

DRAFT

PLANNING AND ZONING BOARD (PZB) PUBLIC MEETING SUMMARY
WEDNESDAY, APRIL 28, 2021
ZOOM VIRTUAL CONFERENCE MEETING/CULTURAL CENTER

Board Members Present: Charles Wu, Chair; Howard Garson, Vice Chair, Danny Kattan, and Rick Levinson

Board Secretary: Joy Murray, Acting Board Secretary

City Attorney's Representative: Elizabeth S. Loconte, Assistant City Attorney

City Staff Present: Joy Murray, Christy Dominguez, Cindy Bardales-Villanueva

2020 PZB ATTENDANCE

ATTENDANCE ROLL CALL:

FULL TIME BOARD MEMBERS	1/29	2/26	3/25	4/22	5/27	6/24	7/22	8/26	9/23	10/28	11/25	12/23
Charles Wu- <i>Chair</i>	P	CANCELLED	CANCELLED	CANCELLED	P	P	CANCELLED	P	P	CANCELLED	CANCELLED	P
Howard Garson - <i>Vice Chair</i>	P				P	P		P	P			P
Danny Kattan	P				P	P		P	P			P
Diane Lyon Wead	P				P	P		P	P			
Terri Dillard					P	P		P	P			P
Rick Levinson	P											P
Total Members Present	5				5	5		5	5			5
Total Members Absent	0				0	0		0	0			0
ALTERNATE BOARD MEMBERS	1/29	2/26	3/25	4/22	5/27	6/24	7/22	8/26	9/23	10/28	11/25	12/23
Faith Fehr- <i>Alternate</i>	P				P	P		P	P			
Bruce McNamara- <i>Alternate</i>	P				P	P		A	A			

2021 PZB ATTENDANCE

ATTENDANCE ROLL CALL:

FULL TIME BOARD MEMBERS	1/27	2/24	3/24	4/28	5/26	6/23	7/28	8/25	9/22	10/27	11/24	12/21
Charles Wu- <i>Chair</i>	CANCELLED	P	CANCELLED	P								
Howard Garson - <i>Vice Chair</i>		P		P								
Danny Kattan		P		P								
Terri Dillard		P		E								
Rick Levinson		P		P								
Total Members Present		5		4								
Total Members Absent		0		1								
ALTERNATE BOARD MEMBERS	1/29	2/24	3/24									
Faith Fehr- <i>Alternate</i>	-	P	-	-								
Bruce McNamara- <i>Alternate</i>	-	P	-	-								

Present (P) Absent: (A)

Excused Absence (E) Tardy: (T)

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2 **1. CALL TO ORDER**

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4 Mr. Wu called the meeting to order at 6:24 PM

5 **2. ROLL CALL**

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7 **3. APPROVAL OF MINUTES**

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9 A. Draft Minutes for December 23, 2020

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11 **MR. LEVINSON MOVED TO APPROVE THE MINUTES OF THE DECEMBER 23, 2020**
12 **PLANNING AND ZONING BOARD MEETING WITH CORRECTIONS.**

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14 **MS. DILLARD SECONDED THE MOTION.**

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16 **MOTION PASSED BY A ROLL CALL VOTE (5-0).**

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18 **4. PUBLIC PARTICIPATION**

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20 Mr. Wu: entertained a motion to suspend quasi-judicial formalities and recited the following
21 guidelines for quasi-judicial hearing:

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23 *We will now be hearing a request for application # DB-20-2058 from Solaris Apartments, LTD.*
24 *This matter will be treated as quasi-judicial and there are certain guidelines that we must follow*
25 *during this hearing. Due to the COVID-19 pandemic and pursuant to the declared state of*
26 *emergency, this quasi-judicial hearing is being held, in part, remotely on the digital Zoom*
27 *platform. I'd like to entertain a motion to suspend quasi-judicial formalities requiring physical*
28 *attendance (other than the requirement of a quorum of the Commission/Board), order of*
29 *presentations, and to approve proceeding as a hybrid meeting.*

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31 **MR. GARSON MOVED TO SUSPEND QUASI-JUDICIAL FORMALITIES REQUIRING**
32 **PHYSICAL ATTENDANCE (OTHER THAN THE REQUIREMENT OF QUORUM OF THE**
33 **COMMISSION/BOARD), ORDER OF PRESENTATIONS, AND TO APPROVE PROCEEDING**
34 **AS A HYBRID MEETING.**

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36 **MR. LEVINSON SECONDED THE MOTION.**

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38 **MOTION PASSED BY A ROLL CALL VOTE OF (4-0)**

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40 Ms. Loconte: outlined the process and rules for conducting a quasi-judicial hearing.

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42 **5. PUBLIC HEARING**

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44 Solaris Apartments, LTD. is requesting Major Development Plan approval, pursuant to Section 32-
45 382 of the Zoning and Land Development Code to build Solaris, a 78-unit multi-family building at the
46 property located at 118 SE 7th Street/700 Old Federal Highway.

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48 The applications filed with the City are as follows:

- 49
50 1. Application #DB-20-2058 for Major Development Review approval pursuant to Section 32-
51 782 of the Zoning and Land Development Code in order to construct the 78-unit residential
52 development.

(Planning and Zoning Board action is not required for redevelopment area waiver or right-of-way applications).

2. Application #RD-20-2070 requesting Redevelopment Area Modifications (RAMs) from the following code provisions:

- a) Section 32-196(b)(1) requiring a minimum of 75 percent of the linear width of the lot along a primary street in the Central RAC (Regional Activity Center) District shall be occupied by the primary facade of a building.
 - b) Section 32-203(a) relative to the minimum number of parking spaces for multi-family residential uses in the Central RAC District.
 - c) Section 32-201(a)(3) relative to the maximum allowable setback encroachment for bracketed balcony building frontage type in the Central RAC District.
 - d) Section 32-453(i)(4) relative to access to off-street parking corridors in excess 4 spaces in a row.
3. Application #RV-20-2071 requesting a road vacation pursuant to Chapter 25, Section 25-103 of the Hallandale Beach Code of Ordinances for that portion of the SE 2nd Street right-of-way between SE 7th Street and SE 8th Street lying between the 2 ownership parcels of the project site in order to create one buildable parcel.

Polling of Ex Parte Communications (Board Secretary)

Mr. Wu advised that he had no Ex-Parte Communications regarding this matter. He advised he would base his decision solely on the testimony being presented.

Mr. Garson advised that he had no Ex-Parte Communications regarding this matter. He advised he would base his decision solely on the testimony being presented.

Mr. Kattan advised that he had no Ex-Parte Communications regarding this matter. He advised she would base his decision solely on the testimony being presented.

Mr. Levinson advised that he had no Ex-Parte Communications regarding this matter. He advised she would base his decision solely on the testimony being presented.

Swearing in of Witnesses (Chair)

Ms. Dominguez provided a PowerPoint presentation and gave a summary of the item.

Mr. Keith Poliakoff, Attorney (Fort Lauderdale, FL) applicant introduced himself, the development team for the proposed project which include Cornerstone Group, the owner/developer. Mr. Josh Tonnesen provided renderings of previously built development from Cornerstone in Broward County.

Mr. Poliakoff: pointed out how Cornerstone Group had built over 15,000 affordable housing units throughout the State of Florida and over 1,000 workforce units.

Mr. Poliakoff: stated that the applicant had successfully obtained and developed over \$1.3 billion and local and state subsidies and tax-exempt bonds. He added that they are one of the leaders in the industry and anywhere Broward County and South Florida have developed.

Mr. Poliakoff: further stated that the applicant does agree to staff recommendations but respectfully requested that the condition of approval number 9 be eliminated which states *"The applicant shall contribute \$63,000 to the City's Parking Fund as a result of the 6-parking space deficiency prior to the certificate of occupancy, temporary or otherwise for the project."*

Mr. Poliakoff: explained that they are required to pay the cost for impact fees and cannot afford to pay an additional \$63,000 to waive six parking spots. He pointed out how they proposed an excess of 24 parking spots that are not being counted towards the development.

Mr. Poliakoff: pointed out that they were short of funds to get the project completed and the additional cost would put an additional hardship to try and develop in Hallandale Beach.

Mr. Kattan: asked if they were underwriting rent for a two-bedroom/ one-bathroom or as a two-bedroom/ two-bedroom.

Mr. Poliakoff: explained a breakdown of rent-based medium-income areas which are state requirements and were directly addressed in the PowerPoint presentation.

Mr. Kattan: congratulated the applicant on the proposed project. He acknowledged how hard it is to build it in South Florida and as a real estate investor developer he understood how a project such as theirs are driven and built by the labor of love as opposed to anything else. He congratulated them on the amazing project.

Mr. Garson: asked if units are determined based on different income, what would happen if they cannot find household families at an income level, what happened?

Mr. Poliakoff: stated that those types of scenarios rarely happen because most of these developments have a waiting list, with a lot of families searching for housing in Hallandale Beach and South Florida.

Mr. Poliakoff: further added they are required to follow Florida's mandated requirements, which meant that if there were faced with a case in which they did not have any applicants that met the income level, they would not rent out the unit and will hold off until they receive an applicant that did meet the income categories.

Mr. Garson: stated he had a concern with the park along the south Old Federal Highway and 7th Street. He foresees pedestrians to cut through the parking lot and not utilize the full sidewalk proposed which wraps right around the building entrance.

Mr. Poliakoff: clarified that the parking spots he identified are extra parking spots for the public. The condominium residents will be parking within the fenced parking lot.

Mr. Levinson: asked if the impact report was accurate where it indicates three full-time students for 78-unit development?

Mr. Poliakoff: stated that that calculation is provided on the SCAD letter issued by the Broward County School Board.

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Mr. Levinson: asked what he meant when he stated that they had a gap to fill and was hopeful that the City can assist to fill it.

Mr. Poliakoff: clarified that City's Community Redevelopment Agency has committed a million dollars and Broward County has committed over \$2.5 million at this time.

Mr. Wu: asked if the civic open space would be owned by the cooperation of affordable housing?

Mr. Poliakoff: confirmed yes. He added that the civic space is for the use of the residents and the residents of the City of Hallandale Beach and will be fully open to the public.

Mr. Wu: recommended a condition be added to the motion that a public access easement be signed to that effect and recorded to avoid any future fencing around the area and guarantee public access.

Mr. Poliakoff: agreed to sign any documentation needed by the City.

Mr. Wu: asked the applicant if they agreed to maintain this public open space?

Mr. Poliakoff agreed.

Mr. Wu: asked if adding 10 handicap spaces was a part of an affordable housing component, whereas only 5 spaces were required?

Mr. Thompson: explained that it was a requirement from the Florida Housing Finance Corporation.

Mr. Wu: asked how deep were the balconies?

Mr. Pablo Bordo, Architect: stated that the balconies were five feet and two inches deep.

Mr. Wu: further stated that the balconies would be decent in size.

Mr. Wu: asked if several benches were being proposed on 7th Street and all Federal Highway.

Mr. Poliakoff: stated yes.

Mr. Wu: stated that he was excited about the project and acknowledged how challenging it is to invest in affordable housing and this project will be 100% affordable housing. He added that the applicant along with the City's partnership has taken in a prime piece of property across from a regional park and you made a wonderful investment to bring forward affordable housing to the area.

Mr. Wu: congratulated the architect of the project on the design of the project. He stated that many people think about affordable housing and associate it with substandard design. However, the proposed units will have sufficient closet, bedrooms, and balconies space. He believes that the project will provide a five-star living lifestyle for affordable housing prices.

Mr. Wu: further pointed out how the Civic Open Space is a requirement of the form-based code and appreciated how the open space was positioned in the property increasing connection to the regional park, which would not only be an asset to the project but residents nearby who have kids, and the project's respected neighbors.

Mr. Wu: further added that this is an affordable housing project and every penny counts to make this to the affordable housing project. Therefore, he would eliminate the condition requiring parking funds be contributed for the project.

Mr. Wu: requested that the maker of the motion include a condition to read as follows: A public access easement shall be recorded and public records for the public civic space as delineated on the site plan. The Civic Open Space shall be maintained by the applicant, successors, or assignees in perpetuity.

Mr. Wu: noted on the record that he had a concern with the access point on Federal Highway which can potentially result in conflict and bottlenecking in that area. He understood that the location was due to Fire Department's request. He would have preferred they kept the earlier iteration of the site plan.

Mr. Poliakoff: clarified that the location of the access point was relocated due to the Fire Department's concern about whether they have to pick up someone in the back of the property.

Mr. Wu: asked staff and the applicant to revisit the location of the access point and added that if an individual had to be a picked-up in the back of the property, the Fire Department would send an EMS vehicle not a fire truck.

Mr. Wu: Open the Public Hearing.

No Speakers

Mr. Wu Closed the Public Hearing.

Ms. Dominguez: stated that a public access easement is not required because it is in the City's code that Civic Open Spaces cannot be fenced and needs to remain open and accessible to the public and completely open to the sky.

Mr. Poliakoff: added that the fencing and gate opening was put in place to address concern from the Police Department. He explained that the fencing would provide a little bit of extra security since there were benches and other amenities around the area. The fencing would ensure that everyone is being funneled in and out from defined locations.

Ms. Dominguez reiterated fencing the civic open space was brought up during DRC by the Police department but it was pointed out that it is not allowed by Code and the fencing was removed from the plans to meet Code.

Mr. Wu: requested to keep the condition of a public access easement as a recommendation.

MR. LEVINSON MOVED THAT THE PLANNING AND ZONING BOARD APPROVE WITH CONDITIONS APPLICATION BY SOLARIS APARTMENTS, LTD., REQUESTING MAJOR DEVELOPMENT PLAN APPROVAL, PURSUANT TO 32-782 OF THE ZONING AND LAND DEVELOPMENT CODE IN ORDER TO CONSTRUCT A 78-UNIT RESIDENTIAL DEVELOPMENT SUBJECT TO FOLLOWING:

OMITTING CONDITION (9) WHICH READ AS FOLLOW:

THE APPLICANT SHALL CONTRIBUTE \$63,000 TO THE CITY'S PARKING FUND AS A RESULT OF THE 6-PARKING SPACE DEFICIENCY PRIOR TO THE CERTIFICATE OF

OCCUPANCY, TEMPORARY OR OTHERWISE FOR THE PROJECT, AND INCLUDE THE FOLLOWING:

A PUBLIC ACCESS EASEMENT SHALL BE RECORDED AND PUBLIC RECORDS FOR THE PUBLIC, CIVIC SPACE AS DELINEATED ON THE SITE PLAN. THE CIVIC OPEN SPACE SHALL BE MAINTAINED BY THE APPLICANT, SUCCESSORS, AND/OR ASSIGNEES IN PERPETUITY.

Ms. Dominguez: asked that part of the motion include an additional condition of the execution of a restrictive covenant restricting the property to affordable housing for a minimum of 30 years.

MR. LEVINSON ACCEPTED AMENDING THE MOTION TO INCLUDE CONDITION:

EXECUTION OF A RESTRICTIVE COVENANT RESTRICTING THE PROPERTY BE PUT IN PLACE FOR AFFORDABLE HOUSING FOR A MINIMUM OF 30 YEARS.

MR. GARSON SECONDED THE MOTION.

MOTION APPROVED BY A ROLL CALL VOTE (4-0)

6. REMARKS BY THE CHAIR

Mr. Wu: stated that he had no comments.

7. LIAISON'S REPORT

Ms. Dominguez: advised the Board that the *Hallandale Beach Boulevard-Form Base Code Amendment* was approved on Second Reading and *Impact Fees Ordinance* was also approved on First Reading by the City Commission.

8. NEXT SCHEDULED MEETING

A. Wednesday, May 26, 2021, at 6:00 PM

MEETING ADJOURNED AT 7:47 P.M.

Recording of this meeting can be made available to any member of the public upon request. Requests to hear a taping of the Planning and Zoning Board meeting, summarized above, should be submitted to the Planning & Zoning Division at or can be mailed to 400 South Federal Highway, Hallandale Beach, Florida 33009