

ATTACHMENT #1

ATTACHMENT 1



Department of Business License

VINCENT V. QUEANO
DIRECTOR

500 SOUTH GRAND CENTRAL PKY, 3RD FLOOR
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LAS VEGAS, NEVADA 89155-1810
(702) 455-4252
(800) 328-4813
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<http://www.clarkcountynv.gov/businesslicense>

January 23, 2023

**NOTIFICATION OF PROPOSED AMENDMENT TO CLARK COUNTY CODE
TITLE 8, CHAPTER 8.20, SECTION 8.20.295 –
DISTANCE RESTRICTIONS FOR TAVERN LICENSES**

Dear Licensee and Community Partners:

Please be notified pursuant to NRS 237.080, of proposed amendments to Clark County Code, Title 8, Chapter 8.20, Section 8.20.295 – Distance Restrictions For Tavern Licenses, to allow for a total of six (6) tavern licenses in commercial developments with specific criteria. The amendments are available for your review online at www.clarkcountynv.gov/depts/businesslicense.

The proposed amendments address the following key areas:

- **Section 8.20.295** would allow for a total of six (6) tavern licenses to be issued within a commercial development located within the area designated as the Winchester Redevelopment Area 1 and consists of thirty (30) acres, all of which share a common parking lot.

In accordance with NRS 237.080, business owners and interested parties may submit data and arguments to the Clark County Board of Commissioners, in care of the Department of Business License as to whether the proposed amendment will:

1. Impose a direct and significant economic burden upon a business; or
2. Directly restrict the formation, operation or expansion of a business.

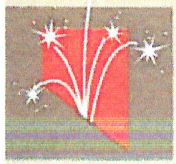
Please direct your comments, data and arguments in writing to Jordan Sandecki at PublicCommentCCBL@ClarkCountyNV.gov by 5:00 p.m. on February 21, 2023.

Sincerely,

Michael Harwell

Michael Harwell
Franchise Manager

ATTACHMENT #2



February 17, 2023

Via email, only

Clark County Board of Commissioners
c/o Clark County Department of Business License
500 South Grand Central Parkway, 3rd Floor
Box 551810
Las Vegas, Nevada 89155-1810
PublicCommentCCBL@ClarkCountyNV.gov

Re: Proposed Amendments to Clark County Code, Title 8, Chapter 8.20, Section 8.20.295 – Distance Restrictions For Tavern Licenses

Dear Commissioners:

The Nevada Resort Association (the “Resort Association”) opposes the adoption of proposed amendments to Clark County Code, Title 8, Chapter 8.20, Section 8.20.295 – Distance Restrictions For Tavern Licenses that would exempt from the long-standing distance restrictions between taverns in Clark County the Commercial Center on East Sahara Avenue. The Commercial Center is identified in the proposed ordinance as “a commercial development located within the area designated as the Winchester Redevelopment Area 1 and consists of at least 30 acres, all of which share a common parking lot.”

Background

The Resort Association generally does not object to the County providing commercial developers with incentives to make capital investments for the purpose of redeveloping older areas that have faced challenges as the Las Vegas Valley has expanded and the concentration of commercial activity has moved outward from the center toward newer, more affluent neighborhoods. However, the Resort Association consistently has opposed and will continue to oppose efforts by or on behalf of restricted gaming licensees and slot route operators to erode protections enacted by the Nevada Legislature and adopted by gaming regulators and local governments to improve the quality of life of local neighborhoods and to encourage and validate the substantial investments in facilities, infrastructure and job creation made by resort hotels. (See, e.g., CCC §8.04.010.145, which requires a resort hotel to have, at a minimum, a 200-room hotel; one main bar; one service bar for service only; a *bona fide* live entertainment facility; a 24-hour restaurant; room service to all rooms; and, a recreational facility which includes at least a golf course, or four tennis courts with locker rooms and attendant facilities, or a swimming pool proportionate to the size of the resort hotel, or a fitness center of at least 2,400 sq. ft. equipped with a full complement of exercise equipment.)

With the exception of a relatively small number of restricted locations already in existence and permitted to continue conducting their businesses under grandfather provisions, virtually every new law relating to the licensing of taverns in southern Nevada over the last several decades has served these twin purposes, by requiring substantial capital investment in designated enterprise districts for new nonrestricted gaming establishments, by ensuring that restricted gaming licenses for up to 15 slot machines are granted only to *bona fide* taverns rather than slot parlors disguised as taverns, and by imposing distance requirements not only from neighborhood institutions such as churches and schools, but also between taverns themselves, so as not to create the perception of a *de facto* casino resort or other non-restricted gaming establishment.

Gaming Enterprise Districts, Generally

In 1997, the Legislature enacted SB 208, which identified certain gaming enterprise districts in the Valley wherein casino gaming development would be permitted, and established more restrictive criteria for the creation of new gaming enterprise districts. Subsequent to the passage of SB 208, the County and the City of Henderson adopted ordinances providing much stricter standards for the approval of gaming enterprise districts (i.e., unless the location is within a Tourist Commercial zone (generally near the Strip), Clark County requires that the proposed location be at least 5,000 feet from a home, church or school) essentially limiting new gaming enterprise districts to new master-planned communities such as Inspirada.

Tavern Restrictions – Distance Requirements

This set of laws, regulations and ordinances addressing the suitability of certain locations for gaming also extends to restricted locations and includes County Code Section 8.20.295 itself, which (with a few narrow exceptions) has for more than 40 years required that licensed taverns remain at least 2,000 feet apart from one another and at least 1,250 feet from a “tourist club.” And, of course, CCC §8.20.245 requires that taverns be at least 1,500 feet from the nearest school or church.

Tavern Restrictions – The “Incidental” Test

Since 1990, Nevada Gaming Commission Regulation 3.015 has further required that the operation of slot machines in a restricted gaming establishment be “incidental” to the operation of the primary business of that establishment. On several occasions since the original adoption of that regulation, the Gaming Commission has reinforced its intent through amendments that establish criteria for a location to be found suitable for restricted gaming, and that create the presumption that only a bar, tavern, saloon or the like is entitled to more than seven slot machines.

Tavern Restrictions – Taverns, Not Slot Parlors, Allowed

During that same time period, the County has had to revisit the definition of a “tavern” on multiple occasions to ensure that the operation of slot machines is incidental to the operation of the tavern, including having to impose a requirement that all of the tavern’s slots be “bar-top” machines installed in a *bona fide* bar or else the revenue from slot machines cannot exceed fifty percent of the overall revenue of the tavern in order to be entitled to operate 15 slot machines. See CCC §8.20.020.385 - Tavern.

Tavern Restrictions – De Facto Sports Books Not Permitted

Most recently, the Legislature again was called upon to act when it learned that restricted locations, principally taverns, had attempted to add sports betting kiosks to their gaming offerings. In 2013, the Legislature enacted SB 416 to clarify that the functionality of these kiosks was tantamount to a licensed sports pool and therefore the deployment of kiosks was limited to nonrestricted gaming establishments.

Public Policy Dictates A Bright Line Between Nonrestricted and Restricted Locations

The public policy consistently expressed in the laws enacted and regulations and ordinances adopted over the last several decades, as outlined above, is that there must be a bright line between restricted locations with up to 15 slot machines and nonrestricted gaming establishments with an unlimited number of devices. Principally for this reason, Golden Gaming, which owns and operates casino resorts (including the Strat Hotel and Casino) and also owns and operates numerous taverns in Clark County and one of the largest slot routes in the state, joins with other Resort Association members in opposing the proposed amendments.

This proposed ordinance would blur that line by effectively creating a hybrid location, combining multiple restricted gaming establishments in one relatively small area with up to 90 slot machines total. Moreover, this effort – which is purported to spur the redevelopment of Commercial Center – apparently is being done solely through creating this proposed exception to the long-standing distance restrictions without also imposing any of the financial obligations required of nonrestricted gaming licensees, such as the investment in substantial capital improvements, the creation of hundreds, if not thousands, of jobs, or the payment of a gross gaming revenue license fee.

There Already Are Multiple Restricted Locations In And Around Commercial Center

Not only would the proposed amendment allow for six taverns to be in close proximity to one another, but one or more of the taverns also would be well within 1,250 feet of an actual casino, the Eureka Casino on East Sahara, that offers more than 250 slot machines of its own. Not much further away as the crow flies, but separated by the Las Vegas Country Club, is the Westgate casino resort and its more than 700 slot machines in more than 90,000 square feet of casino space. Not far beyond that, are the Sahara (565 slots) and Strat (750 slots) casino resorts. And, a quick drive around the area of Sahara Avenue and Maryland Parkway reveals a number of restricted locations in and in the vicinity of Commercial Center already.

Finally, it is more than possible that one or more of the six taverns which would compete with one another and with the nearby casinos and casino resorts would fail the revenue test set forth in CCC §8.20.020.385(c)(2), which would reduce the number of machines to seven in some or all of the locations, and in turn could lead to one or more of those taverns ceasing to do business.

There Is No Justification For The Proposed Amendments

In addition to all the above, the Resort Association is unaware of any empirical evidence presented in support of the proposed amendments that lifting the distance restrictions in this instance actually will stimulate substantial investment and commercial redevelopment beyond the construction of six taverns, or that other types of incentives would not do as much or more to attract development in this redevelopment zone.

In fact, all one must do is look at CCC §8.20.060 - Nonconforming Locations, to see that the proposed amendments not only contravene public policy, but also appear to perpetuate a series of unsuccessful efforts by past Boards of Commissioners to revitalize commercial redevelopment areas such as this one by attempting to sustain the operation of multiple nonconforming taverns. Despite these several grandfather provisions for nonconforming taverns, some of which are now more than 20 years old, this particular redevelopment area in Winchester Township has continued to decline.

It bears reminding that the Resort Association had been assured previously that redevelopment dollars would not be used to support existing or prospective gaming licensees. The City of Las Vegas and City of Henderson both have successfully undergone redevelopment without having to compromise the justifiable limitations imposed by state and local law on restricted gaming locations.

Finally, if the County is willing to make this exception today for this particular location for the reasons stated, it is only a matter of time before other locations and other justifications are presented to this Board.

For all the foregoing reasons, the Resort Association opposes the proposed amendments and respectfully requests that the Board of Commissioners not support them.

Sincerely,



Virginia Valentine, President

ATTACHMENT #3

LAS VEGAS OFFICE
1980 Festival Plaza Drive, Suite 650
Las Vegas, NV 89135
T: 702.792.7000
F: 702.796.7181

KAEMPFER

CROWELL

BRITTNEY A. LEHTINEN
blehtinen@kcnvlaw.com
D: 702.792.7000

February 21, 2023

VIA EMAIL

Jordan Sandecki
Clark County Department of Business License
500 S. Grand Central Pkwy., 3rd Floor
Las Vegas, Nevada 89155
publiccommentccbl@clarkcountynv.gov

Re: Objection to Proposed Amendment to Clark County Code Section 8.20.295

Dear Jordan:

We represent Timbers Hospitality Group Inc. (“Timbers”) in connection with its response/objection to Clark County Business License Department’s (“County”) proposed amendment to Clark County Code (“Code”) Section 8.20.295, which, under proposed subsection (i), would allow a total of six (6) tavern licenses to be issued within a single commercial development that is located at 953 E. Sahara Ave. (the “Winchester Redevelopment Area I”).

Section 8.20.295(a) states, in relevant part, “No tavern license shall be issued in the county *unless* the main entry door of the prospective tavern *be not less than a two thousand foot radius* from the main entry door of the nearest existing tavern and/or nonconforming tavern location as defined in Section 8.20.060.” The proposed revision and inclusion of subsection (i) directly conflicts with the language contained in subsection (a) which prohibits more than one tavern within a two thousand foot radius of another tavern.

Further, the proposed amendment is economically disadvantageous and promotes unfair competition for other tavern owners, such as Timbers, who are unable to apply for or be licensed to operate additional tavern locations because of the aforementioned distance restrictions.

Without this Winchester Redevelopment Area I specific addition to the Code, at most only two (2) taverns would be eligible for licensing in the commercial center. Additionally, this proposed amendment could appear as an effort to circumvent Nevada gaming law under Nevada Revised Statute (“NRS”) 463.0189, which prohibits restricted gaming licensees from having more than fifteen (15) slot machines within an establishment. Although Nevada’s gaming laws and regulations are per licensed establishment, allowing six (6) taverns—each permitted up to fifteen (15) slot machines (for a total of ninety (90) possible slot machines in one commercial center)—would defeat the purpose behind Nevada’s restricted license provisions which are intended to prevent competition with non-restricted casino licensees.

Jordan Sandecki
February 21, 2023

KAEMPFER

CROWELL

Page 2

Therefore, Timbers respectfully requests the Clark County Board of Commissioners decline to implement the proposed amendment to Section 8.20.295. Please let us know if you have additional questions.

Sincerely,

KAEMPFER CROWELL



Brittney A. Lehtinen

BAL/jcm

ATTACHMENT #4

From: [La Vecindad LV](#)
To: [BL Public Comment](#)
Cc: [District E CC](#)
Subject: COMMERCIAL CENTER Tavern Licenses
Date: Wednesday, February 8, 2023 1:28:24 PM

Good afternoon,

I am writing to you today to express my interest in obtaining a tavern license for my establishment in the Historic Commercial Center. I understand that the process of obtaining a license can be lengthy and competitive, but I am confident that my proposed tavern will be a valuable addition to the community and a responsible operator of the license.

My passion for the hospitality industry is rooted in my love for providing excellent customer service and creating a warm and inviting atmosphere for guests. I have been working hard over the years, gaining valuable experience and knowledge in the industry. I believe that my experience, combined with my commitment to operating a responsible and well-managed establishment, make me the ideal candidate for a tavern license.

My tavern will be a gathering place for the community, offering a diverse selection of beers, wines, and spirits, as well as a menu of delicious pub-style food. I plan to host live music events and other entertainment that will provide a fun and safe environment for patrons. I am committed to ensuring that all of my employees receive responsible beverage service training, so that they can provide guests with a safe and enjoyable experience.

I am aware of the concerns surrounding the responsible operation of taverns, and I assure you that I will take all necessary steps to ensure that my establishment operates within the laws and regulations set forth by the county. I will work closely with local law enforcement to ensure the safety of my patrons and the surrounding community.

I do understand that I'm just a tenant, but my vision is to own a building anytime soon. Since I decided to open my LA VECINDAD in the Commercial Center back in 2018, I never doubted the area. I have always had the confidence that soon the eyes would fix on our area. Supporting cleanliness and safety on our own along with others tenants. Proud of creating traffic due to the popularity of my restaurant, increase that has favored the rise of the center.

In conclusion, I believe that my proposed tavern will provide a valuable and much-needed service to the community. I am confident that with my experience, passion, and commitment to responsible operation, I am the ideal candidate for a tavern license. I would be honored to have the opportunity to bring my vision to life and contribute to the growth and

prosperity of Clark County.

Thank you for your time and consideration.

Sincerely,

Vanessa Barreat
LA VECINDAD® - Owner
953 E. Sahara Ave. Suite E-27
Las Vegas Nv 89104

ATTACHMENT #5

COMMERCIAL CENTER
BUSINESS ASSOCIATION



953 E Sahara Ave Ste E-11A
Las Vegas, Nevada 89104
Tel: 702-791-2368
Mobile: 702-810-9831
Fax: 702-792-7519
paula@commercialcenterusa.com
www.commercialcenterusa.com

Monday, February 20, 2023

Department of Business License
Public Comment CCBL
500 S. Grand Central Pkwy
Box 551810
LV, NV 89155
702-455-4523

Attention: Jordan Sandecki

Dear Dept. Of Business License

I am writing on Behalf of Commercial Center Business Association. We over 150 Businesses at the Commercial Center, after having conversations with several who would like to see and increase in business in the area. In Regard to a notification from January 23, 2023. For a proposed amendment to Clark County Code Title 8, Chapter 8.20, Section 8.20-295-Distance Restrictions for Taverns Licenses.

We are in favor of increasing the limit for Tavern Licenses, in the Commercial Center 953 E Sahara Ave, We also feel this will benefit the businesses at 900 Karen Ave, 967, and 957 E Sahara-which all share the common parking lot Known as Commercial Center

We have seen the benefit of increased business and foot traffic in areas such as the Downtown Arts District and Fremont Street with several taverns in close proximity and a variety of other businesses. Actually this makes sense for our area as to the sheer size of our Center, if it were laid out in blocks we would easily take up 8 to 10 blocks, and in that setting would see a potential of several taverns.

Commercial Center is an important Las Vegas Historic Icon and Once the Heart of the City in 1963, and is now a thriving Urban Area and reclaiming its place as the Heart of Las Vegas, where it all began. With us entering our 60th year of serving the community this fall. Bringing in more

businesses that will increase foot traffic will be very helpful to the growth in the area and serve thousands of nearby locals by offering more establishments to patronize. We have plenty of space for the increased growth, with our 18 acre parking lot with over 1500 parking spaces, our 200 storefronts and offices.

We as business owners have been hard at work by continued joint efforts to keep our area safe and clean. We have been providing security since 2006 to the general area, we employ porters/janitors for trash clean up and light maintenance of the general areas. We have amazing small business owners that work hard to serve the public day in and day out.

Although there have been challenges in the area over the years, we have analyzed areas of concern and addressed these issues, and have taken on joint efforts with our neighbors and local agencies to make the area more attractive to customers and prospective businesses. This can be seen with the introduction of Art Galleries in the recent years, amazing new restaurants and service related business and retail options.

Most recently the nearby palms apartment and others to the west are going through a massive remodel and this will no doubt bring new residents who want to live close to the strip, we service clients from the Country Club, Turnberry Towers and many tourists.

We look forward to the continued growth and partnerships with the County in efforts to not only preserve our historic legacy which spans 6 decades and hundreds of Las Vegas Families, but to grow at the same time, while keeping rents attractive to prospective new business-so everyone will be a winner.

Commercial Center is a special place for the Mom and Pop Shops we are all small business owners and no corporate chain stores which make us unique set us apart from other neighborhoods. That's what locals appreciate the most and new business owners have a fair chance to succeed. Working with our also family-owned properties.

Our Group is a combination or business and property owners. We all work hard to help each other. Please feel to reach out for any questions and further comments.

As a local Las Vegas Raised here and a nearly lifelong resident of 30 years and a 20 year tenant at Commercial Center I am invested in the future and success of all of us as a family of businesses. I am here to serve the community in any way that I can.

Sincerely,

Paula J. Sadler
President & Founder

These are our sites that represent the neighborhood.

www.commercialcenterusa.com

www.freeparkandartlasvegas.com

www.commercialcenterdistrict.com

www.villagesquarecommercialcenter.com

ATTACHMENT #6

From: [Crystal Hall](#)
To: [BL Public Comment](#)
Subject: New Proposed Amendment to Clark County Code Title 8. Chapter 8.20 Section 8.20.295
Date: Tuesday, February 21, 2023 12:36:41 PM

To: Clark County Board of Commissioners
In Care of Department of Business License
Attn: Jordan Sandecki

I am the owner of Crystal Hall banquet and I want to express my full support of the new proposed ordinance changes.

Approving this proposal is a welcoming change for all small businesses in the Commercial Center and it will be greatly appreciated by me, my employees and our customers. This change will help mine and other businesses in the area not only survive, but thrive and will be the gift that keeps on giving.

Accepting this proposal will help businesses grow and in return those businesses will bring more revenues to Clark County and revamp the area.

Thank you for the opportunity to submit our comments in regards to the new proposed amendment to Clark County code Title 8, Chapter 8.20, Section 8.20.295.

Thank You,
Irena Damianova

Crystal Hall
953 E Sahara Ave., Suite B-3
Las Vegas, NV 89104
Phone 702.708.0202
crystalhallbanquets@gmail.com

ATTACHMENT #7

Mike Harwell

From: Balkan Bar and Grill <balkanbgnv@gmail.com>
Sent: Tuesday, February 21, 2023 12:51 PM
To: BL Public Comment
Subject: Proposed Amendment to Clark County Code Title 8. Chapter 8.20 Section 8.20.295

To: Clark County Board of Commissioners
In Care of Department of Business License
Attn: Jordan Sandecki

I want to provide my full support for the newly proposed changes. Accepting those changes is a step in the right direction. It is a needed helping hand for the small businesses in the area. I truly believe in the potential of the Commercial center. I took a leap of faith and in 2021 I opened another business within the plaza - Balkan Bar and Grill. I am very glad to be part of the redevelopment efforts of this area. All these proposed changes are very welcomed and well overdue. I hope that there will be more to come in order to transform this community into a desired and safe place for business, tourists, customers, employees and entertainment.

*Thank You,
Irena Damianova*

Balkan Bar and Grill
953 E Sahara Ave., Suite B-26
Las Vegas, NV 89104
Phone 702.902.6677
balkanbgnv@gmail.com

ATTACHMENT #8

From: [Svetlozar Monev](#)
To: [BL Public Comment](#)
Subject: Comment regarding Proposed Amendment to Clark County Code Title 8, Chapter 8.20, Section 8.20.295
Date: Tuesday, February 21, 2023 1:09:39 PM

Good Afternoon,

This letter is addressed to the Attention of Jordan Sandeck and Clark County Board of Commissioners, in care of the Department of Business License regarding the proposed amendment to Clark County Code, Title 8. Chapter 8.20. Section 8.20.295.

As a property owner I am glad to see finally some changes to the area which had for years the stigma of an unsafe and run down part of town. It is unacceptable for such a large piece of property, centrally located just minutes to the Convention Center, The Strip and Downtown to be left under-used and under-maintained. Las Vegas is a tourist destination and such an eyesore located in the center of town leaves a bad impression for the tourists and does not really reflect what this town is all about. I am fully supporting the new proposed amendments to the Clark County Code and I hope that there are more to come.

This proposal is a step in the right direction. I strongly urge you to vote "Yes" to the proposed changes.

Thank you for your time,

Svetlozar Monev
ERSOF, INC