



## Legislation Details (With Text)

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**In control:** Board of Zoning Adjustments  
**On agenda:** 3/7/2019      **Final action:**  
**Enactment date:**      **Enactment #:**  
**Title:** PLN18-0013 and PLN18-0047; City of San Leandro Board of Zoning Adjustments Consideration of Conditional Use Permit, Site Plan Review, and Administrative Review to construct a 687 unit five & six-story multi-family residential development with 892 parking spaces at 915 Antonio Street and a one-story 4,326 sq. ft. music conservatory building with 15 parking spaces at 844 Alvarado Street. Zoning District: DA-4(S) Downtown Area 4 District (Special Policy Area 5). Alameda County Assessor's Parcel Numbers 75-57-12-1; 75-155-11; 75-155-12; 75-155-15; 75-155-17 and 75-54-3. Maximus Antonio Alvarado LLC (applicant and property owner).

**Indexes:**

**Code sections:**

**Attachments:** 1. Vicinity Map, 2. Applicant Statement, 3. General Plan Conformance Statement, 4. PLN18-0013 Resolution, 5. Resolution Exhibit A PLN18-0013 Recommended Findings of Fact, 6. Resolution Exhibit B PLN18-0013 Recommended Conditions of Approval, 7. PLN18-0047 Resolution, 8. Resolution Exhibit A PLN18-0047 Recommended Findings of Fact, 9. Resolution Exhibit B PLN18-0047 Recommended Conditions of Approval, 10. CEQA Infill Checklist, 11. Correspondences, 12. Plan Exhibits A-OO for 915 Antonio Street, 13. Plan Exhibits A-K for 844 Alvarado Street, 14. Parking Management Plan

Date	Ver.	Action By	Action	Result
3/7/2019	1	Planning Commission and Board of Zoning Adjustments		

**PLN18-0013 and PLN18-0047;** City of San Leandro Board of Zoning Adjustments Consideration of Conditional Use Permit, Site Plan Review, and Administrative Review to construct a 687 unit five & six-story multi-family residential development with 892 parking spaces at 915 Antonio Street and a one-story 4,326 sq. ft. music conservatory building with 15 parking spaces at 844 Alvarado Street. Zoning District: DA-4(S) Downtown Area 4 District (Special Policy Area 5). Alameda County Assessor's Parcel Numbers 75-57-12-1; 75-155-11; 75-155-12; 75-155-15; 75-155-17 and 75-54-3. Maximus Antonio Alvarado LLC (applicant and property owner).

### SUMMARY AND RECOMMENDATION

The applicant proposes to construct a 687-unit multi-family residential development at 915 Antonio Street (also known as 899 Alvarado Street). In order to develop the project, the applicant also proposes to demolish and relocate the existing Filarmonica Artista Amadora de San Leandro (FAASL) Music Conservatory across the street with a new 4,326 square foot building to be constructed at 844 Alvarado. New multi-family residential housing in the DA-4(S), Downtown Area 4 (Special Policy Area 5) zoning district requires approval of a Conditional Use Permit and Site Plan Review from the Board of Zoning Adjustments. The new music conservatory, also in the DA-4 (S) Downtown Area 4 (Special Policy Area 5) zoning district, requires approval of a Conditional Use Permit and Site Plan Review, and Administrative Review from the Board of Zoning Adjustments. Both applications are presented for concurrent consideration as an overall project. The subject properties

are both located within one-quarter mile of the San Leandro BART Station and a pending AC Transit Bus Rapid Transit (BRT) stop, situated in the City's Downtown San Leandro Transit-Oriented Development (TOD) Strategy area.

The proposed project is consistent with the adopted Downtown TOD Strategy plan. Proposed project amenities and design components to enhance the appearance and function of the buildings are consistent with the commercial and professional design and development standards in Article 6, Division 2 of the Zoning Code. Adequate parking is provided within the on-site parking areas. The project provides in-fill housing and a music conservatory for an established local non-profit organization within walking distance to downtown retail and high quality transit services. Staff recommends that the Board of Zoning Adjustments:

- A. Adopt a Resolution that approves a Conditional Use Permit and Site Plan Review for 915 Antonio Street, PLN18-0013, based on the Findings of Fact and subject to the Conditions of Approval; and
- B. Adopt a Resolution that approves a Conditional Use Permit, Site Plan Review, and Administrative Review for 844 Alvarado Street, PLN18-0047, based on the Findings of Fact and subject to the Conditions of Approval.

## **RELATIONSHIP TO SURROUNDING AREA**

The subject properties (915 Antonio Street and 844 Alvarado Street) are located near the intersection of Alvarado Street and Antonio Street, north of Davis Street and south of the San Leandro Creek. The southeast corner of the 915 Alvarado Street parcel is approximately 1000 feet away from the northeast corner of the San Leandro BART station property, about an 8 minute walk to the station. The sites are located within the City's TOD Strategy plan area.

The subject property at 915 Antonio Street (also known as 899 Alvarado Street) is comprised of five partially vacant parcels (which were formerly used by the Caterpillar Tractor Company) to be merged totaling approximately 5.73 acres. The 915 Antonio Street site is located on the west side of Alvarado Street and is bounded by Lola Street to the north, F.H. Dailey car dealership to the south, and Union Pacific Railroad tracks to the west. The Alameda County Fire Department training facility is adjacent to the 915 Antonio Street site on the north side of Lola Street. Farther north are the San Leandro Creek and the Cherrywood single-family residential neighborhood. The subject property at 844 Alvarado Street is a vacant lot of approximately 12,750 square feet. The 844 Alvarado Street site is on the east side of Alvarado Street, bounded to the north by single-family residences, a vacant lot to the east, and to the south by a chapel/social hall, the Irmandade do Divino Espirito Santo.

The subject properties and many of the adjacent properties are zoned DA-4 (S) Downtown Area 4 (Special Policy Area 5). The property to the north of the multi-family residential development is zoned PS, Public and Semipublic, and is the site of an Alameda County Fire Department training facility. The property to the south of the multi-family residential development, 800 Davis Street, is zoned DA-6 (PD) Downtown Area 6 (Planned Development) and is the F.H. Dailey car dealership.

## **BACKGROUND**

### TOD Strategy

On September 4, 2007 the San Leandro City Council approved the “San Leandro Transit Oriented Development Strategy,” a plan that provides the land use and development framework for new development in Downtown San Leandro. The purpose of the TOD Strategy is to focus growth and density in the transit-accessible downtown area and to enhance Downtown San Leandro. Downtown is an ideal location for transit oriented development because the area is well served by multiple public transportation services, including AC Transit, BART and San Leandro’s LINKS shuttle, and because it has existing shopping and various services. As new housing units are built around the San Leandro BART station, it is assumed there will be both an increase in transit ridership and in the local population, which will enhance the market for downtown shops and services and serve as a catalyst for downtown revitalization. The associated DA Downtown Area zoning development standards, which implement the TOD Strategy plan, include greater building height limits, higher residential densities and reduced parking standards than in surrounding areas, to guide future development.

### Special Policy Area 5 (SP5) North Alvarado Sites

The TOD Strategy identifies Special Policy Areas where flexibility is necessary to allow varying development scenarios on specific parcels. Development in the SP5 area must be consistent with DA -4 requirements with the exception that re-use should capitalize on the close-in underutilized land and provide improvements that will be beneficial to the general downtown area. Maximum height is 75 feet for development. In addition, sound protection from BART and Union Pacific Railroad must be provided for adjacent developments.

## **DETAILS OF THE PROPOSAL**

### 915 Antonio Street (899 Alvarado Street)

The project proposes demolishing the existing buildings on the 915 Antonio Street site to construct a 687-unit, 931,989 square foot multi-family residential development consisting of two buildings connected by a shared underground parking garage. The north building will be six stories tall with a building height of approximately 67’-9” and the south building will be five stories tall with a building height of approximately 57’-7”. A total of 892 parking spaces will be provided in a two level garage, with one parking garage level located below grade and 10 parking spaces accessed from Lola Street.

The building will be comprised of 129 studio units (19%), 111 junior one-bedroom units (16%), 191 one-bedroom units (28%), 78 small two-bedroom units (11%), 133 two-bedroom units (19%), and 45 three-bedroom units (7%) with an average unit size of 730 square feet. Each unit will have a full kitchen, including a refrigerator, dishwasher, range/oven, and washer/dryer and approximately 30 percent of the units will include private balconies. Eighteen of the units will be ground-floor apartments with entry stoops facing Alvarado and Lola Streets. Trash chutes or common trash areas will be provided on each building floor. Trash pickup and building loading areas will be accessed along the western side of the south building. The residential development will have onsite maintenance, leasing staff, and property management.

Accessory uses will include approximately 26,382 square feet of amenity spaces, on-site management offices, and a 550-square-foot ground-floor café space. The amenities will include furnished common tenant spaces such a communal cooking and dining areas, fitness areas, shared working lounge, rooftop gardens/terraces, bicycle lockers, family clubhouse, dog park, dog wash area, and common outdoor courtyards with barbecue areas, lounge areas, play areas, and a pool with spa. Additional publicly accessible amenities will include a parklet facing Lola Street and

improved landscaping and hardscaping along Alvarado Street and the project site.

### 844 Alvarado Street

In order to accommodate the proposed multi-family residential development, the applicant submitted a concurrent application (PLN18-0047) to demolish the existing Filarmonica Artista Amadora de San Leandro (FAASL) Music Conservatory located at 857 Alvarado Street and replace it with a new 4,326 square foot one-story facility constructed across the street at 844 Alvarado Street. The replacement FAASL facility will be used the same way as the current facility, which is to provide music lessons to children and adults free of charge, and to host the Portuguese volunteer band. During classroom hours, FAASL currently has a minimum of two staff members facilitating music instruction for beginner, intermediate, and advanced classes. Typical class size is approximately 40 students. Members will also use the facility to practice music in small private groups, host member meetings, host fundraising events, maintain musical instruments, and provide general facility cleaning and upkeep.

The building will include an approximately 2,230 square foot music conservatory, a 402 square foot office/meeting room, a 522 square foot kitchen, a 350 square foot student lounge, and a 417 square foot storage room. Supplemental areas, including restrooms, closets, and circulation, will total 405 square feet. The site will include 15 parking spaces located at the rear of the property. Landscaping will be provided at the site and a bicycle rack will be located at the front of the building.

## **STAFF ANALYSIS**

In the General Plan, the subject properties are designated Transit-Oriented Development Mixed Use (MUTOD). The properties are zoned DA-4 (S), Downtown Area 4 (Special Policy Area 5) zoning district. In the Zoning Code, multi-family residential in the DA-4 district is a permitted use. The minimum density is 60 units per acre and the maximum density is 100 units per acre. A density bonus of 20 percent to the maximum is permitted for projects with an average unit size less than 750 square feet (Zoning Code Section 2-642.A.6). A Conditional Use Permit is required to establish any new land use and/or structure within an S Overlay District (Zoning Code Section 3-1306.A). Site Plan Review is required for development plans in the DA-4 zoning district for general consistency with the Design Guidelines for the TOD Strategy (Zoning Code Sections 2-698.C and 5-2502). Administrative Review is required for Instruction and Improvement Services for the music conservatory use (Zoning Code Section 2-642.C.6). Because the overall project is for the Board of Zoning Adjustments consideration, the BZA is responsible for considering the requested Administrative Review.

### Conditional Use Permit

The proposed multi-family residential development and music conservatory conform to the DA-4 Downtown Area zoning district requirements. The buildings for the multi-family residential development and the music conservatory meet all required yard setbacks, floor area ratio (FAR), lot coverage, height, and density requirements. The side and corner yard setbacks are permitted to be zero setbacks and front and rear yard setback is based on prevailing conditions on the block, six feet and zero respectively. The music conservatory is proposed to be one-story and approximately 21'-6" in height with a 10-foot front and 66-foot rear yard setback. The multi-family residential development heights will be approximately 67'-9" for the north building and approximately 57'-7" for the south building with approximately 11-foot front and 31-foot rear yard setbacks. The proposed heights are below the 75 foot maximum permitted in the DA-4 District. In the DA-4 district, one hundred percent

site coverage is permitted and there is no maximum base FAR. The music conservatory is proposed for approximately 34.5 percent lot coverage and .34 FAR. The multi-family residential development is proposed for approximately 85 percent lot coverage and 3.6 FAR.

The proposed density for the multi-family residential development will be 120 units per acre. The proposed 687 units comply with the permitted density of 100 units per acre plus the 20 units per acre density bonus for average unit sizes less than 750 square feet. The proposed average unit size for the proposed development is 730 square feet. Adequate on-site parking and access will be provided for the multi-family residential development and music conservatory. In the DA District, being one-quarter mile from BART the off-street parking requirement is one parking space per unit for the multi-family residential development. The 892 off-street parking spaces proposed for the 687-unit development will exceed the off-street parking requirement. The 15 off-street parking spaces provided for the music conservatory will meet the parking requirement for that proposed use. Overall, the development of the multi-family residential project for dwelling purposes and the music conservatory will be compatible with existing adjacent development and uses in the immediate DA-4 (S) Downtown Area District because all zoning code requirements are met or exceeded. The project will also meet the Conditional Use Permit findings for approval as described in the findings of fact attached to the resolutions.

### Traffic

A Transportation Impact Study (TIS) prepared by CHS Consulting Group dated October 2018 found that the project will result in no significant impacts with respect to the addition of proposed project traffic. The proposed multi-family residential development is expected to generate an average of 2,145 trips during a typical weekday, including 159 trips during the AM peak hour and 187 during the PM peak hour. The proposed project would also relocate the FAASL from its current location at 857 Alvarado Street to a new music conservatory facility across the street at 844 Alvarado Street. Due to the proposed facilities being located across the street from the current facilities and maintaining the existing enrollment and operations schedule, existing traffic patterns would remain the same as existing conditions. Furthermore, the majority of the FAASL operations would continue to occur during the evening between 6:00 p.m. and 10:00 p.m., after the PM peak hour, and would therefore have no impact on peak hour traffic conditions.

From the TIS, under Baseline plus Project Conditions, the study intersections are anticipated to continue to operate within City level of service (LOS) standards of LOS D or better. For intersections located in the Priority Development Area for the TOD Strategy, the acceptable level of service is LOS E. Anticipated 95th percentile queue lengths would result in traffic volumes that exceed the southbound left-turn turn pocket storage capacity at the intersection of Davis Street and Alvarado Street due to Project generated vehicle trips. The TIS recommends extending the southbound left-turn turn pocket by 30 feet to accommodate the additional traffic volumes generated under Baseline plus Project Conditions. Under Baseline plus Project Conditions, neither the AM nor PM peak hour traffic volumes would warrant a left-turn pocket at the Project driveway at Alvarado Street and Antonio Street.

On-site circulation is expected to be adequate for the proposed project. The proposed project would meet all requirements for vehicle and bicycle parking in the Zoning Code, and the TOD Strategy plan. Pedestrian, bicycle, and transit facilities adequately serve the project sites with some network gaps including Alvarado Street sidewalk segments and non-ADA compliant curb ramps within the area. These gaps in the network are planned for improvements within the City of San Leandro 2035

General Plan Update, TOD Strategy, and Bicycle and Pedestrian Master Plan. Per the CEQA Infill Checklist, the effect of the Project would not be more significant than the impacts that were evaluated in the prior Environmental Impact Report (EIR) (2035 General Plan Update EIR from 2016 and the Downtown TOD EIR from 2007).

### Site Plan Review - 915 Antonio Street

The proposed 687 unit multi-family residential development is a contemporary design consisting of two wood-frame buildings connected by a concrete parking structure. The exterior of the buildings will be a combination of materials including Endicott thin brick, fiber cement lap siding, plaster cement, phenolic wood, brick veneer, cast stone, metal work, vinyl windows, and aluminum storefront glazing. Staff finds the proposed development provides adequate articulation to all sides of the buildings and the street frontage along Alvarado Street by utilizing varying wall planes (some with balconies) and roof lines, and multiple colors, materials and finishes. The contemporary design of the project creates visual interest and lessens the appearance of bulk and mass by splitting the project into two buildings with a center driving aisle.

The proposed articulation satisfies the TOD development guidelines and would enhance the Alvarado Street streetscape. The frontage elevations include entrances and stoops facing Alvarado Street and Lola Street, providing direct street access to certain units. The main entry to the apartment lobby, on-site property management office and the cafe face Alvarado Street. The site planning and architectural design de-emphasizes vehicle parking, storage areas and service areas. The proposed design features of the multi-family residential development will enhance the immediate area along Alvarado Street and Antonio Street.

Residential projects subject to Site Plan Review are required to include amenities and meet design criteria that enhance the quality of residents' living or the appearance of the project. Projects are required to include at least seven different amenities and criteria per Zoning Code Section 2-698.D. Amenities provided to support this project include the following:

1. Open space where approximately 30% of the units have private balconies;
2. Common areas that are not private balconies where the project includes outdoor courtyards, rooftop gardens/terraces, play area, parklet, and dog area;
3. Tenant activity areas including a fitness area, shared working lounge, indoor cooking & dining areas, BBQ areas, and a pool & spa;
4. Use of three or more colors where there will be three colors;
5. Use of three or more materials on the façade where there will be three materials;
6. Practical and usable furniture in common areas including tables, chairs, lounge furniture for the courtyards and rooftop gardens/terraces;
7. Bicycle lockers where secured bicycle parking will be provided in the parking structure for 520 bicycles; and
8. Public Art where the applicant is proposing public art on the north building.

## Site Plan Review - 844 Alvarado Street

The proposed music conservatory consists of a combination wood frame and concrete masonry unit (CMU) construction. The CMU block wall will be used along the southern elevation where the building abuts the property line. The exterior of the building will be a combination of cement plaster and wood-plastic composite cladding punctuated with dark bronze aluminum storefront windows. The one-story music conservatory building design is well articulated by the use of different façade materials and varying roof lines. The use of the color and materials scheme, window glazing, and metal awning above the entrance enhances the appearance of the elevations. The placement of the building is closer to Alvarado Street with a single driveway and a rear parking area. The site planning and architecture place the parking area and trash enclosure to the rear of the building, to provide architectural attention and aesthetic features to the front and north elevations. The design is modern and complements the existing immediate area and the adjacent proposed project.

## Landscaping

The landscape plans show landscaping along the frontages for both the multi-family residential development and music conservatory that complements the architectural design, with an appropriate balance of trees, shrubs, and ground cover. The trees are appropriate and specified at 15 gallons and/or 24 inch box size. The minimum size for the shrubs will be required to be five gallons and the ground covers be one gallon or from flats with the necessary spacing to cover the planter areas in a growing season. Landscaping is also identified in the interior courtyards, rooftop garden/terraces, at the rear of the buildings, and around the perimeter for the multi-family residential development. The landscaping will be fully compliant with State Model Water Efficient Landscaping irrigation and water use standards. In the DA District, landscaping is reviewed on a case-by-case basis and at the discretion of the reviewing body.

## Administrative Review

FAASL's music conservatory complies with Zoning Code Section 2-642.C and Article 21 for Administrative Review for Instruction and Improvement Services. Instruction and Improvement Services is defined as the provision of instructional services or facilities, including photography, fine arts, crafts, dance or music studios, martial arts studios, and driving schools. FAASL currently provides music lessons to the community free of charge at its existing site (857 Alvarado Street). The proposal relocates the facility directly across the street, where it will continue to provide the same music lessons and services free of charge. The music conservatory will continue to be compatible with the existing uses on adjoining properties and in the surrounding area.

## TOD Strategy and SP5

The proposed project is in accordance with the TOD Strategy and complies with the requirements of Special Policy Area 5 adopted in September 2007. The project is at an optimal TOD location, well within one-half mile to San Leandro BART and to AC Transit bus lines. Improvements associated with the new residential units and the music conservatory will enhance the walkability of the area and help strengthen the link between the San Leandro BART station area and nearby residential neighborhoods, which meets the Downtown Neighborhood Streets Design Goals from the TOD Strategy. The proposed development is under the maximum 75 foot height limit. Soundproofing and a sound wall will be provided for the residential units adjacent to the Union Pacific Railroad lines,

meeting the SP5 requirements.

### Inclusionary Housing Requirement

To satisfy the Inclusionary Housing Ordinance (Zoning Code Section 6-3016) and advance the City's Housing Element goals, the applicant proposes to pay an in-lieu fee of \$1,030,000. The applicant's proposal is based upon the following:

- Per Zoning Code Section 6-3006, the proposed project would need to build 15% of the total residential units in the project as affordable rental housing units. The proposed project has 687 rental units, therefore, 103 would need to be built as affordable. However, Section 6-3016(B) provides the City discretion to “approve, conditionally approve or reject any alternative proposed by the Developer as part of an Inclusionary Housing Plan.” The developer proposes to pay an in lieu fee of \$10,000 per affordable rental unit required under Section 6-3006 for a total of \$1,030,000 (\$10,000 x 103 affordable units) prior to building permit issuance.

The developer proposes to pay the in lieu fee because:

- 1) There is substantial evidence of a regional housing crisis, such that the City must increase its supply of housing at all income levels, especially when such housing can be built near public transit.
  - 2) The project site represents a priority housing development opportunity site less than one quarter mile from the Downtown San Leandro BART station.
  - 3) The State's restoration of local Inclusionary Housing Ordinances (such as San Leandro's) effective January 1, 2018 pursuant to Assembly Bill 1505 was a sudden and unexpected legal change to the economics of the project, which made it financially infeasible. The developer was working with the seller, as well as conducting due diligence for entitlements with City staff, for several months before the State housing law change.
- The project site reflects a major, and the largest remaining, opportunity site for new multifamily housing identified in the 2007 Downtown TOD Strategy.
  - The project will assist the City towards meeting its State mandated above moderate income (market rate) regional housing needs allocation (RHNA) goal per Senate Bill (SB) 35. SB 35 took effect on January 1, 2018 and enabled the State to identify local jurisdictions that were not complying with mandated RHNA goals for housing production at various income levels. While San Leandro is complying with its very low and low income housing goals, the State identified over 300 jurisdictions, including San Leandro, that were not complying with their above moderate income housing goals.

### **GENERAL PLAN CONFORMANCE**

The project is consistent with the General Plan's goals, policies and objectives, as well as those identified within the City's Downtown Transit-Oriented Development Strategy. The purpose of the established land use designation is to provide for a mix of high-intensity land uses that capitalize on proximity to the San Leandro BART station. This designation maximizes the potential for transit-oriented infill development and emphasizes the vertical mixing of different uses. The project carries

out the General Plan and Downtown TOD Strategy by having new development that is attractive, high density, and creates a positive image of revitalization. The pertinent General Plan goals, policies, and actions that apply to the project are further detailed in the General Plan Conformance statement attached to this staff report and the findings of fact attached to the resolutions.

## **ENVIRONMENTAL REVIEW**

An Infill Checklist has been prepared in accordance with Public Resources Code Section 21094.5., and the CEQA Guidelines, California Code of Regulations Section 15183.3 and Appendices M and N. The Infill Checklist tiers off the 2035 General Plan Update Environmental Impact Report (2016). This prior EIR was prepared as part of enacting the City's General Plan Update and Zoning Code, which implemented the Downtown Transit-Oriented Development (TOD) Strategy (CEQA Guidelines 15183.3). This Infill Checklist demonstrates that any significant effects of the 915 Antonio Street and 844 Alvarado Street Project (collectively, "Project") were analyzed in the prior EIR or would be substantially mitigated by the City's uniformly applicable development policies. The Infill Checklist also incorporates information from the Downtown TOD EIR (2007), which also qualifies as a prior EIR. Therefore, pursuant to Public Resources Code Section 21094.5, no additional environmental review is required under CEQA for the Project as an infill project.

## **PUBLIC OUTREACH**

This item received standard noticing for the March 7, 2019 Board of Zoning Adjustments hearing, including a legal advertisement in the East Bay Times Daily Review newspaper, the posting of notices at City Hall and on the property, and mailing notification to business and property owners within 500 feet of the subject property. The applicant also conducted public outreach and their efforts are described in the attached applicant statement.

## **RECOMMENDATION**

The uses as proposed conform both to the City Zoning Code and to the General Plan. Any potential issues associated with the applications will be addressed by the implementation of the recommended Conditions of Approval. Staff therefore recommends that the Board of Zoning Adjustments:

- A. Adopt a Resolution approving a Conditional Use Permit and Site Plan Review for 915 Antonio Street, PLN18-0013, based on the Findings of Fact and subject to the Conditions of Approval; and
  
- B. Adopt a Resolution approving a Conditional Use Permit, Site Plan Review, and Administrative Review for 844 Alvarado Street, PLN18-0047, based on the Findings of Fact and subject to the Conditions of Approval.

## **ATTACHMENTS**

Vicinity Map  
Applicant Statement  
General Plan Conformance Statement  
PLN18-0013 Resolution  
Resolution Exhibit A PLN18-0013 Recommended Findings of Fact

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Parking Management Plan

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