

**AGENDA MEMO**

PLANNING COMMISSION MEETING DATE: JANUARY 24, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-26013 - APPLICANT/OWNER: GATEWAY LAS VEGAS, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: **APPROVAL**, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-10785), Special Use Permit (SUP-10782), Special Use Permit (SUP-26073), and Special Use Permit (SUP-26015) shall be required, except as amended by conditions herein.
2. 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.
3. All development shall be in conformance with the site plan, landscape plan, and building elevations date stamped 01/10/08, except as amended by conditions herein.
4. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
5. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
6. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
7. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

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8. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
9. 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.
10. 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. Written approval by the Clark County Department of Aviation with no change in flight patterns shall be submitted to the City of Las Vegas prior to the issuance of building permits.
13. Prospective buyers shall be informed that views may be obscured by future adjacent development and this information shall be included in project CC & Rs.
14. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
15. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

16. Coordinate with the City Surveyor to determine whether a Merger and Resubdivision Map or other map is necessary; comply with the recommendations of the City Surveyor.
17. Dedicate appropriate rightofway or provide proof of an existing total half-street width of 50 feet on Charleston Boulevard adjacent to this site prior to the issuance of any permits.
18. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current Downtown Centennial Standards concurrent with development of this site, unless otherwise allowed through approved waivers.
19. The proposed driveway accessing this site from Charleston Boulevard shall receive approval from the Nevada Department of Transportation.

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20. The proposed Valet Parking area as shown is permitted at this time, however, the City reserves the right to require relocation of the Valet Parking area further interior to the site if traffic patterns occur that adversely impact the public right-of-way on Charleston Boulevard or 4th Street as determined by the City Traffic Engineer.
21. Landscape and maintain all unimproved rights-of-way, if any, adjacent to this site.
22. As appropriate, submit an Encroachment Agreement to the City of Las Vegas or obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Charleston Boulevard and Fourth Street public rightsofway adjacent to this site.
23. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.
24. A Traffic Impact Analysis 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 recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rightsofway required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of onsite development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rightsofway are not required and Traffic Control devices are or may be proposed at this site outside of the public rightsofway, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
25. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans, the issuance of any building or grading permits or the submittal of map subdividing this site, whichever may occur first. Provide and improve all drainageways as recommended.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Major Amendment to an approved Site Development Plan Review (SDR-10785) for a proposed 41-story mixed-use development including 442 condominium units and 3,370 square feet of commercial uses on 0.41 acres at 401 East Charleston Boulevard.

As companion items to this Site Development Plan Review, the applicant has requested a Special Use Permit (SUP-26015) for a proposed Urban Lounge and a Special Use Permit (SUP-26073) for a proposed Gaming Establishment, General Business, Related. The proposed development is consistent with the General Plan and with Title 19. The design of the project is generally consistent with the goals and objectives of the plan.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/01/06	City Council approved a Site Development Plan Review (SDR-10785) for a 39-story mixed-use development consisting of 236 condominium units, 75 condominium/hotel units, 3,420 square feet of commercial floor space with waivers of the Las Vegas Downtown Centennial Plan building setback, streetscape, and build-to-line standards and a Special Use Permit (SUP-10782) for a Mixed-Use Development on 0.41 acres at 401 East Charleston Boulevard.
01/24/08	The Planning Commission will hear a Site Development Plan Review (SDR-26013) request for Major Amendment to an approved Site Development Plan Review (SDR-10785) for a proposed 41-story mixed-use development including 442 condominium units and 3,370 square feet of commercial, a Special Use Permit (SUP-26073) for a proposed Gaming Establishment, General Business Related and a Special Use Permit (SUP-26015) for a proposed Urban Lounge on 0.43 acres at 401 East Charleston.
<i>Related Building Permits/Business Licenses</i>	
01/01/1951	A business license (A07-00720) was issued for an Apartment Building at 401 East Charleston Boulevard. The license remains active.

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<i>Pre-Application Meeting</i>	
12/03/07	A pre-application meeting was held with the applicant. The applicant proposes to amend an approved Site Development Plan Review, which was for a 39-story mixed-use development consisting of 236 condominium units, 75 condominium/hotel units, 3,420 square feet of commercial floor space with Waivers of the Las Vegas Downtown Centennial Plan building setback, streetscape, and build-to-line standards. The applicant was informed that this would require Major Amendment to the previously approved Site Development Plan Review (SDR-10785), as the applicant proposed a 41-story mixed-use development including 442 condominium units and 3,370 square feet of commercial uses. In addition, the applicant is requesting a Special Use Permit (SUP-26015) for an Urban Lounge and a Special Use Permit (SUP-26703) for a Gaming Establishment, General Business Related. Submittal requirements were then discussed.

<i>Field Check</i>	
01/07/08	A field check was made on site. An apartment currently exists on the site with motel uses and convenience stores in the vicinity.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.43

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Multi-family	C (Commercial)	C-2 (General Commercial)
North	Motel	MXU (Mixed Use)	C-2 (General Commercial)
South	General Retail and Service Station	C (Commercial)	C-2 (General Commercial)
East	Motel	C (Commercial)	C-2 (General Commercial)
West	General Retail and Service Station	C (Commercial)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan	X		Y
Redevelopment Plan Area	X		Y

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Downtown Overlay District (18bLas Vegas Arts District)	X		Y
Live/Work Overlay District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Per Title 19.06 and the Downtown Centennial Plan Standards, the following development standards apply to the subject site:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	0.41 acres	N/A
Min. Lot Width	N/A	90 feet	N/A
Min. Setbacks			
• Front	Zero feet	Zero feet	Y
• Side	Zero feet	10 feet	Y
• Corner	Zero feet	N/A	N/A
• Rear	Zero feet	10 feet	Y
Max. Lot Coverage	100% or limited by setbacks	87%	Y
Max. Building Height	None	41 story	Y
Trash Enclosure	Walled, gated, screened	Walled, gated, screened	Y
Mech. Equipment	Screened from frontage	Screened from frontage	Y

Per Title 19.06.060, properties within the Downtown Overlay District are exempt from the automatic application of mandatory maximum building height, required building setback, maximum lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements in Title 19. Applications within the Overlay District are evaluated on a case-by-case basis to determine the extent to which those standards are required. The standards applied in the table are required by the Las Vegas Downtown Centennial Plan.

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Per Title 19.12 and the Downtown Centennial Plan, the following Landscape standards apply:

<i>Streetscape Standards</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
Streetscape Treatment: Charleston Boulevard	1 Shade Tree/30 o.c. max. (min. 24 box), five trees required	9 Trees	Y
Streetscape Treatment: Fourth Street	1 Palm Tree/35 o.c. max. (min. 25 box), five trees required	8 Trees	Y
Sidewalk	10 minimum width	Proposed 10 sidewalk	Y
Amenity Zone	5 minimum width	Proposed 5 amenity zone	Y

Pursuant to Title 19.10, the following parking standards apply:

<i>Parking Requirement</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required</i>			<i>Provided</i>		<i>Compliance</i>
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi- capped	Regular	Handi- capped	
Urban Lounge	3,040 SF	N/A	N/A				
Condominium							
• 2 Bedroom	58 Units	1.75/unit	102				
• 1 Bedroom	102 Units	1.25/unit	128				
• Studio	282 Units	1.25/unit	353				
• Guest		1/6 unit	74	9		9	
SubTotal	442 Units		648	9	363	9	Y
Compact Spaces					108		Y
TOTAL			657		372		Y

Per Title 19.06.060, projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. However, the above table illustrates the requirements of this project in other areas in the City. Of the 372 parking spaces provided, the applicant is proposing 108 of the spaces to be compact, which meets the 30 percent requirement in Title 19.10. Parking for Urban Lounges is determined on a case-by-case basis. Parking area onsite is limited; uses at this site will rely heavily on offsite parking and walk-up traffic.

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ANALYSIS

- **Zoning**

The subject property is located within the boundaries of the Las Vegas Redevelopment District, and has a C (Commercial) land use designation. The Commercial designation allows uses comparable to the following land use categories: SC (Service Commercial), GC (General Commercial), and O (Office). The proposed mixed-use development is consistent with the land use designation.

The subject site is zoned C-2 (General Commercial) and is located within the Arts District of the Downtown Overlay District. Development is subject to the standards contained within Title 19.06 and the Downtown Centennial Plan. Urban Lounges are permitted uses within the Arts District and the C-2 (General Commercial) zoning district with approval of a Special Use Permit (SUP-26015). A lounge is also permitted up to five slot machines with approval of separate Special Use Permits for General Business-Related Gaming (SUP-26073). Both Special Use Permits (SUP-26015, SUP-26073) will be heard along with the Site Development Plan Review.

It should be noted that the subject site is located outside the boundaries of the Airport Overlay District, and is not subject to the application requirements of the district listed in Title 19.06.080. As the proposed structure is over 200 feet in height, the applicant will be responsible for filing all necessary paperwork with the Clark County Department of Aviation and the Federal Aviation Administration.

- **Site Plan**

On 03/01/06, the City Council approved a Site Development Review (SDR-10785) for a 39-story mixed-use development consisting of 236 condominium units, 75 condominium/hotel units, 3,420 square feet of commercial floor space with waivers of the Las Vegas Downtown Centennial Plan building setback, streetscape, and build-to-line standards and a Special Use Permit (SUP-10782) for a Mixed-Use Development at 401 East Charleston Boulevard. This request is for a proposed 41-story mixed-use development including 442 condominium units and 3,370 square feet of commercial uses at 401 East Charleston Boulevard.

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Development Standards	SDR-10785	SDR-26013
Proposal		
• Condominiums	236 Condominium units, 75 Condominium/Hotel units	442 Condominium units,
• Commercial	3,420 SF - Retail	3,370 SF - Urban Lounge
Materials	Glass storefront system at the ground level of the structure, with a combination of colored aluminum panels and neon lighting to accentuate the parking levels of the structure, and then a glass and spandrel system on the upper floors of the building. The top of the structure will be capped with an arching steel canopy that rises up to the southwest corner of the structure.	The proposed materials are brick or stucco or EIFS for the body of the building; stone or cast stone trim; cast iron balcony rails; and standing seam metal for the buildings traditional roof which creates a statement of shelter to its users and comfort to passerby. The building might also feature an illuminated sign with the name of the building.
Special Use Permit	Mixed Use (SUP-10782)	Urban Lounge (SUP-26015), Gaming Establishment, Business Related (SUP-26073)
Height	39 Stories, 460 Feet	41 stories, 460 Feet
Waivers	Building stepback, streetscape, and build-to-line standards	Streetscape
Parking Required	449	657
Parking Provided	272	372

The site plan depicts the urban lounge space flanking the central building lobby on the Charleston Boulevard frontage, with a valet area and the entrance to the parking structure located on the Fourth Street frontage. A loading area and access to the trash facilities will be located on the southeast side of the building, with a driveway from Charleston Boulevard. The driveway to the loading area will need to be approved by the Nevada Department of Transportation (NDOT), as access to Charleston Boulevard is subject to state approval. Mechanical areas and the transformers are located along the east side of the ground floor of the building.

A total of 372 parking spaces will be provided for the development, with nine of those spaces being designated for handicap accessible use. The applicant has used a ratio of one parking space per unit for the residential use, which is consistent with previous approvals in the Downtown Centennial Plan area.

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- **Landscape Plan**

The landscape plan depicts the use of Shade Trees along the Charleston Boulevard frontage, providing nine in all. Palm Trees are provided along the Fourth Avenue frontage as required; the trees will need to have a minimum brown trunk height of 25 feet upon installation. Due to the constrained right-of-way of Charleston Boulevard, the applicant has provided a five-foot wide amenity zone with Palm Trees along Fourth Avenue and Shade Trees along Charleston Boulevard. The ten-foot sidewalk that is required has been placed under the buildings arcades along Charleston Boulevard, which is private property, then meanders back to the public right-of-way along Fourth Avenue.

- **Elevations**

The proposed materials are brick or stucco or EIFS for the body of the building; stone or cast Indiana stone trim; cast iron balcony rails; and copper standing seam metal for the buildings traditional roof which creates a statement of shelter to its users and comfort to passerby. The building might also feature an illuminated sign with the name of the building.

A single setback will be provided at the 11th floor of the structure; the upper levels of the building will include a combination of inset and cantilevered balconies, which assist in giving variation to the form of the tower and create shadow and texture on the façade.

- **Floor Plan**

The ground floor plan depicts the hotel lobby and urban lounge located on the Charleston Boulevard side of the building. A secondary entrance to the residential lobby will be available from the Fourth Street side of the building, directly accessible from the valet area. Levels two through nine of the structure will be dedicated to parking; the clubhouse will be located on floor 10 with trees buffering the outdoor pool; the condominium units will be located on floors 11 through 39 with the upper five floors dedicated to penthouse units. The final two floors are dedicated to mechanical equipment.

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;**

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The proposed uses are compatible with adjacent development and development in the area. The tower structure is comparable in height to other projects that have been approved in the immediate vicinity.

- 2. The proposed development is consistent with the General Plan, Title 19, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;**

The proposed development is consistent with the General Plan and with Title 19. The design of the project is generally consistent with the goals and objectives of the plan.

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

Vehicular access to the structure will be from Fourth Street; access to the trash area will be from Charleston Boulevard. The Charleston Boulevard access point will need to be approved by NDOT. The intensity of the development will add a significant amount of traffic to the existing network, but initial calculations indicate there is adequate capacity to address the added impacts.

- 4. Building and landscape materials are appropriate for the areas and for the City;**

The proposed building materials are appropriate for the area.

- 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 proposed elevations are generally consistent with the Centennial Plan, and will have a vibrancy of materials and lighting that will contribute to the vitality of the area.

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

The structure will be subject to inspections, and appropriate measures will be taken to protect the public health, safety, and general welfare.

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ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 554

APPROVALS 10

PROTESTS 2