



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: JANUARY 15, 2025

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: WDG LIMITED - OWNER: DAN AND STEPHANY MARTINEZ

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0407-ZON1	Staff recommends DENIAL.	
24-0407-SDR1	Staff recommends DENIAL, if approved subject to conditions:	24-0407-ZON1

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 29

NOTICES MAILED 452 (by City Council)

PROTESTS N/A

APPROVALS 3

**** CONDITIONS ****

24-0407-SDR1 CONDITIONS

Planning

1. Approval of Rezoning (24-0407-ZON1) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 09/19/24, except as amended by conditions herein.
4. A Waiver from Title 19.09 is hereby approved, to allow a five-foot front yard setback where 20 feet is the minimum required (Fremont Street).
5. A Waiver from Title 19.09 is hereby approved, to allow a three-foot front yard setback where 20 feet is the minimum required (8th Street).
6. A Waiver from Title 19.09 is hereby approved, to allow a four-foot front yard setback where 20 feet is the minimum required (Carson Avenue).
7. A Waiver from Title 19.09 is hereby approved, to allow 29,426 square feet of open space where 33,700 square feet is the minimum required.
8. A Waiver from Title 19.09 is hereby approved, to allow balconies within three feet to the rear lot line where 10 feet is required.
9. A Waiver from Title 19.09 is hereby approved, to allow a 29-foot two way driveway width where 32 feet is the minimum required.
10. A Waiver from Title 19.09 is hereby approved, to allow a five-foot architectural feature encroachment for the front façade zone where three feet is the maximum allowed. Staff does not support this request.
11. An Exception from Title 19.09 is hereby approved, to allow a 76.4 percent façade alignment where 80% is the minimum required for the frontage (Fremont Street)

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12. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Division.
13. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
14. The applicant shall coordinate with the City Surveyor and other city staff to determine the most appropriate mapping action necessary to consolidate the existing lots. The mapping action shall be completed and recorded prior to the issuance of any building permits.
15. All utility or mechanical equipment shall comply with the provisions of the Interim Downtown Las Vegas Development Standards, unless approved by a separate Waiver.
16. Trash enclosures shall be provided in conformance with the provisions of Title 19.08.040.E.
17. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, which shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device. The technical landscape plan shall include the following changes from the conceptual landscape plan:
 - A. Any non-district specific landscaping within the amenity zone areas shall be replaced with Fremont East-specific landscaping as reflected in Title 19.09.040.
18. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
19. A Comprehensive Construction Staging Plan shall be submitted to the Department of Community Development for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers.

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20. Prior to the submittal of a building permit application, the applicant shall meet with Department of Community Development staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
21. Prospective buyers shall be informed that views may be obscured by future adjacent development and this information shall be included in project CC & R's.
22. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

23. Per Title 13.12, dedicate a 10-foot spandrel for both the corners of 8th Street and Carson Avenue and 8th Street and Fremont Street on the Final Map for this site.
24. In accordance with code requirements of Title 13.56 and Section 2.2 of the City's Vision Zero Action Plan, remove all substandard offsite improvements and unused driveway cuts, if any, and replace with new improvements meeting Public Right-of-Way Accessibility Guidelines (PROWAG) to the satisfaction of the City Engineer concurrent with development of this site. Grant Pedestrian Access Easement(s) if necessary to comply with this requirement. All existing paving damaged or removed by this development shall be restored at its original location, width and depth concurrent with development of this site.
25. Coordinate sewer connection at a size, depth, and location acceptable to the Sanitary Sewer Engineering Section of the Department of Public Works.
26. Contact the City Engineer's Office at 702-229-6272 to coordinate the development of this project with the 8th Street, Carson Avenue, the Fremont Street with the 8th Street: Stewart to Bridger project (MWA688), the Maryland Parkway Bus Rapid Transit project (702-229-6416) and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
27. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

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28. An overhead encroachment into the public right-of-way has not been approved by the City Engineer for this site. Any encroachment into the public right-of-way must be approved by the City Engineer prior to the submittal of an application for a permit. If approved, submit a License Agreement for landscaping and private improvements (removable overhang) and in the Fremont Street and Carson Avenue public rights-of-way prior to the issuance of permits for these improvements. If requested by the City, the applicant shall remove property within the public right-of-way at the applicant's expense pursuant to the terms of the City's License Agreement. The installation and maintenance of all private improvements in the public right-of-way shall be the responsibility of the applicant and any successors in interest to the property and assigns pursuant to the terms of the License Agreement. Coordinate all requirements for the License Agreement with the Land Development Section of the Department of Community Development (229-5460)
29. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. The Traffic Impact Analysis shall also include a pedestrian circulation/access plan, in accordance with Section 2.2 of the City's Vision Zero Action Plan, to identify nearby pedestrian attractors and recommend measures to accommodate pedestrians, such as but not limited to pedestrian access, crosswalk, pedestrian activated flashers and temporary sidewalks. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
30. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits or the submittal of a map for this site, whichever may occur first. Provide and improve all drainage ways as recommended.

Fire & Rescue

31. 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.
32. The applicant shall submit a Fire Protection Report prior to the approval of the civil plans. This report shall be in accordance with the International Fire Code Section 104.13 (as amended).

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing to develop a proposed 17-story, mixed use development consisting of 338 multi-family residential units and 9,470 square feet of commercial space on 1.39 acres at the southwest corner of Fremont Street and 8th Street.

ISSUES

- The subject site is located within the confinements of the Vision 2045 Downtown Las Vegas Master Plan (Fremont East District) [Area 3].
- A Rezoning (24-0407-ZON1) is requested from T5-MS (T5 Main Street) to T6-UC (T6 Urban Core). The T5-MS transect zone has a maximum building height of seven stories whereas the proposed T6-UC transect zone has a maximum height of 20 stories. Staff recommends denial.
- A Site Development Plan Review (24-0407-SDR1) is requested for a proposed 17-story, mixed use development consisting of 338 multi-family residential units and 9,470 square feet of commercial space. Staff recommends denial. In conjunction with the proposed development, the following Waivers of Title 19.09 are requested:
 - A Waiver of Title 19.09 is requested to allow a five-foot front yard setback where 20 feet is the minimum required (Fremont Street). Staff does not support this request.
 - A Waiver of Title 19.09 is requested to allow a three-foot front yard setback where 20 feet is the minimum required (8th Street). Staff does not support this request.
 - A Waiver of Title 19.09 is requested to allow a four-foot front yard setback where 20 feet is the minimum required (Carson Avenue). Staff does not support this request.
 - A Waiver of Title 19.09 is requested to allow 29,426 square feet of open space where 33,800 square feet is the minimum required. Staff does not support this request.
 - A Waiver of Title 19.09 is requested to allow balconies within three feet to the rear lot line where 10 feet is required. Staff does not support this request.
 - A Waiver from Title 19.09 is requested to allow a 29-foot two way driveway width where 32 feet is the minimum required. Staff does not support this request.
 - A Waiver from Title 19.09 is requested to allow a five-foot architectural feature encroachment for the front façade zone where three feet is the maximum allowed. Staff does not support this request.

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- A Pre-Entitlement Exception of Title 19.09 is requested to allow a 76.4 percent façade alignment where 80 percent is the minimum required for the frontage (Fremont Street). Staff does not support this request.

ANALYSIS

Adopted by the City Council in June 2016, the *Vision 2045 Downtown Las Vegas Master Plan* (Downtown Master Plan) is the policy document that provides an overall vision, policy direction, and implementation strategy in support of the ongoing recovery and revitalization in Downtown Las Vegas. The Downtown Master Plan envisions and encourages downtown Las Vegas to achieve a compact, vibrant urban environment, with a focus on higher-density mixed-use development around transit hubs and activity nodes. The Master Plan is intended to enable an energetic, urban way of life and a high-quality physical environment for locals and visitors alike.

Adopted under the requirements of the Las Vegas Municipal Code and other applicable laws, the Title 19.09 Form-Based Code establishes the new form-based standards for the area of the City included within the Downtown Las Vegas Overlay (DTLV-O). Eventually, the Form-Based Code will be applied to each of the twelve Downtown Districts within the Downtown Las Vegas Overlay District.

In February 2007, the City Council approved a Site Development Plan Review (SDR-18638) for a 40-story, 395-unit condominium development with 15,892 square feet of retail space and 9,050 square feet of office space at the subject site; through Extensions of Time, this project was entitled for nearly a decade until 2017 though no building permits had been formally submitted.

In accordance with the recommendations set forth in the *Vision 2045 Downtown Las Vegas Master Plan*, the subject site as well as the entire Fremont East downtown district was Rezoned (via ZON-76747) in October 2019 to Form Base Code transect zones. As such, the subject site was Rezoned from C-2 (General Commercial) to T5-MS (T5 Main Street). Under the T5-MS transect zoning, the maximum building height is seven stories.

The 1.39-acre subject site is an undeveloped half block adjacent to Fremont Street, 8th Street, and Carson Avenue right-of-ways. For development purposes, all three roadways are categorized as Primary Thoroughfares. Whenever two or more sides of the lot face Primary Thoroughfares, all such sides shall be considered the frontage, or front. The applicant is proposing to develop a 17-story, mixed use development consisting of 338 multi-family residential units and 9,470 square feet of commercial space. The proposed development is categorized as a Flex High-Rise building type with Terrace, Forecourt, and Shopfront street frontages.

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As the proposed development exceeds the seven story building height currently allowed in the T5-MS transect zone, the applicant is requesting a Rezoning to T6-UC to allow a maximum building height of 20 stories in a high-rise design.

Density and Height Bonuses

Title 19.17 adopted in January of 2023, allows for developers to increase the number of units and the maximum height allowed in numerous zoning districts in order to accommodate affordable housing units. While the entire development does not need to be “affordable,” by providing a percentage of affordable units, the developer in exchange is allowed to increase the maximum density allowed by the General Plan, and increase maximum building height allowed in their zoning district.

For example, the subject site is 1.39 acres with a General Plan Designation of FBC. Title 19.17 allows a density bonus of up to three dwelling units per acre in exchange for ten percent of the total dwelling units proposed as affordable housing units. In addition, Title 19.17 would allow the applicant a height bonus of three stories in the T5-MS zoning district. This would allow the applicant to build a 10-story building without the need for a rezoning.

Rezoning

The intent of the T6-UC (T6 Urban Core) transect zone is to reinforce and enhance the downtown urban core and provide the highest-intensity vibrant, compact, walkable urban environment. A variety of building types with active pedestrian street facades and a diverse range of uses supported by active ground floor frontages. A wide range of regional-center appropriate uses as well as, employment, retail, services, civic, or public uses. If approved, the Rezoning would allow an increase in the maximum building height to 20 stories.

The requested Rezoning would create a situation commonly known as “spot zoning.” Spot zoning is defined by Title 19.18 as, “rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the General Plan.” The parcels surrounding the subject site are mainly zoned T5-MS (T5 Main Street) whereas the south consists of parcels zoned C-2 (General Commercial). Amending the subject site would create a “spot” of T6-UC in an area strongly consisting of T5-MS transect zoning surrounding the subject site. Rezoning the subject site would be contrary to the intent of the General Plan as the proposed building type and height is out of character with the surrounding area.

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Under the provisions of Title 19.16.090 (R), Rezoning a designated form-based code transect zone is restricted to a transect zone category that is one transect tier numerically higher or lower. Additionally, the approval of a Rezoning application is only allowed in conjunction with the approval of a Site Development Plan Review. As such, if the Site Development Plan Review application is approved and not exercised, the Rezoning would be deemed void as well and would revert to the current zoning categories.

Site Development Plan Review

Mixed-use is defined as “the vertical integration of residential uses and commercial or civic uses within a single building or a single development, where the uses share pedestrian access, vehicular access, parking functions, or any combination thereof.” Mixed-use is a permitted use in the T6-UC (T6 Urban Core) transect zone.

Development projects within the form-based code designated areas of Downtown Las Vegas are subjected to an alternative parking reduction based upon a variety of factors such as neighborhood context and current or future infrastructure. Pursuant to Title 19.09.100 Table G-1 (Medium Load - Zone 2), the reduction brings the parking requirement range from a minimum of 195 parking spaces to a maximum of 390 parking spaces. The parking for the proposed development is within this threshold as 388 parking spaces are provided.

The submitted floor plan shows the building broken down by floor. The first floor features 9,230 square feet of commercial space as well as ancillary multi-family amenities such as the lobby, leasing office, fitness room, yoga room, a pet park, and bike storage. The 388 space parking garage occupies the first four floors of the proposed development. The remainder of the building, floors five through 17, serves as the residential bulk of the building. Spread interchangeably throughout the development are 72 studio, 194 one bedroom, 70 two-bedroom, and two three-bedroom units.

The building elevations demonstrate a 196-foot tall high-rise building primarily comprised of a variety of materials. The building primarily consists of painted stucco, stone, and metal finishes. All sides of the proposed building are coherently designed and treated with a consistent level of detailing and finish in compliance with Title 19.08.

The landscape plan depicts 24-inch Chinese Pistache and Southern Live Oak. Within the Form-Based Code Development Standards, district-specific trees are required within the amenity zone area, creating a defining character and comprehensive neighborhood feel. Only the provided Chinese Pistache trees are listed on the district-specific tree palette for the Fremont East District. As such, a Condition of Approval has been added to replace these trees accordingly. Nonetheless, all provided landscaping materials are included on the Southern Nevada Regional Planting Coalition list and is appropriate for a desert climate.

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The existing Pygmy Date Palm trees on Fremont Street are relocated away from the amenity zone near the proposed development. In addition to the site landscaping, open space is provided throughout the development consisting of a pet park, sunrise and sunset terraces, and an upper deck amenity terrace. Private balconies are also provided for individual units.

Vision 2045 Downtown Las Vegas Master Plan

The subject site is located within the Fremont East District of Downtown Las Vegas. While redevelopment of the Fremont East district, downtown residential units, and mixed-use developments are encouraged by the Downtown Master Plan, the proposed development is contrary to the intent of the Title 19.09 Form-Based Code Development Standards. The Form-Based Code Institute defines a form-based code as a “land development regulation that fosters predictable results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code”. As a result of the proposed spot zoning request, the proposed development is outside of the extent of the development standards and is therefore unpredictable.

Staff finds that the applicant is proposing to over develop the subject site as evidenced by the spot zoning request thus allowing a building type and intensity that is not supported in the surrounding area. No growth or development factors in the community indicate a need for or appropriateness of this Rezoning. A mixed-use development of seven stories (or ten if incorporating a minimum of 10 percent affordable units) would be more appropriate for the subject site. Staff therefore recommends denial on these applications.

FINDINGS (24-0407-ZON1)

In order to approve a Rezoning application, pursuant to Title 19.16.090(L), the Planning Commission or City Council must affirm the following:

1. The proposal conforms to the General Plan.

The T6-UC (T6 Urban Core) zoning district is consistent with the existing FBC (Form-Based Code) land use designation of the General Plan

2. **The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.**

The T6-UC (T6 Urban Core) transect zone is intended to reinforce and enhance the downtown urban core and provide the highest-intensity vibrant, compact, walkable urban environment. This Rezoning would not be compatible with the surrounding, as it would create a spot zone of T6-UC (T6 Urban Core) in an area consisting of T5-MS (T5 Main Street), thus allowing a higher building intensity in an area surrounded by smaller building developments. Specifically, at a maximum building height of 20 stories, the T6-UC transect zone is nearly three times as tall as the seven-story maximum allowed in the surrounding T5-MS area.

3. **Growth and development factors in the community indicate the need for or appropriateness of the rezoning.**

Neither growth nor development factors in the surrounding community indicate a need or appropriateness for this rezoning. The applicant is proposing to develop a building type (flex high-rise) that is not supported in the existing T5-MS (T5 Main Street) transect zone, which therefore does not encourage a shift in zoning.

4. **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.**

Site access is provided by Fremont Street, 8th Street, and Carson Avenue which are all 80-foot Collector Streets as identified by the Master Plan of Streets and Highways. Additionally, the Title 19.09 Form Based Code identifies Carson Avenue as a Special Transit Alignment Thoroughfare. For development purposes, all three roadways are categorized as Primary Thoroughfares. All provided roadways are adequate in size to serve the scale of the proposed development.

FINDINGS (24-0407-SDR1)

In order to approve a Site Development Plan Review application, per Title 19.16.100(E) the Planning Commission and/or City Council must affirm the following:

1. **The proposed development is compatible with adjacent development and development in the area;**

The proposed mixed-use development is out of context with adjacent development in the surrounding area as evidenced by the application of spot zoning. As such, the applicant is proposing to overdevelop the subject site.

2. The proposed development is consistent with the General Plan, this Title, and other duly-adopted city plans, policies and standards;

While the proposed development provides downtown housing through a mixed-use development, the Vision 2045 Downtown Las Vegas Development Standards indicate that form-based code standards present predictable development outcomes for both the project proponent and the community. Through the Rezoning application, the proposed 17-story development is out of context with the surrounding area which is limited to seven stories. In accordance with Title 19.17, if the applicant was able to designate a minimum of 10 percent of the units as affordable housing units, the applicant could develop an additional three stories under the site's existing T5-MS standards, allowing an absolute maximum of 10 stories.

3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;

Site access is provided by Fremont Street, 8th Street, and Carson Avenue which are all 80-foot Collector Streets as identified by the Master Plan of Streets and Highways. Additionally, the Title 19.09 Form Based Code identifies Carson Avenue as a Special Transit Alignment Thoroughfare. For development purposes, all three roadways are categorized as Primary Thoroughfares. All provided roadways are adequate in size to serve the scale of the proposed development.

4. Building and landscape materials are appropriate for the area and for the City;

The building elevations demonstrate a 196-foot tall, 17-story building primarily comprised of painted stucco, stone, and metal finishes. All sides of the proposed building are coherently designed and treated with a consistent level of detailing and finish in compliance with Title 19.08.

The landscape plan depicts 24-inch Chinese Pistache and Southern Live Oak. Within the Form-Based Code Development Standards, district-specific trees are required within the amenity zone area, creating a defining character and comprehensive neighborhood feel. Only the provided Chinese Pistache trees are listed on the district-specific tree palette for the Fremont East District. As such, a Condition of Approval has been added to replace these trees accordingly.

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5. **Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

The requested Rezoning will enable a development that drastically exceeds the height of the surrounding area. Therefore, the proposed development will be obnoxious and will not be orderly or aesthetically pleasing.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

If approved, the development of the site will be subject to building permit review and inspection, thereby protecting the health, safety, and general welfare of the public.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
02/21/07	The City Council approved a Special Use Permit (SUP-18637) for a proposed Mixed-Use development on 1.39 acres at 709 to 731 Fremont Street. The Planning Commission and Staff recommended approval.
	The City Council approved a Site Development Plan Review (SDR-18638) for a 40-story, 395-unit condominium development with 15,892 square feet of retail space and 9,050 square feet of office space and Waivers of the downtown building step back, parking structure step back, and downtown streetscape requirements on 1.39 acres at 709-731 Fremont Street. The Planning Commission and Staff recommended approval.
11/29/07	A Tentative Map (TMP-21996) was stricken before being heard by the Planning Commission for a mixed-use subdivision consisting of 395 residential condominium units and one commercial lot on 1.39 acres at 709-731 Fremont Street
04/02/08	The City Council approved an Extension of Time (EOT-26896) of an approved Special Use Permit (SUP-18637) for a proposed Mixed-Use Development on 1.39 acres at 709-731 Fremont Street. Staff recommended approval.
	The City Council approved an Extension of Time (EOT-26898) of an approved Site Development Plan Review (SDR-18638) for a 40-story, 395-unit condominium development with 15,892 square feet of retail space and 9,050 square feet of office space and Waivers of the downtown building step back, parking structure step back, and downtown streetscape requirements on 1.39 acres at 709-731 Fremont Street. Staff recommended approval.

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<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc., continued</i>	
04/07/10	The City Council approved an Extension of Time (EOT-37463) of an approved Special Use Permit (SUP-18637) for a proposed Mixed-Use Development on 1.39 acres at 709-731 Fremont Street. Staff recommended approval.
04/07/10	The City Council approved an Extension of Time (EOT-37464) of an approved Site Development Plan Review (SDR-18638) for a 40-story, 395-unit condominium development with 15,892 square feet of retail space and 9,050 square feet of office space and Waivers of the downtown building step back, parking structure step back, and downtown streetscape requirements on 1.39 acres at 709-731 Fremont Street. Staff recommended approval.
05/02/12	The City Council approved an Extension of Time (EOT-44648) of an approved Special Use Permit (SUP-18637) for a proposed Mixed-Use Development on 1.39 acres at 709-731 Fremont Street. Staff recommended approval.
	The City Council approved an Extension of Time (EOT-44649) of an approved Site Development Plan Review (SDR-18638) for a 40-story, 395-unit condominium development with 15,892 square feet of retail space and 9,050 square feet of office space and Waivers of the downtown building step back, parking structure step back, and downtown streetscape requirements on 1.39 acres at 709-731 Fremont Street. Staff recommended approval.
04/02/14	The City Council approved an Extension of Time (EOT-52942) of an approved Special Use Permit (SUP-18637) for a proposed Mixed-Use Development on 1.39 acres at 709-731 Fremont Street. Staff recommended approval.
04/02/14	The City Council approved an Extension of Time (EOT-52945) of an approved Site Development Plan Review (SDR-18638) for a 40-story, 395-unit condominium development with 15,892 square feet of retail space and 9,050 square feet of office space and Waivers of the downtown building step back, parking structure step back, and downtown streetscape requirements on 1.39 acres at 709-731 Fremont Street. Staff recommended approval.
07/08/14	The Planning Commission approved a Variance (VAR-54317) to allow an existing 8.5-foot tall front yard fence where five feet is the maximum height allowed on 1.38 acres at 715 and 727 Fremont Street. Staff recommended approval.
	The Planning Commission approved a Site Development Plan Review (SDR-54316) for a proposed temporary commercial development and plaza with Waivers of all Downtown Centennial Plan development standards on 1.38 acres at 715 and 727 Fremont Street. Staff recommended approval.

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<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc., continued</i>	
05/20/15	The City Council approved an Extension of Time (EOT-58524) of an approved Special Use Permit (SUP-18637) for a proposed Mixed-Use Development on 1.39 acres at 709-731 Fremont Street. Staff recommended approval.
	The City Council approved an Extension of Time (EOT-58525) of an approved Site Development Plan Review (SDR-18638) for a 40-story, 395-unit condominium development with 15,892 square feet of retail space and 9,050 square feet of office space and Waivers of the downtown building step back, parking structure step back, and downtown streetscape requirements on 1.39 acres at 709-731 Fremont Street. Staff recommended approval.
10/16/19	The City Council approved a General Plan Amendment (GPA-75814) to amend portions of the Southeast Sector Land Use Map of the General Plan from C (Commercial) and MXU (Mixed Use) to FBC (Form-Based Code) on approximately 226 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.
	The City Council approved 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 U.S. Highway 515, east of Las Vegas Boulevard, north of Carson Avenue, and west of Eastern Avenue. The Planning Commission and Staff recommended approval.
02/27/19	A Business Licensing Enforcement Case (BLE582031) was reported for an unlicensed business at 727 Fremont Street. The case was resolved on 02/28/19.
12/30/20	A Code Enforcement Case (CE20-06522) was reported for a fire incident at 727 Fremont Street. The case was resolved on 12/31/20.
05/09/24	A Code Enforcement Case (CE24-03270) was reported for a torn down fence into the sidewalk area at 727 Fremont Street. The case was resolved on 05/31/24.

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc., continued</i>	
11/12/24	<p>The Planning Commission voted (6-0) to recommend DENIAL on the following Land Use Entitlement project requests on 1.39 acres at the southwest corner of Fremont Street and 8th Street (APN 139-34-612-084), Ward 3 (Diaz).</p> <p>24-0407-ZON1 - REZONING - FROM: T5-MS (T5 MAIN STREET) TO: T6-UC (T6 URBAN CORE)</p> <p>24-0407-SDR1 - SITE DEVELOPMENT PLAN REVIEW - FOR A PROPOSED 17-STORY, MIXED-USED DEVELOPMENT CONSISTING OF 338 MULTI-FAMILY RESIDENTIAL UNITS AND 9,230 SQUARE FEET OF COMMERCIAL SPACE WITH WAIVERS OF TITLE 19.09 FORM-BASED CODE DEVELOPMENT STANDARDS</p>
12/18/24	<p>The City Council voted (7-0) to HOLD IN ABEYANCE the following Land Use Entitlement project requests on 1.39 acres at the southwest corner of Fremont Street and 8th Street (APN 139-34-612-084), Ward 3 (Diaz). The Planning Commission (6-0 vote) and Staff recommend DENIAL on the entire Land Use Entitlement project.</p> <p>24-0407-ZON1 - ABEYANCE ITEM - REZONING - FROM: T5-MS (T5 MAIN STREET) TO: T6-UC (T6 URBAN CORE)</p> <p>24-0407-SDR1 - ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW - FOR A PROPOSED 17-STORY, MIXED-USED DEVELOPMENT CONSISTING OF 338 MULTI-FAMILY RESIDENTIAL UNITS AND 9,230 SQUARE FEET OF COMMERCIAL SPACE WITH WAIVERS OF TITLE 19.09 FORM-BASED CODE DEVELOPMENT STANDARDS</p>

<i>Most Recent Change of Ownership</i>	
03/25/05	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
There are no related building permits or business licenses associated with the subject site.	

<i>Pre-Application Meeting</i>	
07/30/24	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Rezoning and Site Development Plan Review pertaining to a proposed 17-story mixed-use development at the subject site.

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Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	
Field Check	
10/17/24	A routine field check was conducted at the subject site; staff found an enclosed undeveloped lot with nothing noted of concern.

Details of Application Request	
Site Area	
Net Acres	1.39

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Undeveloped	FBC (Form Based Code)	T5-MS (T5 Main Street)
North	Vacant		
South	Hotel, Residence	MXU (Mixed Use)	C-2 (General Commercial)
East	Parking Lot	FBC (Form Based Code)	T5-MS (T5 Main Street)
West	Shopping Center		

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Downtown Las Vegas	N
Vision 2045 Downtown Las Vegas Master Plan: Fremont East District	N
Downtown Design Review Committee Area	N/A
Special Area and Overlay Districts	Compliance
DTLV-O (Downtown Las Vegas Overlay) District - Area 3	Y
DE-O (Downtown Entertainment Overlay) District	Y
LW-O (Live/Work Overlay) District	Y
Other Plans or Special Requirements	Compliance
Trails (Entertainment Trail Fremont Street Constructed)	Y
Las Vegas Redevelopment Plan Area - Area 1	Y
Interlocal Agreement	N/A
Project of Significant Impact	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.09, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Table D. Building Types			
Building Type Flex High-Rise	Main Body Width: 100% of lot	100%	Y
	Main Body Depth: 200 Feet	132 Feet	Y
	Secondary Wing Width: 75 Feet	N/A	Y
	Secondary Wing Depth: 100 Feet	N/A	Y
Access Standards (If applicable)	Ground floor units facing a street or alley must be accessed from the street or alley by an allowed frontage type.		N/A
Table E. Building Placement			
Setback Distance (Front) [Fremont Street]	20 Feet Minimum	0 Feet	N*
Setback Distance (Front) [8th Street]	20 Feet Minimum	0 Feet	N*
Setback Distance (Front) [Carson Avenue]	20 Feet Maximum	0 Feet	N*
Setback Distance (Rear)	5 Feet Minimum	7 Feet	Y
Building Façade (Front) [Fremont Street]	80% Minimum	76.4%	Y**
Building Façade (Front) [8th Street]	80% Minimum	91.5%	Y
Building Façade (Front) [Carson Avenue]	80% Minimum	92.8%	Y
Miscellaneous	Sidewalk must be extended into the facade zone to meet the building.		Y
	Additional setback and/or easement may be required where street right-of-way or a utility easement is needed.		Y
	Where building elevations include balconies or windows, a minimum 10 feet setback from the edge of the balcony or window to the side and rear lot line is required.		N*
Table F. Building Form Standards			
Building Height	5 Stories Minimum 20 Stories Maximum	17 Stories	Y
Floor-to-Ceiling (Ground)	13 Feet Minimum	16 Feet	Y
Floor-to-Ceiling (Upper)	9 Feet Minimum	9 Feet+	Y
Footprint – Lot Coverage	95% Maximum	83.4%	Y
Depth – Gross Floor Space	20 Feet Minimum	50 Feet+	Y

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Table G. Frontages			
Frontage 1 [Fremont Street]	Arcade Forecourt Gallery Shopfront Terrace	Terrace	Y
Frontage 2 [8th Street]		Forecourt Shopfront	Y Y
Frontage 3 [Carson Avenue]		Terrace	Y
Pedestrian Access	The primary building entrance must be located to face a primary thoroughfare or be connected to a primary thoroughfare through an Open Space type.		Y
Table H. Encroachments into the Façade Zone			
Encroachment Type (Architectural Features)	Front: 3 Feet	5 Feet	N*
Miscellaneous	Encroachments are allowed into the facade zone, but not allowed within a street right-of-way, alley right-of-way, or across a lot line, except for arcades, galleries, and balconies with an encroachment agreement.		Y****
Table I. Use Types			
Mixed-Use			Permitted
Multi-Family Residential			Permitted
General Retail			Permitted
Table J. Parking Standards			
Parking Driveway Width: Two Way	32 Feet Minimum 34 Feet Maximum	29 Feet	Y
Table K. Required Street Trees			
Amenity Zone Tree Planting	Indian Rosewood Mexican Ebony Yaupon Holly Osage Orange Red Push Pistache Chinese Pistache Mastic Tree Willow Pittosporum Blue Oak Escarpment Oak Monterrey Oak Cathedral Live Oak High Rise Live Oak Heritage Live Oak Texas Mountain Laurel Cedar Elm	Chinese Pistache Southern Live Oak	Y N***

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Table L. Open Space			
Miscellaneous	20 Feet Minimum Width	20 Feet	Y
	20 Feet Minimum Depth	50 Feet	Y
	33,700 SF Minimum	29,426.55	N*
The open space requirement may be met by providing open space on the ground floor, upper floors, and the roof, and may include pools and amenity decks.			
No private open space per residential unit is required.			

**The applicant has requested Waivers of the following Title 19.09 Form-Based Code Development Standards.*

***The applicant has requested Pre Entitlement Exceptions of the following Title 19.09 Form-Based Code Development Standards.*

****A Condition of Approval has been added requiring the inclusion of district-specific landscaping materials within the provided amenity zone areas.*

*****A Condition of Approval has been added to ensure compliance with this standard.*

Existing Zoning	Permitted Density	Units Allowed
T5-MS (T5 Main Street)	N/A	N/A
Proposed Zoning	Permitted Density	Units Allowed
T6-UC (T6 Urban Core)	N/A	N/A
Existing General Plan	Permitted Density	Units Allowed
FBC (Form Based Code)	>5.5 du/ac	242.4 du/ac

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Fremont Street	Collector Street	Master Plan of Streets and Highways Map	80	Y
	Primary Thoroughfare	Title 19.09		Y
	Avenue	Title 19.09		Y
8 th Street	Collector Street	Master Plan of Streets and Highways Map	80	Y
	Primary Thoroughfare	Title 19.09		Y
	Major Neighborhood Street	Title 19.09		Y
Carson Avenue	Collector Street	Master Plan of Streets and Highways Map	80	Y
	Primary Thoroughfare	Title 19.09		Y
	Avenue - Bike Emphasis	Title 19.09		Y
	Special Transit Alignment	Title 19.09		Y
Alley	Tertiary Thoroughfare	Title 19.09	20	Y

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Pursuant to Title 19.09 and 19.12, the following parking standards apply:

Parking Requirement - Downtown (Area 3)							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Multi-Family Residential: Studio or 1 Bedroom	266 Units	1.25 per unit	332.5				
Multi-Family Residential: 2 Bedroom	70 Units	1.75 per unit	122.5				
Multi-Family Residential: 3 Bedroom	2 Units	2 per unit	4				
Multi-Family Residential: Guest Parking	338 Total Units	1 per every 6 units	56.3				
General Retail	9,230 SF	1 per 175 SF	52.7				
Form Based Code Nonresidential Reduction	-2,000 SF		-11.4				
TOTAL SPACES REQUIRED (unweighted)			556.6				
TOTAL SPACES REQUIRED (weighted requirement; see below)			195 to 390				
Regular and Handicap Spaces Required			301-390	8	380	8	Y
Downtown Form Based Code Parking Standards - Title 19.09.100.G							
Parking Standards Medium Load - Zone 2			Between 35% and 70%		195 390		Y
Bicycle Parking Requirements			2 min, plus 1 per every 20 units		20		Y
			19 required				

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Waivers		
Requirement	Request	Staff Recommendation
In the T6-UG transect zone, a 20-foot front yard setback is required for buildings that are greater than 10 stories.	To allow a five-foot front yard setback where 20 feet is the minimum required (Fremont Street).	Denial
	To allow a three-foot front yard setback where 20 feet is the minimum required (8th Street).	Denial
	To allow a four-foot front yard setback where 20 feet is the minimum required (Carson Avenue).	Denial
For a development with 338 total units, 33,800 square feet is the minimum required.	To allow 29,426 square feet of open space where 33,800 square feet is the minimum required.	Denial
Where building elevations include balconies or windows, a minimum 10 feet setback from the edge of the balcony or window to the side and rear lot line is required.	To allow balconies within three feet to the rear lot line where 10 feet is required.	Denial
The minimum two-way driveway width is 32 feet.	To allow a 29-foot driveway width where 32 feet is the minimum required.	Denial
Architectural features can encroach into the front façade zone a maximum of three feet.	To allow a five-foot architectural feature encroachment for the front façade zone where three feet is the maximum allowed.	Denial
Landscaping within the amenity zone areas shall follow a district-specific landscaping palette	To allow non-permitted landscaping materials with the amenity zone where district-specific street trees are required	Denial*

**A Condition of Approval has been added to ensure compliance with this standard.*

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Exceptions		
Requirement	Request	Staff Recommendation
The primary building shall be aligned within a minimum of 80 percent of the façade zone for the frontage street.	To allow a 76.4 percent façade alignment where 80% is the minimum required for the frontage (Fremont Street).	Denial

Proposed 338 Multi-Family (Mixed-Use) Units:			
Student Yield	Elementary School	Middle School	High School
Multi-Family Units (338)	338 x 0.124	338 x 0.061	338 x 0.080
Total Additional Students	42	21	28

Schools Serving the Area:					
Name	Address	Grade	Capacity	Enrollment	Site Date
Hollingworth Elementary School	1776 East Ogden Road	Kindergarten – 5 th Grade	722 Students	517 Students	10/08/24
Martin Middle School	200 North 28 th Street	6 th – 8 th Grade	1,694 Students	1,137 Students	10/08/24
Ranch High School	1900 Searless Avenue	9 th - 12 th Grade	2,383 Students	2,717 Students*	10/08/24

*Rancho High School is over capacity for the 2024-2025 school year. It is 114.02 percent of the program capacity.

Department of Public Works Traffic Study

Site Development Plan Review for a Proposed 338-Unit Apartment Building with 9,230 Square Feet of Commercial/Retail Use				
First Proposed Use				
Average Daily Traffic (ADT)	MULTIFAMILY HOUSING (HIGH-RISE) [DU]	338	4.54	1,534
AM Peak Hour			0.27	91
PM Peak Hour			0.32	108
Second Proposed Use				
Average Daily Traffic (ADT)	STRIP RETAIL PLAZA [<40 KSF] [1000SF]	9.230	54.45	503
AM Peak Hour			2.36	22
PM Peak Hour			6.59	61

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Department of Public Works Traffic Study (continued)

Total Proposed Use				
Average Daily Traffic (ADT)	TOTAL			2,037
AM Peak Hour				113
PM Peak Hour				169
Existing Traffic on Nearby Streets				
Fremont Street				
Average Daily Traffic (ADT)			13,362	
PM Peak Hour (Heaviest 60 Minutes)			1,069	
8 th Street				
Average Daily Traffic (ADT)			1,001	
PM Peak Hour (heaviest 60 minutes)			80	
Carson Avenue				
Average Daily Traffic (ADT)			2,021	
PM Peak Hour (heaviest 60 minutes)			162	
Traffic Capacity of Adjacent Streets:				
Adjacent Street ADT Capacity				

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<i>Existing Traffic on Nearby Streets</i>	
Fremont Street	16,380
8 th Street	12,480
Carson Avenue	25,350
<i>Summary</i>	
<p>This project is expected to add an additional 2,037 trips per day on Fremont Street, 8th Street, and Carson Avenue. Currently, Fremont Street is at about 82 percent of capacity, 8th Street is at about eight percent of capacity, and Carson Avenue is at about eight percent of capacity. With this project, Fremont Street is expected to be at about 94 percent of capacity, 8th Street is expected to be at about 24 percent of capacity and, Carson Avenue to be at about 16 percent of capacity.</p>	
<p>Based on Peak Hour use, this development will add into the area roughly 169 additional peak hour trips, or about three every minute.</p>	

<i>Las Vegas Valley Water District (LVVWD)</i>
<i>Comments:</i>
<p>The official Occupancy Classification/Code Requirements to be determined upon official submittal to Building & Safety.</p> <p>This is not intended to be a comprehensive plan review on this project. Consult a design professional to ensure code compliance. Final determination of code requirements will be upon building permit submittal as this is only for Department of Community Development entitlement purposes only.</p> <p>Comments are subject to change without notification</p>