

FINAL APPROVED MINUTES
AFFORDABLE HOUSING ADVISORY COMMITTEE
CITY OF DELRAY BEACH

MEETING DATE: May 12, 2022

MEETING PLACE: 1st FLOOR CONFERENCE ROOM

1. CALL TO ORDER

The meeting was called to order by Andrea Stewart-Bruton, Board Co-Chair at 6:06 PM.

2. ROLL CALL

A quorum was present.

Members present Richard Kasser, Kristyn Cox, Allen Zeller, Deborah Davis Walker, Andrea Stewart Bruton, Jennifer Jones (Arrived at 6:10pm), Angela Burns (Arrived at 6:15pm)

Called in by telephone - Serena Spates

Absent Joanne McGinnis, Edmee Morin-Kougoucheff, Commissioner Ryan Boylston,

Staff Present Lawonda Warren, Ferline F. Mesidort, Ellen DeLima, Amy Alvarez, Suzie Rodriguez, Danise Cleckley

Motion was made by Ms. Cox to allow Serena Spates to call into the meeting. Seconded by Mr. Zeller. All voted and Motion carried 6-0

3. APPROVAL OF AGENDA

Motion to approve the May 12, 2022, AHAC Agenda was made by Mr. Zeller and seconded by Mr. Kasser, all voted in favor.

Motion Carried 6-0

Motion to approve Serena Spates to call into the meeting by Ms. Bruton and seconded Ms. Edmee Morin-Kougoucheff. All voted in favor.

Motion Carried 7-0

4. APPROVAL OF MINUTES

Motion to approve the April 14, 2022, AHAC Committee minutes made by Mr. Zeller and seconded by Ms. Cox, all voted in favor.

Motion Carried 7-0.

5. PUBLIC COMMENTS: None

- 6. OLD BUSINESS** – Local Housing Assistance Plan Update: Staff announced the new income limit grid was recently published by the Florida Housing Finance Corporation and the Area Median Income (AMI) for Palm Beach County was increased by approximately \$10,000. Staff also announced the LHAP was approved by City Commission on consent agenda and then sent to the State and was approved. However, the City Commission has requested it comes back before commission as a regular agenda item with a presentation for clarification. Ms. Cox suggested the AHAC members attend the commission meeting on May 17, 2022, in support of the LHAP and can speak at the Public Comments portion of the Agenda. Ms. Burns asked if there would be a visual presentation or is it

verbal only. Staff stated it will be a verbal presentation and the Commission has authority to revisit past decisions and call back items they deem necessary. There must be consensus to bring back items at their discretion. It is not abnormal for items to be pulled from a City Commission agenda to be discussed. The Commission wants to hear from staff in more detail to help clarify any questions. The LHAP was sent to the State and approved by May 2, 2022. If any changes are required, there are technical revisions that can be made.

7. NEW BUSINESS

a. Development Services Presentation:

Amy Alvarez, Planner introduced Suzie Rodriguez – Planner in Training – The memo packet will be emailed to the Board for their review. Amy said there is an Land Development Regulation (LDR) amendment processing for of a Mixed Unit, Residential Office Commercial district (MROC). **Three things LDR Amendment for MROC.** Update on Current Developments and the housing study. The MROC District is just west of I-95 from Atlantic Avenue to southern end of the City. The MROC was established in 2006 intended for class A office space and mixed use with other commercial and residential projects with higher densities. In 2019, House Bill 7103 Mandatory inclusionary zoning was prohibited. If the city wants to provide more affordable housing it must provide more incentives for developers. MROC is proposing a standard density down to 32 units per acre. It is written in the LDR's what is required. The overlay districts are areas where it's not just straight zoning to the property. Some are Workforce Housing (WFH), Historic Districts etc.... Is it written into the LDR's the WFH units need to be a total percentage of overall units. If there is an overlay district, more than one thing is required and that defines overlay. One of the issues is the height requirement. Restricting the height limit creates an incentive of added density in order to gain WFH units. The Developers are stuck at the height requirements for the specific district. Atlantic Crossing is five stories and is not in line with what is around the area. They got the benefit of additional height and benefit of additional density not solely based on total units. There needs to be a balancing effort. Staff announced that in the past the developers had to provide Very-Low, Low and Moderate income, however recently there is no obligation of Very-Low or Low income households. The Planning & Zoning Board is meeting next Monday to discuss in further detail. The AHAC members may make suggestions to the P&Z Board and the City Commission. Staff provided an update with a mix of all the communities and items currently in the review process. Only the new projects are requiring the 20% to the total number of units and evenly distributed among all three levels, VL, Low- and Moderate-income families.

The SAD district is in the LDR's. SAD (Special Activities District) – A question was asked, why does the City allow SAD's. Mr. Kasser expressed that SAD's are important and should include a set threshold of VL, Low- and Moderate-income units. Staff explained because it's in the LDRs and allowable. How do you get granted an SAD? Staff explained it can be requested. Why don't we have City initiated changes to LDR's concerning items that need to be addressed to create affordable housing. Any request would be sent through the City Commission and get at least on Commissioner to sponsor the request and the applicant can then apply for a SAD district. Mr. Kasser understands there is a need for the SAD requests. There also has to be conditions in order to benefit from a SAD district, they must include a portion of WFH units at the Very Low, Low- and Moderate-income levels. Mr. Zeller asked if there was follow up to compliance measures for the workforce housing program. There is a lobbying effort to reduce the deed restrictions from 30 years to 15 years. The Commission would like to do a housing study. Staff clarified the Developers are monitored by City staff. A comment was made that the Developers should be responsible to pay City staff to perform the compliance monitoring. It was stated that given a choice, the Developer will typically choose moderate income workforce housing units. Staff clarified the city's Workforce Housing income limit is at 120% AMI and the SHIP income limit is at the 140% AMI and the workforce ordinance requires

a 40-year affordability workforce housing covenant. Palm Beach County has a renewable 15-year term under their workforce housing program.

Mr. Kasser left at 7:08pm and there is still a quorum present.

Development Services presentation will be forwarded to the AHAC Committee.

A Motion was made by Ms. Cox made a recommendation for the P&Z Board on Monday night to standard density max of 30 with potential to increase to 40. Ms. Cox rescinded the recommendation.

A recommended standard density max of 32 units per acre with a potential to increase up to 40. Staff supports the recommendation. All income levels should be dispersed evenly between Very Low, Low and Moderate income levels. Discussion was open and Development Services staff clarified currently the requirement is either 20% or 25% depending on the location of the property. Ms. Cox recommended 30% of total units should be workforce housing in the MROC district. Discussion was open and 32 units per acre are allowed and would be the base in MROC. A question was posed, what is the incentive for the developer? What are we allowing them to do more of? Building additional units is an incentive allowing for the Developer to make more money.

A Motion was made by Ms. Cox to approve a recommendation to Planning and Zoning Board that the standard density max across MROC for an area greater than 2500 feet from the tri-rail train station be required to include 32 units per acre from the current 40. All voted in favor.

Motion Carried 7-0

A Motion was made by Ms. Cox to approve a recommendation that across MROC all Workforce Housing Developments within the City are required to include all three income levels of very low, low and moderate incomes evenly disbursed. Mr. Zeller seconded and opened for discussion. All voted in favor.

Motion Carried 7-0

Mr. Zeller announced the minimum income levels are all three income levels; Very Low, Low and moderate and evenly dispersed. The motion be amended by Mr. Zeller and discussion ensued to include the lower levels of the income limit grid. 31% for very low and 51% for moderate. That would allow for no range. Staff suggested researching this in a housing study. Staff said the Committee is able to cap the level, but you can't change the grid. It would make it difficult to do the income eligibility for the client. Ms. Jones clarified the income level would then go from Extremely Low, Very Low and Low and eliminate the Moderate-income level. Ms. Cox said it's a big push to eliminate Moderate income (80-120% AMI) completely so keeping the ranges dispersed evenly is a solution. Staff clarified the rental amounts are regulated; however, they are not always considered affordable. Staff monitors on the back end ensuring compliance with income limits. The monitoring of developments typically do not charge up to the maximum rental amounts. The WFH program supplements the SHIP program. Staff recommended the best practice is that most cities follow HUD income limit grid which governs the SHIP program.

The MROC district WFH units across MROC we are recommending the WFH all within 3 income levels evenly distributed within very, low and moderate.

A Motion was made by Ms. Cox to recommend the entire MROC district requires 30% of workforce units vs. the 20% of all units. Ms. Walker seconded. All voted in favor.

Motion carried 7-0

A Motion was made by Mr. Zeller to recommend that all affordable units be deed restricted for 30 years. Ms. Cox seconded for discussion. Mr. Zeller amended the recommendation off the table because it's currently at 40 years. Motion withdrawn.

A Motion was made by Mr. Zeller made a motion to recommend that density for all projects for sale projects as well as rental developments are already built in. Development Services said it does not differentiate so it is all currently built in across the board. Motion withdrawn.

A Motion was made Mr. Zeller recommends the Moderate-income level in the MROC that the income level be restricted to the lowest level of 81% of the AMI. Ms. Walker seconded for discussion. Staff suggested there should be a range (81-120%) within the Moderate-income level to keep it as it is. Mr. Zeller amended his motion to make it 81-90% of the AMI. Seconded for Discussion. A Committee member stated we already discussed it. All in voted and motion did not pass .

Motion denied 6-1

Mr. Zeller made a motion that in additional workforce housing units should be scattered throughout the community. Staff confirmed they are already scattered, throughout the community. Motion was withdrawn.

There was a break at 7:57PM as one of the Board members stepped out and they needed her to return in order to have a quorum.

Meeting reconvened at 8:05pm.

Ms. Jones asked about the requests for a SAD district and Development Services clarified if a from a Citizen wants to amend an LDR they must get a commissioner to sponsor the request. Developer needs to be submitted and is reviewed by staff and up to City Commission for final approval. Ms. Burns seconded for discussion. Ms. Cox suggested there is a moratorium, so the AHAC has time to review the Special District and see what is allowable in that district. Development Services staff said they are looking to hire a consultant to look at the districts. The moratorium of applications for the SAD district would be until the studies can be done. Second on Jennifer's motion. Cox asked if Jones's motion can be amended to include the moratorium on the SAD requests. Ms. Jones amended her motion to

A Motion was made by Ms. Jones to recommend that any development located in the MROC must be required to present to the people within the local community with a request for a SAD Special activities district prior to submittal. Ms. Burns seconded for discussion. Ms. Cox wants to amend the motion for discussion. Ms. Cox recommends a moratorium for all MROC SAD requests until the AHAC can review the requests. Development Services stated they are looking into getting a consultant on board to research appropriate uses and density levels. Ms. Jones amended the motion to recommend a moratorium until more studies on how SAD effects MROC. All voted in favor.

Motion Carried 7-0

8. **DISCUSSION CONCERNING NEXT MEETING AGENDA** – Technically the AHAC meetings have been approved through June 2022. Staff will send the City Manager a memo requesting to extend the AHAC meetings this year to discuss additional housing initiatives.

A Motion was made by Mr. Zeller to make a recommendation that all suggestions made tonight be applied to all areas of the City. Ms. Cox seconded for discussion. Ms. Cox clarified the motion and moved to amend by stating that the deed restriction applied for 40 years applies only to rental and be reduced to a rolling 15 years deed restriction for "for sale" units as is similar to the county. Mr. Zeller amended his motion for LDR for all residential and mixed use developments be amended to include all three income levels (Very Low, Low and Moderate) as stated previously and to include a requirement that all for sale, residential and mixed used developments to provide 30% of WFH units and there should be a moratorium of SAD requests until a further study is completed for all residential, "for sale" and mixed used developments are researched. Ms. Cox seconded and all Voted in favor

Motion Carried: 7:0

A Motion to amend the previous motion was made by Ms. Cox concerning the deed restrictions for Workforce Housing units for the City of Delray Beach to maintain the 40 years for rental units and be reduced to 15 years for "for sale" units Ms. Jones seconded the motion for discussion. Mr. Zeller feels there is no benefits to the homeowner and appeases the Developer to lower the deed restriction and the home should stay deed restricted for a longer period of time. All voted 5 to 2.

Motion Carried 5:2

Development Services left the meeting at 8:25pm.

Ms. Jones referred to the AHAC By-Laws article 4 #1. The Assistance City Attorney looked up the By-Laws and determined the ordinance states they meet three times per year.

Ms. Burns asked about the funds recently received by the State. Staff stated the American Rescue Plan Fund was received by the City not Neighborhood Services.

Ms. Cox mentioned the City Commission meeting next week has an item that was added recently regarding the ability for the Director of Development Services concerning the 5-foot side setbacks to allow the set back. There are three families being assisted by the County currently looking for an exception to the rule concerning the workforce housing restrictions. All are welcome to the meeting to show their support.

Ms. Bruton asked if there were any more open discussion items? None at this time.

Ms. Cox made a Motion to request to the City Manager the AHAC board be allowed to meet monthly indefinitely. The reasons are we are in an affordable housing crisis. There is a lot of work to address the private public partnerships etc. There are policies that need to be addressed. There are many other projects coming forward and the AHAC should weigh in. Mr. Zeller seconded the motion for discussion. Ms. Jones brought up that some members terms are coming to an end in July. There are 7 seats terminating out of the 11 members in July. Ms. Cox amended the motion for AHAC to meet until the end of the year on a monthly basis. Ms. Walker seconded for discussion. All voted in favor.

Motion Carried 7-0

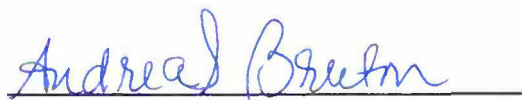
9. MEMBER COMMENTS: None.

10. ADJOURNMENT Ms. Stewart Bruton made a Motion to adjourn the meeting at 8:53PM and Ms. Jones seconded the motion. All voted in favor. Motion Carried 7-0

Affordable Housing Advisory Committee
May 12, 2022, Meeting Minutes

The undersigned is the Secretary of the Affordable Housing Advisory Committee and the information provided herein is the minutes of the meeting of the meeting of said Affordable Housing Advisory Committee on May 12, 2022, which minutes were formally approved and adopted by the Board on June 9, 2022.

ATTEST:

A handwritten signature in blue ink, reading "Andrea Breen", is written over a horizontal line.

CHAIR

A handwritten signature in blue ink, reading "Elle DeHena", is written over a horizontal line.

ADVISORY BOARD LIAISON

NOTE TO READER: If the minutes you have received are not completed as indicated above, this means they are not the official minutes of the Affordable Housing Advisory Committee. They will become official minutes only after review and approval, which may involve some amendments, additions, or deletions.