

**AGENDA MEMO - PLANNING****CITY COUNCIL MEETING DATE: DECEMBER 21, 2022****DEPARTMENT: COMMUNITY DEVELOPMENT****ITEM DESCRIPTION: APPLICANT: AVI AND ADAM SCHLESINGER - OWNER: 3RD STREET, LLC****** STAFF RECOMMENDATION(S) ****

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
22-0350-VAR1	Staff recommends DENIAL, if approved subject to conditions:	
22-0350-SDR1	Staff recommends DENIAL, if approved subject to conditions:	22-0350-VAR1

**** NOTIFICATION ******NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 26**NOTICES MAILED** 196 (by City Clerk)**PROTESTS** 0**APPROVALS** 9

**** CONDITIONS ****

22-0350-VAR1 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (22-0350-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.

22-0350-SDR1 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Variance (22-0350-VAR1) 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 and landscape plan, date stamped 10/20/22, except as amended by conditions herein.

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4. A Waiver from Appendix F Interim Downtown Las Vegas development standards is hereby approved, to allow no ornamental parking lot screening, where such is required.
5. A Waiver from Appendix F Interim Downtown Las Vegas development standards is hereby approved, to allow zero one gallon shrubs where 12 are required.
6. A Waiver from Appendix F Interim Downtown Las Vegas development standards is hereby approved, to allow zero square feet of landscaping surface area where 180 square feet is the minimum required.
7. A Waiver from Appendix F Interim Downtown Las Vegas development standards is hereby approved, to allow utility and mechanical equipment to not be screened from the public right-of-way where such is required.
8. 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.
9. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
10. 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.
11. 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.
12. 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.
13. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

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Public Works

14. Remove all substandard public street improvements and unused driveway cuts adjacent to this site and replace with new improvements meeting Downtown Masterplan Plan Standards (Title 19 Appendix F) concurrent with development of this site, except where not required by the City Engineer. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
15. Contact the City Engineer's Office at 702-229-6272 to coordinate the development of this project with the "Colorado Avenue from Commerce Street to 3rd Street" project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
16. Coordinate with the Environmental Compliance & Enforcement staff of the Department of Public Works to locate any required grease interceptor and sand/oil interceptors in acceptable locations prior to submittal of sewer-related plans. Comply with the recommendations and requirements of the Environmental Compliance & Enforcement staff prior to issuance of permits. The team may be contacted at 702-229-2338 or emailed at ece@lasvegasnevada.gov.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Site Development Plan Review request for a proposed permanent 18-space parking lot that fails to comply with minimum Title 19 standards at 1214 South 3rd Street.

ISSUES

- Per Appendix F Interim Downtown Las Vegas development standards, “Applications for permanent parking lots shall be reviewed and processed in accordance with the process and standards for a Major Review of Site Development Plan under LVMC Title 19.”
- The applicant has requested a Variance (22-0350-VAR1) to allow an 11-foot wide one-way access aisle where 13 feet is the minimum allowed for 55 degree parking spaces. Staff does not support this request.
- The applicant has requested a Waiver from Appendix F Interim Downtown Las Vegas development standards, to allow no ornamental parking lot screening where such is required. Staff does not support this request.
- The applicant has requested a Waiver from Appendix F Interim Downtown Las Vegas development standards, to allow zero shrubs where 12 one-gallon shrubs are required. Staff does not support this request.
- The applicant has requested a Waiver from Appendix F Interim Downtown Las Vegas development standards, to allow zero square feet of landscaping surface area where 180 square feet is the minimum required. Staff does not support this request.
- The applicant has requested a Waiver from Appendix F Interim Downtown Las Vegas development standards, to allow utility and mechanical equipment to not be screened from the right-of-way where such is required. Staff does not support this request.
- A condition of approval has been added the requires a future mapping action to consolidate the underlying lot lines.

ANALYSIS

The subject site is zoned C-1 (Limited Commercial) and developed with an existing commercial building, currently undergoing renovations. It is located within Area 1 of the Downtown Las Vegas Masterplan Overlay, 18b Las Vegas Arts District. Development is subject to Appendix F Interim Downtown Las Vegas development standards. The applicant proposes to develop the northern area of the property with an 18-space permanent parking lot.

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Pursuant to the Appendix F Interim Downtown Las Vegas, Area 1 permanent parking lot development standards, “Applications for permanent parking lots shall be reviewed and processed in accordance with the process and standards for a Major Review of Site Development Plan under LVMC Title 19.” The submitted site plan depicts an 18-space parking lot with ingress via the alley off Colorado Avenue and egress proposed from 3rd Street. Title 19.08 Parking Design Standards apply for the proposed permanent parking lot. A Variance is requested to allow an 11-foot wide one-way access aisle where 13 feet is the minimum allowed for 55-degree parking spaces. Staff has determined that the requested variance is a self-imposed hardship. Furthermore, staff has determined that the reduction of the one-way access aisle below the 13-foot wide minimum will create a negative impact to vehicular circulation on the subject site, which can impact the health, safety and welfare of individuals that use the parking facility.

The applicant has requested Waivers of Appendix F Interim Downtown Las Vegas, Area 1 permanent parking lot development standards. Surface parking lots are required to provide a minimum of one, 15-gallon sized shade tree for every six parking spaces with four, 1-gallon sized shrubs per tree in landscaped islands and/or on the perimeter of the lot. A minimum of ten square feet of landscaped surface area must be provided for each parking space. When parking lots face public streets, an ornamental screen and landscaping are required for parking lot screening. The following Waivers are requested:

- To allow no ornamental parking lot screening where such is required;
- To allow zero shrubs where 12 one gallon shrubs are required;
- To allow zero square feet of landscaping surface area where 180 square feet is the minimum required and;
- To allow utility and mechanical equipment to not be screened from the right-of-way where such is required

The Vision 2045 Downtown Master Plan contains five “Big Ideas.” Number four of those ideas addresses “A Greener Downtown.” The plan strives to integrate drought tolerant plantings to create an urban desert oasis which would contribute to a pleasant walking environment for pedestrians. Staff is not able to support a proposal that adds to the “urban heat island effect” with no mitigating elements such as shrubbery to off-set the auto-centric use in predominantly pedestrian area.

Staff does not support the requested Waivers as the proposed permanent parking lot development will not be harmonious with surrounding commercial land uses. Therefore, staff recommends denial of both entitlement requests. If approved, they will be subject to conditions.

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FINDINGS (22-0350-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."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by designing the proposed parking lot that fails to comply with minimum Title 19 development standards. Alternative design of the parking lot would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

FINDINGS (22-0350-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;**

As evidenced by the requested Variance (22-0350-VAR1) and associated Waivers, staff has determined that the proposed development is not compatible with surrounding commercial development and will not have a negative impact to the existing developments in the area.

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- 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 not consistent with all applicable codes as associated Waivers and a Variance are requested of Title 19 development standards.

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

Site access is provided by Colorado Avenue and 3rd Street which are adequate in size to accommodate the needs of the proposed parking lot.

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

There are no proposed buildings for the subject development. The proposed landscape materials adhere to the recommendations of the Southern Nevada Regional Plant List.

- 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;**

There are no structures proposed with this development project. As evidenced by the requested Variance (22-0350-VAR1) and associated Waivers, staff has determined that the proposed development is not desirable in appearance or aesthetically pleasing and will have a negative impact to the existing developments in the area.

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

If approved, the proposed development will be subject to inspections, thereby protecting the public health, safety and general welfare.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
04/28/22	Code Enforcement Case #CE22-01890 was opened regarding a homeless encampment. The case was resolved on 06/12/22.
11/15/22	<p>The Planning Commission voted (5-0-1) to recommend APPROVAL of the following Land Use Entitlement project requests on 0.64 acres at 1214 South 3rd Street (APN 162-03-110-028), C-1 (Limited Commercial) Zone, Ward 3 (Diaz)</p> <p>22-0350-VAR1 - VARIANCE - TO ALLOW AN 11-FOOT ONE-WAY ACCESS AISLE WHERE 13 FEET IS THE MINIMUM REQUIRED AND TO ALLOW AN 18-FOOT STALL DEPTH WHERE 20 FEET IS THE MINIMUM REQUIRED</p> <p>22-0350-SDR1 - SITE DEVELOPMENT PLAN REVIEW - FOR A PROPOSED PERMANENT PARKING LOT WITH WAIVERS OF APPENDIX F INTERIM DOWNTOWN LAS VEGAS DEVELOPMENT STANDARDS</p>

<i>Most Recent Change of Ownership</i>	
08/06/21	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
01/17/22	Building Permit #C22-00057 was issued for the demolition of a building and foundation. The permit was finalized on 03/17/22.
09/28/22	Building Permit #C22-02378 was issued for a building renovation at 1226 South 3 rd Street, Suite #150. The permit remains active.

<i>Pre-Application Meeting</i>	
06/21/22	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed permanent parking lot.

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

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Field Check	
10/11/22	Staff conducted a routine field check and found a fence in commercial building undergoing renovations. Trash, debris and graffiti were observed.

Details of Application Request	
Site Area	
Net Acres	0.64

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Vacant	MXU (Mixed Use)	C-1 (Limited Commercial)
North	Undeveloped	MXU (Mixed Use)	C-1 (Limited Commercial)
South	General Retail, Other than Listed	MXU (Mixed Use)	C-1 (Limited Commercial)
			C-2 (General Commercial)
East	Undeveloped	MXU (Mixed Use)	C-1 (Limited Commercial)
West	General Retail, Other than Listed	MXU (Mixed Use)	C-1 (Limited Commercial)

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Downtown Las Vegas	Y
Special Area and Overlay Districts	Compliance
DTLV-O (Downtown Las Vegas Overlay) 18b Arts District – Area 1	N*
LW-O (Live/Work Overlay) District	Y
Other Plans or Special Requirements	Compliance
Trails	Y
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

*Waivers are requested regarding required landscaping and utility/mechanical screening.

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DEVELOPMENT STANDARDS

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

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area Trees	One 15-gallon Tree / 6 Uncovered Spaces	3 Trees	3 Trees	Y

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
LANDSCAPE AREAS				
A minimum of ten square feet of landscaped surface area must be provided for each parking space	180 SF		0 SF	N*
Wall Height	A 42-inch ornamental screening fence is required adjacent to the right-of-way		Not Indicated	N*

*The applicant has requested Waivers of Appendix F Interim Downtown Las Vegas Permanent Parking Lot screening and landscaping development standards.

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
3 rd Street	Collector	Master Plan of Streets and Highways Map	80	Y
Colorado Avenue	Collector	Master Plan of Streets and Highways Map	80	Y

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<i>Streetscape Standards</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
3 rd Street	Deglet-Noor Date Palms 25 feet or greater in height and be spaced at 30-foot increments.	Existing Deglet-Noor Date Palms 25 feet or greater in height and be spaced at 30-foot increments.	Y
Colorado Avenue	Drought-tolerant shade trees as approved by staff and shall be 36-inch box trees at 20 feet intervals.	Existing Drought-tolerant shade palm trees	Y

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	
Parking Facility	N/A	N/A	N/A				
TOTAL SPACES REQUIRED			N/A		18		Y*
Regular and Handicap Spaces Required			N/A	N/A	17	1	Y*

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.

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Waivers		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
When parking lots face public streets, an ornamental screen and landscaping shall be incorporated, as approved by Staff.	To allow no ornamental parking lot screening where such is required.	Denial
Surface parking lots shall provide one-gallon sized shrubs per tree in landscaped islands and/or on the perimeter of the lot.	To allow zero one-gallon shrubs where 12 are required.	Denial
A minimum of ten square feet of landscaped surface area must be provided for each parking space.	To allow zero square feet of landscaping surface area where 180 square feet is the minimum required.	Denial
Utility and mechanical equipment shall be screened from the public right-of-way	To not screen utility/mechanical equipment from the right-of-way	Denial