

**MINUTES  
CITY OF NORTH LAS VEGAS  
PLANNING COMMISSION**

July 8, 2009

*All Staff Reports and attachments are available on the City's  
Website - [http:// www.cityofnorthlasvegas.com](http://www.cityofnorthlasvegas.com)*

**BRIEFING:** 5:30 P.M., Conference Room, North Las Vegas City Hall, 2200 Civic Center Drive

**CALL TO ORDER:** 6:00 P.M., Council Chambers, North Las Vegas City Hall, 2200 Civic Center Drive

**WELCOME:** Vice-Chairman Harry Shull

**ROLL CALL:** Chairman Angelo Carvalho - Absent  
Vice-Chairman Harry Shull - Present  
Commissioner Jay Aston - Present  
Commissioner Jo Cato - Present  
Commissioner Dean Leavitt - Present  
Commissioner Dilip Trivedi - Present  
Commissioner Steve Brown - Present

**STAFF PRESENT:** Marc Jordan, Planning Manager  
Robert Eastman, Principal Planner  
Bethany Sanchez, Deputy City Attorney II  
Jennifer Doody, Development & Flood Control  
Eric Hawkins, Public Works  
Mike Steele, Fire Department  
Jose Rodriguez, Police Department  
Louise Steeps, Utilities  
Melissa Krause-Gradney, Recording Secretary

**VERIFICATION**

Melissa Krause-Gradney, Recording Secretary

**PLEDGE OF ALLEGIANCE**

Commissioner Steve Brown

**Election of Planning Commission Officers**

Commissioner Jay Aston nominated Commissioner Dean Leavitt for Chairman and Commissioner Steve Brown seconded the motion.

ACTION: DEAN LEAVITT ELECTED CHAIRMAN

MOTION: Commissioner Aston

SECOND: Commissioner Brown

AYES: Vice-Chairman Shull, Commissioners Leavitt, Aston, Brown, Cato, and Trivedi

NAYS: NONE

ABSTAIN: NONE

Commissioner Jay Aston nominated Commissioner Steve Brown for Vice-Chairman and it was seconded by Commissioner Leavitt.

ACTION: STEVE BROWN ELECTED VICE-CHAIRMAN

MOTION: Commissioner Aston

SECOND: Commissioner Leavitt

AYES: Vice-Chairman Shull, Commissioners Leavitt, Aston, Brown, Cato, and Trivedi

NAYS: NONE

ABSTAIN: NONE

The results of the election will take effect at the July 22, 2009 Planning Commission Meeting.

The meeting was conducted by Vice-Chairman Harry Shull in the absence of Chairman Angelo Carvalho.

**PUBLIC FORUM**

There was no public participation.

**Item No. 2 was heard next.**

**NEW BUSINESS**

1. **UN-36-09 (39075) HAMPTON INN SPEEDWAY (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CRAIG II SW HOTEL, INC. ON BEHALF OF CRAIG PROPERTIES LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN "ON-SALE" ESTABLISHMENT (BEER-WINE-SPIRIT-BASED PRODUCTS). THE PROPERTY IS LOCATED AT 2852 EAST CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-01-211-002.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant demonstrated compliance with the separation requirements from all schools, day cares, churches, and parks, which was at least 400 feet and there were no other separation requirements from like uses. The request was for full on-sale, which was different from restricted gaming. Staff was recommending approval of UN-36-09 subject to the following condition:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.

**Scott Olivio, 2852 East Craig Road, North Las Vegas, NV** appeared indicating he concurred with Staff recommendation.

Vice-Chairman Harry Shull opened the Public Hearing. There was no public participation.

Vice-Chairman Shull closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS.

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

AYES: Vice-Chairman Shull, Commissioners Brown, Leavitt, Aston, Cato and Trivedi

NAYS: NONE

ABSTAIN: NONE

**Item No. 3 was heard next.**

2. **UN-35-09 (39049) ST. CHARLES TOWER-KELFAD (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ST. CHARLES TOWER, INC. ON BEHALF OF PARK CENTRAL PLAZA 32, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A 100-FOOT TELECOMMUNICATION TOWER. THE PROPERTY IS LOCATED NORTH OF ANN ROAD APPROXIMATELY 730 FEET EAST OF LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-25-312-003.**

It was requested by the applicant to continue UN-35-09 to August 12, 2009.

Vice-Chairman Shull opened the Public Hearing. There was no public participation.

Vice-Chairman Shull indicated the Public Hearing would remain open.

ACTION: CONTINUED TO AUGUST 12, 2009.

MOTION: Commissioner Brown

SECOND: Commissioner Leavitt

AYES: Vice-Chairman Shull, Commissioners Brown, Leavitt, Aston, Cato and Trivedi

NAYS: NONE

ABSTAIN: NONE

**Item No. 1 was heard next.**

3. **VAC-06-09 (39124) KAPEX (PUBLIC HEARING). AN APPLICATION SUBMITTED BY POGGEMEYER DESIGN GROUP, INC. ON BEHALF OF KAPEX, LLC, PROPERTY OWNER, TO VACATE 20 FEET OF A ROADWAY EASEMENT FOR THE EXTENSION OF GRAND VALLEY PARKWAY THAT IS LOCATED 420 FEET WEST OF CHUCK LENZIE COURT. THE ASSESSOR'S PARCEL NUMBER IS 103-16-010-002.**

The application was presented by Marc Jordan, Planning Manager who explained a traffic study had been submitted and the roadway easement was granted at 100 feet in width and under the traffic study, only 80 feet was required; therefore, the applicant was requesting that the additional 20 feet be vacated in order to construct the roadway for Grand Valley Parkway. Staff was recommending approval of VAC-06-09.

**Sam Dunham, 6960 Smoke Ranch Road, Suite 110, Las Vegas, NV 89128** appeared on behalf of the applicant indicating he concurred with Staff recommendation.

Vice-Chairman Shull opened the Public Hearing. There was no public participation.

Vice-Chairman Shull closed the Public Hearing.

ACTION: APPROVED AND FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION.

MOTION: Commissioner Leavitt

SECOND: Commissioner Brown

AYES: Vice-Chairman Shull, Commissioners Leavitt, Brown, Aston, Cato and Trivedi

NAYS: NONE

ABSTAIN: NONE

4. **VN-08-09 (39126) RUBY DUNCAN ELEMENTARY SCHOOL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THE CLARK COUNTY SCHOOL DISTRICT ON BEHALF OF THE UNITED STATES OF AMERICA, PROPERTY OWNER, FOR A VARIANCE IN A PSP, PUBLIC/SEMI-PUBLIC DISTRICT TO ALLOW A 16.5 FOOT HIGH WALL WHERE 12 FEET IS THE MAXIMUM HEIGHT ALLOWED, AND TO ALLOW AN EIGHT (8) FOOT AND A 10.5 FOOT HIGH RETAINING WALL WHERE SIX (6) FEET IS THE MAXIMUM HEIGHT ALLOWED. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF ROME BOULEVARD AND COMMERCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-22-701-001.**

The application was presented by Robert Eastman, Principal Planner who explained the applicant was proposing to build an elementary school on the site and was requesting they be allowed a variance of the required wall height, specifically, the wall height for a normal screen wall, which would be six feet or 12 feet with a retaining wall and the applicant was proposing a wall height of 10 ½ feet for a portion of a retaining wall and an overall wall height of 16 ½ feet for both the retaining wall and the screen wall. Upon looking at the site and examining the site plan and civil improvement plans, the Public Works Department felt that the site could be graded sufficiently to not require the variance and the additional height for the retaining walls; therefore, do not feel the variances were needed. Currently, the site had quite a bit of slope but the site was large enough and it was felt a variance was not needed, as there was adequate space to step the wall, which was allowed in the Design Standards for walls. Staff was recommending that VN-08-09 be denied. Should the Commission determine approval was warranted, the following conditions were recommended:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes, ordinances.
2. That the following maximum wall heights will apply to the subject property:
  - a. That the maximum overall wall height for Wall "C", as depicted on the plans, shall not exceed 16 feet 6 inches, and
  - b. That the maximum height for the retaining wall portion of Wall "C", as depicted on the plans, shall not exceed 10 feet 6 inches.
  - c. That the maximum height for the retaining wall portion of Wall "J", as depicted on the plans, shall not exceed 8 feet.
  - d. That all walls on the site facing public rights-of-ways or internal drive aisles/private streets used by the public shall meet the requirements for a "Wall, decorative" as defined in Title 17.12.020.

3. That a single wall design for retaining/screen walls on the site shall be allowed in lieu of the required staggered/terraced wall design that is required for retaining walls that exceed six (6) feet in height.

**Mark McGinty of SH Architecture, 7373 Peak Drive Suite 250, Las Vegas, NV 89128** appeared on behalf of the applicant explaining there was a lot of caliche on the site and if the variance was approved, it would save a substantial amount of money by not having to dig another twelve feet through caliche. The approval of the variance would allow for a balanced site, as they were also planning a middle school adjacent to the site in the future. He showed a diagram of the walls being proposed and requested the variance be approved.

Vice-Chairman Shull opened the Public Hearing. The following participants came forward:

- **Bob Russell, 6714 Gentle Harbor, North Las Vegas, NV 89084** explained his property was to the west of the site. The view from his back yard would be the school and he was concerned with the wrought iron fence and open area, as he did not want a view of a bus stop.

Vice-Chairman Shull asked Mr. Russell if his property was below the grade of the school site.

Mr. Russell responded the foundation of his house was below grade, but it was a two story home.

Vice-Chairman Shull clarified with Staff that the school had already been approved and the application was for a variance on the walls.

Mr. Jordan responded that was correct.

Mr. Russell explained he did not have any issues with the walls on the area where the variance was requested, but was concerned with the area behind his home.

Mr. McGinty explained they held a neighborhood meeting and moved the buses completely and went to the 40 foot off-set to keep the buses away from the fence line and then dropped the site in an effort to get lower to not impact the residential area.

Commissioner Jay Aston pointed out, on the agenda it stated to allow a 16.5 foot high wall where 12 feet was the maximum and he had not heard that description when the site plan was presented.

Mr. McGinty explained when he referred to the wall, it was actually the retaining wall portion and when looking at the site plan, the retaining wall went up to 10.5 feet and then to keep the children safe, they put a chainlink fence on top of that, which was an additional six feet.

Commissioner Aston clarified the highest retaining wall was 10.5 feet and then there was

another retaining wall that went up to eight feet, but was shorter on each end.

Mr. McGinty responded that was correct.

Commissioner Aston asked Staff, if for the private drive shown on the site map, if the applicant was being required to have a street scape and pointed out the site map showed street, sidewalk, retaining wall and asked if that was correct.

Mr. Eastman responded that was what he understood it to be, street, sidewalk, retaining wall and that a public street would be required to have landscaping.

Chairman Aston asked if the limitations on the height of retaining walls was governed by ordinance.

Mr. Eastman responded it was. If the applicant staggered the wall and did the retaining wall and then the five feet and then the second wall, that would give five feet of landscaping and would be stepped higher and at a different elevation than the street, but would encourage the landscaping between the two walls.

Chairman Aston said the eight foot wall appeared to have some type of roadway.

Mr. McGinty explained that was the block wall, then a five foot planter, then the sidewalk, then the roadway and then as you cut across and got closer to "C" it was sidewalk, a three foot planter and then a chainlink fence.

Commissioner Aston asked about the wall on the left, pointing out there was street, curb and gutter, and asked if there was sidewalk on the same level as the street.

Mr. McGinty responded that was correct.

Commissioner Aston also asked if there was also a retaining wall at back of sidewalk.

Mr. McGinty said the retaining wall was five foot back of the sidewalk.

Commissioner Aston clarified the roadway was up against the retaining wall.

Mr. McGinty stated that was correct.

Commissioner Aston asked how close the driveway was to the retaining wall.

Mr. McGinty responded the driveway was 10 feet from the retaining wall.

Commissioner Aston pointed out Staff was correct in saying where there was a 10.5 foot

retaining wall, they could put in a retaining wall then come a few feet and put in another retaining wall, then there would be room for it.

Mr. McGinty responded there would not be enough room, because the way the stacked retaining walls work, there had to be a lower portion of the higher footing 45 degrees away from the lowest portion of the lower retaining wall. So, you had to have the top wall back far enough to make sure the load of the lower wall was not increased, which would take away from the playground area. Mr. McGinty pointed out that the private drive was the owner's concession to put on the site to begin with. The roads were put in to get the parental traffic in the afternoon off of Deer Springs, Goldfield Street and Rome Boulevard.

Commissioner Aston asked why the road cut into the site so much and why the road was not brought up further, so such a large retaining wall would not be necessary.

Mr. McGinty explained the road was being built up to get it to slope from Rome up to the middle of the site and allow children to walk up and down the sidewalks.

Commissioner Aston stated if the road were higher, there would not be a need for retaining walls on both sides of the road.

Mr. McGinty explained if the road was higher, the retaining walls would be worse on one side.

Commissioner Aston questioned on Wall "C" if there was already a layout of what the school site would look like.

Mr. McGinty responded that school was already existing.

Commissioner Aston asked if there was room to step the retaining wall into that area.

Mr. McGinty explained there was room, but it would be at the cost of the children's play area. He explained there was a certain square footage of playground the School District liked to keep for each elementary school, so they did not hammer Hayden Elementary to make one roadway work. They tried to balance and mitigate the height requirement.

- **Richard Cherchio, 417 Horse Pointe Avenue, North Las Vegas, NV 89084** was concerned with Gentle Harbor, which was the street abutting the yards, running from the park area on Rome Boulevard up to Deer Springs Road. Currently, at the site, there was a caliche wall installed by Centex Homes and on top of that wall there was a wrought iron fence. He was concerned with the children being able to access the fenced area and either look down into the properties of the residents or throw garbage over the fence. He asked that a fence with slats be installed to prevent debris from being thrown into the residents' yard and to protect their privacy. He stated there was multiple issues regarding the fencing. After reviewing the Staff Report, he understood the request for the variance, but trying to visualize what it

would look like was difficult. He was concerned with the aesthetic value of the walls to the community.

Vice-Chairman Shull closed the Public Hearing.

Commissioner Dilip Trivedi asked the applicant if caliche being on the property was a recent discovery.

Mr. McGinty responded it was known there was caliche on the property but you get to a point where the site was safe for the children and then you also looked at what could be done with the dirt that was being removed and they were trying to use some of the caliche in a caliche wall that was designed for the site and would also use it to fill the adjacent site.

Commissioner Trivedi asked if there was a cross section going through Wall "C", the roadway and the fence.

Mr. McGinty responded he did not have one.

Commissioner Trivedi asked Public Works if the site could be re-graded to alleviate some of the problems.

Jennifer Doody of Public Works responded there was some opportunity to re-grade and there was also an opportunity to step the wall without the need for the variance and they could follow what the ordinance had set out for taller walls to allow for the stepping.

Commissioner Trivedi stated the City usually bent over backward to assist the School District with their applications and asked Mr. McGinty if he would like to rework the site and possibly re-grade so a variance would not be necessary.

Mr. McGinty asked for a vote on the application and he would proceed accordingly.

Commissioner Steve Brown clarified with Staff that the Planning Commission was not allowed to use the cost of something as their deciding factor when approving an application.

It was indicated that was correct.

Commissioner Brown stated, keeping in mind the relative cost could not be used for the Commission to determine whether or not the variance would be approved, there was only 4.5 feet that would have to be carved down to be in compliance and a six foot wall was allowed and the applicant was asking for 10.5 feet.

Mr. McGinty responded a six foot wall was allowed and they had a 10 foot retaining wall with a six foot fence on top of that.

Commissioner Brown stated the 12 foot wall went to 16.5 feet, so the difference was 4.5 feet, so he was having a difficult time deciding to approve the waiver because cost was a big factor. He was leaning more toward homeowners in the area looking at an eyesore for the next 35 years.

Mr. McGinty argued the fence was on a private drive between playgrounds and did not see how the public would be harmed in any way.

Mr. Jordan explained the financial cost was not specifically listed in the ordinance, when you consider the fact that the block wall was required and not stepping it, if the variance was approved, a waiver was being given to the Design Standards, which the Commission should not consider the financial cost for that, so it did indirectly apply. The recommendation for denial was not being changed, but it was listed in the Staff Report, those four things the Commission should consider if they were to determine the variance was warranted and one of the things was that there was exceptional or extraordinary circumstances of conditions applicable to the property involved in such circumstances and conditions do not generally apply to other properties in the same vicinity or zoning district. There were also three other conditions listed which should be considered when deliberating whether to approve or deny the application.

Commissioner Jay Aston clarified the retaining walls would be engineered for safety and if they were looking at a 16.5 foot wall that was all block and they were looking at a 10.5 foot wall with view fencing on top, that was another. He did not understand what was being talked about on Wall "J" which was closer to the residential and asked if there was detail showing that wall and asked if a wall was being constructed in that area.

Mr. McGinty explained Wall "J" was one of the variances being requested.

Commissioner Aston asked how high the retaining wall was for Wall "J".

Mr. McGinty responded the retaining wall was six feet.

Commissioner Aston asked what was in question on Wall "J".

Mr. Eastman explained according to the Staff Report it was requested that Wall "J" have a retaining wall of up to eight feet where six feet was allowed.

Mr. McGinty explained when he looked at the civil engineering, there was nothing over six feet on Wall "J".

Commissioner Aston indicated he was leaning toward approval of the application.

Commissioner Dean Leavitt clarified that the new school would be a two story building.

Mr. McGinty responded the back half of the building would be two story.

Commissioner Leavitt stated that would help obscure viewing Wall "B" from the residents.

Mr. McGinty stated that was correct; he did not feel the residents would be able to see it because most of their back yards were tall.

Commissioner Leavitt was in support of the application.

Commissioner Dilip Trivedi asked if Wall "C" would be a security issue for children climbing over it.

Mr. McGinty responded the six foot chainlink fence was a standard used by the School District for years.

**ACTION:** APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS.

**MOTION:** Commissioner Leavitt

**SECOND:** Commissioner Aston

**AYES:** Vice-Chairman Shull, Commissioners Leavitt, Aston, Cato and Trivedi

**NAYS:** Commissioner Brown

**ABSTAIN:** NONE

5. **ZOA-04-09 (39086) CNLV TRUCK & TRAILER RENTAL ORDINANCE (PUBLIC HEARING). AN ORDINANCE AMENDMENT SUBMITTED BY THE CITY OF NORTH LAS VEGAS TO AMEND TITLE 17 (ZONING ORDINANCE), SECTIONS 17.20.100 (C-1, NEIGHBORHOOD COMMERCIAL DISTRICT), 17.20.110 (C-2, GENERAL COMMERCIAL DISTRICT), AND 17.24.025 (CONDITIONAL USES), TO ADD "TRUCK AND TRAILER RENTAL" AS A CONDITIONAL USE; AND TO PROVIDE FOR OTHER MATTERS PROPERLY RELATED THERETO.**

The application was presented by Robert Eastman, Principal Planner who explained the City had found that truck and trailer rental, when in conjunction with a mini-warehousing facility, at this time, would require a special use permit; however, the two uses were very complimentary and compatible with each other and Staff felt since a truck and trailer rental facility was generally approved with the mini-warehouse, that with the proper conditions, it could be done administratively at staff level with a conditional use permit. Staff was requesting the use be conditional and the conditions were listed that were felt sufficient, including providing additional parking for each truck so the trucks or trailers were not allowed to take required parking for the mini-warehousing facility, that the trucks be placed behind the screening and not in the customer parking along the street edge and that the facility did not get separate signage that would proliferate signage along the street, that would give the lot a greater amount of signage that what would typically be allowed in the commercial district. Staff was recommending that ZOA-04-09 be approved and forwarded to City Council for final consideration.

Vice-Chairman Harry Shull opened the Public Hearing. The following participant came forward:

- **Bob Genzer, Genzer Consulting, 9612 Hawksbill Court, Las Vegas, NV 89117** appeared on behalf of Storage One to support approval of the application, pointing out, at the present time, North Las Vegas was the only entity in the Valley who did not allow rental trucks as a conditional use in C-1.

Vice-Chairman Shull closed the Public Hearing.

ACTION: APPROVED AND FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION.

MOTION: Commissioner Aston

SECOND: Commissioner Brown

AYES: Vice-Chairman Shull, Commissioners Brown, Aston, Leavitt, Cato and Trivedi

NAYS: NONE

ABSTAIN: NONE

**6. SPR-09-09 (39115) DOWNTOWN AREA COMMAND CENTER. AN APPLICATION SUBMITTED BY THE CITY OF NORTH LAS VEGAS, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN R-A/PSP, REDEVELOPMENT AREA/PUBLIC/SEMI-PUBLIC SUBDISTRICT TO WAIVE THE PARKING LOT LANDSCAPING REQUIREMENT FOR THE PROPOSED 31,913 SQUARE FOOT DOWNTOWN AREA COMMAND CENTER. THE PROPERTY IS LOCATED AT 2260 CIVIC CENTER DRIVE. THE ASSESSOR'S PARCEL NUMBER IS 139-23-506-005.**

The application was presented by Robert Eastman, Principal Planner who explained the proposed downtown command center would be approximately located in what was currently the Development Services Center parking lot. The secured parking facility would be where the Development Service Building was currently located and was in conjunction with the construction of the new City Hall building as was part of the conversion of the current City Hall facility into the Police Station. The building was generally in conformance with the Design Standards and complied with the architectural requirements. There was a 40 foot landscape strip proposed along Civic Drive and the parking requirements had been met for the public building. What was unusual about the site, was that the parking for the center was split between the public and private parking for police use. The applicant was requesting that a waiver be granted to allow the parking lot landscaping not be required for the secured portion of the parking. The public portions of the parking lot would have all required landscaping and the building would have foundation landscaping and all perimeter landscaping would be placed as required. Additionally, there was a proposed trail that was in conformance with the downtown master plan that went from Judson Street to the east and traveled through the current City Hall Campus to Civic Center Drive. With that in mind, Staff was recommending approval of SPR-09-09 and that it be forwarded to the Redevelopment Agency for final consideration with the following recommended conditions:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. Install the proposed twenty two (22) foot wide multi-purpose path for bicycles and pedestrians connecting from Judson Avenue to the parking lot located south of the existing City Hall building.
3. Street trees must be planted along Civic Center Drive and the multi-purpose path in accordance with Title 17 requirements. A minimum of 60% percent ground coverage shall be provided in all landscape areas within two years that a Certificate of Occupancy is issued.

4. The development shall comply with the Commercial Design Guidelines with the following exception.
  - a. Parking lot landscaping is not required within the secured parking lot for public safety vehicles.
  - b. The exterior facade fronting Civic Center Drive is not required to provide 60% of architectural features such as windows, awning and arcades.
5. Approval of a drainage study is required prior to the submittal of civil improvement plans.
6. Fire access lanes shall be 24 feet wide and provided with a 28 feet inner and 52 feet outer turn radii.
7. Gates restricting access to fire lanes shall be 24 feet wide. Method of opening and securing gates shall be in accordance with the Fire Code.

**Jason Kaminsky of City of North Las Vegas Public Works Department. Engineering Services, 2288 Civic Center Drive, North Las Vegas, NV 89030** appeared on behalf of the City indicating he concurred with Staff recommendation.

Commissioner Dilip Trivedi commented that he did not have a problem with the waiver for the doors and windows facing the street but did have a problem with the section of the Ordinance, which mandated that there be 60% opening on the street facade without consideration for orientation. Which means if the wall were facing east or west, there would be low sun penetrating the building, which would add up to huge air conditioning loads to the building and he wasn't sure why a waiver was needed for the parking lot landscaping and asked if it was a hardship issue.

Mr. Kaminsky was not sure, but was instructed to request a waiver as the proposed site plan did not meet parking lot standards as there were no parking lot islands, which were required. In order to meet the Police Department's requirement for parking, which was 280 spaces, the parking lot landscaping was eliminated.

Commissioner Trivedi was not in favor of the landscape waiver.

Marc Jordan, Planning Manager understood more parking was necessary for the site; therefore, they were proposing no landscaping in the secured parking lot. He pointed out in the past the Commission had considered waivers to eliminate the landscaping within secured parking areas or storage areas where they might have used parking that was not visible from public streets, so the waiver was not unique. He gave an example of when the City Hall building currently being constructed, there was a waiver to eliminate the berming requirement along McDaniel Street and Hamilton, primarily for drainage, coincidentally,

when that waiver was considered, the swap meet came in and asked for a waiver to also eliminate the berming for the same reason, due to drainage. The rules are not written to allow the City a way to escape. The request is consistent with other waivers that have been requested and approved. If the waiver was in the public parking lot, the waiver would not have been requested.

Commissioner Trivedi was concerned as the requirement was not for aesthetics, but was to shade the cars and alleviate the heat island effect and to improve drainage on the site, and reducing run-off. He pointed out he had been opposed to other landscape waivers. Mr. Jordan agreed with Commissioner Trivedi but felt in the case, the need outweighed it, because this would be a busy command center and the spaces were necessary for the police vehicles and personal cars when shifts were being changed.

Commissioner Steve Brown asked Staff if there were any other options. If more parking was needed, if a two story parking area could be made, not for this application, but it were a commercial area, if it would be a viable option.

Vice-Chairman Shull stated it could be allowed but would not be viable, as it would be very costly.

Mr. Eastman explained the code allowed a multi-story parking structure and, in theory, on paper it was allowable and could be requested. A number of years ago, when property values were higher and land was more scarce, a number of employees had the opportunity to visit with some of the developers in Southern California and, and at that time it was requested why, with larger multi-family projects or mixed use projects, structured parking was not being installed. The developers explained because in California there were lots of structured parking, but no matter high the land values are in this valley, does not warrant structured parking. Building multi-level parking structures was so expensive that it was still more cost effective to try to find more land or do something else instead, which is why whenever a developer comes in with a large multi-family project or a mixed use project in the valley, surface parking was being offered. Surface parking would continue to be offered until the land values were so high as to warrant construction costs for structured parking.

**ACTION:** APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS;  
FORWARDED TO REDEVELOPMENT AGENCY FOR FINAL  
CONSIDERATION

**MOTION:** Commissioner Leavitt

**SECOND:** Commissioner Brown

**AYES:** Vice-Chairman Shull, Commissioners Leavitt, Brown, Aston, Cato and Trivedi

**NAYS:** NONE

**ABSTAIN:** NONE

**PUBLIC FORUM**

There was no public participation.

**DIRECTOR'S BUSINESS**

There was no report given.

**CHAIRMAN'S BUSINESS**

There was no report given.

**ADJOURNMENT**

The meeting adjourned at 6:57 p.m.

APPROVED: August 12, 2009

/s/ Dean Leavitt  
Dean Leavitt, Chairman

/s/ Jo Ann Lawrence  
Jo Ann Lawrence, Recording Secretary