

## AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 16, 2008  
DEPARTMENT: PLANNING AND DEVELOPMENT  
ITEM DESCRIPTION: SDR-25773 - APPLICANT: EXCEED PROPERTIES, INC. -  
OWNER: EXCEED PROPERTIES, INC., ET AL

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### \*\* CONDITIONS \*\*

The Planning Commission (7-0 vote) and staff recommend DENIAL.

#### Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-25776), Variance (VAR-25778), and Special Use Permits (SUP-25775 and SUP-25779) shall be required.
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 02/22/08, except as amended by conditions herein.
4. A Waiver from Title 19.08.060 Residential Adjacency Requirements is hereby approved, to allow a residential adjacency setback of 510 feet where 550 feet is the minimum required from the protected property at northeast corner of the property.
5. A Waiver from Title 19.08.060 Residential Adjacency Requirements is hereby approved, to allow a residential adjacency setback of 126 feet where 1,275 feet is the minimum required from the protected property at the west property line.
6. 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.
7. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

8. 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.
9. 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).
10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
12. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. 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.
13. 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.
14. A Comprehensive Construction Staging Plan shall be submitted to the Planning and Development Department for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers.
15. 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.
16. Prospective buyers shall be informed that views may be obscured by future adjacent development and this information shall be included in project CC & Rs.

17. 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.
18. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

19. Dedicate an additional 10 feet of right-of-way for a total width of 150 feet on Sahara Avenue in accordance with the City's Master Plan of Streets and Highways and the necessary right-of-way for a right turn lane on Sahara Avenue in accordance with Standard Drawing No. 201.1; construction is not required at this time. In addition dedicate a 25-foot radius on the northeast corner of 6th Street and Sahara Avenue and grant a traffic signal chord easement at this intersection. All dedications shall record prior to the issuance of any permits for this site.
20. 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.
21. 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. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
22. Unless otherwise allowed by the City Engineer, construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network and shall be terminated on-site with a handicap ramp.
23. The proposed driveways accessing this site from Sahara Avenue and 6<sup>th</sup> Street shall be designed, located and constructed in accordance with Standard Drawing #222a. The driveway accessing Sahara Avenue shall receive approval from the Nevada Department of Transportation.
24. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Sahara Avenue public rightofway adjacent to this site. 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.

25. 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 rightofway, 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.
26. Submit a sewer connection plan and a sewer abandonment plan for all existing sewer lines to the Collection System Planning Section of the Department of Public Works prior to the issuance of any permits. Comply with the recommendations of the Collection System Planning Section. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
27. 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.
28. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of any construction drawings or the submittal of a map for this site, whichever may occur first. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

29. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.
30. Landscape and maintain all unimproved rights-of-way on Sahara Avenue adjacent to this site.
31. Submit an Encroachment Agreement for all landscaping located in the public right-of-way adjacent to this site prior to occupancy of this site.
32. Coordinate with the Regional Transportation Commission regarding the Sahara Avenue Corridor/Rapid Transit Study prior to the issuance of any permits to address impacts to this site plan, if any.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This request is for a Site Development Plan Review for a proposed 38-story mixed-use development that includes 108,500 square feet of commercial area and 676 residential units on 6.34 acres adjacent to the northeast corner of Sixth Street and Sahara Avenue. The commercial square-footage is divided into 36,200 square feet of retail/restaurant space, of which 10,660 square feet of retail fronts towards Sahara Avenue, and 72,300 square feet of office space that will occupy the space on the second through fifth floors.

The applicant indicates that the proposed project is an opportunity to promote additional redevelopment and more intense land uses downtown by furthering to restore vitality, economic opportunities, and giving an overall direction to future public and private improvements throughout the area. The proposed development and potential uses are permitted in the proposed/existing C-1 (Limited Commercial) zoning district. However, the need for a Variance (VAR-25778) and waivers addressed in this request indicate that the scope and scale of the proposed development is too intense and not compatible with the surrounding area. Further, the proposed development is not in keeping with the goals and strategies as outlined in the Beverly/Southridge Neighborhood Plan and denial of this request is recommended.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
03/04/92	The City Council approved the appeal of the Planning Commission denial of a request for a Rezoning (Z-0107-91) from R-1 (Single Family Residential) and C-1 (Limited Commercial) to R-PD40 (Residential Planned Development 40 Units per Acre) on 3.3 acres located on the east side of 6th Street north of Sahara Avenue. The request included a deviation from the five-acre minimum site area for an R-PD project (this now requires a variance). The City Council placed a condition on the approval restricting the rezoning to R-PD25 (Residential Planned Development 25 Units per Acre) with a maximum of 84 units. A General Plan Amendment was not required. The Rezoning was subject to a 12-month Resolution of Intent. Staff recommended approval of the Rezoning on condition that it be restricted to R-PD36 (Residential Planned Development 36 Units per Acre).
07/15/92	The City Council approved a Plot Plan Review [Z-0107-91(1)] for a proposed two-story, 84-unit condominium development on 3.3 acres on the east side of 6th Street north of Sahara Avenue. Staff recommended approval. (There was no Planning Commission hearing.)

07/23/92	The Planning Commission approved a Tentative Map (TM-0045-92) for an 84-unit condominium subdivision (Sixth Street Condominiums) on 3.3 acres located on the east side of 6th Street north of Sahara Avenue. Staff recommended approval.
10/22/92	The Planning Commission approved a name change [TM-0045-92(1)] of an approved Tentative Map (TM-0045-92) from Sixth Street Condominiums to Sahara Courtyards Condominiums. Staff recommended approval. The Planning Commission subsequently approved the Final Map (FM-0085-92) of Sahara Courtyards Condominiums. This map recorded on 05/21/93.
04/21/93	The City Council approved a Special Use Permit (U-0031-93) to allow the sale of beer and wine within an existing restaurant at 600 East Sahara Avenue. The Board of Zoning Adjustment and staff recommended approval.
04/14/94	The Planning Commission approved a Plot Plan Review [Z-0107-91(2)] for a proposed two-story, 84-unit condominium development (12 buildings) on 3.3 acres on the east side of 6th Street north of Sahara Avenue. Staff recommended approval.
07/14/94	The Planning Commission approved an Amended Final Map [FM-0085-92(1)] for Sahara Courtyards Condominiums on 3.1 acres on the east side of 6th Street north of Sahara Avenue. The purpose of amending the map was to change the configuration of condominium units. The map was never recorded.
08/06/03	The City Council passed R-108-2003 adopting the Beverly Green/Southridge Neighborhood Plan.
08/04/04	The City Council tabled a request for a General Plan Amendment (GPA-4332) to amend a portion of the Southeast Sector Plan of the General Plan from SC (Service Commercial) to M (Medium Density Residential) on 3.16 acres on the east side of 6th Street, approximately 360 feet north of Sahara Avenue. The Planning Commission and staff recommended approval.
01/13/05	The Planning Commission voted to Withdraw Without Prejudice a request for a General Plan Amendment (GPA-5661) to amend a portion of the Southeast Sector Plan of the General Plan from SC (Service Commercial) to H (High Density Residential) on 3.2 acres on the east side of 6th Street, approximately 360 feet north of Sahara Avenue. Staff recommended denial.
03/13/08	The Planning Commission recommended denial of companion items ZON-25776, VAR-25778, SUP-25775 and SUP-25779 concurrently with this application.  The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #25/rts).
<b><i>Related Building Permits/Business Licenses</i></b>	
Prior to 01/01/51	A business license, L11-00001, for a Beer Wine Cooler On-Off Sale category license for 610 East Sahara Avenue, Suite 2 was processed in by the Department of Finance and Business Services. This license was issued by Business Services and reissued on 01/24/02 due to a reclassification of the license type.

Prior to 01/01/51	A business license, C15-00281, for a Convenience Store category license for 610 East Sahara Avenue, Suite 2 was processed in by the Department of Finance and Business Services. This license was issued by Business Services and reissued on 01/29/02 due to a reclassification of the license type.
Prior to 01/01/51	A business license, L16-00042, for a Tavern category license for 620 East Sahara Avenue was processed in by the Department of Finance and Business Services. This license was issued by Business Services and reissued on 11/18/02 due to a change of manager. *
Prior to 01/01/51	A business license, R09-00027, for a Restaurant - Seating 45 or More category license for 620 East Sahara Avenue was processed in by the Department of Finance and Business Services. This license was issued by Business Services and reissued on 12/13/02. *
Prior to 01/01/51	A business license, R23-00009, for a Recreational Instruction or Lessons category license for 610 East Sahara Avenue, Suite 11 was processed in by the Department of Finance and Business Services. This license was issued by Business Services and reissued on 02/12/03 due to a reclassification of the license type. *
Prior to 01/01/51	A business license, C05-00904, for a Tobacco Dealer - Retail category license for 610 East Sahara Avenue, Suite 2 was processed in by the Department of Finance and Business Services. This license was issued by Business Services and reissued on 02/12/03 due to a reclassification of the license type.
Prior to 01/01/51	A business license, R09-00070, for a Restaurant - Seating 45 or More category license for 600 East Sahara Avenue was issued by the Department of Finance and Business Services. This license was reissued on 10/01/03 due to a misplaced original. *
02/02/89	A building permit application, plan check M-0162-89, was submitted for the site. This was for a plan check review for an interior remodel of an existing restaurant at 600 East Sahara Avenue. This permit (89018670) was reviewed and approved by the Planning and Development Department on 02/02/98 and issued by the Building and Safety Department 03/22/89. This permit received a final inspection on 04/06/89.
05/17/89	A business license, B08-00846, for a Beauty/Cosmetics Sales category license for 610 East Sahara Avenue, Suite 6 was processed in by the Department of Finance and Business Services. This license was issued by Business Services and reissued on 12/04/02 due to a reclassification of the license type.
02/01/90	A business license, B04-01032, for a Barber Shop category license for 610 East Sahara Avenue, Suite 5 was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 02/02/90 and reissued on 04/15/98 due to a change of suite numbering.
09/11/91	A business license, C11-04092, for a Masonry Contractor category license for 604 East Sahara Avenue was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 09/13/91 and reissued on 02/27/97. A Cease and Desist notice was issued 03/15/06. *

04/21/93	A business license, L09-00087, for a Beer Wine Cooler On Sale category license for 600 East Sahara Avenue was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 06/01/93 and reissued on 10/02/03 due to a misplaced original. *
07/21/97	A business license, B05-02665, for a Cosmetological Establishment category license for 610 East Sahara Avenue, Suite 6 was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 07/29/97 and reissued on 04/15/98 due to a change of suite numbering.
01/20/99	A business license, A01-01074, for an Administrative Office category license at 610 East Sahara Avenue, Suite 1 was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 01/29/99. *
10/18/00	A business license, F14-00035, for an Auto Title Loans category license for 610 East Sahara Avenue, Suite 10 was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 10/31/00 and reissued on 11/30/07 due to a change of ownership. *
09/07/01	A business license, R10-00045, for a Food Caterer category license for 600 East Sahara Avenue was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 09/27/01 and reissued on 12/17/02 due to a misplaced original. *
01/12/04	A business license, M09-00080, for a Mail Box Center category license for 610 East Sahara Avenue, Suite 7 was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 01/15/04. *
12/17/04	A business license, M01-08415, for a Maintenance Services - Janitorial category license for 610 East Sahara Avenue, Suite 7 was processed in by the Department of Finance and Business Services. This license was issued by Business Services on 12/23/04 and reissued on 02/09/05. *
12/23/04	A business license, C07-03299, for a Clothing Store category license for 610 East Sahara Avenue, Suite 13 was processed in by the Department of Finance and Business Services. This license was approved by the Planning and Development Department on 05/20/05 and issued by Business Services on 06/21/05.
05/02/05	A business license, A04-00084, for an Advertising Space Leasing or Selling category license for 610 East Sahara Avenue, Suite 7 was processed in by the Department of Finance and Business Services. This license was approved by the Planning and Development Department on 05/09/05 and issued by Business Services on 05/10/05.
06/23/06	A building permit application, plan check L-0889-06, was submitted for the site. This was for a plan check review for a tenant improvement (stone entry/floor plan remodel) for a certificate of occupancy at 620 East Sahara Avenue. This permit (07000608) was reviewed and approved by the Planning and Development Department on 07/10/06 and issued by the Building and Safety Department 02/15/07. A revision of the architectural, plumbing, and electrical drawings were reviewed and approved 03/19/07. This permit received a final inspection on 05/15/07.

10/30/07	A business license, C21-00192, for a Check Cashing Service category license for 610 East Sahara Avenue, Suite 10 was processed in by the Department of Finance and Business Services. This license was approved by the Planning and Development Department on 11/16/07 and issued by Business Services on 11/30/07.
<b><i>Pre-Application Meeting</i></b>	
11/16/07	<p>A pre-application meeting was held, where submittal requirements and elements of this application were discussed. Specifically, staff listed and described several major issues with the project as follows:</p> <ul style="list-style-type: none"> <li>• Of primary concern is the multiple General Plan designations over the site (C, SC and L) and whether the full site would be included in the Downtown Redevelopment Area when it is all reverted to one parcel. The applicant was advised to submit a General Plan Amendment for the SC (Service Commercial) and L (Low Density Residential) parcels while an answer was sought.</li> <li>• A Waiver of residential adjacency standards must be requested as a part of the Site Development Plan Review application.</li> <li>• A Merger and Resubdivision map would need to be recorded prior to issuance of permits.</li> <li>• NDOT approval is required for any driveway on Sahara.</li> <li>• Subterranean parking was an issue, due to the high water table in the area and the expense of digging through hard caliche.</li> <li>• The applicant was informed of the strict time limits on any future Tentative Map approvals project must be completed within two years or a new map must be submitted.</li> <li>• A Development Impact Notice and Assessment and Project of Regional Significance questionnaire must be completed, signed and submitted as part of the submittal package.</li> <li>• A neighborhood meeting is required if a General Plan Amendment application is submitted; however, a meeting was recommended even if no amendment is submitted.</li> <li>• The area on the site plan labeled Central Plant needed to be more detailed for the submittal.</li> </ul>
<b><i>Neighborhood Meeting</i></b>	
01/29/08	<p>A neighborhood meeting was held at the Trinity Life Center, 1000 East St. Louis Street. Thirty-eight members of the public, two representatives of the applicant, and one member of the Planning and Development staff attended. Those in attendance had the following comments and concerns:</p> <ul style="list-style-type: none"> <li>• Concern regarding number and location of entrances off 6<sup>th</sup> Street.</li> <li>• Traffic on 6<sup>th</sup> Street and St. Louis Avenue and parking intensity.</li> <li>• Residential adjacency waivers issue.</li> <li>• Property values effect of density apartments rather than condos.</li> <li>• Screening of activity podiums and hours of operation.</li> </ul>

	<ul style="list-style-type: none"> <li>• Shade and shadow study presented.</li> <li>• Traffic study to be done prior to Planning Commission.</li> <li>• Estimate new students into CCSD.</li> <li>• Exterior lighting and signage question.</li> <li>• Use of fire retardant coverings.</li> <li>• Apartments to be medium income target.</li> <li>• Small unit sizes.</li> <li>• Tower out of scale with neighborhood.</li> <li>• Not in compliance with Southridge / Beverly Green Neighborhood Plan (albeit non-binding).</li> <li>• Construction staging plan.</li> </ul> <p>The majority of those in attendance had significant concerns and opposed the project. A minority were in favor.</p>
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\* This business license has been issued with no indication that it was reviewed or approved by the Planning and Development Department.

<b>Field Check</b>	
12/06/07	The Department of Planning and Development conducted a site visit that found that the south side of the site is developed with a shopping center and two restaurant pads. There is a large mobile storage container in the parking lot area of the shopping center. A low wall with an approximately eight-foot wrought iron fence is located along the north property line of the shopping center. Along 6th Street to the north is a radio station, also with a mobile storage container in the parking area. The rest of the site is undeveloped, except for a private street that is an extension of the road servicing several office buildings to the east of the subject site. This street terminates in a cul-de-sac with an arm jutting out. Cut-through traffic across the site from 6th Street to this private street was observed, although there are no curb cuts on 6th Street except at the radio station.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	6.34

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Shopping Center	C (Commercial)	C-1 (Limited Commercial)
	Undeveloped (w/ full cul-de-sac terminus)	SC (Service Commercial)	R-PD25 (Residential Planned Development 25 Units per Acre)
	Radio Broadcasting	SC (Service Commercial)	R-1 (Single Family Residential)

North	Undeveloped	SC (Service Commercial)	R-1 (Single Family Residential)
	Undeveloped	L (Low Density Residential)	R-1 (Single Family Residential)
	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
South	Auto Repair	CT (Commercial Tourist Clark County Designation)	C-2 (General Commercial Clark County Designation)
	Multi-Family Residential	CT (Commercial Tourist Clark County Designation)	H-1 (Limited Resort and Apartment Clark County Designation)
East	Restaurant	C (Commercial)	C-1 (Limited Commercial)
	Office, Other Than Listed	C (Commercial)	C-1 (Limited Commercial)
	Undeveloped (w/ partial cul-de-sac terminus)	C (Commercial)	C-1 (Limited Commercial)
	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
West	Auto Parts (New and Rebuilt)	SC (Service Commercial)	C-1 (Limited Commercial)
	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>			
Beverly Green/Southridge Neighborhood Plan	X		N *
Redevelopment Plan Area	X		Y **
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
A-O Airport Overlay District (175 Feet)	X		N ***
<b>Trails</b>		X	n/a
<b>Rural Preservation Overlay District</b>		X	n/a
<b>Development Impact Notification Assessment</b>	X		Y ****
<b>Project of Regional Significance</b>	X		Y ****

\* The proposed project does not reflect Strategy 1 as outlined under Issue 2 of the Existing Land Uses section of The Beverly/Southridge Neighborhood Plan which requests: any development whose building foundation is within 300 of property zoned for a single-family residential home be required to adhere to Title 19.08.060 Residential Adjacency Standards.

- \*\* Only one of the subject sites parcels (162-03-801-099), which contains existing retail and commercial uses, is located within the Downtown Redevelopment Area.
- \*\*\* The proposed height of the residential tower, 425 feet, exceeds the height limitation of 175 feet for this area established by the McCarran International Airport Overlay Map portion of A-O (Airport Overlay) District. A companion Special Use Permit (SUP-25775) has been submitted pursuant to Title 19.06.080 and if approved would grant relief from the height limitation.
- \*\*\*\* Pursuant to Ordinance No. 5227, the project under review outlines a project that meets the threshold that defines a Project of Significant Impact as outlined in the ordinance for a development in excess of 500 residential units. Further, pursuant to Ordinance No. 5477, the proposed project is deemed to be a Project of Regional Significance, as there are requests for Special Use Permits within 500 feet of the City boundary with unincorporated Clark County. Two Special Use Permits are requested in conjunction with this project. The applicant has prepared and submitted, as part of the overall project submittal, an impact report as required by the Ordinances for referral to affected agencies. As of 12/26/07, comments have only been received from the following agencies:
- The Collection Systems Planning section of the city of Las Vegas Department of Public Works comments that in respect to wastewater, the developer of this project shall provide a sewer connection & abandonment plan of any existing sewer lines within this project to the Collection Systems Planning section of The City of Las Vegas per Section 10 of the Development Impact Notice and Assessment (DINA).
  - The City of Las Vegas Flood Control Section of the Department of Public Works will require a technical drainage study as an if approved condition as a part of this review.
  - The Metropolitan Police Department has determined that the proposed project has the potential to increase calls for service and increase response times in the Downtown Area Command.

**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	276,170 SF	n/a
Min. Lot Width	100 Feet	306 Feet	Y
Min. Setbacks			
• Front	20 Feet	20 Feet	Y *
• Side	10 Feet	52 Feet	Y
• Corner	15 Feet	41 Feet	Y **
• Rear	20 Feet	48 Feet	Y **

Max. Lot Coverage	50%	46%	Y
Max. Building Height	n/a	425 Feet (38-Stories)	n/a
Trash Enclosure	Gated and Screened	Enclosure (A part of the building, access from east service drive)	Y
Mech. Equipment	Screened	Screened	Y

\* The setback complies with C-1 (Limited Commercial) district standards, but does not comply with meet the 1:1 stepback ratio for the portion of the height above 35 feet. A companion Variance (VAR-25778) has been requested and if approved will grant relief from the city standard.

\*\* The setback complies with C-1 (Limited Commercial) district standards, but does not comply with Residential Adjacency setbacks.

***Pursuant to Title 19.08.060, the following residential adjacency standards apply:***

<b><i>Residential Adjacency Standards</i></b>	<b><i>Required/Allowed</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
3:1 proximity slope (Northeast Corner)	555 Feet	510 Feet	N *
3:1 proximity slope (West Side of Property)	1,275 Feet	126 Feet	N *
Adjacent development matching setback	15 Feet	>15 Feet	Y
Trash Enclosure	50 Feet	>50 Feet	Y

\* A waiver has been requested as a part of this review that if approved it would allow a residential adjacency setback of 510 feet where 555 feet would be required to meet the 3:1 Proximity Slope standard at the northeast corner of the site and 126 feet where 1,275 feet would be required to meet the 3:1 Proximity Slope standard at the west side of the site. This would grant relief from the city standards.

***Pursuant to Title 19.10 and 19.12, the following landscaping and open space standards apply:***

<b><i>Landscaping and Open Space Standards</i></b>				
<b><i>Standards</i></b>	<b><i>Required</i></b>		<b><i>Provided</i></b>	<b><i>Compliance</i></b>
	<b><i>Ratio</i></b>	<b><i>Trees</i></b>		
Parking Area	1 Tree / 6 Spaces	0 Trees *	0 Trees	Y
Buffer:				
Min. Trees	1 Tree / 20 Linear Feet	79 Trees	59 Trees	N **
	1 Tree / 30 Linear Feet	26 Trees	27 Trees	Y
<b>TOTAL</b>		105 Trees	86 Trees	N **
Min. Zone Width	15 Feet ROW		>15 Feet	Y
	8 Feet Interior Lot Line		8 Feet	Y
Wall Height	6 Feet		6 Feet	Y

\* Parking is provided for 1,496 vehicles, however there are no uncovered surface parking spaces. This calculation is based only on the open parking lot spaces.

\*\* There is limited area for trees within the perimeter landscape buffers along the west side of the property adjacent to South 6<sup>th</sup> Street due to the multiple driveway access points. It is noted that additional landscaping will be provided on the west side of the development where previous plans called for two, five space parking lots and a second primary access.

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

<b>Parking Requirement</b>							
<b>Use</b>	<b>Gross Floor Area or Number of Units</b>	<b>Base Parking Requirement</b>		<b>Provided</b>		<b>Compliance</b>	
		<b>Parking Ratio</b>	<b>Parking</b>		<b>Parking</b>		
			Regular	Handi-capped	Regular		Handi-capped
Commercial, Other Than Listed *	36,200 SF	1 Space / 175 SF	204 Spaces	3 Spaces	204 Spaces	4 Spaces	Y
Office, Other Than Listed	72,300 SF	1 Space / 300 SF	237 Spaces	4 Spaces	237 Spaces	5 Spaces	Y
Multi-family Residential	270 Units	1.25 Spaces /Studio Unit	331 Spaces	6 Spaces	332 Spaces	6 Spaces	Y
	406 Units	1.25 Spaces /1 Bedroom Unit	499 Spaces	9 Spaces	499 Spaces	9 Spaces	Y
	676 Units	1 Space / 6 Units	108 Spaces	5 Spaces	108 Spaces	6 Spaces	Y
<b>Sub-total</b>	108,500 SF / 676 Units		1,379 Spaces	27 Spaces	1,466 Spaces	30 Spaces	Y **
<b>TOTAL (including handicap)</b>	108,500 SF / 676 Units		1,406 Spaces		1,496 Spaces		Y
Loading Spaces	108,500 SF	3 Spaces at 50,000 SF + 1 Space for each added 100,000 SF	4 Spaces		4 Spaces (3 Truck Dock Spaces)		Y

\* There is a notation that indicates that some of the retail space may be used for a restaurant use in the future. Depending on the extent of any future restaurant(s) within this commercial space, the development may become parking deficient as a restaurant use has a higher parking demand than retail or other general commercial uses.

\*\* The parking analysis included as a part of the site plan indicates that there will be 93 parking spaces in excess of the Title 19 requirements but does not specifically allocate these spaces to any particular use.

<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
To allow a residential adjacency setback of 510 feet.	The 3:1 proximity slope would require a setback of 555 feet from the northeastern corner of the property.	Denial
To allow a residential adjacency setback of 126 feet.	The 3:1 proximity slope would require a setback of 1,275 feet from the western property line.	Denial

***Comparison of proposed development Original Submittal versus Revised Submittal\*:***

<b><i>Element</i></b>	<b><i>Original Submittal Dated 11/27/07</i></b>	<b><i>Revised Submittal Dated 01/24/08</i></b>	<b><i>Revised Submittal Dated 02/22/08</i></b>	<b><i>Difference (Original vs. Current Revision)</i></b>
Residential Units	1,105 Units	673 Units	676 Units	39% Reduction (429 Unit)
-- Studio Units	0 Units	270 Units	270 Units	Added Unit Type
-- 1 Bedroom Units	780 Units	403 Units	406 Units	48% Reduction(374Unit)
-- 2 Bedroom Units	195 Units	0 Units	0 Units	Eliminated Unit Type
-- 3 Bedroom Units	130 Units	0 Units	0 Units	Eliminated Unit Type
Amenity SF	70,000 SF	70,000 SF	70,000 SF	No Change
Commercial SF	179,860 SF	108,500 SF	108,500 SF	40% Reduction (71,360 SF)
Building Height	500 Feet	345 Feet	425 Feet	15% Reduction (75 Feet)
# of Stories	49 Stories	30 Stories	38 Stories	26.8% Reduction (11 Stories)
Parking Required	2,386 Spaces	1,403 Spaces	1,406 Spaces	41% Reduction (980 Spaces)
Parking Provided	2,496 Spaces	1,444 Spaces	1,496 Spaces	40% Reduction (1,000 Spaces)
Waiver Requests				
-- L/S Buffer (less than 8 FT)	0 Feet (part of N P L) 5 Feet (part of E P L)	0 Feet (part of N P L) 5 Feet (part of E P L)	No longer required	Increase buffers to 8 Feet

-- Residential Adj. at northeast corner	50 Feet where 510 Feet are required (90%)	50 Feet where 195 Feet are required (74%)	510 Feet where 555 Feet are required (8%)	82% Reduction in amount of waiver requested
-- Residential Adj. along west side	101 Feet where 1,500 Feet are required (93%)	101 Feet where 1,005 Feet are required (90%)	126 Feet where 1,275 Feet are required (90%)	3% Reduction in amount of waiver requested

\* This table has been included to provide a basic review of the significant elements and what has changed as a result of revisions submitted, date stamped 01/24/08, since this item was initially slated to be heard by the Planning Commission on 01/10/08.

## ANALYSIS

The subject site is located on the Southeast Sector Map of the General Plan. The site is designated as SC (Service Commercial) on the northern portion. This category allows for low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons and do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. The SC (Service Commercial) category may also allow mixed-use development with a residential component where appropriate. The southern portion of the project site is designated as C (Commercial) on the Redevelopment Plan Area Map of the General Plan. This category allows for commercial uses that are normally allowed within the O (Office), SC (Service Commercial), and GC (General Commercial) General Plan land use categories. The proposed use is in conformance with these land use designations.

There is a Rezoning (ZON-25776) proposed to change the zoning of the northern portion of the project site from an R-1 (Single Family Residential) and R-PD25 (Residential Planned Development 25 Units per Acre) zoning districts to a C-1 (Limited Commercial) zoning district. This would bring the entire project area into a single C-1 (Limited Commercial) zoning district. The existing radio broadcasting and retail uses are permissible in a C-1 (Limited Commercial) zoning district and the proposed mixed-use development is permissible with the approval of the companion Special Use Permit (SUP-25779) and would then be consistent with the existing SC (Service Commercial) and C (Commercial) General Plan designations.

The site is within the McCarran International Airport Overlay Map portion of the A-O (Airport Overlay) District. The proposed height of the tower, 425 feet, exceeds the height limitation of 175 feet for this area. A Special Use Permit (SUP-25775) has been submitted pursuant to Title 19.06.080 and if approved would grant relief from the height limitation.

As previously noted, the southern portion of the subject site is within the boundaries of the Las Vegas Redevelopment Area, with a C (Commercial) land use designation. The proposed use is in conformance with the Redevelopment Plan.

Further, the site is within the Beverly/Southridge Neighborhood Plan area at the southern edge of the plan boundaries. The neighborhood plan is intended to serve as a set of guiding principles for the area. The proposed project does not reflect Strategy 1 as outlined under Issue 2 of the Existing Land Uses section of The Beverly/Southridge Neighborhood Plan which requests any development whose building foundation is within 300 of property zoned for a single-family residential home be required to adhere to Title 19.08.060 Residential Adjacency Standards. This strategy is mainly a response to a concern regarding potential negative impacts a high rise structure may cause if built in the area with the goal being to actively oppose any negative aesthetic effects a high rise structure may pose to the neighborhood. There is a request for a waiver of the residential adjacency standards as a part of this review that exemplifies how the proposed development does not meet the intent of the neighborhood plan with regard to the buildings proposed height in relation to the neighboring single family residential homes.

The site encompasses multiple parcels with a proposed building built across the lot lines. As it is the stated intention of the applicant to create a mixed-use subdivision, there will need to be a tentative map review and final map technical review for a merger and resubdivision of the site prior to any building permits being issued.

- **Site Plan**

The site plan is in compliance with the standards of the existing/proposed C-1 (Limited Commercial) zoning district, however, it does not meet the residential adjacency standards for a commercial development adjacent to single family residential property. This location will consist of a 345-foot high mixed-use development that incorporates a multi-level office use, street level retail with a possibility of restaurants at the Sahara Avenue frontage and 673 residential units.

The site is located at the northeast corner of South 6<sup>th</sup> Street and East Sahara Avenue. The site consists of an undeveloped master condominium parcel, an undeveloped residential parcel, and three developed parcels (two of which contain a radio broadcast facility and parking lot and one which contains a retail center). The site plan illustrates a single mixed-use building divided into two component buildings. The northern component will function as a mid-rise (65-foot high) residential tower above four levels of subterranean parking and ground level lobby with residential support facilities and 11,355 square feet of retail/restaurant space. The larger component at the southern end of the site will be a tower massed towards Sahara Avenue that will contain residential units above the sixth floor amenity level with parking and office space on the second through fifth level. The ground floor is intended to house back-of-house and residential amenity rooms, ground floor retail and residential entryways. The ground level commercial fronts towards Sahara Avenue and is accessed from a pedestrian plaza and enhanced sidewalk.

The site plan indicates that 1,496 parking spaces will be provided within the subterranean and above ground parking structure that makes up the basement and a portion of the second through fifth floors of the southern component of the development. The parking provided for this development is greater than the 1,406 parking spaces required by code. The garage parking for guest and valet is accessed off of South 6<sup>th</sup> Street either via the down ramps off of the developments main entry drive or from an access ramp for residences and commercial tenants situated on the east side in between the two components of the development. The garage access for the residence and commercial tenants is accessed via a private access drive that is situated 90 feet east of the property's Sahara Avenue frontage and enters the project site from the northeast.

- **Waivers**

The applicant had previously requested a waiver of the perimeter landscape buffer requirements. Specifically, the request was to provide no perimeter buffer for a small segment at the north property line and a reduced perimeter buffer width (five feet where eight is required) along the east property line. This waiver is no longer needed based on the revised site plan, date stamped 02/22/08.

There is also a waiver requested to allow deviations from residential adjacency standards. While, this type of deviation is usually a variance, Code allows mixed-use developments that contain a significant residential element to waive this standard. The waiver would allow a residential adjacency setback of 510 feet where 555 feet would be required to meet the 3:1 Proximity Slope standard from nearest protected property at the northeastern corner of the site and 126 feet where 1,275 feet would be required to meet the 3:1 Proximity Slope standard for nearest protected property along the west side of the property. Denial of these waiver requests is recommended.

- **Landscape Plan**

The landscape plan depicts adequate landscape buffer widths along the perimeter of this site. A waiver had been requested as a part of this review to allow the perimeter landscape buffer to be reduced from eight feet to five feet on the east side and a portion of the buffer area is requested to be zero feet where eight feet is required on the north side. That waiver is no longer necessary as a revision to the site plan has provided adequate buffering.

The perimeter landscape buffers are depicted as having a minimum 24-inch box tree planted at 20 feet on center where adjacent to or across the street from residential property and 30 feet on center where adjacent to commercial property. Due to the various drive entrances and exits there is a limited number of trees in the perimeter landscape buffer along the west side of the project site. There is no surface parking area proposed, therefore no parking area trees are required.

The landscape plan reflects landscaping will be provided within the proposed park at the far northeastern portion of the site. This includes landscaping in various configurations surrounding the playground area and as screening from the walkways and dog walk areas. Further, extensive landscaping and a pedestrian plaza is depicted for the west side of the development where surface parking and a second primary drive access had previously been considered.

- **Elevations/Floor Plan**

The elevations depict an overall height of 38-stories for the high-rise portion of the mixed-use development at the southern end of the site adjacent to Sahara Avenue. The mid-rise portion is depicted at five-stories. Both components of this development are depicted as having ground level commercial spaces and residential spaces above that. The design meets the Title 19.04 requirements for a Mixed-Use development. The building uses metal awnings at the pedestrian level and fenestration, both textural and color, to breaking up the massing of the building. The building massing is further broken up by the visually separating the two components of the development at the parking entry ramp accessed from the rear service drive. Further, at the amenity level of the high-rise component (sixth floor) the building massing breaks into stratified layers which use balconies and complimentary color schemes to provide additional architectural character and definition. Metal mesh is used to screen the openings at the parking levels. The use of expression lines and the difference in massing, going from a solid base to differentiated building blocks visually separates the commercial and parking level portion of the building from the residential. Materials used include smooth finish and painted concrete, low glazing glass, metal awnings and glass guardrails. Stepback are not provided in accordance with Title 19.08.030 (C) from Sahara Avenue, a 150-foot Primary Arterial street. A Variance (VAR-25778), if approved, would grant relief from the city standards that require a one foot stepback for each additional one foot of height above 35 feet where adjacent to a collector street or larger.

The floor plans show that there will be a mix of studio and one bedroom residential units in the building but no unit layouts or proposed square footages were provided as a part of this review. There are residential community pools on levels two and five of the mid-rise component of the development. The high-rise component has parking and office space on the second through fifth floors with pools and other amenities on the sixth floor. Additional pools are indicated for the tenth and thirteenth floors.

This site development plan review has been submitted in conjunction with a Rezoning (ZON-25776) to change the northern portion of the project site to a C-1 (Limited Commercial) zoning district, a Variance (VAR-25778) to allow a deviation of the 1:1 stepback requirement above 35 feet where adjacent to a collector street or larger, a Special Use Permit (SUP-25775) to allow a building height of 425 feet in the A-O (Airport Overlay) District and a Special Use Permit (SUP-25779) to allow a mixed-use development with residential uses in the proposed C-1 (Limited Commercial) zoning district.

The proposed Site Development Plan Review is in conformance with the sites General Plan designation and is appropriate for the proposed zoning district. However, while the applicant has made revisions to their original proposal (as noted in the table above), the scope and scale of the proposed development remains incompatible with the surrounding present and future area development and the buildings height remains in conflict with the neighborhood plan for the area and Title 19; therefore, staff is recommending denial of this site development plan review request.

## **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 mixed-use building is not compatible with adjacent development and development in the area as it requires multiple unsupported waivers and a Variance (VAR-25778) that indicate the development is too intense for this location.

**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 development is not consistent with the General Plan, Title 19, or the Beverly/Southridge Neighborhood Plan. The development specifically goes against the neighborhood plan which calls for high-rise projects within 300 feet of a single family residence to meet the Residential Adjacency Standards. Further, the proposed development is not consistent with Goal 2 of the General Plan as it relates to mature neighborhoods being sustained and improved through appropriate and selective high quality redevelopment and preservation.

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

South 6<sup>th</sup> Street, a 60-foot local street, will be the principal vehicular access point for guests and the valet service with additional access via a private access drive off of East Sahara Avenue, a 150-foot primary arterial street, for building residents and commercial tenants. Further, the frontage along East Sahara Avenue will be used by pedestrians patronizing the ground-floor commercial businesses and has access to public transportation, which may assist in reducing the number of vehicle trips generated by the development. The scope of this project and the added traffic on South 6<sup>th</sup> Street will likely result in a negative impact on adjacent roadways and neighborhood traffic. Mitigation measures suggested by the required Traffic Impact Analysis may reduce these negative impacts.

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

The proposed building and landscape materials are appropriate for the area and the City.

**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 building will provide a new aesthetically pleasing mixed-use building to the area that will offer commercial opportunities as well as provide additional urban residential housing. However, the proposed development will not be harmonious and compatible with development in the area due to the scope and scale of the project.

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

The proposed plan will not impact public health, safety or welfare since the development will be subject to the International Building Code and City inspections during construction of the building as well routine business license inspections for the tenant commercial spaces.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 12

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 10

**NOTICES MAILED** 323 by Planning Department

**APPROVALS** 7

**PROTESTS** 23