



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: OCTOBER 19, 2022

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: HARLEM NIGHTS, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
22-0479-EOT1	Staff recommends APPROVAL, subject to conditions:	

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

NOTICES MAILED 479

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

22-0479-EOT1 CONDITIONS

Planning

1. This Extension of Time for a nonconforming Liquor Establishment (Tavern) use shall expire on September 1, 2023 unless another Extension of Time is approved by the City Council.
2. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for an Extension of Time for a nonconforming Liquor Establishment (Tavern) use at 600 Jackson Avenue.

ISSUES

- This is the 10th request for an Extension of Time for the abandoned nonconforming Liquor Establishment (Tavern) use at this location.
- Under the recently adopted Ordinance 6806 the distance separation requirement between an Alcohol, On-Premise Full use and protected uses was amended to 400 feet. Distance separation requirements for gaming establishment uses with more than five machines (such as for this site) remain 1,500 feet from protected uses.
- The property has recently come under new ownership. The new owner has plans to redevelop the site, but no plans have been submitted.
- Ordinance 6114 limits the Extension of Time request to the duration of the applicable use abandonment period, which in this instance is one year.

ANALYSIS

On October 6, 2010, the City Council adopted Ordinance 6114, which allows for Extension of Time of an abandoned nonconforming use when the request is due to an economic hardship based on market conditions or other circumstances beyond the applicant's control. If approved, the Extension of Time request is not to exceed the duration of the applicable abandonment period, which is one year. In accordance with the ordinance, a public hearing is required so as to notify neighboring homeowners and registered associations, providing the opportunity for comment.

This is the 10th request for an Extension of Time for the legal, nonconforming use of a Liquor Establishment (Tavern) at this location, which is located within a 7,000 square-foot single-story building that had previously operated as a small casino that included nonrestricted gaming and tavern operations. The existing Liquor Establishment (Tavern) is nonconforming with respect to the requirement for a Special Use Permit in the T4-C (T4 Corridor) zoning district and current use requirements for a 400-foot distance separation between Liquor Establishments (Taverns) and protected uses, measured property line to property line. Several Churches/Houses of Worship are located within the separation radius and determined to be protected uses by Title 19.12. The existing tavern

Staff Report Page Two
October 19, 2022 - City Council Meeting

license (L16-00030) was placed into nonoperational status on December 18, 2013 and was considered abandoned from that time on pursuant to Title 19.14.030(A). After several extensions of time due to hardships qualifying under Title 19.14, on October 5, 2016 the City Council amended the anniversary date for purposes of expiration to September 1. Staff notes that as of April 6, 2022 liquor licenses are no longer considered assets and therefore there is no longer a “nonoperational” status assigned to the license. Therefore, a new Alcohol, On Sale Full license must be reviewed and approved for the tavern to be operational.

Since the last Extension of Time approved in October 2021, litigation concerning ownership of the property was resolved, and the property was transferred to a new owner. The new owner is planning to redevelop the site but has not submitted any new building plans or filed for any associated entitlements. The applicant is seeking additional time through this request to allow for plans to be finalized with an operator for the tavern and a new license application to be submitted for review and approval. The nonrestricted gaming establishment use has been kept active through periodic licenses for one-day openings coordinated through the Nevada Gaming Control Board and Nevada Gaming Commission. The last business license issuance was for a one-day opening on September 8, 2021.

The subject site is located within Redevelopment Plan Area 1, the West Las Vegas Plan area, and the Hundred Plan area. The Hundred Plan for the Historic Westside was developed in 2016 to identify the opportunities available in the transformation of the Historic Westside into a vibrant community. The Hundred Plan identifies eight “Big Moves” necessary in the transformation of the Historic Westside, one of which is the revitalization of Jackson Avenue. The Hundred Plan envisions Jackson Avenue being transformed into Jackson Street, a destination where interactive shop fronts, cafes, and small music venues reactivate this corridor and support the local economy while emphasizing the street’s importance to the community. According to the plan, key intersections with Jackson Avenue include D Street and F Street.

Staff conducted a field check on August 31, 2022 and found a vacant building free of graffiti, trash and debris. The building is constructed to the property lines, and therefore no onsite parking is available. The adjacent properties are vacant lots used for parking.

FINDINGS (22-0479-EOT1)

Ordinance 6114 states, “An Extension of Time may be granted by the City Council only upon clear and convincing evidence of qualifying hardship and a determination that the public health, safety and welfare will not be jeopardized.” Staff finds that the applicant has demonstrated the need for an Extension of Time due to circumstances beyond the applicant’s control. Sufficient actions are being taken to reestablish the tavern use on this

Staff Report Page Three
October 19, 2022 - City Council Meeting

site. The health, safety and welfare of the public would not be jeopardized by continuation of the Liquor Establishment (Tavern) use at this location. Staff therefore recommends approval of the Extension of Time with a one-year time limit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc</i>	
10/06/10	The City Council adopted Ordinance 6114, which authorized, under certain circumstances, an extension of time regarding the expiration of certain nonconforming uses.
03/08/12	A Business License Enforcement Case (BLE111373) was processed for a routine Liquor Establishment (Tavern) inspection at 600 Jackson Avenue. The case was resolved on 05/30/12.
12/06/12	A Business License Enforcement Case (BLE123084) was processed for delinquent licensing fees for a Liquor Establishment (Tavern) at 600 Jackson Avenue. The case was resolved on 12/11/12.
12/03/13	A Business License Enforcement Case (BLE135907) was processed to verify the closure of the Liquor Establishment (Tavern) at 600 Jackson Avenue. The case was resolved on 12/18/13; all general licenses were marked out of business and the Tavern license was marked inactive on 12/18/13.
01/15/14	A business license enforcement case (BLE136842) was processed for a Liquor Establishment (Tavern) operating without a valid business license at 600 Jackson Avenue. The case was resolved on 04/03/14.
05/01/14	A Business License Enforcement Case (140484) was processed for a routine inspection of temporary business licenses at 600 Jackson Avenue, including L16-90052 for a Liquor Establishment (Tavern), D19-90053 for a Night Club and C05-90055 for a Tobacco Dealer. The case was resolved on 08/14/14.
12/17/14	The City Council approved a request for an Extension of Time (EOT-56322) for a nonconforming Liquor Establishment (Tavern) use at 600 Jackson Avenue. Staff recommended approval.
	The City Council approved an Extension of Time (EOT-56637) for a nonconforming Gaming Establishment, Nonrestricted use at 600 Jackson Avenue. Staff recommended approval.
10/21/15	The City Council approved a request for the second Extension of Time (EOT-61059) for a nonconforming Liquor Establishment (Tavern) use at 600 Jackson Avenue with a six-month time limit. Staff recommended approval.

Staff Report Page Four
October 19, 2022 - City Council Meeting

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc</i>	
03/02/16	The City Council approved a request for the third Extension of Time (EOT-63112) for a nonconforming Liquor Establishment (Tavern) use at 600 Jackson Avenue with a six-month time limit. Staff recommended approval.
10/05/16	The City Council approved a request for the fourth Extension of Time (EOT-66146) for a nonconforming Liquor Establishment (Tavern) use at 600 Jackson Avenue. Staff recommended approval.
10/18/17	The City Council approved a request for the fifth Extension of Time (EOT-71485) for a nonconforming Liquor Establishment (Tavern) use at 600 Jackson Avenue. Staff recommended approval.
09/05/18	The City Council approved a request for the sixth Extension of Time (EOT-74011) for a nonconforming Liquor Establishment (Tavern) use at 600 Jackson Avenue. Staff recommended approval.
03/19/19	Code Enforcement processed a Case (CE-197384) for a routine inspection at 600 Jackson Avenue. A reinspection was performed 04/03/19, where no violations were found. The case was closed 04/08/19.
08/21/19	The City Council approved a request for the seventh Extension of Time (EOT-76972) for a nonconforming Liquor Establishment (Tavern) use at 600 Jackson Avenue. Staff recommended approval.
10/07/20	The City Council approved a request for the eighth Extension of Time (20-0130-EOT1) for a nonconforming Liquor Establishment (Tavern) use at 600 Jackson Avenue. Staff recommended approval.
10/21/20	A Code Enforcement Case (CE20-05678) was reported for graffiti on the building, trash and debris, and a newly remodeled vacant building with homeless persons surrounding the building at 600 Jackson Avenue. The case was resolved on 01/11/21.
01/20/21	The City Council approved a General Plan Amendment (20-0166-GPA1) to amend a portion 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) for the area bounded by Owens Avenue on the north, Interstate 15, and Main Street on the east, and U.S. Highway 95 on the south and Martin L. King Boulevard on the west. The Planning Commission and staff recommended approval.
10/06/21	The City Council approved a request for the ninth Extension of Time (21-0469-EOT1) for a nonconforming Liquor Establishment (Tavern) use at 600 Jackson Avenue. Staff recommended approval.

Staff Report Page Five
October 19, 2022 - City Council Meeting

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc</i>	
04/06/22	The City Council adopted Ordinance 6806, which amended Las Vegas Municipal Code to consolidate alcoholic beverage license categories and adjust licensing treatment of the new and remaining categories, as well as corresponding changes to other alcohol-related provisions, including land use regulations. The ordinance also provided for the continuance, discontinuance or transition of existing licenses and land use approvals.

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

<i>Related Building Permits/Business Licenses</i>	
1955	The building on the subject site was constructed.
08/29/06	A building permit (C-71742) was issued for the demolition of the roof at 600 Jackson Avenue. The permit remains open.
11/15/06	A business license (R09-00039) was issued for a restaurant at 600 Jackson Avenue. The license was marked out of business on 02/14/11.
	A business license renewal (L16-00030) was issued for an existing Liquor Establishment (Tavern) at 600 Jackson Avenue. The license was marked nonoperational on 12/18/13.
	A business license (C08-01510) was issued for Coin Amusement Machines at 600 Jackson Avenue. The license was marked out of business on 07/11/11.
	A business license (G08-00038) was issued for nonrestricted gaming at 600 Jackson Avenue. The license was marked out of business on 07/13/11.
08/10/11	A building permit (C-192680) was issued for a 2,500 square-foot Tenant Improvement for Certificate of Occupancy at 600 Jackson Avenue. The permit received its final inspection on 01/24/12.
02/08/12	A business license (G08-00091) was issued for nonrestricted gaming at 600 Jackson Avenue. The license was marked inactive on 12/03/13.
	A business license (C08-01965) was issued for Coin Amusement Machines at 600 Jackson Avenue. The license was marked out of business on 12/18/13.
07/02/12	A business license (G50-08269) was issued for General Retail Sales at 600 Jackson Avenue. The license was marked out of business on 12/18/13.

Staff Report Page Six
October 19, 2022 - City Council Meeting

Related Building Permits/Business Licenses	
03/25/14	A temporary business license (L16-90052) was issued for a Liquor Establishment (Tavern) at 600 Jackson Avenue. The license was suspended on 08/01/14 for noncompliance and revoked on 08/12/14. A permanent license (L62-00107) was issued and placed in nonoperational status as an alcohol asset on 08/13/14.
03/26/14	A temporary business license (D19-90053) was issued for a Night Club at 600 Jackson Avenue. The license was suspended on 08/01/14 and revoked on 08/12/14.
04/23/15	A building permit (C-282242) was issued for a tenant improvement for a 6,000 square-foot casino at 600 Jackson Avenue. A final inspection was completed 08/05/15.
06/10/15	The business license (L62-00107) for a tavern asset at 600 Jackson Avenue was revoked for failure to pay delinquent renewal fees.
01/20/17	A liquor license (P63-00443) was issued for change of location of a nonoperational tavern from 2040 North Rainbow Boulevard 600 Jackson Avenue. The license was marked out of business on 04/21/22 as a result of Ordinance 6806, as liquor licenses are no longer assets eligible for nonoperational status.
	A business license (L65-00005) was issued for nonoperational liquor sales at 600 Jackson Avenue. The license was marked out of business on 04/21/22 as a result of Ordinance 6806, as liquor licenses are no longer assets eligible for nonoperational status.
09/18/17	A business license (G63-08769) was denied for a business license for retail sales at 600 Jackson Avenue.

Pre-Application Meeting

A pre-application meeting was not required, nor was one held.

Neighborhood Meeting

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

Field Check

08/31/22	The site contains a single-story building constructed to the back of the existing sidewalks along F Street and Jackson Avenue. Doors providing building access were boarded up. No trash or graffiti was observed. An existing illuminated nonconforming sign is located on the roof of the building and appears to be in good condition.
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Staff Report Page Seven
October 19, 2022 - City Council Meeting

Details of Application Request	
Site Area	
Net Acres	0.16

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Alcohol, On-Premise Full [Vacant]	FBC (Form Based Code)	T4-C (T4 Commercial)
	Gaming Establishment, Non-restricted [Vacant]		
North	Church/House of Worship	FBC (Form Based Code)	T4-N (T4 Neighborhood)
South	Vacant [paved lot]	FBC (Form Based Code)	T4-C (T4 Commercial)
East	General Retail Store, Other Than Listed [Vacant]	FBC (Form Based Code)	T4-C (T4 Commercial)
West	Vacant [unpaved lot]	FBC (Form Based Code)	T4-C (T4 Commercial)

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Downtown Las Vegas	Y
Vision 2045 Downtown Las Vegas Master Plan (Historic Westside)	Y
West Las Vegas Plan	Y
The HUNDRED Plan	Y
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District (140 Feet)	Y
DTLV-O (Downtown Las Vegas Overlay) District – Area 3	Y
Other Plans or Special Requirements	Compliance
Trails	N/A
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