

**THE CITY OF KEY WEST  
PLANNING BOARD  
Staff Report**



**To:** Chair and Planning Board members

**From:** Patrick Wright, Planner II

**Through:** Thaddeus Cohen, Planning Director

**Meeting Date:** June 18, 2015

**Agenda Item:** **Final Determination of Award for Year 2 Building Permit Allocation System (BPAS) Applications pursuant to Section 108-997 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida**

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**Request:** Approval of the final rankings of Year 2 (July 1, 2014 – June 30, 2015) BPAS applications for award of 31 market-rate and 44.1 affordable housing units.

**Background:**

During the first three years of BPAS, 60% of the units must be affordable. BPAS Year 1 awards were 36 market rate units, 7 affordable units, 48 affordable units reserved for Peary Court. In Year 1 there was an advance award of 15.9 units from the Year 2 BPAS.

BPAS Year 2 covers the application cycle between July 1, 2014 and June 30, 2015. The total available units for Year 2 are 36 market-rate units, and 39.1 affordable units. The Year 2 application final closing date was May 22, 2015. The City received five (5) BPAS applications requesting a total of 52.56 affordable housing equivalent single family units (ESFUs) and 31 market-rate units.

The Year 2 BPAS applications are summarized in the following table:

<b>YEAR 2 BPAS APPLICATIONS</b>					
	<b>1020 18<sup>th</sup> Terrace</b>	<b>5555 COLLEGE RD</b>	<b>515 Angela Street</b>	<b>3900 S. Roosevelt Blvd.</b>	<b>2800 FLAGLER AVE</b>
<b>Existing / Recognized Units</b>	1	27	0	296	10
<b>New Market Rate (ESFU)</b>	1	0	1	28	1
<b>New Affordable (ESFU)</b>	2	36	0	12	0
<b>Total Units (non-ESFU)</b>	2	63	1	336	11
<b>Zoning</b>	SF	CG	HRCC-1	HDR	SF
<b>Max Density (du/acre)</b>	8	16	22	22	8
<b>Land Area (SF)</b>	14,273	194,173	4,642	745,312	78,764
<b>Land Area (AC)</b>	0.32766	4.45759	0.10656	17.1100	1.80817
<b>Proposed Density (du/acre)</b>	6.1027	14.8386	9.3828	19.6368	6.0809

**Analysis:**

Staff evaluated, scored and ranked the final BPAS applications according to prerequisites and criteria outlined in City Code Section 108-997(b) and (c). The resulting scores and final rankings are attached. Staff evaluation of the final applications is summarized in score review sheets, which are included at the beginning of each attached application package.

Pursuant to City Code Section 108-995, 36 market-rate units are available for Year 2 (July 1, 2014 – June 30, 2015) of the BPAS. The following market-rate projects are recommended for award:

<b>YEAR 2 MARKET-RATE BPAS APPLICATIONS RECOMMENDED FOR AWARD</b>						
<b>Rank</b>	<b>Project</b>	<b>Units Requested</b>	<b>ESFU Factor</b>	<b>ESFUs Requested</b>	<b>Major/Minor Renovation</b>	<b>Score</b>
1	2800 FLAGLER AVE	1	1.00	1	Major	<b>100</b>
1	1020 18 <sup>TH</sup> TERRACE	1	1.00	1	Minor	<b>100</b>
2	3900 S. ROOSEVELT BLVD.	28	28.00	28	Major	<b>85</b>
3	515 ANGELA STREET	1	1.00	1	Major	<b>75</b>
<b>Total</b>		<b>31</b>	<b>31.00</b>	<b>31</b>		

Section 108-997(d) states: *“In the event that all market rate units are not claimed or applied for, after initial staff evaluation of the applications, any remaining market rate units may be awarded for affordable housing purposes.”*

There were 36 market rate units available for award. There are five (5) market rate units that were not applied for.

Pursuant to City Code Section 108-995, 39.1 affordable units were available for Year 2 (July 1, 2014 – June 30, 2015) of the BPAS. The following affordable projects are recommended for award:

<b>YEAR 2 AFFORDABLE BPAS APPLICATIONS RECOMMENDED FOR AWARD</b>						
<b>Rank</b>	<b>Project</b>	<b>Units Requested</b>	<b>ESFU Factor</b>	<b>ESFUs Requested</b>	<b>Major/Minor Renovation</b>	<b>Score</b>
1	1020 18 <sup>TH</sup> TERRACE	2	1.56	1.56	Minor	<b>100</b>
2	3900 S. ROOSEVELT BLVD.	12	12.00	12	Major	<b>85</b>
3	5555 COLLEGE ROAD	39	39.00	39	Major	<b>40</b>
<b>Total</b>		<b>53</b>	<b>52.56</b>	<b>52.56</b>		

There were 52.56 affordable ESFUs requested. Thirty nine point one 39.1 affordable units are available in Year 2. Staff recommends the five (5) unused market-rates be allocated as affordable per Section 108-997(d) and 8.46 affordable ESFUs be given advanced award from BPAS Year 3 (July 1, 2015 – June 30, 2016). City Code Section 86-9 provides for the advanced award of units for multi-unit affordable housing projects only. Units may only be reserved one year in advance through the BPAS application process, and may be awarded. However, such awards shall not be allocated for building permit until July of the award year for which they were borrowed, which would be July 2015. The project at 5555 College Road meets the criteria for advanced award and staff recommends approval.

This brings the total Year 2 request to 44.1 affordable units and 31 market rate units.

**RECOMMENDATION**

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 2 BPAS rankings, the award of 44.1 affordable and 31 market-rate units from BPAS Year 2, and the advanced award of 8.46 affordable units from BPAS Year 3.

KEY WEST BUILDING PERMIT ALLOCATION SYSTEM (BPAS)

YEAR 2 PRELIMINARY RANKINGS

YEAR 2 MARKET-RATE BPAS APPLICATIONS

PROJECTS	Units Requested	Equivalent Single-Family Unit (ESFU)	Total ESFUs	Major/Minor	Major/Minor Renovation	CRITERIA FOR 1 OR 2 UNITS:										CRITERIA FOR 3 OR MORE UNITS:					TOTAL BPAS POINTS: CLAIMED	TOTAL BPAS POINTS: VERIFIED			
						Building 1.5' higher than BFE (+5)	Providing addtl affordable housing (+10)	GBC Upgrade 1 (+30)	GBC Upgrade 2 (+40)	AIPP / Tree Fund (+60)	LEED Architect (+10)	Electric Car Charging (+10)	Non-roof SRI of at least 29 (+10)	Vegetated Roof 50% (+15)	Building 1.5' higher than BFE (+5)	Providing addtl affordable housing (+5)	GBC Upgrade 1 (+30)	GBC Upgrade 2 (+40)	AIPP / Tree Fund (+60)	LEED Architect (+10)			Electric Car Charging (+10)	Non-roof SRI of at least 29 (+10)	Open Space / On-site Recreational (+10)
2800 FLAGLER AVENUE	1	1.00	1.00	Major		5				60	10	10		10	5									100	100
1028 18th TERRACE	1	1.00	1.00	Minor																					
3900 S. ROOSEVELT	28	28.00	28.00	Major																					
515 ANGELA STREET	1	1.00	1.00	Major																					
TOTAL REQUESTED:			31																						

YEAR 2 AFFORDABLE BPAS APPLICATIONS

AFFORDABLE PROJECTS	Units Requested	Equivalent Single-Family Unit (ESFU)	Total ESFUs	Major/Minor	Major/Minor Renovation	CRITERIA FOR 1 OR 2 UNITS:										CRITERIA FOR 3 OR MORE UNITS:					TOTAL BPAS POINTS: CLAIMED	TOTAL BPAS POINTS: VERIFIED			
						Building 1.5' higher than BFE (+5)	Providing addtl affordable housing (+10)	GBC Upgrade 1 (+30)	GBC Upgrade 2 (+40)	AIPP / Tree Fund (+60)	LEED Architect (+10)	Electric Car Charging (+10)	Non-roof SRI of at least 29 (+10)	Vegetated Roof 50% (+15)	Building 1.5' higher than BFE (+5)	Providing addtl affordable housing (+5)	GBC Upgrade 1 (+30)	GBC Upgrade 2 (+40)	AIPP / Tree Fund (+60)	LEED Architect (+10)			Electric Car Charging (+10)	Non-roof SRI of at least 29 (+10)	Open Space / On-site Recreational (+10)
1020 18th TERRACE	2	0.78	1.56	Minor																					
3900 S. ROOSEVELT	12	12.00	12	Major																					
5555 COLLEGE ROAD	39	39.00	39	Major																					
TOTAL REQUESTED:			52.56																						

NOTES:

YEAR 2 MARKET-RATE UNITS AVAILABLE: 36

YEAR 2 AFFORDABLE UNITS AVAILABLE: 39.1

In case of tie scores and insufficient available units, a drawing of lots will determine the awardee.

# **Draft Resolution**

**PLANNING BOARD  
RESOLUTION NO. 2015-**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD APPROVING BUILDING PERMIT ALLOCATION SYSTEM (BPAS) RANKINGS AND MAKING THE FINAL DETERMINATION OF AWARD OF 44.1 AFFORDABLE AND 31 MARKET-RATE UNITS FROM YEAR 2 (JULY 1, 2014 – JUNE 30, 2015) AND THE ADVANCED AWARD OF 8.46 AFFORDABLE UNITS FROM YEAR 3 (JULY 1, 2015 – JUNE 30, 2016) PURSUANT TO SECTIONS 86-9 AND 108-997 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE**

**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, market-rate and transient) using the Equivalent Single-Family Unit (ESFU) Factors of City Code Section 108-994; and

**WHEREAS**, for Year 2 (July 1, 2014 – June 30, 2015), 39.1 affordable and 36 market-rate units are available for allocations; and

**WHEREAS**, City Code Section 86-9 provides for the advanced award of units for multi-unit affordable housing projects one year in advance; and

\_\_\_\_\_Chairman

\_\_\_\_\_Planning Director

**WHEREAS**, City Code Section 108-997(d) provides in the event that all market rate units are not claimed or applied for, after initial staff evaluation of the applications, any remaining market rate units may be awarded for affordable housing purposes; and

**WHEREAS**, City Code Section 86-9 provides that, upon ranking, in the event that two applications are determined to have the same numerical ranking score, and units are not available to provide awards to both projects, a drawing of lots will determine the awardee; and

**WHEREAS**, on June 18, 2015, the Planning Board conducted a public hearing regarding the BPAS rankings and Final Determination of Award prepared by the Planning Director; and

**WHEREAS**, the Planning Board desires to approve the rankings and make the final determination of award for Year 2 and an advanced award from Year 3.

**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 Board approves the attached rankings and makes its Final Determination of Award of seven 44.1 affordable units and 31 market-rate units from BPAS Year 2, and the advanced award of 8.46 affordable units from BPAS Year 3 as follows:

Affordable:

- Two (2) units with a 0.78 ESFU to 1020 18<sup>th</sup> Terrace with 100 points;
- Twelve (12) units with a 1.0 ESFU to 3900 South Roosevelt Boulevard with 85 points;
- Thirty-nine (39) units with a 1.0 ESFU to 5555 College Road with 40 points;

\_\_\_\_\_Chairman

\_\_\_\_\_ Planning Director

Market-Rate:

- One (1) unit with a 1.0 ESFU to 2800 Flagler Avenue with 100 points;
- One (1) units with a 1.0 ESFU to 1020 18<sup>th</sup> Terrace with 100 points;
- Twenty-eight (28) units with a 1.0 ESFU to 3900 South Roosevelt Blvd. with 85 points;
- One (1) unit with a 1.0 ESFU to 515 Angela Street with 75 points;

**Section 3.** This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Board.

**Section 4.** This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order shall be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for 45 days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the 45-day review period, the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Read and passed on first reading at a regularly scheduled meeting held this \_\_\_\_ day of \_\_\_\_\_, 2015.

Authenticated by the Chairman of the Planning Board and the Acting Planning Director.

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Richard Klitenick, Planning Board Chairman

Date

\_\_\_\_\_Chairman

\_\_\_\_\_ Planning Director



**Attest:**

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Thaddeus Cohen, Planning Director

Date

**Filed with the Clerk:**

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Cheryl Smith, City Clerk

Date

\_\_\_\_\_Chairman

\_\_\_\_\_ Planning Director