



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: JANUARY 17, 2024  
DEPARTMENT: COMMUNITY DEVELOPMENT  
ITEM DESCRIPTION: APPLICANT: DTP MGMT, LLC - OWNER: 899 FREMONT, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0573-EOT1	Staff recommends APPROVAL, subject to conditions:	

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

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

NOTICES MAILED

PROTESTS 0

APPROVALS 0

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

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**23-0573-EOT1 CONDITIONS**

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**Planning**

1. This approval shall expire on February 2, 2025 unless another Extension of Time is approved by the City of Las Vegas.
2. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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

**PROJECT DESCRIPTION**

The applicant is requesting an Extension of Time for an abandoned nonconforming Liquor Establishment (Tavern) use at 899 Fremont Street and 115 South 8th Street.

**ISSUES**

- This is the 13th request for an Extension of Time for a nonconforming Liquor Establishment (Tavern) use at this location. Although the site spans four parcels, the use is located on only two of the parcels (APNs 139-34-612-027 and 056).
- Title 19.14.030 authorizes Extensions of Time for certain nonconforming uses that have been abandoned due to economic hardship. Determinations of such extensions must be made through a public hearing by the City Council. Title 19.14.030 also limits the Extension of Time request to not exceed the duration of the applicable abandonment period, which in this instance is one year.
- In 2022 the city of Las Vegas amended Municipal Code to refine the process and standards for regulating alcohol within its jurisdiction. The city now has an alcohol use category that allows the applicant's establishment to be conforming to Title 19 with approval of a Special Use Permit for Alcohol, On-Premise Full use.

**ANALYSIS**

This is the 13th request for an Extension of Time for the legal, nonconforming use of a Liquor Establishment (Tavern) use that was located within the Western Hotel and Casino. The hotel and casino containing the use ceased operations on January 16, 2012 and the Tavern license was placed in nonoperational status on February 2, 2012. The Liquor Establishment (Tavern) use is nonconforming, as it predates the current requirement for a Special Use Permit in the T5-MS (T5 Main Street) zoning district and does not meet the 1,500-foot separation distance requirement measured from the property line of churches/houses of worship, schools and other Liquor Establishments (Taverns).

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The applicant has requested an Extension of Time each year since 2013 to extend the abandonment period while seeking an operator for the Liquor Establishment (Tavern) use. The most recent Extension of Time (22-0703-EOT1) was approved by the City Council on February 1, 2023. Per the applicant's justification letter, the legal obligations in administering the estate of the property owner are responsible for the delay in reestablishing the Liquor Establishment (Tavern) use on the property. According to the applicant, until the estate is closed it is therefore not feasible to open a tavern at this time. The applicant adds that the property has been well maintained and is not a threat to public health, safety and welfare. The applicant intends to obtain a liquor license in 2024.

Staff notes that due to reorganization of the alcohol regulations in Municipal Code, the previously approved Liquor Establishment (Tavern) land use or tavern license is no longer available pursuant to Title 19.12. The equivalent land use in Title 19 is the Alcohol, On-Premise Full use, which is defined in Title 19.12 as, "An establishment licensed to sell alcoholic beverages, not limited to the sale of beer, wine and coolers, for consumption on the premises where the same are sold." The Alcohol, On-Premise Full use requires a minimum 400-foot distance separation from an existing Church or house of worship, school, Individual Care Center licensed for more than 12 children or City Park. There are currently no protected uses within the 400-foot separation radius. The applicant therefore has the option either to obtain a liquor license based on the Alcohol, On-Premise Full use or request an extension of the abandoned Liquor Establishment (Tavern) use.

**FINDINGS (23-0573-EOT1)**

The Liquor Establishment (Tavern) use is located on Fremont Street, which accommodates a variety of commercial uses, including other similar uses, and will not negatively impact the existing protected uses in the area. The applicant has shown good cause for extending the abandonment period due to economic hardship, as sale of the property is pending. As the request does not jeopardize the public health, safety or welfare and falls within the intent of Title 19.14.030, staff recommends approval of the Extension of Time with a one-year time limit.

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**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
06/27/62	The Board of City Commissioners approved a request for Rezoning (Z-0056-62) from R-4 (Apartment Residence) to C-2 (General Commercial) on property generally located on the west side of 9th Street Between Carson Avenue and Fremont Street.
12/16/64	The Board of City Commissioners approved a request for Rezoning (Z-0100-64) under Resolution of Intent from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial), C-2 (General Commercial) and C-V (Civic) to C-2 (General Commercial) for approximately 230 acres generally located on property bounded by Main Street to the west, Bonanza Road on the north, Las Vegas Boulevard on the east, and Charleston Boulevard on the south.
07/16/69	The Board of City Commissioners approved a request for Rezoning (Z-0046-69) from R-4 (Apartment Residence) to C-2 (General Commercial) on property generally located on the northwest corner of Carson Avenue and 9th Street.
07/03/96	The City Council approved a request to Vacate (VAC-0025-96) a 20-foot wide north/south alley located within the block occupied by the hotel/casino.
04/17/13	The City Council approved a request for an Extension of Time (EOT-47829) for a nonconforming Liquor Establishment (Tavern) at 899 Fremont Street. Staff recommended approval.
12/04/13	The City Council approved a request for a second Extension of Time (EOT-51700) for a nonconforming Liquor Establishment (Tavern) at 899 Fremont Street. Staff recommended approval.
11/19/14	The City Council approved a request for a third Extension of Time (EOT-56242) for a nonconforming Liquor Establishment (Tavern) use at 899 Fremont Street. Staff recommended approval.
09/16/15	The City Council approved a request for a fourth Extension of Time (EOT-60639) for a nonconforming Liquor Establishment (Tavern) use at 899 Fremont Street. Staff recommended approval.
09/07/16	The City Council approved a request for a fifth Extension of Time (EOT-64070) for a nonconforming Liquor Establishment (Tavern) use at 899 Fremont Street. Staff recommended approval.

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<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
08/02/17	The City Council approved a request for a sixth Extension of Time (EOT-70994) for a nonconforming Liquor Establishment (Tavern) use at 899 Fremont Street. Staff recommended approval.
06/26/18	The Department of Planning administratively approved a Minor Site Development Plan Review (SDR-73157) for a temporary parking lot located at the northwest corner of Carson Avenue and 9th Street. The approval expired 06/26/21, since no subsequent Extension of Time application was approved to extend the use on site.
08/01/18	The City Council approved a request for a seventh Extension of Time (EOT-72928) for a nonconforming Liquor Establishment (Tavern) use at 899 Fremont Street. Staff recommended approval.
06/05/19	The City Council approved a request for an eighth Extension of Time (EOT-76264) for a nonconforming Liquor Establishment (Tavern) use at 899 Fremont Street and 115 South 8th Street. Staff recommended approval.
10/16/19	The City Council approved a request for a General Plan Amendment (GPA-75814) to change the land use designation of the subject property from C (Commercial) to FBC (Form-Based Code) as part of a larger request on approximately 226 acres within the Fremont East District generally located south of Interstate 515, west of Eastern Avenue, north of Carson Avenue and east of Las Vegas Boulevard. The Planning Commission and staff recommended approval.
	The City Council approved a request for a Rezoning (ZON-76747) from C-2 (General Commercial) to T5-MS (T5 Main Street) on the subject property as part of a larger request on approximately 226 acres within the Fremont East District generally located south of Interstate 515, west of Eastern Avenue, north of Carson Avenue and east of Las Vegas Boulevard. The Planning Commission and staff recommended approval.
05/06/20	The City Council approved a request for the ninth Extension of Time (EOT-78556) for a nonconforming Liquor Establishment (Tavern) use at 899 Fremont Street. Staff recommended approval. The application is set to expire on February 02, 2021.
01/06/21	The City Council approved a request for the 10th Extension of Time (20-0337-EOT1) for a nonconforming Liquor Establishment (Tavern) use at 899 Fremont Street and 115 South 8th Street (APNs 139-34-612-056 and 027),. Staff recommended approval.

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<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
02/02/22	The City Council approved a request for the 11th Extension of Time (21-0756-EOT1) for a nonconforming Liquor Establishment (Tavern) use at 899 Fremont Street and 115 South 8th Street. Staff recommended approval.
02/01/23	The City Council approved a request for the 12th Extension of Time (22-0703-EOT1) for a nonconforming Liquor Establishment (Tavern) use at 899 Fremont Street and 115 South 8th Street. Staff recommended denial.

<b><i>Most Recent Change of Ownership</i></b>	
03/14/13	A deed was recorded for a change in ownership.

<b><i>Related Building Permits/Business Licenses</i></b>	
1970	The building at 899 Fremont Street was constructed.
07/06/93	A business license (L16-00049) was issued for a tavern at 899 Fremont Street. The license was marked inactive on 02/02/12.
01/16/12	The existing hotel at 899 Fremont Street ceased operations. Licenses for the tavern and associated restaurant were placed into nonoperational status on 02/02/12.
04/08/14	Business licenses (L16-99173 and L62-00043) were issued for change of ownership of a nonoperational tavern at 899 Fremont Street.
08/11/15	A business license (G63-04941) was issued for operation of a parking lot valet service at 899 Fremont Street. The license is active.
03/20/18	A business license (G66-00203) was issued for commercial leasing and renting of the parking lot and building at 899 Fremont Street for special events. The license is active.
04/25/22	A business license (X70-00013) was issued for nonrestricted gaming at 899 Fremont Street. This was the most recent one-day opening on 05/02/22 to keep the use active.

<b><i>Pre-Application Meeting</i></b>	
A pre-application meeting was not required, nor was one held.	

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

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<b>Field Check</b>	
12/14/23	The site contains a multistory building and parking lot that occupies a city block. Windows and doors along the frontages were boarded up. The north and east sides of the building contained minor graffiti and showed some peeling paint, but the building and parking lot were otherwise well-maintained. The parking area south of the building was surrounded by temporary fencing; however, vehicles were parked in this lot.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	1.88 (of a 2.74-acre site)

<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	Hotel/Casino [vacant]	FBC (Form Based Code)	T5-MS (T5 Main Street)
North	Commercial Recreation/Amusement [private dog park]	FBC (Form Based Code)	T5-MS (T5 Main Street)
South	Multi-Family Residential [parking garage]	MXU (Mixed Use)	C-2 (General Commercial)
East	Mixed-Use	FBC (Form Based Code)	T5-MS (T5 Main Street)
West	Office, Other Than Listed [vacant]	FBC (Form Based Code)	T5-MS (T5 Main Street)



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<b><i>Master and Neighborhood Plan Areas</i></b>	<b><i>Compliance</i></b>
Las Vegas 2050 Master Plan Area: Downtown South	Y
Vision 2045 Downtown Las Vegas Master Plan: Fremont East District	Y
<b><i>Special Area and Overlay Districts</i></b>	<b><i>Compliance</i></b>
DTLV-O (Downtown Las Vegas Overlay) District - Area 3	Y
LW-O (Live/Work Overlay) District	Y
<b><i>Other Plans or Special Requirements</i></b>	<b><i>Compliance</i></b>
Trails (Entertainment Trail - Fremont Street Urban Path) - constructed	Y
Las Vegas Redevelopment Plan Area - Area 1	Y
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A