



CITY OF FORT LAUDERDALE

Approved
MEETING MINUTES
CITY OF FORT LAUDERDALE
AFFORDABLE HOUSING ADVISORY COMMITTEE
914 SISTRUNK BOULEVARD, SUITE 100
2ND FLOOR CONFERENCE
FORT LAUDERDALE, FLORIDA 33311
MONDAY, JUNE 10, 2024 – 9:00 A.M.

Cumulative

Committee Members	2024 Attendance	Present	Absent
Leann Barber, Chair		P	6 0
Susan Spragg, Vice Chair	P	6	0
Commissioner Dr. Pamela Beasley-Pittman (dep. 10:13)	P	4	2
Pablo Calvo	A	5	1
William Condon	P	4	2
Mindy Figueroa	P	4	0
Willie McKay	A	4	2
Roderick Newkirk	A	4	2

Staff

Avis Wilkinson, Assistant Housing and Community Development Manager
Adam Schnell, Urban Planner II, Department of Sustainable Development
K. Cruitt, Recording Secretary, Prototype, Inc.

Communication to the City Commission

Motion made by Mr. Condon, seconded by Ms. Figueroa, to request to have a joint meeting with the Fort Lauderdale Homeless [Advisory] Committee to discuss what our affordable housing is doing to offset the burden of homelessness. In a roll call vote, the **motion** passed unanimously (5-0).

I. ROLL CALL / DETERMINATION OF A QUORUM

Vice Chair Barber called the meeting to order at 9:03 a.m.

II. APPROVAL OF MINUTES – May 13, 2024

Motion made by Mr. Condon, seconded by Vice Chair Spragg, to approve the minutes. In a voice vote, the **motion** passed unanimously.

Roll was called and it was noted a quorum was present. Ms. Wilkinson advised that once the City Commissioners appoint new members to the Committee, membership is expected to increase to 11 members.

III. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE

The following Item was taken out of order on the Agenda.

V. NEW BUSINESS

• City's ADU Policy – Adam Schnell, Urban Planner III, DSD

Adam Schell, Urban Planner III, gave a presentation on accessory dwelling units (ADUs) and their existing conditions and regulations. Of the City's 12 residential zoning districts, eight permit ADUs. The districts which do not permit them are single-family high-density zoning districts.

Mr. Schnell briefly reviewed the City's residential zoning districts, which include:

- RS-8: single-family residential
- RD-15: permits cluster developments of up to 15 dwelling units per acre
- RC-15: permits cluster developments and townhouses
- RM-15: permits cluster developments, townhouses, and small multi-family development
- RML/RMM/RMH: these are residential zoning districts with greater density and heights

The zoning districts which do not permit ADUs include:

- RS-4.4: these are neighborhoods that are typically closer to the waterways, with larger lots; this is the City's smallest and lowest-density, and least permissive, zoning district
- RDS/RCS/RMS: these are similar to the RD, RC, and RM districts, but are more restrictive, with higher density and smaller lots; townhouses, cluster developments, and multi-family developments are not permitted in these districts

Ms. Wilkinson requested clarification of communities which do not allow ADUs. Mr. Schnell cited Rio Vista, the east side of Victoria Park, and Coral Ridge as examples.

ADUs are limited in size to 600 gross sq. ft. or 49% of the gross floor area of the principal structure, whichever is less. This is because ancillary or secondary structures must be smaller than the principal structure. ADUs are limited to one bedroom and one bathroom. If an ADU is attached to another structure, it must include a separate entrance and firewall. Density may not exceed the maximum density permitted by the zoning district.

There are minimum parcel size requirements for properties including ADUs in order to ensure that the ADU and principal structure can both fit comfortably on a lot without overcrowding.

Vice Chair Barber commented that the minimum parcel size eliminates many parcels from eligibility to construct ADUs, noting that within the RS-8 zoning district, for example, most parcels are 6000 sq. ft. or less. Mr. Schnell pointed out that Code permits parcels of up

to 8000 sq. ft. in RS-8 zoning districts. He reiterated that parcels on which ADUs may be built must be slightly larger than normal.

Mr. Schnell continued that Florida Statute 163.31771 permits municipalities to deed-restrict ADUs. This is because some years ago, House Bill (HB) 7103 was passed, which limited a municipality's capability to require deed restrictions on residential properties. This can now only be permitted if a developer can be made whole, or the municipality can find sufficient incentives to cover the cost of the deed restriction. Mr. Schnell characterized this as effectively outlawing inclusionary zoning unless the developer receives incentives to offset the costs of deed restrictions. Florida Statute 163.31771 allows municipalities to apply deed restrictions to ADUs without violating HB 7103.

Mr. Schnell explained that this is why almost all regulations within Fort Lauderdale provide incentives to construct affordable housing. The City had originally proposed inclusionary zoning areas throughout the City; however, these regulations were rewritten in order to be consistent with HB 7103.

Ms. Wilkinson asked if many ADUs are being built in Fort Lauderdale. Mr. Schnell replied that they are not. At present, there are approximately 798 existing ADUs, including legal, legal nonconforming, and illegal units.

A total of 5789 ADUs can be constructed throughout the City, based upon the criteria within Code. There are roughly 5100 eligible parcels which meet the criteria for ADU construction, which means only approximately 13.5% of potential ADUs have been constructed thus far.

Vice Chair Barber asked if Florida's Live Local Act took any action related to ADUs. Mr. Schnell replied that the Live Local Act applies to commercial, industrial, and mixed-use zoning districts, which are not districts that permit ADUs.

Vice Chair Barber observed that it would be useful for the Committee to see the number of ADUs built as well as the number of parcels which are eligible to build them. Mr. Schnell stated that Staff has created a comparison chart showing how many units are available within each zoning district.

Vice Chair Barber continued that there may be a great many lots on which the property owner wishes to build an ADU but cannot due to the size requirements. She asserted that there is no way of knowing how many owners fall into this category. Mr. Schnell replied that he would work with the City's geographic information systems (GIS) specialist to collect this data and would provide the results to Ms. Wilkinson for dissemination among the Committee members.

Mr. Schnell showed a map the estimated locations of ADUs in the City, as well as the zoning districts in which ADUs are permitted. Most of the City permits these units,

although not all lots are eligible. He also provided a map showing all the eligible sites throughout the City which can construct ADUs.

Mr. Schnell also pointed out that there are several Regional Activity Centers (RACs) throughout the City on its primary commercial corridors. RACs permit multi-family development.

Conclusions based upon this data include:

- There are many parcels that can build ADUs, which means there may not be a significant need to modify existing regulations; for example, Staff does not receive many phone calls with questions about ADUs, but instead receives calls regarding townhouses and cluster homes
- Many Staff efforts focus on multi-family zoning districts or RACs, both of which permit higher density, in order to achieve economies of scale with regard to costs per unit; an ADU costs roughly \$250,000 to construct, which is similar to the cost of a condominium unit

Ms. Wilkinson asked what might discourage property owners from building ADUs. Mr. Schnell replied that cost is a major factor. Ms. Wilkinson noted that the Florida Housing Finance Corporation might be able to provide funding for the construction of ADUs, but would require a restrictive covenant to ensure the units are used for affordable housing.

Mr. Schnell concluded that if the City's ultimate goal is to develop as many affordable units as possible, multi-family development is likely to reach that goal faster. He also noted that ADUs are built in different life cycles, such as constructing units for use by a family member and later converting them to other uses. If the parcel is sold, the unit could be converted back to use as an ADU.

Ms. Wilkinson asked if other states have created useful programs around ADUs. Mr. Schnell confirmed this, advising that while there are some constraints on most Fort Lauderdale properties, such as lot width, other areas can take advantage of lot configurations. Many existing lots in Fort Lauderdale are only 50 ft. wide. Other issues include curb cuts, which can produce pedestrian conflict points, and parking.

Commissioner Dr. Beasley-Pittman asked if property owners are aware that ADUs are an option for them, and how the City might raise awareness of this possibility. Mr. Schnell suggested that Neighbor Support or other City departments or entities which engage in public outreach could post information on the City's website. Vice Chair Barber added that homeowners' association meetings are another outlet for information, and proposed that a package be created with information on ADUs.

Vice Chair Barber continued that ADUs are a way to keep neighborhoods intact while providing modest density changes which would not disrupt the overall character of those communities. She emphasized that there must be a means for neighborhoods to grow

easily. She concluded that the solution is not necessarily building more multi-story development, and that the City should promote different options for development.

Vice Chair Barber advised that one major issue facing the City is its aging housing stock, as many residents find it hard to maintain upkeep of their houses. These households could generate income by constructing and renting an ADU on their property. Mr. Schnell suggested that State Housing Initiative Partnership (SHIP) funds could be used to offset some of the costs associated with building ADUs.

Ms. Wilkinson cautioned that SHIP funds would come with a deed restriction ensuring the unit would be used for affordable housing. Mr. Schnell noted that in order to apply a deed restriction, funding would have to be provided to offset the costs of construction. He advised that most individuals would be cautious with regard to placing deed restrictions on their own units without an incentive.

Commissioner Dr. Beasley-Pittman requested more information on what a deed-restricted ADU might look like. Ms. Wilkinson explained that the ADU must remain affordable for a specific number of years if SHIP is to contribute funding.

Mr. Schnell stated that potential Unified Land Development Regulations (ULDR) amendments addressing ADUs include:

- Removal of antiquated language such as “servants’ quarters”
- Expanding permission for ADUs to irregular zoning districts and annexed areas which meet lot size and density requirements; he cautioned, however, that many of these lots may be prone to flooding

Mr. Condon asked if expansion is an issue, as the City already has 5101 properties eligible to build ADUs. Mr. Schnell replied that this expansion would give more sites an opportunity to make a choice about ADUs.

Ms. Wilkinson advised that ADUs are included in the Affordable Housing Incentive Plan, although they cannot be expected to solve the entire problem of affordable housing. She noted that Vice Chair Barber will be researching and providing more information on this incentive, including recommendations based on both the Vice Chair’s own findings and today’s presentation.

Shantel Jairam, member of the public, noted that the cost of building an ADU is close to the estimate of \$250,000 with 6% interest, as well as additional costs such as insurance, property taxes, and utilities. With these costs, it is not likely to make sense to many homeowners to build ADUs for affordable housing.

Vice Chair Barber asked if prefabricated units are an option. Mr. Schnell stated that these units would have to meet state Building Code standards. While prefabricated units are sold in the state of Florida, they are typically available in the more traditional single- or doublewide options. There are not a great many options for prefabricated units due to

Building Code requirements, as they must be affixed to the ground in order to withstand severe weather events.

Commissioner Dr. Beasley-Pittman requested more information about “container homes.” Mr. Schnell explained that these units can be quite expensive due to the modifications necessary to use them for housing.

Ms. Figueroa asked how Fort Lauderdale defines affordable housing. Mr. Schnell replied that this depends upon the program under which a particular development would fall. The City uses U.S. Department of Housing and Urban Development (HUD) standards based upon median household income for a family of four, which is currently approximately \$89,000 in Broward County. Further calculations are based on family size and the targeted income level, which may be 30%, 50%, 80%, or 120% of median household income.

Ms. Figueroa asked how the Committee could help keep housing prices down so they are more affordable. Ms. Wilkinson clarified that the definition of affordable housing states a unit is considered affordable if a person is spending no more than 30% of their household income on housing. The City can only provide subsidies or “gap financing” to these households. The bank would draw up the required paperwork and tell the household how much their down payment should be, at which time City programs could supply them with up to \$75,000 to assist with that down payment. Due to the cost of homes, the City does not have a great deal of money to provide gap financing.

Ms. Wilkinson continued that the Community Redevelopment Agency (CRA) has done a good job with affordable housing by keeping housing costs low. She emphasized the importance of subsidizing developers so they can keep their costs under control, as they must recoup their expenses. The City’s solution is ensuring that money goes into the Affordable Housing Trust Fund for use as subsidies or gap financing.

Mr. Schnell advised that over the last few years, the City has adopted several different incentive-based regulations to support the development of affordable housing. These include increased density bonuses, expedited review, and parking reductions. Different programs are available in the Northwest RAC, the South RAC, and throughout the City.

Fort Lauderdale has also adopted regulations addressing the distribution of residential use for affordable housing development. The state of Florida has adopted the Live Local Act. Mr. Schnell concluded that there are several federal, state, and local affordable housing programs which are in effect in the City; however, these programs are based on bringing in developers to use these incentives, in exchange for which a portion of units must be set aside as affordable. An alternative option is for that developer to put money into the Affordable Housing Trust Fund as a payment in lieu.

Ms. Wilkinson stated that the City’s programs directly affect the person who will be buying the home, while payments in lieu are deposited into the Trust Fund at the time of building

permit issuance. This takes more time for the City to see that payment. He noted that the City has historically had many regulations addressing affordable housing, and are dealing with the consequences of those regulations now.

Ms. Wilkinson pointed out that money in the Affordable Housing Trust Fund will not have federal regulations attached to it and can be used more flexibly. Mr. Schnell also indicated that if all pending developments make a payment in lieu, this could bring in approximately \$8 million to \$9 million during the next year.

Mr. Schnell also noted that the City has received one application under the Live Local Act for a project located on Sistrunk Boulevard. He anticipated the receipt of more Live Local Act applications throughout the City.

Vice Chair Barber asked if Staff is conducting any forecasting in terms of housing need by price range. Mr. Schnell replied that Broward County has conducted an analysis that includes these metrics, which typically indicate that the lowest income brackets, such as 30% to 50% of median household income, have the greatest need. These income brackets require significant subsidization.

Vice Chair Barber observed that there are two options: in addition to subsidies, another way to address this need may be zoning changes. She pointed out that restrictive zoning is the cause of many housing issues that the City sees today, as some neighborhoods cannot grow internally due to their zoning restrictions.

Mr. Schnell advised that the City is also seeking to construct affordable housing on its primary commercial corridors. He requested clarification of any specific zoning regulations the Vice Chair felt were too restrictive. Vice Chair Barber replied that the zoning restrictions on ADUs are one example, as they make it difficult for neighborhoods to add more units without being disruptive to the area.

Mr. Schnell explained that increasing density in the neighborhoods Vice Chair Barber described would need to allow each neighborhood to maintain its essential character while also adding units in a non-disruptive fashion. Vice Chair Barber stated that the City allows the destruction and rebuilding of some neighborhoods rather than allowing incremental changes which would let longtime residents remain there.

Vice Chair Barber continued that there should be a balance between residents who want to stay in their neighborhoods and possibly add an ADU without the cost of this step being prohibitive. She also advised that properties in neighborhoods may be purchased by investors and rented out rather than owned.

Ms. Figueroa asked how each project's access to infrastructure is determined. Mr. Schnell replied that for each project, Staff determines whether or not there is enough existing capacity within the area. Each development is subject to review for adequacy requirements before the development can be approved. New pump stations are being

constructed in order to adequately serve areas where there have been infrastructure issues. At some locations, infrastructure projects are required in order for the next phase of the City to occur.

Ms. Figueroa commented that the City currently seems to be over capacity in some areas. She asked how it is possible to ensure that affordable housing is built in a safe area, citing concerns such as aging infrastructure. Mr. Schnell replied that the City's Public Works Department provides forecasts for all large projects.

Ms. Figueroa continued that the City should look at affordable housing in a holistic manner rather than considering each section individually. She also pointed out that the City continues to develop more luxury housing rather than affordable units. Mr. Schnell suggested that the Committee invite a representative of the Public Works Department to discuss how basins work and projections are made. He reiterated that the Public Works Department issues letters confirming that there is sufficient capacity for projects to go forward; if there is insufficient capacity, the development cannot be approved. He cited the example of construction which cannot begin until a new pump station has been built and is in service.

Vice Chair Barber stated that another consideration is the rate of growth the City finds acceptable, noting that a great deal of money is spent to encourage tourism each year. Many tourists who visit Fort Lauderdale may decide to stay. She requested clarification of the City's projected growth, expressing concern that the City continues to solicit that growth through tourism. Mr. Schnell confirmed that Staff is working on population projections, which are also expected at the Broward County level.

Ms. Wilkinson requested that any correspondence, including today's PowerPoint presentation, be sent to her office so she can share it with the Committee members.

The following Items were taken out of order on the Agenda.

- **AHAC Chair and Vice Chair Positions re-vote**

Ms. Wilkinson explained that the Committee may not elect Officers using a secret ballot, which means the votes taken at the May 2024 meeting are not currently valid and Ms. Barber's position is Vice Chair rather than Chair until re-votes are taken. Secret ballots are not permitted for the election of Officers under Florida's Sunshine Law.

Motion made by Mr. Condon, seconded by Commissioner Dr. Beasley-Pittman, that we do a roll call vote for the Vice Chair position of nominees Susan Spragg and Roderick Newkirk. In a roll call vote, Ms. Spragg was unanimously elected Vice Chair (5-0).

Motion made by Mr. Condon, seconded by Commissioner Dr. Beasley-Pittman, that Leann Barber is nominee for Chair of the Affordable Housing Advisory Committee. In a roll call vote, the **motion** passed unanimously (5-0).

- **New Communication to the City Commission to request Joint Mtg with HAC**

Ms. Wilkinson also advised that she was contacted by representatives of the City's Homeless Advisory Committee (HAC) who proposed a joint meeting between that Committee and the Affordable Housing Advisory Committee (AHAC). Because a joint meeting requires City Commission approval, the request will be transmitted in the form of a communication to the City Commission.

Ms. Wilkinson continued that the HAC's role is to create a strategic plan to address affordable housing. As part of that task, they would like to learn more about what the AHAC is proposing for affordable housing. The City Commission will not participate in the joint meeting.

Motion made by Mr. Condon, seconded by Ms. Figueroa, to request to have a joint meeting with the Fort Lauderdale Homeless Committee to discuss what our affordable housing is doing to offset the burden of homelessness. In a roll call vote, the **motion** passed unanimously (5-0).

Commissioner Dr. Beasley-Pittman left the meeting at 10:13 a.m.

IV. OLD BUSINESS

- **Affordable Housing Trust Fund Update**

Ms. Wilkinson advised that the balance of the Affordable Housing Trust Fund remains \$0.

- **Habitat Update**

Ms. Wilkinson stated that the City's Legal Department has drafted the restrictive covenant, mortgage, and promissory note for Habitat for Humanity. Habitat has proposed to construct 20 town homes. Once they have signed the note, the next stage of the project will be the construction phase.

- **Communication to City Commission update**

Ms. Wilkinson advised that the Committee's previous communication to the City Commission has been transmitted for inclusion on the City Commission's Agenda.

- **Preparation for completion of the 2024 Affordable Housing Incentive Plan**

Ms. Wilkinson encouraged the members to work on their assigned incentives, as they will be asked to discuss their progress the July 8, 2024 meeting in preparation for the 2024 Affordable Housing Incentive Plan.

Mr. Condon requested clarification of Ms. Wilkinson's expectations regarding the incentives. Ms. Wilkinson replied that the members will be asked to present recommendations based on their research into the incentives. They will be asked to provide five-minute presentations on which the other members can provide feedback.

- **Community Redevelopment Agency (CRA) Update**

Ms. Wilkinson advised that she has emailed representatives of the City's CRA and will follow up to invite them to discuss the CRA at a future Committee meeting.

- **City's funding for Affordable Housing Discussion**

Ms. Wilkinson recalled that at a previous meeting, Commissioner Dr. Beasley-Pittman had requested that the Committee members provide her with comments on the City's funding for affordable housing, including what they feel should be done. She recommended that the members email these recommendations to her office, and she will forward them to the Commissioner.

- **Affordable Housing Master Plan**

Ms. Wilkinson proposed that a portion of the total payments in lieu which will be placed in the Affordable Housing Trust Fund by developers be used to prepare a request for proposal (RFP) for a consultant to perform a housing market study for Fort Lauderdale. This study would identify existing and future housing needs, as well as the creation of an Affordable Housing Master Plan for the City.

Ms. Figueroa asked if this would be done in conjunction with the adequacy determinations made by Public Works, as discussed earlier in Mr. Schnell's presentation. Ms. Wilkinson replied that the Master Plan is intended to look at all components of affordable housing. She strongly recommended that this must be a practical study that can provide direction for the future.

Mr. Condon requested information on the timing of the RFP. Ms. Wilkinson explained that the City must wait for funds to be put into the Affordable Housing Trust Fund before they can proceed with any plans for those funds.

Ms. Wilkinson added that the consultant selected for the study and Affordable Housing Master Plan will also be asked to address Affordable Housing Trust Fund policy. The Committee will be able to have input on the consultant's recommendations for the Trust Fund.

Vice Chair Spragg expressed concern that by the time payments in lieu are added to the Trust Fund, the City Commission may wish to spend those funds another way. Ms. Wilkinson stated that the current Trust Fund policy is not sufficient for the City's affordable housing needs, and it may take some time to make appropriate adjustments to that policy.

This was why she preferred that a consultant address this policy. The intent is to create a concrete and stable policy for the future.

Chair Barber asked if the Affordable Housing Trust Fund could be modified in a way that would no longer allow those dollars to be used at the will of the Commission. Ms. Wilkinson reiterated that the Trust Fund plan will need to be amended to prevent this from happening again in the future.

Mr. Condon also expressed concern that money placed in the Trust Fund could be used by another entity before it can be used toward affordable housing needs, and asked if it was possible for the Committee to “jump-start” the RFP process, possibly by looking at the structure of other RFPs. Ms. Wilkinson explained that the RFP can be issued at any time, but it cannot be implemented until the payments in lieu have been added to the Trust Fund. She was not certain that the City’s Procurement Department would allow an RFP to be sent out if the funding is not already in place.

Mr. Condon also asked if the Committee’s recommendations following the RFP would be subject to City Commission approval. Ms. Wilkinson confirmed that all Committee business is subject to Commission approval. She was confident that the City Commission would be amenable to the conclusions and recommendations included in the consultant’s report, which would include both policy recommendations and a housing market study.

Ms. Figueroa asked if the Committee will have a fiduciary responsibility with regard to managing the money in the Affordable Housing Trust Fund. It was clarified that the Committee would be able to make recommendations on how funds could be used.

Ms. Wilkinson advised that at present, the two main sources of funding for the Trust Fund are:

- 100% of the proceeds from the sale of any City-owned residential property
- 15% of the proceeds from the sale of any City-owned commercial properties

These sources will continue to provide revenue in addition to the anticipated payments in lieu.

Ms. Figueroa cautioned that as a volunteer Committee member, she did not want to take on the fiduciary responsibility of overseeing the use of Trust Fund dollars. Ms. Wilkinson reiterated that the Committee will only be asked to make recommendations in an advisory capacity. They may be able to review RFPs for proposed projects and make recommendations on those as well. The City Commission will make the final decisions.

VI. NEW BUSINESS

- **Escaping the Housing Trap Book Review – Leann Barber, Chair**

This Item was tabled to a later date.

VI. GOOD OF THE ORDER

None.

VII. NEXT SCHEDULED MEETING DATE – July 8, 2024

VIII. ADJOURNMENT

There being no further business to come before the Committee at this time, the meeting was adjourned at 10:50 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.]