

Miami River Commission Meeting Minutes July 1, 2019

The Miami River Commission (MRC) public meeting convened at noon, July 1, 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
Wifredo “Willy” Gort, City of Miami Commissioner
Frank Castaneda, designee for City Commissioner Gort
Patty Harris, designee for Governor
Maggie Fernandez, designee for Eileen Higgins, Miami-Dade County Commissioner
John Michael Cornell, designee for Member at Large Appointed by the Governor
Neal Schafers, Downtown Development Authority
Philip Everingham, designee for the Marine Council
Sandy O’Neil, designee for Greater Miami Chamber of Commerce
Bruce Brown, President, Miami River Marine Group
Rosy Noguera, designee for Sara Babun
Manny Prieguez, Member at Large Appointed by City of Miami
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 rotating pictures are from the 23nd Annual free Miami Riverday festival, which was successfully held April 6, 2019, in Lummus Park, and featured free Miami River boat rides, live music, environmental education, historic re-enactors, children activities, food, drinks and more. County Commissioner Higgins and City Commissioners Russell and Gort joined us on stage at Miami Riverday to present plaques of appreciation to the generous sponsors. Today we are happy to present the remaining plaques of appreciation to the following generous sponsors whom were unable to be present to receive their plaques on stage at Riverday.

- Aston Martin Residences’, Arnold Ledesma – under construction featuring public Riverwalk
- Maria Galli on behalf of Lissette Calderon and Pier 19 - renovations under construction

- Riverfront Master Association's – Troy Taylor and Allan Yopez
- Eli Stiers, Rails-to-Trails Conservancy – supporting completion of the 65% constructed public Riverwalk
- Ben Fernandez, Bercow Radell, Fernandez & Larkin
- Silvia Larrieu and Juliana Echavarria, The Miami Herald – discounted Riverday ads
- Southern Petroleum Resources, David Simpkins, Barbara Pimental, Jennifer Anyla, and Edgar Casaya

The Miami River Commission (MRC) unanimously adopted the draft February 4, March 4, May 6 and June 3, 2019 public meeting minutes, which were previously provided via e-mail.

I thank the Florida Department of Transportation for awarding a \$1 million federal Transportation Alternative Program (TAP) grant to the City of Miami to construct another section of the public Miami River Greenway.

I thank the various MRC volunteer board members whom recently took extra time to provide direct input into the distributed "Miami River Commission Mission Steering" document.

Friendly reminder like City and County boards the MRC will not be hosting public meetings in August. The MRC's regular 1st Monday of the month meeting date in September lands on Labor Day, therefore the next public MRC meeting is on September 9, here at noon.

On behalf of Frank Balzebre, MRC Vice Chairman and Chair of the Miami River Voluntary Improvement Plan (VIP), Brett Bibeau, MRC Managing Director provided the following update:

The MRC 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 volunteers from the following 7 volunteer events since my last report:

On March 16 - 40 volunteers repainted the mural on the Miami River Greenway located beneath the Flagler Bridge on North River Drive

On March 30, April 27, May 25 and June 29 – a total of 40 volunteers from Hands on Miami pulled weeds in the community vegetable and fruit garden, and picked up garbage along the public Riverwalk, here at 1407 NW 7 ST

On June 24 - 20 volunteers from the Miami Dolphins Special Teams youth program picked up garbage along the public Riverwalk here at 1407 NW 7 ST

On June 27 – 40 volunteers from the Miami Dolphins Special Teams youth program picked up garbage along the Miami River in Sewell Park

The MRC’s next 6 coordinated and sponsored volunteer Miami River cleanup events before our next meeting are:

July 8 - 20 volunteers from the Miami Dolphins Special Teams youth program will pick up garbage along the public Riverwalk in Curtis Park

July 11 – On June 24 - 20 volunteers from the Miami Dolphins Special Teams youth program will pick up garbage along the public Riverwalk here at 1407 NW 7 ST

July 17 - 20 volunteers from the Miami Dolphins Special Teams youth program will pick up garbage along the River’s south shore from NW 27 Ave Bridge to NW 20 ST

July 25 - 20 volunteers from Touch Miami with Love will pull weeds from the community vegetable and fruit garden and pick up garbage along the public Riverwalk here at 1407 NW 7 ST

July 29 - 20 volunteers from the Miami Dolphins Special Teams youth program will pick up garbage along the public Riverwalk in Curtis Park

August 2 – 20 volunteers from the Miami Dolphins will pull weeds from the community vegetable and fruit garden and pick up garbage along the public Riverwalk here at 1407 NW 7 ST

II. Consideration of Plans for 517 - 663 NW South River Drive

John Michael Cornell submitted an executed “Form 8B, Memorandum of Voting Conflict”, stated he will be recusing himself from this issue, and then immediately left the meeting room for the remainder of the public meeting.

Iris Escarra, Greenberg Traurig, and developer Avra Jain distributed and presented revised / current plans (draft #4) for “555 River House”, letter of intent, and draft Working River / Public Riverwalk Covenant. Ms. Escarra noted the distributed plans page G102a now depicts a 25’-32’ waterfront building setback featuring the public Riverwalk. Ms. Escarra stated they are no longer proposing a barbeque on the roof top. Ms. Escarra noted this site had previously been considered by the MRC on November 1, 2004 and the public meeting minutes stated, “the MRC found the proposed project to be in the best interest of this particular site and area of the Miami River, by a vote of 10-3”. Therefore, in January 2005 the MRC recommended approval of the then presented “Nautica on the River” development Major Use Special Permit, land use amendment, and zoning amendment, which the City Commission approved to the current designations. The MRC’s

adopted November 1, 2004 public meeting minutes state in part, “publicly accessible Riverwalk featuring a 6-foot-wide unobstructed pedestrian path and an additional 5-foot passive zone with landscaping, lighting, etc., which would be constructed and funded by the potential developer.” The previously approved “Nautica on the River” design for the site is being replaced with the applicants distributed plans for “555 River House”, and in comparison, the new public Riverwalk proposed width and waterfront building setback has increased in the current (draft #4) plans.

The MRC’s Urban Infill and Greenways subcommittee considered “draft #3” of the “555 River House” plans on June 10, 2019, and the distributed public meeting minutes state:

“The following emails were read into the record:

From: Calleros Gauger, Jeremy <JCallerosGauger@miamigov.com>
Sent: Monday, June 10, 2019 9:52 AM
To: brettbibeau@miamirivercommission.org
Cc: Ruiz, Joseph A. <jaruiz@miamigov.com>
Subject: Re: 555 Riverhouse

Brett,

I communicated with staff from zoning and planning.

Summary is that staff has reviewed that the application is complete, but has not yet been reviewed for compliance.

Regarding specific issues:

1. As it is currently designed with a kitchen, tables and bar on the roof level, it would require a warrant for outdoor dining. However, the applicant has an opportunity to redesign in order to avoid this process.
2. Parking waiver may be applied for, but staff needs additional review before it is accepted.
3. Yes, the applicant may purchase additional FLR by right.

Due to the ability of the applicant to alter the application due to comments from staff, the application shouldn’t be considered finalized. I encourage the MRC to proceed with review so that applicable comments from the board can be incorporated with staff’s review.

Best regards,
Jeremy Calleros Gauger, AIA, LEED AP
Deputy Director
Planning Department”

“From: Calleros Gauger, Jeremy <JCallerosGauger@miamigov.com>
Sent: Monday, June 10, 2019 2:36 PM
To: brettbibeau@miamirivercommission.org

Brett,

The version that I have seen still shows an enclosed area that appears to be a kitchen labelled “grill” on the pool level. If there is a later set of drawings with no kitchen nearby, a warrant would not be required. Please keep in mind that I am not the reviewer and that none of these versions is finalized until it is batch-stamped and officially noticed. This project may still be subject to change based on staff comments that are still forthcoming. It is difficult or impossible to speak speculatively on a non-finalized project, but as a rule: a warrant is required for outdoor dining on a rooftop. However, if a pool deck has some incidental food service but is not a dining area, it will not require a warrant.

As I said, this is all subject to change and in many cases, applicants change drawings and proposed projects based on the permits which may be required.

Best regards,



Jeremy Calleros Gauger, AIA, LEED
AP
Deputy Director
Planning Department
Office: 305-416-1427
Visit us at
www.miamigov.com/planning.

Miami River Commission (MRC) Subcommittee Chairman Jim Murley suggested the MRC recommend approval of “555 River House” with the following conditions:

- 1) Provide the City of Miami Zoning Code’s required minimum 25’ wide public Riverwalk
- 2) Support ongoing conversation between the applicants and Spring Garden neighborhood, and support mutually agreeable consensus if possible
- 3) Marine Operating Permit required before City issues Temporary Certificate of Occupancy
- 4) Construct the public Riverwalk and execute /record the public Riverwalk / Working River Voluntary Covenant before City issues Temporary Certificate of Occupancy
- 5) Expend the \$1,000,000 for “public benefits” within the impacted Miami River District
- 6) Designate a “Noise Complaint Person of Contact”, and become an operational solution model”

Ms. Escarra & Ms Jain stated they agreed to all 6 conditions of approval suggested by MRC Urban Infill Subcommittee Chairman Murley. Ms. Escarra stated the presented plans are consistent with the current land use and zoning, and feature 175 hotel rooms, 39 hotel suites, offices, and 2 restaurants with no outdoor dining, and the pool with have standard limited hotel pool hours. The

applicants stated in theory the existing zoning would allow 400 residential units, which is far greater density than is being proposed. Ms. Avra Jain stated they will retain a professional sound engineer, communicate and meet with the neighbors, and the 100% indoor restaurants will not be loud, and there will be no outside music, because they can't disturb the immediate sites hotel rooms and offices. The applicants distributed the Comprehensive Plans required "Working River Disclosure / Public Riverwalk Covenant", they currently have an active Marine Operating Permit with 6 commercial boat slips and are asking for an amendment to have 10 boat slips, located outside of the federal navigable channel. The plans include an Uber drop off and pickup location located in the center round-about, off of the narrow NW South River Drive. Ms. Escarra stated consistent with the current zoning they are paying the City of Miami \$1,000,000 to purchase additional height to 12 stories on a portion of the building.

Carlos Salas, President of the Spring Garden Civic Association (SGCA), stated they met with the applicants on May 8 in Spring Garden. Mr. Salas stated the SGCA was concerned about the proposed developments height, noise from 3 restaurants, roof top pool and bar, and waiver requests to reduce parking, reduce loading bays, narrow the public Riverwalk and waterfront building setback. The SGCA is asking the applicants to enter into a voluntary covenant or agreement with them to reduce the proposed developments height, prohibit outdoor dining, limit noise, not reduce the minimum Riverwalk and waterfront building setback widths, and not reduce parking by 30% as proposed. Mr. Salas cited a news article reporting a 30% ridership reduction on Miami-Dade Transit. Attendees agreed more Marine Patrol and Police are needed on the Miami River. Mr. Salas read the following letter from Dr. Ernest Martin:

"I would like to express my opposition to the project, 555 River House, located at 516-663 NW South River Drive for the following reasons:

- (1) The project is too close to the 8-story residential building to its immediate west which is already under construction
- (2) The height of the project is overwhelming to its surroundings and specifically to the Spring Garden Historic District directly across the River. The proposed project will create a canyon effect and will carry noise up and down the River.
- (3) It is inappropriate to allow outdoor dining on the ground floor level along the River with residences nearby. There should be no outdoor dining.
- (4) The rooftop pool and bar are also problematic for the same reason. Noise is a huge concern for all nearby residents.

In conclusion, the project is simply too dense, too tall, and has amenities that are inappropriate and incompatible for this area of the Miami River."

Spring Garden residents Finlay Matheson, Tamme Flood, Priscilla Greenfield, Daeja Donahue, Rick Veber, Becky Long, Judith Paul, Amanda Quirke Hand, Ben Miller, and Jo Winstead, stated opposition to the current proposal.

Troy Taylor, President of the Miami Riverfront Association (Ivy, Mint and Wind) expressed support for the subject development proposal.

Spring Garden Civic Association President Salas distributed a “Miami Neighborhoods United Resolution - requesting the Miami River Commission support Spring Gardens Neighborhood Association’s opposition to the 555 River House project”. Mr. Salas distributed the following document:

SPRING GARDEN REQUESTS

1. Riverwalk (Waiver 9). Recommend 25 feet unobstructed, all at the same level- no elevated terraces.
2. Recommendation that View Corridors shall remain unobstructed, open to the public, with no commercial uses.
3. Recommendation against Waiver 4 for a 30% parking waiver. This waiver is prohibited within 500 feet of an ungated T3- Spring Garden.
4. Recommendation against Waiver 7 regarding loading: There are 175 hotel rooms, and 150k sq. ft. of office and commercial with one commercial loading bay.
5. Recommend that there shall be no food or alcohol service whatsoever on the rooftop without a warrant.
6. The Applicant will work with an acoustical engineer to prepare measures and design a centralized sound system to minimize noise emanating from the proposed hotel rooftop deck at the Project. The Applicant will not permit third parties to use independent speakers or sound systems which are not part of the centralized sound system.

Manny Prieguez stated he feels the issues of the parking reduction and outdoor roof top dining are still not settled. Mr. Prieguez stated the presented draft Voluntary Restrictive Covenant maybe broken by the City of Miami Planning Director alone, and perhaps the MRC should consider a motion recommending the voluntarily proffered draft restrictive covenant may only be broken by a super majority (4/5) vote of the City Commission.

Maggie Fernandez, designee for County Commission Eileen Higgins, noted this portion of the Miami River in Little Havana also includes the approved Naheem Khan project, "Residences at Riverwalk" which are under construction, Merrill Stevens renovations under construction, and numerous boatyards, therefore she is concerned about overdevelopment and suggested a traffic analysis.

Sandy O'Neil made a motion for the MRC to recommend approval of the presented 555 River House subject to complying with the following 6 conditions of approval suggested by MRC Subcommittee Chairman Jim Murley:

- 1) Provide the City of Miami Zoning Code's required minimum 25' wide public Riverwalk**
- 2) Support ongoing conversation between the applicants and Spring Garden neighborhood, and support mutually agreeable consensus if possible**
- 3) Marine Operating Permit required before City issues Temporary Certificate of Occupancy**
- 4) Construct the public Riverwalk and execute /record the public Riverwalk / Working River Voluntary Covenant before City issues Temporary Certificate of Occupancy**
- 5) Expend the \$1,000,000 for "public benefits" within the impacted Miami River District**
- 6) Designate a "Noise Complaint Person of Contact", and become an operational solution model"**

Plus, the following 2 additional conditions recommended by the Spring Garden Civic Association:

- 7) "Recommendation against waiver 4 for a 30% parking waiver which is prohibited within 500 feet of an ungated T3-Spring Garden.**
- 8) Recommendation against Waiver 7 regarding loading: There are 175 hotel rooms and 150k sq ft of office and commercial with one commercial loading bay."**

The motion failed 11-1.

Manny Prieguez made a motion for the MRC to recommend denial of the presented 555 River House, and the motion was unanimously adopted.

V. 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>
Jami Hood	Spring Garden	305.298 1413 tammeniamia@aol.com
Priscilla Greenfield- Mallory	Spring Garden	305-326-0794 Priscilla@aol.com BellSouth.net
Gwin Tate	Coast Guard	305 415-6747
Becky Long Judithal	Spring Garden Spring Garden Resident	jean7030@earthlink.net
Jeliana Echavarría	Miami Herald	jechavarría@ miamiherald. com
All		
Troy Taylor	RIVERFRONT MASTER ASS.	Troy@Adl.COM
TERRY C ZERBT	ZERBT PARTNERS	tzerby@zerby partners.com
Laura Menster-Buman	Vagabond	laura@vagabondgroup condo@the.com
AVRA JAIR	Vagabond	jechavarría@gmail.com
Amanda Bonvecchio	Vagabond	

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<u>NAME</u>	<u>ORGANIZATION</u>	<u>PHONE & E-MAIL</u>
Rick Veder	SGCA	786 858 2592
Michael Deatton	SG president	305-203-9708
David Oxios	NAI MIAMI	786-476-8169
Maria Galli	Neology Life	917-208-9167 mgalli@neologylife.com
William Keddell	-	wskeddell@gmail.com
Ben Miller	SGCA	Miller, Benjamin. @gmail.com
David Simpkins	Southern Petroleum	(404) 208-6657
Jennifer Anstia	"	dav.d@southernpetroleumresources.com
Barbara Pimentel	Southern Petroleum (SPR)	305-305-7610
Catherine Leckner	MIAMI TODAY	barbara.pimentel@SPR storage.com
Amanda Quirke Hard	Spring Garden	→ clackner@gmail.com C D M aguirke@leckner-schultz.com 3057332800
Carlos Salas	Spring Garden Civic Assoc	
Roseluis Noguera	MRC - Artellean Marine	rnoguera@artellean.com
BRUCE L. BROWN	MIAMI RIVER MARINE GROUP MRC	305/788-6511

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<u>NAME</u>	<u>ORGANIZATION</u>	<u>PHONE & E-MAIL</u>
Carlos Druce	Greenberg Traurig	305-579-0502 / cdruce@miami.com
Inis Escarria		31579-0737 / iescarria@miami.com
JONATHAN BURGESS	PARADELO BURGESS DESIGN	401-465-9250 / JONATHAN@PARADELOBURGESS.COM
Jorge Centeno	EWM Realty Int.	JorgeCenteno88@gmail.com
JO WINSTEAD	SPRING GARDEN RES	305 548 5059
Dale O'Donoghue	SG RES	TEL 304 8045
PHIL EVERINGHAM	MRC/MARINE COUNCIL	305 951-9096 / peveringham@miami.com
Lallye Jude	MRC	305 667-3233
Bruce L. Brown	MRC/Miami River Marine Group	305/788-6411
PATRICIA HARRA	MRC	PATTYKAR@GMAIL.COM
Tom Kimer	MRC	TK:mcw3@aol.com
NEAL SCHAFERS	MIAMI DDA	schafers@miamidda.com
Horacio Stuart Aguirre	MRC	Horacio@hsaguirre.com

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<u>NAME</u>	<u>ORGANIZATION</u>	<u>PHONE & E-MAIL</u>
Tammy Burton	DEEM	305-312-6931
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JOHN MICHAEL CORNELL	MEC	jmcornell@zerbyinterests.com
Manny Priozeez	ARC	manny@priozeez-solutions.com
Maggie Fernandez	MDC-DS	786-251-7380
FRANK CASTAÑEDA	City of Miami	gma maggie.fernandez@miamicity.gov (305) 250-5430 FCASTANEDA@MIAMI.GOV.COM W GORT@MIAMI.GOV.COM
WIFredo Gort		
Arnold Ledesma	G+G	Aledesma@gandgbd.com