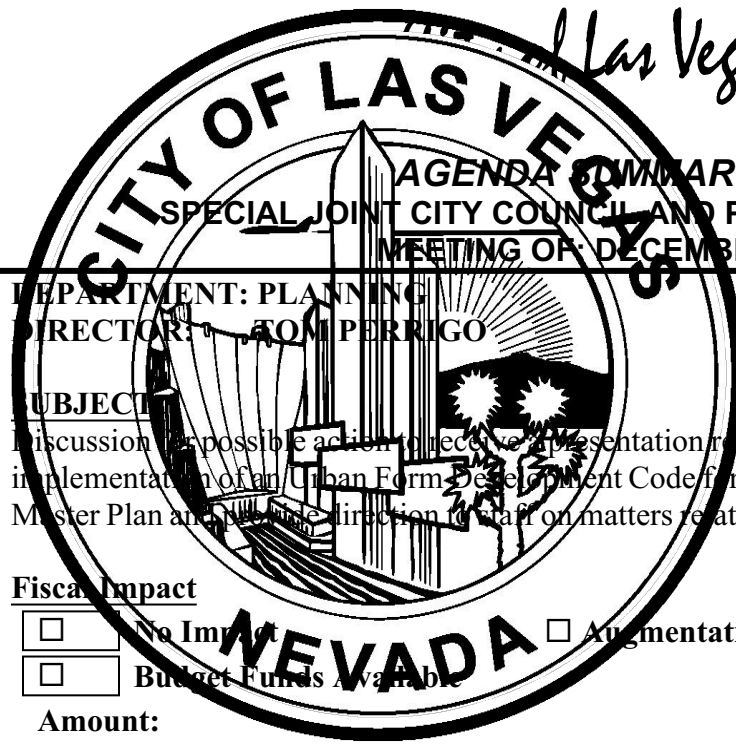




Las Vegas

Agenda Item No.: 5.

AGENDA SUMMARY PAGE
SPECIAL JOINT CITY COUNCIL AND PLANNING COMMISSION
MEETING OF DECEMBER 6, 2016

DEPARTMENT: PLANNING
DIRECTOR: TOM PERRIGO

☐ Consent ☒ Discussion

SUBJECT:

Discussion for possible action to receive presentation regarding the development and implementation of an Urban Form Development Code for the Downtown Las Vegas Vision 2045 Master Plan and provide direction to staff on matters related thereto - All Wards

Fiscal Impact

☐ No Impact ☐ Augmentation Required
☐ Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

On July 15, 2015 the City of Las Vegas adopted the Downtown Las Vegas Vision 2045 Master Plan. Within the Plans Investment Strategies is Streamlined Governance to strengthen Downtowns ability to compete and enhance the predictability for developers and show a commitment to the development community that is necessary to attract investment in Downtown. The tools to streamline governance include the consideration and adoption of an Urban Form Development Code. In order to begin preparing an Urban Form Development Code for public review and comment, staff requires direction and prioritization by the Planning Commission and City Council.

RECOMMENDATION:

Receive report and direct staff accordingly

BACKUP DOCUMENTATION:

Submitted at Meeting PowerPoint Presentation and Flyers of Form Based Codes Institute and Lisa Wise Consulting, Inc. Brochure

Motion made by STEVEN D. ROSS to Accept the Report

Passed For: 12; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 2

BOB COFFIN, RICKI Y. BARLOW, LOIS TARKANIAN, CAROLYN G. GOODMAN, STEVEN D. ROSS, STAVROS S. ANTHONY, BOB BEERS, TODD L. MOODY, TRINITY HAVEN SCHLOTTMAN, GLENN TROWBRIDGE, SAM CHERRY, CEDRIC CREAR; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-VICKI QUINN, GUS FLANGAS)

Minutes:

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TOM PERRIGO, Director of Planning, stated that the Vision 2045 Downtown Las Vegas Master Plan is the next step in developing and creating the future for downtown. This plan adopted by both the Planning Commission and City Council is a bold and courageous vision for the future that will drive downtown development and impact the entire City. This is a pivotal moment in its implementation but in order to implement the kind of developments envisioned in the plan, proper types of codes need to be looked at. He introduced ROBERT SUMMERFIELD, Planning Section Manager, to present the report.

MR. SUMMERFIELD introduced LISA WISE and DOUG EASTMAN, Lisa Wise Consulting, one of the foremost experts in the development of Urban Form or Form Based Code to describe one of the ways to implement this vision that both the City Council, Planning Commission and the community have embraced in making Las Vegas a world-class city, particularly in the downtown area.

MR. SUMMERFIELD provided a brief background of MS. WISE who is a Certified Public Accountant (CPA), and has been a banker and financier on Wall Street. She is familiar with what is needed for development to make the grade, in terms of raising financing. For the last 10 years, she has run Lisa Wise Consulting and is currently the President of the Form-Based Codes Institute (FBCI), a national organization that helps promote form-based codes. MR. SUMMERFIELD provided brochures on MS. WISE'S experience on Form-Based Codes. MR. EASTMAN has helped different communities to plan for and develop the future of those communities, and he is currently on the Executive Committee for the Arizona Chapter of the American Planning Association.

COUNCILMAN COFFIN questioned the need for a form-based code. MR. SUMMERFIELD replied that there are gaps and inconsistencies in the vision for downtown with the current zoning that do not afford the best environment for the development community to move projects forward. Staff believes this is a tool to help improve that environment, not just for the development community but for the citizens at large, so that they can know and feel what downtown could be, should be and will be.

MS. WISE stated that her presentation would look at different regulatory tools focusing on urban form code to help the City Council and Planning Commission on making decisions regarding the right approach for moving the City forward. Through a PowerPoint presentation she provided highlights of the master plan. As part of that master planning process, she went through a diagnostic analysis of the current code, looking at what was working and not working and the complicated structure of the existing regulations and how it implements or does not implement into the City Council's vision. The master planning process was an impressive undertaking. It sets great groundwork for the next steps, galvanizing revitalization, looking at public/private partnerships, infrastructure investments and improving the quality of life, in particular for downtown.

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MS. WISE outlined the five Big Ideas, highlighting the most important ones; create mixed-use hubs, create streets for people and expedite implementation. The plan identifies 10 mixed-use hubs aiming to promote efforts and investments on particular nodes. One important tool the City has is the zoning and regulatory tool which helps the planning process. MS. WISE indicated that there are 36 action items throughout the master plan and many focus on the regulatory environment, streamlining the process, developing incentives for the type of projects and updating the zoning. She referred to before and after images of a street and noted that working together with the public and private sector would make it possible to achieve the vision outlined in the master plan. Streets are an important component of the plan.

MS. WISE stated that looking at the existing regulations in the Centennial Plan they found that it is a difficult system to navigate. There are 31 overlapping districts and zones in the downtown area with inconsistencies. The Centennial Plan does not cover the entire downtown plan, and inconsistencies could result when combining regulations from two different documents. The Centennial Plan does not regulate development and there is limited height, setback, building footprint and frontage regulations. She referred to a color-coded map outlying the different zoning areas, as well as a table of the Districts and City Zones, showing the overlap of City based zones and the Downtown Centennial Plan Districts.

MS. WISE spoke about the Arts District and stated that the current standards do not regulate height, setback, lot coverage and minimum frontage standards, which could create a wide range of outcomes. The master plan is looking for low to medium density, pedestrian oriented areas, active frontages, and a multi-mode transit hub; this is not impossible to achieve with the current regulatory environment, but it might be ineffective to achieve the vision.

MR. EASTMAN continued with the PowerPoint presentation and indicated that many cities regulate their zoning with a use-based code and performance-based code. He outlined the differences between the two codes and stated that quantitative data makes them complicated, and it could be an impediment to their use. He provided highlights on the Urban Form Code, which provides a more walkable urban place, more mobility options and creates an environment where it encourages mixed-use development. One downside of the Urban Form Code is that it could be complicated to put in place, but once in place, it could become a very effective tool. He referred to the Hybrid Code, which is a combination of use-based and urban-form standards.

MR. EASTMAN pointed out that zoning was developed during the industrial era where people lived amongst the factories, which created problems and resulted in codes designed to separate the uses. This came out of a court case in 1926 where the United States Supreme Court said cities could regulate private property and regulate the use on that property. This is not unique to Las Vegas, where uses are separated so well that parts of commercial are separated by some form of open space with residences behind. The tools used are Floor Area Ratio (FAR), which is a measurement of intensity but it is an imprecise tool. He referred to a photo of a shopping center zoned C-1/C-2 and another photo with the same zoning but depicting a walkable place. There is a lack of precision in a Conventional Zoning tool. A Conventional Zoning considers

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first the use and density, then management and form. An Urban Form Code focuses on building placement first.

MR. EASTMAN referred to the well-intended policy statement which states "To develop in existing urbanized areas and build affordable multi-family housing near transportation corridors". This sounds like a great policy, but it is important how the policy is applied and throughout the code. The walkable, transition and drivable suburban can be regulated in the Urban Form Code, and different places need different regulations. As he understands from the 2045 Downtown Master Plan, an urban form code is one of the outcomes of that vision for downtown, to create a walkable urban environment, with transition spaces and drivable suburban.

MR. EASTMAN explained that an Urban Form Code fosters predictable, high-quality built environments by regulating land development based on physical form rather than the separation of land uses. The components used to create these regulations are the building types, frontage standards, street and open space. He referred to a photo depicting a space between facades, and it is a semi-private, semi-public space where the front of the building interacts with the street. The first step is to create a regulating plan and within this plan to identify zones or district based on the form looking to achieve in each district. The downtown would require bigger buildings, which might be different from the main street concept. He outlined some of the building types allowed in the zones or district, as well as frontage and street standards. MR. EASTMAN referred to a list of misconceptions about the Urban Form Code, from regulating the use, to by-right approval without staff input and its difficulty for staff to implement.

Referring to the PowerPoint, MS. WISE addressed market trends and case studies of jurisdictions that have adopted the Urban Form Based Code. She pointed out that there are many good things happening in Downtown Las Vegas, which is moving in the right direction. It is a matter of taking that into the next step, in terms of regulations.

MR. SUMMERFIELD indicated that after today's workshop and at the direction of the City Council and Planning Commission, staff would continue the dialogue and include the community as well. Next week staff will meet with the Steering Committee for the Downtown Plan as it moves into the implementation phase. Staff will continue to build on district level groups because an approach, concepts and different standards discussed requires buying-in not only from elected and appointed officials, but a buy-in by the community as well. The goal is to get these groups thinking about the different districts and what standards would be appropriate for each district.

RICHARD TRUESDELL, Las Vegas resident, stated that while he believes this code could start moving things along over time, there still needs to be a way to deal with the current code and encourage development. Developers lose 60 to 120 days going through the zoning process and small mini waivers. The conversation needs to include looking at the existing code and creating flexibility for staff to review minor modifications. Most developers rather pay twice the review

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fee up-front than having to go through waiting days during the construction process, which could cost them thousands of dollars. MR. TRUESDELL added that over the last five years, the development community has built thousands of apartments throughout the valley, but there has not been any appreciable density created downtown and the development community has typically stayed away from that area. There has to be a better way to reach out to the development community and show them that there is a process that can work for downtown. This is a critical part for the downtown district and can be pragmatic about how the code is viewed and how it can help the development community. In response, MS. WISE agreed that discussions such as these would be a win-win for all but she believes that long-term solutions are needed. Regarding flexibility, when the code is developed they actually build as much flexibility the community wants, as well as flexibility at the staff level for minor modifications.

JOHN CURRAN, The Downtown Project, stated that there is a value and predictability in moving towards an Urban Form Code. The Planning Commission and City Council are often tasked with spending resources in reviewing trivial matters, such as simple variances and waivers. Staff should be given the flexibility to make discretionary decisions.

SHAUNDELL NEW SOME was excited being a part of the Downtown Master Plan Executive Steering Committee. He has been in Las Vegas for 30 years and grew up in Brooklyn, New York, in a brownstone that his mom lives in. It was through the revitalization of downtown Brooklyn that the price of his mom's house is now valued at millions of dollars; that revitalization changed the entire neighborhood. The Las Vegas community is looking forward to change and for innovative and creative ways to make downtown grow. He also sits on the Neon Museum Board and has seen how the Neon Museum has grown the community, and it would be great to bring that success and energy to the rest of downtown.

COUNCILMAN BARLOW thanked MS. WISE and MR. EASTMAN for their presentation and remarked that the City Council has always agreed on making the downtown area attractive. When he visited Salt Lake City, he saw streetscapes and walkable communities in Downtown Salt Lake City. Although the City Council attempts to create walkable communities, there is much more to be done to soften the look of downtown. No other city has more beautiful nights than Las Vegas, but when the sun sets, downtown is not as attractive as in daylight. He would love to combine the beauty by day and the neon beauty at night. He supported the vibrancy of walkable communities and creating pedestrian-friendly walkways, but he questioned the lack of discussion about community art. The cities of Chicago and Philadelphia have beautiful big, oversized community art in their downtown core, and Las Vegas has the potential of creating public art in the walkways. MS. WISE remarked that that is an important component of the code. The return on investment for Chicago for the downtown park has been 10 times the investment of the infrastructure. Like all these pieces coming together, the return on the investment with green space parks and art invested in the right place at the right time would definitely be part of this process and an important key component. COUNCILMAN BARLOW wondered if the use of innovative architecture could make the Symphony Park elevated pedestrian walkway more attractive. All roads leading downtown are vital because each ward

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wraps around the downtown area.

COUNCILMAN ANTHONY referred to the survey about the millennials wanting to walk more and drive less. He remarked that when he was in his 20s, his mindset was to accumulate wealth, buy a house and have a family. So, when it comes to millennials, he wondered if this is the lifestyle they want or if they remain in this environment for a short period of time and then move on. He wants this code to be sustainable for the next 10, 15, 20 or 30 years, especially after all the efforts put into its design. MS. WISE indicated that some millennials consider the cost factor, and in some markets, they cannot afford the downtown core and move to the suburbs. She believes they still want to be in a compact, walkable area, not too far to completely rely on the automobile. A long-term view needs to be taken in downtown. Renaissance of urban development is going both nationally and internationally.

MR. EASTMAN added that the baby boomers generation is tired of mowing the lawn and no longer needs a big house. An interesting study shows how baby boomers are moving into the cities and living among millennials, and it is the baby boomers that help increase the value of properties located downtown.

COMMISSIONER CHERRY asked how the character of a district is ultimately decided. MS. WISE replied that the downtown master plan has 10 districts and much of that character is in the master plans vision. But if the City goes through an urban form based code process, additional outreach would help to fine tune the plan in more detail. Often a design charrette focuses on those areas where designers provide drawing ideas and are then applied to the code. It is important to ensure that districts within the downtown master plan have different types of characters and densities so that each area is unique and help create value and interesting neighborhoods. COMMISSIONER CHERRY asked if a process is in place that would review a proposed project that might not necessarily fit with the character of the area. MS. WISE responded that the urban form based code would provide more regulations and specificity, but there could be a process to allow the development with a minor use permit, a conditional use permit or something that allows flexibility. COMMISSIONER CHERRY pointed out that he lives in the Arts District, and many landowners feel that a high rise project might be built on their parcel. He asked if there is a feeling to set up a road map that would define areas so that landowners know what is allowed to be built on that land. MS. WISE replied that it would set the expectations in terms of what is appropriate for the area based on the market. A 40-story high rise on one property in the Arts District might absorb all the market potential for the next 10 years. There needs to be a consensus of the neighborhood, property owners and developers; all stakeholders need to work closely to figure out the right mix.

MS. WISE discussed with COMMISSIONER CREER how existing communities would be included in the creation of the urban form based code. It would require bringing the best minds together and figure out the neighborhoods most heavily impacted. It would involve working with the community, the leaders, the right amount of development in a specific area, and programs to protect or preserve some of the existing units. MS. WISE pointed out that in Austin,

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Texas, entitlements have been reduced in some areas, and some areas have a density bonus program so there is no net loss. Regarding COMMISSIONER CREERS query about the creation of Special Improvement Districts (SID) to help cover costs for the enhancement of the community, MS. WISE replied that some communities have created SIDs and used Tax Increment Financing (TIF) funding.

COMMISSIONER CREER asked MS. WISE where the focus should be, knowing what they know about the City's downtown area. MS. WISE replied that the focus should be where development is already happening, focus on the location of transit and then decide on how to move forward. The City of Austin wants to implement the urban form based code everywhere, but they do not have the time or resources and are now identifying the priority areas.

COMMISSIONER TROWBRIDGE pointed out that Las Vegas has a unique situation and is different. It does not have a sophisticated mass transportation system nor a population demographics that meets the national standards. It has a larger senior citizenry and smaller amount of millennials. During his tenure on the Planning Commission, he has heard comments that concern him, such as delay and increased costs, and these should be addressed. However, the thought of having development by-right stands him because everything changes. He would hope there could be a balance between expedited processes to eliminate the necessity to redesign a project because it is short two parking spaces. It is not conducive to encourage people to come and invest in a particular area that has restrictions. It is always easier to go with a project that residents do not oppose.

COMMISSIONER SCHLOTTMAN asked if the focus is on the form based code versus how the underlined zoning works if the use does not matter. MS. WISE replied that the use does matter, but tables and a form based code use are needed. Title 19 looks at different uses, but there is a mixed-match between uses and standards. The urban form based code would use tables, and a project would be permitted by-right, an administrative or staff level review, and it could still be considered by the Planning Commission. The City Council can develop a threshold that makes more sense for the City of Las Vegas. Not one size fits all so there is a need to calibrate local expectations and concerns so that the big projects get the review the City Council wants. Projects that are small, make sense and comply with the code do not get hung up on a lot of red tape and become expensive and time consuming.

In response to COMMISSIONER SCHLOTTMAN'S query about a proposed mixed use project in an area not zoned for mixed use going before the Planning Commission and City Council, MS. WISE indicated that if both Boards adopt a new code with a new use table allowing this use, then the project is allowed by-right or per permit level. MR. EASTMAN further clarified that the zoning that exists today will go away, and the new zoning associated with the form based code will replace the existing code. Within that zone, there will be a list of permitted uses by-right and permitted uses with a minor use permit or conditional use that will go before the Planning Commission.

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COMMISSIONER SCHLOTTMAN asked if the new master plan would replace the Downtown Centennial Plan, the redevelopment plan area or a much larger area. MS. WISE responded that might be a question for staff, but it could be applied in different ways. She recommended that the Planning Commission and City Council identify the areas in the master plan, as well as the appropriate place form based code and then create a new code for those areas that would replace the new plan and replace the regulations in Title 19.

On behalf of the Planning Commission, CHAIR WOODY thanked MS. WISE and MR. EASTMAN for the very helpful and educational presentation.

MAYOR GOODMAN asked that future discussions continue on the retroactivity, timeline, policy, compliance and funding, knowing that funding is a huge issue as it related to the plan. She thanked MS. WISE and MR. EASTMAN for the interesting presentation.

COUNCILMAN ROSS wants the City of Las Vegas to be bold and courageous in terms of the plan. He sees an opportunity to jump-start the economic development downtown, which has been successful thus far. The developer's perspective sets that clarity and standards of expectations in the downtown core. COUNCILMAN ROSS agreed with MR. TRUESDELLS comments regarding streamlining the process, focus on the residents and provide that service to them. He referred to the photos showing other cities and their successes, and his understanding from the development community is that it is difficult to get financing behind the mixed-use development. COMMISSIONER CHERY remarked that it is difficult to get financing and build because there are so many transitions from retail, to office, to residential uses. COUNCILMAN ROSS remarked that the focus should be on community, engage the community and downtown stakeholders. This is not a cookie-cutter as it could change in five, 10 years.

COUNCILWOMAN TARKANIAN stated that when she first came on the Council, vacant lots were filled with tumbleweeds and downtown did not look good. Many projects came to fruition during former Mayor OSCAR GOODMAN'S tenure. She recalled a project associated with the community college and the wall erected around the campus because previous planners believed parking should be on the inside and not the outside. Every time she passes by, she cringes at its ugliness. She expressed concern on not seeing photos depicting bicycle lanes, which the City of Las Vegas worked so hard to achieve. However, she did read that perhaps not too many people use the bike lanes. Motorists are complaining that the lanes take too much room and are dangerous for both bicyclists and motorists. MS. WISE remarked that their presentation focused on pedestrian access, but they would look at multi-layer, multi-mobile streets that would make sense for the City of Las Vegas, taking into account what is the best mix for pedestrians, autos, bikes and a transit combination. Downtown should be looked at on a corridor by corridor basis, and as part of that process, they can revisit the bicycle lanes component. COUNCILWOMAN TARKANIAN stated that she visited Los Angeles and saw smaller streets, and she was told that sometimes narrow is better. She was pleased with the information MS. WISE and MR. EASTMAN provided and found it exciting to learn something new.

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COUNCILMAN COFFIN stated that he has seen the benefit of downtown and how it has evolved from good to bad, to good again. Years ago when there was no air conditioning every storefront in town had to have a continuous portico along the sidewalk, making it a very walkable town. The Arts District is located in his Ward, and he recalled when a text amendment was needed to allow a hydroponically small vegetable garden. He hopes the form based zoning can help resolve these difficulties. He cannot see where a 40-story building would be appropriate in the Arts District. If a form based code approach can help, he could support it because he has seen the downside of what is available now.

MAYOR GOODMAN thanked staff for the presentation.

