

City of Delray Beach Affordable Housing Advisory Committee
2008 Incentive Review and Recommendation Report

I. Background Information:

The City of Delray Beach Commission appointed ten members to the City's Affordable Housing Advisory Committee on June 17, 2008. The Committee was established by Resolution 12-08 on April 1, 2008.

The following meeting dates were established:

09/17/08	Introductory Meeting
10/22/08	Regular Meeting
11/19/08	Public Hearing – Adoption of AHAC Report
12/02/08	City Commission review of AHAC Report
12/09/08	Possible LHAP amendment – based on Commission Action 12/2/08

II. Public Hearing:

Date of Public Hearing: Wednesday, November 19, 2008 at 5:30 PM.

Synopsis of Public Input:

2 members of the public were present. There was minimal public input. Ms. Pittaluga asked a question regarding the review synopsis for Incentive F. No further comments were made.

Names/Addresses of those who spoke during Public Hearing:

1. Christiane Pittaluga, 1444 E. Bexley Park Dr., Delray Beach, FL 33445

Names of members present:

1. Jerry Crocilla
2. William Hatcher
3. Alberta McCarthy
4. Wanda Gadson
5. Evelyn Dobson
6. Dorothy Ellington

7. Carmelita Smith
8. Connie Staundinger

Members absent:

1. Chuck Halberg
2. Sandra Weatherspoon

Staff Present:

1. Lula Butler, Community Improvement Director
2. Paul Dorling, Planning & Zoning Director
3. Elizabeth Alpert, Neighborhood Services Director
4. Ferline Mesidort, Community Development Specialist

This Report was formally reviewed by the AHAC in a Public Hearing format at the November 19, 2008 meeting.

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III. Incentives & Recommendations:

Incentive A: The processing of approvals of development orders or permits, as defined in s. 163.3164(7) and (8), for affordable housing projects is expedited to a greater degree than other projects.

Review Synopsis: Community Improvement Director, Lula Butler, explained that the City implemented a “One Stop” permitting process approximately twelve (12) years ago that provides a streamlined approach to all permit applications submitted for approval. The program was enhanced three (3) years ago adding a new Plan Reviewer position who is the designated staff person assigned to expedite the review and approval of single family affordable housing applications within a fifteen (15) day period. The Director of Planning & Zoning, Paul Dorling, suggested that expedited permitting for affordable sub-divisions and/or developments might be considered by the Committee because presently expedited permitting for single family units is the current focus. This is largely due to the fact that the majority of the affordable housing in Delray Beach has been in-filling of existing buildable lots. This incentive would include larger affordable housing developments that require site plan approval. Mr. Dorling stated that the expedited process would be 7-8 week turn around for site plan approval for larger scale developments. The site plan process generally takes 12 weeks. Staff recommended that the policy could include designating one staff person to oversee the process of expedited site plan review process which could include setting up one-on-one meetings between the designated point person and the developer instead of the standard process of sending comments back and forth. It was explained that a new policy was created to expedite bio-tech projects and that this process could be similar to that new policy.

Recommendation: The Committee agreed to recommend that affordable housing sub-divisions/developments be eligible for an expedited process for site plan review and building permitting. Under this recommendation, the Committee recommended that building permits for affordable sub-divisions be expedited to less than 30 days. Dorothy Ellington suggested that the bio-tech project process be used for affordable housing sub-divisions. The following is an outline of the proposed expedited process:

EXPEDITED DEVELOPMENT AND PERMIT APPLICATION PROCESS

“It is the policy of the City of Delray Beach Planning and Zoning and Community Improvement Departments to implement an expedited permit

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process for affordable housing subdivisions. An affordable housing subdivision is one that:

- Contains at least 10 affordable units.

For projects meeting the above criteria a single point of contact shall be designated (the Director of Planning and Zoning, and/or the Director of Community Improvement or either of their designees). This individual(s) shall be responsible for coordinating all matters relating to the review services for the project and shall provide periodic status reports to the business's project manager.

A pre-application meeting shall be conducted and shall include the preparation of a time table for project completion. The project shall receive priority at every phase and project review shall include face to face meetings to facilitate the expediting process.

Comments relative to the development review application shall be provided to the applicant within ten (10) business days (Development Application) and fifteen (15) business days (Permit Application) after the submission of a complete application by the applicant. Thereafter, the City and the applicant shall make a mutual commitment to provide development and permit application review comments and plans or revisions thereto in a thorough and timely manner.

Pursuant to LDR Section 2.4.8(C)(1), with submittal of an application that is deemed complete Class IV and V site plan development proposals shall be processed within seven (7) weeks and applications involving re-zonings or Conditional Uses will require an additional four (4) weeks. Class I through III site development applications will be processed in five (5) weeks or less.

As identified above, initial building permit comments shall be provided within fifteen (15) business days of a complete submittal. Thereafter all efforts shall be made to expedite building permits after all outstanding comments have been addressed with the goal of issuing the permits within thirty (30) business days after submittal."

The Committee recommends that the above language be added to the City's Local Housing Assistance Plan (LHAP).

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Board Action: Dorothy Ellington made a motion to approve the above recommendations for incentive A. Alberta McCarthy seconded the motion. All were in favor (8-0).

Incentive B: The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.

Review Synopsis: Ms. Butler explained that by Ordinance - no impact fees can be waived. She continued by explaining that SHIP funds are eligible for paying impact fees.

Recommendation: The LHAP already contains sufficient language pertaining to modification of impact-fee requirements. There were no Committee recommendations.

Board Action: The Committee did not make any recommendations pertaining to Incentive B.

Incentive C: The allowance of flexibility in densities for affordable housing.

Review Synopsis: Mr. Dorling provided a detailed description of the City's current overlay areas which allow for increased densities when affordable and or workforce units are proposed within the project. He continued to explain that the City has expanded its use of flexibility densities over the past few years. A comment was made by Committee member, Wanda Gadsden that the impact of higher density in the SW 12th Avenue area is not appropriate for the neighborhood and asked how traffic studies are considered in making these decisions. Mr. Dorling explained that traffic studies are completed as well as an analysis of mass transport, accessibility to driveways etc. He stated that the SW 12th area does have the capacity for increased traffic and that the thresholds for traffic have not been met based on the current density. Ms. Gadson referenced the traffic signal on Atlantic Avenue and SW 12th Avenue and voiced her concern that the traffic light period is insufficient for North and Southbound traffic. She continued to explain that she is concerned that by increasing the density in this area, the traffic signal issue must be addressed to avoid gridlock traffic. Ms. Gadson is of the opinion that gridded residential streets should not allow the increased densities. Mr. Dorling stated that it is encouraged that people load in and off the alleys and that where multi family homes exist, alleyway access will be improved. Committee member, Dorothy Ellington, explained that the Delray Beach CRA has agreed to participate in creating an incentive to move parking to

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the alleys. Committee member, Jerry Crocilla, asked if increased density also pertains to the number of people per unit. Mr. Dorling responded by stating that the ordinance allows no more than 5 un-related people per unit. Ms. Butler mentioned that the SW neighborhood plan dictated the increased density of the SW 12th Area.

Recommendation: The Committee recommends that the LHAP refer to the density bonuses allowed for by the Workforce Housing ordinance.

Board Action: The LHAP be amended to reference the City's policy pursuant to the Workforce Housing Ordinance (as it is currently adopted and amended from time to time by City Commission). Connie Staundinger motioned to approved, Evelyn Dobson seconds. All in favor (8-0).

Incentive D: The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons, and moderate-income persons.

Review Synopsis: Ms. Butler explained that the City's standard concerning infrastructure is regulated by ordinance and that all neighborhoods, regardless of income, receive necessary infrastructure improvements, as needed.

Current language in the Land Development Regulations (LDRs) is as follows: "Section 5.1.2 (B): The purpose of this section is to promote the public health, safety, comfort and welfare of the City through the harmonious, orderly and, progressive development of land by insuring: (B) The efficient, adequate and economic supply of infrastructure and services to land developments."

Current LHAP language is as follows: "Infrastructure facilities currently exist throughout the entire City. However, where there are visible signs of deterioration, Comprehensive Plan policy provides for prioritization in scheduling necessary improvements. As each year's infrastructure improvement schedule is prepared, priority is given to neighborhoods with concentrations of infrastructure deficiencies."

Recommendation: The Committee agreed that the current language in the Local Housing Assistance Plan and LDRs sufficiently addresses this issue.

Board Action: The Committee did not make any recommendations pertaining to Incentive D.

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Incentive E: The allowance of affordable accessory residential units in residential zoning districts.

Review Synopsis: Mr. Dorling explained that present policy regarding accessory residential units states that a guest house shall only be occupied by a family member or employees of the main house. He explained that by allowing affordable accessory residential units in residential zoning districts would create an inconsistency with the City's Comprehensive Plan. La Hacienda neighborhood was provided as an example of a neighborhood annexed into the City with accessory units.

Recommendation: No Action.

Board Action: The Committee did not make any recommendations pertaining to Incentive E.

Incentive F: The reduction of parking and setback requirements for affordable housing.

Review Synopsis: The current Local Housing Assistance Plan states that "regulations require two parking spaces per dwelling unit, beyond required front yard set back in Single Family Zoning Districts. As an incentive to affordable housing, one of the required parking spaces may be located within the side set back within one foot of the property line, provided the impervious area used for parking is sloped to drain on the lot being developed. This incentive will provide a cost reduction of approximately \$800 per unit. The allowance of side set back parking improves the appearance and traffic flow by reducing haphazard street parking."

Recommendation: The Committee recommended that the LHAP strategy be amended to "regulations require two parking spaces per dwelling unit beyond the required front yard set back in Single Family Zoning Districts. As an incentive to affordable housing, one of the required parking spaces may be located within the 25' front yard setback reducing haphazard street parking."

Board Action: The LHAP be amended as recommended. Dorothy Ellington motioned to approve, Wanda Gadson seconds. All in favor (8-0).

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Incentive G: The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.

Review Synopsis: Discussion ensued regarding zero lot lines. Currently there is no provision for a zero-lot line units within the residential neighborhoods developed under the grid system. Ms. Butler explained that this could not be accomplished on an in-fill basis. Committee member, Alberta McCarthy, stated that if there were 5 continuous lots – would it be possible for continuous houses to have zero lot lines? Mr. Dorling expressed his concern that this would affect the fabric of the neighborhood. Chuck Halberg stated that he did not see the benefit in this.

Current LDR policy regarding flexible lot configurations are as follows:

SECTION 1.3.2 Nonconforming Lots of Record: Any lot or parcel which qualifies as a lot of record may be used only as allowed in Section 4.1.4.

SECTION 4.1.4 (D) Within the R-1-A, RL and RM zoning districts, lots of record having at least forty (40) feet of frontage may be used for **Workforce Housing**, as long as the workforce housing unit meets the typical designs represented by the sketches set forth in Section 4.7.12(a), the lot is a minimum of 4,000 square feet and conforms to setbacks; provided, however, the minimum side setback may be reduced to a minimum five feet (5') if necessary to accommodate the designs set forth in Section 4.7.12(a) and meets other development standards in the zoning district. The Workforce Housing unit on a lot with frontage as herein described must include rear access via an alley, if available. The unit must also contain design features such as, but not limited to, front porches, eyebrows, outriggers, gables, dormers, arbors, trellises, shutters, balconies, decorative vents, siding, textured stucco finishes, undulating facades and other such appropriate architectural features. **[Amd. Ord. 20-06 4/4/06]**

Recommendation: The Committee agreed that the current regulations provide this opportunity and that there is no need for action regarding this incentive.

Board Action: The Committee did not make any recommendations pertaining to Incentive G.

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Incentive H: The modification of street requirements for affordable housing.

Review Synopsis: Mr. Dorling stated that a possibility regarding this incentive could be a reduction in pavement widths (from 24 to 20 feet) for HOA neighborhoods. This is allowable in HOA neighborhoods where control can be exercised in prohibiting on-street parking in exchange for reduced pavement width. However, it was explained that this is an unwritten policy and that submissions are reviewed on a case by case basis.

Recommendation: None

Board Action: The Committee did not make any recommendations pertaining to Incentive H.

Incentive I: The 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.

Review Synopsis: It was discussed that there is a wide array of issues that the Affordable Housing Advisory Committee could consider in the future.

Recommendation: Committee member, Wanda Gadson, recommends that the AHAC continue to be a recommending body as part of the approval process for any items that would increase the cost of affordable housing, on an as needed basis.

Board Action: The Committee recommends that AHAC continue to serve as the review body for the approval process of items that would increase the cost of affordable housing, on an as needed basis. Dorothy Ellington made a motion to accept, Wanda Gadson seconds. All in favor (8-0).

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Incentive J: The preparation of a printed inventory of locally owned public lands suitable for affordable housing.

Review Synopsis: The current LHAP language is as follows: “The Planning Department has compiled a complete list of City owned lands of 3 acres or more along with available single family lots. The Community Redevelopment Agency maintains a list of vacant parcels, which they own or have under contract suitable for in-fill residential construction. These lists are made available to the public, private developers and non-profit agencies.”

Recommendation: To amend current LHAP language: “The Planning Department has compiled a complete list of City owned lands of 3 acres or more along with available single family lots. The Community Redevelopment Agency maintains a list of vacant parcels, which they own or have under contract suitable for in-fill residential construction. These lists are made available to the public, private developers and non-profit agencies. **This list shall be updated on an annual basis.**”

Board Action: The LHAP be amended as recommended. Connie Staundinger motioned to approve, Wanda Gadson seconds. All in favor (8-0).

Incentive K: The support of development near transportation hubs and major employment centers and mixed-use developments.

Review Synopsis: Mr. Dorling stated that in the Congress Avenue corridor area the densities have been increased between Congress and I95 to encourage development around transportation hubs. He explained that this requires a minimum amount of workforce or affordable housing. Dorothy Ellington referred to the MROC zoning code and the CMU (Congress Mixed Use) land use description in the COMP plan. Copies of those sections have been provided for discussion.

Recommendation: None.

Board Action: The Committee did not make any recommendations pertaining to Incentive K.

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IV. Additional Recommendations:

List any other recommendations made by the committee, not required above, such as: 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.

1. **First Time Homebuyer** – Alberta McCarthy brought up the issue of “First Time Homebuyer,” its definition and why the City chooses to exclude repeat homebuyers in its program. She expressed that those who are currently home owners should possibly also be eligible for down payment assistance funds and that a “prioritized” system might be more effective to assist families who are upwardly mobile or whose household size has increased. Dorothy Ellington stated that regardless of a prioritized system, the demand from first time homebuyers will exceed the demand from repeat buyers.

Recommendation: None.

Board Action: None.

2. **Building Permit Fees** – Committee member, Connie Staundinger, asked about a possible reduction in building permit fees to increase affordability. Ms. Butler stated that the Commission considered this option at one point in time. However, due to serious budget constraints – the Commission decided against a reduction in Building Permit fees for affordable housing. It was discussed that government entities do not pay permit fees and non-profit organizations receive a 70% reduction. The example was made that if a non-profit organization such as AVDA was building a new facility that they would receive a 70% reduction in building permit fees.

Recommendation: The Committee recommends a fifty percent (50%) reduction in building permit fees for new construction of affordable housing units or housing rehabilitation facilitated through a non-profit partner organization.

Board Action: The LHAP be amended to include above recommendation in permit fee reduction. Alberta McCarthy motion to approve, Evelyn Dobson seconds. (7 in favor 1 opposed)

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Attachments:

AHAC Membership Adopting Resolution

Public Hearing Advertisement

Roster of AHAC members