



CITY OF CORAL GABLES  
PLANNING DEPARTMENT

STATE OF FLORIDA 2008 FEB 14 AM 8:42

## DEPARTMENT OF COMMUNITY AFFAIRS

*"Dedicated to making Florida a better place to call home"*

CHARLIE CRIST  
Governor

THOMAS G. PELHAM  
Secretary

February 11, 2008

The Honorable Don Slesnick  
Mayor, City of Coral Gables  
427 Biltmore Way  
Coral Gables, Florida 33134

Dear Mayor Slesnick:

The Department has completed its review of the City of Coral Gables proposed Comprehensive Plan Amendment (DCA No. 08-PEFE1), which was received on December 13, 2007. Copies of the proposed amendment have been distributed to appropriate state, regional, and local agencies for their review and their comments are enclosed.

The Department has reviewed the comprehensive plan amendment for consistency with Rule 9J-5, Florida Administrative Code and Chapter 163, Part II, Florida Statutes and has prepared the attached Objections, Recommendations, and Comments Report which outlines our findings concerning the comprehensive plan amendment.

The Department has identified eight objections to the proposed amendment: the absence of a required policy to annually update the City's 5-year schedule of capital improvements to include school facility projects necessary to address existing deficiencies and to meet future needs; need to adopt a uniform level of service standard; inadequate provisions for intergovernmental coordination regarding the update of the Public Education Facilities Element; inadequate provision for joint processes regarding collaborative planning; insufficiency of the interlocal agreement for school concurrency; and omission of certain required maps.

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The Honorable Don Slesnick  
February 11, 2008  
Page 2

My staff and I are available to assist the City in addressing the issues identified in our report. If you have any questions, please contact Erin Boyington, Planner, at (850) 921-3762.

Sincerely,

A handwritten signature in black ink that reads "Mike McDaniel". The signature is fluid and cursive, with the first name "Mike" and last name "McDaniel" clearly legible.

Mike McDaniel, Chief  
Office of Comprehensive Planning

MM/eb

Enclosures: Objections, Recommendations and Comments Report  
Review Agency Comments

cc: Mr. Eric Riel, Planning Director, City of Coral Gables  
Ms. Carolyn A. Dekle Executive Director, South Florida Regional Planning Council

DEPARTMENT OF COMMUNITY AFFAIRS  
OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT  
FOR  
CITY OF CORAL GABLES  
AMENDMENT 08-PEFE1

February 11, 2008  
Division of Community Planning

This report is prepared pursuant to Rule 9J-11.010, F.A.C.

## INTRODUCTION

The following Objections, Recommendations and Comments Report is based upon the Department's review of the City of Coral Gables 08-PEFE1 proposed amendment to the Comprehensive Plan pursuant to § 163.3184, Florida Statutes (F.S.).

Any objections discussed relate to specific requirements of relevant portions of Chapter 9J-5, Florida Administrative Code (F.A.C.), and Chapter 163, Part II, F.S. Each objection includes a recommendation of one approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some of these objections may have initially been raised by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

Each objection must be addressed by the City and corrected prior to the amendment being resubmitted for the Department's compliance review. Objections that are not addressed may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis items, which the local government may consider not applicable to its amendment. If that is the case, a statement justifying the local government's non-applicability pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination on the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments that follow the objections and recommendations section are advisory in nature. Comments will not form bases of a determination of non-compliance. They are included to call attention to items raised by the Department's reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies and other agencies, organizations, and individuals. These comments are advisory to the Department and may not form bases of Departmental objections unless they appear under the "Objections" heading in this report.

## TRANSMITTAL PROCEDURES

Upon receipt of this letter, the City of Coral Gables has 60 days in which to adopt, adopt with changes, or determine that the City will not adopt the proposed amendment. The process for adoption of local government comprehensive plan amendments is outlined in s. 163.3184, F.S., and Rule 9J-11.011, F.A.C. The City must ensure that all ordinances adopting comprehensive plan amendments are consistent with the provisions of Chapter 163.3189(2)(a), F.S.

Within ten working days of the date of adoption, the City must submit the following to the Department:

Three copies of the adopted comprehensive plan amendments;

A listing of additional changes not previously reviewed;

A listing of findings by the local governing body, if any, which were not included in the ordinance; and

A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the amendments, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to the Executive Director of the South Florida Regional Planning Council.

Please be advised that Section 163.3184(8)(c), F.S., requires the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local governments plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by law to furnish the names and addresses of the citizens requesting this information to the Department. **Please provide these required names and addresses to the Department when you transmit your adopted amendment package for compliance review. In the event there are no citizens requesting this information, please inform us of this as well.** For efficiency, we encourage that the information sheet be provided in electronic format.

**Objections, Recommendations, and Comments Report  
for City of Coral Gables Amendment 08-PEFE1**

**February 11, 2008**

**I. Consistency with Chapter 163, F.S., and Rules 9J-5 & 9J-11, F.A.C.**

The Department has completed its review of the proposed City of Coral Gables Amendment 08-PEFE1 and has the following objections and comments.

**Objection: The amendment does not meet all of the requirements in Chapter 163, F.S., and Rule 9J-5, F.A.C., for an educational facilities element**

The proposed educational facilities element does not contain all of the objectives and policies required to be in an educational facilities element, pursuant to Chapter 163, Part II, Florida Statutes (F.S.), and Rule Chapter 9J-5, Florida Administrative Code (F.A.C.). The shortcomings are detailed below, with the particular statutory and administrative rule citations.

1. Proposed Policy 11.1.2.2 establishes a level of service standard of 100 percent utilization of Florida Inventory of School Houses (FISH) capacity with relocatable classrooms. This is an acceptable level of service standard; however, Policy 11.1.2.2 also prescribes that schools which achieve 100 percent of permanent FISH capacity should no longer utilize relocatable classrooms to achieve the LOS standard except as an operational solution (during remodeling, replacement or expansion of a school facility). Thus it appears that the City is establishing a two-part LOS standard which may lead to inequities in the application of the concurrency management system.

Citations: Rules 9J-5.0055, and 9J-5.025(3)(c)7, F.A.C.; Section 163.3180, F.S.

Recommendation: Revise the description of the public schools level of service standard in the educational facilities element to make clear that there is only one level of service standard to be applied during concurrency review.

2. The proposed educational facilities element does not meet the requirement in Rule 9J-5.025(3)(c)2, F.A.C., that it contain a policy which requires the adoption of annual plan amendments adding a new fifth year, updating the financially feasible public schools capital facilities program, coordinating the program with the 5-year district facilities work plan, the plans of other local governments, and, as necessary, updates to the concurrency service area map. The requirement for annual plan amendments is intended to help ensure that the capital improvements program continues to be financially feasible and that the level of service standards will continue to be achieved and maintained. Although this issue is addressed in the proposed interlocal agreement, a policy is also required in the proposed educational facilities element.

Citation: Rule 9J-5.025(3)(c)2, F.A.C.; Section 163.3177(12)(g)(1), F.S.

Recommendation: Revise the educational facilities element to include a policy which requires the adoption of annual plan amendments adding a new fifth year, updating the financially feasible public schools capital facilities program, coordinating the program with the 5-year district facilities work plan, the plans of other local governments, and, as necessary, updates to the concurrency service area map.

3. The proposed educational facilities element does not meet the requirement in Rule 9J-5.025(3)(c)3, F.A.C., that it contain a policy addressing coordination of the annual review of the element with the school board, the county and applicable municipalities, coordination of annual review of school enrollment projections, and establishing the procedures for the annual update process. Policy 11.1.8.6 in the proposed educational facilities element provides for the annual review of the element by Miami-Dade County Public Schools; however, it does not address coordination with municipalities, review of school enrollment projections, or procedures for the annual update. These issues are included in the draft interlocal agreement, but they should be included in the educational facilities element.

Citations: 9J-5.025(3)(c)(3) F.A.C.; Section 163.3177(12)(g)(1), F.S.

Recommendation: Revise the educational facilities element to include a policy addressing coordination of the annual review of the element with the school board, the county and applicable municipalities, coordination of annual review of school enrollment projections, and establishing the procedures for the annual update process.

4. The proposed educational facilities element does not meet the requirement in Rule 9J-5.025(4)(b), F.A.C., that it contain a future conditions map or map series which depicts the planned general location of public school facilities by year for the five year planning period, and for the end of the long range planning period for Miami-Dade County.

Citations: Rule 9J-5.025(4)(b), F.A.C.; Section 163.3177(12)(h), F.S.

Recommendation: Revise the educational facilities element to include and adopt a countywide future conditions map or map series which depicts the planned general location of public school facilities by year for the five year planning period, and for the end of the long range planning.

5. The proposed educational facilities element does not meet the requirement in Section 163.3180(13)(d)(1), F.S., that it shall set forth a financially feasible public school capital facilities program, established in conjunction with the school board that demonstrates that the adopted level of service standards will be achieved and maintained. Although Objective 9.2.2 states that the City "will incorporate by reference the latest adopted Miami-Dade County Public School Facilities Work Program for educational facilities," there is no policy associated with the objective to require an annual update to the Comprehensive Plan when the school district work plan is updated each year. Also, the reference to the work plan is incomplete because it does not include the author and date along with the title.

Citation: Section 163.3180(13)(d)(1), F.S.

Recommendation: The City should revise the plan to incorporate the School District Work Plan being adopted by reference to specific date, author, and title. A policy is also required specifying annual updates of the Comprehensive Plan to include the annual update of the school district work plan.

6. The proposed revision of the intergovernmental coordination element does not meet the requirement in s. 163.3177(6)(h)2, F.S., that it must describe joint processes for collaborative planning and decisionmaking on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance. This is done in the draft interlocal agreement provided with the amendment, as is also required in s. 163.3177(6)(h)2, but these joint processes also need to be described in the comprehensive plan.

Citation: Rule 9J-5.025(c)3, 9J-5.015(3)(b)1, 3,6, and (c), F.A.C.; Section 163.3177(6)(h)2, F.S.

Recommendation: Revise the intergovernmental coordination element to describe joint processes for collaborative planning and decisionmaking on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance.

7. The proposed revision of the intergovernmental coordination element does not meet the requirement in s. 163.3177(6)(h)(4)a, F.S., that local governments must execute an interlocal agreement with the district school board, the County, and nonexempt municipalities pursuant to s. 163.31777. The local government shall amend the intergovernmental coordination element to provide that coordination between the local government and school board is pursuant to the agreement and shall state the obligations of the local government under the agreement. Although Policy 8.1.1.8 requires the procedures established in the interlocal agreement to followed, the procedures are not included in the policy; the policy does not require the adoption of the interlocal agreement; and the policy does not identify the City's obligations under the agreement.

Citation: Section 163.3177(6)(h)(4)a, F.S.

Recommendation: Revise the intergovernmental coordination element and Policy 8.1.1.8 to obligate the City to execute an interlocal agreement with the district school board, the County, and the other nonexempt municipalities pursuant to s. 163.31777, F.S. The policy also must include the procedure to be used to ensure coordination and identify the City's obligations under the agreement.

**Objection: Interlocal agreement does not include all local governments in the County as signatories and is not executed**

The proposed educational facilities element does not include, as part of its data and analysis, the revised interlocal agreement executed between the City of Coral Gables



and Miami-Dade County Public Schools, which is required pursuant to s. 163.3177(12)(c), F.S.

Citations: Sections 163.3177(12)(c), 163.31777, and 163.3180(13)(f), F.S.

Recommendation: Include with the adopted amendment the executed interlocal agreement between the City of Coral Gables and the district school board. Note that the executed interlocal agreement must be submitted to the Department for review and approval pursuant to s. 163.31777(3), F.S.

## **II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN**

The above cited amendments do not further and are not consistent with the following goals and policies of the State Comprehensive Plan (Chapter 187, F.S.):

Public Facilities Goal and Policies 3, 4, 5, 6, 7, and 9

Urban and Downtown Revitalization Policy 8

Revise the amendment to be consistent with and further the referenced goals and policies of the State Comprehensive Plan. This may be accomplished by revising the amendment as recommended for the specific objections above.



FLORIDA DEPARTMENT OF STATE

Kurt S. Browning

Secretary of State

DIVISION OF HISTORICAL RESOURCES

January 7, 2008

Mr. Ray Eubanks  
Department of Community Affairs  
Bureau of State Planning  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

Re: Historic Preservation Review of the Coral Gables (08PEFE1) Comprehensive Plan Amendment

Dear Mr. Eubanks:

According to this agency's responsibilities under Sections 163.3177 and 163.3178, *Florida Statutes*, and Chapter 9J-5, *Florida Administrative Code*, we reviewed the above document to determine if data regarding historic resources have been given sufficient consideration in the request to amend the Coral Gables Comprehensive Plan.

We reviewed a proposed amendment creating the Public School Facilities Element and associated text changes to other plan elements to consider the potential effects of these actions on historic resources. Our cursory review indicates that historic resources concerns are not addressed. Thus, while the proposed changes may have no adverse effects on historic resources, it is the city's responsibility to ensure that the proposed revisions will not have an adverse effect on significant archaeological or historic resources in Coral Gables.

If you have any questions regarding our comments, please feel free to contact Susan M. Harp of the Division's Compliance Review staff at (850) 245-6333.

Sincerely,

Frederick P. Gaske, Director

xc: Mr. Bob Dennis

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

☐ Director's Office  
(850) 245-6300 • FAX: 245-6436

☐ Archaeological Research  
(850) 245-6444 • FAX: 245-6452

☒ Historic Preservation  
(850) 245-6333 • FAX: 245-6437

☐ Historical Museums  
(850) 245-6400 • FAX: 245-6433

☐ Southeast Regional Office  
(361) 416-2115 • FAX: 416-2149

☐ Northeast Regional Office  
(904) 825-5045 • FAX: 825-5044

☐ Central Florida Regional Office  
(813) 272-3843 • FAX: 272-2340



## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

112D

GOV 08-06

December 20, 2007

Ray Eubanks, Administrator  
Plan Review and Processing  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100

Dear Mr. Eubanks:

**Subject: City of Coral Gables, DCA# 08-1PEFE  
Comments on Proposed Comprehensive Plan Amendment**

The South Florida Water Management District staff has completed its review of the City of Coral Gables proposed amendments. Our review indicates that the amendments have no significant water resource-related impacts. Therefore, we forward no comments.

For assistance or additional information, please contact Jim Golden at (561) 682-6862 or [jgolden@sfwmd.gov](mailto:jgolden@sfwmd.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "P.K. Sharma".

P.K. Sharma, AICP  
Lead Planner  
Water Supply Planning Division

PKS/JG/jl

c: Bob Dennis, DCA  
Carolyn Dekle, SFRPC  
Jim Golden  
Eric Riel, City of Coral Gables



# Florida Department of Environmental Protection

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

January 9, 2008

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

RE: Coral Gables 08-PEFE1

Dear Mr. Eubanks:

On behalf of the Department of Environmental Protection, the Office of Intergovernmental Programs has reviewed the City of Coral Gables' Public Education Facilities Element comprehensive plan amendments in accordance with the provisions of Chapter 163, *Florida Statutes*. As required by law, the scope of our comments and recommendations is limited to the environmental suitability of the proposed changes in light of the Department's regulatory and proprietary responsibilities. Based on our review of the report, the Department has found no provision that requires comment, recommendation or objection under the laws that form the basis of the Department's jurisdiction and authority. If the report pertains to changes in the future land use map or supporting text, please be advised that at such time as specific lands are proposed for development, the Department will review the proposal to ensure compliance with environmental rules and regulations in effect at the time such action is proposed. In addition, any development of the subject lands will have to comply with local ordinances, other comprehensive plan requirements and restrictions, and applicable rules and regulations of other state and regional agencies.

Thank you for the opportunity to comment on this proposal. If I may be of further assistance, please call me at (850) 245-2169.

Sincerely,

Christopher J. Stahl  
Environmental Specialist  
Office of Intergovernmental Programs

/cjs



## MEMORANDUM

AGENDA ITEM #6a

DATE: JANUARY 7, 2008

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: PROPOSED PUBLIC EDUCATION FACILITIES ELEMENT/CAPITAL IMPROVEMENTS  
ELEMENT UPDATE COMPREHENSIVE PLAN AMENDMENTS

### Introduction

Council staff has received proposed plan amendments from the municipalities of Coral Gables, Miami Gardens and South Miami in Miami-Dade County, and Coral Springs, Lauderhill, Sunrise, Hallandale Beach, Weston, Dania Beach, Fort Lauderdale, Cooper City and Miramar in Broward County, for review of consistency with the *Strategic Regional Policy Plan for South Florida (SRPP)*. Staff review is undertaken pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes (F.S.), and Rules 9J-5 and 9J-11, Florida Administrative Code (F.A.C.).

No proposed Capital Improvements Element Update Comprehensive Plan Amendments were received for review this month.

### Background

The proposed Public Education Facilities Element and related text amendments have been transmitted pursuant to the 2005 Growth Management legislation. The legislation requires that local governments and school boards adopt a school concurrency program, to update existing public schools interlocal agreements, establish level of service standards to define school capacity, and adopt a Public School Facilities Element into their comprehensive plan to implement a school concurrency program. The school concurrency program must ensure that adequate school capacity to support new development either exists or will be in place or under actual construction within three years after the issuance of final subdivision or site plan approval, or the functional equivalent. The interlocal agreement establishes procedures that will be followed in coordinating land use and public school planning.

Since the legislation was passed, working groups have been formed in both Miami-Dade and Broward Counties to develop the proposed amendments. Each working group included representatives from the applicable County Public Schools, all affected local governments and the development community. Because of the efforts of the Working Groups, within each county the amendments have been coordinated and each local government is adopting similar amendments.

### Summary of Staff Analysis for Miami-Dade County Amendments

Miami-Dade County and the 27 non-exempt municipalities in the County must adopt the Public Education Facilities Element, related comprehensive plan text amendments and the *Amended and Restated Interlocal Agreement for Public School Facility Planning in Miami-Dade County (ILA)* by January 1, 2008, in order to meet statutory requirements.

Proposed Public Educational Facilities Element amendments would add new goals, objectives, and supporting policies to coordinate new residential development with future availability of public school facilities consistent with the adopted level of service (LOS) standards for public school concurrency. The initially proposed LOS standard for public school facilities is 100% utilization of Florida Inventory of School Houses (FISH) capacity beginning January 1, 2008. This standard would allow for the use of relocatable classrooms and provides that when public school facilities achieve 100% utilization of Permanent FISH (no relocatable classrooms) they should no longer rely on relocatable classrooms except in temporary "operational" situations such as remodeling, renovation or expansion of a facility. The proposed amendments would include an additional policy, which establishes a goal of achieving 100% Permanent FISH capacity in all public school facilities in the County by January 1, 2018.

Proposed amendments to the Intergovernmental Coordination Element would provide a formal process for intergovernmental coordination through a Memoranda of Agreement which establishes specific coordination activities to occur on a regular basis. Proposed Capital Improvement Element amendments would allow the applicable local government to prepare and adopt a five year capital improvements program that includes school facilities.

Local governments in Miami-Dade County proposing Public Education Facilities Element and related text amendments this month: Coral Gables, Miami Gardens, and South Miami. A table with information regarding the City's vote on the amendment follows.

Local Government	Plan Amendment Number	Local Government Meeting	Governing Body Transmittal Vote
Coral Gables	08PEFE-1	December 11, 2007	5-0
Miami Gardens	08PEFE-1	December 12, 2007	5-1
South Miami	80PEFE-1	December 18, 2007	5-0

Staff analysis confirms that the proposed text amendments are compatible with and supportive of the goals and policies of the *Strategic Regional Policy Plan for South Florida*.

### Summary of Staff Analysis For Broward County Amendments

Broward County and the municipalities in the County must adopt the Public Education Facilities Element, related comprehensive plan text amendments and *Amended Interlocal Agreement for Public School Facility Planning in Broward County (ILA)* by February 1, 2008.

Proposed Public Educational Facilities Element amendments would add new goals, objectives and supporting policies to provide coordinating new residential development with future availability of public school facilities consistent with the adopted level of service (LOS) standards for public school concurrency. The LOS standard shall be 110% of the Florida Inventory of School Housing (FISH) capacity for each public elementary, middle and high school. The amendment would also adopt twelve Future Conditions Maps for public school facilities for the short-term (five year) and long-term planning periods.

Proposed amendments to the Intergovernmental Coordination Element would add policies which would coordinate County and municipal land use planning and permitting processes with the School Board's

site selection and planning process to ensure future school facilities are consistent and compatible with land use categories and enable a close integration between existing and planned school facilities and the surrounding land uses. Proposed Capital Improvement Element amendments would add policies that would ensure that public school facilities are available for current and future students consistent with available financial resources and the adopted LOS.

Local governments in Broward County proposing Public Education Facilities Element and related text amendments this month: Coral Springs, Lauderhill, Sunrise, Hallandale Beach, Weston, Dania Beach, Fort Lauderdale, Cooper City and Miramar. A table with information regarding the City's vote on the amendment follows.

Local Government	Plan Amendment Number	Local Government Meeting	Governing Body Transmittal Vote
Coral Springs	08PEFE-1	November 6, 2007	5-0
Lauderhill	08PEFE-1	November 26, 2007	4-0
Sunrise	08PEFE-1	November 27, 2007	4-0
Hallandale Beach	08PEFE-1	December 4, 2007	5-0
Weston	08PEFE-1	December 3, 2007	4-0
Dania Beach	08PEFE-1	December 11, 2007	5-0
Fort Lauderdale	08PEFE-1	November 20, 2007	5-0
Cooper City	08PEFE-1	December 11, 2007	5-0
Miramar	08PEFE-1	November 28, 2007	5-0

Staff analysis confirms that the proposed text amendments are compatible with and supportive of the goals and policies of the *Strategic Regional Policy Plan for South Florida*.

#### Recommendation

Find proposed plan amendments from the municipalities of Coral Gables, Miami Gardens, City of South Miami, Coral Springs, Lauderhill, Sunrise, Hallandale Beach, Weston, Dania Beach, Fort Lauderdale, Cooper City and Miramar related to the new Public Education Facilities Element and other related text amendments generally consistent with the *Strategic Regional Policy Plan for South Florida*. Approve this staff report for transmittal to the Florida Department of Community Affairs.

# FLORIDA DEPARTMENT OF EDUCATION



STATE BOARD OF EDUCATION

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Commissioner of Education

11  
BD  
11/22/08



January 18, 2008

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

Dear Mr. Eubanks:

Re: Coral Gables 08PEFE1

Thank you for the opportunity to review the proposed public educational facilities element for the City of Coral Gables. I apologize for the delay in providing comments to you; the city did not transmit the proposed amendments to the Department for review. Therefore, I relied on the document stored in FloridaPAPERS.

The city's transmittal, with the exceptions noted below, is nearly identical to the transmittal by Miami-Dade County and previously reviewed by the Department. Therefore, I did not complete detailed checklists for the city. The differences in the transmittal include revisions in response to the Department of Community Affairs' Objections, Recommendations, and Comments Report and the inclusion of proposed new objective 11-1.4 related to school siting. The Department's comments on the transmittal are provided below.

1. Data and Analysis. – In its cover letter, the city indicated its reliance on the data and analysis prepared through the countywide, collaborate school concurrency planning process. The city also included updates to the data and analysis that respond to the ORC report. These updates include the addition of information from the current Miami-Dade County School district facilities work plan and an updated level of service analysis. The pages related to the updated level of service analysis were not legible and therefore I could not determine whether the data and analysis demonstrate a financially feasible plan to achieve and maintain the proposed levels of service. Other updates appear to adequately address data and analysis requirements.

SPESSARD BOATRIGHT  
DIRECTOR, OFFICE OF EDUCATIONAL FACILITIES



2. Interlocal Agreement. – The transmittal includes a draft amended interlocal agreement that appears identical to that proposed by Miami-Dade County and previously reviewed by the Department. The city's transmittal letter indicated its approval of the amended interlocal agreement; however, a signature page for the city and school board was not included. The Department commends the city for its action considering the recent postponement of consideration of the revised agreement by Miami-Dade County past the scheduled deadline of January 1, 2008. As a reminder, the city must submit the executed agreement (with signature pages of the authorized representatives of the city and Miami-Dade District Schools to support adoption of the school element. The executed agreement must also be submitted for consistency review pursuant to Rule 9J-11.022, F.A.C.

Goals, Objectives and Policies. – The city proposed public school facilities policies related to school concurrency that are similar, but not identical, to those proposed by other jurisdictions in Miami-Dade County. The policies also appear to address many of the concerns raised in ORC report. However, proposed policy 11-1.2.2 has the effect of creating a dual level of service standard, which is inconsistent with section 163.3180(13)(b)2., F.S. (an issue raised in the ORC report). The proposed element also does not include a policy that adopts the required map series. In addition, the proposed amendments to the intergovernmental coordination element do not address requirements of Sections 163.3177(6)(h)1., 2., and 4., F.S. These inconsistencies must be corrected prior to adoption.

The city proposes Capital Improvements Element policy 9-1.2.1(H) related to level of service standards. The policy includes reliance on the Miami-Dade County Public Schools certification of availability of capacity as sufficient to demonstrate that facilities are available. The policy must be revised to clarify the standard that the school district will apply is consistent with the availability standard of Section 163.3180(13)(e), F.S. The city also proposes Objective 9-2.2 to adopt the district facilities work plan by reference. The objective must be revised to meet the requirements of Rule 9J-5.005(2)(g), F.A.C., which establishes minimum criteria for the adoption of documents by reference.

Finally, the city proposes new Public School Facilities Element objective 11-1.4 related to school siting. The proposed objective is inconsistent with Sections 1013.33, and 1013.51, F.S., and Section 6.2 of the amended interlocal agreement. The proposed objective is not supported by the data and analysis. Public school facilities are community assets and the law recognizes their economic, social and other benefits to a community. A local government may not impose site plan standards and conditions which conflict with those established in Chapter 1013, F.S, or the Florida Building Code, unless mutually agreed in the interlocal agreement. The Department recommends that the city not adopt the proposed objective and associated policies.

**Mr. D. Ray Eubanks**  
**January 18, 2008**  
**Page 3 of 3**

Department of Education staff is available to assist the city and district staff in revising the proposed plan to respond to these comments. Again, thank you for the opportunity to review and comment on the proposed element. Please let me know if you have any questions.

Sincerely,

**Tracy D. Suber**

Digitally signed by Tracy D. Suber  
DN: cn=Tracy D. Suber, o=Florida Department of Education, ou=Office of Educational  
Facilities, email=tracy.suber@fldoe.org, c=US  
Date: 2008.01.18 10:18:43 -05'00'

Tracy D. Suber  
Educational Consultant-Growth Management Liaison

TDS/

Enclosures

cc: **Mr. Ivan Rodriguez, Miami-Dade County Public Schools**  
**Ms. Erin Boyington**



Planning and Zoning  
111 NW 1st Street • Suite 1210  
Miami, Florida 33128-1902  
T 305-375-2800

January 14, 2008

miamidade.gov

Carlos Alvarez, Mayor

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

RE: Proposed amendments to the City of Coral Gables Comprehensive Plan  
regarding Public School Facilities

Dear Mr. Eubanks:

The Department of Planning and Zoning has reviewed the referenced City of Coral Gables proposed amendments to their Comprehensive Plan that were transmitted to us on December 12, 2007. Our review is conducted to identify points of consistency or inconsistency with provisions of Miami-Dade County's Comprehensive Development Master Plan (CDMP). The Department finds that the city's proposed amendments are generally consistent with the County's Revised Recommendations for Public School Facilities. However, the city's amendments do not state that the proposed Level of service standard does not apply to charter school and that the capacity of charters and magnets schools will be credited against the impact of development.

The County transmitted its proposed CDMP amendments related to Public School Facilities to the Florida Department of Community Affairs (DCA) on July 12, 2007 and received an Objections, Recommendations and Comments (ORC) Report from DCA on October 4, 2007. The ORC Report indicated various deficiencies in the County's proposed amendments, which may also be applicable to the proposed amendments. It is recommended that the City review the Miami-Dade County ORC Report (DCA #07PEFE-1), which can be viewed at

<http://www.miamidade.gov/planzone/cdmp/July07Special/07SpecialRevRecs.pdf> or at  
<http://www.dca.state.fl.us/fdcp/dcp/Procedures/noiorcpage.cfm>

In response to DCA's ORC Report Miami-Dade County has prepared a Revised Recommendations Report, which can be viewed at the Miami-Dade County website as noted above. However, to date, Miami-Dade County has not adopted amendments to their CDMP or approved the Interlocal Agreement.

The adopted County amendments and Interlocal Agreement may include additional changes that are not currently addressed in the City's proposed elements and executed interlocal agreement. Therefore, a thorough consistency review with the County's proposed amendments regarding public school facilities cannot be made at this time

Ray Eubanks  
Florida Department of Community Affairs  
Page 2

If you have any questions, please contact Paula Church, Department of Planning and Zoning, at 305-375-2835.

Sincerely,

A handwritten signature in black ink, appearing to read 'Subrata Basu', with a stylized flourish at the end.

Subrata Basu, AIA, AICP  
Interim Director

c: Mr. Eric Riel, Jr., Planning Director, City of Coral Gables

SB:MRW:PHC:ah