



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: AUGUST 8, 2017

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: CASA DON JUAN RESTAURANTS - OWNER:
MGG, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
SUP-71018	Staff recommends APPROVAL, subject to conditions:	
SDR-71019	Staff recommends APPROVAL, subject to conditions:	SUP-71018

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 27

NOTICES MAILED 300

PROTESTS 0

APPROVALS 1

**** CONDITIONS ****

SUP-71018 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Urban Lounge use.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-71019) shall be required.
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 Department of Building and Safety.
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.

SDR-71019 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-71018) shall be required, if approved.
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 development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 06/27/17, except as amended by conditions herein.
4. All mechanical equipment shall be screened from street level and surrounding building view in accordance with the Downtown Centennial Plan.
5. 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 Department of Building and Safety.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
7. All utility or mechanical equipment shall comply with the provisions of the Downtown Centennial Plan, unless approved by a separate Waiver.
8. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
9. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

10. New access doors or gates shall be outside of the public right-of-way when in the fully opened position.

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11. Contact the City Engineer's Office at 702-229-6272 to coordinate the development of this project with the California Street Complete Streets from Commerce Street to 3rd Street project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
12. Submit a License Agreement for landscaping and private improvements in the Main Street public right-of-way, if any, prior to the issuance of permits for these improvements. The applicant must carry an insurance policy for the term of the License Agreement and add the City of Las Vegas as an additionally insured entity on this insurance policy. 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 Building and Safety (229-4836).
13. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing to expand an existing Restaurant and Urban Lounge located at 1208 South Main Street within 18b The Las Vegas Arts District.

ISSUES

- Per Title 19.16, a Major Amendment to the previously approved Special Use Permit (SUP-71018) is required to expand the existing Urban Lounge use 129 percent.

ANALYSIS

The subject site located at 1208 South Main Street is not only within the 18b Las Vegas Arts District, but also the Downtown Redevelopment Area. The proposed expansion and renovation supports the Las Vegas Redevelopment Plan's goals and objectives by proposing a facility that will *"reflect 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."*

The subject site is an existing 7,940 square-foot Restaurant and Urban Lounge that the applicant has proposed to expand by 11,076 square feet. The expansion includes encompassing recently vacated and acquired property to the south, as well as adding a second story to the existing single-story building. Once completed, the newly expanded Restaurant and Urban Lounge would be 19,016 square feet.

The first floor remodel and expansion will include new dining areas, an expanded bar area, new covered and uncovered outdoor dining areas, men's and women's restrooms, and an elevator leading to the new second-story addition. The expansion includes a 375 square-foot wash room which will cause the loss of one parking space. Fifteen (15) parking spaces will remain onsite.

The second story will add additional dining area, a meeting room, new bar, kitchen, and restroom facilities. The second floor addition also includes a balcony area where diners can overlook Main Street and the 18b Las Vegas Arts District while they dine.

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In addition to the remodel and addition, the applicant has proposed a complete facade renovation to unite the expansion area with the existing facility, and update the facility as a whole while maintaining their established theme. The façade improvements include towers, pop-out elements, and bay windows to add depth and interest to the overall appearance of the new two-story structure. At its tallest point, the newly renovated Restaurant and Urban Lounge would be 44 feet, four inches.

The goal of the Arts District is to encourage building design that contributes to the quality of life in an active, aesthetically considered manner. The proposed street level design expands the existing enlivened street atmosphere by expanding the existing exterior façade elements along Main Street and by proposing the addition of a second-story balcony that will overlook Main Street. The proposed renovations will enhance the visual continuity of activity from interior to the pedestrian experience outside. The architectural details proposed include all elevations of the subject building.

In accordance with the 18b Las Vegas Arts District of the Downtown Centennial Plan, “all structures located within 18b The Las Vegas Arts District are exempted from the automatic application of the building setbacks called for in Title 19.08. This exemption does not prohibit the Planning Commission or the City Council from imposing a setback in connection with the approval of a Site Development Plan.” The proposed structure will not see any significant alterations to the existing footprint, only a minor expansion of the interior dining area to the southwest and the addition of outdoor patio dining as part of the overall expansion to the south. The existing structure is built-to-line along the north, south and east property lines, with the existing parking lot and outdoor patio areas also extending to the property lines along the west and south property lines. Residential adjacency does not apply as no residentially zoned property is within the vicinity of the subject site, as the residential property would need to be within 133 feet of the subject sites property lines to be applicable.

The subject site is currently served by the LVVWD (Las Vegas Valley Water District) but does not have the required backflow prevention per NAC 445A.67195. Civil and plumbing plans will need to be submitted to LVVWD for domestic meter sizing, fire flow sizing and backflow retrofit.

The Department of Public Works notes that normally it would require that portions of the existing adjacent public sidewalk path be brought up to current Americans with Disabilities Act (ADA) Standards; but due to the current construction project the City has underway for Main Street, and is in the preliminary design stages of a construction project on California Street, upgrading the existing improvements adjacent to the subject site is not required for this Site Development Plan Review.

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According to the Traffic Division of Public Works, this project will add approximately 1,010 trips per day on Main Street, California Street, and Charleston Boulevard. Currently, Main Street is at approximately 58 percent of capacity and Charleston is at approximately 71 percent of capacity. With this project, Main Street is expected to be at approximately 63 percent of capacity and Charleston Boulevard to be at approximately 73 percent of capacity. Current traffic counts are not available for California, but it is believed to be under capacity.

Based on Peak Hour use, this development would add into the area approximately 86 additional vehicles or about three vehicles every two minutes.

Special Use Permit

The Urban Lounge use is defined as an establishment that:

1. Is licensed for the sale of alcoholic beverages for consumption on the premises where the same are sold, and the sale, to consumers only and not for resale, of alcoholic beverages in original sealed or corked containers, for consumption off the premises where the same are sold; and
2. Meets the Minimum Special Use Permit Requirements set forth below.

The Minimum Special Use Permit Requirements for this use include:

1. The use is limited to the area located within the boundaries of 18b The Las Vegas Arts District, as described in the Downtown Centennial Plan and as amended from time to time.

The proposed use meets this requirement as the subject site is located at 1208 South Main Street within 18b The Las Vegas Arts District.

2. For each seat provided at the bar of the establishment, there must be a minimum of 2 seats within a lounge area located away from the bar.

The proposed use meets this requirement, as the first floor bar area depicts 11 bar stools with lounge seating for 24. The second floor bar is for service only.

3. The use is subject to the provisions of LVMC Chapter 6.40 relating to gaming and LVMC Chapter 6.50 relating to liquor control.

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The Urban Lounge use is subject to regular inspections to ensure compliance with LVMC Chapter 6.40 and 6.50.

The proposed expansion and renovation of an existing Restaurant and Urban Lounge meets the minimum development standards set forth by both the Downtown Centennial Plan and Title 19 and is compatible with existing development in the area; therefore, staff recommends approval of both applications.

FINDINGS (SUP-71018)

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 expansion of an existing Restaurant and Urban Lounge will continue to be harmonious and compatible with the existing surrounding land uses and with future 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 intensity of the proposed Urban Lounge expansion.

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.

The subject site is currently accessed by California Street, and will continue to be adequate in size for the expanded Restaurant and Urban Lounge 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 Urban Lounge expansion will not compromise the public health, safety, and welfare as the proposed use will be subject to regular inspections by multiple government agencies to ensure compliance with all applicable regulating codes and laws.

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

The proposed Urban Lounge use has met all applicable conditions set forth by Title 19.12.

FINDINGS (SDR-71019)

In order to approve a Site Development Plan Review application, per Title 19.16.100(E) the Planning Commission and/or City Council must affirm the following:

1.The proposed development is compatible with adjacent development and development in the area;

The proposed development is an addition and expansion of an existing Restaurant and Urban Lounge that will remain compatible with adjacent development and development in the 18b Las Vegas Arts District.

2.The proposed development is consistent with the General Plan, this Title, and other duly-adopted city plans, policies and standards;

The proposed development is consistent with the Downtown Centennial Plan, The 18b Las Vegas Arts District and Title 19 where applicable.

3.Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;

Site access and circulation will not be altered as part of this proposal, and will not negatively impact adjacent roadways or neighborhood traffic.

4.Building and landscape materials are appropriate for the area and for the City;

Building materials used for the addition will match the existing materials, including wrought iron, concrete roof tiles, and stucco. These materials are appropriate for the area and the City, no landscape materials are proposed at this time.

5.Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

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The proposed building elevations are not unsightly or obnoxious in appearance and create an aesthetically pleasing environment. The proposed building elevations will enhance the established building theme and are compatible with the 18b Las Vegas Arts District.

6.Appropriate measures are taken to secure and protect the public health, safety and general welfare.

The existing and proposed expansion of an Urban Lounge will continue to be subject to regular site inspections by such agencies as the City of Las Vegas Department of Planning, Licensing Division and the Southern Nevada Health District.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
04/18/01	The City Council approved a request for a Special Use Permit (U-0200-00) for a proposed Restaurant Service Bar for the sale of liquor in conjunction with an existing restaurant and proposed restaurant addition at 1204 South Main Street. The Planning Commission recommended approval.
06/20/01	The City Council approved a Petition to Vacate (VAC-0007-01) a portion of the south side of California Street generally located between Commerce Street and Third Street.
08/07/02	The City Council approved a request for a Reinstatement and Extension of Time [U-0200-00(1)] of an approved Special Use Permit (U-0200-00) which allowed a Restaurant Service Bar in conjunction with an existing restaurant and proposed expansion located at 1202-1204 South Main Street.
08/03/05	The City Council approved a request for a Review of Condition (ROC-7108) of Number 8 of approved Special Use Permit (U-0200-00) to remove the requirement to construct all incomplete half-street improvements (streetlights) adjacent to the site on California Street prior to occupancy of the proposed expansion at 1204 South Main Street. Staff recommended denial.
10/03/07	Code Enforcement processed a complaint (#58487) for non-permitted temporary signs at 1204 South Main Street. The case was resolved on 10/16/07.

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
08/26/10	The Planning Commission approved a request for a Special Use Permit (SUP-38865) for a proposed 7,940 square-foot Urban Lounge with outdoor dining area within an existing restaurant at 1204 South Main Street. Staff recommended approval.
03/15/11	Staff administratively approved a request for a Minor Site Development Plan Review (SDR-41084) for a proposed outdoor dining area at an existing restaurant at 1204 South Main Street.
06/19/12	Code Enforcement processed a complaint (#115920) for non-permitted temporary signs at 1206 South Main Street. The case was resolved on 09/17/12.
04/23/14	Parcel Map (PMP-53854) for a one-lot merger and resubdivision parcel map on 0.49 acres at the southwest corner of California Street and Main Street was received. The map recorded on 05/26/15.
05/21/15	Code Enforcement processed a complaint (#155226) for non-permitted temporary signs at 1204 South Main Street. The case was resolved on 06/04/15.

<i>Most Recent Change of Ownership</i>	
11/25/09	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
Pre-1991	A business license was issued (#R09-00041) for a restaurant at 1204 South Main Street.
11/13/96	A building permit (#96022667) was issued for a non-work certificate of occupancy in order to change the use of the building to a restaurant at 1202 South Main Street. The permit expired on 05/17/97.
05/09/02	A building permit (#2008470) was issued for a sign (tag #006049) at 1202 South Main Street. The permit was renewed on 03/06/03, and received its final inspection on 03/07/03
08/28/02	A building permit (#2015650) was issued for a tenant improvement (remodel and expansion) at 1204 South Main Street. The permit received its final inspection on 04/25/03.
09/24/03	A business license (L19-00008) was issued for a service bar at 1204 South Main Street. The license is active as of 07/24/17.
01/24/05	A building permit (#34516) was issued for a fire sprinkler system at 1204 South Main Street. The permit did not receive its final inspection.

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Related Building Permits/Business Licenses	
02/13/06	A building permit (#97097) was issued for disaster repair at 1204 South Main Street. The permit received its final inspection on 01/13/09.
08/31/07	A building permit (#97097) was issued for a generator at 1202 South Main Street. The permit did not receive its final inspection.
09/04/07	A building permit (#97092) was issued for new 600 AMP service at 1202 South Main Street. The permit did not receive its final inspection.
09/20/11	A building permit (#193937) was issued for a tenant improvement at 1204 South Main Street. The permit received its final inspection on 01/04/12.
10/03/11	A business license (L41-00003) was issued for an Urban Lounge at 1204 South Main Street. The license is active as of 07/24/17.
	A business license (G01-02430) was issued for restricted gaming at 1204 South Main Street. The license is active as of 07/24/17.
02/20/13	A building permit (#230019) was issued for a kitchen hood at 1204 South Main Street. The permit received its final inspection on 11/08/13.
03/11/14	A building permit (#256049) was issued to relocate a sink at 1204 South Main Street. The permit did not receive its final inspection.
03/16/16	A business license (G64-01679) was issued for an ATM (Automated Teller Machine) at 1204 South Main Street. The license is active as of 07/24/17.
	A business license (G64-04748) was issued for amusement machines at 1204 South Main Street. The license is active as of 07/24/17.

Pre-Application Meeting	
04/13/17	Staff conducted a pre-application meeting with the applicant where the submittal requirements for a Major Amendment to a Special Use Permit and a Site Development Plan Review were discussed.

Neighborhood Meeting	
A Neighborhood meeting was not required, nor was one held.	

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Field Check	
06/29/17	Staff performed a routine field check where the subject Restaurant and Urban Lounge were observed to be free of graffiti and debris. A temporary sign (banner) was observed on the southern elevation facing the parking lot. Staff was unable to locate a temporary sign permit for the sign.

Details of Application Request	
Site Area	
Net Acres	0.48

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Restaurant / Urban Lounge	C (Commercial)	C-M (Commercial/Industrial)
North	General Retail Store, Other Than Listed	C (Commercial)	C-M (Commercial/Industrial)
	Tavern Limited		
South	General Retail Store, Other Than Listed	C (Commercial)	C-M (Commercial/Industrial)
	Tavern Limited		
East	General Retail Store, Other Than Listed	C (Commercial)	C-M (Commercial/Industrial)
West	Health Club	LI/R (Light Industry / Research)	C-M (Commercial/Industrial)
	Office, Other Than Listed		

Master and Neighborhood Plan Areas	Compliance
Downtown Centennial Plan	Y

<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
DCP-O (Downtown Centennial Plan Overlay) District	Y
LW-O (Live/Work Overlay) District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area – Downtown Redevelopment Area	Y
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Main Street	Primary Arterial	Master Plan of Streets and Highways	85	N*
California Street	Major Collector	Master Plan of Streets and Highways	74	N**

**A Condition of Approval has been added requiring a License Agreement from the applicant for landscaping and private improvements in the Main Street public right-of-way.*

***A Condition of Approval has been added requiring the applicant to coordinate with City Engineer's office for the California Street Complete Streets public improvement project.*

<i>Streetscape Standards</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
18b The Las Vegas Arts District	Five-foot Amenity Zone with 10-foot Wide Sidewalk	No Amenity Zone, Five-foot Wide Sidewalk	N*

**A Condition of Approval has been added requiring a License Agreement from the applicant for landscaping and private improvements in the Main Street public right-of-way.*

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	
Restaurant	19,016 SF	1 Space per 50 SF of Public Seating (7,230 SF)	145				
		1:200 for the Remaining SF (11,786 SF)	59				
Urban Lounge		To be determined on a case-by-case basis.	0				
TOTAL SPACES REQUIRED			204		13		Y*
Regular and Handicap Spaces Required			197	7	11	2	Y*
Loading Spaces	19,016 SF	10,000 to 29,999 SF	2		0		Y**

**Projects located within the Las Vegas Downtown Centennial Plan area 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.*

***Per Title 19.08, "Except for uses within the Downtown Centennial Plan Overlay District, every use that receives or distributes materials or merchandise by truck shall provide and maintain on-site loading spaces."*