



## AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 15, 2009  
DEPARTMENT: PLANNING AND DEVELOPMENT  
ITEM DESCRIPTION: SDR-33017 - APPLICANT/OWNER: NECAL ASSOCIATES, LLC

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*THIS ITEM WAS HELD IN ABEYANCE FROM THE APRIL 1, 2009 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN REESE.*

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

Staff recommends DENIAL. The Planning Commission (6-0-1/rt vote) recommends APPROVAL, subject to:

#### **Planning and Development**

1. Remove the existing block wall along Charleston Boulevard and replace with the Downtown Centennial Plan wrought iron fence and to slurry or repave the parking area.
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, building elevations and floorplans, date stamped 01/13/09, except as amended by conditions herein.
4. A Waiver from the Downtown Centennial Plan [Subsection VII (D.4)] is hereby approved, to allow the existing sidewalk consisting of a central five-foot amenity zone featuring 15-foot tall shade trees placed at increments no more than 30-feet, flanked by 5-foot sidewalks along Casino Center Boulevard where a 10-foot wide sidewalk with 5-foot amenity zone featuring 25-foot tall Deglet-Noor Palm trees spaced at 30-foot increments is required.
5. A Waiver from the Downtown Centennial Plan [Subsection VII (D.4)] is hereby approved, to allow a 7-foot wide sidewalk, measured from back of curb, with a four-foot wide landscape buffer with one 24 box tree planted every 20 feet on center with four (4) five-gallon shrubs per each required tree along Charleston Boulevard where a 10-foot wide sidewalk with 5-foot amenity zone featuring 15-foot tall shade trees spaced at 30-foot increments is required.
6. An Exception from LVMC 19.10.010 (J)(11) is hereby approved, to allow no parking lot finger in the onsite parking area where one landscaped finger with one, 24-inch box tree per finger would be required.

7. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to the time application is made for a building permit showing the Downtown Centennial Plan Standard Required Parking Lot Screen Detail [Subsection VII (D.3.d)]. Said detail shall be setback approximately 11-feet south of the street curb, or four feet south of the property line along Charleston Boulevard and continue along the property line to the parking lot entry on Casino Center Boulevard. The residual four-foot buffer area between the screen detail and property line along Charleston Boulevard shall have one 24 box tree every 20 feet on center with four five-gallon shrubs per each required tree.
8. 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. The technical landscape plan shall include the following:
  - a. A four-foot wide planter located along the front property line along Charleston Boulevard with one 24 box tree planted every 20 feet on center with four (4) five-gallon shrubs per each required tree within
9. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
10. The abandoned freestanding sign located at the northeast corner of the property shall be removed prior to the time application is made for a building permit.
11. 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).
12. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
13. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
14. 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.

15. 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.
16. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

17. Coordinate with the Department of Building and Safety to determine if existing property lines have any impact on further development of this site.
18. Sign and record a Covenant Running with Land agreement for the possible future installation of all streetscape and alley improvements waived or deferred through this action prior to the issuance of any permits.
19. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
20. 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.
21. Comply with the requirements of Las Vegas Municipal Code Chapter 4.32 Traffic Signal Impact Fee prior to the issuance of permits for this site.

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

**PROJECT DESCRIPTION**

This application is a request for a Site Development Plan Review to add a 1,718 square-foot second floor to an existing 3,654 square-foot building with a waiver of the Downtown Centennial Plan Streetscape and Parking Lot Screening standards on 0.18 acres at 1112 South Casino Center Boulevard. The applicant is requesting Waivers of the Downtown Centennial Plan Streetscape and Parking Lot Screening Standards. In addition, the applicant is requesting a Waiver of the Downtown Centennial Plan Standards to allow the existing streetscape improvements along Casino Center Boulevard to suffice where a 10-foot sidewalk with a five-foot amenity zone is required;

The recommendation is for denial as the proposal does not meet the standards of 18b The Arts District.

**BACKGROUND INFORMATION**

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 02/26/09                                                                  | The Planning Commission voted 6-0-1/rt to recommend APPROVAL (PC Agenda Item #43/mh).                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b><i>Related Building Permits/Business Licenses</i></b>                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 10/28/91                                                                  | A Certificate of Occupancy was issued for 1112 South Casino Center Boulevard under plan check L-0159-91. The associated building permit (#91-109443) was for the tenant improvement and a two-foot stucco covered wall and 2-foot iron fence.                                                                                                                                                                                                                                         |
| 03/24/08                                                                  | Applicant submitted for Plan Check #27466 to add second floor, walls, and trash enclosure on existing building located at 1112 South Casino Center Boulevard. This plan check and the associated building permits (#111263 for the tenant improvements, #111340 for onsite improvements, and #111341 for the trash enclosure) were denied pending an approved Site Development Plan Review.                                                                                           |
| <b><i>Pre-Application Meeting</i></b>                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 01/12/09                                                                  | A pre-application meeting was held with staff to discuss the required entitlements necessary to proceed with the building permits sought earlier. It was determined that a Waiver of the Downtown Centennial Plan would be needed. Although Title 19 parking requirements are not automatically applied, the number of spaces proposed was discussed in relation to the types of uses proposed. The applicant has also been informed that the abandoned sign will need to be removed. |

| <b><i>Neighborhood Meeting</i></b>                                         |
|----------------------------------------------------------------------------|
| A neighborhood meeting is not required, nor was one held for this request. |

| Field Check |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 01/22/09    | <p>A field check was completed by staff with the following observations:</p> <ul style="list-style-type: none"><li>• The subject site contains a single-story structure setback approximately 70-feet from the front property line and sits on the build-to line of the corner-side property line.</li><li>• The building contains two doors; one accessed from the parking lot in front and the other accessed on the east side at the rear of the building.</li><li>• There is an abandoned 12-foot tall, 32-square-foot double-sided freestanding sign that does not meet Title 19.14 Sign Standards.</li><li>• Six parking spaces, including one handicapped accessible space, are located in the front with additional access provided to the building from the alley located at the rear.</li><li>• A bus stop is located approximately 150 feet to the west of the site on Charleston Boulevard.</li></ul> |

| <i>Details of Application Request</i> |            |
|---------------------------------------|------------|
| <i>Site Area</i>                      |            |
| Net Acres                             | 0.18 acres |

| <b>Surrounding Property</b> | <b>Existing Land Use</b>                             | <b>Planned Land Use</b> | <b>Existing Zoning</b>   |
|-----------------------------|------------------------------------------------------|-------------------------|--------------------------|
| Subject Property            | Commercial Retail                                    | C (Commercial)          | C-2 (General Commercial) |
| North                       | Art galleries, studios, offices, theater, restaurant | C (Commercial)          | C-2 (General Commercial) |
| South                       | Commercial Retail                                    | MXU (Mixed Use)         | C-1 (Limited Commercial) |
| East                        | Commercial Retail                                    | C (Commercial)          | C-2 (General Commercial) |
| West                        | Commercial Retail                                    | C (Commercial)          | C-2 (General Commercial) |

| <b><i>Special Districts/Zones</i></b> | <b><i>Yes</i></b> | <b><i>No</i></b> | <b><i>Compliance</i></b> |
|---------------------------------------|-------------------|------------------|--------------------------|
| <b><i>Special Area Plan</i></b>       |                   |                  |                          |
| Downtown Centennial Plan              | X                 |                  | N*                       |

| <i>Special Districts/Zones</i>                    | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---------------------------------------------------|------------|-----------|-------------------|
| <b>Special Purpose and Overlay Districts</b>      |            |           |                   |
| Downtown Overlay District 18b The Arts District   | X          |           | N*                |
| Live/Work Overlay District                        | X          |           | N/A               |
| <b>Trails</b> Pedestrian Path                     | X          |           | Y                 |
| <b>Rural Preservation Overlay District</b>        |            | X         | N/A               |
| <b>Development Impact Notification Assessment</b> |            | X         | N/A               |
| <b>Project of Regional Significance</b>           |            | X         | N/A               |

**\*Downtown Overlay District** - The subject site is located within the 18b Las Vegas Arts District of the Downtown Overlay District. The proposed use and design features of the building meet the intent of the Arts District Standards; however, the request for Waivers of the East-West Streetscape Standards and the use of a non-conforming stucco-iron fence for the parking lot standard demonstrates that this project is not in full compliance.

**Live/Work Overlay District** The subject site is located within the boundaries of the Live/Work Overlay District. There are no residential Live/Work units associated with this proposal.

**Trails** The subject site is located adjacent to a Pedestrian Path, a sidewalk that connects Charleston Boulevard to Wyoming Avenue along Casino Center Boulevard which has been recently completed by the City of Las Vegas in anticipation of the Bus Rapid Transit (BRT) Route.

## 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                         | 0.18 acres                                 | N/A               |
| Min. Lot Width       | N/A                         | 50 feet                                    | N/A               |
| Min. Setbacks        |                             |                                            |                   |
| • Front              | 0 feet                      | 68 feet                                    | N/A               |
| • Side               | 0 feet                      | 0 feet                                     | N/A               |
| • Corner             | 0 feet                      | 0 feet*                                    | N/A*              |
| • Rear               | 0 feet                      | 0 feet                                     | N/A               |
| Max. Lot Coverage    | 100% or limited by setbacks | 52%                                        | N/A               |
| Max. Building Height | None                        | 2 stories/<br>28-6                         | N/A               |
| Trash Enclosure      | Walled, gated, screened     | Not shown                                  | N/A               |
| Mech. Equipment      | Screened from frontage      | Roof-mounted and screened<br>from frontage | 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. The above standards are provided so that they may be evaluated on a case-by-case basis to determine the extent to which those standards are required.

\*The zero-foot corner-side yard setback stems from a three-foot deep arcade and related support beams located along the east property line of the building. The eastern building face is setback three feet.

| <i><b>Streetscape Standards</b></i>              | <i><b>Required</b></i>                                                                                                                                | <i><b>Provided</b></i>                                                                                                           | <i><b>Compliance</b></i> |
|--------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| North-South Streets<br>(Casino Center Boulevard) | 10-foot wide sidewalk with a five-foot wide amenity zone featuring 25-foot tall Deglet-Noor Palms or similar type palms spaced at 30 feet increments. | A fifteen-foot wide sidewalk with 15-foot tall shade trees placed with four-foot wide tree grates in the center of the sidewalk. | Y*                       |
| East-West Streets<br>(Charleston Boulevard)      | 10-foot wide sidewalk with a five-foot wide amenity zone featuring 25-foot tall Deglet-Noor Palms or similar type palms spaced at 30 feet increments. | A seven-foot wide sidewalk without improvements is shown on the provided plans dates stamped 01/13/09.                           | N                        |

\*This portion of the Casino Center Boulevard Streetscape was recently completed by the City of Las Vegas in anticipation of the Bus Rapid Transit (BRT) Route. The modified design was to accommodate possible changes in right-of-way width, if required, without having to relocate the shade trees.

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

| <i><b>Parking Requirement - Downtown</b></i> |                                                   |                                        |                       |                        |                       |                          |  |
|----------------------------------------------|---------------------------------------------------|----------------------------------------|-----------------------|------------------------|-----------------------|--------------------------|--|
| <i><b>Use</b></i>                            | <i><b>Gross Floor Area or Number of Units</b></i> | <i><b>Base Parking Requirement</b></i> |                       | <i><b>Provided</b></i> |                       | <i><b>Compliance</b></i> |  |
|                                              |                                                   | <i><b>Parking Ratio</b></i>            | <i><b>Parking</b></i> |                        | <i><b>Parking</b></i> |                          |  |
|                                              |                                                   |                                        | Regular               | Handi-capped           | Regular               | Handi-capped             |  |
| Museum or Art Gallery (Private)              | 1,718 SF                                          | 1:300 GFA                              | 6                     |                        |                       |                          |  |
| Office                                       | 3,654 SF                                          | 1:300 GFA                              | 11                    |                        |                       |                          |  |
| <b>SubTotal</b>                              |                                                   |                                        | 17                    | 1                      | 5                     | 1                        |  |
|                                              |                                                   |                                        |                       |                        |                       |                          |  |

|              |  |  |    |   |    |
|--------------|--|--|----|---|----|
| <b>TOTAL</b> |  |  | 18 | 6 | 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.

| <b>Waivers</b>                                                                                                                                             |                                                                                                         |                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-----------------------------|
| <b>Request</b>                                                                                                                                             | <b>Requirement</b>                                                                                      | <b>Staff Recommendation</b> |
| To allow the existing streetscape improvements along Casino Center Boulevard to suffice where a 10-foot sidewalk with a five-foot amenity zone is required | 10-foot sidewalk with five-foot amenity zone required along Casino Center Boulevard.                    | Approval                    |
| To allow the existing 7-foot wide sidewalk, without improvements, along Charleston Boulevard.                                                              | 10-foot sidewalk required along Charleston Boulevard with five-foot amenity zone.                       | Denial*                     |
| To allow the existing 4-foot tall (two-foot brick with stucco finish and two-foot iron fence) to suffice as the parking lot screening.                     | Downtown Centennial Plan Standard Required Parking Lot Screen Detail [Subsection VII (D.3.d) Graphic 9] | Denial*                     |

\*Staff has recommended a condition of approval seeking revised site and landscape plans showing the required Downtown Centennial Plan Standard Parking Lot Screen Detail [Subsection VII (D.3)] placed four feet south of the property line with landscaping placed in the residual buffer area.

## ANALYSIS

- **Zoning**

The subject site is zoned C-2 (General Commercial) and is located within 18b The Arts District within the Downtown Centennial Plan. Development standards are contained within Title 19.06 and the Downtown Centennial Plan. The proposed expansion will consist of an art gallery with ancillary office space, which are both permitted uses within the Arts District and the C-2 (General Commercial) zoning district.

- **Site Plan**

The proposed project is to add a 1,718 square-foot second story to a 3,654 square-foot building that will contain an art gallery and a second story office. The existing 5,772 square-foot building, which was built in 1951, is placed approximately 67-feet back from Charleston Boulevard.

The site plan dated 01/13/09 shows that the building will maintain its original footprint and will modify the front setback at Charleston Boulevard from 82-feet to 67-feet in order to accommodate a 15-foot deep canopy located over the front entrance. Although the applicant has requested a Waiver to maintain the existing streetscape, staff recommends denial as Charleston Boulevard is a constrained right-of-way with an existing bus stop adjacent to the site. To remedy this, staff has recommended a condition of approval to provide a four-foot landscape buffer with the Downtown Centennial Plan Standard Required Parking Lot Screen Detail [Subsection VII (D.3.d) Graphic 9] adjacent to the seven-foot wide sidewalk adjacent to Charleston Boulevard.

Access to the site will be from Casino Center Boulevard adjacent to the eastside of the property. Onsite parking, which is located at the front of the structure, may not be adequate for the proposed development. However, there is a bus stop within 150 feet of the front entrance and there is on street parking available on Casino Center Boulevard within short distance of this proposal.

The site plan submitted 01/13/09 partially addresses some of these issues. The existing fence can be moved further to the south to allow for a four-foot wide landscape buffer along Charleston Boulevard. Utilities will now be located underground and alley improvements are planned to be deferred until necessary.

- **Landscaping**

The applicant has only shown landscaping from the completed portion of the Casino Center Boulevard Streetscape and is proposing no new landscaping. Staff has conditioned this proposal to provide revised site and landscape plans showing a 4-foot wide buffer along the front property line, adjacent to Charleston Boulevard. This landscape buffer shall comply to the Downtown Centennial Plan Landscape Standards [Subsection VII (D.4)], providing a 24 box tree planted at 20-foot increments with four five-gallon shrubs around each tree.

- **Elevations**

The submitted elevations specify a semi-smooth stucco exterior with a flat roof having an ultimate height of 28-feet, six-inches. The north elevation features sixteen-foot high glass front covered by a prominent entry canopy rising slightly towards Charleston Boulevard. The upper and lower levels also feature bands of gray brick veneer rising to the parapet on the north and at each side of the windows on the east side.

- **Floor Plans**

The floor plan features an Art Gallery on the ground floor with interior walls separating the display area from a designated storage room, two restrooms, two offices, and a studio located in the back. The primary access to the ground floor is provided from the front facing towards Charleston Boulevard with secondary access provided to the studio by a set of double doors facing towards Casino Center Boulevard, located at the rear of the building. In addition to the gallery, the upper level accommodates a 1,718 square-foot office space accessed via an internal stairway at the northwest corner of the building and an external staircase located at the rear of the building.

## **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 art gallery and office development is compatible with existing commercial development surrounding the site but does not adequately address the Centennial Plan Streetscape and Parking Lot Screening Requirements. Staff has placed a condition of approval to provide the appropriate parking lot screening with landscaping so as to mitigate the negative impacts.

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;**

Although the proposed expansion of the existing building may be appropriate for the C-2 (General Commercial) zoning district, this request fails to meet objectives of the Downtown Centennial Plan aimed at creating streetscapes that provide safety, comfort and interest for pedestrians. Waivers have been requested to provide no improvements over the existing conditions, which currently do not meet the requirements of the Downtown Centennial Plan.

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

Ingress and egress to the site is proposed to remain unchanged and will not negatively impact access to Casino Center Boulevard.

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

The building materials proposed for this expansion and redevelopment are suitable to the Las Vegas Downtown Centennial Plan 18b The Arts District Standards. However, staff has conditioned that revised plans be submitted showing the correct parking lot screening and landscaping that complies to the Downtown Centennial Plan Landscape Standards [Subsection VII (D.4)].

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

The proposed building elevations and design characteristics are in context with the surrounding Arts District. The gray brick veneer and semi-smooth stucco, along with the dark window mullions provide an industrial aesthetic, but is offset with a deep curved canopy provided over the front entrance.

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

This proposal will not impact public health, safety or welfare as the development will be subject to the International Building Code and City building inspections during construction.

**PLANNING COMMISSION ACTION**

The Planning Commission added condition #1 as shown, to which the applicant did not agree. The applicant also protested condition #10.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 21

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 10

**NOTICES MAILED** 126 by City Clerk

**APPROVALS** 0

**PROTESTS** 0