



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: APRIL 11, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

**ITEM DESCRIPTION: APPLICANT: SIENA HOLDING MANAGEMENT CO., LLC –
OWNER: SIENNA 66 HOLDING LP ETAL.**

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0042-TMP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

N/A

NOTICES MAILED

N/A

**** CONDITIONS ****

23-0042-TMP1 CONDITIONS

Planning

1. Approval of the Tentative Map shall be for no more than four (4) years. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map within four (4) years of the approval of the Tentative Map, this action is void.
2. 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.
3. The Final Map shall contain a note granting perpetual common access and parking across the entire subdivision.
4. All development is subject to the conditions of City Departments and State Subdivision Statutes.

Public Works

5. Per Condition #16 of 21-0665-SDR1, and in accordance with Section 2.2.4 of the City's Vision Zero Action Plan, dedicate and construct a right turn lane/bus turn out per standard drawing #234.4, unless otherwise required in the approved Traffic Impact Analysis. Grant the associated Bus Shelter Pad Easement to the Regional transportation Commission prior to the issuance of any permits or the recordation of a map, whichever may occur first. A portion of the dedication may be on the map and the other portion must be by separate document unless otherwise allowed by the City Engineer.
6. Prior to the recordation of this Parcel Map, and in accordance with Section 2.2.4 of the City's Vision Zero Action Plan, grant a Bus Shelter Pad Easement in conformance with Standard Drawing #234.2 for the existing bus stop on Fremont Street adjacent to this site unless the Regional Transportation Commission (RTC) acknowledges in writing that this easement is not required. If an easement is required, the recording information must be shown on the mylar of this Parcel Map.

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7. The Final Map for this site shall grant reciprocal access rights to Assessors Parcel Number 138-35-804-002 as shown on 21-0665-SDR1 and 21-0666-SDR1.
8. Unless otherwise allowed by the City Engineer, construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site. The connecting sidewalk shall extend from the sidewalk of the public street to the first intersection of the on-site roadway network and shall be terminated on-site with a handicap ramp.
9. Per Title 19.16.060.W.1, provide a note on the Final Map that states “All parcels created through this map shall have perpetual unobstructed access to all driveways servicing the overall subdivision unless incompatible uses can be demonstrated to the satisfaction of the City Engineer.”
10. Per Title 19.16.060.W.2, sewer service for this commercial subdivision shall be shown in accordance with one of the following three alternatives, and the appropriate note shall appear on the face of the Tentative Map and recorded Final Map.
 - a) A public sewer, with a minimum pipe diameter of eight inches, located within dedicated public sewer easement which are a minimum of twenty feet wide.
 - b) On-site sewers area a common element privately owned and maintained per the Conditions, Covenants, and Restrictions (CC&Rs) of this commercial subdivision.
 - c) On-site sewers are common element privately owned and maintained per the Joint Use Agreement of this commercial subdivision.
11. Per Title 19.16.060.W.3, provide a note on the Final map that states “all subdivided parcels comprising this Subdivision shall provide perpetual inter-site common drainage rights across all existing and future parcel limits.”
12. As per Unified Development Code (UDC) 19.16.060.G, all requirements must be complied with or such future compliance must be guaranteed by an approved performance security method in accordance with UDC sections 19.02.130.
13. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction

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plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing the elimination of such deviations.

14. Comply with all applicable conditions of approval for the 21-0665-SDR1 and 21-0666-SDR1 and any other site related actions.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting the approval of a Tentative Map for a one-lot commercial subdivision on 2.17 acres at the northwest corner of Fremont Street and Eastern Avenue.

ISSUES

- The applicant stated in the submitted justification letter that they intend to create a one-lot commercial subdivision for flexibility.

ANALYSIS

The subject properties are designated as a T4-C (T4 Corridor) transect zone located in the Downtown Las Vegas Overlay [Fremont East District] and is subject to the Appendix F: Interim Downtown Las Vegas Development Standards for Area 3. A portion of the site is developed with an existing office building and two legal, non-conforming off-premise signs. On April 20, 2022, the City Council approved the following entitlements for the subject site:

- General Plan Amendment (21-0666-GPA1) from TOD-1 (Transit Oriented Development – High) to FBC (Form-Based Code)
- Rezoning (21-0666-ZON1) from T5-MS (T5 Main Street) to T4-C (T4 Corridor)
- Site Development Plan Review (21-0666-SDR1) for a proposed 3,727 square-foot commercial development with Waivers of the Title 19.09 Form-Based Code development standards.

Approval of the requested one-lot commercial subdivision would allow the applicant the option to potentially sell off portions of the site in the future. No retaining walls are shown or proposed.

FINDINGS (21-0767-TMP1)

All Title 19 zoning and NRS 278 technical requirements regarding tentative maps are satisfied. Therefore, staff recommends approval of Tentative Map (23-0042-TMP1), subject to conditions.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
01/28/82	The Board of Zoning Adjustment approved a request for a Special Use Permit (U-0002-82) for Used Car Sales at 2217 Fremont Street. Staff recommended denial. The request covered current APNs 139-35-804-008 and 009.
05/16/90	The City Council approved the appeal of the Board of Zoning Adjustment denial of a request for a Special Use Permit (U-0042-90) for a used car lot at 2217 and 2219 Fremont Street.
07/19/95	The City Council denied a third Required Review [U-0042-90(4)] of an approved Special Use Permit (U-0042-90) that allowed a used car lot at 2217 and 219 Fremont Street. The Redevelopment Agency and staff recommended that the use be discontinued. The existing use had ceased on the property prior to the hearing.
07/13/98	The City Council denied a request for a Special Use Permit (U-0056-98) for a proposed Used Car Lot at 2219 Fremont Street. Staff recommended denial.
05/19/10	The City Council approved a request for a Site Development Plan Review (SDR-37470) for a proposed 90,595 square-foot Shopping Center with Waivers of Downtown Centennial Plan setback standards and Title 19 Building Placement standards on 9.61 acres at the southwest and northwest corners of Fremont Street and Eastern Avenue. The applicant had originally requested C-2 (General Commercial zoning). The Planning Commission and staff recommended approval. The approval expired 5/19/16.
08/26/14	A Code Enforcement Case (CE-144984) was processed for a complaint regarding weeds, trash and debris at 2217 Fremont Street. The case was resolved 09/09/14.
06/15/16	The City Council passed, adopted and approved a Resolution (R-25-2016) that adopted the Vision 2045 Downtown Las Vegas Master Plan and directed the Department of Planning to revise previously approved regulatory documents to implement the goals of the plan where appropriate.
05/03/17	A Code Enforcement Case (CE-178268) was processed for weeds, off-premise signage and graffiti at 2219 Fremont Street. The case was resolved 06/29/17.
10/23/17	A Code Enforcement Case (CE-183514) was processed for a vagrant camp and refuse on a vacant lot at 2219 Fremont Street. The case was resolved 11/14/17.

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<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
10/17/18	The City Council adopted Ordinance #6649 on second amendment, which amended the Unified Development Code to add a new chapter (19.09) related to Form-Based Code and transect zones, and to make parallel changes in other parts of the Unified Development Code where necessary.
03/21/19	A Code Enforcement Case (CE-197552) was processed for a complaint regarding a vagrant camp and multiple political signs at 2219 Fremont Street. The case was resolved 03/25/19.
07/03/19	The City Council adopted Ordinance #6693 on first amendment, which amended the Unified Development Code to repeal and replace Chapter 19.09 with a major update that included regulations 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 Map of the General Plan from: C (Commercial) and MXU (Mixed Use) to: FBC (Form-Based Code) on approximately 226.00 acres in the Fremont East District, generally located 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 (ZON-76747) 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 Interstate 515, west of Eastern Avenue, north of Carson Avenue and east of Las Vegas Boulevard. The Planning Commission and staff recommended approval.
01/02/20	A Code Enforcement Case (CE-197552) was processed for multiple vagrant camps at 2219 Fremont Street. The case was resolved 01/13/20.
04/27/20	A Code Enforcement Case (CE20-02340) was processed for a complaint regarding trash in a vacant lot at 2219 Fremont Street. The case was resolved 05/20/20.
09/15/20	A Code Enforcement Case (CE20-05036) was processed for a complaint regarding multiple vagrant camps at 2219 Fremont Street. The case was resolved 12/22/20.

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<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
06/02/21	The City Council approved a General Plan Amendment (21-0029-GPA1) to adopt the City of Las Vegas 2050 Master Plan and amend the General Plan of the City of Las Vegas from various categories to TOD-1 (Transit Oriented Development-1), TOD-2 (Transit Oriented Development-2), TOC-1 (Transit Oriented Corridor-1), TOC-2 (Transit Oriented Corridor-2) or NMUX (Neighborhood Center Mixed Use), including the subject and adjacent properties. The Planning Commission and staff recommended approval.
06/02/21	The City Council approved a General Plan Amendment (21-0029-GPA1) to adopt the City of Las Vegas 2050 Master Plan and amend the General Plan of the City of Las Vegas from various categories to TOD-1 (Transit Oriented Development-1), TOD-2 (Transit Oriented Development-2), TOC-1 (Transit Oriented Corridor-1), TOC-2 (Transit Oriented Corridor-2) or NMUX (Neighborhood Center Mixed Use), including the subject and adjacent properties. The Planning Commission and staff recommended approval.
07/21/21	The City Council adopted Ordinance #6788, thereby repealing the Las Vegas 2020 Master Plan and adopting the Las Vegas 2050 Master Plan.
01/11/22	The Planning Commission voted to abey all items in this project (21-0666) to the February 8, 2022 Planning Commission meeting at the applicant's request.
02/08/22	<p>The Planning Commission (5-1 vote) recommends APPROVAL of the following Land Use Entitlement project requests on 2.17 acres at the northwest corner of Fremont Street and Eastern Avenue (APNs 139-35-804-008 through 010), Ward 3 (Diaz)</p> <ul style="list-style-type: none"> • 21-0666-GPA1 - General Plan Amendment - From: TOD-1 (Transit Oriented Development - High) to: FBC (Form- Based Code) on 0.51 acres [APN 139-35-804-010] • 21-0666-ZON1 – Rezoning - From: T5-MS (T5 Main Street) to: T4-C (T4 Corridor) • 21-0666-SDR1 - Site Development Plan Review - for a proposed 3,727 square-foot commercial development with waivers of the Title 19.09 Form Based Code development standards.

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<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
04/21/22	<p>The City Council approved the following Land Use Entitlement project requests on 2.17 acres at the northwest corner of Fremont Street and Eastern Avenue (APNs 139-35-804-008 through 010), Ward 3 (Diaz).</p> <ul style="list-style-type: none"> • 21-0666-GPA1 - General Plan Amendment - From: TOD-1 (Transit Oriented Development - High) to: FBC (Form- Based Code) on 0.51 acres [APN 139-35-804-010] • 21-0666-ZON1 – Rezoning - From: T5-MS (T5 Main Street) to: T4-C (T4 Corridor) • 21-0666-SDR1 - Site Development Plan Review - for a proposed 3,727 square-foot commercial development with waivers of the Title 19.09 Form Based Code development standards.

<i>Most Recent Change of Ownership</i>	
05/05/22	A deed was recorded for a change in ownership on APN 139-35-804-008 009, and 010.

<i>Related Building Permits/Business Licenses</i>	
08/19/21	A business license (G69-05267) was issued for Open Air Vending (food trailer) at 2219 Fremont Street. The license remains active.

<i>Pre-Application Meeting</i>	
01/18/23	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Tentative Map.

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

<i>Field Check</i>	
03/01/23	Staff conducted a routine field check of the subject properties and observed two legal non-conforming on-premise signs and a commercial building. No issues were noted.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	2.17

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Undeveloped	TOD-1 (Transit Oriented Development – High)	T4-C (T4 Corridor)
	Off-Premise Sign		
	Open Air Vending/Transient Sales Lot		
	Office, Other than Listed		
North	Multifamily Apartments	FBC (Form Based Code)	T5-MS (T5 Main Street)
	Undeveloped		
South	Transit Passenger Facility	FBC (Form Based Code)	T5-MS (T5 Main Street)
	General Retail Store, Other than Listed	TOD-1 (Transit Oriented Development – High)	C-2 (General Commercial)
East	Single Family, Attached	TOD-1 (Transit Oriented Development – High)	R-TH (Single Family Attached)
	General Retail Store, Other than Listed		C-2 (General Commercial)
West	Hotel, Motel or Hotel Suites	FBC (Form Based Code)	T5-MS (T5 Main Street)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Downtown Las Vegas	Y
Appendix F: Interim Downtown Las Vegas Development Standards	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
LW-O (Live/Work Overlay) District	Y
Rafael Riviera Walkable Community Plan	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