

Business Operations
J.E. Surash, P.E., Chief Business Officer

SUBJECT: AUTHORIZATION TO RECOMMEND APPROVAL TO MIAMI-DADE COUNTY OF THE BRISAS DEL MAR LIMITED PARTNERSHIP'S REQUEST FOR EXEMPTION OF EDUCATIONAL FACILITIES IMPACT FEES IN CONNECTION WITH A PROPOSED AFFORDABLE HOUSING PROJECT FOR THE ELDERLY AT 556 WEST FLAGLER STREET

COMMITTEE: FACILITIES MANAGEMENT

Pursuant to the terms of the Educational Facilities Impact Fee Ordinance (Ordinance), and Section 33k-8(a) of the Miami-Dade County Code of Ordinances, an applicant shall be exempt from the terms of the Ordinance if the proposed development activity is not capable of creating a demand for capital educational facilities during its useful lifetime, as a matter of law and fact. The Ordinance also requires that the Miami-Dade County Public Works Director seek a recommendation from the School Board as it relates to any claim for an exemption under the Ordinance.

The Brisas del Mar Limited Partnership (Applicant) has requested an exemption from Miami-Dade County (County) of Educational Facilities Impact Fees (Impact Fees). The Applicant will be constructing an affordable rental housing project for the elderly. The proposed project will be located at 556 West Flagler Street.

The Applicant has proffered a Covenant of Use (Covenant) to the County which would ensure that the project is constructed and subsequently used for elderly affordable housing. The Covenant stipulates the following general terms:

- a) The project shall be occupied on a continuous basis by elderly individuals from the general public who satisfy the eligibility requirements under 24 CFR 100.306 and Section 760.29 (4)(b), Florida Statutes, and according to the Fair Housing Act requirement for elderly housing;
- b) The Impact Fees will become due and payable by the then current owner of the project at such time any resident is under 18 years of age, or creates any capital educational facilities demand; and
- c) The Applicant shall furnish to the Public Works Department a report each year for a period of five years from the date of this Covenant, and thereafter when required by written notice by the Public Works Director, certifying that the residents are in compliance with the requirements and the provisions of this Covenant.

It should be noted that to date the School Board approved one such similar request in connection with a proposed elderly housing development in the City of Hialeah.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, recommend approval to Miami-Dade County of the exemption of Educational Facilities Impact Fees for the Brisas del Mar Limited Partnership, in connection with a proposed affordable housing project for the elderly at 556 West Flagler Street.

PG:am