

## CITY COUNCIL AGENDA STATEMENT



**Meeting Date:** February 8th, 2022  
**To:** Honorable Mayor and Members of City Council  
**From:** Brian Shea, Planning Director  
**Through:** George Garrett, City Manager  
**Item:** BPAS Discussion

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### RECOMMENDATION

Extend BPAS by limiting the number of allocations granted per period.

#### I. BACKGROUND AND JUSTIFICATION

Monroe County adopted the Rate of Growth Ordinance (#016-1992), commonly referred to as ROGO, on July 13, 1992 to implement portions of its Comprehensive Plan. The ROGO established a building permit allocation system for residential construction, for the purpose of directing and limiting growth and enabling the safe and timely evacuation of the Keys in the event of a hurricane.

The City adopted new Land Development Regulations by Ordinance 2007-03 which replaced the Rate of Growth Ordinance with the Residential Building Permit Allocation System (RBPAS).

The BPAS allocation system may issue up to 30 awards for residential construction within the boundaries of the City, pursuant to the agreement between the City, the Department of Economic Opportunity (DEO) and Monroe County. Of the 30 allocation awards, 80% (24) are assigned to market-rate residential units and 20% (6) are assigned to affordable housing. Applications for permits are evaluated, scored and ranked according to criteria outlined in Chapter 107 Article 1 of the City of Marathon Land Development Regulations twice a year.

In February of 2010 City Council adopted Resolution 2010-18, to provide for the numerical adjustments within the categories for market rate and affordable allocations. These are set forth in part II on the next page. Based upon the code, a change through resolution can occur to adjust these numbers. The one criterion that must be met is that at least 20% of the allocations awarded must be affordable housing.

**II. ALLOCATION AWARDS AVAILABLE**

The following allocation awards are available per period:

<u>Category</u>	<u>BPAS / Period</u>
(Market Rate)	
(a) Owner-occupied Pool	3 / period
(b) General Pool	9 / period
(Affordable)	
(c) General Affordable Pool	1 / period
(d) Community Workforce Pool	1 / period
(e) TBR Affordable Pool	1 / period
(Utilizing remaining affordable & Administrative Relief allocations)	
(Administrative Relief)	
(e) Administrative Relief Pool	0 / period

**III. ANALYSIS AND RECOMMENDATION**

Based upon the current available allocations, and the above distribution, three periods remain for BPAS.

Year and Period	General Market Rate	Owner Occupied	General Affordable	Community Workforce	TBR affordable
Y30P2	7	2	1	1	1
Y31P1	7	2	1	1	1
Y31P2	8	2	1	1	0

Through resolution the redistribution of allocations can occur. This would serve two purposes. The first would be to set the numbers to be taken from each pool. The second would be to reduce those numbers to extend BPAS out further. This extension allows for more time to coordinate with the State and the rest of Monroe County, to reevaluate the hurricane evacuation modeling. And if possible, establish a memorandum of understanding for any potential increase in allocations. Should this occur before the dates below, staff can draft another resolution to redistribute the remaining allocations. If the City wishes to extend BPAS out until September of 2025, then the following distribution needs to occur.

Year and Period	Actual Month	Actual Year	Total Market Rate	Total Affordable	% affordable
Y30P2	January	2022	4	1	20%
Y31P1	July	2022	3	1	25%
Y31P2	January	2023	4	1	20%
Y32P1	July	2023	3	1	25%
Y32P2	January	2024	4	1	20%
Y33P1	July	2024	3	1	25%
Y33P2	January	2025	4	1	20%
Y34P1	July	2025	3	1	25%

Council has the option to approve the resolution to make changes after the BPAS award resolution set for March City Council meeting. In doing so, the remaining allocations would be distributed in the following manner, with the existing 7 market rate, and 2 owner occupied, as laid out in the below table. This would extend BPAS out until September of 2024.

Year and Period	Actual Month	Actual Year	Total Market Rate	Total Affordable	% affordable
Y30P2	January	2022	9	3	25%
Y31P1	July	2022	3	1	25%
Y31P2	January	2023	4	1	20%
Y32P1	July	2023	4	1	20%
Y32P2	January	2024	4	1	20%
Y33P1	July	2024	4	1	20%

Staff requires direction on which option Council wishes to take forward through resolution. As well as how Council wishes those allocations to be distributed. If Council wishes to move forward with the 2025 extension, staff recommends the Affordable allocation being awarded to the highest scoring application amongst the three pools. This prioritizes new construction over existing structures that may or may not be compliant with existing building codes. The market rate distributions can be set at 2 Owner Occupied every period, and either 2 or 1 general market rate depending on the period. This creates 10 more allocations for local residents than what would have previously been awarded but reduces the general pool by that amount.

The following allocation awards would be available per period based upon this recommendation:

<u>Category</u>	<u>BPAS / Period</u>
(Market Rate)	
(a) Owner-occupied Pool	2 / period
(b) General Pool	1 / odd period 2 / even period
(Affordable)	1 / period
(c) General Affordable Pool	
(d) Community Workforce Pool	
(e) TBR Affordable Pool	
(To be granted to highest scoring allocation within the 3 pools)	
(Administrative Relief)	
(e) Administrative Relief Pool	0 / period