

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: June 27, 2017

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 17-0117. Workforce and Affordable Housing - Comp Plan Amendments.**

REQUEST

PB 17-0117. WORKFORCE AND AFFORDABLE HOUSING - COMP PLAN AMENDMENTS.
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY OF MIAMI BEACH YEAR 2025 COMPREHENSIVE PLAN, BY AMENDING CHAPTER 1, ENTITLED "FUTURE LAND USE ELEMENT," "OBJECTIVE 1: LAND DEVELOPMENT REGULATIONS," TO ALLOW FOR INCREASED DENSITY WITHIN CERTAIN FUTURE LAND USE CATEGORIES FOR THE LIMITED PURPOSES OF PROVIDING AFFORDABLE HOUSING AND WORKFORCE HOUSING PURPOSES AND TO ALLOW FOR RESIDENTIAL USES IN THE "PARKING (P)" FUTURE LAND USE CATEGORY; AMENDING CHAPTER 3, ENTITLED "HOUSING ELEMENT," TO ESTABLISH REQUIREMENTS AND PROVIDE INCENTIVES FOR DEVELOPING WORKFORCE AND AFFORDABLE HOUSING; CLARIFY POLICIES RELATED TO WORKFORCE AND AFFORDABLE HOUSING; AMENDING CHAPTER 6, ENTITLED "CONSERVATION/ COASTAL ZONE MANAGEMENT ELEMENT," TO ALLOW FOR DENSITY INCREASES IN ORDER TO INCENTIVIZE WORKFORCE AND AFFORDABLE HOUSING PROJECTS/CONSTRUCTION; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; TRANSMITTAL; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

RECOMMENDATION:

Transmit the proposed Comprehensive Plan amendment to the City Commission with a favorable recommendation.

HISTORY

On January 25, 2017, the City Commission held a workforce and affordable housing workshop. As part of this workshop, the Commission recommended that the following matters be referred to the Land Use and Development Committee for discussion and recommendation:

1. The requirements of Miami-Dade County for municipalities to establish workforce housing action plans; and

2. Applicable Comprehensive Plan Amendments and potential incentives, as it pertains to workforce housing in the City.

On February 15, 2017, the Land Use Committee discussed these items and recommended that the following amendments to the Comprehensive Plan and Land Development Regulations be referred to the Planning Board:

1. Amend the Comprehensive Plan to reduce the goal of workforce and affordable units from the current 16,000 to 6,300, as well as amend applicable objectives, policies and goals related to maximum densities.
2. Amend the Land Development Regulations to provide minimum and average unit size reductions for workforce and affordable housing projects.
3. Amend the Land Development Regulations to provide required off-street parking reductions for workforce and affordable housing projects.

On March 1, 2017, at the request of Commissioner John Aleman, the Mayor and City Commission referred the subject items to Planning Board.

On May 23, 2017, the Planning Board discussed the item and continued it to June 27, 2017.

There are two companion items related to requirements and incentives in the Land Development Regulations for workforce housing and affordable housing.

ANALYSIS

The Comprehensive Plan and Land Development Regulations contain policies intended to encourage the development of affordable housing. However, the incentives have been limited and have not been very successful at encouraging the development of new affordable housing units without the use of public subsidies. Additionally, due to increases in the desirability and land values in Miami Beach, there has been a loss of housing suitable for the workforce. This has led to much of the City's workforce having to relocate outside of the City, leading to increased reliance on single-occupancy vehicles and traffic congestion along the City's limited access points.

The proposed Comprehensive Plan amendment would further incentivize the development of workforce and affordable housing by providing for additional density for the construction of such units. Additionally, the amendment ensures that other policies that apply to the development of affordable housing also apply to the development of workforce housing.

The density increase allows the City to provide an 80 percent density increase beyond the underlying allowable density to be used only for workforce or affordable units. Additional requirements and restrictions may also be placed within the Land Development Regulations.

The amendment also modifies the City's objectives for the development of workforce and affordable housing. It is proposed that Objective 1 of the Housing Element be modified from requiring the maintenance of 16,000 affordable units by 2020 to a more attainable standard of 6,800 workforce and affordable units by 2030. Due to limitations in floor area and the high cost

of land, the City feels that the 6,800 number can be achieved with the proposed modifications to the Comprehensive Plan and Land Development Regulations.

City Charter Issues

The request for modifications to the Comprehensive Plan is consistent with City Charter Section 1.03 (c), related to FAR, which partially states the following:

The floor area ratio of any property or street end within the City of Miami Beach shall not be increased by zoning, transfer, or any other means from its current zone floor area ratio as it exists on the date of adoption of this Charter Amendment (November 7, 2001), including any limitations on floor area ratios which are in effect by virtue of development agreements through the full term of such agreements, unless such increase in zone floor area ratio for any such property shall first be approved by a vote of the electors of the City of Miami Beach.

While the proposed ordinances increase the allowable density for workforce and affordable housing, increased density does not equate to increased FAR. While FAR results in the amount of square footage that can be constructed, density relates to the number of units per acre that can be constructed. Density, therefore relates to the number and size of units permitted within the allowable square footage.

Comprehensive Planning Process

This application includes a proposed text amendment to Policy 1.2 of the Future Land Use element of the Comprehensive Plan. Under Section 163.3184(2), F.S., this amendment shall follow the expedited state review process for adoption of comprehensive plan amendments. This process requires a public hearing by the local planning agency (Planning Board), a public transmittal hearing before the City Commission, after which the amendment must be transmitted to several state agencies for a 30-day review period, and a final adoption public hearing before the City Commission. The amendment is effective 31 days after it is adopted if there are no appeals.

Interlocal Agreement for Public School Facility Planning

The 2005 Florida Legislature adopted laws which are incorporated in the Florida Statutes, requiring each local government to adopt an intergovernmental coordination element as part of their comprehensive plan, as well as a statutory mandate to implement public school concurrency. The overlay district as proposed does increase the maximum residential density, therefore a preliminary school concurrency determination is not necessary.

Final site plan approval of any proposed development on the site is contingent upon meeting Public School Concurrency requirements and the applicant will be required to obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. Such Certificate will state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed prior to the issuance of a Building Permit.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed Comprehensive Plan amendment to the City Commission with a favorable recommendation.

TRM/MAB/RAM

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WORKFORCE AND AFFORDABLE HOUSING – COMPREHENSIVE PLAN AMENDMENTS

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF MIAMI BEACH YEAR 2025 COMPREHENSIVE PLAN, BY AMENDING CHAPTER 1, ENTITLED “FUTURE LAND USE ELEMENT;” “OBJECTIVE 1: LAND DEVELOPMENT REGULATIONS,” TO ALLOW FOR INCREASED DENSITY WITHIN CERTAIN FUTURE LAND USE CATEGORIES FOR THE LIMITED PURPOSES OF PROVIDING AFFORDABLE HOUSING AND WORKFORCE HOUSING PURPOSES AND TO ALLOW FOR RESIDENTIAL USES IN THE “PARKING (P)” FUTURE LAND USE CATEGORY; AMENDING CHAPTER 3, ENTITLED “HOUSING ELEMENT,” TO PROVIDE INCENTIVES FOR DEVELOPING WORKFORCE AND AFFORDABLE HOUSING; CLARIFY POLICIES RELATED TO WORKFORCE AND AFFORDABLE HOUSING; AMENDING CHAPTER 6, ENTITLED “CONSERVATION/ COASTAL ZONE MANAGEMENT ELEMENT,” TO ALLOW FOR DENSITY INCREASES IN ORDER TO INCENTIVIZE WORKFORCE AND AFFORDABLE HOUSING PROJECTS/CONSTRUCTION; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; TRANSMITTAL; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach desires to create a program to promote the construction of housing affordable to households with incomes at or below 140% of the area-wide median income; and

WHEREAS, 51 percent of the City households are paying more than 30 percent of their income towards housing; and

WHEREAS, 20 percent of all homeowners on Miami Beach are paying 30 percent to 49.9 percent of their household income for housing; and

WHEREAS, 26 percent of all renters are paying 30 percent to 49.0 percent of their household income for housing; and

WHEREAS, 29 percent of all renters are paying 50 percent or more of their household income for housing; and

WHEREAS, the construction of workforce housing is intended to: (1) allow households with incomes at or below 140% of the area-wide median income to have greater housing choices in the City; (2) increase the availability of housing in the City for public employees and other workers whose income cannot support the high cost of housing that is located close to their workplace and who, as a result, are increasingly priced out of housing opportunities; (3) assist City employers in reducing critical labor shortages of skilled and semi- skilled workers by providing housing that will be accessible to the worker's workplaces; and (4) reduce traffic congestion by shortening commute distances for employees who work in the City but who otherwise would live elsewhere and encouraging more employees to live in the city, rather than commute in; and

WHEREAS, the single most important step the City can take to make housing cost less for most people is to change city land development regulations to allow more affordable and

workforce housing to be built, which means increasing the allowable building heights and densities, in places that are within a reasonable walking distance of transit; and

WHEREAS, there are often market barriers to the construction of housing; and

WHEREAS, in an effort to support both affordable, low income and workforce housing, the City seeks to increase the density limits in certain multi-family residential, mixed use, commercial, performance standard, and town center districts in order to be able to enable such housing opportunities; and

WHEREAS, the City seeks to change the rules to allow new housing to be built, and the private sector will do the rest. If this de facto supply constraint is removed, it should be possible to increase the supply to the point where people with average-paying jobs can afford to buy or rent homes without public subsidy; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. The following amendments to the City's 2025 Comprehensive Plan Future Land Use Element are hereby adopted:

CHAPTER 1 FUTURE LAND USE ELEMENT

OBJECTIVE 1: LAND DEVELOPMENT REGULATIONS

* * *

Policy 1.2 The land development regulations which implement this Comprehensive Plan shall, at a minimum, be based on and be consistent with s. 163.3202, F.S., and shall further be based on the following standards for land use category, land use intensity and land use:

* * *

Pursuant to the procedures and limitations of the Land Development Regulations, the maximum density of the underlying future land use category may be increased by up to 80 percent beyond the allowable density in the underlying future land use category for developments that incorporate workforce or affordable housing units. The additional density may only be utilized for workforce or affordable housing units.

* * *

Parking (P)

Purpose: to provide development opportunities for existing and new parking facilities.

Uses which may be permitted; Parking facilities and commercial and residential uses when located on frontage opposite a land use category that permits commercial use.

Intensity Limits: Intensity may be limited by such set back, height, floor area ratio and/or other restrictions as the City Commission acting in a legislative capacity determines can effectuate the purpose of this land use category and otherwise implement complementary public policy. However, in no case shall the intensity exceed a floor area ratio on 3.0.

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SECTION 2. The following amendments to the City's 2025 Comprehensive Plan Housing Element are hereby adopted:

CHAPTER 3 HOUSING ELEMENT

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GOAL: Have available to accommodate the projected population of the City a sufficient number of housing units in an adequate variety of types, sizes, locations and cost ranges, within sound structures located in safe and appropriate neighborhoods.

OBJECTIVE 1: CREATION AND/OR PRESERVATION OF AFFORDABLE HOUSING

Have available a minimum of ~~46,000~~ 6,800 housing units of workforce, affordable by low and moderate income households, and special need populations during the period through ~~2030~~2020. NOTE: The City of Miami Beach does not contain rural property or farmland, thus does not have a need for rural or farm-worker housing.

Policy 1.1 Due to the built-out conditions within Miami Beach, continue to emphasize policies under Objective 5 designed to preserve and/or rehabilitate existing housing and the re-use of historical structures as housing.

Policy 1.2 Continue to pursue and utilize state and federal sources of funding which can be used to assist in creating and/or preserving housing affordable to workforce households, very low to moderate-income households and for special need populations, including State Housing Initiatives Partnership (SHIP), CDBG, HOME, and NSP funds.

Policy 1.3 Cooperate with affordable housing developers' efforts to leverage Miami-Dade County Surtax funds and other financial incentives for the provision of housing affordable to workforce, very low to moderate- income households, including those with special needs, in Miami Beach.

Policy 1.4 Direct available City and federal sources of funds toward mixed-income housing projects to avoid over-concentration of low-income housing and for the development of workforce housing.

Policy 1.5 The City's Land Development Regulations and housing activities shall be administered in accordance with Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, the Florida Fair Housing Act, Chapter 760 F.S., and Section 62-88 of the City of Miami Beach Code of Ordinances.

Policy 1.6 The Planning Department, which includes zoning review, will continue to streamline the housing approval and permitting process in coordination with the Building Department through the expedited processing of permits for affordable and workforce housing projects. This incentive gives priority to ~~designated~~ workforce or affordable housing projects, as defined in the Land Development Regulations, when scheduling Pre-Design Conferences with all relevant agencies. Also, when the plans are ready for permitting, first priority is given to them.

Policy 1.7 Maintain the potable water, sanitary sewer, storm sewer, transportation, solid waste, and recreation facilities above the level of service standards established in the City's comprehensive plan in all areas of the City so that there will be no restrictions due to inadequate infrastructure or public facilities on the location of housing for workforce, low and moderate income families or any other category of housing.

Policy 1.8 Provide density increases for developments that incorporate workforce or affordable housing units pursuant to the regulations and limitations in the Future Land Use Element and the Land Development Regulations.

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Policy 2.5 Encourage preventative property maintenance and rehabilitation methodologies rather than demolition in order to promote sustainability, workforce, and affordable housing through the preservation and adaptive re-use of historic structures.

* * *

OBJECTIVE 3: ADEQUATE SITES AND DISTRIBUTION OF HOUSING FOR VERY LOW TO MODERATE-INCOME HOUSEHOLDS; AND ADEQUATE SITES FOR MOBILE AND MANUFACTURED HOMES.

Maintain a minimum of 40 percent of the City's land area that is designated so as to permit residential uses (excluding rights-of-way) and 25 percent of the City's total land area (excluding rights-of-way) as areas in which landuse policies are either ~~designed~~ intended to encourage, or mitigated to allow for, housing affordable to very low to moderate-income families, as well as to workforce housing families.

Conserve the City's stock of single-family houses (attached and detached) by maintaining a minimum of 35 percent of the City's total land area (excluding rights-of-way) in zoning districts that permit only single-family houses uses.

Maintain a minimum of 30 percent of the City's total land area (excluding rights-of-way) as areas in which manufactured housing is permitted.

Policy 3.1 The City shall mitigate zoning regulations such as reduced parking requirements or shared parking in the case of a mixed use building that impede housing affordable to workforce, and very low to moderate-income families in all zoning districts

which permit multifamily housing, including multifamily residential, commercial and overlay districts and retain the new multifamily districts, e.g. TH Townhome residential and RO Residential Office.

Policy 3.2 The City's zoning map will provide that a minimum of 35 percent of the City's total land area (excluding rights-of-way) will be zoned to permit only single-family houses (attached and detached) recreational facilities and municipal uses.

Policy 3.3 Manufactured housing will be permitted in areas designated as "Single Family Residential" on the adopted Future Land Use Map, provided they are permanently anchored, meet the minimum floor area requirements, and satisfy all other provisions contained in the City's land development regulations for areas designated as "Single Family Residential" on the Future Land Use Map.

Policy 3.4 Continue to prohibit non-residential main permitted uses in RS, single-family and RM, residential multi-family zoning districts in compliance with the provisions of s. 163.3202, F.S. to prevent conversion or redevelopment of residential structures to non-residential uses.

Policy 3.5 Maintain the potable water, sanitary sewer, storm sewer, transportation, solid waste and recreation facilities above the level of service standards established in the Infrastructure Element of the City's Comprehensive Plan in all areas of the City so that there will be no restrictions due to inadequate infrastructure or public facilities on the location of housing for workforce, very low, to moderate-income families, manufactured housing or any other category of housing.

* * *

OBJECTIVE 5: CONSERVATION, REHABILITATION OR DEMOLITION OF HOUSING, INCLUDING IDENTIFICATION OF HISTORICALLY SIGNIFICANT HOUSING

The City will continue to promote preservation or rehabilitation of housing, including identification of historically significant housing and the re-use of historic structures as housing.

Policy 5.1 Encourage preventative property maintenance and rehabilitation methodologies rather than demolition in order to promote sustainability, workforce housing and affordable housing through the preservation and adaptive re-use of historic structures.

Policy 5.2 Use all available legal means to compel demolition of dilapidated structures as expeditiously as possible by complying with the Florida Building Code; the City's Minimum Housing Standards; and the Intergovernmental Coordination Element (Dade County Unsafe Structures Board).

Policy 5.3 Continue the incentives in the land development regulations that apply with the provisions of s.163.3202, F.S. by encouraging the rehabilitation of residential structures to prevent the unintended loss of housing units due to deteriorated conditions.

Policy 5.4 Enforce all minimum housing and structural conditions codes to prevent the unintended loss of housing units due to deteriorated conditions.

Policy 5.5 Continue to use state and federal funding sources such as the City's SHIP, CDBG, HOME and NSP programs for rehabilitation of residential structures.

Policy 5.6 Cooperate with housing developers' efforts to leverage Miami-Dade County Surtax funds and other financial incentives for the rehabilitation of residential housing affordable to workforce, very low to moderate-income households in Miami Beach by providing technical assistance as necessary.

Policy 5.7 Maintain the legal status of the City's National Register Historic Districts, local historic districts, and individually designated historic sites and structures so that owners of designated properties can benefit from the applicable federal and local tax incentives.

Policy 5.8 Continue to provide incentives in the land development regulations, in compliance with s.163.3202, *F.S.*, that permit within the Historic Preservation Districts a wide selection of accessory uses in residential buildings when the building being renovated is a designated historic structure or is a structure contributing to the Historic Preservation District.

Policy 5.9 Continue to provide incentives in the land development regulations, in compliance with s.163.3202, *F.S.* that provide greater flexibility in meeting parking requirements in the Historic Preservation Districts when renovating designated structures- and to provide workforce and low and moderate income housing incentives by providing greater flexibility in meeting parking requirements when associated with those uses.

Policy 5.10 The City shall continue to use its guidelines and established policies to guide appropriate restoration, rehabilitation and adaptive re-use of historically designated properties.

Policy 5.11 The City shall continue to encourage the owners of historic single family homes to have their homes historically designated by continuing the City's local Historic Ad Valorem Tax Exemption for single family residences.

Policy 5.12 The City shall continue to encourage the retention of architecturally significant single family homes built prior to 1942 by requiring that substantial alteration or demolition of such homes shall obtain Design Review Board approval for all major new construction of subject projects.

Policy 5.13 The City will provide resources available to ensure that all historically significant residential structures continue to be identified.

OBJECTIVE 6: RELOCATION

Ensure that relocation services are provided to 100 percent of the persons who are displaced as a result of activities funded by federal programs or due to a property being declared inhabitable

Policy 6.1 The City shall comply with all provisions of the Federal Uniform Relocation Assistance and Real Property Acquisition Act of 1970 as amended, whenever required by federal or state law.

Policy 6.2 In the event that an occupied building is declared unfit for human habitation in accordance with the City of Miami Beach's Municipal City Code, the City shall enforce Section 58-362, as may be amended, to ensure residents' prompt relocation.

* * *

SECTION 3. The following amendments to the City's 2025 Comprehensive Plan Conservation/Coastal Zone Management Element are hereby adopted:

**CHAPTER 6
CONSERVATION/COASTAL ZONE MANAGEMENT ELEMENT**

* * *

OBJECTIVE 9: DENSITY LIMITS

Direct population concentrations away from city-wide coastal high hazard area by prohibiting residential density increases, except to incentivize workforce or affordable housing.

* * *

POLICY 9.2

The City shall approve no future land use plan map amendments that cumulatively increase residential densities, except to incentivize workforce or affordable housing. Furthermore, the City shall continue to evaluate ways to further modify the Future Land Use Map to reduce densities and intensities.

* * *

SECTION 4. REPEALER.

All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 5. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 6. CODIFICATION.

It is the intention of the City Commission that this Ordinance be entered into the Comprehensive Plan, and it is hereby ordained that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word. The Exhibits to this Ordinance shall not be codified, but shall be kept on file with this Ordinance in the City Clerk's Office.

SECTION 7. TRANSMITTAL.

The Planning Director is hereby directed to transmit this ordinance to the appropriate state, regional and county agencies as required by applicable law.

SECTION 8. EFFECTIVE DATE.

This ordinance shall take effect 31 days after the state land planning agency notifies the City that the plan amendment package is complete pursuant to Section 163.3184(3), Florida Statutes.

PASSED and ADOPTED this ____ day of _____ 2017.

Mayor Philip Levine

ATTEST:

Rafael Granado, City Clerk

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

Raul Aguila, City Attorney
Date

First Reading/Transmittal: June 28, 2017
Second Reading/Adoption: September 13, 2017

Verified By: _____
Thomas R. Mooney, AICP
Planning Director

Underline = new language
~~Strikethrough~~ = deleted language

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