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August 9, 2023

ISO Development Partners 2 LLC
1909 Villa De Conde Way
Las Vegas, Nevada 89102

**RE: ABEYANCE - 23-0237 [ZON1, SUP1 AND SDR1]
PLANNING COMMISSION MEETING OF AUGUST 8, 2023**

Dear Applicant:

The Planning Commission at a regular meeting held on *August 8, 2023* voted to recommend **APPROVAL** of the following Land Use Entitlement project requests on 1.78 acres at 331 West Utah Avenue (APNs 162-04-608-002 and 007), Ward 3 (Diaz).

23-0237-ZON1 - REZONING - FROM: M (INDUSTRIAL) TO: C-2 (GENERAL COMMERCIAL)

23-0237-SUP1 - SPECIAL USE PERMIT - FOR A PROPOSED MIXED-USE DEVELOPMENT

23-0237-SDR1 - SITE DEVELOPMENT PLAN REVIEW - FOR A PROPOSED SEVEN-STORY MIXED-USE DEVELOPMENT CONSISTING OF 279 MULTI-FAMILY RESIDENTIAL UNITS; 97 HOTEL SUITE UNITS; 2,800 SQUARE FEET OF INTERIOR COMMERCIAL SPACE AND A 1,000 SQUARE-FOOT OUTDOOR PLAZA WITH WAIVERS OF APPENDIX F INTERIM DOWNTOWN LAS VEGAS DEVELOPMENT STANDARDS

This approval is subject to the following amended conditions:

23-0237-ZON1 approved with NO conditions.

23-0237-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Mixed-Use use, except as amended herein.
2. Approval of a Rezoning (23-0237-ZON1) and approval of and conformance to the Conditions of Approval for Site Development Plan Review (23-0237-SDR1) shall be required, if approved.

3. 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.
4. A Waiver from Title 19.12 is hereby approved, to allow a parking structure to not be screened from view of the adjacent rights-of-way by the principal building(s) where such is required;
5. 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 Building and Safety Division.
6. 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.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

23-0237-SDR1 AMENDED CONDITIONS

Planning

1. A private art installation shall be installed outside of the public right-of-way at the corner of Utah Avenue and Fairfield Avenue. The proposed private art installation shall be reviewed and approved by the Planning Division of the Department of Community Development prior to or at the same time as application for building permit is made.
2. A six (6) foot decorative block wall composed of 20 percent contrasting material shall be constructed along the southern property line of the subject site.
3. A minimum of 2,000 square feet of shaded area shall be provided within the pool deck area located on the 3rd Floor.
4. A revised landscape plan shall be submitted to the Department of Community Development prior to or at the same time as application is made for a building permit depicting the installation of three (3) 36-inch box Southern Live Oak trees within the western perimeter landscape buffer.

ABEYANCE - 23-0237 [ZON1, SUP1 AND SDR1] - Page Three
August 9, 2023

5. Approval of a Rezoning (23-0237-ZON1) and conformance to the Conditions of Approval shall be required, if approved.
6. 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.
7. All development shall be in conformance with the site plan date stamped 06/05/23, and landscape plan, and building elevations, date stamped 05/17/23, except as amended by conditions herein.
8. A Waiver from Title 19 Appendix F. Downtown Las Vegas Interim Development Standards is hereby approved, to allow a service areas or loading docks to be located at the Fairfield Avenue street frontage where such is not allowed;
9. A Waiver from Title 19 Appendix F. Downtown Las Vegas Interim Development Standards is hereby approved, to allow a parking structures to be located along both street frontages of the development site where such is not allowed;
10. A Waiver from Title 19.12 is hereby approved, to allow that same parking structure not be screened from view of the adjacent rights-of-way by the principal building(s) where such is required;
11. A Waiver from Title 19 Appendix F. Downtown Las Vegas Interim Development Standards is hereby approved, to allow a parking structures to not have ground level retail, office and/or restaurant space incorporated into the design of the structure along Fairfield Avenue where such is required on all frontages;
12. A Waiver from Title 19 Appendix F. Downtown Las Vegas Interim Development Standards is hereby approved, to allow a zero-foot landscape buffer for a parking structures that does not contain ground level retail, office, and/or restaurant space where a ten-foot landscaped setback is required;
13. A Waiver from Title 19 Appendix F. Downtown Las Vegas Interim Development Standards is hereby approved, to allow the exterior walls of a parking structures to not be designed as part of the architectural form of the primary and/or the surrounding buildings or to incorporate the same materials, finishes and proportions of the primary building, where such is required;

14. A Waiver from Title 19 Appendix F. Downtown Las Vegas Interim Development Standards is hereby approved, to allow an inconsistent pattern for a portion of the sidewalk along Utah Avenue, with an eight foot-wide sidewalk as one pattern and another two feet of width as a concrete pad, which may be grade separated, where 10 feet is required.
15. A Waiver from Title 19 Appendix F. Downtown Las Vegas Interim Development Standards is hereby approved, to allow mechanical equipment to not be screened from street level and surrounding building views along Utah Avenue where such is required.
16. 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 Building and Safety Division.
17. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
18. 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.
19. All utility or mechanical equipment shall comply with the provisions of the Interim Downtown Las Vegas Development Standards, unless approved by a separate Waiver.
20. 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, which 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.
21. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
22. Revised elevations shall be submitted to and approved by the Department of Community Development prior to the time application is made for a building permit to reflect the following: Blank, expressionless walls shall be replaced on the south and west building elevations.

23. 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.
24. A Comprehensive Construction Staging Plan shall be submitted to the Department of Community Development for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers.
25. Prior to the submittal of a building permit application, the applicant shall meet with Department of Community Development 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.
26. Prospective buyers shall be informed that views may be obscured by future adjacent development and this information shall be included in project CC & R's.
27. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.
28. A Fire Protection Report shall be submitted and approved by Fire Engineering prior to the issuance of any building permit.

Public Works

29. Per Title 13.12, dedicate a ten-foot radius at the southwest corner of Utah Avenue and Fairfield Avenue prior to issuance of permits or concurrent with a mapping action for this site, whichever may occur first.
30. Remove all unused driveways and construct all incomplete half-street improvements on Utah Avenue and Fairfield Avenue meeting Downtown Master Plan standards adjacent to this site concurrent with development of this site, unless otherwise allowed by City Engineer. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. The sidewalk adjacent to this site shall meet Public Right-of-Way Accessibility Guidelines (PROWAG) in accordance with code requirements of Title 13.56.040 to the satisfaction of the City Engineer. Grant any Pedestrian Access Easement needed to complete this requirement.

31. Pedestrian doors into this site shall be set back appropriately as to not block public right-of-way when opened.
32. Coordinate the public sewer connection at a size, depth, and location acceptable to the Sanitary Sewer Section of the Department of Public Works in the Fairfield Avenue public right-of-way. Extend public sewer from Wyoming Avenue in Fairfield Avenue for the frontage of this development.
33. Coordinate with the Environmental Compliance & Enforcement staff of the Department of Public Works to locate any required grease interceptor and sand/oil interceptors in acceptable locations prior to submittal of sewer-related plans. Comply with the recommendations and requirements of the Environmental Compliance & Enforcement staff prior to issuance of permits. The team may be contacted at 702-229-6594 or emailed at ece@lasvegasnevada.gov.
34. Contact the City Engineer's Office at 702-229-6272 to coordinate the development of this project with the Utah Avenue: Industrial Road to 3rd Street CIP project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
35. Landscape and maintain all unimproved right-of-way adjacent to this site, if any. 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.
36. Submit a License Agreement for landscaping and private improvements in the Utah Avenue and Fairfield Avenue public rights of way, if any, prior to the 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 within 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 at 702-229-4836.

37. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3, in accordance with Section 2.2 of the City's Vision Zero Action Plan, to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights of way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. The Traffic Impact Analysis shall also include a pedestrian circulation/access plan, in accordance with Section 2.2 of the City's Vision Zero Action Plan, to identify nearby pedestrian attractors and recommend measures to accommodate pedestrians, such as but not limited to pedestrian access, crosswalk, pedestrian activated flashers and temporary sidewalks. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
38. Vehicular queues for the site shall not extend into the public right-of-way as a result of the operations on this site. Vehicles, including delivery/loading vehicles, shall not back into the public right-of-way, nor back in from the public right-of-way.
39. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.

ABEYANCE - 23-0237 [ZON1, SUP1 AND SDR1] - Page Eight
August 9, 2023

This item will be considered by the City Council on September 20, 2023. This meeting will be held at 9:00 A.M. at the Council Chambers of City Hall, 495 South Main Street, Las Vegas, Nevada. **The Council requires that you or your representative be present at this meeting.** If you or your representative chooses not to attend, the City Council may act in your absence without your input.

Sincerely,



Nicole Eddowes
Community Development Coordinator
Case Planning Division

NE:nl

cc:

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