


Discussion Items - R9 S

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager 

DATE: December 11, 2024

TITLE: DISCUSS ACCEPTING THE RECOMMENDATION OF THE LAND USE AND SUSTAINABILITY COMMITTEE DURING ITS MAY 1, 2024 MEETING, TO CONSIDER THE DEVELOPER'S ADHERENCE AND DILIGENCE WITH THE TIMELINE AND BENCHMARKS PROVIDED BY THE DEVELOPER FOR THE 5TH STREET PEDESTRIAN BRIDGE AND THE MONDRIAN HOTEL/MIRADOR CONDOMINIUMS (1000-1200 WEST AVENUE) BAYWALK PROJECTS WHEN AWARDING, DISCUSSING OR VIEWING ANY FUTURE PUBLIC OR PUBLIC/PRIVATE DEVELOPMENT OR GRANT APPLICATIONS.

### RECOMMENDATION

The Administration recommends the Mayor and City Commission (City Commission) discuss the recommendation of the Land Use and Sustainability Committee (LUSC).

### BACKGROUND/HISTORY

As part of a standing item on the LUSC's agenda, the Office of Capital Improvement Projects (CIP) has provided updates on the status of the Baywalk projects, including both GOB and non- GOB funded sections. See attached Baywalk Link Status Map (Exhibit A).

During the March 19, 2024, LUSC meeting, City staff provided an update on the 5th Street Pedestrian Bridge and the Mondrian Hotel/Mirador Condominiums Baywalk (Mondrian/Mirador Baywalk) projects. At this meeting, the Developer of both projects, Terra Group, provided the status of the DERM and ROW permits, and provided the LUSC the anticipated start and end dates of construction activities. Following the discussion, the LUSC asked that the item be brought back to the next meeting on May 1, 2024, and that the Developer return, on a monthly basis, with their updates on the progress.

At the May 1, 2024, LUSC meeting, the Developer presented a milestone timeline for both the 5th Street Pedestrian Bridge and the Mondrian/Mirador Baywalk projects (Exhibit B). The LUSC passed a motion that the City Commission consider the timeline and benchmarks provided for these two projects when discussing any future public or public/private development or grant applications from this Developer.

On June 10, 2024, the Developer delivered to the City an updated milestone timeline, dated June 3, 2024, which indicates that the Developer continued to expect that all permits for the 5th Street Pedestrian Bridge would be completed and issued by mid-June, with mobilization anticipated at the end of June 2024. However, completion of the 5th Street Pedestrian Bridge remained scheduled for the end of 2025.

Updates have been provided, and the Developer has attended, at each of the LUSC meetings on July 9, September 5, October 14, and November 25, 2024. The latest milestone timeline (Exhibit C) prepared by the Developer is dated August 16, 2024, and was provided to the LUSC during the September 5, 2024 meeting. The Developer has not provided an updated milestone timeline beyond that provided during the September 2024 LUSC meeting.

This item was included on the June 26, 2024 Commission Meeting agenda as item C7 BN, but was deferred, on the July 24, 2024 Commission Meeting agenda, as item R9 AM, but was not reached, on the September 11, 2024, Commission Meeting agenda as item R9 AG, but was deferred, and was included on the agendas for the meetings of October 30, 2024 and November 20, 2024, as item R9 T, but was not reached.

## **ANALYSIS**

The most recent update for the two Baywalk segments includes:

### 5th Street Pedestrian Bridge

During the May 1, 2024, LUSC meeting, the Developer presented and stated that they anticipated having the FDOT and Miami Beach Building Department permits issued by mid-June. The Developer also reported that they expected to mobilize to the site, commence fence installation and clearing of the site at the end of May, followed by 4 to 5 months of utility relocations. Following the completion of utility relocations, the Developer anticipated start of construction for the bridge structure to occur in October 2024. The completion of construction was expected to be by the end of 2025.

During the June 10, 2024, LUSC meeting, the Developer provided a revised timeline reflecting the commencement of the fence installation and clearing/grubbing at the end of June, followed by 3-4 months of utility relocation. Project timeline updates were provided by the Developer at the July and September LUSC meetings advising that construction activities had not started, but that the project completion is scheduled for the end of 2025.

During the October 14, 2024, LUSC meeting, the Developer provided a project update and stated that some as-built site conditions are conflicting with reports which would need to be verified by performing underground exploration to locate existing utilities. The Developer also stated that the Guaranteed Maximum Price (GMP) is being finalized in the next couple of weeks with the Contractor and expects that the utility relocation work will take four (4) to five (5) months to complete.

The Developer anticipates commencing with the utility relocation work before the end of the year and has obtained the temporary fencing permit, tree permit and the FDOT Utility permit. The City's Right-of-Way permit will be issued upon receipt of FDOT's Lane Closure permit. The Developer has completed the underground exploration to confirm the as-built conditions of the existing utilities. Once the City's Right-of-Way permit has been issued and the Developer has provided the required copies of contractor agreements, bonds and insurances, the City will issue a partial Notice to Proceed (NTP) for the utility relocation work.

### Mondrian Hotel/Mirador Condominiums (1000-1200 West Avenue; ORB File 20181)

Per the terms of a Development Agreement with the Developer of the 500 Alton project, the City is responsible for obtaining regulatory permitting approvals (federal, state and county), and the Developer is responsible for the design, building permit and construction. The City delivered the regulatory permits in the Spring of 2023. The City of Miami Beach Building permit was applied for by the developer and was approved and issued on March 6, 2024.

During the June 10, 2024, meeting of the LUSC, City staff provided an update that the test piles were installed the last week of May and pile installation was expected to commence in the middle of June.

During the October 14, 2024, LUSC meeting, City staff provided an update that the project is on-going, on schedule and is expected to be completed by the end of the year.

Construction of this segment of the Baywalk began in July 2024. At this time the pile installation is complete, the installation of the piling caps is approximately sixty percent (60%) complete, and the installation of the beams is approximately forty percent (40%) complete. The project is approximately sixty percent (60%) complete overall, but weather impacts have delayed the project completion from December to January 2025.

### **FISCAL IMPACT STATEMENT**

N/A

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

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

### **FINANCIAL INFORMATION**

N/A

### **CONCLUSION**

The Land Use and Sustainability Committee recommends that the Mayor and City Commission consider the Developer's diligence and adherence to the timeline and benchmarks for the 5th Street Pedestrian Bridge and the Mondrian/Mirador Baywalk projects when discussing any future public or public/private development applications or grant applications by this Developer.

### **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?**

Yes



**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**

Capital Improvement Projects

**Sponsor(s)**

Commissioner Laura Dominguez

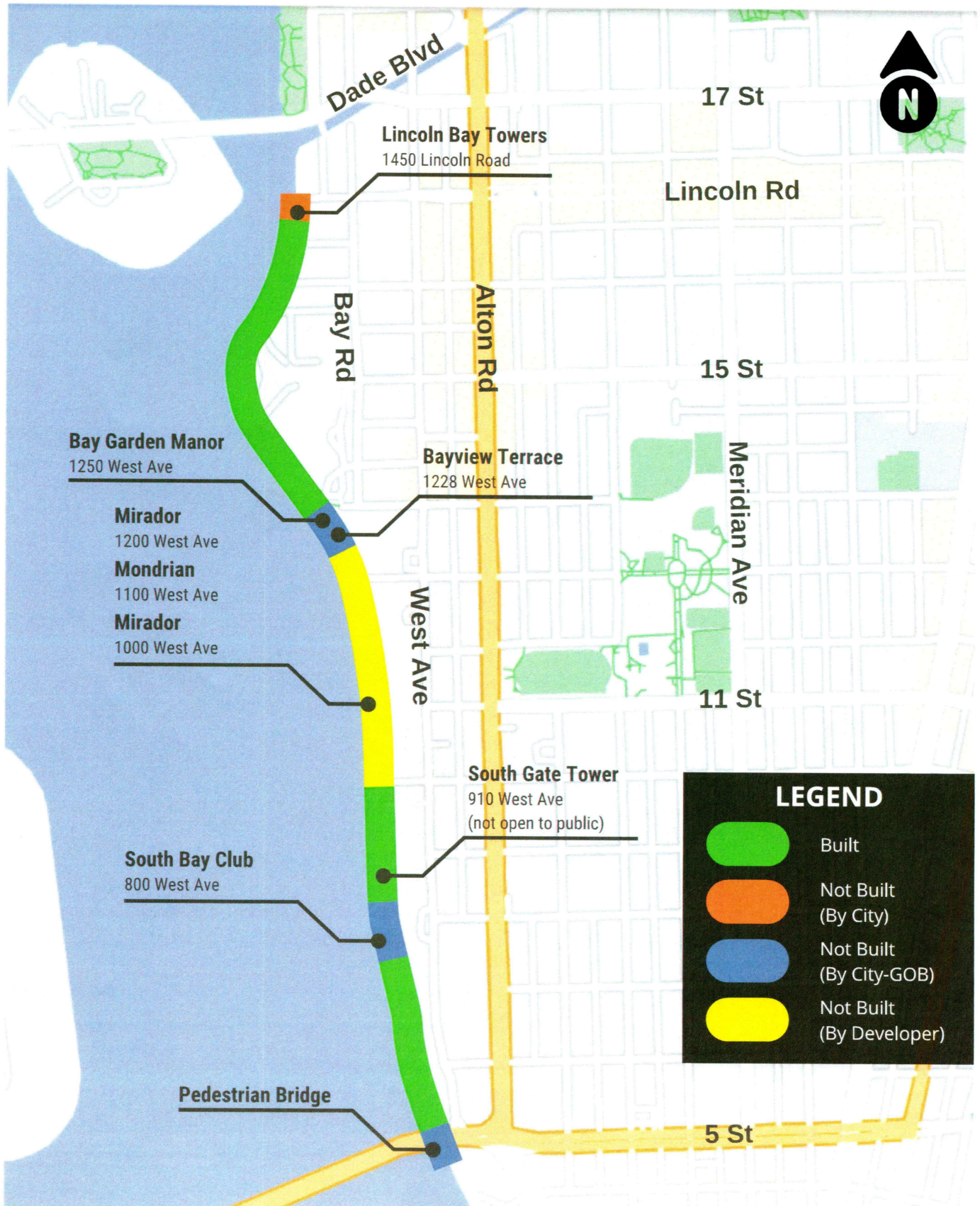
**Co-sponsor(s)**



# Baywalk Links Status

EXHIBIT A

January 26, 2024



**PEDESTRIAN BRIDGE****HISTORY – DESIGN**

FDOT 75% Submittal – **9/2019, Resolution Meeting held on 11/13/2019.**

FDOT 90% Submittal – **9/5/23**

FDOT 90% Comments received – 9/27/23

FDOT 90% Review Meeting – 11/14/23

100% FDOT Set Submittal – **2/21/24**

100% FDOT Comments Due – 3/21/2024

100% FDOT Responses Target Date – 3/29/2024

100% FDOT Review Meeting Target Date – 4/4/2024

FDOT PERMIT ISSUANCE TARGET – 6/15/2024

CoMB / DERM Permitting Target – 6/15/2024

- 100% review Comments uploaded to FDOT for final review and approval.

**CONTRACTOR AGREEMENT**

- Mastec – Executed Agreement – Complete
- CEI – Pinnacle Consulting Enterprises – finalizing agreement for Inspection services.

**MOVING FORWARD - Milestone Schedule**

- 1- MOBILIZATION – . (Based on FDOT / CoMB / DERM permits issued by - 6-15-2024)**
  - a. End of May 2024 to begin fencing, clearing / grubbing, and relocating small utilities.
  - b. MOT Coordination ongoing with Fire & Police
    - i. Sequence Drawing with Crane radius & placement drawings being prepared.
- 2- WORK**
  - a. Expected OVERALL Duration – **6-15-2024 through 12-30-2025**
  - b. **UTILITIES –**
    - i. Water main
      1. South - Start in July 2024 – Added Scope
      2. North - Start in September 2024 – Added Scope
    - ii. The AT&T communications relocation - Start in September 2024.
    - iii. Injection Wells - Start October 2024 – Added Scope
  - c. **FOUNDATIONS & VERTICALS - BASE WORK**
    - i. Drilled shafts, Foundations & Verticals
      1. start in November 2024 through March 2025
  - d. **SUPER STRUCTURE**
    - i. Super structure (Concrete, Steel & Stairs)
      1. Start April 2025 and complete in September 2025
    - ii. Glazing installation
      1. Start September 2025 and complete October 2025.
  - e. **FINISHES**
    - i. Finishes - Stucco, Paint, Railings, Sidewalk, Landscaping
      1. start August 2025 and go into October 2025
  - f. **FINAL INSPECTIONS**
    - i. September through the end of the 2025 year.

**BAYWALK 1100 Mondrian**



**HISTORY – DESIGN**

- Initial Permit Submission - 5/23/2023
  - o Initial Permit Comments – 6/12/2023
- Permit Revision #1 Submitted – 10/24/2023
  - o Permit Revision #1 Comments – 11/27/2023
- Permit Revision #2 Submittal – 2/5/2024
  - o Permit Revision # 2 Completion - 3/6/2024
- Permit Issued – 03/07/2024 (**APPROVED**)
  - o CURRENT STATUS - DERM CLASS A Re-submittal – 3/18/2024 (original DERM application expired)
    - DERM Reviewer – Lindsay Elam
    - DERM Stamp receipt target Date – 4-8 weeks (5-13-2024)
      - DERM is currently reviewing Submerged Land Lease documentation for final release of permit.

**CONTRACTOR AGREEMENT**

- Dock & Marine – Executed Agreement - Complete

**MOVING FORWARD - Milestone Schedule****1- MOBILIZATION – week of 5-13-2024**

- a. 1 week after DERM stamp issue resolution to drive test pile from Barge
  - i. Needed to confirm length requirement.
  - ii. 4 weeks to get Piles on site by Barge to start driving them.

**2- WORK**

- a. Expected OVERALL Duration - **5-13-2024 through 11-1-2024**
- b. Materials start being delivered to the site.
  - i. 4 weeks after test pile layout.
- c. Pile Driving Duration
  - i. Pending Permit completion with DERM Approval
    - 1. 5-1-24 to 6-18-24
- d. Beams and Caps
  - i. 6-18-24 to 7-23-24
- e. Walkways – Decks -
  - i. 7-23-24 to 9-1-24
- f. Inspections & Approvals
  - i. Specialty Inspector, Environmental & Building
    - 1. 9-1-2024 to 11-1-2024



## UPDATED DEVELOPER TIMELINES - PROVIDED ON 8/16/2024 EXHIBIT C

### PEDESTRIAN BRIDGE

#### PERMITTING & DESIGN

FDOT 75% Submittal – **9/2019, Resolution Meeting held on 11/13/2019.**

FDOT 90% Submittal – **9/5/23**

- FDOT 90% Comments received – 9/27/23
- FDOT 90% Review Meeting – 11/14/23
- 100% FDOT Set Submittal – **2/21/24 - BCC**
- 100% FDOT Comments Due – 3/21/2024 - BCC
- 100% FDOT Responses Target Date – 3/29/2024 - BCC
- 100% FDOT Review Meeting Target Date – 4/4/2024 – BCC
- 100% FDOT Set Resubmitted Date – 5/28/2024 - BCC
- 100% FDOT Comments received – 6/17/2024 – BCC
- 100% FDOT Set Resubmitted to FDOT 6/26/2024
- 100% FDOT Comments Anticipated 7-12-24
- **FDOT – Acceptance of Structural review responses – 8-13-2024**
- **FDOT – Remaining comment resolution – TARGET: 8-22-2024**
- **FDOT - routing of Approval – TARGET: 8-26-2024**

#### FDOT Utility Permit

- OSP - Permit # 2024-H-691-00206 - (email sent 6/28), then review by FDOT - Permit # Temp: 0260769
  - PENDING CoMB PERMIT APPROVAL
- RWP0124-11709 - Baywalk Ped Bridge – ROW Permit
  - PENDING CoMB PERMIT APPROVAL
- TS1900879 - Baywalk Ped Bridge – CLOSED? – PENDING CoMB CONFIRMATION
- Ped Bridge – ELC 2414636 5th street Bridge – MASTER PERMIT
  - 2<sup>nd</sup> round of comments received 6/25,
  - additional comments received 6/28.
  - Revised comment sheets prepared and issued for Approval.
- **Miami Dade DERM – WATER – 6/20/2024 - WE # 2024-WAT-EXT-00251**
  - Watermain permitting - **APPROVED**
- **Miami Dade DERM – WATER**
  - Drainage Wells Permitting – **APPROVED**
- **Department of Health Permit**
  - **APPROVED - 6/26/2024**
- **Dewatering Permitting – Florida Civil**
  - Coordination with CoMB for dewatering discharge occurred 7-8-2024
  - **Dewatering Permit** – Application CoMB Signature pending
    - Dewatering plan was final reviewed 8-15-24 between CoMB, Florida Civil, Mastec & TCH 500.
- **Use & Occupancy Agreement – FDOT / CoMB** – Pending City Attorney approval
- **DRB Concurrence letter** – Pending CoMB Issuance
- **MOT Concurrence Letter** – Pending CoMB Issuance
- **CoMB ROW** – Arquitectonica providing responses to MOT comments by 8-16-2024
- **CoMB ELC Permit** – Comment\ Responses submitted 8-5-2024 – Pending CoMB review / Approval.
- **CoMB Urban Forestry Permit** – Comment Responses to be uploaded 8-16-2024
- **ERUV relocation Coordination** – Occurred 8-15-2024 – temporary construction pathway defined

**CONSTRUCTION -Summary Schedule****1- MOBILIZATION –** *(Based on FDOT permit issued by 8/26/2024)*

- a. 8/29 begin as built survey / mobilization: to begin fencing, utility locate/soft digs, clearing / grubbing, and relocating small utilities. Permits that need to be approved by this time:
- b. Tree/urban forestry – Comments received &
- c. ROW – Concurrence Letter from CoMB to be issued by 8-16-2024
- d. MOT permitting coordination ongoing.

**2- WORK**

- a. Expected OVERALL Duration – **8-26-2024 through 12-30-2025**

**b. UTILITIES –**

- i. SHEET PILING ADDED TO DESIGN FOR CoMB MOT COMMENTS.
  - 1. Engineering is ongoing for this.
- ii. Water main
  - 1. South - Start in September 2024 – Added Scope
  - 2. North - Start in October 2024 – Added Scope
- iii. The AT&T communications relocation - Start in September 2024 (coordinating with Coast Guard / AT&T for shut down / Transfer with Coast Guard Station)
- iv. ADDITIONAL UTILITIES BEING RELOCATED –
  - 1. NORTH WORK ZONE
    - a. Overhead Electric - Permit
    - b. Decorative Light Pole - Permit
    - c. Atlantic Broadband
      - i. Does not need to be relocated. Atlantic Broadband confirmed they have enough slack to move it out of the way while construction ongoing.
    - d. Deep Wells - Contract and permit
    - e. Water Main - Need detail to install water main through approach slab.
    - f. Misc. Utilities - There are utilities/conduits that cross the proposed water main location. Not all the elevations confirmed for these conduits.
  - 2. SOUTH WORK ZONE
    - a. FPL - Buried Electric
    - b. Street light
    - c. Service Point
    - d. AT&T - Coordinating with Coast Guard for shut down timing
    - e. FDOT buried fiber optic
    - f. Unknown Utilities - BCC to confirm if relocation needed
- v. Injection Wells - Start October 2024 – Added Scope

**c. FOUNDATIONS & VERTICALS - BASE WORK**

- i. Drilled shafts, Foundations & Verticals - start in December 2024 through June 2025

**d. SUPER STRUCTURE**

- i. Super structure (Concrete, Steel & Stairs) - Start June 2025 and complete in January 2026
- ii. Glazing installation - Start September 2025 and complete December 2025.

**e. FINISHES**

- i. Finishes - Stucco, Paint, Railings, Sidewalk, Landscaping - Start October 2025 and go into December 2025

**f. FINAL INSPECTIONS -** September through the end of the 2025 year.

**BAYWALK 1100 Mondrian**

**HISTORY – DESIGN**

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  - o Permit Revision # 2 Completion - 3/6/2024
- Permit Issued – 03/07/2024 (**APPROVED**)
  - o CURRENT STATUS - DERM CLASS A Re-submittal – 3/18/2024 (original DERM application expired)
    - **DERM Permit Received – 3/18/2024**

**AGREEMENTS**

- Dock & Marine – Executed Agreement - **Complete**

**MOVING FORWARD - Milestone Schedule**

**1- MOBILIZATION –**

- a. Test Pile installed on 5-29-2024
- b. Pile delivery being scheduled – expected by 6-19-2024
  - i. Delivered 6-25-2024 - Loading to barge and delivery to site week of 7-8-2024

**2- WORK**

- a. Expected OVERALL Duration - **5-29-2024 through 11-30-2024**
  - i. Weather has impacted construction.
- b. Materials start being delivered to the site.
  - i. Materials Delivered – 7-16-2024
- c. Pile Driving Duration
  - i. DERM Approval received
  - ii. Test Pile Installed and approved by specialty inspector.
  - iii. Piles began installation in July – 80 % final installed
- d. Beams and Caps
  - i. Beams and caps are being formed now for reinforcing and concrete application
- e. Walkways – Decks -
  - i. Decks are in fabrication for delivery in late September / Early October.
- f. Inspections & Approvals
  - i. Specialty Inspector, Environmental & Building
  - ii. LEAF Engineering – Leandro – Documenting and formalizing engineering inspection reports.