

**AGENDA MEMO**

PLANNING COMMISSION MEETING DATE: JULY 24, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - SDR-28017 - APPLICANT: BLOKHAUS
DEVELOPMENT, LP - OWNER: ARTCENTRAL SOUTH, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: **APPROVAL**, subject to:

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 1st floor plan date stamped 06/05/08, and landscape plan, 2nd thru 5th floor plans, and building elevations date stamped 05/05/08, except as amended by conditions herein.
3. A Waiver from Downtown Centennial Streetscape Standards is hereby approved to allow a five-foot sidewalk along Casino Center Boulevard where a five-foot amenity zone and 10-foot sidewalk are required.
4. A Waiver from Downtown Centennial Streetscape Standards is hereby approved to allow a five-foot sidewalk along Utah Avenue where a five-foot amenity zone and 10-foot sidewalk are required.
5. A Waiver from Downtown Centennial Architectural Design Standards is hereby approved to not require the use of arcades, awnings, and canopies on the ground floor.
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.

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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.
8. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
9. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
12. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

15. Coordinate with the City Surveyor to determine an acceptable mapping method for this site; comply with the recommendations of the City Surveyor.
16. Dedicate a 25-foot radius on the southwest corner of Utah Avenue and Casino Center Boulevard prior to the issuance of any permits.

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17. Remove all substandard public street improvements, unused driveway cuts, and alley improvements adjacent to this site, if any, and replace with new improvements meeting current City Downtown Centennial Design Standards, unless waivers from these standards are approved, concurrent with development of this site.
18. Parking stall and drive aisle dimensions, including those shown adjacent to the public alley, shall meet the requirements of Las Vegas Municipal Code Title 19.10.010.
19. Landscape and maintain all unimproved rightofway, if any, on Utah Avenue and Casino Center Boulevard adjacent to this site prior to the issuance of any permits. All landscaping and private improvements installed with this project shall be situated and maintained so as not to 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 Utah Avenue and Casino Center Boulevard public right-of-way adjacent to this site prior to occupancy of this site.
21. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.
22. Sign and record a Covenant Running with Land agreement for the possible future installation and/or relocation of half-street improvements in accordance with Downtown Centennial Standards for all improvements not required to be constructed at this time as a result of the requested Waiver. Such Covenant Running with Land agreement shall record prior to the issuance of any permits or the recordation of a Final Map for this site.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a 55-Unit Apartment Complex with Waivers of the Downtown Centennial Streetscape and Architectural Design Standards on 0.48 acres at the southwest corner of Utah Avenue and Casino Center Boulevard.

In addition to this application, the applicant has requested to Rezone (ZON-28018) the 0.48 acres at the southwest corner of Utah Avenue and Casino Center Boulevard from R-4 (High Density Residential) to R-5 (Apartment) to meet the density requirement. The proposed development is consistent with the General Plan, Title 19 and the intent of the Downtown Centennial Plan. The design of the project is generally consistent with the goals and objectives of the plan.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/27/03	A Citation (#3532) was issued by Code Enforcement for lack of maintenance of the property at 1500 South Casino Center Boulevard. The issue was resolved on 09/19/03
06/22/04	A Citation (#16960) was issued by Code Enforcement for a vehicle infraction at 1500 South Casino Center Boulevard. The issue was resolved on 06/24/04.
05/10/05	A Citation (#29803) was issued by Code Enforcement for electrical, plumbing and rats at 1500 South Casino Center Boulevard. The issue was resolved on 05/11/05.
05/10/05	A Citation (#29820) was issued by Code Enforcement for electrical problems at 1500 S. Casino Center Boulevard. The issue was resolved on 05/11/05.
06/14/05	A Citation (#31288) was issued by Code Enforcement for mold in the bathroom at 1500 South Casino Center Boulevard. The issue was resolved on 07/12/05.
08/03/05	A Citation (#33234) was issued by Code Enforcement for lack of hot water and electrical problems at 1500 South Casino Center Boulevard. The issue was resolved on 08/09/05.
08/08/05	A Citation (#33389) was issued by Code Enforcement for a lack of maintenance repairs at 1500 South Casino Center Boulevard. The issue was resolved on 01/12/06.

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08/11/05	A Citation (#33515) was issued by Code Enforcement for insects and rodents at 1500 S. Casino Center Boulevard. The issue was resolved on 08/22/05.
09/02/05	A Citation (#34243) was issued by Code Enforcement for a refrigerator in the courtyard and broken windows at 1500 S. Casino Center Boulevard. The issue was resolved on 09/06/05.
09/02/05	A Citation (#34244) was issued by Code Enforcement for bugs, water heater isnt grounded and window crack at 1500 S. Casino Center Boulevard. The issue was resolved on 01/20/06.
01/25/06	A Citation (#37821) was issued by Code Enforcement for building check for housing violations at 1500 S. Casino Center Boulevard. The issue was resolved on 03/19/08.
04/12/07	A Citation (#51283) was issued by Code Enforcement for plumbing issues at 1500 S. Casino Center Boulevard. The issue was resolved on 03/19/08.
06/26/08	The Planning Commission held the subject Site Development Plan Review (SDR-28017) for a 55-unit Apartment Complex with Waivers of the Downtown Centennial Streetscape and Architectural Design Standards; and the associated Rezoning (ZON-28018) from: R-4 (High Density Residential) to: R-5 (Apartment) in abeyance.
<i>Related Building Permits/Business Licenses</i>	
01/01/51	A Business License (#A07-00067) was issued for an apartment building (22 units) on 1500 S. Casino Center.
11/03/89	A Business License (#A07-01108) was issued for an apartment building (8 units) on 1510 S. Casino Center
05/06/03	A Certificate of Occupancy (#7204) was issued for an apartment building at 1500 S. Casino Center.
<i>Pre-Application Meeting</i>	
01/24/08	A pre-application meeting was held with the applicant. The applicant was informed that their site must adhere to the Downtown Centennial Plan. The applicant commented they werent going to meet Streetscape Standards, which would require a Waiver of the Downtown Centennial Plan. Submittal requirements were then explained to the applicant in great detail.

<i>Field Check</i>	
06/02/08	A field check was made on the subject site. The site currently houses two apartment complexes. Parking is arranged on the west side of the property adjacent to the alley and the east side of the property adjacent to Casino Center. The buildings will be demolished as part of this project.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.48

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Apartments	MXU (Mixed Use)	R-4 (High Density Residential)
North	Duplex	MXU (Mixed Use)	R-4 (High Density Residential)
South	Duplex	MXU (Mixed Use)	R-4 (High Density Residential)
East	Apartment	C (Commercial)	R-4 (High Density Residential)
West	Auto Repair	C (Commercial)	C-M (Commercial/Industrial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan (Downtown South)	X		N*
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (200 Feet)	X		Y
Live/Work Overlay District	X		Y
Downtown Overlay District	X		N*
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 applicant has requested a Waiver of Downtown Centennial streetscape standards providing only five feet of sidewalk and no amenity zone. A Waiver of the Downtown Centennial Architectural Design standards is also requested to omit the use of arcades, awnings, and canopies on the ground floor.*

DEVELOPMENT STANDARDS

Per Title 19.06 and the Downtown Centennial Plan Standards, the following development standards apply to the subject site:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	0.48 acres	N/A
Min. Lot Width	N/A	140 feet	N/A

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Min. Setbacks			
• Front	Zero feet	Zero feet	Y
• Side	Zero feet	Zero feet	Y
• Corner	Zero feet	Zero Feet	N/A
• Rear	Zero feet	Zero feet	Y
Max. Lot Coverage	100% or limited by setbacks	100%	Y
Max. Building Height	None	5 story, 60 feet	Y
Trash Enclosure	Walled, gated, screened	Inside building	Y
Mech. Equipment	Screened from frontage	Inside building	Y

Per Title 19.06.060, properties within the Downtown Overlay District are exempt from the automatic application of mandatory maximum building height, required building setback, maximum lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements in Title 19. Applications within the Overlay District are evaluated on a case-by-case basis to determine the extent to which those standards are required. The standards applied in the table are required by the Las Vegas Downtown Centennial Plan.

Existing Zoning	Permitted Density	Units Allowed
R-4 (High Density Residential)	26-50 du/ac	24 Units
Proposed Zoning	Permitted Density	Units Allowed
R-5 (Apartments)	Unlimited	Unlimited
General Plan	Permitted Density	Units Allowed
MXU (Mixed Use)	H (High Density Residential)	Unlimited

Per Title 19.12 and the Downtown Centennial Plan, the following Landscape standards apply:

Streetscape Standards	Required	Provided	Compliance
Streetscape Treatment: Utah Ave. (East-West Streets)	1 Shade Tree/15 to 20 o.c. max. (min. 36 inch box), seven trees required	Zero Trees	N*
Streetscape Treatment: Casino Center Boulevard (North-South Streets)	1 Palm Tree/30 o.c. max. (min. 25 in height), five trees required	Zero Trees	N*
Sidewalk	10 minimum width	Proposed 5 sidewalk	N*
Amenity Zone	5 minimum width	Proposed zero foot amenity zone	N*

**The applicant has requested a Waiver of Downtown Centennial Streetscape Standards as there is inadequate area between the existing curb and the property line to install the required streetscape.*

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Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Multi-Family	7 - 1 Bedroom Units	1:1.25	9				
	48 - 2 bedroom Units	1:1.75	84				
	Guest	1/6 unit	9				
SubTotal	55 Units		99	3	52	3	Y
TOTAL			102		55		Y

Per Title 19.06.060, projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. However, the above table illustrates the requirements of this project in other areas in the City. Of the 55 parking spaces provided, the applicant is proposing 16 of the spaces to be compact, which meets the 30 percent maximum requirement for compact spaces in Title 19.10.

Waivers		
Request	Requirement	Staff Recommendation
Downtown Centennial Streetscape Standards	Street trees along Utah Avenue and Casino Center Boulevard, five-foot amenity zone, ten-foot sidewalk	Approval*
Downtown Centennial Architectural Design Standards	The use of arcades, awnings, and canopies on the ground floor.	Approval**

*The request for the Waiver of the Downtown Centennial Streetscape Standards is being supported, pursuant to Condition of Approval number eight (8). The Regional Transportation Commission is conducting a study within the Downtown area. This study is looking at revising curb widths of certain Downtown streets. The Waiver is appropriate at this time for the following reasons:

1. There is insufficient area between the curb and the property line.
2. Moving the curblines for one property will impact drainage and traffic flows.
3. The RTC study recommends reducing curb to curb width in the future.
4. Condition of approval number eight (8) requires the applicant to install streetscape at a future date when the street width is reconfigured.

**The Waiver of the Downtown Centennial Architectural Design standards is also supported by staff. This Waiver is appropriate due to the current constraints upon the subject site, such as the existing streetscape design. The applicant has mitigated this in the overall design of the project, which is evidenced in the building orientation and overall building articulation.

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ANALYSIS

•Zoning

The subject properties are located within the boundaries of the Las Vegas Redevelopment District, and have a MXU (Mixed Use) land use designation. The Mixed-Use category allows for a mix of uses that are normally allowed within the L (Low Density Residential), ML (Medium Low Density Residential), M (Medium Density Residential), H (High Density Residential), O (Office), SC (Service Commercial), and GC (General Commercial) Master Plan land use categories.

The subject properties are zoned R-4 (High Density Residential) and are located within the Downtown South District of the Downtown Overlay District. The applicants proposed density for the site is 112 units per acre, which exceeds the R-4 (High Density Residential) zoning districts limitation of 50 units per acre. Therefore, as a companion to this application, the applicant has requested a Rezoning (ZON-28018) for the two parcels to the R-5 (Apartment) zoning district, which has no limitation on density. Development is subject to the standards contained within Title 19.06 and the Downtown Centennial Plan. Multi-Family developments are permitted uses within the Downtown South District and the R-5 (Apartment) zoning district.

• Las Vegas 2020 Master Plan - Neighborhood Revitalization

The subject properties are located within the boundaries of the Las Vegas 2020 Master Plan Neighborhood Revitalization area. The Master Plan seeks to stabilize and improve these areas that form the heart of the community, protect them from the intrusion of non-residential land uses, and where a transition to incompatible non-residential activities is underway, to integrate these uses in a sensitive and attractive manner. A key component of neighborhood revitalization is the redevelopment of declining commercial centers or vacant land into mixed-use urban hubs, creating a walkable and interesting urban environment.

OBJECTIVE 2.6: To improve the amount and quality of infill development on vacant and underutilized lands within established areas of the city.

POLICY 2.6.1: That the City investigates the development of an incentive program designed to encourage property owners to redevelop vacant or derelict sites within the Neighborhood Revitalization area.

POLICY 2.6.2: That the City take steps to encourage the development of two, three and four plex housing opportunities.

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This project meets the intent of the Las Vegas 2020 Master Plan Neighborhood Revitalization by redeveloping a site with a history of code enforcement cases while providing a housing need for the area.

- **Site Plan**

The applicant is proposing a five story, 77,439 square-foot building with 55 units of apartments on two parcels, which will encompass 100 percent of the 0.48 acre lot size of the two parcels. Existing on the parcels are two apartment buildings comprised of 20 and eight units, respectively. These buildings will be demolished and replaced with this proposal.

The site plan depicts the primary utilization of the first floor as a parking garage with a small portion of space used for trash collection, mechanical equipment, lobby and elevators. Access to the parking garage is provided by a 24-foot wide access way on the western portion of the site adjacent to the alley. The alley way connects with Utah Avenue to the north and Wyoming Avenue to the south. This access way also acts as the ingress, as well as egress. The western elevation depicts a roll-up door in the access way. The nine (9) alley loaded stalls are shared by three tenants, and are accessible by means of a remote control. A tenant would then have access to the garage and to the building from these site secure parking spaces.

A total of 55 parking spaces will be provided for the apartment units, with three of those spaces being designated for handicap accessible use, including one van accessible space. The applicant has provided one parking space for each apartment unit proposed.

- **Landscape and Streetscape Plan**

Per the Downtown South District - Streetscape Standards, the major north-south streets (Main, Casino Center, Fourth, and Las Vegas Boulevard) shall be designed thematically with Deglet-Noor Date Palms or similar type palms as the primary landscape element. Trees shall be 25 feet or greater in height and be spaced at 30-foot increments. East-west streets shall be designed thematically with Southern Live Oak, Southern Live Oak, Shoestring Acacia, African Sumac, Ash and Pistache shade trees as the primary landscape element. Trees shall be 36-inch box trees at 15 to 20 feet intervals. In addition, per the Downtown Centennial Plan, all streets shall have a five-foot amenity zone and a 10-foot wide, unobstructed sidewalk. The applicant has provided a five-foot sidewalk with no landscaping for the streetscape or the addition of the amenity zone. The applicant requests a Waiver of Downtown Centennial Streetscape Standards to maintain the existing five-foot sidewalk and provide no landscaping.

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The applicant has proposed in the second level courtyard artificial turf, four 24-inch wide Blue Palo Verde trees and ten horsetail bushes spaced around the private patios. The landscape plan also shows planters for horsetail bushes at the east entrance of the structure.

The applicant is unable to comply with the Downtown Centennial Plan Streetscape Standards. This is due to there being inadequate area between the existing curb and property line to install the required streetscape. Therefore, a Waiver is requested by the applicant. The Regional Transportation Commission is conducting a study within the Downtown area. This study is looking at revising curb widths of certain Downtown streets. Casino Center Boulevard and Utah Avenue are 80-foot rights-of-way. Both pavement widths are currently 66 feet in width, with the remaining right-of-way consisting of curbing and sidewalk. The Waiver is appropriate at this time, as the required standards cannot be implemented within the existing area between the property line and curblines. Condition of approval number eight (8) requires the applicant to install streetscape at a future date when the street width is reconfigured.

- **Elevations**

The overall massing and elevations of the building are appropriate for the subject site within the Downtown area. The building is 60 feet in height. The entrance to the building is located adjacent to the sidewalk along Casino Center Boulevard. The location of the entrance, engages the public realm in terms of connectivity. The ground floor is dedicated to parking, while the remaining floors are dedicated to the proposed condominium units. The ground floor parking has been properly screened, by the use of solid and perforated materials. The remaining floors have also been designed to offset the use of mass and scale. This is achieved by the use of solid and void stucco panels, from floor to ceiling on each floor.

The proposed materials for the apartment are anodized aluminum, perforated metal and stucco for the body of the building with gray, black and light green colors dispersed throughout. These colors and materials present visually interesting facades, which support the intent of the Downtown South district architectural standards. The building will also feature a mural (sign) with the name of the building, which will require additional sign permit.

The applicant has requested a Waiver of the Downtown South - Architectural Design Standards, which require the use of arcades, awnings and canopies on the ground floor of a building. This Waiver can be supported by staff. The request is appropriate given the design constraints imposed by the current site, building, and streetscape design. The applicant has mitigated the request for the Waiver, by designing a building that is appropriate given the current site constraints.

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•Floor Plan

The ground floor plan depicts a parking garage with trash storage, mechanical equipment and a lobby entrance. The second floor illustrates a central courtyard with landscaping bound by private patios on the east and west with 15 apartment units ranging from 440 square feet to 1,095 square feet in size. The range of apartments, type and number continue to the 3rd, 4th and 5th floors of the apartment complex.

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 apartment complex is compatible with existing apartments and duplexes in the area. The subject parcel is located in a fully developed area on a site with two existing multi-family residential buildings. The site is surrounded by parcels that are all within the Downtown Redevelopment Area and are designated either C (Commercial) or MXU (Mixed Use), which allows a range of residential and commercial uses.

- 2. The proposed development is consistent with the General Plan, Title 19, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;**

The proposed development is consistent with the General Plan and with Title 19. The apartment complex will be a positive addition to a site that has a history of code enforcement violations, which will further 2020 Master Plan Neighborhood Revitalization objectives to improve the amount and quality of infill development on vacant and underutilized lands within established areas of the city

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

Vehicular access to the structure will be from the alley way off of Utah Avenue. Pedestrian access is accessed from Casino Center Boulevard. The intensity of the development will not add a significant amount of traffic to the existing network, which there is adequate capacity to address the added impacts. A Bus Rapid Transit route (B.R.T.) is planned one block north of the site. This will allow adequate access to mass transportation, within close proximity to the proposed development.

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

The proposed building materials are appropriate for the 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 proposed elevations are generally consistent with the Centennial Plan, and will have a vibrancy of materials and lighting that will contribute to the vitality of the area.

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

The structure will be subject to inspections, and appropriate measures will be taken to protect the public health, safety, and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 156

APPROVALS 2

PROTESTS 2