MEMORANDUM

AGENDA ITEM #VII.B

DATE: SEPTEMBER 30, 2024

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: CORRESPONDENCE AND ARTICLES

Recommendation

Information only

South Florida Regional Planning Council
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MIAMI-DADE COUNTY

Will American Dream Miami lose part of its mega-mall site? Big project now in court

BY **DOUGLAS HANKS**

UPDATED SEPTEMBER 20, 2024 3:25 PM | 2

A rendering of the indoor amusement park for American Dream Miami, a retail theme park planned in Miami-Dade County with a goal of attracting 30 million visitors a year. *Triple Five*

After years of delays, the American Dream Miami mega-mall project now faces a potentially catastrophic setback: the loss of a big chunk of its development site.

A recent lawsuit filed earlier this month reveals the developer behind the project, Triple Five, is fighting to retain control of a third of its 175-acre development site outside Hialeah.

The dispute dates back to 2014, when Graham Companies, a top local developer out of Miami Lakes, agreed to sell Triple Five a 63-acre parcel for the project at an undisclosed price.

That land deal never closed, according to the recent lawsuit, but Triple Five had retained control of the real estate without objection from Graham executives by paying $11 million in extension fees to maintain the agreement.

Now facing a cutoff date for those extensions after 10 years, Triple Five is asking a judge to intervene to keep the contract alive.

READ MORE: America's largest mall has been stalled for years. Could Miami-Dade help revive it?

A Triple Five entity sued Graham in Miami-Dade Circuit Court on Sept. 6, warning of a "contested and difficult divorce" if it can't get another extension on its land deal without the financial penalties Triple Five claims Graham is demanding.

If a judge sides with Graham, Triple Five may no longer have the full development site needed for the 6-million-square-foot mall complex. The suit states Graham considered the purchase deal terminated on Sept. 6.

AMERICAN DREAM MIAMI ALLIANCE IS NOW HEADING TO COURT

At issue are conditions Graham placed on the sales deal that require Triple Five to complete multiple pre-development steps before it can purchase the land.

The provisions appear designed to protect Graham from giving up land near its other valuable holdings that would then sit vacant under a new owner. The requirements aren't detailed in the suit, but Triple Five mentions road construction and sewage connections as actions it hasn't completed but is pursuing.

With the pre-development work uncompleted, Triple Five is unable to purchase the 63-acre site under the terms of the 2014 deal.

The previously undisclosed dispute involves two development powerhouses who united a decade ago to try and bring Miami-Dade what would be the largest mall in America. Triple Five, the family-owned Mall of America owner out of Canada, and Graham, the family-owned developer behind the creation of Miami Lakes, won county approval in 2018 for a pair of projects where Florida's Turnpike meets Interstate 75.

A rendering of the American Dream Miami by Triple Five. The American Dream Miami mega-mall received the initial go-ahead from Miami-Dade commissioners in May 2018 but development has stalled after that. *Triple Five*

The best known portion was for American Dream Miami, a retail theme park so large it has room for an indoor ski slope and a submarine lake. Next door, Graham planned a mix of residential and commercial buildings aimed at capturing spillover activity from American Dream, which projected 30 million visitors a year.

READ MORE: This mall will be so ginormous that it comes with its own suburb

While once allied, the partnership between the two developers has slid into friction.

"We are very disappointed with the lawsuit but confident about the outcome," Stuart Wylie, president and CEO of Graham, said in a statement. In its own statement, Triple Five said it "is hopeful that the matter will be resolved amicably."

Both projects remain years behind schedule, with Graham initially planning to start construction in 2018 and Triple Five planning to have American Dream open by 2025 and employing 5,000 people by next year.

In crafting the lawsuit, Triple Five claimed to share private conversations with Graham suggesting the mixed-use complex of new homes and places to shop may wind up being a warehouse complex.

"Graham has done nothing to advance its retail, business park, and apartment project," Triple Five said in the lawsuit filed by its Miami-Dade subsidiary, International Atlantic. “Graham has told the Purchaser it would like to switch to industrial use.”

A Graham lawyer, Scott Hiaasen of Coffey Burlington, denied the allegation.

“The Graham Companies are not part of the development of the mall,” Hiaasen, a former Miami Herald reporter, said in a statement. “Their plans for their own property have not changed, and the allegations to the contrary in the lawsuit are false.”

Graham has not filed its response to the lawsuit, leaving Triple Five’s rendition of the facts the only source of information for the behind-the-scenes dispute.

TRIPLE FIVE AND GRAHAM COMPANIES JOINED FORCES FOR A MEGA-MALL. NOW THEY’RE FIGHTING

The suit says Triple Five is out of regular extension options but claims the original contract entitles the developer to more time because of delays from the 2020 COVID crisis that upended the economy and development schedules.

READ MORE: Vote delayed on potential subsidy boost for stalled American Dream Miami mega-mall

Triple Five also argues that Graham cited COVID in winning regulatory extensions from Miami-Dade County for its project and that the agreement on the 63-acre parcel should grant Triple Five the same leeway in its purchase deal.

An email quoted in the lawsuit suggests Graham is open to allowing the deal to stay alive, but only if Triple Five agrees to a price matching real estate values that have soared over the last 10 years – as well as prove it’s still on track to start construction.

“You continued to insist that we close on the sale of the property at the current price,” an unnamed Graham lawyer wrote in an email to a Triple Five counterpart on April 4, according to the suit. “We told you the same thing we have said for quite a while. We are willing to discuss an extension provided that ... there was a good chance that you would be able to satisfy the conditions to closing within a reasonable period [and] the purchase price would become the market value of the property [and] additional option extension fees would be required."

An artist's rendering of a ski slope planned for a corner of American Dream Miami, a stalled project in Northwest Miami-Dade County.

The court fight lands in the middle of Triple Five's effort to secure subsidies from Miami-Dade to revive the project. County commissioners this week delayed a vote on legislation lifting a subsidy ban that rival malls lobbied to impose on American Dream as part of the county's 2018 approval of the project.

Triple Five has already lobbied Florida to fund an interchange near the mega-mall site that would need to be constructed for the project to go forward. The company wants millions of dollars in county funds to subsidize other infrastructure that Triple Five would otherwise have to pay for as part of its 2018 agreement.

Triple Five cites the subsidy push as an example of pre-development work that is helping Graham, too. Because the American Dream site is next door to the Graham site, the roads and other infrastructure Triple Five needs would benefit both projects, according to the lawsuit.

“The Purchaser is in the process of securing hundreds of millions of dollars of governmental funding for highway, road, and water and sewer infrastructure … which will substantially enhance the use and value of the Graham Development Property,” the lawsuit said.

Graham’s “attitude is to take the money and run,” the lawsuit said, “leaving the Purchaser with nothing but losses after years of investments and work.”

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Doug Hanks covers Miami-Dade government for the Herald. He’s worked at the paper for nearly 20 years, covering real estate, tourism and the economy before joining the Metro desk in 2014.

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The YIMBY push for multifamily housing hits a ‘nope’ from homeowners

Multifamily zoning advocates say opponents are resisting changes that will yield broader societal benefits.

An American flag flies above the construction site of a multifamily housing development on June 2, 2023, in Los Angeles. (Mario Tama/Getty Images/TNS)

By **TRIBUNE NEWS SERVICE** | Tribune News Service
PUBLISHED: September 20, 2024 at 3:00 p.m.

By Robbie Sequeira | Stateline.org

When Minneapolis, then Oregon, then other local and state governments began stripping away exclusive single-family-home zoning over the past five years to allow the construction of multifamily housing, many development advocates predicted the start of a pro-YIMBY revolution.

But the "yes-in-my-backyard" movement has stumbled even before it's really gotten started.

In court challenges around the country, opponents have cited spikes in traffic, strains to infrastructure, displacement of low-income residents, hits on property values and changes to neighborhood character. Multifamily zoning advocates, however, counter that opponents are resisting changes that will yield broader societal benefits.

The debates are challenging elected leaders, planning specialists, homebuilders and advocates, pitting long-established homeowners against a system desperate to get a handle on the nation's growing crisis of housing affordability and homelessness.

"People want to maintain their neighborhood character, but it should be about ensuring quality of life for everyone," said Natali Fani-Gonzalez, a Democratic member of the Montgomery County Council in Maryland who has endorsed changes to zoning laws. "You're part of a community … you don't own it. We need to evolve with society."

'I dread the possibility'

The most recent ruling arrived this month, when the Montana Supreme Court issued a decision paving the way for a pair of state laws to take effect over the objections of homeowners.

In 2023, Montana lawmakers were lauded for a bipartisan effort dubbed the "Montana Miracle," a collection of measures that overrode local zoning ordinances to encourage more multifamily homes and accessory dwelling units, or ADUs — smaller secondary cottages or in-law apartments within or on a lot of a single-family home. The laws, championed by Republican Gov. Greg Gianforte, were supposed to go into effect Jan. 1, 2024.

But in December, a consortium of single-family homeowners from across the state called Montanans Against Irresponsible Densification, or MAID, filed a complaint. The group argued that the state had unconstitutionally taken away homeowners' property rights and would wrest local control from cities and counties. The lawsuit warned, in part, that the laws meant new construction could begin down the block without notice.

"I dread the possibility of waking up one morning and finding that one of my neighbors has sold her property to a developer who is then erecting a multi-unit building or a duplex, or an accessory dwelling unit right next to our nice and carefully maintained single-family dwelling," wrote Glenn Monahan, a Bozeman resident and managing partner of MAID, in an affidavit filed with the initial lawsuit and quoted in the court's ruling.

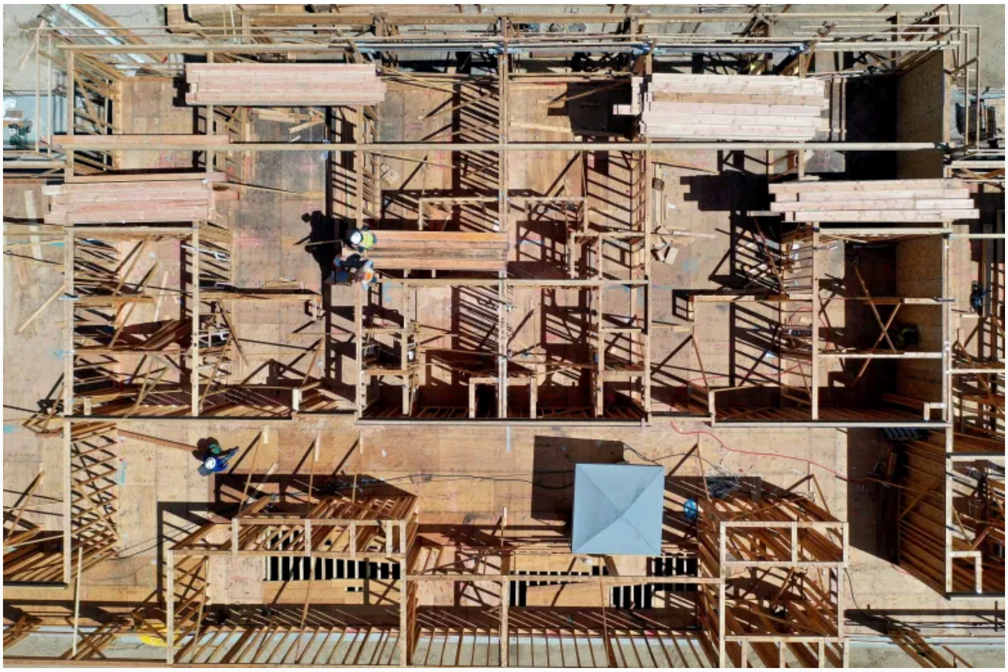
"If such development aimed at increasing density in my neighborhood happens, I believe it will seriously and adversely affect the economic value of my property," Monahan wrote. "More important than economic value is the moral, aesthetic neighborhood values that my wife and I share with the neighbors …"

Representatives for MAID did not return calls for comment.

Wealthier and whiter

Berkeley, California, first established a residential zone exclusively for single-family homes in 1916 — just as racist covenants banning home sales to non-whites were gaining steam nationally and other workarounds to preserve neighborhood segregation were being tested.

Today, around 75% of residential land in the United States is zoned exclusively for single-family homes. These neighborhoods are typically wealthier and whiter, according to a 2023 research report by the Urban Institute.



In an aerial view, construction at a multifamily housing development is seen on Aug. 30, 2023, in Los Angeles. According to data from the California Association of Realtors, housing affordability dropped to a 16-year low in California in the second quarter of this year amid high-interest rates. According to the figures, just 16 percent of people in the state are able to afford to purchase an existing median-priced single-family home. (Mario Tama/Getty Images/TNS)

Minneapolis is credited as the first major U.S. city to enact substantial changes to increase density when it abolished single-family-only zoning citywide in 2019, allowing up to three dwelling units on any residential lot.

That same year, the Oregon legislature passed a law with two so-called upzoning provisions: allowing duplexes in single-family zoning areas of cities with at least 10,000 residents, and allowing townhouses, triplexes and fourplexes in cities of at least 25,000 residents.

Upzoning encompasses a range of policy tools — such as building more "missing middle" housing in the range between single-family homes and apartment buildings, focusing on transit-oriented development, lifting parking requirements, and increasing floor-to-area ratios. But researchers and planners told Stateline that it can take years for these policy changes to address current housing needs or undo the harms of restrictive zoning.

"The largest challenge is that zoning reform takes a really long time to implement. From the start of reform to actually seeing effects, it takes about 10 years," said Stephen Menendian, assistant director and director of research at the University of California, Berkeley's Othering & Belonging Institute.

"Even the Minneapolis reforms, which happened at warp speed, will take another four years to fully assess the effects," Menendian said. "It's been less a revolution and more of a slow shift."

UC Berkeley's Zoning Reform Tracker, last updated in November, provides an overview of municipal zoning reform efforts across the U.S., documenting 148 initiatives in 101 municipalities over a span of 17 years.

Other local governments have passed ordinances taking aim at single-family-only zoning in various ways, including Austin, Texas; the city of Alexandria and Arlington County in Virginia; Sacramento, California; and Portland, Oregon. Many have been challenged in court.

In Minneapolis, the 2040 plan, as the city's long-term planning blueprint is known, was held up after its passage in 2019 by years of environmental lawsuits and back-and-forth rulings, delaying implementation.

Finally, state lawmakers in May passed a bill exempting comprehensive housing plans from environmental review, a measure aimed squarely at preserving the 2040 plan.

Even then, a county judge issued an injunction, forcing the city to halt parts of the plan and revise it.

Talking it out

Diana Drogaris, outreach coordinator for the National Zoning Atlas, a research organization that works to demystify zoning laws across the U.S., thinks city leaders are improving their communication with residents during public hearings and input sessions. However, she notes that leaders must balance transparency with managing valid fears of zoning changes.

"A zoning change is going to have an effect on the public. It will affect the store they go to, their commutes, what type of resources are available," Drogaris said. "And I think community leaders are getting better at having these conversations.

"The public doesn't need to know every nook and cranny of these outdated codes," she said, "but enough to understand how that one zoning change is going to change how that land is being used in their community."

Menendian argues that misconceptions on both sides — among housing advocates and concerned community members — fuel much of the anger. "There's a lot of misnomers about zoning reform," he said.

Homeowner groups also are expected to challenge a recent series of upzoning changes in Austin, approved at the end of 2023 and this spring. In 2022, a group of citizens successfully sued the city over a handful of ordinances designed to streamline housing development.

When a lawsuit is filed, work toward new housing developments may stop. California enacted a law in 2021 allowing property owners to split their lots and build two new homes in certain cities. In April, a Los Angeles judge ruled the law unconstitutional. In June, the state filed its notice of appeal.

Meanwhile, in Northern Virginia just outside the District of Columbia, the city of Alexandria and Arlington County, which also passed zoning changes last year, are facing their own legal challenges. The full impact of Alexandria's zoning overhaul — even if it clears its legal challenges — may not do much to affect housing outcomes. According to the city manager's estimates, allowing up to four units in zones that are currently limited to single-family dwellings would only create a net new 178 units over 10 years.

'Absolutely … some sort of backlash'

This fall, both Montgomery County, Maryland, and Berkeley, California, will be considering upzoning proposals, following a summer filled with contentious public hearings.

Fani-Gonzalez, the Montgomery County councilmember, said that modernizing the county's zoning, in conjunction with other policies such as rent stabilization, will help keep residents in their homes while creating new housing to accommodate the growth associated with being just outside Washington, D.C.

"We need more housing, but we cannot get stuck with building cookie-cutter houses that only certain folks can actually afford," said Fani-Gonzalez.

In California, the city of Berkeley's proposal to end exclusionary zoning in its neighborhoods is part of a broader effort to undo its racist legacy. The Berkeley City Council took its first steps in examining that legacy by denouncing the racist history of single-family zoning in 2021, a largely ceremonial move that gained steam when the city council asked the city for a report on missing-middle housing.

The city's latest upzoning plan was scaled back this summer after a five-hour public hearing.

Lori Droste, a Berkeley councilmember from 2014 to 2022, told Stateline that she had been advocating for major upzoning changes since 2016 but struggled to get the votes. What changed, she said, was linking the need for zoning changes to the national consciousness raised by 2020 protests around systemic racism and racial injustice.

"Zoning reform is going to take time. It's probably going to take 20 years before anyone notices real changes. But if we don't start now, the housing crisis will only get worse," she said.

When asked by Stateline if she expects any legal action if the upzoning proposal is successful, Droste responded, "I imagine there will be. I'm not in the city attorney's office, but absolutely there's going to be some sort of backlash."

Stateline is part of States Newsroom, a national nonprofit news organization focused on state policy.

2024 › September › 20

COUNTY COMMISSION APPROVES 86 EARLY EVACUATION UNITS FOR TAVERNIER PROJECT

By **Jim McCarthy** - September 19, 2024

A rendering of the workforce housing units behind the proposed Publix at property located at MM 92.5, oceanside, in Tavernier. VESTCOR/Contributed

A supermarket and housing project in Tavernier took another step forward as county commissioners said "yes" to handing out early evacuation workforce housing building permits to developers during a Sept. 11 meeting in Key Largo.

Specifically, the Blackstone-Tavernier 925 LLC group is planning to construct a 49,000-square-foot Publix supermarket and liquor store at the CEMEX property at MM 92.5, oceanside. Behind the Publix, developers are working with the Jacksonville-based Vestcor Companies to build 86 units of workforce housing.

A proposal to the county by the development group's attorney, Bart Smith, requested 86 of the 300 permits for early evacuation workforce housing without needing to participate in the county's "1-1 exchange program." In 2021, county commissioners approved the program in a bid to give developers the opportunity to swap affordable allocations they already received for early evacuation units. That way, the county would have affordable housing allocations to dole out for future takings claims. Per county officials, no one has participated in the program.

Early evacuations units were given to Monroe County and other municipalities by then-Gov. Rick Scott following Hurricane Irma, the category 4 storm that wiped out mobile homes and residences of working class and retired residents in 2017.

“When these quasi-affordable housing units were destroyed, the lots were sold. New homes were built, but those homes are so expensive they’re not affordable housing any more,” Smith told commissioners.

The early evacuation units, of which the county received 300, were specifically designed for multifamily complexes with more than one unit on the property. Those who occupy the units are required to make 70% of their income in Monroe County.

“My goal is that there aren’t buses from Homestead bringing employees into Monroe County. That means their paycheck is leaving Monroe County and being spent in Homestead,” said county commissioner Michelle Coldiron, who voted in favor of the 86 units to developers. “I’d rather all residents who work here also live in the community.”

In addition, tenants of these units must evacuate within 48 hours of a storm. Essential personnel, such as first responders, who may occupy units wouldn’t be forced to evacuate. Per county requirements, the workforce housing complex must have an onsite manager trained in evacuation to ensure everyone leaves in a timely manner.

Before the vote of approval, a number of residents and those representing community groups voiced their opposition to the request. Dottie Moses, president of the Island of Key Largo Federation of Homeowners Association, acknowledged the group objects to using 86 early evacuation units without an exchange of an equal number of affordable housing units. Moses said the exchange program mitigates concerns of future takings claims.

“You say you want to restore faith in the community. We’d like that as well,” Moses said. “But when you change the rules of the game as we go along, that doesn’t help your cause for restoring faith in our local government."

The developers, in working with Vestcor Companies, are planning to build 58 two-bed, two-bath, 16 three-bed, two bath and 12 one-bed, one-bath units. Smith told the county planning commission at an Aug. 28 meeting that they believe hospital employees from Baptist Health South Florida's Mariners Hospital could occupy the units. Mariners Hospital is roughly 1 mile from the proposed workforce housing site.

Developers previously secured the county commission's approval to construct a nonresidential structure beyond the 10,0000-square-foot limit for the Publix supermarket and liquor store last February. FloridaCommerce originally shot down the ordinance but later approved it. The Tavernier Community Association has since filed an appeal to FloridaCommerce's reversal to approve the county ordinance.

With approval secured for the early evacuation units, the developers will now look to get a major conditional use approval before proceeding with the project. That matter is taken up by the county planning commission.

JIM MCCARTHY

Jim McCarthy is one of the many who escaped the snow and frigid temperatures in Western New York. A former crime & court reporter and city editor for two Western New York newspapers, Jim has been honing his craft since he graduated from St. Bonaventure University in 2014. In his 5-plus years in the Keys, Jim has enjoyed connecting with the community. Jim is past president of the Key Largo Sunset Rotary Club. When he's not working, he's busy chasing his son, Lucas, around the house and enjoying time with family.

Miami Herald

MIAMI-DADE COUNTY

Miami-Dade commissioners ‘kick the can’ on incinerator site, won’t decide until November

BY **DOUGLAS HANKS** AND **ASHLEY MIZNAZI** | 2
UPDATED SEPTEMBER 18, 2024 2:30 PM

Miramar residents and members of environmental groups show support for a speaker urging Miami-Dade commissioners not to build an incinerator at the Airport West site near Miramar. The meeting took place on on Tuesday, Sept. 17, 2024. CARL JUSTE *cjuste@miamiherald.com*

In the fight over whether to put Miami-Dade’s new incinerator in Doral or near Miramar, a third option gained new life on Tuesday: Medley.

A private owner of a former quarry in Medley hopes to strike a deal for Miami-Dade to build a $1.5 billion incinerator on his land, with the potential of the county swapping property near Miramar that is Mayor Daniella Levine Cava's pick for the new trash-burning facility, a site commonly called Airport West.

"It's a pretty simple, tenth-grade real estate transaction," the land owner, Lowell Dunn II, told commissioners near the end of a day filled with public debate over whether to build the incinerator in Doral or on the mayor's preferred site, an abandoned county airfield less than a mile from Miramar in Broward County. "We want it. … Let's get going."

READ MORE: Where will Miami-Dade build a new garbage incinerator? Showdown vote set for Tuesday

The Medley option helped derail a final vote by the County Commission that was expected Tuesday, with commissioners choosing to delay the matter until a meeting on Nov. 6. A decision on where to rebuild the county's trash-burning power plant has been anxiously awaited after the existing facility caught fire at its longtime site in Doral nearly two years ago. Four options have been on the table: the existing site in Doral, a property offered by developer David Martin outside of Hialeah Gardens, the defunct airfield known as Airport West and Dunn's site in Medley.

While the Levine Cava administration had previously dismissed the Medley site as too costly to acquire and develop, Commission Chair Oliver Gilbert on Tuesday secured another 60 days to consider a deal with Dunn.

The land owner told commissioners he's interested in turning the county-owned Airport West site into a rock quarry and would be open to swapping his Medley site south of Northwest 106th Street so the county could use it for the incinerator. Dunn said he would be willing to trade the Medley site for other county land, too.

Medley is an industrial hub with a city leadership that has already said it welcomes Miami-Dade building an incinerator there. That's far from the reaction in Doral, which had been fighting to move the incinerator for years before the fire, and in Miramar, which rented five buses to send more than 100 residents in green "Not in Our Backyard" T-shirts to Tuesday's meeting in opposition of the Airport West site.

"We cannot afford to compromise on air and water quality in the city that we call home," said Kerri-Ann Nesbeth, who described herself as a third-generation Miramar resident. "I urge you all to keep looking for alternative solutions."

Miami-Dade County Mayor Daniella Levine Cava listens as Pembroke Pines Mayor Angelo Castillo states his opposition to the incinerator being built at Airport West site near Miramar on Tuesday, Sept.17, 2024, at Miami-Dade commission meeting in Miami. Carl Juste *cjuste@miamiherald.com*

Once the Opa-Locka West Airport,the 416-acre airfield the administration now calls Airport West sits off North Okeechobee Road and north of Northwest 186th Street. That's about 3 miles outside of the county's Urban Development Boundary (UDB), which serves as a buffer between suburban construction and the county's wetlands, agricultural belt and other sensitive areas.

Environmental groups, including the Tropical Audubon Society and the Everglades Foundation, have opposed Levine Cava's plan to build the incinerator at Airport West and instead urged Miami-Dade to pursue waste reduction through recycling, composting and other measures that they insisted could eliminate the need to burn garbage.

"Make your grandchildren and children proud," said Kaatje Bernabei, a Miami resident wearing a Sierra Club Miami T-shirt, told commissioners. "Look for another solution."

The Miami-Dade County Commission chamber is packed ahead of a vote on where to build the next incinerator on Tuesday, Sept. 17, 2024. Carl Juste *cjuste@miamiherald.com*

She was one of about 100 people who spoke on the issue during two hours of public comment, one of the strongest turnouts for a commission meeting in 2024.

Miami-Dade had been burning roughly half of the county's garbage at the Doral facility since its construction in the early '80s. Without the incinerator since the February 2023 fire, Miami-Dade has been shipping garbage north by truck and by train to various landfills, including one in Central Florida.

"The simple truth is: We need a solution," Levine Cava told commissioners ahead of the late afternoon vote. "Choosing not to choose would only kick the can farther down the road."

With Doral residents demanding an end to wafting garbage smells and smokestack exhaust, Levine Cava insisted clean-burning technology from a modern facility would all but eliminate those gripes.

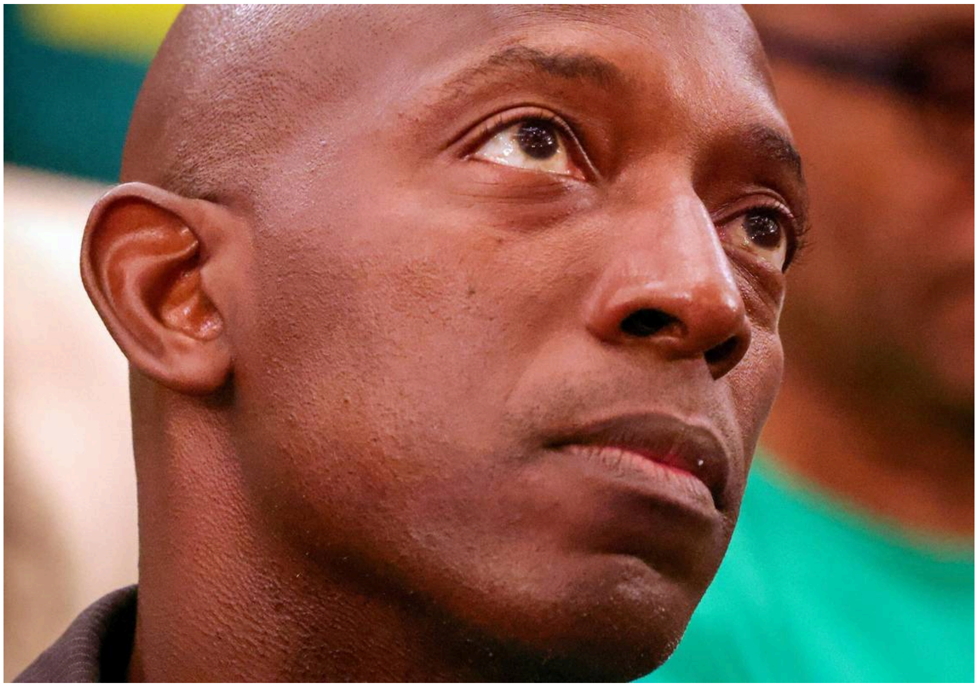
At a meeting of the Miami-Dade County Commission on Tuesday, Sept. 17, 2024, Miramar residents opposed Mayor Daniella Levine Cava's plan to build a modern incinerator on a county airfield near Miramar. Carl Juste *cjuste@miamiherald.com*

She's visited modern incinerators in Japan, and Miami-Dade commissioners saw them on a recent trip to Europe. The mayor predicted a future Miami-Dade incinerator would be a non-issue for residents, citing examples of an incinerator in Copenhagen that put a public grass ski slope on its roof and one in Japan with a heated pool atop.

"I've dedicated my life and career to doing what is best for our people and for the planet," Levine Cava said. "I take that responsibility extremely seriously."

Earlier this month, her office released a consultant report that ticked off multiple problems with the Medley site, including that part of it is a filled-in quarry lake with "geotechnical challenges" that could make construction costly.

While Medley is open to an incinerator, the memo said the city also wants yearly fees tied to garbage shipments that would cost as much as $15 million. The memo also noted the Medley site is near residential neighborhoods in not just Doral and Medley, but also in Hialeah and Hialeah Gardens.



Miramar Mayor Wayne Messam watches as numerous speakers bused in from his city state their opposition to the incinerator being built near Miramar. The meeting was held on Tuesday, Sept. 17, 2024, in Miami. Carl Juste *cjuste@miamiherald.com*

The current incinerator site sits within a tenth of a mile of Doral homes, and Levine Cava's pitch for the Airport West site included the fact that it's farther away from residential properties than any location under county consideration. The Airport West site is about a half-mile from Miramar's Sunset Lakes neighborhood.

Wearing aqua "For Clean and Pure Air" T-shirts at Tuesday's meeting, Doral residents pleaded with commissioners to move the trash-burning facility away from their neighborhoods.

"The choice you face today is easy," Doral resident Edwin Vale said. With environmental groups opposing the Airport West site, Vale invoked the children who live and play so close to the existing incinerator. "Should we protect raccoons and frogs over kids?"

Raul Gastesi, a Doral city lawyer, said Miami-Dade leaders should side with Doral over Miramar. "Please remember who your constituents are," he said. "They are the residents of Miami-Dade County."

Doral Mayor Christi Fraga addresses Miami-Dade commissioners on Tuesday, Sept. 17, 2024. Carl Juste *cjuste@miamiherald.com*

After Miami-Dade commissioners voted to defer a final decision until their Nov. 6 meeting, Miramar Mayor Wayne Messam declined to say whether he's more inclined to have a new rock quarry near his city or a modern incinerator.

Instead, Messam said he predicts Dunn would be more likely to negotiate for taking over other county parcels, potentially leaving the Airport West site vacant.

"I'm encouraged by the fact that there is flexibility that would avoid mass incineration at the Airport West site," Messam said.

The delay could put Doral in a challenging position, given the Medley site is only 2 miles north from the existing site. County commissioners have already passed a resolution calling for Doral to contribute property-tax dollars toward the cost of building an incinerator elsewhere, with the idea that the city will enjoy a windfall in real estate values from homes that were built up around the existing site.

Doral was open to a deal when the decision seemed to be between keeping the current incinerator site or moving it as far north as possible to the Airport West location, about 8 miles from Doral. Commissioners want $200 million or more over decades from Doral. Now that moving the incinerator only two miles is on the table , Doral may not be so willing to approve big subsidies for the project, Mayor Christi Fraga said.

“I think it’s unfair,” she said after the vote. “It’s asking Doral to write a blank check.”

Edwin Vale, 35, carries his 4-year-old daughter, as his wife Ana Vale, 34, center, kisses her daughter’s hand while standing with their 15-year-old and 7-year-old son, prior to giving comments opposing the incinerator returning to Doral on Tuesday, Sept. 17, 2024, at Miami-Dade Commission meeting in Miami. Carl Juste *cjuste@miamiherald.com*

Part of the deferral vote included a requirement that the Levine Cava administration negotiate a subsidy deal with Doral that could be considered in the final incinerator vote. That could give county commissioners who are inclined to keep the incinerator in Doral the opportunity to point to a weak subsidy offer as justification. “I think there are seven votes to put this back in Doral if the financial contribution is not right,” Gilbert said near the end of the meeting.

During the next 60 days, Fraga needs to win approval from Doral council members for a long-term tax contribution to Miami-Dade — without knowing what location the city would be subsidizing.

“I think if the vote today was for Airport West, we could have had a better start,” she said.

New artificial reef projects are underway in the Florida Keys

WLRN Public Media | By Julia Cooper

Published September 18, 2024 at 1:20 PM EDT

Greg McFall / NOAA

A diver surveys marine life in the Florida Keys National Marine Sanctuary.

Two more artificial reef projects are underway in the Florida Keys, the Florida Fish and Wildlife Conservation Commission announced Tuesday.

It means Monroe County's Artificial Reefs Program — fueled by an extra 5 million dollars from FWC that was approved in June — is now working on three different projects.

The first Monroe County project has been underway since last year. The initiative aims to repurpose 37 cement power poles into artificial reefs that will be placed about 16 miles offshore from Key West. It would be the first artificial reef deployment in 15 years, with the most recent artificial reef being a sunken naval transport ship that was put in place in 2009.

The two latest projects are focused on creating a network of sites to support fish populations. The second project will be located 5 to 15 miles offshore in the Gulf. The network will be placed in the Florida Keys National Marine Sanctuary.

“This would be to provide fish habitat and create migration pathways for fish that are migrating between nearshore and offshore reefs,” said Jessica McCawley, the FWC Director of Marine Fisheries Management.

READ MORE: 'We have a serious problem': Are mahi fleeing Florida to beat the heat?

McCawley said project coordinators also hope it will create “additional fishing and diving opportunities that could draw people away from all the pressure on the natural reefs.”

Staff are currently conducting site surveys and drafting permit applications, according to an FWC presentation.

The third project is still in the planning stages, according to McCawley. It will specifically target five different habitat deficits in the Lower Keys including shallow nearshore hardbottom in the Florida Bay; the southern Gulf of Mexico; nearshore patch reefs, offshore and deep reefs in the Atlantic.

The goal is to support life history migrations, otherwise known as ontogenetic

“We’re really excited about all of these projects,” McCawley said.\

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MIAMI-DADE COUNTY

Vote delayed on potential subsidy boost for stalled American Dream Miami mega-mall

BY **DOUGLAS HANKS** AND **JOANNE HANER** | 13
UPDATED SEPTEMBER 17, 2024 9:22 AM

A drawing of what the American Dream Miami is supposed to look like if it gets built in Miami-Dade County. Developer Triple Five wants to lift a 2018 ban on county subsidies for the project. *Triple Five*

As the developers behind the American Dream Miami mega-mall try to revive the stalled $4 billion project, Miami-Dade County might use property taxes to cover some costs.

Legislation that was set for a final vote Tuesday by the County Commission would water down a subsidy ban imposed on the retail theme park six years ago. This week, the sponsor of the item, Commissioner Juan Carlos Bermudez, put in a request to delay the vote until an unspecified date.

“I just need more time and information to help make the proper decision,” Bermudez said in a text message Tuesday before the board’s meeting. While commissioners can reject Bermudez’s deferral request for his legislation, that’s rare.

The looser rules under the proposed legislation would allow Miami-Dade to divert property taxes to cover about $60 million in local road construction and other infrastructure costs that otherwise would be the developers’ responsibility. The legislation wouldn’t authorize any subsidies for the project, but lifts restrictions on spending county dollars to help get it built.

READ MORE: America’s largest mall has been stalled for years. Could Miami-Dade help revive it?

Approved by a committee of the County Commission in July, the proposal revives a fight over public dollars for what would be the largest mall in America, built on vacant land where Interstate 75 meets the Florida Turnpike north of Hialeah.

“Why should the county fund a private developer’s infrastructure obligations?” Jeffrey Bercow, a lawyer and lobbyist for a group of existing South Florida malls, asked commissioners at the July 8 hearing where the subsidy legislation won preliminary support.

The company behind Minnesota’s Mall of America, developer Triple Five, won county approval to build the six-million-square-foot complex in 2018. That included a provision making public infrastructure needed for the project, including an estimated $60 million in new county roads, the responsibility of the developer.

TRIPLE FIVE WANTS TO LIFT 2018 BAN ON MIAMI-DADE SUBSIDIES FOR MEGA-MALL

Also in 2018, the rival malls that Bercow represents successfully lobbied commissioners to impose a ban on using county dollars to subsidize the project. The South Florida Taxpayers Alliance, a group backed by the owners behind the Dolphin Mall, Bayside Marketplace and other shopping hubs, claimed Triple Five was bound to seek property-tax subsidies to make the ambitious project profitable, citing government financial support in Minnesota and in a similar and slightly smaller American Dream mall already open in New Jersey.

No commissioner in office during Miami-Dade’s 2018 approval remains on the board, and Triple Five hopes the new commission will rollback those subsidy restrictions and consider the use of county dollars to boost the creation of a shopping destination like no other in Florida. Plans for American Dream Miami include an indoor ski slope, an artificial lake deep enough to allow submarine rides and tons of sand to create a beach inside the 175-acre complex.

Keon Hardemon, a Miami-Dade commissioner elected in 2020 and reelected in August, said it didn't make sense to have a past commission decree that future commissioners couldn't consider subsidies for only one project in the county.

"We at least deserve to have the conversation," Hardemon said at the July 8 committee meeting, noting the commission could ultimately decide to reject any subsidy request for American Dream. "I've never appreciated somebody trying to keep me safe from myself."

Under Triple Five's plan, public dollars wouldn't go to the company but to public roads that, in 2018, the developer agreed to get built before it could start construction.

With the current ban on the use of any county dollars to pay for those roads, Triple Five would be left to pay what it estimates as a $60 million local roads tab if it can't secure state infrastructure dollars or persuade Miami-Dade to change the rules.

"Let's be really clear here," Triple Five lobbyist and lawyer Miguel Díaz de la Portilla told the Policy committee on July 8. This "item is not asking for any subsidies of any private entity."

Because the public dollars would go to public roads, Bermudez said it's wrong to consider the legislation he's sponsoring as putting Miami-Dade on track to subsidize American Dream.

"This is not about any subsidies for anybody," Bermudez, whose district includes the American Dream site, said at the July 8 meeting. "I'm not asking at all for that."

WILL THE COUNTY HELP BUILD ROADS AROUND THE AMERICAN DREAM MIAMI PROJECT SITE?

At the center of the fight sit four roads that for now exist only on blueprints, which would connect the American Dream site to major highways on either side of the site. That includes a potential six-lane road linking Northwest 102nd Avenue with Northwest 170th Street and another connecting 170th with Florida's Turnpike.

For Bermudez, the roads could help ease congestion around the site even if American Dream never materializes. "What really matters to me is getting these roads built," he said.

Even if the subsidy legislation passes a final commission vote, Triple Five would still need to come back to the commission for an actual request for public dollars.

By now, the project is years behind schedule. In 2015, Triple Five agreed to have the mall open and employing at least 5,000 people by 2025, but the developer hasn't yet begun the permitting process to start construction.

Carladenise Edwards, chief administrative officer under Miami-Dade Mayor Daniella Levine Cava, told commissioners at the July 8 meeting that the administration wanted Triple Five to lay out how the project is going to get built before opening up the subsidy discussion.

"One of the things we would like to do is ensure we understand what the path forward is, what the trajectory is," Edwards told the committee members. "So that we actually know what transportation needs are there … and how much of that we should subsidize."

In a statement Friday, Triple Five said the county subsidy ban is holding up talks with Florida transportation administrators on state funding for roads the project needs.

"To our understanding, the County cannot currently take advantage of possible state interest in building significant freeway infrastructure that alleviates traffic congestion in the northwest part of the county without a lifting of current restrictions," the statement said. "Should the restrictions stay in place, the unintended consequence would be a missed opportunity for Miami-Dade County to take advantage of apparent state interest in new infrastructure to relieve traffic congestion."

A spokesperson for Florida's Department of Transportation was not immediately available for comment on the statement.

At the July 8 meeting, Edwards said she wasn't aware of the 2018 legislation preventing Triple Five from negotiating with Florida or Miami-Dade for funding that would help the project.

"This does not preclude us from having conversations," Edwards said of the 2018 restrictions on county funding. "And it does not preclude them from asking for what is needed from the state or the feds or others related to transportation."

The Bermudez legislation would remove the 2018 restrictions and make it possible to use county property taxes to subsidize the American Dream project, as well as make it easier for Triple Five to pay for road costs with development fees required by the county.

Those are known as impact fees, and they can approach $100 million for a project as large as American Dream. Impact fees are cash payments that are separate from property taxes and are paid only once by developers. Builders of new developments pay impact fees to fund new government expenses that come with growth in the area, including new road maintenance costs, transit expansion, extra police patrols and other costs.

The Bermudez legislation loosens the rules on how Triple Five could use the impact fees to pay for its road obligations – a financial arrangement that's more common for local developments. A spokesperson for Triple Five said the language would move the road projects into a category allowing for the project's impact fees to be used for those infrastructure costs.

ON THE TABLE: PROPERTY-TAX SUBSIDIES FOR A STALLED MEGA-MALL PROJECT

Additionally, the proposed legislation would allow Triple Five to access tax increment financing, a term for when a portion of future property taxes is used to pay for expenses associated with a project or improving an area. The idea is the extra investment will spur more construction in the area, generating enough extra tax dollars to make it worth losing the initial diverted tax money.

Charles Marohn Jr. is the president of Strong Towns, a Minnesota-based advocacy group that focuses on local governments' financial and planning policies. He said tax increment financing often gets put in place when local governments fear losing out on a development project without considering whether it makes more sense financially just to say no and see if the developer will build it anyway or sell the property to someone eager to develop the land without subsidies.

"What would happen if they didn't develop the land? Would it go vacant?" Marohn said. "The reality is if somebody comes along and builds it to 80% of what they were going to do, [but] with no subsidies, then the county is going to make a lot more money."

At the July 8 meeting, Commissioner Raquel Regalado won approval of language that changed Bermudez's legislation from completely lifting the 2018 subsidy ban to only eliminating some restrictions. If adopted, the revised legislation would allow Miami-Dade to use both impact fees and tax-increment financing to fund the roads that American Dream is responsible for getting built.

Regalado said Miami-Dade should at least consider using property taxes that would be generated from the future mall's construction to create new roads around the site.

"It really is a conversation about infrastructure," Regalado said in an interview after the July 8 hearing. "Everyone in that area is going to benefit from this route infrastructure."

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Florida muddies water on rule to protect coral

WLRN Public Media | By Jenny Staletovich

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LISTEN • 1:43

Safer Cleaner Ships

Royal Caribbean's Serenade of the Seas docked at Key West in October 2021.

Three years after Gov. Ron DeSantis vetoed a move to limit cruise ships from crossing shallow waters to enter the Port of Key West near increasingly imperiled reefs, state environmental regulators are poised to deal another blow by ignoring their own recommendation to set stricter limits on the plumes of sediment that can smother coral.

Despite a 2021 recommendation by the Florida Department of Environmental Protection to increase limits on turbidity, draft rules remain unchanged. A public meeting on the rules is scheduled for Sept. 10.

“DEP is apparently throwing out their report and keeping the limit as it is, although they know clearly that it is a threat to an ecosystem that is the last of its kind in the country,” said Arlo Haskell, who co-founded Safer Cleaner Ships in 2020 to fight increasing cruise traffic.

The move comes at a time when the DeSantis administration is facing increasing criticism over its uneven environmental record. While it is spending billions of dollars to restore the Everglades and cobble together undeveloped land into a wildlife corridor, plans leaked by a DEP worker last month would have erected golf courses and pickleball courts on protected state parks. The DeSantis administration has also boasted spending about $114 million to protect reefs as the cruise industry surges to pre-pandemic highs.

Under the Clean Water Act, Florida is required to update its broad rules on water quality every three years to ensure the latest science is being followed. The rules cover everything from hazardous chemicals to toxic algae and are then finalized by the Environmental Protection Agency.

Andy Newman / Florida Keys New Bureau

Cruise ships docked in Key West before the city limited the number of ships to one per day at a privately-owned pier.

But Florida has repeatedly fallen behind. The state conducted its last review in 2015, after neglecting revisions for nearly 25 years. EPA finally approved those changes in 2017. A new review was initiated in 2019 and included workshops that covered the stricter rules on turbidity. But the update stalled again amid the COVID-19 pandemic and criticism that the rules failed to address growing threats from toxic algae and chemicals hazardous to humans.

As the pandemic dragged on, Key West residents enjoying an island absent the massive ships began again rallying in the decades-long battle to limit cruise traffic.

Voters approved banning big ships — which can dump up to 100,000 visitors a month on the six square-mile island — and capping the number of visitors a day to 1,500 in 2020. But DeSantis overturned the local referendums. That led the city commission to take matters into its own hands and ban cruise ships at two city-owned piers, leaving only one privately-owned dock to accommodate ships. Earlier this year, FDEP approved a 25-year lease expansion at the dock to continue to allow bigger ships. In 2021, owner Mark Walsh donated nearly $1 million to a DeSantis political committee.

While the “one ship” policy cut cruise ship dockings in half, large ships continue to churn up ocean bottom as they lumber into port.

Monitoring started by the city near the dock over the last year and conducted by College of the Florida Keys found existing EPA limits on turbidity were exceeded 20 percent of the time.

“So one out of five dockings is above the federal lawful limit for turbidity,” Haskell said. “And that's consistent with historical documentation, which the Florida Department of Environmental Protection found in the 90s and around 2000.”

It’s also consistent with that 2021 report prepared by FDEP to better protect coastal waters around reefs and inshore hard bottom areas inhabited by algae, sponges, stony corals and other sea life where fish, queen conches and other critters come to feed. The report concluded that existing limits failed to protect the areas, especially reefs that have been hammered by disease and rising ocean temperatures.

READ MORE: A 'catastrophe' in the Lower Keys: Summer heatwave wipes out iconic elkhorn coral

In addition to ship traffic, the limits were also intended to protect areas during port dredging. Dredging at Port Miami nearly a decade ago smothered nearly 300 acres around reefs.

Despite five requests since Aug. 20, DEP officials did not respond to emails or questions. In response to an email Wednesday, a spokeswoman said she was looking into the matter, but had not responded by deadline.

“This has been a well-known problem for a really long time, that cruise ships caused these dramatic spikes in turbidity and deterioration in water quality,” said Haskell, of Safer Cleaner Ships. “The people of South Florida that care about protecting corals deserve an explanation from DEP about why they've abandoned this recommendation that they put forward not very long ago.”

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LOCAL NEWS

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South Florida leaders want to head off 'silver tsunami' aging crisis

(Joe Cavaretta/South Florida Sun Sentinel)

South Florida leaders are urging a state planning council to tackle the impending "silver tsunami" at a wider conference this fall. Local leaders say more attention is needed for the first generation that will retire without a pension, and face unique transportation and healthcare problems as they age. In this file photo, senior volunteers from John Knox Village fill food kits. (Joe Cavaretta/South Florida Sun Sentinel file)

By LISA J. HURIASH | lhuriash@sunsentinel.com | South Florida Sun Sentinel
UPDATED: July 17, 2024 at 6:49 a.m.

South Florida leaders are urging a state planning council to tackle the impending "silver tsunami" as concerns grow for retirees' well-being as they age.

At a recent meeting of the South Florida Regional Planning Council, chairman Steve Geller, who is also a Broward County commissioner, said he would push for aging issues to be discussed at a broader conference this fall where experts could guide policy suggestions. The conference will include Palm Beach, St. Lucie, Monroe, Broward, Miami-Dade, Martin and Indian River counties, which is about one-quarter of the state's population.

Geller said more attention is needed to deal with the anticipated wave of older Americans who are facing retirement without a pension like their parents relied on, and face unique transportation and healthcare problems as they age. The median personal income for people age 65 and older is $29,740, according to the federal Administration for Community Living.

"I don't think we are prepared for it," Geller said after the meeting.

Among the issues he is asking the Treasure Coast Regional Planning Council to consider as part of the silver tsunami discussion:

— **Create a pension supplemental plan**. Americans have traditionally relied on pension plans, as well as Social Security benefits and savings to pay their bills in retirement. But the U.S. Bureau of Labor Statistics in a 2022 study released last year found only 15% of private industry workers had access to a defined benefit plan, compared with 86% of state and local government workers.

Those retiring without pensions or adequate savings will be "woefully underprepared" and "some people will never be able to retire," Geller predicted.

Many states have created plans for workers who don't get one through their employers, such as CalSavers in California and the Minnesota Secure Choice Retirement Program where workers can opt to make tax-deferred contributions.

— **Create changes in building codes** to encourage dedicated senior housing. Geller said he'd like to consider "granny flats" to allow housing additions so multiple generations can live together "to encourage senior-friendly housing."

More than 12 million renters across the United States are "severely" cost-burdened as of 2022, which is the latest data available, or paying more than half their income for rent and utilities, according to a January study by the Harvard Joint Center for Housing Studies.

Fort Lauderdale, Pompano Beach and Miami constitute one study cluster with nearly 35% of renters considered "severely" cost-burdened.

In addition, there are an estimated 869 seniors ages 55-64 and another 417 seniors older than 65 in Broward who are homeless, according to a recent presentation by county officials dealing with upcoming homeless laws.

Broward County said it is aggressively encouraging construction — and helping fund — affordable housing for seniors. Projects in the works now include: Ekos Pembroke Park, 150 units in Pembroke Park; Hollywood Vista, 118 units in Hollywood; Paramount Place, 110 units in Hollywood; Boulevard Gardens, 92 units in the unincorporated county; and Pantry Lofts, 90 units in Fort Lauderdale, Ralph Stone, Broward County's director of the Housing Finance Division, told the South Florida Sun Sentinel on Tuesday.

— **Meeting the transportation needs** of an aging population including new signage, changing paratransit to add low floors and improved audio and visual announcements, more community shuttles and vans, and "safe transitioning" for seniors to stop driving.

The Robert Wood Johnson Foundation reported last year that about 5% of nonelderly adults did not get needed health care in the past 12 months because of difficulty finding transportation.

Geller also said there could be a consideration to create crosswalks that give seniors more time to get across the street.

— **Tackle health care issues** for older Americans. The costs of long-term care average more than $100 per day nationwide for a four-hour daily home health aide. Yet "the majority of older adults will need these services, and those with very low incomes, who are most likely to require them, have the fewest resources to pay for them," according to a November study by the Harvard Joint Center for Housing Studies. About 85% of seniors age 75 and older in Miami-Dade and Broward who live alone cannot afford daily home care on top of housing and other necessities, according to the report.

Along with silver tsunami issues, Geller offered two other options for consideration for the October planning agenda: financing water quality infrastructure, which would be his priority, and workforce training for "technology-displaced" workers.

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CRANE WATCH

Commercial Real Estate

Kimco plans apartments at Hollywood shopping center

Image: MSA Architects

KImco Realty Corp. has proposed apartments at Oakwood Plaza in Hollywood.

MSA ARCHITECTS

By Brian Bandell – Real Estate Editor, South Florida Business Journal
Jul 9, 2024

Listen to this article 3 min

Kimco Realty Corp. (NYSE: KIM) filed plans for its first apartment building at Oakwood Plaza in Hollywood, a retail center that's being transformed into a mixed-use development.

The city's Technical Advisory Committee will consider the plans by Oakwood Plaza LP, an affiliate of New Hyde Park, New York-based Kimco, for the 2.42-acre property at 2609 N. 26th Ave. on July 15. The vacant property is along a lake and across the southern entrance to the shopping plaza along Oakwood Boulevard. It's just north of the city's Oakwood Hills Park.

Trending: Beachfront restaurant in Broward files for bankruptcy

The developer is seeking approval for an eight-story building with 282 apartments, 334 parking spaces, a pool and a courtyard.

The apartments would range from 448 to 1,350 square feet, with an average size of 835 square feet. There would be 30 studio apartments, 150 one-bedroom units, 94 two-bedroom units, and eight three-bedroom units.

Kimco Director of Development Brandon Reynolds couldn't be reached for comment. He's working with Miami-based MSA Architects and planning firm Kimley-Horn on the project.

In 2021, Kimco filed plans to rezone the 112.5-acre Oakwood Plaza, on the east side of Interstate 95, from mostly retail and some office into a mixed-use project. It was ultimately approved for 1.2 million square feet of retail, 1.89 million square feet of office, 3,800 residential units and 625 hotel rooms. No major redevelopment has taken place, but that could soon change.

In May, Kimco filed plans to replace the Regal Cinemas at Oakwood Plaza with a big-box retail store, potentially Dick's House of Sport.