



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: JULY 17, 2024

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: IN CHUN LEE - OWNER: CIM 116 N 3RD LV, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0175-SUP1	Staff recommends APPROVAL, subject to conditions	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 29

NOTICES MAILED 492 (by City Clerk)

PROTESTS 1 - 24-0175-SUP1

APPROVALS 0

**** CONDITIONS ****

24-0175-SUP1 CONDITIONS

Planning

1. All exterior building improvement, including signage, shall be subject to Fremont Street Experience, LLC's review and approval subject to Title 11.68.120.
2. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Alcohol, On-Premise Full use.
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 building permit, as well as submitted as part of any business license application.
6. Approval of this Special Use Permit does not constitute approval of a liquor license.
7. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

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.

Conditions Page Two
July 17, 2024 - City Council Meeting

10. Submit a License Agreement for landscaping and private improvements in the 3rd Street public right(s)-of-way, if any, 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 Community Development (229-5460).

Staff Report Page One
July 17, 2024 - City Council Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Special Use Permit for a proposed Alcohol, On-Premise Full use at 116 North 3rd Street.

ISSUES

- An Alcohol, On-Premise Full use is permitted in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit.
- New exterior building improvements adjoining and facing the Pedestrian Mall are subject to Fremont Street Experience, LLC's review and approval, in accordance with Title 11.68.120. A review and approval letter from Fremont Street Experience, LLC was received on 06/07/24.

ANALYSIS

The applicant has proposed to develop an 8,526 square-foot Alcohol, On-Premise Full use with a 183 square-foot outdoor patio area at 116 North 3rd Street. The building was recently developed as a shell for a restaurant building through the building permit (C22-02515) that was issued on 04/05/23 and approved 01/22/24. The subject site is zoned C-2 (General Commercial) and is subject to Title 19 development standards.

The subject site is within the Resort and Casino District as set forth in the Vision 2045 Downtown Las Vegas Master Plan, in close proximity to the Fremont Street Experience, the center of gaming and hospitality in Downtown Las Vegas. The proposed restaurant will have frontage along the 3rd Street pedestrian mall, a recently improved park space in the 3rd Street right-of-way between Ogden Avenue and Fremont Street. An extension of the Fremont Street Experience exclusive pedestrian zone, this pedestrian mall has an enhanced pedestrian experience, with street trees, colored pavement, pedestrian safety features and pedestrian oriented lighting. Subject to Title 11.68.120, review and approval by Fremont Street Experience, LLC is required for new exterior building improvements adjoining and facing the Pedestrian Mall. The proposed restaurant will contribute to the commercial activity in the core of Downtown and the city's tourist experience.

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 this definition. An approved Special Use Permit is required for any establishment proposing an Alcohol, On-Premise Full use.

Staff Report Page Two
July 17, 2024 - City Council Meeting

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.

The proposed Alcohol, On-Premise Full establishment meets this requirement as it is not within 400 feet of any of the uses listed above.

2. The distance separation requirement set forth in Requirement 1 does not apply to the following: 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 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.

The requirement is not applicable, the subject is not 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.

The proposed Alcohol, On-Premise Full is compatible with surrounding land uses. The surrounding land uses include casino, restaurant, and retail uses. 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. Therefore, staff recommends approval of the requested Special Use Permit.

FINDINGS (24-0050-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:

Staff Report Page Three
July 17, 2024 - City Council Meeting

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 can be conducted in a manner that is harmonious and compatible with the existing surrounding uses.

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

The subject site can physically accommodate the proposed Alcohol, On-Premise Full use and is in close proximity to casino, restaurant, and retail uses.

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 from a standard downtown 20-foot wide rear alley, and 3rd Street, a pedestrian plaza in this location. These streets are 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 Alcohol, On-Premise Full use will be subject to regular inspections during rehabilitation of the building itself by the Department of Building and Safety, and regular inspections by the Department of Community Development – Business Licensing Division once a business license has been issued thus protecting the public health, safety, and 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 both Title 19.12.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Code Enforcement, etc.</i>	
05/15/19	The City Council approved a Special Use Permit (SUP-75757) for an off-premises sign at 116 North 3 rd Street. Staff and the Planning Commission recommended approval.

Staff Report Page Four
July 17, 2024 - City Council Meeting

Related Relevant City Actions by Planning, Fire, Code Enforcement, etc.

05/14/24	The Planning Commission voted (7-0) to HOLD IN ABEYANCE the following Land Use Entitlement project request FOR A PROPOSED 8,526 SQUARE-FOOT ALCOHOL, ON-PREMISE FULL USE WITH A 353 SQUARE-FOOT OUTDOOR PATIO AREA
06/18/24	The Planning Commission voted (7-0) to recommend APPROVAL on the following Land Use Entitlement project request FOR A PROPOSED 8,526 SQUARE-FOOT ALCOHOL, ON-PREMISE FULL USE WITH A 353 SQUARE-FOOT OUTDOOR PATIO AREA at 116 North 3rd Street (APN 139-34-510-021), C-2 (General Commercial) Zone, Ward 5 (Crear).

Most Recent Change of Ownership

09/06/07	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

02/27/24	Two business licenses (P72-00049 and G72-01313) for a restaurant with alcohol and 153 seats has been processed in. This license is pending approval of the alcohol Special Use Permit.
06/22/22	A building permit (C22-02515) for the building shell at 116 North 3 rd Street was processed in. This permit was issued on 04/05/23 and approved 01/22/24.
06/27/22	An alternative means and methods review (C22-02560) to use a below-grade hydro mechanical grease interceptor was finalized 07/18/22.
11/06/23	A Tenant Improvement building permit (C23-03878) has been processed in for Yama BBQ & Sushi. This permit is awaiting resubmittal and will be pending the approval of the alcohol Special Use Permit.

Pre-Application Meeting

03/20/24	A pre-application meeting was held to discuss the submittal requirements for a Special Use Permit
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Neighborhood Meeting

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

04/02/24	During a routine site visit, staff observed a shell tenant space that was recently built. The building contributes to the built environment walling the 3 rd street pedestrian plaza, and fits the surrounding context well.
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Staff Report Page Five
July 17, 2024 - City Council Meeting

Details of Application Request	
Site Area	
Gross Acres	0.15

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Vacant	C (Commercial)	C-2 (General Commercial)
North	Parking Garage	C (Commercial)	C-2 (General Commercial)
South	Retail	C (Commercial)	C-2 (General Commercial)
East	Resort Hotel & Casino	C (Commercial)	C-2 (General Commercial)
West	Restaurant [Nacho Daddy]	C (Commercial)	C-2 (General Commercial)

Master and Neighborhood Plan Areas	Compliance
Master Plan 2050 Area: Downtown	Y
Vision 2045 Downtown Master Plan	Y
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District - 200 Feet	Y
DC-O (Downtown Casino Overlay) District	Y
DTLV-O (Downtown Las Vegas Overlay) District – Area 1 (Resort Casino District)	Y
LW-O (Live/Work Overlay) District	Y
Downtown Design Review Committee (DDRC)	Y*
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan (Area 1)	Y
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

**Signage will need to be reviewed by the Downtown Design Review Committee separately.*

Staff Report Page Six
July 17, 2024 - City Council Meeting

DEVELOPMENT STANDARDS

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	5,007 BOH 3,519 FOH = 8,526 Total	1:200 Back of house 1:50 FOH	96				

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	
TOTAL SPACES REQUIRED			96		0		Y*
Regular and Handicap Spaces Required			92	4	0	0	Y*
Loading Spaces	Not required in Area 1 DTLV				0		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.							
Downtown Form-Based Code Parking Standards – Title 19.09.100 G							
Parking Standards Low Load – Zone 1		Min. 30% and Max. 60%		Min. 29 - Max 58		Y*	
Bicycle Parking Requirements		2 min., plus 1 per every 20,000 GFA		2		Y*	