



Public Hearing  
for Pinnacle at  
State Road 7  
Brownfield Area  
Designation

May 17, 2023



**PINNACLE**  
COMMITTED TO EXCELLENCE



THE **GOLDSTEIN**  
ENVIRONMENTAL LAW FIRM

# INTRODUCTION - PROPERTY LOCATION

820 and 890 N. SR 7 & 6024 and  
6028 Johnson Street, Hollywood, Florida 33024



Parcel ID Numbers:

514113040100, 514113040110, 514113040080, and 514113040090

# INTRODUCTION – KEY DEFINITIONS

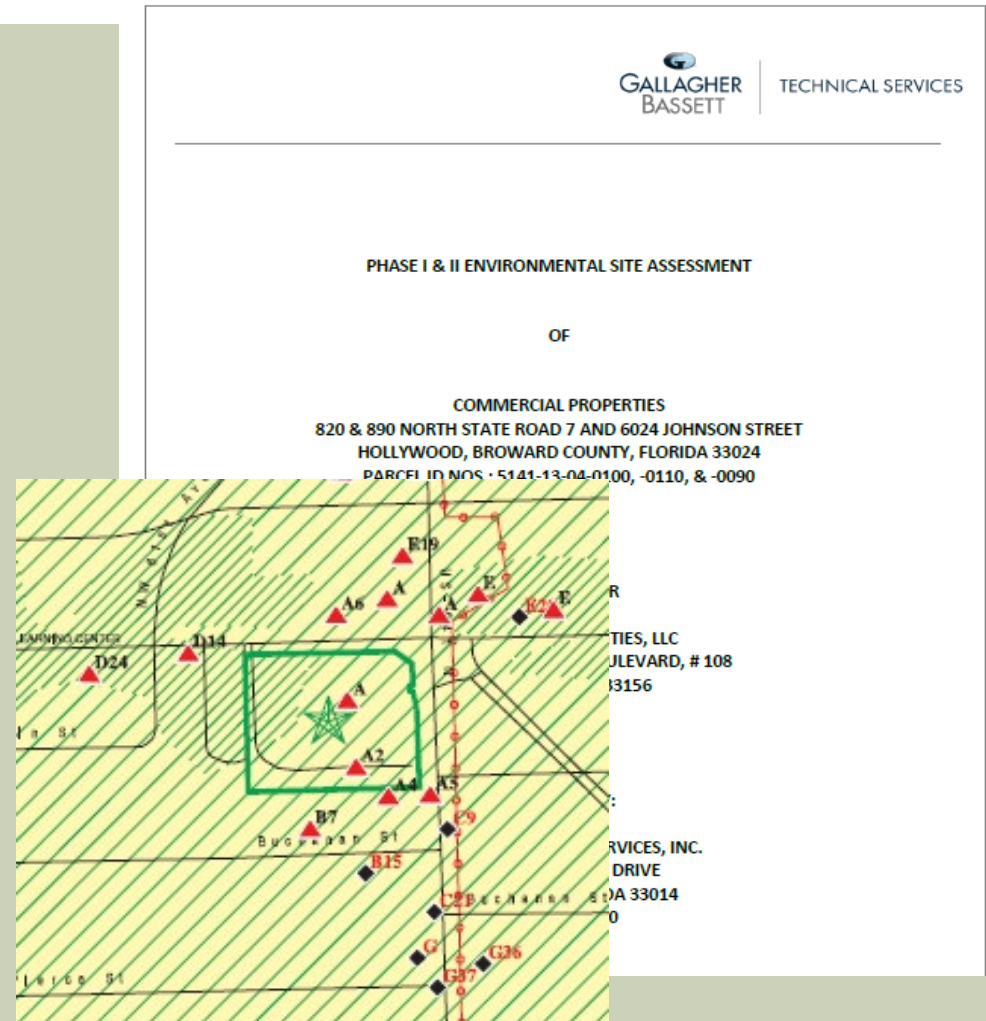
- “Brownfield sites” - real property, the expansion, redevelopment, or reuse of which may be complicated by actual or perceived environmental contamination. § 376.79(4), Florida Statutes (“F.S.”)
- “Brownfield area” means a contiguous area of one or more brownfield sites, some of which may not be contaminated, and which has been designated by a local government by resolution. Such areas may include all or portions of community redevelopment areas, enterprise zones, empowerment zones, other such designated economically deprived communities and areas, and Environmental Protection Agency-designated brownfield pilot projects. § 376.79(5), F.S.



# OVERVIEW OF PROJECT ENVIRONMENTAL MATTERS

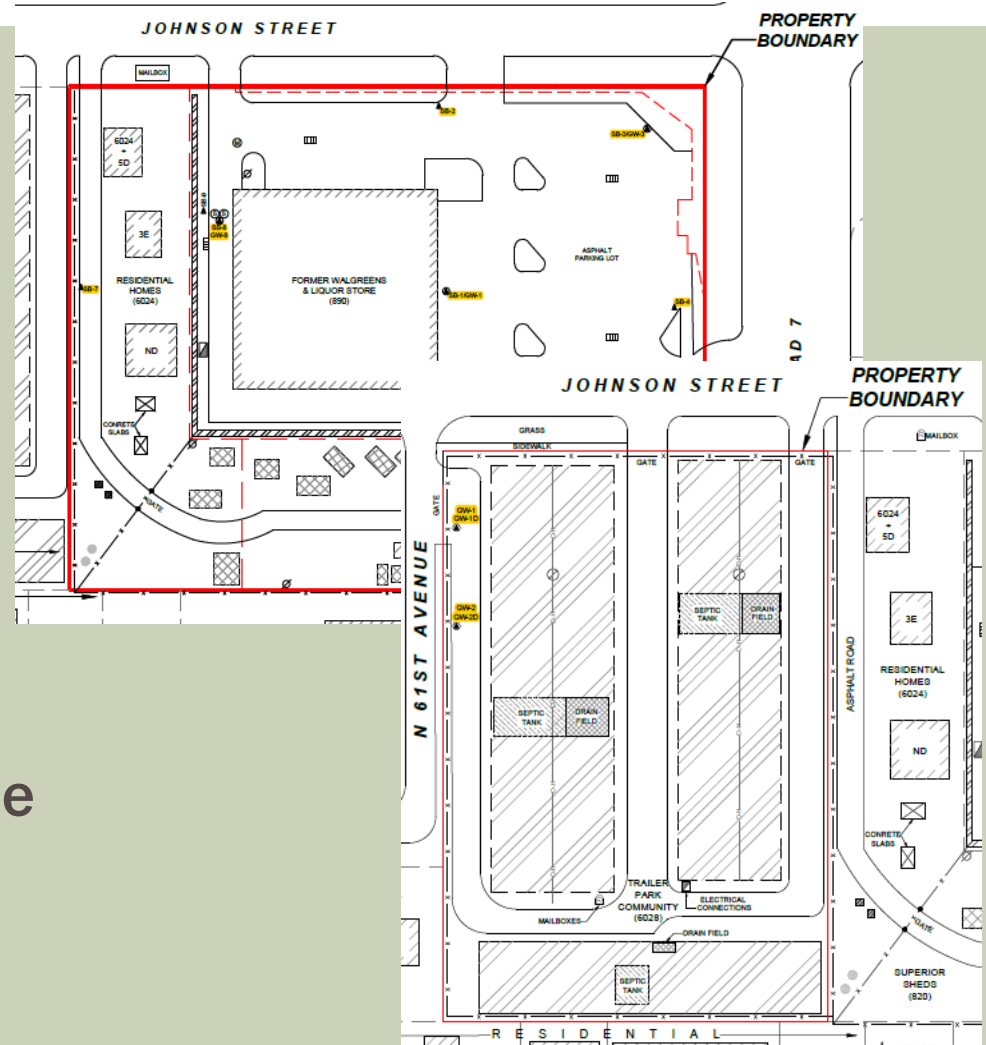
- Phase I Environmental Site Assessment (“ESA”) identified one Recognized Environmental Condition (“REC”):

- “The potential for the migration of petroleum products and/or hazardous substances onto the Property from the southern adjoining automotive repair facility, the northern adjoining historic gasoline station, and the northeastern adjoining historic gasoline station/automotive repair facility was considered to be a REC.”



# OVERVIEW OF PROJECT ENVIRONMENTAL MATTERS

- Pinnacle conducted extensive soil and groundwater sampling to determine if REC resulted in actual contamination at the Subject Property
- The potential risk, combined with Pinnacle's efforts to further evaluate and understand the risk are redevelopment complications.



# PROPERTY REUSE PLANS



- 213-unit affordable housing development serving working families
- Two, 8-story buildings with live/work space
- Community Amenities:
  - Meeting spaces
  - Fitness center
  - outdoor patio
  - Cyber lounge
  - Enhanced bus shelters
  - Outdoor public plaza

# BROWNFIELD AREA DESIGNATION PROCESS

- Brownfield Area designations are governed by the provisions of § 376.80, Florida Statutes (“F.S.”) of Florida’s Brownfields Redevelopment Act
- For a designation proposed by a private party, § 376.80(2)(C), F.S., applies
- Process:
  - Provide notice
  - Hold community meeting
  - Conduct two public hearings
  - Adopt a resolution following consideration of five criteria

## The 2022 Florida Statutes

<a href="#">Title XXVIII</a>	<a href="#">Chapter 376</a>	<a href="#">View Entire Chapter</a>
NATURAL RESOURCES; CONSERVATION, RECLAMATION, AND USE	POLLUTANT DISCHARGE PREVENTION AND REMOVAL	
<b>376.80</b>	<b>Brownfield program administration process.—</b>	
(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. <a href="#">403.182</a> , of its decision to designate a brownfield area for rehabilitation for the purposes of ss. <a href="#">376.77-376.86</a> . 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. <a href="#">403.182</a> , 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. <a href="#">166.041</a> , except that the procedures for the public hearings on the proposed resolution must be in the form established in s. <a href="#">166.041(3)(c)2</a> . For counties, the governing body shall adopt the resolution in accordance with the procedures outlined in s. <a href="#">125.66</a> , except that the procedures for the public hearings on the proposed resolution shall be in the form established in s. <a href="#">125.66(4)(b)</a> .	

# BROWNFIELD AREA DESIGNATION PROCESS

## ■ Five Criteria for Designation:



1. requested by person who owns or controls the brownfield site and who has agreed to redevelop and rehabilitate it;



2. the rehabilitation and redevelopment will result in economic productivity and will create at least 5 jobs unless redevelopment is affordable housing;



3. the redevelopment is consistent with the local comprehensive plan and is permissible under local land development regulations;



4. notice has been provided to neighbors and nearby residents and the applicant has afforded those receiving notice an opportunity for comments and suggestions about rehabilitation; and



5. the applicant has provided reasonable assurance that they have sufficient financial resources to complete rehabilitation and redevelopment.



# QUESTIONS/ANSWERS



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- Assistance with Securing Acquisition Financing & Placing Environmental Insurance
- Negotiation of Voluntary Cleanup Agreements & Covenants Not-to-Sue
- Integration of Cleanup and Construction Requirements
- Regulatory Approvals to Build on Contaminated Development Sites