

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

RESOLUTION NO. RES-19-0105

A RESOLUTION OF INTENTION TO VACATE THE NORTH-SOUTH ALLEY, WEST OF LONG BEACH BOULEVARD, BETWEEN EAST WARDLOW ROAD AND 35TH STREET, AND A PORTION OF SIDEWALK RIGHT-OF-WAY ADJACENT TO THE DEVELOPMENT SITE ALONG LOCUST AVENUE, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, PURSUANT TO THE PUBLIC STREET, HIGHWAYS AND SERVICE EASEMENTS LAW (DIVISION 9, PART 3, CALIFORNIA STREETS AND HIGHWAYS CODE); FIXING A TIME AND PLACE FOR HEARING ALL PERSONS INTERESTED IN OR OBJECTING TO THE PROPOSED VACATION

The City Council of the City of Long Beach resolves as follows:

Section 1. The City Council of the City of Long Beach hereby elects to proceed under Division 9, Part 3, Chapter 3, of the California Streets and Highways Code (Section 8320 *et seq.*), as amended, generally known and referred as the "Public Street, Highways and Service Easements Law", and hereby declares its intention to vacate the north-south alley, west of Long Beach Boulevard, between East Wardlow Road and 35th Street, and a portion of sidewalk right-of-way adjacent to the development site along Locust Avenue, in the City of Long Beach, County of Los Angeles, State of California, described more particularly as follows:

"PARCEL "A":

BEING THAT PORTION OF LOCUST AVENUE (60 FEET IN WIDTH) LYING IN BLOCK "F", OF THE MAP OF LOS CERRITOS,

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1 IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES,
2 STATE OF CALIFORNIA, AS FILED IN BOOK 12, PAGES 198 AND
3 199 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF
4 SAID COUNTY, MORE PARTICULARLY DESCRIBED AS
5 FOLLOWS:

6 BEGINNING AT THE NORTHWEST CORNER OF LOT 37 OF SAID
7 MAP, SAID POINT ALSO BEING ON THE EAST LINE OF SAID
8 LOCUST AVENUE; THENCE SOUTHERLY ALONG THE WEST
9 LINES OF LOTS 37, 36, 35, AND 34 OF SAID MAP, 200.11 FEET
10 TO THE SOUTHWEST CORNER OF SAID LOT 34; THENCE
11 WESTERLY 2.00 FEET ALONG THE WEST PROLONGATION OF
12 THE SOUTH LINE OF SAID LOT 34 TO A POINT ON A LINE
13 PARALLEL WITH AND 2.00 FEET WESTERLY OF SAID WEST
14 LINES; THENCE NORTHERLY ALONG SAID PARALLEL LINE,
15 200.11 FEET TO ITS INTERSECTION WITH THE WEST
16 PROLONGATION OF THE NORTH LINE OF SAID LOT 37;
17 THENCE EASTERLY ALONG SAID PROLONGATION LINE, 2.00
18 FEET TO THE POINT OF BEGINNING.

19 CONTAINS: 400 SQ. FT. MORE OR LESS

20 PARCEL "B":

21 BEING ALL OF THE 16.00 FOOT ALLEY LYING WESTERLY OF
22 LOTS 20 THROUGH 28 INCLUSIVE AND EASTERLY OF LOTS 29
23 THROUGH 37 INCLUSIVE, IN BLOCK ".", OF THE MAP OF LOS
24 CERRITOS, IN THE CITY OF LONG BEACH, COUNTY OF LOS
25 ANGELES, STATE OF CALIFORNIA, AS FILED IN BOOK 12,
26 PAGES 198 AND 199 OF MAPS, IN THE OFFICE OF THE COUNTY
27 RECORDER OF SAID COUNTY.

28 TOGETHER WITH THE WESTERLY 2.00 FEET OF SAID LOTS 25

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1 THROUGH 28 INCLUSIVE, DESCRIBED AS PARCEL C OF
2 EASEMENT DEED RECORDED OCTOBER 19, 1999 AS
3 INSTRUMENT NO. 99-1971944, OFFICIAL RECORDS.
4 EXCEPTING THEREFROM THAT PORTION WITHIN EAST
5 WARDLOW ROAD AS NOW ESTABLISHED PER PARCEL A OF
6 EASEMENT DEED RECORDED OCTOBER 19, 1999 AS
7 INSTRUMENT NO. 99-1971944, OFFICIAL RECORDS AND PER
8 PARCEL 13 OF RELINQUISHMENT NO. 359 AS DESCRIBED IN
9 THE DOCUMENT RECORDED AUGUST 30, 1965 IN BOOK D
10 3032, PAGE 494, OF OFFICIAL RECORDS AND SHOWN ON THE
11 STATE OF CALIFORNIA DIVISION OF HIGHWAYS RIGHT OF
12 WAY MAP RECORDED IN BOOK 01, PAGES 46 THROUGH 54
13 INCLUSIVE, OF STATE HIGHWAY MAPS, IN THE OFFICE OF THE
14 COUNTY RECORDER, LOS ANGELES COUNTY, CALIFORNIA
15 CONTAINS: 7,437 SQ. FT. MORE OR LESS
16 ALL AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND
17 MADE A PART HEREOF.
18 SUBJECT TO ALL COVENANTS, CONDITIONS, RESTRICTIONS,
19 RESERVATIONS, RIGHTS-OF-WAY AND EASEMENTS OF
20 RECORD, IF ANY."
21 Reserving unto the City of Long Beach, its successors and assigns
22 a perpetual easement and right-of-way for emergency access, and a
23 perpetual easement and right of way, at any time or from time to time,
24 to lay, construct, maintain, operate, repair, renew, replace, change
25 the size of and remove the existing utility lines, including, but not
26 limited to, sanitary sewers, storm drains, Franchise Pipeline, dry gas
27 and appurtenant structures, together with all necessary gates,
28 valves, fittings, hydrants and appurtenances for the transportation of

1 water, petroleum and dry gas, with the right of ingress to and egress
2 from the same, over, through, under, along and across that certain
3 property vacated herewith; and pursuant to any existing franchises
4 or renewals thereof, or otherwise, to construct, maintain, operate,
5 replace, remove, renew and enlarge lines of conduits, cables, wires,
6 poles and other convenient structures, equipment and fixtures for the
7 operation of telephone lines and other communication lines, and for
8 the transportation or distribution of electric energy, and incidental
9 purposes including access and the right to keep the property free
10 from inflammable materials, and wood growth, and otherwise protect
11 the same from all hazards in, upon and over the part vacated. Access
12 for maintenance of the above-mentioned facilities must be
13 maintained at all times. No improvements shall be constructed within
14 the easement which would impede the operation, maintenance or
15 repair of said facilities. Construction of any improvements, including
16 changes of grade, shall be subject to the prior written approval of all
17 the City departments and public utilities responsible for the above
18 said facilities.

19 Section 2. All of the foregoing real property is shown on the map or plan
20 thereof, attached hereto as Exhibit "A", and on file in the office of the City Clerk, which
21 map or plan is known and referred to as "City of Long Beach Department of Public Works
22 Vacation Sketch No. 1029V.

23 Section 3. The City Council hereby fixes August 13, 2019 at the hour of
24 5:00 p.m., as the time and the City Council Chamber, City Hall, 411 West Ocean
25 Boulevard, in the City of Long Beach, California, as the place for hearing all persons
26 interested in or objecting to the proposed vacation.

27 Section 4. The City Council hereby directs that notice of said hearing on
28 this proposed street vacation be published for at least two (2) successive weeks prior to

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1 the hearing and in the manner provided by Section 8322 of the State Streets and
2 Highways Code.

3 Section 5. The City Council hereby directs that notice of this street
4 vacation be posted conspicuously along the street proposed to be vacated at least two
5 (2) weeks before the date set for hearing and in the manner provided by Section 8323 of
6 the State Streets and Highways Code.

7 Section 6. This resolution shall take effect immediately upon its adoption
8 by the City Council, and the City Clerk shall certify to the vote adopting this resolution.

9 I hereby certify that the foregoing resolution was adopted by the City
10 Council of the City of Long Beach at its meeting of July 16, 2019 by the
11 following vote:

12
13 Ayes: Councilmembers: Pearce, Price, Supernaw, Mungo,
14 Uranga, Austin, Richardson.

15
16
17 Noes: Councilmembers: None.

18
19 Absent: Councilmembers: Andrews.

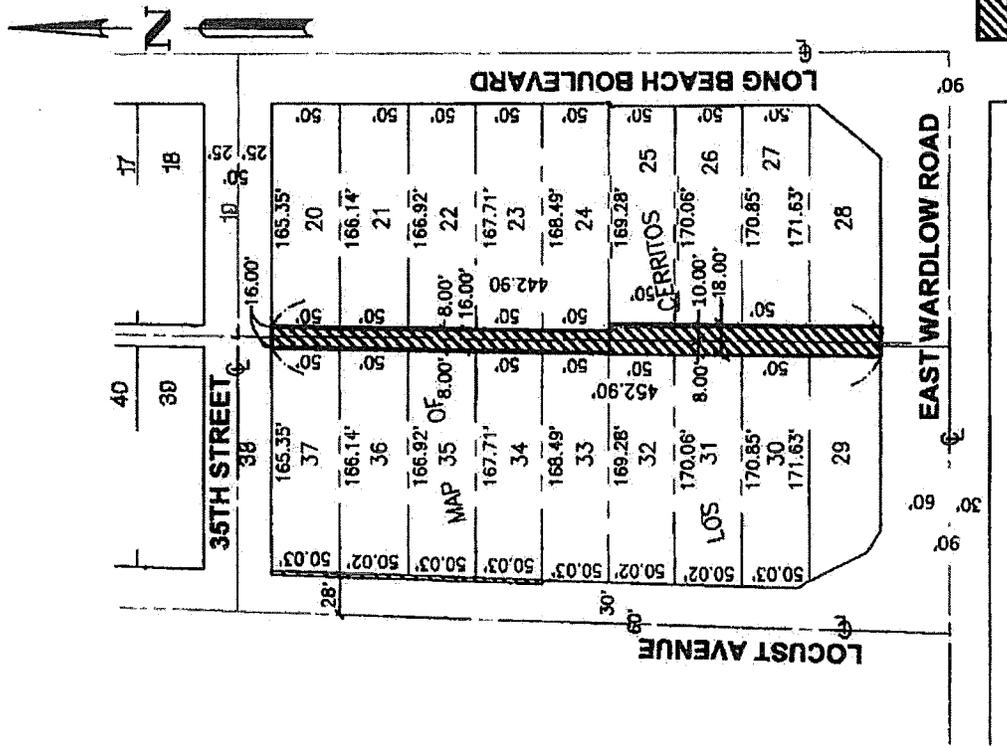
20
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23 
City Clerk

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SKETCH NO 1029V

SKETCH SHOWING ENTIRE ALLEY FROM
35TH STREET TO EAST WARDLOW ROAD
AND PORTIONS OF LOCUST AVENUE
RIGHT-OF-WAY TO BE VACATED BY THE
CITY OF LONG BEACH

ENGINEERING BUREAU
CITY OF LONG BEACH, CALIFORNIA
Exhibit A





CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

January 17, 2019

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Recommend that the City Council:

- 1) Adopt Mitigated Negative Declaration (IS/MND04-18); approve a General Plan Amendment (GPA17-008) amending the Land Use Designation (LUD) of five lots fronting on Locust Street from LUD#1 (Single Family) to LUD#8 (Major Commercial Corridor); approve a Zone Change (ZCHG18-002) of five lots fronting on Long Beach Boulevard from Community Commercial Automobile Oriented District (CCA) and five (5) lots fronting on Locust Street from Single Family Residential (R-1-N) District to Community R-4-N District (CCN) District; approve a Zoning Code Amendment (ZCA18-004) to allow the averaging of setbacks for yards abutting a street within the the High-Rise Overlay (HR-4) District; approve a Tentative Parcel Map (TPM18-004) to consolidate ten existing lots and the northerly 247 feet of the vacated alley into a single lot; approve a Site Plan review (SPR18-021) to allow construction of a four-story, 102,840 square-foot, office building up to 74 feet in height in the High-Rise Overlay Zone and a three-story parking structure within the CCN District at 3443 Long Beach Boulevard and 210 East 35th Street (previously addressed as 3435-3459 Long Beach Boulevard and 3432-3464 Locust Avenue); and
- 2) Find the proposed vacation of an unnamed, north-south, alley between E. 35th Street and Wardlow Road in conformance with the General Plan (GPC18-003). (District 7)

APPLICANT: 888-5, Partners LLC
3545 Long Beach Boulevard, Long Beach, CA 90807
(Application No. 1804-14)

DISCUSSION

The project site is located at the southwest corner of Long Beach Boulevard and 35th Street and consists of ten existing lots separated by an unimproved alley which runs north

CHAIR AND PLANNING COMMISSIONERS

January 17, 2019

Page 2 of 8

to south between Wardlow Road and 35th Street (Exhibit A – Vicinity Map). The five lots located east of the alley fronting on Long Beach Boulevard are zoned Community Commercial Auto Oriented Commercial (CCA) District and High-Rise Overlay (HR-4) District. This area of the site was previously developed with a variety of uses including oil wells, a cocktail lounge, a billboard, and contractor's office. The five lots located west of the existing alley and front on Locust Street are zoned Single-family Residential (R-1-N) District. This area of the site was previously developed with oil wells and a single-family residence. The surrounding area is developed with a range of commercial, residential, and oil extracting uses detailed in Table 1.

Table 1: Adjacent Uses

DIRECTION	ADDRESS	LAND USE
NORTH	3505 Long Beach Boulevard	Multi-tenant office building (2-stories)
	3500 E. 35 th Street	Surface parking lot
EAST	3450 Long beach Boulevard	Oil Wells
	3490 Long Beach Boulevard	Restaurant (1-story)
SOUTH	3401 Long Beach Boulevard	Gas Station with car wash (1-story)
	3422 Locust Avenue	Single-family Residence (1-story)
WEST	3491 E. 35 th Street	Single-family Residence (2-stories)
	3451 E. 35 th Street	Single-family Residence (1-story)
	3441-43 Locust Avenue	Two Units on a lot (1-story)
	3401-3403 Locust Avenue	Duplex (1-story)

The project site's existing lots along with the portion of the alley that is proposed to be vacated will be merged into a single 2.02-acre site and developed with a four-story office

CHAIR AND PLANNING COMMISSIONERS

January 17, 2019

Page 3 of 8

building and free standing parking structure (Exhibit B – Project Plans). The 102,848 square-foot office building ranges in height from 62'-9" up to 74' and is situated on the eastern portion of the site within the HR District that permits four story buildings. The building height for this area of the HR District is established through the site plan review process (Long Beach Municipal Code Section 21.39.020). The Site Plan Review Committee found the height appropriate based on the proposed building form and the relationship to the surrounding uses. The taller elements of the building are located towards the center of site along the alley that is to be vacated. In addition, the proposed height is comparable to the heights of other multi-story buildings along Long Beach Boulevard and located within the High-Rise Overlay District (see page 9 of Exhibit B-Project Plans). The building design makes use of clean lines, generous floor to ceiling heights, ample window areas resulting in an attractive contemporary design reminiscent of mid-century architecture. The design compliments the two-story mid-century building across 35th Street.

A separate, free standing, three-story, parking structure with a subterranean level of parking is proposed on the western half of the site. The parking structure is 32'-9" in height to the top of the parapet and 39' in height to the top of elevator penthouse.¹ The proposed parking structure accommodates a total of 343 parking spaces where a minimum of 246 parking spaces are required. Vehicle access to the parking structure is taken exclusively from 35th Street. In addition, the parking garage incorporates an area for bicycle parking accommodating up to 54 bicycles.

Table 2: Vehicle Parking Summary

Use	Number of Spaces Required	Parking Provided
Office 102,848 sq.ft.	4 spaces per 1,000 up to 20,000 sq.ft. 2 spaces per 1,000 for square footage more than 20,000 sq.ft. (82,848 sq.ft.)	343
Total Required	246	

The base of the parking structure will be landscaped on three-sides buffering it from the right-of-way and adjacent residential neighborhood to the west and the neighboring single-family residence to the south. The parking garage is to be open-air and is designed in a fashion that is architecturally compatible with the office building it supports. Vertical landscaping is incorporated into the exterior of the parking structure helping to soften the appearance of the structure on the west elevation. Along the south side of the building additional landscaping is proposed at the base of the parking structure and along the property line serving as buffer for the abutting residence. The parking structure is setback

¹Pursuant to Long Beach Municipal Code Section 21.15.1330, elevator and mechanical equipment penthouses shall not be included in the measurement of height for commercial buildings.

CHAIR AND PLANNING COMMISSIONERS

January 17, 2019

Page 4 of 8

between 15' to 22' from the west property line along Locust Street and between 10'-20' along the southern property line.

To facilitate the proposed development, an amendment to both the General Plan Land Use Designation and Zoning District are required to attain General Plan and Zoning Consistency of the proposed use. In addition, a zone change is proposed. Since all of the aforementioned entitlements require City Council approval the Planning Commission's role will be advisory on all applications. With regards to the vacation of the alley, it is within the Planning Commission's jurisdiction to make the finding of conformity whereas the City Council is the decision-making body on the alley vacation that is processed separately by the Public Works Department.

GENERAL PLAN AMENDMENT AND ZONE CHANGE

The lots west of the existing alley currently have a General Plan Land Use Designation (LUD) of Single-Family (LUD #1) that is proposed to be amended to Major Commercial Corridor (LUD#8). The Major Commercial Corridor (LUD #8) is characterized by being located along major corridors and consisting of "linear conglomerations of larger scale office and retail uses." The change in designation of the subject parcels is contiguous with the existing LUD#8 designation of the eastern half of the project site that fronts on Long Beach Boulevard a major corridor. This change supports the orderly development of land within the city (Exhibit C - Proposed Use District Map). The amendment benefits the public interest by supporting new development opportunities and promoting the reinvestment of an existing business within the city. Furthermore, this amendment is in line with the recommendations of the Economic Development Blue Print adopted by the City Council in 2017 which asserts the need to "grow and strengthen our established industry clusters and emerging sectors."

Table 3: Project General Plan and Zoning Summary

Lot		1984 General Plan Land Use Designation		Zoning District	
		Existing	Proposed	Existing	Proposed
Lots East of Existing Alley	Assessor's Parcel Number	Major Commercial Corridor (LUD # 8)	No Change	Community Automobile Oriented (CCA) and High-Rise Overlay (HR)	Community R-4-N (CCN) and High-Rise Overlay (HR)
	7141-004-19				
	7141-004-20				
	7141-004-34				
	7141-004-33				
Lots West of Existing Alley	Assessor's Parcel Number	Single Family (LUD #1)	Major Commercial Corridor (LUD #8)	Single-Family (R-1-N)	Community R-4-N (CCN)
	7141-004-27				
	7141-004-28				
	7141-004-29				
	7141-004-30				
	7141-004-31				

CHAIR AND PLANNING COMMISSIONERS

January 17, 2019

Page 5 of 8

The underlying General plan designation of the lots located west of the alley are proposed to be updated as part of the City's current Land Use Element (LUE)/Urban Design Element Update (UDE) to Neighborhood Serving Center or Corridor Low Density (NSC-L) (Exhibit D - Draft 2040 Place Type and Height Map). The proposed general plan amendment of the land use designation to Major Commercial Corridor is not inconsistent with the future NSC-L place type as it will permit lower intensity commercial uses as well as residential uses. However, a two-story height limit is proposed in this area of the NSC-L Place Type. Whereas, the proposed zone change will permit buildings up to three-stories in height. However, the parking structure is designed with appropriate setbacks and landscaping that will buffer the adjacent residential uses as discussed above. Work on the LUE/UDE update is still on-going since the plan is not yet adopted it is not applicable.

The eastern half of the project site is currently zoned Community Automobile Oriented (CCA) and High-Rise Overlay (HR-4) District while the western portion of the site is zoned Single-Family Residential (R-1-N) District. The zone change will amend the primary zoning classification of CCA and R-1-N to Community R-4-N (CCN) District (Exhibit E – Proposed Use District Map). The High-Rise Overlay (HR-4) designation of the lots east of the alley will remain unchanged. Table 2 provides a summary of both the General Plan and Zone Changes proposed.

The CCA and CCN Districts are two of four district types within the broader Community Commercial Zoning Districts class. The Community Commercial districts are intended to,

“provide medium scale uses which may require buffering to ensure compatibility with adjacent neighborhood uses. These districts are located on a major or minor arterials, located on larger lot sizes adjoining larger scale residential neighborhoods uses are buffered from smaller scale residential neighborhoods.”

The proposed zone change is contiguous with the CCA district that is within the broader Community Commercial category making it a compatible change. The zoning district is also recognized as being compatible with neighboring residences, as indicated above when appropriate buffers are incorporated into the project design. The proposed project makes use of design and site plan configuration that are sensitive to the established neighborhood to the west and south.

ZONING CODE AMENDMENT

A Zone Code Amendment to the 20-foot setback requirement for yards abutting a street within the High-Rise Overlay (HR) District is proposed in conjunction with this development. The purpose of the amendment is to encourage more creative building forms and massing while maintaining adequate landscaping and buffering adjacent to the public right-of-way. To that end, the zone code amendment proposes allowing the averaging of the setback for yards abutting a street (Exhibit F – Draft Zoning Code Amendment). Specifically, the maximum encroachment into the 20-foot yard setback is 10 feet. Similarly, only setbacks up to 10 feet beyond the 20-foot setback line may contribute to the averaging. Averaging of the setback is subject to the Site Plan Review process which allows for the decision-making body to have discretion based on the specific development pattern of the area.

CHAIR AND PLANNING COMMISSIONERS

January 17, 2019

Page 6 of 8

The HR District composes just 221 acres or 0.7 percent of the city (Exhibit G - High Rise Overlay Map) including the easterly portion of the subject site. The proposed amendment as it relates to this specific development site would allow for averaging of the street yard setback along Long Beach Boulevard and the easterly 155'-8" of property frontage along 35th Street. The proposed zone text amendment is consistent with the General Plan objective of preserving neighborhoods as the permitted setback averaging is adjacent to commercial zones to the north across 35th Street and the east across Long Beach Boulevard. Furthermore, this amendment begins to address a common theme of public comments received throughout the LUE/UDE update process pertaining to the design of buildings are too "box like". The proposed averaging will allow for more interesting building facades by allowing portions of a building to project into the setback where other areas are offset without resulting in a net decrease in the buildable area for lot. Staff anticipates that upon adoption of the LUE/UDE there will be subsequent zoning code changes recommended to allow for context sensitive setbacks to avoid monotonous and undifferentiated building planes along streets and encourage variation in elevations and building volume.

GENERAL PLAN CONFORMITY

The General Plan Conformity finding pertains to the proposed vacation the 16-foot wide north-south alley that is unimproved. The General Plan consists of 11 elements and each element carries the same authority concerning land use issues. A review of the relevant elements and specific General Plan consistency findings are provided as follows. The Land Use Element divides the City into 21 land use districts that serves as general guidance as to the appropriate land use type and intensity of use. The alley is proposed to be located within Land Use District #8 Major Commercial Corridor District (LUD #8). It identifies that commercial office development is intended for office structures within this class to be larger in scale with either on-site or in-building parking with vehicular access off main roadways where possible. The alley vacation is consistent of the intent to permit larger scale offices by allowing parcels to be assemble to create a sizable 2.02-acre site for development. The Mobility element is aimed at transforming Long Beach into a community that offers flexible, convenient, affordable, and energy-efficient transportation options for residents and visitors alike. Most of the alley is unimproved except for the southernmost portion along Wardlow Road. The alley is not necessary for public convenience. The residential and commercial properties to the south will remain to attain access to the southern portion of the alley via Wardlow Road. The alley vacation would therefore not prove detrimental to the movement of people or goods through the area.

TENTATIVE PARCEL MAP

The applicant through the mapping process is proposing to assemble the 10 existing lots and portion of alley that is proposed to be vacated into a single 2.02-acre lot that exceeds the minimum lot size of 10,000 square feet in the CCN district. Additionally, the Tentative Parcel Map shows: 1) a three-foot right-of-way dedication along 35th Street; 2) a nine-foot right-of-way dedication along Long Beach Boulevard; and 3) a two-foot vacation along Locust Street. The proposed map supports the creation of a large lot for the development of significant office building.

PUBLIC HEARING NOTICE

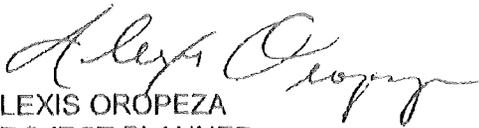
A total of 1,348 public hearing notices were distributed on January 2, 2019 and the notice was published in the Press Telegram, in accordance with the provision of the Zoning Ordinance. Two comments pertaining to the environmental assessment were received as of the preparation of this report.

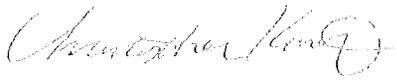
ENVIRONMENTAL REVIEW

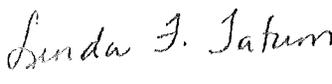
In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, a Mitigated Negative Declaration (MND) (Exhibit H- Initial Study/Mitigated Negative Declaration 04-18) was prepared for the proposed project. The MND provides ten mitigation measures addressing potential air quality, biological resources, cultural resource, hazardous materials, hydrology and water quality, noise, traffic, and tribal resources impacts. These mitigation measures are included as conditions of approval. The MND was distributed to public agencies and made available for public review and comment for a CEQA-required 30-day Notice of Intent review period that started on December 17, 2018 and ends January 17, 2019. As of the date of this report two comments pertaining to tribal consultation were received (Exhibit H- Initial Study/Mitigated Negative Declaration 04-18). The draft MND determined that the project, in compliance with all recommended mitigation measures, would not result in any significant adverse environmental impacts.

The preparation and public availability of this MND has been carried out in compliance with the provisions of CEQA and the CEQA Guidelines. Staff therefore recommends the Planning Commission recommend that the City Council certify MND 04-18 and approve Application No. 1804-14 subject to the draft findings and conditions of approval (Exhibit I - Findings and Exhibit J - Conditions of Approval).

Respectfully submitted,


ALEXIS OROPEZA
PROJECT PLANNER


CHRISTOPHER KOONTZ, AICP
PLANNING BUREAU MANAGER


LINDA F. TATUM, FAICP
DIRECTOR OF DEVELOPMENT SERVICES

LT:CK:AO

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Attachments:

- Exhibit A – Vicinity Map
- Exhibit B – Project Plans
- Exhibit C - Proposed Land Use District Map
- Exhibit D - Draft 2040 Place Type and Height Map
- Exhibit E – Proposed Use District Map
- Exhibit F – Draft Zoning Code Amendment
- Exhibit G – High Rise Overlay Map
- Exhibit H – Initial Study/Mitigated Negative Declaration
- Exhibit I – Findings
- Exhibit J – Conditions of Approval