To: Council Members

From: Staff

Date: September 17, 2010 Council Meeting

Subject: Local Government Comprehensive Plan Review
         Draft Amendments to the City of Boca Raton Comprehensive Plan
         DCA Reference No. 10-IER

Introduction

The Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Florida Statutes, requires that the Treasure Coast Regional Planning Council (TCRPC) review local government comprehensive plan amendments prior to their adoption. Under the provisions of this law, the Department of Community Affairs (DCA) prepares an Objections, Recommendations, and Comments (ORC) Report on a proposed amendment only if requested to do so by the local government, the regional planning council, an affected person, or if an ORC Report is otherwise deemed necessary by the DCA. If an ORC Report is to be prepared, then the TCRPC must provide DCA with its findings of consistency or inconsistency with the Strategic Regional Policy Plan (SRPP), and provide any comments and recommendations for modification on the proposed amendments within 30 days of its receipt.

Background

The City of Boca Raton has proposed a number of Future Land Use Map (FLUM) amendments; as well as text and map series amendments to all elements of the City Comprehensive Plan. The amendments are based on the recommendations of an Evaluation and Appraisal Report (EAR) adopted by the City on December 13, 2005 and found sufficient by the DCA on March 3, 2006. The City requested a formal review of the amendments by the DCA.

Evaluation

Profile of the City (from Comprehensive Plan)

The City of Boca Raton is a municipal jurisdiction of approximately 29 square miles located within Palm Beach County, Florida. Boca Raton is bordered by the Town of Highland Beach, the City of Delray Beach, and unincorporated Palm Beach County to the north;
unincorporated Palm Beach County to the west, the City of Deerfield Beach (in Broward County) to the south, and the Atlantic Ocean to the east.

Boca Raton serves as a major regional destination, with more employment (90,000 jobs) than population (86,373 residents). Reflecting its rich array of higher education and health care opportunities, the downtown, beaches, parks, and shopping opportunities, Boca Raton receives a substantial influx of commuters and visitors every day.

Construction of the Florida East Coast Canal (today’s Intracoastal Waterway) and the Florida East Coast Railway during the 1890’s preceded incorporation, at the height of the Florida land boom, of Boca Raton in 1925. Addison Mizner, a noted architect during this time, envisioned a plan to transform the town into a world-class resort community. The Cloister Inn, an exclusive hotel designed by Mizner as part of this effort, was completed in 1926 and exists today as the Boca Raton Resort and Club, a city landmark.

Although many of his plans for the emerging community were shelved due to the demise of the land boom in 1926, some of Mizner’s work can be seen today. Old Town Hall, completed in 1927, still bears the original footprint of the Mizner design. Today, the restored Town Hall is the home of the Boca Raton Historical Society.

Mizner’s Mediterranean architectural style continues to influence the city, as is evidenced in the design of Mizner Park. This 30-acre downtown mixed-use urban village incorporates public park facilities, as well as mixed use residential, retail and office development. Cultural amenities included in Mizner Park’s design include the Boca Raton Museum of Art, and the Count de Hoernle Amphitheater.

Mizner Park is the centerpiece of an overall redevelopment strategy for downtown Boca Raton. Created by the Boca Raton Community Redevelopment Agency and the City of Boca Raton, the strategy’s objectives are to:

- Give people a reason to go Downtown;
- Eliminate infrastructure problems within the redevelopment area; and
- Eliminate impediments to redevelopment through the Downtown Development Order.

Boca Raton has created a Community Redevelopment Area (CRA) for its downtown. This downtown redevelopment area is delimited to the north by the northernmost edge of Mizner Park; to the east, by NE and SE 5th Avenue; to the south, by the Camino Real/Dixie Highway intersection; and to the west, by Dixie Highway. The CRA was established in 1982, and at the time, was characterized by uneven development, and a myriad of commercial (and even some industrial) uses.

In some areas, multiple ownership and small parcels flourished, while in other downtown areas several large parcels had been consolidated. As a whole, the area was developed at a very low intensity. Some parcels had small buildings with no parking, others had some
surface parking, and a few larger buildings had vast surface parking lots. A significant number of parcels had no development at all.

Although the downtown development area was approved in 1982, little development or redevelopment occurred between 1982 and 1986. In 1986, the Boca Raton Community Redevelopment Agency initiated work on a Downtown Development of Regional Impact (DDRI), and in 1988, the City approved a DDRI Development Order for the entire downtown. The DDRI Development Order provided for, and encouraged, mixed-use development in the downtown area.

In 2007, the City completed a major update of its downtown master plan that will guide the area’s development over the next 20 years. Completion of the Downtown Master Plan Update not only demonstrates the City’s commitment to the area as a centerpiece of the community, but also as a transportation hub that provides multi-modal accessibility to the greater south Florida region.

In 1961, Boca Raton welcomed the establishment of Florida Atlantic University, the fifth university in the state system. Originally an upper-division and graduate campus, in 1984 FAU admitted its first freshman class and became a four-year institution. Today, the institution has expanded to seven campuses across south Florida with a total enrollment of 26,000. Among the FAU student body, 137 countries, 47 states, and the District of Columbia are represented. In 2004, FAU launched its medical school program in conjunction with the University of Miami (UM). Medical students spend the first two years of their education at the Boca Raton campus before transferring to Miami for rotations, and receiving their degree from UM.

Boca Raton enjoys a level of parkland development and recreational amenities not commonly found among south Florida communities. The City’s extensive beachfront parks and numerous district, community and neighborhood parks are valuable community assets, and are heavily used throughout the year. The Gumbo Limbo Nature Center, adjacent to Red Reef Park, is a coastal and marine preserve that serves to increase public awareness of coastal and marine ecosystems through research, education, preservation and conservation.

The private sector also provides extensive, high-quality recreation opportunities, including numerous tournament-caliber golf courses and tennis facilities, as well as aquatic centers and athletic clubs. Perhaps because of the signature, Mediterranean architectural style of Boca Raton, as well as its natural beauty, the civic leadership of the City has historically placed a premium on well-thought design and placement of development (or redevelopment) within the City. As such, the City was one of the originators of comprehensive zoning, or planned-unit development. The City’s sign ordinance, initiated in the late 1960’s, gives the city a unique, uncluttered look that limits commercial intrusion into landscaping and streetscapes.

**Evaluation and Appraisal Report and Related Amendments**

The major issue identified by the City in the EAR to be addressed was the impacts of urban growth and redevelopment. These impacts are to be addressed through the establishment of
an innovative system that enhances mobility by linking local and regional transportation networks, incorporating alternative transportation modes, and promoting traffic management.

The City indicates that the revised plan provides for:

- More accessible transportation options.
- Better linkages to the network of local and regional transportation systems.
- More efficient management of existing transportation corridors.
- A complementary mix of uses in order to better manage future growth and development.

The City indicates its guiding principal for future growth is sustainability; and it seeks alternative strategies to address transportation challenges through an approach that better reflects overall community goals for sustainability. The City’s need to address the issue of mobility is the result of:

- The fact that the City is approaching physical build out and that redevelopment activity needs to be directed to appropriate areas of the City.
- The traditional approval of mitigating the impacts of increasing traffic volumes through roadway construction is becoming less acceptable.
- The recognition that to increase mobility, the ability to provide more choices is the best alternative.

The City’s plan amendments provide long term strategies to address urban design, appropriate land use mixes, network connectivity and the promotion of urban infill, redevelopment and downtown revitalization. The strategy to improve mobility relies on the focus of growth on core areas while protecting the character of existing single family neighborhoods. The mobility strategy includes the identification of five planning areas, each with a Planning Area Center. The mobility strategy for each planning area addresses three distinct types of geographic travel:

- Connections within each planning area between residential areas and the non-residential centers;
- Connections between the transportation hubs in the center of each of the five planning areas; and
- Connections from Boca Raton’s regional transportation hubs to significant locations outside of the City.

A summary of the modifications to each element of the Comprehensive Plan has been provided by the City and is included as Attachment A.

Following are some of the highlights of the amendments:
A. Text and Map Series Amendments

1. Future Land Use Element

a. Under Policy LU.1.1.10, a new FLUM designation entitled Planned Mobility is established. The new designation is intended for development which enhances and improves mobility and promotes the efficient use of infrastructure and services through the use of innovative design and development techniques while respecting and complementing the character of existing adjacent neighborhoods and natural areas. A range of uses is encouraged in areas designated as Planned Mobility, and the areas are to be located and designed so as to be vibrant, promote convenience, reduce travel distance and conserve energy. A market study is required to demonstrate market need and economic potential. The new Planned Mobility FLUM designation is being applied to a number of properties along the I-95 corridor in the City (see description later in this report).

b. New Objective LU.1.6.0 is to ensure the coordination of the FLUM with regional post-disaster redevelopment planning and hazard mitigation report recommendations, as appropriate.

c. New Policy LU.2.2.2 indicates that by 2011, the City shall incorporate additional mobility strategies and urban design evaluation criteria into the Land Development Code in order to measure the consistency of proposed developments against policies contained in this Element and the Transportation Element of this Comprehensive Plan.

d. New Policy LU.2.5.3 indicates the City shall coordinate with the School District for the development of compact, neighborhood-scaled schools located along local roadways and designed primarily to serve students within a two-mile radius of the school, in order to provide a stronger tie to the community and provide an increased opportunity for walking and bicycling to school.

e. New Policy LU.2.5.4 indicates the City shall program the construction, maintenance, and rehabilitation of bicycle and pedestrian facilities within a 0.5 mile radius of schools.

f. New Goal LU.3.0.0 is to establish a master plan for each of the five planning areas, as depicted on the Planning Area Map of the Map Series (see Exhibit 3), to support mobility options and contribute to the identity and unique sense of place of each Planning Area.

g. New Objective LU.3.1.0 is to develop a master plan for each of the designated Planning Areas in order to create a vision for each that includes the location of the planning area hub and public open space, the appropriate mix of land uses, the desired density and intensity of uses, and infrastructure to support multiple modes of transportation.

h. New Policy LU.3.1.1 indicates the City shall conduct a community visioning process that results in a master plan consisting of goals, objectives and policies, and a vision framework that supports mobility options for each planning area, with particular attention paid to infill and redevelopment and preservation of surrounding single family neighborhoods.

i. New Objectives and Policies are proposed for each planning area.
j. New Objective LU.4.1.0 is to establish development patterns and a mix of land uses that constitute energy-efficient land use patterns, in each of the designated planning areas.

k. New Objective LU.4.2.0 indicates the street network shall be designed to provide interconnected patterns that promote mobility for people and goods, and effective circulation of car, transit, bicycle, and foot traffic.

l. New Objective LU.4.3.0 is to encourage pedestrian-oriented development through site design, building orientation and streetscape improvements.

m. New Objective LU.4.4.0 is to encourage infill and redevelopment as a way to implement development strategies associated with enhanced mobility and promote compact, vibrant communities, revitalize neglected areas, promote transportation choices and accommodate expected increases in population and employment.

n. New Objective LU.4.5.0 is that parking lots shall be located and designed to support pedestrian safety, connectivity and comfort by reducing the number of curb cuts and providing interconnectivity between and through sites.

2. Transportation Element

a. New Objective TRAN.1.2.0 calls for the implementation of Quality of Service (QOS) performance measures which evaluate the presence and quality of pedestrian, bicycle and transportation facilities; and quantitative measures of land use, urban form and street connectivity.

b. New Policy TRAN.1.2.2 indicates that QOS performance measure goals are to be achieved by 2035 in each planning area.

c. Additional new policies under Objective TRAN.1.2 support mobility; support pedestrian, bicycle and transit use; and establish additional performance measures for transit coverage; connection of major generators and attractors to transit hubs; and call for sidewalks and parkways, and pedestrian amenities.

d. New Goal TRAN.3.0.0 is to provide a safe, convenient, efficient, continuous, and aesthetically pleasing transportation environment that is conducive to bicycling, walking and transit.

e. New Objective TRAN.3.2.0 is to design pedestrian and bicycle facilities and the surrounding environment to ensure the safety of non-motorized travelers and encourage increased use of these systems.

f. New Goal TRAN.5.0.0 is to provide an efficient, interconnected system of public transit services for residents and visitors to increase transportation choices and reduce automobile congestion, and therefore greenhouse gas emissions.

g. New Policy TRAN.5.1.1 indicates the City shall strive to develop vibrant, mixed-use communities including residential development surrounding transit stations and stops to provide more opportunities to rely on public transit, bicycling, and walking to serve multiple daily needs.

h. New Objective TRAN.5.5.0 is to develop a system of shuttle routes that provide connections between the commuter rail-based transit station and major transportation generators and attractors.

i. New Objective TRAN.5.6.0 is to encourage the Florida Transportation Commission, the Florida Department of Transportation, and the Florida East Coast Railway to
develop passenger transit services along the rail corridor adjacent to Old Dixie Highway.

3. Housing Element

a. Revised Policy HO.1.3.7 indicates the City shall continue to support public and private sector efforts to provide affordable housing for extremely low, very low, low- and moderate-income groups in areas designated for residential land use, particularly within ¼ mile of major transportation attractors and generators, transit corridors, and existing and future transit stops.

b. Revised Policy HO.1.3.10 adds trust funds to the list of programs and regulations the City will consider to encourage the development of affordable housing units.

c. New Policy HO.1.3.11 indicates that new residential development located within the areas identified through the master planning process for higher density shall contain a diversity of housing types to enable citizens from a wide range of socioeconomic levels and age groups to live within the City’s boundaries.

d. New Policy HO.1.3.12 indicates that workforce housing shall be a component of any residential development proximal to major transportation attractors and generators, and along transit corridors to improve connectivity between residences and workplaces while minimizing reliance on auto ownership.

4. Recreation and Open Space Element

a. Objective REC.1.0.0 is revised to adopt a LOS standard for total park acreage; rather than for individual park types (neighborhood, community, district, etc.).

5. Conservation Element

a. New Policy CON.2.3.3 indicates that the City’s 10-Year Water Supply Facilities Work Plan shall be reviewed and updated as needed to correspond with the South Florida Water Management District’s Lower East Coast Water Supply Plan.

b. New Policy CON.6.1.1 indicates that to help reduce greenhouse gas emissions, the City shall support multiple modes of transportation through the implementation of the City’s mobility strategies and the resulting planning area plans and policies encouraging mixed-use land use patterns, pedestrian-oriented development, and appropriate density and intensities toward locations served by transit.

6. Infrastructure Element

a. New Policies INF1.3.2 and INF.1.3.3 address alternative water supplies and the revisions and update to the City’s Water Supply Facilities Work Plan.

b. New Policies INF.1.3.7 and INF.1.3.8 address the requirements for water conservation techniques and provision of water conservation information.

c. New Objective INF.2.3.0 is that the City shall maintain and expand, as necessary, the “In-City Reclamation Irrigation System (IRIS)” in order to reduce wastewater
effluent discharges, reduce potable water consumption for non-potable uses, and recharge wetlands and groundwater supplies.

d. The Element incorporates the Water Supply Facility Work Plan into the comprehensive plan.

7. Capital Improvements Element

a. New Policy CIE.1.2.3 indicates the City shall adopt new revenue and funding sources to assist with funding transportation facilities such as developing a transportation impact fee, mobility fee, special taxing district, special assessment, or similar funding sources.

8. Intergovernmental Coordination Element

a. Revised Policy ICE.1.2.2 is to resolve conflicts with other local governments as they arise through the Regional Planning Council’s regional dispute resolution process.

b. New Policy ICE.1.3.3 indicates the City shall coordinate appropriate aspects of its comprehensive plan with the South Florida Water Management District’s Regional Water Supply Plan, the Lower East Coast Water Supply Plan.

c. New Policy ICE.1.3.20 indicates the City shall coordinate with the Boca Raton Airport Authority, the South Florida Regional Transportation Authority (SFRTA or Tri-Rail), and Palm Tran regarding the installation of an intermodal terminal at the Boca Raton Airport, as needed for consistency with policies promoting transportation options in the Boca Raton Comprehensive Plan.

d. New Policy ICE.1.3.25 commits the City to coordinate with Palm Tran and other transit providers to review site plan proposals to ensure that the design of roadways, buildings, and other features will allow for safe and efficient operation by Palm Tran buses and City shuttle buses.

B. Future Land Use Map Amendments

Consistent with the recommendations of the EAR, the City proposes to assign the Planned Mobility FLUM designation to a number of properties within the City (see Exhibit 2). These properties are located primarily near the I-95 interchanges at Glades Road and Yamato Road. A total of 1,418 acres are to receive the Planned Mobility designation.

The majority of these properties (90%) have a current FLUM designation of Commercial, Industrial Light, or Manufacturing Industrial. The remaining properties have existing designations of Mixed Use, Institutional and Residential Low. The Planned Mobility designation is intended to allow development which is mixed in use and enhances and improves mobility.
Extrajurisdictional Impacts

The proposed amendments were provided to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) by the City and were noticed to IPARC participants on August 25, 2010. Although no objections were made through the IPARC process, Council has received a copy of a letter dated September 14, 2010 from Palm Beach County expressing concerns that proposed revisions to the City Transportation Element are in conflict with the County Traffic Performance Standards Ordinance.

Public Comment

Council was copied on a letter to the DCA dated August 27, 2010 from the Chairman of the Public Environmental Affairs Committee of an organization known as Save Boca Raton Green Space. The letter (see Attachment B) raises several issues regarding the proposed amendments and expresses concern about:

1. the compatibility of hotels in residential FLUM districts;
2. the inappropriate FLUM designation for a property known as Ocean Strand;
3. the appropriateness of the assignment of the new Planned Mobility FLUM designation to certain properties;
4. the failure to establish a permanent funding source for transportation mobility/facilities; and
5. the failure of the City to reference significant changes in the real estate economy in the “Profile of the City”, an introductory section of the comprehensive plan.

Effects on Significant Regional Resources or Facilities

Analysis of the proposed amendments indicates that they would not have adverse effects on significant regional resources or facilities.

Analysis of Consistency with Strategic Regional Policy Plan

The City has done an excellent job of revising the Future Land Use and Transportation Elements to put in place the goals, objections and policies to support increased mobility for the City. The City has addressed urban design, the mix of land uses, connectivity, urban infill, redevelopment and revitalization consistent with the SRPP. The proposed amendments are considered to be consistent with the following Regional Goals.

Regional Goal 3.1 Revitalization and maintenance of complete cities, towns and villages.
Regional Goal 5.1 Redevelopment, revitalization and infill of existing neighborhoods and districts.
Regional Goal 7.1 A balanced and integrated transportation system; as well as Strategies 7.1.2 - Develop a complete and coordinated transportation planning process; 7.1.3 – Promote improved community planning and urban design; and 7.1.4 – Encourage public transportation alternatives.
Regional Goal 8.1 Public facilities which provide a high quality of life.
Regional Goal 9.1 Decrease vulnerability of the Region to fuel price increases and supply interruptions.

Regional Goal 10.1 Neighborhoods and communities which are served by a variety of transportation modes.

Comments/Recommendations for Modification

1. Objective 1.1.0 of the Recreation and Open Space Element indicates that the City level of service is now to be based on total park acreage, rather than standards for each type of park (District, Community, Neighborhood, Nature). A new or revised policy should be considered to indicate the City is committed to providing reasonable access to all types of parks for residents of all the City planning areas.

2. One of the properties to receive the Planned Mobility FLUM designation is located immediately north of Spanish River Boulevard, south of Yamato Road and east of I-95. The property is vacant, 79 acres in size and has a current FLUM designation of Residential Low. The City’s Recreation and Open Space Map shows the property as Environmentally Sensitive (see Exhibit 5). However, the property is privately owned and Council is not aware of any plans for public purchase of the property. The City should ensure that as much native habitat as possible is preserved when this property is developed; consistent with SRPP Policy 6.7.1.2 which recommends the preservation of a minimum of 25% of upland natural communities in the evaluation of development plans. The Policy indicates that more than 25% of the upland habitat be preserved where appropriate.

3. The City should address the concerns expressed in the August 27, 2010 correspondence from the Save Boca Raton Green Space organization.

4. After the completion and distribution of the staff report, Council received a copy of a letter dated September 14, 2010 from the Palm Beach County staff to the DCA (see Attachment C). The letter indicates that the County is opposed to certain proposed changes to the City Transportation Element regarding level of service standards. This issue is complicated by litigation regarding the status of Senate Bill 360 of 2009. Prior to the adoption of the proposed amendments, the City should address the concerns expressed by the County regarding consistency of the proposed amendments with the County Traffic Performance Standards Ordinance adopted pursuant to the County Charter Authority.

Consistency with Strategic Regional Policy Plan

The contract agreement with the DCA requires the TCRPC to include a determination of consistency with the SRPP as part of the written report to be submitted to the DCA. The TCRPC finds the proposed amendments to be CONSISTENT with the SRPP.
Recommendation

The Treasure Coast Regional Planning Council should adopt the above comments and instruct staff to transmit the report to the Department of Community Affairs.

Attachments
List of Attachments

Attachments

A  August 13, 2010 Transmittal Letter from the City of Boca Raton to the Florida Department of Community Affairs
B  August 27, 2010 correspondence from Robert DuKate, Chairman of the Public & Environmental Affairs Committee, Save Boca Raton Green Space
C  September 14, 2010 correspondence from Lorenzo Aghemo, Planning Director, Palm Beach County
August 13, 2010

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

RE: Transmittal of the Proposed City of Boca Raton EAR-Based Comprehensive
Plan Amendments

Dear Mr. Eubanks:

Attached please find one (1) paper copy and two (2) copies on a CD-ROM in a Portable
Document Format (PDF) of the City’s Evaluation and Appraisal Report (EAR) based
Comprehensive Plan amendments. The City of Boca Raton is transmitting the enclosed
Comprehensive Plan for formal review pursuant to Chapter 163, Florida Statutes and
Rule 9J-11.006 Florida Administrative Code. This transmittal letter provides the
information outlined in DCA’s May 2010 Submittal Letter Requirements.

The 2010 Boca Raton Comprehensive Plan proposes new goals, objectives and policies
that respond to the major issue of mobility identified in the 2005 Evaluation and
Appraisal Report. The Plan provides for more accessible transportation options, better
linkages to the network of local and regional transportation systems, more efficient
management of existing transportation corridors and a complementary mix of land uses in
order to better manage future growth and development within the City of Boca Raton.

Below is a summary of a new Community Profile section and the modifications to each
of the Elements of the proposed 2010 Comprehensive Plan.

1. Community Profile
The new Community Profile section sets the tone for the vision of the City and
summarizes each of the Elements.

2. Future Land Use Element (FLUE)
The proposed amendments to the Future Land Use Element divide the City into five (5)
planning areas. The goals for each of the planning areas provide a general vision for
redevelopment of that area while the objectives and policies establish a process for
creating land development regulations through the master planning process. Each of the
planning areas will be subject to different types of development criteria, depending on the
intended uses, densities and intensities that will be linked through an integrated transportation system that combines automobile, pedestrian, bicycle and transit travel.

New policy direction is established in the following GOPs,

- **GOAL LU.3.0.0** - Establishes a master planning process that supports mobility options and contributes to the identity and unique sense of place through a public input process.

- **OBJECTIVE LU.3.2.0** - Creates a unified vision for the Southeast Planning Area (Downtown) as a civic and cultural destination that fosters interconnectivity and pedestrian friendly streets, parks and civic spaces.

- **OBJECTIVE LU.3.3.0** - Enhances the identity of the Northwest Planning Area (Arvida Park of Commerce area) as an employment and residential center with greater mobility options.

- **OBJECTIVE LU.3.4.0** - Promotes the development of the Central Planning Area (Florida Atlantic University and Boca Raton Community Hospital) as a residential and regional employment and education center.

- **OBJECTIVE LU.3.5.0** - Encourages the evolution of the Southwest Planning Area (Town Center Mall area) into an interconnected, mixed use destination.

- **OBJECTIVE LU.3.6.0** - Promotes the revitalization and redevelopment of the Northeast Planning Area (North Federal Highway) as mixed use neighborhood hub as envisioned in the North Federal Highway Citizens’ Master Plan.

- Additional objectives include the framework for the desired land use pattern of centers of activity, or planning area hubs, where existing neighborhoods are protected and residents will be able to live, work, play, and shop in a walkable environment.

- The associated policies provide for the following:
  - The criteria for the location of land uses and development,
  - Pattern of land uses and development,
  - Character of land uses and development, and
  - The interrelationship between land use and transportation planning.

- Similar to the adopted 1997 Comprehensive Plan, the FLUE maintains the policy language that guides the provision of infrastructure and affordable housing, and the conservation of the City’s natural and historic resources.
In response to Planning and Zoning Board comments, staff clarified Policy LU.3.1.3 related to flexibility in uses approved through the master planning process. In addition, language was added to clarify Policy LU.1.1.5 and Policy LU.1.4.7 related to workforce housing incentives. Following the June 3, 2010, public hearing, Policy LU.1.1.5, was amended to determine the maximum number of dwelling units to be constructed on lands in the Commercial and Industrial Future Land Use categories through the Land Development Regulations. Policy LU.1.1.8 was amended to add language that allows individual properties within areas with a Mixed Use Future Land Use designation to propose a different distribution of land uses as a percentage of the master plan approved floor area in order to support innovative development compatible with existing and anticipated surrounding land uses. In addition, Policy LU.1.1.10, the generalized Future Land Use descriptions for certain Commercial, Mixed Use and Industrial designations were amended to allow for greater flexibility in uses.

In Policy LU.1.1.10, a new Planned Mobility (PM) future land use designation is introduced. The new Planned Mobility designation is intended for areas well-suited for development that enhances and improves mobility and promotes the efficient use of infrastructure and services through the use of innovative design and development techniques while respecting and complementing the character of existing adjacent neighborhoods and natural areas.

The new Planned Mobility designation will be paired with new land development regulations that will include standards encouraging pedestrian-oriented amenities, good transit connectivity, high quality building and site design, and other features that foster livability, sustainability, community identity and civic pride. Although some developments may be composed of a single type of use, a mixture of land uses is encouraged. While flexibility of uses and design standards is encouraged, protecting and enhancing the character of existing adjacent neighborhoods and natural areas are important factors.

Finally, the new Planned Mobility future land use designation is applied to specific areas within four of the five Planning Areas of the City. These areas are shown with the new PM designation on the Future Land Use Map.

3. Transportation Element (TRAN)
The Transportation Element sets a new path for transportation services and infrastructure. It will more fully link different transportation modes, including automobile, mass transit, bicycle, and pedestrian, to each other, as well as with existing and planned land use patterns. The initiative is intended to make it easier for residents to use modes other than automobiles for some of their daily travels. This is achieved with the following Transportation Element goal, objectives and policies which introduces the concept of performance measures that seek to enhance alternative modes of transportation.
New policy direction is established in the following GOPs:

- **GOAL TRAN.1.0.0** - Establishes as a goal of the City to provide a safe, efficient, convenient, and economical transportation circulation system to connect people, goods, and services within the City and to the region.

- **OBJECTIVE TRAN.1.1.0** - Recognizes the City’s designation as a Dense Urban Land Area (DULA) and Transportation Concurrency Exception Area (TCEA) pursuant to Senate Bill 360, which requires the adoption of long-term land use and transportation strategies to support and fund mobility.

- **OBJECTIVE TRAN.1.2.0** - Establishes a process for measuring the presence and quality of pedestrian, bicycle, and transit facilities through performance measures referred to as Quality of Service Standards, that utilizes FDOT's ARTPLAN model and quantitative measures of land use, urban form, and street connectivity.

- **POLICY TRAN.1.2.2** - Emphasizes the interconnection of land use and transportation planning for each of the five planning areas by requiring that development be designed to safely promote increased walking, biking, and transit use while reducing vehicle trip lengths and vehicle miles of travel.

- **POLICY TRAN.1.2.3** - Encourages a higher performance measure for pedestrian Quality of Service within the core of each planning area, referred to as planning area hubs, where the majority of pedestrian activity is likely to occur.

- The proposed amendments also contain goal statements for each mode of transportation, and include policies for the coordination of the City with the other entities that supply transportation services, funding, and infrastructure to the City. These include the Palm Beach County Transit Authority (Palm Tran), South Florida Regional Transportation Authority (Tri-Rail), the Florida Department of Transportation, Palm Beach County, the Boca Raton Airport Authority, and the Palm Beach Metropolitan Planning Organization. Additionally, the City will coordinate with Broward County Transit for greater regional connectivity.

4. **Housing (HO)**

- The proposed amendments take into consideration the areas that were annexed in 2003 and 2004, adding an additional 8,418 residents. In order to address the long range housing needs for the City, the proposed amendments encourage affordable/workforce housing that includes directing such housing in closer proximity to employment centers and transit hubs within each of the planning areas, as stated in the following policies.
• **POLICY HO.1.3.4** - Promotes mixed-use development within the planning area hubs and transit corridors to further the affordable and workforce housing goals of the City.

• **POLICY HO.1.3.5** - Supports public and private sector efforts to provide affordable housing in areas designated for residential land use, particularly within ¼ mile of major transportation attractors and generators, transit corridors, and existing and future transit stops.

Staff also reorganized the Element to group related Housing Element policies together and clarify language.

5. **Recreation and Open Space Element (REC)**

• The proposed amendments modify the level of service standards that are expressed from the previously adopted method of distinguishing among the different park types to now base the standard on total park acreage.

• **OBJECTIVE REC.1.1.0** - Establishes a new Level of Service (LOS) standard based upon total park acreage for a LOS standard of 11 acres per thousand population.

Staff also corrected a typographical error regarding the maximum floor area ratio that is permitted within lands designated Open Space and Recreation.

6. **Coastal Management Element (CM)**

• In general, the amendments to the Coastal Management Element include language that is consistent with the City’s mobility strategy and amendments to the Future Land Use Element.

7. **Conservation Element (CON)**

• The proposed amendments include updates made to City and state regulations concerning the conservation of natural resources. Additionally, new policy language is proposed to support sustainability through reductions in greenhouse emissions as required by state statute.

8. **Historic Preservation Element (HP)**

• The proposed amendments are minimal with only changes to City Code requirements as they relate to implementing the City’s Historic Preservation Ordinance.
9. **Infrastructure Element (INFRA)**

The City of Boca Raton operates and maintains systems for potable water service, wastewater service and solid waste collection. Further, the City has adopted regulations for stormwater treatment and abeyance and for the protection and conservation of groundwater supplies. This Element is divided into five Sub-Elements: Potable Water, Wastewater, Stormwater, Groundwater Aquifer Recharge and Solid Waste.

- Since adoption of the City’s 1997 Comprehensive Plan, the Florida Legislature enacted law to address the State’s water supply needs. The new legislation strengthens the statutory links between the regional water supply plans prepared by the water management districts and the comprehensive plans prepared by local governments. In addition, the legislation established the basis for improving coordination between the local land use planning and water supply planning by requiring local governments to prepare and adopt a Water Supply Facilities Work Plan (Work Plan) into their comprehensive plans.

- The proposed Infrastructure Element now incorporates the City of Boca Raton’s 10-year Water Supply Facilities Work Plan. The Work Plan identifies and plans for the water supply sources and facilities needed to serve existing and new development within the City.

10. **Public School Facilities Element (PSFE)**

- The only amendments made to the PSFE were based upon amendments made by the School Board since the original PSFE was adopted in 2002.

11. **Capital Improvements Element (CIE)**

- The proposed CIE updates the capital improvement projects that are necessary to maintain the level of service standards of the City’s public facilities and the funding required based upon the short and long range planning horizons of 2013 and 2035, respectively.

12. **Intergovernmental Coordination Element (ICE)**

- The Intergovernmental Coordination Element incorporates an inventory of all adjacent agencies with and without land use regulatory authority and the City government department(s) with which they coordinate. Since adoption of the 1997 Comprehensive Plan, the entities with whom the City coordinates growth and development activity have not changed substantially. The amendments included in the proposed 2010 Comprehensive Plan take into account reorganizations of City departments or mergers of state departments.
13. Map Series

- The Future Land Use Map was amended to incorporate the new Planned Mobility (PM) future land use designation and apply it to specific areas.

- The Potable Water Service Area Map was amended to include all interconnections within the City’s service area.

- All other maps were proofed and corrected as necessary.

The following information is provided pursuant to Rule 9J-11.006(1)(a), F.A.C.

Public Hearings

The City of Boca Raton’s Planning and Zoning Board, acting as the Local Planning Agency, held two (2) workshops on these EAR based Comprehensive Plan amendments on May 6, 2010 and May 20, 2010. The Planning and Zoning Board held two (2) public hearings on the EAR based amendments on June 3, 2010 and August 3, 2010 and recommended approval of the amendments. The City Council held two (2) workshops on the EAR based amendments on July 12, 2010 and August 9, 2010. The City Council held a public hearing on the EAR based amendments on August 10, 2010 and approved transmittal of the amendments to the Florida Department of Community Affairs.

The City is anticipating adoption of the proposed EAR based Comprehensive Plan amendments at the end of October 2010.

Submittal of the Plan to Review Agencies

By copy of this letter and concurrent with this transmittal, the City of Boca Raton has forwarded a copy of the proposed plan amendment package to the Palm Beach County Planning Division, the Treasure Coast Regional Planning Agency, the South Florida Water Management District, the Florida Department of Environmental Protection, the Florida Department of State, the Florida Department of Transportation-District IV, and the Department of Education pursuant to Rule 9J-11.009(8), F.A.C. All of these agencies have previously been sent a copy of the City’s adopted EAR. Copies have also been sent to the City of Deerfield Beach, the County’s Intergovernmental Plan Amendment Review Committee (IPARC), and Florida Atlantic University. Copies of transmittal letters are enclosed. Copies of the proposed Plan, data and analysis and supporting information are available for public inspection at the City of Boca Raton’s City Clerk’s Office and Planning and Zoning Department. Additionally, a copy of the Plan, data and analysis and supporting data may be reviewed on the City’s website.
August 27, 2010

Mr. Robert Dennis
Florida Dept. of Community Affairs
255 Shumard Oak Blvd.
Tallahassee, FL 32399

RE: Boca Raton EAR-Based Comprehensive Plan Amendments

As reflected in the attached letters by “affected persons” under Chapter 163, F.S. and as registered voters in the State of Florida, we are submitting comments regarding the Comprehensive Plan Amendments (CPAs) the City of Boca Raton has transmitted to the Dept. of Community Affairs (“DCA”). It is our position that the proposed CPAs will create significant detrimental impacts to the residential quality of life within the city which does not meet the objectives of Land Use Element Goal LU 1.0.0:

**GOAL LU.1.0.0**

*Achieve the highest long-term quality of life for all Boca Raton residents through and development practices that minimize detrimental impacts to the land, natural resources and urban infrastructure, and which promote access to natural resources and open spaces.*

Consistent with Rule 9J-11.009 F.A.C we have reviewed and analyzed the CPAs, as currently proposed and transmitted to the DCA and we find some significant issues that must be raised as it concerns FLUM changes, public health & safety, traffic and an inaccurate profile of the real estate supply & demand within the city which does not present a factual basis for the CPAs.

*Future Land Use Element - Section L.U.1.1.6 - Incompatible Land Use Change*

Hotels are not a compatible land use in residential areas as indicated by the proposed change in this CPA with an asterisk (*) under the residential land use section. This asterisk notation is in the heading of Density for Residential Land Use on page LU-5 and the footnoted change to allow hotels in residential land use areas is shown on page LU-6 as shown below:

*Up to 1.5 hotel rooms for each dwelling unit may be developed where hotels are permitted pursuant to the applicable land use designation and zoning.*

The objection to this change in the Land Use element was addressed by city staff at public hearings by indicating that this is not really a change and the city was addressing the issue that was recommended in the previous DCA ORC report dated 11-30-07 from the Boca Teaca land use change. There was an approved expansion of the existing hotel on property that has an RH-Residential High land use that was addressed in the ORC comment section B as shown below:

**B. Comments**

*Comment: Within the Residential High land use category, hotels are not an identified use. Pursuant to Section 163.3177(6)(a), F.S., the types of land uses allowed, as well as, the density or intensity of each use, should be included in the Future Land Use Element. Therefore, include hotels as a permitted use in the Residential High land use category; and during the EAR-based amendment process, include the types of land uses allowed for each land use category in the Comprehensive Plan.*
As is clearly indicated by the DCA ORC report dated 11-30-07, there is no request for ALL residential land use areas to include the allowed development of hotels. Clearly hotels are not a compatible use in all residential areas of the city and this allowed land use should be omitted. Furthermore, the city zoning regulations should support the land use designation and not be the leading determinate of the type of use as is recommended in this amendment to the Land Use Element section LU.1.1.6.

There is no supporting data in the CPAs which indicates a shortage of commercial land available for future hotel development. Nor, is there any supporting data in the CPAs which indicates such a large need for additional hotel development that residential land should be allowed for hotel use. (see Exhibit Section 1 for supporting documentation)

**Recommendation:**

It is recommended that since this existing hotel in the Boca Teeca master plan was allowed in the 1960s to accommodate the development of this master planned area, that the CPA be amended to allow for only this specific parcel of land to be grandfathered in for an allowed hotel land use. Hotels should not be allowed in all residential areas regardless of zoning of the residential property. It is further recommended that hotels be specifically added to a use in the commercial land use areas of the city, which is consistent with Goal LU 1.0.0 of this element of the plan to Achieve the highest long-term quality of life for all Boca Raton residents.

**F.L.U.M. Change Omitted/Ocean Strand**

There is a property located on North Ocean Blvd./A1A which was purchased by the city and now owned by the Greater Boca Raton Beach & Park District (GBRBPD) which has the inaccurate future land use designation of RM-Residential Medium density. The majority of this property (known as Ocean Strand) was purchased over 15 years ago for the purpose of preventing development, but has only been vacant of existing residential use since 2003 when the last parcel of existing residential property was acquired by the GBRBPD.

All other properties located on North Ocean Blvd. that are owned by the GBRBPD are designated as PR land use. The Chairman of the GBRBPD has been quoted as stating the “we are in the park business” and the GBRBPD intends to develop this land for a park. During the public hearings on the CPAs, the largest concern expressed by the residents was the need to change the land use on this property to PR from RM, but this was not included in the CPAs. Minutes of the May 24, 2010 meeting of the GBRBPD indicate that the intent of the GBRBPD is to develop the Ocean Strand property as a park. (See Exhibit Section 2 for maps and supporting documentation on this issue).

**Recommendation:**

It is respectfully requested that the DCA provide a comment concerning the inaccurate land use designation on the Ocean Strand property and a change should be processed as soon as possible to PR which accurately reflects the intended future use of the property as documented herein.

**F.L.U.M. Concern #1 -Change to PM Land Use on ESL & Adjacent to RL**

There is a proposed land use change on property that is located North of Spanish River Blvd, South of Yamato Rd. & East of I-95. A FLUM change from RL to the new proposed PM-Planned Mobility land use designation is detrimental to the long-term quality of life of the adjacent residents to this property. Exhibit Section 3 includes maps which illustrates the CPAs
proposed F.L.U.M and includes the F.L.U.M. from the 2005 E.A.R. This change to the FLUM from RL is significant and violates the Land Use Element Goal LU 1.0.0 as it would result in a significant negative impact on the adjacent residents since the new PM designation allows an extreme change in dwelling density to 20 dwelling units/acre and allows commercial & retail uses within this existing residential community.

It must also be noted that the 2010 Maps in the CPAs list this specific site as Environmentally Sensitive Land (ESL), which further illustrates the inconsistent FLUM change and violation of GOAL LU1.0.0. At the August 10, 2010 city council meeting there were many residential homeowners who spoke in opposition to the proposed land use change at this site since commercial uses were not compatible to the adjacent RL land use area and the land is a valuable habitat to native species and the endangered gopher tortoises.

**Recommendation:**
This significant FLUM change in density from RL to PM (20 units/acre plus commercial & retail uses) for this Environmentally Sensitive Land should be removed completely from the proposed CPAs.

*FLUM Concern #2 - IL to PM in much of NW Section of the City Without Factual Need*

The extensive FLUM change in the NW section of the city from IL (Industrial Light) to the proposed PM designation is inconsistent with the supply and demand of the city. According to a presentation provided by real estate professional and former P&Z board member Keith O’Donnell at the 8-10-10 city council meeting there is currently an estimated over 20 yeas supply of commercial space available for lease. This oversupply of commercial space within this area is illustrated in the supporting documents in Exhibit Section 4 which includes a presentation at the August 10th, 2010 public meeting on this issue by real estate professional Keith O’Donnell.

Mr. O’Donnell specifically stated that there is a 20+ year supply of commercial space available in the proposed PM land use area in NW section of the city. This 20+ year supply was based upon the existing space which provides even more concern since the economic activity has slowed considerably from the 2000-2006 period included in this analysis. This real estate analysis illustrates the demand/supply imbalance which results in a long-term oversupply of commercial space in the city which illustrates the poor planning already in place which allowed this over built situation.

Not only is there an oversupply of commercial lease space in this area, but this does not include the committed real estate development that has been approved but not yet built. Exhibit section 4 also shows Committed Development (from the city website) that has not been updated recently, but this illustrates that the 20 year supply of commercial space actually understates the approved development supply since there is more development in the area that has been approved and should be considered vested for future development.

Further factual documentation in exhibit section 4 shows that an existing mixed-use development in the NW section of the city included retail uses, several commercial buildings, a Hilton hotel and residential dwelling units. The retail portion of this mixed-use area was operated under the name of NexStore and has been acquired by the lender via foreclosure and there are over 3 commercial buildings that are completely empty. This area has been served by the Pennisula route on the city’s NW shuttle route to/from the TriRail station yet it is still a failing mixed use development. The residential component of this area has been built for over 2 years and there are limited sales of these units due to the oversupply of residential dwelling units in the city. There is no data analysis on the current demand or supply that supports a large undefined
increase in the number of dwelling units that would be allowed under the FLUM change to PM on the numerous properties throughout the city.

**Recommendation:**
The city should provide an updated needs analysis that includes absorption rates based upon economic forecasts and includes an updated analysis of the committed real estate development that has already been approved for the entire city. Once this needs based analysis is completed, then if this area warrants changes to the uses, including additional retail, residential development and commercial development in the NW section of the city, as now allowed in the PM designation, then the city could move forward with this FLUM change. But, based upon the current oversupply of commercial office space in this area and the oversupply of residential dwellings within the city, this PM designation should not be allowed until there are factual based data to support the large increase proposed with the PM land designation.

**FLUM Concern #3 – Planned Mobility (PM) Has No Permanent Funding Source**

The Planned Mobility (PM) land use designation depends upon transportation services that are not permanently funded and are not yet defined for funding sources as shown in Capital Improvement Element of the plan:

**Policy CIE.1.2.3**
The City of Boca Raton shall adopt a new revenue and funding sources to assist with funding transportation facilities such as developing a transportation impact fee, mobility fee, special taxing district, special assessment, or similar funding sources.

The PM land use designation is based upon the plan to provide transportation alternatives to automobile use within the city via shuttle services, especially shuttle services operated by the city. The proposal of the PM land use designation is dependant upon an unfunded transportation system that may or may not materialize or be financially viable for the “long-term” benefit of the residents of the city.

The TriRail service has demonstrated significant funding difficulties in the past and this is a multijurisdictional transportation system which the city is depending on State and County funding to operate. There can be no assurance that an additional rail service may be operational within the next 20 years on the FEC railroad located East of the current TriRail service.

The lack of permanent funding sources for the proposed alternative transportation services does not address the risk of future development that results in a significant decline in the LOS of roads within the city without properly funded transportation systems available to meet the traffic concurrency standards required by Chapter 163 F.S.

**Recommendation:**
The PM Land use designation should not be adopted until permanent revenue funding sources are established to provide for the level of service consistent with established traffic concurrency standards under Chapter 163 F.S.

**Profile Inaccuracies – Insufficient Data to Support FLUM Changes**

The profile of the city does not reference the significant change in the real estate economy that has transpired within the city during the past 4 years as the real estate development bubble has burst not only in the city of Boca Raton, but throughout the State of Florida. As an illustration of the oversupply of property available for occupancy within the city please see Exhibit section 5,
which contains numerous media reports and third party research on the extremely weak real estate environment for both residential and commercial properties. Recently it was announced that there is a 77% increase in foreclosures within the Palm Beach County metropolitan area, which includes Boca Raton.

The profile transmitted does not mention any factual data about the current high foreclosure rate within the city and the large inventory of residential properties that are being rented by property owners that are unable to sell due to the oversupply of available residential dwelling units. Many of the residential properties that are being sold are “short sales” in which the property value has declined significantly below the original price and the original mortgage amount which has resulted in the equity savings of the resident being completely lost.

A comparison of the current profile date sources between the 2005 EAR and the 2010 CPAs illustrates the selective omission of such relevant data as building permits which would be expected to not support extensive FLUM changes being proposed. The current comprehensive plan has allowed so much development of both commercial and residential properties that there is an obvious oversupply that will not be absorbed for the next 20 years based upon numerous documented forecasts by real estate professionals, including Moody’s Economic forecast for the state of Florida’s real estate industry.

**Recommendation:**
Require updated data & analysis that is consistent with the 2005 EAR development data for accurate comparisons to the current economic conditions that must provide factual support for the numerous FLUM changes in the proposed CPAs. The inventory of foreclosed and bank-owned residential real estate should be included in the factual data on the profile of the city prior to considering FLUM changes that would add more residential, retail and commercial development.

**Health & Safety: EAR-based CPA Needed/Environmental Protection of Residents**

On 12/11/07 the city of Boca Raton approved a land use change on a golf course within the area of the Boca Teaca master plan that allowed for 211 residential dwelling units with the condition that building permits would not be granted until environmental testing was completed as recommended by the FL Dept. of Health (see Exhibit section 6) prior to this approval. The CPAs do not address this recognized need to protect the health and safety of the current and future residents by requiring environmental phase 1 & 2 testing on properties seeking a land use change that may be hazardous to public health due to known or unknown historical use of the land.

The risks to the public health on this property were subsequently confirmed by and EPA & DEP investigation on this property in February 2010 which resulted in the EPA & DEP final report dated July 28, 2010 (see exhibit section 7). This DEP/EPA report indicates that the property was not only incompatible for the previously approved residential use, but also incompatible for industrial use due to the excessive levels of hazardous chemicals in the soil and groundwater. Additionally, the primary concern of the DEP & EPA was the pathway of the groundwater from the contaminated property which was in the direction of some of the city’s potable wells less than 1 mile away that are used to supply over 100,000 residents with drinking water.

How can the city or the elected council members approve a land use change, including the extensive FLUM changes in the current CPAs, without verifying the safety of the property for the intended use? While the above referenced property involved a partial golf course conversion which are well documented to be at risk of environmental contamination that is not compatible
for residential use, the significant FLUM changes proposed in these CPAs via the PM designation do not provide any factual basis for the known uses and potential hazards of the historical property use on the new PM designated properties. The CPAs do not provide a factual inventory of the historical uses, which are known to include warehouse, industrial and printing businesses which are expected to have included the use of potential hazardous chemicals. The DEP/EPA report indicates that the approved land on the Boca Teeca golf course is not suitable for residential or industrial use as a factual basis for the need to include such a provision within the city’s comprehensive plan.

**Recommendation:**
This public health concern should be addressed by including in the CPAs a provision for requiring environmental phase 1 & 2 testing prior to consideration of any land use change by the city. Other municipalities, such as Broward County has already adopted similar provisions.

This requirement is not expected to be an onerous or costly issue for the property owners since it is recognized that the majority of lenders require this environmental testing as a condition of their lending agreements. Hence, it would simply be an impact on the minority of property owners seeking a land use change that have not conducted environmental testing prior to their application for the land use change.

In summary, there are many planning concerns about the proposed CPAs that do not meet Goal LU 1.0.0 that seeks to achieve the highest quality of life for all Boca Raton residents. Accordingly, it is our desire that the professional planners on your staff will be able to recognize these concerns with the identification of the issues noted herein and include suitable corrective actions within your O.R.C. report.

Thank you for your consideration of these concerns in your review process that will provide Objections, Recommendations and Comments for consideration by the City of Boca Raton.

Respectfully,

[Signature]

Robert DuKate
Chairman of the Public & Environmental Affairs Committee
Save Boca Raton Green Space

cc: Treasure Coast Regional Planning Council
c: Florida Dept. of Environmental Protection
September 14, 2010

Mr. Mike McDaniel
Chief, Division of Community Planning
Florida Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

RE: City of Boca Raton EAR-based Comprehensive Plan Amendments – Transportation Element

Dear Mr. McDaniel:

Palm Beach County staff has reviewed the proposed EAR based Comprehensive Plan amendments that were approved by Boca Raton City Council on August 10, 2010 for transmittal to your office. This letter serves to notify you of the County staff’s opposition to proposed changes to the Transportation Element. City staff has indicated that it may change the language in Objective 1.1.0 and Policy 1.4.5 in the final adopted versions of these Comprehensive Plan amendments, pending the outcome of litigation regarding SB 360. However, since there is no certainty at this time as to what the City will do, we are submitting the following comments for the record:

1. **Objective Tran. 1.1.0:** This objective makes reference to the Senate Bill 360 and the designation of the City as a Dense Urban Land Area (DULA). It states that “this new provision gives local government the ability to accept more congestion on certain state roads where this is consistent with community objectives …” Under proposed **Policy TRAN.1.1.1.**, a level-of-service (LOS) standard of **E** is established for certain State roadways (as shown in the table below the policy statement) which is inconsistent with the LOS D standard established under the County’s Traffic Performance Standards Ordinance (TPS).

2. **Policy Tran. 1.4.5:** This policy states that “traffic analyses, methodologies, capacities and other traffic requirements for all new and redeveloped property in the City of Boca Raton shall conform to the standards of the Palm Beach County Traffic Performance Standards Ordinance with respect to county roadways and to the City Concurrency System Administrative Manual (which incorporates appropriate provisions of the Palm Beach County Traffic Performance Standards Ordinance) with respect to City and State roadways”. This policy assumes that the City has the authority to set LOS standards for State roadways, which is inconsistent with the County’s TPS Ordinance adopted pursuant to the County’s Charter authority.

Palm Beach County staff does not believe that the City of Boca Raton has the authority to establish a lower LOS standard on State roadways for the following reason:
Regardless of whether SB 360 remains in effect or not, the County’s Charter Authority to set LOS standards would preempt the City’s authority to change these standards. Even if SB 360 [which was codified as Florida Statutes 163.3180(5)(f)] were applicable, it states that “the designation of a transportation concurrency exception area does not limit a local government’s home rule power to adopt ordinances or impose fees.” Palm Beach County has exercised its home rule power to adopt Section 1.3 (4) of the Palm Beach County Charter (pursuant to a Countywide referendum) which reads as follows:

Sec. 1.3. Scope of county ordinances; conflict with municipal ordinances.

Municipal ordinances shall prevail over county ordinances to the extent of any conflict regardless of the time of passage of the municipal ordinance, except that county ordinances shall prevail over conflicting municipal ordinances:

(1)...
(2)...
(3)...

(4) In matters relating to the establishment of levels of service for collector and arterial roads which are not the responsibility of any municipality and the restriction of the issuance of development orders which would add traffic to such roads which have traffic exceeding the adopted level of service provided that such ordinance is adopted and amended by a majority of the board of county commissioners.

Please do not hesitate to contact Khurshid Mohyuddin at 561-233-5351 in the Planning Division or Allan Ennis, Assistant Director of the County Traffic Division, at 561-684-4101 if you have any questions.

Sincerely,

Lorenzo Agheomo
Planning Director

cc: Commissioner Karen T. Marcus, District 1
Commissioner District 2 Office
Commissioner Shelley Vana, District 3
Commissioner Steven L. Abrams, District 4
Commissioner Burt Aaronson, District 5
Commissioner Jess Santamaria, District 6
Commissioner Priscilla Taylor, District 7
Verdenia C. Baker, Deputy County Admin.

Julia A. Trevathan, Planning Director, Boca Raton
Ray Eubanks, Plan Review Admin., DCA
Bob Dennis, Reg. Planning Admin., DCA
Terry Hess, Treasure Coast Reg. Planning Council
Barbara Aletter Esq., PBC PZB Executive Director
Leonard Berger, Assistant County Attorney
George Webb, County Engineer, PBC
Allan Ennis, PBC Engineering
Khurshid Mohyuddin, PBC Planning
List of Exhibits

Exhibit

1  General Location Map
2  Future Land Use Map
3  Planning Areas Map
4  Existing Functional Classification Map
5  Recreation and Open Space Map
Exhibit 1
General Location Map
City of Boca Raton
Exhibit 2
Future Land Use Map
Exhibit 4
Existing Functional Classification Map
Exhibit 5
Recreation and Open Space Map