

RESORT CONDOMINIUMS
(TITLE 30)

PALOS VERDES ST/ALBERT AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-20-400147 (UC-0581-14)-VENETO PARADISE LLC & VENETO PARADISE II LLC:

USE PERMITS THIRD EXTENSION OF TIME for the following: **1)** resort condominiums with kitchens; and **2)** increased building height.

DESIGN REVIEW for resort condominium buildings on 4.4 acres in an H-1 (Limited Resort and Apartment) (AE-60) Zone.

Generally located on the south side of Albert Avenue and the west side of Palos Verdes Street within Paradise. TS/bb/jd (For possible action)

RELATED INFORMATION:

APN:

162-15-416-001; 162-15-416-002

USE PERMITS:

1. Permit resort condominiums with kitchens.
2. Increase building height to 200 feet where a maximum of 100 feet is the standard (a 100% increase).

LAND USE PLAN:

WINCHESTER/PARADISE - COMMERCIAL TOURIST

BACKGROUND:

Project Description

General Summary

- Site Address: 501 Paradise Way
- Site Acreage: 4.4
- Number of rooms/units: 604
- Project Type: Resort condominiums
- Number of Stories: 18
- Building Height (feet): 200
- Open Space Required/Provided: 26,800/51,831 square feet
- Parking Required/Provided: 552/1002

Site Plans

The approved plans depict two, 200 foot high, resort condominium towers with kitchens. The buildings will be 18 stories, with 298 units in the north tower and 306 units in the south tower.

The 2 entrances to the development are proposed on the Paradise Way alignment (which has since been vacated) from both Paradise Road and Palos Verdes Street. The majority of parking is integrated into the buildings, with 1 subterranean level and 4 above ground levels. There are additional parking spaces located in a surface parking lot.

Landscaping

The approved plans depict an intense landscape buffer along Albert Avenue, with additional landscaping provided around the entire perimeter of the project. Title 30 requires resort condominium developments to provide open space and the applicant is providing 51,831 square feet of open space where 26,800 square feet is required. The open space consists of a pool, shade structures, cabanas, movie screen, exercise station, and BBQ grill areas.

Elevations

The approved plans depict two, 200 foot high, 18 story resort condominium towers with kitchens. The building's exterior features are a combination of EIFS and colored/decorative masonry block units with a non-reflective glass curtain wall system.

Floor Plans

Each floor will consist of a combination of 1 and 2 bedroom units with kitchens.

Previous Conditions of Approval

Listed below are the approved conditions for UC-0581-14 (ET-18-400236)

Current Planning

- Until November 2, 2020 to commence.
- Maintain the property free of debris, weeds, and encampments.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that 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.

Public Works - Development Review

- Compliance with previous conditions.

Listed below are the approved conditions for UC-0581-14 (ET-0126-16):

Current Planning

- Until November 5, 2018 to commence.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that 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.

Public Works – Development Review

- Compliance with previous conditions.

Listed below are the approved conditions for UC-0581-14:

Current Planning

- Landscaping per revised plans submitted on 10/03/14;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time; and that this application must commence within 2 years of approval date or it will expire.

Public Works – Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements.

Department of Aviation

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.48 Part B of the Clark County Unified Development Code;
- For that portion of the property located within the AE-60, applicant must record a stand-alone noise disclosure form against the land, and provide a copy of the recorded document to the Clark County Department of Aviation;
- For that portion of the property located within the AE-60, 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 Clark County Department of Aviation;
- For that portion of the property located within the AE-60, 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 when property sales/leases commence;
- For that portion of the property located within the AE-60, 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.
- Applicant is advised that for that portion of the property located outside the AE-60, applicant is advised that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged; the FAA's determination is advisory in nature and

does not guarantee that a Director's Permit or an AHABA Variance will be approved; FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments; the FAA's airspace determinations include expiration dates and that the separate airspace determinations will be needed for construction cranes or other temporary equipment; 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.

Building/Fire Prevention

- Applicant is advised that fire protection and permits may be required for this facility and to contact Fire Prevention for further information at (702) 455-7316; and that fire/emergency access must comply with the Fire Code as amended.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that existing sewer is located within 400 feet of the parcels; and that at the time of development, CCWRD requires submittal of civil improvement plans and estimated wastewater flow rates to determine sewer point of connection.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant continues to develop a resort condominium project with increased building height. The vacation and abandonment of Paradise Way has been recorded, and off-site improvements have been constructed. The project design is exceptionally difficult due to the property's shape, location, and access. There are no significant changes to the area which would make the proposed project incompatible with its surroundings. The proposed development is still consistent with existing zoning and master plan status. The applicant is requesting an additional 2 years to commence the project.

Prior Land Use Requests

Application Number	Request	Action	Date
ET-18-400236 (UC-0581-14)	Second extension of time for resort condominiums with kitchens and increased building height and design review for condominium building	Approved by BCC	December 2018
SC-0540-17	Street name change to rename Tony Bennett Way to Paradise Way	Approved by PC	August 2017
VS-0084-17	Vacated and abandoned easements located between Palos Verdes Street and Paradise Road, and between Flamingo Road and Albert Avenue	Approved by PC	March 2017
UC-0581-14 (ET-0126-16)	First extension of time for resort condominiums with kitchens and increased building height and design review for condominium building	Approved by BCC	November 2016

Prior Land Use Requests

Application Number	Request	Action	Date
VS-0582-14	Vacated a portion of right-of-way being Tony Bennett Way located between Palos Verdes Street and Paradise Road	Approved by BCC	November 2014
UC-0581-14	Resort condominiums with kitchens and increased building height	Approved by BCC	November 2014
VS-0125-08	Vacated excess portions of Tony Bennett Way - recorded	Approved by PC	March 2008
UC-0620-07	Resort condominiums with 268 units - expired	Approved by PC	July 2007
ZC-1777-06	Reclassified the property to H-1 zoning	Approved by BCC	February 2007

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Commercial Tourist	H-1	Undeveloped, multiple family residential & hotel
South & West	Commercial Tourist	H-1	Undeveloped
East	Commercial Tourist	R-5, & C-2, R-4	Multiple family residential & commercial buildings

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis**Current Planning**

Title 30 standards of approval on an extension of time application state that such an application may be denied or have additional conditions imposed if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws or policies affecting the subject property. Using the criteria set forth in Title 30, no substantial changes have occurred at the subject site since the original approval. To date, no permits for construction have been submitted for the project; however, the applicant has processed a vacation and abandonment for easements which were recorded on July 12, 2018. Since there have not been any significant changes to the immediate area that would make the project incompatible with its surroundings and the applicant has made some progress, staff can support another 2 year extension of time. Over 6 years will have passed since original consideration and a new development code will likely be in place prior to the end of 2022. However, this is the last extension of time that will be supported by staff.

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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:**Current Planning**

- Until November 2, 2022 to commence.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that 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.

Public Works - Development Review

- Compliance with previous conditions.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC:

APPROVALS:

PROTEST:

APPLICANT: VENETO PARADISE, LLC

CONTACT: BAUGHMAN & TURNER, INC., 1210 HINSON ST, LAS VEGAS, NV 89102