



Resilient Environment Department

**ENVIRONMENTAL PERMITTING DIVISION**

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**MEMORANDUM**

**TO:** David Vanlandingham, P.E., Director  
Environmental Permitting Division (EPD)

**THROUGH:** Carlos Adoriso, P.E. Assistant Director, EPD

**FROM:** Linda Sunderland, Environmental Program Supervisor, EPD

**DATE:** December 14, 2023

**SUBJECT:** Environmentally Sensitive Lands (ESL) Map Amendment  
Local Area of Particular Concern (LAPC) Site Number 66 (ESL Map # 83)

CARLOS R. ADORISIO  
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CARLOS R. ADORISIO  
Date: 2023.12.15  
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LINDA SUNDERLAND  
Digitally signed by  
LINDA SUNDERLAND  
Date: 2023.12.15  
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The Broward County Planning Council has received a proposed amendment from Related Group to remove a 6.2-acre portion (referred to in the proposed amendment as Parcel B) of the approximate 9.06-acre site known as Local Area of Particular Concern (LAPC) #66 from Broward County's Environmentally Sensitive Lands (ESL) Map. The site is located between North Andrews Avenue and I-95, south of McNab Road and north of Cypress Creek Road (Folio # 494210360030) in Fort Lauderdale.

LAPCs are areas designated on the Natural Resource Map Series of the Broward County Land Use Plan that have been declared by the Broward County Board of County Commissioners to be culturally or environmentally sensitive and thereby are subject to environmental impact report provisions of the Broward County Land Development Code and/or the criteria for LAPCs contained in the Broward County Land Use Plan. As requested by the Planning Council on November 6, 2023, the Environmental Permitting Division (EPD) is hereby providing comments for the proposed amendment to remove this site from Broward County's ESL Map.

Background

In 1979, this area was known as the "May Tract" and was placed on the "Urban Wilderness Area" Inventory for potential acquisition by Broward County, where it remains as Site #167. On January 6, 1982, the Environmental Impact Statement (EIS) item was heard at the Broward County Zoning Board Meeting. The EIS recommended that approximately 4.5 acres of the site be preserved to protect the historical swamp forest, saving as many of the large cypress, maple, and pond apple trees as possible while providing for economic use of the property. On September 20, 1983, the plat was approved by Broward County Zoning Board with conditions as Resolution R-83-1650. The Reflections Plat (096-UP-01) was recorded in Plat Book 119, page 46, on April 25, 1984. The Plat included two (2) wetland preservation areas. There is a note on the Plat which states: "There shall be no development activity in the wetland restoration area or the wetland preservation area." Accordingly, an amendment to the Plat Note would be required for development of this area.

On March 29, 1985, an "Agreement for Amendment of Wetland Restoration Area and Wetland Preservation Area of Reflections Plat" was recorded in OR 12425 pg. 603 - 604. The area included 3.6 acres of wetland restoration and a 0.51-acre wetland preservation area as shown on Plat Book 119, pg. 46, and added a new 6.21-acre wetland restoration area and a 1.55-acre wetland preservation area. This document is a legal mechanism

used prior to modern Conservation Easements to enact protections and may require additional mitigation if amended or released.

In 1987, the County issued Environmental Resource License (ERL) DF84-1049 to Cypress Creek Associates, Ltd., for the development of the Reflections Plat (PB 119 pg. 46). The site at the time contained the current property folios 494210360021, 494210360010, 494210360020, 494210360030, 494210360040 and 494210360050. The ERL authorized impacts to 5.12 acres of wetlands on parcels 494210360010 and 494210360021 for development while requiring a total of 9.06 acres of mitigation, as follows: the restoration of 2.26 acres of wetland forest and 0.34 acres of marsh on (Parcel B) Folio # 494210360050; and the creation of 0.76 acres of marsh, the creation of 0.54 acres of forest wetlands, and the preservation of 5.16 acres of wetland forest on Parcel A (Folio # 494210360030). The mitigation areas were constructed as required.

In recognition of the site as a final remnant of the Cypress Creek Swamp, the site was designated by the Board of County Commissioners as LAPC – Site # 66 on February 20, 1989. On March 1, 1989, the Board of County Commissioners further designated Folios 494210360030 and 494210360050 as Natural Resource Area #66B pursuant to Chapter 5, Article XII of Broward County Code. It is designated as Site #83 on the Environmentally Sensitive Lands (ESL) map.

#### Current Environmental Permitting Status

On September 20, 2022, EPD received an ERL application (DF22-1357) proposing impacts to 5.5 acres of wetlands on Parcel A (Folio # 494210360030) for development as a multi-family residential facility, including parking and amenities. The applicant is proposing mitigation through the purchase of credits at a wetland mitigation bank. Under a delegation agreement to review state permit requirements, a State Environmental Resource Permit (and Broward County Environmental Resource License) application was received on 4/5/2023 and a County Surface Water Management License application was received on 4/14/2023. These three applications are being reviewed concurrently and will be issued together when the files are complete. Four requests for additional information (RAIs) have been sent to the applicant. The applications were submitted by Related Group; however, the parcels are currently owned by CPN West, LLC.

The following items currently remain outstanding from the applicant: 1) proof of property ownership by the applicant, 2) finalization of Surface Water Management technical issues 3) payment of the SWM application fee balance due, 4) verification of mitigation required, proof that proposed mitigation offsets proposed impacts, and reservation letter from mitigation bank, **5) resolution of the requested release of the LAPC designation, and 5) revision of the Plat notes referencing the “Preservation Areas” and any other required agreements, easement vacations, etc.** The licenses/permit cannot be issued by EPD until these items are complete.

#### Evaluation of Amendment Request to Planning Council

Within the *Request for Amendment to Environmentally Sensitive Lands Map* submitted by Related Group to the Broward County Planning Council is a section entitled “Evaluation of Cypress Creek Site for Continued LAPC Designation” by JJ Goldasich and Associates, Incorporated, and dated October 11, 2023. That section characterizes the site as an isolated wetland with a monoculture of exotic species lacking hydrology to be a viable wetland. EPD notes that the photographs provided in the evaluation are only of the perimeter of the wetland.

On November 30, 2023, and December 6, 2023, EPD staff conducted site inspections which identified an approximate 10’-20’ fringe of non-native, exotics mixed with some native vegetation. There was also vegetative debris and trash in the fringe area. Beyond the fringe and moving into the interior of the wetland, however, the

quality of the wetland improves. There was standing water noted throughout the entire wetland area, native wetland vegetation, (including mature and seedling cypress, maple and pond apple trees, native ferns, and other appropriate understory plants), along with appropriate hydrologic indicators (lichen lines, hummocks, and cypress knees). The site conditions improved markedly once entering the interior of the site.

EPD disagrees with the evaluation that the area is a “monoculture of non-native and invasive species.” The site has been impacted by hurricanes throughout and by lack of maintenance with exotics, debris, and garbage present along the margin; however, the wetland hydrology remains in excellent condition with muck soils and strong indicators of consistent inundation as seen with hydrologic indicators. EPD’s Inspection Report is included as an enclosure to this Memorandum.

It is the conclusion of EPD that the subject site continues to exhibit characteristics required for the LAPC designation by the 2016 Broward County Land Use Plan. Described as a Cypress Wetland Community, the area satisfies four of the criteria needed in the Native Vegetative Communities Category: uniqueness, low level of exotic invasion, potential for protection and geography. Within Broward County, the remaining wetland areas are predominantly freshwater marsh/prairies, with a smaller portion comprised of cypress swamps. Preserving this community type enhances the full spectrum of diverse community types within the County.

- *Native Vegetative Communities Category*

- (a) A Local Area of Particular Concern (Native Vegetative Communities Category) is an area which shows a predominance of native vegetation associated with one or more of the following ecological communities: Beach and Dune Community; Coastal Strand Forest Community; Mangrove Community (Saltwater Swamp); Scrub Community; Pine Flatwoods Community; High Hammock Community; Low Hammock Community; Cypress Wetland Community (Freshwater Swamp); Everglades Community (Freshwater Marsh).

EPD Evaluation: The 6.2 acres (Folio # 494210360030) qualifies as a mature Cypress Wetland Community. A mature cypress tree measuring 2’ in diameter was easily identified.

- (b) In addition, a Local Area of Particular Concern (Native Vegetative Communities Category) must satisfy at least three of the following criteria:

- i. **Uniqueness** - The site contains a significant sample of rare or endangered species, or the site is among a small number of sites in Broward County representing a particular ecological community.

EPD Evaluation: The site is unique, especially in eastern Broward County, with most other remaining areas located in parks to the west of this site.

- ii. **Low Level of Exotic Invasion** - The degree and nature of exotic invasion on the site is such that it can be easily managed or mitigated.

EPD Evaluation: The degree and nature of exotic invasion on the site can be easily managed. Exotics and invasive species are mainly located in the 10-20’ perimeter of the site; however, at its greatest extent, the site is over 900’ across and 400’ wide. There are few exotics in the interior, with many of the plants listed on the earlier site assessment reports still viable and in various stages of growth on site, including (but not limited to) numerous cypress trees, leather ferns, strap ferns, swamp ferns, pond apples and more. The interior hydrology is well established and is inhospitable to many exotic plants.

*iii. Potential for Protection* -Ownership patterns, development status and other factors make the resources of a site likely to be successfully protected.

EPD Evaluation: The site has been protected since the approval of the Reflections Plat in 1984 and has 8 different owners since then. The plat was recorded with a Note and an Agreement to preserve the remaining wetlands remaining. In 1989, The Broward County Board of County Commissioners designated the area as an LAPC and NRA area.

*iv. Geography* - The site has proximity to other resources which would heighten its value as a LAPC (e.g., other ESLs, public parks, waterfront).

EPD Evaluation: Fern Forest Nature Center is approximately 3 miles to the northwest of this site. Tradewinds Park is approximately 4.3 miles to the northwest. ESLs # 17, 18, 48, 84 – 88 are to the west/southwest and Site 75 is Southeast. This site is also on the path of the proposed expansion of the Broward County Greenways System.

- **Wildlife Category** Existing wildlife refuges, reserves, and sanctuaries, or; known habitats of rare, threatened, or endangered species or species of special concern, or; major wildlife intensive use areas such as well-developed hammock communities, highly productive coastal tidelands, and mangroves, or; areas used for scientific study and research on wildlife.

EPD Evaluation: This site serves as a wildlife refuge surrounded by residential and commercial development.

As demonstrated above, the site currently meets the criteria for the designation of a LAPC. Mature cypress/maple swamp habitat is a limited wetland resource in Broward County. There is a cumulative impact to overall wetland resources from projects proposing impacts to “isolated” wetlands. There are few sites of this size and nature in the urbanized area of eastern Broward County; therefore, this site provides habitat for a variety of species along with aesthetic, recreational and educational value. Historically, there was a boardwalk through the area for public access which is currently in disrepair.

#### Conclusion/Recommendation

The site continues to demonstrate the characteristics of a LAPC as defined by the Broward County Land Use Plan, and the applicant has not provided reasonable assurances to EPD. EPD objects to the removal of the site designation as a LAPC and removal of the site from the ESL map. As described in the preceding paragraphs, this site is protected by legal mechanisms used prior to Conservation Easements. The removal of this site from the ESL map is inconsistent with Policies 2.5.4, 2.5.7, and 2.23.3 of the Broward County Land Use Plan, which encourage the preservation of open space areas; the protection of publicly owned sanctuaries, preserves, archaeological or historic sites, open space, natural areas, and ecological communities; and the implementation of strategies for the protection of LAPCs and other ESLs.

Enclosure: EPD Inspection Report of November 30, 2023



## Environmental Permitting Division - Site Inspection Report

Facility/Site Name:	Related Manor at Cypress Creek	Address:	6700 N ANDREWS AVE, Fort Lauderdale
Folio No.:	494210360030	Date Inspected:	November 30, 2023
License No.:	DF22-1357	Inspector(s):	M. Decker

Description	Looking into wetland from edge
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Folio No.:	494210360030	Date Inspected:	November 30, 2023
License No.:	DF22-1357	Inspector(s):	M. Decker

Description	Turning from same location from photo 1 to capture cypress knees (foreground) and boardwalk (background – very hard to see)
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License No.:	DF22-1357	Inspector(s):	M. Decker

Description	Area recently rehabilitated from Geotech sampling (licensed) – large amount of tree trunks/yard waste at edge of wetland
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Folio No.:	494210360030	Date Inspected:	November 30, 2023
License No.:	DF22-1357	Inspector(s):	M. Decker

Description	Corner stake - ~20' to wetland
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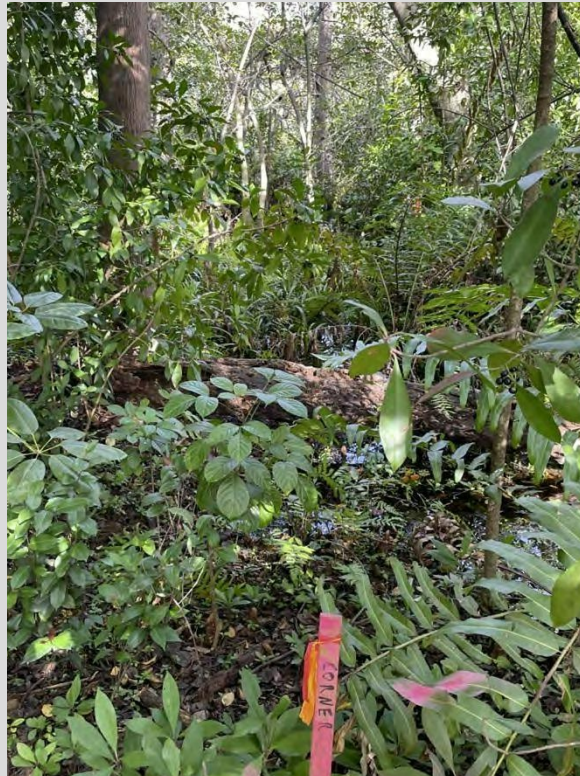




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Description	5' from water/wetland area
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License No.:	DF22-1357	Inspector(s):	M. Decker

Description	SE property corner 10' from water, ~7' from wetland
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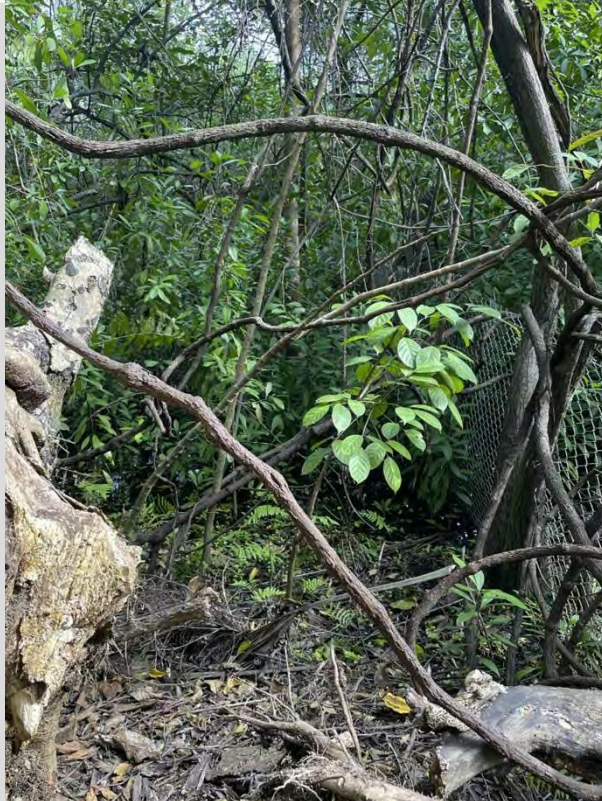




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Description	Property line fence with standing water
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Folio No.:	494210360030	Date Inspected:	November 30, 2023
License No.:	DF22-1357	Inspector(s):	M. Decker

Description	High amount of palms/Pothos with intermittent water, highly disturbed. ~30' from road to water area where conditions improve
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Description	Ficus/cypress and ardisia in wetland area
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License No.:	DF22-1357	Inspector(s):	M. Decker

Description	Closer to interior of wetland, better conditions for plants and hydrology.
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Folio No.:	494210360030	Date Inspected:	November 30, 2023
License No.:	DF22-1357	Inspector(s):	M. Decker

Description	Water/wetland right near edge, adjacent to the sidewalk, however, filled with invasives/exotic plants
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## Environmental Permitting Division - Site Inspection Report

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Folio No.:	494210360030	Date Inspected:	November 30, 2023
License No.:	DF22-1357	Inspector(s):	M. Decker

Description	Corner of property with deeper water and better-quality wetland area
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License No.:	DF22-1357	Inspector(s):	M. Decker

Description	Higher quality wetland area
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Folio No.:	494210360030	Date Inspected:	November 30, 2023
License No.:	DF22-1357	Inspector(s):	M. Decker

Description	NW corner, plant debris on the edge then ~20' into wetland conditions improve markedly
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## Environmental Permitting Division - Site Inspection Report

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Folio No.:	494210360030	Date Inspected:	November 30, 2023
License No.:	DF22-1357	Inspector(s):	M. Decker

Description	E of NW corner – water ~5 to 10' from stake
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## Environmental Permitting Division - Site Inspection Report

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License No.:	DF22-1357	Inspector(s):	M. Decker

Description	Interior photo of wetland, improved conditions again
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## Environmental Permitting Division - Site Inspection Report

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License No.:	DF22-1357	Inspector(s):	M. Decker

Description	Palm fronds/logs – appears to be yard disposal around edge of property in some locations
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License No.:	DF22-1357	Inspector(s):	M. Decker

Description	Higher quality of north end, some Brazilian pepper
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Description	Hummock – indicative of standing water on a regular basis
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## Environmental Permitting Division - Site Inspection Report

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Folio No.:	494210360030	Date Inspected:	November 30, 2023
License No.:	DF22-1357	Inspector(s):	M. Decker

Description	Property stake - ~10' to water
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License No.:	DF22-1357	Inspector(s):	M. Decker

Description	Pointing at water line, ~10' waterward of stake
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Folio No.:	494210360030	Date Inspected:	November 30, 2023
License No.:	DF22-1357	Inspector(s):	M. Decker

Description	Looking towards wetland area past stake – water is ~10' from stake
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License No.:	DF22-1357	Inspector(s):	M. Decker

Description	Ficus hummock
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Description	Water is ~10' from stake
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Folio No.:	494210360030	Date Inspected:	November 30, 2023
License No.:	DF22-1357	Inspector(s):	M. Decker

Description	Wetland ~2' from stake – wetland with invasives in this location
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Folio No.:	494210360030	Date Inspected:	November 30, 2023
License No.:	DF22-1357	Inspector(s):	M. Decker

Description	Wetland in better condition. Brazilian pepper stand is landward of the stake
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Description	NE corner of the property
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Description	Brazilian pepper – all landward of stake (on left)
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Folio No.:	494210360030	Date Inspected:	November 30, 2023
License No.:	DF22-1357	Inspector(s):	M. Decker

Description	Brazilian pepper – near property stake
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Folio No.:	494210360030	Date Inspected:	December 6, 2023
License No.:	DF22-1357	Inspector(s):	M. Decker and K. Scheffer

Description	Cypress with about a 2' diameter
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Folio No.:	494210360030	Date Inspected:	December 6, 2023
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Description	Larger dead cypress with ~3' diameter
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