



# **AGENDA MEMO - COMMUNITY DEVELOPMENT**

**PLANNING COMMISSION MEETING DATE: APRIL 11, 2023**

**DEPARTMENT: COMMUNITY DEVELOPMENT**

**ITEM DESCRIPTION:**

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

<b>CASE NUMBER</b>	<b>RECOMMENDATION</b>	<b>REQUIRED FOR APPROVAL</b>
<b>23-0052-ZON1</b>	Staff recommends DENIAL.	23-0052-SDR1
<b>23-0052-VAR1</b>	Staff recommends DENIAL, if approved subject to conditions:	23-0052-ZON1 23-0052-SUP1
<b>23-0052-VAR2</b>	Staff recommends DENIAL, if approved subject to conditions:	23-0052-ZON1 23-0052-SUP1 23-0052-VAR1
<b>23-0052-SUP1</b>	Staff recommends DENIAL, if approved subject to conditions:	23-0052-ZON1 23-0052-VAR1
<b>23-0052-SUP2</b>	Staff recommends DENIAL, if approved subject to conditions:	23-0052-SDR1
<b>23-0052-VAC1</b>	Staff recommends APPROVAL, subject to conditions:	
<b>23-0052-SDR1</b>	Staff recommends DENIAL, if approved subject to conditions:	23-0052-ZON1 23-0052-VAR1 23-0052-VAR2 23-0052-SUP1 23-0052-VAC1
<b>23-0052-MSP1</b>	Staff recommends DENIAL, if approved subject to conditions:	23-0052-SDR1

## **\*\* NOTIFICATION \*\***

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

12

**NOTICES MAILED**

522

**PROTESTS**

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AS

**23-0052 [ZON1, VAR1, VAR2, SUP1, SUP2, VAC1, SDR1 and MSP1]**  
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**APPROVALS**

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

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### **23-0052-VAR1 CONDITIONS**

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**Planning**

1. A Variance is hereby approved to allow a height of 60 stories where seven is the maximum allowed.
2. Approval of Rezoning (23-0052-ZON1) and approval of and conformance to the Conditions of Approval for Special Use Permit (23-0052-SUP1), Special Use Permit (23-0052-SUP2), Variance (23-0052-VAR2), Petition to Vacate (23-0052-VAC1) and Site Development Plan Review (23-0052-SDR1) shall be required, if approved.
3. 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.
4. 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.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for a building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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### **23-0052-VAR2 CONDITIONS**

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**Planning**

1. A Variance is hereby approved to allow the backing of motor vehicles onto a public street from a parking area where such is prohibited.
2. Approval of Rezoning (23-0052-ZON1) and approval of and conformance to the Conditions of Approval for Special Use Permit (23-0052-SUP1), Special Use Permit (23-0052-SUP2), Variance (23-0052-VAR1), Petition to Vacate (23-0052-VAC1)

**23-0052 [ZON1, VAR1, VAR2, SUP1, SUP2, VAC1, SDR1 and MSP1]**  
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and Site Development Plan Review (23-0052-SDR1) shall be required, if approved.

3. 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.
4. 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.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for a building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**Public Works**

7. Backing up maneuvers of delivery vehicles to into the loading areas of this development shall be permitted to encroach into the G Street public right-of-way.

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**23-0052-SUP1 CONDITIONS**

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**Planning**

1. Approval of Rezoning (23-0052-ZON1) and approval of and conformance to the Conditions of Approval for Variance (23-0052-VAR1), Variance (23-0052-VAR2), Special Use Permit (23-0052-SUP2), Petition to Vacate (23-0052-VAC1) and Site Development Plan Review (23-0052-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 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.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for a building permit, as well as submitted as part of any business license application.

**23-0052 [ZON1, VAR1, VAR2, SUP1, SUP2, VAC1, SDR1 and MSP1]**  
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5. Prior to or at the time of submittal for any building permit, the applicant shall provide written verification by the FAA and/or the Clark County Department of Aviation of the following:
  - a. Applicant is required to file FAA form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA.
  - b. Applicant is advised that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments. Applicant is advised that the FAA's airspace determinations include expiration dates and that separate airspace determinations will be needed for construction cranes or other temporary equipment.
  - c. No Building Permit or other construction permit shall be issued for any structure greater than 35 feet above the surface of land that, based upon the FAA's 7460 airspace determination (the outcome of filing the FAA Form 7460-1), would (a) constitute a hazard to air navigation, (b) would result in an increase to minimum flight altitudes during any phase of flight (unless approved by the Department of Aviation), or (c) would otherwise be determined to pose a significant adverse impact on airport or aircraft operations, as outlined in CLV Code 19.10.080A-O(F).
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**23-0052-SUP2 CONDITIONS**

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**Planning**

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Massage Establishment use.
2. Approval of Rezoning (23-0052-ZON1) and approval of and conformance to the Conditions of Approval for Variance (23-0052-VAR1), Variance (23-0052-VAR2), Special Use Permit (23-0052-SUP1), Petition to Vacate (23-0052-VAC1) and Site Development Plan Review (23-0052-SDR1) shall be required, if approved.
3. 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.

**23-0052 [ZON1, VAR1, VAR2, SUP1, SUP2, VAC1, SDR1 and MSP1]**  
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4. A Waiver from Title 19.12 is hereby approved, to allow a 99-foot distance separation from a Church/House of Worship and a 192-foot distance separation from a City park, and a 244-foot distance separation from a parcel zoned for residential use where 400 feet is required.
5. A Waiver from Title 19.12 is hereby approved, to operate 24 hours a day where the hours of operation are limited to the period between 6:00 am to 10:00 pm.
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 Building and Safety Division.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for a building permit, as well as submitted as part of any business license application.
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**23-0052-VAC1 CONDITIONS**

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1. The limits of this Petition of Vacation shall be defined as the alley that runs east to west between F Street and G Street and between Van Buren Avenue and Jackson Avenue.
2. The Order of Vacation shall record prior to or concurrently with the issuance of a permit for this site or the recordation of a map, whichever may occur first.
3. Provide a plan showing how the right-of-way proposed to be vacated will be incorporated into the abutting properties so that an un-maintained “no-man’s land” area is not produced by this action. The required plan shall identify exactly who is responsible to reclaim each portion of right-of-way and exactly how the right-of-way will be reclaimed, and shall provide a schedule of when such reclamation will occur. Such plan shall be approved by the City Engineer prior to the recordation of the Order of Vacation or the submittal of any construction drawings adjacent to or overlying the area requested for vacation, whichever may occur first. A map that consolidates the alley and the all the adjacent lots for 23-0052-SDR1 may be used to satisfy this condition.

4. Reserve a minimum 20-foot wide Public Sewer Easement over the existing public sewer main in the alley in the Order of Vacation. Alternatively, provide a relocation plan acceptable to the Sanitary Sewer Engineering Division 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 23-0052-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.
8. 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.
9. All development shall be in conformance with code requirements and design standards of all City Departments.
10. 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 Subdivision Ordinance of the City of Las Vegas. 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.

- 11 If the Order of Vacation is not recorded within one (1) 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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## **23-0052-SDR1 CONDITIONS**

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### **Planning**

1. Approval of Rezoning (23-0052-ZON1) and approval of and conformance to the Conditions of Approval for Variance (23-0052-VAR1), Special Use Permit (23-0052-SUP1), Special Use Permit (23-0052-SUP2), and Petition to Vacate (23-0052-VAC1) 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 landscape plan and building elevations, date stamped 02/15/23, and site plan, date stamped on 03/29/23, except as amended by conditions herein.
4. A Waiver from Title 19.09 is hereby approved, to allow a 289-foot main body building depth where 175 feet is the maximum allowed.
5. A Waiver from Title 19.09 is hereby approved, to allow a zero-foot front yard setback where five feet is the minimum required.
6. A Waiver from Title 19.09 is hereby approved, to allow a zero-foot front yard setback where 10 feet is the minimum required.
7. A Waiver from Title 19.09 is hereby approved, to allow a 90.3 percent lot coverage where 90 is the maximum allowed.
8. A Waiver from Title 19.09 is hereby approved, to allow a two-way parking driveway depth of 28 feet where 32 feet is the minimum allowed.
9. A Waiver from Title 19.09 is hereby approved, to allow a zero-foot wide sidewalk on G Street.
10. A Waiver from Title 19.09 is hereby approved, to allow a zero-foot-wide amenity zone on G Street.

**23-0052 [ZON1, VAR1, VAR2, SUP1, SUP2, VAC1, SDR1 and MSP1]**  
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11. 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.
12. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for a building permit.
13. 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.
14. All utility or mechanical equipment shall comply with the provisions of the Interim Downtown Las Vegas Development Standards, unless approved by a separate Waiver.
15. 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.
16. 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.
17. 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.
18. 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.
19. Prior to or at the time of submittal for any building permit, the applicant shall provide written verification by the FAA and/or the Clark County Department of Aviation of the following:

- a. Applicant is required to file FAA form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA.
  - b. Applicant is advised that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments. Applicant is advised that the FAA's airspace determinations include expiration dates and that separate airspace determinations will be needed for construction cranes or other temporary equipment.
  - c. No Building Permit or other construction permit shall be issued for any structure greater than 35 feet above the surface of land that, based upon the FAA's 7460 airspace determination (the outcome of filing the FAA Form 7460-1), would (a) constitute a hazard to air navigation, (b) would result in an increase to minimum flight altitudes during any phase of flight (unless approved by the Department of Aviation), or (c) would otherwise be determined to pose a significant adverse impact on airport or aircraft operations, as outlined in CLV Code 19.10.080A-O(F).
20. 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.
21. The applicant shall coordinate with the Post Entitlement Approval Conference (PEAC) team at (702) 229-6853 to coordinate preliminary building and civil plan reviews for this project.
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 15-foot radius at the southeast corner of G Street and Van Buren Avenue, southwest corner of F Street and Van Buren Avenue, and northwest corner of F Street and Jackson Avenue.
24. 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, and in accordance with Section 2.2 of the City's Vision Zero Action Plan, to the satisfaction of the City Engineer concurrent with the development of this site. Also, provide a pedestrian continuity and safety plan for the extended driveway cuts along G Street acceptable to the City Traffic Engineer prior to the submittal of any construction drawings. Grant any Pedestrian Access Easement needed to complete these requirements.

25. Connect to Public Sewer at a size depth and location acceptable to the Sanitary Sewer Engineering Section of the Department of Public Works. The proposed development is likely to cause downstream sewer capacity issues, which may require the construction of sewer to provide additional capacity. The applicant is responsible for any required relief to the existing system capacity related to this development.
26. Provide a sewer relocation plan acceptable to the Sanitary Sewer Engineering Section of the Department of Public Works prior to the issuance of permits for this site. Public Sewer Easements may be required as part of the sewer relocation plan. If an easement is needed, the building must allow for a minimum 20-foot vertical clearance and must meet accessibility standards for maintenance.
27. Coordinate with the Environmental Compliance & Enforcement staff of the Department of Public Works to locate any required grease interceptor and sand/oil interceptors in acceptable locations prior to the submittal of sewer-related plans. Comply with the recommendations and requirements of the Environmental Compliance & Enforcement staff prior to issuance of permits. The team may be contacted at 702-229-6594 or emailed at [ece@lasvegasnevada.gov](mailto:ece@lasvegasnevada.gov).
28. Unless otherwise allowed by the City Engineer, construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with the development of this site. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network and shall be terminated on-site with a handicap ramp.
29. Landscape and maintain all unimproved right-of-way adjacent to this site. 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.
30. Submit a License Agreement for landscaping and private improvements in the G Street, Van Buren Avenue, F Street, and Jackson 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 Building and Safety (229-4836).
31. The site shall be designed such that all delivery vehicles can maneuver for loading and unloading on site; no parking or deliveries to this site shall be permitted in the public right of way.

32. 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 section addressing Standard Drawings #234.1 #234.2 and #234.3, in accordance with Section 2.2 of the City's Vision Zero Action Plan, to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights of way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. In accordance with Section 2.2 of the City's Vision Zero Action Plan, the Traffic Impact Analysis shall also include a pedestrian circulation/access 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.
33. 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 the development of this site. The drainage study required by 23-0052-VAC1 may be used to satisfy this requirement provided that it addresses the entire site.

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## 23-0052-MSP1 CONDITIONS

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### **Planning**

1. Approval of Rezoning (23-0052-ZON1) and approval of and conformance to the Conditions of Approval for Variance (23-0052-VAR1), Special Use Permit (23-0052-SUP1), Special Use Permit (23-0052-SUP2), Petition to Vacate (23-0052-VAC1), and Site Development Plan Review (23-0052-SDR1).
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 sign plan analysis, site plan, and elevation sheets date stamped 02/15/23.
4. Any future amendments to the approved signage within the Master Sign Plan in conformance with the Master Sign Plan and new signage in conformance with Title 19 standards may be reviewed and approved administratively by the Department of Planning.
5. 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.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for a building permit.

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

**PROJECT DESCRIPTION**

The applicant is proposing to develop a 60-story, 687-foot tall Hotel and Casino Development with 458 multi-family residential units on 1.95 acres at the northwest corner of Jackson Avenue and F Street.

**ISSUES**

- The subject site is within the confinements of the Vision 2045 Downtown Las Vegas Master Plan (Historic Westside) [Area 2], The Hundred Plan, and the West Las Vegas Plan.
- The site is currently licensed for a 6,650 square-foot legal, nonconforming non-restricted gaming use. There is no expansion to this area associated with this request.
- A Rezoning (23-0052-ZON1) is requested to amend the site's zoning from T4-MS (T4 Main Street) and T4-N (T4 Neighborhood) to T5-MS (T5 Main Street). Staff recommends denial.
- A Variance (23-0052-VAR1) is requested to allow a height of 60 stories where seven is the maximum allowed. Staff recommends denial.
- A Variance (23-0052-VAR2) is requested to allow the backing of motor vehicles onto a public street from a parking area where such is prohibited. Staff recommends denial.
- A Special Use Permit (22-0052-SUP1) is requested to allow a proposed 607-foot tall building within the 140-foot Airport Overlay District. Staff recommends denial.
- A Special Use Permit (22-0052-SUP1) is requested for a proposed Massage Establishment use. Staff recommends denial.
  - A Waiver of Title 19.12 is requested to allow a 99-foot distance separation from a Church/House of Worship where 400 feet is required. Staff does not support this request.
  - A Waiver of Title 19.12 is requested to allow a 192-foot distance separation from a City park where 400 feet is required. Staff does not support this request.
  - A Waiver of Title 19.12 is requested to allow a 244-foot distance separation from a residentially zoned parcel where 400 feet is required. Staff does not support this request.
  - A Waiver of Title 19.12 is requested to allow the hours of operation to be open 24 hours a day where otherwise limited to 6:00 am to 10:00 pm. Staff does not support this request.
- A Petition to Vacate (22-0052-VAC1) is requested for a public alleyway between Van Buren Avenue and Jackson Avenue from G Street to F Street. Staff recommends approval.

- A Site Development Plan Review (22-0052-SDR1) is requested for a proposed 60-story, 687-foot tall hotel and casino development consisting of 764 hotel rooms and 458 multi-family residential units. Staff recommends denial.
- Waivers of the Title 19.09 Form-Based Code Development Standards are requested to allow:
  - A Waiver of Title 19.09 is requested to allow a 289-foot main body building depth where 175 feet is the maximum allowed. Staff does not support this request.
  - A Waiver of Title 19.09 is requested to allow a zero-foot front yard setback where five feet is the minimum required. Staff does not support this request.
  - A Waiver of Title 19.09 is requested to allow a zero-foot front yard setback where 10 feet is the minimum required. Staff does not support this request.
  - A Waiver of Title 19.09 is requested to allow a two-way parking driveway width of 28 feet where 32 is the minimum allowed. Staff does not support this request.
  - A Waiver of Title 19.09 is requested to allow a zero-foot wide sidewalk on G Street. Staff does not support this request.
  - A Waiver of Title 19.09 is requested to allow a zero-foot wide amenity zone on G Street. Staff does not support this request.
  - A Pre-Entitlement Exception is denied to allow a 90.3 percent lot coverage where 90 is the maximum allowed. As a result, a Waiver is requested instead.
- 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.

The subject site is located within the Historic Westside District of Downtown Las Vegas. This district is dominated mostly by low-rise residential neighborhoods and industrial zones. The neighborhood consists of a few historical sites, poor housing conditions, vacant parcels, and a lack of parks and amenities. This district is in need of environmental upgrades and social services. The Vision 2045 Downtown Las Vegas Master Plan recommends following the strategies identified in the Hundred Plan such as promoting contextual neighborhood infill and appropriate amenities to stabilize the community.

Divided by an alleyway, the subject site consists of eight parcels combining for 1.95-acres at the northwest corner of Jackson Avenue and F Street. As currently displayed, the northern portion of the site is designated as a T4-N (T4 Neighborhood) transect zone while the southern portion of the site is designated as a T4-MS (T4 Main Street) transect zone. The subject site is home to the Tokyo Tavern or New Town Tavern and Casino, a legal nonconforming Non-Restricted Gaming Establishment. Since 2014, the owner has requested one-year Extensions of Time for the continuation of the nonconforming status until such time that redevelopment occurs. The applicant is requesting the following land use entitlements to redevelop the subject site with a 60-story, 687-foot tall Hotel and Casino Development with 458 multi-family residential units.

The land owner holds a legal nonconforming non-restricted gaming license. At this time, there is no proposed expansion to this previously approved area. This nonconforming area is limited to 6,650 square feet and is generally located directly at the northwest corner of Jackson Avenue and F Street. Due to the existing non-restricted gaming license and since the proposed development exceeds 200 hotel rooms, any number of ancillary alcoholic beverage-related uses are allowed.

### ***Rezoning***

The intent of the T5-MS (T5-Main Street) transect zone is to provide a compact and walkable urban environment with building types that can accommodate a diverse range of professional office, service, and retail uses, as well as residential uses on the upper floors of buildings. A range of building types allows for a majority of active pedestrian street facades supported by active ground-floor frontages on multiple streets. Parking is typically provided in multi-story garages, which if placed next to a street frontage, are lined with active retail/service uses. The flexible nature of the building types is intended to encourage revitalization and investment. The T5-MS transect zone is consistent with the FBC (Form-Based Code) category of the General Plan.

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 T4 designated transect zones,

generally consisting of other T4-N (T4 Neighborhood) parcels to the north and T4-MS (T4 Main Street) to the south. Amending the subject site would create a “spot” of T5 in an area strongly consisting of T4 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 is out of character with the surrounding area.

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. As such, while the proposed development is better suited for a T6-UG (T6 Urban General) transect zoning category, the site is ineligible to Rezone to this transect zone. Additionally, the approval of a Rezoning application is only allowed in conjunction with the approval of a Site Development Plan Review. Lastly, if the following applications are approved and not exercised, the Rezoning would be deemed void as well and would revert back to the current zoning categories.

#### ***Variance - Building Height***

Under the Title 19.09 Form Base Code Development Standards, a Variance may be requested to allow an increase of the maximum building height. In T5-MS (T5 Main Street) transect zones, building heights are limited to a range from two to seven stories. Even the most intense areas of the form-based code, T6-UC (T6 Urban General) transect zones are limited to a maximum building height of 20 stories, over a third less than the proposed development. As evidenced by both the requested Rezoning and Special Use Permit (deviation from the Airport Overlay), deviating the height of the proposed development by 53 additional stories is out of character with the surrounding area. As a result, staff is recommending denial on the requested Variance.

#### ***Variance - Motor Vehicles Backing onto Right-of-Way***

Title 19.08.110 requires that loading spaces be designed and located to reduce the potential for traffic congestion and hazards. Additionally, loading spaces shall be situated so that all vehicular maneuvers associated with loading and unloading shall occur on-site. The submitted site plan date stamped 03/29/23 does not adequately address this concern as backing maneuvers will occur in the public right-of-way. A different design, such as delivery vehicles entering from F Street and exiting onto G Street, could ameliorate these concerns.

The proposed backing maneuver into the loading zones from G Street creates a potential hazard for pedestrians due to the limited sight visibility from large truck and trailer rigs. The Vision 2045 Downtown Las Vegas Masterplan encourages a pedestrian-scaled, walkable urban environment with supportive streetscape enhancements. Similarly, a goal

of the Hundred Plan calls for complete and safe streets for pedestrians and cyclists. The plan calls for 10-foot-wide sidewalks and pedestrian amenities to improve their safety and well-being. Staff finds this Variance to be contrary to the Vision 2045 Downtown Las Vegas Masterplan and Hundred Plan, as well as a self-imposed hardship, and therefore recommends denial of this request.

### ***Special Use Permit - Airport Overlay***

Title 19.10 requires any new construction on a parcel located within the Airport Overlay District to be approved by the Planning Commission if such construction or alteration exceeds any of the following height standards:

1. Two hundred feet above the ground level at its site;
2. The plane of an imaginary surface extending outward and upward at a slope of 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of any airport subject to the provisions of this subchapter;
3. For highways, railroads, and other traverse ways for mobile objects; if construction or alteration is of greater height than the standards set forth in Paragraphs (1) or (2) above, after their height has been adjusted upward for the appropriate traverse way as follows:
  - a. For interstate highways: 17 feet;
  - b. For any other public roadways: 15 feet;
  - c. For any private road: 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater;
  - d. For any railroad: 23 feet;
  - e. For a waterway or any other unspecified traverse way: the height of the highest mobile object that would normally use the traverse way.
4. Any construction or alteration that would be in an instrument approach area and available information indicates the height might exceed any FAA obstruction standard.

The Minimum Special Use Permit Requirements for this include:

1. Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use property in a manner which would exceed the limitations of this Section may apply to the Planning Commission for a Special Use Permit. The Special Use Permit application shall be processed in accordance with the Special Use Permit procedures set forth in LVMC 19.16.110, except that:
  - a. The applicant shall notify the FAA regional office and the Clark County Department of Aviation of the application prior to the time of submission; and

- b. Any approval by the Planning Commission must be referred automatically to the City Council for final disposition.
2. Notwithstanding the preceding provisions of this Section, no Special Use Permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of this Section or any amendment thereto.

In addition, Federal Aviation Regulations (14 CFR, Part 77) and City of Las Vegas (CLV) Code (Section 19.10.080) require that the Federal Aviation Administration (FAA) be notified before the construction or alteration of any building or structure that will exceed a slope of 100:1 for a distance of 20,000 feet from the nearest point of any airport runway or for any structure greater than 200 feet in height. Such notification allows the FAA to determine what impact, if any, the proposed development will have upon aircraft operations, and allow the FAA to determine whether the development should be obstruction marked or lighted.

The proposed development would exceed the 100:1 notification requirement or is greater than 200 feet in height for the North Las Vegas Airport (VGT).

Per the City of Las Vegas Municipal Code 19.10.080A-O(H)(1)(a), the applicant shall notify the FAA regional office and the Clark County Department of Aviation (CCDOA) of the application prior to the time of submission. At the time of staff review, the CCDOA airspace manager has not been notified.

Per the City of Las Vegas Code 19.10.080(F), notwithstanding any other provision of this Section, no use may be made of land or water within any zone established by this subchapter in such a manner as to create electrical interference with navigation signals or radio communication between the airport and aircraft; make it difficult for pilots to distinguish between airport lights and others; result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport; create bird strike hazards; or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport, or which in any way compromises public safety.

At the request of the Clark County Department of Aviation, Conditions of Approval have been included to ensure compliance with the Federal Aviation Regulations. The applicant has submitted a request for a Special Use Permit in accordance with Title 19.12 due to the height of the proposed project exceeding the 140-foot height limitation placed on the site by the Federal Aviation Regulations. Staff finds that the development of the subject site is capable of complying with the Federal Aviation Regulations and therefore is recommending denial of this request.

***Special Use Permit - Massage Establishment Use***

The Massage Establishment use is defined as “A facility which is occupied and used for the purpose of practicing massage therapy as defined in LVMC Chapter 6.52. This use does not include the “accessory massage,” as defined in this Title.” The Minimum Special Use Permit Requirements for this use include:

1. The use shall comply with all applicable requirements of LVMC Title 6.

*The proposed Massage Establishment will be subject to licensing and regular inspection, thus protecting the public, health, safety, and general welfare and ensuring compliance with all applicable code requirements.*

2. The use must be located on a secondary thoroughfare or larger.

*Site access is provided by Jackson Avenue, a 56-foot primary thoroughfare, and Van Buren Avenue, G Street, and F Street, 56-foot secondary thoroughfares which are all adequate in size to meet this requirement*

3. The use may not be located within 400 feet of any church/house of worship, school, City park, individual care center licensed for more than 12 children, or any parcel zoned for residential use.

*A Waiver is requested to allow deviations from this standard, as protected uses are within 400 feet of the subject site. Various Church/House of Worship institutions are within 400 feet of the subject site, the nearest being across the Jackson Avenue and F Street intersection approximately 99 feet away. Similarly, the subject site is 192 feet away from H. P. Fitzgerald City of Las Vegas Park.*

*Under the form-based code, the T3-N (T3 Neighborhood) transect zone is intended to protect the integrity of existing neighborhoods with detached homes on small-to-medium-sized lots. This zone reinforces the role of residential building types within walkable neighborhoods and is exclusively residential under the form-based code. Within 244 feet southwest of the subject site, are two parcels that are zoned T3-N.*

4. The use may not be located within 1000 feet of any other massage establishment.

*There are no other massage establishments within 1,000 feet of the subject site. The nearest massage establishment, located at Circa Hotel and Casino at 8 East Fremont Street, is over 5,000 feet away from the subject site.*

5. The hours of operation shall be limited to the period between 6:00 a.m. and 10:00 p.m., unless further limited by the City Council on a case-by-case basis.

*In the submitted justification letter date stamped on 02/15/23, the applicant requests a Waiver to allow the Massage Establishment's hours of operation to be 24 hours a day.*

Staff is unable to support the multiple Waivers and therefore recommends denial of the application.

### ***Petition to Vacate***

The applicant is proposing to reconfigure the eight existing parcels into a single lot. In doing so, the applicant is proposing to Vacate the public alleyway between Van Buren Avenue and Jackson Avenue from G Street to F Street. Staff recommends approval of the Petition to Vacate as all of the Title 19 zoning and NRS 278 and technical requirements have been met.

### ***Site Development Plan Review***

Under the Title 19.09 Form-Based Code Development Standards, the proposed development is categorized as a Flex Mid-Rise building type with Shopfront and Arcade street frontages. A Variance is requested to allow a deviation from the height deviation for the Flex-Mid Rise building as it is described as a building spanning four to eight stories; as limited by the transect, this is reduced to a maximum of seven stories. For the subject site, the primary street frontage is considered to be Jackson Avenue based on the hierarchy of roadways and building orientation.

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 663 parking spaces to a maximum of 1,107 parking spaces. The parking for the proposed development is within this threshold, as 770 parking spaces are provided. As shown on the floor plan date stamped on 02/15/23, the parking garage spans from the second floor of the subterranean basement to the 10th floor.

In addition to standard vehicular parking requirements, bicycle parking is required under Title 19.09 to provide an expanded and connected bicycle network as supported by the Vision 2045 Downtown Las Vegas Master Plan. To encourage cyclists, the Hundred Plan encourages the use of bicycle amenities such as bike racks. Throughout the proposed

development, bicycle racks accommodating 36 bicycles are provided, the majority of which are provided adjacent to the G Street amenity zone with additional bicycle storage rooms on both levels of the basement.

The submitted floor plan date stamped on 02/15/23 shows the building broken down by floor. The two basement levels feature parking, storage, and hotel employee services. The first floor features the existing legal nonconforming 6,650 non-restricted gaming area, the hotel lobby, and a restaurant and café both with outdoor seating. The third floor features a lounge area. Spanning from the third floor to the 10<sup>th</sup> floor is a 900-seat performing arts theater. A variety of retail spaces are included on the fifth floor. On the seventh floor, are a nightclub, restaurant, and management services for the apartment portion of the tower. The ninth floor is the end of the parking garage portion with mechanical equipment. The 10<sup>th</sup> floor, the top of the tower's base includes the pool amenity deck, a lounge, a health club featuring a gym and massage rooms, as well as additional offices for the hotel.

The tower is broken into two distinct segments, with the taller 687-foot east-to-west portion of the tower containing the residential units whereas the smaller 351-foot north-to-south portion of the tower containing the hotel units. Overall the tower features 47 floors of multi-family residential and 27 floors of hotel rooms with some containing multi-story units or rooms. On top, the 60<sup>th</sup> floor features a restaurant and bar with outdoor seating included.

Spread intermittently throughout the development are 180 studio, 90 one-bedroom, 180 two-bedroom, and eight three-bedroom units. At 458 total residential units, the multi-family portion of the project alone has a density of 234.87 units per acre on the 1.95-acre site.

The building elevations date stamped on 02/15/23 demonstrate a 687-foot tall, 60-story building primarily comprised of a variety of reflective blue glass curtain walls. 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 elevation plans indicate a ground floor height of nine feet; while a ground floor height of 13 feet is required in the T5-N transect zone; a Waiver is requested to allow a deviation from this standard.

While the form-based code transect zones are not a protected zoning district as defined by the Residential Adjacency Standards, it should be noted that there are four single-story single-family dwellings directly north of the subject site. The proposed development would negatively impact the quality of life for these property owners due to the drastically increased levels of noise, traffic, lighting, and safety. The proposed development will be visually intrusive to neighboring residential properties and is therefore not appropriate for the area. The West Las Vegas Plan advocates that any higher-density or mixed-use

redevelopment when adjacent to lower-density residential development shall incorporate appropriate design, transition, or buffering elements which will mitigate adverse visual, audible, aesthetic, and traffic impacts.

The landscape plan date stamped on 02/15/23 depicts a combination of 48-inch Mexican Ebony, Red Push Pistache, and Sweet Acacia trees incorporated into all right-of-way streetscapes. All of which are included on the Southern Nevada Regional Planting Coalition list and are appropriate for a desert climate. In addition to the amenity zone landscaping, the minimum of 100 square feet of open space is provided throughout the pool deck and related amenities on the 11th floor. Private balconies are also provided for each of the tower's residential units; the hotel rooms do not contain private balconies.

In order to accommodate the size, scale, and design of the proposed development, Waivers of the Title 19.09 Form-Base Code Development Standards are requested. In the T5-MS (T5 Main Street) transect zone, the maximum lot coverage is 90 percent. While this would be eligible for a pre-entitlement exception, staff has denied the request requiring the Waiver as no substantial evidence has been provided that the Exception furthers the goals of the 2045 Downtown Master Plan and does not detrimentally affect the public health, safety, or general welfare.

### ***Master Sign Plan***

Per Title 19, A Master Sign Plan shall be submitted and approved before any on-premise signage may be installed for any non-restricted gaming establishment whose signage is not otherwise subject to review by the Downtown Design Review Committee. The submitted sign package includes 11 wall signs and various incidental signs. Standards and procedures for permanent signs in T4 transect zones and higher transects are subject to the same signage standards for C-2 (General Commercial) zoned properties. The proposed signage adheres to all Title 19.08.120 sign standards.

Similarly to Residential Adjacency Standards, Residential Protection Standards for illuminated, animated, and flashing signage also do not apply, as these standards are set in place for properties planned for single-family residential (both attached and detached) as shown on the General Plan; under the FBC (Form-Based Code) designation, these properties would be planned for mixed-use development.

While the proposed Master Sign Plan complies with Title 19 Development Standards for signage within the T5-MS (T5 Main Street) transect zoning district, staff is unable to support the signage plan based on the size and scale of the proposed development and overall compatibility with the surrounding area. Therefore, staff recommends denial, if approved subject to conditions.

***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.

***Vision 2045 Downtown Las Vegas Master Plan***

The subject site is located within the Historic Westside District of the Vision 2045 Downtown Las Vegas Master Plan. This district is dominated mostly by low-rise residential neighborhoods and industrial zones. The neighborhood consists of a few historical sites, poor housing conditions, vacant parcels, and a lack of parks and amenities. The district is in need of environmental upgrades and social services. The Vision 2045 Downtown Las Vegas Master Plan recommends following the strategies identified in the Hundred Plan such as promoting contextual neighborhood infill.

Additionally, the Vision 2045 Downtown Las Vegas Masterplan encourages a pedestrian-scaled, walkable urban environment with supportive streetscape enhancements. With the requested Variance (23-0052-VAR2), allowing the backing of motorized delivery vehicles onto public right-of-way, staff finds this to be hazardous to pedestrians, detrimental to the health, safety, and general welfare, and thereby contrary to the Vision 2045 Downtown Las Vegas Masterplan.

***The Hundred Plan***

The Historic Westside plays a pivotal and unique role in the history of Las Vegas. Today, the Westside breathes a rich community despite facing economic and urban challenges. The HUNDRED (Historic Urban Neighborhood Design Redevelopment) Plan was established for the Westside neighborhood as a vital step in identifying opportunities to link the past and create a familiar bridge to the future. Accompanying the plan is a strong vision, eight (8) "Big Moves" envisioned with practical projects, the stories of the stakeholders and community members, improvement program ideas, and proposed regulation and zoning, which together, will transform the Westside into a vibrant neighborhood. The proposed development does not support several of the goals and objectives identified by the community in The Hundred Plan,

The second big move of the Hundred Plan calls for the revitalization of Historic Jackson Street. The Jackson Avenue and F Street intersection is identified by the Plan as a key intersection suited for a catalyst project such as a neighborhood corner store or a community neighborhood office. The Plan calls for positive street life generators, such as interactive shopfronts, cafes, bakeries, coffee shops, restaurants, corner stores, a boutique hotel, or small music venues. These types of businesses should be unique to the Historic Westside reactivating Jackson Street as a landmark destination. These types of developments should support the local economy of Historic Jackson Avenue. Staff finds that the proposed development is out of scale with this big move.

The third big move of the Hundred Plan calls for the incremental redevelopment of vacant land. While the infill redevelopment of vacant or underutilized lots is a focus point of The Hundred Plan, sensitive infill is vital to maintain the integrity and character of the Historic Westside. The plan specifically states, "Consolidating and infilling vacant properties with only a mix of large towers and multistory housing will change the historic quality of the neighborhood." Instead, the plan encourages infill opportunities at the block scale including, higher density housing which do not build up, plazas, community gardens, community clubs, and parking. Staff finds that the proposed development consists of a large tower that will effectively change the historic quality of the neighborhood and is contrary to the integrity and character of the Historic Westside.

The sixth big move of the Hundred Plan calls for complete and safe streets for pedestrians and cyclists. The plan calls for 10-foot-wide sidewalks and pedestrian amenities to improve the safety and well-being. With the requested Variance (23-0052-VAR2), allowing the backing of motorized delivery vehicles onto public right-of-way, staff finds this to be hazardous to pedestrians, detrimental to the health, safety, and general welfare, and thereby contrary to the Hundred Plan.

### ***West Las Vegas Plan***

The West Las Vegas Plan states that development on vacant or underutilized lots within existing residential neighborhoods shall be sensitive in use and design to surrounding development. In doing so, the quality of the existing neighborhoods are maintained and enhanced. The plan further explains that opportunities for mixed-use developments in existing commercial areas should be explored while maintaining medium-low and medium-high residential designations, serving as buffers between single-family homes and commercial development. Further, development on vacant or underutilized lots within existing residential neighborhoods be sensitive in use and design to surrounding development. Additionally, vacant and underutilized lands should be identified to pursue compatible residential and commercial infill development opportunities, such as neighborhood-serving commercial development that is within walking distance of residences.

As the proposed development is contrary to the goals and policies identified in the 2050 Master Plan, Vision 2045 Downtown Master Plan, The Hundred Plan, and the West Las Vegas Plan, staff finds that the proposed development would not be harmonious or compatible with the Historic Westside neighborhood and therefore recommends denial.

**FINDINGS (23-0052-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.**

If approved, the proposed T5-MS (T5 Main Street) zoning district would conform to the existing Form-Based Code Land Use Designation.

**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 subject site is surrounded by existing T4-N (T4 Neighborhood) to the north and T4-MS (T4 Main Street) to the south as separated by the alley. Rezoning to any transect higher or lower would not be compatible, as it would create a spot zone of higher building density.

**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 Hundred Plan reported that sensitive infill is vital to maintain the integrity and character of the Historic Westside. The surplus of vacant and undeveloped land in the surrounding area 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 Jackson Avenue, a 56-foot commercial street; and Van Buren Avenue, G Street, and F Street, all 56-foot minor neighborhood streets. As these streets are all two-lane minor neighborhood commercial streets, the streets are not designed to accommodate adequate access to a development in the T5-MS (T5 Main Street) transect zoning district.

**FINDINGS (23-0052-VAR1) - BUILDING HEIGHT**

In accordance with the provisions of Title 19.16.140(B), the Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created, or financial in nature.”

Additionally, Title 19.16.140(L) states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to develop a building that drastically exceeds the height threshold for the transect zoning district. A smaller building development between two to five stories would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

**FINDINGS (23-0052-VAR2) - MOTOR VEHICLES BACKING ONTO RIGHT-OF-WAY**

In accordance with the provisions of Title 19.16.140(B), the Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created, or financial in nature.”

Additionally, Title 19.16.140(L) states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by designing the site in a way that is hazardous to the health, safety, and general welfare. A revise site design, such as delivery vehicles entering from F Street and exiting onto G Street could allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

### **FINDINGS (23-0052-SUP1) - AIRPORT OVERLAY**

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

- 1. The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

The proposed 607-foot tall development exceeds the 140-foot height restriction of the Airport Overlay District, a 333 percent increase. Staff finds that the subject site is capable of complying with Federal Aviation Administration Regulations.

- 2. The subject site is physically suitable for the type and intensity of land use proposed.**

No efforts have been taken to mitigate the height intensity of the proposed development compared with the surrounding area.

- 3. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

The surrounding streets are two-lane minor neighborhood commercial streets that are not designed to accommodate adequate access to a proposed development of such height.

- 4. Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

The project, if approved, will be subject to the requirements of the Federal Aviation Administration regarding airspace hazards, ensuring the protection of the public health, safety, and general welfare.

- 5. The use meets all of the applicable conditions per Title 19.12.**

There is no specific use related to a building exceeding the height limitations of the Airport Overlay District. For buildings and structures that exceed the specific height limitation for the subject parcel, a Special Use Permit is requested.

#### **FINDINGS (23-0052-SUP2) - MASSAGE ESTABLISHMENT USE**

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

- 1. The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

Surrounding the subject site are several protected land uses including numerous Churches/Houses of Worship, a City Park, and residentially zoned properties. As the distance separation and operational requirements cannot be met, staff finds that the proposed use cannot be conducted in a harmonious and compatible nature with the surrounding uses.

- 2. The subject site is physically suitable for the type and intensity of land use proposed.**

The proposed Massage Establishment use would be located within a large hotel and casino development serving as an amenity for guests. As the proposed development is out of scale and context with the surrounding area, staff finds the proposed land use to be too intensive and not physically suitable for the subject site.

- 3. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

Site access is provided by Jackson Avenue, a 56-foot commercial street; and Van Buren Avenue, G Street, and F Street, all 56-foot minor neighborhood streets. As these streets are all two-lane minor neighborhood commercial streets the streets are not designed to accommodate adequate access for the size and scale of the proposed development in which the proposed use will occur.

- 4. Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

If approved, the site will be subject to licensing and inspection, thus protecting the public, health, safety, and general welfare.

- 5. The use meets all of the applicable conditions per Title 19.12.**

The proposed development and associated use do not meet the Minimum Special Use Permit Requirements per Title 19.12. Waivers of Title 19.12 are requested to comply with the distance separations as well as operational requirements.

### **FINDINGS (23-0052-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.*
- B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability?  
*No.*
- C. Does it appear that the vacation request involves only excess right-of-way?  
*No, it is the entire public alley between existing parcels.*
- 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?  
*No.*
- G. Does the Department of Public Works have an objection to this vacation request?  
*No.*

**FINDINGS (23-0052-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 evidenced by the requested Variance, Special Use Permit, Waivers, and the failure to meet the objectives of The Hundred Plan, the applicant has proposed a development that is not compatible with the existing surrounding neighborhood.

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

The proposed development is severely inconsistent with the context of the Historic Westside. Multiple Variances, Waivers, and Exceptions are requested in order to allow conformance with Title 19's requirements. In addition, the proposed development does not further goals, policies, or objectives identified in the 2050 City of Las Vegas Master Plan, Vision 2045 Downtown Las Vegas Masterplan, the Hundred Plan, or the West Las Vegas Plan.

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

Site access is provided by Jackson Avenue, a 56-foot commercial street; and Van Buren Avenue, G Street, and F Street, all 56-foot minor neighborhood streets. For development purposes, Jackson Avenue is categorized as a Primary Thoroughfare with Van Buren Avenue, G Street, and F Street all considered Secondary Thoroughfares.

The entrances to the development's parking garage all face two-lane 56-foot-wide minor neighborhood streets. The neighboring streets are not designed to

accommodate adequate access for the size and scale of the proposed development in which the proposed use will occur and will overburden ongoing redevelopment within the Historic Westside neighborhood.

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

The building elevations date stamped on 02/15/23 demonstrate a 687-foot tall, 60-story building primarily comprised of a variety of reflective blue glass curtain walls. 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 submitted landscape plan date stamped on 02/15/23 shows the amenity zone landscape materials consisting of 48-inch box Mexican Ebony, Red Push Pistache, and Sweet Acacia. All provided 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;**

The requested Rezoning, Variance and Special Use Permit (deviation from the Airport Overlay) will enable a development that is unsightly and undesirable for the surrounding area.

While the form-based code transect zones are not a protected zoning district as defined by the Residential Adjacency Standards, it should be noted that there are four single-story single-family dwellings directly north of the subject site. The proposed development will be visually intrusive to neighboring residential properties and is therefore not appropriate for the area.

**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.

**FINDINGS (23-0052-MSP1)**

In approving a Master Sign Plan, the Planning Commission may impose such conditions, restrictions, or limitations as the Commission may determine to be necessary to meet the general purpose and intent of this Title and to ensure that the public health, safety, and welfare are being maintained. Conditions of approval may include a required review after a specified period to ensure that signage actually constructed conforms to required standards and is maintained in accordance with applicable requirements. Pursuant to Title 19.16.270, all signs in the Master Sign Plan shall:

- 1. Either conform to all standards for the zoning district in which the sign will be located, under this Title, or establish sign requirements and limitations that are more restrictive than those set forth in this Title and that are consistent with the standards and criteria set forth in the following Subparagraphs (b) through (g) [of Title 19.16.270.D.2]. Master Sign Plans may also be used to establish the requirements and limitations for signs located in the Gaming Enterprise and Downtown Las Vegas Overlay Districts, and the Planned Community and Planned Development Districts;**

The signage proposed complies with all Title 19.08.120 signage requirements for the wall signage.

- 2. Conform to the Residential Protection Standards set forth in this Title;**

Residential Protection Standards for illuminated, animated, and flashing signage do not apply, as these standards are set in place for properties planned for single-family residential (both attached and detached) as shown on the General Plan; the single-family, detached properties to the north have a FBC (Form-Based Code) designation, meaning these properties would be planned for mixed-use development.

- 3. Conform to site plan and development standards regarding circulation and emergency exit patterns, parking and loading requirements, and other standards related generally to the location of structures within a development;**

Incidental signs are used as necessary to aid in circulation and emergency exit patterns, parking, and loading requirements.

- 4. Be compatible with the architectural characteristics and spatial relationships of the buildings on which the signs are attached, and the placement of freestanding signs on the site, when considered in terms of location, scale, proportion, color, materials, and illumination;**

The proposed signs are compatible with architectural characteristics in terms of spatial location on the corresponding building facades.

5. **Be professionally designed and fabricated from materials that meet the physical demands of an urban setting;**

The proposed signage is professionally designed and appropriate for the Downtown Las Vegas urban setting.

6. **Be creative in the use of two- and three-dimensional forms, iconographic representations, illumination, and graphic design, including the use of color, pattern, typography, and materials; and**

The proposed signage is creative in artistic design.

7. **Be designed as attractive and complementary features of the development, which it serves.**

The proposed signage is complementary to the proposed development.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
12/17/14	The City Council approved an Extension of Time (EOT-56322) for a nonconforming use (Tavern) at 600 Jackson Avenue. Staff recommended approval.
	The City Council approved an Extension of Time (EOT-56637) for a nonconforming use (Gaming Establishment, Non-Restricted) at 600 Jackson Avenue. Staff recommended approval.
10/21/15	The City Council approved an Extension of Time (EOT-61059) for a nonconforming use (Tavern) at 600 Jackson Avenue. Staff recommended approval.
03/02/16	The City Council approved an Extension of Time (EOT-63112) for a nonconforming use (Tavern) at 600 Jackson Avenue. Staff recommended approval.
10/05/16	The City Council approved an Extension of Time (EOT-66146) for a nonconforming use (Tavern) at 600 Jackson Avenue. Staff recommended approval.
10/18/17	The City Council approved an Extension of Time (EOT-71485) for a nonconforming use (Tavern) at 600 Jackson Avenue. Staff recommended approval.
09/05/18	The City Council approved an Extension of Time (EOT-74011) for a nonconforming use (Tavern) at 600 Jackson Avenue. Staff recommended approval.
08/21/19	The City Council approved an Extension of Time (EOT-76972) for a nonconforming Liquor Establishment (Tavern) at 600 Jackson Avenue. Staff recommended approval.
08/12/20	A Code Enforcement Case (CE20-04500) was reported for a damaged CMU wall at 606 Jackson Avenue. The case was resolved on 12/1.
10/07/20	The City Council approved an Extension of Time (20-0130-EOT1) for a nonconforming Liquor Establishment (Tavern) at 600 Jackson Avenue. Staff recommended approval.
10/21/20	A Code Enforcement Case (CE20-05678) was reported for graffiti, trash, and homeless persons at 600 Jackson Avenue. The case was resolved on 01/11/21.
10/06/21	The City Council approved an Extension of Time (21-0469-EOT1) for a nonconforming Liquor Establishment (Tavern) at 600 Jackson Avenue. Staff recommended approval.

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<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
01/20/21	<p>The City Council approved a General Plan Amendment (20-0166-GPA1) of the Southeast Sector Land Use Map of the General Plan from: L (Low Density Residential), ML (Medium Low Density Residential), M (Medium Density Residential), H (High Density Residential), MXU (Mixed Use), C (Commercial), LI/R (Light Industry/Research) and PF (Public Facilities) to: FBC (Form-Based Code) on approximately 603.00 acres bounded by Owens Avenue on the north, Interstate 15 and Main Street on the east, U.S. 95 on the south and Martin L. King Boulevard on the west. The Planning Commission and Staff recommended approval.</p> <p>The City Council approved a Rezoning (20-0166-ZON1) from: R-E (Residence Estates), R-1 (Single Family Residential), R-2 (Medium-Low Density Residential), R-3 (Medium Density Residential), R-4 (High Density Residential), R-5 (Apartment), C-1 (Limited Commercial), C-2 (General Commercial), C-M (Commercial/Industrial), M (Industrial), C-V (Civic) and Undesignated (Formerly Right-Of-Way) to: T3-N (T3 Neighborhood), T3-N-O (T3 Neighborhood-Open), T4-N (T4 Neighborhood), T4-MS (T4 Main Street), T4-C (T4 Corridor), T4-M (T4 Maker), T5-N (T5 Neighborhood), T5-C (T5 Corridor) and T5-M (T5 Maker) on approximately 603.00 acres bounded by Owens Avenue on the north, Interstate 15 and Main Street on the east, U.S. 95 on the south and Martin L. King Boulevard on the west. The Planning Commission and Staff recommended approval.</p>
09/13/22	A Code Enforcement Case (CE22-04952) was reported for a homeless encampment on the property at 620 Jackson Avenue. The case was resolved on 11/30/22.
10/19/22	The City Council approved an Extension of Time (22-0479-EOT1) for a nonconforming Liquor Establishment (Tavern) at 600 Jackson Avenue. Staff recommended approval.

<b><i>Most Recent Change of Ownership</i></b>	
05/25/22	A deed was recorded for a change in ownership.

<b><i>Related Building Permits/Business Licenses</i></b>	
09/16/15	A Business License (P63-00296) was issued for Non-Restricted Gaming (16 Machines) at 600 Jackson Avenue. The license expired on 09/21/15.
06/28/16	A Business License (G64-04817) was issued for an automated teller machine at 600 Jackson Avenue. The license expired on 07/01/17.
01/20/17	A Business License (P63-00443) was issued for a Tavern at 600 Jackson Avenue. The license expired on 04/01/17.

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<b>Related Building Permits/Business Licenses</b>	
09/11/17	A Business License (P65-00157) was issued for Non-Restricted Gaming (16 Machines) at 600 Jackson Avenue. The license expired on 09/19/17.
09/04/19	A Business License (P67-00187) was issued for Non-Restricted Gaming (16 Machines) at 600 Jackson Avenue. The license expired on 09/10/19.
10/30/20	A Building Permit (C20-04230) was issued for the demolition of structures, slabs, and footings at 606 Jackson Avenue.
09/02/21	A Business License (P69-00132) was issued for Non-Restricted Gaming (16 Machines) at 600 Jackson Avenue. The license expired on 09/08/21.
	A Business License (X69-00037) was issued for 16 upright gaming devices for eight hours on 09/07/21 from 6 AM to 2 PM at 600 Jackson Avenue. The license expired on 10/01/21.

<b>Pre-Application Meeting</b>	
01/11/23	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Rezoning, Variance, two Special Use Permits, a Petition to Vacate, a Site Development Plan Review and a Master Sign Plan pertaining to a proposed mixed Hotel and Casino and multi-family residential development.

<b>Neighborhood Meeting</b>	
03/23/23	<p>Approximately 83 members of the public were in attendance, as well as five representatives for the applicant, one Department of Community Development staff member, and one City Council Ward 5 Office staff member. The applicants provided a brief overview and background of the proposed project. Questions were raised regarding the following:</p> <p>What is the anticipated monthly rent for the apartments?  <i>The applicant stated that these would not be low-income but higher-end luxury. Later in the meeting, the property owner reversed this statement saying this would be low-income housing.</i></p> <p>What about proximity to North Las Vegas Airport?  <i>The applicant stated they are currently in talks with the Federal Aviation Administration.</i></p> <p>What is the proposed timeline for this project?  <i>As soon as possible with the required entitlement and building permit approvals. At least three years.</i></p>

<b>Neighborhood Meeting</b>	
03/23/23	<p>This location has had 10 years of Extensions of Time, what is the applicant's commitment to the project?  <i>This is a different ownership group than before and previous legal issues have been resolved.</i></p> <p>Who is your target audience? Is this intended for out-of-town tourists or locals?  <i>The applicant stated they believe this project meets the goals of The Hundred Plan and thereby the needs of the Historic Westside community.</i></p> <p>How does the community benefit from this project?  <i>The applicant stated this would be done through jobs, economic development, and a rise in property values.</i></p> <p>Are the funds in place for this project?  Yes.</p> <p>Additional issues were raised regarding:</p> <ul style="list-style-type: none"> <li>• Will there be banquet space for local residents for family reunions or local businesses?</li> <li>• How does this project affect local businesses?</li> <li>• Will the proposed development raise property taxes?</li> <li>• My house is across the street. Are they moving downtown here?</li> <li>• Will there be eminent domain on other properties?</li> <li>• How will this project financially survive with the recent demolitions of the Texas Station and Fiesta Rancho hotel and casinos?</li> <li>• Are you planning on partnering with the community such as boys and girls clubs, churches, etc.?</li> <li>• Will the owner be willing to give back a percentage to the community?</li> <li>• Can a business owner of the Historic Westside relocate to the proposed development?</li> <li>• How can the Historic Westside community be part of this project?</li> <li>• Can a memorandum of understating be filed with this project?</li> <li>• How will this affect utilities and current streetscape improvements?</li> <li>• When is the next meeting for this project?</li> </ul>

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<b>Neighborhood Meeting</b>	
03/23/23	<p>Additional issues were raised regarding:</p> <ul style="list-style-type: none"> <li>• Light pollution</li> <li>• The heat island effect</li> <li>• The community impact study</li> </ul> <p>General comments were made:</p> <ul style="list-style-type: none"> <li>• There should be a link to the heritage of the Historic Westside.</li> <li>• There should be a collaboration with the community.</li> <li>• There is an opportunity for the promotion of black-owned businesses</li> <li>• That the community wants to further engage with the property owner for a development that the Historic Westside is looking for.</li> </ul> <p>Overall, the community had mixed opinions regarding the proposed development. While some members of the public were strongly against the project, others were strongly supportive of the project. Of those in favor of the proposed development, some wanted to see investment and change in the Westside while others were interested in investing in the project in some capacity. The meeting was concluded by 7:30 PM.</p>

<b>Field Check</b>	
03/08/23	A routine field check was conducted of the subject site. Staff found various undeveloped and vacant properties with nothing noted of concern.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	1.95

<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	Gaming, Non-Restricted	FBC (Form Based Code)	T4-MS (T4 Main Street)
	Vacant		
	Undeveloped		T4-N (T4 Neighborhood)
	Church/House of Worship		
North	Single-Family Residential		
	Undeveloped		

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<b><i>Surrounding Property</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			T4-MS (T4 Main Street)
East	Multi-Family Residential		T4-N (T4 Neighborhood)
			T4-MS (T4 Main Street)
West	Undeveloped		T4-N (T4 Neighborhood)

<b><i>Master and Neighborhood Plan Areas</i></b>	<b><i>Compliance</i></b>
Las Vegas 2050 Master Plan Area: Downtown Las Vegas	N
Vision 2045 Downtown Las Vegas Master Plan	N
The Hundred Plan	N
West Las Vegas Plan	N
<b><i>Special Area and Overlay Districts</i></b>	<b><i>Compliance</i></b>
A-O (Airport Overlay) District (140 Feet)	N*
DTLV-O (Downtown Las Vegas Overlay) District – Area 2 (Historic Westside)	N
<b><i>Other Plans or Special Requirements</i></b>	<b><i>Compliance</i></b>
Trails	N/A
Las Vegas Redevelopment Plan Area – Area 1	Y
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	Y
Project of Regional Significance	Y

*\*In accordance with Title 19.10, the applicant is requesting a Special Use Permit to allow the proposed Mixed-Use development to exceed the 175-foot height limitation.*

## 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 Main Body Depth: 175 Feet Secondary Wing Width: 75 Feet Secondary Wing Depth: 100 Feet	100% 289 Feet N/A N/A	Y N** N/A N/A
Access Standards (If applicable)	The floorplate of any floor must not be larger than that of the floor below, except if an arcade frontage type is used.		Y
Table E. Building Placement			
Setback Distance (Distance from ROW/ Lot Line) (Front)	5 Feet Minimum 10 Feet Minimum	0 Feet	N**
Setback Distance (Corner Side)	10 Feet Minimum 20 Feet Minimum	0 Feet	N**
Setback Distance (Rear)	5 Feet Minimum	10 Feet	Y
Building Façade (Front) [Jackson Avenue]	70% Minimum	96%	Y
Building Façade (Side) [Van Buren Avenue]	60% Minimum	93%	Y
Building Façade (Side) [F Street]	60% Minimum	96%	Y
Building Façade (Side) [G Street]	60% Minimum	93%	Y
Miscellaneous	For nonresidential uses, loading docks, overhead doors, and other service entries must be screened and must be located to the rear or on side street facades.		Y
Table F. Building Form Standards			
Building Height	2 Stories Minimum 7 Stories Maximum	60 Stories	N*
Floor-to-Ceiling (Ground)	13 Feet Minimum	9 Feet	N**
Floor-to-Ceiling (Upper)	9 Feet Minimum	9 Feet	Y
Footprint – Lot Coverage	90% Maximum	90.3%	N***
Depth – Gross Floor Space	20 Feet Minimum	> 20 Feet	Y

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Table G. Frontages			
Frontage 1 [Jackson Avenue]	Arcade Dooryard Forecourt Gallery Shopfront Stoop Terrace	Arcade	Y
Frontage 2 [Van Buren Avenue]		Shopfront	Y
Frontage 3 [F Street]		Shopfront	Y
Frontage 4 [G Street]		Shopfront	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. Frontages			
Encroachment Type (Shopfront)	Front: 10 Foot Corner: 10 Foot	N/A	Y
Encroachment Type (Arcade)		N/A	Y
Encroachment Type (Upper Floor, Balconies)	Front: 6 Foot Corner: 6 Foot Rear: 5 Foot	0 Feet	Y
		0 Feet	Y
		0 Feet	Y
Miscellaneous	Upper Floor Balconies may encroach into the street right-of-way up to a maximum of five feet, subject to approval by the Director of Public Works.		N/A
Table I. Use Types			
Gaming Establishment Non-Restricted			Existing
Hotel, Motel, or Hotel Suites			P
Downtown Residential (Multi-Family Residential)			P
Commercial Recreation/Amusement, Indoor			P
Restaurant			P
Downtown Retail (Retail Shops)			P
Downtown Services (Health Club)			P
Parking Facility			C
Nightclub			C
Valet Parking			C
Massage Establishment			S
Alcohol, On-Premise Full			Ancillary

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Table J. Standards			
Parking Driveway Width	32 Feet Minimum 34 Feet Maximum	28 Feet	N**
Miscellaneous	When a lot has an adjoining secondary street, parking must be accessed only from the secondary street.		Y
Table K. Required Street Trees			
Amenity Zone Tree Planting	Weeping Acacia Netleaf Hackberry Mexican Ebony Palo Brea Red Push Pistache Thornless Hybrid Mesquite Thornless Honey Mesquite Blue Oak Sweet Acacia	Mexican Ebony Red Push Pistache Sweet Acacia	Y Y Y
Table L. Open Space			
Miscellaneous	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.		Y
	No private open space per residential unit is required.		Y

\*A Variance (23-0052-VAR1) is requested to allow a height of 60 stories where seven is the maximum allowed.

\*\*Waivers of the Title 19.09 Form-Based Code Development Standards are requested

\*\*\*A Pre-Entitlement Exception has been denied by staff. As such a Waiver is requested.

<b>Existing Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
T4-MS (T4 Main Street)	>5.5 du/ac	10.725+ du/ac
T4-N (T4 Neighborhood)	>5.5 du/ac	10.725+ du/ac
<b>Proposed Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
T5-MS (T5 Main Street)	>5.5 du/ac	10.725+ du/ac (234.87 du/ac provided)

<b>Street Name</b>	<b>Functional Classification of Street(s)</b>	<b>Governing Document</b>	<b>Actual Street Width (Feet)</b>	<b>Compliance with Street Section</b>
Jackson Avenue	Primary Thoroughfare	Title 19.09	56 Feet	Y
	Commercial Street	Title 19.09		Y
	Local Street	Title 13		Y

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<b>Street Name</b>	<b>Functional Classification of Street(s)</b>	<b>Governing Document</b>	<b>Actual Street Width (Feet)</b>	<b>Compliance with Street Section</b>
Van Buren Avenue	Secondary Thoroughfare	Title 19.09	56 Feet	Y
	Minor Neighborhood Street	Title 19.09		Y
	Local Street	Title 13		Y
G Street	Secondary Thoroughfare	Title 19.09	56 Feet	Y
	Minor Neighborhood Street	Title 19.09		Y
	Local Street	Title 13		Y
F Street	Secondary Thoroughfare	Title 19.09	56 Feet	Y
	Minor Neighborhood Street	Title 19.09		Y
	Local Street	Title 13		Y

<b>Streetscape Standards</b>	<b>Required</b>	<b>Provided</b>	<b>Compliance</b>
19.04.340 Minor Neighborhood Street	A sidewalk width between five to six feet	To allow a zero-foot wide sidewalk on G Street	N*
19.04.340 Minor Neighborhood Street	An amenity zone width of seven feet	To allow a zero-foot wide amenity zone on G Street	N*

\*Waivers of the Title 19.09 Form-Based Code Development Standards are requested

Parking Requirement - Downtown (Areas 1-3)							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Gaming Establishment, Non-Restricted	6,650 SF	1 per 90 SF	73.88				
Hotel, Motel, or Hotel Suites	764 Units	1 per Guest Room	764				
Multi-Family Residential - Studio or 1 Bedroom Unit	270 Units	1.25 per Unit	337.5				

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Parking Requirement - Downtown (Areas 1-3)							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Multi-Family Residential - 2 Bedroom Unit	180 Units	1.75 per Unit	315				
Multi-Family Residential - 3 Bedroom Unit	8 Units	2 per Unit	16				
Multi-Family Residential - Guest Parking	458 Total Units	1 per every 6 Units	76.3				
TOTAL SPACES REQUIRED (unweighted)			1,582				
TOTAL SPACES REQUIRED (weighted requirement, see below)			633 1,107				
Regular and Handicap Spaces Required			617	16	747	23	Y
Downtown Form-Based Code Parking Standards - Title 19.09.100.G							
Parking Standards High Load – Zone 3			Between 40% and 70%		Minimum: 633 Maximum: 1,107		Y
Bicycle Parking Requirements	Residential (over 20 units only) 2 min., plus 1 per every 20 units		25		36		Y
Where required, the bicycle parking spaces must be visible from one of the main entrances of the principal building and placed within 40 feet of the entrance.							Y
Bicycle spaces must have racks anchored so that they cannot be easily removed and racks must be designed so that the wheel and frame of the bicycle can be locked securely to it with a chain, cable, or padlock.							Y

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<b>Wall Signs: [1 - Electronic Digital Façade Sign]</b>			
<b>Standards</b>	<b>Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Maximum Number	No specific limit on the number of signs, although total area limits apply	11 Total (Not including incidental signs)	Y
Maximum Area	20% of building elevation	11.4% of north elevation 2.5% of east elevation 4.4% of west elevation	Y Y Y
Maximum Height	12 Inches above top of wall	Not Applicable	Y
Maximum Projection	4 Feet	By Condition	Y
Illumination	Internal/External	Not Specified	Y*

<b>Wall Signs: [2 - Hotel/Casino Resort Sign]</b>			
<b>Standards</b>	<b>Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Maximum Number	No specific limit on the number of signs, although total area limits apply	11 Total (Not including incidental signs)	Y
Maximum Area	20% of building elevation	6.4% of north elevation	Y
Maximum Height	12 Inches above top of wall	Not Applicable	Y
Maximum Projection	4 Feet	By Condition	Y
Illumination	Internal/External	Not Specified	Y*

<b>Wall Signs: [4 - Casino Entrance Sign]</b>			
<b>Standards</b>	<b>Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Maximum Number	No specific limit on the number of signs, although total area limits apply	11 Total (Not including incidental signs)	Y
Maximum Area	20% of building elevation	6.4% of north elevation	Y
Maximum Height	12 Inches above top of wall	Not Applicable	Y
Maximum Projection	4 Feet	By Condition	Y
Illumination	Internal/External	Not Specified	Y*

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<b>Wall Signs: [5 - Hotel Casino Resort Sign]</b>			
<b>Standards</b>	<b>Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Maximum Number	No specific limit on the number of signs, although total area limits apply	11 Total (Not including incidental signs)	Y
Maximum Area	20% of building elevation	6.4% of north elevation	Y
Maximum Height	12 Inches above top of wall	Not Applicable	Y
Maximum Projection	4 Feet	By Condition	Y
Illumination	Internal/External	Not Specified	Y*

<b>Wall Signs: [6 - Restaurant Sign]</b>			
<b>Standards</b>	<b>Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Maximum Number	No specific limit on the number of signs, although total area limits apply	11 Total (Not including incidental signs)	Y
Maximum Area	20% of building elevation	6.4% of north elevation	Y
Maximum Height	12 Inches above top of wall	Not Applicable	Y
Maximum Projection	4 Feet	By Condition	Y
Illumination	Internal/External	Not Specified	Y*

<b>Wall Signs: [7 - Hotel Entrance Sign]</b>			
<b>Standards</b>	<b>Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Maximum Number	No specific limit on the number of signs, although total area limits apply	11 Total (Not including incidental signs)	Y
Maximum Area	20% of building elevation	6.4% of north elevation	Y
Maximum Height	12 Inches above top of wall	Not Applicable	Y
Maximum Projection	4 Feet	By Condition	Y
Illumination	Internal/External	Not Specified	Y*

<b>Wall Signs: [8 - Resort Logo Sign]</b>			
<b>Standards</b>	<b>Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Maximum Number	No specific limit on the number of signs, although total area limits apply	11 Total (Not including incidental signs)	Y
Maximum Area	20% of building elevation	6.4% of north elevation	Y
Maximum Height	12 Inches above top of wall	Not Applicable	Y
Maximum Projection	4 Feet	By Condition	Y
Illumination	Internal/External	Not Specified	Y*

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<b>Wall Signs: [11 - Multi-family Apartment Sign]</b>			
<b>Standards</b>	<b>Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Maximum Number	No specific limit on the number of signs, although total area limits apply	11 Total (Not including incidental signs)	Y
Maximum Area	20% of building elevation	6.4% of north elevation	Y
Maximum Height	12 Inches above top of wall	Not Applicable	Y
Maximum Projection	4 Feet	By Condition	Y
Illumination	Internal/External	Not Specified	Y*

<b>Wall Signs: [14 - Resort Logo Sign]</b>			
<b>Standards</b>	<b>Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Maximum Number	No specific limit on the number of signs, although total area limits apply	11 Total (Not including incidental signs)	Y
Maximum Area	20% of building elevation	2.5% of east elevation	Y
Maximum Height	12 Inches above top of wall	Not Applicable	Y
Maximum Projection	4 Feet	By Condition	Y
Illumination	Internal/External	Not Specified	Y*

<b>Wall Signs: [24 Casino Entrance Sign]</b>			
<b>Standards</b>	<b>Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Maximum Number	No specific limit on the number of signs, although total area limits apply	11 Total (Not including incidental signs)	Y
Maximum Area	20% of building elevation	2.5% of east elevation	Y
Maximum Height	12 Inches above top of wall	Not Applicable	Y
Maximum Projection	4 Feet	By Condition	Y
Illumination	Internal/External	Not Specified	Y*

<b>Wall Signs: [25 - Café Sign]</b>			
<b>Standards</b>	<b>Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Maximum Number	No specific limit on the number of signs, although total area limits apply	11 Total (Not including incidental signs)	Y
Maximum Area	20% of building elevation	2.5% of east elevation	Y
Maximum Height	12 Inches above top of wall	Not Applicable	Y
Maximum Projection	4 Feet	By Condition	Y
Illumination	Internal/External	Not Specified	Y*

**23-0052 [ZON1, VAR1, VAR2, SUP1, SUP2, VAC1, SDR1 and MSP1]**  
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<b>Wall Signs: [27 - Resort Logo Sign]</b>			
<b>Standards</b>	<b>Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Maximum Number	No specific limit on the number of signs, although total area limits apply	11 Total (Not including incidental signs)	Y
Maximum Area	20% of building elevation	6.4% of north elevation 2.5% of east elevation	Y Y
Maximum Height	12 Inches above top of wall	Not Applicable	Y
Maximum Projection	4 Feet	By Condition	Y
Illumination	Internal/External	Not Specified	Y*

*\*Residential Protection Standards for illuminated, animated, and flashing signage do not apply, as these standards are set in place for properties planned for single-family residential (both attached and detached) as shown on the General Plan; the single-family, detached properties to the north have a FBC (Form-Based Code) designation, meaning these properties would be planned for mixed-use development.*

<b>Waivers</b>		
<b>Requirement</b>	<b>Request</b>	<b>Staff Recommendation</b>
No Massage Establishment may be located within 400 feet of a Church/House of Worship.	To allow a 99-foot distance separation from a Church/House of Worship where 400 feet is required.	Denial
No Massage Establishment may be located within 400 feet of a City Park.	To allow a 192-foot distance separation from a City park where 400 feet is required.	Denial
No Massage Establishment may be located within 400 feet of any parcel zoned for residential use.	To allow a 244-foot distance separation from a parcel zoned for residential use where 400 feet is required.	Denial
The hours of operation for a Massage Establishment is limited to 6:00 am to 10:00 pm.	To allow the hours of operation to be open 24 hours a day where otherwise limited to 6:00 am to 10:00 pm.	Denial
The main building depth of a flex-midrise building shall be a maximum of 175 feet.	To allow a 289-foot main body building depth where 175 feet is the maximum allowed.	Denial
The front yard setback distance shall be between a five-foot minimum to a 10-foot maximum.	To allow a zero-foot front yard setback where five feet is the minimum required.	Denial

**23-0052 [ZON1, VAR1, VAR2, SUP1, SUP2, VAC1, SDR1 and MSP1]**  
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<b>Waivers</b>		
<b>Requirement</b>	<b>Request</b>	<b>Staff Recommendation</b>
The corner side yard setback distance shall be between a 10-foot minimum to a 20-foot maximum.	To allow a zero-foot front yard setback where 10 feet is the minimum required.	Denial
The maximum lot coverage in the T5-MS transect zone is 90 percent.	To allow a 90.3 percent lot coverage where 90 is the maximum allowed.	Denial
Two-way parking driveway widths shall be a minimum of 32 feet to a maximum of 34 feet.	To allow a two-way parking driveway width of 28 feet where 32 is the minimum allowed.	Denial
A sidewalk width between five to six feet is required for minor neighborhood streets	To allow a zero-foot wide sidewalk on G Street.	Denial
An amenity zone width of seven feet for minor neighborhood streets	To allow a zero-foot wide amenity zone on G Street.	Denial

**Department of Public Works Traffic Study**

Proposed Hotel and Casino with 764 Hotel Rooms and 458 Apartment Rooms - NWC Jackson Avenue and F Street				
First Proposed Use				
Average Daily Traffic (ADT)	MULTIFAMILY HOUSING (HIGH-RISE) [DU]	458	4.54	2,079
AM Peak Hour			0.27	124
PM Peak Hour			0.32	147
Second Proposed Use				
Average Daily Traffic (ADT)	HOTEL [ROOM]	764	7.99	6,105
AM Peak Hour			0.46	351
PM Peak Hour			0.59	451
Third Proposed Use				
Average Daily Traffic (ADT)	CASINO HOTEL, LOCAL [1000 SF]	30	59.375	1,781
AM Peak Hour			0	0
PM Peak Hour			4.75	142

**23-0052 [ZON1, VAR1, VAR2, SUP1, SUP2, VAC1, SDR1 and MSP1]**  
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Total Proposed Use				
Average Daily Traffic (ADT)	TOTAL	104.569		9,965
AM Peak Hour				475
PM Peak Hour				740
Existing Traffic on Nearby Streets				
Jackson Avenue				
Average Daily Traffic (ADT)			3,646	
PM Peak Hour (Heaviest 60 Minutes)			292	
F Street				
Average Daily Traffic (ADT)			1,420	
PM Peak Hour (heaviest 60 minutes)			140	
Traffic Capacity of Adjacent Streets:				
Adjacent Street ADT Capacity				
Jackson Avenue			27,040	
F Street			12,480	
Summary				
This project is expected to add an additional 9,965 trips per day on Jackson Avenue, F Street, G Street, and Van Buren Avenue. Currently, Jackson Avenue is at about 13 percent of capacity and F Street is at about 11 percent of capacity. With this project, Jackson Avenue is expected to be at about 50 percent of capacity and F Street to be at about 91 percent of capacity. Counts are not available for G Street or Van Buren Avenue in this vicinity, but they are believed to be under capacity.				
Based on Peak Hour use, this development will add into the area roughly 740 additional peak hour trips, or about twelve every minute.				

Proposed 458 Multi-Family Units:					
Student Yield		Elementary School		Middle School	High School
Multi-Family Units (458)		458 x 0.134		458 x 0.063	458 x 0.082
Total Additional Students		62		29	38
Schools Serving the Area:					
Name	Address	Grade	Capacity	Enrollment	Site Date
Kelly Elementary School**	1900 North J Street	Kindergarten	352 Students	365 Students*	02/01/2023
Eisenberg Elementary School**	7770 Delhi Avenue	1 <sup>st</sup> - 5 <sup>th</sup> Grade	488 Students	506 Students*	02/01/2023

**23-0052 [ZON1, VAR1, VAR2, SUP1, SUP2, VAC1, SDR1 and MSP1]**  
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<b>Schools Serving the Area:</b>					
Kahre Elementary School**	7887 West Gowan Road	1 <sup>st</sup> - 5 <sup>th</sup> Grade	475 Students	396 Students	02/01/2023
West Prep Middle School	2050 West Sapphire Avenue	6 <sup>th</sup> – 8 <sup>th</sup> Grade	1,554 Students	1,177 Students	02/01/2023
Canyon Springs High School	350 West Alexander Road	9 <sup>th</sup> - 12 <sup>th</sup> Grade	2,410 Students	2,613 Students*	02/01/2023

*\*Eisenberg Elementary School, Kelly Elementary School, and Canyon Springs High School are over capacity for the 2022-2023 school year. Eisenberg Elementary School and Kelly Elementary School are at 103.69% of their programs' capacities. Canyon Springs High School is at 108.42% of their program's capacity.*

*\*\*\*Prime 6 Zoning. Kindergarten is assigned to Kelly Elementary School. Grades 1-5 are assigned to Eisenberg Elementary School with the option to attend Kelly Elementary School. Also, there is a Shared Attendance Zone boundary for Grades 1-5 between Kelly Elementary School and Kahre Elementary School.*