


MIAMI BEACH

COMMISSION MEMORANDUM

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

FROM: Rafael A. Paz, City Attorney 

DATE: February 9, 2022

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE ADMINISTRATION, PURSUANT TO RESOLUTION NO. 2020-31317, TO PROCEED WITH SEGMENT 2 (NORTH) OF THE WEST AVENUE IMPROVEMENT PROJECT WITH THE MAXIMUM STREET ELEVATION WHICH MAY BE ACCOMPLISHED, IF ANY, THAT WOULD NOT REQUIRE HARMONIZATION OF ADJACENT PRIVATE PROPERTIES; AND NO ROAD ELEVATION UNDER ANY CIRCUMSTANCE OF MORE THAN 3 INCHES UNLESS EXPRESSLY APPROVED BY THE CITY COMMISSION; AND FURTHER, PRIOR TO PRESENTING THE FINAL PROPOSED DESIGN TO THE DESIGN REVIEW BOARD FOR ITS REGULATORY APPROVAL, DIRECTING THE ADMINISTRATION TO RELEASE THE FINAL PROPOSED DESIGN FOR SEGMENT 2, DEPICTING WHAT THE STREETS WILL LOOK LIKE AT THE COMPLETION OF THE PROJECT, VIA LETTER TO COMMISSION.

The attached Resolution is prepared at the request of Commissioner Mark Samuelian.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE ADMINISTRATION, PURSUANT TO RESOLUTION NO. 2020-31317, TO PROCEED WITH SEGMENT 2 (NORTH) OF THE WEST AVENUE IMPROVEMENT PROJECT WITH THE MAXIMUM STREET ELEVATION WHICH MAY BE ACCOMPLISHED, IF ANY, THAT WOULD NOT REQUIRE HARMONIZATION OF ADJACENT PRIVATE PROPERTIES; AND NO ROAD ELEVATION UNDER ANY CIRCUMSTANCE OF MORE THAN 3 INCHES UNLESS EXPRESSLY APPROVED BY THE CITY COMMISSION; AND FURTHER, PRIOR TO PRESENTING THE FINAL PROPOSED DESIGN TO THE DESIGN REVIEW BOARD FOR ITS REGULATORY APPROVAL, DIRECTING THE ADMINISTRATION TO RELEASE THE FINAL PROPOSED DESIGN FOR SEGMENT 2, DEPICTING WHAT THE STREETS WILL LOOK LIKE AT THE COMPLETION OF THE PROJECT, VIA LETTER TO COMMISSION.

WHEREAS, the West Avenue Neighborhood is one of the lowest lying areas in the City of Miami Beach, with elevations as low as 1.7' NAVD; and

WHEREAS, since 2017, low-lying areas of West Avenue have experienced flooding from high tides 58 times, and flooding is expected to worsen, as the City faces 14- 30 inches of sea level rise over the next thirty years (Southeast Florida Regional Climate Change Compact, 2019); and

WHEREAS, the West Avenue Phase II Improvements Project (the "Project"), represents a comprehensively defined neighborhood improvement program, focused on resolving challenges associated with climate impacts and aged infrastructures; and

WHEREAS, the proposed improvements within the West Avenue neighborhood include many necessary improvements that will be extremely beneficial to the West Avenue neighborhood, such as installation of a new robust storm water drainage collection and pumping system, replacement of the existing water distribution/transmission systems and gravity sanitary sewers, installation of new street lighting, pedestrian lighting, replacement of existing and installation of a new signalized intersection with mast arms, new landscaping, irrigation and construction of a new baywalk segment; and

WHEREAS, the scope of the Project also includes a proposed raising of the paved roadway, which would require harmonization with adjacent properties; and

WHEREAS, the main challenge facing this Project is the need to harmonize between the future elevation of the roadway and the existing elevations of the adjacent private properties to mitigate the impacts of raising the roads on lower-lying adjacent properties in the West Avenue neighborhood; and

WHEREAS, harmonization is a roadway design approach that maintains private property access, stormwater management, and neighborhood aesthetics through adaptable design standards; and

WHEREAS, however, there are several challenges facing harmonization, including financial impacts to the property owners that are difficult to estimate as there are too many variables involved, based on the built environment applicable to each property; and

WHEREAS, in response to the Inspector General's report and recommendations relating to the Palm and Hibiscus Island Neighborhood Improvement Project, the City instituted a policy of designing and reaching consensus and contractual agreements on harmonization details with property owners prior to commencing construction; and

WHEREAS, the West Avenue Project (North of 14th Street) has been divided into 9 segments, with the work being phased so that construction will have to be completed in a single segment before work can commence on the following segment, and importantly, with no segment authorized for construction until harmonization plans have been finalized and completed for each segment; and

WHEREAS, the residents residing in Segment 2 of the Project (which includes several streets east of Alton Road between Lincoln Road and Dade Boulevard, including Lincoln Road, Lincoln Court, Bay Road, and a small portion of West Avenue), desire to proceed with the Project but are unified in their view that they do not want road harmonization in their neighborhood; and

WHEREAS, the Road Elevation Strategy and Neighborhood Project Prioritization report by Jacobs Engineering has proposed setting a standard for varying edge of road elevations, depending on service levels, at a slightly higher elevation of (i) 3.9 ft NAVD for local and major roads; and (ii) 4.8 ft NAVD for emergency roads; and

WHEREAS, in 2020, the Mayor and City Commission adopted Resolution No. 2020-31317, adopting the Jacobs Engineering recommended standard as an aspiration goal, but providing the City with the flexibility and discretion to complete roadwork at elevations below the 3.9 ft NAVD aspirational standard (and below the previously adopted standard of 3.7ft NAVD for harmonization); and

WHEREAS, without the participation of adjacent property owners, Segment 2 of the Project cannot proceed; however, there is broad consensus that it is vital to advance the remaining portions of the Project as soon as reasonably possible, as there are critical infrastructure needs in this area, and deteriorating street and sidewalk conditions, with each month of delay causing the City to incur significant additional construction overhead costs (average total monthly payments to the contractor in the last 12 months have approximated \$180,000 per month); and

WHEREAS, at its January 4, 2022 meeting, the Design Review Board continued this Project until its March 1, 2022 meeting due to significant concerns; and

WHEREAS, at the January 20, 2022 City Commission meeting, the Mayor and City Commission unanimously referred the project to the Inspector General as part of the R9 Y discussion item; and

WHEREAS, there are critical benefits from quickly advancing the project including: implementing stormwater pump stations, critical water & sewer & stormwater infrastructure improvements, highly desirable street and sidewalk enhancements, extension of the Baywalk, confidence building in the community and outside stakeholders; and

WHEREAS, as such, pursuant to Resolution No. 2020-31317, the Mayor and City Commission authorize the City Administration to proceed with Segment 2 of the West Avenue Improvement Project with the maximum street elevation which may be accomplished, if any, that would require harmonization of adjacent private properties that would not otherwise be required; and no road elevation under any circumstance of more than 3 inches unless expressly approved by the City Commission; and

WHEREAS, the Mayor and City Commission further direct the City Administration, prior to submitting the final proposed designs for Segment 2 to the Design Review Board, to release the final proposed design for Segment 2, depicting what the streets will look like at the completion of the Project, via Letter to Commission.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby authorize the Administration, pursuant to Resolution No. 2020-31317, to proceed with Segment 2 (North) of the West Avenue Improvement Project with the maximum street elevation which may be accomplished, if any, that would not require harmonization of adjacent private properties; and with no road elevation under any circumstance of more than 3 inches unless expressly approved by the City Commission, and further, prior to presenting the final proposed design to the Design Review Board for its regulatory approval, directing the Administration to release the final proposed design for Segment 2, depicting what the streets will look like at the completion of the Project, via Letter to Commission.

PASSED AND ADOPTED this ____ day of _____, 2022.

Attest:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Commissioner Mark Samuelian)

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



City Attorney

2-3-22
Date

RESOLUTION NO. 2020-31317

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH FLORIDA, ACCEPTING AND APPROVING, IN CONCEPT, THE REPORT AND GOALS SUBMITTED BY JACOBS ENGINEERING, ENTITLED “ROAD ELEVATION STRATEGY AND RECOMMENDED SEA LEVEL RISE/TIDAL FLOOD ADAPTATION PROJECTS (THE “PROJECTS”),” DATED FEBRUARY 28, 2020; AND INCORPORATING SUCH PROJECTS AS AN AMENDMENT TO THE CITY’S STORMWATER MASTER PLAN, PROVIDED, HOWEVER, THAT ANY AND ALL INDIVIDUAL PROJECTS SHALL CONTINUE TO BE REVIEWED AND APPROVED BY THE MAYOR AND CITY COMMISSION ON A CASE-BY-CASE BASIS.

WHEREAS, Jacobs Engineering has worked with City staff to develop an Integrated Water Management Plan, inclusive of three reports that further refine the City’s existing Stormwater Master Plan; and

WHEREAS, these reports are: 1) The Blue-Green Stormwater Infrastructure Concept Plan, dated February 28, 2020; 2) The Road Elevation Strategy and Recommended Sea Level Rise/Tidal Flood Adaptation Projects, dated February 28, 2020; and 3) The Neighborhood Project Prioritization – Methodology and Results, dated April 1, 2020; and

WHEREAS, the development of these reports was necessary to set the basis for the implementation of design criteria packages (DCPs) for City projects; and

WHEREAS, throughout the development of these reports, Jacobs Engineering has gathered feedback from the community, the City Administration, and, most recently, the City Commission, at its Resilience Retreat on January 27, 2020; and

WHEREAS, all three reports support the City’s Resilience Strategy by reducing flood risks in ways that increase environmental protection and create social and economic value for the City; and

WHEREAS, the City Commission’s approval of the “Road Elevation Strategy and Recommended Sea Level Rise/Tidal Flood Adaptation Projects” report will allow the City to begin incorporating revisions to DCPs for the recommended 56 prioritized neighborhood projects; and

WHEREAS, the City Commission previously adopted Resolution No. 2016-29454, which amended the 2011 Stormwater Master Plan to set the crown of road for all new construction at 3.7ft NAVD; and

WHEREAS, harmonization with private properties has been the subject of much debate in the community; and

WHEREAS, Jacobs Engineering has proposed setting varying edge of road elevations, depending on service levels, at a slightly higher elevation of 1) 3.9ft NAVD for local and major roads; and 2) 4.8ft NAVD for emergency road; and

WHEREAS, notwithstanding the above, the City Commission have made clear that there may be circumstances which warrant exceptions to the aforesated elevations, when requiring harmonization of the abutting private properties; and

WHEREAS, the City Commission has the right and obligation to hear community input in determining if road elevation, as the report states, “[c]reates constraints with private property harmonization” or if “[private property] hardship exists related to vehicular access or stormwater management,” such that the report’s “Method 3 (harmonization) will dictate the road elevation.”; and

WHEREAS, at its July 24, 2020 meeting, the City Commission moved to adopt the aforesated higher elevations as *an aspirational goal*, with the City Commission having complete flexibility and discretion to come down below, even below the previously mandated 3.7ft NAVD, if needed for harmonization.

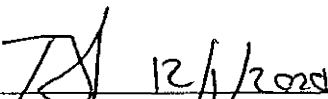
NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby accept and approve in concept, the report and goals submitted by Jacobs Engineering, entitled “Road Elevation Strategy and Recommended Sea Level Rise/Tidal Flood Adaptation Projects (the “Projects”),” dated February 28, 2020; and incorporate such Projects as an amendment to the City’s Stormwater Master Plan, provided, however, that any and all individual projects shall continue to be reviewed and approved by the Mayor and City Commission on a case-by-case basis.

PASSED and ADOPTED THIS 24th day of July, 2020.



Dan Gelber, Mayor

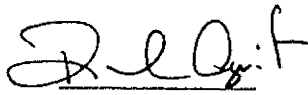
ATTEST:



Rafael E. Granado, City Clerk



APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

11/4/20
Date