

**DEPARTMENT OF COMMUNITY AFFAIRS**  
**OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT**  
**FOR THE**  
**CITY OF CORAL GABLES**  
**PROPOSED AMENDMENT #09-1ER**

September 11, 2009  
Division of Community Planning

This report is prepared pursuant to Rule 9J-11.010, F.A.C.

## **INTRODUCTION**

The following objections, recommendations and comments are based upon the Department's review of the City of Coral Gables #09-1ER proposed amendment to its Comprehensive Plan pursuant to s. 163.3184, Florida Statutes (F.S.).

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

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

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

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

## TRANSMITTAL PROCEDURES

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

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

Three copies of the adopted comprehensive plan amendments;

A listing of additional changes not previously reviewed;

A listing of findings by the local governing body, if any, which were not included in the ordinance; and

A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

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

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

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

**OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT**

**CITY OF CORAL GABLES**

**PROPOSED COMPREHENSIVE PLAN AMENDMENT #09-1ER**

**I. CONSISTENCY WITH CHAPTER 163, F.S., AND RULE 9J-5, F.A.C.**

City of Coral Gables proposed Evaluation and Appraisal Report (EAR) based amendment, DCA #09-1ER was received on July 13, 2009. This EAR based amendment contains three (3) Future Land Use Map amendments, Capital Improvements Element annual update, the City's 10 Year Water Supply Facilities Work Plan and text amendments to fourteen (14) elements: 1) Administration, 2) Governance, 3) Future Land Use, 4) Design, 5) Community Facilities, 6) Housing, 7) Education, 8) Mobility, 9) Natural Resources, 10) Recreation and Open Space, 11) Historical Resources, 12) Public Safety, 13) Capital Improvements, and 14) Green Elements.

The Department has identified the following objections, recommendations and comments to the proposed comprehensive plan amendments as they do not meet all of the requirements in Chapter 163, F.S., and Rule 9J-5, F.A.C.

**OBJECTIONS AND RECOMMENDATIONS**

**Future Land Use Element**

**Objection 1:** The City's map titled "Comprehensive Land Use Map" dated May 2009 submitted with the City's amendments does not indicate whether it is an Existing or Future Land Use Map.

Citations: Sections 163.3177(5)(a) and (6)(a), F.S., and Rules 9J-5.005(1)(e), (4), 9J-5.006(1) and 9J-5.006(4), F.A.C.

**Recommendation:** Revise the Future Land Use Element to include the City's Existing Land Use Map and a Future Land Use Map which includes the year 2020 as the long range planning timeframe.

**Objection 2:** The City has not included Existing and Future Land Use Maps showing natural resources located within the City, such as beaches and shores, including estuarine systems; bays; lakes and flood plains; wetlands; minerals; soils; areas subject to coastal flooding; wildlife habitat; vegetative cover; living marine resources; and coastal high hazard area. The City has not identified historic district boundaries, transportation concurrency management areas, and multimodal transportation district boundaries, if any such areas have been designated.

Citations: Sections 163.3177(1), (5)(a), (6)(a), (6)(d), (6)(g), 163.3178(2)(a), F.S., and Rules 9J-5.006(4), and 9J-5.012(2)(b), (3)(b)1, 2, 3, (3)(c)1, 2, 9J-5.013(2)(b)2, 3, 4, (2)(c)1, 2, 3, 5, 6, (3), F.A.C.

**Recommendation:** The Future Land Use Element should be revised to include the following natural resources on the Existing and Future Land Use Map or map series: beaches and shores, including estuarine systems; bays; lakes; flood plains; wetlands; minerals; soils; areas

subject to coastal flooding; wildlife habitat; vegetative cover; and living marine resources. If any of these natural resources are not applicable to the City, then the City should indicated that these natural resources are not located in the City. Identify historic district boundaries, transportation concurrency management areas, and multimodal transportation district boundaries, if any such areas have been designated.

Include new or revised objectives and policies, if needed, to ensure the protection and conservation of any natural resources located in the City and as identified on the map or map series.

### **Housing Element**

**Objection 1:** The City is deleting Housing Objective 3-1.6 and Policy 3-1.6.1 addressing the treatment of displaced residents. Therefore, the Housing Element does not address the requirements in Rule 9J-5.010, FAC., for an objective and policy providing provisions for relocation housing for displaced persons.

Citations: Sections 163.3177(6)(a), (f)e, 163.3177(9), F.S. and Rules 9J-5.003(82), (90), (106), 9J-5.005(2), 9J-5.010(3)(b)6 and 9J-5.010(3)(c)9, F.A.C.

**Recommendation:** Revise the Housing Element to retain Objective 3-1.6 and Policy 3-1.6.1 addressing the treatment of displaced residents and the provision of relocation housing. Alternatively, include a new objective and associated policies to address relocation housing. The objective must include the specific, measurable, intermediate end that is achievable and marks progress toward the goal. Policies must include meaningful and predictable standards to achieve the objective.

### **Mobility Element**

**Objection:** The City has not provided Existing and Future Transportation Maps or map series with the proposed amendment.

Citations: Sections 163.3177(1), (6)(a), and (6)(j), F.S. and Rules 9J-5.005(2), 9J-5.019(2) and (5), F.A.C.

**Recommendation:** Provide Existing and Future Transportation Maps or map series, that address the requirements in Rules 9J-5.019(2) and (5), F.A.C., with the adopted amendment.

### **Public Safety Element**

**Objection 1:** The definition of the Coastal High Hazard Area in Public Safety Element Policy SAF 2.1.3 is inconsistent with the statutory definition of the Coastal High Hazard Area. The policy defines the Coastal High Hazard Area “as the entire Category 1 hurricane evacuation area as defined in the SFRPC study as amended” rather than as defined in Section 163.3178(2)(h), F.S. The City has not depicted the Coastal High Hazard Area, consistent with the statute definition, on the Future Land Use Map.

Citations: Sections 163.3177(6)(g), and 3178(2)(d), (2)(h), (9), F.S., and Rules 9J-5.006(4)(b)6, 9J-5.012(2)(e)3, F.A.C.

**Recommendation:** Revise Policy SAF 2.1.3 to include the statutory definition of the Coastal High Hazard Area as: “the area 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.” Revise the Future Land Use Map to depict the Coastal High Hazard Area based on the statutory definition.

For Miami-Dade County and its municipalities, the most current data for the Coastal High Hazard Area is available in the August 2001 “Hurricane Storm Tide Atlas, Miami-Dade County, Florida” prepared by the U.S. Army Corps of Engineers, Jacksonville District. This atlas should be available from the Miami-Dade County Emergency Operations Director and the South Florida Regional Planning Council. This information can also be found at [www.floridadisaster.org/gis/data](http://www.floridadisaster.org/gis/data). When the updated storm surge maps become available, the City will need to revise its comprehensive plan to include the new information.

**Objection 2:** The Public Safety Element Objective SAF 2.2 does not include the hurricane evacuation times that will be maintained or reduced. The objective does not meet the definition of an objective because it does not include the specific, measurable, intermediate end result that is achievable and marks progress toward the goal.

Citations: Sections 163.3177(6)(a), (g), (9) and 163.3178(2)(d), (2)(h) and (9)(a), (9)(b), and (9)(c), F.S., and Rules 9J-5.003(82), 9J-5.005(6), and 9J-5.012(2)(e)3, (3)(b)6 and 7, F.A.C.

**Recommendation:** Sections 163.3178(9)(a) and (9)(b), F.S., provide an option for local governments to comply with Rules 9J-5.012(3)(b)6 and 7, F.A.C., if a local government adopted a level of service standard for an out of county hurricane evacuation time for a category 5 hurricane, or maintains a 12 hour evacuation time to a shelter with reasonable available shelter space, for a category 5 hurricane. If the local government did not establish a level of service standard for out of county hurricane evacuation time by July 1, 2008 and elects to utilize the option for complying with Rules 9J-5.012(3)(b)6 and 7, F.A.C., then the level of service standard shall be no greater than 16 hours for a category 5 storm event. Mitigation is permitted to achieve and maintain these standards.

The City did not adopt an out-of-county hurricane evacuation time for a category 5 hurricane by July 1, 2008, therefore, if, and it appears the City intends to comply with Rules 9J-5.012(3)(b)6 and 7, F.A.C., rather than address these requirements through the option provided in Section 163.3178(9), F.S., then the City should establish an out-of-county hurricane evacuation time for a category 5 hurricane. If the current evacuation time is greater than 16 hours, policies to reduce or maintain the evacuation time are needed.

### **Green Element**

**Objection 1:** The City in its new Green Element proposes Objectives 1.2, 1.4 1.8, and Policies 1.2.2, 1.3.1, 1.3.3, 1.3.4, 1.3.8, 1.3.9, 1.3.11, 1.3.112, 1.4.1, 1.4.2, 1.4.4, 1.4.6, 1.4.7, 1.7.3, 1.7.4, 1.8.1. These objectives and policies describe future actions to be undertaken by the City or lack specificity because the use of phrases such as: “will seek to educate”, “will establish a policy to consider...”, “...encourages walkability”, “will strive to reduce greenhouse gas emissions”, “consider the purchase of alternative fuel vehicles”, “seek ways to encourage private parking”, “will seek to partner with Florida Department of Transportation”, “ designate a City Department...”, “the City should track and analyze key indicators...”, “encourage water conservation” and “will seek to uphold green building and neighborhood standards...”.

The objectives listed above do not include the specific, measurable, intermediate end result to be achieved for energy efficiency and conservation of natural resources and the policies listed above do not include meaningful and predictable standards for achieving the objectives.

Citations: Sections 163.3177(6)(a), (c), (d), (f), and (9), F.S.; and Rules 9J-5.003(82), (90), 9J-5.005(6), 9J-5.011(2)(b)4, (2)(c)3, and 9J-5.013(2)(b)2, and (2)(c)1, F.A.C.

**Recommendation:** Revise the objectives to include the specific, measurable outcome the City intends to achieve through its Green Element. Revise the policies to include meaningful and predictable guidelines and standards that will be applied to development to achieve the objectives. The policies should identify the guidelines and standards the City can apply right away and include specific actions for implementing additional energy conservation measures that will take longer to implement.

### **10-Year Water Supply Facilities Work Plan**

**Objection 1:** The City's new Natural Resources Element Policies 1.2.11 and 1.2.12 "encourage the use of sub-metering..." and "encourage the use of Florida Friendly Landscapes guidelines and principles..." The policies do not include meaningful and predictable standards for implementing the identified water conservation measures because the policies only "encourage" water conservation.

Citations: Sections 163.3177(6)(a), (c), (d), and (9), F.S.; and Rules 9J-5.003(90), 9J-5.005(6), and 9J-5.011(2)(b)4, (2)(c)3, and 9J-5.013(2)(b)2, and (2)(c)1, F.A.C.

**Recommendation:** Revise Natural Resources Element Policies 1.2.11 and 1.2.12 to require sub-metering and the use of Florida Friendly Landscape guidelines and principles or revise the policies to explain how the City will "encourage" the use of these water conservation measures.

## **COMMENTS**

### **Capital Improvements Element**

**Comment 1:** The City's new Capital Improvements Element Policy 9-5.1.3 incorporates the Miami-Dade County Public Schools Facilities Work Plan 2008-2009 through 2012-2013 by reference. If the City's adoption hearing occurs after the School Board's approval of its September 2009 Five Year District Facilities Work Plan, references to the updated Work Plan in the Public Education Facilities Element and Capital Improvements Element must be amended accordingly.

**Comment 2:** In March 2008, the City adopted its Educational Element and school related Policies 8-1.1.8 and 8-1.3.3 for the Intergovernmental Coordination Element, Objective 9-2.2 and Policies 9-1.2.1 (H), 9-1.3.3 (8), 9-1.3.6 and 9-2.2.1 for the Capital Improvements Element. The City has not included the objective and policies in the proposed EAR-based amendment, an apparent oversight. The City should include the omitted objective and policies in the final adopted version of the comprehensive plan.

**Comment 3:** The Public Education Facilities Element data and analysis support document that is referenced in the amendment will soon be outdated. The Florida Department of Education staff is working with the Miami-Dade County School Board staff to produce an updated data and analysis document. If the updated data and analysis is available prior to the City's adoption hearing, then it should be referenced as the updated data and analysis to support the Public Education Facilities Element.

### **10-Year Water Supply Facilities Work Plan**

**Comment 1:** Proposed new Future Land Use Element policy in the City's proposed 10 Year Water Supply Facilities Work Plan is not included in the Future Land Use Element of the EAR based amendments. The new policy requires coordination of future land use changes with the availability of water supplies and facilities. The City should revise the EAR based Future Land Use Element to include the new policy.

**Comment 2:** Un-numbered new objective under Community Services and Facilities Element of the proposed Water Supply Plan differs from new Objective COM-5.2 in the Community Facilities Element of the EAR based amendments. The City should revise un-numbered new objective under Community Services and Facilities Element of the proposed Water Supply Plan to match the new Objective COM-5.2 in the Community Facilities Element.

**Comment 3:** Un-numbered new policy under Community Services and Facilities Element of the proposed Water Supply Plan differs from new Policy COM-5.2.1 of the Community Facilities Element of the EAR based amendments. The City should revise the Un-numbered new policy under Community Services and Facilities Element of the proposed Water Supply Plan to match the new Policy COM-5.2.1 of the Community Facilities Element of the EAR based amendments.

**Comment 4:** Un-numbered policy 2 listed under the Natural Resources Element in the City's 10 Year Water Supply Facilities Work Plan has not been included in the Natural Resources Element of the EAR based amendments. The City should revise the Natural Resources Element to include Un-numbered policy 2 listed under the Natural resources Element in the City's 10 Year Water Supply Facilities Work Plan.

## **II. CONSISTENCY WITH CHAPTER 187, F.S.**

The proposed amendment is inconsistent with the following provisions of Chapter 187, F.S., the State Comprehensive Plan:

Section 187.201(4), Housing, Policies (b) 1 and 3: Concerning the provision of affordable housing.

Section 187.201(6), Public Safety, Policies (b) 22 and 23: Local governments, in cooperation with regional and state agencies, should prepare advance plans for the safe evacuation of coastal residents, and adopt plans and policies to protect public and private property and human lives from the effects of natural disasters.

Section 187.201(7), Water Resources, Policies (b) 3, 5, 8, 9, 11, 13, and 14: Ensure that new development is compatible with existing local and regional water supplies, protect aquifers, promote water conservation, and preserve flood plains and wetlands.

Section 187.201(8), Coastal and Marine Resources, Policies (b) 4, 5, and 6: Protect coastal resources, marine resources, and dune systems from the adverse effects of development, develop and implement a comprehensive system of coordinated planning, management, and land acquisition to ensure the integrity and continued attractive image of coastal areas and encourage land and water uses which are compatible with the protection of sensitive coastal resources.

Section 187.201(9), Natural Systems and Recreational Lands, Policies (b) 1, 3, 4, and 7: Conserve forests, wetlands, fish, marine life, and wildlife to maintain their environmental, economic, aesthetic, and recreational values and protect and restore the ecological functions of wetlands systems to ensure their long-term environmental, economic, and recreational value.

Section 187.201(11), Energy, Policies (b) 1, 2, 4, 5, 6, 7, and 8: Promote energy conservation.

Section 187.201(15), Land Use, Policies (b) 2 and 6: Consider land use planning and its impacts on water quality, the availability of land, water, and other natural resources to meet demand; and the potential for flooding.

Section 187.201(19), Transportation, Policies (b) 2, 3, 7, 8, 9, 10, 11, 13, 14, and 15: Ensure an efficient, coordinated transportation system, including mass transit and multi-modal systems.

Section 187.201(25), Plan Implementation, Policies (b) 3 and 7: Ensure that local plans implement and accurately reflect State goals and policies.

By addressing the concerns noted in Section I., these inconsistencies with Chapter 187, Florida Statutes, can be addressed.