



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MAY 27, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: RESORT GAMING GROUP, LLC - OWNER: 220 NORTH 4TH STREET LV, LLC, ET AL

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SDR-37946	Staff recommends DENIAL, if approved, subject to conditions:	

** CONDITIONS **

SDR-37946 CONDITIONS

Planning and Development

1. 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.
2. All development shall be in conformance with the site plan and landscape plan, date stamped 05/05/10 and building elevations, date stamped 04/13/10, except as amended by conditions herein.
3. Three trees shall be provided on the east side of Third Street as required by conditions of approval of Site Development Plan Review (SDR-4835).
4. A Waiver from Downtown Centennial Plan Section VII.B.1.e is hereby approved, to allow utilities to remain above ground where required to be underground.
5. A Waiver from Downtown Centennial Plan Section VII.B.3.d is hereby approved, to allow open or block wall screening adjacent to Fourth Street and the service yard where ornamental iron screening is required.

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6. A Waiver from Downtown Centennial Plan Section VII.B.3.g is hereby approved, to allow seven parking lot trees where a minimum of nine trees are required in islands and/or on the perimeter of the parking lot.
- 7.A Waiver from Downtown Centennial Plan Section VII.B.4.a is hereby approved, to allow a zero-foot amenity zone where a five-foot amenity zone is required.
- 8.A Waiver from Downtown Centennial Plan Section VII.B.4.c is hereby approved, to allow no additional trees along Stewart Avenue or Ogden Avenue where a minimum of 19 trees is required.
- 9.Prior to occupancy, the required number of handicap parking spaces shall be provided in conformance with Title 19.10 requirements.
10. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.
11. These Conditions of Approval shall be affixed to the cover sheet of the plan set submitted for building permit.
12. 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 be revised to include irrigation specifications and to include landscaping materials sufficient to provide screening for the trash area.
13. 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.
14. All proposed signage shall be subject to approval by the Downtown Design Review Committee prior to issuance of permits.
15. 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).
16. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

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17. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
18. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
19. 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.
20. 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.
21. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

22. Coordinate with the Building and Safety Department to determine if existing lot lines are in conflict with existing or the new proposed structures. If it is determined that a mapping or other lot consolidation is required, coordinate with the City Surveyor to determine the most appropriate lot consolidation method.
23. Dedicate a 10 foot radius on the southwest corner of Stewart Avenue and 4th Street prior to the issuance of any permits.
24. A Petition of Vacation to vacate the existing public sewer easement, such as VAC-27995, shall record prior to the issuance of any permits for improvements abutting or overlying the sewer easement.
25. Remove all substandard public street improvements and unused driveway cuts adjacent to this site and replace with new improvements meeting Downtown Centennial Plan Standards modified as necessary to accommodate existing physical obstructions and as amended by conditions herein per the approved Site Plan 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 the development of this site.

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26. Prior to the approval of Construction drawings for this site, sign a Covenant Running with Land agreement for the possible future undergrounding of all existing overhead utility lines adjacent to this site not placed underground per requirements of the Downtown Centennial Plan. The Covenant agreement must be recorded with the County Recorder and a copy of the recorded document must be provided to the City prior to the issuance of building permits for this site.
27. Unless otherwise allowed by the City Engineer, construct sidewalk, where such does not exist, 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.
28. Contact the City Engineer's Office (Lorrie Dunford) at 229-6272 to coordinate the development of this project with the Stewart Avenue Phase II project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
29. Landscape and maintain all unimproved rights-of-way, if any, on 4th Street, Ogden Avenue and Stewart Avenue 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.
30. Submit an Encroachment Agreement for all landscaping and private improvements, if any, located in the Ogden Avenue, Stewart Avenue and (where applicable) 4th Street public rights-of-way adjacent to this site prior to issuance of permits for this site.
31. Coordinate all driveway geometrics with the Traffic Engineer to determine final allowable widths and depths prior to the submittal of construction drawings or issuance of permits whichever occurs first.
32. 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.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This project request is for modifications to an existing hotel and casino located at the southwest corner of Stewart Avenue and Fourth Street. Façade improvements to the existing buildings are proposed along Stewart Avenue, Ogden Avenue, Fourth Street and the interior of the property. Along Fourth Street, a new access into the property and new surface parking area containing 54 spaces are proposed, along with a new porte cochere and building entrance. A new central plant that will contain the majority of the hotel's mechanical equipment will also be located along Fourth Street. Along Stewart Avenue, the existing loading dock is proposed to be rebuilt and reconfigured with screening. The existing pedestrian bridge across Third Street is proposed to be modified to replace the existing glass with transparent glass and to reduce the bulk of the structure. The existing mechanical building adjacent to the west side of the west tower will be demolished to allow for a one-way entry into the property. Along Ogden Avenue, a new pool and deck is proposed to be added to the roof of the existing eastern building, as well as a 25-foot tall building extension that is intended to include meeting rooms. The casino will not be expanded.

The overall project is subject to the standards of the Downtown Centennial Plan. Several Plan standards are not met by the proposal. Insufficient streetscape is proposed along Ogden Avenue and Stewart Avenue, and on the east side of Third Street at Ogden Avenue. Amenity zones are not provided along Ogden Avenue or Stewart Avenue. Power lines, which are required to be located underground with improvement of the site, are proposed to remain above ground. Where the proposed surface parking lot faces Fourth Street and Ogden Avenue, open or block wall screening is proposed where an ornamental iron fence is required. Screening is also required along Stewart Avenue adjacent to the existing service yard. The parking lot contains fewer trees than required by the Downtown Centennial Plan. The applicant requests waivers to allow these deficiencies. Because the project fails to be in substantial conformance with Downtown Centennial Plan standards and will not be compatible with recent development east of Fourth Street, staff recommends denial of the Site Development Plan Review request. If denied, the existing hotel and casino would remain and a new Site Development Plan Review would be required for future development of the site.

ISSUES

- A deceleration lane is proposed along the west side of Fourth Street into the site to eliminate disruption of traffic flow. A portion of the existing sidewalk and amenity zone would be used for the deceleration lane.

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- As a result of the proposed site modifications, 51 parking spaces are proposed to be added; however, the number of hotel rooms is proposed to be reduced by 162, thereby reducing the overall parking demand. Title 19 parking requirements are not automatically applied in the Downtown Centennial Plan area.
- The existing service yard area is proposed to be expanded to permit large service vehicles to enter and exit the site without obstructing Stewart Avenue. A 20-foot driveway is proposed that will allow for easier egress from the service yard.
- Waivers of Downtown Centennial Plan streetscape, utility, parking lot landscaping and screening requirements are required for approval of the project as proposed; these have been requested by the applicant. Staff cannot support these requests, and has provided additional recommendations within the analysis section of this report to mitigate the requests.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
12/26/62	The Board of City Commissioners approved Ordinance #1014, which adopted an official Zoning Map reaffirming the C-2 (General Commercial) Zone on the subject property.
01/09/79	The Board of Zoning Adjustment approved a Variance (V-0112-78) to allow a proposed illuminated sign over the public right-of-way that will project to within one foot (1') of the curb where a three-foot (3') setback is required on property located at 206 North Third Street. Staff recommended approval.
11/19/80	The Board of City Commissioners approved an Aesthetic Review (AR-0008-80) for a proposed 21-story, 360-unit tower to be located on the east side of Third Street between Stewart Avenue and Ogden Avenue. The Planning Commission and staff recommended approval.
12/04/85	The City Council approved an Aesthetic Review (AR-0008-80) for Phase I of a proposed expansion to an existing hotel and casino, including a proposed 21-story, 360-unit tower to be located on the east side of Third Street between Stewart Avenue and Ogden Avenue. The Planning Commission and staff recommended approval.
09/14/98	The City Council approved a Petition (VAC-0030-98) to Vacate Third Street between Stewart Avenue and Ogden Avenue. The Planning Commission and staff recommended approval. The approval expired 09/14/02 after three Extensions of Time [VAC-0030-98(1), (2) and (3)] were administratively approved by the Department of Planning and Development.
01/05/00	The City Council approved a Site Development Plan Review (SD-0030-99) for a proposed pedestrian mall on Third Street between Stewart Avenue and Ogden Avenue. The Planning Commission and staff recommended approval.

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12/06/01	The Planning Commission approved a Site Development Plan Review (SD-0071-01) for a proposed 14,765 square-foot banquet hall at 206 North Third Street. This review included the removal of the temporary tent and trailer structures. Staff recommended approval. A condition of that approval required a separate submittal for a Site Development Plan Review for general site improvements, including a proposed pedestrian mall in the portion of Third Street to be vacated prior to recordation of the Order of Vacation.
02/20/02	The City Council approved a Special Use Permit (U-0158-01) to allow the conversion of a resort hotel into a timeshare development. The Planning Commission and staff recommended approval.
05/05/04	The City Council approved a Petition (VAC-3926) to Vacate Third Street between Ogden Avenue and Stewart Avenue. The Planning Commission and staff recommended approval. The Order of Vacation was recorded on 11/19/04.
08/26/04	The Planning Commission approved a Site Development Plan Review (SDR-4835) for a proposed valet parking operation within the right-of-way area of Third Street proposed to be vacated. Staff recommended approval. A condition of approval required a City Council review in one year. No review has yet been considered by the City Council.
09/15/04	The City Council approved a Special Use Permit (SUP-4739) for a proposed 10,000 square-foot tavern and a Waiver of the 1,500-foot distance separation requirement from another tavern on property located at 201 North Third Street. The Planning Commission and staff recommended approval.
09/15/04	The City Council approved a Special Use Permit (SUP-4741) for a proposed 5,500 square-foot tavern and a Waiver of the 1,500-foot distance separation requirement from another tavern on property located at 207 North Third Street. The Planning Commission and staff recommended approval.
09/15/04	The City Council approved a Special Use Permit (SUP-4742) for a proposed 6,000 square-foot tavern and a Waiver of the 1,500-foot distance separation requirement from another tavern on property located at 207-A North Third Street. The Planning Commission and staff recommended approval.
09/15/04	The City Council approved a Special Use Permit (SUP-4743) for a proposed 4,050 square-foot tavern and a Waiver of the 1,500-foot distance separation requirement from another tavern on property located at 207-A North Third Street. The Planning Commission and staff recommended approval.
08/25/05	The Planning Commission approved a Tentative Map (TMP-8072) for a one-lot commercial subdivision on the subject property. Staff recommended approval.
10/06/05	The Downtown Design Review Committee approved an amendment (ARC-9395) to an existing Master Sign Plan for nightclub establishments at 201 and 217 North Third Street.
02/09/06	The Planning Commission approved a Tentative Map (TMP-11015) for a 262-unit Hotel/Condominium subdivision on Floors 6 through 25 of an existing Hotel/Casino complex at 221 North Third Street. Staff recommended approval.

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02/13/06	Two Reversionary Final Maps (FMP-8941 and FMP-8943) of a portion of Clark's Las Vegas Townsite, totaling 0.93 acres, were recorded in the Office of the Clark County Recorder. A portion of the subject site is included within this area.
02/15/06	The City Council approved a Special Use Permit (SUP-10491) and Site Development Plan Review (SDR-10490) for a proposed 8,700 square-foot expansion of an existing Non-Restricted Gaming Facility with Waivers of Downtown Centennial Plan Streetscape requirements, required parking structure setback along Fourth Street, and building frontage requirement along Ogden Avenue on 3.12 acres at 206 North Third Street and 220 North Fourth Street. The Planning Commission and staff recommended approval. The Special Use Permit and Site Development Plan Review approvals expired 02/15/08.
05/08/06	A Final Map (FMP-9824) of the Lady Luck for a one-lot commercial subdivision containing 3.07 acres was recorded in the Office of the Clark County Recorder. A portion of the subject site includes this subdivision.
09/21/06	The Planning Commission voted to table requests for a Special Use Permit (SUP-15382) for a proposed expansion of an existing Non-Restricted Gaming Facility and a Site Development Plan Review (SDR-15380) for a proposed 16,000 square foot expansion of an existing non-restricted gaming facility with Waivers of the Downtown Centennial Plan standards related to sidewalk width and reflective glass. Staff recommended approval.
04/02/08	The City Council approved an Extension of Time (EOT-26872) of a previously approved Site Development Plan Review (SDR-10490) for a proposed 8,700 square-foot expansion of an existing Hotel/Casino with a Waiver of Streetscape Requirements, required parking structure setback along Fourth Street, and building frontage requirement along Ogden Avenue on 3.12 acres at 206 North Third Street and 220 North Fourth Street. Staff recommended approval. The approval expired 02/15/10.
04/02/08	The City Council approved an Extension of Time (EOT-26873) of a previously approved Special Use Permit (SUP-10491) for a proposed 8,700 square-foot expansion of an existing Non-Restricted Gaming Facility at 206 North Third Street and 220 North Fourth Street. Staff recommended approval. The approval expired 02/15/10.
07/16/08	The City Council approved a Petition to Vacate (VAC-27995) a Public Sewer Easement generally located at the northwest corner of Ogden Avenue and Fourth Street. The Planning Commission and staff recommended approval.
08/14/09	The Planning and Development Department administratively approved an Extension of Time (EOT-35237) of a previously approved Petition of Vacation (VAC-27995) to vacate a Public Sewer Easement generally located at the northwest corner of Ogden Avenue and Fourth Street. The approval will expire 07/16/10.

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<i>Most Recent Change of Ownership</i>	
05/08/06	A deed was recorded for a change in ownership on APN 139-34-514-007.
10/08/07	A deed was recorded for a change in ownership on APN 139-34-514-008 and 009 and 139-34-501-009 and 010.
04/16/08	A deed was recorded for a change in ownership on APN 139-34-510-019.

<i>Related Building Permits/Business Licenses</i>	
Pre-1991	A business license (L16-00098) was issued for a tavern at 206 North Third Street. The license is still active.
08/04/98	Business licenses (C30-00984 and G08-00039) were issued for a race and sports book at 206 North Third Street. The licenses were marked out of business on 12/14/07.
09/04/03	A business license (G08-00056) was issued for non-restricted gaming at 206 North Third Street. The license is still active.
09/09/06	A business license (M18-03714) was issued for a promoter at 206 North Third Street. The license is still active.
02/07/07	A business license (A01-01253) was issued for an administrative office at 206 North Third Street. The license is still active.
02/13/07	A business license (M18-03870) was issued for a gaming research consultant at 206 North Third Street. The license was marked out of business on 12/17/07.
06/29/07	A business license (Q01-00470) was issued for a real estate business at 206 North Third Street. The license is still active.
03/12/09	A business license (M18-04657) was issued for a casino owners association at 206 North Third Street. The license is still active.

<i>Pre-Application Meeting</i>	
03/29/10	A pre-application meeting was held with the applicant to discuss the issues related to the project and to prepare the applicant for submittal of a Site Development Plan Review application. The following topics were discussed: • Traffic Engineering assisted the applicant in designing an entry into the property that preserves most of the streetscaping and sidewalk and queues approaching traffic out of the right-of-way; • Applicant proposes to add meeting space, but also will be removing floor area elsewhere, resulting in net change of near zero and minimal change in parking requirements; • Downtown Centennial Plan Threshold (Type II) requirements will apply to the project; • Signage will be subject to DDRC review. A waiver may be needed; • Fire safety issues are being addressed separately with Fire and Rescue;

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	• Applications and Statements of Financial Interest will be required from all owners, with documents linking signees to property ownership; • Encroachment agreement will be required for façade popouts along Stewart Avenue and landscaping in right-of-way; • Waivers of streetscaping, utilities (undergrounding) and parking lot screening (wrought iron fencing) will be required. Amenities in right-of-way already exist on 4th Street.
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Neighborhood Meeting

A neighborhood meeting is not required, nor was one held.

Field Check

04/22/10	A field check of the subject site revealed the following: • The portion of the site along Fourth Street is vacant, with the exception of two construction trailers, construction equipment, portable facilities, parked vehicles and two refuse dumpsters; • The vacant area is enclosed by screened chain link fencing; • The hotel is not operational at this time; • Fourth Street contains seven sets of palm trees within the amenity zone, Ogden contains one pair of palm trees, and Stewart contains three existing shade trees in the sidewalk; • Power poles are located in the sidewalk along Stewart Avenue
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Details of Application Request**Site Area**

Net Acres	3.94
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Surrounding Property	Existing Land Use Per Title 19.04	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Hotel, Gaming Establishment, Non-Restricted	C (Commercial)	C-2 (General Commercial)
North	Museum (Public)	PF (Public Facilities)	C-V (Civic)
South	Parking Garage	C (Commercial)	C-2 (General Commercial)

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East	Hotel, Gaming Establishment, Non-Restricted, Tavern	C (Commercial)	C-2 (General Commercial)
	Government Facility Parking Garage	PF (Public Facilities)	C-2 (General Commercial)
West	Taverns, Parking Garage	C (Commercial)	C-2 (General Commercial)

Master Plan Areas	Yes	No	Compliance
Master Plan Area			
Downtown Centennial Plan (Downtown Gateway District)	X		N
Special Purpose and Overlay Districts	Yes	No	Compliance
Special Purpose and Overlay Districts			
Downtown Centennial Plan Overlay District	X		N
A-O (Airport Overlay) District (200 Feet)	X		Y
Downtown Casino Overlay District	X		Y
Live/Work Overlay District	X		Y
Trails		X	N/A
Las Vegas Redevelopment Plan Area	X		Y

DEVELOPMENT STANDARDS

Pursuant to Title 19.06.060 and the Downtown Centennial Plan (Downtown Gateway District), the following development standards apply to the subject proposal:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A	3,500 SF	N/A
Min. Lot Width	N/A	25 Feet	N/A
Min. Setbacks:			
Front (Fourth Street)	70% of the first story façade shall align along the front property line	0%	Y*
Side (Ogden Avenue)	Not required	0 Feet	Y
Corner (Stewart Avenue)	70% of the first story façade shall align along the corner side property line	16%	Y*
Rear	Not required	53 Feet	Y

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Max. Lot Coverage	N/A	39%	N/A
Max. Building Height	N/A	237 Feet	N/A
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened	By condition
Mech. Equipment	Screened	Screened	Y

*The building was constructed to setbacks established at the time of original approval. The proposed improvements to the building do not affect the existing setbacks, and therefore compliance with the current standards is not required.

Pursuant to the Downtown Centennial Plan (Downtown Gateway District), the following landscape standards apply to the subject proposal:

<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 Trees	1 Tree/6 uncovered spaces in islands and/or lot perimeter	9 Trees	7 Trees	N
Min. Landscaped Surface Area	10 SF/surface parking space provided	540 SF	4,054 SF	Y
Turf Limitations	Max. 25% of total landscaped area		None	Y

Pursuant to the Downtown Centennial Plan (Downtown Gateway District), the following streetscape standards apply:

<i>Streetscape Standards</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
Minimum Sidewalk width	10 feet	4th St. - 10 feet Ogden Ave. - 10 feet Stewart Ave. - 10 feet	Y
Amenity zone (Ogden Ave., Fourth St., Stewart Ave.)	5 feet	4th St. - 5 feet Ogden Ave. - 0 feet Stewart Ave. - 0 feet	N
Right-of-way improvements	Light fixtures, streetlights, benches, trash receptacles, grates	Grates, light fixtures, streetlights, receptacles	Y
East-West Streets (Ogden Ave. and Stewart Ave.)	36" box shade trees at 15 -20' intervals (min. 19 trees)	Stewart Ave. - 3 shade trees (existing) Ogden Ave. - 2 palm trees (existing)	N
North-South Streets (4th St.)	25' date palms or similar at 30' intervals (min. 6 trees)	Existing fan palms at 20' intervals (14 trees)	Y

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Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Hotel	634 rooms	1 space per guest room	634		499		Y
TOTAL SPACES REQUIRED			634		499		Y
TOTAL (With Handicapped)			621	13	488	11	N

Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. However, the above table should be used to illustrate the requirements of an analogous project in another location in the City. The analysis should take a number of factors into consideration when discussing parking availability, including pedestrian access, nearby parking structures, on-street parking, etc.

Waivers		
Requirement	Request	Staff Recommendation
<u>DTCP VII.B.1.e Utilities</u> – Underground utilities required	Utilities along Stewart Ave. to remain above ground	Approval
<u>DTCP VII.B.3.d Parking Screening</u> – Ornamental screening required where parking lots face public streets	No screening, open or block wall screening adjacent to Fourth Street, Ogden Ave. and the service yard	Denial
<u>DTCP VII.B.3.g Parking Lot Development Standards</u> – Min. one shade tree/6 spaces in islands and/or perimeter of parking lot (min. 9 trees)	7 Trees	Denial
<u>DTCP VII.B.4.a Right-of-Way Improvements</u> – 10' sidewalk, 5' amenity zone	Zero-foot amenity zone	Denial
<u>DTCP VII.B.4.c East-West Streets</u> – 36" box trees at 15-20' intervals along Stewart Ave. and Ogden Ave.	No additional trees along Stewart Ave. or Ogden Ave.	Denial

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ANALYSIS

The entire project is subject to Downtown Centennial Plan standards. Pursuant to Section VIII.A of the Plan, the expansion of the buildings qualifies as a Threshold Category II project, requiring undergrounding of utilities and provision of streetscape improvements. Waivers of Downtown Centennial Plan streetscape, utility, parking lot landscaping and screening requirements have been requested. Staff recommends denial of the Site Development Plan Review, as the project fails to substantially comply with Downtown Centennial Plan standards, which would make the site compatible with recent development east of Fourth Street.

The most visible changes to the property from public rights-of-way will be along Fourth Street. A deceleration lane is proposed along the west side of Fourth Street providing a left-only turn into the site, in order to eliminate disruption of traffic flow. A portion of the existing sidewalk and amenity zone would be used for the deceleration lane. The east elevation of the east tower will be improved to incorporate façade modifications, a new building entrance and a porte cochere. The building footprint is not proposed to be altered; rather, the new building will extend 25 feet from the roof of the casino and will match the façade improvements on the east side of the east tower. Proposed streetscape along Fourth Street is in compliance with Downtown Centennial Plan standards.

Along Stewart Avenue, the proposed 20-foot driveway access from the service yard area will allow egress for vehicles turning around within the site. The existing driveway into the service yard can be reduced to 35 feet and the space adjacent to the trash area can be landscaped and/or screened. The sidewalk adjacent to the service yard can be expanded up to five feet to allow for additional landscaping and screening with the Downtown Centennial Plan standard ornamental iron parking screen fencing. Funding for improvements to Stewart Avenue is expected to be included in the next city budget that will allow for the future undergrounding of utilities and provide streetscaping adjacent to the site in conformance to the Downtown Centennial Plan where possible. As a result, waivers to allow existing overhead utilities to remain and for streetscape along Stewart Avenue, with the exception of the segment adjacent to the service yard, can be supported. The proposed façade improvements on the north elevation of the existing west tower will encroach 10 inches into the Stewart Avenue right-of-way, and improvements to the façade of the north elevation of the existing east tower will encroach six inches into Stewart Avenue. These encroachments are addressed as a Public Works condition, in which an encroachment agreement for maintenance will be necessary.

Downtown Gateway District standards require a minimum 10-foot sidewalk and five-foot amenity zone adjacent to public rights-of-way. The applicant proposes to meet this standard only along Fourth Street. No amenity zone is proposed to be provided along Stewart Avenue and Ogden Avenue. Staff cannot support the waiver request for a zero-foot amenity zone, except for the segment of Stewart Avenue west of the service yard entrance, for which city improvements are expected to bring into substantial conformance with Downtown Gateway District standards. The following modifications to the plans are recommended to bring the proposal into substantial conformance with the Downtown Centennial Plan:

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- Along Ogden Avenue, provide a five-foot amenity zone from Fourth Street to Third Street, a 10-foot sidewalk from Fourth Street to the parking lot exit and five-foot sidewalk from the parking lot exit to Third Street;
- Along Ogden Avenue, provide a minimum of nine 36-inch box shade trees in decomposed granite in the recommended amenity zones from Fourth Street to Third Street;
- Along Stewart Avenue, provide a five-foot amenity zone adjacent to the service yard; and
- Along Stewart Avenue, provide a minimum of two 36-inch box Rio Grande Ash or Chinese Pistache trees in decomposed granite in the recommended amenity zone adjacent to the service yard, to be compatible with improvements on the north side of Stewart Avenue

Three 24-inch box trees should also be provided on the east side of Third Street near its intersection with Ogden Avenue as required by the previous Site Development Plan Review (SDR -4835) approval, matching those already planted on the west side of Third Street. Substitution of decomposed granite in lieu of tree grates for all new trees can be supported, as the proposed revision of the Downtown Centennial Plan will not include the requirement for tree grates.

The surface parking lot contains the requisite amount of landscaping surface area; however, the Downtown Centennial Plan requires a minimum of one shade tree in the parking lot for every six parking spaces in islands and/or the perimeter of the lot. The applicant is proposing seven trees where nine are required. An ornamental iron screening fence is required for parking areas facing public streets. The applicant proposes to provide either open fencing or block wall with landscaping adjacent to Fourth Street, Ogden Avenue and the service yard. Staff cannot support the associated waivers for parking lot trees and screening, as plan modifications could be made to accommodate the standards as recommended above. The following modifications to the plans are recommended for conformance to the Downtown Centennial Plan:

- Provide two additional trees on the perimeter of parking lot or in islands
- Provide the standard Downtown Centennial Plan ornamental screen adjacent to the parking lot on Fourth Street and Ogden Avenue and the segment of Stewart Avenue adjacent to the service yard

The site is underparked by Title 19 standards; when applied, those standards require a minimum of 634 spaces, and 499 spaces are provided in the existing parking garage and the new surface parking lot. However, the Downtown Centennial Plan takes into account offsite parking, lot size limitations, alternate modes of transportation and a substantial residential element in the area, and Title 19 does not automatically apply Title 19.04 parking requirements for projects within the Downtown Centennial Plan area. As the table below shows, the number of required spaces will decrease due to removal of existing rooms, while the number of spaces provided will increase. This reduces the percentage of underparked spaces on the site from 44% to 21%.

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	Existing	Proposed	Change
Number of Rooms/Required Parking Spaces	796	634	-162
Parking Spaces Provided	445	499	+54
Spaces Underparked	351	135	-216

The number of handicap accessible spaces does not meet Title 19.10 requirements. A condition of approval will require the provision of handicap spaces to meet Title 19.10.

All proposed signage will require review and approval by the Downtown Design Review Committee prior to the issuance of sign permits. A portion of the site is located within the Downtown Casino Overlay District, which is governed by Title 19.06. The site is not included in the Special Signage Area; however, the south 80 feet of the site is subject to the standards of the Special Signage Area by virtue of its inclusion within a 125-foot buffer of the Special Signage Area boundary.

The project site lies within the 200-foot height limitation imposed by the Airport Overlay District. Although the existing west tower has a height of 237 feet, no new construction above 200 feet is proposed. The proposed addition to the roof of the hotel and casino is well within the height limitation of the Airport Overlay District. The project will not have any impact on the Live/Work District, in which this site is located.

FINDINGS (SDR-37946)

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 surrounding commercial properties zoned C-2 (General Commercial) and the C-V (Civic) zoned area to the north containing public buildings. Proposed changes to the exterior of the existing hotel and casino will not affect the building footprint.

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;

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The proposed expansion is inconsistent with Downtown Centennial Plan streetscape, utility, parking lot landscaping and screening requirements. The existing land uses are consistent with the General Plan for this site.

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

Access to the site currently exists from Stewart Avenue, an 80-foot Secondary Collector as designated by the Master Plan of Streets and Highways, Ogden Avenue, also a Secondary Collector, and Third Street, a private street within the hotel complex. A new access is proposed from Fourth Street into the property that will reduce disruption of traffic flow on Fourth Street and will lead traffic to either a surface parking area or to through lanes to Ogden Avenue. Two new driveways will provide one way access from the south side of Stewart Avenue: one will provide access to the proposed surface parking area and the other to the existing west tower. Service vehicles may still enter and exit the site from Stewart Avenue, with an additional driveway provided. The proposed expansion of the existing service yard will allow better circulation for large trucks on the property.

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

Building materials are appropriate for this area. The type of landscape materials are acceptable but are lacking in quantity, especially along Stewart Avenue, Ogden Avenue and the surface parking area.

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

The façade improvements will create a more modern look to the existing hotel and are compatible with other developments in the Downtown Centennial Plan area. The design incorporates awnings at building entrances and variations in color and relief.

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

Proposed development on the site will be subject to permit review and inspection, thereby constituting appropriate measures to protect the public health, safety and general welfare.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 19

NOTICES MAILED 128

APPROVALS 0

PROTESTS 0