



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

July 18, 2008

The Honorable Manuel A. Diaz
Mayor, City of Miami
City Hall
3500 Pan American Drive
Miami, FL 33133

Dear Mayor Diaz:

The Department of Community Affairs completed its review of the City of Miami proposed Comprehensive Plan Amendment (DCA No. 08-1ER), which was received on May 19, 2008. Copies of the proposed amendment have been distributed to appropriate state, regional, and local agencies for their review and their comments are enclosed. The City of Miami submitted these proposed amendments based upon the City's September 2005 Evaluation and Appraisal Report, which was determined to be sufficient by the Department on February 17, 2006.

The Department reviewed the comprehensive plan amendment for consistency with Rule 9J-5, Florida Administrative Code, and Chapter 163, Part II, Florida Statutes, and prepared the attached Objections, Recommendations, and Comments Report which outlines our findings concerning the comprehensive plan amendment.

The Department identified seven objections related to the Port of Miami River Sub-Element and has significant concerns regarding the City's proposed changes to the goals, objectives, and policies that relate to the Miami River. The Department also identified six objections related to the Future Land Use Element, three objections related to the Transportation Element, three objections related to the Housing Element, two objections related to the Potable Water Element, two objections related to the Capital Improvements Element, and one objection related to the Coastal Management Element.

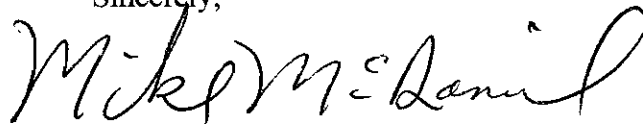
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The Honorable Manuel A. Diaz
July 18, 2008
Page 2

My staff and I are available to assist the City in addressing the issues identified in our report. If you have any questions, please contact Bill Pable, AICP, at (850) 922-1781.

Sincerely,

A handwritten signature in black ink that reads "Mike McDaniel". The signature is written in a cursive, flowing style.

Mike McDaniel, Chief
Office of Comprehensive Planning

MM/bp

Enclosures: Objections, Recommendations and Comments Report
Review Agency Comments

cc: Ms. Ana Gelabert-Sanchez, Planning Director, City of Miami
Ms. Carolyn A. Dekle Executive Director, South Florida Regional Planning Council

DEPARTMENT OF COMMUNITY AFFAIRS

OBJECTIONS, RECOMMENDATIONS, AND COMMENTS

FOR

CITY OF MIAMI

Amendment 08-1ER

July 18, 2008
Division of Community Planning

This report is prepared pursuant to Rule 9J-11.010

INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of the City of Miami proposed Comprehensive Plan pursuant to Section 163.3184, F.S.

Objections relate to specific requirements of relevant portions of Chapter 9J-5, F.A.C., and Chapter 163, Part II, F.S. Each objection includes a recommendation of one approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some of these objections may have been raised initially by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

The City should address each of these objections when the amendment is resubmitted for our compliance review. Objections which are not addressed may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis, items which the City considers not to be applicable to its amendment. If that is the case, a statement justifying its non-applicability pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination as to the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments which follow the objections and recommendations are advisory in nature. Comments will not form a basis for determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies, other agencies, organizations and individuals. These comments are advisory to the Department and may not form a basis for Departmental objections unless they appear under the "Objections" heading in this report.

TRANSMITTAL PROCEDURES

Upon receipt of this letter, the City of Miami has 120 days in which to adopt, adopt with changes, or determine that the City will not adopt the proposed amendment. The process for adoption of local government comprehensive plan amendments is outlined in s. 163.3184, F. S., and Rule 9J-11.011, F.A.C. The City must ensure that all ordinances adopting comprehensive plan amendments are consistent with the provisions of Chapter 163.3189(2)(a), F.S.

Within ten working days of the date of adoption, the City must submit the following to the Department:

- Three copies of the adopted comprehensive plan amendments;
- A listing of additional changes not previously reviewed;
- A listing of findings by the local governing body, if any, which were not included in the ordinance; and
- A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the amendments, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to the Executive Director of the South Florida Regional Planning Council.

Please be advised that Section 163.3184(8)(c), F.S., requires the Department to provide a courtesy information statement regarding the Department Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by law to furnish the names and addresses of the citizens requesting this information to the Department. **Please provide these required names and addresses to the Department when you transmit your adopted amendment package for compliance review.** In the event there are no citizens requesting this information, please inform us of this as well. For efficiency, we encourage that the information sheet be provided in electronic format.

**OBJECTIONS, RECOMMENDATIONS, AND COMMENTS
COMPREHENSIVE PLAN AMENDMENT 08-1ER
MIAMI
CONSISTENCY WITH Ch. 9J-5, F.A.C., and Ch. 163, F.S.**

The Department identifies the following objections, recommendations and comments to the proposed amendment.

I. OBJECTIONS

A. Port of Miami River Sub-Element

1. The Coastal Management Element does not include "...strategies that will be used to preserve recreational and commercial working waterfronts as defined in s. 342.07..." as required by Section 163.3178(2)(g), F.S. The City's amended goals, objectives, and policies do not establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development regulations related to preserving the recreational and working waterfront of the Miami River. Without meaningful and predictable strategies establishing a comprehensive plan to guide and control development along the Miami River, the recreational and commercial uses of the waterfront are vulnerable to piecemeal displacement by residential uses.

[Sections 163.3177(6)(a) and 163.3178(2)(g), F.S., and Rule 9J-5.005(6), F.A.C.]

Recommendation

The amended goals, objectives, and policies generally de-emphasize economic development objectives along the River, in favor of mixed use neighborhoods. The amendments create a policy framework in the Comprehensive Plan similar to a mixed use future land use category, but without any of the guidelines related to the mix of permitted uses. The City should provide specific strategies to preserve recreational and commercial working waterfronts, which could include an overlay Future Land Use designation for the properties in question. The strategies must be based on meaningful and predictable standards.

2. The City's amended goals, objectives, and policies are not based on data and analysis in support of the required strategies that will be used to preserve recreational and commercial working waterfronts.

[Sections 163.3177(1), 163.3177(6)(a), and 163.3178(2)(b), F.S.; Rules 9J-5.012(2)(a) and 9J-5.012(2)(h), F.A.C.; and Policies (19)5 and (21)13, State Comprehensive Plan]

Recommendation

The City should provide data and analysis in support of the required strategies that will be used to preserve recreational and commercial working waterfronts. At a minimum, the data and analysis must include the information identified in the citations noted above.

3. The City's amended goals, objectives, and policies are inconsistent with the City's Evaluation and Appraisal Report for the following reasons:

- a. Page 2 of the City's Evaluation and Appraisal Report (EAR) notes that one of the major issues is "the need for, and impacts of, equitable redevelopment and development". The text of the EAR notes that "Despite its function as an international business, trade and tourism center, the City of Miami faces a number of economic challenges, including great disparities in wealth and income, high unemployment and poverty rates in comparison to other U.S. cities of its size. Economic development initiatives, including job creation and training programs, efforts to attract new and support existing businesses and employers, and strategies to strengthen the City's role in the regional, national, and international economies must be supported by the MCNP. Redevelopment efforts should include economic development and job creation initiatives at the neighborhood level. The role of infill, and in particular brownfield redevelopment, in the City's economic development strategies should be addressed as well." The EAR places great importance on economic development, but the EAR based amendments related to the Port of Miami River Sub-Element are inconsistent with the noted major issue.

- b. Page 12 of the City's EAR notes that "Another important effort relates to redevelopment along the Miami River. The City, Miami-Dade County, and the Miami River Commission have worked together towards developing a program that would foster appropriate development along the Miami River. Currently the City is developing a market analysis and economic development study for the River. Ultimately, the intent of this study is to recommend proposed development opportunities for the Miami River." City staff confirmed that the noted economic development study for the Miami River has not been completed. Therefore, it is premature to create a policy framework in the Comprehensive Plan that favors residential development, absent the data and analysis which justifies that land use pattern.

[Sections 163.3177(1), 163.3178(2)(g), 163.3191(10), F.S.; Rule 9J-5.012(2)(a), F.A.C.; Goals (21) and (24), and Policies (19)5, (21)1, (21)4, (21)12, (22)12, (24)4, (25)8, State Comprehensive Plan; Goal 2, 8, and 17, and Policy 17.7, Strategic Regional Policy Plan; and Pages 2 and 12 of Miami's Adopted EAR]

Recommendation

Regarding "a", the City should provide data and analysis which explains how the continued loss of water dependent and water related uses is consistent with the major issue identified in the EAR. Regarding "b", the City should provide the market analysis and economic development study as noted in the EAR.

4. The City's amended goals, objectives, and policies are inconsistent with the City's Comprehensive Plan. For example, the adopted version of Goal CM-2 notes that the City commits to "...preserving traditional water-dependent and water-related uses...and minimizing user conflicts." The proposed version remains the same. The adopted version of Goal PA-3 reads as follows: "The Port of Miami River, a group of privately owned and operated commercial shipping companies located at specific sites along the Miami River, shall be encouraged to continue operation as a valued and economically viable component of the city's maritime industrial base." In contrast, the proposed version of Goal PA-3 reads as follows: "Development along the Miami River shall encourage residential and mixed use development and

continue to provide for water-dependent and water-related commercial, industrial, and recreational uses along the Miami River, while acknowledging the history of the marine industrial use along the River as a vital economic development.” The revised version of Goal PA-3 now “encourages” residential and mixed use development, but will only “provide for” the water-dependent and water-related uses. It does not meet the standard set by Goal CM-2 to preserve water-dependent and water-related uses, and includes no provisions to minimize user conflicts. The City has not provided strategies to preserve recreational and commercial working waterfronts.

[Sections 163.3177(1-2), 163.3178(2)(g), F.S.; Rule 9J-5.012(2)(a), F.A.C.; Goals (21) and (24), and Policies (19)5, (21)1, (21)4, (21)12, (22)12, (24)4, (25)8, State Comprehensive Plan; Goal 2, 8, and 17, and Policy 17.7, Strategic Regional Policy Plan; and Pages 2 and 12 of Miami’s Adopted EAR]

Recommendation

The City should resolve the inconsistencies these amendments create in the comprehensive plan related to its desire to preserve traditional water-dependent and water-related uses and minimize user conflicts.

5. The City’s amended goals, objectives, and policies do not include strategies to ensure effective intergovernmental coordination among the governmental entities that have planning responsibilities related to the Miami River, including the Miami River Commission, Miami-Dade County, and the South Florida Regional Planning Council, all of which objected to the proposed amendments.

[Section 163.3177(4) and (6)(h), F.S., Rules 9J-5.012(3)(c)14, 9J-5.015(3)(c)6, F.A.C.; and Policy (15)4 and (25)8, State Comprehensive Plan]

Recommendation

The City should identify strategies in its goals, objectives, and policies to ensure effective intergovernmental coordination along the Miami River, including those actions identified in the citations noted above.

6. The City’s amended goals, objectives, and policies do not ensure compatibility and suitability of uses along the Miami River.

[Section 163.3177(6)(a), F.S.; Rules 9J-5.003(23), 9J-5.003(128), 9J-5.006(3)(c)1-2, 9J-5.012(3)(c)9, and 9J-5.019(4)(c)21, F.A.C.; Policies (15)4, (15)6, and (16)6, State Comprehensive Plan; and Policy 8.3 and Goal 20, Strategic Regional Policy Plan]

Recommendation

The City should address compatibility and suitability as part of the strategies to preserve recreational and commercial working waterfronts. As currently proposed, there is no assurance that residential development would not occur along the River in a piecemeal manner and create incompatible land uses. The City should comprehensively plan for the Miami-River corridor’s future.

7. The 2007 Coastal High Hazard Area (CHHA) map produced by the Miami-Dade County Office of Emergency Management is the most recent CHHA map for Miami-Dade County. Miami-Dade County staff confirmed that the 2007 map indicates that the CHHA extends up the Miami River to an area between 32nd Avenue and the

salinity dam. The amendments create a policy framework which would facilitate increased residential densities in the CHHA. They do not direct population concentrations away from known or predicted coastal high-hazard areas, and they do not demonstrate how hurricane evacuation times would be maintained or reduced.

[Section 163.3178(9)(a-c), F.S., and Rule 9J-5.012(3)(b)6 and 7, F.A.C.]

Recommendation

The City should demonstrate how the proposed amendments to the goals, objectives, and policies will allow the City to maintain or reduce hurricane evacuation times.

B. Future Land Use Element

1. The City has not established the appropriate short (five-year) and long term planning time frames in its proposed revisions to the comprehensive plan. As a result, the data and analysis to evaluate the adequacy of existing facilities and the need for new or expanded facilities to meet projected growth is incomplete, including the need for road, water and wastewater facility improvements. The amendment addresses population projections through two references in the adopted EAR (pages 4 and 5), no references in the EAR based amendments, and by a copy of an un-dated Powerpoint presentation included with the amendment. No further clarification is provided regarding the City's planning time frames or its population projections for the purposes of the Comprehensive Plan.

[Sections 163.3177(3), 163.3177(5)(a), and 163.3177(6)(a, b, c, d, j), F.S. and Rules 9J-5.005(2)(4), 9J-5.006(2), 9J-5.006(3)(b)1, 9J-5.006(3)(c)3, 9J-5.011(1), 9J-5.011(2)(b)1 and 2, 9J-5.011(2)(c)1, 9J-5.013(1)(c), 9J-5.016(1), (2), (3)(b)1, 3, 4, and 5, 9J-5.016(3)(c)6, 9J-5.016(4), 9J-5.019(3), (4)(b)2,3,4,7,9,(c)7,9,11,12,13, and (4)(c)1, F.A.C.]

Recommendation

Revise the data and analysis to include planning time frames of at least five years subsequent to the adoption of the revised comprehensive plan and for a minimum overall time frame of 10 years (or longer at the City's discretion). The City needs to revise its population projections to include projects for the short and long term planning time frames, preferably in 5 year increments, and revise the data and analysis in each of the comprehensive plan elements to evaluate the impacts this anticipated growth will have on the City's infrastructure, and the need and timing of capital improvements to meet the demand created by the City's future residents.

2. A Future Land Use Map (FLUM) titled "City of Miami Draft Future Land Use Map" dated May 2008 was included in the amendment package, but it is not adopted by reference within the updated goals, objectives, and policies.

[Section 163.3177(6)(a), F.S., and Rule 9J-5.006(4), F.A.C.]

Recommendation

Adopt the Future Land Use Map by reference in a Future Land Use Element policy, and amend the title to remove the word "draft".

3. The section titled "Interpretation of the Future Land Use Plan Map" provides a description of the "Commercial Recreation", "Marine Facilities", and "Light Industrial" categories. However, these categories are not reflected in the legend of the "City of Miami Draft Future Land Use Map" dated May 2008, and no areas are designated for these categories on the Future Land Use Map.

[Section 163.3177(6)(a), F.S., and Rule 9J-5.006(4), F.A.C.]

Recommendation

Clarify whether the noted categories actually exist on the Future Land Use Map, and adjust the text and/or the Future Land Use Map and the legend as needed to achieve consistency between the text and the map.

4. The May 2008 Future Land Use Map does not identify the future year it is intended to represent (the long term planning time frame needs to be a minimum of 10 years from adoption of the updated comprehensive plan).

[Sections 163.3177(5)(a), F.S.; and Rules 9J-5.005(1)(e) and (4), F.A.C.]

Recommendation

Revise the Future Land Use Map to include the future year it is intended to represent, consistent with the long range planning timeframe.

5. The existing and planned public potable waterwells and wellhead protection areas, floodplains, wetlands, and minerals and soils are not shown on the Future Land Use Map or map series.

[Section 163.3177(6)(d), F.S., and Rules 9J-5.006(1)(b) and (4)(b), F.A.C.]

Recommendation

Include the noted features on the Future Land Use Map or Map Series.

6. Density standards are provided for all of the residential future land use categories. Intensity standards are provided for most of the non-residential categories, but with the following exceptions that must be addressed: a.) The section of the ordinance titled "Interpretation of the Future Land Use Plan Map" notes that properties within a Regional Activity Center that are designated as Office, Restricted Commercial, and General Commercial are exempt from a FAR requirement; however, they are subject to their specific limitations within the Miami Comprehensive Neighborhood Plan, but it is unclear whether any FAR or intensity standard would apply to such uses; b.) The section of the ordinance titled "Interpretation of the Future Land Use Plan Map" notes that areas designated as Office, Restricted Commercial, and General Commercial in the Urban Central Business District are exempt from a FAR limitation and are allowed unlimited FAR; and c.) The section of the ordinance titled "Interpretation of the Future Land Use Plan Map" notes that areas designated as Central Business District are exempt from other FAR limitations and are allowed unlimited FAR. The City has inappropriately exempted these non-residential land uses from intensity standards.

[Section 163.3177(6)(a), F.S. and Rules 9J-5.005(6), 9J-5.006(3)(c)7 and 9J-5.006(4)(c), F.A.C.]

Recommendation

Include adopted intensity standards for the Future Land Use Map categories noted above.

C. Transportation Element

1. The Existing and Future Transportation Map or map series needs to be included that identifies existing and projected peak hour, peak direction levels of service for roads, and significant bicycle and pedestrian ways.

[Section 163.3177(6)(b), F.S., and Rule 9J-5.019(2)(a), 9J-5.019(5)(a) and (b)]

Recommendation

Revise the Existing and Future Transportation Map or include additional maps identifying existing and projected peak hour, peak direction level of service for roads and significant bicycle and pedestrian ways.

2. The City has not complied with Section 163.3180(5)(g), F.S., which notes that "Transportation concurrency exception areas existing prior to July 1, 2005, must, at a minimum, meet the provisions of this section by July 1, 2006, or at the time of the comprehensive plan update pursuant to the evaluation and appraisal report, whichever occurs last." The cited statute requires the City to conduct an evaluation of its TCEA to ensure that it complies with the noted provisions and requirements.

[Section 163.3180(5)(g), F.S., and Rule 9J-5.0055(6), F.A.C.]

Recommendation

The City must conduct an evaluation of its TCEA to ensure that it complies with the provisions and requirements of Section 163.3180(5), F.S., and is thereby eligible to retain its TCEA designation.

3. The 2005 EAR was developed and recommendations were produced that the Transportation Element was being simultaneously updated and would be incorporated with the EAR-based amendments. Although several steps have been taken in that direction, a final Person Trip Methodology has not been established, nor have several previous objectives of the Transportation Element been fulfilled by the dates the City originally adopted.

[Section 163.3191(10), F.S.]

Recommendation

Revise the objectives and policies of the Transportation Element to address the provisions that required the City to undertake an initiative or include additional information in the Miami Neighborhood Comprehensive Plan as identified in the City's 2005 Evaluation and Appraisal Report and subsequent revision by amendment. In the instances where these objectives and policies have been sufficiently addressed, the appropriate supporting data and analysis should be made

available. For those activities that were to be accomplished by a specific date, but were not accomplished because additional studies are needed, for example, include interim standards and guidelines until the policies can be updated to include specific programs and activities to meet the objectives.

Additionally, greater clarification regarding the status of the Person Trip Methodology update and provisions to maintain it as a current and effective tool would allow the amendments that reference that methodology to be more effective.

D. Housing Element

1. Projections of the anticipated number of households by size and income range have not been provided. The housing needs to accommodate affordable housing for future residents (including the very low, low income, and moderate income groups), based upon number, type, cost and rent, and the need for special housing (e.g. group homes, adult congregate living facilities, and nursing homes), and an assessment of land requirements to meet these needs have not been provided. The City has not identified the need to include new or revised objectives and policies to meet these housing needs.

[Section 163.3177(6)(f), F.S.; and Rule 9J-5.010(2), F.A.C.]

Recommendation

Revise the data and analysis to include projections of the anticipated number of households by size and income range. Include an assessment of the housing needs to accommodate affordable housing for future residents (including the very low, low income, and moderate income groups), based upon number, type, cost and rent, and the need for special housing (e.g. group homes, adult congregate living facilities, and nursing homes), and an assessment of land requirements to meet these needs. The projections should be provided in five-year increments from 2008 to the long range planning time frame. Revise the goals, objectives, and policies to address affordable housing and special housing need, as appropriate, to ensure the provision of these housing needs to meet projected need.

2. Goal HO-1, Objectives HO-1.1 and 1.2, and Policies HO-1.2.1 and 1.2.3 (pages 33-35) make reference to very low, low, moderate and middle income housing. It is stated that this is "in accordance with the current standards and regulations of HUD and the State of Florida". While this is correct for very low, low, and moderate income housing, it is not correct for middle income housing, which is not defined by HUD or the State of Florida with respect to this issue. Unless middle income housing is defined in a similar manner to the other income categories it has no meaning.

[Section 163.3177(6)(f), F.S.; and Rule 9J-5.010(2), F.A.C.]

Recommendation

Provide a definition for this additional category of housing.

3. The City has not demonstrated the availability and equitable distribution of adequate, affordable housing for very low, low, and moderate-income households within the Region.

[Section 163.3177(6)(f), F.S.; and Rule 9J-5.010(2), F.A.C.]

Recommendation

Demonstrate that affordable housing is provided that is reasonably accessible to employment centers, family support systems, shopping, public transportation, and recreational facilities.

E. Potable Water Element

1. The amended goals, objectives, and policies do not require the City to adopt a 10-year water supply facilities work plan.

[Section 163.3177(6)(c), F.S.]

Recommendation

Existing Policy PW-1.2.2 on page 45 should be replaced with a new policy in the Potable Water Element as follows: "The City shall adopt a Potable Water Supply Facilities Work Plan for at least a 10-year planning period that reflects coordination with the South Florida Water Management District's Lower East Coast Water Supply Plan Update by August 15, 2008, which is within 18 months after the Lower East Coast Water Supply Plan Update was approved by the South Florida Water Management District on February 15, 2007." Any Water Supply Work Plan submitted by the City must be consistent with the County's Water and Sewer Sub-Element Objective WS-7 and related policies regarding the adopted County's Water Supply Facilities Work Plan.

2. Policy PW-1.2.1 on page 45 indicates a level of service standard of 200 gallons per capita per day for the transmission capacity. It should be noted that transmission facilities are evaluated by the Water and Sewer Department (WASD) based on type of land use in accordance with Chapter 24, Miami-Dade County Code. Additionally, the WASD Water Use Permit, which is issued by South Florida Water Management District (SFWMD), is based on an average demand of 155 gallons per capita per day. Therefore, the City's proposed level of service standard is inconsistent with the WASD Water Use Permit average of 155 gallons per capita per day.

[Section 163.3177(6)(c), F.S.]

Recommendation

Clarify the City's proposed level of service standard to ensure it is consistent with the WASD Water Use Permit average of 155 gallons per capita per day.

F. Capital Improvements Element

1. No data and analysis was provided to explain how revenues were projected for the short term (5-year) planning time frame. While it is understood that some funding sources may have a limited period for which revenues are generated, other funding sources (such as impact fees) would be anticipated to have projected funding for all five years of the schedule. Several funding sources in the later example are listed as \$0 in future years.

[Section 163.3177(3)(a)2, F.S., and Rule 9J-5.016(2)(f)1]

Recommendation

In those instances where no revenue is projected for a particular year, revise the data and analysis to support this conclusion.

2. No data and analysis was provided to explain how the projects listed in the five year schedule were chosen and prioritized to attain and maintain the adopted levels of service for the short term (5-year) and long term (10-year) planning time frames.

[Sections 163.3177(3)(a), (6)(a),(b),(c), and (j), F.S., and Rules 9J-5.005(2), 9J-5.006(2), 9J-5.011(1), 9J-5.016(1), (2), 9J-5.016(3)(b)3, 9J-5.019(3)]

Recommendation

Revise the data and analysis required to explain how the projects were chosen and prioritized to attain and maintain the adopted levels of service standards. In those instances where no capital improvements are needed to achieve or maintain level of service standards for the years designated for \$0 expenditures, revise the data and analysis to support this conclusion.

H. Coastal Management Element

The proposed amendments do not amend the Future Land Use Map and Coastal Management Element to include the new definition of coastal high-hazard area and to depict the coastal high-hazard area on the future land use map.

[Section 163.3178(9)(c), F.S., and Rule 9J-5.006(4)(b)6, and 9J-5.012(2)(e)3, F.A.C.]

Recommendation

Policy CM-4.1.2 indicates that the SLOSH storm surge model is depicted on the Future Land Use Map (FLUM). However, it is not listed in the legend of the FLUM, and there does not appear to be any graphic representation of the CHHA on the map itself. If the intention is to depict the CHHA on the FLUM, the policy should reference the FLUM as the "Future Land Use Map", and not as the "Future Land Use Plan Map". If the intention is to depict the CHHA on the map that follows the policy on page 91 (as suggested by the policy text regarding "See map following"), that map should be amended consistent with the updated CHHA map prepared by the Miami-Dade County Office of Emergency Management in 2007.

II. COMMENTS

The following comments are also offered:

1. The addition to policy HO-1.4.6 on page 37 notes that "The City will develop a ten-year plan designed to end chronic homelessness by working toward a more equitable distribution of facilities throughout Miami-Dade County." The policy should state when the plan will be completed, and it should indicate that the City will seek to jointly develop the plan with Miami-Dade County to address homelessness as a regional issue.
2. The South Florida Water Management District encourages the City to consider also adopting potable water levels of service standards for non-residential land uses such as

office, commercial, and mixed-use. Such actions will be helpful in assessing water supply needs for future site-specific non-residential land use amendments.

3. Policy LU-1.1.10 (page 2) and Policy HO-1.1.9 (page 34) are inconsistent. The phrase “consistent with the Station Area Design and Development Plan for each station” is deleted from Policy LU-1.1.10, but it is retained in Policy HO-1.1.9. This difference creates an inconsistency. The City should amend one or both policies to ensure consistency.
4. The reference to the “Water and Sewer Department’s (WASD) 2001 Plan” in Policy SS-1.1.4 (page 39) should be revised to the “Miami-Dade County Wastewater Facilities Master Plan”, dated April 2008.

III. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

The proposed amendments are not consistent with the State Comprehensive Plan including the following goals and policies:

Goal (4) Housing, Policies (b) 1 and 3: Develop policies which encourage housing opportunities, and increase the supply of safe, affordable, and sanitary housing for low-income and moderate-income persons. These policies apply to the Housing Objection.

Goal (7) Water Resources, Policies (b) 8, 9, 10, and 11: Protect aquifers, protect surface and groundwater quality and quantity, and promote water conservation. These policies apply to the Intergovernmental Coordination and Potable Water Objections.

Goal (15) Land Use, Policies (b) 1, 2, 3, and 6: Encourage efficient development to occur in areas that have the capacity to service new population and commerce, develop a system of incentives and disincentives which encourages a separation of urban and rural land uses, enhance the livability and character of urban areas, and consider the impact of land use on water quality and quantity. These policies apply to Future Land Use objections and the Capital Improvements objections.

Goal (19) Transportation, Policy (b) 5: Ensure that existing port facilities and airports are being used to the maximum extent possible before encouraging the expansion or development of new port facilities and airports to support economic growth. This policy applies to the Port of Miami River Sub-Element objection.

Goal (19) Transportation, Policies (b) 3, 8, 9, and 13: Promote a comprehensive transportation planning process, encourage the construction and utilization of a public transit system, ensure that the transportation system provides Florida's citizens and visitors with timely and efficient access to services, jobs, markets, and attractions, and coordinate transportation improvements with state, local, and regional plans. These policies apply to the Transportation objections.

Goal (21) The Economy, Policies (b) 1, 4, and 12: Florida shall promote an economic climate which provides economic stability, maximizes job opportunities, and increases per capita income for its residents. Attract new job-producing industries, corporate headquarters, distribution and service centers, regional offices, and research and development facilities to provide quality employment for the residents of Florida. Strengthen Florida's position in the world economy through attracting foreign investment and promoting

international banking and trade. Encourage the development of a business climate that provides opportunities for the growth and expansion of existing state industries, particularly those industries which are compatible with Florida's environment. This goal and policies apply to the Port of Miami River Sub-Element objection.

Goal (22) Agriculture, Policy (b) 12: Ensure that coordinated state planning of road, rail, and waterborne transportation systems provides adequate facilities for the economical transport of agricultural products and supplies between producing areas and markets. This policy applies to the Port of Miami River Sub-Element objection.

Goal (24) Employment, Policy (b) 4: Florida shall promote economic opportunities for its unemployed and economically disadvantaged residents. Encourage economic development in economically distressed areas. This goal and policy apply to the Port of Miami River Sub-Element objection.

Goal (25) Plan Implementation, Policy (b) 7: Ensure the development of strategic regional policy plans and local plans that implement and accurately reflect state goals and policies and that address problems, issues, and conditions that are of particular concern in a region. This policy applies to all of the above objections.

Goal (25) Plan Implementation, Policy (b) 8: Encourage the continual cooperation among communities which have a unique natural area, irrespective of political boundaries, to bring the private and public sectors together for establishing an orderly, environmentally, and economically sound plan for future needs and growth. This goal and policy apply to the Port of Miami River Sub-Element objection.

These State Comprehensive Plan issues can be resolved by addressing the objections stated above.

4. CONSISTENCY WITH THE SOUTH FLORIDA REGIONAL PLANNING COUNCIL STRATEGIC REGIONAL POLICY PLAN

The South Florida Regional Planning Council determined that the Future Land Use Element, the Housing Element, the Potable Water Element, the Transportation Element, and the Port of Miami River Sub-Element are not consistent with the Strategic Regional Policy Plan. The Council noted that these Elements are inconsistent with the following goals and policies of the Strategic Regional Policy Plan.

- a. Future Land Use – Goal 11, Policies 11.1, 11.2, 11.7, 11.8. The Council expressed concerns about the mix of uses along the Miami River that will protect water-dependent industries.
- b. Housing – Goal 6, Policy 6.12. The Council expressed concerns about the appropriate distribution and availability of affordable and workforce housing proximate to employment in the areas around the Miami River.
- c. Potable Water – Goal 7, Policies 7.1 and 7.2. The Council concurred with staff's conclusion that the amendments have no policies which adopt the water supply facilities work plan into the comprehensive plan.

- d. Transportation – Goal 8, Policies 8.1 through 8.3; Goal 20, Policies 20.10, 20.11, 20.14. The Council expressed concerns about the Port of Miami River as an important component of a comprehensive transportation system.
- e. Port of Miami River – Goals 2 and 8, Policy 8.3, Goal 17, Policies 17.7 and 17.10, Goal 20, Policies 20.10 and 20.11. The Council expressed concerns over the implications of removing the term “Port” entirely from the “Port of Miami River” Sub-Element of the Ports, Aviation and Related Facilities Element.



11 BD
6/6/08
EP

Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

District Six
1000 NW 111 Avenue, Miami, FL 33172
Phone: 305-470-5464

STEPHANIE C. KOPELOUSOS
SECRETARY

June 2, 2008

Mr. Ray Eubanks
Division of Community Planning
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Dear Mr. Eubanks:

Subj: City of Miami EAR-Based Amendments to the Comprehensive Plan (08-1ER)

In accordance with your request, and the provisions of Chapter 163, Florida Statutes and Chapter 9J-5, Florida Administrative Code, this office has completed a review of the EAR-Based Comprehensive Plan Amendments for the City of Miami, which was forwarded to our office on May 19, 2008. No additional impacts to the Florida Intrastate Highway System facilities are anticipated to result from these amendments. Therefore, the District has no specific objections or recommendations at this time. Please contact Phil Steinmiller at 305-470-5825, if you have any questions concerning our response.

Sincerely,

Alice N. Bravo, P.E.
District Director of Transportation Systems
Development

Cc: Aileen Boucle, AICP
Phil Steinmiller



FLORIDA DEPARTMENT OF STATE
Kurt S. Browning
Secretary of State
DIVISION OF HISTORICAL RESOURCES

June 16, 2008

Mr. Ray Eubanks
Department of Community Affairs
Bureau of State Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Re: Historic Preservation Review of the Miami (08-1ER) Comprehensive Plan Amendment

Dear Mr. Eubanks:

According to this agency's responsibilities under Sections 163.3177 and 163.3178, *Florida Statutes*, and Chapter 9J-5, *Florida Administrative Code*, we reviewed the above document to determine if data regarding historic resources have been given sufficient consideration in the request to amend the Miami Comprehensive Plan.

We reviewed proposed Evaluation and Appraisal Report based text amendments to various elements of the Miami Comprehensive Plan including a complete rewrite of the Parks and Open Space Element to consider the potential effects of these actions on historic resources. We note that many of the changes further strengthen historic resource issues.

In the Future Land Use Element, Goal LU-2 addresses historic resources. The city's amended text includes increasing the number of eligible properties considered to be significant by means of additional historic resource surveys, monitoring building activities near archaeological sites, requiring the city archaeologist to be notified of construction schedules when work will take place in archaeological zones and when fortuitous finds are encountered, and the proposed adoption of penalties for failure to report fortuitous archaeological finds during construction activities. All of the text changes will help to protect and preserve significant archaeological and historic resources. Some of these text amendments are also reflected in the updated Coastal Management Element.

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

Director's Office
(850) 245-6300 • FAX: 245-6436

Archaeological Research
(850) 245-6444 • FAX: 245-6452

Historic Preservation
(850) 245-6333 • FAX: 245-6437

Historical Museums
(850) 245-6400 • FAX: 245-6433

South Regional Office
(361) 416-2115 • FAX: 416-2149

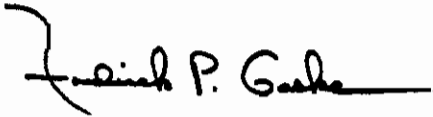
North Regional Office
(850) 245-6445 • FAX: 245-6435

Central Regional Office
(813) 272-3843 • FAX: 272-2340

Mr. Eubanks
June 16, 2008
Page 2

We are pleased to see that the City of Miami continues to take a proactive approach to protection and preservation of significant archaeological and historic sites and properties. If you have any questions regarding our comments, please feel free to contact Susan M. Harp of the Division's Compliance Review staff at (850) 245-6333.

Sincerely,

A handwritten signature in black ink that reads "Frederick P. Gaske". The signature is written in a cursive style with a long horizontal line extending to the right.

Frederick P. Gaske, Director

xc: Mr. Bob Dennis



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

June 26, 2008

Mr. D. Ray Eubanks
Plan Review and DRI Processing Team
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

RE: City of Miami 08-1ER

Dear Mr. Eubanks:

On behalf of the Department of Environmental Protection, the Office of Intergovernmental Programs has reviewed the comprehensive plan amendments in accordance with the provisions of Chapter 163, *Florida Statutes*. As required by law, the scope of our comments and recommendations is limited to the environmental suitability of the proposed changes in light of the Department's regulatory and proprietary responsibilities. Based on our review of the report, the Department has found no provision that requires comment, recommendation or objection under the laws that form the basis of the Department's jurisdiction and authority. If the report pertains to changes in the future land use map or supporting text, please be advised that at such time as specific lands are proposed for development, the Department will review the proposal to ensure compliance with environmental rules and regulations in effect at the time such action is proposed. In addition, any development of the subject lands will have to comply with local ordinances, other comprehensive plan requirements and restrictions, and applicable rules and regulations of other state and regional agencies.

Thank you for the opportunity to comment on this proposal. If I may be of further assistance, please call me at (850) 245-2169.

Sincerely,

A handwritten signature in black ink that reads "Chris Stahl".

Christopher J. Stahl
Environmental Specialist
Office of Intergovernmental Programs

CJS/



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

June 3, 2008

Ray Eubanks, Administrator
Plan Review and Processing
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Dear Mr. Eubanks:

**Subject: City of Miami, DCA #08-1ER
SFWMD Comments on Proposed Comprehensive Plan Amendment
Package**

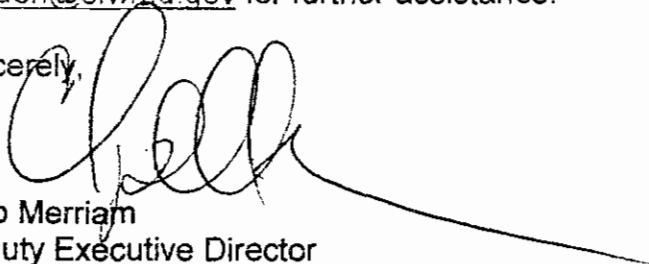
The South Florida Water Management District (District) staff has completed its review of the City of Miami's (City) Evaluation and Appraisal Report (EAR) based amendments. We offer the following recommendations to assist the City in fully meeting the statutory requirements for water supply planning and request that you include them in your review comments to the City.

- The proposed EAR-based amendments do not appear to capture the statutory requirements for water supply planning. The Intergovernmental Coordination Element lacks a policy requiring coordination with the District's *Lower East Coast Water Supply Plan Update*. We recommend that a policy be added to the Intergovernmental Coordination Element requiring coordination with the District's *Lower East Coast Water Supply Plan Update*.
- Since the City has not yet adopted its required Potable Water Supply Facilities Work Plan, the following policy should be incorporated into the Potable Water Element: "The City shall adopt a Potable Water Supply Facilities Work Plan for at least a 10-year planning period that reflects coordination with the SFWMD's *Lower East Coast Water Supply Plan Update* within 18 months after the *Lower East Coast Water Supply Plan Update* is approved by the SFWMD."
- The District encourages the City to consider also adopting potable water levels of service for non-residential land uses such as office, commercial, and mixed-use. Such actions will be helpful in assessing water supply needs for future site-specific non-residential land use amendments.

Ray Eubanks, Administrator
June 3, 2008
Page 2

We look forward to continuing to collaborate with the City, its water supplier, and the Department of Community Affairs on developing sound sustainable solutions to meet the City's future water needs. Please contact Jim Golden at (561) 682-6862 or jgolden@sfwmd.gov for further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chip Merriam', with a long horizontal line extending to the right.

Chip Merriam
Deputy Executive Director
Water Resources

c: Subrata Basu, Miami-Dade County
Carolyn Dekle, SFRPC
Bob Dennis, DCA
Jim Golden
Ana Gelabert-Sanchez, City of Miami



Carlos Alvarez, Mayor

Planning and Zoning
111 NW 1st Street • Suite 1110
Miami, Florida 33128-1912
Phone: 305-375-2100

miamidade.gov

July 9, 2008

Mr. Ray Eubanks, Administrator
Plan Review and Processing
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

RE: City of Miami Proposed EAR-Based Comprehensive Plan Amendments

Dear Mr. Eubanks:

The Department of Planning and Zoning (DP&Z) has reviewed the referenced City of Miami EAR-Based Comprehensive Plan amendments. Our review is conducted to identify points of consistency or inconsistency with provisions of Miami-Dade County's Comprehensive Development Master Plan (CDMP). The Department finds that the proposed amendments related to the Evaluation and Appraisal Report (EAR) are generally consistent with the CDMP and offers comments on those elements where inconsistencies with the CDMP exist.

General Comments

1. Comprehensive plan amendments are required by Section 9J-5.005(2) F.A.C. to be supported by "relevant and appropriate data and the analysis applicable to each element." The transmittal package did not contain specific support data for the amendments although a reference was made to the City's adopted Evaluation and Appraisal Report. Additionally, other amendments (outside the proposed EAR-based amendments) were not accompanied by appropriate data and analysis except for some information relating to the Port of Miami River.
2. The City supplied a "Draft" Future Land Use Map (FLUM) in the transmittal package. In reviewing many of the City's comprehensive plan policies, reference is made to the Future Land Use Plan Map. The title of the map should be accurately reflected throughout the policies of the plan.

Land Use Element

1. LU-1.1.10, Page 2: This policy has been modified to remove the statement "consistent with the Station Area Design and Development Plan for each station." However, a similar revision was not made to Policy HO 1.1.9 on page 34.
2. Interpretation of the Future Land Use Map, page 22: The land use designation categories of Commercial Recreation and Marine Facilities are not reflected in the legend on the Future Land Use Map, and no areas are designated as such on the FLUM. The FLUM legend should be consistent with the plan text.

Housing Element

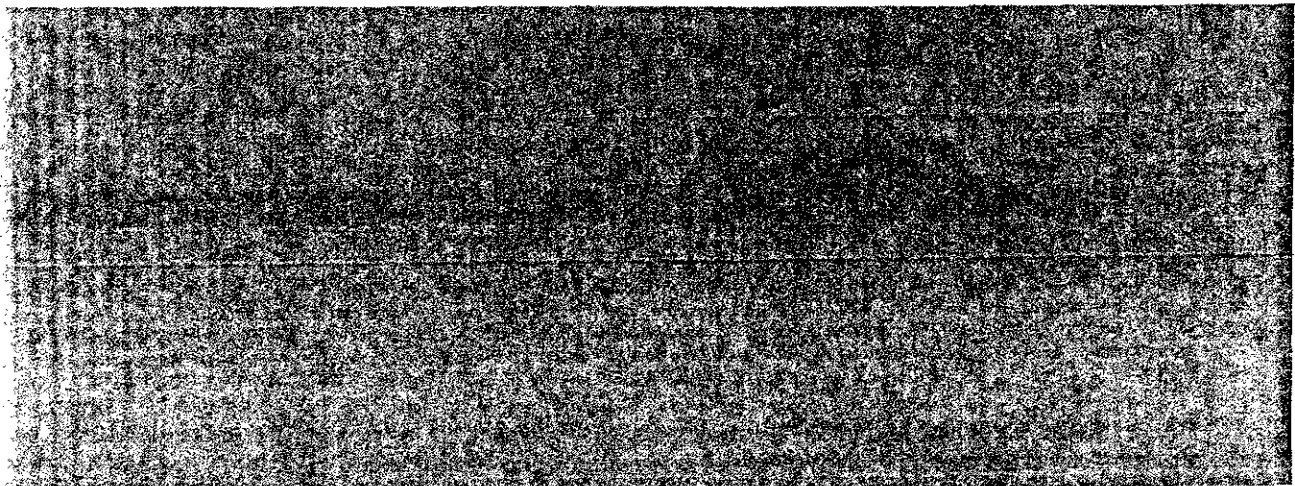
1. Goal HO-1, Objective HO-1.1, Objective HO-1.2, Policy HO-1.2.1, and Policy HO-1.2.3, pages 33-35: Reference is made in the above referenced goal, objectives and policies to very low, low, moderate and middle income housing, and it is stated that these terms are "in accordance with the current standards and regulations of HUD and the State of Florida." The terms "very low", "low", and "moderate" income housing, have been defined through HUD and the State of Florida, however there is no definition in these references for "middle" income housing. Unless "middle" income housing is defined in a similar manner to the other income categories it has no meaning. Therefore the City should provide a definition and additional data and analysis for the term "middle income."
2. Policy HO-1.4.6, page 37: The policy has been amended to include the development of a ten-year plan designed to end chronic homelessness and work toward a more equitable distribution of facilities throughout Miami-Dade County. While this is a worthwhile effort, no data and analysis has been provided that shows the connection between chronic homelessness and the equitable distribution of facilities throughout Miami-Dade County.

Sanitary and Storm Sewer Element

1. Policy SS-1.1.4, page 39: Reference to the Miami-Dade Water and Sewer Department's (WASD) 2001 Plan should instead reference the Miami-Dade County Wastewater Facilities Master Plan dated October, 2003

Potable Water Element

1. Policy PW-1.2.1, page 45: This policy references a level of service (LOS) standard of 200 gallons per capita day (gpcd) for the transmission capacity. It should be noted that transmission facilities are evaluated by the WASD based on type of land use in accordance with Chapter 24, Miami-Dade County Code. Additionally, the WASD Water Use Permit, which is issued by South Florida Water Management District (SFWMD), is based on an average demand of 155 gpcd. Therefore, the City's proposed LOS standard is inconsistent with the WASD Water Use Permit average of 155 gpcd. It is noted that the City has not included amendments for a Water Supply Facilities Work Plan as required by Section 163.3177(6)(c) F.S. For Miami-Dade County and its municipalities, this plan is due by August 2008. Any Water Supply Work Plan submitted by the City must be consistent with the County's Water and Sewer Sub-Element Objective WS-7 and related policies regarding the adopted County's Water Supply Facilities Work Plan.
2. Policy PW-1.2.2, page 45: This policy should be amended to indicate that the City's required Water Supply Facilities Work Plan will be consistent with the County's Work Plan. The City's Work Plan must include water supply projects, water conservation strategies, commitment to water reuse and alternative sources, and intergovernmental coordination policies consistent with the County's Adopted Work Plan. Since M-DWASD is the sole provider of water to the City, the City must be consistent with the County's adopted Water Supply Facility Work Plan.



If necessary, and as it relates to the above referenced PWE policies, County staff will work with City staff to ensure consistency with the County's Water Supply Facilities Work Plan.

Coastal Management Element

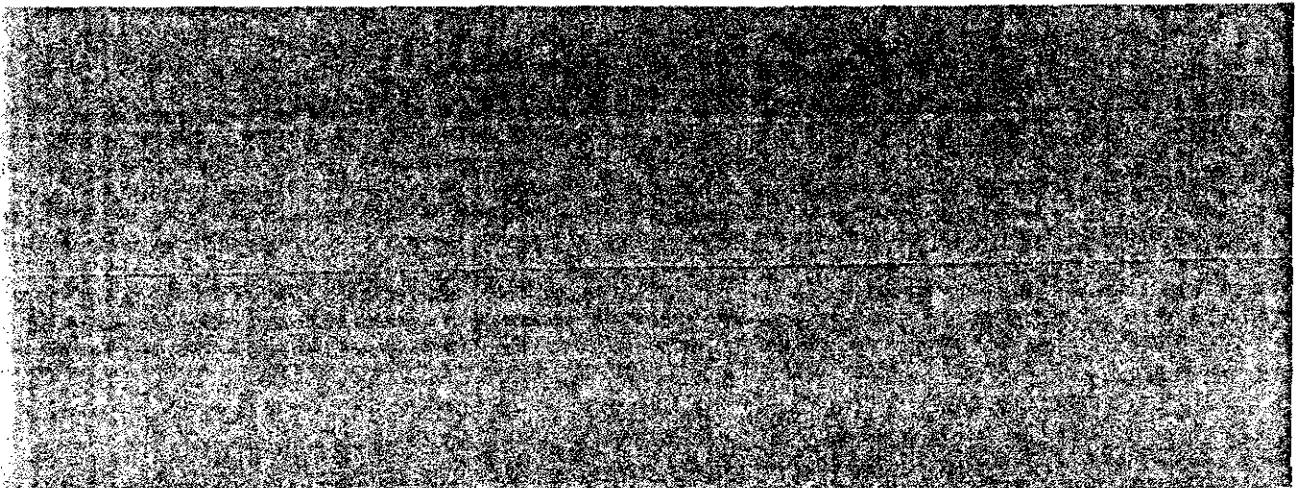
1. Policy 4.1.2, page 89: This policy indicates that the Coastal High Hazard Area, developed by the SLOSH storm surge model is depicted on the Future Land Use Plan Map. There is no such designation on the map or in the legend of the FLUM that DP&Z received. There is a figure titled "Areas Subject to Coastal Flooding and High Hazard Flood Areas" but the note under the title indicates that this map will be updated to include the Coastal High Hazard Area, and that this area is not currently mapped. Therefore, the map reference to the FLUM in the policy is not correct and should be modified to refer to the figure in the Coastal Management Element. If the CHHA is also to be added to the Future Land Use Map, then either the title of the Future Land Use Map or the reference to the Future Land Use Plan Map should be changed to be consistent.

Port of Miami River Sub-Element

The Miami-Dade County Port of Miami River Sub-Element was developed to protect the shipping facilities that serve shallow draft vessels. These shipping terminals joined together and were formally designated as the Port of Miami River to meet the U.S. Coast Guard environmental and security regulations. These terminals are located along the Miami River in both unincorporated Miami-Dade County and City of Miami. This industry and other support marine activities that have grown along the Miami River contribute to a diverse and prosperous economic component of both the City and the County. Two key factors for the continuation of the economic health of the maritime industry along the Miami River are 1) unimpeded access along the waterfront to the mouth of the river, and 2) protection from encroachment or displacement by incompatible uses. Comments related to the Port of Miami River Sub-element are made below.

1. The City's proposed amendments to the Port of Miami Sub-element specifically remove much of the language protecting against the encroachment of non-water dependent and incompatible uses. The deletion of the term "Port" in the Sub-element title alters the City's commitment to maintaining and enhancing the maritime activities along the river.
2. Goal PA-3, Objective PA-3.1 and the related policies, page 65. The current goal, objective, and policies were established to raise the awareness of the River and protect the maritime businesses located along the river from encroachment by non-water dependent or water related land uses. These objectives and policies, which mirror those found in the County's CDMP, were developed with the realization that the maritime industry along the river is unique and susceptible to encroachment from competing non-water dependent uses.

The CDMP views the river and the maritime industry as a unified economic component that should not be segmented based on political boundaries. The shipping and cargo terminals that were established to service the shallow draft vessels are heavily reliant on supporting marine activities such as boat repair yards and boat supply facilities. The shipping terminals and the supporting marine activities lie in both the unincorporated and incorporated portion of the river and rely on each other for support. The intent of

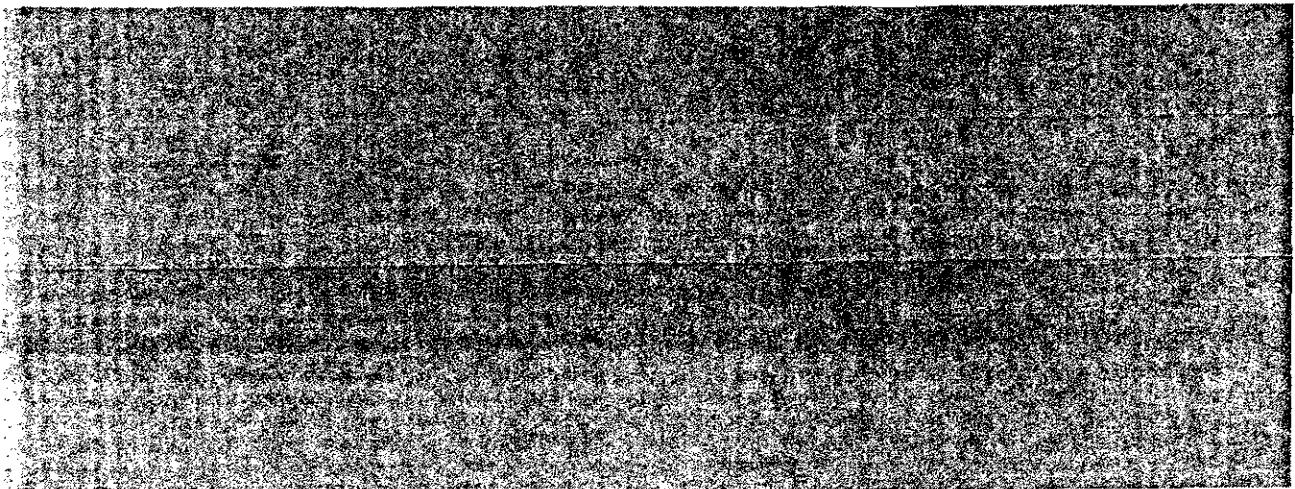


Objective PMR-1 and related policies of the County's CDMP is to "maintain and promote marine activity on the Miami River and protect these activities from encroachment or displacement by incompatible land uses".

The amendments made to the Goal, Objective and policies of the City's Port of Miami River Sub-element, including the deletion of all references to the river as a "Port", de-emphasizes the maritime industry, in favor of a more residential/commercial oriented riverfront. Currently, the City allows residential units and mixed use to occur within various residential and commercial categories along the riverfront at up to 150 dwelling units per acre (high density). Therefore it is unclear as to the need for this additional language unless it is the City's intent to convert industrial lands (no residential allowed) needed to maintain or enhance the maritime industry to residential land. As noted in the comments regarding the Future Land Use amendments, although there is a category for marine facilities in the text, there are no such designations on the Future Land Use Plan map or on the map's legend.

The City has not provided the data and analysis that documents the impacts to this economically valued industry. The City has not analyzed how much waterfront is necessary to maintain and/or enhance the maritime industry along the river (inclusive of the support marine industries). Additionally, no criteria has been established regarding the percentage of land to be retained for shipping and maritime activities or the mechanism to ensure that this industry will not be displaced through the allowance of incompatible or non-water dependent uses.

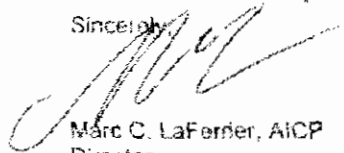
3. Miami-Dade County over the past several years has adopted various Resolutions supporting the maritime and marine-related activities along the Port of Miami River. These resolutions have been in support of grants and job creation programs that were of benefit to all portions of the river and include: Resolution R-988-07, which conveyed land to a marine services industry in exchange for economic development activities, including the creation of new jobs and construction of maritime structures; Resolution R-31-07, which committed the County to funding of the Miami River Dredging Project; Resolution R-448-99, which provided opportunities for the Miami River Commission to comment on County resolutions or ordinances impacting the Miami River; and, Resolution R-368-98, which urged the Florida Legislature to create the Miami River Commission as a clearinghouse for policies and projects related to the Miami River. These resolutions show the County's commitment to the Miami River as a valued economic component of the County and emphasize the benefit, not only to the maritime industries, but also to the surrounding community.
4. Goal PA-3, page 65: The original Goal was focused on the continued operation of the Port of Miami River. The new Goal focuses on encouraging residential and mixed use while providing for water-dependent and water-related commercial, industrial and recreational uses and acknowledging the history of the maritime industry. These amendments clearly alter the focus of the adopted goal from maritime-based uses towards residential uses. This goal should be restated so as not to prioritize the development of residential uses along the river to the potential detriment of water-related/dependent uses. This comment is also applicable to Objective 3.1 and its related policies.



5. Policy 3.1.1, page 65: This policy states that residential uses are allowed provided they are compatible with adjacent uses. The City should provide more clarity to the policy through the addition of compatibility criteria.
6. Policy 3.1.3, page 65. As with Policy 3.1.1, above, this policy encourages compatibility between land uses and therefore the inclusion of criteria to address compatibility may be helpful. Additionally, the policy is phrased to promote the co-existence of maritime-related industries with residential uses, thus changing the priority of use away from water-related/dependent uses to residential and mixed uses. This wording should be modified so as not to de-emphasize the water related/dependent uses.
7. Objective PA-3.3, page 66: This Objective has been modified to include planning activities with those of "deep water" ports. This modification de-emphasizes the coordination with those agencies and entities involved in the shallow water activities along the river. The amendment to the Objective recognizes the Miami River Commission as a "deep water" port facility provider or regulator, which is not an accurate characterization. The Miami River Commission (MRC) was established by Florida Statute (F.S.) 163.08, and is the official coordinating clearinghouse for all public policy and projects related to the Miami River. This Objective should be re-written to address the coordination efforts between the City, the MRC, deep port regulators and providers and other concerned agencies and organizations involved with the Miami River.

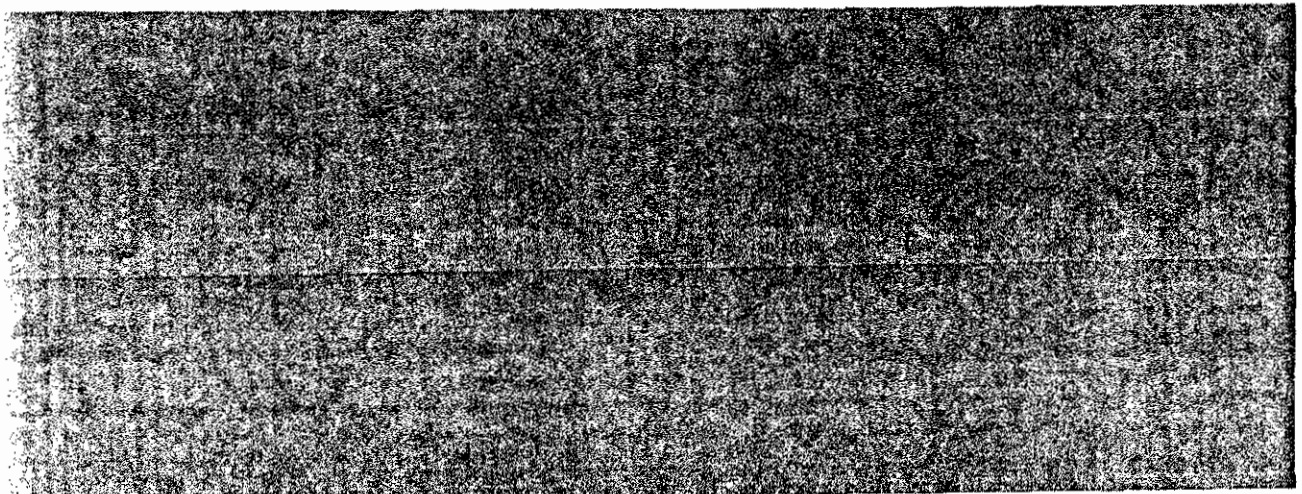
County staff is available to work with the City to address the concerns stated above and to refine these proposed amendments before the City considers adoption of the amendments. If you have any questions, please do not hesitate to contact me or Mark R. Woerner, Chief, Metropolitan Planning, at 305-375-2835.

Sincerely,



Marc C. LaFerrer, AICP
Director

MCLF/SB.MRW/PHC/saf





11 BD
6/9/08
EP

MEMORANDUM

AGENDA ITEM #6h

DATE: JUNE 2, 2008
TO: COUNCIL MEMBERS
FROM: STAFF
SUBJECT: CITY OF MIAMI PROPOSED COMPREHENSIVE PLAN AMENDMENT

Introduction

On May 19, 2008 Council staff received proposed amendment package #08-1ER to the City of Miami Comprehensive Neighborhood Plan for review of consistency with the *Strategic Regional Policy Plan for South Florida (SRPP)*. Staff review is undertaken pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes (F.S.), and Rules 9J-5 and 9J-11, Florida Administrative Code (F.A.C.).

Community Profile

Miami, the second largest city in the State in population, had a population of 395,434 in 2007, a 9% increase from the year 2000 population. The City was incorporated in 1896. The City's economic bases are in tourism and international commerce with Latin America, the Caribbean and Europe. The City boasts an ethnically diverse population and serves as a major port of entry for immigration from foreign countries. Considered to be fully developed, the City nevertheless has approximately 1,000 acres (approximately 1.6 square miles) of vacant land scattered throughout the City on small parcels. In addition, much of the developed land is designated for land use densities greater than the existing development. With its location at the heart of the metropolitan area, and its access to mass transit, Miami is an ideal location for infill and redevelopment.

Additional information regarding the City or the Region may be found on the Council's web site, www.sfrpc.com.

Summary of Staff Analysis

Proposed Amendment package #08-1ER contains the Evaluation and Appraisal Report (EAR)-based text amendments to twelve elements of the City's Comprehensive Neighborhood Plan as well as several additional amendments that were suggested throughout the public involvement process and over the period of time involved with preparing the EAR-based amendments. The general location of the City is exhibited as Attachment 1.

A summary of the proposed amendments in this package follows.

Summary of Plan Amendments

In 1998 the State of Florida revised the statutory requirements for EARs to allow local governments to base their analysis on the key local issues they are facing. Section 163.3191, Florida Statutes, states that the EAR report should be based on the local government's analysis of major issues to further the community's goals consistent with statewide minimum standards. The report is not intended to require a comprehensive rewrite of the elements within the local plan, unless a local government chooses to do so. The City of Miami conducted an interagency scoping meeting on May 24, 2004, followed by a series of public workshops and interviews with City staff and elected officials before adopting the EAR on December 9, 2004. After receiving review comments and a finding of insufficiency, the City adopted a revised EAR on December 1, 2005, which was found sufficient on February 17, 2006.

The City of Miami identified the following issues to address in its EAR. These issues provide the basis for the proposed EAR-based amendments:

1. The Need for, and Impacts of, Equitable Redevelopment and Development
2. Preservation and Enhancement of Natural, Historic, Archeological and Recreational Resources
3. Neighborhood Integrity
4. Transportation

EAR-based amendments to the Future Land Use, Housing, Sanitary and Storm Sewer, Potable Water, Solid Waste, Transportation, Ports, Aviation and Related Facilities, Parks, Recreation and Open Space, Coastal Management, Natural Resource Conservation, Intergovernmental Coordination, and Capital Improvements Elements of the Miami Comprehensive Neighborhood Plan are proposed.

As a result of significant public input and a prolonged time period between the 2005 adoption of the EAR and these EAR-based amendments, the City has proposed additional amendments to maintain a consistent and relevant comprehensive plan. The City's package contains several text amendments to these elements and the Port of Miami River sub-element, as well as technical clarifications and changes to the definitions of uses in the Interpretation of the Future Land Use Map Section. The City of Miami Commission approved transmittal of the proposed amendments by a vote of 3-1 on May 13, 2008

A detailed analysis of the proposed amendment package is attached.

Staff analysis confirms that the proposed amendments to the following elements are generally compatible with the goals and policies of the *Strategic Regional Policy Plan (SRPP)*;

- | | |
|------------------------------------|----------------------------------|
| - Future Land Use | - Coastal Management |
| - Housing | - Natural Resource Conservation |
| - Sanitary and Storm Sewer | - Intergovernmental Coordination |
| - Solid Waste | - Capital Improvements |
| - Parks, Recreation and Open Space | |

Proposed amendments to the following elements have been found to be inconsistent with the goals and policies of the *SRPP*;

- The Potable Water Element - Goal 7, Policy 7.1, and Policy 7.2
- Transportation Element - Goal 8, Policy 8.1, and Policy 8.8
- Ports, Aviation and Related Facilities (Port of Miami River sub-element) - Goal 2, Goal 8, Policy 8.3, Goal 17, Policy 17.7, Policy 17.10, Goal 20, Policy 20.10, and Policy 20.11.

Recommendation

Find City of Miami proposed amendments to the Future Land Use, Housing, Sanitary and Storm Sewer, Solid Waste, Parks Recreation and Open Space, Coastal Management, Natural Resource Conservation, Intergovernmental Coordination, and Capital Improvements Elements of package #08-1ER generally consistent with the *Strategic Regional Policy Plan for South Florida*.

Find proposed amendments to the Potable Water, Transportation and Ports, Aviation and Related Facilities Elements of package #08-1ER to be generally inconsistent with the *Strategic Regional Policy Plan for South Florida*. Approve this staff report for transmittal to the Florida Department of Community Affairs.

Council Action

At its June 2, 2008 meeting, the Council expressed strong concerns regarding this amendment package following discussions on the significance of maintaining the Port of Miami River as an important component of the City of Miami and its value to the South Florida Region. Council's reservations concerning the City of Miami's commitment to maintain the Port of Miami River as a working waterfront with an appropriate mix of uses led to further objections of the proposed amendments in addition to those recommended by staff.

The Council found the following for proposed City of Miami amendment package #08-1-ER:

Find the proposed amendments to the Sanitary and Storm Sewer, Solid Waste, Parks Recreation and Open Space, Coastal Management, Natural Resource Conservation, Intergovernmental Coordination and Capital Improvements Elements to be generally consistent with the *Strategic Regional Policy Plan for South Florida (SRPP)*

Find the proposed amendments to the Future Land Use, Housing, Potable Water, Transportation and Ports, Aviation and Related Facilities Elements to be generally inconsistent with the *SRPP*.

Specifically find that:

- a) Proposed amendments to the Future Land Use Element conflict with Goal 11 and Policies 11.1, 11.2, 11.7, and 11.8 of the *SRPP*, expressing concerns about the appropriate mix of uses along the Miami River that will protect water-dependent industries.
- b) Proposed amendments to the Housing Element conflict with Goal 6 and Policy 6.12 of the *SRPP*, expressing concerns about the appropriate distribution and availability of affordable and workforce housing proximate to employment in the areas around the Miami River.
- c) Proposed amendments to the Potable Water Element conflict with Goal 7, and Policies 7.1 and 7.2 as expressed in the Staff Report.
- d) Proposed amendments to the Transportation Element conflict with Goal 8 and Policies 8.1 and 8.2 as expressed in the Staff Report with additional objections to the amendments for conflicts with Policy 8.3, Goal 20, Policy 20.10, Policy 20.11, and Policy 20.14 of the *SRPP*, expressing concerns about the Port of Miami River as an important component of a comprehensive transportation system.
- e) Proposed amendments to the Ports, Aviation and Related Facilities Elements conflict with Goal 2, Goal 8, Policy 8.3, Goal 17, Policy 17.7, Policy 17.10, Goal 20, Policy 20.10, and Policy 20.11 of the *SRPP* as expressed in the Staff Report, with specific concerns over the

implications of removing the term "Port" entirely from the "Port of Miami River" sub-element of the Ports, Aviation and Related Facilities Element.

The Council, by the same motion approved the transmittal of the attached Staff Report to the Florida Department of Community Affairs.

**Proposed Comprehensive Plan Amendment Review
Staff Report
for
City of Miami**

**South Florida Regional Planning Council
June, 2008**

**PROPOSED AMENDMENT PACKAGE #08-1ER
TO THE
CITY OF MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN**

Summary of Staff Analysis

The City of Miami conducted an interagency scoping meeting on May 24, 2004, followed by a series of public workshops and interviews with City staff and elected officials before adopting the Evaluation and Appraisal Report (EAR) on December 9, 2004. After receiving review comments and a finding of insufficiency, the City adopted a revised EAR on December 1, 2005 which was found sufficient on February 17, 2006.

The City of Miami identified the following issues to address in its EAR. These issues provide the basis for the proposed EAR-based amendments:

1. The Need for, and Impacts of, Equitable Redevelopment and Development
2. Preservation and Enhancement of Natural, Historic, Archeological and Recreational Resources
3. Neighborhood Integrity
4. Transportation

EAR-based amendments to the following Comprehensive Neighborhood Plan Elements are proposed:

- Future Land Use
- Housing
- Sanitary and Storm Sewer
- Potable Water
- Solid Waste
- Transportation
- Ports, Aviation and Related Facilities
- Parks, Recreation and Open Space
- Coastal Management
- Natural Resource Conservation
- Intergovernmental Coordination
- Capital Improvements

As a result of significant public input and a prolonged time period between the 2005 adoption of the EAR, and these EAR-based amendments, the City has proposed additional amendments to maintain a consistent and relevant comprehensive plan. As a result, the City's package contains several text amendments to these elements and the Port of Miami sub-element, as well as technical clarifications and changes to the definitions of uses in the Interpretation of the Future Land Use Map Section.

Proposed Amendment package #08-1ER contains the following amendments to the City of Miami Comprehensive Neighborhood Plan:

EAR-Based Text Changes

Twelve elements of the comprehensive plan were updated in accordance with the amendments called for in the 2005 EAR, reflecting changes to State Statutes, the Florida Administrative Code, and also to incorporate additional public input. The data and analysis section for each element has not been updated. A detailed analysis of the proposed comprehensive plan amendments is included below.

Future Land Use Element

The key proposed changes to this element include:

- Provisions to encourage the coexistence of uses and protection of existing neighborhoods through height and mass transitions with appropriate buffers.
- Provisions to ensure the compliance with established Levels of Service (LOS) standards.
- Provisions to implement an annual monitoring and biennial reporting system for the Planning Department to improve the fulfillment and measurability of the City's goals, objectives, and policies.
- Provision for the review and evaluation of areas designated Urban Infill Areas and Transportation Concurrency Exception Areas.
- Additional references to redevelopment and revitalization in accordance with neighborhood character, design and development standards.
- Provisions to identify and maintain historic and archaeological sites.
- Several provisions to add clarity, measurability and consistency within the document.

Interpretation of the Future Land Use Plan Map

The key proposed changes to this element include:

- Amendments intended to clarify existing language and maintain technical consistency within the document.
- Provisions to clarify or establish floor area ratio (FAR) maximums for the land use designations of;
 - Parks and Recreation
 - Marine Facilities
 - Office
 - Major Institutional, Public Facilities, Transportation and Utilities
 - Restricted Commercial
 - Central Business District (unlimited FAR)
 - General Commercial
 - Industrial
- Removal of the "Little Havana Target Area" as a specially-designated district with increased densities of 200 units per acre.
- Addition of a Health/Civic Center District with an increased FAR of 3.2 times the gross lot area.

Housing Element

The revised element includes the following amendments as well as programs and provisions being undertaken by the City of Miami to address affordable housing:

- Clarification of affordable housing categories to include very-low and middle income households in accordance with the current standards of the Department of Housing and Urban Development (HUD) and the State of Florida.
- A commitment to increase affordable housing stock for all income levels within the City by at least 10 percent by the year 2010.
- A provision to annually report the extent to which the housing recommendations set forth in the adopted City of Miami Consolidated Plan are being realized. These recommendations include the assistance to residents to achieve homeownership by creating a Purchase Rehab program, creating a land acquisition program for infill, affordable housing incentives and increasing the capacity of non-profit housing providers, as well as a focus on serving the needs of small families and single person households.

- A commitment to develop a ten-year plan designed to end chronic homelessness.
- Provisions to increase neighborhood compatibility, enhance community character and maintain diverse pedestrian friendly environments through implementation and enforcement of neighborhood specific design and development standards.

Sanitary and Storm Sewers Element

The key proposed changes to this element include:

- Provisions to ensure that sanitary sewer and storm sewers are in place to serve new development through the City’s concurrency management system.
- A commitment to update the 1986 Storm Drainage Master Plan by 2010 and incorporate annual updates to the City’s Capital Improvements Element.
- Provisions for the City to educate construction site operators and enforce the restrictions of their National Pollutant Discharge Elimination System Permit.

Potable Water Element

The key proposed changes to this element include:

- Clarification that the City will ensure that potable water facilities shall be in place to serve new development through the City’s concurrency management system.
- Although there is an existing commitment that the City will participate with Miami-Dade County and other county municipalities in the development and implementation of a county-wide conservation plan as well as the Water Supply Facilities Workplan as required by Florida Statutes, there is no indication of an intent to adopt and maintain a Water Supply Facilities Workplan specifically for the City.

Objection

Chapter 163.3177(6)(c), F.S., requires local governments to adopt a Water Supply Facilities Work Plan into their comprehensive plans within 18 months after the jurisdictional water management district approves a regional water supply plan or its update. The *Lower East Coast Water Supply Plan Update* was approved by the South Florida Water Management District (SFWMD) on February 15, 2007. Therefore, the deadline for local governments within the Lower East Coast jurisdiction to adopt a Work Plan is August 15, 2008. As written, the Potable Water Element does not commit the City to adopt and maintain a Water Supply Facilities Workplan.

Until these issues are resolved, the proposed amendments to the Potable Water Element are inconsistent with the following goal and policies of the SRPP:

- Goal 7 Protect, conserve, and enhance the Region’s water resources.

- Policy 7.1 Develop a more balanced, efficient, and ecologically sustainable allocation and reservation of the water resources of the Region.

- Policy 7.2 Water suppliers, in coordination with the South Florida Water Management District, should address long term water supply alternatives, which include the possibility of utilizing areawide or regional water supply systems as a substitute for, or as a means of augmenting the present non-regional systems.

Recommendation

Council staff recommends that the policies of the Potable Water Element be revised to clarify a specific commitment for the City to adopt and maintain a Water Supply Facilities Work Plan.

Solid Waste Collection Element

The key proposed changes to these elements include:

- Provisions that the City will ensure that solid waste capacity shall be in place to serve new development through the City's concurrency management system.
- A commitment to continue to support and implement neighborhood clean-up and beautification efforts.

Transportation

The key proposed changes to this element include:

- Adjustments and clarifications to the Levels of Service (LOS) standards, capacity and Person Trip Methodology definitions in conjunction with significant amendments that increase the emphasis on transit.
- Provisions to develop and encourage bicycle paths and bicycle lanes throughout the City.
- Provisions to encourage consistent, high quality transit-oriented, mixed-use, pedestrian-friendly development and redevelopment.
- Promotion of water borne transportation as a commuter transit service.
- Provisions for increased coordination between the Miami Dade Metropolitan Planning Organization (MPO), Florida Department of Transportation (FDOT), Miami-Dade County, and Miami Dade Transit (MDT).
- Commitment to develop a transit corridor right-of-way map without a date certain.
- Removal of past deadlines within the existing objectives and policies. These are commitments that were not met by the stated 2005 EAR deadline, and now have been amended to be addressed without dates certain nor definitive results, including:
 - The commitment to introduce the Miami Intermodal Transportation Plan (MIT) into the Miami Neighborhood Comprehensive Plan, which was intended to replace the former Transportation Corridors Plan, has instead been replaced with an effort to prepare transportation plans as needed.
 - The commitment to revise existing traffic control measures to include additional transportation demand management requirements for all future and existing developments has been replaced with the provision to enforce existing control measures and provides a list of examples of potential new measures.
 - The commitment to amend the Transportation Element to depict major parking facilities on appropriate maps has been replaced with a commitment to annually update the location of these facilities on undefined maps not specifically included in the City of Miami Comprehensive Neighborhood Plan.
 - The commitment to amend the Transportation Element to reflect proposed measures for neighborhood protection and enhancement regarding traffic management and calming plans has been replaced with a reference that proposed measures will be included without any specificity.

Objection

The 2005 EAR was developed and recommendations were produced with the understanding that the Transportation Element was being simultaneously updated and would be incorporated with the EAR-based amendments. Although several steps have been taken in that direction, a final Person Trip Methodology has not been established, nor have several previous objectives of the Transportation Element been fulfilled by the dates the City originally agreed to. These deadlines have not been updated and no provisions for additional implementation strategies have been included to address the issues. The proposed amendments to the element do not contain the clarity necessary to successfully implement its goals, objectives and policies.

Until these issues are resolved, the proposed amendments to the Transportation Element are inconsistent with the following goal and policies of the SRPP:

- Goal 8 Enhance the Region's mobility, efficiency, safety, quality of life, and economic health through improvements to road, port, and public transportation infrastructure.
- Policy 8.1 Maintain the Florida Intrastate Highway System, other state roads, local roadways, and public transportation systems to preserve the Region's investment in infrastructure; support daily use and needs; enhance the Region's global competitiveness and economic health; increase safety; ensure emergency access and response; and provide for evacuation purposes.
- Policy 8.8 Ensure the safety of the transportation system by implementing measures to reduce vehicle, pedestrian, and bicycle crashes, and increase the safety of commercial vehicle operations.

Recommendations

Council staff recommends the objectives and policies of the Transportation Element be revised to address the provisions that required the City to undertake an initiative or include additional information in the Miami Neighborhood Comprehensive Plan as part of the City's 2005 Evaluation and Appraisal Report and subsequent revision by amendment. In the instances where these objectives and policies have been sufficiently addressed, the appropriate supporting data and analysis should be made available. Additionally, greater clarification regarding the status of the Person Trip Methodology update and provisions to maintain it as a current and effective tool would allow the amendments that reference that methodology to be more effective. Council staff is available to work with the City to resolve these and other issues.

Ports, Aviation and Related Facilities Element

The key proposed changes to this element include:

- Provisions to mitigate the negative impacts of the development and expansion of the Port of Miami and protect the Port's economic function.
- Provisions to increase coordination and planning activities with appropriate deep water ports facilities providers and governmental agencies having jurisdiction over the Miami River
- Provisions to mitigate the negative impacts to neighborhoods that might result from airport activities, while protecting the airport's economic function.
- Replace the sub-element title "Port of Miami River" with a new title "Miami River." Delete a contested definition of the port of Miami River.
- Change the goal of the Port of Miami River sub-element from the encouragement of continued port operations as a valued and economically viable component, to the encouragement of residential and

mixed use development, while providing for water-dependent, and water related commercial, industrial, and recreational uses.

- Replacement of the provision for the City's Land Development Regulations to protect the Port of Miami River from encroachment with a provision to promote the co-existence and mix of uses along the Miami River.
- Elimination of the provision for the City's Land Development Regulations to mitigate potential impacts arising from the Port of Miami River upon adjacent natural resources and land uses.

Objection

Amendments to the Port of Miami River sub-element significantly alter the current position and understanding of the river as a port within the Miami Neighborhood Comprehensive Plan. The proposed revisions replace the importance of maintaining the port as a valuable component of a significant industrial base without sufficient supporting data and analysis. Refocusing the sub-element to encourage residential and mixed-use development will not protect the port-related facilities that the sub-element currently supports. Working waterfronts represent an issue of regional significance and the implications of this amendment may have adverse regional impacts that require further information in order to be addressed or mitigated.

As proposed, the Port of Miami River sub-element is inconsistent with the following goals and policies of the SRPP:

- | | |
|--------------|---|
| Goal 2 | Increase employment opportunities and support the creation of jobs with better pay and benefits for the Region's workforce. |
| Goal 8 | Enhance the Region's mobility, efficiency, safety, quality of life, and economic health through improvements to road, port, and public transportation infrastructure. |
| Policy 8.3 | Plan land use in and around airports and seaports to minimize unnecessary social, environmental, or economic conflicts and costs. |
| Goal 17 | Maintain a competitive, diversified, and sustainable regional economy. |
| Policy 17.6 | Improve economic diversification in South Florida and enhance the Region's labor force. |
| Policy 17.7 | Continue to diversify the economic base to utilize the range of skills in the Region's labor force. |
| Policy 17.10 | Protect marine related industries through innovative comprehensive planning and zoning regulations that provide incentives such as mixed-use in areas that can sustain both residential and non-residential water-dependent uses. |
| Goal 20 | Achieve long-term efficient and sustainable development patterns that protect natural resources and connect diverse housing, transportation, and education, and employment opportunities. |
| Policy 20.10 | Enhance the roles of airports and seaports in economic development by: <ol style="list-style-type: none">a. improving port conditions for the movement of passengers, freight, and goods;b. addressing aviation systems linkages for international connections from a regional perspective;c. enhancing the accessibility for visitors traveling between ports, hotels, and other destinations; and |

- d. ensuring competitive port-to-rail and port-to-highway connections through efficient, dependable, and cost-effective intermodal movement of freight; goods; and people.

Policy 20.11 Support the movement of freight and goods through the development of a transportation system that effectively connects ports, distribution centers, intermodal centers, and other appropriate areas.

Recommendation

If the proposed amendments are intended to maintain the Port of Miami River as an important part of the City's economic diversity and character through an integrated system of working waterfronts, residential and a mix of appropriate uses, more complementary language would be useful to accomplish that goal. If these amendments do represent a significant policy shift from the current comprehensive plan, additional supporting data and analysis should be provided to substantiate that action. Council staff is available to work with the City to refine these and other amendments.

Parks, Recreation and Open Space Element

The proposed changes involve an almost entirely re-written element based on the 2007 Miami Parks and Public Spaces Master Plan. The amendments focus on strengthening the City's park system and maintaining a measurable implementation commitment. The key proposed changes include:

- Provisions to increase access of residents to parks by transit and within walking distance, and acquiring land as appropriate to meet that goal.
- Provisions to incorporate a Level of Service Standard for parks that will assist in the goals of funding per-capita investments in the parks system.
- Strategies to maintain operational budgets with definitive funding sources.
- Commitment to maintain a no-net-loss policy for public park land.
- An emphasis on the importance of maintaining public access to water, and provisions for the coordination of organizations and agencies necessary to meet that goal.
- Provision to establish a permanent Parks and Recreation Advisory Board to ensure the implementation of the Miami Parks and Open Spaces Master Plan.
- Commitments to survey City residents regarding preferences, needs and satisfaction on a regular basis. Additional online surveys every three years and a scientific survey every seven years are required.
- Provision to maintain a current and consistent Parks and Public Spaces Master Plan that is updated at least every ten years.
- Provisions for increased safety measures and neighborhood specific park enhancement opportunities.
- An emphasis on connections through greenways, trails, transit and pedestrian oriented streets and public spaces, with a focus on quality of design.
- Support of the development and integration of cultural arts within the park system where appropriate.
- Promotion of energy efficient, native and sustainable practices throughout the park system

Coastal Management Element

The key proposed changes to this element include:

- Provision to reduce point and non-point sources of pollution into Biscayne Bay by coordinating with the appropriate partners in that effort.

- References to updated applicable plans, including; the Virginia Key Master Plan, Downtown Waterfront Master Plan, Miami River Greenway Action Plan, and other adopted plans as appropriate.
- Update to the definition of the Coastal High Hazard Area to include lines established by the Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. *It is noted that the Areas Subject to Coastal Flooding and High Hazard Flood Areas Map will be updated when data becomes available; however, the SLOSH maps should be indicated rather than the Flood Insurance Rate Map (FIRM) as it is currently noted.*
- Several recommendations of the EAR refer to reserved policies in this element that had previously contained text when the EAR was being developed. The amendments to remove these policies were adopted by the City several years ago and were previously found to be consistent with the *Strategic Regional Policy Plan (SRPP)*.

Natural Resource Conservation Element

The key proposed changes to this element include:

- Clarifications and updates to outdated references and technical revisions for consistency.
- The provision for the City's tree canopy and historic trees to be maintained, protected and enhanced through ordinances, and a goal of 30% tree canopy coverage citywide by 2030.
- Several recommendations of the EAR refer to reserved policies in this element that had previously contained text when the EAR was being developed. The amendments to remove these policies were adopted by the City several years ago and were previously found to be consistent with the *Strategic Regional Policy Plan (SRPP)*.

Capital Improvements Element

The key proposed changes to this element include:

- Provisions to specify the City's Land Development Regulations to authorize development orders to be contingent upon availability of public facilities and services, mentioning all required Level of Service (LOS) standards.
- Updates to the LOS standards within the City. Adequate Water supply LOS is deferred to the Miami-Dade County Water and Sewer Department without the commitment to adopt and maintain an adequate Water Supply Facilities Work Plan. *(see potable water element objection)*
- Inclusion of the Capital Improvements Program and schedule.
- Several recommendations of the EAR refer to reserved policies in this element that had previously contained text when the EAR was being developed. The amendments to remove these policies were adopted by the City several years ago and were previously found to be consistent with the *Strategic Regional Policy Plan (SRPP)*.

Intergovernmental Coordination Element

The key proposed changes to this element include:

- Provisions to maintain membership or coordination with committees, groups, local governments, Miami-Dade County and the State in order to continue the City's involvement in water quality, access to parks and open space, and the reduction or elimination of pollutant discharges.
- Several recommendations of the EAR refer to reserved policies in this element that had previously contained text when the EAR was being developed. The amendments to remove these policies were

adopted by the City several years ago and were previously found to be consistent with the Strategic Regional Policy Plan (SRPP).

Conclusion

Staff analysis confirms that the proposed amendments to the following elements are generally compatible with the goals and policies of the *Strategic Regional Policy Plan (SRPP)*;

- Future Land Use
- Housing
- Sanitary and Storm Sewer
- Solid Waste
- Parks, Recreation and Open Space
- Coastal Management
- Natural Resource Conservation
- Intergovernmental Coordination
- Capital Improvements

Proposed amendments to the following elements have been found to be inconsistent with the goals and policies of the *SRPP*;

Potable Water Element - Goal 7, Policy 7.1, and Policy 7.2.

Transportation Element - Goal 8, Policy 8.1, and Policy 8.8.

Ports, Aviation and Related Facilities (Port of Miami River sub-element) - Goal 2, Goal 8, Policy 8.3, Goal 17, Policy 17.7, Policy 17.10, Goal 20, Policy 20.10, and Policy 20.11.

Recommendation

Find City of Miami proposed amendments to the Future Land Use, Housing, Sanitary and Storm Sewer, Solid Waste, Parks Recreation and Open Space, Coastal Management, Natural Resource Conservation, Intergovernmental Coordination, and Capital Improvements Elements of package #08-1ER generally consistent with the *Strategic Regional Policy Plan for South Florida*.

Find proposed amendments to the Potable Water, Transportation and Ports, Aviation and Related Facilities Elements of package #08-1ER to be generally inconsistent with the *Strategic Regional Policy Plan for South Florida*. Approve this staff report for transmittal to the Florida Department of Community Affairs.

Council Action

At its June 2, 2008 meeting, the Council expressed strong concerns regarding this amendment package following discussions on the significance of maintaining the Port of Miami River as an important component of the City of Miami and its value to the South Florida Region. Council's reservations concerning the City of Miami's commitment to maintain the Port of Miami River as a working waterfront with an appropriate mix of uses led to further objections of the proposed amendments in addition to those recommended by staff.

The Council found the following for proposed City of Miami amendment package #08-1-ER:

Find the proposed amendments to the Sanitary and Storm Sewer, Solid Waste, Parks Recreation and Open Space, Coastal Management, Natural Resource Conservation, Intergovernmental Coordination and Capital Improvements Elements to be generally consistent with the *Strategic Regional Policy Plan for South Florida (SRPP)*

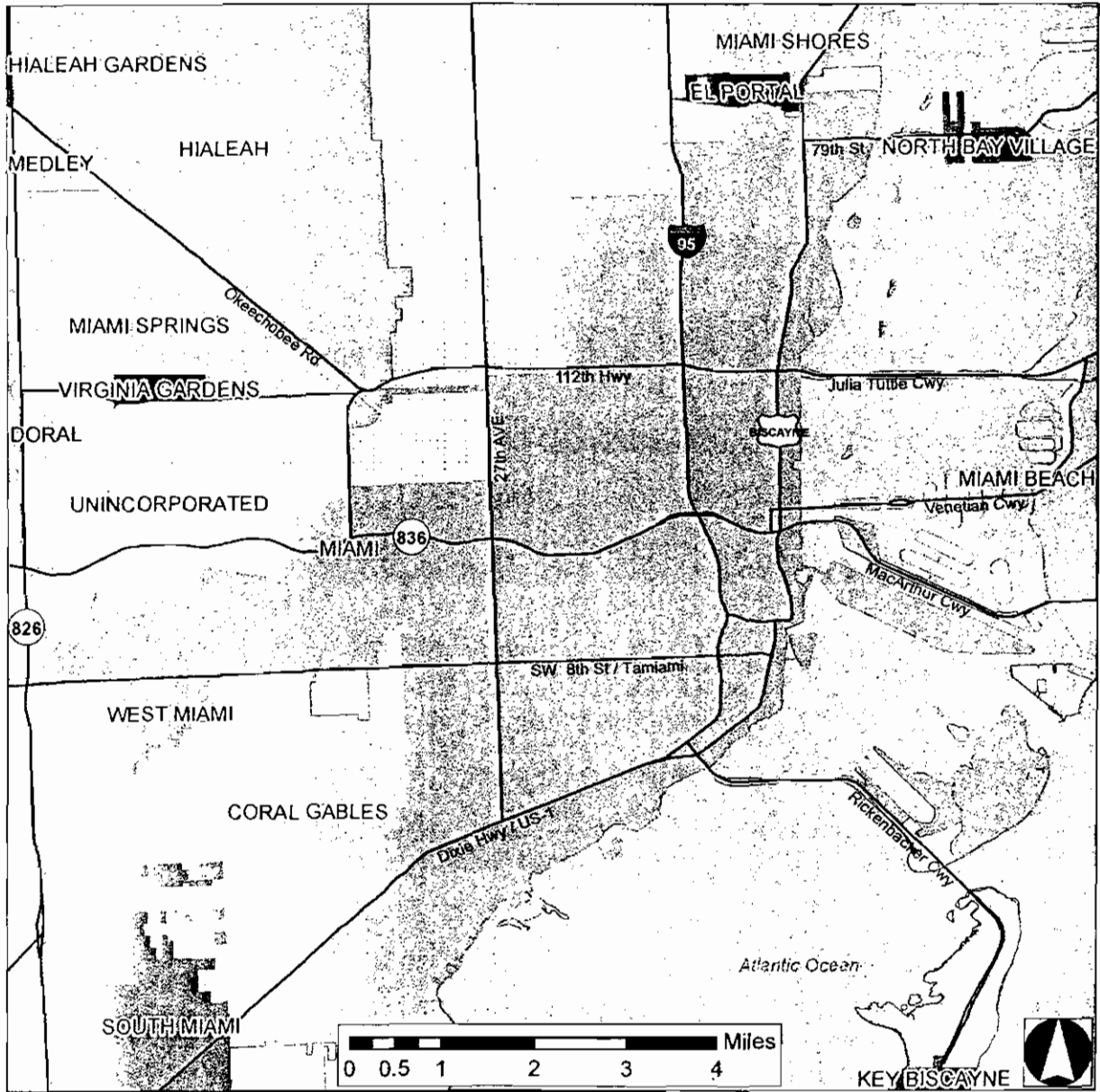
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Specifically find that:

- a) **Proposed amendments to the Future Land Use Element conflict with Goal 11 and Policies 11.1, 11.2, 11.7, and 11.8 of the SRPP, expressing concerns about the appropriate mix of uses along the Miami River that will protect water-dependent industries.**
- b) **Proposed amendments to the Housing Element conflict with Goal 6 and Policy 6.12 of the SRPP, expressing concerns about the appropriate distribution and availability of affordable and workforce housing proximate to employment in the areas around the Miami River.**
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- d) **Proposed amendments to the Transportation Element conflict with Goal 8 and Policies 8.1 and 8.2 as expressed in the Staff Report with additional objections to the amendments for conflicts with Policy 8.3, Goal 20, Policy 20.10, Policy 20.11, and Policy 20.14 of the SRPP, expressing concerns about the Port of Miami River as an important component of a comprehensive transportation system.**
- e) **Proposed amendments to the Ports, Aviation and Related Facilities Elements conflict with Goal 2, Goal 8, Policy 8.3, Goal 17, Policy 17.7, Policy 17.10, Goal 20, Policy 20.10, and Policy 20.11 of the SRPP as expressed in the Staff Report, with specific concerns over the implications of removing the term "Port" entirely from the "Port of Miami River" sub-element of the Ports, Aviation and Related Facilities Element.**

The Council, by the same motion approved the transmittal of the attached Staff Report to the Florida Department of Community Affairs

Attachment 1



COMPREHENSIVE PLAN AMENDMENTS

Location Map

City of Miami
Proposed Amendment #08-1ER

Sources: FDEP, SFWMD, Broward County, SFRPC.

Note: For planning purposes only. All distances are approximate.