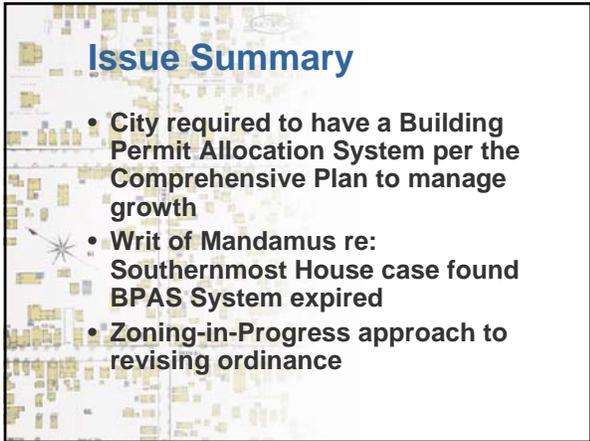


City of Key West
PLANNING DEPARTMENT

**Building Permit Allocation
System (aka ROGO) Workshop**
October 30, 2008



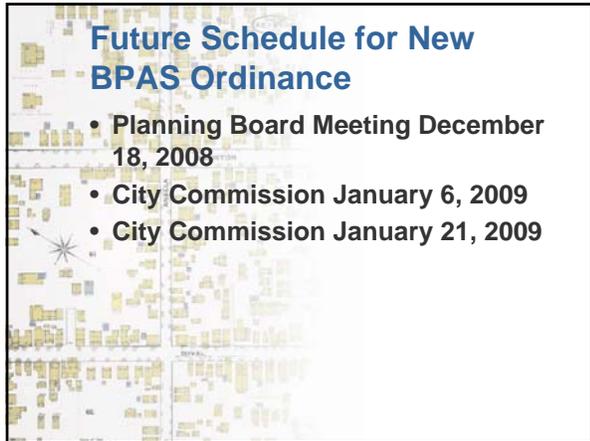
Issue Summary

- City required to have a Building Permit Allocation System per the Comprehensive Plan to manage growth
- Writ of Mandamus re: Southernmost House case found BPAS System expired
- Zoning-in-Progress approach to revising ordinance



Tonight's Goal

- Refresh Commission and public on background
- Update on status of "ROGO" Audit
- Identify alternatives
- Get Commission input



Future Schedule for New BPAS Ordinance

- Planning Board Meeting December 18, 2008
- City Commission January 6, 2009
- City Commission January 21, 2009



BACKGROUND



Why BPAS Exists

- 1993 Comprehensive Plan was rewritten per new Growth Management Laws
- Growth concerns in the Florida Keys relative to hurricane evacuation times
- All of Florida Keys required to implement BPAS/ROGO approach to growth

Comprehensive Plan

- Basis of all Land Development Regulations
- All LDRs must be consistent with Plan
- Specifically outlines BPAS requirements
- New BPAS Ordinance must be consistent with Plan

Tenants of Comprehensive Plan

- Limits new units to 1,093 units
 - Retroactive to 1990
 - Estimated 12-year input period
- Provides for a vested rights process
 - One year window after effective date of Comprehensive Plan
- Provides for beneficial use process
- Establishes allocation ratios by structure type
 - Single family, multi-family, accessory and transient unit
- Provides for future evaluation of system and unit numbers
 - Mechanism for unit additions over time

Requirements of Comprehensive Plan

Structure Type	Annual Equivalent Single -Family Units (ESFU)	Total Allocation (over 12 allocation years)
Single-Family	32	384
Accessory Apt/Single Room		
Occupancy	17	204
Multi-Family	32	384
Transient Units	10	120
Total	91	1092

Note: The total allocation is one unit short of the total listed in Policy 1-3.12.1. of the Comprehensive Plan

- **30% of all allocations for affordable housing**
 - Base number of required allocations is 328 ESFU

Other Inputs into the System

- Development Agreements and Settlement Agreements related to specific developments
 - Berg Site
 - MacKay
 - Dionysus
 - Golf Course
- Agreements with the DCA
 - 186 SFEU
- Recaptured Units
- Roughly 300 ESFU units, some encumbered specifically as affordable housing

Summary

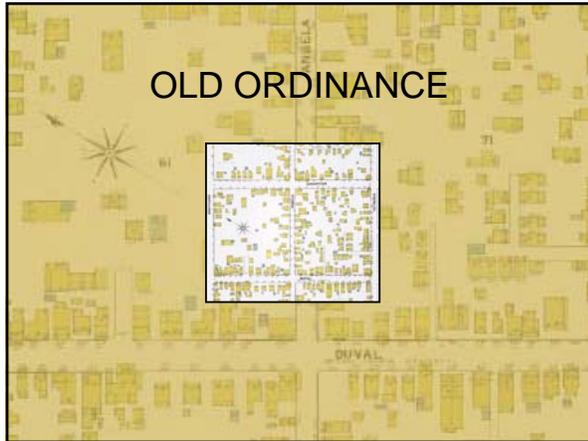
- Geared towards creating, not maintaining a system
- No regular mechanism for new inputs after 2002
- Focuses on annual allocation process which may no longer be relevant

ROGO AUDIT

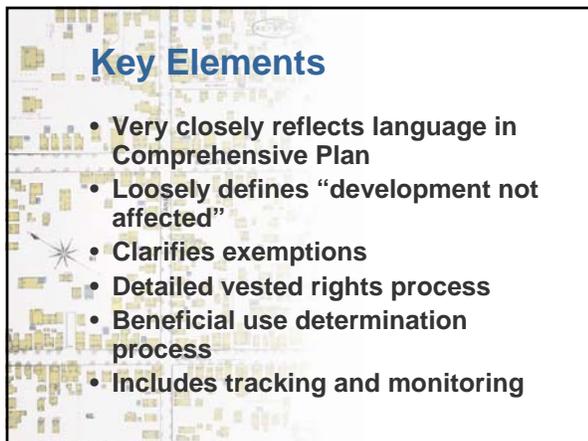


“ROGO” Audit

- **First Phase (Initial) Audit used existing summaries**
 - Found that approximately 200 ESFU allocations were available (all inputs may not be included)
 - However, sources inconsistent and tracked separately
 - Data not in spreadsheets or other integrated format
- **Second Phase Audit**
 - Entered every record into a master spreadsheet
 - Verifying each allocation and input into the system
 - Preliminary totals are higher (probably include duplicate allocations)
 - Preparing revised audit totals by structure and housing type
- **Best Effort Approach**
- **Detail may assist in “use it or lose it approach”**
- **Complete by December 15, 2008**
- **Expect to inform, but not be included in new ordinance**

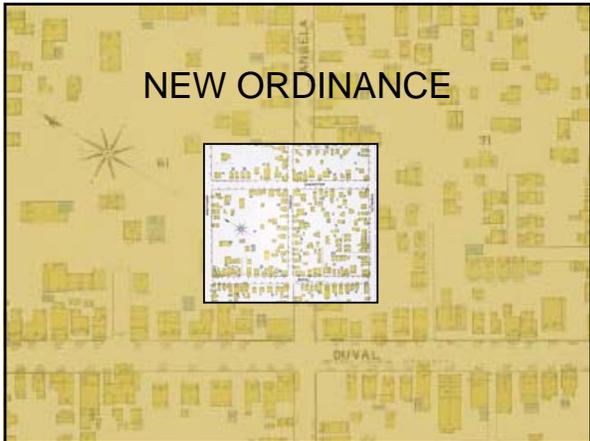


OLD ORDINANCE



Key Elements

- **Very closely reflects language in Comprehensive Plan**
- **Loosely defines “development not affected”**
- **Clarifies exemptions**
- **Detailed vested rights process**
- **Beneficial use determination process**
- **Includes tracking and monitoring**



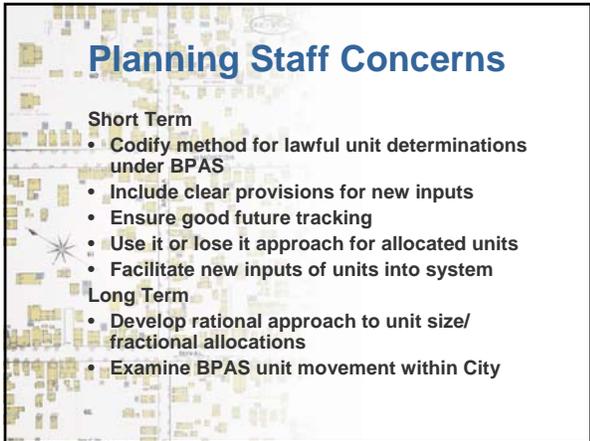
NEW ORDINANCE

Prior Public Input – General Comments/Concerns

- Reconsideration of fractional allocation approaches
- Limit sale of ROGO units
- Revise evacuation modeling
- Rossi use it or lose it policy
- Consider economic factors
- Ability to move units from site to site
- Use density as basis, not ROGO system
- Promote workforce housing

DCA Concerns

- Short term
 - Put new ordinance in place
 - Understand prior allocations
- Long term
 - Update hurricane evacuation model
 - Determine if new inputs into system possible
 - Revise BPAS approach in Comprehensive Plan through amendments
 - Address fractional allocation concerns, esp. relative to unit size and redevelopment



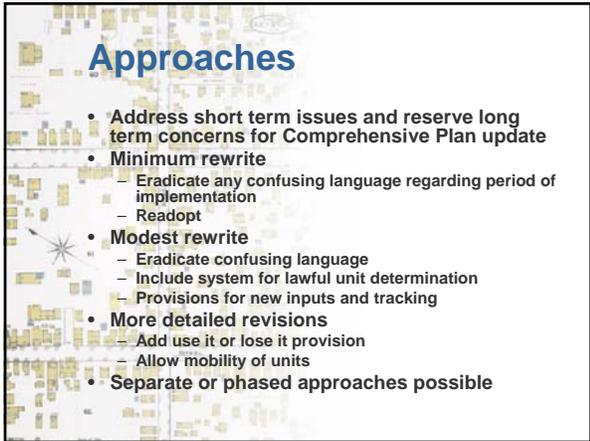
Planning Staff Concerns

Short Term

- Codify method for lawful unit determinations under BPAS
- Include clear provisions for new inputs
- Ensure good future tracking
- Use it or lose it approach for allocated units
- Facilitate new inputs of units into system

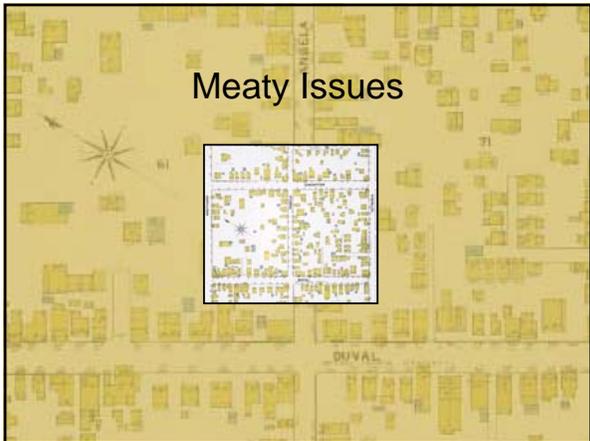
Long Term

- Develop rational approach to unit size/ fractional allocations
- Examine BPAS unit movement within City



Approaches

- Address short term issues and reserve long term concerns for Comprehensive Plan update
- Minimum rewrite
 - Eradicate any confusing language regarding period of implementation
 - Readopt
- Modest rewrite
 - Eradicate confusing language
 - Include system for lawful unit determination
 - Provisions for new inputs and tracking
- More detailed revisions
 - Add use it or lose it provision
 - Allow mobility of units
- Separate or phased approaches possible

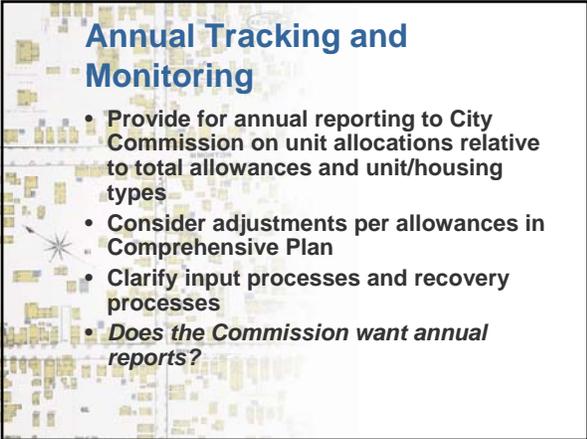


Meaty Issues



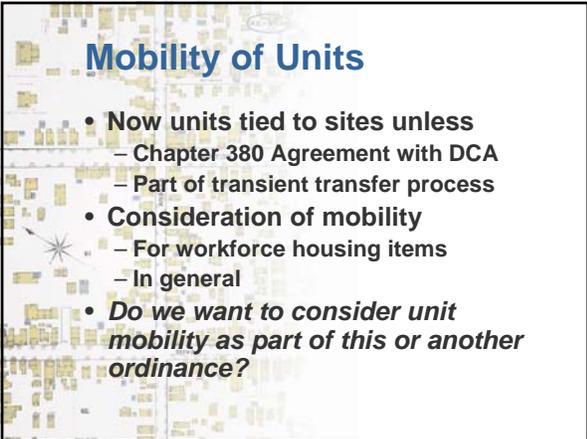
Use it or Lose It

- **Issue**
 - We think there are unused units
 - No mechanism in past approaches to retrieve unused units
 - Some units may be tied to vested rights determinations
- **Options**
 - Use vested rights process as basis for system requiring unit holders to come forth to City and determine rights
 - Recommend market sensitive approach and fair timeframes for use
- **Do we want to include a Use It or Lose Process in this or another ordinance?**



Annual Tracking and Monitoring

- **Provide for annual reporting to City Commission on unit allocations relative to total allowances and unit/housing types**
- **Consider adjustments per allowances in Comprehensive Plan**
- **Clarify input processes and recovery processes**
- **Does the Commission want annual reports?**



Mobility of Units

- **Now units tied to sites unless**
 - Chapter 380 Agreement with DCA
 - Part of transient transfer process
- **Consideration of mobility**
 - For workforce housing items
 - In general
- **Do we want to consider unit mobility as part of this or another ordinance?**

Unit Type Allocations

- **Background:**
 - The Comp Plan specifies specific allocations among unit types
 - The existing ordinance has exact same language
 - Zoning-in-Progress limits allocations to workforce housing
 - *Do we want to limit new allocations by type?*

Next Steps



Next Steps

- Based on input from Commission, draft revisions/alternatives
- Legal review
- DCA coordination
- Adoption process

