

Miami River Commission Public Meeting Minutes September 11, 2023

The Miami River Commission's (MRC) public meeting convened at noon, September 11, 2023, in the Downtown Library Auditorium, 101 W Flagler. Sign in sheets are attached.

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

Jim Murley, Vice Chairman, designee for Miami-Dade County Mayor Cava

Megan Kelly, designee for City of Miami Mayor Francis Suarez

Mercedes Librada Rodriguez, designee for City of Miami Commissioner Alex Diaz de la Portilla

Theodora Long, Neighborhood Representative appointed by Board of County Commissioners

Eileen Broton, Neighborhood Representative Appointed by City of Miami Commission

David Harden, designee for State Attorney Katherine Fernandez-Rundle

Augustin Barrera, designee for Greater Miami Chamber of Commerce

Alvaro Coradin, designee for Sara Babun appointed by Miami-Dade County

Bruce Brown, Miami River Marine Group

Patty Harris, designee for Governor

John Michael Cornell, designee for Luis Garcia

Spencer Crowley, Member at Large Appointed by City of Miami Commission

MRC Staff:

Brett Bibeau, Managing Director

I) Chair's Report

The MRC unanimously adopted their July 10 public meeting minutes.

MRC Chairman Horacio Stuart Aguirre was unable to attend the meeting, therefore MRC Vice Chairman Jim Murley chaired the meeting and provided the following report:

I would like to start with a moment of silence in memory of the victims of 9/11.

The MRC unanimously adopted their July 10 public meeting minutes.

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. In addition to the maintenance professionals the MRC pays daily to remove litter, invasive plant species, graffiti and provide landscaping, pressure washing, vac truck, street sweeper and Scavenger Water Decontamination Vessel services along the Miami River, the MRC thanks the volunteers from Hands on Miami for picking up garbage along the public Riverwalk in Sewell Park on July 23 and August 13 and in Curtis Park on July 30 and August 20.

II) Review Plans for 600 NW 7 Ave:

Franco Ramo and Patricio Hernandez Pons, Expanza LLC, distributed and presented the revised Temporary Use Permit (TUP) plans and a letter of intent for a Paddle Tennis Club featuring 9 courts and a small food and beverage clubhouse with “healthy” food, smoothies, beer and wine. The TUP is for 3 years, and 1-year extensions would have to be approved by the City of Miami Commission. The applicants stated they met with the City of Miami Zoning Department, and the City indicated because the subject Recreational facility is zoned D1, Miami 21 Section 3.11 does not apply, therefore no public Riverwalk is required. The applicants offered to improve the existing public on-road Greenway in the City owned public right of way along NW 7 Ave. The applicants stated they removed the roof top dining and DJ booth. The applicants agreed to close the courts closer to the homes earlier, at 9:30 PM. In addition, they distributed copies of the signature page of the agreement, signed by the 4 homes on the Seybold Canal directly across from the site. The applicants stated they will comply with the sound restrictions in the City of Miami’s noise ordinance.

Spencer Crowley stated the Florida Inland Navigation District provided grant funding to the City of Miami to restore navigation in the Seybold Canal, yet the proposal has no boats. Mr. Ramo replied they are open to including boats, which would require an amendment to their current lease which does not allow boat docking

Ms. Mercedes Rodriguez stated per her recommendation the applicants had a community meeting with residents from the Spring Garden neighborhood, in the Lummus Park Community center after 6 PM.

Spencer Crowley made a motion to recommend denial, because it is inconsistent with the Miami River Commission’s adopted Miami River Corridor Urban Infill Plan to have a Marine Industrial property (former Campeones Boatyard site) with no boat access / slips. The MRC voted 6-6, therefore the motion failed.

The MRC unanimously deferred the item to their next public meeting on October 2, noon, 101 W Flagler.

III. Discuss City of Miami’s Evaluation and Appraisal Report (EAR) with Potential Amendments to the Comprehensive Plan

Ms. Sue Trone, Chief of Comprehensive Planning, City of Miami, distributed and presented the draft Evaluation and Appraisal Report (EAR) based track changed amendments to the Comprehensive Plan related to the Miami River. In addition, Ms. Trone distributed and presented a related summary memo. The memo states in part:

“Given the effort that went into the most recent update to the Miami River Sub-Element, adopted in 2010, little change is recommended at this time. The Planning Department has provided some

updates that primarily address outdated information. This is to say, the updates offered recommend striking some information because some information is no longer relevant. Policies that tie to other elements for internal consistency within the MCNP are flagged below for ease of review.

A summary of the proposed amendments follows:

1. Line 84: Correction of a typo. (This is not part of the Port of Miami River Sub-Element)
2. Line 119: Objective PA-3.1: This objective references Policy LU-1.3.3 and Goal CM-3. These are listed here:

Policy LU-1.3.3

Pursuant to Ch.163.3177(6)(a),F.S., the City shall maintain regulatory incentives and criteria that encourage the preservation of recreational and commercial Working Waterfronts as defined in Ch.342.07,F.S., particularly in the “Port of Miami River” Subelement to guide future development within the Miami River Corridor.

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Goal CM-3

Pursuant to Section 163.3178(2)(g), F.S., The City will maintain strategies that will be used to preserve and adequate supply of land for recreational and commercial Working Waterfront uses defined in Section 342.07, F.S.1

3. Line 133: “large scale” is stricken. “expedited state review” is underlined. This is because in 2011 the Florida Legislature replaced the Large Scale amendment process for comprehensive planning with the Expedited State Review process. This is codified in Sec. 163.3184 (3), Florida Statute.
4. Lines 139-140: “by a reviewer selected by the Planning Department” is added text. This text is recommended language to Policy PA-3.1.2 which memorializes the no-net-loss policy for Category A properties within the working waterfront. This proposed language is offered with expectation of creating an arm’s length between the analyst and the reviewer. Moreover, the City’s adopted fees for the the Planning Department recently were amended to charge a separate fee for this service. This is recommended for

additional clarity for applicants, stakeholders to working waterfronts, and the City of Miami which is responsible for administering the policy.

5. Line 215: “and Policy IC-2.1.30” is stricken. This policy was repealed in a previous ordinance and this should have been stricken at that time.
6. Lines 260-261: This amendment addresses the outdated reference to the FL Department of Community Affairs (strike out “Community Affairs”) and updates it to “Economic Opportunity”.
7. Line 285: Policy PA-3.3.8: Strike entire policy. This policy refers to Enterprise Zone tax incentives which no longer exist.
8. Line 300: Renumber Policy PA-3.3.9 to 3.3.8. Strike specific policies to make the policy more generalized and less necessary to update based on state-level changes to Brownfield policies.
9. Line 324: Renumber Policy PA-3.3.10 to 3.3.9. Strike specific policies to make them more generalized.
10. Line 330: Renumber Policy PA-3.3.11 to 3.3.10
11. Line 340: Renumbered
12. Lines 357-368: Strike policies for annual reporting.
13. Line 370: Policy PA-3.4.1: Propose a new policy for monitoring on loss or gain of recreational and commercial Working Waterfront land and uses to be presented to the City Commission at a public hearing and report within one year of adoption and then in seven (7) year increments thereafter.

Next Steps

A legal review will commence later in July. All amendments will be brought to the Planning, Zoning, and Appeals Board (PZAB) on September 6, 2023. City Commission will be asked to vote on the amendments at a proposal hearing (first reading) by October 19, 2023. Transmittal for state coordinated review will commence no later than October 31, 2023.”

Ms Trone added the issues discussed in the July MRC public meeting were addressed via the following revisions:

1. Review of the Marine Industrial Sites on the Miami River will remain Annual
2. City will stand by their Comp Plan even when they need to work with the County to avoid conflict

The MRC adopted a unanimous motion resolution recommending approval of the EAR based amendments with the condition that an additional reference is inserted into the “Intergovernmental Coordination” section of the Comp Plan to help property owners when there is a conflict between implementing the City’s Comp Plan and Miami-Dade County Regulations.

IV. Review and Discuss the “Resilient Waterfront Enhancement Plan”

Sonia Brubaker, Director of the City of Miami’s Office of Resilience and Sustainability, Timothy Kirby, City of Miami’s Office of Resilience and Sustainability, and Yohermo Echeverria, City of Miami Parks Department, distributed and presented a PowerPoint presentation regarding the City of Miami’s “Resilient Waterfront Enhancement Plan”. The PowerPoint notes the plan was funded by a grant from the National Fish and Wildlife Foundation and states:

- “Enhance City-owned waterfront property with nature-based designs
- Identify pilot project sites to serve as prototypes for similar shorelines
- Address permitting, funding, design, and maintenance hurdles of nature-based designs
- Align with ongoing City resilience initiatives”

Successful Implementation: What’s Needed

- **Planning & Zoning:** Land use and zoning changes may be required for certain sites if they are intended to be parks
- **Formal Process:** A formal process needs to be adopted to evaluate the level of amenities on sites, make decisions on land use updates, and plan for future maintenance
- **Project Phasing:** Projects can be phased based on waterline/shoreline amenities/interior approach
- **Specialized Design and Maintenance:** Different design and construction approaches will be utilized based on the specialization required for the work

Many of the design alternatives would require specialized maintenance contracts – maintenance management plans are critical

- **Funding & Financing:** There are a variety of funding mechanisms that could be utilized, including FIND, FEMA Flood Mitigation Funding, HUD, Conservation funds, and GO Bonds
- **Collaboration:** Partnerships with private developers, property owners, Miami River Commission, and the DDA are necessary to promote nature-based designs across the waterfronts
- **City Alignment:** Policy and operation updates to help align these ideas with other efforts throughout the City”

Spencer Crowley asked to highlight permitting with Miami-Dade County would be reduced if proposed designs do not extend past the current mean high waterline. In addition, Mr. Crowley encourage a public access component, which helps secure implementation funding, and asked for the MRC to consider the County’s recent “WRAP” plan in the future.

Theo Long encourage the City to provide more public input.

V. FDOT contract renewal – Although the Miami River Fund Inc handles contracts, etc, FDOT is requiring the MRC to adopt a resolution in order to continue being paid to pickup litter once a week and landscape once every 3 weeks at all FDOT bridges over the Miami River. The MRC was provided printed copies of FDOT Contract ASP28-R1 - Fin# 445054-2-78-02 and it's renewal letter.

The MRC unanimously adopted the following resolution:

“The Miami River Commission authorizes its Managing Director (Mr. Brett Bibeau) to execute the attached contract (ASP28-R2 - Fin# 445054-2-78-01, hereinafter the “Contract”) on behalf of the Miami River Commission;

The Miami River Commission designates Miami River Fund Inc., a Florida Not For Profit Corporation, as its fiscal agent; and

The Miami River Commission assigns all payments to be made pursuant to the Contract to Miami River Fund, Inc, as the fiscal agent of the Miami River Commission, and therefore directs the Florida Department of Transportation to make all Contract payments to the Miami River Fund, Inc.”

VI. Subcommittees

The Miami River Commission's Urban infill and Greenways Subcommittee's July 21 public meeting minutes were distributed.

The City of Miami's 1st Annual Miami River Holiday Boat Parade Committee's public meeting minutes were distributed.

VII. New Business

The public meeting adjourned.

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Miami-Dade County Library, 101 W Flagler ST

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