

Carman Burney

From: Chrystal L. Jacobs
Sent: Tuesday, May 14, 2013 10:16 AM
To: 'Gus W. Flangas'; 'tmoody@hutchlegal.com'; trinityhs@yahoo.com; Vicki Quinn; 'Yobyron'; 'rtruesdell@cornerstonecompany.com'; dickbonar@aol.com
Cc: Carman Burney; Flinn Fagg
Subject: FW: Request for Denial of SU-48839, An Application to Keep Dangerous Exotic Animals
Attachments: 20090731 Tiger Escapes Magic Act Ends up on Vegas Streets (00130494).DOC

Please see below

From: Carney Anne Chester (PETA Foundation) [<mailto:CarneyC@petaf.org>]
Sent: Tuesday, May 14, 2013 9:59 AM
To: Planning Internet Email
Subject: Request for Denial of SU-48839, An Application to Keep Dangerous Exotic Animals

May 14, 2013

Attn: Las Vegas City Planning Commission
Las Vegas City Hall
495 S. Main St.
Las Vegas, NV 89101

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MAY 14 2013

City of Las Vegas
Department of Planning

Via e-mail: planning@lasvegasnevada.gov

Re: Request to Deny SU-48839, an Application to Keep Dangerous Exotic Animals in Las Vegas

Dear Chairman Flangas, Vice-chairman Moody, and City Planning Commissioners Goynes, Truesdell, Quinn, Schlottman, and Bonar:

On behalf of PETA and its more than 3 million members and supporters, many of whom live in Las Vegas, I am writing to urge the City Planning Commission to deny SU-48839, the Fercos Bros. request for a Special Use Permit ("SUP") to keep dangerous exotic animals in a residential neighborhood in the City of Las Vegas, with the City Planning Commission votes on the matter this evening.

Reissuing an SUP to the Fercos Bros. would not only violate Las Vegas land use ordinances designed to protect public safety and general welfare, but would contravene established Nevada Supreme Court jurisprudence requiring that the **approval of a special use permit must be supported by substantial evidence**. See *Enterprise Citizens Action Committee v. Clark County Board of Commissioners, et al.*, 918 P.2d 305, 308 (Nev. 1996) (overturning Clark County's issuance of an SUP after finding in mandamus action brought by concerned citizens that the county had abused its discretion when it issued the permit without substantial evidence supporting such issuance); see also *City of Reno v. Lars Andersen and Assoc., Inc.*, 894 P.2d 984, 986 (Nev. 1995).

There is no evidence period—let alone the *substantial evidence* that is required—to support issuance of an SUP to the Fercos Bros. to keep one lion, two panthers, and four tigers on the property located at 2225 Montessouri Street. You may recall that according to news reports, Fercos Bros. allowed a 400-pound tiger to escape while the tiger was being walked on a leash outside the gates of the Fercos property in Las Vegas in 2009. See Associated Press, *Tiger Escapes Magic Act, Ends up on Vegas Streets* (July 31, 2009) (attached). The tiger was ultimately found in a neighbor's backyard. See *id.* As noted in the staff report, since the previous SUP lapsed in 2008, "urbanization has occurred, land density have [sic] increased, and a Community park was built," making the presence of numerous dangerous exotic animals in the vicinity and the associated risk of escapes unquestionably incompatible with the existing surrounding uses. Moreover, the applicants have presented *no substantive or current information* in the justification letter—dated June 5, 2012—or other application materials—let alone information that meets the substantial evidence standard. Therefore, the only decision in step with established Nevada Supreme Court jurisprudence is for the Planning Commission to defer to the recommendation included in the staff report and deny SU-48839.

Thank you for your careful consideration of this important matter. Please do not hesitate to contact me with any questions you have.

Very truly yours,



Carney Anne Chester, Esq.
Counsel
Captive Animal Law Enforcement
PETA Foundation
Fax: 757.628.0786
Cell: 757. 373.0968
CarneyC@petaf.org

Attachment

This message may be protected by the attorney-client privilege and/or the attorney work product doctrine. If you believe you have received this message in error, please do not read it. Please reply to the sender that it has been sent in error and delete the message. Thank you.

http://news.yahoo.com/s/ap/20090731/ap_on_fe_st/us_odd_loose_tiger

Tiger escapes magic act, ends up on Vegas streets

AP Associated Press

Fri Jul 31, 1:32 am ET

LAS VEGAS – Police in Las Vegas say a tamed tiger that escaped from a magic act has been captured.

Police say the residents in the city's northwest section reported seeing the tiger wandering their streets Thursday night.

Police Lt. Les Lane says the cat belongs to Fernando's Brothers magic act. He says the cat got loose, but "they got it back into custody."

The cat was found in a resident's backyard.

Animal Control and Metro Police are investigating the incident.

<http://www.lasvegasnow.com/Global/story.asp?S=10830369>



Tiger Owner Says Escape an Accident

Updated: Jul 31, 2009 9:43 PM PDT

A tiger was found in a backyard in a far northwest Las Vegas neighborhood at around 9:30 p.m. Thursday. The owners eventually cornered it and took it back to its cage. The owner's are part of a magic show that tour the world and they say the escape was one big accident.

At more than 400 pounds, Picasso the white tiger is just another part of the magic show for the **Fercos Brother's Untamed Illusions**. "He's probably the best tiger in the world," said Tony Fercos.

{00130494}

But Thursday evening it was the bright lights of Metro Police that lit up the night's sky near the magician's property after a caller reported a tiger on the loose. "I am really concerned about all the kids in the neighborhood. That's what I am concerned about," said a neighbor.

But Fercos says it was all just an accident. He says he was walking the tiger as part of its recovery from a recent surgery. "He saw the rabbit jumping and he started to run after the rabbit. I fell and I lost the leash," he said.

Code enforcement wouldn't comment on the specifics of the investigation by Las Vegas Animal Control, but they did say the family does have all the necessary paperwork to house exotic animals. "This incident has been taken care of at this point and we are fairly sure that it's going to be resolved," said Joe Boteilho with Clark County Code Enforcement.

Some residents are ok with the neighbors from the animal kingdom. "They are pinned up and things like that happened. They seem pretty tamed," said neighbor Mike Truxel.

Others still remain hesitant. "I kind of want them to have control of their animals at all times," said a neighbor.

Fercos says walking his big cat alone at night is one mistake he won't make again anytime soon. "We are going to keep them only in the perimeter fence. I got my lesson," he said.

Fercos says he will have to continue walking Picasso regularly as part of the tiger's recovery, but he is assuring neighbors it will only happen behind the gates of his home.

BRIAN K. BERMAN
ATTORNEY AT LAW
ADMITTED IN NEVADA AND OHIO

May 7, 2013

Las Vegas Planning Department
333 N. Rancho Drive, Third Floor
Las Vegas, Nevada 89106

Re: SWC O'Bannon and Montessouri
SUP 48839
May 14, 2013

Gentlemen:

I write to express my opposition to the proposal to house big cats a few yards away from the youth baseball fields at Rainbow Family Park.

Sigfried and Roy had the resources and connections to obtain the absolute top quality trainers, veterinarians, animal behavior experts, and that was not enough to prevent **two** serious mauling incidents.

Have we already forgotten the lessons of the escaped chimpanzees of last summer in the northwest valley?

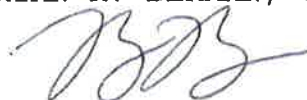
I live approximately a half-mile away off of Del Rey Avenue, a distance which a large cat running full speed could easily cover in less than half a minute.

Wild animals are inappropriate for a dense residential neighborhood. They belong only in sparsely populated areas on the outskirts of town.

Accordingly, I oppose the application.

Very truly yours,

BRIAN K. BERMAN, CHTD.



BRIAN K. BERMAN, ESQ.

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City of Las Vegas
Dept. of Planning

BKB/ld

721 GASS AVENUE • LAS VEGAS, NEVADA 89101
PHONE: (702) 382-0702 • FAX: (702) 382-6450

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this Request

☒ I OPPOSE
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SUP-48839

Planning Commission Meeting of 5/14/2013



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City of Las Vegas
Department of Planning

16303803016
SAUR TRUST
SAUR SHERILYN L TRS
2251 ROSANNA ST
LAS VEGAS NV 89117-2823 89117-2823

Case: SUP-48839

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City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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this Request

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SUP-48839

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City of Las Vegas
Department of Planning

Case: SUP-48839
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LARA EDWARD H & NINA M
6965 O'BANNON DR
LAS VEGAS NV 89117-2121 89117-2121

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SUP-48839

Planning Commission Meeting of 5/14/2013

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NINIO SHIMON J & IDA TRS
2240 MONTESSORI ST
LAS VEGAS NV 89117-2814 89117-2814

Case: SUP-48839

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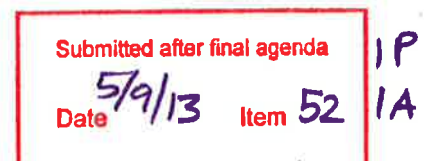
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SUP-48839

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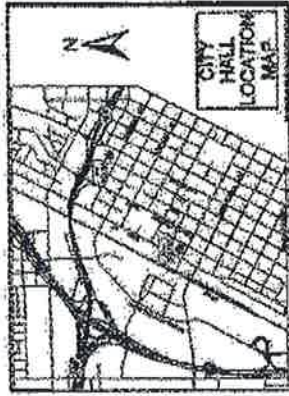
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LIN WILLIAM
YU RUI-JI
7045 EL PARQUE AVE
LAS VEGAS NV 89117-2105 89117-2105

Case: SUP-48839



City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
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Dept. of Planning**

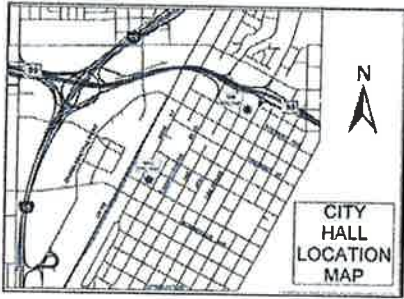
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GRAVES WILLIAM BRUCE & MADALYNE
2270 SHAW CIR
LAS VEGAS NV 89117-2811

Case: SUP-48839

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City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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Department of Planning

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