

City of Las Vegas

AGENDA MEMO – COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: DECEMBER 12, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
23-0489-TXT1	Staff recommends APPROVAL.	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

NOTICES MAILED Newspaper Notification Only

APPROVALS 0

PROTESTS 0

**** PROPOSED AMENDMENTS ****

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1. Title 19.09.050.F Form-Based Code Permissible Uses Table 2 is hereby amended by adding the Residential Supportive Housing use:

	T6-UC	T6-UG	T6-UG-L	T5-M	T5-C	T5-MS	T5-N	T4-M	T4-C	T4-MS	T4-N	T3-N	T3-N-O
Residential Supportive Housing	S	S	S	S	S	S	S	S	S	S	S		

2. Title 19.12 Permissible Uses is hereby amended by adding the Residential Supportive Housing use:

	U	R-E	R-D	R-1	R-SL	R-CL	R-TH	R-2	R-3	R-4	R-MH	P-O	O	C-D	C-1	C-2	C-PB	C-M	M
Residential Supportive Housing									S	S					S	S	S	S	

3. Title 19.12.070 Permissible Use Descriptions and Applicable Conditions and Requirements is hereby amended by adding the following:

Residential Supportive Housing

Description: Non-transient lodging intended to facilitate the movement of individuals and families experiencing homelessness to permanent housing, generally within 24 months. The use may include the provision of supportive services to residents at the site, including but not limited to child care, food service, employment assistance, life skills training, permanent housing assistance, victim services, legal services and transportation services. The use includes such terms as “Bridge Housing”, “Supportive Housing” and “Transitional Housing”, but does not include a Community Residence, a Facility for Transitional Living for Released Offenders, a Rescue Mission or Shelter for the Homeless, or any other use that is otherwise specified in this Chapter. Residential Supportive Housing may be conducted within any type of dwelling unit as permitted by the zoning district in which it is located, subject to the following:

1. Only one family, as defined by LVMC 19.18.020, may reside within any unit used for dwelling purposes;

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2. Supportive services provided on-site are solely for the benefit of residents at the site and shall not be offered to the general public unless permitted pursuant to the applicable zoning district;
3. At a minimum, housing shall be provided on a month-to-month basis to residents, unless otherwise approved by the Special Use Permit.

Minimum Special Use Permit Requirements:

1. The use may not be located closer than 660 feet to any other Residential Supportive Housing development.
- *2. The applicant shall provide a detailed Case Management Plan for the supportive housing program, including minimum rental/lease periods and all supportive services that will be provided at the site. The Department of Neighborhood Services shall review the Case Management Plan and provide an analysis of the plan, with recommendations, if any, for consideration at the public hearing.
- *3. Annually after issuance of a business license for the use, the Operator of an approved Residential Supportive Housing use must submit a report to the Department of Neighborhood Services for review to ensure conformance to the requirements of the Special Use Permit and to determine the effectiveness of the Case Management Plan. The Department shall take one of the following actions:
 - a. Approve the report without conditions to allow operations to continue for the following year;
 - b. Approve the report with conditions to allow operations to continue for the following year; or
 - c. Send the Special Use Permit back to a public hearing by the Planning Commission or City Council, depending on which body took final action on the application, with a recommendation for action. If the Department administratively approves the report with conditions pursuant to Item b above, but the Operator does not agree to the conditions, the Special Use Permit shall be sent back to a public hearing pursuant to this Item c.

On-site Parking Requirement: As required for the applicable type of residential dwelling use.

5. Title 19.12.070 Permissible Use Descriptions and Applicable Conditions and Requirements is hereby amended as follows:

Rescue Mission or Shelter for the Homeless

Description: A building that is used or intended to be used to provide to homeless individuals temporary daily or over-night accommodations, for the purpose of providing temporary shelter, meals, sanitation, supportive social services or any combination thereof. For purposes of the preceding sentence, a “homeless individual” includes an individual who lacks a fixed, regular and adequate nighttime residence.

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Minimum Special Use Permit Requirements:

- *1. A minimum distance separation requirement of 1500 feet from another Rescue Mission or Shelter for the Homeless.
- *2. A minimum distance separation requirement of 660 feet from any residentially zoned property, or property designated as T3-N.

On-site Parking Requirement: One space per four beds, or one space per 750 square feet of gross floor area, if no beds are provided.

6. Title 19.18.020 Words and Terms Defined is hereby amended as follows:

- A. **Bridge Housing.** A type of residential supportive housing that aims to immediately transition vulnerable clients out of homelessness in order to provide a stable experience that can facilitate placement into permanent housing. Bridge Housing is often thought of as the missing link between the shelter system and permanent housing. When used as a regional strategy, it can foster collaboration and more efficiently support a community's most vulnerable residents to exit the streets. Although models for Bridge Housing can vary greatly, the ultimate goal is to provide a stable temporary housing situation with supportive services while an individual is in the process of locating, applying to, and/or obtaining permanent housing. Bridge Housing typically prioritizes individuals who are close to housing move-in. Bridge Housing is specifically defined as a temporary housing program for individuals or families who have accepted and are enrolled in a permanent housing program but have not yet moved into a permanent unit. See also "Residential Supportive Housing".
- B. **Non-transient lodging or non-transient lodging property.** A building or unit occupied or intended to be occupied as lodging primarily by persons who do not have residence elsewhere, who pay rent or other compensation, and the units of which do not qualify as transient lodging for purposes of this Chapter. The term typically would include buildings or units that are not subject to the payment of taxes on transient lodging charged pursuant to NRS Chapter 268 and LVMC Chapter 4.20, such as apartment houses, extended-stay motels or hotels, and residence hotels/motels. The burden of establishing that a building or unit does not qualify as non-transient lodging shall be on the owner or operator of the property. The City may deem a property to be non-transient lodging for purposes of this Chapter if the owner or operator is unable to document the collection and payment of the transient lodging taxes charged pursuant to NRS Chapter 268 and LVMC Chapter 4.20.

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- C. **Rescue Mission or Shelter for the Homeless.** A building that is used or intended to be used to provide to homeless individuals temporary daily or over-night accommodations, for the purpose of providing temporary shelter, meals, sanitation, supportive social services or any combination thereof. For purposes of the preceding sentence, a “homeless individual” includes an individual who lacks a fixed, regular and adequate nighttime residence.
- D. **Residential Supportive Housing.** Non-transient lodging intended to facilitate the movement of individuals and families experiencing homelessness to permanent housing, generally within 24 months. The use may include the provision of supportive services to residents at the site, including but not limited to child care, food service, employment assistance, life skills training, permanent housing assistance, victim services, legal services and transportation services. The use includes such terms as “Bridge Housing”, “Supportive Housing” and “Transitional Housing”, but does not include a Community Residence, a Facility for Transitional Living for Released Offenders, a Rescue Mission or Shelter for the Homeless, or any other use that is otherwise specified in this Chapter. Residential Supportive Housing may be conducted within any type of dwelling unit as permitted by the zoning district in which it is located, subject to the following:
1. Only one family, as defined by LVMC 19.18.020, may reside within any unit used for dwelling purposes;
 2. Supportive services provided on-site are solely for the benefit of residents at the site and shall not be offered to the general public unless permitted pursuant to the applicable zoning district;
 3. At a minimum, housing shall be provided on a month-to-month basis to residents, unless otherwise approved by the Special Use Permit.
- E. **Supportive Housing.** A type of residential supportive housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive Services are provided to residents of supportive housing on an as-needed basis for as long as they are needed, with the purpose of helping residents achieve maximum possible self-sufficiency and maintain their permanent housing. See also “Residential Supportive Housing”.

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- F. **Transient lodging.** A building or unit occupied or intended to be occupied as temporary lodging for transient guests who have residence elsewhere, who pay rent or other compensation, and whose rental of units is subject to the payment of taxes on transient lodging charged pursuant to NRS Chapter 268 and LVMC Chapter 4.20. The burden of establishing that a building or unit qualifies as transient lodging shall be on the owner or operator of the property.
- G. **Transitional Housing.** A type of residential supportive housing where units are owned, operated, or managed by a nonprofit agency or governmental entity in which supportive services are provided to individuals or families that were formerly homeless, with the intent to stabilize them and move them to permanent housing within a period of not more than 24 months. See also “Residential Supportive Housing”.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request to amend LVMC Title 19.09 and Appendix F to update and clarify the placement of above ground utility appurtenances, allowable locations and standards for outdoor dining areas, and allowable signage within Area 1 of the Downtown Las Vegas Overlay area (DTLV-O).

ANALYSIS

With the rapid development of the downtown Las Vegas area, there have been issues raised regarding the use of the public rights-of-way (ROW) and the impact that such use has on pedestrian traffic and the surrounding area and uses. The placement of above-ground utility appurtenances, including various boxes for water and power equipment, has a significant impact on the ability of the public to efficiently traverse the public sidewalk system and often creates potential hazards for people to go around or trip over. They can create accessibility issues for handicapped individuals trying to navigate the sidewalk and block access to or visibility of the adjacent businesses. Utility boxes are also frequent targets for graffiti and are generally not aesthetically pleasing.

This amendment would clarify the hierarchy of where utility appurtenances can be placed. For new development that includes construction from the ground up, the expectation will be that all such appurtenances are placed on private property where the structure being served by the utility is located. Placement of the utilities in the public ROW would not be allowed. If a site is developed with existing structures that would prohibit the addition of new utility appurtenances on the site, the preferred location for them would be in an adjacent alley ROW, if possible. If an alley location is not possible, then a location in the designated public street amenity zone would be required. If none of those options were available, placement of the utilities would be handled on a case-by-case basis, with approval of the final location determined by the Director of Public Works. Neither a variance nor a waiver of these provisions would be available to deviate from the standards. This will require that the design of the project accommodate the utilities up front, instead of waiting until the late stages of design/construction to determine where they will go.

Outdoor dining in the public ROW is an issue that has been around for many years, but was really brought to the forefront by the Covid pandemic. During Covid, the regular rules were suspended to allow food and beverage sales outside where social distancing was possible. Many businesses took advantage in order to stay open, but are now being required to comply with the regulations again.

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This amendment will clarify those rules and provide for a uniform pedestrian experience by more clearly defining the requirement for a clear path and how it is measured to conform to the public right-of-way accessibility guidelines (PROWAG) and ensure conformance with federal requirements. In addition, clarification regarding the types of activities, furniture, barriers, and fences is provided, as well as the minimum requirements for maintaining the areas in a safe and cleanly manner.

Signage is also being addressed, specific to the downtown area and due to the unique pedestrian nature of the street environment that is both required and desired. An allowance for a single temporary A-frame type sign at a primary entrance is proposed for businesses located within Area 1 of the Downtown Las Vegas Overlay district, and will be included in the Form-Based Code sign standards as well. This type of signage is typically found in a downtown setting to advertise a business name and provide daily specials where traditional signage on a building or pole may not be readily visible at the pedestrian level.

Staff recommends approval.

FINDINGS

This amendment will:

1. Provide direction regarding the requirements for placement of utility appurtenances in the downtown area in the form of a hierarchy of preferred locations, with the intent to maintain the public ROW as clear of the structures as possible;
2. Provide clarity regarding the requirements for outdoor dining areas in order to maintain clear pedestrian paths and a consistent street front environment; and
3. Allow a single A-frame sign at a business entrance that is not subject to the normal time restrictions for temporary signage.