

Memorandum



Date:

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

From: Daniella Levine Cava
Mayor

Subject: Resolution No. R-967-19: DRAFT Updated Report Analyzing Potential Impacts to Miami International Airport from Proposed Development on the International Links Melreese Country Club - Directive No. 192075



At the September 4, 2019, Board of County Commissioners (Board) meeting, the Board adopted Resolution No. R-967-19, directing the County Mayor or County Mayor's designee to prepare a report analyzing the potential impacts to Miami International Airport (MIA) from a mixed-use development on 131.07 acres of land on the International Links Melreese Country Club (Melreese Country Club), which is owned and operated by the City of Miami, potentially including a 25,000 seat soccer stadium and other ancillary commercial uses such as: offices, restaurants, hotels, and conference facilities. The Resolution references potential impacts to traffic, road closures, aviation and airport operations, Federal Aviation Administration (FAA) requirements, commercial and environmental impacts, and costs to MIA to mitigate such impacts. It should be noted that the redevelopment of the Melreese Country Club is contingent upon the approval of the "Ground Lease and Master Development Agreement" by the City of Miami Commission, which has not yet been obtained as of the writing of this report. If approved by the City of Miami Commission, the project will be subject to all appropriate subsequent steps including but not limited to all required federal, state, County and local regulatory approvals necessary for the implementation of the project.

In response to the Board's directive, the Miami-Dade Aviation Department (MDAD), the Regulatory and Economic Resources Department (RER), and the Transportation and Public Works Department (DTPW) placed a report, dated February 22, 2021, on the March 16, 2021 Board agenda under Legistar No. 210420. The report, which summarized the potential impacts to MIA from the mixed-use development described above, known as the Miami Freedom Park Development, raised concerns regarding certain aspects of the conceptual site plans that were submitted to the County for review. Below is a summary of the concerns listed in the February 2021 Report and updates to these concerns as of the writing of this report.

February 22, 2021 Report

In the February 2021 report, MDAD pointed out that four of the proposed GPS coordinates in the conceptual drawings for the soccer stadium, as submitted to MDAD, did not comply with the Miami-Dade County Code, because they do not meet the County's height restrictions. Other aviation concerns included impacts to MIA's Outer Safety Zone, the Critical Approach Zone, and the 65-74 DNL Noise Compatibility Zone. Additionally, MDAD expressed concern with other issues, including but not limited to: (i) possible visual impacts to pilots and air traffic controller personnel resulting from lighting and glare; (ii) the possible airspace conflicts with helicopters, blimps, drones, and banner tower operations from the use of lasers and fireworks; and (iii) aircraft

operational impacts during construction by the use of cranes within the arrival and departure paths of MIA's longest runway.

With respect to environmental matters, RER noted in that report that any on-site contamination at the Melreese Country Club, and any off-site contamination that originated from the Melreese Country Club, requires review and approval from RER's Division of Environmental Resources Management (DERM) to ensure the proper handling or disposal of contaminated material. Furthermore, any proposal for expansion or redesign of the site's stormwater management system also requires DERM's review and approval.

DTPW raised concerns in the report over the traffic impacts of the mixed-use development, as the June 2019 traffic study submitted to DTPW is based on traffic data collected in 2018, which does not accurately reflect today's traffic patterns and traffic volumes. Therefore, DTPW recommended that MFP LLC prepare a new detailed study. To date, an updated traffic study has not been submitted for review.

Update to February 22, 2021 Report

At the February 15, 2022 Board meeting, a motion was adopted directing the Administration to bring up to date the original report placed on the March 2021 agenda. In response to the Board's directive, MDAD, RER and DTPW prepared an update, which consists of the different actions taken by MFP LLC to further develop the preliminary site plan initially submitted to the County in 2019. During this past year, priority has been given to the "Ground Lease and Master Development Agreement". Upon the City of Miami's approval of the lease, MFP LLC will finalize the development site plans and the design drawings and begin seeking the necessary federal, state, County and local regulatory approvals required to construct a development site that will include: a new public park, a state-of-the-art soccer stadium, food and beverage stores, offices, a hotel and conference center, and other commercial uses.

Miami-Dade Aviation Department (MDAD)

A. Aviation and Airport Operations Impacts and FAA Considerations – Exhibit A

MDAD's updated report is based on the most recent printed information made available to the public through a Special Area Plan Concept Book, which was published on June 20, 2020, and updated on May 7, 2021. It can be viewed at: <https://miamifreedompark.com>. The update includes information, provided by MFP LLC's legal counsel that was coordinated and drafted in response to the various concerns MDAD raised regarding the construction of the proposed mixed-use development and its impacts to MIA.

Background

On November 27, 2019, the Capitol Airspace Group, an airspace consultant for MFP LLC, submitted an application for an MDAD-issued "Preliminary Airspace and Land-Use Letter of Determination," which consisted of 8 GPS points for the proposed soccer stadium, based on a preliminary conceptual development site plan for the Miami Freedom Park Development. The Capital Airspace Group also filed separately with the FAA for an FAA-issued "Airspace Determination Letter," but the FAA application consisted of 17 GPS points, representing additional points on the soccer stadium as well as the stadium's top-mounted light poles.

Because the Miami Freedom Park Development construction would impact an airport facility or necessitate a change in aeronautical operations or aircraft procedures, the FAA required a "Public Notice", which was issued on June 16, 2020 in the form of a letter and distributed or "circulated" to interested parties for comment. Three of the 17 points had no impacts on the airspace, so to avoid issuing 14 separate public notices for each structure point, the FAA issued only one public notice describing the entire project with the aeronautical effects for the entire project.

In a letter sent to the FAA dated July 14, 2020, MDAD objected to 7 of the 14 points that MFP LLC filed with the FAA on November 23, 2019 for review, because the proposed maximum heights at those points do not comply with the Miami Dade County Code (Code); more specifically, those points violate the County's Height Zoning Code, which does not allow for a variance. See §§ 33-335, 33-338(D), County Code (showing that subject property is outside the Height Variance Eligible Area). On September 10, 2020, MFP LLC's legal counsel requested a copy of MDAD's objection letter, which was provided on the same date.

On September 28, 2020, the FAA issued a "Determination of No Hazard to Air Navigation", to MFP LLC, which stated that the proposed soccer stadium had impacts to certain Standard Instrument Approach Procedures. Even though the FAA acknowledged certain penetrations, it determined that the proposed soccer stadium "qualifies as a low, close-in penetration" requiring "Take-Off Minimum and (Obstacle) Departure Procedures." The FAA mitigates these penetrations by noting these as "obstructions" in aircraft departure procedures and specifies that airlines should implement appropriate departure procedures to avoid these penetrations. The FAA remains neutral and does not object to the construction of the soccer stadium by relying on the airlines to avoid obstructions. However, it should be noted that the County has the authority, which it has exercised through the above-referenced Airport Zoning Code among other regulations, to impose stricter standards to prevent impacts to airport operations.

April 2022 Update

As a result of MDAD's in-depth review of the aeronautical study that Capital Airspace Group submitted to MDAD on November 27, 2019, MDAD prepared the comments below with respect to the proposed mixed-use development's potential operational and safety impacts. MFP LLC's legal counsel attempted to address MDAD's comments in a letter dated April 1, 2020 and through other email correspondence. MDAD's major concerns, in conjunction with those of MIA's airline partners and air cargo carriers and the actions taken or commitments made MFP LLC in response to the Department's concerns, are noted below. The documentation including the April 1, 2020 letter is attached as part of Exhibit A to this memorandum.

1. MDAD Comment

- Compliance with Miami-Dade County Code in that four of the eight GPS Coordinates (submitted to MDAD) of the proposed stadium would be too high and penetrate the obstacle clearance surfaces described in the Code, in addition, they would also penetrate the standard departure surfaces prescribed by the FAA.

- Response – The April 1, 2020 letter recognizes that the four GPS Coordinates that would have been too high have been redesigned (i.e., reduced) to bring the stadium into compliance with the new, more restrictive height requirements of the Airport Zoning Code (chapter 33, article XXXVII, County Code). MDAD has corroborated this statement. The revised design plan with the new GPS Coordinates for the proposed soccer stadium have been submitted to the City of Miami for review and approval. Furthermore, MDAD was advised by the MFP LLC that they filed an application for an extension of the September 28, 2020 FAA Determination with revised GPS points that now comply with the County's most restrictive local regulatory requirements, because it expired on March 28, 2022.

2. MDAD Comment

- Compliance with the compatibility criteria specified in the Miami-Dade County Code as it relates to land use within three different zones, the Outer Safety Zone, the Critical Approach Zone and the 65-74 DNL Noise Compatibility Zone.
 - A. The Outer Safety Zone prohibits new residential construction, as well as the construction of educational facilities (excluding aviation-related schools and structures used in connection with public transportation), buildings for public assemblage, hospitals, and religious facilities. Because the stadium is a building for public assemblage, it must be located outside the Outer Safety Zone. The preliminary sketch submitted shows that the soccer stadium is located adjacent and slightly encroaching into the Outer Safety Zone. A revised sketch included as part of the Special Area Plan Concept Book indicates that the soccer stadium is now outside of the Outer Safety Zone. In addition, structures depicted south of the soccer stadium, referred to as the "Soccer Village," which consist of shopping, dining, and entertainment facilities, fall directly within the Outer Safety Zone. Should the use of those structures be considered for public assemblage, those structures and uses may be prohibited. The Code does not permit variances from these restrictions in the Outer Safety Zone. See § 33-333(A)(1)(b)(ii), County Code.
 - Response – The April 1, 2020 letter states that the location of the soccer stadium has been repositioned away from the Outer Safety Zone and now complies with the existing regulations. Nevertheless, upon MDAD's request, the floor plans, inclusive of all corridors, circulation, and ancillary spaces for the proposed soccer stadium, will be submitted to MDAD for review once they are available.
 - B. The Critical Approach Zone prohibits construction of hospitals, stand-alone emergency rooms, skilled nursing facilities, adult day care facilities, day nurseries, and educational facilities (excluding aviation-related schools) and uses that emit smoke, gases, or dust in quantities sufficient to jeopardize the safe use of MIA. The Code does not permit variances from these restrictions in the Critical Approach Zone. See § 33-333(A)(1)(c), County Code. The proposed development site is partially contained within this Zone.

B. Commercial Impacts - Exhibit B

Based on the information regarding the Miami Freedom Park Development available online at <https://miamifreedompark.com> with respect to the commercial/retail developments planned, the site potentially includes a hotel and a conference center with 750 rooms and a mix of food, beverage, and retail in an area estimated to total approximately 600,000 square feet. Additionally, a pedestrian bridge is under consideration that will connect to the Miami Intermodal Center (MIC), which will facilitate transportation to the Miami Freedom Park Development from multiple forms of transportation modes that connect at the MIC, including Metrorail, TriRail, Metrobus, City Trolley, the Car Rental Center, the Taxi Center and Amtrak, a long-distance train service, which is also going to open at the MIC.

The customer base for an on-site airport hotel is primarily the traveling public. These hotels serve as a transfer point in a passenger's greater travel plans for a short-term connection or a longer stay before they reach their destination. By contrast, special event participants choose hotel properties with easy access to the city and more amenities than an airport property. MIA is moving forward with a Request for Proposals (RFP) for the development of a new 350-400 room hotel to be built by a private developer connected to MIA's North Terminal, with meeting space of 25,000 square feet in which modern technology can be installed. This will offset most of the impact of a new hotel at the Miami Freedom Park Development for small to midsize meetings, but the development site may still compete for some of the larger meetings and conferences.

The food and beverage and retail impacts to MIA are very difficult to assess due to the limited data currently available on specific tenants planned for the commercial development. The effect on post-security food and beverage and retail should be minimal because most domestic passengers have a limited time to shop and eat and most prefer doing these activities in the post security area of the Terminal. These passengers are not typically customers of a new shopping area off-airport grounds on the day of their travel. For international travelers who want to shop or eat a meal in Miami before they depart and have several extra hours, there is the possibility that they may utilize the new retail spaces for eating or shopping prior to arriving at the airport or leaving MIA while waiting several hours for a connecting flight, which could have a minimal impact to spending at the airport. Having a connection via a pedestrian bridge over the canal from the Miami Freedom Park Development to MIA from the MIC could make it easier for future passengers to stop at the development site prior to a flight several hours later. Also, it is unknown if a shuttle service to MIA will be provided by the retail complex at Miami Freedom Park Development to encourage use of their commercial facilities prior to going to MIA or waiting many hours for a connecting flight from MIA.

To better understand in more detail the financial impact to MIA, more information on the planned retail, and food and beverage venues at Miami Freedom Park Development is required. The current website shows an estimated 600,000 square feet of commercial space, but there is no breakdown at this time for the specific types of uses. Once this information is made available, MDAD can isolate the planned venues and services at the Miami Freedom Park Development (off-airport) versus the on-airport (MIA) concession program.

D. Traffic & Road Closures – Exhibit D

After review of the Miami Freedom Park and Soccer Village Traffic Study (Study) dated June 2019, the Transportation & Public Works Department (DTPW) expressed concern with a number of factors in the Study including but not limited to: 1) the Study area is limited to the vicinity of the site, 2) the traffic data for the Study was collected in 2018 while the SR 836/Dolphin Expressway was undergoing construction in the vicinity of the Study, 3) the Study showed lower traffic counts at on- and off-ramps from SR 836 on Lefeune Road and those in the vicinity of the Miami Intermodal Center compared to the historical Florida Department of Transportation (FDOT) traffic count data, 4) 10 of the 28 intersections in the Study area are approaching capacity under existing conditions and/or future conditions, and 5) traffic volumes from FDOT Traffic Online website indicates that SR-836/Dolphin Expressway in the Study area is approaching capacity. Based on these concerns and others outlined in DTPW's report attached in Exhibit D, it

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was concluded that insufficient information has been provided in the Study to address the concerns of the Board as stated in Resolution No. 967-19; rather, DTPW recommends that a new detailed study encompassing a larger area would need to be prepared by the developer since much of the study depends on the scope and intensity of the development they are proposing.

As of April 2022, no new traffic study has been submitted for review by the applicant or through MDAD. A virtual meeting was held April 6, 2022 with Miami-Dade County Chief Operations Officer, Jimmy Morales, and representatives of the new development, MDAD, RER and DTPW. At that meeting, DTPW staff reminded the applicant that the directive does not address all the County departments or DTPW's standard review items. DTPW encouraged the applicant to go through the RER municipal preapplication process as the site must demonstrate compliance with several items regarding connectivity to and from the site, including site plan reviews, internal and external circulation for the proposed right-of-way layout of the adjacent roads and proposed ramps, and pedestrian connectivity. The applicant acknowledged and understood that formal submittals for County departmental reviews are required.

Pursuant to Ordinance No. 14-65, this memorandum shall be placed on a Board meeting agenda for review.

Jimmy Morales
Chief Operations Officer

- C: Geri Bonzon-Keenan, County Attorney
Gerald Sanchez, First Assistant County Attorney
Jess McCarty, Executive Assistant County Attorney
Office of the Mayor Senior Staff
Ralph Cutié, Director, Miami-Dade Aviation Department
Basia Pruna, Director, Clerk of the Board
Jennifer Moon, Chief, Office of Policy and Budgetary Affairs
Yinka Majekodunmi, CPA, Commission Auditor
Eugene Love, Agenda Coordinator

6. MDAD Comment

- Aircraft operational impacts during the prolonged construction due to the presence of cranes within the arrival and departure paths of MIA's longest runway, Runway 9-27.
- Response - The April 1, 2020 letter stipulates that MFP LLC will be required to file FAA Form 7460-1, which will set forth detailed plans related the project's use of construction cranes, and a construction crane plan will be submitted to MDAD for review and coordination prior to any construction crane installation. Furthermore, any proposed structure planned in the final development site plan in proximity to Runway 9-27 will need to obtain its own building permit. As such, at the time of building permit, the appropriate procedures will be followed for final site plan approval and compliance for construction activities in this area.

7. MDAD Comment

- Conflicts with aircraft operations due to the use of lasers and pyrotechnics during stadium activities and events.
- Response: The April 1, 2020 letter does not address this issue specifically, but it does stipulate that MFP LLC will submit a Restrictive Covenant Running with the Land that addresses the relevant points of concerns, including the use of lasers and pyrotechnics. MDAD has not received a draft copy of this Restrictive Covenant and, as such, MDAD has not confirmed whether its terms adequately address the issues.

8. MDAD Comment

- Impact to FAA's communications or navigation facilities, including but not limited to radio coverage, radio transmissions, and electrical interference of navigational aids. These impacts would be discovered after construction is completed and would be resolved at the expense of the developer.
- Response: The April 1, 2020 letter does not address this issue specifically, but it does stipulate that MFP LLC will submit a Restrictive Covenant Running with the Land that addresses the relevant points of concerns, including any impacts to FAA's communications or navigational facilities. MDAD has not received a draft copy of this Restrictive Covenant and, as such, has not confirmed whether its terms adequately address the issue.

Finally, as stated in the February 2021 report, MDAD is not able to quantify the costs that it would incur to mitigate the various impacts described herein. However, the developer would need to consider a design and development budget for any mitigation they would be responsible for.

B. Commercial Impacts - Exhibit B

Based on the information regarding the Miami Freedom Park Development available online at <https://miami-freedom-park.com> with respect to the commercial/retail developments planned, the site potentially includes a hotel and a conference center with 750 rooms and a mix of food, beverage, and retail in an area estimated to total approximately 600,000 square feet. Additionally, a pedestrian bridge is under consideration that will connect to the Miami Intermodal Center (MIC), which will facilitate transportation to the Miami Freedom Park Development from multiple forms of transportation modes that connect at the MIC, including Metrorail, TriRail, Metrobus, City Trolley, the Car Rental Center, the Taxi Center and Amtrak, a long-distance train service, which is also going to open at the MIC.

- Response: The April 1, 2020 letter does not address these issues. A response is pending.
- C. The 65-74 DNL Noise Compatibility Restriction Zone dictates that all new uses shall incorporate at minimum a 25-decibel outdoor-to-indoor noise level reduction into design and construction. See § 33-333(A)(2)(b), County Code. The proposed development site is fully contained within this Zone.
- Response - The April 1, 2020 letter asserts that federal noise abatement standards will be met as the site plans are further developed, and that the 25-decibel outdoor to indoor "Noise Level Reduction" required by the applicable County Code section will be incorporated into the design.

3. MDAD Comment

- Visual impacts to pilots and air traffic control personnel resulting from lighting and glare from the proposed stadium, practice fields, and other associated support facilities.
- Response – The April 1, 2020 letter states that a lighting and glare proposal will be prepared with MDAD input, to ensure that potential glare emanating from reflective surfaces is studied and mitigated.

4. MDAD Comment

- Reduction in MIA's air traffic capacity due to potential airspace restrictions due to proposed stadium heights.
- Response: The April 1, 2020 letter states that MFP LLC has revised the soccer stadium plan to reduce its height and bring it into compliance with the Airport Zoning Code's height requirements.

5. MDAD Comment

- Airspace conflicts with helicopters, blimps, drones, and banner tower operations associated with the proposed stadium and its uses.
- Response: The April 1, 2020 letter does not address this issue specifically, however, the letter does stipulate that MFP LLC will submit a Restrictive Covenant Running with the Land that addresses the relevant points of concerns including the helicopters, blimps, drones, etc. MDAD has not received a draft copy of this Restrictive Covenant and, as such, MDAD has not confirmed whether its terms adequately address the issues.

Regulatory and Economic Resources Department

C. Environmental Impacts – Exhibit C

The proposed development site has documented on-site solid waste, as well as soil and groundwater contamination. At this time, DERM has no record of off-site contamination associated with the subject site. But if additional site assessment activities reveal off-site contamination impacts that originate from the above referenced site, the City (as the party responsible for site rehabilitation) will be required to address and remediate those off-site impacts. Furthermore, due to the existing on-site solid waste and soil contamination, any redevelopment of the subject site will require further coordination with DERM. Any plans for proposed redevelopment will require prior DERM review and approval to ensure proper handling and disposal of contaminated material. This will include conditions for proper site management to ensure hazardous materials (solid waste and contaminated soils) are not allowed to impact off-site properties, including but not limited to the MIA property. On August 14, 2019 and December 13, 2019, respectively, MFP LLC submitted a supplemental site assessment report and a Conceptual Site Rehabilitation Plan (SRP) to DERM. The conceptual plan outlined the proposed actions, to be conducted concurrently with the proposed site development, that would ensure that the construction and operation of the proposed development will be protective of human health and the environment. DERM provided comments to the proposed plan and provided additional requirements in a response to the Conceptual SRP in a letter dated December 23, 2019. DERM requires that the final SRP be submitted for review and approval prior to site development activities.

Any proposal for stormwater system improvements expansion or redesign at the subject site (e.g., during any proposed development) will also require DERM review and approval. At that time, DERM technical staff will conduct a thorough review to ensure that any proposed stormwater system modifications comply with County Code and that applicable regulations are adhered to and that discharges will not disperse the groundwater contaminate plume to offsite properties. Additionally, such stormwater improvements will require groundwater monitoring to verify that no off-site dispersion of said contaminates occur.

Transportation & Public Works Department

D. Traffic & Road Closures – Exhibit D

After review of the Miami Freedom Park and Soccer Village Traffic Study (Study) dated June 2019, the Transportation & Public Works Department (DTPW) expressed concern with a number of factors in the Study including but not limited to: 1) the Study area is limited to the vicinity of the site, 2) the traffic data for the Study was collected in 2018 while the SR 836/Dolphin Expressway was undergoing construction in the vicinity of the Study, 3) the Study showed lower traffic counts at on- and off-ramps from SR 836 on LeJeune Road and those in the vicinity of the Miami Intermodal Center compared to the historical Florida Department of Transportation (FDOT) traffic count data, 4) 10 of the 28 intersections in the Study area are approaching capacity under existing conditions and/or future conditions, and 5) traffic volumes from FDOT Traffic Online website indicates that SR-836/Dolphin Expressway in the Study area is approaching capacity. Based on these concerns and others outlined in DTPW's report attached in Exhibit D, it