



## AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 11, 2007  
DEPARTMENT: PLANNING AND DEVELOPMENT  
ITEM DESCRIPTION: SDR-21236 - APPLICANT/OWNER: POULOS FAMILY TRUST, AND ASHTON BOYD FAMILY TRUST

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

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to:

#### Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-21234), Variance (VAR-21238), Variance (VAR-21239), and Vacation (VAC-21240) shall be required.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 4/11/07, except as amended by conditions herein.
4. A Waiver from the Title 19.08.060 Residential Adjacency Setback Standard is hereby approved, to allow a 10-foot setback where a 162-foot setback is required.
5. A Waiver from the Title 19.12. Landscape Standards is hereby approved, to allow:
  - a. A five-foot wide landscape buffer along a portion of the northeast property line where a six-foot landscape buffer is required.
  - b. No landscape buffer along a portion of the southwest corner of 9th Street and Bridger Avenue where a ten-foot landscape buffer is required.
  - c. A four-foot wide landscape buffer along Bridger Avenue where a ten-foot landscape buffer is required
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. 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.
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. 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.
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. 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.
14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

15. A Petition of Vacation, such as VAC-21240, to eliminate the existing alley right-of-way in conflict with this site plan shall record prior to the issuance of any permits overlying the area to be vacated. Dedicate a 20-foot wide alley through Assessors Parcel No. 139-34-712-041 to connect to Tenth Street (including a radius) acceptable to the City Engineer prior to or concurrent with recordation of the Order of Vacation.

16. Submit an application for a deviation from Standard Drawing #222a for the driveway accessing this site from 9<sup>th</sup> Street. Also, the proposed entry on 9<sup>th</sup> Street shall be designed to accommodate a minimum queue of three vehicles prior to the gate, unless otherwise allowed by the City Traffic Engineer.
17. Parking spaces located directly off the public alley shall be set back sufficiently to allow a 24-foot wide aisle width for vehicles to back out.
18. A sanitary sewer relocation plan must be submitted to and approved by the Collection Systems Planning Section of the Department of Public Works and the new sewer lines must be constructed and active prior to the recordation of an Order of Vacation of the existing sewer easements. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. 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.
19. Landscape and maintain all unimproved rights-of-way, if any, on Bridger Avenue, 9<sup>th</sup> Street and 10<sup>th</sup> Street 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.
20. Submit an Encroachment Agreement for all landscaping, if any, located in the public right-of-way adjacent to this site prior to occupancy of this site.
21. Site development to comply with all applicable conditions of approval for ZON-21234 and all other applicable subsequent site-related actions.

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

**PROJECT DESCRIPTION**

This application request is for a Site Development Plan Review for a proposed 300-unit, 62-foot high, six-story apartment building on 1.38 acres on the north side of Bridger Avenue between 9th Street and 10th Street. The applicant has requested a Waiver from Title 19.08.060 to allow a residential adjacency setback of 10 feet where 162 feet is required. Additional Waivers of the perimeter landscape buffering standards have been requested as well.

In addition to this Site Development Plan Review, the applicant has requested an associated Rezoning (ZON-21234), a Vacation (VAC-21240), a parking Variance (VAR-21238) and a Variance (VAR-21239) to Title 19.08 Design Standards for setbacks and height. As the proposed design is more intense than the existing residential development on this block and requires multiple Variances and Waivers staff recommends denial.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
01/04/61	The Board of City Commissioners approved a Special Use Permit (U-0032-60) for an office at 227 South 9th Street.
10/01/03	The City Council approved a request to Amend the City of Las Vegas Downtown Development Plan Map (Map 9) of the Las Vegas Redevelopment Plan from Industrial to Commercial and from Industrial to Mixed Use for properties bounded by Charleston Boulevard to the north, Third Street to the east, Commerce Street to the west and Colorado Street to the south.
12/07/06	The Planning Commission approved the following requests: a Rezoning (ZON-17740) from R-4 (High Density Residential) to R-5 (Apartment); a Vacation (VAC-17744) of a portion of an existing alley generally located north of Bridger Avenue, 140 feet east of Tenth Street; a Variance (VAR-17741) to allow 150 parking spaces where 425 spaces are required ; a Variance (VAR-17742) to allow an eight-foot setback from the north property line where the residential adjacency standards require a setback of 198 feet and to allow trash enclosures to be 10 feet from residential property where a 50-foot minimum setback is required; a Variance (VAR-17743) to allow a zero-foot setbacks from the east, west, and south property lines where 20 feet, 10 feet, five feet are the minimum setbacks required to allow a building height of 66 feet where 55 feet is the maximum height allowed; and a Site Development Plan Review (SDR-17745) for a on 1.38 acres on the north side of Bridger Avenue between 9th Street and 10th Street. These items were withdrawn from the 2/07/07 City Council meeting.

06/14/07	<p>The Planning Commission recommended approval of companion items ZON-21234, VAR-21238, VAR-21239 and VAC-21240 concurrently with this application.</p> <p>The Planning Commission voted 4-2/bg/sd to recommend APPROVAL (PC Agenda Item #22/mh).</p>
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<b>Pre-Application Meeting</b>	
08/18/06	The requirements for a rezoning application were reviewed. Issues regarding the specific changes stemming from the revisions to the previous five applications heard at the 12/07/06 Planning Commission meeting were discussed.
<b>Neighborhood Meeting</b>	
A neighborhood meeting was not required, nor was one held.	
<b>Field Check</b>	
4/19/07	A Field Check was made with the following observations: 1. The proposed vacation will cut off access from an actively used alley. However, the majority of that use stems from the apartments to be redeveloped. 2. The proposal is similar with an existing apartment building but is out of context regarding size and massing with the immediate surrounding neighborhood. 3. The site is within short distance of a similar project at 811 Bridger Avenue, which seems to be a functional apartment building with no observable issues from the street regarding off-site parking.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	1.38 Acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Offices, multi-family dwellings, single family dwellings.	Mixed Use	R-4
North	Single family dwelling	Mixed Use	R-4
South	Apartments	Mixed Use	R-4
East	Apartments	Mixed Use	R-4
West	Apartments and Non-profit organization	Mixed Use	C-V and C-2

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>			
Downtown Centennial Plan		X	NA
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>		X	
<b>Trails</b>	X		Y
<b>Rural Preservation Overlay District</b>		X	
<b>Development Impact Notification Assessment</b>		X	
<b>Project of Regional Significance</b>		X	

**Redevelopment Area**

The subject site is located within the Downtown Redevelopment Area, where special funding may be available for proposed projects. All developments is subject to requirements of Title 19.

**Trails**

The Master Plan Transportation Trails Element depicts a trail along Ninth Street adjacent to this site. If this trail is constructed, it will be constructed by the city, and therefore the applicant is not required to show the trail on the submitted plans.

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.08, the following standards apply:*

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	7,000 square feet	1.38 acres	Y
Min. Lot Width	N/A	180 feet	Y
Min. Setbacks			
• Front (west)	10 Feet	0 Feet	N*
• Side (north)	5 Feet	10 Feet	Y**
• Corner (south)	5 Feet	0 Feet	N*
• Rear (east)	20 Feet	0 Feet	N*
Min. Distance Between Buildings	N/A	1 building	Y
Max. Lot Coverage	N/A	81 %	Y
Max. Building Height	5 Stories or 55 Feet	62 Feet	N***

\*These setbacks do not comply with the R-5 standards. This issue will be considered under Variance VAR-21239.

\*\*This setback complies with the R-5 standards, but does not comply with the Residential Adjacency Standards. This issue will be considered under a Waiver request as permitted by 19.08.060(B)5b.

\*\*\*The proposed height does not comply with the R-5 standards. This issue will be considered under Variance VAR-21239.

**Pursuant to Title 19.08.06, the following standards apply:**

<b>Residential Adjacency Standards</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
3:1 proximity slope	162 feet from north property line	8 feet	N*
Adjacent development matching setback	5 feet	8 feet	Y
Trash Enclosure	50 feet from north property line	50 Feet	Y

\*The Residential Adjacency Setback deficiency will be considered under a Waiver request associated with SDR-21236

<b>Existing Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>	<b>Proposed Zoning</b>	<b>Permitted Density</b>	<b>General Plan</b>	<b>Permitted Density</b>
R-4	50 du/ac	69	R-5	unlimited	MXU	greater than 25.49 du/ac

**Pursuant to Title 19.12, the following standards apply:**

<b>Landscaping and Open Space Standards</b>				
<b>Standards</b>	<b>Required</b>		<b>Provided</b>	<b>Compliance</b>
	<b>Ratio</b>	<b>Trees</b>		
Parking Area	1 tree/ 6 spaces	2 trees	2 trees	Y
Buffer: Min. Trees	1 tree/20 linear feet	27 trees	24 trees	N*
Min. Zone Width	10 feet along 9th Street		0 feet along 9th Street	N*
	10 feet along Bridger Avenue		4 feet along Bridger Avenue	N*
	10 feet along Tenth Street		10 feet along Tenth Street	Y
	6 feet along north property line		5 feet along north property line	N*

\*The applicant has requested a waiver to allow a reduction of the landscaping buffer requirements to allow 0 feet along a portion of the west property line, zero feet along Bridger Avenue, and five feet along the north property line.

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

<b>Parking Requirement</b>							
<b>Use</b>	<b>Number of Units</b>	<b>Required</b>			<b>Provided</b>		<b>Compliance</b>
		<b>Parking Ratio</b>	<b>Parking</b>		<b>Parking</b>		
			Regular	Handi-capped	Regular	Handi-capped	
Multi-family: Studio & 1BR	300 units	1.25 spaces per unit plus one guest space for every six units	375 spaces	9 spaces	220 spaces	9 spaces	N
Guest Spaces	300 units	1 space per 6 units	50 spaces				
<b>TOTAL</b>			425 spaces	9 spaces	220 spaces	9 spaces	N*
Percent Deviation					48 %		

\*This parking deficiency will be addressed under Variance VAR-21238.

<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
5-foot landscape buffer along north property line	6 feet along north property line	Denial
No landscape buffer along 9th Street	10 feet along 9th Street	Denial
4-foot landscape buffer along Bridger Avenue	10 feet along Bridger Avenue	Denial
10-foot Residential Adjacency Setback	162 Feet	Denial

**ANALYSIS**

<i>Comparison of the most recent application versus current proposal:</i>		
	<b>SDR-17745</b>	<b>Proposed per SDR-21236</b>
Project Description	300 unit, 66-foot high, six story apartment building	300 unit, 62-foot high, six story apartment building
Zoning	R-5 (Apartment)	R-5 (Apartment)
Density		
- Max. Allowed by Zoning	>25.50 du/ac	>25.50 du/ac
- Requested per the Project	217.39 du/ac	217.39 du/ac
Building Footprint	48,111 SF	48,111 SF
Building Heights		
- Elevation Height	66 Feet	62 Feet
- Number of Stories	6-Stories	6-Stories
Residential Adjacency Setback	8 feet where 198 feet required	10 feet where 186 feet required
Setbacks Allowed		
- Front	0 feet where 10 feet required	0 feet where 10 feet required
- Side	0 feet where 5 feet required	10 feet where 5 feet required
- Corner Side	0 feet where 5 feet required	0 feet where 5 feet required
- Rear	0 feet where 20 feet required	0 feet where 20 feet required
Landscape Buffer Widths		
- North	5 feet	5 feet
- South (Bridger)	4 feet	4 feet
- East (9 <sup>th</sup> )	0 feet	0 feet
- West (10 <sup>th</sup> )	10 feet	10 feet
Parking	150 spaces where 425 required	220 spaces where 425 required

**•Land Use/Zoning**

With approval of the associated Rezoning (ZON-21234) to the R-5 District is intended for the development of high-density multi-family units within the downtown urban core and in other high intensity areas suitable for high density residential development. The R-5 Apartment District is consistent with the policies of the High Density Residential category of the General Plan.

**•Downtown Redevelopment Plan**

The proposed 300-unit apartment complex is located within the Downtown Redevelopment Plan. The subject properties are designated as MXU (Mixed Use), which allows a range of residential, office, service and general commercial uses. The proposed R-5 (Apartment) district is in compliance with this existing designation.

### •Site Plan & Parking

The site is currently developed with two apartment buildings, two single-family dwellings, and an office building. The applicant proposes to demolish these structures and construct a 300-unit apartment building, which will require a Variance (VAR-21239) to allow the building to be zero feet from the west property line where ten feet is the minimum setback required, zero feet from the east property line where 20 feet is the minimum setback required, and zero feet from the south property line where five feet is the minimum setback required. Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's setback standards, staff is recommending denial of these setback variances.

The provided parking for this site does not meet the on-site parking requirements for Studio and one bedroom Multi-family and Condominium Developments as listed in Table 1 of Title 19.10.010 (F). The applicant has provided 220 spaces in a two-level parking garage where 300 studio units require a total of 425 spaces (375 spaces for residents, plus 50 spaces for guests).

As part of this development, the applicant is proposing to vacate a portion of an existing 20-foot wide public alley that currently bisects this site and connects Carson Avenue and Bridger Avenue. In order to mitigate the vacation of this portion of the alley, the applicant proposes to construct a new alley, which will connect the unvacated portion of the existing alley to Tenth Street.

### •Landscape Plan

A 10-foot wide landscape buffer that complies with city standards is proposed along Tenth Street. The applicant has requested waivers to allow no perimeter landscaping along a portion of Ninth Street (southwest corner) where ten feet is required; to allow a four-foot wide landscape buffer along Bridger Avenue where 10 feet is required; and to allow a five-foot along the north property line where six feet is required. Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's landscaping standards, staff is recommending denial of all landscaping waivers.

### •Waivers

The applicant has requested multiple waivers to allow no perimeter landscaping along a portion of Ninth Street (southwest corner) where ten feet is required; to allow a four-foot wide landscape buffer along Bridger Avenue where 10 feet is required; and to allow a five-foot along the north property line where six feet is required.

In addition to the landscape waivers, the applicant is requesting a waiver to the Residential Adjacency Setback requirement as outline in Title 19.08.060. As this is a multi-family project that is intended to meet the affordable housing objectives of the General Plan, a waiver request is allowed in lieu of a Variance request. The applicant has made revisions to the previously submitted site plans stemming from an earlier Variance request (VAR-17742) showing a reduction in height and increase in parking. The northwest corner of the building has been reduced in height to 54 feet where 66 feet had been previously planned thus requiring a 162-foot setback where the earlier proposal required 198 feet.

Because the site plan could be redesigned to include a less-intense use which would allow compliance with the Title 19.12 Landscaping Standards and the Title 19.08 Residential Adjacency Setback standards, staff is recommending denial of all waivers.

**•Elevations & Residential Adjacency**

Because there is an existing single-family dwelling north of this site and adjacent to 9th Street, any proposed development of this site is required to comply with the proximity slope requirements of the Residential Adjacency standards. When applied to the height of the building as currently proposed (54 feet at the southwest corner), these standards require a setback of 162 feet from the north property line. The applicant has requested a Waiver to allow a setback of eight feet from the north property line where 162 feet is the minimum setback required. Because the site plan could be redesigned to include a less-intense use which would allow compliance with the citys Residential Adjacency standards, staff is recommending denial of this Waiver.

**•Floor Plan**

The provided floor plans show two lower levels of covered parking with an additional four levels of residential units placed above. The proposed residential units consist primarily of four floors of one-bedroom studio apartments outfitted with individual bathrooms and kitchens. Vertical circulation is provided by four flights of stairs, with two flights located at the southern and northern ends of the building. An elevator vestibule with three separate elevators is located at the southwest corner of the building. The first residential level (first floor) differs from the upper three levels in that it provides a lobby area, exercise room, and three offices with 72 residential units. The upper three levels of residential (2nd, 3rd, & 4th floors) provide 76 single-bedroom/studio units with a lounge area located at the southwest of each floor. An interesting feature provided at each residential level is a series of three courtyards located between three banks of apartment units. A separate laundry facility and a lounge area are provided on each residential level.

## 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 will exceed the scale and massing of existing development on the east side of Ninth Street. Staff finds the height and intensity of the project is greater than adjacent development and is not compatible with residential development immediately to the north of this site.

- 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 project as designed is more intense than the existing residential development on this block, and requires numerous Variances and Waivers to Title 19. As such, the project is not appropriate to its context, and staff recommends denial of this request.

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

The property is accessed from Ninth Street, Tenth Street, and an alley way that is located at the rear of the property. Both streets are adequate to meet the needs of the proposed R-5 (Apartment) District.

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

The proposed building materials and landscape materials are appropriate for the immediate area and for the City, and are generally in compliance with the Residential Development 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 inability of the applicant to devise a site plan that complies with the setback, building height, and landscape standards indicate that the design characteristics of this proposal are too intense for this site.

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

The proposed development will be subject to regular inspections for permitting and licensing and will not compromise the public health, safety, and welfare.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 5

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 3

**NOTICES MAILED** 136 by Planning Department

**APPROVALS** 0

**PROTESTS** 0