

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: MARCH 26, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SDR-33426 - APPLICANT: FRANCISCO LARA - OWNER: 7TH STREET PROPERTIES, LLC**

**** CONDITIONS ******STAFF RECOMMENDATION: APPROVAL**, subject to:**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-32171) 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 03/03/09, except as amended by conditions herein.
4. The Reversionary Map (FMP-33456) must be recorded prior to the issuance of building permits.
5. 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 and specify 15-foot Southern Live Oak, Shoestring Acacia or African Sumac tree species only.
6. 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.
7. All commercial signage shall receive approval from the Downtown Design Review Committee (DDRC) prior to the issuance of sign permits.

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8. 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).
9. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
11. 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.
12. 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.
13. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

14. Sign and record a Covenant Running with Land agreement for the possible future installation of half-street improvements (including curb and gutter, sidewalks, street lighting, permanent paving and possibly fire hydrants and sewers) on Seventh Street adjacent to this site prior to the issuance of any permits for this site.
15. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.
16. Submit an Encroachment Agreement for all landscaping and private improvements, if any, located in the 7th Street public right-of-way adjacent to this site prior to occupancy of this site.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Site Development Plan Review (SDR-33426) for a proposed Tavern-Limited Establishment in an existing two-story, 7,632 square-foot building with an accessory 6,160 square-foot Commercial Recreation/Amusement Facility (Outdoor) that will serve as an outdoor performance venue.

There is a related request for a Special Use Permit (SUP-32171) for the Tavern-Limited Establishment use that will be heard concurrently with this proposal.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/16/64	The City Council approved a Rezoning to C-2 (General Commercial) on the subject site as part of a larger request (Z-0100-64).
12/20/06	The City Council approved a request for a Special Use Permit (SUP-17310) for a proposed Tavern-Limited Establishment at 115 North 7th Street. The Planning Commission and staff recommended approval. NOTE: This entitlement expired on 12/20/07.
03/02/09	A Final Map (FMP-33456) technical review was approved and an action letter was sent for a reversion to acreage of approximately 0.32 acres at the Southeast corner of 7th Street and East Ogden Street. This map has not yet recorded.
<i>Related Building Permits/Business Licenses</i>	
03/06/07	Plan check #L-0833-07 was created for a tenant improvement to 115 North 7 th Street but no building permits have been issued against this property.
03/28/07	Civil improvement plans (#CLV-18158) were issued for a fire riser addition to 115 North 7 th Street. The plans were finalized on 04/09/07 and will expire on 04/09/09.
<i>Pre-Application Meeting</i>	
11/05/09	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Site Development Plan Review for a proposed Tavern-Limited with an accessory outdoor performance area located in the Entertainment Overlay. The pre-application requirements for the related Special Use Permit (SUP-32171) were revisited to ensure coordination between both application requests.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required nor was one held.	

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Field Check	
02/12/09	A field check was made by staff with the following observations: • Existing two story building currently unoccupied and in generally good condition. • Undeveloped northern portion of lot is fenced off from public access. • Alleyway in suitable condition. • There are 10 metered on-street parking spaces in front of subject property.

Details of Application Request	
Site Area	
Net Acres	0.32 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial	C (Commercial)	C-2 (General Commercial)
North	Vacant	C (Commercial)	C-2 (General Commercial)
South	Motel	C (Commercial)	C-2 (General Commercial)
East	Motel	C (Commercial)	C-2 (General Commercial)
West	Hotel & Casino	C (Commercial)	C-2 (General Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan	X		Y
Redevelopment Plan Area	X		Y
Downtown Centennial Plan	X		Y
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts	X		Y
Downtown Entertainment Overlay District	X		Y
Downtown Overlay - District Fremont East	X		Y
Trails		X	Y
Rural Preservation Overlay District		X	Y
Development Impact Notification Assessment		X	Y
Project of Regional Significance		X	Y

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DEVELOPMENT STANDARDS

Pursuant to Title 19.06.060, the Downtown Centennial Plan area exempts properties from the automatic application of building height limitations, setbacks, lot coverage, and standard parking requirements. The following development standards apply to this subject proposal:

<i>Standard</i>	<i>Provided</i>
Setbacks • Front • Side • Corner • Rear	2-6 0 0 0
Building Height	24 feet
Trash Enclosure	Located in an area adjacent to the rear of the alley with screening from the public right-of-way.
Mech. Equipment	Roof-mounted and screened from view. Additional equipment is located within an enclosure located adjacent to the rear alley.

<i>Streetscape Standards</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
North-South Streets (Non-Major) 7 th Street	10-foot wide sidewalk with a five-foot wide amenity zone landscaped with 15-foot tall shade trees placed at 30-foot increments.	10-foot wide sidewalk with a five-foot wide amenity zone landscaped with 15-foot tall shade trees placed at 30-foot increments.	N*

*A condition of approval has been added requiring a covenant running with land to install the appropriate streetscape when determined appropriate by the City of Las Vegas.

Pursuant to the Downtown Centennial Plan, this project is exempt from the automatic application of Title 19.10 parking requirements. The table provided below shows the potential parking loads that may be generated by this proposal.

<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Base Parking Requirement</i>			<i>Provided</i>	
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>	
			Regular	Handi-capped	Regular	Handi-capped
Tavern Limited Establishment	4,000 SF	1:50 (Public Seating and Waiting Area)	80			
	1,845 SF	1:200 (Remaining GFA)	10			
						MH

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Office	1,374 SF	1:300	5			
Commercial Recreation/A musement Facility (Outdoor)	5,352 SF	1:200	27			
			117	5		
TOTAL			122		0*	

*The proposed use would typically require 122 parking spaces. The justification letter states that parking for this proposal is available in three public parking garages all located within a short walking distance. There are also 10 metered parking spaces located in front of the property, with additional on-street metered parking spaces available throughout the Downtown Entertainment Overlay District.

ANALYSIS

- **Land Use and Zoning**

Redevelopment Plan Area

The parcel is within the boundaries of the Las Vegas Redevelopment Area, with a C (Commercial) land use designation. The C (Commercial) land use designation accommodates the proposed uses, which are also in conformance with the Redevelopment Plan.

Downtown Overlay District

Properties within the Downtown Overlay District are encouraged to develop complex, visually interesting and urbane walkable mixed-use environments. Therefore, proposals located within this overlay are exempt from the automatic application of the mandatory maximum building height, required building setback, maximum lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements in Section 19.08.040, Section 19.08.050, Section 19.08.060, Chapter 19.10, and Chapter 19.12.

Downtown Centennial Plan Area (Fremont East)

The parcel is located within the East Fremont District of the Downtown Centennial Plan. The East Fremont District is the logical extension of the Fremont Street Experience eastward and includes casinos and supporting commercial, motel, and some residential uses. This transitional district is bound by the centerline of Las Vegas Boulevard on the west, the centerline of Ogden Avenue on the north, the centerline crossing of Eastern Avenue and Charleston Boulevard on the east and the centerline of Carson Avenue on the south.

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Downtown Entertainment Overlay District

The subject property is located within the Downtown Entertainment Overlay District, which is intended to further the City's downtown redevelopment plans in the spirit of restoring downtown Las Vegas as a dynamic, vibrant center for the entire Las Vegas Valley. Creation of the district is also intended to adjust the zoning and licensing restrictions to encourage non-gaming blues and jazz nightclubs, comedy clubs, and other musical entertainment venues and sets forth signage requirements per the Downtown Design Review Committee (DDRC).

- **Site and Landscape Plan**

The site is located on a 0.32 acre parcel, adjacent to the east side of 7th Street, approximately 50 feet south of Ogden Drive. The proposal consists of the addition of a 5,352 square-foot outdoor performance area enclosed by ten-foot high wall to an existing two-story building with a gross floor area of 7,632 square feet.

Direct access is provided to the site from 7th Street, where 10 on-street metered parking spaces are provided with service access provided from a rear alley. The applicant is seeking to accommodate the parking requirements with the local hotel and casino parking garages and public parking garages located in the immediate area. The provided site plans do not show the required 10-foot wide sidewalk along with a five-foot wide amenity area showing shade trees planted at 30-foot intervals along 7th Street. A condition has been added requiring a covenant running with land to install the proper streetscape in the future.

Staff has added a condition to specify the size and species of trees in concordance with the Downtown Centennial Requirements (15-foot tall Southern Live Oak, Shoestring Acacia, or African Sumac shade trees).

- **Elevations**

The provided elevations depict a 24-foot tall, two-story building with an adjoining outdoor performance area enclosed by a ten-foot wall. The existing flat-roofed building is proposing to add a cornice, wooden simulated vigas extending from the exterior walls, and band of Spanish tiles that tie into the adjoining performance area. The exterior walls of the adjoining outdoor performance area will have a series of arches finished with smooth stucco consisting of three earth-toned colors and stained wood trim. The existing glass storefront will be refinished with an arched arcade while the windows on the second floor will have window box planters. The elevations and architectural detailing of the proposal provide a positive contribution to the area.

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- **Floor Plan**

The submitted floor plans depict an open floor plan, with the exception of the two restroom located near the front entry. A bar service area is located at the rear of the building and a stage is shown at the center of the building. A second floor provides space for two offices, a small conference room, some storage area, and two restrooms. Three rolling doors are proposed between the enclosed Tavern-Limited use and the outdoor performance area.

There are additional access doors located at the front and rear of the existing building with emergency egress for the outdoor performance area located at streetside and into the alleyway.

FINDINGS

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

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

The proposed development is compatible with the casino located across 7th Street to the west, the motels adjacent to the east and south, and the parking lot adjacent to north of the subject property.

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;**

The proposed development is consistent with the C (Commercial) land use designation and the Tavern-Limited use with the accessory Commercial Recreation/Amusement Facility (Outdoor) is allowed upon approval of the related Special Use Permit (SUP-32171).

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

Site access is provided directly from 7th Street, an 80-foot wide right-of-way, with service access provided from an alley way located at the rear of the building. The proposed development will operate mostly from pedestrian traffic that is generated in the Downtown Entertainment Overlay District and supported by multiple parking garages located in close proximity.

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

The proposed building materials are appropriate for the area and for the City. A condition has been added to ensure that the provided street trees meet the minimum requirements of the Downtown Centennial Plan Streetscape Standards.

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 provided elevations show an aesthetic improvement to the existing building that ties in seamlessly to the accessory commercial Recreation/Amusement Facility (Outdoor) use. Staff finds that the proposal will create an orderly and aesthetically pleasing contribution to the surrounding area.

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

The proposed development will not impact public health, safety or welfare as the development will be subject to City inspections during construction and business operations.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 255

APPROVALS 2

PROTESTS 0