



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 14, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-29002 - APPLICANT: EXCEED PROPERTIES, INC. -
OWNER: EXCEED PROPERTIES, INC. AND FAITH COMMUNICATIONS

** CONDITIONS **

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-29010) shall be required, if approved.
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 07/11/08, 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 47 feet where 336 feet is the minimum required from the protected property.
5. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to the time application is made for a building permit, to reflect the changes herein: Provide a minimum 10-foot setback from the building to the south 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. Provide 24-inch box trees spaced a minimum of 20 feet on center along the north and west perimeters with four, five-gallon shrubs provided per tree. Provide 24-inch box trees spaced a minimum of 30 feet on center along the east and south perimeters of the subject property with four, five-gallon shrubs provided per tree.
8. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

SDR-29002 - Conditions Page Two
August 14, 2008 - Planning Commission Meeting

9. 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.
10. 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).
11. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
12. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
13. 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.
14. 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.
15. 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.
16. 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.
17. Prospective buyers shall be informed that views may be obscured by future adjacent development and this information shall be included in project CC & Rs.

SDR-29002 - Conditions Page Three
August 14, 2008 - Planning Commission Meeting

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

Public Works

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 circular driveway accessing this site from 6th Street shall be designed, located and constructed in accordance with Standard Drawing #222a.
24. The proposed emergency access only driveway shall be constructed per Standard Drawing #224 with crash gate located at the back of sidewalk.
25. 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.

SDR-29002 - Conditions Page Four
August 14, 2008 - Planning Commission Meeting

26. An update to the previously approved 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.
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.

SDR-29002 - Staff Report Page One
August 14, 2008 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for a Site Development Plan Review for a proposed 10-story Mixed-Use development that includes 4,000 square feet of commercial area and 296 residential units on 3.8 acres located on the east side of Sixth Street 300 feet north of Sahara Avenue. This project was originally noticed with a Waiver to allow a reduced landscape buffer along the eastern portion of the development; however, that request is no longer needed and all proposed landscape buffers widths are in conformance with Title 19. The commercial portion is divided into three retail suites which will surround a porte cochere entry fronting 6th Street located on the first floor of the development. The remaining floors two through ten will house a mixture of 296 residential units ranging in size between studio and three bedroom units.

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 C-1 (Limited Commercial) zoning district. However, the need for a Waiver for residential adjacency 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 Green/Southridge Neighborhood Plan and denial of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/04/92	The City Council approved 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. The Planning Commission recommended denial; 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.)

SDR-29002 - Staff Report Page Two
August 14, 2008 - Planning Commission Meeting

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.
04/14/94	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 a Resolution (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.
09/14/04	A Code Enforcement citation (#21130) was issued against 2201 South 6 th Street for litter, weeds/grass and refuse and waste code violations. The case was resolved 09/21/04.
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.

SDR-29002 - Staff Report Page Three
August 14, 2008 - Planning Commission Meeting

<p>04/16/08</p>	<p>The City Council tabled requests for a Site Development Plan Review (SDR-25773) for a proposed 43-story Mixed-Use development including 1,105 residential units and 179,860 square feet of commercial uses, with a Waiver of Residential Adjacency requirements to allow a 101-foot setback where 1,500 feet is required and Waivers of perimeter landscape buffer standards to allow a zero-foot buffer along a portion of the north property line and five feet along the east property line where eight feet is required, a Request for a Rezoning (ZON-25776) from R-PD25 (Residential Planned Development - 25 Units per Acre) and R-1 (Single Family Residential) to C-1 (Limited Commercial), a Special Use Permit (SUP-25775) for a 500-foot building in the A-O (Airport Overlay) district where the height limitation is 175 feet, a Special Use Permit (SUP-25779) for a proposed Mixed-Use development and a Variance (VAR-25778) to allow no setback where a 1:1 setback to height ratio is required along a street classified as collector or larger for a proposed Mixed-Use development on 7.02 acres adjacent to the northeast corner of Sixth Street and Sahara Avenue. The Planning Commission recommended denial of these requests, staff recommended approval of the Rezoning request and denial of the remaining requests.</p>
<p><i>Related Building Permits/Business Licenses</i></p>	
<p>There are no business licenses or building permits relevant to the subject property.</p>	
<p><i>Pre-Application Meeting</i></p>	
<p>11/16/07</p>	<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"> • 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. • A Waiver of residential adjacency standards must be requested as a part of the Site Development Plan Review application. • A Merger and Resubdivision map would need to be recorded prior to issuance of permits. • NDOT approval is required for any driveway on Sahara. • Subterranean parking was an issue, due to the high water table in the area and the expense of digging through hard caliche. • 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. • A Development Impact Notice and Assessment and Project of Regional Significance questionnaire must be completed, signed and submitted as part of the submittal package.

SDR-29002 - Staff Report Page Four
August 14, 2008 - Planning Commission Meeting

	<ul style="list-style-type: none"> • A neighborhood meeting is required if a General Plan Amendment application is submitted; however, a meeting was recommended even if no amendment is submitted. • The area on the site plan labeled Central Plant needed to be more detailed for the submittal.
--	---

Neighborhood Meeting

07/29/08	A neighborhood meeting was held at the Trinity Life Center, 1000 East St. Louis Street at 6:00 PM. The results of the meeting were unavailable at the time this report was written.
----------	---

Field Check

12/06/07	The Department of Planning and Development conducted a site visit that found a long 6th Street is a radio station, 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.
----------	---

Details of Application Request

<i>Site Area</i>	
Net Acres	3.8

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	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	Shopping Center	C (Commercial)	C-1 (Limited Commercial)
East	Office, Other Than Listed	C (Commercial)	C-1 (Limited Commercial)
	Undeveloped (w/ partial cul-de-sac terminus)	C (Commercial)	C-1 (Limited Commercial)

SDR-29002 - Staff Report Page Five
August 14, 2008 - Planning Commission Meeting

	Single-Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
West	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>
Special Area Plan			
Beverly Green/Southridge Neighborhood Plan	X		N *
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District (175 Feet)	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

* The proposed project does not reflect Strategy 1 as outlined under Issue 2 of the Existing Land Uses section of The Beverly Green/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.

** The proposed height of the residential tower, 112 feet, is within the height limitation of 175 feet for this area established by the McCarran International Airport Overlay Map portion of A-O (Airport Overlay) District.

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	165,528 SF	N/A
Min. Lot Width	100 Feet	371 Feet	Y
Min. Setbacks			
• Front	20 Feet	27 Feet	Y
• Side (south)	10 Feet	10 Feet	Y*
• Side (north)	10 Feet	35 Feet	Y
• Rear	20 Feet	47 Feet	Y**
Max. Lot Coverage	50%	31.8%	Y
Max. Building Height	N/A	112 Feet (10-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

DC

SDR-29002 - Staff Report Page Six
August 14, 2008 - Planning Commission Meeting

* The site plan submitted indicates a side setback of 8.59 feet at the southwest corner of the building. The project architect indicates that the setback is actually 10 feet. A condition has been added requiring a 10-foot side setback along the south property line.

** 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:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	336 Feet	47 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 47 feet where 336 feet would be required to meet the 3:1 Proximity Slope standard at the northeast corner 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:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree / 6 Spaces	2 Trees *	2 Trees	Y
Buffer:				
Min. Trees	1 Tree / 20 Linear Feet	44 Trees	22 Trees	N **
	1 Tree / 30 Linear Feet	21 Trees	36 Trees	Y
TOTAL		67 Trees	60 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 557 vehicles, however there are nine uncovered surface parking spaces, which requires two trees. 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 6th 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.

SDR-29002 - Staff Report Page Seven
 August 14, 2008 - Planning Commission Meeting

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Base Parking Requirement			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Commercial, Other Than Listed	4,000 SF	1 Space / 175 SF	22	1	22	1	
Condominium	58 Units	1.25 Spaces / Studio Unit	71	2	71	2	
	42 Units	1.25 Spaces / 1 Bedroom Unit	50	3	50	3	
	144 Units	1.75 Spaces / 2 Bedroom Unit	250	2	250	2	
	52 Units	2 Spaces / 3 Bedroom Unit	102	2	102	2	
	296 Units	1 Space / 6 Units	50		52		
Sub-total	4,000 SF / 296 Units		545	10	547	10	Y
TOTAL (including handicap)	4,000 SF / 296 Units		555 Spaces		557 Spaces		Y
Loading Spaces	4,000 SF	1 Space for each 50,000 SF	1 Space		2 Spaces (Truck Dock Spaces)		Y

Waivers		
Request	Requirement	Staff Recommendation
To allow a residential adjacency setback of 47 feet.	The 3:1 proximity slope would require a setback of 336 feet from the northeastern corner of the property.	Denial

SDR-29002 - Staff Report Page Eight
August 14, 2008 - Planning Commission Meeting

Comparison of proposed development Original Submittal versus Revised Submittal*:

<i>Element</i>	<i>SDR-25773 Submittal Dated 11/27/07</i>	<i>SDR-25773 Submittal Dated 01/24/08</i>	<i>SDR-25773 Submittal Dated 02/22/08</i>	<i>SDR-29002 Submittal Dated 07/11/08</i>	<i>Difference (Original vs. Current Revision)</i>
Residential Units	1,105 Units	673 Units	676 Units	296 Units	73% Reduction (809 Units)
-- Studio Units	0 Units	270 Units	270 Units	58 Units	Added Unit Type
-- 1 Bedroom Units	780 Units	403 Units	406 Units	42 Units	94% Reduction (738 Units)
-- 2 Bedroom Units	195 Units	0 Units	0 Units	144 Units	26% Reduction (51 Units)
-- 3 Bedroom Units	130 Units	0 Units	0 Units	52 Units	60% Reduction (78 Units)
Amenity SF	70,000 SF	70,000 SF	70,000 SF	33,780 SF	51% Reduction
Commercial SF	179,860 SF	108,500 SF	108,500 SF	4,000 SF	97% Reduction (175,860 SF)
Building Height	500 Feet	345 Feet	425 Feet	112 Feet	77% Reduction (388 Feet)
# of Stories	49 Stories	30 Stories	38 Stories	10 Stories	79% Reduction (39 Stories)
Parking Required	2,386 Spaces	1,403 Spaces	1,406 Spaces	555 Spaces	76% Reduction (1,406 Spaces)
Parking Provided	2,496 Spaces	1,444 Spaces	1,496 Spaces	557 Spaces	77% Reduction (1,939 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	No longer required	Increase buffers to 8 Feet
-- Residential Adj.	50 Feet where 510 Feet are required (90%)	50 Feet where 195 Feet are required (74%)	510 Feet where 555 Feet are required (8%)	47 Feet where 336 Feet are Required (86%)	4% Reduction in amount of Waiver requested

SDR-29002 - Staff Report Page Nine
August 14, 2008 - Planning Commission Meeting

ANALYSIS

The subject site is located on the Southeast Sector Map of the General Plan. The site is designated as SC (Service Commercial). 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 proposed use is in conformance with the land use designation.

There is a Rezoning (ZON-29009) proposed to change the zoning of site from the 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 use is 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-29010) submitted for Mixed Use. This request would then be consistent with the existing SC (Service Commercial) General Plan designation.

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.

SDR-29002 - Staff Report Page Ten
August 14, 2008 - Planning Commission Meeting

- **Site Plan**

The site plan is in compliance with the standards of the 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 112-foot high Mixed-Use development that incorporates ground floor retail at 6th Street, as well as 296 residential units.

The site is located 300 feet north of Sahara Avenue on the east side of 6th Street. The site consists of an undeveloped master condominium parcel, an undeveloped residential parcel, and two developed parcels which contain a radio broadcast facility and parking lot. The site plan illustrates a single U-shaped Mixed-Use building with a residential tower stepped back from 6th Street at the fourth, seventh, and tenth levels. The ground level commercial fronts towards 6th Street and is accessed from a large porte cochere driveway area fronting 6th Street. The first floor of the building will house parking, back-of-house and residential amenity rooms, ground floor retail and residential entryways.

The site plan indicates that 548 parking spaces will be provided within the subterranean and ground level parking structure that makes up the two basement and first floors of the building, and nine additional surface parking spaces will be provided near the ground level swimming pool area towards the eastern edge of the development. The parking provided for this development is greater than the 555 parking spaces required by code. The residential guest and retail customer garage parking is accessed off of South 6th Street from the porte cochere area, according to the submitted justification letter. The resident and employee parking is accessed from a private street which is only accessible from Sahara Avenue. This street will lead residents and employees to a guard gate, which will grant access to the interior private drive and parking garage areas.

- **Waivers**

The applicant has requested a Waiver 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 47 feet where 336 feet would be required to meet the 3:1 Proximity Slope standard at the northeastern corner of the site. Denial of these waiver requests is recommended.

- **Landscape Plan**

The landscape plan depicts adequate landscape buffer widths at the southern and western perimeter of this site. All proposed landscape buffers are a minimum of eight feet in width while the buffer fronting 6th Street is approximately 27 feet in width, in compliance with the requirements of Title 19.

SDR-29002 - Staff Report Page Eleven
August 14, 2008 - Planning Commission Meeting

The perimeter landscape buffers are depicted as having 24-inch box trees and 36-inch box palms planted at 30 feet on center where adjacent to commercial property. Title 19 requires trees to be spaced at 20 feet on center when adjacent to residential property, however several portions of the north landscape area, and to a lesser extent the eastern buffer, which entirely borders residential property, contains gaps in the required tree spacing. A condition has been added requiring trees to be spaced a maximum of 20 feet on center when adjacent to residential property and a maximum of 30 feet on center when adjacent to commercial property. In addition, due to the varying nature of box-sized palm trees, a condition has been added requiring all palm trees provided within the required landscape buffer areas to be a minimum height of 15 feet from the ground to the top of fronds.

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 proposed community park and dog run area and as screening from the walkways and gathering areas.

- **Elevations/Floor Plan**

The elevations depict a 10-story mixed-use development with ground level commercial spaces and residential spaces above that is designed to meet the Title 19.04 requirements for a Mixed-Use development. The building uses fabric awnings at the pedestrian level and fenestration, both textural and color, to breaking up the massing of the building. At each of the building setbacks on the fourth, seventh and tenth floors, as well as at the roofline, plantings will be used to break up the façade of the building. Exterior materials used for the body of the building will be an EIFS, or Exterior Insulation Finish System painted in a range of four harmonious colors, low glazing glass, and fabric awnings.

The floor plans show that there will be a mix of studio, one, two and three-bedroom residential units in the building on floors two through ten, but no unit layouts were provided as a part of this review. Two elevator lobbies located at the north and south ends of each floor will serve the building, with each lobby will featuring a garbage chute. Two stairwells are also provided at the southwest and northwest corners of the building.

This Site Development Plan Review has been submitted in conjunction with a Rezoning (ZON-29009) to change the subject property to a C-1 (Limited Commercial) zoning district and a Special Use Permit (SUP-29010) to allow a Mixed-Use development with residential uses in the proposed C-1 (Limited Commercial) zoning district.

SDR-29002 - Staff Report Page Twelve
August 14, 2008 - Planning Commission Meeting

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

The following findings must be made for an SDR:

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 a Waivers which indicates 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 Green /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 6th Street, a 60-foot local street according to the Master Plan of Streets and Highways, will be the principal vehicular access point for guests and retail customers 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. The scope of this project and the added traffic on South 6th 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.

**SDR-29002 - Staff Report Page Thirteen
August 14, 2008 - Planning Commission Meeting**

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; however, the quantities are not. A condition has been added requiring the applicant to conform to the Title 19 required plant spacing.

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 310

APPROVALS 15

PROTESTS 9