

## Executive Summary

Heritage Oaks, LLLP (“Heritage Oaks”) and its affiliates propose to redevelop and rehabilitate two parcels of land located at 12301 134<sup>th</sup> Avenue, Largo, Pinellas County, FL 33774, identified by Parcel ID Number 09-30-15-70488-200-0700 and 13060 Washington Drive, Largo, Pinellas County Florida 33774 identified by Parcel ID Number 04-30-15-70452-300-2500 (the “Subject Property”), as part of a multi-phased affordable housing community to be called Rainbow Village. The first phase, to be called Heritage Oaks, will consist of a 64-unit, three-story building and four, single-story quadplexes for a total of 80 units. Future phases will consist of affordable housing in duplexes, single-family detached homes, and stacked flats. Heritage Oaks’ residential amenities will include a clubhouse, a community room, a fitness center, and a community center (the “Project”). As demonstrated herein, the Project meets all five of the applicable designation criteria set forth in Section 376.80(2)(c), Florida Statutes. 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.”

*Heritage Oaks satisfies this criterion in that it controls the Subject Property for the first development phase by way of a Ground Lease and has agreed to redevelop and rehabilitate it. With respect to the property on which future phase will be built, the Pinellas County Housing Authority has authorized Heritage Oaks to submit this request for designation on its behalf. Accordingly, Heritage Oaks 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.”

*Heritage Oaks satisfies this criterion in that the Project will result in significant economic productivity of the area. The budget for rehabilitation and redevelopment of the Project’s first phase is approximately \$22 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 58 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. Pinellas County generally will also likely experience significant benefits from the Project, including economic redevelopment and growth, job creation, environmental restoration, and more suitable growth patterns in the area.*

*Because the units at the Subject Property will be rented to Income Eligible Households under the Low Income Housing Tax Credit program, rehabilitation and redevelopment of the Subject*

Property will “provide affordable housing as defined in s. 420.0004.” Accordingly, the employment creation threshold of at least 5 new permanent jobs is not applicable to the Project. Notwithstanding the foregoing, the Project is anticipated to result in the creation of 5 new permanent jobs consisting of management, leasing, maintenance, and tenant support service positions. For the reasons discussed herein, Heritage Oaks 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.”

*Heritage Oaks satisfies this criterion in that the Subject Property is located in the Multi-family Residential (“RM”) Zoning District and the Residential Urban (“RU”) Future Land Use Designation, which permit multi-family residential uses with a maximum of 7.5 dwelling units per acre. As such, the redevelopment of the 28.06-acre property into a residential development with 80 units is consistent with the local plan and a permittable use under the applicable local land development regulations. This consistency and permissibility is furthered by the enclosed Zoning and Land Use Verification Letter. Accordingly, Heritage Oaks meets this third criterion.*

**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 subparagraph (1)(c) must be posted in the affected area. Additional notice requirements pertaining to applicants other than a governmental entity can be found in Florida Statutes § 376.80(1)(c)4b 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.

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

- (i) notice was posted at the Subject Property;*
- (ii) notice was published in the Tampa Bay Times newspaper;*
- (iii) notice was published in a local community bulletin;*
- (iv) a community hearing was held on November 16, 2023, at the Greater Ridgecrest Branch YMCA; and*
- (v) an announcement will be made by County staff at a scheduled Pinellas County Board of County Commissioners Meeting before the actual public hearing to be held at the Subject Property.*

*All notices contained substantially the following narrative:*

**Notice of Community Meeting and Public Hearings for Proposed Brownfield Area Designation Pursuant to Florida’s Brownfields Redevelopment Act**

*Representatives for Heritage Oaks, LLLP will hold a community meeting on November 16, 2023, from 6:00 p.m. until not later than 7:30 p.m., at the Greater Ridgecrest Branch YMCA located at 1801 119<sup>th</sup> Street N., Largo, FL 33778. This*

*community meeting will be held for the purpose of affording interested parties the opportunity to provide comments and suggestions about the potential designation of land located approximately at 12301 134<sup>th</sup> Avenue, Largo, Pinellas County, FL 33774, identified by Parcel ID Numbers 09-30-15-70488-200-0700 & 04-30-15-70452-300-2500, as a Green Reuse Area. This Community Meeting will also address future development and rehabilitation activities planned for the site. 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 Pinellas County Board of County Commissioners, dates to be announced.*

*For more information regarding the community meeting and/or the public hearings or to provide comments and suggestions regarding designation, development, or rehabilitation at any time before or after the community meeting and/or public hearings, please contact Brett C. Brumund, Esq., who can be reached by telephone at (305) 640-5300, U.S. Mail at The Goldstein Environmental Law Firm, P.A., 2100 Ponce de Leon Boulevard, Suite 710, Coral Gables, FL 33134, and/or email at bbrumund@goldsteinenvlaw.com.*

*Proof of publication or posting, as appropriate, was 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 of the brownfield site.”

*The total capital budget of approximately \$22 million for the Project is fully funded through a combination of debt and equity. Specifically, the project will be funded by \$17.9 million in tax credit equity, a \$1,641,877 deferred developer fee, a \$13,600,000 construction loan, and a \$3,800,000 permanent loan. Accordingly, Heritage Oaks satisfies this 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 evidence that the Subject Property falls within the definition of the term “brownfield site” in that there is a perception of contamination that exists arising from the historical use of several adjacent properties for illegal dumping as well as the potential use of portions of the Subject Property and the surrounding area for citrus cultivation. Specifically, the Subject Property is located adjacent to the Dansville Historic Landfill Site, consisting of at least three discrete areas in which waste was illegally dumped. Additionally, historical aerial photographs show what appears to be areas of dumped waste along the western property boundary. The illegal dumping of waste at the adjacent property resulted in pockets of buried debris as well as areas of both soil and groundwater contamination. Contaminants identified on the adjacent landfill property include arsenic, benzo(a)pyrene, and dieldrin. Widespread citrus farming in the area may also have occurred on or in proximity to the Subject Property based on review of historical aerial photographs.

The proximity of the Historic Dansville Landfill site, the scattered nature of the documented dumping adjacent to the Subject Property, and the potential historical use of the Subject Property and the surrounding area for citrus cultivation creates a perception of contamination on Subject

Property. The presence of contaminated groundwater associated with documented dumping activities increases this perception by creating the risk that undocumented areas of groundwater contamination generated by offsite dumping activities could have migrated over time. Citrus farming is also commonly associated with localized environmental contamination from the application of pesticides and herbicides, many of which contain arsenic.

In sum, the historical uses of and activities conducted on properties adjacent to the Subject Property and in the surrounding area have complicated redevelopment for Heritage Oaks by increasing the risk that contamination may be discovered as redevelopment progresses. Accordingly, Heritage Oaks has no assurance that as it moves forward with the Project, the total cost of cleanup, if required, would not ultimately exceed what is currently projected. Such uncertainty constitutes an *acute* form of redevelopment complexity that goes to the heart of the Florida Brownfields Program and underscores why incentives are so important for sites and projects exactly like this one. This designation, if granted, will allow Heritage Oaks to access limited, but important, state-based economic incentives to help underwrite the costs associated with managing the environmental risk as well as to help put the Project on 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.

### **III. Application for Designation Review**

The applicant, Heritage Oaks LLLP., retained Goldstein Environmental Law to prepare the application package and work with Pinellas County on the Designation. A preliminary meeting was held to review the process. September 18, 2023, a draft application package was received. A pre-application meeting was conducted on October 3, 2023. The applicant, in conjunction with Pinellas County Housing Authority conducted the first required Local Public Information meeting on November 16, 2023. Limited comments were received in relation to the Brownfield Designation, the majority of comments received from the citizens were concerns about relocation during the redevelopment process, as stated members of Pinellas County Housing Authority and the management company were present for the first local public information meeting. The final application package for Designation was received May 8, 2024. The application package was reviewed. Subsequently, the application package including an executive summary, draft Resolution and project location map were circulated to the Interdepartmental Brownfield Task force on May 22, 2024, for review and comment.