

Miami River Commission
Meeting Minutes
December 2, 2019

The Miami River Commission (MRC) public meeting convened at noon, December 2, 2019, 1407 NW 7 ST.

Miami River Commission (MRC) Policy Committee Members and/or Designees attending:

Horacio Stuart Aguirre, MRC Chairman, Appointed by Governor Scott

Frank Balzebre, MRC Vice-Chair, designee for Miami-Dade County Mayor Carlos Gimenez

Patty Harris, designee for Governor

County Commissioner Eileen Higgins

Maggie Fernandez, designee for County Commissioner Eileen Higgins

John Michael Cornell, designee for Member at Large Appointed by the Governor

David Maer, designee for Miami-Dade ST Attorney Katherine Fernandez-Rundle

Philip Everingham, designee for Miami Marine Council

Neal Schafers, Downtown Development Authority

Bruce Brown, Miami River Marine Group

Sandy O'Neil, designee for Greater Miami Chamber of Commerce

Roselvic Noguera, designee for Sara Babun

Tom Kimen, designee for Neighborhood Representative appointed by City of Miami

MRC Staff:

Brett Bibeau, Managing Director

Others attending interested in the River:

Please see attached sign in sheets.

I) Chair's Report – MRC Chairman Horacio Stuart Aguirre

The MRC unanimously adopted the distributed draft November 4, 2019 public meeting minutes.

The MRC is pleased to distribute the 9th Annual Miami River Calendar for 2020. I thank all the advertisers for their strong support of the Miami River District.

The free 24th Annual Miami Riverday will be held April 4, 2020, featuring free Miami River boat rides, live music, environmental education, historic re-enactors, children activities, food, drinks, and more. Sponsorships are currently available.

In addition, advertisements are currently for sale in the 17th Annual Miami River Map and Guide, which is released at Miami Riverday.

Invitations were distributed to Nina Torres' annual free "Miami River Art Fair, to be held during the week of Art Basel in the riverfront Miami Convention Center, December 2-4.

The MRC's calendar of 2020 public full board meetings were distributed.

MRC Vice Chairman Frank Balzebre provided the following Miami River Voluntary Improvement Plan (VIP) update:

The Miami River Commission has been actively assisting the efforts of the City, County, State, and private sector to clean up the Miami River District.

The MRC thanks the 20 Hands on Miami Volunteers, whom on November 23 maintained the public Riverwalk's community vegetable and fruit garden, and picked up garbage along the Miami River's shoreline here at Robert King High.

I thank the estimated 40 volunteers from "Off the Hook" which this Saturday, Dec. 7, will be picking up garbage along the shoreline in Curtis Park's public Riverwalk.

II. Consider Draft Plans for 301-311 NW South River Drive

Steve Wernick Esq, Wernick and Co., and Arturo Ortega, Property Owner, distributed and presented revised plans "Marine Related Commercial Building with Ancillary Food Service Establishment", and a revised letter of intent, for 301- 311 NW South River Drive. The letter of intent states in part:

"Wernick & Co. represents Puntallana, LLC (the "Applicant"), the owner of the properties located at 301 & 311 NW South River Drive,¹ along the south side of the Lower Miami River in the Riverside Neighborhood of Little Havana (the "Subject Property").

Applicant is proposing to improve and re-activate the subject Property, including construction of a new boutique 6-story marine-related commercial building to contribute to the working waterfront economy of the Miami River & renovation and adaptive use of an existing 2-story warehouse building for use as a food service establishment with indoor/outdoor dining."

As detailed on the revised / 2nd draft plans prepared by DLW Architects (November 2019), the Project includes construction of a new primary use marine-related 6-story commercial building at 301 NW South River Drive with the adjoining building at 311 NW South River Drive to be restored, renovated and adapted as an ancillary food service establishment. The buildings will complement one another with a spacious landscaped open space accessible to the public from NW South River Drive.

¹ The subject Property has the following corresponding tax folio number: 01-0200-010-2040; 01-0200-010-5010.

The applicant has signed a 10-year lease with NuMarine to be the tenant of the new 6-story marine related commercial building developed specifically for its marine-related business - relocating its Miami footprint and corporate sales office from Doral to the Lower Miami River.

NuMarine is a premier yacht builder doing business around the world, with a reputation for designing and developing state of the art motor yachts. From its corporate website:

“Continuing to impress the motor- yachting world with ground breaking and innovative designs. Numarine is the number one choice for owners who value individualism with the need to stand out in the crowd. . . . The highly creative in-house design team will work with you to create the perfect concept and decor suited to your needs. Numarine uses the very latest in vacuum infusion technology and composite materials to produce an extremely rigid, lightweight and incredibly strong hulls keeping ahead of the game.”

The ground floor will include a yacht sales center - with direct rear access by employees and customers to the waterfront to view and tour yachts that might be moored on site, and anticipates including a mechanic’s shop for customer boat repairs. The upper floors will blend the sales center with supportive office space and back of house functions.² The building façades are presented with ample glazing adorned with a green wall system. The plans include a significant increase in the number of trees and landscaping on site.

At 311 NW South River Drive, the Applicant is proposing to retain and renovate the existing structure, integrating a food service establishment on the ground floor.³ The portion of the building closest to the rear property line—previously walled off from the Miami River—is being converted into a modest covered terrace dining area and enhanced access to the waterfront.

The Project includes a family-friendly rooftop observation deck that has views of the Miami River and yachts moored here in connection with the sales center, intended to enhance public interaction with the waterfront and invite locals and visitors alike to experience the Miami River and all it has to offer. However, the Applicant has committed to restricting outdoor dining to the ground level. There will be no outdoor seating area or alcohol sales on the roofdeck.”

² The building proposed to be constructed at 301 NW S River Drive and the marine related commercial establishment is by Right within the D3 transect zone, and will proceed under separate permit from 311 NW S River Drive.

³ Use is permitted by Warrant in D3 Transect Zone per Miami 21 Article 4, Table 3.

Mr. Wernick stated the project is consistent with:

- Current D3 Marine Industrial Zoning (Administrative Warrant Required for Accessory Restaurant)
- Current “Port Miami River” sub-element of the Comprehensive Plan
- *Miami River Corridor Urban Infill Plan*

Mr. Wernick and Mr. Ortega stated they previously met with Mark Bailey, Executive Director of the Miami River Marine Group, and Carlos Salas, President of the Spring Garden Civic Association, and provided them with the subject draft plans. In addition, Mr. Wernick distributed the draft voluntary “Declaration of Restrictions” they previously provided the Spring Garden Civic Association, which states in part:

“There shall be no outdoor dining operated after sunset by the restaurant on the rooftop observation deck proposed for the existing building on the 311 Parcel;

and b. There shall be no outdoor alcoholic beverage sales after sunset at the Property, except in designated ground level dining areas;

and c. There shall be no operation of any portable sound-making device or instrument, or the playing of any band, orchestra, musician or group of musicians, where the noise or music is plainly audible at a distance of 100 feet from the Property;

and d. Owner shall engage a qualified sound engineer to verify that the proposed operations of the food service establishment, including but not limited to any sound amplification system installed on the Property, complies with all standards and criteria as set forth in Chapter 36 of City of Miami Code of Ordinances (the “Noise Ordinance”) prior to issuance of a TCO or CO for the Property.”

Mr. Wernick and Mr. Ortega indicated they were willing to add into their offered voluntary restrictive covenant to the Spring Garden Civic Association an additional restriction of no outdoor dining on the rooftop observation deck at any time, neither day nor night. They noted originally the concept included outdoor dining on the rooftop, but they agreed to remove it when the Spring Garden Civic Association objected.

Mr. Mark Bailey, Miami River Marine Group, and Ms. Rosy Noguera, Antillean, asked how many docked vessels are included in the proposal. Mr. Wernick and Mr. Ortega replied DERM issued a current Marine Operating Permit for the subject area with 4 boat slips, 2 of which are intended to be used by Nu-Marine and 2 of which are proposed to be used by the Ancillary Food Services Establishment after amending the current MOP for 4 boat slips. Everyone noted and agreed that the Miami River turns at this location, which effects vessel navigation. Attendees noted the Law requires no more than 2 boats “rafting” to each other when docking, and observed that directly across the Miami River from this site are Riverfront restaurants Seaspice, Casablanca, Garcia’s, and Kiki’s River, which also frequently have docked vessels, further restricting navigation at this location. Mr. Wernick and Mr. Ortega stated they will include restrictions in the Nu-Marine and Restaurant leases prohibiting rafting more than 2 vessels. In addition, they noted the proposal includes improves to a portion of the seawall in order to allow for vessel docking.

Mark Bailey, Executive Director of the Miami River Fund Inc, stated as Puntallana, LLC and NuMarine take the next steps in its marine-related project on the Miami River, I assume that you and NuMarine representatives are aware of, and researching, the unique marine industry implications, restrictions and benefits of certain business operations/functions within a Foreign Trade Zone(FTZ). As I mentioned, FTZ 281 (designated in 2016) includes the Miami River. We trust you and NuMarine will investigate this further and, if allowable, NuMarine will actively pursue and fulfill the necessary requirements in order to take full advantage of a marine FTZ.

Mr. Wernick stated as reflected in the distributed letter of intent per City Code (Miami 21 Art. 7.2.8):

“the Project does not require on-site parking. For 301 NW S River Drive, the Project is below 10,000 square feet in floor area and within ¼ mile of a Transit Corridor and thus qualifies for exemption from parking requirements under Art 4, Table 4. For 311 NW S River Drive, the applicant proposes an adaptive reuse of an existing non-conforming structure, with no new floor area being constructed on site. This will allow the Project to present a pedestrian-oriented environment directly abutting the riverfront and minimize heat island effects.

Although the Project does not require additional parking spaces be provided for zoning compliance, as referenced further below, the Applicant is making arrangements for valet parking service and an off-site surface parking lot location within 1,000 feet of the site. Visitors will also have access to on-street parking in the area. ”

County Commissioner Eileen Higgins stated she is concerned about the lack of parking and Uber / Lyft drop off location, which will create traffic and disturb the residential community to the west of the site in Little Havana. Mr. Wernick and Mr. Ortega noted the distributed “Exhibit L – Map Identifying Potential Parking Locations” which are 2 nearby lots owned by the applicant at 742 NW 4 ST and 720 NW 2 ST.

Mr. Carlos Salas, President of the Spring Garden Civic Association, distributed a letter stating:



1. **D3 Marine Industrial Zoning:** The SGCA supports maintaining the D3 Marine Industrial zoning. A 6 story building is out of scale with its surroundings. We are not able to control to whom the rent/lease out the property after it is built. We do not want another example of 528 NW 7 AVE – Univista Insurance Building.
2. **Parking:** 3 Parking Space for every 1,000SF of Commercial Space (9,954 sf /1,000 sf x 3 parking spaces = 29.8) . Our neighborhood and surrounding area is severely impacted by street parking and cut through traffic. The reduction in parking will greatly impact the quality of life of nearby residents and their ability to find parking and go home. ~~Also, this waiver is prohibited within 500 feet of an ungated T3. 134 NW 6th Ave is an ungated T3 within 500 feet, and thus, the waiver is illegal.~~ *Metrorail Ridership is down 35% since 2015.*
3. **Riverwalk** - Ensure connectivity for future development of the River walk with a River Walk/Open space to the East and West of the property.
4. **Riverwalk/ Greenway.** We ask that you review the Riverwalk/ Greenway and require strict compliance with Miami 21 and the Charter. A Riverwalk that is under a covered terrace by the restaurant lends itself to private and commercial use which is not consistent with any of the goals and policies of the City set forth in the Miami CNP, Miami 21, and the City Charter. Therefore, we respectfully request that the City require strict compliance with the Riverwalk/ Greenway requirements, and the waterfront setbacks.
5. **Open Space.** The SGCA requests that the "Riverwalk" and "Open Space" on the ground floor as well as the "Observation Deck" above the restaurant are marked "PUBLIC SPACE," and be free from commercial uses. This will ensure consistency with the intent of Miami 21 and keep an open feel for view and access to the public. . We respectfully request that to the extent open space and green space are proffered to meet the requirements of Miami 21, that the Applicant be required to proffer a covenant that the public space, open space, and green space will not be later appropriate for private and commercial use.
6. **Rooftop/Observation Deck** – We do not support a rooftop/observation deck above the proposed restaurant.

Thank you,

Carlos Salas

President - Spring Garden Civic Association

Handwritten signature of Carlos Salas for SGCA.

Spring Garden Resident Rick Veber spoke against the proposal.

Mr. Wernick and Mr. Ortega stated this item was previously scheduled to be presented to the MRC subcommittee in October, followed by the full board in November, but at the request of the Spring Garden Civic Association they voluntarily deferred their item to be considered during the MRC subcommittee's November public meeting, followed by today's full MRC's December 2 public meeting. Mr. Wernick and Mr. Ortega stated on October 24 they met with Mr. Salas and provided him the proposed plans, and subsequently emailed him their distributed voluntarily proffered "Declaration of Restrictions". In addition, Mr. Wernick stated the subject site is 1,348 feet away from the closest home in Spring Garden.

Mr. Wernick and Mr. Ortega stated they received an email from Jeremy Gauger, Deputy Director City of Miami Planning Department, stating:

"It is the cities position that the riverwalk is required as part of the change of use in the adaptively reused building subject to the rules and regulations required in section 3.11.

However, there are site conditions unique to the adaptive reuse-

1. The open space created by the colonnade will not meet the required circulation space of a typical riverwalk condition. We will work with the applicant to maximize the circulation space while allowing the terrace use.
2. The typical circulation loop is not possible while retaining the existing building. We believe the proposal to provide access between the buildings is good while we want to be able to connect to future sections of the Riverwalk as it is completed on adjacent parcels."

Therefore, Mr. Wernick and Mr. Ortega noted their submitted 2nd draft plans include a 1/3 reduction of restaurant seats, from 150 to 96 seats, in order to create the additional space to provide the required public Riverwalk at the restaurant, in addition to a publicly accessible courtyard between the 2 buildings from the public on-road Miami River Greenway on NW South River Drive to the Miami River. They added the City zoning code does not require a public Riverwalk at the proposed Marine Industrial building in D3 zoning.

Commissioner Higgins had to leave for another previously scheduled conflict prior to the vote.

Tom Kimen stated the MRC held public hearings when creating their adopted strategic plan, which established three sections of the River, and the proposal is in the "lower" river, directly across from existing riverfront restaurants Garcias, Casablanca, Seaspice, and Kiki's River.

The MRC adopted an advisory resolution, by a vote of 8-3, recommending the City of Miami approve the proposal subject to the following conditions which were agreed upon by the applicant:

1. **Providing public riverfront walkway at the riverfront restaurant and central courtyard**
2. **No Outdoor dining on the rooftop terrace**
3. **Providing Working River Disclosure and keeping currently permitted 4 boats**
4. **If tenants change, return to the MRC within 30 days**
5. **Incorporating the presented valet parking lots at 742 NW 4 ST and 720 NW 2 ST**

III. FDOT Update Regarding 1 ST Bridge Replacement

Sergies Duarte and Art Perez on behalf of FDOT, and Hakan Dalkiran, GLF, provided the following update regarding the ongoing replacement of the 1 ST Bridge.

- East side of the Miami River:
 - Crews are drilling in preparation for installing metal sheet piles for the cofferdam.
 - Excavation of the cofferdam is scheduled to take place as early as next week.
 - No hammering is scheduled to take place overnight.

- West side of the Miami River:
 - Crews are installing concrete piles for the new bascule piers.
 - During the overnight shift, crews are unloading, preparing and setting the concrete piles.
 - Crews continue excavating the channel during overnight hours.
 - No hammering is scheduled to take place overnight.

- Crews are installing the new sidewalk and driveways along the north side of SW 1 ST, between SW 6 Ave and SW 5 Ave.

Mr. Duarte distributed the updated Maintenance of Traffic Plan.

Mr. Duarte distributed an updated document indicating that after the MRC subcommittee's November 14 public meeting on this item, the U.S. Coast Guard approved FDOT's request to amend the date of the full closure of the Miami River's Federal Navigable Channel to all boats which will no longer be November 19, rather is now scheduled to start at 7 PM on December 10, until 1 PM on December 11. In addition, the U.S. Coast Guard has approved a "Waterway Restriction" on November 25-27 and December 2-4, 7 PM – 10:30 PM a 25 foot horizontal clearance will be available for vessels that may safely pass, 10:30 PM – 12:30 AM the waterway widens, 12:30 AM – 4 AM, a 25 foot horizontal clearance will be available for vessels that may safely pass.

The related U.S. Coast Guard's advertised Notice to Mariners states:

"FLORIDA - EAST COAST - WEST PALM BEACH TO MIAMI - MIAMI RIVER- SW 1ST STREET

BRIDGE: Bridge Replacement UPDATED:

GLF Construction Corporation was contracted by the bridge owner, Florida Department of Transportation (FDOT), to commence construction of a new bridge that will replace the SW 1st Street Bridge across the Miami River, Mile 0.9, in Miami, Florida. Construction is scheduled to begin on May 20, 2019 and continue through Summer 2022. Demolition and removal of the existing bascule piers continues from the land side with no anticipated restrictions to the channel. The installation of sheet piles for the new cofferdam on the west side has been completed and excavation of the new cofferdam is ongoing. Sheet pile testing for the new cofferdam on the east side is ongoing and installation is expected to begin the week of September 16. The new seawall (combination wall) has been completed on the east side and west side. As early as September

23, 2019, the contractor will move forward with excavating (dredging) the channel. While a barge will be in the channel for the channel excavation operation, no impacts to the channel restricting the current horizontal navigational clearance are anticipated. As early as October 28, 2019, the contractor will perform the submarine cable installation and in order to perform this work, half of the channel will be temporarily restricted at a time. The contractor will coordinate with USCG Sector Miami prior to any channel closures and/or restrictions and will provide adequate notice to the public. For project information, please contact Community Outreach Specialist Sergies Duarte at sergies.duarte@dot.state.fl.us or 305-216-3617 If you have any questions regarding the waterway, please contact USCG Sector Miami Waterways Division Chief, LT Samuel Rodriguez-Gonzalez at (305) 535-4307, email samuel.rodriquezgonzalez@uscg.mil

IV. FDOT Update Regarding Brickell Bridge Project

On behalf of FDOT, Sergies Duarte provided an update regarding the Brickell Avenue Bridge Rehabilitation Project. The project is scheduled to start 1st week in February 2020, and includes:

- Adding pedestrian gates
- Repairing mechanical and electrical bridge components
- Painting the bridge
- Replacing lighting at the Tequesta family sculpture, bridge barrier and Riverwalk

Mr. Duarte stated the project will include temporary vehicular lane closures, and distributed the maintenance of traffic plan.

Mr. Duarte stated FDOT will be asking the U.S. Coast Guard for closures of the Miami River's Federal Navigable Channel, and he will provide those dates ASAP.

MRC Managing Director Brett Bibeau stated after years of archeological study, permitting, digging, etc., the unimproved area beneath the south side of the Brickell Bridge has essentially been approved for the Miami Parking Authority to fund and construct a connecting section of the public Riverwalk and needed public paid parking. The subject area will be used as staging for the "Brickell Avenue Bridge Rehabilitation Project", and then when the project is completed the MPA should be allowed to proceed. Mr. Bibeau added the MPA funded section of the public Riverwalk will connect with the existing public Riverwalk continuing east at Miami Circle Park, and to the approved public Riverwalk continuing to the west at "One Brickell", which the press recently reported is planning to commence construction.

V. Discuss the DDA Letter to U.S. Army Corps of Engineer's Regarding the "Miami-Dade Back Bay Coastal Storm Risk Management Feasibility Study"

The MRC deferred the item due to lack of quorum (MRC members Higgins, Cornell and O'Neil had all left the MRC meeting).

VI. Miami River Commission Subcommittee Reports

A. Greenways Subcommittee

Since the City and County's adoption of the *Miami River Greenway Action Plan*, of the planned 10-mile public Miami River Greenway, 6.5 miles are complete. Currently 7 sections of the public Riverwalk are under construction at River Landing, Miami River Walk, Aston Martin, 1 ST Bridge, One River Point, Gramps by the Bay, and Riverside Miami. The MRC thanks the FDOT for awarding \$2 million in 2 federal grants to the City of Miami to construct the next section of the public Miami River Greenway. The MRC is pursuing multiple public and private funding sources for the remaining funding needed to construct and help maintain the remaining sections of the public Riverwalk.

B. Stormwater Subcommittee

The next MRC Stormwater subcommittee public meeting is December 4, 10 AM, 1407 NW 7 ST.

On Behalf of the MRC, MRC Managing Director Bibeau thanked Commissioner Higgins, Mayor Gimenez, and the entire Board of County Commissioners, whom recently approved \$140,000 in the County's current budget to renew the contract with the Miami River Commission for continued Scavenger Water Decontamination Vessel services, which are providing significant needed improvements to water quality in the Miami River.

VII. New Business

The meeting adjourned.

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Noon
1407 NW 7 ST
Miami, FL

<u>NAME</u>	<u>ORGANIZATION</u>	<u>PHONE & E-MAIL</u>
Sandy O'Neil	Gmcc	oneils@bellsouth.net
John Michael Cornell	MRC	jm.cornell@zerofinterests.com
Eileen Higgins	BCC	ehiggins@miamidade.gov
DAVID MAER	SAO	davidmaer@miamisao.com
Roselvic Noguera	MRC	rnoguera@atttillan.com
PATRICIA HARRIS	MRC	PATTYKAK@GMAIL.COM
Tom Kimer		TK:merk3@aol.com
BRUCE BROWN	Miami River Basin Group	bruce402@bellsouth.net
PHIL EVERINGHAM	MRC/Marine Council	pbemsdd@hotmail.com
FRANK BALZESORE	Office of Mayor Community	frankb@mri.gov
Horacio Stuart Aguirre		horacio@hsaguirre.com
Brett Bibeau	MRC	brettbibeau@miamirivercommission.org

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<u>NAME</u>	<u>ORGANIZATION</u>	<u>PHONE & E-MAIL</u>
Carlos Salas	SACA President	
Steven Wernick	Wernick Co. (on behalf of Pensakana LLC)	786.232.0900
Jordan Paul	Spring Garden resident	jpaud703@bellsouth.net
Priscilla Greentree	Spring Lake	Priscilla.gre@ bellsouth.net
Catheri Lockner	MIAMI TODAY	Catheri.L@ miami.com
Hans Moeller	First Bank	H.Moeller@ 305.377.6055
Mah Bailey	MRCM	mahbailey@rainwatermanagement.org
Eileen Johnson	3630	hottubbed@bellsouth.net

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<u>NAME</u>	<u>ORGANIZATION</u>	<u>PHONE & E-MAIL</u>
ARLDO CEBEA Maggi Fernandez L. Isalgue	TNG MDE/DS resident	ARLDO.CEBEA@MIA.RFP.COM (67) 572-0066 305-375-5424 maggi.fernandez@miamidade.gov
JOSE E. MORALES	BPA/FOOT	786-539-9627 jmorales@bpaengines.com
Leonardo Bermudez	FDOT	305-968-4079
HARINA DAVILA Sergio Duarte	GLF FOOT	Leonardo.Bermudez@dot.state.fl.us 347-724-5693 3/216/3617
ARMURO PEREZ	Pinnacle/FOOT	786 251 2059 aperez@pinnaclecci.com
Tomas Monzon	FDOT	3/803/5556
Neal Schaffers	Miami DDA	schaffers@miamidda.com