



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: MARCH 20, 2024  
DEPARTMENT: COMMUNITY DEVELOPMENT  
ITEM DESCRIPTION: APPLICANT/OWNER: DOWNTOWN SANCHEZ, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0645-SUP1	Staff recommends APPROVAL, subject to conditions:	
23-0645-SUP2	Staff recommends APPROVAL, subject to conditions:	

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

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 29

NOTICES MAILED 1057 (by City Clerk)

PROTESTS 2 - 23-0645-SUP1, 23-0645-SUP2

APPROVALS 6 - 23-0645-SUP1, 23-0645-SUP2

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

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## **23-0645-SUP1 CONDITIONS**

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### **Planning**

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Alcohol, On-Premise Full use.
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 building permit, as well as submitted as part of any business license application.
5. Approval of this Special Use Permit does not constitute approval of a liquor license.
6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

### **Public Works**

8. Remove all substandard public street improvements and unused driveway cuts adjacent to this site and replace with new improvements meeting Downtown Masterplan Plan Standards (Title 19 Appendix F) concurrent with development of this site, except as amended by conditions herein. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.

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9. 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 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).
10. Submit a License Agreement for outdoor dining in the 4th Street public right of way, if any, prior to this issuance of permits for these improvements. If requested by the City, the applicant shall remove property encroaching in 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 (702-229-4836).

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**23-0645-SUP2 CONDITIONS**

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**Planning**

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Open Air Vending/ Transient Sales Lot use, except as amended herein.
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 building permit, as well as submitted as part of any business license application.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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

**PROJECT DESCRIPTION**

The applicant is requesting to rehabilitate a single-story 1,235 square-foot building into a bar with 3,080 square feet of outdoor seating at 623 South 4th Street. The proposal also includes mobile food vendor locations that will provide food service for the customers.

**ISSUES**

- The Alcohol, On-Premise Full use is allowed through the approval of a Special Use Permit in the C-1 (Limited Commercial) zoning district.
- The Open Air Vending/ Transient Sales Lot use is conditionally allowed in the C-1 (Limited Commercial) zoning district. A Special Use Permit has been requested for the Open Air Vending/ Transient Sales Lot use for multiple Mobile Food Vending trucks to be allowed to operate at 623 South 4th Street for more than four hours within a 24-hour period concurrently.

**ANALYSIS**

The subject site is within the Downtown Las Vegas Area of the 2050 Master Plan, and is within the Civic and Business District in the Vision 2045 Downtown Las Vegas Master Plan. The subject site is zoned C-1 (Limited Commercial) and has a General Plan Land Use Designation of MXU (Mixed-Use). As a part of the Area 1 Downtown Las Vegas Overlay, the subject property is subject to the regulations in the Appendix F Interim Downtown Las Vegas Development Standards.

The Alcohol, On-Premise Full use is allowed through the approval of a Special Use Permit in the C-1 (Limited Commercial) zoning district. The Alcohol, On-Premise Full use is defined 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 proposed use meets the definition by proposing a bar located at 623 South 4<sup>th</sup> Street. The Minimum Special Use Permit Requirements for this use include:

1. Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring a minimum distance separation between an Alcohol, On-Premise Full establishment and certain other uses that should be protected from the impacts associated with that establishment. Therefore, except as otherwise provided in these Requirements, no Alcohol, On-Premise Full establishment may be located within 400 feet of any of the following uses:(a.) Church/house of worship; (b.) School; (c.) Individual care center licensed for more than 12 children; or (d.) City Park.

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*This requirement has been met as there are no protected land uses within 400 feet of the subject site.*

2. The distance separation requirement set forth in Requirement 1 does not apply to the following: (a.) An establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992; or (b.) Any Alcohol, On-Premise Full use located on property within the Pedestrian Mall, as defined in LVMC Chapter 11.68; the Downtown Entertainment Overlay District, as described in LVMC 19.10.120; or the 18b Arts District, as described in Appendix F to this Title. The Special Use Permit approval may include conditions designed to mitigate any impacts related to distance separation.

*This requirement is not applicable, as the proposed land use is not associated with a nonrestricted gaming license with a hotel having more than 200 rooms or an establishment having more than 50,000 square feet of retail floor space. In addition, the site is not located within the Pedestrian Mall, as defined in LVMC Chapter 11.68; the Downtown Entertainment Overlay District, as described in LVMC 19.10.120; or the 18b Arts District, as described in Appendix F to this Title.*

The proposed Alcohol, On-Premise Full use could be conducted in a manner that would be compatible with the surrounding land uses. There are several nearby alcohol related uses within the Mixed-Use apartment building across 4<sup>th</sup> Street.

The Open Air Vending/ Transient Sales Lot use is conditionally allowed in the C-1 (Limited Commercial) zoning district. A Special Use Permit has been requested for the Open Air Vending/ Transient Sales Lot use for multiple Mobile Food Vending trucks to be allowed to operate at 623 South 4<sup>th</sup> Street for more than 4-hours within a 24-hour period concurrently.

The Open Air Vending/ Transient Sales Lot use is defined as “An outdoor area or lot that is used exclusively, or on a regular or periodic basis, for the sale or taking of orders for any merchandise, including food items, where such merchandise is displayed or sold within or upon the area or lot. This use includes the display or sale of merchandise by means of Open Air Vending, Mobile Food Vending and a Farmer’s Market.” The proposed use meets the definition through providing a location for mobile food vending to occur in the back yard of the proposed bar. The Minimum Conditional Use Regulations for this use include:

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1. Except as provided in this Conditional Use Regulation 1, no signage is allowed, including temporary signage. Signage that is allowed by this Conditional Use Regulation 1 is not subject to the sign regulations and processes of Title 19 that otherwise would apply, except as specifically provided. The limited signage allowed by this Conditional Use Regulation 1 is as follows: (A) In the case of Open Air Vending or Mobile Food Vending, the vehicle or portable unit may include signage which is affixed thereto but only to the extent such signage is not prohibited by LVMC 19.08.120(E)(3). (B) In the case of a Farmer's Market, on-premises market event signage is permitted, but shall be limited to a single sign of no more than 32 square feet. Individual vendor signage is permitted, but is limited to one sign per vendor, and not to exceed 15 square feet per vendor space. All signage is prohibited at any time other than during a market event.

*No additional temporary signage has been proposed with this project.*

2. The site must be kept free of any litter or debris at all times.

*The applicant will be required to keep the site free of any litter or debris at all times. In addition, there has been no Licensing Enforcement or Code Enforcement cases processed for the existing use.*

3. No structures shall be allowed within the public right-of-way.

*There are no structures proposed within the public right-of way with this project.*

4. The installation of permanent or temporary tables, chairs, tents, or coverings for dining areas (including tarps and umbrellas) is prohibited, except when the use of such facilities: (A) Has been approved by means of a Site Development Plan Review; (B) Is within the plaza area of a commercial lot; or (C) Is in accordance with Conditional Use Regulation 9 below.

*The proposed use meets the exception listed in Conditional Use Regulation 4(B). The proposed use will be commercial lot as depicted in the Site Plan, and the applicant proposes to convert the back yard area into an outdoor plaza, which will provide permanent tables and chairs for dining areas. In accordance with Appendix F. Interim Downtown Las Vegas Development Standards Table 11 - DTLV-O Area 1 Requirement Threshold Matrix, an interior rehab and change of use do not require a Site Development Plan Review.*

5. Vehicles or portable units used in the operation may not occupy: (A) Required parking spaces or required drive aisles; or (B) Required loading zones, unless otherwise permitted under Conditional Use Regulation 8.

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*The proposed use complies with this condition. The applicant has proposed to operate five proposed Open Air Vendors (Food Trucks) on the subject site within the back yard area.*

6. The vending/sales activity must be located at least 150 feet from residential development; except where the location is part of a mixed-use development.

*The proposed use complies with this condition, the subject site is not located adjacent to a residentially zoned lot. There is a single mixed-use development (353 East Bonneville Avenue) within 150 feet from the proposed use.*

7. For Open Air Vending, in addition to Conditional Use Regulations 1 through 6: (A) No such vending is permitted in the O (Office) Zoning District; (B) No such vending is permitted on undeveloped lots or developed lots with unoccupied structures or unpaved surfaces; (C) No such vending is permitted within landscaped areas; (D) No more than one vendor is permitted on any one lot, and the vending area shall be limited to a maximum of 500 square feet; provided, however, that these limitations do not apply: (I) In connection with a Special Event Permit that allows a greater level of vending activity by means of Open Air Vending; (II) On a parcel whose development approval or approvals contemplate a greater level of vending activity by means of Open Air Vending; or (III) Within the plaza area of a commercial lot; (E) At a location other than the plaza area of a commercial lot, vending operations shall comply with required building setbacks for that location; (F) On any lot that is adjacent to a residentially zoned lot, the hours of operation shall be limited to the period between 10 a.m. and 8 p.m.; and (G) No supply or drainage pipes or power supply cords that pertain to the vending operation may be placed on or across surface parking or unimproved areas, or be attached to adjoining or nearby buildings, unless the vending operation is located immediately adjacent to the building so that the attached pipes or power cords have minimal exposure and do not present a potential hazard for passersby.

*The proposed Open Air Vending [Food Truck] complies with the above standards.*

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8. For Mobile Food Vending, in addition to Conditional Use Regulations 1 through 6: (A) No vendor may operate on any one parcel, lot or commercial subdivision for more than 4 hours within any 24-hour period; (B) No more than two vendors are permitted on one parcel, lot or commercial subdivision within any 24-period; (C) No vendor may operate within a required loading zone except as approved in conjunction with a Special Event Permit; (D) Such vending is permissible on undeveloped lots, or developed lots with unoccupied structures or unpaved surfaces, but only to the extent that such vending complies with all applicable air quality standards adopted by the Clark County Department of Air Quality; and (E) On unpaved lots, such vending is limited to a maximum disturbance area (including vehicles, parking and customer areas) of 5,000 square feet, regardless of the overall lot size, unless a greater disturbance area is approved in connection with a dust mitigation permit from the Clark County Department of Air Quality.

*The applicant is requesting a Special Use Permit to allow the Open Air Vendor (Food Truck) on the subject site for up to eight hours within a 24-hour period concurrently, rather than comply with the Conditional Use Regulation 8(a). The proposed use complies with the other conditions listed above. The applicant will operate the Open Air Vendors (Food Trucks) on the subject site on a paved area outside of any required loading zone.*

The Open Air Vending (Mobile Food) use does not require additional parking above the Alcohol, On-Premise Use on site. Projects in the Downtown Las Vegas Overlay – Gateway District, Area 1 area are not automatically held to parking code standards if reasonably justified. The submitted site plan depicts one handicap accessible parking space. However, pursuant to Title 19.12 parking standards, this project would typically require a total of 92 parking spaces. Projects located within this Downtown Las Vegas Overlay District may be evaluated based on a weighted parking requirement as detailed in Title 19.09.100(G). This table compares the Title 19.12 parking requirements for this project with the weighted requirement in Title 19.09, but is not determinative of code conformance. In this instance, the subject site is located within the “Low Load Zone” which requires a weighted range of 30-percent to 60-percent of the 92 total parking spaces required by Title 19.12. This range would reduce the allowable amount of parking to range between 28 and 56 parking spaces where one is provided. The parking is generally insufficient to support the proposed land uses on the subject site, however in the downtown area, especially the “Low Load Zone”, there are a variety of transportation options and ample on-street parking available.



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Constructed in 1942, the building that is proposed for rehabilitation is an increasingly-rare relic of 1940s Downtown Las Vegas. The building has a handsome architectural character with the single-story, low-pitched, clay tile roof that is indicative of the Spanish Colonial and Mediterranean Revival architectural styles. Adaptive reuse of buildings is encouraged by Vision 2045 Downtown Las Vegas Master Plan. The rehabilitation of this aging building would be a significant improvement to the site and neighborhood, and the proposed uses are compatible with the surrounding land uses.

Therefore, Staff recommends approval of the proposed Special Use Permits (23-0645-SUP1 and 23-0645-SUP2).

**FINDINGS (23-0645-SUP1)**

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 Alcohol, On-Premise Full use is compatible with the surrounding land uses.

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

The subject site is physically suitable for the type and intensity of land use proposed. Despite the lack of on-site parking there is ample parking on-street and in nearby shared parking lots surrounding the site, in addition to a variety of transportation option in proximity.

- 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 to the parking area is provided for vehicles from the rear alley, which is a standard 20-foot wide downtown alley. As depicted on the Site Plan, the driveway curb cut on South 4<sup>th</sup> Street will be removed as a part of the proposed site changes. 4<sup>th</sup> Street is sufficient in size to accommodate the needs of the proposed use.

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 proposed development is subject to business licensing, permit review, and inspection; therefore, appropriate measures will be taken to protect the health, safety and general welfare.

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

The proposed Alcohol, On-Premise Full use has met the requirements set forth by Title 19.12.

#### **FINDINGS (23-0645-SUP2)**

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 Open Air Vending (Mobile Food) use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses.

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

A space has been allocated on the site for the locating of a Mobile Food Vendor. The subject site is physically suitable for the type and intensity of land use proposed. Despite the lack of on-site parking there is ample parking on-street and in nearby parking lots surrounding the site, in addition to a variety of transportation option in proximity.

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 to the parking area is provided for vehicles from the rear alley, which is a typical 20-foot wide downtown alley. As depicted on the Site Plan, the driveway curb cut on South 4<sup>th</sup> Street will be removed as a part of the proposed site changes. 4<sup>th</sup> Street is sufficient in size to accommodate the needs of the proposed use.

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 proposed development is subject to business licensing, permit review, and inspection; therefore, appropriate measures will be taken to protect the health, safety and general welfare.

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

The applicant is requesting a Special Use Permit (23-0645-SUP2) to allow the proposed Open Air Vending (Mobile Food) use to exceed the maximum number of hours in a single day allowed through a Conditional Use Verification as set forth by Title 19.12 Conditional Use Regulations.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by Planning, Fire, Code Enforcement, etc.</i></b>	
12/16/64	The City Council approved a Rezoning (Z-0100-64) from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial), C-2 (General Commercial) and C-V (Civic) to C-2 (General Commercial) for approximately 230 acres generally located on property bounded by Main Street to the west, Bonanza Road on the north, Las Vegas Boulevard on the east and Charleston Boulevard on the south. Planning Commission and staff recommended approval.
04/26/13	A Code Enforcement case (#128041) was processed for vagrants and dead vegetation at 623 South 4 <sup>th</sup> Street. The case was resolved on 05/17/13.
03/08/16	The Planning Commission approved a request for a Special Use Permit (SUP-63046) for a 1,235 square-foot Tavern-Limited Establishment use with 3,080 square feet of outdoor seating area at 623 South 4th Street. Staff recommend approval of the request. The Special Use Permit expired on 03/09/18.

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<b><i>Related Relevant City Actions by Planning, Fire, Code Enforcement, etc.</i></b>	
02/11/20	The City Council approved a Special Use Permit (SUP-78135) for a Tavern-Limited at 623 South 4th Street. The Planning Commission and Staff recommended approval.
2/13/24	<p>The Planning Commission voted (7-0) For possible action on the following Land Use Entitlement project requests on 0.16 acres at 623 South 4th Street (APN 139-34-311-138), C-1 (Limited Commercial) Zone, Ward 3 (Diaz).</p> <p>23-0645-SUP1 - SPECIAL USE PERMIT - FOR A PROPOSED 1,235 SQUARE-FOOT ALCOHOL, ON-PREMISE FULL USE WITH A 4,980 SQUARE-FOOT OUTDOOR PATIO AREA</p> <p>23-0645-SUP2 - SPECIAL USE PERMIT - FOR A PROPOSED OPEN AIR VENDING/TRANSIENT SALES LOT USE</p>

<b><i>Most Recent Change of Ownership</i></b>	
06/25/15	A deed was recorded for a change in ownership.

<b><i>Related Building Permits/Business Licenses</i></b>	
c. 1942	The building was constructed.
Pre - 1991	A business license (Q01-00008) was issued for a Real Estate Business at 623 South 4th Street. The license went inactive on 09/12/14.
04/06/92	A building permit (#92141391) was issued for a new roof at 623 South 4th Street. The permit went inactive on 11/18/92.
03/15/95	A building permit (#95370287) was issued for a service change at 623 South 4th Street. The permit received its final inspection on 03/28/95.
06/05/98	A building permit (#98011880) was issued for plumbing repairs at 623 South 4th Street. The permit expired on 12/12/98.
09/20/10	A building permit (#172456) was issued to cap off the water supply to a vacant building at 623 South 4th Street. The permit is still open.
10/02/13	A demolition permit (#246008) was issued for 623 South 4th Street. The permit received its final inspection on 09/09/14.

<b><i>Pre-Application Meeting</i></b>	
12/05/23	A pre-application meeting was held to discuss the submittal requirements for Special Use Permits for an Alcohol, On-Premise Full use and for an Open Air Vending use.

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**Neighborhood Meeting**

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

**Field Check**

01/10/24

During a routine site visit, staff observed the unoccupied building on site, with no code violations of note.

**Details of Application Request**
**Site Area**

Net Acres      0.16

<b>Surrounding Property</b>	<b>Land Use per Title 19.12</b>	<b>General Plan</b>	<b>Zoning District</b>
Subject Property	Office	C (Commercial)	C-1 (Limited Commercial)
North	Undeveloped	C (Commercial)	C-2 (General Commercial)
South	Office	C (Commercial)	C-2 (General Commercial)
East	Office	C (Commercial)	C-2 (General Commercial)
West	Parking Facility	C (Commercial)	C-2 (General Commercial)

<b>Master and Neighborhood Plan Areas</b>	<b>Compliance</b>
Master Plan 2050 Area: Downtown Las Vegas	Y
Vision 2045 Downtown Master Plan	Y
<b>Special Area and Overlay Districts</b>	<b>Compliance</b>
DTLV-O (Downtown Las Vegas Overlay) District – Area 1 (Civic and Business District)	Y
LW-O (Live/Work Overlay) District	Y
<b>Other Plans or Special Requirements</b>	<b>Compliance</b>
Trails	N/A
Las Vegas Redevelopment Plan (Area 1)	Y
Interlocal Agreement	N/A
Project of Significant Impact	N/A
Project of Regional Significance	N/A

**DEVELOPMENT STANDARDS**

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<b>Pursuant to Title 19.08, the following standards apply:</b>			
<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Gated	Y
Utilities	On Site	On-site	Y

<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>
4 <sup>th</sup> Street	Major Collector	Master Plan of Streets and Highways	80	Y

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular		Handi-capped
Alcohol, On-Premise Full	5,115 SF  Seating/Waiting: 4394 SF  Back of house: 721 SF	1:50 SF public seating and waiting;  1:200 SF back of house	92				
Open-Air Vending / Mobile Food Vending	No additional parking required.						

TOTAL SPACES REQUIRED		92		1		Y*
Regular and Handicap Spaces Required		88	4	0	1	Y*
Loading Spaces	Not required in Area 1 DTLV-O					Y
*Projects located within the Downtown Las Vegas Overlay - Area 1 are not subject to the automatic application of parking requirements. However, the above table should be used to illustrate the requirements of an analogous project in another location in the City.						