



City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

Item 6
COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Alina T. Hudak, City Manager

DATE: February 26, 2024

TITLE: EXPEDITE THE OPENING OF THE BAYWALK AND MOVE THE DEVELOPMENT OF THE BAYWALK UP ON THE G.O. BOND PRIORITIZATION LIST; AND PRESENT THE BAYWALK PLAN TO THE LUSC COMMITTEE.

HISTORY:

On May 10, 2023, as part of a standing item on the Committee's agenda, the City's Office of Capital Improvement Projects (CIP) provided an update on the status of the Baywalk projects, including both GOB and non-GOB funded sections. During this update, the Committee requested that an update be provided at the next LUSC meeting, regarding the status of the existing Baywalk section at the Southgate Tower Apartments (900 West Avenue: DRB File 22718).

During the June 20, 2023, meeting, City Staff provided an update regarding the status of the existing Southgate Tower Apartments Baywalk section (Exhibit A). During the discussion, the LUSC requested that staff provide a further update on this section, as well as the progress of the Baywalk proposed behind the Bay Garden Manor and Bayview Terrace Condominiums, at the subsequent meeting of the LUSC. During the July 19, 2023 meeting, City staff prepared an update, but the item was not heard.

At the September 27, 2023 meeting, City staff provided an update of the Baywalk segments located at the Southgate Tower Apartments, Bay Garden Manor and Bayview Terrace Condominiums. During the discussion, the LUSC also requested an update regarding the 5th Street Pedestrian Bridge. Following the update, the LUSC asked that the item be brought back to the October 11, 2023 LUSC meeting, for a follow-up discussion.

In the October 11, 2023 meeting, City staff provided an update of the Baywalk segments located at the Southgate Tower Apartments, South Bay Club, Bay Garden Manor and Bayview Terrace Condominiums. Following the update, the LUSC asked that the item be brought back to the January 2024 LUSC meeting, for a follow-up discussion.

ANALYSIS:

The following provides an update on all of the Baywalk links remaining to be completed, as well as the section which remains closed to the public behind the Southgate Tower Apartments.

5th Street Pedestrian Bridge

The 5th Street Pedestrian Bridge, designed and constructed as part of the Development Agreement with the 500 Alton project, is required to undergo several layers of review prior to issuance of permits by both FDOT and the City of Miami Beach Building Department. In preparation for the final submittal to FDOT, previous review comments issued by FDOT have been addressed by the developer's consultant, and provided to the City's Independent Peer Review (IPR) consultant. Final comments were issued by the IPR on Friday, February 2, 2024, and once the developer addresses those comments, the IPR will issue the 100% certification letter for resubmittal to FDOT. Concurrently, review comments issued by the City of Miami Beach Building Department (CMB-BD), were provided to the developer, who is revising drawings to resolve those comments. The developer anticipates submitting final plans to FDOT and CMB-BD by mid-February, and expects permit issuance 2-4 weeks after submittal. The CMB-BD permit will not be issued until the permit is approved by FDOT. Mobilization to commence construction activities is scheduled to take place 30-45 days after permits are received.

On October 18, 2023, the City Commission resolved to authorize the Administration to negotiate and execute a Use and Occupancy Agreement and Lease of Airspace with FDOT. The Use and Occupancy Agreement is proceeding concurrently with permit reviews and will be finalized when the final drawings are approved.

In October, 2023, City staff initiated regular bi-weekly coordination meetings with the developer, Fire, Transportation, Public Works, Communications, Police, CIP and City Manager's Office to ensure continued progress of the project. During the ongoing coordination meetings, the proposed MOT, closure of MacArthur Causeway, project duration, emergency vehicles staging locations, construction commencement date and notification of stakeholders have been discussed. The next follow-up/coordination meeting has been scheduled for Friday, February 23, 2024.

Construction activities are projected to commence in the spring of this year, 2024.

Southgate Tower Apartments (900 West Avenue; DRB File 22718)

On July 12, 2023, city staff received communication from Southgate Tower's Barbara Frommell, Senior Director for Government and

Community Relations for Air Communities, the property owner, confirming that they have reviewed information and documents related to the Baywalk and stated that she has escalated the City's request to the upper management leadership and in addition inquired as to the status of the City's prior commitments. Southgate Tower leadership expressed concerns on unintended additional costs such as maintenance and security, adding that they are not ready to commit to an early opening but are willing to continue dialogue. Prior to opening the Southgate Tower Baywalk segment, a public easement needs to be executed and recorded.

As a result of the interest and efforts of Commissioners Dominguez and Magazine, recent communications with Ms. Frommell have indicated that the property owners may be willing to open this Baywalk link to public use once the Mondrian Hotel/Mirador Condominiums (1000-1200 West Avenue) segment is open (in lieu of the South Bay Club Baywalk segment), in conjunction with the resolution of other concerns.

South Bay Club (800 West Ave; DRB File 22960)

In the fall of 2021, the City engaged an environmental consultant, ESciences, to assist in completing a feasibility study for the development of the City's Baywalk, behind the South Bay Club, Bay Garden Manor and Bayview Terrace Condominiums. ESciences, now Resource Environmental Solutions, LLC. (RES), held preliminary meetings with regulatory agencies and established the parameters under which the Baywalk segments could be permitted. They also developed preliminary cost estimates and layouts. These layouts were cross-referenced with existing agreements/easements. The City also met with representatives of the boards for each of the properties and discussed the upcoming projects, all of which expressed support. This effort was completed in 2023, and as a result of the feasibility study, it was discovered that the existing agreement and easement with South Bay Club, for the construction of the Baywalk, will need to be modified.

The City has retained Saltz Michelson Architects for the preparation of the Basis of Design. Saltz Michelson will focus on defining, modifying and preparing the necessary agreements and easements to facilitate the design and construction of the South Bay Club Baywalk link, as well as preparing an updated Construction Cost Estimate. The consultant has commenced and completed onsite boundary and topographical survey. Preliminary concepts will be ready to review with the South Bay Club board in late March/early April, 2024. Discussions will allow Saltz Michelson to address any concerns while preparing the Basis of Design. Once the Basis of Design, easements and agreements are finalized with the South Bay Club, they will be presented to the City Commission for approval, later this summer.

The City will commence the Request for Qualifications process to select a consultant for the design, construction documents and permitting for this segment this spring. It is anticipated that the construction documents and permitting should be completed by early 2027.

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

Per the terms of a Development Agreement with the developer of the 500 Alton tower project, the City is responsible for obtaining regulatory permitting approvals, and the developer is responsible for the design and construction. The City's responsibility to obtain regulatory approval for the project, as required under the agreement, has been satisfied.

Permit application review comments issued by the City of Miami Beach Building Department have now been addressed by the Developer and revised drawings were submitted for permit review on February 5, 2024. The developer has informed that they have an executed contract with the builder, who is scheduled to commence construction 30 days after issuance of the City's building permit. The builder's workforce will primarily access the project site by barge and boat.

Through the feasibility and planning process for sections of the Baywalk under the responsibility of the City, the City established a desirable design standard for the pending Baywalk sections, which included guardrails and lighting. The guardrails and lighting were not included in the development agreement for the construction of this section of the Baywalk. The City is evaluating the inclusion of these elements in this Baywalk section.

Bay Garden Manor Condominium (1250 West Avenue) and Bayview Terrace Condominium (1228 West Avenue; PB File 1879)

As with the South Bay Club, following the completion of the feasibility study prepared by RES, the City has retained Song and Associates for the preparation of the Basis of Design. Song and Associates will focus on defining, modifying and preparing the necessary agreements and easements to facilitate the design and construction, as well as preparing an updated Construction Cost Estimates. The consultant has commenced and completed onsite boundary and topographical survey. It is anticipated that Bay Garden Manor, in particular, will require significant effort, as they currently have no agreement in place which would allow the City to construct the Baywalk behind this property. Preliminary concepts will be ready to review individually with both the Bayview Terrace board and the Bay Garden Manor board in late March/early April. Discussions will allow Song + Associates to address any concerns while preparing the Basis of Design. These two properties are also closely intertwined as the proposed Baywalk segments are interdependent and will need to be constructed within reasonable timelines. Once easements and agreements are finalized with Bay Garden Manor and Bayview Terrace Condominiums, they will be presented to the City Commission for approval later this summer.

The City will commence the Request for Qualifications process to select a consultant for the design, construction documents and permitting for this segment this spring. It is anticipated that the construction documents and permitting should be completed by early 2027.

Lincoln Bay Towers Condominium (1450 Lincoln Road; DRB File 23218)

This section of the Baywalk is included in the West Avenue Phase II Improvement project, and the Design-Builder has restarted the project resuming the design and permitting of this section. At this time, the Board of Directors for Lincoln Bay Towers Condominium has executed the DERM permit application for the Baywalk, and the construction documents exceed 30% completion.

As currently designed, the consent of the neighboring property, Capri (1491 Lincoln Terrace), to the south is required by DERM as a

co-applicant, since the proposed Baywalk extends to connect to their existing walkway. However, as the Capri has expressed reluctance to sign the application, leadership of the Lincoln Bay Towers has proposed an alternate layout, allowing the connection to occur within their property and eliminating the need to obtain approval from the Capri. On January 10, 2024, the City forwarded the alternative layout to the design-builder for consideration and implementation, subject to potential requests for additional costs.

The project team anticipates completion of this section simultaneously with the West Avenue Phase II Improvement project, by winter 2026.

CONCLUSION:

The foregoing is presented to the members of the Land Use and Sustainability Committee for update and discussion.

Applicable Area

South Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

Yes

Departments

Office of Capital Improvement Projects

ATTACHMENTS:

Description		Type
☐	Exhibit A – Memo from October 11, 2023, Land Use and Sustainability Committee Meeting Item 3	Memo
☐	Exhibit B - Baywalk Properties Status Map	Other



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Item 3.
COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Alina T. Hudak, City Manager

DATE: October 11, 2023

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ANALYSIS:

Southgate Tower Apartments (900 West Avenue; DRB File 22718)

Following the City's meeting with the new ownership (Air Communities) on June 5, 2023, and subsequent to the Committee's request, City staff has reached out to the new ownership to inquire if they have reconsidered the immediate opening of their section of the baywalk to the public. On July 12, 2023, city staff received communication from Barbara Frommell, Senior Director for Government and Community Relations, confirming that they have reviewed information and documents related to the baywalk and stated that she has escalated the City's request to the leadership team and in addition inquired as to the status of the City's prior commitments. The City will continue to pursue the expedient opening of this baywalk section.

Bay Garden Manor Condominium (1250 West Avenue) and Bayview Terrace Condominium (1228 West Avenue; PB File 1879)

In the fall of 2021, the City engaged an environmental consultant, ESciences, to assist in completing a feasibility study for the development of the City's baywalk, behind the South Bay Club, Bay Garden Manor and Bayview Terrace Condominiums. ESciences, now RES, held preliminary meetings with regulatory agencies and established the parameters under which the baywalk segments could be permitted. They also developed preliminary cost estimates and layouts. These layouts were cross-referenced with existing agreements/easements. The City also met with representatives of the boards for each of the properties and discussed the upcoming projects, all of which expressed support. This effort was completed earlier this year.

As a result of the feasibility study performed by RES, it has become evident that the existing agreement with Bayview Terrace for the construction of the baywalk will need to be modified. In compliance with the limitations established by Florida Statute 287.055, Consultant's Competitive Negotiation Act (CCNA), and in an abundance of caution, City staff rescinded the request for a proposal from RES to expand their services.

Staff is currently negotiating a proposal for the preparation of the basis of design with Song and Associates. The new consultant is well suited to prepare the necessary documents to complete this task, ahead of the preparation of construction documents. It is anticipated that Bay Garden Manor, in particular, will require significant effort, as they currently have no agreement in place which would allow the City to construct the baywalk behind this property. The Professional Services from the new consultant will assist the City in finalizing the agreements, including establishing the necessary easements, with each of these two properties. These two properties are also closely intertwined as the proposed baywalk segments are interdependent and will need to be constructed within reasonable timelines. Following commencement of the consultant's services and contingent on the successful and timely negotiation with each of the properties, it is anticipated that finalizing the agreements and easements will take 4-6 months.

Once agreements are finalized with Bay Garden Manor and Bayview Terrace Condominiums, the City will prepare a Request for qualifications to select a consultant to complete the design, construction documents and permitting for those segments. This will allow the City to commence procurement of a contractor.

Exhibit A

CONCLUSION:

The foregoing is presented to the members of the Land Use and Sustainability Committee for update and discussion.

Applicable Area

South Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

Yes

Departments

Office of Capital Improvement Projects

ATTACHMENTS:

Description		Type
	Exhibit A – Memo from June 20, 2023, Land Use and Sustainability Committee Meeting Item 6	Memo

Baywalk Segments

January 26, 2024

