

City of Miami
Response to
Florida Department of Community Affairs (DCA) Objections, Recommendations
and Comments (ORC) Report, DCA No.08-1ER. Addressing the Application to
Amend the Miami Comprehensive Neighborhood Plan (MCNP)
Dated: May 13, 2008

This report contains responses of the City of Miami to the objections referenced in the Objections, Recommendations and Comments (ORC) Report issued by the Florida Department of Community Affairs (DCA) dated July 18, 2008. The DCA issued objections to the Application transmitted for review and comment by the City of Miami Commissioners on May 13, 2008. These objections must be addressed since they form the basis of potential determinations of non-compliance by DCA. The DCA objections and corresponding recommendations are summarized below, followed by the City's responses.

A. DCA Objections to 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.*

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

DCA 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.

City Response:

City of Miami proposes to revise the following Goal PA-3, to address the preservation of recreational and commercial working waterfronts. The additional Objective PA-3.4 and Policies PA-3.4.1, 3.4.2, 3.4.3, 3.4.4 has been created to provide specific strategies to address the preservation of recreational and commercial

working waterfronts as defined in s. 342.07 and required by Section 163.3178 (2)(r) to preserve working waterfronts. Land Use Policies LU-1.3.6, 1.3.7 and Coastal Management Policies CM-2.1.7, 2.1.8, 2.1.10 have been included to highlight other strategies within the MCNP that support the preservation of recreational and commercial working waterfronts:

Goal PA-3: ~~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.~~ Development along the Miami River (hereinafter the River) shall continue to provide for water-dependent, water-related commercial, industrial, and recreational uses along the River and provide for residential and mixed use development, while acknowledging the presence of the waterfront industrial district along the River. 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.

Objective PA-3.4: The City of Miami shall implement strategies to promote the preservation of recreational and commercial working waterfronts as defined in Florida Statute 342.07, along the River.

Policy PA-3.4.1: The City of Miami shall provide technical assistance to water-dependent, water-related, commercial, industrial, and recreational businesses along the River in their pursuit of grants and other economic incentives.

Policy PA-3.4.2: In its commitment to support the water-dependent, water-related, commercial, industrial, and recreational working waterfronts, the City of Miami shall continue its support of the dredging of the River.

Policy PA-3.4.3: The City of Miami shall facilitate municipal permitting for water-dependent, water-related, commercial, industrial, and recreational working waterfronts along the River.

Policy PA-3.4.4: The City of Miami shall continue to cooperate and coordinate planning for water-dependent, water-related, commercial, industrial, and recreational working waterfronts with the Miami River Commission, Miami-Dade County and South Florida Regional Planning Council.

Supporting MCNP Strategies:

Existing strategies throughout the MCNP have been identified that would provide additional support of new Miami River strategies. These policies have been listed below:

Policy LU-1.3.6: The City will continue to encourage a diversification in the mix of industrial and commercial activities and tenants through strategic and

comprehensive marketing and promotion efforts so that the ~~local economy~~ designated Neighborhood Development Zones (NDZ), the Empowerment Zone, the Enterprise Zone, the Brownfield Redevelopment Area, Commercial Business Corridors, and other targeted areas ~~is~~ buffered from national and international cycles.

Policy LU-1.3.7: The City will continue to use the City's Enterprise Zone, ~~and~~ Tax Increment Financing district, Empowerment Zone, Commercial Business Corridors, and Brownfield Redevelopment Area strategies to stimulate economic revitalization, and encourage employment opportunities.

Policy CM-2.1.7: The City will incorporate provisions for public physical and/or visual access to the shoreline in its waterfront zoning regulations (See Parks, Recreation and Open Space Policy PR- ~~4.1.13~~ 3.2.3.)

Policy CM-2.1.8: As specified in the City of Miami Charter and related laws, and more specifically the Waterfront Charter Amendment and Ordinance 11000 (Zoning Ordinance for the City of Miami) all new development and redevelopment along the downtown waterfront is required to provide a waterfront setback, and those developments within Special Districts (SDs) that require publicly accessible shoreline walkways, will design them in conformance with the "Baywalk/Riverwalk Design Standards." (See Parks, Recreation and Open Space Policy PR- ~~4.5.7~~ 3.2.11.)

Policy CM-2.1.10: The City will ensure that development regulations are not altered so as to prohibit water dependent uses such as swimming, boating, and fishing and will encourage and support such uses.

- 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.*

Citations: 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

DCA 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.

City Response:

The City of Miami has obtained new data and analysis of the relative market and economic based redevelopment and/or reuse impacts of changing the designation to the Miami River adjacent waterfront industrial parcels to allow for non-working

waterfront uses. Strategies PA-3.1.6, PA-3.1.7, PA-3.1.8 and PA-3.1.9 have been identified through this analysis to preserve and encourage the use of recreational and commercial working waterfronts along the River. This assessment and analysis has been provided as **Appendix-III** of the ORC Response. The citations that have been referenced above have been identified in **Appendix-III** of the ORC Response.

PLEASE SEE ORC APPENDIX-III

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.*

Citations: 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

DCA 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.

City Response:

The City of Miami has obtained new data and analysis of the relative market and economic based redevelopment and/or reuse impacts of changing the designation to

the Miami River adjacent waterfront industrial parcels to allow for non-working waterfront uses. This study describes the market potential for water dependent and water related uses and rather analyzes the market impact of allowing for a broader range of use including residential, retail, hotel and office on lands which are currently restricted to working waterfront activities. This assessment and analysis has been provided as **Appendix-III** of the ORC Response.

PLEASE SEE ORC APPENDIX-III

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.*

Citations: 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

DCA 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.

City Response:

City of Miami proposes to revise the following Goal PA-3, to address the inconsistencies between the Coastal Management Element Goal CM-2 and Miami River Sub-Element related to the City's efforts to preserve recreational, commercial and industrial water-dependent, water-related uses. Land Use Policies LU-1.1.3, 1.6.9 have been included to highlight other strategies within the MCNP that support the preservation of traditional water-dependent and water-related uses and minimize user conflicts:

~~Goal PA-3: 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. Development along the Miami River (hereinafter the~~

River) shall continue to provide for water-dependent, water-related commercial, industrial, and recreational uses along the River and provide for residential and mixed use development, while acknowledging the presence of the waterfront industrial district along the River. 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.

Current Supporting MCNP Strategies:

Policy LU-1.1.3: The City's zoning ordinance provides for protection of all areas of the city from: (1) the encroachment of incompatible land uses; (2) the adverse impacts of future land uses in adjacent areas that disrupt or degrade public health and safety, or natural or man-made amenities; ~~and~~ (3) transportation policies that divide or fragment established neighborhoods; and (4) degradation of public open space, environment, and ecology. Strategies to further protect existing neighborhoods through the development of appropriate transition standards and buffering requirements will be incorporated into the City's land development regulations.

Policy LU-1.6.9: The City's land development regulations will establish mechanisms to mitigate the potentially adverse impacts of ~~future development~~ new development on existing neighborhoods through the development of appropriate transition standards and buffering requirements.

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.*

Citations: 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

DCA 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.

City Response:

The City of Miami proposes to create Policy PA-3.4.4 to provide specific strategies to ensure effective intergovernmental coordination among the entities that have planning responsibilities related to the Miami River. The City has also established Objectives PA-3.3 and Policy PA-3.3.1 to support intergovernmental coordination related to the Miami River:

Policy PA-3.4.4: The City of Miami shall continue to cooperate and coordinate planning for water-dependent, water-related, commercial, industrial, and recreational working waterfronts in cooperation with the Miami River Commission, Miami-Dade County and South Florida Regional Planning Council.

Objective PA-3.3: The City of Miami shall coordinate its ~~Port of Miami~~ River planning activities with those of deep water ports facility ~~ies'~~ providers and regulators including the U.S. Corps of Engineers, U.S. Coast Guard, The Miami River Commission, and Miami-Dade County's Port of Miami, as applicable.

Policy PA-3.3.1: The City of Miami, through its Intergovernmental Coordination Policies, shall support and coordinate with other governmental agencies having jurisdiction over the Miami River to support and enhance the Miami River's economic importance and viability. ~~†The functions of the Port of Miami River shall be~~ consistent with the future goals and objectives of the Comprehensive Plan, particularly with respect to the unique characteristics of the ~~Port of Miami~~ River's location and its economic position and functioning within the local maritime industry, ~~and the necessity for coordination of these characteristics and needs with the maritime industry that complements, and often competes with, the Port of Miami River.~~

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

Citations: 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

DCA 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.

City Response:

City of Miami proposes to revise the following Goal PA-3, to ensure compatibility and suitability in efforts to preserve recreational and commercial working waterfronts. The additional Policies PA-3.1.1, 3.1.4, 3.1.5, 3.1.6, 3.1.7, 3.1.8 and 3.1.9 have been created to provide specific strategies through Land Development Regulations to accommodate the co-existence of residential and water-dependant and water-related industrial uses. Land Use Policies LU-1.1.3, 1.6.9 has been included to highlight other strategies within the MCNP that will ensure compatibility and suitability of uses along the Miami River:

Goal PA-3: ~~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.~~ Development along the Miami River (hereinafter the River) shall continue to provide for water-dependent, water-related commercial, industrial, and recreational uses along the River and provide for residential and mixed use development, while acknowledging the presence of the waterfront industrial district along the River. 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.

Policy PA-3.1.1: The City shall, through its Land Development Regulations, require that any residential development with a density greater than duplex residential or any mixed use development include a water-dependent or water-related component or other amenities that promote enjoyment of the River unless prohibited by the Miami-Dade Department of Environmental Resource Management (DERM).

Policy PA-3.1.4: The City shall, through its Land Development Regulations, set maximum minimum setbacks for industrial properties along the River in order to protect them from encroachment from non-industrial uses and require appropriate setbacks for abutting or adjacent non-industrial properties.

Policy PA-3.1.5: The City shall, through its Land Development Regulations, provide an intensity bonus for developments that provide water-dependent or water-related uses that are open to the public and provide public access to the River.

Policy PA-3.1.6: The City shall, through its Land Development Regulations, provide an intensity bonus for developments along the River that provide wet-slips available to the general public.

Policy PA-3.1.7: There shall be no net loss or recreational wet-slips within new developments along the River, unless replacement wet-slips are prohibited by DERM.

Policy PA-3.1.8: The City shall require from new residential development located along the River a recorded covenant acknowledging and accepting the presence of existing marine industrial uses where the uses are abutting or adjacent to the new residential development.

Policy PA-3.1.9: The City shall work with the Manatee Protection Plan Committee on issues relating to wet and dry marine slips.

Current Supporting MCNP Strategies:

Policy LU-1.1.3: The City's zoning ordinance provides for protection of all areas of the city from: (1) the encroachment of incompatible land uses; (2) the adverse

impacts of future land uses in adjacent areas that disrupt or degrade public health and safety, or natural or man-made amenities; ~~and~~ (3) transportation policies that divide or fragment established neighborhoods; and (4) degradation of public open space, environment, and ecology. Strategies to further protect existing neighborhoods through the development of appropriate transition standards and buffering requirements will be incorporated into the City's land development regulations.

Policy LU-1.6.9: The City's land development regulations will establish mechanisms to mitigate the potentially adverse impacts of ~~future development~~ new development on existing neighborhoods through the development of appropriate transition standards and buffering requirements.

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.*

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

DCA 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.

City Response:

City of Miami proposes to revise the following Policy CM-4.3, and create Policies CM-4.3.3, 4.3.4, 4.3.5, 4.3.6, 4.3.7 to ensure how hurricane evacuation times would be maintained or reduced in the CHHA zone and meet the requirements of 163.3178(9)(a-c), F.S., and Rule 9J-5.012(3)(b)6 and 7, F.A.C. . Miami River sub-element Policy PA-3.1.2 will be revised to reference Objective CM-4.1. Coastal Management Polices CM-4.3, 4.3.1, 4.3.2 has been included to highlight how current MCNP Polices has allowed the City to maintain or reduce hurricane evacuation times:

Policy PA-3.1.2: The City shall, through its ~~L~~and ~~D~~evelopment ~~R~~egulations, encourage the development ~~and expansion~~ of the ~~Port of Miami~~ River consistent with the coastal management and conservation elements of the City's Comprehensive Plan ~~(See Coastal Management Objective CM-4.1).~~

Objective CM-4.3: ~~Ensure that public capital expenditures within the coastal zone do not encourage private development that is subject to significant risk of storm damage. (See Capital Improvements Objective CI-1.4.) Minimize the potential for loss~~

of human life and destruction of property from hurricanes in the Coastal High Hazard Area.

Policy CM-4.3.1: Public expenditures for capital facilities in the Coastal High Hazard area will be limited to those required to eliminate existing LOS deficiencies, maintain adopted LOS standards in non-high hazard areas, improve hurricane evacuation time, or reduce the threat to public health and safety from storm events. (See Capital Improvements Policy CI-1.4.1.)

Policy CM-4.3.2: Public expenditures for capital facilities in the Coastal High Hazard Area zone intended to further the goals and objectives of the Miami Comprehensive Neighborhood Plan will be limited to those projects that do not measurably increase the risk to public health and safety from storm damage. (See Capital Improvements Policy CI-1.4.2.)

Policy CM-4.3.3: Each proposed future land use map change to a residential land use category within the Coastal High Hazard area of the city will require an analysis of its potential impact on evacuation times and shelter needs in the event of a category 5 storm event as measured on the Saffir-Simpson scale.

Policy CM-4.3.4: Proposed future land use map changes to a residential land use category within the Coastal High Hazard Area shall only be approved if one of the following standards is met:

- a. A no greater than 16 hour level of service for out of county hurricane evacuation is maintained for a category 5 storm event as measured on the Saffir-Simpson scale;
- b. A no greater than 12 hour evacuation time to shelter is maintained for a category 5 storm event as measured on the Saffir-Simpson scale and shelter space reasonably expected to accommodate the residents of the development contemplated by the proposed comprehensive plan amendment is available; or
- c. Appropriate mitigation is provided that will satisfy the provisions of subparagraph a. or subparagraph b. Appropriate mitigation shall include, without limitation, payment of money, contribution of land, and construction of hurricane shelters and transportation facilities. Required mitigation shall not exceed the amount required for the development to accommodate impacts reasonably attributable to development. The City and applicant for the plan amendment shall enter into a binding agreement to memorialize the mitigation plan.

Policy CM-4.3.5: The City shall consider the use of undeveloped land in the Coastal High Hazard Area for public or private recreational uses and open space.

Policy CM-4.3.6: The City will prohibit the construction of new mobile home parks in the Coastal High Hazard Area.

B. DCA Objections to 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.*

Citations: 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.

DCA 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.

City Response:

City of Miami proposes to revise the population projection within the 2005 EAR data and analysis based on the Shimberg Center of Affordable Housing, Bureau of Economic and Business Research Population Statistics (BEBR) 2005, to reflect planning timeframes from 2005 to 2030 in 5 year increments. The City has evaluated its Level of Service to indicate that there will be no significant impact to infrastructure and the timing of the capital improvements to meet the demand impacted by population projection updates. The population update and LOS evaluation will be included in **Appendix-II** of the ORC Response.

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.*

Citations: 163.3177(6)(a), F.S., and Rule 9J-5.006(4), F.A.C.

DCA 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”.

City Response:

City of Miami proposes to revise the Future Land Use Map (FLUM) titled “City of Miami Draft Future Land Use Plan Map” to be titled 2020 Future Land Use Map. The FLUM will also be incorporated in a map series within the MCNP titled **Appendix LU-1**, adopted by reference in Policy LU-1.6.1 and referenced in the Future Land Use Element Policy LU-1.1.2, LU-1.6.1, Regional Activity Center section, and Interpretation of Future Land Use Map section. The MCNP has been included in the ORC response as **Appendix-I**:

Policy LU-1.1.2: The City's Planning Department, with the assistance of various City departments and agencies, ~~shall be responsible for monitoring~~ will (1) continuously monitor land development activities to ensure compliance with the adopted 2020 Future Land Use Plan Map (contained in Appendix LU-1 of the MCNP including the FLUM, Wellfield Protection Area, Wetlands and General Soils maps as amended from time to time) and the goals, objectives, and policies of the Future Land Use element of the MCNP; (2) monitor all proposed amendments to land development regulations to ensure consistency with the MCNP and will forward its recommendation on such amendments to the Planning Advisory Board and to the City Commission; (3) continuously monitor the current and projected LOS standards provided by public facilities; ~~and, The Planning Department shall~~ (4) will perform the required concurrency review of proposed development ~~for submittal to the State Department of Community Affairs (DCA),~~ as required by Florida ~~s~~Statutes and administrative rules.

Policy LU-1.6.1: The City hereby adopts the 2020 Future Land Use Map, referenced and contained in Appendix LU-1 of the MCNP. The "Interpretation of the Future Land Use ~~Plan~~ Map" section of this element, which follows these land use goals, objectives and policies, establishes the activities and facilities allowed within each land use category appearing on the adopted 2020 Future Land Use ~~Plan~~ Map, and the City's land development regulations shall be consistent with this section of the MCNP-the 2020 Future Land Use Map.

Regional Activity Centers

1. The type of land uses permitted within each Regional Activity Center and the density of residential uses shall be specified herein and within the City of Miami 2020 Future Land Use Plan Map.

4. Each Regional Activity Center shall be a defined geographical area of no less than 20 acres and shall be delineated on the City of Miami **2020** Future Land Use **Plan** Map

The following area has been designated Regional Activity Center within the City of Miami **2020 Future** Land Use **Plan Map**:

Interpretation of the **2020** Future Land Use **Plan** Map

The **2020** Future Land Use **Plan** Map (**contained in Appendix LU-1 of the MCNP as amended from time to time**) is a planning instrument designed to guide the future development and distribution of land uses within the city in a manner that is consistent with the goals, objectives and policies of the Miami Comprehensive Neighborhood Plan (MCNP).

The **2020** Future Land Use **Plan** Map is a generalized map that does not depict areas of less than 2 acres. The Planning Director is responsible for making all determinations of concurrency as defined in state statutes, and will also interpret the map based on all applicable state laws and administrative regulations and on the consistency between the proposed change or changes and the goals, objectives and policies expressed in the MCNP. The Planning Director will also determine whether or not proposed zoning changes require an amendment to the comprehensive plan.

Land development regulations and policies are to be consistent with the **2020** Future Land Use **Plan** Map. The land development regulations further define and describe all requirements applicable to zoning categories contained under each land use designation, permitting the treatment of new development according to the particular conditions existing in different areas, and always consistent with the goals, objectives and policies of the MCNP, and specifically with the Land Use Element and its Future Land Use **Plan** Map. The land use designations are general designations that may include more than one zoning category. All activities and uses within each designation are compatible with each other by virtue of their scale, intensity and character, or by additional conditions required by the land development regulations, more specifically by the City Zoning Ordinance, which describes **special and regulates development within zoning** districts in order to achieve more definite goals and objectives.

The land use designations that appear in the **2020** Future Land Use **Plan** Map are arranged following the "pyramid concept" of cumulative inclusion, whereby subsequent categories are inclusive of those listed previously except as otherwise noted. These designations, and the uses that may be allowed⁴ in them, are defined as follows:

PLEASE SEE APPENDIX LU-1 of the MCNP (ORC Appendix-I)

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.*

* "Allowed" or "permitted" uses are allowed by right; "permissible" or "limited uses" are candidates for inclusion, subject to an interpretation of consistency by the Planning Director and a grant of special exception by the Zoning Board.

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.

Citations: 163.3177(6)(a), F.S., and Rule 9J-5.006(4), F.A.C.

DCA 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.

City Response:

City of Miami has indicated on the 2020 Future Land Use Map the following categories; Commercial Recreation, Marine Facilities and Light Industrial. These categories at this time have not been designated to a specific area within the map but are indicated on the map’s legend for potential future inclusion. The 2020 FLUM has been included with **Appendix LU-1** of the MCNP:

PLEASE SEE APPENDIX LU-1 of the MCNP (ORC Appendix-I)

- 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).*

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

DCA Recommendation:

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

City Response:

City of Miami proposes to revise the Future Land Use Map to identify the long range future time period year of 2020. The future time frame of 2020 is consistent with Section 163.3177(5)(a) and 9J-5.005(1)(e), (4), F.A.C.

PLEASE SEE APPENDIX LU-1 of the MCNP (ORC Appendix-I)

- 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.*

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

DCA Recommendation:

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

City Response:

City of Miami proposes to create a map series within the MCNP **Appendix LU-1**, which will include the maps; “Wellfield Protection Area”, “Wetlands” and “General Soils”. MCNP Appendix CM-1 will be created to include “Floodplains” map. The following Policy LU-1.1.2 will be modified to incorporate the conservation map series. The MCNP has been included in the ORC response as **Appendix-I**.

PLEASE SEE APPENDIX LU-1 of the MCNP (ORC Appendix-I)
PLEASE SEE APPENDIX CM-1 of the MCNP (ORC Appendix-I)

Policy LU-1.1.2: The City's Planning Department, with the assistance of various City departments and agencies, ~~shall be responsible for monitoring~~ will (1) continuously monitor land development activities to ensure compliance with the adopted 2020 Future Land Use Plan Map (contained in Appendix LU-1 of the MCNP including the FLUM, Wellfield Protection Area, Wetlands and General Soils maps as amended from time to time) and the goals, objectives, and policies of the Future Land Use element of the MCNP; (2) monitor all proposed amendments to land development regulations to ensure consistency with the MCNP and will forward its recommendation on such amendments to the Planning Advisory Board and to the City Commission; (3) continuously monitor the current and projected LOS standards provided by public facilities; ~~and(4). The Planning Department shall~~will perform the required concurrency review of proposed development for submittal to the State Department of Community Affairs (DCA), as required by Florida statutes and administrative rules.

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.*

Citations: 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.

DCA Recommendation:

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

City Response:

City of Miami proposes to revise the following sections of the Interpretation of the 2020 Future Land Use Map, to address the inappropriate exemption of intensity standards (FAR) within the Regional Activity Center, Urban Central Business District and Central Business District. These specific areas not having an exact FAR number will have an FAR of 10 for areas within Urban Central Business District and FAR of 25 for areas within the Central Business District and the City will remove the language “exempt from this FAR”:

Office:

The nonresidential portions of developments within areas designated as “Office” allow a maximum floor area ratio (FAR) of 1.72 times the gross lot area of the subject property; such FAR may be increased upon compliance with the detailed provisions of the applicable land development regulations; however, may not exceed a total FAR of 3.0 times the gross lot area of the subject property. Properties within a Regional Activity Center that are designated as “Office” are exempt from this FAR requirement; however, they are subject to their specific limitations within the Miami Comprehensive Neighborhood Plan.

Restricted Commercial:

The nonresidential portions of developments within areas designated as “Restricted Commercial” allow a maximum floor area ratio (FAR) of 1.72 times the gross lot area of the subject property; such FAR may be increased upon compliance with the detailed provisions of the applicable land development regulations; however, may not exceed a total FAR of 3.0 times the gross lot area of the subject property. Properties designated as “Restricted Commercial” in the Urban Central Business District and Buena Vista Yards Regional Activity Center are exempt from this FAR limitation and are allowed unlimited allow a maximum floor area ratio (FAR) of 10 times the gross lot area of the subject property. Properties within a Regional Activity Center that are designated as “Restricted Commercial” are exempt from this FAR requirement; however, they are subject to their specific limitations within the Miami Comprehensive Neighborhood Plan.

Central Business District (CBD): The area designated as "Central Business District (CBD) is intended to apply to the central commercial, financial and office core of the metropolitan region, and allows all activities included in the "Office," "Restricted Commercial," and "Major Institutional, Public Facilities, Transportation and Utilities" designations. Residential facilities (except for rescue missions) alone or in combination with other uses are allowable to a maximum density of 1,000 dwelling units per acre, subject to the detailed provisions of the applicable land development regulations and the maintenance of required levels of service for facilities and services included in the City's adopted concurrency management requirements.

Also permitted is a mix of uses ranging from high density multifamily residential to high intensity office uses with retail uses on the lower floors of structures. Intensity of uses within the CBD land use designation are generally higher than those allowed in other areas of the city. Areas designated as CBD are exempt from other FAR limitations and are exempt from this FAR limitation and are allowed unlimited allow a maximum floor area ratio (FAR) of 25 times the gross lot area of the subject property.

General Commercial:

The nonresidential portions of developments within areas designated as "General Commercial" allow a maximum floor area ratio (FAR) of 1.72 times the gross lot area of the subject property; such FAR may be increased upon compliance with the detailed provisions of the applicable land development regulations; however, may not exceed a total FAR of 3.0 times the gross lot area of the subject property. Properties designated as "General Commercial" in the Urban Central Business District and Buena Vista Yards Regional Activity Center are exempt from this FAR limitation and are exempt from this FAR limitation and are allowed unlimited and allow a maximum floor area ratio (FAR) of 10 times the gross lot area of the subject property. Properties within a Regional Activity Center that are designated as "Restricted Commercial" are exempt from this FAR requirement; however, they are subject to their specific limitations within the Miami Comprehensive Neighborhood Plan.

C. DCA Objections to 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.*

Citations: 163.3177(6)(b), F.S., and Rule 9J-5.019(2)(a), 9J-5.019(5)(a) and (b)

DCA 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.

City Response:

The City of Miami prepared the required Existing and Future Transportation Map Series identifying existing and projected levels of service for roadways, bicycle and pedestrian facilities as part of the *City of Miami Comprehensive Neighborhood Master Plan Transportation Element Data Inventory and Analysis dated November 2004*, which was prepared for the 2005 EAR and which included the following transportation map series:

- Map TR-1 – Major Thoroughfares by Number of Lanes (2004)
- Map TR-2 – Major Thoroughfares by Functional Classification (2004)
- Map TR-3 – Limit Access Facilities, Significant Parking Facilities (2004)
- Map TR-4 – Major Trip Generators and Attractors (2004)
- Map TR-5 – Existing Transit Facilities (2004)

- Map TR-6 – Existing Bicycle Facilities (2004)
- Map TR-7 – Existing Pedestrian Facilities (2004)
- Map TR-8.1 – Existing Peak Hour Vehicular LOS on Major Thoroughfares (2004)
- Map TR-8.2 - Existing Peak Hour Person Trip LOS on Major Thoroughfares (2004)
- Map TR-9 – Existing Bicycle Levels of Service (LOS) (2004)
- Map TR-10 – Existing Pedestrian Levels of Service (LOS) 2004
- Map TR-11 – Freight/Passenger Rail Facilities (2004)
- Map TR-12 – Hurricane Evacuation Routes (2004)
- Map TR-13 – Existing Seaport Facilities (2004)
- Map TR-14 – Intermodal Terminals and Access to such Facilities (2004)
- Map TR-15 – Major Thoroughfares by Number of Lanes (2025)
- Map TR-16 – Major Thoroughfares by Functional Classification (2025)
- Map TR-17 – Limited Access Facilities, Significant Parking Facilities (2025)
- Map TR-18 – Major Trip Generators and Attractors (2025)
- Map TR-19 – Future Metrobus Transit Facilities (2025)
- Map TR-20 – Future Bicycle Facilities (2025)
- Map TR-21 – Future Pedestrian Facilities (2025)
- Map TR-22.1 – Future Peak Hour Vehicular LOS on Major Thoroughfares (2025)
- Map TR-22.2 – Future Person Trip LOS on Major Thoroughfares (2025)
- Map TR-23 – Future Intermodal Terminal and Access to such Facilities (2025)

The vehicular, transit, bicycle and pedestrian levels of service were evaluated in the *City of Miami Comprehensive Neighborhood Master Plan Transportation Element Data Inventory and Analysis dated November 2004*. Vehicular capacity measurements were performed by the City of Miami using the roadway capacities provided by FDOT in the latest edition of the 2002 Quality/Level of Service Handbook. Pedestrian and bicycle levels of service were also based upon the criteria provided by FDOT in the 2002 Quality/Level of Service Handbook, in conjunction with data and level of service measurements provided by the Miami-Dade County MPO. Transit capacities and transit demand applicable to corridors with transit service were calculated using service headway and ridership data from Miami-Dade Transit. Factors used to calculate persons per vehicle for the Person-Trip based portion of the analysis were based upon vehicle occupancy factors provided by the Southeast Florida Regional Travel Characteristics Study.

The City proposes to create MCNP **Appendix TR-1**, which will include the *Transportation Element Data Inventory and Analysis* inclusive of the Existing and Future Transportation Map Series and the analytical assumptions used to determine the existing and projected levels of service for roadways, bicycle and pedestrian facilities. The following MCNP **Objective TR-1.1** will be modified to incorporate **Appendix TR-1** containing the Transportation Element Data Inventory and Analysis inclusive of the Existing and Future Transportation Map Series. The proposed modifications to the MCNP have been included in the ORC response as **Appendix-I**.

Objective TR-1.1: All arterial and collector roadways under County and State jurisdiction that lie within the City's boundaries will operate at levels of service established by the respective agency. All other City streets will operate at levels of service that are based upon the multi-modal capacity of the transportation system

which recognizes the frequency of existing and programmed public transit service operating within consistent with an urban center possessing an extensive urban public transit system and characterized by a mixture of compact development and moderate-to-high residential densities and land use intensities, along with single-family residential and mixed-use neighborhoods, located and within a transportation concurrency exception area (TCEA). The City will monitor the levels of service of all arterial and collector roadways to continue to develop and enhance transportation strategies that promote public transit and minimize the impacts of the TCEA. See Appendix TR-1 of the MCNP which contains the Transportation Element Data Inventory and Analysis (inclusive of the existing and future transportation map series) to address existing and projected levels of service for roadways, bicycle and pedestrian facilities.

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.*

Citations: 163.3180(5)(g), F.S., and Rule 9J-5.0055(6), F.A.C.

DCA 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.

City Response:

The City of Miami has evaluated the TCEA to ensure compliance with the provisions of Section 163.3180(5)(g), F.S. and Rule 9J-5.0055(6). Policies LU-1.1.11, TR-1.1.1, TR-1.1.4, TR-1.1.5, TR-1.1.6, TR-1.1.9, TR-1.1.13, TR-1.1.14, TR-1.1.15, TR-1.1.16, TR-1.1.17, TR-1.1.18, TR-1.1.19, TR-1.1.20, TR-1.4.2 and TR-1.4.6 have been revised to support the purpose and intent of the TCEA. The evaluation of the TCEA as required pursuant to Section 163.3180(5), F.S. is provided in the ORC response as **Appendix-IV**.

Please see ORC Appendix-IV – TCEA Evaluation

Policy LU-1.1.11: The City hereby adopts designation of the City, excluding Virginia Key, Watson Island and the uninhabited islands of Biscayne Bay, that have a land use and zoning classification of Conservation, ~~as shown on “Attachment A,”~~ as an Urban Infill Area pursuant to Miami-Dade County’s designation of an Urban Infill Area lying generally east of the Palmetto Expressway and including all of the City of Miami. Within this area, the concentration and intensification of development around centers of activity shall be emphasized with the goals of enhancing the livability of residential neighborhoods and the viability of commercial areas. Priority will be given to infill development on vacant parcels, adaptive reuse of underutilized land and structures, ~~and~~ the redevelopment of substandard sites, downtown revitalization and

the development of projects that promote public transportation. Maintenance of transportation levels of service within this designated Urban Infill Transportation Concurrency Exception Area shall be in accordance with the adopted Transportation Corridors level of service standards and the City of Miami Person Trip Methodology as set forth in Policies TR-1.1.2 and 1.1.3 of the Transportation Element of the MCNP.

Policy TR-1.1.1: The City hereby adopts designation of the City, excluding Virginia Key, Watson Island and the uninhabited islands of Biscayne Bay that have a land use and zoning classification of Conservation, as an Urban Infill Area pursuant to Miami-Dade County's designation of an Urban Infill Area lying generally east of the Palmetto Expressway and including all of the City of Miami. Within this area, the concentration and intensification of development around centers of activity shall be emphasized with the goals of enhancing the livability of residential neighborhoods and the viability of commercial areas. Priority will be given to infill development on vacant parcels, adaptive reuse of underutilized land and structures, and the redevelopment of substandard sites, downtown revitalization and the development of projects that promote public transportation. Maintenance of transportation levels of service within this designated Urban Infill Transportation Concurrency Exception Area shall be in accordance with the adopted Transportation Corridors level of service standards and the City of Miami Person-Trip Methodology as set forth in Policies TR-1.1.2 and TR-1.1.3 of the Transportation Element of the MCNP. (See Land Use Policy LU-1.1.11.)

Policy TR-1.1.4: Within eighteen months of the adoption of this policy, the City will update the City of Miami Person-Trip Methodology to reinforce the ~~As part of the Evaluation and Appraisal Report (EAR) on the Miami Comprehensive Neighborhood Plan (MCNP) scheduled for completion in 2005, and the subsequent comprehensive revision by amendment of the MCNP, the Transportation Element of the MCNP will be revised to introduce the Miami Intermodal Transportation (MIT) plan, replacing the former Transportation Corridors plan to.~~ The MIT As needed, the City will continue to prepare transportation plans that will identify, describe, measure, and evaluate the multimodal transportation corridors, facilities and terminals in the City of Miami and recommend measures to enhance vehicular and mass transit operations, provide for greater pedestrian access and amenity, and offer incentives for use of alternative transportation modes to support the TCEA. The City of Miami Person-Trip Methodology-MIT plans will pay particular attention to the differing characteristics of Miami's neighborhoods such as land use, population density, economic activity, and housing, and business type and quality, and neighborhood plans, and will develop detailed standards for transportation facilities and services that will complement neighborhood development, redevelopment, and conservation. These transportation plans Miami's downtown will be the subject of special attention, to will promote ensure that its new residential development will enjoy the benefits of an improved multimodal transportation system that will improve transit access within neighborhoods, while improving their connectivity system wide as described in the Miami Downtown Transportation Master Plan, dated May 2003. As a component of this effort, the City will ~~evaluate the person-trip methodology and~~ assess how the

Person-Trip Methodology could be enhanced to ~~add-identify~~ projected transit needs and programming on a route-by-route basis in coordination with the MPO and Miami-Dade Transit.

Policy TR-1.1.5: The City, through its membership and regular attendance at meetings of the MPO's Transportation Planning Council (TPC), and through its Intergovernmental Coordination Policies, will support the County's efforts to increase the efficiency and enhance the safety of the existing thoroughfare network by such methods as improved signal timing, better intersection and street design, car pooling, and encouraging staggered work schedules. The City will continue to enforce the Transportation Control Measures Ordinance pursuant to Section 14-182 of the City Code, to improve the efficiency of the existing transportation infrastructure and to support the TCEA.

Policy TR-1.1.6: The City, through its Intergovernmental Coordination Policies, will annually coordinate with Miami-Dade County on improving the efficiency-expansion of its public bus transit system, including new service and the expansion of neighborhood-based local circulator services to promote alternative travel modes within the TCEA. The City will work with Miami-Dade County, ~~as required, in the formulation of bus system policies, and continually encourage Miami-Dade County to adopt level of service standards or land use patterns that are compatible with the operation of a public transit system~~ to promote the transit oriented development policies found in the Miami-Dade County's CDMP to support the TCEA.

Policy TR-1.1.9: Require new development in downtown to implement transportation control measure provisions in accordance with Section 14-182, "Transportation Control Measures" of the City Code, to promote a general reduction in vehicular traffic by increasing auto occupancy and transit ridership to support the TCEA. Within one year of the adoption of this policy, ~~Prior to the 2005 Evaluation and Appraisal Report submittal,~~ the City shall ~~enforce existing~~ revise the "Transportation Control Measures" ~~and shall promote compliance using~~ to include ~~current~~ additional transportation demand management strategies requirements for all future and existing developments (as applicable pursuant to Section 14-182), such as parking management and ridesharing programs to promote carpooling, vanpooling, car sharing and use of hybrid vehicles, transit discount and fare subsidy programs, transit fare tax incentive programs, ~~and~~ staggered work schedules, flexible work hours, compressed work weeks, telecommuting programs, the construction of on-site transit shelters, transit amenities, transit stops, transit drop-off locations or pull-out bays, bicycle storage facilities and additional based upon transportation demand management strategies and criteria established between the City and the business community.

Policy TR-1.1.13: New development ~~in downtown~~ shall be required to contribute to established transportation impact mitigation fees pursuant to applicable provisions in the City Code to fund mobility in the TCEA ~~its fair share toward the mitigation of regional roadway impacts as provided for by the Development Order implementing~~

~~the downtown and Southeast Overtown/Park West Developments of Regional Impact.~~

Policy TR-1.1.14: The City will, through its membership on the MPO's Transportation Planning Council (TPC) continue to participate in Miami-Dade County's formulation of ~~transportation~~~~traffic circulation~~ policies, and will, through its Intergovernmental Coordination Policies, support the County's efforts to increase reliance on ~~remote intercept~~ parking at outlying Metrorail stations and express bus stops **to support the TCEA.**

Policy TR-1.1.15: Through enforcement of minimum and maximum on-site parking limitations, as provided for in Section 14-182 "Transportation Control Measures" of the City Code, the City will manage the downtown parking supply to maintain an appropriate balance among the need to promote economic growth, to facilitate local traffic circulation, and to encourage public transportation use **to support the TCEA.**

Policy TR-1.1.16: Through enforcement of applicable provisions of Section 14-182 "Transportation Control Measures" of the City Code, regarding downtown parking requirements, together with the powers of the City's Off-Street Parking Authority Department, the City will actively pursue the development of public and private peripheral parking garages near the expressway and arterial entrances to downtown in order to reduce congestion in the core area **and promote the use of alternative travel modes to support the TCEA.** In addition, the City will continue to enforce the maximum parking provisions mandated in Section 14-182.

Policy TR-1.1.17: The City of Miami will coordinate with South Florida Commuter Services and the Florida Department of Transportation to support and encourage City employee participation in ~~the Downtown Miami Transportation Management Initiative (TMI), established to increase the use of~~ alternative modes of transportation by offering Downtown employers and their employee's alternatives to driving to work alone. The City will also work with the ~~South Florida Commuter Services Downtown TMI~~ to ensure consistent implementation of the City's Section 14-182 "Transportation Control Measures" and provide assistance to employers and businesses required to implement the measures. In addition, the City will utilize the ~~South Florida Commuter Services Downtown TMI~~ to establish the transportation demand management (TDM) requirements for all future and existing employers with more than 50 employees in the City. The City of Miami will lead by example in developing TDM strategies for City employees **to support the TCEA.** ~~prior to the 2005 Evaluation and Appraisal Report (EAR).~~

Policy TR-1.1.18: The City will work with representatives of the Miami-Dade Transit Agency to increase the number of MDT bus routes operating within the City that participate in the Agency's Bike and Ride Program **to promote the use of alternative travel modes to support the TCEA.**

Policy TR-1.1.19: ~~Prior to submittal of the 2005 Evaluation and Appraisal Report (EAR),~~ The City will **promote multi-modal transportation initiatives and the amend**

~~the Transportation Element to incorporate~~ recommendations of the adopted Miami Downtown Transportation Master Plan, dated May 2003, to promote the use of alternative travel modes to support the TCEA, particularly those relating to the ~~Buena Vista Yards Regional Activity Center.~~

Policy TR-1.1.20: ~~Prior to submittal of the 2005 Evaluation and Appraisal Report (EAR),~~ The City will utilize funds provided through the People's Transportation Plan and funds collected from traffic impact mitigation fees as specified in the Capital Improvement Element of the MCNP, to fund mobility in the TCEA, and to fund ~~identify funding mechanisms for~~ the cost of studies, plans, ~~and~~ programs ~~contained herein as well as targeted and~~ physical improvements to serve the residents, employees and visitors of ~~and to~~ the RAC.

Policy TR-1.4.2: ~~The City will coordinate with Miami-Dade County and with FDOT to~~ ~~and~~ encourage local traffic to use alternatives to the Florida Intrastate Highway System roadways, where practicable, to support the TCEA and to protect its interregional and intrastate functions.

Policy TR-1.4.6: Develop and encourage bicycle paths and bicycle lanes throughout the City of Miami in coordination with FDOT, Miami-Dade County and the MPO to promote alternative travel modes in the TCEA.

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.*

Citations: 163.3191(10), F.S.

DCA 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.

City Response:

Three objectives and ten policies in the Transportation Element of the MCNP included language that required the City to undertake a specific initiative or provide specific information prior to City's 2005 Evaluation and Appraisal Report. The City of Miami has proposed modifications to those three objectives and ten policies as part of the EAR Amendments in order to reflect one or more of the following:

- Modified language based upon compliance with the requested objective and/or policy combined with more generic language to carry the objective and/or policy into the future; or
- A modification of a specific initiative or deliverable along with an updated timeframe for completion where needed.

Each of the objectives and/or policies are addressed below. See **ORC Appendix-I** which contains the proposed amendments to the MCNP goals, objectives and policies.

Policy TR-1.1.4

The City modified **Policy TR-1.1.4** as part of the EAR Amendments transmitted to DCA in May 2008 to eliminate the language "*As part of the Evaluation and Appraisal Report...scheduled for completion in 2005...the Transportation Element will be revised...*", replacing this language with the obligation to update the City of Miami Person-Trip Methodology to reinforce the Transportation Corridors plan. The City has proposed additional modifications to **Policy TR-1.1.4** (as outlined below and as included in **ORC Appendix-I**) to add an implementation timeframe. The City of Miami (in coordination with the FDOT) is currently evaluating updates to the vehicle occupancy factors utilized as part of the Person-Trip methodology calculations, and will finalize these factors in an updated Person-Trip Methodology Report within the timeframe specified in **Policy TR-1.1.4** as outlined below. The Person-Trip Methodology remains in effect in the City of Miami as an active tool which is used to evaluate project impacts and corridor capacity. The Person-Trip Methodology was applied city-wide in the *City of Miami Comprehensive Neighborhood Master Plan Transportation Element Data Inventory and Analysis dated November 2004*, which was prepared for the 2005 EAR and which is being incorporated into the MCNP in **Appendix TR-1**. The City of Miami originated the person-trip methodology for the measurement of local level of service on a transportation facility to address the multi modal transportation infrastructure that characterizes the City of Miami. The methodology was designed to address existing demand and capacity to move people on the transportation system primarily using the roadway network and the transit system, while other modes such as pedestrian and bicycle facilities were also included to a lesser degree. The methodology was designed to evaluate each transportation mode alone, or in combination with others, as applicable to the particular characteristics of the transportation facility. The Miami Comprehensive Neighborhood Plan (adopted as Ordinance 10544 on February 9, 1989) established under Policies TR 1.1.2 and TR 1.1.3 that within designated Transportation Corridors,

the capacity of all transportation modes would be used in the measurement of future, peak hour level of service standards. The City of Miami "Methodology for Calculating Peak Hour Person-Trip Capacity" was incorporated into the Transportation Element of the MCNP under Policies TR 1.1.2 and TR 1.1.3 on January 24, 1991 (adopted as Ordinance 10832), and was separately published as a report entitled "Transportation Corridors: Meeting the Challenge of Growth Management in Miami", September 1990. The multi-modal level of service standards which recognize transit service as a function of the capacity of the transportation system) are adopted in many counties throughout the State of Florida (i.e. Miami-Dade, Broward and Polk Counties to name a few), however no other county or city in Florida has a premium transit system similar to the combined effect of Tri-rail, Metrorail and Metromover, which makes the use of the person-trip methodology a viable concurrency management tool for the City of Miami.

Policy TR-1.1.4: ~~Within eighteen months of the adoption of this policy, the City will update the City of Miami Person-Trip Methodology to reinforce the~~ ~~As part of the Evaluation and Appraisal Report (EAR) on the Miami Comprehensive Neighborhood Plan (MCNP) scheduled for completion in 2005, and the subsequent comprehensive revision by amendment of the MCNP, the Transportation Element of the MCNP will be revised to introduce the Miami Intermodal Transportation (MIT) plan, replacing the former~~ ~~Transportation Corridors plan to.~~ ~~The MIT~~ ~~As needed, the City will continue to prepare transportation plans that will~~ identify, describe, measure, and evaluate the multimodal transportation corridors, facilities and terminals in the City of Miami and recommend measures to enhance vehicular and mass transit operations, provide for greater pedestrian access and amenity, and offer incentives for use of alternative transportation modes ~~to support the TCEA.~~ The ~~City of Miami Person-Trip Methodology~~ ~~MIT plans~~ will pay particular attention to the differing characteristics of Miami's neighborhoods such as land use, population density, economic activity, housing, ~~and~~ business type and quality, and neighborhood plans, and will develop detailed standards for transportation facilities and services that will complement neighborhood development, redevelopment, and conservation. ~~These transportation plans~~ Miami's downtown will be the subject of special attention, to ~~will promote~~ ensure that its new residential development will enjoy the benefits of an improved multimodal transportation system ~~that will improve transit access within neighborhoods, while improving their connectivity system wide~~ as described in the Miami Downtown Transportation Master Plan, ~~dated May 2003.~~ As a component of this effort, the City will ~~evaluate the person-trip methodology and~~ assess how the ~~Person-Trip Methodology~~ could be enhanced to ~~add~~ identify projected transit needs and programming on a route-by-route basis in coordination with the MPO and Miami-Dade Transit.

Policy TR-1.1.9

The City modified Policy TR-1.1.9 as part of the EAR Amendments transmitted to DCA in May 2008 to eliminate the language "*Prior to the 2005 Evaluation and Appraisal Report submittal*". The City has proposed additional modifications to Policy TR-1.1.9 (as outlined below and as included in ORC Appendix-I) to add an implementation timeframe along with the obligation to revise the "Transportation Control Measures" under City Code Section 14-

182 to include additional transportation demand management requirements for all future and existing developments (as applicable pursuant to Section 14-182). The proposed modifications to the Transportation Control Measures which promote transportation demand management strategies and a general reduction in vehicular traffic by increasing auto occupancy and transit ridership, also serve to mitigate transportation impacts to those roadways designated as part of the Strategic Intermodal System (SIS). These proposed policy modifications are needed pursuant to Sections 163.3180 (5)(d)(e) and (f), F.S. to support the City of Miami's designation as an Urban Infill Area and as a TCEA.

Policy TR-1.1.9: Require new development in downtown to implement transportation control measure provisions in accordance with Section 14-182, "Transportation Control Measures" of the City Code, to promote a general reduction in vehicular traffic by increasing auto occupancy and transit ridership to support the TCEA. Within one year of the adoption of this policy. ~~Prior to the 2005 Evaluation and Appraisal Report submittal,~~ the City shall ~~enforce existing~~ revise the "Transportation Control Measures" ~~and shall promote compliance using~~ to include ~~current~~ additional transportation demand management ~~strategies~~ requirements for all future and existing developments (as applicable pursuant to Section 14-182), such as parking management and ridesharing programs to promote carpooling, vanpooling, car sharing and use of hybrid vehicles, transit discount and fare subsidy programs, transit fare tax incentive programs, and staggered work schedules, flexible work hours, compressed work weeks, telecommuting programs, the construction of on-site transit shelters, transit amenities, transit stops, transit drop-off locations or pull-out bays, bicycle storage facilities and additional ~~based upon~~ transportation demand management strategies and criteria established between the City and the business community.

Policy TR-1.1.10

The City modified Policy TR-1.1.10 as part of the EAR Amendments transmitted to DCA in May 2008 to eliminate the language "*Upon completion of the Evaluation and Appraisal Report in 2005...annually amend the Transportation Element...to facilitate implementation of the EAR recommendations...*", replacing this language with the obligation that requires the City of Miami to annually publish an updated map that will depict the location of existing and planned future major parking facilities. The City has proposed additional modifications to Policy TR-1.1.10 (as outlined below and as included in ORC Appendix-I) to add an implementation timeframe. The City of Miami, through the Miami Parking Authority (MPA), already publishes extensive public parking information accessible through the City of Miami website. The MPA manages and develops on and off street parking in the City of Miami and is a self-sustaining agency managed by parking industry professionals and financed by parking revenues. The MPA has over 30,000 parking spaces under management and provides parking for approximately 6 million vehicles annually. The MPA manages 11 garages, 78 surface lots, 184 Pay and Display meters and more than 6,457 metered spaces in the City of Miami. The City of Miami has acknowledged that the proposed language for Policy TR-1.1.10 will obligate the City of Miami to consolidate parking information and carry this policy into the future.

Policy TR-1.1.10: Within one year of the adoption of this policy, ~~Upon completion of the Evaluation and Appraisal Report (EAR) in 2005, and in conjunction with~~

~~subsequent revision to the Miami Comprehensive Neighborhood Plan, the City will publish annually an updated map that will depict the location of amend the Transportation Element of its comprehensive plan to facilitate implementation of the EAR recommendations and depict existing and planned future major parking facilities that will be updated annually and will be available for public use through the City of Miami website, on appropriate maps.~~

Policy TR-1.1.17

The City modified **Policy TR-1.1.17** as part of the EAR Amendments transmitted to DCA in May 2008 to eliminate the following language: "...prior to the 2005 Evaluation and Appraisal Report..." as it related the obligation that the City of Miami "**lead by example**" in the development of TDM strategies for City employees. The City of Miami is already complying with **Policy TR-1.1.17** through the following programs outlined below.

- **The TDM Transit Subsidy Plan** - City of Miami employees are eligible to receive reduced rates for Miami-Dade Transit's monthly Metropass and parking permit. The regular rate for a monthly pass is \$100, but City employees can purchase the Metropass at the reduced rate of \$67.50 using pre-tax dollars. The reduced rate for the monthly parking permit is \$6.25.
- **The Bicycle Action Plan** – The City of Miami Green Commission and Office of Sustainable Initiatives prepared a Bicycle Action Plan that was approved by the City of Miami City Commission on 10-16-2008 to promote alternative travel modes and a system of bicycle paths and trails throughout the City of Miami.
 - The Bicycle Action Plan outlines where new bike lanes, bike "boulevards" and other designated bike routes would be created.
 - The City of Miami is working with FDOT and Miami-Dade County to coordinate the implementation of bike lanes along state and county roadways as a part of funded resurfacing and reconstruction projects.
 - The Bicycle Action Plan includes a public campaign to educate motorists and cyclists on how to safely share the roadways.
 - The Bicycle Action Plan is meant as a precursor to a more-comprehensive bike master plan where the City will develop a network of safe, mostly on-street bike routes linking major corridors, neighborhoods, parks and schools, supplemented by widely available bike racks and covered parking.
 - Bike routes would be coordinated with Miami-Dade County, which has an existing bicycle program. Miami-Dade planners are working on plans for commuter bikeways as well as greenways that would link neighborhoods and the county parks.
 - The Bicycle Action Plan would require all city-sponsored events to provide bike parking.
 - The Bicycle Action Plan will also seek ways to encourage developers to include showers and lockers in new or renovated buildings for bicycle commuters.
- **The City of Miami Climate Action Plan** – The City of Miami Climate Action Plan (called the MiPlan) was approved by the City Commission on 9-25-2008. The Climate Action Subcommittee of the City of Miami Green Commission contributed greatly to the completion of MiPlan. This document sets out goals for greenhouse gas reductions in the City of Miami and spells out a blueprint to achieve these goals.

- MiPlan outlines how the City will reduce greenhouse gas emissions to 25% below 2006 levels citywide by 2020 and to 25% below 2007 governmental levels by 2015. MiPlan represents a strong first step towards a sustainable future for Miami.
- The keystones of MiPlan focus on five main areas of sustainability: Buildings, Energy Sources, Transportation, Land Use and Adaptation.
- The transportation sector produces 40% of the City’s greenhouse gas emissions. Shifting the means of transportation from single-occupant large cars and SUVs to more efficient cars or alternative methods of transportation can greatly decrease the City’s greenhouse gas emissions. Miami-Dade County roads now see over 21 billion miles of driving per year, up 33% from 10 years ago. Increasing commute times and driver frustration heighten the need to improve transportation in the City. By increasing the number of transportation choices for residents and removing barriers to alternative transportation, MiPlan seeks to reduce automobile dependency.
- Miami will reduce annual greenhouse gas emissions by 565,000 metric tons by 2020 by reducing vehicle miles traveled, increasing fuel efficiency, increasing the use of alternative transportation and increasing the use of alternatively-fueled vehicles.
- Land use contributes to energy consumption in both the building and transportation sectors. Denser, more walkable cities have lower automobile usage and are more energy efficient. Compact, pedestrian-friendly urban planning can contribute not only to decreased energy consumption but can also provide sustainable communities for Miami’s future.
- Miami will reduce annual greenhouse gas emissions by 148,000 metric tons by implementing more efficient land use planning and zoning.

PLEASE SEE ORC APPENDIX-I (MCNP)

Policy TR-1.1.19

The City modified **Policy TR-1.1.19** as part of the EAR Amendments transmitted to DCA in May 2008 to eliminate the following language: “Prior to the 2005 Evaluation and Appraisal Report...the City will amend the Transportation Element to incorporate recommendations of the Downtown Miami Transportation Master Plan, particularly those relating to the Buena Vista Yards Regional Activity Center”. The City amended **Policy TR-1.1.19** to create more generic language to promote multi-modal transportation initiatives and the recommendations of the Downtown Miami Transportation Master Plan, in order to carry this policy into the future. The City of Miami is already complying with **Policy TR-1.1.19** through the following programs outlined below.

- The Miami Streetcar project is included within the adopted 2007-2008 City of Miami Capital Improvement Element.
- The underground Miami Streetcar infrastructure (promoting multi-modal transportation) for the streetcar segment which is located within Midtown Miami

(previously identified as the Buena Vista Yards Regional Activity Center) has already been constructed. The construction includes the installation of the electrical/communications duct banks, the installation of 66 electrical poles and the completion of the road bed.

PLEASE SEE ORC APPENDIX-I (MCNP)

Policy TR-1.1.20

The City modified **Policy TR-1.1.20** as part of the EAR Amendments transmitted to DCA in May 2008 to eliminate the following language: “Prior to the 2005 Evaluation and Appraisal Report...the City will identify funding mechanisms”. The City amended **Policy TR-1.1.20** to identify specific funding sources used to support the costs of studies, plans and programs to serve the RAC. The City of Miami is already complying with **Policy TR-1.1.20** through the funding obtained from the municipal portion of The People’s Transportation Plan, from traffic impact mitigation fees and from developer funding incentives. The FEC Corridor Improvement Trust Fund (approved under Ordinance Number 12468) provides \$1.5 million in developer funding from Midtown Miami to fund the Miami Streetcar improvements located within the RAC.

PLEASE SEE ORC APPENDIX-I (MCNP)

Objective TR-1.4

The City modified **Objective TR-1.4** as part of the EAR Amendments transmitted to DCA in May 2008 to delete the language “Prior to the 2005 EAR, the Transportation Element will be amended to reflect...”, based upon the fact that the City of Miami currently engages in the provision of neighborhood traffic management and traffic calming improvements and to create more generic language to carry the objective into the future. The City of Miami has since created new **Policy TR-1.4.7** to implement the portion of **Objective TR-1.4** related to neighborhood traffic calming (as further outlined below).

PLEASE SEE ORC APPENDIX-I (MCNP)

Policy TR-1.4.7

The City provided new **Policy TR-1.4.7** to represent the portion of **Objective TR-1.4** related to neighborhood traffic calming. **Policy TR-1.4.7** reflects an existing practice already being followed by the City of Miami for neighborhood traffic calming. The City’s adopted Capital Improvement Plan includes numerous neighborhood traffic management, traffic calming and neighborhood streetscape improvements already funded for construction in the five year capital improvement plan. The City has included new **Policy TR-1.4.7** as outlined below and as included in **ORC Appendix-I**.

Policy TR-1.4.7: The City of Miami shall continue to respond to neighborhood traffic concerns by developing and implementing neighborhood traffic calming measures using standard traffic flow modification procedures in place by Miami-Dade County and FDOT to evaluate traffic calming proposals. Neighborhood traffic calming measures may include but are not limited to traffic circles, median modifications, mid-block raised medians and streetscape improvements in coordination with Miami-Dade County and FDOT as appropriate.

Objective TR-1.5

The City modified **Objective TR-1.5** as part of the EAR Amendments transmitted to DCA in May 2008 to delete language identifying Miami-Dade County as the “sole authorized operator of public transit in Miami-Dade County” and to eliminate the language “Prior to the 2005 EAR”, the City will amend the Transportation Element to include Miami-Dade’s updated Transportation Development Plan as it relates to the City.” These language modifications were made to reflect the following:

- Several municipalities in Miami-Dade County have initiated community bus or community shuttle services which are operated by the municipality, and not by Miami-Dade County.
- Tri-Rail service extends into Miami-Dade County and this public transit service is not solely operated by Miami-Dade County.
- Regarding the inclusion of the updated Transportation Development Plan as it relates to the City of Miami, language modifications were proposed to **Policy TR-1.5.14** (see the new language transmitted in May 2008) to require the City of Miami to publish an **annual listing** of the Miami-Dade Transit Development Plan (TDP) programmed improvements located within the City of Miami. Miami-Dade County updates and publishes a new TDP each year to outline existing transit service and the five year programmed transit service improvements for Miami-Dade County. The City of Miami has acknowledged that they must (in coordination with Miami-Dade County) maintain and update an annual listing and database containing the current transit service and the programmed transit service improvements located within the City of Miami. The proposed language will obligate the City of Miami to carry this policy into the future.

PLEASE SEE ORC APPENDIX-I (MCNP)

Policy TR-1.5.8

The City modified **Policy TR-1.5.8** as part of the EAR Amendments transmitted to DCA in May 2008 to eliminate the language “Prior to the submittal of the 2005 EAR, the City will amend its land development regulations”, replacing this language with detailed design guidelines applicable to all new development and redevelopment located in and along existing and planned transit corridors, to promote pedestrianism and transit usage (see the new language transmitted in May 2008 found in **Policy TR-1.5.8, subsections A. through G.**). These detailed design guidelines provide strategies to create improved urban design for all development and redevelopment at transit stations, transit nodes and along transit corridors in order to improve transit and pedestrian access and network connectivity to provide improved mobility for the City of Miami. These detailed design guidelines are required pursuant to Section 163.3180 (5)(e), F.S. to support the City of Miami’s designation as an Urban Infill Area and as a TCEA.

PLEASE SEE ORC APPENDIX-I (MCNP)

Policy TR-1.5.12

The City modified **Policy TR-1.5.12** as part of the EAR Amendments transmitted to DCA in May 2008 to eliminate a portion of the following language: “...by the 2005 EAR submittal, the City will coordinate with Miami-Dade Transit to develop the appropriate data collection

needs of transit ridership to ensure a baseline can be established to support the City's person-trip capacity level of service measurements and to support Miami-Dade Transit's efforts to improve transit services". A portion of this language was replaced to clarify the specific transit ridership data needed to support the City's person-trip methodology. The following language was proposed as part of the EAR Amendments transmitted to DCA in May 2008:

"The City will coordinate with Miami-Dade Transit to develop weekday peak hour transit ridership data to ensure that a baseline can be established to support the City's person-trip methodology level of service measurements and to support Miami-Dade Transit's efforts to improve transit services.

The City of Miami currently obtains daily and monthly transit ridership data from Miami-Dade Transit using the Ridership Technical Reports produced monthly by Miami-Dade Transit. The proposed language modifications to **Policy TR-1.5.12** obligates the City of Miami to work with Miami-Dade Transit to break down the daily transit ridership information in order to obtain peak hour transit ridership data that can be obtained monthly from Miami-Dade Transit as part of the Ridership Technical Reports.

PLEASE SEE ORC APPENDIX-I (MCNP)

Policy TR-1.5.14

The City modified **Policy TR-1.5.14** as part of the EAR Amendments transmitted to DCA in May 2008 to eliminate the language "Prior to the submittal of the 2005 Evaluation and Appraisal Report...the City will amend the Transportation Element...", replacing this language with the obligation that requires the City of Miami to publish an **annual listing** of the Miami-Dade Transit Development Plan (TDP) programmed improvements located within the City of Miami. Miami-Dade County updates and publishes a new TDP each year to outline existing transit service and the five year programmed transit service improvements for Miami-Dade County. The City of Miami has acknowledged that they must (in coordination with Miami-Dade County) maintain and update an annual listing and database containing the current transit service and the programmed transit service improvements located within the City of Miami. The proposed language will obligate the City of Miami to carry this policy into the future.

PLEASE SEE ORC APPENDIX-I (MCNP)

Policy TR-1.5.15

The City modified **Policy TR-1.5.15** as part of the EAR Amendments transmitted to DCA in May 2008 to eliminate the language "Prior to the submittal of the 2005 Evaluation and Appraisal Report...the City will amend the Transportation Element...", replacing this language with the obligation that requires the City of Miami to publish an **annual listing** of the MPO Long Range Transportation Plan (LRTP) improvements located within the City of Miami. The MPO publishes a new LRTP every five years, but may process amendments to the LRTP on an ongoing basis through the intergovernmental coordination process based upon input from local transportation partners. The City of Miami has acknowledged that they must (in coordination with the MPO) maintain and update an annual listing and database containing the LRTP improvements located within the City of Miami. The proposed language will obligate the City of Miami to carry this policy into the future.

PLEASE SEE ORC APPENDIX-I (MCNP)

Policy TR-1.7.2

The City provided new **Policy TR-1.7.2** as part of the EAR Amendments transmitted to DCA in May 2008. **Policy TR-1.7.2** was a direct result of the adopted EAR Recommendations from DCA. The City has proposed additional modifications to **Policy TR-1.7.2** (as outlined below and as included in **ORC Appendix-I**) to add an implementation timeframe for this new policy.

Policy TR-1.7.2: Within two years of the adoption of this policy, the City shall develop a transit corridor right-of-way map to use when evaluating new projects and their proximity to existing and future planned transit service.

Objective TR-1.8

The City modified **Objective TR-1.8** as part of the EAR Amendments transmitted to DCA in May 2008 to delete the language “*Prior to the 2005 EAR*”, to specify that the City of Miami shall “regularly coordinate” the transportation system and the information provided in the Transportation Element and the Land Use Element. This modification was proposed to obligate the City of Miami to maintain this coordination effort on an ongoing basis.

PLEASE SEE ORC APPENDIX-I (MCNP)

D. DCA Objections to 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.*

Citations: 163.3177(6)(f), F.S.; and Rule 9J-5.010(2), F.A.C.

DCA 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.

City Response:

City of Miami has provided Housing Element: Response #1 document as **Appendix-V** within the ORC Response, which includes additional data and analysis for

projections of anticipated number of households within 1) Assessment of Housing Needs to accommodate affordable housing for future residents. This assessment has been provided in increments of 5-years with a time frame from 2005-2030. No additional revisions were required to be made at this time to the goals, objectives, and policies to support the needs of the projected provisions.

PLEASE SEE ORC APPENDIX-V (Response #1)

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.*

Citations: 163.3177(6)(f), F.S.; and Rule 9J-5.010(2), F.A.C.

DCA Recommendation:

Provide a definition for this additional category of housing.

City Response:

The City of Miami proposes the removal of middle income and an addition of extremely low category to the following Goal HO-1, Objective HO-1.1, 1.2, 2.1 and Policy HO-1.2.1, 1.2.2, 1.2.3, 1.2.4, 1.2.8, 1.5.1 to ensure compatibility with the most current standards and regulations of HUD and the State of Florida.

Goal HO-1: Increase the supply of safe, affordable and sanitary housing for extremely low- very low-, low and, moderate-, and middle- income households (in accordance with the current standards and regulations of HUD and the State of Florida) and the elderly by alleviating shortages of extremely low-, very low-, low- and moderate- and middle- income housing, rehabilitating older homes, maintaining, and revitalizing residential neighborhoods in order to meet the needs of all income groups.

Objective HO-1.1: Provide and/or encourage a local regulatory, investment, and neighborhood environment that will assist the private sector in increasing the stock of affordable housing for all income levels, including extremely low-, very low-, low- and moderate-, and middle- income (in accordance with the current standards and regulations of HUD and the State of Florida), within the City by at least 10 percent by 2005 2010.

Objective HO-1.2: Conserve the present stock of extremely low-, very low-, low- and moderate-, and middle- income housing (in accordance with the current standards and regulations of HUD and the State of Florida) within the City and reduce the number of substandard units through rehabilitation, reduce the number of unsafe

structures through demolition or rehabilitation, and insure the preservation of historically significant housing through identification and designation.

Policy HO-1.2.1: The City defines extremely low-, very low-, low-, and moderate-, and middle- income housing (in accordance with the current standards and regulations of HUD and the State of Florida) in accordance with the current standards and regulations of the United States Department of Housing and Urban Development (HUD) and the State of Florida.

Policy HO-1.2.2: The City will continue, and when necessary expand, extremely low-, very low-, low- and moderate- income housing programs with the intent of preventing a net loss of extremely low-, very low-, low- and moderate-income housing (in accordance with the current standards and regulations of HUD and the State of Florida) units within the City.

Policy HO-1.2.3: The City's housing programs will provide for low and moderate-income, low density housing scattered site locations in a diverse range of housing types in all areas of the City, including housing that is affordable to extremely low-, very low-, low-, and moderate-, and middle- income households (in accordance with the current standards and regulations of HUD and the State of Florida) as an alternative to the geographic concentration of low-income housing.

Policy HO-1.2.4: The City will continue to assist non-profit, community-based organizations in the development and provision of extremely low-, very low-, low-, and moderate- income housing (in accordance with the current standards and regulations of HUD and the State of Florida) projects to augment the public sector provision of extremely low-, very low-, low- and moderate-income housing. This assistance will include, but not be limited to, technical assistance, marketing and financial planning assistance, and the provision of public improvements, such as street improvements, curbing, landscaping and public open spaces, proper drainage and street lighting.

Policy HO-1.2.8: The City will increase code enforcement efforts in areas where significant concentrations of substandard units are likely to exist. The City will implement programs to assist extremely low-, very low-, low-, and moderate-income households (in accordance with the current standards and regulations of HUD and the State of Florida) in rehabilitating their units. Owners of substandard units will be required to make needed repairs in a timely manner and vacant or abandoned property will be required to be secured so as not to represent a public health or safety hazard.

Policy HO-1.5.1: The City's housing program will continue to provide for assistance to occupants displaced by public redevelopment projects so that suitable relocation housing in proximity to employment and necessary public services is available prior to the demolition or replacement of existing housing serving extremely low-, very low-, low- and moderate-income occupants.

Objective HO-2.1: ~~Achieve a livable downtown~~ Design and create pedestrian friendly environments and neighborhoods with varied housing prototypes and amenities catering to persons of diverse social, economic and cultural backgrounds, with a variety of urban housing types for persons of all income levels including those of **extremely low-, very low-, low-, and moderate-income households (in accordance with the current standards and regulations of HUD and the State of Florida) provided in a walkable, mixed-use, urban environment.**

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.*

Citations: 163.3177(6)(f), F.S.; and Rule 9J-5.010(2), F.A.C.

DCA Recommendation:

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

City Response:

City of Miami has provided the Housing Element: Response #3 document within **Appendix-V** of the ORC Response, which includes additional data and analysis to demonstrate the accessibility of affordable housing as 3) Availability and Distribution of Affordable Housing. City also has provided the Five Year Consolidated Plan document as **Appendix-VI** within the ORC Response, which includes additional data and analysis on page 34 for an assessment of the housing and community developments providing reasonable access to employment centers, family support systems, shopping, public transportation and recreation facilities.

**PLEASE SEE ORC APPENDIX-V (Response #3)
PLEASE SEE ORC APPENDIX-VI**

E. DCA Objections to 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.*

Citations: 163.3177(6)(c), F.S.

DCA 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.

City Response:

City of Miami proposes to revise the following Policies PW-1.2.2 and NR-2.1.7 to replace new language to be consistent with the South Florida Water Management District Lower East Coast Water Supply Plan Update:

Policy PW-1.2.2: Pursuant to Chapter 163.3177(6)(c), F.S., The City will cooperate and participate to the fullest extent possible with Miami-Dade County and other county municipalities receiving potable water from WASAD in developing and implementing an acceptable countywide water conservation plan as well as the Water Supply Facilities Workplan as required by Florida Statutes, shall adopt a Potable Water Supply Facilities Work Plan for a 20-year planning period that reflects coordination with the South Florida Water Management District's Lower East Coast Water Supply Plan Update approved by the South Florida Water Management District (SFWMD) on February 15, 2007, by August 15, 2008, and if not, as soon as possible before the end of the calendar year, 2008. See Natural Resource Conservation Policy NR-2.1.7.)

Policy NR-2.1.7: The City will cooperate and participate to the fullest extent possible with Miami-Dade County and other county municipalities receiving potable water from WASD in developing an acceptable countywide water conservation plan. shall adopt a Potable Water Supply Facilities Work Plan for a 20-year planning period that reflects coordination with the South Florida Water Management District's Lower East Coast Water Supply Plan Update approved by the South Florida Water Management District (SFWMD) on February 15, 2007, by August 15, 2008, and if not, as soon as possible before the end of the calendar year, 2008. (See Potable Water Policy PW-1.2.2.)

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.

Citations: 163.3177(6)(c), F.S

DCA 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.

City Response:

City of Miami proposes to revise the following Policies PW-1.2.1 and CI-1.2.3(b) to address the updated level of service standard to be consistent with the WASD Water Use Permit average of 155 gallons per capita per day:

Policy PW-1.2.1: The City will ensure, through its concurrency management system, that potable water facilities shall be in place to serve new development or redevelopment no later than the issuance of a certificate of occupancy or its functional equivalent in compliance with ~~Ensure potable water supplies meet the established~~ level of service standards for transmission capacity of **200155** gallons per capita per day (GPCD). (See Natural Resource Conservation Policy NR-2.1.5 and Capital Improvements Policy CI-1.2.3.)

Policy CI-1.2.3: Acceptable Level of Service Standards for public facilities in the City of Miami are:

- b) Potable Water Transmission Capacity – **200155** gallons/ resident/day. (See Potable Water Policy PW-1.2.1 and Natural Resource Conservation Policy NR-2.1.5.).

F. DCA Objections to 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.*

Citations: 163.3177(3)(a)2, F.S., and Rule 9J-5.016(2)(f)1

DCA Recommendation:

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

City Response:

The City of Miami has incorporated population updates from Shimberg Center of Affordable Housing, Bureau of Economic and Business Research Population Statistics (BEBR) 2005 of a 5-year planning time frame through 2030 and is reflected in **Appendix-II** of the ORC Response. This update indicates that no additional revenue is projected for the City's ability to provide capital facilities required to maintain adopted Level of Service standards. Generated revenues for capital improvements that have been supplied to complement and supplement for improvements that are needed to accompany LOS standards are indicated in the CIP schedule (**Appendix-VII** page187-234).

The funding sources that are anticipated and projected in one or more of the future five years of the CIP 2007-2008 schedule have been included in **Appendix-VII** of the ORC Response. Specifically, these include:

- a. Proceeds from future bond issuances that have been previously approved by voters, in the case of general obligation bonds, or City Officials, in the case of special obligation bonds. The City's two bond programs that have pending future issuances are the Homeland Defense/Neighborhood Improvement Bonds (**Appendix-VII** page 28) and the Streets Bonds(**Appendix-VII** page30).
- b. Grants from other agencies which have been approved through interlocal agreements and involve future disbursement of funds. In the 2007-2008 CIP Plan this applies specifically to the Building Better Communities G.O. Bond (**Appendix-VII** page53) program from Miami-Dade County.

These figures are included in the Funding Type by Job Number report beginning on page 49 of the CIP Plan.

The assumptions listed below apply to various recurring funding sources available for capital projects. The City's Fiscal Year 2008 Adopted Budget has been included as **Appendix-VIII**, contains five year forecasts for the General (**Appendix-VIII** page93), Special Revenue (**Appendix-VIII** page107) and Debt Service Funds (**Appendix-VIII** page113). See Five Year Forecast and assumptions beginning on page 89 of Budget Book (**Appendix-VIII**).

- a. Local option gas tax, transit half-cent surtax and parking surcharge - These recurring revenue streams would normally be projected for the future years of the Plan schedule. However, as stated in Section 3 page 30 of the 2007-2008 CIP (**Appendix-VII**), these three sources were leveraged at the end of calendar year 2007 to create the Streets Bond Program. Therefore, the sources are now dedicated to debt service.
- b. Contribution from General Fund – Any annual contribution from the general fund for capital project purposes is recommended by Administration after considering operational requirements and needs. Therefore, future funding levels are contingent on the City's financial position at the time. See Budget Book (**Appendix-VIII**) page 105.

PLEASE SEE ORC APPENDIX-VII
PLEASE SEE ORC APPENDIX-VIII

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.*

Citations: 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)

DCA 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.

City Response:

The City of Miami has incorporated population updates from Shimberg Center of Affordable Housing, Bureau of Economic and Business Research Population Statistics (BEBR) 2005 of a 5-year planning time frame through 2030 and is reflected in **Appendix-II** of the ORC Response. This update indicates that \$0 expenditures or no capital improvements are needed for the City’s ability to provide capital facilities required to maintain adopted Level of Service standards. Generated revenues for capital improvements that have been supplied to complement and supplement for improvements that are needed to accompany LOS standards are indicated in the CIP schedule (**Appendix-VII** page187-234).

Page 3 of the CIP Plan (**Appendix-VII**), lists the prioritization criteria utilized for project selection to attain and maintain that adopted LOS standards within the MCNP. Further, the focus of the Capital Improvements Program team is described in the Development Process beginning on page 1 of **Appendix-VII**. Individual discussion on Homeland Defense/Neighborhood Improvement (**Appendix-VII** page28) Street Bonds (**Appendix-VII** page30), and Miami Streetcar (**Appendix-VII** page31) are also included in the CIP document.

Community feedback is a significant factor in project selection since this input is representative of the population and its preferences. The projects and system improvements selected for funding exceed the adopted levels of service standards.

**PLEASE SEE ORC APPENDIX-VII
PLEASE SEE ORC APPENDIX-IX**

H. DCA Objections to Coastal Management Element:

1. *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.*

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

DCA 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.

City Response:

City of Miami proposes to create a map series within the MCNP titled **Appendix CM-1**, which will include the maps “Floodplains” and “CHHA” which will indicate the SLOSH storm surge model and be consistent with the Miami-Dade County Office of Emergency Management 2007 CHHA map. The following Policy CM-4.1.2 has been revised to support the updated CHHA map series. The MCNP has been included in the ORC response as **Appendix-I**:

Policy CM-4.1.2: Continue to ~~ensure that all development and redevelopment conforms to proper elevation requirements in direct population away from~~ the Coastal High Hazard Area, which is defined as the areas below ~~the elevation of the category 1 storm surge line, as established by a Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model as depicted on the CHHA map in Appendix CM-1 on the Future Land Use Plan Map that area identified as a "V" zone by the Federal Emergency Management Agency (FEMA) on its Flood Insurance Rate Maps (FIRM) except that on Virginia Key, where a Coastal Construction Control Line (CCCL) has been established, either the "V" zone or the area seaward of the CCCL, whichever is more landward, shall define the Coastal High Hazard Area.~~ (See map following ~~Appendix CM-1 page.~~)

PLEASE SEE APPENDIX CM-1 of the MCNP (ORC APPENDIX-I)

DCA Comments:

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.*

City Response:

The City of Miami has reviewed this comment and will continue to work toward developing this policy in the future 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.*

City Response:

City of Miami proposal to revise the current level of service standard from 200 gallons per capita per day to 155 GPCD is sufficient for all new development and redevelopment projects. This is LOS standard is consistent with the WASD Water Use Permit average.

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.*

City Response:

City of Miami proposes to revise the following Policy HO-1.1.9 to ensure consistency between Policy LU-1.1.10 within the MCNP:

Policy HO-1.1.9: The City's land development regulations will encourage high-density residential development and redevelopment in close proximity to Metrorail and Metromover stations, ~~consistent with the Station Area Design and Development Plan for each station.~~ (See Land Use Policy LU-1.1.10 and Transportation Policy TR-1.5.2.)

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.*

City Response:

City of Miami proposes to revise the following Policy SS-1.1.4 to be consistent with the Miami-Dade County Wastewater Facilities Master Plan, dated April 2008:

Policy SS-1.1.4: Although the City has no authority with respect to Miami-Dade County's wastewater treatment programs, the City shall, through its Intergovernmental Coordination Policies, continue to support, and cooperate with, Miami-Dade County Water and Sewer ~~Authority Department~~ (WASA M-DWASD) actions to expand the capacities of its wastewater treatment facilities as expressed in that Department's ~~201 2004 Wastewater Facilities Master~~ Plan, ~~dated April 2008,~~ as may be amended from time to time.