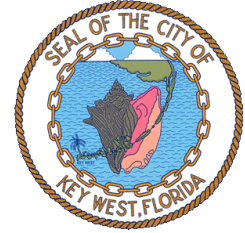


THE CITY OF KEY WEST
PLANNING BOARD
Staff Report



To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Nicholas Perez-Alvarez, AICP, Stantec

Meeting Date: December 12th, 2023

Agenda Item: **Major Modification to a Major Development Plan – 638 United St (RE: 00036600-000000)** – A request for a major modification to a major development plan approval for the development of four market rate residential units with a landscape waiver for a non-complying landscape buffer and on property located within the Historic Residential / Office (HRO) Zoning District with a proposed affordable work force housing linkage project located at 3228 Flagler Avenue pursuant to Chapter 108, Section 108-91, and Article III through IX; Chapter 122, Article IV, Division 10; and Chapter 122, Article V, Division 10 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

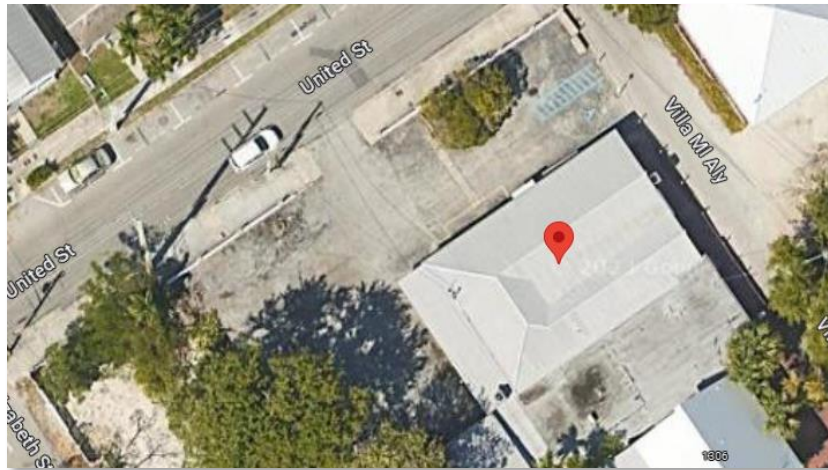
Request: This modification application proposes to reduce the number of homes from 5 to 4 and make changes to the site plans including dimensional regulations affecting the property, reduction and relocation of pools, parking spaces, drives, buildings, and a landscape waiver for a noncompliant buffer.

Applicant: Trepanier & Associates Inc

Property Owner: LAND 10031 LLC / LAND 2421 LLC / LAND 113 LLC / LAND 7009 LLC/ LAND 1701 LLC/ LAND 8351 LLC / LAND 2708 LLC / LAND 4027 LLC / LAND 8601 LLC

Location: 638 United St (RE: 00036600-000000)

Zoning: Historic Residential/Office District (HRO)



Background and Housing Analysis

The property currently consists of a vacant commercial building. The applicant was awarded an allocation for five (5) market-rate BPAS units for the property at 638 United St on April 26th 2018. The applicant, through emergency order extensions, has extended the original two year permit deadline to August of 2026.

The applicant submitted the original Major Development Plan in 2016 to “Demolish existing office building. Eliminate all curb cuts along United Street. Replace Office building with 5 attached, townhouse style, residential dwelling units with detached garages. This project met the minimum requirements for affordable housing through a linkage project at 3228 Flagler Ave by Resolution 2018-52.

In 2018, the Planning Board granted MDP approval for the construction of 5 market rate residential units. Conditions of approval included: A CO must be obtained for the linkage property at 3228 Flagler Ave prior to issuance of a CO for this property, Tree Commission Approval, Obtain HARC Certificate of Appropriateness.

The 638 United Street project is proposed to link to a project at 3228 Flagler Ave to comply with the City’s workforce housing ordinance.

- Section 122-1467(1)(a) *“Housing units. . . . Residential or mixed use projects of less than ten residential or mixed use units shall be required to develop or redevelop at least 30 percent of units of at least 400 square feet each as affordable (median income), but may contribute a fee in lieu for each unit to the affordable work force housing trust fund, if approved by the city commission.*
- Sec. 122-1467(1)(b) *“Linkage of projects. Two development or redevelopment projects may link to allow the affordable housing requirement of one development or redevelopment project to be built at the site of another project, so long as the affordable housing requirement of the latter development or redevelopment is fulfilled as well. . . .“*

The applicant has since submitted new applications for 638 United St, the subject property, and 3228 Flagler Avenue, the linkage project. For 638 United St, the applicant is now proposing 4 detached single family residential units at market rate. The applicant states that this 4-unit residential development is designed to achieve Gold-level green building certification with the homes being elevated at least 1.5 ft above current and future flood plain elevations. The applicant also provides that the project will meet the

minimum requirements for affordable housing (project is linked to 3228 Flagler Ave by Res. No. 2018-52). Stormwater management will be brought into compliance and will include rainwater catchment systems and drainage swales. The project will feature light colored roof and non-roof materials and energy -rated appliances, lighting, and mechanical systems. Further, the applicant provides that the single family residential development is designed to conform within the Historic District’s residential corridors of United Street and Villa Mill Alley.

The former and current applications are for market rate units only. As noted above the City of Key West requires new housing developments of less than ten residential units to develop at least 30% of those units as affordable. The previously approved unit allocation was for 5 market rate units at United Street, and the 30% affordable requirement would be fulfilled at a linkage project at 3228 Flagler Ave, which was approved for 8 BPAS Units also in 2018. The allocation was for 4 affordable and 4 Market Rate units, bringing the approval totals to the below allocations:

	Previously Approved			New Proposed		
	Affordable	Market	Total	Affordable	Market	Total
Flagler	4	4	8	3	5	8
United	0	5	5	0	4	4
Total units	4	9	13	3	9	12
Total %	31%	69%	100%	25%	75%	100%

The initial market rate versus affordable unit balance satisfied Sec. 122-1467 affordable housing requirements above 30%. The United Street project is now proposed with a decreasing market rate ask from 5 to 4 units. The applicant for the 3228 Flagler project is giving back their BPAS allocations and applying to this year’s cycle for 5 market rate and 3 affordable units, with a decrease of one affordable unit and an increase of one market rate unit. The new proposals leave the affordable unit percentage at 25%, below the 30% requirement.

The applicant has noted that prior interpretations of Section 122-1467 have required a 30% deed restriction requirement only on market rate units, not the entire unit count of the project. Given that the City’s external consultant noted the deficiency above, and the Planning Department had interpreted this provision differently in the past, Planning staff approached the City’s Legal Department for final interpretation of the Code. City Legal staff confirmed that the 30% requirement shall be taken based on the total combined unit count of linked projects.

Demolition Scope:

The demolition of the existing vacant commercial property is proposed. The Applicant has spoken with HARC and submitted a Certificate of Appropriateness: Demolition Appendix to be reviewed during a HARC meeting at a date to be determined.

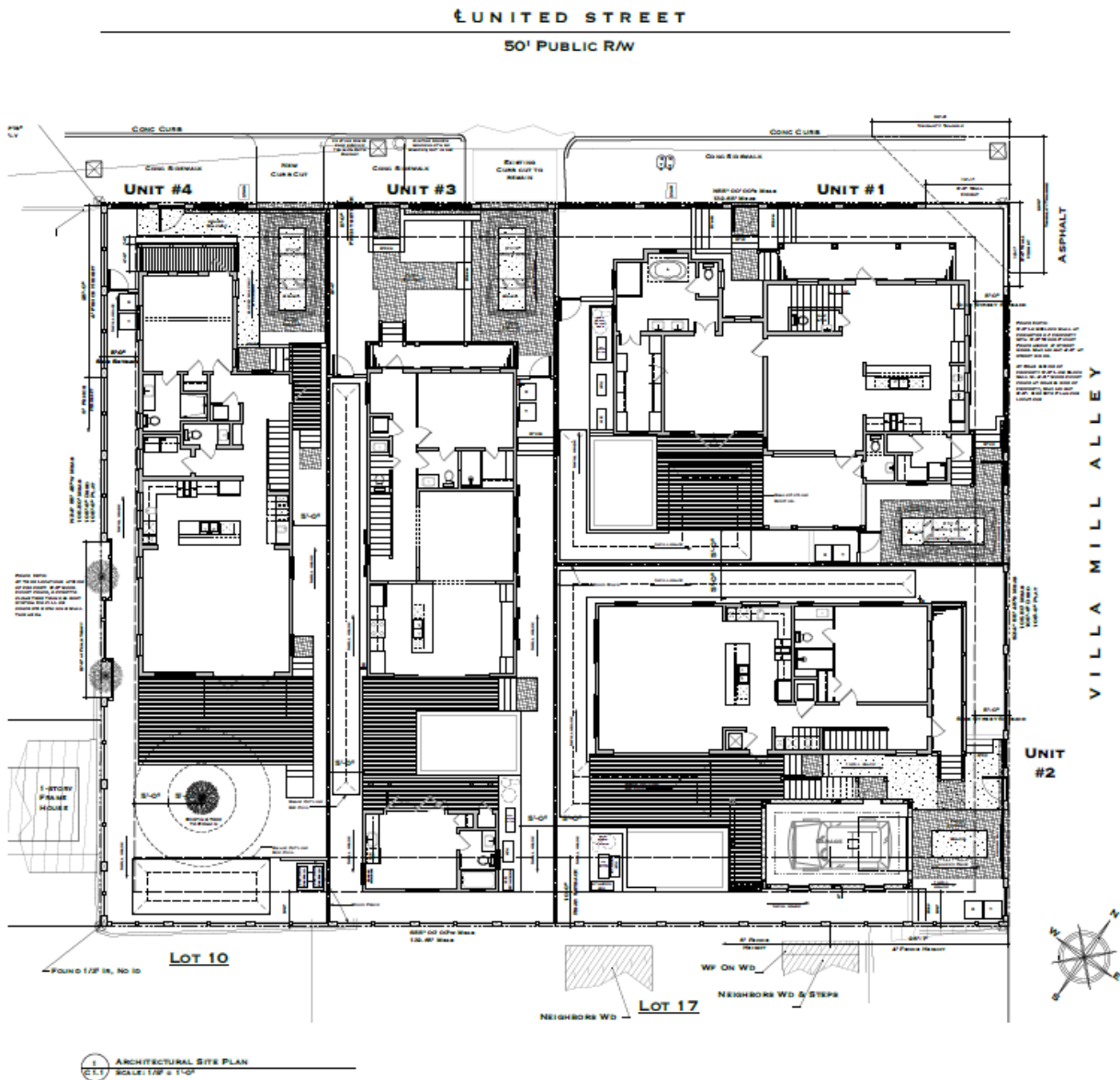
Proposed Development:

Previously approved, and proposed modifications:

	<u>Res. No. 2018-57 Approved</u>	<u>Proposed Modification</u>	<u>Change</u>
<u>Pools</u>	<u>5 Pools</u>	<u>3 Pools</u>	<u>Net Reduction: 2 pools. Relocation: 3 pools</u>
<u>Parking Spaces</u>	<u>5 Parking spaces, 1 per SF Dwelling</u>	<u>4 Parking Spaces, 1 per SF dwelling</u>	<u>Net Reduction: 1 parking spaces. Relocation 4 Parking spaces.</u>
<u>Drives & Driveways</u>	<u>5 Driveways, 1 Per SF Dwelling</u>	<u>4 Driveways, 1 per SF dwelling</u>	<u>Net Reduction 1 driveway. Relocation: 4 Driveways</u>
<u>Buildings</u>	<u>5 SF Structures 2 Garage 50% (6,998 sq ft) Building Coverage</u>	<u>4 SF structures 1 garage structure 43.2% building coverage</u>	<u>Net Reduction: 1 SF Structure 1 garage structure 6.8% (947 sq ft) building coverage Relocation: 4 Sf Structures 1 garage structure</u>

The new proposal has one less SF structure, garage, pool, and parking space. The four units are all two-story structures, consisting of one off-street parking space and three pools. Unit 1 is a 4 bed / 5.5 bath, Unit 2 is a 3 bed / 3 bath with an accessory structure containing 1 bed and 1 bath, Unit 3 has 3 bed / 3.5 bath with a similar accessory structure to Unit 2, and finally Unit 4 has 4 bedrooms and 3.5 bathrooms. All the units are conforming to zoning and dimensional requirements according to the applicant's site data table.

Proposed Site Plan, submitted by applicant.



The proposed location of the four structures complies with the HRO district setback requirements. The proposed development requires a HARC and Tree Commission (Final Landscape plan) approval prior to the item advancing to the City Commission.

Proposed Elevations



Surrounding Zoning and Uses:

Surrounding properties are located within the Historic Residential/Office (HRO) Zoning District and Historic Medium Density Residential (HMDR) Zoning Districts. Surrounding uses include single family residential, offices, and a utilities parking lot and property.

Process:

Development Review Committee:	September 28th, 2023
Tree Commission Meeting (Conceptual landscape plan & tree removal approval):	October 16th, 2023
Planning Board Meeting:	December 12th, 2023
HARC Commission Meeting:	TBD
Tree Commission Meeting (Final landscape plan approval):	TBD
City Commission:	TBD
Local Appeal Period:	10 Days
Planning renders to DOC for review:	Up to 45 days

Staff Analysis - Evaluation:

Site Data table submitted by Applicant.

SITE DATA TABLE 638 United				
Item	Required	Existing	Proposed	Note
District	HRO			
Min Lot Size	5,000 sq ft	13,994 sq ft	-	-
Impervious	8,396 sq ft (60% Max)	100%	2,706 sq ft (19.3%)	Conforming
Open Space	4,898 sq ft (35% Min)	0%	5,191 sq ft. (37%)	Conforming
Building Coverage	6,997 sq ft (50% Max)	5,538 sq ft. (39.6%)	6,051 sq ft (43.2%)	Conforming
Accessory Structure Rear Yard Cov.	1,326 sq ft @ (30% Max) = 398 sq ft	None	233 sq ft (17.6%)	Conforming
Landscape	2,799 sq ft (20% min)	None	3,220 sq ft (23%)	Conforming
SETBACKS				
Front	5'	37'	5'	Conforming
Rear	10'	4'2"	10'	Conforming
Side (Villa Mill Alley)	5'	8'6"	5'	Conforming
Side (West)	5'	24' 10.5"	5'	Conforming
Building Height	30'	-	29'	Conforming
Current FEMA Flood Zone: X Flood Zone			Future FEMA Flood Zone AE8, 8'+1'=9'	

Concurrency Facilities and Other Utilities or Services (City Code Section 108-233)

Comprehensive Plan Objective 9-1.5 directs the City to ensure that public facilities and services needed to support development are available concurrent with the impacts of new development. The analysis considers potable water, sanitary sewer, solid waste, drainage, vehicle trip generation and recreation. City Code Section 94-36 requires a concurrency review determination to be made concerning the proposed development. The Applicant provided a concurrency analysis as part of the Major Development Plan application. Staff reviewed the provided concurrency analysis following the criteria in City Code Section 94-36 and determines that public facilities are expected to accommodate the proposed development at the adopted level of service (LOS) standards. This portion of the report shall serve as the required written determination of compliance.

1. Potable water supply

The potable water LOS standard for residential uses is 93 gallons per capita per day, pursuant to City Code Section 94-68. Utilizing this LOS standard, potable water demand is estimated as follows:

Based on per capita residential: 93 gal/capita/day x 22 persons (5 each for unit 1 and 4, 6 each for unit 2 and 3) = 2,046 gal/day

The property is currently vacant but still being serviced through two accounts by Florida Keys Aqueduct Authority (FKAA) which has been notified of the proposed development.

2. Wastewater management

Utilities Department staff reviewed estimated sewage flow documentation provided by the applicant and calculated that estimated flow for the proposed development at 638 United Street is 4.7 gallons per minute, peak hour, and that this additional flow will not adversely affect the capacity of Pump Station A.

3. Water quality

The property is served by the City's central sewer system. The property is not adjacent to any bodies of water. Therefore, no adverse impacts to water quality are anticipated.

4. Stormwater management / drainage

The stormwater management or drainage LOS standard pursuant to City Code Section 94-69 is: i) 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; ii) onsite treatment of the first one inch of rainfall must be provided to meet water quality standards; and iii) storm water facilities must be designed so as to not degrade any receiving water body.

A drainage plan was submitted indicating that a full stormwater management system would be installed. DRC Staff required changes to be made to minimum retention size and applicant revised the plan to comply on October 16th, 2023. Stormwater would be retained on-site through exfiltration trenches. Therefore, no adverse impacts to stormwater management or drainage facilities are anticipated.

The Utilities Department has indicated that the following conditions must be met prior to issuance of a building permit:

- Please add Storm Water Pollution Prevention Plan (SWPPP) notes.
- Please reduce the size of the swale in the rear yard of Unit 4. Swale must lie outside of the tree dripline. (Excess treatment volume is proposed.)

5. Solid waste

The solid waste LOS standard for residential uses is 2.66 pounds per capita per day, pursuant to City Code Section 94-71. The proposed development is anticipated to accommodate 22 persons. Utilizing this LOS standard, the demand for solid waste collection and disposal capacity is estimated as follows:

Proposed development: $2.66 \text{ lb/capita/day} \times 22 \text{ persons} = 58.52 \text{ lbs/day}$

The property is currently vacant and assumed not to be using any waste collection or transfer service. The proposed site plans do show trash and recycling receptacles on site.

6. Roadways

The roadway LOS standard is set forth in City Code Section 94-72. Section 94-101(b) of the LDRs establishes the following trip generation rate for single family residential development: 10 trips per day, per unit. Based on this rate, the projected number of additional trips generated by this development is:

10 trips/day x 4 SF units = 40 trips per day.

A traffic study has not been provided.

7. Recreation

The recreation LOS standard is five acres of recreation and open space per 1,000 permanent residents pursuant to City Code Section 94-70. According to the 2013 Comprehensive Plan Data and Analysis, the City is currently providing ample recreation and open space.

8. Fire Protection

The proposed development shall comply with the life safety requirements per the Fire Marshall's direction regarding installing sprinkle systems into the four single family units.

9. Reclaimed water system

The new development will not utilize a rain catchment system as noted on their FGBC score. The previous project proposal in 2018 included one. However, the applicant stated in their memorandum that "Stormwater management will be brought into compliance and will include rainwater catchment systems and drainage swales."

10. Other public facilities

Based on comments received from the DRC members, and based on the Applicant's concurrency analysis, all public facilities would be expected to accommodate the proposed development at the adopted LOS standards once applicant satisfies sanitary sewer comments from DRC.

Appearance, design, and compatibility (City Code Section 108-234)

The development plan shall satisfy criteria established in:

City Code Chapter 102 (historic preservation)

The property is located within the Key West Historic District and the proposed development would need to obtain Certificates of Appropriateness from the Historic Architectural Review Commission (HARC) for the construction of the new residential buildings.

Articles III (site plan), IV (traffic impacts) and V (open space, screening and buffers) of City Code Chapter 108 (planning and development)

PB-RES 2018-57 required condition that during construction phase all work shall be appropriately screened. The proposed open space is improving from what is currently there.

City Code Section 108-956 (potable water and wastewater)

Potable water and wastewater were found to be in compliance in the concurrency determination above.

Article II (archaeological resources) of City Code Chapter 110 (resource protection) There are no known archaeological resources on the property. If any archeological resources are discovered during construction, the Applicant would be required to comply with this article of the LDRs.

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

(a) *Compliance.* The submitted development plan has been reviewed for compliance with all applicable performance criteria set forth in Code Chapter 94 (concurrency management), Code Chapter 102 (historic preservation), Code Chapter 106 (performance standards),

Articles I and III through IX of Code Chapter 108 (planning and development), Code Chapter 110 (resource protection) and Code Chapter 114 (signs).

(b) *Vicinity map.* The property is facing United Street, and street side to Villa Mill Alley.

(c) *Land use compatibility.* Properties within 100 feet are located within the HMDR Zoning District. Adjacent land uses within 300 feet include residential, professional offices and other professional services, restaurants, and hotels. No unincorporated parts of the county are located nearby, nor would any be impacted by the proposed development.

(d) *Historic and archeological resource protection.* The project’s impact on archaeological and historic resources is being coordinated through the DRC and would be reviewed by the HARC through a Certificate of Appropriateness.

(e) *Subdivision of land.* No subdivision of land is proposed at this time.

Appearance of site and structures (City Code Section 108-236)

The Applicant submitted a development plan that generally exhibits harmonious overall design characteristics in compliance with the performance standards stipulated in Code Sections 108- 278 through 108-288, as analyzed and reflected in HARC staff comments during DRC meeting on September 28th, 2023.

Site plan (City Code Section 108-237)

The Applicant submitted a site plan pursuant to City Code Section 108-237, which is analyzed in greater detail above.

Architectural drawings (City Code Section 108-238)

The Applicant submitted architectural drawings prepared by a professional architect registered in Florida pursuant to City Code Section 108-238.

Site amenities (City Code Section 108-239)

Proposed site amenities include four (4) off-street parking spaces, three (3) pools a new stormwater drainage system, and removal of two non-native trees from the site. This project also qualifies for the 1% set-aside for public art.

Site survey (City Code Section 108-240)

The Applicant submitted a site survey pursuant to City Code Section 108-240.

Soil survey (City Code Section 108-241)

Not applicable.

Environmentally sensitive areas (City Code Section 108-242)

No environmentally sensitive areas are located on or near the property, which is located within the X flood zone.

Land clearing, excavation and fill, tree protection, landscaping and irrigation plan (City Code Section 108-243)

- (a) *Land clearing, excavation and fill.* The land currently 100% impervious, the proposed would bring it down to 19.3% impervious.
- (b) *Tree protection.* The City’s Urban Forestry Manager and the Tree Commission are reviewing the proposed tree removal and landscape plans. Conceptual approval was granted on October 16th, 2023.
- (c) *Landscaping plan.* The submitted plan indicates landscaping throughout the site. The Tree Commission has given conceptual landscape plan approval at their October 16th, 2023, Tree Commission meeting. No environmentally sensitive areas exist. However, as part of the Section 108 review conducted by the Urban Forester, the applicant requires a landscape waiver for street buffer requirements, Section 108-413, along Villa Alley and United Street.
- (d) *Irrigation plan.* The applicant has provided an irrigation plan.

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

Currently there are sixteen (16) off street parking spaces on the site for commercial use. This project is converting from vacant commercial use to a residential use. The LDRs call for residential units in the historic district to have one space per dwelling unit which would bring the parking requirement to four (4) parking spaces, the proposed development will provide four (4) off street parking spaces.

Vehicular circulation would be provided by off-street driveways for the units facing United Street. The units facing Villa Mill Alley will access off street parking on Villa Mill Alley through paved driveway that incorporates two separate car garages.

Housing (City Code Section 108-245)

There are currently 4,745 square feet of commercial space within the existing one story concrete block structure on the property. The proposed Major Development for United Street includes the following:

Unit 1: 4 Bedroom, 5.5 Bathrooms, approximately 2,520 conditioned square feet.

Unit 2: 3 Bedrooms, 3 Bathrooms, with a 1/1 Accessory Unit all approximately 2,444 conditioned square feet.

Unit 3: 3 Bedrooms, 3.5 Bathrooms, with a 1/1 Accessory Unit all approximately 2,222 conditioned square feet.

Unit 4: 4 Bedrooms, 3.5 Bathrooms, approximately 2,327 conditioned square feet.

Economic resources (City Code Section 108-246)

The applicant has contacted the Monroe County Property Appraiser’s office in 2018 to seek assistance in estimating the average ad valorem tax yield from the proposed project, City staff does not have update on answer from Appraiser’s office.

Special considerations (City Code Section 108-247)

- (a) The relationship of the proposed development to the City’s land use plans, objectives and policies is being evaluated as part of this analysis. The relationship of the proposed development to public facilities was evaluated above and no conflicts were identified.
- (b) The project is located within the historic district and the X flood zone.
- (c) No unincorporated portions of the county would be impacted by the proposed development.
- (d) The project does not front a shoreline, so shoreline access would not be impeded.
- (e) No special facilities are proposed to accommodate bus ridership, although the property is served by several bus routes running along United Street.
- (f) The property is located within the X flood zone.
- (g) Currently the site maintains 0 square feet of open space. The proposed development plan will have 37%, (5,191 square feet) open space.
- (h) Coordination with applicable agencies is being facilitated through the DRC.
- (i) No wetlands or submerged land would be impacted.

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

The project would be completed in one phase. The applicant intends to initiate construction after all other level of city approvals are in place. Temporary construction fencing and erosion barrier shall be installed and maintained during all phases of demolition and construction. All City streets and sidewalks shall be kept clean and safe during all phases of demolition and construction.

Truman Waterfront Port facilities (City Code Section 108-249)

Not applicable.

Site plan (City Code Chapter 108, Article III)

The City shall not approve a site plan unless a finding is made that such site plan conforms to all applicable sections of the LDRs, pursuant to City Code Section 108-276, as analyzed below.

Site location and character of use (City Code Section 108-277)

The HRO zoning designation for this parcel was crafted to ensure this type of residential development with improved open space, improved impervious surface and building coverage able to accommodate the proposed development.

Appearance of site and structures (City Code Section 108-278)

The proposed buildings are required to be approved by HARC and in keeping with their standards and guidelines.

Location and screening of mechanical equipment, utility hardware and waste storage areas (City Code Section 108-279)

Mechanical equipment utility hardware and waste storage areas screening and location is provided on sheet A1.1 of the plans.

Front-end loaded refuse container location requirements (City Code Section 108-280)

The City will coordinate the location and type of refuse containers through the DRC and with Waste Management to ensure adequate service access.

Roll-off compactor container location requirements (City Code Section 108-281)

None proposed.

Utility lines (City Code Section 108-282)

The proposed project will require installation of new utility services, Installation will be coordinated with the appropriate utility agency and in accordance with Section 108-282.

Commercial and manufacturing activities conducted in enclosed buildings (City Code Section 108-283)

No commercial activities are proposed.

Exterior lighting (City Code Section 108-284)

Light sources shall be shielded and arranged to eliminate glare from roadways and streets and shall be directed away from properties lying outside the district. Shielding of lighting elements shall be accomplished by using an opaque shade to direct the light. Street lighting shall be installed on all internal and perimeter streets, within parking areas, and along pedestrian walkways. No exterior lighting information was provided. If the applicant chooses to install exterior lighting, it shall be in accordance with this section.

Signs (City Code Section 108-285)

Any new signage would have to obtain HARC approval and building permits.

Pedestrian sidewalks (City Code Section 108-286)

No new sidewalks are proposed.

Loading docks (City Code Section 108-287)

No loading docks are proposed and no loading/unloading area is indicated.

Storage areas (City Code Section 108-288)

No exterior storage areas are proposed.

Land clearing, excavation or fill (City Code Section 108-289)

No work would impact a floodplain or a conservation area. A proposed stormwater management would address drainage and runoff from the site. Vegetation removal is being reviewed by the Urban Forestry Manager and the Tree Commission. Temporary fencing and silt barriers shall be in place during demolition and construction to prevent soil and debris from running into City streets and sidewalks.

Landscaping (Code Chapter 108, Article VI)

A landscape plan is required as part of development plan review, pursuant to City Code Section 108-411. The submitted plan indicates landscaping incorporated along the perimeters of the property, as well as within the proposed development area. Many improvements to current landscaping including the planting of 10 palms and 1 canopy tree. As part of the section 108 review conducted by the Urban Forester, the applicant requires a landscape waiver for street buffer requirements, Section 108-413, along Villa Alley and United Street.

Off-street parking and loading (Code Chapter 108, Article VII)

The code requires one space per single family dwelling unit, this would create an off-street parking requirements of four (4) spaces. The applicant is currently proposing four (4) off street spaces.

Being a residential development, no deliveries are anticipated.

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

An existing, approved and functional stormwater management system exists on the property. No changes are proposed as part of this development. An engineering certification is provided that demonstrates the stormwater system meets the minimum requirements.

Utilities (Code Chapter 108, Article IX)

Access to potable water, access to wastewater disposal systems and conservation of potable water supply were analyzed in the above concurrency management determination and were found in compliance.

Art in Public Places (City Code Section 2-487)

The proposed development, being a Major Development Plan, qualifies for the City’s Art in Public Places (AIPP) program, pursuant to City Code Section 2-487. The AIPP program requires 1% of construction costs to be set-aside for the acquisition, commission and installation of artwork on the subject property. The program applies to new construction projects exceeding \$500,000 and renovation projects exceeding \$100,000. A full public art plan would be required to be approved by the AIPP Board prior to building permit issuance.

RECOMMENDATION

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends to the Planning Board that the request for Major Development Plan and Landscape Modifications / Waivers be **APPROVED** with the conditions listed below. **If condition #5 requiring a fourth deed restricted unit is removed, Planning staff would recommend denial given consultation with the City Attorney’s Office regarding compliance with the City’s workforce housing ordinance.**

General conditions:

1. The proposed development shall be consistent with the plans dated August 3, 2023 by Timothy Seth Neal P.A., and the landscape plans by Keith Oropeza, Landscape Architect; notwithstanding any revisions requested and recommended by staff.
2. During all phases of construction, temporary fencing and erosion barriers shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris.
3. Each of these structures is a single-family home. Section 86-9 defines family as:
 - (1) One person or a group of two or more persons related by blood, marriage, adoption, or foster care occupying a dwelling unit as a separate, independent, not-for-profit housekeeping unit with a single kitchen and set of culinary facilities. Such family may also include up to two unrelated persons who serve as servants or caretakers for the housekeeping unit; or

(2) Up to four unrelated persons occupying a dwelling unit as a separate, independent, not-for-profit housekeeping unit with a single kitchen and set of culinary facilities.

4. Prior or simultaneous to issuance of a Certificate of Occupancy for this development, the project at 3228 Flagler Avenue must receive a Certificate of Occupancy.

Conditions prior to the City Commission hearing:

~~5. The applicant shall obtain final landscape plan approval from the Tree Commission.~~

5. The applicant must modify the proposed linkage project to include a total of at least four deed restricted affordable housing units to comply with Section 122-1467.

6. The applicant must obtain a Certificate of Appropriateness from the Historic Architectural Review Committee (HARC).

7. The applicant shall submit an outdoor lighting plan pursuant to City Code Section 108-284.

Conditions prior to issuance of a building permit:

8. Approval of a Public Art Plan shall be obtained from the AIPP Board, pursuant to City Code Section 2-487, and may include payment of an in-lieu fee.

9. Per the Fire Marshall's request, all four (4) single family dwelling units shall have sprinkler systems installed into each structure.

10. Add Storm Water Pollution Prevention Plan (SWPPP) notes as required by the Utilities Department.

11. Reduce the size of the swale in the rear yard of Unit 4. Swale must lie outside of the tree dripline.