

**APPROVED**  
**AFFORDABLE HOUSING ADVISORY COMMITTEE**  
**FORT LAUDERDALE CITY HALL – CITY COMMISSION CHAMBERS**  
**100 NORTH ANDREWS AVENUE**  
**FORT LAUDERDALE, FL**  
**MONDAY, NOVEMBER 17, 2008 – 6:00 P.M.**

Board Members	Attendance	Cumulative Attendance 9/08 through 8/09	
		Present	Absent
Chair Peter Henn	P	5	0
Vice Chair Rebecca Jo Walter	P	5	0
Margie Alexander (6:25)	P	4	1
Tam English	P	3	2
William Isenberg	A	3	2
Carolyn Jones	A	0	5
Jonathan Jordan (6:20)	P	4	1
Rene Lepine	A	2	3
Janet Riley	P	3	2
Greg Stuart	P	3	2
Patricia Hale	P	1	0

**City Staff**

Margarette Hayes, Manager, Community Development Division  
Susan Batchelder, Assistant Manager, Community Development Division  
Miriam Carrillo, Housing Program Supervisor  
Laura Maldonado, Senior Accounting Clerk  
Hilda Testa, Recording Secretary, Prototype, Inc.

**Call to Order**

Chair Henn called the meeting to order at 6:14 p.m.

**1. Pledge of Allegiance/Roll Call**

The Pledge of Allegiance was recited. Roll was taken and a quorum was present.

**2. Introductions**

Ms. Hayes introduced new Committee member Patricia Hale, as well as attending City Staff.

**3. Approval of Minutes – November 3, 2008**

Ms. Hayes noted a correction to the November 3, 2008 meeting minutes

**Motion** made by Mr. English, seconded by Vice Chair Walter, to approve the November 3, 2008 minutes with correction. In a voice vote, the **motion** was unanimously approved.

#### **4. Discussion of Initiatives/Strategies Final Draft Report**

Ms. Hayes noted that the report included in the Committee members' packets has been updated as of 3:30 p.m. She added that it includes comments from Deputy Director of Planning and Zoning Wayne Jessup and Assistant City Manager Kathleen Gunn.

Chair Henn felt it would be helpful to have a copy of the report from the City of Hollywood, which included a summary of its key goals and objectives. He also noted that Hollywood's report was expected to be published in their local newspaper. He asked if this was still the Committee's goal by statute as well.

Ms. Hayes advised that this was the case, and added that a guideline was included that showed how to follow the format used in the Hollywood report.

Chair Henn requested confirmation that the draft report would only contain the specific recommendations themselves. Ms. Hayes confirmed this, adding that publication would only occur after the City Commission makes its determination on the final report.

The Committee elected to review the report page by page to make corrections and recommendations. Chair Henn suggested that, while he was not aware of whether the recommendations were listed in any particular order, the Committee select the most important three or four items to list first when preparing the report for the City Commission.

Jonathan Jordan joined the meeting at this time (6:20 p.m.).

Ms. Hayes advised that the statutes are listed in A through J order. She noted a correction on the first page, pointing out that "resolved" should be changed to "dissolved."

No changes were recommended for the section titled "Current Affordable Housing Initiatives."

Moving on to the list of recommendations and the section titled "Background Information," Chair Henn pointed out a reference to "lack of any true commitment" and did not feel it was in the Committee's best interest to include the line. Ms. Hayes advised that the line has been removed, and presently reads

“...the community expressed concern at the available dollars for the development of affordable housing.”

She noted a correction on the following page under the “Public Hearing” section, pointing out that the report is adopted by affirmative vote of the majority of the Committee membership during such a hearing. She added that she had included a line stating that the Committee will convene on Monday, December 15, 2008, for its public hearing. The final report will be sent to the City Commission following this hearing.

Moving on to Section 1, Chair Henn noted a reference to an article in *Florida Trend* magazine which describes the affordable housing market as “still booming.” The article continues by clarifying that while certain segments of this market are “booming,” the market for very low-income housing is experiencing less success. He felt it was important to make this distinction when quoting the article. Vice Chair Walter agreed that this should be clarified as well.

Chair Henn complimented Ms. Hayes for her decision to be “up-front” regarding the guest speakers that had been invited to speak to the Committee. He felt it lent a great deal of credibility to the Committee’s actions.

Ms. Alexander joined the meeting at this time (6:25 p.m.).

As there were no further comments regarding Section II, Public Hearing, Chair Henn moved on to Section III, Incentives and Recommendations.

He referred to Point 1 in this section, advising that the phrase “up to a half-million dollars,” might be amended to omit an actual dollar amount in favor of a more generic reference. He proposed “a substantial sum” or similar language as a substitution.

There were no comments on Points 2, 3, 4, or 5.

Chair Henn returned the discussion to the language of the recommendations themselves. He referred to the term “point person,” asking if the Committee felt more specific language should be used, such as citing the Department for which the point person spoke.

Mr. English felt that if recommendations were to be made, the Committee should ensure that the point person is appointed by Community Development, or perhaps ask that the City Manager name a point person who will pay appropriate attention to the “urgency” of the AHAC’s goals. He explained that he had had difficulty in the past in working with point persons who did not feel comfortable “crossing Departmental barriers” and carrying out a job that did not fall under the guidelines of their particular Department.

Ms. Hayes noted that she had spoken with the current point person for the report, who is an employee of the Planning and Zoning Department and is the contact person for contractors with Affordable Housing Development. While he is the AHAC contact, she pointed out that he must work through Planning and Zoning in order to coordinate with contractors.

Mr. English identified that this is the same problem he has experienced, as an employee of one Department is often unwilling to “step across the aisle” to another Department, or to place appropriate priority on work done by another Department.

Mr. Stuart suggested that a point person with authority from the City Manager’s office might not operate under these Departmental constraints.

Chair Henn stated that while he did not wish to say the City Manager should hire a new employee for this purpose, there is an employee in that office with the title of Economic Development Director; he felt it might be appropriate to have an individual with the title of Affordable Housing Director.

Mr. English noted that the appointment of a point person by a higher City office was made when economic development issues were at stake, as these were “big business” for the City. He did not feel this was consistent with the “lower end” of the City’s economic spectrum.

Chair Henn added that while the demand for affordable housing was great, the ability to supply it was very small, which would mean a person working out of the City Manager’s office would not be taking on a great deal of additional responsibility.

He asked if the only choices for City Commission action to be taken on the report were “adopt,” “reject,” or “adopt with modifications.” Ms. Hayes affirmed that these were the City Commission’s options for action. She pointed out that the report noted “Commission action to be determined,” as the Committee does not know what action the City Commission will choose to take.

Ms. Hayes noted that a sentence should properly end at “from the beginning to completion.” Where another sentence states “ensures efficiency,” she felt this should specify that it refers to the overall process, and point out that this is reviewed annually. She recommended that discussion of the entire process should form its own sentence in this context.

Mr. Jordan asked if there had been discussion of assigning a time frame to the process.

Chair Henn felt this should be deferred to Staff, as part of their evaluation will involve setting and monitoring a time frame. He noted that the Committee's guest speakers had consistently referred to time certainty as a critical issue.

Vice Chair Walter noted that the Committee had specifically asked Deputy Director Jessup about this issue, and he had been unable to narrow down a time frame.

Chair Henn asked if the Fort Lauderdale Building Plan Review Department uses a "typical timeline," such as a flow chart that shows the process from start to finish with projected dates. No one was familiar with such a document or outline in that Department.

He continued that a recent speaker had referred to a "pink sheet," which would be used specifically by affordable housing projects. He felt, however, that if the Committee did not have a good working knowledge of the standard process for non-affordable housing projects, they would be unable to identify whether or not the pink sheet was helpful to them.

Mr. English advised that the pink sheet was intended to move affordable housing projects to "the top of the pile," placing a priority on it; however, this did not necessarily mean it would be the next project to be studied or undertaken.

Ms. Hayes was not aware of a timeline that sets parameters for affordable housing projects, although, she added, it could certainly be a part of the Committee's recommendations.

Chair Henn noted that the City Commission holds a workshop twice monthly, in part to fill vacancies on advisory Boards such as AHAC. He felt it would be beneficial if, twice a month, the City Manager or another City authority was given the proposed checklist that would inform them of the location and progress of affordable housing projects. He pointed out that it is very difficult for an advisory body to effect change without an individual with greater authority overseeing the project. It was suggested that the point person have a report due biweekly to the City Manager, stating the status of affordable housing projects in the City.

Ms. Hayes summed up by confirming that the Committee was seeking a point person with authorization from the City Manager's office, who would complete a bimonthly report on the status of active projects. She noted that the paragraph will end with "from beginning to completion," followed by a separate sentence to state that the Committee's recommendation advocates review on an annual basis to ensure efficiency.

Moving on to Initiative B, Chair Henn noted that recommendation 2 lists a \$4000 amount, but cannot find further reference to that number. He asked if there was background information available for that amount.

Ms. Hayes identified the \$4000 as the maximum amount that could be awarded for each project, as set forth by the State of Florida.

Mr. English proposed rewording the recommendation to say, perhaps, "the highest level allowed by law" instead of stating a particular amount. As leadership changed at various levels, he advised, the maximum amount might change at a later date.

As there were no further comments on Initiative B, Chair Henn moved on to Initiative C.

Ms. Hayes stated that the City Manager had informed the Committee that they could describe Broward County's Density Bonus Plan, rather than simply recognize it with no further explanation.

Chair Henn suggested that perhaps recommendations 1 and 2 should refer back to the information reviewed above them. He noted that no reference had been made there to Broward County.

He felt the Committee needed guidance from the City Attorney's office regarding recommendation C2, which referred to "a case by case basis." He warned that this could be characterized as "arbitrary and capricious" rather than following clearly established legal guidelines.

He continued that a case by case basis was applicable if criteria were met. There was a brief discussion regarding language, with the suggestion that the phrase "as allowable by Code" be added.

Ms. Riley expressed concern that, while the Committee wants the City to consider the recommendations contained in the report, most of the recommendations seem to ask that the City consider a proposal and then list the possible negatives associated with that proposal without listing positives. She felt the Committee was setting itself up for rejection.

Mr. English pointed out that all the Committee could do in any case was make recommendations; the decision to accept or reject them lay in the City Commission's hands.

Ms. Riley suggested that they word some of the recommendations differently, particularly in asking that the City Commission grant additional flexibility for

affordable housing. She proposed listing the benefits of greater flexibility along with any potentially negative consequences.

Mr. Jordan advised that density is governed not by Code, but by zoning, which was established by various County and City groups. He proposed making the recommendation that modifications be made to zoning to approve additional density, based upon the condition that the modifications be limited to affordable housing projects, which the City should want to encourage developers to build.

He added that if greater density could be approved another way, which would not necessitate a zoning change, it would be just as suitable to the Committee's purposes.

Chair Henn stated that if an amendment to the comprehensive plan was not needed, the only way density could be exceeded was if it was allowed for through a density bonus. This could be achieved if certain criteria were met. He asked if any Committee members had sufficient knowledge of whether the Code is currently set up to allow a density bonus for affordable housing.

Mr. English had never encountered density issues at any of his previous sites, he said.

Chair Henn suggested the Committee might be looking at another issue rather than a density bonus.

Mr. Stuart advised that the concept of a density bonus was designed to encourage the construction of affordable housing where primarily market-rate housing is being built. A bonus is granted if certain criteria are met so the market rate can increase. He felt that this prevented the wording of a "case by case basis" from being considered capricious.

Chair Henn asked what the criteria would be for such a bonus. Mr. Stuart stated the Board would be responsible for developing them.

Chair Henn noted that there is such an entity as an "overlay district," and perhaps the Board could recommend that City Staff partner with a consultant to create an "affordable housing overlay district," where a piece of property meets particular criteria that allow for additional density and less parking and landscaping.

Mr. Stuart pointed out that there are positive and negative consequences to this idea. Negative aspects would include the creation of a development that is inconsistent with the other structures around it and appear easily identifiable as an affordable housing project, due to the exceptions it would have been granted. He felt developments of this nature should have "seamless" transitions to the

buildings around them so they cannot be pointed out as indicative of any particular income group's housing.

Chair Henn asked if the concept of neighborhood compatibility would be a sufficient safeguard against this to request different criteria. He allowed that this would bring an element of subjectivity into the decision.

It was noted that the issue of neighborhood compatibility was a good example of a case by case basis.

Chair Henn asked if one possible framework for the Committee's recommendations might be asking that the City Commission have their Planning Staff investigate the "specific possibilities" of an overlay district that would address density, parking, landscaping, and other considerations. He felt the Committee did not collectively have the knowledge of Code to develop specifics, but that the issue should at least be addressed. He did feel that Code, at present, did not adequately address all the benefits that might be needed.

Ms. Hayes noted that when the original AHAC was established in 1993, some of the same initiatives were considered but not acted upon, as most of the land available for use for affordable housing was in the northwest portion of the City, where there was concern that an increase in density levels would be detrimental. This caused some of the early initiatives to be rejected at that time. The issue arose again in 2004 when the Workforce Housing Study was conducted.

Ms. Riley pointed out that other cities set up "tiered" plans, which specified that lower-income housing was allowed greater density. She felt density was an important consideration, and while the City Commission might not act in favor of the recommendation, the Committee should still consider recommending it.

Chair Henn observed that the Committee's first recommendation was to speed up whatever work on affordable housing was already in progress; with recommendation 2, he felt they were suggesting that work be done not only faster, but differently. Once these recommendations were in place, he felt other Committees might be better able to work out the details.

Ms. Riley proposed that in terms of the language of the report, they remove the two negatives in favor of at least one positive associated with the benefits of affordable housing. She called attention to the phrase "the City recognizes the Broward County plan..." and recommended that they replace "recognize" with a more appropriate term.

Ms. Hayes advised that this was being changed in order to reflect that the Committee not only recognizes the plan but identifies what it wishes to do.



No issues were identified with Initiative D by the Committee.

Moving on to Initiative E, Ms. Hayes noted that the section beginning "The City has recently commissioned a Neighborhood Character Plan..." was added. Another section stating "The Committee did not want to encourage this form of affordable housing" now contains a second part that continues "...above the current approved City zoning regulations."

Mr. Jordan suggested noting that the Committee made no recommendation on Item E.

Regarding Item F, Chair Henn asked for any comments.

Ms. Hayes stated that Item F, #2 was changed to read "...the concern that the impact of additional on-street parking on emergency vehicle access" in order to provide clarity.

Mr. English pointed out that an issue he had faced while renovating the Dixie Court homes was related to the conflicting approaches to ways to obtain a parking reduction, depending upon the neighborhood in which a reduction was sought. At times, he said, developers are granted the reduction; at other times they are asked to take the request before the Board of Adjustment. He felt a unified plan for parking reductions at affordable housing sites was necessary, as there seemed to be no specific guidelines used to apply for a reduction, but the developer seemed "at the mercy" of local Boards.

He continued that he often attempts to build affordable housing units "tied in" to local transit lines, as many low-income households do not have the expected two cars per household, but often rely upon public transportation. He reiterated that the City should establish a set procedure through which to apply for parking reductions.

Chair Henn stated that in his experience, he has not had difficulty with the rules involved in applying for a reduction, and he felt that the presentation of his case before bodies such as the Planning and Zoning Board and City Commission were "part of the package." He asked if Mr. English felt the reduction should be achievable "at the Staff level" rather than working its way through regulatory bodies.

Mr. English asserted that there was "no definitive way" to obtain a reduction, depending upon the neighborhood in which a developer was attempting to do so. He felt that different areas of town did not use the same standards or guidelines in order to grant a parking reduction. He added that ideally these guidelines could even be used to inform developers whether or not they are eligible for such a

reduction if they are attempting to build low-income or very low-income affordable housing.

Chair Henn stated that it was clearly in the Committee's best interest that the rules be clarified. Ms. Hayes asked if anyone wished to offer suggestions on what should be added to the narrative of the recommendation.

Mr. Jordan proposed that the words "reduced parking" be used instead of "parking requirements."

Ms. Riley felt the criteria should include consideration of the availability of mass transit. Mr. Jordan agreed, noting that housing close to a bus or rail line should receive more of a parking reduction than housing in a neighborhood without easy access to public transportation.

Vice Chair Walter suggested removing #8 under the "Review of Parking" heading.

The Committee moved on to Item G.

Vice Chair Walter proposed deleting #2 under this category, and Chair Henn noted again the use of "a case by case basis" without any further clarification or specification. He felt it should be removed from the next draft.

Vice Chair Walter recommended replacing "in affordable housing projects" with "for affordable housing projects."

There were no changes proposed to Items H or I, and the Committee moved on to Item J.

Chair Henn recalled that the Committee had previously discussed seeking guidance from City Staff, possibly from the Planning Department, in working on more substantive aspects of affordable housing. Vice Chair Walter advised that the best place to add that proposal might be under the heading "Additional Recommendations."

Ms. Hayes pointed out a recommendation under Item I, which refers to "work on a more permanent and ongoing basis."

Chair Henn felt this belonged more appropriately under Item J, as Item I dealt with "Land Banks" and Item J with "Analysis of Potential Impact on Proposed Regulations Going Forward." He referred to the phrase "to allow the Committee to evaluate affordable/workforce housing policies and tools for the City on a more permanent and ongoing basis." He felt this might refer to the Committee's earlier conversation, in which they discussed moving on after the presentation of the

report to address more substantive issues during the remainder of the current appointment period.

Vice Chair Walter agreed that this goal should be included, but she was unsure that Item J was the proper place for its inclusion. She reiterated that "Other Recommendations" was a more appropriate section, as the other sections each dealt with specific issues.

Ms. Riley asked if the City monitored the fiscal impact of some of the policies it adopted, particularly those related to housing. Ms. Hayes advised that this is discussed by the Community Service Board.

Under Item K, Ms. Riley proposed adding a recommendation that the City coordinate with the County and municipalities.

The Committee moved on to Section IV, Additional Recommendations. Ms. Hayes read these recommendations aloud, as she noted there had been some changes made in the most recent update.

She pointed out the first recommendation, which reads "The Planning and Zoning Director should be given more authority to make decisions on projects," and called the Committee's attention to recommendation C, which proposes the removal of zoning barriers. She asked the Committee if they felt these two items might be combined into one.

Ms. Riley felt the City could use some of the monies it receives from the State Housing Initiative Partnerships (SHIP) program to develop the capacity of nonprofits and other groups who could work with the City on affordable housing initiatives.

Chair Henn felt both Items A and C were "very broad," and that under the current Code, the Zoning Director holds some administrative authorities, although not sufficiently broad to fit these recommendations.

Vice Chair Walter proposed making the term "more authority" more specific, such as modifying it to read "more authority to remove regulatory barriers to affordable housing." This was agreed upon by the Committee.

Chair Henn referred to Item B, which discusses increasing the capacity of nonprofit agencies. He recalled discussing the possibility of the City taking on a more active role as a developer. While earlier Items A through J "support the status quo" and the efforts of the City's Housing Authority, he believed there were additional criteria affecting nonprofit and other organizations. He asked the Committee if they felt that they had done a fair job ensuring that the Housing Authority could continue to do its work in the recommendations contained in

Items A-J, and could now make further-reaching recommendations without doing any harm to the Housing Authority. He felt they should support the Housing Authority's "skill set," but ensure that there are opportunities for other entities, such as nonprofits, to participate as well.

Ms. Hayes felt the Housing Authority would not be limited in any way by the Committee's reaching out to or recommending in favor of other entities. Ms. Riley agreed, noting that the recommendation only suggested increasing the capacity of the City to maximize the use of funds it received.

Mr. English explained that the Housing Authority was created specifically to build affordable housing for the City, and since its creation the City has never built any affordable housing on its own. This means the City does not act as its own developer in any case. He did not see any part of the recommendation that would infringe upon the Housing Authority; instead, he felt it would improve the market for everyone. Furthermore, while it was unlikely for the City to acquire a large parcel of land on which to build affordable housing, nonprofits were often able to find smaller lots upon which affordable housing could be developed.

Chair Henn asked Mr. English if he was comfortable, on behalf of the Housing Authority, that their best interests were being protected. Mr. English affirmed that he was, adding that the only concern he had with working to increase the Housing Authority's capacity was that it needed more State or Federal money in order to do so, and this was not likely to be forthcoming.

Regarding D, Vice Chair Walter recommended changing "public/private partnerships" to "for-profit and nonprofit."

Chair Henn stated that he was relatively new to some of the terminology used regarding affordable housing, and suggested including a recommendation to "better educate" the City's citizens regarding this terminology. He felt that many people might have preconceived and perhaps erroneous ideas about the meaning of terms like affordable housing, workforce housing, Section Eight, and other commonly used terms.

Vice Chair Walter felt this was an important point, as the "not in my back yard" complex unfortunately remains an issue for many people who might not have a clear understanding of what constitutes affordable housing. Mr. English agreed, pointing out that when very low-income housing is developed, it is consistently in the older areas of town, as newer communities still don't want low-income housing in their neighborhoods. The Housing Authority often encountered the same resistance with Section Eight housing, he noted, and the resistance is often perceived as discriminatory in nature.

Ms. Riley felt it could be helpful to educate the public on workforce housing, as this often included groups of workers such as policemen and firemen. She also suggested that the Committee recommend recognition that individuals on the lowest end of the wage-earning scale have the greatest need for housing.

Chair Henn noted that, as no member of Staff had provided the Committee with an analysis to back up this claim, it could be perceived as a matter of opinion. He felt there should be something included in the record to back up this information.

Ms. Riley stated she could provide documentation for this claim. Vice Chair Walter added that the Workforce Housing Study could also serve as a reference.

Moving on to Item F, in which reference was made to “duplexes, triplexes, four-plexes,” Vice Chair Walter noted that this had already been mentioned in Item E, and asked if further discussion of the subject was necessary.

Now that all items had been discussed, Chair Henn asked if they wanted to follow the A through J format, or if they might prefer an introductory paragraph that would serve as an “executive summary” at the beginning of the report. This would state what the Committee took as its mission when compiling the report. Chair Henn felt that without such a summary, there was a risk of “getting lost in the details” of the report.

Vice Chair Walter advocated retaining the current format, but felt a summary paragraph, perhaps listing key points to be emphasized, would be helpful.

Chair Henn noted that officials who might not read the entire report in detail could understand it by reading key points listed in an executive summary.

Ms. Hayes confirmed that the executive summary would be included under the “Incentives and Recommendations” section. The Committee discussed which recommendations should appear in this summary, including:

- Expedited permitting;
- Reduction of regulatory barriers;
- Financial facilitation of affordable housing production;
- More government cooperation and public/private partnerships.

Vice Chair Walter thanked Ms. Hayes and Staff for their time and effort in preparing the report.

## **5. Other Business**

Chair Henn noted that the Committee must meet on December 15, 2008, and a quorum must be present.

Ms. Hayes informed the Committee that she would attempt to make the proposed changes to the draft by close of business the following day, and have copies emailed to all members. She requested that any comments be returned to her as soon as possible, as in order to appear on the City Commission's December 2, 2008 conference agenda, the report must arrive at the City Clerk's office by close of business on Thursday, November 20, 2008.

She continued that she hoped to vet the document a final time at the conference meeting before it is presented at the public hearing. The conference is scheduled for 1:30 p.m. on December 2, and she requested that any members able to attend do so.

A Committee meeting had been scheduled at 6:00 p.m. on December 8, 2008; however, Ms. Hayes recommended that this meeting be canceled, and the public hearing be held in chambers at 6:30 on December 15, 2008, instead. She advised that Chair Henn take the dais in case members of the public wished to speak, so as to maintain order.

Chair Henn noted that this meeting should be "very quick," beginning at 6:30 p.m. and moving to adopt the report once a quorum had been established. If there were public comments, he would allow each speaker three minutes. Any recommendations brought forth by the public would be taken before the City Commission, Ms. Hayes added.

She stressed that it was imperative for a quorum to be present at this meeting.

It was determined that the Committee's next formal meeting was at 6:30 p.m. on December 15, 2008.

Ms. Hayes thanked Vice Chair Walter for her guidance in preparing the report.

## **6. Adjournment**

There being no further business to come before the Committee at this point, the meeting was adjourned at 7:46 p.m.

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