



MEMORANDUM

AGENDA ITEM # III.F

DATE: JUNE 6, 2016

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: DOWNTOWN MIAMI DRI INCREMENT III REGIONAL IMPACT REPORT

Background

The Downtown Miami Development of Regional Impact (the DDRI) is an area-wide development of regional impact created to ensure responsible and healthy development within the region's urban core. The DDRI encompasses 927 acres of urban development in the City of Miami, Florida and is administered by the Miami Downtown Development Authority (DDA). The neighborhoods within the DDRI, Brickell, the Urban Central District, and Arts & Entertainment (formerly the Omni), feature public parks, arenas, museums, libraries, theaters, local status and federal courthouses, college campuses, office, retail, residential, and hotel development as well as the governmental seat of Miami-Dade County. The DDRI establishes the total amount of and an incremental/phased schedule for development, subject to local land development regulations. The project was originally approved with three phases or increments. The Master Development Order was adopted by the City of Miami on October 5, 1987.

Increment III

An Application for Development Approval (ADA) for Increment III was submitted to the Council in April 2015 because the development entitled under previously approved Increments I and II were nearing completion. DDRI Increment III seeks to foster dynamic and balanced growth and strives to achieve the goals of the Miami DDA's 2015 Master Plan. The project development areas are shown in **Map 1. Table 1** outlines the proposed development programs for Increment III.

Council Role

Florida Statute (Fla. Stat.), §186.502 designates "the regional planning council is designated as the primary organization to address problems and plan solutions that are of greater-than-local concern or scope, and the regional planning council shall be recognized by local governments as one of the means to provide input into state policy development." As part of this designation, the regional planning council is responsible for coordinating and facilitating the DRI review process. The DRI review process consists of the host jurisdiction; the county in which the development is located; adjacent local governments; school board; and state and regional agencies such as the Florida Departments of Economic Opportunity, Environmental Protection, State, Transportation, Florida Fish and Wildlife



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Conservation Commission, water management district, and the metropolitan planning organization. The review process has the following primary components: (1) Pre-Application; (2) Application for Development Approval; (3) Impact Assessment Report; and (4) Recommendation to Department of Economic Opportunity regarding the adopted Development Order's consistency with rules and regulations.

Approval Timeline

City of Miami Planning Board - TBD

City of Miami Commission - TBD

City Renders Development Order - Up to 30 days after Development Order adoption

SFRC Hearing on Development Order - Within 45 days upon receipt of the adopted Development Order

Regional Impacts

Chapter 380.06(12), Florida Statutes, specifically identifies review criteria that the Regional Planning Council should consider in its report and recommendations.

(12) REGIONAL REPORTS

- (a) In preparing its report and recommendations, the regional planning agency shall identify regional issues based upon the following review criteria and make recommendations to the local government on these regional issues, specifically considering whether, and the extent to which:
 - 1. The development will have a favorable or unfavorable impact on state or regional resources or facilities identified in the applicable state or regional plans...
 - 2. The development will significantly impact adjacent jurisdictions. At the request of the appropriate local government, regional planning agencies may also review and comment upon issues that affect only the requesting local government.
 - 3. As one of the issues considered in the review in subparagraphs 1. and 2., the development will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment. The determination should take into account information on factors that are relevant to the availability of reasonably accessible adequate housing. Adequate housing means housing that is available for occupancy and that is not substandard.
- (b) At the request of the regional planning agency, other appropriate agencies shall review the proposed development and shall prepare reports and recommendations on issues that are clearly within the jurisdiction of those agencies. Such agency reports shall become part of the regional planning agency report; however, the regional planning agency may attach dissenting views. When water management district and Department of Environmental Protection permits have been issued pursuant to chapter 373 or chapter 403, the regional planning council may comment on the regional implications of the permits but may not offer conflicting recommendations.
- (c) The regional planning agency shall afford the developer or any substantially affected party reasonable opportunity to present evidence to the regional planning agency head relating to the proposed regional agency report and recommendations.

The following summary addresses the impact of the project on state and regional resources, adjacent jurisdictions and adequate housing as required by the statute. Council staff has advised the Applicant of the public hearing date and provided a copy of this report to the Applicant in advance of the meeting.

1. Impact on State or Regional Resources or Facilities

The Development of Regional Impact Assessment for the Downtown Miami, Increment III DRI indicates that the project, as proposed, would have the following positive regional impacts at buildout:

- Project costs of \$7.3 billion of which \$5.8 will be spent in the Region (ADA Table 10-4);
- 13,674 non-construction jobs (ADA Page 10-22);
- An estimated \$268 million non-recurring and \$134 million recurring revenue through 2024 (ADA Table 11-1);
- The construction or rehabilitation of at least 2,700 affordable housing units; and
- Over \$6 million in transit and roadway improvements.

2. Impact on Adjacent Jurisdictions

There are no extrajurisdictional impacts or concerns identified by adjacent local governments that have not been addressed.

3. Adequate Housing

The applicant shall assure that units affordably-priced for extremely-low, very-low, low, moderate, and workforce income populations shall be provided in an amount equivalent to at least 15 percent of the number of units proposed for development in the Increment. The homes would remain affordably-priced for a period of at least 20 years.

4. Education

Development of 18,000 residential units will create the need for more elementary and middle school stations. Although the *Amended and Restated Interlocal Agreement for Public School Facility Planning in Miami-Dade County (ILA)* and school concurrency requirements guide mitigation of impacts to public school facilities, the City, DDA, Miami Parking Authority, Miami-Dade Public Schools, and Miami-Dade County are exploring innovative solutions regarding K-5 student stations serving the DDRI. These approaches include (1) assessing current schools for capacity and curricular amplification by the District in collaboration and with participation by the City, (2) the City providing information to developers about possible incorporation of customized, small District owned and operated educational facilities within their development, and (3) City and District to further explore opportunities for provision of additional educational facilities over and above those listed in 1., above on public land owned by the City or other public entity with assets in or near the DDRI area.

5. Sea Level Rise

The DRI ADA does not include a question related to sea level rise, climate change, or climate resiliency, but these are issues of concern in southeast Florida. The Agreement to Delete Questions included a requirement for the Applicant to analyze how sea level rise impacts may affect the DDRI. The Applicant analysis identified infrastructure within the DDRI that may be vulnerable to sea level rise impacts.

There is not a prescribed metric related to sea level rise; therefore, the DDRI would not create an adverse impact to state or regional resources and facilities. However, the Applicant

volunteered to address potential impacts of sea level rise upon the Downtown, City of Miami and Miami Dade County, by reasonably addressing the findings of the City of Miami Sea Level Rise Committee, and through the implementation of the City of Miami ordinances, Comprehensive Neighborhood Plan objectives and policies, and City resolutions. The Applicant also volunteered to consider the findings of the Southeast Florida Regional Climate Change Compact in future decisions regarding the design, location, and development of infrastructure and public facilities in the City and to meet or exceed adopted Level of Service (LOS) Standards.

The Applicant also will cooperate and coordinate efforts with the Miami Dade County Office of Resilience and comply with Miami-Dade County ordinances and resolution related to sea level rise. As part of the pending Evaluation and Appraisal of its Comprehensive Neighborhood Plan, the City shall consider establishing an Adaptation Action Area within the boundaries of the Downtown DRI and adopting additional policies within the Coastal Management Element and City Code changes to improve resilience to coastal flooding resulting from high-tide events, storm surge, flash floods, stormwater runoff, and related impacts of sea-level rise.

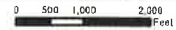
Recommendation

Based on consideration of the above-specified positive and negative regional impacts, it is the recommendation of the Council to the City of Miami Commission that the Application for Development Approval for the Downtown Miami, Increment III Development of Regional Impact be **APPROVED**, subject to the Development Order Conditions. These conditions are to be incorporated by the City of Miami into the proposed Development Order in order to increase the probability of realizing positive regional impacts and mitigating, reducing, or eliminating adverse regional impacts.



Legend

- Major Roads
- Arts & Entertainment District
- Central Business District
- Brickell District



Source: Esri, DigitalGlobe, GeoEye, Earthstar, USDA, USGS, AeroGRID, IGN, IGP, and the GIS User Community, Miami Dade County GIS, Miami DDA, and Kimley-Horn.

TABLE 1 DOWNTOWN MIAMI DEVELOPMENT OF REGIONAL IMPACT INCREMENT III PROPOSED DEVELOPMENT PROGRAM	
USES	PROGRAM/UNITS
Office (Including Government)	2,500,000 square feet
Retail/Service	758,000 square feet
Hotel	2,000 rooms
Residential	18,000 dwelling units
Wholesale/Industrial	250,000 square feet
Institutional	150,000 square feet
Attractions/Recreation	2,000 seats

Source: Downtown Miami Development of Regional Impact Application for Development Approval, Table 10.1b

Attachment: Downtown Miami DRI Increment III Regional Impact Report

**DEVELOPMENT OF REGIONAL IMPACT REPORT
DOWNTOWN MIAMI INCREMENT III
City of Miami, Florida**



**Prepared by the
South Florida Regional Council
June 2016**

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I. OVERVIEW OF DRI PROGRAM

A. DEVELOPMENT OF REGIONAL IMPACT DEFINITION

Pursuant to §380.06(1), Florida Statutes (Fla. Stat.), a development of regional impact (DRI) is "any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety or welfare of citizens of more than one county." A DRI is determined, in part, based on the size of the development. Numerical thresholds for different types of development are identified in §380.0651, Fla. Stat., and Rule 28-24, Florida Administrative Code (F.A.C.).

II. PROJECT DETAILS

A. APPLICANT INFORMATION

Project Name: Downtown Miami, Increment III DRI

Authorized Agent: Downtown Miami Development Authority
200 South Biscayne Blvd, Suite 2929
Miami, Florida 33131

Attention: Alyce Robertson, Executive Director
Telephone (305) 579-6675
Email: Robertson@miamidda.com

With Copy to Eric Riel, Team Leader (Planning, Design + Transportation)
Telephone (305) 579-6675
Email: riel@miamidda.com

With Copy to Neisen Kasdin, DRI Committee Chair
Telephone (305) 579-6675
Email: neisen.kasdin@ackerman.com

Co-Applicant: City of Miami
c/o Planning & Zoning Department
444 SW 2nd Avenue, 3rd Floor
Miami, Florida 33130

Attention: Francisco J. Garcia, Planning Director
Telephone (305) 416-1470
Fax (305) 250-5410
Email: fgarcia@miamigov.com

B. PROJECT DESCRIPTION

Downtown Miami, located on Biscayne Bay, is the City of Miami and Miami-Dade County's economic, civic, and social epicenter. The Downtown Miami Development of Regional Impact (DDRI) encompasses 927 acres of high-density, urban development in the City of Miami, Florida and is administered by the Miami Downtown Development Authority, with the exception of the area between NE/NW 5th Street and I-395 known as Park West. The boundaries of the DDRI are depicted in Figure 1.

FIGURE 1 - DOWNTOWN MIAMI INCREMENT III LOCATION MAP



There are three districts within the DDRI, Brickell, Central Business District, and Arts and Entertainment District, which contain commercial and government offices, residential, hotels, institutional uses, retail/entertainment uses, and attraction/recreational uses. The DDRI is served by major thoroughfares, bus network, and rail transit (heavy and light) and notably is positioned directly between Port Miami and Miami International Airport.

Since the implementation of Increment II in 2002, the DDRI experienced unprecedented growth among its broad range of development uses. The most notable development trends occurring since that time include, but are not limited to:

Residential Development: During Increment II, approximately 14,650 residential units were built within the DDRI, with over 22,000 units built overall when accounting for development immediately outside of the DDRI boundaries. Downtown Miami's residential buildings are lined with numerous structures of world-renowned innovation and design.

Office Development: During the entire decade of the 1990's the DDRI experienced essentially no office development. However, since that time, the DDRI added 3.4 million square feet of professional office space that is home to a healthy mix of local, regional, national and/or international corporations.

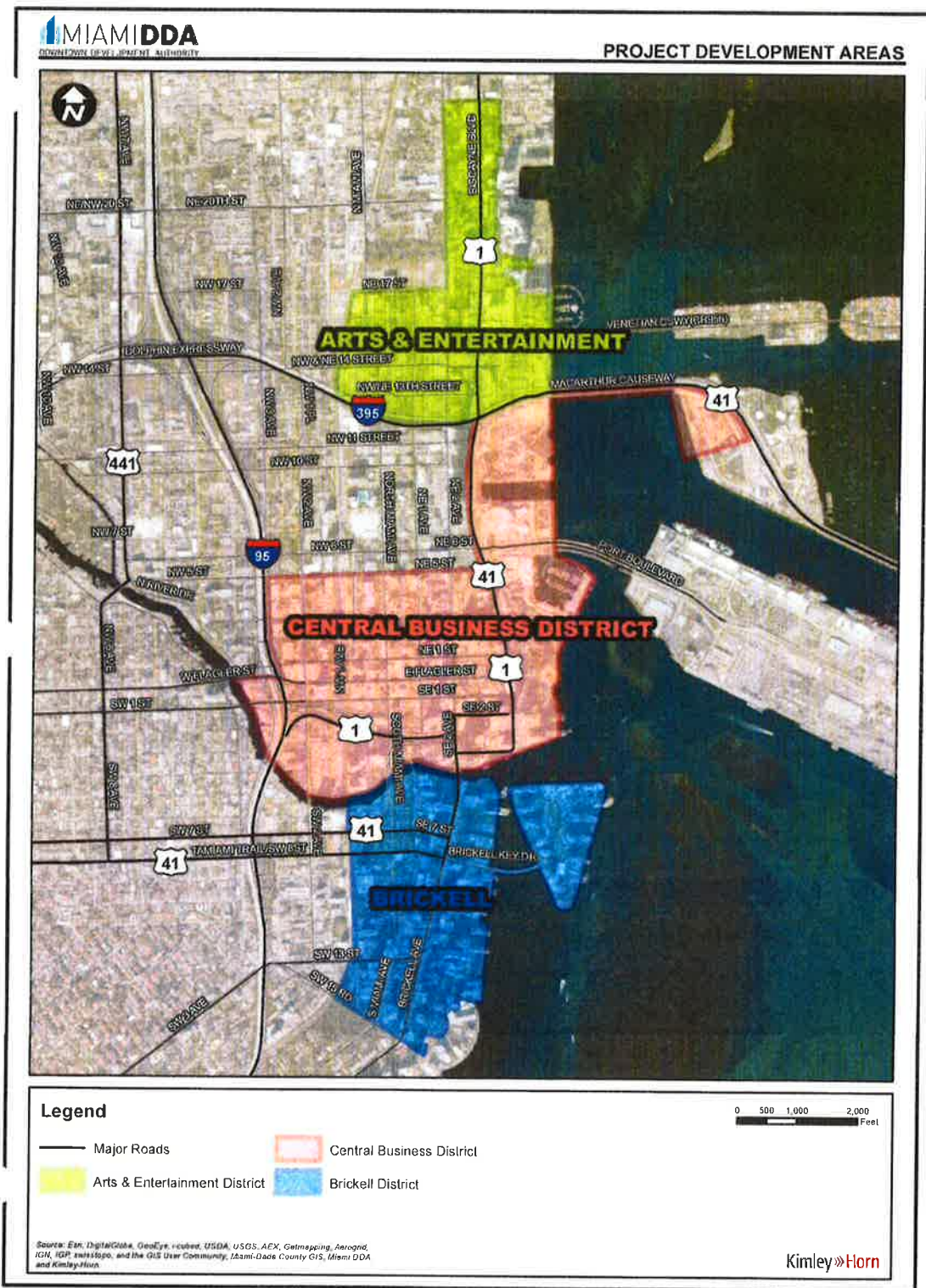
Retail/Entertainment Development: Prior to 2000, the DDRI was notably underserved within the retail sector. However, more than 520,000± square feet of retail space was added, which not only serves the local resident market demand, but an international visitor base as well.

Hotels: For a metropolitan hub, the DDRI was serviced by a limited amount of international hotel brands, with an abundance of aging and deteriorating product. During Increment II, more than 2,550 hotel rooms, representing nearly 20 percent of the entire hotel inventory built in that timeframe for all of Miami-Dade County, were developed within the DDRI. Many of the new hotels are upscale and/or luxury in quality, and branded with some of the most recognized names in the global hotel industry.

Cultural: Perhaps the most relevant addition to the DDRI is a world-class level of cultural infrastructure anchored by iconic museums and performing arts facilities, which have sparked tremendous input and desire to further expand this use.

The DDRI Master Development Program established the total amount of and an incremental schedule for the development of each of these uses within the DDRI boundaries, subject to local land development regulations. The Master Development Order was originally adopted by the City of Miami Commission in 1987. The development entitled under Increments I and II is nearing completion. Thus, the Downtown Development Authority (the "DDA") is now seeking approval of the Increment III Development Program. Please note it is the intention of the DDA to transfer any remaining unreserved development credit at the time of the Increment II build-out date into the Increment III Development Program.

FIGURE 2 - PROJECT DEVELOPMENT AREAS



C. DEVELOPMENT INFORMATION

The DDRI Increment III Development Program is intended to facilitate the continued dynamic growth of Downtown Miami in a balanced and appropriate manner. **Table 1** outlines the approved Master Development Program. The equivalency matrix previously approved for the DDRI will also be utilized to allow for the conversion of uses to meet future needs of development in Downtown Miami. The matrix is included as Exhibit A.

TABLE 1 - DOWNTOWN MIAMI DRI APPROVED MASTER DEVELOPMENT PROGRAM

<u>Land Uses</u>	<u>Increment I</u>	<u>Increment II</u>	<u>Increment III</u>	<u>Totals</u>
Office (gross square feet)	3,681,890	1,220,000	3,700,000	8,601,890
Government Office (gsf)	300,000	0	200,000	500,000
Retail/Service (gsf)	1,453,500	747,774	500,000	2,701,274
Hotel (rooms)	4,500	1,605	1,100	7,205
Residential (dwelling units)	10,550	6,750	2,920	20,220
Convention (gsf)	500,000	300,000	0	800,000
Wholesale/Industrial (gsf)	1,050,000	550,000	1,050,000	2,650,000
Institutional (gsf)	200,000	350,000	300,000	850,000
Attractions/Recreation (seats)	30,500	59,000	5,000	94,500
Marine Facilities	100,000	50 wet slips*	0	100,000

Source: Downtown Miami Application for Development Approval, Table 10-1A

Table 2 provides an overview of the type and amount of development built during Increments I & II.

TABLE 2 - INCREMENT I & II DEVELOPMENT PROGRAM STATUS

	Office (sq. ft.)	Retail (sq. ft.)	Hotel (rooms)	Residential (units)	Convention (sq. ft.)	Industrial (sq. ft.)	Institutional (sq. ft.)	Attraction (seats)
Total Credits Allowed in Increments I & II	4,834,236	2,434,183	4,098	32,669	300,000	500,000	145,260	87,595
Total Credits Built (Paid)	3,294,664	1,039,745	1,168	16,830	48,836	0	16,383	28,595
Total Credits Built (Pending Payment)	0	435,561	0	6,945	0	0	114,337	0
Sub-Total Credits Remaining (Built)	1,539,572	958,877	2,930	8,894	251,164	500,000	14,540	59,000
Total Credits Reserved	1,145,845	824,762	2,125	5,897	0	0	92,260	0
Credits Remaining (incl. Reserved)	393,727	134,115	805	2,997	251,164	500,000	-77,720	59,000

Source: Downtown Miami Application for Development Approval, Table 10-1C

The Increment III proposal under review and consideration would allow an additional 15,000 dwelling units than envisioned by the DDRI Master Development Program. The ADA seeks both a modification of the Master Development Program, as it relates to the increase in residential use, as well as the approval of the Increment III Development Program. Increment III's requested development program is listed below in **Table 3**.

TABLE 3 - DOWNTOWN MIAMI DRI INCREMENT III PROPOSED DEVELOPMENT PROGRAM

USES	PROGRAM/UNITS
Office (Including Government)	2,500,000 square feet
Retail/Service	758,000 square feet
Hotel	2,000 rooms
Residential	18,000 dwelling units
Wholesale/Industrial	250,000 square feet
Institutional	150,000 square feet
Attractions/Recreation	2,000 seats

Source: Downtown Miami Application for Development Approval, Table 10-1B

As previously noted, there has been unprecedented growth within the DDRI since 2002. Pursuant to §380.06(8), Fla. Stat., the Applicant entered into a Preliminary Development Agreement that authorizes a limited development program while serving as a bridge between the current Master Development Program and the requested modification. Listed below, in **Table 4**, are the type and amount of development authorized by the Preliminary Development Agreement.

TABLE 4 - INCREMENT III – INTERIM DEVELOPMENT PROGRAM

USES	PROGRAM/UNITS
Office (Including Government)	534,600 square feet
Retail/Service	712,800 square feet
Hotel	630 rooms
Residential	5,346 dwelling units
Wholesale/Industrial	250,000 square feet
Attractions/Recreation	1,500 seats
Mixed Use ¹	357%

1: The banded thresholds for mixed use development is established pursuant to Subsections 28-24.014(10)(a)2 and 28-24.014(12)(g)2, F.A.C.

Source: Preliminary Development Agreement between Miami Downtown Development Authority and Florida Department of Economic Opportunity (February 15, 2015)

Since the establishment of the DDRI, the character of Downtown Miami has changed considerably. What was once strictly a business district has blossomed into an urban, mixed-use, population center. As such, there has been a shift in development demands to construct



multi-family residential uses to accommodate the surge in demand by the growth in population. Under Increment III, Downtown Miami is expected continue to grow as a business, population, and service center. The Increment III development program seeks to accommodate this growth by converting the mix of uses that was previously contemplated under the DDRI's Master Development Program to provide for additional residential use and an emphasis on retail, office, and hotel uses.

D. PROJECT COSTS

Table 5 illustrates the estimated project costs to implement the proposed development program, which could vary significantly from the final costs involved in the implementation. The Increment III program will be developed as individual projects by individual developers during the period between 2015 and 2024. Project costs are dependent on variables pertaining to the individual projects as they are developed. The most significant of these variables is the timing of development during the Increment III period, the scope and location of individual developments, and the capital market factors that affect project financing.

The ADA also estimates the total project costs will exceed \$7.3 billion, with the total value of the development program at buildout of approximately \$6.7 billion. The DDRI is also estimated to generate over \$267 million non-recurring and \$134 million recurring revenue through 2024.

**TABLE 5 - MIAMI DOWNTOWN DEVELOPMENT AUTHORITY DRI
PROJECT COSTS TABLE (2015 Constant \$'s)**

Item	Project Cost	\$ Spent in Region	% Spent in Region
Land	\$ 510,988,058	\$ -	0%
Labor	\$ 2,726,157,000	\$ 2,589,849,150	95%
Materials	\$ 2,726,157,000	\$ 2,180,925,600	80%
Interest	\$ 406,705,163	\$ 203,352,581	50%
Planning	\$ 340,769,625	\$ 272,615,700	80%
Other	\$ 613,385,325	\$ 582,716,059	95%
Total	\$ 7,324,162,171	\$ 5,829,459,090	80%

Source: Downtown Miami Application for Development, Table 10-4

Notes:

- ¹ Evaluating land costs for this type of analysis is extremely difficult, as it is not known at this time, which properties specifically will actually be developed, and/or may be developed by the current owner who has already spent the funds. However, the fact is that a portion of the new development within Increment III will incur land transaction(s). Accordingly, there are high level industry standard metrics for land as a percent of value; or, roughly 15 to 20 percent. Therefore, for this analysis, it is assumed that 50 percent of the Increment III development will incur a land transaction/cost, and the transaction cost valued at 15 percent of development costs (hard and soft costs).
- ² Labor and Materials are based on construction cost estimates from industry representatives.
- ³ Construction interest is based upon a weighted cost of 6.0 percent of total hard and soft costs.
- ⁴ Development and impact fees are based on 5 percent of labor and material costs.
- ⁵ Architecture, engineering, and planning fees are based on 5 percent labor and materials costs.
- ⁶ Other fees and expenses: balance of soft costs: insurance, taxes, environmental reviews, legal, title, loan, and appraisal fees, development management, and marketing.

III. COUNCIL INVOLVEMENT

A. COORDINATION, FACILITATION, AND RECOMMENDATIONS

According to §186.502, Fla. Stat., “[t]he regional planning council is designated as the primary organization to address problems and plan solutions that are of greater-than-local concern or scope, and the regional planning council shall be recognized by local governments as one of the means to provide input into state policy development.” As part of this designation, the regional planning council is responsible for coordinating and facilitating the DRI review process.



The DRI review process consists of the host jurisdiction; the county in which the development is located; adjacent local governments; school board; and state and regional agencies such as the Florida Departments of Economic Opportunity, Environmental Protection, State, and Transportation; Florida Fish and Wildlife Conservation Commission; water management district; and metropolitan planning organization. The review process has the

following primary components: (1) Pre-Application; (2) Application for Development Approval; (3) Impact Assessment Report; and (4) Recommendation to the Department of Economic Opportunity (DEO) regarding the adopted Development Order’s consistency with rules and regulations.

1. Pre-Application

During the Pre-Application stage, the Council convenes representatives of the aforementioned governmental entities as well as the Applicant. The Applicant provides information about the type and amount of proposed development and its phasing. The Applicant also proposes the methodologies it will use to assess the development’s potential impacts to state and regional resources and facilities. The criteria for assessing potential impacts to state and regional resources and facilities are prescribed, primarily, by the Department of Economic Opportunity and promulgated in Rule 73C-40, Florida Administrative Code (F.A.C.). This Report details the specific metrics employed, by issue area, to assess impacts. It should also be noted that the DRI process is intended to be dynamic and tailored; therefore, the Council is authorized to eliminate issue areas from the

Application for Development Approval (ADA) requisite questions based on the specifics related to the proposed DRI under consideration. The tailoring process is accomplished through an Agreement to Delete Questions.

The Council and Applicant executed an Agreement to Delete Questions, which is binding and sets the issue areas to be assessed as well as the methodologies to be used. The Agreement to Delete Questions was executed by the Council for the Downtown Miami Development of Regional Impact (DDRI) on December 29, 2014. The Agreement to Delete Questions (Agreement) is included as Exhibit F.

Table 6 details the question/issue areas that were deleted from the Agreement, partly because this is an areawide DRI that prescribed how phases would be evaluated and the subsequent need for information after the initial review and assessment as well as their applicability to the proposed Increment III development program.

Table 6 - List of ADA Questions/Issue Areas Deleted from Inclusion in the ADA

Topography	Soils	Vegetation Association
Master Drainage	Previous and Existing Activities	Primary and secondary Market Areas
Impact to Natural Resources	Public Facility Capital Costs	Existing Hydrologic Conditions
Existing Water Quality	Flood Prone Areas	Flood Hazard Measures
Offsite Mitigation (flood)	Onsite Wells	Impact to Existing Wells and Aquifer
Septic Tank Identification	Proposed Drainage System	Offsite Drainage Areas
Run-off Volume and Quality	Identification of Operation/Maintenance Authority	Projection of Energy Demands
Description of Onsite Electrical Generating Facility	Airports	Hospitals
Industrial Plants and Parks	Mining	Petroleum Storage Facilities
Port and Marina Facilities	Schools*	

*: The Applicant voluntarily addressed Schools within the ADA.

2. Application for Development Approval

The Application for Development Approval (ADA) is the formal set of information submitted by the Applicant that provides the Applicant's application of the methodologies as well as its assessments of issue areas outlined for inclusion in the Agreement to Delete Questions. Copies of the ADA are provided to partner governmental entities, and within 30 days of the receipt of the ADA the Council must advise the host local government and Applicant whether the ADA meets "sufficiency". For DRI purposes, sufficiency means the ADA included the necessary details to be determined whether state or regional resources or facilities will be adversely impacted.

While the sufficiency determination rests solely with the Council, the Council relies on input from its partners to make its determination whether the ADA is sufficient. If the Council determines the ADA is not sufficient, an Applicant may submit additional information sufficient, but the Legislature limits the Council to two requests for additional information after the review of the initial ADA. The Applicant provided additional data during the First Statement of Information Needed (SIN1) and Second Statement of Information Needed (SIN2). The Council found the DDRI ADA sufficient on December 29, 2015.

Once an ADA is determined to be sufficient, the Council's role, in conjunction with its review partners, is to determine if the proposed DRI creates any adverse impacts to state and regional resources or facilities.

3. Impact Assessment Report

Once the Council determines the ADA is sufficient, it notifies the host jurisdiction and Applicant to schedule a local public hearing to consider and take action on the Development Order. A DRI Development Order, upon approval, conveys the proposed development program has been reviewed and is consistent with state and regional requirements while prescribing the specific types and amounts of the development authorized for approval subject to local development regulations.

To facilitate the review and consideration of a proposed Development Order by a member local government, the Council prepares its Impact Assessment Report, which summarizes the voluminous content presented in the ADA, provides a general overview of the types and amounts of development proposed by the DRI, uses the information from the ADA as well as analyses conducted by the SFRC and its partners to determine whether the DRI adversely impacts state or regional resources and facilities (using standards established primarily by the state land planning agency), defines the degree of any identified impacts, and recommends adequate mitigation to ameliorate identified impacts. The findings and recommendations of the Impact Assessment Report are based on and must be consistent with the *Strategic Regional Policy Plan for South Florida (SRPP)*.

The Impact Assessment Report also contains a draft Development Order. Subsection 380.06(15)(c) and (d), Fla. Stat., and Rule 73C-40.025, F.A.C., require a DRI Development Order to, among other requirements:

- a. Specify the monitoring procedures and the local official responsible for assuring compliance by the developer with the Development Order.

- b. Establish compliance dates for the Development Order, including a deadline for commencing physical development and for compliance with conditions of approval or phasing requirements, and shall include a buildout date that reasonably reflects the time anticipated to complete the development.
 - c. Establish a date until which the local government agrees that the approved development of regional impact shall not be subject to downzoning, unit density reduction, or intensity reduction, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred or the Development Order was based on substantially inaccurate information provided by the developer or that the change is clearly established by local government to be essential to the public health, safety, or welfare. The date established pursuant to this subparagraph shall be no sooner than the buildout date of the project.
 - d. Specify the requirements for the biennial report, including the date of submission, parties to whom the report is submitted, and contents of the report, based upon the rules adopted by the state land planning agency. Such rules shall specify the scope of any additional local requirements that may be necessary for the report.
 - e. Specify the types of changes to the development which shall require submission for a substantial deviation determination or a notice of proposed change.
 - f. Include a legal description of the property.
 - g. Include conditions that require a developer to contribute land for a public facility or construct, expand, or pay for land acquisition or construction or expansion of a public facility to mitigate the impacts reasonably attributable to the proposed development.
 - h. Include findings of fact and conclusions of law, such as (1) the development is consistent with the State Comprehensive Plan; (2) the development is consistent with the local land development regulations and the adopted local comprehensive plan; and (3) the development will be consistent with the report and recommendations of the regional planning agency.
4. Final Recommendation Regarding Adopted Development Order
 If the City of Miami Commission adopts the Development Order for the DDRI, the City must render a copy of the adopted Development Order to the Department of Economic Opportunity and the Council within 30 days of its adoption. The Council then has 45-days from receipt of the rendered Development Order to consider it and recommend, at a regularly scheduled meeting, whether DEO should undertake an appeal of the Development Order if it fails to comport with applicable statutes and administrative rules.

B. SUMMARY OF ISSUE AREAS

As previously stated, the ADA and any subsequent data provided in response to the First and Second Statement of Information (SIN1 and SIN2) constitute the formal set of information submitted by the Applicant. The information in these submittals is then analyzed by the SFRC and its partners to determine whether the DDRI adversely impacts state or regional resources and facilities (using standards established primarily by the state land planning agency), the degree of impact(s), and type and scope of adequate mitigation to be recommended to ameliorate adverse impacts to state and regional resources and facilities.

The following subsections provide an overview of the specific metrics used to determine whether the DDRI presents any adverse impacts to state and regional resources and facilities, the projected impact levels, and the recommended mitigation proffered by the Applicant in concurrence with the assessment of the Council and its partners.

Economic Development

The ADA requests the Applicant estimate the revenue the development will generate. These estimates included value of new construction as well as taxes and fees (e.g., revenue) that will be generated. In addition, in order to determine whether the development will adversely impact the supply of affordable housing, the Applicant must estimate the employment within the DDRI.

Economic Disparity

During the past several years, Downtown Miami has experienced unprecedented levels of economic growth in terms of housing, employment, cultural and recreational development. Increment III serves to continue the progression of needed and appropriate development. The ADA projects the DDRI will provide more than 44,500 total construction jobs (FTE's) during the development period and nearly 9,120 new permanent jobs when fully completed.¹ These jobs will invariably be available to local and regional residents with a wide range of skills and training. The Applicant will continue to utilize economic development enhancement resource agencies and programs designed to involve small and minority businesses in the development and expansion of permanent job opportunities within the project. The Applicant also will attempt to access the range of job skills available in the Region and promote greater labor force enhancement. The Applicant will provide information about employment and training agencies that maintain a database of trained/skilled workers to consider in meeting the employment needs in the DDRI boundaries.

From around 2000 to 2010, the Brickell area had perhaps the most balanced development providing quality office, residential, hotel, and retail product to the area. During that period, development within the downtown area (including the Arts and Entertainment District) progressed, with residential development dominating the landscape. However, during the past three to four years, Downtown development has broadened with the addition of significant office, retail, and cultural venues.

The balanced development mix within the entire downtown area will provide for diverse job opportunities among a broad range of skill and income levels. Most notably, the Increment III development program will provide for:

- **Strong Anticipated Growth in the Downtown Area**
Given the level of activity currently taking place in the Brickell area, including Brickell City Center and newly proposed development along the Miami River, the Brickell area will continue to support a broad range of development uses. However, the downtown area is poised for strong growth, particularly, considering the fact that it effectively

¹ Net of job reduction accounting for demolition of existing buildings

serves as the eastern edge of the one of the most ambitious transit-oriented development plans in the state and southeast United States. As a result, reinvestment in downtown should gravitate to areas within the DDRI north of the Miami River.

- **Transit and Job Creation for Existing Low to Moderate Income Residences**

As reinvestment pushes into the central and northern downtown nodes, employment opportunities for surrounding low- to moderate-income residences is significantly enhanced. As development, particularly transit oriented development, moves closer to these residences, issues of transportation and accessibility to jobs is significantly mitigated. Concurrently, connectivity to the Brickell area further enhances development and job opportunity south of the Miami River.

- **Development of Affordable Housing**

Integrated into the housing developed within the Brickell area over the past five years has been more than 200 units of mixed income affordable housing development. The Increment III development program assumes considerable on-going development of affordable housing that will include the Brickell area as well as all other areas of the DDRI located within the City of Miami.

Environment

Air Quality

The methodology for analyzing air quality impacts is consistent with guidelines from the Florida Department of Environmental Protection's (FDEP's) and Miami-Dade's Regulatory and Economic Resources Department. Intersections at the termini of significantly and adversely impacted segments identified in the transportation study were modeled to analyze air quality.

The metric used to assess and determine a significant impact to air quality is Rule 73C-40.046, F.A.C., which states "[a]ir quality shall be considered to be significantly impacted when a development's mobile sources are known or predicted to cause or further an exceedance of a carbon monoxide ambient air quality standard, and the development will result in:

- A degradation of the peak hour level of service (LOS) of any roadway or intersection to LOS E or F in any future year; or
- A 5-percent or larger increase in peak hour traffic volume on any existing, or future, LOS E or F roadway or intersection while not actually degrading the level of service itself; or
- A peak hour traffic flow inside any surface parking lot equal to or greater than 1,500 vehicles per hour; or
- A peak hour traffic flow inside any multilevel parking garage equal to or greater than 750 vehicles per hour.

The Applicant applied the methodologies, as set by the Agreement to Delete Questions, to assess whether any adverse impacts to state and regional resources or facilities would occur. **Based on the referenced metric, the DDRI will not adversely affect National Ambient Air Quality Standards for Carbon Monoxide nor have a significant impact.**

Hurricane Preparedness

Rule 73C-40.0256, F.A.C., is the metric used to determine if the DDRI adversely affects shelter capacity and hurricane evacuation routes. The Rule states that developments that have a substantial impact on regional hurricane preparedness must mitigate their impacts. Substantial impacts are defined by the Rule as:

- When a development is proposed in a county where a public hurricane shelter space deficit is shown to exist according to the applicable, incorporated regional hurricane evacuation study, inland shelter study or county shelter assessment based on an adopted county peacetime emergency plan, and the proposed development's anticipated public hurricane shelter space demand will require a minimum of 200 additional spaces, or five percent of the county's public hurricane shelter space capacity, whichever is less, the proposed development will be determined by the DEO to have a significant regional impact on public hurricane shelter space availability.
- When a development is proposed in a county where a public hurricane shelter space surplus is shown to exist according to the applicable, incorporated regional hurricane evacuation study, inland shelter study or county shelter capacity assessment based on an adopted county peacetime emergency plan, and the proposed development's anticipated public hurricane shelter space demand is projected to move the county into a deficit situation of 200 or more spaces, the proposed development will be determined by the DEO to have a significant regional impact on public hurricane shelter space availability.
- When a development is proposed in a hurricane vulnerability zone and the proposed development's anticipated evacuation traffic will utilize twenty-five (25) percent or more of an identified hurricane evacuation route's level of service E hourly directional maximum service volume based on the Florida Department of Transportation's Generalized Peak Hour/Peak Direction Level of Service Maximum Volumes presented in the Florida Highway Systems Plan Level of Service Standards and Guidelines Manual and hereby incorporated by reference, the proposed development will be determined by the DEO to have a significant regional impact on hurricane evacuation.



Zone. The area is of US 1 from the north DDRI boundary west along SE 3rd Street to SE 2nd

The Rule requires the Applicant to assess the additional demand the development would create in the event of a Category 3 event. Data from the *Statewide Regional Evacuation Study*, which the Council co-authored, was also used. Pursuant to the Miami-Dade County Department of Emergency Management & Homeland Security Hurricane Storm Surge Evacuation Map, a portion of the DDRI is located in the Storm Surge Evacuation

Avenue, south along SE 2nd Avenue to the Miami River, and south along Brickell Avenue to the south DDRI boundary. A portion of the DDRI lies within Zone B on the Hurricane Storm Surge Evacuation Map. The Storm Surge Planning Zones are used to identify risk of storm surge and is based on all directions of events. Zone B is at risk for storm surge during a Category 2 and higher event.

Evacuation is required within any high hazard evacuation areas in the event of any hurricane category. Brickell Key/Claughton Island is the only portion of the DDRI located within a Category 1 or higher storm event. This area is within a separate DRI.

Approximately 7,500 residential units and 1,200 of the hotel rooms are estimated to be constructed within the Category 3 or higher storm tides. In the event of a Category 3 or higher event, all hotels guests and 60% of residents are assumed to evacuate. Miami-Dade Transit provides evacuation assistance that utilizes designated bus stops and specially-designed buses. A list of hurricane evacuation shelters that facilitate “shelter in place” procedures was provided in the ADA.

The *Statewide Regional Evacuation Study* provides guidance regarding evacuees’ decisions (e.g., what percentage of the evacuating population will elect to use public shelters, family/friends, and motels outside the storm area). The analysis of new development, its location, the behavioral characteristics of affected populations detailed in the *Statewide Regional Evacuation Study*, and roadway capacity and available shelter data indicate the proposed DDRI development program will not adversely affect shelter capacity or evacuation times.

The analysis determined the DDRI would not create a substantial impact to regional hurricane preparedness and mitigation is not required.

Sea Level Rise

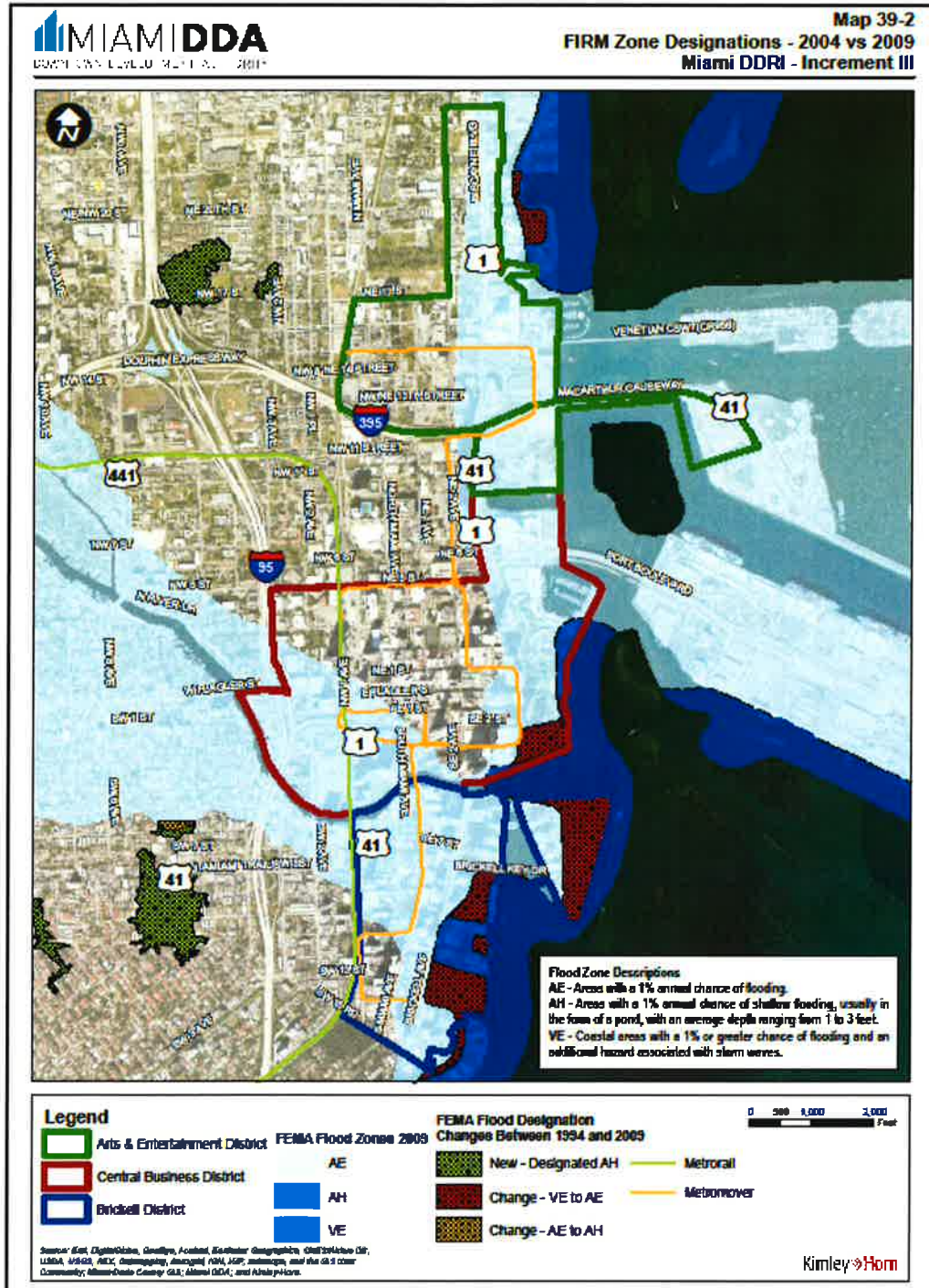
The DRI ADA does not include a question related to sea level rise, climate change, or climate resiliency, but these are issues of concern in southeast Florida. The Agreement to Delete Questions included a requirement for the Applicant to analyze how sea level rise impacts may affect the DDRI. The Applicant analysis identified infrastructure within the DDRI that may be vulnerable to sea level rise impacts.

There is not a prescribed metric related to sea level rise; therefore, the DDRI would not create an adverse impact to state or regional resources and facilities. However, the Applicant volunteered to address potential impacts of sea level rise upon the Downtown, City of Miami and Miami Dade County, by reasonably addressing the findings of the City of Miami Sea Level Rise Committee, and through the implementation of the City of Miami ordinances, Comprehensive Neighborhood Plan objectives and policies, and City resolutions. The Applicant also volunteered to consider the findings of the Southeast Florida Regional Climate Change Compact in future decisions regarding the design, location, and development of infrastructure and public facilities in the City and to meet or exceed adopted Level of Service (LOS) Standards.

The Applicant also will cooperate and coordinate efforts with the Miami Dade County Office of Resilience and comply with Miami-Dade County ordinances and resolution related to sea level rise. As part of the pending Evaluation and Appraisal of its Comprehensive Neighborhood Plan, the City shall consider establishing an Adaptation Action Area within the boundaries of the

Downtown DRI and adopting additional policies within the Coastal Management Element and City Code changes to improve resilience to coastal flooding resulting from high-tide events, storm surge, flash floods, stormwater runoff, and related impacts of sea-level rise.

FIGURE 3 - FIRM ZONE DESIGNATIONS 2004 VS 2009



Local and Regional Assets

Historical & Archaeological Sites

Rule 73C-40.043, F.A.C., is the metric used to determine whether adverse impacts are created by the DDRI to historical or archeological sites. The Rule states: “[a]ny archaeological or historical site or property determined by the Division of Historical Resources to be listed, or to be eligible for listing, in the National Register of Historic Places shall be deemed by the DEO to be a state and regionally significant archaeological or historical site or property. A significant impact shall consist of any adverse impact to onsite or documented offsite state and regionally significant archaeological or historical sites or properties.”

The Florida Department of State submitted a letter recommending a professional cultural resources assessment survey be conducted. The Downtown Miami National Historic District is located within the DDRI as well as a number of locally and nationally registered historical sites. The City of Miami’s Historic Preservation Office is a delegated authority from the Department of State and is responsible for surveying and identifying significant historic resources throughout the City of Miami, which includes the boundaries of the DDRI. The Preservation Office has an inventory of locally designated as well as state and regional historic sites or archaeological sites.

City staff reviews proposed development changes that may affect these resources for appropriateness and can either issue approvals at the administrative level or refer applications to the Historic and Environmental Preservation Board level (HEPB), depending on the scope of work.

The analysis determined the City of Miami’s Historic Preservation Office is delegated to identify and address significant impacts to historical and archeological resources. This delegation, combined with the expertise the City of Miami’s Historic Preservation Office are the mechanism upon which the DDRI may rely to identify and redress any potential impacts to state and regional impacts to state and regional archeological or historic resources and facilities. The DDRI will not create a significant impact to historical or archeological resources that are not identified nor redressed beyond existing regulatory processes and no additional mitigation is recommended.

Public Infrastructure

Water and Wastewater Management

The metric used to assess significant impacts to water and wastewater infrastructure is Rule 73C-40.044, F.A.C. The Rule states a significant impact to potable water usage occurs when the projected cumulative potable water withdrawal for the development from a single potable water facility, or a combination of multiple potable water facilities, will be equal to or exceed 100,000 gallons of water per day on an average annual basis, or will be equal to or exceed 1,000,000 gallons of water in a single day, and the service provider is located in a different jurisdiction than the DRI and does not possess nor have plans to possess sufficient capacity to accommodate the proposed types and amounts of development. Miami-Dade County is the service provider for the DDRI, which is a different jurisdiction, and, therefore, Miami-Dade County’s adopted Level of Service standards for water and wastewater were used to determine if a significant impact may occur.

Table 7 summarizes the project's wastewater demand. Miami-Dade Regulatory Economic Resources Department (RER) has the capability to provide services for the proposed development program and demand regarding potable water and sanitary sewer; however, individual Applicants will need to meet concurrency requirements as part of their specific development proposals to ensure the availability of potable water and sanitary sewer services throughout the proposed development stage of the DDRI. There are no septic tanks proposed in this project. The proposed development will be served by public sanitary sewer lines.

The project will be reviewed as a single phase development in which Miami-Dade RER will provide the potable water demand. Landscape irrigation will account for most of the development's non-potable water demand, and this demand will vary seasonally. Due to the urban nature of the development, no significant increase in landscape irrigation is expected. Any substantial irrigation needs will be determined as the site plan design process progresses. No on-site potable water wells are proposed for this project. If in later development irrigation wells were required, then they will be permitted through the Miami-Dade County RER and South Florida Water Management District (SFWMD).

TABLE 7 – POTABLE WATER DEMAND

Proposed Development			Proposed Potable Water Demand		
Land Use	Amount	Units	Water Use (GPD/Unit)	Potable Water Demand (MGD*)	Max Water Demand (MGD)
Residential					
• Apartment	800	DU	150 GPD/unit	0.120	0.336
• Condominium	2,800	DU	150 GPD/unit	0.420	1.176
• Townhouse	400	DU	180 GPD/unit	0.072	0.202
Retail	1,250,000	sq. ft.	10 GPD/100 sq. ft.	0.125	0.350
Office	2,300,000	sq. ft.	5 GPD/100 sq. ft.	0.115	0.322
Convention	200,000	sq. ft.	1 GPD/100 sq. ft.	0.002	0.006
Hotel	2,100	Rooms	100 GPD/room	0.210	0.588
Total				1.064 MGD	2.979 MGD

Source: Downtown Miami DRI, Increment III ADA (Ford Engineers, Inc.)

TABLE 8 – WASTEWATER GENERATION RATES

Proposed Development			Proposed Wastewater Flows		
Land Use	Amount	Units	Sewage Loading (GPD/Unit)	Sewage Flows (MGD*)	Peak Sewage Flows (MGD)
Residential					
• Apartment	800	DU	150 GPD/unit	0.120	0.336
• Condominium	2,800	DU	150 GPD/unit	0.420	1.176
• Townhouse	400	DU	180 GPD/unit	0.072	0.202
Retail	1,250,000	sq. ft.	10 GPD/100 sq. ft.	0.125	0.350
Office	2,300,000	sq. ft.	5 GPD/100 sq. ft.	0.115	0.322
Convention	200,000	sq. ft.	1 GPD/100 sq. ft.	0.002	0.006
Hotel	2,100	Rooms	100 GPD/room	0.210	0.588
Total				1.064 MGD	2.979 MGD

Source: Downtown Miami DRI, Increment III ADA (Ford Engineers, Inc.)

The analysis, based on input provided by Miami-Dade County, indicates the DDRI would not create a significant impact to potable water and sanitary services. It should be noted that Miami-Dade County's concurrency standards, adopted and implemented in accordance with the requirements of the Community Planning Act (Chapter 163, Part II, Fla. Stat.), which prohibits the approval of any development, including DRIs, for which potable water and sanitary capacity does not exist nor is not planned to be in place to support the development at the time of requested permitting.

Solid and Hazardous Wastes

The metric used to assess significant impact to water and wastewater infrastructure is Rule 73C-40.044, F.A.C. The Rule states a significant impact to solid waste facilities occurs when projected cumulative solid waste disposal for the development from a single solid waste facility, or a combination of multiple solid waste facilities, involves the following conditions, and the service provider is located in a different jurisdiction than the DRI and does not possess nor have plans to possess sufficient capacity to accommodate the proposed types and amounts of development.

The Applicant obtained and summated a Memorandum from Miami-Dade Department of Solid Waste Management to the Department of Planning and Zoning, indicating their ability to maintain five (5) years of solid waste disposal capacity services on a system wide basis.

With respect to hazardous wastes, Rule 73C-40.044, F.A.C., also sets the standard for a regionally significant impact. At the present time, the project has no plans for any storage facility, laboratory, or warehouse space to contain or manage hazardous material as defined in Rule 9J-2.044 (2)f of the Florida Administrative Code. The solid waste estimated to be generated by the DRI is illustrated in **Table 9**.

TABLE 9 – SOLID WASTE GENERATION

Land Use	Intensity of Use		Generation Amount		Solid Waste Generation	
	Amount	Units	Amount	Rate	CYPD	TPD
Residential	4,000	DU	8.90	lbs./Unit/Day	146.50	17.80
Retail	1,250,000	sq. ft.	0.04	lbs./ sq. ft./Day	205.76	25.00
Office	2,300,000	sq. ft.	0.01	lbs./ sq. ft./Day	94.65	11.50
Convention	200,000	sq. ft.	0.02	lbs./ sq. ft./Day	16.46	2.00
Hotel	2,100	Rooms	3.00	lbs./Room/Day	25.93	3.15
Solid Waste Generated					489.30	59.45

Source: Ford Engineers, Inc.

- The following conversion rates were used:
- 1 cubic foot = 9 lbs of waste
- 1 cubic yard = 27 cubic feet
- 1 cubic yard = 9 lbs times 27 cubic feet = 243 lbs
- 1 ton = 2,000 lbs = 8.23 cubic yards

The analysis, based on input provided by Miami-Dade County, indicates the DDRI would not create a significant impact to solid waste facilities nor the disposal of hazardous wastes. It should be noted that Miami-Dade County's concurrency standards, adopted and implemented in accordance with the requirements of the Community Planning Act (Chapter 163, Part II, Fla. Stat.), which prohibits the approval of any development, including DRIs, for which solid waste disposal capacity does not exist nor is not planned to be in place to support the development at the time of requested permitting.

Quality of Life

It should be noted there are no state standards for assessing potential impacts to the following quality of life factors. The Council relied on input from local partners to determine if an impact would be created and, if so, recommendations regarding mitigation.

Health Care and Hospitals

Twenty-one hospitals or admitting medical facilities are located within a 10-mile radius of the Downtown Miami Increment III DRI. Five major health service providers 1) University of Miami Medical Center, 2) Jackson Memorial Hospital, 3) Mercy Hospital, 4) Mount Sinai Medical Center, and 5) Veterans Affairs Medical Center and a several urgent care centers are located within five miles of the DDRI boundary. University of Miami Medical Center and Jackson Memorial Hospital have indicated their ability to serve the DDRI area. Emergency medical services are provided by the City of Miami Fire-Rescue Department.

Police and Fire Protection

Two police and fire facilities serve and are located within the DDRI boundaries. Seven other facilities are located within close proximity to the Downtown Miami Increment III DRI area serving the City of Miami at large. The Applicant received a letter from the City of Miami Fire-Rescue Department indicating the ability to serve the project.

Recreation and Open Space

The City of Miami developed and adopted a Parks and Public Spaces Master Plan in 2007 that implements a citywide vision of the City's 21st century parks and recreation system. The Master Plan is organized into a series of tasks that integrate details of a parks and recreation system with broader objectives identified in Miami 21. The Downtown Miami Increment III DRI will not remove from public access any lands previously used for recreational activities.

Education

The ADA includes "Schools" as one of the potential 38 questions to be addressed. Although schools may be included as an issue to be assessed in the DRI process, there is not an adopted, statewide metric for determining if an adverse impact will occur.

Miami-Dade County Public Schools, Miami-Dade County, and the eligible municipalities are parties to the *Amended and Restated Interlocal Agreement for Public School Facility Planning in*



Miami-Dade County (ILA). The Council used the *ILA* as the metric for determining adverse impacts.

Eleven schools serve the DDRI based on attendance boundaries. Increment III is expected to generate 1,074 school age children; 580 elementary, 260 middle school, and 234 senior high school students. Using the capacity analysis model adopted by the *ILA* and school currency requirements, it was estimated there would be school student station deficiencies of 548 elementary school seats and 33 middle school seats.

The *ILA* and school currency requirements would require each residential developer to undergo a capacity test as part and at the time of site plan or permit approval. Developments for which school seat capacity does not exist would be required to enter into a mitigation agreement with Miami-Dade Public Schools. All residential developers would pay a school impact fee, and Increment III is estimated to generate \$30M in school impact fees. However, impact fees are dedicated to bond debt service and capital facilities within the larger public schools benefit district.



Miami-Dade Public Schools does not have scheduled facility improvements for K-5 schools serving the DDRI. The City of Miami, DDA, Miami Parking Authority, Miami-Dade Public Schools, and Miami-Dade County pursuing innovative

approaches to address the need for additional K-5 capacity serving the DDRI. These approaches include (1) assessing current schools for capacity and curricular amplification by the District in collaboration and with participation by the City, (2) the City providing information to developers about possible incorporation of customized, small District operated educational facilities within their development, and (3) City and District to further explore opportunities for provision of additional educational facilities over and above those listed in 1. above, on public land owned by the City or other public entities with assets in or near the DDRI area.

The DDRI will mitigate its impacts to public school stations by, at a minimum, following the *ILA* and school concurrency requirements. However, mitigation may also be achieved using one or a combination of the options listed above.

Proposed Development Order Condition #19 addresses the student station deficit.

Housing

Rule 73C-40.048, F.A.C., is the metric for determining if development and its concomitant job creation shall be considered to have a significant impact on the ability of the development's very low, low, and moderate income employee households to find adequate housing reasonably accessible to their place of employment when, for any phase or stage of development, the development's cumulative adequate housing need is projected to exceed 150 units. The standard represents five (5) percent of the Miami-Dade County's DRI residential threshold, which is 3,000 units. The Rule also offers a formula to calculate affordable housing supply and demand.

To determine whether a DRI will create a demand for affordable housing, the Applicant collects data on the available supply of housing units within a ten-mile or 20-minute commute distance of the DRI. Exhibit D illustrates the housing supply area. The available supply is then compared to the demand that will be created, based on the estimated number of jobs that will be created and their associated wages/salaries. The analysis is conducted by extremely-low, very-low, low, and moderate income categories.

Between 3,573 and 3,867 of the 14,131 people who will be employed as a result of the development of Increment III of the DDRI will require housing affordable to households of very-low, low and moderate income, depending on the method used to distribute the workers by income category.



PHG Builders, LLC

Gibson Center

Print #150810168
 Date: 08/10/15
 Lat/Lon: 25.728012 - 80.251905
 Order No: 57229
 Aerial Photography, Inc. 754-568-0184

Table 10 compares the demand for affordable housing by income category that will be created by the Increment III workforce with the available supply. As evidenced, there is a surplus of very low income units while there is a deficit of 95 moderate income units. However, the deficit of moderate income is within an acceptable range according to the Rule 73C-40.048, F.A.C, which allows for deficits for DRI's in Miami-Dade County of up to 150 units (up to five

percent of the County's residential threshold for DRI projects of 3,000 dwelling units or more). It is also noted that the surplus units in the very-low income category and particularly the low income category can serve to mitigate the deficit of moderate income units. While the methodology would allow affordably priced units that are contemplated in the Development Program to be included in the available supply, no credit was taken from them in this analysis since the DRI does not address specific projects.

TABLE 10 - ESTIMATED SURPLUS (DEFICIT) OF AFFORDABLE HOUSING

Income Category	Demand	Supply	Surplus (Deficit)
Very Low Income	656	1,345	689
Low Income	890	1,704	814
Moderate Income	2,027	1,932	(95)
Total	3,573	4,981	1,408

Source: Downtown Miami Application for Development Approval (Miami Economic Associates, Inc.), Table 24-B.13

Based on the requirements of Rule 73C-40.048, F.A.C., the DDRI would not create a significant impact on the ability of the development's very-low, low, and moderate income employee households to find adequate housing reasonably accessible to their place of employment. However, the Applicant will voluntarily construct or cause to be constructed at least 2,700 units (equal to 15% of the total residential units in Increment III) for extremely-low, (up to 30% Area Median Income (AMI) very-low (up to 50% of AMI), low, (up to 80% of AMI), moderate (up to 120% of AMI), and/or workforce (up to 141% of AMI) populations.

Transportation and Mobility

Rule 73C-40.045, F.A.C., establishes the standard used to determine adverse and significant impacts to state and regional transportation network. The rule creates a two-prong test: (1) the traffic projected to be generated at the end of any stage or phase of the proposed development, cumulatively with previous stages or phases, at a minimum, will utilize five percent or more of the adopted peak hour level of service maximum service volume of the roadway and (2) the roadway is projected to be operating below the adopted level of service standard at buildout of that stage or phase.

Downtown Miami and the DDRI are served by roadways as well as numerous transit options, including Metrorail, which connects to Tri-Rail, Metromover, Metrobus, Express Bus, and Miami Trolley. Premium transit options, such as All Abroad Florida and Tri-Rail's Coastal Link, are in the planning and programming stages. In addition, Miami-Dade County and the cities of Miami and Miami Beach are exploring the Baylink, a premium transit service that would connect the two cities, and the City of Miami is considering resuming the Miami Streetcar. Bicycle and pedestrian facilities as well as current and future bicycle and car-sharing services provide additional transportation options.



Myriad transportation options are recognized in the City of Miami Comprehensive Neighborhood Plan, which authorizes the use of Person Trips to estimate the development's potential impact on the transportation network. The Person Trip methodology was applied to all roadways, except for facilities that are part of the Florida Interstate Highway System (FIHS) and State Intermodal System (SIS). Affected FIHS and SIS roadway facilities relative to the DRI study area include I-95, I-195/SR 112 and portions of SR 836/I-395/MacArthur Causeway.

In general, potential transportation impacts are assessed by identifying the types and amounts of development that will be created by the DDRI. Professionally-accepted standards for the number of automotive trips the specific types and amounts of development will generate were converted to person trips. The person trips demand rates, along with demand generated by

existing and approved development, are distributed onto the transportation network. If the developments trip demand exceeds five percent of the capacity of a roadway and also reduces the adopted level of service for the roadway, an adverse and significant impact has occurred.

Based on the requirements of Rule 73C-40.045, F.A.C., the DDRI would not create adverse and significant impacts to the regional transportation network. However, the Applicant will voluntarily pay, contract or otherwise commit to pay, or cause the payment of a total of \$6,005,829 (2016 dollars) to Miami-Dade County, to be expended on some or all of the following transit projects:

1. Government Center Station Upgrade;
2. Historic Overtown/Lyric Theatre Station Upgrade;
3. Brickell Metrorail/Metromover Station Upgrade;
4. Downtown Intermodal Bus Terminal; and/or
5. Bus-Only Lanes in Downtown Miami.

In addition, the Applicant will voluntarily pay or contract or otherwise commit to pay, or cause the payment of a total of \$374,206.08 (proportionate share in 2016 dollars), to be expended on transportation improvements, including but not limited to pedestrian and alternative transportation mode improvements within the DDRI study area, and the following turn lanes:

1. A northbound right-turn at the intersection of NE 2 Avenue at NE 15 Street, provided adequate right of way can be made available; and
2. A northbound right-turn at the intersection of NE 2 Avenue at NE 18 Street provided adequate right of way can be made available.

Exhibit C provides additional detail on the voluntary transportation improvements the Applicant will provide.

Proposed Development Order Conditions #14 and #15 address these issues.

FIGURE 4 – EXISTING PREMIUM TRANSIT SYSTEM



IV. SUMMARY AND RECOMMENDATIONS

Regional Impacts

Chapter 380.06(12), Florida Statutes, specifically identifies review criteria that the Regional Planning Council should consider in its report and recommendations.

(12) REGIONAL REPORTS

- (a) In preparing its report and recommendations, the regional planning agency shall identify regional issues based upon the following review criteria and make recommendations to the local government on these regional issues, specifically considering whether, and the extent to which:
 - 1. The development will have a favorable or unfavorable impact on state or regional resources or facilities identified in the applicable state or regional plans...
 - 2. The development will significantly impact adjacent jurisdictions. At the request of the appropriate local government, regional planning agencies may also review and comment upon issues that affect only the requesting local government.
 - 3. As one of the issues considered in the review in subparagraphs 1. and 2., the development will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment. The determination should take into account information on factors that are relevant to the availability of reasonably accessible adequate housing. Adequate housing means housing that is available for occupancy and that is not substandard.
- (b) At the request of the regional planning agency, other appropriate agencies shall review the proposed development and shall prepare reports and recommendations on issues that are clearly within the jurisdiction of those agencies. Such agency reports shall become part of the regional planning agency report; however, the regional planning agency may attach dissenting views. When water management district and Department of Environmental Protection permits have been issued pursuant to chapter 373 or chapter 403, the regional planning council may comment on the regional implications of the permits but may not offer conflicting recommendations.
- (c) The regional planning agency shall afford the developer or any substantially affected party reasonable opportunity to present evidence to the regional planning agency head relating to the proposed regional agency report and recommendations.

The following summary addresses the impact of the project on state and regional resources, adjacent jurisdictions and adequate housing as required by the statute. Council staff has advised the Applicant of the public hearing date and provided a copy of this report to the Applicant in advance of the meeting.

1. Impact on State or Regional Resources or Facilities

The Development of Regional Impact Assessment for the Downtown Miami, Increment III DRI indicates that the project, as proposed, would have the following positive regional impacts at buildout:

- Project costs of \$7.3 billion of which \$5.8 will be spent in the Region (ADA Table 10-4);
- 13,674 non-construction jobs (ADA Page 10-22);
- An estimated \$231,585,110 non-recurring and \$134,125,8883 recurring revenue through 2024 (ADA Table 11-1);
- The construction or rehabilitation of at least 2,700 affordable housing units; and
- Over \$6 million in transit and roadway improvements.

2. Impact on Adjacent Jurisdictions

There are no extrajurisdictional impacts or concerns identified by adjacent local governments that have not been addressed.

3. Adequate Housing

The applicant shall assure that units affordably-priced for extremely-low, very-low, low, moderate, and workforce income populations shall be provided in an amount equivalent to at least 15 percent of the number of units proposed for development in the Increment. The homes will remain affordably-priced for a period of at least 20 years.

4. Education

Development of 18,000 residential units will create the need for more elementary and middle school stations. Although the *Amended and Restated Interlocal Agreement for Public School Facility Planning in Miami-Dade County (ILA)* and school concurrency requirements guide mitigation of impacts to public school facilities, the City, DDA, Miami Parking Authority, Miami-Dade Public Schools, and Miami-Dade County are exploring innovative solutions regarding K-5 student stations serving the DDRI. These approaches include (1) assessing current schools for capacity and curricular amplification by the District in collaboration and with participation by the City, (2) the City providing information to developers about possible incorporation of customized, small District owned and operated educational facilities within their development, and (3) City and District to further explore opportunities for provision of additional educational facilities over and above those listed in 1. above, on public land owned by the City or other public entity with assets in or near the DDRI area.

Recommendation

Based on consideration of the above-specified positive and negative regional impacts, it is the recommendation of the Council to the City of Miami Commission that the Application for Development Approval for the Downtown Miami, Increment III Development of Regional Impact be **APPROVED**, subject to the Development Order Conditions. These conditions are to be incorporated by the City of Miami into the proposed Development Order in order to increase the probability of realizing positive regional impacts and mitigating, reducing, or eliminating adverse regional impacts.

V. PROPOSED DEVELOPMENT ORDER CONDITIONS

5/26/2016

Increment III Development Order Conditions

THE CITY OF MIAMI SHALL:

PROJECT INFORMATION, PROGRAM AND GENERAL CONDITIONS

1. Require all development pursuant to this Development Order to be in accordance with the City of Miami Comprehensive Neighborhood Plan, applicable land development regulations, ordinances, building codes, and other laws.
2. The deadline for commencing any development under this Increment III shall be three (3) years from the effective date of this Development Order.
3. Total Allowable Development under this Development Order shall be limited to:

DEVELOPMENT PROGRAM

<u>Land Uses</u>	<u>Increment I Buildout- May 28, 2003</u>	<u>Increment II Buildout-September 28, 2019</u>	<u>Increment III Buildout-September 1, 2025</u>	<u>Totals</u>
Office (includes Government) (gross square feet)	3,681,890	1,220,000	2,500,000	7,401,890
Government Office (gross square feet)	300,000	0	Government Offices are included in General Office Category	300,000
Retail/Service (gross square feet)	1,453,500	747,774	758,000	2,959,274
Hotel (rooms)	4,500	1,605	2,000	8,105
Residential (dwelling units)	10,550	6,750	18,000	35,300
Convention (gross square feet)	500,000	300,000	0	800,000
Wholesale/Industrial (gross square feet)	1,050,000	550,000	250,000	1,850,000
Institutional (gross square feet)	200,000	350,000	150,000	700,000
Attractions/Recreation (seats)	30,500	59,000	2,000	91,500
Marine Facilities	100,000	50 wet slips*	0	100,000

*An additional 42 slips are vested from DRI review pursuant to DCA BLIVR 11003-001.

- a. Upon the issuance of a Certificate of Occupancy for any Net New Development as defined in section 14-122 of the City Code, the City shall make appropriate deductions from the amount of Total Allowable Development under this Development Order. No Building Permit shall be issued for Net New Development which would, in the aggregate, exceed the amount of Total Allowable Development under this Development Order. The City may permit simultaneous increases and decreases in the above described land use categories consistent with the Equivalency Matrix attached hereto as Exhibit "A" (Equivalency Matrix), without the need of filing for an NOPC (Notice of Proposed Change) provided that the regional impacts of the land uses in Increment III of the Project as approved, as measured by total peak hour vehicle trips are not increased. Nothing herein changes, grants, or otherwise alters any rights, conditions, commitments, obligations or limitations upon development projects that commenced within and/or which are credited to Increments I and II of the Downtown Development of Regional Impact.
 - b. On February 17, 2015, the City of Miami Downtown Development Authority ("DDA") and Department of Economic Opportunity entered into an Agreement Authorizing Interim Development for the Downtown Miami Development of Regional Impact Increment III Pursuant to Section 380.032, Florida Statutes ("Agreement"), which authorized commencement of interim development pursuant to this Increment III in advance of issuance of this final Development Order. Such development under Increment III and pursuant to this Development Order has commenced. It is understood that any development that has commenced under this Increment III was required to pay all credits applicable to the development of the Project as if it was to be developed under Increment II of the Downtown Development of Regional Impact and all applicable ordinances and statutory requirements. Further, said development was obligated and recognizes that Increment III, when authorized as provided by law, may contain different coefficients or other calculation methodology that could cause fees for credits under Increment III to be substantially changed from those of Increment II. Any development that commenced prior to the adoption of Increment III is also obligated to pay any additional fees applicable to the development of the project pursuant to Increment III within thirty (30) days of the final approval and expiration of all appeal periods for the approval of the Increment III development order and, in all events, prior to the issuance of a certificate of use and/or occupancy for development of any project that does not qualify for Increment II credits.
4. Monitor the capacity of Total Allowable Development by reserving the amount of Development Credits necessary for Net New Development at a time, to be determined by the City, prior to or coincident with approval of a building permit or other appropriate City approvals. The City shall place reasonable time limits on all building permits to assure that construction progresses within a reasonable period of time after approval to prevent stockpiling of reservations for Development Credits. The time period established by the City shall take into account the size of the proposed Net New Development in relationship to the time necessary to begin construction.
 5. The buildout date, for authorizing development through the issuance of building and other permits, shall be September 1, 2025. September 1, 2025 is hereby established as the expiration/termination date for the development order. Upon the occurrence of the expiration/termination date, the City of Miami Downtown Development of Regional Impact Master and all incremental development orders shall be expired, terminated and of no further

force and effect. The buildout and expiration/termination dates may only be modified in accordance with Section 380.06(19), F.S.

6. Establish September 1, 2025 as the date until which the City agrees that the Downtown Miami Increment III Development of Regional Impact shall not be subject to downzoning, unit density reduction, or intensity reduction, unless the City can demonstrate that substantial changes in the conditions underlying the approval of the development order have occurred, or that the development order was based on substantially inaccurate information provided by the Applicant, or that the change is clearly essential to the public health, safety or welfare.
7. The City Manager, by and through his/her designees, is hereby designated to monitor compliance with all conditions and the enforcement of this Development Order and shall have the duty and authority to interpret the provisions of this Development Order and to promulgate rulings, regulations, and procedures necessary to implement it, provided the same are not inconsistent with the terms hereof or of F.S. 380.06, or duly promulgated and adopted rules there under. Appeals to decisions of the City Manager may be filed pursuant to procedures set forth in the City of Miami Code and land development regulations, as amended. Any noncompliance shall be subject to the provisions of Condition 8 herein.
8. The City shall not violate any of the conditions of this Development Order or otherwise fail to act substantially in compliance with this Development Order or permit any property owner within the boundaries covered by this Development Order to violate any of the provisions of this Development Order. In the event any entity controlled by the Applicant and/or the City or any permittee or landowner of any Parcel of Land violates (hereinafter "violator") the provisions of this Development Order, the City shall stay the effectiveness of this Development Order as to the parcel or tract of land in which the violative activity or conduct has occurred and withhold further permits, approvals, and services for development in said Parcel of Land upon passage of any appropriate resolution by the City, adopted in accordance with this section, finding that such violation has occurred. The violator will be given written notice by the City that states: 1) the nature of the purported violation, and 2) that unless the violation is cured within thirty (30) days of said notice, the City will hold a public hearing to consider the matter within sixty (60) days of the date of said notice. In the event the violation is not curable in thirty (30) days, the violator's diligent good faith efforts, as determined by the City, to cure the violation within that period will obviate the need to hold a public hearing and this Development Order will remain in full force and effect unless the violator does not diligently pursue the curative action to completion within a reasonable time, in which event the City will give fifteen (15) days' notice to the violator of its intention to stay the effectiveness of this Development Order and withhold further permits, approvals, and services to the Parcel of Land in which the violation has occurred and until the violation is cured. The terms of this paragraph may be modified from time to time by written agreement by the DDA, the City, and South Florida Regional Council ("Council") staff, to enable the City to enforce the terms of this Development Order to the fullest extent, while providing due process to all developers under this Development Order.
9. The City, along with the DDA, shall integrate all original and supplemental ADA information into a Consolidated Application for Development Approval (CADA) and submit two copies of the CADA to the Council, one copy to the City Clerk, one copy to the Florida Department of Transportation, and one copy to the Florida Department of Economic Opportunity (DEO) within

thirty (30) days of the effective date of this Development Order. The CADA shall be prepared as follows:

- a. Where new, clarified, or revised information was prepared subsequent to submittal of the ADA but prior to issuance of this Development Order, whether in response to a formal statement of information needed or otherwise, the original pages of the ADA will be replaced with revised pages.
 - b. Revised pages will have a "Page Number (R) - Date" notation, with "Page Number" being the number of the original page, "(R)" indicating that the page was revised, and "Date" stating the date of the revision.
 - c. The CADA is incorporated herein by reference and will be relied upon by the parties in discharging their statutory duties under F.S. 380.06 (2016), and local ordinances. Substantial compliance with the factual representations contained in the CADA is a condition for approval unless, for good cause, waived or modified by agreement among the Council, City, and DDA, their successors, and/or assigns.
 - d. All terms, proposals, suggestions and procedures proposed in the ADA, but not specifically incorporated in this Development Order, shall not be considered a part of the CADA insofar as they may have been deemed to place a requirement on the City of Miami to take any action or abstain from taking any action. The terms of this Development Order shall control and any requirements to the City are specifically enumerated herein.
10. City of Miami shall prepare an Annual Report and submit copies to the Council, the City Clerk and Florida Department of Economic Opportunity/State Land Planning Agency on or before each anniversary date of this Development Order. The Annual Report for Downtown Miami Increment III must also be incorporated into the Annual Report required in the Downtown Miami Master Development Order so that a single Annual Report is compiled for the entire Project. The Annual Report shall include, at a minimum:
- a. A complete response to each question in Exhibit "B" (Form Annual Report Questionnaire).
 - b. Identification and description of any known changes in the plan of development, or in the representations contained in the CADA, or in the phasing for the reporting year and for the next year.
 - c. A summary comparison of Total Allowable Development and Net New Development proposed and actually approved during the year, including locations, acreage, square footage, number of units, and other units of land uses included within Total Allowable Development, and the acreage zoned and developed as City parks within the boundaries of the Downtown DRI.
 - d. An assessment of the Applicant's compliance with the conditions of approval contained in this Development Order and the commitments which are contained in the ADA and which have been identified by the City, the Council, or the Department of Economic Opportunity (DEO) as being significant.

- e. Specification of any amended DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year.
- f. An indication of change, if any, in City jurisdiction for any portion of the development since issuance of this Development Order.
- g. A statement that all agencies have been sent copies of the Annual Report in conformance with F.S. 380.06(18).
- h. A copy of any recorded notice of the adoption of this Development Order or any subsequent modification that was recorded by the Applicant pursuant to F.S. 380.06(15).
- i. Any other information reasonably required by State Land Planning Agency and the Council, in accordance with F.S. 380.06.
- j. A comparison of the amount of development approved in each land use category contained in the Development Program and the amount of the Development Program actually developed as of the end of each year.
- k. A statement that sufficient capacities of public facilities and services are available to serve the remaining development are available or planned and a statement of the condition of archeological resources.
- l. Provide Economic Development/Jobs information as provided in Condition 23.
- m. An assessment of the Applicant's and the City's compliance with all conditions contained in the Increment III Development Order.
- n. Flagstone Island Gardens, LLC shall be responsible for providing the required Annual Report to City, Council and DEO for the Watson Island Property.

ENVIRONMENTAL

- 11. Assure and require that any fill material utilized within any construction sites within the DDRI Area, whether from onsite excavation activities or from offsite sources, meets the clean soils criteria of the Florida Department of Environmental Protection (FDEP) and the Miami Dade Department of Regulatory and Economic Resources (RER) Division of Environmental Resources Management (DERM), as applicable and as may be amended from time to time.
- 12. Enforce the requirements of the Miami-Dade County Shoreline Development Review Ordinance No. 85-14 (codified as Article III, Chapter 33D of the Miami-Dade County Code) for all qualifying developments within the Shoreline Development boundary.
- 13. a. Continue its efforts to address the potential impacts of sea level rise upon the Downtown, City of Miami and Miami Dade County, by reasonably addressing the findings of the City of Miami Sea Level Rise Committee established pursuant to City Resolution R-15-0072 (adopted on February 26, 2015) and any subsequent sea level rise committees and groups as established from time to time, and through the implementation of the following and subsequent City of Miami ordinances, Comprehensive Neighborhood Plan objectives and policies, and City resolutions:

- 1) Ordinance 13550 (dated September 10, 2015) Comprehensive Plan Amendment
- 2) Comprehensive Neighborhood Plan Objective LU-1.8.
- 3) Comprehensive Neighborhood Plan Policy LU-1.8.1.
- 4) Comprehensive Neighborhood Plan Policy LU-1.8.2.
- 5) Comprehensive Neighborhood Plan Policy LU-1.8.3.
- 6) Comprehensive Neighborhood Plan Policy LU-1.8.4.
- 7) Comprehensive Neighborhood Plan Policy LU-1.8.5.
- 8) Comprehensive Neighborhood Plan Policy CM-1.4.2.
- 9) Comprehensive Neighborhood Plan Policy CI-1.2.6.
- 10) Comprehensive Neighborhood Plan Policy IC-1.1.910.
- 11) City Resolution R-14-0420 (dated October 23, 2014).

The findings of the Southeast Florida Regional Climate Change Compact shall be taken into consideration, as reasonable and appropriate, in future decisions regarding the design, location, and development of infrastructure and public facilities in the City and to meet or exceed adopted Level of Service (LOS) Standards.

- b. Cooperate and coordinate efforts with the Miami Dade County Office of Resilience in planning for and addressing, as is reasonable and appropriate, the coordination of activities contemplated by the Sea Level Rise Task Force as formed through Miami-Dade County Resolution R-599-13, adopted on July 2, 2013 as amended by Resolution R-744-13 following Miami Dade County ordinances and resolutions:

- 1) R-451-14 (dated May 6, 2014).
- 2) Ordinance No. 14-79 (dated September 3, 2014).
- 3) R-44-15 (dated January 21, 2015).
- 4) R-45-15 (dated January 21, 2015).
- 5) R-46-15 (dated January 21, 2015).
- 6) R-47-15 (dated January 21, 2015).
- 7) R-48-15 (dated January 21, 2015) (This resolution pertains to Flood Damage Reduction).
- 8) R-49-15 (dated January 21, 2015).
- 9) R-903-15 (dated October 6, 2015).

10) R-66-16 (dated January 20, 2016).

- b. As part of the pending Evaluation and Appraisal of its Comprehensive Neighborhood Plan, the City shall consider establishing an Adaptation Action Area within the boundaries of the Downtown DRI and adopting additional policies within the Coastal Management Element and City Code changes to improve resilience to coastal flooding resulting from high-tide events, storm surge, flash floods, stormwater runoff, and related impacts of sea-level rise.

INFRASTRUCTURE AND SERVICES

- 14. a. Based upon the transit impacts directly related to and generated by the Total Allowable Development for Increment III, pay, contract or otherwise commit to and pay or cause the payment of a total of \$6,005,829 (2016 dollars) to Miami Dade County, to be expended on some or all of the following transit projects as shown on the Transit Improvement Chart provided as Exhibit "C" ("Transit Commitment"), as follows:

- 1) Government Center Station Upgrade
- 2) Historic Overtown/Lyric Theatre Station Upgrade
- 3) Brickell Metrorail/Metromover Station Upgrade
- 4) Downtown Intermodal Bus Terminal
- 5) Bus-Only Lanes in Downtown Miami

Alternative projects may be added or substituted to this list, subject to the agreement of the City and Miami Dade County. The City shall collect the Transit Commitment proportionally from development within the DDRI boundaries and pay, contract or otherwise commit or cause to pay to Miami Dade County, \$1,981,923.57 within sixty (60) days from the date of issuance of building permits that would result in the construction of more than thirty-three (33) percent of the Total Allowable Development, an additional \$1,981,923.57 within sixty (60) days from the date of issuance of building permits that would result in the construction of more than sixty-six (66) percent of the Total Allowable Development, and an additional \$2,041,981.86 within sixty (60) days from the date of issuance of the building permits that would result in the construction of more than one hundred (100) percent of the Total Allowable Development. Any payment of fees to the County in satisfaction of this condition shall be reported to the Council within one (1) year of the receipt of such payment by the County.

- b. Based upon the roadway impacts generated by Total Allowable Development for Increment III, pay or contract to pay \$374,206.08 (proportionate share in 2016 dollars), to be expended on transportation improvements, including but not limited to pedestrian and alternative transportation mode improvements within the DDRI study area, and the turn lanes described in condition 14c, below, at the City's discretion. The Applicant shall pay or contract to pay \$123,488.01 within sixty (60) days from the date of issuance of building permits that would result in the construction of more than 33 percent of the Total Allowable Development, an additional \$123,488.01 within sixty

(60) days from the date of issuance of building permits that would result in the construction of more than 66 percent of the Total Allowable Development, and an additional \$127,230.01 within sixty (60) days from the date of issuance of building permits that would result in the construction of more than 100 percent of the Total Allowable Development.

- c. Prior to the issuance of the first certificate of occupancy for the vertical construction within contiguous properties, where feasible, construct or cause the construction of a northbound right-turn at the intersection of NE 2 Avenue at NE 15 Street, provided adequate right of way can be made available, and a northbound right-turn at the intersection of NE 2 Avenue at NE 18 Street, provided adequate right of way can be made available.
15. Implement Transportation Demand Management (TDM) strategies and coordinate with the Miami Dade County Department of Transportation and Public Works and other local agencies and authorities such as the Miami Parking Authority, to encourage, explore and expand transit and commuter options within the DDRI Boundaries, including trolley and alternative commuter options, including:
- a. Transit and traffic educational programs obtained from South Florida Commuter Services;
 - b. Preferential parking and treatments for carpool and vanpool participants;
 - c. Provide documentation promoting the spreading of travel demands for travel off peak periods, such as staggered work hours, flex-time, compressed work hours, telecommuting;

Promote alternative forms of transportation such as car-share and bike-share programs;
and
 - d. Other transportation initiatives as agreed upon by the City and DDA
16. Continue to coordinate with the Miami-Dade County Water and Sewer Department (WASD) to upgrade the water and sewer infrastructure within the DDRI Area.
17. Continue to coordinate with the City's Police Department to ensure adequate provision of police services within DDRI Boundaries.
18. Continue to work with the City's Fire Department to ensure the adequate provision of fire/rescue services within DDRI Boundaries.
19. a. The City shall comply with the terms of the Amended and Restated Interlocal Agreement for Public School Facility Planning in Miami-Dade County. The City shall promote, in collaboration with the School Board, Miami Dade County and developers of projects within the boundaries of the DDRI, as is practical, the following:
- (1) assess existing schools for capacity and curricular expansion and amplification, (2) provide information to developers about possible incorporation of customized, small District-operated educational facilities within their development, or (3) explore

opportunities for provision of educational facilities, in addition to those which currently exist (as referenced in (1) above), on public land owned by the City, Miami-Dade County, School District or other public entity with assets in or near the DDRI area.

- b. The City shall establish, or, with input from the DDA, work to establish, a City of Miami education task force to evaluate creative educational options and alternatives, to serve Downtown and other City residents and workers.
20. Work with Miami-Dade County Office of Emergency Management to coordinate emergency evacuation measures from Downtown and to ensure adequate shelter capacity for the occupants of planned new residential units within the DDRI.
21. Coordinate with the City Parks Department to identify opportunities to provide additional public park space within the Downtown. Coordinate with developers of projects within the Downtown for the provision of recreation areas within their developments (private property) that would be open and available to the public.
22. Amend City of Miami Ordinance 12678 (as amended and codified as Article II, Chapter 13 of the City of Miami Code of Ordinances) to assess development for its proportionate share of the cost of improvement and/or services necessary to monitor and/or mitigate any adverse impacts of Increment III. Said amendment shall also have authority to assess development its proportionate share of the costs attributable to preparation of the master plan, the Application for Development Approval, and this Development Order, as well as the future costs of reviewing individual development applications, monitoring compliance with this Development Order, and any other costs reasonably related to the administration and implementation of this Development Order. If necessary, the City shall establish a procedure for rebating any funds collected in excess of those funds attributable to a particular development and necessary to implement this Development Order or any ordinance or procedure required to monitor and enforce compliance with this Development Order and to mitigate the impacts of Total Allowable Development under this Increment III.

ECONOMIC DEVELOPMENT

23. Utilize economic development enhancement resource agencies and programs designed to involve small and minority businesses in the development and expansion of permanent job opportunities within the project. Examples of such agencies and programs include, but are not limited to, those contained in the *Miami Dade County Internal Services Department Small Business Development List of Certified Firms and the South Florida Small and Minority Business Resource Directory*. The Applicant will attempt to access the range of job skills available in the region and promote greater labor force enhancement. At a minimum, the Applicant is encouraged to provide potential commercial tenants with information about employment and training agencies that maintain a database of trained/skilled workers to consider in meeting the project's employment needs. This information shall be annually updated and submitted as part of the Annual Status Report.
24. The City shall establish ordinances, programs or other mechanisms that require that housing available for purchase or rental by extremely low (up to 30% Area Median Income or AMI), very-low (up to 50% of AMI), low (up to 80% of AMI), moderate (up to 120% of AMI), workforce (up to 140% of AMI) populations (as such terms are defined in section 420.9071,

Florida Statutes; sections 17-131 and 33-193.6 of the Miami Dade County Code; and section 13-5 of the City of Miami Code of Ordinances) be constructed or caused to be constructed in an amount equal to no less than 2700 dwelling units or fifteen (15) percent of the residential units proposed within the DDRI Increment III within an area of a ten (10) mile or a twenty (20) minute commute shed from and within the boundaries of this DDRI, whichever is less (Exhibit " D"; Housing Commute Shed), but in all events, within the jurisdiction of the City of Miami. Provided, however, in order to encourage the development of housing for very-low, low, moderate, and workforce populations within the boundaries of this DDRI, any units constructed within such boundaries shall be counted at a ratio of 1.5:1. Units constructed in satisfaction of the Southeast Overtown Park West Development of Regional Impact affordable housing condition shall not be counted toward satisfying this condition.

All housing units for extremely low, very-low, low, moderate, and workforce populations constructed and conveyed pursuant to this condition shall limit resale to a price in accordance with the affordable or workforce price for a control period of twenty (20) years, or more, by providing an appropriately enforceable assurance that said unit shall not be offered for a price greater than the maximum workforce housing unit sales price as such is established by the Miami Dade County Department of Regulatory and Economic Resources at the time of said sale. If the units are sold during the initial twenty year control period, a new twenty year period for affordable or workforce housing will apply to the new owners. Said binding and enforceable agreement may be, but is not limited to, a Development Agreement, Land Use Restriction Agreement, Declaration of Restrictive Covenants, or, if a Community Land Trust, with a Memorandum of Ground Lease, recorded in the public records of Miami Dade County.

All rental housing for extremely low, very-low, low, moderate, and workforce populations provided in satisfaction of this condition, shall be maintained by the owner as affordable for low, moderate, and/or workforce incomes for a period of twenty (20) years. If the units are sold during the initial twenty year period, a new twenty year period will apply.

In lieu of actually providing said housing units for extremely low, very-low, low, moderate, and workforce populations, in whole or in part, the City may establish an affordable/workforce housing trust fund to be used to fund construction of or access to affordable or workforce units and authorize a payment in lieu of actually providing the housing units for very-low, low, moderate, and workforce populations. The payment in lieu shall be based on a reasonable formula for the purchase/construction each unit.

The Applicant will work with South Florida Regional Council staff to explore creative affordable/workforce housing solutions (including, micro-units, co-living, reduced parking requirements, mixed-income housing and "rent to buy" programs, the rehabilitation of existing housing units) and to ensure a balanced distribution of housing, based on income levels.

25. Withhold the issuance of any building permits (including phase permits) that would not ensure the preservation of historic and archeological resources that have been formally designated as historic by the City of Miami, pursuant to Section 23-4 of the City of Miami Code of Ordinances. Continue to explore the designation of additional qualified sites within the boundaries of the DDRI.

MISCELLANEOUS

26. The effective date of this Development Order shall be forty-five (45) days from receipt of its transmittal to the Department of Economic Opportunity, South Florida Regional Council, and City; provided, however, that if this Development Order is appealed, the effective date will not start until the day after all appeals have been withdrawn or resolved pursuant to F.S. 380.07.
27. Within thirty (30) days of the effective date of this Development Order, a notice of adoption of this development order it shall be recorded with the Clerk, Dade County Circuit Court, pursuant to Section 380.06(15) F.S. The notice shall include a legal description of the property covered by this Development Order (Exhibit "E") and shall state which unit of local government adopted the development order, the date of adoption, the date of adoption of any amendments to the development order, the location where the adopted order with any amendments may be examined, and that the development order constitutes a land development regulation applicable to the property. The recording of this notice shall not constitute a lien, cloud, or encumbrance on real property, or actual or constructive notice of any such lien, cloud, or encumbrance.
28. The existence of this Development Order shall not act to limit or proscribe the rights of any person under Section 380.06 F.S. to file an ADA and obtain an individual development order for property covered by this Development Order, notwithstanding the existence of this Development Order. In the event that such an individual development order is approved and becomes effective, the individual development order shall control development of the property covered by the individual development order and the terms and conditions of this Development Order shall no longer be binding upon the property. Any such individual development orders shall, by their terms be consistent with the objectives and conditions of this Development Order.
29. This Development Order shall not repeal, nor amend in any way, any other currently effective development order or building permit within the subject area previously issued by the City Commission pursuant to Section 380.06 F.S. This Development Order shall not create nor authorize the creation or imposition of any additional requirements or restrictions, with respect to any present or future development under any currently effective Development Order or building permit issued prior hereto. Notwithstanding this paragraph, the City shall continue to have whatever authority pursuant to law it may now have or may acquire in the future (other than by virtue of this Development Order).
30. This Development Order shall not create nor impose any additional requirements or restrictions upon the City with respect to its powers to enact impact fee or assessment ordinances on development, including Net New Development under this Development Order and future development of the City, as such impact fees or assessments may be authorized by law.
31. In the event that a substantial deviation is determined under the terms of this Development Order or Section 380.06 F.S., the City shall retain its ability to issue building permits and shall continue to do so unabated, subject to the terms and conditions of this Development Order.
32. In the event that this Development Order is subject to litigation wherein an injunction is issued staying the enforcement of this Development Order, the City shall either, under this Development Order or under the powers granted it by state law, be permitted to continue to issue building permits and Certificates of Occupancy until such time as a final resolution of the litigation occurs, unless the court expressly prohibits such action.

Exhibits A - E of the Development Order

EXHIBIT A: EQUIVALENCY MATRIX

EXHIBIT B: ANNUAL REPORT QUESTIONNAIRE

EXHIBIT C: MIAMI DADE COUNTY TRANSIT IMPROVEMENT COMMITMENT

EXHIBIT D: AFFORDABLE/WORKFORCE HOUSING COMMUTE SHED

EXHIBIT E: LEGAL DESCRIPTION

Exhibits A through E of the Development Order are provided in the Development of Regional Impact Report as Exhibits A – E.

Exhibit F is an additional Exhibit in the Regional Impact Report.

EXHIBIT A

LAND USE EXCHANGE RATES FOR THE DOWNTOWN MIAMI DRI UPDATE-INCREMENT III

LAND USES	TO:	OFFICE (KSF)	MOVIE THEATRE (SEATS)	BALL PARK (SEATS)	INSTITUTIONAL (KSF)	CONVENTION (KSF)	INDUSTRIAL (D.U.)	RESIDENTIAL (D.U.)	RETAIL (KSF)	HOTEL (ROOMS)
FROM:	PM PK HR EXT VEHICLE TRIP RATE	0.7050	0.0772	0.0103	0.8511	0.6580	0.5707	0.1884	2.4827	0.3500
OFFICE (KSF)	0.7050	1.0000	9.1321	68 4466	0.8283	1.071-4	1.2353	3.7420	0.2840	2.0143
MOVIE THEATRE (SEATS)	0.0772	0.1095	1.0000	7.4951	0.0907	0.1173	0.1353	0.4098	0.0311	0.2208
BALL PARK (SEATS)	0.0103	0.0146	0.1334	1.0000	0.0121	0.0157	0.0180	0.0547	00041	0.0294
INSTITUTIONAL (KSF)	0.8511	1.2072	11.0246	82.6311	1.0000	1.2935	1.4913	4.5175	0.3428	2.4317
CONVENTION (KSF)	0.6500	0.9333	8.5233	63.8835	0.7731	1.0000	1.1530	3.4926	0.2650	8800
INDUSTRIAL (D.U.)	0.5107	0.8095	7.3925	55 4078	0.6705	0.8673	1.0000	3.0292	0.2299	1.16306
RESIDENTIAL (D.U.)	0.1884	0.2672	2.4404	18.2913	0.2214	0.2863	0.3301	1.0000	0.0759	0.5383
RETAIL (KSF)	2.4827	3.5216	32.1593	241.0388	2.9170	3.7731	C 3503	13.1778	1.0000	7.0934
HOTEL (ROOMS)	0.3500	0.4965	4.5337	33.9806	0.4112	0.5319	0.5133	1.8577	0.1410	1.0000

Notes:

- (1) Exchange rates are derived by dividing the PM Peak Hour external vehicle trips
- (2) Example: Exchange rate between office and industrial is 1 sq. ft. of office for every 1.2353 sq. ft. of industrial; 1000 sq. ft. of office is equivalent to 1235 sq. ft. of industrial.

EXHIBIT B

FORM DEO-BCP-BIENNIAL REPORT-1

Rule 73C-40.010, FAC. Effective 6-01-03
(Renumbered 10-01-11)

STATE OF FLORIDA

DEPARTMENT OF ECONOMIC OPPORTUNITY

DIVISION OF COMMUNITY PLANNING & DEVELOPMENT

The Caldwell Building, MSC 160

107 East Madison Street

Tallahassee, Florida 32399

**DEVELOPMENT OF REGIONAL IMPACT
ANNUAL REPORT**

Subsection 380.06(18), Florida Statutes, (F.S.) places the responsibility on the developer of an approved development of regional impact (DRI) for submitting an annual report to the local government, the regional planning agency, the Department of Economic Opportunity, and to all affected permit agencies, on the date specified in the development order. The failure of a developer to submit the report on the date specified in the development order may result in the temporary suspension of the development order by the local government until the biennial report is submitted to the review agencies. This requirement applies to all developments of regional impact which have been approved since August 6, 1980. If you have any questions about this required report, call the DRI Planner at (850) 717-8475 or the South Florida Regional Council at (954) 985-4416.

Send the original completed annual report to the designated local government official stated in the development order with one copy to each of the following:

- a) South Florida Regional Council
3440 Hollywood Boulevard, Suite 140
Hollywood, Florida 33021
(954) 985-4416

- b) All affected permitting agencies;

- c) Division of Community Development
Bureau of Comprehensive Planning
107 East Madison
Caldwell Building, MSC 160
Tallahassee, Florida 32399

- d) District VI Office of Planning
602 South Miami Avenue
Miami, Florida, 33130

ANNUAL STATUS REPORT

Reporting Period: _____ to _____
Month/Day/Year Month/Day/Year

Development: _____
Name of DRI

Location: _____, _____
City County

Developer Name: _____
Company Name

Address: _____
Street Location

City, State, Zip

1. Describe any changes made in the proposed plan of development, phasing, or in the representations contained in the Application for Development Approval since the Development of Regional Impact received approval. Note any actions (substantial deviation determinations) taken by local government to address these changes.

Note: If a response is to be more than one sentence, attach as Exhibit A a detailed description of each change and copies of the modified site plan drawings. Exhibit A should also address the following additional items if applicable:

- a) Describe changes in the plan of development or phasing for the reporting year and for the subsequent years;
 - b) State any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;
 - c) Attach a copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Paragraph 380.06(15)(f), F.S.
2. Has there been a change in local government jurisdiction for any portion of the development since the development order was issued? If so, has the annexing local government adopted a new DRI development order for the project? Provide a copy of the order adopted by the annexing local government.
 3. Provide copies of any revised master plans, incremental site plans, etc., not previously submitted.

Note: If a response is to be more than one or two sentences, attach as Exhibit B.

4. Provide a summary comparison of development activity proposed and actually conducted for the reporting year as well as a cumulative total of development proposed and actually conducted to date.

Example: Number of dwelling units constructed, site improvements, lots sold, acres mined, gross floor area constructed, barrels of storage capacity completed, permits obtained, etc.

Note: If a response is to be more than one sentence, attach as Exhibit C.

5. Have any undeveloped tracts of land in the development (other than individual single-family lots) been sold to a separate entity or developer? If so, identify tract, its size, and the buyer. Provide maps which show the tracts involved.

_____ Tract

Note: If a response is to be more than one sentence, attach as Exhibit D.

6. Describe any lands purchased or optioned adjacent to the original DRI site subsequent to issuance of the development order. Identify such land, its size, and intended use on a site plan and map.

Note: If a response is to be more than one sentence, attach as Exhibit E.

7. List any substantial local, state and federal permits which have been obtained, applied for, or denied during this reporting period. Specify the agency, type of permit, and duty for each.

Note: If a response is to be more than one sentence, attach as Exhibit F.

8. Provide a list specifying each development order conditions and each developer commitment as contained in the ADA. State how and when each condition or commitment has been complied with during the annual report reporting period.

Note: Attach as Exhibit G.

9. Provide any information that is specifically required by the development order to be included in the annual report.
10. Provide a statement certifying that all persons have sent copies of the biennial report in conformance with Subsections 380.06(15) and (18), F.S.

Person completing the questionnaire: _____

Title: _____

Representing: _____

Question 4

LAND USE TYPE	PROPOSED THIS PERIOD	BUILT THIS PERIOD	MEASURE	TOTAL PROPOSED TO DATE	TOTAL BUILT TO DATE	MEASURE
Other development activity conducted						

EXHIBIT C

Downtown Miami - Increment III - Development of Regional Impact

Department of Transportation and Public Works (DTPW) - Transit Mitigation Projects					
Transit Mode	Project Name	Location	Description	Capital Costs	18% Shared Requested by DTPW
Metrorail	Government Center Station Upgrade	101 NW 1st Street	This project consists of upgrades to the existing Government Center Metrorail Station in the form of new elevators, escalators, new pedestrian bridge connecting to adjacent Brightline Station (Intercity Passenger Rail/Tri-Rail Downtown Link (Commuter Rail), upgrades to existing flooring and roofing, fare collection updates, security equipment updates, new rolling gates and automatic sliding doors.	\$14,094,000	\$2,536,920
	Historic Overtown/Lyric Theatre	100 NW 6th Street	This project consist of upgrades to the existing Historic Overtown/Lyric Theatre Metrorail Station in the form of new elevators, escalators, upgrades to existing flooring, fare collection, fare gates, and Ticket Vending Machines (TVM) updates, security equipment updates. This project will also reconfigure the alleyway between Overtown Transit Village and the Station to include new stamped concrete as well as a shared use Promenade with canopy from NW 6th Street to NW 8th Street.	\$5,356,000	\$964,080
Metrorail Metromover	Brickell Station	1001 SW 1st Avenue	The Brickell Station serves as an intermodal station that provides passenger connections with the local circulator (City of Miami Trolley), local fixed route service (Metrobus), regional bus service, regional bus (BCT 1-595 Express) as well as Metromover and Metrorail. The station area is a linear site that spans between SW 8th Street and SW 13th Street. The primary goal of the Brickell Metrorail/Metromover Station improvements is to enhance passenger and pedestrian access to transit. Specifically, the recommended implementation plan includes additional bus passenger pick-up/drop areas, additional shuttle pick-up/drop-off capacity, provide a new designated kiss-n-ride area, upgrade pedestrian connections between neighboring development and improve passenger convenience through wayfinding, upgraded/ADA compliant sidewalks, continuous passenger canopies, and additional bike storage.	\$2,300,000	\$414,000
Metrobus	Downtown Intermodal Terminal	112 NW 3rd Street	This project consists of construction of a new downtown bus terminal with approximately 27 bus bays, customer service areas including but not limited to passenger waiting areas with seating, ticket vending machines, video/audio displays, restrooms as well as security office, service support areas (driver comfort area, janitor/supply closet, bus supervisor booth, staff parking - 8 spaces total), and bicycle parking/station, kiss-and-ride area, conversion of NW 1st Street to bus drop-off area with 7 saw-tooth bus bays, dedicated taxi and jitney areas, landscaping, lighting and unified directional signage.	10,705,716	1,927,029
	Bus-Only Lanes in Downtown Miami	Various Locations in Downtown (total length approximately 4.55 miles)	SW/SE 1st Street (from I-95 to SE 1st Avenue) NE/NW 1st Street (from NE 2nd Avenue to I-95) NE/NW 6th Street (from Biscayne Blvd., to I-95) NW 5th Street (from I-95 to NW 1st Avenue) NE 2nd Avenue (from NE 20th Street to NE 1st Street) SE/NE 1st Avenue (south of NE 6th Street) (from SE 1st Street to NE 17th Street) NE 1st Avenue (north of NE 6th Street) (from NE 6th Street to NE 17th Street)	\$910,000	\$163,800
TOTALS				\$33,365,716	6,005,829

EXHIBIT D

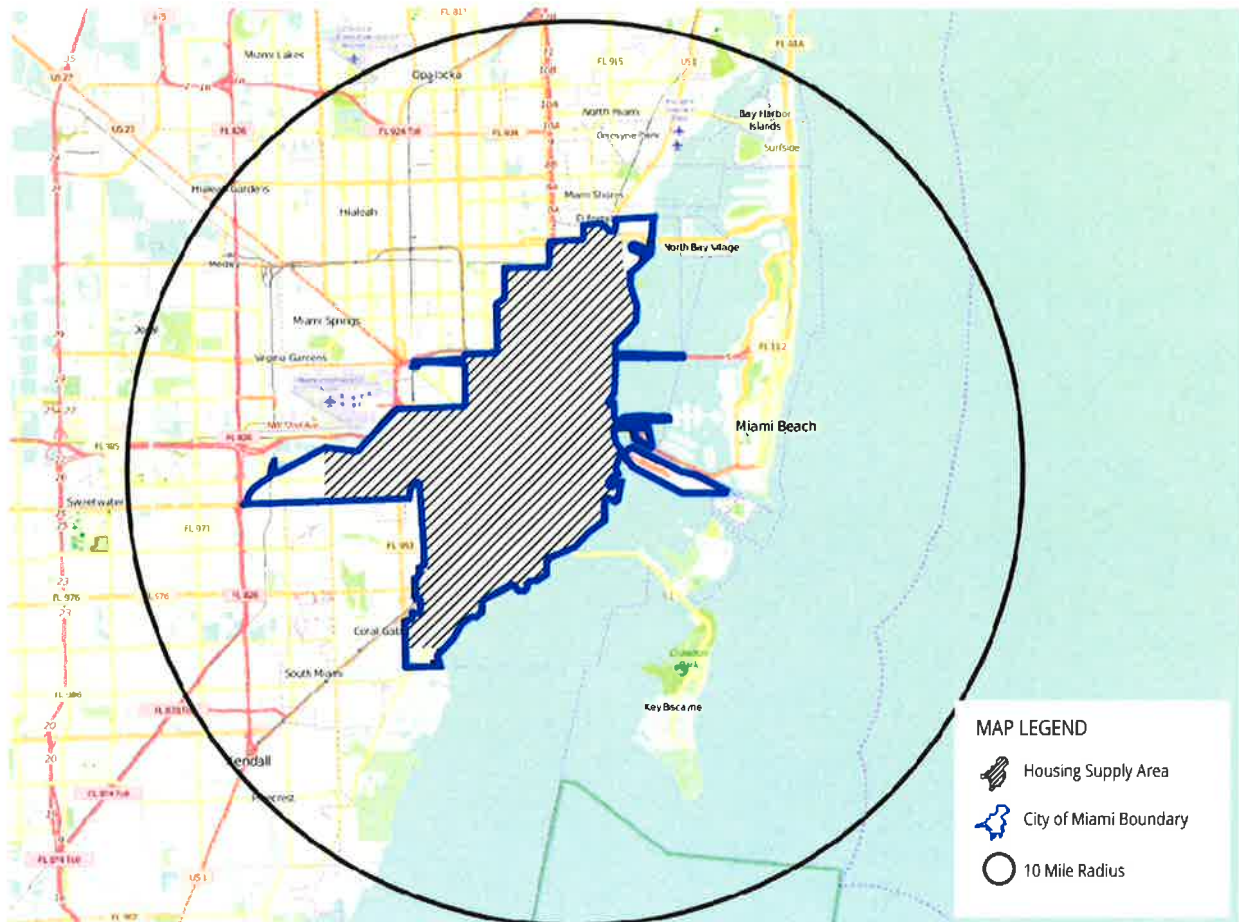


EXHIBIT E

LEGAL DESCRIPTION OF DOWNTOWN DRI:

(DDRRI Boundaries as of February 1, 2004)

Begin at the intersection of the centerline of N.W. Fifth Street and N.W. Third Avenue (east side of N-S Expressway (I-95)), thence run southerly along the centerline of N.W. Third Avenue and the easterly side of N-S Expressway to the centerline of West Flagler Street; thence westerly along the centerline of said West Flagler Street to the centerline of the Miami River, thence meandering southeasterly along the centerline of said Miami River to a point of intersection with the easterly right-of-way line of Metro Rapid Transit right-of-way (formerly Florida East Coast (FEC) Railroad right-of-way) said right-of-way line being 50 feet easterly of and parallel with the centerline of said Metro Rapid Transit right-of-way; thence run southerly and southwesterly along said easterly right-of-way line of Metro Rapid Transit to the intersection with the centerline of S.W. 15th Road; thence southeasterly along the centerline of 15th Road to a point of intersection with the southerly prolongation of the westerly line of Costa Bella Development Subdivision (107-14); thence northeasterly, northwesterly and northeasterly along said westerly line of Costa Bella to the intersection with the southerly right-of-way line of S.E. 14th Lane; thence southeasterly, northeasterly, northerly, and northwesterly along said southerly and westerly right-of-way line of S.E. 14th Lane and S.E. 14th Terrace to the intersection with the northwesterly property line of lot 31, block 2 of amended plat of Point View as recorded in plat book 2 at page 93 of the public records of Miami-Dade County, Florida; thence northeasterly along the northwesterly line of said lot 31, to the northeasterly side of the existing ten-foot alley in block 2 of said Point View; thence southeasterly along the northeasterly side of said ten-foot alley to the intersection with the property line between lots 4 and 5 of said block 2 of Point View, thence northeasterly along said line of lots 4 and 5 and its prolongation thereof to the centerline of S.E. 14th Street; thence southeasterly along said centerline of S.E. 14th Street to a point of intersection with the existing bulkhead and shoreline of Biscayne Bay; thence meandering northerly along the existing bulkhead and shoreline of Biscayne Bay to a point of intersection with the

southerly boundary of Claughton Island Bridge; thence easterly along the said southerly right-of-way line of Claughton Island Bridge to the intersection with the westerly bulkhead line of Claughton Island, said bulkhead line being part of the Metropolitan Miami-Dade County bulkhead line as recorded in plat book 73 at page 18 of the public records; thence southerly, easterly, northerly and westerly, following said existing bulkhead and its westerly prolongation thereof around the island to the intersection with the mainland on the easterly shoreline of Biscayne Bay; thence meandering in a northwesterly and westerly direction along the shoreline of Biscayne Bay and the Miami River to the intersection with the easterly right-of-way line of Brickell Avenue Bridge (S.E. Second Avenue); thence north along said bridge to the existing bulkhead on the northerly shoreline of the Miami River; said bulkhead line also being the southerly boundary of the Dupont Plaza Center and Miami Center Joint Venture property; thence northeasterly along the southerly boundary of Dupont Plaza Center and Miami Center Joint Venture property to a point of intersection with the easterly property line of Chopin Associates and Miami Center Limited Partnership; said property line being along the shoreline of Biscayne Bay; thence northerly along said easterly property line of Chopin Associates and Miami Center Limited Partnership property along Biscayne Bay to the southerly property line of Bayfront Park; thence continuing northerly, northeasterly and northwesterly along the bulkhead line of Bayfront Park and the Bayfront Park Miamarina; thence continuing northerly along the bulkhead line of Biscayne Bay to a point of intersection with the centerline of N.E. 17th Street extended easterly; thence westerly along the centerline of N.E. 17th Street and its extension thereof to a point of intersection with the centerline of North Bayshore Drive; thence northerly and northeasterly along the centerline of North Bayshore Drive to a point of intersection with easterly extension of the northerly lot line of lot 1 of block 1 of Seaport amended as recorded in plat book 149 at page 79 of the public records of Miami-Dade County, Florida; thence northwesterly along the northerly lot line of lot 1 and its extension thereof across a 15-foot-wide alley to the easterly extension of the northerly lot line of lot 6 of block 8 of Miramar amended as recorded in plat book 5 at page 4 of the public records of Miami-Dade County, Florida; thence northwesterly along the northerly lot line of lot 6 to a point of intersection with centerline of N.E. 4th Avenue; thence southwestwardly and northerly along the

centerline of N.E. Fourth Avenue to its intersection with the centerline of N.E. 19th Street; thence westerly along the centerline of N.E. 19th Street to a point of intersection with southerly extension of the easterly lot line of lot 4 of block 1 of Miramar amended as recorded in plat book 5 at page 4 of the public records of Miami-Dade County, Florida, thence northerly along the easterly lot line of lot 4 and its extension thereof to the southerly lot line of lot 8 of Coral Park as recorded in plat book 2 at page 66 of the public records of Miami-Dade County, Florida; thence easterly along the southerly lot line of lot 8 to the southeast corner of said lot 8; thence northerly along the easterly lot line of lot 8 to the southerly right-of-way line of N.E. 20th Street; thence easterly along the southerly right-of-way line of N.E. 20th Street to the southerly extension of the easterly lot line of lot 7 of said Coral Park (2-66); thence northerly along the easterly lot line of lot 7 and its extension thereof to the northeast corner of lot 7; thence westerly along the northerly lot line of lot 7 to a point of intersection with the southerly extension of the easterly lot line of lot 7 of block 4 of Bayside Park amended as recorded in plat book 2 at page 40 of the public records of Miami-Dade County, Florida; thence northerly along the easterly lot line of lot 7 and its extension thereof across a 15-foot-wide alley to the northeast corner of lot 7; thence continuing northerly across the right-of-way of N.E. 20th Terrace to the southeast corner of lot 7 of block 1 of Bayside Park amended (2-40); thence northerly along the easterly lot line of lot 7 to the northeast corner of said lot 7; thence across a 15-foot-wide alley to the southeast corner of lot 5 block 3 of Bayonne Subdivision as recorded in plat book 2 at page 35 of the public records of Miami-Dade County, Florida; thence northerly along the easterly lot line of lot 5, and the northerly extension of its easterly lot line thereof, to the centerline of N.E. 21st Street; thence easterly along the centerline of N.E. 21st Street to a point of intersection with the southerly extension of the easterly lot line of lot 3 of block 1 of Bayonne Subdivision (2-35); thence northerly along the easterly lot line and its extension thereof, to the southerly lot line of tract a of Caruso Subdivision as recorded in plat book 79 at page 23 of the public records of Miami-Dade County, Florida; thence easterly along the southerly tract line of tract A to the southerly extension of the easterly right-of-way line of N.E. Fourth Avenue; thence northerly along the easterly right-of-way line of N.E. Fourth Avenue and its extension thereof to the centerline of N.E. 24th Street; thence westerly along the centerline of N.E. 24th

Street to the centerline of N.E. Second Avenue; thence southerly along the centerline of N.E. Second Avenue to the centerline of N.E. 17th Street; thence westerly along the centerline of N.E. 17th Street and N.W. 17th Street to the easterly right-of-way line of the FEC Railroad; thence southerly along the easterly right-of-way line of the FEC Railroad to the limited access right-of-way of I-395; thence southeasterly and easterly along the limited access right-of-way of I-395 to the centerline of Biscayne Boulevard; thence southerly along the centerline of Biscayne Boulevard to the centerline of N.E. 5th Street, thence westerly along the centerline of N.E. and N.W. 5th Street to the point of beginning.

LEGAL DESCRIPTION OF UPLAND PARCEL

Commence at a point shown limited by an 5/8" diameter iron rod and Cap Stamped F.D.O.T., shown as P.T. Sta. 25+50 on the "Official Map of Location and Survey of a portion of Section 8706, designated as part of State Road A-1-A in Dade County, Florida", prepared by the State Road Department of the State of Florida, as recorded in Map Book 56, at Page 71 of the Public Records of Dade County, Florida. Said point being the point of tangency of the original center line of the Douglas MacArthur Causeway running Easterly and South Easterly from the Westerly limits (West Bridge) of Watson Island as shown on Sheet 3 of the State Road Department Right-of-Way Map, Section No. (8706-112) 87060-2117, revised March 25, 1959, said most Northerly curve having a radius of 1432.69 feet and a central angle of 62° 00' 00 seconds"; thence South 59° 51' 26" West departing radially from said centerline a distance of 987.36 feet to a Projected Bulkhead line; thence North 17° 12' 21" West along said bulkhead line, a distance of 238.86 feet to the point and place of beginning; thence North 17° 12' 21" West, continuing along said bulkhead line a distance of 924.70 feet to the Southerly right of way line of State Road A-1-A Douglas MacArthur Causeway; thence along said Southerly right of way line the following courses and distances; South 89° 10' 55" East a distance of 73.08 feet; thence North 86° 44' 00" East, a distance of 67.09 feet to non-tangent curve concave to the Northeast whose radial line bears North 39° 29' 18" East having a radius of 160.00 feet and central angle of 22° 09' 33"; thence along said curve an arc length of 61.88 feet; thence South 72° 40' 15" East continuing along said Southerly right of way line a distance of 276.49 feet; to a curve concave to the Southwest having a radius of 600.00 feet and central angle of 46° 17' 39" thence along said curve an arc length of 484.79 feet to a point of tangency; thence South 26° 22' 36" East continuing along the southwesterly right of way line of State Road A-1-A, a distance of 196.59 feet; thence South 54° 07' 39" West Departing Said right of way line, a distance of 532.16 feet; thence North 35° 54' 03" West, a distance of 132.74 feet; thence South 54° 07' 39" West, a distance of 150.14 feet to the point of beginning.

The combined Upland and Submerged Parcels contain approximately 24.2+/- acres

LEGAL DESCRIPTION OF SUBMERGED PARCEL

Commence at a point marked by an 5/8" diameter iron rod and Cap Stamped F.D.O.T., shown as P.T. Sta. 25+50 on the "Official Map of Location and Survey of a portion of Section 8708, designated as part of State Road A-1-A in Dade County, Florida", prepared by the State Road Department of the State of Florida, as recorded in Map Book 56, at Page 71 of the Public Records of Dade County, Florida. Said point being the point of tangency of the original center line of the Douglas MacArthur Causeway running Easterly and South Easterly from the Westerly limits (West Bridge) of Watson Island as shown on Sheet 3 of the State Road Department Right-of-Way Map, Section No. (8706-112) 87060-2117, revised March 25, 1959, said most Northerly curve having a radius of 1432.69 feet and a central angle of 62° 00' 00" thence South 59° 51' 26" West departing radially from said centerline, a distance of 987.36 feet to a projected bulkhead line; thence North 17° 12' 21" West along said bulkhead line, a distance of 238.86 feet to the point and place of beginning; thence South 49° 32' 57" West departing said bulkhead line a distance of 550.92 feet to a point of intersection of lines of turning basin limit as established by U.S. Army Corps of engineers and position by coordinates North 527,878.62 feet, East 926,135.22 feet (based on North American Datum 1983-NAC83); thence North 31° 03' 50" West, along the limits of said turning basin a distance of 428.44 feet to a point of intersection with the East right of way line of the intracoastal waterway; thence North 03° 27' 54" West along said East right of way line a distance of 874.43 feet to a point of intersection with the Southerly right of way line of said Douglas MacArthur Causeway, said point of intersection being a point on a curve concave Southerly and having a radius of 10,716.59 feet, a radial line to said point bears South 01° 15' 15" East; thence run Easterly for 387.46 feet along the arc of said curve and along said Southerly right of way line, through a central angle of 02° 04' 17" to a point of tangency; thence South 89° 10' 55" East continuing Easterly along the said Southerly right of way line, a distance of 31.87 feet more or less to a point of intersection with an existing bulkhead line; thence South 17° 12' 21" East along said bulkhead line a distance of 924.70 feet to the point of beginning.

The combined Upland and Submerged Parcels contain approximately 24.2+/- acres

EXHIBIT F

AGREEMENT TO DELETE QUESTIONS

Project Name: Downtown Development of Regional Impact - Increment III

Project Location: Miami, Florida

Applicant/Developer: Miami Downtown Development Authority

Section 380.06(7)(b), Florida Statutes, stipulates that the regional planning agency "shall establish by rule a procedure by which a developer may enter into binding written agreements with the regional planning agency to eliminate questions from the application for development approval when those questions are found to be unnecessary for development-of-regional-impact review". To comply with this provision, the South Florida Regional Planning Council and the Applicant hereby agree that the Applicant will submit sufficient information, as determined by the Council, in the application for development approval (ADA) for only those questions which are specified as being required in the following agreement.

	<u>Required</u>	<u>Not Required</u>
1. Applicant/Project Identification	X	o
2. Applicant	X	o
3. Authorized Agents	X	o
4. Ownership/Adjacent Property	o	X
5. Legal Description	o	X
6. Binding Letter/Preliminary Development Agreement	X	o
7. Government of Jurisdiction	X	o
8. Permitting Agencies and Permit Applications	X	o
9. Maps:		
A. General Location	X	o
B. Recent Aerial Photo	X	o

C. Topography	<input type="radio"/>	<input checked="" type="radio"/>
D. Existing Land Use	<input checked="" type="radio"/>	<input type="radio"/>
E. Soils	<input type="radio"/>	<input checked="" type="radio"/>
F. Vegetation Association	<input type="radio"/>	<input checked="" type="radio"/>
G. Sampling Station Locations and Observed Significant Resources	<input type="radio"/>	<input checked="" type="radio"/>
H. Master Development Plan	<input checked="" type="radio"/>	<input type="radio"/>
I. Master Drainage	<input type="radio"/>	<input checked="" type="radio"/>
J. Highway and Transportation Network	<input checked="" type="radio"/>	<input type="radio"/>

10. General Project Description (Revised Increment III Development Program attached)

Part I - Specific Project Description

A. Summary and Phasing	<input checked="" type="radio"/>	<input type="radio"/>
B. Existing and Proposed Land Uses	<input checked="" type="radio"/>	<input type="radio"/>
C. Previous and Existing Activities	<input type="radio"/>	<input checked="" type="radio"/>
D. Primary and Secondary Market Area	<input type="radio"/>	<input checked="" type="radio"/>
E. Description of Project Demand	<input checked="" type="radio"/>	<input type="radio"/>
F. Project Costs Table (SFRPC requirement)	<input checked="" type="radio"/>	<input type="radio"/>
G. Social and Economic Disparities (SFRPC required)	<input checked="" type="radio"/>	<input type="radio"/>

Part II - Consistency with Comprehensive Plans

A. Local Plan	<input checked="" type="radio"/>	<input type="radio"/>
B. Regional Plan	<input checked="" type="radio"/>	<input type="radio"/>
C. State Plan	<input checked="" type="radio"/>	<input type="radio"/>

Part III - Demographic and Employment Information

A. Demographic and Employment Tables (include three digit SIC codes)	<input checked="" type="radio"/>	<input type="radio"/>
----------------------------------------------------------------------	----------------------------------	-----------------------

Part IV - Impact Summary

A. Impact on Natural Resources	o	X
B. Public Facility Capital Costs	o	X
11. Revenue Generation Summary	X	o
12. Vegetation and Wildlife		
A. Identification of Plant Species	o	X
B. Discussion of Survey Methods	o	X
C. State/Federal Listed Species	o	X
D. Impact to Listed Species	o	X
E. Mitigation for Impacted Species	o	X
13. Wetlands		
A. Existing Conditions and Proposed Impacts	o	X
B. Creation or Enhancement Plans	o	X
14. Water		
A. Existing Hydrologic Conditions	o	X
B. Existing Water Quality	o	X
C. Mitigation Measures	o	X
15. Soils		
A. Description of Soils	o	X
B. Site Alteration and Construction Methods	o	X
C. Soil Erosion Control Measures	o	X
D. Fill and Spoil Information	o	X
16. Flood Plains		
A. Identification of Flood Prone Areas	o	X
B. FIRM Zone Designations	X	o

C. Flood Hazard Measures	o	X
D. Off-Site Flooding Impacts	o	X
17. Water Supply		
A. Potable/Non-Potable Water Demand	X	o
B. Potable/Non-Potable Water Supply	X	o
C. On-Site Wells	o	X
D. Impact to Existing Wells and Aquifer	o	X
E. Operation/Maintenance of Internal Water Supply	o	X
F. Letter from Off-Site Supplier	X	o
G. Conservation Measures	X	o
H. Service Area Boundary	X	o
18. Wastewater Management		
A. Projected Generation and Proposed Treatment	X	o
B. Description of Pre-Treatment Techniques	X	o
C. Letter from Off-Site Treatment Authority	X	o
D. Septic Tank Identification	o	X
E. Service Area Boundary	X	o
19. Stormwater Management		
A. Existing On-Site Drainage Patterns	X	o
B. Proposed Drainage System	o	X
C. On-Site Drainage Areas	o	X
D. Run-Off Volume and Quality	o	X
E. Identification of Operation/Maintenance Authority	o	X

20. Solid/Hazardous/Medical Waste

A. Solid Waste Generation	X	0
B. Waste Management		
1. Specification of Waste Generated	X	0
2. Separation Measures	X	0
3. Identification of Off-Site Disposal	X	0
4. Applicable Regulations, Permits and Plans	X	0
C. Documentation		
1. Letter from Developer	X	0
2. Letter from Service Provider	X	0

21. Transportation (Revised Transportation Methodology attached)

A. Existing Conditions	X	0
B. Projection of Vehicle Trips	X	0
C. Estimation of Internal/External Split	X	0
D. Total Peak Hour Directional Traffic	X	0
E. Assignment of Trips Generated	X	0
F. Recommended Improvements	X	0
G. Site Access Plan	X	0
H. Protection of Transportation Corridors	X	0
I. Provisions for Alternative Modes of Transportation	X	0

22. Air Impacts

A. Site Preparation and Construction Measures to Minimize Impacts	X	0
B. Structural/Operational Measures to Minimize Impacts	X	0
C. Analysis of Impacted Intersections	X	0

and Parking Facilities (Table 22-1)

D. One Hour/Eight Hour Emissions	X	o
E. Identification of Mitigation Measures	X	o
23. Hurricane Preparedness		
A. Identification of Designated Areas		
1. Vulnerability Zone	X	o
2. High Hazard Evacuation Area	X	o
3. Special Preparedness District	X	o
B. Identification of Evacuation Requirements		
1. Shelter Space Need and Availability	X	o
2. Evacuation Route Capacity	X	o
C. Identification of Mitigation	X	o
24. Housing (Methodology attached)		
A. Residential Development Characteristics	X	o
B. Housing Availability/Employment Opportunities	X	o
C. Provisions for Displacement/Relocation	X	o
25. Police and Fire Protection		
A. Dedication of Facility or Site	X	o
B. Letter from Service Provider	X	o
26. Recreation and Open Space		
A. Description of Facilities and Open Space	X	o
B. Assessment of Impact to Public Access	X	o
C. Identification of Maintenance Authority	X	o
D. Description of Consistency with Local and Regional Policies	X	o

E. Assessment of Impact to Recreation Trail Designation	X	o
27. Education		
A. Estimation of Number of School Age Children	X	o
B. Provision of Facilities or Sites	X	o
C. Letter from School Board	X	o
28. Health Care		
A. Description of Facilities and Services	X	o
B. Letter from Service Provider	X	o
29. Energy		
A. Projection of Energy Demands	o	X
B. Description of On-Site Electrical Generating Facility	o	X
C. Letter from Off-Site Supplier	X	o
D. Description of Energy Conservation Methods or Devices	X	o
30. Historical and Archaeological Sites		
A. Description of Sites	X	o
B. Protection/Mitigation Measures	X	o
31. Airports		
A. Existing Conditions	o	X
B. Copy of Layout Plan	o	X
C. Copy of FAA Application	o	X
D. Identification of Flight Patterns	o	X
E. Identification of Subsidiary Development	o	X
F. Description of Passenger Circulation System	o	X

32. Attractions and Recreation Facilities

A. Projection of Attendance

- | | | |
|---------------------------------------|---|---|
| 1. Daily High, Low and Average | X | o |
| 2. Figure 32.1 - Monthly Distribution | X | o |
| 3. Figure 32.2 - Daily Distribution | X | o |
| 4. Figure 32.3 - Hourly Distribution | X | o |

B. Identification of Alternative Transportation Systems

C. Identification of Transportation System Interface

33. Hospitals

- | | | |
|-----------------------------------------|---|---|
| A. Specification of Proposed Facility | o | X |
| B. Identification of Related Facilities | o | X |
| C. Copy of Certificate of Need | o | X |

34. Industrial Plants and Parks

- | | | |
|------------------------------------------|---|---|
| A. Identification of Types of Operations | o | X |
| B. Identification of Support Industry | o | X |
| C. Transportation Requirements | o | X |
| D. Specification of Work Shifts | o | X |

35. Mining Operation

- | | | |
|------------------------------------------------|---|---|
| A. Description of Operation | o | X |
| B. Water Use Requirements | o | X |
| C. Impact on Aquifer | o | X |
| D. Maintenance and Inspection Requirements | o | X |
| E. Description of On-Site Processing Operation | o | X |
| F. Identification of Radioactive Material | o | X |

G. Reclamation Plan	o	X
H. Identification of Mineral Destination	o	X
I. Identification of Shipping Modes	o	X
J. Transportation Requirements	o	X
36. Petroleum Storage Facilities		
A. Description of Existing Facilities	o	X
B. Description of Proposed Development	o	X
C. Identification of Transport Methods	o	X
D. Vapor Emission and Spillage Response	o	X
37. Port and Marina Facilities		
A. Existing Conditions	o	X
B. Conceptual Plan	o	X
C. Commodity and Passenger Statistics	o	X
D. Transportation System Expansion Requirements	o	X
E. Dredge and Fill Requirements	o	X
F. Oil Spill Clean-Up	o	X
G. Description of Subsidiary Development	o	X
H. Discussion of Increased Shipping Activity	o	X
38. Schools		
A. Description of Proposed Development and Program	o	X
B. Enrollment Impact Area	o	X
C. Identification of Design Population	o	X

39. Other (as specified below - Sea Level Rise) X o

- A. Describe the general topography and Federal Emergency Management Agency designations within the application area.
 - i. Compare the datum used in the FEMA maps to the City of Miami Survey datum.
 - ii. Graphically identify the areas within the application boundary that are within a 1% annual chance flood area as identified by the Federal Emergency Management Agency and indicate the appropriate Flood Insurance Rate Map (FIRM) zone designations and their locations.
 - iii. FEMA recently evaluated coastal areas in Miami-Dade County and updated their FIRM maps to reflect projected changes. Provide a graphic that illustrates changes between the previous and current FEMA maps within the application boundary.
- B. Generally describe the existing drainage patterns, current regulatory requirements, and the current permits typically required for development projects within the application area.
- C. What are the current, existing seasonal high water table elevations and durations for the application area during the development period (September 28, 2024)?
- D. Address the impact of sea level rise for the development period as contemplated by the Climate Change & Water Management (dated November 12, 2009, prepared by the South Florida Water Management District); Southeast Florida Regional Climate Change Compact (dated April 2011, prepared by the Technical Ad Hoc Working Group); and the Miami Dade Sea Level Rise Task Force Report and Recommendations (dated July 1, 2014, prepared by the Miami Dade Sea Level Rise Task Force).
 - i. Compare the projected sea level rise as contemplated by the previously mentioned reports ten years beyond the development period.
 - ii. Summarize the recommendations of the previously mentioned reports relative to projected sea level rise in the development period and the relation to current FEMA flood maps and designations within the application area.
- E. Describe how local zoning and regulatory agencies have adopted sustainability practices that require developers to incorporate some "green" features in their projects that could help mitigate the impacts of sea level rise.
- F. Identify existing public infrastructure vulnerable to sea level rise.

Prepared on this 22 day of December, 2014.

By: Miami DDA


Signature

Joseph Gollstein, Attorney
for the APPLICANT (Print Name)

Date: 12/23/14


Signature

JAMES F. MURLEY
for the SOUTH FLORIDA REGIONAL
PLANNING COUNCIL (Print Name)

Date: 12/29/14