



## AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: NOVEMBER 2, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: BARNET LIBERMAN - OWNER: 305 LAS VEGAS, LLC

***THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 7, 2011 CITY COUNCIL MEETING***

### **\*\* STAFF RECOMMENDATION(S) \*\***

| <i>CASE<br/>NUMBER</i> | <i>RECOMMENDATION</i>                             | <i>REQUIRED FOR<br/>APPROVAL</i> |
|------------------------|---------------------------------------------------|----------------------------------|
| <b>SUP-42182</b>       | Staff recommends APPROVAL, subject to conditions: |                                  |
| <b>SDR-41600</b>       | Staff recommends APPROVAL, subject to conditions: | SUP-42182                        |

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

## **SUP-42182 CONDITIONS**

### **Planning**

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Mixed-Use use.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-41600) shall be required.
3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. 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 Department of Building and Safety.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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## SDR-41600 CONDITIONS

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### Planning

1. Approval of and conformance to the conditions of approval for Special Use Permit (SUP-42182) shall be required, if approved.
2. Conformance to the approved conditions for Site Development Plan Review (SDR-20502) and the Downtown Centennial Plan, except as amended herein.
3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. Filing of Federal Aviation Administration Form 7460-1, "Notice of Proposed Construction or Alteration," shall be required, pursuant to 14 CFR Part 77.
5. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 06/16/11, except as amended by conditions herein.
6. Any changes based upon right-of-way, traffic or drainage studies or street improvements required by the city or public utilities shall not reduce the widths of perimeter landscape buffers, height of walls or quantities of plant materials from that on submitted landscape plans date stamped 06/16/11. Any changes based upon subsequently submitted studies must be accommodated elsewhere on the site.
7. 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 Department of Building and Safety.
8. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
9. The applicant shall coordinate with the City Surveyor and other city staff to determine the most appropriate mapping action necessary to consolidate the existing lots. The mapping action shall be completed and recorded prior to the issuance of any building permits.
10. A revised site plan shall be submitted to and approved by the Department of Planning Department, prior to the time application is made for a building permit, depicting a handicap accessible route in accordance with Building and Safety Department requirements and Title 19.08.040 and 19.08.110.

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11. 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 36-inch box shades trees along Charleston Boulevard as required by the Downtown Centennial Plan.
12. Revised elevations in accordance with Downtown Centennial Plan requirements shall be submitted to and approved by the Department of Planning Department prior to the time application is made for a building permit.
13. All utilities shall comply with the provisions of the Las Vegas Downtown Centennial Plan.
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-29235, to eliminate all right-of-way and public access and/or utility easements in conflict with this site plan shall record prior to the issuance of any building permits or the recordation of a Final Map for this site, whichever may occur first.
16. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current Las Vegas Downtown Centennial Plan Standards concurrent with development of this site, except as amended by Conditions of Approval related to this project.
17. Prior to the submittal of a Tentative Map or civil construction drawings for this site, a sewer relocation and abandonment plan for all public sewers in conflict with this site shall be submitted and approved by the Sanitary Sewer Planning Section of the Department of Public Works. All existing public sewer easements in conflict with this site shall be vacated prior to the recordation of a Final Map for this site and new public sewer easements granted as necessary. Sewer service to existing upstream parcels shall be maintained during relocation.
18. Landscape and maintain all unimproved rights-of-way, if any, on 3rd Street, 4th Street and Charleston Boulevard 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.

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19. Submit an Encroachment Agreement for landscaping and private improvements, if any, in the 3rd Street, 4th Street, and Charleston Boulevard public rights-of-way prior to the issuance of permits for these improvements. The applicant must carry an insurance policy for the term of the encroachment agreement and add the City of Las Vegas as an additionally insured entity on this insurance policy. If requested by the City, the applicant shall remove property encroaching in the public right-of-way at the applicant's expense pursuant to the terms of the City's encroachment agreement. The installation and maintenance of all private improvements in the public right-of-way shall be the responsibility of the adjacent property owner(s) and shall be transferred with the sale of the property for the entire term of the Encroachment Agreement.
20. Obtain an Occupancy Permit from the Nevada Department of Transportation (NDOT) for all driveways or other private improvements in the East Charleston Boulevard public right-of-way adjacent to this site prior to constructing any improvements within NDOT jurisdiction.
21. Prior to the submittal of construction drawings for this site, meet with the Clark County School District to discuss the impact this site plan has on the district's schools and to identify possible methods to mitigate the impacts.
22. A Traffic Impact Analysis 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 recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
23. 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 or submittal of any construction drawings, 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**

The subject site is completely developed with three existing buildings containing office, general retail and church uses along Charleston Boulevard and parking in the rear. An alley and access easement that has been approved for vacation currently provides access to the interior from Charleston Boulevard and Third Street. There are two additional existing driveways from Fourth Street. An existing Off-Premise Sign is located adjacent to the building at 330 East Charleston Boulevard. The site is currently entitled for a proposed 12-story Mixed Use Development with 1,100 residential units and 58,000 square feet of ground floor retail uses. The applicant proposes to increase the planned building's height to 24 stories, add 50 more for-rent units and decrease the commercial floor area to 33,000 square feet. In order to address parking, which originally had been planned to be located within a structure at the northeast corner of Casino Center Boulevard and Coolidge Avenue but is now proposed to be decreased and serve a proposed mixed-use development on that site, the applicant now proposes a similar 14-level structure containing 1,232 stalls and ground level commercial uses to be located on the subject site along Fourth Street. Access to the structure would be from within the development. The pedestrian plaza space on the interior will be retained. Streetscape and undergrounding of utilities will continue to be provided. As the site generally complies with the Downtown Centennial Plan and Title 19, staff recommends approval with conditions. If denied, the existing entitlements will still apply as long as they remain active.

**ISSUES**

- Mixed Use Developments within 18b The Las Vegas Arts District are permitted with approval of a Special Use Permit. A Major Amendment of the previously approved Special Use Permit (SUP-20519) for the Mixed Use Development at Fourth Street and Charleston Boulevard is required, based on the increased height and number of units and increase in total gross floor area compared to the previous approval.
- A Major Amendment of the previously approved Site Development Plan Review (SDR-20502) is required, based on the increased height, total gross floor area, residential density and material change in elevation drawings compared to the previous approval.
- Conditions have been added requiring revisions of the site plan, landscape plan and elevations in accordance with Title 19 and Downtown Centennial Plan requirements.
- The applicant must contact the Federal Aviation Administration (FAA) concerning construction of the proposed 24-story building, as it exceeds the federal threshold for notification of impacts to navigable airspace. A valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration," must be filed to the FAA pursuant to 14 CFR Part 77.
- A mapping action will be necessary to consolidate the lots within the existing commercial subdivision prior to issuance of building permits

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**BACKGROUND INFORMATION**

| <i><b>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc</b></i> |                                                                                                                                                                                                                                                                                                                                                                                                                       |
|--------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/16/64                                                                 | The City Council approved a Rezoning (Z-0100-64) of approximately 230 acres generally located on property bounded by Main Street to the west, Bonanza Road to the north, Las Vegas Boulevard to the east and Charleston Boulevard to the south, from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial), C-2 (General Commercial) and C-V (Civic) to C-2 (General Commercial). |
| 11/02/94                                                                 | The City Council approved a Petition to Vacate (VAC-0040-94) Third Place south of Charleston Boulevard, west of Fourth Street. An Extension of Time [VAC-0040-94(1)] was approved 11/30/95 by the Planning Commission. The Order of Vacation was recorded 07/05/96.                                                                                                                                                   |
| 05/18/95                                                                 | The City Council Approved a Rezoning (Z-0037-94) from R-1 (Single Family Residence) to C-1 (Limited Commercial) on property generally located east of Third Place, south of Charleston Boulevard. The Planning Commission and staff recommended approval.                                                                                                                                                             |
| 12/20/95                                                                 | The City Council approved a Rezoning (Z-0093-95) from R-4 (Apartment Residence) to C-1 (Limited Commercial) on property generally located west of Third Place, south of Charleston Boulevard. The Planning Commission and staff recommended approval.                                                                                                                                                                 |
| 04/03/96                                                                 | The City Council granted the appeal of a Board of Zoning Adjustment denial, thereby approving a Special Use Permit (U-0008-96) for a 14-foot by 48-foot Off-Premise Sign on the subject property, reduced to 14 feet by 24 feet by condition, with a five year review. Staff recommended approval.                                                                                                                    |
| 01/04/99                                                                 | A two-lot commercial subdivision (Aquarius Plaza) was recorded on the subject site.                                                                                                                                                                                                                                                                                                                                   |
| 10/01/03                                                                 | The City Council approved a Site Development Plan Review (SDR-2784) for a 12,103 square-foot office building on a portion of 2.18 acres adjacent to the southwest corner of Charleston Boulevard and 4th Street. The Planning Commission and staff recommended approval.                                                                                                                                              |
| 04/19/06                                                                 | The City Council approved an amendment to the Master Plan of Streets and Highways (MSH-11632) to include the Casino Center Boulevard/Third Street Connector as an 80-foot Secondary Collector. The Planning Commission and staff recommended approval.                                                                                                                                                                |
| 05/16/07                                                                 | The City Council approved a Rezoning (ZON-20507) from P-R (Professional Office and Parking), C-1 (Limited Commercial) and C-2 (General Commercial) to C-1 (Limited Commercial) on 2.67 acres at the southwest corner of Charleston Boulevard and Fourth Street. The Planning Commission and staff recommended approval.                                                                                               |
|                                                                          | The City Council approved a Special Use Permit (SUP-20519) for a 12-story Mixed Use Development including 58,000 square feet of commercial space and 1,100 residential condominium units at the southwest corner of Charleston Boulevard and Fourth Street. The Planning Commission and staff recommended approval.                                                                                                   |

**Staff Report Page Three**  
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|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 05/16/07 | The City Council approved a Petition to Vacate (VAC-20522) a 20-foot service alley and access easement generally located east of Third Street, commencing approximately 137 feet south of the southeast corner of Charleston Boulevard and Third Street. The Planning Commission and staff recommended approval. The approval expired 05/16/08.                         |
|          | The City Council approved a Site Development Plan Review (SDR-20492) for a 120-foot-high, 1,500-space parking structure with 12,000 square feet of ground floor commercial space on 0.63 acres at the northeast corner of Casino Center Boulevard and Coolidge Avenue. The Planning Commission and staff recommended approval.                                          |
|          | The City Council approved a Site Development Plan Review (SDR-20502) for a 12-story Mixed Use Development including 58,000 square feet of commercial space and 1,100 residential condominium units on 2.67 acres at the southwest corner of Charleston Boulevard and Fourth Street. The Planning Commission and staff recommended approval.                             |
| 11/05/08 | The City Council approved a Petition to Vacate (VAC-29235) a 20-foot wide public alley and access easement generally located east of 3rd Street, commencing approximately 137 feet south of the southeast corner of 3rd Street and Charleston Boulevard. The Planning Commission and staff recommended approval.                                                        |
| 04/15/09 | The City Council approved an Extension of Time (EOT-33725) of a previously approved Rezoning (SDR-20507) from P-R (Professional Office and Parking), C-1 (Limited Commercial) and C-2 (General Commercial) to C-1 (Limited Commercial) on 2.67 acres at the southwest corner of Charleston Boulevard and Fourth Street. Staff recommended approval.                     |
|          | The City Council approved an Extension of Time (EOT-33724) of a previously approved Special Use Permit (SUP-20519) for a 12-story Mixed Use Development including 58,000 square feet of commercial space and 1,100 residential condominium units at the southwest corner of Charleston Boulevard and Fourth Street. Staff recommended approval.                         |
|          | The City Council approved an Extension of Time (EOT-33723) of a previously approved Site Development Plan Review (SDR-20492) for a 120-foot-high, 1,500-space parking structure with 12,000 square feet of ground floor commercial space on 0.63 acres at the northeast corner of Casino Center Boulevard and Coolidge Avenue. Staff recommended approval.              |
|          | The City Council approved an Extension of Time (EOT-33726) of a previously approved Site Development Plan Review (SDR-20502) for a 12-story Mixed Use Development including 58,000 square feet of commercial space and 1,100 residential condominium units on 2.67 acres at the southwest corner of Charleston Boulevard and Fourth Street. Staff recommended approval. |
| 05/20/09 | The City Council approved a Required Review (RQR-32942) of an approved Special Use Permit (U-0008-96) for a 14-foot by 24-foot Off-Premise Sign on the subject property. Planning Commission recommended approval. Staff recommended denial.                                                                                                                            |

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|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 05/28/09 | Department of Planning staff approved a Minor Amendment (SDR-34113) of a previously approved Site Development Plan Review (SDR-20502) to relocate service access and reduce the floor area of the storage and mechanical building on property located at the southwest corner of Charleston Boulevard and Fourth Street.                                                |
| 07/01/09 | The City Council approved a Special Use Permit (SUP-33590) for a Mixed Use Development on the east side of Third Street, approximately 160 feet south of Charleston Boulevard. The Planning Commission and staff recommended approval.                                                                                                                                  |
|          | The City Council approved a Site Development Plan Review (SDR-33587) for a proposed 16-story, 238-unit Mixed Use Development with 22,500 square feet of commercial space on 0.55 acres on the east side of Third Street, approximately 160 feet south of Charleston Boulevard. The Planning Commission and staff recommended approval.                                  |
| 12/11/09 | The Department of Planning approved an Extension of Time (EOT-36621) of a previously approved Petition to Vacate (VAC-29235) a 20-foot wide public alley and access easement generally located east of 3rd Street, commencing approximately 137 feet south of the southeast corner of 3rd Street and Charleston Boulevard.                                              |
| 04/07/10 | The City Council approved a Required Review (RQR-37490) of an approved Special Use Permit (U-0008-96) for a 14-foot by 24-foot Off-Premise Sign on the subject property. Staff recommended denial.                                                                                                                                                                      |
| 12/07/10 | The Department of Planning approved a two-year Extension of Time (EOT-40171) of a previously approved Petition to Vacate (VAC-29235) a 20-foot wide public alley and access easement generally located east of 3rd Street, commencing approximately 137 feet south of the southeast corner of 3rd Street and Charleston Boulevard.                                      |
| 04/06/11 | The City Council approved a Required Review (RQR-40946) of an approved Special Use Permit (U-0008-96) for a 14-foot by 24-foot Off-Premise Sign on the subject property. Staff recommended approval.                                                                                                                                                                    |
| 07/20/11 | The City Council approved an Extension of Time (EOT-41596) of a previously approved Special Use Permit (SUP-20519) for a 12-story Mixed Use Development including 58,000 square feet of commercial space and 1,100 residential condominium units at the southwest corner of Charleston Boulevard and Fourth Street. Staff recommended approval.                         |
|          | The City Council approved an Extension of Time (EOT-41597) of a previously approved Site Development Plan Review (SDR-20502) for a 12-story Mixed Use Development including 58,000 square feet of commercial space and 1,100 residential condominium units on 2.67 acres at the southwest corner of Charleston Boulevard and Fourth Street. Staff recommended approval. |
|          | The City Council approved an Extension of Time (EOT-41595) of a previously approved Site Development Plan Review (SDR-20492) for a 120-foot-high, 1,500-space parking structure with 12,000 square feet of ground floor commercial space on 0.63 acres at the northeast corner of Casino Center Boulevard and Coolidge Avenue. Staff recommended approval.              |
| 08/09/11 | The Planning Commission voted (5-0-2/ts/rt) to recommend APPROVAL (PC Agenda Items # 24 & 25/ss)                                                                                                                                                                                                                                                                        |

**Staff Report Page Five**  
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| <b><i>Most Recent Change of Ownership</i></b> |                                                |
|-----------------------------------------------|------------------------------------------------|
| 05/02/07                                      | A deed was recorded for a change in ownership. |

| <b><i>Related Building Permits/Business Licenses</i></b> |                                                                                                                                                                                                                                                                                        |
|----------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| c. 1953                                                  | The existing building at 300 East Charleston Boulevard was constructed.                                                                                                                                                                                                                |
| c. 1963                                                  | The existing building at 320 East Charleston Boulevard was constructed.                                                                                                                                                                                                                |
| 09/12/94                                                 | A building permit (#94350457) was issued for a building addition (shell only) at 330 East Charleston Boulevard. A final inspection was completed on 06/15/95.                                                                                                                          |
| 06/26/95                                                 | A building permit (#95874137) was issued for a 138 square-foot on-premise freestanding sign at 310 East Charleston Boulevard. The permit expired 12/23/95 but was renewed 07/09/96 as Permit #96013641 at 330 East Charleston Boulevard. A final inspection was completed on 09/17/96. |
| 08/06/96                                                 | A building permit (#96015843) was issued for a 336 square-foot (14-foot by 24-foot) off-premise sign at 330 East Charleston Boulevard. There is no record of a final inspection.                                                                                                       |
| 01/17/97                                                 | A building permit (97001330) was issued for an exterior remodel at 300 East Charleston Boulevard. A final inspection was completed on 03/24/98.                                                                                                                                        |
| 02/26/98                                                 | A building permit (98004038) was issued for tenant improvements at 330 East Charleston Boulevard. A final inspection was completed on 03/20/98.                                                                                                                                        |
| 09/02/05                                                 | A business license (Q13-00290) was issued for a law firm at 300 East Charleston Boulevard, Suite #105. The license is still active.                                                                                                                                                    |
| 05/05/10                                                 | A building permit (160080) was issued for eight existing non-illuminated on-premise signs at 330 East Charleston Boulevard. A final inspection was approved on 06/09/10.                                                                                                               |
| 05/03/11                                                 | A business license (Q13-01401) was issued for a law firm at 300 East Charleston Boulevard, Suite #105. The license is still active.                                                                                                                                                    |

| <b><i>Pre-Application Meeting</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 04/21/11                              | <p>A pre-application meeting was held with the applicant, in which items needed for submittal of a Special Use Permit and Site Development Plan Review were discussed. The major issues discussed included the following:</p> <ul style="list-style-type: none"> <li>• The two applications would be major amendments of the previously approved mixed use development at the southwest corner of Fourth Street and Charleston Boulevard, to which parking at the Casino Center site is tied.</li> <li>• The applicant plans to apply for extensions of time on the previous entitlements on both sites.</li> <li>• No changes are planned to be made to the Aquarius site at Fourth Street and Charleston Boulevard.</li> </ul> |

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|          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 04/21/11 | <ul style="list-style-type: none"> <li>• A mapping action will be necessary to consolidate the legal lots underlying the Casino Center site prior to issuance of building permits.</li> <li>• Location(s) where loading/unloading of merchandise would occur</li> <li>• A traffic impact analysis will be required.</li> <li>• Right-of-way encroachments may be requested as part of the Site Development Plan Review.</li> </ul> <p>A DINA is required for the combined sites.</p> |
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***Neighborhood Meeting***

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

***Field Check***

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| 05/05/11 | <p>A field check was conducted at the subject site. The following items were noted:</p> <ul style="list-style-type: none"> <li>• The site is fully developed with buildings, surface parking and an off-premise sign.</li> <li>• The site is well-maintained, although the monument sign facing Fourth Street contains some graffiti.</li> </ul> |
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***Details of Application Request***

***Site Area***

|           |      |
|-----------|------|
| Net Acres | 2.67 |
|-----------|------|

| <b><i>Surrounding Property</i></b> | <b><i>Existing Land Use Per Title 19.12</i></b> | <b><i>Planned or Special Land Use Designation</i></b> | <b><i>Existing Zoning District</i></b> |
|------------------------------------|-------------------------------------------------|-------------------------------------------------------|----------------------------------------|
| Subject Property                   | Offices                                         | C (Commercial)                                        | C-1 (Limited Commercial)               |
|                                    | General Retail Store                            |                                                       |                                        |
|                                    | Church (2)                                      |                                                       |                                        |
| North                              | Undeveloped                                     | C (Commercial)                                        | C-2 (General Commercial)               |
|                                    | Multi-Family Residential (Apartments)           |                                                       |                                        |
|                                    | General Retail Store                            |                                                       |                                        |
| South                              | Office                                          | C (Commercial)                                        | C-1 (Limited Commercial)               |
|                                    | Multi-Family Residential (Apartments)           | MXU (Mixed Use)                                       |                                        |

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|      |                                       |                 |                          |
|------|---------------------------------------|-----------------|--------------------------|
| East | Motel                                 | C (Commercial)  | C-2 (General Commercial) |
|      | General Retail Store                  |                 |                          |
|      | Mini-Storage Facility                 |                 |                          |
| West | Restaurant                            | C (Commercial)  | C-2 (General Commercial) |
|      | General Retail Store                  |                 | C-2 (General Commercial) |
|      | Multi-Family Residential (Apartments) | MXU (Mixed Use) | C-1 (Limited Commercial) |

| <b><i>Master Plan Areas</i></b>                                             | <b><i>Yes</i></b> | <b><i>No</i></b> | <b><i>Compliance</i></b> |
|-----------------------------------------------------------------------------|-------------------|------------------|--------------------------|
| <b>Master Plan Area</b>                                                     |                   |                  |                          |
| Downtown Centennial Plan                                                    | X                 |                  | N                        |
| <b><i>Special Purpose and Overlay Districts</i></b>                         | <b><i>Yes</i></b> | <b><i>No</i></b> | <b><i>Compliance</i></b> |
| <b>Special Purpose and Overlay Districts</b>                                |                   |                  |                          |
| Downtown Centennial Plan Overlay District (18b The Las Vegas Arts District) | X                 |                  | N                        |
| Live/Work Overlay District                                                  | X                 |                  | N/A                      |
| <b>Trails (Tortoise Trail)</b>                                              | X                 |                  | Y                        |
| <b>Rural Preservation Overlay District</b>                                  |                   | X                | N/A                      |
| <b>Las Vegas Redevelopment Plan Area</b>                                    | X                 |                  | Y                        |
| <b>Development Impact Notification Assessment</b>                           | X                 |                  | Y                        |
| <b>Project of Regional Significance</b>                                     |                   | X                | N/A                      |

## DEVELOPMENT STANDARDS

***Pursuant to 19.08 and the Downtown Centennial Plan, the following standards apply to the proposal:***

| <b><i>Standard</i></b> | <b><i>Required/Allowed</i></b> | <b><i>Provided</i></b> | <b><i>Compliance</i></b> |
|------------------------|--------------------------------|------------------------|--------------------------|
| Min. Lot Size          | N/A                            | 21,160 SF              | N/A                      |
| Min. Lot Width         | N/A                            | 140 Feet               | N/A                      |
| Min. Setbacks          |                                |                        |                          |
| • Front (3rd Street)   | N/A                            | 0 Feet                 | N/A                      |
| • Side                 | N/A                            | 21 Feet                | N/A                      |
| • Corner               | N/A                            | 0 Feet                 | N/A                      |
| • Rear                 | N/A                            | 0 Feet                 | N/A                      |
| Max. Lot Coverage      | N/A                            | 56 %                   | N/A                      |

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|                      |                                          |                               |     |
|----------------------|------------------------------------------|-------------------------------|-----|
| Max. Building Height | N/A                                      | 270 Feet                      | N/A |
| Trash Enclosure      | Screened, Gated, w/<br>a Roof or Trellis | Screened,<br>gated,<br>roofed | Y   |
| Mech. Equipment      | Screened                                 | Screened                      | Y   |

| <i>Standard</i>       | <i>Approved SDR-20502</i> | <i>Proposed SDR-41600</i> | <i>Change</i> |
|-----------------------|---------------------------|---------------------------|---------------|
| Min. Setbacks         |                           |                           |               |
| • Front               | 0 Feet                    | 0 Feet                    | None          |
| • Side                | 5.8 Feet                  | 21 Feet                   | 262%          |
| • Corner              | 5.5 Feet                  | 0 Feet                    | -100%         |
| • Rear                | 0 Feet                    | 0 Feet                    | None          |
| Max. Lot Coverage     | 70%                       | 56%                       | -14%          |
| Max. Building Height  | 160 Feet                  | 270 Feet                  | 69%           |
| Number of Stories     | 12                        | 24                        | 100%          |
| Residential Units     | 1,100                     | 1,150                     | 4.5%          |
| Commercial Floor Area | 58,000 SF                 | 33,000 SF                 | -43%          |

| <i>Street Name</i>   | <i>Functional Classification of Street(s)</i> | <i>Governing Document</i>           | <i>Street Width (Feet)</i> | <i>Compliance with Street Section</i> |
|----------------------|-----------------------------------------------|-------------------------------------|----------------------------|---------------------------------------|
| Charleston Boulevard | Primary Arterial                              | Master Plan of Streets and Highways | 90-100                     | N                                     |
| Third Street         | Secondary Collector                           | Master Plan of Streets and Highways | 80                         | Y                                     |
| Fourth Street        | Secondary Collector                           | Master Plan of Streets and Highways | 80                         | Y                                     |

| <i>Streetscape Standards</i> | <i>Required</i>                                             | <i>Provided</i>                                        | <i>Compliance</i> |
|------------------------------|-------------------------------------------------------------|--------------------------------------------------------|-------------------|
| Minimum sidewalk width       | 10 feet                                                     | 10 feet                                                | Y                 |
| Minimum amenity zone width   | 5 feet                                                      | 5 feet                                                 | Y                 |
| Sidewalks                    | Corner ramps with patterned concrete                        | Corner ramps with patterned concrete                   | Y                 |
| Right-of-Way Improvements    | Light fixtures, trash receptacles, benches, tree wells      | Light fixtures, trash receptacles, benches, tree wells | Y                 |
| North-South Streets (Major)  | Deglet-Noor Date Palms or similar, 25' BTH at 30' intervals | Deglet-Noor Date Palms, 25' BTH at 30' intervals       | Y                 |

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|                   |                                                          |                                                                         |   |
|-------------------|----------------------------------------------------------|-------------------------------------------------------------------------|---|
| East-West Streets | 36" box drought-tolerant shade trees at 15-20' intervals | Alternating 24" box Honey Locust and Shoestring Acacia at 20' intervals | N |
|-------------------|----------------------------------------------------------|-------------------------------------------------------------------------|---|

| <b>Parking Requirement - Downtown</b>           |                                            |                                 |                |                 |                |                   |   |
|-------------------------------------------------|--------------------------------------------|---------------------------------|----------------|-----------------|----------------|-------------------|---|
| <b>Use</b>                                      | <b>Gross Floor Area or Number of Units</b> | <b>Base Parking Requirement</b> |                | <b>Provided</b> |                | <b>Compliance</b> |   |
|                                                 |                                            | <b>Parking Ratio</b>            | <b>Parking</b> |                 | <b>Parking</b> |                   |   |
|                                                 |                                            |                                 | Regular        | Handi-capped    | Regular        | Handi-capped      |   |
| General Retail Store, Other Than Listed         | 33,000 SF                                  | 1 space/ 250 SF GFA             | 132            |                 |                |                   |   |
| Multi-Family Residential – Studio and 1 Bedroom | 1,150 units                                | 1.25 spaces/ unit               | 1,438          |                 |                |                   |   |
| Multi-Family Residential – Guest spaces         | 1,150 units                                | 1 space/ 6 units                | 192            |                 |                |                   |   |
| <b>TOTAL SPACES REQUIRED</b>                    |                                            |                                 | <b>1,762</b>   |                 | <b>1,235</b>   |                   | N |
| <b>Regular and Handicap Spaces Required</b>     |                                            |                                 | 1,757          | 5               | 1,234          | 1                 | 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. Parking is proposed to be located primarily within an onsite automated parking garage. The site is near a major bus rapid transit route and is an area that is favorable for pedestrians. This project is subject to the handicapped parking requirements of the Downtown Centennial Plan, which references Title 19 handicapped parking requirements. However, the parking facilities are automated, eliminating the need for multiple physical handicap spaces at ground level.

## ANALYSIS

The proposed development is subject to Downtown Centennial Plan standards, and pursuant to Section VIII.A of the Plan, qualifies as a New Development. The proposed mixed-use development occupies more than 50 percent of the block and is subject to full streetscape and utility requirements. This site is located within the Live/Work Overlay district. The proposed development will offer employment and housing options onsite, but no live/work units as described by UDC 19.10.170 are provided. The site is also within the boundaries of the Las Vegas Redevelopment Area; the proposed uses are in conformance with Redevelopment Plan

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policies that encourage innovative, mixed use projects in this area. As part of 18b The Las Vegas Arts District, a Mixed-Use development is a permitted use with approval of a Special Use Permit. Although not included within the Airport Overlay District, the project includes a structure that will exceed a slope of 100:1 for a distance of 20,000 feet from the nearest point of a runway at the North Las Vegas Airport. Pursuant to 14 CFR Part 77, the Federal Aviation Administration must be notified of the proposed construction to determine what impact, if any, the proposal would have upon navigable airspace and whether the development requires any obstruction marking or lighting. A condition of approval addresses the notification requirement.

The site as proposed is generally in conformance with Downtown Centennial Plan and Title 19 requirements, with some exceptions. The site plan does not indicate a handicap accessible route from the public sidewalk to a primary entrance as required by Title 19.08 and must be revised to show this route. The landscape plan shows alternating 24-inch box shade trees along Charleston Boulevard where 36-inch box trees are required by the Arts District standards contained within the Downtown Centennial Plan. The elevations do not indicate any articulation or variation at the ground level, nor do they allow for usable space for residents at the balconies. Furthermore, the architectural design is not carried on all sides of the building as prescribed by the Arts District design standards. Conditions have been added requiring revisions to the plans prior to or at the time of submittal for building permits.

Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. However, parking should be provided relative to the intensity of the uses on the site. The proposal would provide one space per residential unit and approximately 2.6 spaces per 1,000 square feet of commercial floor area, which is consistent with existing Downtown projects. Although the increase in residential units would require about 50 additional spaces, the reduction in commercial area compared to the approved plan would reduce typical parking demand by about 75 spaces, assuming a requirement of three spaces per 1,000 square feet. The mixed-use nature of the project should contribute to some reduction in automobile usage compared to a standalone commercial site, and the site is located in proximity to public transportation. Approval of this amended Site Development Plan Review would allow this site to be parked independently of the proposed development at Casino Center Boulevard and Coolidge Avenue.

The Downtown Centennial Plan does not exempt applicants from providing handicap accessible parking for commercial uses. No handicap-accessible spaces are provided on the site because the automated garage eliminates this need; a lane is provided in front of the structure to allow handicapped patrons to be assisted in and out of their vehicles. One van accessible space is provided at grade.

Because the proposed primary building will cross an existing property line, a condition of approval will require remapping of the site as appropriate.

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Signage was not indicated on the submitted elevations. All proposed signage will be subject to review at the time of submittal of applications for sign permits.

**FINDINGS (SUP-41599)**

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

**1.The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

The amended Mixed Use use as proposed can be conducted in a manner that is harmonious and compatible with surrounding land uses, as the site can accommodate the additional units and building space, and the surrounding area primarily consists of commercial and multi-family apartment uses.

**2.The subject site is physically suitable for the type and intensity of land use proposed.**

The proposed site can accommodate the increased density proposed by this amendment. The proposed decrease in commercial floor area will decrease the demand for parking.

**3.Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

Third Street and Fourth Street, both existing secondary collectors, are adequate in size to meet the requirements of the amended Mixed-Use use proposed for the site.

**4.Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

Approval of a Special Use Permit for a Mixed-Use development is consistent with the Las Vegas 2020 Master Plan Policy 1.1.3, which encourages new market rate, multi-unit mixed-use residential development on vacant or underutilized sites, with ground floor commercial components included where appropriate. The public health, safety and welfare will be protected through permitting and inspection processes.

**5.The use meets all of the applicable conditions per Title 19.12.**

The amended Mixed-Use development proposal complies with all Title 19.12 minimum Special Use Permit requirements.

**FINDINGS (SDR-41600)**

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;**

With implementation of the proposed conditions, the development as amended would be compatible with the adjacent uses.

**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 site as proposed generally conforms to the Downtown Centennial Plan and Title 19. Revisions to the site plan, technical landscape plan and elevations are required as conditions of approval. The Las Vegas 2020 Master Plan calls for mixed-use residential and commercial development in areas such as this downtown site.

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

The proposed access points from Third Street and Fourth Street are adequate for the intensity of the uses on the site and will not negatively impact traffic in this portion of Downtown.

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

The metal and painted cement exteriors with stone trim are acceptable for the Downtown area. Tree size along Charleston Boulevard is not compatible with the streetscape pattern designated by the Downtown Centennial Plan and must be increased.

**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 elevations shall be revised to comply with Downtown Centennial Plan design standards within the Arts District so that they may be compatible with other Downtown development. The proposed garage will have characteristics similar to the primary building on the site.

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

Development is subject to permitting and inspections, thereby securing the public health, safety and welfare.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 25

**NOTICES MAILED** 429 (By City Clerk)

**APPROVALS** 0

**PROTESTS** 0