

Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

June 26, 2017

The Honorable Cary Glickstein
Mayor, City of Delray Beach
100 NW 1st Avenue
Delray Beach, Florida 33444

Dear Mayor Glickstein:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for the City of Delray Beach (Amendment No. 17-1ER), which was received on April 27, 2017 and determined complete on April 27, 2017. 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 one objection and have included recommendations regarding measures that can be taken to address the objection. We have also provided one comment for the city's consideration. The comment is offered as a suggestion that can strengthen the City's Comprehensive Plan and is technical in nature and designed to ensure compliance with the provisions of Chapter 163, F.S. The Department is prepared to work with the City to resolve the objection and to assist with the comment in the enclosed report.

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held within 180 days of your receipt of the Department of Economic Opportunity report, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department of Economic Opportunity and any affected party that provided comment on the amendment.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.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.floridajobs.org
[www.twitter.com/FLDEO](https://twitter.com/FLDEO) | www.facebook.com/FLDEO

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If you have any questions concerning this review, please contact Taurean J. Lewis, at (850) 717-8470, or by email at Taurean.Lewis@deo.myflorida.com. The Department looks forward to providing assistance and continuing to work with the City in fulfilling the requirements set out in section 163.3178(2)(f), F.S.

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Stansbury".

James D. Stansbury, Chief

Bureau of Community Planning and Growth

JDS/tjl

Enclosure(s): Objections, Recommendations and Comments Report
Procedures for Adoption
Agency Comments

cc: Mark Stivers, AICP, Principal Planner, City of Delray Beach
Michael Busha, AICP, Executive Director, Treasure Coast Regional Planning Council

OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT

PROPOSED COMPREHENSIVE PLAN AMENDMENT

CITY OF DELRAY BEACH (17-1ER)

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

Objection:

Future Land Use Map -- Planning Horizon Not Identified

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 City's *Future Land Use Map* included within the amendment does not represent an associated timeframe and thus does not satisfy the requirement to cover an associated period covering at least a ten-year period.

Authority: Section 163.3177 (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.

Comment:

Peril of Flood Strategies

Although the City's proposed policies meet the minimum requirements of Chapter 163.3178(2)(f), F.S., providing principles to eliminate inappropriate and unsafe development in coastal areas, the long-term effectiveness of the policies to mitigate flooding risk could not be determined. The Department suggests that the City consider adding a mechanism, when drafting its *adaptation action area plan*, to monitor and revise the policies to ensure their effectiveness.

A suggested strategy in this approach is to identify those areas of the City that currently experience and have historically experienced flooding and coastal inundation. These can include areas represented on FEMA Flood Insurance Rate Maps as areas subject to inundation to the 100-year flood, V- and VE zones (coastal velocity hazards), storm surge zones and, areas where localized ponding typically occurs. Additional areas within the *coastal high-hazard area* that are not currently designated as subject to inundation by the 100-year flood nor located within V- or VE zones could also be included. Some communities also consider very low elevation areas in close proximity to the coast or otherwise hydrologically connected to areas subject to flooding,

ponding, or wave action. Some southeast Florida communities document areas that experience flooding during high tides and consider these areas as especially vulnerable to coastal flooding.

After identifying current/historic at-risk areas, the City could use a variety of methods, models, and tools, to better identify those portions of the community most vulnerable to the effects of future coastal flooding hazard. Some resources available to assist the City in this effort include the mapping tools provided by the National Oceanic and Atmospheric Administration and the University of Florida's GeoPlan Center to identify at-risk flood areas, development and infrastructure, available on these web links:

- <https://coast.noaa.gov/digitalcoast/tools/flood-exposure;>
- <http://coast.noaa.gov/digitalcoast/tools/slr;>
- [https://coast.noaa.gov/slrdata/;](https://coast.noaa.gov/slrdata/) and,
- [http://sls.geoplan.ufl.edu.](http://sls.geoplan.ufl.edu)

The City could consider identifying any issues of concern to the community that might result in improved resiliency. This may include classifying the public facilities and infrastructure, cultural, historic and natural resources important to the community, as well as private investments located and planned to be located within the affected areas that could be adversely impacted. The strategies should seek to minimize impacts to identified facilities and resources and further the community's rapid social and economic recovery post disaster. These strategies can be incorporated as appropriate within the City's comprehensive plan.

Identification of adaption action areas, coupled with the adoption of strategies prioritizing efforts to minimize and mitigate flood risks in these areas, facilitates in prioritizing funding and community adaptation planning. DEO is available to provide further assistance on these planning efforts.

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;

_____ 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.

AGENCY COMMENTS

From: Hymowitz, Larry [Larry.Hymowitz@dot.state.fl.us]
Sent: Friday, May 26, 2017 4:16 PM
To: Biblo, Adam A <Adam.Biblo@deo.myflorida.com>
Subject: City of Delray Beach 17-ER - FDOT District Four Review

I am writing to advise you that the Department will not be issuing formal comments for the proposed City of Delray Beach Evaluation & Appraisal Report (EAR) amendment with DEO reference number 17-1ER.

The Department has the following technical assistance comment for the City to consider.

Future Land Use

1. The City has existing Future Land Use Element objectives and policies to support the creation of multi-modal oriented development and rail transit stations. These policies support and encourage efforts to promote Transit Oriented Development around rail stations and redevelopment efforts around Palm Tran Transit System routes. Strategies and guidance to promote land use policies to further Transit Oriented Development (TOD) efforts are available at: <http://planfortransit.com/resources-2/florida-transit-oriented-development/>
2. Policy B-2.1 references concurrency for "streets". The City should consider modifying the term to "transportation" and adding language indicating that transportation concurrency will meet all the requirements outlined in Section 163.3180(5)(h)(1), F.S.
3. Three objectives in the Future Land Use Element do not have policies to support them. The following technical assistance comments are intended to assist the City in thinking through improvements to the objectives.

- Objective A-6:
Urban sprawl shall be discouraged by the provision of services necessary for development of unserved parcels in the City's Planning Area.

Although the City of Delray Beach has a relatively small amount of vacant land, the City can help discourage urban sprawl by implementing a variety of practices and techniques that increase density and intensity in urban areas, allow a mix of uses, and increase the extent and quality of multimodal options. The City may consider incorporating these techniques into the comprehensive plan as policies to support Objective A-6.

- Objective B-1: New development shall not occur upon land which is needed for public facilities or greenspace, which are necessary to support development within the community.

The City should consider separating Objective B-1 into an objective and policies to support that objective. For example, the Objective could be rewritten to say, 'Require greenspace and open space in conjunction with new development', and the associated policies could say:

- a. 'The land development regulations shall require a minimum amount of green space and/or open space for each development'

- b. "Prevent the loss of open space needed to accommodate future population."
 - c. Furthermore, the City may consider adopting a policy that encourages the creative use of green space and landscaping to support multimodal transportation.
- Objective C-4: The relationship between coastal area population and measures for evacuation in the event of a hurricane shall be enhanced through the requirement that redevelopment of existing properties in the coastal zone shall be consistent with the Future Land Use Map as opposed to reconstruction to current intensities, except as provided in Coastal Management Policy C-3.5.

The City should consider separating Objective C-4 into an objective and a policy to support that objective. For example, the objective could be rewritten to indicate, 'The relationship between coastal area population and measures for evacuation shall be enhanced,' and the associated policy could indicate, 'Redevelopment of existing properties in the coastal zone shall be consistent with the Future Land Use Map as opposed to reconstruction to current intensities, except as provided in Coastal Management Policy C-3.5.'

Transportation Element

4. The City should consider updating all references to FDOTs 2002 Quality/Level of Service Manual to reflect the most updated FDOT guidance document, which is the 2013 Quality/Level of Service Handbook. Specifically, the City should consider updating the Annual Average Daily Service Volumes in Tables T-2, T-3A, and T-3B to reflect the 2013 Q/LOS Handbook maximum service volumes. Additionally, the City could update Table T-4 and the Inventory section of the data and analysis, which reference the 2002 LOS Handbook. The 2013 handbook is available at: <http://www.fdot.gov/planning/systems/programs/SM/los/pdfs/2013%20QLOS%20Handbook.pdf>
5. Policy A-1.8 directs the city to investigate the feasibility of implementing an impact fee or other system to assess new development to fund the operation of the downtown roundabout shuttle service. The City could consider creating an alternative mobility funding system (i.e. impact fee or mobility fee), which is permitted under Section 163.3180, F.S. This funding system can replace transportation concurrency and allow the City to develop mobility improvements that support its multimodal mobility goals. The mobility fee can fund bicycle, pedestrian, and transit projects, including transit operations and maintenance. FDOT Central Office developed a mobility fee guidebook as a resource to assist local governments in developing a mobility fee. A link to the mobility fee guidebook is provided here: <http://www.fdot.gov/transit/Pages/FinalMobilityFeeGuidebook111816.pdf>

If the City decides not to create a mobility plan and mobility fee, FDOT encourages the City to continue to monitor and evaluate the adequacy of transit facilities and bicycle and pedestrian networks to understand where deficiencies exist in the transportation network.

Currently, Policy A-1.8 directs the city to investigate a fee for a specific circulator transit service. If the city updates this policy, it could consider expanding the scope of projects and services funded by the fee to include expanded service, new circulators serving other areas, and/or other supportive multimodal projects like sidewalks and bike Lanes.

6. Policies A-3.2 and D-2.1 encourage FDOT to reduce the right-of-way on North Federal Highway and to design roadways to accommodate bicycle traffic respectively. The District recommends that the City consider including language outlining a context-based planning and design approach consistent with FDOT's Complete Streets Policy. The City could consider developing and documenting the community vision in a standalone vision document, comprehensive plan, special or subarea plans, or land development regulations. Information regarding implementation of FDOT's Complete Streets Policy and development of the Complete Streets Handbook can be found at <http://www.flcompletestreets.com/>.
7. The Level of Service standards for State roadways and Strategic Intermodal System (SIS) facilities outlined in Objective B-1 should be revised to reflect FDOT's adopted Level of Service Standard for the State Highway System (SHS), which identifies LOS D on SHS facilities during peak travel hours in urbanized areas. However, the Department shall work with local governments to establish appropriate level of service targets for multimodal mobility and system design. The targets shall be responsive to all users, for context, roadway function, network design, and user safety. The FDOT policy is available here: http://www.fdot.gov/planning/systems/programs/sm/los/pdfs/LOS_Policy_April_2017.pdf

Intergovernmental Coordination Element

8. The City should consider adding Future Land Use Policy B-2.5 to the Intergovernmental Coordination needs and recommendations related to FDOT. This policy requires that all site plans and plats, which have direct access to State roads, shall be referred to Florida Department of Transportation (FDOT) for any required permitting.
9. The third paragraph of Florida Department of Transportation (FDOT) section indicates the City will work in cooperation with FDOT Commuter Assistance Program to perform specific actions by fiscal year 09/10. The City should consider updating the policy to reflect its continuing cooperation with South Florida Commuter Services program. <http://www.1800234ride.com/>
10. The Department would like to partner and work with the City to assist with the identification and implementation of strategies to eliminate, reduce or mitigate impacts from development on I-95, a SIS facility. One way to accomplish this is for the Department to participate as an agency reviewer in the Town's site plan/development review process. This improved level of coordination should offer new and enhanced opportunities to assist the Town with the latest and appropriate guidance and strategies to enhance and preserve the SIS.

We would like to offer the following policy language as a standalone policy under Objective A-1 or inclusion into the Comprehensive Plan in a location suitable to the City:

"The City will notify the FDOT as appropriate for participation in development reviews of proposed developments located within 2 miles of I-95 in an effort to identify and implement strategies to eliminate, reduce or mitigate impacts from development on I-95, a Strategic Intermodal System (SIS) facility".

If the City decides to include this policy in the comprehensive plan, notifications for participation should be sent to Lisa Dykstra, the FDOT District Four SIS & Concept

Development Coordinator at 3400 W. Commercial Boulevard, Ft. Lauderdale, FL 33309
or at lisa.dykstra@dot.state.fl.us.

Capital Improvements Element

11. There are two objectives that do not have policies to support them. The following technical assistance comments are intended to assist the City in thinking through improvements to the objectives.
- Objective A-5. This objective states that programs and procedures should be maintained to ensure the land use decision-making process is coordinated with the capital improvement element. The integration of transportation and land use planning is broadly recognized and supported in the Florida Transportation Plan (FTP). The City could consider developing or listing existing policies to implement this objective.
 - Objective A-6. This Objective seeks to limit public expenditures on the barrier island which subsidize increased development intensities beyond those shown on the Future Land Use Map, or development which adversely affects hurricane evacuation times. As part of a statewide initiative by the Florida Division of Emergency Management to coordinate up-to-date regional evacuation information across Florida, the Treasure Coast Regional Planning Council conducted the Regional Evacuation Study. The Treasure Coast Regional Planning Council also produced the Treasure Coast Vulnerability Analysis for Post-Disaster Redevelopment report which includes vulnerability analysis. These studies and report were developed in cooperation with the Palm Beach County Emergency Management. The City could consider listing existing policies or create new policies utilizing these studies.

Public Facilities Element

12. Policy E-3.2 outlines an annual sidewalk installation program with a goal of completing a citywide sidewalk network by the 2010. If this goal has not been met, the City should consider extending this program.

Coastal Management Element

13. The City should consider revising the Coastal Management Element to address requirements in SB 1094 relating to flood risk, there is a growing body of tools and studies available to the City addressing vulnerable/at risk transportation infrastructure in the Southeast Florida region:

Projects

The FHWA-funded South Florida Climate Change Vulnerability Assessment and Adaptation Pilot Project, led by the Broward MPO and covering the four counties in the Southeast Florida Regional Change Compact, was completed in April 2015. A brief description follows:

An approach for analyzing climate change-related risks to the regional transportation network that can be replicated and updated over time was developed, and vulnerability rating and other maps were produced. Adaptation-oriented actions that can provide a stronger linkage between climate-related concerns/risks and transportation decision-

making were identified. They relate to five areas: transportation policy, planning and project prioritization; rehabilitation or reconstruction of existing facilities in high risk areas; new facilities on new right of way in high risk areas; system operations; and system maintenance.

The final report includes future flooding hotspot, adaptive capacity rating, vulnerability rating (road and rail track), current FEMA 100-year flood road segment inundation, and sea level rise (SLR) road segment inundation maps for Palm Beach and the other counties in the Compact. It can be found at

<http://www.browardmpo.org/images/WhatWeDo/SouthFloridaClimatePilotFinalRpt.pdf>. Contacts for more information are Buffy Sanders with the Broward MPO (954-876-0046, sandersb@browardmpo.org) and Mike Flood with the consultant firm for the pilot project (202-748-6131, flood@pbworld.com).

The Broward MPO requested that the Department sponsor work on storm surge, SLR, and transportation network disruption (using the region's regional travel demand model) to supplement the pilot project. This work involved running six scenarios, surge and surge + SLR for three storms including one that made landfall in Delray Beach. The inches of SLR used for the 2040 modeling horizon are from the Compact's 2015 Unified Sea Level Rise Projection. Among the maps in the draft final report are Inundated Area – Delray Beach Hurricane Scenarios, Disrupted Links – Delray Beach Hurricane Scenarios, Inundated Traffic Analysis Zones (TAZs) – Storm Surge Only, and Inundated TAZs - Storm Surge and SLR. A contact for more information is Lois Bush at 954-777-4654, lois.bush@dot.state.fl.us.

Tool

The Department initiated research studies on SLR which resulted in data and a decision support tool that allow users to better understand the vulnerability of transportation infrastructure to sea level trends.

FAU conducted a research study that recommended an approach to assessing the vulnerability of transportation infrastructure to the effects of SLR. The UF GeoPlan Center conducted a follow up research study that resulted in development of a sketch planning tool which aids users in assessing the effects of SLR on transportation infrastructure using U.S. Army Corps of Engineers low, intermediate, and high scenarios. The tool is summarized in the attached fact sheet and can be accessed at <http://sls.geoplan.ufl.edu>. The website includes user guides and tutorials.

The tool was further tested and refined in pilot areas, including the areas covered by two FHWA-funded climate pilot projects in Florida (South Florida and Hillsborough County). Additional work on the tool is under way. It involves re-running the modeled results of inundation and affected infrastructure using updated data and methods, correcting bridge elevation data, updating and modernizing the web viewer and calculator tool, and adding flood risk and storm surge layers. A contact for more information is Dennis Smith at 850-414-4820, dennis.smith@dot.state.fl.us.

Comments Related to Consistency with Florida Statutes:

Transportation Element

14. Section 163.3177, F.S. states that the comprehensive plan and amendments shall be based upon data and analysis available at the time of adoption of the plan amendment. The Inventory, Analysis, and Needs and Recommendations sections of the Transportation Element were developed using dated information, most of which is over a decade old. The information utilized in the data, inventory, and analysis should be updated and coordinated with the latest plans and programs of the Palm Beach Metropolitan Planning Organization, Florida Transportation Plan, and Department of Transportation adopted work program.
15. The City should consider updating Map #12 and Map#14 with the latest functional classifications. Section 334.03(10), F.S. defines functional classification as the assignment of roads into systems using procedures developed by the Federal Highway Administration (FHWA). The Department has provided a link to the 2013 FHWA Functional Classification Concepts, Criteria and Procedures document:
https://www.fhwa.dot.gov/planning/processes/statewide/related/highway_functional_classifications/fcauab.pdf.

The Department requests one copy by mail and on CD ROM in Portable Document Format (PDF), of all adopted EAR amendment materials, including graphic and textual materials and support documents. We would appreciate recognition of these comments and a response in the City's adoption of this amendment.

Please don't hesitate to contact me if you have any questions.

Thank you.

Larry Hymowitz

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