

**Rick Scott**  
GOVERNOR



**Cissy Proctor**  
EXECUTIVE DIRECTOR

January 12, 2017

The Honorable Tomas P. Regalado  
Mayor, City of Miami  
3500 Pan American Drive  
Miami, Florida 33133

Dear Mayor Regalado:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for the City of Miami (Amendment No. 16-1ER), which was received on November 14, 2016 and determined complete on November 15, 2016. We have reviewed the proposed amendment in accordance with the state coordinated review process set forth in sections 163.3184(2) and (4), Florida Statutes (F.S.), for compliance with Chapter 163, Part II, F.S. Review comments received by the Department from the appropriate reviewing agencies are also enclosed.

The attached Objections, Recommendations, and Comments Report outlines our findings concerning the amendment. We have identified two objections and three comments and have included recommendations regarding measures that can be taken to address the objections. We look forward to working together with you to address these issues.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that section 163.3184(4)(e)1., F.S., provides that if the second public hearing is not held within 180 days of your receipt of the Department of Economic Opportunity report, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department of Economic Opportunity and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for final adoption and transmittal of the comprehensive plan amendment.

If you have any questions related to this review, please contact Sean Reiss, at (850) 717-8511, or by email at [sean.reiss@deo.myflorida.com](mailto:sean.reiss@deo.myflorida.com).

Sincerely,



James D. Stansbury, Chief  
Bureau of Community Planning

JS/sr

Enclosures:     Objections, Recommendations, and Comments Report  
                      Procedures for Adoption  
                      Agency Comments

cc:     Francisco J. Garcia, Director of Planning and Zoning, City of Miami  
          Isabel Cosio Carballo, Executive Director, South Florida Regional Planning Council

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
850.245.7105 | [www.floridajobs.org](http://www.floridajobs.org)  
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## OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT

### PROPOSED COMPREHENSIVE PLAN AMENDMENT

#### CITY OF MIAMI (DEO No. 16-1ER)

The Department reviewed the City's proposed amendment related to the Evaluation and Appraisal Review (EAR) and identified the following two (2) objections and three (3) comments. If the City adopts the amendment without addressing the objections, the Department may find the amendment not in compliance pursuant to section 163.3184(4)(e)4., Florida Statutes (F.S.).

#### **Objections:**

**Objection 1. Future Land Use Map – Planning Horizon.** In accordance with section 163.3177(5)(a), F.S., each local government comprehensive plan must include at least two planning periods, one covering at least the first 5-year period occurring after the plan's adoption and one covering at least a 10-year period. The amendment includes the City's 2020 Future Land Use Map (FLUM). The planning horizon for the FLUM does not satisfy the requirement to cover at least a 10-year period.

**Authority:** Section 163.3177(2) and (5)(a), F.S.

**Recommendation:** Revise the amendment prior to adoption to update the *Future Land Use Map* to reflect at least a 10-year planning horizon. The updated horizon should be based on appropriate data and analysis including population projections for the long-range planning period. The specific planning horizon should be included in the title of the map.

**Objection 2. Peril of Flood.** Policies proposed within the amendment do not completely address the requirements of section 163.3178(2)(f), F.S. In particular, the proposed policies do not address the components of section 163.3178(2)(f)1., F.S., that is, providing development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise. This requirement is partially met by proposed Future Land Use Element Objective LU-1.8 and Policies LU-1.8.1-5 and Coastal Management Element Objective CM-1.2, Policies CM-1.2.1-3, and Policy CM1.3.3.

However, these proposed policies do not completely address all of the statutory requirements because coastal areas that are currently at risk or projected to be at risk in the future from high-tide events, storm surge from storms of greater than category one-intensity, flash floods, stormwater runoff, and sea-level rise are not identified, either in the *data and analysis* supporting the amendment or through a map or policy to be adopted.

Also, the amendment does not identify site development techniques and best practices that reduce losses due to flooding, pursuant to section 163.3178(2)(f)3., F.S.

**Authority:** Sections 163.3177(2) and 163.3178(2)(f)1. and 3., F.S.

**Recommendation:** Revise the amendment to update the proposed Coastal Management Element and supporting data and analysis to identify at-risk coastal areas. The City can use several available tools to identify at-risk development and flood risk areas, such as those provided by the National Oceanic and Atmospheric Administration at the following links:

- <https://coast.noaa.gov/digitalcoast/tools/flood-exposure>
- <http://coast.noaa.gov/digitalcoast/tools/slr>
- <https://coast.noaa.gov/slrdata/>

Based upon the identification and analysis of areas at risk to flooding now, and in the future, the amendment should be revised to identify principles, strategies, and engineering solutions appropriate to the City of Miami that reduce flood risk and to identify site development techniques and best practices that the City can use to reduce losses due to flooding.

**Comments:**

***Comment 1: Transportation Policies – Level of Service Deficiencies***

In accordance with FDOT comments related to Level of Service (LOS) deficiencies, state facilities are expected to continue to operate at a LOS below FDOT’s adopted standards. Through collaboration with FDOT and the local MPO, the City could devise strategies to respond to LOS deficiencies on State Strategic Intermodal System (SIS) and non-SIS facilities.

***Comment 2: Transportation Policies – Level of Service standards for SIS Facilities***

Based upon FDOT comments recommending enhancements to the strategies relating to LOS standards for SIS facilities, proposed Transportation Element Objective TR-1.6 and related policies and Capital Improvements Element Policy CI-1.2.3 reference out-of-date Florida Intrastate Highway System (FIHS) LOS standards. These provisions could be updated by revising the amendment prior to the adoption to include the State LOS standards for SIS facilities, not the FIHS standards as referred to in Objective TR-1.6 and related policies and in Policy CI-1.2.3. In addition, proposed Objective TR-1.7 and subsequent implementing policies refer to the City’s person-trip-based metric, used for evaluating mobility LOS. In accordance with FDOT comments, additional clarity in this objective and associated policies could be achieved by revising the amendment prior to the adoption to specify that this metric and corresponding LOS measurements does not apply to SIS facilities.

***Comment 3: Coastal Management and Capital Improvement Elements – Coastal Zone Reference***

In the Coastal Management and Capital Improvements Elements, several proposed goals, objectives, and policies reference the City's Coastal Zone. Section 380.05(2), F.S., defines the Coastal Zone as the area of land and water from the territorial limits seaward to the most inland extent of marine influences. However, the MCNP does not include a definition or map identifying the area within the City for which these related goals, objectives, and policies will apply. Revising the amendment prior to the adoption to include a map identifying the City's Coastal Zone would address this omission.

SUBMITTAL OF  
ADOPTED COMPREHENSIVE PLAN AMENDMENTS  
FOR STATE COORDINATED REVIEW

Section 163.3184(4), Florida Statutes

May 2011

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

\_\_\_\_\_ State Land Planning Agency identification number for adopted amendment package;

\_\_\_\_\_ Summary description of the adoption package, including any amendments proposed but not adopted;

\_\_\_\_\_ Ordinance number and adoption date;

\_\_\_\_\_ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

\_\_\_\_\_ Name, title, address, telephone, FAX number and e-mail address of local government contact;

\_\_\_\_\_ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

\_\_\_\_\_ In the case of text amendments, changes should be shown in strike-through/underline format;

[Continued on reverse]

\_\_\_\_\_ In the case of future land use map amendment, an adopted future land use map, in color format, clearly depicting the parcel, its existing future land use designation, and its adopted designation;

\_\_\_\_\_ A copy of any data and analyses the local government deems appropriate.

**Note:** If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

\_\_\_\_\_ Copy of executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for state coordinated review:

The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

\_\_\_\_\_ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

\_\_\_\_\_ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

\_\_\_\_\_ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency to the ORC report from the State Land Planning Agency.

# City of Miami



DANIEL J. ALFONSO  
City Manager

November 1, 2015

Mr. D. Ray Eubanks, Plan Processing Administrator  
Florida Department of Economic Opportunity  
Caldwell Building  
107 East Madison Street – MSC 160  
Tallahassee, FL 32399-4120

Re: 2015 City of Miami Evaluation and Appraisal Determination Letter for Comprehensive Plan Amendments

Dear Mr. Eubanks:

In accordance with the requirements of F.S. Chapter 163.3191, and the "Evaluation and Appraisal Notification Schedule 2012-2018", the City of Miami has evaluated its Comprehensive Neighborhood Plan (MCNP) and has determined that amendments shall be necessary in order to be consistent with and reflect changes in state requirements since the last time the comprehensive plan was updated. The City understands that the necessary amendments must be prepared and transmitted to the State land Planning Agency, via the State Coordinated Review Process, within one year of this determination, which is November 1, 2016.

Thank you for your attention and assistance through this process. Should you have any questions, please contact Ms. Mireidy Fernandez at (305)416-1445 or by e-mail at [mirfernandez@miamigov.com](mailto:mirfernandez@miamigov.com).

Sincerely,

Francisco J. Garcia, Director  
City of Miami Planning & Zoning Department

FJG:mf



*Florida Department of Transportation*

**RICK SCOTT**  
GOVERNOR

1000 NW 111 Avenue  
Miami, FL 33172

**JIM BOXOLD**  
SECRETARY

December 9, 2016

Francisco Garcia  
Planning Director, Department of Planning and Zoning  
City of Miami  
444 SW 2<sup>nd</sup> Avenue, 3<sup>rd</sup> Floor  
Miami, FL 33130

**Subject: Comments for the Evaluation and Appraisal Review (EAR)  
Amendments to City of Miami Comprehensive Neighborhood Plan  
(City of Miami 16-1ER)**

Dear Mr. Garcia:

The Florida Department of Transportation, District Six, completed a review of the proposed Evaluation and Appraisal Review (EAR) amendments to the City of Miami's Comprehensive Neighborhood Plan (MCNP). The City of Miami intends to update the MCNP to comply with changes to state statutory requirements. The changes include revisions to the Transportation Element goals, objectives, and policies, as well as the Data Inventory and Analysis.

The District reviewed the EAR amendments per Chapter 163 Florida Statutes to evaluate adverse impacts to SIS facilities. These facilities are vital to the economic vitality, growth and quality of life of the county, region and state. The following comments are offered.

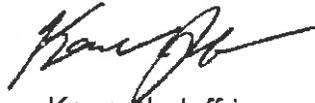
- 1) Based on the future year level of service maps (Maps TR-21.1 and TR 21.2), several SIS and non-SIS facilities are projected to operate at Level of Service F. Given these deficiencies, the City will need to demonstrate the long term adequacy of transportation facilities to meet established acceptable levels of service, as required by ss. 163.3177(3)(a)3., and 163.3177(6)(a)8., Florida Statutes. The Department recommends that the City include a plan for how it will correct existing facility deficiencies in connection with their proposed multi-modal plan.

- 2) Please add a policy to the Transportation Element that retains the level of service standard, as outlined in FDOT Planning Topic No. 525-000-006a, for SIS facilities.
- 3) Under Objectives TR-1.6 and TR-1.7, please add or amend the supporting policies to indicate that the person-trip methodology is not applicable for SIS facilities. Instead, the "traditional automobile level of service methodology", or vehicle-trip methodology, should be used to evaluate SIS facilities and items that may be considered facilities of state importance.
- 4) Under Policy CI-1.2.3, please add or amend the policy to indicate that the person-trip methodology is not applicable for SIS facilities. Instead, the "traditional automobile level of service methodology", or vehicle-trip methodology, should be used to evaluate SIS facilities and items that may be considered facilities of state importance.
- 5) Within the Data Inventory and Analysis, please revise the Level of Service section (beginning on page II-3) to explicitly note that the person-trip methodology is not applicable to SIS facilities. Further, it should be included that vehicle-trip methodologies should be used to analyze SIS facilities and items considered to be facilities of state importance.
- 6) On Map TR-1 (Major Thoroughfares By Number of Lanes in Each Direction – 2016) and Map TR-15 (Major Thoroughfares By Number of Lanes in Each Direction – 2040), please identify the presence and number of Express Lanes for each appropriate facility.
- 7) On Map TR-8 (Existing Vehicular Peak-Hour Levels of Service [LOS] for Major Thoroughfares – 2014) and Maps TR-21.1 and 21.2 (Future AM/PM Vehicular Peak-Hour Levels of Service [LOS] for Major Thoroughfares – 2040), please identify the level of service for the Express Lanes and General Purpose lanes for each appropriate facility.
- 8) Several references in the Data Inventory and Analysis to the Center areas map apparently misidentify the figure as Map TR-14.2. Based on the documents submitted, the text should be revised to reference Map TR-13.2.

Mr. Francisco Garcia  
December 9, 2016  
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Please contact me at 305-470-5445 if you have any questions concerning our response.

Sincerely,



Kenneth Jeffries  
Transportation Planner

Cc: Harold Desdunes, P.E., Florida Department of Transportation, District 6  
Dat Huynh, P.E., Florida Department of Transportation, District 6  
Lisa Colmenares, AICP, Florida Department of Transportation, District 6  
Ray Eubanks, Department of Economic Opportunity  
Isabel Moreno, South Florida Regional Council  
Karen Hamilton, South Florida Regional Council