

# MIAMI BEACH

## COMMITTEE MEMORANDUM

TO: Public Safety and Neighborhood Quality of Life Committee Members

FROM: Alina T. Hudak, City Manager

DATE: February 12, 2024

SUBJECT: **DISCUSS PEDESTRIAN AND BICYCLE SAFETY ON THE BEACHWALK AND ANY OPTIONS FOR CREATING A BIKE PATH ON THE HARD PACKED SAND TO MINIMIZE THE INTERACTION BETWEEN BICYCLISTS AND PEDESTRIANS ON THE BEACHWALK.**

---

### **HISTORY:**

At the December 13, 2023 City Commission meeting, item R9 D, sponsored by Mayor Steven Meiner and Commissioner Alex Fernandez, was discussed. The City Commission referred the item to the Public Safety and Neighborhood Quality of Life Committee (PSNQLC). The referral is to discuss options to allow for the creation of a bike path similar on the hard-packed sand to minimize interaction between bicyclists and pedestrians on the Beachwalk.

### **ANALYSIS**

The Beachwalk projects are part of the larger Atlantic Greenway Network (AGN), which is a system of bikeways designed to promote alternative transportation. They extend in a north/south direction and run between the Erosion Control Line (ECL) and the dune system. The Beachwalk provides a direct connection to ten city parks including Altos del Mar, Lummus, and South Pointe, among others. The construction for this project began in 2003 and was completed in 2022. The estimated cost of the entire Beachwalk is \$44.9 Million with a total estimated value of approximately \$60 Million; it connects area business districts, cultural and tourism centers, residential neighborhoods, parking facilities, parks, schools, and the beaches.

The Administration conducted research to understand the feasibility of developing a bike path along the seaward edge of the dune system on hard-packed sand. Hardpack is defined as the sand road west of the ECL used by public safety and other authorized vehicles that is naturally occurring over time. While sand compacts to varying degrees over the entire length of the beach, the established hardpack recognized by the Beach Maintenance Division extends from 6<sup>th</sup> Street to 19<sup>th</sup> Street. Beyond these limits, it is reasonably understood that a beach cruiser with extra wide tires would be necessary to traverse through the sand. The Administration also reached out to the Florida Department of Environmental Protection (FDEP) for regulatory guidance and limits on activities east of the Coastal Construction Control Line (CCCL).

### **Regulatory Environment**

The Florida Department of Environmental Protection (FDEP) advised of the permitting challenges and the difficulties of obtaining approvals to create a new path within or east of the dune system. There are regulatory limitations on what can be permitted east of the CCCL, or Collins Avenue; as such, allowable activities within the dunes and on the beach are limited, particularly once habitat has been established. The area east of the dunes must follow the CCCL Program established by Florida Statute 62B-33 Ch. 161 Beach and Shore Preservation. The CCCL program regulates structures and activities that can cause beach erosion, destabilize dunes, damage uplands, and interfere with public access; it aims to protect sea turtles and the overall health of the dunes.

If the City were to proceed with creating a new parallel bike path, approvals through the CCCL program as a “new activity” would need to be obtained. A designated bike path would change the current nature of the existing sand. The City would need to prove that there would be no impact to sea turtles; because species such as Loggerhead, Green, and Leatherback sea turtles nest in soft sand, proof would be required that bike path activity would not impact the sand characteristics per the Endangered Species Act of 1973.

If the City were to apply for a permit for a new bike path east of the dunes, it would be denied unless it could be demonstrated that the requirements of having no adverse impacts on the integrity of the dune system and sea turtle habitats were met.

#### **FDEP § 62B-33.005 – General Criteria for Areawide and Individual Permits**

Section (3a) denies any application “for an activity which either individually or cumulatively would result in a significant adverse impact including potential cumulative effects. In assessing the cumulative effects of a proposed activity, the Department shall consider the short-term and long-term impacts and the direct and indirect impacts the activity would cause in combination with existing structures in the area and any other similar activities already permitted or for which a permit application is pending within the same fixed coastal cell. The impact assessment shall include the anticipated effects of the construction on the coastal system and marine turtles. Each application shall be evaluated on its own merits in making a permit decision; therefore, a decision by the Department to grant a permit shall not constitute a commitment to permit additional similar construction within the same fixed coastal cell.”

Section (9) requires “(a)ll structures, except those required for public safety, beach access, and those associated with dune restoration and special events, shall be located a sufficient distance landward of the beach and frontal dune to permit natural shoreline fluctuations, to preserve and protect beach and dune system stability, and to allow natural recovery to occur following storm-induced erosion. ....”; public safety refers to lifeguard stands, towers, etc.

Section (4) states: The Department shall issue a permit for construction which an applicant has shown to be clearly justified by demonstrating that all standards, guidelines, and other requirements set forth in the applicable provisions of part I, chapter 161, F.S., and this rule chapter are met, including the following:

- (a) The construction will not result in removal or destruction of native vegetation which will either destabilize a frontal, primary, or significant dune or cause a significant adverse impact to the beach and dune system due to increased erosion by wind or water;
- (b) The construction will not result in removal or disturbance of in situ sandy soils of the beach and dune system to such a degree that a significant adverse impact to the beach and dune system would result from either reducing the existing ability of the system to

resist erosion during a storm or lowering existing levels of storm protection to upland properties and structures;

(c) The construction will not direct discharges of water or other fluids in a seaward direction and in a manner that would result in significant adverse impacts. For the purposes of this rule section, construction shall be designed so as to minimize erosion induced surface water runoff within the beach and dune system and to prevent additional seaward or off-site discharges associated with a coastal storm event.

(d) The construction will not result in the net excavation of the in situ sandy soils seaward of the control line or 50-foot setback.

(e) The construction will not cause an increase in structure-induced scour of such magnitude during a storm that the structure-induced scour would result in a significant adverse impact;

(f) The construction will minimize the potential for wind and waterborne missiles during a storm;

(h) The construction will not cause a significant adverse impact to marine turtles, or the coastal system

### **CONCLUSION:**

The Administration recommends discussion by the Committee given the regulatory environment of creating a parallel bike path due to the State Statute and Coastal Construction Control Line requirements designed to regulate potential adverse impacts to sea turtles, the dune system, and the overall coastal environment.

### **Applicable Area**

Citywide

### **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

### **ATTACHMENTS:**

#### **Description**

□ Referral Memo from 12.13.23 Commission

#### **Type**

Memo

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Mayor Steven Meiner  
DATE: December 13, 2023

SUBJECT: REFERRAL TO THE PUBLIC SAFETY AND NEIGHBORHOOD QUALITY OF LIFE COMMITTEE TO DISCUSS PEDESTRIAN AND BICYCLE SAFETY ON THE BEACHWALK AND ANY OPTIONS FOR CREATING A BIKE PATH ON THE HARD PACKED SAND TO MINIMIZE THE INTERACTION BETWEEN BICYCLISTS AND PEDESTRIANS ON THE BEACHWALK.

---

### **ANALYSIS**

The City's Beachwalk is a 7 mile oceanfront shared use path that is highly utilized by pedestrians, cyclists, joggers, and skaters. Since the completion of the Beachwalk, the City has experienced challenges with accommodating pedestrians and bicyclists, particularly along busy portions of the Beachwalk.

Please place on the agenda a referral to the Public Safety and Neighborhood Quality of Life Committee to evaluate whether pedestrians and bicyclists could be separated from each other on the Beachwalk, by using the hardpacked sand located east of the dunes as a potential bike path. As part of this item, I would ask for the Administration to research and advise the Committee on the regulatory requirements for creating a low-impact bike path on the hard packed sand using sustainable materials (if any are needed). In addition, I would like for City staff to explore whether there are any other options that may be available to better mitigate the issues arising from the various shared uses on the busy Beachwalk, including widening portions of the Beachwalk wherever possible to ensure the Beachwalk is capable of handling existing and future traffic volumes.

### **SUPPORTING SURVEY DATA**

N/A

### **FINANCIAL INFORMATION**

N/A

**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

