



CONNOR & CONNOR PLLC

ATTORNEYS AT LAW

2580 ANTHEM VILLAGE DRIVE, HENDERSON, NV 89052

24-0284
07/18/2024

July 18, 2024

Reference No. 100.128

Via CLVEPLAN Only

Planning & Development Department
City of Las Vegas
495 South Main Street
Las Vegas, NV 89101

**Re: Main Street Tenant LLC¹
Justification Letter Regarding Application for Special Use Permit
APN#: 162-03-110-131²**

To Whom It May Concern:

This letter is written on behalf of our client, Main Street Tenant LLC, and shall serve as the required justification letter ("Letter") for the special use permit ("SUP") application to operate a cannabis consumption lounge (the "Project").

The Project's Assessor's Parcel Number is: APN# 162-03-110-131. The Project's parcel is zoned within a Commercial / Industrial district (C-M). The Project meets the minimum SUP requirements for a cannabis consumption lounge under the provisions of the Las Vegas Municipal Code ("LVMC") Titles 6 and 19, which include minimum distance separation requirements, on-site storage restrictions, and building and fire code requirements. In addition, the proposed location will meet all state requirements pursuant to the Nevada Revised Statutes ("NRS") and Nevada Cannabis Compliance Board Regulations ("NCCR").

Distance Requirements

The proposed location complies with the conditions and requirements for a cannabis consumption lounge as set forth in the applicable sections of NRS 678A-D, NCCR, and LVMC. Specifically, the proposed location is not within 1,500 feet of an establishment that holds a non-restricted gaming license, within 1,000 feet of any public or private school, within 1,000 feet of any other independent cannabis consumption lounge, or within 300 feet of any "community facility" as defined in NRS 678B.

¹ Main Street Tenant LLC is a sister-company of City of Las Vegas licensees: Commerce Park Medical RD264 LLC, MBNV Investments LLC, MBNV Distribution T050 LLC, and MBNV GT LLC.

² APN#: 162-03-110-131 was issued a Special Use Permit to operate a cannabis "marijuana" dispensary on October 16, 2019 (SUP-76230). On July 11, 2024, the City of Las Vegas' Planning Division administratively approved a minor amendment for SUP-76230. On December 6, 2023, the City of Las Vegas granted an Extension of Time until October 16, 2025, unless another Extension of Time is approved by the City of Las Vegas.

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In addition to the foregoing, the proposed location is not within 300 feet of any City park, church/house of worship; individual care – family home, individual care – group home, or individual care center (in each case licensed for the care of children); community recreational facility (public); or for any use whose primary function is to provide recreational opportunities to minors (including, without limitation, commercial recreation/amusement (indoor or outdoor), library, art gallery or museum (public), teen dance center, and martial arts studio that provides instruction to minors).

Building/Site Features

The cannabis consumption lounge proposes to operate in approximately 3,723 square feet (as shown in the proposed site plan) of interior space and if a waiver is granted pursuant to LVMC 6.95.160(J)(1), approximately 2,110 square feet of exterior covered patio space (as shown in the proposed site plan). The cannabis consumption lounge will have a single, secure entrance for patrons as required by NRS 678B.510(2)(a). Additionally, the proposed cannabis consumption lounge is requesting a waiver to the parking-space³ requirements set forth in LVMC 19.12.070.

The proposed cannabis consumption lounge will comply with the requirements set forth in NRS 678B.500.

The Project will be adequately serviced by public utilities in the area, and its operation will not inflict an undue burden on same.

Operating Procedures

The cannabis consumption lounge will only operate and sell cannabis in accordance with the provisions set by the Cannabis Compliance Board and the City of Las Vegas.

The adjacent properties will not suffer any substantial or undue adverse effect due to the facility's strict operating procedures related to security and odor control. To mitigate odor from the outdoor consumption of cannabis, the proposed cannabis consumption lounge will implement an odor control plan that may include the use of strategically placed equipment to disperse neutralizing agents that break-down and mask cannabis odors. (See *Exhibit 1 for an example of the Cannabis Consumption Lounge's Outdoor Consumption Odor Control Plan*). The proposed cannabis consumption lounge will include a comprehensive security system allowing for both on- and off-site monitoring. The cannabis consumption lounge will have security guards on-site to ensure the premises is monitored.

³ As identified on this application's proposed site-plan, the location has one (1) ADA compliant parking-stall and ten (10) open-use parking stalls. Using only the interior square footage value (3,723sqft), the location would need approximately 15 parking-stalls ($3,723\text{sqft} \div 250$) without a parking waiver. Assuming the approval of the outdoor consumption waiver, the location would need approximately 23 parking-stalls ($3,723\text{sqft} + 2,210\text{sqft} \div 250$) without a parking waiver.

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The proposed cannabis consumption lounge shall obtain its single-use cannabis products, cannabis and any adult-use cannabis products needed for ready-to-consume cannabis products from a cannabis sales facility that is licensed by the State of Nevada and is in conformance with the business license requirements of the City of Las Vegas.

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Miscellaneous

Upon approval, the cannabis consumption lounge will operate in a manner that protects and promotes the public's health, safety, and general welfare. Further, the Project will provide numerous economic opportunities and development throughout the area.

We greatly appreciate your consideration of this application. Please do not hesitate to contact the undersigned should you have any questions or require additional information.

Sincerely,

CONNOR & CONNOR PLLC

By: 

AMANDA N. CONNOR, ESQ.

ANC:KMB/aty

Encl.: as stated

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Exhibit 1

Odor Mitigation Plan for an Outdoor Cannabis Consumption Lounge Using FogCo Misters

Objective: To effectively manage and mitigate odors from an outdoor cannabis consumption lounge, ensuring minimal impact on surrounding areas and maintaining a pleasant atmosphere for patrons.

Overview: FogCo misters will be strategically employed to disperse neutralizing agents that effectively break down and mask cannabis odors. The plan includes equipment setup, maintenance, and operational protocols.

1. Site Assessment and Preparation

1.1 Site Analysis:

- Conduct an assessment to identify odor dispersion patterns based on prevailing wind directions and topography.
- Determine the perimeter and key areas within the lounge where odor control is essential.

1.2 System Design:

- Develop a layout for the FogCo misters, ensuring coverage of high-traffic and odor-prone areas.
- Plan for the placement of misters along the perimeter and within the lounge area to create a barrier and treat the source.

2. Equipment Installation

2.1 FogCo Misters Installation:

- Install high-pressure FogCo misters at strategic points identified during the site analysis.
- Ensure misters are mounted securely on poles or structures around the outdoor lounge perimeter and at central locations.

2.2 Water Supply and Power:

- Connect misters to a reliable water supply and ensure adequate water pressure for optimal misting performance.
- Ensure electrical connections are safe and comply with local regulations.

2.3 Neutralizing Agent:

- Use an environmentally friendly and effective odor-neutralizing agent compatible with FogCo misters.
- Store neutralizing agents in a secure and accessible location for regular refilling.

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3. Operational Protocols

3.1 Daily Operations:

- Schedule misting cycles based on lounge operating hours and anticipated peak times for odor generation.
- Monitor and adjust misting frequency and duration to ensure effective odor control without excessive water use.

3.2 Weather Considerations:

- Adapt misting schedules based on weather conditions such as wind speed and direction, temperature, and humidity.
- Temporarily increase misting during periods of low wind to enhance odor containment.

3.3 Maintenance:

- Conduct regular maintenance checks on FogCo misters to ensure they are functioning correctly.
- Clean nozzles and filters regularly to prevent clogging and maintain efficient mist production.
- Refill neutralizing agents as needed and ensure continuous supply availability.

4. Monitoring and Adjustment

4.1 Odor Monitoring:

- Install odor monitoring devices at various points around the lounge and its perimeter to assess the effectiveness of the misting system.
- Regularly review odor levels and gather feedback from patrons and neighboring properties.

4.2 Continuous Improvement:

- Analyze data from odor monitors and adjust misting schedules and system settings to optimize performance.
- Stay informed about new odor-neutralizing technologies and agents to integrate improvements into the system.

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5. Compliance and Community Relations

5.1 Regulatory Compliance:

- Ensure that the odor mitigation plan complies with local regulations and environmental standards.
- Maintain documentation of system installation, maintenance, and operational protocols for regulatory reviews.

5.2 Community Engagement:

- Communicate with local residents and businesses about the measures being taken to control odors.
- Establish a feedback mechanism for the community to report odor issues and address concerns promptly.

Conclusion: Implementing FogCo misters for odor mitigation in an outdoor cannabis consumption lounge requires careful planning, regular maintenance, and continuous monitoring. By following this plan, the lounge can maintain a pleasant environment for patrons while minimizing the impact of cannabis odors on the surrounding community.

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