



**AGENDA MEMO - PLANNING**

**CITY COUNCIL MEETING DATE: FEBRUARY 4, 2015**

**DEPARTMENT: PLANNING**

**ITEM DESCRIPTION: APPLICANT: CECILE WALKER - OWNER: PHILADELPHIA TRUST**

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-53504	Staff recommends DENIAL, if approved subject to conditions:	

**\*\* CONDITIONS \*\***

**SUP-53504 CONDITIONS**

**Planning**

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Facility for Transitional Living for Released Offenders use.
2. 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.
3. As outlined in Title 19.12 the use shall be limited to providing housing for a maximum of six (6) persons requiring assistance with reintegration into the community.
4. A Waiver from Title 19.12 is hereby approved, to allow a 505-foot distance separation from a City Park where a minimum of 1,500 feet is required.
5. A Waiver from Title 19.12 is hereby approved, to allow a 690-foot distance separation from an Individual Care Center licensed for more than twelve children where a minimum of 1,500 feet is required.
6. A Waiver from Title 19.12 is hereby approved, to allow a location not within 1,500 feet of an existing bus stop served by a regional bus system.

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7. 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, as well as part of any business license application.
9. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
10. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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

**PROJECT DESCRIPTION**

This application is a request for a Special Use Permit for a proposed Facility for Transitional Living for Released Offenders to be located at 240 West Philadelphia Avenue. The subject site currently contains three single-story, multi-family residential structures. The applicant is requesting to place the use within one of the three structures. Specifically, the use would locate within the entire 3,200 square-foot structure located along the western portion of the subject site. The remaining two structures would continue to be utilized as a multi-family residential use. The requested use fails to meet the minimum Special Use Permit Requirements as outlined by Title 19.12. Specifically, the proposed location of the use is within 1,500 feet of a city park and individual care center licensed for more than twelve children, as well as fails to be within 1,500 feet of an existing bus stop served by a regional bus system. The facility is designed to house persons recently released from jail and assist them in a reintegration process into the community. According to the submitted justification letter, the facility will not house violent offenders or sexual offenders. In addition, the facility would operate in complete compliance with all federal, state and local laws that may apply. However, the close proximity of the proposed use to an existing child day care and park demonstrates the site as inappropriate for the proposed use. For these reasons, staff is recommending denial.

**ISSUES**

- A Special Use Permit is required for a Facility for Transitional Living for Released Offenders within an R-4 (High Density Residential) zoning district.
- The applicant is requesting a Waiver to allow the facility to be located 1,577 feet from an existing bus stop served by a regional bus system where the facility is required to be located within 1,500 feet.
- The applicant is requesting a Waiver to allow a distance separation of 505 feet from a city park where a minimum of 1,500 feet is required.
- The applicant is requesting a Waiver to allow a distance separation of 690 feet from an individual care center licensed for more than twelve children where a minimum of 1,500 feet is required.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc</i>	
05/13/14	The Planning Commission unanimously voted to recommend DENIAL of a Special Use Permit (SUP-53504) for a facility for transitional living for released offenders with waivers to a location not within 1,500 feet of an existing bus stop and distance separations of 505 feet from a city park and 690 feet from an individual care center where 1,500 feet is the minimum distance required.
06/18/14	The City Council accepted the applicant’s request to hold this item in abeyance to the August 20, 2014 City Council meeting.
08/20/14	The City Council accepted the applicant’s request to hold this item in abeyance to the February 4, 2015 City Council meeting.

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<b>Most Recent Change of Ownership</b>	
04/27/12	A deed was recorded for a change in ownership.

<b>Related Building Permits/Business Licenses</b>	
c. 1960	The three existing multi-family residential structures were constructed.
03/26/90	Three building permits (#90062094, #90063181, #90063236) were issued for fire repair work at an existing apartment complex at 240 West Philadelphia Avenue. The permits were finalized on 04/25/90.
03/19/04	A building permit (#406253) was issued to rehabilitate an existing apartment complex at 240 West Philadelphia Avenue. The permit expired on 09/25/04.

<b>Pre-Application Meeting</b>	
03/12/14	Staff met with the applicant to discuss the proposed Facility for Transitional Living for Released Offenders use. Staff determined that a Special Use Permit would be required to locate the use within the R-4 (High Density Residential) zone. Staff also noted several distance separation waivers would be required.

<b>Neighborhood Meeting</b>	
A neighborhood meeting is not required, nor was one held.	

<b>Field Check</b>	
04/03/14	Staff conducted a routine field check of the multi-family residential complex and noted trash located within the side yards and an illegal banner sign along the south building elevation.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Gross Acres	0.44

<b>Surrounding Property</b>	<b>Existing Land Use Per Title 19.12</b>	<b>Planned or Special Land Use Designation</b>	<b>Existing Zoning District</b>
Subject Property	Multi-Family Residential	MXU (Mixed Use)	R-4 (High Density Residential)
North	Multi-Family Residential	MXU (Mixed Use)	R-4 (High Density Residential)
South	Multi-Family Residential	MXU (Mixed Use)	R-4 (High Density Residential)
East	Multi-Family Residential	MXU (Mixed Use)	R-4 (High Density Residential)
West	Multi-Family Residential	MXU (Mixed Use)	R-4 (High Density Residential)

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<b>Master Plan Areas</b>	<b>Compliance</b>
Downtown Centennial Plan – Northern Strip Gateway	Y
<b>Special Purpose and Overlay Districts</b>	<b>Compliance</b>
A-O (Airport Overlay) District (200 Feet)	Y
<b>Other Plans or Special Requirements</b>	<b>Compliance</b>
Trails	N/A
Las Vegas Redevelopment Plan Area	Y
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

**DEVELOPMENT STANDARDS**

<b>Street Name</b>	<b>Functional Classification of Street(s)</b>	<b>Governing Document</b>	<b>Actual Street Width (Feet)</b>	<b>Compliance with Street Section</b>
Philadelphia Avenue	Local Street	Master Plan of Streets and Highways	51 Feet	Y

<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	
Multi-Family Residential	10 one bedroom units, 2 two bedroom units	1.25 spaces per one bedroom unit 1.75 spaces per two bedroom unit	16				
Facility for Transitional Living for Released Offenders	6 residents 1 staff member	One space per five residents, plus an additional space for each staff member	3				
<b>TOTAL SPACES REQUIRED</b>			19		18		N*
<b>Regular and Handicap Spaces Required</b>			18	1	17	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.

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<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
A 1,500-foot minimum distance separation is required from a City Park.	To allow a 505-foot distance separation.	Denial
A 1,500-foot minimum distance separation is required from a Individual Care Center licensed for more than twelve children.	To allow a 690-foot distance separation.	Denial
The facility must be located within 1,500 feet of an existing bus stop served by a regional bus system.	To allow a 1,577-foot distance separation.	Denial

**ANALYSIS**

The Facility for Transitional Living for Released Offenders use is defined as “a dwelling unit of a residential character that provides housing and a living environment for up to six persons who have been released from prison and who require assistance with reintegration into the community, other than such a residence that is operated or maintained by a state or local government agency thereof. The term does not include a halfway house for recovering alcohol and drug abusers or a facility for the treatment of abuse of alcohol or drugs. As used in this description, a person who has been released from prison means:

1. A parolee
2. A person who is participating in:
  - a. A judicial program pursuant to NRS 209.4886 or 213.625; or
  - b. A correctional program pursuant to NRS 209.488 or 213.632;
3. A person who is supervised by the Division of Parole and Probation of the Department of Public Safety through residential confinement pursuant to NRS 213.371 to 213.410, inclusive; or
4. A person who, within the past 20 years, has been released from prison by expiration of his term of sentence.

The proposed use meets the definition noted above, as the owner of the facility intends to provide housing for up to six persons who are all or either parolees, recently released from prison, participating in judicial or correctional programs, and/or supervised by the Division of Parole and Probation. According to the submitted justification letter, the owner intends to operate and maintain the facility primarily for men and women parolees. The applicant further states that the facility would not accept sex offenders or violent offenders and would be operated to facilitate the reintegration of parolees. The reintegration process includes assistance in gaining employment, performing daily house chores, and paying rent in a timely manner. The facility would not be offering counseling for the treatment of abuse of alcohol or drugs.

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The Minimum Special Use Permit Requirements for this use include:

**1. The facility must comply on an ongoing basis with all governmental licensing requirements.**

*According to the justification letter, the owner of the facility would work closely with the Department of Corrections. Furthermore, a condition of approval has been added requiring compliance with all licensing requirements.*

**2. The facility must be located on a parcel with a minimum size of six thousand five hundred square feet.**

*The proposed subject site meets the minimum size requirement, as the site is approximately 99,000 square feet.*

**3. The facility must be located on a parcel that is within 1,500 feet of an existing bus stop served by a regional bus system.**

*The proposed site is located 1,577 feet to the west of the closest bus stop served by a regional bus system. The applicant has requested a Waiver to allow a bus stop more than 1,500 feet from the subject site. Staff cannot support the Waiver request, as the requirement is meant to assist in the reintegration process and provide adequate transportation access for employment opportunities, counseling, etc.*

**4. Off-street parking shall be provided on the basis of at least one space per five residents, plus an additional space for the administrator.**

*According to the submitted site plan, the subject site is providing 18 parking spaces where 19 spaces are required. Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements.*

**5. Indoor common area shall be provided on the basis of a minimum of fifteen feet per resident.**

*According to the submitted floor plan, each unit provides a bedroom with separate living room and kitchen areas. The apartment style accommodations, meets the intent of the indoor common space requirement in that each resident has an indoor space to utilize other than the bedroom. The floor plan illustrates over 300 square feet of living room/kitchen space for every resident.*

**6. The facility shall not be established or modified in a manner that would make it inconsistent with the scale and architectural character of the neighborhood.**

*The applicant has discussed with staff the desire to keep the existing residential character of the multi-family structure. A condition of approval has been added to prohibit commercial signage and improvements that would deviate from the scale and architectural character of the surrounding residential neighborhood.*

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7. No signage, graphics, display, or other visual representation that is visible from a public street shall be used to identify the facility as a Facility for Transitional Living for Released Offenders.

*A condition of approval has been added prohibiting any signage visible from the public right-of-way.*

8. A facility may not be located closer than 1,500 feet (measured by means of the shortest distance from property line to property line) from another Facility for Transitional Living for Released Offenders, a Community Residence, church/house of worship, school, individual care center licensed for more than 12 children, or City Park.

*The proposed facility is requesting waivers to allow a distance separation of 505 feet from a city park and a distance separation of 690 feet from a individual care center licensed for more than 12 children where a minimum of 1,500 feet is required. Staff cannot support the requested Waiver, as the requirement was established to maintain safety within the neighborhood.*

9. The number of occupants within a Facility for Transitional Living for Released Offenders shall not exceed the following occupancy standards

- a. For the first bedroom (deemed to be the largest bedroom), a maximum of two adults (eighteen years of age or older).
- b. For each bedroom thereafter:
  - i. A maximum of one adult, for bedrooms less than one hundred square feet in area; and
  - ii. A maximum of two adults, for bedrooms one hundred square feet in area or greater.

*According to the submitted floor plan, the applicant is providing six rooms at the facility. Each of the rooms is over 100 square feet in size. However, the definition of a Facility for Transitional Living for Released Offenders limits the occupancy of the facility to a maximum of six persons. A condition of approval has been added limiting the occupancy to six persons.*

The proposed Facility for Transitional Living for Released Offenders use would be located within the Downtown Centennial Plan Northern Strip Gateway District. The Northern Strip Gateway District does not outline permissible uses and utilizes Title 19 to do so. The proposed use does not adhere to all Minimum Special Use Permit Requirements outlined by Title 19.12. The requested Waivers for distance separation from a city park and individual care center illustrate incompatibility with the existing neighborhood. Furthermore, the requested Waiver to allow the use to be located further than 1,500 feet from an existing bus stop served illustrates that the neighborhood lacks sufficient services to support the use. For these reasons staff recommends denial. If denied, the proposed Facility for Transitional Living for Released Offenders could not locate at 240 West Philadelphia Avenue.

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**FINDINGS (SUP-53504)**

In order to approve a Special Use Permit application, per Title 19.16.110(L) 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 proposed location for the Facility for Transitional Living for Released Offenders is not compatible with the existing surrounding land uses. Specifically, an individual care center licensed for more than twelve children and city park are located in close proximity to the subject site. The health, safety and general welfare of the community is at risk and does not improve with the addition of the proposed use.

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

The R-4 (High Density Residential) zoned property is a suitable zoning designation for the proposed use. However, the use fails to meet minimum parking requirements. The subject site is located within the Downtown Centennial Plan and is not subject to the automatic application of parking requirements. However, the calculation should be used to illustrate the requirements of an analogous project in another location in the City.

**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.**

Site access is provided from Philadelphia Avenue, a 51-foot wide Local Street as classified by the Master Plan of Streets and Highways. The street is adequate in size to accommodate the proposed use.

**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.**

The proposed facility designed to house persons recently released from jail and assist them in a reintegration process into the community would be located in close proximity to a child care center and park. Approval of the requested Special Use Permit could compromise the public health, safety and general welfare of the surrounding community.

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

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The proposed Facility for Transitional Living for Released Offenders fails to meet all minimum requirements as outlined by Title 19.12. The applicant is requesting Waivers of distance separations from a city park and individual care center licensed for more than twelve children. Furthermore, the applicant is requesting a Waiver to allow a bus stop to be located more than 1,500 feet from the subject site. Staff cannot support the requested Waivers which illustrate the proposed use as inappropriate for the area.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**                      25

**NOTICES MAILED**                      119 (By City Clerk)

**APPROVALS**                                      1

**PROTESTS**                                      13