



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: DECEMBER 11, 2018

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: SEVAG MARDIROSSIAN - OWNER:
CHARLESTON MANOR SUB A, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
SUP-74814	Staff recommends DENIAL, if approved subject to conditions:	
SDR-74815	Staff recommends DENIAL, if approved subject to conditions:	SUP-74814

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 29

NOTICES MAILED 585 - SUP-74814 and SDR-74815

PROTESTS 0 - SUP-74814 and SDR-74815

APPROVALS 8 - SUP-74814 and SDR-74815

**** CONDITIONS ****

SUP-74814 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-74815) shall be required.
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 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.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
5. Approval of this Special Use Permit does not constitute approval of a liquor license.
6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SDR-74815 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-74814) shall be required, if approved.

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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, landscape plan, and building elevations, date stamped 11/14/18, except as amended by conditions herein.
4. A Waiver from Downtown Las Vegas Overlay architectural design development standards is hereby approved, to allow no mechanical equipment screening from the street level where such is required.
5. A Waiver from Downtown Las Vegas Overlay setback development standards is hereby approved, to allow 19 percent of the proposed structure to align with the front property line where 70 percent is the minimum allowed.
6. 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.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
8. 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.
9. 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.
10. Prior to the submittal of a building permit application, the applicant shall meet with Department of Planning staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
11. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

12. Correct all American's with Disabilities Act (ADA) deficiencies on the sidewalks and remove all unused driveways adjacent to this site in accordance with code requirements of Title 13.56.040 to the satisfaction of the City Engineer concurrent with development of this site.
13. 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.
14. Obtain an Occupancy Permit from the Nevada Department of Transportation (NDOT) for all driveways or other private improvements, if any, in the Charleston Boulevard public right-of-way adjacent to this site prior to constructing any improvements within NDOT jurisdiction.
15. 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 is requesting to construct a two story, 35-foot tall mixed use development with 8,800 square feet of commercial floor space and six one-bedroom multi-family residential units located at 110 East Charleston Boulevard.

ISSUES

- Within 18b The Las Vegas Arts District, a Mixed Use development is a conditional land use within the C-2 (General Commercial) zoning district.
- The Tavern-Limited Establishment use is permitted in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit. The Tavern-Limited Establishment use will allow the restaurant operator to serve drinks within the first floor restaurant and outdoor seating area.
- A Waiver of architectural design development standards has been requested, to allow no mechanical equipment screening from the street level where such is required. Staff does not support this request.
- A Waiver of setback development standards has been requested, to allow zero percent of the proposed structure to align with front and corner yard property lines where 70 percent is the minimum allowed. Staff does not support this request.
- Mapping is required to consolidate the lots prior to the issuance of any building permit.

ANALYSIS

This project is located on a 0.27 acre parcel within the Downtown Las Vegas Overlay – 18b Arts District, with a zoning designation of C-2 (General Commercial) which allows mixed-use developments as a conditional land use. The applicant has proposed to demolish the existing two-story retail building located on the subject site. In its place, the applicant has proposed to construct a two-story Mixed-Use development with six one-bedroom residential units and 8,800 square feet of retail space with an 845 square-foot outdoor seating area to be located at 110 East Charleston Boulevard. The applicant has proposed to utilize the commercial tenant space and outdoor patio area as a Tavern-Limited Establishment.

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A Tavern-Limited Establishment is described in Title 19.12 as: "An establishment that is licensed with a tavern-limited license in accordance with LVMC Chapter 6.50." There are no Minimum Special Use Permit Requirements for this use. This use is permitted in the C-2 (General Commercial) zoning district with an approved Special Use Permit. Per the submitted justification letter dated 11/14/18, the use will provide live entertainment within a 49 square-foot area within the restaurant area via piano or DJ at least two nights per week. The submitted floor plan drawing indicates that the proposed Tavern-Limited Establishment will provide tenant space for six different food vendors, with one primary bar operator.

A Mixed-Use development is defined as "The vertical integration of residential uses and commercial or civic uses within a single building or a single development, where the uses share pedestrian access, vehicular access, parking functions, or any combination thereof..." The proposed use meets the definition as the development will have 8,800 square feet of commercial floor space designated as a Tavern-Limited Establishment/Restaurant along the first floor of the development adjacent to Charleston Boulevard with six multi-family residential units above.

The Conditional Use Regulations for this use include:

1. Residential uses permitted as of right in the R-3 and R-4 Zoning Districts may be permitted by means of a Special Use Permit within a C-PB, P-O or O Zoning District.

The proposed use meets this requirement as the property is zoned C-2 (General Commercial) and multi-family residential is allowed in the R-3 and R-4 zoning districts within a Mixed-Use Development.

2. Commercial uses or civic uses shall at a minimum be located at the ground level fronting the primary public rights-of-way and may extend beyond the ground floor. The principal entryway to access those uses, whether individually or collectively shall be directly accessed from and oriented to the public sidewalk.

The proposed use meets this requirement by providing 8,800 square feet of commercial tenant space on the ground level of the building on the north perimeter of the site fronting onto Charleston Boulevard.

3. Residential uses shall not be permitted on the ground floor fronting on primary public rights-of-way, but may be located at or above the second level of the building. Residential uses may be located on the ground floor of any building or portion thereof that is located at the interior of the development site and does not front on an arterial or collector streets.

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The proposed use meets this requirement as the six residential units are proposed to be located on the second level of the development.

4. Surface parking lots shall be located to the side or the rear of the principal building(s) on the site, and shall be screened from view of the adjacent rights-of-way by the principal building(s) or a landscape buffer in conformance with the requirements of LVMC Chapter 19.08. Parking structures shall not be located along the street frontages of the development site, but shall be screened from view of the adjacent rights-of-way by the principal building(s).

The proposed use meets this requirement as there are no parking lots proposed with this development.

Currently, vehicular access is provided via Charleston Boulevard on the northern perimeter of the subject site, which provides ingress and egress to a permanent parking lot on the front of the building. However, the applicant has proposed to remove the permanent parking lot and replace it with an 845 square-foot outdoor seating area, which will provide 24 additional seats to patrons of the Tavern-Limited Establishment. The primary pedestrian access to the building is located on the northern perimeter of the site through the front entry courtyard area.

Per the submitted Site Plan there are portions of the building façade that are approximately four feet to five feet from the front property line on the north perimeter of the structure, which is approximately 19% of the overall building façade where 70% in the minimum required. Minor deviations from this requirement, not to exceed a distance of five (5) feet from the property line, are allowed and will be reviewed by Staff on a case-by-case basis upon verification of special and unique conditions applicable to a specific lot or structures. The applicant has requested a waiver of Appendix F Interim Downtown Las Vegas Overlay front yard setback development standards to allow this deviation, which staff does not support.

The submitted site plan indicates the proposed development will provide zero parking spaces onsite. The applicant is deficient by a total of 141 parking spaces pursuant to Title 19.12 requirements, based on the proposed six one-bedroom residential units and 8,800 square-foot Tavern Limited Establishment with 845 square feet of outdoor seating which is provided. The Interim Downtown Las Vegas Development Standards exempts properties within Area 1 of the plan area from the automatic application of standard parking requirements. However, staff has determined that providing zero onsite parking spaces to accommodate residents and guests of the residential units or employees and patrons of the proposed Tavern-Limited use will negatively impact surrounding areas.

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The Department of Public Works has indicated that this project will add approximately 1,163 trips per day on Charleston Boulevard, Main Street and Casino Center Boulevard. Currently, Charleston Boulevard is at about 87 percent of capacity, Main Street is at about 47 percent of capacity and Casino Center Boulevard is at about 20 percent of capacity. With this project, Charleston Boulevard is expected to be at about 89 percent of capacity, Main Street to be at about 51 percent of capacity and Casino Center Boulevard to be at about 29 percent of capacity.

In addition, the applicant has also requested a Waiver from Title 19 Appendix F Interim Downtown Las Vegas development standards to allow no mechanical equipment screening from the street level for the proposed water district RPDA and Nevada Energy transformer located in the rear of the site adjacent to the alleyway where such is required.

The proposed streetscape design does not conform to Interim Downtown Las Vegas Streetscape Standards along Charleston Boulevard. The submitted drawings indicate that a seven-foot sidewalk will be provided, where a 10-foot wide sidewalk and five-foot wide amenity zone area are required. However, the subject site qualifies as a partial block frontage as outlined in the Interim Downtown Las Vegas Development Standards Threshold document, which indicates any streetscape not implemented due to existing conditions will require a Covenant Running with Land to obtain property owner's consent for future improvements, including the required alleyway treatments.

The submitted drawings depict a two-story, 35-foot tall mixed-use structure measured to the top of the roof line. The building elevations indicate the building will be constructed with a light grey stucco and concrete building facade with dark and light panel finishes. The proposed building elevations have been designed with articulated roof lines. The submitted elevations and renderings indicate that the primary front entry will be designed with a canopy, which will cover patrons entering the building on the ground level of the development.

The Department of Public Works noted that the existing building crosses over a lot line and has recommended that the Department of Planning impose the condition that "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." A condition of approval has been added to require that the mapping action shall be completed and recorded prior to the issuance of any building permits.

The proposed development is inconsistent with Appendix F Interim Downtown Las Vegas development standards pertaining to the architectural design and setbacks. In addition, the proposed development does not comply with Title 19.12 parking requirements as the subject site provides zero onsite parking spaces where 141 parking spaces are required, which will negatively impact surrounding areas. Therefore; staff recommends denial of the proposed Site Development Plan Review and Special Use Permit request.

FINDINGS (SUP-74814)

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 Tavern-Limited Establishment will be located within the 18b Las Vegas Arts District of the Downtown Las Vegas Overlay. The proposed use can be conducted in a harmonious and compatible manner with the existing and future development within the surrounding area.

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

The subject site can physically accommodate the proposed Tavern-Limited Establishment use and is in close proximity other commercial uses in the area. However, the proposed development does not comply with Title 19.12 parking requirements as the subject site provides zero onsite parking spaces where 141 parking spaces are required, which will negatively impact surrounding areas.

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.

Pedestrian access is provided from Charleston Boulevard, a 100-foot Primary Arterial Street as designated in the Master Plan of Streets and Highways. This street is sufficient in size to accommodate the needs of 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.

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Objective 1.3 and policy 1.3.2 of the Las Vegas Master Plan 2020 states that “To recognize the role of gaming, tourism and entertainment as a principal focus of Downtown Las Vegas, while at the same time to expand the role of other commercial, government and cultural activities in the Downtown core. That new retail and service commercial development be encouraged within the Downtown to serve the emerging housing market. In particular, this development should be weighted towards restaurants, retail shops, and service businesses intended to serve local residents as well as the tourist market.” The proposed Special Use Permit request will not be inconsistent with or compromise the public health, safety, and welfare or overall objectives of the General Plan.

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

There are no minimum special use permit requirements associated with the proposed Tavern-Limited Establishment use.

FINDINGS (SDR-74815)

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 mixed-use development is not compatible with the adjacent commercial developments in the area as evidenced by the required waivers of the Appendix F Interim Downtown Las Vegas development standards pertaining to architectural design (mechanical screening) and setbacks. In addition, the proposed development does not comply with Title 19.12 parking requirements as the subject site provides zero onsite parking spaces where 141 parking spaces are required, which will negatively impact surrounding areas.

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

The proposed mixed-use development does not comply with established Appendix F Interim Downtown Las Vegas development standards pertaining to architectural design (mechanical screening) and setbacks as evidenced by the requested waivers.

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

Pedestrian access is provided from Charleston Boulevard, a 100-foot Primary Arterial Street as designated in the Master Plan of Streets and Highways. This street is sufficient in size to accommodate the needs of the proposed use.

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

The building will be constructed with a light grey stucco and concrete building facade with dark and light panel finishes, which are appropriate for this area of 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 proposed building elevations have been designed with articulated roof lines. However, the proposed development requires waivers or architectural design development standards to allow no mechanical equipment screening from the street level for the proposed water district RPDA and Nevada Energy transformer located in the rear of the site adjacent to the alleyway where such is required. Staff does not support the requested architectural design waiver.

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

The proposed development is subject to permit review and inspection; therefore, appropriate measures will be taken to protect the health, safety and general welfare.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc</i>
There are no relevant City Actions associated with the subject site.

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Most Recent Change of Ownership	
07/31/18	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
01/01/51	A business license (D50-00011) was issued for a dry cleaning/Laundry Facility & Services at 110 East Charleston Boulevard. The license is still active.
11/28/07	A building permit (#102975) was processed for tenant improvements (Galaxi Foam) at 110 East Charleston Boulevard. The permit has not been issued.
01/21/16	A business license (G64-00341) was issued for an artist at 102 East Charleston Boulevard. The license was marked inactive on 06/30/17.
08/25/16	A Code Enforcement case (#170047) was processed for a person residing in commercial unit at 102 East Charleston Boulevard. The case was resolved on 08/29/16.
	A Code Enforcement case (#170050) was processed for a person residing in commercial unit at 102 East Charleston Boulevard. The case was resolved on 11/08/16.
01/18/17	A Code Enforcement case (#173828) was processed for a person residing in commercial unit at 102 East Charleston Boulevard. The case was resolved on 01/02/18.
09/27/18	A building permit (#C18-04301) was issued for a plumbing investigation (Charleston Hall) at 110 East Charleston Boulevard. The permit has not been finalized.

Pre-Application Meeting	
06/18/18	A Pre-Application meeting was conducted with the applicant to review the application materials and submittal requirements for a Site Development Plan Review and Special Use Permit for a proposed mixed-use development with a tavern-limited establishment.

Neighborhood Meeting	
A Neighborhood meeting was not required, nor was one held.	

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Field Check	
11/01/18	Staff conducted a routine site visit and found the subject site to be currently developed with a well maintained commercial structure.

Details of Application Request	
Site Area	
Net Acres	0.27

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	General Retail	C (Commercial)	C-2 (General Commercial)
North	General Retail	C (Commercial)	C-2 (General Commercial)
	Tavern-Limited Establishment		
South	General Retail	MXU (Mixed Use)	C-1 (Limited Commercial)
East	General Retail	C (Commercial)	C-2 (General Commercial)
West	General Retail	C (Commercial)	C-2 (General Commercial)

Master and Neighborhood Plan Areas	Compliance
No Applicable Master Plan Area	N/A
Special Area and Overlay Districts	Compliance
DLV-O (Downtown Las Vegas Overlay) – 18b Las Vegas Arts District	N*
LW-O (Live/Work Overlay) District	Y
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area 1	Y
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

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* The applicant has requested waivers of Downtown Las Vegas Overlay architectural design, to allow no mechanical equipment screening from the street level where such is required and a waiver of setback development standards to allow 19 percent of the proposed structure to align with the front property line where 70 percent is the minimum allowed.

DEVELOPMENT STANDARDS

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

Standard	Required/Allowed	Provided	Compliance
Min. Setbacks • Front • South (North) • Side (South) • Rear	70% along Property Line N/A N/A N/A	19% 0 Feet 0 Feet 15 Feet	N* Y Y Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/ a Roof or Trellis	Y
Mech. Equipment	Screened	Not Screened	N**

* The applicant has requested a waiver of setback development standards to allow 19 percent of the proposed structure to align with front property line, where 70 percent is the minimum allowed.

** The applicant has requested a waiver to allow no mechanical equipment screening from the street level for the proposed water district RPDA and Nevada Energy transformer located in the rear of the site adjacent to the alleyway where such is required.

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Charleston Boulevard	Primary Arterial	Master Plan of Streets and Highways Map	100	Y

Pursuant to the Appendix F Interim Downtown Las Vegas Development Standards, the following is required:

Streetscape Standards	Required	Provided	Compliance
Charleston Boulevard (east/west street)	5' amenity zone	0.00' amenity zone	Y*
	10' sidewalk	7.00' sidewalk	Y*
	Sidewalk amenities	Not indicated	Y*
	Street trees 36" box shade at 20' intervals	Zero 36" box shade trees	Y*

**Per the Interim Downtown Las Vegas Development Standards (Appendix F) - Threshold Document the subject site qualifies as a partial block frontage any streetscape not implemented due to existing conditions will require a Covenant Running with Land to obtain property owner's consent for future improvements.*

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	
Multi-Family Residential (Studio/1 BR)	6 units	1.25 spaces/ unit	8				
Guest Spaces	6 units	1 space/ 6 units	1				
Tavern-Limited Establishment	8,800 SF [4,665 SF public seating & 3,678 SF remaining GFA)	1:50 SF of public seating and waiting area, plus 1:200 SF of the total remainin g gross floor area	115				

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	
Outdoor Seating Area	845 SF	1:50 SF of public seating and waiting area	17				
TOTAL SPACES REQUIRED			141		0		N*
Regular and Handicap Spaces Required			136	5	0	0	N*
Loading Spaces							N*

*Projects located within the Downtown Las Vegas Overlay - Area 1 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.

Waivers		
Requirement	Request	Staff Recommendation
70% of the first story façade shall align along the corner property line	To allow 19% of the building façade to align with the front property line where 70% is required.	Denial
All mechanical equipment shall be screened from street level and surrounding building views.	To allow no mechanical equipment screening from the street level for the proposed water district RPDA and Nevada Energy transformer located in the rear of the site adjacent to the alleyway where such is required.	Denial