



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 14, 2010
 DEPARTMENT: PLANNING AND DEVELOPMENT
 ITEM DESCRIPTION: TABLED - RENOTIFICATION - TXT-34878 -
 APPLICANT/OWNER: CITY OF LAS VEGAS

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL

1. Title 18.10 is hereby amended by adding a new subchapter as follows:

18.10.205 GRADING PERMIT

A. A grading permit may be issued for grading in advance of civil plan approval in accordance with the following requirements:

1. A land use application has been approved pursuant to LVMC Title 19, if required, for the proposed use;
2. Developer shall submit a separate grading plan set with cover sheet to include standard grading notes and approval signature blocks for the City Engineer and the Director of Planning and Development;
3. Both drainage impact and or traffic analyses are approved, if required;
4. A grading plan is approved;
5. Improvement plans required under Section 18.10.090 have been reviewed and a bond estimate approved, when applicable; and
6. When applicable, a bond is posted per Section 18.14.010 and all fees paid in accordance with Section 13.40.050 for the construction and installation of required off-site improvements.

2. Title 19.08.050 (E) is hereby amended by as follows:

(E) Urban Design, Screening and Lighting.

- (1) Site Geography. Where feasible, and when geotechnical conditions are favorable, natural features such as washes and existing vegetation should be retained in their natural state and integrated into the design of the site. When geotechnical conditions are favorable, on-site detention of storm water is encouraged as a means of reducing stormwater runoff. Areas such as common areas and existing washes should be explored for this type of use. Buildings should be sited to avoid or lessen the impact of

TXT-34878 - Conditions Page Two
January 14, 2010 - Planning Commission Meeting

development on sensitive areas such as slopes and drainage washes. The siting of buildings and development of a site should conform to specific site conditions and opportunities such as non-rectangular lots, location on intersections, unusual topography, vegetation, views or other natural features. On sites which contain slopes of five percent or more, the development of the site should reflect, rather than obscure, the natural topography of the site through the use of various techniques such as smooth transition of grades at the property lines, blending of cut and fill slopes, and terracing.

- (a) Site Grading Design.
 - (i) Where natural sloping is to be used for topographic transitions at the property edges, slopes should not exceed three to one (See Figure 15) and should be landscaped with approved materials to achieve minimum ground coverage of sixty percent (not including trees). The sixty percent coverage should be reached within two years after a Certificate of Occupancy is issued by the City.
 - (ii) Cut and fill slopes should be rounded where they meet natural grade so that they blend with the natural slope (See Figure 16).
- (b) Site Grading Permit. No lands shall be graded or the natural ground surface otherwise disturbed so as to create a dust nuisance, except for clearing of weeds and debris, unless the developer:
 - (i) In cases where a final map is required, has complied with the provisions of Title 18; ~~or~~
 - (ii) Has obtained approval of a Site Development Plan and Civil Improvement Plans for the site or area to be graded; or
 - (iii) Otherwise has complied with the provisions of LVMC Section 18.10.205 for the issuance of a grading permit prior to final approval of the Civil Improvement Plans.
- (c) Natural Features. The area of any channel or wash which is to be retained in its natural state, improved as a non-concrete channel, or improved with a combination of natural materials and other materials such as stamped, patterned concrete, may be counted toward the requirements for open space within the proposed development.
- (d) Drainage. In order to provide a more natural appearance and to provide for the stabilization of natural channels when geotechnical conditions are favorable, drainage ways should be lined with natural materials such as grass, soil, gravel, rock or other materials allowed by the Clark County Regional Flood Control District

TXT-34878 - Conditions Page Three
January 14, 2010 - Planning Commission Meeting

Hydrologic Criteria and Drainage Design Manual (HCDDM) as adopted by the City. The use of plain concrete for lining of drainageways should be permitted only as part of a flood control plan or drainage study approved by the Public Works Department (See Figures 17, 18 and 19).

- (i) All natural drainage channels on sites of fifteen net acres or greater in size should be identified and shown generally on the site plan at the time of submittal of a Site Development Plan Review application. If it is expected that the Drainage Study will require improvements to existing drainage channels or other on-site drainage facilities, the proposed preliminary design of such channels and of proposed structures such as weirs, drop structures or other appurtenant structures shall be shown on the site plan. Such structures should be built of natural materials unless the applicant can demonstrate, based on a subsequent approved drainage study, that to do so would be infeasible.
- (ii) When detention basins are utilized, they should be integrated into the overall landscaping and site development plan of the proposed project. Such areas may be counted toward the open space requirements of the development.

TXT-34878 - Staff Report Page One
January 14, 2010 - Planning Commission Meeting

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request to amend Title 18 and Title 19 to revise and update procedures and definitions related to the issuance of permits for site grading.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
04/24/98	Land Development Policy 98-9 (Early Grading/Early Sewer and Water) was established by the Land Development Division of Public Works. The policy was put in place to address the rare occasions where circumstances may require that some work be permitted prior to final Civil Improvement Plan approval.
10/08/09	The Planning Commission tabled the item at staffs request to allow further time for interdepartmental review of the proposed amendment.

ANALYSIS

The proposed amendment would add a provision to the Las Vegas Municipal Code to allow for a permit for grading to be issued prior to the approval of the Civil Improvement Plans as currently required by code. The Land Development Division of the Public Works Department has a policy (Land Development Policy No. 98-9) which allows the City Engineer to issue a grading permit if certain prerequisites are satisfied prior to the final approval of the Civil Improvement Plans. However, while the discretion afforded by the policy may be warranted, current language in Title 19 does not make an allowance for this discretion.

There are two locations in Title 19 where the language references the issuance of a grading permit:

- The Hillside Development Standards and Guidelines, Title 19.06.170 (C)(3)(f), indicates that no grading may occur on a site where these standards are applicable prior to the approval of the Civil Improvement Plans and the final Grading Plans by the Director of Public Works and the issuance of a grading permit; and
- The Commercial and Industrial District Development Standards, Title 19.08.050 (E)(1)(b), indicates that no grading shall occur unless the developer has complied with Title 18, if a final map is required, or has obtained approval of a Site Development Plan Review and Civil Improvement Plans for the site to be graded.

The proposed change would add provisions to Title 18 for the issuance of a grading permit prior to the final approval of the Civil Improvement Plans.

TXT-34878 - Staff Report Page Two
January 14, 2010 - Planning Commission Meeting

Further, the proposed amendment would add language to Title 19 to allow a grading permit to be issued pursuant to the requirements being added to Title 18. Due to the sensitive nature of areas that fall under the Hillside Development Standards and Design Guidelines requirements of Title 19, no change is proposed to the current language which prohibits any grading from occurring until the final Civil Improvement Plans and Grading Plans have been approved by the Director of Public Works. This modification will eliminate any inconsistency between current Public Works policy and the city's Municipal Code as it relates to the requirements for the issuance of a grading permit. Therefore, staff recommends approval of this amendment.

FINDINGS

The proposed text amendment will accomplish the following:

- Add a new subchapter to Title 18 to provide a procedure for the review and issuance of a grading permit prior to the final approval of the Civil Improvement Plans.
- Modify language in Title 19 (Title 19.08.050(E)(1)(b)) to provide the allowance for a grading permit to be issued pursuant to the new procedure proposed for Title 18.
- Continue to require the final approval of the Civil Improvement Plans for development with areas covered by the Hillside Development Standards and Design Guidelines.

The following table summarizes all proposed changes:

Code Requirements	Existing Regulations	Proposed Regulations
Title 18.10.205 Grading Permit	• No existing code references • PW policy	• Subchapter added to provide requirements for the issuance of a grading permit prior to the final approval of the Civil Improvement Plans • New procedure similar to policy
Title 19.08.050 (E)(1)(b) Commercial and Industrial District Development Standards Site Grading Permit	• No allowance made for the issuance of a grading permit unless Title 18 requirements for a final map have been fulfilled or a Site Development Plan Review and Civil Improvement Plans have been approved.	• Adds an allowance if the site has complied with the new provisions of Title 18

TXT-34878 - Staff Report Page Three
January 14, 2010 - Planning Commission Meeting

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

NOTICES MAILED NEWSPAPER ONLY

APPROVALS 0

PROTESTS 0