



THE CITY OF KEY WEST
PLANNING
BOARD

Staff Report

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

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

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

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

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

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

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

- 3 Market Rate

- 11 Affordable

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

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

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

UNITS FOUND BY MR. TREPANIER

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

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