

Date: November 15, 2022

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

Agenda Item No. 5(J)

From: Lourdes M. Gomez, Director 
Department of Regulatory and Economic Resources

Resolution No. R-1093-22

Subject: Designation of Land Located at the Intersection of SW 85th Street and SW 70th Avenue as a Brownfield Area

Executive Summary

The purpose of this item is to designate the land located at the intersection of SW 85th Street and SW 70th Avenue, Miami, FL 33156 as a brownfield area pursuant to Section 376.80, Florida Statutes. A brownfield area is defined as a contiguous area of one or more brownfield sites, some of which may not be contaminated, and which has been designated by a local government resolution. The property owner, Fruit Joy Florida, LLC (“FJF”) is applying for the brownfield area designation due to the presence of actual contamination on the Subject Property resulting from its historical uses. A brownfield area designation will allow FJF to access certain regulatory and economic incentives to mitigate and manage the risk and expense associated with the contamination or the possibility of discovery of additional contamination and the necessary response. When a brownfield area is being proposed by a person other than the local government, the local government with jurisdiction over the proposed brownfield area shall provide notice and may adopt a resolution to designate the brownfield area. In considering a request for designation, a local government must evaluate and apply the criteria set forth in Chapter 376.80 (2)(c), Florida Statutes. Therefore, the attached application and supporting material is being submitted by FJF for consideration of approval.

Recommendation

It is recommended that the Board of County Commissioners (“Board”) designate the land located at the intersection of SW 85th Street and SW 70th Avenue, Miami, FL 33156, identified by folio number 30-4035-000-1435 and further specified in Exhibit 2 to the resolution, as a brownfield area to be known as The Line Green Reuse Area.

According to the proposal submitted by the property owner, Fruit Joy Florida, LLC (“FJF”) proposes to redevelop and rehabilitate one parcel of land located at the intersection of SW 85th Street and SW 70th Avenue, Miami, FL 33156, occupying Folio Number 30-4035-000-1435 (the “Subject Property”), as a mixed-use multifamily residential rental community with 840 residential units and 11,673 square feet of retail space (the “Project”). The budget for rehabilitation and redevelopment is approximately \$490 million, the Project is anticipated to create up to 50 permanent, full-time equivalent (“FTE”) positions not associated with the implementation of the rehabilitation agreement and not associated with redevelopment project demolition or construction activities, which will exceed the statutory job creation requirement. However, the capital investment and the construction outcomes are not guaranteed.

Pursuant to Ordinance No. 16-73, this quasi-judicial matter may be submitted directly for placement on the Board’s meeting agenda by the Director of the Department of Regulatory and Economic Resources. Pursuant to section 376.80(1)(c)4., Florida Statutes, this matter requires two quasi-judicial public hearings before the Board, and the public hearings must be announced at a meeting of the Board before the actual public hearings.

Scope

The Subject Property is located in Commission District 7, represented by Commissioner Raquel A. Regalado. The proposed area is identified by folio number 30-4035-000-1435.

Delegation of Authority

This item has no delegation of authority.

Fiscal Impact/Funding Source

Approval of this location as a brownfield area would not create a negative fiscal impact to the County.

Track Record/Monitor

Not applicable.

Background

A brownfield site, as defined in Section 376.79(4) of the Florida Statutes, is real property, where the expansion, redevelopment or reuse of the property may be complicated by actual or perceived environmental contamination. A brownfield area is defined as a contiguous area of one or more brownfield sites, some of which may not be contaminated, and which has been designated by a local government resolution. Brownfields may include all or portions of community development areas, enterprise zones, empowerment zones, other such designated economically deprived communities and areas, and Environmental Protection Agency-designated brownfield pilot projects. The goal of the brownfield program is to significantly improve the utilization, general condition, and appearance of these sites. Once a property has been designated as a brownfield by a local government, the property may be eligible for certain state-funded incentives.

FJF submitted a proposal, attached to the resolution as Exhibit 1, to designate the Subject Property as a brownfield area pursuant to Section 376.80, Florida Statutes. Under Section 376.80, the County shall designate a proposed site as a brownfield area if, after giving the notice and holding the public hearings required under that statute, the person who submitted the proposal establishes at the public hearing to adopt the resolution, that all five of the factors set forth in Section 376.80(2)(c) are satisfied.

The Department of Regulatory and Economic Resources (RER), Planning Division, has reviewed the proposal and is recommending that the Board designate the Subject Property as a brownfield area for the following reasons: The Subject Property qualifies as a “brownfield site” under the definition set forth in Section 376.79(4), Florida Statutes because the redevelopment or reuse of the Subject Property may be complicated by the presence of actual environmental in that actual contamination is present in soils on the Subject Property that

will significantly complicate redevelopment. Site assessment activities conducted at the Subject Property identified concentrations of arsenic and benzo(a)pyrene (“BaP”) in soil that exceed the applicable direct exposure soil cleanup target levels for residential use. Arsenic and BaP contamination is consistent with the Subject Property’s historical use as a railroad corridor and likely stems from the historically industry-standard practice of using arsenical herbicides and treated railroad ties, and from fuel combustion products generated by locomotives. FJF’s proposed development will consist of a mixed-use multifamily residential rental community with 840 residential units and 11,673 square feet of retail space.

Section 376.80(2)(c), Florida Statutes, sets forth the following criteria FJF must establish for the County to designate the Subject Property as a brownfield. RER believes that FJF proposal satisfies these criteria:

- (1) “A person who owns or controls a potential brownfield site is requesting the designation and has agreed to rehabilitate and redevelop the brownfield site.

FJF satisfies this criterion in that it owns the Subject Property and has agreed to redevelop and rehabilitate it. Accordingly, FJF meets this first criterion.

- (2) “The rehabilitation and redevelopment of the proposed brownfield site will result in economic productivity of the area, along with the creation of at least 5 new permanent jobs at the brownfield site that are full-time equivalent positions not associated with the implementation of the brownfield site rehabilitation agreement and that are not associated with redevelopment project demolition or construction activities pursuant to the redevelopment of the proposed brownfield site or area. However, the job creation requirement does not apply to the rehabilitation and redevelopment of a brownfield site that will provide affordable housing as defined in s. 420.0004 or the creation of recreational areas, conservation areas, or parks.”

FJF satisfies this criterion in that the Project will result in significant economic productivity of the area. The budget for rehabilitation and redevelopment is approximately \$490 million, which will be spent in part on local labor, contractors, consultants, construction materials, furnishings, infrastructure improvements, and impact fees. In addition to the significant economic productivity to be generated by the Project’s residential component alone, the Project is anticipated to create up to 50 permanent, full-time equivalent (“FTE”) positions not associated with the implementation of the rehabilitation agreement and not associated with redevelopment project demolition or construction activities, which will exceed the statutory job creation requirement. This includes permanent jobs that will facilitate operation of the development itself and jobs created by the Project’s retail component. Such job creation will result in the payment of significant payroll taxes and salaries, thereby benefitting the local economy and increasing the economic productivity of the area. Accordingly, FJF meets this second criterion.

- (3) “The redevelopment of the proposed brownfield site is consistent with the local comprehensive plan and is a permissible use under the applicable local land development regulations.”

FJF satisfies this criterion in that the Subject Property is being developed in accordance with the Downtown Kendall Urban Center requirements at Article XXXIII(I) of the Miami-Dade County (the “County”) Code and the County Comprehensive Development Master Plan.

- (4) “Notice of the proposed rehabilitation of the brownfield area has been provided to neighbors and nearby residents of the proposed area to be designated pursuant to paragraph (1)(c), and the person proposing the area for designation has afforded to those receiving notice the opportunity for comments and suggestions about rehabilitation. Notice pursuant to this subparagraph must be posted in the affected area.”

FJF will post notices of the proposed designation with two signs at the Subject Property and published notice of the proposed designation in the Miami Herald newspaper and the local community bulletin. Additionally, a virtual community meeting will be held to give neighbors and nearby residents the opportunity to provide comments and suggestions about rehabilitation efforts.

- (5) “The person proposing the area for designation has provided reasonable assurance that he or she has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment of the brownfield site.”

The total capital budget of approximately \$490 million for the Project is to be fully funded through a combination of debt financing, equity, and the financial resources of FJF’s affiliates and principals. FJF’s principal, Macklowe Properties (“Macklowe”), has an extensive history in constructing and managing luxury housing communities and office buildings. Macklowe has an impressive portfolio, including over 4.5 million square feet of office and apartment buildings in Manhattan, New York and over 3,000 residential and hotel units. The success of previous projects, the magnitude of the capital previously raised, the quality of the development previously achieved, and the resources of its principal provide reasonable assurances that FJF has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment plan. It therefore satisfies the fifth criterion.

In sum, the presence of actual contamination imposes a material level of regulatory, construction, and legal liability risk, complicates redevelopment efforts, and requires significant time and money for environmental, engineering, and legal consultants to properly investigate and address. Accordingly, this designation, if granted, will allow FJF to access limited but important state-based economic incentives to help underwrite the unanticipated and unbudgeted costs associated with managing the environmental risk as well as, generally, to put the Project on a more certain financial ground. In this sense, the designation will not only play a critical role in the successful redevelopment of the Subject Property, but also in the larger revitalization efforts for this area of the County.

Based on all the foregoing, the Subject Property clearly falls within the definition of “brownfield site” as set forth in § 376.79(4), Florida Statutes.

For the reasons above, RER is recommending that the Board designate the Subject Property as a brownfield area.

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to the Board of County Commissioners**



September 15, 2022

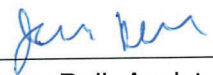
RECOMMENDATION SUMMARY		
Commission District	7	
Applicant	Fruit Joy Florida LLC	
Request	Brownfield Area Designation of parcel with Folio 30-4035-000-1435 pursuant to Chapter 376.80(2)(c), Florida Statutes	
Location	Intersection of SW 85 St and SW 70 Av, Miami-Dade County, FL 33156	
Property Size	±1.70 acres	
Existing Zoning	Downtown Kendall Urban Center District (DKUC)	
Existing Land Use	Vacant, Non-protected, Privately owned	
2030-2040 CDMP Land Use Designation	Depicted as Transportation (ROW, Rail, Metrorail, Etc.) and within an Adopted Metropolitan Urban Center	
Applicable CDMP provision(s)	Land Use Element Policy LU-9F and Urban Centers interpretive text require development to be in accordance with the development regulations for the adopted Downtown Kendall Urban Center District	
Comprehensive Plan Consistency	Consistent with Land Use Plan map, interpretative text, goals, objectives, and policies of the Comprehensive Development Master Plan	
NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Future Land Use Designation
North	Downtown Kendall Urban Center District (DKUC) Communications, Utilities, Terminals	Depicted as Transportation, designated as “Business and Office,” and within an Adopted Metropolitan Urban Center
South	Downtown Kendall Urban Center District (DKUC) Communications, Utilities, Terminals	Transportation (ROW, Rail, etc.) and within an Adopted Metropolitan Urban Center”
East	Downtown Kendall Urban Center District (DKUC) Communications, Utilities, Terminals (Metrorail)	Transportation (ROW, Rail, etc.), “Business and Office” and within an Adopted Metropolitan Urban Center
West	Downtown Kendall Urban Center District (DKUC) Commercial, Shopping Centers	“Business and Office” and within an Adopted Metropolitan Urban Center

Background:

Fruit Joy Florida, LLC, filed an application for Brownfield Designation of a single parcel with Folio 30-4035-000-1435, located at the intersection of SW 85 Street and SW 70 Avenue, Miami-Dade County, FL 33156. The applicant proposes to redevelop the subject parcel with a mixed-use multifamily rental project with 840 residential units and 11,673 square feet of retail space. Pursuant to Chapter 376.80 (2)(c)(3) of the Florida Statutes, when designation of a brownfield area is proposed by persons other than a governmental entity, redevelopment of the proposed brownfield site must be consistent with the local comprehensive plan and a permissible land use under the applicable local land development regulations.

Staff Analysis:

The subject parcel is depicted as "Transportation" (ROW, Rail, Metrorail, Etc.) on the Adopted 2030-2040 Land Use Plan (LUP) map, is part of the former Florida East Coast Railway (FECR) railroad corridor. Transportation rights-of-way that are no longer needed for right-of-way purposes and conveyed to a private entity may be developed in accordance with the applicable LUP map designation. In the case of the subject property, the applicable LUP map designation is "Business and Office", the current designation of the adjacent properties to the east and west. Furthermore, the subject property and adjacent parcels are zoned Downtown Kendall Urban Center District (DKUC). The Downtown Kendall Urban Center is one of several urban centers designated on the LUP map planned to be developed into multi-use districts characterized by high quality urban design. The CDMP promotes urban centers to be developed as high intensity, mixed use, transit-oriented developments given their locations in places where mass transit, roadways, and highways are highly accessible. The area within the boundaries of the DKUC is divided into seven Sub-districts: Core, Center, Center DRI, Center DRI PA, Center DRI PB, Edge, and Edge Height RA. The highest density and intensity within an urban center is allocated to the Core Sub-district and the densities and intensities gradually decrease from the Core Sub-district to the outer Sub-districts. The subject parcel is entirely within the Core subdistrict. Based on the foregoing, this Department finds that the WDH, LLC project as proposed would generally be consistent with the goals, objectives, and policies of the CDMP.



Jerry Bell, Assistant Director for Planning
Planning Division
Miami-Dade County
Department of Regulatory and Economic Resources

JB:GR:AD



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: November 15, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(J)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(J)
11-15-22

RESOLUTION NO. R-1093-22

RESOLUTION TAKING ACTION, AFTER PUBLIC HEARING, ON PROPOSAL OF FRUIT JOY FLORIDA, LLC TO DESIGNATE REAL PROPERTY LOCATED AT THE INTERSECTION OF SW 85TH STREET AND SW 70TH AVENUE, MIAMI-DADE COUNTY, FLORIDA 33156, ALSO IDENTIFIED BY FOLIO NUMBER 30-4035-000-1435, AS A BROWNFIELD AREA PURSUANT TO SECTION 376.80, FLORIDA STATUTES, WHICH SHALL BE KNOWN AS THE LINE GREEN REUSE AREA

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

WHEREAS, brownfield sites are defined under section 376.79(4), Florida Statutes, as “real property, the expansion, redevelopment, or reuse of which may be complicated by actual or perceived environmental contamination”; and

WHEREAS, sections 376.77–376.85, Florida Statutes, hereinafter referred to as the “Brownfields Redevelopment Act,” provide that local governments may designate brownfield areas, which are defined in part as “a contiguous area of one or more brownfield sites, some of which may not be contaminated, and which has been designated by a local government by resolution,” for the purpose of encouraging economic development and environmental remediation; and

WHEREAS, this Board has reviewed the proposal submitted by Fruit Joy Florida, LLC, attached hereto as exhibit 1, to designate real property located at the intersection of SW 85th Street and SW 70th Avenue, Miami-Dade County, Florida 33156, also identified by Folio Number 30-4035-000-1435 and further identified in exhibit 2 (the “subject property”), as a brownfield area to be known as the “The Line Green Reuse Area”; and

WHEREAS, this Board finds that the subject property qualifies as a brownfield site within the meaning of section 376.79(4), Florida Statutes; and

WHEREAS, this Board has considered the factors set forth in section 376.80(2)(c), Florida Statutes, which Fruit Joy Florida, LLC must establish for this Board to designate the subject property as a brownfield area, and finds that Fruit Joy Florida, LLC has established all of those factors; and

WHEREAS, this Board has complied with the notice, public hearing, and other requirements set forth in section 376.80, Florida Statutes,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The recitals and findings set forth above are true and are hereby incorporated by reference.

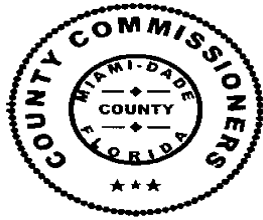
Section 2. This Board accepts the proposal submitted by Fruit Joy Florida, LLC and designates the real property identified in exhibit 2, attached hereto and incorporated herein by reference, as a brownfield area under the Brownfields Redevelopment Act. This brownfield area shall be known as the “The Line Green Reuse Area.” This designation shall not render Miami-Dade County liable for the costs of site rehabilitation or source removal, as those terms are defined in section 376.79, Florida Statutes, or for any other costs.

Section 3. This Board directs the County Mayor or County Mayor’s designee, within 30 days of the adoption of this resolution, to transmit a certified copy of this resolution to the Florida Department of Environmental Protection and to maintain a certified copy of this resolution on file with the Department of Regulatory and Economic Resources, Division of Environmental Resources Management, as the local pollution control program.

The foregoing resolution was offered by Commissioner **Oliver G. Gilbert, III** , who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

Jose “Pepe” Diaz, Chairman	aye		
Oliver G. Gilbert, III, Vice-Chairman	aye		
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	absent
Eileen Higgins	aye	Kionne L. McGhee	aye
Jean Monestime	aye	Raquel A. Regalado	aye
Rebeca Sosa	aye	Sen. Javier D. Souto	aye

The Chairperson thereupon declared this resolution duly passed and adopted this 15th day of November, 2022. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **Basia Pruna**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

CJW

Christopher J. Wahl

Exhibit 1

THE GOLDSTEIN ENVIRONMENTAL LAW FIRM, P.A.
Brownfields, Transactions, Due Diligence, Development, Permitting, Cleanups & Compliance

2100 Ponce de Leon Boulevard, Suite 710
Coral Gables, Florida 33134
Telephone: (305) 777-1680
www.goldsteinenvlaw.com

Brett C. Brumund, Esq.
Direct Dial: (305) 640-5300
Email: bbrumund@goldsteinenvlaw.com

August 22, 2022

Via Email

Ms. Freenette Williams, Business Development Specialist
Department of Regulatory & Economic Resources
Planning Research & Economic Analysis Section
111 NW 1st Street – 12th Floor
Miami, FL, 33130

Re: Request for Designation of the Property Located at SW 85th Street and SW 70th Avenue, Miami-Dade County, FL 33156 as a Brownfield Area Pursuant to §376.80(2)(c), Florida Statutes

Dear Ms. Williams:

On behalf of Fruit Joy Florida LLC (“FJF”), we are pleased to submit the enclosed Application for Brownfield Area Designation and supporting materials concerning the parcel located at the intersection of SW 85th Street and SW 70th Avenue, Miami-Dade County, FL 33156, occupying Folio Number 30-4035-000-1435 (the “Subject Property”), as a Brownfield Area pursuant to Chapter 376.80(2)(c), Florida Statutes.¹ FJF is redeveloping the Subject Property with a mixed-use multifamily residential rental community with 840 residential units and 11,673 square feet of retail space. The completed development will have an estimated cost of approximately \$490 million. A legal description and property card depicting the Subject Property’s location are enclosed at Exhibit B.

FJF is applying for the Brownfield Area Designation due to the presence of actual contamination on the Subject Property likely resulting from its historical use as a railroad corridor. This has required that FJF incur significant time and expense to further evaluate the environmental risk associated with redevelopment. The designation has thus become a key part of this ambitious

¹ A copy of the Miami-Dade County (the “County”) Application for Brownfield Designation is enclosed at Exhibit A.

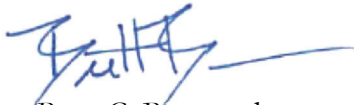
Ms. Freenette William, Business Development Specialist
August 22, 2022
Page 2

project's ultimate viability by enabling FJF to access certain regulatory and economic incentives to mitigate and manage the risk and expense associated with the contamination or the possibility of discovery of additional contamination and the necessary response.

In considering a request for designation, a local government must evaluate and apply the criteria set forth in Chapter 376.80(2)(c), Florida Statutes. As reflected in the Statement of Eligibility incorporated herein at Exhibit C, FJF meets such statutory criteria. Accordingly, based on the foregoing, we respectfully request that staff recommend approval. Of course, as you evaluate the application and supporting materials, please feel free to contact us with any questions or should further information be required. Thank you.

Very truly yours,

THE GOLDSTEIN ENVIRONMENTAL LAW FIRM, P.A.



Brett C. Brumund
/bcb

Enclosures

cc: Fruit Joy Florida LLC

Exhibit A



**MIAMI DADE COUNTY BROWNFIELD REDEVELOPMENT PROGRAM
APPLICATION FOR BROWNFIELD DESIGNATION**

Please complete this form to initiate the Brownfield designation process. It is important to complete all applicable sections and attach all necessary information. If you have any questions concerning completion of this Application or wish to schedule a Pre-Application Meeting, please call (305) 375-1254 and ask for a Brownfield Representative.

I. PROPERTY INFORMATION

Property Address SW 85th Street and SW 70th Avenue

Property Name The Line

City Unincorporated State FL Zip Code 33156

Property Size (acres/square feet) 1.6990 acres

Parcel Number(s) N/A

Folio Number 30-4035-000-1435

Zoning DKUC

DERM File Number HWR-908

FDEP File Number N/A

Name of Applicant's Interest in Property

 X Owner
 Tenant
 Under Contract
 Option to Purchase/Lease
 Letter of Intent
 Other (If so, please describe briefly: _____)

Is property subject to an enforcement action under the Comprehensive Environmental Compensation or Liability Act, the Resource Conservation and Recovery Act, or Chapter 376 or 403, Florida Statutes?

No.

If so, please provide a brief description of the material facts and circumstances associated with such action(s).

N/A

If the project consists of an assemblage, please include all property information for each additional parcel as an attachment, including legal descriptions.

Describe all outstanding property taxes due on the property.

None.

Describe all liens on the property.

First Mortgage

II. PROJECT DESCRIPTION

Briefly describe the project and the anticipated redevelopment plan.

The Line project will consist of 840 multifamily residential rental units with 11,673 square feet of retail space.

Briefly describe the environmental conditions and issues associated with the project.

Soils on the Property are impacted by arsenic at concentrations above the Soil Cleanup Target Levels for residential use. The contamination is likely the result of the Subject Property's historical use as a railroad corridor. Please see the Eligibility Statement enclosed at Exhibit C for additional information.

Briefly describe any anticipated plans for assessment and remediation of the environmental conditions associated with the property.

Soil and groundwater assessment will continue to fully delineate contaminants in support of future remediation, which may include managing and encapsulating impacted soil in support of a conditional closure.

Will your project require a change in zoning and /or the County's Comprehensive Plan? If so, please provide a brief description of the material facts and circumstances associated with such change(s).

No.

Please attach a statement demonstrating that the project currently qualifies for designation as a Brownfield Area under the Florida Brownfield Redevelopment Act (or will qualify prior to the date the item is brought before the County Commission). Note that reasonable assurances must be provided by the Applicant that sufficient financial resources are available to implement and complete a rehabilitation agreement and redevelopment plan. Accordingly, your statement must outline the financial resources that are available in this regard.

If you intend to apply for the Brownfield Job Refund Bonus or the Brownfield Economic Development Initiative (Revolving Loan Fund), please indicate so by attaching a statement that discusses why you believe your project qualifies. Note: A separate application process exists for these programs.

Please attach any non confidential environmental assessment documentation associated with the project, including Phase I and Phase II Reports, Site Assessment Reports, and Remedial Action Plans.

III. APPLICANT INFORMATION

Name Fruit Joy Florida LLC

Address 400 Park Avenue

City New York State NY Zip Code 10022

Phone (305) 640-5300 Fax N/A E-Mail bbrumund@goldsteinenvlaw.com

Ownership Interest
in Property Owner

Legal Status of the Applicant:

_____ Individual /Sole Proprietorship _____ General Partnership DE State
X Limited Liability Company _____ Limited Partnership
_____ Florida Corporation
_____ Out-of-State Corporation State of Incorporation _____

Name of current Property owner if different from Applicant N/A

Address _____

City _____ State _____ Zip Code _____

Phone _____ Fax _____ E-Mail _____

Legal Status of the Current Property Owner (s): Same as Applicant.

_____ Individual /Sole Proprietorship _____ General Partnership _____ State
_____ Limited Liability Company _____ Limited Partnership
_____ Florida Corporation
_____ Out-of-State Corporation State of Incorporation _____

If the current property owner is not the applicant, please attach an affidavit from the current owner that it does not object to designation of the Property as a Brownfield Area under the Florida Brownfield Redevelopment Act.

IV. SERVICES TO BE PROVIDED

Have you requested a Brownfield Meeting prior to completing this application? X Yes
_____ No

In order to better assist you, please check the type of designation you are requesting and the type of assistance/incentives (check all that apply) you are seeking through this designation:

Type of Designation: _____ Several parcels X Single parcel

Type of Assistance/Incentives requested:

- ☒ Regulatory Assistance (aid for meeting government agency permitting requirements)
- ☐ Technical Assistance (aid in obtaining grants, loans, etc.)
- ☐ Grants (gap financing for Brownfield remediation)
- ☐ Loan (remediation loan funds)
- ☒ Tax Credits/Exemptions due to Brownfield Area Designation
- ☐ Job Creation Tax Refund due to Brownfield Area Designation

Other (please describe):

Return completed form and attachments to:

Office of Economic Development and International Trade

111 NW 1st Street – 19th Floor

Miami, FL 33128

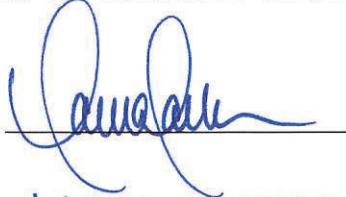
305 375-1254

<http://www.miamidade.gov/oedit/>

V. CERTIFICATION

The contents of this application shall be considered public records held by Miami Dade County and upon submittal becomes the property of Miami Dade County. The undersigned affirms that the information contained in this application is true and accurate.

Applicant's Signature:



Date:

August 22, 2022

Print / Type Name:

LAURA TAUBER

Exhibit B

LEGAL DESCRIPTION

(Folio Number 30-4035-000-1435)

A parcel of land lying in the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 35, Township 54 South, Range 40 East, being more particularly described as follows:

COMMENCE at the Southwest corner of the Southeast $\frac{1}{4}$ of said Section 35; thence N04°05'53"W along the West line of the Southeast $\frac{1}{4}$ of said Section 35 for 50.00 feet thence N85°32'37"E, parallel with the South line of the Southeast $\frac{1}{4}$ of said Section 35 for 23.79 feet; thence N45°46'37"E for 27.66 feet; thence N44°13'23"W for 14.59 feet; thence N40°10'22"E, along the Easterly line of Tract "D", "PALMETTO-KENDAL HEIGHTS", according to the plat thereof as recorded in Plat Book 70, Page 47 of the Public Records of Miami-Dade County, Florida and the Westerly Right of Way line of the Florida East Coast Railway for 79.70 feet to the point of curvature of a circular curve to the left; thence Northeasterly along the continuation of the last described course and along the arc of said circular curve having a radius of 2814.93 feet and a central angle of 8°49'12" for 433.32 feet to the POINT OF BEGINNING of the following described parcel; thence continue along the Easterly line of said Tract "D" and the Westerly Right of Way line of the Florida East Coast Railway and along the arc of said circular curve to the left having a radius of 2814.93 feet and a central angle of 12°51'56" for 632.08 feet to the Northeast corner of said Tract "D"; thence continue along the Westerly Right of Way line of the Florida East Coast Railway and along the arc of said circular curve to the left having a radius of 2814.93 feet and a central angle of 0°13'45" for 11.27 feet; thence N04°05'03"W along the Right of Way line of the Snapper Creek Canal (Canal C-2) for 52.23 feet; thence S85°51'36"E, along the Southerly Right of Way line of said Snapper Creek Canal for 114.01 feet; thence S11°08'58"W along the Westerly line of Tract "A" and the Easterly Right of Way line of the Florida East Coast Railway as shown on "DADELAND NORTH METRORAIL STATION" according to the plat thereof as recorded in Plat Book 147, Page 55 of the Public Records of Miami-Dade County, Florida for 85.43 feet to a point on a circular curve concave Northwesterly, said point bearing S71°49'09"E from the center point of said curve; thence Southwesterly along said Westerly line of said Tract "A" and Easterly Right of Way line of the Florida East Coast Railway and along the arc of a circular curve to the right having a radius of 2914.93 feet and a central angle of 12°42'55" for 646.89 feet; thence S45°46'43"W along the Northwesterly Metrorail Right of Way line as shown on said plat of "DADELAND NORTH METRORAIL STATION" for 11.59 feet; thence N58°38'51"W along the Northeasterly line of Parcel No. 7S 000.56 as described in Official Records Book 10940, Page 339 of the Public Records of Miami-Dade County, Florida and the Southeasterly extension of said line, for 101.14 feet to the POINT OF BEGINNING.

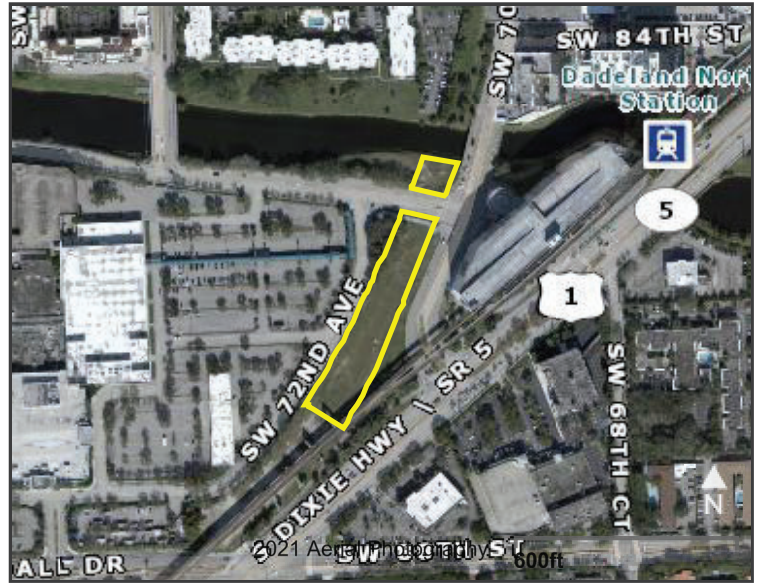


OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 8/9/2022

Property Information	
Folio:	30-4035-000-1435
Property Address:	
Owner	FRUIT JOY FLORIDA LLC
Mailing Address	400 PARK AVE NEW YORK, NY 10022 USA
PA Primary Zone	6114 DKUC CORE SUB DISTRICT
Primary Land Use	4081 VACANT LAND - INDUSTRIAL : VACANT LAND
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0 Sq.Ft
Living Area	0 Sq.Ft
Adjusted Area	0 Sq.Ft
Lot Size	71,573 Sq.Ft
Year Built	0



Assessment Information			
Year	2022	2021	2020
Land Value	\$6,095,720	\$4,580,029	\$4,652,245
Building Value	\$0	\$0	\$0
XF Value	\$0	\$0	\$0
Market Value	\$6,095,720	\$4,580,029	\$4,652,245
Assessed Value	\$5,038,031	\$4,580,029	\$4,652,245

Benefits Information				
Benefit	Type	2022	2021	2020
Non-Homestead Cap	Assessment Reduction	\$1,057,689		
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Short Legal Description	
35 54 40 1.639 AC M/L	
COMM AT SW COR OF SE1/4 OF SEC 35	
TH N 04 DEG W 50FT N 5 DEG E	
23.79FT N 45 DEG E 27.66FT N 44	
DEG W 14.59FT N 40 DEG E 79.70FT	

Taxable Value Information			
	2022	2021	2020
County			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$5,038,031	\$4,580,029	\$4,652,245
School Board			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$6,095,720	\$4,580,029	\$4,652,245
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$0	\$0	\$0
Regional			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$5,038,031	\$4,580,029	\$4,652,245

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
04/14/2022	\$31,900,000	33142-4293	Qual by exam of deed
12/16/2015	\$13,000,000	29893-3031	Qual by exam of deed
08/24/2015	\$100	29876-2798	Corrective, tax or QCD; min consideration
12/01/2007	\$100	26134-3282	Sales which are disqualified as a result of examination of the deed

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:

MDC023

Exhibit C

Brownfield Area Designation Eligibility Statement

The Line Green Reuse Area

Southwest 85th Street and Southwest 70th Avenue, Miami-Dade County, Florida 33156

Folio Number 30-4035-000-1435

Fruit Joy Florida LLC ("FJF") proposes to redevelop and rehabilitate one parcel of land located at the intersection of Southwest 85th Street and Southwest 70th Avenue, Miami, Florida occupying Folio Number 30-4035-000-1435 (the "Subject Property") as a mixed-use multifamily residential rental community with 840 residential units and 11,673 square feet of retail space (the "Project").¹ As demonstrated herein, the Project meets all five of the applicable brownfield area designation criteria set forth at Section 376.80(2)(c), Florida Statutes.² In addition, the Subject Property meets the definition of a "brownfield site" pursuant to Section 376.79(4), Florida Statutes.

I. Subject Property Satisfies the Statutory Criteria for Designation

1. Agreement to Redevelop the Brownfield Site. As the first requirement for designation, Florida Statutes § 376.80(2)(c)(1) provides that "[a] person who owns or controls a potential brownfield site is requesting the designation and has agreed to rehabilitate and redevelop the brownfield site."

FJF satisfies this criterion in that it owns the Subject Property and has agreed to redevelop and rehabilitate it.³ Accordingly, FJF meets this first criterion.

2. Economic Productivity. As the second requirement for designation, Florida Statutes § 376.80(2)(c)(2) provides that "[t]he rehabilitation and redevelopment of the proposed brownfield site will result in economic productivity of the area, along with the creation of at least 5 new permanent jobs at the brownfield site that are full-time equivalent positions not associated with the implementation of the rehabilitation agreement or an agreement and that are not associated with redevelopment project demolition or construction activities pursuant to the redevelopment of the proposed brownfield site or area. However, the job creation requirement shall not apply to the rehabilitation and redevelopment of a brownfield site that will provide affordable housing as defined in s. 420.0004 or the creation of recreational areas, conservation areas, or parks."

FJF satisfies this criterion in that the Project will result in significant economic productivity of the area. The budget for rehabilitation and redevelopment is approximately \$490 million, which will be spent in part on local labor, contractors, consultants, construction materials, furnishings, infrastructure improvements, and impact fees. This work will support approximately 700 temporary construction jobs over the period of development. The construction workers will spend a percentage of their salaries with local merchants who, in turn, will reinvest locally in their respective businesses, as well as the businesses of other local merchants.

Additionally, the recognized literature regarding the local benefits produced by the development of multifamily developments shows that this type of development substantially contributes to the economic productivity of an area in the form of increased property taxes, stimulation of the local economy by residents, and transformation of vacant land into economically productive communities. For example, in The National Association of Home Builders' ("NAHB") landmark study, The Economic Impact of Home

¹ The Subject Property survey can be found at Attachment A to this Eligibility Statement.

² A copy of § 376.80, Florida Statutes, can be found at Attachment B to this Eligibility Statement.

³ The deed for the Subject Property can be found at Attachment C to this Eligibility Statement.

Building in a Typical State,⁴ NAHB published models that estimate the local economic benefits of single-family developments and multifamily developments. These models capture the effect of the construction activity itself, the positive economic ripple effect that occurs when income earned from construction activity is spent and recycled in the local economy, and the ongoing beneficial impacts that result from the new apartments becoming occupied by residents. On a quantitative basis, the results are even more impressive. According to the NAHB report, the estimated one-year impacts of building 100 multifamily residential rental apartments include the following:

- *\$11.7 million in local income*
- *161 local jobs*

According to the report, these one-year impacts include both the direct and indirect impact of the construction activity itself, and the impact of local residents who earn money from the construction activity spending part of it within the local area's economy. Moreover, on a recurring basis, the economic impacts of building 100 residential rental apartments include the following:

- *\$2.6 million in local income*
- *44 local jobs*

Extrapolating the NAHB model data to the redevelopment planned for the Subject Property, the year of construction and annual recurring impacts based on 840 residential units would be as follows:

Economic Productivity for the The Line Development – Year of Construction

\$98.3 million in local income
1,352 local jobs

Economic Productivity for the The Line Development – Annually Recurring

\$21.8 million in local income
370 local jobs

In addition to the significant economic productivity to be generated by the Project's residential component alone, the Project is anticipated to create up to 50 permanent, full-time equivalent ("FTE") positions not associated with the implementation of the rehabilitation agreement and not associated with redevelopment project demolition or construction activities, which will exceed the statutory job creation requirement. This includes permanent jobs that will facilitate operation of the development itself and jobs created by the Project's retail component. Such job creation will result in the payment of significant payroll taxes and salaries, thereby benefitting the local economy and increasing the economic productivity of the area. Accordingly, FJF meets this second criterion.

3. Consistency with Local Comprehensive Plan and Permittable Use under Local Land Development Regulations. As the third requirement for designation, Florida Statutes § 376.80(2)(c)(3) provides that "[t]he redevelopment of the proposed brownfield site is consistent with the local comprehensive plan and is a permittable use under the applicable local land development regulations."

FJF satisfies this criterion in that the Subject Property is being developed in accordance with the Downtown Kendal Urban Center requirements at Article XXXIII(1) of the Miami-Dade County (the "County") Code and the County Comprehensive Development Master Plan.⁵

⁴ A complete copy of the NAHB report may be accessed here: <https://www.nahb.org/-/media/NAHB/news-and-economics/docs/housing-economics/economic-impact/economic-impact-local-area-2015.pdf>.

⁵ Please see Zoning Ordinance amendment section 33-284.62 of the County Code at Attachment D.

4. Public Notice and Comment. Florida Statutes § 376.80(2)(c)(4) stipulates that "[n]otice of the proposed rehabilitation of the brownfield area has been provided to neighbors and nearby residents of the proposed area to be designated, and the person proposing the area for designation has afforded to those receiving notice the opportunity for comments and suggestions about rehabilitation. Notice pursuant to this subsection must be posted in the affected area." Additional notice requirements pertaining to applicants other than a governmental entity can be found at Florida Statutes § 376.80(1)(c)(4)(b) and consist of publication in a newspaper of general circulation in the area, publication in ethnic newspapers or local community bulletins, and announcement at a scheduled meeting of the local governing body before the actual public hearing.

FJF satisfies all applicable notice and opportunity to comment requirements established by Florida Statutes §376.80(2)(c)(4) and § 376.80(1)(c)(4)(b) as follows:

- (i) a virtual community meeting for purposes of affording interested parties the opportunity to provide comments and suggestions about the potential designation will be held, at a date to be announced;*
- (ii) notice of the request to designate the Subject Property a Brownfield Area and of the virtual community meeting will be posted at the Subject Property;*
- (iii) notice of the request to designate the Subject Property a Brownfield Area and of the virtual community meeting will be published in the Miami Herald; and*
- (iv) notice of the request to designate the Subject Property a Brownfield Area and of the virtual community meeting will be published in a local community bulletin.*

All notices will contain substantially the following narrative:

Representatives for Fruit Joy Florida, LLC will hold a virtual community meeting, date to be announced, from 5:30 p.m. to 7:00 p.m. for the purpose of affording interested parties the opportunity to provide comments and suggestions about the potential designation of one parcel of land located at the intersection of Southwest 85th Street and Southwest 70th Avenue, Miami, Florida occupying Folio Number 30-4035-000-1435, as a Brownfield Area. The designation is being made pursuant to Section 376.80, Florida Statutes, of Florida's Brownfield Redevelopment Act, and will involve two public hearings before the Miami-Dade County Board of County Commissioners. The virtual community meeting will also address future development and rehabilitation activities planned for the site.

The virtual community meeting, which will also address future development and rehabilitation activities planned for the site, is free and open to all members of the public. Please register at [https:// bit.ly/ gelfffj](https://bit.ly/gelfffj) or call (305) 640-5300 before the meeting to receive instructions for accessing the virtual meeting. For additional instructions on how to join, or to provide comments and suggestions regarding designation, development, or rehabilitation at any time before or after the meeting date, please contact Fruit Joy Florida, LLC's representatives, Michael R. Goldstein or Brett C. Brumund who can be reached by phone at (305) 640-5300, by email at bbrumund@goldsteinenvlaw.com, and/or U.S. Mail at The Goldstein Environmental Law Firm, P.A., 2100 Ponce de Leon Blvd., Suite 710, Coral Gables, FL 33134.

Proof of publication or posting, as appropriate, will be provided to the County.

5. Reasonable Financial Assurance. As the fifth requirement for designation, Florida Statutes § 376.80(2)(c)(5) provides that "[t]he person proposing the area for designation has provided reasonable assurance that he or she has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment plan."

The total capital budget of approximately \$490 million for the Project is to be fully funded through a combination of debt financing, equity, and the financial resources of FJF's affiliates and principals.⁶ FJF's principal, Macklowe Properties ("Macklowe"), has an extensive history in constructing and managing luxury housing communities and office buildings. Macklowe has an impressive portfolio, including over 4.5 million square feet of office and apartment buildings in Manhattan, New York and over 3,000 residential and hotel units. The success of previous projects, the magnitude of the capital previously raised, the quality of the development previously achieved, and the resources of its principal provide reasonable assurances that FJF has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment plan. It therefore satisfies the fifth criterion.

II. Subject Property Meets the Definition of Brownfield Site

Section 376.79(4), Florida Statutes, defines "brownfield site" to mean ". . . real property, the expansion, redevelopment, or reuse of which may be complicated by actual or perceived environmental contamination." The facts here clearly reflect that the Subject Property falls within the definition of the term "brownfield site" in that actual contamination is present in soils on the Subject Property that will significantly complicate redevelopment. Specifically, site assessment activities conducted at the Subject Property identified concentrations of arsenic and benzo(a)pyrene ("BaP") in soil that exceed the applicable direct exposure soil cleanup target levels for residential use.⁷ Arsenic and BaP contamination is consistent with the Subject Property's historical use as a railroad corridor and likely stems from the historically industry-standard practice of using arsenical herbicides and treated railroad ties, and from fuel combustion products generated by locomotives. FJF must now carefully address the presence of the contaminated soil through continued site assessment activities and by eventually undertaking measures that may include removing or encapsulating the contaminated material. As such, FJF faces significant additional redevelopment costs that are difficult to quantify at the start of redevelopment and must also work within a strict regulatory framework that exists to ensure contamination is properly and safely managed. To accomplish this, FJF will be required to carefully manage the contamination at all stages of the redevelopment, imposing great legal and financial risk, by incorporating design and construction changes on the Project that would not be required but for the presence of actual contamination.⁸

In sum, the presence of actual contamination imposes a material level of regulatory, construction, and legal liability risk, complicates redevelopment efforts, and requires significant time and money for environmental, engineering, and legal consultants to properly investigate and address. Accordingly, this designation, if granted, will allow FJF to access limited but important state-based economic incentives to help underwrite the unanticipated and unbudgeted costs associated with managing the environmental risk as well as, generally, to put the Project on a more certain financial ground. In this sense, the designation will not only play a critical

⁶ See Financial Assurances Letter from FJF's Manager certifying that FJF has sufficient financial resources to complete rehabilitation and redevelopment at Attachment E.

⁷ Please see DERM's regulatory file for documentation of the contamination at the Subject Property, including a Phase II Environmental Site Assessment Report prepared by Langan Engineering and Environmental Services, Inc., dated January 24, 2019, at the following link: https://ecmrer.miamidade.gov/hpi/search/default/proc_document/?paramName=cs_casenum¶mValue=HWR=00908¶mType=property/paramName=proc_document¶mValue=proc_document¶mType=type&pageNumber=1&sortAttr=cs_folio&sortOrder=-1

⁸ Onsite soil contamination will require special handling and very specific regulatory approvals. Soil management during construction activities would be subject to a level of environmental review and scrutiny that would not otherwise apply to a clean site, in addition to considerable extra costs and scheduling delays. These risks and expenses greatly complicate redevelopment of the Subject Property.

role in the successful redevelopment of the Subject Property, but also in the larger revitalization efforts for this area of the County.

Based on all the foregoing, the Subject Property clearly falls within the definition of “brownfield site” as set forth in § 376.79(4), Florida Statutes.

III. Conclusion

FJF has demonstrated that the Subject Property meets the definition of a “brownfield site” and that it satisfies the five statutory criteria for designation. Accordingly, designation of the Subject Property as a brownfield area pursuant to § 376.80(2)(c), Florida Statutes, of Florida’s Brownfield Redevelopment Act is appropriate.

Attachment A

Attachment B

Select Year: 2021 ▼

The 2021 Florida Statutes

[Title XXVIII](#)
NATURAL RESOURCES; CONSERVATION,
RECLAMATION, AND USE

[Chapter 376](#)
POLLUTANT DISCHARGE PREVENTION
AND REMOVAL

[View Entire
Chapter](#)

376.80 Brownfield program administration process.—

(1) The following general procedures apply to brownfield designations:

(a) The local government with jurisdiction over a proposed brownfield area shall designate such area pursuant to this section.

(b) For a brownfield area designation proposed by:

1. The jurisdictional local government, the designation criteria under paragraph (2)(a) apply, except if the local government proposes to designate as a brownfield area a specified redevelopment area as provided in paragraph (2)(b).

2. Any person, other than a governmental entity, including, but not limited to, individuals, corporations, partnerships, limited liability companies, community-based organizations, or not-for-profit corporations, the designation criteria under paragraph (2)(c) apply.

(c) Except as otherwise provided, the following provisions apply to all proposed brownfield area designations:

1. Notification to department following adoption.—A local government with jurisdiction over the brownfield area must notify the department, and, if applicable, the local pollution control program under s. [403.182](#), of its decision to designate a brownfield area for rehabilitation for the purposes of ss. [376.77-376.86](#). The notification must include a resolution adopted by the local government body. The local government shall notify the department, and, if applicable, the local pollution control program under s. [403.182](#), of the designation within 30 days after adoption of the resolution.

2. Resolution adoption.—The brownfield area designation must be carried out by a resolution adopted by the jurisdictional local government, which includes a map adequate to clearly delineate exactly which parcels are to be included in the brownfield area or alternatively a less-detailed map accompanied by a detailed legal description of the brownfield area. For municipalities, the governing body shall adopt the resolution in accordance with the procedures outlined in s. [166.041](#), except that the procedures for the public hearings on the proposed resolution must be in the form established in s. [166.041\(3\)\(c\)2](#). For counties, the governing body shall adopt the resolution in accordance with the procedures outlined in s. [125.66](#), except that the procedures for the public hearings on the proposed resolution shall be in the form established in s. [125.66\(4\)\(b\)](#).

3. Right to be removed from proposed brownfield area.—If a property owner within the area proposed for designation by the local government requests in writing to have his or her property removed from the proposed designation, the local government shall grant the request.

4. Notice and public hearing requirements for designation of a proposed brownfield area outside a redevelopment area or by a nongovernmental entity. Compliance with the following provisions is required before designation of a proposed brownfield area under paragraph (2)(a) or paragraph (2)(c):

a. At least one of the required public hearings shall be conducted as closely as is reasonably practicable to the area to be designated to provide an opportunity for public input on the size of the area, the objectives for rehabilitation, job opportunities and economic developments anticipated, neighborhood residents' considerations, and other relevant local concerns.

b. Notice of a public hearing must be made in a newspaper of general circulation in the area, must be made in ethnic newspapers or local community bulletins, must be posted in the affected area, and must be announced at a scheduled meeting of the local governing body before the actual public hearing.

(2)(a) *Local government-proposed brownfield area designation outside specified redevelopment areas.*—If a local government proposes to designate a brownfield area that is outside a community redevelopment area, enterprise zone, empowerment zone, closed military base, or designated brownfield pilot project area, the local government shall provide notice, adopt the resolution, and conduct public hearings pursuant to paragraph (1)(c). At a public hearing to designate the proposed brownfield area, the local government must consider:

1. Whether the brownfield area warrants economic development and has a reasonable potential for such activities;
2. Whether the proposed area to be designated represents a reasonably focused approach and is not overly large in geographic coverage;
3. Whether the area has potential to interest the private sector in participating in rehabilitation; and
4. Whether the area contains sites or parts of sites suitable for limited recreational open space, cultural, or historical preservation purposes.

(b) *Local government-proposed brownfield area designation within specified redevelopment areas.*—Paragraph (a) does not apply to a proposed brownfield area if the local government proposes to designate the brownfield area inside a community redevelopment area, enterprise zone, empowerment zone, closed military base, or designated brownfield pilot project area and the local government complies with paragraph (1)(c).

(c) *Brownfield area designation proposed by persons other than a governmental entity.*—For designation of a brownfield area that is proposed by a person other than the local government, the local government with jurisdiction over the proposed brownfield area shall provide notice and adopt a resolution to designate the brownfield area pursuant to paragraph (1)(c) if, at the public hearing to adopt the resolution, the person establishes all of the following:

1. A person who owns or controls a potential brownfield site is requesting the designation and has agreed to rehabilitate and redevelop the brownfield site.
2. The rehabilitation and redevelopment of the proposed brownfield site will result in economic productivity of the area, along with the creation of at least 5 new permanent jobs at the brownfield site that are full-time equivalent positions not associated with the implementation of the brownfield site rehabilitation agreement and that are not associated with redevelopment project demolition or construction activities pursuant to the redevelopment of the proposed brownfield site or area. However, the job creation requirement does not apply to the rehabilitation and redevelopment of a brownfield site that will provide affordable housing as defined in s. 420.0004 or the creation of recreational areas, conservation areas, or parks.
3. The redevelopment of the proposed brownfield site is consistent with the local comprehensive plan and is a permissible use under the applicable local land development regulations.
4. Notice of the proposed rehabilitation of the brownfield area has been provided to neighbors and nearby residents of the proposed area to be designated pursuant to paragraph (1)(c), and the person proposing the area for designation has afforded to those receiving notice the opportunity for comments and suggestions about rehabilitation. Notice pursuant to this subparagraph must be posted in the affected area.
5. The person proposing the area for designation has provided reasonable assurance that he or she has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment of the brownfield site.

(d) *Negotiation of brownfield site rehabilitation agreement.*—The designation of a brownfield area and the identification of a person responsible for brownfield site rehabilitation simply entitles the identified person to negotiate a brownfield site rehabilitation agreement with the department or approved local pollution control program.

(3) When there is a person responsible for brownfield site rehabilitation, the local government must notify the department of the identity of that person. If the agency or person who will be responsible for the coordination

changes during the approval process specified in subsections (4), (5), and (6), the department or the affected approved local pollution control program must notify the affected local government when the change occurs.

(4) Local governments or persons responsible for rehabilitation and redevelopment of brownfield areas must establish an advisory committee or use an existing advisory committee that has formally expressed its intent to address redevelopment of the specific brownfield area for the purpose of improving public participation and receiving public comments on rehabilitation and redevelopment of the brownfield area, future land use, local employment opportunities, community safety, and environmental justice. Such advisory committee should include residents within or adjacent to the brownfield area, businesses operating within the brownfield area, and others deemed appropriate. The person responsible for brownfield site rehabilitation must notify the advisory committee of the intent to rehabilitate and redevelop the site before executing the brownfield site rehabilitation agreement, and provide the committee with a copy of the draft plan for site rehabilitation which addresses elements required by subsection (5). This includes disclosing potential reuse of the property as well as site rehabilitation activities, if any, to be performed. The advisory committee shall review any proposed redevelopment agreements prepared pursuant to paragraph (5)(i) and provide comments, if appropriate, to the board of the local government with jurisdiction over the brownfield area. The advisory committee must receive a copy of the executed brownfield site rehabilitation agreement. When the person responsible for brownfield site rehabilitation submits a site assessment report or the technical document containing the proposed course of action following site assessment to the department or the local pollution control program for review, the person responsible for brownfield site rehabilitation must hold a meeting or attend a regularly scheduled meeting to inform the advisory committee of the findings and recommendations in the site assessment report or the technical document containing the proposed course of action following site assessment.

(5) The person responsible for brownfield site rehabilitation must enter into a brownfield site rehabilitation agreement with the department or an approved local pollution control program if actual contamination exists at the brownfield site. The brownfield site rehabilitation agreement must include:

(a) A brownfield site rehabilitation schedule, including milestones for completion of site rehabilitation tasks and submittal of technical reports and rehabilitation plans as agreed upon by the parties to the agreement.

(b) A commitment to conduct site rehabilitation activities under the observation of professional engineers or geologists who are registered in accordance with the requirements of chapter 471 or chapter 492, respectively. Submittals provided by the person responsible for brownfield site rehabilitation must be signed and sealed by a professional engineer registered under chapter 471, or a professional geologist registered under chapter 492, certifying that the submittal and associated work comply with the law and rules of the department and those governing the profession. In addition, upon completion of the approved remedial action, the department shall require a professional engineer registered under chapter 471 or a professional geologist registered under chapter 492 to certify that the corrective action was, to the best of his or her knowledge, completed in substantial conformance with the plans and specifications approved by the department.

(c) A commitment to conduct site rehabilitation in accordance with department quality assurance rules.

(d) A commitment to conduct site rehabilitation consistent with state, federal, and local laws and consistent with the brownfield site contamination cleanup criteria in s. 376.81, including any applicable requirements for risk-based corrective action.

(e) Timeframes for the department's review of technical reports and plans submitted in accordance with the agreement. The department shall make every effort to adhere to established agency goals for reasonable timeframes for review of such documents.

(f) A commitment to secure site access for the department or approved local pollution control program to all brownfield sites within the eligible brownfield area for activities associated with site rehabilitation.

(g) Other provisions that the person responsible for brownfield site rehabilitation and the department agree upon, that are consistent with ss. 376.77-376.86, and that will improve or enhance the brownfield site rehabilitation process.

(h) A commitment to consider appropriate pollution prevention measures and to implement those that the person responsible for brownfield site rehabilitation determines are reasonable and cost-effective, taking into

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account the ultimate use or uses of the brownfield site. Such measures may include improved inventory or production controls and procedures for preventing loss, spills, and leaks of hazardous waste and materials, and include goals for the reduction of releases of toxic materials.

(i) Certification that the person responsible for brownfield site rehabilitation has consulted with the local government with jurisdiction over the brownfield area about the proposed redevelopment of the brownfield site, that the local government is in agreement with or approves the proposed redevelopment, and that the proposed redevelopment complies with applicable laws and requirements for such redevelopment. Certification shall be accomplished by referencing or providing a legally recorded or officially approved land use or site plan, a development order or approval, a building permit, or a similar official document issued by the local government that reflects the local government's approval of proposed redevelopment of the brownfield site; providing a copy of the local government resolution designating the brownfield area that contains the proposed redevelopment of the brownfield site; or providing a letter from the local government that describes the proposed redevelopment of the brownfield site and expresses the local government's agreement with or approval of the proposed redevelopment.

(6) Any contractor performing site rehabilitation program tasks must demonstrate to the department that the contractor:

- (a) Meets all certification and license requirements imposed by law; and
- (b) Will conduct sample collection and analyses pursuant to department rules.

(7) During the cleanup process, if the department or local program fails to complete review of a technical document within the timeframe specified in the brownfield site rehabilitation agreement, the person responsible for brownfield site rehabilitation may proceed to the next site rehabilitation task. However, the person responsible for brownfield site rehabilitation does so at its own risk and may be required by the department or local program to complete additional work on a previous task. Exceptions to this subsection include requests for "no further action," "monitoring only proposals," and feasibility studies, which must be approved prior to implementation.

(8) If the person responsible for brownfield site rehabilitation fails to comply with the brownfield site rehabilitation agreement, the department shall allow 90 days for the person responsible for brownfield site rehabilitation to return to compliance with the provision at issue or to negotiate a modification to the brownfield site rehabilitation agreement with the department for good cause shown. If an imminent hazard exists, the 90-day grace period shall not apply. If the project is not returned to compliance with the brownfield site rehabilitation agreement and a modification cannot be negotiated, the immunity provisions of s. 376.82 are revoked.

(9) The department is specifically authorized and encouraged to enter into delegation agreements with local pollution control programs approved under s. 403.182 to administer the brownfield program within their jurisdictions, thereby maximizing the integration of this process with the other local development processes needed to facilitate redevelopment of a brownfield area. When determining whether a delegation pursuant to this subsection of all or part of the brownfield program to a local pollution control program is appropriate, the department shall consider the following. The local pollution control program must:

- (a) Have and maintain the administrative organization, staff, and financial and other resources to effectively and efficiently implement and enforce the statutory requirements of the delegated brownfield program; and
- (b) Provide for the enforcement of the requirements of the delegated brownfield program, and for notice and a right to challenge governmental action, by appropriate administrative and judicial process, which shall be specified in the delegation.

The local pollution control program shall not be delegated authority to take action on or to make decisions regarding any brownfield site on land owned by the local government. Any delegation agreement entered into pursuant to this subsection shall contain such terms and conditions necessary to ensure the effective and efficient administration and enforcement of the statutory requirements of the brownfield program as established by the act and the relevant rules and other criteria of the department.

(10) Local governments are encouraged to use the full range of economic and tax incentives available to facilitate and promote the rehabilitation of brownfield areas, to help eliminate the public health and

environmental hazards, and to promote the creation of jobs and economic development in these previously run-down, blighted, and underutilized areas.

(11)(a) The Legislature finds and declares that:

1. Brownfield site rehabilitation and redevelopment can improve the overall health of a community and the quality of life for communities, including for individuals living in such communities.
2. The community health benefits of brownfield site rehabilitation and redevelopment should be better measured in order to achieve the legislative intent as expressed in s. 376.78.
3. There is a need in this state to define and better measure the community health benefits of brownfield site rehabilitation and redevelopment.
4. Funding sources should be established to support efforts by the state and local governments, in collaboration with local health departments, community health providers, and nonprofit organizations, to evaluate the community health benefits of brownfield site rehabilitation and redevelopment.

(b) Local governments may and are encouraged to evaluate the community health benefits and effects of brownfield site rehabilitation and redevelopment in connection with brownfield areas located within their jurisdictions. Factors that may be evaluated and monitored before and after brownfield site rehabilitation and redevelopment include, but are not limited to:

1. Health status, disease distribution, and quality of life measures regarding populations living in or around brownfield sites that have been rehabilitated and redeveloped.
2. Access to primary and other health care or health services for persons living in or around brownfield sites that have been rehabilitated and redeveloped.
3. Any new or increased access to open, green, park, or other recreational spaces that provide recreational opportunities for individuals living in or around brownfield sites that have been rehabilitated and redeveloped.
4. Other factors described in rules adopted by the Department of Environmental Protection or the Department of Health, as applicable.

(c) The Department of Health may and is encouraged to assist local governments, in collaboration with local health departments, community health providers, and nonprofit organizations, in evaluating the community health benefits of brownfield site rehabilitation and redevelopment.

(12) A local government that designates a brownfield area pursuant to this section is not required to use the term “brownfield area” within the name of the brownfield area designated by the local government.

History.—s. 4, ch. 97-277; s. 3, ch. 98-75; s. 11, ch. 2000-317; s. 2, ch. 2004-40; s. 44, ch. 2005-2; s. 7, ch. 2006-291; s. 5, ch. 2008-239; s. 2, ch. 2014-114.

Attachment C

SPECIAL WARRANTY DEED

Prepared by:

Suzanne Amaducci-Adams, Esq.
Bilzin Sumberg, Baena Price & Axelrod LLP
1450 Brickell Avenue, 23rd Floor
Miami, Florida 33131

Return to:

Stewart Wolf, Esq.
Goldberg Weprin Finkel Goldstein LLP
1501 Broadway, 22nd Floor
New York, New York 10036

PARCEL# 30-4035-000-1435

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made and executed effective as of the 14th day of April, 2022, by Dadeland Apartments LLC, a Florida limited liability company, whose address is 1200 Brickell Avenue, Suite 1200, Brickell, Florida 33131 (hereinafter referred to as the "**Grantor**"), and Fruit Joy Florida LLC, a Delaware limited liability company, whose address is 400 Park Avenue, New York, New York 10022 (hereinafter referred to as the "**Grantee**").

WITNESSETH:

That said Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged by these presents does grant, bargain, sell, alien, remise, release, convey, and confirm unto the Grantee that certain piece, parcel or tract of land situated in Miami-Dade County, Florida, more particularly described as follows:

SEE ATTACHED EXHIBIT A OF THE LEGAL DESCRIPTION WHICH IS INCORPORATED HEREIN BY REFERENCE

TOGETHER WITH all improvements, tenements, hereditaments and appurtenances belonging or in any way appertaining to such real property, including any development rights or air rights (all of the foregoing being hereinafter referred to as the "**Subject Property**");

TO HAVE AND TO HOLD the Subject Property in fee simple forever; and the Grantor does hereby covenant with and warrant to the Grantee that the Grantor is lawfully seized of the Subject Property in fee simple; that the Grantor has good right and lawful authority to sell and convey the Subject Property; and that the Grantor fully warrants the title to the Subject Property and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor, but against none other.

THE conveyance made herein, however, is expressly made SUBJECT TO easements, restrictions and other matters of record, this reference to which shall not act to reimpose same, and taxes and assessments for the year 2022 and thereafter.

[Signature page follows]

IN WITNESS WHEREOF the Grantor has caused these presents to be executed in manner and form sufficient to bind it as of the day and year first above written.

Signed, sealed and delivered in the presence of:

GRANTOR:

DADELAND APARTMENTS LLC, a
Florida limited liability company

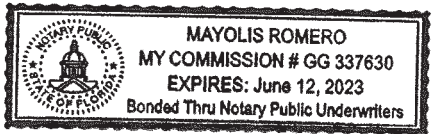
By: Euril Dadeland LLC, a Florida limited
liability company, its Managing
Member

By: [Signature]
Alan Ojeda, Manager

[Signature]
Witness Name: Mayolis Romero
[Signature]
Witness Name: Marie Chavarri

STATE OF FLORIDA)
) SS:
COUNTY OF MIAMI-DADE)

This instrument was acknowledged before me by means of X physical presence or _____ online notarization this 4th day of April, 2022, by Alan Ojeda, as Manager of Euril Dadeland LLC, a Florida limited liability company, the Managing Member of Dadeland Apartments LLC, a Florida limited liability company, on behalf of such limited liability company. He is _____ personally known to me or X produced a Florida driver's license as identification.



[Signature]
Notary Public
Printed Name: Mayolis Romero
Commission No.: GG337630
My Commission Expires: 6.12.2023
State of Florida at Large

(SEAL)

Exhibit A to Deed**LEGAL DESCRIPTION**

(Folio Number 30-4035-000-1435)

A parcel of land lying in the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 35, Township 54 South, Range 40 East, being more particularly described as follows:

COMMENCE at the Southwest corner of the Southeast $\frac{1}{4}$ of said Section 35; thence N04°05'53"W along the West line of the Southeast $\frac{1}{4}$ of said Section 35 for 50.00 feet thence N85°32'37"E, parallel with the South line of the Southeast $\frac{1}{4}$ of said Section 35 for 23.79 feet; thence N45°46'37"E for 27.66 feet; thence N44°13'23"W for 14.59 feet; thence N40°10'22"E, along the Easterly line of Tract "D", "PALMETTO-KENDAL HEIGHTS", according to the plat thereof as recorded in Plat Book 70, Page 47 of the Public Records of Miami-Dade County, Florida and the Westerly Right of Way line of the Florida East Coast Railway for 79.70 feet to the point of curvature of a circular curve to the left; thence Northeasterly along the continuation of the last described course and along the arc of said circular curve having a radius of 2814.93 feet and a central angle of 8°49'12" for 433.32 feet to the POINT OF BEGINNING of the following described parcel; thence continue along the Easterly line of said Tract "D" and the Westerly Right of Way line of the Florida East Coast Railway and along the arc of said circular curve to the left having a radius of 2814.93 feet and a central angle of 12°51'56" for 632.08 feet to the Northeast corner of said Tract "D"; thence continue along the Westerly Right of Way line of the Florida East Coast Railway and along the arc of said circular curve to the left having a radius of 2814.93 feet and a central angle of 0°13'45" for 11.27 feet; thence N04°05'03"W along the Right of Way line of the Snapper Creek Canal (Canal C-2) for 52.23 feet; thence S85°51'36"E, along the Southerly Right of Way line of said Snapper Creek Canal for 114.01 feet; thence S11°08'58"W along the Westerly line of Tract "A" and the Easterly Right of Way line of the Florida East Coast Railway as shown on "DADELAND NORTH METRORAIL STATION" according to the plat thereof as recorded in Plat Book 147, Page 55 of the Public Records of Miami-Dade County, Florida for 85.43 feet to a point on a circular curve concave Northwesterly, said point bearing S71°49'09"E from the center point of said curve; thence Southwesterly along said Westerly line of said Tract "A" and Easterly Right of Way line of the Florida East Coast Railway and along the arc of a circular curve to the right having a radius of 2914.93 feet and a central angle of 12°42'55" for 646.89 feet; thence S45°46'43"W along the Northwesterly Metrorail Right of Way line as shown on said plat of "DADELAND NORTH METRORAIL STATION" for 11.59 feet; thence N58°38'51"W along the Northeasterly line of Parcel No. 7S 000.56 as described in Official Records Book 10940, Page 339 of the Public Records of Miami-Dade County, Florida and the Southeasterly extension of said line, for 101.14 feet to the POINT OF BEGINNING.

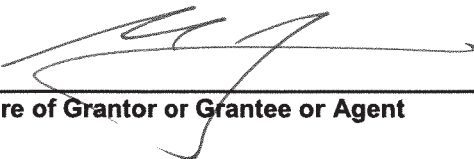


HARVEY RUVIN
CLERK OF THE CIRCUIT AND COUNTY COURTS
Miami-Dade County

Office of County Recorder
P.O. Box 011711
Miami, Florida 33101

PROPERTY TRANSFER INFORMATION

Please note that all deeds are subject to audit by the Florida Department of Revenue.

Submitter Information (Please Print)	
Individual/Organization/Firm Name: Michael A. Scott / First Nationwide Title Agency LLC	
Submitter Address: 220 East 42nd Street, 24th Floor, New York, NY 10017	
Phone: (646) 386-2688	Email: michael.scott@fnta.com
Property Information (Please Print)	
Folio Number or Property Address or Legal Description:	
30-4035-000-1435	
Grantor/Seller Names(s): Dadeland Apartments LLC, a Florida limited liability company	
Grantor/Seller Address: 1200 Brickell Avenue, Suite 1200, Brickell, Florida 33131	
Grantee/Buyer Name(s): Fruit Joy Florida LLC, a Delaware limited liability company	
Grantee/Buyer Address: 400 Park Avenue, New York, New York 10022	
Date of Sale/Transfer: 04/14/2022	☐ Single Family ☒ Commercial/Vacant
Sale/Transfer/Purchase Price/Consideration: \$ 31,900,000.00	
Is there an existing mortgage on the property? ☐ YES ☒ NO	
If yes, what is the balance of the mortgage at the time of the transfer; \$ _____	
Is this "Marital home" transfer pursuant to a divorce decree (Rule 12B-4.013(27)), Fl. Adm. Code)? ☐ YES ☒ NO	
Are you paying minimum documentary stamps (\$0.60)? ☒ YES ☐ NO	
If yes, please explain? Documentary Stamps due is \$191,400.00. Surtax due is \$143,550.00.	
<u>WARNING!</u>	
PLEASE NOTE: PAYING DOC STAMPS IS NOT OPTIONAL. YOU ARE REQUIRED TO PAY DOC STAMP TAX UNLESS YOU HAVE A VALID EXEMPTION. THE DEPARTMENT OF REVENUE ROUTINELY REVIEWS AND AUDITS DOCUMENTS TO ENSURE THAT PROPER TAX IS PAID. FAILURE TO PAY THE REQUIRED TAX MAY RESULT IN PENALTIES AND INTEREST (SECTION 201.17(2), FLORIDA STATUTES.	
Under penalty of perjury, I declare that I have read the foregoing form and that the facts stated in it are true. If prepared by someone other than the taxpayer, his/her declaration herein is based on all information of which he/she has any knowledge.	
	
Signature of Grantor or Grantee or Agent	
Michael A. Scott / First Nationwide Title Agency LLC	Clerk File(s) #(s): _____
Grantor/Grantee or Agent (Print Name)	

Attachment D

MEMORANDUM

CIOIC
Substitute to
Agenda Item No. 1(G)3

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: July 14, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to zoning
in the unincorporated area;
amending section 33-284.62
of the Code; revising Downtown
Kendall Urban Center Zoning
District regulations pertaining
to building height in the core
subdistrict along E and F streets

This substitute differs from the original version in that it: (1) allows the penthouse floorplate to be as large as the tower floorplate under certain conditions rather than requiring a reduced floorplate; (2) provides additional flexibility for the construction of parking garages within the required height under certain conditions; (3) makes technical changes; and (4) makes a conforming change to the recital clauses.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Raquel A. Regalado.


Geri Bonzon-Keenan
County Attorney

GBK/uw

Memorandum



Date: September 1, 2022

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Ordinance Relating to Revision of Downtown Kendall Urban Center Zoning District's Core

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County, as the proposed zoning changes will not require additional staffing resources nor generate additional operational expenses.

A handwritten signature in blue ink, appearing to read "Jimmy Morales".

Jimmy Morales
Chief Operations Officer

Memorandum



Date: September 1, 2022

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Social Equity Statement for Ordinance Amending Downtown Kendall Urban Center Zoning District Regulations

The proposed ordinance amends Section 33-284.62 of the Code of Miami-Dade County pertaining to the Downtown Kendall Urban Center Zoning District (DKUCD) regulations. More specifically, the proposed ordinance revises provisions relating to development that is in the "Core" Sub-District and located along type "E" or "F" streets. The DKUCD regulates development through the use of specific sub-districts and street types; the various combination of these establish the urban character of the district with each requiring different building features, setbacks, number of stories, and streetscape elements. The proposed amendment would permit buildings in the "Core" and along "E" or "F" streets to have a "penthouse" of up to five stories for a total building height of twenty-five stories where twenty stories is currently permitted. This is similar to other "Core" areas in the DKUCD where buildings of twenty-five stories are already permitted. See attached map.

The proposed ordinance furthers the county's policies that require higher-density development to occur along transit corridors; the areas affected are mainly located adjacent to the existing Metrorail guideway and the Dadeland North and Dadeland South Metrorail stations. As there are existing buildings of a similar height in close proximity to the areas where the "penthouse" floors are to be permitted, there is not anticipated to be any change in the character of the area different from redevelopment that has already occurred since the implementation of the DKUCD in 1999. Furthermore, an analysis of shadows cast from buildings with the increased height indicate that surrounding residential neighborhoods to the south and east are not impacted.


Jimmy Morales
Chief Operations Officer

221277

MDC047



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: September 1, 2022

FROM: 
Gen. Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No.

Veto _____

Override _____

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING IN THE UNINCORPORATED AREA; AMENDING SECTION 33-284.62 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING DOWNTOWN KENDALL URBAN CENTER ZONING DISTRICT REGULATIONS PERTAINING TO BUILDING HEIGHT IN THE CORE SUBDISTRICT ALONG E AND F STREETS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the County’s Comprehensive Development Master Plan (CDMP) designates the area surrounding the Dadeland North and South Metrorail Stations as the Downtown Kendall Metropolitan Urban Center (“DKUCD”), which calls for development as a diversified urban center that is to become a hub for future urban development intensification in a more compact and efficient urban form; and

WHEREAS, the CDMP also designates the DKUCD as a “regional activity center” pursuant to chapter 380, Florida Statutes, which further encourages higher development intensities; and

WHEREAS, the CDMP encourages increased density and intensity around rapid transit station sites, and the DKUCD’s Core subdistrict, which is closest to the Dadeland South Metrorail Station, accordingly provides for very intense mixed uses; and

WHEREAS, the Core subdistrict allows buildings along A, B, C, and D streets to develop up to 25 stories, but buildings along E and F streets in the Core are limited to 20 stories, despite the entire Core area being in close proximity to US 1 and the Metrorail station; and

WHEREAS, this Board wishes to allow buildings up to 25 stories along E and F streets within the Core as is allowed along all other streets within that subdistrict, >>and to provide additional flexibility for development of parking garages within the height of such buildings under certain conditions.<<¹

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. The foregoing recitals are incorporated as if set forth herein and are approved.

Section 2. Section 33-284.62 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:²

Sec. 33-284.62. Development parameters.

- (A) Placement Diagrams. The following diagrams in this section identify design parameters specifically for the fourteen (14) sub-district and frontage type situations:

*

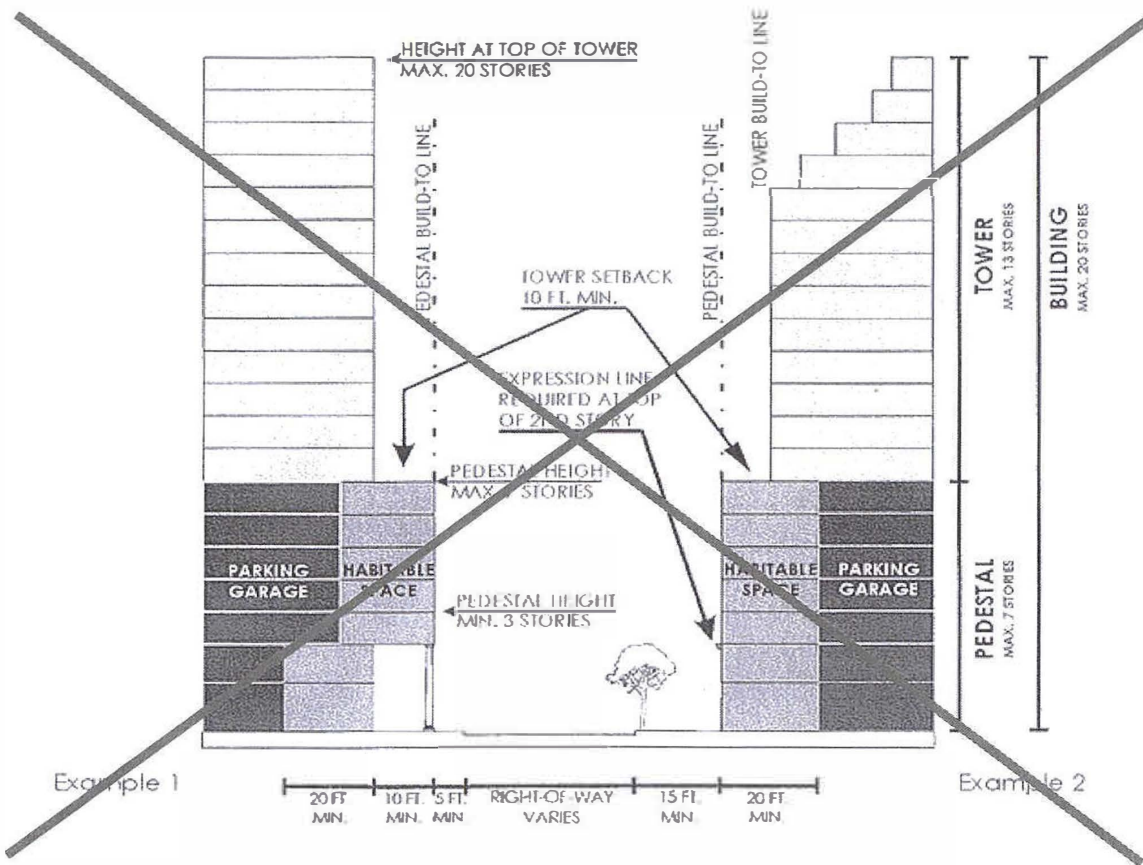
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¹ The differences between the substitute and the original item are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.

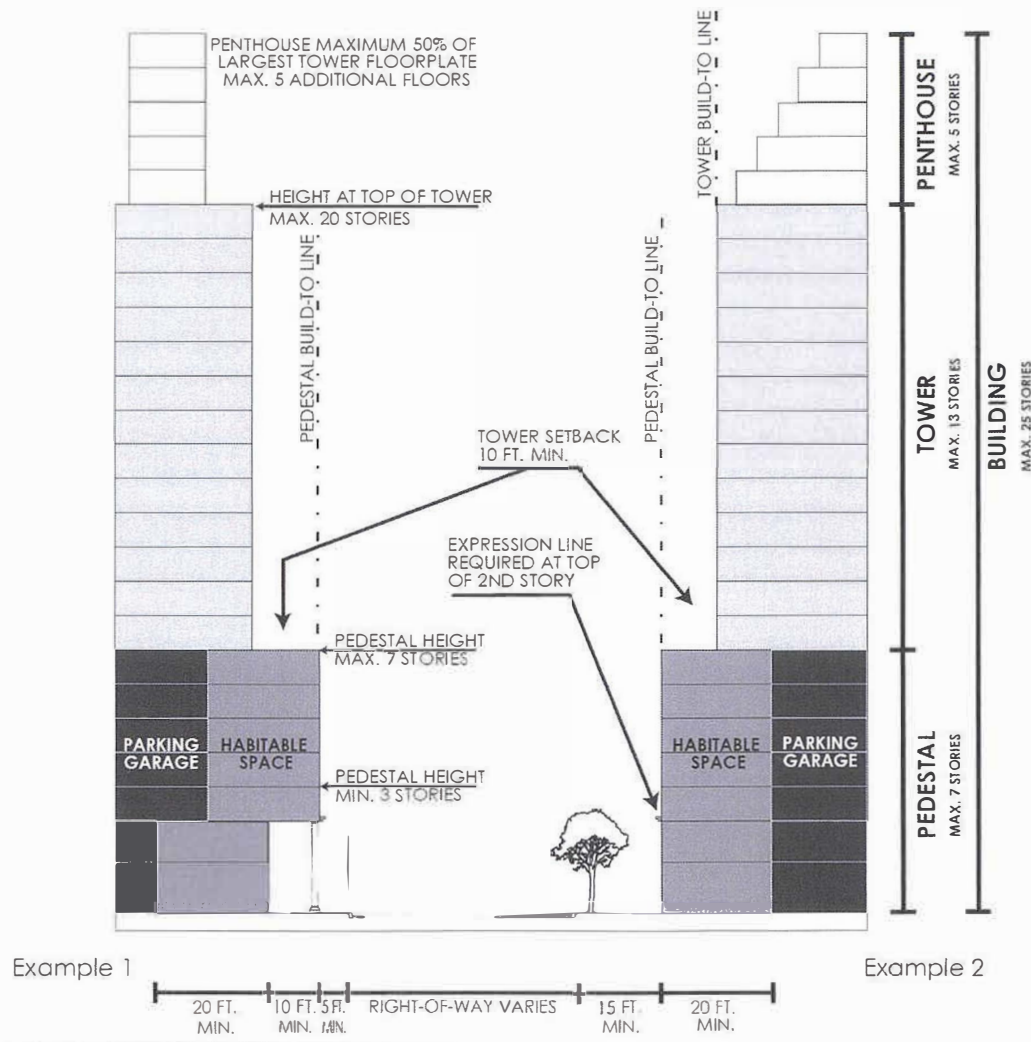
² Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

[[



]]

>>



<<

Core Sub-District—"E" and "F" Streets

Building Height	Pedestal—At street front, three (3) stories minimum/seven (7) stories maximum. Tower—Thirteen (13) stories maximum. >>Penthouse—Five (5) stories maximum. Floorplate maximum is fifty (50) percent of largest tower floorplate.<< >>It is provided, however, that the penthouse floorplate may be up to the size of the largest tower floorplate where the largest tower floorplate is less than eight thousand (8,000) square feet.<<
Building Placement	Street—Fifteen (15) feet minimum from right-of way for pedestal; except that when a colonnade is provided, a five (5) foot minimum setback from the right-of-way for pedestal shall be permitted. Twenty-five (25) feet minimum setback from the right-of-way for tower when the build-to line is fifteen (15)

	feet, or fifteen (15) foot minimum setback from the right-of-way for tower when the build-to line is five (5) feet.
	Overhead Cover—A maximum of fifty (50) percent of "F" streets may be covered above the first floor with structures connecting buildings, including roofs, upper story terraces, pedestrian bridges, habitable space, garages and automobile bridges between garages.
	Interior Side/Rear—Zero (0) foot minimum setback for pedestal and tower.
	Frontage Length—For "E" Streets, a minimum fifty (50) percent of the lot's street frontage. For "F" streets, a minimum thirty (30) percent of the lot's street frontage. Free standing colonnades shall not count towards frontage length.
Streetwalls	Vehicular Entries—Allowed. Each entry may be up to thirty-three (33) feet wide, with a minimum interval of seventy (70) feet between each vehicular entry for "F" streets and up to sixty-six (66) feet wide with a minimum interval of seventy (70) feet between each vehicular entry along "E" streets.
	Habitable Space—Twenty (20) foot minimum depth for the full height and length of the pedestal.
	Colonnade—When provided, the colonnade shall be two (2) stories high for full required frontage at build-to line. The colonnade shall have a minimum clear width of ten (10) feet, including columns.
	Expression Lines—Required at the top of the second story.
Parameters	The setback shall be hard-surfaced and finished to match the adjoining sidewalk and, when provided, the colonnade. Street trees shall be planted in minimum twenty-five (25) square foot planters adjoining the right-of-way. Street trees are not required when a colonnade is provided.
Off-Street Parking	Colonnade Level—When provided, twenty (20) foot minimum setback from interior wall of colonnade.
	All Building Levels—Twenty (20) foot minimum setback from pedestal's build-to line.
	Surface parking—Twenty (20) foot minimum setback from right-of-way. A ten (10) foot minimum landscape buffer zone shall be incorporated between the setback area and the parking lot, to be built with streetwalls and landscaping, including trees and shrubs.

* * *

- (B) General Requirements. All new development and redevelopment shall comply with the following parameters irrespective of Sub-District and frontage categories:

* * *

(6) Parking.

* * *

- (d) >>For parking<< [[Parking]] garages on parcels of record as of [[the date of approval

~~of this Article]]~~ >>December 16, 1999,
having at least one frontage<< facing "A"
"E". [[and]] >>or<< "F" streets >>and
having<< [[that have]] a lot depth at any one
[[(+)] point of less than one hundred fifty
(150) feet>>.

(1) Such parking garages<< are required
to provide habitable space only at the
colonnade or ground levels.
However, architectural expression
shall remain required as per this
article.

>>(2) Parking levels within such garages
shall not be considered a story.<<

* * *

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Dennis A. Kerbel

Prime Sponsor: Commissioner Raquel A. Regalado

GKS for GBK



Attachment E

Fruit Joy Florida, LLC
c/o Macklowe Properties
400 Park Avenue, 16th Floor
New York, New York 10022

August 8, 2022

Ms. Freenette William, Business Development Specialist
Department of Regulatory & Economic Resources
Planning Research & Economic Analysis Section
111 NW 1st Street – 12th Floor
Miami, FL, 33130

**Re: Further Demonstration of Reasonable Financial Assurances in Connection with
Pending Application for Brownfield Area Designation for Fruit Joy Florida, LLC**

Dear Ms. Williams:

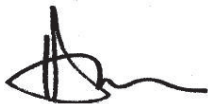
This letter is being submitted in connection with the pending brownfield area designation request for Fruit Joy Florida, LLC (the “Company”) that is being filed with Miami-Dade County (the “County”) by The Goldstein Environmental Law Firm, P.A. The purpose of this letter is to provide reasonable assurance that the Company has sufficient financial resources to implement the rehabilitation and redevelopment plan for the property identified by County folio number 30-4035-000-1435 (the “Subject Property”). Accordingly, please note the following:

- The Company acquired the Subject Property on April 14, 2022.
- The Company is adequately capitalized.
- The Company and its Managers have sufficient liquidity on hand to rehabilitate and redevelop the Subject Property, although additional financing from preferred financial institutions with specific experience with the type of contamination present at the Subject Property may be secured.

In addition, in my capacity as Manager for the Company, and based upon my personal knowledge, I certify that the Company has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment plan referenced above.

Thank you in advance for your continuing assistance with this matter and for the County’s support of this important project.

Very truly yours,



Harry Macklowe, Manager

Disclosure of Interest

This form or a facsimile must be filed by all applicants having an ownership interest in any real property covered by an application to amend the Land Use Plan map. Submit this form with your application. Attach additional sheets where necessary.

1. APPLICANT (S) NAME AND ADDRESS:

APPLICANT A: **Fruit Joy Florida LLC**

APPLICANT B:

APPLICANT C:

APPLICANT D:

APPLICANT E:

APPLICANT F:

APPLICANT G:

Use the above alphabetical designation for applicants in completing Sections 2 and 3, below.

2. PROPERTY DESCRIPTION: Provide the following information for all properties in the application area and indicate those properties in which the applicant has an interest. Complete information must be provided for each parcel.

	APPLICANT	OWNER OF RECORD	FOLIO NUMBER	SIZE IN ACRES
A		Fruit Joy Florida LLC	30-4035-000-1435	1.643

3. For each applicant, check the appropriate column to indicate the **NATURE OF THE APPLICANT'S INTEREST** in the property identified in Section 2 above.

APPLICANT	OWNER	LESSEE	CONTRACTOR FOR PURCHASE	OTHER(Attach Explanation)
A	X			

4. **DISCLOSURE OF APPLICANT'S INTEREST:** Complete all appropriate sections and indicate N/A for each section that is not applicable.

- a. If the applicant is an **INDIVIDUAL** (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.

<u>INDIVIDUAL'S NAME AND ADDRESS</u>	<u>PERCENTAGE OF INTEREST</u>

- b. If the applicant is a **CORPORATION**, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders, consist of another corporation (s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

CORPORATION NAME: Fruit Joy Florida LLC

<u>NAME, ADDRESS, AND OFFICE (if applicable)</u>	<u>PERCENTAGE OF STOCK</u>
Harry B. Macklowe, 400 Park Ave, New York, NY 10022	100%

- c. If the applicant is a **TRUSTEE**, list the trustee's name, the name and address of the beneficiaries of the trust, and the percentage of interest held by each. [Note: where the beneficiary/beneficiaries consist of corporation(s), partnership(s), or other similar entities, further disclosure shall be required which discloses the identity of the individual (s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUSTEES NAME: _____

<u>BENEFICIARY'S NAME AND ADDRESS</u>	<u>PERCENTAGE OF INTEREST</u>
_____	_____
_____	_____
_____	_____
_____	_____

- d. If the applicant is a **PARTNERSHIP or LIMITED PARTNERSHIP**, list the name of the partnership, the name and address of the principals of the partnership, including general and limited partners and the percentage of interest held by each partner. [Note: where the partner (s) consist of another partnership(s), corporation (s) trust (s) or other similar entities, further disclosure shall be required which discloses the identity of the individual (s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

PARTNERSHIP NAME: _____

<u>NAME AND ADDRESS OF PARTNERS</u>	<u>PERCENTAGE OF INTEREST</u>
_____	_____
_____	_____
_____	_____

- e. If the applicant is party to a **CONTRACT FOR PURCHASE**, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers, stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

NAME AND ADDRESS

PERCENTAGE OF
INTEREST

Date of Contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers if a corporation, partnership, or trust.

5. **DISCLOSURE OF OWNER'S INTEREST:** Complete only if an entity other than the applicant is the owner of record as shown on 2.a., above.

- a. If the owner is an **INDIVIDUAL** (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.

INDIVIDUAL'S NAME AND ADDRESS

PERCENTAGE OF
INTEREST

- b. If the owner is a **CORPORATION**, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders consist of another corporation(s), trustee(s) partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

CORPORATION NAME: _____

NAME, ADDRESS, AND OFFICE (if applicable)

PERCENTAGE OF
STOCK

- c. If the owner is a **TRUSTEE**, and list the trustee's name, the name and address of the beneficiaries of the trust and the percentage of interest held by each. [Note: where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUSTEE'S NAME: _____

BENEFICIARY'S NAME AND ADDRESS

PERCENTAGE OF
INTEREST

- d. If the owner is a **PARTNERSHIP or LIMITED PARTNERSHIP**, list the name of the partnership, the name and address of the principals of the partnership, including general and limited partners, and the percentage of interest held by each. [Note: where the partner(s) consist of another partnership(s), corporation(s) trust(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

PARTNERSHIP NAME: _____

NAME AND ADDRESS OF PARTNERS

PERCENTAGE OF
OWNERSHIP

- e. If the owner is party to a **CONTRACT FOR PURCHASE**, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers, stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

NAME, ADDRESS, AND OFFICE (if applicable)

PERCENTAGE OF
INTEREST

Date of Contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of the final public hearing, a supplemental disclosure of interest shall be filed.

ENTITIES REGULARLY TRADED ON AN ESTABLISHED SECURITIES, PENSION FUNDS OR PENSION TRUSTS OF MORE THAN FIVE THOUSAND (5,000) OWNERSHIP INTERESTS

Disclosure shall not be required of any entity, the equity interest in which are regularly traded on an established securities market in the United States or other country; or pension funds or pension trusts of more than five thousand (5,000) ownership interests; any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests including all interests at each level of ownership, and no one pension or entity holds more than a total of five (5) percent of the ownership interest in the partnership, corporation or trust; or of any entity, the ownership interest of which are held in a partnership, corporation or trust consisting of more than 5,000 separate interests and where no one person or entity holds more than a total of 5% of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and behalf.

Applicant's Signature and Printed Name
(Complete one signature page per applicant)

Signature

Printed Name

State of Florida
County of Miami-Dade

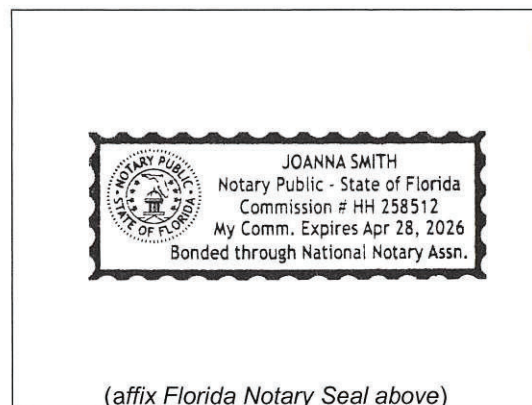
Sworn to (or affirmed) and subscribed before me by means of (*how the individual appeared check one*): (*how the individual appeared check one*):

☒ physical presence ☐ online notarization this 21st day of September, 2022.
(date) (month)(year)

by Laura Tauber
(name of individual swearing or affirming)

as Authorized Signatory for Fruit Joy Florida, LLC
(type of authority, e.g., Officer, Attorney-in Fact)(Name of party on behalf of whom executed)

Individual identified by: ☒ personal knowledge ☐ satisfactory evidence _____
(type)



Joanna Smith
(Signature of Notary Public)

Joanna Smith
(typed, printed, or stamped name of Notary Public)

My Commission Expires:

EXHIBIT 2

Fruit Joy Florida, LLC. Brownfield Application Site Miami-Dade County, Florida



Legend

-  Brownfield Application Site
-  Streets



0 165 330

MDC066



Department of Regulatory and Economic Resources (RER)
Planning Research and Economic Analysis Section
September 2022