

MIAMI BEACH

Special City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
May 20, 2013

Mayor Matti Herrera Bower
Vice-Mayor Jonah Wolfson
Commissioner Jorge R. Exposito
Commissioner Michael Góngora
Commissioner Jerry Libbin
Commissioner Edward L. Tobin
Commissioner Deede Weithorn

City Manager Jimmy L. Morales
City Attorney Jose Smith
City Clerk Rafael E. Granado

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach, entitled "Lobbyists," requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date, which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

Call to Order - 9:00 a.m.

Requests for Additions, Withdrawals, and Deferrals.

REGULAR AGENDA

R9 - New Business and Commission Requests

R9A Discussion On The Boardwalk.
(City Manager's Office)



COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: May 20, 2013

SUBJECT: **DISCUSSION ON THE BOARDWALK**

During the Dr. Stanley Sutnick Citizen's Forum, at the February 6, 2013 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.

At the April 23, 2013, Land Use and Development Committee meeting, a discussion of the Boardwalk issue was held. A motion was adopted indicating that there was a consensus reached on keeping the existing, raised boardwalk, and that priority is to be given to completing the beachwalk link between 46th and 64th Streets, and then study the potential of adding a bike path at grade, adjacent to the existing raised boardwalk. The Administration was directed to evaluate existing projects that contemplate the removal of portions of the boardwalk, and report back to the LUDC on progress.

At the May 8th Commission meeting, during the Dr. Stanley Sutnick Citizen's Forum, representatives from the Seville Marriott project appeared and spoke to the Commission about their impending development and the difficulty of changing course with the treatment of the rear of their property if they were required to retain the Boardwalk after designing their project to interface with a grade level beachwalk. The City Commission set a special meeting for May 20, 2013 to discuss the matter further.

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

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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 Streetend. 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.

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.

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 where 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.

Note that the general figure that has been quoted for removal of the boardwalk and construction of the at-grade beachwalk is approximately \$1,000 per linear foot of beachwalk.

PLANNING ANALYSIS

As mentioned above, several development projects have been approved with requirements for removal of portions of the existing boardwalk and its replacement with an at-grade beachwalk. The pending status of these projects is given below.

| | |
|--|---|
| 2301 Collins Avenue, Perry/One Hotel | Imminent Permit approval pending City |
| 2901 Collins Avenue, Seville/Edition Hotel | Imminent Permit approval pending City |
| 3301 Collins Avenue, Saxony Hotel | Imminent Permit approval pending City |
| 3425 Collins Avenue, Versailles Hotel | Imminent Permit approval pending City |
| 3651 Collins Avenue, Ocean Grande | Monetary amount to beachwalk only. |
| 4101 Collins Avenue, Crown | Not started; may be modified. |
| 4441 Collins Avenue, Fontainebleau Hotel | Boardwalk exists, not yet permitted for demo. |
| 4585 Collins Avenue, Eden Roc Hotel | Boardwalk demo'd; beachwalk being installed |

Planning Department staff has examined the various segments of the proposed beachwalk, and has made some preliminary conclusions, as described below.

From 24th Street (starting just north of the Gansevoort/Perry, at Riviera Tower Condo) to 29th Street (just south of the Seville, ending at the Triton Towers Condo) the City could propose to keep the wooden boardwalk if desired, and still maintain connectivity, as there is roadway, Miami Beach Drive, which is parallel and contiguous to this section of Boardwalk. Bicycle traffic (Atlantic Greenway Network) could be fairly easily routed from the end of the paved beachwalk at 24th Street over to Miami Beach Drive. The wooden boardwalk can be retained between 24th and 29th. This area is overwhelmingly Condo apartments, and the City would be able to accommodate some of the residents in this area that like the wooden Boardwalk. It would be a five block stretch of undisturbed wooden boardwalk that they can walk on, see the ocean, etc.

This plan presupposes that the Perry/One Hotel is permitted to proceed with their pending permit to remove the section of the boardwalk from behind their property and construct the at-grade beachwalk. Otherwise, there would be no access to the beginning of Miami Beach Drive at 24th Street. Staff has been informed that the Collins Park Neighborhood Association has taken a similar position in favor of connecting the beachwalk to 24th Street and Miami Beach Drive.

For those projects from 29th Street (Seville) north to 36th Street (the Versailles project), it must be noted that staff is greatly concerned about the legal situation the City may find itself in if the policies governing the Beachwalk project are suddenly reversed. The Seville, Saxony and Versailles projects are all pending approval for their projects in the very near future, and will be delayed significantly if plans need to be revised to reverse policy and scrap the installation of a beachwalk and the retention of the boardwalk. Staff has prepared a graphic showing that in this segment, the adjacent land uses are primarily hotels and new hotel/condo projects; permitting these previously approved projects to go forward as planned will not affect the large concentration of apartment residents further north and south. Staff strongly recommends allowing the beachwalk to proceed in this stretch, in order to avoid the prospect of litigation with these pending projects, and with the knowledge that this area is primarily hotels and not residential apartments.

North of 36th Street, the Ocean Grande project has proffered a monetary contribution to the Beachwalk project, but no construction is required. Farther north, the Fontainebleau has also proffered a beachwalk, but no action on this proffer is imminent. In contrast, the Eden Roc has already commenced the demolition of the Boardwalk behind their property and the parking lot to the north. Staff would propose that the Fontainebleau project that has not yet been started be allowed to be put on hold, while the Eden Roc project, which is underway, be allowed to be completed.

Regarding future segments to be addressed, it is recommended that a pilot application be forwarded to the State for the segment from 36th Street to the end of the 47th Street parking lot, which would reflect the desires expressed previously, i.e. raised to provide better views, some cushioning substance built in to the materials to provide a softer running surface, and wide enough to accommodate both walkers and bicycles. Through this mechanism, it can be determined what the State will permit, as well as allowing further research to arrive at an improved design that achieves the stated goals. Of course, environmental impacts would need to be assessed as well.

This plan may require additional modifications, however, Planning Department staff believes that it is a fair compromise. It would permit the group of residents between 24th and 29th to have their existing wooden boardwalk remain, it would maintain the bicycle connectivity required to implement the City's long term mobility vision, it would permit the hotel projects to move forward without requiring major redesigns or sparking litigation, it keeps at least fairly large segments of each facility without piecemealing it too much, and it would put the longer term possibilities in the hands

of the state regulators, and possibly permit us the time to design a more raised beachwalk that could accommodate walking and biking with a view of the ocean, if possible.

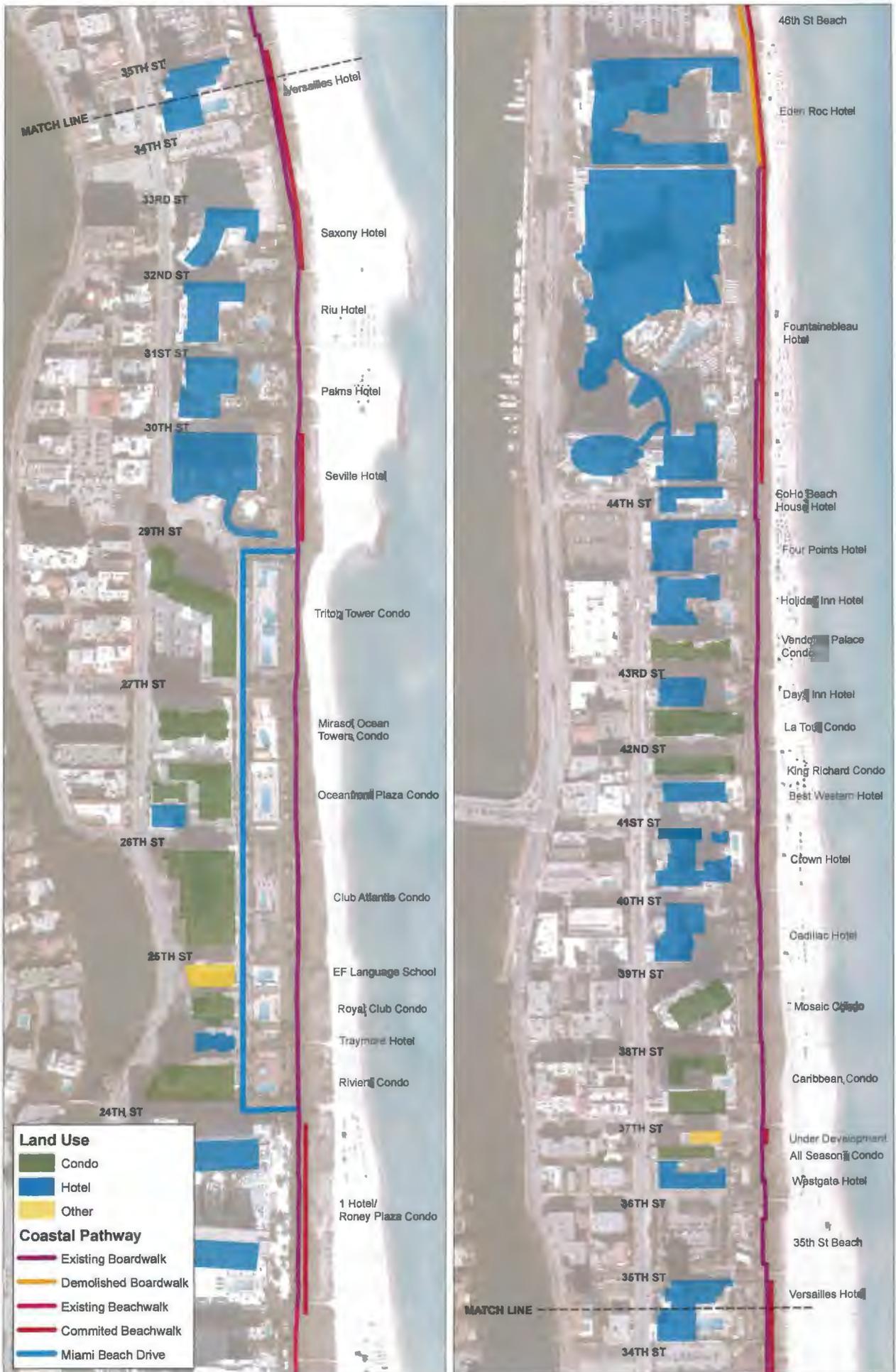
CONCLUSION

The above information is provided for discussion by members of the Commission.

Attachment: map

JGG/JJF/RWS/ESW/RGL

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MIAMIBEACH

CITY OF MIAMI BEACH

NOTICE OF SPECIAL CITY COMMISSION MEETING

NOTICE IS HEREBY given that the City Commission of the City of Miami Beach, Florida, will hold a **Special City Commission Meeting** on Monday, **May 20, 2013 at 9:00 a.m.**, at the Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida to discuss the City's Boardwalk between 23rd and 46th Streets.

All interested parties are invited to attend. Inquiries concerning this item should be directed to the City Manager's Office, at 305-673-7010.

Rafael E. Granado, City Clerk
City of Miami Beach

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