

City of Las Vegas

AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: MARCH 20, 2024

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0664-SDR1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 34

NOTICES MAILED 32 (by City Clerk)

PROTESTS 0

APPROVALS 5

**** CONDITIONS ****

23-0664-SDR1 CONDITIONS

Planning

1. There shall be an administrative review by the Department of Public Works 60 days after opening for each phase to insure compliance with the approved Traffic Impact Analysis (or other acceptable information) as it relates to the school pick-up and drop-off plan and the overall school operations. If significant traffic issues arise prior this date, the City Traffic Engineer may require a review sooner than this 60-day period. Corrections for any non-compliance must be completed by the applicant within 60 days of written notice from the City.
2. Conformance to the Conditions of Approval for Site Development Plan Review (SDR-47296) 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. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 12/20/23, except as amended by conditions herein.
5. A Waiver is hereby approved, to allow zero additional parking stalls where 28 additional parking stalls are required for a parking impaired development.
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 Building and Safety Division.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

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8. 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 as Final Map submittal. A permanent underground sprinkler system is required, and 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.
9. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

10. In accordance with Section 2.2 of the City's Vision Zero Action Plan, 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 concurrent with development of this site. Grant any Pedestrian Access Easement needed to complete this requirement.
11. Coordinate the public sewer connection with the Sanitary Sewer Engineering Section of the Department of Public Works prior to the issuance of permits for this site, to determine if the existing connection is viable for this addition, or if an alternative sewer connection is required.
12. Landscape and maintain all unimproved right-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.
13. A Traffic Impact Analysis or other information acceptable to the City Traffic Engineer 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 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.

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14. 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 whichever may occur first. Provide and improve all drainage ways as recommended.

Fire & Rescue

15. Applicant shall add fire hydrant(s) and water line(s) as required.
16. Minimum fire flow requirements shall be in accordance with IFC Appendix B based on type of construction, required fire protection systems and similar.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting to replace the existing 1,900 square-foot school building at 320 South 9th Street with a 9,500 square-foot charter school development. This is a Major Amendment to the approved Site Development Plan (SDR-47296) for a school development with three buildings totaling 26,145 square feet at the southeast corner of Bridger Avenue and 9th Street.

ISSUES

- A Major Site Development Plan Review Amendment and a public hearing is required for projects that do not qualify for a Minor Review under 19.16.100(F). This project requires a Major Site Development Plan Review due to the provided parking count not meeting the Title 19.12 minimum requirement.
- This amendment proposed the demolition of an existing 1,900 square-foot building containing three classroom, the addition of a proposed two-story 9,500 square-foot building with nine classrooms, and the reconfiguration of the parking area.
- The Planning Commission approved a Site Development Plan (SDR-47296) for a 26,145 square-foot charter school development at the subject site on 12/11/12.
 - The Planning Commission approved a Variance (VAR-47301) to allow an eight-foot tall front yard fence, and a Variance (VAR-47300) to allow reduced building setbacks with the Site Development Plan Review.
- The Justification Letter and Site Plan describe the existing parking condition as 18 stalls, however there are 32 parking stalls as approved by Site Development Plan (SDR-47296) and ten parking stalls are being removed as a part of this application.
 - A Waiver from Title 19.12 is requested to allow zero additional parking stall where 28 additional parking stalls are required for the proposed addition to an existing parking-impaired development. Staff supports this request.

ANALYSIS

The subject site is located in the Downtown Las Vegas Master Plan area, and is in the Founders District. The subject site was approved for a charter school development through Site Development Plan (SDR-47296). The proposed building is consistent with the previously-approved Variances (VAR-47300 and VAR-47301) and does not increase the nonconformity any of those previously-approved deviations from Title 19 development standards.

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Area 2 of the Downtown Las Vegas Overlay was designated to recognize the peripheral location relative to the urban core. Within Area 2 of the Downtown Las Vegas Overlay, deviations from the zoning district requirements are treated as Waivers rather than Variances. A Waiver for the number of additional parking stalls required by Title 19.12 is requested as a part of this application.

The subject site is parking impaired and was developed prior to the adoption of Title 19.12. minimum parking requirements. For a parking-impaired development, only the additional area must provide required parking. The plan depicts the removal of an existing 1,900 square-foot building containing three classrooms and the addition of a proposed 9,500 square-foot. building with nine classrooms, which results in a net increase of six classrooms. For the proposed use, three parking stalls for every classroom is required totaling 18 stalls. Further, ten parking stalls as approved by the previous Site Development Plan Review (SDR-47296) are being removed as a part of this amendment. A Waiver from Title 19.12 is requested to allow zero additional parking stalls where 28 additional parking stalls are required. The site is surrounded by ample street parking and shared parking lots, providing parking space for the adjacent school and civic buildings. Therefore, staff recommends support of the requested parking Waivers.

The two remaining buildings within the Site Development Plan Review (SDR-47296) boundaries were constructed in 1946 and boast an impressive architectural style featuring a terracotta roof, a white-tan stucco exterior, a prominent belfry, and arcade along the side of the building. Utilizing Spanish style terra cotta roofing, arched gateways and wrought iron fencing, and matching the paint color to the existing buildings, the building materials and architecture respond to the surrounding historic buildings without attempting to mimic the historic building to the north of the proposed building. The existing building that will be replaced with this proposed development does not match the rest of the site, with shingle roofing and little ornamentation. The proposed building will create a more consistent level of architectural quality across the site.

The proposed school expansion is consistent with the Vision 2045 Downtown Master Plan objectives for this area. The Founders District is planned to facilitate the addition of creative office space along with civic/institutional uses. Therefore, staff recommends approval of the Site Development Plan Review.

FINDINGS (23-0664-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:

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1. The proposed development is compatible with adjacent development and development in the area;

The applicant's proposal for a Private School, Primary use is compatible with the building type and site. The expanded school use is compatible with surrounding land uses in the area.

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

The project is consistent with the MXU (Mixed Use) designation of the General Plan, and with the Vision 2045 Downtown Master Plan objectives for the Founders District.

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

The access to the site is from two driveways located on the west side of 9th Street, an 80-foot wide Local Street and Secondary Collector. 9th Street is adequate to meet the needs of the proposed improvements, and should not negatively impact the adjacent roadways. A pickup and drop off area is shown on the south end of the site and is incorporated into the interior site circulation, so as to not cause any vehicle conflict points.

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

The proposed building and landscape materials are appropriate for the area and the City. Utilizing Spanish style terra cotta roofing, arched gateways and wrought iron fencing, and matching the paint color to the existing buildings, the building materials and architecture respond to the surrounding historic buildings without attempting to mimic the historic buildings.

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 architectural and aesthetic features of the proposed building are harmonious and compatible with surrounding commercial and civic properties.

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

The proposed project will be subject to regular inspection and will therefore not compromise the public health, safety, and general welfare.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Code Enforcement, etc.</i>	
10/09/79	The Board of Zoning Adjustments approved a Use Permit U-0047-63 for a church child nursery in an R-4 zoning district at 300 South 9 th Street.
01/24/91	The Board of Zoning Adjustments approved a Use Permit (U-0258-90) for a school (K-8) in conjunction with an existing church at 300 South 9 th Street.
12/06/00	The City Council approved a Resolution of Intent to rezone (Z-0091-00) 1.17 acres at 302 South 9 th Street (APN: 139-34-712-125 AND 126) from R-4 to C-V.
08/15/12	The City Council approved a Rezoning (ZON-45406) from C-V (Civic) to C-2 (General Commercial) at 302 South 9 th Street.
	The City Council approved a General Plan Amendment (GPA-45505) from PF (Public Facilities) to MXU (Mixed Use) at 302 South 9 th Street.
12/11/12	The Planning Commission approved a Special Use Permit (SUP-47297) for a private school, primary on 1.46 acres at 300, 310 and 320 South 9 th Street (APNs 139-34-712-125 and 126).
	The Planning Commission approved a Site Development Plan Review (SDR-47296) for a proposed 26,145 square-foot private school, primary and individual care center within three existing buildings and with an associated encroachment into the public right-of-way on 1.46 acres at 300, 310 and 320 South 9 th Street (APNs 139-34-712-125 and 126).
	The Planning Commission approved a Variance (VAR-47300) to allow a zero foot rear yard setback where 20 feet is required and a six-foot side yard setback where 10 is required on 1.46 acres at 300, 310 and 320 South 9 th Street (APNs 139-34-712-125 and 126).
	The Planning Commission approved a Variance (VAR-47301) to allow an eight-foot tall screen wall in the front yard on 1.46 acres at 300, 310 and 320 South 9 th Street (APNs 139-34-712-125 and 126).
08/24/22	The proposed campus changes were reported to the Historic Preservation Committee (22-0461-HPC1). The Las Vegas High School Historic District is listed by the State rather than the City, so no action was required or taken by the Preservation Committee.

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Related Relevant City Actions by Planning, Fire, Code Enforcement, etc.	
2/13/24	The Planning Commission voted (7-0) to recommend for possible action on a Land Use Entitlement project request FOR A MAJOR AMENDMENT TO AN APPROVED SITE DEVELOPMENT PLAN REVIEW (SDR-47296) FOR A PROPOSED TWO-STORY TALL, 9,500 SQUARE-FOOT ADDITION TO AN EXISTING 24,245 SQUARE-FOOT CHARTER PRIMARY SCHOOL DEVELOPMENT WITH WAIVERS OF THE APPENDIX F INTERIM DOWNTOWN LAS VEGAS AREA 2 DEVELOPMENT STANDARDS on 1.56 acres at 320 South 9th Street (APN 139-34-701-010), C-2 (General Commercial) Zone, Ward 3 (Diaz).

Most Recent Change of Ownership	
08/17/22	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
01/16/13	The City processed a building permit (#C-227743) for site work including a trash enclosure at 320 9 th Street. This permit was finalized on 12/02/13.

	Land Use per Title 19.12	General Plan	Zoning District
Subject Property	Charter Primary School	MXU (Mixed-Use)	C-2 (General Commercial)
North	Office	MXU (Mixed-Use)	C-V (Civic)
South	School	PF (Public Facility)	C-V (Civic)
East	Multi-Family Residential	MXU (Mixed-Use)	R-4 (High Density Residential)
West	School	PF (Public Facility)	C-V (Civic)

Master and Neighborhood Plan Areas	Compliance
Master Plan 2050 Area: Downtown	Y
Vision 2045 Downtown Las Vegas Master Plan	Y
Las Vegas High School Neighborhood Historic District	Y

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Special Area and Overlay Districts	Compliance
DTLV-O (Downtown Las Vegas Overlay) District – Area 2 (Founders District)	Y
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	N/A
Project of Regional Significance	N/A

Pre-Application Meeting

12/18/23	A pre-application meeting was held to discuss the submittal requirements for a Site Development Plan Review.
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Neighborhood Meeting

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

Field Check

01/10/23	During a routine Site Visit, an active primary school was observed without any site maintenance concerns of note.
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Details of Application Request

Site Area

Gross Acres	1.56
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DEVELOPMENT STANDARDS

<i>Pursuant to Title 19.08, the following standards apply for the primary building</i>			
Standard	Required/Allowed	Provided	Compliance
Min. Setbacks			
• Front	10 Feet	26 Feet	Y
• Side	10 Feet	10 Feet	Y
• Corner	10 Feet	17 Feet	Y
• Rear	20 Feet	5 Feet	N*
Min. Distance Between Buildings	6 Feet	14 Feet	Y
Max. Lot Coverage	50%	41.8%	Y
Max. Building Height	N/A	31.5 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Gated	Y
Mech. Equipment	Screened	Screened by parapet	Y
Front Yard Wall Height	5-foot with 2-foot solid base at Bridger Avenue	8 Feet Adjacent	N**

* On 12/11/12, the Planning Commission approved a Variance (VAR-47300) to allow a zero-foot rear yard setback where 20 feet is required and a six-foot side yard setback where 10 feet is required for this subject site.

** On 12/11/12, the Planning Commission approved a Variance (VAR-47301) to allow an eight-foot tall front yard fence.

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Bridger Avenue	Local Street, Collector	Title 13	80 Feet	Y
9 th Street	Local Street, Collector	Title 13	80 Feet	Y

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Pursuant to Site Development Plan Review (SDR-47296) and Title 19.12, the following standards apply:

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
Public or Private School, Primary	10 classrooms (6 new)	3 spaces per classroom	30				
Individual Care Center - Staff	21 employees	1 space per employee	21				
Individual Care Center - Children	114 children	1 space per 10 children	12				
Office	8,135 SF	1:300 SF	28				
Subtotal			91				
APPROVED PARKING IMPAIRMENT			-41				
TOTAL SPACES REQUIRED			50		22		
Regular and Handicap Spaces Required			48	2	19	3	N**,**

*A Waiver is requested to allow zero additional parking stalls where 28 additional stalls are required for the proposed addition to an existing parking-impaired development.

Waivers		
Requirement	Request	Staff Recommendation
For a Parking-Impaired Development, only the additional area must provide required parking.	A Waiver to allow zero additional parking stalls where 28 additional stalls are required for the proposed addition to an existing parking-impaired development	Approval