



**AGENDA MEMO - COMMUNITY DEVELOPMENT**

**CITY COUNCIL MEETING DATE: JULY 17, 2024**

**DEPARTMENT: COMMUNITY DEVELOPMENT**

**ITEM DESCRIPTION: APPLICANT/OWNER: RAMDA PROPERTIES NEVADA, LLC**

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**\*\* STAFF RECOMMENDATION(S) \*\***

<b>CASE NUMBER</b>	<b>RECOMMENDATION</b>	<b>REQUIRED FOR APPROVAL</b>
<b>24-0224-SDR1</b>	Staff recommends DENIAL, if approved subject to conditions:	

**\*\* NOTIFICATION \*\***

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**                      30

**NOTICES MAILED**                      202 (by City Clerk)

**PROTESTS**                      2 - 24-0224-SDR1

**APPROVALS**                      1 - 24-0224-SDR1

**\*\* CONDITIONS \*\***

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**24-0224-SDR1 CONDITIONS**

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**Planning**

1. Conformance to the Conditions of Approval for Site Development Plan Review (21-0540-SDR1), except as amended herein.
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 date stamped 05/20/24, landscape plan date stamped 04/24/24, and building elevations, date stamped 04/23/24, except as amended by conditions herein.
4. All onsite parking spaces shall conform to the design and dimensional requirements of LVMC 19.08.110.
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.
7. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

8. In accordance with code requirements of Title 13.56 and Section 2.2 of the City's Vision Zero Action Plan, remove all substandard offsite improvements and unused driveway cuts, if any, and replace with new improvements meeting Public Right-of-Way Accessibility Guidelines (PROWAG) to the satisfaction of the City Engineer concurrent with development of this site. Grant Pedestrian Access Easement(s) if necessary to comply with this requirement. All existing paving damaged or removed by this development shall be restored at its original location, width and depth concurrent with development of this site.

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**Public Works (continued)**

9. Contact the City Engineer's Office at 702-229-6272 to coordinate the development of this project with the Stewart Avenue Complete Streets project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer
10. 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.
11. Developer shall install a crosswalk on the east leg of the Stewart Ave and 9th St intersection, with appropriate signage and striping, concurrent with on-site development activities. This condition supersedes and replaces Condition #13 of 21-0540-SDR1.
12. Comply with all applicable conditions of approval for 21-0540-SDR1 and any other site related actions.

**Fire & Rescue**

13. Due to locations of buildings, the Fire Department Connections for the sprinkler systems need to be visible and accessible from 9th Street.
14. 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.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The applicant is requesting a Major Amendment of a previously approved Site Development Plan Review (21-0540-SDR1) to remove a proposed automated parking mechanism and add onsite surface parking associated with an existing multi-family residential development at 306 North 9th Street.

**ISSUES**

- Pursuant to LVMC 19.16.100.H, the Director of Community Development has determined that a Minor Review of the previously approved site development plans (21-0540-SDR1) associated with this site cannot be processed. Therefore, this request has been deemed a Major Amendment of the approved Site Development Plan Review (21-0540-SDR1).
- The first Extension of Time (24-0099-EOT1) of the approved Site Development Plan Review (21-0540-SDR1) containing the 20-space parking mechanism was approved 04/03/24.
- A Waiver of Title 19.09 parking requirements was approved through 21-0540-SDR1 to allow one unimpeded parking space where a minimum of 11 spaces are required. The proposed amendment adds two additional surface parking spaces for a total of three onsite spaces. Although changes are proposed to the site, no additional waiver of Form-Based Code parking standards is required.
- Up to 10 existing offsite parking spaces are proposed to be provided on APN 139-34-612-085 (addressed as 900 Stewart Avenue) for tenants of the subject multi-family residential development. A perpetual agreement for offsite parking cannot be executed at this time; therefore, these spaces cannot count toward the required parking for the subject site.
- A mapping action to consolidate the existing legal lots on this site was required as a condition of approval of 21-0540-SDR1, but has not yet been submitted.
- The Fire Engineering Section of the Department of Fire & Rescue has added a condition of approval requiring the Fire Department Connections for the sprinkler systems to be visible and accessible from 9th Street. Fire Engineering also notes that the submitted plans do not indicate a fire riser room, which had been shown on the original site and floor plans and which had met the Form-Based Code. Although there are minor discrepancies between the submitted plans and the floor plans submitted with this application, the submitted floor plans are not specifically being reviewed as part of this amendment. A fire riser room will be required at the time of permits, but this requirement is not a condition of approval.

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- The onsite parking spaces shown the submitted site plan do not conform to the design and dimensional requirements of Title 19.08.110. With correction, the proposed three spaces will be able to conform to code and fit in the area shown. A condition of approval addresses this issue.

## **ANALYSIS**

The subject site is located within the T5-MS (T5-Main Street) zoning district, which is intended to provide a compact and walkable urban environment with building types that can accommodate a diverse range of professional office, service, and retail uses, as well as residential uses on the upper floors of buildings. Within this transect zone, buildings should be placed at or near the edge of right-of-way, be between two to seven stories in height on large width lots in which the buildings cover most if not all of the lot area. As the buildings on the subject site were already existing and were not proposed to be expanded, application of the Form-Based Code standards is limited to façade improvements and new construction.

The subject site is adjacent to a multi-family residential complex to the east, a church to the south and vacant property to the west and north.

The approved Site Development Plan Review (21-0540-SDR1) request proposed to rehabilitate the exterior building facades and remodel the interior floor plans of an existing two-story multi-family residential development consisting of 18 studio and one bedroom apartments within three buildings. The three buildings currently contain 11 multi-family units. The building floor areas would not be expanding, but the full interiors would be remodeled to add seven market rate units, which in turn would require additional parking spaces. The approved plan indicated one handicapped surface parking space and an adjacent 68-foot tall automated rotary drive parking structure that could accommodate 20 vehicles. Access to parking is from the rear alley.

No permits have been issued for the new development, and building and onsite improvement plans are not ready to be submitted at this time. A required mapping action (such as a Reversionary Map) to combine the legal lots that make up this site has not been submitted for review. An Extension of Time (24-0099-EOT1) of the approved Site Development Plan Review was approved April 3, 2024, which expires April 3, 2026.

This request proposes to remove the parking mechanism from the approved site plan and replace it with two additional onsite parking spaces. According to the applicant, construction of the automated parking mechanism is not economically feasible. In addition, the property owner is concerned about possible negative effects of having such a structure in this area. The applicant is working with the owner of APN 139-34-612-085 (addressed as 900 Stewart Avenue) to provide additional spaces that could meet the minimum number required for the project; however, in order for the City to count these spaces, a perpetual parking agreement pursuant to Title 19.18.030.D.4 must be recorded against the property.

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As the provision of at least eight offsite parking spaces in perpetuity on APN 139-34-612-085 is not possible, only the number of onsite spaces may be considered for this project. If the parking structure is removed, the previously approved Waiver to allow a zero-foot rear yard setback would no longer be needed. The previously approved Waiver to allow one unimpeded parking space where 11 spaces are required would remain as approved.

No other changes to the approved plans are proposed at this time. This includes perimeter landscaping and site access.

The Las Vegas Valley Water District (LVVWD) notes that civil improvement plans will need to be submitted to LVVWD for review. Existing water facilities may not be sized for the proposed development. Parcels have existing meters without backflow protection, which is required for this use per NAC445A.67195. Existing domestic/fire protection may not be adequate. Additional Regional Connection charges will apply.

The Fire Engineering Section of the Department of Fire & Rescue also notes that the applicant must coordinate with LVVWD regarding placement of the required backflow preventer and must install an approved fire sprinkler system in all buildings in accordance with 2021 IFC Section 903 as amended. A fire riser room, which had been shown on the previously approved plans, will be required at the time of permits.

Staff did not support the original Waiver request for one unimpeded space where a minimum of 11 spaces were required. The addition of residential units creates a self-imposed hardship for the applicant to provide additional onsite parking where there is no space to do so. Although removal of the automated parking mechanism would allow for the addition of two onsite spaces and remove the potential for queuing in a public alley, the increase is still not sufficient to accommodate seven new residential units. Staff therefore recommends denial of the proposed amendment to the approved Site Development Plan Review (21-0540-SDR1), subject to conditions. If denied, the original approval would remain active until April 3, 2026 unless another Extension of Time is approved.

**FINDINGS (24-0224-SDR1)**

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;**

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Removal of the mechanized parking structure would allow for the addition of two additional onsite surface parking spaces; however, the core issue remains the inability to satisfy the parking demand spurred by the addition of seven new residential units. Without a perpetual parking agreement, the use of offsite spaces cannot be guaranteed in the future. Therefore, staff concludes that the site as proposed remains incompatible with the adjacent residential development.

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

A Waiver has previously been approved to allow one unimpeded onsite parking space where 11 spaces are required by the Form-Based Code. Two additional parking spaces would be provided onsite. Removal of the automated parking structure would eliminate the previously approved Waiver to allow a zero-foot rear yard setback.

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

Access and circulation would remain as previously approved, from a 20-foot alley along the east property line. Due to existing building placement, there is no onsite circulation.

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

Building materials, including stucco, aluminum and stainless steel are typical for this area. Additional drought-tolerant landscape materials will enhance the pedestrian environment. No changes are proposed to perimeter landscaping.

**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 previously approved building elevations for the rehabilitated facades create a pleasing environment and are compatible with the area.

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

Site development is subject to building permit review and inspection, thereby safeguarding the health, safety and general welfare of the public.

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**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
06/15/16	The City Council adopted a Resolution (R-25-2016) adopting the Vision 2045 Downtown Las Vegas Master Plan and granted authority to the Department of Planning to implement the Plan.
10/17/18	The City Council adopted Ordinance #6649, which amended Title 19 to add a new chapter (19.09) related to form-based code and transect zones.
07/03/19	The City Council adopted Ordinance #6693, which amended Title 19 to include development standards for the Fremont East District.
10/16/19	The City Council approved a request for a General Plan Amendment (GPA-75814) to amend portions of the Southeast Sector Land Use Map from: C (Commercial) and MXU (Mixed Use) to FBC (Form-Based Code) on approximately 226 acres in the Fremont East District generally location south of Interstate 515, west of Eastern Avenue, north of Carson Avenue, and east of Las Vegas Boulevard. The Planning Commission and staff recommended approval.
	The City Council approved a request for a Rezoning from: C-1 (Limited Commercial), C-2 (General Commercial), R-5 (Apartment) R-4 (High Density Residential), R-3 (Medium Density Residential) and R-2 (Medium-Low Density Residential) to: T4-N (T4 Neighborhood), T4-MS (T4 Main Street), T4-C (T4 Corridor), T5-N (T5 Neighborhood), T5-MS (T5 Main Street) and T6-UC (T6 Urban Core) on approximately 226.00 acres in the Fremont East District generally located south of U.S. Highway 515, east of Las Vegas Boulevard, north of Carson Avenue, and west of Eastern Avenue. The Planning Commission and staff recommended approval.
05/24/21	Code Enforcement processed a Case (CE21-02135) to investigate a complaint regarding a homeless camp at 306 North 9th Street and 314 North 9th Street. The case was resolved 06/14/21.
02/16/22	The City Council approved a request for a Site Development Plan Review (21-0540-SDR1) for a proposed seven-unit addition, changes to exterior elevations and onsite improvements to an existing 11-unit multi-family residential development with Waivers of Title 19.09 Form-Based Code standards on 0.20 acres at 306 North 9th Street. Staff recommended denial.
08/22/22	Code Enforcement processed a Case (CE22-04643) to investigate a complaint regarding constant traffic, drug activities, squatters and poor health conditions over a period of months at an apartment complex at 306 North 9th Street. The case was resolved 12/29/22.



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<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
05/15/23	Code Enforcement processed a Case (CE23-02811) to investigate a concern regarding squatters at an apartment complex at 306 North 9th Street. The case was resolved 07/17/23.
08/14/23	Code Enforcement processed a Case (CE23-05470) to investigate a concern regarding squatters and homeless break-ins at an apartment complex at 306 North 9th Street. The case was resolved 09/21/23.
04/03/24	The City Council approved a request for the first Extension of Time (24-0099-EOT1) of an approved Site Development Plan Review (21-0540-SDR1) for a proposed seven-unit addition, changes to exterior elevations and onsite improvements to an existing 11-unit multi-family residential development with Waivers of Title 19.09 Form-Based Code standards on 0.20 acres at 306 North 9th Street. Staff recommended approval. The approval expires 02/16/26.
06/18/24	The Planning Commission voted (7-0) to recommend APPROVAL on the following Land Use Entitlement project request for a Major Amendment of an approved Site Development Plan Review (21-0540-SDR1) FOR PROPOSED CHANGES TO ONSITE IMPROVEMENTS FOR AN APPROVED SEVEN-UNIT ADDITION TO AN EXISTING 11-UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT on 0.20 acres at 306 North 9th Street (APN 139-34-612-069), T5-MS (T5 Main Street) Zone, Ward 5 (Crear).

<b><i>Most Recent Change of Ownership</i></b>	
12/18/20	A deed was recorded for a change in ownership.

<b><i>Related Building Permits/Business Licenses</i></b>	
1952	Multi-family dwellings were constructed at 306 North 9th Street.
6/21/61	A building permit (#4952) was issued for a three-unit multi-family residential dwelling at 306 North 9th Street. A final inspection was completed 12/11/61.

<b><i>Pre-Application Meeting</i></b>	
04/16/24	A pre-application meeting was held with the applicant to discuss submittal requirements for an amendment to an approved Site Development Plan Review. Alternatives for parking were discussed.

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**Neighborhood Meeting**

A neighborhood meeting was not required, nor was one held.

**Field Check**

05/09/24	The site contains three, two-story multi-family residential buildings, each of which have windows and doors boarded up. There was no activity on the site. The site is enclosed by temporary chain link fencing. Weeds were observed in the front and rear of the site.
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**Details of Application Request**
**Site Area**

Net Acres	0.20
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<b>Surrounding Property</b>	<b>Existing Land Use Per Title 19.12</b>	<b>Planned or Special Land Use Designation</b>	<b>Existing Zoning District</b>
Subject Property	Residential, Multi-Family	FBC (Form Based Code)	T5-N (T5 Neighborhood)
North	Vacant	FBC (Form Based Code)	T5-N (T5 Neighborhood)
South	Church/House of Worship	FBC (Form Based Code)	T5-MS (T5 Main Street)
East	Multi-Family Residential (condominiums)	FBC (Form Based Code)	T4-MS (T4 Main Street)
	Vacant		T5-N (T5 Neighborhood)
West	Vacant	FBC (Form Based Code)	T5-MS (T5 Main Street)

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<b>Master and Neighborhood Plan Areas</b>	<b>Compliance</b>
Las Vegas 2050 Master Plan Area: Downtown Las Vegas	Y
Vision 2045 Downtown Las Vegas Master Plan: Fremont East District	Y
<b>Special Area and Overlay Districts</b>	<b>Compliance</b>
DTLV-O (Downtown Las Vegas Overlay) District - Area 3	Y
LW-O (Live/Work Overlay) District	Y
<b>Other Plans or Special Requirements</b>	<b>Compliance</b>
Trails	N/A
Las Vegas Redevelopment Plan Area - Area 1	Y
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.09, the following standards apply:*

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
<b>D. Building Types</b>			
<i>Flex Low-Rise (allowed in T5-MS)</i>			
<b>E. Building Placement</b>			
Setback - Rear	min 5 feet / max N/A	21 feet	Y
<b>F. Building Form</b>			
Building Height (primary)	2 to 7 stories	existing 2-story buildings	Y
Max Lot Coverage	90%	38% (-378 SF from approved 21-0540-SDR1)	Y
<b>G. Frontages</b>			
N/A to this project			N/A
<b>H. Encroachments into Façade Zone</b>			
N/A to this project	10 feet	3 feet	N/A
<b>K. Required Street Trees</b>			
< 50% block coverage: requirements not mandatory			N/A
<b>L. Open Space</b>			
Width			N/A

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<b>Street Name</b>	<b>Functional Classification of Street(s)</b>	<b>Governing Document</b>	<b>Actual Street Width (Feet)</b>	<b>Compliance with Street Section</b>
9 <sup>th</sup> Street	Minor Collector	Title 13	72	Y

**Pursuant to Title 19.08, 19.09 and 19.12, the following parking standards apply:**

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Downtown Residential – 1BR or studio	18 units	1.25 spaces per unit	23				

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Guest Parking	18 units	1 space per 6 units	3				
TOTAL SPACES REQUIRED (weighted requirement, see below)			11-19		3		N
Regular and Handicap Spaces Required			10-18	1	2	1	Y
Percent Deviation			73%				

<b>Downtown Form Based Code Parking Standards - Title 19.09.100.G</b>			
Weighted Parking Standards Low Load – Zone 3 (high load)	Between 40% and 70% of 26 parking spaces	3 parking spaces (12%)	Y*
Bicycle Parking Requirements	N/A (< 20 units)	0 spaces	N/A

\*A Waiver of Title 19.09 Form-Based Code Standards was approved through Site Development Plan Review (21-0540-SDR1) allowing one unimpeded parking space.