MIAMIBEACH

COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: October 23, 2013

SUBJECT: **DISCUSSION ON THE BEACHWALK II PROJECT FROM 3rd STREET TO 5TH STREET**

At the September 11, 2013 Commission meeting discussion on the Beachwalk II Project from 3rd Street to 5th Street was referred to the Land Use & Development Committee.

BACKGROUND

The Beachwalk II Project consists of an on-grade paver pathway that will connect South Pointe Park to the existing serpentine promenade in Lummus Park at 5th Street. In order to expedite the Coastal Construction Control Line permitting process, the City split the project into two phases: Phase I – South Pointe Drive to 3rd Street and Phase II – 3rd Street to 5th Street.

Florida Department of Environmental Protection (FDEP) regulations require the project be located as far landward as practicable on the landward side/slope of the dune. Thus, the preferred location of the project is in the existing hardpack along the western toe of the dune. While this area already being utilized by the public for recreational purposes, this area is private property. Section 718.111 of the Florida Statutes states that a condominium association may acquire, convey, lease, or mortgage association real property in the manner provided in the condominium documents, and if the documents do not specify the procedure, then approval of 75 percent of the total voting interests is required. Staff has reached out to all the properties located between 3rd Street and 5th Street to again request easements and copies of each property's condominium documents to confirm each association's ability to convey the necessary easements to the City. The City has been unable to secure the necessary easements from the property owners to place the path on their properties (landward of the dune) in the existing hardpack.

On August 5, 2013, the design consultant and City staff met with FDEP for a pre-application consultation to propose placing the path east of the Erosion Control Line, within the protected dune system. The purpose of the consultation was to identify potential design concerns and minimize the number of Requests for Additional Information during the permitting process. Attachment A is the preliminary site plan submitted to FDEP on August 5, 2013.

FDEP commented that the path needed to be located further landward and the revisions should avoid impacts to the greatest extent possible. In the updated design the pathway has been relocated landward of the crest of the dune; avoids cutting into the dune; and avoids mature vegetation when possible.

FDEP requested that an impact minimization efforts and mitigation plan be submitted as part of the FDEP permit application. These efforts will include:

1. Relocating mature, native plants within the existing dune system;
2. Add fill to the crest of the dune;
3. Increase the seaward edge of the vegetated dune; and
4. Trim and/or limb-up seagrapes.

The 30% Construction Drawings will be completed by October 18th and the FDEP CCCL permit will be submitted the week of October 21st. The FDEP CCCL permitting process is estimated to take between 9 to 18 months to complete. The FDOT will be programming $850,000 for construction funds in their FY2014/15. Construction is estimated to begin in 2015.

CONCLUSION

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

Attachment: A – Preliminary Site Plan Submitted to on FDEP 8.5.13

MT/ETC/JJF/BAM/ESW

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OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager

FROM: Michael Góngora, Commissioner

DATE: August 28, 2013

SUBJECT: Referral Item for September 11 Commission Meeting

Please place on the September 11 Commission Meeting a referral to the Land Use Committee to discuss the Beachwalk II Project-Phase II (3rd Street to 5th Street). If you have any questions please feel free to contact my aide Diana Fontani at ext 6087.

MG/df

Agenda Item C4N

Date 9-11-13