

A RESOLUTION OF THE LAS VEGAS CITY COUNCIL ENACTING A MORATORIUM ON CERTAIN LAND USE ENTITLEMENT APPLICATIONS AND BUSINESS LICENSE APPLICATIONS WHICH PERMIT THE SALE OF SEALED OR CLOSED CONTAINERS OF ALCOHOL UPON THE PEDESTRIAN MALL LOCATED ON FREMONT STREET BETWEEN MAIN STREET AND LAS VEGAS BOULEVARD FOR A PERIOD OF 180 DAYS.

WHEREAS, the City of Las Vegas ("City") is experiencing a true renaissance in its downtown core, spurred by an ongoing and lasting redevelopment program and private sector investment in and around the existing pedestrian mall designated by LVMC 11.68 generally, and as specifically described at LVMC 11.68.040 (the "Pedestrian Mall");

WHEREAS, the City can attest to an increased number of visitors to the Pedestrian Mall and the other revitalized areas of the downtown core in and around the Pedestrian Mall due to such redevelopment efforts and private sector investment;

WHEREAS, the City desires that out-of area tourists and local visitors completely enjoy the experiences provided by the Pedestrian Mall and the other revitalized areas of the downtown core, including the many restaurants, taverns, casinos, live music venues and any of the other experiences available on and around the Pedestrian Mall;

WHEREAS, the Pedestrian Mall is located generally upon Fremont Street, it is approximately 5 blocks in length between Main Street and Las Vegas Boulevard, and it is partially enclosed by a canopy that provides a LED light show after dark to enter attract and retain local visitors and out-of-area tourists. The Pedestrian Mall is closed to vehicular traffic, except for two streets allow for cross-traffic, Casino Center Drive and Fourth Street;

WHEREAS, in addition to the thousands of daily visitors walking up and down the Pedestrian Mall, one will find, on or immediately adjacent to the mall the following attractions: casinos, restaurants, freestanding taverns, stages for music performances, bars attached to casinos operated by casinos, kiosks selling merchandise, buskers and others panhandling from visitors, souvenir shops selling closed containers of hard alcohol, beer and wine, souvenir shops that do not sell alcohol and numerous package liquor stores;

WHEREAS, the City Council for the City of Las Vegas is the governing body responsible

Submitted At Meeting

Date 11/14/13 Item 4
by Brad Terbiz

1 for approving land use entitlements for alcohol uses and liquor licenses authorizing the sale of alcohol upon
2 the Pedestrian Mall;

3 WHEREAS, there are currently twenty-seven existing land use entitlements that permit the
4 sale of closed containers of hard alcohol, beer and wine on, upon or adjacent to the Pedestrian Mall;

5 WHEREAS, there are currently twenty-one existing liquor licenses that permit the sale of
6 closed containers of hard alcohol, beer and wine on, upon or adjacent to the Pedestrian Mall;

7 WHEREAS, there is great concern by members of the City Council, City staff, as well as
8 the Metropolitan Police Department, that based upon the number of locations that are authorized to sell
9 closed containers hard alcohol, beer and wine which allow for unsupervised consumption of these alcoholic
10 beverages upon the Pedestrian Mall, there may be an over-saturation of these establishments upon the mall;

11 WHEREAS, the City Council is concerned that there may be negative secondary effects
12 that may be attributed to the over-saturation of establishments that sell hard alcohol, beer and wine in
13 closed containers for unsupervised consumption upon the Pedestrian Mall, and these negative effects could
14 have a negative impact the growing numbers of local visitors and out-of-area tourists that visit the
15 revitalized downtown core;

16 WHEREAS, based upon these concerns, the City Council desires to take a responsible
17 amount of time to study this issue and thoughtfully consider the policy and legal implications of permitting
18 further land use entitlements and issuing additional liquor licenses that permit the sale of closed containers
19 of alcohol upon the Pedestrian Mall;

20 WHEREAS, City Council desires to restrict the City Manager from accepting certain land
21 use applications and alcoholic beverage license applications for establishment on, upon or adjacent to the
22 Pedestrian Mall for a period of six months from the date this resolution is adopted.

23 NOW, THEREFORE, BASED ON THE FOREGOING, BE IT RESOLVED BY THE
24 CITY COUNCIL OF THE CITY OF LAS VEGAS that:

25 SECTION 1: A MORATORIUM IS HEREBY DECLARED ON THE ACCEPTANCE
26 OR CONSIDERATION OF THE FOLLOWING TITLE NINETEEN LAND USE APPLICATIONS FOR

1 THE FOLLOWING USES ON, UPON OR ADJACENT TO THE PEDESTRIAN MALL:

- 2 1) Liquor Establishment (Tavern) which does not include a request for a condition restricting the
3 proposed establishment from the sale of alcoholic beverages on an off-sale basis;
- 4 2) Package Liquor Off-Sale Establishment;
- 5 3) Retail Establishment with Accessory Package Liquor Off-Sale;
- 6 4) Beer/Wine/Cooler Off-Sale Establishment; and
- 7 5) Beer/Wine/Cooler On- and Off-Sale Establishment.

8 SECTION 2: A MORATORIUM IS HEREBY DECLARED ON THE ACCEPTANCE
9 OR CONSIDERATION OF THE FOLLOWING TITLE SIX ALCOHOL BEVERAGE LICENSE
10 APPLICATIONS FOR USE AT ESTABLISHMENTS ON, UPON OR ADJACENT TO THE
11 PEDESTRIAN MALL:

- 12 1) Tavern license which does not include a request for a condition restricting the proposed
13 establishment from the sale of alcoholic beverages on an off-sale basis;
- 14 2) Package license; and
- 15 3) Beer/Wine/Cooler Off-Sale license.

16 SECTION 3: DURING THE PENDENCY OF THIS MORATORIUM, THE CITY
17 MANAGER SHALL NOT ACCEPT NOR PROCESS ANY OF THE ABOVE-LISTED LAND USE
18 ENTITLEMENT APPLICATIONS OR ALCOHOLIC BEVERAGE LICENSE APPLICATIONS.

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1 SECTION 4: THIS MORATORIUM SHALL COMMENCE UPON THE ADOPTION
2 OF THIS RESOLUTION BY THE CITY COUNCIL, AND SHALL TERMINATE AT THE CLOSE OF
3 BUSINESS ONE HUNDRED EIGHTY CALENDAR DAYS FROM DATE OF COMMENCEMENT OF
4 THE MORATORIUM, UNLESS:

- 5 1) EARLIER TERMINATED BY THE CITY COUNCIL; OR
6 2) AN EXTENSION OF THIS MORATORIUM IS APPROVED BY THE CITY COUNCIL AT A
7 PUBLIC MEETING.

8 PASSED, ADOPTED, AND APPROVED this ____ day of _____, 2013.

9 CITY OF LAS VEGAS

10 BY _____
11 CAROLYN G. GOODMAN, Mayor

12 ATTEST:

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14 _____
BEVERLY K. BRIDGES, MMC
City Clerk

15 APPROVED AS TO FORM

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17 _____
James B. Lewis,
Deputy City Attorney

18 Date 10/28/13