



CARLOS A. GIMENEZ

MAYOR

MIAMI-DADE COUNTY

May 10, 2018

Honorable Mayor Beam Furr and Members
Broward County Board of Commissioners
115 S. Andrews Avenue, Room 421
Fort Lauderdale, FL 33301

RE: Miami-Dade County May 2016 Cycle CDMP Amendment #17-1ESR:
Application No. 5 American Dream Miami, and Application No. 6 Graham Companies

Dear Mayor Furr and Broward County Commissioners:

This letter is in response to the Board's action on May 8, 2018, directing Broward County staff, in consultation with the Office of the County Attorney, to work with the developers of the American Dream Miami and The Graham Company properties and Miami-Dade County to "implement commitments made by developer representatives at the special meeting of the South Florida Regional Planning Council on March 10, 2017 regarding the mitigation of traffic impacts in Broward County." Please note that the only commitments made by Miami-Dade County representatives at the March 10, 2017 meeting and in ongoing coordination with Broward County were (1) to provide transit mitigation and (2) to include Broward County mitigation projects in the development agreement ***if Broward County demonstrates, and Miami-Dade County agrees, that the proposed improvements are necessary to mitigate project impacts.***

As Miami-Dade County representatives have conveyed to Broward County representatives on several occasions, the demand for mitigation in a land use regulatory process entails an exaction, which is subject to a heightened standard to address Constitutional and State law requirements that there be a nexus and proportionality between the requested mitigation and the development's impact. Because of the scale of these developments, Miami-Dade County used the analysis that applies to developments of regional impact to determine required mitigation. Under that analysis, a roadway improvement project may be required as mitigation where the project is needed to address a significant traffic impact created by the development. Miami-Dade County has consistently interpreted that to mean that the amount of traffic the development generates is at least five percent of the affected roadway's adopted Level of Service standard. Despite extensive

coordination between both counties' staffs and the developers' representatives and consultants, Broward County has, to date, provided no evidence that either of the developments creates a traffic impact on any of Broward's roadways that meets that mitigation threshold.

As demonstrated in the attached chronology, Miami-Dade County has extensively coordinated with, and solicited input from, Broward County throughout the development review process. In a July 14, 2017 letter signed by Broward County Planning Director Josie Sesodia, Broward County requested three projects: (1) completion of the Miramar Parkway link from SW 184 Avenue to US 27; (2) funding for the initial capital cost of an adaptive traffic control system for a nine-intersection signal group on Miramar Parkway from SW 143 Avenue to SW 184 Avenue; and (3) facilities to accommodate Broward County Transit service connections. In an October 5, 2017 response letter signed by Miami-Dade County Assistant Director for Planning Jerry Bell, Miami-Dade County agreed to provide for at least three bus bays for Broward County but noted that the developments' October 10, 2016 Traffic Impact Analysis did not identify the requested Miramar Parkway link and intersection signal group improvements as necessary to mitigate significant impacts.

On January 18, 2018, Broward County provided Miami-Dade County with a Report documenting its Consultant's review of the October 10, 2016 Traffic Impact Analysis (Broward Consultant Report), and on January 22, 2018, the respective County staffs and the developers' representatives met at the Broward County Administration Building. Significantly, the difference in estimated impacts to the Broward roadway network between the model accepted by Miami-Dade County and the Broward Consultant's model run was less than 1 percent. Furthermore, neither the Broward Consultant Report nor Broward County staff present at the January 22 meeting provided information substantiating Broward County's demand for the improvements as necessary to address significant development impacts.

At that January 22, 2018 meeting, Miami-Dade County representatives asked specific follow-up questions that would need to be addressed to support Broward's requested mitigation projects. But it was not until after the conclusion of the Planning Advisory Board meeting on May 7, 2018, that Broward County provided additional information to attempt to substantiate its requests for mitigation. Miami-Dade County staff's initial review of that new information suggests that it is still not adequate to meet the mitigation threshold. To be clear, our analysis is not that there are no impacts in Broward County, but rather that, in applying the standards relied upon by Miami-Dade County and throughout the State of Florida, the impacts to Broward County roads do not rise to a threshold that requires the developments to provide mitigation. Our respective staffs are again meeting today to attempt to resolve these outstanding issues.

In closing, Miami-Dade County has worked with Broward County in good faith throughout this years-long process and strongly disagrees with any assertion that we are not meeting commitments made to Broward County. I want to assure you that we remain strongly committed to working

with Broward County and other local governments and agencies through the remainder of the review and approval process. We remain hopeful that a fair resolution can be achieved.

Sincerely,



Carlos A. Gimenez

Attachment

- c. Honorable Chairman Esteban L. Bovo, Jr., and Members, Miami-Dade County Board of County Commissioners
 - Bertha Henry, County Administrator, Broward County
 - Andrew J. Meyers, County Attorney, Broward County
 - Maite Azcoitia, Deputy County Attorney, Broward County
 - Henry Sniezek, Director, Broward County Department of Environmental Protection and Growth Management
 - Josie Sesodia, Director, Broward County Division of Planning and Development Management
 - Scott Brunner, Director, Broward County Traffic Engineering Division
 - Abigail Price Williams, County Attorney, Miami-Dade County
 - Geri Bonzon-Keenan, First County Attorney, Miami-Dade County
 - Office of the Mayor Senior Staff, Miami-Dade County
 - Lourdes Gomez, Deputy Director, Miami-Dade Department of Regulatory and Economic Resources
 - Jerry Bell, Assistant Director for Planning, Miami-Dade Department of Regulatory and Economic Resources
 - Isabel Cosio Carballo, Executive Director, South Florida Regional Planning Council

**CHRONOLOGY OF COORDINATION BETWEEN MIAMI-DADE COUNTY AND BROWARD COUNTY
REGARDING MAY 2016 CYCLE AMENDMENT NO. 5 (AMERICAN DREAM MALL) AND
AMENDMENT NO. 6 (GRAHAM COMPANIES)**

- September 15, 2015 – SFRPC meeting to receive input on methodology and Traffic Impact Analysis
- October 3, 2015 – SFRPC meeting to receive input on methodology and Traffic Impact Analysis
- January 22, 2016 – SFRPC meeting to receive input on methodology and Traffic Impact Analysis
- September 9, 2016 – SFRPC meeting to receive input on methodology and Traffic Impact Analysis
- July 7, 2017 – Special SFRPC meeting to discuss project mitigation
- July 14, 2017 – Letter from Josie Sesodia of Broward County to Jerry Bell of Miami-Dade County requesting:
 - model information from the original SERPM model's trip generation
 - completion of the Miramar Parkway link from SW 184 Avenue to US 27
 - funding for the initial capital cost of an adaptive traffic control system for a nine-intersection signal group on Miramar Parkway from SW 143 Avenue to SW 184 Avenue
 - facilities to accommodate Broward County Transit service connections.
- July 21, 2017 – Meeting between Broward County and Miami-Dade County staffs to discuss July 14 letter
- August 2, 2017 – Scott Brunner provided with the original SERPM model files used as the basis for the CDMP Transportation Impact Analysis dated October 10, 2016
- August 17, 2017 – Broward representatives participated in meeting of Miami-Dade County Development Review Committee
- August 30, 2017 – Scott Brunner provided with the original SERPM model's trip degeneration outputs for the projects model zones, and plots of model trip distributions extending north of Pines Boulevard
- October 5, 2017 – Letter from Jerry Bell to Josie Sesodia:
 - acknowledging the July 14, 2017 letter
 - indicating that the October 10, 2016 Traffic Impact Analysis and subsequent information did not identify completion of the requested Miramar Parkway link and intersection signal group improvements as necessary to mitigate project impacts
 - agreeing to the inclusion of at least three bus bays for Broward County in the development agreement
- January 18, 2018 – Additional Broward County Consultant review of the October 10, 2016 Traffic Impact Analysis provided to Miami-Dade County staff; County staff review of this information indicated that it still did not demonstrate that the requested improvements are necessary to mitigate project impacts
- January 19, 2018 – Follow up call between Miami-Dade staff and Scott Brunner
- January 22, 2018 – Meeting between Miami-Dade and Broward County staffs to discuss Broward County Consultant review of October 10, 2016 Traffic Impact Analysis; no new information to demonstrate that the requested improvements are necessary to mitigate project impacts provided