

Carolyn G. Goodman, Mayor (At-Large)
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Victoria Seaman (Ward 2)
Olivia Díaz (Ward 3)
Francis Allen-Palenske (Ward 4)
Cedric Crear (Ward 5)
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City Manager Jorge Cervantes
City Attorney Bryan K. Scott
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City Council Agenda

Council Chambers · 495 South Main Street · Phone 702-229-6011
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April 19, 2023
9:00 AM

49. 22-0592 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: INVESTAR USA - OWNER: EL WALKER, LLC, ET AL - For possible action on the following Land Use Entitlement project requests on 0.64 acres at the southeast corner of Bonneville Avenue and 8th Street (APNs 139-34-801-016 and 139-34-810-122), C-1 (Limited Commercial) and R-1 (Single Family Residential) Zones, Ward 3 (Diaz). The Planning Commission (5-0-1 vote) recommends APPROVAL on the entire Land Use Entitlement project. Staff recommends APPROVAL on 22-0592-WVR1 and 22-0592-ZON1. Staff recommends DENIAL on 22-0592-SUP1 and 22-0592-SDR1.

Minutes:

MAYOR GOODMAN declared the Public Hearing open for Items 49-49d.

TODD McBRAYER, Breslin Builders, appeared representing the applicant, and introduced TRAVIS CADMAN, the owner and developer of the project. MR. McBRAYER said they are bringing another multi-family project downtown. The project will bring 113 market-rate units of various sizes to the downtown area in an effort to help further the vision of the Vision 2045 Downtown Las Vegas Master Plan. They had a different plan at the Planning Commission, as one of the concerns that came up when meeting with the Councilwoman, as well as the neighborhood, was parking. The developer has agreed to add an additional basement level of parking to the project. This increase of 41 stalls provides 114 stalls total on the property, which is slightly over the one-to-one ratio and is 68 percent of the parking requirement. Additionally, they proposed to raise the side wall along the south property line to eight feet to buffer properties to the south. There was also a proposal for a pet yard within the 10-foot one-inch setback, but it has been eliminated from the project out of concern for the neighbors to the south. MR. McBRAYER believed living downtown is a choice, and this project will provide amenities for those who want to.

As renderings of the proposed project were shown, MAYOR GOODMAN asked if the bottom floor is mixed-use and if the artwork shown is around the whole property. MR. McBRAYER said along 8th Street there are some ground floor, townhouse-style loft units to help further the walkability of the area, and he noted there are six units that directly access the street. There is a corner aspect of commercial use, which will be the leasing office for the project. The façade includes a mixture of exposed CMU (concrete masonry units), different varieties of stucco, different reliefs within the project, and Juliette balconies. The south side of the building is stepped for the amenity areas and takes advantage of the surrounding views of downtown and the mountains. He indicated there is on-site parking, as well as 14-15 on-street parking stalls adjacent to the site, which brings the total stall count to 128. Staff had no concerns with the parking reduction.

He noted there are several Waivers as part of the project. The applicant requested C-1 (Limited Commercial) zoning, as well as a reduction of some of the setbacks. Along the street frontages, they have reduced the setback from 10 feet to four feet, and 20 feet to four feet along the rear of the property; however, the areas along the street frontages are fully landscaped, and the four-foot request in the back helps increase the drive aisle.

He understood that sometimes pioneering a new project in an area can be difficult, noting this is a new project

that has not been built within the area. They were grateful to be able to work with COUNCILWOMAN DIAZ'S office.

MR. CADMAN introduced himself as the co-owner of Investar USA and said his brother and partner, RON, was present in the audience. He stated that they purchased a rundown property at the corner of Clark Avenue and 10th Street. He spoke of refurbishing the property and their commitment to being developers of Downtown Las Vegas. They secured the subject site and attended a fact-finding meeting where they explained the project. Originally, the project included four residential floors over one floor of parking; however, they were asked to review the parking. Based on the fact finding, they secured the property directly to the south of the subject site, and by doing that, they were able to add a second floor of parking. The community also expressed concerns about parking, so they worked with the Councilwoman's office to make modifications to the site plan, adding a level of subsurface parking. He pointed out in a rendering of the project how the balconies are recessed, providing additional elevation relief. Juliette balconies were also added with eight-foot-high sliding doors to allow residents to open their doors to the Juliette balconies. The main floor will include loft-style units, which will help reduce the parkade feel. Residents will enter through the front doors, which will create a street-friendly type of appeal.

SETH FLOYD, Director of Community Development, noted there is an updated Staff Report with conditions of approval and supporting documents that have been incorporated into the backup. He reported that the applicant intends to combine this lot with the parcel to the north and, therefore, requested a Waiver of the lot width standard of the C-1 zoning district for the lot to be rezoned. In order to enable future development and flexibility that meets the goals of the Vision 2045 Downtown Las Vegas Master Plan, it is appropriate to be able to combine this parcel with adjacent parcels to create coherently planned developments; therefore, staff recommended approval of the requested lot width Waiver and Rezoning.

As there are still several single-family dwellings on R-1 (Single Family Residential) zoned parcels in this area, development in the C-1 district should be sensitive to those less intensive developments. The proposed multi-family residential development requires multiple Waivers of Title 19 (pursuant to Appendix F Area 2 requirements) that are primarily needed to offset the larger size and scale of the project. Although commercial zoning of the site is appropriate, the development as proposed is not compatible with the character of the surrounding neighborhood; therefore, staff recommended denial of the Special Use Permit (SUP) and Site Development Plan Review (SDR). If approved, staff would like the record to note that Condition 4 of Item 49d (22-0592-SDR1) was revised to reflect a date stamp of April 13, 2023.

DEVIN LEE, Northcap Multi-family Investments and RentDTLV.com, said he recently finished the Deluxe Lofts, which is formally the Alpine Motel, noting they have no parking. He worked with the gentlemen on another project, and it was the second nicest rehab he has ever seen. He noted that he owns units within the Arts District, and for those 131 units, they have 24 parking spaces. MR. LEE believed this project was beautifully done, and there is a lot of demand for smaller units.

EVAN CAMPBELL and JOSE PICARDO were present. MR. CAMPBELL said many cities are going through a similar process, and Las Vegas has been the largest fastest-growing city for the past 30 years. It has seen a lot of demand for housing, which will only continue to increase. He believed the proposed project is something that is needed, and it addresses parking challenges through its live, work, and play concept. It will also help address rent increases, and MR. CAMPBELL believed you cannot have a sustainable community without housing.

BONNIE BARBERINI said she and her partner, LAURA BARBERINI, own Avalon Realty and Oaktree Management and employ 11 people. She wished to buy an office building in the downtown area and was able to last year. They purchased the Haven Building for \$900,000 and put \$100,000 into renovations. She believed the proposed project is beautiful but does not belong in the neighborhood, which has a residential feel. Parking is still a problem, and multiple Waivers were requested. She believed her financial future was at risk and asked the Council to think about the people who have already purchased properties in the area.

MAYOR GOODMAN asked CITY MANAGER JORGE CERVANTES what the process is for a business to have reserved parking signage if it is owned and operated by itself and is on a public street with parking. MR. CERVANTES said it is not allowed to reserve parking on a public street, noting the public right-of-way is open to anybody.

MICHELLE GREGORY spoke in opposition and expressed concerns about traffic and parking, she did not think the project fits in the neighborhood. Her office will be looking at the wall of the building.

ATTORNEY ROBERT MARSHALL said he was born and raised in Southern Nevada and displayed a photo of his office building, which is located at 625 South 8th Street, on the overhead. When he built his office building, he met with neighbors and appeared before the Planning Commission and City Council, amazed that no one was opposed to it. He noted it fits within the height restrictions of the neighborhood and Title 19. The proposed project will include 90 percent studio or one-bedroom apartments. He felt that parking was still a problem even though they worked to alleviate it. MR. MARSHALL believed development should increase neighbors' property values, and if this development goes through, it will devalue the surrounding properties. He asked the Council to reconsider and to vote against this project.

MAYOR GOODMAN asked MR. FLOYD if there was a map of the surrounding properties. MR. FLOYD said there is a location map within the backup that is displayed as the item is heard, and an unidentified person displayed the Land Use Map on the overhead.

JAMES WILMOT, owner of 205 South 11th Street, said he is planning to build an 18-unit apartment complex and supported the proposed project. He noted the office building of Craig P. Kenny & Associates is similarly built with offices over a parking garage. He felt that Downtown Las Vegas needs more units, and the Waivers and Variances are needed because not much can be built on the 7,000-square-foot lots. He thought the project added to the value of the surrounding area.

DARYL DESHAW said his bail bond business has operated in the downtown core for 30 years, and he has resided off of 9th Street for over one year. He believed there is nothing in the downtown area that is conforming. He identified similarly constructed buildings in the surrounding area. He felt that homelessness is out of control and believed residential buildings help to mitigate this problem.

JANE GAMETTE said she and her brother live on 8th Street and were born and raised in the house her parents built in 1941. They believe in the preservation of the neighborhood. She expressed that they are not happy with this project and felt it is infringing upon the area. She believed the quality of life continues if residents push back and vote in and act on the truth. She hoped the Council would deny the application.

ATTORNEY BRADLEY KENNY said he owns a business with his brother at 501 South 8th Street (Craig P. Kenny & Associates). He opposed the application, as he felt the project was under parked and was concerned that people would park in his employee parking area.

CHERYL PURDUE thought the building was beautiful but felt it was the right building in the wrong place. There are houses on 6th Street, 7th Street, 8th Street, and 9th Street between Gass Avenue and Clark Avenue that are unique to Las Vegas. She stated that Las Vegas only has a 125-year history, and this is an area that is personified by some of the most attractive homes built in the 1930s and 1940s through World War II. Additionally, the neighborhood is a historical preservation site for a walking tour, and the Historic Preservation Commission has put this area of homes on the endangered places list. She urged the Council to object to this project. MAYOR GOODMAN assured everyone that the Council cherishes history.

ATTORNEY CAREY COLT PAYNE said he has been in the area since 1998 and bought the property for its location. He was also reminded that there was a similar project on 11th Street, which shut down the entire street. He concurred with what has been said and had concerns about parking meters.

ANN SALISBURY said she and her partners own 617 South 8th Street, noting the business owners in the Founders District are heavily invested in the city of Las Vegas and the uniqueness of their downtown neighborhood, both financially and historically. Most of these individuals have owned their properties or businesses for many years and recognize there may be changes coming in the future, but she stated that the City has not yet worked on the Form-Based Code for their area and has not done any more specific neighborhood planning. As such, she believed a residential project of this density is not only premature, but it sets a bad precedent for future developers to be less respectful of the historic nature of their neighborhood. She felt it would be a travesty to ignore their concerns in favor of an out-of-state developer when hundreds of parcels exist within a one-mile radius where this same project would be harmonious and compatible with the surrounding area. MS. SALISBURY and her partners purchased their building over 23 years ago and are directly adjacent to the proposed project. Construction could take as long as two years to complete, and they cannot conduct their deposition business with ongoing construction noise and may be forced out of business.

CHERYL HALL said she is MS. SALISBURY'S partner and displayed the Land Use Map on the overhead, noting she shared the same map with the Planning Commission to illustrate that the apartment complex does not belong in the Founders District. After that meeting, she heard about the Vision 2045 Downtown Las Vegas

Master Plan and researched the development code to learn more about what is planned for the future of downtown. She opined that this particular project does not belong where the applicant would like it and cited the number of units it would have compared to other high-density developments in the area, noting it does not reflect a location for families as described. She commented that Title 19 has not been updated to include the guidelines for the Founders District and reviewed the seven objects of the Form-Based Code. MS. HALL indicated that the developer has no plan to incorporate a mixed-use component into this development and agreed with staff's recommendation for denial.

AUDREY AUSTIN said she has lived at her residence for almost 50 years. She was aware that housing is needed; however, there are many accidents in the area because of a one-way street. She believed the building belongs somewhere else.

MAYOR GOODMAN asked staff about the Form-Based Code. MR. FLOYD said the Form-Based Code has been adopted in three areas of downtown, which included the Medical District, the Historic Westside, and Fremont East. Staff plans to roll it out district by district into all of downtown, but it has not yet been adopted for the subject area.

In response to MR. KENNY, MR. McBRAYER clarified that the proposed project has 68 percent of the required parking.

COUNCILWOMAN BRUNE verified with MR. FLOYD that the C-1 zoning will allow the applicant to build up to six stories.

COUNCILWOMAN SEAMAN said she loves the project but asked for clarification on parking. MR. McBRAYER said 114 stalls were proposed for 113 units in addition to what is available in front of their properties, which is 200 feet along 8th Street and 140 feet along Bonneville Avenue. He noted that the proposed project is parked at 68 percent, while many of the other properties in the area are 46-60 percent. The area has a history of being under parked.

COUNCILMAN KNUDSEN acknowledged that this was a great conversation with a developer and residents who care a lot about the community. He supported COUNCILWOMAN DIAZ and her decision. He noted that the RTC's (Regional Transportation Commission of Southern Nevada) BRT (Bus Rapid Transit) project will run nearby, and there are a number of new developments along Maryland Parkway. The area is great, and there are many people who care about the area.

COUNCILWOMAN DIAZ thanked the community that she is honored to represent. She noted she has driven the area many times, has heard the opposition, and has met with the developers. She comes from a state legislative background where the best policy is to move when nobody is truly happy, as not everyone will always agree. The Councilwoman acknowledged the concerns regarding the property's historic designation, and MR. FLOYD clarified that neither this particular property nor the neighborhood is designated as historic on the local or national register. COUNCILWOMAN DIAZ said there has also been a lot of conversation about the Form-Based Code, and she foresees it coming to the Founders District, as it is part of the downtown area. She was unsure what that entails but believed the City was in a good place with what has been approved. Additionally, she spoke about meeting with the applicant to inform them about the opposition because of parking. She noted that not many developers will accommodate parking requests.

The Councilwoman asked the City's parking team to share steps to alleviate parking worries. While displaying a map of the area on the overhead, CHRISTINA KARANIKOLAS, Assistant City Traffic Engineer, said that currently there are no marked parking stalls on 8th Street. If parking becomes an issue after development, staff can install angled parking on the east side of 8th Street from Garces Avenue to Bonneville Avenue. Parking on the west side of 8th Street would remain unchanged, and the residential homes would not be affected. Additionally, staff could increase parking by 10 stalls for a total of 22 stalls. COUNCILWOMAN DIAZ emphasized the need for housing, noting a lot is being debated about the lack of housing and rent control. She has listened carefully, and many organizations have opined that the best rent control is to allow more units to come onto the market. She referenced an RJ (Las Vegas Review Journal) article regarding housing. She clarified that the proposed project is not for low-income housing and is at market rate. In addition, the city is running out of vacant parcels, and she felt that a vacant parcel does not bring any benefits, so why not invest in the community and provide housing opportunities. This project will also be kinder to water resources because it is being built vertically.

Lastly, she said there was a concern about construction noise and asked the applicant to speak to that point.

MR. McBRAYER said in addition to construction noise, there are also other things that affect noise in the area such as traffic and first responder noise. They will have to meet with the neighbors and discuss certain factors and procedures of the project. MR. CADMAN stated that if the project is approved, everyone within a two-block radius of the site will get a notification prior to construction. The project will take about 14 months to complete. DEPUTY CITY ATTORNEY JAMES LEWIS reminded the Council that there is a noise ordinance and with regard to construction, the hours of operation for construction are 7:00 a.m. to 6:00 p.m. The applicant must abide by the noise ordinance.

COUNCILWOMAN DIAZ thought the area is sound for mixed-use, and this development will be market rate and will add value to the area. She asked if she needed to articulate a condition for 36-inch box trees that will create a buffer, to which MR. FLOYD replied that was done at the Planning Commission meeting. He added that the neighborhood is designated on the national register but not the local register. He explained that designation on the local registry comes with an additional step of a Certificate of Appropriateness that will go to the Historic Preservation Commission. He specified that the structure on the property is not on the local register, but the neighborhood, which is called the Las Vegas High School Neighborhood District, is on the national register. The district has not been surveyed since 1990.

MAYOR GOODMAN wondered about metered parking, to which CITY MANAGER JORGE CERVANTES stated that requests are usually received from the neighborhood for metered parking, and staff could work with the neighborhood if that is a concern; however, there is no plan at this time to make the neighborhood metered.

COUNCILWOMAN DIAZ said that Form-Based Code encourages mixed-use development, and commercial floors add intensity to parking woes. She felt that this project being 100 percent residential was preferable. She confirmed with the gentlemen that they were in agreement with all conditions.

See Items 49a-49d for related backup.

MAYOR GOODMAN declared the Public Hearing closed for Items 49-49d.