

**Miami River Commission  
Meeting Minutes  
February 2, 2015**

Mr. Horacio Stuart Aguirre, Chairman of the Miami River Commission (MRC), convened the public meeting at noon, February 2, 2015, 1407 NW 7 ST, Miami, FL.

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

Horacio Stuart Aguirre, Chairman

Jay Carmichael, Vice-Chairman

Patricia Harris, designee for FL Governor

Sandy Batchelor, South Florida Water Management District

Frank Balzebre, designee for Miami-Dade County Mayor Gimenez

Miami-Dade County Commissioner Bruno Barreiro

Marlene Avalo, designee for Miami-Dade County Commissioner Barreiro

Philip Everingham, designee for Marine Council

Javier Betancourt, Downtown Development Authority

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

Ernie Martin, Neighborhood Representative appointed by City of Miami

Sallye Jude, Neighborhood Representative appointed by Miami-Dade County

Bruce Brown, Miami River Marine Group

Manny Prieguez, Member at Large appointed by the City of Miami

**MRC Staff:**

Brett Bibeau, Managing Director

**Others attending interested in the River:**

Please see attached sign in sheets.

**I. Chair Report – Horacio Stuart Aguirre**

**The MRC unanimously adopted their previously distributed January 5, 2015 public meeting minutes.**

The 19<sup>th</sup> Annual Miami Riverday will be held April 11, 2015, 1-6 PM, Lummus Park, 250 NW North River Drive, featuring free Miami River Boat Tours, live music, food, drinks, environmental education, historic re-enactors, children activities and much more. Please contact Director Bibeau ASAP to become a sponsor.

The 12<sup>th</sup> Annual Miami River Map and Guide will be released at Miami Riverday. Therefore please contact Director Bibeau ASAP to purchase your advertisement.

I thank 2 new MRC volunteer interns. Claudia Sebastiani is a riverfront resident studying sustainability at FIU. Brendon Cunningham recently moved to Miami after working for 9 years in the City of Key West Planning Department. Thank you both for your significant volunteer commitment to the MRC. We appreciate your assistance.

Chairman Aguirre added Director Bibeau and he recently had a positive meeting with Commissioner Sarnoff, whom is supportive of the MRC's efforts, which the MRC appreciates.

Chairman Aguirre thanked the Spring Garden Civic Association (SGCA) for their public invitation to a lovely celebration of the upcoming commencement of the City of Miami's Wagner Creek and Seybold Canal Maintenance Dredging and Environmental Cleanup Project. Chairman Aguirre noted on behalf of the Spring Garden Civic Association (SGCA) , the well-attended celebration included Mayor Regalado and Commissioner Gort's presenting the SGCA Certificates of Appreciation to Spring Garden Resident Charlie Hand, MRC Member Patty Harris and MRC Director Bibeau.

**II. Review Proposed "One Brickell" Mixed-Use Development located at 444 Brickell and 77 SE 5 ST, bordered by the Miami River on the north, Brickell Bridge on the east, SE 5 ST on the south and "Brickell on the River" development on the west**

Ms. Iris Escarra and Carlos Lago, Greenberg Traurig, Mr. Rosso, Related Group, Mr Alfonso Jurado and Ms Princess Moquette, Arquitectonica, provided and presented the proposed 4th draft "One Brickell" ("Miami River Commission submittal set 2/2/15") Mixed-Use development plans. The Transportation Analysis was provided as well. Ms Escarra thanked MRC Director Bibeau and the MRC subcommittees which considered this item during three monthly public subcommittee meetings (public meeting minutes provided)

The development team distributed and presented Plans for "One Brickell", 444 Brickell Avenue & 77 SE 5 ST. The plans include the following three buildings developed in the following 2 construction Phases:

Phase I – 1. 75-story building parallel "Brickell on the River", 480 "owned" residential units  
2. 55-story building facing SE 5 ST, 500 "rental" residential units  
Riverfront Restaurant (1 of 2)  
Entire proposed public Riverwalk, connecting at grade to "Brickell on the River's" existing public riverwalk on the west, and including beneath Brickell Bridge connecting at grade to existing public riverwalk at Miami Circle Park, plus 2 side yard connectors on the east and west and east, connecting the public riverwalk to the public sidewalk (Federal Grant funded planned on-road Miami River Greenway) on SE 5 ST

Phase II– 3. 80-story building facing Brickell Ave, 420 residential units plus 249 room Hotel  
Riverfront Restaurant (1 of 2)

Total = 1,400 residential units, plus 249 hotel rooms

The development team stated the proposal seeks to purchase an additional 868,399 square feet of density above 48 stories and beyond the sites current high density zoning and were considering the following options to do so:

- 1) Pay the City of Miami \$17.82 per square foot, which would equate to \$15,474,870, into the “Public Benefits” Program, or construct Public Benefits valued at the same amount.
- 2) Provide Affordable Housing
- 3) Donate Park and Land or public improvements off site valued at the same amount
- 4) LEED Gold = 3%, Platinum = 12%
- 5) Purchase unused development rights on a historic site from private sector

MRC subcommittee Chair Martin noted a major consideration in the MRC’s advisory recommendation to support the recent “Miami River” SAP was the developer constructing \$22 million of “Public Benefits” (including \$5.2 million in transportation project line items), and noted the importance of using the first option, \$15.4 million in public benefits expended in the impacted Miami River District, primarily on mobility and transportation projects, including extending the public Riverwalk off of the subject site. Attendees noted the project is adjacent to the Brickell Bridge, and the MRC has a list of unfunded transportation projects which would improve traffic during temporary regulated Bridge openings, including re-use of a recently removed vehicular travel lane on Brickell Bridge, smart signage warning motorists of bridge openings and providing alternate routes, SE 10 ST cut through beneath Metro-Rail in order to access alternate routes, etc. Dr Martin stated creating \$15.4 million of public benefits in the impacted area is a win-win for the impacted Miami River District, and marketability of the project, being able to note \$15.4 million of area improvements will be constructed on needed mobility and transportation improvements in the impacted area, including but not limited to the public riverwalk. Mr Rosso, Related Group, and Ms Escarra stated they would partner with the MRC, City and County in a mutual effort to count the cost of transportation improvements, including but not limited to including re-use of a recently removed vehicular travel lane on Brickell Bridge, smart signage warning motorists of bridge openings and providing alternate routes, SE 10 ST cut through beneath Metro-Rail in order to access alternate routes, etc., to be funded by the proposed “One Brickell” transportation impact fees and or Public Benefits program.

The structures are all “fully lined” with habitable spaces. Mr Rosso and Ms Dougherty stated the western parcel currently has an active Marine Operating Permit and State Submerged Land Lease for 6 vessels, which they will maintain, and seek a Marine Operating Permit and State Submerged Land Lease for the eastern parcel as well, including Waterborne Transportation / Water Taxi stop.

The development team stated the proposal features a 50-foot waterfront building setback and public riverwalk, consistent with the public riverwalk requirements contained in the City of Miami Zoning Code “3.11”, Appendix B and the City Charter section (mm) (ii) regarding the 50 foot waterfront building setback. In addition, the plans feature a proposed public riverwalk connection to be constructed by the developers beneath Brickell Bridge’s south shore, in order for the proposed “1 Brickell” public Riverwalk to continue east at grade and connect with the existing public riverwalk at the Miami Circle Park, as well as connect to the west at grade with existing public riverwalk at “Brickell on the River”. The development team offered to maintain

the riverwalk beneath the Bickell Bridge, in addition to the adjacent and connecting public riverwalk they are proposing on their private property. Ms Escarra stated the development provides 26% open space where only 20% is required. Ms Escarra added the public art will be featured along the public riverwalk.

Ms Escarra stated the proposed mixed-use development will use its existing zoning and land use. Ms Escarra noted the project is seeking a reduction in the City Charter required view corridor (side-yards) from required 96' (25% of waterfront's 384.5 linear feet) to 73.2' total, consisting of 30' on the west and 43.2' feet on the east (note states "22'-10" Proposed Max. Encroachment into view corridor"). Ms. Escarra noted the 22'-10' encroachment into the side yard / view corridor setback applies to all floors above the 20' tall ground level, where the full 96' view corridor / side yard setback is provided. MRC Greenways Chairman Martin noted the importance of this requested waiver to the City Charter, approved at referendum, which protects the waterfront view corridors, because if approved it would allow the 80 story building to be 22 feet wider than allowed by law (above the 2<sup>nd</sup> story) and therefore add significant square footage and density to this extremely busy intersection at the foot of the Brickell Bridge in the heart of downtown Miami. MRC Greenways Subcommittee Chairman Martin stated capturing the projects impact fees and or creating \$15.4 million of public benefits in the impacted area for needed transportation improvement projects in the impacted Miami River District, including but not limited to the public riverwalk extensions off-site (ie beneath Brickell bridge), including re-use of a recently removed vehicular travel lane on Brickell Bridge, smart signage warning motorists of bridge openings and providing alternate routes, SE 10 ST cut through beneath Metro-Rail in order to access alternate routes, etc, would offset the requested waivers increase in square footage.

In addition, Ms. Escarra stated they will be seeking a waiver to reduce the required parking spaces by 30%, because the site is close to mass transit.

"One Brickell" previously provided their draft Working River Disclosure / Covenant required by the Comprehensive Plan PA-3.1.9, "Policy PA-3.1.9: The City shall require from new residential development and redevelopment located along the Miami River a recorded covenant acknowledging and accepting the presence of the existing Working Waterfront 24-hour operations as permitted."

Attendees noted the City of Miami entered into a contract with FDOT when the City accepted an awarded \$1,000,000 Federal Transportation Enhancement Program (TEP) grant to construct the fully designed on-road Miami River Greenway (8 foot wide mesa beige sidewalk, landscaping, benches, way-finding signage, informational kiosk, street, stormwater drainage, decorative trans cans, decorative lights, etc., along SE 5 ST from the Miami Circle Park to South Miami Ave Bridge in a portion of the subject area, along SW 3 Ave from the Miami River to connect with an existing section of the on-road Miami River Greenway beneath the South Miami Ave Bridge. The Grant funding contract requires these improvements to be in place for 30 years. If a developer wants to remove the improvements, another option which may be considered consistent with the grant contract is for the developer to pay for an equal section of the on-road Miami River Greenway to be constructed at another needed location, which is yet to have secured funding. Mr Rosso and Ms Escarra indicated the Related Group would be willing to

fund and construct of these previously completed City CIP construction engineering documents for the on-road Miami River Greenway along SE 5 ST, subject to modification if needed to relocate driveways from their current locations for the development, etc. Therefore this portion of the larger grant area may be saved and the grant contract maybe amended to use that awarded Greenway funding on a different section of unfunded and needed Miami River Greenway per the City and County's adopted Miami River Greenway Action Plan.

Javier Betancourt, DDA, stated he was concerned that the plans indicate 2 elevations within the City Charter required 50' waterfront building setback. The public Riverwalk at grade, and the outdoor terrace elevated 11 feet above the riverwalk, featuring seating etc. for the 2 riverfront restaurants. The development team indicated the current 4th draft set of plans were revised in an effort to show the intended 27' foot wide public riverwalk all at the same at grade elevation, and the remaining 23' of the waterfront building setback area (total 50' setback) for the elevated outdoor terrace featuring seating etc. for the 2 riverfront restaurants, which meets the requirements contained in Zoning Code Section 3.11 and Appendix B. The presenters stated the City's required "Miami River Greenway Signage Design Standards and Guidelines" which indicate the public riverwalk, etc. are incorporated into the design. The presenters noted since their visits to MRC subcommittee, they have now included plant / landscape paintings to façade the 12' elevation difference between the public riverwalk and the outdoor terrace to be made aesthetically pleasing. Dr Martin stated the proposed public riverwalk meets the minimum basic standards required by law. The Developer Team stated they would be willing to lower the elevation of the terrace to 9' above the at grade public riverwalk. Commissioner Barreiro asked if the proposed new seawall will have cleats and allow recreational boat access. Ms Escarra replied the site currently has a Marine Operating Permit and a ST submerged land lease which allow 9 vessels which they intend in maintain.

County Commissioner Bruno Barreiro and MRC Greenways Chairman Martin noted concern about deferring construction of half of the public Riverwalk, east side connecting with existing public riverwalk at Miami Circle Park, to Phase II, and suggested constructing all of the proposed Riverwalk within Phase I, which would be tied to issuance of the Temporary Certificate of Use and Occupancy. The Development team showed a picture of the existing 2-story parking garage, with no waterfront setback, on the footprint of Phase II, which would not make it possible to construct the Phase II riverwalk until Phase I is completed (estimated 2019), followed by the demolition of the existing building on Phase II footprint and construction of the proposed new 80-story tower with the public riverwalk as presented. Mr Rosso, Related Group, and Ms Escarra stated if the project is constructed in Phases they are willing to repair and restore the existing 5 foot wide cantilevered dock which could serve as a temporary public riverwalk until Phase II commences construction. This option for a temporary public riverwalk along the repaired dock at the phase II site would only be until Phase II's construction starts, and construction of the Phase II site includes the permanent public riverwalk connecting from Phase I site to beneath the Brickell Bridge, in order to connect with the public Riverwalk at the Miami Circle site.

The MRC thanked the developer team for their presentation.

The Miami River Commission adopted a resolution fining “One Brickell” consistent with the *Miami River Corridor Urban Infill Plan* and the *Miami River Greenway Action Plan* and recommend approval if the following conditions are complied with:

- 1) “One Brickell’s” impact fees and or public benefits program funding be used to construct transportation improvements in the Miami River District including but not limited to transportation projects which would improve traffic during temporary Fed. regulated bridge openings, including re-use of a recently removed vehicular travel lane on Brickell Bridge, smart signage warning motorists of bridge openings and providing alternate routes, SE 10 ST cut through beneath Metro-Rail in order to access alternate routes, etc.
- 2) If “One Brickell” is constructed in Phases they are willing to repair and restore the existing 5 foot wide cantilevered dock which could serve as a temporary public riverwalk until Phase II commences construction. This option for a temporary public riverwalk along the repaired dock at the phase II site would only be until Phase II’s construction starts, and construction of the Phase II site includes the permanent full public riverwalk connecting from Phase I site to beneath the Brickell Bridge, in order to connect with the public Riverwalk at the Miami Circle site.
- 3) Explore leaving the entire 50-foot waterfront building setback area at the same at grade elevation as the public-riverwalk, by removing the elevated terrace within the provided 50-foot waterfront building setback

The Developer Team agreed to support implementation of the conditions.

Please see following Development Technical Review Form.

### **Miami River Commission’s Development Technical Review Report**

**Project Name:** “One Brickell”

**Project Address:** 444 Brickell Ave and 77 SE 5 ST

**Developer Name:** Related Group

**Contact Information:** Iris Escarra, Greenberg Traurig , [escarrai@gtlaw.com](mailto:escarrai@gtlaw.com)

**Is the proposed development compatible with the *Miami River Corridor Urban Infill Plan*?**

Yes, the proposed “One Brickell” development is compatible with this “Lower River” site subject to complying with the following condition:

- 1) “One Brickell’s” impact fees and or public benefits program funding be used to construct transportation improvements in the Miami River District including but not limited to transportation projects which would improve traffic during temporary Fed. regulated bridge openings, including re-use of a recently removed vehicular travel lane on Brickell Bridge, smart signage warning motorists of bridge openings and providing alternate routes, SE 10 ST cut through beneath Metro-Rail in order to access alternate routes, etc.

**PUBLIC DOCUMENT**

The *Miami River Corridor Urban Infill Plan*, pg. 18 “Vision for the River” for this specific portion of the Miami River states in part, “the neighborhood’s commercially-zoned waterfront encourages the type of high-density mixed use development now making its mark on the area....encouraging their public use, for example commercial-residential developments incorporating water taxi stops...a continuous Riverwalk including active boat slips, high quality public amenities, retail, restaurants, rail and water taxi access” as proposed.

**Is the proposed development compatible with the *Miami River Greenway Action Plan*?**

Yes, subject to the following 2 conditions:

- 1) If “One Brickell” is constructed in Phases they are willing to repair and restore the existing 5 foot wide cantilevered dock which could serve as a temporary public riverwalk until Phase II commences construction. This option for a temporary public riverwalk along the repaired dock at the phase II site would only be until Phase II’s construction starts, and construction of the Phase II site includes the permanent full public riverwalk connecting from Phase I site to beneath the Brickell Bridge, in order to connect with the public Riverwalk at the Miami Circle site.
- 2) Explore leaving the entire 50-foot waterfront building setback area at the same at grade elevation as the public-riverwalk, by removing the elevated terrace within the provided 50-foot waterfront building setback

**Does the proposed project require any zoning amendments, land use amendments, special exceptions, waivers, or Special Area Plan?** Yes, the proposed “One Brickell” development is seeking a reduction in the City Charter and Zoning Code’s required view corridor (side-yards) from required 96’ (25% of waterfront’s 384.5 linear feet) to 73.2’ total, consisting of 30’ on the west and 43.2’ feet on the east (note states “22’-10” Proposed Max. Encroachment into view corridor”). The 22’-10’ encroachment into the side yard / view corridor setback applies to all floors above the 20’ tall ground level, where the full 96’ view corridor / side yard setback is provided. In addition, the project is seeking a parking waiver to reduce the required parking spaces by 30%, because the site is close to mass transit.

**Additional recommendations to optimize the positive impacts of the project on the Miami River Corridor and to improve coordination among public and private entities.** “One Brickell” transportation impact fees and or potential \$15.4 million in the Public Benefits program (for Related Group to purchase additional density) should be expended in the impacted Miami River District, primarily on mobility and transportation projects, including extending the public Riverwalk off of the subject site, and the MRC’s list of unfunded transportation projects which would improve traffic during temporary regulated Bridge openings, including re-use of a recently removed vehicular travel lane on Brickell Bridge, smart signage warning motorists of bridge openings and providing alternate routes, SE 10 ST cut through beneath Metro-Rail in order to access alternate routes, etc. Mr Rosso, Related Group, and Ms Dougherty stated they would partner with the MRC, City and County in a mutual effort to comply with all the MRC’s conditions and recommendations.

## **ID)Consideration of the Miami-Dade County “Economic Development Fund, Building Better Communities General Obligation Bond Program, River Landing Miami” Grant Application**

River Landing’s pending “Economic Development Fund, Building Better Communities General Obligation Bond Program, River Landing Miami” grant application was distributed.

The Miami River Commission previously recommended approval of the proposed River Landing:

Location: 1500 NW North River Drive

Developer: River Landing Development LLC, Andrew Hellinger and Coralee Penabad, Hellinger and Co..

Description: Proposed mixed-use development, featuring 475,000 square feet of retail, 444 residential units, in 6-floors of retail, 12-floors of residential, above a 12-story parking garage (total 24 stories), height 250-310 feet, featuring a 50-foot wide publicly accessible riverwalk.

Units: 444 residential units

Status: City Commission Approved – Completed Demolition

Mr. Andrew Hellinger, River Landing LLC & Hellinger and Co., stated his pending application is for an existing Miami-Dade County grant program, which has already made numerous grant awards to several “game changer” / job generating private sector projects across Miami-Dade County. The pending application states River Landing will generate 980 new jobs, and seeks County grant funding to pay for public infrastructure line items in the included budget. Mr Hellinger noted if awarded estimated \$12.5 million, the reimbursable County grant funding would be provided to River Landing after the 980 jobs have been filled for one year and to refund previously expended public infrastructure costs. Mr. Hellinger added if the available reimbursable County grant funding is not awarded to River Landing, it will be awarded to another pending application elsewhere in Miami-Dade County, and not on the Miami River. Mr. Hellinger distributed a grant application support letter from district City Commissioner Willy Gort, and stated the district’s County Commissioner, Bruno Barreiro, supports the pending grant application as well. Mr Hellinger stated he is seeking a letter of support from the Miami River Commission (MRC) for the pending grant application. Mr Hellinger stated the item is expected to be considered by the County subcommittee in February.

MRC Vice Chairman Jay Carmichael and Frank Balzebre stated they were inclined to support the status of this applicant to this available County reimbursable grant program, but without the MRC being specific as to the amount of funding that the potential reimbursable grant should be.

**The Miami River Commission adopted a resolution supporting the status of the “River Landing” applicant (non-specific amount of grant funding) to Miami-Dade County’s available reimbursable “Economic Development Fund, Building Better Communities General Obligation Bond Program” grant program, and provide the requested support letter.**



**New Business** – The Miami Marlins presented the Miami River Commission a \$2,500 contribution and thanked MRC Director Bibeau for providing the plants, paint, tools, gloves, garbage bags, preparation etc for the Marlins Ayudan monthly volunteer projects along the Miami River. The Miami River Commission thanked the Miami Marlins.

The MRC meeting adjourned.

**Miami River Commission  
 Public Meeting**

Monday, February 2, 2015  
 Noon  
 1407 NW 7 ST  
 Miami, FL

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**Miami River Commission  
Public Meeting**

Monday, February 2, 2015  
Noon  
1407 NW 7 ST  
Miami, FL

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ALFONSO JURADO  
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ARQUITECTONICA  
Floridian Partners  
River Landing Develop.  
River Landing Develop  
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