

**AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: JULY 20, 2022

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: GMD PROPERTIES, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
22-0238-VAC1	Staff recommends APPROVAL, subject to conditions:	
22-0238-SDR1	Staff recommends APPROVAL, subject to conditions:	22-0238-VAC1

**** NOTIFICATION ******NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 31**NOTICES MAILED** 236 (by City Clerk)**PROTESTS** 1**APPROVALS** 0

**** CONDITIONS ****

22-0238-VAC1 CONDITIONS

1. The limits of this Petition of Vacation shall be defined as the excess right-of-way in the alley adjacent to Assessor's Parcel Number 139-35-112-005 between Mesquite Avenue and Stewart Avenue.
2. The Order of Vacation shall record prior to and concurrently with a dedication to make both 10th Street and the adjacent alley as uniform right-of-way widths.
3. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Vacation for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The drainage study required by 22-0238-SDR1 may be used to satisfy this requirement provided that it addresses the area to be vacated.
4. All public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.
5. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.
6. All development shall be in conformance with code requirements and design standards of all City Departments.
7. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.

8. If the Order of Vacation is not recorded within one (1) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.

22-0238-SDR1 CONDITIONS

Planning

1. Approval of a Petition to Vacate (22-0238-VAC1) shall be required, if approved.
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, landscape plan, and building elevations, date stamped 04/28/22, except as amended by conditions herein.
4. The Director of Planning approves a maximum six-foot tall wall and wrought iron fence in the front yard area, consisting of a maximum two-foot solid base wall pursuant to LVMC Title 19.09.100.C. No building permit for a wall or fence not in conformance with these requirements shall be issued unless and until a Waiver is first approved.
5. At least four bicycle spaces shall be provided that are visible from the main entrance of the building and placed within 40 feet of the entrance.
6. The property owner shall enter into a Covenant Running With Land agreement consenting to possible future installation of streetscape improvements along 10th Street adjacent to this site.
7. A revised wall and fence elevation shall be submitted to and approved by the Department of Planning prior to the time application is made for a building permit to reflect a maximum two-foot tall solid wall base and maximum 24-foot spacing between pilasters/posts in conformance with Title 19.09.100.C requirements, unless a separate Waiver is approved.

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8. A Waiver from Title 19.09.050.E.024.E is hereby approved, to allow a front yard building setback between 11 feet and 18 feet where a minimum of five feet and a maximum of 15 feet is allowed, to allow an interior side yard setback of 75 feet where a maximum of 30 feet is allowed, to allow 42 percent façade encroachment into the Façade Zone where a minimum of 65 percent is required, and to allow a 11-foot landscape buffer between the sidewalk and building along 10th Street where the existing sidewalk is required to be extended to meet the portion of the proposed building within the Façade Zone.
9. A Waiver from Title 19.09.050.E.024.F is hereby approved, to allow a nine-foot floor-to-ceiling ground floor height where 13 feet is the minimum required.
10. A Waiver from Title 19.09.050.E.024.H is hereby approved, to allow driveway access from 10th Street where only rear alley access is allowed.
11. A Waiver from Title 19.09.050.E.024.L is hereby approved, to allow a minimum 17-foot open space depth where 20 feet is the minimum required.
12. A Waiver from Title 19.09.070.E is hereby approved, to allow an 11-foot deep yard along the 10th Street frontage where 20 feet is the minimum required for a Common Yard building type.
13. A Waiver from Title 19.09.070.G is hereby approved, to allow a seven-foot building depth where 12 feet is the minimum required for a Forecourt building type.
14. An Exception from Title 19.08.110.C.12 is hereby approved, to allow three landscape planter fingers within the parking area where four planter fingers are required.
15. 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 Department of Building and Safety.
16. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
17. 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.

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18. 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. The technical landscape plan shall include the following changes from the conceptual landscape plan:
 - Provide two, 24-inch box shade trees at the north and south ends of the parking rows near the 10th Street driveway access.
 - Provide four, five-gallon shrubs for each provided tree within the landscape buffer along 10th Street and within each parking lot landscape finger and island.
19. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
20. 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.
21. Prior to the submittal of a building permit application, the applicant shall meet with Department of Planning 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.
22. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

23. Prior to the issuance of permits for this site dedicate the appropriate right-of-way both in the adjacent alley and on 10th Street so the both have uniform widths.
24. 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. The mix of sidewalk styles (detached and attached) is approved as shown on the Site Plan.
25. Coordinate with the Sanitary Sewer Planning Section of the Department of Public Works to determine the most appropriate sewer connection size and location.

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26. Perpendicular parking stalls on alleys must be set back from the property line by a minimum of 4 feet.
27. 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.
28. Submit a License Agreement for landscaping and private improvements in public rights of way adjacent to this site 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 (702-229-4836).
29. 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.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting to construct a four-story, 36-unit multi-family residential apartment building on two vacant parcels located on the west side of 10th Street, approximately 210 feet north of Stewart Avenue.

ISSUES

- The site is adjacent to an alley with excess right-of-way; the applicant has submitted a Petition to Vacate this area, which would add 858 square feet to the site if approved.
- 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. The applicant has submitted a Parcel Map (100231-PMP) to consolidate the existing platted lots and dedicate portions of the site as public right-of-way for 10th Street and the adjacent alley.
- As the site has less than 50 percent block frontage, Title 19.04 Complete Streets streetscape standards are not required at this time. As a condition of approval, the property owner is required to enter into a Covenant Running With Land agreement for possible future installation of streetscape amenities as required by Title 19.04 and 19.09.
- The applicant has requested Waivers of Title 19.09 Form-Based Code building placement, building form, building type, open space and façade zone encroachment standards. Staff recommends approval.
- None of the requested deviations from Form-Based Code qualify for Pre-Entitlement Exception under Title 19.09.030.I.
- The applicant has requested an Exception to allow three landscape planter fingers within the parking area where four planter fingers are required. Staff approves the Exception.
- A six-foot tall combined wall/fence is proposed in the front yard for screening purposes. The Director of Planning is authorized to approve walls and fences that exceed the requirements of LVMC Title 19.09.100.C. In this case, the wall and fence exceeds the maximum height by one foot; however, the solid base should be revised to no more than two feet in height prior to issuance of a building permit for the wall and fence. Otherwise, a Waiver is required.

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ANALYSIS

The site is located within the Fremont East District, the boundaries of which were established through the Vision 2045 Downtown Las Vegas Master Plan. Development of the site is subject to Title 19.09 Form-Based Code standards, which are based on transect zones emphasizing built form rather than Euclidean zones based on use. In many instances, these standards are highly specific in order to achieve the desired built form along a given street or block.

The site is zoned T5-N (T5 Neighborhood). This zoning district reinforces the walkable nature of the neighborhood, which over time is intended to achieve a compact urban form through the use of small to medium building footprints and medium intensity building types. The T5-N District zoning district generally allows two to five-story buildings on medium to large lot width lots. The applicant has proposed a four-story Flex Mid-Rise building type for this site, which is permitted in the T5-N District.

The project generally meets the intent of the form of development planned for this block, which includes buildings being placed at or near street frontages with parking located to the rear. Several minor waivers of architectural design standards, open space dimensions and amenity zone requirements accompany the request, which staff can support. These waiver requests are detailed in a background table below.

Two-way access to the building site is proposed from 10th Street and the adjacent rear alley. Title 19.09.090 classifies 10th Street as a Secondary Thoroughfare. The rear alley is classified as a Tertiary Thoroughfare. The front of the site will be along 10th Street. The Form-Based Code requires site access from the rear or lower order street type unless there is no alternative access. In this case, alley access is feasible and is being provided; thus, a Waiver of this standard is required. Staff recommends approval of the Waiver, as the site is located midblock and would require alley travel for approximately 200 feet in each direction before intersecting with a street. 10th Street has a low traffic count and the proposed driveway will not negatively affect neighborhood traffic. Analysis by the Traffic Engineering Division of Public Works indicates that this project will add approximately 264 trips per day on 10th Street and Stewart Avenue. Currently, 10th Street is at about nine percent of capacity and Stewart Avenue is at about 29 percent of capacity. With this project, 10th Street is expected to be about 11 percent of capacity and Stewart Avenue is expected to be at about 30 percent of capacity. Based on afternoon Peak Hour use, the proposed development will add into the area approximately 20 peak hour trips, or about one every three minutes.

The building is proposed to be situated along the 10th Street frontage, which angles due north adjacent to this site. The building is therefore set back further from the street than allowed by Title 19.09. Patios extending eastward from the building create small forecourts that are slightly shallower than Form-Based Code requires. This pattern is

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repeated on the western side facing the rear alley. Onsite parking is provided to the side of the building and from the alley. Ideally, parking should be fully located along the alley; however, additional spaces are proposed on the side that ensure the minimum weighted parking requirement can be met. Alley-loaded spaces are 22 feet in length to account for space needed for backing into the alley; this will meet a Public Works condition of approval that requires standard-length spaces perpendicular to the alley to be set back a minimum of four feet from the property line.

The site consists of five previously platted lots at the edge of two subdivisions. As the two parcels that include these lots join at an angle, there is a triangular area of the alley that is larger than the standard 20 feet. The applicant is requesting to vacate this piece of land that would restore a uniform alley width and provide additional parking area for the multi-family residential development. The Department of Public Works has no objection to the request. A mapping action will be required to consolidate the previously platted lots. The applicant has submitted a Parcel Map (100231-PMP), which is currently in the technical review process.

Pursuant to Title 19.09.090.C, for new development, Title 19.04 Complete Streets standards are required when the development exceeds 50 percent block frontage. This site has less than 50 percent block frontage along 10th Street; in this case, the property owner must enter into a Covenant Running With Land agreement for possible future installation of streetscape within the public right-of-way adjacent to the site as a condition of approval.

Ample onsite landscaping has been provided. A combination of 15-gallon Silver Dollar Gum trees, California Fan Palm trees and 24-inch box Chilean Mesquite, Chaste and African Sumac trees are proposed along the 10th Street frontage. Chilean Mesquite trees and California Fan Palms are proposed within the parking area. The palm trees should be replaced with two 24-inch box shade trees as required by Title 19; however, an Exception is required to allow three parking planter fingers where four such planters are required. Staff approves the Exception, as the parking spaces where the planter should be are located on the interior next to a handicap accessible ramp, which is needed to provide adequate access to the building entrance.

A six-foot tall combined wall/fence is proposed in the front yard for screening purposes. The Director of Planning is authorized to approve walls and fences that exceed the requirements of LVMC Title 19.09.100.C. In this case, the wall and fence exceeds the maximum height by one foot. The Director conditionally approves this height, as the wall and fence will remain compatible with the surrounding area; however, the solid base should be revised to no more than two feet in height prior to issuance of a building permit for the wall and fence to allow for appropriate view of the front yard area. A Waiver must be approved for a wall/fence that exceeds these requirements.

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The proposed four-story building is 42 feet in height with a parapet reaching to 47 feet. The submitted elevations indicate numerous popouts and changes in material and color for visual interest. Window sizes are uniform. The east and west facing elevations feature stacked balconies. The building exterior consists of painted stucco with recessed lines to present the appearance of panels. The elevations create a pleasing environment and are compatible with other development within the Fremont East District.

The Clark County School District (CCSD) has commented on the impact future development might have on the three levels of schools in the area. CCSD projects that 10 additional primary and secondary school students would be generated by the proposed development on this site. According to CCSD, Hollingsworth Elementary School and Fremont Middle School are each under capacity for the 2021-22 school year. Rancho High School is 29 percent over capacity.

The proposed multi-family residential development generally provides the form of development that is sought in the Fremont East District. The requested waivers are minor design adjustments that would not alter the desired form of development. Staff recommends approval of the Site Development Plan Review, subject to conditions.

FINDINGS (22-0238-VAC1)

The Department of Public Works has no objection to the Petition to Vacate and presents the following information to justify its recommendation:

A. Does this vacation request result in uniform or non-uniform right-of-way widths?	Uniform
B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability?	No
C. Does it appear that the vacation request involves only excess right-of-way?	Yes
D. Does this vacation request coincide with development plans of the adjacent parcels?	Yes
E. Does this vacation request eliminate public street access to any abutting parcel?	No
F. Does this vacation request result in a conflict with any existing City requirements?	No
G. Does the Department of Public Works have an objection to this vacation request?	No

FINDINGS (22-0238-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;**

The proposed multi-family residential development is compatible with similar development on surrounding parcels and infills development on several vacant parcels in this area.

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

The proposed development is generally consistent with Title 19.09 Form Based Code requirements, which emphasize building form to create compact urban, walkable and pedestrian friendly environments. Staff recommends approval of the requested waivers, which are minor and do not detract from the intended form of development for this area.

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

The driveways provided on the rear alley and on 10th Street are not expected to negatively impact traffic in the area, which would marginally increase but not significantly impact the capacity of surrounding streets.

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

The exterior consists of colored stucco with metal accents that are appropriate for the city. Landscape materials are appropriate both for the site and within the Fremont East District.

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 submitted elevations create a pleasing environment and are compatible with the existing development; the building types and facades proposed are desirable for the Fremont East District.

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

Site development is subject to permit and inspection, thereby protecting the public health, safety and general welfare.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
06/15/16	The City Council adopted a Resolution (R-25-2016) to adopt 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.
01/31/19	Department of Planning staff approved a Temporary Commercial Permit (TCP-75686) for a Temporary Contractor's Construction Yard from 01/31/19 through 03/31/19 at 317 and 331 North 10th Street.
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.
10/16/19	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.

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<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
12/13/21	Code Enforcement processed a Case (CE21-05707) regarding a vagrant encampment in a vacant lot at 317 North 10th Street. The case was resolved 12/21/21. There have not been any additional Code Enforcement cases opened since this date.
05/27/22	A Parcel Map (100231-PMP) for a one-lot merger and resubdivision on 0.73 acres on the west side of 10th Street, approximately 205 feet north of Stewart Avenue was submitted to the city of Las Vegas for Technical Review. The Department of Planning accepted the map for review on 06/06/22.
06/21/22	<p>The Planning Commission (5-0-1 vote) recommend APPROVAL on the following Land Use Entitlement project requests on 0.69 acres on the west side of 10th Street, approximately 205 feet north of Stewart Avenue (APNs 139-35-112-005 and 139-35-211-008), T5-N (T5 Neighborhood) Zone, Ward 5 (Crear)</p> <ul style="list-style-type: none"> • 22-0238-VAC1 - VACATION - PETITION TO VACATE A PORTION OF A PUBLIC ALLEY SOUTH OF MESQUITE AVENUE BETWEEN 9TH STREET AND 10TH STREET • 22-0238-SDR1 - SITE DEVELOPMENT PLAN REVIEW - FOR A PROPOSED FOUR-STORY, 36-UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT WITH WAIVERS OF TITLE 19.09 FORM-BASED CODE STANDARDS

<i>Most Recent Change of Ownership</i>	
12/06/21	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
There are no relevant building permits or business licenses related to the subject site.	

<i>Pre-Application Meeting</i>	
04/19/22	A pre-application meeting was held with the applicant to discuss submittal requirements for Vacation and Site Development Plan Review applications. Staff reviewed Form-Based Code requirements. The applicant stated that no landscape improvements in the public right-of-way would be proposed.

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Neighborhood Meeting

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

Field Check

05/12/22	The site is undeveloped; no walls or fences surround the property. There is a palm tree and two shrubs planted in various locations on the interior, surrounded by rocks and broken concrete. Some refuse was visible along the western perimeter. Two utility poles were located on the site near the rear alley.
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Details of Application Request**Site Area**

Net Acres	0.69
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Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Undeveloped	FBC (Form-Based Code)	T5-N (T5 Neighborhood)
North	Multi-Family Residential	FBC (Form-Based Code)	T5-N (T5 Neighborhood)
South	Undeveloped	FBC (Form-Based Code)	T5-N (T5 Neighborhood)
East	Multi-Family Residential	FBC (Form-Based Code)	T5-N (T5 Neighborhood)
West	Undeveloped	FBC (Form-Based Code)	T5-N (T5 Neighborhood)

Master and Neighborhood Plan Areas

Las Vegas 2050 Master Plan Area: East Las Vegas	Y
Vision 2045 Downtown Las Vegas Master Plan (Fremont East District)	Y
Special Area and Overlay Districts	Compliance
DTLV-O (Downtown Las Vegas Overlay) District – Area 3	Y
LW-O (Live/Work Overlay) District	Y

<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
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:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
<i>D. Building Types</i>			
<i>Flex Mid-Rise</i>			
Max. Width	100% of lot	138 feet / 53%	Y
Max. Depth	175 feet	70 feet	Y

<i>E. Building Placement</i>			
Setback – Front (10th St)	min 5' / max 15'	11-18 feet	N*
Setback – Interior Side	min 0' / max 30'	75 feet	N*
Setback – Rear	min 0' / max N/A	45 feet	Y
Min Façade within front Façade Zone – Front (5-15')	65%	42%	N**
<i>F. Building Form</i>			
Building Height (primary)	2 to 5 stories	4 stories/45 feet	Y
Min Floor-to-Ceiling ground floor height	13 feet	9 feet	N*
Min Floor-to-Ceiling upper floor height	8 feet	9 feet	Y
Max Lot Coverage	85%	30%	Y***
Min Ground Floor Space	20 feet	30 feet	Y

*Waivers of Title 19.09 Form-Based Code Standards are requested. See Waivers table below.

**Per Footnote 2 of Title 19.09.050.E.024 Table E, the sidewalk must be extended into the setback area to meet the building. The applicant has proposed a landscape strip along the 10th Street frontage instead of the required extended sidewalk. This is included as part of the waiver request of the façade within Façade Zone standard.

***Assumes approval of the associated Petition to Vacate public right-of-way.

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G. Frontages			
Primary Frontage (10th St)	Arcade Common Yard Dooryard Forecourt Gallery Shopfront Stoop Terrace	Common Yard Forecourt	Y
Pedestrian Access	Connect to primary frontage through open space	Connects to 10th street through landscaped area and on edge of parking lot	Y
<i>Common Yard (19.09.070.E)</i>			
Min depth from frontage line	20 feet	11 feet	N*
<i>Forecourt (19.09.070.G)</i>			

G. Frontages			
Width, clear	12 feet min	12 feet	Y
Depth, clear	12 feet min	7 feet	N*
Height: width ratio	2:1 max	9:11.5	Y
H. Encroachments into Façade Zone			
Upper floor balconies	max 6 feet	4 feet	Y
Driveways	Allowed in Façade Zone if no access from rear is possible	One from 10th St One from rear alley	N*
K. Required Street Trees			
10th Street	Less than 50% block frontage not required at this time	Not provided	Y
<i>See streetscape table below</i>			
L. Open Space			
Min Width	20 feet	58 feet	Y
Min Depth	20 feet	17 feet	N*
Min Open Space Area	75 sf/unit (2,700 sf)	4,360 sf	Y

*Waivers of Title 19.09 Form-Based Code Standards are requested. See Waivers table below.

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Fencing and Screening Standards (19.09.100.C)			
Standard	Required	Provided	Compliance
Max. front yard primary wall height	5 feet	6 feet	By condition
Max. front yard solid wall base height	2 feet	0 feet	Y
Max. on-center distance between pilasters	24 feet	Not indicated	By condition
Decorative cap height	5 inches	5 inches	Y

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
10th Street	Minor Collector	Title 13	60	Y*

*This public right-of-way is 80 feet wide, but is not a planned street on the Master Plan of Streets and Highways.

Pursuant to Title 19.04 and 19.09, the following standards apply:

Streetscape Standards	Required	Provided	Compliance
10th Street (Commercial Neighborhood Street)			
Sidewalk	6-10 feet	5-7 feet existing	Y*
Amenity Zone	5 feet	0-5 feet existing	Y*
Tree wells/planters	5-foot by 5-foot wells	Not provided	Y*
Tree spacing	20 feet on center	Not provided	Y*
Tree species	Per 19.09.040.C Table 1	Not provided	N/A

*The property owner must consent to future streetscape improvements through a covenant running with land agreement.

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Pursuant to Title 19.08 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	
Multi-Family Residential:							
1BR	24 units	1.25 spaces per unit	30				
2BR	12 units	1.75 spaces per unit	21				
Guest spaces	36 units	1 space per 6 units	6				
TOTAL SPACES REQUIRED (unweighted)			57				
TOTAL SPACES REQUIRED (weighted requirement, see below)			23-40		27		Y
Regular and Handicap Spaces Required (per Building Code)			21-38	1	25	2	Y
Downtown Form Based Code Parking Standards - Title 19.09.100.G							
Parking Standards High Load – Zone 3		Between 40% and 70% of 57 parking spaces		27 parking spaces (47%)		Y	
Bicycle Parking Requirements		2 plus 1 per 20 units		4 spaces		By Condition	

Waivers		
Requirement	Request	Staff Recommendation
Minimum 5' and maximum 15' front yard setback	To allow a front yard building setback between 11-18'	Approval
Minimum 0' and maximum 30' interior side yard setback	To allow an interior side yard setback of 75'	Approval

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Waivers		
Requirement	Request	Staff Recommendation
Minimum 65% of façade shall be within the Façade Zone (5'-15') along 10th Street	To allow 42% façade encroachment into the Façade Zone	Approval
Sidewalk shall be extended into the setback area (façade zone) to meet the building	To allow a 11' landscape buffer between the sidewalk and building along 10th Street	Approval
Minimum 13' Floor-to-Ceiling ground floor height	To allow 9 feet ground floor height	Approval
Common Yard building type minimum 20' depth from frontage line	To allow an 11' deep yard area along the 10th Street frontage	Approval
Forecourt minimum 12' depth of building	To allow 7' depth of building at frontage	Approval
Driveways may be located within the Façade Zone only if no rear access is possible	To allow driveway access from both 10th Street and rear alley	Approval
Minimum 20' open space depth	To allow minimum 17' open space depth	Approval

Exceptions		
Requirement	Request	Staff Recommendation
One 24" box shade tree for every six uncovered parking spaces in islands, plus one tree at the end of each parking row	To allow 3 parking lot landscape fingers/islands where 4 fingers/islands are required	Approval. Additional trees required by condition.