

Staff Score Review Sheet

BPAS STAFF REVIEW: YEAR 2 APPLICATIONS

Applicant: Smith Oropeza Hawks

Site Address: 5555 College Road

Number and Type of Unit(s) Requested: 36 Market-Rate

Prerequisite Development Type: Major Construction

General Planning Comments

Entire Site is both VE11 & VE13. The Building A Conceptual Front Elevation notes that VE13 is the Base Flood, but only shows it as being 11' from crown.
 Show where roll outs go. For Trash and Recycling, they should either be grouped together (best management practice) or make recycling even easier (provide chutes to the shown recycling bins between buildings).

Prerequisites: Major Construction/Renovation.

A) Baseline green building certification required Staff comment: VERIFIED: FGBC score sheet = Gold
B) First habitable floor 1.5 feet above required base flood elevation. Staff comment: VERIFIED: Since 1 st finished floor is noted as 16.8', base flood for both VE11 and VE 13 are met.
C) Rainwater catchment system required Staff comment: VERIFIED* = Allowing substitution of reclaimed water instead of cistern water for irrigation, car and boat wash, and fire suppression needs. Show re-use water line on the plans.

Point System: Three or more non-transient units

<i>Criteria (Points)</i>	<i>Applicant</i>	<i>Staff</i>
1. Building more than 1.5' higher than the base flood elevation (+5) Staff comment: VERIFIED: Assuming that even a VE13 elevation at 1.5' above flood measures 14.5, so 16.8 is 2.3' of additional height above 1.5'.	5	5
6. Voluntary contributions to AIPP or tree fund of \$5,000 or more (+10) Staff comment: VERIFIED.	10	10
8. Electrical high-voltage conduit for electric car charging station (+5) Staff comment: VERIFIED. Shown on site plans.	5	5
9. Non-roof areas with minimum 29 solar reflectance index (SRI) (+10) Staff comment: VERIFIED: Noted on site plans.	10	10
10. Additional on-site open space or on-site recreational facilities (+10) Staff comment: VERIFIED: 20% required open space, 50% proposed.	10	10
Total:	40	40

Staff Comment Letter



CITY OF KEY WEST, FLORIDA • PLANNING DEPARTMENT

3140 Flagler Avenue • Key West, Florida 33040-4602 • 305-809-3720
www.keywestcity.com/planning • planning@cityofkeywest-fl.gov

VIA EMAIL TO greg@smithoropeza.com

April 15, 2015

Greg Oropeza
Smith | Oropeza | Hawks, P.L.
138 Simonton Street
Key West, Florida 33040

**Re: Staff Comments on Year 2 (2014-15) Building Permit Allocation System (BPAS) Application
5555 College Road (RE # 00072080-001400; AK # 1076007)**

Dear Mr. Oropeza:

Thank you for your BPAS Application for thirty six (36) market-rate residential dwelling units on property located at 5555 College Road. 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 Planning Department staff comments related to the review of your application.

Completeness

No comments at this time.

BPAS Prerequisites

No comments at this time.

BPAS Scoring Criteria

No comments at this time.

Additional Documentation/Comments

1. The Building a Conceptual Front Elevation notes that VE13 is the Base Flood, but only shows it as being 11' from crown.
2. Please indicate where roll out dumpsters are to be located. For Trash and Recycling, they should either be grouped together (best management practice) or make recycling even easier (provide chutes to the shown recycling bins between buildings).
3. The letter of coordination from KWRU refers to fifty-four units but lists sixty-two in the parentheses next to it. Please clarify the correct number of units for consistency.
4. Current elevations show the top of the building at 50.30', and the top of the third floor at roughly 45.80'. The overall building height will require a variance, and if there is any habitable space above 40' it will have to go to referendum.
5. Please indicate the crown of nearest road and reflect this number on the elevations in relation to building height.

April 15, 2015

Staff Comments on Year 2 (2014-15) Building Permit Allocation System (BPAS) Application
5555 College Road (RE # 00072080-001400; AK # 1076007)

General Information

Draft Rankings: A preliminary draft copy of the Year 2 BPAS application rankings is attached, so that you can get a sense of how your project compares to other proposals. All BPAS applications are scored and ranked with the highest scores being first for award. Market-rate unit requests compete separately from affordable unit requests. You may make changes to your project that change the Estimated BPAS Score Sheet. After the deadline below, changes to the Estimated BPAS Score Sheet will no longer be allowed.

Deadline: Please submit one (1) paper copy and an electronic copy of your response and the requested revisions to the Planning Department no later than 5:00 PM on Friday, May 15, 2015.

For Help: Please feel free to contact us with any questions or for clarification. Planning staff is available to meet with you to discuss your application in greater detail. More information is available at www.cityofkeywest-fl.gov/bpas.

Sincerely,

Key West Planning Department

Office: 305-809-3720

Email: planning@cityofkeywest-fl.gov

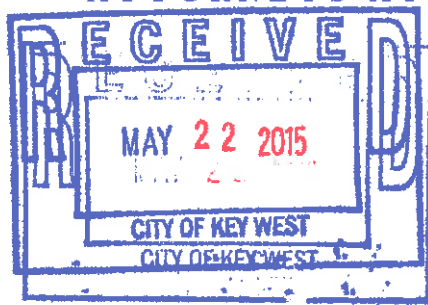
Web: www.cityofkeywest-fl.gov/planning

Mail: PO Box 1409, Key West, FL 33041-1409

Applicant's Response Letter

SMITH | OROPEZA | HAWKS

ATTORNEYS AT LAW



Gregory S. Oropeza, Esq.
138 Simonton Street
Key West, Florida 33040
Telephone – 305.296.7227
Facsimile – 305.296.8448
greg@smithoropeza.com

VIA HAND DELIVERY

May 21, 2015

Patrick Wright, Planner
City of Key West Planning Department
3132 Flagler Avenue
Key West, Florida 33040

RE: REVISED - Request for Year 2 Building Permit Allocation System Allocations for 5555 College Road, Key West, Florida 33040:

Dear Mr. Wright,

Please allow this correspondence to serve the revised application for thirty-nine (39) affordable residential Building Permit Allocation System (“BPAS”) units (the “BPAS Units”) on behalf of Sunset Marina, LLC, a Florida limited liability company (“Sunset Marina” or “Applicant”). Sunset Marina intends to develop the BPAS Units at the real property located at 5555 College Road, Key West, Florida 33040 (“Property”). In response to the April 15, 2015 letter from you with respect to our initial application, the following changes have been made.

1. The elevations on the building conceptual plans have been revised to clarify the elevation notes given current flood zone classification. Revised site plan enclosed.
2. On the original plans under Note 3 of the Site Development Notes the plans read as follows – “Roll Out Mini Dumpsters will be provided in the Garage of Each Building.”
3. A revised letter of coordination is enclosed herein correcting the reference to unit number.
4. The site plans have been revised to show an overall building height of 44’ 11.5” with the total habitable height of 39’ 5.5”. Revised site plan enclosed.
5. The nearest crown of the road has been indicated on the site plans, at 5.36’. Revised site plan enclosed.

Title Block:

- | | |
|-------------------------------|---|
| a. Name of Development: | Sunset Marina |
| b. Name of Owner/Developer: | Sunset Marina, LLC, a Florida limited liability company |
| c. Scale: | 1” = 30’ |
| d. North Arrow: | As identified on the site plan |
| e. Preparation/Revision Date: | December 23, 2014 |

Identification of Key Persons:

- a. Owner: Sunset Marina, LLC, a Florida limited liability company
- b. Owners Authorized Agent: Smith | Oropeza | Hawks
- c. Engineer: Weiler Engineering Corporation
- d. Architect: To Be Determined
- e. Surveyor: Morgan & Eklund, Inc.
- f. Landscape Architect: Liz Newland Landscape Architecture, LLC
- g. The undersigned certifies that all individuals with a legal and equitable interest in the Property are as follows:
 - i. Barton W. Smith
 - ii. Gwenn H. Smith
 - iii. Alex Smith
 - iv. Leslie Johnson
 - v. Todd M. Oropeza
 - vi. Gregory S. Oropeza

Project Description: Identified on the Site Plan attached hereto.

Other Project Information:

- a. Proposed Phases of Development and Target Dates:
 - i. Phase I – Completion of one of the four buildings containing the residential units.
 - ii. Phase II – Completion of the second of the four buildings containing the residential units.
 - iii. Phase III – Completion of the third of the four buildings containing the residential units.
 - iv. Phase IV – Completion of the fourth of the four buildings containing the residential units together with sixty-two (62) wet slips.
- b. Expected Date of Completion – On or before December 31, 2018.
- c. The Applicant is submitting a request to enter into a Development Agreement with the City of Key West, a Major Development Plan Application and a Variance Application.

Intergovernmental Coordination:

All intergovernmental coordination shall be completed with the processing of the Applicant’s Major Development Plan Application.

Description of Proposed Development and Use:

The proposed development shall consist of a mixture of market rate multi-family residential units, affordable residential units, boat slips and commercial uses. Currently all of the commercial uses are contained within two structures. A marina ship store and general office space are located in one structure, with unoccupied commercial space in the second building. In addition to the commercial space, Sunset Marina owns thirty one (31¹) of the existing one hundred twenty eight (128) boat slips in the adjacent boat basin. Sunset Marina is proposing to construct an additional sixty-two (62) wet slips.

Four (4) deed-restricted affordable residential units are already in existence on the Property, and Sunset Marina was previously awarded twenty-three (23) market rate residential units in Year 1 of the BPAS application process. The requisite number of parking spaces as required by the Code shall be provided at the Property in connection with a request for parking variance.

Residential Calculation - Section 122-1142	
Allowable Commercial FAR	155338
Proposed Commercial FAR	11275
Unused Commercial FAR	144063
Percent (%) of Unused Commercial FAR	0.927416
Allowable Units Per Acre	14.83866
Maximum Residential Units Allowed	66.03204
Commercial Component Permitted	
Allowable Units Per Acre	16
Total Number of Units Per Acre on Site	7.6
Unused Residential Density	8.4
Percent (%) of Unused Residential Density	0.525
Maximum Commercial FAR	0.42
Maximum Commercial Square Footage	81552.45

¹ One slip has sold since the initial application.

Application

Solution Statement:

The proposed development shall be designed and constructed utilizing methods and techniques which will allow Sunset Marina to achieve a baseline certification standard for Florida Green Building Code. All development shall incorporate mitigative standards and techniques to minimize any adverse impacts to surrounding properties and environmental concerns. The design and development phases shall take into account the proximity to the artificial shoreline in a manner which addresses any potential storm water runoff.

The storm water plan for the Property shall meet or exceed the requirements of the Code. A re-use water line currently runs only feet away from the Property, as the neighboring Monroe County Detention Center currently utilizes the re-use pipe for various aspects of operation.

Sunset Marina proposes to connect to the re-use line for purposes of supplying all non-potable water uses, in an effort to drastically reduce the onsite demands for potable water. The connection to the re-use line conforms to the intent of the BPAS ordinance and provides a more environmentally sensitive solution to the construction of a 62,000 gallon cistern space. The re-use water would supplant all potable water demands for exterior water demands, including but not limited water used for all irrigation needs and cleaning requirements. Additionally, the applicant desires to use the re-use water for all fire suppression systems, subject to fire department approval. Fire suppression use is an application a cistern does not have the capability of serving due to the limited amount of water within the cistern and lack of high pressure flow. The re-use line currently enters the subject site from the College Road entrance and is in service currently at the Monroe County Detention Center for all grey water and cooling needs. Currently, the Monroe County Detention Center uses 32,000 gallons per day, which is used to flush all toilets, fire suppression in the fire sprinkler system, and cooling towers. Moreover, the Key West Golf Course uses approximately 300,000 – 500,000 gallons per day. KW Resort Utilities has ample supply to maximize grey water to Sunset Marina. A letter of coordination from KW Resort Utilities is attached hereto and incorporated herein.

All new structures shall be constructed a minimum of one and one half foot (1.5 feet) above the applicable flood zone elevation requirements. Pursuant *Solar Reflectance of Concretes for LEED Sustainable Sites Credit: Heat Island Effect* <http://www.concretethinker.com/Content/Upload%5C446.pdf> the SRI rating of standard new concrete is 35. All non-roof areas, including pavement will be constructed with an SRI rating of at least 29.

Adequately buffered receptacle locations will be constructed on the Property to accommodate the disposal of all waste and recyclable items. The Developer will maintain bulk recycling pick up in an effort to promote recycling, allowing residents to dispose of recyclables in one convenient, centrally located container. Lighting facing any neighboring residential location will be designed utilizing dark sky methods. Traffic will be routed through the portion of the property that fronts the Monroe County Jail. No existing residential structure will be impacted by traffic patterns resulting from ingress and egress to the Property. The design of all proposed buildings will complement the residential condominiums currently known as Sunset Marina Residences in scale, shape and color.

USE	CODE REQUIREMENT Section 108-572	PROPOSED
Multi-Family Residential	2 Motor Vehicle Parking Spaces Per Unit 10% Bicycle	78 Motor Vehicle 8 Bicycle
Commercial Retail and Office Space	1 Parking Space for every 300 Square Feet of Space 25% Bicycle	24 Motor Vehicle 6 Bicycle
Marina	1 Parking Space for every 4 Slips 25% Bicycle	32 Motor Vehicle 2 Bicycle
TOTAL	Required Accessible Parking Spaces - 4	134 Motor Vehicle 16 Bicycle <i>The totals are based on the current request for 39 units.</i>

Thank you for your consideration of this application and attendant documents. We look forward to working with you and planning staff on this project.

Very Truly Yours,



Gregory S. Oropeza, Esq.

Enc.



Building Permit Allocation System (BPAS) Application (Year 1: July 1, 2014 – June 30, 2015)

City of Key West, Florida • Planning Department

3140 Flagler Avenue • Key West, Florida 33040-4602 • 305-809-3720 • www.keywestcity.com

Application Fee: \$1,150.00

(includes \$100.00 advertising/noticing fee and \$50.00 fire review fee)

**PLEASE NOTE: A PRE-APPLICATION MEETING IS REQUIRED.
THIS APPLICATION WILL BE ACCEPTED BY APPOINTMENT ONLY.**

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

Name: Smith | Oropeza, P.L.

Mailing Address: 138 Simonton Street

City: Key West State: Florida Zip: 33040

Home/Mobile Phone: _____ Office: 305-296-7227

Email: Greg@SmithOropeza.com

PROPERTY OWNER:

Name: Sunset Marina, LLC c/o Smith | Oropeza, P.L.

Mailing Address: 138 Simonton Street

City: Key West State: Florida Zip: 33040

Home/Mobile Phone: _____ Office: 305-296-7227

Email: Bart@SmithOropeza.com

PROPERTY DESCRIPTION AND ZONING INFORMATION:

Site Address: 5555 College Road, Key West, FL 33040

Parcel ID/ RE#: 00072080-001400 Alternate Key: 1076007

Zoning District: CG Size of Site: 194,172.5 SQFT

Density Allowed: 16 DU/Acre Commercial Floor Area: 12,360 SQFT

B. EXISTING DEVELOPMENT:

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

The property is currently a mixture of commercial and residential uses. The developer currently maintains 32 wet boat slips, four affordable dwelling units and 6,970.95 SQFT of commercial space comprised of office space, storage and a marina ship store.

EXISTING AND PROPOSED DWELLING UNIT INFORMATION			
DWELLING UNIT DESCRIPTION	NUMBER OF DWELLING UNITS:		
	EXISTING	LICENSED ¹ / RECOGNIZED	PROPOSED
Market-Rate Residential Dwelling Unit(s)	0	0	0
Affordable Residential Dwelling Unit(s) ²	4	4	39
Transient Unit(s) ³	0	0	0
Accessory Dwelling Unit(s) ⁴	0	0	0
Single Room Occupancy Unit(s)	0	0	0
Nursing Home Unit(s)	0	0	0
Total Number of Units Requested			39

- 1 Please provide City Licensing Records from the Building Department.
- 2 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 (2) through (15) of the Workforce Housing Ordinance. Affordable housing projects enabled by federal tax credit housing are not subject to 122-1467(c).
- 3 New transient units are NOT available until July 2017.
- 4 Accessory dwelling units in the SF zoning district are subject to Section 122-231 through 122-237 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 the property located within the Historic District?
- Are buildings on the property listed as contributing historic structures?
- Is the proposal for mixed residential and commercial use?
- Are density bonuses proposed?
- Advanced affordable allocation request?

Y / N
 Y / N
 Y / N
 Y / N
 Y / N

Will the allocation require development review? Y / N
 If yes, please specify what type of development review will be required:

- Major Development Plan Minor Development Plan Conditional Use
- Variance(s) Beneficial Use HARC
- Lawful Unit Determination Transient Transfer 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 units 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 prosing 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, 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 so as to have the **first habitable floor 1.5 feet above the required base flood elevation**, with the exception of 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 1,000 gallons of water or an amount equivalent to 100% of the new roof area in gallons whichever is greater.
 - (B) **Minor Renovation Prerequisites.** For redevelopment 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 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 EPA Portfolio Manager (<https://www.energystar.gov/istar/pmpam/>), and access to building data given to the City of Key West. For residential, either EnergyGuage or RESNET may be used to establish a baseline. Please provide a description how 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) that shall include a completed site Data Table (*Exhibit B*).
- 9. Completed BPAS Estimated Score Sheet and Estimated Total Points to be achieved

City of Key West • Application for Building Permit Allocation System Unit(s)

(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.



KW Resort Utilities Corp

6630 Front Street
Key West, FL 33040
305.295.3301
FAX 305.295.0143
www.kwru.com

VIA ELECTRONIC MAIL

February 19, 2015

Mr. Greg Oropeza, Esq.
Representing Sunset Marina, LLC
5555 College Road
Key West, Florida 33040

RE: Letter of Coordination for Re-Use Water Line on College Road:

Dear Mr. Oropeza,

Pursuant to the request by Sunset Marina, LLC, please allow this letter to serve as a letter of coordination for the re-use water line operated by KW Resort Utilities Corp., a Florida Corporation ("KWRU"). I have reviewed the proposal to develop sixty-two (62) residential units at the property located at 5555 College Road, Key West, Florida 33040 ("Property"). The re-use line operated by KWRU has more than sufficient capacity to supply re-use water to all of the proposed sixty-two (62) units, plus provide re-use water for exterior irrigation, car washing, boat washing and other exterior applications provided the development designs and installs a proper on site re-use distribution system.

Connecting to the re-use line would be a minimal effort as the neighboring county owned property, on which the Monroe County Detention Center resides, currently uses re-use water for several applications.

If you should have any questions, please do not hesitate to contact me.

Sincerely,

Christopher A. Johnson
President



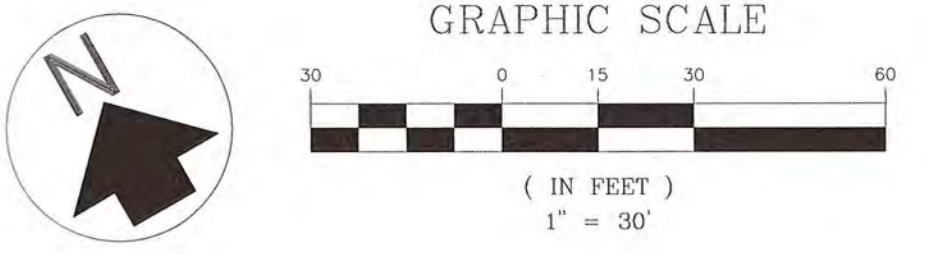
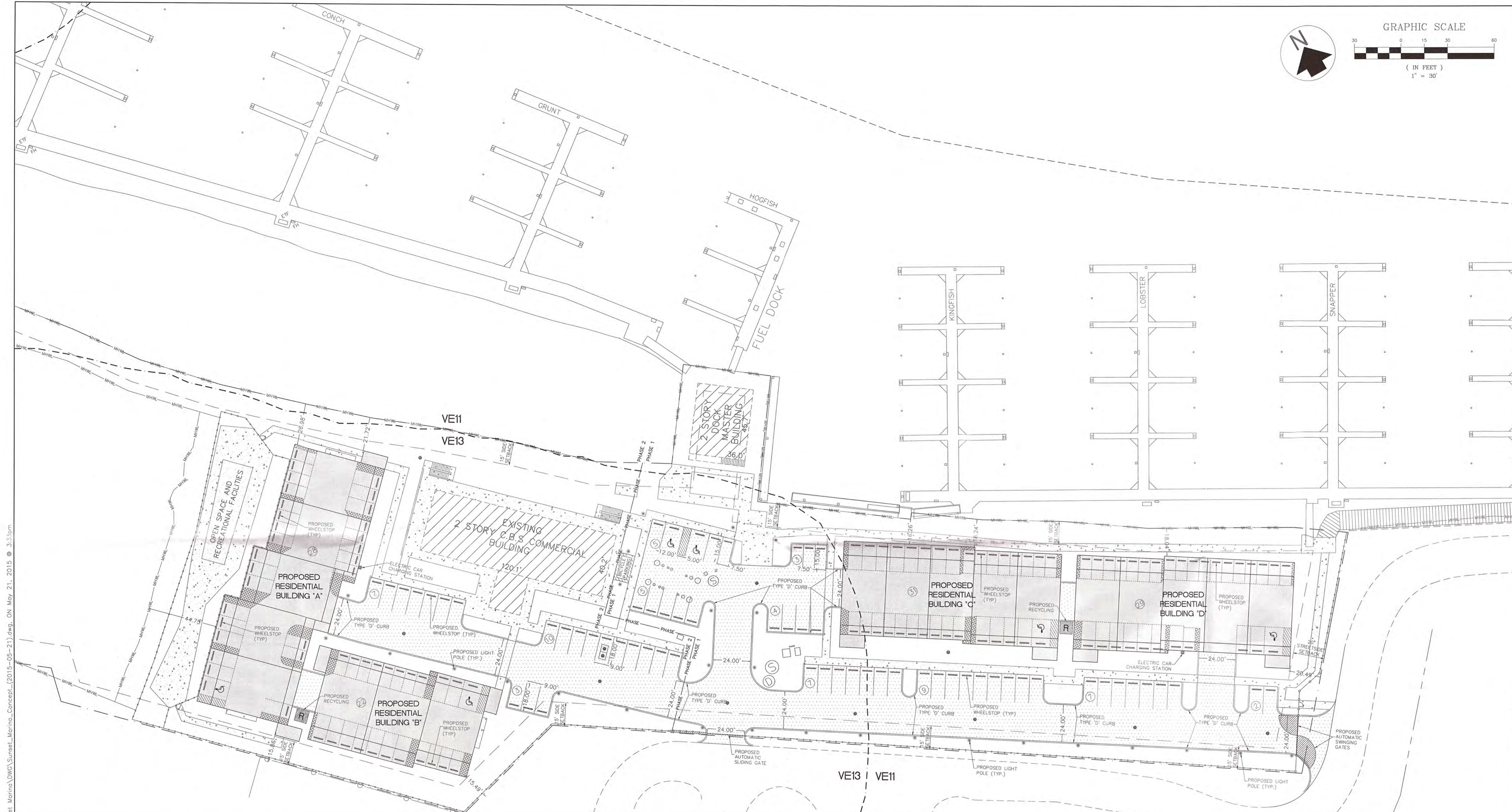
Exhibit B – Site Data Table 2014 Application for BPAS

305-809-3720 • www.keywestcity.com

SITE DATA TABLE

Please fill out the relevant Site Data in the table below. For Building Coverage, Impervious Surface, Open Space and F.A.R. provide square footages and percentages.

Site Data Table				
	Code Requirement	Existing	Proposed	Variance Request (y/n)
Zoning	CG			
Flood Zone	VE11			
Size of Site	194,172.50			
Height	40	40	40	N
Front Setback	25	50	20	Y
Side Setback	20	20	20	N
Side Setback	15	15	15	N
Street Side Setback	20	20	20	N
Rear Setback	30	30	20	Y
Residential Floor Area	N/A	2,771	78,371	N/A
Density	16 DU/ACRE	4	62 (total 66)	N/A
Commercial Floor Area	N/A	12,360	12,360	N/A
F.A.R (Commercial)	.8	.064	.064	N
Building Coverage	40%	4.8%	22%	N
Impervious Surface	60%	1.29	47.03%	N
Parking	172	135	172	N
Handicap Parking	5	4	6	N/A
Bicycle Parking	10%	24	24	N
Open Space/ Landscaping	20%	60%	48%	N
Number and type of units	N/A	4	58	N/A
Consumption Area or Number of seats	N/A	N/A	N/A	N/A



Approved By: MJG
 Scale: 1" = 30'
 Job No: 14010.001
 Date Issued: 05/21/2015

Design: JNB
 Drawn: JNB
 Checked: BRJ

WEBCORPORATION
WEC *intelligence in engineering*
 SUITE 7-9
 PORT CHARLOTTE, FLORIDA 33954
 (941) 764-6447
 EB #6656

**OVERALL SITE PLAN
 FOR
 SUNSET MARINA**

USER: mbltmore PLOTTED THE OA-SITE LAYOUT OF W:\2014\14010.001_Sunset Marina_DWG_Sunset_Marina_Concept_L (2015-05-21).dwg, ON May 21, 2015 @ 3:53pm

Revisions	Description	Date
1.	ADDED SITE DEVELOPMENT NOTE #4	05/21/15 JNB

SITE DEVELOPMENT NOTES:

- ALL NEW BUILDINGS, CONCRETE SURFACES, AND PAVEMENT SHALL BE CONSTRUCTED OF MATERIALS WITH AN SRI RATING OF 29 OR GREATER.
- ALL EXISTING ON-SITE POWER LINES ARE LOCATED UNDERGROUND.
- ROLL OUT MINI DUMPSTERS WILL BE PROVIDED IN THE GARAGE OF EACH BUILDING.
- RECLAIMED WATER WILL BE UTILIZED ON SITE FOR IRRIGATION, CAR AND BOAT WASHING, AND FIRE SUPPRESSION.

LEGEND:

- PROJECT BOUNDARY
- SETBACK LIMITS
- PROPOSED PHASE BOUNDARY
- MEAN HIGH WATER LINE
- FLOOD ZONE BOUNDARY
- EXISTING PAVEMENT
- EXISTING BUILDING
- PROPOSED CONCRETE
- PROPOSED IMPERVIOUS PAVEMENT

AMENDED SITE DATA TABLE

	REQUIRED	EXISTING	PROPOSED	VARIANCE
ZONING	CG			
FLOOD ZONE	VE 11	VE 11 & VE 13		
SIZE OF SITE	194,172.50 SF			
HEIGHT	40.0'	40.0'	45.0'	Y
FRONT SETBACK	25.0'	50.0'	20.0'	Y
SIDE SETBACK	20.0'	20.0'	15.0'	Y
STREET SIDE SETBACK	20.0'	20.0'	20.0'	N
REAR SETBACK	30.0'	30.0'	45.0'	N
RESIDENTIAL FLOOR AREA	N/A	2,771.0 SF	78,371.0'	N/A
DENSITY	16 DU/AC	4	62 (66 TOTAL)	N/A
COMMERCIAL FLOOR AREA	N/A	12,360.0 SF	12,360.0 SF	N/A
F.A.R. (COMMERCIAL)	0.8	.064	.064	N
BUILDING COVERAGE	40.0%	4.8%	22.0%	N
IMPERVIOUS AREA	60.0%	1.29%	47.03%	N
PARKING	202	135	172	Y
HANDICAP PARKING	5	4	6	N/A
BICYCLE PARKING	22.0	24.0	24.0	N
OPEN SPACE / LANDSCAPING	20.0%	60.0%	50.47%	N
NUMBER AND TYPE OF UNITS	N/A	4	62 (66 TOTAL)	N/A
CONSUMPTION AREA OR # OF SEATS	N/A	N/A	N/A	N/A

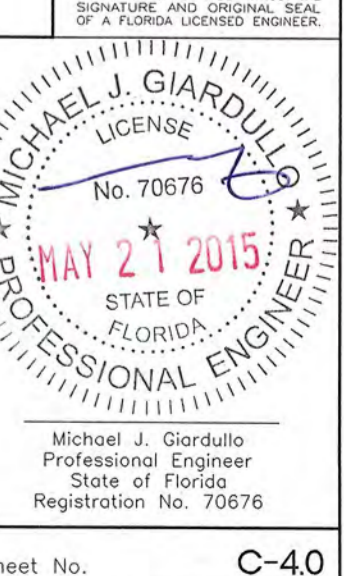
LOT COVERAGE SUMMARY

EXISTING BUILDINGS TO REMAIN	6,970.95 SF	0.16 AC
EXISTING CONCRETE TO REMAIN	2,013.27 SF	0.05 AC
PROPOSED BUILDINGS	34,767.03 SF	0.80 AC
PROPOSED CONCRETE SIDEWALK	13,458.40 SF	0.31 AC
PROPOSED CURBING	941.40 SF	0.02 AC
PROPOSED POOL	1,135.80 SF	0.03 AC
PROPOSED IMPERVIOUS PAVEMENT	32,028.08 SF	0.74 AC
TOTAL IMPERVIOUS AREA	91,514.93 SF	2.10 AC 49.53%
TOTAL PERVIOUS AREA	93,053.92 SF	2.14 AC 50.47%
TOTAL SITE AREA	184,368.85 SF	4.23 AC 100.00%

PARKING SUMMARY:

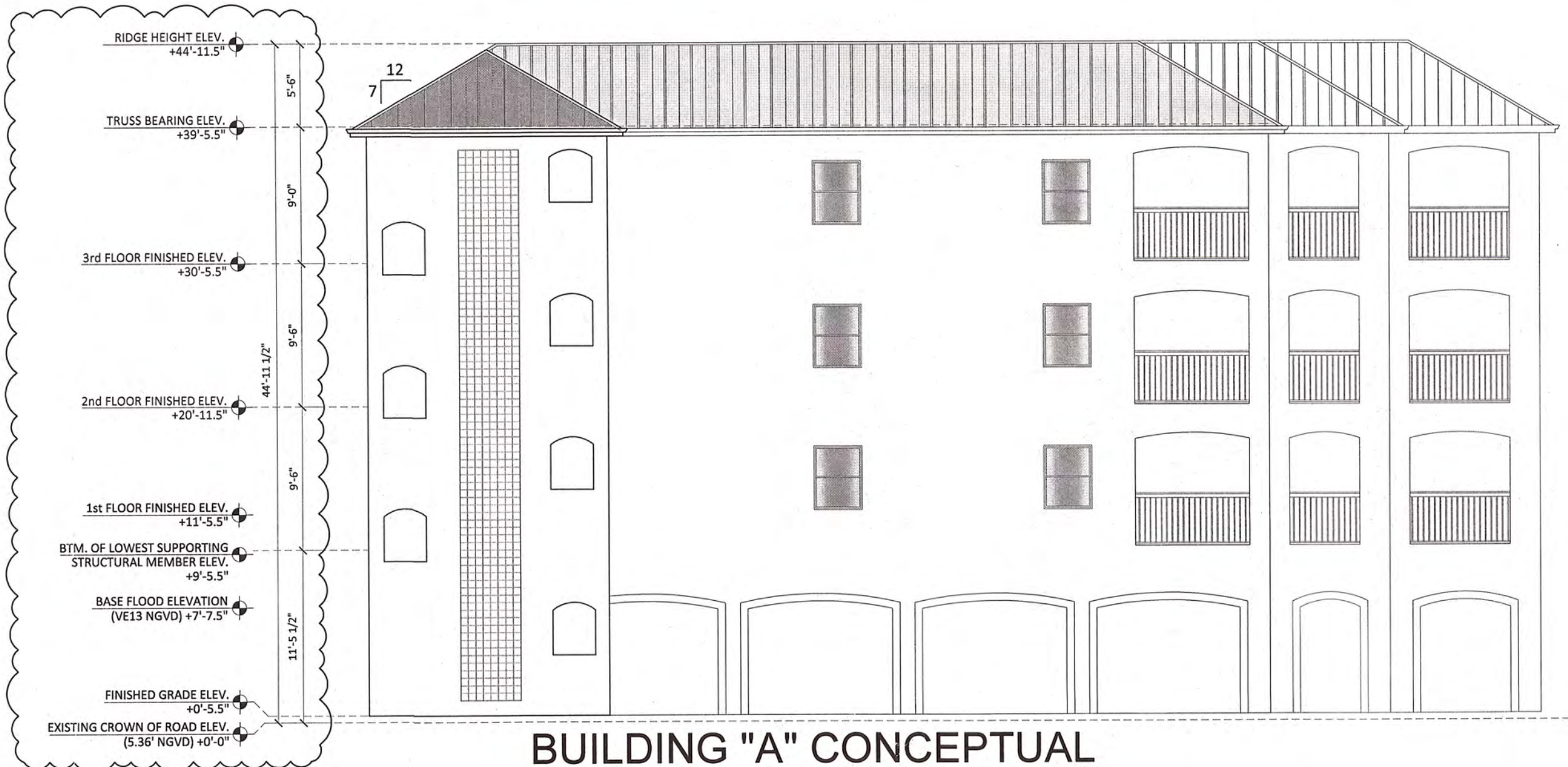
OPEN PARKING	
STANDARD SPACES	56
ACCESSIBLE SPACES	2
COMPACT SPACES	4
COVERED PARKING	
STANDARD SPACES	42
ACCESSIBLE SPACES	4
COMPACT SPACES	64
TOTAL PARKING SPACES PROVIDED	172

05-21-2015 CONCEPTUAL REVIEW
 NOT FOR CONSTRUCTION





**BUILDING "A" CONCEPTUAL
FRONT ELEVATION**
SCALE 1/8"=1'-0"

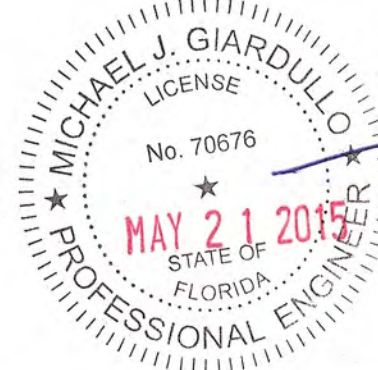


**BUILDING "A" CONCEPTUAL
RIGHT SIDE ELEVATION**
SCALE 1/8"=1'-0"

**CONCEPT ONLY
NOT FOR CONSTRUCTION**

THE WEILER ENGINEERING CORPORATION
These plans are in Compliance with Florida Building Code 2010 for wind parameters indicated.
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Method of Design: ASCE 7-10
Basic Wind Speed (Vult): 180 MPH
Nominal Design Wind Speed (Vasd): 139 MPH
Building Risk Category: II / Flood Design Data: VE11 & VE13
Wind Importance Factor: 1.0 / Wind Exposure: D
Soil Design Load-Bearing Value: 2,000 psf
Internal Pressure Coefficient: +.18 and -.18 (Enclosed)
Component & Cladding Wind Pressure: per Calc

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Design:	JNB
Drawn:	JNB
Checked:	STL
Approved By:	MIG
Scale:	AS NOTED
Job No.:	14010.001
Date Issued:	05/21/2015

WEILER ENGINEERING CORPORATION
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SUITE 1306
PUNTA GORDA, FLORIDA 33950
(941) 505-1700
EB #6656

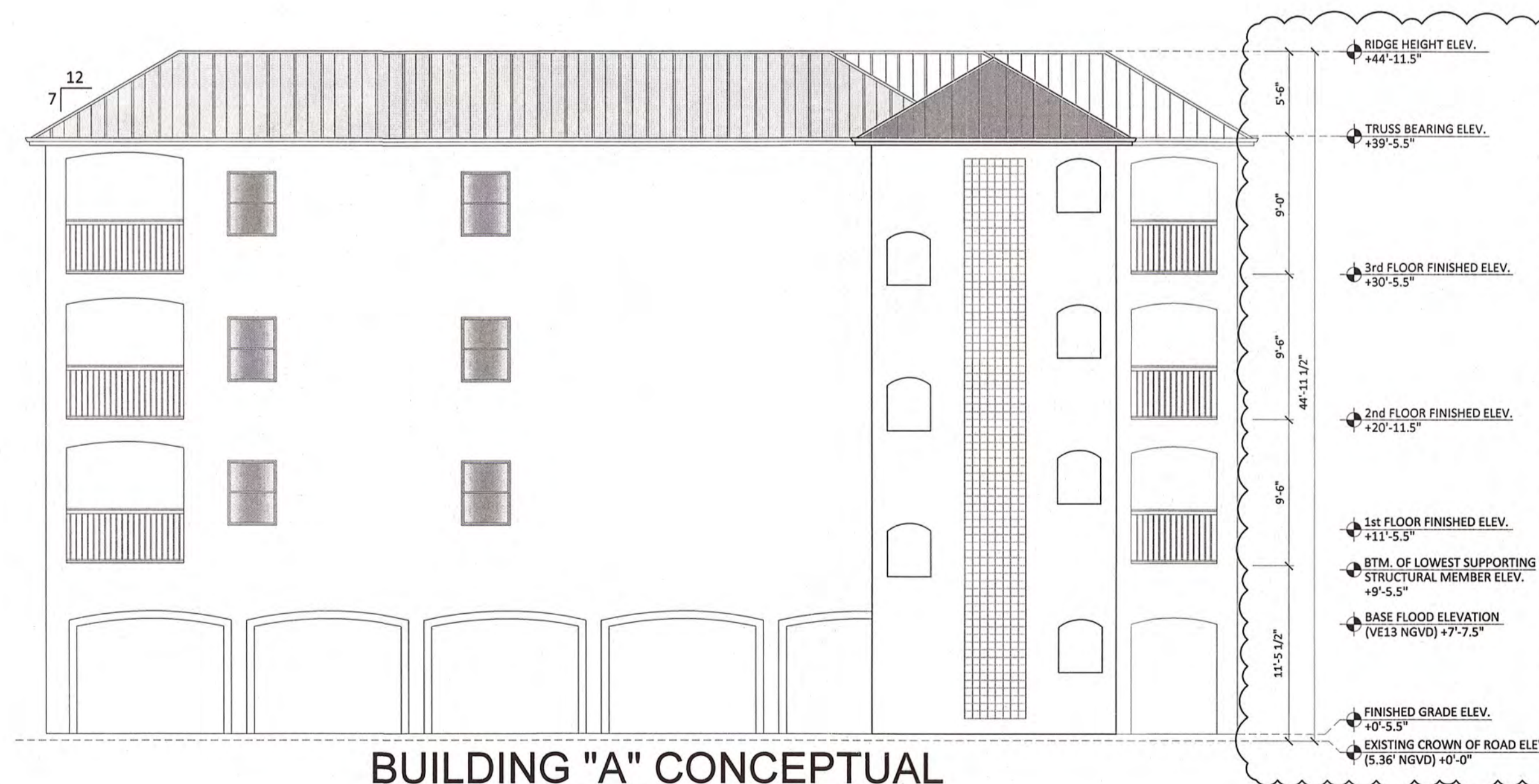
SUNSET MARINA
PROPOSED CONDO CONCEPTUAL
5555 COLLEGE ROAD, KEY WEST, FL 33040

Revisions	Description	Date	By
1.	REFERENCED BUILDING HEIGHTS TO CROWN OF ROAD	05/21/15	JNB

Sheet No. **S1.0**



**BUILDING "A" CONCEPTUAL
REAR ELEVATION**
SCALE 1/8"=1'-0"

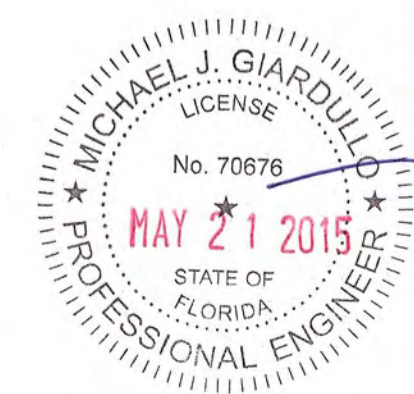


**BUILDING "A" CONCEPTUAL
LEFT SIDE ELEVATION**
SCALE 1/8"=1'-0"

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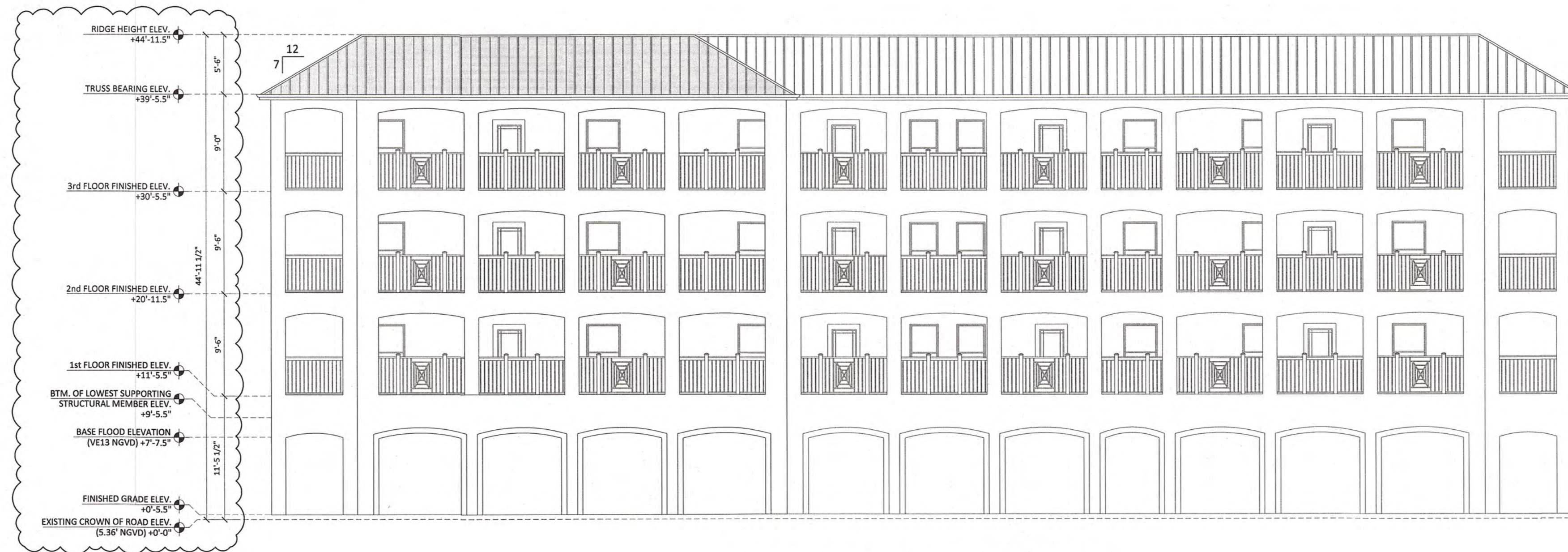
SUNSET MARINA
PROPOSED CONDO CONCEPTUAL
5555 COLLEGE ROAD, KEY WEST, FL 33040

Description	Revisions	JNB
REFERENCED BUILDING HEIGHTS TO CROWN OF ROAD	05/21/15	JNB

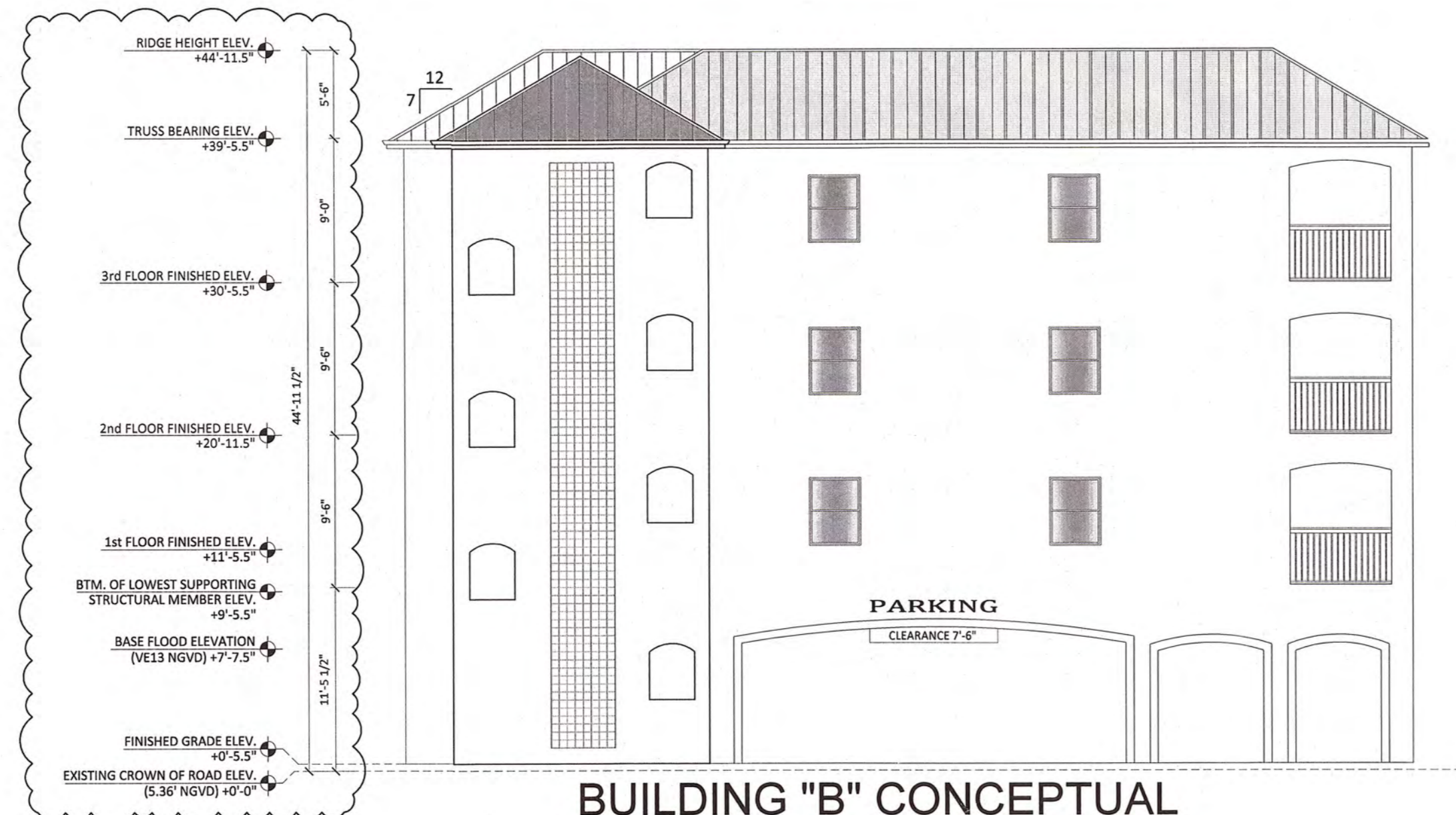
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Michael J. Giardullo
Professional Engineer
State of Florida
Registration No. 70676

Sheet No. 51.1



**BUILDING "B" CONCEPTUAL
FRONT ELEVATION**
SCALE 1/8"=1'-0"

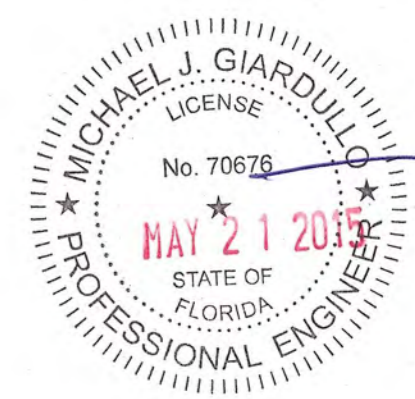


**BUILDING "B" CONCEPTUAL
RIGHT SIDE ELEVATION**
SCALE 1/8"=1'-0"

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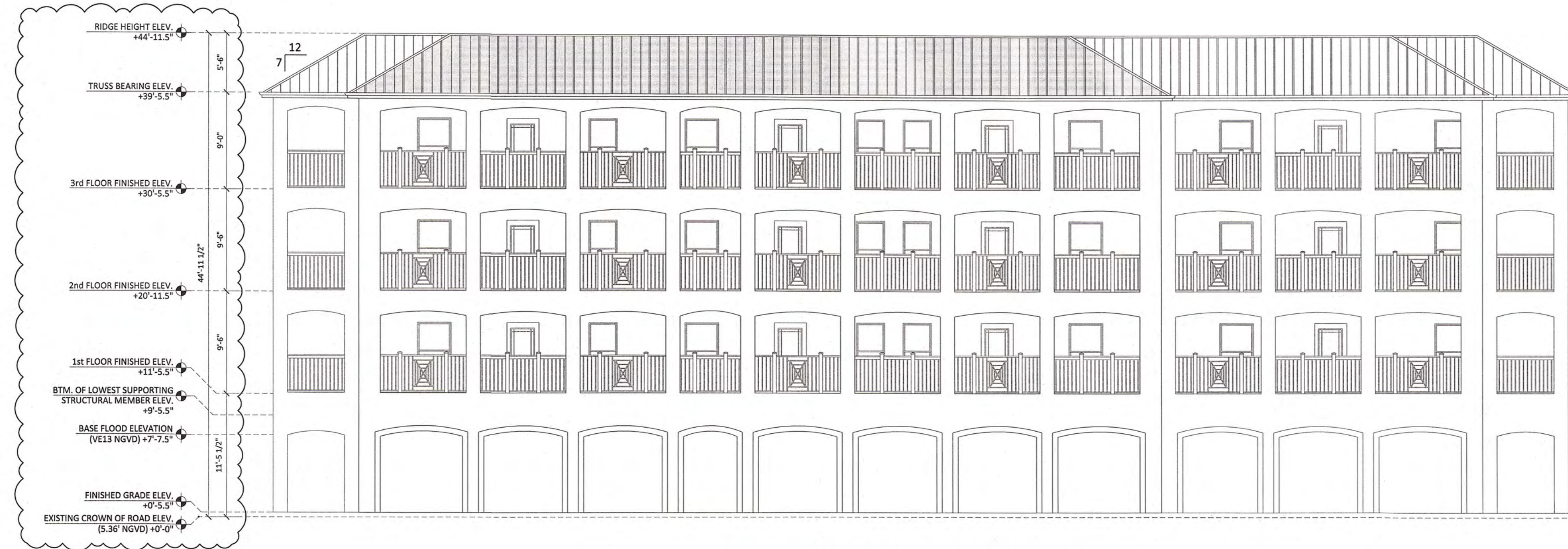
Approved By:	MIG	Design:	JNB
Scale:	AS NOTED	Drawn:	JNB
Job No:	14010.001	Checked:	STL
Date Issued:	05/21/2015		

WEILER ENGINEERING CORPORATION
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PROPOSED CONDO CONCEPTUAL
5555 COLLEGE ROAD, KEY WEST, FL 33040

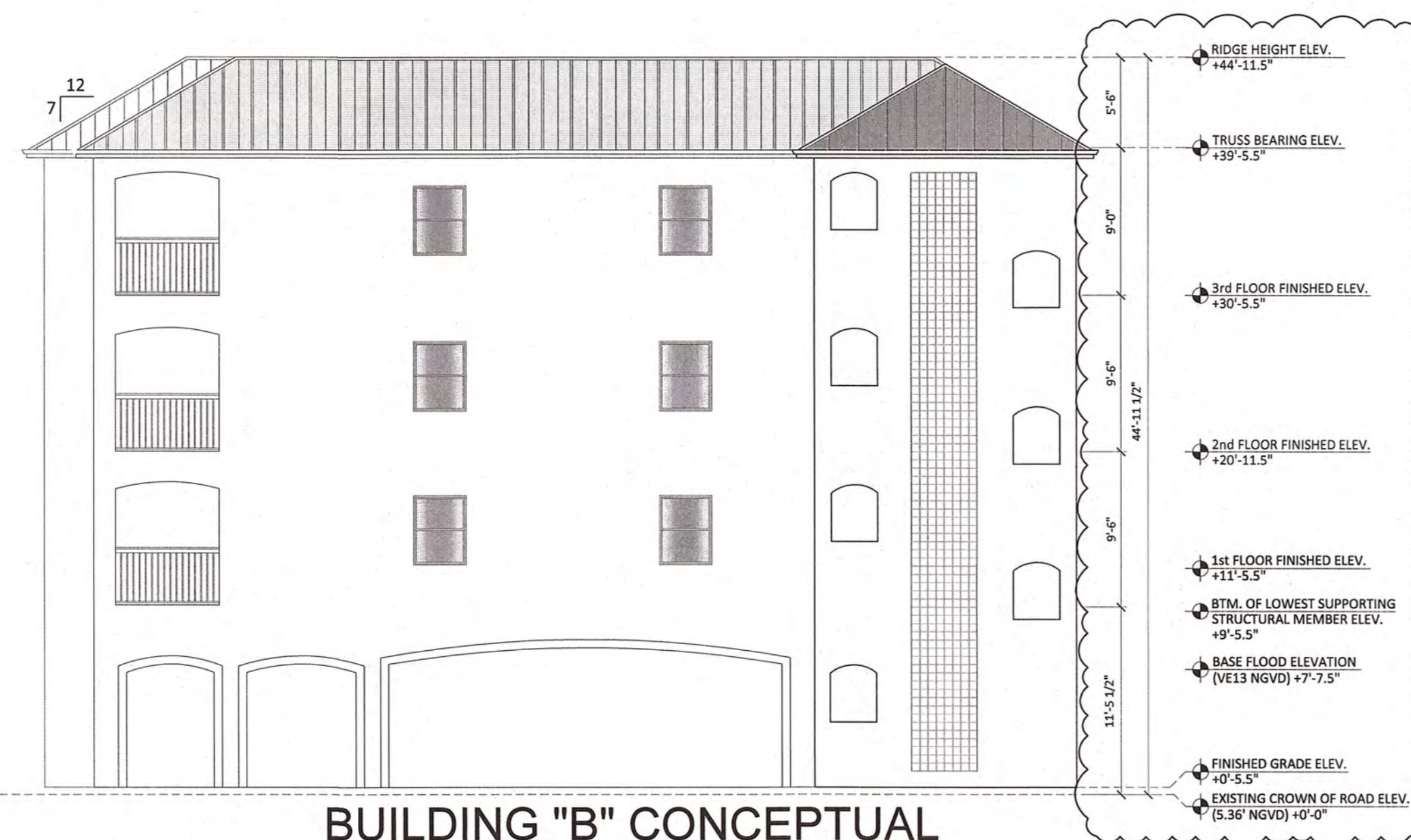
Revisions	Description	Date	By
1.	REFERENCED BUILDING HEIGHTS TO CROWN OF ROAD	05/21/15	JNB

Michael J. Giardullo
Professional Engineer
State of Florida
Registration No. 70676
Sheet No. **S2.0**



**BUILDING "B" CONCEPTUAL
REAR ELEVATION**

SCALE 1/8"=1'-0"



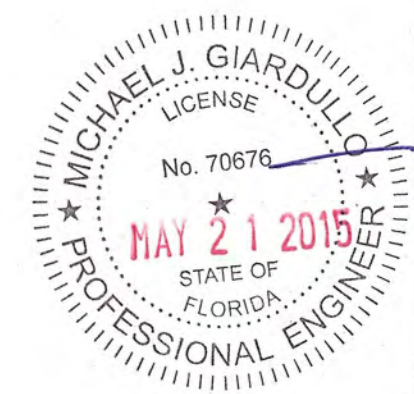
**BUILDING "B" CONCEPTUAL
LEFT SIDE ELEVATION**

SCALE 1/8"=1'-0"

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Design:	JNB
Drawn:	JNB
Checked:	STL
Approved By:	MIG
Scale:	AS NOTED
Job No.:	14010.001
Date Issued:	05/21/2015

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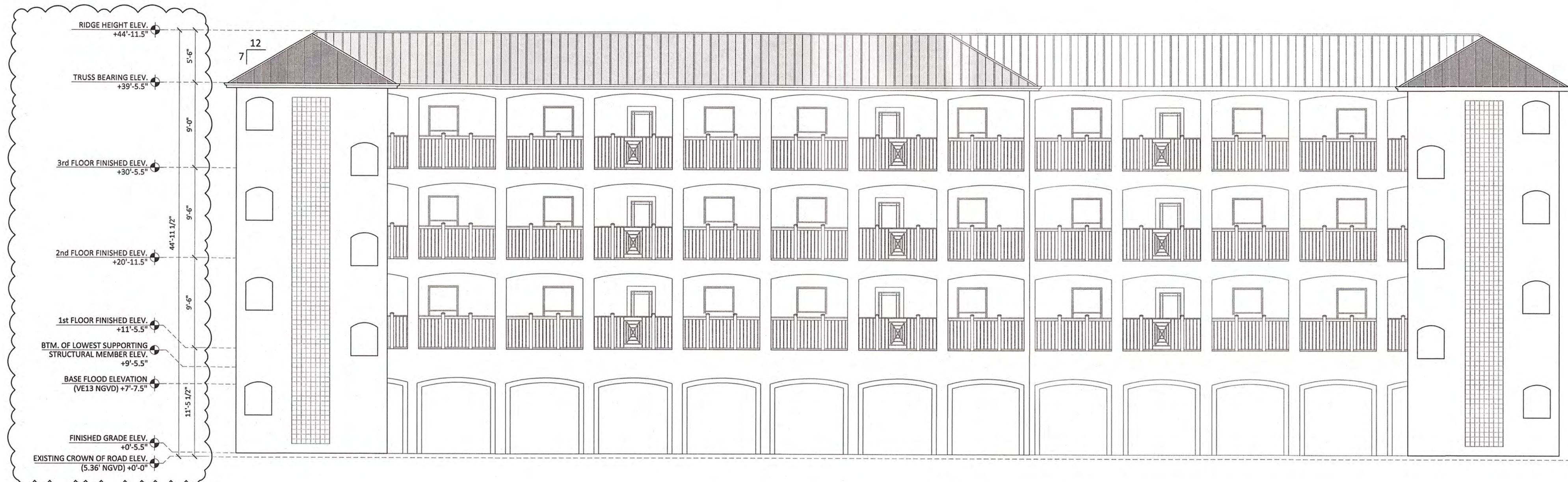
SUNSET MARINA
PROPOSED CONDO CONCEPTUAL
 5555 COLLEGE ROAD, KEY WEST, FL 33040

Revisions	Description
1.	REFERENCED BUILDING HEIGHTS TO CROWN OF ROAD
05/21/15	JNB

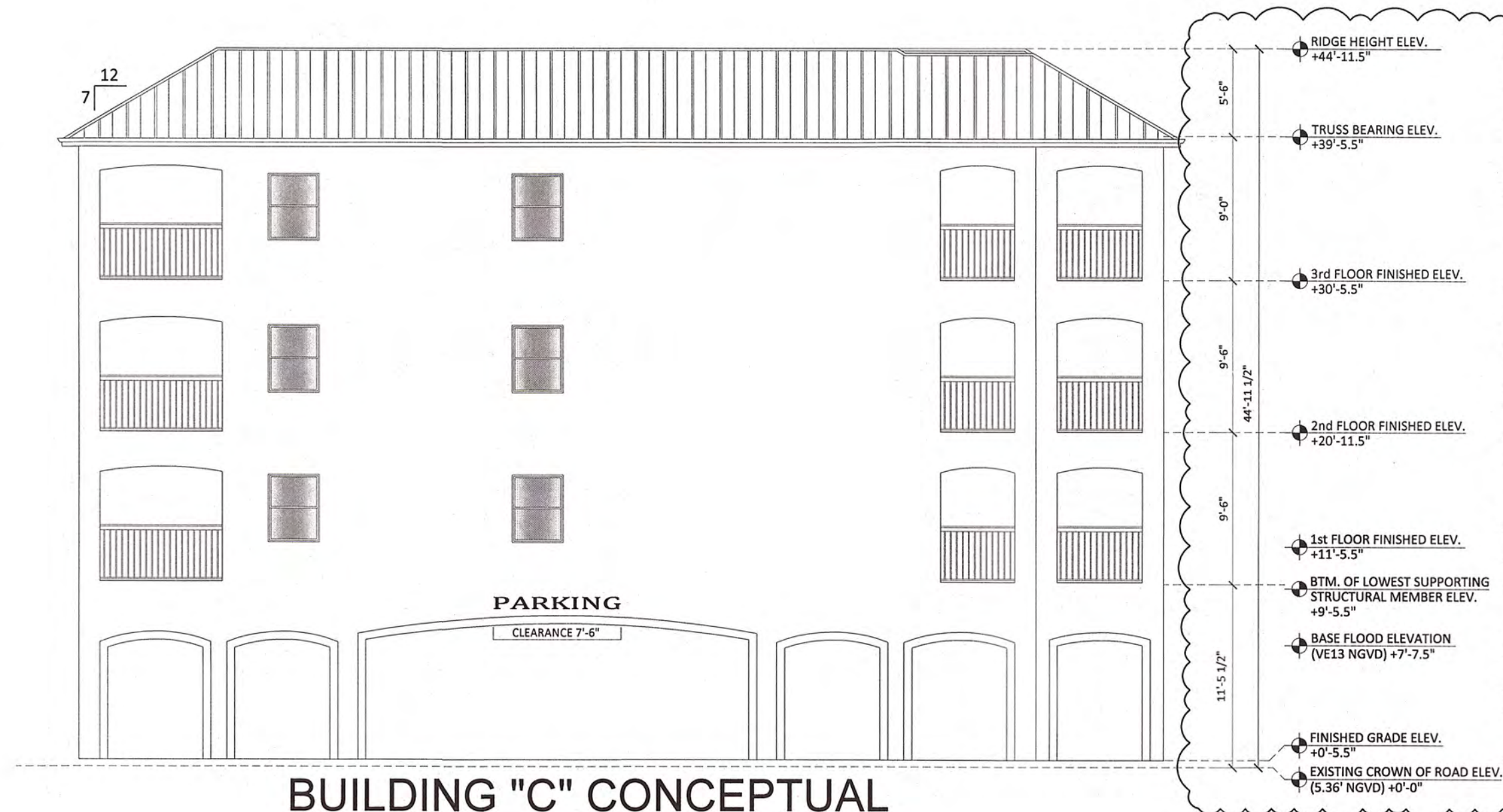
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 State of Florida
 Registration No. 70676

Sheet No. **S2.1**



**BUILDING "C" CONCEPTUAL
FRONT ELEVATION**
SCALE 1/8"=1'-0"

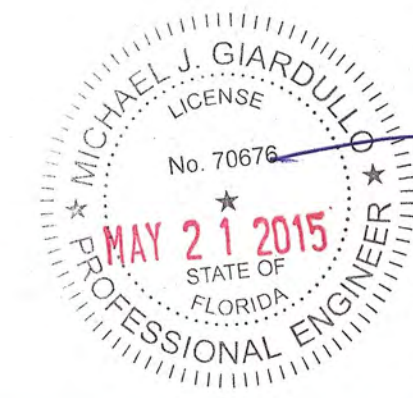


**BUILDING "C" CONCEPTUAL
LEFT SIDE ELEVATION**
SCALE 1/8"=1'-0"

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Design:	JNB
Drawn:	JNB
Checked:	STL

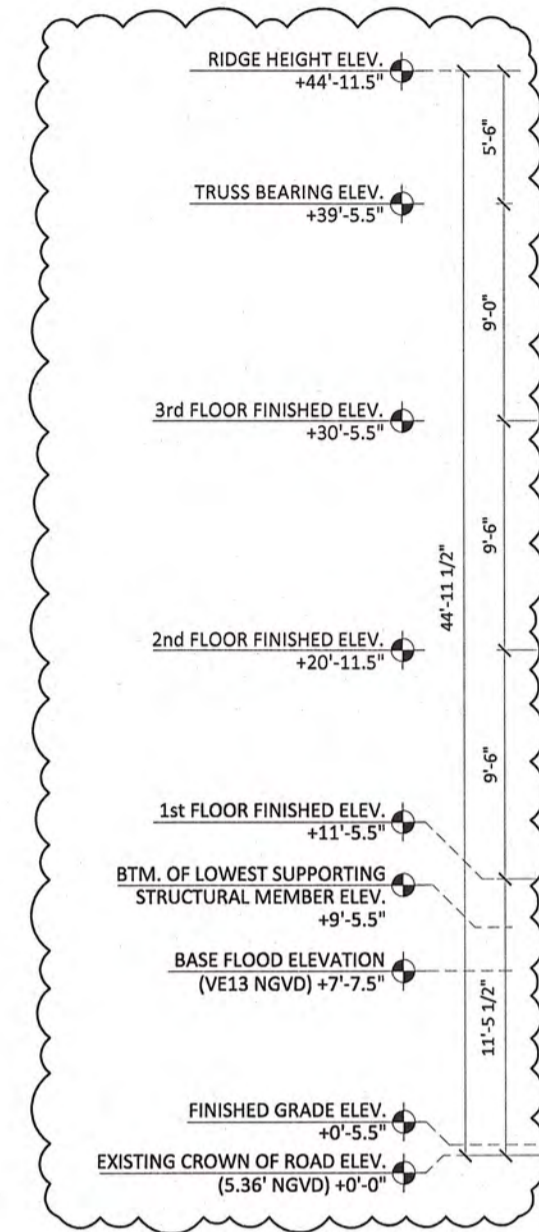
Approved By:	MIG
Scale:	AS NOTED
Job No.:	14010.001
Date Issued:	05/21/2015

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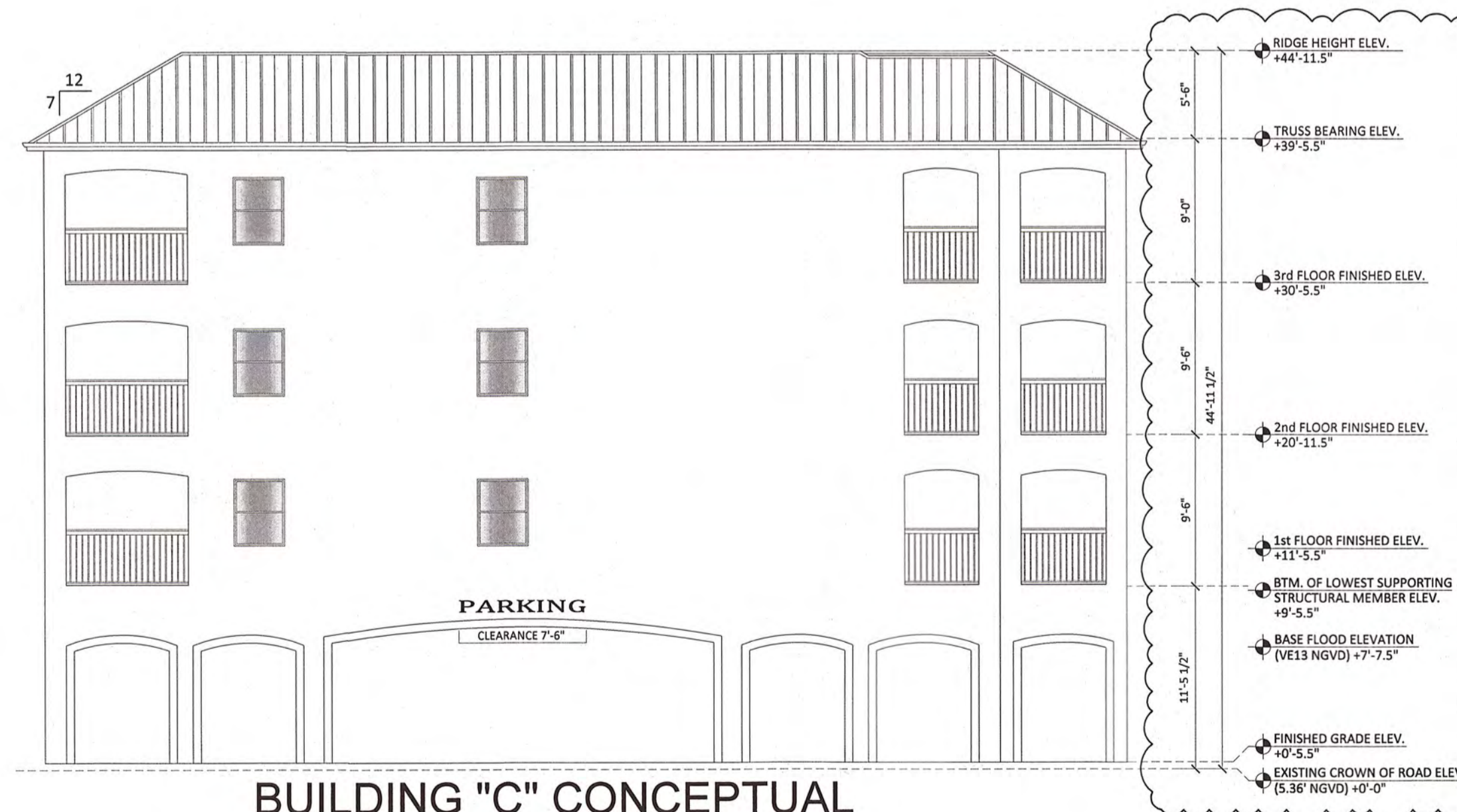
SUNSET MARINA
PROPOSED CONDO CONCEPTUAL
5555 COLLEGE ROAD, KEY WEST, FL 33040

Description	Revisions
REFERENCED BUILDING HEIGHTS TO CROWN OF ROAD	05/21/15 JNB
1.	

Michael J. Giardullo
Professional Engineer
State of Florida
Registration No. 70676



**BUILDING "C" CONCEPTUAL
REAR ELEVATION**
SCALE 1/8"=1'-0"



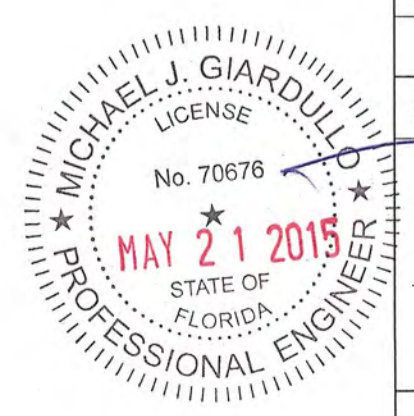
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Approved By:	MIG	Design:	JNB
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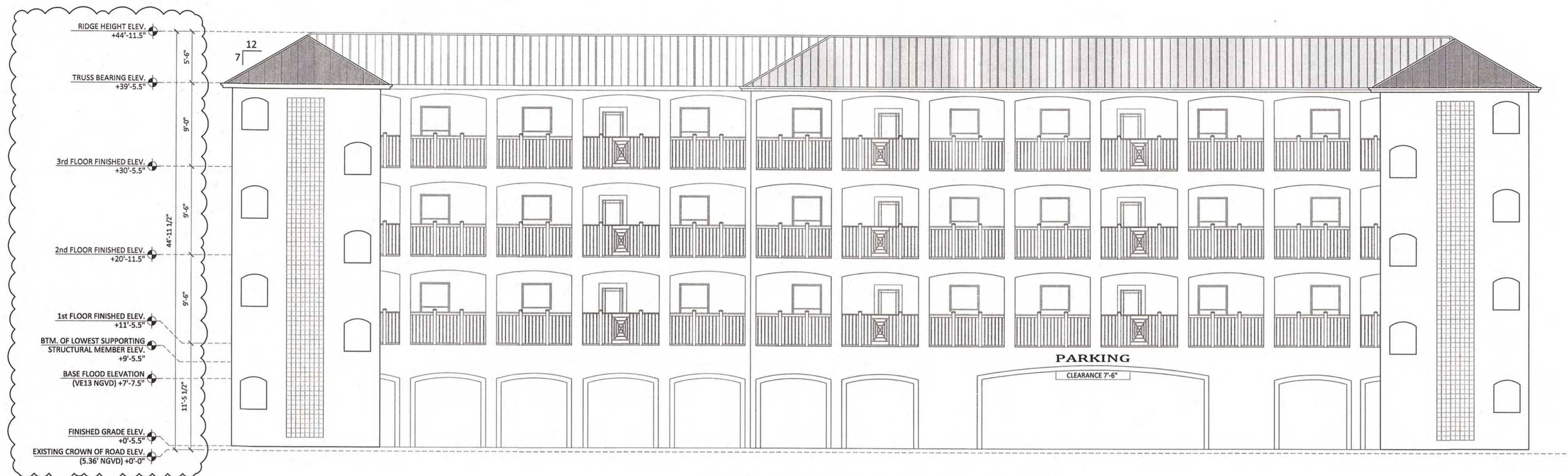
SUNSET MARINA
PROPOSED CONDO CONCEPTUAL
5555 COLLEGE ROAD, KEY WEST, FL 33040

Revisions	Description	HEIGTS TO CROWN OF ROAD	05/21/15	JNB
1.	REFERENCED BUILDING HEIGHTS TO CROWN OF ROAD			

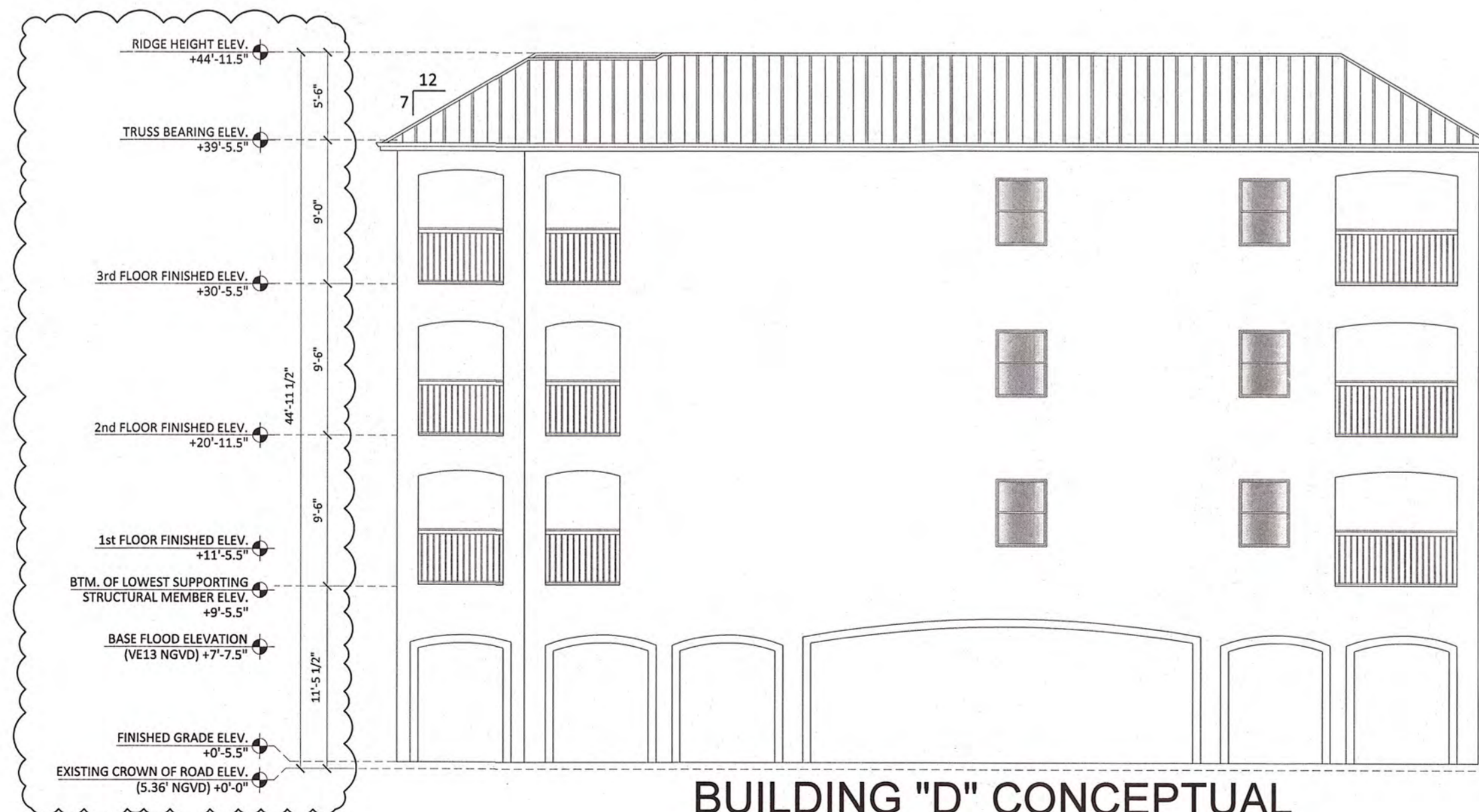
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Professional Engineer
State of Florida
Registration No. 70676

Sheet No. S3.1



**BUILDING "D" CONCEPTUAL
FRONT ELEVATION**
SCALE 1/8"=1'-0"

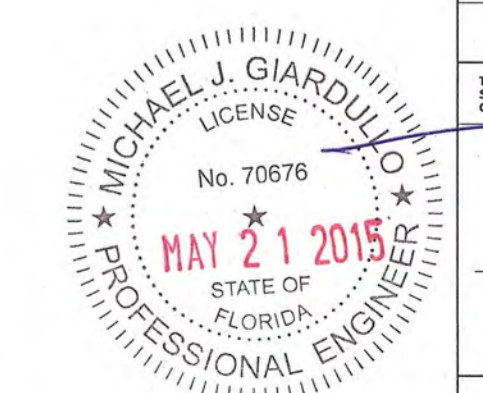


**BUILDING "D" CONCEPTUAL
RIGHT SIDE ELEVATION**
SCALE 1/8"=1'-0"

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Approved By:	MAG	Design:	JNB
Scale:	AS NOTED	Drawn:	JNB
Job No:	14010.001	Checked:	STL
Date Issued:	05/21/2015		

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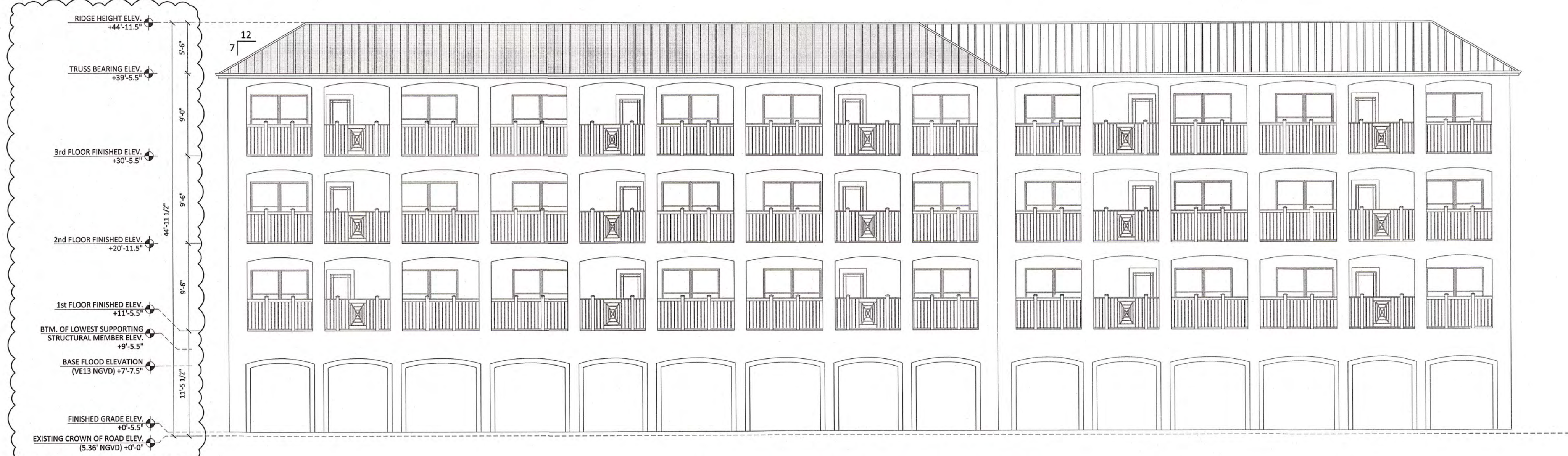
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Revisions	Description	DATE	BY
1	REFERENCED BUILDING HEIGHTS TO CROWN OF ROAD	05/21/15	JNB

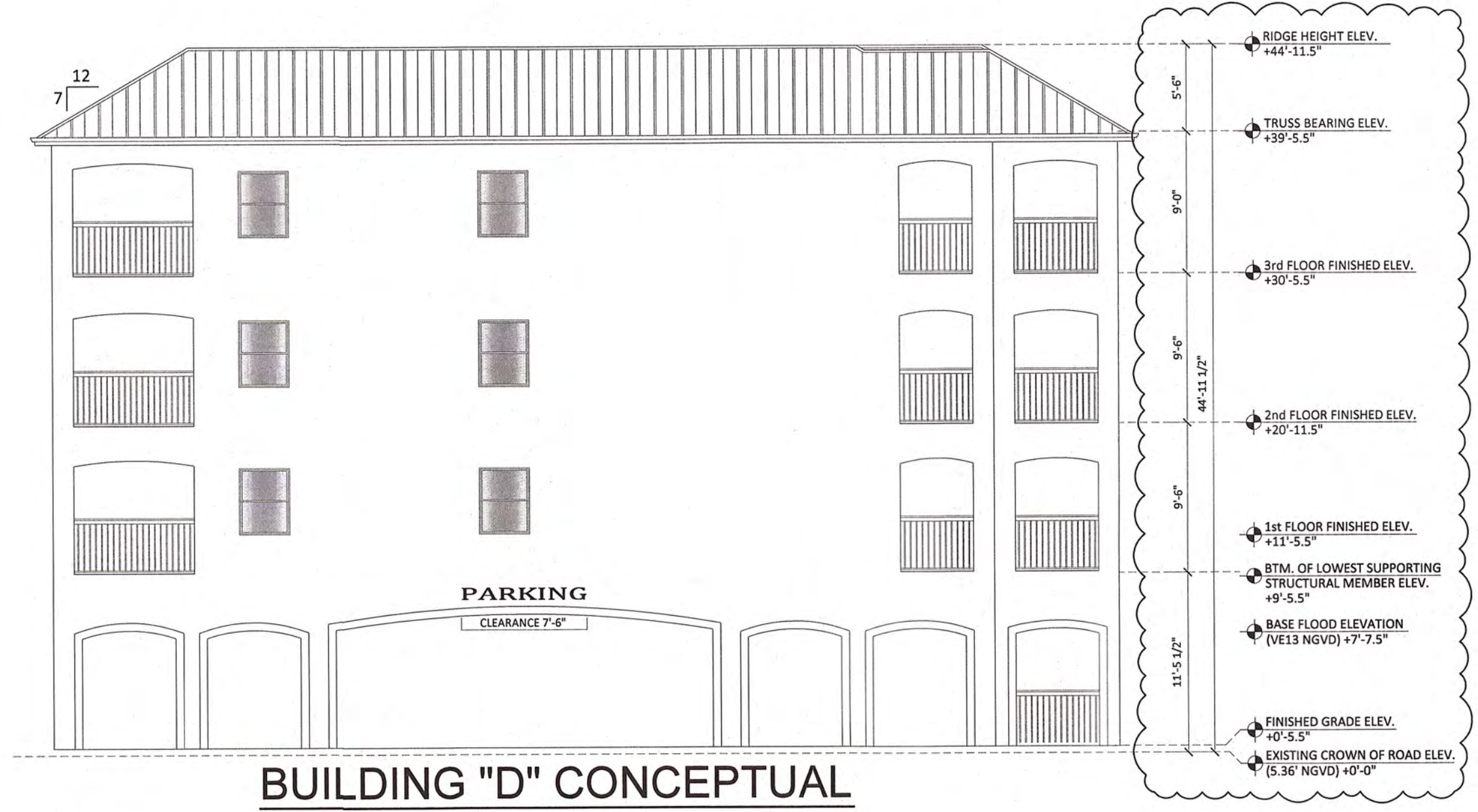
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Professional Engineer
State of Florida
Registration No. 70676

Sheet No. **S4.0**



**BUILDING "D" CONCEPTUAL
REAR ELEVATION**
SCALE 1/8"=1'-0"



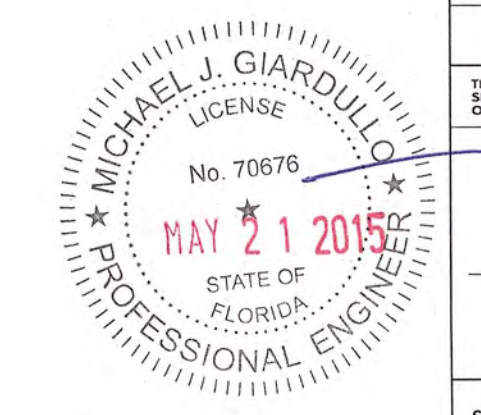
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Scale:	AS NOTED	Drawn:	JNB
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SUNSET MARINA
PROPOSED CONDO CONCEPTUAL
5555 COLLEGE ROAD, KEY WEST, FL 33040

Revisions	Description	DATE	BY
1.	REFERENCED BUILDING HEIGHTS TO CROWN OF ROAD	05/21/15	JNB

Sheet No. **S4.1**

SMITH OROPEZA P L
138 - 142 SIMONTON ST
KEY WEST, FL 33040

BB&T
BRANCH BANKING AND TRUST COMPANY
1-800-BANK BBT BBT.com
63-9138/2631

4081

2/15/2015

PAY TO THE ORDER OF City of Key West

\$ **1,150.00

One Thousand One Hundred Fifty and 00/100*****

DOLLARS

City of Key West
Revenue Customer Service
P.O. Box 1409
Key West, FL 33041-1409

MEMO

BPAS Application



AUTHORIZED SIGNATURE

⑈004081⑈ ⑆263191387⑆0000146546242⑈

SMITH OROPEZA P L

4081

City of Key West

2/15/2015

City of Key West's fee for the BPAS Application

1,150.00

Operating Account

BPAS Application

1,150.00

SMITH OROPEZA P L

4081

City of Key West

2/15/2015

City of Key West's fee for the BPAS Application

1,150.00

Operating Account

BPAS Application

1,150.00

Details on Back
Security Features Included

SMITH | OROPEZA | HAWKS
ATTORNEYS AT LAW

Gregory S. Oropeza, Esq.
138 Simonton Street
Key West, Florida 33040
Telephone – 305.296.7227
Facsimile – 305.296.8448
greg@smithoropeza.com

VIA HAND DELIVERY

February 17, 2015

Kevin Bond, Interim City Planner
City of Key West Planning Department
3132 Flagler Avenue
Key West, Florida 33040

RE: Request for Year 2 Building Permit Allocation System Allocations for 5555 College Road, Key West, Florida 33040:

Dear Mr. Bond,

Please allow this correspondence to serve as an application for thirty-six (36) market rate residential Building Permit Allocation System (“BPAS”) units (the “BPAS Units”) on behalf of Sunset Marina, LLC, a Florida limited liability company (“Sunset Marina” or “Applicant”). Sunset Marina intends to develop the BPAS Units at the real property located at 5555 College Road, Key West, Florida 33040 (“Property”). As counsel for Sunset Marina, my firm submits the following application and supporting documents for your consideration:

Title Block:

- | | |
|-------------------------------|---|
| a. Name of Development: | Sunset Marina |
| b. Name of Owner/Developer: | Sunset Marina, LLC, a Florida limited liability company |
| c. Scale: | 1” = 30’ |
| d. North Arrow: | As identified on the site plan |
| e. Preparation/Revision Date: | December 23, 2014 |

Identification of Key Persons:

- | | |
|---|---|
| a. Owner: | Sunset Marina, LLC, a Florida limited liability company |
| b. Owners Authorized Agent: | Smith Oropeza Hawks |
| c. Engineer: | Weiler Engineering Corporation |
| d. Architect: | To Be Determined |
| e. Surveyor: | Morgan & Eklund, Inc. |
| f. Landscape Architect: | Liz Newland Landscape Architecture, LLC |
| g. The undersigned certifies that all individuals with a legal and equitable interest in the Property are as follows: | |
| i. Barton W. Smith | |
| ii. Gwenn H. Smith | |
| iii. Alex Smith | |
| iv. Leslie Johnson | |

- v. Todd M. Oropeza
- vi. Gregory S. Oropeza

Project Description: Identified on the Site Plan attached hereto.

Other Project Information:

- a. Proposed Phases of Development and Target Dates:
 - i. Phase I – Completion of one of the four buildings containing the residential units.
 - ii. Phase II – Completion of the second of the four buildings containing the residential units.
 - iii. Phase III – Completion of the third of the four buildings containing the residential units.
 - iv. Phase IV – Completion of the fourth of the four buildings containing the residential units together with sixty-two (62) wet slips.
- b. Expected Date of Completion – On or before December 31, 2018.
- c. The Applicant is submitting a request to enter into a Development Agreement with the City of Key West, a Major Development Plan Application and a Variance Application.

Intergovernmental Coordination:

All intergovernmental coordination shall be completed with the processing of the Applicant's Major Development Plan Application.

Description of Proposed Development and Use:

The proposed development shall consist of a mixture of market rate multi-family residential units, affordable residential units, boat slips and commercial uses. Currently all of the commercial uses are contained within two structures. A marina ship store and general office space are located in one structure, and medical office space is in the process of being implemented on the second floor of the second structure, with storage on the ground floor. In addition to the commercial space, Sunset Marina owns thirty two (32) of the existing one hundred twenty eight (128) boat slips in the adjacent boat basin. Sunset Marina is proposing to construct an additional sixty-two (62) wet slips.

Four (4) deed-restricted affordable residential units are already in existence on the Property, and Sunset Marina proposes to provide the additional required affordable residential units on South Stock Island pursuant the linking provisions contained in Section 122-1467 of the City of Key West Land Development Regulations (the "Code). units The remaining area of the Property is proposed for development of Sixty-Two (62) market rate residential units within four (4) buildings, in a phased development, as set forth more particularly in the Site Plan. The units shall be comprised of a mixture of thirteen hundred fifty (1,350) square foot units; (1,500) square foot units; fifteen hundred fifteen (1,515) square foot units; eighteen hundred square foot units and twenty one hundred (2,100) square foot units.

The requisite number of parking spaces as required by the Code shall be provided at the Property in connection with a request for parking variance.

Residential Calculation - Section 122-1142	
Allowable Commercial FAR	155338
Proposed Commercial FAR	11275
Unused Commercial FAR	144063
Percent (%) of Unused Commercial FAR	0.927416
Allowable Units Per Acre	14.83866
Maximum Residential Units Allowed	66.03204
Commercial Component Permitted	
Allowable Units Per Acre	16
Total Number of Units Per Acre on Site	7.6
Unused Residential Density	8.4
Percent (%) of Unused Residential Density	0.525
Maximum Commercial FAR	0.42
Maximum Commercial Square Footage	81552.45

Solution Statement:

The proposed development shall be designed and constructed utilizing methods and techniques which will allow Sunset Marina to achieve a baseline certification standard for Florida Green Building Code. All development shall incorporate mitigative standards and techniques to minimize any adverse impacts to surrounding properties and environmental concerns. The design and development phases shall take into account the proximity to the artificial shoreline in a manner which addresses any potential storm water runoff.

The storm water plan for the Property shall meet or exceed the requirements of the Code. A re-use water line currently runs only feet away from the Property, as the neighboring Monroe County Detention Center currently utilizes the re-use pipe for various aspects of operation.

Sunset Marina proposes to connect to the re-use line for purposes of supplying all non-potable water uses, in an effort to drastically reduce the onsite demands for potable water. The connection to the re-use line conforms to the intent of the BPAS ordinance and provides a more environmentally sensitive solution to the construction of a 62,000 gallon cistern space. The re-use water would supplant all potable water demands for exterior water demands, including but not limited water used for all irrigation needs and cleaning requirements. Additionally, the applicant desires to use the re-use water for all fire suppression systems, subject to fire department approval. Fire suppression use is an application a cistern does not have the capability of serving due to the limited amount of water within the cistern and lack of high pressure flow. The re-use line currently enters the subject site from the College Road entrance and is in service currently at the Monroe County Detention Center for all grey water and cooling needs. Currently, the Monroe County Detention Center uses 32,000 gallons per day, which is used to flush all toilets, fire suppression in the fire sprinkler system, and cooling towers. Moreover, the Key West Golf Course uses approximately 300,000 – 500,000 gallons per day. KW Resort Utilities has ample supply to maximize grey water to Sunset Marina. A letter of coordination from KW Resort Utilities is attached hereto and incorporated herein.

All new structures shall be constructed a minimum of one and one half foot (1.5 feet) above the applicable flood zone elevation requirements. Pursuant *Solar Reflectance of Concretes for LEED Sustainable Sites Credit: Heat Island Effect* <http://www.concretethinker.com/Content/Upload%5C446.pdf> the SRI rating of standard new concrete is 35. All non-roof areas, including pavement will be constructed with an SRI rating of at least 29.

Adequately buffered receptacle locations will be constructed on the Property to accommodate the disposal of all waste and recyclable items. The Developer will maintain bulk recycling pick up in an effort to promote recycling, allowing residents to dispose of recyclables in one convenient, centrally located container. Lighting facing any neighboring residential location will be designed utilizing dark sky methods. Traffic will be routed through the portion of the property that fronts the Monroe County Jail. No existing residential structure will be impacted by traffic patterns resulting from ingress and egress to the Property. The design of all proposed buildings will complement the residential condominiums currently known as Sunset Marina Residences in scale, shape and color.

Pursuant to the linkage provision contained in Section 122-1467 of the Code, Sunset Marina will provide the requisite number of affordable dwelling units on a parcel of land on South Stock Island. As of the date of this application, an affiliate of Sunset Marina has completed the purchase of seventeen residential units on South Stock Island. Sunset Marina will deed restrict each of those units as affordable, preserving the affordability of those units for a ninety nine (99) year term and meeting the inclusionary housing standards necessary for approval of the development of the requested market rate units.

USE	CODE REQUIREMENT Section 108-572	PROPOSED
Multi-Family Residential	2 Motor Vehicle Parking Spaces Per Unit 10% Bicycle	72 Motor Vehicle 8 Bicycle
Commercial Retail and Office Space	1 Parking Space for every 300 Square Feet of Space 25% Bicycle	24 Motor Vehicle 6 Bicycle
Marina	1 Parking Space for every 4 Slips 25% Bicycle	32 Motor Vehicle 2 Bicycle
TOTAL	Required Accessible Parking Spaces - 4	128 Motor Vehicle 16 Bicycle <i>The totals are based on the current request for 36 units.</i>

Thank you for your consideration of this application and attendant documents. We look forward to working with you and planning staff on this project.

Very Truly Yours,

Gregory S. Oropeza, Esq.

Enc.



KW Resort Utilities Corp

6630 Front Street
Key West, FL 33040
305.295.3301
FAX 305.295.0143
www.kwru.com

VIA ELECTRONIC MAIL

February 12, 2015

Mr. Greg Oropeza, Esq.
Representing Sunset Marina, LLC
5555 College Road
Key West, Florida 33040

RE: Letter of Coordination for Re-Use Water Line on College Road:

Dear Mr. Oropeza,

Pursuant to the request by Sunset Marina, LLC, please allow this letter to serve as a letter of coordination for the re-use water line operated by KW Resort Utilities Corp., a Florida Corporation ("KWRU"). I have reviewed the proposal to develop fifty-four (62) residential units at the property located at 5555 College Road, Key West, Florida 33040 ("Property"). The re-use line operated by KWRU has more than sufficient capacity to supply re-use water to all of the proposed fifty-four (62) units, plus provide re-use water for exterior irrigation, car washing, boat washing and other exterior applications provided the development designs and installs a proper on site re-use distribution system.

Connecting to the re-use line would be a minimal effort as the neighboring county owned property, on which the Monroe County Detention Center resides, currently uses re-use water for several applications.

If you should have any questions, please do not hesitate to contact me.

Sincerely,

Christopher A. Johnson
President

BPAS Application



Building Permit Allocation System (BPAS) Application (Year 2: July 1, 2014 – June 30, 2015)

City of Key West, Florida • Planning Department

3140 Flagler Avenue • Key West, Florida 33040-4602 • 305-809-3720 • www.cityofkeywest-fl.gov

Application Fee: \$1,150.00

(includes \$100.00 advertising/noticing fee and \$50.00 fire review fee)

**PLEASE NOTE: A SUBMITTAL MEETING IS REQUIRED.
THIS APPLICATION WILL BE ACCEPTED BY APPOINTMENT ONLY.**

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

Name: Smith | Oropeza | Hawks

Mailing Address: 138 Simonton Street

City: Key West

State: FL Zip: 33040

Home/Mobile Phone: 305-296-7227

Office: 305-296-7227

Email: Greg@SmithOropeza.com

PROPERTY OWNER:

Name: Sunset Marina, LLC c/o Smith | Oropeza | Hawks

Mailing Address: 138 Simonton Street

City: Key West

State: FL Zip: 33040

Home/Mobile Phone: 305-296-7227

Office: 305-296-7227

Email: Bart@SmithOropeza.com

PROPERTY DESCRIPTION AND ZONING INFORMATION:

Site Address: 5555 College Road, Key West, FL 33040

Parcel ID/ RE#: 00072080-001400

Alternate Key: 1076007

Zoning District: CG

Size of Site: 194,175.5 SQ FT

Density Allowed: 16 DU/Acre

Commercial Floor Area: 12,360 SQ FT

B. EXISTING DEVELOPMENT:

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

The property is currently a mixture of commercial and residential uses. The developer currently maintains 32 wet boat slips, four affordable dwelling units and 6,970.95 sq ft of commercial space comprised of office space, storage and a marina ship store. The applicant was recently approved for 23 market rate BPAS allocations which has an anticipated issuance within the next 60 days.

EXISTING AND PROPOSED DWELLING UNIT INFORMATION			
DWELLING UNIT DESCRIPTION	NUMBER OF DWELLING UNITS:		
	EXISTING	LICENSED ¹ / RECOGNIZED	PROPOSED
Market-Rate Residential Dwelling Unit(s)	0	0	36
Affordable Residential Dwelling Unit(s) ²	4	4	0
Transient Unit(s) ³	0	0	0
Accessory Dwelling Unit(s) ⁴	0	0	0
Single Room Occupancy Unit(s)	0	0	0
Nursing Home Unit(s)	0	0	0
Total Number of Units Requested			36

1 Please provide City Licensing Records from the Building Department.

2 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 (2) through (15) of the Workforce Housing Ordinance. Affordable housing projects enabled by federal tax credit housing are not subject to 122-1467(c).

3 New transient units are NOT available until July 2017.

4 Accessory dwelling units in the SF zoning district are subject to Section 122-231 through 122-237 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 the property located within the Historic District?

Are buildings on the property listed as contributing historic structures?

Is the proposal for mixed residential and commercial use?

Are density bonuses proposed?

Advanced affordable allocation request?

Y / N
 Y / N
 Y / N
 Y / N
 Y / N

Will the allocation require development review? Y / N

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

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Major Development Plan | <input type="checkbox"/> Minor Development Plan | <input type="checkbox"/> Conditional Use |
| <input checked="" type="checkbox"/> Variance(s) | <input type="checkbox"/> Beneficial Use | <input type="checkbox"/> HARC |
| <input type="checkbox"/> Lawful Unit Determination | <input type="checkbox"/> Transient Transfer | <input checked="" type="checkbox"/> Tree Commission |
| <input type="checkbox"/> 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 units 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 proising 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, 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 so as to have the **first habitable floor 1.5 feet above the required base flood elevation**, with the exception of 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 1,000 gallons of water or an amount equivalent to 100% of the new roof area in gallons whichever is greater.
 - (B) **Minor Renovation Prerequisites.** For redevelopment 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 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 EPA Portfolio Manager (<https://www.energystar.gov/istar/pmpam/>), and access to building data given to the City of Key West. For residential, either EnergyGuage or RESNET may be used to establish a baseline. Please provide a description how 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) that 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.

**Data Table
Exhibit
B**



Exhibit B – Site Data Table

Building Permit Allocation System Application

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SITE DATA TABLE

Please fill out the relevant Site Data in the table below. For Building Coverage, Impervious Surface, Open Space and F.A.R. provide square footages and percentages.

Site Data Table				
	Code Requirement	Existing	Proposed	Variance Request (y/n)
Zoning	CG			
Flood Zone	VE11/13			
Size of Site	194,172.50			
Height	40	40	45	Y
Front Setback	25	50	20	Y
Side Setback	20	20	15	Y
Side Setback	20	20	15	N
Street Side Setback	20	20	20	N
Rear Setback	30	30	45	Y
Residential Floor Area	N/A	2,771	78,371	N/A
Density	16 DU/ACRE	4	66	N/A
Commercial Floor Area	N/A	12,360	12,360	N/A
F.A.R (Commercial)	.8	.064	.064	N
Building Coverage	40%	4.8%	22%	N
Impervious Surface	60%	1.29	47.03%	N
Parking	202	135	172	Y
Handicap Parking	5	4	6	N/A
Bicycle Parking	22%	24	24	N
Open Space/ Landscaping	20%	60%	50.4%	N
Number and type of units	N/A	4	66	N/A
Consumption Area or Number of seats	N/A	N/A	N/A	N/A

Estimated Score Sheet
Exhibit
C



Exhibit C - Applicants Estimated Score Sheet

2014 Application for BPAS Unit(s)

305-809-3720 • www.keywestcity.com

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 in the event that certain point system criteria, for which the application is ranked, need to be substituted.

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

Applicant: Sunset Marina, LLC Site Address: 5555 College Road, Key West

Number and type of Units Requested: Market Rate 36 Affordable _____

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: _____

Initial here

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

- | | | |
|----|--|--------------|
| 1 | Building more than 1.5' higher than the base flood elevation (+5) | Points _____ |
| 2 | Voluntarily providing affordable housing units (+10) | Points _____ |
| 3 | Achieving Green Building Certification Upgrade 1 (+30) | Points _____ |
| 4 | Achieving Green Building Certification Upgrade 2 (+40) | Points _____ |
| 5 | Achieving Green Building Certification Upgrade 3 (+60) | Points _____ |
| 6 | Voluntary contributions to the Arts In Public Places Fund or Tree Fund in the amount of \$1,000 or more (+10) | Points _____ |
| 7 | Design by a LEED accredited architect (+10) | Points _____ |
| 8 | Providing electrical high voltage sized conduit for future electric car charging station near parking area (+5) | Points _____ |
| 9 | Using light colored, high reflectivity materials for all non-roof/ areas with a Solar Reflectance Index (SRI) of at least 29 (+10) | Points _____ |
| 10 | Using light colored, high reflectivity roofing materials with a Solar Reflectance Index (SRI) of at least 29 (+5) | Points _____ |
| 11 | Designing the buildings with a vegetated roof of at least 50% of the roof area (+15) | Points _____ |

TOTAL ESTIMATED POINTS _____

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

1	Building more than 1.5' higher than the base flood elevation (+5)	Points	<u> X </u>
2	Exceeding the minimum required percentage of affordable housing (+5)	Points	<u> </u>
3	Achieving Green Building Certification Upgrade 1 (+30)	Points	<u> </u>
4	Achieving Green Building Certification Upgrade 2 (+40)	Points	<u> </u>
5	Achieving Green Building Certification Upgrade 3 (+60)	Points	<u> </u>
6	Voluntary contribution to the Arts In Public Places Fund or Tree Fund in the amount of \$5,000 or more (+10)	Points	<u> X </u>
7	Design by a LEED accredited architect (+10)	Points	<u> </u>
8	Providing electrical high voltage sized conduit for future electric car charging station near parking area (+5)	Points	<u> X </u>
9	Using light colored, high reflectivity materials for all non-roof/ areas with a Solar Reflectance Index (SRI) of at least 29 (+10)	Points	<u> X </u>
10	Providing additional on-site open space or on-site recreational facilities (+10)	Points	<u> X </u>
11	Designing the buildings with a vegetated roof of at least 50% of the roof area (+15)	Points	<u> </u>
TOTAL ESTIMATED POINTS			<u> 40 </u>

Certificate Form
Exhibit
D



Exhibit D – BPAS Certification Form

Building Permit Allocation System Application

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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 _____. 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

Date

Gregory S. Oropeza

Print name of Applicant

Subscribed and sworn to (or affirmed) before me on this _____ day of _____, 20 _____,
by _____ (name of person signing the application)
as _____ (type of authority...e.g. officer, manager/member, trustee,
attorney)
for _____ (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

Name of Acknowledger typed, printed or stamped

Commission Number, if any

FGBC Score Sheet

Exhibit E

FGBC Green Home Standard Multi-Family Home Application

Effective October 1, 2013
Version 10 Revised 1-6-14

Instructions for Submission:

Electronic Submissions (preferred)

- Complete the credit card authorization below or pay online
(Note: Payment by check is acceptable - see mailing instructions below)

Upload the application, checklist and supporting documents via the FGBC link below. All application packages must be submitted as one zipped file.

<https://dropbox.hi@tail.com/certifications>

Mailing Instructions

- Make check payable to "FGBC" based on fee schedule OR submit credit card payment information
- Mail fees, application, and electronic version of checklist with supporting documents on CD to:

FGBC
1415 E. Piedmont Dr. Suite 5
Tallahassee, FL 32308-7954

FEES

Multi-Family Fees

Members \$100 application fee + \$100 per building + \$25 per unit
Non Members \$100 application fee + \$100 per building + \$35 per unit

Enter your project information below:

Number of Buildings _____
Number of Units _____

\$100	MEMBER Fee
\$100	NON MEMBER Fee

PAYMENT

_____	Do You Want A Yard Sign? (Free)
_____	Home Fees
_____	Bronze Plaques
_____	Florida Water Star Certification
\$0.00	Total Amount Authorized

Pay Online or Authorize Credit Card Here: (Visa/MC/AX)

CC#: _____
Expiration Date: _____
Name on Card: _____
Billing Zip Code: _____
Signature: _____

Home Information

Address: _____
City/ST/Zip: _____
County: _____
Development: _____

Please answer the following questions:

_____	Is the home New or Existing?
_____	Is this Single Family or Multi-Family?
_____	Is this home Affordable? List Funding Source

_____	Square Footage of home/unit
_____	Sales Price

Optional Information

Owner: _____
Company: _____
Address: _____
City/ST/Zip: _____
Phone: _____
E-mail: _____

Date: _____

Builder Information

Name: _____
Company: _____
Address: _____
City/ST/Zip: _____
Phone: _____
E-mail: _____
DBPR License #: _____
FGBC Member #: _____
FHBA Member #: _____
Signature: _____

Certifying Agent Information

Name: _____
Company: _____
Address: _____
City / Zip: _____
Phone: _____
Fax: _____
E-mail: _____
CA Registration #: _____
Signature: _____

Required Signatures: All parties signing this application acknowledge that each of the measures intended to qualify the home for the Florida Green Home Certification has been incorporated into construction/renovation of the home.

Project Point Summary

Minimum Points to Qualify (may be over 100 if a category minimum is missed)	100	Please refer to Standards Documents and Green Home Reference Guide for additional information.
Points Toward Qualification (points over category maximums excluded)	172	
Total Points Achieved	172	

Category	Your Score	Required Min - Max
Category 1: Energy	24	30 - 75
Category 2: Water	30	15 - 40
Category 3: Lot Choice	3	0 - 15
Category 4: Site	9	5 - 30
Category 5: Health	31	15 - 35
Category 6: Materials	22	10 - 35
Category 7: Disaster Mitigation	24	5 - 30
Category 8: General	18	0 - 40

Total: **172**
 Total Needed: **100**
Certified Home Score 172
Certification Level Gold

PREREQUISITES:

Prerequisite 1: Swimming Pool / Spa

- P1.1 Yes Sanitation system that reduces chlorine use
- P1.2 Yes Pool Cover
- P1.3 Yes Solar pool heating system
- P1.4 No Dedicated PV's to run pool equipment
- P1.5 No Home has no pool or spa

Prerequisite 2: Waterfront Considerations

- P2.1 Yes Use of native aquatic vegetation in shoreline area
- P2.2 Yes No turf adjacent to water (Low maintain plants instead)
- P2.3 Yes Use of terraces, swales, or berms to slow storm water
- P2.4 No Home site does not border natural water body

Prerequisite 3: No Invasive Exotic Species

- P3.1 Yes Landscape Considerations
- New Is the landscape existing or new

CATEGORY 1: ENERGY

Category Minimum 30 / Category Maximum 75

HERS Index - Energy Rating

E1.1 **15** 3-75 Confirmed Florida HERS Rating - 3 points for each HERS Index point below 80

Yes :Does the Home have a confirmed HERS Index
 75 :Confirmed HERS Index

Design, Finishes, Amenities

E2.1	1	1	Thermal Bypass Inspection
E2.2	1	1	Ductwork joints sealed with mastic
E2.3	1	1	Ductwork smoke tested allowing leaks to be sealed prior to drywall
E2.4	-	1	Cross vent and ceiling fans code credit
E2.5	1	1	Roofed porch, Min 100ft ² AND 3 sides open
E2.6	-	1	Passive solar space heating system
E2.7	-	1	Passive solar day-lighting
E2.8	-	1	Deciduous trees on south
E2.9	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	-	1	Washer and dryer outside of conditioned space
E2.11	-	1	Floor joist perimeter insulated and sealed
E2.12	1	1	Light colored exterior walls (80% minimum) 0 Enter the Solar Reflective Index (SRI) of Paint
E2.13	2	1-2	Light colored interior walls, ceilings, carpet/floors Yes all major living spaces wall and ceiling surfaces have a reflectance of at least 50% 0 Enter the Light Reflectance Value (LRV) of Paint Yes 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 100W fixtures in bathrooms
E2.15	-	1	Pre-plumb for solar hot water
E2.16	-	2	Install a State Certified rated solar hot water system
E2.17	1	1	Compact hot water distribution
E2.18	1	1	Insulate all hot water pipes
E2.19	1	1	Energy-efficient clothes dryers
E2.20	1	1	Energy-efficient ovens/ranges
E2.21	1	1	Energy Star® clothes washers
E2.22	-	1	Efficient well pumping
E2.23	0	1	Efficient envelope volume 0 Total Gross Wall Area 1 Conditional Square Footage 1 Number of Stories
E2.24	1	1	Dwelling unit attached, zero lot-line, row house
E2.25	-	2	Recessed, sealed IC fixtures
E2.26	3	3	Energy Star® Advanced Lighting Package
E2.27	2	2	Outdoor lights are energy efficient.
E2.28	-	1	Install motion sensors on a minimum of 60% of the hard wired lighting fixtures
E2.29	-	1	Energy Efficient Sheathing
	34	112	Total Points

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

Name of HERS Rater: _____
 Certifying Agent Category 1: _____

CATEGORY 2: WATER

Category Minimum 15 / Category Maximum 40

New Is the landscape existing or new

W1 Fixtures

- W1.1 2 2-3 Water saving clothes washer
 6 : Water factor (WF) of clothes washer
- W1.2 1 1 Low-flow shower heads (must be ≤ 2.0 gpm)
- W1.3 1 1 All showers equipped with only 1 showerhead per shower
- W1.4 1 1-2 all lavatory sink faucets have flow rates of ≤ 2.0 gpm (all ≤ 1.5 gpm = 2 pts)
- W1.5 2 2 High Efficiency Dual-flush or Single Flush Toilets (all toilets ≤ 1.28 gpf)
- W1.6 1 1 Toilet with UNAR Map Rating of 600 gpf or greater

W2 Greywater Reuse

- W2.1 - 1-3

W3 Rainwater Harvesting

- W3.1 - 1-3 Rainwater Harvesting System installed

W4 Reclaimed Water Reuse

- W4.1 - 2 Water for irrigation
- W4.2 - 2 Meter on reclaimed irrigation system
- W4.3 - 2 Volume-based pricing arrangement
- W4.4 - 2 For toilet flushing

W5 Installed Landscape

- W5.1 2 2 Drought-tolerant turf, no turf in densely shaded areas
- W5.2 1 1-3 60%, 80%, 100%, of plants/trees from drought-tolerant list
 60% :Percentage of drought tolerant plant
- W5.3 2 2 All plants/trees selected to be compatible with local environment / microclimate
- W5.4 3 3 Turf less then 50% of landscape
- W5.5 - 2 Evenly shaped turf areas, no turf on berms
- W5.6 2 2 Plants with similar maintenance requirements grouped together
- W5.7 - 1 Mulch applied 3 - 4 inches deep around plants / no volcano mulch
- W5.8 1 1 Non-Cypress mulch used
- W5.9 - 2 Soil tested and amended where necessary

W6 Installed Irrigation

- W6.1 - 10 No permanent installed irrigation system
- W6.2 - 2 Innovative irrigation technology
- W6.3 3 3 Irrigated land according to FGBC standard
 - Yes Separate zones for turf and landscape beds - multi program controller
 - Yes High-volume irrigation does not exceed 60% of landscape area
 - Yes Head to head coverage for rotor/spray heads
 - Yes Correctly installed Micro-irrigation in landscape beds and narrow areas
 - Yes Minimize overspray on impermeable surfaces

- W6.4 0 1
 - OR -
 - Pressure compensating spray heads installed in spray zones
 - Pressure regulating valves are installed for spray zones

- W6.5 - 1 In poor drainage (low) areas, heads are installed with check valves
- W6.6 - 2 High volume irrigated areas have matched precipitation rates
- W6.7 1 1 Pop-up sprinkler heads significantly rise above turf grass height

W7 Additional Water Certification Requirements

- W7.1 5 5 Meet or exceed Florida Water Star™ or WaterSense standards:
- W7.2 2 2 Florida Friendly Landscape™ Program New Construction Certification

30 Total Points

Certifying Agent Category 2:

Landscape Auditor:

Credentials of Auditor:

CATEGORY 3: LOT CHOICE

Category Minimum 0 / Category Maximum 15

LC1.1	0	1 - 6	House built within designated FGBC green land development
			0 Name of FGBC Green Development
			0 % of land development that scored beyond the minimum compliance of FGBC standard
LC1.2	-	2	Home within a certified green local government
LC1.3	-	2	Built on an infill site
LC1.4	1	1	Site within 1/8 mile of existing infrastructure
LC1.5	2	2	Site within 1/4 mile to mass transit
LC1.6	-	2	Site within 1/2 mile of public open/green space
LC1.7	0	2	Site within 1/4 mile of existing basic community resources
			0 away from basic community resources
			0 Arts and entertainment center
			0 Bank
			0 Community or civic center
			0 Convenience store
			0 Daycare center
			0 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
			0 Restaurant
			Yes School
			0 Supermarket
			0 Other Neighborhood-serving retail
			Yes Other office building or major employment center
LC1.8	-	2	Site located in small lot cluster development
LC1.9	-	2	Brownfield site
	3	21	Total Points

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

Certifying Agent Category 3:

#VALUE!

CATEGORY 4: SITE

Category Minimum 5 / Category Maximum 30

1 Understand 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

- S1.1 2 2 Maximize tree survivability
- S1.2 0 1 - 2 Minimize soil compaction
Restrict all construction equipment from driving on site during construction except for
N/A
- S1.3 - 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 - 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 an erosion control site plan
- S3.2 - 1 Stabilize disturbed soil
- S3.3 - 2 Stage disturbance
- S3.4 1 1 Control sediment runoff during construction
- S3.5 - 1 Save and reuse any removed topsoil

Drainage / Retention

- S4.1 2 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 Coverage Area (sq. ft.)
 - 0 Equivalent Pervious Area -->
 - 0 Total points for pervious area
- 1 Total Lot Area (sq. ft.)
- 0 100% Pervious sq. ft.
- 0 Equivalent Pervious Area (semi-pervious)
- 9 34 Total Points

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

Certifying Agent Category 4: 0

CATEGORY 5: HEALTH

Category Minimum 15 / Category Maximum 35

Combustion

- H1.1 3 3 Detached garage/carport OR air barrier between living space & garage AND no air handler or ducts in garage
- H1.2 - 1 Garage (attached or detached)- exhaust fan on motion sensor and timer
- H1.3 - 1 Interior Fireplace - Direct vent, sealed combustion w/electronic ignition, factory built wood burning or no fireplace
- H1.4 2 1 - 2 No unsealed space or water heating combustion located inside the conditioned area - or electric

Space Heating

- Yes Electric
- No Sealed combustion equipment
- No Sealed combustion closet

Water Heating

- Yes Electric
- No Sealed combustion equipment
- No Sealed combustion closet
- No Outside of conditioned space

Moisture Control

- H2.1 N/A 1 Drainage tile on and around top of footing
- H2.2 N/A 1 Drainage board for below grade walls
- H2.3 N/A 1 Gravel bed beneath slab on grade floors
- H2.4 - 1 Seal slab penetration
- H2.5 1 1 Capillary break between foundation and framing
- H2.6 3 3 Central dehumidification system
- H2.7 1 1 No vapor barrier on inside of assemblies
- H2.8 1 1 Moisture control for tub/shower and shower surrounds

Source Control

- H3.1 1 1 No exposed urea-formaldehyde wood products
- H3.2 2 2 Zero VOC paints, stains, and finishes
- H3.3 1 1 Low VOC paints, stains, and finishes
- H3.4 1 1 Low VOC sealants and adhesives
- H3.5 1 1 - 2 Minimize carpet use (<50% 1pt, No wall to wall carpet 2pts)
- H3.6 - 1 Healthy flooring
- H3.7 - 1 Healthy insulation
- H3.8 1 1 - 2 Protect ducts, range hood, and bath exhaust fans during construction
- H3.9 3 3 Integrated pest management plan

Cleanability

- H4.1 0 1 - 2 Central vacuum system
 - No System roughed in
 - No Installed with exhaust outdoor
 - No Installed with exhaust indoor thru HEPA filter
- H4.2 - 1 Useable entry area

Universal Design

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

Ventilation

- H6.1 4 2 - 4 Controlled mechanical ventilation
- H6.2 N/A 1 Radon/Soil gas vent system installed
- H6.3 1 1 Floor drain sealed
- H6.4 1 1 Energy Star[®] bath fans with timer or humidistat
- H6.5 1 1 Kitchen range hood vented to exterior
- H6.6 - 1 Laundry rooms inside conditioned space must have a make-up air source
- H6.7 - 3 Whole house positive filtration
- H6.8 1 1 - 2 Efficient HVAC filter
- H6.9 1 1 HVAC filter easily accessible
- H6.10 - 1 Install screens on all windows and doors
- H6.11 1 1 Manual D duct design
- 31 52 Total Points

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

Certifying Agent Category 5:

0

CATEGORY 6: MATERIALS

Category Minimum 10 / Category Maximum 35

Components

M1.1	-	1	Recycled content roof material
M1.2	0	2 - 3	Certified sustainable lumber <input type="checkbox"/> homes with minimum of 1 story wood frame exterior walls have 80% of all lumber certified <input type="checkbox"/> home has no exterior wood walls & 80% of remaining lumber used for the home is certified.
M1.3	-	1	Engineered / alternative material for outdoor living
M1.4	1	1	Concrete with fly ash or blast furnace slag
M1.5	1	1	Recycled content siding or soffit material
M1.6	1	1	Eco-friendly insulation
M1.7	1	1	Recycled content drywall
M1.8	-	1	Recycled content paint
M1.9	1	1	Steel interior studs
M1.10	1	1	Eco-friendly flooring material
M1.11	1	1	Eco-friendly ceiling materials
M1.12	2	1 - 3	Locally produced materials <input type="checkbox"/> Yes minimum 80% of all new windows & doors are from local manufacturers & are operable <input type="checkbox"/> No 50% of all doors are reused doors or 50% of all windows are reused windows <input type="checkbox"/> Yes 80% of all structural components are from local sources - includes panelized & modular systems

Waste Reduction

M2.1	-	3	Resource efficient wall system with integral insulation
M2.2	2	2	Develop a construction and demolition waste management plan
M2.3	2	2 - 4	Implement job site waste management <input type="checkbox"/> 2 # of items implemented <input type="checkbox"/> 0 List items (i.e.: a, b, c, etc.)
M2.4	-	1	Compost bin/built in collection of recyclables
M2.5	2	1 - 2	Engineered roof and floor components <input type="checkbox"/> Yes 80% of floor (or code allowance) <input type="checkbox"/> Yes 80% of roof (or code allowance)
M2.6	-	1	Finger jointed or laminated products
M2.7	1	1	Eco-friendly trim
M2.8	-	1	Perimeter based on 2 foot dimensions
M2.9	-	1	Over 50% of each interior wall adheres to a 2' layout
M2.10	1	1	Stack framing
M2.11	-	1	2-stud corners with drywall clips
M2.12	-	1	T-wall with drywall clips

Durability

M3.1	1	1	Roof slope \geq 3:12 but \leq 6:12
M3.2	-	1	Large overhangs (eave and gable)
M3.3	-	1	Air admittance vents
M3.4	-	1	Wood frame house and/or wood frame 2nd floors designed with vented rain screen
M3.5	1	1	Siding and exterior trim primed all sides
M3.6	1	1	Plants/turf minimum of 2ft. from foundation
M3.7	1	1	Sprinklers and emitters are located a minimum of 2 ft from foundation
M3.8	1	1	Use armored, PEX, or metal hoses (except copper) from service to all fixtures/appliances
M3.9	-	2	Automatic in home water sensor/shut off system installed
M3.10	-	1	Access panel to non-accessible plumbing fixture installed
M3.11	-	1	Laundry room below living floor or drain installed
	22	47	Total Points

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

Certifying Agent Category 6:

0

CATEGORY 7: DISASTER MITIGATION

Category Minimum 5 / Category Maximum 30

Hurricane (wind, rain, storm surge)

DM1.1	-	2	Safe room
DM1.2	2	2	Unvented attic or No attic
DM1.3	2	2	Window, door, and skylight protection or impact resistant type
DM1.4	1	1	Attached garage and exterior door protection
DM1.5	1	1	Exterior structures and equipment properly anchored
DM1.6	2	2	Secondary water protection installed on roof
DM1.7	-	2	Adhesive applied to roof sheathing
DM1.8	-	5	Comply with Fortified For Safer Living Standards

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)

DM3.1	0	3	Yes	Fire resistant exterior wall cladding
			Yes	Fire resistant roof covering or sub-roof
			No	Fire resistant soffit and vent material
DM3.2	0	3	-	Fire Sprinklers installed to cover 100% of living area of home

Lightning & Electronics Protection

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

Termites (must comply w/required credits listed below AND EITHER DM 4.1 OR DM 4.2 OR DM 4.3 to receive points)

- required Seal slab penetrations
- required Vegetation > 2 ft. from foundation
- required Slopes graded away from building

DM 5.1	10	10	DM 5.1: Chemical Soil Treatment Used	
			Yes	Exterior cladding installed to prohibit intrusion
			Yes	Rain gutters installed (downspouts discharge a minimum of 3' from home) OR meet large overhangs (≥2')
			Yes	Condensate line(s) discharge a min of 2' from home & are located 5' or more from dryer vent
			Yes	Irrigation/sprinkler water does not hit building
			Yes	Damage replacement warranty issued and available for annual renewal

OR

DM 5.2		10	DM 5.2: Chemical Soil Treatment Avoided	
			-	Chemical soil treatment avoided
			-	Alternative Florida Building Code approved method of foundation protection employed

OR

DM 5.3		12	DM 5.3: Treated wood products	
			-	All wood products serving structural or exterior finish purposes are borate or ACQ treated

DM5.4	-	1	80% of Cellulose insulation used is Borate treated
-------	---	---	--

24 38 Total Points

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

Certifying Agent Category 7:

0

CATEGORY 8: GENERAL

Category Minimum 0 / Category Maximum 40

Small House Credit

G1.1 **15** 0 - 25 Conditioned house size (enter **no** if not claiming any points)
1,575 :square feet of conditioned area

Adaptability

G2.1 **-** 2 Roof trusses designed for addition
 G2.2 **-** 1 - 2 Unfinished rooms
 G2.3 **-** 1 Install a minimum of 2 upgraded automation system

Renewable Power Generation

G3.1 **0** 1 - 5 Reduce peak demand or annual load
0 1 point for each 2kW system size

Remodel

G4.1 **N/A** 10 Remodeling structure (HERS Index < 80)
 G4.2 **N/A** 3 Toilets 1.6 gpf and showers 2.5 gpm or less
 G4.3 **N/A** 2 Upgrade existing installed irrigation with rain gauge, timer and code irrigation heads
 G4.4 **N/A** 2 Existing homes with pools - upgrade pump to variable speed or dual speed
 G4.5 **N/A** 2 Roof to wall connection upgrades

Other

G5.1 **2** 1 - 2 Home builder/designer/architect/landscape architect member of FGBC
2 :Number of members on the team that are members of FGBC
 G5.2 **2** 2 Homeowner's manual, including information, benefits, operations - per reference guide
 G5.3 **-** 2 Minimum 1 hour Hands on training provided to homeowner
 G5.4 **-** 1 Plan for edible landscape/food garden
 G5.5 **-** 2 Guaranteed energy bills
 G5.6 **-** 1 - 5 INNOVATIVE CREDITS

Description of innovation:

0

19 49 Total Points

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

Certifying Agent Category 8:

0

FGBC Home Score

Category	Your Score	Required Min - Max
Category 1: Energy	34	30 - 75
Category 2: Water	30	15 - 40
Category 3: Lot Choice	3	0 - 15
Category 4: Site	9	5 - 30
Category 5: Health	31	15 - 35
Category 6: Materials	22	10 - 35
Category 7: Disaster Mitigation	24	5 - 30
Category 8: General	19	0 - 40

Total: **172**

Total Need: **100**

Certified Home Score 172

Certification Level:

Gold

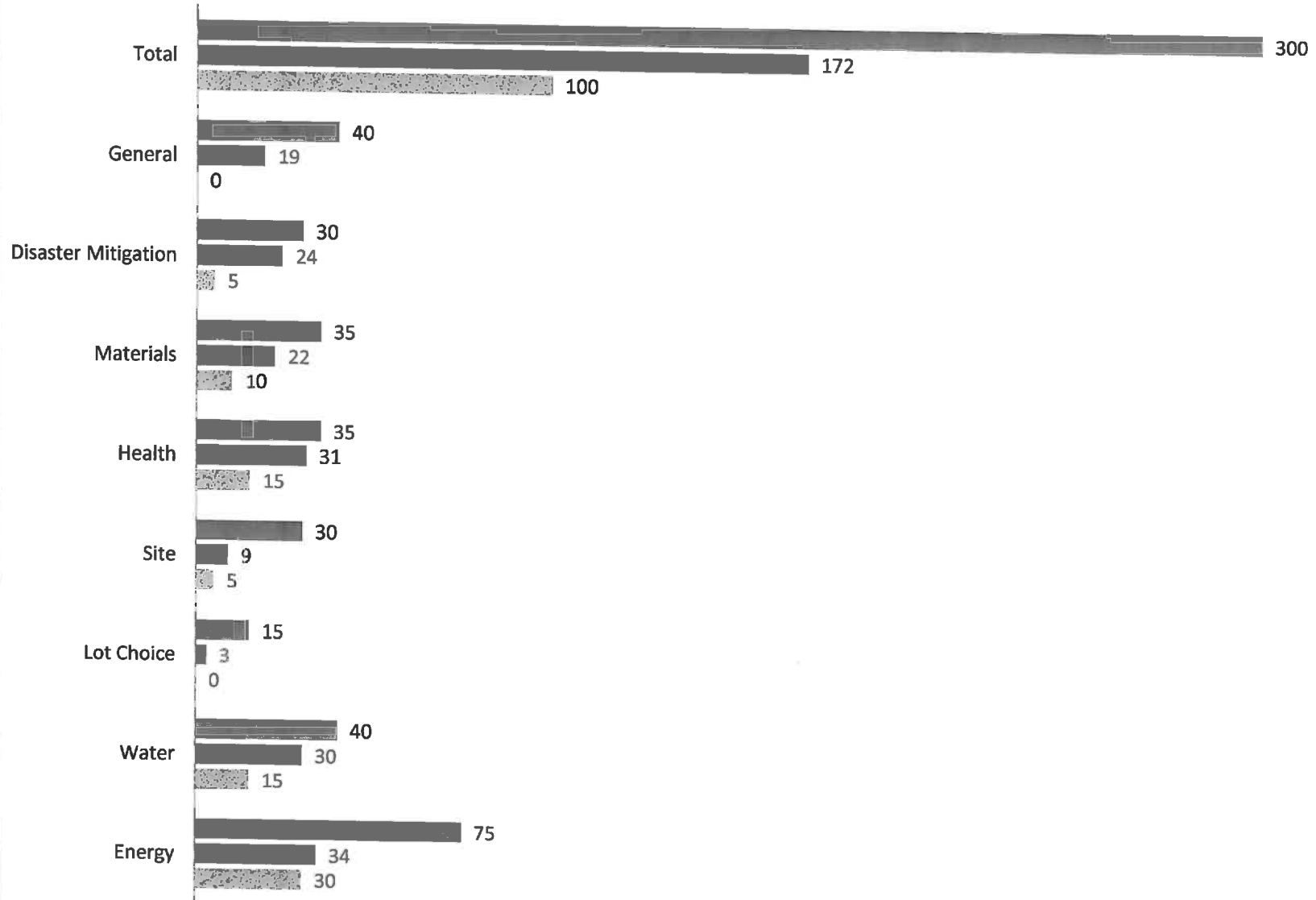
The Total Need number will automatically adjust as points are earned for each criteria in the checklist.

Home Address

0
0

FGBC Green Home Certification Summary Chart

■ Maximum ■ This Home ■ Minimum



PREREQUISITES:

At least one measure from each of the following:

Version 10 Revised 1-6-14

Required: One item from each of the following 3 prerequisites MUST be incorporated in the home for FGBC Certification

Prerequisite 1: Swimming Pool / Spa			Certifying Agent Notes
P1.1	Yes	Sanitation system that reduces chlorine use	Saltwater Pool?
P1.2	Yes	Pool Cover	Easiest
P1.3	Yes	Solar pool heating system	Meduim
P1.4	No	Dedicated PV's to run pool equipment	Probably Not
P1.5	No	Home has no pool or spa	
Prerequisite 2: Waterfront Considerations			Certifying Agent Notes
P2.1	Yes	Use of native aquatic vegetation in shoreline area	Maybe- Need to meet 1
P2.2	Yes	No turf adjacent to natural water bodies(Low maintain plants instead)	
P2.3	Yes	Use of terraces, swales, or berms to slow storm water	
P2.4	No	Home site does not border natural water body	
Prerequisite 3: No Invasive Exotic Species			Certifying Agent Notes
P3.1	Yes	Landscape Considerations	
	New	Is the landscape existing or new	

CATEGORY 1: ENERGY

Category Minimum 30 / Category Maximum 75

Version 10 Revised 1-6-14

Points Achieved	Points Possible	Criteria	Certifying Agent Notes
HERS Index - Energy Rating			
E1.1	15	3 - 75	Confirmed Florida HERS Rating - 3 points for each HERS Index point below 80
		Yes	:Does the Home have a confirmed HERS Index
		75	:Confirmed HERS Index
Design, Finishes, Amenities			
E2.1	1	1	Thermal Bypass Inspection
E2.2	1	1	Ductwork joints sealed with mastic
E2.3	1	1	Ductwork smoke tested allowing leaks to be sealed prior to drywall
E2.4	-	1	Cross vent and ceiling fans code credit
E2.5	1	1	Roofed porch, Min 100ft ² AND meets cross-ventilation requirements
E2.6	-	1	Passive solar space heating system
E2.7	-	1	Passive solar day-lighting
E2.8	-	1	Deciduous trees on south
E2.9	0	1 - 4	House shaded on east and west by trees
			% of the designated wall areas (average of east and west walls) that are shaded by trees.
E2.10	-	1	Washer and dryer outside of conditioned space
E2.11	-	1	Floor joist perimeter insulated and sealed
E2.12	1	1	Light colored exterior walls (80% minimum)
			Enter the Solar Reflective Index (SRI) of Paint
E2.13	2	1 - 2	Light colored interior walls, ceilings, carpet/floors
		Yes	all major living spaces wall and ceiling surfaces have a reflectance of at least 50%
			Enter the Light Reflectance Value (LRV) of Paint
		Yes	bedrooms and all major living spaces have floors, walls, & ceilings are light-colored
			Enter the Light Reflectance Value (LRV) of Paint
E2.14	1	1	Max 100W fixtures in bathrooms
E2.15	-	1	Pre-plumb for solar hot water
E2.16	-	2	Install a State Certified rated solar hot water system
E2.17	1	1	Compact hot water distribution
E2.18	1	1	Insulate all hot water pipes
E2.19	1	1	Energy-efficient clothes dryers
E2.20	1	1	Energy-efficient ovens/ranges
E2.21	1	1	Energy Star® clothes washers
E2.22	-	1	Efficient well pumping
E2.23	0	1	Efficient envelope volume
			Total Gross Wall Area
		1	Conditional Square Footage
		1	Number of Stories
E2.24	1	1	Dwelling unit attached, zero lot-line, row house
E2.25	-	1 - 2	Ceiling Penetrations: No penetrations in ceiling (2 points), No penetrations in the thermal envelope (1 point)
E2.26	3	3	Energy Star® Advanced Lighting Package
E2.27	2	2	Outdoor lights are energy efficient.
E2.28	-	1	Lighting Motion Sensors
E2.29	-	1	Energy Efficient Sheathing
	34	112	Total Possible Points
	34	Total points for Category 1 (30 min / 75 max)	
Name of HERS Rater:			
Certifying Agent Category 1:			

A NOTE ABOUT ENERGY

As you review the FGBC Green Home Standard you may wonder why many energy saving features do not appear as line items. The FGBC has elected to use a whole-house, performance-based energy rating for points versus offering an exhaustive list of prescriptive energy saving alternatives. The performance-based Energy Rating is called a HERS Index. For information purposes the adjacent chart lists many of the inputs used to calculate a home's HERS Index.

Energy Gauge USA / HERS Index		
Envelope		
Floors	Windows	Roof
Foundation type	# & size of windows	Roof Configuration / Slope
Insulation value	Tint / U-factor	Roof Material / Color
Perimeter / Area	Type of Frame	Attic Details
Floor covering	Overhang details	Conditioned ceiling Area
Walls	Ceilings	Solar absorptance
Orientation	Ceiling style	Roof deck Insulation level
Area	Insulation value	Radiant barrier system
Insulation value	Area	Attic Ventilation ratio
Doors	Garage	Infiltration
Door Area / U Value	Attached or not	Building envelope leakage
Equipment		
Hot Water	Ducts	Appliances and Lights
Type / Location	Insulation value	Programmable Thermostat
Efficiency	Duct Location	Refrigerator
Daily usage	Air Handler Location	% fluorescent lighting
Set Temperature	Amount of leakage	Ceiling fans
Solar or heat recovery	Duct surface area	Dishwasher
Cooling	Heating	Photovoltaic's
System Type	System Type	Array
Capacity	Efficiency	Inverter
SEER	Capacity	Batteries

CATEGORY 2: WATER

Category Minimum 15 / Category Maximum 40

Version 10 Revised 1-6-14

New		Is the landscape existing or new			
Points Achieved	Points Possible	Criteria			
W1 Fixtures and Appliances					
W1.1	2	2 - 3	Water saving clothes washer		Certifying Agent Notes
			6 : Water factor (WF) of clothes washer		
W1.2	1	1	Low-flow shower heads (must be ≤ 2.0 gpm)		
W1.3	1	1	All showers equipped with only 1 showerhead per shower (1 showerhead/15sf allowed)		
W1.4	1	1 - 2	All lavatory sink faucets have flow rates of ≤ 1.5 gpm (all ≤ 1.0 gpm = 2 pts)		
W1.5	2	2	High-efficiency, dual-flush or single-flush toilets (all toilets ≤ 1.28 gpf)		
W1.6	1	1	Toilet with UNAR MaP Rating of 600 gpf or greater		
					Maximum Performance Rating (grams per flush)
W2 Greywater Reuse					
W2.1	-	1 - 3	Greywater system installed		Certifying Agent Notes
					Costly since no city greywater system
W3 Rainwater Harvesting					
W3.1	-	1 - 3	Rainwater harvesting system installed		Certifying Agent Notes
					Maybe \$\$ (space consuming)
W4 Reclaimed Water Reuse					
W4.1	-	1 - 2	Water for irrigation		Certifying Agent Notes
W4.2	-	1	Meter on reclaimed irrigation system		Could do if supplied by KWRU
W4.3	-	1	Volume-based pricing arrangement		
W4.4	-	2	For toilet flushing		Requires additional plumbing \$\$
W5 Installed Landscape					
W5.1	2	2	Drought-tolerant turf, no turf in densely shaded areas		Certifying Agent Notes
W5.2	1	1 - 3	60%, 80%,100%, of plants/trees from drought-tolerant list		
			60% :Percentage of drought tolerant plant		Can do more here
W5.3	2	2	All plants/trees selected to be compatible with their location in the landscape		
W5.4	3	3	Turf less then 50% of landscape		Maybe
W5.5	-	2	No turf in densely shaded areas		Requires a lot of mulch/rocks/schrubs
W5.6	2	2	Plants with similar sun and water requirements grouped together		
W5.7	-	1	Mulch applied 3 - 4 inches deep around plants (no volcano mulch)		Need to work w/ Landscape Architect
W5.8	1	1	Non-cypress mulch used		
W5.9	-	2	Soil tested and amended where necessary		Testing could be difficult in highly permeable soils

W6 Installed Irrigation				Certifying Agent Notes
W6.1	-	10	No permanent in-ground irrigation system	
W6.2	-	2	Innovative irrigation technology	
W6.3	3	3	Landscape irrigated to FGBC standard	
		Yes	Separate zones for turf and landscape beds - multi program controller	
		Yes	High-volume irrigation does not exceed 60% of landscape area	
		Yes	Head to head coverage for rotor/spray heads	
		Yes	Micro-irrigation only in landscape beds and narrow areas	
		Yes	Provide owner & FGBC with plan and instructions	
W6.4	0	1		
	OR	-	Pressure compensating spray heads installed in spray zones	
		-	Pressure regulating valves are installed for spray zones	
W6.5	-	1	In poor drainage (low) areas, heads are installed with check valves	
W6.6	-	1	High volume irrigated areas have matched precipitation rates	
W6.7	1	1	Pop-up sprinkler heads significantly rise above turf grass height	
W7 Additional Water Certification Requirements				Certifying Agent Notes
W7.1	5	5	Meet or exceed Florida Water Star SM or WaterSense standards	
W7.2	2	2	Florida Friendly Landscape TM Program new construction certification	
	30	57	Total Possible Points	
	30	Total points for Category 2 (15 min / 40 max)		
Certifying Agent Category 2:				
Landscape Auditor:				
Credentials of Auditor:				

CATEGORY 3: LOT CHOICE

Category Minimum 0 / Category Maximum 15

Version 10 Revised 1-6-14

	Points Achieved	Points Possible	Criteria	
LC1.1	0	2 - 6	House built within designated FGBC green land development	
				Certifying Agent Notes
			Name of FGBC Green Development	
			% above certification requirement of the FGBC Certified land development	
LC1.2	-	2	Home within a certified green local government	
LC1.3	-	2	Built on an infill site	
LC1.4	1	1	Site within 1/8 mile of existing infrastructure	
LC1.5	2	2	Site within 1/4 mile to mass transit	Sewer & Water Services
LC1.6	-	2	Site within 1/2 mile of public open/green space	
LC1.7	0	2	Site within 1/4 mile or 1/2 mile of existing basic community resources	KW Tropical Forest & Botanical Garden
			away from basic community resources	
			Arts and entertainment center	
			Bank	
			Community or civic center	
			Convenience store	
			Daycare center	
			Fire station	
			Fitness center or gym	
			Laundry or dry cleaner	
			Library	
			Medical or dental office	
			Pharmacy	
			Police station	
			Post office	
			Place of worship	
			Restaurant	
	Yes		School	Gerald Adams Elementary
			Supermarket	
			Other Neighborhood-serving retail	
	Yes		Other office building or major employment center	
LC1.8	-	2	Site located in small lot cluster development	
LC1.9	-	2	Brownfield site	
	3	21	Total Possible Points	
	3	Total points for Category 3 (0 min / 15 max)		
Certifying Agent Category 3:				

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 14-10034-CIV-KING

JAMES B. NEWTON, RUTH L. NEWTON,
ROBERT D. REYNOLDS and JULIANNE C.
REYNOLDS,

Plaintiffs,

v.

MONROE COUNTY, FLORIDA, a political
Subdivision of the State of Florida,

Defendant.

_____ /

AFFIDAVIT OF ADA MAYTE SANTAMARIA

STATE OF FLORIDA)
COUNTY OF MONROE)

Before me, the undersigned authority, personally appeared ADA MAYTE SANTAMARIA, who after being duly sworn upon oath, deposes and states the following:

1. I am over the age of 21 and competent to testify in this matter. I make this Affidavit based on personal knowledge.

2. I am the Senior Director of the Monroe County Planning and Environmental Resources Department. I was previously employed as the Assistant Director of the Monroe County Planning and Environmental Resources Department. I was previously employed with the Florida Department of Community Affairs (now known as the Department of Economic Opportunity).

3. It is true that No Name Key and Big Pine Key share many similarities including habitat types and endangered species; however, there is an important distinction between the islands. Big Pine Key is substantially more developed than No Name Key, in part because Big Pine Key was electrified decades ago, and long before Monroe County adopted Ordinance 043-2001. One of the policy rationales of Ordinance 043-2001 was to deter development, and prevent areas like No Name Key from becoming a highly developed island like Big Pine Key.

4. No part of Big Pine Key is designated as a Coastal Barrier Resources System (CBRS) unit.

5. Another distinction between Big Pine Key and No Name Key is that an alternative energy community did not take root on Big Pine Key as it did on No Name Key. One of the rationales that underlined the policy against the electrification of No Name Key was the protection

of community character. There were several residents on the island that actively lobbied against the electrification of the island and sought protections for a lifestyle that they invested in.

6. Additionally, because Big Pine Key was already electrified when Monroe County adopted its first Comprehensive Plan in 1986, the island did not receive the scrutiny that No Name Key has received from the United States Fish and Wildlife Service (USFWS) and the Department of Economic Opportunity ("DEO," formerly known as the Department of Community Affairs or "DCA"). Both USFWS and DEO have a history of opposing the electrification of No Name Key, but not Big Pine Key.

7. While it is true that USFWS recently changed its opinion with respect to the electrification of No Name Key, the County's policies that were shaped in part by USFWS's prior opinion which were already firmly entrenched. The interest of USFWS with respect to electrification was limited to endangered species, but the County's interests included the protection of community character and the development of coastal resources that the Coastal Barrier Resources System seeks to protect.

8. Ordinance 043-2001 applied County-wide and not just to No Name Key. I am not aware of any other areas subject to the ordinance and similarly situated to No Name Key that were permitted to become electrified.

9. As was the case with Big Pine Key, Ocean Reef was already electrified when Ordinance 043-2001 was adopted.

10. In 2008, the Monroe County Commission adopted by a 3-2 vote Ordinance No. 020-2008, which would have allowed for the provision of utilities to developed properties located within the CBRS Overlay District, including No Name Key. However, pursuant to the DCA's statutory mandate "to approve or reject any land development regulations that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern," the DCA reviewed Ordinance No. 020-2008 and, having determined that it was inconsistent with several Principles for Guiding Development set forth in the Florida Keys Protection Act, issued a Final Order in which it REJECTED the ordinance. In Re: Monroe County Land Development Regulations Adopted by Monroe County Ordinance No. 020-2008, DCA Final Order No. DCA08-OR-352 (December 24, 2008). Consistent with the DCA's Order, the County subsequently adopted its Ordinance No. 003-2009, rescinding Order No. 020-2008, thereby leaving the CBRS Overlay District in place and the prohibition of utility facilities in the CBRS District in effect.

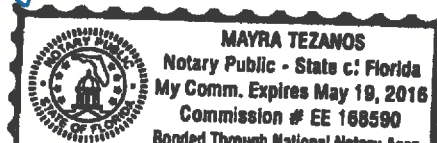
FURTHER AFFIANT SAYETH NOT

Ada Mayte Santamaria
ADA MAYTE SANTAMARIA

SWORN TO AND SUBSCRIBED before me this day of January 22, 2015, by ADA MAYTE SANTAMARIA who is personally known to me or who has produced _____ as identification.

NOTARY PUBLIC:

SIGN: *Mayra Tezanos*
(SEAL)



CATEGORY 4: SITE

Category Minimum 5 / Category Maximum 30

Version 10 Revised 1-6-14

I	Understand	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.	
	Points Achieved	Points Possible	Criteria

Native Tree and Plant Preservation				Certifying Agent Notes
S1.1	2	2	Maximize tree survivability	
S1.2	0	1 - 2	Minimize soil compaction	
			Restrict all construction equipment from driving on site during construction except for N/A	
S1.3	-	2	Replant or donate removed vegetation	
S1.4	0	1 - 9	Preserve or create wildlife habitat / shelter	Maybe (time consuming)
		0	% of property that was created or preserved as a wildlife habitat or shelter	

On Site Use of Cleared Materials				Certifying Agent Notes
S2.1	-	2	Mill clear trees	
S2.2	0	1 - 2	Reuse cleared materials for mulch / landscape	Maybe (time consuming)
			Mulch is both cleared and reused:	

Erosion Control / Topsoil Preservation				Certifying Agent Notes
S3.1	2	2	Develop and implement an erosion control site plan	
S3.2	-	1	Stabilize disturbed soil	
S3.3	-	2	Stage disturbance	Maybe? Challenging during construction, seeding d
S3.4	1	1	Control sediment runoff during construction	Possibly no more than 60% can be disturbed at one
S3.5	-	1	Save and reuse any removed topsoil	Maybe, not much topsoil available

Drainage / Retention				Certifying Agent Notes
S4.1	2	2	Onsite designated retention area	
S4.2	2	2	Direct filtered rooftop runoff to planted area(s)	Directly into exfiltration system
S4.3	0	1 - 4	Maintain pervious surface area (If not taking points input 1 for Total Lot Area)	maybe- quantify
			Partial Pervious	
			% Pervious Material	1
			Coverage Area (sq. ft.)	0
	0		Equivalent Pervious Area -->	0
			Total points for pervious area	
9	34		Total Possible Points	
9			Total points for Category 4 (5 min / 30 max)	

Certifying Agent Category 4:

CATEGORY 5: HEALTH

Category Minimum 15 / Category Maximum 35

Version 10 Revised 1-6-14

	Points Achieved	Points Possible	Criteria																					
Combustion																								
H1.1	3	3	Detached or Air Sealed Garage or Carport	Certifying Agent Notes																				
H1.2	-	1	Garage (attached or detached)- exhaust fan on motion sensor and timer	No air ducts Open garage																				
H1.3	-	1	Interior Fireplace - Direct vent, sealed combustion w/electronic ignition, factory built wood burning or no fireplace																					
H1.4	2	1 - 2	No unsealed space or water heating combustion located inside the conditioned area - or electric	All electric																				
			<table border="1"> <thead> <tr> <th colspan="2">Space Heating</th> <th colspan="2">Water Heating</th> </tr> <tr> <th>Yes</th> <th>Electric</th> <th>Yes</th> <th>Electric</th> </tr> </thead> <tbody> <tr> <td>No</td> <td>Sealed combustion equipment</td> <td>No</td> <td>Sealed combustion equipment</td> </tr> <tr> <td>No</td> <td>Sealed combustion closet</td> <td>No</td> <td>Sealed combustion closet</td> </tr> <tr> <td></td> <td></td> <td>No</td> <td>Outside of conditioned space</td> </tr> </tbody> </table>	Space Heating		Water Heating		Yes	Electric	Yes	Electric	No	Sealed combustion equipment	No	Sealed combustion equipment	No	Sealed combustion closet	No	Sealed combustion closet			No	Outside of conditioned space	
Space Heating		Water Heating																						
Yes	Electric	Yes	Electric																					
No	Sealed combustion equipment	No	Sealed combustion equipment																					
No	Sealed combustion closet	No	Sealed combustion closet																					
		No	Outside of conditioned space																					
Moisture Control																								
H2.1	N/A	1	Drainage tile on and around top of footing	Certifying Agent Notes																				
H2.2	N/A	1	Drainage board for below grade walls																					
H2.3	N/A	1	Gravel bed beneath slab on grade floors																					
H2.4	-	1	Seal slab penetration																					
H2.5	1	1	Capillary break between foundation and framing	May not apply to raised slabs																				
H2.6	3	3	Central dehumidification system	Should do with wood frame, N/																				
H2.7	1	1	No vapor barrier on inside of assemblies	Would not be a bad idea to do																				
H2.8	1	1	Moisture control for tub/shower and shower surrounds	Should do anyways Should do anyways																				
Source Control																								
H3.1	1	1	No exposed urea-formaldehyde wood products	Certifying Agent Notes																				
H3.2	2	2	Zero VOC paints, stains, and finishes																					
H3.3	1	1	Low VOC paints, stains, and finishes	can not also claim M1.8																				
H3.4	1	1	Low VOC sealants and adhesives	can not also claim M1.8																				
H3.5	1	1 - 2	Minimize carpet use (<50% 1pt, No wall to wall carpet 2pts)																					
H3.6	-	1	Healthy flooring	Need to tile kitchen, dining room																				
H3.7	-	1	Healthy insulation																					
H3.8	1	1	Protect ducts, range hood, and bath exhaust fans during construction	Should do anyways																				
H3.9	3	3	Integrated pest management plan	Can do minor additional cost \$,																				
Cleanability																								
				Certifying Agent Notes																				

H4.1	0	1 - 2	Central vacuum system	
			No System roughed in	No Installed with exhaust outdoor
				No Installed with exhaust indoor thru HEPA filter
H4.2	-	1	Useable entry area	Could do, but tight foyer- requir
Universal Design				
H5.1	-	1 - 3	Universally designed living area	Certifying Agent Notes Unless 1 bathroom ADA compli
Ventilation				
H6.1	4	2 - 4	Controlled mechanical ventilation	Certifying Agent Notes
H6.2	N/A	1	Radon/Soil gas vent system installed	All 4 w/ full design plans
H6.3	1	1	Floor drain sealed	
H6.4	1	1	Energy star® bath fans with timer or humidistat	
H6.5	1	1	Kitchen range hood vented to exterior	Could do extra \$\$
H6.6	-	1	Laundry rooms inside conditioned space must have a make-up air source	Could do but vent less would be
H6.7	-	3	Whole house positive filtration	Shares unit air
H6.8	1	1 - 2	Efficient HVAC filter	Can do but costly
H6.9	1	1	HVAC filter easily accessible	Can get 2 but air handler may n
H6.10	-	1	Install screens on all windows and doors	
H6.11	1	1	Manual D duct design	Can do on doors but not often c
	31	52	Total Possible Points	
31 Total points for Category 5 (15 min / 35 max)				
Certifying Agent Category 5:				

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 14-10034-KING

JAMES B. NEWTON, RUTH L. NEWTON,
ROBERT D. REYNOLDS and JULIANNE C.
REYNOLDS

Plaintiffs,

v.

MONROE COUNTY, FLORIDA, a political
subdivision of the State of Florida,

Defendant.

**DEFENDANT COUNTY'S RESPONSE TO PLAINTIFF'S
MOTION TO EXCLUDE MARLENE CONAWAY**

The Defendant, MONROE COUNTY, by and through its undersigned attorneys and pursuant to Local Rule 7.1, submits this response in opposition to Plaintiffs' motion to exclude Marlene Conaway [DE 20], and states:

1. Plaintiffs' motion should be denied as moot. On January 20, 2014, Plaintiffs' filed an amended motion seeking essentially the same relief and referencing the *actual* declaration which was filed by the County in support of summary judgment. See DE 27.¹

2. Since Plaintiffs' motion [DE 20] attacks the draft affidavit which was later amended to clarify that the matters for which Ms. Conaway was providing testimony were based on facts – not professional opinions – the relief sought by Plaintiff therein has been rendered moot.

¹ Rather than waiting for the County to move for summary judgment and file its supporting evidence, Plaintiffs moved to exclude Ms. Conaway based on a prior draft version of her testimony which the County provided Plaintiffs' counsel in advance of moving for summary judgment.

3. The County will timely respond to the pending motion to strike. DE 27.

WHEREFORE, for the reasons set forth above, DEFENDANT, MONROE COUNTY, respectfully requests the entry of an Order denying DE 20.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of January, 2015, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of records or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notice of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

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Co-Counsel for Defendant
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BY: /s/Michael T. Burke

MICHAEL T. BURKE
Florida Bar No. 338771
CHRISTOPHER J. STEARNS
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CATEGORY 6: MATERIALS

Category Minimum 10 / Category Maximum 35

Version 10 Revised 1-6-14

	Points Achieved	Points Possible	Criteria	
Components				
M1.1	-	1	Recycled content roof material	Certifying Agent Notes
M1.2	0	2 - 3	Certified sustainable lumber	Can do \$\$
		OR	homes with minimum of 1 story wood frame exterior walls have 80% of all lumber certified	
			home has no exterior wood walls & 80% of remaining lumber used for the home is certified.	
M1.3	-	1	Engineered / alternative material for outdoor living	
M1.4	1	1	Concrete with fly ash or blast furnace slag	
M1.5	1	1	Recycled content siding or soffit material	
M1.6	1	1	Eco-friendly insulation	
M1.7	1	1	Recycled content drywall	can not also claim H3.7
M1.8	-	1	Recycled content paint	
M1.9	1	1	Steel interior studs	
M1.10	1	1	Eco-friendly flooring material	
M1.11	1	1	Eco-friendly ceiling materials	can not also claim H3.6
M1.12	2	1 - 3	Locally produced materials	
			Yes minimum 80% of all new windows & doors are from local manufacturers & are operable	
			No 50% of all doors are reused doors or 50% of all windows are reused windows	
			Yes 80% of all structural components are from local sources - includes panelized & modular systems	
Waste Reduction				
M2.1	-	3	Resource efficient wall system with integral insulation	Certifying Agent Notes
M2.2	2	2	Develop a construction and demolition waste management plan	Probably not feasible
M2.3	2	2 - 4	Implement job site waste management	
		2	# of items implemented	
			List items (i.e.: a, b, c, etc.)	a,b,f,g,k,
M2.4	-	1	Compost bin/built in collection of recyclables	maybe \$\$
M2.5	2	1 - 2	Pre-Engineered roof and floor components	
			Yes 80% of floor (or code allowance)	Yes 80% of roof (or code allowance)
M2.6	-	1	Finger jointed or laminated products	
M2.7	1	1	Eco-friendly trim	
M2.8	-	1	Perimeter based on 2 foot dimensions	
M2.9	-	1	Each interior wall adheres to 2-foot dimensions for minimum of 50% of the interior walls	change building size
M2.10	1	1	Stack framing	Probably not
M2.11	-	1	2-stud corners with drywall clips	Typical
M2.12	-	1	T-wall with drywall clips and/or ladder type exterior tee framing	Probably not w/ Miami-Dade wind wall requi
				Probably not w/ Miami-Dade wind wall requi
Durability				
				Certifying Agent Notes

M3.1	1	1	Roof slope \geq 3 in 12 but \leq 6 in 12	
M3.2	-	1	Large overhangs (eave and gable)	
M3.3	-	1	Air admittance vents	Costly & wind loads
M3.4	-	1	Wood frame house and/or wood frame 2nd floors designed with vented rain screen	Expensive
M3.5	1	1	Siding and exterior trim primed all sides	
M3.6	1	1	Plants/turf minimum of 2-ft. from foundation	
M3.7	1	1	Sprinklers and emitters are located a minimum of 2 ft from foundation	
M3.8	1	1	Use armored, PEX, or metal hoses (except copper) from service to all fixtures/appliances	should do anyways
M3.9	-	2	Automatic in home water sensor/shut off system installed	should do anyways
M3.10	-	1	Access panel to non-accessible plumbing fixture installed	expensive
M3.11	-	1	Laundry room below living floor or drain installed	
	22	47	Total Possible Points	
	22	Total points for Category 6 (10 min / 35 max)		
Certifying Agent Category 6:				

CATEGORY 7: DISASTER MITIGATION

Category Minimum 5 / Category Maximum 30

Version 10 Revised 1-6-14

	Points Achieved	Points Possible	Criteria	
Hurricane (wind, rain, storm surge)				
DM1.1	-	2	Safe room	Certifying Agent Notes
DM1.2	2	2	Unvented attic or No attic	
DM1.3	2	2	Window, door, and skylight protection or impact resistant type	
DM1.4	1	1	Attached garage and exterior door protection	
DM1.5	1	1	Exterior structures and equipment properly anchored	
DM1.6	2	2	Secondary water protection installed on roof	
DM1.7	-	2	Adhesive applied to roof sheathing	
DM1.8	-	5	Comply with Fortified For Safer Living Standards	
Flood (must incorporate all three)				
DM2	3	3	Yes Finished floor level at least 12" above 100 yr flood plain	Certifying Agent Notes
			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)				
DM3.1	0	3	Yes Fire resistant exterior wall cladding	Certifying Agent Notes
			Yes Fire resistant roof covering or sub-roof	
			No Fire resistant soffit and vent material	
DM3.2	3	3	Yes Fire Sprinklers installed to cover 100% of living area of home	maybe?
Lightning & Electronics Protection				
DM4	-	1 - 2	Installed Surge Suppression or Lightning Protection System	Certifying Agent Notes
Termites (must comply w/required credits listed below AND EITHER DM 5.1 OR DM 5.2 OR DM 5.3 to receive points)				
			required Yes Seal slab penetrations (Health: H2.4)	Certifying Agent Notes
			required Yes Vegetation > 2 ft. from foundation (Materials: M3.6)	
			required Yes Sprinklers & emitters are 2 feet from house (Materials: M3.7) OR no installed irrigation (Water: W6.1)	
DM 5.1	10	10	DM 5.1: Chemical Soil Treatment Used	
			Yes Exterior cladding installed to prohibit intrusion	
			Yes Rain gutters installed (downspouts discharge a minimum of 3' from home) OR meet large overhangs (≥2')	
			Yes Condensate line(s) discharge a min of 2' from home & are located 5' or more from dryer vent	
			Yes Irrigation/sprinkler water does not hit building	
			Yes Damage replacement warranty issued and available for annual renewal	
OR				

DM 5.2	10	DM 5.2: Chemical Soil Treatment Avoided	
		- Chemical soil treatment avoided	
		- Alternative Florida Building Code approved method of foundation protection employed	
	OR		
DM 5.3	12	DM 5.3: Treated wood products	
		- All wood products serving structural or exterior finish purposes are borate or ACQ treated	
DM5.4	-	1	80% of Cellulose insulation used is Borate treated
	24	41	Total Possible Points
	24	Total points for Category 7 (5 min / 30 max)	
Certifying Agent Category 7:			

CATEGORY 8: GENERAL

Category Minimum 0 / Category Maximum 40

Version 10 Revised 1-6-14

	Points Achieved	Points Possible	Criteria	
Small House Credit				
G1.1	15	0 - 25	Conditioned house size (<i>enter no if not claiming any points</i>)	Certifying Agent Notes
			1,575 Square feet of conditioned area	
Adaptability				
G2.1	-	2	Roof trusses designed for addition	Certifying Agent Notes
G2.2	-	1 - 2	Unfinished rooms 1point for >100 SF, 2 points for > 200 SF	
G2.3	-	1	Install a minimum of 2 upgraded automation system	
Renewable Power Generation				
G3.1	0	1 - 5	Reduce peak demand or annual load	Certifying Agent Notes
			Enter size of PV System in kW (1 point for each 2kW)	
Remodel & Existing Homes - NOTE: Credits G4.1 - G4.5 are ONLY available for EXISTING homes				
G4.1	N/A	10	Remodeling structure (HERS Index ≤ 80)	Certifying Agent Notes
G4.2	N/A	3	Toilets 1.6 gpf and showers 2.5 gpm or less	
G4.3	N/A	2	Upgrade existing installed irrigation with rain gauge, timer and code irrigation heads	
G4.4	N/A	2	Existing homes with pools - Upgrade pump to variable speed or dual speed	
G4.5	N/A	2	Improve roof to wall connections	
Other				
G5.1	2	1 - 2	Home builder/designer/architect/landscape architect member of FGBC	Certifying Agent Notes
			2 :Number of members on the team that are members of FGBC	
G5.2	2	2	Homeowner's manual, including information, benefits, operations - per reference guide	
G5.3	-	2	Minimum 1 hour hands on training provided to homeowner	
G5.4	-	1	Plan for edible landscape/food garden	
G5.5	-	2	Guaranteed energy bills	
G5.6	-	1 - 5	INNOVATIVE CREDITS	
			Description of innovation:	
	19	49	Total Possible Points (49 for new homes, 68 for existing homes)	
	19	Total points for Category 8 (0 min / 40 max)		

Warranty Deed Exhibit

F

Prepared by and return to:
Gregory S. Oropeza, Esq.
Attorney at Law
Smith | Oropeza, P.L.
138-142 Simonton Street
Key West, FL 33040
305-296-7227
File Number: 2013-82
Will Call No.: \$2,200,000

Doc# 1934707 05/24/2013 3:05PM
Filed & Recorded in Official Records of
MONROE COUNTY RMY HEAVILIN

05/24/2013 3:05PM
DEED DOC STAMP CL: DS \$15,400.00

Doc# 1934707
Bk# 2630 Pg# 1724

Parcel Identification No.

[Space Above This Line For Recording Data]

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 15th day of May, 2013 between Sunset Ventures of Key West, Inc., a Florida corporation whose post office address is 5555 College Road, Key West, FL 33040 of the County of Monroe, State of Florida, grantor*, and Sunset Marina, LLC, a Florida limited liability company whose post office address is 5555 College Road, Key West, FL 33040 of the County of Monroe, State of Florida, grantee*,

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Monroe County, Florida, to-wit:

PARCEL A:

A tract of partially submerged land in Section 27, Township 67 South, Range 25 East, off-shore from the Northwestern shoreline of Stock Island in Monroe County, Florida, more particularly described as follows: Commence at the intersection of the centerline of U.S. Highway No. 1 and "Old Country Club Road"; thence Northwesterly along the centerline of said "Old Country Club Road" for a distance of 1400 feet; thence North 60 West, 200 feet to the Point of Beginning, from said Point of Beginning, thence North 60 West, 1584 feet; thence at right angles to the last named courses North 30 East, 1100 feet; thence at right angles to the last named course South 60 East, 1584 feet; thence at right angles to the last named course South 30 West, 1100 feet to the Point of Beginning first above described. Lying and being in Section 27, Township 67 South, Range 25 East, Monroe County, Florida.

AND

PARCEL B:

A tract of partially submerged land in Section 27, Township 67 South, Range 25 East, off-shore from the Northwestern shoreline of Stock Island in Monroe County, Florida, more particularly described as follows: Commence at the intersection of the centerline of U.S. Highway No. 1 and "Old Country Club Road"; thence Northwesterly along the center of said "Old Country Club Road" for a distance of 1400 feet; thence North 60 West, 200 feet; thence at right angles to the last named course North 30 East, 1100 feet to the Point of Beginning of the property hereinafter described; from said Point of Beginning; thence at right angles to the last named course North 60 West, 1548 feet; thence North 76 East, 900 feet; thence South 34 East, 1040 feet; thence South 30 West, 160 feet, more or less, back to the Point of Beginning. Lying and being in Section 27, Township 67 South, Range 25 East, Monroe County, Florida.

AND

PARCEL C:

A tract of submerged land in the Bay of Florida in Section 27, Township 67 South, Range 25 East, Stock Island, Monroe County, Florida, being more particularly described as follows: Commence at the point of intersection of the centerline of U.S. Highway No. 1 with the centerline of "Old Country Club Road"; thence Northwesterly along said centerline of "Old Country Club Road", a distance of 1400 feet; thence North 60°00' West, a distance of 1758 feet to the NW corner of a tract of submerged land conveyed by the Trustees of the Internal Improvement Fund Deed No. 19725, said NW corner being the Point of Beginning of the tract hereinafter described; thence North 30° 00' East along the Northwesterly boundary of said tract conveyed by Trustees Deed No. 19725, a distance of 1100 feet to the NE corner thereof; thence North 60°00' West, a distance of 888.25 feet; thence South 62°23' West, a distance of 1302.57 feet; thence South 60°00' East, a distance of 1585.88 feet to the Point of Beginning.

AND

PARCEL D:

A tract of submerged land in the Bay of Florida in Section 27, Township 67 South, Range 25 East, Stock Island, Monroe County, Florida, being more particularly described as follows: Commence at the point of intersection of the centerline of U.S. Highway No. 1 with the centerline of "Old Country Club Road"; thence Northwesterly along said centerline of "Old Country Club Road", a distance of 1400 feet; thence North 60°00' West, a distance of 1758 feet to the NW corner of a tract of submerged land conveyed by Trustees of the Internal Improvement Fund Deed No. 19725; thence North 30°00' East along the Northwesterly boundary of said tract conveyed by Trustees Deed No. 19725, a distance of 1100 feet to the NE corner thereof, said Northeast corner also being the NW corner of a tract of submerged land conveyed by Trustees of the Internal Improvement Fund Deed No. 20174 and also being the Point of Beginning of the tract hereinafter described; thence North 76°00' East along the Northwesterly boundary of said tract conveyed by Trustees Deed No. 20174, a distance of 900 feet to the NE corner thereof; thence North 34°00' West, a distance of 930 feet; thence South 62°23' West, a distance of 1242.81 feet; thence South 60°00' East, a distance of 888.25 feet to the Point of Beginning.

AND LESS THE FOLLOWING:

PARCEL E:

A parcel of land, formerly submerged in the Bay of Florida, and being a part of Trustees of the Internal Improvement Trust Fund of the State of Florida (TIIF) Deed Number 19725, and said parcel being in Section 27, Township 67 South, Range 25 East and in Monroe County, Florida; and said parcel being more particularly described by metes and bounds as follows: COMMENCE at the intersection of the center line of the right of way of U.S. Highway No. 1, also known as the center line of the Florida East Coast Railroad; and the center line of the right of way of "Old Country Club Road" (OCCR), also known as Junior College Road (JCR) as these two center lines exist as of May 16, 1990, said intersection being known as Point #1 and having coordinates of N=86989.70' & E=251292.83' based in the Mercator Projection for the East Zone of Florida; and run thence North 20°11'57" West (all bearings in this legal description are also based on the said Mercator Projection) along the center line of the OCCR for a distance of 230.44 feet to Point #2 (N=87205.96' & E=251213.26'); thence North 52°51'57" West along the center line of the OCCR for a distance of 330.00 feet to Point #3 (N=87405.18' & E=250950.18'); thence North 39°38'57" West along the center line of the OCCR for a distance of 300.00 feet to Point #4 (N=87636.17' & E=250758.75'); thence North 30°49'57" West along the center line of the OCCR for a distance of 265.00 feet to Point #5 (N=87863.72' & E=250622.93'); thence North 03°33'57" West along the center line of the OCCR for a distance of 152.00 feet to Point #6 (N=88015.42' & E=250613.48'); thence North 19°47'03" East along the center line of the OCCR for a distance of 122.56' to Point #7 (N=88130.75' & E=250654.96'); thence North 60°20'57" West for a distance of 200.00 feet to Point #8 (N=88229.69' & E=250481.15') and the Southeasterly corner of the lands described in the said TIIF Deed No. 19725; thence North 29°39'03" East along the Southeasterly boundary line of the lands described in the said TIIF Deed No. 19725 for a distance of 962.72 feet to Point #9 (N=89066.35' & E=250957.42') and the Point of Beginning of the parcel of land being described herein said Point of Beginning being marked by an iron pipe; thence North 63°32'06" West for a distance of 206.48 feet to Point #10 (N=89158.37' & E=250772.57'); thence South 40°23' 19.5" West for a distance of 108.08 feet to Point #11 (N=89076.04' & E=250702.54'); thence South 56°13'32" West for a distance of 241.24 feet to Point #12 (N=88941.93' & E=250502.01') and the approximate Mean High Tide Line of Florida Bay (MHTL); thence South 27°02'03" West and along the said MHTL for a distance of 179.70 feet to Point #13 (N=88781.87' & E=250420.33'); thence South 31°02'03" West and along the said MHTL for a distance of 137.17 feet to Point #14 (N=88664.33' & E=250349.62'); thence South 41°02'02" West and along the said MHTL for a distance of 103.25 feet to Point #15 (N=88586.44' & E=250281.83'); thence South 51°32'03" West and along the said MHTL for a distance of 146.23 feet to Point #16 (N=88495.48' & E=250167.33'); thence North 52°27'57" West and along the said MHTL for a distance of 193.38 feet to Point #17 (N=88613.29' & E=250013.99'); thence North 30°27'57" West and along the said MHTL for a distance of 315.40 feet to Point #18 (N=88885.14' & E=249854.07'); thence North 20°27'57" West and along the said MHTL for a distance of 280.40 feet to Point #19 (N=8914.84' & E=249756.03'); thence North 01°32'03" E along the said MHTL for a distance of 165.00 feet to Point #20 (N=89312.78' & E=249760.45'); thence North 16°27'56" East and along the said MHTL for a distance of 77.62 feet to Point #21 (N=89387.22' & E=249782.45'); thence North 18°45'52" West and along the said MHTL for a distance of 57.65 feet to Point #22 (N=89441.81' & E=249763.91'); thence North 14°57'57.5" West and along the said MHTL for a distance of 128.46 feet to Point #23 (N=89565.90' & E=249730.73'); thence North 38°26'33" East and along the said MHTL for a distance of 165.00 feet to Point #24 (N=89695.14' & E=249833.32'); thence South 52°04'36" East for a distance of 195.00 feet to Point #25 (N=89575.29' & E=2499987.14') and a concrete monument; thence South 13°16'39" West for a distance of 22.30 feet to Point #26 (N=89553.59' & E=249982.02') and a concrete monument; thence South 44°52'02" East for a distance of 269.09 feet to Point #27 (N=89362.88' & E=250171.86') and a concrete monument; thence North 74°46'08" East for a distance of 80.26 feet to Point #28 (N=89383.96' & E=250249.30') and a concrete monument; thence South 56°50'29" East for a distance of 483.59 feet to Point #29 (N=89119.46' & E=250654.14') and a concrete monument; thence North 40°23'19" East for a distance of 157.23 feet to Point #30 (N=899239.22' & E=250756.02') and a concrete monument; thence South 63°32'06" East for a distance of 316.58 feet to Point #31 (N=89098.13' & E=251039.42') to the Westerly and curved right of way line of the said Junior College Road and a concrete monument, said curve being concave to the Southeast and having a radius of 984.84 feet; thence Southwesterly along the said curve right of way line for an arc distance of 66.04 feet to Point #32 (N=89045.11' & E=251000.08') and a concrete monument; thence North 63°32'06" West for a distance of 47.66 feet back to Point #9 and the Point of Beginning.

AND LESS All of Sunset Marina Residences Of Key West Condominium as described in the Declaration of Condominium recorded in Official Records Book 1647, Page 759, as amended, of the Public Records of Monroe County, Florida.

AND LESS All of Sunset Marina Dockominium Of Key West as described in the Declaration of Condominium recorded in Official Records Book 1671, Page 1734, as amended, of the Public Records of Monroe County, Florida.

Access to the upland portion of Parcel A by virtue of the Easement contained in that certain Warranty Deed dated July 30, 1990, and recorded in Official Records Book 1139, at Page 2378, of the Public Records of Monroe County, Florida, to the extent said easement area does not extend beyond the Southeastern boundary of Parcel A, specifically excluding that portion of the easement area that extends to Junior College Road.

AND INCLUDING THE FOLLOWING:

PARCEL F:

The Condominium Parcel known as Boat Slip Unit No. 1 (Starfish), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 1671, page 1734, of the Public Records of Monroe County, Florida, together with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

The Condominium Parcel known as Boat Slip Unit No. 3 (Starfish), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 1671, page 1734, of the Public Records of Monroe County, Florida, together with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

The Condominium Parcel known as Boat Slip Unit No. 5 (Starfish), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 1671, page 1734, of the Public Records of Monroe County, Florida, together with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

The Condominium Parcel known as Boat Slip Unit No. 7 (Starfish), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 1671, page 1734, of the Public Records of Monroe County, Florida, together with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

The Condominium Parcel known as Boat Slip Unit No. 1 (Snapper), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 1671, page 1734, of the Public Records of Monroe County, Florida, together with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

The Condominium Parcel known as Boat Slip Unit No. 2 (Snapper), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 1671, page 1734, of the Public Records of Monroe County, Florida, together with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

The Condominium Parcel known as Boat Slip Unit No. 4 (Snapper), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 1671, page 1734, of the Public Records of Monroe County, Florida, together with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

The Condominium Parcel known as Boat Slip Unit No. 16 (Snapper), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 1671, page 1734, of the Public Records of Monroe County, Florida, together with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

The Condominium Parcel known as Boat Slip Unit No. 1 (Lobster), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 1671, page 1734, of the Public Records of Monroe County, Florida, together with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

The Condominium Parcel known as Boat Slip Unit No. 2 (Lobster), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 1671, page 1734, of the Public Records of Monroe County, Florida, together with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

The Condominium Parcel known as Boat Slip Unit No. 12 (Grunt), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 1671, page 1734, of the Public Records of Monroe County, Florida, together with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

The Condominium Parcel known as Boat Slip Unit No. 13 (Grunt), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 1671, page 1734, of the Public Records of Monroe County, Florida, together with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

The Condominium Parcel known as Boat Slip Unit No. 13 (Conch), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 1671, page 1734, of the Public Records of Monroe County, Florida, together with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

The Condominium Parcel known as Boat Slip Unit No. 14 (Conch), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 1671, page 1734, of the Public Records of Monroe County, Florida, together with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

The Condominium Parcel known as Boat Slip Unit No. 6 (Barracuda), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 1671, page 1734, of the Public Records of Monroe County, Florida, together with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

The Condominium Parcel known as Boat Slip Unit No. 14 (Barracuda), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 1671, page 1734, of the Public Records of Monroe County, Florida, together with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

The Condominium Parcel known as Boat Slip Unit No. 15 (Barracuda), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 1671, page 1734, of the Public Records of Monroe County, Florida, together with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

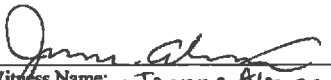
The Condominium Parcel known as Fuel Dock Slip (Commercial Unit), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 1671, page 1734, of the Public Records of Monroe County, Florida, together with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

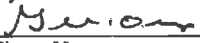
and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:


Witness Name: Joanna Alexander


Witness Name: Gregory

Sunset Ventures of Key West, Inc., a Florida corporation

By: 
Marilyn G. Erickson, President

(Corporate Seal)

State of Florida
County of Monroe

The foregoing instrument was acknowledged before me this 15th day of May, 2013 by Marilyn G. Erickson, as President of Sunset Ventures of Key West, Inc., a Florida corporation on behalf of the corporation. He/she is personally known to me or has produced a driver's license as identification.

[Notary Seal]



Joanne Alexander
Notary Public

Printed Name: Joanne E Alexander

My Commission Expires: 7/28/14

MONROE COUNTY
OFFICIAL RECORDS

Prepared by and return to:
Gregory S. Oropeza, Esq.
Attorney at Law
Smith | Oropeza, P.L.
138-142 Simonton Street
Key West, FL 33040
305-296-7227
File Number: 2013-82
Will Call No.:

Doc# 1977130
BK# 2680 Pg# 321

Parcel Identification No.

[Space Above This Line For Recording Data]

Corrective Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Corrective Warranty Deed is being recorded to correct an error in the legal description set forth in that certain Warranty Deed recorded in Official Records Book 2630, Page 1724 Public Records Monroe County, Florida.

This Indenture made this 16th day of APRIL, 2014 between Sunset Ventures of Key West, Inc., a Florida corporation whose post office address is 5555 College Road, Key West, FL 33040 of the County of Monroe, State of Florida, grantor*, and Sunset Marina, LLC, a Florida limited liability company whose post office address is 5555 College Road, Key West, FL 33040 of the County of Monroe, State of Florida, grantee*.

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Monroe County, Florida, to-wit:

PARCEL A:

A tract of partially submerged land in Section 27, Township 67 South, Range 25 East, off-shore from the Northwestern shoreline of Stock Island in Monroe County, Florida, more particularly described as follows: Commence at the intersection of the centerline of U.S. Highway No. 1 and "Old Country Club Road"; thence Northwesterly along the centerline of said "Old Country Club Road" for a distance of 1400 feet; thence North 60 West, 200 feet to the Point of Beginning, from said Point of Beginning, thence North 60 West, 1584 feet; thence at right angles to the last named courses North 30 East, 1100 feet; thence at right angles to the last named course South 60 East, 1584 feet; thence at right angles to the last named course South 30 West, 1100 feet to the Point of Beginning first above described. Lying and being in Section 27, Township 67 South, Range 25 East, Monroe County, Florida.

AND

PARCEL B:

A tract of partially submerged land in Section 27, Township 67 South, Range 25 East, off-shore from the Northwestern shoreline of Stock Island in Monroe County, Florida, more particularly described as follows: Commence at the intersection of the centerline of U.S. Highway No. 1 and "Old Country Club Road"; thence Northwesterly along the center of said "Old Country Club Road" for a distance of 1400 feet; thence North 60 West, 200 feet; thence at right angles to the last named course North 30 East, 1100 feet to the Point of Beginning of the property hereinafter described; from said Point of Beginning; thence at right angles to the last named course North 60 West, 1548 feet; thence North 76 East, 900 feet; thence South 34 East, 1040 feet; thence South 30 West, 160 feet, more or less, back to the Point of Beginning. Lying and being in Section 27, Township 67 South, Range 25 East, Monroe County, Florida.

AND

PARCEL C:

A tract of submerged land in the Bay of Florida in Section 27, Township 67 South, Range 25 East, Stock Island, Monroe County, Florida, being more particularly described as follows: Commence at the point of intersection of the centerline of U.S. Highway No. 1 with the centerline of "Old Country Club Road"; thence Northwesterly along said centerline of "Old Country Club Road", a distance of 1400 feet; thence North 60°00' West, a distance of 1758 feet to the NW corner of a tract of submerged land conveyed by the Trustees of the Internal Improvement Fund Deed No. 19725, said NW corner being the Point of Beginning of the tract hereinafter described; thence North 30° 00' East along the Northwesterly boundary of said tract conveyed by Trustees Deed No. 19725, a distance of 1100 feet to the NE corner thereof; thence North 60°00' West, a distance of 888.25 feet; thence South 62°23' West, a distance of 1302.57 feet; thence South 60°00' East, a distance of 1585.88 feet to the Point of Beginning.

AND

PARCEL D:

A tract of submerged land in the Bay of Florida in Section 27, Township 67 South, Range 25 East, Stock Island, Monroe County, Florida, being more particularly described as follows: Commence at the point of intersection of the centerline of U.S. Highway No. 1 with the centerline of "Old Country Club Road"; thence Northwesterly along said centerline of "Old Country Club Road", a distance of 1400 feet; thence North 60°00' West, a distance of 1758 feet to the NW corner of a tract of submerged land conveyed by Trustees of the Internal Improvement Fund Deed No. 19725; thence North 30°00' East along the Northwesterly boundary of said tract conveyed by Trustees Deed No. 19725, a distance of 1100 feet to the NE corner thereof, said Northeast corner also being the NW corner of a tract of submerged land conveyed by Trustees of the Internal Improvement Fund Deed No. 20174 and also being the Point of Beginning of the tract hereinafter described; thence North 76°00' East along the Northwesterly boundary of said tract conveyed by Trustees Deed No. 20174, a distance of 900 feet to the NE corner thereof; thence North 34°00' West, a distance of 930 feet; thence South 62°23' West, a distance of 1242.81 feet; thence South 60°00' East, a distance of 888.25 feet to the Point of Beginning.

AND LESS THE FOLLOWING:

PARCEL E:

A parcel of land, formerly submerged in the Bay of Florida, and being a part of Trustees of the Internal Improvement Trust Fund of the State of Florida (TIIF) Deed Number 19725, and said parcel being in Section 27, Township 67 South, Range 25 East and in Monroe County, Florida; and said parcel being more particularly described by metes and bounds as follows: COMMENCE at the intersection of the center line of the right of way of U.S. Highway No. 1, also known as the center line of the Florida East Coast Railroad; and the center line of the right of way of "Old Country Club Road" (OCCR), also known as Junior College Road (JCR) as these two center lines exist as of May 16, 1990, said intersection being known as Point #1 and having coordinates of N=86989.70' & E=251292.83' based in the Mercator Projection for the East Zone of Florida; and run thence North 20°11'57" West (all bearings in this legal description are also based on the said Mercator Projection) along the center line of the OCCR for a distance of 230.44 feet to Point #2 (N=87205.96' & E=251213.26'); thence North 52°51'57" West along the center line of the OCCR for a distance of 330.00 feet to Point #3 (N=87405.18' & E=250950.18'); thence North 39°38'57" West along the center line of the OCCR for a distance of 300.00 feet to Point #4 (N=87636.17' & E=250758.75'); thence North 30°49'57" West along the center line of the OCCR for a distance of 265.00 feet to Point #5 (N=87863.72' & E=250622.93'); thence North 03°33'57" West along the center line of the OCCR for a distance of 152.00 feet to Point #6 (N=88015.42' & E=250613.48'); thence North 19°47'03" East along the center line of the OCCR for a distance of 122.56' to Point #7 (N=88130.75' & E=250654.96'); thence North 60°20'57" West for a distance of 200.00 feet to Point #8 (N=88229.69' & E=250481.15') and the Southeasterly corner of the lands described in the said TIIF Deed No. 19725; thence North 29°39'03" East along the Southeasterly boundary line of the lands described in the said TIIF Deed No. 19725 for a distance of 962.72 feet to Point #9 (N=89066.35' & E=250957.42') and the Point of Beginning of the parcel of land being described herein said Point of Beginning being marked by an iron pipe; thence North 63°32'06" West for a distance of 206.48 feet to Point #10 (N=89158.37' & E=250772.57'); thence South 40°23' 19.5" West for a distance of 108.08 feet to Point #11 (N=89076.04' & E=250702.54'); thence South 56°13'32" West for a distance of 241.24 feet to Point #12 (N=88941.93' & E=250502.01') and the approximate Mean High Tide Lien of Florida Bay (MHTL); thence South 27°02'03" West and along the said MHTL for a distance of 179.70 feet to Point #13 (N=88781.87' & E=250420.33'); thence South 31°02'03" West and along the said MHTL for a distance of 137.17 feet to Point #14 (N=88664.33' & E=250349.62'); thence South 41°02'02" West and along the said MHTL for a distance of 103.25 feet to Point #15 (N=88586.44' & E=250281.83'); thence South 51°32'03" West and along the said MHTL for a distance of 146.23 feet to Point #16 (N=88495.48' & E=250167.33'); thence North 52°27'57" West and along the said MHTL for a distance of 193.38 feet to Point #17 (N=88613.29' & E=250013.99'); thence North 30°27'57" West and along the said MHTL for a distance of 315.40 feet to Point #18 (N=88885.14' & E=249854.07'); thence North 20°27'57" West and along the said MHTL for a distance of 280.40 feet to Point #19 (N=8914.84' & E=249756.03'); thence North 01°32'03" E along the said MHTL for a distance of 165.00 feet to Point #20 (N=89312.78' & E=249760.45'); thence North 16°27'56" East and along the said MHTL for a distance of 77.62 feet to Point #21 (N=89387.22' & E=249782.45'); thence North 18°45'52" West and along the said MHTL for a distance of 57.65 feet to Point #22 (N=89441.81' & E=249763.91'); thence North 14°57'57.5" West and along the said MHTL for a distance of 128.46 feet to Point #23 (N=89565.90' & E=249730.73'); thence North 38°26'33" East and along the said MHTL for a distance of 165.00 feet to Point #24 (N=89695.14' & E=249833.32'); thence South 52°04'36" East for a distance of 195.00 feet to Point #25 (N=89575.29' & E=2499987.14') and a concrete monument; thence South 13°16'39" West for a distance of 22.30 feet to Point #26 (N=89553.59' & E=249982.02') and a concrete monument; thence South 44°52'02" East for a distance of 269.09 feet to Point #27 (N=89362.88' & E=250171.86') and a concrete monument; thence North 74°46'08" East for a distance of 80.26 feet to Point #28 (N=89383.96' & E=250249.30') and a concrete monument; thence South 56°50'29" East for a distance of 483.59 feet to Point #29 (N=89119.46' & E=250654.14') and a concrete monument; thence North 40°23'19" East for a distance of 157.23 feet to Point #30 (N=899239.22' & E=250756.02') and a concrete monument; thence South 63°32'06" East for a distance of 316.58 feet to Point #31 (N=89098.13' & E=251039.42') to the Westerly and curved right of way line of the said Junior College Road and a concrete monument, said curve being concave to the Southeast and having a radius of 984.84 feet; thence Southwesterly along the said curve right of way line for an arc distance of 66.04 feet to Point #32

(N=89045.11' & E=251000.08') and a concrete monument; thence North 63°32'06" West for a distance of 47.66 feet back to Point #9 and the Point of Beginning.

AND LESS All of Sunset Marina Residences Of Key West Condominium as described in the Declaration of Condominium recorded in Official Records Book 1647, Page 759, as amended, of the Public Records of Monroe County, Florida.

AND LESS All of Sunset Marina Dockominium Of Key West as described in the Declaration of Condominium recorded in Official Records Book 1671, Page 1734, as amended, of the Public Records of Monroe County, Florida.

Access to the upland portion of Parcel A by virtue of the Easement contained in that certain Warranty Deed dated July 30, 1990, and recorded in Official Records Book 1139, at Page 2378, of the Public Records of Monroe County, Florida, to the extent said easement area does not extend beyond the Southeastern boundary of Parcel A, specifically excluding that portion of the easement area that extends to Junior College Road.

AND INCLUDING THE FOLLOWING:

PARCEL F:

The Condominium Parcel known as Boat Slip Unit No. 1 (Starfish), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 1671, page 1734, of the Public Records of Monroe County, Florida, together with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

The Condominium Parcel known as Boat Slip Unit No. 3 (Starfish), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 1671, page 1734, of the Public Records of Monroe County, Florida, together with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

The Condominium Parcel known as Boat Slip Unit No. 5 (Starfish), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 1671, page 1734, of the Public Records of Monroe County, Florida, together with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

The Condominium Parcel known as Boat Slip Unit No. 7 (Starfish), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 1671, page 1734, of the Public Records of Monroe County, Florida, together with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

The Condominium Parcel known as Boat Slip Unit No. 1 (Snapper), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 1671, page 1734, of the Public Records of Monroe County, Florida, together with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

The Condominium Parcel known as Boat Slip Unit No. 2 (Snapper), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 1671, page 1734, of the Public Records of Monroe County, Florida, together with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

The Condominium Parcel known as Boat Slip Unit No. 4 (Snapper), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 1671, page 1734, of the Public Records of Monroe County, Florida, together with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

The Condominium Parcel known as Boat Slip Unit No. 16 (Snapper), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 1671, page 1734, of the Public Records of Monroe County, Florida, together with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

The Condominium Parcel known as Boat Slip Unit No. 1 (Lobster), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 1671, page 1734, of the Public Records of Monroe County, Florida, together with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

The Condominium Parcel known as Boat Slip Unit No. 2 (Lobster), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded

The Condominium Parcel known as Boat Slip Unit No. 1 (Grunt), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 1671, page 1734, of the Public Records of Monroe County, Florida, together with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

The Condominium Parcel known as Boat Slip Unit No. 12 (Grunt), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 1671, page 1734, of the Public Records of Monroe County, Florida, together with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

The Condominium Parcel known as Boat Slip Unit No. 13 (Grunt), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 1671, page 1734, of the Public Records of Monroe County, Florida, together with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

The Condominium Parcel known as Boat Slip Unit No. 13 (Conch), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 1671, page 1734, of the Public Records of Monroe County, Florida, together with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

The Condominium Parcel known as Boat Slip Unit No. 14 (Conch), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 1671, page 1734, of the Public Records of Monroe County, Florida, together with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

The Condominium Parcel known as Boat Slip Unit No. 6 (Barracuda), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 1671, page 1734, of the Public Records of Monroe County, Florida, together with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

The Condominium Parcel known as Boat Slip Unit No. 13 (Barracuda), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 1671, page 1734, of the Public Records of Monroe County, Florida, together with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

The Condominium Parcel known as Boat Slip Unit No. 14 (Barracuda), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 1671, page 1734, of the Public Records of Monroe County, Florida, together with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

The Condominium Parcel known as Boat Slip Unit No. 15 (Barracuda), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 1671, page 1734, of the Public Records of Monroe County, Florida, together with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

The Condominium Parcel known as Fuel Dock Slip (Commercial Unit), of SUNSET DOCKOMINIUM OF KEY WEST, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 1671, page 1734, of the Public Records of Monroe County, Florida, together with an undivided share in the common elements appurtenant thereto, and any and all amendments thereto.

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

[Signature]
Witness Name: FRANCO J. BICKREST
[Signature]
Witness Name: MICHELLE WILSON

Sunset Ventures of Key West, Inc.
By: [Signature]
Marilyn G. Erickson, President

(Corporate Seal) Doc# 1977130
BKN 2680 P# 326

State of Florida
County of Monroe

The foregoing instrument was acknowledged before me this 16TH day of APRIL 2014 by Marilyn G. Erickson, as President of Sunset Ventures of Key West, Inc., a Florida corporation on behalf of the corporation. He/she is personally known to me or has produced a driver's license as identification.

[Notary Seal]



Michelle Wilson
COMMISSION # EE078975
EXPIRES: MAR. 29, 2015
WWW.AARONNOTARY.COM

[Signature]
Notary Public
Printed Name: MICHELLE WILSON
My Commission Expires: MARCH 29, 2015

MONROE COUNTY
OFFICIAL RECORDS

**Flood Elevation
Certificate
Exhibit
G**

ELEVATION CERTIFICATE

OMB No. 1680-0008
 Expires March 31, 2012

Important: Read the instructions on pages 1-9.

SECTION A - PROPERTY INFORMATION

A1. Building Owner's Name Sunset Marina "Service Building"

A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
5555 College Road
 City Key West State FL ZIP Code 33040

A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.)
 (Tax Parcel #: 00072080-001400)

A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) Non-Residential

A5. Latitude/Longitude: Lat. 24.5781 N Long. 81.7512 W Horizontal Datum: NAD 1927 NAD 1983

A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.

A7. Building Diagram Number 5

A8. For a building with a crawlspace or enclosure(s):
 a) Square footage of crawlspace or enclosure(s) 4792 +/- sq ft
 b) No. of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade 0
 c) Total net area of flood openings in A8.b 0 sq in
 d) Engineered flood openings? Yes No

A9. For a building with an attached garage:
 a) Square footage of attached garage NA sq ft
 b) No. of permanent flood openings in the attached garage within 1.0 foot above adjacent grade NA
 c) Total net area of flood openings in A9.b NA sq in
 d) Engineered flood openings? Yes No

SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. NFIP Community Name & Community Number
 City of Key West 120168

B2. County Name
Monroe

B3. State
FL

B4. Map/Panel Number	B5. Suffix	B6. FIRM Index Date	B7. FIRM Panel Effective/Revised Date	B8. Flood Zone(s)	B9. Base Flood Elevation(s) (Zone AO, use base flood depth)
<u>12087C1509</u>	<u>K</u>	<u>2/18/05</u>	<u>2/18/05</u>	<u>VE</u>	<u>13</u>

B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9.
 FIS Profile FIRM Community Determined Other (Describe) _____

B11. Indicate elevation datum used for BFE in Item B9: NGVD 1929 NAVD 1988 Other (Describe) _____

B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? Yes No
 Designation Date _____ CBRS OPA

SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: Construction Drawings* Building Under Construction* Finished Construction
 *A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations - Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO. Complete items C2.a-h below according to the building diagram specified in Item A7. Use the same datum as the BFE.
 Benchmark Utilized R-397 Vertical Datum 1929
 Conversion/Comments _____

Check the measurement used.

a) Top of bottom floor (including basement, crawlspace, or enclosure floor)	<u>5.8</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)
b) Top of the next higher floor	<u>20.8</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)
c) Bottom of the lowest horizontal structural member (V Zones only)	<u>17.8</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)
d) Attached garage (top of slab)	<u>NA</u>	<input type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments)	<u>5.8</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)
f) Lowest adjacent (finished) grade next to building (LAG)	<u>5.5</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)
g) Highest adjacent (finished) grade next to building (HAG)	<u>5.8</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support	<u>5.5</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.
 Check here if comments are provided on back of form. Were latitude and longitude in Section A provided by a licensed land surveyor? Yes No

Certifier's Name J. Lynn O'Flynn License Number 6298

Title Professional Surveyor & Mapper Company Name J. Lynn O'Flynn, Inc.

Address 3430 Duck Ave. City Key West State FL ZIP Code 33040

Signature [Signature] Date 5/7/13 Telephone (305) 296-7422



IMPORTANT: In these spaces, copy the corresponding information from Section A.

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.

5555 College Road

City Key West State FL ZIP Code 33040

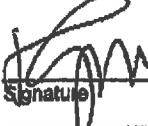
Map/Insurance Company Use
Policy Number
Compass/NAIC Number

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION (CONTINUED)

Copy both sides of this Elevation Certificate for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments G2. e) -- Elevator

Structure is multi-unit and a combination of commercial and residential units.


Signature

Date 5/7/13

Check here if attachments

SECTION E - BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)

For Zones AO and A (without BFE), complete items E1-E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For items E1-E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).

a) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ feet meters above or below the HAG.

b) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ feet meters above or below the LAG.

E2. For Building Diagrams 6-9 with permanent flood openings provided in Section A items 8 and/or 9 (see pages 8-9 of instructions), the next higher floor (elevation C2.b in the diagrams) of the building is _____ feet meters above or below the HAG.

E3. Attached garage (top of slab) is _____ feet meters above or below the HAG.

E4. Top of platform of machinery and/or equipment servicing the building is _____ feet meters above or below the HAG.

E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? Yes No Unknown. The local official must certify this information in Section G.

SECTION F - PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.

Property Owner's or Owner's Authorized Representative's Name

Address City State ZIP Code

Signature Date Telephone

Comments

Check here if attachments

SECTION G - COMMUNITY INFORMATION (OPTIONAL)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in items G8 and G9.

G1. The information in Section G was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)

G2. A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.

G3. The following information (items G4-G9) is provided for community floodplain management purposes.

G4. Permit Number	G5. Date Permit Issued	G6. Date Certificate Of Compliance/Occupancy Issued
-------------------	------------------------	---

G7. This permit has been issued for: New Construction Substantial Improvement

G8. Elevation of as-built lowest floor (including basement) of the building: _____ feet meters (PR) Datum _____

G9. BFE or (in Zone AO) depth of flooding at the building site: _____ feet meters (PR) Datum _____

G10. Community's design flood elevation _____ feet meters (PR) Datum _____

Local Official's Name Title

Community Name Telephone

Signature Date

Comments

Check here if attachments

Building Photographs

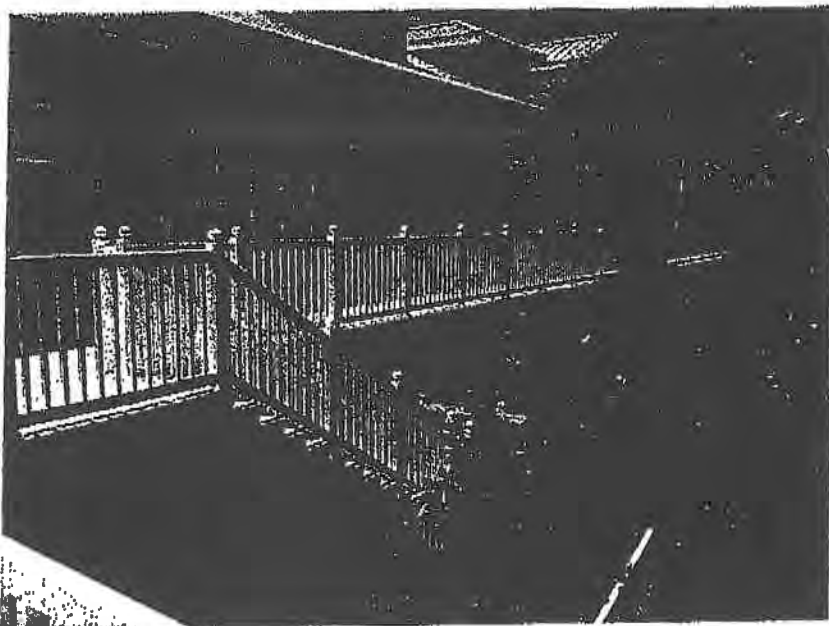
See Instructions for Item A6.

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 5555 College Road	For Insurance Company Use: Policy Number
City Key West State FL ZIP Code 33040	Company NAIC Number

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least two building photographs below according to the instructions for Item A6. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." If submitting more photographs than will fit on this page, use the Continuation Page, following.



Front View 5/7/13



Rear View 5/7/13

Building Photographs

Continuation Page

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
5555 College Road

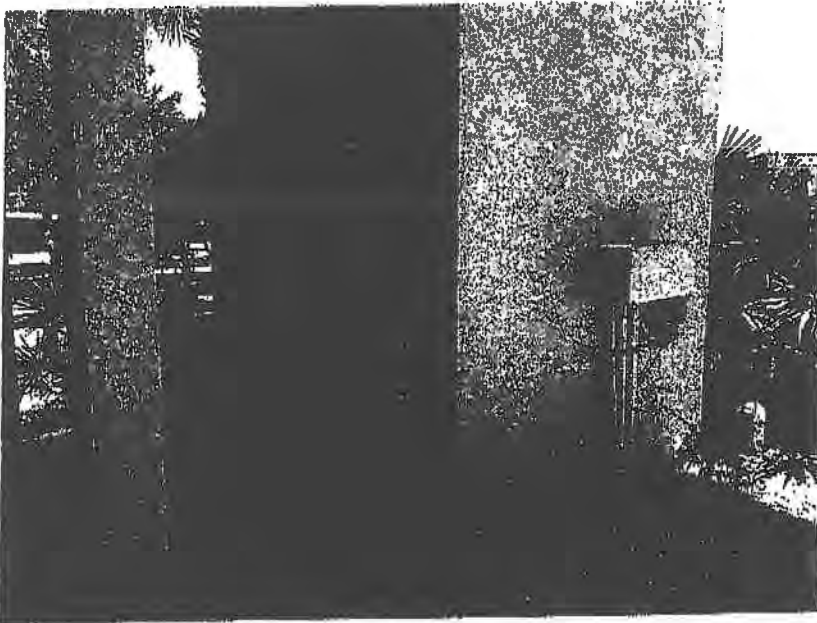
City Key West State FL ZIP Code 33040

For Insurance Company Use:

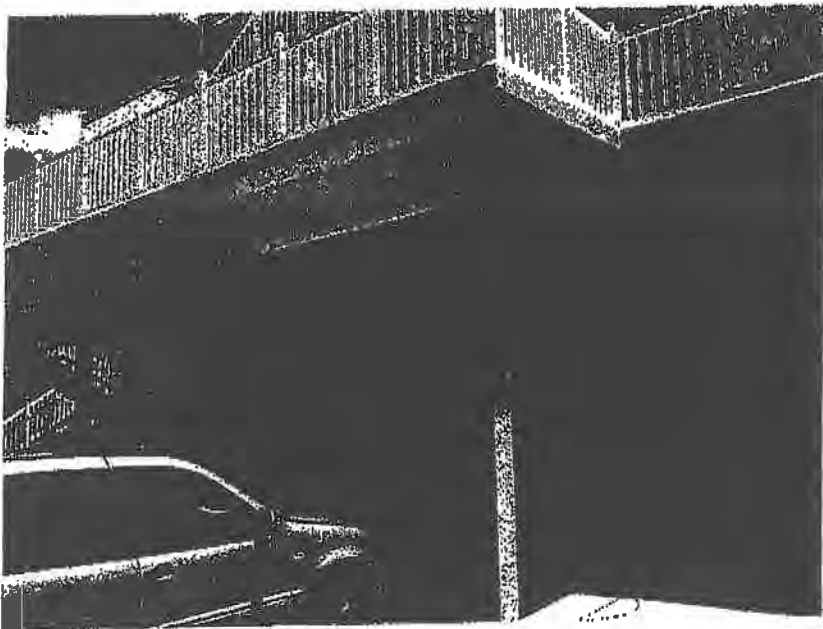
Policy Number

Company NAIC Number

If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View."



Equipment (Elevator) 5/7/13



Side View 5/7/13