

SECTION I
AMENDMENT TO THE
“ADMINISTRATIVE RULES DOCUMENT:
BROWARD COUNTY LAND USE PLAN”

DATE

RECOMMENDATIONS/ACTIONS (continued)

DATE

VII. Planning Council Land Use/Trafficways Committee Recommendation **March 27, 2014**

Approval per Planning Council staff recommendation of March 18, 2014, with an additional recommendation that Option 2 be utilized for the in-lieu of fee payment per unit (one dollar (\$1.00) per gross square foot (gross floor area) of the residential dwelling unit).

VIII. Planning Council Recommendation **March 27, 2014**

Approval per Planning Council Land Use/Trafficways Committee recommendation. (Vote of the Board: 15-2; Yes: Aronson, Bascombe, Blattner, Boccard, de Jesus, Furr, Good, Graham, Hobby, Long, Mack, Ryan, Steffens, Stermer and Castro. No: DuBose and Kaplan.)

SECTION II
AMENDMENT TO THE
“ADMINISTRATIVE RULES DOCUMENT:
BROWARD COUNTY LAND USE PLAN”

ARTICLE 10

BACKGROUND INFORMATION

The “Administrative Rules Document: Broward County Land Use Plan” is maintained, as per the requirements of the Broward County Land Use Plan (BCLUP), by the Broward County Planning Council for the purpose of providing direction, assistance and guidance to local governments, the general public, and Planning Council staff in implementing the BCLUP. Appropriate portions of the Rules are also approved and adopted by the Broward County Board of County Commissioners.

On November 12, 2013, the Broward County Commission initiated an amendment to the “Administrative Rules Document” to add an article to address the rules for the implementation and administration of **existing** BCLUP Policy 1.07.07 regarding affordable housing. See **Attachment 1**.

PUBLIC OUTREACH

This item was initiated by the Broward County Board of County Commissioners on November 12, 2013, as a result of the Council’s comprehensive overview of the BCLUP.

Review of the subject amendment included written notification and solicitation of comments from all municipal managers and planning directors, the Broward League of Cities and several interested parties. Comments received as of this writing are included as **Attachments 3 through 7**.

Update: February 18, 2014: Additional municipal comments were received. See **Attachments 9 through 12**.

Update: March 18, 2014: An additional municipal resolution was received. See **Attachment 16**.

In addition, the Planning Council and Broward County Planning and Redevelopment Division staffs held a public workshop regarding the draft Rules change on December 17, 2013, and made a presentation to the Broward League of Cities Board at its January 9, 2014, meeting.

Update: March 18, 2014: The Planning Council and Broward County Planning and Redevelopment Division staffs presented the proposed Rules change to the Broward Housing Council on December 13, 2013, and February 14, 2013. The Broward Housing Council supports the proposal. See **Attachment 17**.

The Planning Council and Broward County Planning and Redevelopment Division staffs held an additional public workshop regarding the updated draft Rules change on March 10, 2014.

In addition, the informal Tri-Party Affordable Housing Working Group (3 members each: Broward County Planning Council, Broward County Commission and Broward League of Cities) met on February 17 and March 17 to discuss the proposal.

SECTION III
AMENDMENT TO THE
“ADMINISTRATIVE RULES DOCUMENT:
BROWARD COUNTY LAND USE PLAN”

ARTICLE 10

PLANNING ANALYSIS AND COMMENTS

The proposed “Administrative Rules Document” amendment involves establishing rules for the implementation of **existing** Broward County Land Use Plan (BCLUP) Policy 1.07.07, regarding affordable housing. BCLUP Policy 1.07.07 was adopted in 2006 and generally requires that BCLUP amendments that propose more than 100 additional dwelling units address the supply of affordable housing. (Note: The Broward County Land Use Plan Affordable Housing Definitions are included as Attachment 22.)

BCLUP Policy 1.07.07 is structured to require proactive participation and cooperation by Broward County in partnership with municipalities in regard to affordable housing and intended to reflect that a “one-size fits all” approach is not mandated and that weight shall be given to professional analyses and methodologies and best available data provided by municipalities to address the unique circumstances of a municipality by offering a “menu” approach to provide examples of the types and range of methods and programs which may be utilized to address the provision of affordable housing.

The proposed “Administrative Rules Document” amendment does not amend or change existing BCLUP Policy 1.07.07.

The proposed Rules change establishes rules, guidelines, procedures and methodologies for the implementation of existing BCLUP Policy 1.07.07 regarding affordable housing. Regarding **Attachment 1**, the proposed amendment generally includes the following aspects:

- Address two (2) issues; 1) to provide minimum guidelines to municipalities for submittal of an affordable housing study to demonstrate compliance with Policy 1.07.07; (**Update: March 18, 2014:** This reference has generally reached a consensus of the Tri-Party Affordable Housing Working Group based on the understanding that Florida International University (FIU) will prepare uniform supply/demand affordable housing data for each municipality. This uniform data can be enhanced or supplemented with localized information or a municipality may choose to conduct its own study. However, the FIU information will provide a baseline for the County staff’s review of the materials. See Attachment 21.) and 2) to provide “default” criteria for those applicants who wish to offer mitigation as part of the BCLUP amendment process.
- A description of the minimum study, report or information to be submitted by the local governing body for applications subject to the Policy including estimates of existing and projected supply of affordable housing in comparison to the estimated affordable housing need for a minimum 5 year planning horizon;
- ~~Existing and projected employees working within a local government’s boundaries must be considered in determining the projected need for affordable housing;~~ (**Update: March 18, 2014:** This reference has been removed as a result of public input and generally agreed upon by the Tri-Party Affordable Housing Working Group. See Attachment 20.)

PLANNING ANALYSIS AND COMMENTS *(continued)*

- The local government may consider the existing and projected availability of affordable housing within 3 miles within a contiguous local government (**Update: March 18, 2014:** This option has been revised to require the approval of the contiguous local government. **See Attachment 20.**);
- The local government must demonstrate how its chosen affordable housing strategy will satisfactorily achieve and/or maintain a sufficient supply consistent with the local government's planning horizon. A local government which has demonstrated how its chosen affordable housing strategy will satisfactorily achieve and/or maintain a sufficient supply consistent with the local government's planning horizon would be in compliance with Policy 1.07.07;
- The proposed review procedures for BCLUP amendments subject to Policy 1.07.07 (Article 10.4) follow the procedures currently used; and
- ~~Language and rules have been included on a contingency basis for pending BCLUP text amendment PCT 13-1 regarding the allocations of 100 or more 'flexibility' or 'reserve' units to parcels designated "Commercial" or "Employment Center."~~ (**Update: March 18, 2014:** This reference has been removed at the consensus request of the Tri-Party Affordable Housing Working Group meeting of March 17, 2014. **See Attachment 20.**)

See Attachment 2.

In addition, the "Administrative Rules Document" amendment outlines an **option** to satisfy BCLUP Policy 1.07.07 **by an individual applicant** during the BCLUP amendment process. The proposed rules note that the County's default standard will be 15% of additional project housing units will be affordable, and that the default "in-lieu" standard will be 1% of construction costs for all additional market rate units. The 1% of construction costs standard would result in higher contributions for higher cost construction. For example, a unit that has a construction cost of \$500,000 would contribute \$5,000. A unit with a construction cost of \$250,000 would contribute \$2,500. This **option** sets a baseline for a default standard for County review staff to evaluate **individual applicant** proposals for Policy 1.07.07, if a municipality has not submitted a study or is determined not to meet the Policy.

Update: March 18, 2014: The Tri-Party Affordable Housing Working Group reached a general consensus at its March 17, 2014, meeting regarding how and where any agreed upon "in-lieu" of funds are utilized. The consensus was that any monies collected will be utilized towards housing programs and policies, at the sole discretion of the local government to which they are dedicated. **See Attachment 20, page 4.** Based on input at both the staff level and Tri-Party Affordable Housing Working Group, as reflected in **Attachments 18 and 20**, the construction costs have been updated to clarify what is included in the costs and now reflect 1.25% of hard construction costs (definition included). However, this point was further vetted at the March 17, 2014, Working Group to discuss a potential cost per square foot of dwelling units. If the Planning Council makes a positive recommendation, staff requests that the Council delineate its preference as either Option 1: 1.25% of hard construction costs or Option 2: one dollar (\$1.00) per gross square foot (gross floor area) of the residential dwelling unit, as outlined in **Attachment 20, page 5.** Planning Council staff does not object to either proposal.

PLANNING ANALYSIS AND COMMENTS *(continued)*

Update: March 18, 2014: *(continued)*

To further illustrate the monetary impacts of the two options, Planning Council staff has included the industry standard base cost per square foot that the Broward County Environmental Licensing and Building Permitting Division utilizes for solid masonry homes. See Attachment 19.

For example, a 2,000 square foot average home would generate approximately the following in-lieu fees:

- Option 1: 1.25% of hard construction costs may result in a fee of approximately \$2,629 per dwelling unit (based on the 0.87 pricing factor noted at bottom of Attachment 19).
- Option 2: \$1.00 per gross square foot may result in a fee of \$2,000.

Update: March 27, 2014: Additional information regarding the “in lieu” of options has been submitted by the Broward County Planning and Redevelopment staff. See Attachment 23.

Review of the subject amendment included written notification and solicitation of comments from all municipal managers and planning directors, the Broward League of Cities and several interested parties. The following is a summary of the comments received as of this writing:

- The **City of Dania Beach** submitted comments that the implementation of the amendment may inhibit redevelopment and that the City would request being exempt from the Policy. **See Attachment 3.**
- The **Town of Davie** submitted comments expressing concern about the availability of employment data at the municipal level and the difficulty in distinguishing the housing need attributable to employment growth from that of general population growth. The Town also continues to object to the adoption of PCT 13-1 regarding the applicability of BCLUP Policy 1.07.07 to allocations of 100 or more ‘flexibility’ or ‘reserve’ units to parcels designated “Commercial” or “Employment Center.” **See Attachment 4.**
- The **City of Lauderhill** submitted comments that a local government’s housing element be utilized to fulfill the requirements of BCLUP Policy 1.07.07 and be certified by the Broward County Planning Council. **See Attachment 5.**
- The **City of Plantation** continues to object to the adoption of PCT 13-1 regarding the applicability of BCLUP Policy 1.07.07 to allocations of 100 or more ‘flexibility’ or ‘reserve’ units to parcels designated “Commercial” or “Employment Center.” **See Attachment 6.**
- The **City of Sunrise** is supportive of the County’s intent to provide convenient and affordable housing opportunities to all residents, but continues to object to the adoption of PCT 13-1 regarding the applicability of BCLUP Policy 1.07.07 to allocations of 100 or more ‘flexibility’ or ‘reserve’ units to parcels designated “Commercial” or “Employment Center.” **See Attachment 7.**

Update: February 18, 2014:

- The **City of Coral Springs** identified an issue with the analysis and employment data aspects of the proposal. **See Attachment 9.**
- The **City of Weston** objects to the proposal. **See Attachment 10.**

PLANNING ANALYSIS AND COMMENTS *(continued)*

Update: February 18, 2014: *(continued)*

- The **City of Fort Lauderdale** objects to the disproportionate impact to the City, as well as continues to object to the adoption of PCT 13-1 regarding the applicability of BCLUP Policy 1.07.07 to allocations of 100 or more ‘flexibility’ or ‘reserve’ units to parcels designated “Commercial” or “Employment Center.” **See Attachment 11.**
- The **City of Hollywood** lauds the County’s affordable housing efforts but objects to the adoption of PCT 13-1 regarding the applicability of BCLUP Policy 1.07.07 to allocations of 100 or more ‘flexibility’ or ‘reserve’ units to parcels designated “Commercial” or “Employment Center.” **See Attachment 12.**

Update: March 18, 2014:

- The **City of Miramar** objects to the Proposal. **See Attachment 16.**
- The **Broward Housing Council** supports the concept of providing minimum guidelines and the provision of ‘default’ criteria. **See Attachment 17.**

The Broward County Planning and Redevelopment Division (PRD) issued a response and additional comment document. **See Attachment 8. (Update: March 18, 2014: Document updated to reflect additional comments during March 10 and March 17 meetings. See Attachment 18.)** In addition to addressing the major points of the written comments, the PRD added a timeframe of 18 months for the validity of the submitted study, report or analysis. This timeframe is reflected in **Attachment 1, 10.4(E).**

Planning Council staff notes that the Town of Davie, City of Plantation and City of Sunrise continue to object to the adoption of PCT 13-1 regarding the applicability of BCLUP Policy 1.07.07 to allocations of 100 or more ‘flexibility’ or ‘reserve’ units to parcels designated “Commercial” or “Employment Center.” **(Update: February 18, 2014/March 18, 2014:** The cities of Weston and Fort Lauderdale continue to object to PCT 13-1 and the cities of Hollywood and Miramar object to PCT 13-1.)

Planning Council staff has identified a concern with the statement that “Existing and projected employees working within the boundaries of the local government must be considered.” Both workshop and written comments have been received regarding this language. Planning Council staff’s opinion in this regard is that as a matter of implementation the statement “must be considered” may give municipalities the flexibility to consider existing and projected employees as related to their specific methodologies, policies and data and analysis.

Update: March 18, 2014: The “existing and projected employees” language has been removed. **See Attachment 20.**

Further, it is noted that during the review of the 2006 BCLUP amendment adopting Policy 1.07.07, there was a concern raised related to how Broward County would review information and data regarding affordable housing submitted on behalf of municipalities for amendments. It was suggested at that time that the County identify a countywide benchmark regarding affordable housing supply and a consistent procedure in the review of land use plan amendments concerning affordable housing. In this regard, Planning Council staff finds that the proposed “Administrative Rules Document” amendment will assist the County and municipalities in the consistent implementation and review of Policy 1.07.07.

PLANNING ANALYSIS AND COMMENTS *(continued)*

Update: February 18, 2014: The proposed “minimum requirements” regarding the demonstration of compliance with Policy 1.07.07 were distributed by the Broward County Planning and Redevelopment Division at the January 23, 2014, Planning Council meeting. **See Attachment 13.**

An additional response and comment document was submitted by the Broward County Planning and Redevelopment Division to further address comments received in writing and at the January 23, 2014, Planning Council meeting. **See Attachment 14. (Update: March 18, 2014: Document updated to reflect additional comments resulting from March 10 and March 17 meetings. **See Attachment 18.**)**

Planning Council staff has prepared a summary of all proposed Broward County Land Use Plan (BCLUP) amendments that have been subject to Policy 1.07.07 regarding affordable housing:

- **33** BCLUP amendments have been subject to the Policy.
- **9 of the 33** BCLUP amendments were determined **not** to meet the Policy.
 - The municipalities in which the amendments were located did not submit information regarding the status of their affordable housing programs and policies.
 - Each of the amendments was eventually determined to meet the Policy through a monetary or set-aside voluntary commitment.
- Conversely, **24 of the 33** BCLUP were determined to meet the Policy through the evaluation of programs and policies in place to achieve or maintain affordable housing supply.
- Of the **24** BCLUP amendments determined to meet the Policy through the evaluation of programs and policies, **13 made a voluntary commitment for a contribution towards affordable housing or set-aside, which was not required to meet the Policy.**
- A total of approximately 26,500 dwelling units have been added to the Broward County Land Use Plan since the implementation of BCLUP Policy 1.07.07 in 2007, resulting in 1,277 affordable dwelling units and approximately \$6.7 million dollars towards municipal and county affordable housing programs.

See Attachment 15.

ADDITIONAL INFORMATION

It is important to note that in addition to the proposed “Administrative Rules Document” amendment being considered, the Broward County Commission is also pursuing the following, related to affordable housing:

- An amendment to both the Broward County Land Use Plan and the “Administrative Rules Document” regarding the streamlining of affordable housing density bonuses; and
- An updated study regarding a non-residential affordable housing linkage fee.

PLANNING ANALYSIS AND COMMENTS *(continued)*

Update: February 18, 2014: A joint meeting with the Broward County Planning Council, Broward County Commission and Broward League of Cities was held on February 17, 2014, subsequent to the joint workshop on January 29, 2014. The parties asked County and Planning Council staffs to further discuss and vet the technical aspects of the proposed Rules amendment with municipal staffs. A staff level workshop is scheduled on March 10, 2014, in this regard. The Broward County Planning Council, Broward County Commission and Broward League of Cities will reconvene on March 17, 2014, prior to the Council's March 27, 2014, meeting.

Update: March 18, 2014: All meetings were held: **Attachment 18** reflects the most up to date response document and **Attachment 20** reflects the most up to date Administrative Rules Document Article 10, reflecting any changes or consensus reached at the March 10 and March 17 meetings.

Further, the Tri-Party Affordable Housing Working Group reached a consensus based on the understanding that Florida International University (FIU) will prepare a uniform supply/demand affordable housing data for each municipality. This uniform data can be enhanced or supplemented with localized information or a municipality may choose to conduct its own study. However, the FIU information will provide a baseline for the County staff's review of the materials. **See Attachment 21.**

RECOMMENDATION

Planning Council staff is supportive of the "Administrative Rules Document" proposal and recommends approval.

Update: February 18, 2014: Planning Council staff recommends that the Council defer the item to its March 27, 2014, meeting, based on the follow up discussions scheduled for March 10 and March 17, 2014.

Update: March 18, 2014: All meetings were held: Attachment 18 reflects the most up to date response document and Attachment 20 reflects the most up to date Administrative Rules Document Article 10, reflecting any changes or consensus reached at the March 10 and March 17 meetings.

Planning Council staff recommends approval of the revised "Administrative Rules Document" proposal. See Attachment 20.

Further, the recommendation should delineate the Council's position regarding the in-lieu of fee payment per unit as either *Option 1: 1.25% of hard construction costs of the residential project* or *Option 2: one dollar (\$1.00) per gross square foot (gross floor area) of the residential dwelling unit, as outlined in Attachment 20, page 5.*

SECTION IV
AMENDMENT TO THE
“ADMINISTRATIVE RULES DOCUMENT:
BROWARD COUNTY LAND USE PLAN”

ARTICLE 10

ATTACHMENTS

1. Proposed Revisions to the “Administrative Rules Document: Broward County Land Use Plan” - Article 10
2. Summary of Proposed Revisions – December 18, 2013
3. Correspondence from Robert Baldwin, City Manager, City of Dania Beach, to Barbara Blake Boy, Executive Director, Broward County Planning Council, dated January 7, 2014
4. Correspondence from David Quigley, AICP, Planning and Zoning Manager, Town of Davie, to Barbara Boy, Broward County Planning Council, dated January 8, 2014
5. Correspondence from Earl R. Hahn, AICP, City Planner, City of Lauderhill, to Barbara Blake Boy, Executive Director, Broward County Planning Council, dated January 8, 2014
6. Correspondence from The Honorable Diana Veltri Bendekovic, Mayor, City of Plantation, to Barbara Blake Boy, Executive Director, Broward County Planning Council, dated December 31, 2013
7. Correspondence from Mark S. Lubelski, P.E., Director, Community Development Department, City of Sunrise, to Barbara Blake Boy, Executive Director, Broward County Planning Council, dated January 7, 2014
8. Response and Additional Comment Document – Broward County Planning and Redevelopment Division – dated January 10, 2014

Update: February 18, 2014:

9. Correspondence from James P. Hickey, Assistant Director of Development Services, City of Coral Springs, to Barbara Blake Boy, Executive Director, Broward County Planning Council, dated January 16, 2014
10. City of Weston Resolution 2014-03
11. Correspondence from Lee R. Feldman, City Manager, City of Fort Lauderdale, to Bertha W. Henry, Broward County Administrator, dated January 22, 2014
12. Correspondence from The Honorable Peter Bober, Mayor, City of Hollywood, to the Honorable Mayor and Broward County Commissioners, dated January 30, 2014

ATTACHMENTS *(continued)*

Update: February 18, 2014:

13. Demonstration of Compliance with Policy 1.07.07 – Prepared by the Broward County Planning and Redevelopment Division
14. Response Document - Prepared by the Broward County Planning and Redevelopment Division – dated February 17, 2014
15. Affordable Housing – Broward County Land Use Plan Policy 1.07.07 Summary – Prepared by the Broward County Planning Council staff

Update: March 18, 2014:

16. City of Miramar Resolution 14-77
17. Correspondence from Monica Navarro, MBA, EDFP, Chair, Broward Housing Council to The Honorable Mayor Barbara Sharief, Broward County Commission, dated March 4, 2014
18. **UPDATED:** Response and Additional Comment Document - Prepared by the Broward County Planning and Redevelopment Division – dated March 18, 2014
19. Base Cost Per Square Foot of Living Area as Utilized by the Broward County Environmental Licensing and Building Permitting Division
20. **UPDATED:** Proposed Revisions to the “Administrative Rules Document: Broward County Land Use Plan” - Article 10 – dated March 18, 2014
21. Email Correspondence from Ralph Stone, Director, Broward County Housing Finance and Community Development, to Barbara Blake Boy, Executive Director, Broward County Planning Council, dated March 13, 2014
22. Broward County Land Use Plan Affordable Housing Definitions

Update: March 27, 2014:

23. Email Correspondence from Henry Snizek, Director, Broward County Planning and Redevelopment Division, to Barbara Blake Boy, Executive Director, Broward County Planning Council, dated March 19, 2014

ATTACHMENT 1

Please see Attachment
20 for updated proposal,
dated March 18, 2014

ADMINISTRATIVE RULES DOCUMENT: BROWARD COUNTY LAND USE PLAN ARTICLE 10

RULES FOR IMPLEMENTATION AND ADMINISTRATION OF BROWARD COUNTY LAND USE PLAN POLICY 1.07.07

10.1 INTENT

These administrative rules address the following: 1) to provide guidelines to local governments for submittal of an affordable housing study, report or information and strategy to demonstrate compliance with Policy 1.07.07 of the Broward County Land Use Plan; and 2) to provide "default" criteria for those applicants who wish to offer mitigation as part of the Broward County Land Use Plan amendment or other applicable process. The primary purpose of Policy 1.07.07 is for local governments to approve an affordable housing study, report or information and strategy that are in compliance with the Policy. For those applications which meet the Policy via a local government study, report or information and strategy, County staff will issue comments that do not recommend additional mitigation from the applicant or local government.

10.2 BROWARD COUNTY LAND USE PLAN POLICY 1.07.07

For amendments which propose to add 100 or more residential dwelling units to the existing densities approved by the Broward County Land Use Plan, ***or proposed municipal allocations of "reserve units" and/or "flexibility units" to add 100 more residential units, including cumulative allocations, on lands designated on the certified municipal plan as "Commercial," "Employment Center" or an equivalent municipal land use classification.**** Broward County and affected municipalities shall coordinate and cooperate to implement the affected municipality's chosen policies, methods and programs to achieve and/or maintain a sufficient supply of affordable housing. ***Proposals subject to this Policy shall require approval by the Broward County Commission.****

Broward County shall accept from the affected municipality those professionally accepted methodologies, policies, and best available data and analysis, which the municipality has used to define affordable housing needs and solutions within the municipality.

In addressing amendments which propose to add 100 or more residential dwelling units to the existing densities approved by the Broward County Land Use Plan, ***or proposed municipal allocations of "reserve units" and/or "flexibility units" to add 100 more residential units, including cumulative allocations, on lands designated on the certified municipal plan as "Commercial," "Employment Center" or an equivalent municipal land use classification,**** the municipality, without limitation, may include consideration and implementation of the following affordable housing strategies:

Note: ***Bolded/Italicized*** wording is pending per County Commission adoption of Broward County Land Use Plan text amendment PCT 13-1.

- a. programs and policies involving mechanisms such as, but not limited to, impact fees, in-lieu fees, and/or public funds, in which the municipality, and/or Broward County, and/or other appropriate agencies/entities (including, but not limited to, major employers), provide for the construction or supply of affordable housing;
- b. programs and policies involving mechanisms such as, but not limited to, impact fees, in-lieu fees, and/or public funds, in which the municipality, and/or Broward County, and/or other appropriate agencies/entities (including, but not limited to, major employers), provide funding to facilitate the affordable purchase or renting of housing;
- c. programs and policies in which the municipality and/or Broward County, and/or other appropriate agencies, facilitate the maintenance of the existing supply of affordable housing stock, if any;
- d. property tax abatement programs aimed at preserving or creating affordable housing;
- e. streamlined and reduced-cost permitting procedures for affordable housing;
- f. specific minimum set-aside requirements for new affordable housing construction;
- g. use of appropriate existing public lands, or public land-banking, to facilitate an affordable housing supply;
- h. programs and policies to facilitate the development and use of municipal and/or Broward County affordable housing density bonus provisions;
- i. land development regulations which promote the availability of affordable housing such as reduced lot size and floor area for dwelling units, construction of zero lot line and cluster housing, vertical integration of residential units with non-residential uses, and the allowance of accessory dwelling units;
- j. the existing supply of affordable housing.

The affected municipality shall demonstrate compliance with this Policy at the time of the County's consideration of the applicable land use plan amendment, by establishing that the municipality has implemented or ensured adoption of appropriate policy and program measures to implement the affected municipality's chosen policies, methods and programs to achieve and/or maintain a sufficient supply of affordable housing as defined by the municipality's data and analysis.

For the purposes of this Policy, the term "affordable housing" shall include the meaning as defined by the Broward County Land Use Plan. The median annual income estimate should be updated at least yearly.

10.3 DESCRIPTION OF SELECT TERMS USED IN POLICY 1.07.07

The following are descriptions of select terms used in Policy 1.07.07 as they relate to implementation of the Policy.

Professionally Accepted Methodologies, Policies and Best Available Data and Analysis:

Used to prepare a study, report, or information submitted by the local governing body which includes estimates of the existing and projected supply of affordable housing (i.e. "very low," "low" and "moderate") within the local government boundary in comparison to the estimated affordable housing supply that is needed to achieve and/or maintain a sufficient supply. Existing and projected employees working within the boundaries of the local government must be considered. An example of an assessment would be estimating existing and projected residents and employees within the local government who are at 80% adjusted median income in comparison to the projected supply to meet the housing needs of such. Projected supply and needs for affordable housing must be consistent with a minimum 5 year planning horizon, but no greater than the adopted planning horizon of the local government comprehensive plan. The projected supply may consider the existing and projected availability of affordable housing within 3 miles within a contiguous local government. Data and methodologies must be consistent with those sources widely used and accepted by the professional community who conduct research and analysis concerning affordable housing. Example sources include the Countywide Affordable Housing Needs Assessment, data from the University of Florida's Shimberg Center, Census/American Survey Data, and the Fort Lauderdale Board of Realtors median home prices by product type (single family, condominium, etc.).

In-Lieu: Refers to monies paid to the local government by developers when affordable housing is not included on-site in a development in compliance with a standard adopted by the local government. Broward County will use 15% of project housing units as a default guideline for an affordable housing standard within proposed residential development subject to Policy 1.07.07; however, a local government may officially adopt a different standard. Such monies must be used by the local government to fund affordable housing construction and/or programs. In-lieu monies shall be sufficient to provide for the availability of affordable housing consistent with the standard set by the local government. The in-lieu methodology identifies the costs associated with achieving the development of affordable housing units within the local government. For example, an in-lieu methodology may be calculated at a rate per gross square foot per new market rate residential unit. As an alternative example, the in-lieu methodology may be based on a percentage of the costs of construction or sales price of all new market rate units within a project. Broward County will use 1% of construction costs as a default guideline in the review of in-lieu methodologies for all additional market rate units within a project; however, a local government may officially approve, as part of their affordable housing report and strategy, a different standard and program utilizing professionally accepted methodologies, policies and best available data and analysis.

10.4 COUNTY STAFF GUIDELINES: DETERMINATIONS OF APPLICATION CONSISTENCY WITH POLICY 1.07.07

- (A) The local government shall provide an estimate of the existing and projected supply of affordable housing within the local government's boundaries in comparison to the estimated affordable housing supply that is needed to achieve and/or maintain a sufficient supply. Existing and projected employees working within the boundaries of the local government must also be considered.
- (B) The local government must demonstrate how its chosen affordable housing strategy will satisfactorily achieve and/or maintain a sufficient supply consistent with the local government's planning horizon.
- (C) The study, report, or information submitted by the local governing body addressing Article 10.3 (A) and (B) must be based on professionally accepted methodologies, policies and best available data and analysis consistent with Article 10.2.
- (D) At a minimum, if a deficit of affordable housing is projected or assumed, Broward County will use 15% of additional project housing units as a default guideline for an affordable housing standard within proposed residential development subject to Policy 1.07.07; however, a local government may officially approve, as part of their affordable housing report and strategy, a different standard and program utilizing professionally accepted methodologies, policies and best available data and analysis.
- (E) A study, report, or information submitted by the local government which has been determined by the County to be in compliance with Policy 1.07.07 shall be valid for the consideration of subsequent land use plan amendments for a period of 18 months from the date the study, report or analysis was submitted to Broward County for review.

10.5 REVIEW PROCEDURES FOR LAND USE PLAN AMENDMENTS SUBJECT TO POLICY 1.07.07

- (A) After an application for a Broward County land use plan amendment has been received by the Broward County Planning Council, the Planning Council staff shall determine if the application is subject to Policy 1.07.07.
- (B) If a land use plan amendment application is subject to Policy 1.07.07, Planning Council staff shall forward the application to the Broward County Environmental Protection and Growth Management Department and request comments in a timeframe consistent with the Planning Council's standard land use plan amendment review schedule.

Note: **Bolded/Underlined** words are proposed additions based on input from the December 17, 2013, workshop as part of the Broward County Planning and Redevelopment Division response and comment document dated January 10, 2014.

- (C) If Broward County staff issues a determination that a land use plan amendment application is not in compliance with Policy 1.07.07, Broward County staff shall specify in writing the reasons for such determination.
- (D) Determinations issued by Broward County staff regarding Policy 1.07.07 shall be forwarded to the Planning Council staff and shall be made a part of the land use plan amendment report.

(NOTE: The following Article 10.6 is subject to County Commission adoption of Broward County Land Use Plan Amendment PCT 13-1)

10.6 REVIEW PROCEDURES FOR MUNICIPAL ALLOCATIONS OF RESIDENTIAL "FLEXIBILITY" IN AREAS DESIGNATED "COMMERCIAL" OR "EMPLOYMENT CENTER"

- (A) If a local government intends to allocate, either individually or cumulatively, 100 or more residential "flexibility" and/or "reserve" units to a parcel or parcels of lands designated "Commercial," "Employment Center," or an equivalent land use classification, the allocating local government shall notify the County Commission or its designee in writing of the proposed allocation of flexibility.
- (B) Determinations regarding consistency with Policy 1.07.07 as per Article 10.5 shall be made by the County Commission following a public hearing. County staff shall complete the staff report on each application and schedule the public hearing within 6 weeks of receiving a completed application.
- (C) At least 10 days prior to a County Policy 1.07.07 public hearing, Broward County shall provide notice in a newspaper of general circulation indicating the location and size of the property, future land use designation and proposed number of residential "flexibility" and/or "reserve" units being allocated.

ATTACHMENT 2

SUMMARY

PROPOSED ADMINISTRATIVE RULES FOR POLICY 1.07.07

December 18, 2013

1. The proposed administrative rules basically seek to address two (2) issues; 1) to provide minimum guidelines to municipalities for submittal of an affordable housing study to demonstrate compliance with Policy 1.07.07; and 2) to provide “default” criteria for those applicants who wish to offer mitigation as part of the Broward County Land Use Plan amendment process. It is noted that the primary objective of the Policy is for municipalities to prepare an affordable housing study and strategy that is in compliance with the Policy. For those applications which meet the Policy via a municipal study and strategy, County staff would continue to issue comments that do not recommend additional mitigation from the applicant. See Article 10.1.
2. The proposed administrative rules would not affect the language of the existing Broward County Land Use Plan Policy 1.07.07. For example, proposals to add less than 100 new residential units would not be subject to the Policy.
3. The proposed rules describe the minimum study, report, or information to be submitted by the local governing body for applications subject to the Policy. The study, report, or information submitted by the local governing body must include estimates of the existing and projected supply of affordable housing in comparison to the estimated affordable housing need for a minimum 5 year planning horizon.
4. Existing and projected employees working within a local government’s boundaries must be considered in determining the projected need for affordable housing.
5. The local government may consider the existing and projected availability of affordable housing within 3 miles within a contiguous local government.
6. The local government must demonstrate how its chosen affordable housing strategy will satisfactorily achieve and/or maintain a sufficient supply consistent with the local government’s planning horizon. A local government which has demonstrated how its chosen affordable housing strategy will satisfactorily achieve and/or maintain a sufficient supply consistent with the local government’s planning horizon would be in compliance with Policy 1.07.07.

Page 2

7. An option to satisfy Policy 1.07.07 by an individual applicant during the Broward County Land Use Plan amendment process (or allocations referenced by PCT 13-1, if adopted) may be pursued. The proposed rules note that the County's default standard will be 15% of additional project housing units will be affordable, and that the default "in-lieu" standard will be 1% of construction costs for all additional market rate units. The 1% of construction costs standard would result in higher contributions for higher cost construction. For example, a unit that has a construction cost of \$500,000 would contribute \$5,000. A unit with a construction cost of \$250,000 would contribute \$2,500.
8. The proposed review procedures for Broward County Land Use Plan amendments subject to Policy 1.07.07 (Article 10.4) follow the procedures currently used.
9. Language and rules have been included on a contingency basis for pending Broward County Land Use Plan text amendment PCT 13-1.

ATTACHMENT 3



City of Dania Beach

FLORIDA

January 7, 2014

Barbara Blake Boy, Executive Director
Broward County Planning Council
115 South Andrews Avenue, Room 307
Fort Lauderdale, FL 33301

RECEIVED

JAN - 9 2014

BROWARD COUNTY
PLANNING COUNCIL

RE: Proposed Administrative Rules for Policy 1.07.07 – Affordable Housing

Dear Ms. Blake Boy;

The City of Dania Beach would like to take this opportunity to express our concerns about the proposed amendments related to affordable housing.

The City objects to the proposed amendments based on concerns that implementation of the amendment may: inhibit planned redevelopment, limit diversity of housing types and household incomes in the City, and further exacerbate the current conditions in the City, which includes an abundance of affordable housing and low/moderate income households. These concerns are demonstrated both in terms of policy and demographics.

According to the US Census report "Profile of Selected Housing Characteristic's 2000", the majority of the City's housing stock is already in the affordable range. Specifically 58.5% of the City's rental units are available at less than 35% of the household income; and 76.3% of homeowners pay less than 35% of their Household Income. The City's and Broward County's median household income cited for this report was \$42,949 and \$52,420 respectively. Furthermore, 48% of the City is currently CDBG eligible. This percentage represents a disproportionate amount of our City. Therefore, City plans, projects and programs strive to improve and enhance these areas to provide for a more diverse economic profile.

Furthermore, the City Comprehensive Plan and Land Development Regulations (LDRs) create no barriers for the development of affordable housing. In fact, the City's plans and regulations, neighborhoods, lot and block pattern, transit access and proximity to jobs, all provide the necessary components for the development of affordable housing. In addition, the City has provisions in the LDRs which provide incentives, such as additional building height and density in exchange for the development of affordable housing.

"Broward's First City"

100 West Dania Beach Boulevard, Dania Beach, Florida 33004 * Phone: 954-924-6800 * www.daniabeachfl.gov

Barbara Blake Boy
January 7, 2014
Page 2

The City respectfully requests that cities with similar economic and housing conditions as Dania Beach be exempted from the proposed amendments, or the process to adopt the proposed amendments should be continued to allow the cities to provide additional comments and proposals.

Thank you for your attention to this matter. For further discussion please contact Marc LaFerrier, AICP, Director, Community Development at (954) 924-6805, extension 3643.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Baldwin', with a long horizontal flourish extending to the right.

Robert Baldwin
City Manager

cc: Tom Ansbro, City Attorney
Marc LaFerrier, AICP, Community Development Director

#CD-14-111

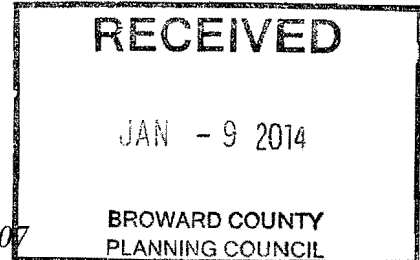
ATTACHMENT 4



TOWN OF DAVIE
PLANNING & ZONING DIVISION
6591 ORANGE DRIVE • DAVIE, FLORIDA 33314-3399
Phone: 954.797.1103 • Fax: 954.797.1204 • www.davie-fl.gov

January 8, 2014

Ms. Barbara Boy
Broward County Planning Council
115 South Andrews Ave., Room 307
Fort Lauderdale, FL 33301



Subject: *proposed Administrative Rule concerning Policy 1.07.07*

Dear Ms. Boy:

Thank you for the opportunity to comment on the proposed Administrative Rule concerning Policy 1.07.07. The Town of Davie has consistently supported and promoted the affordable housing policies in both the Broward County and Town of Davie plans. Since 2009, the Town has expended \$4.56 million in support of the renovation and improvement of existing affordable housing (serving 417 homes) and \$514,450 in support of the development of new affordable units (155 new units and 100 re-built units).

The Town's primary concern with the proposed rule involves the affordable housing study requirements. Requiring each municipality to project the housing need generated by local employment is unrealistic. First, employment data is not readily available at the municipal level. Second, there is no practical way to distinguish the housing need attributable to employment growth from that of general population growth. I would note that the 2011 Broward County Affordable Housing Needs Assessment (Broward County Housing Council) examined employment data but only used it to suggest refinements to the housing strategy, not for projections of affordable units.

For your reference I have attached my letter dated March 5, 2013 regarding County Plan Amendment 13-1. This is provided to reiterate the Town's concerns regarding the proposed changes to Policy 1.07.07 as to the "flex/reserve" program itself.

The Town looks forward to working with the Planning Council on this important policy matter.

Sincerely,

A handwritten signature in black ink, appearing to be "David Quigley", written over a horizontal line.

David Quigley, AICP
Planning and Zoning Manager

cc.

Richard J. Lemack, Town Administrator
Phil Holste, Development Administrator
Mayor and Town Council members



TOWN OF DAVIE
PLANNING & ZONING DIVISION
6591 ORANGE DRIVE • DAVIE, FLORIDA 33314-3399
Phone: 954.797.1103 • Fax: 954.797.1204 • www.davie-fl.gov

March 5, 2013

Ms. Barbara Blake Boy
Broward County Planning Council
115 South Andrews Ave., Room 307
Fort Lauderdale, FL 33301

Subject: Broward County Land Use Plan Amendment PC13-1.

Dear Ms. Boy:

Thank you for the opportunity to comment on the proposed amendment. In your Broward County Planning Council memorandum dated November 26, 2012, the proposed amendment is summarized as follows:

The text amendment initiated by the County Commission is intended to require the same review for municipal proposals to add 100 or more dwelling units via the allocation of "flexibility units" and/or "reserve units" to lands designated either "Commercial" or "Employment Center" as is currently conducted, as per BCLUP Policy 1.07.07, for Broward County Land Use Plan amendments which propose 100 or more new additional dwelling units.

The Town of Davie has consistently supported and promoted the affordable housing policies in both the Broward County and Town of Davie plans. Since 2009, the Town has expended \$4.56 million in support of the restoration of existing affordable housing (serving 417 homes) and \$514,450 in support of 155 new units and 100 re-built units. The Town has also seen a significant increase in interest in the development of multi-family rental housing on existing infill sites, which is likely to yield more attainable housing than in the past.

While there is no immediate indication of a need to utilize flex or reserve units on commercial sites, should such opportunity arise under the proposed amendment PC13-1, the additional uncertainty of a County review may only serve to dampen an otherwise positive trend in housing development. The sites that are now available for development/redevelopment tend to be challenging and municipalities need the flexibility of the existing flex/reserve program to attract good quality yet affordable development.

Please feel free to call me if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Quigley', with a long horizontal flourish extending to the right.

David Quigley, AICP
Planning and Zoning Manager

cc.

Richard J. Lemack, Town Administrator
Macciano Lewis, Assistant Town Administrator
Giovani Moss, Director of Housing and Community Development
Ingrid Allen, Planner III
Mayor and Town Council members

ATTACHMENT 5

CITY OF LAUDERHILL

MAYOR

Richard J. Kaplan, Esq.

VICE MAYOR

M. Margaret Bates

COMMISSIONERS

Hayward J. Benson, Jr., Ed.D.

Howard Berger

Ken Thurston



CITY MANAGER

Charles Faranda

DEPUTY CITY MANAGER

Desorae Giles-Smith

ASSISTANT CITY MANAGER

Kennie Hobbs, Jr.

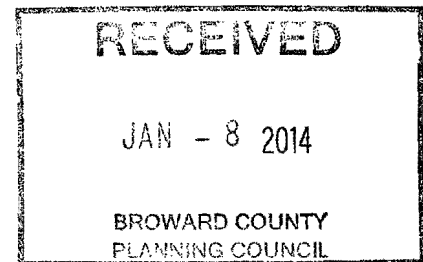
CITY CLERK

Andrea Anderson

FINANCE DEPARTMENT
Planning & Development Division

Wednesday, January 8, 2014

Barbara Blake Boy, Executive Director
Broward County Planning Council
115 South Andrews Avenue, Room 307
Fort Lauderdale, Florida 33301



SUBJECT: BCLUP POLICY 1.07.07 COMMENTS

Barbara
Dear Ms. Boy:

Thank you for the superb efforts your staff has undertaken in coordinating these proposed changes with the municipalities. I especially appreciate today's e-mail reminder that comments should be received today.

I would like to suggest an entirely different approach to the implementation of the above referenced policy. The general concept is that a local government's housing element, or at least that portion of the element pertaining to affordable housing, be certified by the BCPC just like you do with the Future Land Use Elements.

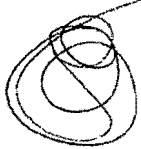
As you know, Section 163.3177(6)(f), Florida Statutes, requires that a comprehensive plan include a housing element. Paragraph (1)(d) requires the element include principles, guidelines, standards and strategies on the provision of adequate sites for future housing, including affordable workforce housing as defined in s. 380.0651(3)(h), housing for low-income, very low-income, and moderate-income families, mobile homes, and group home facilities and foster care facilities, with supporting infrastructure and public facilities while Paragraph (1)(f) requires the formulation of housing implementation programs.

Paragraph (2) addresses the required data and analysis while Paragraph (3) requires the housing element express principles, guidelines, standards, and strategies that reflect, as needed, the creation and preservation of affordable housing for all current and anticipated future residents of the

jurisdiction, elimination of substandard housing conditions, adequate sites, and distribution of housing for a range of incomes and types, including mobile and manufactured homes. The element must provide for specific programs and actions to partner with private and nonprofit sectors to address housing needs in the jurisdiction, streamline the permitting process, and minimize costs and delays for affordable housing, establish standards to address the quality of housing, stabilization of neighborhoods, and identification and improvement of historically significant housing.

Since state law already provides guidance on the issues pertaining to the implementation of Policy 1.07.07, it may not be necessary to re-invent the wheel.

Cordially,

A handwritten signature in black ink, consisting of several overlapping loops and a final flourish extending upwards and to the right.

Earl R. Hahn, AICP
City Planner

ATTACHMENT 6

OFFICE OF THE MAYOR

Diane Veltri Bendekovic,
Mayor

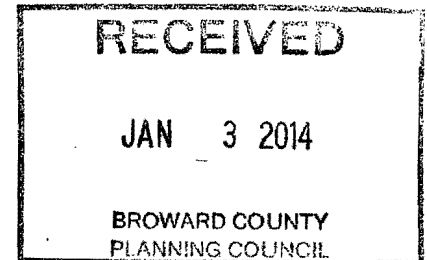


Plantation
the grass is greener

CITY COUNCIL

Dr. Robert Levy, *President*
Lynn Stoner, *President Pro Tem*
Jerry Fadgen
Ron Jacobs
Chris Zimmerman

Barbara Blake Boy, Executive Director
Broward County Planning Council
115 South Andrews Avenue, Room 307
Fort Lauderdale, Florida 33301



December 31, 2013

VIA MAIL AND E-MAIL:
bblakeboy@broward.ord

**RE: City of Plantation Response: Proposed Administrative Rule Change to
Expand Policy 1.07.07 to Allocation of Flex Units - Broward County
Land Use Plan**

Dear Ms. Boy:

Plantation objected to this rule change approximately one year ago and continues to do so today. As stated previously and again in this letter, the proposed rule change will greatly inhibit redevelopment of Plantation's commercial areas, particularly Plantation Midtown.

It is our understanding the rule change would allow the County Commission to deny city allocation of 100 or more flex units based on not meeting affordable housing criteria now required of County Land Use Plan Amendments. Our concerns are as follows:

- 1) Affordable housing is already addressed in the County Plan.
 - a. County Land Use Plan Amendments are already subject to the Policy 1.07.07. Plantation is processing two land use plan amendments. If approved by City Council, these amendments will require County Commission approval and therefore shall meet the requirements of current Policy 1.07.07.

City of Plantation
400 NW 73rd Avenue ♦ Plantation, Florida 33317
Telephone: 954-797-2221 ♦ Fax: 954-797-2223
Mayor@Plantation.org

- b. The County Land Use Plan already requires each City to set aside 10% of its flex allocation pool for affordable housing purposes. Considering the 10% flex set aside and the current application of Policy 1.07.07, it seems inconsistent to add a third affordable housing requirement, this time to use of an unrestricted flex units available for decades.
- 2) The redevelopment of commercial properties in the Plantation Central Development District ("Midtown") has been made possible by the addition of multi-family apartments using flex units without restriction. Midtown, originally developed as a suburban business complex, must expand its residential demographic to facilitate redevelopment of its older shopping centers. Without an expanding residential demographic made possible by flex unit allocation, the commercial redevelopment of Midtown will slow or come to a halt. In a built out city such as Plantation, redevelopment of its aging commercial areas is critical to expanding the City tax base to provide essential services to all city residents.
- 3) The Midtown Plan encourages residential development as an integral part commercial redevelopment. This is evidenced by new apartment projects such as Veranda, Midtown 24, and One Plantation Place, all built concurrently with the redevelopment or development of shopping centers within a 3 - 5 minute walk. Plantation's plan to complete walkable, mixed-use developments will not be possible if additional conditions are attached to future allocation of flex units.

Please include this correspondence in the backup to the Broward County Commission. Thank you for your consideration.

Sincerely,



Diane Veltri Bendekovic
Mayor

Cc: Laurence Leeds, Director, Planning, Zoning, and Economic Development
Peter Dokuchitz, Principal Planner, Comprehensive Planning

ATTACHMENT 7

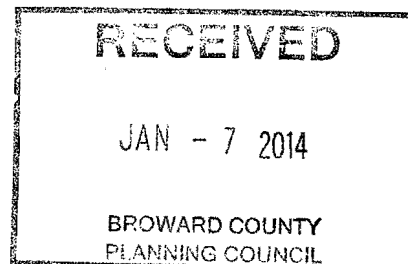
COMMUNITY DEVELOPMENT
DEPARTMENT



Phone: (954) 746-3270
Fax: (954) 746-3287

January 7, 2014

Ms. Barbara Blake Boy
Executive Director
Broward County Planning Council
115 S. Andrews Avenue
Fort Lauderdale, Florida 33301



Re: Proposed Administrative Rules for Policy 1.07.07 - Affordable Housing

Dear Ms. Blake Boy:

The City of Sunrise has reviewed the proposed amendments to the Administrative Rules Document for implementation of Policy 1.07.07 of the Broward County Land Use Plan. The proposed revisions provide guidelines for submittal of an affordable housing study and provide default criteria for mitigation. The proposed rule applies to all Land Use Plan Amendment applications for 100 or more residential dwelling units or the allocation of 100 or more flexibility or reserve units.

The City of Sunrise is supportive of Broward County's intent to provide convenient and affordable housing opportunities to all residents of Broward County. **However, the City does not support the requirement that affordable housing mitigation should apply to the allocation of 100 or more flexibility and reserve units.** On March 19, 2013, the City sent email correspondence (attached) expressing concern because the proposed amendment would subject flexibility applications to additional layers of review and analysis by Broward County staff. It does not appear that these concerns have been addressed.

The City of Sunrise does support the creation of rules to implement BCLUP policy 1.07.07 with the City continuing to provide our own affordable housing study to identify affordable housing needs and solutions within the City. The City understands that applicants who provide their own affordable housing study and demonstrate compliance with Policy 1.07.07 of the Broward County Land Use Plan will not be subject to additional mitigation.

Thank you for the opportunity to comment on the proposed amendments. If you have questions, please contact Josie P. Sesodia, AICP, Assistant Director/City Planner at (954) 746-3279 or jsesodia@sunrisefl.gov.

Sincerely,

CITY OF SUNRISE

Mark S. Lubelski, P.E., Director
Community Development Department

JPS/bds

Attachment (email dated March 19, 2013)

cc: Josie P. Sesodia, AICP, Assistant Director of Community Development
File: BCPC 2014

Swing, Bradley

Subject: FW: BCLUP Proposed Text Amendment PCT 13-1
Attachments: BCLUP.PDF

From: Lubelski, Mark [<mailto:MLubelski@sunrisefl.gov>];
Sent: 3/19/2013 2:35:35 PM
To: BBLAKEBOY@broward.org [<mailto:BBLAKEBOY@broward.org>];
CC: Cohen, Alan [<mailto:acohen@sunrisefl.gov>]; Sesodia, Josie [<mailto:jsesodia@sunrisefl.gov>];
Subject: FW: BCLUP Proposed Text Amendment PCT 13-1

Barbara:

The City has had the opportunity to review the proposed Land Use Plan Amendment regarding the allocation of flex or reserve units on lands designated Commercial or Employment Centers. The City of Sunrise does not support this Land Use Amendment as flex units and reserve units have already been subject to review by Broward County. These are not newly created units and therefore should not be subject to additional layers of review and analysis. By proposing this amendment, Broward County is considering flex or reserve units as an equal to proposed units. Any benefits of a municipality for allocating flex or reserve units will be eliminated. The allocation of flex or reserve units should be up to the discretion of each municipality and not subject to additional review by Broward County. If you have any questions or require any additional information, please let me know.

Thanks,

Mark S. Lubelski, P.E.
Community Development Director
Phone: (954)746-3288
email: mlubelski@sunrisefl.gov
City of Sunrise
1601 NW 136th Avenue
Building A
Sunrise, FL 33323

Please note that Florida has a broad public records law, and that all correspondence to me via email may be subject to disclosure.

This message, together with any attachments, is intended only for the addressee. It may contain information that is legally privileged, confidential and exempt from disclosure. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, use, or any action or reliance on this communication is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete the message, along with any attachments.

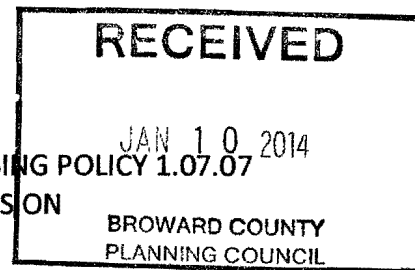
-----Original Message-----

From: Blake Boy, Barbara [<mailto:BBLAKEBOY@broward.org>]
Sent: Tue 3/19/2013 10:34 AM
To: 'coconut creek'; 'coconut creek'; 'cooper city'; 'coral springs'; 'coral springs'; 'dania beach'; 'davie'; 'davie'; 'deerfield beach'; 'fort lauderdale'; 'fort lauderdale'; 'hallandale beach'; 'hallandale beach 2'; 'hillsboro beach'; 'hollywood'; 'lauderdale lakes'; 'lauderdhill'; 'lbts'; 'lighthouse point, pembroke park'; 'margate'; 'miramar'; 'north lauderdale'; 'oakland park'; 'parkland'; 'pembroke pines'; 'plantation'; 'pompano beach'; 'southwest ranches'; Sesodia, Josie; 'tamarac'; Amoruso, Glenn; Sniezek, Henry; 'west park'; 'weston'; 'wilton manors 2'; fort lauderdale 3; Lubelski, Mark

ATTACHMENT 8

RESPONSE AND ADDITIONAL COMMENT DOCUMENT

PROPOSED ARTICLE 10 – ADMINISTRATIVE RULES FOR AFFORDABLE HOUSING POLICY 1.07.07
BROWARD COUNTY PLANNING AND REDEVELOPMENT DIVISION
January 10, 2014



This document provides responses and comments on select correspondence received as of this writing pertaining to proposed Article 10 of the Administrative Rules Document: Broward County Land Use Plan, and additional comment and recommendation regarding discussion from the December 17 public workshop in this regard.

1. During the December 17 public workshop, questions were asked about how long a study or analysis found in compliance with Policy 1.07.07 would be considered "valid" for subsequent land use plan amendments that may be submitted by the municipality. In consultation with the Broward County Housing Finance and Community Development Division, it is recommended that the following provision be added to proposed Article 10:

Article 10.4 (E) - A study, report, or information submitted by the local government which has been determined by the County to be in compliance with Policy 1.07.07 shall be valid for the consideration of subsequent land use plan amendments for a period of 18 months from the date the study, report or analysis was submitted to Broward County for review.

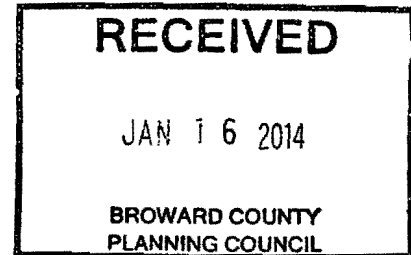
2. Concerning comments from the city of Lauderhill, dated January 8, 2014, it is noted that the Broward County Planning Council, due to the provisions of the County Charter, does not have the authority to "certify" the local government housing element. This may be confirmed by the Planning Council staff and legal counsel. It is noted that local governments may submit their Housing Element, or portions thereof, for the purposes of demonstrating compliance with Policy 1.07.07, subject to such submittal meeting the provisions of Article 10.
3. Concerning comments from the city of Dania Beach, dated January 7, 2014, it is noted that the city includes information to indicate that the city currently includes an abundance of affordable housing. In this regard, for a proposed land use plan amendment subject to Policy 1.07.07, the city may submit a study, report, or information utilizing professionally acceptable methodologies, policies and best available data and analysis to document the indicated abundance of affordable housing for the minimum 5 year planning horizon. In such circumstance, a determination of compliance with Policy 1.07.07 would be issued. It is noted that "the existing supply of affordable housing" is listed in the "menu of options" in Policy 1.07.07.

ATTACHMENT 9



January 16, 2014

Ms. Barbara Blake-Boy, Executive Director
Broward County Planning Council
Broward County Governmental Center
115 South Andrews Avenue, Room 301
Fort Lauderdale, FL 33301



RE: Additional Comments Regarding Proposed Administrative Rules for Policy 1.07.07

Dear Ms. Boy,

This letter is in response to the proposed amendment to the Broward County Land Use Plan's Administrative Rules Document regarding Policy 1.07.07. On February 13, 2013 the City initially responded regarding this proposed amendment as it pertains to the affordable housing and municipal allocation of flexibility units and/or reserve units on commercial or employment center land uses.

The City of Coral Springs commends Broward County for its focus on affordable housing and will continue to work with Broward County on ways to maintain sufficient affordable housing. As the proposed amendment continues to move forward, City staff has some additional comments on the amendment, specifically on the analysis and data required by the municipality to complete the affordable housing study as identified in the Administrative Rules Document. A summary of our comments are below:

- Some of the information identified in the proposed analysis is either unavailable at the municipal level or based on estimates and extrapolations of actual data. For example, employee salary information is provided at a county level but not at municipal levels.
- Resident population and existing employment should not be combined to calculate affordable housing needs as it will double-count individuals who live and work in the City and skew the real affordable housing need. A better evaluation of a municipality's affordable housing need would be based on either existing population or a municipality's daytime population.

Overall, City staff would recommend allowing sufficient flexibility in the data to be used by municipalities as there is not a "one size fits all" approach to the information. In addition, providing the municipalities with actual examples of analyses reviewed and approved by Broward County will assist municipalities in completing the analysis per the revised guidelines.

Thank you for the opportunity to comment on the proposed amendment. Should you have any questions regarding this information, please feel free to contact me at 954-344-1160.

Sincerely,

James P. Hickey, AICP
Assistant Director of Development Services.

cc: Vincent Boccard, Mayor
Erdal Dönmez, City Manager
Susan Hess-Krisman, Director of Development Services
Julie Krolak, Chief Planner

ATTACHMENT 10

CITY OF WESTON, FLORIDA RESOLUTION NO. 2014-03

RECEIVED

JAN 22 2014

BROWARD COUNTY
PLANNING COUNCIL

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WESTON, FLORIDA, OPPOSING THE PROPOSED RULES FOR IMPLEMENTATION AND ADMINISTRATION OF BROWARD COUNTY LAND USE PLAN POLICY 1.07.07 RELATING TO AFFORDABLE HOUSING.

WHEREAS, First, on February 4, 2013, the City Commission adopted Resolution No. 2013-12, attached as Exhibit "A" to this Resolution, opposing proposed changes to Broward County Land Use Policy 1.07.07 (the "County Policy") relating to affordable housing strategies to be used when allocating 100 or more residential "flexibility" or "reserve" units, including cumulative allocations, on lands designated Commercial or Employment Center or an equivalent land use classification; and

WHEREAS, Second, on August 22, 2013, the Broward County Planning Council, after review and consideration of the County Policy, recommended denial; and

WHEREAS, Third, to date, the County Commission has not adopted the County Policy; and

WHEREAS, Fourth, despite the fact that the County Policy has not been adopted, on January 23, 2014, the Broward County Planning Council has a public hearing scheduled to consider proposed rules for implementation and administration of the County Policy as provided in Exhibit "B" to this Resolution (the "Proposed Rule"); and

WHEREAS, Fifth, as provided in the "Administrative Rules Document: Broward County Land Use Plan," the County's administrative rules are adopted in order to "implement" the policies within the Broward County Land Use Plan; and

WHEREAS, Sixth, the Proposed Rule provides, in part, that municipalities must provide "an affordable housing study, report or information and strategy to demonstrate compliance with Policy 1.07.07 of the Broward County Land Use Plan;" and

WHEREAS, Seventh, this provision in the Proposed Rule far exceeds the enabling legislation provided in the County Policy and is effectively creating a new policy rather than implementing an adopted Broward County Land Use Plan policy as required by the Administrative Rules Document: Broward County Land Use Plan; and

WHEREAS, Eighth, by requiring the City to expend funds to prepare an affordable housing study, report or information, the County has exceeded its land use planning jurisdiction afforded by the County Charter and has encroached upon the City's home rule powers granted pursuant to Section 2, Article VIII, of the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, Ninth, based upon the foregoing, it is the best interest of the City to oppose the Proposed Rule as drafted; and

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WESTON, FLORIDA, OPPOSING THE PROPOSED RULES FOR IMPLEMENTATION AND ADMINISTRATION OF BROWARD COUNTY LAND USE PLAN POLICY 1.07.07 RELATING TO AFFORDABLE HOUSING.

WHEREAS, Tenth, the City Commission finds that this Resolution is in the best interest and welfare of the residents of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Weston, Florida:

Section 1: The foregoing recitals contained in the preamble to this Resolution are incorporated by reference herein.

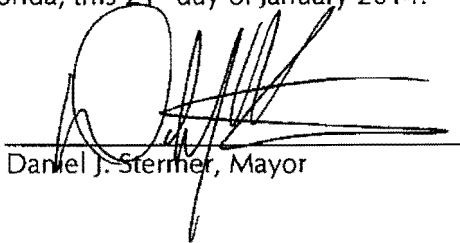
Section 2: The City Commission opposes the Proposed Rule as provided in Exhibit "B" to this Resolution.

Section 3: The City Clerk is directed to transmit this Resolution to the Executive Director of the Broward County Planning Council, the Broward County Board of County Commission, the Broward League of Cities, and to each municipality in Broward County.

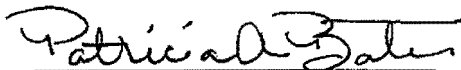
Section 4: The appropriate City officials are authorized to execute all necessary documents and to take any necessary action to effectuate the intent of this Resolution.

Section 5: This Resolution shall take effect upon its adoption.

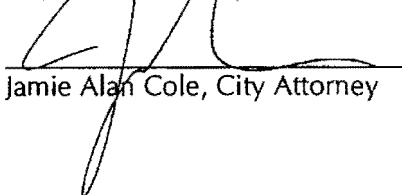
ADOPTED by the City Commission of the City of Weston, Florida, this 21st day of January 2014.


Daniel J. Stermer, Mayor

ATTEST:


Patricia A. Bates, City Clerk

Approved as to form and legality
for the use of and reliance by the
City of Weston only:


Jamie Alan Cole, City Attorney

Roll Call:

Commissioner Norton	<u>Yes</u>
Commissioner Feuer	<u>Yes</u>
Commissioner Kallman	<u>Yes</u>
Commissioner Gomez	<u>Yes</u>
Mayor Stermer	<u>Yes</u>

**RESOLUTION NO. 2014-03
EXHIBIT "A"**

**CITY OF WESTON, FLORIDA
RESOLUTION NO. 2013-12**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WESTON, FLORIDA, OPPOSING THE PROPOSED BROWARD COUNTY LAND USE PLAN TEXT AMENDMENT RELATING TO RESIDENTIAL FLEXIBILITY AND RESERVE UNITS ON PROPERTIES DESIGNATED COMMERCIAL OR EMPLOYMENT CENTER OR AN EQUIVALENT LAND USE CLASSIFICATION.

WHEREAS, First, on November 28, 2012, the City received correspondence from Broward County (the "County") asking that the City provide comments on a proposed text amendment to the County Land Use Plan (the "Text Amendment") prior to February 1, 2013; and

WHEREAS, Second, the Text Amendment proposes that municipalities should consider certain affordable housing strategies when allocating 100 or more residential "flexibility" or "reserve" units, including cumulative allocations, on lands designated Commercial or Employment Center or an equivalent land use classification; and

WHEREAS, Third, the City does not have "flexibility" units, but does have 185 "reserve" units that would be affected by the Text Amendment; and

WHEREAS, Fourth, the City is granted broad home powers pursuant to Section 2, Article VIII, of the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, Fifth, currently, with minimal interference from the County, the City, pursuant to such home rule powers, may assign its reserve units; and

WHEREAS, Sixth, the Text Amendment would potentially place additional requirements and restrictions on the City's allocation of its reserve units, which would provide a limitation on the home rule powers that the City has strived so hard to protect; and

WHEREAS, Seventh, as such, the City desires to oppose the Text Amendment as drafted; and

WHEREAS, Eighth, the City Commission finds that this Resolution is in the best interest and welfare of the residents of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Weston, Florida:

Section 1: The foregoing recitals contained in the preamble to this Resolution are incorporated by reference herein.

Section 2: The City Commission opposes the Text Amendment as provided in Exhibit "A" to this Resolution.

RESOLUTION NO. 2014-03

EXHIBIT "A"


A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WESTON, FLORIDA, OPPOSING THE PROPOSED BROWARD COUNTY LAND USE PLAN TEXT AMENDMENT RELATING TO RESIDENTIAL FLEXIBILITY AND RESERVE UNITS ON PROPERTIES DESIGNATED COMMERCIAL OR EMPLOYMENT CENTER OR AN EQUIVALENT LAND USE CLASSIFICATION.

Section 3: The City Clerk is directed to transmit this Resolution to the Executive Director of the County Planning Council.

Section 4: The appropriate City officials are authorized to execute all necessary documents and to take any necessary action to effectuate the intent of this Resolution.

Section 5: This Resolution shall take effect upon its adoption.

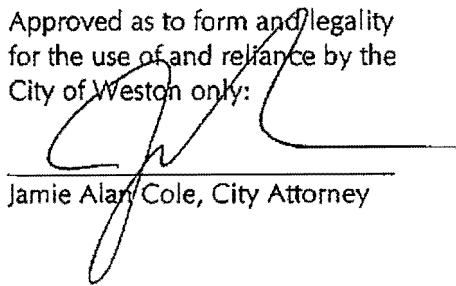
ADOPTED by the City Commission of the City of Weston, Florida, this 4th day of February, 2013.


Daniel J. Stermer, Mayor

ATTEST:


Patricia A. Bates, City Clerk

Approved as to form and legality
for the use of and reliance by the
City of Weston only:


Jamie Alan Cole, City Attorney

Roll Call:

Commissioner Norton	<u>Yes</u>
Commissioner Feuer	<u>Yes</u>
Commissioner Kallman	<u>Yes</u>
Commissioner Gomez	<u>Yes</u>
Mayor Stermer	<u>Yes</u>

RESOLUTION NO. 2014-03
EXHIBIT "A"



RECEIVED

NOV 27 2012

BROWARD COUNTY
PLANNING COUNCIL

Environmental Protection and Growth Management Department
PLANNING AND ENVIRONMENTAL REGULATION DIVISION
1 North University Drive, Suite 102-A • Plantation, Florida 33324 • 954-357-6666 • FAX 954-357-6521 • 954-519-1412

TO: Barbara Blake Boy, Executive Director
Broward County Planning Council

FROM: Henry A. Snlezek, Director
Planning and Environmental Regulation Division

SUBJECT: Broward County Land Use Plan Amendment Initiated by the County Commission Regarding Affordable Housing and Municipal Allocation of Flexibility Units and/or Reserve Units on Lands Designated "Commercial" or "Employment Center"

DATE: November 26, 2012

As we have previously discussed, and in coordination with Maite Azcoitia, Esq., Deputy County Attorney, please find attached a draft text amendment to the Broward County Land Use Plan (BCLUP) to facilitate the Broward County Planning Council's preparation, analysis and recommendation.

The text amendment initiated by the County Commission is intended to require the same review for municipal proposals to add 100 or more dwelling units via the allocation of "flexibility units" and/or "reserve units" to lands designated either "Commercial" or "Employment Center" as is currently conducted, as per BCLUP Policy 1.07.07, for Broward County Land Use Plan amendments which propose 100 or more new additional dwelling units.

As part of the Planning Council's standard review process and outreach for this item, please note that the County Commission additionally requested that the proposal be submitted to the Broward County League of Cities for their comment.

Please feel free to contact me at your convenience if you have any questions, or request any assistance in this regard.

/HAS
Attachment

cc: Maite Azcoitia, Esq. Deputy County Attorney
Broward County Office of the County Attorney

Cynthia Chambers, Director
Broward County Environmental Protection and Growth Management Department

RESOLUTION NO. 2014-03
EXHIBIT "A"

PROPOSED BCLUP TEXT AMENDMENT
RESIDENTIAL FLEX IN COMMERCIAL/EMPLOYMENT CENTER
DRAFT
November 2012

POLICY 1.07.07 For amendments which propose to add 100 or more residential dwelling units to the existing densities approved by the Broward County Land Use Plan, or proposed municipal allocations of "reserve units" and/or "flexibility units" to add 100 or more residential units, including cumulative allocations, on lands designated on the certified municipal plan as "Commercial," or "Employment Center," or an equivalent municipal land use classification, Broward County and affected municipalities shall coordinate and cooperate to implement the affected municipality's chosen policies, methods and programs to achieve and/or maintain a sufficient supply of affordable housing. Broward County shall accept from the affected municipality those professionally accepted methodologies, policies, and best available data and analysis, which the municipality has used to define affordable housing needs and solutions within the municipality.

In addressing amendments which propose to add 100 or more residential dwelling units to the existing densities approved by the Broward County Land Use Plan, or proposed municipal allocations of "reserve units" and/or "flexibility units" to add 100 or more residential units, including cumulative allocations, on lands designated on the certified municipal plan as "Commercial," or "Employment Center," or an equivalent municipal land use classification, the municipality, without limitation, may include consideration and implementation of the following affordable housing strategies:

- a. programs and policies involving mechanisms such as, but not limited to, impact fees, in-lieu fees, and/or public funds, in which the municipality, and/or Broward County, and/or other appropriate agencies/entities (including, but not limited to, major employers), provide for the construction or supply of affordable housing;
- b. programs and policies involving mechanisms such as, but not limited to, impact fees, in-lieu fees, and/or public funds, in which the municipality, and/or Broward County, and/or other appropriate agencies/entities (including, but not limited to, major employers), provide funding to facilitate the affordable purchase or renting of housing;
- c. programs and policies in which the municipality and/or Broward County, and/or other appropriate agencies, facilitate the maintenance of the existing supply of affordable housing stock, if any;
- d. property tax abatement programs aimed at preserving or creating affordable housing;
- e. streamlined and reduced-cost permitting procedures for affordable housing;

Note: Underlined words are proposed additions

RESOLUTION NO. 2014-03
EXHIBIT "A"

Page 2 of 2

- f. specific minimum set-aside requirements for new affordable housing construction;
- g. use of appropriate existing public lands, or public land-banking, to facilitate an affordable housing supply;
- h. programs and policies to facilitate the development and use of municipal and/or Broward County affordable housing density bonus provisions;
- i. land development regulations which promote the availability of affordable housing such as reduced lot size and floor area for dwelling units, construction of zero lot line and cluster housing, vertical integration of residential units with non-residential uses, and the allowance of accessory dwelling units;
- j. the existing supply of affordable housing.

Note: Underlined words are proposed additions

RESOLUTION NO. 2014-03
EXHIBIT "B"

PROPOSAL
December 18, 2013

**ADMINISTRATIVE RULES DOCUMENT:
BROWARD COUNTY LAND USE PLAN
ARTICLE 10**

**RULES FOR IMPLEMENTATION AND ADMINISTRATION OF BROWARD
COUNTY LAND USE PLAN POLICY 1.07.07**

10.1 INTENT

These administrative rules address the following: 1) to provide guidelines to local governments for submittal of an affordable housing study, report or information and strategy to demonstrate compliance with Policy 1.07.07 of the Broward County Land Use Plan; and 2) to provide "default" criteria for those applicants who wish to offer mitigation as part of the Broward County Land Use Plan amendment or other applicable process. The primary purpose of Policy 1.07.07 is for local governments to approve an affordable housing study, report or information and strategy that are in compliance with the Policy. For those applications which meet the Policy via a local government study, report or information and strategy, County staff will issue comments that do not recommend additional mitigation from the applicant or local government.

10.2 BROWARD COUNTY LAND USE PLAN POLICY 1.07.07

For amendments which propose to add 100 or more residential dwelling units to the existing densities approved by the Broward County Land Use Plan, ***or proposed municipal allocations of "reserve units" and/or "flexibility units" to add 100 more residential units, including cumulative allocations, on lands designated on the certified municipal plan as "Commercial," "Employment Center" or an equivalent municipal land use classification.**** Broward County and affected municipalities shall coordinate and cooperate to implement the affected municipality's chosen policies, methods and programs to achieve and/or maintain a sufficient supply of affordable housing. ***Proposals subject to this Policy shall require approval by the Broward County Commission.****

Broward County shall accept from the affected municipality those professionally accepted methodologies, policies, and best available data and analysis, which the municipality has used to define affordable housing needs and solutions within the municipality.

****Bolded/Italicized*** wording is pending per County Commission adoption of Broward County Land Use Plan text amendment PCT 13-1.

RESOLUTION NO. 2014-03
EXHIBIT "B"

Page 2

In addressing amendments which propose to add 100 or more residential dwelling units to the existing densities approved by the Broward County Land Use Plan, *or proposed municipal allocations of "reserve units" and/or "flexibility units" to add 100 more residential units, including cumulative allocations, on lands designated on the certified municipal plan as "Commercial," "Employment Center" or an equivalent municipal land use classification,* * the municipality, without limitation, may include consideration and implementation of the following affordable housing strategies:

- a. programs and policies involving mechanisms such as, but not limited to, impact fees, in-lieu fees, and/or public funds, in which the municipality, and/or Broward County, and/or other appropriate agencies/entities (including, but not limited to, major employers), provide for the construction or supply of affordable housing;
- b. programs and policies involving mechanisms such as, but not limited to, impact fees, in-lieu fees, and/or public funds, in which the municipality, and/or Broward County, and/or other appropriate agencies/entities (including, but not limited to, major employers), provide funding to facilitate the affordable purchase or renting of housing;
- c. programs and policies in which the municipality and/or Broward County, and/or other appropriate agencies, facilitate the maintenance of the existing supply of affordable housing stock, if any;
- d. property tax abatement programs aimed at preserving or creating affordable housing;
- e. streamlined and reduced-cost permitting procedures for affordable housing;
- f. specific minimum set-aside requirements for new affordable housing construction;
- g. use of appropriate existing public lands, or public land-banking, to facilitate an affordable housing supply;
- h. programs and policies to facilitate the development and use of municipal and/or Broward County affordable housing density bonus provisions;

**Bolded/Italicized* wording is pending per County Commission adoption of Broward County Land Use Plan text amendment PCT 13-1.

RESOLUTION NO. 2014-03
EXHIBIT "B"

Page 3

- i. land development regulations which promote the availability of affordable housing such as reduced lot size and floor area for dwelling units, construction of zero lot line and cluster housing, vertical integration of residential units with non-residential uses, and the allowance of accessory dwelling units;
- j. the existing supply of affordable housing.

The affected municipality shall demonstrate compliance with this Policy at the time of the County's consideration of the applicable land use plan amendment, by establishing that the municipality has implemented or ensured adoption of appropriate policy and program measures to implement the affected municipality's chosen policies, methods and programs to achieve and/or maintain a sufficient supply of affordable housing as defined by the municipality's data and analysis.

For the purposes of this Policy, the term "affordable housing" shall include the meaning as defined by the Broward County Land Use Plan. The median annual income estimate should be updated at least yearly.

10.3 DESCRIPTION OF SELECT TERMS USED IN POLICY 1.07.07

The following are descriptions of select terms used in Policy 1.07.07 as they relate to implementation of the Policy.

Professionally Accepted Methodologies, Policies and Best Available Data and Analysis:

Used to prepare a study, report, or information submitted by the local governing body which includes estimates of the existing and projected supply of affordable housing (i.e. "very low," "low" and "moderate") within the local government boundary in comparison to the estimated affordable housing supply that is needed to achieve and/or maintain a sufficient supply. Existing and projected employees working within the boundaries of the local government must be considered. An example of an assessment would be estimating existing and projected residents and employees within the local government who are at 80% adjusted median income in comparison to the projected supply to meet the housing needs of such. Projected supply and needs for affordable housing must be consistent with a minimum 5 year planning horizon, but no greater than the adopted planning horizon of the local government comprehensive plan. The projected supply may consider the existing and projected availability of affordable housing within 3 miles within a contiguous local government. Data and methodologies must be consistent with those sources widely used and accepted by the professional community who conduct research and analysis concerning affordable housing. Example sources include the Countywide Affordable Housing Needs Assessment, data from the University of Florida's Shimberg Center, Census/American Survey Data, and the Fort Lauderdale Board of Realtors median home prices by product type (single family, condominium, etc.).

RESOLUTION NO. 2014-03
EXHIBIT "B"

Page 4

In-Lieu: Refers to monies paid to the local government by developers when affordable housing is not included on-site in a development in compliance with a standard adopted by the local government. Broward County will use 15% of project housing units as a default guideline for an affordable housing standard within proposed residential development subject to Policy 1.07.07; however, a local government may officially adopt a different standard. Such monies must be used by the local government to fund affordable housing construction and/or programs. In-lieu monies shall be sufficient to provide for the availability of affordable housing consistent with the standard set by the local government. The in-lieu methodology identifies the costs associated with achieving the development of affordable housing units within the local government. For example, an in-lieu methodology may be calculated at a rate per gross square foot per new market rate residential unit. As an alternative example, the in-lieu methodology may be based on a percentage of the costs of construction or sales price of all new market rate units within a project. Broward County will use 1% of construction costs as a default guideline in the review of in-lieu methodologies for all additional market rate units within a project; however, a local government may officially approve, as part of their affordable housing report and strategy, a different standard and program utilizing professionally accepted methodologies, policies and best available data and analysis.

10.4 COUNTY STAFF GUIDELINES: DETERMINATIONS OF APPLICATION
CONSISTENCY WITH POLICY 1.07.07

- (A) The local government shall provide an estimate of the existing and projected supply of affordable housing within the local government's boundaries in comparison to the estimated affordable housing supply that is needed to achieve and/or maintain a sufficient supply. Existing and projected employees working within the boundaries of the local government must also be considered.
- (B) The local government must demonstrate how its chosen affordable housing strategy will satisfactorily achieve and/or maintain a sufficient supply consistent with the local government's planning horizon.
- (C) The study, report, or information submitted by the local governing body addressing Article 10.3 (A) and (B) must be based on professionally accepted methodologies, policies and best available data and analysis consistent with Article 10.2.
- (D) At a minimum, if a deficit of affordable housing is projected or assumed, Broward County will use 15% of additional project housing units as a default guideline for an affordable housing standard within proposed residential development subject to Policy 1.07.07; however, a local government may officially approve, as part of their affordable housing report and strategy, a different standard and program utilizing professionally accepted methodologies, policies and best available data and analysis.

RESOLUTION NO. 2014-03
EXHIBIT "B"

Page 5

10.5 REVIEW PROCEDURES FOR LAND USE PLAN AMENDMENTS SUBJECT TO POLICY 1.07.07

- (A) After an application for a Broward County land use plan amendment has been received by the Broward County Planning Council, the Planning Council staff shall determine if the application is subject to Policy 1.07.07.
- (B) If a land use plan amendment application is subject to Policy 1.07.07, Planning Council staff shall forward the application to the Broward County Environmental Protection and Growth Management Department and request comments in a timeframe consistent with the Planning Council's standard land use plan amendment review schedule.
- (C) If Broward County staff issues a determination that a land use plan amendment application is not in compliance with Policy 1.07.07, Broward County staff shall specify in writing the reasons for such determination.
- (D) Determinations issued by Broward County staff regarding Policy 1.07.07 shall be forwarded to the Planning Council staff and shall be made a part of the land use plan amendment report.

10.6 REVIEW PROCEDURES FOR MUNICIPAL ALLOCATIONS OF RESIDENTIAL "FLEXIBILITY" IN AREAS DESIGNATED "COMMERCIAL" OR "EMPLOYMENT CENTER" (NOTE: Article 10.5 is subject to County Commission adoption of Broward County Land Use Plan Amendment PCT 13-1)

- (A) If a local government intends to allocate, either individually or cumulatively, 100 or more residential "flexibility" and/or "reserve" units to a parcel or parcels of lands designated "Commercial," "Employment Center," or an equivalent land use classification, the allocating local government shall notify the County Commission or its designee in writing of the proposed allocation of flexibility.
- (B) Determinations regarding consistency with Policy 1.07.07 as per Article 10.5 shall be made by the County Commission following a public hearing. County staff shall complete the staff report on each application and schedule the public hearing within 6 weeks of receiving a completed application.
- (C) At least 10 days prior to a County Policy 1.07.07 public hearing, Broward County shall provide notice in a newspaper of general circulation indicating the location and size of the property, future land use designation and proposed number of residential "flexibility" and/or "reserve" units being allocated.

ATTACHMENT 11

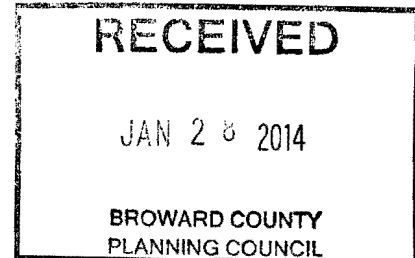


Venice of America

CITY OF
FORT LAUDERDALE

January 22, 2014

Ms. Bertha W. Henry
Broward County Administrator
Broward County Administration Office
115 S. Andrews Avenue
Fort Lauderdale, FL 33301



RE: Amendments to Broward County Land Use Plan Policy 1.07.07 and Administrative Rules Document Article 10 Regarding Affordable Housing

Dear Ms. Henry:

The City of Fort Lauderdale is in receipt of Amendment PCT 13-1, which includes proposed amendments to Broward County Land Use Plan (BCLUP) Policy 1.07.07 concerning affordable housing requirements and the allocation of more than 100 flexibility and/or reserve units on lands designated "Commercial" or "Employment Center". The City has also received and reviewed the proposed Article 10 of the Broward County Land Use Plan Administrative Rules Document to implement changes to Policy 1.07.07. As you know, the Broward County Planning Council recommended the denial of this proposed land use plan amendment on August 22, 2013. The City of Fort Lauderdale, along with several other Broward County cities, had previously submitted letters of opposition to the proposed amendment and as recently as October 18, 2013, an additional letter of opposition was provided to your office. (See attachment.)

The proposed amendment to Policy 1.07.07 is scheduled to be heard by the Broward County Planning Council at its second public hearing on January 23, 2014. At this same meeting, the Planning Council will review a new chapter to its Administrative Rules Document to implement Policy 1.07.07.

The proposed updated language to the Administrative Rules Document further defines the intent of the Policy and identifies the specific requirements expected of municipalities and applicants. The primary purpose of Policy 1.07.07 is for local governments to adopt affordable housing studies, reports or strategies that are in compliance with the proposed Policy. For those applications which do not meet the Policy via a local government study, report or strategy, County staff will issue comments that may recommend additional mitigation from the applicant or local government. As per the proposed rule, development proposals subject to Policy 1.07.07 shall also require approval by the Broward County Commission.

OFFICE OF THE CITY MANAGER
100 NORTH ANDREWS AVENUE, FORT LAUDERDALE, FLORIDA 33301
TELEPHONE (954) 828-5013 FAX (954) 828-5021
www.fortlauderdale.gov



It is the City's opinion that the proposed amendments to Policy 1.07.07 and changes to the Administrative Rules Document will disproportionately impact the City of Fort Lauderdale in comparison to other Broward County cities, since the affordable housing study that each municipality is expected to submit to the County Commission shall include an estimated affordable housing demand that is based on employees as well as residents. The City of Fort Lauderdale serves as a major employment hub for the County, capturing roughly 20% of the County's employment base and includes a daytime population that increases by 52% or approximately 90,000 commuters on a daily basis. By including employees as part of the affordable housing demand projections, this will in essence count this cohort twice by including an employee's place of residence in addition to their place of employment, often not located in the same city.

It is also unlikely that this Policy will impact smaller Broward County cities that do not typically experience residential development projects that utilize 100 or more flexibility or reserve units, or ones that may have already exhausted their supply of flexibility units. According to records received from Broward County Planning Council staff, only 12 Broward municipalities have approved residential projects that have allocated 100 or more flexibility or reserve units over the past 10 years. Of those cities, only three have allocated over 400 such units, including the City of Fort Lauderdale, which has allocated approximately 1,000 units. Furthermore, 22 Broward municipalities have less than 1,000 flexibility units remaining, while three cities have none remaining.

The proposed amendments will concentrate affordable housing in the City of Fort Lauderdale, which currently has approximately 18,000 flexibility units remaining. The closest city is Coral Springs, which has about 7,500 flexibility units remaining. Only one other municipality, the City of Hollywood, has over 4,000 units remaining.

The City of Fort Lauderdale has and continues to actively pursue solutions to meet the demand for affordable housing needs. In 2006, the City increased the supply of dwelling units in the Downtown Regional Activity Center (RAC) by 3,000 units. Of the 3,000 units approved, the City voluntarily recommended that 450 units (15%) be restricted to affordable housing as defined by the Broward County Land Use Plan. Since that time, the City has successively allocated 455 affordable housing units in the Downtown. In addition, at least 1,122 affordable housing units have been approved since 2008 outside of the Downtown RAC.

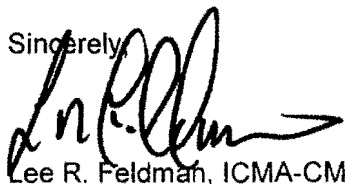
In researching affordable housing trends, staff identified a recent article in GOVERNING magazine titled, "Cities Where Wages Haven't Kept Pace with Rising Housing Costs", which examines the percentage of incomes used on housing costs and utilities in cities across the United States. The general indication is that the maximum that families should not exceed is 30-percent of gross annual income on housing related expenses. In Fort Lauderdale, the median gross rent as a percentage of household income is currently 34% (Source: United States Census Bureau – American Communities Survey 2010-2012). This ranks Fort Lauderdale as more affordable than five other Broward County cities with a population over 100,000. The City of Fort Lauderdale, with over 18,000 flexibility units remaining, will be required to provide more affordable housing than other cities.

The County already requires that 10% of the total available flexibility and reserve units in each flex zone be designated as affordable housing units (AFUs) as per Policy 1.07.04 of the BCLUP. The proposed text amendment would place additional requirements and restrictions on the City's allocation of its flexibility and reserve units, limiting the City's home rule powers, while adding time to the development review process. In addition, the proposed amendment would limit the City's ability to effectively plan for and locate affordable housing where it deems appropriate, while disproportionately concentrating affordable housing in Fort Lauderdale.

In conclusion, the City of Fort Lauderdale is opposed to Amendment PCT 13-1 and the proposed amendments to the Broward County Land Use Plan Administrative Rules Document. The City respectfully requests that the Broward County Planning Council recommend denial of these amendments at its January 23, 2014 meeting.

Should you have any questions, please feel free to contact Greg Brewton, Director of the City of Fort Lauderdale Department of Sustainable Development, at (954) 828-5266 or GBrewton@fortlauderdale.gov.

Sincerely,



Lee R. Feldman, ICMA-CM
City Manager

Attachment

Letter from Fort Lauderdale City Manager to Broward County Administrator (dated October 18, 2013)

cc: Mayor and City Commission
Susanne M. Torriente, Assistant City Manager
Greg Brewton, Director, Department of Sustainable Development
Jenni Morejon, Deputy Director, Department of Sustainable Development
Board of County Commissioners
Barbara Blake Boy, Executive Director, Broward County Planning Council



Venice of America

CITY OF
FORT LAUDERDALE

October 18, 2013

Ms. Bertha W. Henry
Broward County Administrator
Broward County Administration Office
115 S. Andrews Avenue
Fort Lauderdale, FL 33301

RE: Amendment PCT 13-1: Application of Affordable Housing Policy 1.07.07 to the Allocations of 100 or More Flexibility or Reserve Units to Non-Residential Uses

Dear Ms. Henry,

The City of Fort Lauderdale is in receipt of Amendment PCT 13-1, which includes proposed amendments to the Broward County Land Use Plan (BCLUP) concerning affordable housing requirements and the allocation of more than 100 flexibility and/or reserve units on lands designated "Commercial" or "Employment Center". Thank you for the opportunity to comment on the proposed BCLUP text amendment. It is our understanding that the County already requires that 10% of the total available flexibility and reserve units in each flex zone be designated as affordable housing units (AFUs) as per Policy 1.07.04 of the BCLUP. The proposed text amendment would place additional requirements and restrictions on the City's allocation of its flexibility and reserve units, limiting the City's home rule powers, while adding time to the development review process. In addition, the proposed amendment would limit the City's ability to effectively plan for and locate affordable housing where it deems appropriate.

Over the past decade, the City of Fort Lauderdale has experienced a large number of constructed or planned AFUs. In the Downtown Regional Activity Center (RAC), the City has approved 551 AFUs since 2008 and more affordable housing projects are pending. The City also contains over 1,500 additional AFUs outside of the Downtown RAC.

The City of Fort Lauderdale has taken measures to examine affordable housing and workforce housing strategies. In 2005, the City commissioned a Workforce Housing Study to examine workforce housing needs. The City is also considering a Request for Proposals for an Affordable Housing Strategy and Housing Market Study, which would help identify affordable housing needs and strategies.

Under the proposed BCLUP Amendment, municipalities shall coordinate with County staff to implement the affected municipality's chosen affordable housing policies for projects that include 100 or more flexibility and reserve units. Since 2007, there have been 994 flexibility and reserve units allocated within the City for projects with 100 or more units. As the City continues to receive these types of development applications, the proposed Amendment would greatly impact the City's development review and approval process.

OFFICE OF THE CITY MANAGER
100 NORTH ANDREWS AVENUE, FORT LAUDERDALE, FLORIDA 33301
TELEPHONE (954) 828-5013 FAX (954) 828-5021
www.fortlauderdale.gov

EQUAL OPPORTUNITY EMPLOYER

PRINTED ON RECYCLED PAPER



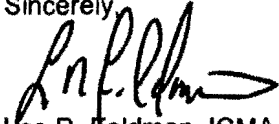
Ms. Bertha Henry
October 18, 2013
Page Two

The intent of flexibility and reserve allocations is that municipalities may allocate these units without coordination with the County. Currently, flexibility and reserve units are allocated without the need for an amendment to the Broward County Land Use Plan. In a memo prepared by Broward County Planning Council staff (dated November 5, 2012) regarding flexibility rules, several "pros" of flexibility and reserve units were identified by the Planning Council staff, including that they "allow[s] municipal level response to municipal level residential land use issues, without County review or approval required", "shorten[s] review and approval process for select municipal residential land use proposals", and "support[s] County role to focus on regional level land use issues". The proposed BCLUP Amendment does not align with the Planning Council staff's stated reasons that support the use of flexibility and reserve units at a local level, rather than a County level. Furthermore, the Broward County Planning Council voted to not recommend the BCLUP Amendment at its August 22, 2013 meeting.

In conclusion, the City of Fort Lauderdale is opposed to Amendment PCT 13-1 and recommends that the Broward County Commission deny this amendment at its October 22, 2013 meeting, consistent with the Planning Council's recommendation.

Should you have any questions, please feel free to contact Greg Brewton, Sustainable Development Director, at (954) 828-5266 or GBrewton@fortlauderdale.gov.

Sincerely,



Lee R. Feldman, ICMA-CM
City Manager

C: Mayor and City Commission
Susanne Torriente, Assistant City Manager
Greg Brewton, Sustainable Development Director
Jenni Morejon, Sustainable Development Deputy Director
Ella Parker, Urban Design & Planning Manager
Board of County Commissioners

ATTACHMENT 12



Peter Bober
Mayor

CITY of HOLLYWOOD, FLORIDA

RECEIVED

FEB 12 2014

Office of the Mayor and Commissioners

2600 Hollywood Blvd. • P.O. Box 229045 • Hollywood, Florida 33022-9045
Phone (954) 921-3321 • Fax (954) 921-3386 • pbober@hollywoodfl.org • www.hollywoodfl.org

BROWARD COUNTY
PLANNING COUNCIL

January 30, 2014

RECEIVED

FEB - 3 2014

Honorable Mayor and Broward County Commissioners
Broward County Government Center
115 South Andrews Avenue
Ft. Lauderdale, FL 33301

Commissioner Lois Wexler

Subject: Broward County Land Use Plan Policy Article 10 Amendment

Dear Mayor and County Commissioners:

Currently, under Article 10 of the Broward County Land Use Plan, the County and affected municipalities are required to implement certain affordable housing strategies under Land Use Plan Policy 1.07.07 when a Development proposes to add 100 or more residential dwelling units to the existing densities approved by the Broward County Land Use Plan. Broward County proposes an amendment to Article 10 which will expand the required implementation of affordable housing strategies when municipal allocations of 100 or more "reserve units and/or flexibility units" are allocated.

While Hollywood has not applied over 100 'flex' or 'reserve' units to a single property in the last decade, several of our 'flex' zones continue to maintain an inventory of over 100 such units. The Broward County Land Use Plan already contains requirements for all cities to set aside 10% of its 'flex' units for affordable housing purposes. Keeping in mind all 'flex' units were established from properties upon which a municipality chose to be more restrictive than the County Land Use Plan density, it seems unfair to further restrict their application beyond the current requirement.

The City of Hollywood understands the spirit in which this legislation is being proposed, however, further discussion must be conducted to better understand the ramifications of changing the existing regulations. We believe the current requirements of Article 10 are sufficient and the benefits of expanding the reach of Policy 1.07.07 do not outweigh the benefits of retaining the current flexibilities associated with the distribution of "reserve units" and/or "flexibility units" within the jurisdiction. The City's Affordable Housing Advisory Committee (AHAC) convened on January 21, 2014 and generally agreed that the City should retain its current status in the allocation of its "reserve units" and/or "flexibility units".

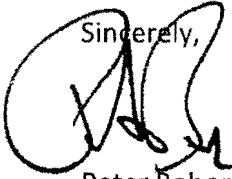
Our Mission: We are dedicated to providing municipal services for our diverse community in an atmosphere of cooperation, courtesy and respect.
We do this by ensuring all who live, work and play in the City of Hollywood enjoy a high quality of life.

"An Equal Opportunity and Service Provider Agency"

January 29, 2014

The City of Hollywood is an existing independent entitlement community for federal funds. Its housing initiatives are funded through the Community Development Block Program (CDBG), the Home Investments Partnership Program (HOME), and the Neighborhood Stabilization Program (NSP). In addition, the City of Hollywood is funded in part by the State of Florida through the State Housing Initiatives Partnership (SHIP) and is required to develop and implement a Local Housing Assistance Plan (LHAP) to ensure a supply of affordable housing units. As a recipient of the aforementioned funding, the City has formally certified its commitment to affordable housing and strives to increase the availability of quality affordable housing where feasible. However, the City remains in a fragile state of recovery and therefore must provide a predictable and timely review process to maintain the positive economic development momentum that has been gained. The expansion of the triggering of Policy 1.07.07 is unnecessary in the City's efforts to increase the availability of affordable housing and could possibly add to an already protracted development process.

To this end, the City of Hollywood lauds the County's efforts to ensure an adequate supply of affordable housing units. However, because of the unique characteristics of housing in each city, we believe local municipalities should be empowered with flexibility to enact programs/policies which best meet the needs of its local market conditions. We welcome further discussion on this topic.

Sincerely,

Peter Bober
Mayor

- c: Broward League of Cities
 Hollywood City Commission
 City of Hollywood Affordable Housing Advisory Committee
 Cathy Swanson-Rivenbark, City Manager
 Davon Barbour, Director, Department of Community & Economic Development
 Jaye Epstein, Director, Planning & Development Services
 Lorie Mertens-Black, Director, Parking & Intergovernmental Relations

ATTACHMENT 13

DEMONSTRATION OF COMPLIANCE WITH POLICY 1.07.07 SUBMITTED BY MUNICIPALITY "A" PROPOSED MINIMUM REQUIREMENTS

1. Existing Supply
2. Projected Supply (Minimum 5 Year Planning Horizon and May Consider Supply within 3 miles in Contiguous Municipalities)
3. Estimated Needed Supply (Employees to be Considered)
4. Municipal Strategy to Meet Estimated Need – “Menu of Options” (Minimum 5 Year Planning Horizon)
5. Demonstration of How Municipal Strategy Will Meet Estimated Need
 - Based on professionally accepted methodologies, policies and best available data and analysis. Example sources: Countywide Affordable Housing Needs Assessment, data from the University of Florida’s Shimberg Center, Census/American Survey Data, and the Fort Lauderdale Board of Realtors median home prices by product type (single family, condominium, etc.)
 - Valid for the consideration of subsequent land use plan amendments for a period of 18 months from the date the study, report or analysis was submitted to Broward County for review.

ATTACHMENT 14

RESPONSE DOCUMENT

PROPOSED ADMINISTRATIVE RULES DOCUMENT: ARTICLE 10

Prepared by the Broward County Planning and Redevelopment Division and Broward County
Housing Finance and Community Development Division
February 17, 2014

	<u>COMMENT/ISSUE</u>	<u>RESPONSE</u>
1	The municipality already includes an abundance of affordable housing and should be exempt from Policy 1.07.07. (Dania Beach)	The municipality may submit a study, report, or information utilizing professionally acceptable methodologies, policies and best available data and analysis to document an indicated abundance of affordable housing for the minimum 5 year planning horizon. In such circumstance, a determination of compliance with Policy 1.07.07 would be issued. It is noted that "the existing supply of affordable housing" is listed in the "menu of options" in Policy 1.07.07.
2	To meet Policy 1.07.07, the Planning Council should certify the municipal comprehensive plan housing element, or relevant portions. (Lauderhill)	It is noted that the Broward County Planning Council, due to the provisions of the County Charter, does not have the authority to "certify" the local government housing element. This may be confirmed by the Planning Council staff and legal counsel. It is noted that local governments may submit their Housing Element, or portions thereof, for the purposes of demonstrating compliance with Policy 1.07.07, subject to such submittal meeting the provisions of Article 10.

3	<p>The proposed requirement to consider existing and projected employees working within the municipality is not practical. (Davie, Coral Springs, Fort Lauderdale)</p>	<p>Based on comments received to date, the difficulties in obtaining relevant municipal level employment data are recognized. The primary purpose of the proposed criteria was to ensure that municipalities that do not currently or are not projected to have affordable housing based on resident population should still be required to address affordable housing by considering employees who work within municipal boundaries.</p> <p>An alternative could be to drop the requirement, or, exempt a municipality from considering employees if they can demonstrate that the municipality meets a minimum threshold of affordable housing, such as 15%, 20%, or more.</p>
4	<p>The proposed rule far exceeds the enabling legislation and is in effect creating a new policy. (Weston)</p>	<p>Staff does not believe the rules proposed to date exceed enabling legislation or creates new policy. The rules proposed to date for Policy 1.07.07 are felt to be generally consistent with rules and interpretations included in other Articles of the Administrative Rules Document, such as Article 7 pertaining to "platting requirements," and Article 9 pertaining to "compatibility reviews."</p>
5	<p>As the proposed rules will require municipalities to expend funds, the County will exceed its land use planning jurisdiction. (Weston)</p>	<p>It is felt that information requested to demonstrate compliance with Policy 1.07.07 is generally consistent with other information requested on a variety of matters as part of a Broward County Land Use Plan amendment application.</p>

6	<p>The County already requires that 10% of the total available flexibility and reserve units in each flex zone be designated for affordable housing (Fort Lauderdale)</p>	<p>Due to the limited number of flexibility and reserve units available, the referenced 10% requirement has been included by several municipalities as a <u>component</u> of a larger municipal strategy to achieve a sufficient supply of affordable housing.</p>
7	<p>What is the basis for the proposal to use a 15% set-aside or 1% of construction costs as a default for voluntary mitigation proposals? (Question at January 23 Planning Council meeting)</p>	<p>This proposed default criteria, <u>for applicants who wish to offer a voluntary commitment</u>, was felt to be a more straightforward, clear, and fair method than the current practice. The current practice has resulted in a wide disparity between studies and proposals with no standard basis. For example, in-lieu payment offers have ranged from several hundred dollars to several thousand per new unit. Also, data and analysis submitted to support in-lieu offers has included consideration of affordable housing availability significantly beyond the boundaries of the municipality requesting the land use change.</p> <p>The proposed 15% set-aside default is consistent with numerous "inclusionary" affordable housing programs around the country. The alternative proposed 1% of construction costs default was felt to be a mechanism that could reasonably approximate 1% of the sales cost for a dwelling unit. Please see response to no. 8 below.</p>

8	<p>How are "1% of construction costs" defined? (Question at January 23 Planning Council meeting)</p>	<p>The 1% of construction costs proposal is meant to reasonably approximate 1% of the sales price for a dwelling unit. However, since not all dwelling units are "for sale" (e.g. rental units), an alternative criteria was identified. In this light, staff proposes that "construction costs" include hard costs and land value. It is our understanding that only "hard costs" for construction (not including land value or "soft costs" such as planning and legal services) are generally requested or submitted to building departments as part of the development process. Therefore, in addition to the "hard cost" construction estimates, an applicant who wished to offer a voluntary commitment should also include a professionally accepted appraisal for land value associated with the proposed development. Information available to staff indicates that "hard costs" plus "land value" would reflect approximately 70% to 80% of total project costs.</p> <p>If the submittal of a land value component is not supported, then an alternative figure such as 1.5% or 2% of hard costs could be considered. It should be noted that this level of commitment falls far short of the cost of full unit mitigation that was being provided prior to the recession.</p>
9	<p>What is the estimated impact if the proposed rules had been in place since the adoption of Policy 1.07.07? (Question at January 23 Planning Council meeting)</p>	<p>It is beyond the scope of available resources to revisit each amendment previously subject to Policy 1.07.07 and determine what would have been the result if the proposed rules had been in place. However, it is expected that better and more consistent information would have been submitted, and may have resulted in enhanced municipal affordable housing strategies. In addition, for applicant's wishing to offer a voluntary commitment with a default criteria of 1% of construction costs, or a similar criteria, such commitments would have probably resulted in additional funds for affordable housing projects in comparison to what has been offered to date.</p>

10	<p>Is there a minimum benchmark to meet regarding municipal affordable housing? For example, if a municipality demonstrates that they have an existing and projected affordable housing stock of 15%, will they meet Policy 1.07.07? (Question at January 23 Planning Council meeting)</p>	<p>Currently, there is no minimum benchmark for a determination of whether a municipality has a "sufficient" supply of affordable housing. Policy 1.07.07 is structured to encourage municipalities to determine their own affordable housing goals and strategies, although it is anticipated that each municipality will have such a strategy.</p> <p>If there is support to include a minimum standard, one option could be to consider Policy 1.07.07 as a form of an "inclusionary" affordable housing policy. Inclusionary programs around the country often set a minimum standard of 15% or 20% of project dwelling units to be affordable. It is also noted that the proposed rules also indicate a 15% set-aside default standard for applicant offers of voluntary mitigation.</p>
11	<p>If a municipal study, report, or information was previously found to be in compliance with Policy 1.07.07, will it remain in compliance under the proposed rules? (Question at December, 2013 staff level workshop and January 23 Planning Council meeting)</p>	<p>As the proposed rules for Policy 1.07.07 would define minimum criteria for professionally accepted methodologies, policies and best available data and analysis, it can be assumed that some of the studies, reports and/or information previously submitted and accepted would have required additional or updated information based on the new administrative rules.</p>

12	<p>How long would a study or analysis found in compliance with Policy 1.07.07 be considered "valid" for subsequent land use plan amendments that may be submitted by a municipality? (Question from December, 2013, staff level workshop)</p>	<p>On January 10, 2014, it was recommended that the following provision be added to proposed Article 10:</p> <p><u>Article 10.4 (E) - A study, report, or information submitted by the local government which has been determined by the County to be in compliance with Policy 1.07.07 shall be valid for the consideration of subsequent land use plan amendments for a period of 18 months from the date the study, report or analysis was submitted to Broward County for review.</u></p>
----	---	---

ATTACHMENT 15
AFFORDABLE HOUSING BCLUP POLICY 1.07.07

LUPA NUMBER	LUPA NAME	CITY	RESIDENTIAL UNITS ADDED	CITY COMPLIANCE?	HOW WAS POLICY MET?	COMMITMENT MADE BY APPLICANT
PC 07-1	Sheridan Stationside TOD	Hollywood	508	Yes	Programs and policies in place to achieve/maintain affordable housing supply	20% (210 du) set-aside for "workforce" affordable housing
PC 07-2	Margate TOC	Margate	N/A	Yes	Programs and policies in place to achieve/maintain affordable housing supply	15% of all new units to be affordable
PC 07-5	Foxcroft	Miramar	788	Yes	Programs and policies in place to achieve/maintain affordable housing supply	320 affordable housing units
PC 07-6	Marbella	North Lauderdale	210	Yes	Programs and policies in place to achieve/maintain affordable housing supply	None
PC 07-7	Plantation Technology Center	Plantation	146	No	N/A	20% (29 du) set-aside for affordable housing
PC 07-9	Forrest Tower	Hollywood	200	Yes	Programs and policies in place to increase affordable housing supply	15% (30 du) set-aside for affordable housing
PC 07-15	Hillcrest	Hollywood	468	Yes	Programs and policies in place to increase affordable housing supply	None
PC 07-16	City Hall	Lauderhill	203	Yes	Programs and policies in place to achieve/maintain affordable housing supply	None

LUPA NUMBER	LUPA NAME	CITY	RESIDENTIAL UNITS ADDED	CITY COMPLIANCE?	HOW WAS POLICY MET?	COMMITMENT MADE BY APPLICANT
PC 07-17	Douglas Gardens	Pembroke Pines	425	Yes	Affordable Housing Trust Fund	15% (63 du) set-aside for affordable housing
PC 07-18	Pompano Creek	Pompano Beach	436	Yes w/update	Programs and policies in place to achieve/maintain affordable housing supply	\$1,500/du into affordable housing fund; 436 dwelling units = \$654,000, or \$340,200 lump sum payment
PC 07-19	Metropica TOD	Sunrise	2,792	Yes	Programs and policies in place to achieve/maintain affordable housing supply	\$500/du payment into affordable housing fund; 2,800 units permitted = \$1,400,000 (8 du permitted by BCLUP)
PC 07-20	Vintage Park	Pompano Beach	114	Yes w/update	Programs and policies in place to achieve/maintain affordable housing supply	\$230,000 payment into affordable housing fund
PC 08-12	Westerra LAC	Sunrise	1,750	Yes	Programs and policies in place to achieve/maintain affordable housing supply	\$500/du payment into affordable housing fund; 1,750 dwelling units = \$875,500
PCT 10-3	Coconut Creek RAC	Coconut Creek	3,750	Yes	Affordable Housing Linkage Fee Program	None
PCT 10-6	Davie RAC	Davie	3,174	Yes	Programs and policies in place to achieve/maintain affordable housing supply	None
PC 10-3	Aztec RV Resort	Margate	513	Yes	Programs and policies in place to achieve/maintain affordable housing supply	None

LUPA NUMBER	LUPA NAME	CITY	RESIDENTIAL UNITS ADDED	CITY COMPLIANCE?	HOW WAS POLICY MET?	COMMITMENT MADE BY APPLICANT
PC 10-4	Triple H/DeBuys	Parkland	1,278	No	N/A	\$750/du payment into affordable housing fund; 1,278 du = \$1,009,500, or a lump sum of \$619,740.43
PC 10-5	Pembroke Tower	Pembroke Pines	200	Yes	Programs and policies in place to achieve/maintain affordable housing supply	20% (40 du) set-aside for affordable housing per City ordinance
PC 10-11	Pompano Park RAC	Pompano Beach	1,300	No	N/A	15% (195 du) set-aside or \$750/du into affordable housing fund; 1,300 du = \$975,000
PC 10-12	Tamarac LAC	Tamarac	1,864	Yes	Programs and policies in place to achieve/maintain affordable housing supply	None
PC 10-14	Sun Forest	Davie	600	Yes	Programs and policies in place to achieve/maintain affordable housing supply	20% of additional units set-aside for affordable housing; 1,099 total du permitted, some existing, 20% based on 600 du = 120 du min
PC 10-16	Crystal Lake	Deerfield Beach	140	No	N/A	15% (19 du based on restriction to 125 du) set-aside for affordable housing
PC 10-20	Bruschi	Unincorporated	570	No	N/A	\$750/du payment into affordable housing fund; 600 du = \$450,000, or a lump sum of \$282,342 (30 du permitted by BCLUP)
PC 10-21	Hendricks	Unincorporated and Parkland	942	No	N/A	\$750/du payment into affordable housing fund; 1,478 dwelling units = \$1,108,500 (536 du permitted by BCLUP)

LUPA NUMBER	LUPA NAME	CITY	RESIDENTIAL UNITS ADDED	CITY COMPLIANCE?	HOW WAS POLICY MET?	COMMITMENT MADE BY APPLICANT
PC 11-3	Broadstone	Coconut Creek	414	Yes	Affordable Housing Linkage Fee Program	None
PC 12-2	Garden Walk	Coconut Creek	371	Yes	Affordable Housing Linkage Fee Program	None
PC 12-4	St. Joseph Church	Pompano Beach	163	No	N/A	251 adult affordable housing units
PC 12-8	Palm Ranch Apts.	Davie	240	Yes	Programs and policies in place to achieve/maintain affordable housing supply	None
PC 13-1	Koi	Pompano Beach	197	Yes	Programs and policies in place to achieve/maintain affordable housing supply	\$250,000 lump sum payment (or \$270,000 incrementally) into affordable housing fund
PC 13-2	Broken Woods Golf Club	Coral Springs	585	Yes	Programs and policies in place to achieve/maintain affordable housing supply	None
PC 13-6	Lakeview Residences at Davie	Davie	240	Yes	Programs and policies in place to achieve/maintain affordable housing supply	None
PC 13-11	Shalimar at Davie	Davie	190	Yes	Programs and policies in place to achieve/maintain affordable housing supply	None
PC 13-12	Woodmont Country Club	Tamarac	190	No	Met policy for all but lowest income households; \$400 per unit recommended by study	\$750 per unit; based on restriction to 152 du = \$114,000

LUPA NUMBER	LUPA NAME	CITY	RESIDENTIAL UNITS ADDED	CITY COMPLIANCE?	HOW WAS POLICY MET?	COMMITMENT MADE BY APPLICANT
PC 13-13	Parkland Royale	Parkland	531	No	Study submitted and recommends funding contributions	\$1,150 per unit; 538 du = \$618,700
PCT 13-2	Pembroke Pines LAC	Pembroke Pines	365	Yes	Programs and policies in place to achieve/maintain affordable housing supply	250 affordable housing units

ATTACHMENT 16

Temp Reso. No. 5538
1/27/14
1/31/14

RECEIVED

FEB 20 2014

**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

**BROWARD COUNTY
PLANNING COUNCIL**

RESOLUTION NO. 14-77

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, OPPOSING THE PROPOSED BROWARD COUNTY LAND USE PLAN TEXT AMENDMENT RELATING TO RESIDENTIAL FLEXIBILITY AND RESERVE UNITS ON PROPERTIES DESIGNATED COMMERCIAL OR EMPLOYMENT CENTER OR AN EQUIVALENT LAND USE CLASSIFICATION, AND THE PROPOSED RULE FOR IMPLEMENTATION AND ADMINISTRATION OF LAND USE PLAN POLICY 1.07.07 RELATING TO AFFORDABLE HOUSING; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 28, 2012, the City of Miramar received correspondence from Broward County asking that the City provide comments on a proposed text amendment to Policy 1.07.07 of the Broward County Land Use Plan (the "Text Amendment") prior to February 1, 2013; and

WHEREAS, the Text Amendment proposes that municipalities should consider certain affordable housing strategies when allocating 100 or more residential "flexibility" or "reserve" units, including cumulative allocations, on lands designated Commercial or Employment Center or an equivalent land use classification; and

WHEREAS, the City does not have "flexibility" units, but does have 480 "reserve" units that would be affected by the Text Amendment; and

Reso. No. 14-77

Temp. Reso. No. 5538
1/27/14
1/31/14

WHEREAS, the Broward County Planning Council has scheduled a hearing for consideration of a proposed rule for the administration of the proposed affordable housing policy in the Text Amendment (the "Proposed Rule"); and

WHEREAS, as provided in the Administrative Rules Document of the Broward County Land Use Plan, the County's administrative rules are adopted in order to implement the policies within the Broward County Land Use Plan; and

WHEREAS, the Proposed Rule provides, in part, that municipalities must provide an affordable housing study, report or information and strategy for demonstration of compliance with Policy 1.07.07 of the Broward County Land Use Plan; and

WHEREAS, this provision in the Proposed Rule far exceeds the enabling legislation provided in the County Policy, and is effectively creating a new policy rather than implementing an adopted Broward County Land Use Plan policy as required by the Administrative Rules Document of the Broward County Land Use Plan; and

WHEREAS, the City is granted broad home rule powers pursuant to Section 2, Article VIII of the Florida Constitution, and Chapter 166, Florida Statutes; and

WHEREAS, currently, with minimal interference from the County, the City, pursuant to its home rule powers, may assign its reserve units as it deems appropriate; and

Temp. Reso. No. 5538

1/27/14

1/31/14

WHEREAS, the Text Amendment would place additional requirements and restrictions on the City's allocation of its reserve units, which would provide a limitation on the home rule powers that the City has strived so hard to protect; and

WHEREAS, the City desires to oppose the Text Amendment and Proposed Rule, as drafted; and

WHEREAS, the City Commission finds that it is in the best interest of the citizens and residence of the City of Miramar to oppose Broward County's Text Amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA AS FOLLOWS:

Section 1: The foregoing "**WHEREAS**" clauses are ratified and confirmed as being true and correct and are made a specific part of this Resolution.

Section 2: The City Commission opposes the Text Amendment as provided in Exhibit "A" to this Resolution, and the Proposed Rule as provided in Exhibit "B" to this Resolution.

Section 3: The City Clerk is directed to transmit this Resolution to the Executive Director of the Broward County Planning Council and to the Broward County Board of County Commissioners.

Section 4: The appropriate City officials are authorized to do all things necessary to effectuate the intent of this Resolution.

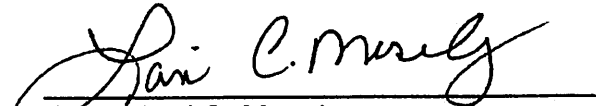
Temp. Reso. No. 5538

1/27/14

1/31/14

Section 5: That this Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 5 day of February, 2014.

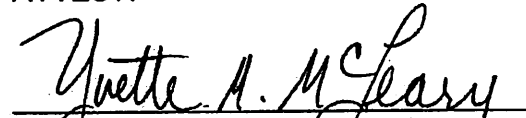


Mayor, Lori C. Moseley




Vice Mayor, Alexandra P. Davis

ATTEST:



Yvette M. McLeary, City Clerk

I HEREBY CERTIFY that I have
approved this RESOLUTION
as to form:



City Attorney
Weiss Serota Helfman Pastoriza
Cole & Boniske, P.L.

Requested by Administration
Commissioner Winston F. Barnes
Commissioner Yvette Colbourne
Vice Mayor Alexandra P. Davis
Commissioner Wayne M. Messam
Mayor Lori C. Moseley

Voted
Yes
Yes
Yes
Yes
Yes



BROWARD COUNTY LAND USE PLAN
Proposed Amendment PCT 13-1
Initiated by the Broward County Board of County Commissioners
on September 11, 2012

Policy 1.07.07

For amendments which propose to add 100 or more residential dwelling units to the existing densities approved by the Broward County Land Use Plan, or proposed municipal allocations of "reserve units" and/or "flexibility units" to add 100 or more residential units, including cumulative allocations, on lands designated on the certified municipal plan as "Commercial," "Employment Center" or an equivalent municipal land use classification. Broward County and affected municipalities shall coordinate and cooperate to implement the affected municipality's chosen policies, methods and programs to achieve and/or maintain a sufficient supply of affordable housing.

Broward County shall accept from the affected municipality those professionally accepted methodologies, policies, and best available data and analysis, which the municipality has used to define affordable housing needs and solutions within the municipality.

In addressing amendments which propose to add 100 or more residential dwelling units to the existing densities approved by the Broward County Land Use Plan, or proposed municipal allocations of "reserve units" and/or "flexibility units" to add 100 or more residential units, including cumulative allocations, on lands designated on the certified municipal plan as "Commercial," "Employment Center" or an equivalent municipal land use classification, the municipality, without limitation, may include consideration and implementation of the following affordable housing strategies:

- a. programs and policies involving mechanisms such as, but not limited to, impact fees, in-lieu fees, and/or public funds, in which the municipality, and/or Broward County, and/or other appropriate agencies/entities (including, but not limited to, major employers), provide for the construction or supply of affordable housing;
- b. programs and policies involving mechanisms such as, but not limited to, impact fees, in-lieu fees, and/or public funds, in which the municipality, and/or Broward County, and/or other appropriate agencies/entities (including, but not limited to, major employers), provide funding to facilitate the affordable purchase or renting of housing;
- c. programs and policies in which the municipality and/or Broward County, and/or other appropriate agencies, facilitate the maintenance of the existing supply of affordable housing stock, if any;
- d. property tax abatement programs aimed at preserving or creating affordable housing;
- e. streamlined and reduced-cost permitting procedures for affordable housing;

Note: Bold, Underlined words are proposed additions, as initiated by the Broward County Board of County Commissioners on September 11, 2012.

- f. specific minimum set-aside requirements for new affordable housing construction;
- g. use of appropriate existing public lands, or public land-banking, to facilitate an affordable housing supply;
- h. programs and policies to facilitate the development and use of municipal and/or Broward County affordable housing density bonus provisions;
- i. land development regulations which promote the availability of affordable housing such as reduced lot size and floor area for dwelling units, construction of zero lot line and cluster housing, vertical integration of residential units with non-residential uses, and the allowance of accessory dwelling units;
- j. the existing supply of affordable housing.

The affected municipality shall demonstrate compliance with this Policy at the time of the County's consideration of the applicable land use plan amendment, by establishing that the municipality has implemented or ensured adoption of appropriate policy and program measures to implement the affected municipality's chosen policies, methods and programs to achieve and/or maintain a sufficient supply of affordable housing as defined by the municipality's data and analysis.

For the purposes of this Policy, the term "affordable housing" shall include the meaning as defined by the Broward County Land Use Plan. The median annual income estimate should be updated at least yearly.

EXHIBIT "B"

PROPOSAL

December 18, 2013

**ADMINISTRATIVE RULES DOCUMENT:
BROWARD COUNTY LAND USE PLAN
ARTICLE 10**

**RULES FOR IMPLEMENTATION AND ADMINISTRATION OF BROWARD
COUNTY LAND USE PLAN POLICY 1.07.07**

10.1 INTENT

These administrative rules address the following: 1) to provide guidelines to local governments for submittal of an affordable housing study, report or information and strategy to demonstrate compliance with Policy 1.07.07 of the Broward County Land Use Plan; and 2) to provide "default" criteria for those applicants who wish to offer mitigation as part of the Broward County Land Use Plan amendment or other applicable process. The primary purpose of Policy 1.07.07 is for local governments to approve an affordable housing study, report or information and strategy that are in compliance with the Policy. For those applications which meet the Policy via a local government study, report or information and strategy, County staff will issue comments that do not recommend additional mitigation from the applicant or local government.

10.2 BROWARD COUNTY LAND USE PLAN POLICY 1.07.07

For amendments which propose to add 100 or more residential dwelling units to the existing densities approved by the Broward County Land Use Plan, *or proposed municipal allocations of "reserve units" and/or "flexibility units" to add 100 more residential units, including cumulative allocations, on lands designated on the certified municipal plan as "Commercial," "Employment Center" or an equivalent municipal land use classification.** Broward County and affected municipalities shall coordinate and cooperate to implement the affected municipality's chosen policies, methods and programs to achieve and/or maintain a sufficient supply of affordable housing. *Proposals subject to this Policy shall require approval by the Broward County Commission.**

Broward County shall accept from the affected municipality those professionally accepted methodologies, policies, and best available data and analysis, which the municipality has used to define affordable housing needs and solutions within the municipality.

**Bolded/Italicized wording is pending per County Commission adoption of Broward County Land Use Plan text amendment PCT 13-1.*

EXHIBIT "B"

Page 2

In addressing amendments which propose to add 100 or more residential dwelling units to the existing densities approved by the Broward County Land Use Plan, *or proposed municipal allocations of "reserve units" and/or "flexibility units" to add 100 more residential units, including cumulative allocations, on lands designated on the certified municipal plan as "Commercial," "Employment Center" or an equivalent municipal land use classification,* * the municipality, without limitation, may include consideration and implementation of the following affordable housing strategies:

- a. programs and policies involving mechanisms such as, but not limited to, impact fees, in-lieu fees, and/or public funds, in which the municipality, and/or Broward County, and/or other appropriate agencies/entities (including, but not limited to, major employers), provide for the construction or supply of affordable housing;
- b. programs and policies involving mechanisms such as, but not limited to, impact fees, in-lieu fees, and/or public funds, in which the municipality, and/or Broward County, and/or other appropriate agencies/entities (including, but not limited to, major employers), provide funding to facilitate the affordable purchase or renting of housing;
- c. programs and policies in which the municipality and/or Broward County, and/or other appropriate agencies, facilitate the maintenance of the existing supply of affordable housing stock, if any;
- d. property tax abatement programs aimed at preserving or creating affordable housing;
- e. streamlined and reduced-cost permitting procedures for affordable housing;
- f. specific minimum set-aside requirements for new affordable housing construction;
- g. use of appropriate existing public lands, or public land-banking, to facilitate an affordable housing supply;
- h. programs and policies to facilitate the development and use of municipal and/or Broward County affordable housing density bonus provisions;

**Bolded/Italicized* wording is pending per County Commission adoption of Broward County Land Use Plan text amendment PCT 13-1.

EXHIBIT "B"

Page 3

- i. land development regulations which promote the availability of affordable housing such as reduced lot size and floor area for dwelling units, construction of zero lot line and cluster housing, vertical integration of residential units with non-residential uses, and the allowance of accessory dwelling units;
- j. the existing supply of affordable housing.

The affected municipality shall demonstrate compliance with this Policy at the time of the County's consideration of the applicable land use plan amendment, by establishing that the municipality has implemented or ensured adoption of appropriate policy and program measures to implement the affected municipality's chosen policies, methods and programs to achieve and/or maintain a sufficient supply of affordable housing as defined by the municipality's data and analysis.

For the purposes of this Policy, the term "affordable housing" shall include the meaning as defined by the Broward County Land Use Plan. The median annual income estimate should be updated at least yearly.

10.3 DESCRIPTION OF SELECT TERMS USED IN POLICY 1.07.07

The following are descriptions of select terms used in Policy 1.07.07 as they relate to implementation of the Policy.

Professionally Accepted Methodologies, Policies and Best Available Data and Analysis:

Used to prepare a study, report, or information submitted by the local governing body which includes estimates of the existing and projected supply of affordable housing (i.e. "very low," "low" and "moderate") within the local government boundary in comparison to the estimated affordable housing supply that is needed to achieve and/or maintain a sufficient supply. Existing and projected employees working within the boundaries of the local government must be considered. An example of an assessment would be estimating existing and projected residents and employees within the local government who are at 80% adjusted median income in comparison to the projected supply to meet the housing needs of such. Projected supply and needs for affordable housing must be consistent with a minimum 5 year planning horizon, but no greater than the adopted planning horizon of the local government comprehensive plan. The projected supply may consider the existing and projected availability of affordable housing within 3 miles within a contiguous local government. Data and methodologies must be consistent with those sources widely used and accepted by the professional community who conduct research and analysis concerning affordable housing. Example sources include the Countywide Affordable Housing Needs Assessment, data from the University of Florida's Shimberg Center, Census/American Survey Data, and the Fort Lauderdale Board of Realtors median home prices by product type (single family, condominium, etc.).

EXHIBIT "B"

Page 4

In-Lieu: Refers to monies paid to the local government by developers when affordable housing is not included on-site in a development in compliance with a standard adopted by the local government. Broward County will use 15% of project housing units as a default guideline for an affordable housing standard within proposed residential development subject to Policy 1.07.07; however, a local government may officially adopt a different standard. Such monies must be used by the local government to fund affordable housing construction and/or programs. In-lieu monies shall be sufficient to provide for the availability of affordable housing consistent with the standard set by the local government. The in-lieu methodology identifies the costs associated with achieving the development of affordable housing units within the local government. For example, an in-lieu methodology may be calculated at a rate per gross square foot per new market rate residential unit. As an alternative example, the in-lieu methodology may be based on a percentage of the costs of construction or sales price of all new market rate units within a project. Broward County will use 1% of construction costs as a default guideline in the review of in-lieu methodologies for all additional market rate units within a project; however, a local government may officially approve, as part of their affordable housing report and strategy, a different standard and program utilizing professionally accepted methodologies, policies and best available data and analysis.

10.4 COUNTY STAFF GUIDELINES: DETERMINATIONS OF APPLICATION CONSISTENCY WITH POLICY 1.07.07

- (A) The local government shall provide an estimate of the existing and projected supply of affordable housing within the local government's boundaries in comparison to the estimated affordable housing supply that is needed to achieve and/or maintain a sufficient supply. Existing and projected employees working within the boundaries of the local government must also be considered.
- (B) The local government must demonstrate how its chosen affordable housing strategy will satisfactorily achieve and/or maintain a sufficient supply consistent with the local government's planning horizon.
- (C) The study, report, or information submitted by the local governing body addressing Article 10.3 (A) and (B) must be based on professionally accepted methodologies, policies and best available data and analysis consistent with Article 10.2.
- (D) At a minimum, if a deficit of affordable housing is projected or assumed, Broward County will use 15% of additional project housing units as a default guideline for an affordable housing standard within proposed residential development subject to Policy 1.07.07; however, a local government may officially approve, as part of their affordable housing report and strategy, a different standard and program utilizing professionally accepted methodologies, policies and best available data and analysis.

EXHIBIT "B"

Page 5

10.5 REVIEW PROCEDURES FOR LAND USE PLAN AMENDMENTS SUBJECT TO POLICY 1.07.07

- (A) After an application for a Broward County land use plan amendment has been received by the Broward County Planning Council, the Planning Council staff shall determine if the application is subject to Policy 1.07.07.
- (B) If a land use plan amendment application is subject to Policy 1.07.07, Planning Council staff shall forward the application to the Broward County Environmental Protection and Growth Management Department and request comments in a timeframe consistent with the Planning Council's standard land use plan amendment review schedule.
- (C) If Broward County staff issues a determination that a land use plan amendment application is not in compliance with Policy 1.07.07, Broward County staff shall specify in writing the reasons for such determination.
- (D) Determinations issued by Broward County staff regarding Policy 1.07.07 shall be forwarded to the Planning Council staff and shall be made a part of the land use plan amendment report.

10.6 REVIEW PROCEDURES FOR MUNICIPAL ALLOCATIONS OF RESIDENTIAL "FLEXIBILITY" IN AREAS DESIGNATED "COMMERCIAL" OR "EMPLOYMENT CENTER" (NOTE: Article 10.5 is subject to County Commission adoption of Broward County Land Use Plan Amendment PCT 13-1)

- (A) If a local government intends to allocate, either individually or cumulatively, 100 or more residential "flexibility" and/or "reserve" units to a parcel or parcels of lands designated "Commercial," "Employment Center," or an equivalent land use classification, the allocating local government shall notify the County Commission or its designee in writing of the proposed allocation of flexibility.
- (B) Determinations regarding consistency with Policy 1.07.07 as per Article 10.5 shall be made by the County Commission following a public hearing. County staff shall complete the staff report on each application and schedule the public hearing within 6 weeks of receiving a completed application.
- (C) At least 10 days prior to a County Policy 1.07.07 public hearing, Broward County shall provide notice in a newspaper of general circulation indicating the location and size of the property, future land use designation and proposed number of residential "flexibility" and/or "reserve" units being allocated.



ATTACHMENT 17

110 Northeast 3rd Street, Suite 300
Fort Lauderdale, FL 33301
Phone: 954.357.4900
Fax: 954.357.8221
www.browardhousingcouncil.org

March 4, 2014

RECEIVED

MAR 5 2014

**BROWARD COUNTY
PLANNING COUNCIL**

The Honorable Mayor Barbara Sharief
Broward County Governmental Center, Representing District 8
115 South Andrews Avenue, Room 410
Fort Lauderdale, Florida 33301

Re: Standardization of an Affordable Housing Study and Standardization of Payment in Lieu of Mitigation

Dear Mayor Sharief:

At the February 14, 2014 Broward County Housing Council meeting, the Council afforded Ms. Barbara Blake Boy, Executive Director, Broward County Planning Council and Ms. Anne Castro, Chair, Broward County Planning Council and Executive Director, Dania Beach Housing Authority the opportunity to discuss the proposed amendment to the Broward County Land Use Plan (BCLUP) Policy 1.07.07 regarding affordable housing and the Administrative Rules Document clarifying the implementation of BCLUP Policy 1.07.07 that is being recommended for adoption by the Broward County Board of County Commission.

The Housing Council members are in support of the two concepts that were presented: 1) to provide minimum guidelines to municipalities for submittal of an affordable housing study to demonstrate compliance with Policy 1.07.07; and 2) to provide "default" criteria for those applicants who wish to offer mitigation as part of the Broward County Land Use Plan amendment process.

The Housing Council also directed staff to bring back to the Housing Council the final draft language so that the Housing Council can render a position on the final drafts prior to the Board of County Commission action.

Chair Monica Navarro • Vice Chair Lisa Vecchi

Robert Baldwin • Richard Barkett • George Castrataro • Ann Deibert • Frances Esposito • Caryl Hattan • Richard Lemack
Gino Moro • Mercedes Nunez • Rosalind Osgood • Frank Schnidman • Marcia Barry-Smith • Henry Snizek • Lois Wexler

March 4, 2014

Page 2

Regarding: **Standardization of an Affordable Housing Study and Standardization of Payment in Lieu of Mitigation**

If you have any questions or concerns regarding this correspondence, please contact me at (954) 390-7654 or monicanavarro@kidinc.org or Ralph Stone, Director, Broward County Housing Finance and Community Development Division (HFCDD) at (954) 357-5320 or rstone@broward.org.

Sincerely,

Monica Navarro

Monica Navarro, MBA, EDFP
Chair, Broward Housing Council

cc: Broward County Housing Council Members
Anne Castro, Chair, Broward County Planning Council and Executive Director,
Dania Beach Housing Authority
Mary Lou Tighe, Executive Director, Broward County League of Cities
Ralph Stone, Director, HFCDD
Barbara Blake Boy, Executive Director, Broward County Planning Council

ATTACHMENT 18

RESPONSE DOCUMENT

PROPOSED ADMINISTRATIVE RULES DOCUMENT: ARTICLE 10

Prepared by the Broward County Planning and Redevelopment Division and Broward County
Housing Finance and Community Development Division

March 18, 2014

	<u>COMMENT/ISSUE</u>	<u>RESPONSE</u>
1	The municipality already includes an abundance of affordable housing and should be exempt from Policy 1.07.07. (Dania Beach)	The municipality may submit a study, report, or information utilizing professionally acceptable methodologies, policies and best available data and analysis to document an indicated abundance of affordable housing for the minimum 5 year planning horizon. In such circumstance, a determination of compliance with Policy 1.07.07 would be issued. It is noted that "the existing supply of affordable housing" is listed in the "menu of options" in Policy 1.07.07.
2	To meet Policy 1.07.07, the Planning Council should certify the municipal comprehensive plan housing element, or relevant portions. (Lauderhill)	It is noted that the Broward County Planning Council, due to the provisions of the County Charter, does not have the authority to "certify" the local government housing element. This may be confirmed by the Planning Council staff and legal counsel. It is noted that local governments may submit their Housing Element, or portions thereof, for the purposes of demonstrating compliance with Policy 1.07.07, subject to such submittal meeting the provisions of Article 10.

3	<p>The proposed requirement to consider existing and projected employees working within the municipality is not practical. (Davie, Coral Springs, Fort Lauderdale)</p>	<p>Based on comments received to date, the difficulties in obtaining relevant municipal level employment data are recognized. The primary purpose of the proposed criteria was to ensure that municipalities that do not currently or are not projected to have affordable housing based on resident population should still be required to address affordable housing by considering employees who work within municipal boundaries.</p> <p>An alternative could be to drop the requirement, as is being proposed by staff, or, exempt a municipality from considering employees if they can demonstrate that the municipality meets a minimum threshold of affordable housing.</p>
4	<p>The proposed rule far exceeds the enabling legislation and is in effect creating a new policy. (Weston, Miramar)</p>	<p>Staff does not believe the rules proposed to date exceed enabling legislation or creates new policy. The rules proposed to date for Policy 1.07.07 are felt to be generally consistent with rules and interpretations included in other Articles of the Administrative Rules Document, such as Article 7 pertaining to "platting requirements," and Article 9 pertaining to "compatibility reviews."</p>
5	<p>As the proposed rules will require municipalities to expend funds, the County will exceed its land use planning jurisdiction. (Weston, Miramar)</p>	<p>It is felt that information requested to demonstrate compliance with Policy 1.07.07 is generally consistent with other information requested on a variety of matters as part of a Broward County Land Use Plan amendment application.</p>

6	The County already requires that 10% of the total available flexibility and reserve units in each flex zone be designated for affordable housing (Fort Lauderdale)	Due to the limited number of flexibility and reserve units available, the referenced 10% requirement has been included by several municipalities as a <u>component</u> of a larger municipal strategy to achieve a sufficient supply of affordable housing.
7	What is the basis for the proposal to use a 15% set-aside or 1% of construction costs as a default for voluntary mitigation proposals? (Question at January 23 Planning Council meeting)	<p>This proposed default criteria, <u>for applicants who wish to offer a voluntary commitment</u>, was felt to be a more straightforward, clear, and fair method than the current practice. The current practice has resulted in a wide disparity between studies and proposals with no standard basis. For example, in-lieu payment offers have ranged from several hundred dollars to several thousand per new unit. Also, data and analysis submitted to support in-lieu offers has included consideration of affordable housing availability significantly beyond the boundaries of the municipality requesting the land use change.</p> <p>The proposed 15% set-aside default is consistent with numerous "inclusionary" affordable housing programs around the country. The alternative proposed 1% of construction costs default was felt to be a mechanism that could reasonably approximate 1% of the sales cost for a dwelling unit. Please see response to no. 8 below.</p>

8	<p>How are "1% of construction costs" defined? (Question at January 23 Planning Council meeting)</p>	<p>The 1% of construction costs proposal is meant to reasonably approximate 1% of the sales price for a dwelling unit. However, since not all dwelling units are "for sale" (e.g. rental units), an alternative criteria was identified. In this light, staff proposes that "construction costs" include hard costs and land value. It is our understanding that only "hard costs" for construction (not including land value or "soft costs" such as planning and legal services) are generally requested or submitted to building departments as part of the development process. Therefore, in addition to the "hard cost" construction estimates, an applicant who wished to offer a voluntary commitment should also include a professionally accepted appraisal for land value associated with the proposed development. Information available to staff indicates that "hard costs" plus "land value" would reflect approximately 70% to 80% of total project costs.</p> <p>An alternative, supported by County staff, is to consider 1.25% of hard costs instead of seeking the applicant to submit a land value appraisal. It should be noted that this level of commitment falls short of the cost of full unit mitigation that was being provided prior to the recession.</p>
9	<p>What is the estimated impact if the proposed rules had been in place since the adoption of Policy 1.07.07? (Question at January 23 Planning Council meeting)</p>	<p>It is beyond the scope of available resources to revisit each amendment previously subject to Policy 1.07.07 and determine what would have been the result if the proposed rules had been in place. However, it is expected that better and more consistent information would have been submitted, and may have resulted in enhanced municipal affordable housing strategies. In addition, for applicant's wishing to offer a voluntary commitment with a default criteria of 1% of construction costs, or a similar criteria, such commitments would have probably resulted in additional funds for affordable housing projects in comparison to what has been offered to date.</p>

10	<p>Is there a minimum benchmark to meet regarding municipal affordable housing? For example, if a municipality demonstrates that they have an existing and projected affordable housing stock of 15%, will they meet Policy 1.07.07? (Question at January 23 Planning Council meeting)</p>	<p>Currently, there is no minimum benchmark for a determination of whether a municipality has a “sufficient” supply of affordable housing. Policy 1.07.07 is structured to encourage municipalities to determine their own affordable housing goals and strategies, although it is anticipated that each municipality will have such a strategy.</p> <p>If there is support to include a minimum standard, one option could be to consider Policy 1.07.07 as a form of an “inclusionary” affordable housing policy, and define a minimum standard.</p>
11	<p>If a municipal study, report, or information was previously found to be in compliance with Policy 1.07.07, will it remain in compliance under the proposed rules? (Question at December, 2013 staff level workshop and January 23 Planning Council meeting)</p>	<p>As the proposed rules for Policy 1.07.07 would define minimum criteria for professionally accepted methodologies, policies and best available data and analysis, it can be assumed that some of the studies, reports and/or information previously submitted and accepted would have required additional or updated information based on the new administrative rules.</p>

12	How long would a study or analysis found in compliance with Policy 1.07.07 be considered "valid" for subsequent land use plan amendments that may be submitted by a municipality? (Question from December, 2013, staff level workshop)	<p>On January 10, 2014, it was recommended that the following provision be added to proposed Article 10:</p> <p><u>Article 10.4 (E) - A study, report, or information submitted by the local government which has been determined by the County to be in compliance with Policy 1.07.07 shall be valid for the consideration of subsequent land use plan amendments for a period of 18 months from the date the study, report or analysis was submitted to Broward County for review.</u></p>
13	Will the proposed 1.25% of hard construction costs default standard exempt items such parking garages and clubhouses that may be associated with a residential project? (Question from March 10, 2014, workshop)	County staff does not support exempting uses which are a component of the residential project, such as parking garages or clubhouses. Staff does support exempting uses, for a true mixed-use development, which are associated with a non-residential component of a project (e.g. office, retail, etc.)
14	Will the County prohibit joint affordable housing programs and strategies that may be developed and agreed to by municipalities? (Question from March 10, 2014, workshop)	County staff does not feel that Policy 1.07.07 or the proposed Administrative Rules prohibit such joint strategies. However, the proposed Administrative Rules infer that any such joint strategies are limited to a municipality subject to Policy 1.07.07 and municipalities contiguous to the same. The proposed Rules allow consideration of the availability of affordable housing within 3 miles of contiguous municipalities.

15	If a municipality considers the availability of affordable housing within 3 miles in contiguous municipalities, does the contiguous municipality need to sign off? (Question from March 10, 2014, workshop)	County staff proposes that if a municipality wishes to consider the availability of affordable housing within 3 miles in contiguous municipalities, the contiguous municipalities should agree to such.
16	Would “affordable housing” constructed on a site subject to Policy 1.07.07 be exempt from the 1.25% default standard? (Question from March 10, 2014, workshop)	Yes, any dwelling unit restricted to “affordable housing” as per the definition of the Broward County Land Use Plan would be exempt from the 1.25% of hard construction costs default standard.
17	If the “default” standard of 1.25% of hard construction costs was offered, could the affected municipality request that the money be provided to the County for a County program? (Question from March 10, 2014, workshop)	The proposed Administrative Rules assume that any funds offered through a voluntary commitment would be provided to the municipality in support of a municipal affordable housing program.

18	<p>Is there an option for the proposed default in-lieu 1.25% hard construction costs recommendation? (Question from the March 17, 2014 Tri-Party Committee meeting)</p>	<p>Staff recommends as an alternative an in-lieu default of \$1 (one dollar) per gross square foot of the residential dwelling unit. This alternative would be based on the size of the unit to be constructed and may result in contributions more in line to what has been offered under the existing review procedure. For example, a 600 square foot unit would result in a contribution of \$600. A 2000 square foot unit would result in \$2000. Proposed Article 10 has been revised to include this option as an alternative to the 1.25% of hard construction costs option. Please see page 5 of the March 18 version of the Article 10. It is the pleasure of the Board which option is chosen. Staff supports either option.</p>
----	---	--

ATTACHMENT 19

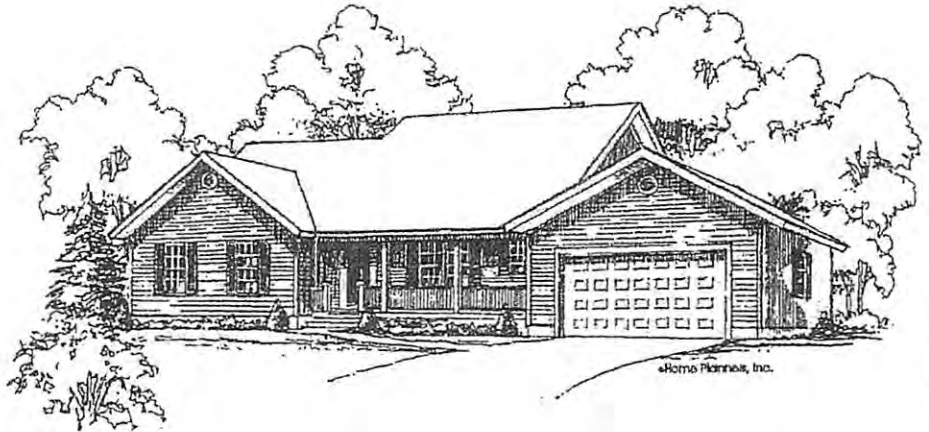
RESIDENTIAL

Average

1 Story

- Simple design from standard plans
- Single family — 1 full bath, 1 kitchen
- No basement
- Asphalt shingles on roof
- Hot air heat
- Gypsum wallboard interior finishes
- Materials and workmanship are average

Note: The illustration shown may contain some optional components (for example: garages and/or fireplaces) whose costs are shown in the modifications, adjustments, & alternatives below or at the end of the square foot section.



Base cost per square foot of living area

Exterior Wall	Living Area										
	600	800	1000	1200	1400	1600	1800	2000	2400	2800	3200
Wood Siding - Wood Frame	149.10	134.70	123.75	115.15	108.00	103.15	100.60	97.50	91.25	86.70	83.60
Brick Veneer - Wood Frame	166.10	151.10	139.70	130.70	123.15	118.10	115.35	112.10	105.55	100.80	97.45
Stucco on Wood Frame	155.60	141.70	131.20	123.00	116.10	111.50	109.10	106.15	100.10	95.80	92.85
Solid Masonry	181.70	165.00	152.35	142.10	133.50	127.75	124.70	120.90	113.55	108.20	104.35
Finished Basement, Add	37.00	35.75	34.10	32.60	31.35	30.55	30.10	29.50	28.55	27.85	27.20
Unfinished Basement, Add	15.15	13.70	12.65	11.70	11.00	10.45	10.20	9.80	9.25	8.80	8.45

Modifications

Add to the total cost

Upgrade Kitchen Cabinets	\$ + 3955
Solid Surface Countertops (Included)	
Full Bath - including plumbing, wall and floor finishes	+ 7074
Half Bath - including plumbing, wall and floor finishes	+ 4047
One Car Attached Garage	+ 13,481
One Car Detached Garage	+ 17,772
Fireplace & Chimney	+ 5930

Adjustments

For multi family - add to total cost

Additional Kitchen	\$ + 7917
Additional Bath	+ 7074
Additional Entry & Exit	+ 1576
Separate Heating	+ 1514
Separate Electric	+ 1958

For Townhouse/Rowhouse - Multiply cost per square foot by

Inner Unit	.92
End Unit	.96

Alternatives

Add to or deduct from the cost per square foot of living area

Cedar Shake Roof	+ 2.90
Clay Tile Roof	+ 4.85
Slate Roof	+ 6.60
Upgrade Walls to Skim Coat Plaster	+ .46
Upgrade Ceilings to Textured Finish	+ .49
Air Conditioning, in Heating Ductwork	+ 4.41
In Separate Ductwork	+ 6.58
Heating Systems, Hot Water	+ 2.27
Heat Pump	+ 2.24
Electric Heat	- .71
Not Heated	- 3.08

Additional upgrades or components

Kitchen Cabinets & Countertops	Page 93
Bathroom Vanities	94
Fireplaces & Chimneys	94
Windows, Skylights & Dormers	94
Appliances	95
Breezeways & Porches	95
Finished Attic	95
Garages	96
Site Improvements	96
Wings & Ells	56

PRICING FACTOR = .87

RESIDENTIAL

Custom

1 Story

- A distinct residence from designer's plans
- Single family — 1 full bath, 1 half bath, 1 kitchen
- No basement
- Asphalt shingles on roof
- Forced hot air heat/air conditioning
- Gypsum wallboard interior finishes
- Materials and workmanship are above average

Note: The illustration shown may contain some optional components (for example: garages and/or fireplaces) whose costs are shown in the modifications, adjustments, & alternatives below or at the end of the square foot section.



Base cost per square foot of living area

Exterior Wall	Living Area											
	800	1000	1200	1400	1600	1800	2000	2400	2800	3200	3600	
Wood Siding - Wood Frame	176.90	159.75	146.40	135.60	128.25	124.00	119.30	110.35	103.80	99.25	94.50	
Brick Veneer - Wood Frame	197.35	179.35	165.30	153.80	146.05	141.65	136.55	127.10	120.25	115.35	110.30	
Stone Veneer - Wood Frame	203.90	185.30	170.65	158.70	150.65	146.05	140.70	130.85	123.75	118.55	113.30	
Solid Masonry	209.30	190.25	175.05	162.70	154.45	149.65	144.10	133.95	126.60	121.30	115.80	
Finished Basement, Add	55.35	55.25	52.90	51.05	49.80	49.15	48.10	46.75	45.65	44.65	43.85	
Unfinished Basement, Add	23.30	21.95	20.75	19.75	19.10	18.80	18.25	17.50	16.95	16.45	16.05	

Modifications

Add to the total cost

Upgrade Kitchen Cabinets	\$ + 1240
Solid Surface Countertops (Included)	
Full Bath - including plumbing, wall and floor finishes	+ 8489
Half Bath - including plumbing, wall and floor finishes	+ 4857
Two Car Attached Garage	+ 25,983
Two Car Detached Garage	+ 29,594
Fireplace & Chimney	+ 6200

Adjustments

For multi family - add to total cost

Additional Kitchen	\$ + 15,816
Additional Full Bath & Half Bath	+ 13,346
Additional Entry & Exit	+ 1576
Separate Heating & Air Conditioning	+ 6833
Separate Electric	+ 1958

For Townhouse/Rowhouse -

Multiply cost per square foot by

Inner Unit	.90
End Unit	.95

Alternatives

Add to or deduct from the cost per square foot of living area

Cedar Shake Roof	+ 1.95
Clay Tile Roof	+ 3.85
Slate Roof	+ 5.60
Upgrade Ceilings to Textured Finish	+ .49
Air Conditioning, in Heating Ductwork	Base System
Heating Systems, Hot Water	+ 2.33
Heat Pump	+ 2.22
Electric Heat	- 2.08
Not Heated	- 3.86

Additional upgrades or components

Kitchen Cabinets & Countertops	Page 93
Bathroom Vanities	94
Fireplaces & Chimneys	94
Windows, Skylights & Dormers	94
Appliances	95
Breezeways & Porches	95
Finished Attic	95
Garages	96
Site Improvements	96
Wings & Ells	74

PRICKING FACTOR = 0.87

ATTACHMENT 20

UPDATED PROPOSAL

March 18, 2014

ADMINISTRATIVE RULES DOCUMENT: BROWARD COUNTY LAND USE PLAN PROPOSED ARTICLE 10

RULES FOR IMPLEMENTATION AND ADMINISTRATION OF BROWARD COUNTY LAND USE PLAN POLICY 1.07.07

10.1 INTENT

These administrative rules address the following: 1) to provide guidelines to local governments for submittal of an affordable housing study, report or information and strategy to demonstrate compliance with Policy 1.07.07 of the Broward County Land Use Plan; and 2) to provide “default” criteria for those applicants who wish to offer mitigation as part of the Broward County Land Use Plan amendment or other applicable application process. The primary purpose of Policy 1.07.07 is for local governments to approve an affordable housing study, report or information and strategy that are in compliance with the Policy. For those applications which meet the Policy via a local government study, report or information and strategy, County staff will issue comments that do not recommend additional mitigation from the applicant or local government.

10.2 BROWARD COUNTY LAND USE PLAN POLICY 1.07.07

For amendments which propose to add 100 or more residential dwelling units to the existing densities approved by the Broward County Land Use Plan. Broward County and affected municipalities shall coordinate and cooperate to implement the affected municipality’s chosen policies, methods and programs to achieve and/or maintain a sufficient supply of affordable housing.

Broward County shall accept from the affected municipality those professionally accepted methodologies, policies, and best available data and analysis, which the municipality has used to define affordable housing needs and solutions within the municipality.

Notes: Underlined and ~~Struck-through~~ wording are proposed revisions subsequent to the December 18 proposal. *Italicized* words are proposed revisions/options subsequent to the March 12 proposal and March 17 Tri-Party Committee meeting. Also note that proposed Article 10.6 regarding procedures for potential implementation of BCLUP text amendment PCT 13-1 has been deleted.

In addressing amendments which propose to add 100 or more residential dwelling units to the existing densities approved by the Broward County Land Use Plan, the municipality, without limitation, may include consideration and implementation of the following affordable housing strategies:

- a. programs and policies involving mechanisms such as, but not limited to, impact fees, in-lieu fees, and/or public funds, in which the municipality, and/or Broward County, and/or other appropriate agencies/entities (including, but not limited to, major employers), provide for the construction or supply of affordable housing;
- b. programs and policies involving mechanisms such as, but not limited to, impact fees, in-lieu fees, and/or public funds, in which the municipality, and/or Broward County, and/or other appropriate agencies/entities (including, but not limited to, major employers), provide funding to facilitate the affordable purchase or renting of housing;
- c. programs and policies in which the municipality and/or Broward County, and/or other appropriate agencies, facilitate the maintenance of the existing supply of affordable housing stock, if any;
- d. property tax abatement programs aimed at preserving or creating affordable housing;
- e. streamlined and reduced-cost permitting procedures for affordable housing;
- f. specific minimum set-aside requirements for new affordable housing construction;
- g. use of appropriate existing public lands, or public land-banking, to facilitate an affordable housing supply;
- h. programs and policies to facilitate the development and use of municipal and/or Broward County affordable housing density bonus provisions;

Notes: Underlined and ~~Struck-through~~ wording are proposed revisions subsequent to the December 18 proposal. *Italicized* words are proposed revisions/options subsequent to the March 12 proposal and March 17 Tri-Party Committee meeting. Also note that proposed Article 10.6 regarding procedures for potential implementation of BCLUP text amendment PCT 13-1 has been deleted.

- i. land development regulations which promote the availability of affordable housing such as reduced lot size and floor area for dwelling units, construction of zero lot line and cluster housing, vertical integration of residential units with non-residential uses, and the allowance of accessory dwelling units;
- j. the existing supply of affordable housing.

The affected municipality shall demonstrate compliance with this Policy at the time of the County's consideration of the applicable land use plan amendment, by establishing that the municipality has implemented or ensured adoption of appropriate policy and program measures to implement the affected municipality's chosen policies, methods and programs to achieve and/or maintain a sufficient supply of affordable housing as defined by the municipality's data and analysis.

For the purposes of this Policy, the term "affordable housing" shall include the meaning as defined by the Broward County Land Use Plan. The median annual income estimate should be updated at least yearly.

10.3 DESCRIPTION OF SELECT TERMS USED IN POLICY 1.07.07

The following are descriptions of select terms used in Policy 1.07.07 as they relate to implementation of the Policy.

Professionally Accepted Methodologies, Policies and Best Available Data and Analysis:

Used to prepare a study, report, or information submitted by the local governing body which includes estimates of the existing and projected supply of affordable housing (i.e. "very low," "low" and "moderate") within the local government boundary in comparison to the estimated affordable housing supply that is needed to achieve and/or maintain a sufficient supply.

~~Existing and projected employees working within the boundaries of the local government must be considered.~~ An example of an assessment would be estimating existing and projected residents and employees within the local government who are at 80% area adjusted median income in comparison to the projected supply to meet the housing needs of such.

Notes: Underlined and ~~Struck-through~~ wording are proposed revisions subsequent to the December 18 proposal. *Italicized* words are proposed revisions/options subsequent to the March 12 proposal and March 17 Tri-Party Committee meeting. Also note that proposed Article 10.6 regarding procedures for potential implementation of BCLUP text amendment PCT 13-1 has been deleted.

Projected supply and needs for affordable housing must be consistent with a minimum 5 year planning horizon, but no greater than the adopted planning horizon of the local government comprehensive plan.

The projected demand and supply may consider the existing and projected availability of affordable housing within 3 miles within a contiguous local government, subject to approval by such contiguous local government.

Data and methodologies must be consistent with those sources widely used and accepted by the professional community who conduct research and analysis concerning affordable housing. Example sources include the Countywide Affordable Housing Needs Assessment, data from the University of Florida's Shimerberg Center, Census/American Survey Data, and the Fort Lauderdale Board of Realtors median home prices by product type (single family, condominium, etc.).

In-Lieu: Refers to monies paid to the local government by developers when affordable housing is not included on-site in a development in compliance with a standard adopted by the local government.

Broward County will use 15% of project housing units as a default guideline for an affordable housing standard within proposed residential development subject to Policy 1.07.07; however, a local government may officially adopt a different standard. However, if the standard is lower than 15% the local government must demonstrate that the proposed level is consistent with demand in the applicable area.

Such monies must be used by the local government to fund affordable housing construction and/or programs. In-lieu monies shall be sufficient to provide for the availability of affordable housing consistent with the standard set by the local government.

Should the local government and developer agree to an in-lieu of fee, the local government shall have the sole and absolute discretion regarding how and where said payment shall be utilized, consistent with its housing policies and programs and shall not be subject to review by the Broward County Commission. If the local government and developer agree to an in-lieu of fee and direct the funds to Broward County, the Broward County Commission shall have sole and absolute discretion regarding how and where said payment shall be utilized, consistent with its housing policies and programs.

Notes: Underlined and ~~Struck-through~~ wording are proposed revisions subsequent to the December 18 proposal. *Italicized* words are proposed revisions/options subsequent to the March 12 proposal and March 17 Tri-Party Committee meeting. Also note that proposed Article 10.6 regarding procedures for potential implementation of BCLUP text amendment PCT 13-1 has been deleted.

In-Lieu (continued)

The in-lieu methodology identifies the costs associated with achieving the development of affordable housing units within the local government. For example, an in-lieu methodology may be calculated at a rate per gross square foot per new market rate residential unit. As an alternative example, the in-lieu methodology may be based on a percentage of the costs of construction or sales price of all new market rate units within a project.

Broward County will use

OPTION 1: *1.25% of hard construction costs of the residential project*

OPTION 2: *one dollar (\$1) per gross square foot (gross floor area) of the residential dwelling unit*

as a default guideline in the review of in-lieu methodologies for all additional market rate units within a project; however, a local government may officially approve, as part of their affordable housing report and strategy, a different standard and program utilizing professionally accepted methodologies, policies and best available data and analysis.

Hard Construction Costs: For the purposes of implementing the above referenced 1.25% default guideline, hard construction costs are sometimes referred to as the “bricks-and-mortar costs” and represent the actual amounts paid to the construction contractors to erect the building. Normally, all fixed and built-in equipment, including heating/ventilation/air conditioning (HVAC), food service equipment, built-in cabinets, etc., are considered part of the hard costs because they are provided under the prime construction contract. Generally, “moveable” furniture, furnishings, and special equipment are provided under separate nonprime contracts and, therefore, are not typically considered part of hard construction costs. Hard costs do not include estimated land value, profit margin, or “soft costs,” such as planning and permitting. It is anticipated that “hard construction costs” generally capture between 60% and 70% of total project costs. Broward County staff shall review and confirm the estimated hard construction costs submitted by the developer utilizing existing and customary procedures in this regard.

Notes: Underlined and ~~Struck-through~~ wording are proposed revisions subsequent to the December 18 proposal. *Italicized* words are proposed revisions/options subsequent to the March 12 proposal and March 17 Tri-Party Committee meeting. Also note that proposed Article 10.6 regarding procedures for potential implementation of BCLUP text amendment PCT 13-1 has been deleted.

In-Lieu (continued)

Gross Square Footage (Gross Floor Area): *The sum (in square feet) of the area of each floor level, measured from principal outside faces of exterior walls, including, but not limited to, basements, corridors, hallways, utility areas, elevators, storage rooms, stair cases, and mezzanines, but not including architectural projections. Included are areas that have floor surfaces with clear standing head room (6 feet, 6 inches minimum) regardless of their use. This definition includes areas which are not enclosed, but roofed; however, it does not include unroofed areas.*

10.4 COUNTY STAFF GUIDELINES: DETERMINATIONS OF APPLICATION CONSISTENCY WITH POLICY 1.07.07

- (A) The local government shall provide an estimate of the existing and projected supply of affordable housing within the local government's boundaries in comparison to the estimated affordable housing supply that is needed to achieve and/or maintain a sufficient supply. ~~Existing and projected employees working within the boundaries of the local government must also be considered.~~
- (B) The local government must demonstrate how its chosen affordable housing strategy will satisfactorily achieve and/or maintain a sufficient supply consistent with the local government's planning horizon.
- (C) The study, report, or information submitted by the local governing body addressing Article 10.3 (A) and (B) must be based on professionally accepted methodologies, policies and best available data and analysis consistent with Article 10.2.
- (D) At a minimum, if a deficit of affordable housing is projected or assumed, Broward County will use 15% of additional project housing units as a default guideline for an affordable housing standard within proposed residential development subject to Policy 1.07.07; however, a local government may officially approve, as part of their affordable housing report and strategy, a different standard and program utilizing professionally accepted methodologies, policies and best available data and analysis.
- (E) A study, report, or information submitted by the local government which has been determined by the County to be in compliance with Policy 1.07.07 shall be valid for the consideration of subsequent land use plan amendments for a period of 18 months from the date the study, report or analysis was submitted to Broward County for review.

Notes: Underlined and Struck-through wording are proposed revisions subsequent to the December 18 proposal. *Italicized* words are proposed revisions/options subsequent to the March 12 proposal and March 17 Tri-Party Committee meeting. Also note that proposed Article 10.6 regarding procedures for potential implementation of BCLUP text amendment PCT 13-1 has been deleted.

10.5 REVIEW PROCEDURES FOR LAND USE PLAN AMENDMENTS SUBJECT TO POLICY 1.07.07

- (A) After an application for a Broward County land use plan amendment has been received by the Broward County Planning Council, the Planning Council staff shall determine if the application is subject to Policy 1.07.07.
- (B) If a land use plan amendment application is subject to Policy 1.07.07, Planning Council staff shall forward the application to the Broward County Environmental Protection and Growth Management Department and request comments in a timeframe consistent with the Planning Council's standard land use plan amendment review schedule.
- (C) If Broward County staff issues a determination that a land use plan amendment application is not in compliance with Policy 1.07.07, Broward County staff shall specify in writing the reasons for such determination.
- (D) Determinations issued by Broward County staff regarding Policy 1.07.07 shall be forwarded to the Planning Council staff and shall be made a part of the land use plan amendment report.

Notes: Underlined and ~~Struck-through~~ wording are proposed revisions subsequent to the December 18 proposal. *Italicized* words are proposed revisions/options subsequent to the March 12 proposal and March 17 Tri-Party Committee meeting. Also note that proposed Article 10.6 regarding procedures for potential implementation of BCLUP text amendment PCT 13-1 has been deleted.

ATTACHMENT 21

Blake Boy, Barbara

From: Stone, Ralph
Sent: Thursday, March 13, 2014 10:06 AM
To: Blake Boy, Barbara
Cc: Sniezek, Henry
Subject: FIU Approach to Affordable Housing Supply/Demand for all Cities
Attachments: HousingAnalysis_Plantation.docx

To: Affordable Housing Task Force

Fr: Ralph Stone, Director of Housing Finance and Community Development

Thru: Barbara Blake-Boy, Executive Director Broward Planning Council

Re: Dr. Ned Murray/Development of Uniform Supply/Demand Affordable Housing Data for All Cities

As you all know, Dr. Murray and FIU has just started the work to update the Countywide Affordable Housing Needs Assessment. Dr. Murray was contacted and requested to evaluate a uniform approach to defining the supply and demand for affordable housing for a range of income levels for all the cities in the county. The attached example for the City of Plantation has been provided by FIU to demonstrate how this could be done.

The advantage of this approach is that there would be a uniform, objective and academic development of data for all cities and the method for this analysis would be available to all cities to update as they need. Also, this effort would be incorporated into all the future Countywide Needs Assessment updates. The estimated cost, approximately \$19,000, is reasonable and takes advantage of the work product that FIU is currently doing in regard to the updated Needs Assessment.

Dr. Murray will be at the Task Force meeting to explain this approach and answer any questions that might arise.

If the Task Force determines that this is an approach that should be pursued staff needs direction in regard to the source(s) of funding that might be available to fund this effort.

Housing Demand/Supply Analysis

City of Plantation

Owner Demand/Supply

Median Household Income: \$66,396

Total Households: 33,623

Total Owner Units: 23,767

Median Owner Value: \$263,900 / 2.5:1 = \$105,560 Household Income (Affordable @ 159% of City Median HH Income or 15% of total HHs)

Cost-Burdened Owner Units with Mortgage: (47%)

Cost-Burdened Owner Units without Mortgage: (22%)

Household Income Category	Number of Households	Home Purchase at Affordable Price Levels		Supply of Owner Units within Affordable Price Range	Surplus/Gap within Affordable Price Range
		31% Median	50% Median	31-50% Median	
50% of Median \$20,583 - \$33,198	3,501	\$51,458	\$82,995	1,438 units (6%)	(2,063 units)
		51% Median	80% Median	51-80% Median	
80% of Median \$33,862 - \$53,117	6,388	\$84,655	\$132,793	2,090 units (9%)	(4,298 units)
		81%	120% Median	81-120% Median	
120% of Median \$53,781 - \$79,675	5,676	\$134,453	\$199,188	2,265 units (10%)	(3,411 units)

Renter Demand/Supply

Occupied Units Paying Rent: 9,582

Median Renter Household Income: \$50,622

Median Gross Rent: \$1,342 = \$4,469 @ 30% of Household Income (Affordable @ 106% of City Median Renter HH Income or 46% of renter HHs)

Cost-Burdened Renter Households: (54%)

Household Income Category	Number of Renter Households	Affordable Rent Levels		Supply of Renter Units within Affordable Price Range	Surplus/Gap within Affordable Price Range
		31% Median	50% Median		
				31-50% Median	
50% of Median \$20,583 - \$33,198	1,540	\$515	\$830	398 units (4%)	(1,142 units)
		51% Median	80% Median	51-80% Median	
80% of Median \$33,862 - \$53,117	2,258	\$847	\$1,328	4,211 units (44%)	1,953 units
		81% Median	120% Median	81-120% Median	
120% of Median \$53,781 - \$79,675	2,596	\$1,344	\$1,991	3,875 units (40%)	1,279 units

ATTACHMENT 22

Broward County Land Use Plan Affordable Housing Definitions

AFFORDABLE HOUSING - means housing for which monthly rents or monthly mortgage payments (including taxes and insurance) do not exceed 30 percent of an amount representing the percentage (very low = 50%; low = 80%; moderate = 120%) of the median income limits adjusted for family size for the households.

LOW INCOME FAMILIES - means "lower income families" as defined under the Section 8 Assisted Housing Program, or families whose annual income does not exceed 80 percent of the median income for the area. The term "families" includes "households."

LOW-INCOME PERSON - means one or more natural persons or a family, not including students, that has a total annual anticipated income for the household that does not exceed 80 percent of the median annual income adjusted for family size for the county. While occupying a rental unit, a Low Income Person's annual anticipated gross income may increase to an amount not to exceed 140 percent of 80 percent of the applicable median income adjusted for family size.

MODERATE-INCOME PERSON - means one or more natural persons or a family, not including students, that has a total annual anticipated income for the household that does not exceed 120 percent of the median annual income adjusted for family size for households within the county. While occupying a rental unit, a Moderate Income Person's annual anticipated gross income may increase to an amount not to exceed 140 percent of 120 percent of the applicable median income adjusted for family size.

VERY LOW-INCOME PERSON - means one or more natural persons or a family, not including students, that has a total annual anticipated income for the household that does not exceed 50 percent of the median annual income adjusted for family size for households within the county. While occupying a rental unit, a Very Low-Income Person's annual anticipated gross income may increase to an amount not to exceed 140 percent of 50 percent of the applicable median income adjusted for family size.

WORKFORCE-INCOME PERSON – means one or more natural persons or a family, not including students, that has a total annual anticipated income for the household that does not exceed 140 percent of the median annual income adjusted for family size for households within the county. While occupying a rental unit, a Workforce-Income Person's annual anticipated gross income may increase to an amount not to exceed 140 percent of 140 percent of the applicable median income adjusted for family size.

ATTACHMENT 23

Blake Boy, Barbara

From: Sniezek, Henry
Sent: Wednesday, March 19, 2014 4:33 PM
To: Blake Boy, Barbara
Cc: Stone, Ralph; Azcoitia, Maite
Subject: Additional Information - "In-Lieu" Alternatives
Attachments: Hard Cost Examples Multi Family Projects.xls; AffrdHousingInLieuExamples.docx

3/19/14

Hello Barbara.

As we briefly discussed, in follow-up to the "Tri-Party" Affordable Housing Committee meeting discussion on March 17, staff was asked if there was information available on what amounts could result from the proposed 1.25% "in-lieu" default. We have already provided hard cost construction pricing standards used by the County's Environmental Licensing and Building Permitting Division for an "average" and "custom" single family home. It should be mentioned that it is my understanding that the single family home pricing standards reflect such for the construction of a stand-alone single family home. It can be assumed that large development projects of single family homes, due to economies of scale, could have a lower average cost per unit.

To supplement further, attached is additional information which may be helpful. One attachment provides examples of "hard costs" associated with several recent multi-family residential projects. As can be seen, the range per unit was between \$34,155 and \$166,057, but most were approximately \$60,000 or less. The second attachment includes information on the existing "in-lieu" programs in the City of Coral Springs and Town of Davie. Example development scenarios are provided for each program and also the alternative proposal to have \$1 per gross square foot as the County's default standard.

It is hoped this information is helpful. Please feel free to contact me at your convenience.

Henry
954-357-6670

EXAMPLE IN-LIEU FEES IN BROWARD COUNTY

City of Coral Springs In-Lieu Fee

*In-lieu fee of \$2.67 per gross square foot, with a maximum assessment of 1600 square feet. Maximum in-lieu fee per unit equals \$4,272.**

(Example - CORAL SPRINGS: Project of 100 new units at 1000 square feet = 100,000 square feet X \$2.67 per square foot = **\$267,000**)

(Example - ARTICLE 10 [\$1 per square foot]: Project of 100 new units at 1000 square feet per unit = 100,000 square feet X \$1.00 = **\$100,000**)

* Program inactive since January, 2012. Fee subject to adjustment when reinstated in 2015.

Town of Davie In-Lieu Fee

*In-lieu fee of \$6.00 per gross square foot assessed on 20% of project units.**

(Example – DAVIE: Project of 100 new units at 1000 square foot per unit = 100,000 square feet X .20 = 20,000 square feet X \$6.00 per square foot = **\$120,000**)

(Example- ARTICLE 10 [\$1.00 per square foot]: Project of 100 new units at 1000 square feet per unit = 100,000 square feet X \$1.00 = **\$100,000**)

* Program inactive

Examples of Hard Construction Costs for Residential Projects

Project	Status	Project Description	Number of Units	City	Total for Project Hard Construction Cost	Per Unit	1.25%
Orchid Grove	Under Construction	Townhouses	288	Pompano Beach	\$9,836,543	\$34,155	\$426
Paseo (online permitting-city)	Under Construction	Midrises (with parking structure)	261	Fort Lauderdale	\$43,340,816	\$166,057	\$2,075
Modera-Mill Creek	Under Construction	townhomes & midrises	487	Miramar	\$25,540,277	\$52,444	\$655
Mill Creek-Pembroke Pines City Center	Under Construction	Townhouses & Midrises	700	Pembroke Pines	\$42,126,000	\$60,180	\$752
Town Parc @ Mira Lago	Under Construction	Townhouses	230	Parkland	\$11,899,602	\$51,737	\$646

NOTES: All projects are based on hard costs submitted to the municipality for building permit fees.