

Year 11 BPAS



1110 Truman Avenue
1 AFFORDABLE-RATE UNIT



**BUILDING PERMIT ALLOCATION SYSTEM (BPAS) APPLICATION
(YEAR 11: JULY 1, 2023 – JUNE 30, 2024) – AFFORDABLE RATE
CITY OF KEY WEST, FLORIDA • PLANNING DEPARTMENT**

Address: 1300 White Street • Key West, Florida 33040

Phone: 305-809-3764

Website: www.cityofkeywest-fl.gov

Application Fee Schedule	
Small project – (1-4 units)	\$ 578.81
Mid-size project – (5-10 units)	\$ 868.22
Large projects – (greater than or equal to 11 Units)	\$ 1,157.63

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

Name: Oropeza Stones & Cardenas, PLLC

Mailing Address: 221 Simonton Street

City: Key West State: Florida Zip: 33040

Home/Mobile Phone: 305-294-0252

Email: greg@oropezastonescardenas.com; lisa@oropezastonescardenas.com

PROPERTY OWNER:

Name: BG2KW, LLC, a Florida limited liability company

Mailing Address: 1110 Truman Avenue

City: Key West State: Florida Zip: 33040

Home/Mobile Phone: (305) 304-7444

Email: bascom@bascomgrooms.com

PROPERTY DESCRIPTION AND ZONING INFORMATION:

Site Address: 1110 Truman Avenue

Parcel ID RE#: 00032570-000100 Alternate Key: 1033332

Zoning District: HMDR Parcel Size: 2,583 Sq. Ft.

Permitted Density: 1 DU (16 DU/Acre = 0.9 DUs) + 1 Commercial Floor Area: 3,264 Sq. Ft (existing nonconforming
Affordable Housing DU per Section 108-998 FAR of 1.14)

B. EXISTING DEVELOPMENT:

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

The Property currently consists of commercial space on the ground floor, with storage space on the second level. 1 Market Rate unit was awarded in BPAS cycle year 2022 which authorizes the conversion of 1,616 Sq. Ft. of space on the second level to 1 market rate dwelling unit.

The market rate unit has not yet been built, but the property owner's intention is to build the market rate unit.

EXISTING AND PROPOSED DWELLING UNIT INFORMATION			
Dwelling Unit Description	NUMBER OF DWELLING UNITS:		
	EXISTING	LICENSED RECOGNIZED	PROPOSED
Market-Rate Residential Dwelling Unit(s)*	0	1	No Change
Affordable Residential Dwelling Unit(s)	0	0	1
Transient Unit(s)			N/A
Accessory Dwelling Unit(s)			
Single Room Occupancy Unit(s)			
Nursing Home Unit(s)			
Total Number of Units Requested			1

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

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

C. PROPOSED DEVELOPMENT:

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

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

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

Is this property located within a Historic Zoning District?

Yes ✓	No
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Are buildings on the property listed as contributing historic structures?

Yes ✓	No
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Is the proposal for mixed residential and commercial use?

Yes ✓	No
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Are density bonuses proposed?

Yes	No ✓
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Advanced affordable allocation request?

Yes	No ✓
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Will the allocation require development review? Yes ✓ No

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

HARC review will be required.

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

D. APPLICANTS MUST ATTACH ALL DOCUMENTATION REQUESTED BELOW:

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

6. Copy of City licensing records for existing units.
7. Signed and Notarized Verification and Authorization Forms (*Exhibit A*).
8. Existing and Proposed Site Plan and Floor Plan (Section 108-237) 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.

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

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



GREGORY S. OROPEZA | ADELE V. STONES [Retired] | SUSAN M. CARDENAS, of Counsel
LISA MARIE KEHOE | KAI A. MURPHY

VIA HAND DELIVERY

November 2, 2023

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

RE: Request for Affordable Rate Building Permit Allocation System Allocations for 1110 Truman Avenue, Key West, Florida 33040

Dear Mrs. Halloran:

Please allow this correspondence to serve as an application for one (1) residential Building Permit Allocation System (“BPAS”) unit on behalf of BG2KW, LLC (“BG2KW, LLC” or “Applicant”). BG2KW, LLC intends to develop the BPAS Affordable Rate Unit at the real property located at 1110 Truman Avenue, Key West, Florida 33040 (the “Property”), in addition to the BPAS Market Rate Unit previously awarded, pursuant to City of Key West Land Development Regulations Section 108-998. As counsel for BG2KW, LLC, my firm submits the following application and supporting documents for your consideration:

Title Block:

- a. Name of Owner: BG2KW, LLC
- b. Scale: 1/4” = 1’
- c. North Arrow: As identified on the site plan
- d. Preparation/Revision Date: November 2, 2023

Identification of Key Persons:

- a. Owner: BG2KW, LLC
- b. Owner’s Authorized Agent: Oropeza, Stones & Cardenas, PLLC
- c. Architect: Pope Scarborough
- d. Surveyor: J. Lynn O’Flynn, Inc.
- e. The undersigned certifies that all individuals/entities with a legal and equitable interest in the Property are as follows: BG2KW, LLC is the sole owner of the Property. Bascom Grooms IV and Beth A. Grooms are the Authorized Members of BG2KW, LLC, a Florida limited liability company.

Project Description: The proposed project is a conversion of 400 square feet of the first floor of 1110 Truman Avenue, Key West, Florida, which is currently a commercial space, and the conversion of approximately 1,616 square feet of the second floor of 1110 Truman Avenue, Key West, Florida, currently

comprised of storage space, into one (1) Market Rate Residential Dwelling Unit on the second floor and one (1) Affordable Rate Residential Dwelling Unit on the first floor. The Property, which currently exists with a legal nonconforming floor area ratio (FAR) of 1.4, nonconforming building coverage of 53% (1,380 sq. ft.), and a permitted density of 1 dwelling unit, currently operates as a commercial building on the lower level, with storage on the second-floor level. The Property's prior owner was awarded one (1) market rate residential dwelling unit in BPAS cycle year 2022 which authorized the market rate to be built on the second floor, although the market rate unit has not yet been constructed. BG2KW, LLC intends to proceed with the conversion of the second floor from commercial storage into residential use by constructing the previously permitted one (1) market rate residential dwelling unit, and further intends to construct one (1) affordable rate residential dwelling unit on the first floor pursuant to the City of Key West Land Development Regulations Section 108-998, which allows for an additional density of 1 affordable housing unit per the existing 1,000+ sq. ft. of commercial space. This minor redevelopment will not affect the current FAR of 1.4 or the nonconforming building coverage of 53%.

Other Project Information:

- a. Proposed Phases of Development and Target Dates:
 - i. Single Phase – Completion of the conversion of 400 square feet of the first floor into one (1) affordable rate residential dwelling unit (proposed) and conversion of 1,616 square feet of the second-floor storage space into one (1) market rate residential dwelling unit (permitted).
- b. Expected Date of Completion – On or before two (2) years from the award of the building permit.

Intergovernmental Coordination:

All intergovernmental coordination shall be completed as required by the City.

Description of Proposed Development and Use:

The proposed development shall consist of the conversion of 400 square feet of the first floor into one (1) affordable rate residential dwelling unit (proposed) and conversion of 1,616 square feet of the second-floor storage space into one (1) market rate residential dwelling unit (permitted). The Property is currently a commercial unit.

Solution Statement:

The proposed affordable rate unit development, which is authorized pursuant to the City of Key West Land Development Regulations Section 108-998, shall be designed and constructed utilizing methods and techniques which will allow the Applicant to meet the prerequisites for construction by achieving the following City recognized goals:

- A baseline green building certification;
- An adaptive reuse of an existing building;
- The use of potable water conserving fixtures;
- Minimization of waste disposal and maximization of recycling;
- Implementation of energy conserving techniques, lighting, and appliances; and

Katie Halloran, Director of Planning

November 2, 2023

Page Three

- Minimization of light pollution.

Further, all development shall incorporate mitigative standards and techniques to minimize any adverse impacts to surrounding properties and environmental concerns.

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,

A handwritten signature in blue ink, appearing to read 'G. Oropeza', with a stylized flourish at the end.

Gregory S. Oropeza, Esq.

GSO

Enclosures

Year 11 BPAS



AUTHORIZATION & VERIFICATION FORMS



**City of Key West
Planning Department**

Authorization Form
(Where Owner is a Business Entity)

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

I, Bascom Grooms, IV _____ as
Please Print Name of person with authority to execute documents on behalf of entity

Authorized Member _____ of BG2KW, LLC, a Florida limited liability company
Name of office (President, Managing Member) *Name of owner from deed*

authorize Oropeza, Stones & Cardenas, PLLC _____
Please Print Name of Representative

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

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

Subscribed and sworn to (or affirmed) before me on this 11/1/23 _____
Date

by Bascom Grooms, IV _____
Name of person with authority to execute documents on behalf of entity owner

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

 _____
Notary's Signature and Seal

Name of Acknowledger typed, printed or stamped

Commission Number, if any





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

I, Gregory S. Oropeza, in my capacity as Managing Partner
(print name) *(print position; president, managing member)*
of Oropeza, Stones & Cardenas, PLLC
(print name of entity)

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

1110 Truman Avenue, Key West, Florida 33040
Street address of subject property

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

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


Signature of Applicant

Subscribed and sworn to (or affirmed) before me on this 11/2/23 by
date
Gregory Oropeza
Name of Applicant

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


Notary's Signature and Seal

Name of Acknowledger typed, printed or stamped

Commission Number, if any



Year 11 BPAS



YEAR 9 BPAS ALLOCATION



CITY OF KEY WEST, FLORIDA • PLANNING DEPARTMENT

1300 White Street • Key West, Florida 33040-4602 • 305-809-3720

www.cityofkeywest-fl.gov

August 3, 2022

Thomas Francis-Siburg
Trepanier & Associates, Inc.
1421 First Street #101
Key West, FL 33040

**Re: Award for Year 9 (2021-22) Building Permit Allocation System (BPAS)
1110 Truman Avenue; RE # 00032570-000100; AK # 1033332**

Dear Mr. Francis-Siburg:

The City of Key West Planning Board approved the final determination of awards for the Year 9 (2021-2022) Building Permit Allocation System (BPAS) on May 19, 2022, via Resolution No. 2022-027. Your BPAS application for one (1) market-rate unit for the property located at 1110 Truman Avenue was recommended for approval contingent upon passage of CS/HB 1499.

The CS/HB 1499 passed on June 24, 2022, resulting in twenty-four (24) affordable-rate housing units reverting back into the City's Year 9 BPAS pool. The City of Key West is now able to issue one (1) market-rate unit to 1110 Truman Avenue.

Congratulations on your BPAS award allocation for one (1) market-rate BPAS unit for property located at 1110 Truman Avenue, with zero (0) points.

Per City Code, Section 108-997 (e), building permits shall be obtained within two (2) years of the final determination award date or no later than May 19, 2024. If a building permit is not issued within that timeframe, the allocated unit will revert back to the City as a recovered unit for allocation during the following sequential award year.

Please note that the development as proposed will require the following additional approvals to be obtained within the two-year period:

Additional Approvals Required:

1. All applicable building permits.
2. All applicable Planning Board approvals.
3. All applicable Historic Architectural Review Committee (HARC) approvals.
4. All applicable Tree Commission approvals.
5. Arts in Public Places (AIPP) for applicable projects.

Please feel free to contact us with any questions or for clarification. Planning staff is available to meet with you to discuss this or any future applications.

Sincerely,

Mario Duron, AICP
The Corradino Group
4055 NW 97th Ave.
Miami, FL 33178

Attachment: Planning Board Resolution 2022-027
Final Ranking

**PLANNING BOARD
RESOLUTION NO. 2022-027**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD APPROVING BUILDING PERMIT ALLOCATION SYSTEM (BPAS) RANKINGS AND MAKING THE FINAL DETERMINATION OF AWARD OF NINE (9) MARKET-RATE UNITS AND TWENTY-EIGHT (28) AFFORDABLE-RATE UNITS FROM YEAR 9 (JULY 1, 2021 TO JUNE 30, 2022) PURSUANT TO SECTIONS 86-9 AND 108- 997 OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

WHEREAS, for Year 9 (July 1, 2021 - June 30, 2022), a maximum of 46 market-rate units and a minimum of 45 affordable units are available for allocation; and

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



Chairman



City Manager

WHEREAS, the City of Key West drew lots to determine final allocation of market rate units and properties at 1905 Staples Avenue and 1110 Truman Avenue were not selected, however would receive units upon the contingency clause outlined below; and

WHEREAS, the affordable housing project on the Truman Waterfront 3.2 acres is critical public infrastructure, the Key West City Commission set aside 38.4 market-rate units from the Year-9 allocation to be used for the affordable housing project; the set aside created a deficit for the pending Year 9 BPAS applicants which results in two applicants being denied a market-rate BPAS award; the Sheriff's Trumbo Road Affordable Housing Project is awarded 24 units which shall be automatically returned to the City upon passage of CS/HB 1499; if the 24 units are returned, 2 affordable-rate housing units can be assigned to the 3.2 acre project which, upon written agreement from the 3.2 Lessee, will allow 2 market-rate units to be returned to the City and then awarded to the remaining Year-9 BPAS applicants who otherwise would not receive allocations, specifically, 1905 Staples Avenue and 1110 Truman Avenue; and

WHEREAS, on May 19th, 2022, the Planning Board conducted a public hearing regarding the BPAS rankings and Final Determination of Award prepared by the Planning Director; and

WHEREAS, the Planning Board desires to approve the rankings and make the Final Determination of Award for Year 9.

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

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


Chairman

City Manager

Section 2. The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends to the Planning Board APPROVAL of the final Year 9 BPAS rankings, the award of nine (9) market-rate housing units and twenty-eight (28) affordable-rate housing units; and should CS/HB 1499 become law upon signature of the Governor, the 24 affordable BPAS allocations associated with 255 Trumbo Road will automatically revert back to the City of Key West and the City shall assign at least 2 of these units to the 3.2-acre project, whereby upon written agreement from the 3.2 Lessee, the City would recover at least 2 market-rate units, which will allow 1905 Staples Avenue and 1110 Truman Avenue to each be allocated 1 market-rate unit for the Year-9 allocation.

Section 3. The Planning Board approves the attached rankings and makes its Final Determination of Award of nine (9) market-rate housing units and twenty-eight (28) affordable-rate housing units from BPAS Year 9:

Market-Rate:

- **One (1) unit with a 1.00 ESFU to 1501 South Street with 25 points**
- **One (1) unit with a 1.00 ESFU to 913 White Street with 15 points**
- **Two (2) units with a 2.00 ESFU to 700 Front Street with 15 points**
- **One (1) unit with a 1.00 ESFU to 1307 1309 Whitehead Street with 10 points**
- **One (1) unit with a 1.00 ESFU to 317 Whitehead Street with 5 points**
- **One (1) unit with a 1.00 ESFU to 608 Duval Street with 0 points**
- **One (1) unit with a 1.00 ESFU to 704 Russell Lane with 0 points**
- **One (1) unit with a 1.00 ESFU to 630 Mickens Lane with 0 points**



Chairman



City Manager

Affordable-Rate:

- **Two (2) units with a 2.00 ESFU to 1618 N. Roosevelt Boulevard with 95 points**
- **One (1) unit with a .78 ESFU to 2719 Staples Ave with 35 points**
- **Twenty-four (24) units with a 24.00 ESFU to 255 Trumbo Road with 0 points**
- **One (1) unit with a 1.00 ESFU to 1020 Margaret Street with 0 points**

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

Section 4. This Resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations).

General Conditions

1. For 255 Trumbo Road, should CS/HB 1499 be signed by the Governor, the 24 affordable BPAS allocations associated with 255 Trumbo Road will automatically revert back to the City of Key West and the City shall assign at least 2 of these units to the 3.2-acre project, whereby upon written agreement from the 3.2 Lessee, the City would recover at least 2 market-rate units, which will allow 1905 Staples Avenue and 1110 Truman Avenue to each be allocated 1 market-rate unit for the Year-9 allocation..

Read and passed on first reading at a regularly scheduled meeting held this 19th day of May 2022.

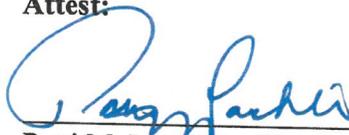
Authenticated by the Chairman of the Planning Board and the Planning Director;

 Chairman
 City Manager


Sam Holland, Planning Board Chair

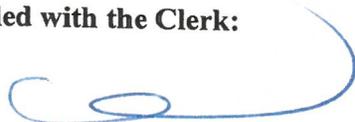
6/22/22
Date

Attest:


Patti McLauchlin, City Manager

6/22/22
Date

Filed with the Clerk:


Cheryl Smith, City Clerk
Date

6-22-22


Chairman

City Manager

THE CITY OF KEY WEST
PLANNING BOARD
Staff Report



To: Chair and Planning Board Members
From: Mario Duron, AICP, The Corradino Group
Through: Patti McLauchlin, City Manager
Meeting Date: May 19, 2022
Agenda Item: **Final Determination of Award for Year 9 Building Permit Allocation System (BPAS) Applications pursuant to Sections 108-995 and 108-997 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Request: Approval of the final rankings of Year 9 (July 1, 2021 – June 30, 2022) BPAS applications for award of nine (9) market-rate housing units and twenty-eight (28) affordable-rate housing units.

Background:

BPAS Year 9 covers the application cycle between July 1, 2021 and June 30, 2022. For Year 9, a maximum of forty-six (46) market-rate units are available for allocation, by Code, and a minimum of forty-five (45) affordable units may be allocated.

A total of 38.4 market-rate units were set aside during Year 9 for development at the 3.2 acres through City Commission Ordinances No. 22-05 and No. 22-06, therefore only 7.6 (7) market-rate unit allocations remained. In May 2022, two market rate units allocated to the 3.2-acre project were surrendered back to the City of Key West; in sum a total of nine (9) market-rate BPAS permits are now available for award. As of the date of this report, the number of market-rate BPAS allocations available for Year 9 are nine (9) market-rate residential units. City of Key West Code Section 108-995 establishes that there is no limitation to the total number of affordable housing allocations on a year to year basis. For Year 9, the City has received applications for 27.78 Equivalent Single Family Units (28 building permit allocations).

The deadline to submit applications for Year 9 was November 5, 2021, by 3 PM EST. As of that date, the City received sixteen (16) BPAS applications requesting a total of thirteen (13) market-rate units and one hundred four (104) affordable units.

The applications were evaluated by staff for completeness. On December 17th, 2021, applicants were notified of any deficiencies and were allowed approximately one month to resolve the deficiencies and change their BPAS score. One application requesting seventy-six (76) affordable units was withdrawn on January 31, 2022 and one application requesting one (1) market-rate unit was withdrawn on January 3, 2022. One additional application reduced the number of market-rate units from two (2) to one (1) unit on May 3, 2022.

*WJK
10/21/22*

The remaining Year 9 BPAS applications are summarized in the following table:

Year 9 BPAS Applications	2719 Staples Ave	1618 N Roosevelt Boulevard	250 Trumbo Road (vacant)	1020 Margaret Street	913 White Street	1501 South Street (vacant)	700 Front Street	1307 1309 Whitehead Street	317 Whitehead Street	608 Duval Street	630 Mickens Lane (vacant)	1905 Staples Avenue (vacant)	704 Russell Lane (vacant)	1110 Truman Avenue
Existing/Recognized Units	1 (MR)	0	0	5 (MR)	1 (MR)	0	0	8 (MR)	0	0	0	0	0	0
New Market Rate Units					1	1	2**	1	1	1**	1	1	1	1**
New Affordable Units	1*	2**	24	1										
Total Existing + Proposed Year 9 BPAS Units	2	2	24	6	2	1	2	9	1	1	1	1	1	1
Zoning	Single Family	General Commercial	Historic Residential Commercial Core - 2	Historic Medium Density Residential	Historic Medium Density Residential & Historic Neighborhood Commercial - 1	Single Family	Historic Residential Commercial Core - 2	Historic High Density Residential	Historic Residential / Office	Historic Residential Commercial Core - 1	Historic Residential / Office	Limited Commercial	Historic Medium Density Residential	Historic Neighborhood Commercial - 1
Maximum Density (du/acre)	8 du/acre	Affordable Housing: 40 du/acre	Workforce Affordable Housing: 40 du/acres	16 du/acre	16 du/acre	8 du/acre	8 du/acres	22 du/acre	16 du/acre	22 du/acre	16 du/acre	16 du/acre	16 du/acre	16 du/acre
Land Area (SF)	9,059	119,995	49,500	17,512	11,642	4694.8	57,193	18786.25	6537	2479	4470 x	2550	5184 x	2583
Land Area (AC)	0.21	2.76	1.14	0.40	0.27	0.11	1.31	0.43	0.15	0.06	0.10	0.06	0.12	0.06
Proposed Density (du/acre)	9.5 du/acre	0.7 du/acre	21 du/acre	15 du/acre	7.4 du/acre	9.1 du/acre	1.5 du/acre	20.9 du/acre	6.6 du/acre	16.7 du/acre	20 du/acre	16.6 du/acre	8.3 du/acre	16.6 du/acre
Maximum Dwelling Units Allowed	1.6	110.4	45.6	6.4	4.3	0.9	10.5	9.5	2.4	1.3	1.6	0.9	1.9	0.9

*Section 122-233 (a) (10): "Density shall be calculated based only upon the number of principal units on a site." This application is for an accessory unit.

**Section 108-998. – Compact infill development and mixed-use development incentives. This application is for additional density allowed based on commercial floor area.

(MR): Market Rate

Analysis:

Staff evaluated, scored, and ranked the final BPAS applications according to the prerequisites and criteria outlined in City Code Section 108-997 (b) and (c).

A total of ten (10) applicants were competing for the nine (9) available market-rate units. One market-rate applicant is applying for two units. Staff is recommending allocation of the first six (6) market-rate units to the five (5) applicants receiving the top scores. The remaining five market-rate applicants tied with zero points after ranking.

As required in Code Section 108-997, a drawing was performed by the City Clerk on May 10, 2022 to allocate the remaining three available market-rate units.

Applicants with properties listed below were selected during the drawing:

- 608 Duval Street – 1 market-rate unit
- 704 Russell Lane – 1 market-rate unit
- 630 Mickens Lane – 1 market-rate unit

The City of Key West is not able to allocate market-rate permits for properties at 1905 Staples Avenue and 1110 Truman Avenue during the Year 9 BPAS cycle.

Attached are the resulting scores and final rankings. Staff's evaluation of the final applications is summarized in the score review sheet, which is attached to the application package.

Pursuant to City Code Section 108-995, a maximum of forty-six (46) market-rate units are available for Year 9 (July 1, 2021– June 30, 2022) of the BPAS. The following market-rate projects are recommended for award:

YEAR 9 MARKET-RATE BPAS APPLICATIONS – RECOMMENDED FOR AWARD						
Rank	Project	Units Requested	ESFU Factor	ESFUs Requested	Major/Minor Renovation	Score
1	1501 South Street	1	1.00	1	Major	25
Tied	913 White Street	1	1.00	1	Minor	15
Tied	700 Front Street	2	1.00	2	Minor	15
3	1307 1309 Whitehead Street	1	1.00	1	Major	10
4	317 Whitehead Street	1	1.00	1	Major	5
Tied	608 Duval Street	1	1.00	1	Minor	0
Tied	704 Russell Lane	1	1.00	1	Major	0
Tied	630 Mickens Lane	1	1.00	1	Major	0

Pursuant to City Code Section 108-995, a minimum of forty-five (45) affordable units are available for Year 9 (July 1, 2021 – June 30, 2022) of the BPAS. The following affordable projects are recommended for award:

YEAR 9 AFFORDABLE-RATE BPAS APPLICATIONS - RECOMMENDED FOR AWARD						
Rank	Project	Units Requested	ESFU Factor	ESFUs Requested	Major/Minor Renovation	Score
1	1618 N Roosevelt Boulevard	2	1.00	2	Major	95
2	2719 Staples Ave	1	0.78	0.78	Major	35
Tied	255 Trumbo Road	24	1.00	24	Major	0
Tied	1020 Margaret Street	1	1.00	1	Major	0

RECOMMENDATION:

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends to the Planning Board **APPROVAL** of the final Year 9 BPAS rankings, the award of nine (9) market-rate housing units and twenty-eight (28) affordable-rate housing units.

Units Requested	Equivalent Single-Family Unit (ESFU) Factor	Total ESFUs	Major/Minor Renovation	Building more than 1.5' higher than the BFE (+5)	Exceeding the minimum required percentage of affordable housing (+30)	Voluntarily providing affordable housing which exceeds the requirements of sec 122-1467 at median income classification (+40)	Voluntarily providing affordable housing which exceeds the requirements of sec 122-1467 at low income classification (+60)	GBC Upgrade 1 (+20)	GBC Upgrade 2 (+27)	GBC Upgrade 3 (+40)	Voluntary contribution to the ALP or Tree Fund in the amount of \$2500 or more (+5)	Providing electrical high voltage sized conduit for future EC charging station near parking area (+5)	Using light colored, high reflectivity materials for all non-roof/areas with a SRI of at least 29 (+5)	Providing on-site recreational amenities or exceeding the open space requirements of sec 108-346(b) (+10)	BPAS Points: Claimed	BPAS Points Verified	VERIFIED Final BPAS Score	Notes
1	1.00	1	Major	5	0	0	0	20	0	0	0	0	0	0	25	25	25	Proposed Site Plan will need Variances from Dimensional Requirements: - Front Setback Variance - Non-Conforming Lot Size
1	1.00	1	Minor	0	0	0	0	0	0	0	0	5	10	15	15	15	15	Proposed Site Plan will need a Variance from Dimensional Requirement: - Side Setback
1	1.00	1	Major	5	0	0	0	0	0	5	0	0	0	0	10	10	10	None.
1	1.00	1	Major	5	0	0	0	0	0	0	0	0	0	0	32	5	5	Proposed Site Plan will require HARC meeting
1	1.00	1	Minor	0	0	0	0	0	0	0	0	0	0	0	0	0	0	None.
1	1.00	1	Major	0	0	0	0	0	0	0	0	0	0	0	0	0	0	None.
2	1.00	2	Minor	5	0	0	0	0	0	0	0	0	10	15	15	15	15	None.
1	1.00	1	Major	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Proposed Site Plan will need Variances from Dimensional Requirements: - Exceeding building coverage - Exceeding FAR - Front and Rear Setback Variances
1	1.00	1	Major	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Proposed Site Plan will require HARC meeting
1	1.00	1	Minor	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Proposed Site Plan will require HARC meeting
11	10.00	11.00																TOTAL REQUESTED:

YEAR 9 MARKET-RATE BPAS APPLICATIONS

MARKET-RATE PROJECTS

Year 11 BPAS



WARRANTY DEED

Prepared by and return to:

Gregory S. Oropeza, Esq.
Attorney at Law
Oropeza Stones Cardenas, PLLC
221 Simonton Street
Key West, FL 33040
305-294-0252
File Number: 21-1299
Will Call No.:

Parcel Identification No. 00032570-000100

[Space Above This Line For Recording Data]

Warranty Deed

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

This Indenture made this 31st day of December, 2021 between Lew Gordon Smith, Jr. an unmarried man, individually and as Trustee of the Lew Gordon Smith, Jr. Revocable Trust dated August 3, 2020 whose post office address is 1405 Vernon Avenue, Key West, FL 33040 of the County of Monroe, State of Florida, grantor*, and Bascom L. Grooms, IV and Beth A. Grooms, as husband and wife whose post office address is 1415 Thompson Street, 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:

BEING A PORTION OF THE LANDS KNOWN AS TRACT 13 OF WILLIAM A. WHITEHEAD'S MAP OF THE ISLAND OF KEY WEST DELINEATED IN FEBRUARY, A. D. 1829, SAID LANDS BEING A PART OF SQUARE 1, LOT 15, ACCORDING TO A DIAGRAM OF ONE-THIRD OF SAID TRACT 13 DRAWN BY W. A. GWYNN, COUNTY SURVEYOR, AND DULY RECORDED IN DEED BOOK "O", PAGE 195, OF MONROE COUNTY, FLORIDA, RECORDS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF TRUMAN AND VARELA STREETS, RUN ALONG TRUMAN AVENUE IN A SOUTHWESTERLY DIRECTION A DISTANCE OF TWENTY-FIVE (25) FEET TO A POINT; THENCE AT RIGHT ANGLES, RUN PARALLEL TO VARELA STREET IN A SOUTHEASTERLY DIRECTION A DISTANCE OF ONE HUNDRED THREE (103) FEET AND FOUR (4) INCHES TO A POINT; THENCE AT RIGHT ANGELES, RUN IN A NORTHEASTERLY DIRECTION AS DISTANCE OF TWENTY-FIVE (25) FEET TO A POINT; THENCE, AT RIGHT ANGLES, RUN IN A NORTHWESTERLY DIRECTION ALONG VARELA ST. A DISTANCE OF ONE HUNDRED THREE (103) FEET AND FOUR (4) INCHES BACK TO THE POINT OF BEGINNING.

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:

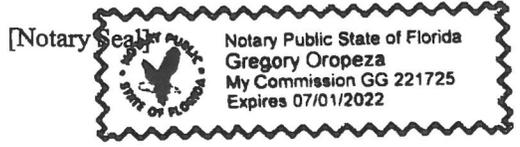
[Signature]
Witness Name: Elizabeth Khol

[Signature]
Witness Name: Gregory Oropeza

[Signature]
Lew Gordon Smith, Jr., Individually and as Trustee

State of Florida
County of Monroe

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 31st day of December, 2021 by Lew Gordon Smith, Jr., Individually and as Trustee, who is personally known or has produced a driver's license as identification.



[Signature]
Notary Public
Printed Name: _____
My Commission Expires: _____

Prepared by and return to:
Gregory S. Oropeza, Esq.
Oropeza, Stones & Cardenas, PLLC
221 Simonton Street
Key West, FL 33040
305-294-0252
Parcel ID #: 00050560-000103
Consideration: \$10.00

[Space Above This Line For Recording Data]

Quit Claim Deed

This Quit Claim Deed made this 27th day of February 2023 between **Bascom L. Grooms, IV and Beth A. Grooms, as husband and wife**, whose post office address is 1415 Thompson Street, Key West, FL 33040, grantor, and **BG2KW, LLC, a Florida limited liability company**, whose post office address is 1110 Truman Avenue, Key West, FL 33040, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, does hereby remise, release, and quitclaim to the said grantee, and grantee's heirs and assigns forever, all the right, title, interest, claim and demand which grantor has in and to the following described land, situate, lying and being in **Monroe County, Florida** to-wit:

Unit No. 3 of FOGARTY CONDOMINIUM, a Condominium, according to The Declaration of Condominium recorded in O.R. Book 2133, Page 198, and all exhibits and amendments thereof, Public Records of Monroe County, Florida.

Property Address: 2521 Fogarty Avenue #3, Key West, FL

Subject to taxes for the year 2023 and subsequent years.

The preparer of this instrument was neither furnished with, nor requested to review, an abstract on the described property and, therefore, expresses no opinion as to condition of title.

To Have and to Hold, the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of grantors, either in law or equity, for the use, benefit and profit of the said grantee forever.

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 for both:

[Signature]
Signature of Witness

Gregory Oropeza
Printed Name of Witness

[Signature]
Signature of Witness

Elizabeth Khol
Printed Name of Witness

[Signature] (Seal)
Bascom L. Grooms, IV

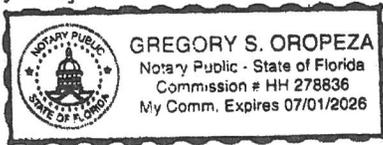
[Signature] (Seal)
Beth A. Grooms

STATE OF FLORIDA

COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 27th day of February 2023 by **Bascom L. Grooms, IV, and Beth A. Grooms, husband and wife**, by means of [] physical presence or [] online notarization who is personally known to me or has produced _____ as identification.

[Notary Seal]



[Signature]
Notary Public

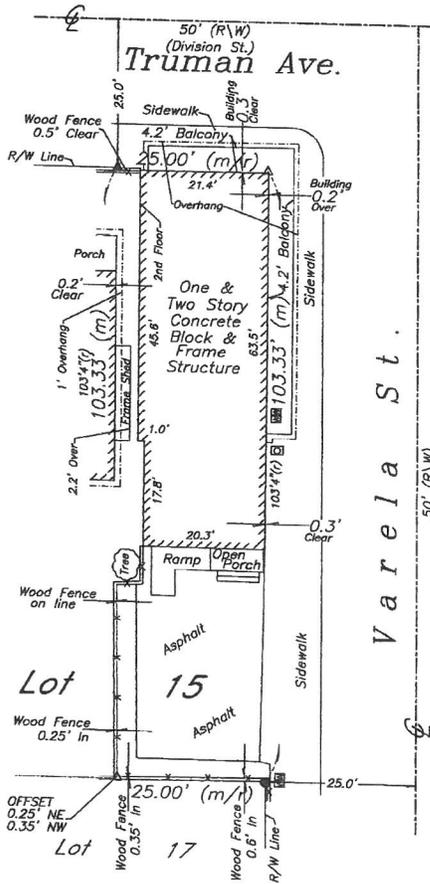
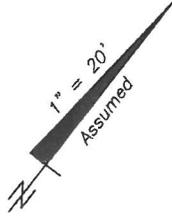
Printed Name: _____

My Commission Expires: _____



BOUNDARY SURVEY

Boundary Survey Map of part of Lot 15, Square 1, GWYNN SUBDIVISION, Island of Key West



LEGEND

- ⊙ Found 1" Iron Pipe (No ID)
- Set 3/4" Iron Pipe w/cap (6298)
- Found 1/2" Iron Rod (FHH)
- ▲ Found Nail & Disc (LB 7131)
- △ Set Nail & Disc (6298)
- (M) Measured
- (R) Record
- (M/R) Measured & Record
- C.B.S. Concrete Block Structure
- R\W Right of Way
- CLF Chain Link Fence
- ⊕ Centerline
- ⊗ Wood Utility Pole
- ⊠ Concrete Utility Pole
- P- Overhead Utility Lines
- ⊡ Water Meter
- ⊞ Sewer Cleanout

NOTES:

1. The legal description shown hereon was furnished by the client or their agent. This survey does not determine or imply ownership.
2. Underground foundations and utilities were not located.
3. All angles are 90° (Measured & Record) unless otherwise noted.
4. Street address: 1110 Truman Avenue, Key West, FL.
5. This survey is not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
6. Lands shown hereon were not abstracted for rights-of-way, easements, ownership, or other instruments of record.
7. North Arrow is assumed and based on the legal description.
8. Date of field work: January 18, 2022
9. Ownership of fences is undeterminable, unless otherwise noted.
10. Adjoiners are not furnished.

BOUNDARY SURVEY OF: Part of Lot 15, Square 1, Tract 13, more particularly described by metes and bounds as follows: COMMENCING at the intersection of Truman Avenue and Varela Streets run along Truman Avenue in a Southwesterly direction a distance of Twenty-Five (25) feet to a point; thence, at right angles, run parallel to Varela Street in a Southeasterly direction a distance of One Hundred Three (103) feet and Four (4) inches to a point; thence, at right angles, run in a Northeasterly direction a distance of Twenty-Five (25) feet to a point; thence, at right angles, run in a Northwesterly direction along Varela St. a distance of One Hundred Three (103) feet and Four (4) inches back to the point of beginning.

BOUNDARY SURVEY FOR: Bascom Grooms;

J. LYNN O'FLYNN, INC.

J. Lynn O'Flynn, PSM
Florida Reg. #6298
January 20, 2022

THIS SURVEY
IS NOT
ASSIGNABLE

J. LYNN O'FLYNN, Inc.

Professional Surveyor & Mapper
PSM #6298

3430 Duck Ave., Key West, FL 33040
(305) 296-7422 FAX (305) 296-2244

Year 11 BPAS



SITE PLANS



Exhibit B – Site Data Table

Building Permit Allocation System Application

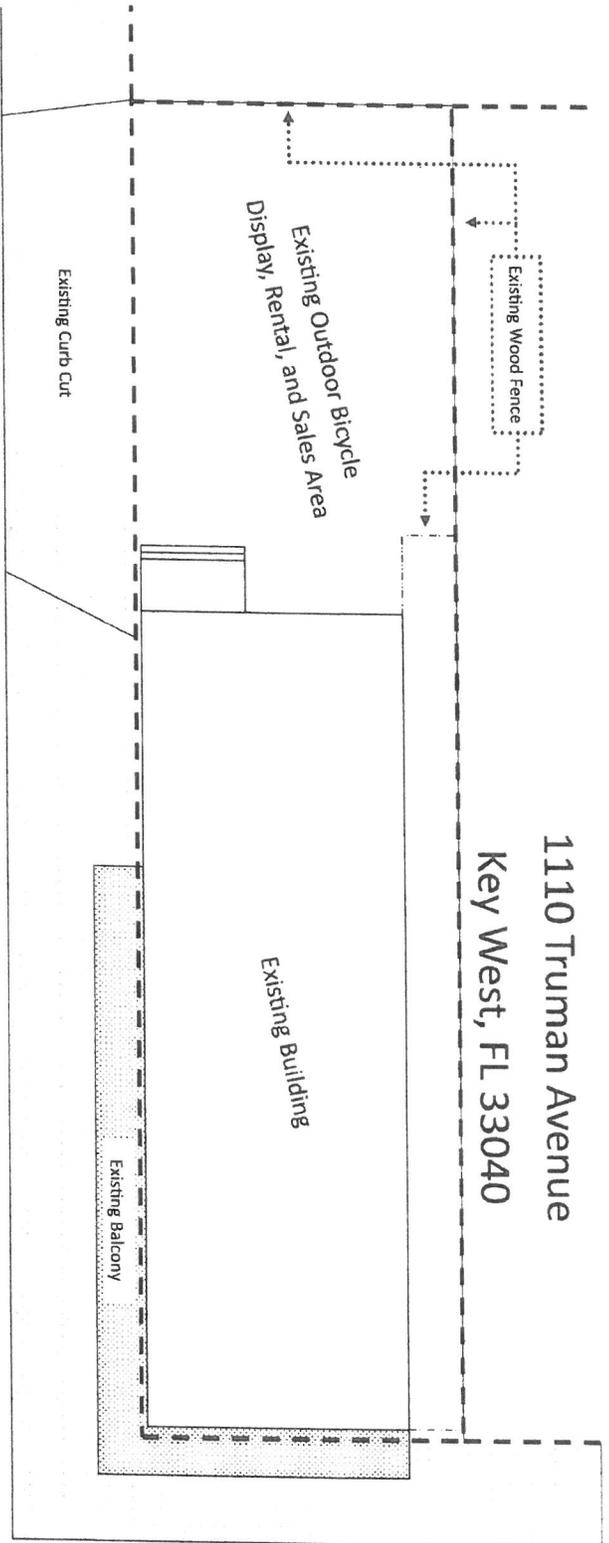
305-809-3720 • www.cityofkeywest-fl.gov

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	HNC-1			
Flood Zone	X			
Size of Site	2,583 SF			
Height	35 FT	<35	<35 FT	No
Front Setback	5 FT	0 FT	0 FT	No
Side Setback	5 FT	4.7 FT	4.7 FT	No
Side Setback	N/A	N/A	N/A	No
Street Side Setback	7.5FT	0 FT	0 FT	No
Rear Setback	15 FT	15 FT	15 FT	No
Residential Floor Area	1.0			N/A
Density	16 DU/acre (0.95 DU)	1 DU (BPAS award)	2 DU (prior + 1)	N/A
Commercial Floor Area				N/A
F.A.R (Commercial)	1.0			No
Building Coverage	50% (1,292 SF)	53% (1,380 SF)	53% (1,380 SF)	No
Impervious Surface	60% (1,550 SF)	90% (2,327 SF)	90% (2,327 SF)	No
Parking	77.6 spaces	0	0	No
Handicap Parking				N/A
Bicycle Parking	9.4 spaces	0	0	No
Open Space/ Landscaping	20%	10% (257 SF)	10% (257 SF)	No
Number and type of units		1 market rate 1 commercial	1 market rate, 1 aff. 1 commercial	N/A
Consumption Area or Number of seats	N/A	N/A	N/A	N/A

1110 Truman Avenue
Key West, FL 33040

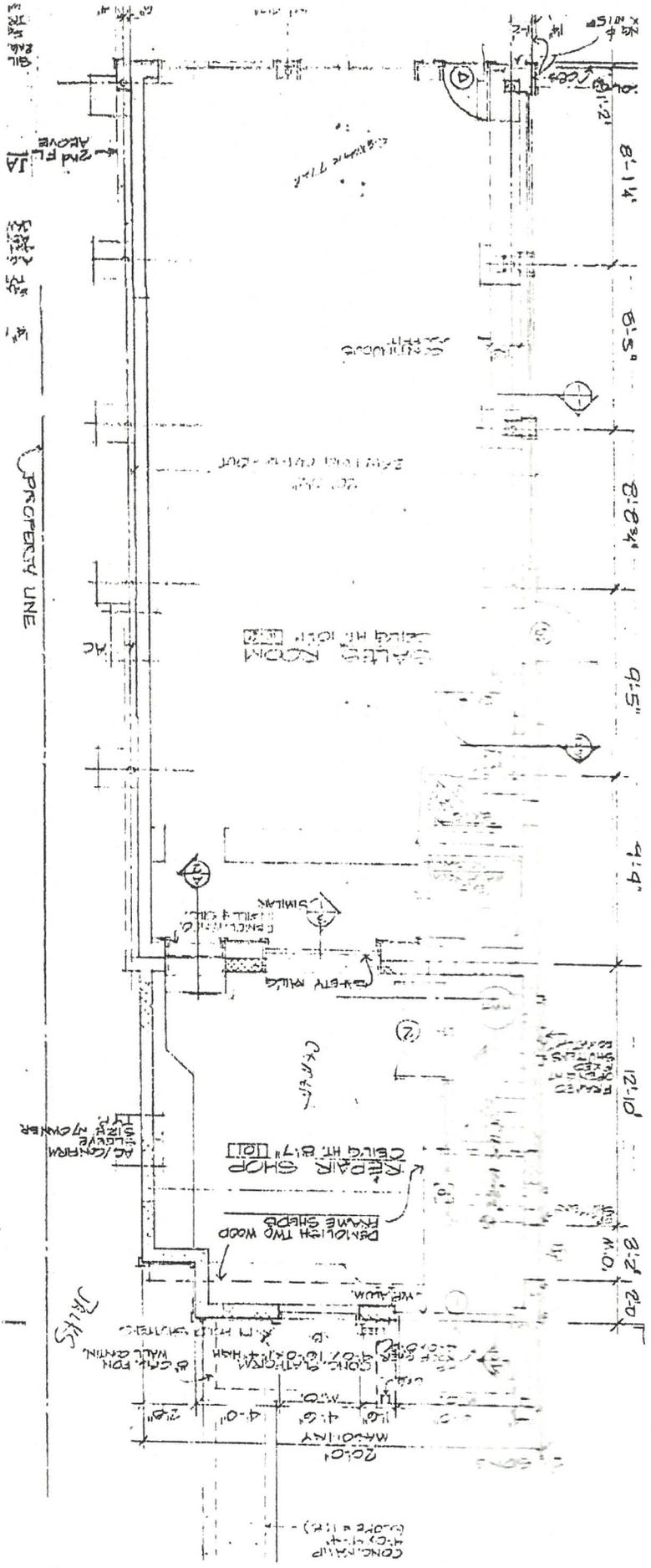


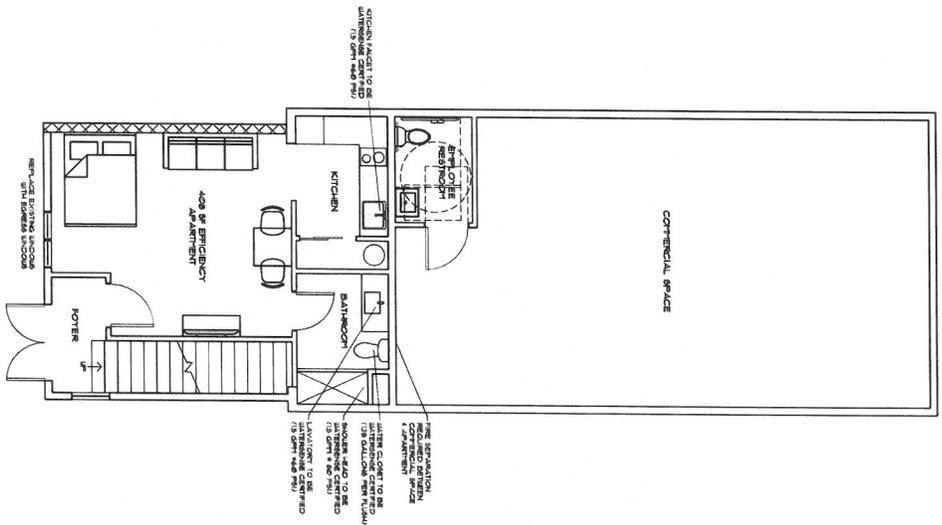
Varela Street

Truman Avenue

Site Plan
1" = 10.5'

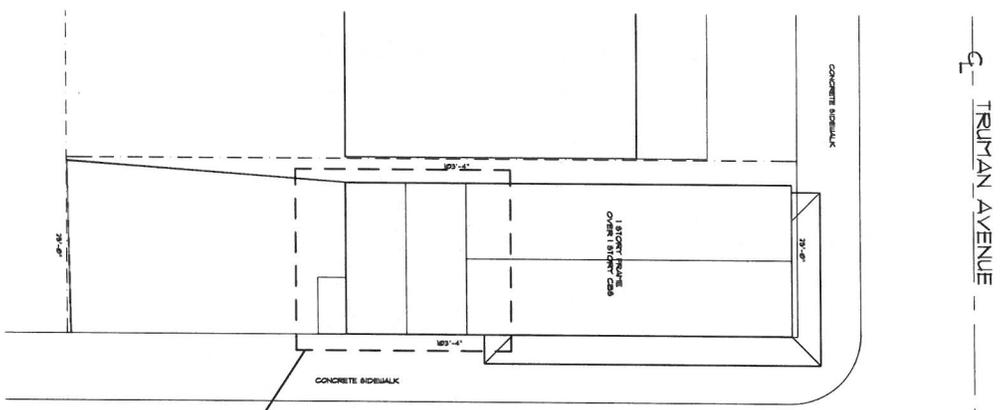
First Floor





First Floor Plan

NOTES:
 1. REFER TO CONTRACT WITH FEDERAL BUILDING CODE PLUMBING AND ELECTRICAL REQUIREMENTS AND MINIMUMS.
 2. REFER TO CONTRACT WITH FEDERAL BUILDING AND ELECTRICAL CODES.



Site Plan

Professional Seal of Thomas E. Pope, P.A., Architect, No. 152538, State of Florida.

Sheet: **A0.1**

Date: 1/27/23
 Revision:

THOMAS E. POPE, P.A.
 POPE-SCARBROUGH-ARCHITECTS
 (305) 296 3611 610 White St. Key West FL

1110 Truman Ave
 1110 Truman Ave Key West, FL





ESTIMATED SCORE SHEET



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

CITY OF KEY WEST, FLORIDA • PLANNING DEPARTMENT

Address: 1300 White Street • Key West, Florida 33040

Phone: 305-809-3764

Website: www.cityofkeywest-fl.gov

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

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

Applicant: Oropeza, Stones & Cardenas, PLLC Site Address: 1100 Truman Avenue, Key West, FL 33040

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

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

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 non-transient units as follows:

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



CERTIFICATION FORM



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

CITY OF KEY WEST, FLORIDA • PLANNING DEPARTMENT

Address: 1300 White Street • Key West, Florida 33040

Phone: 305-809-3764

Website: www.cityofkeywest-fl.gov

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

I certify that my total estimated points are 30. 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.

11/2/23

Signature of applicant

Date

Gregory S. Oropeza

Print name of Applicant

Subscribed and sworn to (or affirmed) before me on this 2nd day of November, 2023,
by Gregory S. Oropeza (name of person signing the application)
as Authorized Agent (type of authority...e.g. officer, manager/member, trustee,
attorney)
for BG2KW, LLC (name of entity or party on behalf of whom application was
executed).

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

Notary's Signature and Seal

SEAL

Name of Acknowledger typed, printed or stamped

Commission Number, if any





FGBC CHECKLIST

FIXTURE/APPLIANCE	MAXIMUM FLOW RATE OR QUANTITY PER CODE	CONSERVATION	APPLIANCE/FIXTURE TO BE INSTALLED	ENERGY CALCULATION
Bathroom faucet (1)	2.2 gpm	1.5 gpm	1.2 gpm	$(1.2 - 2.2) / 2.2 = 45\%$
Showerhead (1)	2.5 gpm	1.5 gpm	1.5 gpm	$(1.5 - 2.5) / 2.5 = 40\%$
Kitchen sink faucet (1)	2.5 gpm	1.5 gpm	1.5 gpm	$(1.5 - 2.5) / 2.5 = 40\%$
Toilet (1)	WaterSense® Certified (1.28 gallons per flushing cycle)	1.2 gpf	1.00 gpf (model No. 745AA111.XXX)	$(1.00 - 1.28) / 1.28 = 22\%$
Dishwasher (1)	6 gpl	3.5 gpl	2.57-3.2 gpl	$(2.57 - 3.5) / 3.5 = 27\%$
Clothes Washer, Top Loading (1 or 0)	6.5 WF	4.3 WF	3.2 WF	$(3.2 - 6.5) / 6.5 = 51\%$
Clothes Washer, Front Loading (1 or 0)	4.7 WF	3.2 WF	2.9 WF	$(2.9 - 4.7) / 4.7 = 38\%$
Ceiling Fans (4)	< 38.03 cfm/w	N/A	363.8 cfm/w	$38.03 / 363.8 = 105\%$ greater
Central AC (1)	12 SEER	15 Seer or greater per Keys Energy	18-20 SEER	$12/18 = 67\%$ greater
Hot Water Heater (1)	0.9359 UEF	Must be energy star rated per Keys Energy	3.35 UEF (per 10 CFR 429.17, the higher the UEF, the more efficient the water heater is)	$3.35 / 0.9359 = 3.58$ times greater
Programmable Thermostat (1)	N/A	Must be energy star rated per Keys Energy	<1 kWh/month	N/A
Refrigerator (1)	527 kWh/yr	Must be energy star rated per Keys Energy	369 kWh/yr	$(369 - 527) / 527 = 29\%$
Energy Efficient Recessed Lighting (tbd)	N/A	Energy Star Rated	56.7 - 60.6 lm/W	N/A
Bathroom Lighting (1)	N/A	Energy Star Rated	54.3 lm/W	N/A
Wall Mounted Lighting (4, if any)	N/A	Energy Star Rated	61.9 - 70.0 lm/W	N/A
Light Bulbs	N/A	Energy Star Rated	60 Watt LED- 88.9 lm/W; 40 Watt LED- 85.7 lm/W	N/A



PRELIMINARY DRAFT RANKING

CITY OF KEY WEST BUILDING PERMIT ALLOCATION SYSTEM (BPAS)

YEAR 11 PRELIMINARY RANKINGS

Units Requested*
 Equivalent Single-Family Unit (ESFU) Factor
 Total ESFUs
 Major/Minor Renovation
 Sec. 108-997 (c)(1)a. Building more than 1.5' higher than the BFE (+5)
 Sec. 108-997 (c)(1)b. Exceeding the minimum required percentage... (+30)
 Sec. 108-997 (c)(1)c. Voluntarily providing affordable housing... (+40)
 Sec. 108-997 (c)(1)d. Voluntarily providing affordable housing... (+40)
 Sec. 108-997 (c)(1)e. Achieving GBC Upgrade 1 (FGBC Silver) (+20)
 Sec. 108-997 (c)(1)f. Achieving GBC Upgrade 2 (FGBC Gold) (+27)
 Sec. 108-997 (c)(1)g. Achieving GBC Upgrade 3 (FGBC Platinum) (+40)
 Sec. 108-997 (c)(1)h. Voluntary contribution to the ALPP or Tree... (+5)
 Sec. 108-997 (c)(1)i. Providing electrical high voltage... (+5)
 Sec. 108-997 (c)(1)j. Using light colored, high reflectivity materials... (+5)
 TOTAL BPAS POINTS: CLAIMED PER APPLICANT**

YEAR 11 MARKET-RATE BPAS APPLICATIONS																	
MARKET-RATE PROJECTS																	
6450 College Rd	2	1.00	2	Minor	5	0	0	0	0	0	0	0	0	0	10	15	
1213 14th Street	68	1.00	68	Major	0	0	0	0	0	0	0	0	0	0	0	0	
201 Front St	14	1.00	14	Major	0	0	0	0	0	0	0	0	0	0	0	0	
638 United St	4	1.00	4	Major	0	0	0	0	0	0	0	0	0	0	0	0	
1817 Staples Ave	2	1.00	2	Major	0	0	0	0	0	0	0	0	0	0	0	0	
3228 Flagler Ave	5	1.00	5	Major	0	0	0	0	0	0	0	0	0	0	0	0	
3704 Flagler Ave	1	1.00	1	Major	5	0	0	0	20	0	0	0	0	0	0	25	
916 Pohalski Ave	1	1.00	1	Minor	0	0	0	0	20	0	0	5	0	0	0	25	
1405.1407.1409 United St	3	1.00	3	Major	5	0	0	0	0	0	0	0	0	0	0	5	
TOTAL REQUESTED:	100		100.00														
YEAR 11 AFFORDABLE-RATE BPAS APPLICATIONS																	
AFFORDABLE-RATE PROJECTS																	
2709 Staples Ave	1	0.78	0.78	Minor	5	0	0	60	0	0	0	0	0	5	5	0	75
920 Virginia St	1	1.00	1	Minor	0	0	0	0	0	0	0	0	0	0	0	0	0
930 Catherine St	1	1.00	1	Minor	0	0	0	0	0	0	0	0	0	0	0	0	0
3101 N Roosevelt Blvd	45	1.00	45	Major	5	0	40	0	20	0	0	0	0	0	0	0	65
1213 14th Street	204	1.00	204	Major	0	0	0	0	0	0	0	0	0	0	0	0	0
1817 Staples Ave	1	1.00	1	Major	0	0	0	0	0	0	0	0	0	0	0	0	0
3228 Flagler Ave	3	1.00	3	Major	0	0	0	0	0	0	0	0	0	0	0	0	0
1110 Truman Ave	1	0.78	0.78	Minor	0	30	0	0	0	0	0	0	0	0	0	0	30
3400 Duck Ave	54	1.00	54	Major	5	0	0	60	20	0	0	0	0	0	10	95	
3504 Duck Ave	1	0.78	0.78	Minor	5	0	40	0	0	0	0	0	0	0	0	0	45
TOTAL REQUESTED:	312		311.34														
TOTAL OF ALL UNITS REQUESTED	412																

NOTES:
 Year 11 Units Available: 212.40
 75% Of All Units Awarded Must Be Affordable Per Section 108-995
 - In the event that two applications are determined to have the same numerical ranking score, and units are not available to provide awards to both projects, a drawing of lots will determine the awardee.
 - All new units shall be constructed in compliance with and obtain a baseline green building certification
 - All final BPAS applications are subject to final density/zoning review.
 *The number of units for each application is subject to change based on a final density/zoning review. Requests for units above the maximum permitted density within the underlying zoning district will not be considered
 **Points in red require action from the applicant. Applicants that are in this category must adjust their score sheets consistent with Planning staff recommendations contained in their preliminary response letters.



PRELIMINARY RANKING RESPONSE



GREGORY S. OROPEZA | ADELE V. STONES [Retired] | SUSAN M. CARDENAS, of Counsel
LISA MARIE KEHOE | KAI A. MURPHY

VIA HAND DELIVERY

April 29, 2024

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

RE: Supplemental Documents for BPAS Application- 1110 Truman Avenue, Key West, Florida 33040

Dear Mrs. Halloran:

Please allow this correspondence to serve as the Applicant, BG2KW, LLC response to the March 28, 2024 Preliminary Ranking for Year 11 BPAS Applications related to the real property located at 1110 Truman Avenue, Key West, Florida 33040 (the "Property").

As you are aware, the proposed project is a conversion of 400 square feet of the first floor of 1110 Truman Avenue, Key West, Florida, which is currently a commercial space, and the conversion of approximately 1,616 square feet of the second floor of 1110 Truman Avenue, Key West, Florida, currently comprised of storage space, into one (1) Market Rate Residential Dwelling Unit on the second floor and one (1) Affordable Rate Residential Dwelling Unit on the first floor. The Property, which currently exists with a legal nonconforming floor area ratio (FAR) of 1.4, nonconforming building coverage of 53% (1,380 sq. ft.), and a permitted density of 1 dwelling unit, currently operates as a commercial building on the lower level, with storage on the second-floor level. The Property's prior owner was awarded one (1) market rate residential dwelling unit in BPAS cycle year 2022 which authorized the market rate to be built on the second floor. BG2KW, LLC intends to proceed with the conversion of the second floor from commercial storage into residential use by constructing the previously permitted one (1) market rate residential dwelling unit, and further intends to construct one (1) affordable rate residential dwelling unit on the first floor pursuant to the City of Key West Land Development Regulations Section 108-998, which allows for an additional density of 1 affordable housing unit per the existing 1,000+ sq. ft. of commercial space. This minor redevelopment will not affect the current FAR of 1.4 or the nonconforming building coverage of 53%.

Applicant's Responses to the Preliminary Ranking Letter

It was noted in the "Completeness" section of the Preliminary Ranking Letter that the Application, as submitted, was missing the Florida Green Building Coalition (FGBC), water energy standards demonstrating 15% below the FBC standards and a solution statement. It is further noted that the provided Efficiency Table requires the addition of source information. Please allow the following to address the Completeness:

- Florida Green Building Coalition energy standards

- It is the understanding of the Application, following several discussions with the Planning Department, that a Home Retrofit Checklist should be provided to comply with the energy standards requirement. The Applicant has since obtained the requested Home Retrofit Checklist, which is attached hereto as Exhibit “A” in completed form. The Applicant is ready, willing and able to complete the 15 required upgrades such that the proposed project meets the Level 3 Retrofit Level.
- The Applicant shall complete the following 5 Energy upgrades:
 - Replacement of a minimum of 75% of the installed light bulbs with CFL or LED light bulbs;
 - Replacement of the thermostat with a programmable thermostat;
 - Adding window tint film to decrease heat gain from the sun into the Property;
 - Installation of Energy Star ceiling fans in the main living area and 75% of the bedrooms; and
 - Replacement of the hot water heater with an Energy Star hot water heating system.
- The Applicant shall complete the following 3 Water upgrades:
 - Replacement of showerheads with 2.0 gallons per minute (gpm) or lower flow rate;
 - Replacement of the dishwasher with Energy Star appliance using less than or equal to 5.8 gallons per cycle (gpc); and
 - Replace toilets with WaterSense or minimum MaP 350, dual flush or maximum 1.28 gpf toilets
- The Applicant shall complete the following 4 Health upgrades:
 - Use green cleaning products;
 - Replace existing bathroom exhaust fans with Energy Star labeled exhaust fans that include a timer or humidistat;
 - Use low-VOC paints, stains, finishes, as designed in the Reference Guide, on all interior surfaces; and
 - Install carbon monoxide alarms: entrance to garage and all sleeping areas.
- The Applicant shall complete the following Materials upgrade:
 - Dedicated recycling bins in place.
- The Applicant shall complete the following 2 Durability upgrades:
 - Have a hurricane plan and a hurricane kit available; and
 - Attic sealed to prevent water intrusion and to mitigate uplift.
- Solution Statement
 - The solution statement was provided in the original BPAS Submittal Letter. For ease of reference, it is reiterated here:
 -

Solution Statement:

The proposed affordable rate unit development, which is authorized pursuant to the City of Key West Land Development Regulations Section 108-998, shall be designed and constructed utilizing methods and techniques which will allow the Applicant to meet the prerequisites for construction by achieving the following City recognized goals:

- A baseline green building certification;
- An adaptive reuse of an existing building;
- The use of potable water conserving fixtures;
- Minimization of waste disposal and maximization of recycling;
- Implementation of energy conserving techniques, lighting, and appliances; and
- Minimization of light pollution.

Katie Halloran, Director of Planning
April 29, 2024

Further, all development shall incorporate mitigative standards and techniques to minimize any adverse impacts to surrounding properties and environmental concerns.

- Efficiency Table- sources for the data needed
 - o Please see the attached Exhibit "B," which has been updated with all source information.

Additionally, please note that the Applicant is comfortable proceeding with the total estimated points and will not be adding additional points to Exhibits C and D at this time.

Thank you for your consideration of this memorandum in response to the Preliminary Ranking for Year 11 BPAS Applications and attendant documents. We look forward to working with you and Planning staff on this project.

Very truly yours,



Gregory S. Oropeza, Esq.

GSO
Enclosures

EXHIBIT A

Florida Green Home Retrofit Guidelines Checklist

Florida Green Home Retrofit Guidelines
Version 1
Checklist - Choose Your Upgrades!

Revised 2/13/12

ENERGY

- E1 Weatherize home by doing ALL of the following:
 - 1. Replace weather-stripping on exterior doors
 - 2. Remove HVAC vent covers (diffusers) and install gaskets or caulk behind them, reinstall
 - 3. Remove trim around recessed can lighting and install gaskets or caulk behind them, reinstall
 - 4. Remove electrical outlet covers on exterior walls and install gaskets or caulk behind them, reinstall
- E2 Replace a minimum of 75% of installed light bulbs with CFL or LED light bulbs
- E3 Replace thermostat with a programmable thermostat
- E4 Increase attic insulation to a minimum of R-38 at the ceiling
- E5 Add a radiant barrier in the attic to the underside of the roof sheathing
- E6 Add window tint film to decrease heat gain from the sun into your home
- E7 Install/replace with motion/light sensors to all exterior lighting
- E8 Replace an old refrigerator with a new ENERGY STAR® refrigerator
- E9 Replace an old dishwasher with a new ENERGY STAR® dishwasher
- E10 Replace an old clothes washer with a new ENERGY STAR® clothes washer
- E11 Install new ENERGY STAR® ceiling fans in the main living area and 75% of bedrooms
- E12 In all bathrooms without exhaust fans, install new ENERGY STAR® exhaust fans
- E13 Install and set timer on water heater
- E14 Replace hot water heater with state certified solar or ENERGY STAR® hot water heating system
- E15 Replace HVAC system with new, properly sized per current or manual J calculations, air conditioning system with SEER 15 and 8.5 HSPF minimum efficiency
- E16 Seal ductwork and joints with mastic to prevent leaks
- E17 Have duct work smoke tested for leaks and sealed by a professional if necessary
- E18 Spray foam, minimum R-19, to the bottom of the roof deck to create an unvented attic
- E19 Re-roof: replace with roofing that is ENERGY STAR® labeled
- E20 Repaint home exterior in a color with light reflective value of greater than 50
- E21 Change existing pool heater to solar
- E22 Replace pool pump with ENERGY STAR® pool pump
- E23 Plant trees for shade East/West; in North Florida deciduous trees, based on coverage with 5 years in ground growth
- 5 TOTAL (Minimum 3 for Level 1, Minimum 5 for Level 2, Minimum 5 for Level 3)



WATER

Interior Water Saving

- W1 Change rubber hoses to reinforced hoses
- W2 Replace showerheads with 2.0 gallons per minute (gpm) or lower flow rate showerheads
- W3 Install aerators for bathroom faucets (1.5 gpm)
- W4 Replace dishwasher with ENERGY STAR® appliance using less than or equal to 5.8 gallons per cycle (gpc)
(Note: if you claim this point in ENERGY, you cannot claim it again in WATER)
- W5 Replace clothes washer with ENERGY STAR® labeled water saving clothes washer
(Note: if you claim this point in ENERGY, you cannot claim it again in WATER)
- W6 Re-plumb residence with PEX manifold type system
- W7 Add on demand (button or switch triggered) water recirculation pump to existing system
- W8 Remove existing garbage disposal
- W9 Replace toilets with WaterSense® or minimum MaP 350, dual flush or maximum 1.28 gpf toilets
- W10 Install grey water collection on bathroom sinks to reuse for toilet flushing

Exterior Water Saving

- W11 Install a rain gauge that will shut off irrigation during rain events
 - W12 Update irrigation controller to a programmable controller
 - W13 Install cistern(s), minimum 250 gallons total capacity, for irrigation
 - W14 Turf area less than 50% of landscaped area
 - W15 50% of all landscape plants are on the Florida Friendly Plants list
 - W16 Replace a minimum of 200 square feet of turf with Florida Friendly Plants
 - W17 Install rain barrels for rainwater harvesting
 - W18 Add a pool cover to an existing pool
 - W19 Have an irrigation professional perform a "check up" on existing irrigation system
 - W20 Permanently abandon existing irrigation system
- 3 TOTAL (Minimum 2 for Level 1, Minimum 3 for Level 2 and Minimum 3 for Level 3)

HEALTH

- H1 Use green cleaning products
 - H2 Replace existing bathroom exhaust fans with ENERGY STAR® labeled exhaust fans that include a timer or humidistat
 - H3 Use low-VOC paints, stains, finishes, as defined in the Reference Guide, on all interior surfaces
 - H4 Replace at least 50% of existing carpet with healthy flooring, as defined in the Reference Guide
 - H5 Seal wall/openings between garage and conditioned residence
 - H6 Install fixed exhaust fan with motion sensor and timer in garage
 - H7 Install carbon monoxide alarms: Entrances to garage and to all sleeping areas
 - H8 Install dehumidifier in HVAC system
 - H9 Install make-up air source to laundry room located within the conditioned envelope
 - H10 Replace range hood with exterior ducted, ENERGY STAR® labeled range hood
 - H11 Tape and mastic any air handler located in unconditioned space
 - H12 Make or install a mud room or otherwise usable entry area
- 4 TOTAL (Minimum 0 for Level 1, Minimum 0 for Level 2, Minimum 1 for Level 3)



MATERIALS

- M1 Dedicated recycling bins in place
- M2 Use locally sourced materials
- M3 Use non-cypress mulch
- M4 Develop a construction and demolition waste management plan
- M5 Implement a recycle, reuse, repurpose plan for construction
- M6 Engineered/alternative materials for outdoor living

1 TOTAL (Minimum 0 for Level 1, Minimum 0 for Level 2, Minimum 1 for Level 3)

DURABILITY

- D1 Have a hurricane plan and a hurricane kit available
- D2 Attic sealed to prevent water intrusion and to mitigate uplift
- D3 Exterior structures properly anchored
- D4 Improve tie-downs of house trusses and foundation
- D5 Brace gable roofs
- D6 Add a hurricane system, other than plywood or OSB, for window and door protection
- D7 Replace garage door and tracks with hurricane resistant system
- D8 Re-roofing: Install secondary water protection
- D9 Install gutters and downspouts to divert water at least 3' away from foundation

2 TOTAL (Minimum 0 for Level 1, Minimum 0 for Level 2, Minimum 1 for Level 3)

Determine Your Project Retrofit Level

Level 1: 5 Upgrades Required		Level 2: 10 Upgrades Required		Level 3: 15 Upgrades Required	
Number of Upgrades Completed		Number of Upgrades Completed		Number of Upgrades Completed	
Energy Upgrades	<u> </u> (3 Min.)	Energy Upgrades	<u> </u> (5 Min.)	Energy Upgrades	<u> 5 </u> (5 Min.)
Water Upgrades	<u> </u> (2 Min.)	Water Upgrades	<u> </u> (3 Min.)	Water Upgrades	<u> 3 </u> (3 Min.)
Health Upgrades	<u> </u> (0 Min.)	Health Upgrades	<u> </u> (0 Min.)	Health Upgrades	<u> 4 </u> (1 Min.)
Materials Upgrades	<u> </u> (0 Min.)	Materials Upgrades	<u> </u> (0 Min.)	Materials Upgrades	<u> 1 </u> (1 Min.)
Durability Upgrades	<u> </u> (0 Min.)	Durability Upgrades	<u> </u> (0 Min.)	Durability Upgrades	<u> 2 </u> (1 Min.)
Additional Upgrades	<u> </u> (0 Min.)	Additional Upgrades	<u> </u> (2 Min.)	Additional Upgrades	<u> 4 </u> (4 Min.)
Total Upgrades	<u> </u>	Total Upgrades	<u> </u>	Total Upgrades	<u> 15 </u>

FGBC Reviewer: _____

Signature: _____

Date Reviewed: _____



EXHIBIT B

Minor Construction Appliances/Fixtures

Energy Efficiency Table

FIXTURE/APPLIANCE	MAXIMUM FLOW RATE OR QUANTITY PER CODE	CONSERVATION	APPLIANCE/FIXTURE TO BE INSTALLED	ENERGY CALCULATION
Bathroom faucet (1)	2.2 gpm	1.5 gpm	1.2 gpm	(1.2 - 2.2) / 2.2 = 45%
Showerhead (1)	2.5 gpm	1.5 gpm	1.5 gpm	(1.5 - 2.5) / 2.5 = 40%
Kitchen sink faucet (1)	2.5 gpm	1.5 gpm	1.5 gpm	(1.5 - 2.5) / 2.5 = 40%
Toilet (1)	WaterSense® Certified (1.28 gallons per flushing cycle)	1.2 gpf	1.00 gpf (model No. 745AA111.XXX)	(1.00 - 1.28) / 1.28 = 22%
Dishwasher (1)	6 gpl	3.5 gpl	2.57-3.2 gpl	(2.57 - 3.5) / 3.5 = 27%
Clothes Washer, Top Loading (1 or 0)	6.5 WF	4.3 WF	3.2 WF	(3.2 - 6.5) / 6.5 = 51%
Clothes Washer, Front Loading (1 or 0)	4.7 WF	3.2 WF	2.9 WF	(2.9 - 4.7) / 4.7 = 38%
Ceiling Fans (4)	< 38.03 cfm/w	N/A	363.8 cfm/w	38.03 / 363.8 = 105% greater
Central AC (1)	12 SEER	15 Seer or greater per Keys Energy	18-20 SEER	12/18 = 67% greater
Hot Water Heater (1)	0.9359 UEF	Must be energy star rated per Keys Energy	3.35 UEF (per 10 CFR 429.17, the higher the UEF, the more efficient the water heater is)	3.35 / 0.9359 = 3.58 times greater
Programmable Thermostat (1)	N/A	Must be energy star rated per Keys Energy	<1 kWh/month	N/A
Refrigerator (1)	527 kWh/yr	Must be energy star rated per Keys Energy	369 kWh/yr	(369-527) / 527 = 29%
Energy Efficient Recessed Lighting (tbd)	N/A	Energy Star Rated	56.7 - 60.6 lm/W	N/A
Bathroom Lighting (1)	N/A	Energy Star Rated	54.3 lm/W	N/A
Wall Mounted Lighting (4, if any)	N/A	Energy Star Rated	61.9 - 70.0 lm/W	N/A
Light Bulbs	N/A	Energy Star Rated	60 Watt LED- 88.9 lm/W; 40 Watt LED- 85.7 lm/W	N/A
Sources for the above:				
Source used for:				
Locate available energy star appliances and obtain applicable energy usages				
Product Finder EPA ENERGY STAR				
To locate available water sense fixtures				
WaterSense Product Search - Bathroom Sink Faucets/Accessories (epa.gov)				
To determine the City's code requirement re energy use				
New Water Conservation Policies Key West, FL (cityofkeywest-fl.gov)				
To determine product availability				
Home Depot				