MEMORANDUM

To: Council Members

From: Staff

Date: July 12, 2019

Subject: Local Government Comprehensive Plan Review
Draft Amendment to the City of Boca Raton Comprehensive Plan
Amendment No. 19-01ER

Introduction

The Community Planning Act, Chapter 163, Florida Statutes, requires that the regional planning council review local government comprehensive plan amendments prior to their adoption. The regional planning council review and comments are limited to adverse effects on regional resources or facilities identified in the Strategic Regional Policy Plan (SRPP) and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. Council must provide any comments to the local government within 30 days of the receipt of the proposed amendments and must also send a copy of any comments to the state land planning agency.

The amendment package from the City of Boca Raton was received on June 19, 2019 and contains text changes to the Community Profile; Future Land Use, Transportation, Housing, Infrastructure, Coastal Management, Conservation, Recreation and Open Space, Intergovernmental, Historic Preservation, Capital Improvements and Public School Facilities elements; the map series; and data and analysis section of the comprehensive plan. The proposed changes are based on the City’s Evaluation and Appraisal Review (EAR). This report includes a summary of the proposed amendments and Council comments.

Summary of Proposed Amendments

The purpose of the EAR is to determine whether the need exists to amend the comprehensive plan to reflect changes in state requirements since the last time the comprehensive plan was updated and to address issues of local concern. On September 28, 2017, the City sent a letter to the Florida Department of Economic Opportunity (FDEO) indicating that amendments to their comprehensive plan were necessary.

Overall, the proposed amendments: reflect changes in state requirements or legislation; clarify language of the current comprehensive plan; combine or eliminate similar and redundant policies; update information to reflect current practices, processes or conditions; remove outdated references or definitions; and correct scrivener’s errors. Due to the extensive volume of
material, the proposed amendments in **strikeout** and **underline** format have been provided as a supplement on Council’s website. A summary of the amendments by element follows:

**Community Profile**

As part of the proposed EAR amendments, several references to state requirements, total acreage, population, the amount of vacant and developable land, definitions, and approved Planned Mobility Development projects are being updated.

**Public School Facilities Element**

In 2015, the Palm Beach County School District enacted an interlocal agreement between the School Board, County, and municipalities within the County for coordinated school planning. In April of 2017, the City approved participation in that planning effort. Due to the elimination of statutory requirements for school concurrency and a Public School Facilities Element (PSFE) in a local government’s comprehensive plan, the City is proposing to delete the PSFE from its comprehensive plan. In order to address the City’s responsibilities under the interlocal agreement for coordinated school planning, the amendment will relocate many of the policies to new goals and objectives within the Intergovernmental Coordination Element.

**Future Land Use Element**

A majority of the proposed amendments involve updating references to state requirements, clarify existing language in policies and updating information. Significant changes include:

- Adding Policy LU.1.1.10 to create a new Residential Medium-High Density, up to 15 dwelling units per acre (du/ac) land use designation to provide a transitional category between the current Medium Density Residential designation, up to 9.5 du/ac and the High Density Residential designation, up to 20 du/ac.
- Adding Policy LU.1.2.5 requiring the City to work toward the adoption of a Comprehensive Waterfront Master Plan.
- Adding policies LU.1.2.6 – LU.1.2.8 to meet the requirements of state statutes for planning that addresses impacts of climate change, including sea level rise, rainfall patterns, and extreme weather events, and which considers the best available data, citing the Southeast Florida’s Climate Change Compact’s regional Unified Sea Level Rise Projections.
- Revising Policy LU.3.5.6 to coordinate with the South Florida Regional Transportation Authority for any future Tri-Rail stations within the City.
- Removing policies LU.3.6.5 – LU.3.6.7 related to the Master Plan for the North Federal Highway Corridor since it was not adopted by the City.
- Adding language in Policy LU.4.1.8 to a current policy to provide consistency with the City code that requires that non-residential uses be placed along arterial or collector streets rather than local streets, and that the City will, in the future, consider amending the City code to consider allowing neighborhood-scale schools along local streets.
- Adding Objective LU.4.8.0 and underlying policies to promote and foster arts and culture in the City.
Transportation Element

Proposed amendments to this element involve updating references to state requirements and clarifying existing language in the policies. In addition, proposed amendments call for consideration of the establishment of a mobility fee. Significant changes include:

- Revising Objective TRAN.1.1.0 to indicate the City will strive to achieve adopted level of service standards for transportation facilities; adds language indicating the City will explore alternatives to existing concurrency standards, which may include the establishment of a city-wide mobility fee to fund mobility improvements, the adoption of a city-wide mobility plan, or other techniques to complement the application of transportation concurrency; deletes references to the City’s designation as a Dense Urban Land Area and Transportation Concurrency Exception Area; and deletes references to required transportation concurrency standards related to the Ocean Palm Breeze development order that has expired.
- Adding Policy TRAN.1.1.2 to indicate the City shall consider the feasibility of implementing a mobility fee, or other techniques to complement the application of transportation concurrency to be adopted city-wide or only for specific areas or districts within the City for both vehicular and non-vehicular improvements.
- Revising Objective TRAN.1.2.0 and deleting Policies TRAN.1.2.2. and TRAN.1.2.3 to remove Quality of Service performance measure, indicating such measures are subjective and difficult to evaluate.
- Revising Policy TRAN.1.2.7 to renumber it to TRAN.1.2.5 and add language that the City will continue to collect road impact fees in accordance with the Palm Beach County Fair Share Contribution for Road improvement, unless that system is replaced by a mobility fee in accordance with Policy TRAN.1.1.2.
- Revising Policy TRAN.1.3.5 to indicate the City will encourage the Palm Beach Transportation Planning Agency (TPA) to support planned and programmed transportation infrastructure improvements on Glades Road.
- Adding Policy TRAN.1.4.6 to indicate the City shall consider a framework for exceptions from transportation concurrency for roads under the City’s jurisdiction.
- Deleting Policy TRAN.1.4.1 requiring the City to cooperate with the State, Palm Beach County, the Palm Beach Metropolitan Planning Organization, and the Treasure Coast Regional Planning Council to develop roadway and intersection methodologies or formulas.
- Deleting Policy TRAN.2.2.5 requiring the City to support construction of a new I-95 Interchange at Spanish River/FAU Boulevard to serve the traffic demands of Florida Atlantic University, because this interchange has been completed.
- Adding Policy TRAN.3.2.9 stating the City shall consider the feasibility of implementing Vision Zero program with the goal of eliminating all pedestrian, bicyclist, and motorists deaths associated with automobile accidents on all streets within the City.
- Adding Objective TRAN.3.3.0 and underlying policies indicating the City shall promote implementation of “Complete Streets” design standards in the City.
- Deleting Policy TRAN.5.3.1 that requires the City to annually provide a detailed list of information to Palm Tran and the Palm Beach TPA, because the City already coordinates with both of these entities and this list has proven to be unnecessary and infeasible.
Housing Element

Proposed changes to this element include:

- Deleting Policy HO.1.2.3 because it was duplicative of Policy HO.1.1.4 related to the City’s permitting process.
- Deleting Policy HO.1.3.3 because it was duplicative of Policy HO.1.3.2 related to eliminating excessive requirement of private sector participation to meeting affordable housing needs.
- Revising Policy HO.1.3.11 to renumber it as HO.1.3.10 and include the word “consider” developing and amending existing regulations to encourage affordable housing units and their location and encourage lenders and financial institutions to promote community lending programs.
- Revising Policy HO.1.3.21 to renumber it as HO.1.3.20 and to state the City shall continue to coordinate with financial institutions for housing assistance and loan program initiatives that will benefit extremely low, very low, and low- and moderate-income households.

Recreation and Open Space Element

Proposed changes to this element include:

- Adding Policies REC.2.1.2 and REC.2.5.5 to require the City to evaluate opportunities to provide access to city-owned land adjacent to the Intracoastal Waterway and work toward the adoption of a Comprehensive Waterfront Plan for those properties as well as City-owned properties along the Atlantic Ocean.

Conservation Element

Proposed changes to this element include:

- Revising Policy CON.1.3.2 to update current language to provide consistency with City Code requirements.
- Revising Policy CON.1.6.2 to update the list of current resource protection programs.
- Revising Policy CON.3.2.1 related to dune creation, and beach and mangrove clean up.
- Revising Policy CON.5.1.1 to provide updated language consistent with the Division of Air Resource Management of the Florida Department of Environmental Protection.
- Adding Policies CON.6.1.5, CON.6.1.6, and CON.6.2.1 to support sustainability through reductions in greenhouse emissions and reflect identified energy goals of the State Comprehensive Plan.
- Adding Objective CON.6.3.0 and underlying policies requiring the City to consider dedicating staff and resources to coordinate a City sustainability program.

Coastal Management

In 2015, under Chapter 163, Florida Statutes, the legislature passed requirements under the Peril of Flood Act for jurisdictions with Coastal Management Elements contained in their
comprehensive plan to develop a redevelopment component with principles to use to eliminate inappropriate and unsafe development in coastal areas. The Act defines components that must be included in the comprehensive plan. Proposed changes to this element address the state-mandated process of revising the Coastal Management Element of the City’s Comprehensive Plan to address sea level rise and other related issues. The amendments revise several policies within the element to provide compliance with state statutes and current City policies and practices.

**Infrastructure Element**

Proposed changes to this element include:

- Deleting Policy INF.2.2.5 that is no long required due to the repeal of Florida Administrative Code Rule 9J-5.
- Revising Policy INF.2.3.1 to provide updated language related to existing and newly proposed golf courses located within the mandatory reclaimed water zone to require connection to the reclaimed water system when available.
- Deleting Policy INF.3.2.3 that ties the approval of land use designations to funded stormwater mitigation measures in the then-current fiscal year.

**Intergovernmental Coordination Element**

In order to address the City’s responsibilities under the interlocal agreement for coordinated school planning, the proposed changes to this element incorporate objectives and policies previously located within the PSFE, which is being proposed for deletion (see above). The relocated objectives and policies establish procedures for coordinating the provision of and planning for public educational facilities.

**Capital Improvements Element**

Several policies are being proposed to provide the same language as the Coastal Management Element, which, as noted above, is being updated to provide consistency with state statutes and the City’s Flood Damage Prevention and Floodplain Management Code. In addition, changes are proposed which coordinate with the proposed deletion of the PSFE.

The City is also proposing to revise the “Programs to Ensure Implementation” section of the Capital Improvements Element since according to the staff report many of the requirements have been adopted in Chapter 23 of the City Code, have been addressed in other elements of the comprehensive plan, or are obsolete with the repeal of Rule 9J-5. The proposed amendments:

- Delete language related to development order and building permit requirements for provision of public services; the proportionate fair share program; and impact fees.
- Delete a requirement to provide a semiannual report to the Department of Community Affairs.
- Delete the requirement to annually update the Capital Improvements Element. The City will continue to review this element annually to determine if updates are needed.
Map Series

The City currently has 46 maps in the Comprehensive Plan Map Series. As part of the proposed amendments, 38 maps will be updated. Due to the extensive volume of material, the proposed amendments have been provided as a supplement on Council’s website.

Regional Impacts

No adverse effects on regional resources or facilities have been identified.

Extrajurisdictional Impacts

The proposed amendments were circulated by the Palm Beach County Intergovernmental Plan Amendment Review Committee Clearinghouse Coordinator on April 29, 2019. On July 18, 2019, Palm Beach County provided correspondence related to the Transportation Element amendments. That correspondence is included as Exhibit 2.

Conclusion

No adverse effects on regional resources or facilities have been identified. However, in regards to the proposed mobility fee related amendments, as it moves forward the City will need to work with the County regarding transportation and mobility planning and address countywide traffic concurrency provisions of the Palm Beach County Charter. As noted at its June 21, 2019 meeting, Council supports a collaborative approach to address traffic concurrency, impact fees, and mobility fees at the countywide and local levels. In addition, with the deletion of much of the “Programs to Ensure Implementation” section in the Capital Improvements Element, is being deleted. While the text of Policy CIE.1.1.4 lists the level of service standards that must be met (by reference) for approval of a development order and should be adequate, the City may wish to amend Policy CIE.1.3.4 to also state that the standards must be met in order to obtain a development order since this is the Policy that lays out the concurrency management system. There no longer appears to be a policy prohibiting the approval of development orders that cannot demonstrate that the various level of service standards are met. The language in Policy CIE.1.3.4 should be enhanced to explicitly state this prohibition.

Recommendation

Council should approve this report and authorize its transmittal to the City of Boca Raton and the Florida Department of Economic Opportunity.

Council Action – July 19, 2019

Commissioner Dzadovsky from St. Lucie County moved approval of the staff recommendation subject to the inclusion of the July 18, 2019 correspondence from Palm Beach County and the changes shown above in strikeout and underline format. Commissioner Valeche from Palm Beach County, seconded the motion, which carried unanimously.

Attachments
## List of Exhibits

<table>
<thead>
<tr>
<th>Exhibit</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>General Location Map</td>
</tr>
<tr>
<td>2</td>
<td>Letter Dated July 18, 2019 from Palm Beach County</td>
</tr>
</tbody>
</table>
Exhibit 1
General Location Map
July 18, 2019

Mr. Leif J. Ahnell
City Manager
City of Boca Raton
201 West Palmetto Park Road
Boca Raton, FL 33432

RE: City of Boca Raton Amendment SC-18-06/18-30000005

Dear Mr. Ahnell,

County staff have reviewed the amendments referenced above, specifically relating to the Transportation Element. Based upon our reading and understanding of these amendments to the City's Comprehensive Plan, these provisions affect city projects and complement the application of transportation concurrency. The County supports efforts that supplement the provision of transportation facilities and enhance safety and mobility for all modes of transportation throughout the County. Please advise immediately if our understanding is incorrect in any way but we believe that the proposed language does not impact or intends to impact county's concurrency and its collection of impact fee.

The County's Charter provides for regulations on a countywide Traffic Performance Standards and Impact Fees, applicable in every city including City of Boca Raton. Palm Beach County recognizes that not all communities' characters and needs are identical based on, among other things, their development history and availability of undeveloped land. The County gladly welcomes the opportunity to work with the city to develop an appropriate plan that supports the transportation needs and economic viability of its communities.

Please do not hesitate to contact me at 561-233-5332 or Khurshid Mohyuddin at 561-233-5351 if you have any further questions.

Sincerely,

Patricia Behn
Planning Director

c: PBC Board of County Commissioners
   Verdenia Baker, PBC County Administrator
   Patrick Rutter, PBC Assistant County Administrator
   Todd Boniarcon, PBC Assistant County Administrator
   Ramsay Bulkeley, PZB Executive Director
   Leonard W. Berger, Chief Assistant Co. Attorney
   Robert P. Banks, Chief Land Use Co. Attorney
   Chelsea Koester, Assistant County Attorney
   Scott Stone, Assistant County Attorney

Brandon Schaad, Director PZC, City of Boca Raton
Maurice Morel, City Engineer, City of Boca Raton
David Hicks, PBC County Engineer
Mohamed Al-Turk, PBC Engineering
Khurshid Mohyuddin, PBC Planning Division
Bryan Davis, PBC Planning Division

T:\Planning\Intergovernmental\PARC\2019\Reviews\Boca\County Letter - Boca SC-18-06 18-30000005.docx

"An Equal Opportunity
Affirmative Action Employer"