

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor Dan Gelber and Members of the City Commission

FROM: Alina T. Hudak, City Manager 

DATE: October 27, 2021

SUBJECT: **DISCUSSION REGARDING THE INTERIM RECONFIGURATION OF OCEAN DRIVE**

BACKGROUND

LONG-TERM VISION

On November 6, 2018, Miami Beach residents voted to approve the \$439 million City of Miami Beach General Obligation Bond (GOB) Program. The GOB program includes \$20 million for the design and reconstruction of the Ocean Drive corridor.

On September 16, 2020, the Mayor and City Commission adopted Resolution No. 2020-31388, authorizing the City to engage Zyscovich Architects in order to propose a long-term vision for the Art Deco Cultural District (ADCD), including Ocean Drive.

Zyscovich's consultant team, including transit and mobility subconsultants Kittelson & Associates, has evaluated all available traffic data, pedestrian and bicycle volumes, and mobility needs, challenges, and opportunities in the ADCD. In addition, the consultant team has worked closely with the Mayor's Art Deco Cultural District Panel and the City team to identify long-term street configurations for Ocean Drive, Collins Avenue, Washington Avenue, and the side streets within the ADCD.

Currently, the consultant team is evaluating two options for Ocean Drive consisting of a pedestrianization option without vehicles and an option that would allow vehicular traffic on a restricted basis but highly focused on pedestrian circulation, comfort, and safety. The final ADCD Vision Plan, including recommended street configurations, is expected to be presented to the City Commission for approval in February 2022. The Vision Plan will serve as the basis of design for the GOB Ocean Drive project.

Given the City Commission's expressed desire to expedite the GOB Ocean Drive project, the City Administration anticipates commencing procurement of a design firm in December 2021. The design and procurement process for the reconstruction of the Ocean Drive corridor is anticipated to take approximately 22 months. Based on this preliminary schedule, construction of the long-term street improvements could potentially begin in December 2023.

SHORT-TERM CONFIGURATIONS

The Restaurant Recovery Outdoor Seating Pilot Program (Program) was authorized by the City Commission on May 13, 2020 through Resolution No. 2020-31276 to help restaurant recovery during the COVID-19 pandemic. The Program allows restaurants to expand their outdoor dining operations along a portion of Ocean Drive through November 30, 2021 in order to comply with

social distancing. There are currently 135 businesses with this approval throughout the City, of which approximately 41 restaurants on Ocean Drive have been issued Outdoor Seating Expansion Permits. To facilitate the Program, as well as to allow residents to walk along Ocean Drive while social distancing, Ocean Drive was closed to vehicular traffic from 5 Street to 15 Street.

The initial implementation of the pedestrianization of Ocean Drive was approved by Miami-Dade County on May 15, 2020, and the actual pedestrianization began on May 16, 2020. To ensure any changes to the configuration of Ocean Drive include City Commission consideration and community involvement, on July 17, 2020, the City Commission passed Resolution No. 2020-31313 "requiring any potential new pilot mobility options on Ocean Drive, or other major streets in the City, be fully vetted by all stakeholders, including residents and discussion by the City Commission, prior to taking any action."

On May 3, 2021, the Governor passed Executive Order 21-101 which was interpreted by the City Attorney's Office and was determined to not prevent the City from implementing discretionary programs or benefits to promote economic recovery (including the Restaurant Recovery Outdoor Seating Pilot Program). Pursuant to the Governor's Executive Order, the Miami-Dade County Department of Transportation and Public Works (DTPW) advised the City that its approved pilots implemented during the COVID-19 pandemic would expire on June 30, 2021. Subsequently, the City worked with DTPW to obtain a permit following Miami-Dade County's Block Party permit process. The City applied for continuation of the permit and is currently working with DTPW to establish some parameters for the current closure (DTPW memorandum attached).

CURRENT CHALLENGES

Public Safety

Since the implementation of the Program, the City's public safety team has experienced challenges with congregation and impromptu parties on Ocean Drive. Our Police and Fire departments have expressed concerns with their ability to promptly respond to emergency calls when accessing Ocean Drive due to the limited access points and the frequent congestion that occurs on the side streets within the ADCD. Currently, emergency vehicles access Ocean Drive via gate arm systems at the 100 Block of 10 Street and at Ocean Drive and 5 Street; however, the existing system is not automated and requires that a person manually lift the gate arm to allow emergency vehicle access. Furthermore, Ocean Drive is closed at 14 Street with barricades that do not allow vehicles, including emergency vehicles, to continue traveling southbound on Ocean Drive from that point. To mitigate these concerns in the interim, the City has placed 24-hour security personnel to control the 10 Street gate. The 24-hour security guard presence comes at an added cost to the City.

Side Streets (100 Blocks)

One of the challenges of the current pilot configuration (pedestrianized Ocean Drive) is the operation of the 100 Blocks. The existing mobile vehicle barriers located just east of the Ocean Court alleyway create underutilized areas (dead zones) on the east ends of the 100 Blocks between the alleyway and Ocean Drive. These areas (east end of 10 Street in particular) have recently served as locations where large crowds congregate. Currently, valet stands are located on the 100 Blocks of 11 Street (from 9AM to 11PM) and 14 Street (24 hours) to serve hotels and restaurants on Ocean Drive.

Aesthetics

The current pedestrianization of Ocean Drive is in large part accommodated with temporary construction barriers and signs which are not attractive or contextual to historic and iconic Ocean Drive. As a result, several businesses have raised concerns with the poor image of the area. Furthermore, the continued use of these barriers and signs presents a significant maintenance and fiscal burden on the City and is not sustainable as an interim solution.

Pending Legal Case

Clevelander Ocean, LP (the "Clevelander") sued the City of Miami Beach (the "City") based upon three (3) City legislative actions: the City's rollback of the hours during which alcoholic beverages may be sold or consumed (from 5am to 2am); the continued closure of Ocean Drive; and the City's legal authority to remove the eastern-projecting noise exemption for 9-11th Streets on Ocean Drive.

The litigation is ongoing surrounding this matter, with oral argument pertaining to the City's appeal of the Circuit Court's original ruling with respect to the alcohol rollback scheduled to be heard in the Third District Court of Appeal on November 8, 2021.

In addition, the Clevelander recently filed a separate Motion for Injunction (which is predicated upon the Clevelander's assertion that the City's permit to close Ocean Drive expired), scheduled to be heard by the Circuit Court on November 10, 2021. The pending Motion requests that the Court reopen Ocean Drive to vehicular traffic, arguing that the Block Party Permit previously issued by the Miami-Dade County Department of Transportation and Public Works ("DTPW") has expired and/or that the City has not complied with certain new DTPW permit conditions with respect to an extension of the Block Party Permit, as set forth in an undated DTPW Memorandum to the City.

The DTPW Memorandum (attached) requires the City Administration to sign, remit (back to the DTPW) and fully comply with the conditions set forth in the Memorandum. All of the foregoing would need to occur prior to the Nov. 10th hearing, in order to avoid an adverse ruling on the merits, which may result in the entry of a Court order directing the City to reopen Ocean Drive, in its entirety, to vehicular traffic.

JUNE 23, 2021 CITY COMMISSION MEETING

At the June 23 City Commission meeting, the Administration presented various options for a potential reconfiguration of Ocean Drive to mitigate growing issues with public safety, emergency vehicle access, traffic congestion, freight loading, parking, and access to businesses. At the meeting, the Administration recommended for discussion an option for pedestrianization that was predicated on scaling back the footprint of the outdoor cafés to pre-pilot conditions and relocating them to the west on-street parking lane in order to maintain an unobstructed west sidewalk installing planters on the west and east sides of Ocean Drive and along the 100 Blocks to deter congregation, and providing Freebee service to help improve access to businesses, particularly hotels and restaurants, as well as enhance mobility along the corridor. Furthermore, this option proposed the installation of automatic gates at 5 Street, 10 Street, and 15 Street to improve emergency vehicle access. Several concerns were raised, including mixing pedestrians, bicyclists, and Freebee vehicles in the same shared space (i.e. no mode segregation), relocating the outdoor cafés from the west sidewalk to the west on-street parking lane, cost of providing Freebee service, and the cost of implementing a temporary reconfiguration in advance of the GOB project.

The Ocean Drive Association transmitted a letter to the Mayor and Commissioners on June 22, 2021 expressing its views on the Administration's reconfiguration options and conveying its recommended pilot configuration for Ocean Drive. At the June 23 City Commission meeting, the Chair of the Ocean Drive Association cited the letter and expressed various concerns with the Administration's recommendation, including the proposed footprint reduction and relocation of outdoor cafés from the west sidewalk to the west on-street parking lane which would separate outdoor cafés from the restaurants; the proposed planters on the west side of Ocean Drive which would shift pedestrians closer to the buildings; the proposed planters on the east side of Ocean Drive which would impede pedestrian flow into Lummus Park in case of an emergency; and the need to separate pedestrians and bicyclists for safety.

Following discussion, and based on input from the Ocean Drive Association, stakeholders, and others, the City Commission directed the Administration to organize a workshop to discuss the interim configuration of Ocean Drive.

SEPTEMBER 23, 2021 CITY COMMISSION WORKSHOP ON OCEAN DRIVE AND WASHINGTON AVENUE

On September 23, 2021, the City Commission hosted a workshop to discuss the interim configuration of Ocean Drive going forward. At the meeting, staff presented two feasible options both including reintroducing motor vehicles into the corridor. Option A consisted of reintroducing of two-way traffic, valet parking on the west side, and replacement of the parking on the east side with a two-way bicycle lane. Similar to pre-pilot configuration, this option included sidewalk cafes on the west sidewalk. Option B considered one-way southbound traffic, valet parking on the west side, replacement of the parking on the east side with a two-way bicycle lane, and sidewalk cafes on the west sidewalk. Staff also showed the June 22, 2021 Ocean Drive Association for reference.

At the meeting, the City Commission directed staff to review the feasibility of including parklets on the west parking lane as part of Option B. Further, the City Commission directed staff to explore a hybrid option to the Ocean Drive Association alternative including freebees, reduced restaurant expansions on the west parking lane and a two-way bike lane on the east side of the corridor. The City Commission also requested that staff study the feasibility of creating a pedestrian plaza on Ocean Drive between 14th Street and 15th Street.

ANALYSIS

UPDATE SINCE SEPTEMBER 23, 2021 CITY COMMISSION WORKSHOP

Since the September 23 City Commission Workshop, an interdepartmental group has closely reviewed each section of Ocean Drive to ensure that implementation and anticipated operation of the different alternatives being considered mitigate the safety or operational issues in the area. As part of this review, staff and Administration conducted various site visits to observe the current operations of the area and use the visual data to help in the determination of feasibility for potential modifications to the current configuration. In addition, staff conducted interviews and meetings with various hoteliers in the area to obtain testimony regarding the operations under the current configuration.

CONCLUSION

Based on the review of Ocean Drive, Ocean Court, and side streets, the Administration believes that the successful implementation of options for a pedestrianized Ocean Drive with restaurant expansions requires the implementation of a comprehensive plan that addresses pedestrian

mobility, safety and security, programming, emergency vehicle access, traffic control and access management, and parking/curb management strategies regulating valet, ride share, and freight loading operations.

While the Administration has provided options for Ocean Drive that include a FreeBee component, we will need additional time to study options for a pedestrianized Ocean Drive inclusive of a plaza concept. The Administration is requesting the extension of the current pilot (current configuration) beyond November 30, 2021 in order to engage stakeholders and develop all options discussed by the Commission.

SUPPORTING SURVEY DATA

According to the 2019 City of Miami Beach Resident Survey, 17% of residents walk as their primary method of transportation and 30% walk as their secondary method of transportation. Further, 74% of respondents expressed that they are most concerned/dissatisfied with pedestrian safety (vehicles not yielding to pedestrians) when crossing an intersection. In addition, 47% of residents responded that at least one person in their household regularly rides a bike and 33% of residents consider bicycling the most viable alternative to using cars for trips within Miami Beach. Based on the same survey, while 64% of residents feel somewhat safe when riding their bicycle in the City, 37% of residents feel unsafe.

STRATEGIC CONNECTION

Improve the walking and cycling experience

FINANCIAL INFORMATION

LEGISLATIVE TRACKING

Transportation and Mobility