

**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
CRA BOARD MEETING**

#16-0556

TO: CRA Chairman & Board of Commissioners
Fort Lauderdale Community Redevelopment Agency

FROM: Lee R. Feldman, ICMA-CM, Executive Director

DATE: June 7, 2016

TITLE: Proposed Incentives for the Northwest Progresso Flagler Heights
Community Redevelopment Agency (NWPf CRA)

Recommendation

It is recommended that the CRA Board of Commissioners approve the proposed CRA Incentives and decide whether the incentives will include certain recommendations from CRA staff or those from the NWPf Advisory Board.

Background

CRA staff presented new incentives and incentive revisions to the NWPf Advisory Board on March 23, 2016. Since then we have discussed what incentives at length, some things staff and the Advisory Board agree on and other things we did not.

The general things that we did not agree on and that we need direction on are as follows:

1. Staff Authority Level – *for the Commercial Façade, Housing Rehabilitation and Purchase Assistance Programs*

- Staff requests that the aforementioned programs be approved at the staff level, if the request meets the approved program guidelines.
- The Advisory Board would like all requests that exceed \$50,000 for these programs to be brought to them for recommendation and the CRA Board for final approval.

2. Focus Area – *Sistrunk Boulevard between NW 24th Avenue and the FEC Railway, including one block north and south of Sistrunk Boulevard; as well as, 9th Avenue (between Sunrise Boulevard and Broward Boulevard), and 7th Avenue (between Sunrise Boulevard and Broward Boulevard)*

- Staff does not want to include a dollar-for-dollar match requirement for façade, streetscape or the property and business improvement program projects within the Focus Area. Staff would prefer this be determined upon recommendation of the Advisory Board and approval by the Commission on a case-by-case basis.

- The Advisory Board would like to require a dollar for dollar match on the Streetscape program for all applicants regardless of where the work will take place.

3. Contractor Preference

- Staff recommends using an invitation to bid (ITB) process where the contractors on the Housing and Community Development (HCD) and CRA approved list be used where appropriate. Additionally, staff recommends that on all construction related opportunities where a bid is issued by the developer, that our contractors be invited to bid.
- The Advisory Board does not want to use an ITB process; they want to use a process where the construction opportunity is not awarded to the lowest most responsive bid. They would like to have a competitive scoring process where contractors that are located in the CRA and/or City is awarded more points in the selection process.

The more specific items that we need CRA Board direction on are listed below.

Over the past few years, the NWPf CRA was using four (4) incentives to provide assistance to the community. Those incentives are Commercial Façade, Business and Property Improvement, Streetscape and Property Tax Reimbursement. As we reviewed each of those programs, the following enhancements are recommended:

1. Commercial Façade Improvement Program:

This is an existing CRA approved programs. Enhancements to the program include the following:

- An identified Focus area,
- Requirement of a dollar for dollar match for projects outside of the Focus Area
- Additional eligible projects costs such as lighting, shade canopy, sidewalks, signage and parking lot,
- Added a possible job creation or retention requirement,
- Added obligations and covenants to the applicant, and
- Added special conditions.

The CRA Board's direction is needed for the following:

There was discussion with the Advisory Board as to whether or not "*equity investment*," should include the land owned by the applicant. If so, the land could be used in lieu of any cash match requirements within the Commercial Façade Program?

Does the CRA Board want to allow the land owned to be part of an applicant's equity investment?

2. Property and Business Improvement Program:

This is an existing CRA approved programs. Enhancements to the program include the following:

- An identified Focus area,
- Requirement of a dollar for dollar match for projects outside of the Focus Area,
- Expanded the eligible project and included kitchen/restaurant related costs,
- Added a possible job creation or retention requirement,
- Added obligations and covenants to the applicant, and
- Added special conditions.

The Advisory Board made a few motions, but nothing passed. As a result, there was no affirmative vote to approve or deny the recommended changes. However, staff supports the recommended changes.

3. Streetscape Enhancement Program:

This is an existing CRA approved programs. Enhancements to the program include the following:

- An identified Focus Area,
- Requirement of a dollar for dollar match for projects outside of the Focus Area,
- Inclusion of CRA owned land being added as a possible incentive,
- Expanded the eligible project cost,
- Added a possible job creation or retention requirement,
- Added obligations and covenants to the applicant, and
- Added special conditions.

The Advisory Board and staff support the incentive program and the recommended changes.

4. Property Tax Reimbursement Program:

This is an existing CRA approved incentive program. Enhancements to the program include the following:

- Clarified that the eligible business has to contributing to the tax roll,
- Added a requirement for substantial renovation,
- Clarified what portion of the increment financing is eligible for reimbursement, and
- Added special conditions.

The Advisory Board and staff support the incentive program and the recommended changes.

In addition to the existing CRA Incentive Programs, staff proposes that we add three (3) new incentive programs, which are as follows:

1. Development Incentive Program:

This new CRA incentive provides the CRA Board with the ability to combine incentives in furtherance of development, if the project represents an total investment / total project cost of five (\$5,000,000) million dollars or more and creates a significant economic engine or destination project in the CRA.

The Advisory Board and staff support the new Development Incentive Program.

2. Residential Rehabilitation Program:

This new incentive allows the CRA to enhance the residential properties by correcting code violations and addressing a properties health and safety issues, such as electrical, plumbing, roofing, windows, ac/heating and structural items including emergency repair.

The Advisory Board and staff support the new Residential Rehabilitation Program.

3. Purchase Assistance Program:

This new incentive allows the CRA to provide assistance to for profit and not for profit organizations to construct single family homes on CRA and/or City owned infill housing lots. The assistance provided will be passed on as a subsidy to the eligible family when they purchase the single family home.

The Advisory Board and staff support the new Purchase Assistance Program.

Resource Impact

There will be no fiscal impact with this CAM.

Strategic Connections

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the Neighborhood Enhancement Cylinder of Excellence, specifically advancing:

- Goal 5: Be a community of strong, beautiful and healthy neighborhoods.
- Goal 6: Be an inclusive community made up of distinct, complementary, and diverse neighborhoods.

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are Community*.

Attachment:

Exhibit 1 – CRA Proposed Incentives

Prepared by: Jonathan Brown, Northwest Progresso Flagler Heights CRA and Housing & Community Development

Executive Director: Lee R. Feldman, ICMA-CM, City Manager



City of Fort Lauderdale / Community Redevelopment Agency
Northwest-Progresso-Flagler Heights Community Redevelopment Area
PROPOSED Incentives and Revisions

COMMERCIAL PROGRAMS

COMMERCIAL FACADE IMPROVEMENT PROGRAM (CFIP)

Goals/Objectives: Eliminate slum and blight, remove deterioration, and update the exteriors of existing buildings, with an emphasis on improving the viability of healthy retail uses. Furthermore, the intent of this program is to create active walking areas by increasing the “curb appeal” of the business corridors in the CRA.

Eligible Area: All properties within the CRA. There is a designated Focus Area defined as Sistrunk Boulevard between NW 24 Avenue and the FEC Railway, including one block north and south of Sistrunk Boulevard; as well as, 9th Avenue (*between Sunrise Boulevard and Broward Boulevard*), and 7th Avenue (*between Sunrise Boulevard and Broward Boulevard*).

Eligible Properties: Existing commercial and mixed-use buildings with commercial elements in the CRA with uses permitted by applicable land use codes or approved conditional uses.

Eligible Project Costs: Generally, all costs associated with exterior improvements which include, but are not limited to: entry doors, windows, lighting, shade canopy, sidewalks, signage, parking, restoration, and/or rehabilitation are eligible for consideration (*including costs for associated with architectural, engineering, permit and application fees*). The proposed Project must comply with the CRA Plan, urban design guidelines, applicable land use regulations, and current code requirements, subject to review/approval by the City of Fort Lauderdale Planning Division, Code Compliance Division, and CRA staff.

Basis/Limits of Benefits: Throughout the CRA, a CFIP award will provide a forgivable loan for up to 75% of the eligible costs not to exceed \$125,000. In the CRA Focus Area, a CFIP award will provide a forgivable loan for up to 90% of the eligible costs not to exceed \$125,000. Commercial Properties located on Sistrunk Boulevard, between NW 24 Avenue and the FEC Railway will be awarded a forgivable loan for 100% of the eligible costs, not to exceed \$75,000. If the costs in the focus area exceed \$75,000, an owner’s cash investment of 5% is required for the portion that exceeds the \$75,000.

In the case of multiple structures on a single property, the CRA Board (and/or designee), at its sole discretion, may consider a forgivable loan application for each structure subject to the terms, conditions, and limits applicable to location of the subject property. The Agency, at its sole discretion, may consider increasing the funding limits on a case-by-case basis.

Job Creation and Retention Requirements: Job creation and/or job retention or another approved performance indicator may be a requirement for assistance provided through this program.

Terms and Obligations: The program award will have ongoing obligations/covenants, which includes but is not limited to a lien on the applicant's property.

Special Conditions: There must be a documented selection process for the General Contractors selected for this project. The CRA recommends the use of General Contractors from its approved contractor list. A CRA / City approved contractor must be used for projects where 60% or more of the costs are paid by the CRA.

PROPERTY AND BUSINESS IMPROVEMENT PROGRAM (PBIP)

Goals/Objectives: Eliminate slum and blight, remove deterioration, and improve the “energy efficiency” of existing buildings in the CRA, with an emphasis on bringing these buildings up to current building codes and making them more viable for occupancy. The program provides funding for interior and exterior improvements for mixed-use or commercial projects. Additionally, this program seeks to improve the operating efficiency of existing restaurants in the CRA and attract new restaurants to the CRA, with an emphasis on creating a dining destination within the City.

Eligible Area: All properties within the CRA. There is a designated Focus Area defined as Sistrunk Boulevard between NW 24 Avenue and the FEC Railway, including one block north and south of Sistrunk Boulevard; as well as, 9th Avenue (*between Sunrise Boulevard and Broward Boulevard*), and 7th Avenue (*between Sunrise Boulevard and Broward Boulevard*).

Eligible Properties: Existing commercial and mixed-use buildings with commercial elements in the CRA with uses permitted by applicable land use codes or approved conditional uses. Existing and new properties with retail/commercial food preparation uses within the CRA as permitted by applicable land use codes or approved conditional uses, with a particular emphasis on retail restaurants.

Eligible Project Costs: Generally, all costs associated with substantial renovation and new construction, including interior improvements, restoration, rehabilitation, and permanently attached fixtures/systems are eligible for consideration (Project). Additionally, eligible costs include *architectural, engineering, permit fees, application fees*, property taxes, tax liens, City liens and property insurance. The proposed Project must comply with the Plan, CRA urban design guidelines, applicable land use regulations, and current code requirements, subject to review/approval by the City of Fort Lauderdale Planning Division, Code Compliance Division, and CRA staff.

Substantial renovation means the cost of rehabilitation/renovation exceeds 50% of the current property value, as indicated by Broward County Property Appraiser or private appraisal.

Eligible Restaurant and Kitchen Related Costs: Generally, all costs specific to commercial kitchen improvements and permanently attached commercial-grade kitchen equipment/systems are eligible for consideration (Project). The proposed Project must comply with the Plan, CRA urban design guidelines, applicable land use regulations, and current code requirements, subject to review/approval by the City of Fort Lauderdale Planning Division, Code Compliance Division, and CRA staff. The kitchen design/engineering, construction materials, and equipment/systems must comply with applicable industry standards, such as: Dairy and Food Industries Supply Association, Inc. (3-A), United States Department of Agriculture (USDA), Food and Drug

Administration (FDA), American Welding Society (AWS), Occupational Safety and Health Association (OSHA), American Society of Testing Materials (ASTM), American National Standards Institute (ANSI), Current Good Manufacturing Practices (cGMPs), and National Electrical Manufacturer's Association (NEMA). The kitchen and its equipment will comply with all local health and safety requirements that apply to food produced for sale.

Job Creation and Retention Requirements: Job creation and/or job retention or another approved performance indicator may be a requirement for assistance provided through this program.

Basis/Limits of Benefits: Throughout the CRA, a PBIP award will provide a forgivable loan for up to 75% of the eligible costs not to exceed \$500,000. In the Focus Area, the program award will provide a forgivable loan for up to 90% of the eligible costs not to exceed \$500,000. In the Focus Area, owner's equity investment for funding requests that do not exceed \$150,000, will be determined on a case-by-case review. The CRA Board (and/or designee), at its sole discretion, may consider increasing the funding limits and equity investment requirements on a case-by-case basis.

In order to be eligible for the PBIP, the business/property owner must invest at a minimum, a dollar-for-dollar match of the CRA investment within the project, if the project is not located within the focus area. The CRA's project contribution cannot exceed the documented contribution of the business/project owner.

Terms and Obligations: The program award will have ongoing obligations/covenants, which includes, but is not limited to a lien on the applicant's property.

Special Conditions: There must be a documented selection process for the General Contractors selected for the applicants project. The City recommends the use of General Contractors from its approved contractor list. A CRA / City approved contractor must be used for projects where 60% or more of the costs are paid by the CRA. Contractors on the City/CRA contractor list, must be invited to bid on all work solicited by the project owner/developer.

STREETSCAPE ENHANCEMENT PROGRAM (SEP)

Goals/Objectives: Eliminate slum and blight by encouraging projects to demonstrate high quality urban and environmental design and sustainability, thus creating a higher quality environment and sense of place by enhancing the public realm across the CRA.

This program will also allow the CRA to provide land as an incentive via donation and/or purchase. In order to be eligible for the SEP, the business/property owner must invest at a minimum, a dollar-for-dollar match of the CRA investment within the project, if there project is not located in the focus area. The CRA's project contribution cannot exceed the documented contribution of the business/project owner.

Eligible Area: All properties within the CRA. There is a designated Focus Area defined as Sistrunk Boulevard between NW 24 Avenue and the FEC Railway, including one block north and south of Sistrunk Boulevard; as well as, 9th Avenue (*between Sunrise Boulevard and Broward Boulevard*), and 7th Avenue (*between Sunrise Boulevard and Broward Boulevard*).

Eligible Properties: All existing and new buildings in the CRA approved for commercial, multifamily, or mixed use.

Eligible Project Costs: Generally, all costs associated with enhanced (features/finishes beyond mandatory City requirements) streetscape improvements constructed on or within the public right-of-way are eligible for consideration (Project). The proposed improvements must comply with CRA design guidelines for the particular street on which the project is located, the Plan, the City of Fort Lauderdale Complete Street Guidelines, the CRA Implementation Plan, the Downtown Master Plan (as applicable), and the Fort Lauderdale Connectivity Master Plan. Design/engineering must be consistent with City, county and state requirements for roadway design/construction.

Job Creation and Retention Requirements: Job creation and/or job retention or another approved performance indicator may be a requirement for assistance provided through this program.

Basis/Limits of Benefits: Throughout the CRA, a SEP award will provide a forgivable loan for up to 70% of the eligible costs not to exceed \$500,000. In the Focus Area, the program award will provide a forgivable loan for up to 90% of the eligible costs not to exceed \$500,000. The CRA Board (and/or designee), at its sole discretion, may consider increasing the funding limits on a case-by-case basis.

Terms and Obligations: The program award will have ongoing obligations / covenants, which includes, but is not limited to a lien on the applicant's property.

Special Conditions: There must be a documented process for the General Contractors and sub-contractors selected for the project. The CRA / City encourage the use of

contractors from its approved contractor list. Contractors on the City/CRA contractor list, must be invited to bid on all work solicited by the project owner/developer.

DEVELOPMENT INCENTIVE PROGRAM (DIP)

Goals/Objectives: This program seeks to eliminate slum and blight by attracting new businesses to the CRA or existing businesses to expand within the CRA. DIP is a custom designed incentive to meet the appropriate needs of a specific development project in the CRA that represents an investment / total project cost of five (\$5,000,000) million dollars or more and creates a significant economic engine or destination project in the CRA.

This program will allow the CRA to use any of its incentive programs and options, including tax abatement, fee waivers, land donation and/or purchase, etc.

In order to be eligible for the DIP, the business/property owner must invest at a minimum, a dollar-for-dollar match of the CRA investment within the project. The CRA's project contribution cannot exceed the documented contribution of the business/project owner.

Eligible Area: All properties within the CRA. There is a designated Focus Area defined as Sistrunk Boulevard between NW 24 Avenue and the FEC Railway, including one block north and south of Sistrunk Boulevard; as well as, 9th Avenue (*between Sunrise Boulevard and Broward Boulevard*), and 7th Avenue (*between Sunrise Boulevard and Broward Boulevard*).

Eligible Properties: Commercial and/or mixed-use projects in the CRA with uses permitted by applicable land use codes or approved conditional uses.

Eligible Project Costs: Generally, all costs associated with the CRA desired redevelopment project (Project), including costs and fee's associated with acquisition, rehabilitation and fines. The proposed Project must comply with the Plan, CRA urban design guidelines, applicable land use regulations, and current code requirements, subject to review/approval by the City of Fort Lauderdale Planning Division, Code Compliance Division, and CRA staff.

Job Creation and Retention Requirements: Job creation and/or job retention or another approved performance indicator may be a requirement for assistance provided through this program.

Basis/Limits of Benefits: Throughout the CRA, a DIP award (*with no minimum or maximum amount*) will provide a forgivable loan or low interest loan to assist the eligible project. The CRA Staff will review the project and recommend a funding plan/strategy and amount to the CRA Advisory Board and CRA Board.

Terms and Obligations: The program award will have ongoing obligations/covenants, which may include, but is not limited to a lien on the applicant's property.

Special Conditions: Where possible, the developer will use best efforts to hire Fort Lauderdale contractors to work on approved projects. If a HCD/CRA approved contractor is awarded work, it will be for the portion of the project that is funded through the CRA.

PROPERTY TAX REIMBURSEMENT (PTR)

Goals/Objectives: Eliminate slum and blight, remove deterioration, update existing buildings, and encourage new investment/development with an emphasis on enhancing the overall CRA, improving the quality of existing buildings within the CRA, and attracting new construction to the CRA.

Eligible Area: All properties within the CRA that are owned by an organization that fully contributes to the tax increment income.

Eligible Properties: All commercial, multifamily, or mixed-use (residential/commercial) buildings in the CRA with uses permitted by applicable land use codes or approved conditional uses that have had substantial capital improvements or new construction.

Substantial capital improvements means the cost of rehabilitation/renovation exceeds 50% of the current property value, as indicated by Broward County Property Appraiser or private appraisal.

Eligible Project Costs: The benefits of this Program are not directly based on Project costs. Rather, the benefits of this Program are based on capital improvements on existing properties or the development cost of new buildings that result in a substantial increase of Ad Valorem Tax (Property Tax). The property owner will only be entitled to the incremental tax increase generated by project that would be returned to the CRA as tax increment revenue. The proposed Project must comply with the Plan, CRA urban design guidelines, and applicable land use regulations, subject to review/approval by the City of Fort Lauderdale Planning Division and CRA staff. All construction work must be performed by licensed contractors with required building permits and progress inspections.

Basis/Limits of Benefits: PTR is a reimbursement and payment disbursed upon verification that property taxes for the year has been paid. A PTR award will run for a maximum of five (5) years and the limits are as follows:

- Year 1 – 95% of real property Ad Valorem taxes returned to the CRA as tax increment revenue
- Year 2 – 90% of real property Ad Valorem taxes returned to the CRA as tax increment revenue
- Year 3 – 85% of real property Ad Valorem taxes returned to the CRA as tax increment revenue

- Year 4 – 80% of real property Ad Valorem taxes returned to the CRA as tax increment revenue
- Year 5 – 75% of real property Ad Valorem taxes returned to the CRA as tax increment revenue

Applicant: The property owner /developer (Owner) must be the applicant. A RFIG award will have ongoing obligations/covenants, which will be protected by a lien on the applicant's property.

Special Conditions: Where possible, the developer will use best efforts to hire Fort Lauderdale contractors to work on approved projects. If a HCD/CRA approved contractor is awarded work, it will be for the portion of the project that is funded through the CRA.

RESIDENTIAL PROGRAMS

RESIDENTIAL REHABILITATION FORGIVABLE LOAN (RRG)

Goals/Objectives: Eliminate slum and blight, remove deterioration, and update the exteriors of existing residential buildings, with an emphasis on generally enhancing the residential neighborhoods in the CRA and to correct code violations, health and safety issues including but not limited to electrical, plumbing, roofing, windows, ac/heating and structural items including emergency repair.

Eligible Area: All properties within the CRA. There is a designated Focus Area defined as Sistrunk Boulevard between NW 24 Avenue and the FEC Railway, including one block north and south of Sistrunk Boulevard; as well as, 9th Avenue (*between Sunrise Boulevard and Broward Boulevard*), and 7th Avenue (*between Sunrise Boulevard and Broward Boulevard*).

Target Client: Individuals and/or families that occupy their homesteaded property. The annual household income cannot exceed 160% of the Area Median Income (AMI).

Eligible Properties: Existing single family residential, whose appraised value does not exceed \$300,000.

Eligible Project Costs: Generally, all costs associated with interior and exterior improvements, restoration, and/or rehabilitation are eligible for consideration (Project). The proposed Project must comply with the Plan, CRA urban design guidelines, and applicable land use regulations, subject to review/approval by the City of Fort Lauderdale Planning Division and CRA staff.

Basis/Limits of Benefits: The maximum award for the RRG is \$75,000. Throughout the CRA and Focus Area, a RRG award will provide assistance to owner occupied single family homes. Owners will not require a contribution if the rehabilitation costs do not exceed a CRA award amount of \$55,000. An owner cash contribution of 10% is required if the costs of the repair exceeds the available CRA funds. The owners' cash contribution will be based on the costs that exceed \$55,000.

The CRA Board (and/or designee), at its sole discretion, may consider increasing the funding limits on a case-by-case basis.

Terms and Obligations: The program award will require an application and review process. The RRG will have ongoing obligations/covenants, which includes, but is not limited to a lien on the applicant's property. The maximum household income of the families assisted in this program cannot exceed 160% of the Area Median Income (AMI). The City/CRA will develop the scope of work for each project.

General Contractor: There must be a documented selection process for the General Contractor used for the project. Owner-occupied single family rehabilitation must use an approved General Contractor from the City's approved contractor list.

PURCHASE ASSISTANCE PROGRAM (PAP)

Goals/Objectives: To provide assistance to for profit and not for profit organizations to construct single family homes on CRA and/or City owned infill housing lots, for the benefit of eligible families to purchase. The assistance provided to the organization must be passed through to the eligible family to purchase the property.

Eligible homebuyers must be identified by the organization and submitted to the CRA for eligibility review and approval.

Eligible Area: NWPF CRA

Target Client: Eligible individuals and/or families that are purchasing a property they will occupy as their primary and homesteaded residence.

Eligible Properties: Existing residential CRA and City-owned residential lots within the NWPF CRA boundary.

Basis/Limits of Benefits: Throughout the CRA a PAP award will provide down payment and closing cost assistance to the eligible homebuyer. Assistance to the homebuyer from the CRA cannot exceed \$45,000 and is based on affordability needs.

Terms and Obligations: The program award will require an application and review process. The PAP award will have ongoing obligations/covenants, which includes, but is not limited to a lien on the applicant's property. All properties will require owner occupancy and the maximum household income of the individuals or families assisted in this program cannot exceed 160% of the Area Median Income (AMI).

General Contractor: The General Contractor selected must come from the City's/CRA's approved contractor list.