



Recommending Committee Minutes

1. Call to Order

Minutes:

COUNCILMAN KNUDSEN called the meeting to order at 10:03 a.m.

PRESENT: COUNCILMEMBERS KNUDSEN, SEAMAN and ALLEN-PALENSKE

ALSO PRESENT: CHIEF OPERATIONS AND DEVELOPMENT OFFICER TOM PERRIGO, CHIEF DEPUTY CITY ATTORNEY VAL STEED, CITY CLERK LUANN D. HOLMES, and DEPUTY CITY CLERK ASHLEY FOSTER

2. Announcement Regarding: Compliance with Open Meeting Law

Minutes:

ANNOUNCEMENT MADE: This meeting has been properly noticed and posted at the following locations in accordance with the noticing standards as outlined in NRS 241.020: City Hall, 495 South Main Street, 1st Floor; The City of Las Vegas website – www.lasvegasnevada.gov; and The Nevada Public Notice website – notice.nv.gov.

3. For possible action to approve the Final Minutes by reference of the January 17, 2023 Recommending Committee Meeting

Motion made by Francis Allen-Palenske to Approve

Passed For: 3; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Brian Knudsen, Francis Allen-Palenske;

4. Bill No. 2023-3 - ABEYANCE ITEM - For possible action - Amends various provisions of LVMC Chapter 6.95 and Title 19.12 to include cannabis consumption lounges, and repeals LVMC Chapter 6.96 in its entirety. Proposed by: Seth T. Floyd, Esq., Director of Community Development

Minutes:

COUNCILMAN KNUDSEN declared the Public Hearing open.

SETH FLOYD, Director of Community Development, said a full presentation on the bill was conducted at the last meeting, and CHIEF DEPUTY CITY ATTORNEY VAL STEED would read several amendments into the record.

COUNCILMAN KNUDSEN said that at the last meeting, he requested a two-week abeyance, as several members of the industry as well as the Las Vegas Metropolitan Police Department (Metro) and their representatives reached out to him. He reviewed the three proposed amendments. The first amendment is related to distance separation. He intends to maintain the current distance separation requirements, as he did not think there was any desire to have consumption lounges within residential areas. In the Downtown Las Vegas Overlay District, excluding the Medical District and Symphony Park, there is the potential to have more

than one consumption lounge within 1,000 feet. The second amendment pertained to outdoor smoking, which he believed to be the most contentious, and he welcomed feedback on it. His idea was that smoking outside at a consumption lounge is no different than at any other place. The third amendment was a request from Metro regarding training and their ability to review a training plan. He felt that codifying this approval would be challenging, but he supported the opportunity for them to review and provide recommendations back to the Council before an application is heard by the Councilmembers.

MR. STEED provided a summary of the first amendment pertaining to waiving the distance separation requirement with Special Use Permit approval. COUNCILWOMAN SEAMAN wondered if the new language will mimic that of dispensaries in which they must be 1,500 feet away from schools. MR. STEED said there is already a provision regarding such a distance separation requirement. PETER LOWENSTEIN, Deputy Planning Director, noted the standard separation requirement is 1,000 feet from any public or private school, referencing additional distance separation requirements as part of the code. COUNCILMAN KNUDSEN was unsure whether it was better for consumption lounges to be concentrated near each other or far apart.

MR. STEED reviewed the second amendment, which pertains to the submission of a proposed training plan. COUNCILMAN KNUDSEN added that this was at the request of Metro, and this amendment means that before the Council will approve any application, a training plan must be reviewed by Metro, who may provide recommendations or remain silent.

The third amendment pertains to outdoor consumption. MR. STEED explained that currently, on Page 19, Section 9 of the ordinance, Subsection J prohibits the smoking or vaping of cannabis or cannabis products in any outdoor area. In response to the Councilman's suggestion, MR. STEED amended the language regarding the Council's ability to waive this prohibition for an independent cannabis consumption lounge or a retail cannabis consumption lounge with respect to specific criteria.

ATTORNEY JENNIFER LAZOVICH wondered if the City will submit the training plan to Metro on behalf of the applicant or if the applicant must submit it to Metro themselves. COUNCILMAN KNUDSEN and MR. STEED believed either was acceptable.

MS. LAZOVICH asked for clarification regarding outside consumption and obtaining consent from adjacent property owners. MR. STEED corrected that consent must be received from the parcel or parcels that are adjacent to where consumption is taking place. MR. LOWENSTEIN specified that the current interpretation would be the bordering parcels of the subject commercial subdivision.

COUNCILWOMAN SEAMAN asked for clarification about outside consumption. COUNCILMAN KNUDSEN believed it to mean that consumption would not be visible from the outside but deferred to MR. STEED. MR. STEED confirmed this was correct as it is prohibited under state law. He thought the language would cover both tables outside where people are permanently sitting and smoking or the ability to walk to and from the inside and outside. COUNCILWOMAN ALLEN-PALENSKE commented that smoke abatement is also required, so if consumption occurs outside, there must be something that eliminates the smoke. She believed the notion was to allow an isolated outdoor area where people could smoke. MS. LAZOVICH wondered if approval would be needed for an outdoor dining experience that includes cannabis-infused products that can be eaten. DARCY ADELBAI-HURD, Business Licensing Manager, said if edibles are desired, then language must be added to the bill, as they are currently prohibited. MS. LAZOVICH asked for the Councilman's consideration on this, to which he agreed to its incorporation. DEPUTY CITY ATTORNEY CRISLOVE IGELEKE clarified that regardless of whether the consumption is edible or smoking, nothing can be viewable from the outside.

COUNCILWOMAN SEAMAN acknowledged that the consumption lounges require permission from adjacent business owners; however, she wondered about the inclusion of landlords in the event businesses change ownership. MR. FLOYD believed the bill reads property owner and not business owner.

MR. STEED offered to clean up the language about edible consumption but noted that the ordinance as written does not prohibit those products. MS. ADELBAI-HURD opined to add the language, as she believed edibles were prohibited in the ordinance. MR. STEED confirmed for the Councilman that he was okay with adding the language.

COUNCILMAN KNUDSEN did not believe anyone is getting the use perfectly, and he offered to evaluate the

process after an application is received and goes through the process.

Subsequent to the motion, MR. STEED confirmed with the Councilman to include the amendments discussed. Because there is a requirement to include edibles, MR. STEED asked the Councilman how he wanted the clarification to read. COUNCILMAN KNUDSEN confirmed with MS. ADELBAI-HURD that the language could indicate that if there is a waiver for outdoor consumption, it includes anything related to cannabis. MS. LAZOVICH verified with MS. ADELBAI-HURD that if the outdoor consumption is not smoking- or vaping-related, the applicant does not need consent from the adjacent property owners.

See Item 5 for related discussion.

COUNCILMAN KNUDSEN declared the Public Hearing closed.

Motion made by Brian Knudsen to Approve as Do Pass as a First Amendment with the suggested amendments read at the 1/17/2023 and 1/30/2023 meetings

Passed For: 2; Against: 1; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Brian Knudsen, Francis Allen-Palenske; Against-Victoria Seaman;

5. Bill No. 2023-5 - For possible action - Adopts that certain document entitled "Development Agreement for Vegas Rising," regarding property generally located at the southeast corner of Richfield Boulevard and Wilmington Way. Proposed by: Seth T. Floyd, Director of Community Development

Minutes:

COUNCILMAN KNUDSEN declared the Public Hearing open.

PETER LOWENSTEIN, Deputy Planning Director, said the City Council approved the Development Agreement on December 21, 2022, and this is a formal process as dictated by state law to adopt it by ordinance. Everything was in order, and staff was seeking the Committee's recommendation.

COUNCILMAN KNUDSEN declared the Public Hearing closed and announced subsequent to the vote that each bill would be eligible for adoption at the City Council Meeting of February 15, 2023.

Motion made by Victoria Seaman to Approve as Do Pass

Passed For: 3; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Brian Knudsen, Francis Allen-Palenske;

6. Citizens Participation: Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the Committee. No subject may be acted upon by the Committee unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come to the podium and give your name and correct spelling for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited.

Minutes:

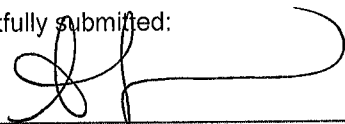
None.

7. Adjournment

Minutes:

The meeting was adjourned at 10:28 a.m.

Respectfully submitted:



Ashley Foster, CMC, Deputy City Clerk

THIS MEETING WAS PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS
IN ACCORDANCE WITH THE NOTICING STANDARDS AS OUTLINED IN NRS 241.020:

The City of Las Vegas website – www.lasvegasnevada.gov

The Nevada Public Notice website – notice.nv.gov

City Hall, 495 South Main Street, 1st Floor