



## Recommending Committee Minutes

1. Call to Order

Minutes:

COUNCILMAN ANTHONY called the meeting to order at 10:01 a.m.

PRESENT: COUNCILMEMBERS ANTHONY, FIORE and KNUDSEN

ALSO PRESENT: COMMUNITY DEVELOPMENT EXECUTIVE DIRECTOR TOM PERRIGO, DEPUTY CITY ATTORNEY JEFFREY DOROCAK and DEPUTY CITY CLERK GABRIELA PORTILLO-BRENNER

2. Announcement Regarding: Compliance with Open Meeting Law

Minutes:

ANNOUNCEMENT MADE - Meeting noticed and posted at the following locations: City Hall, 495 Main Street, 1st Floor; Clark County Government Center, 500 South Grand Central Parkway; Grant Sawyer Building, 555 East Washington Avenue; City of Las Vegas Development Services Center, 333 North Rancho Drive.

3. Bill No. 2019-30 - For possible action - Amends the Town Center Development Standards Manual to allow the use "Auto Sales Showroom" in specified land use districts, either as a conditional use or by means of special use permit, and to allow the use "Valet Parking" in specified land use districts as a conditional use. Sponsored by: Councilwoman Michele Fiore

Minutes:

COUNCILMAN ANTHONY declared the Public Hearing open.

ROBERT SUMMERFIELD, Planning Director, reported that this amendment will add the uses of Auto Sales Showroom and Valet Parking to the Town Center Development Standards Manual. The Auto Sales Showroom use would allow display for viewing and not for the purpose of increasing auto sales, which is very specific and limited in Town Center. The Valet Parking use will allow hospitals, as well as other uses in Town Center, to employ a valet parking service.

COUNCILMAN ANTHONY declared the Public Hearing closed and announced that this bill would be eligible for adoption at the 10/16/2019 City Council Meeting.

Motion made by Michele Fiore to Approve as Do Pass

Passed For: 3; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Stavros Anthony, Michele Fiore, Brian Knudsen;

4. Bill No. 2019-31 - For possible action - Amends various provisions of the Unified Development Code (LVMC Title 19) to provide clarification and standardization relating to distance separation standards and measurements, clarify when access-related standards refer to vehicular access or pedestrian access (or both), and establish additional standards regarding the interpretation of terms. Proposed by: Robert Summerfield, Director of Planning

Minutes:

COUNCILMAN ANTHONY declared the Public Hearing open.

ROBERT SUMMERFIELD, Planning Director, reported that this amendment resulted from Council action on an appeal of a director's interpretation due to alleged ambiguity in the Unified Development Code in terms of

access. As a part of that clarification, staff worked with the City Attorney's office to consolidate the areas in the Code where it relates to how distance is measured. Therefore, this bill involves a technical correction, and it adds specificity as to when access is referring to vehicular, pedestrian or both vehicular and pedestrian access.

He indicated that staff is also working on two other possible amendments: 1) How distance separation is measured and possibly adopting the method used by the County and not measure from lot line to lot line, which is the City's current policy; 2) Updating distance separation requirements for marijuana establishments in order to comply with new state law as well as to address distance separation between like uses.

The latter amendment is scheduled to be considered by the Planning Commission as early as October of 2019, and he reiterated and stressed that this amendment is merely to address the technical issue of how access is used and to streamline the various provisions on how distance separation is measured. MR. SUMMERFIELD recommended approval.

COMMUNITY DEVELOPMENT EXECUTIVE DIRECTOR TOM PERRIGO further explained that there was an item before the City Council and its applicants felt there was some ambiguity in the Code. At that time, the City Council acted on the item; however, staff was directed to clear up that ambiguity and clearly define access, as well as to bring back some options regarding the policy conversation that MR. SUMMERFIELD referenced.

COUNCILMAN ANTHONY was confused and asked if this amendment merely involves wordsmithing and does not make any changes. MR. PERRIGO replied that there was question as to whether or not access could mean pedestrian access to a parcel when the intent of the Code referred to vehicular access, so this amendment makes it clear that access refers to vehicular access.

COUNCILMAN ANTHONY asked how it was determined where in the Code it refers to pedestrian, vehicular or pedestrian and vehicular access, and MR. PERRIGO explained that the Code was not changed where pedestrian access is appropriate. However, regarding eligibility for a waiver on certain protected uses where reference was made to a definition of pedestrian or vehicular the intent of those Code provisions has always referred to vehicular access. MR. SUMMERFIELD added that in all cases, from a technical standpoint, the Code was correct. Because there was ambiguity with regard to how the word "or" was used in the definition of access, staff has made it clear where it refers to vehicular access, pedestrian access or pedestrian and vehicular access throughout the Code.

MR. SUMMERFIELD added that the information regarding distance separation measuring was consolidated in one section of the Code, and the error regarding measurement for domesticated or non-domesticated animal establishments will be corrected as part of a first amendment before this matter is considered by the City Council. That change would apply to Page 2, Section 3, Line 3 regarding Animal Keeping and Husbandry.

COUNCILWOMAN FIORE felt the bill should be held in abeyance for two weeks to allow further review before solidifying any regulations regarding distance separation, which she felt would make it more difficult to match Clark County's regulations and provide more opportunities for businesses. She would like more clarification on the definition of non-domestic animals. She insisted on more time to meet with staff and clarify some of the language on the distance separation component.

COUNCILMAN ANTHONY declared the Public Hearing closed.

Motion made by Michele Fiore to Hold in Abeyance to 10/14/2019

Passed For: 3; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Stavros Anthony, Michele Fiore, Brian Knudsen;

5. Bill No. 2019-32 - For possible action - Amends LVMC 11.68.105, pertaining to expressive activity within the Pedestrian Mall, to clarify that the use of amplified sound is permitted in connection with such activity, subject to the same maximum noise levels that apply to street performers. Proposed by: Bradford R. Jerbic, City Attorney

Minutes:

COUNCILMAN ANTHONY declared the Public Hearing open.

ELIAS GEORGE, Deputy City Attorney, reported that this bill seeks to amend LVMC 11.68.105, which largely addresses the Fremont Street Experience (FSE) Pedestrian Mall, specifically as it relates to governing those engaging in expressive conduct and giving them the right to use an amplification device and the exercise of free speech in the Pedestrian Mall.

MR. GEORGE explained that a number of years ago the LVMC substantively amended the section for street performers, also known as buskers, and that provision allowed street performers the ability to use loud speakers within reasonable limits in their presentation(s). Recently, it was brought to the City's attention that there was an ambiguity in the Code prohibiting those conducting expressive activity from using amplification devices. This amendment will rectify that situation and allow those engaging in expressive activity and those conducting street performances the ability to use loud speakers within reasonable limits. He noted that as part of LVMC 11.68.107, specific limits addressing street performers were added, and staff included specific decibel limits, which will be used in this regard as they have undergone scrutiny by the ACLU and have been approved by the City Council. He recommended approval.

COUNCILWOMAN FIORE asked how FSE and ACLU (American Civil Liberties Union) representatives feel about this bill, and MR. GEORGE replied that City staff would like to fast track this amendment, given that the ambiguity was discovered during the arrest of an individual on Fremont Street who attempted to exercise his First Amendment right to freedom of speech. There is a case before federal court regarding this matter, and staff would like to clarify this ambiguity as quickly as possible.

COUNCILMAN ANTHONY declared the Public Hearing closed and announced that this bill would be eligible for adoption at the 10/2/2019 City Council Meeting.

Motion made by Michele Fiore to Approve as Do Pass

Passed For: 3; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Stavros Anthony, Michele Fiore, Brian Knudsen;

6. Citizens Participation: Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the Committee. No subject may be acted upon by the Committee unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come to the podium and give your name and correct spelling for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited.

Minutes:

None.

7. Adjournment

Minutes:

The meeting was adjourned at 10:20 a.m.

Respectfully submitted:

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Gabriela Portillo-Brenner, Deputy City Clerk

THIS MEETING WAS PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:

City Hall, 495 South Main Street, 1st Floor  
Clark County Government Center, 500 South Grand Central Parkway  
Grant Sawyer Building, 555 East Washington Avenue  
City of Las Vegas Development Services Center, 333 North Rancho Drive