

**AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: DECEMBER 21, 2022

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: CEDAR STREET COMPANIES - OWNER: 123 IMPERIAL, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
22-0521-ZON1	Staff recommends APPROVAL.	
22-0521-VAR1	Staff recommends APPROVAL, subject to conditions:	22-0521-ZON1
22-0521-SUP1	Staff recommends APPROVAL, subject to conditions:	22-0521-ZON1 22-0521-VAR1
22-0521-SDR1	Staff recommends APPROVAL, subject to conditions:	22-0521-ZON1 22-0521-VAR1 22-0521-SUP1

**** NOTIFICATION ******NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

27

NOTICES MAILED

168 (by City Clerk)

PROTESTS

0

APPROVALS

14

**** CONDITIONS ****

22-0521-VAR1 CONDITIONS

Planning

1. Approval of Rezoning (22-0521-ZON1) and conformance to the Conditions of Approval for Special Use Permit (22-0521-SUP1) and Site Development Plan Review (22-0521-SDR1) 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 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.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

22-0521-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for Mixed-Use.
2. Approval of Rezoning (22-0521-ZON1) and conformance to the Conditions of Approval for Variance (22-0521-VAR1) and Site Development Plan Review (22-0521-SDR1) 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.

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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 Department of Building and Safety.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

22-0521-SDR1 CONDITIONS

Planning

1. Approval of a Rezoning (22-0521-ZON1) and approval of and conformance to the Conditions of Approval for Variance (22-0521-VAR1) and Special Use Permit (22-0521-SUP1) 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 09/23/22, except as amended by conditions herein.
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 Department of Building and Safety.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All utility or mechanical equipment shall comply with the provisions of the Interim Downtown Las Vegas Development Standards, unless approved by a separate Waiver.

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7. 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 the visibility of any traffic control device.
8. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
9. A fully operational fire protection system, including fire apparatus roads, fire hydrants, and water supply, shall be installed and shall be functioning prior to the construction of any combustible structures.
10. A Comprehensive Construction Staging Plan shall be submitted to the Department of Planning for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers.
11. Prior to the submittal of a building permit application, the applicant shall meet with the Department of Community Development, Planning Division 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.
12. Prospective buyers shall be informed that views may be obscured by future adjacent development and this information shall be included in project CC & R's.
13. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

14. Extend the public sewer in Imperial Street from the proposed site to Casino Center Boulevard at a size, depth, and location acceptable to the Sanitary Sewer Engineering Section of the Department of Public Works. Coordinate with Sanitary Sewer Engineering Section to execute a Sewer Agreement to be reimbursed for the cost of constructing the sewer extension. Contact the City Engineer's Office at 702-229-6272 to coordinate the off-site sewer design with the "Casino Center" and "Imperial Avenue" projects and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer

15. A Traffic Impact Analysis 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 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.
16. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with the development of this site.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing to develop a seven-story, 311-unit mixed-use development with 5,009 square feet of commercial space on 2.28-acres at 123 West Imperial Avenue.

ISSUES

- The subject site is within the confinements of the Vision 2045 Downtown Las Vegas Master Plan (Design District) [Area 1].
- A Rezoning is requested from M (Industrial) to C-PB (Planned Business Park). Staff supports this request.
- A Variance is requested to allow a 22-foot drive aisle where 24 feet is the minimum required. Staff supports this request.
- A Special Use Permit is requested to allow a proposed Mixed-Use development. Staff recommends approval of this request.
- The subject site is located in Redevelopment Area 1.

ANALYSIS

On December 6, 2017, the City Council adopted the City's Vision 2045 Downtown Las Vegas Master Plan, which established the vision and goals for 12 Downtown Districts. This includes the subject site, which is located within the Design District. Currently characterized by a mix of commercial services, warehousing, storage, and industrial uses, the Design District is concentrated along the Union Pacific Railroad corridor with a significant employment base and many businesses servicing the casino and entertainment industry.

Phased over time, each of these twelve Districts will be administered by a distinct set of standards to be adopted as either of Form-Based Zoning Districts or Special Area Plans following the completion of a context-based plan for land use and development. In the interim, the Design District is a district that was originally created as part of the Downtown Centennial Plan and is within Area 1, with development standards currently governed by Appendix F, Interim Downtown Las Vegas Development Standards and Title 19. Any deviation from the development standards found in Appendix F requires a Waiver with the associate Site Development Plan Review.

The subject site is a 2.28-acre site located at the southwest corner of Imperial Avenue and Commerce Street. The subject site is currently zoned M (Industrial). The applicant is proposing to develop a seven-story, 311-unit mixed-use development with 5,009 square feet of commercial space at the subject site.

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Rezoning

The C-PB (Planned Business Park) zoning district allows industrial uses, including light manufacturing, assembling and processing, warehousing and distribution, research, development, and testing laboratories; medical-related uses and ancillary commercial uses in an Industrial Office Park setting; and mixed-use developments. The C-PB District is consistent with the LI/R (Light Industry/Research) category of the General Plan.

The requested Rezoning would create a situation commonly known as “spot zoning.” Spot zoning is defined by Title 19.18 as, “rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the General Plan.” Amending the subject site would create a “spot” of C-PB (Planned Business Park) in an area consisting of M (Industrial) zoned properties surrounding the subject site. Despite this, in conjunction with the recommendations set forth in the Vision 2045 Downtown Las Vegas Master Plan, the subject site and overall Design District will eventually be rezoned to form-based code zoning which would help support a compact, vibrant, urban environment, focusing higher density mixed-use development around transit hubs. If this Rezoning application is approved, the proposed C-PB zoning designation would serve as an interim zoning designation allowing mixed-use development until the district-wide rezoning occurs.

One of the shortcomings of the current development standards is that Mixed-Use is not permitted in industrial zoning categories such as the C-M (Commercial/Industrial) or M (Industrial) zones. Modern advances in noise canceling technologies and clean emissions environmental regulations have increased compatibility with residential developments in industrial zoning districts when done so in a mixed-use style development. As such, the Vision 2045 Downtown Las Vegas Master Plan recommends amending the development regulations to enable mixed-use within industrial zones. In the interim, the applicant is requesting the C-PB (Planned Business Park) zoning district as it is the least intensive industrial zoning district that allows Mixed-Use when approved by a Special Use Permit.

Variance

In the rear of the lot, the parking garage is accessed by a two-way drive aisle measured at a minimum of 22 feet wide and expanding toward a maximum of 25 feet. Pursuant to Title 19.08.110(C)(2)(c), the minimum access aisle for two-way traffic is 24 feet; as such, the applicant is requesting a Variance to allow a deviation from this development standard. Inside the parking garage, the provided drive aisles are the standard 24 feet allowing adequate space for on-site site circulation such as the backing and passing of motorized vehicles. Based on the confinements of the lot, staff finds a unique circumstance that has been presented based on the tapering confinements of the property line. As there will not be any parking spaces located off the reduced drive aisle and the remaining parking garage provides the appropriate width, staff recommends approval.

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Special Use Permit

Title 19.18 defines Mixed-Use as “the vertical integration of residential uses and commercial or civic uses within a single building or a single development, where the uses share pedestrian access, vehicular access, parking functions, or any combination thereof.” Mixed-Use is a conditional use in the C-2 (General Commercial) zoning district. This is to ensure that definitional requirements will be met as well as aesthetic and design concerns. Pursuant to Title 19.12.040, when one or more Conditional Use regulations cannot be met, a Special Use Permit is required to establish the use. The Minimum Special Use Permit Requirements for this use include:

1. Residential uses permitted as of right in the R-3 and R-4 Zoning Districts may be permitted by means of a Special Use Permit within a P-O, O, or C-PB Zoning District.

The proposed development complies as the applicant is proposing a mixed-use development consisting of multi-family residential and commercial uses.

2. Nonresidential uses permitted as of right in the P-O, O, and C-1 Zoning Districts may be permitted by means of a Special Use Permit within an R-3 or R-4 Zoning District.

This condition is not applicable. If approved through 22-0521-ZON1, the subject site would be rezoned to C-PB (Planned Business Park).

3. Commercial uses or civic uses shall at a minimum be located at the ground level fronting the primary public rights-of-way and may extend beyond the ground floor. The principal entryway to access those uses, whether individually or collectively, shall be directly accessed from and oriented to the public sidewalk.

The proposed commercial component of this development is oriented on the ground level adjacent to the Imperial Avenue right-of-way. The entrance to such commercial space will be accessed from the public sidewalks.

4. Residential uses shall not be permitted on the ground floor fronting on primary public rights-of-way, but may be located at or above the second level of the building. Residential uses may be located on the ground floor of any building or portion thereof that is located at the interior of the development site and does not front on an arterial or collector street.

On the ground floor, the main entrance and lobby to the residential component of the development is located off of Imperial Avenue whereas the commercial component is adjacent to Commerce Street, an 80-foot collector street. Beginning at the second level upwards is the residential component of the building.

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5. Surface parking lots shall be located to the side or the rear of the principal building(s) on the site, and shall be screened from view of the adjacent rights-of-way by the principal building(s) or a landscape buffer in conformance with the requirements of LVMC Chapter 19.08. Parking structures shall not be located along the street frontages of the development site, but shall be screened from view of the adjacent rights-of-way by the principal building(s).

This requirement is met, as the submitted floor plan depicts the garage parking on the subterranean level through floor 2 that is screened by either the residential units or corrugated metal cladding.

Design Elements

The submitted floor plan date stamped on 10/26/22 shows the building broken down by floor. The first two floors and subterranean level consist of the 326-space parking garage. The ground floor features the building's 6,700 square-foot lobby and amenity area, bike storage, and a 5,009 square-foot commercial space. Floors two through seven, serve as the residential bulk of the building. Spread interchangeably throughout the development are 74 studio, 198 one-bedroom, and 39 two-bedroom units. Floor three features outdoor amenity areas such as a pool deck, bocce ball, turf field, and grilling area. On the interior of the third floor is the complex's gym and a private amenity bar area.

The building elevations date stamped on 09/23/22 demonstrate a seven-story, 70-foot tall building primarily comprised of a variety of materials. The building primarily consists of stucco, panels, and metal cladding. The building is accented by insulated glass. All sides of the proposed building are coherently designed and treated with a consistent level of detailing and finish in compliance with Title 19.08. While the C-PB (Planned Business Park) zoning district restricts height to a maximum of five stories, projects located within the Downtown Las Vegas Overlay District (Area 1) are not subject to the automatic application of height maximums.

The landscape plan date stamped on 09/23/22 depicts 24-inch Red Push Pistache along Commerce Street as well as Willow Acacia and Texas Mountain Laurel along Imperial Avenue. All of which are included on the Southern Nevada Regional Planting Coalition list and are appropriate for a desert climate. However, pursuant to the Appendix F Interim Downtown Las Vegas Development Standards Streetscape Standards, east-west streets like Imperial Avenue are required to provide 36-inch box trees at 20-foot intervals. All provided landscape materials on Imperial Avenue do not meet this requirement as they are 24-inch box trees. As such, Condition of Approval Seven (7) has been added to replace these trees accordingly.

Mixed-Use developments are subjected to an alternative parking standard based on each of the provided uses' demands during peak operating times. Based on this reduction, the peak parking demand requires 495 total parking spaces. In the floor plan date stamped

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on 10/26/22, the proposed development provides 326 parking spaces. This represents a 34.1 percent reduction or a shortcoming of 169 spaces. Projects located within the Downtown Las Vegas Overlay District (Area 1) are not subject to the automatic application of parking requirements. Alternative transportation options are provided through nearby on-street parking and bus stops. While these parking standards are waived through Downtown Las Vegas Area 1, the parking demand in and near the 18b Arts District has started to become a concern as this downtown district continues to redevelop. Once rezoned to form-based code, the site is subject to an additional alternative parking reduction that is based upon a variety of factors such as neighborhood context and current or future infrastructure. Pursuant to Title 19.09.100 Table G-1 (High Load - Zone 3), this reduction would bring the parking requirement range from a minimum of 198 parking spaces to a maximum of 346 parking spaces. The parking for the proposed development is within this threshold as 196 parking spaces are provided and therefore can be conducted in a manner that is compatible with the surrounding area. Parking structures may be subject to dimensional adjustments, however, under no circumstance shall a standard stall width be less than eight-and-one-half. The proposed development offers standard compact spaces which are eight feet wide, standard spaces that are nine feet wide, and eight-and-one-half feet spaces that are adjacent to the garage's structural columns.

City of Las Vegas 2050 Master Plan

The subject site is located within the Master Plan 2050 designated area of Downtown Las Vegas which is the City's civic, commercial, and cultural hub. Located in the center of the Las Vegas Valley, encompassing the original 1905 Clark's townsite, it functions as a primary regional center of Southern Nevada together with the Las Vegas Strip. Centered along Fremont Street, Downtown is the original home to local gaming and tourism. It continues to attract visitors looking for a historic and authentic Las Vegas experience. The Downtown of tomorrow is envisioned as a vibrant and livable urban environment and will continue to "Reinvent the Legend" through the complete implementation of the Vision 2045 Downtown Las Vegas Masterplan. The proposed development meets goals within the 2050 Master Plan as the Downtown Las Vegas area as a primary focus of this plan is to increase housing variety near major employment centers. Located in the heart of Las Vegas, the subject site is located in proximity to the Downtown Las Vegas core and neighboring employment centers.

Vision 2045 Downtown Las Vegas Master Plan

As indicated by the Vision 2045 Downtown Las Vegas Master Plan, the development of urban housing will play a major role in revitalizing Downtown and attracting investments and growth, while counterbalancing the transient nature of the urban core. The Downtown Master Plan promotes compact, vertical mixed-use development with active ground floor uses. New amenities are encouraged on the ground floors of mixed-use projects that create an active and appealing streetscape. These elements may include convenience retail stores, local restaurants, beverage establishments, laundromats, salons, post offices, etc.

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While the subject site is located in the Design District, across Commerce Street is the 18b Las Vegas Arts District and the Gateway District. Urban housing is identified as a need in both of these districts. In the 18b Arts District, the Plan recognizes a need for housing, specifically for affordable or artist-oriented when applicable. Moreover, in the Gateway District, a housing need is recognized for affordable, workforce, or senior housing in-fill development. Given the site's location to these neighboring districts, the proposed development will support the Plan's intended vision of creating a compact, vibrant, urban environment, focusing on higher-density mixed-use developments around nodes of activity.

Redevelopment Plan Area

The proposed site is also located within Redevelopment Area 1 and if approved would support the goals of the Redevelopment Agency by striving to create an environment reflecting a high level of concern for architectural, landscape, urban design, and land use principles appropriate for the attainment of the objectives of the Redevelopment Plan. Additionally, the proposed development revitalizes an area that is stagnant or improperly used.

FINDINGS (22-0521-ZON1)

In order to approve a Rezoning application, pursuant to Title 19.16.090(L), the Planning Commission or City Council must affirm the following:

1. The proposal conforms to the General Plan.

The C-PB (Planned Business Park) zoning district is consistent with the site's existing LI/R (Light Industry/Research) General Plan designation.

2. The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.

The C-PB (Planned Business Park) zoning district allows industrial uses, including light manufacturing, assembling and processing, warehousing and distribution, research, development, and testing laboratories; medical-related uses and ancillary commercial uses in an Industrial Office Park setting; and mixed-use developments.

3. Growth and development factors in the community indicate the need for or appropriateness of the rezoning.

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As supported by both the City of Las Vegas 2050 Master Plan and Vision 2045 Downtown Las Vegas Master Plan, the Rezoning to C-PB (Planned Business Park) allows the least intensive industrial zoning district that allows Mixed-Use. If this Rezoning application is approved, the proposed C-PB zoning designation would serve as an interim zoning designation allowing mixed-use development until the district-wide Form-Base Code Rezoning would occur.

4. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.

The subject site is accessed by Commerce Street, an 80-foot-wide Collector Street and Imperial Avenue, a 50-foot-wide Local Street. Each of which is adequate in size to accommodate the proposed development.

FINDINGS (22-0521-VAR1)

In accordance with the provisions of Title 19.16.140(B), the Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.16.140(L) states:

"Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

Evidence of a unique or extraordinary circumstance has been presented, in that the applicant has proposed the development adjacent to the tapering confinements of the property line. The base of the drive aisle is 22 feet wide which is less than the required 24-foot requirement but tapers toward a maximum width of 25 feet. The access aisles within the parking garage, are the required 24 feet allowing adequate space for on-site site circulation such as the backing and passing of motorized vehicles. Additionally, there will not be any parking spaces located off the reduced drive aisle.

FINDINGS (22-0521-SUP1)

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

- 1. The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

The proposed Mixed-Use use can be conducted harmoniously and compatibly with the surrounding land uses, which generally include commercial and industrial categories.

- 2. The subject site is physically suitable for the type and intensity of land use proposed.**

The proposed Mixed-Use development helps further several housing-related goals, objectives, and guiding principles identified in both the 2050 Master Plan and Vision 2045 Downtown Master Plan.

- 3. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

Site access is provided by Colorado Avenue, 3rd Street, and 4th Street, all of which are 80-foot Collector Streets as designated by the Master Plan of Streets and Highways Map. Each of which is adequate in size to serve the scale of the proposed development.

- 4. Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

Operation of activities on the site will be subject to review and approval of business licenses, which will also require regular inspections in order to uphold the public health, safety, and general welfare.

- 5. The use meets all of the applicable conditions per Title 19.12.**

The proposed use meets all of the applicable conditions for a Mixed-Use development listed in Title 19.12.

FINDINGS (22-0521-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 mixed-use development is compatible with the adjacent development within the surrounding area of the subject site.

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

The proposed Mixed-Use development helps further several housing-related goals, objectives, and guiding principles identified in both the 2050 Master Plan and Vision 2045 Downtown Master Plan.

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

Site access is provided by Colorado Avenue, 3rd Street, and 4th Street, all of which are 80-foot Collector Streets as designated by the Master Plan of Streets and Highways Map. Each of which is adequate in size to serve the scale of the proposed development.

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

The proposed building and landscape materials are appropriate for a desert climate and the city. All provided landscaping is included on the Southern Nevada Regional Planting Coalition list and are appropriate for a desert climate.

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;**

Building elevations and design characteristics are not unsightly or obnoxious in appearance and create an orderly and aesthetically pleasing environment. The elevation plan date stamped on 09/23/22, shows the façade comprised of a variety of materials. The building primarily consists of stucco, panels, and metal cladding. The building is accented by insulated glass. All sides of the proposed building are coherently designed and treated with a consistent level of detailing and finish in compliance with Title 19.08.

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

The development of the site will be subject to building permit review and inspection, thereby protecting the health, safety, and general welfare of the public.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
06/20/07	The City Council approved a General Plan Amendment (GPA-20227) to amend a portion of the Southeast Sector Plan of the General Plan from: C (Commercial) and LI/R (Light Industrial/Research) to: MXU (Mixed Use) on approximately 73.5 acres generally located south of Charleston Boulevard, west of Main Street, north of Wyoming and east of UPRR Right of Way. A portion of these parcels east of commerce to the south side of Colorado Avenue is to be removed from the 18b Las Vegas Arts District and added to the Downtown South District. The Planning Commission and staff recommended approval.
	The City Council approved a Rezoning (ZON-21165) from: C-M (Commercial/Industrial), M (Industrial) and C-2 (General Commercial) to: C-2 (General Commercial) on 73.50 acres at the southwest corner of Charleston Boulevard and Main Street. The Planning Commission and staff recommended approval.
	The City Council approved a Rezoning (ZON-21166) to expand the Gaming Enterprise District on 73.50 acres at the southwest corner of Charleston Boulevard and Main Street. The Planning Commission and staff recommended approval.
	The City Council approved a Special Use Permit (SUP-21168) for a proposed Private Sports Arena at the southwest corner of Charleston Boulevard and Main Street. The Planning Commission and staff recommended approval.
	The City Council approved a Special Use Permit (SUP-21169) for a proposed Mixed-Use Development at the southwest corner of Charleston Boulevard and Main Street. The Planning Commission and staff recommended approval.
	The City Council approved a Special Use Permit (SUP-21171) for a proposed high-rise mixed-use development in the Airport Overlay District at the southwest corner of Charleston Boulevard and Main Street. The Planning Commission and staff recommended approval.

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
06/20/07	The City Council approved a Special Use Permit (SUP-21172) for a proposed Gaming Establishment, Non-Restricted Use at the southwest corner of Charleston Boulevard and Main Street. The Planning Commission and staff recommended approval.
	The City Council approved a Site Development Plan Review (SDR-21175) for a multi-phased mixed-use development including 3,000 condominium units, 6,000 hotel rooms, a private sports arena, street-level retail, office, exhibition space, and a casino at the southwest corner of Charleston Boulevard and Main Street. The Planning Commission and staff recommended approval.
07/14/20	A Code Enforcement Case (CE20-03995) was reported for graffiti at 123 West Imperial Avenue and 1330 South Commerce Street. The case was resolved on 11/25/20.
11/15/22	<p>The Planning Commission voted (6-0) to recommend APPROVAL of the following Land Use Entitlement project requests on 2.28 acres at 123 West Imperial Avenue (APN 162-04-507-011), Ward 3 (Diaz)</p> <p>22-0521-ZON1 - REZONING - FROM: M (INDUSTRIAL) TO: C-PB (PLANNED BUSINESS PARK)</p> <p>22-0521-VAR1 - VARIANCE - TO ALLOW A 22-FOOT DRIVE AISLE WHERE 24 FEET IS THE MINIMUM REQUIRED</p> <p>22-0521-SUP1 - SPECIAL USE PERMIT - FOR A PROPOSED MIXED-USE DEVELOPMENT</p> <p>22-0521-SDR1 - SITE DEVELOPMENT PLAN REVIEW - FOR A PROPOSED SEVEN-STORY MIXED-USE DEVELOPMENT CONSISTING OF 311 MULTI-FAMILY RESIDENTIAL UNITS AND 5,009 SQUARE FEET OF COMMERCIAL SPACE WITH A WAIVER OF THE APPENDIX F INTERIM DOWNTOWN LAS VEGAS DEVELOPMENT STANDARDS</p>

<i>Most Recent Change of Ownership</i>	
02/27/12	A deed was recorded for a change in ownership.

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Related Building Permits/Business Licenses	
01/03/19	A Building Permit (C19-00017) was issued for a CLV-designed block wall at 123 West Imperial Avenue.
08/11/19	A Business License (G67-05824) was issued for the Rental of Storage Containers at 123 West Imperial Avenue. The license expired on 08/01/22.

Pre-Application Meeting	
09/01/22	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Rezoning, Special Use Permit, and Site Development Plan Review pertaining to a proposed mixed-use development.

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

Field Check	
10/26/22	A routine field check was conducted of the subject site; nothing was noted of concern.

Details of Application Request	
Site Area	
Net Acres	2.28

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Vacant	LI/R (Light Industrial / Research)	M (Industrial)
North	Parking Lot		
	Warehouse/Distribution Center		
South	Vacant		C-M (Commercial / Industrial)
East			
West			

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Master and Neighborhood Plan Areas	Compliance
Vision 2045 Downtown Las Vegas Master Plan	Y
Las Vegas 2050 Master Plan Area: Downtown Las Vegas	Y
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District (200 Feet)	Y
DTLV-O (Downtown Las Vegas Overlay) District – Area 1 (Design District)	Y
LW-O (Live/Work Overlay) District	Y
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area – Area 1	Y
Interlocal Agreement	N/A
Project of Significant Impact	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.085 and the Appendix F Interim Downtown Las Vegas Development Standards, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A	99,316 SF	Y
Min. Lot Width	N/A	224 Feet	Y
Min. Setbacks		0 Feet (77% alignment)	
• Front	10 Feet (70% alignment)		Y
• Side	0 Feet	10 Feet	Y
• Corner	10 Feet (70% alignment)	50 Feet	Y
• Rear	0 Feet	15 Feet	Y
Max. Lot Coverage	N/A	95%	Y
Max. Building Height	5 Stories / 85 Feet	7 Stories / 70 Feet	Y*
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Internal Room	Y
Mech. Equipment	Screened	By Condition	Y

**Projects located within the Downtown Las Vegas Overlay - Area 1 are not subject to the automatic application of height limitations.*

Existing Zoning	Permitted Density	Units Allowed
M (Industrial)	N/A	N/A
Proposed Zoning	Permitted Density	Units Allowed
C-PB (Planned Business Park)	N/A	N/A

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Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Commerce Street	Collector Street	Master Plan of Streets and Highways Map	80	Y
Imperial Avenue	Local Street	Title 13	50	Y

Streetscape Standards	Required	Provided	Compliance
Appendix F: Downtown Las Vegas Area 1 Streetscape Standards	All east-west streets shall provide drought-tolerant shade trees as approved by staff and shall be 36-inch box trees at 20 feet intervals. Landscaped medians may provide either palm trees or shade trees.	24-inch box trees are provided along the east-west Imperial Avenue	N*

*Condition of Approval Seven (7) was added requiring 36-inch box trees along Imperial Avenue.

Parking Requirement - Downtown (Area 1)							
Use	Gross Floor Area or Number of Units	Base Parking Requirement		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular		Handi-capped
Multi-Family Residential - Studio or 1 Bedroom Units	272 Units	1.25 per Unit	340				
Multi-Family Residential - 2 Bedroom Units	39 Units	1.75 per unit	68				
Multi-Family Residential - Guest Parking	311 Units	1 per every 6 units	52				

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Parking Requirement - Downtown (Area 1)							
Use	Gross Floor Area or Number of Units	Base Parking Requirement		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular		Handi-capped
Restaurant	5,009 SF	1 per 50 SF public seating 1 per 200 SF remaining	70*				
TOTAL SPACES REQUIRED			530		326		N
Regular and Handicap Spaces Required			519	11	318	8	N

Projects located within the Downtown Las Vegas Overlay - Area 1 are not subject to the automatic application of parking requirements. However, the above table should be used to illustrate the requirements of an analogous project in another location in the City.

**Based on a common ratio for restaurants that 60% of floor space is front of the house, and 40% is back of the house.

Mixed-Use Alternative Parking Requirement							
Use	Gross Floor Area or Number of Units	Weekdays			Weekends		
		Mid - 7AM	7AM - 6 PM	6PM - Mid	Mid - 7AM	7AM - 6PM	6PM - Mid
Multi-Family Residential - Studio or 1 Bedroom Units	272 Units	340	187	289	340	221	255
Multi-Family Residential - 2 Bedroom Units	39 Units	68	37.4	57.8	68	44.2	51
Multi-Family Residential - Guest Parking	311 Units	52	28.6	44.2	52	33.8	39
Restaurant	5,009 SF	35	49	70	31.5	49	70
Total Spaces Required		495	302	461	492	348	415
Total Spaces Provided		326					
Downtown Form-Based Code Parking Standards – Title 19.09.100 G							
Parking Standards High Load – Zone 3	40% Reduction: Minimum: 198	70% Reduction: Maximum: 346			Y		

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Department of Public Works Traffic Study

Proposed 311 Unit Multi-Family Development				
Proposed Use				
Average Daily Traffic (ADT)	MULTIFAMILY HOUSING (MID-RISE) [DU]	311	5.44	1,692
AM Peak Hour			0.36	112
PM Peak Hour			0.99	137
Existing Traffic on Nearby Streets				
Commerce Street				
Average Daily Traffic (ADT)			3,907	
PM Peak Hour (Heaviest 60 Minutes)			313	
Colorado Avenue				
Average Daily Traffic (ADT)			621	
PM Peak Hour (heaviest 60 minutes)			50	
Traffic Capacity of Adjacent Streets:				
Adjacent Street ADT Capacity				
Commerce Street			20,280	
Colorado Avenue			13,104	
Summary				
This project is expected to add an additional 1,692 trips per day on Imperial Avenue, Commerce Street, and Colorado Avenue. Currently, Commerce Street is at about 19 percent of capacity and Colorado Avenue is at about five percent of capacity. With this project, Commerce Street is expected to be at about 28 percent of capacity and Colorado Avenue to be at about 18 percent of capacity. Counts are not available for Imperial Avenue in this vicinity, but it is believed to be under capacity.				
Based on Peak Hour use, this development will add into the area roughly 137 additional peak hour trips, or about two every minute.				