

**SPOTTSWOOD, SPOTTSWOOD, SPOTTSWOOD & STERLING, PLLC**

ATTORNEYS AND COUNSELORS AT LAW

500 FLEMING STREET

KEY WEST, FLORIDA 33040

JOHN M. SPOTTSWOOD, JR.  
ERICA HUGHES STERLING  
ROBERT A. SPOTTSWOOD, JR.  
RICHARD J. McCHESNEY

Telephone | 305-294-9556  
Facsimile | 305-504-2696

OF COUNSEL:

JOHN M. SPOTTSWOOD (1920 – 1975)  
ROBERT A. SPOTTSWOOD of Counsel  
WILLIAM B. SPOTTSWOOD of Counsel  
WILLIAM B. SPOTTSWOOD, JR. of Counsel

November 23, 2021

Ms. Katie Halloran  
Planning Director  
City of Key West  
1300 White Street  
Key West, Florida 33040

Subject: Peary Court Major Development Plan and Development Agreement – Response to City Staff and Consultant Comments

Dear Katie:

Attached to this letter is our comprehensive narrative response to comments compiled by you and your consultant, The Corradino Group. The response also contains drawings and illustrated graphics to supplement the narrative. The response is in hard copy and electronic PDF file from for easy distribution to you staff and consultant.

While our application was complete and accurate and met the submittal requirements of the Land Development Code, we trust this additional information will allow you to schedule the applications for the next available Development Review Committee meeting.

As always, should you have any questions you may direct them to me or my colleague Erica Sterling.

Sincerely and Respectfully,

  
Donald Leland Craig, AICP  
Land Use Director

Cc: Jeff Cornfeld  
Erica Sterling  
Shawn Smith, City Attorney  
Patti McLauchlin, City Manager

## Response to Planning Department Comments Pre DRC

1. The application includes a narrative of the proposed development, describing landscaping improvements and it is acknowledged that HARC approval will be required to ensure compatibility with the surrounding homes and businesses. While the narrative makes a statement that the design of the new units addresses the location, orientation, scale, massing, height, materials usage and colors, there are no details provided. The application should include a detailed description of architectural vernacular (preferably prepared by the project architect of record). How and why are the proposed new units compatible with the surrounding homes and businesses? What specific aspects of the new units are being used to fit into the fabric of the existing area and neighborhood? In addition to a written description, colored architectural renderings should be provided. The renderings should show the proposed upgraded landscaping as well as the new units adjacent to the existing to demonstrate context.

Please see the attached statement from the architect of record, Bender and Associates which describes the relationship of the proposed buildings to those existing in Peary Court buildings and the buildings in the nearby neighborhoods. Also, see the attached renderings of the proposed buildings which shows the relationship of those buildings to nearby structures together with landscaping in place. Please note that the proposed architectural drawings and site plan submitted to the city were only finalized after a consultation with HARC Planner to discuss the location, size, massing, and materials of each of the nine development pods and the converted units.

### See Attachment A

2. It is unclear which tot lots, basketball courts (and all other recreation areas) within the development will be taken by the nine proposed pods. Prepare a graphic to include all existing recreation space (active and passive) and the proposed remainder after the new units are constructed.

The attached site plan overlays illustrate the location of existing and proposed recreation areas. Also attached is an overlay of the existing approved Major Development Plan and Development Agreement site plan which illustrates that the proposed new site plan **increases** the amount of open space and recreation areas from that in the approved plan. The Proposed site plan improves the interconnectivity of the recreation sites and creates new “family areas” for gatherings adjacent to active play areas for children. These Changes will improve how the open space will function on the site.

### See Attachment B

## Response to Planning Department Comments Pre DRC

3. Provide information on strategies to better integrate the development into the surrounding historic district. Opportunities for east/west bicycle connectivity should be provided, for example, utilization of the perimeter road at the Palm Drive entrance through the development to the Southard Street bicycle lane. Consider a new pedestrian/bicycle entrance/exit to be located on the East or South sides for increased mobility through and connectivity with the overall surrounding neighborhood. Provide graphic examples of how landscaping plan will be utilized to diminish the perimeter fencing, especially at entrances, or where fencing may be removed to better integrate the development with the surrounding historic neighborhoods.

This issue was discussed with the City Planning Director and City Attorney many months ago. The new Planning Director was informed of the history of the initial development of the first plans developed by the previous owners, White Street Partners, and the attempts of the Planning Department to assure greater street and bicycle connectivity to surrounding neighborhoods. At that time in at least three public meetings and two public hearings before the Planning Board and City Commission, there was nearly complete public and Planning Board and City Commission objection to opening streets or walkways/bike paths into surrounding neighborhoods. Minutes of those meetings are resident in the Planning Departments records and those of the City Commission as well. To open those discussions again would only delay this affordable housing project and jeopardize the success of Peary Court and its residents.

The current proposed plan contains a drawing that illustrated how bicycle/pedestrian connectivity is assured, increased within and through Peary Court by new connections to the east west routes.

The "Perimeter Road" cannot be used for bicycle or pedestrian use because of the unique situation handed to them by White Street Partners and the US Navy, their predecessors in interest. The perimeter road is the only place in Peary Court that can serve as the location for storage of construction materials, large supplies, and dumpsters used for construction and repairs. Before the White Street Partners acquired the property, the US Navy conducted these same uses across the street, Palm Avenue, on US Navy property. With sale of the property to a private entity, the access to Navy property ceased. There is simply no other place for these activities, which are incompatible with safe pedestrian/bicycle use. To place the back of the house/maintenance activities elsewhere on site would have a deleterious effect on parking, available open space, and the safety of the residents of Peary Court.

Moreover, the residents of Peary Court are very supportive of the gated semi-private access to the neighborhood. The slow speeds for cars on its interior and the ability to use the streets for walking and passive recreation would be lost with more connections to surrounding streets. The safety of Peary Court residents would be at stake if the city were to force the removal of fencing and the opening of streets to the surrounding neighborhoods. This would create a "short cut" from Palm Avenue, White Street and the neighborhood to the south inviting early morning and evening traffic to come through Peary Court on to and from work trips in the downtown area of Duval and Simonton corridors.

## Response to Planning Department Comments Pre DRC

4. Include a graphic to indicate which units are proposed to be divided to create the additional one-bedroom units. This is described in the narrative, but no specifics are given.

See the attached illustration which identifies 33 potential units which could be converted. As described to the Planning Director and other staff several times in meetings, months ago, the exact location of units cannot and should not be identified in either the Major Development Plan or the Development Agreement. To do so, would place the owner in the position of likely having to evict a working family or other work force individuals as opposed to doing so as units came available. To do so would hurt the individuals involved, perhaps forcing them to lose their jobs or break up families. That is not a positive step for the owner or the City. As described in the application the 15 units to be converted would be identified when a lease term is up and the residents choose not to renew, have found accommodations elsewhere or in one of the new stand-alone units at Peary Court are available. This squares with a pledge made to the City Commission at the time the current owner acquired the property. In 2016, the owner told the City Commission he would not force an eligible, rent-current tenant to move in order to accomplish a remodeling.

**See Attachment C**

5. Explain how the parking areas will function for the units proposed to be divided. Will these units be utilizing tandem parking?

As illustrated in the graphic (Attachment C) depicting how the one-bedroom units would be created, the parking provided is one space in the carport, and one space adjacent to the new unit alongside the carport, Or an assigned space nearby. The upstairs unit gets the carport space, and the downstairs unit gets the outdoor parking space. There is no tandem parking proposed.

6. There is minimal information provided to address stormwater management. Provide a detailed description of the existing stormwater management system, including calculations on the existing system, signed and sealed by the project civil engineer of record. Additionally, provide status of the SFWMD permit No. 44-00178-S and/or associated permits. Provide a description of the existing maintenance program to the stormwater system, including what actions are done yearly, quarterly and monthly to ensure proper functionality.

The application and drainage plan sheet contains a statement by the engineer of record that he inspected and compared the current drainage system that was built by the US Navy in 1993. No one has been able to find a copy of that SFWMD permit. The system was constructed by the US Navy and to the knowledge of the owner and the engineer for this application, not modified by the US Navy or the current owner. As stated by the engineer the system is working and he has not identified any defects or non-working components.

South Florida Water Management District Permit No. 44-00178- S is the permit obtained by White Street Partners to construct the drainage system required by the 48 units associated with the current valid approval

## Response to Planning Department Comments Pre DRC

from the city. This SFWMD permit was required because many of the proposed units in that plan were placed in existing drainage swale areas necessitating a modification approval of the system approved for and built by the US Navy. The modification enabled by Permit 44-00178-S has not been built and the permit is expired. It does not pertain to the proposed Major Development Plan and the modification of the current Development Agreement.

As to the on-going maintenance of the system, it is carried out thusly:

### **Stormwater System Preventative Maintenance Program at Peary Court Apartments**

Drainage throughout Peary Court is primarily gravity surface flow with a 2'-3' drop in natural elevation from White Street to Palm Ave. The primary stormwater retention areas are along Palm Avenue and are several feet in elevation lower than the remainder of the property. There are several stormwater accumulation points throughout the property where culvert lines bring the stormwater via gravity flow into the main retention areas. There is an Outfall in the retention area into Garrison Bight. The Stormwater System and structures at Peary Court are in excellent condition and perform well.

The Stormwater System Preventative Maintenance Program at Peary Court Apartments consists of the following:

1. Daily on-site maintenance staff removes all visible debris around storm drains, catch basins, culvert headwalls and dry retention areas.
2. Monthly weed control maintenance of all culvert headwalls, catch basins and drainage spillways.
3. Quarterly inspections of all drainage areas during and after major rain events to ensure that all drains, culverts and retention areas are properly functioning, and that no standing water remains in any area outside of retention areas.
4. Annual jetting and pump-outs of culvert lines to remove muck and debris accumulation.
5. Annual or as needed pump-outs of muck accumulation in catch basins.

7. Submit copies covering the last 7 years of the Peary Court annual reports to the City of Key West Affordable Housing Authority, stating compliance with renter's income qualifications. The reports should provide sufficient information to demonstrate compliance with City Code Section 122-1467(e).

The five summary reports for the years 2016 through 2020 have been submitted to the Key West Housing Authority. I would assume that the Key West Housing Authority could easily confirm compliance, and that such reports can be made available to the Planning Department by request to the Key West Housing Authority. These summary reports contain some sensitive personal information. Therefore, if the Planning Department finds it necessary to request such reports, please do not attach any of them to any staff report or distribute it outside the Planning and Legal Departments.

Spottswood, Spottswood, Spottswood & Sterling  
November 2021

## Response to Planning Department Comments Pre DRC

8. The Planning Department does not have record of annual progress reports (Development Agreement Section 8 and City Code Section 90-688) indicating all activities and achievements since the execution of the Development Agreement. Please provide this for past years and provide annually.

The City and the property owners until this point in time have considered the reports described above as the required annual reports required by the City. There have not been any reports submitted on the development activity authorized by the Development Agreement because there has been no activity. The only construction activity at the site has been limited to repairs and maintenance necessitated by the tropical storms and hurricane Irma that have struck the city since 2016. These include new siding for all buildings, roof repairs, replacement of windows with storm rated windows, new landscaping, and sewer and waterline repairs. These maintenance activities are on-going and hence the need to have the northern perimeter road remain as a location for construction related activity storage and supply, including contractor job trailers.

In 2017, the property owner created three new one-bedroom units using the conversion method currently proposed in the Development Agreement and Major Development Plan. At the time the city considered these three units to be the replacement of three units that burned down when the US Navy still owned the property.

9. Provide a copy of the proposed amendments to the Development Agreement in a strike-through and underline format.

Attached is the strikethrough/replacement underline version of the Development Agreement.

**See Attachment D**

10. Intergovernmental coordination should include the Florida Department of Environmental Protection to address the statement that there is a lack of sensitive environmental resources at the site.

The property has never had a FDEP permit because none have ever been needed. Attached to this response is a copy of a vegetative survey conducted by Julie Cheon, a biologist certified by Monroe County. The results of the report indicate there are no environmentally sensitive areas on the site.

**See Attachment E**

11. Provide a clear breakdown of units and the number of bedrooms within each unit for the existing condition and for the proposed.

As stated in the Project narrative accompanying the application, the existing unit breakdown is:

One-bedroom units: 6

Two-bedroom units: 148

Spottswood, Spottswood, Spottswood & Sterling  
November 2021

## Response to Planning Department Comments Pre DRC

Three-bedroom units: 6

This totals 160 units containing a total of 320 bedrooms. The proposed additions are 33 standalone two bedrooms which will contain 66 bedrooms. Fifteen (15) existing two-bedroom units will be converted to 30 one-bedroom units.

Therefore, when completed, the property will contain 208 units with this breakdown of unit types:

One-bedroom units: 36

Two-bedroom units: 166

Three- bedroom units: 6

These 208 units will contain 386 bedrooms.

12. Further information is needed related to the statement that “the construction method is either modular or stick built”. Provide the proposed method of construction for review as part of this development proposal.

As long as the proposed design is approved by HARC, meets the requirements of the Building Code and FEMA and also meets the bulk, setback and height provisions of the Land Development Regulations neither the City Planning Department or the Building Department can dictate the means and methods of achieving the approved design. For example, HARC has approved designs in other parts of the Historic district where both modular and panelized construction methods.

13. The City has very limited remaining BPAS units and given the housing shortage in the City of Key West, Planning Department staff do not recommend the division of existing two-bedroom into one-bedroom units. The remaining BPAS bank should benefit the City by creating a net gain of new housing, not utilized to divide existing homes into smaller units. If your client desires to continue with this approach, please substantiate.

It is interesting to note the City Planning Department is not supporting one of the emerging national trends in strategies to quickly and efficiently create new affordable housing by allowing single family homes and duplexes to create new affordable housing by allowing Accessory Dwelling Units in single family homes and duplexes without having to use more land to do so. This position and others like it that create more density for affordability can be found in the “American Planning Association Housing Planning Guide, (Policy Position 1B), dated May 14, 2019”. The proposed conversions create these additional units quickly without using additional land, a scarce resource in the City of Key West.

Moreover, setting aside broad policy implications, there is evidence that the demand and need for one-bedroom units is unusually high in the City of Key West. The City of Key West Housing Authority in the past month reported the following waiting lists for unit types, by location and housing program. The outstanding overall leader is the demand for one-bedroom units, therefore, there is obviously a need for one-bedroom units.

Spottswood, Spottswood, Spottswood & Sterling  
November 2021

## Response to Planning Department Comments Pre DRC

### See Attachment F

The following are the number of applicants for each bedroom size under each program in Key West:

#### Key West Multifamily Public Housing

1 Bedroom: 1,496

2 Bedroom: 416

3 Bedroom: 181

4 Bedroom: 42

#### Key West Affordable Housing

1 Bedroom: 484

2 Bedroom: 332

3 Bedroom: 177

4 Bedroom: 53

#### Poinciana Gardens First Floor

Efficiency-1 Bedroom: 7

2 Bedroom: 0

Aside from this demand, which cannot be rectified by the City's new Garden View Housing project which is all one-bedroom units, another reason to do the conversions is preserve the amenities, recreation areas and opens space that are important to the comfort and health of the soon to be 208 units housing over 468 persons( 208 units x 2.25 average person per unit according to the U.S. Census).

As previously discussed above every conceivable location for new units has been utilized for the 33 units without compromising the amenities that make Peary Court a special place for the workforce families that live there.

### Traffic Impact Statement

On Thursday November 4, 2021, the Peary Court team received Comments from the engineer employed by the Planning staff to review the Major Development Plan submittal. The responses to those comments are fully addressed in the attached memorandum From Karl B. Peterson, P.E. dated November 5, 2021..

### See Attachment G



# **Architectural Statement**



November 7<sup>th</sup>, 2021

**RE: Peary Court  
Major Development Proposal  
Architectural Narrative**

## **Existing Context:**

Currently the Peary Court Development consists of 49 buildings that were originally constructed as a mix of 2-unit, 3-unit, and 4-unit principal structures. Each principal structure has a corresponding number of covered carports. The carports are a mix of two car shelters and one car shelters. The majority of existing principal structures are (2) stories above grade with an average height of approximately 31'-0".

All versions of the existing buildings, regardless of unit quantity, are designed to resemble large singular structures with limited detailing to visually indicate the number of units within each building (aside from typical entry and exit points). Each building utilizes one roof assembly that is supported by the outer envelope (exterior walls) and the exterior facades have minimal variation in depth across the vertical surface. This approach is consistent with many multifamily building designs, but it is not a typical building typology found within the Historic District of Key West.

The exterior of the existing buildings are finished with cementitious lap siding, metal roofing, and all exterior windows are single hung without applied muntins (1 over 1). These materials are consistent with materials commonly found on buildings within the Historic District of Key West that are not categorized as historic structures.

The three streets bordering the Peary Court Property are Palm Avenue, White Street, and Angela Street. The Peary Court property and adjacent neighborhoods to the West and South are located within the Historic District of Key West and are zoned HSMDR, HNC-2 and HMDR respectively. The property to the North of Peary Court is zoned M (Trumbo) and PS. Along the White Street corridor (opposite Peary Court) there is a mix of commercial and residential properties. These properties consist of single story, 1-1/2 story, and two-story wood framed structures and there are at least two commercial masonry buildings (Sun Beam & Blossoms). Along the Angela Street corridor (opposite Peary Court) there is a mix of single story, 1-1/2 story, and two-story wood framed residential structures and at least one commercial masonry building (the Moose Lodge). Along the Palm Avenue corridor (opposite Peary Court) the majority of buildings are two-story masonry structures that are multifamily or institutional. The Palm Avenue side of Peary Court accounts for more than 30% of the total street frontage surrounding the Peary Court development.

## **Proposed Development Design Methodology:**

Our proposed development inserts 9 building sites within the existing Peary Court development. These structures consist of (1) 2-unit structure, (2) 3-unit structures, (5) 4-unit structures, and (1)

5-unit structure. There will also be 15 conversions that modify existing two-bedroom units into one bedroom units.

### *Building Site Locations:*

The proposed building site locations were chosen to limit their exposure to the adjacent neighborhoods. As you will see in our proposed siteplan, building sites 5, 6, 7, 8 & 9 are placed well within the existing Peary Court Property and have extremely limited exposure to view from any of the adjacent streets or properties. Building sites 1 & 2 are moved away from White Street by a minimum of 80'-0" which also significantly limits the impact of these building sites on White Street. Building Site 3 places the street side elevation of the building 35'-0" from the property line which is 25'-0" beyond the required 10'-0" setback established for the property and Building Site 4 places the street side elevation 30'-0" from the property line which is 22'-6" beyond the required 7'-6" setback established for the property. The distance these new buildings are placed from the property boundaries will significantly reduce the impact of the development on adjacent properties.

### *Mass and Scale:*

In addition to siting the building locations to have limited impact on the adjacent neighborhood, we have also addressed the composition of the individual buildings to better manage the scale and mass of the multifamily structures. Our primary objective with the proposed design of the structures was to 'break-up' the scale that is typical of this building type.

To avoid the formation of large-singular roof structures that span across the outer envelope of each building the proposed design provides each dwelling unit within a building a 'localized' roof structure giving the buildings an appearance of multiple attached structures. This approach reduces the overall height of the roof at each building and decreases the amount of visible roof area from the public right-of-way. Furthermore, the proposed design alternates the height of each unit within a building. Rather than all units being two stories, every other unit within a building is established as a 1-1/2 story structure. This further reduces the massing of the roof and introduces a classic historic building form into each building site.

All proposed roof slopes are 8:12 which is a reduction in slope from the current Peary Court buildings (9:12) but is a slope common to the Historic District compared to typical multifamily buildings which often have roof slopes in the range of 4:12 which would not be appropriate within the Historic District. For reference, the maximum height of the proposed new buildings is 27'-0" above finished adjacent grade compared to the 31'-0" of the existing buildings.

Another concern we have addressed, regarding multifamily buildings within the Historic District, is the expansive and uniform elevations typical of this building typology. Our proposed design alternates the position of the individual unit floor plans within each building and is coordinated with the alternating roof forms to 'break-up' the exterior facades. Also, each unit within a building contains front and rear covered porches at the first-floor level that provides additional 'relief' along the main elevations of each building. Overall, this approach further reinforces the

identification of individual units within each building envelope and effectively reduces the visual scale relative to the existing buildings.

Utilizing these design strategies to address the mass and scale of the exterior envelopes allows us to achieve a more historically appropriate building profile than the typical multifamily structure. This approach establishes a middle ground with our proposed structures that, in terms of mass and scale, falls between the existing Peary Court Buildings and the surrounding neighborhood.

The proposed conversion of the two-bedroom units into one-bedroom units is done by adding one new entrance door to the units that will be converted. No other exterior changes are proposed to accomplish the conversions. The new entrance door allows the first floor and second floor of the existing units to be accessed separately converting a two-bedroom two-story unit into two one-bedroom units; one second floor unit and one first floor unit. The new entrance door locations are proposed at existing first floor window locations. This alteration is minor and effectively has no impact to the existing building composition.

### *Orientation:*

Building Site 3 and Building Site 4 are the only two locations of the proposed development that have a direct relationship with adjacent street frontage (albeit significantly further removed from the streets than required). Per discussions with H.A.R.C. staff we have oriented Building Site 3 so that the front elevation of the building is facing White Street. This connects, visually, the new structure to White Street creating more cohesion between this location of Peary Court and White Street which was absent when that location was occupied by the original Peary Court building at this same location (demolished after significant fire damage). Building Site 4 is located near Angela Street between two existing Peary Court Buildings. The existing Peary Court buildings are turned away from Angela Street with their side elevations exposed as the street frontage. Our design orients the new building so that the rear elevation is facing Angela Street. This elevation much more closely resembles a typical street front elevation than the existing Peary Court building orientations along Angela Street. Placing the rear elevation along Angela Street, as opposed to the front elevation, also takes into consideration the repeated concerns of the neighboring property owners who do not want to see the Peary Court property 'opened' to Angela Street (expressed numerous times during previous development proposals).

### *Materials:*

The exterior materials and fenestration products proposed for the development are consistent with the allowable material as specified within the City of Key West's Historic Architectural Guidelines. All exterior siding will be lap siding, all roofing will be 5V-crimp metal roofing, all windows will be single hung, and all main entry doors will be multi-panel and opaque (4 or 6 panel). As this will be new construction the material composition of these elements will be contemporary with all siding done in cementitious board and all glazed fenestration done utilizing aluminum frames. These material choices will blend with both the existing Peary Court buildings (in most cases matching these buildings) as well as the neighboring properties which also contain similar material compositions.

## *Site Improvements:*

Integrated into the proposed development plan is new landscaping and hardscape installations. All proposed building site locations will incorporate substantial planting of both shade trees and ground cover of which 70% will be native species and 100% will be drought tolerant. The proposed development plan also includes the improvement of existing buffer yards around the perimeter of Peary Court regardless of their relationship to the proposed new building sites. Additional landscaping will be installed at both entrance areas to the Peary Court property improving the presence of both areas as seen from the public rights-of-way (Palm Avenue and White Street).

In addition to providing new pedestrian paths throughout the new building site locations, new bike paths will be marked throughout the property to improve bicycle access within Peary Court as well as to the adjacent public rights-of-ways (Palm Avenue and White Street).

## *Conclusion:*

Our design methodology for this development was entirely focused on reducing the impact of the development on the surrounding neighborhoods. To accomplish this goal, we have located the proposed building sites away from the perimeter of the Peary Court Property and ‘deconstructed’ the individual buildings so they represent multiple units within a larger envelope. These two approaches significantly reduce the impact of the development on adjacent properties and, where visual impact may remain, the mass of each building has been reduced to provide a transitional scale that represents a ‘middle ground’ between the existing Peary Court Buildings and the adjacent neighborhood.

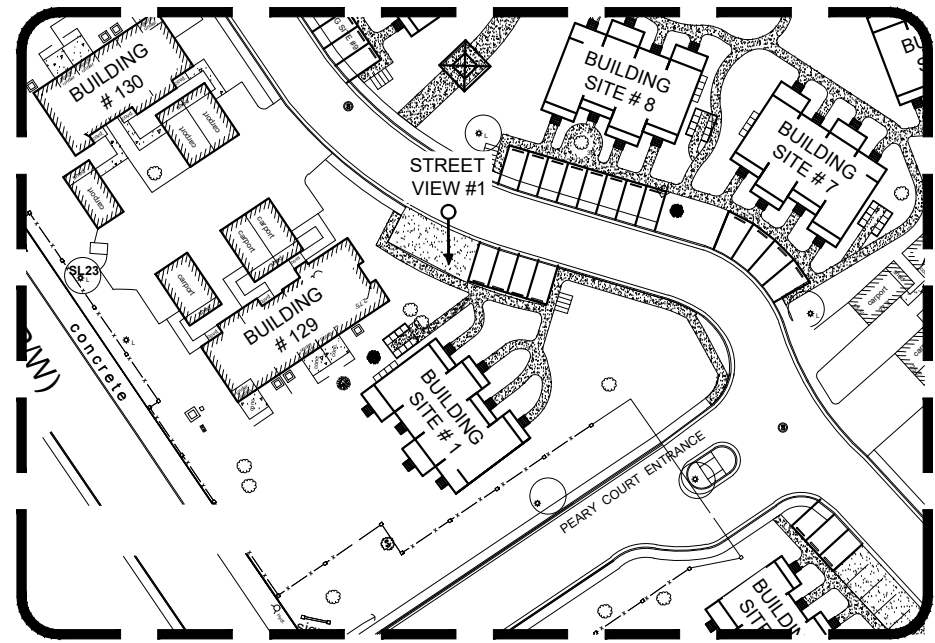
With these design strategies incorporated into the development proposal this project will add a much needed 33 two-bedroom housing units to our community with minimal long-term impact on the adjacent neighborhoods.

410 Angela Street  
Key West, Florida 33040  
Telephone (305) 296-1347  
Facsimile (305) 296-2727  
*Florida License AAC002022*  
www.BenderArchitects.com

# **Architectural Renderings**



1 BUILDING SITE #1 - STREET VIEW #1  
SCALE: N.T.S.



2 SITE MAP SHOWING RENDER LOCATION  
SCALE: N.T.S.

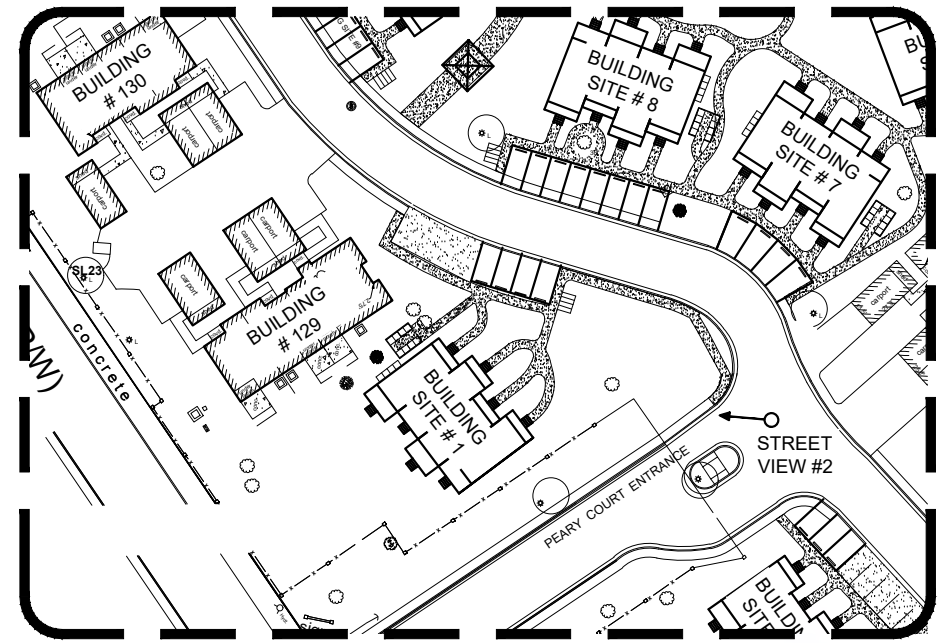
PEARY COURT  
PROPOSED NEW UNITS  
KEY WEST, FLORIDA, 33040

410 Angela Street  
Key West, Florida 33040  
Telephone (305) 296-1347  
Facsimile (305) 296-2727  
Florida License AAC002022

Bender & Associates  
ARCHITECTS  
p.a.

Project No: 1622  
Date: 11/19/2021

R1  
1 OF 1



2 SITE MAP SHOWING RENDER LOCATION  
 R2 SCALE: N.T.S.



1 BUILDING SITE #1 - STREET VIEW #2  
 R2 SCALE: N.T.S.

PEARY COURT  
 PROPOSED NEW UNITS  
 KEY WEST, FLORIDA, 33040

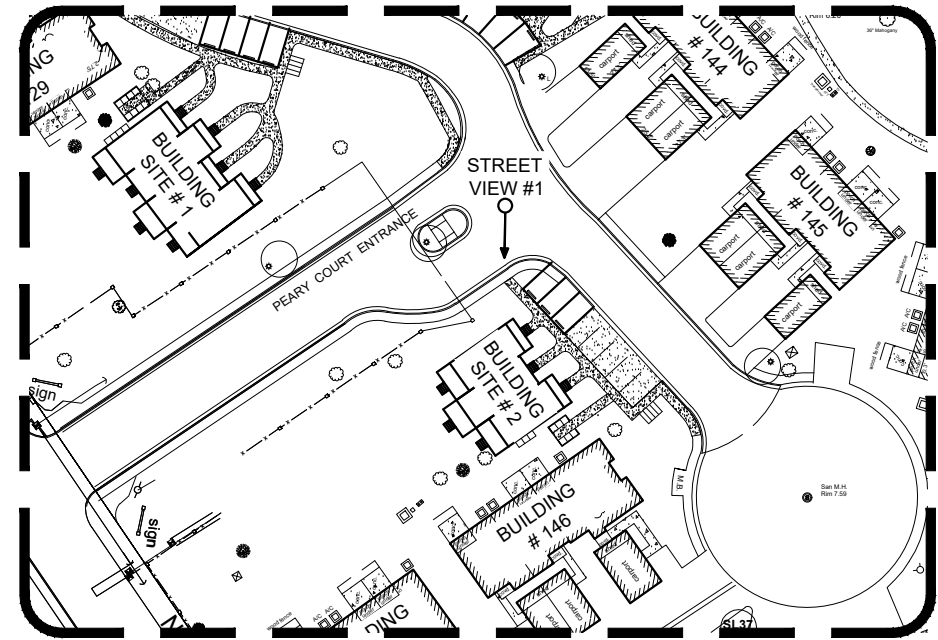
410 Angela Street  
 Key West, Florida 33040  
 Telephone (305) 296-1347  
 Facsimile (305) 296-2727  
 Florida License AAC002022

Bender & Associates  
 ARCHITECTS  
 p.a.

Project No: 1622  
 Date: 11/19/2021

R2  
 OF



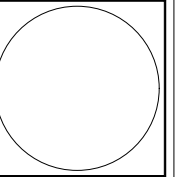


2 SITE MAP SHOWING RENDER LOCATION  
 R3 SCALE: N.T.S.



1 BUILDING SITE #2 - STREET VIEW #1  
 R3 SCALE: N.T.S.

PEARY COURT  
 PROPOSED NEW UNITS  
 KEY WEST, FLORIDA, 33040

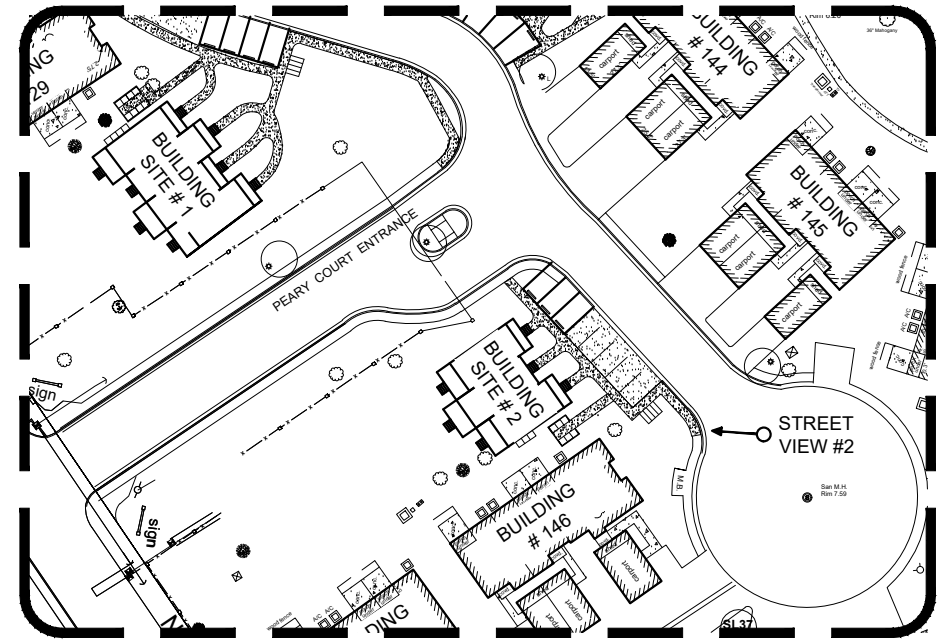


410 Angela Street  
 Key West, Florida 33040  
 Telephone (305) 296-1347  
 Facsimile (305) 296-2727  
 Florida License AAC002022

Bender & Associates  
 ARCHITECTS p.a.

Project No: 1622  
 Date: 11/19/2021

R3  
 OF



2 SITE MAP SHOWING RENDER LOCATION  
 R4 SCALE: N.T.S.



1 BUILDING SITE #2 - STREET VIEW #2  
 R4 SCALE: N.T.S.

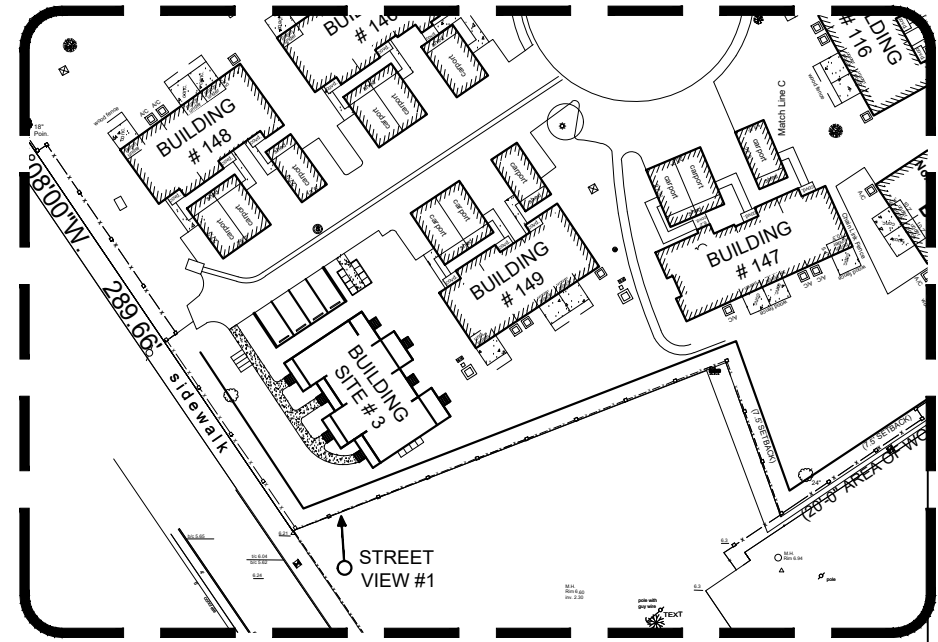
PEARY COURT  
 PROPOSED NEW UNITS  
 KEY WEST, FLORIDA, 33040

410 Angela Street  
 Key West, Florida 33040  
 Telephone (305) 296-1347  
 Facsimile (305) 296-2727  
 Florida License AAC002022

Bender & Associates  
 ARCHITECTS  
 p.a.

Project No: 1622  
 Date: 11/19/2021

R4  
 OF

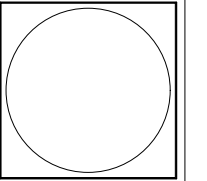


2 SITE MAP SHOWING RENDER LOCATION  
 R5 SCALE: N.T.S.



1 BUILDING SITE #3 - STREET VIEW #1  
 R5 SCALE: N.T.S.

PEARY COURT  
 PROPOSED NEW UNITS  
 KEY WEST, FLORIDA, 33040

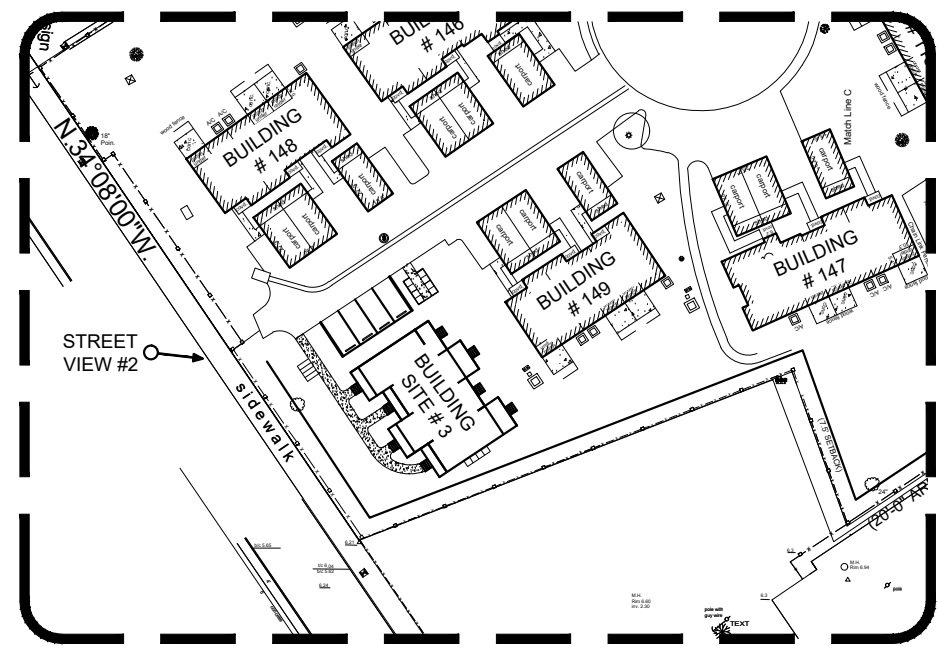


410 Angela Street  
 Key West, Florida 33040  
 Telephone (305) 296-1347  
 Facsimile (305) 296-2727  
 Florida License AAC002022

Bender & Associates  
 ARCHITECTS p.a.

Project No: 1622  
 Date: 11/19/2021

R5  
 OF

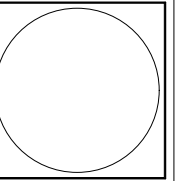


2 SITE MAP SHOWING RENDER LOCATION  
 R6 SCALE: N.T.S.



1 BUILDING SITE #3 - STREET VIEW #2  
 R6 SCALE: N.T.S.

PEARY COURT  
 PROPOSED NEW UNITS  
 KEY WEST, FLORIDA, 33040

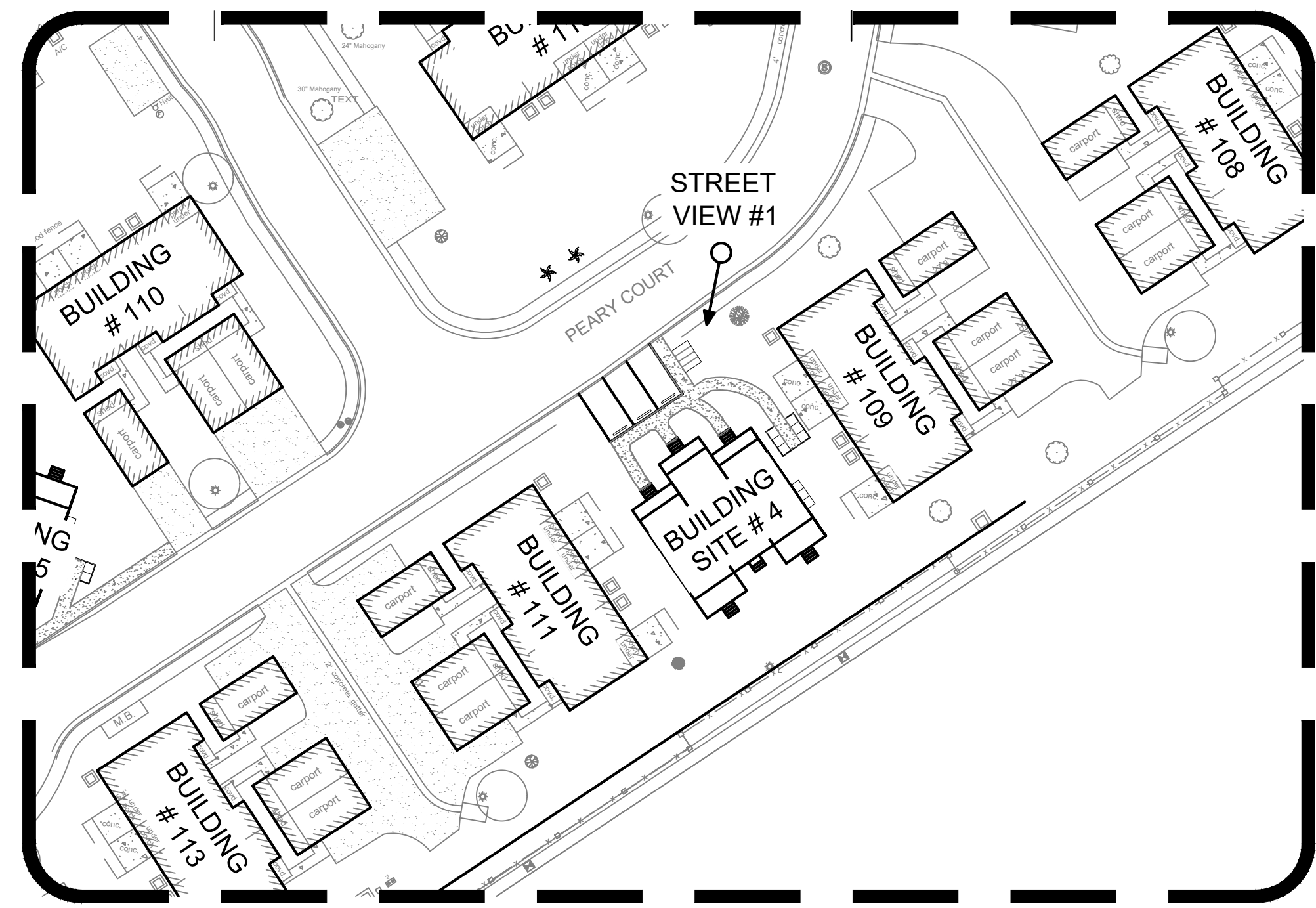


410 Angela Street  
 Key West, Florida 33040  
 Telephone (305) 296-1347  
 Facsimile (305) 296-2727  
 Florida License AAC002022

Bender & Associates  
 ARCHITECTS p.a.

Project No: 1622  
 Date: 11/19/2021

R6  
 OF



2 SITE MAP SHOWING RENDER LOCATION  
SCALE: N.T.S.



1 BUILDING SITE #4 - STREET VIEW #1  
SCALE: N.T.S.

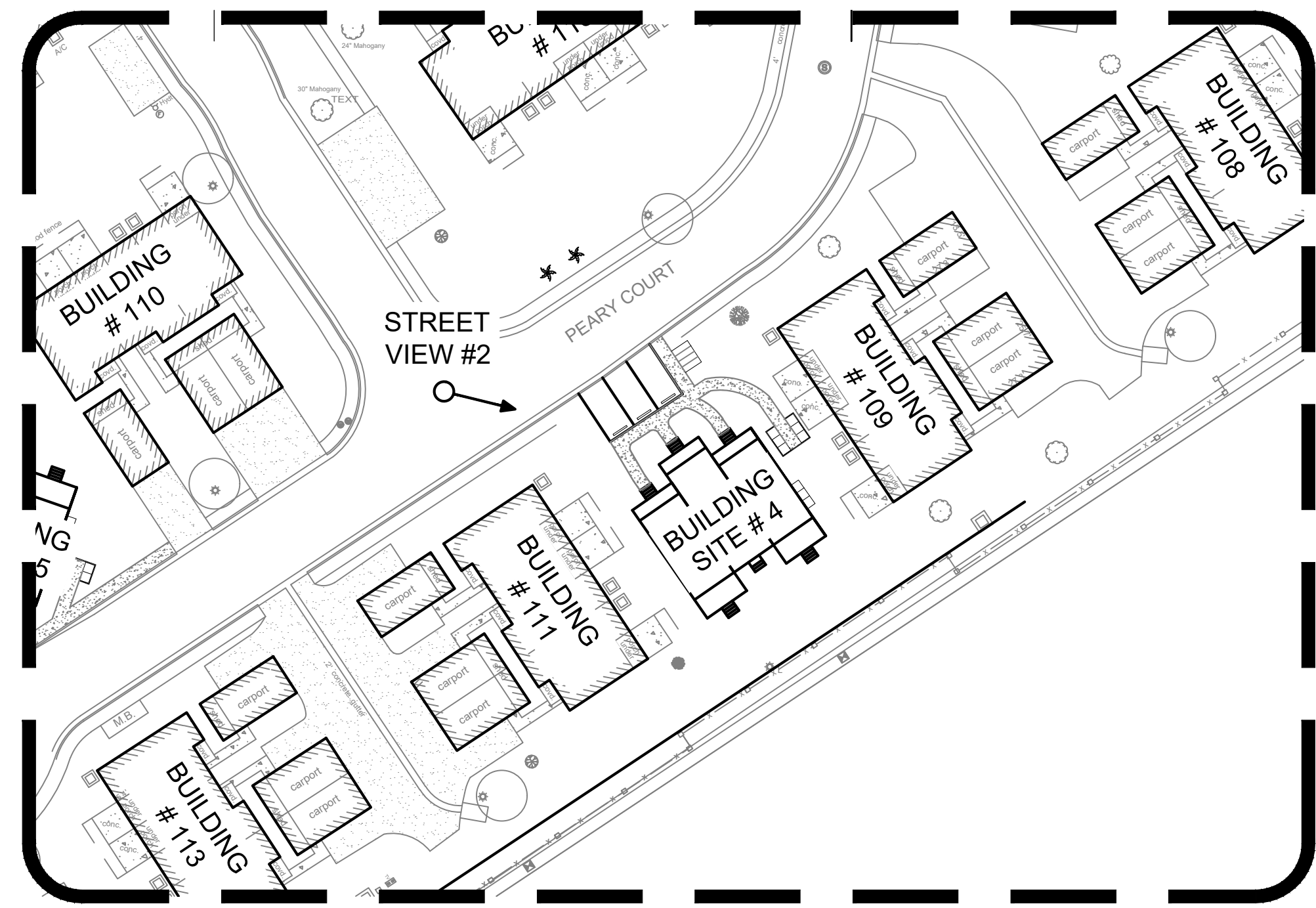
PEARY COURT  
PROPOSED NEW UNITS  
KEY WEST, FLORIDA, 33040

410 Angela Street  
Key West, Florida 33040  
Telephone (305) 296-1347  
Facsimile (305) 296-2727  
Florida License AAC002022

Bender & Associates  
ARCHITECTS  
p.a.

Project No: 1622  
Date: 11/19/2021

R7  
OF



2 SITE MAP SHOWING RENDER LOCATION  
 R8 SCALE: N.T.S.



1 BUILDING SITE #4 - STREET VIEW #2  
 R8 SCALE: N.T.S.

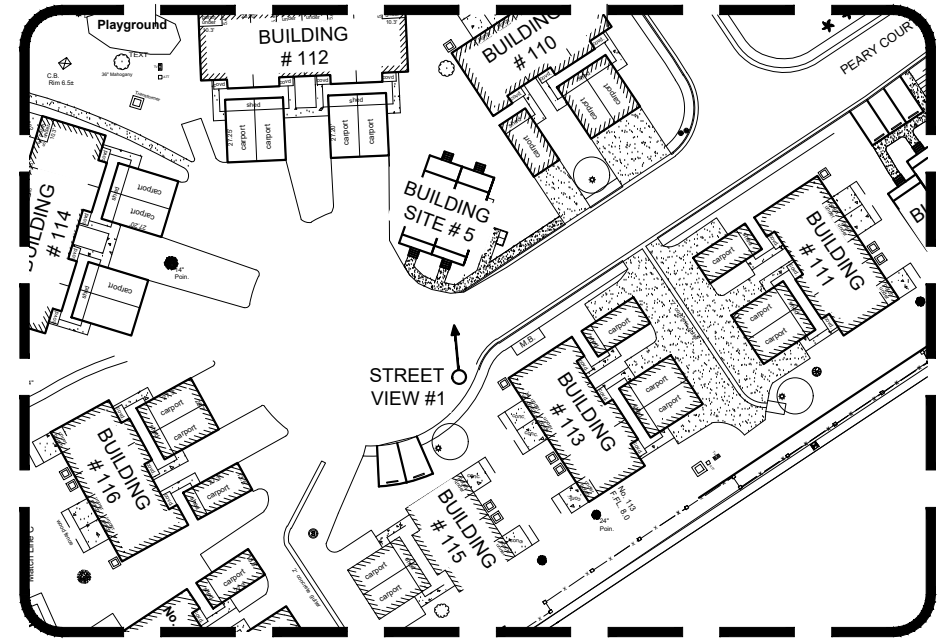
PEARY COURT  
 PROPOSED NEW UNITS  
 KEY WEST, FLORIDA, 33040

410 Angela Street  
 Key West, Florida 33040  
 Telephone (305) 296-1347  
 Facsimile (305) 296-2727  
 Florida License AAC002022

Bender & Associates  
 ARCHITECTS  
 p.a.

Project No: 1622  
 Date: 11/19/2021

R8  
 OF

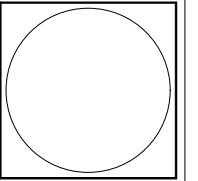


2 SITE MAP SHOWING RENDER LOCATION  
 R9 SCALE: N.T.S.



1 BUILDING SITE #5 - STREET VIEW #1  
 R9 SCALE: N.T.S.

PEARY COURT  
 PROPOSED NEW UNITS  
 KEY WEST, FLORIDA, 33040

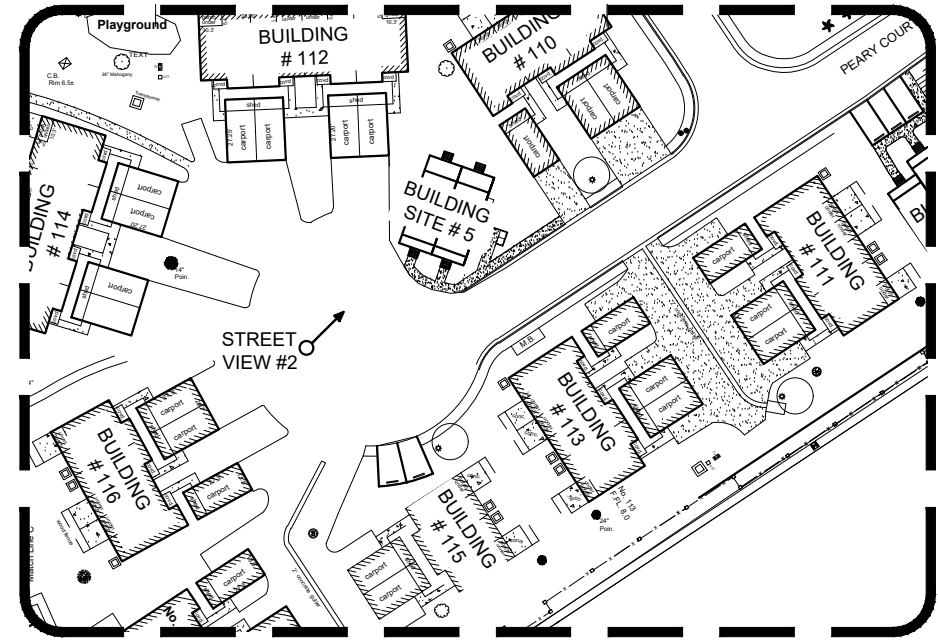


410 Angela Street  
 Key West, Florida 33040  
 Telephone (305) 296-1347  
 Facsimile (305) 296-2727  
 Florida License AAC002022

Bender & Associates  
 ARCHITECTS p.a.

Project No: 1622  
 Date: 11/19/2021

R9  
 OF



2 SITE MAP SHOWING RENDER LOCATION  
 R10 SCALE: N.T.S.



1 BUILDING SITE #5 - STREET VIEW #2  
 R10 SCALE: N.T.S.

PEARY COURT  
 PROPOSED NEW UNITS  
 KEY WEST, FLORIDA, 33040

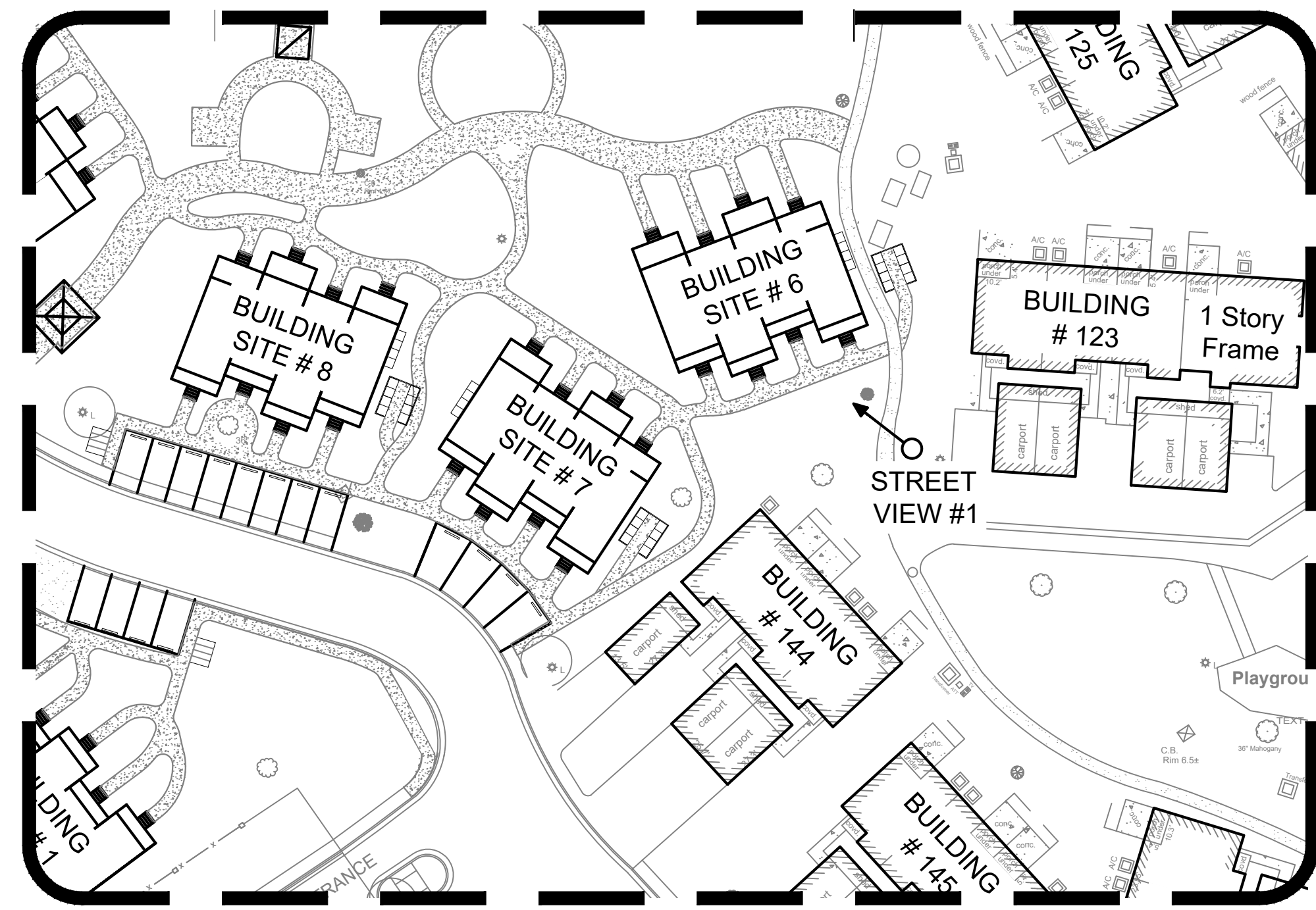
410 Angela Street  
 Key West, Florida 33040  
 Telephone (305) 296-1347  
 Facsimile (305) 296-2727  
 Florida License AAC002022

Bender & Associates  
 ARCHITECTS p.a.

Project No: 1622  
 Date: 11/19/2021

R10  
 OF





2 SITE MAP SHOWING RENDER LOCATION  
 R11 SCALE: N.T.S.



1 BUILDING SITE # 6 - STREET VIEW #1  
 R11 SCALE: N.T.S.

PEARY COURT  
 PROPOSED NEW UNITS  
 KEY WEST, FLORIDA, 33040

410 Angela Street  
 Key West, Florida 33040  
 Telephone (305) 296-1347  
 Facsimile (305) 296-2727  
 Florida License AAC002022

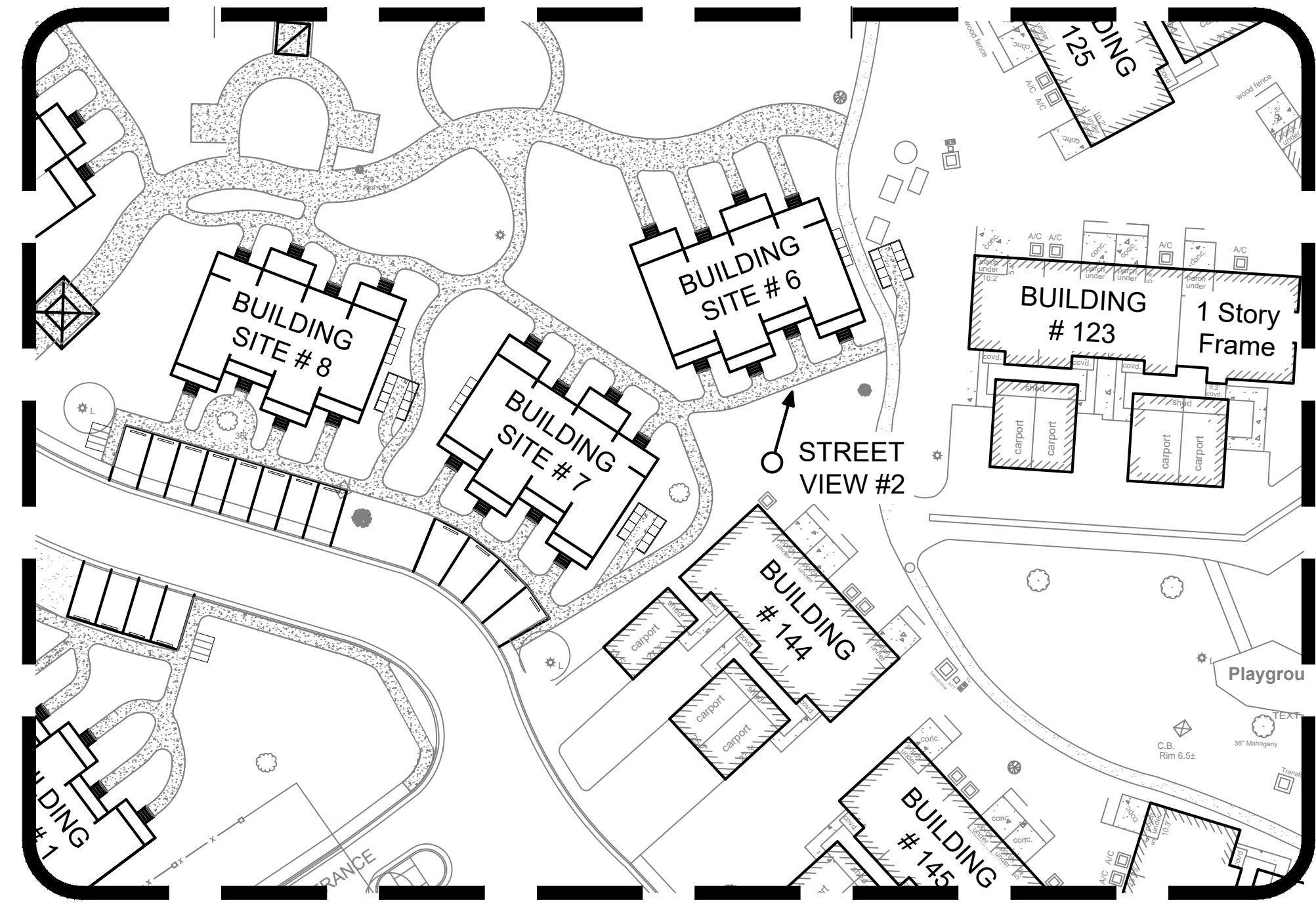
Bender & Associates  
 ARCHITECTS p.a.

Project No: 1622  
 Date: 11/19/2021

R11  
 OF



1 BUILDING SITE # 6 - STREET VIEW # 2  
SCALE: N.T.S.



2 SITE MAP SHOWING RENDER LOCATION  
SCALE: N.T.S.

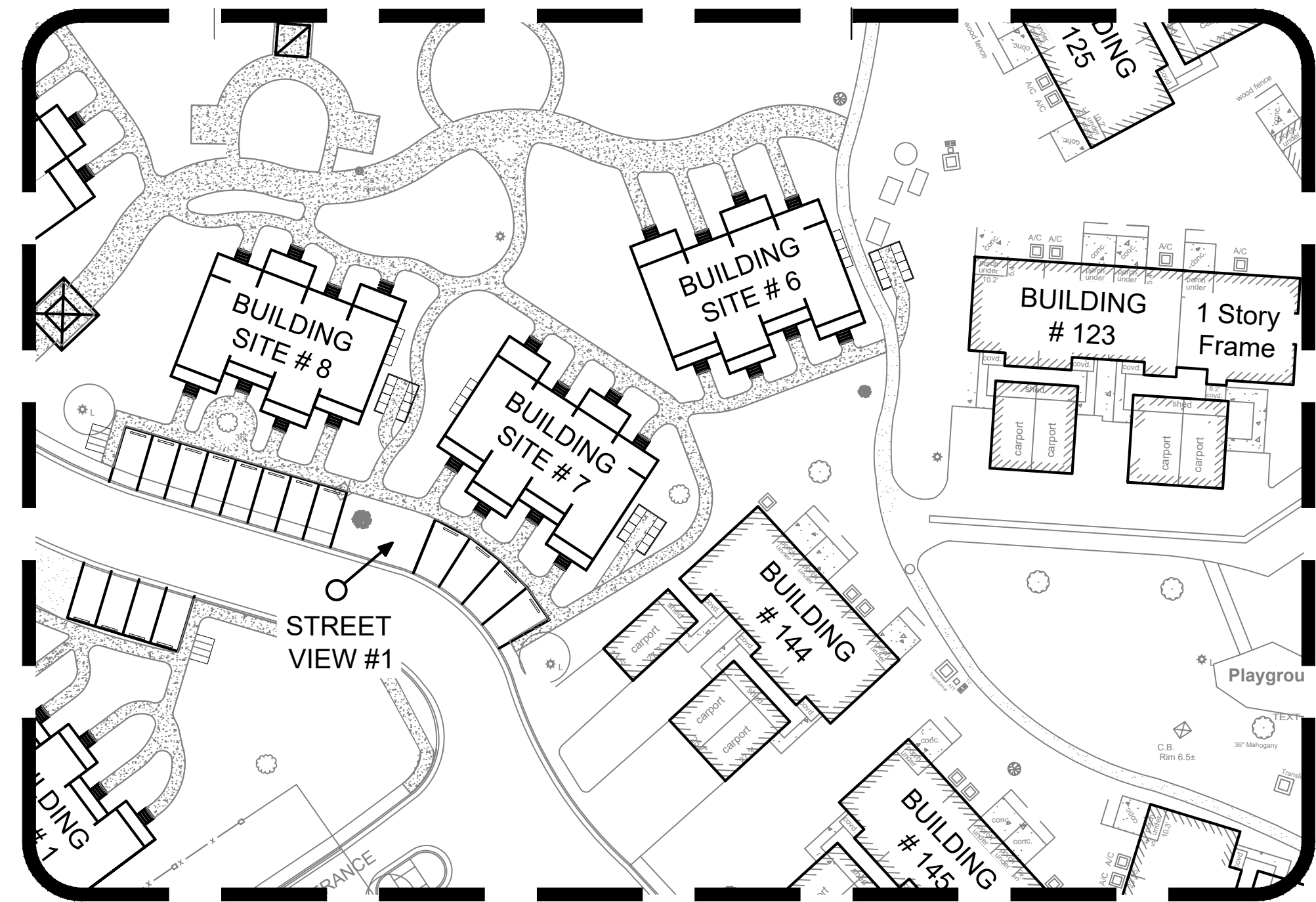
PEARY COURT  
PROPOSED NEW UNITS  
KEY WEST, FLORIDA, 33040

410 Angela Street  
Key West, Florida 33040  
Telephone (305) 296-1347  
Facsimile (305) 296-2727  
Florida License AAC002022

Bender & Associates  
ARCHITECTS p.a.

Project No: 1622  
Date: 11/19/2021

R12  
OF



2 SITE MAP SHOWING RENDER LOCATION  
 R13 SCALE: N.T.S.



1 BUILDING SITE # 7 - STREET VIEW # 1  
 R13 SCALE: N.T.S.

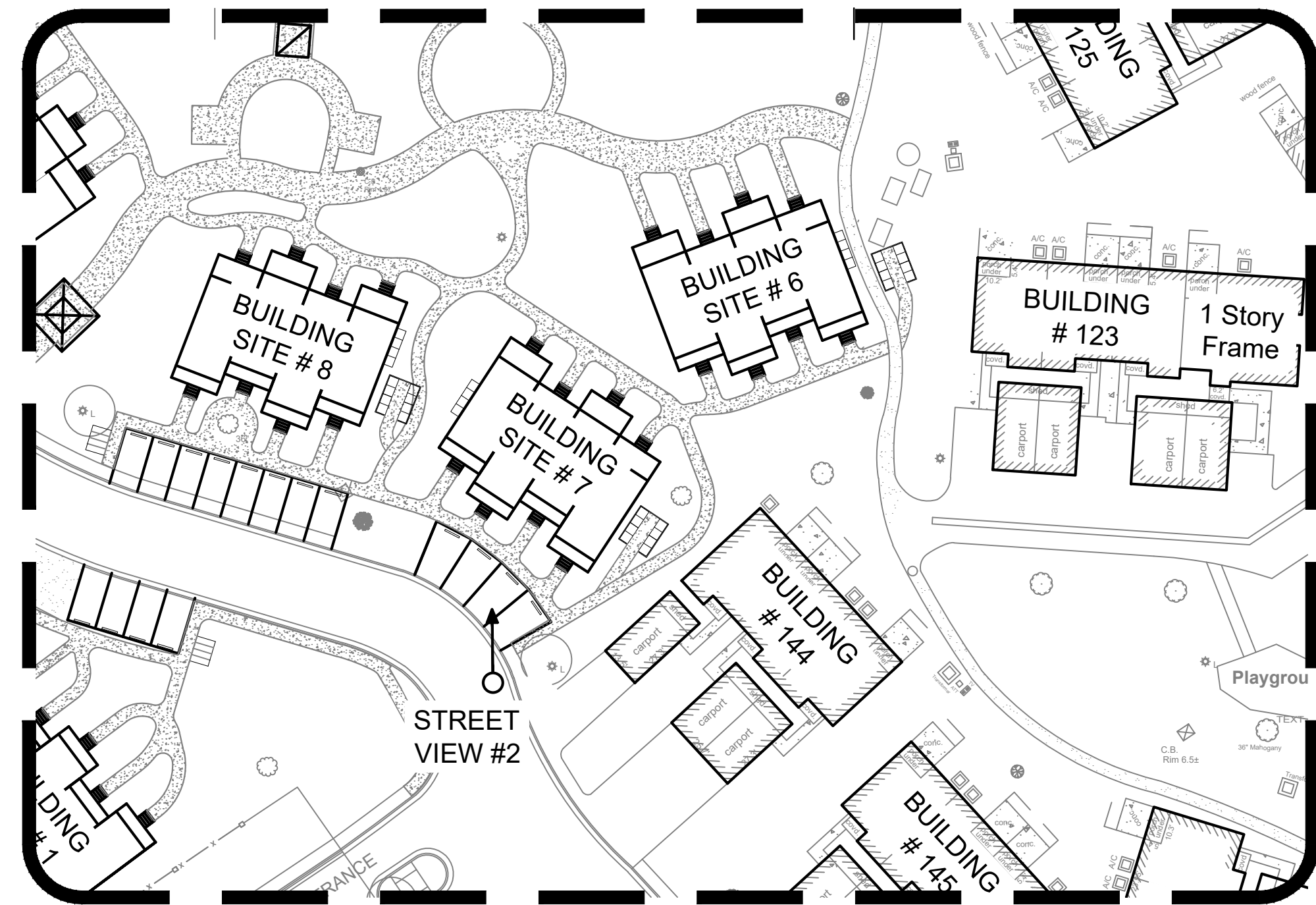
PEARY COURT  
 PROPOSED NEW UNITS  
 KEY WEST, FLORIDA, 33040

410 Angela Street  
 Key West, Florida 33040  
 Telephone (305) 296-1347  
 Facsimile (305) 296-2727  
 Florida License AAC002022

*Bender & Associates*  
 ARCHITECTS  
 p.c.

Project No: 1622  
 Date: 11/19/2021

R13  
 OF



2 SITE MAP SHOWING RENDER LOCATION  
SCALE: N.T.S.



1 BUILDING SITE #7 - STREET VIEW #2  
SCALE: N.T.S.

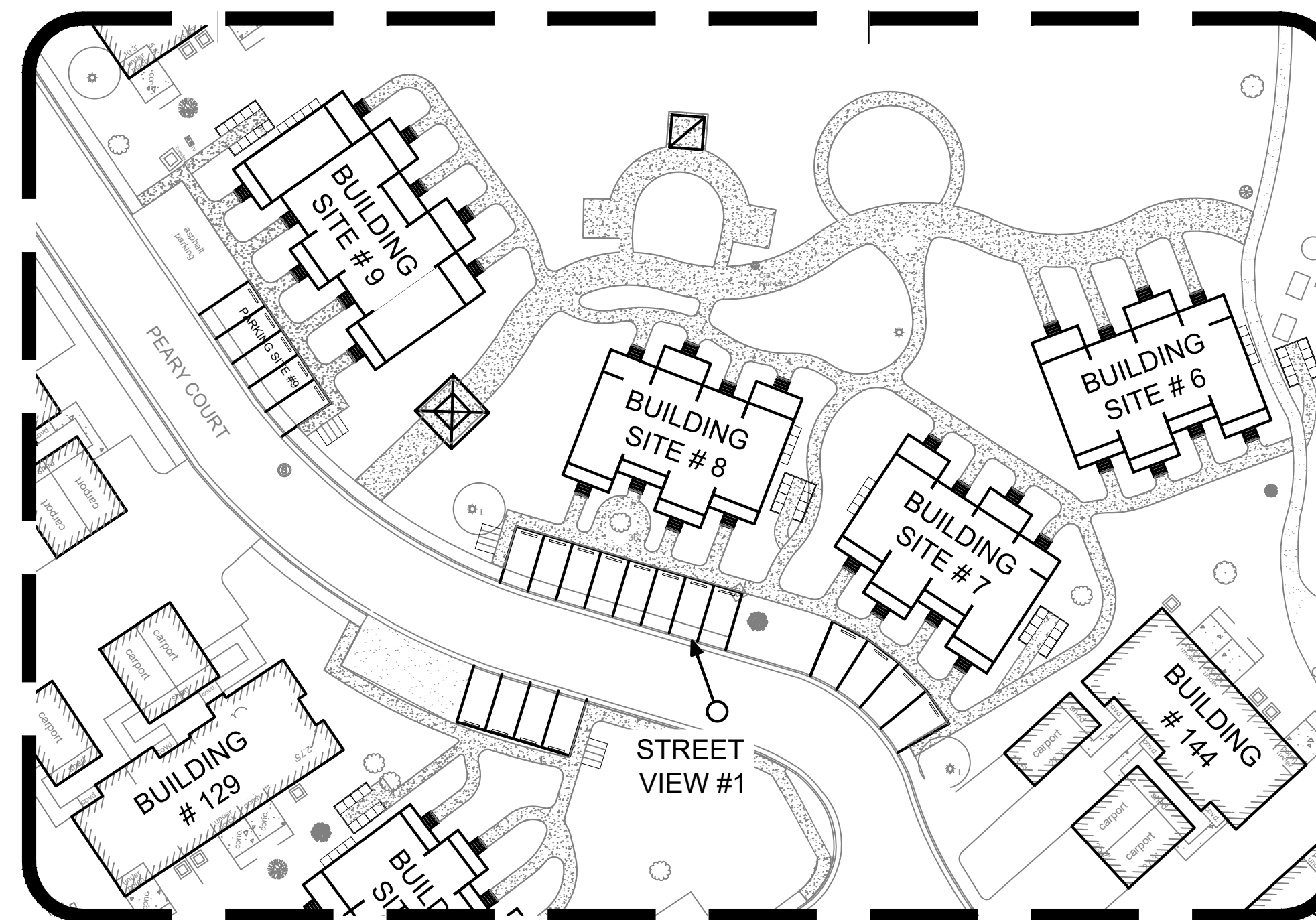
PEARY COURT  
PROPOSED NEW UNITS  
KEY WEST, FLORIDA, 33040

410 Angela Street  
Key West, Florida 33040  
Telephone (305) 296-1347  
Facsimile (305) 296-2727  
Florida License AAC002022

Bender & Associates  
ARCHITECTS  
p.a.

Project No: 1622  
Date: 11/19/2021

R14  
OF

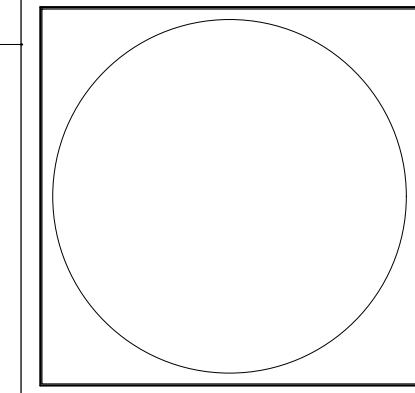


2 SITE MAP SHOWING RENDER LOCATION  
 R15 SCALE: N.T.S.



1 BUILDING SITE #8 - STREET VIEW #1  
 R15 SCALE: N.T.S.

PEARY COURT  
 PROPOSED NEW UNITS  
 KEY WEST, FLORIDA, 33040



410 Angela Street  
 Key West, Florida 33040  
 Telephone (305) 296-1347  
 Facsimile (305) 296-2727  
 Florida License AAC002022

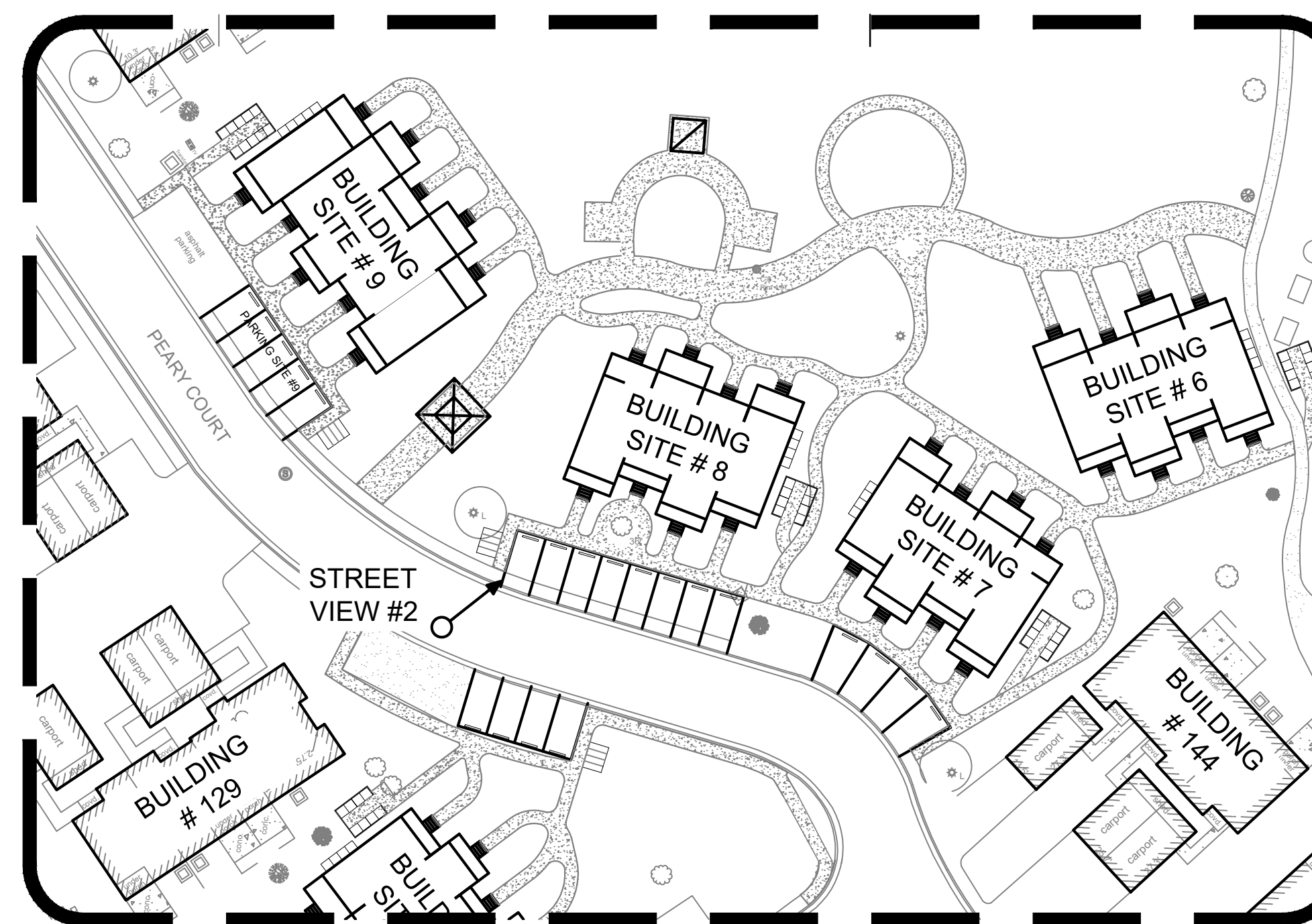
*Bender & Associates*  
**ARCHITECTS** p.a.

Project No: 1622  
 Date: 11/19/2021

**R15**  
 OF



1 BUILDING SITE # 8 - STREET VIEW # 2  
 R16 SCALE: N.T.S.



2 SITE MAP SHOWING RENDER LOCATION  
 R16 SCALE: N.T.S.

PEARY COURT  
 PROPOSED NEW UNITS  
 KEY WEST, FLORIDA, 33040

410 Angela Street  
 Key West, Florida 33040  
 Telephone (305) 296-1347  
 Facsimile (305) 296-2727  
 Florida License AAC002022

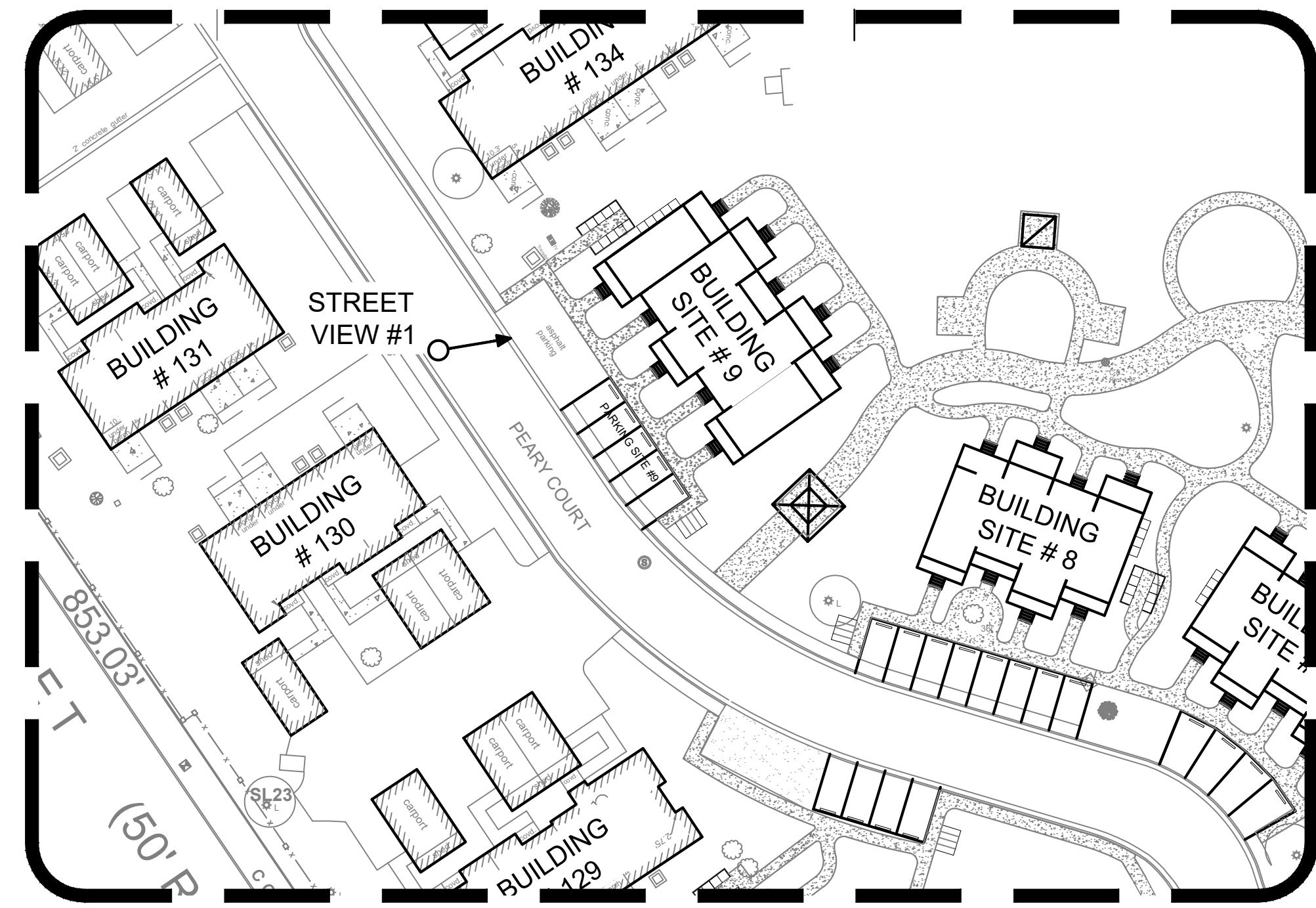
Bender & Associates  
 ARCHITECTS  
 p.a.

Project No: 1622  
 Date: 11/19/2021

R16  
 OF



1 BUILDING SITE #9 - STREET VIEW #1  
 R17 SCALE: N.T.S.



2 SITE MAP SHOWING RENDER LOCATION  
 R17 SCALE: N.T.S.

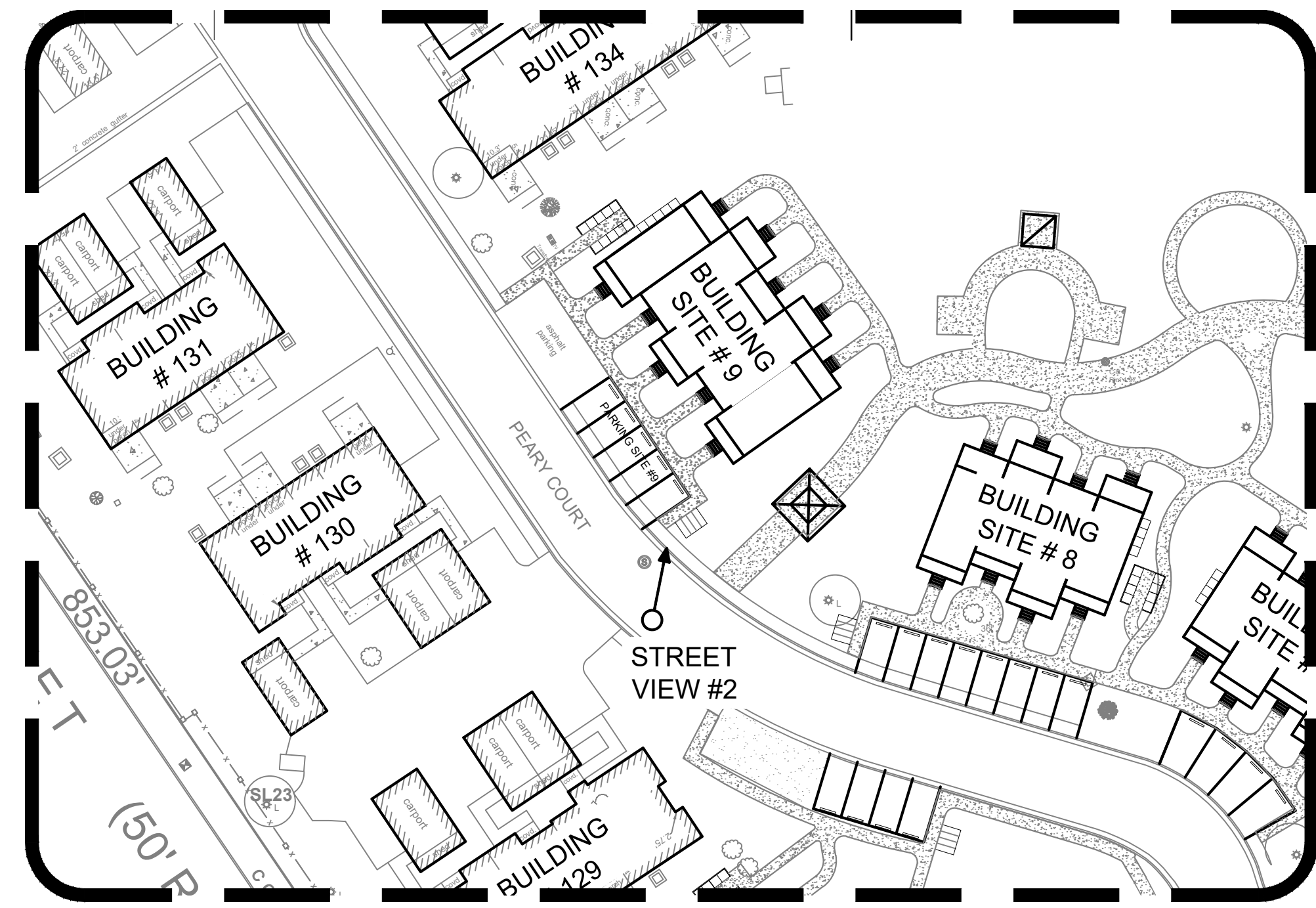
PEARY COURT  
 PROPOSED NEW UNITS  
 KEY WEST, FLORIDA, 33040

410 Angela Street  
 Key West, Florida 33040  
 Telephone (305) 296-1347  
 Facsimile (305) 296-2727  
 Florida License AAC002022

Bender & Associates  
 ARCHITECTS p.a.

Project No: 1622  
 Date: 11/19/2021

R17  
 OF



2 SITE MAP SHOWING RENDER LOCATION  
 R18 SCALE: N.T.S.



1 BUILDING SITE #9 - STREET VIEW #2  
 R18 SCALE: N.T.S.

PEARY COURT  
 PROPOSED NEW UNITS  
 KEY WEST, FLORIDA, 33040

410 Angela Street  
 Key West, Florida 33040  
 Telephone (305) 296-1347  
 Facsimile (305) 296-2727  
 Florida License AAC002022

Bender & Associates  
 ARCHITECTS  
 p.a.

Project No: 1622  
 Date: 11/19/2021

R18  
 OF





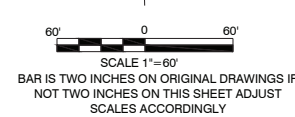
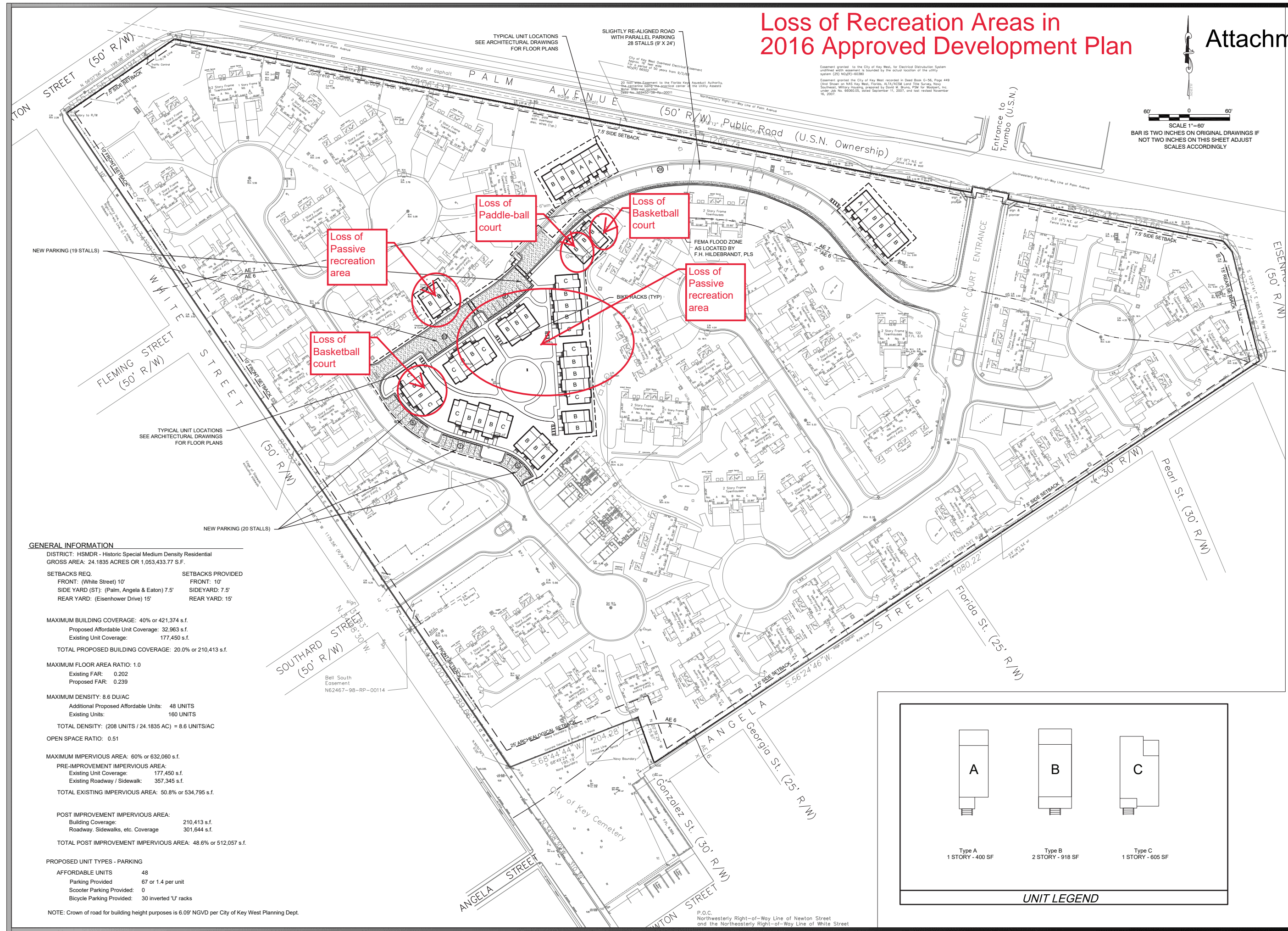




# **Open Space Retention Graphics**

# Loss of Recreation Areas in 2016 Approved Development Plan

## Attachment B



**GENERAL INFORMATION**

DISTRICT: HSMR - Historic Special Medium Density Residential  
 GROSS AREA: 24.1835 ACRES OR 1,053,433.77 S.F.

SETBACKS REQ.                      SETBACKS PROVIDED  
 FRONT: (White Street) 10'              FRONT: 10'  
 SIDE YARD (ST): (Palm, Angela & Eaton) 7.5'              SIDEYARD: 7.5'  
 REAR YARD: (Eisenhower Drive) 15'              REAR YARD: 15'

MAXIMUM BUILDING COVERAGE: 40% or 421,374 s.f.  
 Proposed Affordable Unit Coverage: 32,963 s.f.  
 Existing Unit Coverage: 177,450 s.f.

TOTAL PROPOSED BUILDING COVERAGE: 20.0% or 210,413 s.f.

MAXIMUM FLOOR AREA RATIO: 1.0  
 Existing FAR: 0.202  
 Proposed FAR: 0.239

MAXIMUM DENSITY: 8.6 DU/AC  
 Additional Proposed Affordable Units: 48 UNITS  
 Existing Units: 160 UNITS

TOTAL DENSITY: (208 UNITS / 24.1835 AC) = 8.6 UNITS/AC

OPEN SPACE RATIO: 0.51

MAXIMUM IMPERVIOUS AREA: 60% or 632,060 s.f.  
 PRE-IMPROVEMENT IMPERVIOUS AREA:  
 Existing Unit Coverage: 177,450 s.f.  
 Existing Roadway / Sidewalk: 357,345 s.f.

TOTAL EXISTING IMPERVIOUS AREA: 50.8% or 534,795 s.f.

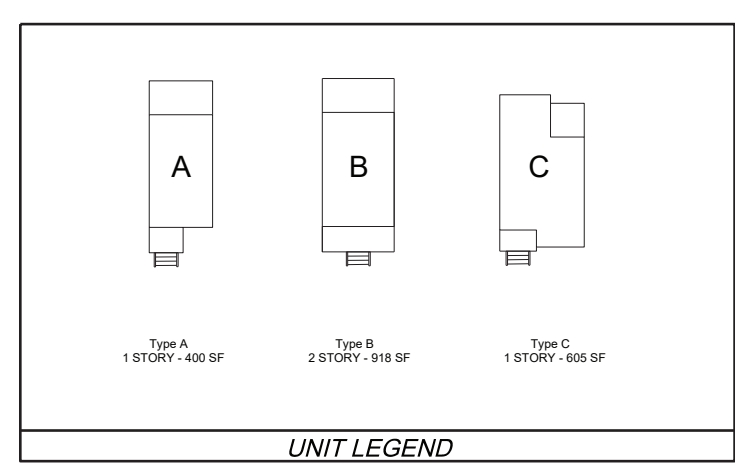
POST IMPROVEMENT IMPERVIOUS AREA:  
 Building Coverage: 210,413 s.f.  
 Roadway, Sidewalks, etc. Coverage: 301,644 s.f.

TOTAL POST IMPROVEMENT IMPERVIOUS AREA: 48.6% or 512,057 s.f.

PROPOSED UNIT TYPES - PARKING

AFFORDABLE UNITS	48
Parking Provided	67 or 1.4 per unit
Scooter Parking Provided:	0
Bicycle Parking Provided:	30 inverted 'U' racks

NOTE: Crown of road for building height purposes is 6.09' NGVD per City of Key West Planning Dept.



CIVIL ENGINEERING • REGULATORY PERMITTING • CONSTRUCTION MANAGEMENT

**PEREZ ENGINEERING & DEVELOPMENT, INC.**

KEY WEST OFFICE  
 1010 E. PALM AVENUE, SUITE 201  
 KEY WEST, FLORIDA 33040-2001  
 TEL: (305) 293-9440 FAX: (305) 293-9243

ALLEN E. PEREZ P.E.  
 Florida P.E. NO. 51468  
 July 29, 2015

ORIGINAL: JANUARY 2015

REVISIONS:

1	
2	
3	
4	
5	
6	

SOUTHARD PARK

PEARY COURT HOLDING, LP  
 150 SE 2ND AVENUE, SUITE 800  
 MIAMI, FL 33131

JOB NO. 151001  
 DRAWN BGO  
 DESIGNED AEP  
 CHECKED AEP  
 QC  
 SHEET

C-1

## Proposed Modification to Existing Development Plan

9 Building Sites  
33 New Townhouses  
33 New Parking Spaces

Loss of basketball court.

Loss of tot lot.

### Project Scope: Peary Court Key West, FL 33040

Abbreviations: Grades are 1929 N.G.V.D.

M.C. = Manhole	F. = Fossil	P.O.C. = Point of Commencement
S.M. = Storm Man Hole	C.B. = Catch Basin	P.O.B. = Point of Beginning
W. = Wall	E. = Elevation	F.B. = Flag Bench
St. = Street	U. = Utility	St. = Stake
W.C. = Water Closet	L.P. = Low Point	W. = Wall
M. = Manhole	I.S. = Iron Bar	B. = Battery
D. = Drainage	C.B.S. = Concrete Block Structure	C. = Catchment
N.T.S. = Not To Scale	C.B. = Concrete Block Structure	W.V. = Water Valve
C. = Catchment	C.L.P. = Concrete Ledge Pipe	L. = Light Pole
E.M. = Elevation Mark	W.C.P. = Wood Curb Pipe	

**GENERAL INFORMATION:**

DISTRICT: HSMR - Historic Special Medium Density Residential  
GROSS AREA: 24.1835 ACRES OR 1,053,433.77 SF

**SETBACKS REQUIRED:**

FRONT (White Street) 10'      PROVIDED: 10'  
SIDE YARD (Palm, Angela, Eaton): 7.5'      PROVIDED: 7.5'  
REAR (Eisenhower): 15'      PROVIDED: 15'

BUILDING HEIGHT: 30'-0" FROM CROWN OF ROAD AT WHITE STREET (6.09 NGVD29)  
ALL PROPOSED BUILDINGS ARE BELOW THE HEIGHT LIMIT. SEE ELEVATIONS.

MAX BUILDING COVERAGE ALLOWED: 40% or 421,374 s.f.  
EXISTING BUILDING COVERAGE: 15.8% or 166,382 s.f.  
PROPOSED BUILDING COVERAGE: 188,320 s.f. or 17.8%

EXISTING UNITS: 157  
ENTITLEMENTS: 3 DU TO REPLACE BURNED DOWN UNITS  
ENTITLEMENTS: 48 DU APPROVED DEVELOPMENT PLAN  
(33 TWO BEDROOM UNITS, 15 CONVERSIONS)  
208 UNITS TOTAL ENTITLEMENTS

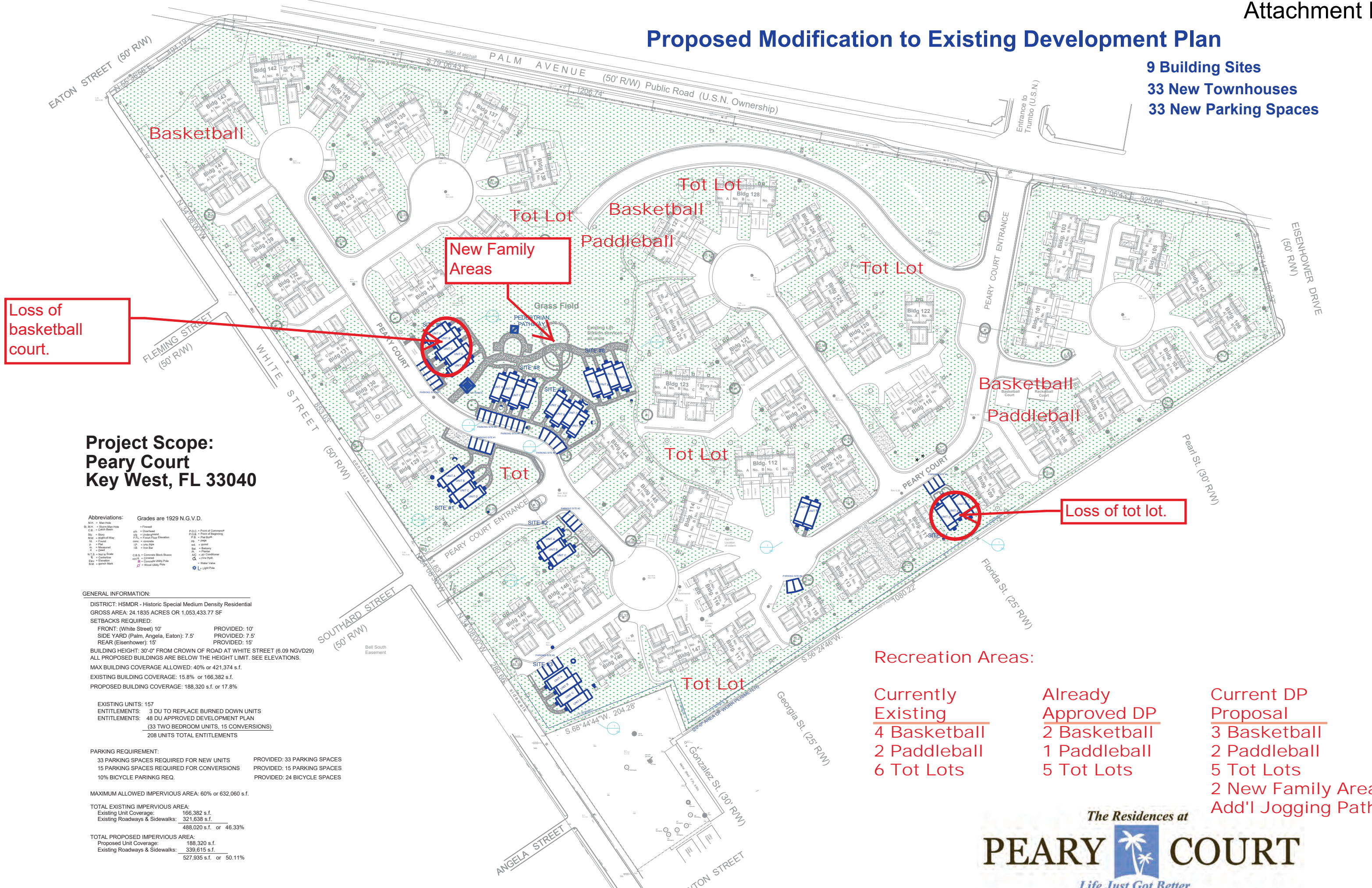
**PARKING REQUIREMENT:**

33 PARKING SPACES REQUIRED FOR NEW UNITS      PROVIDED: 33 PARKING SPACES  
15 PARKING SPACES REQUIRED FOR CONVERSIONS      PROVIDED: 15 PARKING SPACES  
10% BICYCLE PARKING REQ.      PROVIDED: 24 BICYCLE SPACES

**MAXIMUM ALLOWED IMPERVIOUS AREA:** 60% or 632,060 s.f.

**TOTAL EXISTING IMPERVIOUS AREA:**  
Existing Unit Coverage: 166,382 s.f.  
Existing Roadways & Sidewalks: 321,638 s.f.  
488,020 s.f. or 46.33%

**TOTAL PROPOSED IMPERVIOUS AREA:**  
Proposed Unit Coverage: 188,320 s.f.  
Existing Roadways & Sidewalks: 339,615 s.f.  
527,935 s.f. or 50.11%



**Recreation Areas:**

Currently Existing	Already Approved DP	Current DP Proposal
4 Basketball	2 Basketball	3 Basketball
2 Paddleball	1 Paddleball	2 Paddleball
6 Tot Lots	5 Tot Lots	5 Tot Lots
		2 New Family Areas
		Add'l Jogging Paths





ISSUED FOR:

ISSUANCE	DD MM YY

PROJECT NUMBER	R210129.00
DATE	06.04.21
SCALE	1"=20'-0"
DRAWN BY:	IM
CHECKED BY:	KO



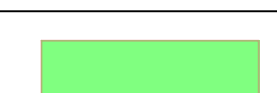




DRAWING SCALE AND NORTH ARROW

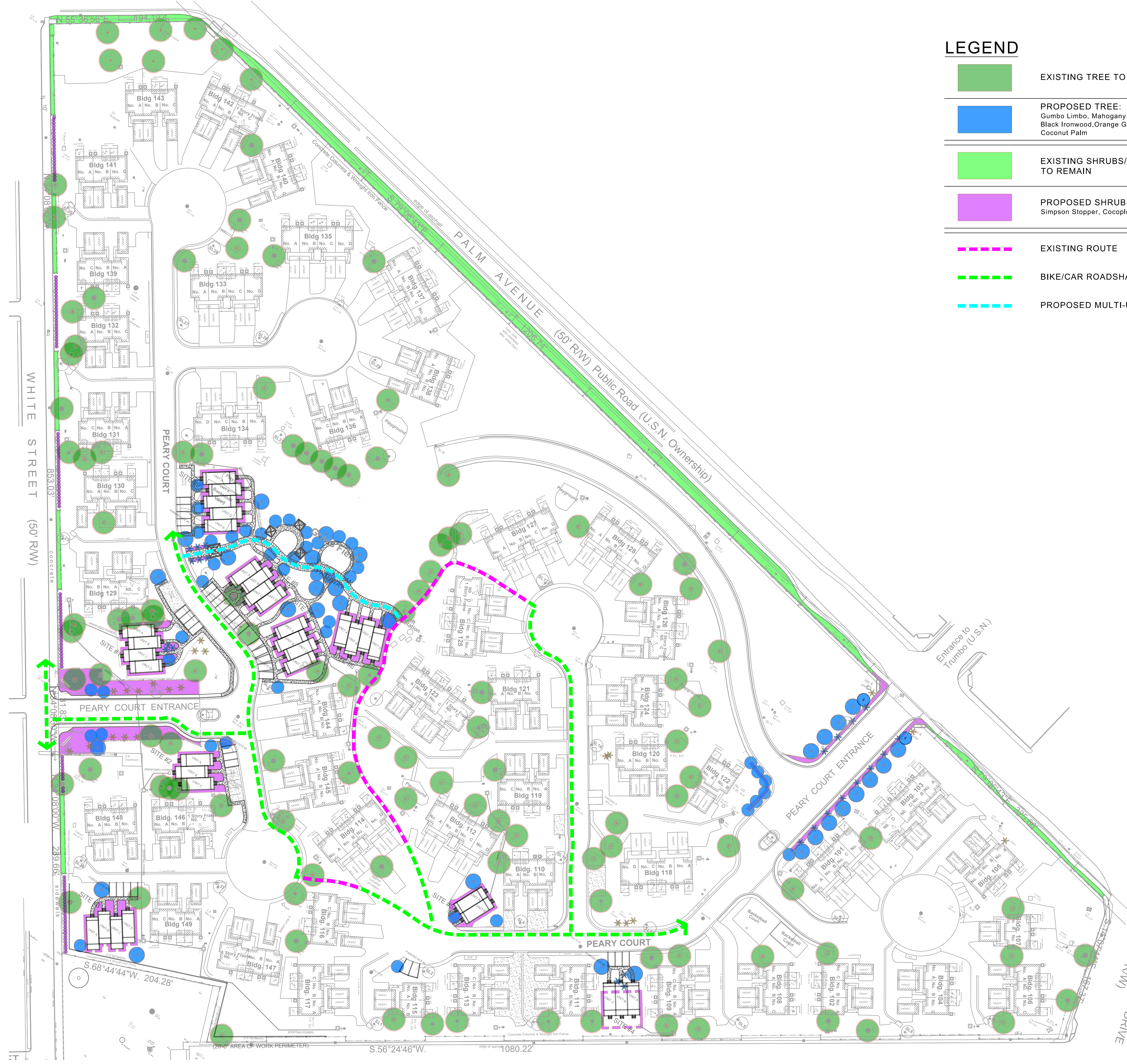
GRAPHIC SCALE NORTH

SHEET TITLE  
OVERALL LANDSCAPE EXHIBIT

SHEET NUMBER	LE.00
SHEET OF	

**LEGEND**

-  EXISTING TREE TO REMAIN
-  PROPOSED TREE:  
Gumbo Limbo, Mahogany, Southern Live Oak,  
Black Ironwood, Orange Geiger, Sweet Acacia, Sabal Palm,  
Coconut Palm
-  EXISTING SHRUBS/GROUNDCOVER TO REMAIN
-  PROPOSED SHRUBS/GROUNDCOVER:  
Simpson Stopper, Cocoplum, Wild Coffee
-  EXISTING ROUTE
-  BIKE/CAR ROADSHARE
-  PROPOSED MULTI-USE ROUTE



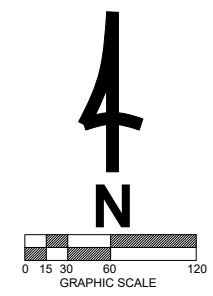
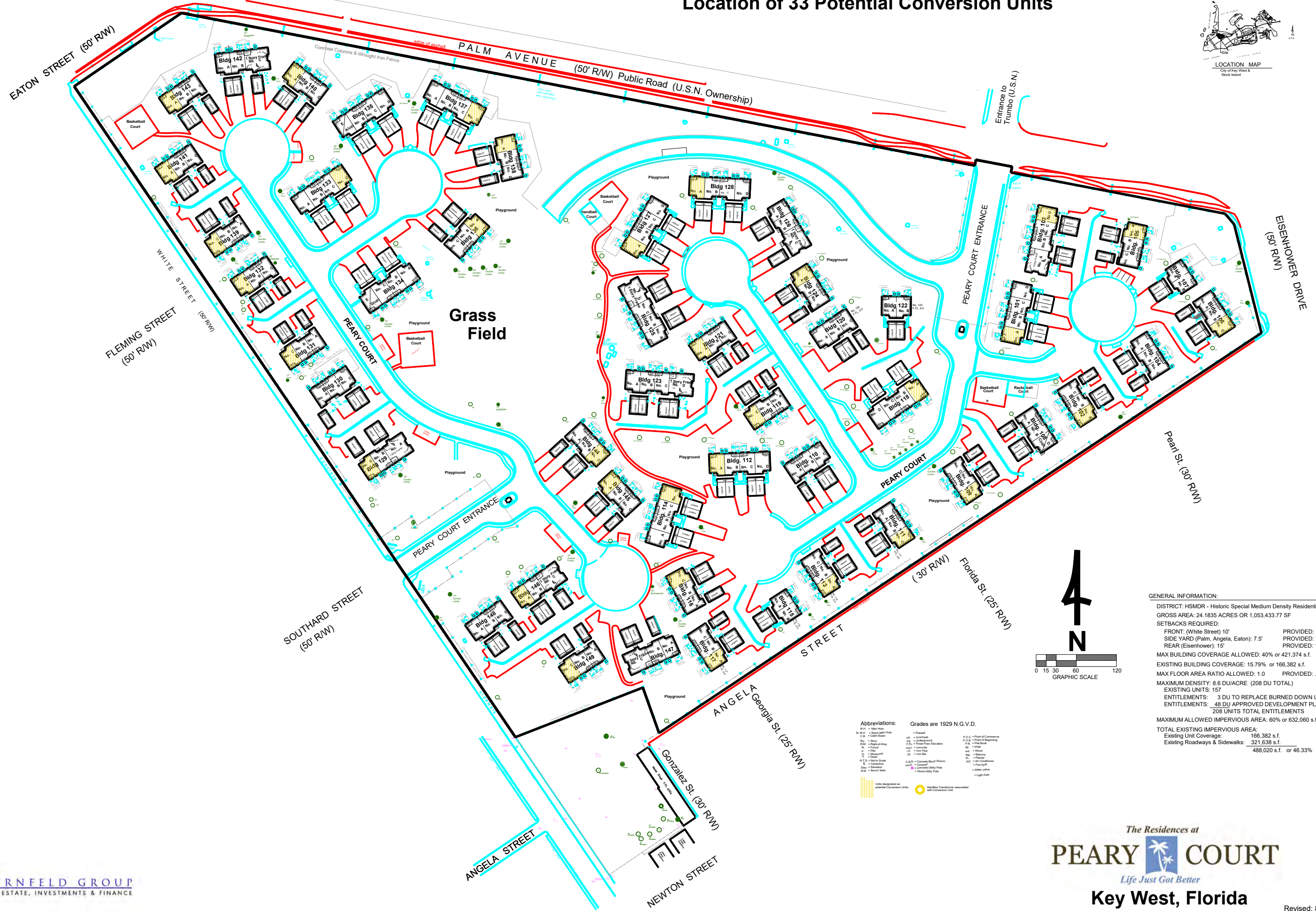
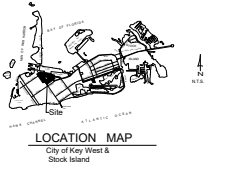
**NOT FOR CONSTRUCTION**

Filename: D:\2021\0610\10129.00 - PEARY COURT DEVELOPMENT\DWG\PRODUCTION DRAWINGS\10129.00-LE.DWG  
User Modified By: MW, MARIAN  
User Created Date: 17/01/2021 11:19 AM

# **Potential Locations of Converted One-Bedroom Units**



# Location of 33 Potential Conversion Units



**GENERAL INFORMATION:**  
 DISTRICT: HSMR - Historic Special Medium Density Residential  
 GROSS AREA: 24.1835 ACRES OR 1,053,433.77 SF  
 SETBACKS REQUIRED:  
 FRONT: (White Street) 10' PROVIDED: 10'  
 SIDE YARD (Palm, Angela, Eaton): 7.5' PROVIDED: 7.5'  
 REAR (Eisenhower): 15' PROVIDED: 15'  
 MAX BUILDING COVERAGE ALLOWED: 40% or 421,374 s.f.  
 EXISTING BUILDING COVERAGE: 15.79% or 166,382 s.f.  
 MAX FLOOR AREA RATIO ALLOWED: 1.0 PROVIDED: .202  
 MAXIMUM DENSITY: 8.6 DU/ACRE (208 DU TOTAL)  
 EXISTING UNITS: 157  
 ENTITLEMENTS: 3 DU TO REPLACE BURNED DOWN UNITS  
 ENTITLEMENTS: 48 DU APPROVED DEVELOPMENT PLAN  
 208 UNITS TOTAL ENTITLEMENTS  
 MAXIMUM ALLOWED IMPERVIOUS AREA: 60% or 632,060 s.f.  
 TOTAL EXISTING IMPERVIOUS AREA:  
 Existing Unit Coverage: 166,382 s.f.  
 Existing Roadways & Sidewalks: 321,638 s.f.  
 488,020 s.f. or 46.33%

Abbreviations:  
 M.H. - Man Hole  
 C.D. - Catch Basin  
 S. - Storm  
 W. - Water  
 P. - Pot  
 H.S. - Hand Scales  
 E. - Elevation  
 S.S. - Sewer Stack  
 C.C. - Concrete Columns  
 W.I.F. - Wrought Iron Fence  
 P.F.S. - Paved Foot Sidewalk  
 P.F. - Paved Foot  
 S.P. - Storm Pipe  
 S.B. - Sewer Box  
 C.B.S. - Concrete Block Storm  
 C. - Catchment  
 C.U.P. - Concrete Utility Pole  
 W.U.P. - Wood Utility Pole  
 P.O.C. - Point of Commencement  
 P.O.B. - Point of Beginning  
 P.S. - Plat Book  
 S.P. - Storm Pipe  
 S.B. - Sewer Box  
 W. - Water  
 P. - Pot  
 H.S. - Hand Scales  
 E. - Elevation  
 S.S. - Sewer Stack  
 C.C. - Concrete Columns  
 W.I.F. - Wrought Iron Fence  
 P.F.S. - Paved Foot Sidewalk  
 P.F. - Paved Foot  
 S.P. - Storm Pipe  
 S.B. - Sewer Box  
 C.B.S. - Concrete Block Storm  
 C. - Catchment  
 C.U.P. - Concrete Utility Pole  
 W.U.P. - Wood Utility Pole  
 Units designated as potential Conversion Units  
 Potential Conversion associated with Conversion Unit

# **Redlined/Strikethrough Development Agreement**

Parcel ID Number 00006730-~~000000~~000200

---

**AMENDED AND RESTATED DEVELOPMENT AGREEMENT FOR  
THE PEARY COURT AFFORDABLE HOUSING COMPLEX**

THIS **AMENDED AND RESTATED DEVELOPMENT AGREEMENT**~~(hereinafter~~  
**“Development Agreement”**) is entered into by and between ~~PEARY COURT HOLDINGS,~~  
~~LP~~Peary Court Apartments LLC, a Delaware ~~limited partnership~~Limited Liability Company (herein  
referred to as the “Owner”) and- the CITY OF KEY WEST, a Florida municipal corporation  
(herein the “City”) (collectively the “Parties”), pursuant to Chapter 90, Article IX of the City Code  
of Ordinances (the “Code”), and the Florida Local Government Development Agreement Act,  
Sections 163.3220-163.3243, *Florida Statutes*, and is binding on the “Effective Date” set forth  
herein.

**WITNESSETH:**

WHEREAS, the Owner is the record title holder of the Peary Court Affordable Housing  
Complex (herein referred to as the “Property”, or “Peary Court”) located in the City of Key West,  
as more specifically described in Exhibit A ~~hereto;~~- Survey and Legal Description attached hereto  
as Exhibit A; and

\_\_\_\_\_WHEREAS, The current owner, Peary Court Apartments LLC purchased the Property on  
July 18, 2016 (see Attached Exhibit B- Special Warranty Deed) and wishes to amend the current  
Development Agreement, Approved by City Resolution No. 16-40 to reflect changes in the  
demand for the types of affordable housing to be provided at the Property and to recognize the cost  
of providing affordable housing requires a more cost-effective design of unit types.

WHEREAS, Peary Court currently has vested entitlements for 160 ~~existing~~ dwelling units (~~157 constructed units and 3 units involuntarily destroyed by fire~~) historically used for military housing, and has (pursuant to a duly-issued demolition permit and the Historic Architectural Review Commission (HARC) approval) demolished a previously-existing -10,000 square foot commercial building; and

~~WHEREAS, the 160 existing dwelling units on Peary Court were constructed following the City's adoption of Resolution No. 92-75 (Exhibit B hereto), which acknowledged the historic use of Peary Court for housing and resolved to support reconstruction of the Peary Court housing; and~~

~~WHEREAS, On April 6, 2011, the City was notified that the United States Navy, with its concessional housing partner, Southeast Housing, LLC, would be pursuing the sale of the property known as the Peary Court Housing Complex and all of the structures on it, to a private entity; and~~

~~WHEREAS, the City determined that sale to a private owner would require changing the Property's Military (M) Future Land Use designation, with corresponding amendments to the Future Land Use Element, the City's Land Development Regulations and the City's Official Zoning Map; and~~

~~WHEREAS, the City conducted duly noticed public hearings on a proposed HSMDR Future Land Use Map amendment, including a transmittal hearing by the City Commission on May 29, 2012 and culminating in an adoption hearing on September 18, 2012, during which the City Commission considered the criteria identified in Code Section 90-555 together with the recommendations of City staff, DEO, and comments from the public; and~~

~~WHEREAS, on September 18, 2012, the City Commission adopted Ordinance No. 12-32 (Exhibit C), defining a new Future Land Use Map designation of "Historic Special Medium~~

~~Density Residential” (HSMDR), and applying that designation to the Property, and~~

~~WHEREAS, duly noticed public hearings on the HSMDR Zoning District amendment ordinance were held by the City Commission on September 5, 2012 and September 18, 2012, and in its deliberations the City Commission considered the criteria identified in Code Section 90-251 together with the recommendations of City staff and public comments; and~~

~~WHEREAS, on September 18, 2012, the City Commission adopted Ordinance No. 12-33 (Exhibit D) amending the zoning of the Property from Military (M) to Historic Special Medium Density Residential (HSMDR); and~~

~~WHEREAS, on October 24, 2012, the State of Florida Department of Economic Opportunity (DEO) found the Comprehensive Plan Future Land Use Map Historic Special Medium Density Residential (HSMDR-FLUM) amendment to be consistent with the Principles for Guiding Development for the City of Key West Area of Critical State Concern as set forth in Section 380.0552(7), Florida Statutes, and accordingly issued its Notice of Intent to find Ordinance No. 12-32 compliant (Exhibit E); and~~

~~WHEREAS, on November 20, 2012 the State of Florida Department of Economic Opportunity (DEO) found the amendments to the Land Development Regulations, approved through Ordinance No. 12-33, for the Historic Medium Density Residential (HSMDR) Zoning District, to be compliant (Exhibit F), and the amendments became effective as of December 12, 2012; and~~

~~WHEREAS, WHEREAS, City Code Section 122-611(e) requires submission and approval of a Development Agreement with any development plan submitted for approval on the a property within the HSMDR Zoning District, thereby superseding the requirement in Code~~

Section 90-679 for the City Commission to make a preliminary determination of whether or not to enter into a Development Agreement and to pursue negotiations with the Owner; and

**WHEREAS**, pursuant to recommendation of the Department of Economic Opportunity (DEO); the City Commission, through Ordinance No. 12-33, authorized an exception within the HSMDR Zoning District to the affordable housing and workforce housing Ordinance criteria, so that the development of Peary Court ~~requires~~would allow the addition of 48 affordable work force housing units (calculated at 30% of the 160 existing residential units); and

**WHEREAS**, Owner has identified a ~~portion~~method of ~~the Property, consisting of land previously occupied by the demolished commercial building and vacant land adjacent thereto (collectively, “the Affordable Housing Site”)~~, on which ~~forty eight (48)~~constructing fifteen (15) new affordable work force housing ~~units shall~~one-bedroom units within the existing triplex and quadraplex units (“Conversion Units”). Thirty three (33 two-bedroom units will be constructed in discrete clusters in new buildings that will not require the demolition of any existing structures. Site layout, open space, parking, landscape and drainage, as depicted on the attached Affordable Housing Survey Site Plan (Exhibit GC, referred to herein as the “Site Plan”);” will meet all the requirements of the City Land Development Regulations; and

**WHEREAS**, on ~~August 28, 2013~~July 18, 2016, the Owner executed a Declaration of Affordable Rental Housing Restrictions (~~the “Declaration”;~~Exhibit D), which was recorded at Monroe County Official Record Book ~~2648, 2806,~~ Page ~~182,~~ ~~subsequently amended by Amendment to Affordable Housing 1651, (hereinafter being referred to as the “Deed Restriction (the “Amendment”), which was recorded at Monroe County Official Record Book 2657, Page 648-650 (the Declaration, as amended by”)~~ by which Owner encumbered the entire Property so that all existing and all newly constructed units will be restricted as set forth in the Amendment, being

~~referred to herein as the “Deed Restriction”), by which the Owner undertook to continue the use of 48 dwelling units on the Property as affordable housing pending construction of 48 new affordable housing units; and~~

~~WHEREAS, the Owner submitted for approval by the City of Key West an application for major development plan approval for the addition of 48 new affordable residential dwelling units on the Affordable Housing Site consistent with the attached Site Plan in Exhibit G; and~~

~~WHEREAS, on October 15, 2015 the City of Key West Planning Board approved Resolution No. 2015-48 for a Major Development Plan, a copy of the Resolution being attached hereto as Exhibit I; and~~

WHEREAS, the Site Plan has been reviewed and approved by the Historic Architectural Review Commission (referred to in this Agreement as “HARC”) ~~to ensure that the mass, scale, size, proportion, and screening of the proposed new affordable housing structures are compatible with the existing community fabric and /or designated staff; and~~

WHEREAS, on ~~October 15, 2015;~~ \_\_\_\_\_, the City of Key West Planning Board approved Resolution No. ~~2015-049, 21-~~ \_\_\_\_\_, recommending approval of the Development Agreement, a copy of the Resolution being ~~attached hereto as Exhibit J~~; and

WHEREAS, on ~~date;~~ \_\_\_\_\_ the City Commission considered the comments and recommendation of the City staff, the Planning Board, and comments of members of the public and approved Resolution No. ~~16-21-~~ (Exhibit ~~K~~) ~~granting Major Development Plan approval, and approved Resolution No. 16- (Exhibit L)~~ authorizing development of the Affordable Housing ~~Site~~units as provided in this Development Agreement; and

**WHEREAS**, the City has determined that the new development proposed in the Site Plan is consistent with the City's Comprehensive Plan and ~~land-development-regulations~~Land Development Regulations and is compatible with surrounding land uses; and

**WHEREAS**, the City has determined that this Development Agreement is consistent with the Comprehensive Plan, the ~~land-development-regulations~~Land Development Regulations, and the Florida Statutes Principles Guiding Development for the City, and further finds that this Development Agreement is in the public interest, and will further the health, safety, welfare, and goals of the residents of the City.

**NOW, THEREFORE**, in consideration of the mutual promises and undertakings contained herein, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

**A. RECITALS.** The recitals set forth in the preceding "Whereas" clauses are incorporated herein and form a material part of this Agreement.

**B. DEFINITIONS.** For the purposes of this Development Agreement, the following terms shall have the following meanings. Terms not defined in this Development Agreement shall be as defined in the City Code, Chapter 163, *Florida Statutes*, or, if not defined in the Code or statute, shall be understood according to their usual and customary meanings.

1. "Affordable Work Force Housing" means housing as defined in Article V, Division 10 of Chapter 122, Sections 122-1465 through 122-1467 of the City Code as it existed on the date of execution of the Deed Restriction.

~~2. "Baseline Green Building Certification" means the Florida Green Building Coalition (FGBC) Bronze level certification or Leadership in Energy and Environmental Design (LEED) certification.~~



~~3.2.~~ “Building Permit Allocation” means a residential permit allocation under Article ~~VX~~, Division ~~4011~~, of Chapter ~~122108~~, Sections 108-986 through 108-998 of the City Code.

~~4.3.~~ “City Code” means the Code of Ordinances of the City of Key West in effect on the Effective Date of this Development Agreement.

~~5.4.~~ “Comprehensive Plan” means the City’s Comprehensive Plan in effect on the Effective Date of this Development Agreement.

~~6.5.~~ “Development”, “Redevelopment”, or “Redevelopment Plan” shall refer to the development of the Property for the uses, densities and intensities permitted by this Development Agreement, subject to the conditions, obligations, restrictions and terms contained herein.

~~7.6.~~ “Site Plan” shall refer to the Affordable Housing Survey Site Plan dated \_\_\_\_\_, -approved by the City Commission in Resolution ~~16—21-~~ \_\_\_\_\_, which is attached hereto as Exhibit C.

~~8.7.~~ “Effective Date” shall refer to the date this Development Agreement becomes effective, as set forth in herein.

~~9.—~~ “Prerequisite Standards” shall mean ~~“prerequisites, major construction/renovation” as defined in City Code Section 86-9 and are the minimum standards for new development required in order to be eligible to receive an allocation award from the City BPAS, including Baseline Green Building Certification, pursuant to City Code Section 108-995.~~

~~10.8.~~ “Property” shall refer to the parcel described in Exhibit “A” that is the subject of this Development Agreement.

~~11.9.~~ “Public facilities” means those facilities identified in Section 163.3221, *Florida Statutes*.

## C. TERMS OF AGREEMENT.

## 1. Legal Description; Ownership and Equitable Interests in the Property. The

legal description of the Property subject to this Development Agreement is attached hereto as Exhibit "A" and incorporated herein by reference. As evidenced by the Special Warranty Deed conveying the Property (a copy of which is attached hereto as Exhibit "~~M~~"), ~~the Owner of the Property is Peary Court Holdings, LP, a Delaware limited partnership formerly known as Peary Court Holdings, LLP, whose general partner is Peary Court Advisors, LLC. Peary Court Advisors, LLC ("Advisors") is a Delaware limited liability company whose Manager is Wexford Capital LP ("Wexford"), a Delaware limited partnership authorized to do business in Florida, whose address is 411 W. Putnam Ave., Greenwich, CT 06830. The general partner of Wexford is Wex GP LLC, also known as Wexford GP LLC, whose address is 411 W. Putnam Ave., Greenwich, CT 06830, and whose executive officers are the same as Advisors. Peary Court Holdings, LP is registered with the Florida Secretary of State as a foreign limited partnership doing business in Florida. The limited partners of Peary Court Holdings, LP are as follows:~~

~~— Peary Court Fund Holdings L.P. and 13<sup>th</sup> Floor Sponsor, LLC; the address of both is 4949 SW 7<sup>th</sup> Ave., Miami, FL 33155, and their manager is Arnaud Karsenti.~~

~~— White St Partners, LLC, a Florida limited liability company whose address is 150 SE 2d Ave., Suite 800, Miami, FL 33131, and whose members are IVG1 LLC, a Florida limited liability company (Everett M. Atwell, Jr. and James Landers, Managers) and Integra Real Estate, LLC, a Florida limited liability company (Paulo de Melo and Nelson Stabile, Managers; additionally, Victor M. Ballestas is a non-manager principal of Integra Real Estate).~~

~~— Wexford Spectrum Fund, L.P., whose address is Wexford Plaza, 422 W. Putnam Ave., Greenwich Conn. 06830, and whose executive officers are Joseph Jacobs, President, and Arthur Amron, Vice President.~~

~~White St. Partners, LLC, has been designated by Owner as the member B”), the Owner of the Property is Peary Court Apartments LLC and such entity is~~ responsible for negotiation of this Agreement and for development of the Property.

**2. Duration of Agreement; Renewal.** This Development Agreement shall remain in effect for a period of five (5) years, commencing on the Effective Date set forth below. This Development Agreement may be renewed or extended pursuant to City Code Section 90-682(a)(2) and *Florida Statute* § 163.3229.

**3. Existing Development.** The Property consists of the following development located in the City of Key West on the historic Peary Court military housing site: 160 existing ~~dwelling units (157 units and 3 units involuntarily destroyed by fire, entitled to be rebuilt as of right). The previously existing 10,000 square foot commercial building, previously utilized as a drive thru bank, has been demolished by Owner pursuant to a duly issued demolition permit.~~ vested dwelling unit entitlements .

**4. Site Plan.**

**a. Uses, Densities and Intensities.** The residential uses, densities and intensities, existing and proposed, conform with HSMDR Zoning District standards. The Property is allowed a maximum density ~~density~~ of 8.6 units per acre. The Site Plan proposes up to an additional 48 units, for a total of 208 residential dwelling units on the Property which is equivalent to 8.6 units per acre. No commercial development is proposed.

**b. Building Permit Allocations.** The Site Plan encompasses construction on the Property of up to 48 new affordable work force housing units. The City through its adopted Comprehensive Plan has reserved to the Property 48 affordable residential dwelling unit

allocations from the City of Key West Building Permit Allocation System required to construct the new affordable work force housing units as depicted on the Site Plan. ~~That allocation~~The forty eight (48) BPAS Allocations reserved and committed to the Peary Court site shall each be awarded individually assigned to a particular address and unit at the time the City issues the building permits~~permit~~ for ~~the~~each affordable work force housing ~~units~~unit.

c. **Conformity with Major~~the~~ Land Development Plan~~Regulations~~ Development Standards.** The following development features shall conform to the ~~Major Development Plan as approved by City Commission Resolution No. 16-039 (Exhibit K) and to the specifications set forth on~~Land Development Regulations in effect the ~~Site Data sheet attached as Exhibit N~~time of this Development Agreement:

1. Open Space.
2. Recreation Areas, which shall conform to the access requirements of Paragraph ~~109~~109(j), below.
3. Types and locations of units, which shall be subject to adjustment within the standard deviations range set forth in Paragraph ~~65~~65.
4. Parking for vehicles and bicycles ~~shall be~~is provided at the locations depicted on the Site Plan, ~~in the quantities specified in Exhibit N.~~
5. Landscaping, which ~~shall also conform to requirements imposed~~is already in place will be augmented by ~~the Tree Commission. Buffers shall conform to the dimensions~~new plantings and ~~quantities set forth on Exhibit N.~~the removal of certain exotic plantings, while maintaining mature shade trees

6. Solid waste and recycling container storage, ~~which shall also conform to the requirements of Paragraph 10(e), below~~ is currently in place, will be augmented by new facilities to serve the new units.

7. Fencing.

8. Utilities and Mechanical Equipment, ~~installed as provided in Paragraph 10, below.~~

9. Streets. The existing internal streets providing access to the affordable housing units shall be retained, and ~~internal streets shall be extended and improved, at Owner's expense, slightly modified to better serve all units as depicted on the Site Plan subject to adjustment of location within the standard deviations range set forth in Paragraph 6(a).~~

5. **Minor Site Plan Modifications.** Minor Site Plan modifications shall require approval pursuant to City Code Section 108-91(e). ~~Adjustment C. including , but not limited to, those listed in such section , as well as minor additions of affordable housing unit sizes sidewalks to the new units and locations small reductions of improvements as depicted on the Site Plan may be authorized by the City Planner upon submission of building permit applications, within the following ranges of standard deviations:~~

~~(a) locations of buildings and other improvements: deviations not exceeding ten (10) feet, except for deviations for which the Land Development Regulations require a variance.~~

~~(b) unit size: deviations not exceeding twenty percent (20%) of the floor pervious area of the unit or units, provided that minimum unit size shall comply with the provisions of Paragraph 7, below, to accommodate the sidewalks.~~

**6. Affordable Work Force Housing; Timing of Development; Deed Restriction.**

The Owner shall be allowed to develop up to forty-eight (48) affordable work force housing units, all of which shall - be at least 400 square feet in size pursuant to City Code Section 122-1467, subject to the following conditions:

~~a. Owner shall reserve, maintain and operate 48 existing dwelling units on the Property as interim affordable housing, subject to the provisions of the Deed Restriction. That obligation to maintain the 48 units of interim affordable housing shall expire upon issuance of a certificate of occupancy for the~~  
Upon issuance of a Certificate of Occupancy for any of the 48 new affordable work force housing units.

~~b. Upon issuance of a Certificate of Occupancy for the 48 new affordable work force housing units, the Deed Restriction, the newly constructed units (including Conversion Units) shall be amended by Owner so as to amend the description of the Property subject to the Declaration, by substituting the description of the new units for those units identified on Exhibit "A" to the Amendment subject to the current Deed Restriction applicable to the entire site. Owner shall provide a copy of the recorded amendment, showing the book and page where recorded, Certificate of Occupancy for each new unit~~ to the City Planning Department and the Key West Housing Authority within two weeks after ~~recording~~issuance.

~~e). The affordable work force housing unit income categories and rental rates for the 48 new affordable work force housing units shall conform to the provisions of the Deed Restriction. The classification of the identified units may vary, provided that the total value of rental does not exceed ten percent (10%) of the rental of all the units at affordable housing (moderate income) pursuant to City Code Section 122-1467(c).~~

~~d. The new affordable housing units shall be available for persons who meet and continue to meet the eligibility requirements for affordable work force housing set forth in City Code Section 122-1469. Continuing compliance with those eligibility requirements shall be determined by the Key West Housing Authority, or such other entity as may be designated by City, with an annual report to the City Manager verifying compliance with Code Section 122-1467(e).~~

**7. Additional Development Conditions.** The following additional conditions, terms, restrictions, and other requirements have been determined by the City of Key West to be necessary for the public health, safety, and welfare of its citizens:

**a. Fire Safety.** The Redevelopment Plan shall ~~include no fewer than~~rely upon the existing number of fire hydrants and/or fire wells required to conform to all applicable fire safety requirements, as determined by the Fire Marshal of the City of Key West. On-site fire protection shall be provided in accordance with the ~~2013 Fire Prevention code, Ch. 69A-60, F.A.C. 2020 (7<sup>th</sup> Edition) Fire Prevention code, Ch. 69A-60, F.A.C.~~ Notwithstanding the foregoing Owner shall be entitled to rely upon the fire protection methods specified in the Information Bulletin Number 1 to contractors prepared by the architect of record, Bert Bender, dated July 28, 2021, which is Exhibit G.

**b. Timing of permit applications.** Prior to submitting a building permit application to the City, the Owner shall secure all permits required for that work pursuant to applicable state, regional and federal regulations, ~~including but not limited to the South Florida Water Management District,~~ and shall also secure any necessary permits or authorizations from the City of Key West Utilities Dept.

**c. Fair Housing Requirements.** ~~New units constructed on the~~The Property shall continue to comply with all applicable requirements of the ADA and state and federal fair housing acts.

~~d. **Signage.** A Signage Plan shall be submitted to the City Planning Department for approval prior to the issuance of building permits for the new affordable housing units.~~

~~e. **Building Heights.** Building heights New buildings' height shall not exceed the maximum building height allowed in the HSMDR Zoning District applicable to the Property. Existing buildings converted to include new units will not have roof elevations changed from that existing as of the time of this Development Agreement. For the purpose of measuring building heights of new residential and accessory structures other than interior fences, the base elevation shall be 6.09 feet NGVD, which is the elevation of the crown of the road on White Street immediately in front of the main entrance to the Property at the intersection of White and Southard Streets (See site elevation determination by ~~Donald Craig~~ the City of Key West, attached hereto as Exhibit ~~O~~ H).~~

~~f. **Site Design.** The development of the Property shall be consistent with all bulk and site design requirements in the City Code, including but not limited to open space, setbacks and buffering, lighting, landscaping, parking, utilities and stormwater management as determined by the Major Development Plan required for the Property redevelopment.~~

~~g. **Impact Fees.** Owner shall pay impact fees (i.e., sewer, solid waste, traffic and library impact fees) for the 48 new affordable housing units, in the amounts set forth in the impact fee schedule established by the City Code at the rates in effect on the date of building permit issuance, unless waived by the City Commission to the extent allowed by law.~~

~~h. **Energy Efficiency / Green Building.** Owner shall sustainably construct the Conversion Units in conformance with the Prerequisite Standards for minor improvements to~~



existing structures recognized in the BPAS system, pursuant to City Code Section 86-9 and 108-997 (b) (2), or shall be entitled to an exemption to the prerequisites according to Section 108-997(b)(1)d. because 100% of the units will be affordable work force housing units. The choice shall be at the sole discretion of the Owner.

~~h. **Flood damage avoidance.**~~ ~~h. **Wind Load.**~~ The finished floor elevation of the first habitable floor of all Conversion Units. units shall not be less than the finished floor elevation of the compliant structures in which they will be constructed. The finished floor elevations of new units in new buildings shall meet the requirements of the City Building and Floodplain management regulations.

~~i. **Wind Load.**~~ Owner shall ensure that all new structures (including doors, windows, and cladding) meet all applicable codes; to withstand the peak wind loads specified in the ~~2013~~2020 Florida Building Code: (7<sup>th</sup> Edition).

~~i. **8. Annual Progress Reports.**~~ As required by the Deed Restriction (Exhibit D) annual reports on the project's consistency with City's affordable housing income and eligibility requirements shall be submitted to the Key West Housing Authority.

~~9**Energy Efficiency / Green Building.**~~ Owner shall sustainably construct the new residential structures in conformance with the Prerequisite Standards for BPAS, including Baseline Green Building Certification, pursuant to City Code Section 86-9 and 108-995.

~~j. **Flood damage avoidance.**~~ The finished floor elevation of the first habitable floor of all new units shall be no less than 1.5 feet above base flood elevation.

~~9. **Annual Progress Reports.**~~ Pursuant to City Code Section 90-688(b), the Owner shall provide the City Planning Department an annual progress report indicating all activities and

~~achievements since the execution of the development agreement and, if applicable, since the previous periodic report.~~

~~10. Public Facilities.~~ All required public facilities to serve the project are available as of the date of this Development Agreement, and capacity for each is projected to be available concurrent with the impacts of development. The following list identifies required public facilities that will service the development authorized by this Agreement, who shall provide the facilities, ~~what new facilities will be constructed;~~ and ~~a schedule to assure~~ that public existing facilities are available and concurrent with the impacts of additional development:

a. **Potable Water.** Domestic potable water is provided by Florida Keys Aqueduct Authority: (FKAA). Adequate domestic potable water transmission and potable water source capacity exist for this project. ~~No~~ There is no need for new potable water facilities, ~~other than relocation of internal distribution lines, water meters, valves, etc., is anticipated. Those distribution lines shall be installed by to serve~~ the Owner prior to substantial completion of Conversion Units. The new buildings housing the remaining new units that they will supply be provided with water facilities to FKAA standards.

b. **Electric Service.** Electric service is provided by Keys Energy Services: (KEYS). No new ~~electric service~~ facilities, ~~other than the relocation of internal distribution lines, needs~~ are anticipated. ~~Those underground distribution lines shall be installed by the Owner and/or KES prior to issuance of a certificate of occupancy for the~~ serve the Conversion Units. The new buildings housing the remaining new units that they will supply be provided with electric facilities to KEYS standards

c. **Solid Waste.** Solid waste service is provided by the franchisee of the City of Key West, and adequate capacity exists for this development. ~~All solid waste from units other than multi-family units shall be limited to individual containers per household, subject to City Ordinance requirements for removal from the streets as if the internal private streets were public.~~

~~d. **Wastewater.** Wastewater treatment shall be provided by City of Key West. Developer shall construct such additional or relocated wastewater collection facilities as may be required to deliver sewage generated on the Property to the City's wastewater collection facilities.~~

d. **Wastewater.** Wastewater treatment shall be provided by the City of Key West Wastewater Treatment Plant, and adequate capacity exists for this development.

~~e. **Protective Services.** Protective services other than parking enforcement shall be provided by the City of Key West.~~

f. **Transportation.** According to the Traffic Impact statement provided ~~by~~with the ~~Owner and attached as Exhibit P~~Major Development Plan, no ~~net additional~~significant traffic impacts are anticipated. All roadways within the Property shall remain private roads.

g. **Schools.** Adequate school facilities are anticipated to serve any students who may reside in the dwelling units developed under the Redevelopment Plan.

h. **Existing Facilities.** All public facilities identified above are available as of the date of this Development Agreement and are projected to be available concurrent with the impacts of the Development compliant with the ~~Redevelopment~~Major Development Plan.

i. **Stormwater.** ~~Owner shall construct stormwater collection and retention facilities compliant with City Code as may be required pursuant to the Environmental Resource Permit ("ERP") that Owner shall apply for and receive from the South Florida Water Management District. Those stormwater management facilities shall be~~currently installed ~~by Owner prior to~~

~~issuance~~ are sufficient and meet the concurrency standards of certificates of occupancy for the City as demonstrated by the 48 new affordable housing units. drainage plan and report approved with the Major Development Plan.

**j. Recreational facilities.** The ~~Site Plan~~ existing development currently provides for on-site amenities for residents and guests of the 48 new affordable housing units. Private recreational facilities ~~shall be~~ currently provided on the Property to serve the needs of the residents of the 48 new affordable housing units as well as the other residents on the Property. Additionally, public recreational facilities exist in the vicinity of Peary Court, adequate to serve the recreational needs of residents.

~~11~~

**10. Required Permits and Approvals.**

Nothing in this Development ~~Agreement~~ Agreement shall be deemed to obviate the necessity of the Owner's compliance with terms and provisions of each of the required approvals listed below. ~~Prior to City Commission approval, the Major Development Plan shall be reviewed and approved by HARC to ensure that the mass, scale, size, proportion, and screening of the proposed new affordable housing structures are compatible with the existing community fabric.~~ The following is a list of other development permits and approvals needed for the development of the Property as specified and required in this Agreement:

a. Development Agreement;

~~b. Major Development Plan approval;~~

~~c. Tree Commission approval;~~

~~b. d.~~ Building and related construction permits, including but not limited to permits for paving, drainage, principal Conversion Units and for each new building containing new units.

~~c. Amendment to Major Development Plan Approval; and,~~

~~d. accessory structures, land clearing and landscaping; and~~

~~e. Federal, State, regional and local permits for stormwater improvements, driveway connections, utility connections and environmental (or endangered species takings), when and if required; and~~

~~f. Certificates of ~~Appropriateness~~ Appropriateness.~~

**1211. Mutual Cooperation.** The City agrees to cooperate with the Owner in timely reviewing and processing all applications for permits, licenses, approvals, or consents necessary or appropriate to fully implement this Development Agreement. The City and the Owner agree to cooperate fully with and assist each other in the performance of the provisions of this Development Agreement.

**1312. Development to Comply with Permits and City Comprehensive Plan and Code Provisions.** The Development described in and authorized by this Development Agreement shall be developed in accordance with all required permits, and in accordance with all applicable provisions of the City's Comprehensive Plan and City Code in effect on the date of execution of this Agreement. No certificate of occupancy for an individual building shall be issued until all plans for that building are approved by the City and the Owner has complied with all conditions in permits issued by the City and other regulatory entities for that building or required herein.

**1413. Finding of Consistency.** The City finds that the Development authorized herein is consistent with the City's Comprehensive Plan and ~~land development regulations~~ Land Development Regulations in effect on the date of execution of this Development Agreement.

**1514. Compliance ~~With~~with Permits, Terms, Conditions, and Restrictions Not Identified Herein.** The failure of this Development Agreement to address a particular permit, condition, term, or restriction shall not relieve the Owner of the necessity of complying with the law governing said permitting requirements, conditions, terms, or restrictions.

**1615. Laws Governing this Agreement.**

a. For the duration of this Development Agreement, all approved Development of the Property shall comply with and be controlled by this Development Agreement and provisions of the City's Comprehensive Plan and City Code in effect on the date of execution of this Agreement, except for the Affordable Work Force Housing Code provisions which shall be those in effect as of the date of the Deed Restriction.

b. Pursuant to City Code Section 90-687 and Section 163.3233, *Florida Statutes*, the City may apply subsequently adopted laws and policies to the Property only if the City holds a public hearing and determines that:

- (1) the new laws and policies are not in conflict with the laws and policies governing the Agreement and do not prevent redevelopment of the land uses, intensities, or densities set forth in this Development Agreement;
- (2) the new laws and policies are essential to the public health, safety, or welfare, and the City expressly states that they shall apply to the redevelopment that is subject to this Development Agreement;
- (3) the City demonstrates that substantial changes have occurred in pertinent conditions existing at the time of approval of this Development Agreement; or
- (4) the Development Agreement is based on substantially inaccurate information supplied by the Owner. However, nothing in this Development Agreement shall

prohibit the parties from mutually agreeing to apply subsequently adopted laws to the Property. —

-

c. If state or federal laws enacted after the effective date of this Development Agreement preclude any party's compliance with the terms of this Agreement, this Development Agreement shall be modified as is necessary to comply with the relevant state or federal laws. However, this Development Agreement shall not be construed to waive or abrogate any rights that may vest pursuant to common law.

**1716. Amendment, Extension, and Termination.** This Development Agreement may be amended, extended, or terminated as follows:

a. As provided in Section 163.3237, *Florida Statutes*, and City Code Section 90-689, - this Development Agreement may be amended, extended or canceled by mutual consent of the parties or their successors in interest, which shall require a written document approved by the City Commission and shall require two (2) public hearings by the City.

b. As provided in Section 163.3229, *Florida Statutes*, and City Code Section 90-684, this Development Agreement may be extended by the mutual consent of the parties, subject to the public hearing requirements in Section 163.3225, *Florida Statutes*. The City shall conduct at least two (2) public hearings, one of which may be held by the local planning agency at the option of the City. Notice of intent to consider extension of the Development Agreement shall be advertised approximately seven (7) days before each public hearing in a newspaper of general circulation and readership in the City of Key West, Florida, and shall be mailed to all affected property owners before the first public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing. The notice shall

specify the location of the land subject to the Development Agreement, the development uses on the Property, the population densities, and the building intensities and height and shall specify a place where a copy of the Development Agreement can be obtained.

c. Pursuant to Section 163.3235, *Florida Statutes*, and City Code Section 90-689, this Development Agreement may be revoked or modified by the City if the City finds, on the basis of competent substantial evidence, that there has been a failure to comply with the terms of this Development Agreement.

**1817. Breach of Agreement and Cure Provisions.**

a. If the City concludes that there has been a breach in this Development Agreement, prior to revoking this Agreement, the City shall serve written notice on the Owner identifying the term or condition the City contends has been breached and providing the Owner with sixty (60) days from the date of receipt of the notice to cure the breach. Each of the following events, unless caused by fire, storm, flood, other Act of God, or events beyond the control of the Owner, shall be considered a breach of this Development Agreement:

- (1) Failure to comply with the provisions of this Development Agreement;
- (2) Failure to comply with terms and conditions of permits issued by the City or other regulatory entity for the redevelopment authorized by this Development Agreement;
- (3) Failure to comply with terms and conditions of the Deed ~~Restrictions~~Restriction referred to in Paragraph ~~76~~76(b), above; ~~or~~
- (4) Failure to comply with the requirements of the Major Development Plan.

b. If the Owner concludes that there has been a breach in the terms and conditions of this Development Agreement, the Owner shall serve written notice on the City



identifying the term or condition the Owner contends has been breached and providing the City with ~~sixy~~sixty (60) days from the date of receipt of the notice to cure the breach. ~~The following events,~~ unless caused by fire, storm, flood, other Act of God, or events beyond the control of the City, shall be considered a breach of this Agreement:

(1) Failure to comply with the provisions of this Development Agreement;

c. If a breach in this Development Agreement occurs and is not cured within the time periods provided above, the party that provided notice of the breach may elect to terminate this Development Agreement or may seek to enforce this Development Agreement as provided by herein.

d. If the City waives a breach in this Development Agreement by the Owner, such a waiver shall not be deemed a waiver of any subsequent breach.

**1918. Notices.** All notices, demands, requests, or replies provided for or permitted by this Development Agreement, including notification of a change of address, shall be in writing to the addressees identified below, and may be delivered by any one of the following methods:

(a) By personal delivery;

(b) By deposit with the United States Postal Service as certified or registered mail, return receipt requested, postage prepaid; or

(c) by deposit with an overnight express delivery service with a signed receipt required.

Notice shall be effective upon receipt. The addresses of the parties are as follows:

**PEARY COURT HOLDINGS, LP:**

~~c/o White St. Partners,~~ **APARTMENTS LLC:**

Registered Agent: ~~Integra Real Estate LLC~~ **Franklin L. Zemel**

2828 Coral Way Suite 303  
Miami FL 33145

c/o Saul, Ewing, Arnstein and Lehr, LLP  
200 East Las Olas Blvd., Suite 1000  
Fort Lauderdale, Florida 33301

**With a copy to:**  
Jeffrey D. Cornfeld  
The Cornfeld Group, LLC  
3850 Hollywood Boulevard  
Suite 400  
Hollywood, Florida 33021

**TO THE CITY:**

City Planning Director  
P.O. Box 1409  
Key West, FL 33041

**With a copy by regular U.S. Mail to:**

City Attorney  
P.O. Box 1409  
Key West, FL 33041-1409

City Manager  
P.O. Box 1409  
Key West, FL 33041-1409

**2019. Enforcement.** In accordance with Section 163.3243, *Florida Statutes*, any party to this Development Agreement, any aggrieved or adversely affected person as defined in Section 163.3215(2), *Florida Statutes*, or the state land planning agency (currently the DEO) may file an action for injunctive relief in the circuit court of Monroe County, Florida, to enforce the terms of

this Development Agreement or to challenge the compliance of this Development Agreement with the provisions of Sections 163.3220-163.3243, *Florida Statutes*.

**2120. Conflicts.** In the event of a conflict between the provisions of this Development Agreement and City ordinances, the terms of this Development Agreement shall control.

**2221. Binding Effect.** This Development Agreement shall be binding upon the parties hereto, their successors in interest, heirs, assigns, and personal representatives.

**2322. Assignment.** This Agreement may not be assigned by Owner without the written consent of the City, which consent shall not be unreasonably withheld.

**2423. Drafting of Agreement.** The parties acknowledge that they jointly participated in the drafting of this Development Agreement and that no term or provision of this Development Agreement shall be construed in favor of or against either party based solely on the drafting of the Agreement.

**2524. Severability.** In the event any provision, paragraph or section of this Development Agreement is determined to be invalid or unenforceable by a court of competent jurisdiction, such determination shall not affect the enforceability or the validity of the remaining provisions of this Development Agreement.

**2625. Applicable Law.** This Development Agreement was drafted and delivered in the State of Florida and shall be construed and enforced in accordance with the laws of the State of Florida.

**2726. Use of Singular and Plural.** Where the context requires, the singular includes the plural, and the plural includes the singular.

**2827. Duplicate Originals; Counterparts.** This Development Agreement may be executed in any number of originals and in counterparts, all of which evidence one agreement. Only one original is required to be produced for any purpose.

**2928. Headings.** The headings contained in this Development Agreement are for identification purposes only and shall not be construed to amend, modify, or alter the terms of the Development Agreement.

**3029. Entirety of Agreement; Incorporation of Prior Development Approvals.** This Development Agreement incorporates or supersedes all prior negotiations, correspondence, conversations, agreements, or understandings regarding the matters contained herein. ~~The Major Development Plan approval for Peary Court is incorporated herein.~~ The parties agree that there are no commitments, agreements, understandings, or development orders concerning the subjects covered by this Development Agreement that are not contained in or incorporated into this document and, accordingly, no deviation from the terms hereof shall be predicated upon any prior representations, agreements or approvals, whether written or oral. This Development Agreement contains the entire and exclusive understanding and agreement among the parties and may not be modified in any manner except by an instrument in writing signed by the parties. Notwithstanding anything contained herein to the contrary, nothing in this Development Agreement shall, or shall be deemed to, defeat, limit, alter, modify, impair, enhance, or enlarge any right, obligation, claim or remedy created by the Deed Restriction. Furthermore, notwithstanding anything contained herein to the contrary (including the terms of Paragraph 15(b)), nothing in this Development Agreement shall be deemed to provide the City with the right or ability to modify the affordable restrictions, guidelines, or any other terms set forth in the Deed Restriction without the consent of the Owner. Therefore, the City acknowledges that any future modifications to the City of Key

West Land Development Regulations, Chapter 122, Article V, Division 10, Sections 122-1465 through 122-1500 (Work Force Housing Ordinance) shall not be deemed to modify the Deed Restriction or the terms of this Development Agreement unless the Owner consents to the application of such revised Work Force Housing Ordinance. In the event of any conflict between this Development Agreement and the Deed Restriction, the Deed Restriction shall control.

~~31~~

30. **Rendition.** After this Agreement is signed by the parties, a copy of the signed Agreement shall be timely rendered by the City to the Florida Department of Economic Opportunity (DEO) as required by Rule 73C-44.003, Florida Administrative Code.

3231. **Effective Date of Agreement.** This Agreement shall only become effective after the Florida Department of Economic Opportunity (DEO) ~~-waives its right -to appeal, the 45-day appeal period established by Section 380.07, Florida Statutes,- expires, or any such appeal has been finally resolved, whichever first occurs.~~ The effective date of this Agreement shall be the date that it is recorded as provided in Paragraph ~~3332~~, below.

3332. **Recording.** As required by Section 163.3239, *Florida Statutes*, ~~- the City shall record this Development Agreement in the public records of Monroe County, Florida, within fourteen (14) days after the effective date execution of this Development Agreement. A copy of the recorded Development Agreement showing the date, page and book where recorded shall be submitted to the Owner and to the state land planning agency by hand delivery, registered or certified United States mail, or by a delivery service that provides a signed receipt showing the date of delivery, within fourteen (14) days after the Development Agreement is recorded.~~

**IN WITNESS WHEREOF**, the parties hereto, by their duly authorized representatives, have set their hands and seals on the dates below written.

PEARY COURT ~~HOLDINGS, LP, APARTMENTS LLC~~ a Delaware ~~limited partnership~~ Limited Liability Company

By: ~~PEARY COURT ADVISORS~~ The Cornfeld Group, LLC, a ~~Delaware L.L.C.~~ Florida Limited Liability Company, Its Manager

By: \_\_\_\_\_

~~Arnaud Karsenti~~

By: \_\_\_\_\_

Jeffrey D. Cornfeld, Manager

STATE OF FLORIDA      )  
  )  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, ~~2016~~ by Arnaud Karsenti 2021 Jeffrey D. Cornfeld, authorized person of Peary Court Advisors, Apartments LLC, on behalf of the company, who is ~~( )~~ personally known to me or ~~( )~~ who has produced a driver's license as identification.

SEAL

\_\_\_\_\_  
Notary Public

~~and by: WHITE ST. PARTNERS, LLC, a Florida limited liability company~~

~~By: IVG1, LLC, a Florida limited liability company, its managing member~~

~~By: Integra Real Estate LLC, a Florida limited liability company, its managing member~~

By: \_\_\_\_\_  
~~Everett Atwell, Jr, Manager~~

By: \_\_\_\_\_  
~~Paulo de Melo, Manager~~

By: \_\_\_\_\_  
~~Nelson Stabile, Manager~~

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

~~The foregoing instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by Everett Atwell, Jr., who is personally known to me or who produced \_\_\_\_\_ as identification, and who did/did not take an oath.~~

\_\_\_\_\_  
\_\_\_\_\_  
Notary Public  
Name \_\_\_\_\_  
(typed, printed or stamped)  
My commission expires:

~~STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_~~

~~The foregoing instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by Paulo deMelo and Nelson Stablie, who are personally known to me or who produced \_\_\_\_\_ as identification, and who did/did not take an oath.~~

\_\_\_\_\_  
\_\_\_\_\_  
Notary Public  
Name \_\_\_\_\_  
(typed, printed or stamped)  
My commission expires:

\_\_\_\_\_

CITY OF KEY WEST

| \_\_\_\_\_, ~~2016~~2021

By

\_\_\_\_\_  
Date

Mayor

ATTEST:

\_\_\_\_\_  
CITY CLERK



## LIST OF EXHIBITS

- Exhibit A: ~~Legal description~~Description and Survey of property
- Exhibit B: ~~\_\_\_\_\_~~ Copy of Special Warranty Deed, dated July 18, 2016
- ~~Exhibit C: \_\_\_\_\_~~ Site Plan
- Exhibit D: ~~\_\_\_\_\_~~ Declaration of Affordable Rental Housing Restrictions, dated July 18, 2016
- ~~Exhibit E: \_\_\_\_\_~~ Key West Planning Board Resolution No. 2021-\_\_\_\_\_, Development Agreement recommendation
- ~~Exhibit F: \_\_\_\_\_~~ Key West City Commission Resolution No. 92-752021-\_\_\_\_\_, Development Agreement approval
- ~~Exhibit C: \_\_\_\_\_~~ Key West Ordinance No. 12-32 FLUM text and map amendment
- ~~Exhibit D: \_\_\_\_\_~~ Key West Ordinance No. 12-33 Zoning text and map amendment
- ~~Exhibit E: \_\_\_\_\_~~ DEO Notice dated October 24, 2012
- ~~Exhibit F: \_\_\_\_\_~~ DEO Notice dated November 20, 2012
- Exhibit G: ~~\_\_\_\_\_~~ Affordable Housing Site Plan, revised as of July 29, 2015 (the “Site Plan”)Architect’s Bulletin Number 1 dated July 28, 2021
- Exhibit H: ~~\_\_\_\_\_~~ (Intentionally deleted)
- ~~Exhibit I: \_\_\_\_\_~~ Key West Planning Board Resolution No. 2015-48, Major Development Plan recommendation
- ~~Exhibit J: \_\_\_\_\_~~ Key West Planning Board Resolution No. 2015-49, Development Agreement recommendation
- Exhibit K: ~~\_\_\_\_\_~~ Key West \_\_\_\_\_ Height Reference Point Determination by the City Commission Resolution No. 16 \_\_ Major Development \_\_\_\_\_ Plan approval
- ~~Exhibit L: \_\_\_\_\_~~ Key West City Commission Resolution No. 16 \_\_ Development Agreement approval
- Exhibit M: ~~\_\_\_\_\_~~ Copy of Special Warranty DeedKey West.

Exhibit N: ~~Site Data sheet (includes parking and landscaping)~~

Exhibit O: ~~Site elevation determination dated Jan. 2, 2014~~

Exhibit P: ~~Traffic Impact statement~~

# **Vegetation Analysis**

## Environmental Assessment

### Project

Peary Court Improvements

### Site Location

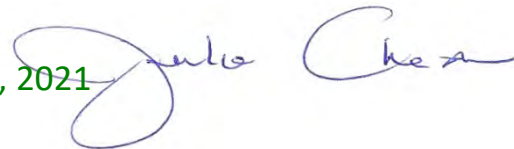
541 White Street

Key West, FL

### Real Estate Number

00006730-000200

November 4, 2021

A handwritten signature in blue ink that reads "Julie Cheon". The signature is written in a cursive style with a large loop for the letter 'J'.

Peary Court, 541 White Street, Key West

**Background**

This environmental assessment was completed to address the City of Key West's (City) environmental comment on the proposed development and document the environmental conditions. Specifically, the City requested intergovernmental coordination with the Florida Department of Environmental Protection to ensure there are no environmentally sensitive lands.

The applicant is proposing to construct 33 units and associated infrastructure across 9 locations within the existing apartment complex. An aerial photo is provided in Attachment A. The proposed site plan drawn by development Bender and Associates Architects and dated June 18, 2021, was utilized to determine the extent of the development. The site plan is provided in Attachment B.

The complex contains 157 existing units with associated infrastructure, small pocket parks and open space areas. Additionally, four large stormwater retention ponds are located along the perimeter of the property, away from the proposed development footprint.

**Proposed Development Sites**

The environmental conditions at the nine development sites is provided below. Locations are shown in Attachment B.

Site 1

The site is located on the north side of the development's White Street entrance and is adjacent to a residential building and White Street. Four units, parking spaces and walkways are proposed for this location.

The filled upland site includes an open area and a small, raised area with playground equipment. The area is maintained and mowed. Groundcover is the dominant strata and includes St. Augustine grass and *Stylosanthes biflora* (Sidebeak Pencilflower) and miscellaneous herbs and forbs. A few canopy trees, including *Bursera simaruba* (Gumbo Limbo) are located in the vicinity of the proposed development. No wetland vegetation, soils or hydric indicators were observed.



Peary Court, 541 White Street, Key West

---

 Site 2
 

---

Site two is located between an existing residential building and the south side development's White Street entrance. Three units and associated parking and walkways are proposed. The filled, upland site includes a maintained and mowed open area. Groundcovers are the dominant strata, but



some canopy trees are located in the vicinity. Species include *Pithecellobium dulce* (Monkeypod), *Ficus aurea* (Strangler Fig) and *Tabebuia sp.* (Trumpet Flower). No wetland vegetation, soils or hydric indicators were observed.

---

 Site 3
 

---

The site is adjacent to a residential building, the fenced property line along White Street and a disturbed parcel owned by the City of Key West. Four units and associated parking and walkways are proposed for this location. The filled, upland site includes an open area which is maintained and mowed. A small swale is located on the perimeter, adjacent to the



fence. Groundcovers are the dominant strata, but some canopy trees are located in the vicinity. Species include *Pithecellobium dulce* (Monkeypod), *Swietenia mahagoni* (West Indian Mahogany) and *Cocos nucifera* (Coconut Palm). No wetland vegetation, soils or hydric indicators were observed.

Peary Court, 541 White Street, Key West

Site 4

Site 4 is located between two existing residential buildings and the fenced property line adjacent to Angela Street. The site contains mowed open space and a small, raised playground area. The substrate is comprised of fill. Groundcovers are the dominant strata including St. Augustine Grass and miscellaneous herbs and forbs. Canopy trees are located in the vicinity and include *Terminalia catappa* (Tropical Almond). A narrow swale was present. No wetland vegetation, soils or hydric indicators were observed.

Site 5

Site five is located between two existing buildings. Groundcovers are the primary strata and one canopy tree, a West Indian Mahogany, is located in the vicinity. St Augustine Grass is the dominant ground cover. The substrate is comprised of fill. No wetland vegetation, soils or hydric indicators were observed.

Sites 6, 7, 8, & 9

Sites 6, 7, 8 and 9 are located on a maintained grass field bordered by building 134 on the west and buildings 144 and 123 on the east. The field includes an area with playground equipment and a small basketball court. A swale was located adjacent to building 134. The proposed development in this area includes 17 units and associated infrastructure including parking spaces, and a pedestrian pathway. Groundcovers comprise the dominant strata. Species observed include St. Augustine grass, *Stylosanthes biflora* (Sidebeak Pencilflower), *Phyla nodiflora* (Frog fruit) and



Peary Court, 541 White Street, Key West

miscellaneous forbs and herbs. Canopy trees are scattered in the vicinity, including *Pithecellobium dulce* (Monkeypod), *Swietenia mahagoni* (West Indian Mahogany) and *Cocos nucifera* (Coconut Palm), *Ficus aurea* (Strangler Fig) and a stand of *Thrinax radiata* (Florida Thatch Palm). No wetland vegetation, soils or hydric indicators were observed.



### Summary

A review of the sites proposed for development showed that all development areas were comprised of filled, disturbed lands with ground covers as the dominant strata. Canopy trees were present, but sparse. No wetland vegetation, soils or hydric indicators were observed. All areas proposed for development would be classified as disturbed uplands.

The aforementioned stormwater retention areas located on the perimeter of the complex were the only areas where wetland vegetation, hydric soils and hydric indicators were present. These areas are not being impacted by the proposed development.



Cheon Environmental Consulting

Julie\_Cheon@hotmail.com - 71 Tingler Lane Marathon, FL 33050 - (305) 395-1985

Peary Court, 541 White Street, Key West

Attachment A – Aerial Photo

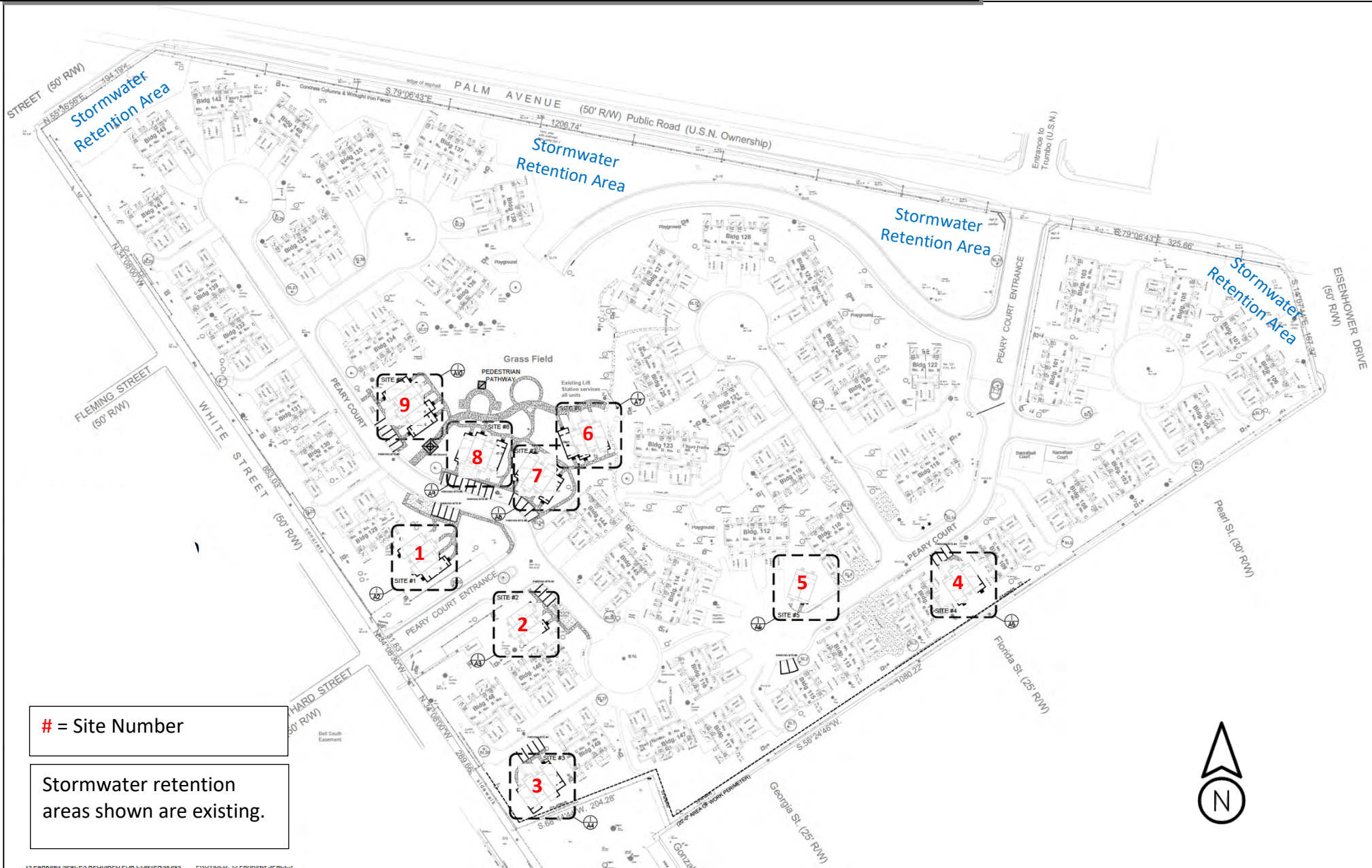


Cheon Environmental Consulting

Julie\_Cheon@hotmail.com - 71 Tingler Lane Marathon, FL 33050 - (305) 395-1985

Peary Court, 541 White Street, Key West

Attachment B – Site Plan



# **APA Housing Policy**



**American Planning Association**

*Creating Great Communities for All*

# Housing Policy Guide

---

Approved by APA Delegate Assembly, April 14, 2019

Ratified by APA Board of Directors, May 14, 2019

[planning.org/policy](http://planning.org/policy)

The American Planning Association advocates for public policies that create just, healthy, and prosperous communities that expand opportunity for all through good planning. APA's advocacy is based on adopted positions and principles contained in policy guides. These guides address the critical policy issues confronting planners and communities by identifying solutions for local, state, and federal policy makers. Policy guides are led by the APA Legislative and Policy Committee, ratified by the APA Board of Directors, and developed through the careful and extensive involvement of planners across the country. APA policy guides articulate and advance the principles of good planning in law and regulation.

[planning.org/policy](http://planning.org/policy)

## Table of Contents

- 3 Introduction
- 4 Emerging Trends
- 8 Policy Positions
- 13 Related Policy Guides

### Policy Guide Authors

Angela Brooks, AICP, Co-chair  
Jennifer Raitt, Co-chair  
Aldea Coleman  
Brian Loughlin, AIA  
Thomas Eddington, AICP, ASLA  
Benjamin D. Frost, Esq., AICP  
Michael A. Levine, AICP  
Kelly Murphy, AICP  
Martha Sickles, AICP

### Legislative and Policy Committee

George Homewood, FAICP, Chair  
Whit Blanton, FAICP  
Brian Campbell, FAICP  
Aldea Coleman  
Kara Drane, AICP  
Jessica Garrow, AICP  
Daniel Haake, AICP  
Charles Liuzzo  
Sarah Marchant, AICP  
Wendy E. Moeller, FAICP  
Ramona Mullahey  
Pete Parkinson, AICP  
Jennifer Raitt  
Dan Reuter, FAICP  
Edward Sullivan  
Susan Wood, AICP

### APA Board of Directors

Kurt E. Christiansen, FAICP, APA President  
Cynthia Bowen, FAICP, APA Past President  
Wendy E. Moeller, FAICP,  
Secretary, Director Region IV  
Courtenay D. Mercer, AICP,  
Treasurer, Director Region I  
Deborah Alaimo Lawlor, FAICP, PP,  
AICP President  
Rodger Lentz, AICP, Director Region II  
Wendy D. Shabay, AICP, Director Region III  
Leo Asuncion, Jr., AICP, Director Region V  
Kristen Asp, AICP, Director Region VI  
Kara W. Drane, AICP, Director at Large  
Lauren Driscoll, AICP, Director at Large  
Marjorie Press, Director at Large, Focused  
Fleming El-Amin, AICP,  
Director at Large, Focused  
Ben Hitchings, FAICP, Director,  
Chapter Presidents Council Chair  
David Fields, AICP,  
Director, Divisions Council Chair  
Rachael Thompson Panik,  
Director, Student Representatives  
Council Chair

**Cover:** Westlawn Gardens in Milwaukee, recipient of a 2018 APA National Planning Excellence Award, created 250 new affordable housing options in a community where they were needed most. Born out of a master planning process, Westlawn Gardens is an example of the type of housing options possible when planners, community members, and public and private partners work together to create a shared vision.

## Introduction

***“In order for communities to function, there must be an adequate supply of housing in proximity to employment, public transportation, and community facilities, such as public schools. The housing stock must include affordable and accessible for sale and rental units, not only to meet social equity goals, but in order to ensure community viability. The development of a diverse and affordable housing stock must be carried out without sacrificing sound regulations that are in place to protect the environment and public health.”***

**— Housing Policy Guide, 2006.**

While the goals of the 2006 Housing Policy Guide remain as valid as ever, progress has been mixed over the past 13 years. Many of the same challenges remain and some, particularly housing availability and affordability, have worsened. Many desirable communities are out of reach for those earning an average wage and too many Americans must spend an inordinate amount of their income on housing expenses. In addition, the long-term adverse effects of discriminatory financial lending practices and exclusionary zoning—including red-lining—continue to impact the social, cultural, ethnographic, and economic diversity of our urban, ex-urban, and suburban regions, in ways that negatively impact low-income and minority households disproportionately.

## Emerging Trends

### 1. Inventory and conditions

The nation's housing supply has continued to rise from 122.7 million units in 2004 to 134.1 million in 2016 but at a slower rate than previous years. While housing stock keeps ahead of overall household growth, it fails to meet the needs of changing socioeconomic characteristics of the population.

Housing starts have slowed, with an average of 0.8 million units built annually from 2010 through 2016 compared to a 1.1 million average previously. The percentages of unit types in the national housing supply varied slightly: The number of single-unit structures rose from 67 percent to 67.4 percent; multi-unit structures were constant at 26 percent; and mobile homes declined from seven to 6.3 percent.

According to the U.S. Census Bureau's Characteristics of New Single-Family Houses Completed, the average size of single-family homes constructed nationally declined during the Great Recession from a high of 2,528 square feet in 2008 to a low of 2,402 in 2009, then steadily increased to 2,637 square feet in 2016. Beyond increased space, most of these new homes contain additional amenities such as multiple bathrooms.

The national average single-family home price was \$356,160 in 2016, increasing 34 percent over a five-year period. While there are variations in household income, cost burden is measured as not paying more than 30 percent on housing costs. For an average owner not to be cost burdened, their income would have to be \$103,200 annually to have afforded the "average" single-family home constructed in 2016. Renters can face an even higher burden.

Average home lot sizes decreased from a high of 18,871 square feet in 2009 to a low of 15,167 in 2013, rising the following years to 16,381 in 2015 and dropping to 15,641 in 2016. The National Association of Home Builders/Wells Fargo Housing Market Index found that the percentage of builders reporting a low or very-low supply of lots in their markets rose to 64 percent in 2017 from nine percent in 2009.

National annual average multifamily housing construction more than doubled from 2010 (155,000 units) to 2016 (358,000 units). Newly constructed units, unless subsidized as affordable housing, had higher sales and rental prices consistent with increased pricing of the newly constructed single-family homes. The deviation of construction and land cost increases and stagnating incomes put much of the newly constructed multifamily dwelling units beyond the reach of even those of median income.

According to the *State of the Nation's Housing 2018*, there are four primary impediments to stronger housing construction. The first is a deficient supply of skilled workers. The second is a rise in cost of building materials. Third is the depletion of developable lots and fourth, the impact of land-use regulations and zoning on the density and type of construction. Productivity gains in housing construction have lagged against other industries, an additional impediment to the market.

Lowered vacancy rates from 2010 to 2016, 2.4 to 1.8 percent in owner-occupied housing and 7.8 to 6.2 percent in rental housing, signal a tightening of the housing market. Vacancy rates are lowest in lower-cost housing, relaxing as the price of units increase.

Overcrowded conditions are reported slightly higher in the 2016 American Community Survey data, rising from 3.4 to 3.9 percent. The survey shows 3.3 percent of households live with more than one person per room while 1.2 million households or 1.1 percent live with more than 1.5 persons per room.

The National Housing Preservation Database indicates that of the nearly 4.7 million publicly supported rental homes, more than 10 percent with affordability restrictions will expire in the next five years. With more than 8.1 million extremely low-income households spending more than half of their income on rent, there is a shortage of approximately 7.4 million homes affordable to the extremely low-income households in need.

There has been an uptick in a loss of older housing inventory. A Hudson Institute analysis found that about 60 percent of low-cost units in 1985 were lost from the U.S. housing stock by 2013 through a combination of permanent removals (27 percent), conversions to other uses (18 percent), and upgrading to higher rents (12 percent). Moreover, just under a third of affordable rentals in 2013 had been low-cost units in 1985, underscoring the importance of affordable housing preservation.

### 2. Affordability

Perhaps the most significant economic trend of the last 12 years is the widening gap between the highest earners and the average wage. Those at the top of the income curve have seen their earnings increase while the majority has experienced stagnation or reduction. This has directly affected the housing supply, which is steadily bifurcating into strong or weaker markets while the middle range is shrinking.

Over 41 million households in the United States (approximately 35 percent) are described as cost burdened, meaning these households are spending more than 30 percent of their income on housing expenses. The numbers are increasingly dire for those households that earn roughly a minimum wage income. Assume the breadwinner in a household earns \$10 per hour at a full time job; this equates to an annual household income of \$20,000 per year. This income cohort represents 15 percent of U.S. households and more than 80 percent of these low-income households are cost burdened.

Further complicating the issue is the fact that wages have not increased proportionally to housing costs. After adjusting for inflation, wages are only 10 percent higher in 2017 than they were in 1973 (with annual real wage growth just below 0.2 percent). During that same

period, the cost of housing increased almost 30 percent nationally and at significantly higher percentages in markets such as New York City, Los Angeles, San Francisco, Seattle, and Washington, D.C. According to the *State of the Nation's Housing 2018* report by the Joint Center for Housing Studies of Harvard University, "In 1988, when the first *State of the Nation's Housing* report highlighted historically high homeownership costs, the national home price-to-income ratio was 3.2, with just one metro posting a ratio above 6.0. In 2017, the national price-to-income ratio stood at 4.2, and 22 metros had ratios above 6.0." As a rule of thumb, most banks consider a home price-to-income ratio in the 3.0–3.5 range generally financeable (assuming minimal outstanding debt obligations for car loans, student loans, credit cards, etc.).

As the cost per square foot to build housing continues to increase, a greater number of units built by the private market have moved to higher rent or for-sale units while losing lower rent or for sale units. With the average cost per square foot for new construction in the \$150 to \$300 range (geography dependent), it is impossible to build a new 1,500-square-foot single-family house that is affordable to households earning the U.S. median income of \$57,652 (in 2017) without a public subsidy in the form of land, money, or both. Unfortunately, many of the state and federal programs are limited to assisting only those households at 60 percent area median income (AMI) or less. The reality is that housing is often unaffordable to households earning up to 120 percent AMI (and higher in many markets). A tiered approach to the provision of subsidies and economic incentives, especially at the local level, is necessary to ensure the construction and preservation of a wide range of affordable housing types in our nation's communities.

Scaling back the size of newly constructed housing offers some cost savings provided the minimum buildable lot size is reduced accordingly to realize a savings on land acquisition. Homes in the 900–1,200 square foot range are becoming more commonplace but the trend in America is still toward larger houses. According to the US Census, the size of the average single-family house increased from 1,535 sf in 1975 to 2,169 sf in 2010—an increase of 41%.

### 3. Housing Location

There is an increasing disconnect between job location and housing supply, placing greater demands on our transportation system and causing a greater proportion of time and income to be spent on commuting.

**Long Commutes.** Driven in part by the search for affordable housing, rising commute times are an issue both regionally and nationwide, adding even more expenses to full-time workers. Brookings Institution research found that between 2000 and 2012, more Americans took on outsized commutes: The number of jobs within the typical commute distance for residents in a major metro area fell by seven percent nationwide. The 2015 American Community Survey found that the country's average commute rose to 26.4 minutes in 2015, and the number of Americans who live in one county and work in another soared from 23.5 million to 40.1 million between 1990 and 2014, a seventy-one

percent increase. More time behind the wheel or on a bus or train is taking more money from the working poor.

The Census data shows the longest commutes are also the fastest growing. The number of workers who are over the age of 16 grew by roughly 1.7 percent from 2014 to 2015 (a total of 148.3 million workers). But the number of workers with 45-minute commutes grew even faster (3.5 percent). The number with hour-long commutes grew even faster than that (5.1 percent). And workers with extreme commutes—90 minutes or more—grew by the fastest rate of all (eight percent). At the other end of the spectrum, the number of workers with commutes less than 10 minutes actually shrank.

But research increasingly finds that for many, longer drives are a direct result of a dearth of housing near jobs, especially in increasingly expensive downtown districts. Our dreary national commute reflects larger choices about zoning, housing development, and infrastructure investments which add to the affordability crisis that has gotten worse over the last decade, especially for the poor and the middle class.

The median commute distance for those earning \$15,000 a year or less has jumped from 12 to 21 miles between 2006 and 2013. There's also a pronounced racial dimension to the increase in commuting time: Brookings Institution research found that as more lower-income urban Americans are pushed to suburban areas due to rising rents, the number of jobs near the typical Hispanic (17 percent decline) and black (14 percent decline) resident in major metro areas declined much more steeply than for white residents (six percent decline).

**Production.** Nationally, the number of households grew by 11.2 million between 2005 and 2015, while only 9.9 million new housing units were constructed during the same period. Only 10 of the nation's 50 largest metros have produced enough new housing to keep pace with job growth in recent years. Job growth tends to be centered in the counties containing a core city while a greater share of housing units is added to the surrounding suburbs—leading to heightened levels of undersupply in the core cities.

There is a strong correlation between the number of jobs and rent growth from 2005 to 2015. Real estate values plummeted following the Great Recession and construction came to a near halt across the country, with the number of new housing units permitted to be constructed dropping to the lowest level on record in May 2009. Since then, the housing market and the overall economy have recovered, but new construction continues to lag. The number of companies building homes dropped by 50 percent from 2007 to 2012, and the construction industry is currently facing a serious labor shortage. The resulting lack of new construction is contributing to rising rents, which are creating an affordability crisis in many parts of the country.

In the post-recession period, most large metro areas are lacking in housing supply but are high in demand. When we focus on the post-recession period from 2010 to 2015, only 10 of the 50 largest metros added fewer than two jobs per residential building permit.

**Cost/Income.** Out of 30 metro areas that increased economic productivity, average wages, and standard of living since 2010, only 11 were able to distribute that growth across income groups.



## 4. Housing Needs for All

Over the past 12 years, home design has evolved to building homes that accommodate the changing demographics of our nation. More housing is being developed for a mix of life stages and at a range of price points, including extended families and caretakers; those who may need first-floor living and zero-step entries; larger families; and single-person households. A diversity of housing types accommodates all needs.

**Universal Design and Visitability Principles.** Creating a range of housing options for residents in a community is one way for older adults to not only remain in their homes, but also remain in their communities. Over the past decade, builders have implemented more Universal Design and Visitability elements in housing design as standard rather than as an option. The principles emphasize the design of buildings and environments that are accessible to all people, regardless of age, disability, or other factors.

**Aging in Community.** According to AARP's Public Policy Institute, the vast majority of people age 50 and older want to stay in their homes and communities for as long as possible. However, Fannie Mae's research anticipates that aging baby boomers will trigger an exodus in the housing market. Fannie Mae states, "The beginning of a mass exodus looms on the horizon, fueling fears of a 'generational housing bubble.'" Such a scenario "would reverberate through the housing market and economy." Fannie Mae's report states that "the number of homeowners who reach age 65 by the year 2026 will drop by 10.5 million to 11.9 million, more than the loss of 9.2 million in that age bracket from 2006 to 2016." A broader range of housing options benefits a broader range of people and households, including accessory dwelling units and smaller rental homes. Aging in community planning should incorporate access to amenities such as parks, trails, and transportation networks near existing housing for older populations.

**Cost Burden.** Housing and transportation are the two biggest expenses in a typical U.S. household. Statistics suggest that the combination of housing affordability and affordable transportation is an issue for more than two-thirds of Americans, with the nation's lowest-income households absorbing the greatest costs. Access to alternative modes of affordable transportation, particularly transit, is critical to these households.

**Future Homeowners.** According to Moss, more than 32 percent of Americans age 18 to 35 currently reside with their family. There may be a number of reasons for this. The first is the lack of a range of housing options in regions throughout the United States. The second is the increased economic instability of young adults due to increased personal debt burden and, in some locations, lack of access to job growth opportunities. These two issues combined present barriers to future homeownership and economic stability.

**Impacts of immigration.** For decades, immigration has affected communities throughout the United States. According to Joint Center for Housing Studies data, immigrants currently make up 20 percent of

renter households and 12 percent of homeowners. From 2006 through 2016, these households have been shown to stabilize both urban and rural communities that might have otherwise lost populations.

**Sustainable Design.** In the past few years, efforts to create more sustainable homes have increased. There has been progress in the use of cleaner fuels and renewable energy for home heating. From 2010 to 2016 electric heat increased from 34.2 percent of the market to 37.7; solar increased from 1.26 to 1.82 percent. Utility gas/bottled/LP gas decreased from 63.1 percent to 62.5; however, fuel oil/kerosene increased from 15.6 to 16.1 percent and use of wood from 9.3 to 10.3 percent.

Increased interest in carbon reduction leads to greater focus on energy efficiency of lighting, plug loads, HVAC systems, and water-saving devices as well as improved building codes. While there is considerable variation in state policies, most encourage use of the measures cited above.

This factor and carbon reduction strategies in all other sectors is reflected in the steady decline of annual per capita energy use (300 million BTU) and CO<sub>2</sub> emissions (15.8 metric tons of CO<sub>2</sub>) in 2017, lower than any year after 1970.

Clear indications of the energy market transformation is the rapid increase in the number of passive house and net-zero building projects in the country. Projects exist in states with more stringent building codes such as California and Florida, but are gaining traction in other states and localities that are committed to reducing greenhouse gases substantially by 2030 and 2050.

A passive house combines a high level of comfort with very low energy consumption through an efficient envelope requiring less heating and cooling. The number of passive house projects certified or in construction rose from 25 in 2011 to 350 in 2016, providing approximately 3,000 housing units. Net-zero buildings, very efficient buildings with solar and batteries that produce as much energy as they use, are increasing as states adopt more stringent energy codes. Currently the Net-Zero Energy Coalition estimates there are more than 5,000 NZE single-family homes and 7,000 NZE multifamily units nationwide. For example, by 2020 all new buildings in California will meet these standards, producing 100,000 NZE homes annually.

**Homelessness.** In 2017, the U.S. Department of Housing and Urban Development (HUD) reported that 553,742 people experienced homelessness in the United States on a single night. Two thirds of the homeless were located in transitional housing or emergency shelters, with the remaining third in unsheltered locations. Thirty-three percent of the homeless were in families with children; the remaining 67 percent were single individuals. Most of the families were in sheltered situations.

From 2016 to 2017, there was an overall increase in the homeless population of one percent, consisting of a rise in homeless individuals counterbalanced by a five percent decline in the number of homeless families. This is the first reported increase in national homelessness in seven years. The increase occurred in major cities with a decrease in the homeless in smaller towns and statewide. Across the nation there was an increase in the persons experiencing homelessness who were unsheltered. On a particular night in January 2017, approximately 24 percent of those experiencing homelessness were chronically homeless,

a decline of five percent from 2007. However, the share of unsheltered chronically homeless increased from 65 percent to 69 percent.

Approximately half of the homeless are located in one of five states: California (25 percent), New York (16 percent), Florida (six percent), and Texas and Washington (four percent). There are also wide variances by state in the percentage of homeless unsheltered, ranging from a high of 77.8 percent in California to a low of 6.9 percent in Iowa.

## Policy Positions

### **POSITION 1** Modernize state and local laws to ensure housing opportunities are available, accessible, and affordable to all.

**Position 1A** The American Planning Association and its Chapters and Divisions support the modernization of state planning laws to ensure that state enabling statutes for zoning promote local planning efforts and provide housing resources to solve our most pressing affordability challenges. State involvement and resources are needed to ensure consistency and universal participation among municipalities. States should require binding comprehensive plans or a specific community-wide housing plan that both understand current and future housing trends and actively plan for the availability and affordability of housing. Further, States should not prohibit jurisdictions from establishing inclusionary housing and zoning programs and related rules and regulations aimed at creating and preserving housing. Mandates, funding, technical assistance, or other incentives may be used. Further, states should designate a single agency to oversee housing policy, support local planning, and achieve key production and affordability goals.

**Position 1B** The American Planning Association and its Chapters and Divisions support the modernization of local zoning bylaws and ordinances to increase housing production, while taking local context and conditions into account. While challenging to confront and, ultimately, amend or dismantle exclusionary zoning, rules, and practices, planners must take the lead in modernizing zoning. Local jurisdictions should adopt bylaws or ordinances, policies, and incentives that facilitate a range of housing types and densities and that serve a diversity of housing needs. Local jurisdictions should review and modernize bylaws and ordinances and planners need resources to make updates happen and to ensure adequate public engagement occurs.

Updates to bylaws and ordinances should address mixed-use and multifamily development, including affordability. Updates should also include rezoning for higher densities where there may be existing lower-densities. Local jurisdictions should consider reducing or eliminating minimum lot-size requirements, reducing minimum dwelling unit requirements, allowing greater height and density and reducing or eliminating off-street minimum parking requirements, and they should specifically identify and eliminate or minimize regulatory obstacles to the establishment of accessory dwelling units, whether attached to or detached from the principal dwelling unit. Local jurisdictions should also allow for and encourage adaptive reuse and use conversions to encourage housing production. Local jurisdictions should also research and analyze, and as part of any zoning amendment,

preempt all restrictive covenants and barriers to fair housing and access to housing choice, including barriers to on-street, overnight parking.

Location should be addressed without compromising equity or resiliency. Local jurisdictions should consider incorporating into bylaws and ordinances transit-oriented development principles and principles that address the importance of housing location in relation to access and proximity to schools, jobs, parks, transportation, and other critical amenities and resources. States should consider moving to a Housing + Transportation Index when determining affordability.

**Position 1C** The American Planning Association and its Chapters and Divisions support a better regional location balance for jobs, schools, and housing. Planners should support a regional fair-share distribution of housing, in general, and affordable housing, in particular, in proximity to employment opportunities. Planners recognize that housing markets closely align with labor markets, and function on a regional scale. Addressing any misalignment between them calls for interjurisdictional dialogue and cooperation. Local jurisdictions should amend zoning and regulations to encourage better balance of jobs and housing, including an increase of mixed-uses in downtown and commercial areas, and establishing home occupation standards that have a low regulatory burden.

**Position 1D** The American Planning Association and its Chapters and Divisions recognize and support ongoing and expanded efforts to build market rate and workforce housing in rural locations. Aging demographics and declining wages, combined with an older unmaintained housing stock, contribute to the need to ensure an equitable supply of safe housing in these areas. State, county, and local planners must ensure that resources, including capital, are directed to housing efforts in these locations, including funding for utilities and infrastructure, such as water and wastewater systems and roads, particularly in areas with lower-income populations.

**Position 1E** The American Planning Association and its Chapters and Divisions emphasize the importance of having an adequate supply of housing, and especially affordable housing, in economic development strategies. State and local jurisdictions should engage with business leaders to provide public messaging on the importance of housing and housing development to meet the needs of economic growth. Examples of potential strategies include: preserving existing mixed-income, multifamily housing stock near major employers and transit hubs in order to create housing opportunities in close proximity to new suburban, exurban, and rural employment and service centers; performing housing impact studies, in conjunction with large employers, to analyze

the availability of affordable housing for their workforce in proximity to work locations; encouraging employers to invest in their workforce and neighborhoods by supporting employer-assisted housing programs; and supporting transportation and transit improvements to increase job access and tracking and managing impacts from short-term rentals.

**Position 1F** The American Planning Association and its Chapters and Divisions support inclusionary growth to ensure fair opportunities to access affordable housing and economic prosperity, while addressing the negative effects of gentrification. Fair share increases opportunity such as access and proximity to jobs, accredited schools, community centers, and mobility options. State should remove barriers and create enabling legislation to allow local jurisdictions to adopt inclusionary growth and related requirements which may: mandate a minimum percentage of affordable units in a development are set aside in exchange for greater density, allow for a prorated number of affordable units that may be provided off-site, allow for payment to a dedicated fund for use by other developers, and require a diversity of housing unit sizes, including housing units with at least three bedrooms in support of families and households that include caregivers.

**Position 1G** The American Planning Association and its Chapters and Divisions should eliminate barriers to affordable and multifamily housing development and exclusionary zoning, rules, and practices, especially in areas where such development is supported by the necessary transportation, social, cultural, utility, and economic infrastructure. Local jurisdictions should allow multifamily, mixed-income housing as a by-right use and reduce permitting barriers that create development uncertainty, increase the cost of land and development, and stimulate opposition. Local jurisdictions should streamline approval processes that coincide with identified housing needs and demand and establish higher thresholds that are subject to special permit reviews.

**Position 1H** The American Planning Association and its Chapters and Divisions support “enabling design”—design that enables residents of varying levels of physical ability to live in all multifamily housing and single-family residential, and recommends requiring its use in housing assisted with federal subsidies.

**Position 1I** The American Planning Association and its Chapters and Divisions should work to transform the community engagement process relative to multifamily and mixed-income housing preservation and development. Local jurisdictions should move to active implementation of housing policy and development and build public support for housing affordability. Local jurisdictions should consider developing outreach and engagement strategies to establish a framework and guide dialogue with the public and key stakeholders about housing need, demand, and trends, as well as the consequences of inaction. Local jurisdictions should be inclusive and responsive to a broad range of constituents, while promoting best practices and educating the public with attention to ensuring all populations have access to information in a variety of formats.

**Position 1J** The American Planning Association and its Chapters and Divisions support efforts to combat housing discrimination and support

efforts that foster racial and economic integration. This includes support for the inclusive goals of the National Housing Act of 1949 and the Fair Housing Act of 1968, specifically including the latter’s objective of affirmatively furthering fair housing. It also includes support for the adoption of federal and state laws that would prohibit and provide additional protections for housing discrimination based on the source of income/ receiving public assistance and other protected classes, including but not limited to additional protections for ancestry, age, gender identity, genetic information, marital status, sexual orientation, and veteran/ military history. Finally, APA supports the dismantling of exclusionary land use and zoning practice and policies that contribute to and continue historic patterns of segregation, which includes discriminatory definitions of family in local zoning and ordinances.

**Position 1K** The American Planning Association and its Chapters and Divisions support better understanding of the variations in acceptable housing occupancy standards across cultures to encourage and support flexibility in housing occupancy standards while ensuring safe, humane, and reasonable standards of living. Housing occupancy varies across different socio-cultural groups including different preferences for multi-generational and larger households.

**Position 1L** The American Planning Association and its Chapters and Divisions have a special responsibility to establish affordable, accessible and available housing as core values in states and localities. Engagement of community leaders, elected officials and the public in support of these core values can lay the groundwork for modernization of state enabling statutes and reform of local plans and codes that may inhibit housing affordability and availability. Effective engagement can also diminish concerns regarding increased density and new housing forms in existing neighborhoods.

## **POSITION 2** Preserve existing housing to maintain the quality and overall supply of affordable housing.

**Position 2A** The American Planning Association and its Chapters and Divisions recognize that preservation of the existing affordable housing stock is critical for protecting older owner-occupied and renter-occupied housing. These types of housing units are often the dominant building fabric and largest source of naturally occurring affordable housing for many inner-ring neighborhoods. Communities should develop plans for substandard and abandoned housing and identify properties that risk falling into substandard conditions. Local jurisdictions should ensure that comprehensive housing plan policy recommendations support the preservation of existing housing stock as a key component of those plans. Incentivizing and/or mandating the preservation of existing affordable housing is also often the most sustainable way a municipality can ensure housing provision. The only exception to this position would be in the case of existing housing that is substandard, or the removal of which would give way to higher-density multifamily developments.

**Position 2B** The American Planning Association and its Chapters and Divisions support the preservation of existing affordable housing. In order to stem the loss of existing affordable units in gentrifying neighborhoods due to permanent removal, conversion to other uses, and rent increases, local jurisdictions should support the preservation or replacement of these units. Planners and local policy makers should consider a package of incentives to ensure some level of affordability remains associated with these units. Planners should encourage models to preserve affordable housing units, such as low-equity cooperatives and community land trusts. Local jurisdictions should consider the impact of redevelopment proposals on existing neighborhoods, particularly with regard to the potential for residential displacement of low- to middle-income households. Planners should encourage adoption of inclusionary zoning and regulatory measures that proactively preserve housing that is affordable to low- and very-low income households along current and future transit corridors, downtowns, and village or community centers. This ensures that transit-dependent populations in developing or re-developing areas will have continued access to amenities such as jobs, schools, health care, and goods and services.

**Position 2C** The American Planning Association and its Chapters and Divisions support monitoring of existing affordable housing units in state and local jurisdictions. Many communities nationwide have successfully used inclusionary zoning as a means to ensure that a specified percent of new market units developed are rent- or sale-restricted for households earning less than 100 percent of Area Median Income. Planners should ensure that units remain affordable through the term of their deed restriction.

**Position 2D** The American Planning Association and its Chapters and Divisions support options for older adults to age in community. Local jurisdictions should encourage the maintenance and modernization of existing housing by providing or identifying options for financial assistance from loan and grant programs, home modification programs for people with disabilities, and weatherization and home energy assistance programs.

**Position 2E** The American Planning Association and its Chapters and Divisions support options for public education on homeownership, maintenance and repair. First-time homeowners should understand the benefits and responsibility of homeownership.

### **POSITION 3** Encourage environmental sustainability and resiliency as critical elements of housing availability and affordability.

**Position 3A:** The American Planning Association and its Chapters and Divisions encourage sustainability, resiliency, and energy and water efficiency in the housing sector. States and local jurisdictions should investigate opportunities to amend zoning and building requirements to increase production of net-zero and passive homes, and homes with water harvesting and grey water systems. Planners should work with

the developers to educate energy end users about choosing renewable energy, water conservation and reuse, and sustainable lifestyles.

**Position 3B** The American Planning Association and its Chapters and Divisions encourage additional housing to be located in walkable, transit-rich areas to support broader low-carbon emission choices and goals.

**Position 3C** The American Planning Association and its Chapters and Divisions encourage the siting and design of housing away from flood-prone areas and areas prone to natural disasters and hazards, incorporating green infrastructure into future development. Planners should encourage compact development and mixed-use housing to reduce impacts on watersheds and environmentally-sensitive areas and in areas prone to natural disasters and hazards.

**Position 3D** The American Planning Association and its Chapters and Divisions should work to ensure that environmental sustainability and resilience are incorporated into the design and construction of all housing typologies.

### **POSITION 4** Ensure that public and private finance keeps pace and innovates to support increased housing availability and affordability.

**Position 4A** The American Planning Association and its Chapters and Divisions support increased financial resources from the federal government to support the preservation and production of housing. Planners should advocate for the continued reauthorization and increased funding for federal housing programs, such as the HOME Investment Partnerships Program, the Community Development Block Grant, Housing Choice Vouchers, and the Native American Housing and Self-Determination Act funding. Planners should support the continued allocation of funds to the National Housing Trust Fund from the profits of Fannie Mae and Freddie Mac. Planners should support increases to the Low-Income Housing Tax Credit Program and reforms to simplify that program. Planners should support the preservation and modernization of federally assisted housing for older residents, including Section 202 Supportive Housing for the Elderly and the U.S. Department of Agriculture 515 and 521 programs. Finally, planners should support full federal funding for public housing capital and administrative funds.

**Position 4B** The American Planning Association and its Chapters and Divisions support reforms to private financial resources to support the preservation and production of housing. Lending institutions often have inflexible standards or periods of restricted lending. Planners should encourage lending institutions to support mixed-use and other nontraditional development formats while avoiding risky lending practices and lax regulation. Lenders also can support housing affordability by reducing requirements for parking spaces. Planners should advocate for reforms to the Community Reinvestment Act to ensure fair

lending practices and greater investment in lower-income communities. Lenders must address historic patterns of discrimination practices, particularly against mortgage applicants who are Black and Hispanic to ensure that the opportunity of homeownership is available to all.

**Position 4C** The American Planning Association and its Chapters and Divisions support the establishment and growth of creative and flexible housing programs, such as the Rental Assistance Demonstration Program (recapitalization of public housing) and the Moving to Work Program (flexible use of housing choice vouchers). As much as possible, planners should seek to use regulatory tools to leverage the power of private capital to create affordable housing, and significant gains can be made through robust inclusionary zoning incentives in areas where the market supports new housing development.

**Position 4D** The American Planning Association and its Chapters and Divisions should support the continued role of the federal government in ensuring access to residential mortgage capital support to the housing market either indirectly through existing government sponsored enterprises (Fannie Mae and Freddie Mac), or through some other similar mechanism that also provides ongoing market stability. Planners should support the Duty to Serve program of the Federal Housing Finance Agency as a means of providing access to mortgage financing for low-income home purchasers, including purchasers of manufactured housing. Planners should support the establishment and use of innovative approaches that create homeownership opportunities, such as shared-equity homeownership, resident-owned manufactured housing communities, life-cycle underwriting, and portable and assumable mortgages. Planners should support changes to the mortgage interest tax deduction that directly benefit low- and moderate-income homeowners.

**Position 4E** The American Planning Association and its Chapters and Divisions support increased coordination among existing federal planning programs, such as the Consolidated Plan required for HUD funds, with state and local plans. Planners should support the alignment of funding cycles among different programs and matching regulatory requirements to simplify developer compliance and to expedite both reviews and approvals of funding applications. Unified application processes will reduce developer regulatory burdens and increase program utility to improve the efficiency of funds deployed. Planners should advocate to their federal representatives the importance of restoring and increasing HUD funding. Further, planners should advocate for federal representatives to address the impacts of recent tax reform on a range of tax credits and related financing tools for housing.

**Position 4F** The American Planning Association and its Chapters and Divisions support innovations to government assessment and tax policies. State and local jurisdictions should work together to create reforms to tax assessment policies, creating model frameworks and local assessment categories. Planners should educate assessors and others

engaged in local tax policy setting with affordable housing assessment policies. At the federal level, planners should support the establishment of a project-based low-income renters' tax credit, to be administered at the state level to maximize coordination with other programs such as the Low-Income Housing Tax Credit. Planners should also support the establishment of a middle-income housing tax credit.

**Position 4G** The American Planning Association and its Chapters and Divisions should support the establishment of programs at the state and local levels to provide financing for or subsidize development of accessory dwelling units that are targeted for occupancy by lower-income households, including those with Housing Choice (Section 8) and Veterans Affairs Supportive Housing Vouchers, or that have below-market rents.

**Position 4H** The American Planning Association and its Chapters and Divisions continue to support the federal Low Income Housing Tax Credit program that provides equity for new and rehab housing developments directed at households earning below 60 percent or 50 percent of Area Median Income. Planners should support the ongoing reform of the associated Qualified Allocation Plans that are a requirement for each state for the allocation of these tax credits. In particular, states should consider the inclusion of criteria that ensure equal representation for rural and urban housing as well as additional locational preferences.

**Position 4I** The American Planning Association and its Chapters and Divisions support the ongoing creation and funding of Housing Trust Funds (HTFs) around the country, specifically and solely for the purpose of housing-related expenditures. Whether these funds are established at the local, county, or state level, they are designed to receive ongoing sources of public funding to support the preservation and production of affordable housing and increase opportunities for families and individuals to access decent affordable homes. Planners support funding HTFs via the direct allocation from general funds (budgetary line items) as well as the issuance of housing bonds at both the local and state level. Planners should prioritize dedicated funding streams to fund HTFs when possible in addition to annual allocations from general funds. Dedicated funding streams prevent volatile changes in funding based on political administrations. All HTF funds should be limited to expenditures related to creating or preserving affordable housing; use of these funds should not be directed to other non-housing-related projects or budget items.

**Position 4J** The American Planning Association and its Chapters and Divisions support the cultivation of partnerships to best utilize the full range of available resources to develop affordable housing. Local jurisdictions should seek to pair potential partners to broaden community involvement in the production of affordable housing. Organizations and individuals that are not typically involved in housing production, such as arts groups, medical associations, or education coalitions, should be sought out for potential partnerships in addition to not-for-profit community foundations.

**POSITION 5** Support funding and program flexibility to provide services, shelters, and permanent supportive housing for people experiencing homelessness, veterans, immigrants, and the formerly incarcerated.

**Position 5A** The American Planning Association and its Chapters and Divisions support continued reauthorization and full funding of federal programs that directly benefit America's homeless population, including the HUD Continuum of Care Homeless Assistance and Emergency Solutions Grant Programs, and also continued funding of the National Housing Trust Fund, which is used to produce new housing that targets extremely low-income people. Planners should also support the creative and flexible use of other federal, state, and local housing resources that are used to establish and operate shelters and permanent supportive housing for people experiencing homelessness, including but not limited to veterans, immigrants, and the formerly incarcerated.

## Related To Other Policy Guides

In addition to housing, APA has recently or is currently issuing guides on topics as diverse as social equity, water, food policy, and autonomous vehicles. Almost no topic stands completely apart from the others and housing touches upon every other topic. A sampling of relevant Policy Guides includes the following:

### Equity

The **Planning for Equity Policy Guide**, adopted in 2019, is a comprehensive assessment of the growing disparities in income, opportunity, mobility and choice. Specific to housing, the Policy Guide cites the principal goal of the National Housing Act of 1949 as “realization as soon as feasible of the goal of a decent home and suitable living environment for every American family” and examines where we, as a nation, have fallen short.

### Public Health

The **Healthy Communities Policy Guide**, adopted in October 2017, defines healthy communities as “places where all individuals have access to healthy built, social, economic, and natural environments that give them the opportunity to live to their fullest potential regardless of their race, ethnicity, gender, income, age, abilities, or other socially defined circumstances.” The Policy Guide emphasizes neighborhood design that is conducive to walking and bicycling.

### Sustainability

The Sustainability Policy Framework, adopted in January 2016, is intended to supersede the **Planning for Sustainability Policy Guide** adopted in 2000. Among the key elements of the Framework is the goal to “ensure that all elements of the built environment, including land use, transportation, housing, energy, and infrastructure, work together to provide sustainable, green places for living, working, and recreation, with a high quality of life” and specifically that local development codes include “provisions for a variety of housing types (e.g., accessory dwelling units, co-housing, multiplexes, row houses, and mixed-use

buildings) for neighborhood residents of all ages, with different incomes, needs, and physical abilities.”

### Water

The **Water Policy Guide**, second update adopted July 2016, stressed the need to evolve from planning for hazard mitigation and flood control to considering the supply, demand, and quality of our drinking water. The recommendations for integrated resource management include community land-use planning that seeks to achieve development that results in sustainable land-use patterns coupled with the efficient use of scarce and/or oversubscribed water supplies. Beyond the obvious recommendations to avoid or minimize housing construction within flood hazard areas, the Policy Guide emphasizes the need to consider proximity to water supply and to incorporate sustainable design practices to reduce water demand.

### Aging in Community

Implementing housing policies is critical to advancing the **Aging in Community Policy Guide**, adopted in April 2014. The guide states that planners should aim to “provide a range of affordable and accessible housing options. Promote housing development of differing sizes and costs. Better utilize existing housing resources, and advance universal design and visitability standards to promote accessibility in new housing.”

### Surface Transportation

The **Surface Transportation Policy Guide**, adopted in 2019, emphasizes the role of transportation in mitigating the effects of Climate Change, how data can be leveraged to make equitable and effective transit decisions, and transportation revenue amid a changing policy landscape. The location of housing relative to job sites is undoubtedly the single most important factor in assessing transportation needs.

Please refer directly to these closely allied policy guides for additional policy reference on those topics: <http://planning.org/policy>



# **Traffic Report Memorandum**

## MEMORANDUM

To: Donald L. Craig, AICP  
Erica Sterling, Esq.

From: Karl Peterson, P.E.

Date: November 5, 2021

Subject: Peary Court Traffic Study  
Response to Traffic Study Comments

---

On October 15, 2021, comments specific to the July 2021 Peary Court Traffic Impact Study prepared by KBP Consulting, Inc. on behalf of Spottswood, Spottswood, Spottswood & Sterling were provided. The following is a restatement of each pending review comment with a corresponding response prepared by KBP Consulting, Inc.

- 1. Please update the Roadway System section to identify the roadway classification and ownership of the roadway segments within the intersections that were studied per the City of Key West Transportation Element.*

**Response: According to Map T-1 of the City's Transportation Element, the study area roadways are classified as follows:**

- **Palm Avenue – Minor Arterial**
- **White Street – Collector**
- **Southard Street – Local Road**

**White Street and Southard Street are both City-owned facilities. Palm Avenue is owned by Monroe County.**

- 2. Please provide any comments from Monroe County related to the traffic operations at the County intersections and road segments in the submitted traffic analysis.*

**Response: Monroe County has no jurisdictional responsibilities over the study area as it relates to traffic operations. As such, there are no traffic comments from the County.**

- 3. Please provide additional details and traffic count data from February of 2021 that was used to establish the site-specific trip generation rates. The detailed calculations should be provided in the Appendix.*

**Response: The trip generation count data and analyses are presented in Appendix E of the report. For reference, this information is presented in Attachment A to this memorandum.**

4. Please provide the 95<sup>th</sup> percentile vehicle queue stacking and the existing turn lane storage lengths for each intersection for each of the AM and PM peak hour scenarios in table format. Please address any required turn lane extensions based on the 95<sup>th</sup> percentile vehicle queue stacking in the narrative of the traffic impact study. If all turn lanes can handle the 95<sup>th</sup> percentile vehicle queues in the existing turn lane storage, please identify in the conclusions of the traffic study.

**Response:** The results of this review (of the buildout conditions) are as follows:

<u>Intersection</u>	<u>Movement</u>	<u>Storage</u>	<u>95<sup>th</sup> Percentile</u>
White St & Southard St	NB	N/A	AM = 55', PM = 41'
	SB	N/A	AM = 27', PM = 60'
	WB	N/A	AM = 50', PM = 38'
Palm Ave & Trumbo Pt	NBT/L	200'	AM = 25', PM = 28'
	SBLT	180'	AM = 85', PM = 169'
	EBLT	85'	AM = 21', PM = 17'
	WBLT	60'	AM = 12', PM = 14'
	WBRT	95'	AM = 29', PM = 18'

As indicated above, the 95<sup>th</sup> percentile queues for the future buildout time period can be accommodated by each of the dedicated lanes. (It is noted that the intersection at White St and Southard St has single lane approaches on all legs.)

5. Please provide a section in the updated traffic study that addresses the multimodal infrastructure that provides connectivity internally and externally to the City street network. This should include the proposed multi-use shared paths. Please describe how these proposed improvements comply with the City's goals and objectives of the current transportation element.

**Response:** As per the Planner of Record, Donald L. Craig, AICP and the Architect of Record, Haven Burkee, AIA of Bender and Associates, the internal pedestrian / bicycle connectivity is illustrated on the Recreational Amenities / Landscape Plan and provides for access to the surrounding neighborhoods at two (2) points. The first is at the intersection of Peary Court Drive and White Street where those entering and leaving Peary Court have access to marked bicycle paths both on White Street and Southard Street, and sidewalks on all four corners with appropriate handicap access provided. The second is the intersection of Peary Court Road and Palm Avenue where pedestrians and bicyclists have access to a marked concrete multi-modal bike / pedestrian pathway running to the east and the west. The proposed improved internal bicycle-pedestrian network connects to these two points for non-motorized access to the City's network of sidewalks and bike paths.

6. *Please provide narrative in the updated traffic study that addresses and potential impact to the City's evacuation routes due to the additional site generated trips.*

**Response:** This comment is being addressed in accordance with the latest hurricane evacuation parameters for Monroe County. In Key West, 48 dwelling units result in 23 exiting vehicles for an evacuation event. Based upon the applicable response curves, the peak exiting percentage (i.e. highest peak hour) is 12% which yields three (3) vehicles in the peak hour. This number of additional vehicles is considered to be "de minimis".

7. *Please provide a separate pavement marking and signage plan signed and sealed by a professional engineer. Please ensure that the appropriate signage per MUTCD is provided at the proposed ingress and egress locations and locations of vehicle and pedestrian/bicycle interaction. Please include typical handicap and regular parking stall details.*

**Response:** The pavement marking and signage plan will be prepared and submitted under separate cover.

8. *Please provide sight visibility triangles on the site plan at each of the primary driveway connections to White Street and Palm Avenue. The sight triangles should also be depicted on the landscape plans and the pavement marking and signage plans.*

**Response:** The requested information will be included on the referenced plans and will be submitted under separate cover.

**Attachment A**

**Peary Court – Trip Generation Data**

## Peary Court - Key West, Florida Trip Generation Analysis

**Location:** 541 White Street

**Date:** 11-May-21

**Time Period:** 7:00 AM to 9:00 AM and 4:00 PM to 6:00 PM

**Weather:** Clear

Time	White Street Driveway		Palm Avenue Driveway		Total		Inbound	Peak Hour Outbound	Total
	Inbound	Outbound	Inbound	Outbound	Inbound	Outbound			
7:00 - 7:15	2	5	3	3	5	8			
7:15 - 7:30	1	10	3	10	4	20			
7:30 - 7:45	1	10	1	12	2	22			
7:45 - 8:00	2	8	5	13	7	21	18	71	89
8:00 - 8:15	2	6	2	11	4	17	17	80	97
8:15 - 8:30	1	5	9	4	10	9	23	69	92
8:30 - 8:45	3	6	1	6	4	12	25	59	84
8:45 - 9:00	2	4	4	9	6	13	24	51	75
4:00 - 4:15	7	7	5	10	12	17			
4:15 - 4:30	8	3	9	15	17	18			
4:30 - 4:45	14	6	8	12	22	18			
4:45 - 5:00	3	6	4	3	7	9	58	62	120
5:00 - 5:15	9	3	13	8	22	11	68	56	124
5:15 - 5:30	6	14	5	6	11	20	62	58	120
5:30 - 5:45	9	6	14	9	23	15	63	55	118
5:45 - 6:00	5	8	9	10	14	18	70	64	134

**Current Development:** 160 DU

**Weekday AM Peak Trip Rate:** 97 trips / 160 DU (17 inbound / 80 outbound)  
**0.606 Trips / DU**  
**18% Inbound**  
**82% Outbound**

**Weekday PM Peak Trip Rate:** 134 Trips / 160 DU (70 inbound / 64 outbound)  
**0.838 Trips / DU**  
**52% Inbound**  
**48% Outbound**