

**Resolutions - C7 Q****MIAMI BEACH****COMMISSION MEMORANDUM**

TO: Honorable Mayor and Members of the City Commission  
FROM: Raul J. Aguila, Interim City Manager  
DATE: March 17, 2021

SUBJECT: 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.

**RECOMMENDATION**

The Administration recommends 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, 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.

**BACKGROUND/HISTORY**

On March 22, 2017, the Mayor and City Commission passed 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, and West Avenue, south of 14th Street Phase II improvement projects.

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. The design promoted this modal hierarchy by using a landscape buffer to provide additional separation of pedestrians from vehicular travel. 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.

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.

At the Committee meeting, a Gumenick Properties representative mentioned that his client had developed a proposed harmonization plan for the east side of the 900 block. Roy Coley, Public Works Director, stated 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. The proposed harmonization also included the potential opening of a Baywalk as part of the negotiations.

At the LUSC meeting, a motion was made by the Committee 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.

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.

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. The item was approved and referred to committee.

At the January 20, 2021 LUSC, Roy Coley, Public Works Director, explained that he did not have any objections with the alternate conceptual plan as presented, however; Public Works would need to review the final harmonization design before being able to provide any feedback. He explained that the Administration had recommended for the designers to come to an agreement as to when the Baywalk should open, and present it to staff for review.

The discussions were followed by a presentation from a Gumenick Properties representative, which provided an overview of the impacts to nearby properties. There were also resident comments in favor of, and comments against, the opening of the Baywalk.

The Committee 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. A motion was made by the Committee members to continue the discussion at a future LUSC meeting.

Shortly after the LUSC meeting, City staff met on-site with Gumenick Property representatives to evaluate how the opening of the Baywalk would take place, which would likely follow the Design Review Board (DRB) order. Meanwhile, the applicant requested that the concept plan of the design be accepted by Committee and proceed to the full City Commission for approval.

At its February 17, 2021 LUSC meeting, the Committee members made a motion to move the item to the full Commission, recommending approval in concept, of the alternative harmonization plan for 959 West Avenue and de-link the Baywalk project. The motion made by Commissioner Ricky Arriola, Seconded by Commissioner Michael Gongora (2-1).

An additional motion was made in support of expediting the opening of the Baywalk and move it up on the G.O. Bond prioritization list, with the direction for the Administration to present the Baywalk plan at a future LUSC meeting. The motion made by Commissioner Michael Gongora, Seconded by Commissioner Mark Samuelian (3-0).

### **ANALYSIS**

The Gumenick Properties representative has stated that the harmonization and drainage policy approved in October 2020 via Resolution No. 2020-31473, would affect their proposed design of the 900 block of West Avenue.

The City proposed a landscape strip abutting West Avenue, followed by the sidewalk and a retaining wall with handrails along the property line. The Gumenick Properties representative claims that it would affect the adjacent owner's property, which would be at a significantly lower elevation, by disengaging the pedestrians along the sidewalk from the private property, and creating an aesthetically displeasing effect.

Gumenick Properties proposed an alternative harmonization by flipping the sidewalk and landscape strip, allowing for a sloped landscaped berm that transitions from the higher street to the pedestrian plaza within the private property. This condition eliminates the retaining wall and handrails that segregate the pedestrian from the private property (see attached).

The Gumenick Properties representative has fully vetted this alternative with City staff and claims that the alternate harmonization will not delay the City's project. Further, the owner agrees to fund the necessary improvements on the private property so there is no additional cost to the City. They note that this arrangement has been implemented on other blocks along West Avenue as a harmonization solution, and claim that this proposed harmonization would be in context with the surrounding area.

### **SUPPORTING SURVEY DATA**

Results from the 2019 Resident Survey show that 50% of residents rated efforts to manage stormwater drainage and flooding as excellent or good. In order to continue maintaining excellent standards in this area, the Administration recommends accepting the recommendation of the LUSC to approve in concept, the alternate harmonization design presented by Gumenic properties.

### **CONCLUSION**

The Administration recommends 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, 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.

### **Applicable Area**

South Beach

### **Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

### **Does this item utilize G.O. Bond Funds?**

No

### **Strategic Connection**

Environment & Infrastructure - Reduce risk from storms, high tides, groundwater, and sea level rise.

### **Legislative Tracking**

Public Works

### **ATTACHMENTS:**

#### **Description**

- [Alternative Harmonization Plan 959 West Ave](#)

- ▣ [Land Use Presentation](#)
- ▣ [Resolution](#)