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November 7, 2023

Via Online Submission

City of Las Vegas
Department of Planning
333 North Rancho Drive, Third Floor
Las Vegas, Nevada 89106

Re: Justification Letter for Western Hotel and Casino - Ward 3
Our Case No.: 3679-19

To Whom it May Concern:

Please accept this Justification Letter in support of the Western Hotel and Casino's application for an Extension of Time for the tavern liquor establishment with gaming located at 899 Fremont Street and owned by 899 Fremont, LLC. 899 Fremont, LLC is managed by DTP MGMT, LLC. Richard Hsieh is the Administrator of the Estate of Anthony Hsieh and is the Manager of DTP MGMT, LLC.

This application seeks an extension of the period for which the use of a nonconforming liquor establishment may be discontinued or abandoned before such land rights are lost. Currently, the Extension of Time for a Nonconforming Liquor Establishment (Tavern) Use expires on February 2, 2024. Accordingly, time is of the essence. We are seeking an additional one-year extension of time (EOT).

Section 19.14.030(A)(3)(c) of the Unified Development Code of the City of Las Vegas, states:

If it appears, by reason of economic hardship, that a nonconforming use described in Subparagraph (a) or (b) above will be deemed abandoned for a period of time greater than the applicable abandonment period described in those subparagraphs, the owner of the property or operator of the use may request that the abandonment period be extended by the City Council. Such request shall be made by means of an application for an Extension of Time. The application shall include or be accompanied by a letter of justification explaining the economic hardship, which must be based on market conditions or other circumstances beyond the applicant's control, and shall be accompanied by the applicable fees, if any, that are set forth in the fee schedule. The application shall be heard at the public hearing of the City Council. An Extension of Time may be granted by the City Council only upon clear

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and convincing evidence of qualifying hardship and a determination that the public health, safety and welfare will not be jeopardized. An Extension of Time may not exceed the duration of the applicable abandonment period set forth in Subparagraph (a) or (b) above.

At this time, a significant economic hardship exists for the Western Hotel and Casino. The Western Hotel and Casino was greatly impacted by the COVID-19 pandemic. Additionally, the main hardship centers around the obligations associated with the administration of the Estate of Anthony Hsieh as well as the future development of the Western Hotel and Casino.

Anthony Hsieh died on November 27, 2020. The Estate of Anthony Hsieh is presently being probated in the Eighth Judicial District Court of the State of Nevada. Creditors' claims have been filed against the Estate. Presently the Estate is involved in vetting those claims and defending litigation associated with the same. The Estate has also filed and paid its 706 estate tax liability to the Department of the Treasury. The estate tax return is pending review by the Internal Revenue Service.

At this time, it is the intention of the Estate and all involved for the Western Hotel and Casino, to activate its liquor and gaming licenses in 2024 or soon thereafter. The Estate had previously considered attempting to reinstate gaming at the property, but due to its status as an Estate, it has become apparent that during the term of the estate administration that gaming, aside from the application and short term implementation of gaming every 24 months to maintain the use, is not a viable option until the Estate is closed. The Estate is currently vetting potential buyers for the Western Hotel.

It is of the upmost importance to the Estate to have the Western Hotel & Casino become a thriving and profitable business in the Fremont East corridor. The Estate believes that this may be accomplished by having the bar become operational in the future. Due to the status of the Estate, the Estate and Manager are working with the team at DTP continuously on items such as the Western. However the issue of the type of gaming license impacts the development options.

While the Estate is bullish on this project, the Estate continues to face economic uncertainty in its immediate future.

It is important to note that the Western Hotel & Casino does not pose any sort of threat to the "public health, safety and welfare." The Western Hotel & Casino is well-maintained and as such, it does not present a problem to the "public health, safety and welfare." Allowing the Western Hotel & Casino time to submit its application for temporary and ongoing operations of a tavern in 2024 or the first quarter of 2025 is in the best interest of all concerned, as it will create jobs, generate revenue and help to revitalize the surrounding area.

To continue the nonconforming land use rights, would allow for the potential new buyer to continue working to get the Western Hotel & Casino operational in 2024 or the first quarter of 2025. At this time, we respectfully request an extension of time in order to preserve the nonconforming land use rights at the Western Hotel & Casino.

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If you should have any questions or concerns, please feel free to reach out to us. Thank you for your time and consideration of this extension request.

Sincerely,

GOLDSMITH & GUYMON, P.C.

/s/ Dara Goldsmith

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