



## Office of the Town Manager

Rafael G. Casals, ICMA-CM, CFM  
Town Manager

# MEMORANDUM

**To:** Honorable Mayor and Town Council

**From:** Rafael G. Casals, ICMA-CM, CFM, Town Manager

**Date:** October 15, 2020

**Re:** Cutler Bay Civic And Resiliency Enhancement (CARE) Zone Designation (BN-2020-006)

## REQUEST

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, MAKING FINDINGS AND DESIGNATING REAL PROPERTY IDENTIFIED BY FOLIO NUMBERS 36-6009-005-0015, 36-6009-005-0010, 36-6009-006-0010, 36-6009-006-0012, and 36-6009-006-0011 AS A BROWNFIELD AREA PURSUANT TO SEC. 376.80(2)(A), FLORIDA STATUTES, FOR PURPOSES OF ENVIRONMENTAL REHABILITATION, JOB CREATION, AND ECONOMIC DEVELOPMENT; PROVIDING AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

## BACKGROUND

In 1997, the State of Florida passed the Brownfields Redevelopment Act which provides incentives for private parties and local government to voluntarily clean up and redevelop “brownfield” sites. In accordance with Federal and State brownfield regulations, a brownfield is any site with actual or perceived environmental contamination. , Since 1997, 23 local government entities (inclusive of municipalities, redevelopment agencies, and various single-purpose authorities) have utilized the State’s program to obtain over \$13 million in tax credits across 109 separate site clean-up projects.

The intent of the proposed Resolution is to designate the parcels identified by folio numbers 36-6009-005-0015, 36-6009-005-0010, 36-6009-006-0010, 36-6009-006-0012, and 36-6009-006-0011 (the “Cutler Bay CARE Zone”) as a brownfield area to be called the “Cutler Bay Civic And Resiliency Enhancement (CARE) Zone” pursuant to § 376.80(2)(a), Florida Statutes (“F.S.”), of Florida’s Brownfield Redevelopment Act (the “Act”). These parcels are owned by four real property owners: the Town of Cutler Bay (the “Town”); Publix Super Markets, Inc. (“Publix”); Giorgio Dev., Inc.; and GCF Investments, Inc.





(Giorgio Dev. Inc. and GCF Investments, Inc. are related entities and are together, “GCF”). Publix and GCF have been consulted and consent to designation of their parcels.

There are a number of benefits to the community through the designation of the Cutler Bay CARE Zone:

- Encourages further redevelopment and reinvestment in the community.
- Increases local employment opportunities.
- Increases overall neighborhood quality of life by replacing brownfields with sustainable development.
- Protects human health and the environment.

The benefits can also provide economic incentives for businesses choosing to locate in Cutler Bay or evaluating sites for potential development:

- Provides degree of certainty and finality to the environmental cleanup process.
- Provides access to liability protection provisions and creative insurance programs.
- Provides access to economic incentives.
- Provides assistance in obtaining public/private loan and fund programs.

In Miami-Dade County alone, there are 76 separate “designated brownfield areas” which have been used for projects ranging from the Miami Beach Convention Center, to the clean-up of Doral’s Legacy Park, and construction of large retail centers and hotels. As noted above, the State of Florida provides numerous incentive programs to facilitate the voluntary clean-up of sites with actual or perceived contamination.

As required by Statute, notices were sent to the impacted property owners on October 7, 2020. The proposed resolution for creation of the Cutler Bay Civic And Resiliency Enhancement (CARE) Zone was advertised in the Miami Herald on Thursday, October 8, 2020, which included a map of the proposed CARE Zone. Additionally, staff posted Notice of Hearing signs on 208<sup>th</sup> Street, 212<sup>nd</sup> Street and Old Cutler Road on October 8. The October 15 Special Call meeting of the Town Council was advertised in the Miami Herald on October 9, 2020. All public notices are documented here as Attachment “B.”

## **ANALYSIS**

Town staff, and the Town’s environmental consultant PEAR, Inc. have reviewed the environmental data provided by Publix as part of their request for designation of their individual parcel as well as the Phase II assessment on the Town’s parcels which was performed during the Town’s acquisition of the property against the criteria for designation provided by Florida Statute. These criteria are:

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.

As a note, these are factors for *consideration* not scientific determination; however, the review by staff and PEAR have determined that the criteria should be sufficiently satisfied to meet the review standard required for designation. The complete Community Development staff report is attached here along with all technical documentation utilized in the analysis of this potential designation (Attachment “A”).

### **RECOMMENDATION**

As a result of this analysis, staff, in consultation with Town environmental consultant PEAR Inc., has evaluated the four criteria for designation provided by State Statute as well as the environmental data incorporated into the Staff Report by reference and recommends **Adoption** of a Resolution of the Town of Cutler Bay designating the site as the Cutler Bay Civic And Resiliency Enhancement (CARE) Zone pursuant to § 376.80(2)(A) of Florida State Statutes.

### **ATTACHMENT(S)**

- Attachment “A” – Town Staff Report
- Attachment “B” – Advertisements, Notices, and Postings

