



Florida Department of Environmental Protection

NOTICE TO PROCEED

Permit Number: ST-959 M4

Permittee:

Permit Expires: July 13, 1996

Yale Properties-Lido Key Partnership
c/o David M. Levin, Esquire
Postal Drawer 4195
Sarasota, Florida 34230

You are hereby granted final authorization to proceed with the construction or activities authorized by the permit number referenced above. Authorized work must conform with the detailed project description, approved plans, and all conditions including preconstruction requirements included in the final order. A brief description of the authorized work follows.

Project Description: 106-Unit, ten-story condominium, outside parking lots, access ramp, above grade swimming pool, sand retention structures, carport, two vinyl canvas fabric roof pavilions next to swimming pool, excavation, placement of fill material, demolition of the existing hotel complex, temporary asphalt parking, and minor structures.

Project Location: Between approximately 92 feet to 309 feet south of the Department of Natural Resources' reference monument R-42, in Sarasota County. Project address: Between 1700 and 1900 Benjamin Franklin Drive, Sarasota.

Special Instructions: A preconstruction conference is required.

Questions regarding the permit or this notice should be directed to the undersigned at:

Dec. 5/95
Date of Notice S. Muthuswamy, Ph.D., Engineer

Bureau of Beaches and Coastal Systems
3900 Commonwealth Blvd. - M.S. 310
Tallahassee, Florida 32399-3000
Telephone (904) 488-3180

SM/sb

cc: Permit File
Permit Information Center
Steve West, Field Engineer
Yale Properties-Lido Key Partnership, Property Owner
City of Sarasota Building Official



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Environmental Resource Permitting
Bureau of Beaches and Coastal Systems
3900 Commonwealth Blvd. - Mall Station 300
Tallahassee, Florida 32399-3000
(904) 488-3180

STATE OF FLORIDA

PERMIT NUMBER: ST-959 M4

PERMITTEE

Yale Properties-Lido Key Partnership
c/o David M. Levin, Esquire
Postal Drawer 4195
Sarasota, Florida 34230

FOURTH MODIFICATION OF A PERMIT FOR CONSTRUCTION OR OTHER ACTIVITIES PURSUANT TO SECTION 161.053, FLORIDA STATUTES

FINAL ORDER

FINDINGS OF FACT: An application for authorization to conduct altered or additional work seaward of the coastal construction control line as shown in the project description of this fourth modified permit was filed by the applicant/permittee on September 21, 1995, and was determined to be complete pursuant to rule on November 30, 1995. Authorization to conduct activities as originally permitted was approved on July 13, 1993. The original permit was subsequently modified on February 8, 1994, July 1, 1994, and September 1, 1995. The proposed project is to be located landward of the 30-year erosion projection and the existing line of construction established by major structures in the immediate area.

CONCLUSIONS OF LAW: After considering the merits of the proposal and any written objections from affected persons, the Department finds that upon compliance with the permit conditions, the activities indicated in the project description of this fourth modified permit are of such a nature that they will result in no significant adverse impacts to the beach/dune areas or to adjacent properties; that the work is not expected to adversely impact nesting sea turtles, their hatchlings, or their habitat; that the work is expendable in nature and/or is appropriately designed in accordance with Rule 62B-33.007, Florida Administrative Code; and that it is an activity or type of construction which the designee of the Chief of the Bureau of Beaches Coastal Systems has authority to approve or deny pursuant to Administrative Directive DEP 140, effective July 1, 1993. The direct and cumulative impacts to the beach and dune system that will be caused by both the seaward location and shore-parallel width of the proposed construction represent the maximum such impacts that are acceptable to the Department. Therefore, future construction on the site seaward of the coastal construction control line shall not extend further seaward of, or increase the shore-parallel coverage occupied by, the proposed structures approved pursuant to this permit. Based on the foregoing considerations, the designee approves the application; authorizes construction and/or activities at the location indicated below in strict accordance with the project description, the approved plans (if any) and the Standard Permit Conditions which are attached and are by this reference incorporated herein, and any additional conditions shown below, pursuant to Paragraph 62B-33.015(3)(u), Florida Administrative Code.

EXPIRATION DATE: July 13, 1996

LOCATION: Between approximately 92 feet north and 309 feet south of the Department of Natural Resources' reference monument R-42. Project address: Between 1700 and 1900 Benjamin Franklin Drive, Sarasota.

PROJECT DESCRIPTION:

106-Unit, Ten Story Condominium

1. Location relative to control line: A maximum of 310 feet seaward.

PERMITTEE: Yale Properties-Lido Key Partnership

PERMIT NUMBER: ST-959 M4

Page 2

2. Exterior dimensions: 163.3 feet in the shore-normal direction by 232 feet in the shore-parallel direction.
3. Type of foundation: Prestressed concrete piles.
4. Structural elevation: +13.6 feet (NGVD), or higher.
5. One level understructure garage: 107 spaces.
6. Elevation of the lower level of the understructure garage: +7 feet (NGVD).

Outside Parking Lots

1. Location relative to control line: 105 feet landward to 330 feet seaward.
2. Exterior dimensions: Two parking lots (a) 60 feet to 300 feet shore-normal by 40 feet to 160 feet shore-parallel and (b) 60 feet to 365 feet shore-normal by 60 feet to 140 feet shore-parallel.
3. Type of construction: 2.4-inch thick concrete paver-blocks over a 6-inch thick shell base.
4. Elevation: +7.05 feet to +6.46 feet (NGVD).
5. Number of spaces: 106.

Access Ramp

1. Location relative to control line: 120 feet landward to 120 feet seaward.
2. Exterior dimensions: 25 feet to 150 feet in the shore-normal direction by 10 feet to 120 feet in the shore-parallel direction.
3. Type of foundation: Reinforced concrete.

Above Grade Swimming Pool

1. Location relative to control line: A maximum of 351 feet seaward with decking extending up to 370 feet seaward.
2. Exterior dimensions: 20 feet to 32 feet in the shore-normal direction by 120 feet in the shore-parallel direction.
3. Type of foundation: Concrete shell.
4. Deck elevation of swimming pool: +15.8 feet (NGVD).
5. Bottom elevation of swimming pool: +8.0 feet (NGVD).
6. Maximum depth of swimming pool: 5.0 feet.

PERMITTEE: Yale Properties-Lido Key Partnership
PERMIT NUMBER: ST-959 M4
Page 3

Sand Retention Structures

1. A 12-inch thick reinforced understructure sand retaining wall located a maximum of 332 feet seaward of the control line.
2. A sand retaining wall located a maximum of 376 feet seaward of the control line.

Carport

1. Location relative to control line: A maximum distance of 146 feet seaward.
2. Exterior dimensions: 115 feet in the shore-normal direction by 18 feet in the shore-parallel direction.
3. Type of foundation: 3.75-foot square by 16-inch deep reinforced concrete pad footing.

Two Vinyl Canvas Fabric Roof Pavilions Next to Swimming Pool

1. Location relative to control line: A maximum distance of 345 feet seaward
2. Exterior dimensions: 24 feet in the shore-normal direction by 9 feet in the shore-parallel direction.
3. Type of foundation: 8-inch square pressure treated wood post embedded 3.5 feet below the concrete pavers.

Excavation/Fill

1. Total volume of excavation: Approximately 1,304 cubic yards. Volume of net excavation: Approximately 0 cubic yards.
2. Location of excavation: From 0 feet to 400 feet seaward of the control line.
3. Maximum depth of excavation: To elevation +4.25 feet (NGVD); 24-inches below existing grade.
4. Volume of fill to be placed: Approximately 14,000 cubic yards.
5. Location of fill to be placed: From 105 feet landward to 425 feet seaward of the control line.

Demolition of the Existing Hotel Complex

1. Location relative to control line: A maximum of 400 feet seaward of the control line.
2. Exterior dimensions of demolition area: 400 feet in the shore-normal direction by 400 feet in the shore-parallel direction.

Temporary Asphalt Parking

1. Location relative to control line: A maximum of 64 feet seaward of the control line.
2. Dimensions: Approximately 9,300 square feet.

PERMITTEE: Yale Properties-Lido Key Partnership

PERMIT NUMBER: ST-959 M4

Page 4

Minor Structures

1. A concrete paver swimming pool deck on compacted fill ranging from 4 feet to 60 feet wide, attached to the periphery of the swimming pool is to be located a maximum of 370 feet seaward of the control line.
2. A beach/dune walkway structure of dimensions 95 feet shore-normal by 6 feet shore-parallel is to be located a maximum of 461 feet seaward of the control line.
3. A vegetated, artificial dune of dimensions 70 feet shore-normal by 410 feet shore-parallel by 4 feet high is to be constructed a maximum of 487 feet seaward of the control line. The dune will contain approximately 2,210 cubic yards of fill.
4. Four retention areas totaling approximately 35,200 square feet with a maximum depth of 2.0 feet are to be located a maximum of 400 feet seaward of the control line.
5. Eight shore-normal utility lines totaling approximately 1,760 linear feet are to be located a maximum of 220 feet seaward of the control line.
6. Temporary retention and sodded area associated with the temporary sales office of approximately 3,600 square feet with a maximum depth of 1-foot is to be located a maximum of 73 feet seaward of the control line.
7. A 10-foot by 10-foot by 4-inch thick temporary concrete pad for garbage dumpster associated with the temporary sales office is to be located a maximum of 36 feet seaward of the control line.
8. A 5-foot wide temporary handicap access ramp associated with temporary sales office is to be located a maximum of 19 feet seaward of the control line.
9. A 20-foot diameter loading pool and a 22-foot diameter semi-circular spa set on compacted shell.
10. A tennis court of dimensions 78 feet by 31 feet as shown on the approved plans.
11. Four reinforced masonry retaining walls are to be constructed on the landward side of the multifamily dwelling structure as per approved plan.

SPECIAL PERMIT CONDITIONS:

1. ~~Prior to the issuance of the notice to proceed, the permittee shall submit two copies of the final structural drawings and specifications for the structures authorized under this permit. The structural drawings and specifications shall be signed and sealed by the design engineer or architect (as appropriate). The engineer or architect certifying these plans must be registered in the state of Florida and the plans must bear the certification specified in Paragraphs 16B-33.007(4)(b) and (c), Florida Administrative Code. These drawings and specifications shall be subject to approval from the staff of the Bureau of Coastal Engineering and Regulation and shall reflect the following:~~

The proposed sand retaining walls, below the first finished floor of the condominium, shall be designed and constructed as breakaway walls.

2. ~~Prior to issuance of the notice to proceed, the permittee shall submit two copies of a vegetation plan which is acceptable to the staff of the Bureau of Coastal Engineering and Regulation.~~

PERMITTEE: Yale Properties-Lido Key Partnership

PERMIT NUMBER: ST-959 M4

Page 5

3. ~~Prior to issuance of the notice to proceed, the permittee shall provide the Department staff with written evidence that a restrictive notice has been provided in the deed covenants and restrictions for the subject property and recorded with the Clerk of the Court for Sarasota County. The restrictive notice shall state that due to potential adverse impacts to the beach/dune system that may result from additional development on the property, the shore parallel and seaward extent of the permitted structures shall not be increased, nor will any additional major structures be permitted which would exceed the limits established by the permitted construction seaward of the coastal construction control line; and that such deed covenants and restrictions shall be enforceable by the Department of Environmental Protection. Prior to filing notice with the Clerk of the Court, the permittee shall submit a draft of the required notice for review and acceptance by the Department's legal staff.~~
4. The artificial vegetated dune shall be maintained for the life of the structure. In the event a storm impacts the area and removes sand material from the dune, the permittee shall replace the sand material and restore the vegetation no later than sixty (60) days following the storm event unless determined otherwise by the Department.
5. ~~Prior to the issuance of the notice to proceed, the permittee shall provide the staff with an acceptable draft of a proposed restriction to be recorded in the deed covenants and restrictions for the subject property indicating that the placement of fill material specified in Special Permit Condition 4, above, shall be performed. Following acceptance by the Department, the deed covenant shall be recorded in the public records of Sarasota County no later than forty-five (45) days after its acceptance by the Department and such covenant shall be made enforceable and may not be altered unless previously approved by the Florida Department of Environmental Protection. The permittee shall provide the Department with a copy of the recorded deed covenant no later than thirty (30) days after its recordation.~~
6. Prior to commencement of construction activity authorized by this permit, a preconstruction conference shall be held at the site among the contractor, the owner or authorized agent, and a staff representative of the Bureau of Beaches and Coastal Systems to establish an understanding among the parties as to the items specified in the special and general conditions of the permit. The proposed locations of the structures shall be staked out for the conference.
7. All debris associated with the demolition authorized under this permit shall be removed to a location landward of the control line prior to the submitting of the final certification.
8. The fill material shall be obtained from a source landward of the control line and shall consist of sand which is similar to that already on the site in both grain size and coloration. This fill material shall be free of construction debris, rocks, or other foreign matter. A sample of the sand shall be provided to the staff representative of the Bureau during the preconstruction conference.
9. No construction, operation, transportation or storage of equipment or materials is authorized seaward of the dune crest during the marine turtle nesting season (May 1 through October 31).
10. No temporary lighting of the construction area is authorized at any time during the marine turtle nesting season (May 1 through October 31). All permanent exterior lighting shall be installed and maintained as depicted in the approved lighting schematic. No additional permanent exterior lighting is authorized.

PERMITTEE: Yale Properties-Lido Key Partnership
PERMIT NUMBER: ST-959 M4

Page 6

11. All windows and glass doors visible from any point on the beach must be tinted to a transmittance value (light transmission from inside to outside) of 45% or less through the use of tinted glass or window film.
12. ~~Prior to issuance of the notice to proceed, the permittee shall provide the Bureau staff with a revised lighting plan for review and approval. The lighting plan shall depict temporary construction and permanent exterior lighting appropriate for the protection of marine turtles. The lighting plan shall have clearly marked symbols showing the location of each type of exterior fixture for the project drawn to scale with north indicating arrow. A table with column headings depicting the symbol for the light type, fixture name or stock number, number of fixtures, bulb wattage and type, type of mount, and mounting height of proposed lighting and a detailed description (manufacturer's cut sheets) of proposed lighting fixtures as described in the lighting plan shall be provided. In order to approve the lighting plan for the permitted activity, the following modifications are required. Please note that alternate proposals to decrease adverse impacts to nesting turtles associated with coastal lighting will be reviewed.~~
 - 12.1 ~~The use of low pressure sodium vapor lamps which are completely shielded from the nesting beach is required for all parking lot fixtures denoted as Fixture "1".~~
 - 12.2 ~~The use of low wattage (less than 40 Watt yellow "bug" or low pressure sodium vapor lamps) is required for all billiard fixtures denoted as Fixture "2".~~
 - 12.3 ~~The proposed billiards "3" (Progress P5312-31) used for lighting the dune walkover shall use low wattage (less than 40 Watt yellow "bug" lamps). Dune crossover lighting shall not be placed seaward of the crest of the dune. The 6 proposed billiards located along the dune may have adverse impacts to marine turtles due to reflective lighting and their seaward location. These lights appear to serve only an aesthetic purpose and shall be deleted. Again, all proposed fixture type "3" billiards should use 40 watts (or less) low pressure sodium or yellow "bug" lamps.~~
 - 12.4 ~~The use of flood lights, Fixture "4", can deter nesting attempts by marine turtles or disorient emergent hatchlings due to the cumulative and direct lighting visible from the beach. Deletion of these lights is required. The proposed flood lights are positioned to provide illumination of the structure for aesthetic purposes. If lighting of the landscape region is required, the use of appropriate low profile luminaries (mounted less than 36 inches) which cast light downward is recommended.~~
 - 12.5 ~~Fixtures "5" and "8" (Progress P5641) shall incorporate the P8710 deep groove step baffle so that the interior of the fixture is non reflective.~~
13. The temporary asphalt parking, concrete pad, retention area and handicap access ramp are to be removed from seaward of the control line prior to final inspection.
14. During marine turtle nesting season (May 1 through October 31) tennis court lights shall not be operational between 10:00 PM and 6:00 AM.

PERMITTEE: Yale Properties-Lido Key Partnership

PERMIT NUMBER: ST-959 M4

Page 7

CAVEAT:

The permittee is hereby put on notice that the Department staff will not recommend favorably on any future request for the construction of a coastal or shore protection structure on the subject property for the protection of the hotel and swimming pool.

Modified approved plans are incorporated into this permit by reference, as are any previously approved plans which are not superseded by modified approved plans. This modified permit, with the referenced attachments, comprises the entire permit, and supersedes the permit as previously issued.

Done and ordered this 5th day of December 1995, in Tallahassee, Florida

State of Florida
Department of Environmental Protection

G. Chalecki

Gene Chalecki, P.E.
Engineering Supervisor
Bureau of Beaches and Coastal Systems

Attachment: Standard Permit Conditions