



CITY OF FORT LAUDERDALE

Approved
MEETING MINUTES
CITY OF FORT LAUDERDALE
AFFORDABLE HOUSING ADVISORY COMMITTEE
FIRE STATION #2, 528 NW 2ND STREET
3RD FLOOR CONFERENCE ROOM
FORT LAUDERDALE, FLORIDA 33311
MONDAY, JULY 10, 2023 – 9:00 A.M.

Cumulative

Committee Members	January-December 2023		
	Attendance	Present	Absent
Margi Nothard, Chair	P	6	1
Leann Barber, Vice Chair	P	7	0
Vice Mayor Dr. Pamela Beasley-Pittman (9:09-10:22 via Zoom)	P	7	0
Pablo Calvo (arr. 9:09)	P	2	0
William Condon	P	6	1
Willie McKay	P	1	0
Sister Robin Merrill	A	0	2
Susan Spragg	P	7	0
Solomon Williams	P	3	1
Ryan Wipplinger	P	5	2

Staff

Avis Wilkinson, Assistant Housing and Community Development Manager / SHIP Administrator / Staff Liaison
 Al Battle, Deputy Director, Department of Sustainable Development
 Jim Hetzel, Principal Planner
 Karlanne Grant, Urban Design and Planning
 Burt Ford, Chief Zoning Examiner
 Carla Blair, Recording Secretary, Prototype, Inc.

Communication to the City Commission

None.

I. ROLL CALL / DETERMINATION OF A QUORUM

Chair Nothard called the meeting to order at 9:03 a.m. Roll was called and it was noted a quorum was present.

It was noted that Caroline Cozzi, representing Habitat for Humanity of Broward, was present as a guest at the meeting.

II. APPROVAL OF MINUTES – June 12, 2023

Motion made by Ms. Spragg, seconded by Mr. Wipplinger, to approve. In a voice vote, the **motion** passed unanimously.

New Committee member Willie McKay introduced herself at this time.

III. OLD BUSINESS

- **Affordable Housing Trust Fund Balance – Avis A. Wilkinson**

Ms. Wilkinson reported that the Affordable Housing Trust Fund balance remains at \$0.

- **Update on Habitat Housing Project – Habitat – BBI Village Project**

Ms. Wilkinson stated that Habitat for Humanity of Broward County continues to work with the City Manager's Office to advance this project. Habitat will work directly with utility providers to address issues, which are expected to increase the project's homeowners' association fees. The project will consist of 18 town homes, two of which will be live/work units.

Mr. Calvo and Vice Mayor Dr. Beasley-Pittman joined the meeting at 9:09 a.m.

Ms. Wilkinson continued that Habitat will receive over \$1 million in Home Investment Partnerships Program (HOME) funds. She encouraged the Committee members to attend the upcoming groundbreaking ceremony for the project.

- **2023 Affordable Housing Incentive Plan – Urban Planning and Design**

Jim Hetzel, Principal Urban Planner, gave a PowerPoint presentation on affordable housing, noting the City's various land use designations on a map. Some of these areas have adopted Master Plans which include affordable housing components. The City has Regional Activity Centers (RACs) and Transit-Oriented Corridors (TOCs), on which affordable housing is expected to be developed.

Mr. Hetzel explained that Urban Design and Planning adopts regulations for the City's Unified Land Development Regulations (ULDR), also referred to as Code. The purpose is to establish policy and regulations and maximize attainable housing for everyone. This housing is concentrated on the City's major corridors and activity centers. The City also seeks to maximize partner benefits for organizations such as Habitat for Humanity who seek to develop affordable housing.

Staff has established a number of ways in which the approval process can be simplified for affordable housing. Developers are required to file a development review application with the City, which typically includes a Site Plan. Affordable properties receive a 30-year deed restriction. An affordable housing development plan must also be submitted during

the Site Plan process. An agreement is then executed for the provision of affordable housing throughout the 30-year time period of the deed restriction.

Code provides a number of incentives for the development of affordable housing, including:

- Density increases
- Parking reductions
- Height incentives
- Location-specific benefits

Specific incentives have been adopted for the South RAC, the Uptown area, the Northwest RAC. The South RAC provides an incentive for the development of up to 100 affordable units per acre in this zoning district. There are two incentive levels for the South RAC: one provides an incentive for 10% of planned units to be affordable, while the other provides for an additional 5% set-aside on properties providing 100 units per acre.

When the Uptown area was adopted in 2019, this adoption included an affordable housing bonus program, which provides a market-rate benefit. Developers receive a number of market-rate units for every affordable unit, which permits them to increase density up to 100 units per acre.

The Northwest RAC has a height increase benefit, which allows developers to increase building height depending upon the zoning that is in place. Increased heights allow for greater density, as there is not a specific density allocation like those in the South RAC or Uptown areas.

Outside these specific areas, the Downtown RAC includes residential and commercial zoning and land use, which allows density to be increased. While residential areas have lower density, this can be doubled to accommodate the development of affordable housing. There is no cap on development in the RACs: the limitation is on what can be fitted into the form of a building with unit size, parking, and other requirements.

The following requirements are applicable to all these areas:

- A 30-year deed restriction
- Submittal of an affordable housing development plan
- Recording of the agreement
- Provision of affidavits

Mr. Hetzel addressed the County land use policy known as the Geller Amendment, which encourages the development of affordable housing by creating a “nonexistent pool of units” that are not tied to any land use designation or limitation. The intent is to allow developers to build mixed-use projects which include affordable housing. Geller Amendment requirements include:

- Must be located on a major commercial corridor which is identified as an arterial roadway or major collector

- Must provide a percentage of commercial use, as corridors were established for these uses
- 30-year affordable deed restriction
- Affordable housing development agreement and plan
- Legal affidavits

The Geller Amendment allocates market-rate units based on how many affordable units are provided. For the lowest income category for example, one affordable unit allows the development of 19 market-rate units.

Mr. Hetzel continued that because Fort Lauderdale is within Broward County, they may use the Geller Amendment without formally adopting it as part of the City's Comprehensive Plan. He also noted that units smaller than 500 sq. ft. count as a half-unit, also known as a studio, microunit, or efficiency unit.

If a developer wishes to make a payment in lieu of following the County policy, that payment is divided between the City and County. This payment is \$10,000 per unit. The City's portion of any payment in lieu will go into the Affordable Housing Trust Fund.

Ms. Wilkinson explained that the strategies reviewed by Mr. Hetzel are incentives to encourage developers to build affordable housing. Mr. Hetzel added that it has not yet been determined how the recently passed Live Local Act, which is state law, will be implemented or regulated. The Live Local Act makes it more difficult for the City to regulate aspects of development such as density and height.

Mr. Calvo asked if the shift to form-based zoning has affected requirements, such as setbacks. Mr. Hetzel explained that Staff is working to determine how form-based zoning fits into the Live Local Act: if the City adopts form-based regulations, they may be able to regulate compatibility requirements such as height or density. Staff is working to create form-based mixed-use districts on the City's corridors. Some areas, such as Downtown, have this type of zoning built into their Master Plans; however, the corridors do not, and the mixed-use section of Code does not regulate form-based requirements. While Staff has not yet received any applications under this law, they have received inquiries and telephone calls requesting information about it.

Chair Nothard noted that the Committee must vote to allow Vice Mayor Dr. Beasley-Pittman to participate in the meeting, as she was present via electronic communications.

Motion made by Ms. Spragg, seconded by Mr. Calvo, to approve. In a voice vote, the **motion** passed unanimously.

Vice Chair Barber asked when the payment in lieu option went into effect. Mr. Hetzel recalled that this was adopted in September 2022. Developers make this payment during the building permit process. He characterized payment in lieu as similar to the payment for some impact fees.

Vice Chair Barber explained that her concern was for the Affordable Housing Trust Fund, which continues to have a balance of \$0 despite several projects being underway in Fort Lauderdale. Mr. Hetzel clarified that the payment in lieu only applies to projects coming in “from this point forward” under the appropriate section of Code.

Mr. Hetzel continued that it is unlikely any applications will be submitted under County affordable housing regulations or the Live Local Act until 2024, as both developers and Staff are working to clearly understand these laws.

Chair Nothard asked if there are any other criteria that must be met for payment in lieu. Mr. Hetzel explained that payment in lieu does not free a developer from meeting requirements: it only provides an alternative to providing affordable units. Qualifying projects must still include a commercial component and meet deed restriction, affidavit, and other requirements.

Ms. Spragg observed that the Geller Amendment had reduced the payment in lieu fee from approximately \$43,000 per unit to \$10,000. She asked how many payments in lieu the City had received prior to this reduction. Mr. Hetzel stated that the City had received no payments of this amount, as no qualifying projects were submitted.

Vice Chair Barber asked if any analysis has been done regarding the assumptions behind the policies discussed today. She expressed concern with the ratio of affordable to market-rate units, pointing out that the tenants of market-rate units will demand services that are provided by individuals earning lower wages, but those individuals will not have access to housing.

Mr. Hetzel advised that he did not know how the County determined the ratio of affordable to market-rate units, such as 19 market-rate units for one low-income affordable unit. He estimated that the County’s ratio may have been based on the rising costs of land and construction.

Chief Zoning Examiner Burt Ford addressed the City’s regulations for accessory dwelling units (ADUs), stating that the RS-8 and RH-15 residential zoning districts can construct these units. They are intended for use as affordable housing; however, there is no way to ensure this use.

Mr. Calvo asked if requirements for ADUs may be waived, such as distance from lot lines or setback requirements. Mr. Ford replied that these requirements remain the same. There is no requirement to provide additional parking for ADUs, and they cannot be constructed on parcels zoned for multi-family dwellings.

Mr. Ford continued that a residential parcel on which an ADU is constructed must have a minimum square footage. This is to ensure density standards are met. Mr. Hetzel noted

that the Live Local Act would supersede the City's density limitations as put forth in the City's Comprehensive Plan.

Chair Nothard asked if there has been an increase in the City's applications for ADUs. Mr. Ford replied that Staff has received several questions about how the Live Local Act would affect these units. Mr. Hetzel noted that it would be possible to include information or a presentation about this law to the City's housing page on its website. There has been consideration of holding a forum or seminar to share this information with the public once Staff fully understands the ramifications of the new law.

Ms. Spragg asked if there are property tax considerations regarding ADUs. Mr. Ford replied that these properties would be taxed at the highest rate. Mr. Hetzel added that there is no follow-up from the City regarding the affidavits required to build these units.

Mr. Calvo recalled that some municipalities are experimenting with the laws governing ADUs, such as not adding their value to property appraisals for the parcel until the parcel is sold. Mr. Hetzel advised that the City does not address property tax assessments in Broward County. He agreed that analysis of other regions can be helpful to determine what is working in other parts of the country.

Deputy Director of Sustainable Development Al Battle stated that other organizations, such as the Florida Housing Coalition and nonprofit entities, are considering the tax structure for ADUs.

Mr. Hetzel added that one consideration in this case is the homestead exemption: for example, whether or not an ADU on a property should be taxed differently than the home in which the property owner lives. Mr. Ford confirmed that he has made an inquiry to the City Attorney's Office, as the statute governing this issue is somewhat ambiguous.

Mr. Hetzel continued that in order for Staff to investigate prospective Code Amendments, the City Commission must direct them to do so, as this is a policy decision. If the Affordable Housing Advisory Committee (AHAC) wished to recommend that Staff look into an issue, they would need to send this request to the City Commission, who would then decide whether or not to issue a directive to Staff.

Vice Chair Barber stated that the 400 sq. ft. minimum unit size seems to be restricting the number of units that can be built, pointing out that other municipalities have adopted a standard allowing smaller units. Mr. Hetzel replied that the City's housing regulations in the Code of Ordinances require a certain amount of square footage for living, kitchen, bathroom, and other uses. The Downtown area has requested consideration of lowering the required unit size to 280 sq. ft.; however, the City Commission felt this represented a standard of living below what they wanted for the City. The 400 sq. ft. minimum applies in the City's TOCs as well.

Mr. Hetzel noted that one trend for smaller units is the provision of indoor and/or outdoor communal spaces. He noted that the Uptown Master Plan, which was adopted by Fort Lauderdale in 2019, states that for units under a certain size, a ratio of communal space must be provided. Chair Nothard pointed out, however, that the addition of amenity space can increase costs and make units less affordable.

Mr. Wipplinger asked if Staff has considered making affidavit requirements for ADUs more restrictive or conducting follow-up to ensure affordability. Mr. Ford replied that there is nothing in existing statutes which allows the City to do this. Any direction to look into a change of this nature would need to come from the City Commission.

Mr. Battle advised that two reasons the City had adopted ADU policies are for vacation rental units and for homeowners who would like a relative to live near their home. These considerations also dictate how these units are managed.

Ms. Wilkinson observed that in order to encourage property owners to construct ADUs as affordable housing, there will need to be some kind of incentive for them to do so instead of using those units for vacation rentals or family members. Mr. Hetzel reiterated that this would require policy direction.

Vice Mayor Dr. Beasley-Pittman asked if the Department of Sustainable Development representatives could recommend other cities' laws from around the country which the Commission may wish to explore and consider. Mr. Hetzel suggested that with direction from the Commission, Staff could conduct analysis and research of other Florida municipalities or beyond. He noted, however, that other cities may be subject to state laws that are very different from those in Florida.

The Committee moved on to discuss the 2023 Affordable Housing Incentive Plan, with Chair Nothard recalling that members were asked in June to provide input at today's meeting on how to move forward with this Plan.

Ms. Spragg requested clarification of whether or not all Community Redevelopment Agencies (CRAs) will sunset in 2025. Mr. Battle replied that the Northwest CRA is scheduled to sunset by that date; other CRAs, which were established at later dates, will continue over additional years. The Beach CRA has already sunsetted.

Chair Nothard recommended that the Committee review each of the incentives listed in the Incentive Plan, followed by discussion of anything they might wish to add to that document. She added that the addition of an incentive addressing ADUs could be added as Incentive #12.

Chair Nothard addressed Incentive #1, which would expedite the processing of approvals of development orders and permits for affordable housing projects over other housing projects. Mr. Battle advised that this incentive is already part of City Code as well as existing affordable housing policy. He noted, however, that the "pre-permitting" phase of

approvals may slow this process, as it may require the developer to work with Urban Design and Planning Staff and go before advisory entities such as the Development Review Committee (DRC) for approval. These steps ensure that developments meet certain thresholds and requirements, such as adequate water and sewer access and other considerations.

Chair Nothard suggested that the Committee encourage the City to facilitate and assist with utility and other regulatory agencies when necessary, as these entities are not incentivized to prioritize affordable housing. She also asked what types of accelerations the Committee could recommend for the permitting process. Mr. Battle advised that with technological improvements, developers are encouraged to use an electronic submittal process, which saves time by allowing multiple Staff members to review the plans all at once and submit comments. He estimated that this creates 30% to 40% greater efficiency.

Chair Nothard asked if there are any other ways in which affordable housing projects might be prioritized. Mr. Battle suggested that these may include removing some of the restrictions within the ULDR to allow a more expedited process for projects which meet certain thresholds.

Vice Mayor Dr. Beasley-Pittman advised that with regard to the Committee's joint workshop with the City Commission, which is scheduled for October 2, 2023, she wished to emphasize the importance of ADUs as an incentive. She left the meeting at 10:22 a.m.

Chair Nothard moved on to Incentive #2, which would modify impact fee requirements for affordable housing. She noted the earlier discussion of payment in lieu, and suggested that this be addressed further at the next meeting. Mr. Battle advised that there have been no such reductions thus far, although they are offered by Broward County. The City may not waive building permit fees.

Incentive #3 would allow flexibility in densities for affordable housing. Chair Nothard requested that the members receive a copy of the PowerPoint presentation made by Mr. Hetzel and Mr. Ford, as this would help them better understand what density opportunities exist in the City.

Incentive #4 would reserve infrastructure capacity for housing for households with very low, low, and moderate incomes. Ms. Wilkinson explained that this reservation of capacity is based on local requirements in largely urban areas. It would guarantee that new affordable housing development will meet concurrency requirements for levels of service for certain types of infrastructure.

Incentive #5 would allow affordable housing ADUs in residentially zoned districts. Chair Nothard recommended that this be rephrased in order to reflect some of the elements presented at today's meeting.

Incentive #6 would reduce parking and setback requirements for affordable housing. Mr. Wipplinger suggested that this item be removed, as ULDR Section 47.20 is already clear and does not require changes. Vice Chair Barber recalled that she had proposed lowering parking requirements for affordable housing to zero, as she felt parking is a large contributor to housing costs. Residents who do not own cars could be given the opportunity to pay less rent for their units.

Vice Chair Barber continued that she was in favor of creating a more “pedestrianized” environment. She felt there should be designs that do not include cars, but instead focus on safe sidewalks, crosswalks, and other pedestrian infrastructure provided by the City in addition to more public transportation.

Ms. Wilkinson noted that this is the direction in which Fort Lauderdale is already moving. Mr. Battle cautioned, however, that this affects the neighborhoods adjacent to new developments, as these often experience more on-street parking by residents who live nearby and do not have a place to park their cars. He concluded that mass transit development is not being implemented quickly enough to solve this problem.

This item was tabled for further discussion at a later meeting.

Incentive #7 would align flexible lot configurations, including zero lot lines, for affordable housing. Ms. Wilkinson clarified that this would allow housing to be constructed up to the edge of the lot line. An affordable housing developer could request this on a case-by-case basis, or it could be allowed by right for affordable units. Chair Nothard observed that case-by-case might be a better way to address this incentive, as zero lot line developments could create other issues related to the proximity of houses.

Incentive #8 would modify street requirements for affordable housing. Chair Nothard recommended that the Committee consider this proposal further at a subsequent meeting.

Incentive #9 would establish a process by which a local government considers the adoption of policies, procedures, or regulations that would reduce the costs of affordable housing. Chair Nothard suggested that it be listed as Incentive #1 to provide context for the larger discussion of incentives.

Ms. Wilkinson noted that the incentives related to expediting the regulatory review process and expediting approvals are required to be included in the Incentive Plan, and both have already been implemented by the City. Chair Nothard noted that some of the expedited processes, such as electronic submittal, benefits all applicants across the board, not only affordable housing.

Incentive #10 would prepare a printed inventory of locally owned public lands suitable for the development of affordable housing. Chair Nothard observed that she would like to see how this inventory relates to the new Live Local Act, including how it could provide

opportunities for properties that were not previously considered suitable for affordable development, such as those which are not zoned for residential use. Ms. Wilkinson advised that this list is due from the City Manager's Office no later than October 2023 as part of the Live Local Act.

Ms. Spragg recalled that when the Committee had reviewed this list at a previous meeting, it had been noted that the list did not include parcels that were given to the CRA. She asked if those properties could be added to the list as a recommendation, pointing out that the Northwest CRA, which will sunset in 2025, may own parcels that have not already been designated for use. Ms. Wilkinson replied that the City may only give property to a CRA: any other party purchasing from the City must pay market rate. The CRA, in turn, provides opportunities to different nonprofits for the use of these parcels.

Incentive #11 would support development of affordable housing near transportation hubs, major employment centers, and mixed-use development. Chair Nothard noted that there are already incentives in the ULDR for TOCs. She felt the term "support" should be changed to "incentivize."

Chair Nothard continued that she was also interested in adaptive reuse as a priority, as this requires a sustainable approach, is less expensive, and maintains the City's historical and cultural contexts. Buildings that were not originally constructed for residential use could be adapted to provide affordable housing.

Ms. Wilkinson encouraged the members to send her their comments on this incentive no later than 4 p.m. on Monday, July 31, 2023.

IV. NEW BUSINESS

None.

V. AGENDA TOPICS FOR NEXT MEETING

Chair Nothard stated that at the August meeting, the Committee's goal should be to produce a draft of the Incentive Plan that they can vote upon. The document must be ready to go before the City Commission by September. Ms. Wilkinson added that once the Committee has voted to approve the Plan, it must be advertised and presented at a public hearing.

VI. GOOD OF THE ORDER

None.

VII. NEXT SCHEDULED MEETING DATE – AUGUST 14, 2023

VIII. ADJOURNMENT

Affordable Housing Advisory Committee

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There being no further business to come before the Committee at this time, the meeting was adjourned at 10:51 a.m.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.

[Minutes prepared by K. McGuire, Prototype, Inc.]