

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 21, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-19214 - APPLICANT/OWNER: Le FERIA, LLC

** CONDITIONS **

The Planning Commission (6-0 vote) and staff recommend DENIAL.

Planning and Development

1. Conformance to the Conditions of Approval for Rezoning (Z-0017-72) shall be required, except as amended herein.
2. Approval of and conformance to the Conditions of Approval for Variance (VAR-18625) shall be required, except as amended herein.
3. Recordation of a reversionary parcel map or administrative joining consolidating the parcels on the site prior to issuance of any building or grading permits.
4. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
5. All development shall be in conformance with the building elevations, landscape plan, date stamped 01/12/07, and site plan, date stamped 02/01/07, except as amended by conditions herein.
6. A Waiver from LVMC Title 19.10 is hereby approved, to allow zero landscaping planters in the parking lot where one is required for each six parking spaces.
7. A Waiver from LVMC Title 19.12 is hereby approved, to allow a zero foot perimeter landscape buffer along the northern lot line where 15 feet is required.
8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

10. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
11. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
12. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

13. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
14. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
15. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for a Site Development Plan Review to allow an expansion of allowable uses to include retail uses and increase the tenantable space available for an existing mini-storage facility, retail, and office development consisting of three buildings on 2.33 acres at 3851 Pennwood Avenue. The applicant requests waivers of the perimeter landscape buffer requirements and parking area landscaping for the new parking spaces being added. This is in addition to a Variance (VAR-18673) to allow a deviation from parking standards.

The applicant indicates that the existing mini-storage facility, retail, and office development serves the demand for affordable retail and office space that primarily services the immediate neighborhood. Due to the extent of the changes to the site without all appropriate approvals, the landscaping waivers and the requested variance, denial of this request is recommended.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
|---|--|
| 03/15/72 | The City Council approved a Rezoning (Z-0017-72) to allow M (Industrial) zoning, where C-1 had been the zoning on a portion of the site. The Planning Commission and Staff recommended approval. |
| 09/27/79 | The Board of Zoning Adjustment approved a Variance (V-0071-79) to allow a resident managers quarters in a mini-warehouse complex where residential uses are not allowed. Staff recommended approval. |
| 02/22/07 | The Planning Commission recommended denial of companion item VAR-18625 concurrently with this application. The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #26/rts). |
| <i>Related Building Permits/Business Licenses</i> | |
| 08/02/94 | A business license for a C11 (Contractor - Any person who is licensed or required to be licensed as a contractor under NRS Chapter 624, whether or not the contractor maintains a business location within the corporate limits of the City) category license was processed in by the Department of Finance and Business Services. This license (C11-05342) was originally issued by Business Services on 08/04/94 and was re-issued due to a change of location on 04/26/99 with no apparent Planning and Development review. This license is listed for suite B13 at 3851 Pennwood Avenue. |
| 11/04/94 | A business license for a C05 (Tobacco Dealer Retail - Any person licensed to sell tobacco through a vending machine or in conjunction with another gross retail license as defined in NRS 370. The fee amount shall be charged for each sales location, whether a machine or other retail location) category license was processed in by the Department of Finance and Business Services. This license (C05-01690) was issued by Business Services on 11/22/94 with no apparent Planning and Development review. This license is listed for suite B10 at 3851 Pennwood Avenue. |

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| 11/04/94 | A business license for a C15 (Convenience Store - Business located in a building or portion thereof, which is separated from the rest of the building, selling groceries at retail and having not less than 1,200 sq. ft. nor more than 5,000 sq. ft. of floor space exclusive of warehouse and office space) category license was processed in by the Department of Finance and Business Services. This license (C15-00197) was issued by Business Services on 11/22/94 with no apparent Planning and Development review. This license is listed for suite B10 at 3851 Pennwood Avenue. |
| 01/16/96 | A business license for a D16 (Department Store - A retail establishment that maintains a selected variety of merchandise for purchase by the general public) category license was processed in by the Department of Finance and Business Services. This license (D16-00056) was originally issued by Business Services on 02/15/96 and was re-issued due to a change of owner on 02/15/06 with no apparent Planning and Development review. This license is listed for suite B21 at 3851 Pennwood Avenue. |
| 03/23/99 | A business license for a F07 (Furniture Store - Sale of new furniture only) category license was processed in by the Department of Finance and Business Services. This license (F07-01586) was denied by the Planning and Development Department on 11/30/06, pending verification of adequate parking. This license was originally issued by Business Services on 04/20/99 but is under review for a change of location (updated suite number, same building) as of 11/20/06. This license has not been re-issued as of 01/22/07. This license is listed for suite B14 at 3851 Pennwood Avenue. |
| 10/20/00 | A business license for a B02 (Bakery - Businesses specializing in baked goods, not providing meals as found in restaurant (R05, R07, R09)) category license was processed in by the Department of Finance and Business Services. This license (B02-00085) was issued by Business Services on 01/09/01 with no apparent Planning and Development review. This license is listed for suite A1 at 3851 Pennwood Avenue. |
| 10/23/02 | A business license for a B08 (Beauty/Cosmetics Sales - Sales of cosmetics and beauty supplies) category license was processed in by the Department of Finance and Business Services. This license (B08-00842) was denied by the Planning and Development Department on 12/04/06, pending issuance of a Certificate of Occupancy. This license was originally issued by Business Services on 11/01/02 but is under review for a change of location (updated suite number, same building) as of 11/07/06. This license has not been re-issued as of 01/17/07. This license is listed for suite B4 at 3851 Pennwood Avenue. |

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| 03/07/03 | A business license for a G04 (Gifts and Novelties - The sale of ornamental gifts and novelties, ie, statues, clocks, souvenirs, plaques, etc) category license was processed in by the Department of Finance and Business Services. This license (G04-05167) was denied by the Planning and Development Department on 11/21/06, pending verification of adequate parking. This license was originally issued by Business Services on 03/25/03 but is under review for a change of name and expansion (added a suite number, same building) as of 11/07/06. This license has not been re-issued as of 01/22/07. This license is listed for suite B16 at 3851 Pennwood Avenue. |
| 06/27/03 | A business license for a W10 (Wire Service - Which is any person who engages in the business of transmitting or receiving information or funds by means of a communication system in which the transmission and reception stations are directly connected by one or more telephones or computers) category license was processed in by the Department of Finance and Business Services. This license (W10-00044) was denied by the Planning and Development Department on 10/18/06, pending verification of adequate parking. This license was originally issued by Business Services on 10/17/03 but is under review for a change of location as of 10/11/06. This license is listed for suite B1 at 3851 Pennwood Avenue. |
| 10/16/03 | A business license for a M06 (Miscellaneous Sales - Sales of tangible goods not otherwise specified in the Code) category license was processed in by the Department of Finance and Business Services. This license (M06-02771) was denied by the Planning and Development Department on 10/17/06, pending verification of adequate parking. This license was originally issued by Business Services on 10/27/03 but is under review for a change of location as of 10/16/06. This license is listed for suite B1 at 3851 Pennwood Avenue. |
| 06/20/05 | A business license for a P11 (Stenographer - Any person, other than a certified shorthand reporter or court reporter, who engages in the business of typing documents for the general public or for persons other than himself or his immediate employer) category license was processed in by the Department of Finance and Business Services. This license (P11-00557) was approved by the Planning and Development Department on 06/28/06. This license was originally issued by Business Services on 06/30/05 but is under review for a change of location as of 05/11/06. This license has not been re-issued due to a Fire Department denial as of 06/29/06. This license is listed for suite B7 at 3851 Pennwood Avenue. |
| 10/18/05 | A business license for a T18 (Miscellaneous Telephone Sales/Service - A business which sells telephones, cellular phones, and other miscellaneous accessories) category license was processed in by the Department of Finance and Business Services. This license (T18-00683) was approved by the Planning and Development Department on 10/21/05 and issued by Business Services on 11/07/05. This license is listed for suite G2 at 3851 Pennwood Avenue. |

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| 10/19/05 | A building permit application, plan check L-1841-05, was submitted for the site. This was for a Non-work Certificate of Occupancy for a rental office. This permit (05007418) was reviewed by the Planning and Development Department and issued by the Building and Safety Department the same day as submitted. |
| 10/19/05 | A business license for a W11 (Mini Warehouse - Any person who operates a facility divided into individual spaces for storing personal property which are rented or leased to individual occupants who have access to those units but do not conduct a business there from) category license was processed in by the Department of Finance and Business Services. This license (W11-00005) was approved by the Planning and Development Department on 01/31/06 and issued by Business Services on 01/31/06. This license is listed for suite B26 at 3851 Pennwood Avenue. |
| 10/21/05 | A business license for a P27 (Personal Services - Any business that provides personal services, including without limitation a wake-up service, reminder service, errand service, vehicle registration service, personal chef, cook, shopping service or pet sitting service) category license was processed in by the Department of Finance and Business Services. This license (P27-00314) was denied by the Planning and Development Department on 11/22/06, pending verification of adequate parking. This license was originally issued by Business Services on 11/04/05 but is under review for a change of location (updated suite number, same building) as of 11/07/06. This license has not been re-issued as of 01/09/07. This license is listed for suite B6 at 3851 Pennwood Avenue. |
| 01/31/06 | A building permit application, plan check L-3018-06, was submitted for the site. This was for a Non-work Certificate of Occupancy for a general retail location. This permit (06000721) was reviewed by the Planning and Development Department and issued by the Building and Safety Department the same day as submitted. |
| 01/31/06 | A business license for a C07 (Clothing Store - New retail clothing sales) category license was processed in by the Department of Finance and Business Services. This license (C07-03484) was approved by the Planning and Development Department on 02/08/06 and issued by Business Services on 02/15/06. This license is listed for suite B23 at 3851 Pennwood Avenue. |
| 02/21/06 | A building permit application, plan check L-0292-06, was submitted for the site. This was for a Non-work Certificate of Occupancy for a general retail location. This permit (06001377) was reviewed by the Planning and Development Department and issued by the Building and Safety Department the same day as submitted. |
| 08/18/06 | A building permit application, plan check L-3485-06, was submitted for the site. This is for a tenant improvement to obtain a Certificate of Occupancy for a restaurant expansion. This application (739306) was reviewed and problemed by the Planning and Development Department on 12/01/06 due to parking concerns. There are outstanding reviews within the Building and Safety Department portion of the review and no permit has been issued. |

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| 10/03/06 | A business license for a M21 (Merchandise Broker - Any person who acts as an agent for others in negotiating contracts, purchases, the sale of goods, wares or services and who does not take possession of the merchandise) category license was processed in by the Department of Finance and Business Services. This license (M21-00938) was approved by the Planning and Development Department on 10/05/06 and issued by Business Services on 10/20/06. This license is listed for suite B5 at 3851 Pennwood Avenue. |
| 10/03/06 | A business license for a T18 (Miscellaneous Telephone Sales/Service - A business which sells telephones, cellular phones, and other miscellaneous accessories) category license was processed in by the Department of Finance and Business Services. This license (T18-00705) was approved by the Planning and Development Department on 10/05/06 and issued by Business Services on 10/20/06. This license is listed for suite B5 at 3851 Pennwood Avenue. |
| 10/30/06 | A business license for a C23 (Check Cashing Service Limited - Service of cashing checks for a fee, service charge or other consideration as a service that is supplemental to a retail business that otherwise does not provide services normally associated with a financial institution. The term does not include a general financial institution, specified financial institution, or any business that provides any kind of loan, cash advance, or deferred deposit service) category license was processed in by the Department of Finance and Business Services. This license (C23-98869) was denied by the Planning and Development Department on 11/14/06, pending approval of a parking variance. This license has not been re-issued as of 01/08/07. This license is listed for suite B1 at 3851 Pennwood Avenue. |
| <i>Pre-Application Meeting</i> | |
| 11/22/06 | A pre-application meeting was held and elements of this application were discussed. It was noted that the site plan was to identify all uses on-site. Additionally, various parking standards were identified along with disability accessible and loading space standards. Submittal requirements were discussed. |
| <i>Neighborhood Meeting</i> | |
| A neighborhood meeting is not required nor was one held. | |
| <i>Details of Application Request</i> | |
| <i>Site Area</i> | |
| Net Acres | 2.33 |

| Surrounding Property | Existing Land Use | Planned Land Use | Existing Zoning |
|----------------------|--|------------------------------------|----------------------------------|
| Subject Property | Office, other than Listed and General Retail | LI/R (Light Industrial / Research) | M (Industrial) |
| | Mini-warehouse | LI/R (Light Industrial / Research) | M (Industrial) |
| North | Multi-Family Residential | H (High Density Residential) | R-4 (High Density Residential) |
| South | Auto Repair Garage - Major | LI/R (Light Industrial / Research) | M (Industrial) |
| East | General Retail | LI/R (Light Industrial / Research) | M (Industrial) |
| West | Multi-Family Residential | M (Medium Density Residential) | R-3 (Medium Density Residential) |

| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---|------------|-----------|-------------------|
| Special Area Plan | | X | |
| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| Special Purpose and Overlay Districts | | | |
| A-O (Airport Overlay) District | X | | Y |
| Trails | | X | |
| Rural Preservation Overlay District | | X | |
| Development Impact Notification Assessment | | X | |
| Project of Regional Significance | | X | |

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following development standards apply:

| <i>Standard</i> | <i>Required/Allowed</i> | <i>Provided</i> | <i>Compliance</i> |
|-----------------|-------------------------|-----------------|-------------------|
| Min. Lot Size | n/a | n/a | n/a |
| Min. Lot Width | 100 Feet | 420 | Y |
| Min. Setbacks | | | |
| • Front | 10 Feet | 21 Feet | Y |
| • Side | 10 Feet | 0 Feet | N * |
| • Corner | 10 Feet | n/a | n/a |
| • Rear | 0 Feet | 0 Feet | Y |

* Site plan approval per Rezoning (Z-0017-72) approved side setbacks of zero feet.

Pursuant to Title 19.10 and Title 19.12, the following landscape and buffer standards apply:

| Landscaping and Open Space Standards | | | | |
|---|-------------------------|--------------|-----------------|-------------------|
| Standards | Required | | Provided | Compliance |
| | Ratio | Trees | | |
| Parking Area | 1 Tree / 6 Spaces | 7 Trees | 0 Trees | N* |
| Buffer: Min. Trees | 1 Tree / 30 Linear Feet | 12 Trees | 0 Trees | N* |
| TOTAL | | 19 Trees | 0 Trees | N* |
| Min. Zone Width | 15 Feet @ ROW | | | N* |

* Site plan approval per Rezoning (Z-0017-72) approved zero parking area trees and depicted a four-foot wide perimeter landscape buffer at the right-of-way. Per condition six of that 1972 approval, landscaping along Pennwood Avenue was to be to Planning Department standards. However, staff can find no evidence that the Planning Department approved or required landscaping prior to the completion of this development.

Pursuant to Title 19.04 and Title 19.10, the following parking standards apply:

| Parking Requirement | | | | | | | |
|----------------------------|--|--|---------------------------|--------------|-------------------------|--------------|-------------------|
| Use | Gross Floor Area or Number of Units | Required Parking Ratio | Required Parking | | Provided Parking | | Compliance |
| | | | Regular | Handi-capped | Regular | Handi-capped | |
| | | | Office, Other Than Listed | 6,567 SF | 1 space / 300 SF GFA | 21 Spaces | |
| Mini-Storage Facility | 32,809 SF 119 Units | 1 space / 50 Storage Units spread through out plus min. 5 spaces on exterior of security fence | 8 Spaces | | 3 Spaces | | N* |
| General Personal Service | 308 SF | 1 space / 250 SF GFA | 2 Spaces | | 1 Space | | N* |
| Furniture/Apppliance Store | 561 SF | 1 space / 500 SF of GFA | 2 Spaces | | 1 Space | | N* |

| | | | | | | | |
|---|-----------|--|--------------|-------------|-----------------------|-------------|----|
| Bakery - Delicatessen/ Donut Shop | 1,848 SF | 1 space / 100 SF GFA | 18 Spaces | 1 Space | 8 Spaces | 1 Space | N* |
| General Retail, Other Than Listed | 7,240 SF | 1 space / 175 SF GFA | 40 Spaces | 2 Spaces | 16 Spaces | | N* |
| SubTotal | 49,556 SF | | 91 Spaces | 4 Spaces | 37 Spaces | 2 Spaces | N* |
| TOTAL (including handicap) | | | 95 Spaces | | 39 Spaces | | N* |
| Percent Deviation | | | | | ≈ 58.95% Reduction | | |
| Loading Spaces | | 3 Spaces at 30,000 to 50,000 SF of GFA | 3 Spaces | | 3 Spaces | | Y |

* If approved the companion Variance (VAR-18625) would allow 39 parking spaces where 95 parking spaces are the minimum required.

| Summary of Site Differences – Per Z-0017-72 Site Plan and Current Site Plan | | | | |
|--|----------------------|----------------|-------------------|-----------------------|
| | <i>Per Z-0017-72</i> | <i>Current</i> | <i>Difference</i> | <i>Percent Change</i> |
| Uses: | | | | |
| Mini-warehouse Storage Facility (SF) | 42,120 SF | 32,809 SF | -8,580 SF | ≈ 20.37% Reduction |
| Office (SF) | 7,436 SF | 4,801 SF | -2,635 SF | ≈ 35.44% Reduction |
| Retail (SF) | Not Allowed | 11,946 SF | +11,946 SF | 100% Increase |
| Total Tenantable SF for non Mini-warehouse Storage Use(s) | 7,436 SF | 16,747 SF | +9,311 SF | ≈ 125.21% Increase |
| Total Available Buildings' Square Footage per Site Plan | 49,556 SF | 49,556 SF | 0 SF | 0% |
| Parking Spaces Required | 24 Spaces | 95 Spaces | +71 Spaces | ≈ 295.83% Increase |
| Parking Spaces Provided | 24 Spaces | 39 Spaces | +15 Spaces | ≈ 62.5 % Increase |

| Waivers | | |
|--|--|-----------------------------|
| Request | Requirement | Staff Recommendation |
| To provide zero feet of perimeter landscape buffer along the northern interior lot line at the ROW | 15 FT | Denial |
| To provide no landscaping planters in the parking lot | 7 5 FT Planters w/ 1 - 24 Min. Box Tree per Planter | Denial |

ANALYSIS

The subject property is designated as LI/R (Light Industrial/Research) under the Southeast Sector Plan of the General Plan. This category allows areas appropriate for clean, low-intensity (non-polluting and non-nuisance) industrial uses, including light manufacturing, assembling and processing, warehousing and distributions, and research, development and testing laboratories. The existing buildings are currently used for a variety of retail and office uses at the front of the property and provides mini-storage facilities for the remainder of the property which are in compliance with the General Plan.

The M (Industrial) zoning district is intended to provide for heavy manufacturing industries in locations where they will be compatible with and not adversely impact adjacent land uses. This district is intended to be located away from all residential development. The uses established at this location are permissible in an M (Industrial) zoning district which is compatible with the LI/R (Light Industrial/Research) General Plan designation.

The site is within the McCarran International Airport Overlay Map portion of the Airport Overlay District. This is a developed site and is in compliance with Title 19.06.080 (B) which allows a structure to a height up to thirty five feet above the surface of the land on any parcel without a height limitation review or prohibition.

The site encompasses two parcels with existing buildings built across the lot lines. Additionally, should the parcels in the future become separate sites the site will placed out of conformance with development standards for the M (Industrial) zoning district? For this reason a condition has been added that prior to the issuance of any building or grading permits that a reversionary parcel map or administrative joining consolidating the parcels be recorded.

The expansion of uses and the increase in square footage devoted to the non mini-storage facility uses requires several deviations from development standards, including a parking variance (VAR-18625) which is also being heard concurrently with this item. Staff is recommending denial on the variance due to the self-imposed hardship generated by the project exceeding the scope of the original approvals for this site.

- Site Plan

The site lies 200 feet east of the intersection of Pennwood Avenue and South Valley View Boulevard. This is an existing mini-storage facility with retail and office uses.

The expansion of uses beyond just office uses and the increase in the amount of square footage devoted to non mini-storage facility uses requires 95 parking spaces. The submitted site plan indicates 39 spaces will be provided, including two handicap spaces depicted as van accessible. As noted above, a variance (VAR-18625) has been requested for an approximate 58.95 percent reduction in the number of required parking spaces and if approved would grant relief from the city standards.

Other than the addition of parking spaces the site remains the same as previously approved in 1972. There are a number of floor plan changes that have altered the sites suitability for the expanded uses located on-site.

- Landscape Plan

The rezoning (Z-0017-72) case that approved the M (Industrial) zoning designation and the siting for this development called for landscaping only at the right-of-way per condition six. The applicant is requesting that the perimeter landscaping buffer requirement, illustrated at four feet per the 1972 site plan, along the right-of-way be waived. Under the current development standards the perimeter landscape buffer requirement would be a 15-foot wide buffer with a minimum 24-inch box tree planted every 20 feet on center.

Further, the applicant is requesting that no parking area landscape planters be required. The rezoning (Z-0017-72) case showed no parking lot landscaping. The requested waiver would allow the applicant to add parking spaces without being required to add the parking lot landscaping planters.

- Elevations/Floor Plan

The building photos depict single story buildings of a mini-storage facility design with the Pennwood Avenue facing building having a storefront façade on the north elevation. The building pictures show that the non mini-storage facility uses have expanded from the previous approval of just the central building to include the end units of the building that wraps around the property in a horse shoe shape.

The floor plan shows that each tenant space previously approved at a depth of 26 feet have been increased to 50 feet without prior approval of the Planning and Development Department. The increased square footage and an unapproved increase in allowable uses have placed the development out of compliance with Title 19. During the public hearing on the development of this location in 1972 it was clear that the tenant spaces were to allow small office spaces to compliment the mini-storage facility activities not be a retail

center. Further, the floor plan expands retail and office uses to the end units of the horse shoe shaped building that wraps around the east-, south-, and western sides of the property where they were not previously allowed. The total existing tenantable retail and office space is 16,747 compared to the 7,436 square feet of office space that was approved per the 1972 zoning case (Z-0017-72).

The development has exceeded the intensity that was approved for this site which has necessitated the need for the companion variance and resulted in a failure to meet the original conditions of approval. Due to the intensity, lack of verifiable permits for tenant improvements, unapproved expansion of uses, deviations and waivers required, staff is recommending denial of this application.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. The proposed development is compatible with adjacent development and development in the area;

The proposed development is not compatible with adjacent development in the surrounding area due to the increased intensity of uses, landscaping wavier requests and deviations from parking standards.

2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;

This proposed site plan is in compliance with the general plan designation of LI/R (Light Industrial/Research) and the M (Industrial) zoning district on the site. However, the site is not consistent with Title 19.10 and Title 19.12 landscaping requirements. Further, the proposed site plan requires approval of a variance for a deviation of the parking standards.

3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;

The subject site is adjacent to Pennwood Avenue, a 80-foot wide local street that should be adequate to support the proposed use.

4. Building and landscape materials are appropriate for the area and for the City;

The building elevations depict design and materials that provide an acceptable building and are compatible with the surrounding multi-family residential developments.

5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

The existing mini-storage facility, retail, and office development is compatible with other development in the area from a building elevation, design characteristics and aesthetic features point of view.

6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

The existing mini-storage facility, retail, and office development is subject to regular building and business licensing inspections and therefore should not compromise the public health, safety or welfare; however, the lack of a Certificate of Occupancy for multiple tenant spaces indicate that work may have been done on-site without the proper inspections.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 8

SENATE DISTRICT 11

NOTICES MAILED 339 [Mailed with VAR-18625]

APPROVALS 0

PROTESTS 0