



City of Las Vegas

Agenda Item No.: **91.**

**AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: JULY 10, 2018**

**DEPARTMENT: PLANNING
DIRECTOR: ROBERT SUMMERFIELD**

☐ Consent ☒ Discussion

SUBJECT: EXT-7354 - TEXT AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - For possible action on Ordinance to amend LVMC Title 19, Unified Development Code (UDC) of the City of Las Vegas to introduce LVMC 19.09 Form-Based Code, and to provide for other related matters. Staff recommends APPROVAL.

THIS ITEM WILL BE FORWARDED TO CITY COUNCIL IN ORDINANCE FORM

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

RECOMMENDATION:

Staff recommends APPROVAL

BACKUP DOCUMENTATION:

1. Proposed Amendments and Staff Report
2. Exhibit A - Form Based Code
3. Exhibit B - Downtown Las Vegas Overlay District Maps
4. Exhibit C - Downtown Las Vegas Overlay District Map
5. Exhibit D - Downtown Masterplan
6. Exhibit E - Interim Downtown Las Vegas Development Standards Figure 18
7. Exhibit F - Interim Downtown Las Vegas Development Standards Figure 19
8. Exhibit G - LVMD Form Based Code Regulating Plan
9. Submitted at Meeting - PowerPoint Presentation

Motion made by VICKI QUINN to Hold in abeyance to 8/14/2018

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

CHRISTINA ROUSH, DONNA TOUSSAINT, TRINITY HAVEN SCHLOTTMAN, SAM CHERRY, VICKI QUINN, LOUIS DE SALVIO, BRENDA J. WILLIAMS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

This item was called forward and heard after Items 12-19 and recalled after Item 67.

CHAIR CHERRY declared the Public Hearing open.

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MICHAEL HOWE, Planning Section Manager, provided a brief informational presentation on the status of the City of Las Vegas Medical District (LVMD) Form-Based Code (FBC), particularly in regard to TXT-73454 (Text Amendment), which creates a new Chapter (Title 19.09) and brings a new development code for the Downtown Master Plan. MR. HOWE noted that staffs goal was to have a discussion, answer questions and take comments from the public at this meeting; however, they were hoping action on the item could be taken at the August 14, 2018 Planning Commission meeting. He stated that because they are still learning that outreach could be improved, and since the FBC is a technical document, allowing the extra four weeks would permit staff to take advantage of the additional time to conduct outreach and address concerns in the community.

Referencing the PowerPoint Presentation, which was submitted for the record, MR. HOWE provided the historical timeline to date, which included: 1) the adoption of the Downtown Master Plan in June 2016; 2) consulting services with Life Wise Consulting (LWC), which started in May 2017; 3) publishing the FBC Public Review Draft in November 2017; and 4) providing a public comment period and feedback gatherings between November 2017 and June 2018. Most recently, they are at the stage of incorporating feedback into the FBC Final Draft, which has been published at www.formbasedcode.com/las-vegas. HE stated that even though they have a finished draft, they are still hearing some concerns and questions; therefore, staff is working closely with COUNCILWOMAN TARRANNA to have the FBC draft put out electronically each week so that updated revisions and changes can be seen as they are made. He noted that staff is hoping to have the FBC Final Draft for adoption by August 2018.

With regard to community involvement, MR. HOWE explained that the FBC process is somewhat different than the typical development process where a developer comes in and shows compliance with the use and presents what they are going to build. With the FBC process, the developer tries to answer a lot of the development questions up front so that staff can see they are in conformance with the expectation of development within a given area. This involves a lot of outreach and consideration so that people have an understanding of what the predictable outcome will be. Referencing Slide 2 of the PowerPoint Presentation, MR. HOWE discussed data on the Citys outreach for community involvement; the data included that there were 2,191 views of the FBC website; four neighborhood meetings held (two meetings in February and two meetings in June 2018); five downtown community events attended by staff (such as Life is Beautiful and First Friday); two months of FBC Open House at the Development Services Center (DSC), as well as a total of eight months for a public comment period since the release of the Public Review Draft. Additionally, three FBC Institute classes were held for City staff and development professionals and more classes are expected for September and October of 2018.

MR. HOWE reported that the FBC was one of the chief priorities identified from the 2045 Downtown Master Plan, which means that a code needed to be adopted that would visualize and build the physical form that people want to see in the city. Referencing Slide 2, MR. HOWE discussed the four districts identified on the map, which included the Medical, Historic Westside, Fremont East and Historic Arts Districts. He stated that staffs goal is to start with the Medical District due to the amount of building and development activity happening in this area, and if all

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goes as planned with the FBC implementation, they will move to the Fremont East, Historic Arts and Historic Westside Districts.

MR. HOWE discussed the LVMD issues and impediments, which included: 1) the uses were too limited; 2) the approval process is potentially difficult, time consuming and expensive; 3) the development standards are overly restrictive; 4) there is a general lack of certainty, and 5) the Vision of the new LVMD Facilities Master Plan are hard to achieve without going into the FBC.

As to the uses, MR. HOWE used alcohol as an example, stating that this was not something they allowed in the core of the Medical District; however, many hospitals tend to have bars and restaurant service activity around them.

In regard to the approval process being potentially difficult, time consuming and expensive, MR. HOWE explained that under the current code, each development action involves someone coming and pleading their case to have their development approved; however, with the FBC, staff can take advantage of a global vision for the Medical Center.

MR. HOWE explained that at times, the current development standards are overly restrictive and at other times, the development standards may allow more development than what is wanted in crucial areas. As an example, he discussed that the City has realized there is sensitivity between the core of the Medical District and the neighborhood adjacent/south of Charleston; therefore, staff would like to take advantage of a win-win scenario where they can preserve a neighborhood that will complement the LVMD while also being sensitive to the LVMD not degrading the quality of life for the neighborhood.

MR. HOWE stated that the vision of the new LVMD Facilities Master Plan would be really hard to achieve without getting into the FBC, since it has started to become very specific when it comes to dealing with capital investment, park and open space. He added that the FBC also helps to foster predictable, high-quality development. Referencing Slide 3 of the PowerPoint Presentation, he discussed that the curb appeal area, referenced in yellow, is where there is private property fronting into the public right-of-way; this is where the City wants to ensure the development reacts according to the FBC and getting the best benefit out of the tax investment, and the developers are taking advantage of the street improvements, capital investment and infrastructure.

The FBC is also place-based specific to the scale, character and needs of the city, town or local community, which means that for the first step, staff goes out with the consultant to obtain a real understanding of the district by documenting, photographing, measuring and sketching the area block-by-block, lot-by-lot. This helps in understanding the expectations for building and the feasibility of the future vision. The parameters of the FBC are then built around this process and the developer works to incorporate them.

Referencing Slide 4, MR. HOWE briefly highlighted the Typical Use-Based Code, which is the Las Vegas conventional coding approach that is predominantly used by the City throughout Las

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Vegas. He pointed out how the colors define the uses, such as the bright red, which separates the commercial uses from the bright yellow and green low density residential uses. He noted that the tool for separating these uses is done through dispersion, which is solved by motor vehicular connections. With an urban environment, when staff talks about walkability, they are trying to compact and put uses together, as well as mitigate the uses through the use of design; however, the Use-Based Code does not offer this advantage.

Staff has learned that the regulations that are geared to suburban developments do not really work for the downtown area. As an example, he displayed photos of the two Target stores on Slide 4 and discussed the key distinctions. He pointed out that from a use perspective, both of these buildings are identical; however, the issue for staff under the FBC is that these would be two completely different zoning districts. This then leads into a code that is built on a scale, character/context and development impact. Referencing Slide 5 of the Powerpoint Presentation, he explained that they built a code off of the Transect (T1, T2, T3, T4, T5, T6) which goes from the most undeveloped, natural, outlying, peripheral areas through to the most urbanized zoning districts, such as the Medical District and throughout downtown. In some areas, they will be using the T3 Suburban Zone for neighborhood preservation. He noted that this is still a zoning tool, and the important part is to start with a scale of the development; once they have the box for the development, the rules that go into it are then determined.

LORENZO MASTINO, Planner II, discussed some detail of the FBC Draft, noting that it is a 150 page complex document that will be added as part of Title 19 of the Unified Development Code under Chapter 19.09.

Referencing Slide 6, MR. MASTINO showed that there will be 10 sections to Chapter 19.09, and that sections 19.09.040 through 19.09.100 in the Table of Contents will be more specific to the FBC. Additionally, it contains regulations and standards that the City of Las Vegas is unaccustomed to seeing in terms of zoning and zoning districts. He explained that the Vision 2045 Downtown Master Plan established that each district was to be given its unique characteristics and that this was to be reflected in the official Code. As an example, Chapter 19.09.040, which is Specific to Districts, contains standards that cater to each of the 12 different downtown districts. That is to say that the Draft for the LVMD contains special landscape requirements and other standards that address the specificity of certain hospital uses, and when the Fremont East District begins, it will most likely contain standards that cater to that particular environment.

Chapter 19.09.050, Transect Zone Standards, is actually the bulk of the FBC because these are the standards specific to the different zones. Chapters 19.09.060, Building Types Overview, and 19.09.070, Frontage Type Standards, pertain to building frontages and how they look and interact with the street. Since much of the FBC includes new types of standards, staff included a flowchart within the code that explains where to go for each type of planning application, which will help applicants and staff through the reviews.

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At the bottom of Slide 6, MR. MASTINO pointed out that this is a conceptual illustration of the Las Vegas Transect for T1 through T6, which are the concepts behind the FBC. He referred to Slide 7 and discussed that this was a snapshot of a T5 Main Street Zone, noting that staff tried to be as visual and clear as possible on the actual intent of each zone. He pointed out that the bottom of Slides 7 and 8 provided examples of the building types and frontages that are allowed in a T5 Main Street Zone, and that there will be Land-Use tables for each zone.

As part of the Text Amendment, staff will also be including seven new thoroughfare (or street) typologies specifically for downtown, as well as a special typology for the Maryland Light Rail Project for next year.

MR. HOWE provided a brief overview and timeline of the next steps. He stated that if all goes as planned, they hope action will be taken on the recommendation of the FBC at the August 14, 2018 Planning Commission meeting. Staff will then introduce the FBC amendment to the City Council on September 5, 2018 and start a district-wide General Plan Amendment (GPA). Next, they will submit the FBC for adoption at the October 17, 2018 City Council meeting, bring in the District-wide zoning effort starting November 13, 2018 and then a district-wide GPA by November 21, 2018. Staff anticipates that the rezoning will be before the City Council on December 19, 2018. From there, the draft code and rezoning will be in place.

MR. HOWE explained that after the FBC has been adopted and Title 19.09 is in place, the code will not be enacted until there is a zoning district that corresponds to it. In other words, having the draft code does not really do anything until the land has been rezoned with the corresponding zoning districts, so the first thing that staff will need to do is change the underlying land use. He also noted that the district-wide zoning effort will be an ambitious task because it will involve considerable public comment and outreach. Finally, once the code is adopted, it will only take action when new development occurs.

MR. HOWE shared that it is critical to continually monitor and maintain the FBC after adoption; therefore, staff is anticipating a biennial (every six months) review process to revisit the FBC and update neighbors and stakeholders on changes. This will also allow for proposed changes if things are not working right. Staff will be making the interpretations for the new FBC regulations publicly available, which will help to ensure that the vocabulary, typologies, etc., are consistently being interpreted and shared with the developers, stakeholders and business owners.

MR. HOWE acknowledged that neighbors might be present with questions; however, he proposed that they bring them to staff rather than address them, so that staff could continue with the discussion and utilize the next four weeks to follow-up.

ROBERT SUMMERFIELD, Director of Planning, added that the Planning Department holds an open house at the Development Services Center to discuss the FBC, and anyone is welcome to attend. Additionally, he invited the Planning Commissioners to reach out to staff for a private/more in-depth training on the FBC, if desired. He noted that they are working very closely with COUNCILWOMAN TARKANIAN on this subject.

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CHAIR CHERRY recalled that 4th Street was used as the model street in the Las Vegas Downtown Centennial Plan, and that it was at the City's expense to ascertain what the improvements would be. He noted that he felt this process attracted development. He wondered if there was going to be an initiative to show what the Medical District would look like since most of the streets have been built out. MR. SUMMERFIELD shared that Wellness Way and Shadow Lane, which are currently under design/development, are examples that meet the new thoroughfare types.

COMMISSIONER SCHLOTTMAN noted that he had several questions but would hold off in raising them until the next Planning Commission meeting.

See Item 6 for related discussion.

CHAIR CHERRY declared the Public Hearing closed.

