



**AGENDA MEMO - COMMUNITY DEVELOPMENT**

**PLANNING COMMISSION MEETING DATE: OCTOBER 10, 2023**  
**DEPARTMENT: COMMUNITY DEVELOPMENT**  
**ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS**

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

<b>CASE NUMBER</b>	<b>RECOMMENDATION</b>	<b>REQUIRED FOR APPROVAL</b>
23-0449-WVR1	Staff recommends APPROVAL, if approved subject to conditions:	

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

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**                      16

**NOTICES MAILED**    196

**PROTESTS**    0

**APPROVALS**    0

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

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**23-0449-WVR1 CONDITIONS**

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**Planning**

1. A Waiver from Title 19.09 is hereby approved, to allow a proposed seven-foot tall solid wall erected between the front property line and the primary structure where five-feet with a two-foot solid base is the maximum height allowed.
2. Conformance to the approved conditions for Site Development Plan Review (22-0533-SDR1).
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. 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.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**Public Works**

**Fire & Rescue**

7. Applicant shall obtain a permit for each gate installed across a fire access.

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

**PROJECT DESCRIPTION**

The applicant is requesting a Waiver to allow a proposed seven-foot tall iron fence erected between the front property line and the primary structure where five feet with a two-foot solid base is the maximum height allowed on 3.03 acres generally located at the southwest corner of Jefferson Avenue and D Street.

**ISSUES**

- In December 2022, the City Council approved a Site Development Plan Review (22-0533-SDR1) for a proposed 15,062 square-foot trade school development with Waivers of the Title 19.09 Form-Based Code Development Standards on 3.03 acres generally located at the southwest corner of Jefferson Avenue and D Street.
- A Building Permit (C23-01755) is currently under review for an iron fence at 1001 C Street. The permit is pending the outcome of this Waiver request.

**ANALYSIS**

Adopted by the City Council in June 2016, the Vision 2045 Downtown Las Vegas Master Plan (Downtown Master Plan) is the policy document that provides an overall vision, policy direction, and implementation strategy in support of the ongoing recovery and revitalization in Downtown Las Vegas. The Downtown Master Plan envisions and encourages downtown Las Vegas to achieve a compact, vibrant urban environment, with a focus on higher-density mixed-use development around transit hubs and activity nodes.

The Master Plan is intended to enable an energetic, urban way of life and a high-quality physical environment for locals and visitors alike. Adopted under the requirements of the Las Vegas Municipal Code and other applicable laws, the Title 19.09 Form-Based Code establishes the new form-based standards for the area of the City included within the Downtown Las Vegas Overlay (DTLV-O). Eventually, the Form-Based Code will be applied to each of the twelve Downtown Districts within the Downtown Las Vegas Overlay District.

The subject site is located within the Historic Westside District of Downtown Las Vegas. Historic Westside District is dominated mostly by low-rise residential neighborhoods and industrial zones. The neighborhood consists of a few historical sites, poor housing conditions, vacant parcels, and a lack of parks and amenities. The district is in need of environmental upgrades and social services. The subject site is governed by Title 19.09

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which regulates the form-based code development standards. For the subject site, the primary street frontage is considered to be D Street based on the hierarchy of roadways and building orientation.

In December 2022, the City Council approved a Site Development Plan Review (22-0533-SDR1) for a proposed 15,062 square-foot trade school development with Waivers of the Title 19.09 Form-Based Code Development Standards on 3.03 acres generally located at the southwest corner of Jefferson Avenue and D Street.

Shortly after the approval, a Building Permit (C23-01755) was submitted and is currently under review for an iron fence at the subject site. Pursuant to Title 19.09, the maximum height of fences and walls erected between the front property line and the primary structure shall not exceed five feet, and the maximum height of solid fences or walls shall not exceed two feet. At six feet two inches tall, the building permit is pending the outcome of this Waiver request.

**FINDINGS (23-0449-WVR1)**

Pursuant to Title 19.09.030(J), an applicant may apply for a Waiver if it is determined that specific development standards cannot be met. As there are no other requirements, staff recommends denial of the Waiver request.

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**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
10/14/99	The Planning Commission approved a Site Development Plan Review (SD-0025-99) for a proposed 6,435 square-foot building in conjunction with an existing daycare facility (variety day home) on 2.20 acres at the southeast corner of Jefferson Avenue and D Street.
08/21/19	Staff administratively approved a Minor Site Development Plan Review (SDR-76731) for a proposed phased development consisting of 32,500 square feet of government facility on 2.45 acres at the southeast corner of Jefferson Avenue and D Street.
09/21/22	The City Council approved a Petition to Vacate (22-0348-VAC1) public rights-of-way (Adams Avenue between C Street and Interstate 15 and a portion of C Street between Adams Avenue and Jefferson Avenue. The Planning Commission and staff recommended approval.
12/21/22	The City Council approved a Rezoning (22-0533-ZON1) from T4-N (T4 Neighborhood) to T4-C (T4 Corridor) on 3.03 acres generally located at the southwest corner of Jefferson Avenue and D Street. The Planning Commission and Staff recommended approval.
	The City Council approved a Rezoning (22-0533-SDR1) for a proposed 15,062 square-foot trade school development with Waivers of the Title 19.09 Form-Based Code Development Standards on 3.03 acres generally located at the southwest corner of Jefferson Avenue and D Street. The Planning Commission and Staff recommended approval.

<b><i>Most Recent Change of Ownership</i></b>	
08/24/23	A deed was recorded for a change in ownership.

<b><i>Related Building Permits/Business Licenses</i></b>	
04/10/18	A Building Permit (C18-01410) was issued for the major demolition of an existing school at 990 D Street.
	A Building Permit (C18-01411) was issued for the demolition of an existing school at 990 D Street.
02/06/20	A Building Permit (C19-03477) was issued for on-site improvements at 1001 C Street.
	A Building Permit (C19-03478) was issued to relocate a modular building at 1001 C Street.
	A Building Permit (C19-03479) was issued for fencing at 1001 C Street.

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<b>Related Building Permits/Business Licenses</b>	
05/23/23	A Building Permit (C23-01750) is currently under review for a vehicular gate at 1001 C Street.
	A Building Permit (C23-01752) is currently under review for a higher education building at 1001 C Street.
	A Building Permit (C23-01753) is currently under review for on-site improvements at 1001 C Street.
	A Building Permit (C23-01754) is currently under review for a sand and oil interceptor at 1001 C Street.
	A Building Permit (C23-01755) is currently under review for an iron fence at 1001 C Street. The permit is pending the outcome of this Waiver request.

<b>Pre-Application Meeting</b>
A pre-application meeting was not required, nor was one held.

<b>Neighborhood Meeting</b>
A neighborhood meeting was not required, nor was one held.

<b>Field Check</b>	
09/12/23	A routine field check was conducted of the subject site; staff found an undeveloped site with nothing was noted of concern.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	3.03

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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	Undeveloped	FBC (Form Based Code)	T4-C (T4 Corridor)	
North			T4-MS (T4 Main Street)	
South			Parking Lot	T4-N (T4 Neighborhood)
			Social Service Provider	
East	Multi-Family Residential	ROW (Right-of-Way)	ROW (Right-of-Way)	
	Interstate 15			
West	Church/House of Worship	FBC (Form Based Code)	T4-C (T4 Corridor)	
	Undeveloped			

<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: Historic Westside District	Y
The Hundred Plan	Y
West Las Vegas	Y
<b>Special Area and Overlay Districts</b>	<b>Compliance</b>
A-O (Airport Overlay) District (175 Feet)	Y
DTLV-O (Downtown Las Vegas Overlay) District – Area 2	Y
<b>Other Plans or Special Requirements</b>	<b>Compliance</b>
Trails (Pioneer Trail   D Street, C Street, Jefferson Avenue   Constructed)	Y
Las Vegas Redevelopment Plan Area – Area 1	Y
Interlocal Agreement	N/A
Project of Significant Impact	N/A
Project of Regional Significance	N/A

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**DEVELOPMENT STANDARDS**

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

Standard	Required/Allowed	Provided	Compliance
<b>Table D. Building Types</b>			
Building Type	Main Body Width: 100% of Lot Max	19.9%	Y
Flex Low-Rise Building	Main Body Depth: 100 Feet Max.	242 Feet	Y*
	Secondary Wing Width: 40 Feet Max.	N/A	N/A
	Secondary Wing Depth: 40 Feet Max.	N/A	N/A
Access Standards (If applicable)	Pedestrian access to the building must be from the thoroughfare or courtyard.		Y*
<b>Table E. Building Placement</b>			
Setback Distance (Front)	10 Feet Minimum 15 Feet Maximum	39 Feet	Y*
Setback Distance (Corner Side)	10 Feet Minimum 15 Feet Maximum	25 Feet	Y*
Setback Distance (Interior Side)	0 Feet Minimum 15 Feet Maximum	276 Feet	Y*
Setback Distance (Rear)	10 Feet Minimum	28 Feet	Y
Building Façade (Front) [D Street]	75% Minimum	0%	Y*
Building Façade (Side) [Jefferson Avenue]	50% Minimum	0%	Y*
Building Façade (Side) [C Street]	50% Minimum	0%	Y*
<b>Table F. Building Form Standards</b>			
Building Height	2 Stories Minimum 5 Stories Maximum	1 Story	Y*
Floor-to-Ceiling (Ground)	13 Feet Minimum	10 Feet	Y*
Floor-to-Ceiling (Upper)	9 Feet Minimum	N/A	N/A
Footprint – Lot Coverage	75% Maximum	11.4%	Y
Depth – Gross Floor Space	20 Feet Minimum	30 Feet	Y

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<b>Table G. Frontages</b>			
Frontage 1 [D Street]	A Frontage Type listed in Title 19.09.070 is required	Common Yard	Y*
Frontage 2 [Jefferson Avenue]		Common Yard	Y*
Frontage 3 [C Street]		Common Yard	Y*
Pedestrian Access			Y*
<b>Table H. Encroachments into the Façade Zone</b>			
Encroachment Type	N/A	N/A	N/A
<b>Table I. Use Types</b>			
Downtown Services (Trade School)			Y
<b>Table J. Parking Standards</b>			
Setback from Lot	Front: 10 Feet	128 Feet	Y
	Corner: 10 Feet	113 Feet	Y
	Side: 0 Feet	4 Feet	Y
	Rear: 0 Feet	3 Feet	Y
Parking Driveway Width	32 Feet Minimum 34 Feet Maximum	27 Feet	Y*
<b>Table K. Required Street Trees</b>			
Amenity Zone Tree Planting	Acacia Pendula (Weeping Acacia)	Acacia Stenophylla (Shoestring Acacia)	Y**
	Celtis Reticulata (Netleaf Hackberry)	Quercus Virginiana "Heritage"	Y**
	Havardia Mexicana (Mexican Ebony)	(Heritage Southern Live Oak)	
	Parkinsonia Praecox (Palo Brea)	Sophora Secundiflora (Texas Mountain Laurel)	Y**
Pistacia Atlantica (Red Push Pistache)			
Prosopis x Alba (Thornless Hybrid Mesquite)			
Prosopis Glandulosa (Thornless Honey Mesquite)			
Quercus Douglasii (Blue Oak)			
Vachellia Farnesiana (Sweet Acacia)		Havardia Mexicana (Mexican Ebony)	Y**

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Table L. Open Space			
Miscellaneous	100 Feet Minimum Width	100 Feet	Y*
	40 Feet Minimum Depth	100 Feet	Y
	0.25 to 2 acres Minimum	0.22 acres	Y

\*A Waiver was approved as part of Site Development Plan Review (22-0533-SDR1).

\*\*A Condition of Approval was added ensuring compliance with this standard.

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
D Street	Major Neighborhood Street	Title 19.09	70	Y
	Primary Thoroughfare	Title 19.09		Y
Jefferson Avenue	Minor Neighborhood Street	Title 19.09	60	Y
	Secondary Thoroughfare	Title 19.09		Y
C Street	Minor Neighborhood Street	Title 19.09	60	Y
	Secondary Thoroughfare	Title 19.09		Y

Parking Requirement - Downtown (Areas 1-3)							
Use	Gross Floor Area or Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular		Handi-capped
Trade School	15,062 SF	1 space for each staff member					
	20 Staff 105 Students	1 space for every 2 students in class at max capacity	20 53				
<b>TOTAL SPACES REQUIRED</b> (weighted requirement, see below)			73		115	Y	
<b>Regular and Handicap Spaces Required</b>			70	3	110	5	Y
Downtown Form Based Code Parking Standards - Title 19.09.100.G							
Parking Standards High Load – Zone 3			Between 40% and 70%		30 to 52	Y*	
Bicycle Parking Requirements			4		0	Y**	

\*A Waiver was approved as part of Site Development Plan Review (22-0533-SDR1).

\*\*A Condition of Approval was added ensuring compliance with this standard.

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<b>Waivers</b>		
<b>Requirement</b>	<b>Request</b>	<b>Staff Recommendation</b>
The maximum height of fences and walls erected between the front property line and the primary structure shall not exceed five feet, and the maximum height of solid fences or walls shall not exceed two feet.	To allow a proposed seven-foot tall solid wall erected between the front property line and the primary structure where five-feet with a two-foot solid base is the maximum height allowed.	Approval