

EXHIBIT "B"**Permitted Exceptions**

1. Intentionally Deleted.
2. Taxes and assessments for the year 2022 and subsequent years, which are not yet due and payable.
3. Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority for unpaid service charges for service by any water, sewer or gas system supplying the insured land.
4. Oil, gas and mineral rights reserved in the Deed from the Trustees of the Internal Improvement Fund recorded in Deed Book G-52, page 522. Note: The right of entry and exploration associated with said reservation has been released by Florida Statute 270.11 (3).
5. Oil, gas and mineral rights reserved in the Deed from the Trustees of the Internal Improvement Fund recorded in Official Records Book 50, page 129 and in the Corrective Deed recorded in Official Records Book 958, page 109. Note: The right of entry and exploration associated with said reservation has been released by Florida Statute 270.11 (3).
6. The Land falls within an area of Critical State Concern as described in Section 380.05 of the Florida Statutes and as set forth in Chapter 27F-15 of the Florida Administrative Code attached to the Certification/ Affidavit recorded in Official Records Book 906, page 200.
7. Terms, conditions and limitations of the easement for ingress, egress and utilities reserved in the Warranty Deed from Norman B. Wood and Shirley P. Wood et al. recorded in Official Records Book 1139, page 2378.
8. Terms, covenants, conditions and other matters contained in the Binding Agreement between Sunset Ventures of Key West, Inc. and the State of Florida Department of Environmental Protection, recorded in Official Records Book 1517, page 859.
9. Terms, covenants, conditions, restrictions and other matters contained in the Amended Settlement Agreement between the State of Florida Department of Community Affairs, the City of Key West, and Sunset Ventures of Key West, Inc., attached to the Resolution recorded in Official Records Book 1524, page 2056.
10. Terms, covenants, conditions and other matters contained in the Easement Agreement between the City of Key West, Florida and Sunset Ventures of Key West, Inc. recorded in Official Records Book 1559, page 134, as modified by the Amendment to Easement Agreement recorded in Official Records Book 1619, page 1872.
11. Easement granted to the Utility Board of the City of Key West, Florida recorded in Official Records Book 1572, page 1834.
12. Terms, covenants, conditions and easements contained in the Non-Exclusive Access and Parking Easement Agreement between Sunset Ventures of Key West, Inc. and Sunset Marina Dockominium of Key West Association, Inc. recorded in Official Records Book 1671, page 1722, as modified by the Amended and Restated Non-Exclusive Access and Parking Agreement recorded in Official Records Book 2820, page 1925.
13. Grant of Easement to Comcast of California/Colorado/Florida/Oregon, Inc. recorded in

Official Records Book 2237, page 1656 and re-recorded in Official Records Book 2267, page 2074, and terms and provisions of the Bulk Installation and Services Agreement dated June 24, 2006 referred to therein.

14. Terms, covenants, conditions and restrictions created by and set forth in the Declaration of Affordable Housing Restrictions recorded in Official Records Book 2451, page 1626.
15. Terms and provisions of Environmental Resource Permit No. 44-00646-P issued by South Florida Water Management District, as evidenced by the Recorded Notice of Environmental Resource Permit recorded in Official Records Book 2832, page 1061.
16. Grant of Utility Easement to the Utility Board of the City of Key West, Florida recorded in Official Records Book 2845, page 1710.
17. Terms, covenants, conditions, restrictions and easements created by and set forth in the Declaration of Sunset Parcels, a Condominium, recorded in Official Records Book 2846, page 122, as amended in Official Records Book 2846, page 1704, including, but not limited to, provisions for private charges or assessments and liens for liquidated damages; but omitting any covenant or restriction based on race, color, religion, sex, handicap, familial status or national origin unless and only to the extent that said covenants: (a) is exempt under Chapter 42, Section 3607 of the United States Code; or (b) relates to handicap, but does not discriminate against handicapped persons.
18. Terms, covenants, conditions and restrictions contained in the Assignment of Development Rights Agreement between Sunset Marina, LLC and Stock Island Apartments, LLC recorded in Official Records Book 2846, page 2270.
19. Terms, covenants, conditions and restrictions created by and set forth in the Declaration of Affordable Housing Restrictions recorded in Official Records Book 2846, page 2336, as affected by the Identification of Affordable Housing Agreement recorded in Official Records Book 2929, page 1303 and the First Amended Identification of Affordable Housing Agreement recorded in Official Records Book 2976, page 1596.
20. Terms, covenants, conditions and other matters contained in the Development Agreement for Sunset Marina between Sunset Marina, LLC and the City of Key West, recorded in Official Records Book 2876, page 780.
21. The nature or extent of riparian or littoral rights.
22. As to that portion of the premises herein described which is (a) submerged land or is (b) artificially filled in land, artificially exposed land, or any land accreted thereto, in what was formerly navigable waters, this Commitment or Policy is subject to the right of the United States government arising by reason of its control over navigable waters in the interest of navigation and commerce.
23. Terms, covenants, conditions and other matters contained in any unrecorded leases and all rights thereunder of the lessees and of any person claiming by, through or under the lessees, as affected by the Notice of Landlord recorded in Official Records Book 2868, page 371.

Doc # 2453992 Bk# 3266 Pg# 297 Recorded 3/11/2024 at 12:04 PM Pages 5
Filed and Recorded in Official Records of MONROE COUNTY KEVIN MADOK
REC: \$44.00

**PREPARED BY AND WHEN
RECORDED RETURN TO:**

Bryan Hawks
Smith Hawks, PL
138 Simonton Street
Key West, FL 33040

TERMINATION OF MEMORANDUM OF TENANCY IN COMMON AGREEMENT

THIS TERMINATION OF MEMORANDUM OF TENANCY IN COMMON AGREEMENT is effective as of January 18, 2024 by **STOCKROCK KW LLC**, a Delaware limited liability company ("Stockrock KW").

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, the covenants and promises contained herein, and the benefits accruing to the parties hereto, Stockrock KW hereby declares and agrees as follows:

1. Stockrock KW and STOCKROCK SI LLC, a Delaware limited liability company ("Stockrock SI") entered into that certain Tenancy in Common Agreement dated as of May 9, 2022 (the "TIC Agreement") for the purpose of providing for, among other things, the ownership as tenants-in-common, management and operation of that certain improved real property located in Monroe County, Florida and more particularly described on Exhibit A (the "Property").
2. The TIC Agreement was memorialized of record by that certain Memorandum of Tenancy in Common Agreement recorded in the Official Records Book 3173, Page 639, of the Public Records of Monroe County, Florida (the "Memo of TIC").
3. Pursuant to the Certificate of Merger filed with the Secretary of State of the State of Delaware on January 17, 2024 attached hereto as Exhibit B, Stockrock SI merged with the Stockrock KW, with Stockrock KW being the surviving company of the merger (the "Merger").
4. As there are no more co-owners of the Property due to the Merger resulting in a sole fee owner of the Property, Stockrock KW, the TIC Agreement, and the Memo of TIC are no longer applicable or necessary.
5. Stockrock KW hereby terminates the TIC Agreement and terminates and releases the Memo of TIC and hereby directs the Clerk of Monroe County to cancel the same of record.

[Signatures Appear on the Following Pages]

{00288850 - v1 }

IN WITNESS WHEREOF, the undersigned has executed this Termination of Memorandum of Tenancy in Common Agreement as of the date first written above.

STOCKROCK KW LLC a Delaware
limited liability company

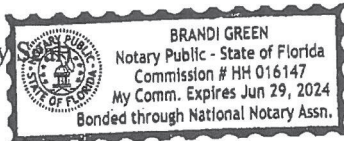
By: [Signature]
Name: Barton W. Smith
Title: Manager

STATE OF FLORIDA

COUNTY OF MONROE

The foregoing Instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7th day of March, 2024, by Barton W. Smith, as Manager of STOCKROCK KW LLC a Delaware limited liability company, for and on behalf of such company, who is personally known to me.

(Notary



[Signature]
Signature of Notary Public

Name: Brandi Green

My Commission Expires: 06/29/2024

EXHIBIT A

Condominium Unit Nos. 1 and 4, of SUNSET PARCELS, a Condominium, according to the Declaration of Condominium thereof, recorded March 29, 2017, in Official Records Book 2846, at Page 122, of the Public Records of Monroe County, Florida, together with an undivided interest in the common elements.

{00288850 - v1 }

EXHIBIT B

Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF
DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT
COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:
"STOCKROCK SI LLC", A DELAWARE LIMITED LIABILITY COMPANY,
WITH AND INTO "STOCKROCK KW LLC" UNDER THE NAME OF
"STOCKROCK KW LLC", A LIMITED LIABILITY COMPANY ORGANIZED AND
EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED
AND FILED IN THIS OFFICE ON THE SEVENTEENTH DAY OF JANUARY, A.D.
2024, AT 5:13 O'CLOCK P.M.




Jeffrey W. Bullock, Secretary of State

6666256 8100M
SR# 20240150884

You may verify this certificate online at corp.delaware.gov/authver.shtml
(00288850 - v1)

Authentication: 202678911
Date: 01-26-24

**STATE OF DELAWARE
CERTIFICATE OF MERGER OF
DOMESTIC LIMITED LIABILITY COMPANIES**

Pursuant to Title 6, Section 18-209 of the Delaware Limited Liability Act, the undersigned limited liability company executed the following Certificate of Merger:

FIRST: The name of the surviving limited liability company is

STOCKROCK KW LLC

and the name of the limited liability company being merged into this surviving limited liability company is STOCKROCK SI LLC

SECOND: The Agreement of Merger has been approved, adopted, certified, executed and acknowledged by each of the constituent limited liability companies.

THIRD: The name of the surviving limited liability company is

STOCKROCK KW LLC

FOURTH: The merger is to become effective on upon filing

FIFTH: The Agreement of Merger is on file at

5555 College Rd, Key West, FL 33040

the place of business of the surviving limited liability company.

SIXTH: A copy of the Agreement of Merger will be furnished by the surviving limited liability company on request, without cost, to any member of the constituent limited liability companies.

IN WITNESS WHEREOF, said surviving limited liability company has caused this certificate to be signed by an authorized person, the 17th day of January, A.D., 2024.

By: 

Authorized Person

Name: Barton W. Smith

Print or Type

Title: Manager

State of Delaware
Secretary of State
Division of Corporations
Delivered 05:13 PM 01/17/2024
FILED 05:13 PM 01/17/2024
SR 20240150884 - File Number 6666256



ESTIMATED SCORE SHEET



BUILDING PERMIT ALLOCATION SYSTEM (BPAS) APPLICATION

EXHIBIT C – APPLICANT'S ESTIMATED SCORE SHEET

CITY OF KEY WEST, FLORIDA • PLANNING DEPARTMENT

Address: 1300 White Street • Key West, Florida 33040

Phone: 305-809-3764

Website: www.cityofkeywest-fl.gov

The purpose of the Estimated Score Sheet is to provide the applicant with the understanding that if a BPAS Allocation(s) is awarded the total amount of points represented on the Estimated Score Sheet and finalized through the official staff ranking process is required to be permanently maintained throughout the lifecycle of the project. Because the total amount of points is not linked to one specific criterion, the applicant has flexibility in the construction phase if certain point system criteria, for which the application is ranked, need to be substituted.

If the Prerequisites and/or the total points are not achieved, a Certificate of Occupancy will not be issued for the project.

Applicant: Stockrock KW LLC **Site Address:** 5555 College Road, Key West, FL 33040

Number and type of Units Requested: Market Rate 10 *(Separate application)* Affordable 3

Prerequisite Development Type: Major Construction/ Renovation X
Minor Renovation _____

Please acknowledge that the Prerequisites required for the proposed project shall be met in accordance with the solution statement provided: *agp*

Initial here

The following criteria and point system shall be utilized in the ranking of applications for development of non-transient units as follows:

- | | | |
|---|--------|------------|
| a. Building more than 1.5' higher than the base flood elevation (+5) | Points | <u>+5</u> |
| b. Exceeding the minimum required percentage of affordable housing (+30) | Points | <u>+30</u> |
| c. Voluntarily providing affordable housing which exceeds the requirements of section 122-1467 at median income classification (+40) | Points | _____ |
| d. Voluntarily providing affordable housing which exceeds the requirements of section 122-1467 at low-income classification (+60) | Points | _____ |
| e. Achieving Green Building Certification Upgrade 1 (+20) | Points | _____ |
| f. Achieving Green Building Certification Upgrade 2 (+27) | Points | _____ |
| g. Achieving Green Building Certification Upgrade 3 (+40) | Points | _____ |
| h. Voluntary contribution to the arts in public places fund or tree fund in the amount of \$2,500 or more (+5) | Points | _____ |
| i. Providing electrical high-voltage sized conduit for future electric car charging station near parking area (+5) | Points | _____ |
| j. Using light-colored, high-reflectivity materials for all non-roof areas with a Solar Reflectance Index (SRI) of at least 29 (+5) | Points | _____ |
| k. Providing on-site recreational amenities or exceeding the open space requirements of section 108-346 (b) of article V of Chapter 108 (+10) | Points | <u>+10</u> |

TOTAL ESTIMATED POINTS 45



CERTIFICATION FORM



BUILDING PERMIT ALLOCATION SYSTEM (BPAS) APPLICATION EXHIBIT D – BPAS CERTIFICATION FORM

CITY OF KEY WEST, FLORIDA • PLANNING DEPARTMENT

Address: 1300 White Street • Key West, Florida 33040

Phone: 305-809-3764

Website: www.cityofkeywest-fl.gov

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete, and accurate. I certify that all information required has been provided.

I certify that my total estimated points are 45. I certify that if I am awarded one or more Building Permit Allocations and am unable to achieve all prerequisites and/or achieve the total amount of points represented on the Score Sheet, a Certificate of Occupancy will not be issued for the project.

I certify that if I am awarded one or more Building Permit Allocations, the Score Sheet and Prerequisite Solution Statement prepared as part of this application will be provided to my contractor and that my contractor will be made aware that if the completed project does not achieve all prerequisites and achieve the total amount of points represented on the Score Sheet, a Certificate of Occupancy will not be issued for the project.

[Signature]
Signature of applicant

11/08/2024

Date

Barton W. Smith, as Manager of Stockrock KW LLC

Print name of Applicant

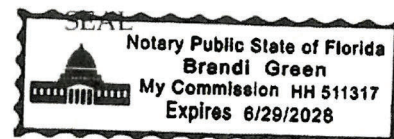
Subscribed and sworn to (or affirmed) before me on this 8th day of November, 2024,
by Barton W. Smith (name of person signing the application)
as Manager (type of authority...e.g. officer, manager/member, trustee,
attorney)
for Stockrock KW LLC (name of entity or party on behalf of whom application was
executed).

He/She is personally known to me or has presented N/A as identification.

[Signature]
Notary's Signature and Seal

Brandi Green

Name of Acknowledger typed, printed or stamped



06/29/2028

Commission Number, if any



FGBC CHECKLIST

PREREQUISITES:

Version 12 Rev 1.0

Revised 4 27 23

Prerequisite 1: Swimming Pool / Spa

- | | | |
|-------|-----|---|
| P1.01 | N/A | Sanitation system that reduces chlorine use |
| P1.02 | N/A | Pool Cover |
| P1.03 | N/A | Solar pool heating system |
| P1.04 | N/A | Dedicated PV's to run pool equipment |
| P1.05 | N/A | Home has no pool or spa |

Prerequisite 2: Waterfront Considerations

- | | | |
|-------|-----|---|
| P2.01 | N/A | Use of native aquatic vegetation in shoreline area |
| P2.02 | N/A | No turf adjacent to water (Low maintain plants instead) |
| P2.03 | N/A | Use of terraces, swales, or berms to slow storm water |
| P2.04 | N/A | Home site does not border natural water body |

Prerequisite 3: No Invasive Exotic Species

- | | | |
|-------|-----|----------------------------------|
| P3.01 | N/A | Landscape Considerations |
| | New | Is the landscape existing or new |

CATEGORY 1: ENERGY

Version 12 Rev 1.0

Category Minimum 30 / Category Maximum 75

Revised 4 27 23

HERS Index - Energy Rating

E1.01 3 - 75 **Confirmed Florida HERS Rating - 3 points for each HERS Index point below 80**

:Does the Home have a confirmed HERS Index

:Confirmed HERS Index

OR, For Multi-Family Prescriptive Energy Option

E1.01.b 1 - 57 **See E1.01b Tab for Multi-Family Energy Options, score will automatically be transferred to this page**

Design, Finishes, Amenities

E2.01	<input type="text" value="0"/>	1	Thermal Bypass Inspection
E2.02	<input type="text" value="0"/>	1	Ductwork joints sealed with mastic
E2.03	<input type="text" value="0"/>	1	Ductwork smoke tested allowing leaks to be sealed prior to drywall
E2.04	<input type="text" value="0"/>	1	Cross vent and ceiling fans code credit
E2.05	<input type="text" value="0"/>	1	Roofed porch, Min 100ft^2 AND 3 sides open
E2.06	<input type="text" value="0"/>	1	Passive solar space heating system
E2.07	<input type="text" value="0"/>	1	Passive solar day-lighting
E2.08	<input type="text" value="0"/>	1	Deciduous trees on south
E2.09	<input type="text" value="0"/>	1 - 4	House shaded on east and west by trees <input type="text" value="0"/> % of the designated wall areas (average of east and west walls) that are shaded by trees.
E2.10	<input type="text" value="0"/>	1	Washer and dryer outside of conditioned space
E2.11	<input type="text" value="0"/>	1	Floor joist perimeter insulated and sealed
E2.12	<input type="text" value="0"/>	1	Light colored exterior walls (80% minimum) <input type="text" value="0"/> Enter the Solar Reflective Index (SRI) of Paint
E2.13	<input type="text" value="0"/>	1 - 2	Light colored interior walls, ceilings, carpet/floors <input type="text" value="N/A"/> all major living spaces wall and ceiling surfaces have a reflectance of at least 50% <input type="text" value="0"/> Enter the Light Reflectance Value (LRV) of Paint <input type="text" value="N/A"/> bedrooms and all major living spaces have floors, walls, & ceilings are light-colored <input type="text" value="0"/> Enter the Light Reflectance Value (LRV) of Paint
E2.14	<input type="text" value="1"/>	1	Max 52W fixtures in bathrooms
E2.15	<input type="text" value="0"/>	1	Credit Relocated to Category 8: General
E2.16	<input type="text" value="0"/>	2	Install a State Certified rated solar hot water system
E2.17	<input type="text" value="0"/>	1	Insulate all hot water pipes
E2.18	<input type="text" value="0"/>	1	Credit Removed
E2.19	<input type="text" value="1"/>	1	Energy-efficient ovens/ranges
E2.20	<input type="text" value="0"/>	1	Credit Removed
E2.21	<input type="text" value="0"/>	1, 3, 4	Efficient well pumping
E2.22	<input type="text" value="0"/>	1	Efficient envelope volume <input type="text" value="0"/> Total Gross Wall Area <input type="text" value="1"/> Conditional Square Footage <input type="text" value="1"/> Number of Stories
E2.23	<input type="text" value="0"/>	1	Dwelling unit attached, zero lot-line, row house
E2.24	<input type="text" value="0"/>	1-2	Ceiling Penetrations: No penetrations in ceiling (2 points), No penetrations in the thermal envelope (1 point)
E2.25	<input type="text" value="3"/>	3	Energy Star® Advanced Lighting Package
E2.26	<input type="text" value="0"/>	2	Outdoor lights are energy efficient.
E2.27	<input type="text" value="0"/>	1	Install motion sensors on a minimum of 60% of the hard wired lighting fixtures
E2.28	<input type="text" value="-"/>	1	Energy Efficient Sheathing
	<input type="text" value="36"/>	112	Total Points

36 Total points for Category 1 (30 min / 75 max)

Name of HERS Rater:

Certifying Agent Category 1:

0

0

CATEGORY 1: ENERGY
Multi-Family Prescriptive Energy Credits

	Points Achieved	Points Possible	Criteria	
E1.01.b Multi-Family Prescriptive Energy Credits				Certifying Agent Notes
<p>This section may not be combined with E1.01a.</p> <p>Points claimed in this section will require photographic proof of Level I Insulation installation, a completed thermal bypass inspection checklist (Energy Star Thermal Bypass Checklist is acceptable), a copy of the load calculation and proof that installed tonnage is within 15% of the Manual J's. Provide field documentation of Energy Calculation inputs such as window SHGC and U-Factor via photo of window stickers, insulation R values, etc.</p> <p>MULTIFAMILY LOAD CALCULATIONS: The load calculations must be for each distinctive unit type and must show that orientation of the unit as well as vertical location of the unit does not change required tonnage.</p>				
E1.01.b.1 Efficient HVAC Systems				Certifying Agent Notes
a	4	4	Minimum SEER 15 w/HSPF 8.2 – AHRI Certificate required	
b	2	2	Minimum 15 SEER with electric heat	
c		3	Minimum SEER 16 w/variable speed AH, electric heat allowed	
d		4	Minimum SEER 16 w/HSPF 9.0 - AHRI Certificate required	
e		16	Minimum SEER 17 w/HSPF >9.0 or ground/water source HP COP > 4.0 – Close loop system only (AHRI Certificate required)	
f		12	Mini-splits ONLY with minimum SEER of 21	
	6		Efficient HVAC Total	
E1.01.b.2 Ducts				Certifying Agent Notes
a	6	6, 8	8 Points: Ducts in Conditioned space – ALL if in sealed attic or crawlspace must be supply AND return OR 6 Points: Duct blaster Qn out <= 0.4 – Provide report - top floor only	
	6		Ducts Total	
E1.01.b.3 Envelope Options				Certifying Agent Notes
a		6	Radiant Roof Decking – photo required	
b	1	1	Windows (1) and Glass Sliding Doors (2)- Maximum U-factor = 0.40 and Maximum SHGC = 0.25	
c	2	2	Minimum R-38 ceiling insulation or R-30 at roof deck	
d	2	2	CMU walls minimum R-5.1	
e		4	CMU walls/Mass wall >= R-7.0	
f		2	2 x 4 Walls minimum R-15 – documentation required	
g	6	6	2 x 6 Walls or other wall systems (SIPS & ICF) >= R-19	
h	2	2	Roofing installed is Energy Star, cool roof compliant, has an LRV>50 or a SRI > 78 roofing	
	13		Envelope Options Total	
E1.01.b.4 Appliances/Equipment				Certifying Agent Notes
a		10	Energy Star qualified heat pump/hybrid tank water heater – strongly encouraged in garage/non conditioned space	
b		8, 10	8 Points: Gas Tankless – must be installed outside conditioned space OR 10 Points: Daisy chained comprehensive gas tankless approach to whole building – for example 8 heaters for whole building (like a mini boiler)	
c		2	Tankless Electric UEF .917 – very high demand – is this more of a water saver than and energy saver	
d	1	1	Energy Star Dish Washer	
e	1	1	Energy Star Refrigerator	
f	4	4	Energy Star Washing Machine	
	6		Appliance/Equipment Total	
		57	Total Possible Points	
	31		Total points for Category 1 Multi-Family Prescriptive Energy Credits	
Name of HERS Rater:				
Certifying Agent Category 1:				

CATEGORY 2: WATER

Version 12 Rev 1.0

Category Minimum 15 / Category Maximum 40

Revised 4 27 23

N/A Is the landscape existing or new

W1 FIXTURES AND APPLIANCES

W1.01	3	3	Water saving clothes washer
W1.02	1	1	Low-flow shower heads (must be ≤ 2.0 gpm)
W1.03	1	1	All showers equipped with only 1 showerhead per shower (1 showerhead/15sf allowed)
W1.04	2	1 - 2	All lavatory sink faucets have flow rates of ≤ 1.5 gpm (all ≤ 1.0 gpm = 2 pts)
W1.05	3	2 - 3	High Efficiency Dual-flush or Single Flush Toilets (all toilets ≤ 1.28 gpf)
W1.06	0	1	Water Closet with UNAR MaP Rating of 600 {
W1.07	0	1	Compact Hot Water Distribution

W2 Greywater Reuse

W2.01	0	1 - 3	Greywater System Installed
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W3 Rainwater Harvesting

W3.01	0	1, 2, 3, 5	Rainwater Harvesting System installed with dedicated use
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W4 Reclaimed Water Reuse

W4.01	0	2	Water for irrigation
W4.02	0	2	Meter on reclaimed irrigation system
W4.03	0	2	Volume-based pricing arrangement
W4.04	0	2	For toilet flushing

W5 Installed Landscape

W5.01	0	2 - 3	Drought-tolerant turf, no turf in densely shaded areas
W5.02	0	1 - 3	60%, 80%, 100%, of plants/trees from drought-tolerant list
			- :Percentage of drought tolerant plant
W5.03	2	2	All plants/trees selected to be compatible with their location in the landscape
W5.04	0	3	Turf less than 50% of landscape
W5.05	0	2	No turf in densely shaded areas
W5.06	0	2	Plants with similar maintenance requirements grouped together
W5.07	1	1	Mulch applied 3 - 4 inches deep around plants / no volcano mulch
W5.08	0	1	Non-Cypress mulch used
W5.09	2	2	Soil tested and amended where necessary

W6 Installed Irrigation

W6.01	0	10	No permanent installed irrigation system
W6.02	0	2	Innovative irrigation technology
W6.03a	0	3	Landscape irrigated to FGBC standard
W6.03b	0	5	100% micro-irrigation - Landscape irrigated to FGBC standard
W6.04	0	1	Pressure compensating spray heads installed in spray zones
W6.05	0	1	In poor drainage (low) areas, heads are installed with check valves
W6.06	0	2	High volume irrigated areas have matched precipitation rates
W6.07	0	1	Pop-up sprinkler heads significantly rise above turf grass height

W7 Additional Water Certification Requirements

W7.01	0	5	Meet or exceed Florida Water Star™ or WaterSense standards:
W7.02	0	2	Florida Friendly Landscape™ Program New Construction Certification

15 56 Total Points

15 Total points for Category 2 (15 min / 40 max)

Certifying Agent Category 2: 0

Landscape Auditor: 0

Credentials of Auditor: 0

CATEGORY 3: LOT CHOICE

Version 12 Rev 1.0

Category Minimum 0 / Category Maximum 15

Revised 4 27 23

LC1.01	0	1 - 6	House built within designated FGBC green land development 0 Name of FGBC Green Development
LC1.02	0	2	Home within a certified green local government
LC1.03	0	2	Built on an infill site
LC1.04	1	1	Site within 1/8 mile of existing infrastructure
LC1.05	2	2	Site within 1/4 mile to mass transit
LC1.06	2	2	Site within 1/2 mile of public open/green space
LC1.07	5	2	Site within 1/4 mile or 1/2 mile of existing basic community resources 0 Arts and entertainment center 0 Bank 0 Community or civic center 0 Convenience store 0 Daycare center Yes Fire station 0 Fitness center or gym 0 Laundry or dry cleaner 0 Library 0 Medical or dental office 0 Pharmacy 0 Police station 0 Post office 0 Place of worship Yes Restaurant Yes School Yes Senior Care Facility 0 Supermarket Yes Theater 0 Other Neighborhood-serving retail 0 Other office building or major employment center
LC1.08	2	2	Site located in small lot cluster development
LC1.09	0	2	Brownfield site
	12	21	Total Possible Points

12 Total points for Category 3 (0 min / 15 max)

Certifying Agent Category 3:

0

CATEGORY 4: SITE

Version 12 Rev 1.0

Category Minimum 5 / Category Maximum 30

Revised 4 27 23

I **N/A** That all credits in this category deal only with buildable land. What this means is that if the land is not legally allowed to be disturbed then you may not count this as part of the percentage required for the given credit.

Native Tree and Plan Preservation

- S1.01 **0** 2 **Maximize tree survivability**
- S1.02 **0** 1 - 2 Minimize soil compaction
Restrict all construction equipment from driving on site during construction except for
?
- S1.03 **0** 2 Replant or donate removed vegetation
- S1.4 **0** 1 - 9 Preserve or create wildlife habitat / shelter
0 % of property that was created or preserved as a wildlife habitat or shelter

On Site Use of Cleared Materials

- S2.1 **0** 2 Mill clear trees
- S2.2 **0** 1 - 2 Reuse cleared materials for mulch / landscape
Mulch is both cleared and reused: **0**

Erosion Control / Topsoil Preservation

- S3.1 **2** 2 Develop and Implement an Erosion Control Site Plan
- S3.2 **1** 1 Stabilize disturbed soil
- S3.3 **0** 2 Stage disturbance
- S3.4 **1** 1 Control sediment runoff during construction
- S3.5 **0** 1 Save and reuse any removed topsoil

Drainage / Retention

- S4.1 **0** 2 Onsite designated retention area
- S4.2 **2** 2 Direct filtered rooftop runoff to planted area(s)
- S4.3 **0** 1 - 4 Maintain pervious surface area (If not taking points input 1 for Total Lot Area)
Partial Pervious
0 % Pervious Material **0.1** Total Lot Area (sq. ft.)
0 Coverage Area (sq. ft.) **0.001** 100% Pervious sq. ft.
0 Equivalent Pervious Area --> **0.001** Equivalent Pervious Area (semi-pervious)
0 Total points for pervious area

6 34 Total Points

6 Total points for Category 4 (5 min / 30 max)

Certifying Agent Category 4:

0

CATEGORY 5: HEALTH

Version 12 Rev 1.0

Category Minimum 15 / Category Maximum 35

Revised 4 27 23

Combustion

H1.01	0	3	Detached or Air Sealed Garage or Carport or "NO" Garage
H1.02	0	1	Garage (attached or detached)- exhaust fan on motion sensor and timer
H1.03	0	1	Interior Fireplace - Direct vent, sealed combustion w/electronic ignition, factory built wood burning or no fireplace
H1.04	0	1 - 2	No unsealed space or water heating combustion located inside the conditioned area - or electric

Space Heating

0	Electric
0	Sealed combustion equipment
0	Sealed combustion closet

Water Heating

0	Electric
0	Sealed combustion equipment
0	Sealed combustion closet
0	Outside of conditioned space

Moisture Control

H2.01	0	1	Drainage tile on and around top of footing
H2.02	0	1	Drainage board for below grade walls
H2.03	0	1	Gravel bed beneath slab on grade floors
H2.04	1	1	Seal slab penetration
H2.05	1	1	Capillary break between foundation and framing
H2.06	3	3	Central dehumidification system
H2.07	1	1	No vapor barrier on inside of assemblies
H2.08	1	1	Moisture control for tub/shower and shower surrounds
H2.09	0	1	Seal Entire Slab

Source Control

H3.01	0	1	No exposed urea-formaldehyde wood products
H3.02	0	2	Zero VOC Paints, Stains, and Finishes
H3.03	1	1	Low VOC Paints, Stains, and Finishes
H3.04	1	1	Low VOC Sealants and Adhesives
H3.05	2	1 - 2	Minimize Carpet Use
H3.06	0	1	Healthy Flooring
H3.07	0	1	Healthy Insulation
H3.08	1	1	Protect ducts, range hood, and bath exhaust fans during construction
H3.09	0	3	Integrated Pest Management

Cleanability

H4.01	0	1 - 2	Central vacuum system
	0		System roughed in
	0		Installed with exhaust outdoor
	0		Installed with exhaust indoor thru HEPA filter
H4.02	0	1	Useable entry area

Universal Design

H5.01	0	1 - 3	Universally designed living area
-------	---	-------	----------------------------------

Ventilation

H6.01	0	2 - 4	Controlled mechanical ventilation
H6.02	0	1	Credit moved to Category 7: Disaster Mitigation
H6.03	1	1	Floor drain sealed
H6.04	1	1	Energy Star® bath fans with timer or humidistat
H6.05	0	1	Kitchen range hood vented to exterior
H6.06	1	1	Laundry rooms inside conditioned space must have a make-up air source
H6.07	0	3	Whole house positive filtration
H6.08	0	1 - 2	Efficient HVAC filter
H6.09	1	1	HVAC filter easily accessible
H6.10	0	1	Install screens on all windows and doors
H6.11	0	1	Manual D duct design

16 53 Total Points

16 Total points for Category 5 (15 min / 35 max)

Certifying Agent Category 5:

0

CATEGORY 6: MATERIALS

Version 12 Rev 1.0

Category Minimum 10 / Category Maximum 35

Revised 4 27 23

Components

M1.01	0	1	Recycled content roof material
M1.02	0	2 - 3	Certified sustainable lumber 0 homes with minimum of 1 story wood frame exterior walls have 80% of all lumber certified 0 home has no exterior wood walls & 80% of remaining lumber used for the home is certified.
M1.03	0	1	Engineered / alternative material for outdoor living
M1.04	0	1	Concrete with fly ash or blast furnace slag
M1.05	0	1	Recycled content siding or soffit material
M1.06	0	1	Eco-friendly insulation
M1.07	0	1	Recycled content drywall
M1.08	0	1	Recycled content paint
M1.09	0	1	Steel interior studs
M1.10	0	1	Eco-friendly flooring material
M1.11	0	1	Eco-friendly ceiling materials
M1.12	0	1 - 3	Locally produced materials 0 minimum 80% of all new windows & doors are from local manufacturers & are operable 0 50% of all doors are reused doors or 50% of all windows are reused windows 0 80% of all structural components are from local sources - includes panelized & modular systems
M1.13	0	2	Reduce Heat Island Effect - Roof

Waste Reduction

M2.01	0	3	Resource efficient wall system with integral insulation
M2.02	2	2	Develop a construction and demolition waste management plan
M2.03	0	2 - 4	Implement job site waste management 0 # of items implemented 0
M2.04	0	1	Compost bin/built in collection of recyclables
M2.05	0	1 - 2	Engineered roof and floor components 0 80% of floor (or code allowance) 0 80% of roof (or code allowance)
M2.06	0	1	Finger jointed or laminated products
M2.07	0	1	Eco-friendly trim
M2.08	0	1	Perimeter based on 2 foot dimensions
M2.09	0	1	Each interior wall adheres to 2-foot dimensions for minimum of 50% of the interior walls
M2.10	0	1	Stack framing
M2.11	1	1	2-stud corners with drywall clips
M2.12	1	1	T-wall with drywall clips and/or ladder type exterior tee framing

Durability

M3.01	1	1	Roof slope \geq 3:12 but \leq 6:12
M3.02	0	1	Large overhangs (eave and gable)
M3.03	1	1	Air admittance vents
M3.04	0	1	Wood frame house and/or wood frame 2nd floors designed with vented rain screen
M3.05	1	1	Siding and exterior trim primed all sides
M3.06	0	1	Plants/turf minimum of 2ft. from foundation
M3.07	1	1	Sprinklers and emitters are located a minimum of 2 ft from foundation
M3.08	1	1	Use armored, PEX, or metal hoses (except copper) from service to all fixtures/appliances
M3.09	0	2	Automatic in home water sensor/shut off system installed
M3.10	0	1	Access panel to non-accessible plumbing fixture installed
M3.11	1	1	Laundry room below living floor or drain installed

10 47 Total Points

10 Total points for Category 6 (10 min / 35 max)

Certifying Agent Category 6:

0

CATEGORY 7: DISASTER MITIGATION

Version 12 Rev 1.0

Category Minimum 5 / Category Maximum 30

Revised 4 27 23

DM1 Hurricane (wind, rain, storm surge)

DM1.01	0	2	Safe room
DM1.02	0	2	Unvented attic or No attic
DM1.03	2	2	Window, door, and skylight protection or impact resistant type
DM1.04	0	1	Attached garage and exterior door protection
DM1.05	0	1	Exterior structures and equipment properly anchored
DM1.06	0	2	Secondary water protection installed on roof
DM1.07	0	2	Adhesive applied to roof sheathing
DM1.08	0	2	Roof Shingles
DM1.09	0	2	Raised Slab or Pier Foundation
DM1.10	0	5	Comply with Fortified For Safer Living Standards

DM2 Flood (must incorporate all three)

DM2	3	3	Yes	Finished floor level at least 12" above 100 yr flood plain
			Yes	Bottom of slab at least 8" above the top of backfilled dirt, graded for proper drainage
			Yes	Garage floor & driveway sloped to drain out. Garage floor at least 4" lower than living floor

Fire (must incorporate all three for 3.1)

DM3.01	0	3	Yes	Fire resistant exterior wall cladding
			0	Fire resistant roof covering or sub-roof
			0	Fire resistant soffit and vent material
DM3.02	0	3	-	Fire Sprinkler System

Lightning & Electronics Protection

DM4	0	1 - 2	Installed Surge Suppression or Lightning Protection System
-----	---	-------	--

Termites (must comply w/required credits listed below AND EITHER DM 4.01 OR DM 4.02 OR DM 4.03 to receive points)

	10	Seal slab penetrations (Health: H2.4)	
required		Vegetation > 2 ft. from foundation (Materials: M3.6)	
required		Sprinklers & emitters are 2 feet from house (Materials: M3.7) OR no installed irrigation (Water: W6.1)	
DM 5.01	0	10	DM 5.01: Chemical Soil Treatment Used
	0		Exterior cladding installed to prohibit intrusion
	0		Rain gutters installed (downspouts discharge a minimum of 3' from home) OR meet large overhangs (≥2')
	0		Condensate line(s) discharge a min of 2' from home & are located 5' or more from dryer vent
	0		Irrigation/sprinkler water does not hit building
	0		Damage replacement warranty issued and available for annual renewal
			OR
DM 5.02		10	DM 5.02: Chemical Soil Treatment Avoided
	0		Chemical soil treatment avoided
	Yes		Alternative Florida Building Code approved method of foundation protection employed
			OR
DM 5.03		12	DM 5.03: Treated wood products
	0		All wood products serving structural or exterior finish purposes are borate or ACQ treated
DM5.04	0	1	80% of Cellulose insulation used is Borate treated
DM6.01	0	2	Mold Prevention - ASTM D3273
DM6.02	0	1-3	Water Leak Detection and Shut Off System
DM6.03	0	2	Gas Leak Detection and Shut Off System
DM7.01	0	1	Radon/Soil Gas Vent System
	8	47	Total Points

8 Total points for Category 7 (5 min / 30 max)

Certifying Agent Category 7:

0

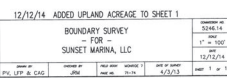
CATEGORY 8: GENERAL				Version 12 Rev 1.0
Category Minimum 0 / Category Maximum 40				Revised 4 27 23
Small House Credit				
G1.01	0	0 - 25	Conditioned house size (enter no if not claiming any points)	
			0 :square feet of conditioned area	
Adaptability				
G2.01	0	2	Roof trusses designed for addition	
G2.02	0	1 - 2	Unfinished rooms 1point for >100 SF, 2 points for > 200 SF	
G2.03	0	1	Install a minimum of 2 upgraded automation system	
G2.04	0	1	Pre-Plumb for Solar Hot Water	
G2.05	0	3	Zero Energy Ready Home	
G2.06	0	2	Provide Future Connection to Public or Private Utility	
G2.07	0	1-3	Electric Vehicle Charging	
Renewable Power Generation				
G3.01	0	1 - 5	Reduce peak demand or annual load	
			0 1 point for each 2kW system size	
Remodel				
G4.01	0	10	Remodeling structure (HERS Index < 80)	
G4.02	0	3	Water Closets 1.6 gpf and showers 2.5 gpm or less	
G4.03	0	2	Upgrade existing installed irrigation with rain gauge, timer and code irrigation heads	
G4.04	0	2	Existing homes with pools - upgrade pump to variable speed or dual speed	
G4.05	0	2	Roof to wall connection upgrades	
Other				
G5.01	0	1 - 2	Home builder/designer/architect/landscape architect member of FGBC	
			0 :Number of members on the team that are members of FGBC	
G5.02	0	2	Homeowner's manual, including information, benefits, operations - per reference guide	
G5.03	0	2	FGBC Green Homeowner Checklist	
G5.04	0	1	Plan for edible landscape/food garden	
G5.05	0	2	Guaranteed energy bills	
G5.06	0	2	FGBC Certified Professional	
G5.07	0	5	Energy Star Qualified Home	
G5.08	0	1 - 5	INNOVATIVE CREDITS	
			Description of innovation:	
				0
	0	56	Total Points	
	0	Total points for Category 8 (0 min / 40 max)		
Certifying Agent Category 8:				0

FGBC Home Score			Version 12 Rev 1.0
Category	Your Score	Required Min - Max	
Category 1: Energy	36	30 - 75	
Category 2: Water	15	15 - 40	
Category 3: Lot Choice	12	0 - 15	
Category 4: Site	6	5 - 30	
Category 5: Health	16	15 - 35	
Category 6: Materials	10	10 - 35	
Category 7: Disaster Mitigation	8	5 - 30	
Category 8: General	0	0 - 40	
Total:	103	The Total Need number will automatically adjust as points are earned for each criteria in the checklist.	
Total Need:	100		
Certified Home Score	103		
	Bronze		
Certification Level:		Home Address	
		0	
		0	

Year 12 BPAS

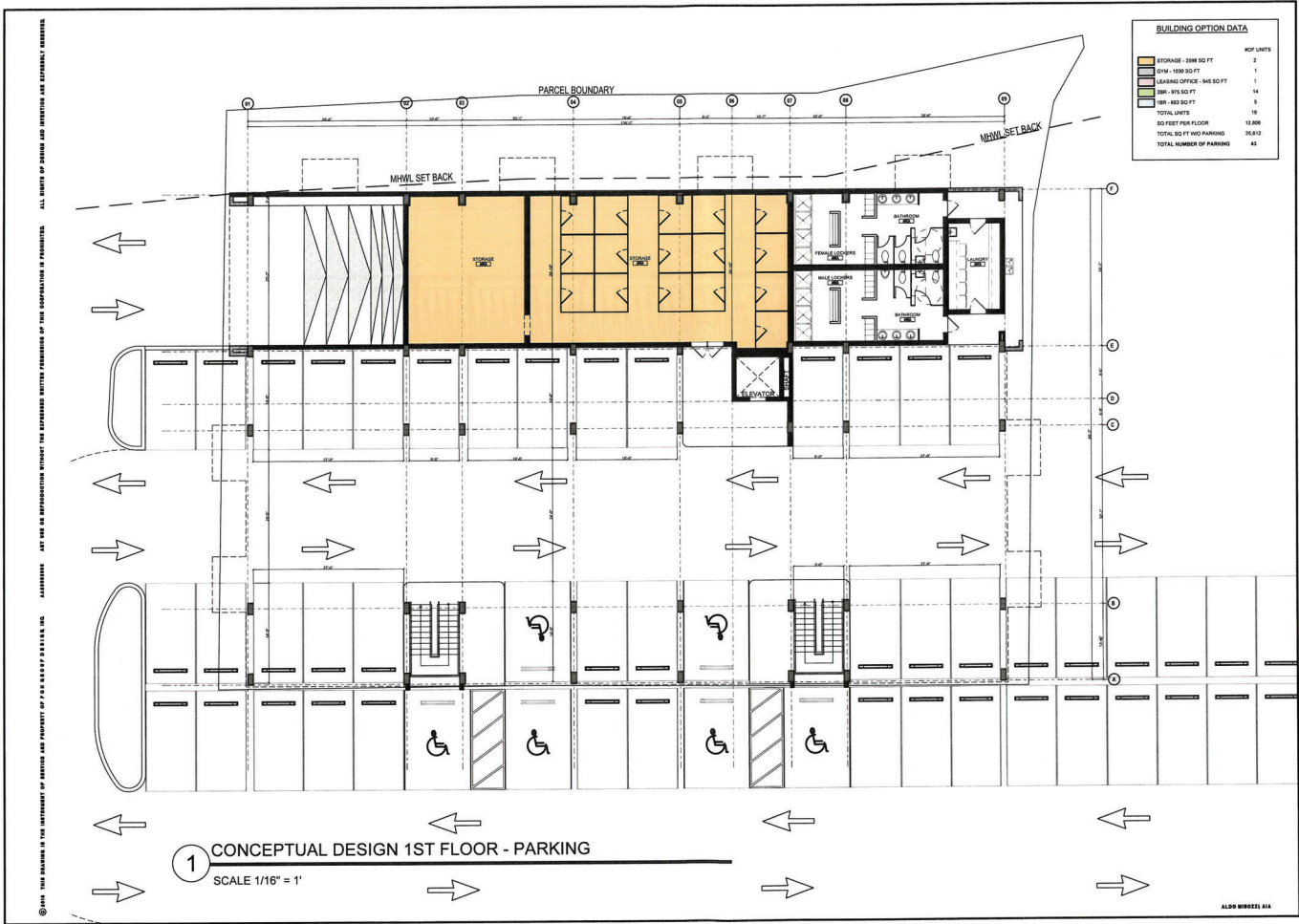


BOUNDARY SURVEY





SITE PLANS



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BUILDING OPTION DATA	
	SQ FT
STORAGE - 2000 SQ FT	2
COMM - 1000 SQ FT	1
LANDING OFFICE - 500 SQ FT	1
BR - 875 SQ FT	14
BR - 400 SQ FT	9
TOTAL LOTS	18
SQ FEET PER FLOOR	12,800
TOTAL SQ FT TWO PARKING	25,600
TOTAL NUMBER OF PARKING	43

3 CONCEPTUAL DESIGN 3RD FLOOR - MIXED USE - OPTION 01
SCALE 1/16" = 1'

ALSO SEE SHEET A1A

POH
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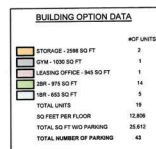
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DESIGN-BUILD SERVICES
JACKSONVILLE, FL 32216 (904) 224-0801

DATE: 08/08/08
BY: J. H. HARRIS
CHECKED: J. H. HARRIS
APPROVED: J. H. HARRIS

SUNSET MARINA
SUNSET MARINA APARTMENTS
801 WEST PALM BLVD.

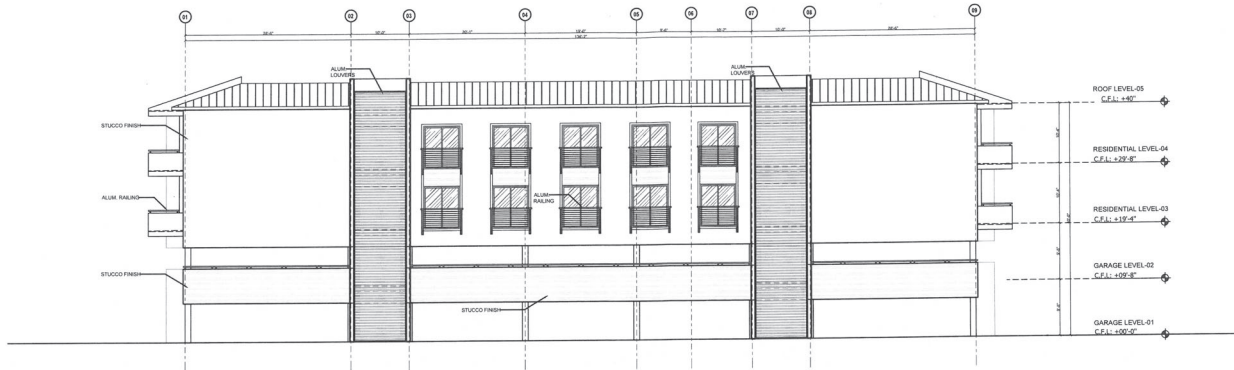
CONCEPTUAL DESIGN

DESIGNED BY: J. H. HARRIS



ALDO MINOZZI, AIA

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6 ELEVATION SOUTH-WEST - OPTION 01-B
SCALE 1/16" = 1'



7 ELEVATION NORTH - EAST - OPTION 01-B
SCALE 1/16" = 1'

ALDO MINOZZI AIA

POH
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ARCHITECTURE - INTERIORS
POH GROUP LLC
4041 SOUTHPOINT DR. EAST, SUITE 200
JACKSONVILLE, FL 32216 (904) 224-0001

DATE	REVISION	BY	CHKD
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SUNSET MARINA
SUNSET MARINA APARTMENTS
JACKSONVILLE, FL

CONCEPTUAL DESIGN

03/11/17



8 ELEVATION NORTH-WEST - OPTION 01-B
SCALE 1/16" = 1'



9 ELEVATION SOUTH-EAST - OPTION 01-B
SCALE 1/16" = 1'

ALDO MURROTTI, MA

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10 EAST VIEW - OPTION 01-B
SCALE: NTS

ALDO BINGOLD AIA

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ARCHITECTURE - INTERIORS
DESIGN - POH GROUP
9441 SOUTHPOINT DR. EAST, SUITE 200
JACKSONVILLE, FL 32216 (904) 224-8801

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SUNSET MARINA
SUNSET MARINA APARTMENTS
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11 WEST VIEW - OPTION 01-B
SCALE: NTS

ALDO WENZEL AIA

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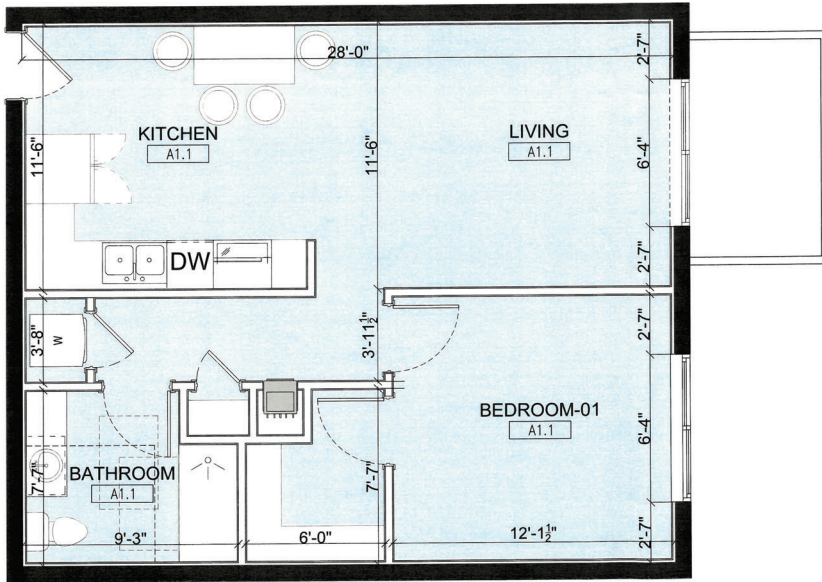
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SUNSET MARINA
SUNSET MARINA APARTMENTS
101 WEST 10TH AVE

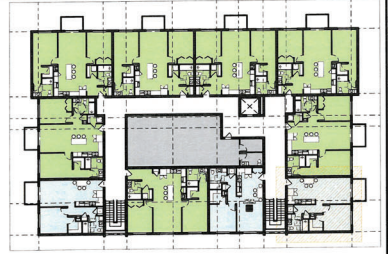
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12 UNIT A1.1
SCALE 3/16" = 1'



ALDO VIVOTI AIA

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ARCHITECTURE - INTERIORS
POH GROUP
4141 SOUTHPOINT DR. EAST, SUITE 200
JACKSONVILLE, FL 32216 (904) 234-5001

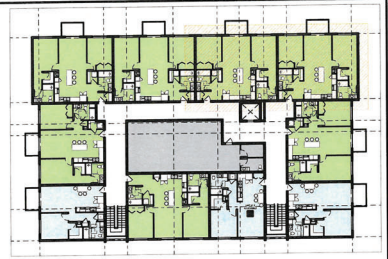
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SUNSET MARINA
SUNSET MARINA APARTMENTS
JACKSONVILLE, FL

CONCEPTUAL DESIGN
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DATE: 01/11/17
BY: ALDO VIVOTI
CHECKED: ALDO VIVOTI
APPROVED: ALDO VIVOTI

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13 UNIT B1.1
SCALE 3/16" = 1'

ALDO WINDLE AIA

POH
GROUP

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DESIGN-BUILD GROUP
10000 W. 10TH AVE., SUITE 200
JACKSONVILLE, FL 32216 (904) 224-0001

DATE	REVISION	DATE	REVISION
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SUNSET MARINA
SUNSET MARINA APARTMENTS
10000 W. 10TH AVE., SUITE 200
JACKSONVILLE, FL 32216 (904) 224-0001

CONCEPTUAL DESIGN

DRAWING

ALL RIGHTS OF DESIGN AND INTENTION ARE EXPRESSLY RESERVED



SCALE 3/16" = 1'

ALDO MINGOZZI AND

**ARCHITECTURE • INTERIORS
DESIGN • BUILD SERVICES**
4141 SOUTHPOINT DR. EAST, SUITE 200
JACKSONVILLE, FL 32216 (904) 224-0001

JOB NO.	2000	DATE	ISSUE/REVISION
DATE	04/17/2004		
DIAM			
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ACCEPTED	--		

SUNSET MARINA
SUNSET MARINA APARTMENTS
KEY WEST, FLORIDA

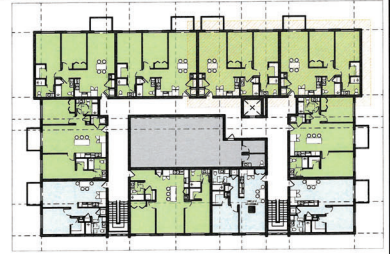
CONCEPTUAL DESIGN

DRATING

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15 UNIT B3.1
SCALE 3/16" = 1'



ALDO MINOZZI AIA

POH
GROUP

ARCHITECTURE - INTERIORS
DESIGN-BUILD SERVICES
1000 W. 10TH AVENUE, SUITE 100
JACKSONVILLE, FL 32216 (904) 254-5801

DATE	REVISION	DESCRIPTION
01/11/16	01	ISSUED FOR PERMIT
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SUNSET MARINA
SUNSET MARINA APARTMENTS
1000 W. 10TH AVENUE

CONCEPTUAL DESIGN

DESIGNED BY
POH GROUP

Exhibit B - Site Data Table



Site Data Table				
	Code Requirement	Existing	Proposed	Variance Request
Zoning	CG			
Flood Zone	AE9			
Size of Site	4.2 acres upland			
Height	40'	40'	40'	N
Front Setback	25'	25'	25'	N
Side Setback	15'	0'	0'	Y - Reso # 98-225
Side Setback	15'	15'	15'	N
Street Side Setback	20'	N/A	N/A	N
Rear Setback	25'	N/A	N/A	N
F.A.R	0.8	0.05	0.05	N
Building Coverage	Max 40%	18.73%	22.4%	N
Impervious Surface	Max 60%	53.07%	56.8%	N
Parking	215	159	206	N - reducing nonconformity
Handicap Parking	7	6	12	N
Bicycle Parking	26	140	140	N
Open Space/ Landscaping	Min 20%	47%	43%	N
Number and type of units	Max 16/acre MR	66 (23 MR & 43 Aff)	79 (33 MR & 46 Aff)	N
Consumption Area or Number of seats	N/A Max 40/acre Aff	N/A	N/A	N



PRELIMINARY DRAFT RANKING



FINAL RANKING



PRELIMINARY RANKING RESPONSE

January 16, 2025

VIA ELECTRONIC MAIL

Smith Hawks, PL
138 Simonton Street
Key West, Florida 33040

Re: Preliminary Ranking for Year 12 (2024-2025) Building Permit Allocation System (BPAS) Application
5555 College Road, Key West, Florida (RE #00072083-000300)

Dear Applicant,

The following letter is in response to a request for ten (10) market rate and three (3) affordable rate residential dwelling BPAS units received by the Planning Department on November 8th, for property located at 5555 College Road, Key West, Florida, more specifically RE #00072083-000300. The application has been reviewed for compliance with the criteria established in Chapter 108, Article X of the Land Development Regulations (LDRs) of the City's Code of Ordinances and reviewed for completeness with the application submittal requirements. The following are the Planning Department staff comments related to the review of the application.

Completeness / BPAS Prerequisites

- Please provide how project complies with rainwater catchment requirements.

BPAS Scoring Criteria

- The applicant claimed 45 points in Exhibit C "*Applicant's Estimated Score Sheet*" and Exhibit D "*BPAS Certification Form*".
- **Applicant Action:** Optional submittal of updated Exhibits C and D to certify additional points.

Additional Documentation & Comments

- Final BPAS applications are pending final density/zoning review for compliance with the City of Key West Land Development Regulations.

General Information

Draft Rankings: A preliminary draft copy of the Year 12 BPAS application rankings are attached, to provide a snapshot of your project ranking relative to other proposals. All BPAS applications are scored and ranked with the highest scoring projects awarded first. Market-rate unit requests compete separately from affordable-rate unit requests. You may make changes to your project that improve the Estimated BPAS Score Sheet at this time. After the deadline below, changes to the Estimated BPAS Score Sheet will no longer be allowed.

Deadline: All applicants shall be provided one (1) month to submit revisions to their applications. The deadline date is February 17th, 2025. Please submit one (1) paper copy or an electronic copy of your response and the requested revisions to the Planning Department no later than 5:00 p.m. on Tuesday, February 17th, 2025. Final allocations will be announced and awarded at the May 15th Planning Board meeting consistent with Sec. 108-997 of City code.

Assistance: Please contact us with any questions or clarifications. Planning staff are available to meet with you to discuss your application in greater detail. More information is available at www.cityofkeywest-fl.gov/bpas.

Note: Pursuant to Section 108-995 "*After year ten (10), 75 percent of units shall be deemed restricted affordable,*" At this time given the City has received only three (3) affordable unit applications, staff may only be able to allocate one (1) market rate unit during the Year 12 BPAS cycle to maintain a ratio of 75% affordable to 25% market rate units.

Sincerely,



Ben Gagnon
Planning Department
City of Key West
1300 White Street
Key West, FL 33040



APPLICANT RESPONSE

SMITH/HAWKS

ATTORNEYS AT LAW



Barton W. Smith, Esq
Anthony J. Davila, Esq
Telephone: (305) 296-7227
Email: Bart@SmithHawks.com
AJ@SmithHawks.com

VIA HAND DELIVERY

November 8, 2024

Katie Halloran, Planning Director
City of Key West Planning Department
1300 White Street
Key West, FL 33040

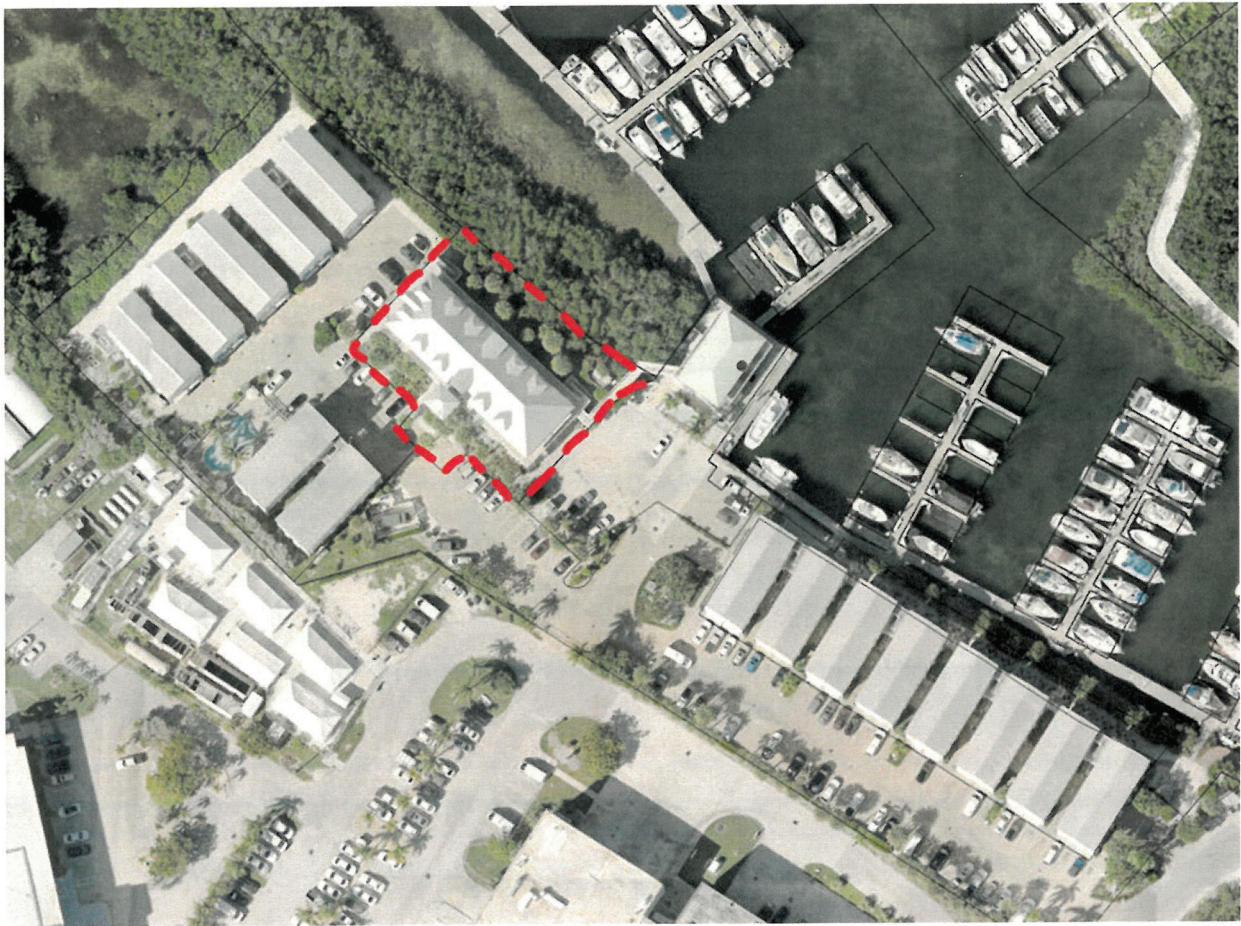
Re: **Building Permit Allocation System Application for 10 Market Rate Unit Allocations and 3 Affordable Unit Allocations for 5555 College Road, Key West, Florida 33040 (the "Property")**

Dear Katie,

Please allow this letter and enclosed materials to serve as Stockrock KW LLC's (the "Applicant") application for ten (10) market rate unit allocations and three (3) affordable unit allocations in the Year 12 cycle of the City of Key West Building Permit Application System ("Application") along with payment of the application fees.

Existing Development:

The Property is currently developed with 23 market rate units and 43 deed-restricted affordable units called the Sunset Marina Apartment Homes. Copies of the existing recorded Declaration of Affordable Housing Restrictions have been provided with this Application. In addition to the residential development, the Property includes a commercial marina with wet slips, fuel sales and a convenience store. The development site for the additional units has Monroe County Parcel ID number 00072083-000300. An existing 3-story building on the development site is proposed to be removed. The existing building has marina support facilities and six (6) affordable residential units.



Description of Proposed Development and Solution Statement:

The proposed building will have nineteen (19) residential units, which is an increase of 13 residential units. The building's ground floor will include public showers, toilets and laundry, and parking to support the marina. The top two stories will house the 19 residential units as well as a gym, a leasing office and storage areas for the apartments, as shown in the site plans provided. There will be an additional 43 parking spaces added to the Property.

A residential community of 66 units already exists at the Property with no significant operational issues. Tenants renew their lease and retain their home at a high rate. The redevelopment of the building to add an additional 13 units (for a total of 79 units) will not interrupt the quality of living or overburden the Property. The additional units will come with a significant increase in parking and with additional amenities available to tenants including a gym and storage areas.

Conclusion:

Thank you for your consideration. Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "A.J. Davila".

Anthony J. Davila

Enclosures:

- Application Fee
- Form Building Permit Allocation System Application
- Exhibit A – Verification and Authorization Forms
- Exhibit B – Site Plan and Site Data Table
- Exhibit C – BPAS Estimated Score Sheet
- Exhibit D – BPAS Certification Form
- Exhibit E – FGBC Checklist Summary
- Exhibit F – Survey
- Exhibit G – Existing Declarations of Affordable Housing Restrictions

SMITH / HAWKS

ATTORNEYS AT LAW

Barton W. Smith, Esq
Anthony J. Davila, Esq
Telephone: (305) 296-7227
Email: Bart@SmithHawks.com
AJ@SmithHawks.com

VIA HAND DELIVERY

February 14, 2025

Ben Gagnon,
City of Key West Planning Department
1300 White Street
Key West, FL 33040

Re: **Building Permit Allocation System Application for 3 Market Rate Unit Allocations and 10 Affordable Unit Allocations for 5555 College Road, Key West, Florida 33040 (the "Property")**

Dear Ben,

Please allow this letter and enclosed materials to serve as Stockrock KW LLC's (the "Applicant") revision to the Year 12 application cycle of the City of Key West Building Permit Application System ("Application") originally submitted on November 7, 2024. Thank you for the letter dated January 16, 2025.

Applicant hereby amends the Application to be for ten (10) affordable unit allocations and three (3) market rate unit allocations. Attached hereto are 1) amended form application for affordable units, 2) amended form application for market rate units, 3) amended Exhibit C – Applicant Amended Score Sheet, and 4) amended Exhibit D – Certification Form. Please allow these materials to amend and supplement the Application. You may apply the excess application fees under the original market rate application to the affordable application fees. All other Application materials remain the same.

Pursuant to Section 108-997(b)(1)(d)(i), Applicant requests to be exempt from rainwater catchment requirements as Applicant is voluntarily providing affordable housing at median-income classification that exceeds 122-1467 requirements by 20%.

Sincerely,



Anthony J. Davila



**BUILDING PERMIT ALLOCATION SYSTEM (BPAS) APPLICATION
(YEAR 12: JULY 1, 2024 – JUNE 30, 2025) – AFFORDABLE RATE
CITY OF KEY WEST, FLORIDA • PLANNING DEPARTMENT**

Address: 1300 White Street • Key West, Florida 33040

Phone: 305-809-3764

Website: <https://www.cityofkeywest-fl.gov/336/Building-Permit-Allocation-System-BPAS>

Application Fee Schedule

<input checked="" type="checkbox"/> Small project – (1-4 units)	\$ 578.81
<input checked="" type="checkbox"/> Mid-size project – (5-10 units)	\$ 868.22
Large projects – (greater than or equal to 11 Units)	\$ 1,157.63

A. APPLICANT / AGENT (if applicable): The property owner must submit a **notarized** authorization form authorizing the applicant/agent to act on their behalf (Exhibit A).

Name: Smith Hawks, PL

Mailing Address: 138 Simonton St.

City: Key West State: FL Zip: 33040

Home/Mobile Phone: 305-296-7227

Email: aj@smithhawks.com / bart@smithhawks.com

PROPERTY OWNER:

Name: Stockrock KW LLC

Mailing Address: 5555 College Road

City: Key West State: FL Zip: 33040

Home/Mobile Phone: 305-296-7227

Email: leslie@pelagicpropertymanagement.com

PROPERTY DESCRIPTION AND ZONING INFORMATION:

Site Address: 5555 College Road

Parcel ID RE#: 00072083-000300 Alternate Key: 9104100

Zoning District: General Commercial Parcel Size: 4.2 acres upland

Permitted Density: 16/acre market rate; 40/acre affordable Commercial Floor Area: _____

B. EXISTING DEVELOPMENT:

Please provide a brief description of how the property is currently used:

See cover letter

EXISTING AND PROPOSED DWELLING UNIT INFORMATION

Dwelling Unit Description	NUMBER OF DWELLING UNITS:		
	EXISTING	LICENSED RECOGNIZED	PROPOSED
Market-Rate Residential Dwelling Unit(s)*	23	23	33 26
Affordable Residential Dwelling Unit(s)	43	43	46 53
Transient Unit(s)	0	0	N/A
Accessory Dwelling Unit(s)			
Single Room Occupancy Unit(s)			
Nursing Home Unit(s)			
Total Number of Units Requested			

**Pursuant to Ordinance 23-03 and 23-04, 75% of units allocated following Year 10 shall be deed-restricted affordable, including any units recovered by the City due to failure to obtain building permits within two years of a BPAS award or otherwise voluntarily released to the City. Deed-restricted affordable allocations shall not have a maximum annual allocation limit.*

- Standalone Affordable Housing projects are subject to Section 122-1467(c), (d), (e), and (f) of the Workforce Housing Ordinance. Applicant Eligibility Requirements are subject to Section 122-1469 (1) through (15) of the Workforce Housing Ordinance. Affordable housing projects enabled by federal tax credit housing are not subject to 122-1467(c).
- Accessory dwelling units in the SF zoning district are subject to Sections 122-231 through 122-238 of the Land Development Regulations.

C. PROPOSED DEVELOPMENT:

Please indicate the scope of the proposed development as it relates to the BPAS (Section 108-997 (B)):

☒ **Major construction/renovation** – meaning new development, additions to existing structures, or redevelopment constituting more than 50% of the value of the existing building.

☐ **Minor renovation**- meaning redevelopment constituting less than 50% of the value of the existing building.



BUILDING PERMIT ALLOCATION SYSTEM (BPAS) APPLICATION (YEAR 12: JULY 1, 2024 – JUNE 30, 2025) – MARKET RATE CITY OF KEY WEST, FLORIDA • PLANNING DEPARTMENT

Address: 1300 White Street • Key West, Florida 33040

Phone: 305-809-3764

Website: <https://www.cityofkeywest-fl.gov/336/Building-Permit-Allocation-System-BPAS>

Application Fee Schedule

X	Small project – (1-4 units)	\$ 1,273.39
x	Mid-size project – (5-10 units)	\$ 2,546.78
	Large projects – (greater than or equal to 11 Units)	\$ 3,820.16

A. APPLICANT / AGENT (if applicable): The property owner must submit a **notarized** authorization form authorizing the applicant/agent to act on their behalf (Exhibit A).

Name: Smith Hawks, PL

Mailing Address: 138 Simonton St.

City: Key West State: FL Zip: 33040

Home/Mobile Phone: 305-296-7227

Email: aj@smithhawks.com / bart@smithhawks.com

PROPERTY OWNER:

Name: Stockrock KW LLC

Mailing Address: 5555 College Road

City: Key West State: FL Zip: 33040

Home/Mobile Phone: 305-296-7227

Email: leslie@pelagicpropertymanagement.com

PROPERTY DESCRIPTION AND ZONING INFORMATION:

Site Address: 5555 College Rd

Parcel ID RE#: 00072083-000300 Alternate Key: 9104100

Zoning District: General Commercial Parcel Size: 4.2 acres upland

Permitted Density: 16/acre market rate; 40/acre affordable Commercial Floor Area: _____

B. EXISTING DEVELOPMENT:

Please provide a brief description of how the property is currently used:

See cover letter

EXISTING AND PROPOSED DWELLING UNIT INFORMATION			
Dwelling Unit Description	NUMBER OF DWELLING UNITS:		
	EXISTING	LICENSED RECOGNIZED	PROPOSED
Market-Rate Residential Dwelling Unit(s)*	23	23	33 26
Affordable Residential Dwelling Unit(s)	43	43	46 53
Transient Unit(s)	0	0	N/A
Accessory Dwelling Unit(s)			
Single Room Occupancy Unit(s)			
Nursing Home Unit(s)			
Total Number of Units Requested			

**Pursuant to Ordinance 23-03 and 23-04, 75% of units allocated following Year 10 shall be deed-restricted affordable, including any units recovered by the City due to failure to obtain building permits within two years of a BPAS award or otherwise voluntarily released to the City. Deed-restricted affordable allocations shall not have a maximum annual allocation limit.*

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C. PROPOSED DEVELOPMENT:

Please indicate the scope of the proposed development as it relates to the BPAS (Section 108-997 (B)).

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☐ **Minor renovation-** meaning redevelopment constituting less than 50% of the value of the existing building.



BUILDING PERMIT ALLOCATION SYSTEM (BPAS) APPLICATION EXHIBIT C – APPLICANT’S ESTIMATED SCORE SHEET

CITY OF KEY WEST, FLORIDA • PLANNING DEPARTMENT

Address: 1300 White Street • Key West, Florida 33040

Phone: 305-809-3764

Website: www.cityofkeywest-fl.gov

The purpose of the Estimated Score Sheet is to provide the applicant with the understanding that if a BPAS Allocation(s) is awarded the total amount of points represented on the Estimated Score Sheet and finalized through the official staff ranking process is required to be permanently maintained throughout the lifecycle of the project. Because the total amount of points is not linked to one specific criterion, the applicant has flexibility in the construction phase if certain point system criteria, for which the application is ranked, need to be substituted.

If the Prerequisites and/or the total points are not achieved, a Certificate of Occupancy will not be issued for the project.

Applicant: Stockrock KW LLC Site Address: 5555 College Road, Key West, FL 33040

Number and type of Units Requested: Market Rate ~~10~~ 3 Affordable ~~X~~ 10

Prerequisite Development Type: Major Construction/ Renovation X
Minor Renovation

Please acknowledge that the Prerequisites required for the proposed project shall be met in accordance with the solution statement provided: *a.j.*

Initial here

The following criteria and point system shall be utilized in the ranking of applications for development of non-transient units as follows:

a.	Building more than 1.5' higher than the base flood elevation (+5)	Points	<u>+5</u>
b.	Exceeding the minimum required percentage of affordable housing (+30)	Points	<u>+30</u>
c.	Voluntarily providing affordable housing which exceeds the requirements of section 122-1467 at median income classification (+40)	Points	<u>+40</u>
d.	Voluntarily providing affordable housing which exceeds the requirements of section 122-1467 at low-income classification (+60)	Points	<u> </u>
e.	Achieving Green Building Certification Upgrade 1 (+20)	Points	<u> </u>
f.	Achieving Green Building Certification Upgrade 2 (+27)	Points	<u> </u>
g.	Achieving Green Building Certification Upgrade 3 (+40)	Points	<u> </u>
h.	Voluntary contribution to the arts in public places fund or tree fund in the amount of \$2,500 or more (+5)	Points	<u>+5</u>
i.	Providing electrical high-voltage sized conduit for future electric car charging station near parking area (+5)	Points	<u> </u>
j.	Using light-colored, high-reflectivity materials for all non-roof areas with a Solar Reflectance Index (SRI) of at least 29 (+5)	Points	<u> </u>
k.	Providing on-site recreational amenities or exceeding the open space requirements of section 108-346 (b) of article V of Chapter 108 (+10)	Points	<u>+10</u>

TOTAL ESTIMATED POINTS ~~45~~ 88 90



BUILDING PERMIT ALLOCATION SYSTEM (BPAS) APPLICATION EXHIBIT D – BPAS CERTIFICATION FORM

CITY OF KEY WEST, FLORIDA • PLANNING DEPARTMENT

Address: 1300 White Street • Key West, Florida 33040

Phone: 305-809-3764

Website: www.cityofkeywest-fl.gov

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete, and accurate. I certify that all information required has been provided.

I certify that my total estimated points are 90. I certify that if I am awarded one or more Building Permit Allocations and am unable to achieve all prerequisites and/or achieve the total amount of points represented on the Score Sheet, a Certificate of Occupancy will not be issued for the project.

I certify that if I am awarded one or more Building Permit Allocations, the Score Sheet and Prerequisite Solution Statement prepared as part of this application will be provided to my contractor and that my contractor will be made aware that if the completed project does not achieve all prerequisites and achieve the total amount of points represented on the Score Sheet, a Certificate of Occupancy will not be issued for the project.

Signature of applicant

2/12/2025

Date

Barton W. Smith

Print name of Applicant

Subscribed and sworn to (or affirmed) before me on this 12th day of February, 2025,
by Barton W. Smith (name of person signing the application)
as Manager (type of authority...e.g. officer, manager/member, trustee,
attorney)
for Sunset Marina, LLC (name of entity or party on behalf of whom application was
executed).

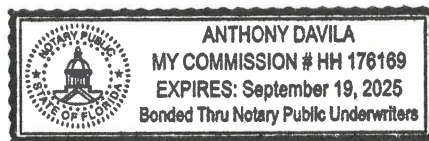
He/She is personally known to me or has presented _____ as identification.

Notary's Signature and Seal

SEAL

Anthony J. Davila

Name of Acknowledger typed, printed or stamped



Commission Number, if any



5555 College Road

3 MARKET-RATE UNITS



RECEIVED

NOV 08 2024

BUILDING PERMIT ALLOCATION SYSTEM (BPAS) APPLICATION
(YEAR 12-JULY 1, 2024 - JUNE 30, 2025) - MARKET RATE
CITY OF KEY WEST, FLORIDA • PLANNING DEPARTMENT

Address: 1300 White Street • Key West, Florida 33040

Phone: 305-809-3764

Website: <https://www.cityofkeywest-fl.gov/336/Building-Permit-Allocation-System-BPAS>

Application Fee Schedule

Small project – (1-4 units)	\$ 1,273.39
x Mid-size project – (5-10 units)	\$ 2,546.78
Large projects – (greater than or equal to 11 Units)	\$ 3,820.16

A. APPLICANT / AGENT (if applicable): The property owner must submit a **notarized** authorization form authorizing the applicant/agent to act on their behalf (Exhibit A).

Name: Smith Hawks, PL

Mailing Address: 138 Simonton St.

City: Key West State: FL Zip: 33040

Home/Mobile Phone: 305-296-7227

Email: aj@smithhawks.com / bart@smithhawks.com

PROPERTY OWNER:

Name: Stockrock KW LLC

Mailing Address: 5555 College Road

City: Key West State: FL Zip: 33040

Home/Mobile Phone: 305-296-7227

Email: leslie@pelagicpropertymanagement.com

PROPERTY DESCRIPTION AND ZONING INFORMATION:

Site Address: 5555 College Rd

Parcel ID RE#: 00072083-000300 Alternate Key: 9104100

Zoning District: General Commercial Parcel Size: 4.2 acres upland

Permitted Density: 16/acre market rate; 40/acre affordable Commercial Floor Area: _____

B. EXISTING DEVELOPMENT:

Please provide a brief description of how the property is currently used:

See cover letter

EXISTING AND PROPOSED DWELLING UNIT INFORMATION

Dwelling Unit Description	NUMBER OF DWELLING UNITS:		
	EXISTING	LICENSED RECOGNIZED	PROPOSED
Market-Rate Residential Dwelling Unit(s)*	23	23	33
Affordable Residential Dwelling Unit(s)	43	43	46
Transient Unit(s)	0	0	N/A
Accessory Dwelling Unit(s)			
Single Room Occupancy Unit(s)			
Nursing Home Unit(s)			
Total Number of Units Requested			

**Pursuant to Ordinance 23-03 and 23-04, 75% of units allocated following Year 10 shall be deed-restricted affordable, including any units recovered by the City due to failure to obtain building permits within two years of a BPAS award or otherwise voluntarily released to the City. Deed-restricted affordable allocations shall not have a maximum annual allocation limit.*

- Standalone Affordable Housing projects are subject to Section 122-1467(c), (d), (e), and (f) of the Workforce Housing Ordinance. Applicant Eligibility Requirements are subject to Section 122-1469 (1) through (15) of the Workforce Housing Ordinance. Affordable housing projects enabled by federal tax credit housing are not subject to 122-1467(c).
- Accessory dwelling units in the SF zoning district are subject to Sections 122-231 through 122-238 of the Land Development Regulations.

C. PROPOSED DEVELOPMENT:

Please indicate the scope of the proposed development as it relates to the BPAS (Section 108-997 (B)).

☒ **Major construction/renovation** – meaning new development, additions to existing structures, or redevelopment constituting more than 50% of the value of the existing building.

☐ **Minor renovation-** meaning redevelopment constituting less than 50% of the value of the existing building.

Is this property located within a Historic Zoning District?

Yes	No ✓
-----	---------

Are buildings on the property listed as contributing historic structures?

Yes	No ✓
-----	---------

Is the proposal for mixed residential and commercial use?

Yes ✓	No
----------	----

Are density bonuses proposed?

Yes	No ✓
-----	---------

Advanced affordable allocation request?

Yes	No ✓
-----	---------

Will the allocation require development review? Yes No

If yes, please specify what type of development review will be required: _____

Variance(s)	
Lawful Unit Determination	
Minor Development Plan	
Major Development Plan	
Beneficial Use	
Transient Transfer	
Conditional Use	
HARC	
Tree Commission	
Other	

D. APPLICANTS MUST ATTACH ALL DOCUMENTATION REQUESTED BELOW:

- 1. Description of Proposed Development and Use.** Please be specific, describe and list existing, and proposed buildings and uses, accessory structures and uses, type and number of dwelling units, parking, etc. If there is more than one use, describe in detail the nature of each use (Please reference Sections 108-226 through 108-232). For properties proposing to utilize density bonuses for compact infill development projects, please include a description of how the project meets the criteria established in Code Section 108-998 and an analysis of how many density bonus units are requested.
- 2. Solution Statement.**
 - a. Describe aspects of the design that address community issues including but not limited to water pollution from stormwater runoff, potable water conservation, waste disposal, recycling, energy conservation, historic and archeological resource protection, affordable housing, and impacts on neighbors such as lighting, noise, traffic, and parking.
 - b. Describe how you intend to meet the Prerequisites (A or B described below) for a Major or Minor construction/renovation project (City Code Section 108-997 (B)):
(A)Major Construction/Renovation Prerequisites. The minimum standards for new development, including additions to existing structures, or redevelopment constituting more than 50% of the value of the building, required in order to be eligible to receive an allocation award from the BPAS system are as follows:
 - a. All new units shall be constructed in compliance with and obtain a **Baseline Green Building Certification.**
 - b. All new buildings shall be constructed to have the **first habitable floor 1.5 feet above the required base flood elevation**, except for properties located within the historic zoning districts, where the applicant must first demonstrate that such elevation does not interfere with the essential form and integrity of properties in the neighborhood by obtaining a certificate of appropriateness.
 - c. All new buildings shall be constructed with a **rainwater catchment system** that will hold a minimum of 300 gallons of water or an amount equivalent to 100% of the new roof area in gallons whichever is greater.
* (See page 4 of application.)
 - (B)Minor Renovation Prerequisites.** For development constituting less than 50% of the value of the existing building, the applicant must demonstrate water and energy use 15% below the Florida Building Code using recognized energy and water rating standards by providing a copy of the Required Energy and Water Baseline Report consisting of 12 months of energy and water use. For Commercial buildings (including multifamily), building data must be input into EPE Portfolio Manager (<https://www.energystar.gov/istar/pmpam/>), and access to building data given to the City of Key West. For residential, either Energy Gauge or RESNET may be used to establish a baseline. Please provide a description of 15% of both water and energy use will be reduced on the property.
3. Copy of current, recorded warranty deed. Quit claim deeds will not be accepted.
4. Up-to-date signed and sealed survey (Section 108-240).
5. Flood Elevation Certificates (New Construction) (Section 34-127).

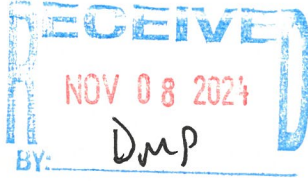
6. Copy of City licensing records for existing units.
7. Signed and Notarized Verification and Authorization Forms (*Exhibit A*).
8. Existing and Proposed Site Plan and Floor Plan (Section 108-237) shall include a completed Site Data Table (*Exhibit B*).
9. Completed BPAS Estimated Score Sheet and Estimated total Points to be achieved (*Exhibit C*).
10. Signed and Notarized BPAS Certification Form (*Exhibit D*).
11. Copy of LEED or FGBC Score Sheet (*Exhibit E*) or a copy of the required energy and water baseline report as described in Attachment 2. Solution Statement (b.) B above.

*An applicant may request to be exempted from the rainwater catchment requirement if:

- (i) The applicant is voluntarily providing affordable housing at the median or low-income classification, which exceeds the requirements of section 122-1467 by at least twentypercent.
- (ii) The applicant seeks to create an accessory unit(s), but the impervious surface and/or building coverage ratio maximums for the parcel have been met or exceeded, and the applicant contributes a fee of \$2 per required gallon in mitigation to the City's stormwater fund.

SMITH/HAWKS

ATTORNEYS AT LAW



Barton W. Smith, Esq
Anthony J. Davila, Esq
Telephone: (305) 296-7227
Email: Bart@SmithHawks.com
AJ@SmithHawks.com

VIA HAND DELIVERY

November 8, 2024

Katie Halloran, Planning Director
City of Key West Planning Department
1300 White Street
Key West, FL 33040

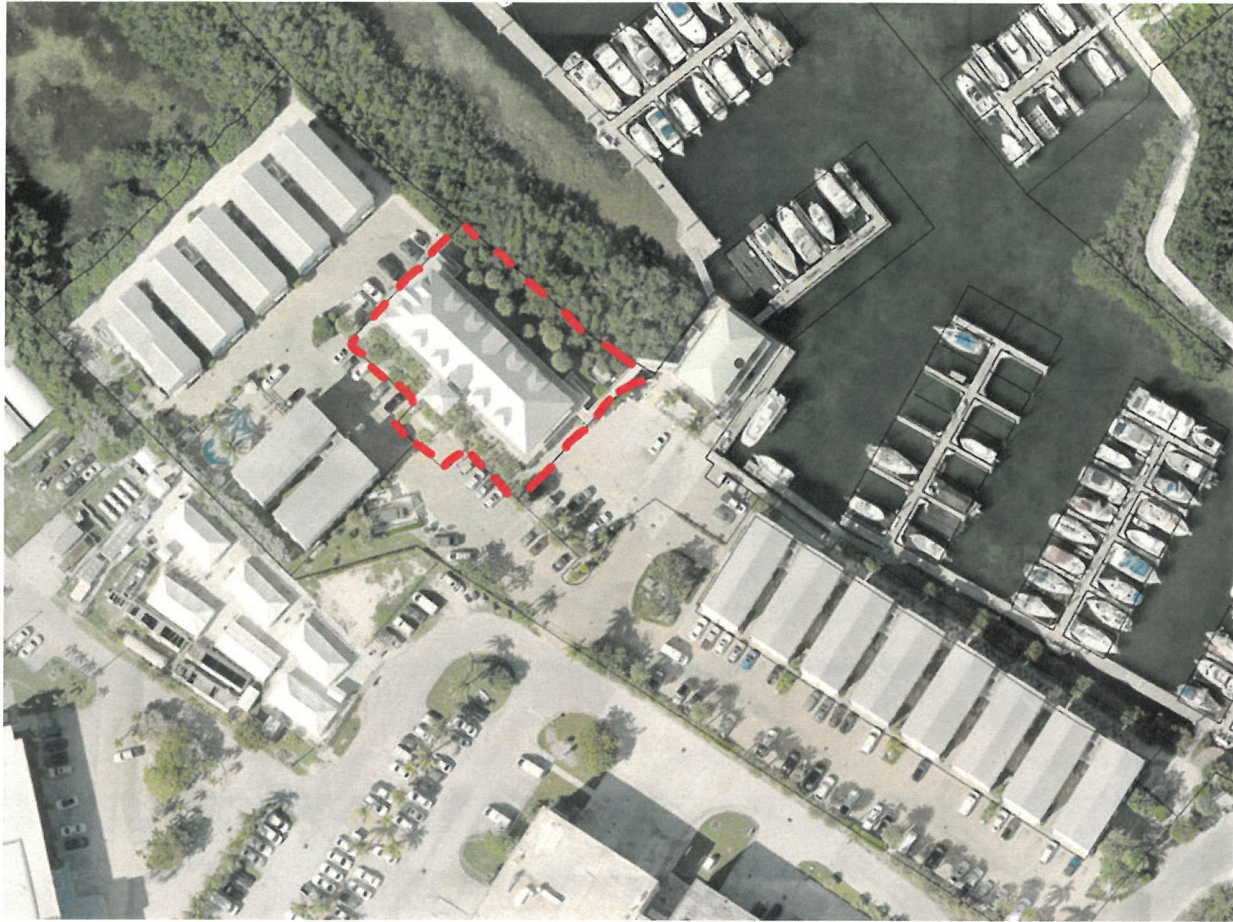
Re: **Building Permit Allocation System Application for 10 Market Rate Unit Allocations and 3 Affordable Unit Allocations for 5555 College Road, Key West, Florida 33040 (the "Property")**

Dear Katie,

Please allow this letter and enclosed materials to serve as Stockrock KW LLC's (the "Applicant") application for ten (10) market rate unit allocations and three (3) affordable unit allocations in the Year 12 cycle of the City of Key West Building Permit Application System ("Application") along with payment of the application fees.

Existing Development:

The Property is currently developed with 23 market rate units and 43 deed-restricted affordable units called the Sunset Marina Apartment Homes. Copies of the existing recorded Declaration of Affordable Housing Restrictions have been provided with this Application. In addition to the residential development, the Property includes a commercial marina with wet slips, fuel sales and a convenience store. The development site for the additional units has Monroe County Parcel ID number 00072083-000300. An existing 3-story building on the development site is proposed to be removed. The existing building has marina support facilities and six (6) affordable residential units.



Description of Proposed Development and Solution Statement:

The proposed building will have nineteen (19) residential units, which is an increase of 13 residential units. The building's ground floor will include public showers, toilets and laundry, and parking to support the marina. The top two stories will house the 19 residential units as well as a gym, a leasing office and storage areas for the apartments, as shown in the site plans provided. There will be an additional 43 parking spaces added to the Property.

A residential community of 66 units already exists at the Property with no significant operational issues. Tenants renew their lease and retain their home at a high rate. The redevelopment of the building to add an additional 13 units (for a total of 79 units) will not interrupt the quality of living or overburden the Property. The additional units will come with a significant increase in parking and with additional amenities available to tenants including a gym and storage areas.

Conclusion:

Thank you for your consideration. Please feel free to contact me with any questions.

Sincerely,



Anthony J. Davila

Enclosures:

- Application Fee
- Form Building Permit Allocation System Application
- Exhibit A – Verification and Authorization Forms
- Exhibit B – Site Plan and Site Data Table
- Exhibit C – BPAS Estimated Score Sheet
- Exhibit D – BPAS Certification Form
- Exhibit E – FGBC Checklist Summary
- Exhibit F – Survey
- Exhibit G – Existing Declarations of Affordable Housing Restrictions



AUTHORIZATION & VERIFICATION FORMS



**City of Key West
Planning Department**

Authorization Form
(Where Owner is a Business Entity)

Please complete this form if someone other than the owner is representing the property owner in this matter.

I, Barton W. Smith as
Please Print Name of person with authority to execute documents on behalf of entity

Manager of Stockrock KW LLC
Name of office (President, Managing Member) *Name of owner from deed*

authorize SMITH HAWKS, PL
Please Print Name of Representative

to be the representative for this application and act on my/our behalf before the City of Key West.

[Signature]
Signature of person with authority to execute documents on behalf of entity owner

Subscribed and sworn to (or affirmed) before me on this November 8, 2024
Date

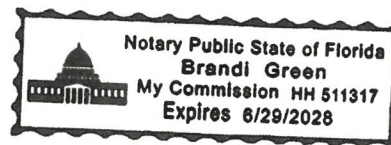
by Barton W. Smith as Manager of Stockrock KW LLC
Name of person with authority to execute documents on behalf of entity owner

☒ He/She is personally known to me or has presented N/A as identification.

Brandi Green
Notary's Signature and Seal

Brandi Green
Name of Acknowledger typed, printed or stamped

06/29/2028
Commission Number, if any





**City of Key West
Planning Department
Verification Form**
(Where Applicant is an entity)

I, Anthony Davila, in my capacity as Attorney
(print name) (print position; president, managing member)
of Smith Hawks, PL
(print name of entity)

being duly sworn, depose and say that I am the Authorized Representative of the Owner (as appears on the deed), for the following property identified as the subject matter of this application:

5555 College Rd., Key West, FL 33040
Street address of subject property

I, the undersigned, declare under penalty of perjury under the laws of the State of Florida that I am the Authorized Representative of the property involved in this application; that the information on all plans, drawings and sketches attached hereto and all the statements and answers contained herein are in all respects true and correct.

In the event the City or the Planning Department relies on any representation herein which proves to be untrue or incorrect, any action or approval based on said representation shall be subject to revocation.

A. J. Davila
Signature of Applicant

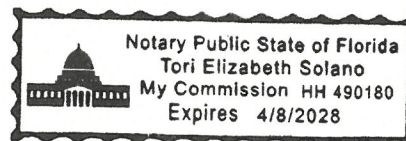
Subscribed and sworn to (or affirmed) before me on this November 8, 2014 by
date
Smith Hawks, PL
Name of Applicant

He/She is personally known to me or has presented _____ as identification.

Tori Elizabeth Solano
Notary's Signature and Seal

Tori Solano
Name of Acknowledger typed, printed or stamped

HH 490180
Commission Number, if any



Year 12 BPAS



WARRANTY DEED

Doc # 2375084 Bk# 3173 Pg# 631 Electronically Recorded 5/11/2022 at 12:35 PM Pages 5
Filed and Recorded in Official Records of MONROE COUNTY KEVIN MADOK
Electronically REC: \$44.00 Deed Doc Stamp \$126,000.00

This instrument prepared by and
after recording return to:
Bryan Hawks
Smith Hawks, PL
138 Simonton Street
Key West, FL 33040

Real Estate No.: 00072083-000100 and 00072083-000400

[Space Above For Recording Purposes Only]

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made as of May 9th, 2022, by and between **STOCK ISLAND APARTMENTS, LLC**, a Delaware limited liability company and/or its affiliates or assigns, whose address is 1209 Orange Street, Wilmington, Delaware 19801 ("**Grantor**"), to **STOCKROCK SI LLC**, a Delaware limited liability company, as to an undivided 75.33% interest, whose address is 5555 College Road, Key West, Florida 33040 and **STOCKROCK KW LLC**, a Delaware limited liability company, as to an undivided 24.67% interest, whose address is 5555 College Road, Key West, Florida 33040 (collectively, the "**Grantee**").

WITNESSETH, that Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt and legal sufficiency of which is acknowledged, hereby transfers and conveys to the Grantee, Grantee's successors and assigns forever, that certain parcel of real property located in Monroe County, Florida having a street address of 5555 College Road, Key West, Florida 33040, more particularly described in Exhibit "A" attached hereto and made a part hereof (the "**Property**").

SUBJECT TO ad valorem taxes for the current tax year and subsequent years; any applicable zoning and other regulations and ordinances imposed by governmental authority; and conditions, restrictions, reservations, limitations, easements, agreements and other matters of record shown on Exhibit "B" attached hereto and made a part hereof; but without intent to reimpose any of the foregoing.

TO HAVE AND TO HOLD the said Property unto the Grantee, its successors and assigns, together with all and singular the easements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and unto its successors and assigns forever, pursuant to those ownership interests specified above.

And Grantor covenants with Grantee that the Property is free from all encumbrances made by Grantor at the time of the delivery of this deed and Grantor will warrant and defend against the lawful claims and demands of all persons claiming by, through, or under Grantor; but against none other.

00257602 - v2

IN WITNESS WHEREOF, the Grantor through its authorized representative, has hereto set its signature and seal.

Witness the following signatures:

Amanda White
Signature of Witness #1

Amanda White
Printed Name of Witness #1

Kelley Raythors
Signature of Witness #2

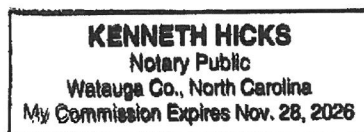
Kelley Raythors
Printed Name of Witness #2

STATE OF NORTH CAROLINA

COUNTY OF Watauga

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 16th day of May, 2022 by Robert Pabian, as Manager of **STOCK ISLAND APARTMENTS, LLC**, a Delaware limited liability company, who ☒ is personally known or ☐ has produced a driver's license as identification.

(AFFIX NOTARY SEAL)



GRANTOR:

Stock Island Apartments, LLC a Delaware limited liability company.

By: Robert Pabian
Robert Pabian, Manager

Notary Public: Kenneth Hicks

Print Name: Kenneth Hicks

My Commission Expires: 11/28/2026

EXHIBIT "A"

Legal Description of Property

Condominium Units Nos. 1 and 4 of SUNSET PARCELS, a Condominium, according to the Declaration of Condominium thereof, recorded March 29, 2017, in Official Records Book 2846, at Page 122, of the Public Records of Monroe County, Florida, together with an undivided interest in the common elements.

00257602 - v2

EXHIBIT "B"**Permitted Exceptions**

1. Intentionally Deleted.
2. Taxes and assessments for the year 2022 and subsequent years, which are not yet due and payable.
3. Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority for unpaid service charges for service by any water, sewer or gas system supplying the insured land.
4. Oil, gas and mineral rights reserved in the Deed from the Trustees of the Internal Improvement Fund recorded in Deed Book G-52, page 522. Note: The right of entry and exploration associated with said reservation has been released by Florida Statute 270.11 (3).
5. Oil, gas and mineral rights reserved in the Deed from the Trustees of the Internal Improvement Fund recorded in Official Records Book 50, page 129 and in the Corrective Deed recorded in Official Records Book 958, page 109. Note: The right of entry and exploration associated with said reservation has been released by Florida Statute 270.11 (3).
6. The Land falls within an area of Critical State Concern as described in Section 380.05 of the Florida Statutes and as set forth in Chapter 27F-15 of the Florida Administrative Code attached to the Certification/ Affidavit recorded in Official Records Book 906, page 200.
7. Terms, conditions and limitations of the easement for ingress, egress and utilities reserved in the Warranty Deed from Norman B. Wood and Shirley P. Wood et al. recorded in Official Records Book 1139, page 2378.
8. Terms, covenants, conditions and other matters contained in the Binding Agreement between Sunset Ventures of Key West, Inc. and the State of Florida Department of Environmental Protection, recorded in Official Records Book 1517, page 859.
9. Terms, covenants, conditions, restrictions and other matters contained in the Amended Settlement Agreement between the State of Florida Department of Community Affairs, the City of Key West, and Sunset Ventures of Key West, Inc., attached to the Resolution recorded in Official Records Book 1524, page 2056.
10. Terms, covenants, conditions and other matters contained in the Easement Agreement between the City of Key West, Florida and Sunset Ventures of Key West, Inc. recorded in Official Records Book 1559, page 134, as modified by the Amendment to Easement Agreement recorded in Official Records Book 1619, page 1872.
11. Easement granted to the Utility Board of the City of Key West, Florida recorded in Official Records Book 1572, page 1834.
12. Terms, covenants, conditions and easements contained in the Non-Exclusive Access and Parking Easement Agreement between Sunset Ventures of Key West, Inc. and Sunset Marina Dockominium of Key West Association, Inc. recorded in Official Records Book 1671, page 1722, as modified by the Amended and Restated Non-Exclusive Access and Parking Agreement recorded in Official Records Book 2820, page 1925.
13. Grant of Easement to Comcast of California/Colorado/Florida/Oregon, Inc. recorded in

Official Records Book 2237, page 1656 and re-recorded in Official Records Book 2267, page 2074, and terms and provisions of the Bulk Installation and Services Agreement dated June 24, 2006 referred to therein.

14. Terms, covenants, conditions and restrictions created by and set forth in the Declaration of Affordable Housing Restrictions recorded in Official Records Book 2451, page 1626.
15. Terms and provisions of Environmental Resource Permit No. 44-00646-P issued by South Florida Water Management District, as evidenced by the Recorded Notice of Environmental Resource Permit recorded in Official Records Book 2832, page 1061.
16. Grant of Utility Easement to the Utility Board of the City of Key West, Florida recorded in Official Records Book 2845, page 1710.
17. Terms, covenants, conditions, restrictions and easements created by and set forth in the Declaration of Sunset Parcels, a Condominium, recorded in Official Records Book 2846, page 122, as amended in Official Records Book 2846, page 1704, including, but not limited to, provisions for private charges or assessments and liens for liquidated damages; but omitting any covenant or restriction based on race, color, religion, sex, handicap, familial status or national origin unless and only to the extent that said covenants: (a) is exempt under Chapter 42, Section 3607 of the United States Code; or (b) relates to handicap, but does not discriminate against handicapped persons.
18. Terms, covenants, conditions and restrictions contained in the Assignment of Development Rights Agreement between Sunset Marina, LLC and Stock Island Apartments, LLC recorded in Official Records Book 2846, page 2270.
19. Terms, covenants, conditions and restrictions created by and set forth in the Declaration of Affordable Housing Restrictions recorded in Official Records Book 2846, page 2336, as affected by the Identification of Affordable Housing Agreement recorded in Official Records Book 2929, page 1303 and the First Amended Identification of Affordable Housing Agreement recorded in Official Records Book 2976, page 1596.
20. Terms, covenants, conditions and other matters contained in the Development Agreement for Sunset Marina between Sunset Marina, LLC and the City of Key West, recorded in Official Records Book 2876, page 780.
21. The nature or extent of riparian or littoral rights.
22. As to that portion of the premises herein described which is (a) submerged land or is (b) artificially filled in land, artificially exposed land, or any land accreted thereto, in what was formerly navigable waters, this Commitment or Policy is subject to the right of the United States government arising by reason of its control over navigable waters in the interest of navigation and commerce.
23. Terms, covenants, conditions and other matters contained in any unrecorded leases and all rights thereunder of the lessees and of any person claiming by, through or under the lessees, as affected by the Notice of Landlord recorded in Official Records Book 2868, page 371.

Doc # 2453992 Bk# 3266 Pg# 297 Recorded 3/11/2024 at 12:04 PM Pages 5
Filed and Recorded in Official Records of MONROE COUNTY KEVIN MADOK
REC: \$44.00

**PREPARED BY AND WHEN
RECORDED RETURN TO:**

Bryan Hawks
Smith Hawks, PL
138 Simonton Street
Key West, FL 33040

TERMINATION OF MEMORANDUM OF TENANCY IN COMMON AGREEMENT

THIS TERMINATION OF MEMORANDUM OF TENANCY IN COMMON AGREEMENT is effective as of January 18, 2024 by **STOCKROCK KW LLC**, a Delaware limited liability company ("Stockrock KW").

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, the covenants and promises contained herein, and the benefits accruing to the parties hereto, Stockrock KW hereby declares and agrees as follows:

1. Stockrock KW and STOCKROCK SI LLC, a Delaware limited liability company ("Stockrock SI") entered into that certain Tenancy in Common Agreement dated as of May 9, 2022 (the "TIC Agreement") for the purpose of providing for, among other things, the ownership as tenants-in-common, management and operation of that certain improved real property located in Monroe County, Florida and more particularly described on Exhibit A (the "Property").

2. The TIC Agreement was memorialized of record by that certain Memorandum of Tenancy in Common Agreement recorded in the Official Records Book 3173, Page 639, of the Public Records of Monroe County, Florida (the "Memo of TIC").

3. Pursuant to the Certificate of Merger filed with the Secretary of State of the State of Delaware on January 17, 2024 attached hereto as Exhibit B, Stockrock SI merged with the Stockrock KW, with Stockrock KW being the surviving company of the merger (the "Merger").

4. As there are no more co-owners of the Property due to the Merger resulting in a sole fee owner of the Property, Stockrock KW, the TIC Agreement, and the Memo of TIC are no longer applicable or necessary.

5. Stockrock KW hereby terminates the TIC Agreement and terminates and releases the Memo of TIC and hereby directs the Clerk of Monroe County to cancel the same of record.

[Signatures Appear on the Following Pages]

{00288850 - v1 }

Doc. # 2453992 Page Number: 2 of 5

IN WITNESS WHEREOF, the undersigned has executed this Termination of Memorandum of Tenancy in Common Agreement as of the date first written above.

**STOCKROCK KW LLC a Delaware
limited liability company**

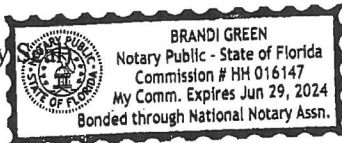
By: [Signature]
Name: Barton W. Smith
Title: Manager

STATE OF FLORIDA

COUNTY OF MONROE

The foregoing Instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7th day of March, 2024, by Barton W. Smith, as Manager of STOCKROCK KW LLC a Delaware limited liability company, for and on behalf of such company, who is personally known to me.

(Notary)



[Signature]
Signature of Notary Public

Name: Brandi Green

My Commission Expires: 06/29/2024

{00288850 - v1 }

EXHIBIT A

Condominium Unit Nos. 1 and 4, of SUNSET PARCELS, a Condominium, according to the Declaration of Condominium thereof, recorded March 29, 2017, in Official Records Book 2846, at Page 122, of the Public Records of Monroe County, Florida, together with an undivided interest in the common elements.

{00288850 - v1 }

EXHIBIT B

Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF
DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT
COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:
"STOCKROCK SI LLC", A DELAWARE LIMITED LIABILITY COMPANY,
WITH AND INTO "STOCKROCK KW LLC" UNDER THE NAME OF
"STOCKROCK KW LLC", A LIMITED LIABILITY COMPANY ORGANIZED AND
EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED
AND FILED IN THIS OFFICE ON THE SEVENTEENTH DAY OF JANUARY, A.D.
2024, AT 5:13 O'CLOCK P.M.



6666256 8100M
SR# 20240150884

You may verify this certificate online at corp.delaware.gov/authver.shtml
(00288850 - v1)

A handwritten signature in black ink, appearing to read "JBULLOCK", written over a horizontal line.

Jeffrey W. Bullock, Secretary of State

Authentication: 202678911
Date: 01-26-24

**STATE OF DELAWARE
CERTIFICATE OF MERGER OF
DOMESTIC LIMITED LIABILITY COMPANIES**

Pursuant to Title 6, Section 18-209 of the Delaware Limited Liability Act, the undersigned limited liability company executed the following Certificate of Merger:

FIRST: The name of the surviving limited liability company is

STOCKROCK KW LLC

and the name of the limited liability company being merged into this surviving limited liability company is STOCKROCK SI LLC

SECOND: The Agreement of Merger has been approved, adopted, certified, executed and acknowledged by each of the constituent limited liability companies.

THIRD: The name of the surviving limited liability company is

STOCKROCK KW LLC

FOURTH: The merger is to become effective on upon filing

FIFTH: The Agreement of Merger is on file at 5555 College Rd, Key West, FL 33040
the place of business of the surviving limited liability company.

SIXTH: A copy of the Agreement of Merger will be furnished by the surviving limited liability company on request, without cost, to any member of the constituent limited liability companies.

IN WITNESS WHEREOF, said surviving limited liability company has caused this certificate to be signed by an authorized person, the 17th day of January, A.D., 2024.

By: 

Authorized Person

Name: Barton W. Smith

Print or Type

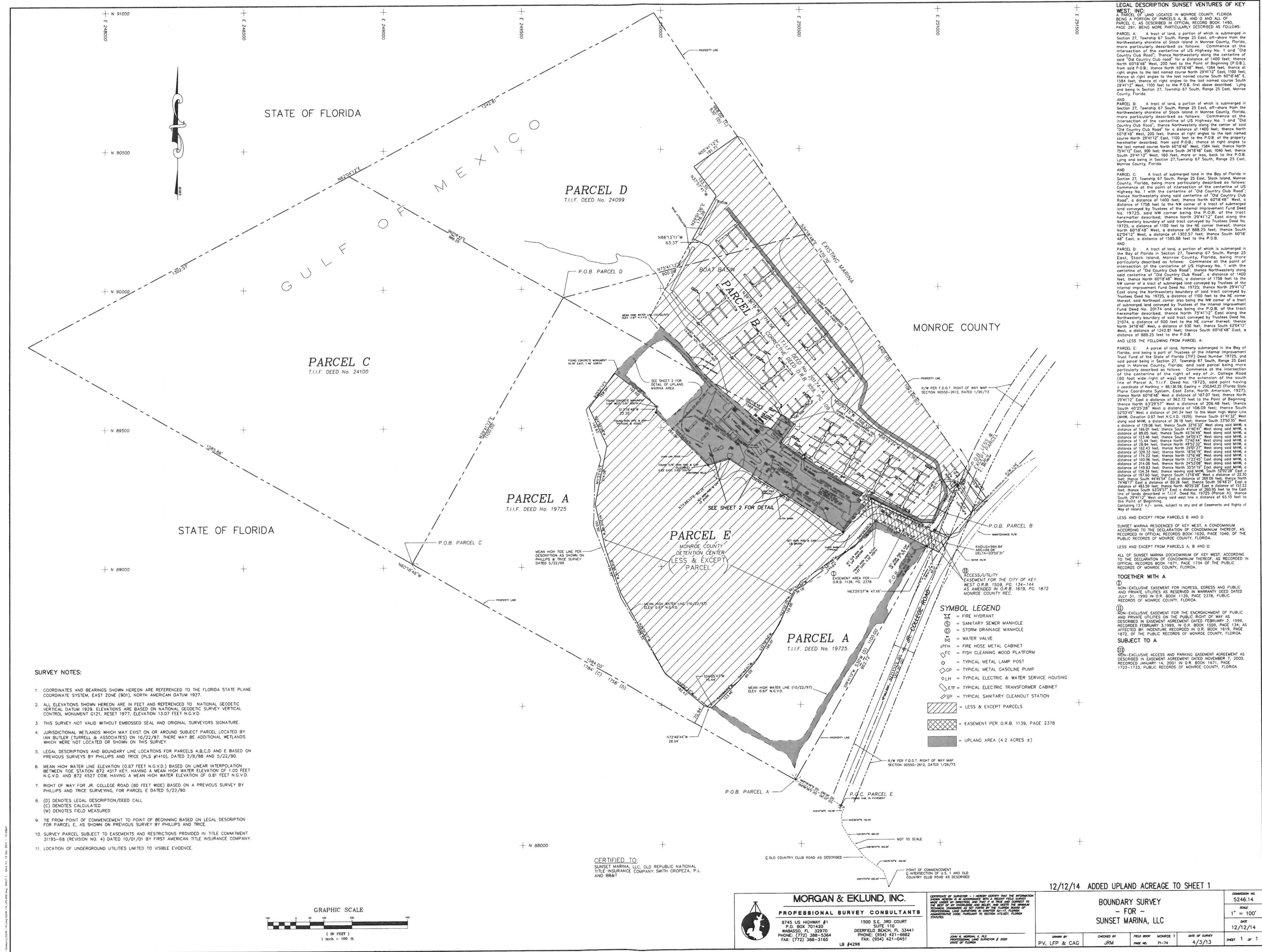
Title: Manager

State of Delaware
Secretary of State
Division of Corporations
Delivered 05:13 PM 01/17/2024
FILED 05:13 PM 01/17/2024
SR 20240150884 - File Number 6666256

Year 12 BPAS



BOUNDARY SURVEY





FGBC CHECKLIST

PREREQUISITES:

Version 12 Rev 1.0

Revised 4 27 23

Prerequisite 1: Swimming Pool / Spa

- | | | |
|-------|-----|---|
| P1.01 | N/A | Sanitation system that reduces chlorine use |
| P1.02 | N/A | Pool Cover |
| P1.03 | N/A | Solar pool heating system |
| P1.04 | N/A | Dedicated PV's to run pool equipment |
| P1.05 | N/A | Home has no pool or spa |

Prerequisite 2: Waterfront Considerations

- | | | |
|-------|-----|---|
| P2.01 | N/A | Use of native aquatic vegetation in shoreline area |
| P2.02 | N/A | No turf adjacent to water (Low maintain plants instead) |
| P2.03 | N/A | Use of terraces, swales, or berms to slow storm water |
| P2.04 | N/A | Home site does not border natural water body |

Prerequisite 3: No Invasive Exotic Species

- | | | |
|-------|-----|----------------------------------|
| P3.01 | N/A | Landscape Considerations |
| | New | Is the landscape existing or new |

CATEGORY 1: ENERGY

Version 12 Rev 1.0

Category Minimum 30 / Category Maximum 75

Revised 4 27 23

HERS Index - Energy RatingE1.01 0 3 - 75 **Confirmed Florida HERS Rating - 3 points for each HERS Index point below 80**

N/A :Does the Home have a confirmed HERS Index

0 :Confirmed HERS Index

OR, For Multi-Family Prescriptive Energy OptionE1.01.b 31 1 - 57 **See E1.01b Tab for Multi-Family Energy Options, score will automatically be transferred to this page****Design, Finishes, Amenities**

E2.01	0	1	Thermal Bypass Inspection
E2.02	0	1	Ductwork joints sealed with mastic
E2.03	0	1	Ductwork smoke tested allowing leaks to be sealed prior to drywall
E2.04	0	1	Cross vent and ceiling fans code credit
E2.05	0	1	Roofed porch, Min 100ft ² AND 3 sides open
E2.06	0	1	Passive solar space heating system
E2.07	0	1	Passive solar day-lighting
E2.08	0	1	Deciduous trees on south
E2.09	0	1 - 4	House shaded on east and west by trees 0 % of the designated wall areas (average of east and west walls) that are shaded by trees.
E2.10	0	1	Washer and dryer outside of conditioned space
E2.11	0	1	Floor joist perimeter insulated and sealed
E2.12	0	1	Light colored exterior walls (80% minimum) 0 Enter the Solar Reflective Index (SRI) of Paint
E2.13	0	1 - 2	Light colored interior walls, ceilings, carpet/floors N/A all major living spaces wall and ceiling surfaces have a reflectance of at least 50% 0 Enter the Light Reflectance Value (LRV) of Paint N/A bedrooms and all major living spaces have floors, walls, & ceilings are light-colored 0 Enter the Light Reflectance Value (LRV) of Paint
E2.14	1	1	Max 52W fixtures in bathrooms
E2.15	0	1	Credit Relocated to Category 8: General
E2.16	0	2	Install a State Certified rated solar hot water system
E2.17	0	1	Insulate all hot water pipes
E2.18	0	1	Credit Removed
E2.19	1	1	Energy-efficient ovens/ranges
E2.20	0	1	Credit Removed
E2.21	0	1, 3, 4	Efficient well pumping
E2.22	0	1	Efficient envelope volume 0 Total Gross Wall Area 1 Conditional Square Footage 1 Number of Stories
E2.23	0	1	Dwelling unit attached, zero lot-line, row house
E2.24	0	1-2	Ceiling Penetrations: No penetrations in ceiling (2 points), No penetrations in the thermal envelope (1 point)
E2.25	3	3	Energy Star® Advanced Lighting Package
E2.26	0	2	Outdoor lights are energy efficient.
E2.27	0	1	Install motion sensors on a minimum of 60% of the hard wired lighting fixtures
E2.28	-	1	Energy Efficient Sheathing
	36	112	Total Points

36 Total points for Category 1 (30 min / 75 max)

Name of HERS Rater: 0

Certifying Agent Category 1: 0

CATEGORY 1: ENERGY

Multi-Family Prescriptive Energy Credits

	Points Achieved	Points Possible	Criteria	
E1.01.b Multi-Family Prescriptive Energy Credits				Certifying Agent Notes
This section may not be combined with E1.01a.				
Points claimed in this section will require photographic proof of Level I Insulation installation, a completed thermal bypass inspection checklist (Energy Star Thermal Bypass Checklist is acceptable), a copy of the load calculation and proof that installed tonnage is within 15% of the Manual J's. Provide field documentation of Energy Calculation inputs such as window SHGC and U-Factor via photo of window stickers, insulation R values, etc.				
MULTIFAMILY LOAD CALCULATIONS: The load calculations must be for each distinctive unit type and must show that orientation of the unit as well as vertical location of the unit does not change required tonnage.				
E1.01.b.1 Efficient HVAC Systems				Certifying Agent Notes
a	4	4	Minimum SEER 15 w/HSPF 8.2 – AHRI Certificate required	
b	2	2	Minimum 15 SEER with electric heat	
c		3	Minimum SEER 16 w/variable speed AH, electric heat allowed	
d		4	Minimum SEER 16 w/HSPF 9.0 - AHRI Certificate required	
e		16	Minimum SEER 17 w/HSPF >9.0 or ground/water source HP COP > 4.0 – Close loop system only (AHRI Certificate required)	
f		12	Mini-splits ONLY with minimum SEER of 21	
	6		Efficient HVAC Total	
E1.01.b.2 Ducts				Certifying Agent Notes
a	6	6, 8	8 Points: Ducts in Conditioned space – ALL if in sealed attic or crawlspace must be supply AND return OR 6 Points: Duct blaster Qn out <= 0.4 – Provide report - top floor only	
	6		Ducts Total	
E1.01.b.3 Envelope Options				Certifying Agent Notes
a		6	Radiant Roof Decking – photo required	
b	1	1	Windows (1) and Glass Sliding Doors (2)- Maximum U-factor = 0.40 and Maximum SHGC = 0.25	
c	2	2	Minimum R-38 ceiling insulation or R-30 at roof deck	
d	2	2	CMU walls minimum R-5.1	
e		4	CMU walls/Mass wall >= R-7.0	
f		2	2 x 4 Walls minimum R-15 – documentation required	
g	6	6	2 x 6 Walls or other wall systems (SIPS & ICF) >= R-19	
h	2	2	Roofing installed is Energy Star, cool roof compliant, has an LRV>50 or a SRI > 78 roofing	
	13		Envelope Options Total	
E1.01.b.4 Appliances/Equipment				Certifying Agent Notes
a		10	Energy Star qualified heat pump/hybrid tank water heater – strongly encouraged in garage/non conditioned space	
b		8, 10	8 Points: Gas Tankless – must be installed outside conditioned space OR 10 Points: Daisy chained comprehensive gas tankless approach to whole building – for example 8 heaters for whole building (like a mini boiler)	
c		2	Tankless Electric UEF .917 – very high demand – is this more of a water saver than and energy saver	
d	1	1	Energy Star Dish Washer	
e	1	1	Energy Star Refrigerator	
f	4	4	Energy Star Washing Machine	
	6		Appliance/Equipment Total	
	57		Total Possible Points	
	31		Total points for Category 1 Multi-Family Prescriptive Energy Credits	
Name of HERS Rater:				
Certifying Agent Category 1:				

CATEGORY 2: WATER

Version 12 Rev 1.0

Category Minimum 15 / Category Maximum 40

Revised 4 27 23

N/A Is the landscape existing or new

W1 FIXTURES AND APPLIANCES

W1.01	3	3	Water saving clothes washer
W1.02	1	1	Low-flow shower heads (must be ≤ 2.0 gpm)
W1.03	1	1	All showers equipped with only 1 showerhead per shower (1 showerhead/15sf allowed)
W1.04	2	1 - 2	All lavatory sink faucets have flow rates of ≤ 1.5 gpm (all ≤ 1.0 gpm = 2 pts)
W1.05	3	2 - 3	High Efficiency Dual-flush or Single Flush Toilets (all toilets ≤ 1.28 gpf)
W1.06	0	1	Water Closet with UNAR MaP Rating of 600 g
W1.07	0	1	Compact Hot Water Distribution

W2 Greywater Reuse

W2.01	0	1 - 3	Greywater System Installed
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W3 Rainwater Harvesting

W3.01	0	1, 2, 3, 5	Rainwater Harvesting System installed with dedicated use
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W4 Reclaimed Water Reuse

W4.01	0	2	Water for irrigation
W4.02	0	2	Meter on reclaimed irrigation system
W4.03	0	2	Volume-based pricing arrangement
W4.04	0	2	For toilet flushing

W5 Installed Landscape

W5.01	0	2 - 3	Drought-tolerant turf, no turf in densely shaded areas
W5.02	0	1 - 3	60%, 80%, 100%, of plants/trees from drought-tolerant list
			:Percentage of drought tolerant plant
W5.03	2	2	All plants/trees selected to be compatible with their location in the landscape
W5.04	0	3	Turf less than 50% of landscape
W5.05	0	2	No turf in densely shaded areas
W5.06	0	2	Plants with similar maintenance requirements grouped together
W5.07	1	1	Mulch applied 3 - 4 inches deep around plants / no volcano mulch
W5.08	0	1	Non-Cypress mulch used
W5.09	2	2	Soil tested and amended where necessary

W6 Installed Irrigation

W6.01	0	10	No permanent installed irrigation system
W6.02	0	2	Innovative irrigation technology
W6.03a	0	3	Landscape irrigated to FGBC standard
W6.03b	0	5	100% micro-irrigation - Landscape irrigated to FGBC standard
W6.04	0	1	Pressure compensating spray heads installed in spray zones
W6.05	0	1	In poor drainage (low) areas, heads are installed with check valves
W6.06	0	2	High volume irrigated areas have matched precipitation rates
W6.07	0	1	Pop-up sprinkler heads significantly rise above turf grass height
W7 Additional Water Certification Requirements			
W7.01	0	5	Meet or exceed Florida Water Star™ or WaterSense standards:
W7.02	0	2	Florida Friendly Landscape™ Program New Construction Certification
	15	56	Total Points

15 Total points for Category 2 (15 min / 40 max)

Certifying Agent Category 2:	0
Landscape Auditor:	0
Credentials of Auditor:	0

CATEGORY 3: LOT CHOICE

Version 12 Rev 1.0

Category Minimum 0 / Category Maximum 15

Revised 4 27 23

LC1.01	0	1 - 6	House built within designated FGBC green land development
			0 Name of FGBC Green Development
LC1.02	0	2	Home within a certified green local government
LC1.03	0	2	Built on an infill site
LC1.04	1	1	Site within 1/8 mile of existing infrastructure
LC1.05	2	2	Site within 1/4 mile to mass transit
LC1.06	2	2	Site within 1/2 mile of public open/green space
LC1.07	5	2	Site within 1/4 mile or 1/2 mile of existing basic community resources
			0 Arts and entertainment center
			0 Bank
			0 Community or civic center
			0 Convenience store
			0 Daycare center
			Yes Fire station
			0 Fitness center or gym
			0 Laundry or dry cleaner
			0 Library
			0 Medical or dental office
			0 Pharmacy
			0 Police station
			0 Post office
			0 Place of worship
			Yes Restaurant
			Yes School
			Yes Senior Care Facility
			0 Supermarket
			Yes Theater
			0 Other Neighborhood-serving retail
			0 Other office building or major employment center
LC1.08	2	2	Site located in small lot cluster development
LC1.09	0	2	Brownfield site
	12	21	Total Possible Points

12 Total points for Category 3 (0 min / 15 max)

Certifying Agent Category 3:

0

CATEGORY 4: SITE

Version 12 Rev 1.0

Category Minimum 5 / Category Maximum 30

Revised 4 27 23

I **N/A** That all credits in this category deal only with buildable land. What this means is that if the land is not legally allowed to be disturbed then you may not count this as part of the percentage required for the given credit.

Native Tree and Plan Preservation

- S1.01 **0** 2 **Maximize tree survivability**
- S1.02 **0** 1 - 2 Minimize soil compaction
Restrict all construction equipment from driving on site during construction except for
?
- S1.03 **0** 2 Replant or donate removed vegetation
- S1.4 **0** 1 - 9 Preserve or create wildlife habitat / shelter
0 % of property that was created or preserved as a wildlife habitat or shelter

On Site Use of Cleared Materials

- S2.1 **0** 2 Mill clear trees
- S2.2 **0** 1 - 2 Reuse cleared materials for mulch / landscape
Mulch is both cleared and reused: **0**

Erosion Control / Topsoil Preservation

- S3.1 **2** 2 Develop and Implement an Erosion Control Site Plan
- S3.2 **1** 1 Stabilize disturbed soil
- S3.3 **0** 2 Stage disturbance
- S3.4 **1** 1 Control sediment runoff during construction
- S3.5 **0** 1 Save and reuse any removed topsoil

Drainage / Retention

- S4.1 **0** 2 Onsite designated retention area
- S4.2 **2** 2 Direct filtered rooftop runoff to planted area(s)
- S4.3 **0** 1 - 4 Maintain pervious surface area (If not taking points input 1 for Total Lot Area)
Partial Pervious
0 % Pervious Material **0.1** Total Lot Area (sq. ft.)
0 Coverage Area (sq. ft.) **0.001** 100% Pervious sq. ft.
0 Equivalent Pervious Area --> **0.001** Equivalent Pervious Area (semi-pervious)
0 Total points for pervious area

6 34 Total Points

6 Total points for Category 4 (5 min / 30 max)

Certifying Agent Category 4:

0

CATEGORY 5: HEALTH

Version 12 Rev 1.0

Category Minimum 15 / Category Maximum 35

Revised 4 27 23

Combustion

H1.01	0	3	Detached or Air Sealed Garage or Carport or "NO" Garage
H1.02	0	1	Garage (attached or detached)- exhaust fan on motion sensor and timer
H1.03	0	1	Interior Fireplace - Direct vent, sealed combustion w/electronic ignition, factory built wood burning or no fireplace
H1.04	0	1 - 2	No unsealed space or water heating combustion located inside the conditioned area - or electric

Space Heating

0	Electric
0	Sealed combustion equipment
0	Sealed combustion closet

Water Heating

0	Electric
0	Sealed combustion equipment
0	Sealed combustion closet
0	Outside of conditioned space

Moisture Control

H2.01	0	1	Drainage tile on and around top of footing
H2.02	0	1	Drainage board for below grade walls
H2.03	0	1	Gravel bed beneath slab on grade floors
H2.04	1	1	Seal slab penetration
H2.05	1	1	Capillary break between foundation and framing
H2.06	3	3	Central dehumidification system
H2.07	1	1	No vapor barrier on inside of assemblies
H2.08	1	1	Moisture control for tub/shower and shower surrounds
H2.09	0	1	Seal Entire Slab

Source Control

H3.01	0	1	No exposed urea-formaldehyde wood products
H3.02	0	2	Zero VOC Paints, Stains, and Finishes
H3.03	1	1	Low VOC Paints, Stains, and Finishes
H3.04	1	1	Low VOC Sealants and Adhesives
H3.05	2	1 - 2	Minimize Carpet Use
H3.06	0	1	Healthy Flooring
H3.07	0	1	Healthy Insulation
H3.08	1	1	Protect ducts, range hood, and bath exhaust fans during construction
H3.09	0	3	Integrated Pest Management

Cleanability

H4.01	0	1 - 2	Central vacuum system
	0		System roughed in
	0		Installed with exhaust outdoor
	0		Installed with exhaust indoor thru HEPA filter
H4.02	0	1	Useable entry area

Universal Design

H5.01	0	1 - 3	Universally designed living area
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Ventilation

H6.01	0	2 - 4	Controlled mechanical ventilation
H6.02	0	1	Credit moved to Category 7: Disaster Mitigation
H6.03	1	1	Floor drain sealed
H6.04	1	1	Energy Star® bath fans with timer or humidistat
H6.05	0	1	Kitchen range hood vented to exterior
H6.06	1	1	Laundry rooms inside conditioned space must have a make-up air source
H6.07	0	3	Whole house positive filtration
H6.08	0	1 - 2	Efficient HVAC filter
H6.09	1	1	HVAC filter easily accessible
H6.10	0	1	Install screens on all windows and doors
H6.11	0	1	Manual D duct design

16 53 Total Points

16 Total points for Category 5 (15 min / 35 max)

Certifying Agent Category 5:

0

CATEGORY 6: MATERIALS

Version 12 Rev 1.0

Category Minimum 10 / Category Maximum 35

Revised 4 27 23

Components

M1.01	0	1	Recycled content roof material
M1.02	0	2 - 3	Certified sustainable lumber 0 homes with minimum of 1 story wood frame exterior walls have 80% of all lumber certified 0 home has no exterior wood walls & 80% of remaining lumber used for the home is certified.
M1.03	0	1	Engineered / alternative material for outdoor living
M1.04	0	1	Concrete with fly ash or blast furnace slag
M1.05	0	1	Recycled content siding or soffit material
M1.06	0	1	Eco-friendly insulation
M1.07	0	1	Recycled content drywall
M1.08	0	1	Recycled content paint
M1.09	0	1	Steel interior studs
M1.10	0	1	Eco-friendly flooring material
M1.11	0	1	Eco-friendly ceiling materials
M1.12	0	1 - 3	Locally produced materials 0 minimum 80% of all new windows & doors are from local manufacturers & are operable 0 50% of all doors are reused doors or 50% of all windows are reused windows 0 80% of all structural components are from local sources - includes panelized & modular systems
M1.13	0	2	Reduce Heat Island Effect - Roof

Waste Reduction

M2.01	0	3	Resource efficient wall system with integral insulation
M2.02	2	2	Develop a construction and demolition waste management plan
M2.03	0	2 - 4	Implement job site waste management 0 # of items implemented 0
M2.04	0	1	Compost bin/built in collection of recyclables
M2.05	0	1 - 2	Engineered roof and floor components 0 80% of floor (or code allowance) 0 80% of roof (or code allowance)
M2.06	0	1	Finger jointed or laminated products
M2.07	0	1	Eco-friendly trim
M2.08	0	1	Perimeter based on 2 foot dimensions
M2.09	0	1	Each interior wall adheres to 2-foot dimensions for minimum of 50% of the interior walls
M2.10	0	1	Stack framing
M2.11	1	1	2-stud corners with drywall clips
M2.12	1	1	T-wall with drywall clips and/or ladder type exterior tee framing

Durability

M3.01	1	1	Roof slope $\geq 3:12$ but $\leq 6:12$
M3.02	0	1	Large overhangs (eave and gable)
M3.03	1	1	Air admittance vents
M3.04	0	1	Wood frame house and/or wood frame 2nd floors designed with vented rain screen
M3.05	1	1	Siding and exterior trim primed all sides
M3.06	0	1	Plants/turf minimum of 2ft. from foundation
M3.07	1	1	Sprinklers and emitters are located a minimum of 2 ft from foundation
M3.08	1	1	Use armored, PEX, or metal hoses (except copper) from service to all fixtures/appliances
M3.09	0	2	Automatic in home water sensor/shut off system installed
M3.10	0	1	Access panel to non-accessible plumbing fixture installed
M3.11	1	1	Laundry room below living floor or drain installed

10 47 Total Points

10 Total points for Category 6 (10 min / 35 max)

Certifying Agent Category 6:

0

CATEGORY 7: DISASTER MITIGATION

Version 12 Rev 1.0

Category Minimum 5 / Category Maximum 30

Revised 4 27 23

DM1 Hurricane (wind, rain, storm surge)

DM1.01	0	2	Safe room
DM1.02	0	2	Unvented attic or No attic
DM1.03	2	2	Window, door, and skylight protection or impact resistant type
DM1.04	0	1	Attached garage and exterior door protection
DM1.05	0	1	Exterior structures and equipment properly anchored
DM1.06	0	2	Secondary water protection installed on roof
DM1.07	0	2	Adhesive applied to roof sheathing
DM1.08	0	2	Roof Shingles
DM1.09	0	2	Raised Slab or Pier Foundation
DM1.10	0	5	Comply with Fortified For Safer Living Standards

DM2 Flood (must incorporate all three)

DM2	3	3	Yes	Finished floor level at least 12" above 100 yr flood plain
			Yes	Bottom of slab at least 8" above the top of backfilled dirt, graded for proper drainage
			Yes	Garage floor & driveway sloped to drain out. Garage floor at least 4" lower than living floor

Fire (must incorporate all three for 3.1)

DM3.01	0	3	Yes	Fire resistant exterior wall cladding
			0	Fire resistant roof covering or sub-roof
			0	Fire resistant soffit and vent material
DM3.02	0	3	-	Fire Sprinkler System

Lightning & Electronics Protection

DM4	0	1 - 2	Installed Surge Suppression or Lightning Protection System
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Termites (must comply w/required credits listed below AND EITHER DM 4.01 OR DM 4.02 OR DM 4.03 to receive points)

	10	Seal slab penetrations (Health: H2.4)	
	required	Vegetation > 2 ft. from foundation (Materials: M3.6)	
	required	Sprinklers & emitters are 2 feet from house (Materials: M3.7) OR no installed irrigation (Water: W6.1)	
DM 5.01	0	10	DM 5.01: Chemical Soil Treatment Used
	0		Exterior cladding installed to prohibit intrusion
	0		Rain gutters installed (downspouts discharge a minimum of 3' from home) OR meet large overhangs (≥2')
	0		Condensate line(s) discharge a min of 2' from home & are located 5' or more from dryer vent
	0		Irrigation/sprinkler water does not hit building
	0		Damage replacement warranty issued and available for annual renewal
	OR		
DM 5.02		10	DM 5.02: Chemical Soil Treatment Avoided
	0		Chemical soil treatment avoided
	Yes		Alternative Florida Building Code approved method of foundation protection employed
	OR		
DM 5.03		12	DM 5.03: Treated wood products
	0		All wood products serving structural or exterior finish purposes are borate or ACQ treated
DM5.04	0	1	80% of Cellulose insulation used is Borate treated
DM6.01	0	2	Mold Prevention - ASTM D3273
DM6.02	0	1-3	Water Leak Detection and Shut Off System
DM6.03	0	2	Gas Leak Detection and Shut Off System
DM7.01	0	1	Radon/Soil Gas Vent System
	8	47	Total Points

8 Total points for Category 7 (5 min / 30 max)

Certifying Agent Category 7:

0

CATEGORY 8: GENERAL

Version 12 Rev 1.0

Category Minimum 0 / Category Maximum 40

Revised 4 27 23

Small House Credit

G1.01 0 - 25 Conditioned house size (enter **no** if not claiming any points)
 :square feet of conditioned area

Adaptability

G2.01 2 Roof trusses designed for addition
 G2.02 1 - 2 Unfinished rooms 1point for >100 SF, 2 points for > 200 SF
 G2.03 1 Install a minimum of 2 upgraded automation system
 G2.04 1 Pre-Plumb for Solar Hot Water
 G2.05 3 Zero Energy Ready Home
 G2.06 2 Provide Future Connection to Public or Private Utility
 G2.07 1-3 Electric Vehicle Charging

Renewable Power Generation

G3.01 1 - 5 Reduce peak demand or annual load
 1 point for each 2kW system size

Remodel

G4.01 10 Remodeling structure (HERS Index < 80)
 G4.02 3 Water Closets 1.6 gpf and showers 2.5 gpm or less
 G4.03 2 Upgrade existing installed irrigation with rain gauge, timer and code irrigation heads
 G4.04 2 Existing homes with pools - upgrade pump to variable speed or dual speed
 G4.05 2 Roof to wall connection upgrades

Other

G5.01 1 - 2 Home builder/designer/architect/landscape architect member of FGBC
 :Number of members on the team that are members of FGBC
 G5.02 2 Homeowner's manual, including information, benefits, operations - per reference guide
 G5.03 2 FGBC Green Homeowner Checklist
 G5.04 1 Plan for edible landscape/food garden
 G5.05 2 Guaranteed energy bills
 G5.06 2 FGBC Certified Professional
 G5.07 5 Energy Star Qualified Home
 G5.08 1 - 5 INNOVATIVE CREDITS

Description of innovation:

56 Total Points

Total points for Category 8 (0 min / 40 max)

Certifying Agent Category 8:

FGBC Home Score			Version 12 Rev 1.0
Category	Your Score	Required Min - Max	
Category 1: Energy	36	30 - 75	
Category 2: Water	15	15 - 40	
Category 3: Lot Choice	12	0 - 15	
Category 4: Site	6	5 - 30	
Category 5: Health	16	15 - 35	
Category 6: Materials	10	10 - 35	
Category 7: Disaster Mitigation	8	5 - 30	
Category 8: General	0	0 - 40	
Total:	103		
Total Need:	100		
Certified Home Score	103		
	Bronze		
Certification Level:			

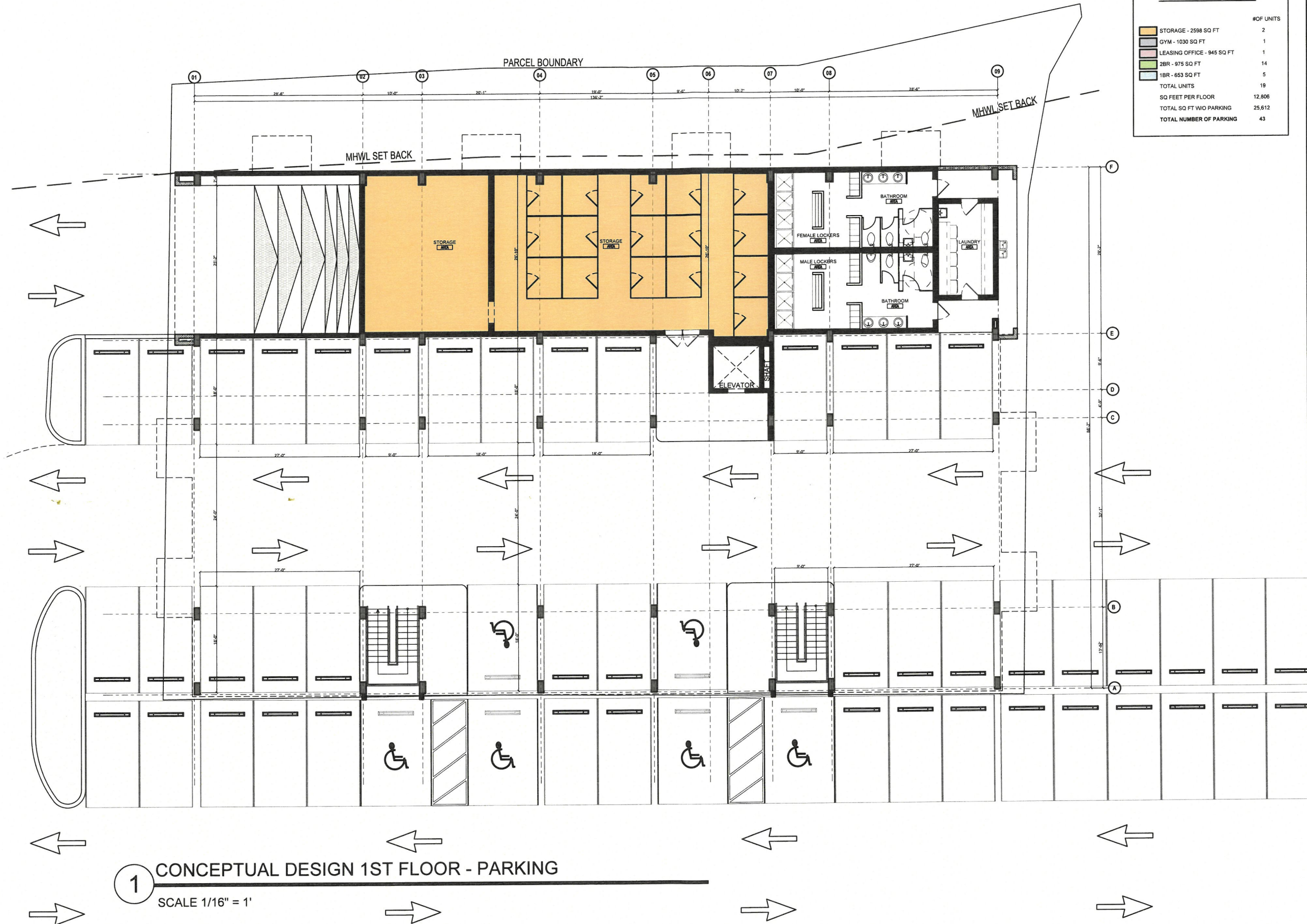
The Total Need number will automatically adjust as points are earned for each criteria in the checklist.

Home Address
0
0



SITE PLANS

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ALDO MIROZZI AIA

POH
GROUP

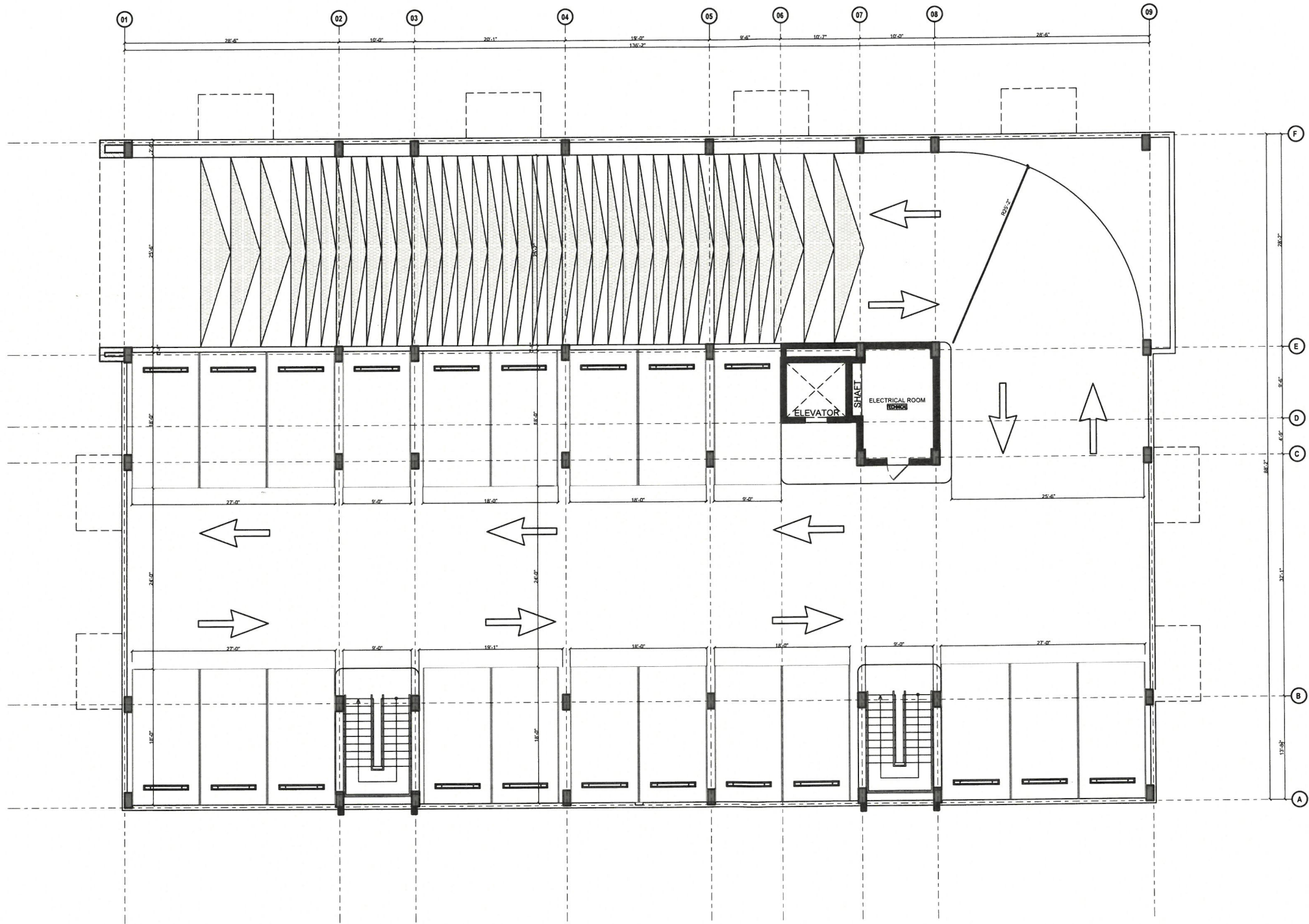
ARCHITECTURE - INTERIORS
DESIGN - BUILD SERVICES
4141 SOUTHPOINT DR. EAST, SUITE 200
JACKSONVILLE, FL 32216 (904) 224-0001

JOB NO.	20000	DATE	10/01/2024
DATE	04/17/2024		
DRAWN			
CHECK			
ACCEPTED			

SUNSET MARINA
SUNSET MARINA APARTMENTS
KEY WEST, FLORIDA

CONCEPTUAL DESIGN

DRAWING



BUILDING OPTION DATA		
		#OF UNITS
STORAGE - 2598 SQ FT		2
GYM - 1030 SQ FT		1
LEASING OFFICE - 945 SQ FT		1
2BR - 975 SQ FT		14
1BR - 653 SQ FT		5
TOTAL UNITS		19
SQ FEET PER FLOOR		12,806
TOTAL SQ FT W/O PARKING		25,612
TOTAL NUMBER OF PARKING		43

2 CONCEPTUAL DESIGN 2ND FLOOR - PARKING
SCALE 1/16" = 1'

ALDO MIHOZZI AIA



BUILDING OPTION DATA		
		#OF UNITS
STORAGE - 2598 SQ FT		2
GYM - 1030 SQ FT		1
LEASING OFFICE - 945 SQ FT		1
2BR - 975 SQ FT		14
1BR - 653 SQ FT		5
TOTAL UNITS		19
SQ FEET PER FLOOR		12,806
TOTAL SQ FT W/O PARKING		25,812
TOTAL NUMBER OF PARKING		43

3 CONCEPTUAL DESIGN 3RD FLOOR - MIXED USE - OPTION 01
SCALE 1/16" = 1'

ALDO MIROZZI AIA



BUILDING OPTION DATA	
	#OF UNITS
STORAGE - 2598 SQ FT	2
GYM - 1030 SQ FT	1
LEASING OFFICE - 945 SQ FT	1
2BR - 975 SQ FT	14
1BR - 653 SQ FT	5
TOTAL UNITS	19
SQ FEET PER FLOOR	12,806
TOTAL SQ FT W/O PARKING	25,612
TOTAL NUMBER OF PARKING	43

4 CONCEPTUAL DESIGN 4TH FLOOR - MIXED USE - OPTION 01
SCALE 1/16" = 1'

JOB NO.	DATE	ISSUE/REVISION
28000	04/17/2024	
DRAWN		
CHECK		
ACCEPTED		



10 EAST VIEW - OPTION 01-B
SCALE: NTS

ALDO MINOZZI AIA

JOB NO. 20000		DATE 04/07/2024	100 REVISION	ARCHITECTURE - INTERIORS DESIGN - BUILD SERVICES 4141 SOUTHPOINT DR. EAST, SUITE 200 JACKSONVILLE, FL 32216 (904) 224-0001
DATE	04/07/2024			
DRAWN	--			
CHECK	--			
ACCEPTED	--			

SUNSET MARINA
SUNSET MARINA APARTMENTS
KEY WEST, FLORIDA

CONCEPTUAL DESIGN

DRAWING



11 WEST VIEW - OPTION 01-B
SCALE: NTS

ALDO MIROZZI AIA

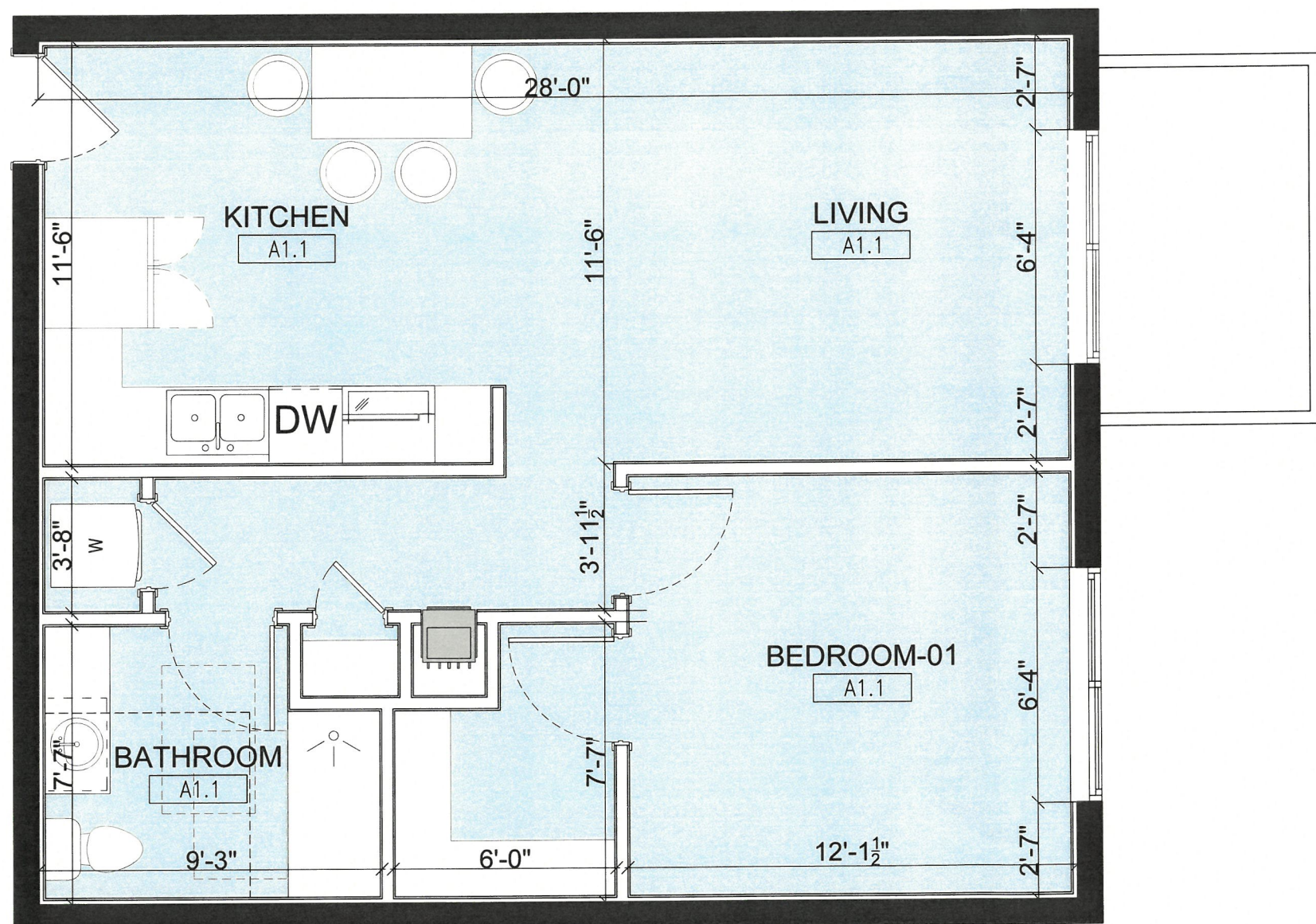
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DATE	04/17/2016			
DRAWN	--			
CHECK	--			
ACCEPTED	--			

SUNSET MARINA
SUNSET MARINA APARTMENTS
KEY WEST, FLORIDA

CONCEPTUAL DESIGN

DRAWING

ARCHITECTURE - INTERIORS
DESIGN - BUILD SERVICES
4141 SOUTHPOINT DR. EAST, SUITE 200
JACKSONVILLE, FL 32216 (904) 224-0001



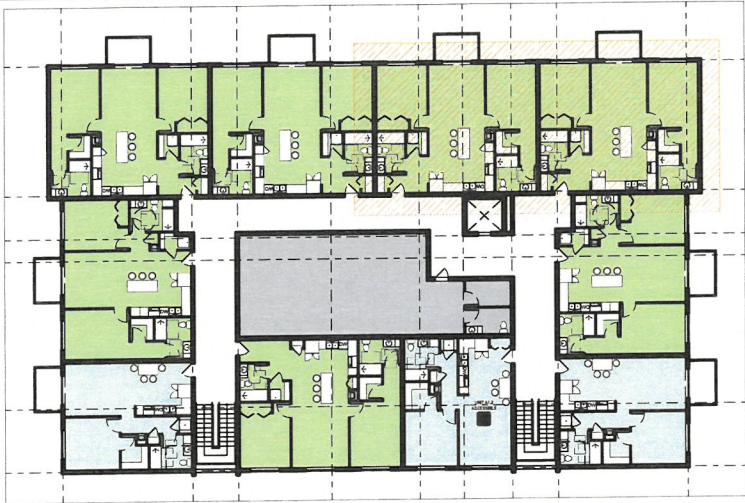
12 UNIT A1.1
SCALE 3/16" = 1'



ALDO MINOZZI, AIA



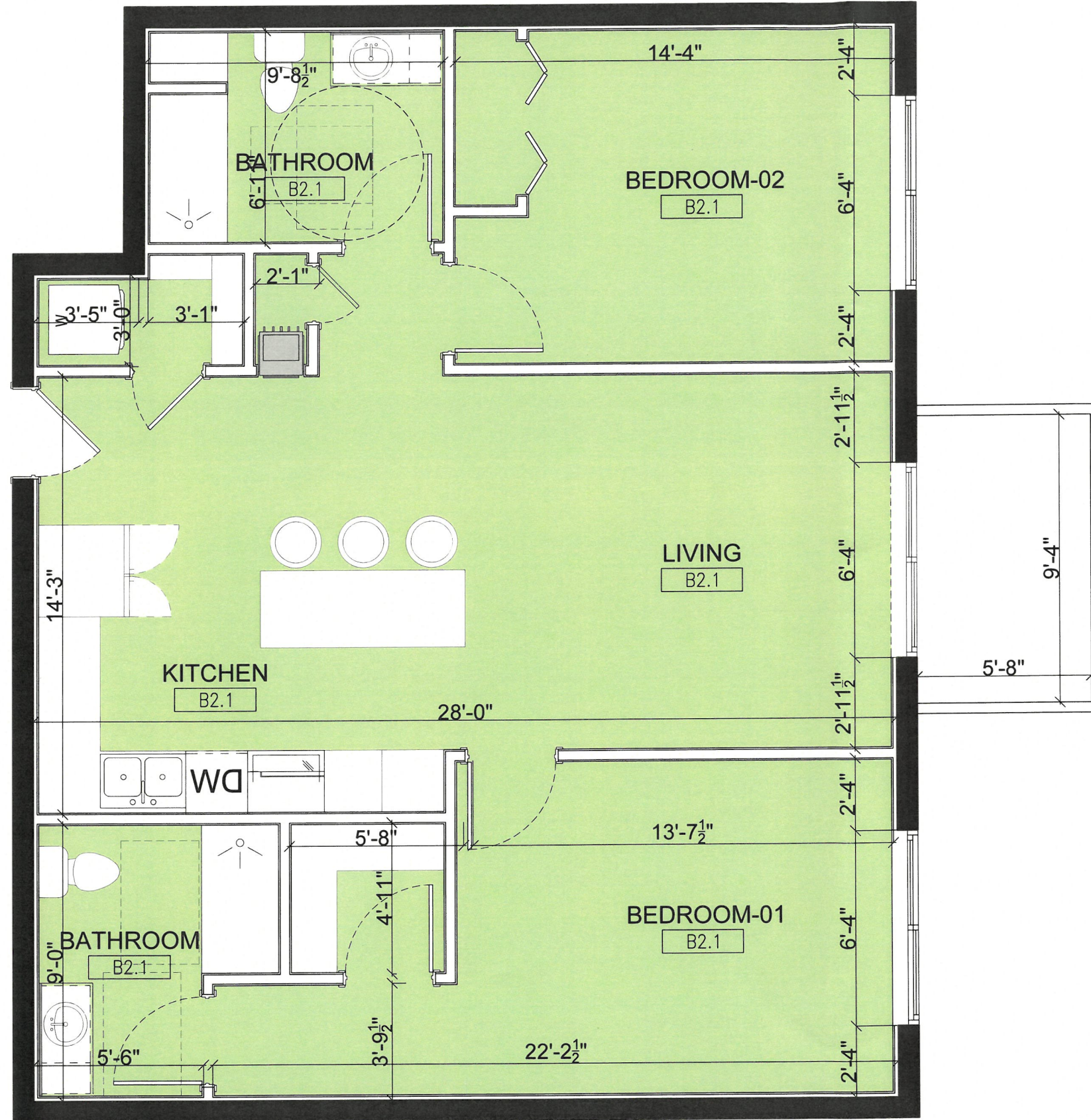
13 UNIT B1.1
SCALE 3/16" = 1'



ALDO MIROZZI AIA

JOB NO.	28060	DATE	04/7/2024	ISSUE/REVISION
DATE	04/7/2024			
DRAWN	--			
CHECK	--			
ACCEPTED	--			

ARCHITECTURE · INTERIORS
DESIGN · BUILD SERVICES
4141 SOUTHPOINT DR. EAST, SUITE 200
JACKSONVILLE, FL 32216 (904) 224-0001



(14

UNIT B2.1

SCALE 3/16" = 1'



ALDO MINOZZI, AIA

ARCHITECTURE • INTERIORS
DESIGN • BUILD SERVICES
4141 SOUTHPOINT DR. EAST, SUITE 200
JACKSONVILLE, FL 32216 (904) 224-0001

JOB NO.	20050	DATE	1009E/REVISION
DATE	04/17/2004		
DRAWN			
CHECK	--		
ACCEPTED	--		

SUNSET MARINA

SUNSET MARINA APARTMENTS
KEY WEST, FLORIDA

CONCEPTUAL DESIGN

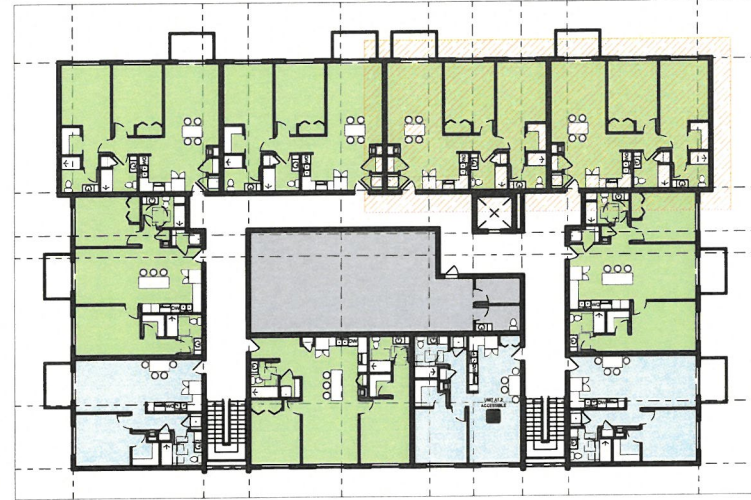
DRAWING



15

UNIT B3.1

SCALE 3/16" = 1'



ALDO MIROZZI AIA

JOB NO.	DATE	ISSUE/REVISION
20000	04/07/2024	
DATE	04/07/2024	
DRAWN	--	
CHECK	--	
ACCEPTED	--	

SUNSET MARINA
SUNSET MARINA APARTMENTS
KEY WEST, FLORIDA

CONCEPTUAL DESIGN

DRAWING

Exhibit B - Site Data Table



Site Data Table				
	Code Requirement	Existing	Proposed	Variance Request
Zoning	CG			
Flood Zone	AE9			
Size of Site	4.2 acres upland			
Height	40'	40'	40'	N
Front Setback	25'	25'	25'	N
Side Setback	15'	0'	0'	Y - Reso # 98-225
Side Setback	15'	15'	15'	N
Street Side Setback	20'	N/A	N/A	N
Rear Setback	25'	N/A	N/A	N
F.A.R	0.8	0.05	0.05	N
Building Coverage	Max 40%	18.73%	22.4%	N
Impervious Surface	Max 60%	53.07%	56.8%	N
Parking	215	159	206	N - reducing nonconformity
Handicap Parking	7	6	12	N
Bicycle Parking	26	140	140	N
Open Space/ Landscaping	Min 20%	47%	43%	N
Number and type of units	Max 16/acre MR	66 (23 MR & 43 Aff)	79 (33 MR & 46 Aff)	N
Consumption Area or Number of seats	N/A Max 40/acre Aff	N/A	N/A	N



CERTIFICATION FORM



BUILDING PERMIT ALLOCATION SYSTEM (BPAS) APPLICATION EXHIBIT D – BPAS CERTIFICATION FORM

CITY OF KEY WEST, FLORIDA • PLANNING DEPARTMENT

Address: 1300 White Street • Key West, Florida 33040

Phone: 305-809-3764

Website: www.cityofkeywest-fl.gov

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete, and accurate. I certify that all information required has been provided.

I certify that my total estimated points are 45. I certify that if I am awarded one or more Building Permit Allocations and am unable to achieve all prerequisites and/or achieve the total amount of points represented on the Score Sheet, a Certificate of Occupancy will not be issued for the project.

I certify that if I am awarded one or more Building Permit Allocations, the Score Sheet and Prerequisite Solution Statement prepared as part of this application will be provided to my contractor and that my contractor will be made aware that if the completed project does not achieve all prerequisites and achieve the total amount of points represented on the Score Sheet, a Certificate of Occupancy will not be issued for the project.

[Signature]
Signature of applicant

11/08/2024

Date

Barton W. Smith, as Manager of Stockrock KW LLC

Print name of Applicant

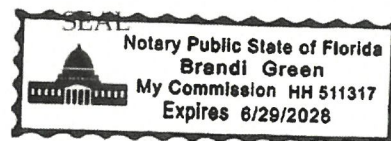
Subscribed and sworn to (or affirmed) before me on this 8th day of November, 2024,
by Barton W. Smith (name of person signing the application)
as Manager (type of authority...e.g. officer, manager/member, trustee,
attorney)
for Stockrock KW LLC (name of entity or party on behalf of whom application was
executed).

He/She is personally known to me or has presented N/A as identification.

[Signature]
Notary's Signature and Seal

Brandi Green

Name of Acknowledger typed, printed or stamped



06/29/2028

Commission Number, if any



ESTIMATED SCORE SHEET



BUILDING PERMIT ALLOCATION SYSTEM (BPAS) APPLICATION EXHIBIT C – APPLICANT'S ESTIMATED SCORE SHEET

CITY OF KEY WEST, FLORIDA • PLANNING DEPARTMENT

Address: 1300 White Street • Key West, Florida 33040

Phone: 305-809-3764

Website: www.cityofkeywest-fl.gov

The purpose of the Estimated Score Sheet is to provide the applicant with the understanding that if a BPAS Allocation(s) is awarded the total amount of points represented on the Estimated Score Sheet and finalized through the official staff ranking process is required to be permanently maintained throughout the lifecycle of the project. Because the total amount of points is not linked to one specific criterion, the applicant has flexibility in the construction phase if certain point system criteria, for which the application is ranked, need to be substituted.

If the Prerequisites and/or the total points are not achieved, a Certificate of Occupancy will not be issued for the project.

Applicant: Stockrock KW LLC **Site Address:** 5555 College Road, Key West, FL 33040

Number and type of Units Requested: Market Rate 10 Affordable 3 (Separate application)

Prerequisite Development Type: Major Construction/ Renovation X
Minor Renovation

Please acknowledge that the Prerequisites required for the proposed project shall be met in accordance with the solution statement provided: *AKD*

Initial here

The following criteria and point system shall be utilized in the ranking of applications for development of non-transient units as follows:

a.	Building more than 1.5' higher than the base flood elevation (+5)	Points	<u>+5</u>
b.	Exceeding the minimum required percentage of affordable housing (+30)	Points	<u>+30</u>
c.	Voluntarily providing affordable housing which exceeds the requirements of section 122-1467 at median income classification (+40)	Points	<u> </u>
d.	Voluntarily providing affordable housing which exceeds the requirements of section 122-1467 at low-income classification (+60)	Points	<u> </u>
e.	Achieving Green Building Certification Upgrade 1 (+20)	Points	<u> </u>
f.	Achieving Green Building Certification Upgrade 2 (+27)	Points	<u> </u>
g.	Achieving Green Building Certification Upgrade 3 (+40)	Points	<u> </u>
h.	Voluntary contribution to the arts in public places fund or tree fund in the amount of \$2,500 or more (+5)	Points	<u> </u>
i.	Providing electrical high-voltage sized conduit for future electric car charging station near parking area (+5)	Points	<u> </u>
j.	Using light-colored, high-reflectivity materials for all non-roof areas with a Solar Reflectance Index (SRI) of at least 29 (+5)	Points	<u> </u>
k.	Providing on-site recreational amenities or exceeding the open space requirements of section 108-346 (b) of article V of Chapter 108 (+10)	Points	<u>+10</u>

TOTAL ESTIMATED POINTS 45



PRELIMINARY DRAFT RANKING



PRELIMINARY RANKING RESPONSE

January 16, 2025

VIA ELECTRONIC MAIL

Smith Hawks, PL
138 Simonton Street
Key West, Florida 33040

Re: Preliminary Ranking for Year 12 (2024-2025) Building Permit Allocation System (BPAS) Application
5555 College Road, Key West, Florida (RE #00072083-000300)

Dear Applicant,

The following letter is in response to a request for ten (10) market rate and three (3) affordable rate residential dwelling BPAS units received by the Planning Department on November 8th, for property located at 5555 College Road, Key West, Florida, more specifically RE #00072083-000300. The application has been reviewed for compliance with the criteria established in Chapter 108, Article X of the Land Development Regulations (LDRs) of the City's Code of Ordinances and reviewed for completeness with the application submittal requirements. The following are the Planning Department staff comments related to the review of the application.

Completeness / BPAS Prerequisites

- Please provide how project complies with rainwater catchment requirements.

BPAS Scoring Criteria

- The applicant claimed 45 points in Exhibit C "*Applicant's Estimated Score Sheet*" and Exhibit D "*BPAS Certification Form*".
- **Applicant Action:** Optional submittal of updated Exhibits C and D to certify additional points.

Additional Documentation & Comments

- Final BPAS applications are pending final density/zoning review for compliance with the City of Key West Land Development Regulations.

General Information

Draft Rankings: A preliminary draft copy of the Year 12 BPAS application rankings are attached, to provide a snapshot of your project ranking relative to other proposals. All BPAS applications are scored and ranked with the highest scoring projects awarded first. Market-rate unit requests compete separately from affordable-rate unit requests. You may make changes to your project that improve the Estimated BPAS Score Sheet at this time. After the deadline below, changes to the Estimated BPAS Score Sheet will no longer be allowed.

Deadline: All applicants shall be provided one (1) month to submit revisions to their applications. The deadline date is February 17th, 2025. Please submit one (1) paper copy or an electronic copy of your response and the requested revisions to the Planning Department no later than 5:00 p.m. on Tuesday, February 17th, 2025. Final allocations will be announced and awarded at the May 15th Planning Board meeting consistent with Sec. 108-997 of City code.

Assistance: Please contact us with any questions or clarifications. Planning staff are available to meet with you to discuss your application in greater detail. More information is available at www.cityofkeywest-fl.gov/bpas.

Note: Pursuant to Section 108-995 "*After year ten (10), 75 percent of units shall be deemed restricted affordable,*" At this time given the City has received only three (3) affordable unit applications, staff may only be able to allocate one (1) market rate unit during the Year 12 BPAS cycle to maintain a ratio of 75% affordable to 25% market rate units.

Sincerely,



Ben Gagnon
Planning Department
City of Key West
1300 White Street
Key West, FL 33040



FINAL RANKING

Year 12 BPAS



APPLICANT RESPONSE

SMITH / HAWKS

ATTORNEYS AT LAW

Barton W. Smith, Esq
Anthony J. Davila, Esq
Telephone: (305) 296-7227
Email: Bart@SmithHawks.com
AJ@SmithHawks.com

VIA HAND DELIVERY

February 14, 2025

Ben Gagnon,
City of Key West Planning Department
1300 White Street
Key West, FL 33040

Re: **Building Permit Allocation System Application for 3 Market Rate Unit Allocations and 10 Affordable Unit Allocations for 5555 College Road, Key West, Florida 33040 (the "Property")**

Dear Ben,

Please allow this letter and enclosed materials to serve as Stockrock KW LLC's (the "Applicant") revision to the Year 12 application cycle of the City of Key West Building Permit Application System ("Application") originally submitted on November 7, 2024. Thank you for the letter dated January 16, 2025.

Applicant hereby amends the Application to be for ten (10) affordable unit allocations and three (3) market rate unit allocations. Attached hereto are 1) amended form application for affordable units, 2) amended form application for market rate units, 3) amended Exhibit C – Applicant Amended Score Sheet, and 4) amended Exhibit D – Certification Form. Please allow these materials to amend and supplement the Application. You may apply the excess application fees under the original market rate application to the affordable application fees. All other Application materials remain the same.

Pursuant to Section 108-997(b)(1)(d)(i), Applicant requests to be exempt from rainwater catchment requirements as Applicant is voluntarily providing affordable housing at median-income classification that exceeds 122-1467 requirements by 20%.

Sincerely,



Anthony J. Davila



**BUILDING PERMIT ALLOCATION SYSTEM (BPAS) APPLICATION
(YEAR 12: JULY 1, 2024 – JUNE 30, 2025) – AFFORDABLE RATE
CITY OF KEY WEST, FLORIDA • PLANNING DEPARTMENT**

Address: 1300 White Street • Key West, Florida 33040

Phone: 305-809-3764

Website: <https://www.cityofkeywest-fl.gov/336/Building-Permit-Allocation-System-BPAS>

Application Fee Schedule

<input checked="" type="checkbox"/> Small project – (1-4 units)	\$ 578.81
<input checked="" type="checkbox"/> Mid-size project – (5-10 units)	\$ 868.22
Large projects – (greater than or equal to 11 Units)	\$ 1,157.63

A. APPLICANT / AGENT (if applicable): The property owner must submit a **notarized** authorization form authorizing the applicant/agent to act on their behalf (Exhibit A).

Name: Smith Hawks, PL

Mailing Address: 138 Simonton St.

City: Key West State: FL Zip: 33040

Home/Mobile Phone: 305-296-7227

Email: aj@smithhawks.com / bart@smithhawks.com

PROPERTY OWNER:

Name: Stockrock KW LLC

Mailing Address: 5555 College Road

City: Key West State: FL Zip: 33040

Home/Mobile Phone: 305-296-7227

Email: leslie@pelagicpropertymanagement.com

PROPERTY DESCRIPTION AND ZONING INFORMATION:

Site Address: 5555 College Road

Parcel ID RE#: 00072083-000300 Alternate Key: 9104100

Zoning District: General Commercial Parcel Size: 4.2 acres upland

Permitted Density: 16/acre market rate; 40/acre affordable Commercial Floor Area: _____

B. EXISTING DEVELOPMENT:

Please provide a brief description of how the property is currently used:

See cover letter

EXISTING AND PROPOSED DWELLING UNIT INFORMATION			
Dwelling Unit Description	NUMBER OF DWELLING UNITS:		
	EXISTING	LICENSED RECOGNIZED	PROPOSED
Market-Rate Residential Dwelling Unit(s)*	23	23	33 26
Affordable Residential Dwelling Unit(s)	43	43	46 53
Transient Unit(s)	0	0	N/A
Accessory Dwelling Unit(s)			
Single Room Occupancy Unit(s)			
Nursing Home Unit(s)			
Total Number of Units Requested			

**Pursuant to Ordinance 23-03 and 23-04, 75% of units allocated following Year 10 shall be deed-restricted affordable, including any units recovered by the City due to failure to obtain building permits within two years of a BPAS award or otherwise voluntarily released to the City. Deed-restricted affordable allocations shall not have a maximum annual allocation limit.*

- Standalone Affordable Housing projects are subject to Section 122-1467(c), (d), (e), and (f) of the Workforce Housing Ordinance. Applicant Eligibility Requirements are subject to Section 122-1469 (1) through (15) of the Workforce Housing Ordinance. Affordable housing projects enabled by federal tax credit housing are not subject to 122-1467(c).
- Accessory dwelling units in the SF zoning district are subject to Sections 122-231 through 122-238 of the Land Development Regulations.

C. PROPOSED DEVELOPMENT:

Please indicate the scope of the proposed development as it relates to the BPAS (Section 108-997 (B)):

☒ **Major construction/renovation** – meaning new development, additions to existing structures, or redevelopment constituting more than 50% of the value of the existing building.

☐ **Minor renovation**- meaning redevelopment constituting less than 50% of the value of the existing building.



BUILDING PERMIT ALLOCATION SYSTEM (BPAS) APPLICATION (YEAR 12: JULY 1, 2024 – JUNE 30, 2025) – MARKET RATE CITY OF KEY WEST, FLORIDA • PLANNING DEPARTMENT

Address: 1300 White Street • Key West, Florida 33040

Phone: 305-809-3764

Website: <https://www.cityofkeywest-fl.gov/336/Building-Permit-Allocation-System-BPAS>

Application Fee Schedule

X	Small project – (1-4 units)	\$ 1,273.39
x	Mid-size project – (5-10 units)	\$ 2,546.78
	Large projects – (greater than or equal to 11 Units)	\$ 3,820.16

A. APPLICANT / AGENT (if applicable): The property owner must submit a **notarized** authorization form authorizing the applicant/agent to act on their behalf (Exhibit A).

Name: Smith Hawks, PL

Mailing Address: 138 Simonton St.

City: Key West State: FL Zip: 33040

Home/Mobile Phone: 305-296-7227

Email: aj@smithhawks.com / bart@smithhawks.com

PROPERTY OWNER:

Name: Stockrock KW LLC

Mailing Address: 5555 College Road

City: Key West State: FL Zip: 33040

Home/Mobile Phone: 305-296-7227

Email: leslie@pelagicpropertymanagement.com

PROPERTY DESCRIPTION AND ZONING INFORMATION:

Site Address: 5555 College Rd

Parcel ID RE#: 00072083-000300 Alternate Key: 9104100

Zoning District: General Commercial Parcel Size: 4.2 acres upland

Permitted Density: 16/acre market rate; 40/acre affordable Commercial Floor Area: _____

B. EXISTING DEVELOPMENT:

Please provide a brief description of how the property is currently used:

See cover letter

EXISTING AND PROPOSED DWELLING UNIT INFORMATION			
Dwelling Unit Description	NUMBER OF DWELLING UNITS:		
	EXISTING	LICENSED RECOGNIZED	PROPOSED
Market-Rate Residential Dwelling Unit(s)*	23	23	33 26
Affordable Residential Dwelling Unit(s)	43	43	46 53
Transient Unit(s)	0	0	N/A
Accessory Dwelling Unit(s)			
Single Room Occupancy Unit(s)			
Nursing Home Unit(s)			
Total Number of Units Requested			

**Pursuant to Ordinance 23-03 and 23-04, 75% of units allocated following Year 10 shall be deed-restricted affordable, including any units recovered by the City due to failure to obtain building permits within two years of a BPAS award or otherwise voluntarily released to the City. Deed-restricted affordable allocations shall not have a maximum annual allocation limit.*

- Standalone Affordable Housing projects are subject to Section 122-1467(c), (d), (e), and (f) of the Workforce Housing Ordinance. Applicant Eligibility Requirements are subject to Section 122-1469 (1) through (15) of the Workforce Housing Ordinance. Affordable housing projects enabled by federal tax credit housing are not subject to 122-1467(c).
- Accessory dwelling units in the SF zoning district are subject to Sections 122-231 through 122-238 of the Land Development Regulations.

C. PROPOSED DEVELOPMENT:

Please indicate the scope of the proposed development as it relates to the BPAS (Section 108-997 (B)).

☒ **Major construction/renovation** – meaning new development, additions to existing structures, or redevelopment constituting more than 50% of the value of the existing building.

☐ **Minor renovation-** meaning redevelopment constituting less than 50% of the value of the existing building.



BUILDING PERMIT ALLOCATION SYSTEM (BPAS) APPLICATION

EXHIBIT C – APPLICANT’S ESTIMATED SCORE SHEET

CITY OF KEY WEST, FLORIDA • PLANNING DEPARTMENT

Address: 1300 White Street • Key West, Florida 33040

Phone: 305-809-3764

Website: www.cityofkeywest-fl.gov

The purpose of the Estimated Score Sheet is to provide the applicant with the understanding that if a BPAS Allocation(s) is awarded the total amount of points represented on the Estimated Score Sheet and finalized through the official staff ranking process is required to be permanently maintained throughout the lifecycle of the project. Because the total amount of points is not linked to one specific criterion, the applicant has flexibility in the construction phase if certain point system criteria, for which the application is ranked, need to be substituted.

If the Prerequisites and/or the total points are not achieved, a Certificate of Occupancy will not be issued for the project.

Applicant: Stockrock KW LLC Site Address: 5555 College Road, Key West, FL 33040

Number and type of Units Requested: Market Rate ~~10~~ 3 Affordable ~~X~~ 10

Prerequisite Development Type: Major Construction/ Renovation X
Minor Renovation _____

Please acknowledge that the Prerequisites required for the proposed project shall be met in accordance with the solution statement provided: _____

a.j.
Initial here

The following criteria and point system shall be utilized in the ranking of applications for development of non-transient units as follows:

a.	Building more than 1.5' higher than the base flood elevation (+5)	Points	<u>+5</u>
b.	Exceeding the minimum required percentage of affordable housing (+30)	Points	<u>+30</u>
c.	Voluntarily providing affordable housing which exceeds the requirements of section 122-1467 at median income classification (+40)	Points	<u>+40</u>
d.	Voluntarily providing affordable housing which exceeds the requirements of section 122-1467 at low-income classification (+60)	Points	_____
e.	Achieving Green Building Certification Upgrade 1 (+20)	Points	_____
f.	Achieving Green Building Certification Upgrade 2 (+27)	Points	_____
g.	Achieving Green Building Certification Upgrade 3 (+40)	Points	_____
h.	Voluntary contribution to the arts in public places fund or tree fund in the amount of \$2,500 or more (+5)	Points	<u>+5</u>
i.	Providing electrical high-voltage sized conduit for future electric car charging station near parking area (+5)	Points	_____
j.	Using light-colored, high-reflectivity materials for all non-roof areas with a Solar Reflectance Index (SRI) of at least 29 (+5)	Points	_____
k.	Providing on-site recreational amenities or exceeding the open space requirements of section 108-346 (b) of article V of Chapter 108 (+10)	Points	<u>+10</u>

TOTAL ESTIMATED POINTS ~~45~~ 88 90



BUILDING PERMIT ALLOCATION SYSTEM (BPAS) APPLICATION EXHIBIT D – BPAS CERTIFICATION FORM

CITY OF KEY WEST, FLORIDA • PLANNING DEPARTMENT

Address: 1300 White Street • Key West, Florida 33040

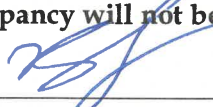
Phone: 305-809-3764

Website: www.cityofkeywest-fl.gov

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete, and accurate. I certify that all information required has been provided.

I certify that my total estimated points are 90. I certify that if I am awarded one or more Building Permit Allocations and am unable to achieve all prerequisites and/or achieve the total amount of points represented on the Score Sheet, a Certificate of Occupancy will not be issued for the project.

I certify that if I am awarded one or more Building Permit Allocations, the Score Sheet and Prerequisite Solution Statement prepared as part of this application will be provided to my contractor and that my contractor will be made aware that if the completed project does not achieve all prerequisites and achieve the total amount of points represented on the Score Sheet, a Certificate of Occupancy will not be issued for the project.


Signature of applicant

2/12/2025
Date

Barton W. Smith
Print name of Applicant

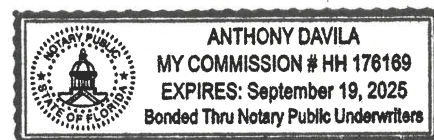
Subscribed and sworn to (or affirmed) before me on this 12th day of February, 2025,
by Barton W. Smith (name of person signing the application)
as Manager (type of authority...e.g. officer, manager/member, trustee,
attorney)
for Sunset Marina, LLC (name of entity or party on behalf of whom application was
executed).

He/She is personally known to me or has presented _____ as identification.


Notary's Signature and Seal

SEAL

Anthony J. Davila
Name of Acknowledger typed, printed or stamped



Commission Number, if any

PB. Hearing – May 29, 2025 – Video

<https://owentrepanier-my.sharepoint.com/:v:/p/bookkeeping/EdVqlSZdWUJEmN3a7pkTWHQBwNNeALMUtSqsqJ4hOQCxmQ?e=SM6HND>



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

Planning Board

Thursday, July 17, 2025

5:00 PM

City Hall

ADA Assistance: It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number 1-800-955-8771 or for voice 1-800-955-8770 or the ADA Coordinator at 305-809-3811 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

FOR VISUAL PRESENTATIONS: For City Commission meetings the City Clerk's Office will need a copy of all presentations for the agenda at least 7 days before the meeting.

Call Meeting To Order - 5:01 P.M.

Roll Call

Absent 1 - Chairman Batty

Present 6 - Mr. Browning, Mr. Garcia, Mr. Varela, Mr. Wallace, Mr. Warren, and Mr. Wiggins

Pledge of Allegiance to the Flag

Approval of Agenda

The agenda was unanimously approved as amended

Approval of Minutes

1 May 29, 2025 (Special)

Attachments: [Minutes](#)

A motion was made by Mr. Wallace, seconded by Mr. Browning, that the Minutes be Approved. The motion passed by unanimous vote.

New Business

2

Conditional Use - 1023-1025 White Street (RE# 00033820-000100) - A request for conditional use approval to allow a change in use from commercial retail to educational institution, located in the Historic Neighborhood Commercial - 1 Truman/Simonton (HNC-1) zoning district, pursuant to Chapter 122, Article III and Section 122-808 of the Land Development Regulations of the City of Key West, Florida.

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Planning Package](#)
[Noticing Package](#)
[Public Comment - Support](#)
[Applicant Presentation](#)

A motion was made by Mr. Browning, seconded by Mr. Wallace, that the Board finds the Applicant's proposed conditional use demonstrates all of the requirements of code Section 122-62(c) and that the Application be approved subject to conditions as outlined in the Staff Report. The motion carried by the following vote:

Absent: 1 - Chairman Batty

Yes: 6 - Mr. Browning, Mr. Garcia, Vice Chair Varela, Mr. Wallace, Mr. Warren, and Mr. Wiggins

Enactment No: PB Resolution 2025-28

Old Business

3

Variance - 2400 North Roosevelt Boulevard

(RE#00065220-000100) - Applicant seeks a parking variance to accomodate the addition of 10 golf cart rentals at an existing hotel located in the General Commercial (CG) zoning district, pursuant to Sections 108-572 and 90-395 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Attachments: [Staff Report](#)
 [Draft Resolution](#)
 [Planning Package](#)
 [Noticing Package](#)

A motion was made by Mr. Garcia, seconded by Mr. Browning, that the Board finds that all the standards set forth in code Section 90-395(A) have been met by the Applicant, that the Applicant has demonstrated a “Good Neighbor Policy” and that the Variance (exception) be Granted subject to the conditions as outlined in the Staff Report. The motion carried by the following vote:

No: 1 - Mr. Warren

Absent: 1 - Chairman Batty

Yes: 5 - Mr. Browning, Mr. Garcia, Vice Chair Varela, Mr. Wallace, and Mr. Wiggins

Enactment No: PB Resolution 2025-29

4

Conditional Use - 2400 North Roosevelt Boulevard (RE#00065220-000100) - Applicant seeks a conditional use permit to allow for the addition of ten (10) golf cart rentals to a small recreational power-driven equipment rental operation located at an existing hotel located in the General Commercial (CG) zoning district, pursuant to Sections 122-418 and 122-62 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Planning Package](#)
[Noticing Package](#)
[Applicant Email Addressing MultiModal Comments](#)

A motion was made by Mr. Garcia, seconded by Mr. Browning, that the Board finds the Applicant's proposed conditional use demonstrates all of the requirements of code Section 122-62(c) and that the Application be approved subject to conditions as outlined in the Staff Report. The motion carried unanimously.

At the end of the meeting and at the request of the representative, Mr. Browning made a motion, seconded by Mr. Wallace, to re-consider the item and conditions. That motion carried with Mr. Warren voting No and Messrs. Browning, Garcia, Wallace, Wiggins, and Chair Varela voting Yes.

A motion was then made by Mr. Wallace, seconded by Mr. Browning, that the Board finds the Applicant's proposed conditional use demonstrates all of the requirements of code Section 122-62(c) and that the Application be approved subject to conditions as outlined in the Staff Report but striking Condition #2 - requiring electric golf carts.

The motion carried by the following vote:

No: 1 - Mr. Warren

Absent: 1 - Chairman Batty

Yes: 5 - Mr. Browning, Mr. Garcia, Vice Chair Varela, Mr. Wallace, and Mr. Wiggins

Enactment No: PB Resolution 2025-30

5

Final Determination of Award for Year 12 Building Permit Allocation System (BPAS) Applications pursuant to Sections 108-995 and 108-997 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Attachments: [BPAS Staff Report - Year 12](#)
[Draft Resolution](#)
[Supplemental Memo to PB June 10th 2025](#)
[Final Ranking](#)
[510 Southard Final Planning Package](#)
[1114 White Street Final Planning Package](#)
[5555 College Rd Affordable Final Package](#)
[5555 College Rd Market Rate Final Planning Package](#)
[Presentation](#)

A motion was made by Mr. Wallace, seconded by Mr. Warren, that the Planning Resolution be Approved as set forth by staff. The motion carried by the following vote:

Absent: 1 - Chairman Batty

Yes: 6 - Mr. Browning, Mr. Garcia, Vice Chair Varela, Mr. Wallace, Mr. Warren, and Mr. Wiggins

Enactment No: PB Resolution 2025-31

New Business - Cont'd

6

WITHDRAWN BY APPLICANT - Conditional Use - 601 Fleming Street (RE# 00006350-000000) - Applicant seeks a conditional use to allow for the interior remodel of a commercial space to open a proposed coffee shop (restaurant) located in the Historic Neighborhood Commercial (HNC-1) zoning district, pursuant to Section 122-62, Section 122-836 through Section 122-808 and Section 108-573 of the City of Key West Land Development Regulations.

Attachments: [Draft Resolution](#)
 [Staff Report](#)
 [Planning Package](#)
 [Noticing Package](#)

Withdrawn

7

Minor Development Plan - 601 Howard England Way (~~RE#000016300-000100~~)(RE# 00001630-000100) - A request for a Minor Development Plan to demolish and reconstruct a new, larger visitor center at Fort Zachary Taylor State Park located in the Historic Public and Semipublic Services (HPS) zoning district, pursuant to Section 108-91 of the Land Development Regulations of the City of Key West, Florida.

Attachments: [Staff Report](#)
 [Draft Resolution](#)
 [Planning Package](#)
 [Noticing Package](#)

A motion was made by Mr. Browning, seconded by Mr. Warren, that the Minor Development Plan be Approved. The motion carried by the following vote:

Absent: 1 - Chairman Batty

Yes: 6 - Mr. Browning, Mr. Garcia, Vice Chair Varela, Mr. Wallace, Mr. Warren, and Mr. Wiggins

Enactment No: PB Resolution 2025-32

8

Variance - 3820 N Roosevelt Boulevard (RE# 00065530-000000) - A request for a variance to hotel minimum parking requirements to allow for the replacement of existing parking spaces with pickle ball courts on property located within the General Commercial (CG) Zoning District pursuant to Sections 90-395 and 108-572 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Planning Package](#)
[Noticing Package](#)
[Presentation](#)

A motion was made by Mr. Garcia, seconded by Mr. Browning, that the Board finds that all the standards set forth in code Section 90-395(A) have been met by the Applicant, that the Applicant has demonstrated a “Good Neighbor Policy” and that the Variance (exception) be Granted subject to the conditions as outlined in the Staff Report. The motion carried by the following vote:

No: 1 - Mr. Warren

Absent: 1 - Chairman Batty

Yes: 5 - Mr. Browning, Mr. Garcia, Vice Chair Varela, Mr. Wallace, and Mr. Wiggins

Enactment No: PB Resolution 2025-33

9

WITHDRAWN - Variance - 1619 Atlantic Boulevard (RE# 00061590-000000) - A request for a variance to allow a reduction of the rear setback from the required 25 feet to a proposed 13’5” for a rear bathroom addition to an existing single family home, on property located within the Single-family Residential District (SF) Zoning District pursuant to Chapter 122, Article IV, Division 3, Subdivision III, Sec. 122-238 and Sec. 90-395 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Attachments: [Draft Resolution](#)
[Planning Package](#)
[Noticing Package](#)

Withdrawn

10

Variance - 1119 Varela Street (RE# 00032850-001000) -

Applicant requests a variance to the maximum required impervious surface ratio from the required 60% to the proposed 71% and minimum open space from the required 35% to the proposed 29% to construct a pool at an existing residential property located in the Historic Medium Density Residential Zoning District (HMDR) pursuant to sections 90-395 and 122-600 of the Code of Ordinances of the City of Key West, Florida.

Attachments: [Staff Report](#)
 [Draft Resolution](#)
 [Planning Package](#)
 [Noticing Package](#)

A motion was made by Mr. Browning, seconded by Mr. Wallace, that the Board finds that all the standards set forth in code Section 90-395(A) have been met by the Applicant, that the Applicant has demonstrated a “Good Neighbor Policy” and that the Variance (exception) be Granted subject to the conditions as outlined in the Staff Report. The motion carried by the following vote:

No: 1 - Mr. Warren

Absent: 1 - Chairman Batty

Yes: 5 - Mr. Browning, Mr. Garcia, Vice Chair Varela, Mr. Wallace, and Mr. Wiggins

Enactment No: PB Resolution 2025-34

11

Conditional Use - 207 Petronia Street (RE# 00013740-000000) - Applicant seeks a conditional use to allow for the continued operation and expansion of seating area of a restaurant located in the Historic Neighborhood Commercial (HNC-3) zoning district, pursuant to Sections 122-62 and 122-868 of the City of Key West Land Development Regulations.

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Planning Package](#)
[Noticing Package](#)

A motion was made by Mr. Browning, seconded by Mr. Garcia, to postpone the item to August 21, 2025. After discussion, those motions were withdrawn.

Then, a motion was made by Mr. Warren, seconded by Mr. Browning, that the Board finds the Applicant's proposed conditional use demonstrates all of the requirements of code Section 122-62(c) and that the Application be approved subject to conditions as outlined in the Staff Report. The motion carried by the following vote:

No: 2 - Mr. Browning, and Mr. Garcia

Absent: 1 - Chairman Batty

Yes: 4 - Vice Chair Varela, Mr. Wallace, Mr. Warren, and Mr. Wiggins

Enactment No: PB Resolution 2025-35

12

Transfer of a Transient Unit and License - 623-627 Truman Avenue (RE# 00018400-000000, 00018390-000000) / 1128-1130 Duval Street (RE# 00027950-000000) - A request to transfer two transient units and licenses from a sender site located at 623-627 Truman Avenue (RE# 00018400-000000, 00018390-000000) in the Historic Neighborhood Commercial (HNC-1) zoning district to a receiver site located at 1128-1130 Duval Street (RE# 00027950-000000) in the Historic Residential Commercial Core - 3 (HRCC-3) zoning district, pursuant to Section 122-1338, 122-1339, and 122-747 of the Land Development Regulations of the Code of Ordinance of Key West, Florida.

Attachments: [Staff Report](#)
 [Draft Resolution](#)
 [Planning Package](#)
 [Noticing Package](#)

A motion was made by Mr. Wallace, seconded by Mr. Warren, that special conditions exist at the receiver site to allow for two rooms and the transfer is Approved. The motion carried by the following vote:

Absent: 1 - Chairman Batty

Yes: 6 - Mr. Browning, Mr. Garcia, Vice Chair Varela, Mr. Wallace, Mr. Warren, and Mr. Wiggins

Enactment No: PB Resolution 2025-36

Meeting went into Recess - 6:48 P.M.

Meeting Reconvened - 6:55 P.M.

13

Major Development Plan & Conditional Use - 1620

Truesdale Ct (RE# 00064740-000000) - A request for a Major Development Plan and Conditional Use to allow for the construction of an approximately 8,600 square-foot structure to accommodate assisted living at property located at 1620 Truesdale Court in the Medium Density Residential - 1 zoning district, pursuant to Sections 108-91, 122-62, and 122-278 of the Land Development Regulations of the City of Key West.

Attachments: [Staff Report](#)
 [Draft Resolution](#)
 [Planning Package](#)
 [Noticing Package](#)

A motion was made by Mr. Browning, seconded by Mr. Wallace, that the Major Development Plan be Approved and the Board finds the Applicant's proposed conditional use demonstrates all of the requirements of code Section 122-62(c) and that the Application be approved subject to conditions as outlined in the Staff Report. The motion carried by the following vote:

Absent: 1 - Chairman Batty

Yes: 6 - Mr. Browning, Mr. Garcia, Vice Chair Varela, Mr. Wallace, Mr. Warren, and Mr. Wiggins

Enactment No: PB Resolution 2025-37

14

Conditional Use - 1019 White Street (RE# 00033810-000000) - A request for conditional use approval to allow an increase in seating from 50 to 75 seats at an existing restaurant, located in the Historic Neighborhood Commercial - 1 Truman/Simonton (HNC-1) zoning district, pursuant to Chapter 122, Article III and Section 122-808 of the Land Development Regulations of the City of Key West, Florida.

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Planning Package](#)
[Noticing Package](#)

A motion was made by Mr. Warren, seconded by Mr. Garcia, that the Board finds the Applicant's proposed conditional use demonstrates all of the requirements of code Section 122-62(c) and that the Application be approved subject to conditions as outlined in the Staff Report. The motion carried by the following vote:

Absent: 1 - Chairman Batty

Yes: 6 - Mr. Browning, Mr. Garcia, Vice Chair Varela, Mr. Wallace, Mr. Warren, and Mr. Wiggins

Enactment No: PB Resolution 2025-38

15

Variance - 1605 N Roosevelt Boulevard (RE# 00023280-000100) - A request for a variance to minimum parking requirements to allow for the expansion of a food service establishment on property located within the General Commercial (CG) Zoning District pursuant to Sections 90-395, 108-572, and 108-575 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Planning Package](#)
[Noticing Package](#)

A motion was made by Mr. Wallace, seconded by Mr. Wiggins, that all the standards set forth in code Section 90-395(A) have been met by the Applicant, that the Applicant has demonstrated a "Good Neighbor Policy" and that the Variance (exception) be Granted subject to the conditions as outlined in the Staff Report. The motion carried by the following vote:

Absent: 1 - Chairman Batty

Yes: 6 - Mr. Browning, Mr. Garcia, Vice Chair Varela, Mr. Wallace, Mr. Warren, and Mr. Wiggins

Enactment No: PB Resolution 2025-39

16

Alcohol Sales Special Exception - 325 Duval Street (RE#00004320-000000) - A request for a special exception to add the sale of alcohol at an existing hotel in the Historic Residential Commercial Core - 1 Duval Street Gulfside District (HRCC-1) zoning district pursuant to Chapter 18 (Businesses), Article II (Alcoholic Beverages), Division I (Generally) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Attachments: [Staff Report](#)
 [Draft Resolution](#)
 [Planning Package](#)
 [Noticing Package](#)

A motion was made by Mr. Wallace, seconded by Mr. Garcia, that the Board finds that all the standards set forth in code Section 18-28 B (2) have been met by the Applicant, that the Applicant has demonstrated a "Good Neighbor Policy" and that the Alcohol Sales Special Exception be Granted subject to conditions as outlined in the Staff Report with an additional condition that a placard be posted so that exiting patrons will be warned of the City's open container ordinance - language to be approved by the City Attorney. The motion carried by the following vote:

Absent: 1 - Chairman Batty

Yes: 6 - Mr. Browning, Mr. Garcia, Vice Chair Varela, Mr. Wallace, Mr. Warren, and Mr. Wiggins

Enactment No: PB Resolution 2025-40

17

Conditional Use - 325 Duval St (RE# 00004320-000000)

- A request for conditional use approval to allow alcohol sales from a portable service cart, located in the Historic Residential Commercial Core - 1 Duval Street Gulfside (HRCC-1) zoning district, pursuant to Chapter 122, Article III and Section 122-688 of the Land Development Regulations of the City of Key West, Florida.

Attachments: [Staff Report](#)
 [Draft Resolution](#)
 [Planning Package](#)
 [Noticing Package](#)

A motion was made by Mr. Wallace, seconded by Mr. Browning, that the Board finds the Applicant's proposed conditional use demonstrates all of the requirements of code Section 122-62(c) and that the Application be approved subject to conditions as outlined in the Staff Report with amending Condition #1 from 5 feet to 10 feet set-back from property line for the beverage cart and with an additional condition that a placard be posted so that exiting patrons will be warned of the City's open container ordinance - language to be approved by the City Attorney. The motion carried by the following vote:

Absent: 1 - Chairman Batty

Yes: 6 - Mr. Browning, Mr. Garcia, Vice Chair Varela, Mr. Wallace, Mr. Warren, and Mr. Wiggins

Enactment No: PB Resolution 2025-41

18

Variance - 1709 Washington Street (RE# 00043100-000000) - Applicant requests a variance to the required rear yard setback from the required 25 feet to the proposed 18 feet 10 inches to ~~construct a pool at~~ enclose an exterior porch for interior habitable space at an existing residential property located in the Single-Family Zoning District (SF) pursuant to sections 90-395 and 122-238 of the Code of Ordinances of the City of Key West, Florida.

Attachments: [Staff Report](#)
 [Draft Resolution](#)
 [Planning Package](#)
 [Noticing Package](#)
 [Letters of Support](#)

A motion was made by Mr. Browning, seconded by Mr. Wiggins, that the Board finds that all the standards set forth in code Section 90-395(A) have been met by the Applicant, that the Applicant has demonstrated a “Good Neighbor Policy” and that the Variance (exception) be Granted subject to the conditions as outlined in the Staff Report. The motion carried by the following vote:

No: 1 - Mr. Warren

Absent: 1 - Chairman Batty

Yes: 5 - Mr. Browning, Mr. Garcia, Vice Chair Varela, Mr. Wallace, and Mr. Wiggins

Enactment No: PB Resolution 2025-42

19

**Variance - 612 Petronia Street, 2 (RE#-
0001637000-000000)-(RE# 00016370-000000)** - Applicant requests a variance to the required front, side, and rear setbacks to reconstruct a single-family dwelling at a property located in the Historic High Density Zoning District (HHDR) pursuant to sections 90-395 and 122-630 of the Code of Ordinances of the City of Key West, Florida.

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Planning Package](#)
[Noticing Package](#)
[Letter of Support - T.Whymys](#)

A motion was made by Mr. Browning, seconded by Mr. Wallace, that the Board finds that all the standards set forth in code Section 90-395(A) have been met by the Applicant, that the Applicant has demonstrated a “Good Neighbor Policy” and that the Variance (exception) be Granted subject to the conditions as outlined in the Staff Report (Condition #1 amended with correct seal date of July 2, 2025) with the understanding regarding Condition #2 that any change to mass/scale would mean the project would not need to go back before HARC. The motion carried by the following vote:

No: 1 - Mr. Garcia

Absent: 1 - Chairman Batty

Yes: 5 - Mr. Browning, Vice Chair Varela, Mr. Wallace, Mr. Warren, and Mr. Wiggins

Enactment No: PB Resolution 2025-43

Reports

20

Variance Tracking Report

Attachments: [Staff Report](#)

Received and Filed

Public Comment

Board Member Comment

Adjournment - 7:54 P.M.



THE CITY OF KEY WEST
PLANNING BOARD

Staff Report

To: Chair and Planning Board Members

From: Ben Gagnon, Planner II

Through: Katie P. Halloran, Planning Director

Meeting Date: July 17th, 2025

Agenda Item: Final Determination of Award for Year 12 Building Permit Allocation System (BPAS) Applications pursuant to Sections 108-995 and 108-997 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Request:

Approval of the final rankings of Year 12 (July 1, 2024 – June 30, 2025) BPAS applications for award of three (3) market-rate housing units, and ten (10) affordable-rate housing units.

Background:

The Year 12 BPAS cycle opened on July 1, 2024, and will run through June 30, 2025. Pursuant to Section 108-995 of the Land Development Regulations, after year ten (10), 75 percent of units shall be deed restricted affordable. As of the date of this report, there are 13.84 BPAS allocations available for Year 12.

The deadline to submit applications for Year 12 was November 8, 2025, by 3 PM EST. As of that date the City received four (4) BPAS applications requesting a total of sixteen (16) market-rate units and three (3) affordable units. As of the February 14 final deadline for resubmittal the ratio is nine (9) market rate units and ten (10) affordable rate units.

The applications were evaluated by staff for completeness. Applicants were notified of any deficiencies within their application and were allowed approximately one month to resolve the deficiencies and improve their BPAS score.

The final submittals are broken down in the following table. In summary, there were applications received for new units at three (3) properties. The city received an application for five (5) market rate units for vacant property at 510 Southard Street. 1114 White Street, a mixed-use property with an existing market rate unit applied for one (1) additional market rate unit. And 5555 College Road, an existing multi-family residential parcel with sixty-six (66) units applied for an additional three (3) market rate units and ten (10) affordable rate units.

The Year 12 BPAS applications are summarized in the following table:

Year 12 BPAS Applications	510 Southard Street	1114 White Street	5555 College Road
Existing/ Recognized Units	0	1	23 MR 43 AF
Proposed Market Rate Units	5	1	3
Proposed Affordable Units	0	0	10
Total Existing + Proposed Year 12 BPAS Units	5	2	79
Zoning	HRCC-1	HNC-1	CG
Maximum Density (du/acre)	22 du/acre	16 du/acre	16 du/acre + 40 du/acre for affordable
Land Area	9,882 sf	5,201 sf	4.2 acres
Maximum Dwelling Units Allowed*	4.99 (5)	1.92 (2)	67.2 (67) Market 168 Affordable

**Math has been rounded to the hundredth decimal place. Density is calculated not only by acreage of site x allowable du/acre, but also through any restrictions of leases, development plans, or other site restrictions.*

Analysis:

Staff evaluated, scored, and ranked the final BPAS applications according to the prerequisites and criteria

outlined in City Code Section 108-997 (b) and (c).

Below are the resulting scores and final rankings for the Year 12 BPAS. The Planning Department staff's evaluation of each final application is summarized in the score review sheet, which is attached to each application package. Pursuant to City Code Section 108-995, a maximum of 25% of units awarded may be market-rate units for Year 12 (July 1, 2024– June 30, 2025) of the BPAS cycle.

The Planning Department recommends the following three (3) market rate units and the ten (10) affordable-rate housing units for award for the property at 5555 College Road:

YEAR 12 MARKET-RATE BPAS APPLICATIONS – RECOMMENDED FOR AWARD						
Rank	Project	Units Awarded/ Requested	ESFU Factor	ESFUs Requested	Major/Minor Renovation	Score
1	5555 College Road	3/3	1.00	3.00	Major	90
2	1114 White Street	0/1	1.00	1.00	Minor	10
3	510 Southard Street	0/5	1.00	5.00	Major	0
	Total Market Awarded	3				

YEAR 12 AFFORDABLE-RATE BPAS APPLICATIONS – RECOMMENDED FOR AWARD						
Rank	Project	Units Awarded/ Requested	ESFU Factor	ESFUs Requested	Major/Minor Renovation	Score
1	5555 College Road	10/10	1.00	3.00	Major	90
	Total Affordable Awarded	10				

Pursuant to section 108-995, *“After year ten (10), 75 percent of units shall be deed restricted affordable...”* The year 12 applications recommended for award would produce 76.9% affordable and 23.1% market rate complying with the Land Development Regulations.

Recommendation:

Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, The Planning Department recommends to the Planning Board **APPROVAL** for the final Year 12 BPAS rankings, approving the award of three (3) market-rate housing units, and ten (10) affordable-rate housing units contingent on the following conditions:

1. All projects awarded are subject to all applicable development review procedures.

**PLANNING BOARD
RESOLUTION NO. 2025__**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD APPROVING BUILDING PERMIT ALLOCATION SYSTEM (BPAS) RANKINGS AND MAKING THE FINAL DETERMINATION OF AWARD FOR YEAR 12 BUILDING PERMIT ALLOCATION SYSTEM (BPAS) APPLICATIONS PURSUANT TO SECTIONS 108-995 AND 108-997 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA.

WHEREAS, the City of Key West, Florida, (the “City”) adopted Ordinance No.13-19, which became effective on February 27, 2014, establishing a Building Permit Allocation System (“BPAS”) in order to limit the amount of new permanent and transient residential development in the City pursuant to Objective 1-1.16 of the Comprehensive Plan; and

WHEREAS, the BPAS is now codified in Chapter 108, article X of the Land Development Regulations (“LDRs”) of the Code of Ordinances (the “Code”); and

WHEREAS, City Code Section 108-995 identifies the annual amount of residential development that may be allocated by housing type (affordable and market rate) using the Equivalent Single-Family Unit (“ESFU”) Factors of City Code Section 108-994; and

WHEREAS, BPAS awards are independent of additional approvals that may be required from the Tree Commission, Historic Architectural Review Board, the Planning Board, City Commission and pursuant to the Land Development Regulations; and

WHEREAS, for Year 12 (July 1, 2024 - June 30, 2025), a maximum of 13.84 units were available for allocation and a minimum of 75% of those awarded must be affordable; and

WHEREAS, on May 29, 2025, the Planning Board conducted a public hearing regarding

the BPAS rankings and Final Determination of Award for Year 12 applications; and

WHEREAS, the Planning Board desires to approve the rankings and make the Final Determination of Award for Year 12.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends to the Planning Board APPROVAL of the final Year 12 BPAS rankings, the award of three (3) market-rate housing units, and ten (10) affordable-rate housing units with the following conditions:

1. All projects awarded are subject to all applicable development review procedures.

Section 3. The Planning Board approves the attached rankings and makes its Final Determination and award of three (3) market-rate housing units, and ten (10) affordable-rate housing units:

Market-Rate:

- Three (3) units with 1.00 ESFU to 5555 College Rd with 90 points

Affordable-Rate:

- Ten (10) units with 1.00 ESFU to 5555 College Rd with 90 points

Section 3. This Resolution shall go into effect immediately upon the beginning of the

appeal period.

General Conditions:

1. All projects awarded are subject to all applicable development review procedures.

Read and passed on second reading at a regularly scheduled meeting held this 18th day of June, 2025.

Authenticated by the Chairman of the Planning Board and the Planning Director;

Peter Batty, Planning Board Chair

Date

Attest:

Katie P. Halloran, Planning Director

Date

Filed with the Clerk:

Keri O'Brien, City Clerk

Date



THE CITY OF KEY WEST
PLANNING
BOARD

Staff Report

To: Chairman and Planning Board Members
From: Ben Gagnon, Planner II
Through: Katie P. Halloran, Planning Director
Meeting Date: July 17th, 2025
Agenda Item: BPAS Memo

At the May 29th Planning Board hearing, the Board directed staff to investigate previously allocated BPAS units that may be eligible for recapture and reallocation to the available pool. Staff reviewed the BPAS Master List and identified the following address as eligible for recapture:

- **700 Duval Street** – Last noted extension: August 24, 2024
 - 5 Market Rate Units
 - 2 Affordable Rate Units

In addition, Mr. Trepanier identified several other units for review; however, staff confirmed that those units are **not eligible** for recapture. Please refer to our detailed notes for further information.

Staff will conduct a thorough review prior to Year 13 to ensure that any eligible units are recaptured and recycled appropriately. We will also double-check our Master List for accuracy. However, for the current cycle, any additional recaptured units will not assist applicants who were unable to secure allocations due to code requirements.

The year 12 cycle included 10 affordable rate applications and 3 market rate applications requested. Pursuant to section 108-995, no more than 25% of allocated units may be Market Rate. The current ratio of Affordable to Market Rate units is 76% to 24%. Allocating even **one more Market Rate unit** would lower the Affordable ratio below the 75% threshold, violating code.

Staff also considered an active ADU submission currently under review. If approved, this would bring the total to 14 units:

- 3 Market Rate

- 11 Affordable

This maintains compliance with Market Rate units at 21%. However, if **just one more Market Rate unit** is allocated to either of the two remaining applicants, the percentage would rise to **26.6%**, exceeding the 25% cap.

As per code, even recaptured units shall comply with the 25% rule. 108-995 “ After year ten (10), 75 percent of units shall be deed restricted affordable, including any units recovered by the City due to failure to obtain building permits within two years of a BPAS award, per [Section 108-997\(e\)](#), or otherwise voluntarily released to the City.”

As such, staff does not see a viable path forward for the remaining applicants to receive unit allocations in Year 12 under current code constraints.

UNITS FOUND BY MR. TREPANIER

Date of PB		Address	2-Year Deadline	Market Rate	Affordable Unit	Total Units	Notes
4/21/2021	TULT	512 Catherine		3	0	3	Bene USE
5/20/2021	BPAS - Year 8	3450 Duck	5/20/2023	1	1	2	EO Extension granted to June 19, 2027 - Units assigned to 3460 Duck Ave
5/20/2021	BPAS - Year 8	1663 Dunlap Drive	5/20/2023	2	1	3	Still under active extension window
5/20/2021	BPAS - Year 8	2822 N. Roosevelt	5/20/2023	0	7	7	Already Reverted back in 8.7.23
5/20/2021	BPAS - Year 8	500 White Street	5/20/2023	0	5	5	Already Reverted back in 8.7.23
5/19/2022	BPAS - Year 9	913 White Street	5/19/2024	1	0	1	Still under active extension window
5/19/2022	BPAS - Year 9	700 Front Street	5/19/2024	2	0	2	1/12/2023 BLD2022-1695
5/19/2022	BPAS - Year 9	1307-1309 Whitehead	5/19/2024	1	0	1	Extension granted until February 23, 2028
5/19/2022	BPAS - Year 9	1618 N. Roosevelt	5/19/2024	0	2	2	7/7/2022 BLD2022-1951
6/15/2023	BPAS - Year 10	715 Seminole	6/15/2025	5	0	5	Extension granted to October 21, 2028
6/15/2023	BPAS - Year 10	423 Bahama	6/15/2025	1	0	1	Email Received on 6.10.25 For Extension

6/15/2023	BPAS - Year 10	811 Seminole	6/15/2025	0	9	9	Extension granted to October 21, 2028
1/18/2024	TULT	610 Duval		1	1	2	Staff placed back in for Year 12 Balance.

PB. Hearing – July 17, 2025 – Video

<https://owentrepanier-my.sharepoint.com/:v:/p/bookkeeping/EQw9umy5UYxDu8g6eegyI2UB5toclfe46ICHgNCQ4Bf56w?e=1rBWOi>

Please see video transcript below.

07/17/25

Transcript

**Final Determination of Award for Year 12 Building Permit Allocation System (BPAS)
Applications**

Okay, moving right along to item, I'm gonna just call it by the original. Number four, final determination of award for year 12 building permit allocation system applications. Good evening again. So this is another item from the May planning board meeting, the year 12 BPAS allocation awards. Another one that was postponed Jason, I'm still plugged in here. So we have our allocation schedule before you. Here are our applicants. So I just want to kind of make three big points from the May planning board. So this before you is our recommendation based on code that the allocations be ranked by points. So we have 5555 College Road for three market rate units with 90 points. 1114 White Street with one market rate unit for 10 points, and then 510 Southern for five units for zero points. And then for our affordable rate applications, we have College Road again with 10 units requested with 90 points. So based on code alone, we would recommend that just College Road are getting their units. We were then asked to go out and find any potential units that might be out there in the city. Owen gave us a list as well.

We were able to find seven units at 700 Duval Street that we did reclaim back to our allocation pool. The issue that we have is that regardless of these units, and that's based on the BPAS memo that I also attached, is that we are bound by the 75% affordable minimum requirement. So right now we are at around 25% of market rate. And so even if you add in because right now currently we have an active ADU submission that's outside this pool that's going forward. So even if you take that in consideration, you think three market and 11 affordable, if you add just one more market rate unit, your market rate percentage is now at 26.6%, so exceeding that 25% cap. So even though we postponed and went back and looked for these units, our staff's recommendation stays the same, that it's just 555 College Road getting 10 affordable and three market rate.

because we believe if we issue just one more unit, whether it be to the White Street or even if Southern just gets one instead of five, it does go over that requirement. So here's our recommendation for approval, that it is the 10 affordable and the three market rate to 555 College Road. And I'm here for any questions. Thanks. Thank you, Ben. Any questions for staff? We do have public comment to let you know. Okay, hearing no questions for staff, public comment? So and if I could ask for your consideration in how expedient my last approval was, if I could ask you for like an extra minute. I need about four minutes to explain my position on this, if I could, please. Thank you. So Mr. Chair, could I show my

presentation? Board members Owen Trapanier, 1421 First Street, here on behalf of 510 Southern,

I'm thrilled, the planning department did a great job finding seven rogos. That means there are 20 units available to be allocated tonight. There's a request for 19. The comp plan says after 10 years, 75, or sorry, after year 10, 75% of residential building permits shall be deed restricted affordable. So based on that 75% rule, 73 units could be allocated as market rate since year 10. Only 53 have been allocated. Up to 20 more market rates could be allocated and we would still be consistent with the comprehensive plan. Tonight there are nine requested. Planning this idea that we have to have 75% affordability based on an annual allocation, that's the question and I'd like to explore that. So we all know state statute mandates that the comprehensive plan is our guiding development document. All development regulations must be consistent

with the comprehensive plan. And if there is a conflict, the comprehensive plan prevails. I don't think that's news to anybody. So what does the comp plan say? It says after year 10, 75% of residential building permit units shall be deed restricted affordable. There is a timeframe. It is after year 10. There is also a limitation, 75% affordable. So what does the LDR say? It says the same thing. What you don't see here is an annual allocation limitation. So then we wonder, where does this come from? So we scoured the code, and we found a footnote to a table in 108.995 that says, as noted above, and it paraphrases the code. And actually, well, let's see what it says. So as noted above, then it paraphrases the code. And what I'd like to show you is, does it really paraphrase the code?

So here's the comp plan and the LDR's provision. And here's the table note. And it generally follows or paraphrases the code, though in a converse or opposite position. It's talking about market rate allocations, not affordable. But then it diverges. And it adds a new or additional conflicting limitation. And that is, it says, during any one BPAS cycle year, as noted above, but you can see from the actual LDR, it's not noted above. It's not in the LDR and it's not in the comprehensive plan. How did it get there? I don't know. I've written a lot of code. You guys have read a lot. Editing relics last can be in code and cause conflicts, but it doesn't matter how it got there because we are mandated by Florida Statute 163-3194 to ensure

that our regulations and our development decisions are consistent with the comprehensive plan. And the comprehensive plan allows you to issue up to 20 market rate units. And that's why I say you can allocate all the units tonight, 10 affordable, nine market rate, because it's consistent with the comprehensive plan. And I think one point that I'd like to leave you with is People cannot live in unallocated BPAS units. What we need to do is issue those units and build actual housing. That's what these people here tonight are asking you to do and

are committing to do for the community. And I would ask for your support to allocate these units tonight as they are requested in the applications. Thank you. Thank you. Any questions for staff after that presentation? I have a question. The seven units that were discovered, Ben, at 700 Duval Street, where'd they come from? Don't go away, Owen. I mean, I know the building's 700 Duval Street. Mango's. They're from Mango's.

mangos did an application. We did it a number of years ago. They wanted to build, you know, employee roommate style employee housing units but when they got the engineering, you know, reports back in the, and the cost analysis, it was too expensive for them to retro those buildings. Okay. So they were allocated 7 not affordable units. I don't know if there was a mix spend you recall? It was 5 market into affordable. All right, and that was what year? I don't recall. Well, what I'm trying to say, I'm really, I'm not making a suggestion, I'm really questioning here is, this is effective as of 23. Those units existed prior to 23? Yeah, no, well, you mean the allocations? Yeah. Yes. I mean, it's ethereal.

So George has probably got something to say on this. I just want to, if we follow your analysis that the allocations don't have to be restricted annually, that the comprehensive land use plan allows us to do 25% or 75% affordable sort of on a global allocation, then that would require the planning department to consider, if we allocate it as you're desiring tonight, that next year, in other words, they're gonna have to continue to watch the allocations going forward to make sure that we stay within the 75% rule, say, using next year's allocation or the following year's allocation so that overall we don't exceed it. Is that your position? That's my position, and they do it. The Planning Department does an excellent job tracking these things, which is how they were able to identify the seven that were, you know that they had seven additional but yes absolutely yes sir so question to staff.

Is that something that you can track and keep a track of? Or do you disagree that it has to be done, I mean, are you adamant that it has to be done annually? We track per year right now. We do have a master list of all our BPAS units. I couldn't tell you off the top of my head what percentage it is total. I would disagree that I don't think that's what the code intended, especially with that footnote that it is per year. My recollection is that this is a report that we file every year. We do file the annual report every year. And it's not really graded by Tallahassee. It's a report we file. I don't recall it ever being rejected by the Department of Commerce, formerly known as the DEO or anybody else. Is that correct? I'll ask Patrick that question. I'll put him on the spot a little bit for this meeting. Good evening, Patrick Wright, Growth Management Director.

I can only speak to the time when I was formerly the planning director, if that's what you're asking, George? No, it wasn't. But the whole reason that the state regulates our growth,

that we have comprehensive plan and land development regulation policies about how we allocate these units very specifically and define in our land development regulations, this is something they are going to look at closely and to take Mr. Trepanier's approach or analysis, you know, based on, you know, his client not, you know, not scoring high enough in a ranking system that he is well aware of that has been in our code since 2010 is problematic to view it that way, in my opinion. So to answer your question, you know, our annual report, that is something that is looked at, that is something that is reviewed, and I believe if we were found in violation of our land development regulations and comprehensive plan, that this would be a time when they would send something back. So you feel that if we were to accept this position of Mr. Trapagna's, we may put the city at some risk? Absolutely.

Patrick, having said that, I don't know how this review process works. Is this sent up and then subject to, what, 30 or 45-day review, like other development stuff? Yeah, once the annual report goes and the resolution goes, it would both be a 45-day appeal period for the DOC. Could we, legal, act on Mr. Trepanier's... proposal contingent upon this not being rejected by the department. In other words, if we were to approve Mr. Tapaner's interpretation, it goes up and they don't reject it, then he can move ahead. Patrick, you're like not looking cool. I would highly advise against that as your growth management director. That's not a game that I think we should play with the Department of Commerce who regulates our growth, regulates every development order that we pass here as a city, as a planning board, as a city commission. It's your pleasure as a board, but as staff, I'm going to tell you no, that I do not recommend that. And I'm sorry, a legal can speak on this if your question was to them, but that's my opinion. Yeah, and I'm not looking at...

Patrick, I don't think it's playing. It's trying to determine what is appropriate here. I don't want to get us into trouble, but I'm also trying to get units out there that are needed, frankly. Ben, you were? Yeah, I just think we have an ordinance, and Owen knows this so well. He applied with zero points. It's a full-year application. We even send out preliminary rankings, and it feels like right now We're trying to find ways to give out a participation trophy when he had the opportunity to apply and win these units. He lost. He has zero points versus 90. There are seven units that we reclaimed. He has five that he wants. He can wait till next year. And we'll get fingers pointed at us that we're denying housing and this and that, and we're delaying housing. He can apply next year. I don't feel comfortable moving forward with this, but obviously it's the will of you, but that's my opinion on it. Mr. Chairman.

If the Department of Commerce, if we took this approach and the Department of Commerce rejected it, could we potentially lose the entire allocation for this year? I wouldn't know. I mean, I guess we haven't had a rejection to know what they would do ultimately on that. Right. We've had rejections in, I think, maybe one that I'm aware of in my

time, but it wasn't related to a annual allocation cycle. But they do have the ability, as they do on all development orders passed in the Key West area of critical state concern, to reject. how they would go about that. Fortunately enough, we haven't had to experience that. But we've not been in a situation that I know of where we've gone against what our land development regulations tell us in terms of the amount of market rate units that we can allocate in a given year. And so I would advise and caution against that. Yeah, my point being, I wouldn't want to risk losing the entire year 12's allocation

in the event that they rejected this because we issued one or two more in this allocation period. I wouldn't want that to happen to the other applicants. That would be my concern. Mr. Chair, if I could, I could share my experience, which is a couple of things. One, Ben, you mentioned legislative intent. I think if we look at the legislative intent of our comprehensive plan and our land development regulations, we should look at the comprehensive plan and the land development regulations, not a footnote to a table, to an example table that says, as noted above, where it's not noted above. To me, this is, I don't know what it is. It's likely an editing relic. It's something that should have been edited out of code when this provision was removed from the body of the LDRs. We look at legislative intent

we should look to our comprehensive plan. That is the document that the Department of Commerce is going to be looking at. And if we do this and we follow our comprehensive plan, which is what we should be doing, and the DOC says, no, you've made some kind of error, then what we would need to do is come back and correct that error and pass a new resolution and not allocating based on after year 10, which is what the comp plan says, and instead allocate on an annual basis what this unreferenced, unsupported footnote says. So it would be my request. And I get it. It's fun to see if I can be denied. It's fun. But this is bigger than me. And it's bigger than sending me away with a denial. This is about housing our people.

And we can find all kinds of reasons to say no or to be, you know, audaciously cautious, uh, or we can provide housing and opportunity for housing. And I would urge you to be brave. Oh, and I would, I would say that, um, our position up here as a board is definitely not, uh, taking fun and saying no to anybody. I think we try to do all we can to make sure we build as much housing as possible. I think we've proven that with our track record. We approve an awful lot of variances, we approve an awful lot of projects up here. My biggest problem with all this is that how can we have two items that seem to be in total contradiction of each other? I mean, I've looked at the comprehensive plan, I looked at the LDRs, they say one thing,

and then we pull a footnote that seems to say something different. That's what I can't get past. We talked about this a couple of months ago, is how can we have such a differing

opinion where someone who's in front of us often, who knows the code, and then we have staff that has a totally different interpretation and I read it, it's in plain English. I seem to understand it and then I'm told something else. So I need, I mean from my perspective anyway, I'm looking for someone to link the difference between what is said in the LDRs and the comp plan in this footnote that we seem to be relying on. I don't understand that difference, maybe I'm not, Maybe I'm not reading it right, but that's a confusion in my mind. I don't know if I'm the only one up here with the same confusion, but it's sure not resolved for me.

Mr. Chairman, I have a problem in that a new legal argument was brought up that hadn't been brought up before here at the last minute. If I were a judge, which I guess in a sense six of us are, I would want it briefed before I, I don't feel competent to accept this, even from somebody as knowledgeable as Owen, to accept a novel interpretation that we really hadn't proceeded on before. This has been before us a couple times, and I don't recall this interpretation coming up before that. So I'd be pretty leery about being brave in this regard. That could cost us some real problems with the state. If I may, to get past this footnote, that footnote was approved as a part of the land development regulations. Yeah, it's in the code. It's not a footnote. Yeah, it's part of the code. I mean, you can call it a note, but it's part of it.

And it was approved and passed by the commission as part of the code, and it's been approved. So it's pretty plain language, and it's part of the code, and it says 25% a year. See, that's an answer from a lawyer, from a past planning department lawyer. That's an answer. That's a clear-cut answer to a non-lawyer who asked a long-winded, pretty simple question. It's part of the code. God bless. Can't we get a simple answer like that? Any further discussion? I think we beat this to death. Actually, I do. I don't want to hold this up at all, and I'm going to go certainly with staff's recommendation on this, but is there any way to get clarity on this in the future? Mr. Chair, this is the first time I'm hearing this argument as well, so I'd be happy to brief it for you. All of you provide you with that so we have clarity moving forward as well. Thank you. Thank you.

Any further discussion? I'll accept the motion. I'll make a motion to approve the final determination of award as set forth by staff. We have a motion by Commissioner Wallace. Second. Second. Second by Commissioner Warren. Any further discussion? Call the roll, please. Mr. Browning? Yes. Mr. Garcia? Yes. Mr. Wallace? Yes. Mr. Warren? Yes. Mr. Wiggins? Yes. Chair Varela? Yes. Motion passes.

BPAS – Department of Commerce File #2025-031 – Rendering Package

Records request was sent on 8/4/25 for the rendering package.

Please see request below.

Public Records Request Center

[View Message\(s\)](#)

Request Type:

Public Records Request

Contact E-Mail:

office@owentrepanier.com

Reference No:

W024043-080425

Status:

Assigned

Department:*

City Clerk

Description of Records Requested:*

Can I please get a copy of the DOC rendering packages for file number 2025-031 rendered on 7/30/25 & file number 2025-028 rendered on 7/30/25.

Thank you,

Preferred Method to Receive Record:*

- ☒ Electronic via Records Center
- ☐ Regular Mail
- ☐ Copies on CD
- ☐ Pick-Up Copies
- ☐ Inspect On-Site


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W024043-080425 - Public Records Request

Message History (2)

 On 8/4/2025 11:02:25 AM, Public Records Center wrote:

Dear Jackie :

Thank you for your interest in public records of the City of Key West. Your request has been received and is being processed. Your request was received in this office on 8/4/2025 and given the reference number W024043-080425 for tracking purposes.

Record Requested: "[DESCRIPTION_RECORD_DESIRE]"

You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed. Again, thank you for using the Public Records Center.

City of Key West

To monitor the progress or update this request please log into the [Public Records Center](#).

 On 8/4/2025 11:02:25 AM, Jackie Lemes wrote:

Request Created on Public Portal

BPAS YEAR 12

TREPANIER



& ASSOCIATES INC

LAND USE PLANNING
DEVELOPMENT CONSULTANTS

Allocations Since Year 10

Total = **292**

Maximum Market Rate = $292 \times .25 = 73$

Actual Market Rate = **53**

Remaining Market Rate = **20**

Allocations Requested Tonight

Affordable = **10**

Market Rate = **9**

Comp Plan (Policy 1-1.16.1)

“After year ten (10), 75 percent of residential building permit units shall be deed restricted affordable”.



Comp Plan (Policy 1-1.16.1)

“After year ten (10), 75 percent of residential building permit units shall be deed restricted affordable”.

LDRs (Sec. 108-995)

“After year ten (10), 75 percent of units shall be deed restricted affordable”.



Sec. 108-995

Table 2.0 below identifies allocated units at a rate of 1.0 ESFU's for the period from July 2013 to July 2023 As noted above, allocations shall continue after July 2023 but only 25% of units allocated during any one BPAS cycle year can be market rate. Deed restricted affordable allocations shall not have maximum annual allocation limits.

EXPAND

July 1, 2013 - June 30, 2014	July 1, 2014 - June 30, 2015	July 1, 2015 - June 30, 2016	July 1, 2016 - June 30, 2017	July 1, 2017 - June 30, 2018	July 1, 2018 - June 30, 2019	July 1, 2019 - June 30, 2020	July 1, 2020 - June 30, 2021	July 1, 2021 - June 30, 2022	July 1, 2022 - June 30, 2023	July 1, 2023 - June 30, 2024
48 affordable units to be allocated for Peary Court development. Minimum of 7 affordable units. Maximum of 36 market rate units.	Minimum of 55 affordable units. Maximum of 36 market rate units.	Minimum of 55 affordable units. Maximum of 36 market rate units.	Minimum of 45 affordable units. Maximum of 46 market rate units, of which a maximum of ten (10) units may be transient.	Minimum of 45 affordable units. Maximum of 46 market rate units, of which a maximum of ten (10) units may be transient.	Minimum of 45 affordable units. Maximum of 46 market rate units.	Minimum of 45 affordable units. Maximum of 46 market rate units.	Minimum of 45 affordable units. Maximum of 46 market rate units.	38.4 market rate units and 89.6 affordable units shall be allocated to the property currently known as the 3.2 development	Minimum of 0.4 affordable units. Maximum of 46 market rate units.	60 affordable units shall be allocated to the property currently known as Lang Milian Apartment

TREPANIER



& ASSOCIATES INC
LAND USE PLANNING
DEVELOPMENT CONSULTANTS

Comp Plan (Policy 1-1.16.1)

“After year ten (10), 75 percent of residential building permit units shall be deed restricted affordable”.

LDRs (Sec. 108-995)

“After year ten (10), 75 percent of units shall be deed restricted affordable”.



Comp Plan (Policy 1-1.16.1)

“After year ten (10), 75 percent of residential building permit units shall be deed restricted affordable”.

LDRs (Sec. 108-995)

“After year ten (10), 75 percent of units shall be deed restricted affordable”.

Table 2 Note (Sec. 108-995)

“As noted above, allocations shall continue after July 2023 but only 25% of units allocated **during any one BPAS cycle year** can be market-rate.”

F.S. 163.3194 – Legal status of comprehensive plan

“If a local land development regulation is in conflict with the comprehensive plan, the comprehensive plan shall prevail.”



SLIDE 1

Chair, Board members

Owen Trepanier, Trepanier & Associates, 1421 First Street

510 Southard Street

Planning Dept 7 ROGOs

20 units can be allocated tonight.

Only 19 requested

SLIDE 2

The Comp Plan says “After year ten, 75 percent of residential building permit units shall be deed restricted affordable”.

So based on the 75%, 73 units could be allocated as Market Rate

Only 53 were

Up to 20 more MR can be allocated consistent with the Comp Plan

Only 9 requested

Planning 75% Affordable - Annually

So let's explore that:

State Statute mandates the Comprehensive Plan as the guiding development document in the city,

all development regs must be consistent with the comp plan.

If there is a conflict, the Comp Plan prevails.

So what does the Comp Plan Say?

SLIDE 3

Policy 1-1.16.1 says “After year ten (10), 75 percent of residential building permit units shall be deed restricted affordable”.

Time Frame: After yr 10; Restriction: 75% affordable

what does the LDR Say?

SLIDE 4

108-995 states “After year ten, 75 percent of units shall be deed restricted affordable”.

Same Time Frame; Same Restriction

So where does this 75% Affordable – Annually come from

SLIDE 5

Note on Table paraphrasing the code provision

“As noted above, allocations shall continue after July 2023 but only 25% of units allocated **during any one BPAS cycle year** can be market-rate.”

So is that what is noted above? Let’s look

SLIDE 6

So here’s the LDR and the Comp Plan

SLIDE 7

And here’s the note

In general the note restates the regulation, albeit in a converse or opposite manner.

But then it diverges from the LDR and the Comp Plan and creates a new, additional, conflicting limitation.

Why is it there?

Editing relict.

SLIDE 8

How it got there doesn't matter, we are still bound by F.S. 163.3194 which says if there is a conflict between the code and the comp plan the comp plan prevails.

And the Comp Plan allows you to issue up to 20 MR units tonight.

That is why you can issue the requested 10 affordables and 9 market-rate and be fully consistent with the Comp Plan

People can't live in unallocated BPAS units, they need actual housing and that is what we are asking to do tonight.