition, 2020, with  
Wind Loads per ASCE 7-16, 170 MPH

RECEIVED

NOV 28 2023

HIGHLAND BEACH  
BUILDING DEPARTMENT

3" galv. sched 40 steel  
pin pile driven to refusal  
w/ #5 hook bar and grout  
filled . Min. 3" into cap return  
Max spacing of pin pile 10' o.c.



#5 vert. 12" o.c.  
and (2) #5 cont.

# Concrete Seawall Return

SCALE  
1" = 2'

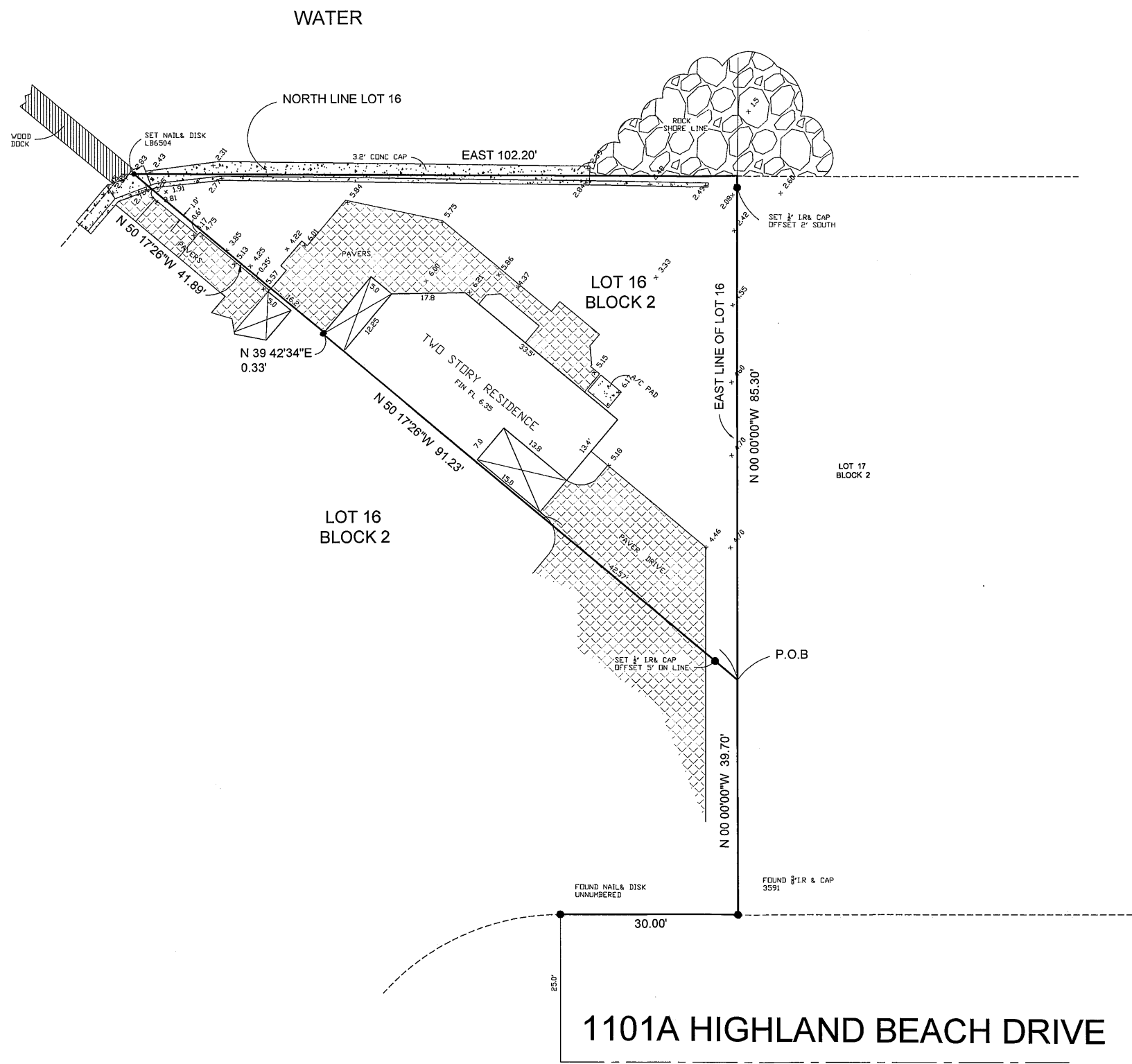
Owner: Hochbaum  
1101 Highland Beach Drive Unit A  
Highland Beach FL  
Contractor: Qualmann Marine

Engineer: Alan W. Garcia, P.E.  
4202 NW 54th Street  
Coconut Creek, FL 33073

## Seawall Return Detail

Design By: AWG Drawn By: AWG Checked By: AWG

*Alan W. Garcia*  
Alan W. Garcia, P.E.  
Fla. Reg. #42564



PARCEL "A", A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 47 SOUTH, RANGE 43 EAST, HIGHLAND BEACH, FLORIDA, BEING A PORTION OF LOT 16, BLOCK 2, BEL LIDO, AS RECORDED IN PLAT BOOK 25, PAGE 97 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

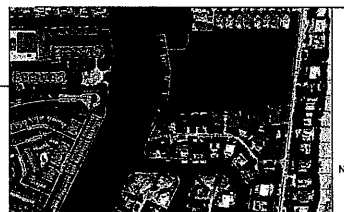
COMMENCING AT THE SOUTHEAST CORNER OF THE AFOREMENTIONED LOT 16, THENCE WITH AN ASSUMED BEARING OF NORTH ALONG THE EAST LINE OF 16, A DISTANCE OF 39.70 FEET TO THE POINT OF BEGINNING; THENCE WITH A BEARING OF NORTH 50 DEGREES, 17 MINUTES, 26 SECONDS WEST, A DISTANCE OF 91.23 FEET TO A POINT; THENCE WITH A BEARING OF NORTH 39 DEGREES, 42 MINUTES, 34 SECONDS EAST, A DISTANCE OF 0.33 FEET TO A POINT; THENCE WITH A BEARING OF NORTH 50 DEGREES, 17 MINUTES, 26 SECONDS WEST A DISTANCE OF 41.89 FEET TO A POINT LYING ON THE NORTH LINE OF LOT 16, THENCE EAST A DISTANCE OF 102.20 FEET TO THE NORTHEAST CORNER OF LOT 16; THENCE WITH A BEARING OF SOUTH ALONG THE EAST LINE OF LOT 16, A DISTANCE OF 85.30 FEET, MORE OR LESS TO THE POINT OF BEGINNING.



1101A HIGHLAND BEACH DRIVE

- NOTES:**
- 1) BEARINGS SHOWN HEREON ARE ASSUMED
  - 2) NO ABSTRACT OR TITLE SEARCH WAS PERFORMED TO DISCOVER THE EXISTENCE OF ANY EASEMENTS OR RESTRICTIONS OF RECORD.
  - 3) ELEVATIONS SHOWN HEREON ARE BASED ON NAVD 1988 ALL ELEVATION SHOWN HEREON ARE RELATIVE THERETO
  - 4) NO BELOW GROUND IMPROVEMENTS, FOOTERS, FOUNDATIONS OR UTILITIES HAVE BEEN LOCATED OR SHOWN ON THIS SURVEY.

D.R.B. = official record book C.B.S. = concrete block structure P.C.C. = point of compound curve P.C.P. = permanent control point P.I.C. = point of intersection P.B. = point of beginning D/E = drainage easement C.M.P. = corrugated metal pipe R.L.S. = registered land surveyor L.B. = licensed business	TRAN. = transformer pad F.P.&L. = Florida power and light C.N. = concrete monument P.R.C. = point of reverse P.I. = point of intersection P.T. = point of tangency V.P.F. = wood privacy fence CHATT = chattahoochee ELEV = elevation	P.B. = plat book TYP. = typical R/O/W = right-of-way Δ = central angle B.B.L. = bearing basis line RSPH = asphalt HJ = manhole U/E = utility easement ALUM = aluminum C.L.F. = chain link fence P.C. = point of curvature P.M. = permanent reference monument	P = plat E = power pole H = MEASURED I.P. = IRON PIPE R.P. = radius point L = ABS LENGTH C. = centerline ESMT. = easement CALC. = calculated	P.G. = page I.R. = iron rod R = radius D = deed D/S = offset C.M.C. = concrete ELEV. = elevation CALC. = calculated
---	---	--	--	--



	801 S.E. 6th Ave., Suite 203 Delray Beach, FL 33483	Phone: 61-243-4624 Fax: 243-4869	CERTIFIED TO:
	AUTHORIZATION NUMBER LB6504	FLOOD ZONE: 12099C0989F	MAP NO: AE ELEV 6 MAP DATE: 10-5-2017 DATE: 2-2-2023 JOB NO. 1-23-057 REVISED:
I HEREBY CERTIFY THAT THE SKETCH OF SURVEY SHOWN HEREON MEETS THE STANDARDS OF PRACTICE FORTH IN CHAPTER 53-17-050-052, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, F.L.C.			NDT VALID UNLESS SEALED WITH EMBOSSED SURVEYOR'S SEAL
HARRY A BURGESS PLS 5089 Date: 2023.07.12 08:12:59			harry a burgess

**Town of Highland Beach  
Town Commission Development Order (PB)  
Application No. 23-0007**



**Applicant: Seth Hochbaum/Laura Coburn/Mitchell Scavone  
Property Address: 1101 Highland Beach Drive Unit A  
Highland Beach, Florida 33487**

**CERTIFICATE OF MAILING AFFIDAVIT**

I hereby certify that the Town Clerk's Office mailed a copy of the Notice of Public Hearing (Exhibit A) for Application No. 23-0007 for the property located at 1101 Highland Beach Drive Unit A., Highland Beach, Florida 33487, by U.S. first-class and international mail to:

All property owners and properties owned by a condominium association president and the association's registered agent within 500 feet of the property located at 1101 Highland Beach Drive Unit A, Highland Beach, Florida 33487.

The mailings consisted of 81 notices that were sent first class mail and 02 notices that were sent by International Mail.

This 29<sup>th</sup> day of November 2023.

Highland Beach Town Clerk's Office

Lanelda Gaskins, MMC  
Town Clerk



## PUBLIC NOTICE APPLICATION NO. 23-0007

November 28, 2023

Dear Property Owner:

This is to notify you that the **PLANNING BOARD** of the Town of Highland Beach will conduct a public hearing on **Thursday, December 14, 2023 at 9:30 AM** in the Community Room of the Town Library located at 3618 South Ocean Boulevard, Highland Beach, Florida to consider the following application.

**APPLICATION BY MITCHELL SCAVONE, RAY QUALMANN MARINE CONSTRUCTION, INC., FOR A SPECIAL EXCEPTION REQUEST TO INSTALL A 100 LINEAR FOOT SEAWALL/SEAWALL CAP, AND TWO 10-FOOT RETURNS FOR THE PROPERTY LOCATED AT 1101 HIGHLAND BEACH DRIVE UNIT A.**

The application is available for inspection in the Town Clerk's Office at Town Hall, Monday through Friday during normal business hours of 8:30 a.m. to 4:30 p.m.

Any person that decides to appeal any decision made by the Planning Board with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceeding is made, which includes the testimony and evidence upon which the appeal is based. The Town of Highland Beach does not provide such a record.

In accordance with the Americans with Disabilities Act, persons who need special accommodation to attend or participate in this meeting should contact the Town Clerk's Office at (561) 278-4548 at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service at 1-800-955-8770 or 1-800-955-8771.

For additional information, please contact the Town Planner at (561) 278-4540.

TOWN OF HIGHLAND BEACH, BUILDING DEPARTMENT



**Sold To:**

Town of Highland Beach - CU00398185  
3614 So. Ocean Blvd.  
Highland Beach,FL 33487

**Bill To:**

Town of Highland Beach - CU00398185  
3614 So. Ocean Blvd.  
Highland Beach,FL 33487

**Published Daily**

**Fort Lauderdale, Broward County, Florida**  
**Boca Raton, Palm Beach County, Florida**  
**Miami, Miami-Dade County, Florida**

**State Of Florida**  
**County Of Orange**

Before the undersigned authority personally appeared  
Rose Williams, who on oath says that he or she is a duly authorized representative of the SUN- SENTINEL,  
a DAILY newspaper published in BROWARD/PALM BEACH/MIAMI-DADE County, Florida; that the  
attached copy of advertisement, being a Legal Notice in:

The matter of 11720-Notice of Public Meeting .  
Was published in said newspaper by print in the issues of, or by publication on the  
newspaper’s website, if authorized on Dec 04, 2023

Affiant further says that the newspaper complies with all legal requirements for  
publication in Chapter 50, Florida Statutes.

Signature of Affiant

Sworn to and subscribed before me this: December 04, 2023.

Signature of Notary Public



Name of Notary, Typed, Printed, or Stamped  
Personally Known (X) or Produced Identification ( )

**Affidavit Delivery Method:** E-Mail  
**Affidavit Email Address:** jdehart@highlandbeach.us  
7538579

**TOWN OF HIGHLAND BEACH  
NOTICE OF PUBLIC HEARING**

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For additional information, please contact the Town Planner at (561) 278-4540.

TOWN OF HIGHLAND BEACH, BUILDING  
DEPARTMENT  
12/04/2023 7538579

Order # - 7538579

# PUBLIC COMMENT

**From:** [Jilly Cammisa](#)  
**To:** [Ingrid Allen](#)  
**Cc:** [Jilly Cammisa](#); [Jerry Cammisa \(gcammisa@aol.com\)](mailto:Jerry_Cammisa_gcammisa@aol.com)  
**Subject:** My view on Application for Seawall 1101 Highland Bch Dr., A  
**Date:** Tuesday, December 12, 2023 10:28:57 PM  
**Attachments:** [PublicHearing121423.docx](#)

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Good evening Ingrid,

Thank you for calling me today and I appreciate the help you gave me about the plans for A unit's seawall project. If for any reason I don't make it to the meeting, I rely on you reading out the attached.

As Ron Brown, our Bel Lido Homeowners Association President, always says we appreciate our "little piece of paradise" here in the Bel Lido neighborhood! Highland Beach Drive is beautiful, especially where we are right at the point of the Cul de Sac.

Kindest regards,

Jilly Cammisa  
Estate Agent  
PREMIER ESTATE PROPERTIES INC.  
561.665.8181 Direct  
561.271.7010 Mobile  
561.278.7188 Facsimile  
[premierestateproperties.com](http://premierestateproperties.com)  
[jilly@premierestateproperties.com](mailto:jilly@premierestateproperties.com)  
900 East Atlantic Avenue, Boutique 4, Delray Beach, Florida 33483



JILLY CAMMISA

Estate Agent

MOBILE 561.271.7010 | DIRECT 561.665.8181 | FACSIMILE 561.278.7188

[jilly@premierestateproperties.com](mailto:jilly@premierestateproperties.com) | [jillycammisa.info](mailto:jillycammisa.info)

[Seller's E-Box Presentation](#) | [Buyer's E-Box Presentation](#)

900 East Atlantic Avenue, Suite 4, Delray Beach, Florida, 33483

**Presenting Properties Exclusively In Excess of One Million Dollars™**

OUR UNRIVALED GLOBAL NETWORK



**Notice of Confidentiality:** This e-mail communication and the attachment(s) hereto, if any, are intended solely for the information and use of the addressee(s) identified above and may contain information, which is legally privileged from disclosure and/or otherwise confidential. If a recipient of this e-mail communication is not an addressee (or an authorized representative of an addressee), such recipient is hereby advised that any review, disclosure, reproduction, re-transmission or other dissemination or use of this e-mail communication (or any information contained herein) is strictly prohibited. If you are not an addressee and have received this e-mail communication in error, please advise the sender either by reply e-mail or by telephone at (561) 394.7700, immediately delete this e-mail communication from any computer and destroy all physical copies of same. Thank you. Replies Filtered: Any incoming reply to this e-mail communication or other e-mail communication will be electronically filtered for "spam" and/or "viruses". That filtering process may result in such reply or other e-mail communications being quarantined (i.e., potentially not received at our site at all) and/or delayed in reaching us. For that reason, there is no guarantee that we will receive your reply or other e-mail communications to us and/or that we will receive the same in a timely manner. Accordingly, you should consider sending communications to us, which are particularly important or time-sensitive by means other than e-mail. Thank you.

## A Unit Permit for Seawall 6ft above elevation NAD

As the immediate neighbour in our 4 Townhouse Highland Pointe Community, we are distressed to learn about a building project that will have a disruptive effect on our small community.

I have asked 'what is the increase in height for the proposed seawall compared to the existing seawall built in 1980?' I've had no response from the engineer and as a layman cannot see that measurement on the plans. Surely, it is not unreasonable to ask, as the direct neighbour who will be impacted by this increased height of seawall, what will be the difference in feet & inches? Also I would like the proposed "two 10-foot returns" explained to me?

I've spoken to Ingrid, our Town Planner and she assured me the plans are only for the new seawall and not for the back terrace project that will severely compromise our water view. I was told by the architect there would be a wall between our unit B's patio and the new project for A unit. I understand we are in a "multifamily" situation but for us to lose the huge selling point of a water's edge view from our adjacent back patio is extremely distressing. Please take these words on board for future planning and permitting.

As a Real Estate agent for Premier Estate Properties in this area with over 20 years experience, I want to stress that values are increased hugely by exceptional or special wide water views. We have been the owners of our residence for now almost eight years. It is a unique situation where by we have an Intracoastal lagoon that does not get severely effected by Intracoastal boat traffic due to the marina of Ocean Cove which acts as a buffer. Sadly, I sense no maintenance was done to the A unit seawall and I've been told via the grapevine the owners believe their property is sinking. Well if there has been no order to "fill" behind the seawall on a regular basis, there will be subsidence. If only waterfront residents carried out annual maintenance to fill behind their seawall, this sense of "sinkage" could be minimized.

As long as the proposed seawall construction is to code at 6 feet above base flood elevation and all workers are licensed and insured, we cannot object. However, if the follow up project severely impacts our water view, we shall object and make that statement now. Our current privacy on Unit B patio is key and any changes to trees/vegetation on our property line must be reinstated at the expense of the A unit owners. Ingrid told me that for planning permission for unit A's next project there may not be a public hearing so that's why I have come out this morning to stress the importance to not compromise our B unit's wide water Intracoastal view. Thank You.

**From:** Seth Hochbaum <sethhochbaum@gmail.com>  
**Sent:** Wednesday, January 10, 2024 7:35 PM  
**To:** Lanelda Gaskins <lgaskins@highlandbeach.us>  
**Cc:** Ingrid Allen <iallen@highlandbeach.us>; Laura Coburn <lauracoburn3721@gmail.com>  
**Subject:** Re: Planning Board Hearing - January 11, 2024

Good evening all,

Since I cannot attend tomorrow's continued Planning Board meeting due to out of state work obligations, I offer the following comments to be read into the public record:

Since we last met in December, our counsel has been in touch with counsel for the principals of the defunct entity which owns the 12' wide submerged parcel to the immediate north of our seawall. While discussions are ongoing, an agreement has not been reached to date. Given the uncertainty of when such an agreement may be reached, I reiterate our request that the Board vote to approve the pending application subject to an appropriately worded condition which requires production of an agreement with the defunct entity or other satisfactory evidence of ownership of the submerged parcel in question. Given the increasingly dire and emergent need for us to replace our seawall for the protection and preservation of our property, further continuances of this meeting will not serve our interests. For these reasons, we would appreciate your favorable consideration of our request and application.

Additionally, insofar as there was discussion at the last meeting concerning the return walls identified on our plans, I have confirmed with our landscape architect that these walls shall be two feet tall. Consequently, it is grossly inaccurate to conclude that these return walls will in any way obstruct or impair the view of our neighbors to the immediate south. The only way such a view could conceivably be obstructed would be if one were to lay on his/her stomach while laying on the neighbor's patio. This is not a cognizable basis on which to deny our pending application.

We appreciate your time and consideration of our application.

On Wed, Jan 10, 2024 at 9:35 AM Lanelda Gaskins <[lgaskins@highlandbeach.us](mailto:lgaskins@highlandbeach.us)> wrote: