



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: SEPTEMBER 11, 2018

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: 7TH STREET MANAGEMENT, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
ZON-74107	Staff recommends APPROVAL.	
SDR-74080	Staff recommends APPROVAL, subject to conditions:	ZON-74107

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 35

NOTICES MAILED 373 - ZON-74107 and SDR-74080

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

SDR-74080 CONDITIONS

Planning

1. Approval of Rezoning (ZON-74107) shall be required, if approved.
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. All development shall be in conformance with the site plan and landscape plan date stamped 08/01/18, and building elevations date stamped 08/01/19/8 and 08/13/18, except as amended by conditions herein.
4. A Waiver from Appendix F, Interim Downtown Las Vegas Development Standards is hereby approved to allow a front yard setback of 10 feet where 20 feet is required.
5. Waiver from Appendix F, Interim Downtown Las Vegas Development Standards is hereby approved to allow a two-foot wide landscape buffer along the south property line where eight feet is required.
6. A Waiver from Appendix F, Interim Downtown Las Vegas Development Standards is hereby approved to allow 46 parking spaces where 54 are required.
7. A Waiver from Appendix F, Interim Downtown Las Vegas Development Standards is hereby approved to allow a three-story, 43-foot tall building where two stories, 35 feet is the maximum height allowed.
8. A Waiver from Appendix F, Interim Downtown Las Vegas Development Standards is hereby approved to allow Residential Adjacency Setback of 90 feet where 128 feet is required.
9. A Waiver from Appendix F, Interim Downtown Las Vegas Development Standards is hereby approved to allow 65 percent lot coverage where 50 percent is the maximum allowed.

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10. A Waiver from Appendix F, Interim Downtown Las Vegas Development Standards is hereby approved to allow the hours of operation from 6:00 a.m. to 11:00 p.m. where the hours of operation are limited to 7:00 a.m. to 9:00 p.m.
11. 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.
12. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
13. 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.
14. All utility or mechanical equipment shall comply with the provisions of the Downtown Las Vegas Overlay, Appendix F, Interim Downtown Las Vegas development Standards, unless approved by a separate Waiver.
15. 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. Installed landscaping shall not impede visibility of any traffic control device.
16. 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.
17. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

18. Correct all American's with Disabilities Act (ADA) deficiencies on the sidewalks adjacent to this site in accordance with code requirements of Title 13.56.040, if any, to the satisfaction of the City Engineer concurrent with development of this site. A "pan style" driveway on 7th Street may be used as long as the sidewalk path along 7th Street complies with Americans with Disabilities Act (ADA) guidelines.

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19. Landscape and maintain all unimproved rights-of-way 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.
20. Submit a License Agreement for landscaping and private improvements in the 7th Street public right of way prior to this issuance of permits for these improvements. The applicant must carry an insurance policy for the term of the License 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 License Agreement. The installation and maintenance of all private improvements in the public right of way shall be the responsibility of the applicant and any successors in interest to the property and assigns pursuant to the terms of the License Agreement. Coordinate all requirements for the License Agreement with the Land Development Section of the Department of Building and Safety (229-4836).
21. Gated entries shall remain open during normal business hours.
22. Prior to the approval of Construction drawings for this site, sign a Covenant Running with Land agreement for the possible future installation of any off-site improvements per requirements of the Downtown Master Plan that are deferred by this action including undergrounding of all existing overhead utility lines adjacent to this site not placed underground with this development. The Covenant agreement must be recorded with the County Recorder and a copy of the recorded document must be provided to the City prior to the issuance of building permits for this site.
23. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits or the submittal of a map for this site, whichever may occur first. Provide and improve all drainage ways as recommended.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant has proposed to construct a three-story, 15,912 square-foot office building within Area 2 [Founders District] of the Downtown Master Plan located at 708 and 714 South 7th Street.

ISSUES

- The subject site is located within the Founders District of the Downtown Master Plan Area
- The applicant is requesting to rezone the subject site from R-1 (Single Family Residential) to P-O (Professional Office). Staff supports this request.
- A Waiver from Appendix F, Interim Downtown Las Vegas Development Standards is hereby approved to allow a front yard setback of 10 feet where 20 feet is required. Staff supports this request.
- CORRECTION: A Waiver from Appendix F, Interim Downtown Las Vegas Development Standards is hereby approved to allow a two-foot wide landscape buffer along the south property line where eight feet is required. Staff supports this request.
- A Waiver from Appendix F, Interim Downtown Las Vegas Development Standards is hereby approved to allow 46 parking spaces where 54 are required. Staff supports this request.
- A Waiver from Appendix F, Interim Downtown Las Vegas Development Standards is hereby approved to allow a three-story, 43-foot tall building where two stories, 35 feet is the maximum height allowed. Staff supports this request.
- A Waiver from Appendix F, Interim Downtown Las Vegas Development Standards is hereby approved to allow a Residential Adjacency Setback of 90 feet where 128 feet is required. Staff supports this request.
- A Waiver from Appendix F, Interim Downtown Las Vegas Development Standards is hereby approved to allow 65 percent lot coverage where 50 percent is the maximum allowed. Staff supports this request.
- A Waiver is requested to allow the facility to be open from 6:00 a.m. to 11:00 p.m. where Title 19.12 limits the hours of operation from 7:00 a.m. to 9:00 p.m. Staff supports this request.

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ANALYSIS

Zoning

The subject site consists of two undeveloped lots within the R-1 (Single Family Residential) zoning district with a General Plan designation of MXU (Mixed Use). The R-1 district provides for the development of single family detached dwellings in a suburban setting and is consistent with the Low Density Residential category of the General Plan. The current General Plan designation of MXU (Mixed Use) was adopted in 2003 as part of a revision to the Las Vegas Redevelopment Area. Both residential and nonresidential land use categories are allowed on redevelopment parcels designated as Mixed Use.

The applicant has proposed to rezone the subject site from R-1 (Single Family Residential) to P-O (Professional Office). The Professional Office District is intended to allow for office uses in an area which is predominantly residential but because of traffic and other factors is no longer suitable for the continuation of low density residential uses. This district is designed to be a transitional zone to allow low intensity administrative and professional offices. These uses are characterized by a low volume of direct daily client and customer contact.

All uses located in the P-O District shall conform to the following restrictions:

1. No products shall be stored, displayed or sold on the premises.
2. No trucks, vans, or other commercial vehicles shall be stored or parked on the property overnight.
3. No services shall be performed upon a client except those related to the service of the medical profession including dentists, opticians, optometrists, chiropractors, psychologists, et cetera.
4. Services shall not include the production nor repair of any goods except as an incidental use to the permitted service.
5. Instructional services at a physician's office must be provided with a pupil/instructor ratio no greater than two to one; provided, however, that the Director may approve a higher pupil/instructor ratio upon a showing that sufficient off-street parking is available for the number of pupils anticipated. Equipment used for instructional purposes must be stored within the building.
6. Except in accordance with a Special Use Permit approving the establishment of a Mixed-Use use as defined by LVMC Chapter 19.18, there shall be no mixed residential and commercial use of any property and in the event there is an existing residential use on a property, no commercial use of the property shall be permitted until the residential use has permanently ceased.
7. No use or business activity shall remain open to the public for business between the hours of 9:00 p.m. through 7:00 a.m. All exterior lighting, except for security lighting, shall be turned off."

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The proposed Professional Office zoning district would allow land uses by right such as such as a Copy Center; Desktop Publishing; Library, Art Gallery or Museum; and Offices (Medical, Dental, Other). Staff finds these land uses are compatible with the existing land uses in the area and is recommending approval of the rezoning request.

Site Development Plan Review

The subject site is located within the Downtown Las Vegas Overlay, Area 2, and part of the Founders District. All development occurring within Area 2 of the Downtown Las Vegas Overlay shall conform to Title 19 of the Las Vegas Municipal Code. Any deviation from Title 19 Development Standards that supports the City's goals as expressed in the Vision 2045 Downtown Las Vegas Masterplan and the districts' goals and descriptions may only be granted by the City Council when supported through clear and convincing evidence, and shall require the approval of a Waiver. The applicant has requested Waivers in accordance with this regulation.

The applicant has proposed to develop a two-story 15,912 square-foot office building with a third story roof deck amenity for the inhabitants. The portion of the roof top deck and elevator tower exceed the maximum height allowance of 35 feet, and the applicant is requesting a Waiver to allow this portion of the building to reach 43 feet in height. Staff finds the height variation to be minor in nature and would not negatively impact the surrounding properties. In addition, the building provides a balcony on the east elevation which encroaches into the required front yard setback area. Staff also finds this Waiver request to be minor in nature and supports this request as well.

The proposed site plan depicts an office building with covered first floor parking, and ample on-site landscaping to enhance the visual aesthetics of the immediate area. The Waiver requested for reduced parking represents a six percent reduction in required parking, which staff can support in the downtown area where street parking is also a viable option for vehicular parking. Staff finds the Waiver requested to reduce a portion of the southern landscape buffer width to also be minor in nature and will not negatively affect the surrounding properties as the landscaping provided exceeds the minimum requirements set forth by Title 19.08.

The applicant has proposed to operate a law firm from the proposed office development. The floor plan depicts a typical office layout with individual offices, conference rooms, a lobby area, and a breakroom for staff. The proposed floor plan also depicts an area consisting of 2,892 square feet available for lease to a second tenant.

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In a report prepared by the Traffic Division of Public Works it is estimated that the proposed project will add approximately 176 trips per day on 7th Street, Gass Avenue, Garces Avenue, and Charleston Boulevard. Currently, Gass Avenue is at approximately 24 percent of capacity, Garces Avenue is at approximately 15 percent of capacity and Charleston Boulevard is at approximately 92 percent of capacity. With this project, Gass Avenue is expected to be at approximately 26 percent of capacity, Garces Avenue is expected to be at approximately 16 percent of capacity, and Charleston Boulevard is expected to be at approximately 93 percent of capacity. Recent counts are not available for 7th Street, but it is believed to be under capacity. Based on Peak Hour use, this development will add into the area roughly 25 additional cars, or about one every two minutes.

Staff finds the proposed development supports the City's goals for the Founders District as expressed in the Vision 2045 Downtown Las Vegas Masterplan; therefore, staff recommends approval of the Site Development Plan Review.

FINDINGS (ZON-74107)

In order to approve a Rezoning application, pursuant to Title 19.16.090(L), the Planning Commission or City Council must affirm the following:

1.The proposal conforms to the General Plan.

If approved, the proposed P-O (Professional Office) zoning district conforms to the existing General Plan designation of MXU (Mixed Use).

2.The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.

Uses such as a Copy Center; Desktop Publishing; Library, Art Gallery or Museum; and Offices (Medical, Dental, Other) would be allowed by right on the subject site and are compatible with the surrounding land uses and zoning districts.

3.Growth and development factors in the community indicate the need for or appropriateness of the rezoning.

Growth and development factors in the community indicate the need for the subject site to be zoned Professional Office as the majority of the surrounding area is no longer used for residential and consist primarily of commercial zoning districts such as P-R (Professional Office and Parking) and C-1 (Limited Commercial).

4. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.

The subject site is accessed by 7th Street, an 80-foot wide Collector Street which is adequate to meet the needs of the proposed P-O (Professional Office) zoning district. In addition, the subject site is adjacent to an alleyway that will provide additional access to the parking area for employees and customers.

FINDINGS (SDR-74080)

In order to approve a Site Development Plan Review application, per Title 19.16.100(E) 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 office development is compatible with the existing adjacent office and residential uses within the area.

2. The proposed development is consistent with the General Plan, this Title, and other duly-adopted city plans, policies and standards;

The proposed development is consistent with the Downtown Master Plan and supports the goals for the Founder's District.

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

The subject site is accessed by 7th Street, an 80-foot wide Collector Street which is adequate to meet the needs of the proposed P-O (Professional Office) zoning district. In addition, the subject site is adjacent to an alleyway that will provide additional access to the parking area for employees and customers and will not negatively impact adjacent roadways or neighborhood traffic.

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

The building materials proposed include stucco, textured and colored concrete, decorative metal trelliage, stone veneers, metal solar shading louvers, and an aluminum storefront; with desert climate landscape materials such as the Mexican Palo Verde and the Shoestring Acacia tree. Both building and landscape materials are appropriate for the area and the City.

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 building elevations depict a southwest modern style building with an earth tone palette. The proposed aesthetic features are not unsightly or obnoxious and create an orderly and aesthetically pleasing environment.

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

The proposed development is subject to regular reviews and inspections during the building permit process, during construction, and after operations commence to ensure the public health, safety and general welfare is protected.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
10/01/03	The City Council approved a request to Amend the City of Las Vegas Downtown Development Plan Map (Map 9) of the Las Vegas Redevelopment Plan from Industrial to Commercial and from Industrial to Mixed Use for properties bounded by Charleston Boulevard to the north, Third Street to the east, Commerce Street to the west and Colorado Street to the south.

<i>Most Recent Change of Ownership</i>	
04/17/15	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
06/28/16	A demolition permit (R-320944) was issued for 708 South 7 th Street. The permit received its final inspection on 03/21/17.
	A demolition permit (R-320934) was issued for 714 South 7 th Street. The permit received its final inspection on 03/21/17.

<i>Pre-Application Meeting</i>	
07/17/18	Staff conducted a pre-application meeting to discuss the submittal requirements for development proposed within the Downtown Master Plan Area.

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<i>Neighborhood Meeting</i>
A Neighborhood meeting was not required, nor was one held.

Field Check	
08/02/18	Staff observed the undeveloped site during a routine field check. The site is not secured with a fence and there are household items dumped on the site and overgrown vegetation.

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

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Undeveloped	MXU (Mixed Use)	R-1 (Single Family Residential)
North	Office, Other Than Listed	MXU (Mixed Use)	P-R (Professional Office and Parking)
South	Office, Other Than Listed	MXU (Mixed Use)	P-R (Professional Office and Parking)
East	Single Family, Detached	MXU (Mixed Use)	R-1 (Single Family Residential)
	Office, Other Than Listed		P-R (Professional Office and Parking)
West	Office, Other Than Listed	MXU (Mixed Use)	P-R (Professional Office and Parking)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Downtown Master Plan Area	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
LW-O (Live/Work Overlay) District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Appendix F Interim Downtown Las Vegas Development Standards	N*
Downtown Redevelopment Area	Y
Las Vegas High School Neighborhood District	Y

NE

Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area - Downtown Redevelopment Area	Y
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

**The applicant is requesting multiple Waivers from Appendix F, Interim Downtown Las Vegas Development Standards.*

DEVELOPMENT STANDARDS

Pursuant to Appendix F Interim Downtown Las Vegas Development Standards, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Width	60 Feet	150 Feet*	Y
Min. Setbacks			
• Front	20 Feet	10 Feet	N**
• Side	5 Feet	5 Feet	Y
• Corner	15 Feet	N/A	N/A
• Rear	15 Feet	21 Feet	Y
Max. Lot Coverage	50 %	65 %	N***
Max. Building Height	2 Stories / 35 Feet	3 Stories / 43 Feet	N****
Trash Enclosure	Screened, Gated, w/a Roof or Trellis	By Condition	Y
Mech. Equipment	Screened	By Condition	Y

**The two lots would be required to be re-mapped into one prior to building permits being issued.*

***The applicant is requesting a Waiver to allow a ten-foot front yard setback where 20 feet is required.*

****The applicant is requesting a Waiver to allow 65 percent lot coverage where 50 percent is the maximum allowed.*

*****The applicant is requesting a Waiver of the maximum height requirements.*

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	127.50 Feet	90.50 Feet	N*
Trash Enclosure	50 Feet	111 Feet	Y

**The applicant is requesting a Waiver of the Residential Adjacency Setback Standards.*

Pursuant to Appendix F Interim Downtown Las Vegas Development Standards, the following standards apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Buffer Trees:				
• North	1 Tree / 30 Linear Feet	4 Trees	7 Trees	Y
• South	1 Tree / 30 Linear Feet	4 Trees	6 Trees	Y
• East	1 Tree / 20 Linear Feet	8 Trees	17 Trees	Y
TOTAL PERIMETER TREES		16 Trees	30 Trees	Y
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	Zero Trees	Zero Trees	Y*
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	8 Feet		10 Feet	Y
• South	8 Feet		2 Feet	N**
• East	15 Feet		15 Feet	Y

**The parking area is covered and no trees are required.*

***The applicant is requesting a Waiver to allow a reduced landscape buffer width.*

<i>Las Vegas Valley Water District</i>	
<i>Parcel Number</i>	<i>Comments</i>
139-34-410-227 and 139-34-410-228	The site plan indicates a size building that will require a fire sprinkler system but the fire riser room is not indicated on the plans. There is an existing water main in the alley behind the building but the site plan will need to be modified to account for the fire and domestic meter and above-ground backflow prevention assemblies that are necessary to serve this development. Civil and plumbing plans will need to be submitted to LVVWD for domestic meter sizing, fire flow availability and backflow installation. Parcel consolidation will be required prior to civil plan approval by LVVWD.

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
7 th Street	Collector	Master Plan of Streets and Highways	80	Y

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Office, Other Than Listed	15,912 SF	1:300	54				
TOTAL SPACES REQUIRED			54		46		N*
Regular and Handicap Spaces Required			51	3	44	2	N*

**Projects located within the Downtown Las Vegas Overlay - Area 2 are subject to the parking requirements set forth by Title 19.12. However, any deviation from Title 19 Development Standards that supports the City's goals as expressed in the Vision 2045 Downtown Las Vegas Masterplan and the districts' goals and descriptions may only be granted when supported through clear and convincing evidence, and shall require the approval of a Waiver as requested by the applicant.*

Waivers		
Requirement	Request	Staff Recommendation
20-foot front yard setback.	To allow a 10-foot front yard setback.	Approval
Eight-foot wide landscape buffer adjacent to the west property line.	To allow a two-foot wide landscape buffer adjacent to the south property line.	Approval
54 Parking Spaces.	To allow 46 parking spaces.	Approval
Two stories, 35 feet maximum building height.	To allow a three-story, 43-foot tall building.	Approval
A 128-foot Residential Adjacency Setback.	To allow a Residential Adjacency Setback of 90 feet.	Approval
50 percent lot coverage is the maximum allowed.	To allow 65 percent lot coverage.	Approval
Hours of operation are limited from 7:00 a.m. to 9:00 p.m.	To allow the facility to be open from 6:00 a.m. to 11:00 p.m.	Approval