

RESOLUTION NO. 09-242

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A CONDITIONAL USE FOR A BAR AND MAJOR DEVELOPMENT PLAN TO REDEVELOP AN EXISTING PARKING LOT, AND RETAIL STRUCTURES IN THE HISTORIC RESIDENTIAL COMMERCIAL CORE GULF SIDE (HRCC-1) ZONING DISTRICT PER SECTION 122-688(9) AND SECTION 108-91(A)(2)(b) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Key West Planning Board recommended approval of the application with conditions at its meeting of July 30, 2009.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That a conditional use for 512 Greene Street/201-205 Ann Street is hereby approved.

Section 2: That the attached major development plan for 512 Greene Street/201-205 Ann Street is hereby approved.

Section 3: That these approvals are subject to the following conditions, which are specifically incorporated herein:

- (1) Tree Commission approval must be obtained prior to building permit issuance;
- (2) The applicant voluntarily agrees to donate the 1.0 Equivalent Single Family Unit associated with the single family residence to the City of Key West through the execution of a donation waiver;
- (3) The applicant will install and maintain a programmable

distributive sound system consistent with that described in the document prepared by The Audio Bug and submitted on July 25, 2009, and updated on August 5, 2009, to assure compliance with the "unreasonable noise" definition contained in Section 26-191 of the Code of Ordinances, and that such referenced document shall be updated to include that a computerized sound monitoring system is installed and available to the City upon request;

- (4) There will be no live music, disc jockeys, or karaoke at the site unless approved under as special event permit pursuant to Section 6-86 of the Code of Ordinances;
- (5) Security cameras will be provided on site and security personnel will be present during the hours of operation;
- (6) A perpetual two-way easement in a form acceptable to the City Attorney will be executed prior to the issuance of a building permit, to provide access from Simonton Street for commercial trash and recycling removal from 512 Greene Street, and to provide for ingress and egress from Simonton Street to 512 Greene Street;
- (7) Additionally, compliance with the plans dated August 5, 2009, is a condition of approval and specifically incorporated herein.

Section 4: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the

signature of the presiding officer and the Clerk of the Commission and is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations. After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DCA can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

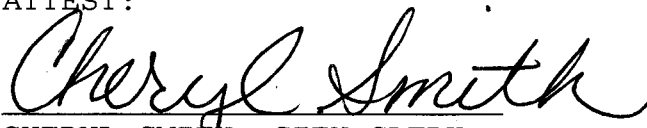
Passed and adopted by the City Commission at a meeting held this 15th day of September, 2009.

Authenticated by the presiding officer and Clerk of the Commission on October 13, 2009.

Filed with the Clerk October 13, 2009.


MORGAN MCPHERSON, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK

Executive Summary

EXECUTIVE SUMMARY



To: Jim Scholl, City Manager

From: Nicole Malo *NMM*

Through: Amy Kimball-Murley, AICP, Planning Director

Meeting Date: September 1, 2009

RE: **A Conditional Use for a bar and Major Development Plan** to redevelop an existing parking lot, and retail structures in the Historic Residential Commercial Core Gulf Side (HRCC-1) zoning district per Section 122-688(9) and Section 108-91A(2)(b) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida

ACTION STATEMENT:

Request: **A Conditional Use to allow a pre-existing restaurant to become a bar and a Major Development Plan to allow the redevelopment of an existing parking lot and the four structures on site for commercial uses.**

Location: 512 Green Street/201-205 Ann Street
(RE 00001170-000000)

Zoning: Historic Residential Commercial Core Gulf-Side (HRCC-1) zoning district

BACKGROUND:

Previous City Actions:

Development Review Committee Meeting:	May 28, 2009
HARC Meeting:	June 9, 2009
Tree Commission Meeting:	August 10, 2009
Planning Board Meeting:	July 30, 2009
City Commission Meeting:	September 1, 2009

Planning Staff Analysis:

The applicant is requesting for a Conditional Use for an open window bar and lounge of 1,045 square feet of consumption area that opens on to Green Street. In conjunction with the Conditional use is a request for a Major Development Plan for the redevelopment of the entire parcel for commercial use including other retail uses and a parking lot. The 9,000 square foot parcel currently has mixed commercial and residential uses. According

to Code Section 122-62(a) when a Conditional Use application accompanies a Major Development Plan, City Commission approval is required for both requests.

The property is located in the heart of the Historic Residential Commercial Core Gulf-Side (HRCC-1) zoning district and a bar and lounge use is allowed as a Conditional Use. This district incorporates the city's most-intensely vibrant tourist commercial entertainment center which is characterized by specialty shops, sidewalk-oriented restaurants, lounges and bars with live entertainment. Within the immediate vicinity of the proposed use are numerous similar open window bars. High intensity land use is common in the district and the proposed open window bar is typical of Green Street and the area.

Adjacent to the rear of the property on the other side of the parking lot are residential uses, Old City Hall is located to the west of the site. To mitigate potential noise issues, the applicant has amended the proposed landscape plan to include landscape buffering and stipulated on the site plan there will be no outdoor consumption. Additionally, the applicant has conducted a noise study which resulted in a professional noise mitigation plan. Attached to the noise study and adopted as a condition of approval as amended is a letter of recommendation for a sound control system drafted by The Audio Bug. As a condition of approval the applicant will have no live music, no outdoor speakers, and install a programmed sound distribution system consistent with that described in the Amended Noise Mitigation portion of this document and compliant with the "unreasonable noise" definition of the Code of Ordinances Section 26-191. Unreasonable noise means:

- (1) Any noise in or emanating from a commercial district which equals or exceeds a measured sound level of 75 dBA (maximum permitted sound level in decibels) collectively for more than 30 seconds of any measurement period which shall not be less than five minutes.
- (2) Any noise in or emanating from a residential district which equals or exceeds a measured sound of 75 dBA between 8:00 a.m. and 7:59 p.m. and 60 dBA from 8:00 p.m. to 7:59 a.m. (maximum permitted sound level in decibels) collectively for more than 30 seconds of any measurement period which shall not be less than five minutes.

Conditional Use approvals are based primarily on land use compatibility. After careful consideration, including neighborhood opinion and the applicant's willingness to address those concerns, the Planning Board, on the July 30, 2009 meeting, determined that the bar and lounge use was compatible with the area. The Planning Board resolution was based on seven (7) conditions of approval. Condition six (6) required a draft easement for an off-site dumpster location on the adjacent Simonton Street property be prepared before recommendation of approval to the City Commission. The draft easement was submitted, reviewed, and approved by the City Attorney's office. Condition seven (7)a, b, c, d, e, and f required several site plan modifications be made to the satisfaction of City staff also prior to forwarding a recommendation of approval to the City Commission. The site plan conditions were addressed and have met the satisfaction of City staff and are incorporated in this document as Modified Site Plans. Conditions one (1) through five (5)

parking spaces the plan includes six (6) parking spaces, a handicap parking space, and a bike rack. The redesign of the existing parking lot directs traffic flow one way from Ann Street thru the adjacent parking lot and exits onto Simonton Street. Additionally, the site has met stormwater and landscape requirements. As required by Code Section 108-511(b) the applicant hired a landscape architect who also redesigned the courtyard area and a sidewalk which promotes safe pedestrian friendly flow on to Ann Street and Old City Hall.

The applicant has met all development plan requirements as set forth in Chapter 122, Article III for Conditional Use applications and Chapter 108, Article II, Division 7 and Article III through Article IX for Major Development Plans and Chapter 94, Concurrency Management requirements.

Previous City Actions:

May 28, 2009	Development Review Committee Meeting
June 9, 2009	HARC Grants approval (H09-05-15-552)
July 30, 2009	Planning Board Meeting. Board recommends approval to the City Commission with conditions.
August 10, 2009	Tree Commission Meeting
September 1, 2009	City Commission Meeting.

Options / Advantages / Disadvantages:

Option 1. Approval of a **Conditional Use and Major Development Plan** application as approved by the Planning Board with the following **conditions**:

1. Tree Commission approval must be obtained prior to Building Permit issuance.
2. The applicant will donate the 1.0 Equivalent Single Family Unit associated with the single family residence to the City of Key West through the execution of a donation waiver.
3. The applicant will install and maintain a programmable distributive sound system consistent with that described in document prepared by The Audio Bug and updated on August 5, 2009, to assure compliance with the “unreasonable noise” definition of Section 26-191 of the Code of Ordinances, and ensure that a computerized sound monitoring system is installed and available to the city upon request.

4. There will be no live music, disc jockeys, or karaoke at the site unless approved under a special event permit per Section 6-86 of the City Code.

5. Security cameras will be provided on site and security personnel will be present during the hours of operation.

1. **Consistency with the City's Strategic Plan, Vision and Mission:**
This action is consistent with the City's Strategic Plan, Vision, and Mission.

2. **Financial Impact:** There is no direct financial impact to the City.

Option 2. To deny the Conditional Use and Major Development Plan application.

1. **Consistency with the City's Strategic Plan, Vision and Mission:**
The Conditional Use and Major Development Plan application with conditions is not inconsistent with the City's Strategic Plan, Vision, and Mission at the time of approval.

2. **Financial Impact:** There is no direct financial impact to the City.

RECOMMENDATION: Option 1

The Planning Department and Planning Board recommend **approval** to the City Commission for the proposed **Conditional Use for a bar and lounge and Major Development Plan** based on relevant conditions as follows:

1. Tree Commission approval must be obtained prior to Building Permit issuance.

2. The applicant will donate the 1.0 Equivalent Single Family Unit associated with the single family residence to the City of Key West through the execution of a donation waiver.

3. The applicant will install and maintain a programmable distributive sound system consistent with that described in document prepared by The Audio Bug and submitted on August 5, 2009, to assure compliance with the "unreasonable noise" definition of Section 26-191 of the Code of Ordinances, and ensure that a computerized sound monitoring system is installed and available to the city upon request.

4. There will be no live music, disc jockeys, or karaoke at the site unless approved under a special event permit per Section 6-86 of the City Code.

5. Security cameras will be provided on site and security personnel will be present during the hours of operation.

Resolution

Application Form

DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION
City of Key West Planning Department
604 Simonton Street, Key West, FL 33040
(305 -809-3720)



Development Plan & Conditional Use Application

(Applications will not be accepted until they are complete)

MAY - 1 2009

Development Plan

Major _____
Minor _____

Conditional Use

X

Historic District

Yes X
No _____

Please print or type and call the Planning Department if you have any questions.

- 1) Site Address 512 Greene St.
- 2) Name of Applicant Trepanier & Associates, Inc.
- 3) Applicant is: Owner _____ Authorized Representative X
(attached Authorization Form must be completed)
- 4) Address of Applicant 402 Appelrouth Lane
Key West, FL 33040
- 5) Applicant's Phone # 293-8983 Fax _____
- 6) Name of Owner, if different than above 512 Greene Street LLC
- 7) Address of Owner 1413 South Street, Key West FL 33040
- 8) Owner Phone # 305-712-0070 Fax _____
- 9) Zoning District of Parcel HRCC-1 RE# 00001170-000000
- 10) Is Subject Property located within the Historic District? Yes X No _____
If Yes: Date of approval 4/23/2009 HARC # H09-0417407
OR: Date of workshop _____ Date of expected approval _____
- 11) Description of Proposed Development and Use. Please be specific. List existing and proposed buildings and uses, number of dwelling units, parking, restaurant seats, vehicles proposed, etc. If there is more than one use, describe in detail the nature of each use. (Give concise description here and use a separate sheet if necessary)

Convert existing commercial floor area within the Parking Waiver Zone from retail, bar and restaurant to bar. Bring electrical, plumbing, and ADA up to Code. Reduce impervious surface and building coverage, increase landscaping and stormwater management, and improve existing parking.

DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION
City of Key West Planning Department
604 Simonton Street, Key West, FL 33040
(305) 809-3720



Required Plans and Related Materials

I. Existing Conditions.

- A. Recent Survey of the site by a licensed Surveyor showing all dimensions including distances from property lines with:
 - 1) Size of site; See Attached Survey
 - 2) Buildings, structures, and parking; See Attached Site Plan
 - 3) FEMA Flood Zones; See Attached Survey
 - 4) Topography; See Attached Survey
 - 5) Easements; and See Attached Survey
 - 6) Location of Utility Lines (sewer, water, electric, cable, and phone) adjacent and extending into the site.
- B) Existing size, type and location of trees, hedges, and other features. See Attached Landscape Plan
- C) Existing stormwater retention areas and drainage flows See Stormwater Plan
- D) A sketch showing adjacent land uses, buildings, and driveways. See Attached Survey

II. Proposed Development: Plans at 11" X 17" (10,000 Sq. ft. or less); 24" X 36" if site is over 10,000 sq. ft.

- A) Site Plan to scale with North arrow and dimensions by a licensed architect or engineer.
 - 1) Buildings See Attached Survey
 - 2) Setbacks See Attached Survey
 - 3) Parking: See Attached Survey/Site Plan
 - a. Number, location and size of automobile and bicycle spaces
 - b. Handicapped spaces
 - c. Curbs or wheel stops around landscaping
 - d. Type of pavement
 - 4) Driveway dimensions and material See Attached Survey
 - 5) Location of Utility Lines (sewer, water, electric, cable, and phone) adjacent and extending into the site.
 - 6) Signs See Attached Site Plan
 - 7) Project Statistics:
 - a. Zoning See Attached Survey
 - b. Size of site See Attached Site Plan
 - c. Number of units See Attached Site Plan
 - d. If non-residential, floor area & proposed floor area ratio See Attached Site Plan
 - e. Consumption area of restaurants & bars See Attached Site Plan
 - f. Open space area and open space ratio See Attached Site Plan
 - g. Impermeable surface area and impermeable surface ratio See Attached Site Plan
 - h. Number of automobile and bicycle spaces required and proposed See Attached Site Plan
- B) Building Elevations See Attached Elevation Drawings
 - 1) Drawings of the building from each direction
 - 2) Height of building
 - 3) Finished floor elevations and bottom of first horizontal structure
 - 4) Height of existing and proposed grades
- C) Drainage Plan: Existing & Proposed with retention areas and calculations See Stormwater Plan
- D) Landscape Plan: Size, type, location and number of plants to be removed, kept, and installed. See Landscape PI

- III. Solutions Statement.** Aspects of the design that address community issues including but not limited to water pollution from stormwater runoff, potable water conservation, waste disposal, energy conservation, affordable housing, and impacts on neighbors such as lighting, noise, traffic and parking.

Stormwater will be addressed by guttering, increasing pervious surface and landscaping, and adding swales. The bar will not be air conditioned which will improve energy consumption and reduce chlorofluorocarbon emissions. ADA bathrooms will be installed. The property is in the HRCC-1 and is surrounded by other bars, parking lots, and is in the core tourist area.

CONDITIONAL USE CRITERIA

Sec. 122-61. Purpose and Intent.

The purpose of this article is to ensure that a conditional use shall only be permitted on specific sites where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity. This article sets forth provisions and criteria for consideration of conditional uses on specific sites. Conditional uses shall be permitted only upon a finding that the proposed use satisfies this article.

Sec. 122-62. Specific criteria for approval.

- (a) Findings. A conditional use shall be permitted upon a finding by the planning board that the proposed use, application and, if applicable, development plan comply with the criteria specified in this section, including specific conditions established by the planning board and or the city commission during review of the respective application in order to ensure compliance with the comprehensive plan and land development regulations. If the proposed conditional use is a major development pursuant to sections 108-165 and 108-166, the city commission shall render the final determination pursuant to section 122-63. A conditional use shall be denied if the city determines that the proposed use does not meet the criteria provided in this section and, further, that the proposed conditional use is adverse to the public's interest. An application for a conditional use shall describe how the specific land use characteristics proposed meet the criteria described in subsection (c) of this section and shall include a description of any measures proposed to mitigate against possible adverse impacts of the proposed conditional use on properties in the immediate vicinity.
- (b) Characteristics of use described. The following characteristics of a proposed conditional use shall be clearly described as part of the conditional use application:
- (1) Scale and intensity of the proposed conditional use as measured by the following:

- a. Floor area ratio; Existing – .32, Proposed - .33
- b. Traffic generation: According to the Institute of Transportation Engineers Trip Generation Manual, 7th Edition there will be a trip reduction of at least 7.49 trips per 1,000 sq. ft. for peak traffic hour at the site as a result of this Conditional Use Approval.

Trip Generation ¹	Use	ITE Code	Weekday Eve.	Saturday	Sunday
Existing	Retail	814	6.84 trips	5.3 trips ²	4.1 trips ³
	Restaurant	931	7.49 trips	10.82 trips	8.38 trips
	Bar	936	15.49 trips	15.49 trips ⁴	15.49 trips
	Total		29.82 trips	31.61 trips	27.97 trips
Proposed	Bar	936	15.49 trips	15.49 trips	15.49 trips
	Retail	814	6.84 trips	5.3 trips ⁵	4.1 trips ⁶
	Total		22.33 trips	20.79 Trips	19.59 Trips⁴

- c. Square feet of enclosed building for each specific use; Proposed Bar Area– 1,757SF, Other Comm - 1,450SF
- d. Proposed employment; Estimated 5 employees
- e. Proposed number and type of service vehicles; No service vehicles are required for the conditional use
- f. Off-street parking needs f. Off-street parking needs: This parcel is located within the Parking Waiver zone. Therefore commercial floor area may change from one use to another without triggering any parking requirement

Existing:

Required: 1 space
Provided: 1 space

Proposed:

Required 3.6 spaces
Proposed: 8 spaces

¹ Peak Hour

² 814 has no peak hour studies for Saturday. Calculation based on average hourly trips (8hr day)

³ 814 has no peak hour studies for Sunday. Calculation based on average hourly trips (5hr day)

⁴ No ITE studies for Bars on Saturday or Sunday. We used the weekday numbers as a result.

⁵ 814 has no peak hour studies for Saturday. Calculation based on average hourly trips (8hr day)

⁶ 814 has no peak hour studies for Sunday. Calculation based on average hourly trips (5hr day)

- b. Public facilities, especially any improvements required to ensure compliance with concurrency management as provided in chapter 94; ADA will be brought up to Code
- c. Roadway or signalization improvements, or other similar improvements; Parking lot will be improved
- d. Accessory structures or facilities; Historic rear buildings will be restored pending HARC approval
- e. Other unique facilities/structures proposed as part of site improvements. A three-hole historic outhouse will be restored pending HARC approval

(3) On-site amenities proposed to enhance site and planned improvements. Amenities including mitigative techniques such as:

- a. Open space; Existing 9%, Proposed 17%
- b. Setbacks from adjacent properties; Setbacks will remain the same, please see Calculations Table attached
- c. Screening and buffers; Historic structures prevent mass buffering, property located in HRCC-1
- d. Landscaped berms proposed to mitigate against adverse impacts to adjacent sites; See Landscape Plan
- e. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts. Will use best management practices, property located in HRCC-1 and surrounded by parking lots, bars, and tourists

(c) Criteria for conditional use review and approval. Applications for a conditional use shall clearly demonstrate the following:

- (1) Land use compatibility. The applicant shall demonstrate that the conditional use, including its proposed scale and intensity, traffic-generating characteristics, and off-site impacts are compatible and harmonious with adjacent land use and will not adversely impact land use activities in the immediate vicinity.

The property is in the HRCC-1, there are bars located throughout this zoning district, and are located next to the property. There will be no increase in traffic generation.

- (2) Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use. The size and shape of the site, the proposed access and internal circulation, and the urban design enhancements must be adequate to accommodate the proposed scale and intensity of the conditional use requested. The site shall be of sufficient size to accommodate urban design amenities such as screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure (i.e., refer to chapter 94 to ensure concurrency management requirements are met) and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.

The size, use, and site specifications are adequate to accommodate a bar since there is existing commercial space present on the site. We are increasing landscaping and stormwater management, and decreasing impervious surface and building coverage to mitigate against any potential adverse impacts caused by the conditional use. (Although we don't foresee any)

- (3) Proper use of mitigative techniques. The applicant shall demonstrate that the conditional use and site plan have been designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.

The site plan takes public impacts into consideration by increasing walkable area on the corner of Ann Street and Greene Street. Also, an increase in stormwater management and landscaping will improve drainage in the area.

- (4) Hazardous waste. The proposed use shall not generate hazardous waste or require use of hazardous materials in its operation without use of city-approved mitigative techniques designed to prevent any adverse impact to the general health, safety and welfare. The plan shall provide for appropriate identification of hazardous waste and hazardous material and shall regulate its use, storage and transfer consistent with best management principles and practices. No use which generates hazardous waste or uses hazardous materials shall be located in the city unless the specific location is consistent with the comprehensive plan and land development regulations and does not adversely impact wellfields, aquifer recharge areas, or other conservation resources.

No Hazardous Waste will be generated by the conditional use.

- (5) Compliance with applicable laws and ordinances. A conditional use application shall demonstrate compliance with all applicable federal, state, county, and city laws and ordinances. Where permits are required from governmental agencies other than the city, these permits shall be obtained as a condition of approval. The city may affix other conditions to any approval of a conditional use in order to protect the public health, safety, and welfare.

All laws and ordinances will be followed.

- (6) Additional criteria applicable to specific land uses. Applicants for conditional use approval shall demonstrate that the proposed conditional use satisfies the following specific criteria designed to ensure against potential adverse impacts which may be associated with the proposed land use:

- a. Land uses within a conservation area. Land uses in conservation areas shall be reviewed with emphasis on compliance with section 108-1 and articles III, IV, V, VII and VIII of chapter 110 pertaining to environmental protection, especially compliance with criteria, including land use compatibility and mitigative measures related to wetland preservation, coastal resource impact analysis and shoreline protection, protection of marine life and fisheries, protection of flora and fauna, and floodplain protection. The size, scale and design of structures located within a conservation area shall be restricted in order to prevent and/or minimize adverse impacts on natural resources. Similarly, public uses should only be approved within a wetland or coastal high hazard area V zone when alternative upland locations are not feasible on an upland site outside the V zone.

We are investing in native landscaping practices that will promote the viability of native flora and fauna.

- b. Residential development. Residential development proposed as a conditional use shall be reviewed for land use compatibility based on compliance with divisions 2 through 14 of article IV and divisions 2 and 3 of article V of this chapter pertaining to zoning district regulations, including size and dimension regulations impacting setbacks, lot coverage, height, mass of building, building coverage, and open space criteria. Land use compatibility also shall be measured by appearance, design, and land use compatibility criteria established in chapter 102; articles III, IV and V of chapter 108; section 108-956; and article II of chapter 110; especially protection of historic resources; subdivision of land; access, internal circulation, and off-street parking; as well as possible required mitigative measures such as landscaping and site design amenities.

N/A

- c. Commercial or mixed use development. Commercial or mixed use development proposed as a conditional use shall be reviewed for land use compatibility based on compliance with divisions 2 through 14 of article IV and divisions 2 and 3 of article V of this chapter pertaining to zoning district regulations, including size and dimension regulations impacting floor area ratio, setbacks, lot coverage, height, mass of buildings, building coverage, and open space criteria. Land use compatibility also shall be measured by appearance, design, and land use compatibility criteria established in chapter 102; articles I, II, IV and V of chapter 108; section 108-956; and article II of chapter 110; especially protection of historic resources; subdivision of land; access, pedestrian access and circulation; internal vehicular circulation together with access and egress to the site, and off-street parking; as well as possible required mitigative measures such as landscaping, buffering, and other site design amenities. Where commercial or mixed use development is proposed as a conditional use adjacent to U.S. 1, the development shall be required to provide mitigative measures to avoid potential adverse impacts to traffic flow along the U.S. 1 corridor, including but not limited to restrictions on access from and egress to U.S. 1, providing for signalization, acceleration and deceleration lanes, and/or other appropriate mitigative measures.

The conditional use would follow historic guidelines and LDR's.

- d. Development within or adjacent to historic district. All development proposed as a conditional use within or adjacent to the historic district shall be reviewed based on applicable criteria stated in this section for residential, commercial, or mixed use development and shall also comply with appearance and design guidelines for historic structures and contributing structures and/or shall be required to provide special mitigative site and structural appearance and design attributes or amenities that reinforce the appearance, historic attributes, and amenities of structures within the historic district.

The project will follow all HARC guidelines and will obtain necessary HARC approvals.

- e. Public facilities or institutional development. Public facilities or other institutional development proposed as a conditional use shall be reviewed based on land use compatibility and design criteria established for commercial and mixed use development. In addition, the city shall analyze the proposed site location and design attributes relative to other available sites and the comparative merits of the proposed site, considering professionally accepted principles and standards for the design and location of similar community facilities and public infrastructure. The city shall also consider compliance with relevant comprehensive plan assessments of community facility and infrastructure needs and location impacts relative to service area deficiencies or improvement needs.

N/A

- f. Commercial structures, uses and related activities within tidal waters. The criteria for commercial structures, uses and related activities within tidal waters are as provided in section 122-1186.

N/A

- g. Adult entertainment establishments. The criteria for adult entertainment establishments are as provided in division 12 of article V of this chapter.

N/A



Issue	Permitted/ Required	Existing	Proposed	Compliance
Zoning	HRCC-1			
Site Size	9,827sq.ft.			
Floor Area Ratio	1.0	0.32	0.33	Complies
Parking	2.2 Spaces	Unkown*	8 Spaces	Complies (Improvement)
Building Coverage	50%	34%	33%	Complies (Improvement)
Impervious Surface	70%	91%	83%	Complies (Improvement)
Landscaping	10%	7%	17%	Complies (Improvement)
Front	0 ft.	.74 ft.	No Change	Complies
Right Side	2.5 ft.	.50 ft. over	No Change	Complies
Left Side	2.5 ft.	3.19 ft.	No Change	Complies
Rear	10 ft.	39 ft	No Change	Complies

* Existing parking is not up to code and cannot be distinguished how many spaces are present.

DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION

**City of Key West Planning Department
604 Simonton Street, Key West, FL 33040
(305-809-3720)**

Greene

- 12) Has subject Property received any variance(s)? Yes _____ No X

If Yes: Date of approval _____ Resolution # _____

Attach resolution(s).

- 13) Are there any easements, deed restrictions or other encumbrances on the subject property?

Yes _____ No X If Yes, describe and attach relevant documents.

- 14) A. For *Conditional Uses and Development Plans*, provide the information requested on the attached **Conditional Use and Development Plan** sheet.
B. For *Conditional Uses*, include also the **Conditional Use Criteria** required under Chapter 122, Article III, Sections 122.61 and 122.62 of the Land Development Regulations (copy attached).
C. For *Major Development Plans*, provide also the additional information requested on the **Development Plan Submission Materials** (Sections 108.226 through 108.232 of the Land Development Regulations, copy attached) and other information as determined by the Planning Staff.

Please note, development plan and conditional use approvals are quasi-judicial hearings and it is improper to speak to a Planning Board member or City Commissioner about the project outside of the hearing.

Verification

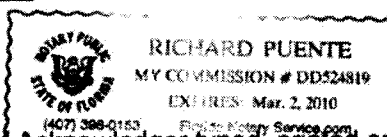
1. Daniel R. Strosnider, Tripanier & Associates, Inc.
(please print), being duly sworn, depose and say
Name of Applicant

that I am (check one) the owner _____ / owner(s) legal representative X of the property which is the subject matter of this application. All of the answers to the above questions, drawings, plans and any other attached data to this application, are true and correct to the best of my knowledge and belief and that if not true or correct, are grounds for revocation of any action reliant on said information.

[Signature]
Signature of Applicant

Subscribed and sworn to (or affirmed) before me on April 29 2009 (date) by Daniel Strosnider (name of affiant, deponent or other signer) He/She is personally known to me or has presented _____ as identification.

Richard Puente
Notary's Signature and Seal



Richard Puente Name of Acknowledger typed, printed or stamped

Notary Title or Rank DD 524819 Commission Number

Authorization Form

Letter of Authorization



512 Greene Street, LLC
I, Peter Brawn, Manager Member, authorize
Please Print Name(s) of Owner(s)

Trepanier & Associates, Inc. to be the representative for this application and act

on my/our behalf.

Peter Brawn, Manager Member of 512 Greene Street, LLC, by
and through Robert E. Kelly Jr., his attorney in fact

Signature of Owner

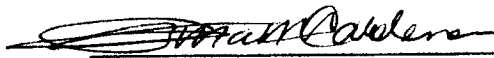
Signature of Joint/Co-owner if applicable

Subscribed and sworn to (or affirmed) before me on _____ (date) by
Peter Brawn, Manager Member of 512 Greene Street, LLC, by
and through Robert E. Kelly, Jr., his attorney in fact

Please print name

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

as identification.


Notary Signature & Seal

My commission expires 10.23.12
date

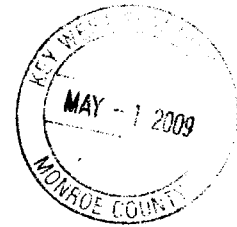
Susan M. Cardenas Name of Acknowledger printed or stamped

Notary Public Title or Rank

Commission Number, if any



LIMITED POWER OF ATTORNEY



STATE OF FLORIDA:
COUNTY OF MONROE:

I, PETER N. BRAWN, of Key West, Monroe County, Florida, and being eighteen years of age or older, (hereinafter referred to as "Principal") have this date made, constituted, and appointed, and by this document do make, constitute and appoint, ROBERT E. KELLY, JR., of Key West, Monroe County, Florida, my true and lawful attorney-in-fact (hereinafter referred to as "Attorney-in-Fact"), for me and in my name, place and stead, to sign all documents as he shall deem proper, including but not limited to the execution of any and all documents, contracts, permit applications, utility service applications, affidavits, and such other documents required specifically for the maintenance, management, and improvement of those certain real properties located in Monroe County, Florida as are owned by me, or by companies controlled by me, including, but not limited to the following parcels of real property:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- 512 Greene Street, Key West, Florida
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

The above-referenced parcels of real property, and any additional parcels of real property acquired by me, or by a company controlled by me, shall be referred to herein as the "Properties."

I hereby authorize my attorney-in-fact to take all actions as may be necessary or appropriate for the maintenance, management, and improvement of the Properties, as fully and as effectively as if made or done by me personally, including, but not limited to the authority to perform the following:

1. Collect, receive, and issue receipts for any and all sums of money or payments due, or to become due to me or my companies;
2. Initiate, defend, continue, or settle legal actions in my name and on my behalf, for recovery of any and all sums of money or payments due, or to become due to me or my companies, and to collect on any judgments recovered by me or my companies, and execute satisfactions of the same;

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3. Hire or discharge (with or without cause) employees including, but not limited to, attorneys, accountants, and domestics;

4. Deposit to, withdraw from, or draw checks or drafts upon, any and all savings or checking accounts, money market funds, or any other type of account in my name or in the name of one of my companies; and to open any new accounts in my name or in the name of one of my companies, in any bank or financial institution, or with any insurance or brokerage firm; and to endorse my name to any and all negotiable instruments;

5. Pay any and all bills, accounts, claims, and demands now or hereafter payable by me or payable on behalf of one of my companies;

6. Receive and endorse for deposit in any account, any payments that I receive from any branch or department of the United States or other government, including without limitation, Social Security payments, Veterans Administration payments or grants, Medicare or Medicaid payments, and tax refunds;

7. Receive and open my mail, change my mailing address, and otherwise represent me in any matter concerning the U.S. Postal Service;

8. Manage all assets and properties belonging to me, or in which I have any interest, and to expend whatever funds my Attorney-in-Fact deems proper for the preservation, maintenance, or improvement of those assets or properties;

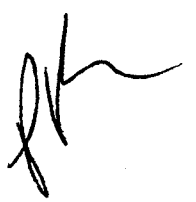
9. Compromise, arbitrate, or otherwise adjust claims in favor of or against me or any assets or entity in which I have an interest, and to agree to any rescission or modification of any contract or agreement;

10. Participate in any type of liquidation or reorganization of any enterprise on my behalf or on behalf of one of my companies;

12. Exercise all rights and options, or empower another to exercise those rights and options, concerning sole proprietorships, general or limited partnerships, joint ventures, business trusts, land trusts, limited liability companies, and other domestic and foreign forms of organizations;

13. Buy, sell, exchange, lease, convey, and grant options with respect to any real or personal property, and to negotiate for and to enter into contracts and agreements of every nature, concerning real or personal property, including homestead or exempt property. Any such contract, agreement, or lease will be valid and binding for its full term even if it extends beyond my lifetime or the duration of this power of attorney;

14. Transact all business, make, execute and acknowledge all contracts, orders, deeds, bills of sale, assurances, promissory notes, mortgages, and other instruments of any nature which may be requisite or proper to effectuate any

A handwritten signature in black ink, appearing to be 'JH' or similar, located at the bottom right of the page.

matter or things pertaining to or belonging to me, or one of my companies;

15. Terminate any charge or credit account;
16. Enter into any safe deposit box for which I am a lessee and add or remove items;
17. Demand, obtain, review, and release to others, documents protected by attorney-client privilege, or any similar privilege;

All powers and authorities hereby granted may be exercised by my said Attorney-in-Fact acting alone without the joinder of any other person. The Attorney-in-Fact named herein shall not be obligated to furnish a bond or other security. Any authority granted to my Attorney-in-Fact herein shall be limited so as to be taxed on my income, and from causing my estate to be subject to a general power of appointment by my Attorney-in-Fact, as that term is defined in Section 2401 of the Internal Revenue Code.

I hereby ratify and confirm all that my Attorney-in-Fact, or his/her successors, shall lawfully do or cause to be done by virtue of this power of attorney, and the rights, powers and authority granted herein.

I hereby authorize my Attorney-in-Fact to hold harmless, any third party, or his/her successors and assigns who accepts and acts under this power of attorney against any and all claims, liabilities, demands, losses, damages, and/or actions; and to indemnify any third party, or his/her successors and assigns, against any claims, liabilities, demands, losses, damages, and/or actions which said third party, may sustain or incur in connection with his/her reliance upon the authority represented in this power of attorney.

THIS POWER OF ATTORNEY IS NOT AFFECTED BY SUBSEQUENT INCAPACITY OF THE PRINCIPAL, EXCEPT AS PROVIDED IN SECTION 709.08 FLORIDA STATUTES.

This power of attorney, and the powers herein granted may be revoked only by: (i) my death, or (ii) an instrument in writing, duly executed and acknowledged by me. It is my intention that any person or any firm, corporation, joint venture, association, or other legal entity of any kind or character dealing with my said Attorney-in-Fact shall be entitled to rely on the provisions of this paragraph in determining whether or not this power of attorney has been revoked, and I hereby represent to those dealing with my said Attorney-in-Fact, that they are, in fact, entitled to rely upon the terms and provisions of this paragraph in determining whether this power of attorney has been revoked.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of MARCH, 2009.

Signed, sealed and delivered in the presence of:



Elizabeth A. Hendey
Signature of Witness
Elizabeth A. Hendey
Printed Name of Witness

PRINCIPAL:
PETER N. BRAWN
PETER N. BRAWN



Cindy Sauter
Signature of Witness
Cindy Sauter
Printed Name of Witness

SIGNATURE OF ATTORNEY-IN-FACT:

Robert E. Kelly, Jr.
ROBERT E. KELLY, JR.

STATE OF FLORIDA:
COUNTY OF MONROE:

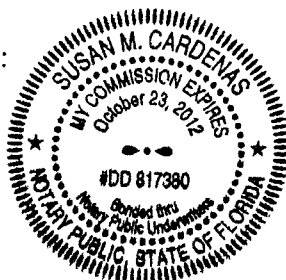
I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, PETER N. BRAWN, who is personally known to me to be the individual described in and who executed the foregoing instrument, or who produced _____, as identification, and he acknowledged before me that he executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal at Key West, County of Monroe, and State of Florida, this 9th day of March, 2009.

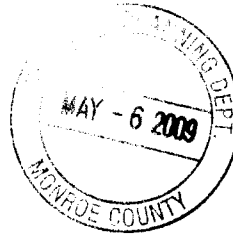
Susan M. Cardenas
Printed Name of Notary

~~Susan M. Cardenas~~
NOTARY PUBLIC

My Commission Expires:



MEMORANDUM



TREPANIER



Date: 05/04/2009
To: Mrs. Amy Kimball-Murley, AICP, Planning Director
From: Sarah Davis, Planner
CC: Mr. Owen Trepanier
Re: **Concurrency Analysis**
512 Greene Street

& ASSOCIATES INC
LAND USE PLANNING
DEVELOPMENT CONSULTANTS

The City's Comprehensive Plan Objective 9-1.5 directs the City to ensure that facilities and services needed to support development are available concurrent with the impacts of new development.

The following specific issues are outlined:

1. Potable Water & Sanitary Sewer
2. Solid Waste
3. Drainage
4. Roads/Trip Generation

The following concurrency analysis reflects the proposed bar and retail area to be located at 515 Greene Street. Currently this parcel contains retail area, a bar and a restaurant. Since this project is nonresidential, the parcel's area of 9837.87 square feet or .225846 acres will be used to determine service levels.

- 1. Potable Water & Sanitary Sewer** "Planned improvements in potable water and/or wastewater systems required to establish and/or maintain adopted water and wastewater levels of service. System improvements and proposed funding resources required for implementing any improvements required to establish and/or maintain adopted potable water and wastewater system level of service standards¹:"

Potable Water. Sec. 94-68 sets the level of service for nonresidential potable water at 650 gal/acre/day. Utilizing this level of service standard:

- i) The total capacity required for the current **0.225846 acre** parcel is:

$$650 \text{ gal/acre/day} \times 0.225846 \text{ acres} = 146.8 \text{ gal/day}$$

- ii) The total capacity required for the proposed project on **0.225846 acres** is:

$$650 \text{ gal/acre/day} \times 0.225846 \text{ acres} = 146.8 \text{ gal/day}$$

¹ The City of Key West's Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues.

The size of the lot is unchanged and therefore the amount of potable water used is not being increased or decreased.

FCAA has obtained all necessary permits and is in the process of constructing facilities on the mainland in Florida City to expand water supply for the Florida Keys. This permitted and under construction improvement will enable FCAA to provide over 23 MGD by July 2010, which will provide sufficient capacity through 2022². Once operational in 2010, a permitted expansion of the R.O. plant will provide 6.0 MGD, which combined with the 17.0 MGD permitted withdrawal from the Biscayne Aquifer, will increase available water supply to 23 MGD for the Florida Keys.

Expanded Florida City R.O. Plant. The Department of Health issued Permit # 150092-007-wc/04 (Exhibit I) on November 14, 2006 to allow for the construction of an expanded reverse osmosis (R.O.) water plant in Florida City. The expanded water plant will be designed to treat blended Floridian Aquifer water as an alternative water source to the Biscayne Aquifer. The permit design capacity of the expanded R.O. plant is 6 MGD.

Revised Water Use Permit. The SFWMD issued revised Water Use Permit (WUP) #13-00005-W (Exhibit II) on March 26, 2008, which recognizes the additional blended Floridian Aquifer capacity that will be provided by the expanded R.O. plant. Interim Water Use Allocations in the WUP permit provide FCAA with an allocation of 17.00 MGD (dry season) and 17.79 GPD (wet season) which may be withdrawn from the Biscayne Aquifer and allows FCAA to utilize the Stock Island and Marathon Reverse Osmosis plants for any demands exceeding the interim withdrawal limit, pending completion of the R.O. plant in Florida City. The Stock Island and Marathon R.O. plants have a combined capacity of 3.0 MGD providing an interim WUP water supply of 20.0 MGD during the dry season if needed. Once operational in 2010, the R.O. plant will provide an additional 6.0 MGD, which when combined with the 17.0 MGD permitted withdrawal from the Biscayne Aquifer, will increase available water supply to 23 MGD for the Florida Keys.

The interim allocation of 20 MGD (7,300 MG/year) through 2010 and 23 MGD after 2010 provides ample water supply to support the adopted amendment and allocated growth well beyond 10 years. The "Monroe County 2007 Annual Public Facilities Report" documents historic water use in the Florida Keys. Water demand has fluctuated significantly on an annual basis, however when evaluated over a ten-year period, the data shows an increase in water demand of more than 1 billion gallons over the last 10 years with an annual average increase of approximately 104 MG/year. This increase in demand can be shown in the following calculation:

1996 annual water demand = 5,272 MG /year

2006 annual water demand = 6,310 MG /year

Average Annual Increase = $(6,310 \text{ MG} - 5,272 \text{ MG}) / 10 = 103.8 \text{ MG /year}$

² Excerpt from Analysis by Kenneth B. Metcalf, AICP, (Greenberg Traurig, P.A.), August 22, 2008.

Based on the average annual increase of 103.8 MG per year, the interim allocation would be sufficient for an additional 9.5 years of growth beyond 2006 or through 2015 until demand reaches the interim permitted withdrawal of 20 MGD (7,300 MG/year). Upon completion of the Florida City facilities, the 23 MGD allocation would be available to support yet another 9.5 years of growth. Based on these findings, sufficient permitted water supply is available to meet the needs of the Florida Keys through 2024.

Improvements Schedule/Status. Condition 30 of the WUP provides the following time schedule for construction of the R.O. plant and the associated Floridian deep wells that will provide 23 MGD of capacity through 2024:

- DEP Underground Injection and Control permit was obtained on May 21, 2008.
- Construction contracts were required within 180 days or by November 21, 2008;
- Testing is required within one year and 30 days from issuance of the permit or by June 21, 2009.
- The R.O. plant construction is scheduled for completion by December 31, 2009 and the R.O. plant will be operational no later than 2 years and 60 days from the issuance of the DEP permit or by July 21, 2010.

Sanitary Sewer

Sec. 94-67 sets the level of service for nonresidential sanitary sewer at 660 gal/acre/day.

Utilizing this level of service standard;

- i) the total capacity required for the current **0.225846 acre** parcel is:
$$660 \text{ gal/acre/day} \times 0.225846 \text{ acres} = 149 \text{ gal/day}$$
- ii) the total capacity required for the proposed project on **0.225846 acres** is:
$$660 \text{ gal/acre/day} \times 0.225846 \text{ acres} = 149 \text{ gal/day}$$

The current wastewater treatment plant has the potential treatment capacity of 10 million gallons per day. Only 4.8 million gallons per day of capacity are currently utilized. The current plant has more than enough capacity to continue to supply service to this project's needs.

- 2. Solid Waste-** "Projected demand generated by the development on the solid waste disposal system and assurances that the City's adopted level of service for solid waste disposal shall not be adversely impacted³:"

³ The City of Key West's Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues.

Sec. 94-71 sets the level of service for nonresidential solid waste disposal (1994-2010) at 6.37 lb/capita/day⁴.

- i) the total capacity required for the current **9 employees** is:

$$6.37 \text{ lb/capita/day} \times 9 \text{ employees} = 57.33 \text{ lb/day}$$

- ii) the total capacity required for the proposed **5 employees** is:

$$6.37 \text{ lb/capita/day} \times 5 \text{ employees} = 31.85 \text{ lb/day}$$

Due to the elimination of the restaurant use, the number of employees and thus their solid waste disposal will be decreased by 25.48 lb/day.

3. Drainage - "Conceptual plan for accommodating storm water run-off and demonstrated evidence that the proposed drainage improvements shall accommodate storm water run-off without adversely impacting natural systems or the City's adopted level of service for storm drainage⁵:"

- A. Post-development run-off shall not exceed the pre-development run-off rate for a 25-year storm event, up to and including an event with 24 hour duration. **Impervious surface will be decreased and Best Management Practices (BMPs) will be followed as such, the building will be guttered and directed into onsite swales.**

- B. Storm water treatment and disposal facilities shall be designed to meet the design and performance standards established in Chapter 17-25, Section 25.025, FAC, with treatment of the run-off from the first one inch of rainfall on-site to meet the water quality standards required by Chapter 17-302, Section 17-302.500, FAC. **Impervious surface will be decreased and BMPs will be followed as such, the building will be guttered and directed into onsite swales.** Storm water facilities which directly discharge into Outstanding Florida Waters ("OFW") shall provide an additional treatment pursuant to Section 17-25.025 (9), FAC. The first inch of runoff from the site will be treated on site. A 50% credit on the runoff amount will be taken if dry retention systems are used. **No direct discharge into OFW will occur.**

- C. Storm water facilities must be designed so as to not degrade the receiving water body below the minimum conditions necessary to assure the suitability of water for the designated use of its classification as established in Chapter 17-302, FAC. **No direct discharge into a water body will occur.**

4. Roads/Trip Generation- "Estimated trips for the peak hour generated by the proposed land use(s) together with anticipated on- and off-site improvements necessitated to accommodate the traffic impacts generated by the development including, additional R/W, roadway improvements, additional paved laneage, traffic

⁴ For these calculations, we chose to use the number of employees to represent the "capita."

⁵ Ibid.

signalization, proposed methods for controlling access and egress, and other similar improvements⁶:"

For the purposes of calculating traffic generation we used the Institute of Transportation Engineer's 7th Edition Trip Generation Volumes. There will be a trip reduction of at least 7.49 trips per 1,000 sq. ft. for peak traffic hour at the site as result of this Conditional Use Approval.

Existing:

Land Use	Weekday Trips	Saturday Trips	Sunday Trips
Retail (814)	6.84	5.3	4.1
Restaurant (931)	7.49	10.82	8.38
Bar (936)	15.49	15.49	15.49
Total Trips for current parcel	29.82	31.61	27.97

Proposed:

Land Use	Weekday Trips	Saturday Trips	Sunday Trips
Retail (814)	6.84	5.3	4.1
Bar (936)	15.49	15.49	15.49
Total Trips for proposed uses	22.33	20.79	19.59

As the table above explains, there is a 7.49 trip decrease in traffic generation due to the change in use. This project is located on Greene Street. Greene Street is no constrained according to City of Key West Code Section 94-72. There is onsite parking which is accessed by Ann Street (also not identified as constrained). All requirements including proposed methods for controlling ingress, egress, and providing onsite bicycle, scooter and vehicular parking and other road/trip generation improvements are met and reflected in the site plans for the proposed project.

⁶ The City of Key West's Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues

Exhibits

Exhibit I – Department of Health Permit #150092-007-wc/04

Exhibit II – Water Use Permit (WUP) #13-00005-W

Exhibit III – Map of the City of Key West's Existing Recreation Services

May 6, 2009

Exhibit I

Department of Health Permit #150092-007-wc/04



Jeb Bush
Governor

M. Rony François, M.D., M.S.P.H., Ph.D.
Secretary

Lillian Rivera, RN, MSN, Administrator

PERMITTEE:

Florida Keys Aqueduct Authority (FKAA)
C/o Ray M. Shimokubo
PO BOX 1239, Kennedy Drive
Key West, Florida 33041-1239

PERMIT No: 150092-007-WC/04
DATE OF ISSUE: November 14, 2006
EXPIRATION DATE: November 13, 2011
COUNTY: MIAMI-DADE COUNTY
LAT./LONG.: 25°26'25" N / 80°30'33" W
SECTION/TOWNSHIP/RANGE:
PROJECT: Reverse Osmosis (RO) Expansion
Facility, 6.0 MGD Permeate production with
blending options at FKAA J.Robert Dean WTP
Florida City, Dade County

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rule 62-4, 62-550, 62-555 & 62-560. The above named permittee is hereby authorized to perform the work shown on the application, technical specifications approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

TO CONSTRUCT: A Reverse Osmosis, (RO) treatment facility with a permeate capacity of up to 6 Million Gallons per Day, (MGD) produced from Phase I, consisting of three (3) 1.5 MGD trains or Phase II, consisting of an additional 1.5 MGD or four (4) 1.5 MGD trains. The RO facility will be fully integrated with the existing lime softening plant.

There will be the option of bypassing a limited amount of pretreated Floridan aquifer water and blending it with RU permeate thus adding alkalinity to the product water and increasing the overall plant "net" recovery. The RO system product water (degasified permeate/blended permeate) will be combined (blended) with existing lime softening plant product and a limited amount of cartridge-filtered Biscayne Aquifer RO bypass water. The blended product water will receive chemical addition and be transferred to existing finished water storage facilities and pumped to distribution with existing high service pumps.

The water treatment plant construction permit application is for 6 MGD RO permeate capacity plus up to 3 MGD cartridge filtered Biscayne Aquifer blend flow and up to 0.576 MGD (400 gpm) pretreated Floridan Aquifer feed water bypass (which blends with RO permeate), and up to 0.7 MGD Floridan Aquifer water which blends with the existing lime softening facility influent Biscayne Aquifer water. The full operation of all the above described facility units could raise the Possible Facility Output Capacity to greater than 23.8 MGD existing permissible, plus 6.0 MGD covered under this permit application.

No other facilities or new wells are part of this permit.

TO SERVE: The Florida Keys Water Distribution System, Monroe County, Florida.



Samir Elmir, M.S., P.E., DEE, Division Director
Miami-Dade County Health Department
Environmental Health and Engineering
1725 N. W. 167th Street, Miami, Florida 33056
Tel: (305) 623-3500 Fax: (305) 623-3502
Email: Samir_elmir@doh.state.fl.us
Website: www.dadehealth.org

"A"

PERMIT NO: 150092-007-WC/04

PERMIT ISSUE DATE: November 14, 2006

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
 - (a) Have access to and copy any records that must be kept under conditions of the permit;
 - (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and

PERMIT NO: 150092-007-WC/04

PERMIT ISSUE DATE: November 14, 2006

- (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

- (a) A description of and cause of noncompliance; and
- (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence if the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Section 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.

11. This permit is transferable only upon Department approval in accordance with Rule 62-4.120 and 62-30.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

12. This permit or a copy thereof shall be kept at the work site of the permitted activity.

13. This permit also constitutes:

- (X) Determination of Best Available Control Technology (BACT)
- () Determination of Prevention of Significant Deterioration (PSD)
- () Certification of compliance with state Water Quality Standards (Section 401, PL 92-500)
- () Compliance with New Source Performance Standards

PERMIT NO: 150092-007-WC/04

PERMIT ISSUE DATE: November 14, 2006

14. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law, which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

SPECIFIC CONDITIONS:

1. The applicant is responsible for retaining the engineer of record in the application for supervision of the construction of this project and upon completion, the engineer shall inspect for complete conformity to the plans and specifications as approved.

2. All concrete coatings/admixtures, liners, grouts, hoses, tubings, and protective paints and coatings shall be listed by the National Sanitation Foundation as acceptable for contact with potable water.

3. Bacteriological points depicted on the plans may be modified with Department consent to meet convenient locations where taps would be inserted in the Main for Fire, Metering, Air Release or other connections but not less than 900 foot intervals for new mains. "Additionally, each part or system module shall be Bacteriologically cleared with 2 consecutive days of sampling before being placed in service as well as the final stream going to storage and subsequent service.

4. The Applicant or his designee shall notify The Department at the local DOH office of the start of the study/construction for purposes of allowing Department Personnel to observe the actual process.

5. The owner or permittee is advised that approval is given to the functional aspects of this project on the basis of representation, and data furnished to this division. There may be County, Municipal or other Local Regulations to be complied with by the owner or permittee prior to construction of the facilities represented by the plans referred to above.

6. This construction permit is issued with the understanding that pipe material and appurtenances used in this installation will be in accordance with the latest applicable AWWA & NSF Standards for public water supplies.

7. The applicant Public Water System as a condition of this permit is hereby advised they shall revert to (2) two-six Month periods of standard monitoring for Lead and Copper upon issuance of Clearance to put the facilities into service. If no Lead or Copper exceedance occurs within the 2-6 Month periods, the System may return to annual monitoring.

PERMIT NO: 150092-007-WC/04

PERMIT ISSUE DATE: November 14, 2006

8. Prior to placing a system into service, the applicant shall submit to the Department, if requested, one set of record drawings of the completed project with completed form DEP 62.555.910(9) [Certification of Construction Completion and Request for a Letter of Clearance to Place a Public Drinking water facility into Service] signed by the engineer of record. Drawings are to be at the same scale and in the same sequence as those submitted and approved for permit. Deviations from the original permitted drawings are to be highlighted and/or noted for the Department's review. Include with the DEP form the bacteriological clearance data, pressure test results and backflow inspection certification (if applicable).

Issued this 30th day of November 2006

STATE OF FLORIDA
DEPARTMENT OF HEALTH

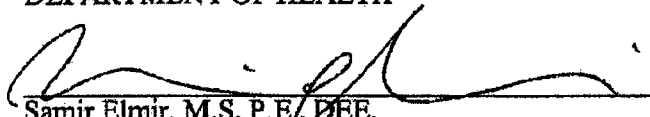

Samir Elmir, M.S., P.E., D.E.E.,
Division Director

Exhibit II

Water Use Permit (WUP) #13-00005-W



FORM 10299
Rev. 5/93

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
WATER USE PERMIT NO. RE-ISSUE 13-00005-W
(NON - ASSIGNABLE)**

Date Issued: 13-MAR-2008

Expiration Date: March 13, 2028

Authorizing: THE CONTINUATION OF AN EXISTING USE OF GROUND WATER FROM THE BISCAYNE AQUIFER AND FLORIDAN AQUIFER SYSTEM FOR PUBLIC WATER SUPPLY USE WITH AN ANNUAL ALLOCATION OF 8750.84 MILLION GALLONS.

Located In: Miami-Dade County, S26/T57S/R38E

Issued To: FLORIDA KEYS AQUEDUCT AUTHORITY FKA
(FLORIDA KEYS AQUEDUCT AUTHORITY)
1100 KENNEDY DR
KEY WEST, FL 33401

This Permit is issued pursuant to Application No.050329-23 , dated March 29, 2005, for the Use of Water as specified above and subject to the Special Conditions set forth below. Permittee agrees to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities which may arise by reason of the construction, maintenance or use of activities authorized by this permit. Said application, including all plan and specifications attached thereto, is by reference made a part hereof.

Upon written notice to the permittee, this permit may be temporarily modified, or restricted under a Declaration of Water Shortage or a Declaration of Emergency due to Water Shortage in accordance with provisions of Chapter 373, Fla. Statutes, and applicable rules and regulations of the South Florida Water Management District.

This Permit may be permanently or temporarily revoked, in whole or in part, for the violation of the conditions of the permit or for the violation of any provision of the Water Resources Act and regulations thereunder.

This Permit does not convey to the permittee any property rights nor any privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation, or requirement affecting the rights of other bodies or agencies.

Limiting Conditions are as follows:

SEE PAGES 2 - 7 OF 7 (35 LIMITING CONDITIONS).

South Florida Water Management
District, by its Governing Board

On March 13, 2008
By [Signature]
Deputy Clerk

LIMITING CONDITIONS

1. This permit shall expire on March 13, 2028.
2. Application for a permit modification may be made at any time.
3. Water use classification:

Public water supply

4. Source classification is:

Ground Water from:
Biscayne Aquifer
Floridan Aquifer System

5. Annual allocation shall not exceed 8751 MG.

Maximum monthly allocation shall not exceed 809.0088 MG.

The following limitations to annual withdrawals from specific sources are stipulated:

Biscayne Aquifer-: 6,492 MG.

6. Pursuant to Rule 40E-1.6105, F.A.C., Notification of Transfer of Interest in Real Property, within 30 days of any transfer of interest or control of the real property at which any permitted facility, system, consumptive use, or activity is located, the permittee must notify the District, in writing, of the transfer giving the name and address of the new owner or person in control and providing a copy of the instrument effectuating the transfer, as set forth in Rule 40E-1.6107, F.A.C.

Pursuant to Rule 40E-1.6107 (4), until transfer is approved by the District, the permittee shall be liable for compliance with the permit. The permittee transferring the permit shall remain liable for all actions that are required as well as all violations of the permit which occurred prior to the transfer of the permit.

Failure to comply with this or any other condition of this permit constitutes a violation and pursuant to Rule 40E-1.609, Suspension, Revocation and Modification of Permits, the District may suspend or revoke the permit.

This Permit is issued to:

Florida Keys Aqueduct Authority
1100 Kennedy Drive
Key West, Florida 33401

7. Withdrawal facilities:

Ground Water - Existing:

- 2 - 24" X 60' X 2000 GPM Wells Cased To 35 Feet
- 3 - 24" X 56' X 2000 GPM Wells Cased To 36 Feet
- 1 - 20" X 60' X 2100 GPM Well Cased To 20 Feet
- 2 - 24" X 57' X 2000 GPM Wells Cased To 37 Feet
- 1 - 24" X 60' X 1400 GPM Well Cased To 24 Feet
- 1 - 20" X 1300' X 2000 GPM Well Cased To 880 Feet
- 1 - 24" X 60' X 1400 GPM Well Cased To 20 Feet

Ground Water - Proposed:

4 - 17" X 1300' X 2000 GPM Wells Cased To 880 Feet

8. Permittee shall mitigate interference with existing legal uses that was caused in whole or in part by the permittee's withdrawals, consistent with the approved mitigation plan. As necessary to offset the interference, mitigation will include pumpage reduction, replacement of the impacted individual's equipment, relocation of wells, change in withdrawal source, or other means.

Interference to an existing legal use is defined as an impact that occurs under hydrologic conditions equal to or less severe than a 1 in 10 year drought event that results in the:

(1) Inability to withdraw water consistent with provisions of the permit, such as when remedial structural or operational actions not materially authorized by existing permits must be taken to address the interference; or

(2) Change in the quality of water pursuant to primary State Drinking Water Standards to the extent that the water can no longer be used for its authorized purpose, or such change is imminent.

9. Permittee shall mitigate harm to existing off-site land uses caused by the permittee's withdrawals, as determined through reference to the conditions for permit issuance. When harm occurs, or is imminent, the District will require the permittee to modify withdrawal rates or mitigate the harm. Harm caused by withdrawals, as determined through reference to the conditions for permit issuance, includes:

(1) Significant reduction in water levels on the property to the extent that the designed function of the water body and related surface water management improvements are damaged, not including aesthetic values. The designed function of a water body is identified in the original permit or other governmental authorization issued for the construction of the water body. In cases where a permit was not required, the designed function shall be determined based on the purpose for the original construction of the water body (e.g. fill for construction, mining, drainage canal, etc.)

(2) Damage to agriculture, including damage resulting from reduction in soil moisture resulting from consumptive use; or

(3) Land collapse or subsidence caused by reduction in water levels associated with consumptive use.

10. Permittee shall mitigate harm to the natural resources caused by the permittee's withdrawals, as determined through reference to the conditions for permit issuance. When harm occurs, or is imminent, the District will require the permittee to modify withdrawal rates or mitigate the harm. Harm, as determined through reference to the conditions for permit issuance includes:

(1) Reduction in ground or surface water levels that results in harmful lateral movement of the fresh water/salt water interface,

(2) Reduction in water levels that harm the hydroperiod of wetlands,

(3) Significant reduction in water levels or hydroperiod in a naturally occurring water body such as a lake or pond,

(4) Harmful movement of contaminants in violation of state water quality standards, or

(5) Harm to the natural system including damage to habitat for rare or endangered species.

11. If any condition of the permit is violated, the permit shall be subject to review and possible modification, enforcement action, or revocation.

12. Authorized representatives of the District shall be permitted to enter, inspect, and observe the permitted system to determine compliance with special conditions.
13. The Permittee is advised that this permit does not relieve any person from the requirement to obtain all necessary federal, state, local and special district authorizations.
14. The permit does not convey any property right to the Permittee, nor any rights and privileges other than those specified in the Permit and Chapter 40E-2, Florida Administrative Code.
15. Permittee shall submit all data as required by the implementation schedule for each of the limiting conditions to: S.F.W.M.D., Supervising Hydrogeologist - Post-Permit Compliance, Water Use Regulation Dept. (4320), P.O. Box 24680, West Palm Beach, FL 33416-4680.
16. In the event of a declared water shortage, water withdrawal reductions will be ordered by the District in accordance with the Water Shortage Plan, Chapter 40E-21, F.A.C. The Permittee is advised that during a water shortage, pumpage reports shall be submitted as required by Chapter 40E-21, F.A.C.
17. Prior to the use of any proposed water withdrawal facility authorized under this permit, unless otherwise specified, the Permittee shall equip each facility with a District-approved operating water use accounting system and submit a report of calibration to the District, pursuant to Section 4.1, Basis of Review for Water Use Permit Applications.

In addition, the Permittee shall submit a report of recalibration for the water use accounting system for each water withdrawal facility (existing and proposed) authorized under this permit every five years from each previous calibration, continuing at five-year increments.

18. Monthly withdrawals for each withdrawal facility shall be submitted to the District quarterly. The water accounting method and means of calibration shall be stated on each report.
19. The Permittee shall notify the District within 30 days of any change in service area boundary. If the Permittee will not serve a new demand within the service area for which the annual allocation was calculated, the annual allocation may then be subject to modification and reduction.
20. Permittee shall implement the following wellfield operating plan:
The Biscayne Aquifer wellfield shall be operated according to the restrictions outlined in Limiting Conditions 5, 25, 26, and 27 of this permit. Upon completion and operation of the Reverse Osmosis system, pursuant to the schedule outlined in Limiting Condition 30, the Floridan Aquifer wellfield will be operated to provide the balance of the demands beyond those restrictions.
21. Permittee shall determine unaccounted-for distribution system losses. Losses shall be determined for the entire distribution system on a monthly basis. Permittee shall define the manner in which unaccounted-for losses are calculated. Data collection shall begin within six months of Permit issuance. Loss reporting shall be submitted to the District on a yearly basis from the date of Permit issuance.
22. Permittee shall maintain an accurate flow meter at the intake of the water treatment plant for the purpose of measuring daily inflow of water.
23. The Permittee shall continue to submit monitoring data in accordance with the approved saline water intrusion monitoring program for this project.
24. The Water Conservation Plan required by Section 2.6.1 of the Basis of Review for Water Use Permit Applications within the South Florida Water Management District, must be implemented in accordance with the approved implementation schedule.
25. In addition to the allocation specified in Limiting Condition 5, the permittee may apply a Special Event Peaking Factor Ratio of 1.3:1 to compensate for temporary increased demand during seasonal and Special Events up to a maximum daily withdrawal of 33.57 MG. The source limitations imposed by

Limiting Conditions 5 and 26 apply to the Special Event Peaking Factor Ratio. The permittee must notify the District in writing no less than 24 hours prior to applying this Special Event Peaking Factor Ratio and must specify the proposed duration of the use of the Special Event Peaking Factor Ratio. The use of the Special Event Peaking Factor Ratio shall be noted on the monthly pumpage reports.

26.

In addition to the allocations specified in Limiting Conditions 5 and 25, during the dry season (December 1 to April 30), FKAA shall limit their average day withdrawals from the Biscayne Aquifer to 17 MGD, calculated on a monthly basis. The remaining dry season demands shall be provided by the reverse osmosis system. During the remainder of the year from May 1 to November 30, the withdrawals from the Biscayne Aquifer shall be limited to the Base Condition water use for the Biscayne Aquifer of 6,492 MGY, or an average day of 17.79 MGD. Demands in excess of these volumes shall be provided by the Floridan Aquifer System wells and the emergency desalination facilities.

27.

Prior to the availability of the Floridan Aquifer reverse osmosis system, dry season demand in excess of the Biscayne Aquifer pumpage limitations specified in Limiting Condition 26 shall be obtained from emergency sources pursuant to Limiting Condition 29.

28.

In addition to the monthly reporting required in Limiting Condition 18, and prior to the operation of the Reverse Osmosis system, on the 15th day of each month during and immediately following the dry season extending from December 1 to April 30, FKAA shall file a written report with the District ("mid-month report") evaluating the following: 1) the daily pumpage to date during the last 30 days; and 2) any daily pumpage distribution for the remainder of the dry season as necessary to comply with the 17 MGD Biscayne Aquifer average dry season limitation. Such report shall also identify any remedial actions necessary to ensure compliance that through the remainder of the dry season the applicable Biscayne Aquifer pumpage limitations described above will be met. This report shall replace the other reports required by the Consent Agreement (including the June 15 post-dry season report and the February 15th mid-dry season additional demand report). Such mid-month report shall be evaluated by District staff and revised by the District as necessary to achieve compliance with the above. Upon completion and operation of the Reverse Osmosis system, pursuant to the schedule outlined in Limiting Condition 30, this report requirement shall cease and the monthly Biscayne Aquifer withdrawals shall be reported as required by Limiting Condition 18 of this permit.

29.

In order to reduce the potential for violating the 17 MGD Biscayne Aquifer average monthly withdrawal limitation during the dry season, FKAA must to the greatest extent practical utilize the emergency desalination facilities FKAA owns and operates at Stock Island and Marathon, which are potentially capable of treating saline water at rates up to 3.0 MGD. The FKAA shall use these two emergency desalination facilities as an alternative source of water in order to assist in limiting its dry season Biscayne Aquifer withdrawals. The FKAA's ability to use, and extent of use, of these emergency desalination facilities shall be subject to not causing (i) significant adverse affects to FKAA's water treatment or distribution system; or (ii) a violation of any applicable primary or secondary drinking water standards.

30.

The permittee shall adhere to the following schedule for the construction and operation of the Floridan Aquifer System reverse osmosis wellfield and treatment facility:

Florida Keys Aqueduct Authority - Schedule for Construction and Operation of Floridan Aquifer Production Well, Floridan Aquifer Reverse Osmosis Treatment Facility, and Demineralized Concentrate Disposal Well

--Reverse osmosis water treatment plant expansion
Award Contract - September 30, 2007
Complete Construction - December 31, 2009

- Deep Injection Well
 - Obtain FDEP Permit - March 31, 2008
 - Award Contract - 152 days after receiving FDEP Underground Injection Control Permit
 - Complete Drilling and Testing - 1 year and 30 days after receiving FDEP Underground Injection Control Permit
- Complete reverse osmosis water treatment plant system
 - Begin and Stabilize Operation - 2 years and 60 days after receiving FDEP Underground Injection Control Permit

31.

In the event that a milestone specified in the alternative water supply schedule and plan contained in Limiting Condition 30 is going to be missed, the permittee shall notify the Executive Director of the District in writing explaining the nature of the delay, actions taken to bring the project back on schedule and an assessment of the impact the delay would have on the rates of withdrawals from the Everglades water bodies and associated canals as defined in District CUP rules. The District will evaluate the situation and take actions as appropriate which could include: a) granting an extension of time to complete the project (if the delay is minor and doesn't affect the Everglades Waterbodies or otherwise violates permit conditions), b) take enforcement actions including consent orders and penalties, c) modify allocations contained in this permit from the Biscayne Aquifer including capping withdrawal rates until the alternative water supply project(s) are completed (in cases where the delay would result in violations of permit conditions) or d) working with the Department of Community Affairs to limit increase demands for water until the alternative water supply project is completed. In addition, Permittee shall make to the District payment of funds as identified below for non-compliance with any timeline for development of the Floridan Aquifer System production and treatment system as provided in Limiting Condition 30, as follows:

A. Reverse Osmosis Plant construction and operation timelines in Limiting Condition 30

- Award Contract - \$2,000.00 per week
- Complete Construction - \$2,000.00 per week

B. Floridan Deep Injection Well(s) Construction and Operation

- Award Contract - \$2,000.00 per week
- Complete drilling and Testing - \$2,000.00 per week
- Complete reverse Osmosis Water Treatment Plant System - \$2,000.00 per week
- Begin and Stabilize Operation - \$2,000.00 per week

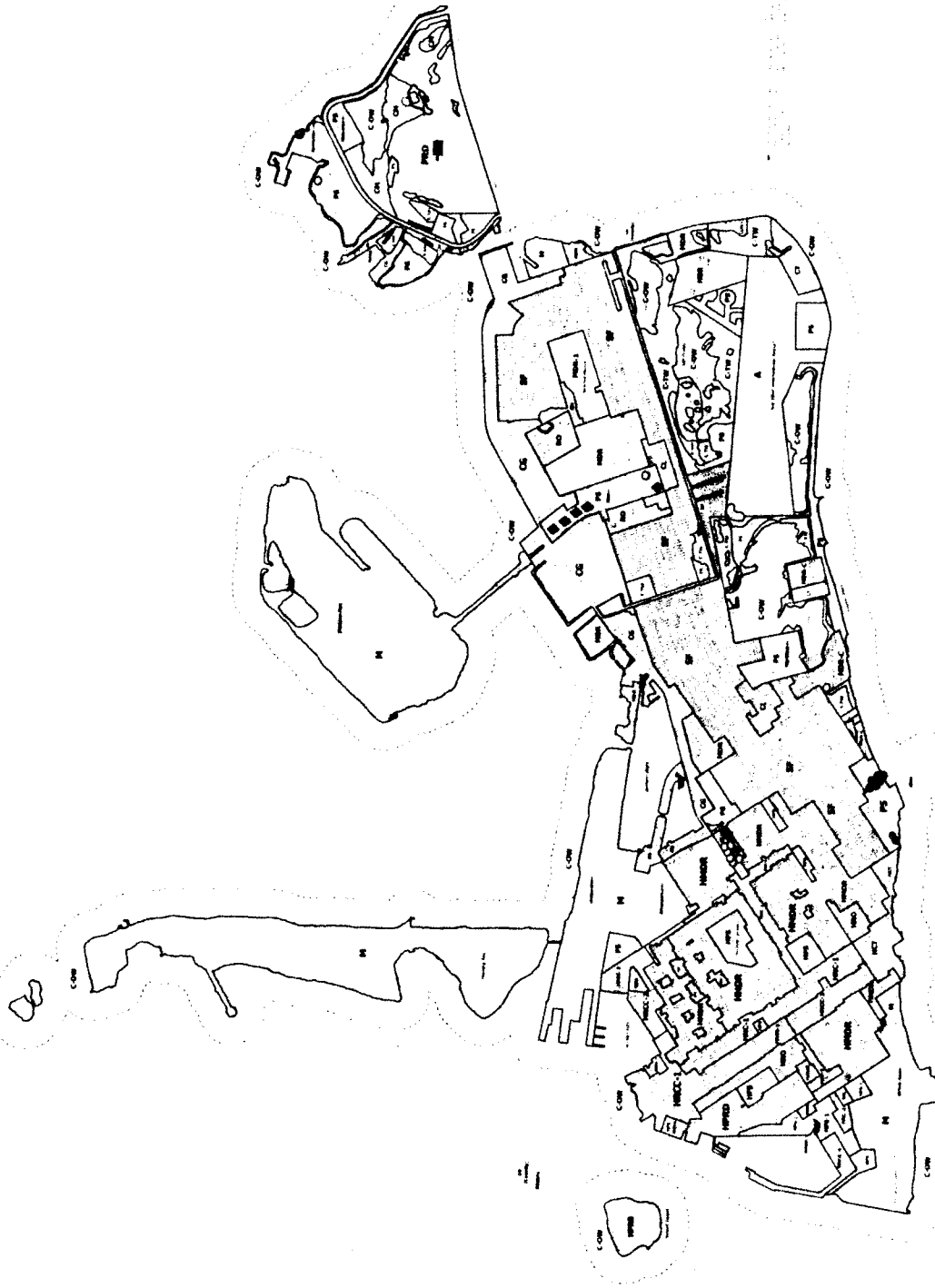
32. Prior to any application to renew or modify this permit, the Permittee shall evaluate long term water supply alternatives and submit a long term water supply plan to the District. Within one year of permit issuance, the Permittee shall submit to the District an outline of the proposed plan. The assessment should include consideration of saline intrusion, wellfield protection, plans for compliance with applicable wellfield protection ordinances, expected frequencies and plans to cope with water shortages or well field failures, and conservation measures to reduce overall stresses on the aquifer.
33. For uses with an annual allocation greater than 10 MGD and a permit duration of 20 years, every five years from the date of permit issuance, the permittee shall submit a water use compliance report for review and approval by District Staff, which addresses the following:

1. The results of a water conservation audit that documents the efficiency of water use on the project site using data produced from an onsite evaluation conducted. In the event that the audit indicates additional water conservation is appropriate or the per capita use rate authorized in the permit is exceeded, the permittee shall propose and implement specific actions to reduce the water use to acceptable levels within timeframes proposed by the permittee and approved by the District.
2. A comparison of the permitted allocation and the allocation that would apply to the project based on current District allocation rules and updated population and per capita use rates. In the event the permit allocation is greater than the allocation provided for under District rule, the permittee shall apply for a letter modification to reduce the allocation consistent with District rules and the updated population and per capita use rates to the extent they are considered by the District to be indicative of long term trends in the population and per capita use rates over the permit duration. In the event that the permit allocation is less than allowable under District rule, the permittee shall apply for a modification of the permit to increase the allocation if the permittee intends to utilize an additional allocation, or modify its operation to comply with the existing conditions of the permit.
34. If at any time there is an indication that the well casing, valves, or controls leak or have become inoperative, repairs or replacement shall be made to restore the system to an operating condition. Failure to make such repairs shall be cause for filling and abandoning the well, in accordance with procedures outlined in Chapters 40E-3 and 40E-30, Florida Administrative Code.
35. It has been determined that this project relies, in part, on the waters from the Central and Southern Florida Project, and as such is considered to be an indirect withdrawal from an MFL water body under recovery (Everglades). The 2005-2006 Lower East Coast Water Supply Plan Update (February, 2007), which is the recovery plan for the Everglades, incorporates a series of water resource development projects and operational changes that are to be completed over the duration of the permit and beyond. If the recovery plan is modified and it is determined that this project is inconsistent with the approved recovery plan, the permittee shall be required to modify the permit consistent with the provisions of Chapter 373, Florida Statutes.

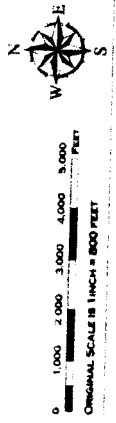
Exhibit III

Map of the City of Key West's Existing Recreation Services

The City of Key West's Recreation Facilities



- LEGEND**
- Beach
 - Park
 - ◆ Sports Field
 - Tennis Court
 - Basketball Court
 - Golf Course
 - Horse Park
 - Equestrian Center
 - Boat Ramp
 - Fishing Pier
 - Boat Dock



Deed

Doc# 1735372 03/24/2009 9:50AM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

This Instrument Prepared by & return to:
Name: Renee Tompkins, an employee of
Ward & Meyers, L.L.C.
Address: 3201 Flagler Avenue, Suite 506
Key West, FL 33040

03/24/2009 9:50AM
DEED DOC STAMP CL: TRINA \$0.70

Parcel I.D.#: 00001170-000000

Doc# 1735372
BKM 2405 Pg# 785

Grantees S.S.#: 532-46-5654
Grantor S.S.#: 532-46-5654



SPACE ABOVE THIS LINE FOR PROCESSING DATA SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS QUIT CLAIM DEED Made this 9th Day of March, A.D. 2009, by, Peter Nelson Brawn hereinafter called the Grantor, to 512 Greene Street, L.L.C. whose post office address is 525 Caroline Street, Key West, FL 33040, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantees" include all the parties to this instrument, singular and plural, the legal representatives and assigns of individuals, and the successors deed assigns of corporations, wherever the context so admits or requires.)

Witnesseth: That the grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, does hereby remise, release, and quit-claim unto the Grantee forever, all the right, title, interest, claim and demand which the said Grantor has in and to the following described lot, piece or parcel of land, situate, lying and being in the **County of Monroe, State of Florida**, to-witt:

KW PT LOT 3 SQR 13 G67-20 OR781-772D/C OR992-397L/E OR1496-911D/C
OR2093-1382/83P/R OR2218-2069/71 OR2391-642/45 OR2391-646/47

SUBJECT TO TAXES FOR THE YEAR 2009 AND SUBSEQUENT YEARS, RESTRICTIONS, RESERVATIONS, COVENANTS AND EASEMENTS OF RECORD, IF ANY.

To Have and to Hold the same with all singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity to the only proper use, benefit and behoof of the said Grantee forever.

And the grantor hereby covenants with said grantees that he is lawfully seized of said land in fee simple; that he has good right and lawful authority to sell and convey said land, and hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2008.

In Witness Whereof, the said grantor has signed and sealed these presents, the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]
Witness Signature (As to first Grantor)

[Signature]
Printed Name

[Signature]
Witness Signature (As to first Grantor)

Laurie Hensley
Printed Name

[Signature]
Witness Signature (As to first Grantor)

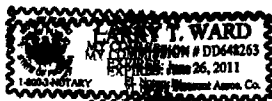
JESSICA M PODVICE
Printed Name

[Signature] L.S.
Peter Nelson Brawn
Address:
525 Caroline Street
Key West, FL 33040

Doc# 1735372
Bk# 2405 Pg# 786

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 9th day of March 2009, by Peter Nelson Brawn who is known to me. FL . Lt B650-674-48-255-0



[Signature]
Signature of Acknowledger
My commission expires _____

MONROE COUNTY
OFFICIAL RECORDS

Return to: (Enclose self addressed stamped envelope)
Name: STONES & CARDENAS
221 Simonton Street
Key West, FL 33040
(305) 294-0252

Doc# 1722171 12/08/2008 12:30PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

This Instrument Prepared By:

STONES & CARDENAS
221 Simonton Street
Key West, FL 33040
(305) 294-0252

Doc# 1722171
Bk# 2391 Pg# 646



WARRANTY DEED

THIS INDENTURE made this 5th day of December, 2008, by and between Sylvia S. Carmosino, a single woman, as to an undivided one-half (1/2) interest, whose address is 5 McCoy Circle, Key West, FL 33040, as Grantor, and Peter Brawn, a single man, whose address is 525 Caroline Street, Key West, FL 33040, as Grantee.

WITNESSETH: that said Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration to said Grantor, in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's successors, heirs, and assigns forever, the following described property, situate lying and being in the County of Monroe, State of Florida, to-wit:

On the Island of Key West, known on William A. Whitehead's map delineated in February A.D. 1829, as part of Lot Three (3) in Square Thirteen (13). Commencing at the corner of Greene and Ann Streets on the Northeasterly side of Ann Street on the Southeasterly side of Greene Street and running thence along Greene Street in a Northeasterly direction Ninety-three (93) feet and Three (3) inches; thence at right angles in a Southeasterly direction One hundred and five (105) feet and Six (6) inches; thence at right angles in a Southwesterly direction Ninety-three (93) feet and three (3) inches to Ann Street; thence at right angles in a Northwesterly direction along Ann Street One-hundred and five (105) feet and Six (6) inches to the point of beginning.

Reference being had to deed recorded in Deed Book "A-4", Page 571, and deeds recorded in Book "G-21", Pages 98 - 103, in the office of the Clerk of the Circuit Court, in and for Monroc County, Florida.

Parcel Identification Number: 00001170-000000

SUBJECT TO: Taxes for the year 2008 and subsequent years.

SUBJECT TO: Conditions, limitations, reservations and easements of record.

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

TOGETHER with all tenements, hereditaments and appurtenances, with every privilege, right, title, interest and estate, reversion, remainder and easement thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

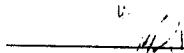
AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of the said property; that it is free of all encumbrances except as above stated; that Grantor has good right and lawful authority to sell the same; and that the Grantee shall have quiet enjoyment thereof. The said Grantor hereby fully warrants the title to said property, and will defend the same against the lawful claims of all persons whomsoever.

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: Susan M. Cardenas


SYLVIA S. CARMOSINO


Witness Name: [illegible]

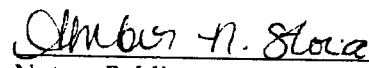
Doc# 1722171
Bk# 2391 Pg# 647

State of Florida
County of Monroe

The foregoing instrument was acknowledged before me this 5th of December, 2008 by Sylvia S. Carmosino, who ☐ is personally known or ☒ has produced driver's license as identification.

[Notary Seal]




Notary Public

Printed Name: Amber N. Stora

My Commission
Expires: Aug. 2, 2009

MONROE COUNTY
OFFICIAL RECORDS

Previous Approval

RESOLUTION NUMBER 2009-030

**A RESOLUTION OF THE KEY WEST
PLANNING BOARD GRANTING
CONDITIONAL USE APPROVAL AND
REGARDING APPROVAL OF A MAJOR
DEVELOPMENT PLAN FOR PROPERTY
LOCATED AT 512 GREENE STREET/201-205
ANN STREET (RE# 00001170-000000), KEY
WEST FLORIDA; PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, the subject property is located in the Historic Residential Commercial Core,
Gulf Side (HRCC-1), zoning district; and

WHEREAS, Section 122-61 of the Code of Ordinances allows applicants to request
Conditional Use approvals; and

WHEREAS, Section 122-688(9) of the Code of Ordinances allows bars and lounges as
Conditional Uses in the HRCC-1 zoning district; and

WHEREAS, Section 108-91A(2)(b) of the Code of Ordinances provides that within the
Historic District a Major Development Plan is required for nonresidential floor area; addition or
reconstruction of equal or greater than 2,500 square feet of gross floor area; and


Chairman

Planning Director

WHEREAS, the proposal would allow the existing restaurant to change to a bar and lounge, in areas designated 'consumption area' on the site plan, and allow for the redevelopment of the existing parking lot and the four structures on site, including the bar and lounge, the existing single family home and two small existing structures for commercial retail use; and

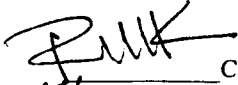
WHEREAS, Section 122-61 outlines the criteria for reviewing a Conditional Use application and Section 108-196(a) requires the Planning Board to review and make a recommendation to the City Commission on the proposed Major Development Plan; and

WHEREAS, Section 108-230 requires a construction schedule and the applicant has requested an immediate and continuous reconstruction process; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on July 30, 2009; and

WHEREAS, the granting of a Conditional Use will be in harmony with the general purpose and intent of the Land Development Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare;

WHEREAS, the granting of a combined Conditional Use and Major Development Plan is


Chairman

Planning Director

consistent with the criteria in the code; and

WHEREAS, the recommendation of approval of the combined Conditional Use and Major Development Plan is in harmony with the general purpose and intent of the Land Development Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; and

WHEREAS, the approval is consistent with the criteria in the Code; and

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

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

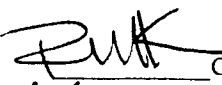
Section 2. That a conditional use for a bar and lounge with 1,045 square feet of consumption area, per Section 122-688(9) of the Code of Ordinances, in conjunction with a Major Development Plan for the redevelopment of the site including: a new bar, an existing parking lot, a change of use from a single family home to a commercial retail structure, and a change in use for two(2) existing small commercial structures into two(2) commercial retail structures, per Section 108-91A(2)(b) under the Code of Ordinances of the City of Key West, Florida, is hereby recommended for City Commission approval for property located at 512 Green Street/ 201-205 Ann Street (RE#00001170-000000), as shown in the attached site plans dated July 10, 2009, with the following conditions:


Chairman

Planning Director

1. Tree Commission approval must be obtained prior to Building Permit issuance.
2. The applicant will donate the 1.0 Equivalent Single Family Unit associated with the single family residence to the City of Key West through the execution of a donation waiver.
3. The applicant will install and maintain a programmable distributive sound system consistent with that described in document prepared by The Audio Bug and submitted on July 25, 2009, to assure compliance with the "unreasonable noise" definition of Section 26-191 of the Code of Ordinances, and that such referenced document shall be updated to include that a computerized sound monitoring system is installed and available to the city upon request and to state that no speakers will be placed outdoors."
4. There will be no live music, disc jockeys, or karaoke at the site unless approved under a special event permit per Section 6-86 of the City Code.
5. Security cameras will be provided on site and security personnel will be present during the hours of operation.
6. A draft easement for off-site dumpster location on the adjacent Simonton Street property will be provided in a form acceptable to the City Attorney's office prior to forwarding a recommendation of approval to the City Commission and such easement will be executed prior to building permit issuance, to insure that all trash removal is handled via Simonton Street.
7. The following site plan modifications will be provided to the satisfaction of City staff prior to forwarding a recommendation of approval to the City Commission to include the following items:
 - a. Complete exterior lighting plans to ensure that lighting impacts are directed away from residential areas;
 - b. Elevations as provided to HARC will be included in the site plan package;
 - c. The trash and recycling containers will be relocated to the adjacent property (RE 00001111-000700) to enable pick-up to occur from Simonton Street;
 - d. The landscape plan shall be modified to include additional buffering on the south side of the site and in proximity to the exit of the bar into the courtyard;
 - e. A plan showing the proposed location of speakers will be provided and in no case shall speakers be located outdoors; and
 - f. The site plans shall be clearly marked to show that no consumption is approved outdoors on the site.

Section 3. Full, complete, and final application for all permits required for which this


Chairman

Planning Director

resolution is wholly or partly necessary, shall be submitted in its entirety within 12 months after the date hereof.

Section 4. This Conditional Use request and Major Development Plan application recommended for approval to the City Commission, do not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

Section 5. This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

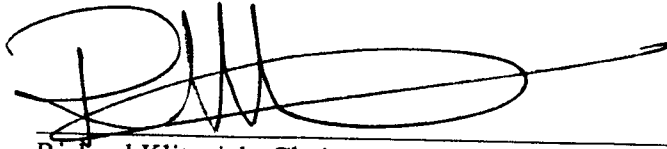
Section 6. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DCA can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Read and passed on first reading at a special meeting held this 30 day of July, 2009.

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

Page 5
Resolution Number 2009-030

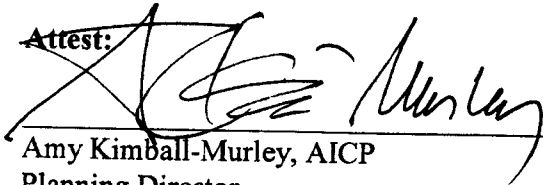
 Chairman
 Planning Director



Richard Klitenick, Chairman
Key West Planning Board

AUGUST 5, 2009
Date

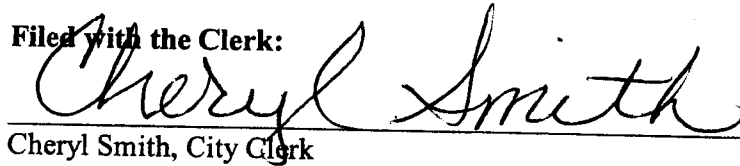
Attest:



Amy Kimball-Murley, AICP
Planning Director

August 5, 2009
Date

Filed with the Clerk:



Cheryl Smith, City Clerk

8-6-09
Date

K:\Planning Board\PB Resolutions\PB Resolutions 2009\PB Resolution 2009-X CUP and MDP - 512 Greene Street.doc



Chairman



Planning Director

THE AUDIO BUG, INC.

3800 HILLCREST DRIVE ☐ HOLLYWOOD, FL. 33021-7937 ☐ 954-983-2788 ☐ FAX: 954-083-2789 ☐ theaudiobug@aol.com

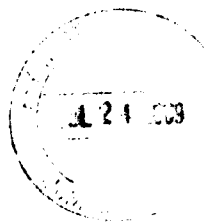
To the attention of the City of Key West Planning Board

The following are recommendations for Sound Control and Mitigation at 512 Greene Street, Key West:

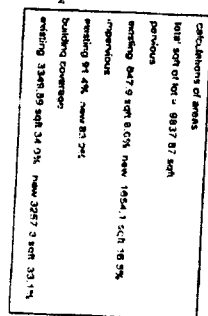
Sound System: The system should be designed to fully comply with local noise ordinances, employing the following techniques to accomplish this goal:

- A. Deployment of many closely spaced speakers driven at low individual volumes. Such a system design will distribute sound uniformly within each entertainment area in such a manner as not to interfere with normal conversational level of the clientele. Maximum long-term system levels are limited to 90 dB SPL (unweighted) and 65 dB SPL with user access restricted to the selection of program material and manual reduction only of system levels. No increase above maximum design sound levels shall be possible by staff. The system includes 72 speakers and 18 amplifiers in order to provide maximum control to the designer. All speakers are hooked into amplifiers two at a time to allow the greatest level of zone control.
- B. Symetrix's Advanced Digital Signal Processing System, "SymNet," a centralized computer control and digital signal processor (or equal), shall form the heart of the system. With this device, the system features the following functions and safeguards:
 1. All controls under lock and key, with limited access via password security.
 2. The system shall be divided into several zones, each with a preset maximum level, separate dynamic equalization and time alignment, sound compression, and intelligent gain adjustment feature which will raise and lower music volume in response to patron conversation noise.
 3. Local control shall consist only of source selection and the ability to turn the system down from preset maximums.
 4. A leveling function capable of reducing the inevitable disparities between source and selection volumes, further ensuring consistent playback levels. Leveling removes the possibility of one song sounding louder than the previous or subsequent song. For example, if a Billy Joel vocal/piano ballad were followed by a song with a significantly different complement of vocals and instrumentals, the second song would normally sound louder at an equal volume setting. With leveling, the two songs would be reproduced at virtually the same sound level.
- C. Bands and/or DJs¹ shall not be permitted to bring additional amplifiers or loudspeakers onto the site. The House System will provide an input portal for band mixers and DJ consoles (mixer, turntables, CD players, etc.). DJs, limited by the House System in place, have no more influence over the volume than the Hotel staff (which means NO ability to exceed preset limits). The DJ becomes a human iPod of sorts and their presence has no material effect on the neighbors or the perceived volume within the area.
- D. Computerized sound monitoring system. Utilizing an inexpensive net-book or laptop computer, appropriate software and an external microphone, the club can be equipped to self-monitor sound levels on the property to ensure and document compliance with the City's Noise Ordinance. Calibration of the system during its installation will allow direct correlation of sound levels on property with those at any location off property. Simple operation and reliable documentation will ensure that code violation claims can be refuted with accurate information at any time. Visit <http://www.fesb.hr/~mateljan/arta/> for details on obtaining this power software.

¹ If permitted as a special event under KW Code Sec. 6-86



Runk
8/5/09
MCM
8/5/09



Project Number	
DBS FCR	
Date	
SSN/DOB	
Screen By	
CRM	

Carlos O. Rojas, AIA
512 Greene Street
Key West, Florida 33040

C. W. King (2) Naples, Fla.
 AR 1016754
 540 White Street
 Key West, FL 32040
 (305) 237-4870
 The following are all...



23

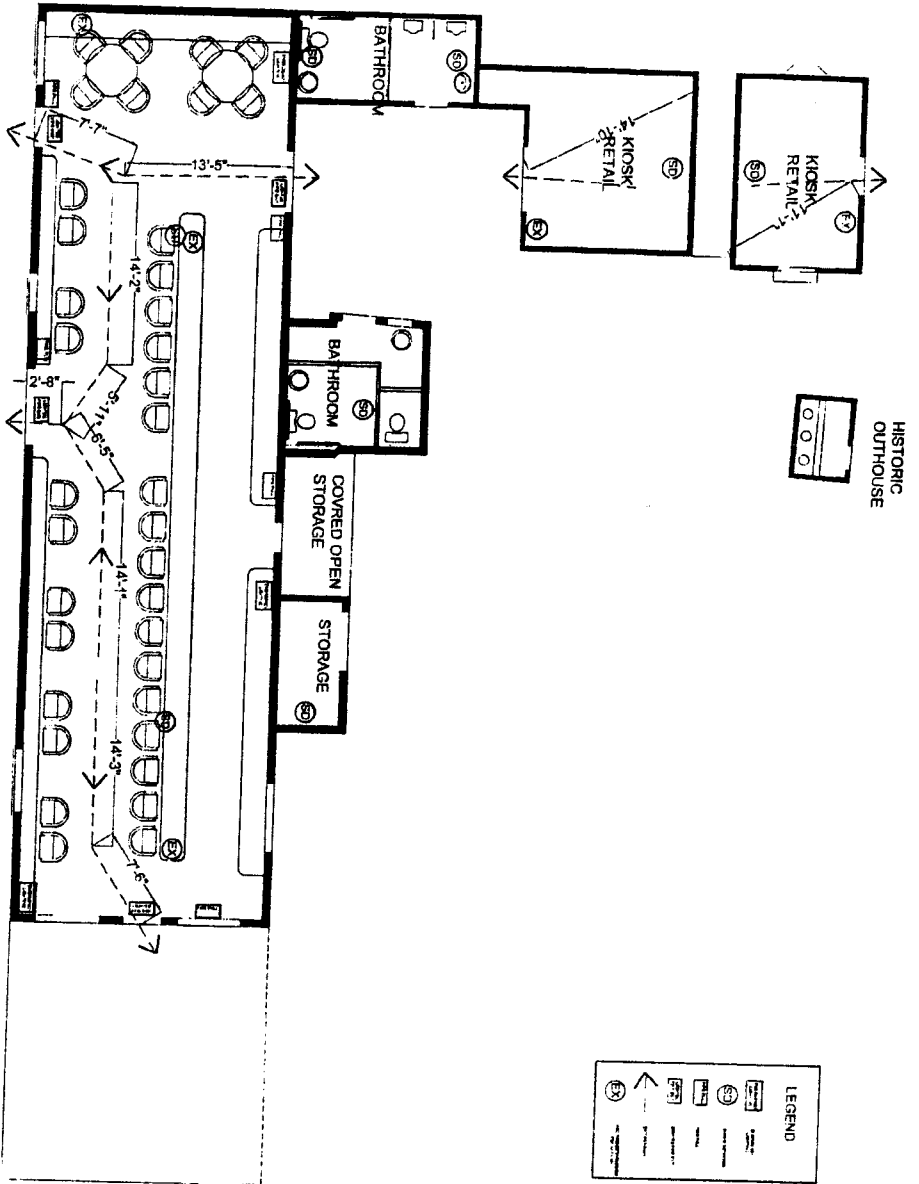
Rmk
8/5/09
Alan
8/5/09



Charles D. Rogers, AIA
Architect
1400 Wilshire Drive
Beverly Hills, CA 90210
(310) 277-6878
Fax: (310) 277-6878



Rulk
8/5/09
Acm
8/5/09



ד
ג

Carlos O. Rojas, AIA
512 Greene Street
Key West, Florida 33040

10000 U.S. Highway 90
APT. C814/14
140 White Street
Key West, FL 33603
(305) 272-4670
TheLampPost.com



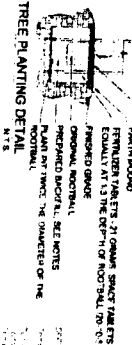
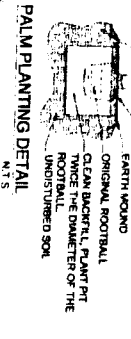
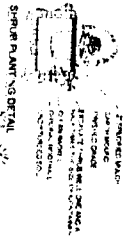
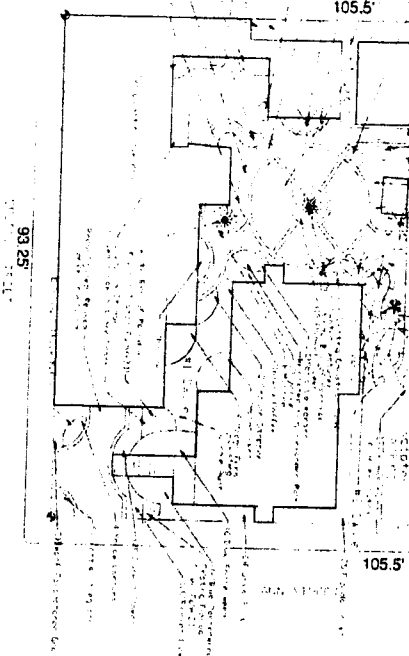
RUNK
8/5/09
ACCA
8/5/09

512 GREENE STREET
KEY WEST, FL



501 5th Ave
Miami, FL 33131
Phone (305) 354-2000
Fax (305) 354-2001
www.hm.com

PROPOSED LANDSCAPE
AND HARDSCAPE PLAN



Handwritten:
Punk
8/5/09
KCM
4/5/09

Survey

NOTE:
This Survey Map is not
full and complete without
the attached Survey Report.

Boundary Survey Report of part of Lot 3, Square 13, of WM A.
Whitehead's map of the Island of Key West



NOTES:

1. The legal description shown hereon was furnished by the client or their agent.
2. Underground foundations and utilities were not located.
3. All angles are 90° (Measured & Record) unless otherwise noted.
4. Street address: 512 Greene Street, 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. This survey is not assignable.
9. Date of field work: April 22, 2009
10. Ownership of fences is undeterminable, unless otherwise noted.
11. Adjoiners are not furnished.
12. The Survey Report is not full and complete without the attached Survey Map.

BOUNDARY SURVEY OF: On the Island of Key West, known on William A. Whitehead's map delineated in February A.D. 1829, as part of Lot Three (3) in Square Thirteen (13). Commencing at the corner of Greene and Ann Streets on the Northeasterly side of Ann Street on the Southeasterly side of Greene Street and running thence along Greene Street in a Northeasterly direction Ninety-three (93) feet and Three (3) inches; thence at right angles in a Southeasterly direction One hundred and five (105) feet and Six (6) inches; thence at right angles in a Southwesterly direction Ninety-three (93) feet and three (3) inches to Ann Street; thence at right angles in a Northwesterly direction along Ann Street One-hundred and five (105) feet and Six (6) inches to the point of beginning

BOUNDARY SURVEY FOR: Matthew McCarthy;
Recuerda Lel Alamo I, Inc;

J. LYNN O'FLYNN, INC.


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

April 28, 2009

Sheet Two of Two Sheets

J. LYNN O'FLYNN, Inc.



Professional Surveyor & Mapper
PSM #6298

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

Approved Plans

~~Revised~~
Submitted
7/10/2009

AR 0016754

Tin@Rojas@hotmail.com

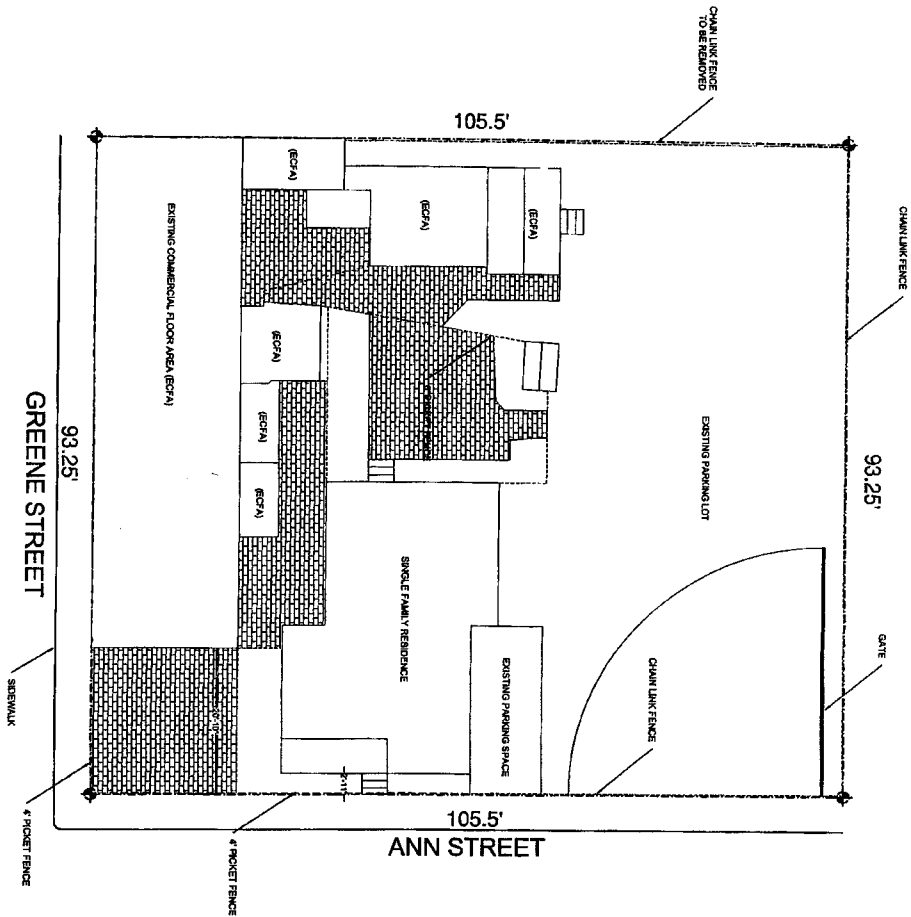
Schedule of Drawings	
S-1	TITLE SHEET
C-1	EXISTING SITE PLAN
C-2	PROPOSED SITE PLAN
A-1	PROPOSED PLAN
A-2	ELEVATIONS
L-1	EXISTING LANDSCAPE PLAN
L-2	PROPOSED LANDSCAPE PLAN
P-1	USE SAFETY PLAN

512 Greene Street
Carlos O. Rojas AIA
305-292-4870

十



EXISTING SITE PLAN
1"=10'



Calculations of areas:

total sqft of lot = 9837.87 sqft
perVIOUS
existing 847.9 sqft 8.6% new 1884.1 sqft 16.9%
Impervious
existing 91.4% new 83.2%
building coverage
existing 3346.89 sqft 34.0% new 3257.3 sqft 33.1%

C1

Project Number
08812087
Date
04/14/2009
Drawing
C101
C101

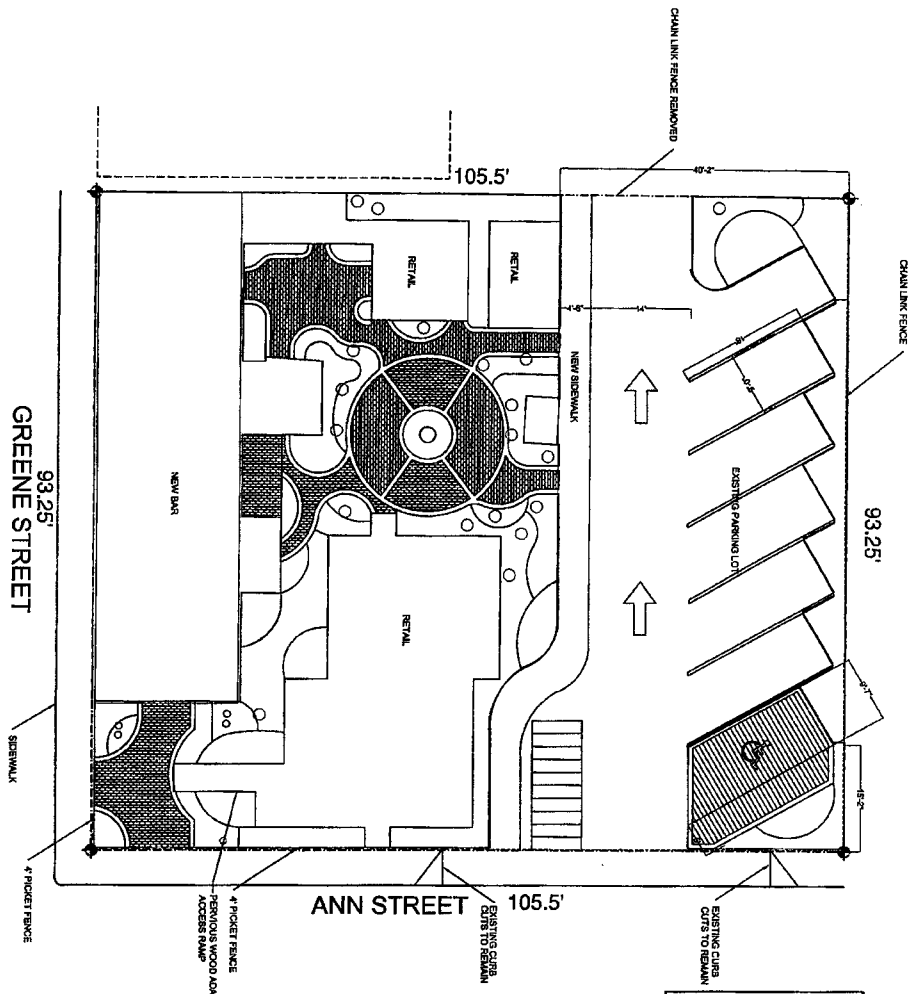
Carlos O. Rojas, AIA
512 Greene Street
Key West, Florida 33040

Professional
Seal

Carlos O. Rojas, AIA
AIA 0016740
540 White Street
Key West, FL 33040
(305) 292-4870
ToroRojas@hotmail.com



NEW SITE PLAN
1"=10'



calculations of areas:

total sqft of lot =	8837.87 sqft
perVIOUS	
existing	547.9 sqft 6.6%
new	1654.1 sqft 18.8%
Impervious	
existing	91.4%
new	83.2%
building coverage	
existing	3349.88 sqft 34.0%
new	3257.3 sqft 33.1%

ALL EXTERIOR LIGHTING TO BE DESIGNED IN SUCH A WAY AS TO MINIMIZE THE IMPACT ON NESTING TURTLE POPULATIONS

C2

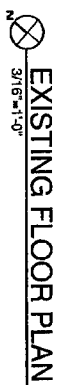
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00513201
Date
05/10/00
Drawn by
COK

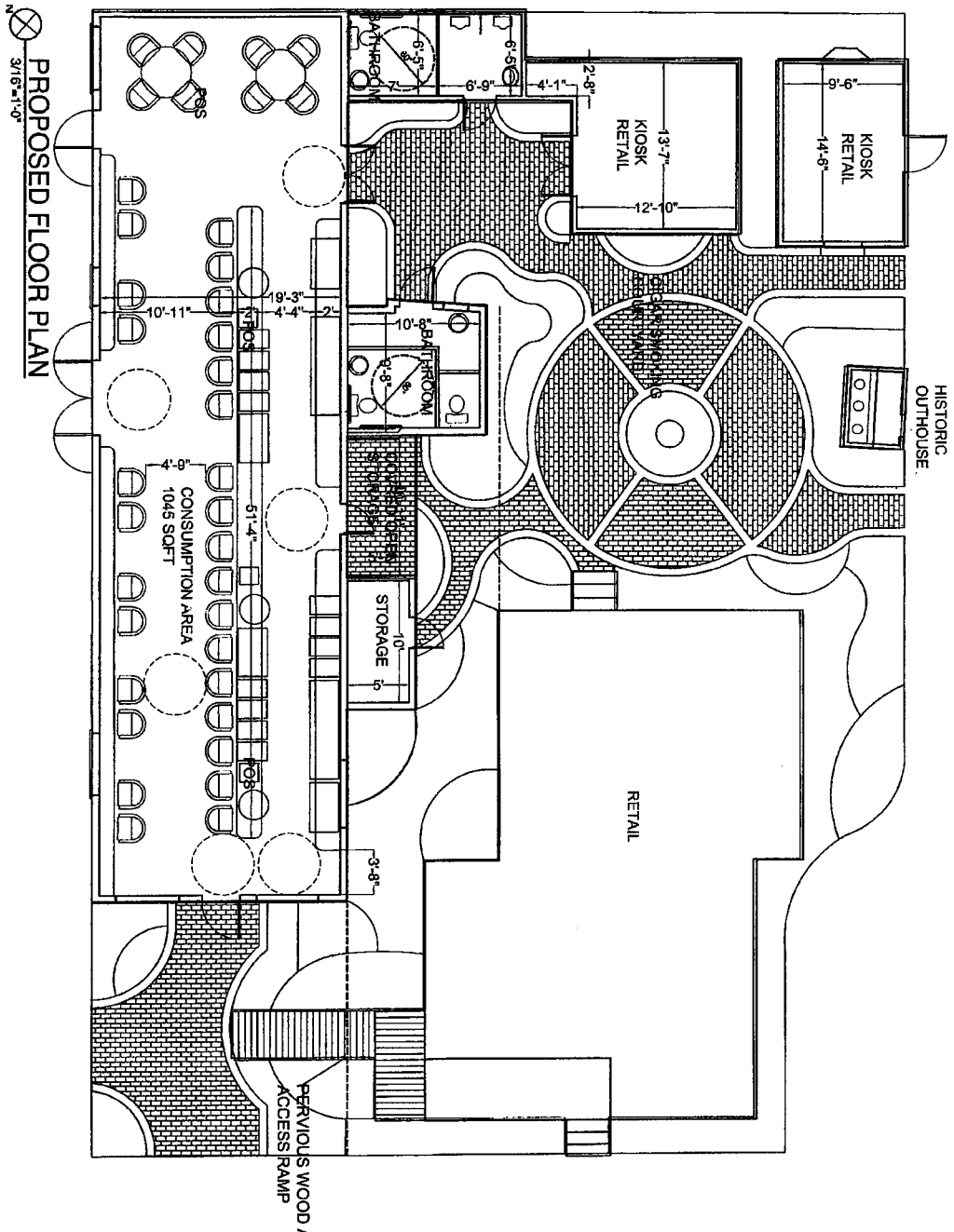
Carlos O. Rojas, AIA
512 Greene Street
Key West, Florida 33040

Revisions

Carlos O. Rojas, AIA
AR 0016754
540 White Street
Key West, FL 33040
(305) 282-4870
TheRojas@barrat.com







A1

Project Number	512-1518
Date	05/15/14
Drawn By	CDK

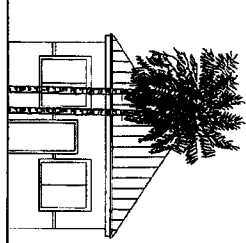
Carlos O. Rojas, AIA
512 Greene Street
Key West, Florida 33040

Revisions	

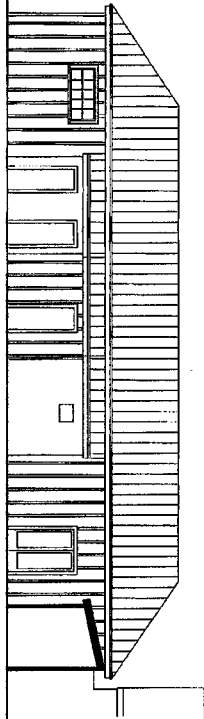
Carlos O. Rojas, AIA
AIA 5016194
540 White Street
Key West, FL 33040
(305) 282-4870
TruRojas@gmail.com



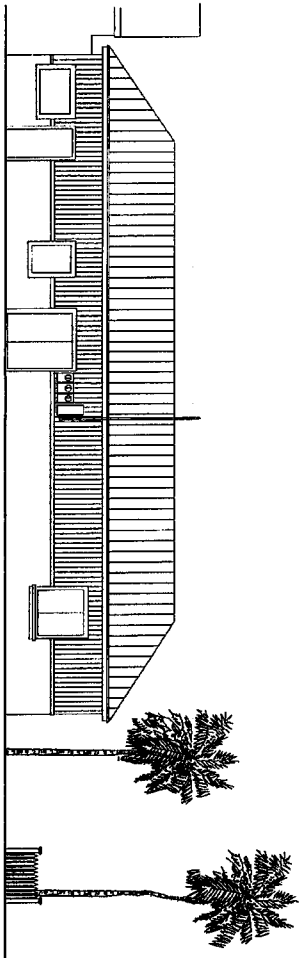
ANN STREET



REAR



GREENE STREET



EXISTING/ PROPOSED ELEVATIONS
1/8"=1'-0"



Carlos O. Rojas, AIA
AIA 0016754
510 White Street
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(305) 232-4870
TinaRojas@aol.com

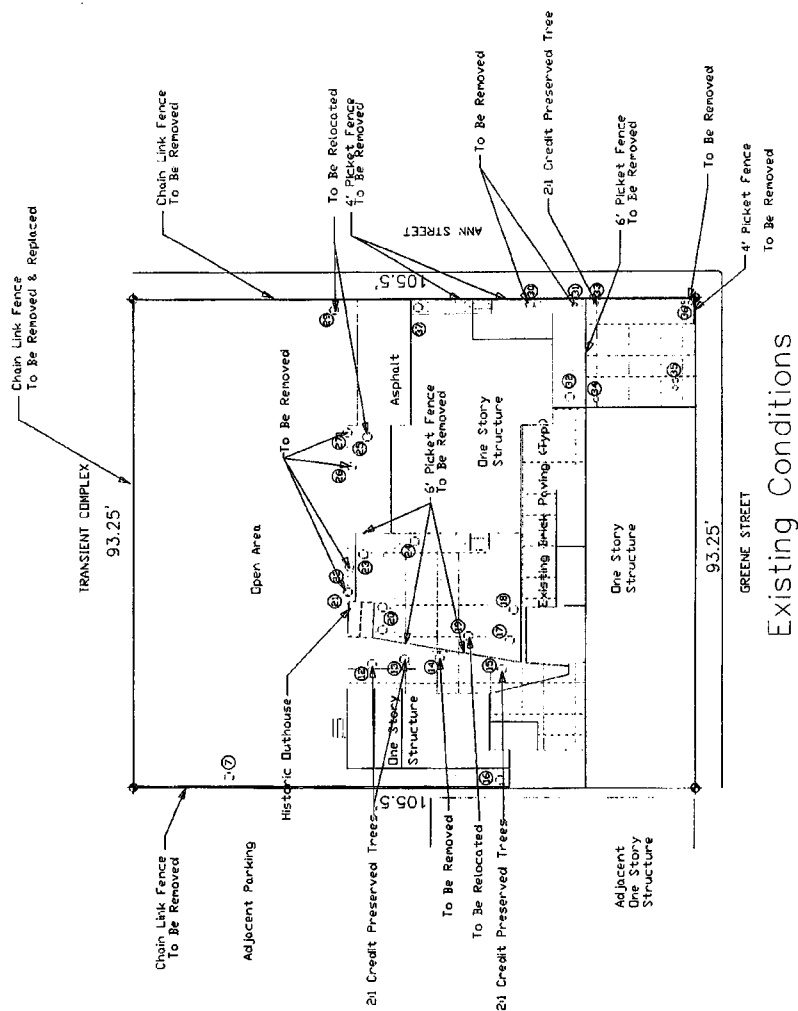


Carlos O. Rojas, AIA
512 Greene Street
Key West, Florida 33040

Project Number
00012345
Date
06/15/08
Drawn by
CJR
CJR

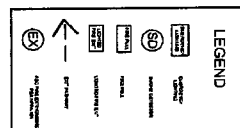
A2

PROFESSIONAL NAME		COMMON NAME		EFFECTS	
DATE	TIME	DATE	TIME	DATE	TIME
1	Solar panels	Colony Pans	21	24 Hrs	To be preserved
2	Photovoltaic cell	Value Potentials	22	10 AM	To be preserved
3	Photovoltaic tap	Water Potentials	23	11 AM	To be preserved
4	Photovoltaic tap	Water Potentials	24	12 PM	To be preserved
5	Photovoltaic tap	Water Potentials	25	13 PM	To be preserved
6	Photovoltaic tap	Water Potentials	26	14 PM	To be preserved
7	Photovoltaic tap	Water Potentials	27	15 PM	To be preserved
8	Photovoltaic tap	Water Potentials	28	16 PM	To be preserved
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13	Photovoltaic tap	Water Potentials	33	21 PM	To be preserved
14	Photovoltaic tap	Water Potentials	34	22 PM	To be preserved
15	Photovoltaic tap	Water Potentials	35	23 PM	To be preserved
16	Photovoltaic tap	Water Potentials	36	24 PM	To be preserved
17	Photovoltaic tap	Water Potentials	37	25 PM	To be preserved
18	Photovoltaic tap	Water Potentials	38	26 PM	To be preserved
19	Photovoltaic tap	Water Potentials	39	27 PM	To be preserved
20	Photovoltaic tap	Water Potentials	40	28 PM	To be preserved
21	Photovoltaic tap	Water Potentials	41	29 PM	To be preserved
22	Photovoltaic tap	Water Potentials	42	30 PM	To be preserved
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77	Photovoltaic tap	Water Potentials	97	85 PM	To be preserved
78	Photovoltaic tap	Water Potentials	98	86 PM	To be preserved
79	Photovoltaic tap	Water Potentials	99	87 PM	To be preserved
80	Photovoltaic tap	Water Potentials	100	88 PM	To be preserved



TREE CREDITS: Where a tree is of exceptional quality based on size, historic value, provenance, age, etc., as determined by a qualified landscape professional, the planning board shall grant a two-tree credit for the preserved tree.

[illegible]



二

References



VEGETATION PLAN NOTES:

- See engineering plans for other required calculations.
- This vegetation plan notes and schedule the minimum requirements of the undersiding section of the City of Key West Landscape Code.
- Seventy percent (70%) of the minimum required undersiding shall be native species.
- For Code - required trees, all of the trees at the time of installation must be a minimum of 12" in height, have a minimum of 6" clear trunk space.
- Required shrubs and hedges shall be installed and maintained at a minimum height as specified in Section 208.48180.
- Plant materials shall be installed in a continuous, undisturbed, solid visual screen within a minimum of one year after time of planting.
- Plant materials shall conform to the standards for Florida No. 1 or better as given in "Grades and Standards for Nursery Plants," Parts I and II, Department of Agriculture, State of Florida (as amended).
- Recommended plant material shall be from the Recommended Plant Material list from Section 108-318.
- The following tree, shrub, or plant shall be used for the minimum requirements from open spaces in perpetuity:
 - Australian Pine (Casuarina sp.)
 - Coconut Palm (Coccothrinax)
 - Brazilian Pepper (Schinus molle)
- Plants shall be installed and maintained in a continuous, undisturbed, solid visual screen within a minimum of one year after time of planting.
- A three-inch minimum layer, after watering in of topsoil, non-erect, coarse, must be placed and maintained around all newly installed trees, shrubs, and plants. The layer shall be maintained in all directions. No such to be maintained against trunk.
- No trees or plants shall be planted within a 125' radius of a light-pole.
- Root barrier protection will be used for large canopy trees planted closer than 10' during planting which extends less than 18" below grade.

ADDITIONAL NOTES:

Proposed plant codes are as outlined and quantities to be installed in each as indicated in the associated code.

Existing brick shall be reused and reconfigured as shown with installation at the same grade as existing.

REUSE/REPLACE:

REUSE/REPLACE: All existing trees shall be retained and maintained in a continuous, undisturbed, solid visual screen within a minimum of one year after time of planting.

REUSE/REPLACE: All existing trees shall be retained and maintained in a continuous, undisturbed, solid visual screen within a minimum of one year after time of planting.

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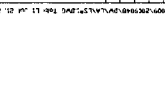
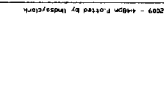
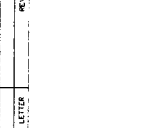
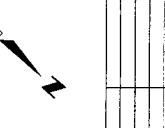
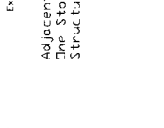
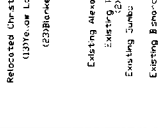
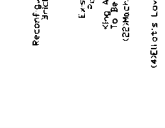
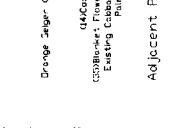
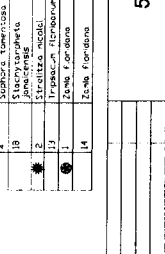
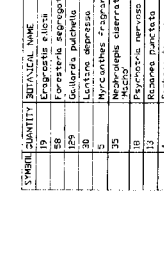
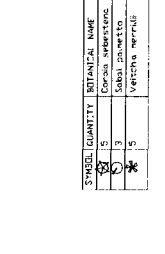
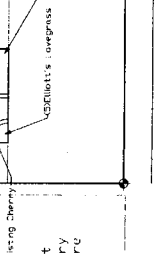
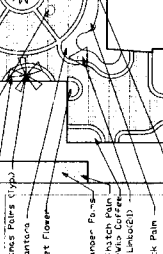
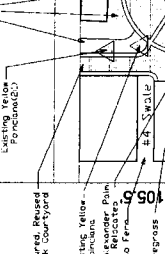
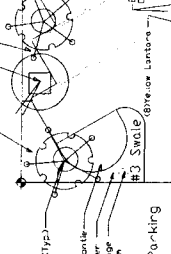
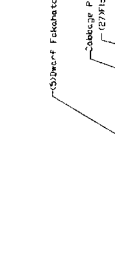
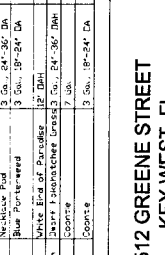
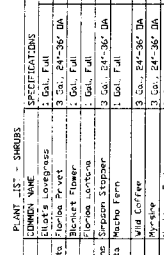
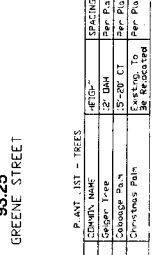
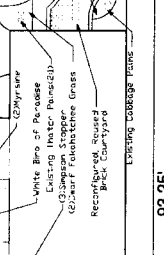
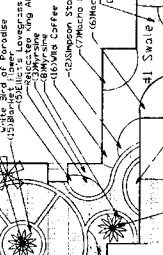
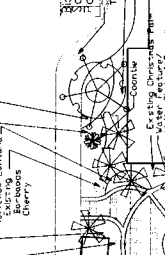
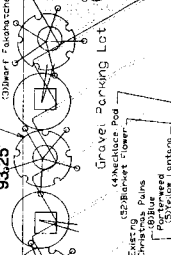
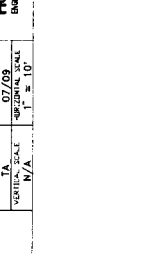
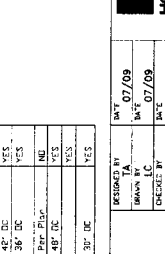
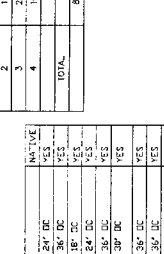
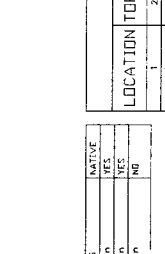
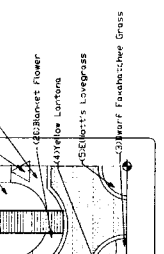
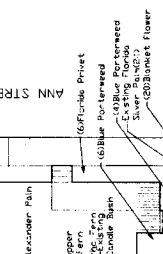
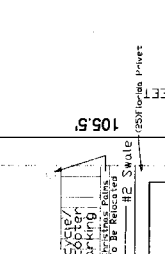
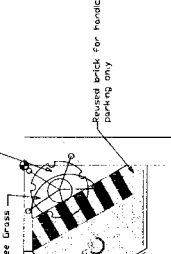
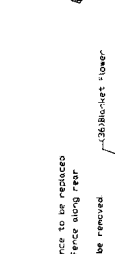
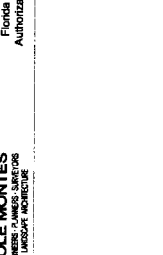
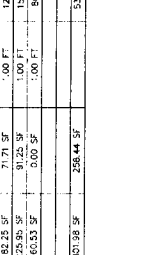
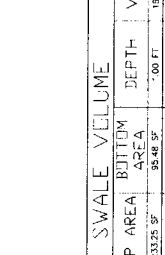
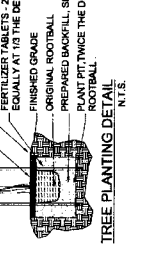
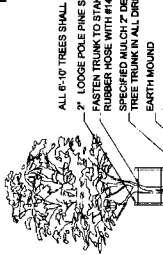
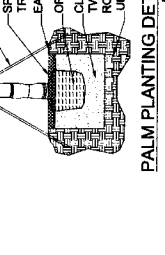
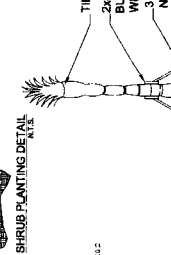
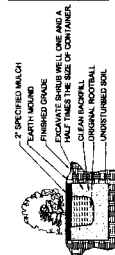
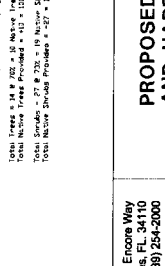
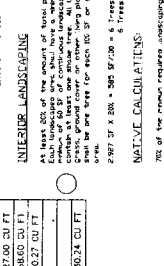
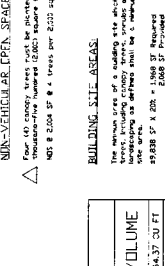
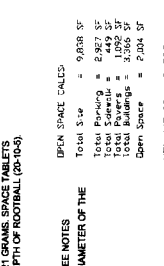
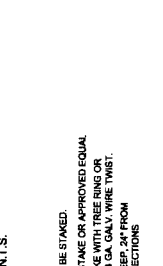
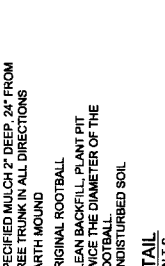
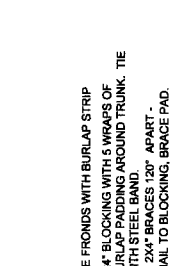
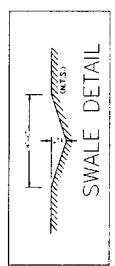
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Modified Site Plans



C2

Carlos O. Rojas, AIA
512 Greene Street
Key West, Florida 33040

Project Number
095120R
Date
05.15.09
Drawn by
COP



Carlos O. Rojas, AIA
400 West 71 Street
Key West, FL 33040
(305) 292-4870
Tel: c. rojas@carlosrojas.com

Calculations of areas

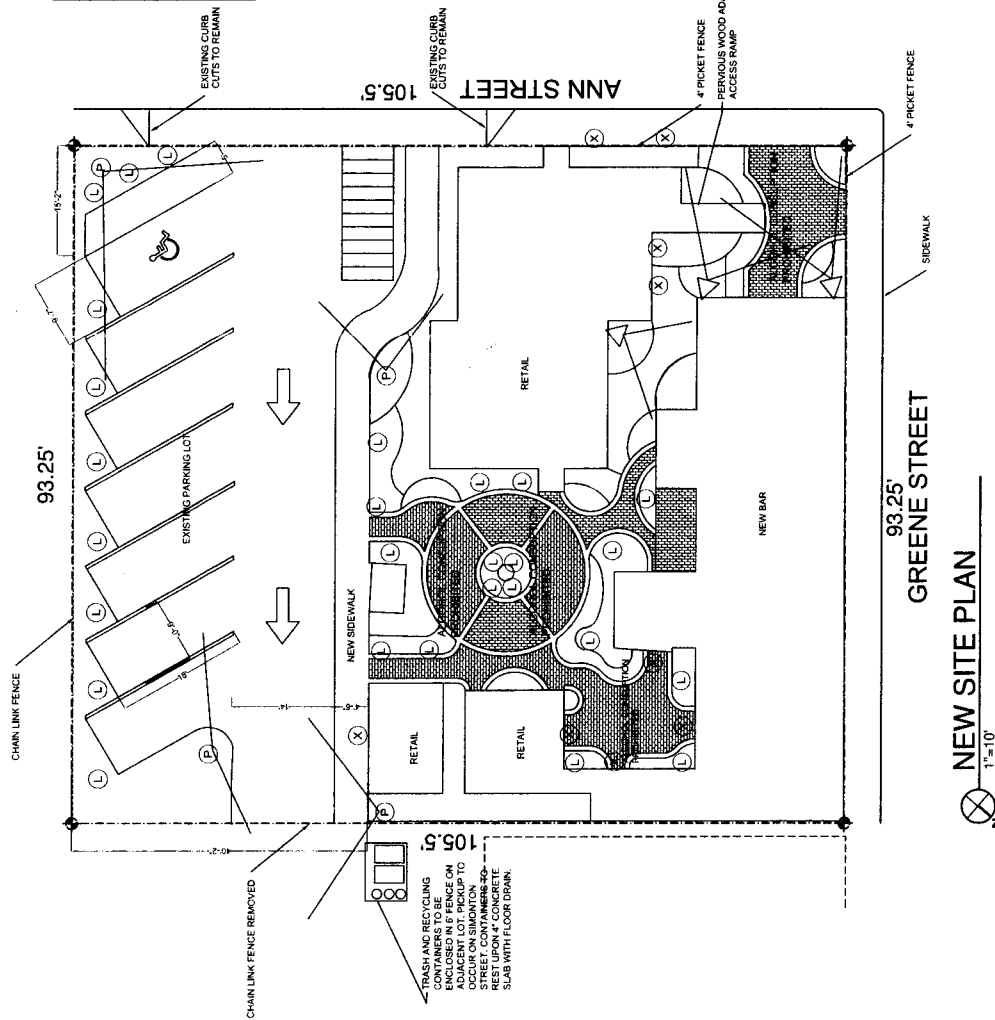
total sqft of lot =	9837.87 sqft
previous	
existing	847.9 sqft 8.6%, new 1654.1 sqft 16.8%
impervious	
existing	91.47% new 83.27%
building coverage	
existing	3340.69 sqft 34.0%, new 3257.3 sqft 33.1%

CONSUMPTION IS
CONSIDERED WHERE
OUTDOORS ON THE SITE.
THERE IS NO OUTDOOR
CONSUMPTION AREA AS
PART OF THE APPROVED
PLANS.

ALL EXTERIOR LIGHTING TO
HAVE PROTECTIVE COVERS
OR BE DESIGNED IN SUCH
A MANNER AS TO MINIMIZE THE
IMPACT ON NESTING
TURTLE POPULATIONS

LIGHTING LEGEND

(L)	LOW VOLTAGE FOOTLIGHT
(X)	LIMITED DIRECTION SECURITY LIGHT ON 12" POLE
(X)	DIRECTIONAL SECURITY LIGHTS MOUNTED AT 8' ON BUILDING
(X)	DOWN LIGHT MOUNTED AT 8' ON BUILDING TO ILLUMINATE DOORWAY OR SIGN



NEW SITE PLAN
1"=10'

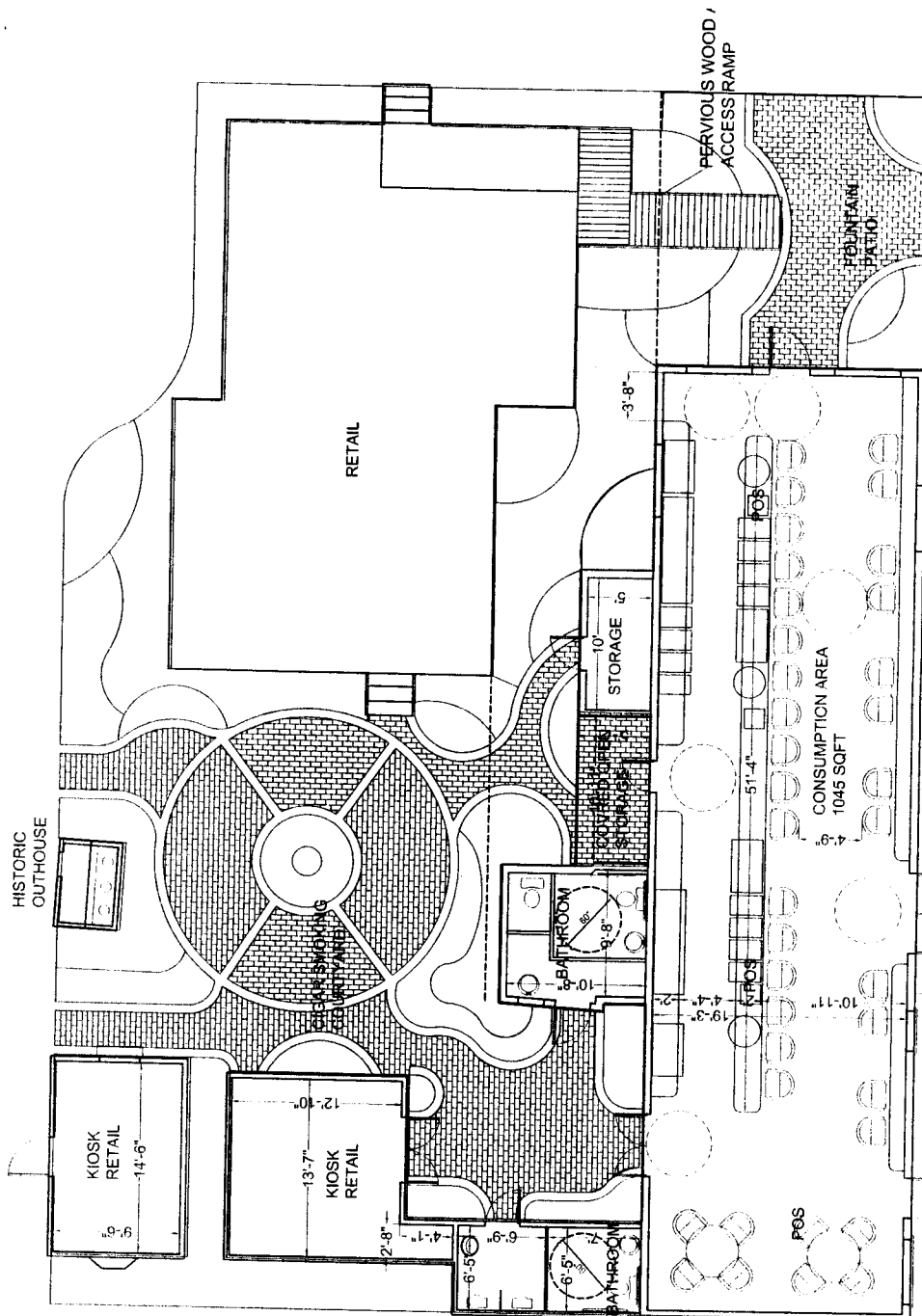


References

Carlos O. Rojas, AIA
512 Greene Street
Key West, Florida 33040

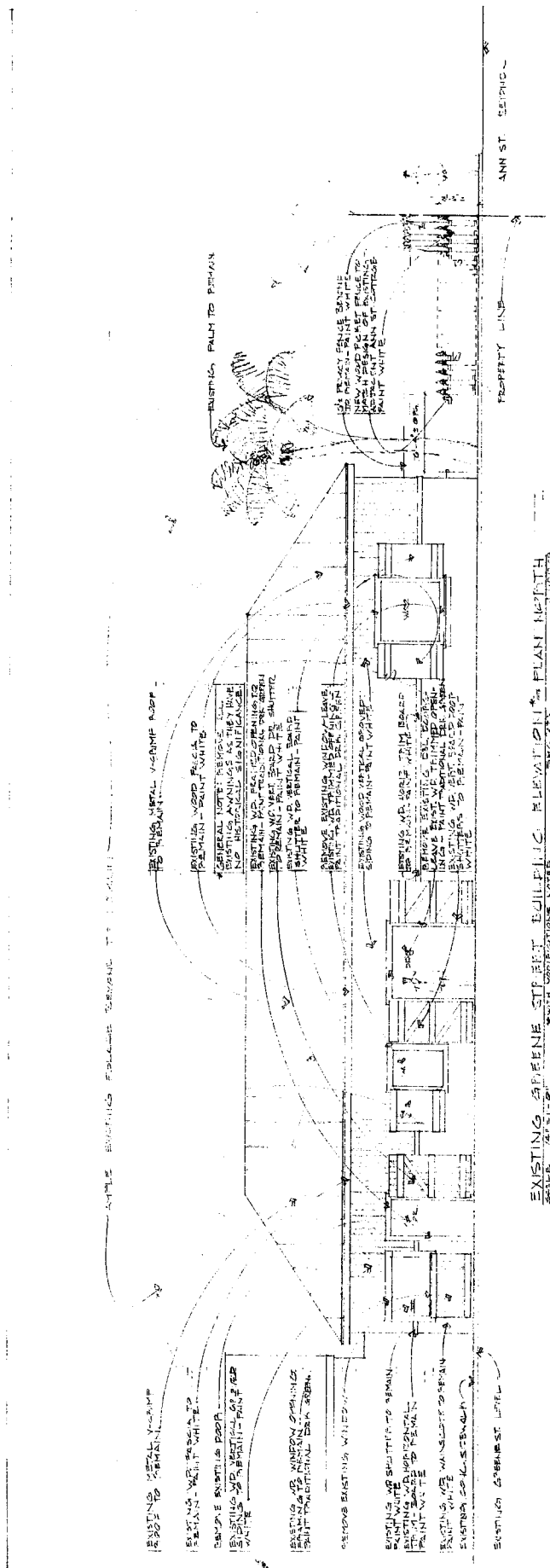


A



PROPOSED FLOOR PLAN

1000



EXISTING APRENE STREET EQUIPPING RELOCATION ⁱⁿ PLAN NORTH
SCALE 1/4" = 1' - 0" * WITH COORDINATIONS NOTED S.W. 1/4

STREET LIGHTS

ANN ST. GEORGE

EXISTING ANN STREET BUILDINGS ELEVATIONS PLAN WEST
SCALE = 1/4" = 1'-0"
* WITH MODIFICATIONS AS NOTED 4/7/2009 DMCF/AA



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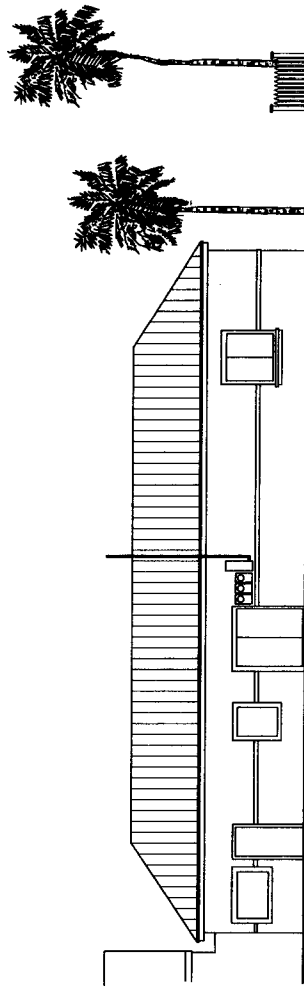
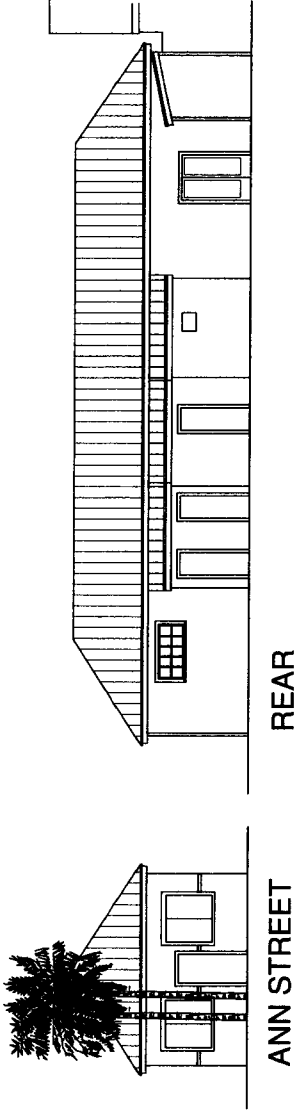
Revisions

Carlos O. Rojas, AIA
512 Greene Street
Key West, Florida 33040

Project Number
09512CR
Date
05/15/09
Drawn By
CCR



A2



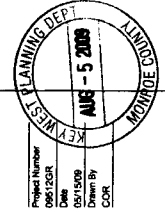
EXISTING/ PROPOSED ELEVATIONS
1/8"=1'-0"



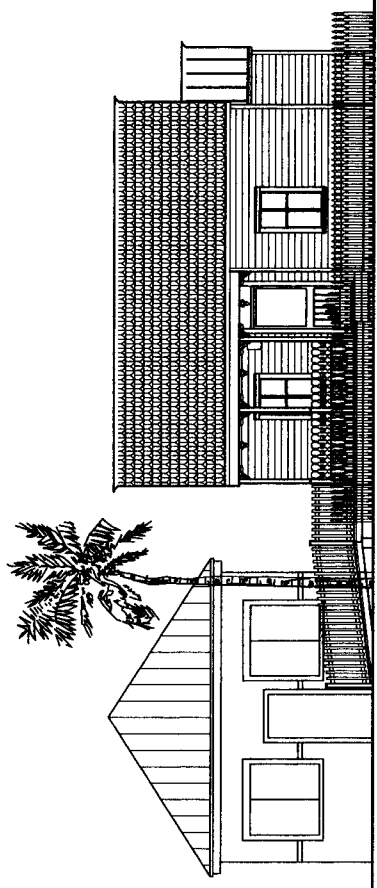
Carlos O. Rojas, AIA
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Revisions

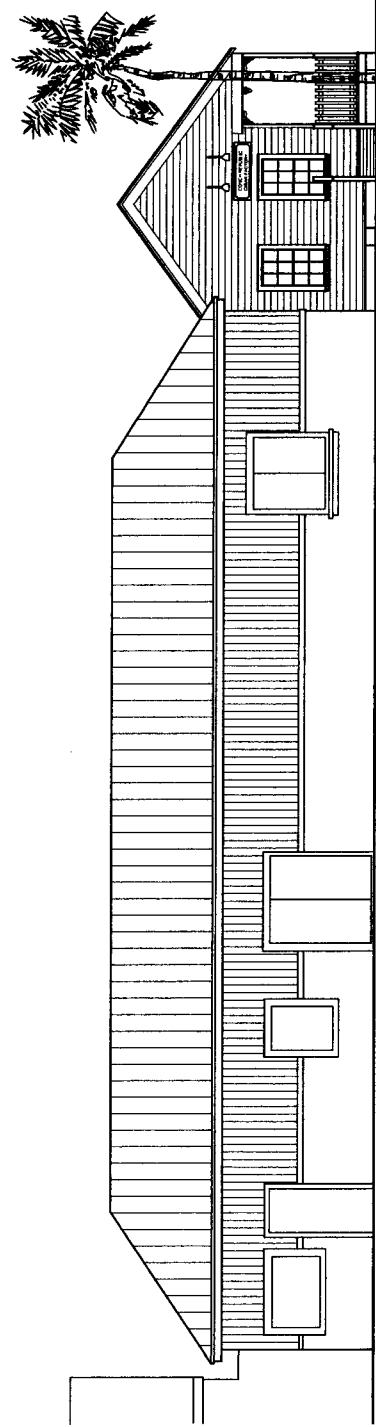
Carlos O. Rojas, AIA
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Key West, Florida 33040



A3



ANN STREET ELEVATION
3/16"=1'-0"



GREENE STREET ELEVATION
3/16"=1'-0"



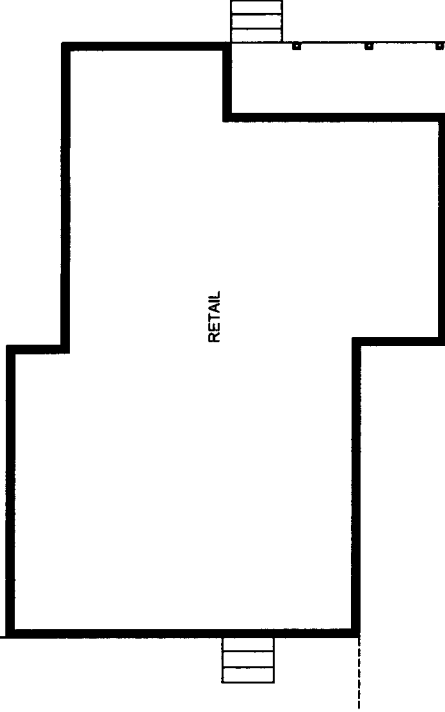
Carlos O. Rojas, AIA
540 W. Main Street
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Revisions

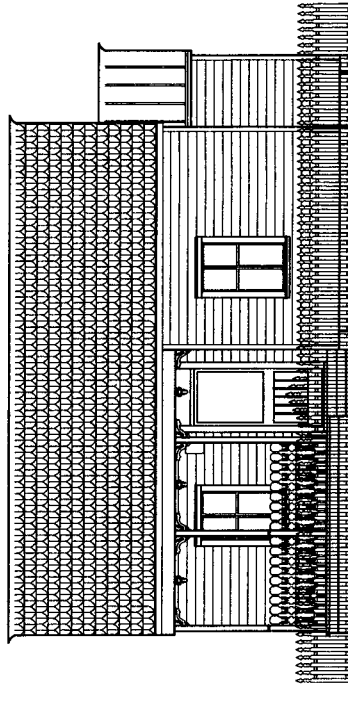
Carlos O. Rojas, AIA
512 Greene Street
Key West, Florida 33040

Project Number
00015004
Date
08/15/09
Drawn By
CCR
Check By

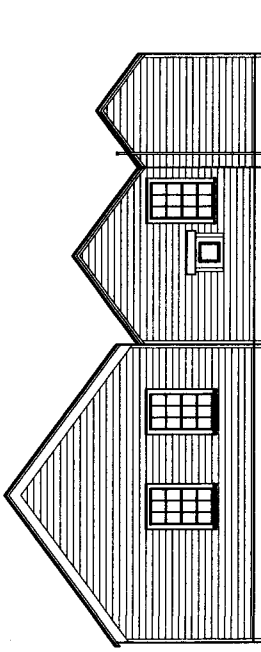
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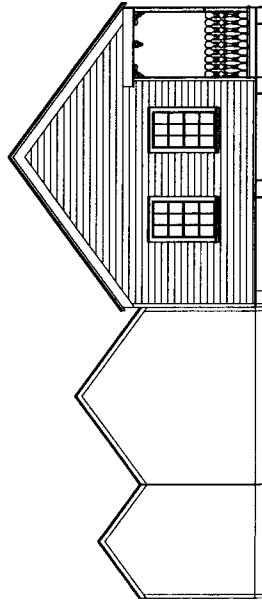
EXISTING PLAN
3/16"=1'-0"



EXISTING FRONT ELEVATION
1/4"=1'-0"



EXISTING RIGHT ELEVATION
3/16"=1'-0" NO CHANGE TO ELEVATION



EXISTING LEFT ELEVATION
3/16"=1'-0"



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A: 305.292.4870

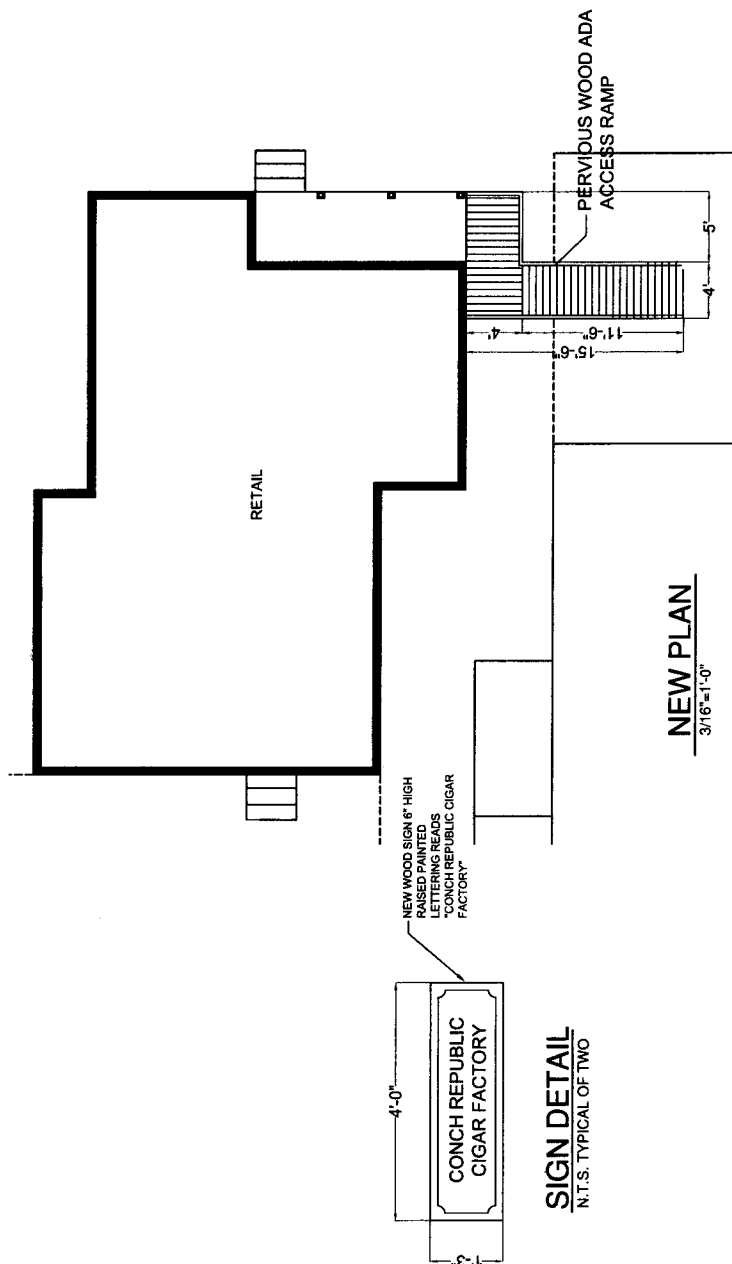
Revisions

Carlos O. Rojas, AIA
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Key West, Florida 33040

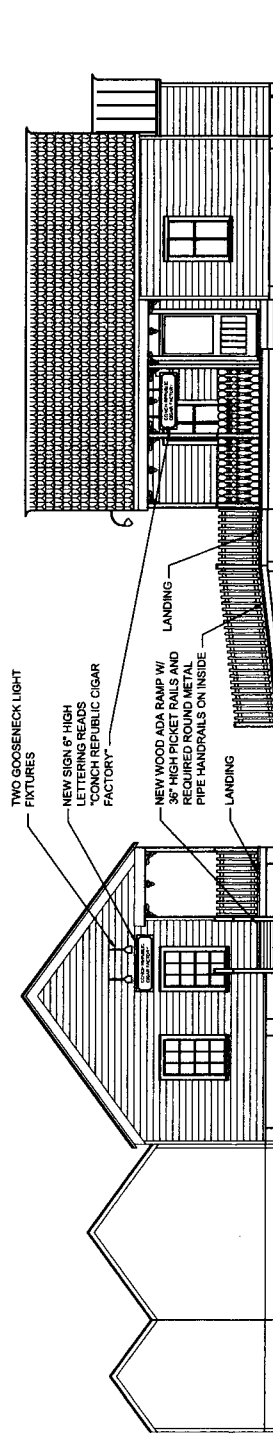
Project Number
08612GR
Date
05/15/09
Drawn By
CJR



A1



NEW PLAN
3/16"=1'-0"



NEW FRONT ELEVATION
3/16"=1'-0"

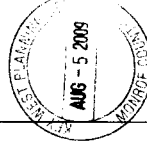
NEW LEFT ELEVATION
3/16"=1'-0"



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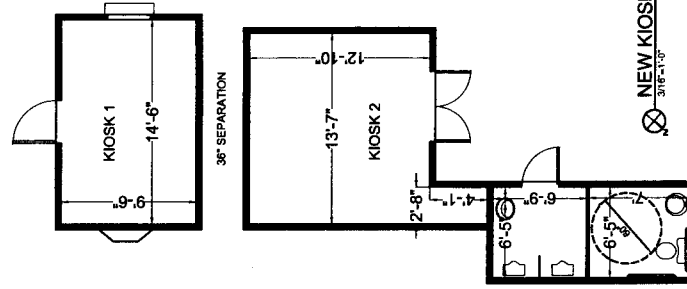
Revisions

Carlos O. Rojas, AIA
512 Greene Street
Key West, Florida 33040

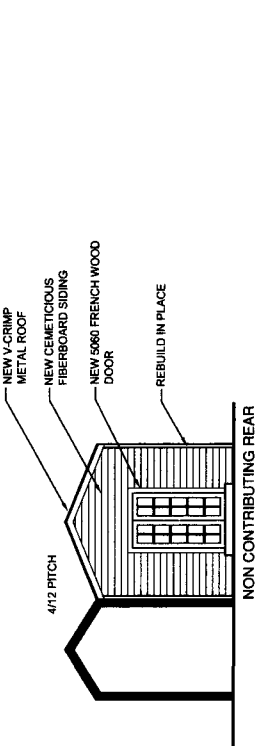


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085752R
Drawing
001-000
Drawn By
COR

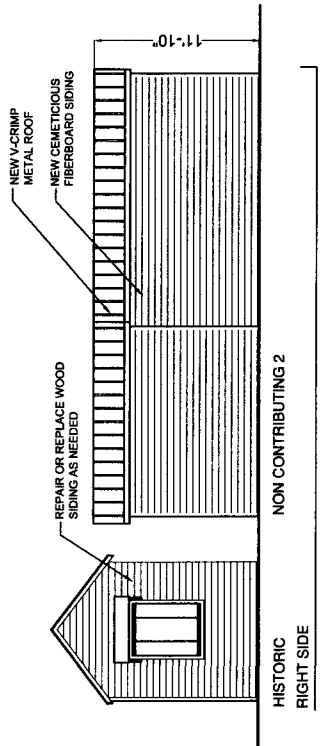
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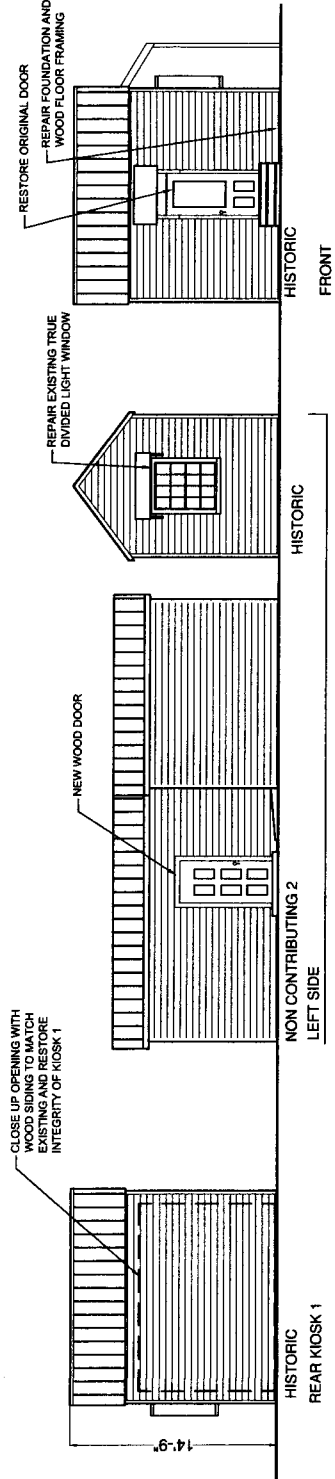
NEW KIOSK PLAN
3/16"=1'-0"



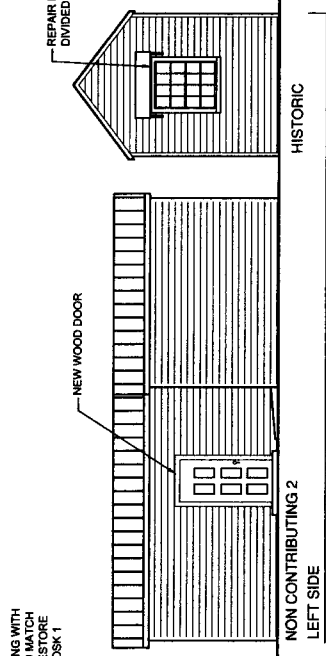
NON CONTRIBUTING REAR



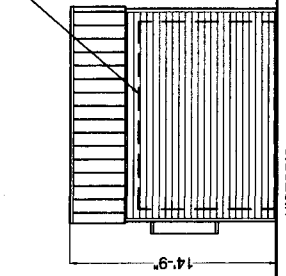
HISTORIC RIGHT SIDE
NON CONTRIBUTING 2



HISTORIC FRONT

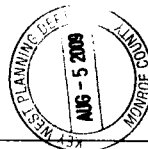


NON CONTRIBUTING 2
LEFT SIDE



HISTORIC REAR KIOSK 1

NEW KIOSK ELEVATIONS
3/16"=1'-0"



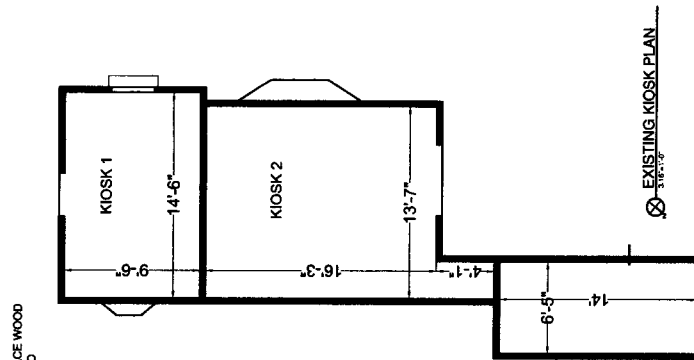
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2008-1208
Date
08/15/09
Drawn By
CCR
CRR

AB2

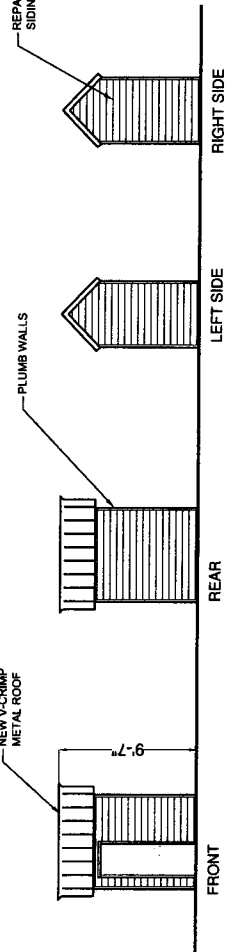
Carlos O. Rojas, AIA
512 Greene Street
Key West, Florida 33040

Carlos O. Rojas, AIA
ART 0016754
540 White Street
Key West, FL 33040
(305) 292-4870
TheRojasArchitect.com

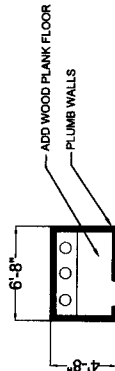
Revisions



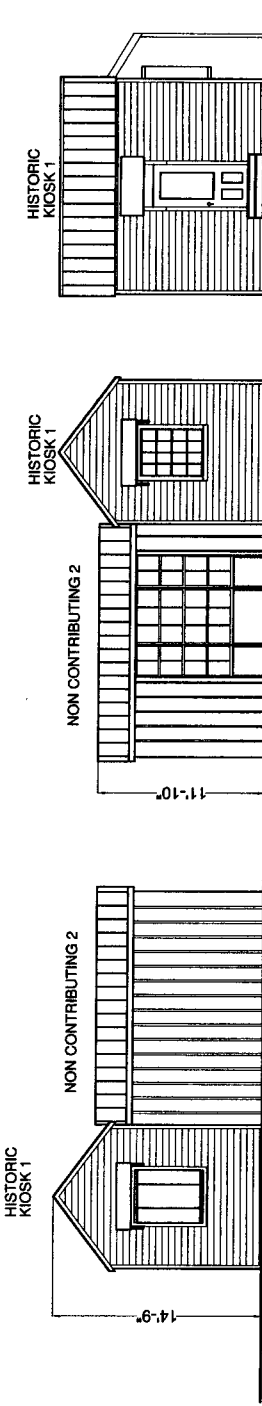
EXISTING KIOSK PLAN
3/16"=1'-0"



EXISTING OUTHOUSE ELEVATIONS
3/16"=1'-0" NO CHANGES EXCEPT REPAIRS



EXISTING OUTHOUSE PLAN
3/16"=1'-0" NO CHANGES EXCEPT REPAIRS



EXISTING LEFT AND FRONT ELEVATIONS
3/16"=1'-0"

EXISTING RIGHT ELEVATION
3/16"=1'-0"



C1

Carlos O. Rojas, AIA
512 Greene Street
Key West, Florida 33040

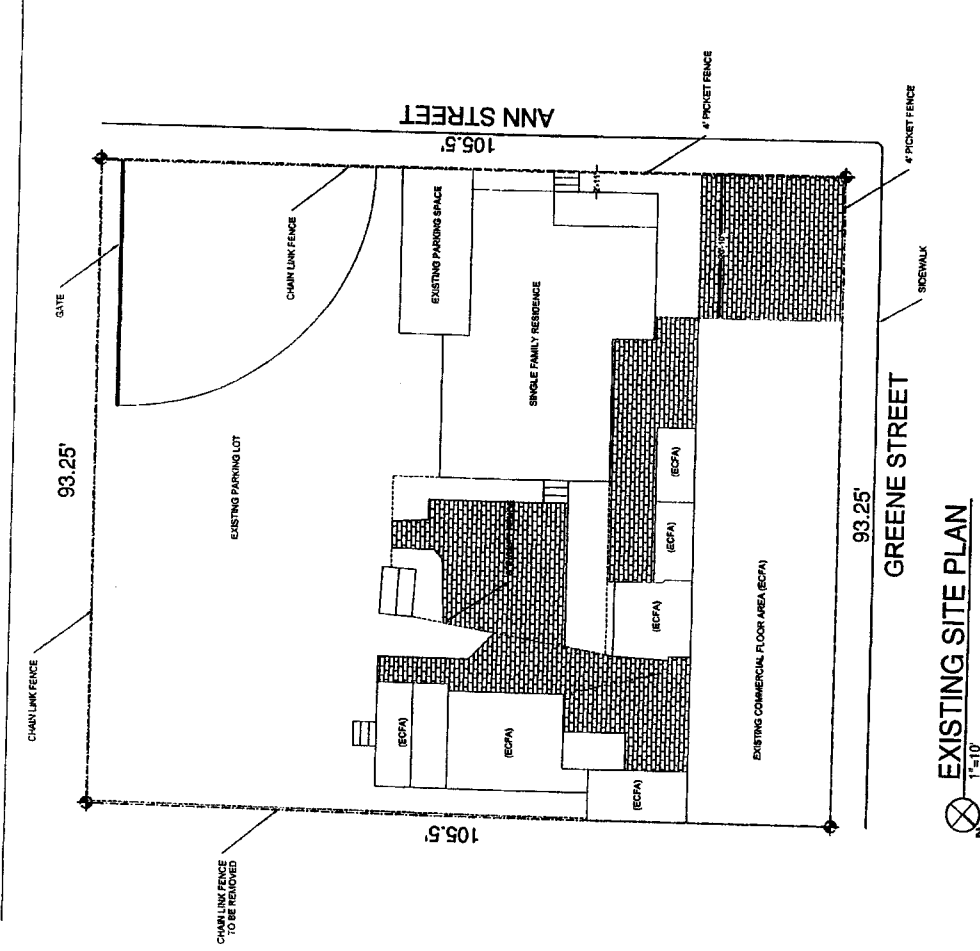
Project No. 068120R
Date 08/15/09
Drawn By CCR
Check CCR



Carlos O. Rojas, AIA
AR 0016794
345 West 77 Street
Key West, FL 33040
(305) 262-4678
trh@carlosrojas.com

calculations of areas:

total sqft of lot =	9837.67 sqft
perivable	
existing	847.9 sqft 8.6% new 1034.1 sqft 10.6%
impervious	
existing	91.4% new 83.2%
building coverage	
existing	3349.89 sqft 34.0% new 3237.3 sqft 33.1%



EXISTING SITE PLAN
1"=10'

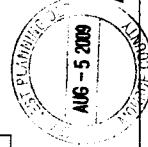


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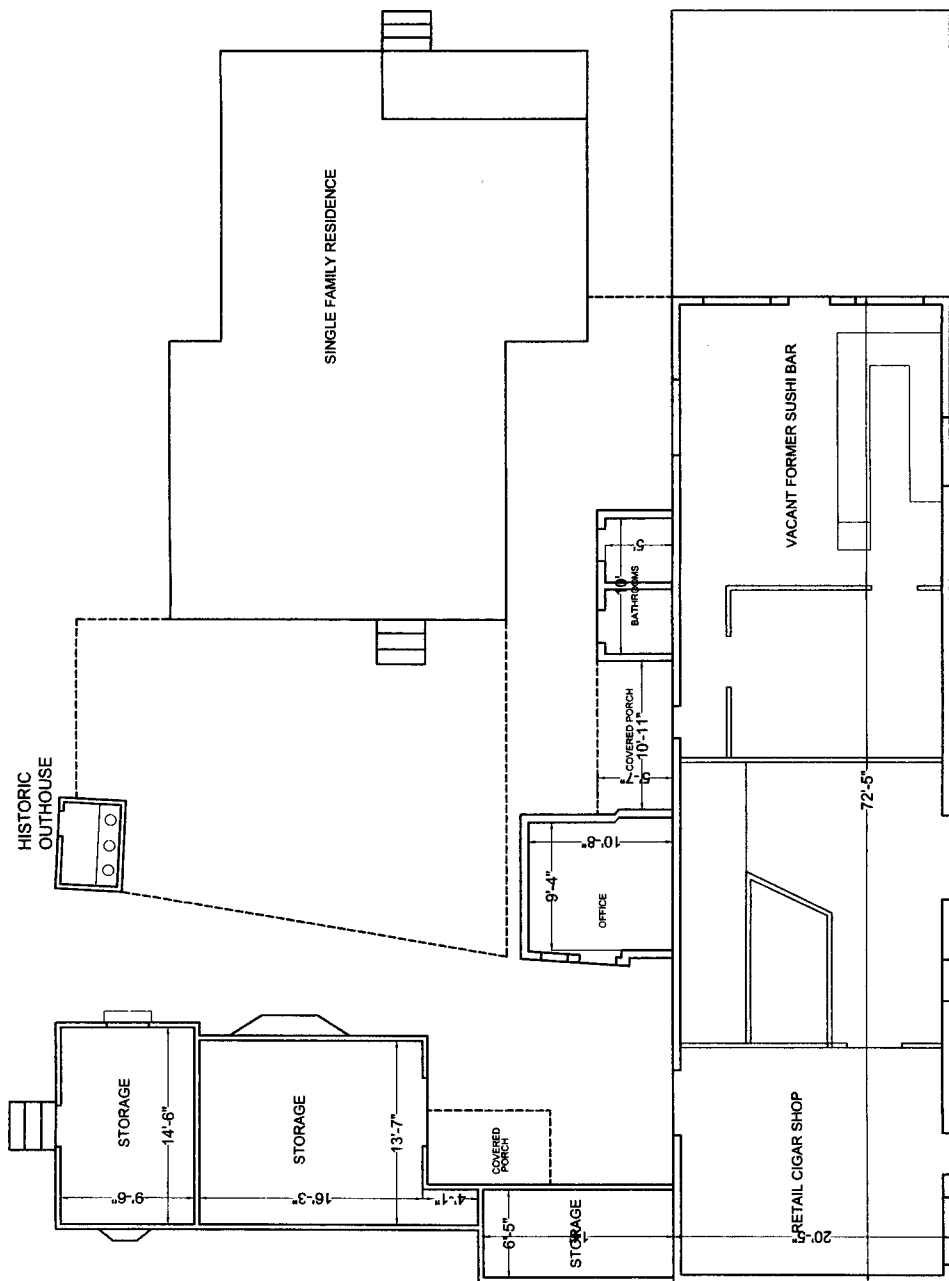
Revisions

Carlos O. Rojas, AIA
512 Greene Street
Key West, Florida 33040

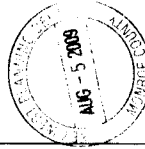
Project Number
0251201
Date
04/15/09
Drawn By
CDR



AB



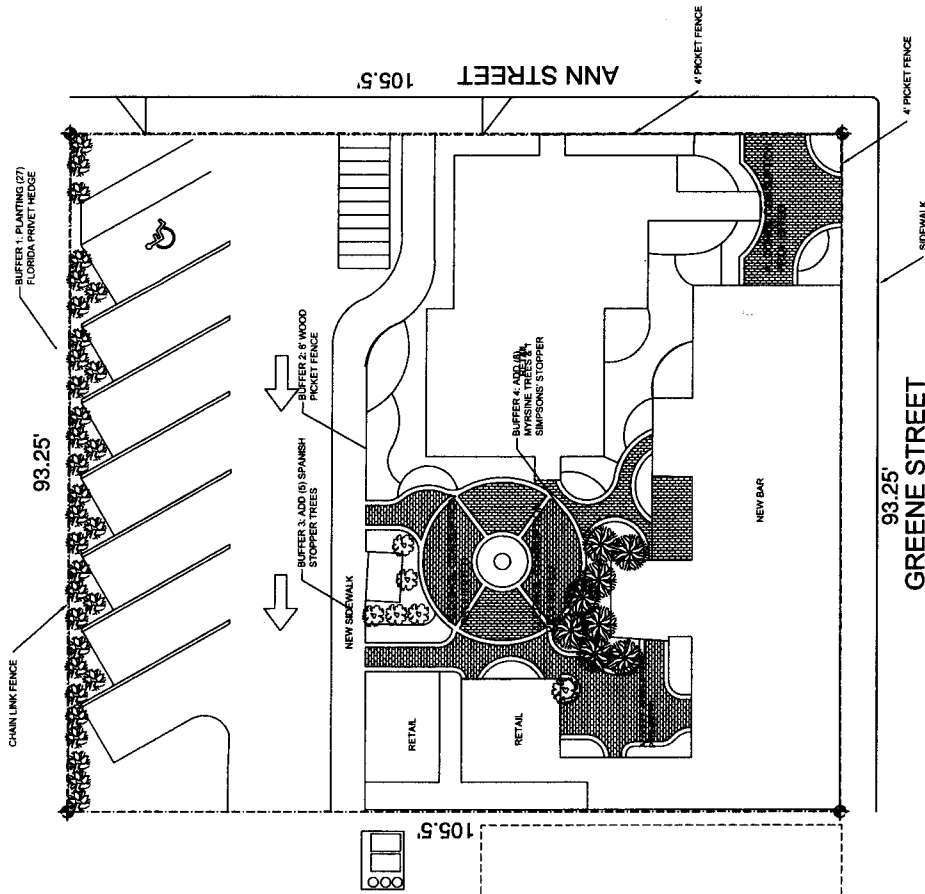
EXISTING FLOOR PLAN
3/16"=1'-0"



BUFFER PLAN SHOWS PLANTINGS AND FENCE IN ADDITION TO LANDSCAPE PLAN IN ORDER TO PROVIDE ADDITIONAL SOUND MITIGATION FOR THE NEIGHBORS' BENEFIT.

CONSUMPTION IS
PROHIBITED ANYWHERE
OUTDOORS ON THE SITE.

THERE IS NO OUTDOOR
CONSUMPTION AREA AS
PART OF THE APPROVED
PLANS.

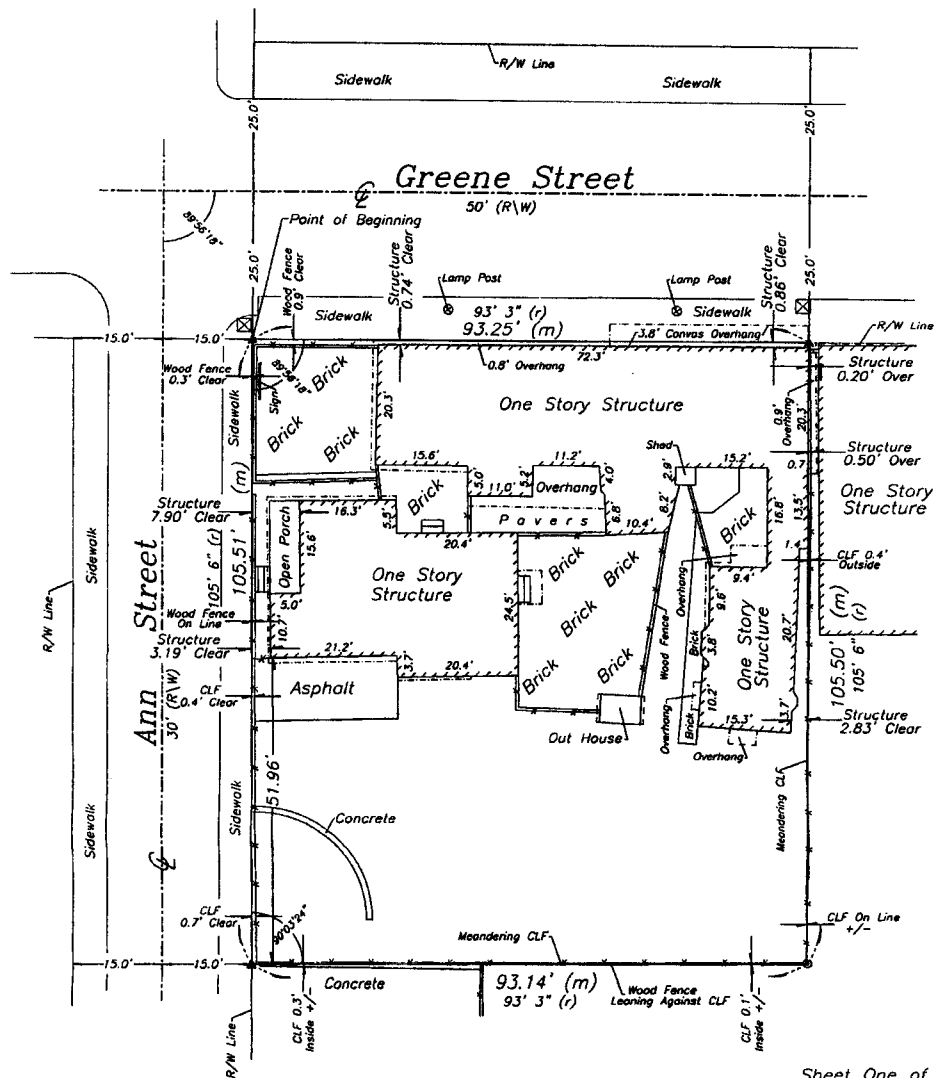


93.25'
GREENE STREET
ADDITIONAL BUFFER PLAN
1"=10'

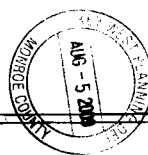
Boundary Survey Map of part of Lot 3, Square 13, of WM A. Whitehead's map of the Island of Key West

LEGEND

- Found Permanent Reference Monument (FHH)
- Set #5 rebar w/cap (6298)
- Found 1/2" Iron Rod (2863)
- ▲ Found Nail & Disc (FHH)
- △ 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



NOTE:
This Survey Map is not
full and complete without
the attached Survey Report.



Sheet One of Two Sheets

J. LYNN O'FLYNN, Inc.



Professional Surveyor & Mapper
PSA #6698

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

THE AUDIO BUG, INC.

3800 HILLCREST DRIVE, # 102 • HOLLYWOOD, FL 33021-7937 • PHONE: 954-983-2788 • FAX: 954-983-2789 • audiobug1@aol.com

512 Greene Street Bar - Sound System Design and Specification

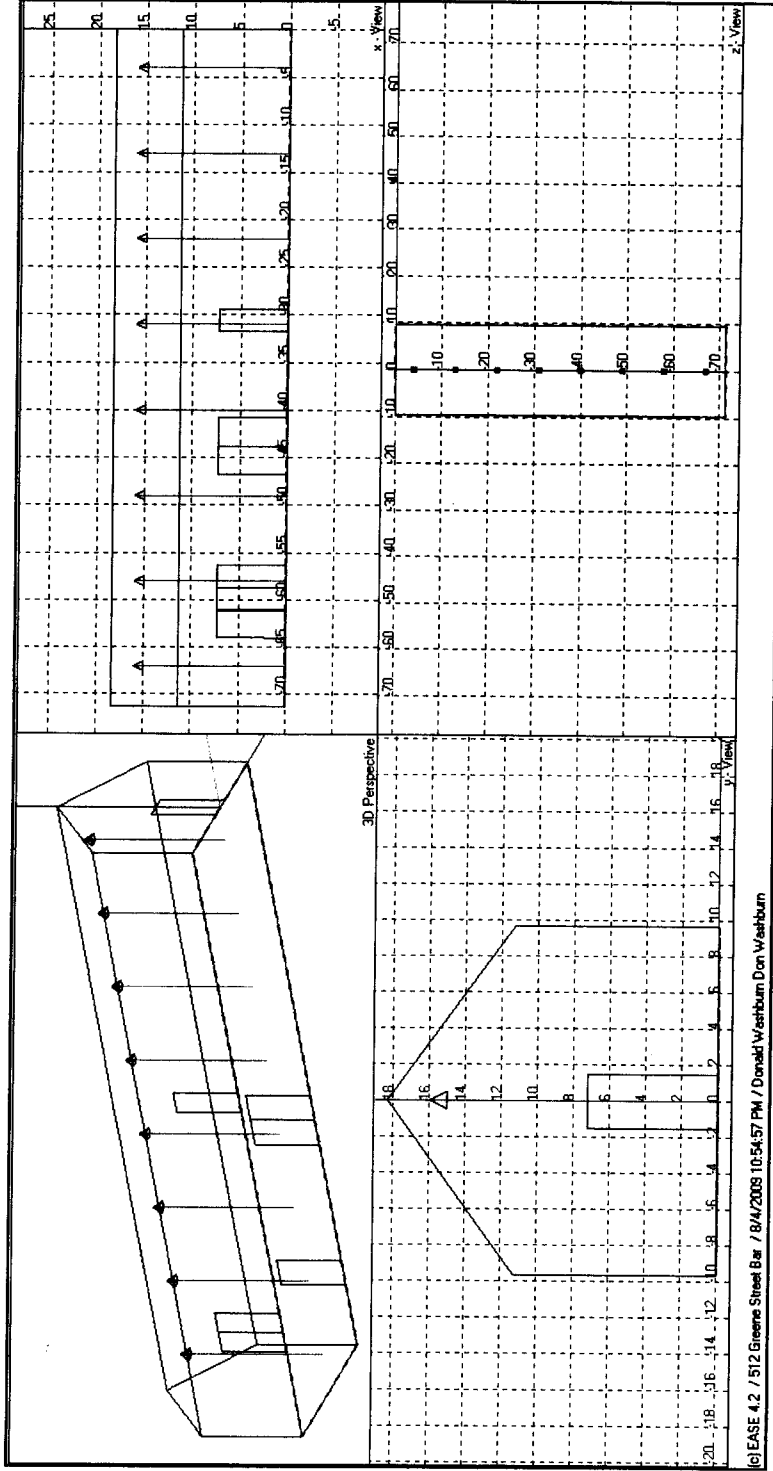
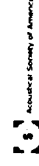


Figure 1 - OmniView of Greene Street Bar as rendered in EASE 4.2



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512 Greene Street Bar - Sound System Design and Specification

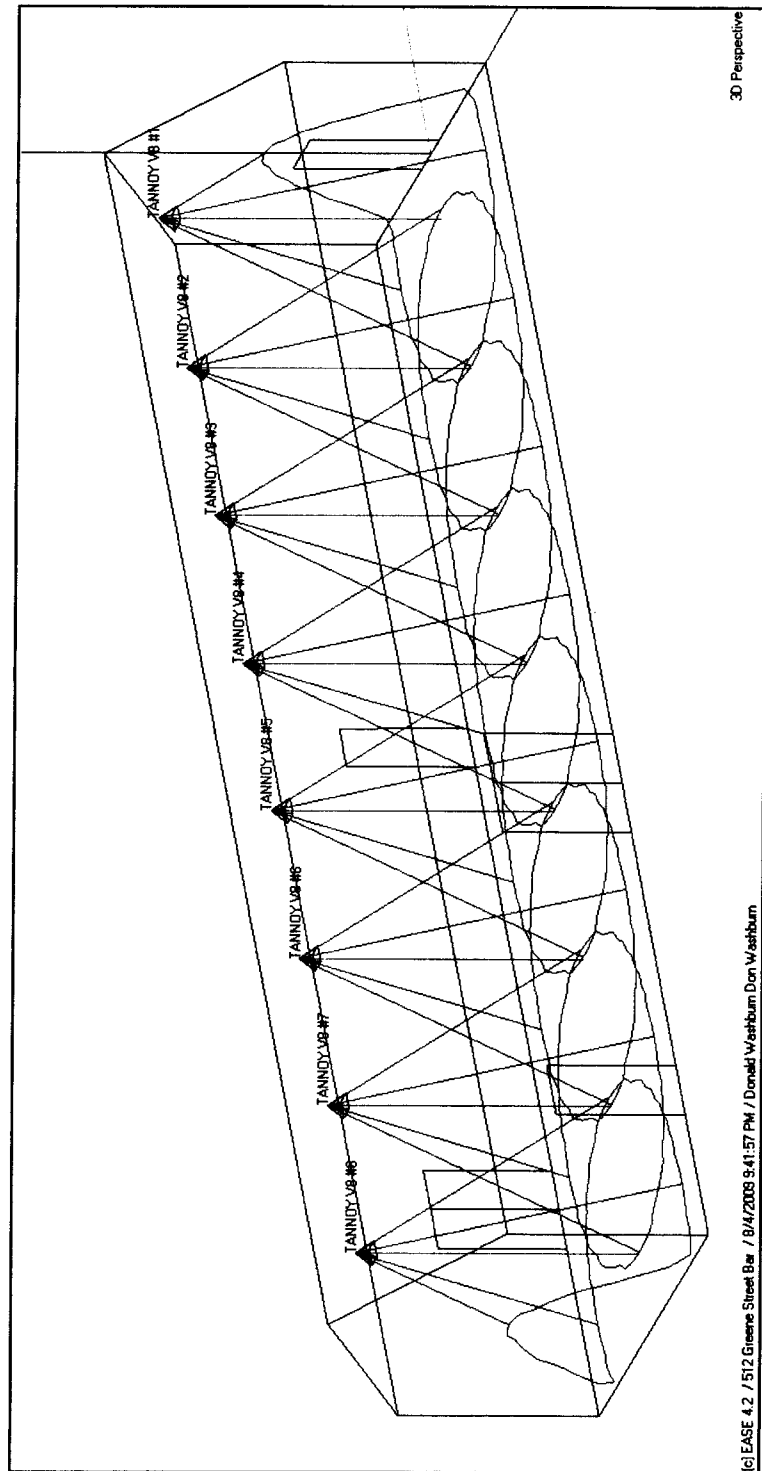
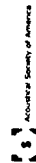
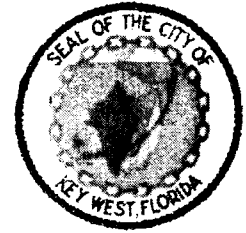


Figure 6 - Isometric view of Greene Street Bar as rendered in EASE 4.2 showing loudspeaker locations and -3 dB isobars @ 5 kHz



Planning Board Staff Report

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



To: Chairman and Planning Board Members

From: Nicole Malo

Through: Amy Kimball-Murley, AICP, Planning Director

Meeting Date: July 30, 2009

Agenda Item: A Conditional Use for a bar and Major Development Plan to redevelop an existing parking lot, and retail structures in the Historic Residential Commercial Core Gulf Side (HRCC-1) zoning district per Section 122-688(9) and Section 108-91A(2)(b) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida (RE 00001170-000000)

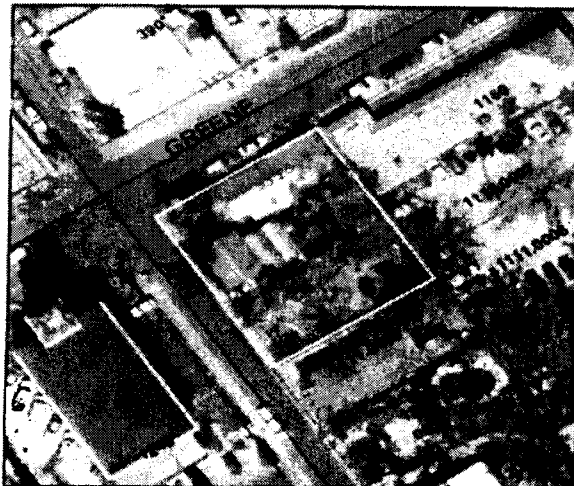
Request: To allow a pre-existing restaurant to become a bar and to allow the redevelopment of an existing parking lot and the four structures on site for commercial uses.

Applicant: Trepanier and Associates

Property Owner: Peter Brawn, Managing Member of 512 Greene Street, LLC.

Location: 512 Greene Street and 201 to 205 Ann Street
RE# 00001170-000000

Zoning: Historic Residential Commercial Core, Gulf Side (HRCC-1)



Request: The applicant wishes to redevelop the entire site, maintaining the historically significant structures in place while reducing impervious surface coverage, adding stormwater management, increasing landscaping and bringing ADA, electrical, and plumbing standards up to code. The applicant proposes to redesign the restaurant and tobacco shop that face Greene Street into an open air bar with 1,045 square feet of consumption area, to use the residential single-family home on Ann Street as a commercial retail space, to improve the two separate structures at the rear of the bar to be used as commercial retail spaces, and convert the existing commercial lot into a seven space paved parking area to serve existing uses.

Background: The project is located on a historically mixed use site. Most recently it was licensed for a restaurant and retail use (tobacco shop). The site also includes a single family-home, a historic outhouse, two small structures in the center of the parcel, and a parking lot. The site also includes an unpaved parking lot which was previously leased by the City for use by Old City Hall patrons and also used as a commercial public parking lot. As such, the parking has not, within recent memory, served the onsite commercial uses.

Process:

Development Review Committee Meeting:	May 28, 2009
HARC Meeting:	June 9, 2009
Tree Commission Meeting:	August 10, 2009
Planning Board Meeting:	July 30, 2009
City Commission Meeting:	TBD

Surrounding Zoning and Uses:

North:	HRCC-1. Restaurant and retail
East:	HRCC-1. Retail and parking lot
South:	HRCC-1. Residential apartments, parking lot and Old City Hall
West:	HRCC-1. Take out and Old City Hall

**Uses Permitted in the HRCC-1 Duval Street Gulfside Zoning District
Per Section 122-687, Code of Ordinances:**

- (1) Single-family and two-family residential dwellings
- (2) Multiple-family residential dwellings
- (3) Group homes with less than or equal to six residents as provided in section 122-1246
- (4) Places of worship
- (5) Business and professional offices
- (6) Commercial retail low and medium intensity less than or equal to 5,000 square feet as provided in division 11 of article V of this chapter
- (7) Commercial retail high intensity less than or equal to 2,500 square feet as provided in division 11 of article V of this chapter
- (8) Hotels, motels, and transient lodging
- (9) Medical services
- (10) Parking lots and facilities
- (11) Restaurants, excluding drive-through

- (12) Veterinary medical services without outside kennels
- (13) Adult entertainment establishments (see section 122-1533)

Conditional Uses Per Section 122-688, Code of Ordinances:

- (1) Group homes with seven to 14 residents as provided in section 122-1246
- (2) Cultural and civic activities
- (3) Community centers, clubs, and lodges
- (4) Educational institutions and day care
- (5) Nursing homes, rest homes and convalescent homes
- (6) Parks and recreation, active and passive
- (7) Protective services
- (8) Public and private utilities
- (9) Bars and lounges, including those associated with adult entertainment establishments
- (10) Boat sales and service
- (11) Commercial amusement, except adult entertainment establishments
- (12) Commercial low and medium intensity greater than 5,000 square feet as provided in division 11 of article V of this chapter
- (13) Commercial retail high intensity greater than 2,500 square feet as provided in division 11 of article V of this chapter
- (14) Funeral homes
- (15) Light industrial
- (16) Marinas
- (17) Small recreational power-driven equipment rentals

Conditional Use Review

Code Sec. 122-62 (a) provides, in part, that “a conditional use shall be permitted upon a finding by the planning board that the proposed use, application, and, if applicable, development plan comply with the criteria specified in this section, including specific conditions established by the planning board and or the city commission during review of the respective application in order to ensure compliance with the comprehensive plan and land development regulations.” The same section also specifies that “a conditional use shall be denied if the city determines that the proposed use does not meet the criteria provided in this section and, further, that the proposed conditional use is adverse to the public’s interest.”

Conditional Use Criteria per Code Section 122-62

- (a) **Findings:** The Planning Board may find that it meets the Code purpose of ensuring that “a conditional use shall only be permitted on specific sites where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity.”

The subject property, zoned HRCC-1, has existing mixed commercial and residential uses. This zoning district incorporates the city’s most-intensely vibrant tourist commercial entertainment center which is characterized by specialty shops, sidewalk-oriented restaurants, lounges and bars

with live entertainment. Within the immediate vicinity of the proposed use are numerous similar open window bars on Duval Street, Greene Street, Front Street, and along the Historic Seaport. High intensity land use is common in the district, and the proposed open air bar is typical of the area. Other uses in the immediate vicinity around Greene Street are commercial in character including numerous parking lots. The onsite residential use is proposed to be replaced by commercial use. The site proposal includes a conversion of a commercial parking area into a site specific parking lot with additional bicycle parking. According to the applicant the majority of clientele is anticipated to arrive by foot.

Adjacent to the rear of the property on the other side of the existing parking lot are residential uses. In addition, Old City Hall is located to the west of the site. The applicant has indicated that a noise study for the site has been conducted; however, the results of the study are not available as of the date of the report. The applicant has provided proposed mitigation measures for sound control which are intended to limit amplified noise at the property line in compliance with the "unreasonable noise" definition in the Section 26-191. That definition specifies that

- (1) Any noise in or emanating from a commercial district which equals or exceeds a measured sound level of 75 dBA (maximum permitted sound level in decibels) collectively for more than 30 seconds of any measurement period which shall not be less than five minutes.
- (2) Any noise in or emanating from a residential district which equals or exceeds a measured sound of 75 dBA between 8:00 a.m. and 7:59 p.m. and 60 dBA from 8:00 p.m. to 7:59 a.m. (maximum permitted sound level in decibels) collectively for more than 30 seconds of any measurement period which shall not be less than five minutes.

The applicant is proposing to install and maintain a programmable distributive sound system consistent with that described in the Noise Mitigation section of the staff report material. According to the applicant's noise consultant, this system offers noise control and monitoring options to assure compliance with the unreasonable noise portion of the ordinance. In addition, the applicant is offering to limit live music at the site unless approved under a special event permit per Section 6-86 of the City Code.

(b) Characteristics of use:

The proposed conditional use to convert the previously existing restaurant and tobacco shop area into a 1,725 square foot open window framed (without glass) bar and lounge, is part of an overall Major Development Plan. The proposed enhancements incorporated into the Major Development Plan are intended to improve the site and address potential neighborhood compatibility issues. Characteristics of use are as follows:

1) Scale and intensity

- a. **Floor Area Ratio F.A.R):** Existing F.A.R is .32; no new floor area is proposed. The F.A.R for the HRCC-1 is 1.0. Therefore, the proposed use conforms to the requirement.
- b. **Traffic Generation:** According to the Institute of Transportation Engineers Trip Generation Manual, 7th Edition the change in use from a small restaurant to a large bar could potentially increase trips from a maximum 8.35 trips to 23.28 trips daily

average. The proposed parking lot will be one way from Ann Street directing traffic through to Simonton Street which could minimize traffic impacts on Ann Street. Additionally, because of the location of the proposed bar and lounge in the pedestrian oriented district, traffic generation is expected to be primarily pedestrian.

c. **Square feet of enclosed space for each specific use:**

The Proposed Bar Area is 1,757 square feet. The proposed consumption area is 1,045 square feet.

d. **Proposed employment:**

The applicant estimates there will be five persons employed at the proposed conditional use bar and lounge.

e. **Proposed number of service vehicles:**

The applicant expects service vehicles to be making deliveries through the parking lot at the rear of the bar. An estimated six service vehicles will deliver to the site weekly. Garbage pick up will be on Ann Street twice a week and recycling pick up once a week

f. **Off-street parking:**

This property is within the parking waiver district, and the conditional use approval does not require parking as provided in Section 108-573(a); however, as part of the Major Development Plan the applicant proposes a parking lot with six parking spaces and one handicap space.

2) On or off site improvements not previously identified

a. **Utilities:**

No change in utilities are expected from this conditional use proposal. The Florida Keys Aqueduct Authority and Keys Energy Services have no objections.

b. **Public facilities:**

The applicant has provided a Concurrency Management report that incorporates improvements consistent with Chapter 94 of the Code, including site plans that incorporate stormwater drainage, garbage and recycling areas, and facilities that meet ADA standards.

c. **Roadway or signal improvements:** N/A

d. **Accessory structures or facilities:**

The historic structures on the proposed site will be restored per the HARC approval as part of the proposed Major Development Plan. Restored structures include the main Greene Street structure, the single-family home, two small commercial structures and a three-hole outhouse.

e. **Other:** As part of the Major Development Plan site improvements will also include paving the existing parking lot, new bike racks, and a sidewalk that allows safe

pedestrian passage through the parking lot at the rear of the proposed bar and a stormwater retention plan.

3) On-site amenities proposed to enhance the site: Through the conditional use approval and incorporated into the Major Development Plan are numerous site improvements that will enhance the pedestrian access, open space, drainage, and landscaping of the site.

a. Open space:

Open space requirements of 20% of the property will be met. Currently the site is only 9% open space. The total open space proposed is 2,004 square feet.

b. Setbacks: No Change is proposed.

c. Screening and buffers:

A landscape buffer and a wooden fence are proposed between the parking area and residential uses. All electrical equipment and garbage shall be located in a screened area.

d. Landscaping berms:

No landscaped berms are proposed, however the applicant has proposed a comprehensive landscape and stormwater plan for the entire site, incorporated in the proposed Major Development Plan.

e. Mitigative techniques for abating smoke, odor, noise and other noxious impacts:

The applicant has hired noise experts to examine noise generating from the proposed bar which may affect business at Old City Hall or surrounding residential units. The noise experts will also advise proper techniques for mitigating and redirecting potential noise generation. Although a noise study is not available at the date of this report, noise mitigation and other limits to operation have been proposed and associated conditions of approval have been identified.

(c) Criteria for conditional use review and approval: Applications for a conditional use review shall clearly demonstrate the following:

1) Land use compatibility:

The proposed conditional use, in conjunction with the proposed Major Development Plan, appears generally compatible with the surrounding land uses. There is no proposed increase in scale and the potential increase in intensity will be mitigated using various methods including: seven on-site parking spaces to prevent negative parking impacts on the immediate area and address the increase in square footage, and bicycle parking. Proposed neighborhood compatibility enhancements include: landscaping to beautify and buffer the site, stormwater retention to prevent run off, street lighting to increase pedestrian safety, and pedestrian friendly passages to augment flow from adjacent parking to neighboring commercial sites. Additionally, the proposed Major

Development Plan will direct on site circulation related to exiting the parking lot onto Simonton Street.

The intent of the zoning district is to support “an intensely vibrant tourist commercial entertainment center” and there are numerous existing open air bars and lounges within the immediate vicinity of the proposed bar. Therefore, the use appears appropriate to the district and compatible with other uses along Greene Street. Adjacent to the rear of the property on the other side of the existing parking lot are residential uses. In addition, Old City Hall is located to the west of the site. The applicant has indicated that a noise study for the site has been conducted; however, the results of the study are not available as of the date of the report. The applicant has provided proposed mitigation measures for sound control which are intended to limit amplified noise at the property line in compliance with the “unreasonable noise” definition in the Section 26-191. The applicant is proposing to install and maintain a programmable distributive sound system consistent with that described in the Noise Mitigation section of the staff report material. According to the applicant’s noise consultant, this system offers noise control and monitoring options to assure compliance with the unreasonable noise portion of the ordinance. In addition, the applicant is offering to limit live music at the site unless approved under a special event permit per Section 6-86 of the City Code.

2) Sufficient site size, adequate site specifications and infrastructure to accommodate the proposed use:

The site size is over 9,000 square feet and the building coverage of all four structures is approximately 4,000 square feet, leaving 5,000 square feet for open space and the parking lot. The proposed Major Development Plan increases internal circulation, access and open space. None of the existing structures on site will be altered in size. However, the changes in use resulting from the conversion of the residential structure, and the new retail use in the two rear structures will increase the intensity of the site. The increase in intensity will be offset by onsite parking in conformance with the code. The site has adequate size and site specifications to accommodate the proposed use and amenities such as parking, sidewalks and an increase in open space, which will help accommodate the increase in intensity.

3) Proper use of mitigative techniques:

The applicant is providing landscape buffering. However, the applicant has not addressed noise related issues at the time of this report.

4) Hazardous waste:

No hazardous waste shall be generated by this conditional use.

5) Compliance with applicable laws and ordinances:

The applicant will comply with all applicable laws and regulations as a condition of approval.

6) Additional criteria applicable to specific land uses:

Applicants shall demonstrate the proposed conditional use satisfies the following criteria:

a. **Land uses within a conservation area:**

N/A

b. **Residential development:**

N/A

c. **Commercial or mixed use development:**

The surrounding uses are mainly commercial and adjacent properties include commercial parking lots. However, some residential uses, as well as Old City Hall are proximate to the site. The applicant is proposing to install and maintain a programmable distributive sound system consistent with that described in the Noise Mitigation section of the staff report material. According to the applicant's noise consultant, this system offers noise control and monitoring options to assure compliance with the unreasonable noise portion of the ordinance. In addition, the applicant is offering to limit live music at the site unless approved under a special event permit per Section 6-86 of the City Code.

d. **Development within or adjacent to historic district:**

All development proposed was reviewed and approved by the Historic Architectural Review Committee on June 9, 2009 (approval #H09-05-15-552).

e. **Public facilities or institutional development:**

N/A

f. **Commercial structures, uses and related activities within tidal waters:**

N/A

g. **Adult entertainment establishments:**

N/A

Major Development Plan

Analysis – Evaluation for Compliance With The Land Development Regulations:

Section 108-91 A(2)(b) of the City of Key West Land Development Regulations requires that any proposed non-residential development within the historic district greater than 2,500 square feet submit an application for a Major Development Plan. Section 108-196(a) of the Land Development Regulations states "after reviewing a major development plan or a minor development plan for a property and staff recommendations, the Planning Board shall act by resolution to approve, approve with conditions, or disapprove it based on specific development

review criteria contained in the Land Development Regulations and the intent of the Land Development Regulations and Comprehensive Plan.”

Section 108-198 of the Land Development Regulations states that the City Commission shall approve with or without conditions or disapprove the development plan based on specific development review criteria contained in the Land Development Regulations and based on the intent of the Land Development Regulations and Comprehensive Plan. The City Commission may attach to its approval of a development plan any reasonable conditions, limitations or requirements that are found necessary, in its judgment, to effectuate the purpose of this article and carry out the spirit and purpose of the Comprehensive Plan and the Land Development Regulations. Any condition shall be made a written record and affixed to the development plan as approved. If the City Commission disapproves a development plan, the reasons shall be stated in writing.”

Planning staff, as required by Chapter 108 of the City of Key West Land Development Regulations, has reviewed the following site information for compliance with the City's LDRs and Comprehensive Plan:

Project Data			
	Existing	Permitted/Required	Proposed
Zoning	HRCC-1	Conditional Use Approval	Bar, Retail, and parking lot
Lot Area	9,827 s.f	4, 000 Square Feet	No change
FAR	.32	1.0	.31 Reduction
Building Coverage	34% (3,349 s.f)	50%	33% (3,257 s.f
Impervious	91% (8,989.9 s.f)	70%	83%(7,335.8s.f) Legally non-conforming
Building Height	15-20 feet		No change
Parking	Not configured	4 spaces	7 spaces
Flood Zone	AE8		
Open Space	9%	20%	2,004 s.f

The small percentage of building coverage reduction is due to the separation of the two small proposed retail buildings.

Concurrency Facilities and Other Utilities or Service:

As required by Objective 9-1.5 of the Comprehensive Plan and Section 108-233 of the Land Development Regulations development plans shall satisfy concurrency management regulations to ensure that facilities and services needed to support the proposed development meet the City's level of service standards.

The following concurrency analysis reflects the proposed bar of 1,045 square feet of consumption area and three proposed retail buildings of 1,255.93 square feet. Previously the property had a restaurant of approximately 780 square feet with five employees, and functional retail area of roughly 400 square feet with one employee, and a single-family home of 950 square feet with one to two occupants. The proposed project is commercial in nature and will

incorporate a total of ten employees on site. The parcel is 9,837.87 square feet or 0.225846 acres which is used to determine service levels.

Potable Water Supply:

Objective 9-1.6 (1.) of the Comprehensive Plan outlines specific criteria that an applicant or developer shall meet prior to achieving plan approval which ensures that land use decisions maintain adopted Level of Service standards. Section 94-68 of the City of Key West Code of Ordinances sets the Level of Service standard for potable water for residential use at 95gal/capita/day and for nonresidential uses at 650gal/acre/day.

Utilizing this Level of Service standard:

- i) the capacity of the **existing** use of the subject property would be:

$$650 \text{ gal/acre/day} * 0.225846 \text{ acres} = 146.8 \text{ gal/day}$$

$$93 \text{ gal/acre/day} * 2 \text{ people} = 186 \text{ gal/day}$$

$$146.8 \text{ gal/day} + 186 \text{ gal/day} = 332.8 \text{ gal/day}$$

- ii) The capacity of the **proposed** use of the subject property would be:

$$650 \text{ gal/acre/day} * 0.225846 = 146.8 \text{ gal/day}$$

The proposed redevelopment of commercial use would reduce the Level of Service standard by 186gal/day for potable water because the residential component of the site will be eliminated. According to the Florida Keys Aqueduct Authority (FKAA), has an existing water main which currently serves the property and appears adequate to continue the service.

Sanitary Sewer:

Objective 9-1.6 (1.) of the Comprehensive Plan outlines specific criteria that an applicant or developer shall meet prior to achieving plan approval which ensures that land use decisions maintain adopted Level of Service standards. Section 94-67 of the City of Key West Code of Ordinances sets the Level of Service standard for sanitary sewer for residential uses at 100gal/capita/day and nonresidential uses at 660gal/acre/day.

Utilizing this level of service standard:

- i) the capacity of the **available** use of the subject property would be:

$$660 \text{ gal/acre/day} * 0.225846 \text{ acres} = 149.06 \text{ gal/day}$$

$$100 \text{ gal/capita/day} * 2 \text{ people} = 200 \text{ gal/day}$$

$$149.06 \text{ gal/day} + 200 \text{ gal/day} = 349.06 \text{ gal/day}$$

- ii) the capacity of the **proposed** use of the subject property would be:

$$660 \text{ gal/acre/day} * 0.225846 \text{ acres} = 149.06 \text{ gal/day}$$

The proposed redevelopment of commercial use would reduce the Level of Service standard by 200gal/day for sanitary sewer because the residential component of the site will be eliminated. The necessary facilities and services will be in place if the proposed development order is issued.

Drainage:

Objective 9-1.6(1.) of the Comprehensive Plan outlines specific criteria that an applicant or developer shall meet prior to achieving plan approval which ensures that land use decisions maintain adopted Level of Service standards. Section 94-69 of the City of Key West Code of Ordinances outlines specific requirements to Drainage Level of Service standards. The drainage level of Service Standard is applicable to all types of development and where two or more standards impact a development, the most restrictive standard is applicable. The applicant has submitted stormwater plans and will continue to work with the Engineering and General Services Director to meet all stormwater requirements.

1.) Post development runoff shall not exceed predevelopment runoff for a 25 year storm event, up to and including an event with a 24-hour duration

The proposed site plans include a stormwater management plan to capture water onsite and increased open space and pervious surface coverage. Currently the site has no stormwater management. The Engineering and General Services Director is working with the applicant to complete stormwater management plans.

2.) Onsite treatment of the first one inch of rainfall must be provided to meet water quality standards:

Onsite treatment will be provided on the site as proposed by the stormwater drainage plan.

3.) Stormwater facilities must be designed so as to not degrade the receiving water body.

The proposed changes to the property will be designed to improve drainage level of service standards by trapping runoff on site using swales, increased open space, decreasing impervious surface and guttering the buildings towards water retention areas. The current plan includes 530 cubic feet of swale area and over 2,000 square feet of open green space will be added.

Solid Waste:

Section 94-71 of the City of Key West Code sets the level of service standard for solid waste for non-residential uses at 6.37 lb/capita/day (1994-2010). Due to a one person increase in the number of employees, the total capacity required for the proposed development equals a 6.37 lb/day increase in solid waste.

Utilizing this level of service standard;

- i) The capacity of the **existing** use of the subject property would be:

$$6.37 \text{ lb/capita/day} * 9 \text{ employees} = 57.33 \text{ lb/day}$$

ii) The capacity of the **proposed** use of the subject property would be:

$$6.37 \text{ lb/capita/day} * 10 \text{ employees} = 67.7 \text{ lb/day}$$

Roadways/Trip Generation:

Section 94-72 of the City of Key West Code sets the level of service standard for roads. Trip generations will increase due to the proposed Major Development plan. However, clientele will be entering the parking lot from Ann Street, a one-way traffic pattern in the direction of Caroline Street, and be directed through to Simonton Street potentially decreasing the through traffic that would pass by the residential corridor of Ann Street. Additionally, the majority of clientele is expected to be arriving by foot.

Trip Generation¹	Use	ITE Code	sq. ft. - units	Weekday Eve. Peak Hr. Generation	Trips	Saturday Peak Hr. Generation	Trips	Sunday Peak Hr. Generation	Trips
Existing	Residential	210	1.00	1.01	1.01	0.94	0.94	0.86	0.86
	Retail	814	1,402.57	6.84	9.59	5.30 ²	7.43	4.10 ³	5.75
	Restaurant	931	771.85	9.02	6.96	10.82	8.35	8.36	6.45
	Total				17.57		16.73		13.06
Proposed	Bar	936	1,502.79	15.49	23.28	15.49 ⁴	23.28	15.49 ⁴	23.28
	Retail	814	1,365.39	6.84	9.34	5.30 ⁵	7.24	4.10 ⁶	5.60
	Total				32.62		30.51		28.88

¹) Peak Hour base on units or 1,000 sq. ft.

² 814 has no peak hour studies for Saturday. Calculation based on average hourly trips (8hr day)

³ 814 has no peak hour studies for Sunday. Calculation based on average hourly trips (5hr day)

⁴ No ITE studies for Bars on Saturday or Sunday. We used the weekday numbers as a result.

⁵ 814 has no peak hour studies for Saturday. Calculation based on average hourly trips (8hr day)

⁶ 814 has no peak hour studies for Sunday. Calculation based on average hourly trips (5hr day)

Fire Protection:

Fire protection has been improved through increased open space in the courtyard between all four structures. Additionally two of the four structures stand alone. The applicant has also submitted a life safety plan for the proposed bar.

Other public facilities:

Section 108-233(10) of the City code requires that proposed development minimize adverse effects upon public facilities. The proposed project is a redevelopment plan. Educational facilities, police protection, fire protection, electric power, health care, disaster preparedness and recreational facilities will not experience a change in usage because these facilities are currently in place.

Appearance, design and compatibility (Section 108-234)

1. Compliance with Chapter 102; Articles 111, IV and V:

Articles III and V are not applicable to the proposed project. The project is in compliance with Article IV of the City Code.

Section 102-217 of the City Code requires that the Historic Architectural Review Commission (H.A.R.C.) issue a Certificate of Appropriateness for any new sign, paint, repair, alteration, remodeling, or landscaping of the exterior of any existing building, structure, fence, deck, sign, landscape, for demolition of a building or structure located in a designated historic zoning district. The applicant submitted an application for Certificate of Appropriateness for the redesign of the existing four wood structures on April 17, 2009, including; "a new ADA ramp, the restoration of the outbuildings, and to rebuild the non-historic kiosk in the same foot print and envelope." Also approved is the removal of the existing awning and signage, non-historic windows, and new paint. The project received H.A.R.C. approval at a public hearing on June 10, 2009.

2. Compliance with Section 108-956:

Section 108-956 discusses the requirements for domestic water and wastewater. These issues have been addressed in the concurrency management section of the report.

3. Chapter 110; Article II:

Should any archeologically significant resources be discovered during the development of the site, the applicant shall be required to comply with this article of the Land Development Regulations.

Site location and character of use (Section 108-235):

This site is located in the heart of the HRCC-1 zoning district which permits bars and lounges only as a conditional use. The surrounding properties are also primarily commercial in nature although there are some nearby residential units as well as Old City Hall. The conditional use proposal is compatible with the neighborhood and similar to other open-air bars in the surrounding blocks.

1. Appearance of site and structures (Section 108-236):

This Section requires review for compliance with the performance standards stipulated in Section 108-278 through 108-288. Harmonious design characteristics have been proposed for the new complex and the project has met the requirements outlined in this Section of the City Code.

2. Appearance of site and structures (Section 108-278):

The appearance of the proposed site plan appears compatible with the overall environment and land uses in the immediate vicinity. No additions or new structures are proposed and the existing historical structures are in harmony with neighboring structures. Design changes have been approved by HARC.

3. Location and screening of mechanical equipment, utility hardware and waste storage areas (Section 108-279):

Waste and recycling storage shall be kept in the interior of the property within an isolated and buffered area. All mechanical equipment and utility hardware areas will be in compliance with Section 108-279 of the Code and well-screened.

4. Utility lines (Section 108-282):

No new construction is proposed that requires the placement of underground utility lines. Landscaping with shrubs and plants shall be provided to screen pad-mounted transformers if they are installed on site, as required in Section 108-282. Keys Energy has provided a letter of no objection for this property and existing electric lines will be utilized.

5. Commercial and manufacturing activities conducted in enclosed buildings (Section 108-283):

No outdoor business is proposed. All business will take place within each proposed commercial venue. The proposed storage area is inside the building towards the center of the site. Storage areas are identified on the site plans.

6. Exterior Lighting (Section 108-284)

To date street lighting proposals have not been submitted. Any proposed lighting must be approved by HARC and comply with the referenced Code Section.

7. Signs (Section 108-285):

To date signage proposals have not been submitted. A separate permit will be required for the installation of any signs and the signs will be required to comply with Chapter 114, Signs and must be approved by HARC.

8. Pedestrian sidewalks (Section 108-286):

The proposed pedestrian circulation system improves site circulation.

9. Loading docks (Section 108-287):

N/A

10. Storage Areas (Section 108-288):

Storage will be accommodated in an enclosed portion of the site as proposed in the site plan.

On-site and off-site parking and vehicular, bicycle, and pedestrian circulation (Section 108-244):

The proposal satisfies on and off-street vehicular and bicycle circulation and parking requirements for Chapter IV and VII. The proposal includes six parking spaces, one handicap space, new bicycle parking, a new side walk through the center of the property connecting the adjoining lot, new curb cuts, and one way traffic circulation through the lot. The site plan has been laid out in a manner that permits safe pedestrian passage and enhances both internal and external pedestrian walkways.

Housing (Section 108-245):

No proposed residential development is included in this proposal. However, the site currently contains a single family residence that the applicants wish to convert to commercial retail use permanently. The applicant has requested the unit be returned to the City to use in the Building Permit Allocation System residential pool of units and will file the release with the Licensing Department.

Economic resources (Section 108-246):

The applicant will meet all Code requirements for recording tax yields, construction expenditure as applicable throughout the development phases, and projections of permanent employees using appropriate standard industry classification.

Special Conditions (Section 108-247):

The application as submitted complies with the intent of the Land Development Regulations and the City's Comprehensive Plan. The proposed development is not within any special zoning districts, adjacent to the airport or in proximity to waste treatment. To reduce energy consumption the proposed bar and lounge will not install air-conditioning units, but will have open air windows instead. Gutters will direct rain water towards rain barrels which will be used for irrigation purposes to conserve water, and towards swales to better treat and control runoff.

Construction management plan and inspection schedule (Section 108-248):

As proposed there are no phases of development of this project, nor is the construction schedule expected to exceed one year. However, if construction exceeds one year the applicant will be required to submit a construction management plan in accordance with Section 108-248 of the Code.

Open Space, screening and buffers and landscaping (Article V and VI):

The proposed development plan includes a landscape design prepared by a landscape architect, as required by Section 108-511(b) of the Code. On July 23, 2009, the landscape coordinator issued an approval per Section 108-411; however, the project must get Tree Commission approval prior to building permit issuance.

Off-street parking and loading (Article VII):

This property is within the parking waiver district, however the applicant proposes to increase the amount of non-residential floor area due to the conversion of residential floor area to non-residential floor area, thus triggering parking requirements for that conversion of additional commercial floor area as provided in Section 108-573(b)3. Because the new commercial floor area is 950 square feet, a minimum of four parking spaces are required. However, the proposal includes seven off-street parking spaces and one handicap space. It also includes new bicycle parking, a new side walk through the center of the property connecting the adjoining lot, new curb cuts, and one way traffic circulation through the lot. The site plan has been laid out in a manner that permits safe and adequate vehicular access in and out of parking spaces. The proposed Major Development Plan satisfies on and off-site vehicular and bicycle circulation parking requirements as set forth in Section 108-643 of the Code.

Stormwater and surface water management (Chapter 108, Article VIII):

The applicant has submitted a stormwater plan which the City Engineer has deemed acceptable for the purposes of this approval. The applicant is working with the City Engineer to refine the plan prior to Building Permit issuance.

Flood Hazard Areas (Division 4 - Sections 108-821 - 108-927):

The proposed plan is in Flood Zone AE-8. FEMA Regulations require that structures redeveloping more than 50% of the existing value must meet flood prevention requirements. The proposed Major Development Plan is under 50% of the existing value of the site and is not required to flood proof.

Utilities (Article IX):

The proposed redevelopment will use existing utility mains for potable water and wastewater as shown in the concurrency management report. For irrigation purposes, rainwater captured in rain barrels on site will be used and water saving plumbing fixtures are required to be installed. Landscaping will consist of 70% native species as shown in the proposed landscape plan.

RECOMMENDATION:

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends the request for a Conditional Use and Major Development Plan be approved with the following conditions:

1. Tree Commission approval must be obtained prior to Building Permit issuance.
2. The applicant will donate the 1.0 Equivalent Single Family Unit associated with the single family resident to the City of Key West through the execution of the donation waiver.
3. The applicant will install and maintain a programmable distributive sound system consistent with that described in document prepared by The Audio Bug and submitted on July 25, 2009, to assure compliance with the "unreasonable noise" definition of Section 26-191 of the Code of Ordinances.
4. There will be no live music at the site unless approved under a special event permit per Section 6-86 of the City Code.

Amended Noise Mitigation

THE AUDIO BUG, INC.

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To the attention of the City of Key West Planning Board

The following are recommendations for Sound Control and Mitigation at 512 Greene Street, Key West:

- I. Sound System: The system should be designed to fully comply with local noise ordinances, employing the following techniques to accomplish this goal:
- A. Deployment of multiple closely spaced speakers driven at low individual volumes. This system design will distribute sound uniformly within the listening area in such a manner as not to interfere with normal conversational level of the clientele. Maximum long-term system levels are to be limited to 75 dBA SPL, with user access restricted to the selection of program material and manual reduction only of system levels. No increase above maximum design sound levels shall be possible by Staff. The system shall include eight (8) loudspeakers to ensure uniform coverage in the listening area. Loudspeaker layout and quantities are detailed in the attached data developed using EASE 4.2, a computer-assisted design program used to predict sound system and acoustical performance. The electronics package shall offer maximum control to the designer. Speakers shall be operated as a high impedance distribution system connected to an amplifier suitable for the application. Zone control shall be provided as required by the physical layout of the facility. **No outdoor speakers will be permitted.**
- B. QSC Audio's DSP-30, a computer control and digital signal processor, shall form the heart of the system. With this device, the system will include the following functions and safeguards:
1. All controls under lock and key, with no access once the system has been commissioned.
 2. The system shall be divided into two zones, each with a preset maximum level, separate dynamic equalization and signal alignment, sound compression, and intelligent gain adjustment feature which will raise and lower music volume in response to patron conversation noise.
 3. Local control shall consist only of source selection and the ability to turn the system down from preset maximums.
- C. A Radio Design Labs FP-ALC2 Automatic Level Control will be included to control the inevitable disparities between source and selection sound levels, further ensuring consistent playback levels. Leveling removes the possibility of one song sounding louder than the previous or subsequent song. For example, if a Billy Joel vocal/piano ballad were followed by a song with a significantly different complement of vocals and instrumentals, the second song would normally sound louder at an equal volume setting. With leveling, the two songs would be reproduced at virtually the same sound level.
- D. The House System will provide an input for pre-recorded music; i.e., CD player, iPod, satellite audio feed.
No live music will be proffered except for special events subject to specific permit by the City of Key West.¹ For such events, the live sound mixer would be substituted for the pre-recorded music source.
- D. Computerized sound monitoring system. Utilizing an inexpensive net-book or laptop computer, appropriate software and an external microphone, the club shall be equipped to self-monitor sound levels on the property to ensure and document compliance with the City's Noise Ordinance. Calibration of the system during its installation will allow direct correlation of sound levels on property with those at any location off property. Simple operation and reliable documentation will ensure that code violation claims can be refuted with accurate information at any time. Visit <http://www.fesb.hr/~mateljan/arta/> for details on obtaining this software.

1 - If permitted as a special event under KW Code Sec. 6-86

ARTICLE IV. SOUND CONTROL**Sec. 26-191. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial district means the HRO, HRCC-1, HRCC-2, HRCC-3, HNC-1, HNC-2, HCT, HPS (Mallory Square only), CL, CG, CT and A zoning districts.

Decibel means a measure of a unit of sound pressure. Sound waves having the same decibel level "sound" louder or softer to the human ear depending upon the frequency of the sound wave in cycles per second (i.e., whether the pitch of the sound is high or low). Thus, an A-weighted filter, constructed in accordance with the specifications of the American National Standards Institute, which automatically takes account of the varying effect on the human ear of different pitches shall be used on any sound level measurements required by this article. Accordingly, all measurements are expressed in dBA to reflect the use of this A-weighted filter.

Disturbing noise means an uninvited or disruptive level of noise that is unreasonably loud or that is raucous and jarring, due to volume, character, or duration, and that causes an actual interference with a person's ability to enjoy peacefully his residence or place of business.

Emergency and *emergency work* mean any occurrence or set of circumstances involving or creating actual or imminent physical trauma or property damage which demands immediate attention.

Property boundary means the imaginary line along the surface, and its vertical plane extension, which separates the real property owned, rented, or leased by one person from that owned, rented, or leased by another person.

Public right-of-way means any street, avenue, boulevard, lane, highway, sidewalk, alley, or similar place normally accessible to the public which is owned or controlled by a governmental entity or which has been dedicated to use or access for the benefit of the public or adjacent property owners.

Residential district means the HMDR, HPRD, HPS (except Mallory Square), HHDR, C-OW, C-FW, C-TW, CM, C-UH, LDR-C, SF, MDR-C, MDR, HDR, RO, PRD, and PS zoning districts.

Unreasonable noise means:

(1) Any noise in or emanating from a commercial district which equals or exceeds a measured sound level of 75 dBA (maximum permitted sound level in decibels) collectively for more than 30 seconds of any measurement period which shall not be less than five minutes.

(2) Any noise in or emanating from a residential district which equals or exceeds a measured sound of 75 dBA between 8:00 a.m. and 7:59 p.m. and 60 dBA from 8:00 p.m. to 7:59 a.m. (maximum permitted sound level in decibels) collectively for more than 30 seconds of any measurement period which shall not be less than five minutes.

(Code 1986, § 55.01)

Cross references: Definitions generally, § 1-2.

Sec. 26-192. Prohibition against unreasonable noise.

No person shall make, continue, or cause to be made any unreasonable noise or disturbing noise.

(Code 1986, § 55.02(a))

Sec. 26-193. Exceptions.

The prohibitions contained in this article shall not apply to the following:

- (1) *Emergencies.* The emission of sound for the purpose of alerting persons to the existence of an emergency or emergency vehicle or to the performance of emergency work.
- (2) *Religious service or observance.* Sound levels produced from a religious service or observance.
- (3) *Construction/demolition.* Sound levels produced from tools and equipment in commercial construction, demolition, drilling, or reasonably similar activities. However, such sound levels are limited to the hours of 8:00 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. The tools and equipment must be muffled and maintained equal to the functional standards of the industry. No exceptions contained in this subsection shall apply on Thanksgiving Day, Christmas Day and New Year's Day.
- (4) *Domestic power tools.* Sound levels produced from any hand-powered or mechanically powered saw, sander, drill, grinder, lawn/garden tool or reasonably similar tools. However, to be lawful, sound producing the use must conform to industry standards for the equipment and must occur only between 8:00 a.m. and 7:00 p.m., Monday through Friday, and 9:00 a.m. and 5:00 p.m. on Saturday and Sunday only.
- (5) *Public events.* Sound levels from public events and celebrations sponsored by the city or approved by resolution of the city commission, but only during the hours designated by the resolution.
- (6) *Government radio transmissions.* Sound levels from equipment used by police, fire, and other city department radio or emergency equipment, and from similar equipment used by other government agencies in performance of official duties.
- (7) *Public address systems.* Sound levels from public address broadcast systems used in public stadiums, ballfields, parks and schoolyards.
- (8) *Sunset celebration.* Sound levels produced by performers engaged in activities sponsored by the city's lessee at Mallory Square Dock during sunset celebration.
- (9) *Franchisees.* Narration of tours of the city's franchisees upon the city right-of-way.
- (10) *Industrial equipment.* Noise levels for industrial equipment, including but not limited to air conditioners, generators, and pool pumps, must be set to reasonable industry standards for properly maintained equipment.

(Code 1986, § 55.03)

Sec. 26-194. Citation procedure.

- (a) Except as provided in subsection (e) of this section, all citations for violations issued under this article shall be based on a complaint to the city. The complainant shall be identified by name and address, the sound source shall be identified, and the investigating officer shall verify all information provided by the complainant. The investigating officer shall provide the complainant with a copy of the complaint form which may serve as a record of complaints relating to a property.

(b) A decibel meter shall be used for a complaint of unreasonable noise made at or within 100 feet of the property line of the sound source. The decibel reading shall be made at the location of the complaint. The investigating officer shall issue a citation for unreasonable noise, unless in his judgment a warning is sufficient to cease the violation. There shall be no more than a total of one warning per offending person or establishment.

(c) A complaint of disturbing noise may be made when the location of the complaint is beyond 100 feet of the property line of a commercial property sound source. Additionally, a complaint of disturbing noise may be made when the location of the complaint is a residential property and the location of the sound source is a residential property or a commercial property that was a residential property as of September 1, 2000, at any distance from each other. A decibel meter measurement is not required to determine disturbing noise. The investigating officer shall issue a citation if the complainant suffers disturbing noise within the boundaries of his property. The investigating officer may issue a warning if in his judgment a warning is sufficient to cease the violation. There shall be no more than a total of one warning per offending person or establishment.

(d) If a complaint arises of unreasonable noise emanating from a multistory structure, the determination of whether such sound constitutes unreasonable noise shall be made from a story height equal to that of the sound source or from the nearest accessible point on the ground floor.

(e) Upon the authorization of the city manager, the city may act as the complainant of unreasonable noise when a commercial establishment from which alleged unreasonable noise is emanating holds an entertainment license pursuant to division 2 of article II of chapter 18. A code enforcement officer shall conduct the decibel reading at any point beyond the property line of the sound source. In addition to its being subject to citation for unreasonable noise, the establishment shall also be subject to the further penalties set forth in division 2 of article II of chapter 18.

(f) Citations issued for unreasonable noise or disturbing noise under this article shall be of a content-neutral character.

(g) Either a police officer or a code enforcement officer may issue a citation to an offender under this article.

(Code 1986, §§ 55.02(b)--(g), 55.07(b))

Sec. 26-195. Liability; citizen suit.

(a) *Liability.* The maker or creator of unreasonable noise or disturbing noise and the operator and/or owner of the premises that are its sound source shall each be subject to liability for violations of this article. If prosecuted jointly, each shall be jointly and severally liable for any fines imposed pursuant to this article. The sponsor of a special event shall not be liable for unreasonable noise or disturbing noise unless conditions placed upon the sponsor in the special event permit are violated.

(b) *Citizen suit.* In addition to any other remedy available to the city, including code enforcement, the city or any other adversely affected party may enforce the terms of this article in law or equity. Any citizen of the city may seek injunctive relief and damages in a court of competent jurisdiction to prevent a violation of this article. No section of this article shall be interpreted to prevent any person from commencing a civil action on his own behalf against any person who is alleged to be in violation of any section of this article. Attorney's fees and costs incurred in an action to enforce this article may be awarded to a substantially prevailing party in the discretion of the court.

(c) *Mediation services.* Upon request of parties to a residential noise dispute, the city manager

shall provide mediation services.

(Code 1986, § 55.07(a), (c), (d))

Sec. 26-196. Motor vehicle noise emissions.

(a) Motor vehicles operating on the public right-of-way are regulated as set forth in F.S. § 403.415. The decibel measurements of this statute shall pertain to motor vehicle noise. It shall be unlawful to operate a vehicle, moped, scooter or motorcycle in the city in violation of a provision of this statute. In addition, every vehicle, moped, scooter and motorcycle shall be equipped with a muffler in constant operation and be properly maintained to prevent disturbing or unreasonable noise. Furthermore, it shall be unlawful for a person to engage in rapid throttle advancing or revving of an internal combustion engine of a vehicle, moped, scooter or motorcycle that is at a standstill or that is in the flow of traffic where such rapid throttle advancing or revving is not necessary for its safe operation, thus resulting in increased noise.

(b) No person shall operate or cause to be operated any motor vehicle off a public right-of-way in violation of this article. This article shall apply to all motor vehicles, whether or not duly licensed or registered, including but not limited to commercial or recreational racing vehicles, motorcycles, dirt bikes, mopeds, go-carts, amphibious vehicles, campers, power boats, personal watercraft, or any other engine-powered vehicle; provided, however, that a vessel owner may operate an engine for a reasonable period of time in order to flush out the engine with fresh water.

(c) A citation issued under this section need not be initiated by citizen complaint. It may be issued by a police officer in the course of his duties.

(Code 1986, § 55.04; Ord. No. 03-13, § 1, 6-3-2003)

Sec. 26-197. Animals.

The owner of an animal that creates a noise nuisance as provided in section 10-2 is subject to citation for violation of this article. Animal noise need not be measured by decibel meter to be unreasonable. If animal noise disturbs at least two persons residing in separate residences adjacent to or within 100 feet of the property on which the animal is kept and such persons file a joint complaint or separate complaints with the city as provided in section 26-194, their complaint shall constitute prima facie evidence of a violation.

(Code 1986, § 55.05)

Cross references: Animals, ch. 10.

Sec. 26-198. Retail establishment sound amplifiers; setback.

(a) The property owner or operator of a retail establishment shall establish an interior 15-foot setback for sound amplifiers and speakers. This requirement pertains to sound that emanates directly from the retail establishment to a street, sidewalk or alley. All sound amplifiers and speakers shall be located inside the retail establishment at least 15 feet from the plane of the front, side or rear entrance and at least 15 feet from the plane of any open window. "Retail" shall be determined by business tax receipt status. This regulation shall apply only to the retail portion of a mixed-use commercial establishment.

(b) A property owner may apply to the board of adjustment for a variance to this section. The property owner must demonstrate a hardship based on the size or configuration of the retail establishment.

Noise Report

512 GREENE STREET

**MAJOR DEVELOPMENT PLAN &
CONDITIONAL USE**

NOISE STUDY

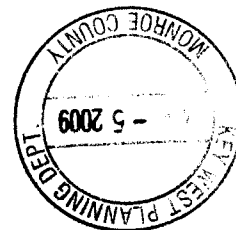
TREPANIER



& ASSOCIATES INC
LAND USE PLANNING
DEVELOPMENT CONSULTANTS

This study was presented to the Planning Board on July 30th 2009. The Planning Board requested additional information to be included in the report, for the City Commission hearing, regarding recommendations for sound control and mitigation, the technical aspects of the system, and speaker locations. This report consists of the following:

- Section I – Noise Study: 512 Greene Street
- Section II – Addendum: Recommendations for Sound Control and Mitigation
- Section III – Professional Resume of Mr. Donald J. Washburn, President – The Audio Bug, Inc.



THE AUDIO BUG, INC.

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July 25, 2009

Mr. Owen Trepanier, President
Trepanier & Associates, Inc.
402 Appelrouth Lane, P.O. Box 2155
Key West, FL 33405-2155
Phone: 305-293-8983, Fax: 305-293-8748

Reference: Noise Study, Greene Street Project
512 Greene Street, Key West, FL

Dear Mr. Trepanier,

I'm pleased to present the results of this Noise Study on the above referenced project. As Applicant of Record to the City of Key West for a Conditional Use approval, I'm addressing this report to your office for distribution to the appropriate parties including the owners of the subject property and members of the City Staff.

This Study was prompted by the City's interest in obtaining an accurate assessment of the acoustical environment surrounding the Greene Street project location and any possible noise impact the operation of the subject property might present to this environment. The process of developing a useful acoustical study involves the following steps:

1. Observe and measure current acoustical conditions (on-site survey)
2. Post-process and analyze collected data
3. Utilize information obtained to generate a report summarizing our findings and conclusions
4. Provide recommendations for sound control and mitigation as required.

The first step in this process, measurement and observation, took place beginning on Friday, July 10, and continuing through Saturday morning, July 11. Locations for acoustical measurements were selected during the survey as representative of the neighborhood. They are indicated on the attached area map (Figure 1) as Locations 11 through 15. Ambient noise levels typical of the neighborhood surrounding the subject property were measured and recorded during three time periods:

1. Early evening, beginning shortly after 7:00 p.m.
2. 11:30 p.m. to Midnight
3. 4:20 a.m. to 4:45 a.m. (after closing)

The accumulated data obtained during this process represents a comprehensive assessment of sound within the area over the span of a full evening/morning. Subsequent analysis of this data has led to observations and recommendations which will assist in determining what if any adverse impact the proposed facility will have on the surrounding environment and how to minimize any such impact identified during the study.

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The Greene Street property is somewhat removed from the main entertainment district, which is centered on Duval Street. Sound levels recorded during the evening hours were substantially lower than those noted along Duval Street.

Figures 2 through 6 show sound levels measured at various locations as identified on each chart. The measurements depicted in the charts represent the lowest average sound levels observed, as they were gathered after the close of business for most entertainment venues in the district. These figures most closely represent true ambient sound levels within the surrounding neighborhood, i.e., the lowest sound levels which might be expected under normal conditions (weather, etc.).

Additional measurement data is provided at the bottom of each of these charts showing times and average sound levels recorded at times other than those represented in the charts. Comparison with data gathered along Duval Street (see Figure 7) clearly indicates that the area surrounding the property at Ann and Greene is substantially quieter.

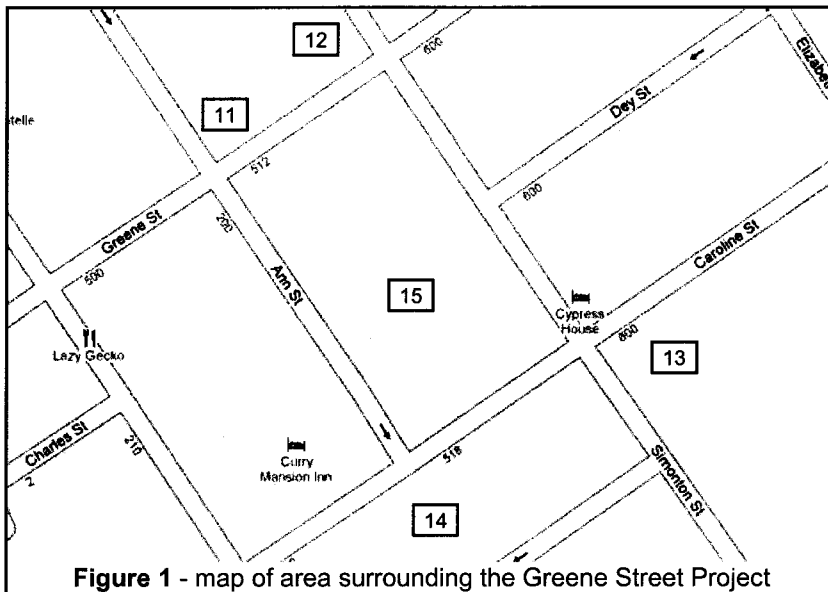


Figure 1 - map of area surrounding the Greene Street Project

With regard to an in-house sound system, we have recommended utilizing a distributed loudspeaker system intended to control sound levels within the bar area. The system will consist of multiple small, closely spaced speakers positioned to evenly distribute music throughout the bar at moderate levels. The system would be similar to that now used at the Hard Rock Café on Duval Street. During the course of my work on this survey, Dave Floerke and I took a short break, spending about 30 minutes at the bar in the Hard Rock. While there, we chatted with the bartender and could easily converse without interference from the music system. A ten-minute sound measurement indicated an average sound level reading of 79.8 dBA, a comfortable foreground music level. Sound levels were extremely consistent throughout the entire seating area, a condition not often achieved in such facilities. By contrast, most if not all of the systems now in place at clubs within the entertainment district use a "brute force" method, with only a few large loudspeakers played at very high levels. Detailed specifications for the proposed sound system appear below.

A side benefit to this distributed design approach is minimized leakage to the outside. Since sound levels within the bar would be well controlled, little impact on the outside environment would be experienced, even when patrons entered or exited the building.

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Currently, vehicular and pedestrian traffic represent the primary sound influences near the subject property. The intermittent nature of these events can be seen on the sound level graphs. While one would certainly anticipate an increase in such traffic as a result of the new facility, this might not necessarily represent a problem. Hours of operation might be used as a control factor with respect to this issue.

Based on our evaluation of neighboring properties, sound levels currently experienced in the area and a facility which clearly represents a low-impact usage, we can say with considerable confidence that this property will have no adverse impact on its neighbors with regard to sound or noise nuisance. Unlike many of the higher profile establishments within the entertainment district, this operation should blend into its neighborhood with little if any affect.

I welcome any questions you, the client or City Staff might have concerning our report and look forward to assisting with the process in any way possible. Please feel free to contact me by either phone or e-mail at your convenience.

Respectfully submitted,

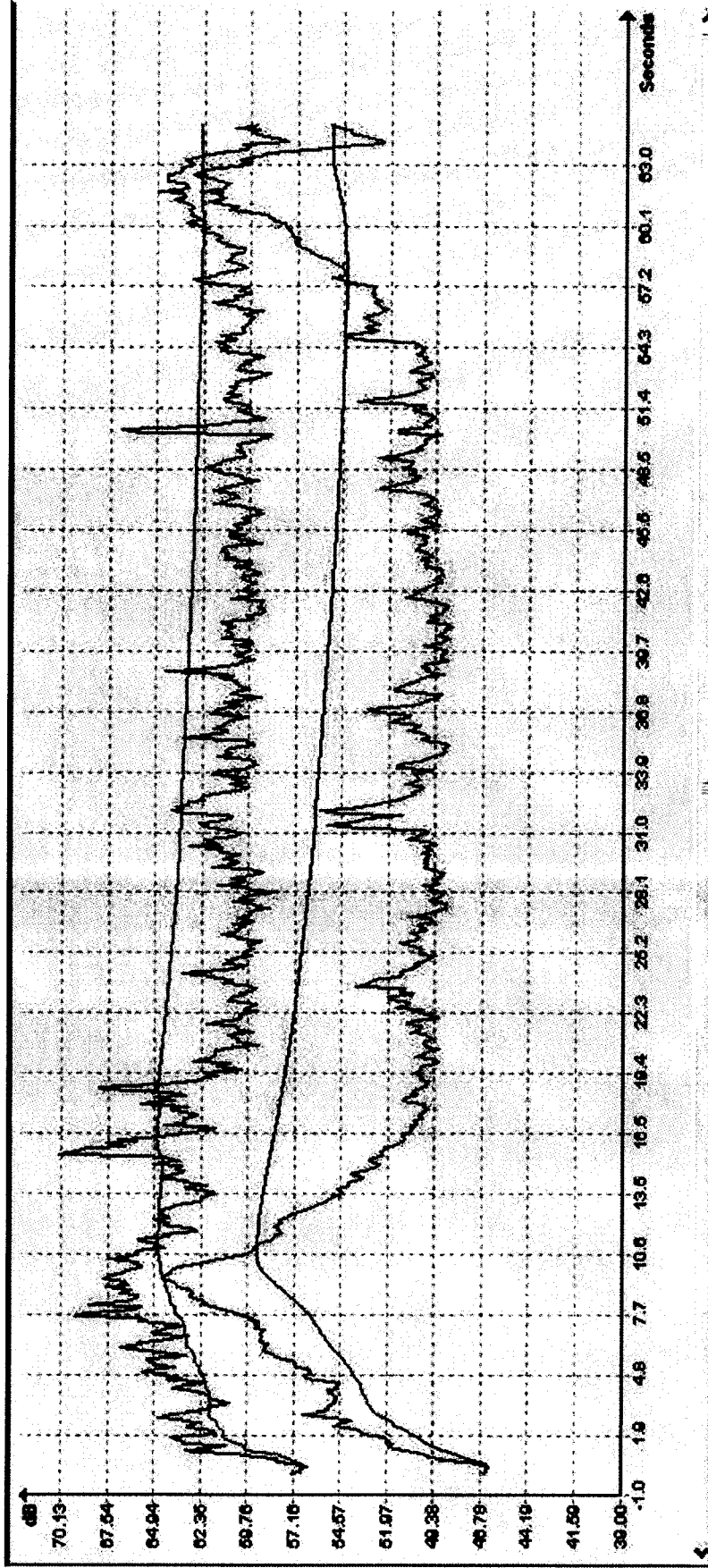


Donald J. Washburn
President

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One-minute Leq at Location 11 - Ann and Greene Streets, 4:30 a.m. July 11, 2009

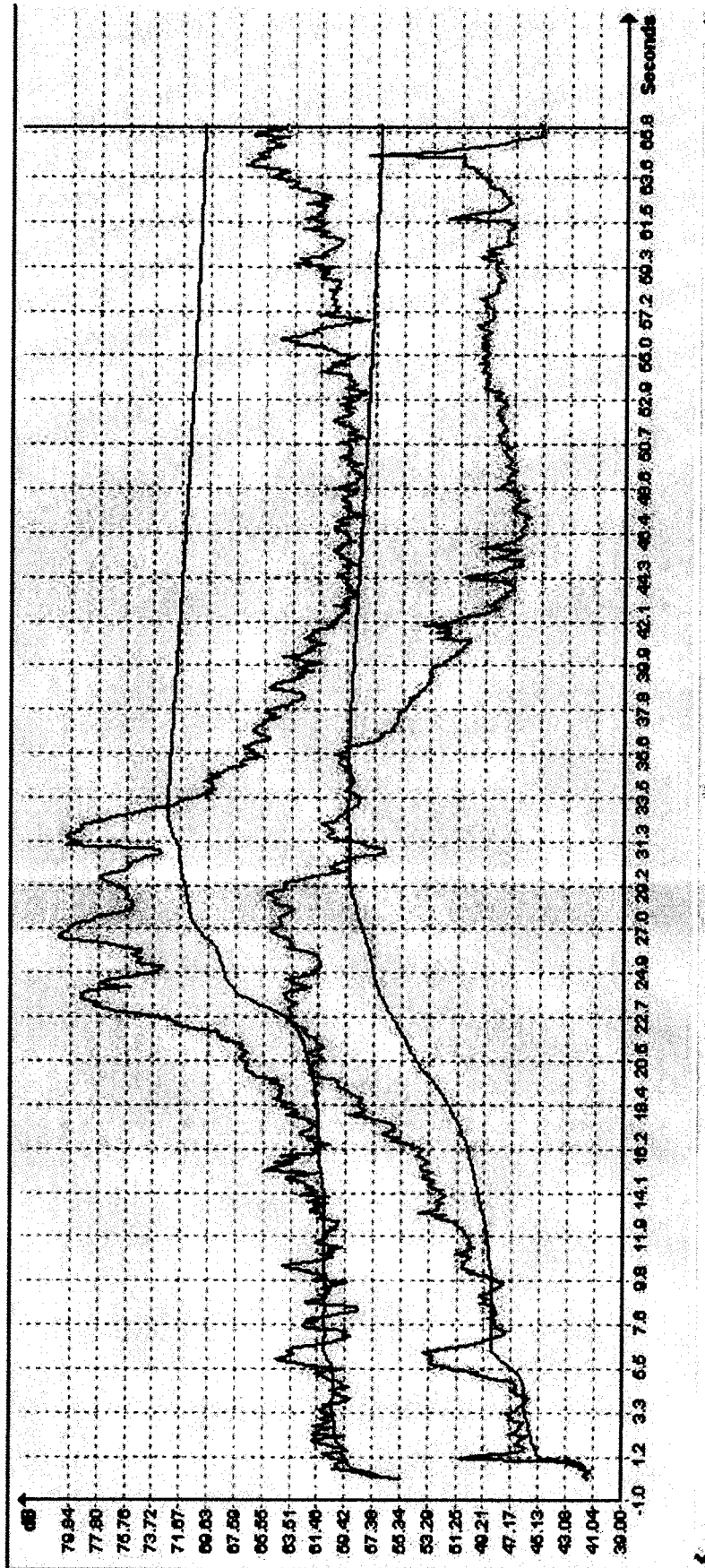


Color	Data Type	Cursor Value	Avg Selection V...	Cumulative Value
Select	A fast			
Select	A leq			55.24
Select	C fast			
Select	C leq			62.46

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One-minute Leq at Location 12 - Simonton and Greene Streets, 4:25 a.m. July 11, 2009

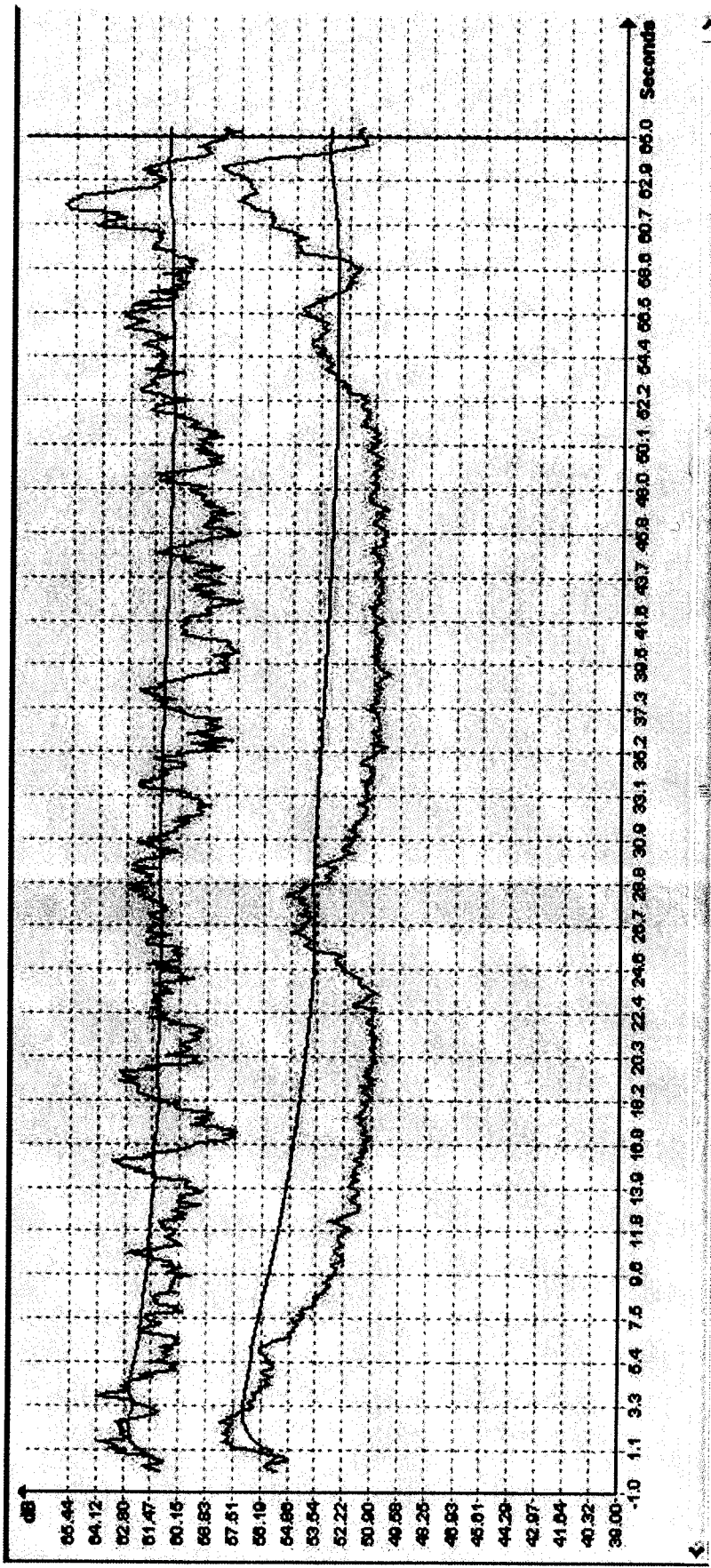


Color	Data Type	Cursor Value	Avg Selection V...	Cumulative Value
Select	A fast	45.29		
Select	A leq	57.11		57.10
Select	C fast	64.45		
Select	C leq	70.14		70.13

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One-minute Leq at Location 13 - Simonton and Caroline Streets, 4:22 a.m. July 11, 2009

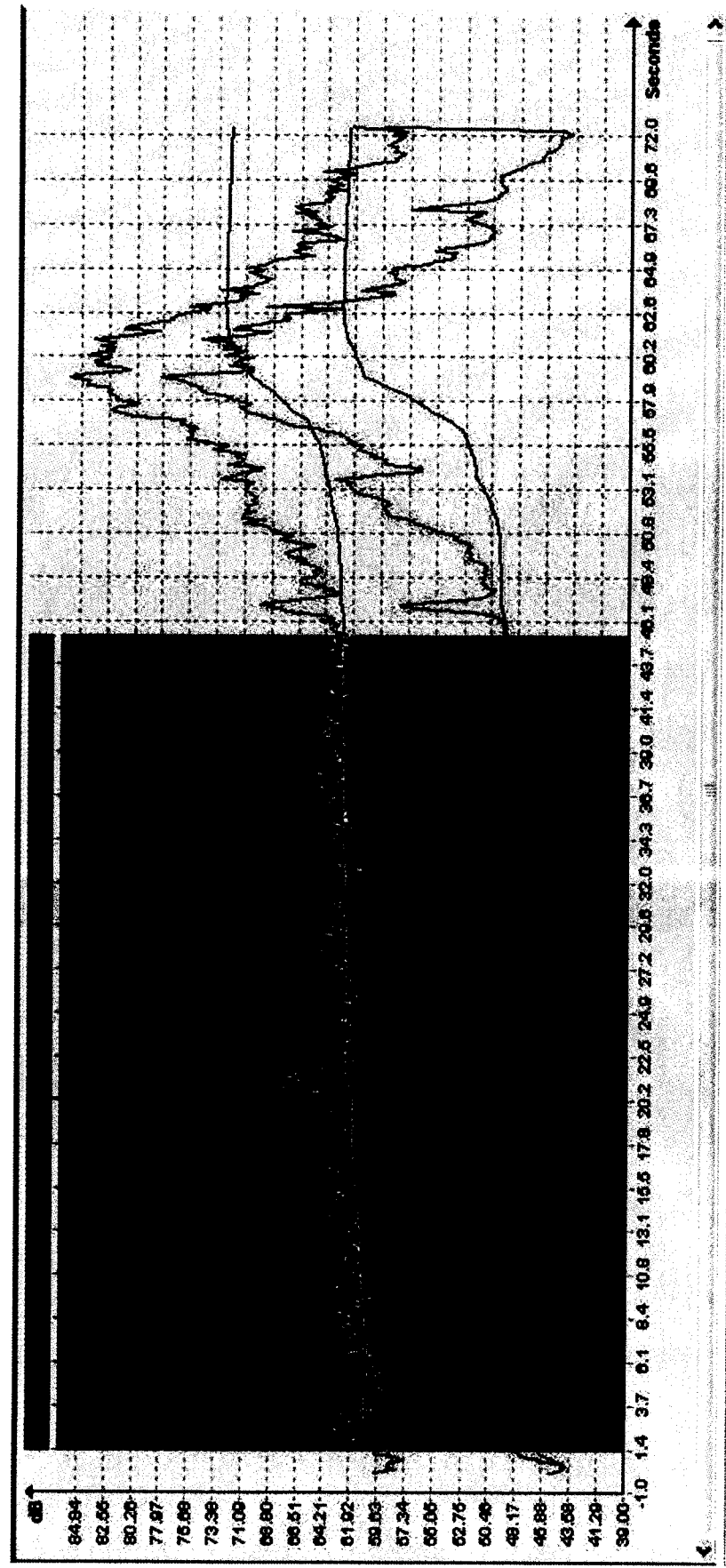


Color	Data Type	Cursor Value	Avg Selection V...	Cumulative Value
Select	A fast	51.68		
Select	A leq	53.22		53.21
Select	C fast	58.37		
Select	C leq	60.97		60.96

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One-minute Leq at Location 14 - Ann and Caroline Streets, 4:41 a.m. July 11, 2009

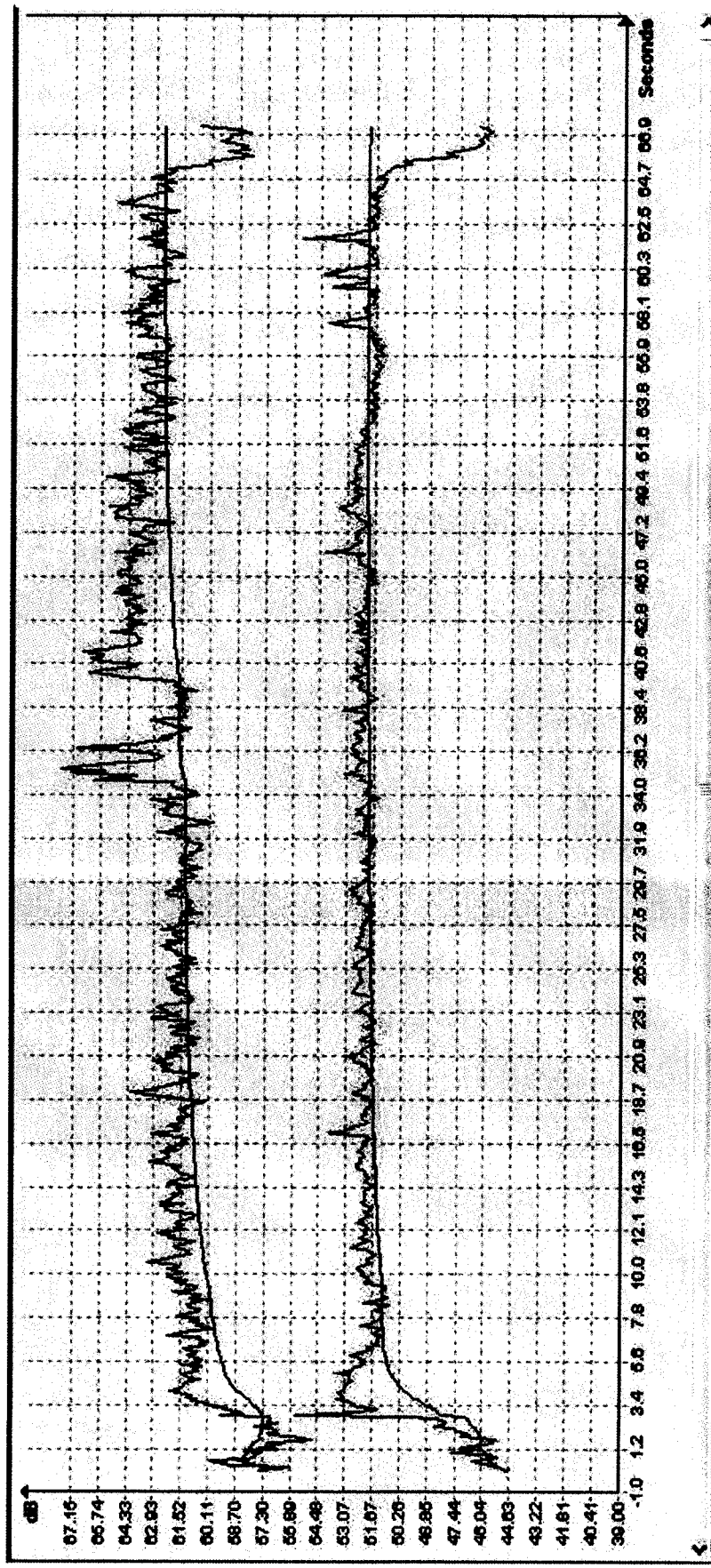


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Select	A leq		49.09	62.47
Select	C fast		62.59	
Select	C leq		61.85	72.34

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One-minute Leq at Location 15 - 217 Ann Street, 4:38 a.m. July 11, 2009

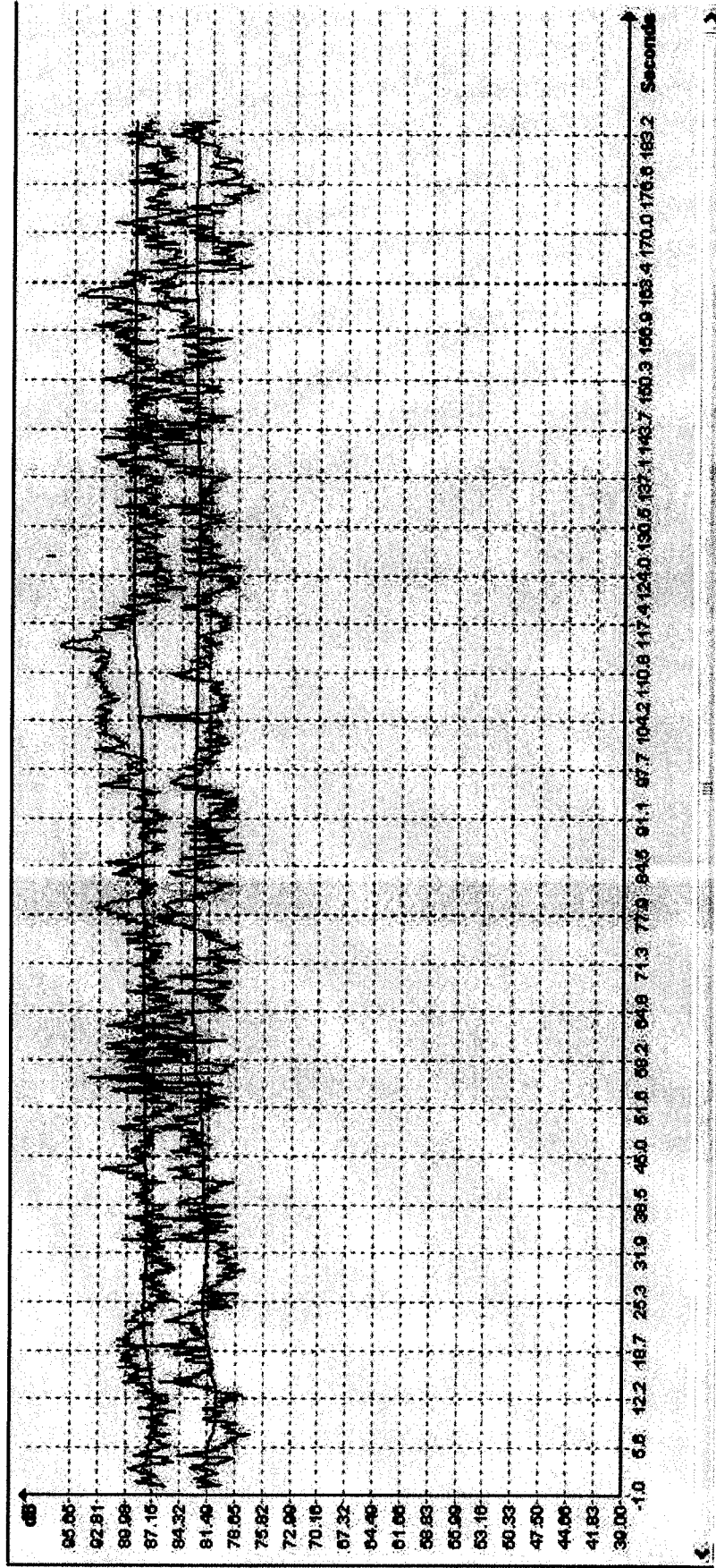


Color	Data Type	Cursor Value	Avg Selection V...	Cumulative Value
Select	A fast			
Select	A leq			52.01
Select	C fast			
Select	C leq			62.51

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3-minute Leq measurement at Charles and Duval beginning at 1:04 a.m. on July 11, 2009



Color	Data Type	Cursor Value	Avg Selection V...	Cumulative Value
Select	A fast			
Select	A leq			83.05
Select	C fast			
Select	C leq			89.33

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NOISE LEVEL ANALYSIS TERMS

Sound Pressure Level (SPL) = The RMS sound pressure expressed in dB re 20 microPa, the lowest threshold of hearing for 1 kHz for a healthy auditory system. [As points of reference, 0 dB-SPL equals the threshold of hearing, while 140 dB-SPL equals irreparable hearing damage.] See: **inverse square law** below. 1 Pascal = 94 dB SPL. Average face-to-face conversation equals approximately 65 dB SPL.

Decibel (dB) = means of expressing power ratios, i.e. the difference between two sound levels, or an absolute sound level expressed in Sound Pressure Level (SPL) referenced to a standard pressure, i.e. 94 dB SPL = 1 Pascal.

dBA = "A" weighted sound pressure level. Please refer to the attached discussion of weighting filters and their applications.

SLM = Sound Level Meter. Device used to measure sound pressure levels.

L_{min} = Lowest, or softest, Sound Pressure Level measured during the test period.

L_{max} = Highest, or loudest, Sound Pressure Level measured during the test period.

L_{eq} = Equivalent continuous sound level. The steady level which would produce the same sound energy over the test period as the specified time-varying sound. This figure is useful for studying long-term trends in environmental noise. A single L_{eq} number is often used to define an entire measurement period.

L₁₀ = Sound level exceeded 10% of the measurement period. Highest of the L_n figures.

L₅₀ = Sound level exceeded 50% of the measurement period. Median of the L_n figures.

L₉₀ = Sound level exceeded 90% of the measurement period. Lowest of the L_n figures. This figure is most commonly used in estimating true ambient noise level.

L_{mean} = Mathematically averaged Sound Pressure Level.

NC = Noise Criteria, a standardized method of characterizing noise loudness. Extensively used in the analysis of noise and vibration.

Sone = a subjective unit of loudness for an average listener equal to the loudness of a 1 kHz. sound that has an intensity 40 decibels above the listener's own threshold of hearing.

Phon = the unit of loudness on a scale beginning at zero for the faintest audible sound (0.00002 Pascals) and corresponding to the decibel scale of sound intensity with the number of phons of a given sound being equal to the decibels of a pure 1 kHz tone judged by the average listener to be equal in loudness to the given sound.

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Inverse Square Law = inverse square law Sound Pressure Level. Sound propagates in all directions to form a spherical field, thus sound energy is inversely proportional to the square of the distance, i.e., doubling the distance quarters the sound energy (the inverse square law), so SPL is attenuated 6 dB for each doubling of distance from the source.

Noise Reduction Coefficient (NRC) = The average of the individual sound absorption coefficients at 250, 500, 1000 and 2000 Hz, to the nearest .05.

Impact Insulation Class (IIC) = Single-number rating that indicates the amount of impact noise isolation provided by a floor/ceiling assembly. The higher the number, the better the floor/ceiling assembly.

Sound Transmission Class (STC) = A single-number rating that indicates the sound transmission loss of a partition or ceiling system between adjacent closed rooms. STC Ratings are:

- 25 Normal speech can be understood quite clearly
- 30 Loud speech can be understood fairly well
- 35 Loud speech is audible but not intelligible
- 42 Loud speech is audible as a murmur
- 45 Must strain to hear loud speech
- 48 Some loud speech is barely audible
- 50 Loud speech is not audible

Definitions

- 1) **sonic**: utilizing, produced by, or relating to sound waves; broadly: of or involving sound: having a frequency within the audibility range of the human ear: of, relating to, or being the speed of sound in air or about 761 miles per hour (1224 kilometers per hour) at sea level at 59°F (15°C)
- 2) **subsonic**: of, relating to, or being a speed less than that of sound in air
- 3) **supersonic**: of, being, or relating to speeds from one to five times the speed of sound in air
- 4) **hypersonic**: of or relating to speed five or more times that of sound in air
- 5) **audio**: of or relating to acoustic, mechanical, or electrical frequencies corresponding to normally audible sound waves which are of frequencies approximately from 20 to 20,000 hertz
- 6) **infrasonic**: having or relating to a frequency below the audibility range of the human ear (< 20 Hz)
- 7) **ultrasonic**: having a frequency above the human ear's audibility limit of about 20,000 hertz
- 8) **audible**: heard or capable of being heard
- 9) **intelligible**: capable of being understood or comprehended
- 10) **aural**: heard or perceived with the ear

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- 11) **auditory**: of, relating to, or experienced through the sense of hearing
- 12) **acoustic**: of or relating to the sense or organs of hearing, to sound, or to the science of sounds
- 13) **vibration**: a periodic motion of the particles of an elastic body or medium in alternately opposite directions from the position of equilibrium when that equilibrium has been disturbed (as when a stretched cord produces musical tones or particles of air transmit sounds to the ear)
- 14) **noise**:
 - 1 loud, confused, or senseless shouting or outcry
 - 2 **a**: SOUND; *esp.* : one that lacks agreeable musical quality or is noticeably unpleasant
 - b**: any sound that is undesired or interferes with one's hearing of something
 - c**: an unwanted signal or a disturbance (as static or a variation of voltage) in an electronic device or instrument (as radio or television); *broadly* : a disturbance interfering with the operation of a usu. mechanical device or system
 - d**: electromagnetic radiation (as light or radio waves) that is composed of several frequencies and that involves random changes in frequency or amplitude
 - e**: irrelevant or meaningless data or output occurring along with desired information

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Fletcher-Munson Equal-Loudness Contours

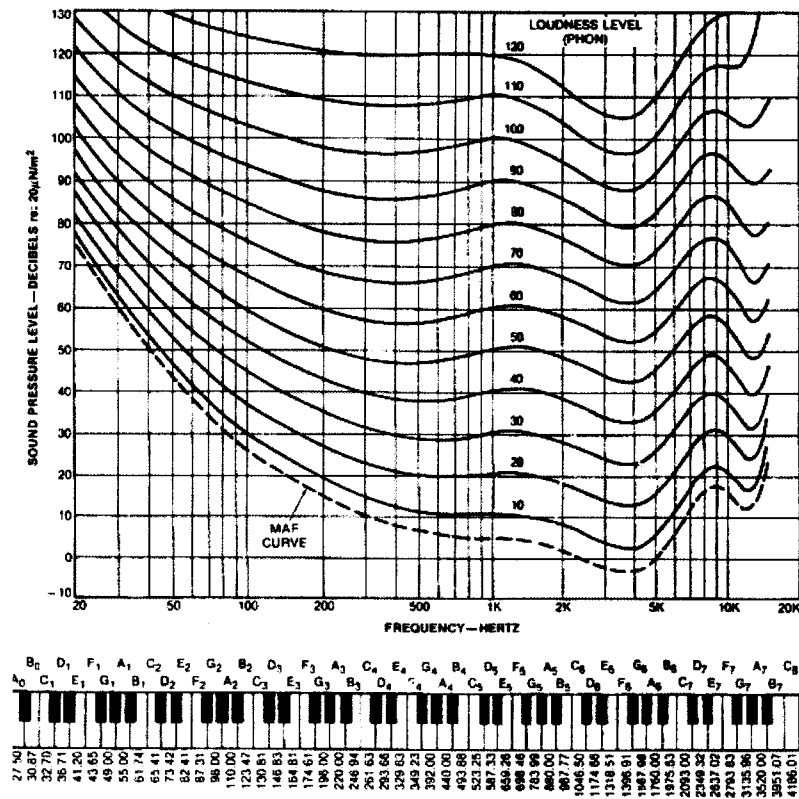


FIGURE 3-20 Equal-loudness contours.

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Sound Level Meter Weighting Networks

The following brief description of how the various weighting networks are used is intended to provide the reader an understanding of the purposes for and applications of standard weighting networks found in professional sound level meters. The information is an extract from "The New Audio Cyclopedia, Handbook for Sound Engineers", edited by Glen Ballou. It can be found on page 21 of that reference publication.

1.16 Weighting Networks

Sound level meters come with one or more weighting networks built in. The question confronting the user is, "Which one should I use?" The frequency responses of the three standard networks (A, B and C) are shown in figure 1-16. In the simplest terms, these different curves are designed to give readings of sound pressure level that will correspond, at least roughly, with human response to the sound. As we shall see in Chapter 2 "Psycho Acoustics," the Fletcher-Munson curves show that the human ear is less sensitive at lower frequencies than at a frequency of 1 kHz. This effect is greater for lower-level sounds than for louder sounds. Therefore, it makes sense to reduce the sensitivity of the sound level meter (chiefly in the lower frequencies) so that its readings follow the characteristics of the ear more closely.

The A-weighted curve of Fig. 1-16 is based on the 40 phon Fletcher-Munson equal-loudness contour and is to be preferred for measuring lower-level sounds such as background noise. The B-weighted curve is based on the 70-phon equal-loudness contour and is suitable for measuring sounds of intermediate level. Measurements taken with the A and B weighting are called *weighted sound levels*. The C weighting is essentially flat and is used for very loud sounds. It is also used when *sound pressure levels* are to be measured and generally when the sound level meter feeds a signal to other instruments for analysis.

Table 1-4. Use of Weighting Networks

Sound Level Range, in dB	Recommended Weighting Network
20 - 55	A
55 - 85	B
85 - 140	C

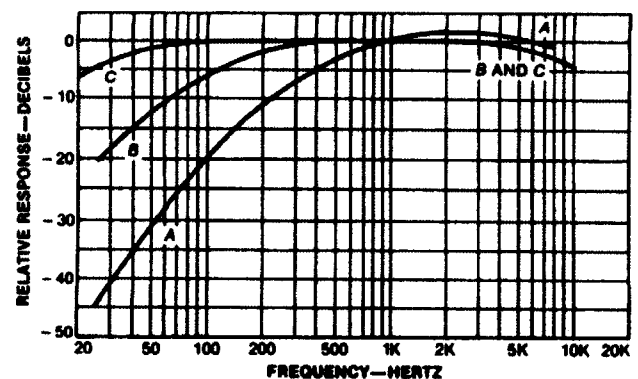
Table 1-4 gives general suggestions as to which weighting to use for different sound level ranges.

When comparing different sound levels, such as in Table 1-5, it may be expedient to use the A-weighting for the entire range rather than to shift weighting in the midst of a series of measurements to be directly compared.

Table 1-5. Typical A-Weighted Sound Levels

Sound Source	Sound Pressure Level, Decibels, (A-Weighted)
Jet airplane taking off (200 ft.)	120
Subway train (20 ft.)	90
Freight Train (100 ft.)	70
Speech (1 ft.)	70
Shopping Mall	60
Average residence with TV	50
Quiet residential area at night	40
Soft whisper	30
Recording studio background noise	30
Threshold of hearing	20

Figure 1.16 - Weighting Networks



Frequency Response Characteristics in the American National Standard Specification for Sound Level Meters, ANSI-31.4-1971.

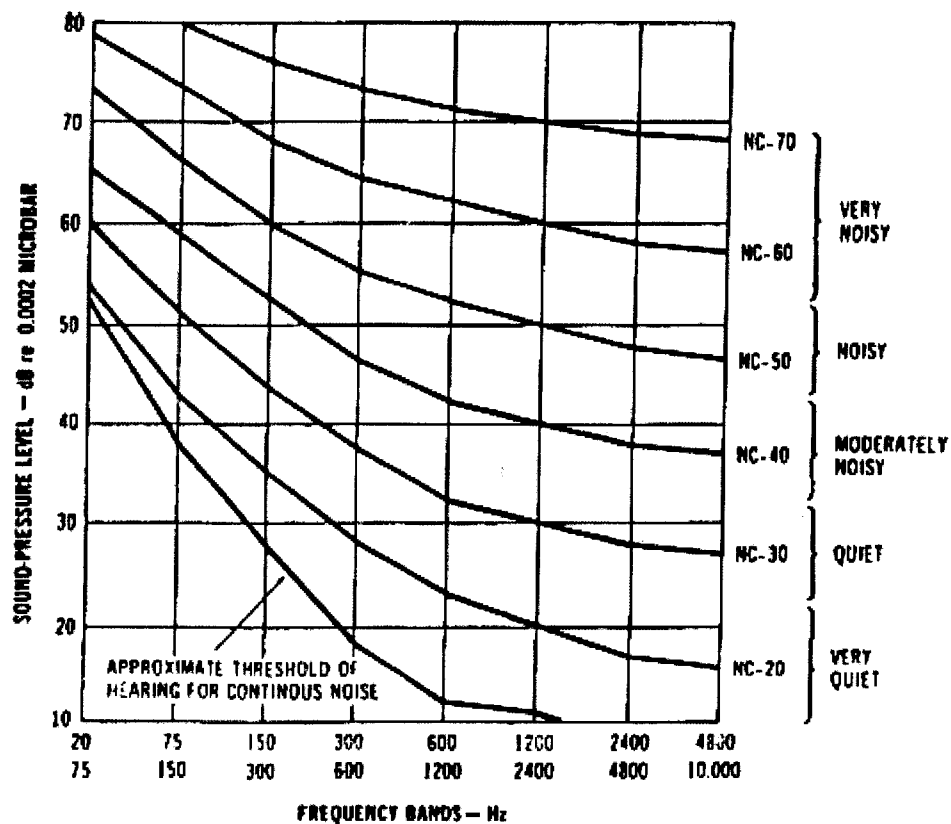
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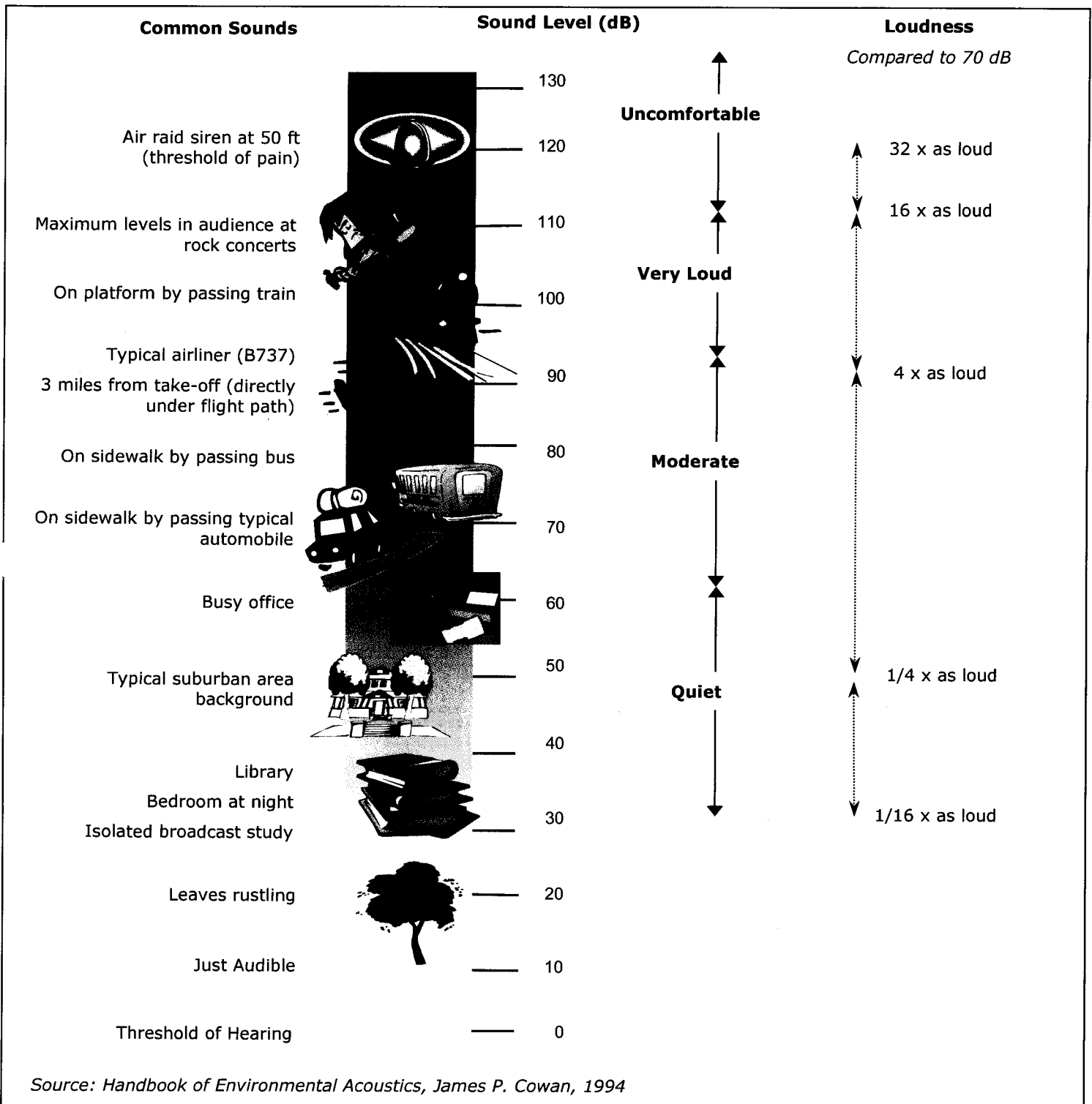
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Subjective Assessment of Noise Criteria Data



Subjective assessment of noise annoyance
based on Noise Criteria measurements.

Typical Sound Levels



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Ranges of Indoor Design Goals for HVAC System Noise Control

TYPE OF AREA	Range of "A" Weighted Sound Levels in dB	Range of NC Curves
Residences: Private homes (rural and suburban) Private homes (urban) Apartment houses, 2 & 3 family units	25 - 35 30 - 40 35 - 45	20 - 30 25 - 35 30 - 40
Hotels: Individual rooms or suites Ballrooms, banquet rooms Halls and corridors, lobbies Garages Kitchens and laundries	35 - 45 35 - 45 40 - 50 45 - 55 45 - 55	30 - 40 30 - 40 35 - 45 40 - 50 40 - 50
Hospitals and Clinics: Private rooms Operating rooms, wards Laboratories, Halls, corridors, lobbies and waiting rooms Washrooms and toilets	30 - 40 35 - 45 40 - 50 45 - 55	25 - 35 30 - 40 35 - 45 40 - 50
Offices: Board rooms Conference rooms Executive office Supervisor office, reception room General open offices, drafting rooms Halls and corridors Tabulation and computation	25 - 35 30 - 40 35 - 45 35 - 45 40 - 55 40 - 55 45 - 65	20 - 30 25 - 35 30 - 40 30 - 40 35 - 50 35 - 55 40 - 60

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Auditoriums and Music Halls: Concert and Opera Halls, Studios for sound reproduction Legitimate theaters, multipurpose halls Movie theaters, TV audience studios, semi-outdoor amphitheaters, lecture halls, planetarium Lobbies	25 - 35 30 - 40 35 - 45 40 - 50	20 - 25 25 - 30 30 - 35 35 - 45
Public Buildings: Public libraries, museums, courtrooms Post offices, general banking areas, lobbies Washrooms and toilets	35 - 45 40 - 50 45 - 55	30 - 40 35 - 45 40 - 50
Churches and schools: Sanctuaries Libraries School classrooms Laboratories Recreation halls Corridors and halls Kitchens	25 - 35 35 - 45 35 - 45 40 - 50 40 - 55 40 - 55 45 - 55	20 - 30 30 - 40 30 - 40 35 - 45 35 - 50 35 - 50 40 - 50
Restaurants, cafeterias, lounges: Restaurants Cocktail lounges Night clubs Cafeterias	40 - 50 40 - 55 40 - 50 45 - 55	35 - 45 35 - 50 35 - 45 40 - 50
Retail stores: Clothing, department stores (upper floors) Department stores (main floor), small retail stores Supermarkets	40 - 50 45 - 55 45 - 55	35 - 45 40 - 50 40 - 50

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Sports activities - indoor: Coliseums Bowling alleys, gymnasiums Swimming pools	35 - 45 40 - 50 45 - 60	30 - 40 35 - 45 40 - 55
Transportation (rail, bus, airports): Ticket sales offices Lounges and waiting rooms	35 - 45 40 - 55	30 - 40 35 - 50

NOTE: This information is provided by ASHRAE*, a professional organization which develops standards for the HVAC industry. These guidelines are used during the design, installation and balancing of HVAC systems and are intended to prevent intrusive noise levels in a wide variety of venues.

*ASHRAE: American Society of Heating, Refrigeration and Air-Conditioning Engineers

Section II

Addendum: Recommendations for Sound Control and Mitigation

TREPANIER



PA ASSOCIATES INC.
LAND USE PLANNING
DEVELOPMENT CONSULTANTS

THE AUDIO BUG, INC.

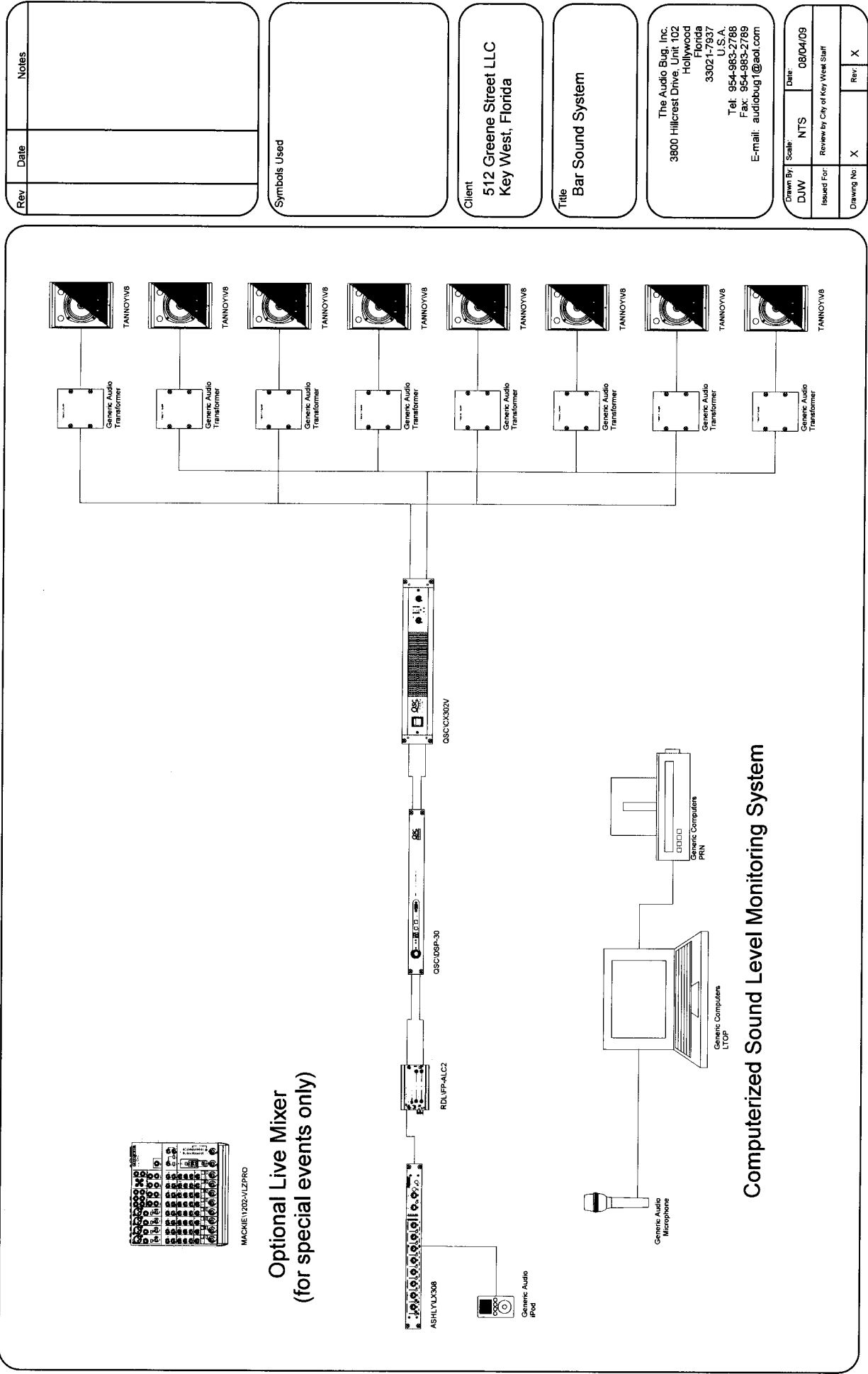
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To the attention of the City of Key West Planning Board

The following are recommendations for Sound Control and Mitigation at 512 Greene Street, Key West:

- I. Sound System: The system should be designed to fully comply with local noise ordinances, employing the following techniques to accomplish this goal:
 - A. Deployment of multiple closely spaced speakers driven at low individual volumes. This system design will distribute sound uniformly within the listening area in such a manner as not to interfere with normal conversational level of the clientele. Maximum long-term system levels are to be limited to 75 dBA SPL, with user access restricted to the selection of program material and manual reduction only of system levels. No increase above maximum design sound levels shall be possible by Staff. The system shall include eight (8) loudspeakers to ensure uniform coverage in the listening area. Loudspeaker layout and quantities are detailed in the attached data developed using EASE 4.2, a computer-assisted design program used to predict sound system and acoustical performance. The electronics package shall offer maximum control to the designer. Speakers shall be operated as a high impedance distribution system connected to an amplifier suitable for the application. Zone control shall be provided as required by the physical layout of the facility. **No outdoor speakers will be permitted.**
 - B. QSC Audio's DSP-30, a computer control and digital signal processor, shall form the heart of the system. With this device, the system will include the following functions and safeguards:
 1. All controls under lock and key, with no access once the system has been commissioned.
 2. The system shall be divided into two zones, each with a preset maximum level, separate dynamic equalization and signal alignment, sound compression., and intelligent gain adjustment feature which will raise and lower music volume in response to patron conversation noise.
 3. Local control shall consist only of source selection and the ability to turn the system down from preset maximums.
 - C. A Radio Design Labs FP-ALC2 Automatic Level Control will be included to control the inevitable disparities between source and selection sound levels, further ensuring consistent playback levels. Leveling removes the possibility of one song sounding louder than the previous or subsequent song. For example, if a Billy Joel vocal/piano ballad were followed by a song with a significantly different complement of vocals and instrumentals, the second song would normally sound louder at an equal volume setting. With leveling, the two songs would be reproduced at virtually the same sound level.
 - C. The House System will provide an input for pre-recorded music; i.e., CD player, iPod, satellite audio feed.
No live music will be proffered except for special events subject to specific permit by the City of Key West.¹ For such events, the live sound mixer would be substituted for the pre-recorded music source.
 - D. Computerized sound monitoring system. Utilizing an inexpensive net-book or laptop computer, appropriate software and an external microphone, the club ~~shall~~ be equipped to self-monitor sound levels on the property to ensure and document compliance with the City's Noise Ordinance. Calibration of the system during its installation will allow direct correlation of sound levels on property with those at any location off property. Simple operation and reliable documentation will ensure that code violation claims can be refuted with accurate information at any time. Visit <http://www.fesb.hr/~mateljan/arta/> for details on obtaining this software.

¹ - If permitted as a special event under KW Code Sec. 6-86



Rev	Date	Notes

Symbols Used

Client
512 Greene Street LLC
Key West, Florida

Title
Bar Sound System

The Audio Bug, Inc.
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Hollywood, Florida 33021-7837
U.S.A.
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E-mail: audiobug1@aol.com

Drawn By: DJW	Scale: NTS	Date: 08/04/09
Issued For:	Review by City of Key West Staff	
Drawing No:	X	Rev: X

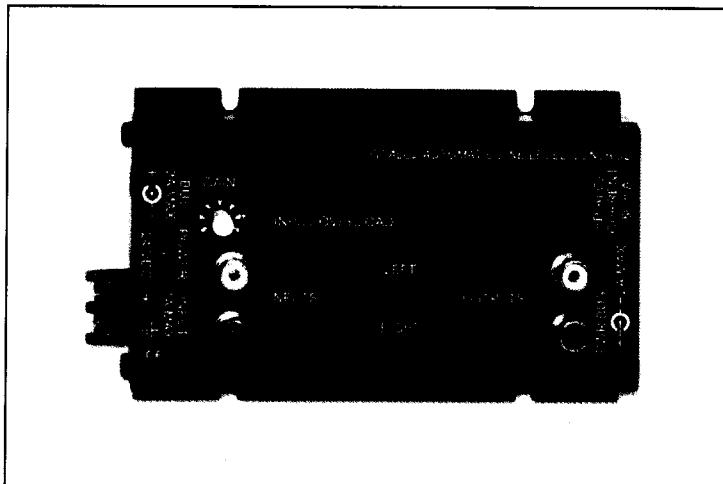
FLAT-PAK™ SERIES

Model FP-ALC2

Automatic Level Control

ANYWHERE YOU NEED...

- Consistent Levels from Variable Sources
- Split-Band AGC for Audio Transparency
- Self-Adjusting Attack and Release Times
- AGC with Simple Single Control Setup
- Level Control Range >20 dB
- Gated Control to Avoid Level "Seeking"
- Convenience of RDL FLAT-PAKs



You Need The FP-ALC2!

The FP-ALC2 is part of the group of versatile FLAT-PAK products from Radio Design Labs. The unique FLAT-PAK case can be directly screwed or bolted to cabinets or shelves. Optionally available rack-mounting accessories permit single or multiple FLAT-PAK module mounting. All FLAT-PAK modules are supplied with a power interconnect cable for daisy-chaining multiple modules from a single power supply.

APPLICATION: The FP-ALC2 is the ideal choice in many applications where consistent stereo audio levels are needed from consumer sources with varying audio output levels. Power connections are made using either the full-size barrier block terminals or a dc power jack located in one end panel. A second dc power jack is provided on the other end panel for connecting additional FLAT-PAK modules.

The FP-ALC2 is a two channel (stereo) module featuring phono jack **INPUTS** and **OUTPUTS**. A single user adjustment makes installation simple and efficient. The gain adjustment is set as high as possible with the loudest source without the **INPUT OVERLOAD** indicator flashing. No further adjustments are needed. Foreground as well as background sound systems fed from variable audio source levels, such as multiple CD changers or satellite receivers, benefit from consistent levels.

The automatic level control circuitry in the FP-ALC2 maintains a consistent -10 dBV output for input signal variations as great as 25 dB. Yet the operation of the module is nearly transparent to the listener for a wide variety of source material from rock to classical. The level pumping effect frequently associated with automatic gain and compression devices is minimized in the FP-ALC2 by controlling mid and high band audio separately from the bass frequencies. The automatic gain circuitry and compression attack release times adjust according to the program material to further reduce any audible effects of the module. The level seeking effect also associated with various automatic level products is avoided in the FP-ALC2. When audio levels fall and remain below a level appropriate to that source, the module stops increasing the gain. As audio levels fade out, the module tracks the level for a natural sound. These features combine to produce nearly inaudible adjustment yet consistent levels without the listener fatigue associated heavily compressed music dynamics.

The FP-ALC2's low profile and compact size permit mounting in confined spaces and in various locations in equipment racks. The location of the input/output jacks permits high density mounting against flat surfaces while maintaining accessibility to the connectors. The economical cost can provide assurance of correct signal levels in nearly any stereo audio system. The FP-ALC2 may be mounted where needed, to rack sides or in an equipment rack (either the front or rear rack rails) using the RDL FP-RRA. Use the FP-ALC2 individually, or combine it with other RDL products as part of a complete audio/video system.

FLAT-PAK™ SERIES

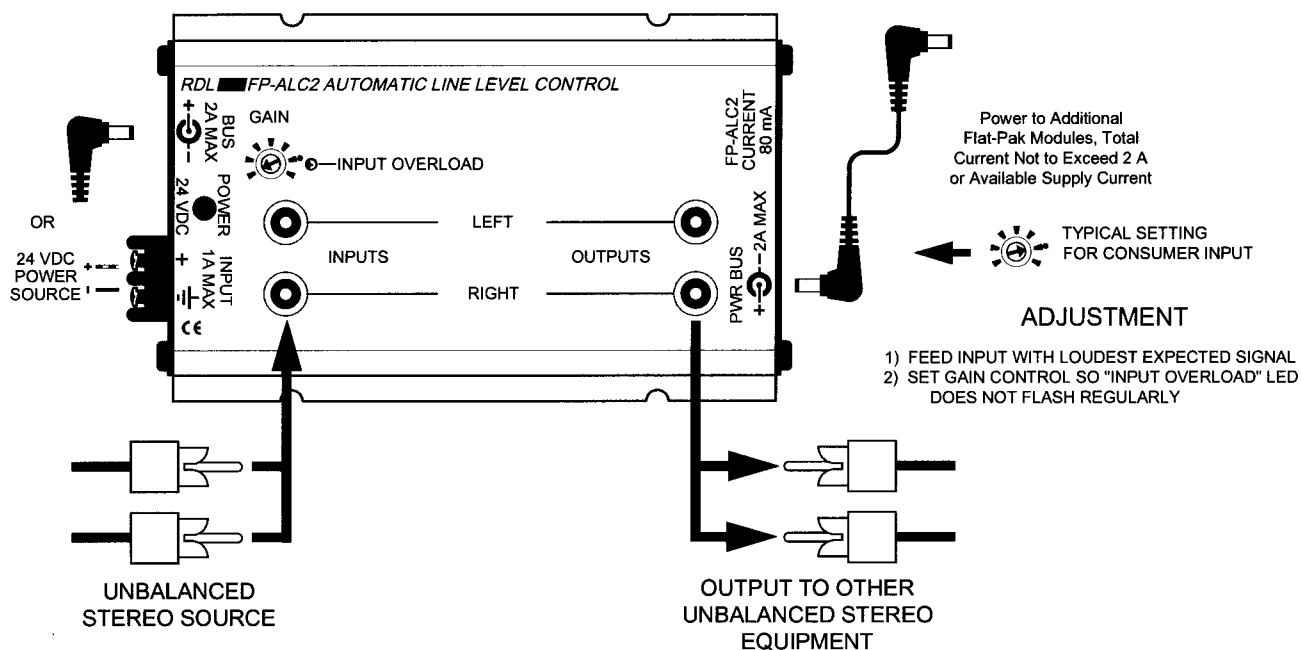
Model FP-ALC2

Automatic Level Control

Installation/Operation



EN55103-1 E1-E5; EN55103-2 E1-E4
Typical Performance reflects product at publication time exclusive of EMC data, if any, supplied with product. Specifications are subject to change without notice.



TYPICAL PERFORMANCE

Inputs (2):	10 k Ω unbalanced phono jack
Input Level:	-10 dBV (nominal)
Output:	200 Ω unbalanced phono jack
Output Level:	-10 dBV
Automatic Level Range:	-30 to 0 dBV
Gate Threshold:	-40 dBV (20 Hz to 3 kHz)
Frequency Response (excluding AGC):	20 Hz to 20 kHz (+/- 0.5 dB)
THD+N (excluding AGC):	< 0.15% (20 Hz to 20 kHz)
Noise:	< -90 dB (below -10 dBV)
Crosstalk:	-75 dB (typical, 1 kHz)
Headroom:	> 18 dB

Indicator (1):

INPUT OVERLOAD

Power Requirement:

24 Vdc @ 80 mA, Ground-referenced

Overall Dimensions:

Height:	1.20 in.	3.05 cm
Width:	3.25 in.	8.26 cm
Length:	5.75 in.	14.61 cm



Featuring intuitive PC system configuration combined with “set-and-forget” convenience, the DSP-30 unites easy-to-use, customizable, two channel digital signal processing (DSP) with a simple preset selection interface that requires only two buttons. It can be used with all amplifiers and is housed in a 1RU, 19" rack mount steel chassis. Sampling frequency is 48 kHz with 24-bit resolution. Dynamic range is greater than 95 dB. Rugged and dependable in the spirit of all QSC professional audio products, the DSP-30 is well suited to a variety of applications including mobile DJ, club PA, and pro touring.

Powerful

The DSP-30's powerful processor enables a wide range of signal processing functions. Whether you need speaker crossovers, EQ, signal delay, or infrasonic filters, the DSP-30 is as flexible as your system's needs.

Each channel includes:

- Crossover filtering
- Compression and limiting
- Multiple Parametric EQs
- Precision attenuation
- Shelf filtering
- Mixing
- Multiple Delays (up to 910 ms)
- Tone and noise generation

Configurable

The DSP-30's processing horsepower is dynamically assignable, so you are not limited by a fixed signal chain. Simply use QSC's powerful PC-based Signal Manager software to easily configure multiple processing functions and signal flow with “drag-and-drop” tools. The DSP-30 provides eight fully configurable user presets, selectable from front-panel switches.

Cost-effective

The power and flexibility of the DSP-30 eliminates the need for individual outboard signal processors—reducing cost, space, and installation time for almost any application. Housed in a 1RU, 19-inch rack-mount steel chassis, it can be used with all audio systems.

Multiple Parametric Filters, assignable anywhere in the signal chain:

Variable Frequency	Variable Q
Variable Gain	Show Response

Multiple Delays, assignable anywhere in the signal chain:

20.83 μ sec incremental
910 msec maximum (total of all delays)

Compressor, assignable anywhere in the signal chain:

Gain	Release Time
Threshold	Show Response
Ratio	Bypass
Attack Time	

Output Peak Limiter, assignable anywhere in the signal chain:

Gain	Release Time
Threshold	Show Response
Attack Time	Bypass

High and Low-Pass Crossover Filters, assignable anywhere in the signal chain:

Butterworth 6, 12, 18, 24 dB per octave slope
Bessel 6, 12, 18, 24 dB per octave slope
Linkwitz-Riley 12 and 24 dB per octave slope

High and Low-Pass Shelf Filters, assignable anywhere in the signal chain:

Variable Corner Frequency	Variable Q
Variable Gain	Show Response

Signal Mute

Attenuation 0.1 dB steps

Mix Post Crossover Audio (2→1 Mixer)

Signal Splitter

Built-in Noise Generator (Pink & White)

Built-in Variable Frequency Tone Generator

Signal Polarity Reversal

Frequency Response readout for each filter

RMS and Peak Metering with Clip Indication

Add or delete up to 7 additional bands of "EQ" per filter block

Visual editing of composite filter response, using cursor controls in graphical display

Individual or group bypass of EQ bands per filter block

Predictive Delay Feature — produces less signal distortion than analog compressor/limiters — especially for fast attack times

Hardware

Two independent channels of DSP

48 kHz, 24-bit converters

No turn on pops or "zipper" noise

If the memory or hardware fails, unit turns on muted to prevent driver damage

Easy PC connection with front panel RS-232

Balanced Neutrik® Combo (XLR and 1/4") inputs and XLR outputs

Power and signal present LEDs with signal level

Numeric display indicates current preset

Eight fully configurable user presets

Preset Browse and Accept buttons with lock-out feature

Selectable input sensitivity: 1.5, 4, 9, 18 Vrms; 6, 14.5, 21.5, 27.5 dBu; 3.5, 12, 19, 25 dBV

Software

"Drag-and-drop" configuration software

Hard copy printout of configuration layout or parameter settings

DSP processing power and memory is dynamically assigned to signal processing functions — eliminating the limitations imposed by fixed signal chain designs

Graphical representation of DSP resources

Firmware upgrades via RS-232

Download the latest Signal Manager software at www.qscaudio.com

System Requirements

Windows® 98, NT4 (SP6), and 2000 (SP1)*

SVGA monitor at 800 x 600 (min.); 1024 x 768 recommended

CD-ROM drive

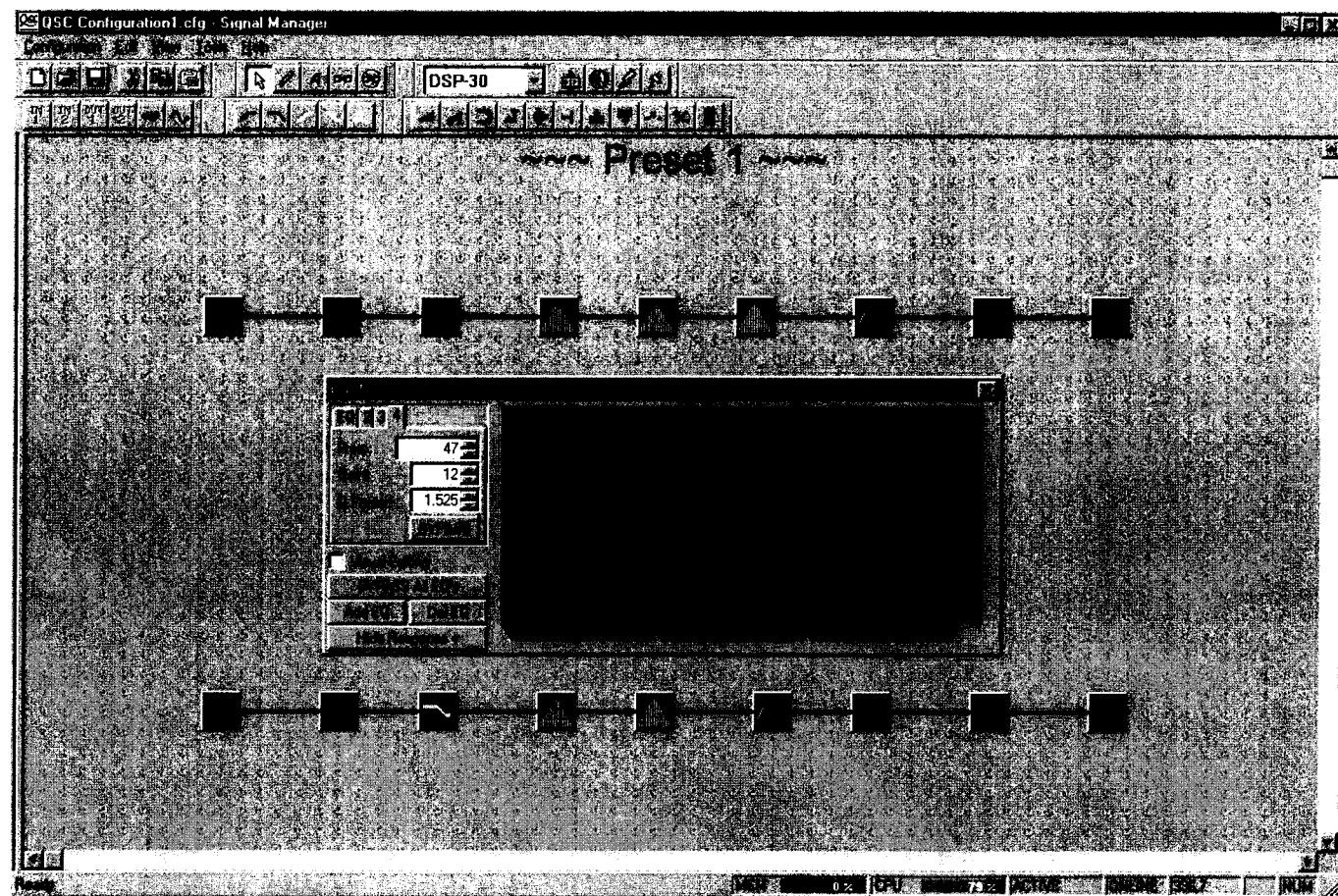
32 MB RAM (min.)

10 MB free hard disk space (min.)

Available RS-232 COM port

Male to female 9-pin serial cable (for programming)

* Windows Me not supported



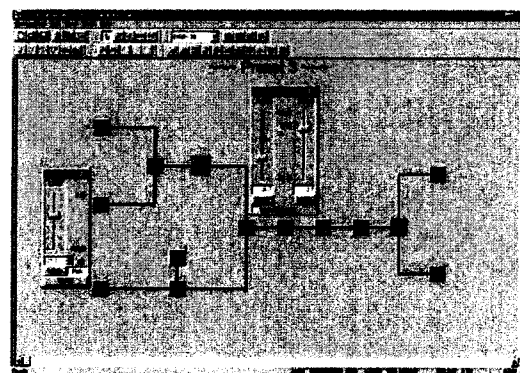
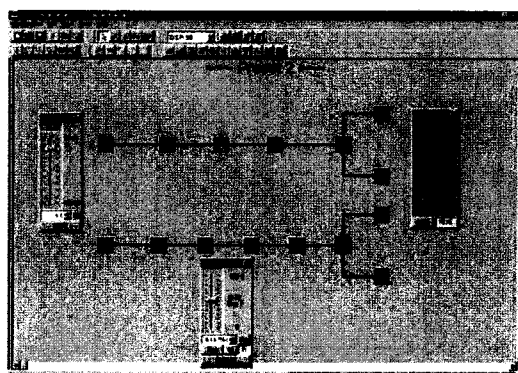
Signal Manager

Advanced “Drag and Drop” Software Configuration

DSP configuration is made simple with a PC-based “drag-and-drop” software program called Signal Manager. Users access a DSP “toolbox” and simple drawing tools to configure processing functions and signal flow. DSP processing power and memory is dynamically assigned to signal processing functions. Any combination of functions may be configured until the total capacity is used. DSP resources are graphically displayed at the bottom of the screen.

Configurations can be downloaded directly to the DSP-30 via an RS-232 serial connection. The software package also offers real-time control and set-and-forget convenience. Once saved, configurations (presets) can be recalled via the DSP-30’s front panel switches without the need for a computer.

The DSP is configured with an easy-to-use software interface. Signal processing icons from the toolbar are dropped onto the workspace and the signal path is routed with simple drawing tools.



DSP-30

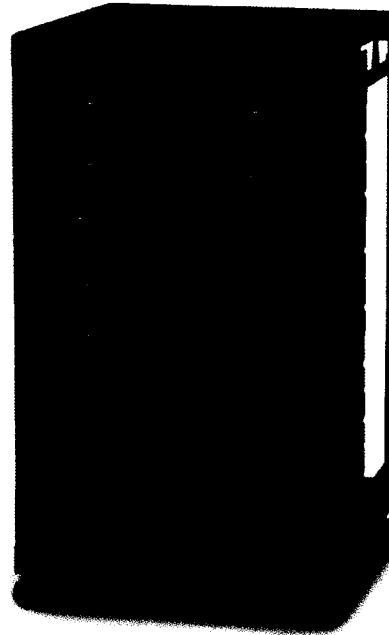
Specifications

Audio Converters	24 bit, 48 kHz		
Frequency Response	20 Hz to 20 kHz $\pm$ 0.4 dB at 1 dB below full scale input voltage (all sensitivities)		
Distortion	< 0.007% THD+N at 1 dB below full scale output (all sensitivities) 20 Hz to 20 kHz		
Throughput Delay	1.00 milliseconds (A/D – DSP – D/A)		
Dynamic Range (AES-17 -60 dB method)	> 95 dB unweighted, 1.5V, 4V and 9V input sensitivities > 93 dB unweighted, 18V input sensitivities		
Polarity	In-phase or inverted		
Mute	> 95 dB attenuation		
Indicators	Power: 1 blue LED Channel 1 and Channel 2 signal level: 2 green LEDs Preset Display: 7 segment LED		
Input Sensitivity	Volts	dBu	dBV
Full scale sine wave RMS before clipping.	1.5	6.0	3.5
Full scale output voltage 9.3 Vrms.	4	14.5	12.0
	9	21.5	19.0
	18	27.5	25.0
Audio Input Connectors			
Program Inputs	2		
Connector	Balanced Neutrik Combo		
Type	Electronically balanced		
Grounding	All shield terminals connected to chassis		
Input Impedance	8.3k ohm balanced, 3.7k ohm unbalanced		
Commom Mode Rejection	> 54 dB, 20 Hz – 20 kHz		
Crosstalk (inter-channel within DataPort pair)	> 78 dB separation, 20 Hz - 20 kHz		
Audio Output Connectors			
Program Outputs	2		
Connector	3-pin male XLR receptacle		
Type	Electronically balanced		
Grounding	All shield terminals connected to chassis		
Output Level	Level and units are selectable in software interface		
Maximum Output (full scale)	9.3 Vrms (+21.5 dBu), THD < 1.0%		
Output Pad	-6 dB		
Output Impedance	600 Ω balanced		
Power Amplifier Interface - compatibility	Works with all professional audio products		
RS-232 Port			
Port Type	RS-232, female		
Cable Type	9-pin serial cable, male-to-female (serial extension cable)		
Maximum Length	25 feet (7.6 meters)		
Contact Closure Inout			
Inputs	1 discrete input (pin #9 of RS-232 port)		
Configuration	Single-ended input, pull LOW (to GND, pin5) for closure detect		
Resistance for closure detect	< 150 Ω		
Resistance for open detect TTL compatible thresholds with 9V DC max input	> 1.9k ohms		
Physical			
Chasis	Steel (chassis and covers)		
Dimensions (HWD)	1.73" (4.39 cm) x 18.9" (48.0 cm) including rack ears x 14.9" (37.8 cm) including rack ears / 13.7" (34.8 cm) excluding rack ears		
Weight - Net / Shipping	9.5 lbs (4.31 kg) / 12.5 lbs (5.67 kg)		
Mounting	May be rack mounted or may be used separate from rack		
Operating Temperature	0° to 50° Celsius		
Internal Power Requirements			
AC Input Voltage	Autodetect 100-240 VAC		
AC Input Current	0.3 A RMS		
Frequency	50 to 60 Hz		
Power Cord	IEC-type detachable 6 ft. cord		

CX 2-channel

Professional Power Amplifiers

CX302 | CX502 | CX702 | CX902 | CX1102 | CX302V | CX602V | CX1202V



All models include an integrated security cover for tamper-proof installations

The CX Series is designed to meet the specialized needs of sound contractors. Eight 2-channel models have been designed from the ground up, combining the exclusive QSC PowerLight™ technology with specific features to meet the requirements of fixed installations.

With high-output power, versatile loading options, high thermal capacity and unmatched reliability, the CX Series is the perfect solution to any permanently installed sound system.

CX 2-channel Amplifiers

Model	70 V*	Watts per channel		
		8Ω**	4Ω**	2Ω†
CX302	—	200	325	600
CX502	—	300	500	800
CX702	—	425	700	1200
CX902	440	550	900	1500
CX1102	1000	700	1100	1700
CX302V	250	—	—	—
CX602V	440	550	—	—
CX1202V	1000	700	1100	—

*1 kHz, 0.05% THD

**20 Hz – 20 kHz, 0.05% THD

†1 kHz, 1% THD

Features

- 8 models to meet your exact power requirements
- Exclusive PowerLight switch-mode power supply technology for high performance and compact size
- Custom integrated security cover for tamper proof installations
- Variable speed fan for low noise
- 1 dB detented gain controls for fast and accurate gain settings
- Active inrush limiting eliminates AC inrush current, removing the need for expensive power sequencers
- XLR and detachable Euro-style input connectors
- HD15 DataPort connector for QSCControl computer control or signal processing accessories
- Dip switch control for clip limiters, high-pass filters, bridge-mono and parallel operation
- Selectable high-pass filters protect speakers and prevent speaker transformer saturation with minimal effect on program material (33 Hz or 75 Hz on non-V models, 50 Hz or 75 Hz on V models)
- Comprehensive front panel indicators including signal, clip, protect and QSC's exclusive bridge-mono and parallel input LEDs
- Barrier strip output connector
- Comprehensive protection circuitry including DC, infrasonic, thermal overload and short circuit protection
- Class H complementary bipolar output circuitry for high efficiency (CX702, CX902, CX1102 & CX1202V)
- Optional external transformer accessory pack for isolated 70 and 100 volt outputs (converts CX302 to 400 watts per channel isolated output)
- Compact size – all models only 2 RU and 14" deep for reduced rack cost and floor space
- Lightweight – all models only 21 pounds (9.5 kg) for easier racking and shipping
- 3-year warranty plus optional 3-year extended service contract

	CX302	CX502	CX702	CX902	CX1102	CX302V	CX602V	CX1202V
Stereo Mode (both channels driven)			Continuous average output power per channel					
8Ω / 20 Hz – 20 kHz / 0.05% THD	200 W	300 W	425 W	550 W	700 W	–	550 W	700 W
4Ω / 20 Hz – 20 kHz / 0.05% THD	325 W	500 W	700 W	900 W	1100 W	–	–	1100 W
2Ω / 1 kHz / 1% THD	600 W	800 W	1200 W	1500 W	1700 W	–	–	–
70V / 20 Hz – 20 kHz / 0.05% THD	–	–	–	400 W	800 W	200 W	400 W	800 W
70V / 1 kHz / 0.05% THD	–	–	–	440 W	1000 W	250 W	440 W	1000 W
70V / 1 kHz / 1% THD	–	–	–	600 W	1200 W	300 W	600 W	1200 W
Bridge-Mono Mode			Bridge-mono mode operation					
16Ω / 20 Hz – 20 kHz / 0.1% THD	400 W	600 W	850 W	1100 W	1400 W	–	1100 W	1400 W
8Ω / 20 Hz – 20 kHz / 0.1% THD	700 W	1100 W	1500 W	2000 W	2200 W	–	–	2200 W
4Ω / 1 kHz / 1% THD	1200 W	1600 W	2400 W	3000 W	3400 W	–	–	–
140V / 20 Hz – 20 kHz / 0.1% THD	–	–	–	800 W	1600 W	400 W	800 W	1600 W
140V / 1 kHz / 0.05% THD	–	–	–	880 W	2000 W	500 W	880 W	2000 W
140V / 1 kHz / 1% THD	–	–	–	1200 W	2400 W	600 W	1200 W	2400 W
Signal to Noise (20 Hz – 20 kHz)	> -107 dB	> -107 dB	> -106 dB	> -106 dB	> -106 dB	> -106 dB	> -106 dB	> -106 dB
Input Sensitivity at 8Ω	1.26 Vrms	1.23 Vrms	1.16 Vrms	1.17 Vrms	1.35 Vrms	1.26 Vrms	1.26 Vrms	1.26 Vrms
Gain at 8Ω	30 dB	32 dB	34 dB	35 dB	35 dB	35 dB	35 dB	35 dB
Output Circuitry	Class AB+B	Class AB+B	2-tier Class H	2-tier Class H	2-tier Class H	Class AB+B	Class AB+B	2-tier Class H
Distortion (SMPTE-IM)	< 0.02%							
Distortion (typical)								
20 Hz – 20 kHz: 10 dB below rated power	< 0.01% THD							
1.0 kHz and below: full rated power	< 0.01% THD							
Frequency Response	20 Hz – 20 kHz, ± 0.2 dB							
Damping Factor	> 500							
Input Impedance	6k ohms unbalanced, 12k ohms balanced							
Input Clipping	10 Vrms (+22 dBu)							
Cooling	Variable-speed fan, rear-to-front air flow							
Connectors	Input: 3-pin XLR & 3-pin detachable terminal blocks (1 each per channel) Output: Safety shrouded barrier strip							
Amplifier Protection	Full short circuit, open circuit, thermal, ultrasonic, RF protection. Stable into reactive or mismatched loads							
Load Protection	On/off muting, DC-fault power supply shutdown							
Dimensions (HWD)	3.5" (8.9 cm) 2 RU x 19" (48.3 cm) rack mounting x 14" (35.6 cm) from front mounting rails							
Weight - Net / Shipping	21 lb (9.5 kg) / 27 lb (12.3 kg)							
120V Current Consumption	Idle	0.8 A	0.9 A	0.9 A	0.9 A	0.9 A	0.8 A	0.9 A
1/8 power pink noise (typical of program material at maximum unclipped power)	8Ω	3.8 A	5.6 A	5.0 A	6.0 A	7.6 A	–	–
	4Ω	6.0 A	9.0 A	7.9 A	9.5 A	11.6 A	–	–
	2Ω	9.6 A	14.0 A	11.8 A	14.0 A	16.6 A	–	–
	70V	–	–	–	–	–	5.7 A	8.7 A
1/3 power pink noise (typical of program material with severe clipping)	8Ω	5.4 A	8.0 A	8.4 A	11.0 A	13.1 A	–	–
	4Ω	8.9 A	13.3 A	13.5 A	17.0 A	20.0 A	–	–
	2Ω	14.3 A	21.0 A	22.0 A	27.0 A	–	–	–
	70V	–	–	–	–	–	8.0 A	13.0 A



Specifications subject to change without notice.

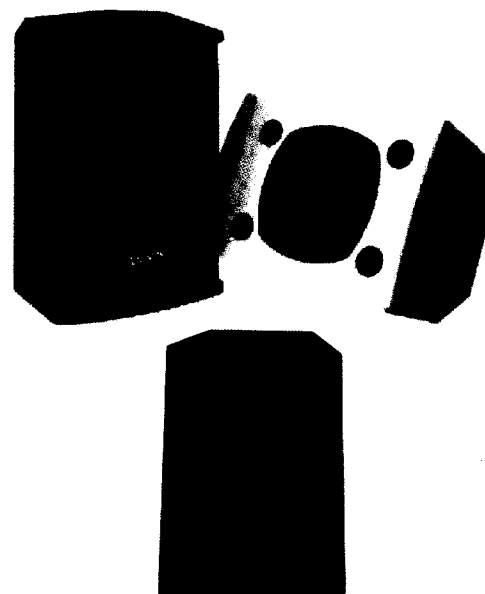
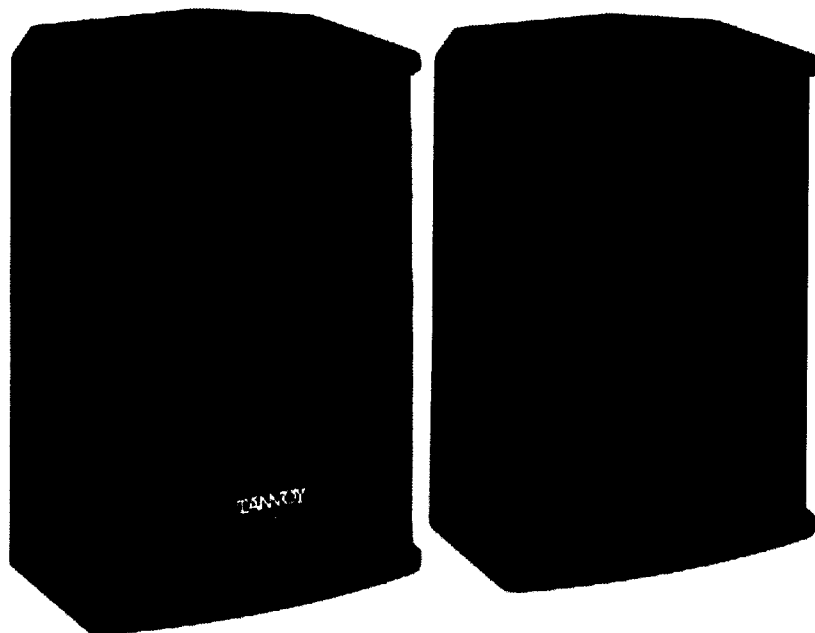
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CX 2-channel Spec Sheet - 05/15/09

qscaudio.com
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Product Description

V8 is a high quality installation loudspeaker that provides a compact, yet punchy, solution for high performance music and speech reproduction in small to medium sized venues. This versatile design also has, due to acoustic matching to other V Series models, a wide range of other applications in more space-restricted areas within larger installations.

The high power handling 200mm (8.00") version of Tannoy's exclusive point source, constant directivity Dual Concentric™ drive unit technology, with it's reinforced paper cone LF, twin roll cambric surround and 25mm (1.00") titanium domed, neodymium magnet system HF, ensures high power output with high sensitivity. With the HF mounted in the throat of the LF driver these two sources are coincidentally aligned into a single point source. This is a configuration, exclusive to the Dual, delivers a smooth and uniform frequency response over a wide area. The CAD designed Tulip WaveGuide™ for the HF unit combines 90 degree conical dispersion, for optimum coverage, exceptional forward gain and excellent acoustic impedance characteristics. The dispersion characteristics of the Dual enhance speaker placement flexibility; allowing vertical or horizontal mounting of single or multi-cabinet arrays without any compromise to sound quality.

This conical coverage pattern makes the V8 an ideal low profile stage monitor; the exceptionally wide dispersion allowing the performer greater freedom of movement than allowed by conventional horn loaded designs. An inherent feature of this point source Dual Concentric™ driver design is that clusters and arrays have minimal lobing, and this is achieved without the use of any electronic signal processing.

The convenient aspect ratio of the asymmetric design of the multi layer birch ply cabinet allows installation in a wide range of configurations. Available in black or white, the V8 has a range of colour matched Secure-ET™ hardware options to allow yoke, wall mount, ceiling saddle or cluster bar arrangements of 2, 3 or 4 units. Although designed to perform without any external controller, the addition of one of the Tannoy digital system controllers will further enhance performance by equalising the system to improve bass performance; this as well as providing a 2-way crossover function to facilitate use with a separate subwoofer system.

Features

- 200mm (8.00") point source Dual Concentric™ driver
- 90 degree controlled conical dispersion for optimum coverage and forward gain
- Compact, versatile enclosure
- High power handling
- High efficiency and low distortion
- Rugged birch plywood construction
- Convenient aspect ratio
- Integral carrying handle
- Integral flying points
- Secure-ET™ mounting options
- Five year loudspeaker warranty

Applications

- Live sound reinforcement
- High quality public address
- Theme pubs and nightclubs
- Theatre front of house and effects
- Movie theatre and cinema
- Side fill in large-scale music reinforcement
- Theme parks and leisure venues
- Sports and multi-use stadiums
- Audio visual
- Houses of worship

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Tannoy France	T: 00 33 (0)1 7036 7473	E: ventes@tannoy.com

tannoy.com

V8

TANNOY

TECHNICAL SPECIFICATIONS

System	V8
Frequency Response (-3dB) ⁽¹⁾	85Hz - 22kHz
Frequency Range (-10dB) ⁽¹⁾	62Hz - 30kHz
System Sensitivity (1W @1m) ⁽²⁾	92dB (1W = 2.83V for 8 Ohms)
Dispersion (-6dB)	90 degrees conical
Driver Complement	Point source Dual Concentric™
Low frequency section	200mm (8.00")
High frequency section	25mm (1.00")
Crossover	Passive 1.7kHz with dynamic HF protection
Directivity Factor (Q)	6.8 averaged 1kHz to 10kHz
Directivity Index (DI)	7.9 averaged 1kHz to 10kHz
Rated Maximum SPL ⁽²⁾	
Average	113dB
Peak	119dB
Power Handling	
Average	130W
Programme	260W
Peak	520W

Recommended Amplifier Power 260W @ 8 Ohms

Nominal Impedance	8 Ohms	
Distortion		
10% Full Power (10.2V)	2nd Harmonic	3rd Harmonic
250Hz	0.12%	0.15%
1kHz	0.23%	0.84%
10kHz	1.35%	0.16%
1% Full Power (3.2V)	2nd Harmonic	3rd Harmonic
250Hz	0.16%	0.14%
1kHz	0.09%	0.53%
10kHz	0.53%	0.17%

Construction

Enclosure	17 litre vented, internally braced 15mm (0.62") birch plywood cabinet with 15mm (0.62") MDF front baffle.
Certification	DIN 18 032 part 3 (April 1997)
Finish	Textured black or white paint, with custom colours available on request. Foam covered, powder coated perforated steel grille
Connectors	2 x Speakon NL4MP
Fittings	4 x M10 Flying inserts, 2 x M10 yoke bracket inserts 1 x recessed carrying handle Blanking plate for optional VTH pole mount
Optional Accessories	Black or white power coated perforated steel grille
Dimensions	388 x 280 x 275mm (H x W x D) 15.28 x 11.02 x 10.83" (H x W x D)
NET Weight	8.2kg (18.0lbs)

Notes:

- (1) Average over stated bandwidth. Measured at 1 metre on axis.
- (2) Unweighted pink noise input, measured at 1 metre in an anechoic chamber

A full range of measurements, performance data, CLF and Ease™ Data can be downloaded from www.tannoy.com

Full independent verification of published specifications carried out by NWA Labs, California can also be obtained from the downloads section of www.tannoy.com

Tannoy operates a policy of continuous research and development. The introduction of new materials or manufacturing methods will always equal or exceed the published specifications, which Tannoy reserves the right to alter without prior notice. Please verify the latest specifications when dealing with critical applications.

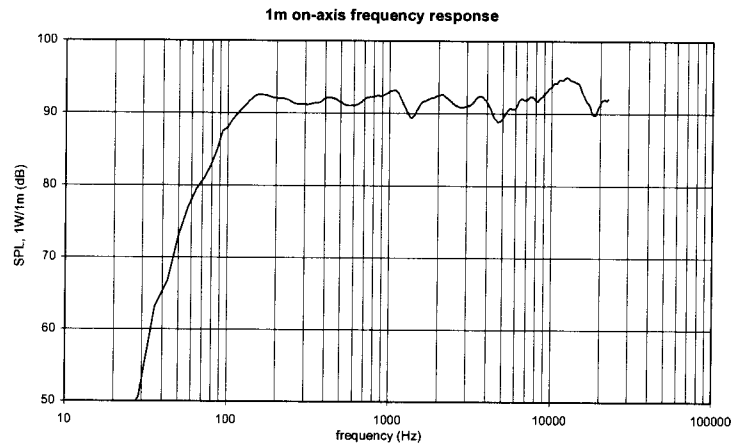
Ordering Information

PART NUMBER	MODEL NAME	COLOUR	PACKED QUANTITY
8001 2610	V8	Black	1
8001 2650	V8	White	1

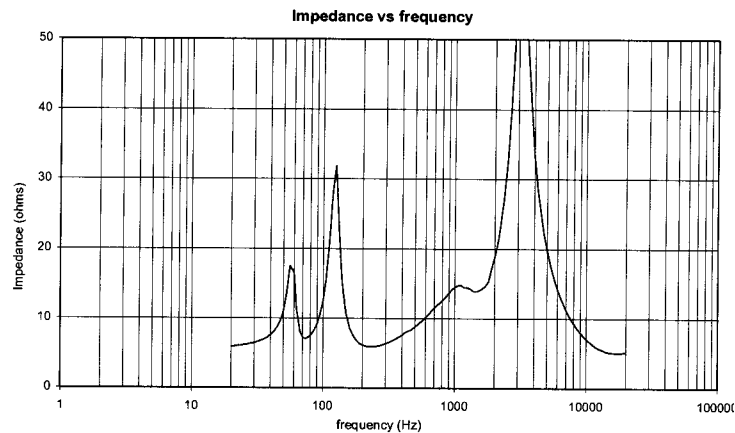
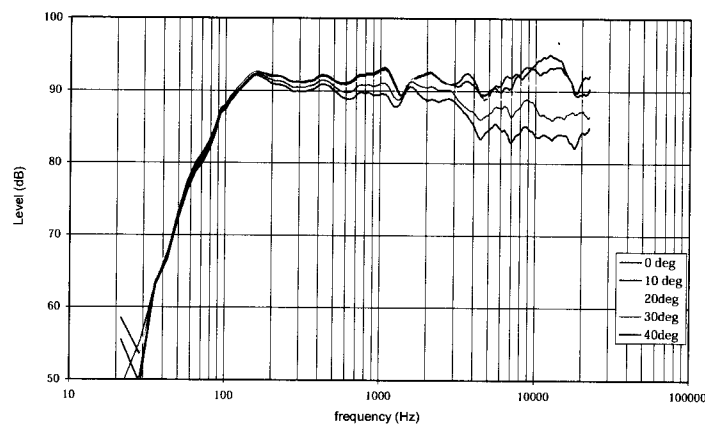
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PERFORMANCE MEASUREMENTS

ANECHOIC
FREQUENCY
RESPONSE

IMPEDANCE

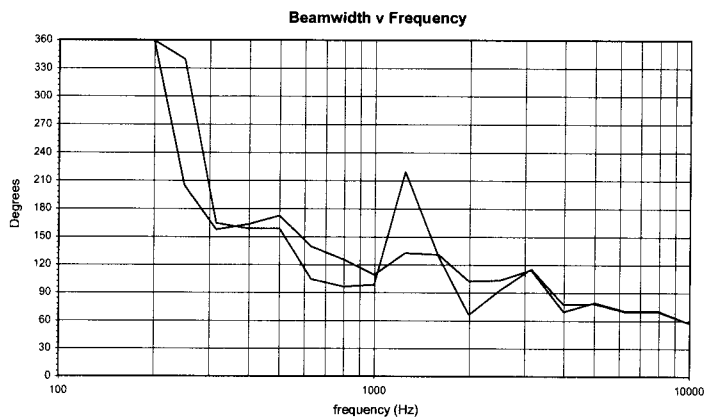
OFF AXIS
RESPONSE

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Tannoy North America
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Tannoy Deutschland
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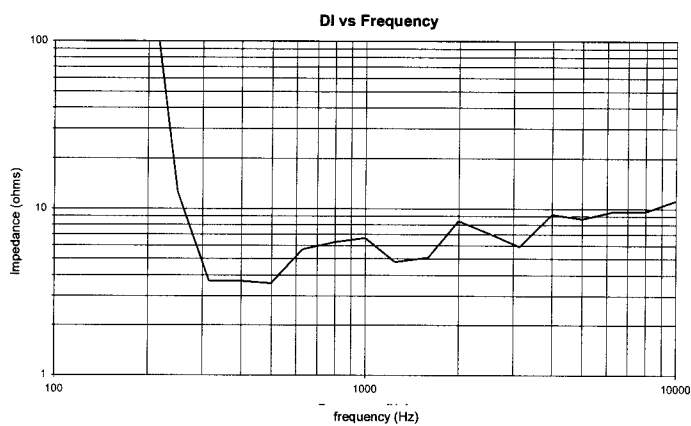
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PERFORMANCE MEASUREMENTS



BEAMWIDTH



DIRECTIVITY INDEX

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Tannoy North America
Tannoy Deutschland
Tannoy France

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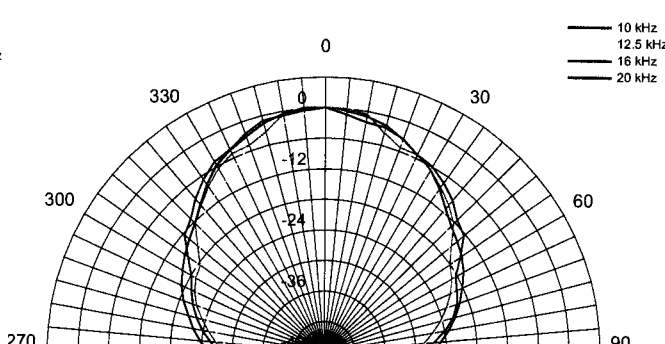
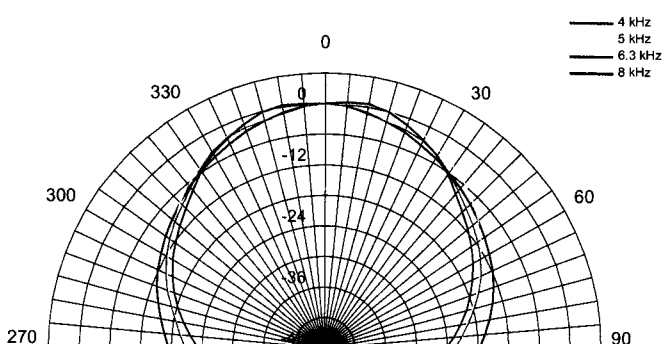
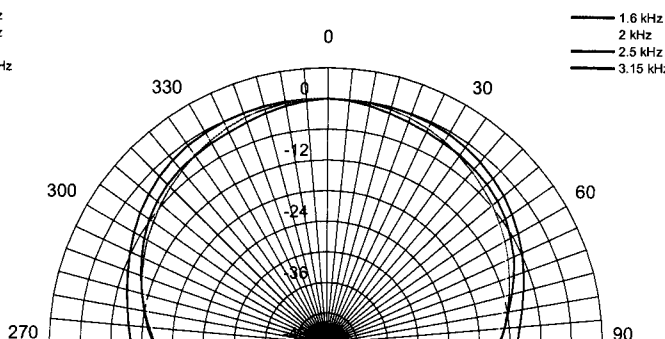
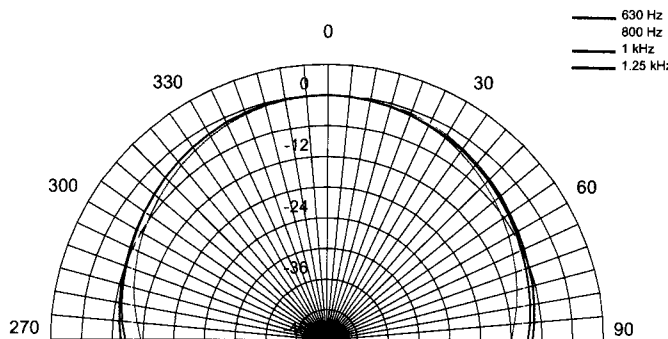
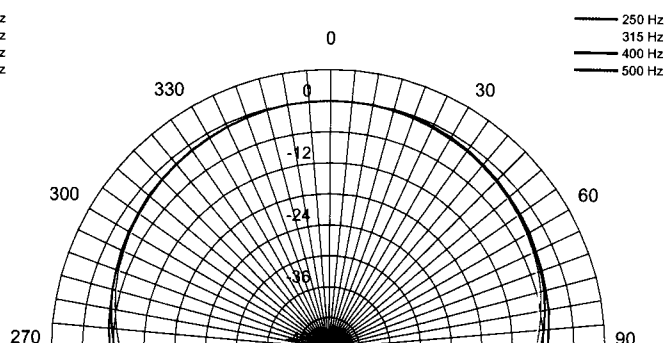
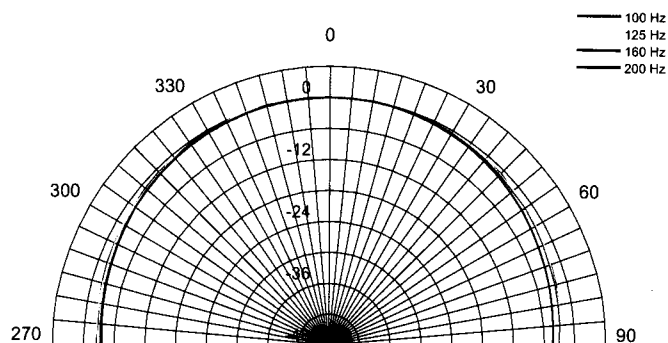
E: enquiries@tannoy.com
E: inquiries@tannoyna.com
E: anfragen@tannoy.com
E: ventes@tannoy.com

tannoy.com

V8

TANNOY

PERFORMANCE MEASUREMENTS POLAR PLOTS (1/3 OCTAVE)



Tannoy United Kingdom
Tannoy North America
Tannoy Deutschland
Tannoy France

T: 00 44 (0) 1236 420199
T: 00 1 (519) 745 1158
T: 00 49 (180) 1111 881
T: 00 33 (0) 1 7036 7473

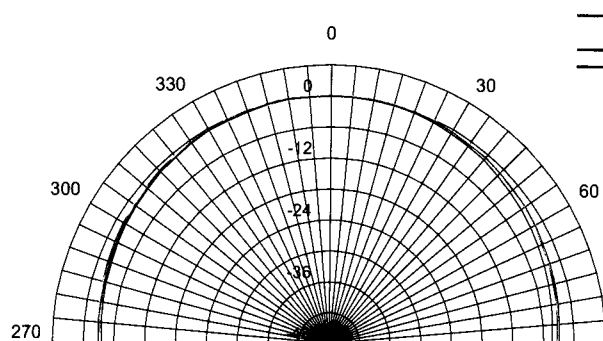
E: enquiries@tannoy.com
E: inquiries@tannoyna.com
E: anfragen@tannoy.com
E: ventes@tannoy.com

tannoy.com

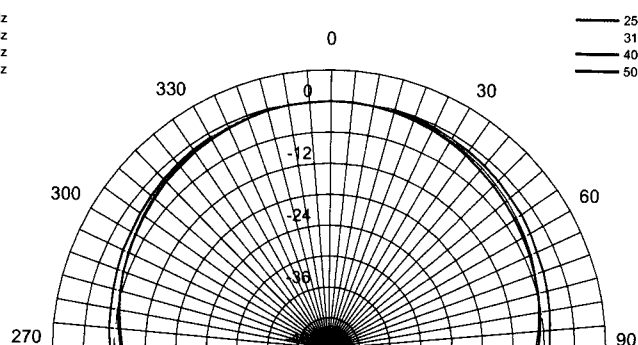
V8

TANNOY

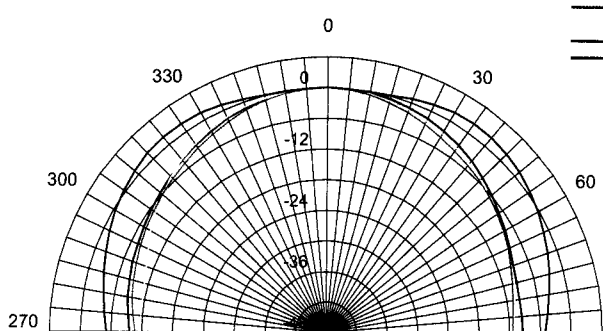
PERFORMANCE MEASUREMENTS



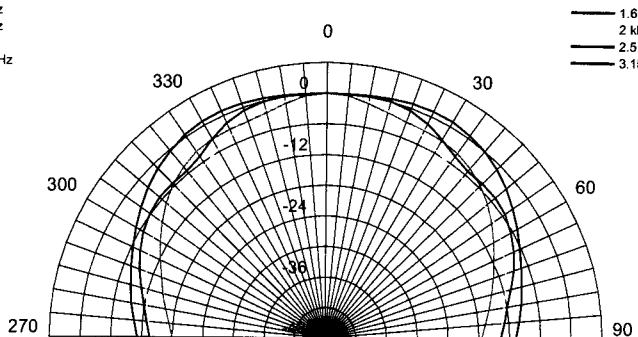
— 100 Hz
— 125 Hz
— 160 Hz
— 200 Hz



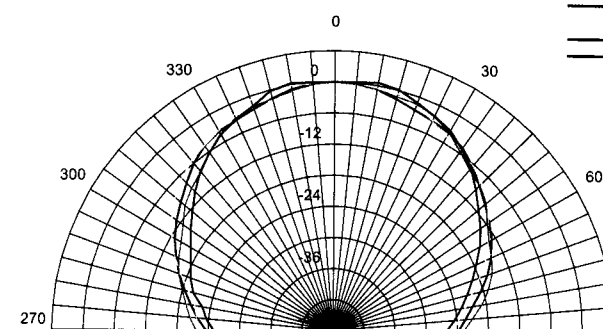
— 250 Hz
— 315 Hz
— 400 Hz
— 500 Hz



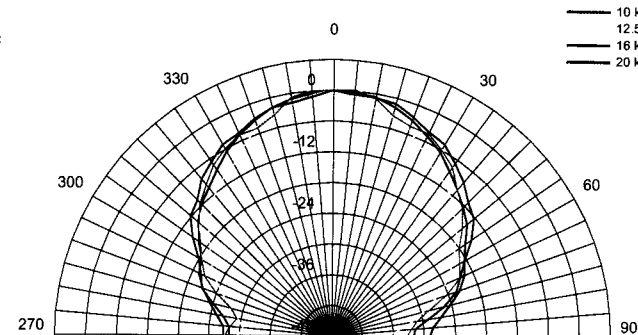
— 630 Hz
— 800 Hz
— 1 kHz
— 1.25 kHz



— 1.6 kHz
— 2 kHz
— 2.5 kHz
— 3.15 kHz



— 4 kHz
— 5 kHz
— 6.3 kHz
— 8 kHz



— 10 kHz
— 12.5 kHz
— 16 kHz
— 20 kHz

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T: 00 33 (0) 1 7036 7473

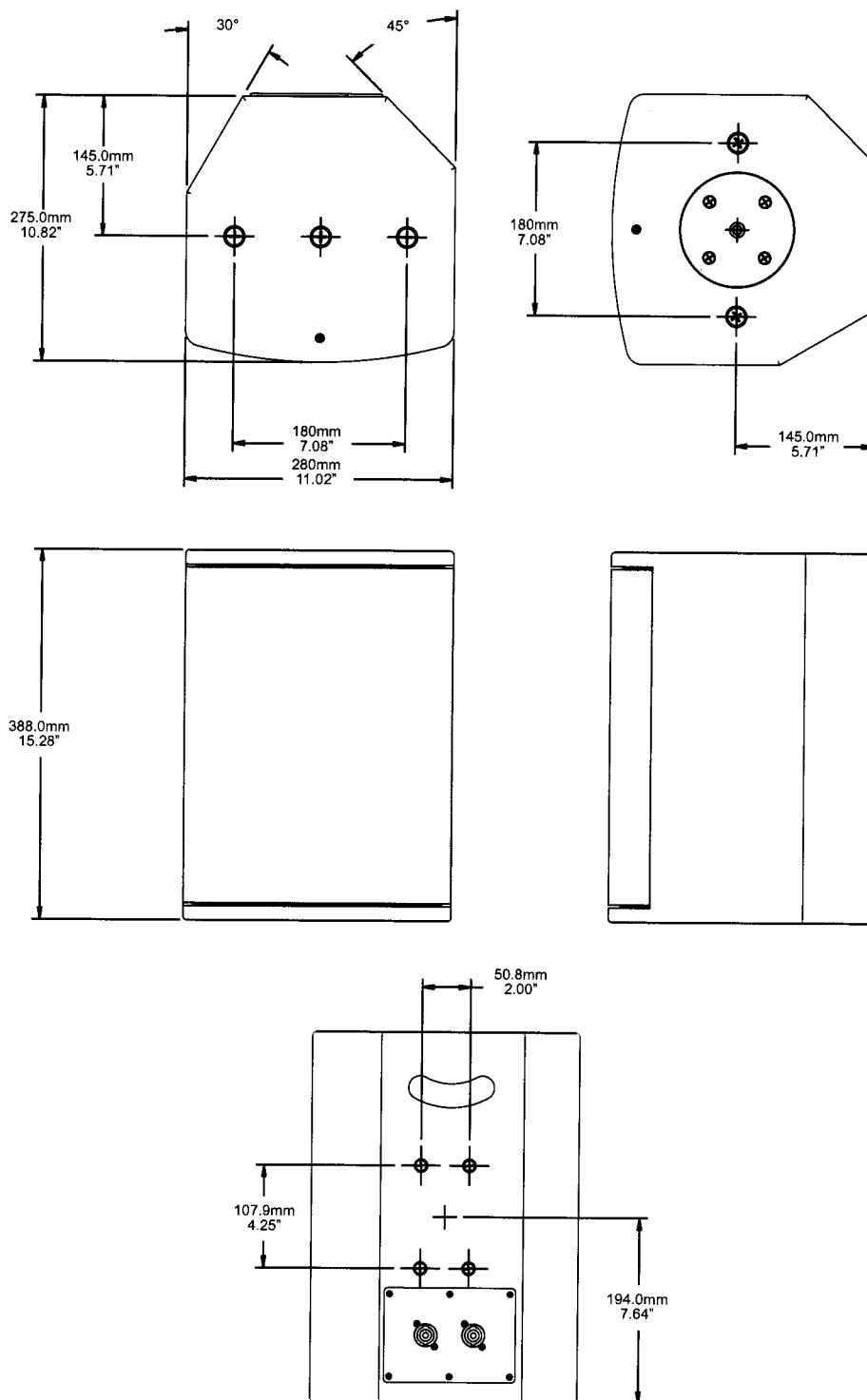
E: enquiries@tannoy.com
E: inquiries@tannoyna.com
E: anfragen@tannoy.com
E: ventes@tannoy.com

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V8

TANNOY

DIMENSIONAL SKETCHES



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Tannoy France

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T: 00 49 (180) 1111 881
T: 00 33 (0) 1 7036 7473

E: enquiries@tannoy.com
E: inquiries@tannoyna.com
E: anfragen@tannoy.com
E: ventes@tannoy.com

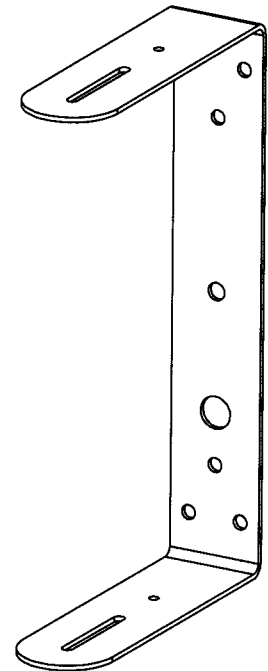
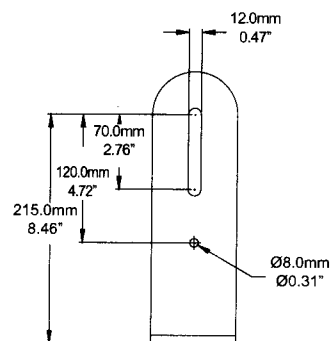
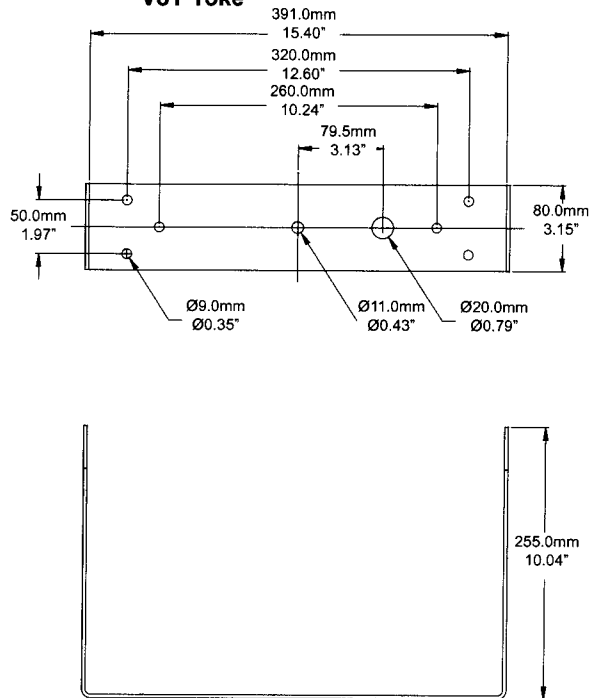
tannoy.com

V8

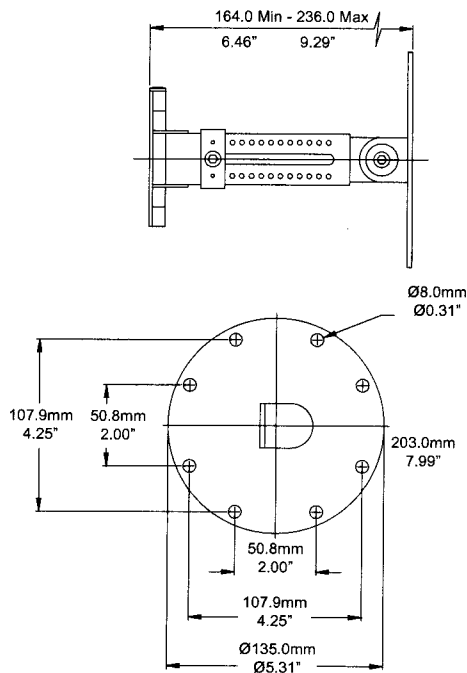
TANNOY

MOUNTING OPTIONS DIMENSIONAL SKETCHES

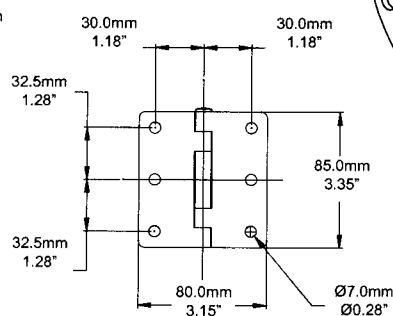
V8Y Yoke



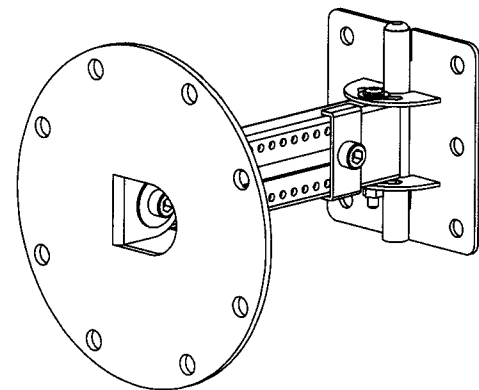
V8B Bracket



SPEAKER END OF MOUNTING BRACKET



WALL END OF MOUNTING BRACKET



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T: 00 33 (0) 1 7036 7473

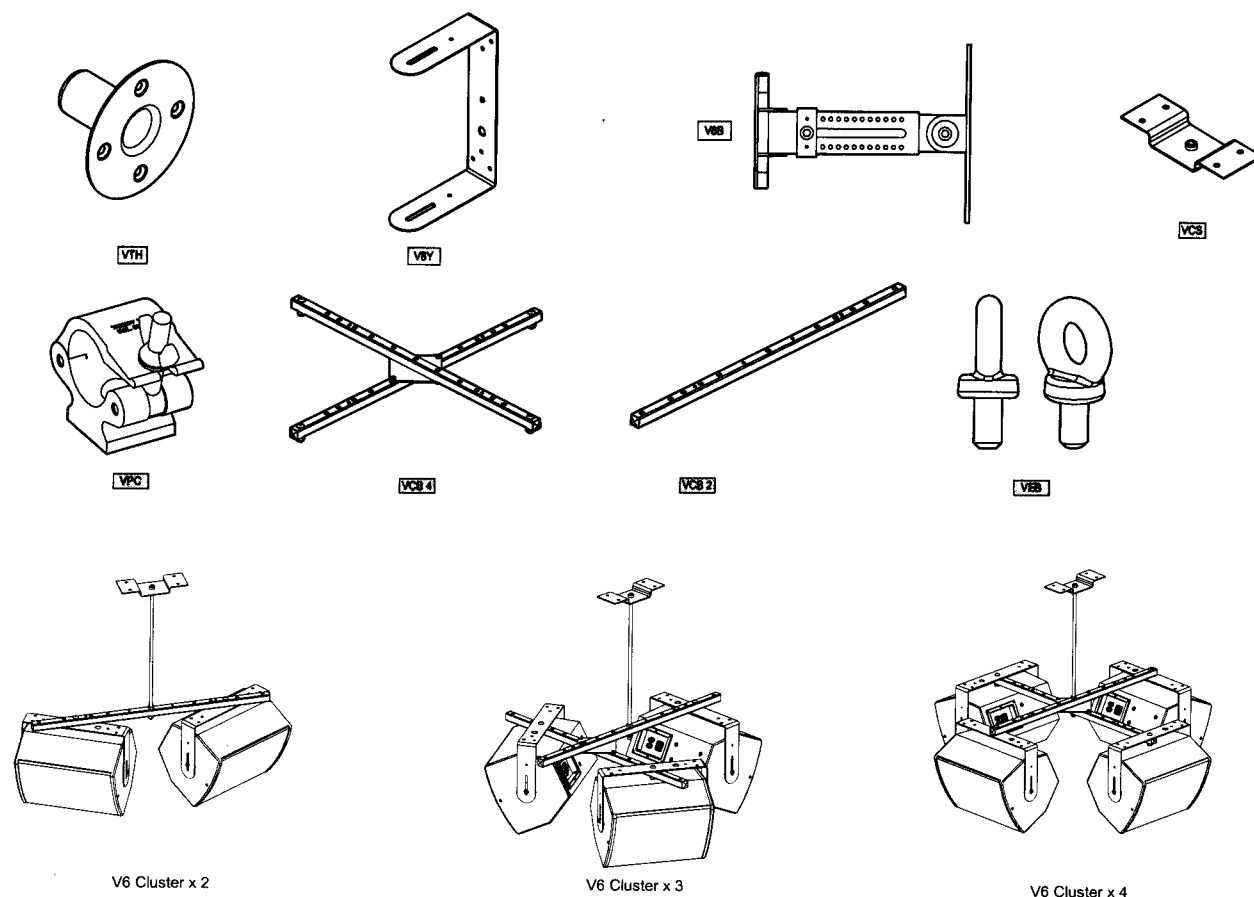
E: enquiries@tannoy.com
E: inquiries@tannoyna.com
E: anfragen@tannoy.com
E: ventes@tannoy.com

tannoy.com

V8

TANNOY

MOUNTING OPTIONS ORDERING INFORMATION



Ordering Information

PART NUMBER	MODEL NAME	COLOUR	PACKED QUANTITY
8001 2700	V8Y	Black	1
8001 2710	V8Y	White	1
8001 2720	V8B	Black	1
8001 2730	V8B	White	1
8001 2740	VCB 2	Black	1
8001 2750	VCB 2	White	1
8001 2760	VCB 4	Black	1
8001 2770	VCB 4	White	1
8001 2820	VEB	-	1
8001 2830	VCS	Black	1
8001 2840	VCS	White	1
8001 2860	VTH	Black	1
8001 2870	VTH	White	1
8001 2850	VPC	-	1
8001 3270	Grille V8	Black	1
8001 3271	Grille V8	White	1

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Tannoy Deutschland
Tannoy France

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T: 00 49 (180) 1111 881
T: 00 33 (0) 1 7036 7473

E: enquiries@tannoy.com
E: inquiries@tannoyna.com
E: anfragen@tannoy.com
E: ventes@tannoy.com

tannoy.com

Architectural specifications

The loudspeaker shall consist of a 200mm (8.00") full range, single point source Dual Concentric™ transducer. The low and the high frequency elements shall be combined by an internal passive crossover network operating at 1.7kHz, with 2nd order high pass, 2nd order low pass. A configurable switching arrangement on the input panel allows the user to select between full range passive or bi-amped two way powering modes.

Performance of the loudspeaker, without any electronic control shall meet or exceed the following criteria: frequency response measured at 1 metre on axis with swept sine wave shall be 85Hz - 22kHz (+/-3dB). Sensitivity shall be at least 92dB (anechoic) for 2.83 volts @ 1 metre and shall be capable of producing a peak output level of 119dB (anechoic) on axis at 1 metre.

The dispersion of the loudspeaker shall be 90 degrees conical (-6dB). The system shall have a nominal impedance of 8 Ohms, maximum power handling shall be 520 Watts (programme). The enclosure shall be an optimally tuned 37.5 litre vented enclosure of birch plywood construction. The enclosure shall be fitted with an integral carrying handle, blanked off recess for optional pole-mount socket installation, 2 x M10 bracket inserts for landscape or portrait mounting and 4 x M10 mounting points for flying hardware. The enclosure shall not exceed the following dimensions:
388 x 280 x 275mm or 15.28 x 11.02 x 10.83" (H x W x D)

The loudspeaker shall be the Tannoy...V8.

V8

TANNOY

NOTES

Tannoy United Kingdom	T: 00 44 (0) 1236 420199	E: enquiries@tannoy.com
Tannoy North America	T: 00 1 (519) 745 1158	E: inquiries@tannoyna.com
Tannoy Deutschland	T: 00 49 (180) 1111 881	E: anfragen@tannoy.com
Tannoy France	T: 00 33 (0) 1 7036 7473	E: ventes@tannoy.com

tannoy.com

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Architectural drawing showing three views of a building:

- 3D Perspective:** A perspective view of a long, low building with a pitched roof. The building has several windows and a series of vertical lines along its length, possibly representing structural elements or landscaping. The roof is supported by a series of vertical posts.
- x-View:** A side elevation view of the building. The vertical axis is labeled from 0 to 25 in increments of 5. The horizontal axis is labeled from 0 to 70 in increments of 5. The building's profile is shown with a series of vertical lines and a pitched roof. The roofline starts at a height of approximately 15 at x=0, rises to a peak of approximately 20 at x=10, and then descends to a height of approximately 10 at x=70.
- z-View:** A plan view of the building. The vertical axis is labeled from 0 to 25 in increments of 5. The horizontal axis is labeled from 0 to 70 in increments of 5. The building's footprint is shown as a series of vertical lines and a pitched roof. The roofline starts at a height of approximately 15 at x=0, rises to a peak of approximately 20 at x=10, and then descends to a height of approximately 10 at x=70.

Figure 1 - OmniView of Greene Street Bar as rendered in EASE 4.2

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512 Greene Street Bar - Sound System Design and Specification

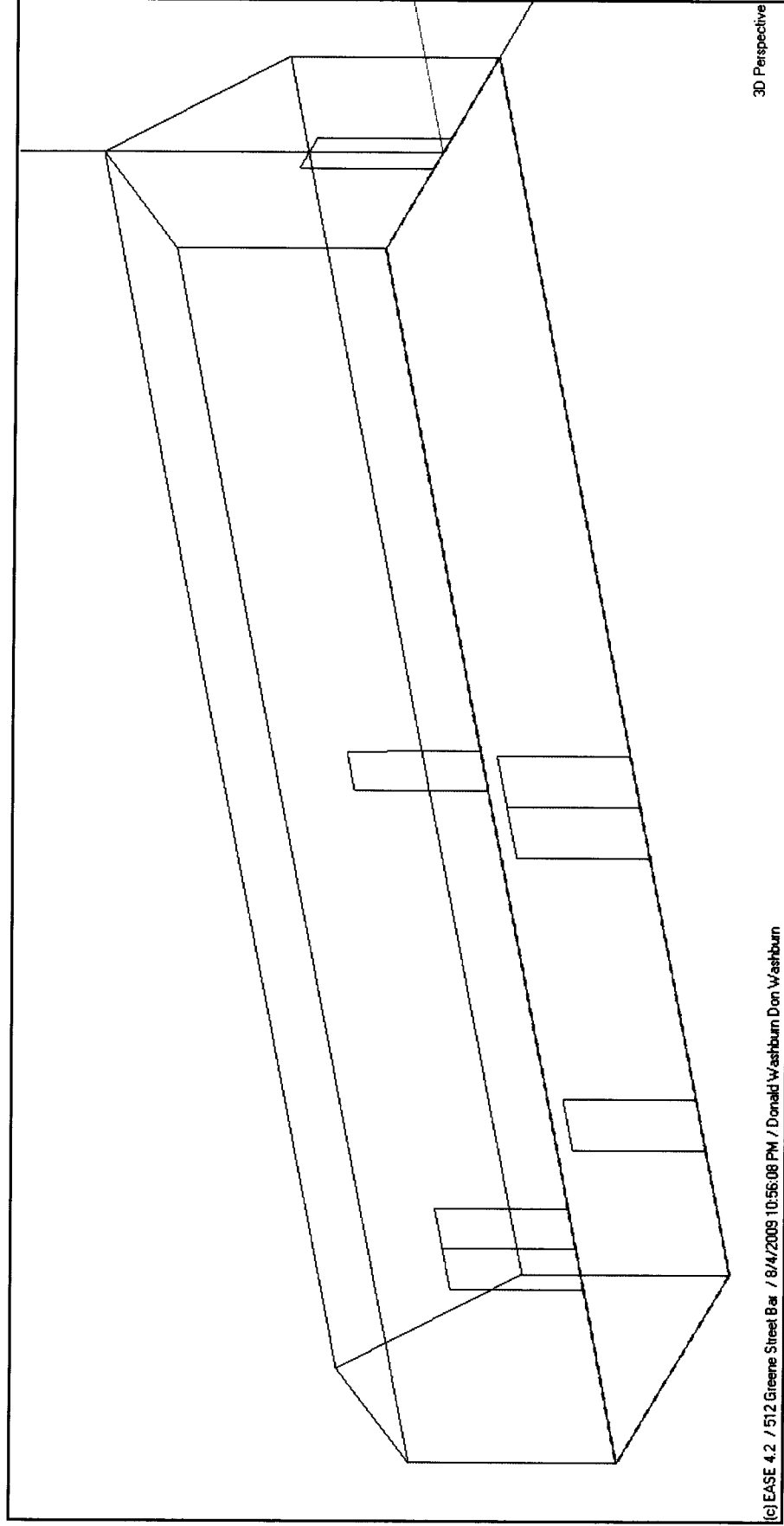


Figure 2 - Isometric view of Greene Street Bar as rendered in EASE 4.2

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512 Greene Street Bar - Sound System Design and Specification

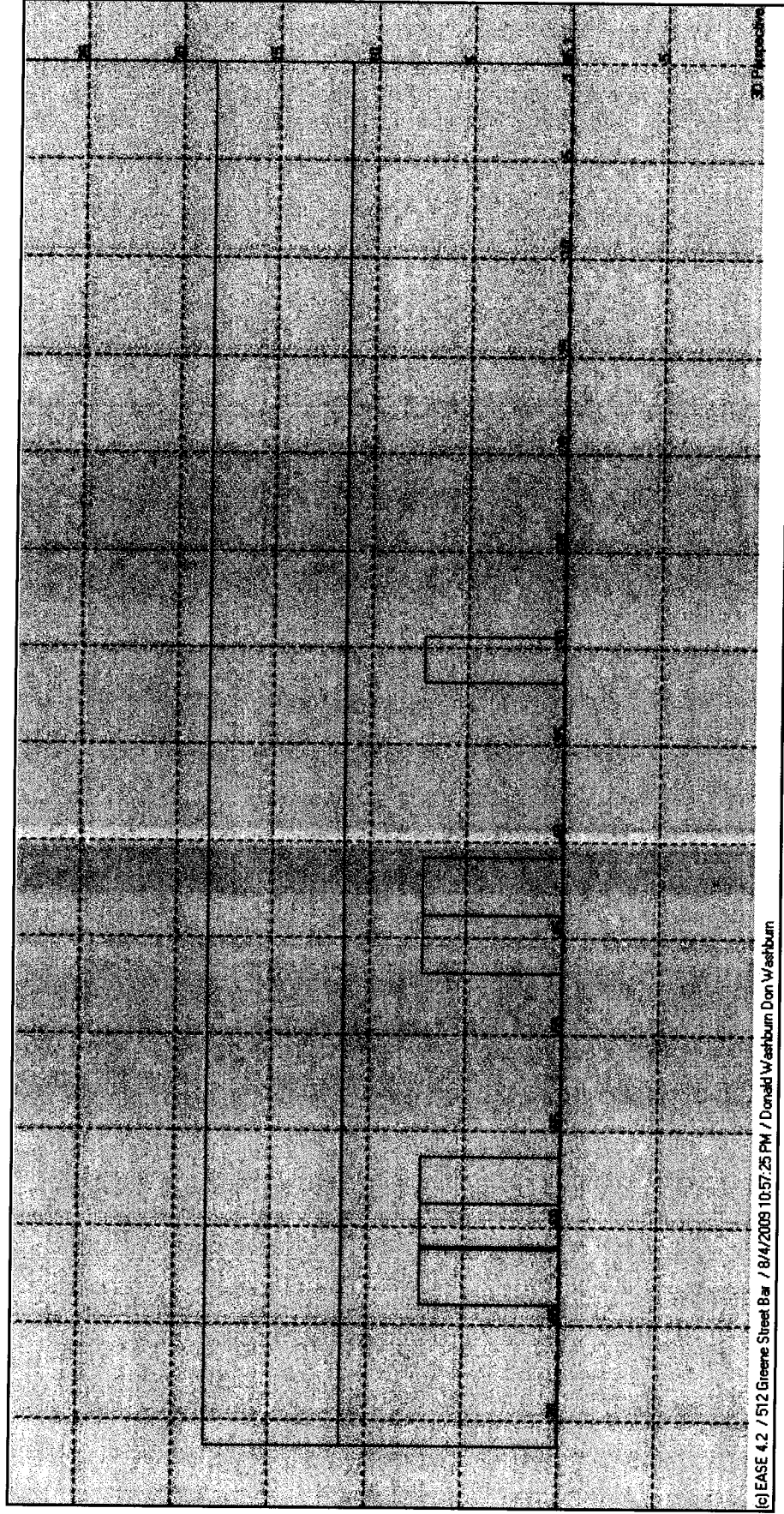


Figure 3 - Side elevation view of Greene Street Bar as rendered in EASE 4.2

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512 Greene Street Bar - Sound System Design and Specification

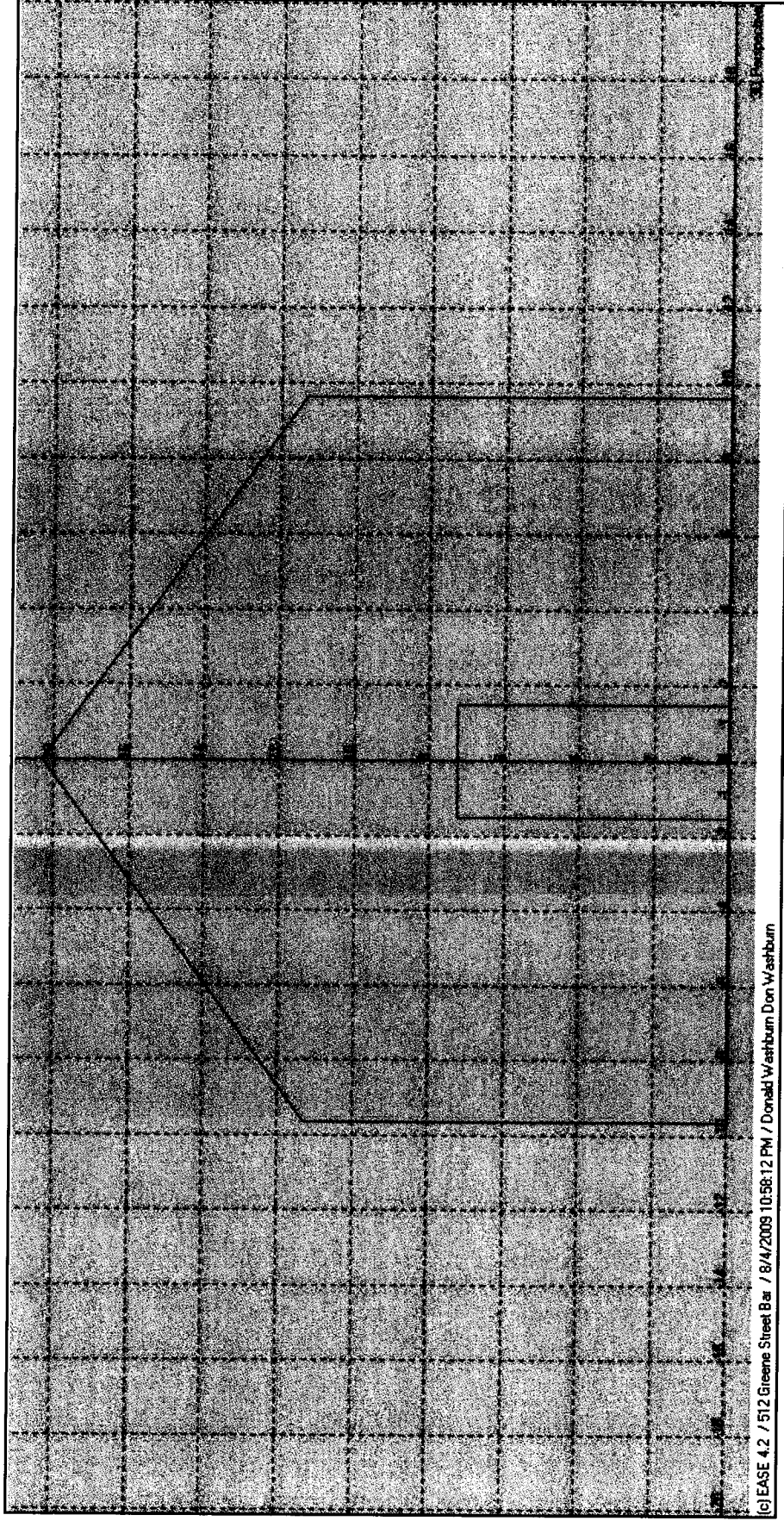


Figure 4 - End section view of Greene Street Bar as rendered in EASE 4.2

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512 Greene Street Bar - Sound System Design and Specification

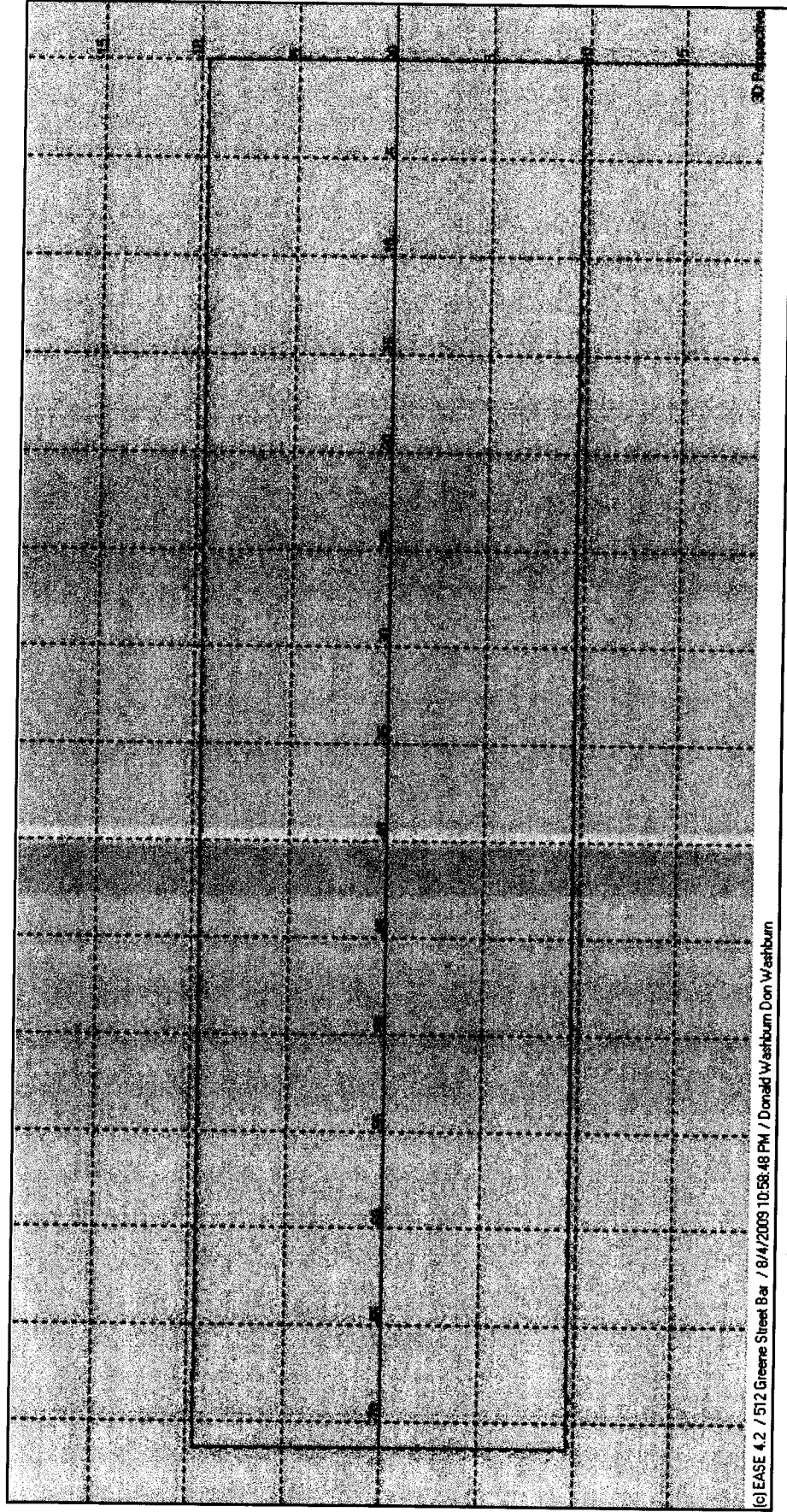


Figure 5 - Plan view of Greene Street Bar as rendered in EASE 4.2

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512 Greene Street Bar - Sound System Design and Specification

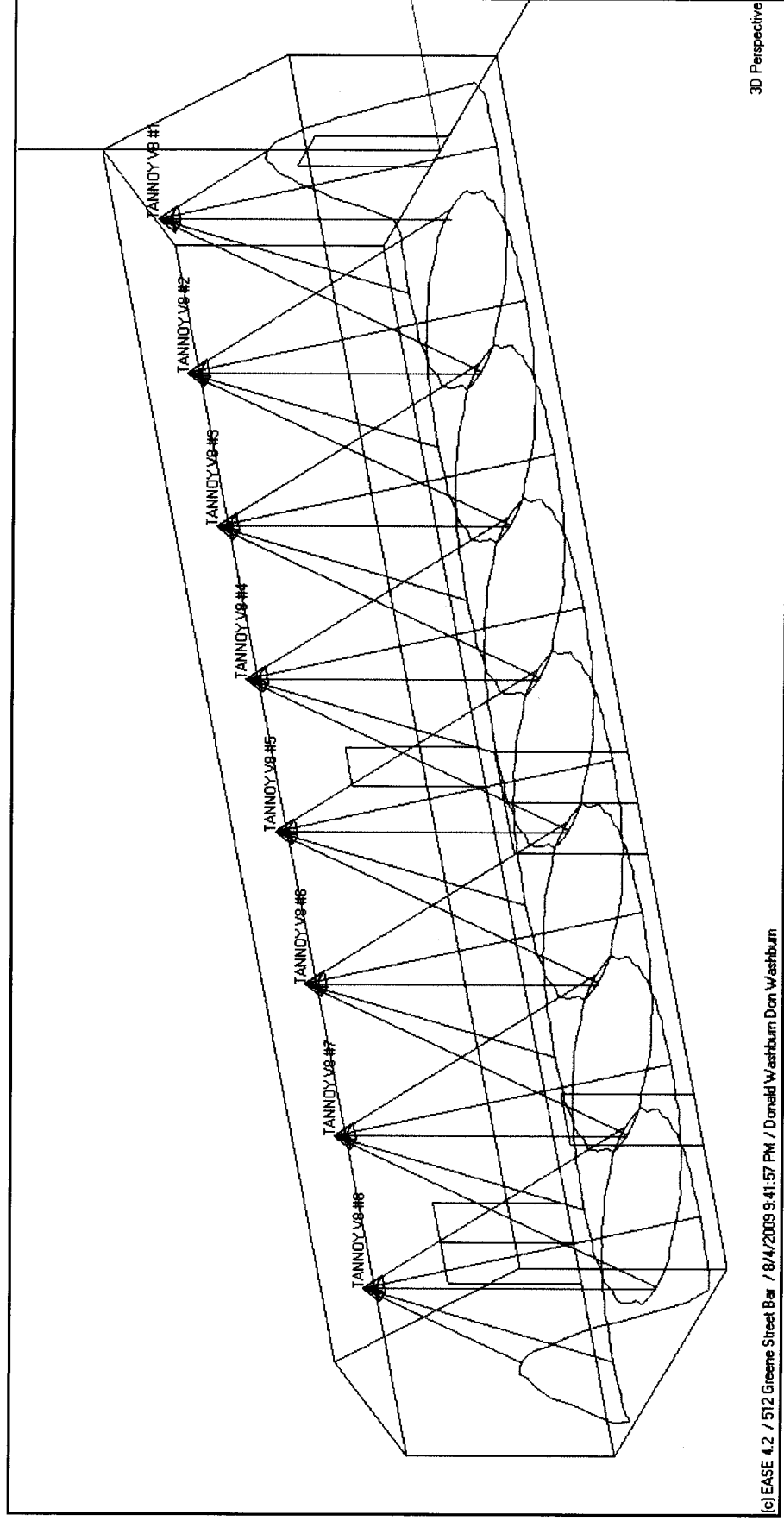


Figure 6 - Isometric view of Greene Street Bar as rendered in EASE 4.2 showing loudspeaker locations and -3 dB isobars @ 5 kHz

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512 Greene Street Bar - Sound System Design and Specification

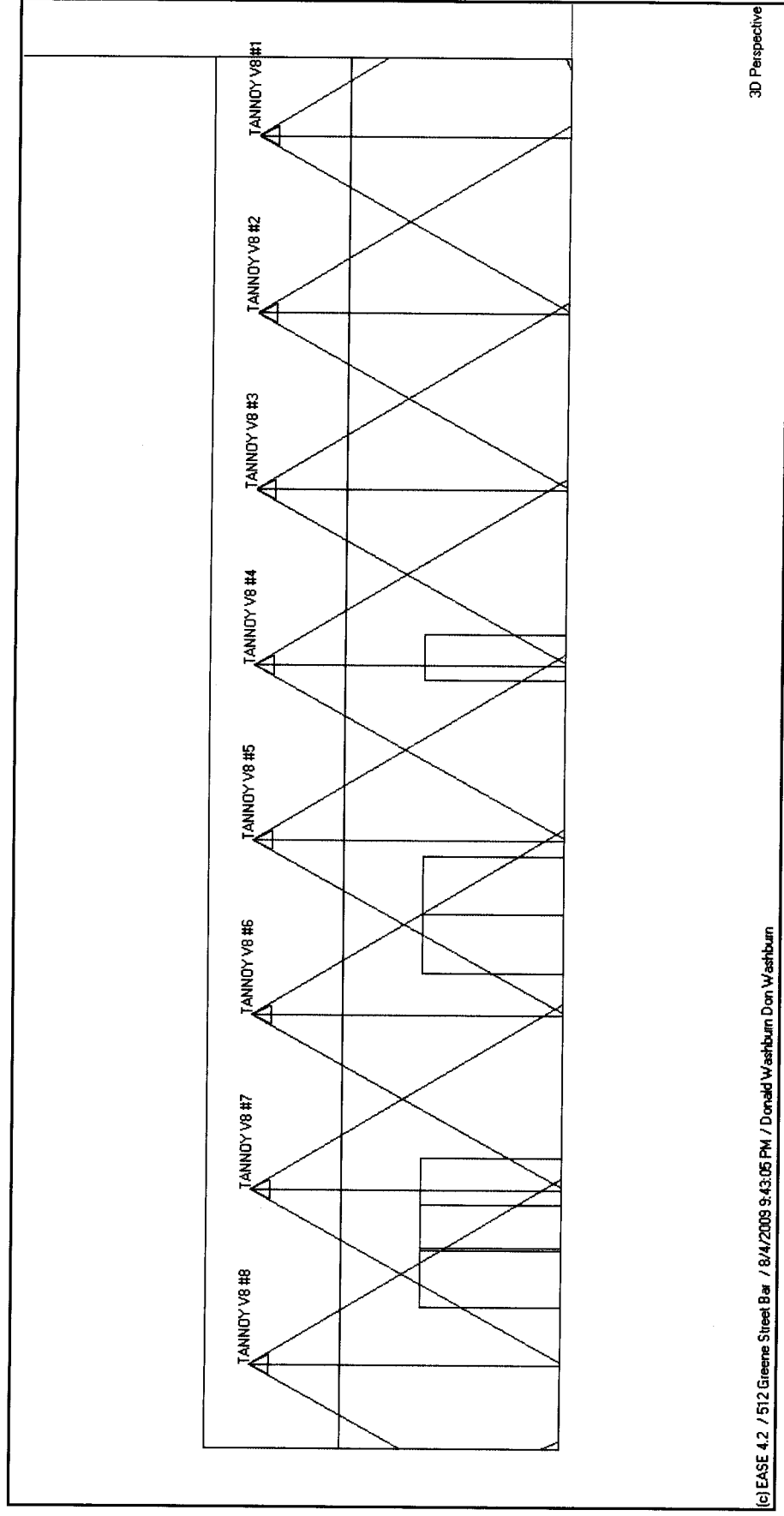


Figure 7 - Side elevation view of Greene Street Bar as rendered in EASE 4.2 showing loudspeaker locations and -3 dB isobars @ 5 kHz

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512 Greene Street Bar - Sound System Design and Specification

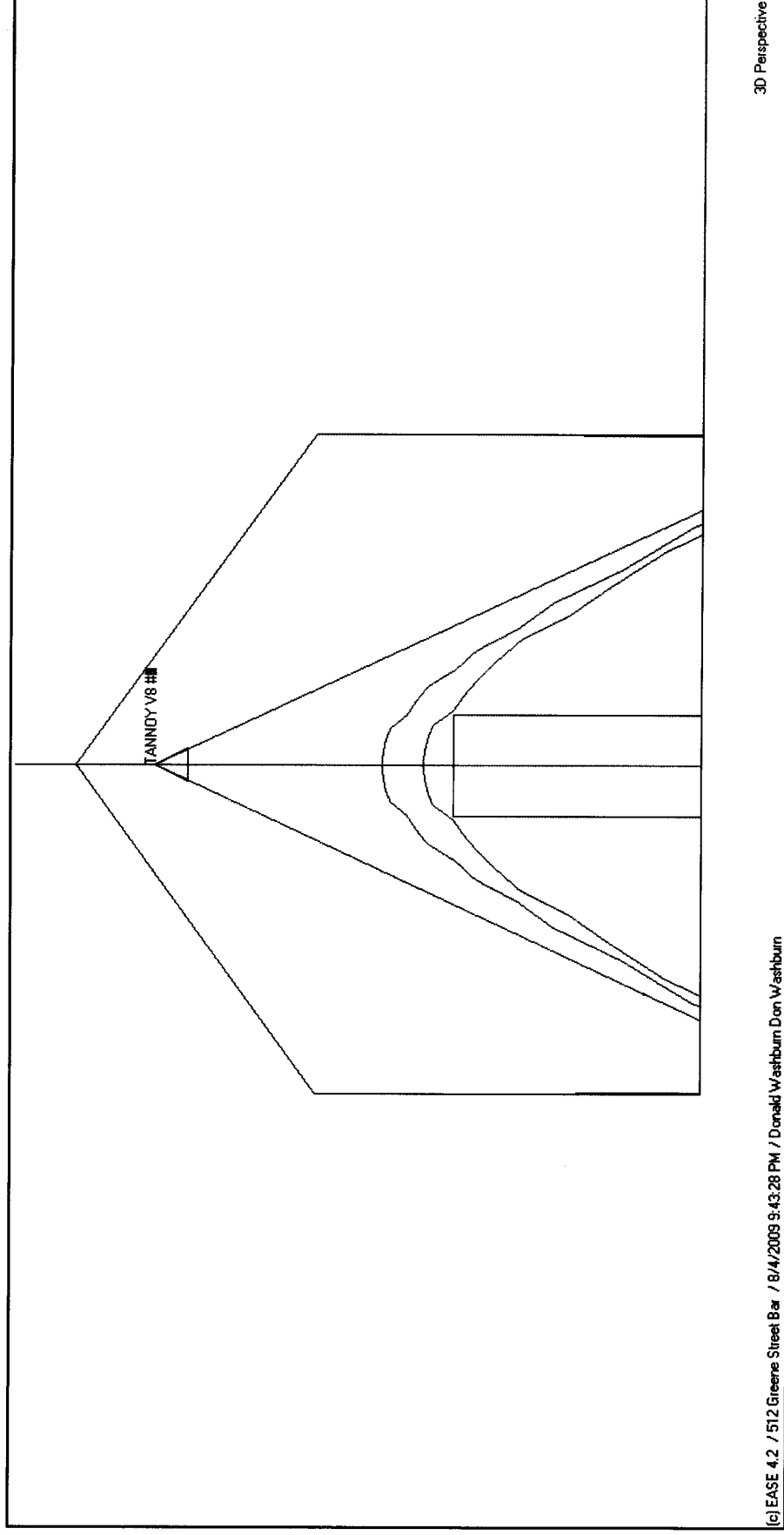


Figure 8 - End section view of Greene Street Bar as rendered in EASE 4.2 showing loudspeaker locations and -3 dB isobars @ 5 kHz

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512 Greene Street Bar - Sound System Design and Specification

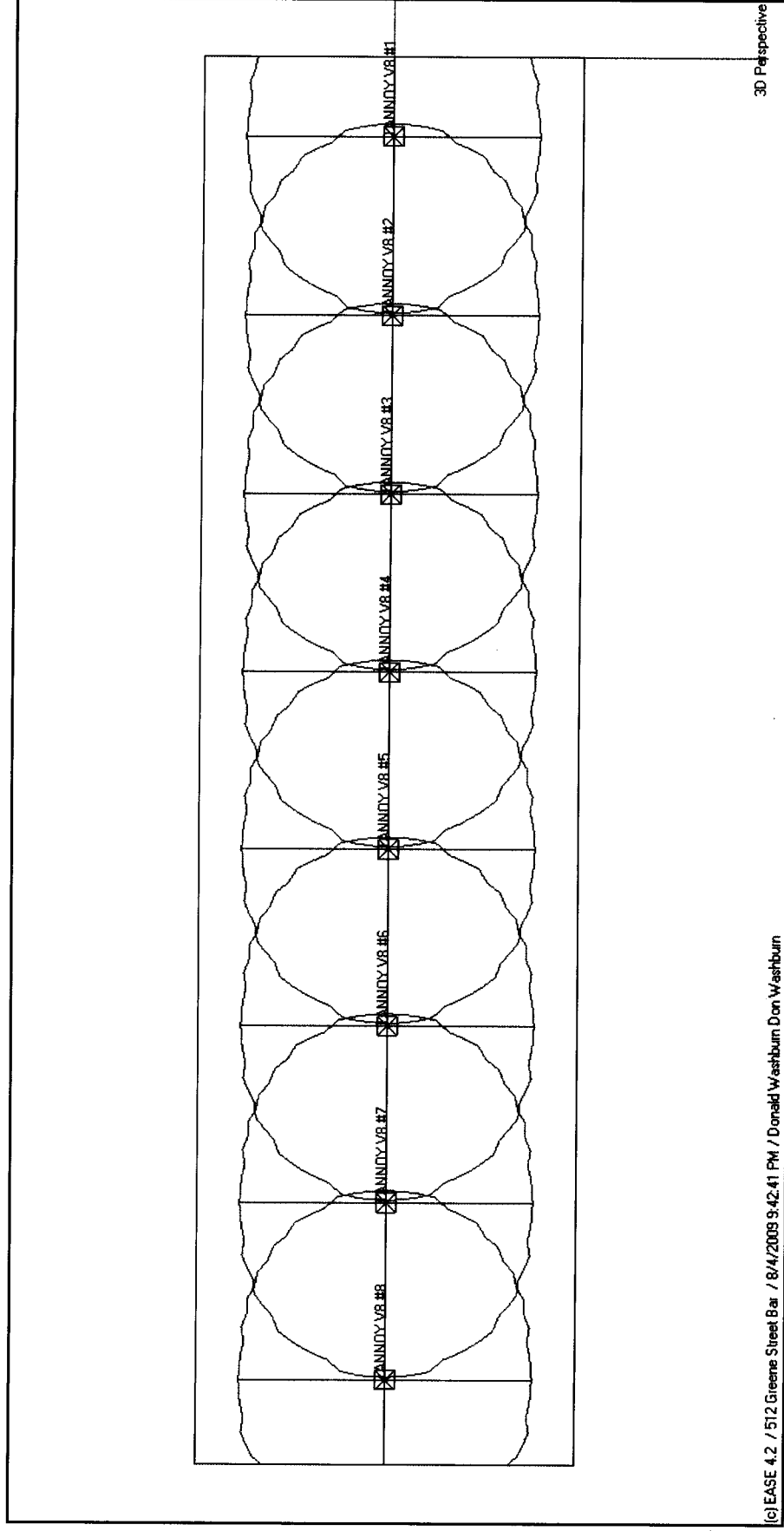


Figure 9 - Plan view of Greene Street Bar as rendered in EASE 4.2 showing loudspeaker locations and -3 dB isobars @ 5 kHz

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512 Greene Street Bar - Sound System Design and Specification

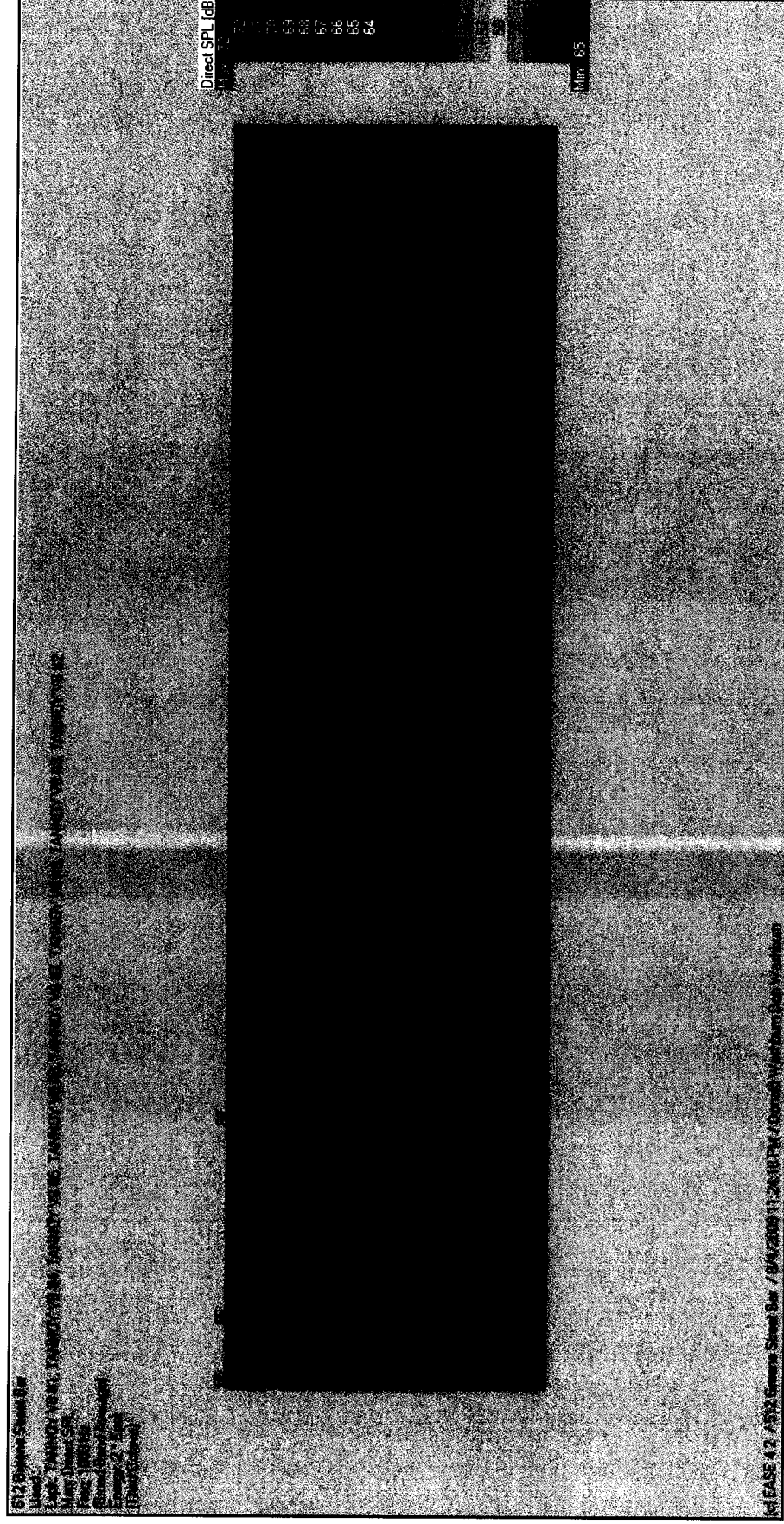


Figure 10 - Plan view of Greene Street Bar as rendered in EASE 4.2 showing uniformity of broadband direct sound coverage (+/- 3 dB)

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512 Gauss Street Bar
Used:
Lock: TANNEY V8-B1, TANNEY V8-B4, TANNEY V8-B5, TANNEY V8-B6, TANNEY V8-B7, TANNEY V8-B8, TANNEY V8-B9, TANNEY V8-B2
Mass: Total SPL
Freq: 1600 Hz
(Broad Band Average)
Energy: 2 * Epd
(Third Octave)

101EASE 12 / 512 Gauss Street Bar / 7/9/2010 11:25:07 PM / Donald V. White (Don White Inc)

Total SPL [dB]

64
65
66
67
68
69
70
71
72
73
74
75

Syn-Aud-Con

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512 Greene Street Bar - Sound System Design and Specification

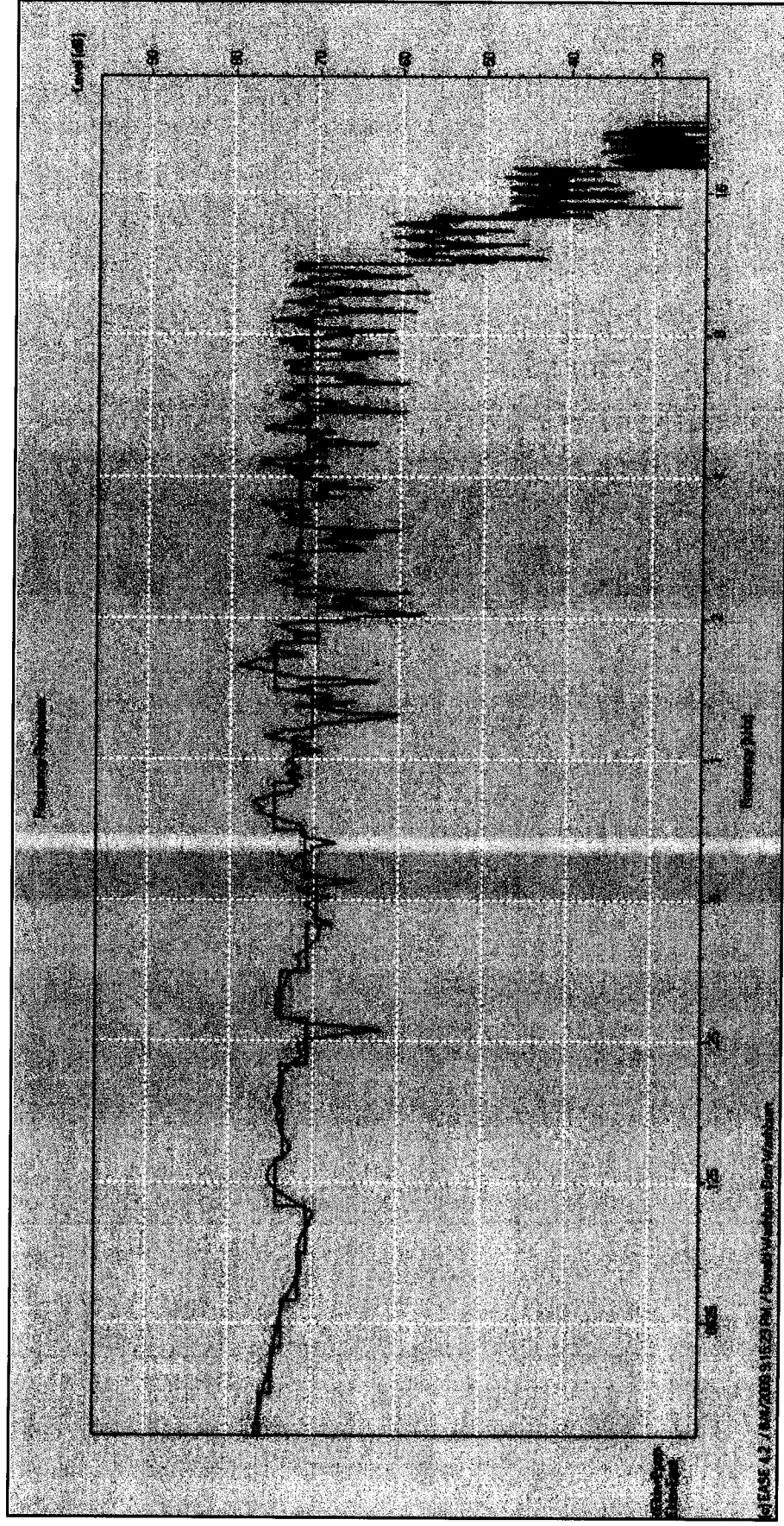


Figure 12 - Typical system response predicted in EASE 4.2 showing uniformity of frequency response (± 3 dB)

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512 Greene Street Bar - Sound System Design and Specification

TANNOY V8 #1

Visible

Image visible

TANNOY V8 #1 Edit Loudspeaker \ 512 Greene Street Bar - EAS...

Loudspeaker Label: TANNOY V

Mirror Image:

Group Label:

Image Group:

Point of Reference: Angles:

x: 0.00 ft hor: 0

y: -4.00 ft ver: -90

z: 16.00 ft rot: 0

Color: [Black]

Alignment (usec): 0.000

Delay (msec): 0.000

Speaker Model: V8

Cluster Info: DIT / GII Setup

☒ Show dB Cov. Cone
 ☒ Show Image dB Cov. Cone

☒ SPL
 ☒ SPL
 ☒ Phase
 ☒ Phase
 ☒ Nyquist

Frequ.	Ele. Power	SPL (1m)	Ele. Power
100 Hz	0.127	82.04	Ele. Power :
125 Hz	0.101	82.04	Sel. To Max
160 Hz	8.017E-02	82.04	All To Max
200 Hz	6.668E-02	82.04	All To Current
250 Hz	0.103	82.04	Flat Max
315 Hz	0.113	82.04	All Off
400 Hz	0.101	82.04	
500 Hz	8.590E-02	82.04	
630 Hz	8.017E-02	82.04	
800 Hz	7.145E-02	82.04	
1000 Hz	7.145E-02	82.04	
1250 Hz	0.113	82.04	
1600 Hz	0.101	82.04	
2000 Hz	9.638E-02	82.04	
2500 Hz	0.127	82.04	
3150 Hz	0.106	82.04	
4000 Hz	0.127	82.04	
5000 Hz	0.127	82.04	
6300 Hz	0.127	82.04	
8000 Hz	7.834E-02	82.04	
10000 Hz	7.145E-02	82.04	

Priority :

☒ Electric Power
 ☒ SPL

Figure 13 - Loudspeaker properties (typical of 8)

Section III

Professional Resume of Mr. Donald J. Washburn, President – The Audio Bug, Inc.

TREPANIER



& ASSOCIATES INC.
LAND USE PLANNING
DEVELOPMENT CONSULTANTS

THE AUDIO BUG, INC.

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July 13, 2009

Subject: Resume of Don Washburn

To whom it may concern:

Mr. Washburn has been working in the fields of electronics and acoustics since 1974, when he established The Audio Bug, Inc. For more than twenty years, The Audio Bug, Inc. provided design, installation and maintenance services of professional sound reinforcement systems for a variety of clientele, including the United States District Court, Southern District; the United States Bankruptcy Court; the Cities of N. Miami, Miami Beach, N. Miami Beach, Pembroke Pines; a variety of Houses of Worship; the U.S. Postal Service, Homestead Air Force Base and many commercial facilities.

In the course of his work, Mr. Washburn's attention was drawn to the testing, measurement and documentation aspects of sound system contracting. Analysis of the performance of various devices, both electronic and electro-acoustic, became an intense interest and led to the purchase of an ever growing inventory of sophisticated measurement equipment.

The quest to better understand the how the systems he designed and installed interacted with the acoustical environments in which they operated led Mr. Washburn to study advanced electro-acoustics with some of the industry's most significant leaders. An association with Synergetic Audio Concepts, a teaching program founded by Don and Carolyn Davis, resulted in regular liaison with a worldwide association of peers seeking excellence in systems design and improved measurement techniques.

In 1995, Mr. Washburn discontinued the sound contracting aspect of The Audio Bug, Inc. to concentrate on consulting. Since then, his focus has been on providing electro-acoustical consulting services, product assessment for manufacturers, systems design and teaching. He has authored several technical papers for industry publications, conducted numerous training seminars for sound contracting firms and addressed a number of technical organizations including the Audio Engineering Society and the National Systems Contractors Association.

Employing the industry's most sophisticated measurement equipment, Mr. Washburn provides objective, state-of-the-art product evaluations, computer-assisted system designs and acoustical services to manufacturers, industry and end users. He has testified in the capacity of expert witness in several cases involving community noise annoyance matters and has become a leading authority in community noise planning and abatement.

A wide variety of clientele has engaged The Audio Bug to solve difficult acoustical problems in a wide variety of environments. A partial listing of clients is attached for your review.

Mr. Washburn sits on the TEF Advisory Board and is a certified TEF instructor. He is a member of the Acoustical Society of America, the American Institute of Physics, the National Systems Contractor Association and Synergetic Audio Concepts.

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Partial Listing of Clients

Florida Gulf Coast University
Mr. Eric Balmer
Assistant Director of Campus Reservations
10501 FGCU Boulevard, South
Ft. Myers, Florida 33965-6565
Phone: 239-590-1141, Fax: 239-590-1012
ebalmer@fgcu.edu
Reference: Alico Arena Acoustical and Electro-Acoustical Study

Concerto Networks, Attn: Mr. Jerry Hogan
11000 Metro Parkway, Suite 31
Fort Myers, Florida 33966
Service: 800-314-8802, Sales 800-314-8803
E-mail: Jhogan@AllDigitalTechnology.com
Project Name: Edison College, Lee Campus
Corbin Auditorium Sound System Testing
8099 College Parkway, Room J-103
Fort Myers, Florida 33919

Alexander I. Tachmes, Esq.
Shutts and Bowen LLP
201 S. Biscayne Boulevard., Suite 1500
Miami, Florida 33131
Phone: 305-347-7341, Fax: 305-347-7754
atachmes@shutts.com
Ref: Mondrian, 1100 West Properties, LLC,
Mondrian Hotel Neighborhood Impact Establishment
Assist with Conditional Use Application

Raleigh Hotel
Michael Ryan, Hotel Manager
1775 Collins Avenue
Miami Beach, Florida 33139
Phone: (305) 612-1152, Fax: (305) 538-8140
mryan@raleighhotel.com
Reference: Sound and Noise Mitigation Project

Grove Isle, Attn: Ben Arbermann
One Grove Isle Drive
Coconut Grove, Florida 33133
Phone: 305-858-1207
Architectural Acoustics Analysis of Sound Transmission
in Condominium Structure

Johnson and Wales University
Attn: Don McGregor
1701 N.E. 127th Street
N. Miami, Florida 33181
Phone: 305-892-7035
Environmental Noise Impact Study

Beth David Congregation
2625 S.W. 3rd Avenue
Miami, Florida 33129-2314
Phone: 305-854-3911
Acoustical Analysis of Sanctuary leading to redesign of
sound system and HVAC system

The Township Community Master Association, Inc.
Attn: Claudia Genteel, Artistic Director
2424 Lyons Road
Coconut Creek, Florida 33063
Phone: 954-973-8094, Fax: 954-973-1762
Acoustical Analysis of Performing Arts Theater and
Ballroom facilities, leading to redesign of sound
systems for both

Miami-Dade School Board Contract Services
Department, Coral Reef Maintenance
15301 S.W. 117th Avenue, Miami, Florida 33177
Phone: 305-256-3119, Fax: 305-256-5432
DDeRyke@dadeschools.net
Ref: Miami Palmetto Senior High School
Acoustics Design for Gymnasium
Purchase Order # ROMO16849

Red Design Group, L.L.C. Architects
Attn: Rick Hernandez
1221 SW 27th Avenue, Suite 200
Miami, FL 33135
Phone: 305-631-7004, Fax: 305-631-7024
rhernandez@reddesigngroup.net
Reference: Multiple projects at University of Miami
Richter Library, Whitten Learning Center, Frost School
of Music,

Arthur J. Marcus, Architect
1450 Lincoln Road, Suite # 806
Miami Beach, Florida 33139
Phone: 305-674-8945
E-mail: marcus_a@bellsouth.net
Consult on Noise & Vibration at Bath Club

St. John the Evangelist
625 111th Avenue
Naples, FL 34108-1825
Phone: 941-566-8740
stjohnnev@aol.com
Father Thomas Glackin, Pastor
Design of new sound system as highlighted in the
December issue of "Church Production Magazine"

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Holy Family Catholic Church
Father Franky Jeane, Pastor
14500 N.E. 11th Avenue
N. Miami, Florida 33161
Phone: 305-947-1471
Sanctuary acoustical analysis with recommendations
for redesign of sanctuary acoustics

First Presbyterian Church of Bonita Springs
9751 Bonita Beach Road
Bonita Springs, Florida 34135-4530
Phone: 941-992-3233
Evaluation of sanctuary acoustics and sound system

Bank Atlantic
Mark Begelman, Senior Vice President
2100 West Cypress Creek Road
Ft. Lauderdale, Florida 33309
Phone: 954-940-5286
E-mail: mbegelman@bankatlantic.com
Consult on various branch bank acoustical issues

Canaveral Port Authority
Mark Blake, Director of Engineering
200 George King Boulevard
Cape Canaveral, Florida 32920
Phone: 321-783-7831, ext. 217
E-mail: mblake@portcanaveral.org
Cruise Terminal Public Address System Design

Dave and Mary Alper Jewish Community Center
Ed Rosen, Executive Director
11155 S.W. 112th Avenue
Miami, Florida 33176
Phone: 305-271-9000
E-mail: erosen@alperjcc.org
Consulted on PAC acoustical problems

Island Pointe
Elliott Sharaby, Developer
10350 West Bay Harbor Drive
Bay Harbor Islands, Florida 33154
Phone: 305-993-1300
E-mail: elliott@thefallstaffgroup.com
Consulted on Noise & Vibration issue with large HVAC
unit

James E. Rauh, Esq.
1111 Lincoln Road, Suite 400
Miami Beach, FL 33139
Phone: 786-276-2343, Fax: 305-673-5505
Email: jrauh@terminello.com
Consult in multiple Neighborhood Impact Establishment
Conditional Use Applications

Waterview Condo
Attn: Harvey Rosenberg, CAM
20505/15 East Country Club Drive
Aventura Fla. 33180-3057
Office: 305-935-4541, Fax: 305-933-0489
hrosenberg@fdn.com
Ref: Sound Transmission Project

Mr. Eric Margules
Margules Properties, Inc.
381 Park Avenue South, Suite 120
New York, NY 10016
Phone: (212) 684-7079, Fax: (212) 684-3879
emargules@margulesproperties.com
Reference: Community Noise Impact Study
12th + Collins Parking Garage
1155 Collins Avenue
Miami Beach, Florida 33139

Facchina-McGaughan, LLC
Derek Murphy, Project Executive
6600 N. Andrews Avenue, Suite 200
Ft. Lauderdale, Florida 33309-2110
Phone: 954-771-6677, Fax: 954-771-6697
derek.murphy@facchina-mcgaughan.com
Reference: Sound Transmission Testing
Quantum By The Bay
1900 North Bayshore Drive
Miami, Florida 33132

Murdock Baptist Church
Mark Smith, Pastor
18375 Cochran Boulevard
Port Charlotte, FL 33948-3330
Phone: 941-627-6352, Fax: 941-627-6653
pastormark@murdockbaptistchurch.com
Acoustics Design for Sanctuary

RaceTrac Petroleum, Inc.
Glen J. Cheatham, Facilities Brand Manager
3225 Cumberland Boulevard, Suite 100
Atlanta, GA 30339
Phone: 800-388-8035 x1127
Fax: 678-503-1076
gcheatham@racetrac.com
Gas Station Community Noise Impact Study
Project Address: 3996 Pembroke Road
Pembroke Park, FL 33021

Draft Easement Agreement

This instrument was prepared by:

Susan M. Cardenas, Esq.
Stones & Cardenas, Attorneys at Law
221 Simonton Street
Key West, Florida 33040

Return to:
Susan M. Cardenas, Esq.
Stones & Cardenas, Attorneys at Law
221 Simonton Street
Key West, Florida 33040

(Space above for recording)

NON-EXCLUSIVE EASEMENT AGREEMENT

THIS NON-EXCLUSIVE EASEMENT AGREEMENT made on this _____ day of _____ 2009, by and between 220 SIMONTON STREET, LLC, a Florida limited liability company, whose address is 1413 South Street, Key West, Florida, 33040, hereinafter referred to as "Grantor," and 512 GREENE STREET, L.L.C., a Florida limited liability company, whose address is 525 Caroline Street, Key West, Florida, 33040, hereinafter referred to as "Grantee."

RECITALS

A. Grantor is the owner of certain real property located at 220 Simonton Street, Key West, Florida, which property is more particularly described as follows:

Lot 7, MARY SPOTTSWOOD'S BACKYARD, a subdivision according to the plat thereof, as recorded in Plat Book 7, at Page 75, of the Public Records of Monroe County, Florida.

Hereinafter "Lot 7, 220 Simonton".

B. Grantee is the owner of certain real property located at 512 Greene Street, Key West, Florida and 201-205 Ann Street, Key West, Florida, which property is more particularly described as follows:

On the Island of Key West, known on William A. Whitehead's map delineated in February A.D. 1829, as part of Lot Three (3) in Square Thirteen (13). Commencing at the corner of Greene and Ann Streets on the Northeasterly side of Ann Street on the Southeasterly side of Greene Street and running thence along Greene Street in a Northeasterly direction Ninety-three (93) feet and Three (3) inches; thence at right angles in a Southeasterly direction One hundred and five (105) feet and Six (6) inches; thence at right angles in a Southwesterly direction Ninety-three (93) feet and three (3) inches to Ann Street; thence at right angles in a Northwesterly direction along Ann Street One-hundred and five (105) feet and Six (6) inches to the point of beginning.

Reference being had to deed recorded in Deed Book "A-4", Page 571, and deeds recorded in Book "G-21", Pages 98-103, in the office of the Clerk of the Circuit Court, in and for Monroe County, Florida.

Hereinafter "512 Greene".

C. Grantor and Grantee desire to create a non-exclusive easement across a portion of Lot 7, 220 Simonton, to allow access for commercial trash and recycling removal from 512 Greene.

D. The Easement Parcel described within this Agreement is for the benefit of Grantee's property, subject to the terms and conditions set forth below.

NOW THEREFORE, in consideration of the covenants and promises contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged the undersigned Grantor and Grantee agree as follows:

1. Recitals. The statements contained in the Recitals herein are true and correct, and incorporated herein by reference.
2. Exhibits. The Exhibit attached to this Agreement is, by this reference, made a part hereof.
3. Grant of Easement. Grantor hereby grants and conveys to Grantee, his/her/its successors and/or assigns, a non-exclusive easement for access for commercial trash and recycling removal from 512 Greene, over, through, and across the parcel of property, described and depicted on that certain survey sketch dated _____, performed by Frederick Hildebrandt, PLS&M No. 2749, Island Surveying, Inc., a copy of which is attached hereto as Exhibit "A", which easement is more particularly described as follows:

LEGAL DESCRIPTION: EASEMENT

*****INSERT LEGAL*****

Hereinafter the "Easement Parcel".

4. Restrictions. Grantor and Grantee agree that this Easement is not granted for the purposes of routine ingress and egress.
5. Maintenance. Grantor its successors and assigns, shall maintain the Easement Parcel, at his/her/its sole cost and expense.
6. Alterations or Additions Prohibited. Both parties agree that they shall not erect any structure or other improvement on the Easement Parcel, with the exception of any structure or improvement erected by Grantor that would not reasonably interfere with commercial trash and recycling removal from 512 Greene.
7. Indemnification and Hold-Harmless. In consideration of Grantor granting this easement to Grantee, Grantee and his/her/its successors and assigns, do hereby agree to indemnify and hold Grantor and his/her/its successors and assigns, harmless, from any loss, expense, claim, action, liability, or damage, including reasonable attorney's fees, for any damage to property, or injury or death to persons, caused by or arising out of any act or omission by Grantee or his/her/its agents, employees, contractors, successors and/or assign, by reason of the use of the Easement Parcel.

8. Easement Termination. Grantor and Grantee agree that the easement granted hereby shall terminate and be of no further effect, for the reasons and under the following described circumstances:

a. In the event that Grantor undertakes a substantial reconstruction or renovation of 220 Simonton, which reconstruction or renovation includes relocation of the easement, provided that Grantor shall relocate the easement for commercial trash and recycling removal from 512 Greene on its property, and shall record such document(s) as necessary so as not interfere with access rights granted hereby.

b. In the event that Grantor shall be obligated to reclaim the Easement Parcel as a result of a directive from any governmental agency for purposes of public health, safety, or welfare, the easement granted hereby shall terminate.

9. Grantor Reservation of Rights. Grantor reserves to Grantor, his/her/its heirs, successors-in-interest and assigns, all remaining rights arising from ownership of Lot 7, 220 Simonton, including but not limited to, mineral, underground, surface and air rights to the entire parcel described herein as Lot 7, 220 Simonton.

10. Covenant Runs With The Land. Notwithstanding the fact this easement may terminate at some future date, the parties hereto acknowledge and agree that, unless and until terminated, this easement constitutes a covenant that runs with the land, in perpetuity, and shall be binding on and inure to the benefit of the parties hereto, their successors and/or assigns.

11. Governing Law and Venue. This Agreement and all of its terms and conditions shall be governed by and interpreted under the laws of the State of Florida, notwithstanding any choice of law principles. Any litigation brought or held on the basis of this Agreement shall be brought and held in Key West, Monroe County, Florida.

12. Invalidity of Provisions. The unenforceability, for any reason, of any term, condition, covenant, or provision of this Agreement shall neither limit nor impair the operation, enforceability, or validity of any other term, condition, provision or covenant of this Agreement.

13. Attorneys' Fees and Costs. In the even of any litigation between the parties, their successors and/or assigns, arising out of or relating to this Agreement, the prevailing party shall be entitled to recover all costs incurred and reasonable attorneys' fees, including attorneys' fees in all investigations, trials, bankruptcies, and appeals.

14. Modification. There are no other agreements, promises, or undertakings between the parties hereto except as specifically set forth herein. No alterations, changes, modifications, or amendments shall be made to this Easement Agreement, except in writing, signed by the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Easement Agreement the date above written.

220 SIMONTON STREET, LLC, a
Florida limited liability company,

Signature of Witness

Printed Name of Witness

By: _____

PETER N. BRAWN, Managing Member,
by and through MATTHEW J.
MCCARTHY, his attorney in fact

Signature of Witness

Printed Name of Witness

STATE OF _____:
COUNTY OF _____:

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, PETER N. BRAWN, Managing Member of 220 SIMONTON STREET, LLC, a Florida limited liability company, by and through MATTHEW J. MCCARTHY, his attorney in fact, who is personally known to me to be the person described in and who executed the foregoing Non-Exclusive Easement Agreement or has produced _____ as identification, and he has acknowledged before me that he executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal at _____, County of _____,
_____, State of _____, this _____ day of _____,
_____, 2009.

Printed Name of Notary

NOTARY PUBLIC

My Commission Expires:

512 GREENE STREET, L.L.C., a
Florida limited liability company,

Signature of Witness

Printed Name of Witness

By: _____
PETER N. BRAWN, Managing Member,
by and through MATTHEW J.
MCCARTHY, his attorney in fact

Signature of Witness

Printed Name of Witness

STATE OF _____:
COUNTY OF _____:

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, PETER N. BRAWN, Managing Member of 512 GREENE STREET, L.L.C., a Florida limited liability company, by and through MATTHEW J. MCCARTHY, his attorney in fact, who is personally known to me to be the person described in and who executed the foregoing Non-Exclusive Easement Agreement or has produced _____ as identification, and he has acknowledged before me that he executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal at _____, County of _____,
_____, State of _____, this _____ day of _____,
_____, 2009.

Printed Name of Notary

NOTARY PUBLIC

My Commission Expires:

HARC Approval

City Of Key West
Building Department
Historic Preservation Division
604 Simonton Street
Key West, Florida 33040

June 10, 2009

Arch. Carlos Rojas, AIA
540 White Street
Key West, Florida 33040

RE: ADD ADA RAMP. RESTORE OUTBUILDINGS. RE BUILD NON
HISTORIC KIOSK IN SAME FOOTPRINT AND ENVELOPE
FOR: 512 GREENE STREET 201-205 ANN STREET
HARC APPLICATION # H09-05-15-552
KEY WEST HISTORIC DISTRICT

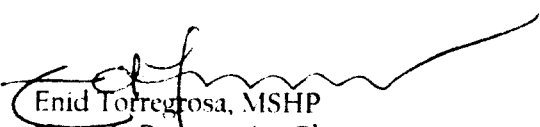
Dear Architect Rojas:

This letter is to notify you that the Key West Historic Architecture Review Commission **approved** the application for the above mentioned project at the public hearing held on Tuesday, June 9, 2009. This decision was based on the documents submitted and your presentation.

You may now apply for the necessary permits. Should you have any questions, please do not hesitate to contact me at your convenience.

On behalf of the Historic Architectural Review Commission of our City, thank you for your interest in the preservation of Key West historic heritage.

Sincerely:



Enid Torregrosa, MSHP
Historic Preservation Planner
City Of Key West
604 Simonton Street
Key West, Florida 33040

305.809.3973

etorregr@keywestcity.com



CITY OF KEY WEST
BUILDING DEPARTMENT
CERTIFICATE of APPROPRIATENESS

Fax 809-3978

512 Greene St LLC APPLICATION # H09-417-407

OWNER NAME: Recreation Et Alamo 2, Inc.

DATE: 4/17/09

OWNERS ADDRESS: 1413 South Street

PHONE #: 293-8983

APPLICANT'S NAME: Trepanier Associates, Inc.

PHONE #: 293-8983

APPLICANT'S ADDRESS: 402 Appelrooth Lane

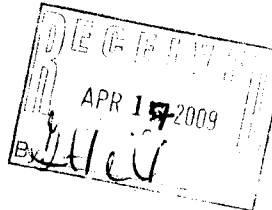
ADDRESS OF CONSTRUCTION: 512 Greene Street

OF UNITS: 1

THERE WILL BE A FINAL INSPECTION REQUIRED UNDER THIS PERMIT

DETAILED DESCRIPTION OF WORK:

Remove awning and signage, remove non-historic windows/doors. Paint existing building. Casual white walls - Cream Green - trim



Chapter 837.06 F.S.- False Official Statements- Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree punishable as provided for in s. 775.082 or s. 775.083

This application for Certificate of Appropriateness must precede applications for building permits, variances and development review approvals. Applications must meet or exceed the requirements outlined by the Secretary of the Interior's Standards for Rehabilitation and Key West's Historic Architectural Guidelines.

Once completed, the application shall be reviewed by staff for completeness and either approved or scheduled for presentation to the Historic Architectural Review Commission at the next available meeting. The applicant must be present at this meeting. The filing of this application does not ensure approval as submitted.

Applications that do not possess the required submittals will be considered incomplete and will not be reviewed for approval.

REQUIRED SUBMITTALS

✓	TWO SETS OF SCALED DRAWINGS OF FLOOR PLAN, SITE PLAN AND EXTERIOR ELEVATIONS (for new buildings and additions)
N/A	TREE REMOVAL PERMIT (if applicable)
✓	PHOTOGRAPHS OF EXISTING BUILDING (repair, rehab, or expansion)
✓	PHOTOGRAPHS OF ADJACENT BUILDINGS (new buildings or additions)
✓	ILLUSTRATIONS OF MANUFACTURED PRODUCTS TO BE USED SUCH AS SHUTTERS, DOORS, WINDOWS, PAINT COLOR CHIPS, AND AWNING FABRIC SAMPLES

Staff Use Only

Date: April 23, 2009

Staff Approval: [Signature]

Fee Due: \$

Date: 4/17/09
Applicant Signature: [Signature]

Dan Stosnider, Trepanier Associates, Inc.

HISTORIC ARCHITECTURAL REVIEW APPLICATION



CITY OF KEY WEST Fax 809-397 BUILDING DEPARTMENT

CERTIFICATE of APPROPRIATENESS

APPLICATION # 1095-15-552

HISTORIC ARCHITECTURAL REVIEW APPLICATION

OWNER NAME:

512 Greene St LLC

DATE:

5-15-09

OWNERS ADDRESS:

512 Greene St

PHONE #:

2924870

APPLICANT'S NAME:

Carlos Rojas AIA

PHONE #:

923-3567

APPLICANT'S ADDRESS:

540 White Street

ADDRESS OF CONSTRUCTION:

512 Greene St

OF
UNITS:

2

THERE WILL BE A FINAL INSPECTION REQUIRED UNDER THIS PERMIT

DETAILED DESCRIPTION OF WORK:

Add ADA Ramp. restore outbuildings.
rebuild non Historic Kiosk in
same footprint; envelope

Chapter 837.06 F.S.- False Official Statements- Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree punishable as provided for in s. 775.082 or s. 775.083

This application for Certificate of Appropriateness must precede applications for building permits, variances and development review approvals. Applications must meet or exceed the requirements outlined by the Secretary of the Interior's Standards for Rehabilitation and Key West's Historic Architectural Guidelines.

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☐	TREE REMOVAL PERMIT (if applicable)
☒	PHOTOGRAPHS OF EXISTING BUILDING (repairs, rehabs, or expansions)
☐	PHOTOGRAPHS OF ADJACENT BUILDINGS (new buildings or additions)
☐	ILLUSTRATIONS OF MANUFACTURED PRODUCTS TO BE USED SUCH AS SHUTTERS, DOORS, WINDOWS, PAINT COLOR CHIPS, AND AWNING FABRIC SAMPLES

Staff Use Only

Date: _____

Staff Approval: _____

Fee Due: _____

\$ _____

Date: 5-15-09

Applicant Signature: [Signature]

HISTORIC ARCHITECTURAL REVIEW COMMISSION USE ONLY

Approved ☒

Denied ☐

Deferred ☐

Reason for Deferral or Denial:

HARC Comments:

512 Green St. built c. 1880 frame vernacular / contributing
201-205 ANN STREET - built c. 1923 frame vernacular / contributing
no information regarding accessory buildings

Limit of Work Approved, Conditions of Approval and/or Suggested
Changes:

Approved

2 of 3

Date: 06.09.09

Signature:

[Signature]

Historic Architectural
Review Commission

Property Appraiser Information

Monroe County Property Record Card ⁽¹³³⁾

Alternate Key: 1001198

Roll Year 2009

Effective Date: 4/17/2009 9:52:09 AM Run: 04/17/2009 09:52 AM

512 GREENE STREET LLC

525 CAROLINE ST
KEY WEST FL 33040

Parcel 00001170-000000-06-68-25 Nbhd 32010

Alt Key 1001198 Mill Group 10KW

Affordable Housing No PC 1200

FEMA Injunction

Inspect Date Next Review

Business Name

Physical Addr 512 GREENE ST, KEY WEST

201/205 ANN ST, KEY WEST

Associated Names

Name	DBA	Role
512 GREENE STREET LLC,		Owner

Legal Description

KW PT LOT 3 SQR 13 G67-20 OR781-772D/C OR992-397L/E OR1496-911D/C OR2093-1382/83P/R OR2218-2069/71 OR2391-642/45 OR2391-646/47 OR2405-785/86

Land Data 1

Line ID	Use	Front	Depth	Notes	# Units	Type	SOH %	Rate	Depth	Loc	Shp	Phys	Class	ROGO	Class Value	Just Value
127	100D	0	0	No	9,838.00	SF	0.00		1.00	0.85	1.00	1.00		N		

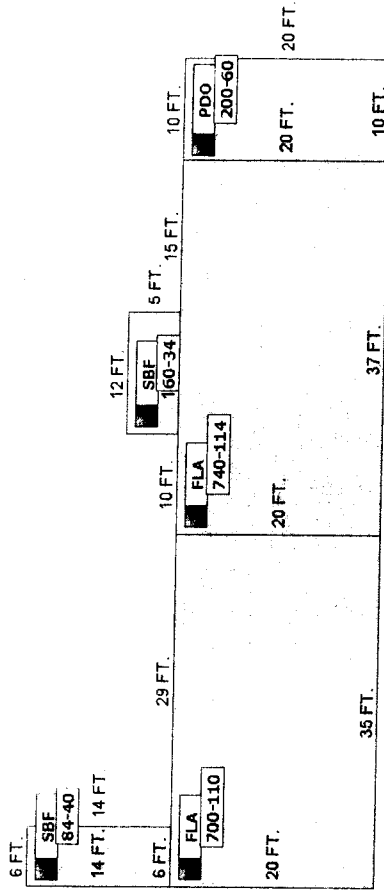
Total Just Value



Monroe County Property Record Card (133)

Alternate Key: 1001198
Effective Date: 4/17/2009 9:52:09 AM
Roll Year 2009
Run: 04/17/2009 09:52 AM

Building Sketch 39126



Building Characteristics

Building Nbr	1	Building Type	0	Perimeter	224	Functional Obs	0.00
Effective Age	28	Condition	P	Depreciation %	0.36	Economic Obs	0.00
Gmd Floor Area	1440	Quality Grade	400	Year Built	1928		
Fireplaces	0	3 Fix Bath	0	7 Fix Bath	0		
2 Fix Bath	0	4 Fix Bath	0	Extra Fix	10		

Sections

Type	Number	Wall Height	# Stories	Year Built	% Finished	Area	Sketch ID	SOH %
FLA	1	8	1	1984		740	000	0.00
SBF	2	0	1	1984		60	001	0.00
FLA	3	8	1	1984		700	002	0.00
SBF	4	0	1	1984		84	003	0.00
PDO	5	0	1	1999		200	004	0.00

Monroe County Property Record Card (133)

Alternate Key: 1001198

Roll Year 2009

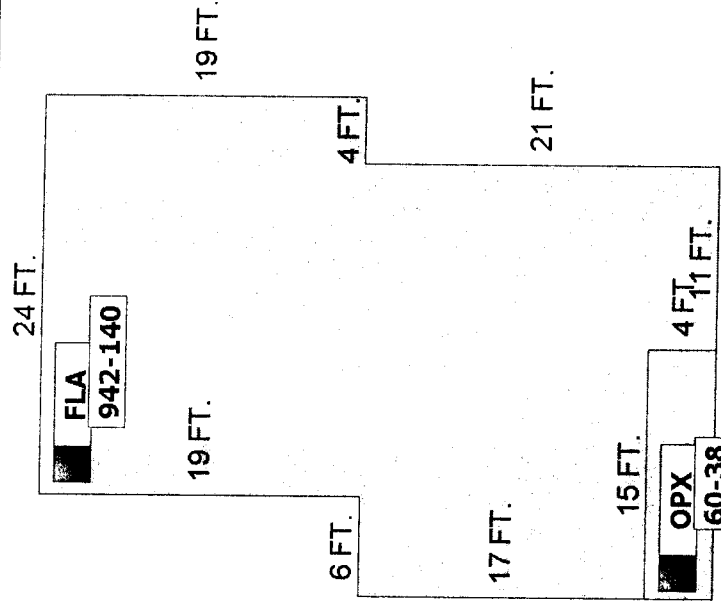
Effective Date: 4/17/2009 9:52:09 AM

Run: 04/17/2009 09:52 AM

Interior Finish

Sec Nbr	Int Nbr	Description	Area %	Sprinkler	A/C	Total RCN	Ext Nbr	Wall Type	Area %	Wall Rate	RCN
180527	430	RESTRNT/CAFETR-D-	100.00	N	N		147	AVE WOOD SIDING	100.00		
180528	431		100.00	N	N						
180529	432	1 STY STORE-D	100.00	N	N						
180530	433		100.00	N	N						

Building Sketch 29



Building Characteristics

Building Nbr	2	Building Type	R1	Perimeter	140	Functional Obs	0.00	
Effective Age	28	Condition	A	Depreciation %	0.34	Economic Obs	0.00	
Grnd Floor Area	942	Quality Grade	500	Year Built	1933	Special Arch	0	
Inclusions: R1 includes 1 3-fixture bath and 1 kitchen.								
Roof Type	2	Roof Cover	2	Heat 1	4	Heat Src 1	1	
				Heat 2	0	Heat Src 2	0	
Extra Features:	2 Fix Bath	0	4 Fix Bath	0	6 Fix Bath	0	Foundation	2
	3 Fix Bath	0	5 Fix Bath	0	7 Fix Bath	0	Bedrooms	2
							Security	0
							Fireplaces	0
							Garbage Disposal	0
							Compactor	0

Monroe County Property Record Card (133)

Alternate Key: 1001198

Roll Year 2009

Effective Date: 4/17/2009 9:52:09 AM

Run: 04/17/2009 09:52 AM

Sections

Type	Number	Exterior Wall Type	# Stories	Year Built	Attic	A/C	Basement %	Finished Bsmt %	Area	Sketch ID	SOH %
FLA	1	12.ABOVE AVERAGE WOOD	1	1932	N	N	0.00	0.00	942	005	0.00
OPX	2	0:	1	1932	N	N	0.00	0.00	60	006	0.00

Miscellaneous Improvements

Nbr	Impr Type	# Units	Type	SOH %	Length	Width	Year Built	Roll Year	Grade	Life	RCN	Depr Value
8	FN2:FENCES	90	SF	0.00	30	3	1996	1997	2	30		
7	PT3:PATIO	72	SF	0.00	0	0	1987	1988	1	50		
6	AC2 WALL AIR COND	1	UT	0.00	0	0	1993	1994	2	20		
5	UB2:UTILITY BLDG	459	SF	0.00	27	17	1979	1980	3	50		
4	FN2:FENCES	147	SF	0.00	0	0	1975	1976	2	30		
3	CL2:CH LINK FENCE	318	SF	0.00	53	6	1975	1976	2	30		
2	CL2:CH LINK FENCE	912	SF	0.00	152	6	1975	1976	1	30		
1	PT2 BRICK PATIO	200	SF	0.00	0	0	1975	1976	2	50		
Total Depreciated Value												

Appraiser Notes

2002-12-20 - 5 TRANSIENT RENTAL UNITS. BCS

KOZUCHI/CONCH REP CIGAR TPP 8886438 - CONCH REPUBLIC CIGAR FACTORY

Monroe County Property Record Card (133)

Alternate Key: 1001198

Roll Year 2009

Effective Date: 4/17/2009 9:52:09 AM

Run: 04/17/2009 09:52 AM

Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
	B932839	Oct 1 1993 12:00AM	Dec 1 1994 12:00AM	3,000		REPAIRS
	B932840	Oct 1 1993 12:00AM	Dec 1 1994 12:00AM	3,000		RENOVATIONS
	9601157	Mar 1 1996 12:00AM	Jun 1 1996 12:00AM	550		RENOVATIONS
	9701973	Jun 1 1997 12:00AM	Jul 1 1997 12:00AM	700		REMOVE DRYWALL/DEBRIS
	9702200	Jul 1 1997 12:00AM	Jul 1 1997 12:00AM	1,800		ALTERATIONS
	9800440	Feb 18 1998 12:00AM	Jan 1 1999 12:00AM	350		INSTALL NEW BAR SINK
	9703831	Dec 11 1997 12:00AM	Jan 1 1999 12:00AM	1,800		REPLACE 1001 SF FT ROOF
	9800366	Mar 3 1998 12:00AM	Jan 1 1999 12:00AM	700		INSTALL WINDOW OPENING
	9801137	Apr 24 1998 12:00AM	Jan 1 1999 12:00AM	1,200		INSTALL OVAL AWNING
	0000664	Mar 15 2000 12:00AM	Nov 29 2001 12:00AM	10,000		16 SQS V-CRIMP
	0102604	Jul 20 2001 12:00AM	Nov 29 2001 12:00AM	200		PAINT BUILDING
	02-1545	Jun 11 2002 12:00AM	Sep 5 2002 12:00AM	1,780		FIRE ALARM SYSTEM
	03-2097	Jun 18 2003 12:00AM	Dec 2 2003 12:00AM	200		ELECTRICAL
	03-2719	Aug 12 2003 12:00AM	Dec 2 2003 12:00AM	400		REPLACED EXISTING AWEINGS
	03-3013	Aug 28 2003 12:00AM	Dec 2 2003 12:00AM	10,000		REPLACED V CRIMP ROOFING
	03-2101	Jun 17 2003 12:00AM	Dec 2 2003 12:00AM	1,500		INTERIOR PLUMBING
	03-2097	Jun 18 2003 12:00AM	Dec 2 2003 12:00AM	200		ELECTRIC

Monroe County Property Record Card ⁽¹³³⁾

Alternate Key: 1001198
Effective Date: 4/17/2009 9:52:09 AM
Roll Year 2009
Run: 04/17/2009 09:52 AM

Value History

Tax Year	Val Meth	Just Land	Class Land	Building	Misc	Just	Assessed Value	Exempt	Sr Ex	Tax Value
2008F	C	2,216,010	0	189,838	6,394	2,412,242	2,412,242	0	N	2,412,242
2007F	C	2,216,010	0	166,476	5,677	2,388,163	2,388,163	0	N	2,388,163
2006F	C	836,230	0	171,705	5,842	1,013,777	1,013,777	0	N	1,013,777
2005F	C	794,419	0	165,144	6,062	965,625	965,625	0	N	965,625
2004F	O	590,280		145,672	6,287	337,064	337,064	0	N	337,064
2003F	O	609,956		145,672	6,506	337,064	337,064	0		337,064
2002F	O	609,956		99,145	6,726	321,013	321,013	0		321,013
2001F	O	609,956		96,228	7,700	321,013	321,013	0		321,013
2000F	O	413,196		96,228	4,924	291,804	291,804	0		291,804
1999F	O	413,196		82,789	5,085	291,804	291,804	0		291,804
1998F	O	413,196		64,269	5,245	291,804	291,804	0		291,804
1997F	O	393,520		62,985	5,290	291,804	291,804	0		291,804
1996F	O	393,520		59,594	5,446	291,804	291,804	0		291,804
1995F	O	393,520		64,247	5,051	355,880	355,880	0		355,880
1994F	O	393,520		64,247	4,706	355,880	355,880	0		355,880
1993F	I	393,520		64,488	4,844	221,308	221,308	0		221,308
1992F	I	393,520		64,488	4,986	221,308	221,308	0		221,308
1991F	I	393,520		64,488	5,123	221,308	221,308	0		221,308
1990F	I	346,790		53,567	854	221,308	221,308	0		221,308
1989F	I	344,330		53,504	885	221,308	221,308	0		221,308
1988F	I	238,572		46,449	543	214,089	214,089	0		214,089
1987F	C	150,644		45,691	561	196,896	196,896	0		196,896
1986F	C	147,570		45,897	582	194,049	194,049	0		194,049
1985F	C	106,250		62,539	600	169,389	169,389	0		169,389
1984F	C	106,250		48,338	926	155,514	155,514	0		155,514
1983F	C	64,077		48,338	926	113,341	113,341	0		113,341
1982F	C	56,782		43,231	926	100,939	100,939	0		100,939

Sales History

Book	Page	Sale Date	Instrument	Transfer Code	Q/U	Vacant	Sale Price
2391	642	12/5/2008	Warranty Deed	0	Q	I	1,300,000

Public Notices

512 Greene

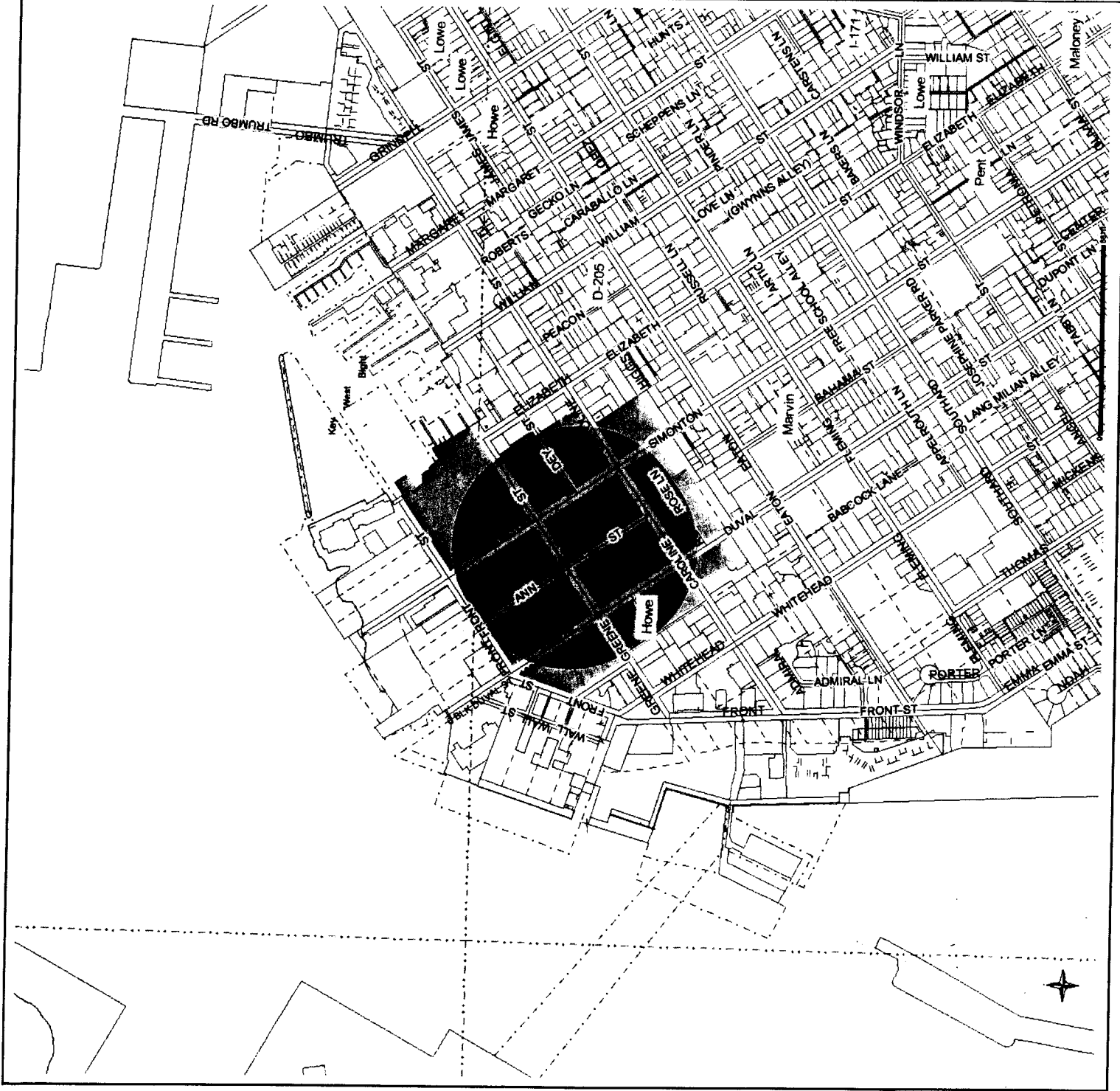
- Legend**
- the Buffer
 - the Buffer/Target
 - Hooks/Leads
 - Lot Lines
 - Easements
 - Road Centerlines
 - Water Names
 - Parcels
 - Shoreline
 - Section Lines

PALMIS

Monroe County Property Appraiser
500 Whitehead Street
Key West, FL

DISCLAIMER: The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for *ad valorem tax purposes* only and should not be relied on for any other purpose.

Date Created: August 7, 2009 4:21 PM



121 DUVAL COMPANY
423 FRONT STREET
KEY WEST, FL 33040

126 DUVAL COMPANY
423 FRONT ST
KEY WEST, FL 33040

130 DUVAL STREET INC
19707 TURNBERRY WAY
AVENTURA, FL 33180-2502

135 DUVAL COMPANY
423 FRONT STREET
KEY WEST, FL 33040

206 DUVAL LLC
212 TELEGRAPH LN
KEY WEST, FL 33040

208 DUVAL LLC
208 DUVAL ST
KEY WEST, FL 33040

210 DUVAL STREET LLC
P O BOX 2068
KEY WEST, FL 33045

211 DUVAL COMPANY
423 FRONT STREET (2ND FLOOR)
KEY WEST, FL 33040

213 TELEGRAPH LANE LLC
525 CAROLINE ST
KEY WEST, FL 33040

217 TELEGRAPH LANE LLC
525 CAROLINE ST
KEY WEST, FL 33040

221 DUVAL STREET LLC
7705 SE 34TH ST
MERCER ISLAND, WA 98040

221 SIMONTON LLC
221 SIMONTON STREET
KEY WEST, FL 33040

223 ANN STREET LLC
525 CAROLINE ST
KEY WEST, FL 33040

305 DUVAL KW LLC
3200 RIVIERA DR
KEY WEST, FL 33040

4 AND 6 CHARLES STREET LLC
525 CAROLINE ST
KEY WEST, FL 33040

511 GREENE STREET LLC
219 SIMONTON ST
KEY WEST, FL 33040

512 GREENE STREET LLC
525 CAROLINE ST
KEY WEST, FL 33040

512 PARTNERS LP
512 FRONT ST
KEY WEST, FL 33040

525 CAROLINE STREET LLC
525 CAROLINE ST
KEY WEST, FL 33040

616 GREEN STREET LLC
616 GREENE ST
KEY WEST, FL 33040

AMSTERDAM EDITH REV TR 3/14/94
511 CAROLINE ST
KEY WEST, FL 33040

AMSTERDAM EDITH TRUSTEE
511 CAROLINE STREET
KEY WEST, FL 33040

ANN STREET LLC
4750 CAMP ROOSEVELT DR
CHESAPEAKE BEACH, MD 20732

ANN STREET PROPERTIES LLC
512 FRONT ST
KEY WEST, FL 33040

BAHAMA MAMA OF KEY WEST LLC
18381 LONG LAKE DR
BOCA RATON, FL 33496

BARRY WILLIAM MCLEAN
618 DEY ST
KEY WEST, FL 33040

BAYHAVEN ENTERPRISES L C
700 FRONT STREET
KEY WEST, FL 33040

BDM LLC
PO BOX 6500
KEY WEST, FL 33041

BOTTLING COURT PARTNERS
506 FLEMING ST
KEY WEST, FL 33040

BRAWN PETER N
525 CAROLINE ST
KEY WEST, FL 33040

CARLSON 1989 TRUST DTD 10/26/89
TRUST A
219 ANN ST
KEY WEST, FL 33040

CARLSON DOREEN V TRUSTEE
219 R ANN ST
KEY WEST, FL 33040

CONCH SHELL PROPERTIES INC
905 VON PHISTER ST
KEY WEST, FL 33040

CYPRESS HOUSE INC
601 CAROLINE ST
KEY WEST, FL 33040

DEFERRARI RONALD H REV TR
U/T/A 8/9/97
P O BOX 6688
OZONA, FL 34660

DEPOO AGNES H L/E
P O BOX 1234
KEY WEST, FL 33041

DONOVAN BRIAN K
615 CAROLINE ST
KEY WEST, FL 33040

EMANUEL EYAL
1016 18TH TERRACE
KEY WEST, FL 33040

EMANUEL JOY
3200 RIVIERA DR
KEY WEST, FL 33040-4662

FERREL WADE
PO BOX 4623
KEY WEST, FL 33041

FOSTER BARBARA
504 S LAKE DRIVE
LANTANA, FL 33462

G AND S KEY WEST LLC
20 AZALEA DR
KEY WEST, FL 33040

GRAHAM BOB AKA ROBERT W
205 TELEGRAPH LN
KEY WEST, FL 33040

GRIFFITH RICHARD P LIV TR DTD 8-
29-05
717 FLEMING STREET
KEY WEST, FL 33040

GROSSCUP WILLIAM R CAPT
13 HILTON HAVEN
KEY WEST, FL 33040

HAYES PAUL N
1075 DUVAL ST
KEY WEST, FL 33040

HILARIO RAMOS CORP
209 DUVAL STREET
KEY WEST, FL 33040

HISTORIC TOURS OF AMERICA INC
201 FRONT ST SUITE 224
KEY WEST, FL 33040

HUNTER BRUCE
1075 DUVAL ST
KEY WEST, FL 33040

HURST LEIGH G & ANNE HAHN
(H/W)
2072 LUSTERS GATE RD
BLACKSBURG, VA 24060

JOHNSON RICHARD MD
38 PORTSIDE DR
FT LAUDERDALE, FL 33316-3008

JRB PROPERTIES OF KEY WEST LLC
1620 W OAKLAND PK BLVD
FT LAUDERDALE, FL 33311

KAPLAN RAYMOND S AND D LYNN
18 RUTLEDGE AVENUE
CHARLESTON, SC 29401

KEY WEST 07 LLC
190 CONGRESS PARK DR
DELRAY, FL 33445

KEY WEST HAND PRINT FABRICS
LTD
201 FRONT ST
KEY WEST, FL 33040

KEY WEST HAND PRINT FABRICS
LTD
201 FRONT STREET
KEY WEST, FL 33040

KEY WEST MJM INVESTMENTS INC
P O BOX 403353
MIAMI BEACH, FL 33140

KEY WEST MJM INVESTMENTS INC
P O BOX 403353
MIAMI BEACH, FL 33140

KEYS PRODUCTIONS INC
202 DUVAL STREET
KEY WEST, FL 33040

LA MER ENTERPRISES INC
20201 E COUNTRY CLUB DR
AVENTURA, FL 33180-3277

LOVE MILE MARKER I LLC
P O BOX 2528
PALM BEACH, FL 33480

MAJOR PATRICIA T
P O BOX 14
KEY WEST, FL 33040

MURPHY SHARI S REV TR DTD
9/25/2001
550 PALMER AVE
WINTER PARK, FL 32789

NEW IDEAS INC
1512 ROOSEVELT BLVD
KEY WEST, FL 33040

NOE SASHA
1067 OLD ALBANY POST RD
GARRISON, NY 10524

PFAHL FAMILY LLC
301 DUVAL ST
KEY WEST, FL 33040

PIACIBELLO FRANK AND
GEORGEANN B
1523 PATRICIA STREET
KEY WEST, FL 33040

PIACIBELLO GEORGEANN
1523 PATRICIA STREET
KEY WEST, FL 33040-5034

PORTER FAMILY LIMITED
PARTNERSHIP
410 CAROLINE ST
KEY WEST, FL 33040

RAMLO CONSTRUCTION
CORPORATION
209 DUVAL STREET
KEY WEST, FL 33040

RAMLO DEVELOPMENT
CORPORATION
209 DUVAL STREET
KEY WEST, FL 33040

RAMOS MATIDE GENEROSA REV
TRUST 05/25/2007
9999 SW 87TH CT
MIAMI, FL 33176-2905

SCHULTZ KENNETH H AND ANGEL-
SCHULTZ DEBORAH L H/W
219 SIMONTON ST
KEY WEST, FL 33040

SK LAND COMPANY
500 FLEMING STREET
KEY WEST, FL 33040

SKOKO GEORGE JOHN
618 GREENE ST
KEY WEST, FL 33040

SLOPPY JOE'S ENTERPRISES INC
201 DUVAL ST
KEY WEST, FL 33040

SLOPPY JOE'S ENTERPRISES, INC
101 ANN ST
KEY WEST, FL 33040

SPOTTSWOOD JOHN M JR
500 FLEMING ST
KEY WEST, FL 33040

SPOTTSWOOD ROBERT A
500 FLEMING ST
KEY WEST, FL 33040

SPOTTSWOOD PARTNER II LTD
506 FLEMING ST
KEY WEST, FL 33040

STEELE JESSICA
3729 CINDY AVENUE
KEY WEST, FL 33040

STILL CATHERINE
EAST LAKE SHORE
BIGFORK, MT 59911

STOERBACK MICHELLE
1 WICKS LAND HEAD OF HARBOR
ST JAMES, NY 11780

SUNSET PLAZA INC
P O BOX 8850
CORAL SPRINGS, FL 33075

SUNSET VENTURES LLC
P O BOX 520A
VILLANOVA, PA 19085

TEMECULA ENTERPRISES LLC
6223 SIMON LN
HUDSON, OH 44236

TIKAL REAL ESTATE HOLDING II
LLC
P O BOX 1778
KEY WEST, FL 33041

UNITED STATES
77 FORSYTH ST
ATLANTA, GA 30303

US FOODS INC
PO BOX 691598
ORLANDO, FL 32869-1598

WACHOVIA BANK NA FL BNK REAL
ESTATE
PO BOX 36246
CHARLOTTE, NC 28236-6246

WEAVER W TIMOTHY
526 ROSE LN
KEY WEST, FL 33040

WONG SONG ENTERPRISES INC
P O BOX 4870
KEY WEST, FL 33040

WORTH MARY ANN QUA PER RES TR
7/14/2000
314 SIMONTON ST
KEY WEST, FL 33040