

January 24, 2010 City of Key West (City) issues RFP for Cable Hut and Hospitality House (Exhibit A)

January 29, 2010 Sixteen prospective bidders including Tropical Soup tour the property and the existing restaurant for the mandatory pre-bid meeting.

March 3, 2010 The City receives two proposals. One from Tropical Soup, (Exhibit B) the other, from the partners of El Meson de Pepe restaurant.

May 18, 2010 City awards RFP to tropical Soup Corporation pursuant to Res. No. 10-167 (Exhibit C) Approved preliminary design is for a two story restaurant.

June/July/August/September 2010 Tropical Soup and its architect meet with planning staff and HARC staff to discuss its plan.

August 3, 2010 Engineer's Report produced by Seatech Inc

September 14, 2010 HARC meeting approval of demolition. Approval from the board with request to reduce height of roof.

September 28, 2010 HARC meeting approved demolition and design. (Exhibit E)

October 4, 2010 Tropical Soup makes application to the City for a Major Conditional Use Approval

November 1, 2010 City Planner (Kimball-Murley) requests that Tropical Soup delay its project due to concerns from Tannex Development Corp. (Westin Hotel and Marina)

November and December 2010 Tropical Soup has meetings with lawyers, consultants and owners of the Westin marina to discuss their concerns. (Exhibit D)

December 10, 2010 City Chief Building Official condemns Westernmost Cable Tank due to compromised structural integrity and FEMA requirements.

December 16, 2010 Planning Board meeting cancelled. No quorum

January 20, 2011 City Planning Board recommends the approval of the Major Development Plan to the City commission pursuant to Res. No. 2011-002 (Significant opposition from attorneys and consultants representing the Westin Hotel and Marina)

April 21, 2011 City Planning Board hears variance request and tables request due to the failure of the City to provide an independent Structural Analysis of the West Cable tank.

May 2011 Tropical Soup and its architects modify plans to avoid the immediate need for the City to pay for a new structural reports and to reduce the size of the project.

June 14, 2011 After consulting with City staff and addressing neighbor concerns, new HARC application to reduce the size of the structure to fit within the side-yard set-back

June 16, 2011 Planning board meeting. Board unanimously approves variances for Coastal Control Line, Impervious Surface coverage and lot coverage.

June 20, 2011 Litigation and appeal of the planning board Decision Filed by Tannex Corporation Appeal of variances, allegation of an increase in the non-conforming use and coastal control line. (Westin Hotel)

August 2011 City of Key West declares West cable tank to be historic. This contradicts earlier analysis. (Exhibits F and G)

July 2011 Project set for City Commission approval of development plan.

August 2, 2011 City Commission delays approvals and actions pending the outcome of the litigation filed by the Westin.

August 29, 2011 Structural Condition Assessment report created for the City by Chen Moore and Associates. (Findings similar to Sea-tech report)

August to November 2011 City of Key West Legal staff and Tropical Soup Corporation prepare pleadings and filings defending the City of Key West's planning board decisions against the lawsuit filed by Westin.

February 13, 2012 Order from Circuit Court upholding decision of Planning Board. City and Tropical Soup win. (Exhibit H)

March 2012 Request for writ of Certiorari by Tannex Corporation (Westin) requesting Third District Court of Appeals review of Circuit Court decision.

September 2011 to March 2012 conducted numerous meetings with City staff to eliminate or reduce the need for variances, particularly the height variance.

March 28, 2012 At request of City, submitted new architectural design to HARC reducing roof height by 8'6". Board stated that they preferred the previously approved (larger) design that required a height variance. (Exhibit I)

March- November 2012 City of Key West Legal Staff and Intervenor Tropical Soup Corporation Legal Team prepare appeals pleadings and filings defending the City of Key West's planning board decisions and the Circuit Court's ruling upholding those decisions.

January and February 2013, Tropical Soup meets with the CPS board to discuss challenges at Mallory Square and design and business concerns.

February 9, 2013 Appeal of Circuit Court Ruling is denied by the 3rd District Court of Appeals. City of Key West and Tropical Soup win again.

February 20, 2013 Despite the project's similarity to the design proposed in its RFP, City Commission denies Major Development Plan application based on architectural design concerns.

March 2013. The denial by the City forces Tropical Soup to try to redevelop Mallory Square with a much more difficult economic model.

April 2013- August 2013

City of Key West and Tropical Soup Corporation begin meeting to identify objectionable issues related to the first design proposal. The City Staff identify the proposal of a two story structure as a key problem. Tropical Soup Corporation points out that under current code (V flood zone) and the approved

RFP, the structure must be two stories. City staff inform Tropical Soup that they won't approve a two story structure.

October 5, 2013 Without consulting Tropical Soup, the City of Key West demolishes frame structures that make up the existing restaurant seating and bar area. This demolition also damages the roof, tearing the front mansard off, and damages the concrete walls. This damage is never repaired, and still exists today. (photo exhibit J)

August 2013-June 2014

At the request of the City, Tropical Soup again redesigns the project pursuant to comments of the City Commission and meetings with City staff. Despite Tropical Soup's original RFP design being a two story structure and the parcel's location in a "V" flood zone, and that structures on the "ground" are prohibited in a "V" zone. Tropical Soup, its architects and engineers conduct studies and designs to determine the feasibility of seeking a FEMA LOMR and subsequently constructing a single story restaurant

June 4, 2014

Tropical Soup applies for a FEMA flood map revision to analyze the flood zone. The goal being to change the flood zone to allow the structure to be built on the ground thereby reducing the mass and scale.

Fall 2014 Large concrete masonry panel on rear of the structure falls off, exposing the glass French doors added to the masonry utility structure around 1970.

February 26, 2015 FEMA issues a Letter of Map Revision converting the property from a "V"-zone to an "A"-zone, thereby permitting a proposed structure to be built on ground level. Effective date of LOMR: 2/26/15 (exhibit K)

April 1, 2015 Tropical Soup makes application to the City for Major Conditional Use approval based on new flood maps and reduced mass and scale

April 2015 City of Key West signs authorization forms for Tropical Soup to pursue major development plan. (Exhibit N)

April 23, 2015 DRC meeting for new Tropical Soup Mallory Square project. Tropical Soup works diligently to minimize impacts to neighbors.

April 29, 2015 Tropical Soup initiates correspondence with City Manager updating him on the status of the project and requesting assistance with the City's slow pace. No response.

May 5, 2015

DRC meeting notes produced for re-designed Tropical Soup project. HARC and Building Departments both express the need to "save the cable hut". Tropical Soup points out that the structures at Mallory Square were built as storage "tanks", that the terminology for a "cable hut" describes the type of historic structure adjacent to the Southernmost Point, where functioning cable connections and communication was made. The second tank is a commercial kitchen, with an exhaust hood, sinks, fire suppression equipment and a walk-in cooler.

May/June 2015 Landscape Plans updated. Reviewed with Urban Forestry Program Manager Discussions about replacing the large trees at Mallory Square that were cut down fifteen years ago.

June 1, 2015 Draft lease discussions between the City and Tropical Soup continue.

June 9, 2015 Preliminary Tree Commission Approval granted

June 29, 2015 Emails to City manager discussing Tropical Soup's ongoing efforts to re-develop blighted Mallory square and to clarify its continuation of the non-conforming use. No response

July/August/September 2015 Civil engineering and site work analysis of modified development plan

July/August/September/October/November/December 2015 Numerous discussions with City staff regarding political and other business' opposition to the redevelopment of Mallory Square, the difficult politics and the City's lack of fortitude.

November 10, 2015 Clarification meeting with City Planner regarding the process for moving forward including meeting schedules and the applicability of previous project approvals. City Planner clarifies that he wants Tropical Soup to re-submit plans to the DRC.

December 2015- Historic Structures Report created by Bender and Associates.

December 2015 In response to information requests City produces documents indicating 80 seats at the restaurant on Mallory Square (Exhibit Q)

April 28, 2016 City staff adopts the work of paid opponents of the project as a requirement for Tropical Soup to meet.

April 28, 2016 DRC meeting. Tropical Soup points out that there are ongoing significant negative financial, and reputational damages to the City and Mallory Square with the existing blighted area and continuing deterioration of historic properties.

May/June 2016 Discussions and site visits between Tropical Soup's landscape architect and the City's Urban Forestry Program Manager.

June 9, 2015 Tree Commission Board meeting. Preliminary approval of landscape Plan.

July 2016 Planning Board Scheduled. Delayed at the request of the City

June/July August 2016 After consultation with City staff, alternate Plans developed to eliminate all variances including the need for the previously granted Coastal Control Line variance.

August 18, 2016 Project noticed for Planning Board meeting: Major Development Plan and Variances. After meeting with Planning Staff and their concerns about variances Tropical Soup requests postponement until September.

August/September 2016 Tropical Soup meets with various City Commissioners updating them on progress of the redevelopment of Mallory Square.

September 2016 City of Key West changes its HARC guidelines and demands that Tropical Soup meet the new guidelines.

September 15, 2016 Planning Board Meeting. Major Development Plan postponed at request of City.

October 16, 2016 Conference call City attorney, City planner, Tropical Soup, Tropical Soup's Planner and Tropical Soup's attorney

October 20, 2016 Planning Board Meeting Major Development Plan approved.

December 12, 2016 Tropical Soup, its architects and artist make Art in Public Places conceptual proposal.

December 14, 2016 HARC meeting. Demolition Plan denied. Major Development Plan not heard due to denial of demolition. No suggestions made. Bender engineering report cited used as evidence and cited as reason for denial. Bender recuses himself from vote, but testifies against the project.

January 2017 Discussions between Tropical Soup and the City's Senior Property Manager regarding the status of the project and the lease.

January/February 2017- Multiple meetings with HARC staff, City FEMA coordinator and CBO. Discussions relating to the City's interpretation of historic features of the West Cable Tank and the applicability of FEMA regulations to its restoration.

March 2017 Discussion with City Leasing agent regarding the expected approvals of the new minimalist HARC design and the already approved development plan, These discussions covered definitions of demised premises construction schedules and lease commencement date as well as compensation for the City's change in the scope of the project. City Property manager argues for fidelity to the RFP despite the City's changes.

March 2017 Application including plan for restoration of the West Cable Tank timely submitted to HARC staff for the April meeting.

April 2017 Answered questions from City Planning department explaining that the only differences in the HARC application from the approved development plan were architectural and reductions in Floor area ratios and reductions in lot coverage.

April 2017 Added Design details modifying height of terraces at restaurant and detailing West Cable Tank and Hospitality House restoration work

April 2017 Tropical Soup proposal set for May HARC meeting.

May 2, 2017 Despite a Planning board approval and pending HARC application, proposal placed on City Commission to "cease negotiations" with Tropical Soup. After a call from a reporter alerting it to the agenda item Tropical Soup's legal counsel strenuously objects. Item withdrawn. (exhibit P)

May 23, 2017 Design denied by HARC. New design rehabilitates and adaptively re-uses existing restaurant kitchen. Design rehabilitates Hospitality House and minimizes obstructions and impediments to the Key west harbor and sunset view. No suggestions made about how the project could comply with the board's interpretation of the guidelines.

May 31, 2017 Tropical Soup appeals the HARC ruling to Special Magistrate.

June, July 2017 Tropical Soup continues its efforts to minimize impacts-. Adding bike racks, recycling areas, moving utilities to the least visible locations. Its engineers produce the concept video, showcasing current design.

August 30, 2017 Appeal argued before Special Magistrate. Special Magistrate decides in Tropical Soup's favor.

September 10 2017 Hurricane Irma landfall. Roofs and structures of properties further damaged. No effort at repair or mitigation of further damage to structures made to date.

October 18, 2017 Special Magistrate signs order finding that HARC decision improperly denied the project and was in error.

November 15, 2017 Almost unbelievably, rather than taking the opportunity to accept the Magistrate's decision and allowing Tropical Soup to begin to repair the blight at Mallory- The City seeks a clarification and narrowing in scope of Special Magistrate decision. City seeks a clarification and narrowing in scope of Special Magistrate decision.

November 17, 2017 City legal staff files writ of Certiorari requesting Circuit Court review of Special magistrate decision.

November 20, 2017 Tropical Soup applies with updated landscape plans for the December 12 Tree Commission agenda.

November 28, 2017 City files a 22 page appeal of the Special Magistrate's order, requesting review by the Circuit Court and litigating against the project.

November 28 City legal staff informs City urban forest manager that project has been stayed due to the City's appeal, and the item should not be placed on an agenda.

December, 2018 Tropical Soup points out that there has been no court ordered stay of the proceedings the landscape plan is unrelated to the HARC dispute, and should move forward.

January 2018 City requests Circuit Court relinquish jurisdiction back to Special magistrate so that he may re-hear the case.

February 28, 2018 City requested re-hearing and clarification of the Special Master's decision of August 2017. Special Master finds the same facts.

March 5, 2018 Special Magistrate signs order affirming his previous decision of August 30, 2017 and his previous order of October 18, 2017 that a Certificate of Appropriateness be issued. (Exhibit L)

March 13,2018 Final landscape plan approved by City tree Commission.

April, May, June 2018 Tropical Soup pushes to be on City Commission agenda.

August 27, 2018 City files a motion requesting reinstatement of jurisdiction with the Circuit Court, effectively appealing again after a six month delay.

September 5, 2018 Development Plan approval on City Commission agenda. Postponed at request of the City Attorney.

October 2, 2018 Development Plan approval on City Commission agenda. Postponed at request of the City Attorney.

October 11, 2018 Tropical Soup appeals to City manager to stop litigating against the project and to let the revitalization plan for Mallory square be heard. (exhibit M)

October 12, 2018 City Manager responds with- have your attorney call my attorney..

October 16, 2018 Development Plan approval on City Commission agenda. Postponed at request of the City Attorney.

December 4, 2018 Development Plan approval on City Commission agenda. Postponed at request of the City Attorney.

December 6, 2018 Circuit Court hearing on City's appeal

January 15, 2019 Development Plan approval on City Commission agenda. Postponed at request of the City Attorney.

February 20, 2019 Development Plan approval on City Commission agenda. Postponed at request of the City Attorney.

March 4, 2019 Circuit Court issues order denying City appeal. Special Magistrate order and HARC approval stand.

March 21, 2019 Tropical Soup sends draft 8 of the proposed lease back to the City's Senior property manager for final review by City legal staff

April 26 2019 City staff sends lease sent back to Tropical Soup after City legal staff review.