

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-24-0399-TENAYA LOFTS, LLC:**

**HOLDOVER USE PERMIT** for live-work dwellings.

**WAIVER OF DEVELOPMENT STANDARDS** to reduce buffering and screening.

**DESIGN REVIEW** for an office/warehouse complex with live-work dwelling units on 5.60 acres in an IP (Industrial Park) Zone in the Airport Environs (AE-60) Overlay.

Generally located on the west side of Tenaya Way, 660 feet north of Sunset Road within Spring Valley. MN/rg/syp (For possible action)

---

RELATED INFORMATION:

**APN:**

163-34-411-011; 163-34-411-012

**LAND USE PLAN:**

SPRING VALLEY - BUSINESS EMPLOYMENT

**WAIVER OF DEVELOPMENT STANDARDS:**

1. a. Reduce the width of a landscape buffer to 10 feet where a minimum of 15 feet is required per Section 30.04.02C (a 33% reduction).
- b. Reduce the height of a decorative screen wall to 6 feet where an 8 foot high decorative screen wall is required per Section 30.04.02C (a 25 % reduction).

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 6345 S. Tenaya Way
- Site Acreage: 5.60
- Project Type: Office/warehouse with live-work dwellings
- Number of Units: 4 live-work dwellings
- Number of Stories: 2
- Building Height (feet): 42 (Building D2)/43 (Building F1)
- Square Feet: 33,952 (Building D2)/32,056 (Building F1)
- Parking Required/Provided: 426/431
- Sustainability Required/Provided: 7/7

History & Request

The site was originally approved for an office/warehouse complex with live-work dwellings (accessory residential quarters within each office/warehouse lease unit). The 3 existing office warehouse buildings with live-work dwellings (Phase 1) (approved by UC-0232-07) are located

to the south and west of this request. This request is for revisions to Phase 2 and a portion of Phase 3 located at the northwest corner of the project area. Phase 2 was previously approved for an office building and an office/warehouse complex with live-work units in a majority of the suites. Phase 2 per use permit UC-0787-17 included an office/warehouse complex with increased live-work dwelling area (Building D1) and a 2 story, 50 foot high office (JLA Corporate Building). Phase 3, located at the northwest corner consisted of a 10 unit office/warehouse building with no live-work units.

### Site Plan

The plan depicts the modification of Phase 2 of the Loftworks development. The JLA Corporate Building has been replaced by Building F1, a 5 unit office/warehouse building with 4 live-work dwelling units above the 1<sup>st</sup> floor. Building D1 remains as a 10 unit office/warehouse building with 10 live-work dwelling units per UC-0787-17. In addition, a proposed Building D2 for an 8 unit office/warehouse without live-work dwelling units is located on the west end of Phase 2. Access to the site is from a shared driveway on Tenaya Way. Parking is located along the south side of the proposed buildings and between the previously approved Building D1 and proposed Building F1. Plans show a total of 431 parking spaces for the entire complex where 426 parking spaces are required.

### Landscaping

The plan shows a previously approved 20 foot wide landscape area along Tenaya Way with an attached sidewalk. A gated 10 foot wide landscape area was previously approved along the north property line with an existing 6 foot high decorative block wall where adjacent to the single-family development. The applicant requests to keep the wall height as is. Landscaping is provided throughout the parking areas and in pockets along the southern face of the buildings.

### Elevations

The plan depicts a 2 story, 42 foot high office/warehouse (Building D2). Also, the plan depicts a 2 story, 43 foot high office/warehouse with live-work units (Building F1). The building materials consist of concrete tilt-up panels, stucco finished foam pop-outs, acrylic canvas awnings, sectional roll-up doors, mixed exterior cladding stone and brick materials, wood shutters, and wrought iron railings. Decorative window and chamfered concrete reveals are shown on all elevations. Buildings D2 and F1 have a flat corniced parapet roofline along the north side. Buildings D2 and F1 feature a pitched roof with concrete roof tiles at an overall height of 42 feet and 43 feet, respectively. The lowest parapet line on the north elevation is 33 feet high on the second floor. The southern elevation includes varying roof lines, diverse building façade details, and varying window fenestrations. Although, the elevations are provided for Building D1, no changes to the elevation characteristics for Building D1 have been proposed.

### Floor Plans

The plan depicts a 33,952 square foot office/warehouse building (Building D2) with 16,616 square feet of office, and 17,336 square feet of warehouse. The proposed building is comprised of 8 units without any live-work units. The first floor consists of a warehouse, restroom, breakroom and office space. The second floor consists of office space with a balcony faces the south into the office/warehouse complex.

The plan shows a 33,056 square foot office/warehouse building (Building F1) with areas ranging from 688 square feet to 4,448 square feet of office space, 104 square feet to 6,236 square feet of warehouse space, and 1,520 square feet to 1,562 square feet of space for the live-work dwelling area. The building is comprised of 5 units, with 4 live-work dwellings. The west unit on the first floor consists of a warehouse, maintenance room, reception, restroom, entry and coffee room. The second floor consists offices, conference room, break room, restrooms and storage. The remaining 4 units are office/warehouses with live-work dwellings. There are 2 options for the office/warehouse live-work unit layout. The first type includes 688 square feet of office area, 3,104 square feet of warehouse area, and 1,520 square feet of unit living area. The second type includes 688 square feet of office area, 3,134 square feet of warehouse area, and 1,562 square feet of unit living area. The second floor of the 4 office/warehouse units include a balcony that faces south into the interior of the office/warehouse complex. The live-work dwellings are located on the second floor.

Plans are provided for Building D1, however, there are no changes proposed for this building and it is in accordance with the previously approved UC-0787-17.

Applicant’s Justification

The applicant indicates the building materials, color palette, and overall design elements are the same as the previous approval. The proposed 5 unit and 8 unit buildings will be visually compatible with the other buildings in Phase 1. Sufficient landscaping along the perimeter of the proposed buildings and throughout the nearby section of the parking lot coincide with the previously approved landscaping in Phase 1 and the remaining portion of Phase 2.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ET-23-400157 (UC-0787-17)	Extension of time for live-work dwellings and waiver of mixed-use development design standards and design review	Approved by BCC	December 2023
ET-22-400014 (UC-0787-17)	Extension of time for live-work dwellings and waiver of mixed-use development design standards and design review	Approved by PC	April 2022
ET-20-400018 (UC-0787-17)	Administrative extension of time for live-work dwellings and waiver of mixed-use development design standards and design review	Approved by ZA	March 2020
UC-0787-17	Live-work dwellings and waiver of mixed-use development design standards and design review to modify the office/warehouse complex and parking lot	Approved by BCC	November 2017
WS-0502-17	Reduced side setback and height setback ratio for an office warehouse buildings (Phase 2) - expired	Approved by BCC	August 2017
WS-0232-07	Reduction parking and a design review for an office/warehouse complex with live-work dwellings - expired	Approved by BCC	April 2007

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-1698-06	Reclassified the west half of the site from R-E to M-D zoning for a future development	Approved by BCC	January 2007
WC-0377-06 (ZC-2154-04)	Waiver of conditions of a zone change requiring dedication of 30 feet for Monte Cristo Way	Approved by BCC	January 2007
ZC-2154-04	Reclassified the east half of the site and parcels to the east from R-E to M-D zoning for a warehouse complex with accessory residential quarters	Approved by BCC	April 2005

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Business Employment	IP & RS5.2 (AE-60)	Warehouse & distribution & single-family dwellings
South	Business Employment	RS20 & IP (AE-60)	Undeveloped & Phase I of this project
East	Business Employment	IP (AE-60)	Place of worship
West	Business Employment	IP (AE-60)	Undeveloped

The subject site is within the Public Facilities Needs Assessment (PFNA) area.

**STANDARDS FOR APPROVAL:**

The applicant shall demonstrate that the proposed request is consistent with the Master Plan and is in compliance with Title 30.

**Analysis**

**Comprehensive Planning**

Use Permit

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Comprehensive Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial of undue adverse effect on adjacent properties.

As part of the Neighborhood Services and Employment Options in the Comprehensive Master Plan, Policy SV-1.5 encourages the development of neighborhood-oriented retail, office, and commercial services that allow Spring Valley residents to meet their daily needs (including health and childcare) and potentially work within proximity of their homes, with a focus on commercial activity at nodes throughout the community as opposed to along linear commercial corridors. The proposed live-work dwelling component for this site is appropriate for the location and complies with the above policy. Also, the existing Loftworks development contains live-work dwellings.

Waivers of Development Standard

The applicant shall have the burden of proof to establish that the proposed request is appropriate for its proposed location by showing the following: 1) the use(s) of the area adjacent to the

subject property will not be affected in a substantially adverse manner; 2) the proposal will not materially affect the health and safety of persons residing in, working in, or visiting the immediate vicinity, and will not be materially detrimental to the public welfare; and 3) the proposal will be adequately served by, and will not create an undue burden on, any public improvements, facilities, or services.

The intent of the buffering and screening requirement is to enhance the visual appearance of the community and reduce impacts of uses and activities on neighboring properties. The subject property is zoned industrial and is adjacent to a single-family residential development to the north. The affected area is on the north side of the proposed Building F1 which was previously approved as an office building and is now proposed as an office/warehouse with live-work units. The revision reduces the building height by 5 feet and includes no windows of other openings facing north towards the existing residences. Since the landscape buffer and wall were previously approved, and the subject project reduces the building height slightly. Staff can support the request.

### Design Review

Development of the subject property is reviewed to determine if 1) it is compatible with adjacent development and is harmonious and compatible with development in the area; 2) the elevations, design characteristics and others architectural and aesthetic features are not unsightly or undesirable in appearance; and 3) site access and circulation do not negatively impact adjacent roadways or neighborhood traffic.

Master Plan Policy SV-5.2 prohibits residential uses, or other incompatible uses as defined by Title 30, on deed restricted parcels or as prohibited within the Airport Environs Overlay District. The west end of Phase 2 contains certain deed restrictions which prohibits uses such as live-work dwellings. The proposed building design includes classic exterior elements, architectural enhancements on all elevations and is architecturally compatible with the Loftworks development Phase 1 to the south.

### **Department of Aviation**

The property lies within the AE-60 (60-65 DNL) noise contour for Harry Reid International Airport and is subject to continuing aircraft noise and over-flights. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade Harry Reid International facilities to meet future air traffic demand.

APN's 163-34-411-011, 163-34-411-012 are subject to certain deed restrictions which prohibit uses incompatible with airport operations including those presented in this land use application from being developed. Applicant must contact the Clark County Department of Real Property Management to apply for a Deed Restriction Modification to amend existing deed restrictions which prohibit said use. Permits will not be issued and maps will not be recorded until all required fees associated with the amended deed restrictions, which would permit currently prohibited uses included in this application, have been paid and the new CC&Rs are recorded. If applicant fails to pay the required deed modification fees and record the new CC&Rs, then permits for uses prohibited by existing recorded deed restrictions must not be issued and mapping of uses prohibited by existing recorded deed restrictions must not be recorded.

## **Staff Recommendation**

Approval.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Master Plan, Title 30, and/or the Nevada Revised Statutes.

## **PRELIMINARY STAFF CONDITIONS:**

### **Comprehensive Planning**

- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- Certificate of Occupancy and/or business license shall not be issued without approval of a Certificate of Compliance.
- Applicant is advised within 2 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of time; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; changes to the approved project will require a new land use application; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

### **Public Works - Development Review**

- No comment.

### **Department of Aviation**

- Applicant must record a stand-alone noise disclosure form against the land, and provide a copy of the recorded document to the Department of Aviation Noise Office at [landuse@lasairport.com](mailto:landuse@lasairport.com);
- Applicant must provide a copy of the recorded noise disclosure form to future buyers/renters, separate from other escrow documents, and provide a copy of the document to the Department of Aviation Noise Office at [landuse@lasairport.com](mailto:landuse@lasairport.com);
- Applicant must provide a map to future buyers/renters, as part of the noise disclosure notice, that highlights the project location and associated flight tracks, provided by the Department of Aviation Noise Office when property sales/leases commence;
- Incorporate an exterior to interior noise level reduction of 30 decibels into the building construction for the habitable space that exceeds 35 feet in height or 25 decibels into the building construction for the habitable space that is less than 35 feet in height;
- Compliance with most recent recorded airport-related deed restrictions for APN's 163-34-411-011, 163-34-411-012.
- Applicant is advised that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be

available in the future should the residents wish to have their buildings purchased or soundproofed.

**Fire Prevention Bureau**

- No comment.

**Clark County Water Reclamation District (CCWRD)**

- Applicant is advised that a Point of Connection (POC) request has been initiated for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0219-2019 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require a new POC analysis.

**TAB/CAC:** Spring Valley - denial.

**APPROVALS:** 2 cards

**PROTESTS:** 3 cards, 4 letters

**COUNTY COMMISSION ACTION:** September 18, 2024 – HELD – To 10/02/24 – per the applicant.

**APPLICANT:** TENAYA LOFTS, LLC

**CONTACT:** MARISSA FEHRMAN, KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DRIVE, SUITE 650, LAS VEGAS, NV 89135