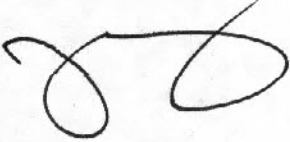




# MIAMI BEACH

OFFICE OF THE CITY MANAGER  
NO LTC # 284-2011

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LETTER TO COMMISSION  
CITY CLERK'S OFFICE

TO Mayor Matti Herrera Bower and Members of the City Commission  
FROM Jorge M Gonzalez, City Manager   
DATE November 8, 2011  
SUBJECT Update on Public Baywalk Along West Avenue

The purpose of this LTC is to update the Mayor and City Commission on the status of public bay walks at the rear of the properties along West Avenue from 5<sup>th</sup> Street to Lincoln Road

## RECENT UPDATES

- The portion of the block wall separating the bay walks of the Bentley Bay (540 West Avenue) and Floridian (650 West Avenue) properties was removed and the grade adjusted to allow a direct connection
- The City recently received a 50/50 matching grant from the Florida Inland Navigation District (FIND) for \$472,820 This grant will fund bulkhead, storm drainage and street-end park improvements for the western terminus of 10<sup>th</sup> Street. Construction is expected to begin sometime in the spring of 2012
- The DEP application for the public bay walk at the Mondrian Hotel Site (1000-1200 West Avenue) continues to be fine tuned by the applicant's consulting engineer and the City's consultant The final version of the application should be submitted to DEP in December
- Plans for a publicly accessible bay walk behind the Flamingo property (1500 Bay Road) have now been permitted and construction is underway The City expects the baywalk to be accessible to the public in early 2012

## CURRENT STATUS

The City's environmental consultant, Coastal Systems International, has developed a Baywalk Master Plan that includes the following properties between 5<sup>th</sup> Street and Lincoln Road

### 1. 520 – 540 West Avenue. Bentley Bay Condominium (DRB File 9802)

A baywalk has been constructed upland and is accessible The bay walk was recently connected to the Floridian property to the north, as the portion of the block wall separating the bay walks of the respective properties was removed and the grade adjusted to allow a direct connection to the Floridian bay walk to the north (See Photos Below)

### 2. 650 West Avenue. Floridian Condominium (DRB File 5517)

A bay walk has been constructed upland and is accessible This bay walk is now connected

to the Bentley Bay to the south (see above) To the north, no bay walk presently exists  
According to the plans approved by the County's Shoreline Development Review Committee (SDRC), as well as existing site conditions, this baywalk is publicly accessible



3. 800 West Avenue South Bay Club Condominium

No development order on this property was ever imposed as it pre-dates the creation of the design review process, and no bay walk exists. Staff has evaluated the feasibility of a baywalk in this location and it appears that an overwater, as opposed to upland, connection would be the most feasible option at some point in the future.

4. 900 West Avenue. Southgate Towers Apartments (Rentals)

No development order on this property was ever imposed as it pre-dates the creation of the design review process, and no bay walk exists. Owners have begun discussions with the Planning Department regarding a public baywalk connection through or adjacent to their property, as part of a larger renovation project. However, there is no timetable for such renovation project. Additionally, the following condition was included in the August 3, 2010 Final Order for a smaller renovation project at the subject property (DRB File No. 22718):

*The applicant is aware that an over-water and/or upland section of the City's Public Baywalk parallel to the applicant's west property line is proposed by the City to be constructed in accordance with the Public Baywalk Master Plan, prepared by Coastal Systems International, dated 06-18-09.*

*The applicant agrees to confirm prior to the issuance of a Certificate of Completion for the improvements contemplated by this order, in a document mutually acceptable to the City and the applicant, to allow the City, at the City's sole expense, to design, permit, construct, own, and maintain an over-water Public Baywalk section westward of the subject property's seawall.*

*In the event the Applicant in the future seeks and obtains final, non appealable approval from the Design Review Board for substantial renovations to its upland recreational facilities, and the City has not by then obtained permits for or constructed the over-the-water public baywalk, the applicant agrees to discuss with the City the dedication, design and construction of an upland and/or over-water public bay walk.*

5. Western Terminus of Tenth Street

Construction documentation for a proposed new streetscape, seawall and landscape project, with public bay walk access, has been completed. The City recently received a 50/50 matching grant from the Florida Inland Navigation District (FIND) for \$472,820. This grant will fund bulkhead, storm drainage and street-end park improvements for the western terminus of 10<sup>th</sup> Street. Construction is expected to begin sometime in the spring of 2012. A portion of the funding for the street-end work is also part of the design review approval provided as part of the Mondrian Hotel project, but would only become available in the event the overwater baywalk behind that project cannot be approved by all applicable regulatory authorities. The previous challenge to the funding of the 10<sup>th</sup> Street terminus by the Mondrian Hotel has been withdrawn.

6. 1000-1200 West Ave. Mondrian Hotel/Mirador Condos

Pursuant to the Final Order for DRB File 20181, an overwater public bay walk has been proffered by the Mondrian Hotel, designed and was made part of the permit plans for the Mondrian Hotel project. As a condition of this approval, the applicant has posted



\$800,000.00 in escrowed funds, in order to ensure the construction of the baywalk, such escrow is currently being held by a third party pursuant to an escrow agreement. While a prior application for the baywalk included plans for a marina, which were not received favorably by the State DEP, the applicant has now put together a new application, for a bay walk only, and is in the process of finalizing it, in consultation with City staff and the City's outside environmental consultant. Staff expects that the proposed overwater baywalk application will be submitted and reviewed by the applicable Federal, State and County permit agencies by the end of the year. Given the complexity of this review process, particularly at the State (DEP) level, there is still no indication whether it will receive approval for construction. The upland baywalk east of the seawall, which was an option provided for in the DRB Final Order, has not received the approval of the immediately abutting condominium associations to the north and south of the Mondrian Hotel and staff does not expect any such authorization to be forthcoming.

7. 1228 West Avenue Bay View Terrace (Condo)

As part of a recent Conditional Use approval by the Planning Board for the reconstruction of a pier and dock lost during a hurricane, the Condominium Association agreed to design their replacement pier and dock so that it can accommodate an overwater baywalk connection behind its property. Such agreement is part of the Conditional Use Approval issued by the Planning Board on August 26, 2008 (PB File No. 1879). No arrangements were made for private funding of this connection.

8. 1250 West Avenue Bay Garden Manor (Condo)

No development order on this property was ever imposed as it pre-dates the creation of the design review process, and no bay walk exists. Staff has evaluated the feasibility of a baywalk at this location and it appears that an overwater, as opposed to upland, connection would be the most feasible option. There is no timetable for this to be part of any future project.

9. Monad Terrace Single Family Homes

No development order on this property was ever imposed as it pre-dates the creation of the design review process, and no bay walk exists. While these properties are single family homes, the properties are zoned for multi-family residential. Any future aggregation of the bayfront lots for a larger new development along the water would present an opportunity for an upland public baywalk that could connect directly to the property to the immediate north (Waverly). Staff has evaluated the feasibility of a baywalk at this location absent the aggregation of the bayfront lots and it appears that an overwater, as opposed to upland, connection would be the most feasible option, with cooperation by the homeowners.

10. 1330 West Avenue Waverly (DRB File 9024)

An upland public bay walk has been constructed, pursuant to Design Review Board and County Shoreline Development Review Committee Orders. Litigation with the condominium association regarding public access has concluded in favor of the City, and the association has completed repairs to the seawall. This portion of the baywalk is now open to the public.

11. Western Terminus of Fourteenth (14<sup>th</sup>) Street

Public Park and accessible public bay walk are completed and open.

12 1500 Bay Road. Flamingo (DRB File 9191)

The Grand Flamingo project was approved by the Design Review Board (DRB) on November 4, 1997. Since the original approval, the subject project has become legal non-conforming in terms of overall height, FAR, parking, and with regard to the parking pedestal design. Condition 9 of the Final Order for the project states the following:

*A baywalk extension, from the south side of the property north into the future park area, shall be required.*

Although a bay walk was constructed, with direct access from the 14<sup>th</sup> Street Park, the above noted condition was not complied with as public access to the bay walk, as required by the DRB Final Order, was prohibited. The owners of the Flamingo sued the City on issues involving public baywalk access. The Flamingo and the City entered into a settlement agreement in September 2009, with the Flamingo agreeing to provide public access to the baywalk by the end of 2011. Plans for a publicly accessible bay walk have been permitted and construction is underway (See Photo Below). The City expects the baywalk to be accessible to the public in early 2012.



13. 1445 16<sup>th</sup> Street & 1491 Lincoln Terrace Mae Capri Condominium (DRB File 17716)  
Pursuant to the Final Design Review Board Order, an upland public bay walk has been

completed and is open to the public. The public bay walk is operating independent of any north or south connections, but will connect directly to the Flamingo property to the south, upon completion of the Flamingo bay walk (see above)

14. 1450 Lincoln Road Lincoln Bay Towers Condominium

No development order on this property was ever imposed as it pre-dates the creation of the design review process, and no bay walk exists. The existing rear pool deck extends over the seawall and projects into the bay. Consequently the only method of connection from the western street-end of Lincoln Road to the north side of the Mae Capri baywalk is to construct an overwater connection. A conceptual design for this specific connection between the Lincoln Road Street-end and the Mae Capri Condominium baywalk has been developed by the City. The City is currently ascertaining permitting feasibility from the appropriate regulatory agencies, and has been in discussion with the board and residents of this building.

15. Lincoln Road Street End

Public park and accessible public bay walk are completed and open (See Photos Below)



  
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- Fred Beckmann, Public Works Director
- Thomas R Mooney, Design and Preservation Manager
- Elizabeth Wheaton, Acting Environmental Resources Manager