

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE LAND USE AND SUSTAINABILITY COMMITTEE (LUSC) AT ITS FEBRUARY 17, 2021 MEETING, TO APPROVE, IN CONCEPT, THE ALTERNATE HARMONIZATION PLAN FOR 959 WEST AVENUE, AS PROPOSED BY GUMENICK PROPERTIES, TO DE-LINK THE BAYWALK PROJECT FROM THE PROPOSED ALTERNATE HARMONIZATION PLAN, AND TO EXPEDITE THE OPENING OF THE BAYWALK AND MOVE THE REOPENING OF THE BAYWALK UP ON THE G.O. BOND PRIORITIZATION LIST; FURTHER, DIRECTING THE ADMINISTRATION TO PRESENT THE BAYWALK PLAN AT A FUTURE LUSC MEETING, WITH THE FINAL ALTERNATE HARMONIZATION PLAN FOR 959 WEST AVENUE SUBJECT TO THE PRIOR APPROVAL OF THE MAYOR AND CITY COMMISSION.

WHEREAS, on March 22, 2017, the Mayor and City Commission adopted Resolution Nos. 2017-29800 and 2017-29799, awarding design/build service contracts to Ric-Man Construction Florida, Inc. ("Ric-Man") for West Avenue north of 14th Street improvements ("West Ave North Project"), and West Avenue south of 14th Street Phase II improvements ("West Ave South Project") (collectively, the "Project"); and

WHEREAS, the design of the Project included the recommendations of the Columbia University Resilience Accelerator, which is aligned with the City's modal hierarchy, which gives preference to pedestrians along the corridor; and

WHEREAS, the Project design promoted this modal hierarchy by using a landscape buffer to provide additional separation of pedestrians from vehicular travel, and Ric-Man also proposed a harmonization plan for the west side of West Avenue along the 900 block, which private property owners were in support of; and

WHEREAS, at its May 26, 2020 meeting, the Land Use and Sustainability Committee ("LUSC") was presented with an alternate harmonization approach for improvements at the 900 block of West Avenue; and

WHEREAS, at the LUSC meeting, a Gumenick Properties representative had indicated that Gumenick Properties had developed a proposed harmonization plan for the east side of the 900 block, and the Administration noted that the proposed alternate harmonization plan differed from what was originally presented during the Columbia Resilience Accelerator and the new proposed harmonization would add additional costs, and the proposed harmonization also included the potential opening of a Baywalk as part of the negotiations; and

WHEREAS, at the LUSC meeting, a motion was made by the LUSC to have the Public Works Department and City Attorney's Office negotiate the conditions of the concept design, including pending negotiations on the opening of the Baywalk, with representatives from the 900 block, and return to a future LUSC meeting; and

WHEREAS, at the October 28, 2020 City Commission meeting, the Commission adopted Resolution No. 2020-31473, approving a drainage and harmonization policy for West Avenue, establishing: (1) a private property harmonization policy; and (2) a residential/commercial property runoff and public drainage infrastructure policy for the West Avenue neighborhood; and

WHEREAS, in an effort to continue the discussions regarding the alternate harmonization plan for 959 West Avenue, a Gumenick Properties representative requested that a referral to the LUSC be placed at the December 9, 2020 City Commission agenda., and the item was approved and referred to the LUSC at the December 9, 2020 City Commission meeting; and

WHEREAS, at the January 20, 2021 LUSC, the Administration indicated that Public Works did not have any objections with the alternate plan presented; however, Public Works would need to review the final harmonization design before being able to provide any feedback, and further explained that the

Administration had recommended for the designers to come to an agreement for when the Baywalk should open, and present it to staff for review; and

WHEREAS, the discussions at the January 20, 2021 LUSC were followed by a presentation from a Gumenick Properties representative, which provided an overview of the impacts to nearby properties, and the presentation was followed by resident comments in favor of and comments against the opening of the Baywalk, citing safety concerns; and

WHEREAS, the LUSC members were supportive of the proposed harmonization pending a review of the design and requested that the Administration engage with the applicant to further discuss the opening of the Baywalk, and a motion was made by the LUSC members to continue the discussion at a future LUSC meeting; and

WHEREAS, shortly after the LUSC meeting, City staff met on-site with Gumenick Property representatives to evaluate how the opening of the bay walk would take place, which would likely follow the previously approved April 10th, 2013 Design Review Board Order (DRB File No. 22945) which included a publicly accessible baywalk, and the applicant requested that the concept plan of the design be accepted by Committee and proceed to the full City Commission for approval; and

WHEREAS, at its February 17, 2021 LUSC meeting, LUSC members made a motion to accept in concept, the proposed harmonization design as proposed by Gumenick Properties, and proceed to the full City Commission for approval, and the Committee members also made a motion to expedite the opening of the baywalk, and to place it on the G.O. Bond priority list.

WHEREAS, the Administration recommends accepting the recommendation of the LUSC at its February 17, 2021 meeting, to approve, in concept, the alternate harmonization plan for 959 West Avenue, as proposed by Gumenick Properties, to de-link the baywalk project from the proposed alternate harmonization plan, and to expedite the opening of the baywalk and move the reopening of the baywalk up on the G.O. bond prioritization list, with the direction for the Administration to present the baywalk plan at a future LUSC meeting; and further, providing that the final alternate harmonization plan for 959 West Avenue shall be approved by the City Commission at a later date.

NOW, THEREFORE, BE IT DULY RESOLVED THAT THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby accept the recommendation of the Land Use and Sustainability Committee (LUSC) at its February 17, 2021 meeting, to approve, in concept, the alternate harmonization plan for 959 West Avenue, as proposed by Gumenick Properties, to de-link the baywalk project from the proposed alternate harmonization plan, and to expedite the opening of the baywalk and move the reopening of the baywalk up on the G.O. Bond prioritization list, further, directing the Administration to present the baywalk plan at a future LUSC meeting, with the final alternate harmonization plan for 959 West Avenue, subject to the prior approval of the Mayor and City Commission.

PASSED and **ADOPTED** this 17th day of March, 2021. -

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

 3-9-21
Date