

City of Pembroke Pines
 Affordable Housing Advisory Committee
 Affordable Housing Incentives

Final Report

In 2007, the Florida legislature passed House Bill 1375 requiring cities and counties to appoint 11 persons to an Affordable Housing Advisory Committee (AHAC). These persons were given the responsibility to recommend monetary and non-monetary strategies and incentives for affordable housing as required by the State Housing Initiatives Partnership (SHIP) program. The AHAC was required to be established by June 30, 2008.

On June 18, 2008, the City of Pembroke Pines appointed, by resolution, 11 persons to serve on the City's AHAC. Two members were subsequently appointed. The City of Pembroke Pines advertised the 11 positions and made all attempts to solicit the participation of persons for each category to serve on the AHAC. To have the committee in place by June 30, 2008 the City made substitutions to have a quorum in place to continue with the process needed to meet the State's December 31, 2008 deadline. Names with an asterisk represent substituted members. As member's terms expire, the City will continue to solicit the applications of persons to serve on its AHAC for each appropriate category.

City of Pembroke Pines 2008-09 Affordable Housing Advisory Committees.

Residential Home Building Industry	Ed Cancio
Banking Or Mortgage Banking Industry	Devon Stubbs
Engaged In The Labor Of Home Building	Charles Kiesel*
Advocate For Low-Income Persons	Janet Riley
For Profit Provider of Affordable Housing	Martene Johnson*
Not For Profit Provider Of Affordable Housing	Reina Aguilar*
Real Estate Professional In Connection With AH	Karene Anderson
Local Planning Agency Member Per 163.3174	Linda Gonzalez
Citizen Who Resides Within The Jurisdiction	Bill Jong-Ebot
Representative Of Employers	Nodar Consuelo
Representative Of Essential Services Personnel	Chuck Vones, Sr.*

The Committee met the following days:

- September 10, 2008
- September 25, 2008
- October 22, 2008
- November 20, 2008 (Public Hearing Date)

All AHAC meetings are open to the public and subject to Florida's Sunshine Law.

1. Background- Purpose of the Committee

In 2007, the Florida Legislature passed House Bill 1375 requiring cities and counties receiving State Housing Initiative Partnership (SHIP) funds to create an Affordable Housing Advisory Committee (AHAC) to recommend monetary and non-monetary incentives for affordable housing. The AHAC is responsible for addressing regulatory incentives that will serve as public sector tools to facilitate private sector development of affordable housing. The AHAC is also responsible for reviewing established procedures, ordinances, land development regulations and adopted local government comprehensive plan of the City of Pembroke Pines in order to recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value.

The recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations or plan provisions; the creation of exceptions applicable to affordable housing; or the adoption of new policies, procedures, regulations, ordinances, or plan provisions including recommendations to amend the local government comprehensive plan and corresponding regulations, ordinances and other policies. The AHAC incentives and recommendations report are due for submission to the State by December 31, 2008 and every three years thereafter.

2. Areas of AHAC Committee Review

As required by Statute, the AHAC reviewed items A- K. Where the committee believed the incentive did not apply to the City or was adequately being addressed by current policies in place, no additional recommendations were made by the AHAC.

A. EXPEDITED PROCESSING OF APPROVALS OF DEVELOPMENT ORDERS OR PERMITS

Summary Discussion:

Both the City of Pembroke Pines' Future Land Use Element (Policy 9.4 – applying to LAC and RAC land uses) and Housing Element (Policy 1.2) of the City's Comprehensive Plan state that an expedited permit process should exist in support of affordable housing. City Resolutions 2246 and 2279 also discuss expedited review for affordable housing projects.

The City has in place a priority review process in place for CDBG, SHIP and HOME projects. The permit plans are separately processed and coded to identify their expedited status. This process typically saves an applicant on average 2 to 3 weeks in permit review.

Several permits have been approved using this process. The AHAC wanted to know if there were opportunities to further reduce the permitting process specifically for affordable housing projects. Staff was asked to compare the review times of other municipalities comparable in size.

Recommendation: Maintain an expedited permitting process for affordable housing projects in the City including an audit of existing process. The building department shall conduct an audit of internal processes to create an improved tracking / monitoring system so that affordable housing permits can be fully reviewed within five days for regular permits and 24 hours for emergency permits, consistent with the existing LHAP processing standard. The system should be operational within 90 days of Commission approval of this recommendation.

B. MODIFICATION OF IMPACT- FEE REQUIREMENTS

Summary Discussion:

Both the Future Land Use Element (Policy 9.4 - applying to LAC and RAC land uses) and Housing Element (Policy 3.15 - applying to LAC and RAC land uses) of the City's Comprehensive Plan support consideration of programs involving modifications to impact fees and other City and County fees which provide for the construction of affordable housing.

There are three types of City fees that would affect a proposed affordable housing project: development application fees (Planning Department); building permit fees (Building Division); Impact type fees (water / sewer connection fees and fire and police interim service fees). Municipal dedication fees may be required for certain properties that have not been platted. The City Commission can waive some / all City fees through its development approval powers.

To date, there have been no instances where this waiver has been applied.

The City has also passed Ordinance 1575 creating an affordable housing trust fund and authorizing an independent affordable housing study. The affordable housing trust fund is currently available however an independent affordable housing study has yet to be implemented. The City currently has affordable housing commitments of \$1,366,500 with approximately \$300,000 of those fees collected. The remainder of the affordable housing commitments will be collected

as contracted with each donor. None of the funds within the affordable housing trust fund have yet to be allocated.

Because of the limited availability of land to undertake residential projects in mass in the City, fee dedications are not an issue.

Recommendation: The committee made no recommendations regarding the waiver or modification of impact fees for affordable housing projects.

C. ALLOWANCE OF FLEXIBILITY IN DENSITIES FOR AFFORDABLE HOUSING

Summary Discussion:

The Future Land Use Element (Policies 2.11, 8.2, 8.5, 8.9) (9.4 applying to LAC and RAC land uses) encourage affordable housing density bonuses. The Housing Element (Policies 1.4, 2.2, 3.15, 3.4, 4.4, 5.5, 7.3) encourages land development regulations which promote Broward and City affordable housing density bonuses.

In May 2006, Broward County adopted a new policy to its Land Use Plan providing for affordable housing density bonuses that all cities in the County can use regardless of whether the provisions are incorporated into their local land use elements.

A Land Use Plan Amendment would be required to increase density on a property. Changes to existing zoning classification and / or underlying plat may also be required.

The Local Activity Center (LAC) land use has been applied to the City Center property allowing for the future construction of affordable housing.

Recommendation: Include in LHAP as currently permitted. The committee made no recommendations regarding the allowance of flexibility in densities for affordable housing.

D. RESERVATION OF INFRASTRUCTURE CAPACITY FOR HOUSING

Summary Discussion:

The Future Land Use Element (Policy 2.11), Housing Element (Policy 3.3), and Infrastructure Element (Policies 1.4, 2.2, 3.4, 4.4, 5.5, 7.3) of the City's Comprehensive Plan encourage prioritizing infrastructure improvements within the lowest income neighborhoods.

The City is currently near build out with very limited opportunity for new construction. There is currently adequate infrastructure in place.

Recommendation: The committee made no recommendations regarding reserving infrastructure capacity for affordable housing.

E. ALLOWANCE OF AFFORDABLE ACCESSORY RESIDENTIAL UNITS IN RESIDENTIAL ZONING DISTRICTS

Summary Discussion:

There is no existing policy on this incentive. A Land Development Code (LDC) amendment would be needed to permit the unit type and establish standards. Consideration would also have to be given to the impact on permitted densities established by the City's Land Use Plan.

Accessory units are not provided in the City's code. Because lot sizes are very small, allowing accessory residential units in residential zoning districts may not be an option.

Recommendation: The committee made no recommendations regarding accessory residential units in residential zoning districts.

F. REDUCTION OF PARKING AND SETBACK REQUIREMENTS

Summary Discussion:

Historically, flexible configurations were provided through the City's Planned Unit Developments (PUDs) such as Silver Lakes, Walnut Creek, etc. PUD districts provide flexible land use and design regulations through the use of performance criteria; so that small-to-large scale areas, or portions thereof, may be developed with a variety of residential types and non-residential uses, and may contain both individual building sites and common property, which are planned and developed as a unit.

PUD zoning requires properties of at least 120 acres in size. Under current zoning, most of the residential zoning districts provide for regular configurations, except for the RS-7 district, which allows zero lot line development. The City's variance process is also available, but the hardship test is currently not financially-based and is traditionally not a basis for granting a variance.

It's anticipated that the RS-7 district will remain in effect and available for use as relates to this incentive. Zero lot line or other lot configuration flexibility could be included in other residential districts through the LDC amendment process.

Various PUDs and developments contain RS-7 zoning. There is no existing policy on this incentive however the Land Development Code, Fire and Engineering Codes do have existing street requirements for public safety purposes. An LDC amendment would be required to modify street design standards.

Recommendation: The committee made no recommendations regarding reducing parking and setback requirements.

G. ALLOWANCE OF FLEXIBLE LOT CONFIGURATIONS

Summary Discussion: The discussion of allowing flexible lot configurations ties into the discussion under F. – Reduction of Parking Setback and Requirements.

Recommendation: The committee made no recommendations regarding reducing flexible lot configurations.

H. MODIFICATION OF STREET REQUIREMENTS FOR AFFORDABLE HOUSING

Summary Discussion:

There is no existing policy on this incentive however the Land Development Code (F), Fire and Engineering Codes do have existing street requirements for public safety purposes. This would require an LDC amendment for street design standards.

Recommendation: The committee made no recommendations regarding modification of street requirements for affordable housing.

I. ESTABLISHMENT OF A PROCESS BY WHICH A LOCAL GOVERNMENT CONSIDERS, BEFORE ADOPTION, POLICIES, PROCEDURES, ORDINANCES, REGULATIONS, OR PLAN PROVISIONS THAT INCREASE THE COST OF HOUSING

Summary Discussion:

The City's adopted Local Housing Assistance Plan (LHAP) currently provides that per instructions from the City Manager's office, all Department heads are to be involved in the review process for local policies, ordinances, regulation & plan provisions that may increase the cost of housing.

Once an item has been identified as having a potential impact, an analysis must be done to determine the impact, if any, and how it may be mitigated. This analysis should be done by the department that generated the legislation with subsequent review by the Director of Administrative Services, the Planning Department and/or Consultant if an impact is expected.

The determination of impact/no impact should be indicated in the departments report to the City Manager. If there will be an impact, the value of the impact and how it will be mitigated should be stated.

Recommendation: Maintain in LHAP. Maintain an on-going process to consider, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of affordable housing. The process should be more formalized.

J. PREPARATION OF A PRINTED INVENTORY OF LOCALLY OWNED PUBLIC LANDS SUITABLE FOR AFFORDABLE HOUSING

Summary Discussion:

All City-owned properties have been mapped and analyzed for suitability of affordable housing as required by the State Department of Community Affairs (DCA).

City-owned properties consist of parks, open space, roads, utility areas and facilities, and municipal facilities. With the exception of the City's senior housing units and proposed units in City Center, there is no available City owned land for affordable housing. All other city properties are used for municipal purposes.

Recommendation: Include in LHAP as currently available. Maintain a printed inventory of locally-owned public lands suitable for affordable housing.

K. SUPPORT OF DEVELOPMENT NEAR TRANSPORTATION HUBS AND MAJOR EMPLOYMENT CENTERS AND MIXED-USE DEVELOPMENT

Summary Discussion:

The Future Land Use (Policy 2.5, 9.2, 9.4, 19.1 -19.10, 20.1 – 22.1) of the City's Comprehensive Plan states that the City will coordinate land uses with the transportation system.

The City Center project (Local Activity Center land use and Mixed Use District zoning designation) is an example of form-based zoning that is intended to promote mixed use development through the use of flexible design standards and guidelines.

The City Center development is slated to contain 250 affordable units. These affordable units are expected to be set aside for essential services personnel,

including teachers, educators, police and fire personnel, health care workers, skilled building trades personnel and others.

Recommendation: Include in LHAP as currently permitted. Support affordable housing development near transportation hubs, major employment centers and mixed-use developments. The AHAC requests that the City work with Broward County to develop a transportation hub at City Center. See additional recommendations below.

3. Other Discussion/Recommendations

Because of the limited land available for the construction of new affordable housing, the AHAC indicated that the City's efforts should focus on addressing foreclosure issues within the City and how to address maintaining those properties.

The Neighborhood Stabilization Program (NSP) was introduced in addition to the current strategies being undertaken through the City's affordable housing programs (CDBG, SHIP, and HOME).

As a result of the discussion of additional recommendations, the following additional recommendations were made by the committee:

Recommendation: Expand the City Center essential services personnel set-aside requirement to include both workforce and lower income households.

Recommendation: Ensure effective use of existing funds (approximately \$300,000.00) in the City's Affordable Housing Trust fund and authorize an independent affordable housing study (the second tier study) within 30 days of commission approval of the recommendation to complete the study. If the independent affordable housing study recommendation is accepted by the Commission, the study should be completed within 6 months.

Recommendation: Utilize the City's Affordable Housing Trust fund for rental assistance for current Pembroke Pines residents who are otherwise ineligible for existing government programs and who have incomes at or below 120% of the area median income.

Recommendation: Allow the AHAC to research, develop and implement guidelines for the distribution of the City's Affordable Housing Trust Fund money.

Recommendation: Evaluate existing public lands for the potential of redevelopment as affordable housing property.

4. Board Action

On November 20, 2008, after conducting a public hearing, the AHAC approved the recommendations outlined in this report.