

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Mayor Steven Meiner

DATE: February 3, 2025

TITLE: DISCUSS/TAKE ACTION: UPDATE ON THE CONFIGURATION OF OCEAN DRIVE BETWEEN 5TH STREET AND 14TH PLACE.

### **RECOMMENDATION**

The Mayor and City Commission desire an update from the City Administration concerning the configuration of Ocean Drive between 5th Street and 14th Place.

### **BACKGROUND/HISTORY**

Prior to January 7, 2025, Ocean Drive between 5th Street and 13th Street was operating with one-way northbound vehicular traffic (the "One-Way Condition") with bicycle lanes on both sides of the street, while Ocean Drive between 13th Street and 14th Place was closed to vehicular traffic as a temporary pedestrian plaza (the "Pedestrian Plaza"), pending permanent approval by the Miami-Dade County Department of Transportation and Public Works ("DTPW").

On January 7, 2025, DTPW transmitted a letter to the City declining to permanently approve the Pedestrian Plaza and directing the City "to remove in a safe and controlled manner all barriers installed on, along, or nearby Ocean Drive which impede general vehicular traffic between 13th Street and 14th Place and Ocean Drive" while simultaneously "encourag[ing] the City to pursue a parallel application for the existing one-way condition on Ocean Drive from 5th Street to 14th Place" and "encourag[ing] the City to pursue other concepts in the future in collaboration with DTPW to enhance pedestrianization and contextual urban design opportunities on Ocean Drive".

In connection with ongoing litigation in the case of *Clevelander Ocean LP et al. v. City of Miami Beach et al.*, Case No. 2021-11642-CA-01 (11th Jud. Cir.) (the "Lawsuit"), Judge Beatrice Butchko Sanchez announced an oral ruling on January 8, 2025, requiring the City to return Ocean Drive between 5th Street and 14th Place to its pre-COVID-19 configuration no later than January 15, 2025, at 5:00 p.m.

On January 10, 2025, Judge Butchko Sanchez entered a written order confirming her oral ruling from January 8th.

On January 13, 2025, the City filed an emergency motion in the Lawsuit seeking to extend the deadline to comply with the ruling.

On January 14, 2025, Judge Butchko Sanchez entered an order granting in part and denying in part the City's emergency motion, ruling that the City must return Ocean Drive between 5th Street and 14th Place to its pre-COVID-19 configuration no later than January 15, 2025, at 5:00 p.m.

On January 24, 2025, the City filed a Notice of Appeal, commencing appellate review of Judge Butchko Sanchez's January 10th order. The Lawsuit remains ongoing.

### **ANALYSIS**

## **FISCAL IMPACT STATEMENT**

N/A

**Does this Ordinance require a Business Impact Estimate?**  
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:  
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

## **FINANCIAL INFORMATION**

## **CONCLUSION**

### **Applicable Area**

South Beach

**Is this a "Residents Right to Know" item,  
pursuant to City Code Section 2-17?**

Yes

**Is this item related to a G.O. Bond  
Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481,  
includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

### **Department**

Office of Mayor Steven Meiner

### **Sponsor(s)**

Mayor Steven Meiner

### **Co-sponsor(s)**

### **Condensed Title**

Discuss/Action, Update on Configuration of Ocean Drive Between 5th Street & 14th Place.  
(Meiner)

### **Previous Action (For City Clerk Use Only)**

