

**AGENDA MEMO - COMMUNITY DEVELOPMENT****CITY COUNCIL MEETING DATE: AUGUST 2, 2023****DEPARTMENT: COMMUNITY DEVELOPMENT****ITEM DESCRIPTION: APPLICANT/OWNER: CORNER BUILDING, LLC**

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

| CASE NUMBER | RECOMMENDATION | REQUIRED FOR APPROVAL |
|---------------------|---|------------------------------|
| 23-0134-SUP1 | Staff recommends APPROVAL, subject to conditions: | |

**** NOTIFICATION ******NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 26**NOTICES MAILED** 295 (by City Clerk)**PROTESTS** 1**APPROVALS** 13

**** CONDITIONS ****

23-0134-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Cannabis Consumption Lounge 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. 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

This is a Special Use Permit request for a proposed Cannabis Consumption Lounge use at 1205 South Main Street.

ISSUES

- The Cannabis Consumption Lounge use is permitted in the C-M (Commercial/Industrial) with the approval of a Special Use Permit. Staff supports this request.

ANALYSIS

The subject site is a C-M (Commercial/Industrial) zoned property, located in the Downtown Las Vegas Overlay [18b Arts District] and is subject to the Appendix F: Interim Downtown Las Vegas Development Standards for Area 1. The subject site is a 4,035 square-foot tenant space within an existing commercial building.

The submitted floor plan, date stamped 04/03/23, depicts a 4,035 square-foot cannabis consumption lounge that includes a consumption and entertainment area, merchandise and service area, and space dedicated to back of house operations.

Projects located within the Downtown Las Vegas Overlay District (Area 1) are not subject to the automatic application of parking requirements. The commercial site provides no on-site parking. Projects located within the Downtown Las Vegas Overlay District may be evaluated based on a weighted parking requirement as detailed in Title 19.09.100. Based on the weighted parking requirement, 40 percent of the parking requirement indicated in Title 19.12 would require a minimum of 32 parking spaces. 70 percent of the parking requirement would require a minimum of 56 parking spaces. Alternative transportation options are provided through adjacent and nearby on-street parking, nearby public parking lots, bus stops, and the expectation that customers will utilize taxi and ride share services.

Title 19 defines the Cannabis Consumption Lounge use as, "A business that sells or otherwise provides single-use cannabis products and/or ready-to consume cannabis products for persons over the age of 21 to use or consume on the premises of the business. This use includes:

1. An independent cannabis lounge that is not attached to a cannabis dispensary;
and

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2. A retail cannabis consumption lounge that is attached or immediately adjacent to a cannabis dispensary. For the purposes of this description, the following definitions apply: “Attached” means physically attached to the physical premises of the retail cannabis consumption lounge. “Immediately adjacent to a cannabis dispensary” means having a common property line border with that dispensary, including the intersection of property lines at the property corners, with no street, building, or other property between.

The proposed use meets this definition as the applicant has specified that the proposed use would operate as an independent cannabis lounge that is not attached to a cannabis dispensary.

The Minimum Special Use Permit Requirements for this use include:

1. Pursuant to its general authority to regulate the use of cannabis within business establishments, 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 a cannabis consumption lounge and certain other uses that should be protected from the impacts associated with a cannabis consumption lounge. Therefore, except as otherwise provided in these Requirements, no cannabis consumption lounge may be located within 1000 feet of any school, or within 300 feet of any of the following uses:
 - a. City Park;
 - b. Church/house of worship;
 - c. Individual care – family home, individual care – group home, or individual care center (In each case licensed for the care of children);
 - d. Community recreational facility (public); or
 - e. Any use whose primary function is to provide recreational

The proposed use is not within 1000 feet of any school, or within 300 feet of any of the specified protected uses and therefore meets this requirement.

2. The use shall not be located on the property of an airport

The proposed use is not located on the property of an airport and therefore meets this requirement.

3. The use shall conform to, and is subject to, the provisions of LVMC Title 6, as they presently exist and may be hereafter amended.

If approved, the proposed use will require approval of a business license and continual inspections and therefore meets this requirement.

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4. The Special Use Permit shall be voided without further action if the use ceases for a period exceeding 90 days.

The Department of Community Development – Business Licensing division will monitor and require compliance with this requirement should the use cease.

5. Independent of the minimum distance separation requirements in Requirement 1, no independent cannabis consumption lounge may be located with 1000 feet of any other independent or retail consumption lounge, whether or not that other cannabis consumption lounge is located within the jurisdictional limits of the City. This separation requirement may be waived by the City Council in connection with special use permit approval in appropriate cases, including in areas in which the City Council might desire to encourage such establishments to locate. However, no such waiver is available for any proposed location within the Symphony Park District, the Las Vegas Medical District, or the Resort and Casino District, in each case as described in Appendix F of this Title.

The proposed use is not within 1000 feet of any other independent or retail consumption lounge and therefore meets this requirement.

- 6*. A waiver for outdoor consumption that is granted by the City Council to a cannabis consumption lounge pursuant to LVMC 6.95.160(J)(1) shall be deemed to have been conditioned upon a one-year required review by the Council. The determination of when the one-year period commences shall be described by the Council at the time the waiver is granted, with the review to be conducted in accordance with the standards and procedures for required reviews as set forth in LVMC 19.16.250.

No outdoor consumption is proposed and therefore this requirement is not applicable.

- 7*. No Special Use Permit for this use is available for any parcel that is located within 1500 feet of a parcel on which non-restricted gaming is conducted. The prohibitions in Requirement 1 and in the preceding sentence do not apply to any parcel regarding which a Special Use Permit for a cannabis dispensary has been approved, and which was in compliance with the requirements at the time of approval.

The proposed use is not within 1500 feet of any parcel on which non-restricted gaming is conducted and therefore meets this requirement.

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The subject site is located within Redevelopment Area 1 of the City of Las Vegas Redevelopment Area 1 of the City of Las Vegas Redevelopment Plan. In general, the goals and objectives of the redevelopment program in redevelopment area 1 are as follows:

1. To eliminate and prevent the spread of blight and deterioration and the conservation, rehabilitation, and redevelopment of Redevelopment Area 1 in accordance with the Master Plan, the Redevelopment Plan, local codes, and ordinances.
2. To achieve an environment reflecting a high level of concern for architectural, landscape, and urban design and land use principles appropriate for attainment of the objectives of the Redevelopment Plan.
3. To minimize unplanned growth by guiding revitalization activities and new development in such fashion as to meet the needs of Redevelopment Area 1, the City and its citizens.
4. To retain existing businesses by means of redevelopment and rehabilitation activities and by encouraging cooperation and participation of owners, businesses and public agencies in the revitalization of Redevelopment Area 1.
5. To encourage investment by the private sector in the development and redevelopment of Redevelopment Area 1 by eliminating impediments to such development and redevelopment.
6. To encourage maximum participation of residents, businesspersons, property owners, and community organizations in the redevelopment of Redevelopment Area.
7. To replan, redesign, and develop areas which are stagnant or improperly used.
8. To ensure adequate utility capacity to accommodate redevelopment and new development.

The subject site is located within the Downtown Las Vegas neighborhood area as defined in the City of Las Vegas 2050 Master Plan. Downtown is characterized by a traditional urban fabric centered on Fremont Street. The Downtown is divided into several unique and culturally rich neighborhoods, including the 18b Arts District. Behaving as the creative heart of the city, the 18b Las Vegas Arts District is home to many of the city's art galleries, resident artists, and local stores. However, underutilized and vacant land still exists in this area and offers an opportunity for investment. The proposed use, if approved, would occupy and rehabilitate a portion of a commercial building that has stood largely underutilized.

Staff finds that the proposed Cannabis Consumption Lounge use would promote the sound redevelopment of a blighted area and therefore, fulfills goals, policies, and objectives outlined in the City of Las Vegas Redevelopment Plan – Redevelopment Plan Area 1.

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As the proposed use meets all minimum Special Use Permit requirements, staff finds that the proposed use can be conducted in a harmonious and compatible manner with the surrounding area and therefore recommends approval of the Special Use Permit, subject to conditions.

FINDINGS (23-0134-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 subject site complies with all minimum distance separation requirements as set forth by Title 19.12 and therefore the use can be conducted in a compatible and harmonious manner with the existing surrounding land uses and future land uses as projected by the General Plan

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

The subject site is a vacant commercial suite within an existing commercial building and is physically suitable for the type and intensity of land use proposed.

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 by Main Street, a 100-foot Primary Arterial, and California Avenue, a 74-foot Collector Street, as defined by the Master Plan of Streets and Highways. Both streets are adequate in size to meet the requirements 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.**

If approved, the Special Use Permit will be subject to Business License compliance inspections to ensure that the use will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.

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

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The proposed Cannabis Consumption Lounge use meets all of the applicable conditions per Title 19.12.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i> | |
|---|--|
| 06/20/01 | The City Council approved a Petition to Vacate (VAC-0007-01) a portion of the south side of California Street between Commerce Street and 3 rd Street. The Planning Commission and staff recommended approval. |
| 05/10/16 | The Planning Commission approved a request for a Special Use Permit (SUP-64002) for a proposed 1,764 square-foot Restaurant with Service Bar use at 1201 South Main Street. Staff recommended approval. The approval expired on 05/10/18. |
| 08/09/16 | The Planning Commission approved a request for a Special Use Permit (SUP-65405) for a proposed 1,657 square-foot Tavern-Limited Establishment use at 60 East California Street. Staff recommended approval. |
| 09/11/18 | The Planning Commission approved a request for a first Extension of Time (EOT-74150) of an approved Special Use Permit (SUP-65405) for a proposed 1,657 square-foot Tavern-Limited Establishment use at 60 East California Street. Staff recommended approval. |
| 12/03/18 | Department of Planning staff conducted a Conditional Use Verification (CUV-75214) for a proposed Beer/Wine/Cooler On-Sale Establishment use at 80 East California Street. |
| 04/05/19 | A Reversionary Final Map (FMP-75816) to revert two lots comprising 0.32 acres at the southeast corner of California Street and Main Street was recorded. |
| 12/18/19 | Department of Planning staff conducted a Conditional Use Verification (CUV-78115) for an Open Air Vending/Transient Sales Lot use that would permit a mobile food trailer at 100 East California Street. Staff denied the review, as there was no active business at this address. An approved Special Use Permit would therefore be necessary to conduct the proposed use on the property with unoccupied structures and/or unpaved surfaces. |
| 01/28/20 | The Planning Commission approved a request for a Special Use Permit (SUP-78030) for a proposed 5,811 square-foot Urban Lounge use with 694 square feet of outdoor seating at 1203, 1205, and 1207 South Main Street. Staff recommended approval. |
| 03/02/20 | Department of Planning staff conducted a Conditional Use Verification (CUV-78492) for a Restaurant Service Bar use at 100 East California Street. |

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| <i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i> | |
|---|---|
| 03/10/20 | The Planning Commission approved a request for a Special Use Permit (SUP-78227) for a proposed 1,477 square-foot Tavern-Limited Establishment use at 100 East California Street. Staff recommended approval. |
| 10/13/20 | The Planning Commission approved a request for a Waiver (20-0145-WVR) of Title 19 Appendix F: Interim Downtown Las Vegas Development Standards to allow mechanical equipment within public right-of-way where such is prohibited on the south side of California Street between Main Street and Casino Center Boulevard. Staff recommended denial. |
| 11/10/20 | The Planning Commission approved a request for a second Extension of Time (20-0083-EOT1) for an approved Special Use Permit (SUP-65405) for a proposed 1,657 square-foot Tavern-Limited Establishment use at 60 East California Street. Staff recommended approval. |
| 11/25/20 | Department of Planning Staff conducted a Conditional Use Verification (100175-CUV) for an Open Air Vending/Transient Sales Lot use that would permit a 160 square-foot mobile food trailer behind an existing building at 100 East California Street. |
| 06/15/21 | Department of Planning staff administratively approved a Minor Amendment (21-0264-SUP1) to a previously approved Special Use Permit (SUP-65405) for a 793 square-foot expansion of an approved 1,657 square-foot tavern-limited establishment use and relocation on the same parcel at 60 East California Street and 1203, 1205 and 1207 South Main Street. |
| 06/16/23 | The Planning Commission voted (5-0-1) to recommend DENIAL of a request FOR A PROPOSED 4,035 SQUARE-FOOT CANNABIS CONSUMPTION LOUNGE USE at 1205 South Main Street (APN 162-03-105-011), C-M (Commercial/Industrial) Zone, Ward 3 (Diaz). |

| <i>Most Recent Change of Ownership</i> | |
|---|--|
| 10/27/2022 | A deed was recorded for a change in ownership. |

| <i>Related Building Permits/Business Licenses</i> | |
|--|---|
| c.1945 | A commercial building was constructed at 1201 South Main Street |

| <i>Pre-Application Meeting</i> | |
|---------------------------------------|---|
| 03/13/23 | A pre-application meeting was held with the applicant 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.

Field Check

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|----------|--|
| 04/03/23 | Staff conducted a routing field check of the subject site and observed a vacant commercial building. Nothing of concern was noted. |
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Details of Application Request

Site Area

| | |
|-------------|------|
| Gross Acres | 0.32 |
|-------------|------|

| <i>Surrounding Property</i> | <i>Existing Land Use Per Title 19.12</i> | <i>Planned or Special Land Use Designation</i> | <i>Existing Zoning District</i> |
|------------------------------------|---|---|--|
| Subject Property | Restaurants/Tavern-Limited Established | C (Commercial) | C-M (Commercial/Industrial) |
| North | Secondhand Dealer | C (Commercial) | C-M (Commercial/Industrial) |
| South | Mixed-use | C (Commercial) | C-M (Commercial/Industrial) |
| East | Urban Lounge | MXU (Mixed Use) | C-1 (Limited Commercial) |
| West | Restaurant | C (Commercial) | C-M (Commercial/Industrial) |

| <i>Master and Neighborhood Plan Areas</i> | <i>Compliance</i> |
|--|--------------------------|
| Las Vegas 2050 Master Plan Area: Downtown Las Vegas | Y |
| Appendix F: Interim Downtown Las Vegas Development Standards | Y |
| <i>Special Area and Overlay Districts</i> | <i>Compliance</i> |
| DTLV-O (Downtown Las Vegas Overlay) District – Area 1 (18b Arts District) | Y |
| LW-O (Live/Work Overlay) District | N/A |
| <i>Other Plans or Special Requirements</i> | <i>Compliance</i> |
| Trails – Tortoise Trail – 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 |

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DEVELOPMENT STANDARDS

| Street Name | Functional Classification of Street(s) | Governing Document | Actual Street Width (Feet) | Compliance with Street Section |
|--------------------|---|---|-----------------------------------|---------------------------------------|
| Main Street | Primary Arterial | Master Plan of Streets and Highways Map | 100 Feet | Y |
| California Avenue | Collector Street | Master Plan of Streets and Highways Map | 74 Feet | Y |

| Parking Requirement - Downtown (Areas 1-3) | | | | | | | |
|---|--|----------------------|----------------|-----------------|----------------|-------------------|----|
| Use | Gross Floor Area or Number of Units | Required | | Provided | | Compliance | |
| | | Parking Ratio | Parking | | Parking | | |
| | | | Regular | Handi-capped | Regular | Handi-capped | |
| Cannabis Consumption Lounge | 4035 SF | 1/250 SF | 17 | | | | |
| General Personal Service – Nail Salon | 5 Chairs | 2/Chairs | 3 | | | | |
| General Retail, Other than Listed | 888 SF | 1/250 SF | 4 | | | | |
| Restaurant/Tavern Limited Establishment | 2,071 (Seating) | 1/50 SF | 42 | | | | |
| | 2,628 (Remaining) | 1/200 SF | 14 | | | | |
| TOTAL SPACES REQUIRED (unweighted) | | | 80 | | | | |
| TOTAL SPACES REQUIRED (weighted requirement, see below) | | | 32-56 | | 0 | | Y* |
| Regular and Handicap Spaces Required | | | 76 | 4 | 0 | 0 | Y* |

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| <i>Downtown Form Based Code Parking Standards - Title 19.09.100.G</i> | | | |
|--|------------------------|---|----|
| Parking Standards High Load – Zone 2 | Between 40% and 70% | 0 | Y* |

Projects located within the Downtown Las Vegas Overlay District may be evaluated based on a weighted parking requirement as detailed in Title 19.09.100. 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. 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.