



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: SEPTEMBER 18, 2024  
DEPARTMENT: COMMUNITY DEVELOPMENT  
ITEM DESCRIPTION: APPLICANT/OWNER: LEGAL AID CENTER SOUTHERN NEVADA, INC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0324-ZON1	Staff recommends APPROVAL.	
24-0324-VAC1	Staff recommends DENIAL, if approved subject to conditions:	24-0324-ZON1
24-0324-SDR1	Staff recommends DENIAL, if approved subject to conditions:	24-0324-ZON1 24-0324-VAC1

**\*\* NOTIFICATION \*\***

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 32

**NOTICES MAILED** 335 - 24-0324-ZON1 and 24-0324-SDR1 (by City Clerk)  
2 - 24-0324-VAC1 (by City Clerk)

**PROTESTS** N/A

**APPROVALS** 3 - 24-0324-ZON1 and 24-0324-SDR1  
0 - 24-0324-VAC1

**\*\* CONDITIONS \*\***

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**24-0324-VAC1 CONDITIONS**

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1. Grant a ten foot (10') public pedestrian access easement connecting Charleston Boulevard to Gass Avenue aligning with the east side of 8th street prior to issuance of permits.
2. The limits of this Petition of Vacation shall be defined as the 80 feet of 8th Street right-of-way between Charleston Boulevard and Gass Avenue.
3. The Order of Vacation shall record concurrently with the recordation of a map for this site. For purposes of permit issuance, permits may be issued for relocation work or any work outside of the 8th Street right-of-way however, no permits for vertical construction over the 8th Street right-of-way may be issued until the Order of Vacation has been recorded.
4. Reserve a minimum 20-foot wide Public Sewer Easement over the existing Public Sewer Main in 8th Street or provide a relocation/abandonment plan acceptable to the Sanitary Sewer Engineering Section of the Department of Public Works. If relocation is required, this vacation shall not record until civil improvement plans are approved by the City of Las Vegas and new Public Sewer Easements are granted.
5. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Vacation for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The drainage study required by 24-0324-SDR1 may be used to satisfy this requirement provided that it addresses the area to be vacated.
6. The Order of Vacation shall reserve easements for the facilities of all City of Las Vegas Franchise Holders unless written verifiable letters of consent without reservation are received prior to recordation.
7. All public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation. The developer of this site shall be responsible for all modifications to the 8th Street / Charleston Boulevard traffic control signal required by development of this site. Contact the Transportation Engineering Division of the Department of Public Works to coordinate any required modifications to the signal at 8th Street and Charleston Boulevard due to the vacation of 8th Street. Comply with the recommendations of the City Traffic Engineer.

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8. Approval of a Rezoning (24-0324-ZON1) shall be required, if approved.
9. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.
10. All development shall be in conformance with code requirements and design standards of all City Departments.
11. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Title 19. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.
12. If the Order of Vacation is not recorded within two (2) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Director of Community Development, then approval will terminate and a new petition must be submitted.

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**24-0324-SDR1 CONDITIONS**

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**Planning**

1. Approval of a Rezoning (24-0324-ZON1) and conformance to the Conditions of Approval for Petition to Vacate (24-0324-SDR1) 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, and building elevations, date stamped on 06/20/24, and landscape plan, date stamped on 08/21/24, except as amended by conditions herein.

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4. A Waiver from Title 19.08 is hereby approved, to allow zero-foot front yard setback on Gass Avenue where 10 feet is required.
5. A Waiver from Title 19.08 is hereby approved, to allow a zero-foot front yard setback on Charleston Boulevard where 10 feet is required.
6. A Waiver from Title 19.08 is hereby approved, to allow a 53 percent lot coverage where 50 percent is the maximum allowed.
7. A Waiver from Title 19.08 is hereby approved, to allow a zero-foot wide landscape buffer adjacent to Gass Avenue where 15 feet is required.
8. A Waiver from Title 19.08 is hereby approved, to allow a zero-foot wide landscape buffer adjacent to Charleston Boulevard where 15 feet is required.
9. A Waiver from Title 19.12 is hereby approved, to allow 244 parking spaces where 257 are required.
10. 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.
11. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
12. 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.
13. All utility or mechanical equipment shall comply with the provisions of the Interim Downtown Las Vegas Development Standards, unless approved by a separate Waiver.
14. 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.

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15. 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.
16. 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.
17. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

15. 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.
16. Coordinate the sewer connection at a size, depth, and location acceptable to the Sanitary Sewer Engineering Section of the Department of Public Works.
17. Contact the City Engineer's Office at 702-229-6272 to coordinate the development of this project with the Flamingo-Boulder Highway North, Charleston - Main to Maryland project (MWA212) project and any other public improvement projects adjacent to this site. Also coordinate with The Regional Transportation Commission (RTC) for the Charleston Boulevard High Capacity Transit Project. Comply with the recommendations of the City Engineer.
18. 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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19. 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.
20. The developer of this site shall be responsible for all modifications to the 8<sup>th</sup> Street / Charleston Boulevard traffic control signal required by development of this site. Contact the Transportation Engineering Division of the Department of Public Works to coordinate any required modifications to the signal at 8th Street and Charleston Boulevard due to the vacation of 8th Street. Comply with the recommendations of the City Traffic Engineer.
21. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.

**Fire & Rescue**

22. 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.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The applicant is proposing to develop a three-story, 38,180 square-foot office building and a four-story parking garage development on 1.81 acres at 801 East Charleston Boulevard.

**ISSUES**

- The subject site is located within the confinements of the Vision 2045 Downtown Las Vegas Master Plan (Founder's District) [Area 2].
  - In November 2008, the City Council approved a Site Development Review Plan (SDR-29445) and related applications to allow a proposed 39,000 square-foot office building on 0.71 acres at the northwest corner of Charleston Boulevard and 8th Street.
  - A Rezoning (24-0324-ZON1) is requested for a 0.83-acre site (APN 139-34-812-001 only) from C-2 (General Commercial) to C-1 (Limited Commercial). Staff supports the Rezoning request.
  - A Petition to Vacate (24-0324-VAC1) is requested to vacate the 8<sup>th</sup> Street public right-of-way between Gass Avenue and Charleston Boulevard which staff does not support.
  - A Site Development Plan Review (24-0324-SDR1) is requested for a proposed three-story, 38,180 square-foot office building and a four-story parking garage development. In conjunction with the proposed development, the following Waivers of Title 19.08 and Title 19.12 are requested:
    - A Waiver of Title 19.08 is requested to allow a zero-foot front yard setback on Gass Avenue where 10 feet is required. Staff does not support this request.
    - A Waiver of Title 19.08 is requested to allow a zero-foot front yard setback on Charleston Boulevard where 10 feet is required. Staff does not support this request.
    - A Waiver of Title 19.08 is requested to allow a 52.5 percent lot coverage where 50 percent is the maximum allowed. Staff does not support this request.
    - Waivers from Title 19.08 are requested to allow a zero-foot wide landscape buffer adjacent to Gass Avenue and Charleston Boulevard where 15 feet is required. Staff does not support this request.
- Staff does not support the requested Site development Plan Review.
- Charleston Boulevard and Gass Avenue are within forty-five degrees of being parallel to each other making the subject site is a double frontage lot.

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- Within Area 2 of Downtown Las Vegas, any deviation from Title 19.08's development standards are addressed through Waivers rather than a traditional Variance application.
- Since being heard for consideration by the Planning Commission, a revised landscaping plan has been submitted that shows four additional trees on Charleston Boulevard and 19 additional trees on Gass Avenue, and 12 additional trees onsite.

## **ANALYSIS**

On December 6, 2017, the City Council adopted the City's Vision 2045 Downtown Las Vegas Master Plan, which established the vision and goals for 12 Downtown Districts. This includes the subject site, which is located within the Gateway District. Marked by the landmark Stratosphere Tower, the Gateway District establishes the southern gateway to Downtown from the Strip. Currently, the district is primarily composed of low-rise multi-family uses. A significant amount of vacant and blighted properties surrounding the Stratosphere generally present a negative image of the area and visually disconnect the area from the Strip.

Phased over time, each of these twelve Districts will be administered by a distinct set of standards to be adopted as either Form-Based Zoning Districts or Special Area Plans following the completion of a context-based plan for land use and development. In the interim, Area 2 of Downtown Las Vegas allows for any deviation from the Title 19 Development Standards to seek a Waiver with the associated Site Development Plan Review through clear and convincing evidence that doing so supports the City's goals as expressed in the Vision 2045 Downtown Las Vegas Masterplan and the district-wide goals.

In November 2008, the City Council approved a Site Development Review Plan (SDR-29445) and related applications to allow a proposed 39,000 square-foot office building on 0.71 acres at the northwest corner of Charleston Boulevard and 8th Street.

The applicant is proposing to develop a three-story, 38,180 square-foot office building and a four-story parking garage development on 1.81 acres at 801 East Charleston Boulevard. The site is currently separated by 8<sup>th</sup> Street. In order to accommodate the proposed development, the applicant requests that the 8<sup>th</sup> Street public right-of-way be vacated and that the eastern 0.83-acre portion of the site be rezoned to C-1 (Limited Commercial).



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## **Rezoning**

The site's existing C-2 (General Commercial) zoning district is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as mixed-use developments. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. The C-2 District is also appropriate along commercial corridors. The C-2 District is consistent with the General Commercial category of the General Plan.

The proposed C-1 (Limited Commercial) zoning district is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 District is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan.

The C-2 zoned portion of the site is currently 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 adjacent parcels to the north are zoned a combination of P-O (Professional Office) and P-R (Professional Office and Parking) while neighboring properties along the northern side of Charleston Boulevard are zoned C-1 (Limited Commercial). Amending the subject site would remove the "spot" of C-2 (General Commercial) zoning in this area. For these reasons, staff recommends approval on rezoning the subject site.

## **Petition to Vacate**

Due to the vacation request of public right-of-way, the Department of Public Works requires that signed affidavits of all adjacent property owners that would be impacted by the proposed vacation within the surrounding area be obtained. The applicant was not able to obtain the required signed affidavits of support for the right-of-way vacation from the adjacent properties and the Department of Public Works recommends denial of the requested Petition to Vacate. If in the future the applicant is able to obtain the required affidavits of support from the remaining adjacent property owners supporting the requested vacation, the Department of Public Works would no longer object to this request, or the associated Site Development Plan Review.

### **Site Development Plan Review**

The subject site consists of the existing office building and parking garage adjacent to the west and northwest portion of the overall proposed site. As part of the proposed expansion, the applicant is proposing to expand the existing parking garage east, utilizing the requested vacated portion of 8<sup>th</sup> Street to accommodate the expansion of the parking garage. The proposed site also includes a second office building utilizing the triangular-shaped lot adjacent to the western edge of the intersection of Gass Avenue and Charleston Boulevard. The proposed floor plans for both office buildings depict a typical office layout consisting of offices, conference rooms, multi-purpose rooms, restrooms, and employee breakrooms. The outdoor areas include covered patios and courtyard areas.

The elevation plan shows the façade comprised of a variety of materials. The buildings primarily consist of stucco and painted walls. The buildings are accented by glass and anodized aluminum. 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 existing building will be modernized in order to provide a coherent campus.

In developing the subject site, the applicant has designed the proposed infill development around the Appendix F Interim Downtown Las Vegas Development Standards for Area 1, which require a dense urban environment with buildings located at or near the property lines and streetscape. Under Area 2 of Downtown Las Vegas, any deviation from Title 19 requires a Waiver. Based on the challenges associated with an infill development of a double frontage site, Waivers of Title 19 are requested.

In the proposed C-1 (Limited Commercial) zoning district, the minimum required front yard setback is 10 feet. The proposed development is located at the property line for both frontages which has resulted in the applicant requesting a Waiver for the setback requirement. This request has consequences that resulted in the site being overdeveloped as evidenced by the second Waiver request allowing a 52.50 (53) percent lot coverage where 50 percent is the maximum allowed.

In addition to Waivers for setbacks and lot coverage, a third Waiver request to allow no landscape buffers adjacent to right-of-way where 15-foot-wide landscape buffers is the minimum required. With the proposed building being located directly at the property lines, the site is unable to comply with the 15-foot-wide landscape buffer requirement along right-of-ways. Ward 3 is especially vulnerable to the heat island effect and the lack of trees combined with additional rooftops and hardscape only exasperates the issue. Additionally, Charleston Boulevard is a highly pedestrian area that desperately needs shade trees along this corridor to provide pedestrian traffic relief from the desert heat. The Legal Aid Center attracts clientele from all directions, many of which are public transit riders and pedestrians.

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While on-site perimeter landscaping is constrained by the building setback deviations, the applicant has found an alternative by providing additional landscaping in the streetscape and pedestrian realm. In doing so, creates an extensive tree canopy coverage for pedestrians. The landscape plan for the interior of the site depicts drought-tolerant trees and shrubs.

Since being heard for consideration by the Planning Commission, a revised landscaping plan has been submitted that shows four additional trees on Charleston Boulevard and 19 additional trees on Gass Avenue; these tree improvements will be subject to a licensing agreement as they are located in the public right-of-way. Under this revision, Gass Avenue provides trees on both sides of the sidewalk allowing the tree canopies to mature into an almost solid canopy that shades the overall sidewalk area. When trees are provided on both sides of the sidewalk, the tree canopy is sufficient to shade the pedestrian pathway throughout the entire day. Similarly, 12 additional trees have been provided onsite.

**City of Las Vegas 2050 Master Plan**

The subject site is located within the Master Plan 2050 designated area of Downtown Las Vegas which is the City's civic, commercial, and cultural hub. Located in the center of the Las Vegas Valley, encompassing the original 1905 Clark's townsite, it functions as a primary regional center of Southern Nevada together with the Las Vegas Strip. Centered along Fremont Street, Downtown is the original home to local gaming and tourism. It continues to attract visitors looking for a historic and authentic Las Vegas experience. The Downtown of Tomorrow is envisioned as a vibrant and livable urban environment and will continue to "Reinvent the Legend" through the complete implementation of the Vision 2045 Downtown Las Vegas Masterplan.

Also outlined within the 2050 Master Plan is the prioritizing of increasing tree canopy across all areas of the City for multiple public health and environmental benefits. The Urban Forestry section of the 2050 Master Plan states, "as one of the fastest warming cities in the country, extreme heat is one of three current and long-term hazard vulnerabilities to the city that must be mitigated. Among the top methods to reduce the urban heat island effect, mitigate extreme heat, and reduce overall temperatures is through the City's urban forest and other forms of green infrastructure. Trees help cool cities by providing shade, reducing direct sunlight, lowering the need to cool buildings and associated energy costs, decreasing the amount of heat absorbed by asphalt areas like streets or parking lots, and creating an overall cooler environment through which people can walk and bike." Through the well-shaded tree canopy in the pedestrian realm and the minimal surface parking (provided through the expanded parking garage), the proposed development has taken actions to reduce the urban heat island effect.

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**Vision 2045 Downtown Las Vegas Master Plan**

The Founders district is one of the most well-preserved residential neighborhoods in the region. The Huntridge Theater and Circle Park are remarkable examples of early Las Vegas architecture and urban design. Many of the houses, streets, and landscape features of this area are particularly notable examples of a classic inner-ring American suburb.

In an effort to accommodate all transportation types, the Vision 2045 Downtown Master Plan identifies a layered street network, where various streets are designated as having an emphasis on a particular travel method to achieve the best mobility performance. Under this plan, 8<sup>th</sup> Street is classified as a Bicycle Emphasis street. These streets are identified routes that allow the accommodation of designated bike lanes, as well as other modes (auto, transit, and pedestrian) within the same right-of-way. On these streets, streetscape enhancements that provide an appealing and thermally comfortable cycling environment in Downtown are recommended. Some low-volume streets will be converted to bike boulevards, which will include treatments to reduce vehicle volumes and speeds where bicyclists will share the vehicle lanes. Vacating this portion of 8<sup>th</sup> Street will affect bicycle mobility and secondary travel methods within downtown. In addition, the lack of a landscape buffer adjacent to the right-of-way does not provide an appealing and thermally comfortable cycling environment in the Downtown area.

**Staff Recommendation**

While staff is supportive of the rezoning request which will create a uniform zoning pattern along this portion of Charleston Boulevard, staff is not able to support the proposed overdevelop of the site that has resulted in Waivers being requested for zero-foot building setbacks, lot coverage that exceeds 50 percent, and the zero-foot wide landscape buffers adjacent to right-of-way. Therefore, staff is recommending approval of the requested rezoning, and denial of the requested petition to vacate and associated Site Development Plan Review.

**FINDINGS (24-0324-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 C-1 (Limited Commercial) zoning district is consistent with the existing C (Commercial) 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 C-1 (Limited Commercial) zoning district is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 District is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan.

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

The subject site is currently spot zoned C-2 (General Commercial) in an area largely consisting of C-1 (Limited Commercial) specifically along the northern side of Charleston Boulevard. The proposed rezoning classification will be consistent with the neighboring and future commercial uses until the forthcoming overall Founders District rezoning to form-based code transect 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.**

Charleston Boulevard, a 100-foot primary arterial and Gass Avenue an 80-foot collector street. Each of which, is adequate in size to meet the needs of the proposed C-1 (Limited Commercial) zoning district.

## **FINDINGS (24-0324-VAC1)**

The Department of Public Works has presented the following information concerning this request to this public street right-of-way:

- A. Does this vacation request result in uniform or non-uniform right-of-way widths?

*Uniform, eliminating entire roadway.*

- B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability?

Yes.

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C. Does it appear that the vacation request involves only excess right-of-way?

*No.*

D. Does this vacation request coincide with the development plans of the adjacent parcels?

*Yes.*

E. Does this vacation request eliminate public street access to any abutting parcel?

*No.*

F. Does this vacation request result in a conflict with any existing City requirements?

*Yes, affidavits are needed.*

G. Does the Department of Public Works have an objection to this vacation request?

*Yes, required signed affidavits of approval from the surrounding parcel owners are needed prior to approval.*

**FINDINGS (24-0324-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;**

As the applicant has not obtained all signed affidavits from affected property owners and as the submitted Traffic Impact Analysis completely reviewed, Staff is uncertain on the ultimate effects on the proposed vacation and if the proposed development will be compatible with adjacent development.

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

Vacating 8<sup>th</sup> Street and constructing an office development will affect bicycle mobility and secondary travel methods within Downtown Las Vegas.

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

The applicant has submitted a Traffic Impact Analysis for the Department of Public Works to review and determine the effects the Petition to Vacation and the proposed development will have on the surrounding area.

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

The proposed building and landscape materials are appropriate for a desert climate and the city. All landscaping is included on the Southern Nevada Regional Planting Coalition list and are appropriate for a desert climate.

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;**

Building elevations and design characteristics are not unsightly or obnoxious in appearance and create an orderly and aesthetically pleasing environment. The elevation plan shows the façade comprised of a variety of materials. The buildings primarily consist of stucco and painted walls. The buildings are accented by glass and anodized aluminum. 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.

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

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**

<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
12/16/64	The City Council approved a Rezoning (Z-0100-64) from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial), C-2 (General Commercial) and C-V (Civic) to C-2 (General Commercial) for approximately 230 Acres generally located on property bounded by Main Street to the west, Bonanza Road on the north, Las Vegas Boulevard on the east, and Charleston Boulevard on the south. The Planning Commission recommended approval.
11/05/08	The City Council approved a Variance (VAR-29446) to allow 84 parking spaces where 130 are required on 0.71 acres at the northwest corner of Charleston Boulevard and 8th Street. The Planning Commission recommended Approval, and Staff recommended denial.
	The City Council approved a Variance (VAR-29447) to allow a 10-foot front yard setback where 20 feet is required, a five-foot side yard setback where 10 feet is required, a zero-foot corner side setback where 15 feet is required a zero-foot rear yard setback where 20 feet is required, and to allow approximately 83% lot coverage where 50% is the maximum allowed on 0.71 acres at the northwest corner of Charleston Boulevard and 8th Street. The Planning Commission recommended Approval, and Staff recommended denial.
	The City Council approved a Site Development Review Plan (SDR-29445) for a 39,000 Square Foot Office Building on 0.71 acres at the northwest corner of Charleston Boulevard and 8th Street. The Planning Commission recommended Approval, and Staff recommended denial.
10/21/10	The Planning Commission approved a Variance (VAR-39458) to allow a 10-foot front yard setback where 20 feet is required, a zero-foot side yard setback where 10 feet is required, a six-foot corner side yard setback where 15 feet is required, a five-foot rear yard setback where 20 feet is required and to allow 82% lot coverage where 50% is the maximum allowed on 0.98 acres at the southwest corner of Gass Avenue and 8th Street. Staff recommended denial.
	The Planning Commission approved a Site Development Plan Review (SDR-39457) for a three-story, 33-foot tall parking garage with Waivers of the perimeter landscape buffer requirements to allow zero feet along the south and west perimeters where eight feet is required, zero feet along the north and east perimeters where 15 feet is required on 0.98 acres at the southwest corner of Gass Avenue and 8th Street. Staff recommended denial.
04/12/11	The Planning Commission approved a Major Amendment (SDR-41023) to a previously approved Site Development Plan Review (SDR-39457) for a four-story 49-foot tall parking garage where a three-story, 33-foot-tall parking garage was approved on 0.98 acres at the southwest corner of Gass Avenue and 8th Street. Staff recommended approval.



<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc., (cont.)</i></b>	
06/14/12	Staff administratively approved a Minor Amendment (SDR-45666) to a previously approved Site Development Plan Review (SDR-41023) to increase a previously approved 49-foot-tall, three-level, 48,199 square-foot parking structure to 51 feet in height, four levels and 50,538 square feet on 0.98 acres at 725 East Charleston Boulevard.
10/30/14	Staff administratively approved a Minor Amendment (SDR-56520) for the proposed re-striping and expansion of an existing parking lot on 0.83 acres at 801 East Charleston Boulevard.
08/10/20	A Code Enforcement Case (CE20-04431) was reported for a homeless encampment with trash and debris scattered around 801 East Charleston Boulevard. The case was resolved on 08/26/20.
01/26/23	A Code Enforcement Case (CE23-00562) was reported for graffiti on the building of 801 East Charleston Boulevard. The case was resolved on 02/06/23.
04/04/23	A Code Enforcement Case (CE23-01894) was reported for graffiti on the building of 801 East Charleston Boulevard. The case was resolved on 04/05/23.
08/13/24	<p>The Planning Commission voted (6-0) to recommend APPROVAL on the following Land Use Entitlement project requests on 1.81 acres at 801 East Charleston Boulevard (APNs 139-34-401-017 and 139-34-812-001), C-1 (Limited Commercial) Zone, Ward 3 (Diaz).</p> <p>24-0324-ZON1 - REZONING - FROM: C-2 (GENERAL COMMERCIAL) TO: C-1 (LIMITED COMMERCIAL) [APN 139-34-812-001]</p> <p>24-0324-VAC1 - VACATION - TO VACATE 8TH STREET PUBLIC RIGHT-OF-WAY BETWEEN GASS AVENUE AND CHARLESTON BOULEVARD</p> <p>24-0324-SDR1 - SITE DEVELOPMENT PLAN REVIEW - FOR A PROPOSED THREE-STORY, 38,180 SQUARE-FOOT OFFICE BUILDING AND A FOUR-STORY PARKING GARAGE DEVELOPMENT WITH WAIVERS OF TITLE 19.08</p>

<b><i>Most Recent Change of Ownership</i></b>	
08/04/20	A deed was recorded for a change in ownership.

<b><i>Related Building Permits/Business Licenses</i></b>	
Prior to 1951	A Business License (B03-00066) was issued for banking at 801 East Charleston Boulevard. The license expired on 02/01/20.

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<b>Pre-Application Meeting</b>	
06/13/24	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Rezoning, Petition to Vacate, and Site Development Plan Review pertaining to an office and parking garage expansion at the subject site.

<b>Neighborhood Meeting</b>
A neighborhood meeting was not required, nor was one held.

<b>Field Check</b>	
07/22/24	A routine field check was conducted of the subject site; staff found an existing office development as well as a vacant office building. The vacant building was enclosed by a temporary fence. Nothing was noticed of concern.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	1.81

<b>Surrounding Property</b>	<b>Existing Land Use Per Title 19.12</b>	<b>Planned or Special Land Use Designation</b>	<b>Existing Zoning District</b>
Subject Property	Vacant	C (Commercial)	C-2 (General Commercial)
	Office, Other than Listed Parking Facility		C-1 (Limited Commercial)
North	Office(s), Other than Listed	MXU (Mixed Use)	P-R (Professional Office and Parking)
	Office, Other than Listed Office, Medical or Dental		P-O (Professional Office)

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<b><i>Surrounding Property (continued)</i></b>	<b><i>Existing Land Use Per Title 19.12</i></b>	<b><i>Planned or Special Land Use Designation</i></b>	<b><i>Existing Zoning District</i></b>
South	Office, Other than Listed	C (Commercial)	R-4 (High Density Residential)
	Vacant		P-R (Professional Office and Parking)
	Office, Medical or Dental		C-1 (Limited Commercial)
East	Thrift Shop General Retail, Other than Listed		
West	Vacant		
	Office, Other than Listed Laboratory, Medical		
	General Retail, Other than Listed		

<b><i>Master and Neighborhood Plan Areas</i></b>	<b><i>Compliance</i></b>
Las Vegas 2050 Master Plan Area: Downtown Las Vegas	Y
Vision 2045 Downtown Las Vegas Master Plan: Founders District	Y
Appendix F Interim Downtown Las Vegas Development Standards	Y
<b><i>Special Area and Overlay Districts</i></b>	<b><i>Compliance</i></b>
DTLV-O (Downtown Las Vegas Overlay) District - Area 2	Y
LW-O (Live/Work Overlay) District	Y
<b><i>Other Plans or Special Requirements</i></b>	<b><i>Compliance</i></b>
Trails	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 19.08 and the Appendix F Interim Downtown Las Vegas Development Standards, the following standards apply:***

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Min. Lot Size	N/A	78,843 SF	Y
Min. Lot Width	100 Feet	500 Feet+	Y
Min. Setbacks <ul style="list-style-type: none"> <li>• Front* (Gass Avenue)</li> <li>• Front* (Charleston Boulevard)</li> <li>• Rear</li> </ul>	10 Feet 10 Feet 10 Feet	0 Feet 0 Feet 0 Feet (Existing)	N** N** Y***
Min. Distance Between Buildings	N/A	N/A	Y
Max. Lot Coverage	50%	52.5%	N**
Max. Building Height	N/A	63 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Located in Parking Garage	Y
Mech. Equipment	Screened	Located in Parking Garage	Y

*\*Double Frontage Lot: A lot (not a corner lot) which adjoins two streets which are parallel or within forty-five degrees of being parallel to each other. On a double frontage lot, both street property lines shall be deemed front lot lines, unless designated otherwise on a recorded Final Map.*

*\*\*Waivers are requested for deviations of the following development standards.*

*\*\*\*Approved via Variance (VAR-39458) and Site Development Plan Review (SDR-39457).*

<b>Existing Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
C-2 (General Commercial)	N/A	N/A
<b>Proposed Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
C-1 (Limited Commercial)	N/A	N/A

***Pursuant to Title 19.08 and the Appendix F Interim Downtown Las Vegas Development Standards, the following standards apply:***

<b><i>Landscaping and Open Space Standards</i></b>				
<b><i>Standards</i></b>	<b><i>Required</i></b>		<b><i>Provided</i></b>	<b><i>Compliance</i></b>
	<b><i>Ratio</i></b>	<b><i>Trees</i></b>		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	19 Trees	0 Trees	N*
• South	1 Tree / 20 Linear Feet	21 Trees	0 Trees	N*
<b>TOTAL PERIMETER TREES</b>		<b>40 Trees</b>	<b>0 Trees</b>	<b>N*</b>
<b>LANDSCAPE BUFFER WIDTHS</b>				
Min. Zone Width				
• North	15 Feet		0 Feet	N
• South	15 Feet		0 Feet	N

*\*These calculations are approximate and based on the proposed new development area only. The existing office building was approved via Variance (VAR-39458) and Site Development Plan Review (SDR-39457).*

<b><i>Street Name</i></b>	<b><i>Functional Classification of Street(s)</i></b>	<b><i>Governing Document</i></b>	<b><i>Actual Street Width (Feet)</i></b>	<b><i>Compliance with Street Section</i></b>
Charleston Boulevard	Primary Arterial	Master Plan of Streets and Highways Map	100	Y
Gass Avenue	Collector Street	Master Plan of Streets and Highways Map	80	Y
8 <sup>th</sup> Street	Collector Street	Master Plan of Streets and Highways Map	80	Y

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***Pursuant to Title 19.08 and 19.12, the following parking standards apply:***

Parking Requirement - Downtown (Area 2)							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Office, Other than Listed [new]	38,180 SF	1 per 300 SF	127				
Office, Other than Listed [Existing via SDR-29445]	39,000 SF		130				
TOTAL SPACES REQUIRED (unweighted)			257				
TOTAL SPACES REQUIRED (weighted requirement; see below)			180 Max**				
Regular and Handicap Spaces Required			250	7	236	8	N*
Downtown Form Based Code Parking Standards - Title 19.09.100.G							
Parking Standards High Load - Zone 3			Between 40% and 70%		103 180		Y**
Bicycle Parking Requirements			2 minimum, plus 1 per every 20,000 GFA				N/A**

*\*The subject is located within Area 2 of the Downtown Master Plan area and is therefore subject to the parking requirements set forth by Title 19.12. The applicant is requesting a Waiver to allow 236 parking spaces where 257 are required which staff does not support.*

*\*\*The subject site has not been rezoned to a form-based code transect zone and is therefore not subject to the parking maximums or bicycle parking requirements as identified in Title 19.09.*

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<b>Waivers</b>		
<b>Requirement</b>	<b>Request</b>	<b>Staff Recommendation</b>
The front yard setback in the C-1 (Limited Commercial) zoning district is 10 feet.	To allow a zero-foot front yard setback on Gass Avenue where 10 feet is required.	Denial
	To allow a zero-foot front yard setback on Charleston Boulevard where 10 feet is required.	Denial
The maximum lot coverage in the C-1 (Limited Commercial) zoning district is 50 percent.	To allow a 52.5 percent lot coverage where 50 percent is the maximum allowed.	Denial
15-foot-wide landscape buffers adjacent to right-of-way.	To allow zero-foot wide landscape buffers adjacent to Gass Avenue and Charleston Boulevard.	Denial
Based on the size and scale of the proposed development, 257 parking spaces are required.	To allow 244 parking spaces where 257 are required.	Denial

Any deviation from Title 19 Development Standards that supports the City's goals as expressed in the Vision 2045 Downtown Las Vegas Masterplan and the districts' goals and descriptions as per Chapter II of this document may only be granted by the City Council when supported through clear and convincing evidence, and shall require the approval of a Waiver per Section A.8.b of this document. Staff finds the requested Waivers do not support the City's goals as expressed in the Vision 2045 Downtown Las Vegas Masterplan and therefore, staff recommends denial of all Waivers requested.

<b>Las Vegas Valley Water District (LVVWD)</b>
<b>Comments:</b>
<ul style="list-style-type: none"> <li>• Relocate or abandon existing six-inch public water main located on site.</li> <li>• The site's existing domestic service/fire protection may not be adequate.</li> <li>• Civil plans will need to be submitted to the Las Vegas Valley Water District (LVVWD).</li> </ul>

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**Department of Public Works Traffic Study**

Site Development Plan Review for a Proposed 38,180 Square-Foot Office Building Expansion - 801 Charleston Boulevard				
Proposed Use				
Average Daily Traffic (ADT)	GENERAL OFFICE BUILDING [1000 SF]	38.180	10.84	414
AM Peak Hour			1.52	58
PM Peak Hour			1.44	55
Existing Traffic on Nearby Streets				
Charleston Boulevard				
Average Daily Traffic (ADT)			35,745	
PM Peak Hour (Heaviest 60 Minutes)			2,860	
8 <sup>th</sup> Street [Proposed Vacation]				
Average Daily Traffic (ADT)			1,711	
PM Peak Hour (heaviest 60 minutes)			137	
10 <sup>th</sup> Street				
Average Daily Traffic (ADT)			2,567	
PM Peak Hour (heaviest 60 minutes)			205	
Traffic Capacity of Adjacent Streets:				
Adjacent Street ADT Capacity				
Charleston Boulevard			53,445	
8 <sup>th</sup> Street [Proposed Vacation]			-	
10 <sup>th</sup> Street			16,380	
Summary				
This project is expected to add an additional 414 trips per day on Charleston Boulevard and 10th Street. Currently, Charleston Boulevard is at about 67 percent of capacity and 10th Street is at about 16 percent of capacity. With this project, Charleston Boulevard is expected to be at about 68 percent of capacity and 10th Street to be at about 29 percent of capacity. Vacation of 8th Street from Gass Avenue to Charleston Boulevard is proposed as part of the project building expansion, therefore existing traffic from 8th Street was added to 10th Street.				
Based on Peak Hour use, this development will add into the area roughly 58 additional peak hour trips, or about one every minute.				