

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: DECEMBER 21, 2022

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: 2033 FREMONT STREET OWNER, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
22-0539-SDR1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 35

NOTICES MAILED 370 (by City Clerk)

PROTESTS 1

APPROVALS 0

**** CONDITIONS ****

22-0539-SDR1 CONDITIONS

Planning

1. 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.
2. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 09/26/22, except as amended by conditions herein.
3. A Waiver from Title 19.09 is hereby approved, to allow a main body depth of 230 feet where 175 feet is the maximum allowed.
4. A Waiver from Title 19.09 is hereby approved, to allow a 57% building façade alignment where 75% is the minimum allowed for the façade frontage.
5. A Waiver from Title 19.09 is hereby approved, to allow no street frontage or pedestrian access on Fremont Street where such is required.
6. 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 Department of Building and Safety.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
8. All utility or mechanical equipment shall comply with the provisions of the Interim Downtown Las Vegas Development Standards, unless approved by a separate Waiver.
9. 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 the visibility of any traffic control device.

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10. A fully operational fire protection system, including fire apparatus roads, fire hydrants, and water supply, shall be installed and shall be functioning prior to the construction of any combustible structures.
11. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

11. The sidewalk adjacent to this site shall meet Public Right-of-Way Accessibility Guidelines (PROWAG) in accordance with code requirements of Title 13.56.040 to the satisfaction of the City Engineer concurrent with the development of this site. Grant any Pedestrian Access Easement needed to complete this requirement.
12. Queues entering the property shall not extend into the public right-of-way.
13. 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 the 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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing to develop a five-story, 44-room Hotel, Residence on 0.66-acres at 2033 Fremont Street.

ISSUES

- The subject site is within the confinements of the Vision 2045 Downtown Las Vegas Master Plan (Fremont East District) [Area 1].
- The following Waivers of the Title 19.09 Form-Based Code development standards are requested:
 - A Waiver of Title 19.09 is requested to allow a main body depth of 230 feet where 175 feet is the maximum allowed. Staff supports this request.
 - A Waiver of Title 19.09 is requested to allow a 57% building façade alignment where 75% is the minimum allowed for the façade frontage. Staff supports this request.
 - A Waiver of Title 19.09 is requested to allow no street frontage or pedestrian access on Fremont Street where such is required. Staff supports this request.
- The subject site is located in Redevelopment Area 1.

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.

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The subject site is located within the Fremont East District of Downtown Las Vegas. Fremont East has gained residents and shops through its popularity due to its proximity to the Resort and Casino District, but is in need of a more pedestrian-friendly atmosphere for continued success and growth. The subject site is located in a T4-C (T4 Corridor) transect zone. This transect zone intends to enhance the City's existing corridors by allowing a wide variety of building types to accommodate a range of commercial, retail, office, and service uses in small to large-footprint buildings along major arterial corridors carrying high volumes of vehicular traffic. This transect zone is governed by Title 19.09 which regulates the form-based code development standards.

The 0.66-acre subject site is an existing single-story, 20-room Hotel, Residence development. The applicant is proposing to develop a five-story, 44-room Hotel, Residence expansion southeast of the parking lot. The proposed building is categorized as a Flex Mid-Rise building type and a Shopfront street frontage.

The Hotel, Residence use is defined as "A multi-dwelling facility for extended stay lodging, consisting of:

1. Efficiency units or suites with a kitchen containing a refrigerator, sink and cooking facilities (such as a stove or microwave) suitable for long term occupancy;
2. Customary hotel services such as linen, maid service, telephone and upkeep of furniture; and
3. Optional resident and guest amenities such as meeting rooms, club house and recreation facilities.

This use does not include facilities which qualify as other types of dwelling units defined in this Title." Hotel, Residences are a permitted use in the T4-C (T4 Corridor) transect zoning district.

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 (High Load - Zone 3), the reduction brings the parking requirement range from a minimum of 26 parking spaces to a maximum of 45 parking spaces. The parking for the proposed development is within this threshold as 36 parking spaces are provided.

The submitted floor plan date stamped on 09/26/2022 shows the building broken down by the floor. As a podium-style development, the ground floor serves as covered parking as well as the lobby and laundry facilities. Floors two through four contain 11 hotel residences, and as explained in the justification letter date stamped on 09/26/22, the second floor also contains an amenity area with a barbeque area, tables, and fire pits.

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The building elevations date stamped on 09/26/2022 demonstrate a 61-foot tall mid-rise building primarily comprised of a variety of materials such as CMU (concrete masonry unit) and storefront glazed windows. 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 date stamped on 09/26/2022 depicts 36-inch Heritage Southern Live Oak street trees along Fremont Street and 24-inch 'Thornless Honey Locust' adjacent to the alley. To accent the site along the parking area, 15-gallon 'Bay Laurel' and 'Chaste" trees

are provided. All of which are included on the Southern Nevada Regional Planting Coalition list and are appropriate for a desert climate. In addition to the on-site site landscaping, open space is provided throughout the amenity terrace deck.

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. The 2050 Master Plan recognizes that the City's land supply will reduce over time and it is necessary to shift to a strategy of infill and redevelopment. Through redevelopment, blighted neighborhoods can transform into walkable communities.

Vision 2045 Downtown Las Vegas Master Plan

Tourism is the region's primary economic engine. Deemed the "Entertainment Capital of the World" the Las Vegas metropolitan region is a top global tourist destination and one of the leading destinations for convention activity in the country, annually drawing over 40 million domestic and international visitors. As a primary tourism hub, Downtown Las Vegas aims to build on the City's legendary history while positioning itself to diversify economically. When possible, upgrading current hospitality facilities and the creation of new spaces will help accommodate future demand.

Redevelopment Plan Area

The proposed site is also located within the Redevelopment Area 1 and if approved would support the goals of the Redevelopment Agency by retaining existing business by means of redevelopment and rehabilitation.

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The proposed Hotel, Residence development generally meets the development standards set forth by Title 19.09 for the T4-C (T4 Corridor) transect zone. As the proposed development supports guiding principles identified in the Vision 2045 Downtown Master Plan, staff finds that the proposed development can be harmonious and compatible with the surrounding area. Therefore staff recommends approval, subject to conditions.

FINDINGS (22-0539-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 Hotel, Residence development is compatible with the adjacent development within the surrounding area of the subject site.

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

The proposed Hotel, Residence development helps further guiding principles identified in the Vision 2045 Downtown Master Plan as upgrading current hospitality facilities and the creation of new units will help accommodate future demands.

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

Site access is provided by Fremont Street, a 100-foot Primary Arterial Street. Additionally, the Title 19.09 Form Based Code identifies Fremont Street as a Commercial Street. Fremont Street is 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 proposed building and landscape materials are appropriate for a desert climate and the City. All provided landscaping is included on the Southern Nevada Regional Planting Coalition list and are appropriate for a desert climate.

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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;**

Building elevations and design characteristics are not unsightly or obnoxious in appearance and create an orderly and aesthetically pleasing environment. The elevation plan date stamped on 09/26/22, shows the façade comprised of a variety of materials. With 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

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
12/31/19	A Code Enforcement Case (CE19-04794) was reported for non-permitted construction without plans, permits, and electrical issues at 2033 Fremont Street. The case was resolved on 09/03/20.
09/15/20	A Code Enforcement Case (CE20-05029) was reported for a water leak at 2033 Fremont Street, Apartment #5. The case was resolved on 02/02/21.
02/17/21	A Code Enforcement Case (CE21-00613) was reported for a motel operating without a proper business license and violations of multiple building codes and operations at 2033 Fremont Street. The case was resolved on 03/18/21.
08/04/21	A Code Enforcement Case (CE21-03328) was reported for an annual inspection at 2033 Fremont Street. The case has not been resolved.
10/20/21	Code Enforcement Cases (CE21-04655 through CE21-04685) were reported for annual inspections at 2033 Fremont Street, Units #1 through #31. Of the 31 total cases, 24 have been resolved.

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Related Relevant City Actions by Planning, Fire, Bldg., etc.	
11/15/22	The Planning Commission voted (5-0-1) to recommend APPROVAL on a request FOR A PROPOSED 33-UNIT EXPANSION TO AN EXISTING 13-UNIT HOTEL, RESIDENCE WITH WAIVERS OF TITLE 19.09 FORM BASED CODE DEVELOPMENT STANDARDS on 0.66 acres at 2033 Fremont Street (APN 139-35-802-005), T4-C (T4 Corridor) Zone, Ward 3 (Diaz).

Most Recent Change of Ownership	
12/06/19	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
06/28/14	A Business License (G62-02210) was issued for a residence hotel at 2033 Fremont Street. The license is currently active and due for renewal on 12/01/19.
11/01/18	A Building Permit (C18-04757) was issued for a water heater at 2033 Fremont Street.
10/16/19	A Building Permit (C19-04663) was issued to replace a gas line at 2033 Fremont Street.
01/17/20	A Building Permit (C20-00284) was issued for building water and sewer replacement repairs at 2033 Fremont Street.
02/24/20	A Building Permit (C20-00746) was issued to remove and replace a bathroom wall at 2033 Fremont Street.
03/03/20	A Building Permit (C20-01043) was issued for building water and sewer replacement repairs at 2033 Fremont Street.
02/14/22	A Building Permit (C22-00447) was issued for a damage assessment at 2033 Fremont Street.

Related Building Permits/Business Licenses	
12/18/20	A Business License (G68-07781) was issued for a motel at 2033 Fremont Street. The license is currently active and due for renewal on 12/01/22.
12/23/20	A Business License (G68-07782) was issued for a residence hotel at 2033 Fremont Street. The license is currently active and due for renewal on 12/01/22.

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Pre-Application Meeting	
09/13/22	A pre-application meeting was held with the applicant to discuss the submittal requirements pertaining to a proposed expansion of an existing Hotel, Residence development.

Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
10/26/22	A routine field check was conducted of the subject site; staff found nothing of concern.

Details of Application Request	
Site Area	
Net Acres	0.66

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Hotel, Residence	FBC (Form Based Code)	T4-C (T4 Corridor)
North	Multi-Family Residential	M (Medium Density Residential)	R-3 (Medium Density Residential)
South	Single Family, Attached	FBC (Form Based Code)	T4-C (T4 Corridor)
East	Vacant		
	General Retail Store		
West	Vacant		

Master and Neighborhood Plan Areas	Compliance
2045 Downtown Las Vegas Master Plan:	Y
Las Vegas 2050 Master Plan Area: Downtown Las Vegas	Y
No Applicable Master Plan Area	Y

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Special Area and Overlay Districts	Compliance
DTLV-O (Downtown Las Vegas Overlay) District – Area 3 (Fremont East District)	Y
LW-O (Live/Work Overlay) District	Y
Other Plans or Special Requirements	Compliance
Trails	N/A
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 Mid Rise)	Main Body Width: 100% of Lot Maximum	Main Body Width: 40% of Lot Maximum	Y
	Main Body Depth: 175 Feet Maximum	Main Body Depth: 221 Feet	N*
	Secondary Wing Width: 40 Feet Maximum	Secondary Wing Width: N/A	N/A
	Secondary Wing Depth: 75 Feet Maximum	Secondary Wing Depth: N/A	N/A
Access Standards (If applicable)			N/A
Table E. Building Placement			
Setback Distance (Front)	10 Feet Minimum 15 Feet Maximum	15 Feet	Y
Setback Distance (Interior Side)	0 Feet Minimum 15 Feet Maximum	5 Feet	Y
Setback Distance (Rear Side)	10 Feet Minimum	10 Feet	Y
Building Façade (Front) [Fremont Street]	75% Minimum	57%	N*

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Table F. Building Form Standards			
Building Height	2 Stories Minimum 5 Stories Maximum	5 Stories	Y
Floor-to-Ceiling (Ground)	13 Feet Minimum	15 Feet	Y
Floor-to-Ceiling (Upper)	9 Feet Minimum	10 Feet	Y
Footprint – Lot Coverage	75% Maximum	34%	Y
Depth – Gross Floor Space	20 Feet Minimum	21 Feet	Y
Table G. Frontages			
Frontage 1 [Fremont Street Street]	Shopfront	Shopfront	Y
Pedestrian Access			N*

Table H. Frontages			
Encroachment Type (Upper Floor Balconies)	Front: 6 Feet Side: 5 Feet	N/A	N/A
Table I. Use Types			
Hotel, Residence			Y
Table J. Parking Standards			
Setback from Lot	10	10 Feet	Y
Parking Driveway Width	32 Feet Minimum 34 Feet Maximum	33 Feet	Y
Table K. Required Street Trees			
Amenity Zone Tree Planting	As required along all street frontages	Quercus Virginiana (Southern Live Oak)	Y
Table L. Open Space			
Miscellaneous	Minimum of 5% of the lot area (1,437 SF)	5,326 SF (18.5%)	Y

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Fremont Street	Primary Arterial	Master Plan of Streets and Highways Map	100	Y
	Primary Thoroughfare	Title 19.09		Y
	Commercial Street			Y

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Parking Requirement - Downtown (Area 3)								
Use	Gross Floor Area or Number of Units	Base Parking Requirement	Base Parking Requirement		Provided		Compliance	
			Parking Ratio	Parking		Parking		
				Regular	Handi-capped	Regular		Handi-capped
Hotel, Residence	64 guest rooms	1 space per guest room	64					
TOTAL SPACES REQUIRED			64		35		N	
Regular and Handicap Spaces Required			61	3	33	2	Y	
Downtown Form Based Code Parking Standards – Title 19.09.100 G								
Parking Standards High Load – Zone 3			40% Reduction Minimum: 26		70% Reduction Maximum: 45		Y	
Bicycle Parking Requirements			N/A		N/A		Y	

Waivers		
Requirement	Request	Staff Recommendation
The maximum main body building depth is 175 feet in the T5-N transect zone.	To allow the main body depth of 230 feet where 175 feet is the maximum allowed	Approval
The minimum building façade alignment for the façade frontage is 75% in the T5-N transect zone.	To allow a 57% building façade alignment where 75% is the minimum allowed for the façade frontage	Approval
Pedestrian access shall be provided through a street frontage type.	To allow no pedestrian access on Fremont Street frontage where such is required	Approval

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Department of Public Works Traffic Study

Existing Traffic on Nearby Streets	
Thom Boulevard	
Average Daily Traffic (ADT)	1,291
PM Peak Hour (Heaviest 60 Minutes)	103
Rome Boulevard	
Average Daily Traffic (ADT)	2,771
PM Peak Hour (heaviest 60 minutes)	222
Bradley Road	
Average Daily Traffic (ADT)	3,905
PM Peak Hour (heaviest 60 minutes)	312
Traffic Capacity of Adjacent Streets:	
Adjacent Street ADT Capacity	
Thom Boulevard	13,104
Rome Boulevard	13,104
Bradley Road	13,104
Summary	
<p>This project will add approximately 415 trips per day on Thom Boulevard, Rome Boulevard and Bradley Road. Currently, Thom Boulevard is at approximately 10 percent of capacity, Rome Boulevard is at approximately 21 percent of capacity and Bradley Road is at approximately 30 percent of capacity. With this project, Thom Boulevard is expected to be at approximately 13 percent of capacity, Rome Boulevard is expected to be at approximately 24 percent of capacity and Bradley Road to be at approximately 33 percent of capacity.</p>	
<p>Based on Peak Hour use, this development will add into the area roughly 44 additional cars, or about three every four minutes.</p>	