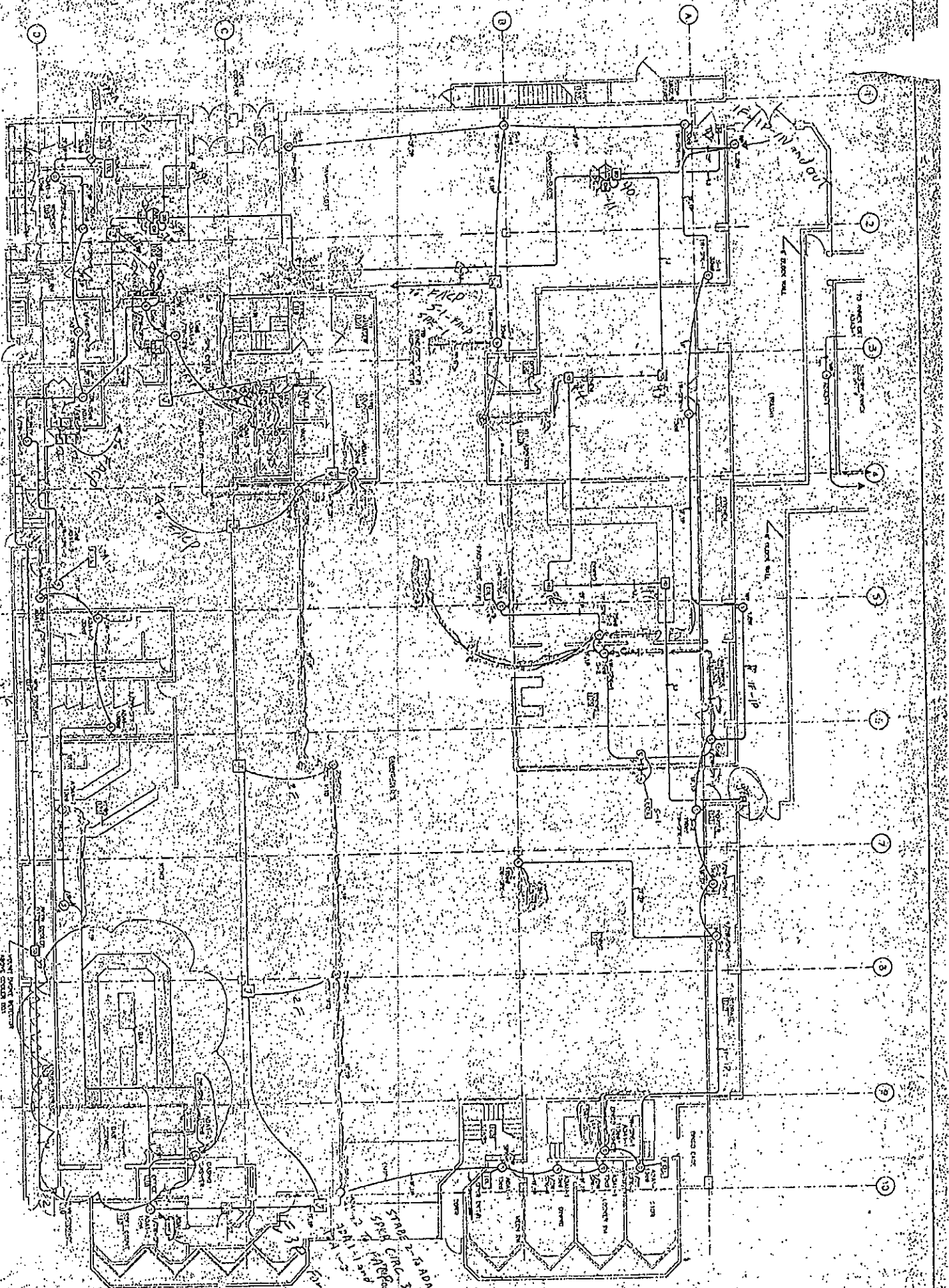


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OCT 21 2013



FIRE ALARM SYSTEM - FLOOR PLAN EQUIP. LAYOUT & WIRING - 1ST FL. - CASINO

NOTES:
1. WORK BY OTHERS
2. WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF LAS VEGAS FIRE DEPARTMENT AND THE CITY OF LAS VEGAS FIRE DEPARTMENT

EOT-47829

REVISIONS	
A	1/2/98
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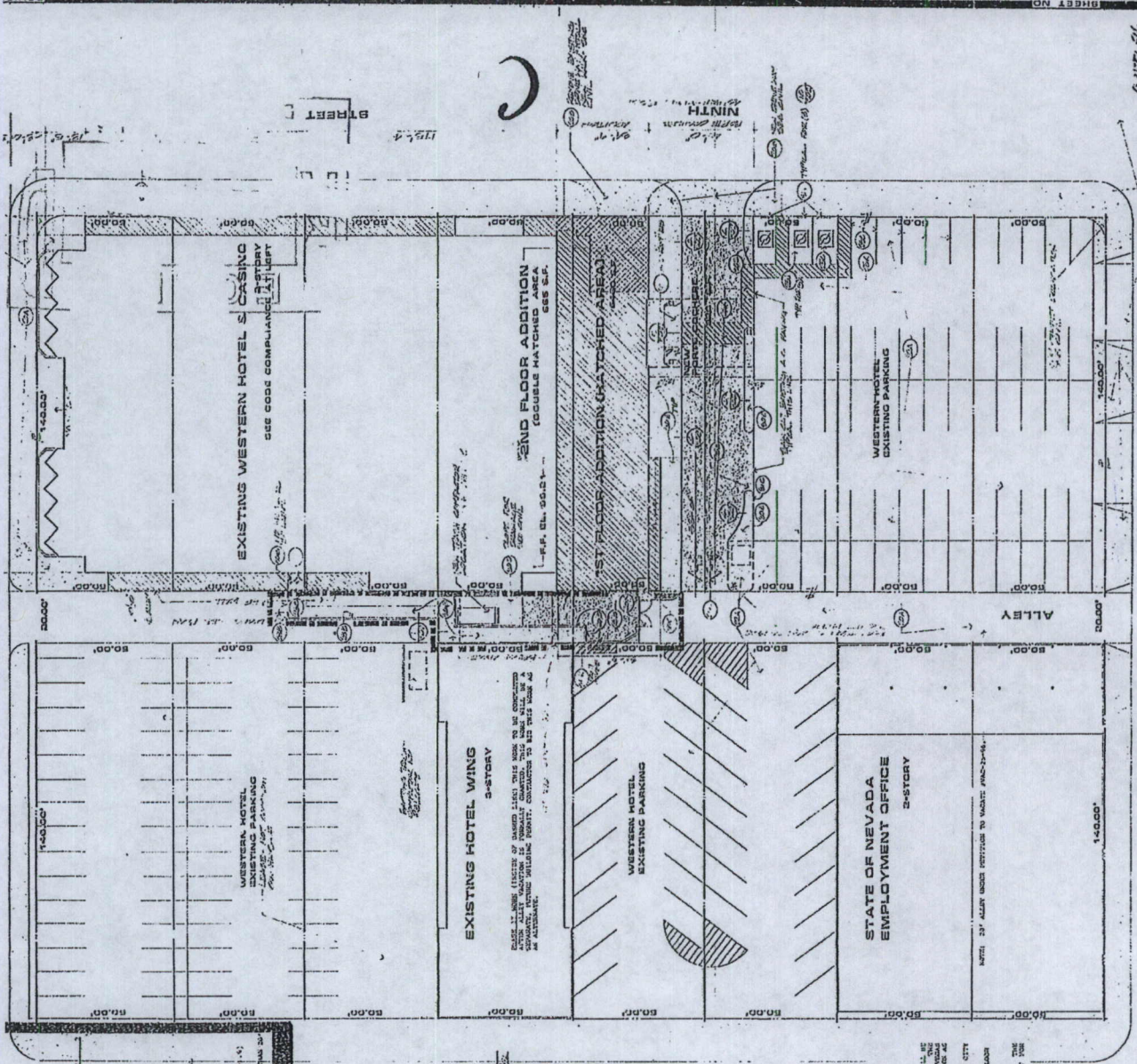
RECEIVED
OCT 21 2013

STREET

CARSON

SITE PLAN SCALE 1/8" = 1'-0"

CODE COMPLIANCE



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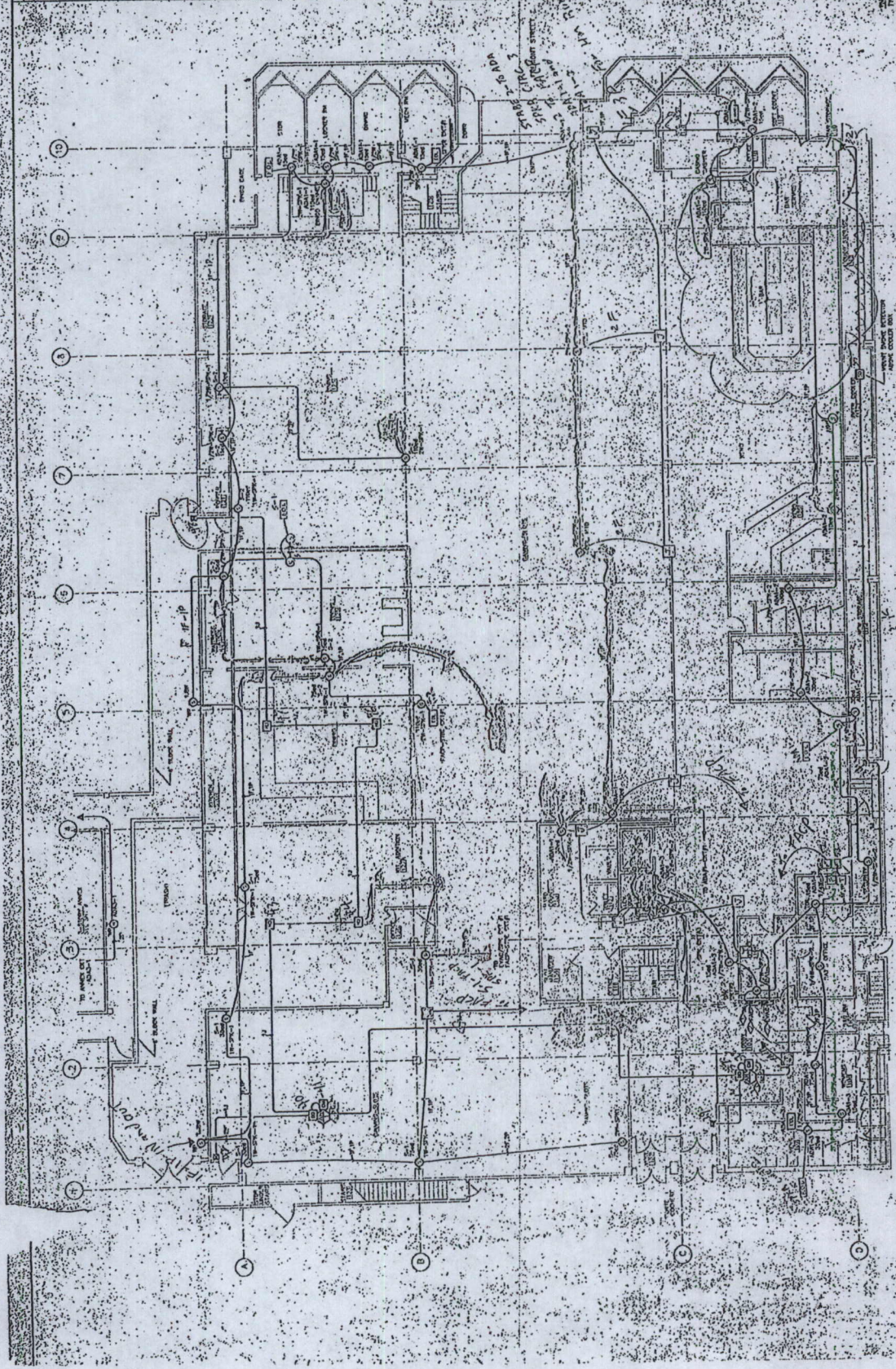
THE ADJUTANT GENERAL'S OFFICE HAS REVIEWED THE APPLICATION FOR THE PROPOSED ADDITION TO THE WESTERN HOTEL AND HAS DETERMINED THAT THE PROPOSED ADDITION IS IN ACCORDANCE WITH THE CITY OF LAS VEGAS ZONING ORDINANCE AND THE CITY OF LAS VEGAS SUBDIVISION MAP ACT. THE CITY OF LAS VEGAS ENGINEERING DEPARTMENT HAS REVIEWED THE PROPOSED ADDITION AND HAS DETERMINED THAT THE PROPOSED ADDITION IS IN ACCORDANCE WITH THE CITY OF LAS VEGAS ENGINEERING DEPARTMENT STANDARDS AND SPECIFICATIONS. THE CITY OF LAS VEGAS ENGINEERING DEPARTMENT HAS REVIEWED THE PROPOSED ADDITION AND HAS DETERMINED THAT THE PROPOSED ADDITION IS IN ACCORDANCE WITH THE CITY OF LAS VEGAS ENGINEERING DEPARTMENT STANDARDS AND SPECIFICATIONS.

ITEM	DESCRIPTION	AMOUNT	UNIT	TOTAL
1	EXISTING WESTERN HOTEL 3-STORY CASINO	1.00	ACRE	1.00
2	2ND FLOOR ADDITION (DOUBLE MATCHED AREA)	1.00	ACRE	1.00
3	1ST FLOOR ADDITION MATCHED AREA	1.00	ACRE	1.00
4	EXISTING HOTEL WING 3-STORY	1.00	ACRE	1.00
5	WESTERN HOTEL EXISTING PARKING	1.00	ACRE	1.00
6	STATE OF NEVADA EMPLOYMENT OFFICE 2-STORY	1.00	ACRE	1.00
7	WESTERN HOTEL EXISTING PARKING	1.00	ACRE	1.00
8	TOTAL	8.00	ACRE	8.00

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THE ADJUTANT GENERAL'S OFFICE HAS REVIEWED THE APPLICATION FOR THE PROPOSED ADDITION TO THE WESTERN HOTEL AND HAS DETERMINED THAT THE PROPOSED ADDITION IS IN ACCORDANCE WITH THE CITY OF LAS VEGAS ZONING ORDINANCE AND THE CITY OF LAS VEGAS SUBDIVISION MAP ACT. THE CITY OF LAS VEGAS ENGINEERING DEPARTMENT HAS REVIEWED THE PROPOSED ADDITION AND HAS DETERMINED THAT THE PROPOSED ADDITION IS IN ACCORDANCE WITH THE CITY OF LAS VEGAS ENGINEERING DEPARTMENT STANDARDS AND SPECIFICATIONS. THE CITY OF LAS VEGAS ENGINEERING DEPARTMENT HAS REVIEWED THE PROPOSED ADDITION AND HAS DETERMINED THAT THE PROPOSED ADDITION IS IN ACCORDANCE WITH THE CITY OF LAS VEGAS ENGINEERING DEPARTMENT STANDARDS AND SPECIFICATIONS.

LEGEND	
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RECEIVED

OCT 21 2013

FIRE ALARM SYSTEM - FLOOR PLAN, EQUIP. LAYOUT & WIRING - 1st FLOOR - CASINO

EOT-51700

NOTES:
1. REFER TO DRAWING EOT-51700 FOR FURTHER INFORMATION.
2. REFER TO DRAWING EOT-51700 FOR FURTHER INFORMATION.
3. REFER TO DRAWING EOT-51700 FOR FURTHER INFORMATION.

REVISIONS	
NO.	DESCRIPTION
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WARNING
THIS DRAWING IS THE PROPERTY OF THE CITY OF LAS VEGAS. IT IS TO BE USED FOR THE PURPOSES SPECIFIED IN THE CONTRACT. IT IS NOT TO BE REPRODUCED OR USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE CITY OF LAS VEGAS.



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Display Options

Tools

Points of Interest

Resources

Resources

Comments / Suggestions

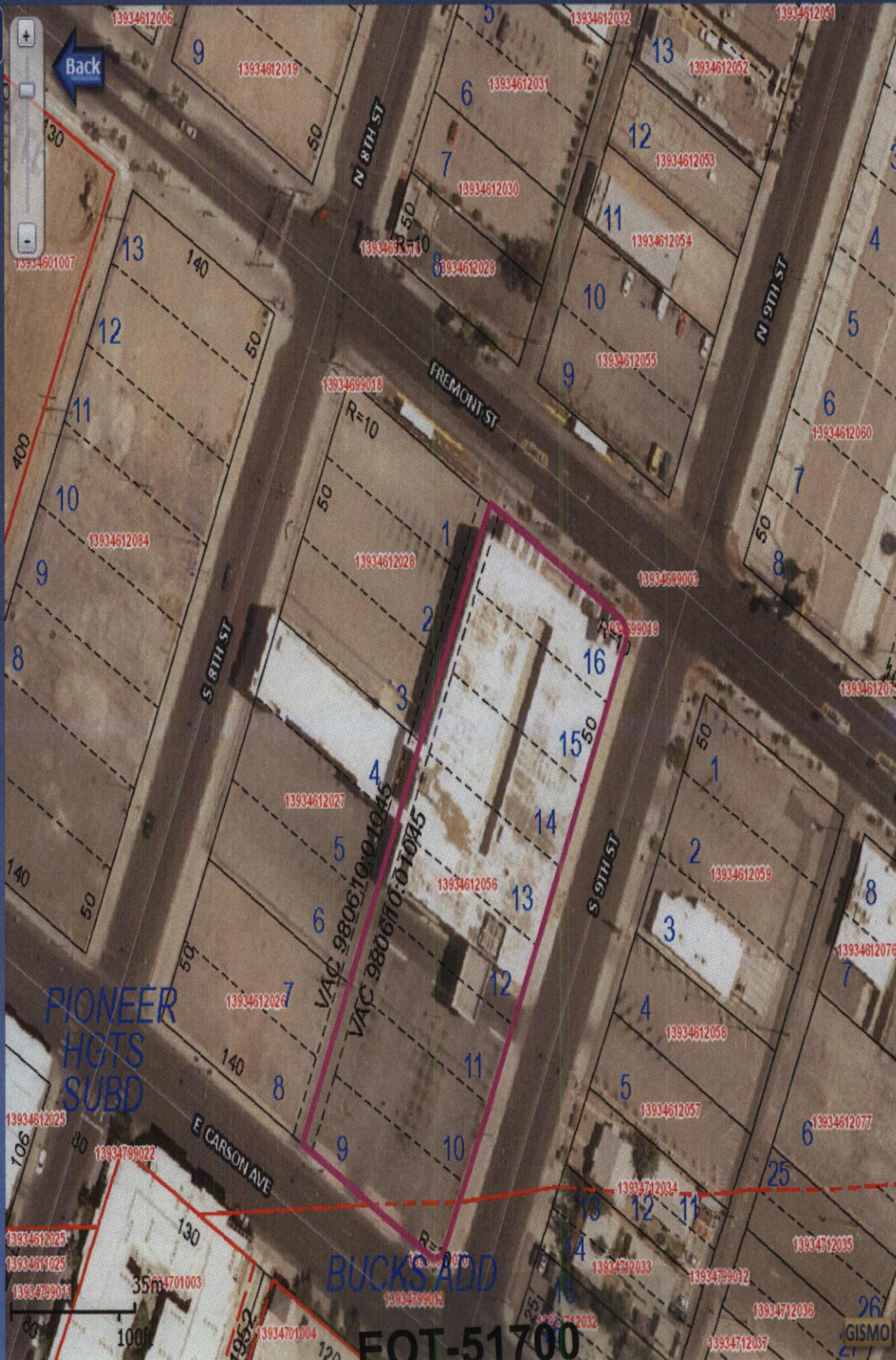
Survey

Show Legend

Quick Guide

Introduction

1: 1,000



Property Information

[Click Here for Printable Map](#)

Submit Quick Search

Search / Owner)

Display Options

Tools

Points of Interest

Resources

Property Information

Parcel: 139-34-612-056

Owner Name(s): 899 FREMONT L L C

Site Address: 899 FREMONT ST

Jurisdiction: Las Vegas - 89101

Sale Date: 03/2013

Sale Price: \$14,000,000

Estimated Lot Size: 1.36

Construction Year: 1970

Recorded Doc Number: 2013031403001

Aerial Flight Date: 04/21/12 - 04/29/12

Zoning and Planned Landuse

Zoning Classification:

General Commercial District (C-2)

Legal Description

Ownership History

Flood Zone

Elected Officials

Link Info



Information

Current Tool: Select Property

Coordinates in State Plane ft

X: 787968 Y: 26762641

Flight Date: Most Current Flight

Current View: Assessor Map

1: 2,000

RECEIVED

OCT 21 2013



899 FREMONT STREET

12/27/12

EOT-51700

RECEIVED

OCT 21 2013



899 FREMONT STREET

12/27/12

EOT-51700

RECEIVED
OCT 21 2013



899 FREMONT STREET

12/27/12

EOT-51700

RECEIVED

OCT 21 2013



899 FREMONT STREET

12/27/12

EOT-51700



LAS VEGAS
CITY COUNCIL

CAROLYN G. GOODMAN
MAYOR

STAVROS S. ANTHONY
MAYOR PRO TEM

LOIS TARKANIAN

STEVEN D. ROSS

RICKI Y. BARLOW

BOB COFFIN

BOB BEERS

ELIZABETH N. FRETWELL
CITY MANAGER

December 5, 2013

Mr. Andrew Donner
899 Fremont LLC
P.O. Box 1570
Las Vegas, Nevada 89125

RE: EOT-51700 – EXTENSION OF TIME
CITY COUNCIL MEETING OF DECEMBER 4, 2013

Dear Mr. Donner:

The City Council at a regular meeting held December 4, 2013, APPROVED the request for an Extension of Time FOR A NONCONFORMING TAVERN at 899 Fremont Street (APN 139-34-612-056 and 027) C-2 (General Commercial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on December 5, 2013. This approval is subject to:

Planning

1. This request for an Extension of Time for a nonconforming Liquor Establishment (Tavern) located at 899 Fremont Street shall expire on February 06, 2015 unless another Extension of Time is approved by the City Council.

Sincerely,


Gabriela Portillo-Brenner
Deputy City Clerk II for
Beverly K. Bridges, MMC, City Clerk

cc: Mr. Joe Cain
Fifth Street Gaming LLC
650 South Main Street
Las Vegas, Nevada 89101

Mr. Dennis Gutwald
100 North City Parkway, Suite 1600
Las Vegas, Nevada 89106

CITY OF LAS VEGAS
495 S. MAIN STREET
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov



LAS VEGAS
CITY COUNCIL

CAROLYN G. GOODMAN
MAYOR

STAVROS S. ANTHONY
MAYOR PRO TEM

LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW
BOB COFFIN
BOB BEERS

ELIZABETH N. FRETWELL
CITY MANAGER

November 21, 2013

Mr. Andrew Donner
899 Fremont LLC
P.O. Box 1570
Las Vegas, Nevada 89125

**RE: EOT-51700 - EXTENSION OF TIME - SPECIAL USE PERMIT
CITY COUNCIL MEETING OF DECEMBER 4, 2013**

Dear :

Please be advised the City Council at its regular meeting on *December 4, 2013* as referred to above, will consider your request. This meeting will be held at 9:00 A. M. at the Council Chambers of City Hall, 495 South Main Street, Las Vegas, Nevada.

A copy of staff's recommendations, any conditions related to your application and the *final agenda* will available on-line on *Wednesday, November 27, 2013* at www.lasvegasnevada.gov. If you do not have access to the Internet and would prefer receiving hard copies of the documentation, please call the Case Planning Division at (702) 229-6301 or come into the Development Services Center at 333 North Rancho Drive, 3rd Floor, Las Vegas, Nevada 89106 to request your copies.

The City Council requires that you or your representative be present at this meeting.

Sincerely,

Flinn Fagg, AICP
Director
Department of Planning

FF:nl

cc:

Mr. Joe Cain
Fifth Street Gaming LLC
650 South Main Street
Las Vegas, Nevada 89101

Mr. Dennis Gutwald
100 North City Parkway, Suite 1600
Las Vegas, Nevada 89106

CITY OF LAS VEGAS
DEPARTMENT OF PLANNING
DEVELOPMENT SERVICES CENTER
333 NORTH RANCHO DRIVE
3RD FLOOR
LAS VEGAS, NEVADA 89106

VOICE 702.229.6301

FAX 702.474.0352

TTY 7-1-1

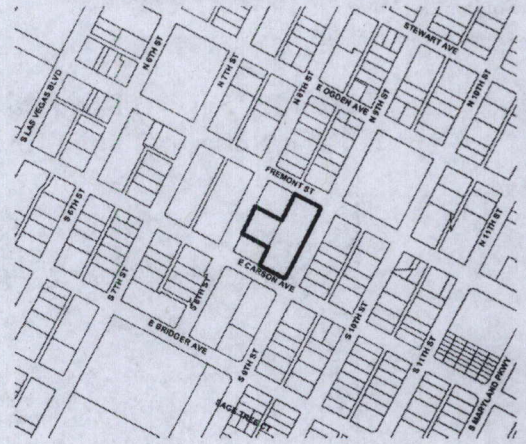
www.lasvegasnevada.gov



Application Information

EOT-51700 - NON-CONFORMING USE - EXTENSION OF TIME - PUBLIC HEARING - APPLICANT: FIFTH STREET GAMING, LLC - OWNER: 899 FREMONT, LLC - For possible action on a request for an Extension of Time FOR A NONCONFORMING TAVERN at 899 Fremont Street (APN 139-34-612-056 and 027) C-2 (General Commercial) Zone, Ward 3 (Coffin).

Application Location



The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

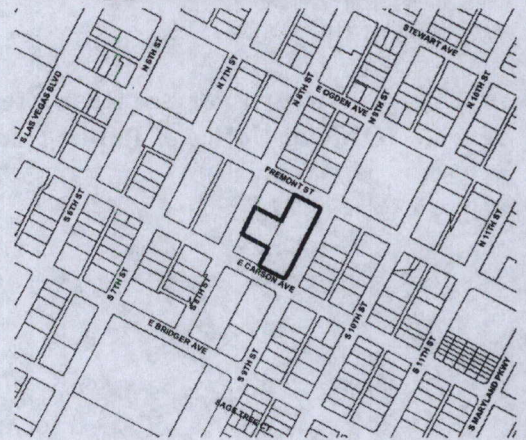
Meeting: City Council
Date: December 4, 2013
Time: 1:00 P.M.
Location: City Council Chambers
495 South Main Street
Las Vegas, Nevada

Any and all interested persons may appear and be heard at said meeting, or may, prior thereto, file written objections thereto or approvals thereof with the City Clerk, 2nd Floor, City Hall, 495 South Main Street, Las Vegas, Nevada, 89101. For further information, including the full staff report, please call (702) 229-6311 (TDD 386-9108) or go to <http://www.lasvegasnevada.gov>.

Application Information

EOT-51700 - NON-CONFORMING USE - EXTENSION OF TIME - PUBLIC HEARING - APPLICANT: FIFTH STREET GAMING, LLC - OWNER: 899 FREMONT, LLC - For possible action on a request for an Extension of Time FOR A NONCONFORMING TAVERN at 899 Fremont Street (APN 139-34-612-056 and 027) C-2 (General Commercial) Zone, Ward 3 (Coffin).

Application Location



The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

Meeting: City Council
Date: December 4, 2013
Time: 1:00 P.M.
Location: City Council Chambers
495 South Main Street
Las Vegas, Nevada

Any and all interested persons may appear and be heard at said meeting, or may, prior thereto, file written objections thereto or approvals thereof with the City Clerk, 2nd Floor, City Hall, 495 South Main Street, Las Vegas, Nevada, 89101. For further information, including the full staff report, please call (702) 229-6311 (TDD 386-9108) or go to <http://www.lasvegasnevada.gov>.

Development Notification

CC Meeting: December 4, 2013

The following neighborhood associations are located within approximately one(1) mile of this development application and have been notified of this case by the Department of Planning:

EOT-51700

Artesian Heights
Astoria Estates
Charleston Estates NA
Country Club at Meadows
Country Club At Valley View
Decatur Rents
Easy Street
Equestrian Estates
Fremont Estates
Golf Ridge Terrace NA
Harry Levy Gardens Resident Council
Images
James Down Towers
Las Vegas Historic District
McNeil Estates
Meadows Neighborhood Preservation
Palomino Area Preservation Association (PAPA)
Promenade @ The Meadows
Rancho Bel Air
Rancho Circle
Rancho Nevada Estates
Rancho Oakey
Rancho Springs
Ridgemount
Sartini Plaza and Annex
Stella Fleming Towers
Sundown
The Greens HOA
Twin Lakes Country Club NA
Upland Alta
Upland-Harmony Park Place
Westleigh
WLV-NAA6



DEPARTMENT OF PLANNING

APPLICATION / PETITION FORM

RECEIVED
OCT 21 2013

Application/Petition For: Extension of time -preserve gaming and tavern rights Western Hotel

Project Address (Location) 899 Fremont St. & 115 S. 8th St, Las Vegas, NV 89101

Project Name Western Hotel Casino Proposed Use no changes

Assessor's Parcel #(s) 139-34-612-056; 027 Ward # 3 (Coffin)

General Plan: existing C proposed same Zoning: existing C-2 proposed same

Commercial Square Footage 48,407 Floor Area Ratio N/A

Gross Acres 1.36; .52 Acres Lots/Units 3 Density N/A

Additional Information _____

PROPERTY OWNER 899 Fremont, LLC

Contact Andrew Donner

Address PO Box 1570

Phone: _____ Fax: _____

City Las Vegas

State NV

Zip 89125

E-mail Address _____

APPLICANT Fifth Street Gaming, LLC

Contact Joe Cain

Address 650 S. Main Street

Phone: 933-7140

Fax: _____

City Las Vegas

State NV

Zip 89101

E-mail Address joe.cain@finelv.com

REPRESENTATIVE Attorney for Applicant

Contact Dennis Gutwald

Address 100 N. City Parkway, Suite 1600

Phone: (702) 464-7014

Fax: _____

City Las Vegas

State NV

Zip 89106

E-mail Address dgutwald@bhfs.com

I certify that I am the applicant and that the information submitted with this application is true and accurate to the best of my knowledge and belief. I understand that the City is not responsible for inaccuracies in information presented, and that inaccuracies, false information or incomplete application may cause the application to be rejected. I further certify that I am the owner or purchaser (or option holder) of the property involved in this application, or the lessee or agent fully authorized by the owner to make this submission, as indicated by the owner's signature below.

Property Owner Signature* _____

* An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Andrew B. Donner

Subscribed and sworn before me

This 11 day of October, 2013.

Mikki G Hartman

Notary Public in and for said County and State



Revised 10/27/08

FOR DEPARTMENT USE ONLY

Case # EOT-51700

Meeting Date: 12/4/13

Total Fee: 1050.00

Date Received*: 10/21/13

Received By: [Signature]

*The application will not be deemed complete until the submitted materials have been reviewed by the Department of Planning for consistency with applicable sections of the Zoning Ordinance.

f:\depot\Application Packet\Application Form.pdf



DEPARTMENT OF PLANNING

STATEMENT OF FINANCIAL INTEREST

RECEIVED
OCT 21 2013

Case Number: **EOT-51700** APN: 139-346-12-056

Name of Property Owner: 899 Fremont, LLC

Name of Applicant: Fifth Street Gaming, LLC

Name of Representative: Dennis Gutwald, Attorney

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ Yes

☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: Does Not Apply

Partner(s): Does Not Apply

APN: Does Not Apply

Signature of Property Owner: _____

Print Name: Andrew B. Donner

Subscribed and sworn before me

This 11 day of October, 2013

Mikki G Hartman
Notary Public in and for said County and State



October 11, 2013

Dennis C. Gutwald
Attorney at Law
702.464.7014 tel
702.382.8135 fax
DGutwald@bhfs.com

VIA HAND DELIVERY

City of Las Vegas
Department of Planning
Attn: Flinn Fagg
333 North Rancho Drive
Las Vegas, NV 89106

RECEIVED
OCT 21 2013

RE: The Western Hotel and Casino

Dear Mr. Fagg:

Please consider this letter and the documents enclosed with it as an application for Extension of Time to extend the period of time that nonconforming gaming land use rights at the property formerly known as the Western Hotel and Casino (the "Western"), can be discontinued or abandoned before those rights are lost. The Western, APN's 139-34-612-056 and 139-34-612-027, is located at 899 Fremont Street in a historic section of Downtown.

The Western is a long standing existing nonconforming use within the City of Las Vegas. Because of its location, its development will inevitably play a role in the revitalization of Downtown. While portions of the building have recently been demolished, the Western's owners are considering the option of developing it into a new nonrestricted gaming establishment. A previous extension of time preserving nonconforming tavern use for the Western was approved in April 2013 due to the client's inability to lease the subject property due to current economic conditions.

Pursuant to Title 19.14.030.A.C of the City Municipal Code (the "Code"), City Council may extend the period of time that a nonconforming use is abandoned before the property must become conforming:

1. If the extended abandoned period is a result of economic hardship

The property has currently little economic value because of lingering effects of the severe economic downturn Downtown Las Vegas ("Downtown") experienced. Additional improvement in the Downtown business must occur before redeveloping the Western is economically feasible or it can be leased.

2. Public health, safety and welfare will not be jeopardized by extending the period of abandonment that may occur before the property must become conforming

The Western is located within a C-2 (General Commercial) zoning district, which allows for a tavern/casino license and liquor sales. Additionally, the subject property has a parking lot and parking garage adjacent to it, also owned by Western's owner. The Western has

EOT-51700

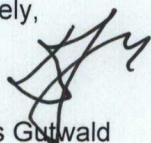
City of Las Vegas
Re: The Western Hotel and Casino
October 11, 2013
Page 2

been well maintained and does not pose a threat to public health, safety, and welfare. Further, continuing the nonconforming gaming land use rights will assist in development of the site, and help maintain the property value, with no ill affect since gaming is and will remain an integral part of Downtown.

Based on the foregoing, we respectfully request your approval of the Western's request for an extension of time to preserve the grandfathered nonconforming gaming and tavern rights at the property.

If you have any questions, please call me at (702) 464-7014 or e-mail me at dgutwald@bhfs.com. Thank you for your consideration of this request.

Sincerely,



Dennis Gutwald

DCG/cms

EOT-51700



LAS VEGAS
CITY COUNCIL

CAROLYN G GOODMAN
MAYOR

STAVROS S ANTHONY
MAYOR PRO TEM

LOIS TARKANIAN
STEVEN D ROSS
RICKI Y BARLOW
BOB COFFIN
BOB BEERS

ELIZABETH N FRETWELL
CITY MANAGER

April 22, 2013

Mr Jonathan Jossel
T-WHR LLC
1 Main Street
Las Vegas Nevada 89101

RE EOT-47829 - EXTENSION OF TIME
CITY COUNCIL MEETING OF APRIL 17 2013

Dear Mr Jossel

The City Council at a regular meeting held April 17 2013 APPROVED the request for an Extension of Time FOR A NONCONFORMING TAVERN at 899 Fremont Street (APN 139-34-612-056 and 027) C-2 (General Commercial) Zone The Notice of Final Action was filed with the Las Vegas City Clerk on April 18 2013 This approval is subject to

Planning

- 1 This request for an Extension of Time for a nonconforming Liquor Establishment (Tavern) located at 899 Fremont Street shall expire on February 06 2014 unless another Extension of Time is approved by the City Council

Sincerely

Lean Coleman
Deputy City Clerk II for
Beverly K Bridges MMC City Clerk

cc Ms Sharon Skancke
Playlu Gaming
1 Main Street
Las Vegas Nevada 89101

CITY OF LAS VEGAS
495 S MAIN STREET
LAS VEGAS NEVADA 89101

VOICE 702 229 6011
TTY 702 386 9108
www.lasvegasnevada.gov

RECEIVED
OCT 21 2013

EOT-51700



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 17, 2013

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG

☐ Consent ☒ Discussion

SUBJECT:

EOT-47829 - ABEYANCE ITEM - EXTENSION OF TIME - NONCONFORMING - PUBLIC HEARING - APPLICANT: PLAY LV GAMING - OWNER: T-WHR, LLC - For possible action on a request for an Extension of Time FOR A NONCONFORMING TAVERN at 899 Fremont Street (APN 139-34-612-056 and 027) C-2 (General Commercial) Zone, Ward 3 (Coffin). Staff recommends APPROVAL.

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

3

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

9

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards

Motion made by BOB COFFIN to Approve subject to condition

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1

BOB COFFIN, RICKI Y. BARLOW, CAROLYN G. GOODMAN, STAVROS S. ANTHONY, STEVEN D. ROSS, BOB BEERS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-LOIS TARKANIAN)

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

There being no one present to speak, MAYOR GOODMAN declared the Public Hearing closed.

RECEIVED
OCT 21 2013

*City of Las Vegas***AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: APRIL 17, 2013

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: PLAY LV GAMING - OWNER: T-WHR, LLC

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
EOT-47829	Staff recommends APPROVAL, subject to conditions:	N/A

**** CONDITIONS ****

EOT-47829 CONDITIONS

Planning

1. This request for an Extension of Time for a nonconforming Liquor Establishment (Tavern) located at 899 Fremont Street shall expire on February 06, 2014 unless another Extension of Time is approved by the City Council.

Staff Report Page One
April 17, 2013 - City Council Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for an Extension of Time of a nonconforming Liquor Establishment (Tavern) with Non-Restricted Gaming at 899 Fremont Street. On February 02, 2012 business license L16-00049 for a Liquor Establishment (Tavern) was classified as out of business with no subsequent licenses applied for at the subject site. On October 6, 2010, the City Council adopted Bill 2010-40, Ordinance 6114 that allowed the owner of property deemed abandoned for a period of time greater than the applicable abandonment period to request the abandonment period extended through an Extension of Time application. If approved, the Extension of Time request is not to exceed the duration of the applicable abandonment period, which is one year.

The applicant is requesting an extension of time due to the economic climate in Las Vegas, making it difficult to secure a new tenant for the subject site. The non-conforming Liquor Establishment (Tavern) does not meet the 1,500-foot separation distance measured from the property line of a churches or synagogues, schools and additional Liquor Establishment (Taverns). The Liquor Establishment (Tavern) is located on Fremont Street, which accommodates a variety of commercial uses, including other similar uses, and will not negatively impact the existing synagogues, schools or taverns. As the request does not jeopardize public health, safety and welfare and falls within the intent of Bill 2010-40, staff is recommending approval with a one-year time limit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
06/27/62	The Board of City Commissioners approved a request for Rezoning (Z-0056-62) from R-4 (Apartment Residence) to C-2 (General Commercial) on property generally located on the west side of Ninth Street Between Carson Avenue and Fremont Street.
12/16/64	The Board of City Commissioners approved a request for Rezoning (Z-0100-64) under Resolution of Intent from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial), C-2 (General Commercial) and C-V (Civic) to C-2 (General Commercial) for approximately 230 Acres generally located on property bounded by Main Street to the west, Bonanza Road on the north, Las Vegas Boulevard on the east, and Charleston Boulevard on the south.
07/16/69	The Board of City Commissioners approved a request for Rezoning (Z-0046-69) from R-4 (Apartment Residence) to C-2 (General Commercial) on property generally located on the northwest corner of Carson Avenue and Ninth Street.

JG

Staff Report Page Two
April 17, 2013 - City Council Meeting

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
06/13/96	The Planning Commission approved a request for an Aesthetic Review (AR-0007-96) for a 7,502 square-foot addition to the Western Hotel and Casino at 899 Fremont Street.
07/03/96	The City Council approved a request to Vacate (VAC-0025-96) a 20-foot wide north/south alley located within the block occupied by the hotel/casino.

<i>Most Recent Change of Ownership</i>	
11/06/06	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
c.1970	The building at 899 Fremont Street was constructed.
12/01/87	A business license (R09-00079) was issued for a restaurant at 899 Fremont Street. The license was marked out of business on 02/02/12.
12/21/87	A business license (F50-00007) was issued for a food wholesale at 899 Fremont Street. The license was marked out of business on 02/17/10.
07/06/93	A business license (L16-00049) was issued for a tavern 899 Fremont Street. The license was marked out of business on 02/02/12.
12/23/97	A building permit (97025237) was issued for a Certificate of Occupancy for a 4,916 square-foot addition at 899 Fremont Street. The permit was finalized on 10/05/98.
	A building permit (97025238) was issued for on-site improvements at 899 Fremont Street. The permit was finalized on 12/03/98.
08/03/99	A business license (C05-00763) was issued for a Tobacco Dealer at 899 Fremont Street. The license was marked out of business on 02/02/12.
04/01/04	A business license (C30-01004) was issued for Convention Hall Gaming Tax at 899 Fremont Street. The license was marked out of business on 05/30/12.
	A business license (G08-00059) was issued for Non-Restricted Gaming at 899 Fremont Street. The license was marked out of business on 02/02/12.
05/06/09	A business license (W10-00295) was issued for a Wire Service at 899 Fremont Street. The license was marked out of business on 02/02/12.
11/30/09	A business license (C08-01915) was issued for a Juke Box at 899 Fremont Street. The license was marked out of business on 02/02/12.
06/28/12	A business license (G08-00096) was issued for a Non-Restricted Gaming two day opening at 899 Fremont Street. The license was marked out of business on 07/02/12.
	A business license (C30-01041) was issued for Convention Hall Gaming Tax at 899 Fremont Street. The license was marked out of business on 07/02/12..

Staff Report Page Three
April 17, 2013 - City Council Meeting

<i>Pre-Application Meeting</i>
A pre-application meeting was not required, nor was one held.

<i>Neighborhood Meeting</i>
A neighborhood meeting was not required, nor was one held.
<i>Field Check</i>
12/27/12
Staff conducted a field check of the subject site and noted a Vacant Hotel/Casino, with the windows boarded up and construction fencing around the perimeter of the building.

<i>Details of Application Request</i>
<i>Site Area</i>
Net Acres
1.87

<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	Tavern/Casino	C (Commercial)	C-2 (General Commercial)
North	Parking Lot	C (Commercial)	C-2 (General Commercial)
South	Parking Garage	MXU (Mixed Use)	C-2 (General Commercial)
East	Retail, Parking and Duplexes	C (Commercial)	C-2 (General Commercial), C-1 (Limited Commercial) and R-4 (High Density Residential)
West	Parking Lot	C (Commercial)	C-2 (General Commercial)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area			
Downtown Centennial Plan (East Village)	X		Y
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			N/A
Downtown Centennial Plan Overlay District	X		Y
Live/Work Overlay District	X		Y
Trails	X		Y

JG

Staff Report Page Four
April 17, 2013 - City Council Meeting

Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

On February 02, 2012 business license (L16-00049) for a Liquor Establishment (Tavern) was classified as out of business with no subsequent licenses applied for at the subject site. The Liquor Establishment (Tavern) is considered a non-conforming use within a C-2 (General Commercial) zoning district as the use pre-dates the requirement for a Special Use Permit. The non-conforming Liquor Establishment (Tavern) does not meet the 1,500-foot separation distance measured from the property line of a churches or synagogues, schools and additional Liquor Establishment (Taverns). The Liquor Establishment (Tavern) use is located on Fremont Street, which accommodates a variety of commercial uses, including other similar uses, and will not negatively impact the existing synagogues, schools or taverns.

FINDINGS

The applicant is requesting an extension of time due to the economic climate in Las Vegas, making it difficult to secure a new tenant for the subject site. Bill 2010-40, Ordinance 6114 allows for an Extension of Time when the request is due to an economic hardship based on market conditions or other circumstances beyond the applicant's control. As the request does not jeopardize public health, safety and welfare and falls within the intent of Bill 2010-40, staff is recommending approval with a one-year time limit.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

36

NOTICES MAILED 357

APPROVALS 9

PROTESTS 3

Inst #: 201303140003001
Fees: \$19.00 N/C Fee: \$25.00
RPTT: \$71400.00 Ex: #
03/14/2013 01:45:05 PM
Receipt #: 1534491
Requestor:
CHICAGO TITLE OF NEVADA - D
Recorded By: RNS Pgs: 4
DEBBIE CONWAY
CLARK COUNTY RECORDER

GRANT, BARGAIN, SALE DEED

APN:

139-34-612-056
139-34-612-027
139-34-612-026

WHEN RECORDED RETURN TO:

1 Main St.
Las Vegas, NV 89101
Attn: Jonathan Jossel

12018119-JR

GRANT, BARGAIN, SALE DEED

T-WHR, LLC and T-Breo II, LLC, collectively as "Grantor," does hereby Grant, Bargain, Sell and Convey to 899 Fremont, LLC, as "Grantee," the real property in the County of Clark, State of Nevada (the "Land") described on Exhibit A attached hereto and incorporated herein by this reference, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or otherwise appertaining.

SUBJECT TO:

1. General taxes for the current fiscal tax year.
2. All covenants, conditions, restrictions, reservations, rights, right-of-way and easements recorded against the Land prior to or concurrently with this Deed, and all other matters of record.

IN WITNESS WHEREOF, Grantor has caused its name to be affixed hereto and this instrument to be executed by its president thereunto duly authorized.

Dated as of March 13, 2013.

"GRANTOR"

**T-WHR, LLC,
a Delaware limited liability company,**

By:
Its:

J. Jossel
MANAGER JONATHAN JOSSEL

T-Breo II, LLC,
a Delaware limited liability company,

By: [Signature]
Its: MANAGER Jonathan Jossel

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

The foregoing instrument was acknowledged before me this 13th day of March, 2013 by
Jonathan Jossel, Manager of T-WHR, LLC and T-Breo II, LLC.
Notary Public

Sign Name: Steph F. Gantt

Print Name: Stephanie F. Gantt

My Commission Expires: January 23, 2016



EXHIBIT A

Parcel 1-A: APN 139-34-612-056

Lots Nine (9) through Sixteen (16), inclusive in Block Fourteen (14) of BUCK'S SUBDIVISION OF LAS VEGAS, as shown by map thereof on file in Book 1 of Plats, Page 15, in the Office of the County Recorder of Clark County, Nevada.

Together with that portion of the vacated alley provided for in certain "Order of Vacation" recorded January 17, 1997 in Book 970117 as Document No. 01551 and re-recorded April 28, 1997 in Book 970428 as Document No. 00628 and re-recorded June 10, 1998 as Document No. 01045 of Official Records, title to which would pass by operation of law with a conveyance of said land.

Excepting therefrom that portion as conveyed to the City of Las Vegas by that certain Grant Deed recorded June 4, 1997 in Book 970604 as Document No. 00503 of Official Records, Clark County, Nevada.

Parcel 1-B:

Lots One (1) and Two (2) in Block Twenty Nine (29) of Pioneer Heights Addition to the City of Las Vegas, as shown by map thereof on file in Book 1 of Plats, Page 35, in the Office of the County Recorder of Clark County, Nevada.

Excepting therefrom that portion as conveyed to the City of Las Vegas by that certain Grant Deed recorded June 4, 1997 in Book 970604 as Document No. 00503 of Official Records, Clark County, Nevada.

Parcel 2: APN 139-34-612-026

Lots Seven (7) and Eight (8) in Block Fourteen (14) BUCK'S SUBDIVISION OF LAS VEGAS, as shown by map thereof on file in Book 1 of Plats, Page 15, in the Office of the County Recorder of Clark County, Nevada.

Together with that portion of the vacated alley provided for in certain "Order of Vacation" recorded January 17, 1997 in Book 970117 as Document No. 01551 and re-recorded April 28, 1997 in Book 970428 as Document No. 00628 and re-recorded June 10, 1998 as Document No. 01045 of Official Records, title to which would pass by operation of law with a conveyance of said land.

Parcel 3: APN 139-34-612-027

Lots Four (4), Five (5) and Six (6) in Block Fourteen (14) BUCK'S SUBDIVISION OF LAS VEGAS, as shown by map thereof on file in Book 1 of Plats, Page 15, in the Office of the County Recorder of Clark County, Nevada.

Together with the Northwestern Half (NW'LY ½) of the vacated alley adjoining said lots provided for in certain "Order of Vacation" recorded January 17, 1997 in Book 970117 as Document No. 01551 and re-recorded April 28, 1997 in Book 970428 as Document No. 00628 and re-recorded June 10, 1998 as Document No. 01045 of Official Records, title to which would pass by operation of law with a conveyance of said land

Assessor's Parcel Number: 139-34-612-056, 139-34-612-026, 139-34-612-027

**STATE OF NEVADA
DECLARATION OF VALUE FORM**

1. Assessor Parcel Number(s)

a) 139-34-612-056

b) 139-34-612-026

c) 139-34-612-027

d) _____

2. Type of Property:

- a) ☐ Vacant Land b) ☐ Single Fam. Res.
c) ☐ Condo/Twnhse d) ☐ 2-4 Plex
e) ☐ Apt. Bldg. f) ☒ Comm'l/Ind'l
g) ☐ Agricultural h) ☐ Mobile Home
☐ Other _____

FOR RECORDER'S OPTIONAL USE ONLY

Book: _____ Page: _____

Date of Recording: _____

Notes: _____

3. a. Total Value/Sales Price of Property: \$14,000,000.00
b. Deed in Lieu of Foreclosure Only (value of property): ()
c. Transfer Tax Value: \$14,000,000.00
d. Real Property Transfer Tax Due: \$71,400.00

4. If Exemption Claimed:

a. Transfer Tax Exemption, per NRS 375.090, Section: _____

b. Explain Reason for Exemption: _____

5. Partial Interest: Percentage being transferred: 100 %

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the parties agree that disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month. Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature J. F. [Signature]

Capacity Grantor

Signature _____

Capacity Grantee

SELLER (GRANTOR) INFORMATION

(REQUIRED)

Print Name T-WHR. LLC (as to Parcels 1 and 3) and T-BREQ II, LLC (as to Parcel 2)

Address: _____
City, St., Zip: _____

BUYER (GRANTEE) INFORMATION

(REQUIRED)

Print Name: 899 Fremont, LLC

Address: PO Box 1570
City, St., Zip: Las Vegas, NV 89125

COMPANY/PERSON REQUESTING RECORDING (required if not seller or buyer)

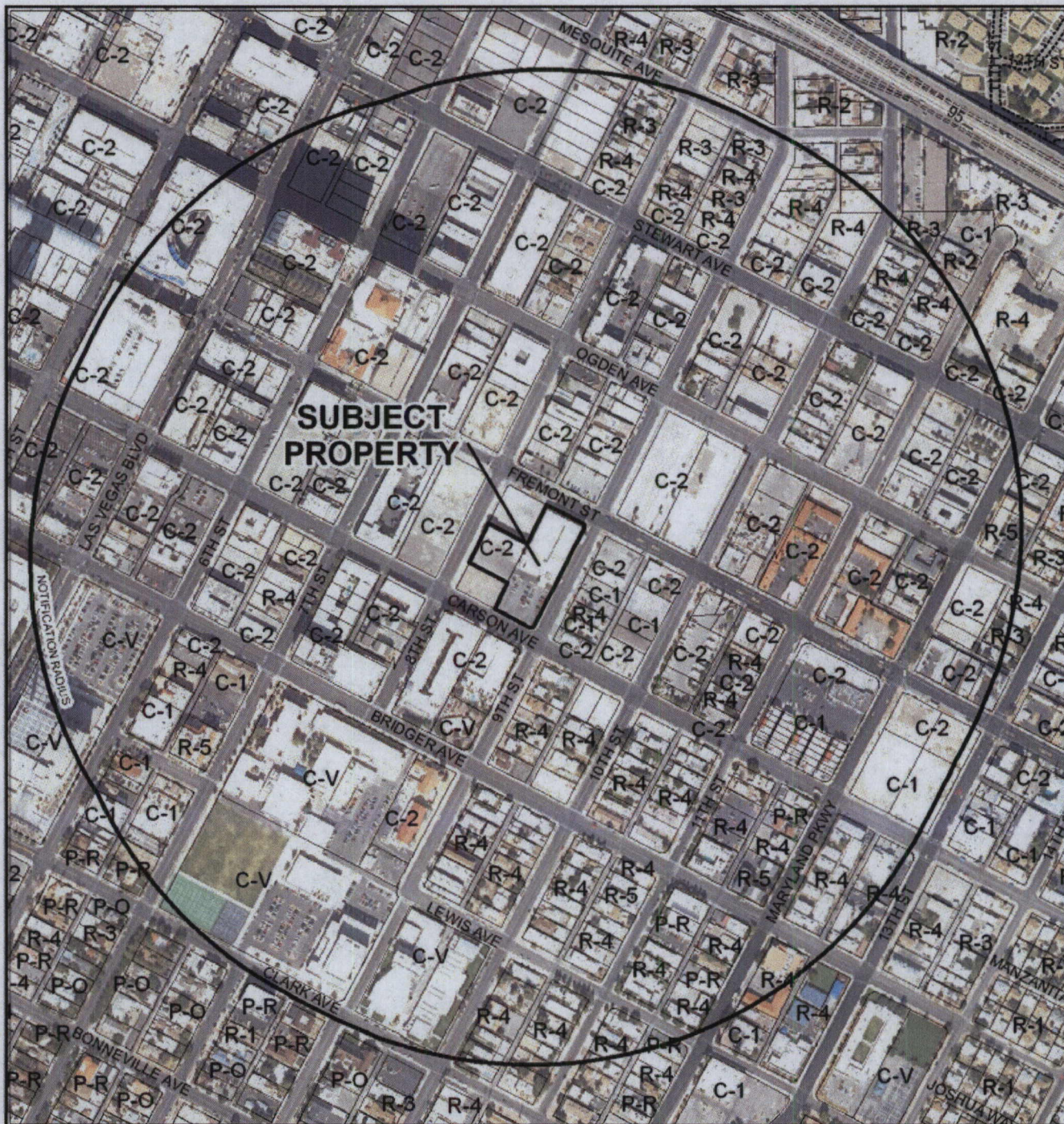
Print Name: Chicago Title of Nevada, Inc.

Escrow #: 12018119-086

Address: PO Box 1470

City/State/Zip: Las Vegas, NV 89140

AS A PUBLIC RECORD THIS FORM MAY BE RECORDED/MICROFILMED



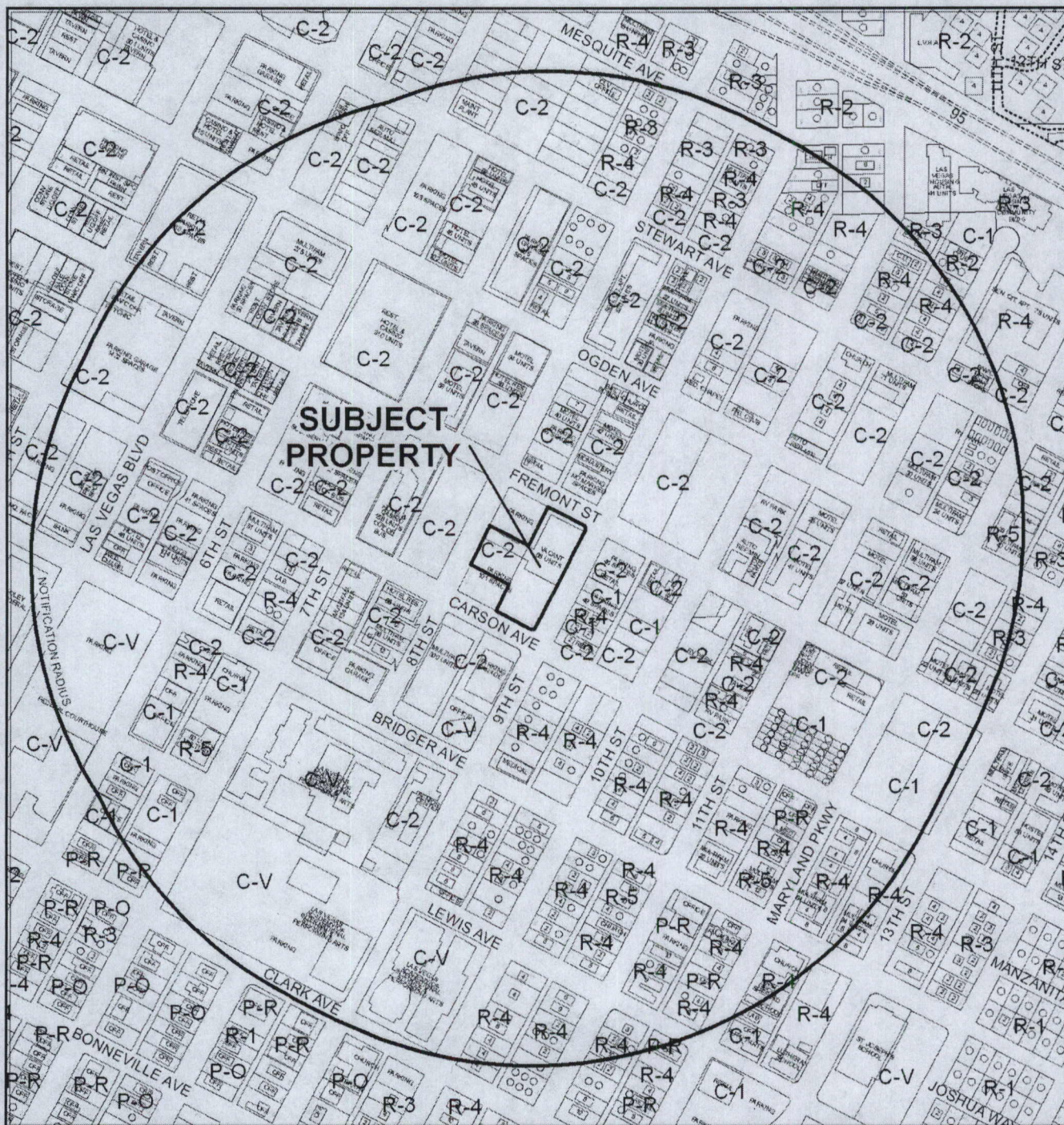
CASE: **20-000000**

RADIUS: 1500 FEET

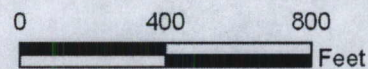
ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

RECEIVED
OCT 21 2013





CASE: **FOIA**
 RADIUS: 1500 FEET
 ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)



RECEIVED
 OCT 21 2013



**Browns, In Hyatt
Farber Schreck**

Jessica M. Wilner
PARALEGAL

jwilner@bhfs.com
direct 702.464.7091

100 North City Parkway, Suite 1600
Las Vegas, Nevada 89106
main 702.382.2101 fax 702.382.8135

bhfs.com

COPY

October 21, 2013

RECEIVED

OCT 21 2013

Dennis C. Gutwald
Attorney at Law
702.464.7014 tel
702.382.8135 fax
DGutwald@bhfs.com

VIA HAND DELIVERY

City of Las Vegas
Department of Planning
Attn: Flinn Fagg
333 North Rancho Drive, Third Floor
Las Vegas, NV 89106

RE: The Western Hotel and Casino – Application for an Extension of Time

Dear Mr. Fagg:

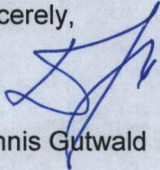
In connection with Fifth Street Gaming, LLC's Application for an Extension of Time for the property formerly known as the Western Hotel and Casino (the "Western"), we have enclosed the following documents:

- 1) Approval Letter dated April 22, 2013, with Agenda Summary with Staff Report for City Council Meeting on April 17, 2013;
- 2) Application/Petition Form;
- 3) Statement of Financial Interest;
- 4) Justification Letter;
- 5) Grant Deed and Legal Description for the subject property, as filed in 2013;
- 6) One reduced copy of Site Plan, six folded Site Plans, and one rolled Site Plan, with photographs of street views;
- 7) One reduced copy of Floor Plan, six folded Floor Plans, and one rolled Floor Plan;
- 8) One (1) check for \$1,050.00.

100 North City Parkway, Suite 1600
Las Vegas, NV 89106-4614
main 702.382.2101

Thank you for your assistance with this matter. Please contact us if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dennis Gutwald", written over the printed name.

Dennis Gutwald

Enclosures

014972\0009\10799708.2