



MIAMIBEACH

COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Kathie G. Brooks, Interim City Manager *for KGB*

DATE: March 20, 2013

SUBJECT: **DISCUSSION ON THE BOARDWALK**

During the Dr. Stanley Sutnick Citizen's Forum, at the February 6, 2012 Commission meeting, a motion was made and approved by acclamation giving the Administration direction that future segments of the beachwalk should be elevated in order to have an ocean view. Following this motion the City Commission referred discussion of boardwalk matters to the Land Use and Development Committee.

Additionally, the Historic Preservation Board passed a resolution encouraging the Commission to consider the retention of the elevated wooden boardwalk and for the City to engage the State in exploring the possibility of developing a process to allow the approval of the elevated boardwalk structures.

BACKGROUND

The wooden boardwalk was built in the mid-1980's and extended from the south end of Collins Park at 21st Street to the north end of Indian Beach Park at 47th Street. The boardwalk is an elevated wooden structure that lies on state lands but is owned and maintained by the City. The boardwalk is 12 feet wide and is dedicated solely to pedestrian use and for safety does not allow for use by bicyclists.

The City of Miami Beach is developing a series of bicycle/pedestrian/greenway projects called the Atlantic Greenway Network (AGN). The AGN will consist of two main trail systems: the beachwalk, which extends in a northbound/southbound direction between the erosion control line and the dune system, and the neighborhood trails, which extends in all directions through the south, middle, and north beach neighborhoods. The existing boardwalk is not part of the AGN because its current width does not allow for safe bicycle and pedestrian joint use. However, the beachwalk projects consist of on-grade, ADA accessible pathways that support bicycle use and other recreational activities that are in line with the goals of the AGN.

Past & Current Projects

In 2009, during the development of the W-Hotel, the boardwalk fronting this property was removed and replaced with pavers from 21st Street to 23rd Street. The developer designed, constructed, and partially funded 885 feet of beachwalk east of the W-Hotel and Collins Park and on the 22nd Street end. The total project cost was \$1,107,225. The developer's construction cost was \$582,225 plus another \$275,000 in Right-of-Way fees that the City applied to the project. The City contributed remaining \$250,000 toward the project.

In October 2012, the City began the removal of the existing elevated boardwalk and replacement with approximately 950 feet of an on-grade paver pathway from the south property line of the Eden Roc Hotel (approximately 45th Street) to the north terminus of the wooden boardwalk at approximately 47th Street. Construction is anticipated to be complete June 2013. Eden Roc funded the permitting and design of the beachwalk. The total construction cost for this project is \$1,063,550, which is funded through \$704,000 from a Florida Department of Transportation grant and \$359,550 from the City.

Committed Private Development Projects

The Planning Department, as part of the development review process, has accepted voluntary proffers from a number of upland properties that are adjacent to the boardwalk for them to assist in the development of segments of a public beachwalk. The Fontainebleau, Ocean Grand Hotel, Versailles Project, Saxony Project, Seville Project, and the Perry Hotel have all committed or are in negotiations with the City to construct or fund the construction of a beachwalk for the public benefit (Attachment A).

ANALYSIS

The 2025 Miami Beach Comprehensive Plan was adopted by the City Commission on April 13, 2011 and became effective July 1, 2011. Pursuant to the policy adopted by the City Commission as part of the 2025 Miami Beach Comprehensive Plan, the Administration has continued to implement the beachwalk and baywalk projects in order to further the City's vision of a continuous on-grade recreational path running north/south along the coast linking the City's South, Middle, and North Beach Neighborhoods.

The City's Beachfront Management Plan with the State of Florida also lists the development of the AGN as a management activity that enhances the natural resource value and/or public recreation value for which the lands were acquired. The Beachfront Management Plan states that the AGN serves to help conserve the dune ecosystem and provide significant economic and social benefit by creating a continuous coastal network for alternative transportation and community enhancement.

This vision was also documented in the City's Atlantic Greenway Network Master Plan adopted by City Commission on October 17, 2007. As such, it has been the City's policy that as oceanfront properties redevelop the Planning Department, as part of the development approval process, negotiates with private property owners to remove the elevated structure where one exists and to construct an on-grade beachwalk that can safely accommodate bicyclists and pedestrians (Attachment A).

The City has already made a substantial investment in the development of the AGN. Florida Department of Transportation (FDOT) funds are available for alternative transportation facilities that improve mobility. To date, the City has obtained more than \$6,000,000 in funding from FDOT to design and construct the coastal portion of the AGN. These funds are contingent upon establishing an alternative transportation corridor that is accessible by non-motorized vehicles (bikes, skate boards, roller blades, etc) as well as pedestrians.

Other Considerations

Individuals often loiter beneath the elevated boardwalk. Homeless encampments can often go undetected for long periods of time. This, coupled with the large number of feral cats living under the boardwalk, can lead to unsanitary conditions that cause a public health concern.

Permitting Requirements

All construction that occurs east of the Coastal Construction Control Line (CCCL) requires a permit from the Florida Department of Environmental Protection (FDEP). The CCCL Permitting Program goal is to protect the coastal system from improperly sited and designed structures which can destabilize or destroy the beach and dune system. These standards may be more stringent than those already applied in the rest of the coastal building zone because of the greater forces expected to occur in the more seaward zone of the beach during a storm event.

During the CCCL permit application process, FDEP reviews a project's construction plans to determine if the proposed design is a major or minor structure. No major structures can be constructed east of the Erosion Control Line (ECL). In addition, during the permitting process FDEP will request that the footprint of any structure (beachwalk or boardwalk) be within a given set back from the ECL. Until plans are presented to FDEP they will not make a formal determination if a structure is considered major or minor. The City has not presented FDEP with a plan to permit any new boardwalk structures, thus at this time we do not have precedent on if a new or larger boardwalk structure could be permitted.

Potential Options

On February 6, 2012, Commission directed Administration that future segments of the beachwalk should be elevated in order to have an ocean view. Staff has identified four potential alternatives for the boardwalk, including the option approved by Commission to construct of a raised beachwalk.

1. Continue to maintain existing boardwalk.
2. Widen existing boardwalk.
3. Remove boardwalk and replace with on-grade beachwalk.
4. Remove boardwalk and raise the grade before constructing a beachwalk.

Alternative 1 - maintain the existing boardwalk and replace structure as it reaches the end of its lifespan. The existing raised boardwalk has gradually declined throughout the years making it more costly for the City to maintain. In the last two years, the City has spent over \$275,000 to repair and maintain the boardwalk in working condition. The boardwalk pavilions located at selected entrances require additional maintenance of the roof and bench structures. If the boardwalk were to be destroyed by storm surge or the structural integrity becomes compromised, the City will need to apply for a CCCL permit to build a new structure, which FDEP will evaluate at that time.

Alternative 2 - widen the existing boardwalk. The boardwalk is currently 12 feet wide and does not permit safe use for joint use by pedestrians and alternative transportation options. The Federal Highway Administration recommends that a shared path be at least 15 feet to accommodate pedestrians and bicyclists safely. The City may be able to extend the footprint landward of the existing boardwalk structure. The entire boardwalk system ranges from 0 to 15 feet east of the ECL. Thus, the City may need to obtain easements from the adjacent properties in the areas were ECL is the western edge of the existing footprint. FDEP would need to review this concept to provide feedback if widening of the existing boardwalk would be considered major or minor structure.

Alternative 3 - continue with the current policy of removing the boardwalk as sections become funded and replace with an on-grade beachwalk. Attachment B provides photographs of the existing beachwalks in north beach and south beach. Based on previous consultations with FDEP, the agency prefers the low profile, frangible pavers to the wooden boardwalk structure because they would be expected to cause less impact to upland property during a storm surge event. Under this option, the phasing of demolition and construction would need to be coordinated to minimize impacts to current users.

Alternative 4 - removal of the boardwalk and replacement of a beachwalk with an elevated paver pathway to allow for greater ocean views. This alternative would require additional fill and, depending on the elevations of the adjacent dune and upland property, may require the construction of retention walls to ensure the structural integrity of the raised pathway. The FDEP may consider a raised pathway of this nature a major structure, which may not be feasible. This additional scope under this alternative would result in a significant cost increase for both permitting and construction.

CONCLUSION

The above information is provided for discussion by members of the Land Use and Development Committee.

Attachments:

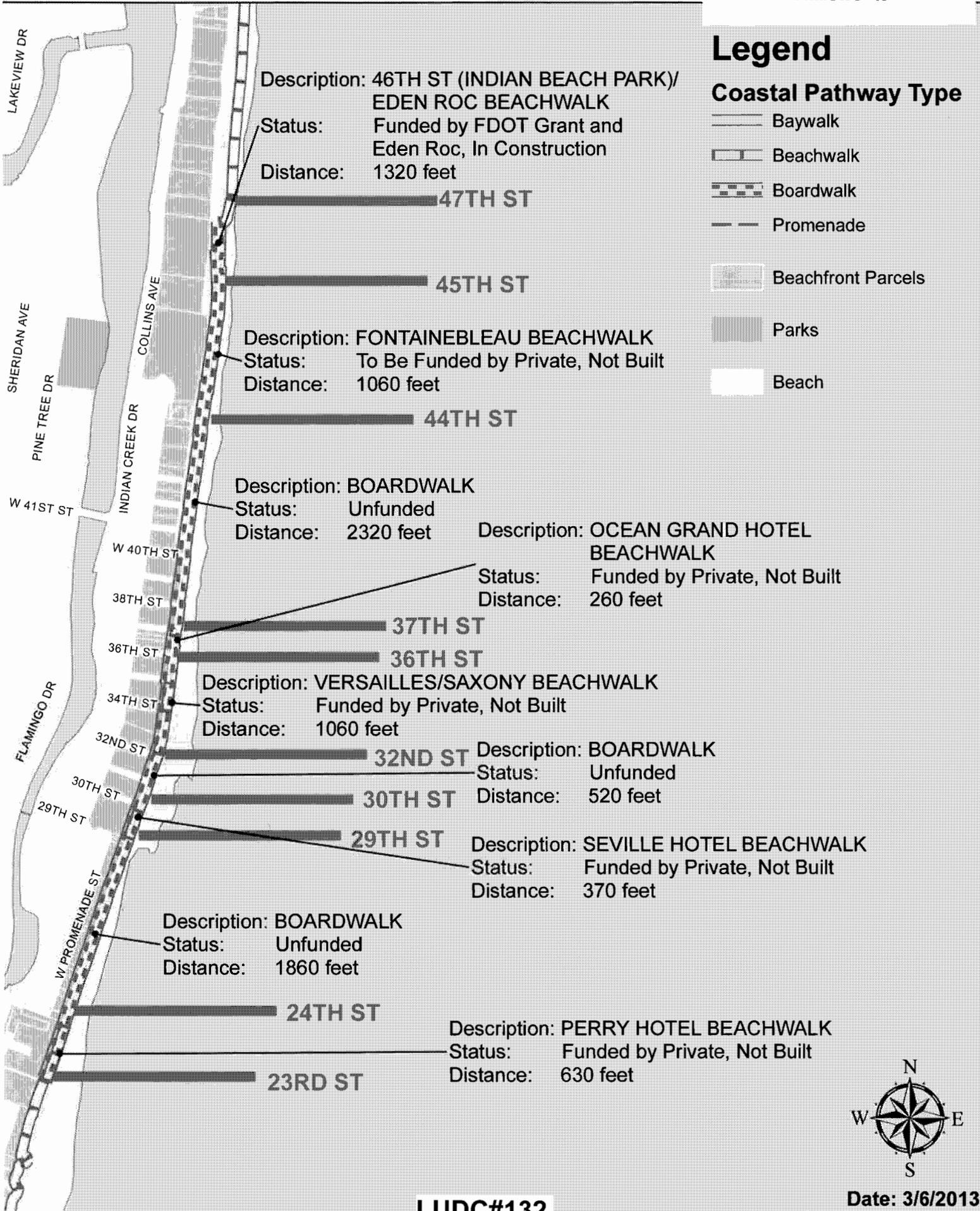
- A: Proposed Beachwalk Map
- B: Photographs of Existing Beachwalks

JGG/JJF/RWS/ESW

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City of Miami Beach: Future Beachwalk

Attachment A



Existing Beachwalks



North Beach Recreational Corridor at 64 Street.



North Beach Recreational Corridor.



Beachwalk at 22 Street.

12:42:42 p.m.

R9B1 Dr. Stanley Sutnick Citizen's Forum. (12:30 p.m.)

ACTION: The following individuals spoke:

- 1) Anthony Gilbert has been a resident of Miami Beach for over twenty years, and he spoke on how the Netherlands has been fighting the seas for centuries. He suggested considering what has happened in Venice, and to change the name to Miami Venice Beach. He said it is frightening to see on the Internet how the North Pole now is an open sea because of the melting of the ice. The same is happening in the Antarctica and in the Greenland.
- 2) Antonio Machado stated he appreciates the chance Mayor Bower gives him to speak.

Mayor Bower asked to see if the City Manager or any of the Commissioners wants to send someone with Mr. Machado regarding his monthly complaints, which are the buses and loss of money from Pakistan.

Mayor Bower clarified that it is hard for one government to go to another government entity to complain. He also stated that there was corruption during the last State/County wide election and asked to be allowed to speak at the 5:30 p.m. Sutnick Hour.

- ✳ 3) Albert Wairman, a 12-year resident of the Blue Diamond, urged the Commission to prevent the destruction of the elevated wooden boardwalk stretching from 47th to 57th Streets. He added that the boardwalk is used by many people to exercise and for social gathering during the day and night. He appreciates the slight elevation, which provides a fantastic view of the beach and hotels. No ground level concrete pavers could provide the give that the wood does, making it easier on the legs, or the view or the breeze that the existing boardwalk elevation provides. He added that a petition to "Save the Boardwalk" has hundreds of names already, and stated that other City resources are being cherished not destroyed.
- 4) Ruth Tobias also spoke on the same issue of the elevated boardwalk; she lives on Collins Avenue and is also an avid user. She pleaded for the Commission to prevent its destruction, and added that in cement walkway people will ride bicycles. The boardwalk is very special to her, and she will even consider moving out of the area if the boardwalk is removed. She added that they have collected signatures and also provided a letter.

Discussion held. Jose Smith, City Attorney, explained that the beach is owned by the State, and the State has issued an order that the boardwalk has to be removed because it is not in compliance with their regulations, so it is an issue the residents should address with the State.

Vice-Mayor Góngora stated that the boardwalk is not scheduled to come down any time soon and they are looking into it. Discussion continued.

Jorge Gomez, Assistant City Manager, explained that behind the Eden Roc, as part of approvals granted to the developer, they were required to replace the boardwalk with the upgrade solution. In the future, the Fontainebleau also will be removing part of the boardwalk behind the facility, also the Saxony.

Albert Wairman stated that the entire boardwalk was recently rebuilt, the guardrails replaced and it is in good shape at this point. In terms of maintenance, they have done major amounts of work. He asked for guidance as what process they should follow to keep the boardwalk.

Motion made by Commissioner Libbin, seconded by Vice-Mayor Gongora, to place item on the Legislative Agenda. Approved by acclamation. **Kevin Crowder to handle.**

Commissioner Libbin requested, for those segments of the boardwalk that are to be replaced, and if permission from the State is granted, to look at the possibility of constructing the boardwalk on the dunes.

ACTION:

Motion made by Commissioner Libbin to give the Administration direction that future segments of the beachwalk should be elevated in order to have ocean view; seconded by Vice-Mayor Góngora. Motion approved by acclamation. **Fred Beckmann to handle.**

Commissioner Tobin asked Dr. Wairman to provide his contact information to the City Manager and to the City Clerk.

ACTION:

Motion made by Vice-Mayor Góngora to refer to boardwalk and beachwalk matters to the Land Use and Development Committee; seconded by Commissioning Tobin; Voice vote 7-0. **Richard Lorber to place on the committee agenda and to handle.**

- 5) Gene Cutie spoke against about off-leash dogs in South Pointe Park and referred to 900 complaints of unruly dogs and irresponsible dog owners that cannot control their pets. She pleaded for some common sense on the issue.
- 6) Juergen Brendel and Paula Jimenez, from the Venetian Homeowners Association, asked about the project in their neighborhood and requested to know the next step in the process.

Paula Jimenez stated that they have waited too long, and now that they have the money and the contractors selected, they would like to obtain a commencement date. She feels they have been neglected, as every other neighborhood gets their project going. She urged the Commission to keep in mind that this is not going away.

Mayor Bower informed them that their item R9H will be heard around 2:00 p.m.

- 7) Steve "Bubba" Cohen spoke about the flooding in the Venetian Islands and something needs to be done; the salt-water intrusion on the roads is causing millions of dollars of damages of vehicles that travel through. Additionally, he clarified that he met with the Interim City Manager and the Chief of Police regarding resolution to liability on his part. LTC 85-2011 identifies himself as Vice-President and second in command of PAL, and all the wrongdoings that happened, which imply happened under "his supposed leadership." The main item he requested, and the Manager felt may not be able to be done due to the timeframe, was an LTC this year, stating that he did not have anything to do with the wrongdoing, and he should be held harmless for anything that happened with PAL. The PAL Executive Director is still a paid police officer. He wants to get closure. The only complaint he has had during the past year is the investigation that was done.