

Miami River Commission's Urban Infill and Greenways Subcommittee November 14, 2019 Minutes

The Miami River Commission's (MRC) Urban Infill and Greenways subcommittees conducted a public meeting on November 14, 2019, 3 PM, 1407 NW 7 ST. The attendance sign in sheets are enclosed. MRC Urban Infill Subcommittee Chairman Jim Murley conducted the public meeting.

I. 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 stated he would provide the updated Maintenance of Traffic Plan to be provided as backup for his presentation to the full MRC on 12/2, noon, 1407 NW 7 ST.

Mr. Duarte stated The U.S. Coast Guard has approved FDOT's request for a full closure of the Miami River's Federal Navigable Channel to all boats, starting the evening of Tuesday, November 19, 2019 at 8 p.m. through Wednesday, November 20, 2019, at 6 a.m.

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

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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.rodriguezgonzalez@uscg.mil

UPDATE 1

Beginning October 14, 2019 and running through November 15, 2019, between the hours of 7 a.m. to 7 p.m., GLF will be utilizing a long reach excavator which will be positioned by the bulkhead to excavate the channel. Alternatively, GLF is planning to utilize a crane with clam shell bucket for some of the specific areas of excavation as deemed necessary. Subject operations will be supported by a scow barge that will be positioned by the bulkhead without interfering horizontal channel clearance. In addition, GLF will be placing spotter during the operation and in the event approaching vessel is noticed operation will be eased, subsequently the bucket and barge will be moved out of the channel to provide unrestricted 75ft horizontal clearance.

UPDATE 2

The Coast Guard has approved a request for a full channel closure starting the evening of Tuesday November 19, 2019 at 8 p.m. through Wednesday November 20, 2019 at 6 a.m."

Mr. Dalkiran, GLF (bridge construction contractors), indicated that by the following morning (Dec. 7) he would know whether or not FDOT needs to ask the U.S. Coast Guard to approve a delay in the aforementioned previously approved closure of the Miami River's Federal Navigable Channel. Project is estimated to be complete ahead of schedule, in Summer 2021.

II. 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

MRC Urban Infill Subcommittee Chairman Murley recommended including cleaning of the artistic metal freezes on the Brickell Bridge, featuring Marjory Stoneman Douglas, Henry Flagler, etc.

Mr. Duarte stated the project will include temporary vehicular lane closures, and he will email the maintenance of traffic plans as backup for this agenda item on the MRC's Dec. 2 public meeting, noon, 1407 NW 7 ST.

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.

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

Steve Wernick Esq, Wernick and Co., and Arturo Ortega, Property Owner, distributed and presented plans "Marine Related Commercial Building with Ancillary Food Service Establishment", and a 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."

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

As detailed on the plans prepared by DLW Architects (October 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 hardscaped open space accessible to the public from NW South River Drive.

The applicant has signed a 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.

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.

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."

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. 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, and provide the Comp Plan required "Working River Disclosure" which will also reflect the fact they want to maintain their current Marine Operating Permit for 4 boat slips. In addition, they noted the proposal includes improves to a portion of the seawall in order to allow for vessel docking.

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. "

Mr. Carlos Salas, President of the Spring Garden Civic Association, distributed a letter stating: "The Spring Garden Civic Association Board, by unanimous vote, opposes the proposed conversion of the existing structure located at 301 NW North River Drive into a ground floor restaurant with a rooftop through a warrant. We support maintaining the existing D3 Marine Industrial zoning. We also oppose new construction of a 6 story building with no parking and no Riverwalk."

Mr. Salas stated the proposal needs on-site parking, the Spring Garden Civic Association is opposed to a restaurant, and the proposed primary marine industrial use is a "ruse". Mr. Salas stated the proposal is inconsistent with the Miami River Corridor Urban Infill Plan, City Zoning Code, and Comp Plan, therefore asked the advisory MRC subcommittee Chairman Murley to not consider and defer the item. 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 the full MRC's December 2 public meeting (noon at 1407 NW 7 ST). 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. Therefore, Mr. Wernick and Mr. Ortega asked for the item to continue and be considered during the MRC's December 2 public meeting in order to create the MRC's advisory recommendation. Mr. Murley stated he would not defer the item from today's publicly noticed MRC subcommittee meeting agenda.

MRC Managing Director Brett Bibeau distributed an email from Jeremy Gauger, Deputy Director City of Miami Planning Department, stating:

“It is the city's 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.”

Mr. Wernick and Mr. Ortega noted the current letter of intent and plans reflect 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, but at the Miami River it doesn't continue to the right past the proposed new marine industrial building, nor to the left passed the proposed riverfront restaurant. Therefore, they stated they would provide a revised letter of intent and revised plans before the full MRC board meeting, which will continue the public Riverwalk to the left, passed the proposed riverfront restaurant, consisting of all of the uncovered area and a portion of the terrace covered area. They added the City zoning code does not require a public Riverwalk at the proposed Marine Industrial building in D3 zoning.

Philip Everingham stated it would be helpful if the City of Miami zoning code had clearer criteria for “primary” and “secondary / accessory” uses. For example, Mr. Everingham stated the ground floor footprint of the proposed Marine Industrial “Nu-Marine” building is smaller than the ground floor footprint of the proposed adaptively reused / secondary “accessory” restaurant. Mr. Wernick and Mr. Ortega replied the total square footage of the presented 6-story primary marine industrial “Nu-Marine” new construction is 10,000 square feet, which is larger than the proposed adaptively reused, 1-story, secondary “accessory” restaurant, which is 7,000 square feet.

MRC Urban Infill Chairman Murley stated he hears the Marine Industry and the Spring Garden Civic Association and suggests the full MRC vote to recommend approval of the proposal subject to the following amendments 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**

IV. New Business

The meeting adjourned.

**Miami River Commission's
 Urban Infill and Greenways Subcommittees**

Thursday, November 14, 2019
 3:00 PM
 1407 NW 7 ST
 Miami, FL

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**Miami River Commission's
Urban Infill and Greenways Subcommittees**

Thursday, November 14, 2019
3:00 PM
1407 NW 7 ST
Miami, FL

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