

MIAMI BAYWALK PROJECT

CHARTING A PATH TO COMPLETION



Urban Land
Institute

Southeast Florida/
Caribbean



DOWNTOWN DEVELOPMENT AUTHORITY



Nathan VanDeman



Tanya Wilson



Hannah Lenard



Chris Collins



Juan Ruiz



Diego Ojeda



Rizzy Byckovas

ULI TEAM 4

Content:

I.	Executive Summary	page	3
II.	Scope and Context	page	4
III.	Economic Context	page	6
IV.	Regulatory Context	page	9
V.	Constraints	page	10
VI.	Opportunities	page	12
VII.	Recommendations	page	17

I. Executive Summary

In the Fall of 2018 the Urban Land Institute's ("ULI") Southeast Florida/Caribbean Chapter convened a leadership institute program comprised of various professionals in Southeast Florida's real estate and land use industry. The members were selected primarily from the fields of Urban Planning, Law, Real Estate, Architecture and Engineering. ULI's Leadership Institute educates and prepares emerging leaders with the tools to solve South Florida's most critical real estate and land use issues.

As part of this year's leadership program, teams of professionals were each assigned a scope of work based on a "challenge" project that involves various degrees of difficulties, stemming from certain financial, political, regulatory or physical constraints. Each team was tasked with making recommendations to help resolve the perceived barriers in order to chart a course to completion.

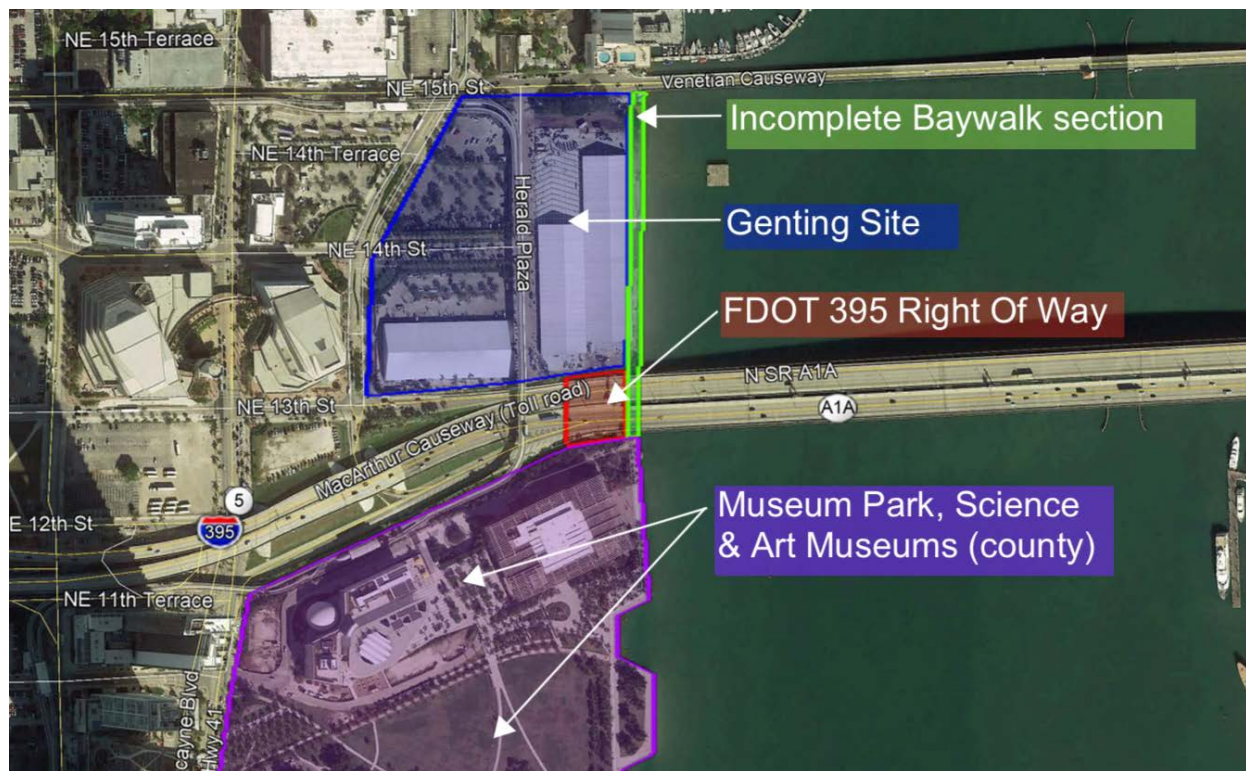
Team 4 was assigned to work with client, The Miami Downtown Development Authority (DDA). The project scope included identifying a strategy to encourage various stakeholders to work together in order to complete a 1,000-foot missing section of the Miami Baywalk. The area runs from Museum Park in the south, under the MacArthur Causeway Bridge and along the perimeter of the former Miami Herald site and north to the Venetian Causeway. The Baywalk project centered on the following scope:

II. Scope & Context

For decades the City of Miami has envisioned a 5-mile waterfront trail that will connect along Biscayne Bay from Margaret Place Park in Edgewater around Brickell Key and eventually to Brickell Bay Drive in Brickell. Upon completion, the Miami Baywalk will feature an 8' to 25' wide pedestrian and bicycle friendly waterfront promenade. The permitted uses will include: retail, dining and entertainment venues and landscaped recreational spaces. Baywalk activation will provide waterfront access to all residents and not just the wealthy that can afford to live on the water and has the potential to become a major tourist destination. With the creation of the Baywalk, Miami's natural infrastructure will improve and therefore help the City's resilience. Resilience is defined by the organization *100 Resilient Cities*, as what helps cities adapt and transform in the face of these challenges, helping them to prepare for both the expected and the unexpected; from the effects of climate change to growing migrant populations to inadequate infrastructure to pandemics to cyber-attacks. A resilient city is one with the ability to prepare, absorb, recover from, and more successfully adapt to adverse events.



While large sections of the bayfront promenade are either complete or still under construction, there are approximately six missing links that must be connected to complete the Baywalk. The largest barrier consists of a 1,000-foot section that runs from Museum Park in the south, under the MacArthur Causeway Bridge, to the former Miami Herald site.



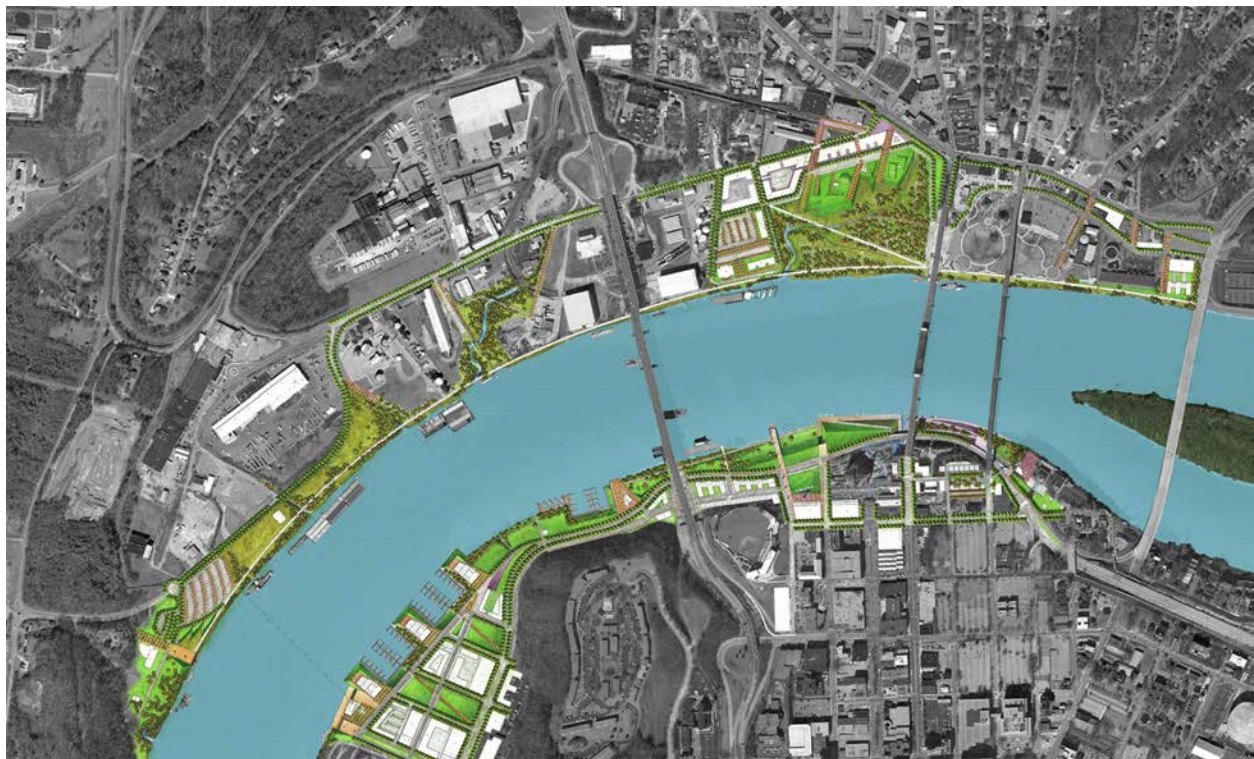
The properties that make up this 1,000 foot barrier are owned by both public and private entities:

1. Miami Dade County (public entity) - owns Museum Park
2. Florida Department of Transportation ("FDOT" - a public entity) – controls I-395 and the pathway underneath the bridge
3. City of Miami's Dept. of Real Estate Asset Management ("DREAM" - public entity) – owns submerged lands
4. Genting (private owner) - owns the former Miami Herald Site.

III. Economic Context

In addition to providing waterfront access to residents and tourists alike, The Miami Baywalk project is expected to become a major catalyst for economic development and serves as the front line to the City's overall resilience initiatives and flood mitigation efforts. There are many examples of similar projects around the world, including the US, where the economic development catalyst has far exceeded the project's cost. Similar projects include the following:

- ***21st Century Waterfront – Chattanooga, TN***



- \$120M project cost vs. \$2 billion economic development to date
- 1.4 million annual visitors

- ***Rose Kennedy Greenway – Boston, MA***



- \$35M project cost vs. \$1.5 billion economic development to date
- 1.4 million annual visitors



- ***Klyde Warren Park – Dallas, TX***



- \$110M project cost vs. \$2 billion economic development to date
- 1.0 million annual visitors

Our client, The Miami Downtown Development Authority (DDA) is spearheading efforts to find an innovative solution that will connect this barrier and has tasked our team with the following objectives as we collaborate on this project:

1. Simplify the process
2. Align priorities of all stakeholders
3. Create incentives that will motivate stakeholders to not only collaborate but also help expedite the completion of the Baywalk in five years or less

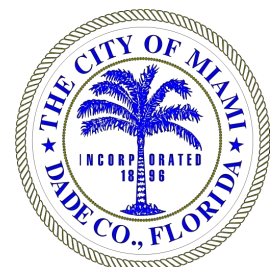
In addition to studying the history of the Miami Baywalk Project and its progress to date, in order to meet the above objectives, over the last eight months our team reviewed various regulatory documents and met with key stakeholders to better understand each group's position. We have gauged their interest in Baywalk completion and identified incentives which could encourage parties to participate in the speedy completion of the project.

IV. Regulatory Context

The proposed Baywalk expansion will require a significant permitting effort for the selected design team. It will be critical to have each entity properly involved in order to understand who is the responsible authority(s) are for each portion of the Baywalk expansion. The navigation of this process will be an important component of the timeline to initiate construction.

Permitting/Entitlement Needed for the Project:

1. FDOT Construction Agreement- FDOT will enter into agreement with DDA once design plans are approved to allow for the construction underneath the I-395 bridge
2. Miami Dade DERM Class I Permit- requirement for work along or within Coastal Waters
3. Genting Easement- Genting will need to grant a 25' wide Easement along the length of the property
4. City of Miami Building Permit
5. Riparian Rights Agreement between Genting and City of Miami for the submerged lands owned by the City



V. Constraints

While it appears that all Parties are committed to the fruition of the Baywalk, there are several obstacles to be discussed.

In 2011, when gaming giant Genting purchase the former Miami Herald site along Biscayne Bay for a lofty price tag of \$236 Million, the Developer envisioned a luxury Miami casino and resort; however, to date, Genting has failed to acquire a gambling license and the site sits vacant. While current development plans are elusive, the Developer appears to be in no rush to construct the Baywalk. If the Baywalk fronting Genting's site is constructed and thereafter opened to the public before Genting develops, an activated Baywalk would increase Genting's overall costs, which would include, but are not limited to, an increased security presence and maintenance obligations.

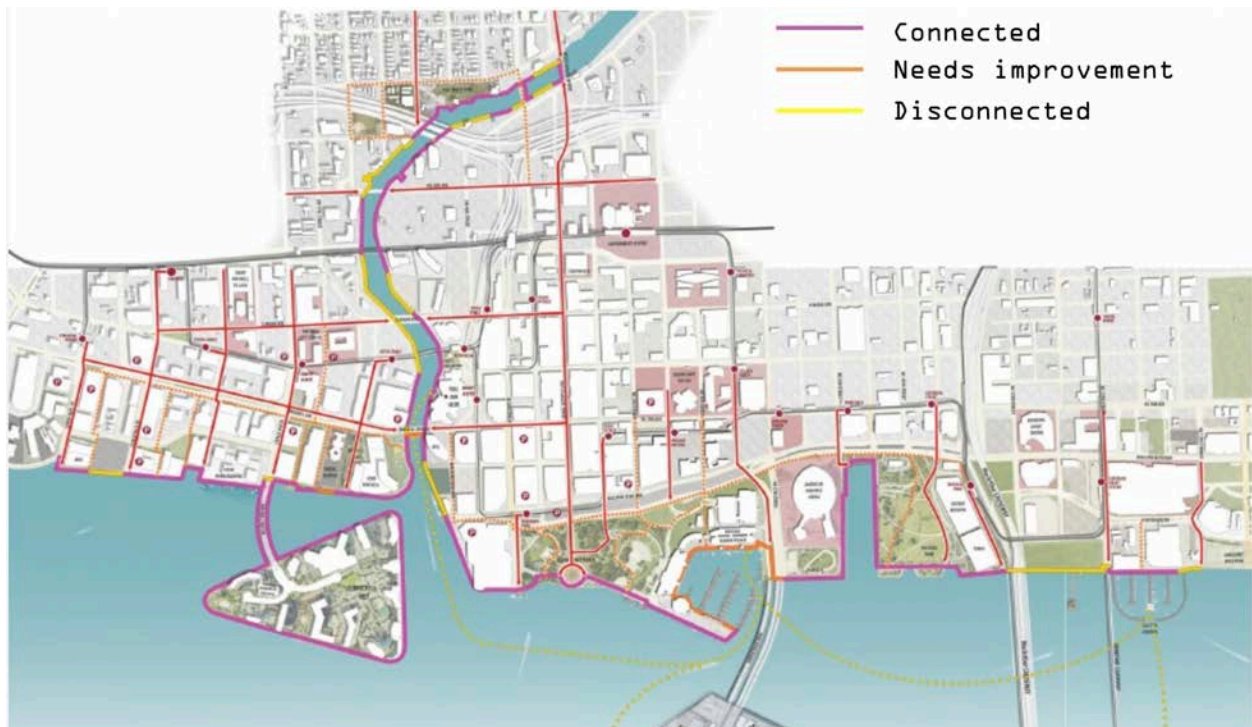


Spencer Crowley, Esq., one of Genting's land use attorneys, was of the opinion that currently Genting has no desire to take on increased liabilities nor additional maintenance obligations. Furthermore, Genting lacks incentive to construct a permanent Baywalk due to the fact that Yachting Promotions Inc., the operator of the Miami Yacht Show, currently has a ten (10) year revocable license to use City-owned submerged lands right in front of the Genting site; the License Agreement's "clock" started to run January 2019. It should be noted that within the License Agreement, Yachting Promotions Inc. committed a one-time payment of \$150,000 to the City of Miami in order to establish a Baywalk along the Genting site; it is unclear if a capital improvements account for this Baywalk has been established.



VI. Opportunities

Despite many of the obvious and perceived obstacles that pose a threat to the Baywalk's successful completion, the Team also recognized many opportunities that if rightly pursued, could further advance the mission of completing the missing Baywalk links. Given the forgoing, the following items were identified as possible activities or resources that would prove beneficial to the project:



A. Reframe the Story

In a meeting with Commissioner Ken Russell on January 15, 2019 the commissioner recalled his past efforts to implement the Baywalk, one of which involved proposing a resolution to have City funds allocated towards Baywalk implementation efforts. Unfortunately, after the motion was made, the item failed to receive a second and therefore failed to obtain necessary votes for approval. In hindsight, Commissioner Russell acknowledged there was need for greater support from the other elected officials as well as the need for greater public education. Soon after Governor DeSantis' election in 2018 he announced one of his administration major priorities would be sustainability and resilience. Commissioner Russell acknowledged this as a golden opportunity to

elevate the issue and seek funding for this project. He also recognized there was a need to reframe the story; the Baywalk is more than just a pedestrian/bicycle path for recreation. It would provide waterfront access to the general public and not just the existing residents that live on the water. Additionally, it is part of the City's bayfront infrastructure, instrumental in buffering and fortifying the waterfront sites from the threat of sea level rise and storm events, such as flash flooding or future high tides. Commissioner Russell reinforced that while it is important to prioritize the interest of the public, it was also critical to create awareness for the need for urban resilience in order to garner support. There is still an opportunity to reframe and re-tell the story internally amongst City staff, the elected officials, as well as externally with the general public, because the Baywalk "is not just a linear park, it's the most important piece of infrastructure we can build" according to Russell.



B. Revisit Comprehensive Plan Goals, Objectives and Policies

The City of Miami's comprehensive plan has a plethora of goals and policies that address the need for greater collaboration and analysis to support the Baywalk implementation efforts. While the vision is clear there is still a lack of effort towards implementation. The main objective is to protect the vulnerable coastal neighborhoods abutting the Baywalk, fortify the bayfront properties and pursue efforts to create a more resilient Miami. A resilient city is one with the ability to prepare, absorb, recover from, and more successfully adapt to adverse events. Planning for and investing in additional infrastructure, such as better seawalls, pathways and landscaping, increases the ability to reduce coastal risks to climate change, improves quality of life, environmental performance, and economic opportunity for all residents and visitors. As such, as required by the City's Comprehensive Plan, there are opportunities to examine coastal hazard vulnerabilities and identify adaptation strategies that address flood risks to the Baywalk path and abutting areas.

c. Snapshot of Comprehensive Plan Policies

Objective PR-3.2: Enhance the public's visual and physical access to waterfront areas.

Policy PR-3.2.1: The City will continue to work to complete the Baywalk, encompassing as much of the Biscayne Bay waterfront as possible, and to complete the Riverwalk and the Miami River Greenway.

Policy PR-3.2.11: As specified in the City of Miami Charter and Related Laws, and more specifically the Waterfront Charter Amendment, all new development and redevelopment along the downtown waterfront is required to provide a waterfront setback, and those developments that require publicly accessible shoreline walkways, will design them in conformance with the "Baywalk/Riverwalk Design Standards." (See Coastal Management Policy CM-2.1.8.) The City will monitor these areas to ensure continued public access, as required.

Policy LU-1.8.2: The City shall make the practice of adapting the built environment to the impacts of climate change and sea level rise, an integral component of all planning

processes, including but not limited to comprehensive planning, infrastructure planning, building and life safety codes, emergency management and development regulations, stormwater management, and water resources management.

Policy LU-1.8.4: The City shall work with Miami-Dade County to determine the feasibility of designating areas in the City as Adaptation Action Areas as provided by Section 163.3177(6)(g)(10), Florida Statute, and designate Adaptation Action Areas as provided by Section 163.3164(1), Florida Statute, in order to determine those areas vulnerable to coastal storm surge and sea level rise impacts for the purpose of developing policies for adaptation and enhance the funding potential of infrastructure adaptation projects.

Policy LU-1.8.5: The City shall work with Miami-Dade County to support the implementation of climate related policies, through education, advocacy and incentive programs such as public outreach, including workshops and a website with relevant information.

D. Funding Possibilities

There are several funding opportunities available at the local, state and federal levels to support the Baywalk completion efforts:

- Local:
 - City of Miami General Fund
 - Forever Bond
 - Omni Community Redevelopment Agency (CRA)
 - Miami Downtown Development Agency (DDA)
- State:
 - Legislative Session Priority

- Department of Environmental Protection (DEP) Grant
- Florida Inland Navigation District (FIND) Grant
- Federal:
 - Environment Protection Agency (EPA)
 - Smart Growth Implementation Assistance Program
 - Community Development Block Grant (CDBG) funding
 - Transportation Investment Generating Economic Recovery (TIGER) Grant
- Others:
 - Yachting Promotions Inc. (the Miami Yacht show) - \$150,000 donated
 - Non-profit fundraising
 - Individual Private Donors
 - Institutional Donors
 - Establish a Community Development District (CDD)



A CDD may be an appropriate financing mechanism to ensure that neighborhood-scale hazard mitigation solutions can be implemented based on assessments to private properties. The CDD would generate revenues from a neighborhood or area assessment and retain responsibility for construction, operations, and maintenance costs of the mitigation solutions.

VII. Recommendations

Recap Project objective:

Although all parties interviewed expressed interest in completing the Baywalk, there's a lack of collaboration among the parties which has created silos and led to the following issues:

- Lack of leadership
- Duplication of efforts
- Missed opportunities
- Misinformation & distrust amongst parties
- Lack of communication
- Lack of engagement and public awareness

Given the project scope to simplify the process, align priorities, and create incentives for the parties to complete the Baywalk in the next 5 years, our team conducted research and held stakeholder interviews over the last 8 months. The following recommendations address the project scope and serve as next steps to move implementation efforts forward, based on meetings conducted with the following entities and summarized below:

1. DDA – Patrice Smith & Neal Schafers 12.3.18
 - Project Narrative and Players
 - Funding
 - Examples of successful “Baywalk” projects
 - Physical examination of Site
2. City of Miami Commissioner Ken Russell & Board-member of DDA 1.15.19
 - Infrastructure issue - resiliency, sea level rise, storm surge protection
 - Funding
 - FDOT parcel ownership transferred to City of Miami
3. Spencer Crowley (Genting Counsel & FIND Board Commissioner): 9.19.18 & 11.28.18
 - FDOT property hurdles
 - Grant money
 - Genting's issues with construction of Baywalk
 - Riparian Rights Agreement
 - Permitting issues
4. Director of PAMM – Franklin Sirmans 2.28.19

- Opportunities for active engagement
- flooding issues in parking lot
- 395 plans

5. City of Miami – *Jeremy Calleros Gauger, Joe Eisenberg & David Snow* 3.15.19

- Existing City of Miami zoning regulations
- Funding sources
- Gentrifying property status

6. Marta Vicedo - Non-Profit “Urban Impact Labs” & Board-member of DDA 3.18.19

- non-profit “Friends of Baywalk” 501(c)(3) and its timeline of fruition
- Fundraising
- Quality of life, resiliency and connectivity issues

7. FDOT – Maria Perdomo (FDOT Project Manager) and Anthony Jorge (Private Consultant for FDOT) 4.9.19

- FDOT will grant access for the Baywalk expansion underneath I-395 after conducting a review of the construction documents to ensure there are no potential impacts to the bridge.
- Approval will be issued through a construction agreement
- The Baywalk will likely need to extend out into Biscayne Bay and maneuver underneath the bridge to meet minimum clearance requirements (will need to be verified by eventual design team)

Project Initiation

In order to simplify the process, elevate the Baywalk initiative and prioritise efforts at the city and county level, the Downtown Development Authority (Executive Director Alyce Robertson) shall appeal to city of Miami, District 2 commissioner, Ken Russell to sponsor an agenda item to establish a taskforce and set aside operating funds for the taskforce objectives outlined below in Section VIII(A). Commissioner Ken Russell should task the City Manager or his designee with ensuring all Commissioners are fully briefed ahead of the public hearing. The elected officials should all have an understanding of the purpose of the resolution (explain its part of the City's Resilience initiative) so the Commission and staff are fully informed and reminded of the Comprehensive Plan policy mandate as described in the aforementioned section. There should also be efforts to inform the public of the desire to establish this task force.



Appoint leadership and establish goals for Task Force and Public Private Partnership

Once the task force is established the first step would be to appoint a leader to spearhead the project and appoint up to nine (9) board members from certain key public and private organizations, to serve as champions and brand ambassadors for the Baywalk completion. Based on the research performed to date, we believe the following entities are most suited to perform this role:

Potential member organizations:

- “Friends of” the Baywalk Non profit partner - Marta Viciado
- City staff -
 - Planning Dept.
 - Dept. of Capital Improvements
 - Office of Resilience and Sustainability
 - Dept. of Real Estate Asset Management
- Miami Bayfront Park Management Trust
- DDA Staff
- Omni CRA Staff
- Community Advocates
 - Resident advocate and local HOA representative
 - Businesses
 - Institutions: PAMM, Arsht
- Miami Dade County office of Resiliency, Planning Dept
- FDOT - District 6 Chair
- Genting Rep
- Florida Inland Navigation District

Task Force objectives

- a. Identify a chair of the Task Force
- b. Identify or create “friends of” non profit organization
- c. Create a funding strategy - Capital improvements account, private fundraising, grants
- d. Launch PR/Marketing Campaign - ie resilience, public space, etc.
- e. Public outreach and engagement
- f. Identity, State, County & City Incentives for private landowner
 - i. Impact Fees
 - ii. Public Benefits Bonuses for construction of Baywalk

Final progress report to present to city commission

The task force should be given a timeline with certain deliverables and objectives to be completed within a given timeframe with clear goal of planning, raising funds and setting framework for design and implementation of the Baywalk project. Progress reports should

be given before the Commission in order to maintain communication, promote transparency, re-visit priorities and ensure the vision is being realized over time.

"Make no little plans; they have no magic to stir men's blood and probably themselves will not be realized. Make big plans; aim high in hope and work." - Architect, Daniel Burnham

Team 4, Group Members Include:

Nathan VanDerman, Founder, Resolve Space, ULI Team 4 Advisor
Tanya Wilson, Planning, Zoning & Development Director, City of North Miami
Hannah Lenard, Assistant Development Counsel, Swire Properties
Chris Collins, President, URBAN Design
Juan Ruiz, Executive VP, Blanca Commercial Real Estate
Diego Ojeda, Vice President, The Rilea Group
Rizzy Byckovas, Partner, Royal Byckovas

We have collectively, learned, and grown as a cohesive team through this impactful and inspiring ULI Leadership Program. Thank you for the opportunity to be involved in this amazing project. We look forward to seeing the vision for Baywalk become a reality. The goal ultimately is to create plans that leave a lasting legacy for the people. Shakespeare said it best *"What is the City, but for The People?"* Please contact any group member should you have additional questions or need clarification on any item included in this correspondence.