



Memorandum

Date: January 23, 2014

To: SOUTHERN NEVADA DISTRICT BOARD OF HEALTH

From: Jacquelyn Raiche-Curl, Environmental Health Supervisor *JRC*
Paul Klouse, Acting Director of Environmental Health *PK*
Joseph P. Iser, MD, DrPH, MSc, Chief Health Officer *JPI*

Subject: Variance Request to Operate a Public Bathing Places not in Compliance with the Nevada Administrative Code (NAC) 444.454.1, Corner Investment Propco, LLC d/b/a Caesars Entertainment, Inc. Bill's Gamblin' Hall, 3595 Las Vegas Blvd South, Las Vegas, NV, 89109. [Assessor's Parcel Number (APN) 162-21-101-001] For Health Permits: PR0108664, PR0108665, PR0108666, PR0108667, PR0108668; Scott Gibson, for the Owner(s), Bill's Gamblin' Hall

I. BACKGROUND:

Corner Investment Propco, LLC d/b/a Caesars Entertainment, Inc. Bill's Gamblin' Hall is petitioning for a variance as requested by Scott Gibson, Owners Representative to operate five public bathing places not in compliance with Nevada Administrative Code (NAC) 444.454.1, which states in part - "... a continuous unobstructed deck at least 4 feet (1.22m) wide including the coping must be provided around at least half of the perimeter of the spa....". The proposal is to construct the spas with a raised edge 18" above the deck providing a sitting area for guests around the spas. The public bathing places will be located on Assessor's Parcel Number (APN) #162-21-101-001 (see Attachment C "Assessor's Parcel Information" and Attachment D "Assessor's Map"), at 3595 Las Vegas Blvd South, Las Vegas, NV, 89109.

II. DISCUSSION:

The petitioner requests a variance "...to raise the edge of the spas 18 inches above the deck. The raised deck will provide a sitting area around the spa... The roof top location of the pool area has unique elevation challenges that come as a result of working with an existing building

structure with its load restrictions.”

The evidence presented for granting a variance to permit Bill's Gamblin' Hall to deviate from NAC 444.454.1 accommodating a spa with a perimeter edge raised 18" above the surrounding deck, is listed below:

(a) There are circumstances or conditions which -

(1) Are unique to the applicant:

The roof top location of the pool area has unique elevation challenges that come as a result of working with an existing building structure with its load restrictions. The Spas are small and easily accessible from all sides for safety reasons.

(2) Do not generally affect other persons subject to regulations:

Granting a variance will not affect other persons subject to regulations regarding spa decks. The design of the water bodies will comply in all respects with the requirements of NAC Chapter 444 other than for the subsection cited.

(3) Make compliance with the regulation unduly burdensome:

There are no solutions that could include the existing grade changes that already exist in the top floor of the building; this is the only place where a pool facility can be built on this property. Further, the existing Hotel was already at a disadvantage since it had not had a pool area, making it difficult to compete in the current Las Vegas market.

(4) Will not be detrimental or pose a danger to public health and safety:

Granting of this variance will not pose a risk to public health and safety. Similar designs have been approved for variances by this board to include additional bathing features at this location.

(b) Granting the Variance -

(1) Is necessary to render substantial justice to the applicant and enable their preserving and enjoying a property right:

Granting the variance will allow the use of the deck for swimming and to provide amenities offering high aesthetic value and aquatic ambience, in conjunction with the operation of a nightclub; a right currently enjoyed by other nearby properties.

(2) Will not be detrimental or pose a danger to public health and safety:

Granting the variance will not be detrimental or pose a danger to public health and safety, because the pools and spa will be engineered to incorporate all necessary and code mandated safety provisions, as well as additional warning tiles and markings to delineate the raised pool edge condition.

III. RECOMMENDATION:

Staff is of the opinion that there exist circumstances which satisfy the requirements for a variance and that the granting of this variance will not be detrimental or pose an unreasonable danger to public health and safety if the following conditions are included.

IV. CONDITIONS:

1. The petitioner agrees to maintain a walkway area around the spas accessible and free from obstruction;
2. The petitioner agrees to adhere to all other applicable requirements of the Public Bathing Places Public Spas Regulations, NAC 444;
3. Steps will be provided to exit the pool with required tread heights on the interior and a 9 inch tread heights on the exterior of the spas;
4. Failure of the petitioner to prevent public health and safety issues, as determined by the health authority, will result in the voiding of this variance;
5. Pertinent design changes that deviate from the plans proposed during the initial review of the variance may void the variance;
6. This variance is automatically terminated without further notice upon the closing of any sale transaction involving the subject property, or upon petitioner leasing or assigning operation of these public bathing spas to any other person or entity.

JRC

Attachments:

- A. Nevada Secretary of State Corporate Information
- B. Variance Candidate Worksheet
- C. Variance Application Letter
- D. Assessor's Parcel Information
- E. Assessor's Map
- F. Public Notice
- G. Affidavit of Public Notice
- H. Spa Construction Plans

Attachment A: Nevada Secretary of State Corporate Information

Entity Details - Secretary of State, Nevada

Page 1 of 2

CORNER INVESTMENT PROPCO, LLC

Business Entity Information			
Status:	Active	File Date:	7/17/2012
Type:	Foreign Limited-Liability Company	Entity Number:	E0377752012-1
Qualifying State:	DE	List of Officers Due:	7/31/2014
Managed By:		Expiration Date:	
NV Business ID:	NV20121443398	Business License Exp:	7/31/2014

Additional Information	
Central Index Key:	

Registered Agent Information			
Name:	CSC SERVICES OF NEVADA, INC.	Address 1:	2215-B RENAISSANCE DR
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89119
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	NV
Mailing Zip Code:			
Agent Type:	Commercial Registered Agent - Corporation		
Jurisdiction:	NEVADA	Status:	Active
Individual with Authority to Act on Behalf of the Commercial Registered Agent			
Name:	GEORGE MASSIH	Phone:	800-927-9800
Physical Address 1:	2711 CENTERVILLE RD STE 400	Physical Address 2:	
City:	WILMINGTON	State:	DE
Zip Code:	19808		

Financial Information	
No Par Share Count:	0
Capital Amount:	\$ 0
No stock records found for this company	

Officers		<input type="checkbox"/> Include Inactive Officers	
Managing Member - CORNER INVESTMENT HOLDINGS LLC			
Address 1:	ONE CAESARS PALACE DRIVE	Address 2:	
City:	LAS VEGAS	State:	NV
Zip Code:	89109	Country:	USA
Status:	Active	Email:	

Actions\Amendments			
Action Type:	Application for Foreign Registration		
Document Number:	20120495101-65	# of Pages:	1
File Date:	7/17/2012	Effective Date:	

(No notes for this action)			
Action Type:	Initial List		
Document Number:	20120498368-33	# of Pages:	1
File Date:	7/19/2012	Effective Date:	
(No notes for this action)			
Action Type:	Admin Status Change		
Document Number:	20120498372-98	# of Pages:	1
File Date:	7/19/2012	Effective Date:	8/3/2012
ADMIN CHANGE			
Action Type:	Annual List		
Document Number:	20130443273-69	# of Pages:	1
File Date:	7/3/2013	Effective Date:	
(No notes for this action)			

Attachment B – Variance Worksheet

Submit by Email

Print Form

**PUBLIC SWIMMING FACILITY OR FOOD ESTABLISHMENT
VARIANCE CANDIDATE WORKSHEET**
(Follow Variance Procedure Worksheet Steps on Page 4)

PART I

Name of Facility/Establishment: Gavsevart
Health Permit No.: _____ Date of Inquiry: November 18, 2013
Name of Operator/Agent: Scott Gibson
Address of Operator/Agent: 3595 Las Vegas Blvd. South
Phone Nos. of Operator/Agent:
Office 702-733-3200 Cell N/A Fax 702-733-3200

If corporation, the name/title of person to sign Variance document:
Name: Corner Investment Propco, LLC-Scott Gibson
Title: Owners Representative

Name of Property Owner: Corner Investment Propco
Address of Property Owner: 3595 Las Vegas Blvd. South
Phone Nos. of Property Owner:
Office 702-733-3200 Cell N/A Fax 702-733-3200
Property Address: 3595 Las Vegas Blvd. South

Assessor's Parcel Number (APN): 162-21-101-001

Describe location within larger facility (i.e., shopping mall, hotel/casino/resort, etc.):
Hotel/Casino located on the corner of Las Vegas Blvd. and Flamingo. Pool area will be on top of buildings at levels 10 and 11.

(Attach labeled map/site/floor plan with north arrow and engineering or architectural scale)

Describe Variance issue(s): 5 spas with edge raised 24" above deck providing a sitting area for guests. The decking around the Spas will slope away from the Spas towards deck drains. Some of the deck will be less than 2% but all will have the same slope towards deck drains. Guests will be able to rotate their bodies 180 degrees to enter the Spas. There will be access inside the Spas via stairs with handrails. Owner is requesting a variance to raise the edge of the spa 24 inches above the deck. This raised edge will provide a sitting area around the spa that is considered to be non-complaint with regulations under subsections 444.451.1 of NAC, which states in part - ".A continuous unobstructed deck at least 4 feet (1.22m) wide, including the coping, must be provided around at least half of the perimeter of the spa. ...". There will be deck around over 50% of the Spas

PART II

Nevada Administrative Code 439.240 states in general that certain conditions or circumstances must be shown to exist in order for a Board of Health to approve a request for a Variance from adopted public health regulations. A variance application letter (as noted below in PART III) MUST specifically address each of the following issues:

1. There must be circumstances or conditions which are unique to the applicant, and do not generally affect other persons subject to the regulation. Please indicate how your request is unique to your situation and is, therefore, not likely to affect other persons subject to specific regulation:

The roof top location of the pool area has unique elevation challenges that come as a result of working with an existing building structure with its load restrictions. The Spas are small and easily accessible from all sides for safety reasons.

2. There must be circumstances or conditions which make compliance with the regulation unduly burdensome and cause a hardship to and abridge a substantial property right of the applicant, and the variance is necessary to render substantial justice to and preserve the property rights of the applicant. Please indicate in what manner compliance with the regulation would be burdensome or cause a hardship on your business or how the free use of your property may be affected (if economic factors are an issue, please include estimates regarding the costs that would be incurred by compliance):

There are no solutions that could include the existing grade changes that already exist on the top floor of the building. This is the only place where a pool facility can be built on this property. Further, the existing Hotel was already at a disadvantage since it had not had a pool area making it difficult to compete in the current Las Vegas market.

3. Granting the variance will not be detrimental or pose a danger to public health and safety. Please provide evidence that the variance request, if approved, will not adversely affect the safe and sanitary operation of the applicant(s) pool, spa, or food establishment:

The Ganesvort Hotel & Casino's primary objective is to catch up with the unique ideas for entertainment that Las Vegas has already embraced. The creation of this pool area is to attract young people ages 21-35, who are looking for a social atmosphere. These people come to Las Vegas to spend time socializing and interacting with others. This social environment is created and structured around this unique raised deck design that has already been approved by this Board of Health in previously submitted variances for the Hard Rock Hotel, Downtown Grand Casino and the Sunset Station Hotel and Casino.

NAC 439.240 Approval by board.

1. The state board of health will grant a variance from a regulation only if it finds from the evidence presented at the hearing that:
 - (a) There are circumstances or conditions which:
 - (1) Are unique to the applicant;
 - (2) Do not generally affect other persons subject to the regulation;
 - (3) Make compliance with the regulation unduly burdensome; and
 - (4) Cause a hardship to and abridge a substantial property right of the applicant; and
 - (b) Granting the variance:
 - (1) Is necessary to render substantial justice to the applicant and enable him to preserve and enjoy his property right; and
 - (2) Will not be detrimental or pose a danger to public health and safety.
2. Whenever an applicant for a variance alleges that he suffers or will suffer economic hardship by complying with the regulations, he must submit evidence demonstrating the costs of his compliance with the regulation. The board will consider the evidence and determine whether those costs are unreasonable. [Bd. of Health, Variances Reg. §§ 2.7-2.8, eff. 10-16-80; A 2-5-82; 1-19-84]

PART III:

A Variance Application Letter, which includes all information provided by the applicant on this worksheet, must be submitted in writing to Glenn D. Savage, Environmental Health Division (EHD) Director no later than six (6) weeks before the monthly Board of Health Meeting on the 4th Thursday except in November and December which is on the 3rd Thursday. The Application letter must be on the owner's letterhead signed by the Owner/Corporate Officer specifically listing which part(s) of the Regulation the proposed Variance covers with this completed Worksheet as an attachment. The written Application Letter must take particular care in providing statements and evidence of circumstances or conditions and reasons why the District Board of Health should grant the Variance as listed in NAC 439.240 as shown at the top of this page. *ALL information you have provided in PART I and II of this Worksheet must be included in the body of the letter.* The evidence required may include 8½" x 11" or 11" x 17" detailed drawings and/or photographs.

The Variance process is outlined in Nevada Administrative Code (NAC) 439.200 through 439.260 with the exception that an application fee is payable to SOUTHERN NEVADA HEALTH DISTRICT (SNHD).

Next closing date: _____ For: _____ Board of Health Meeting

Referred by: _____
(Print Name of APR or DEHS)

Completed by: _____
(Print Name of CCHD Supervisor)

Received by: _____
(Owner/Operator/Agent Signature)

Reviewed by: _____
(Signature of CCHD Manager)

COPY TO: Permit File
Division Director
Department Manager

VARIANCE PROCEDURE

WORKSHEET STEPS:

1. If the Assigned Plan Reviewer (APR) or District Environmental Health Specialist (DEHS), after reviewing a Plan Review Application or learning about an operational situation that is in apparent conflict with existing regulation(s), respectively, finds in the process of pursuing compliance that the owner/operator/agent claims circumstances or conditions described in NAC 439.240 that may support approval by the Board of Health for a Variance from said regulation(s), then the APR or DEHS first discusses the possible Variance with his Supervisor.
2. If the Supervisor, after exploring any other feasible possibilities to achieve compliance, fails to persuade the owner/operator/agent that at least one (1) of the possibilities is feasible due to the circumstances and conditions noted in Step 1, then the Supervisor completes all applicable information on the "... VARIANCE CANDIDATE WORKSHEET" from existing file(s) and conference call(s) or meeting(s) with the Variance candidate's representative(s), and forwards the completed WORKSHEET to the Department Manager. A Variance Candidate Worksheet Meeting fee will be required prior to completing the VARIANCE CANDIDATE WORKSHEET.
3. If after the Manager reviews the WORKSHEET and researches any possible questions of policy and law with the Division Director and District Legal Counsel, respectively, he then signs and dates the WORKSHEET and either faxes it with confirmation or arranges to have in person owner/operator/agent sign and date for receipt of WORKSHEET.
4. After the WORKSHEET fax confirmation is received or is signed received in person, one (1) copy of each is sent to Permit File, Division Director, and Department Manager.
5. The Department's Administrative Secretary establishes a new Variance Candidate File as the repository for ALL documents generated by EHD staff and received from the Variance candidate's representative(s) during the Variance process.

VARIANCE APPLICATION STEPS:

1. When the Application for Variance as described at the bottom of the "... VARIANCE CANDIDATE WORKSHEET" is received by the Division Director and is date stamped received and the Variance Application Fee received, it should be forwarded as soon as possible to the appropriate Division Manager for determination of completeness.
2. If the Application is determined by the Manager to be incomplete, then the Manager must document communication of necessary additions and/or corrections to the Variance applicant's representative(s) in a timely enough manner to allow for the possibility of a second submittal prior to the published "Closing Date" for the earliest available Board of Health Meeting date.
3. Once the Application for Variance is determined by the Department Manager to be complete, the Department's Administrative Secretary prepares, on a blank sheet of paper, the letter petitioning the District Board of Health of Clark County, as drafted by the Manager for signature by the property owner/corporate officer or authorized operator/agent. (Operator/agent may sign this document only if written authorization on letterhead signed by property owner/corporate officer has been received.)

Attachment C – Variance Application Letter



VARIANCE REQUEST

Mr. Paul Klouse
Acting Director of Environmental Health
SNHD Aquatic Health Program
330 S Valley View Blvd, Las Vegas, NV 89152

Re: Variance for Bills Gambling Hall/Hotel and Casino
Assessor's Parcel Number (APN): 162-21-101-001

Bills Gambling Hall/ Hotel and Casino is a small boutique Hotel Casino located on the Northeast corner of Flamingo Blvd. and Las Vegas Blvd. This facility has never had a pool area and has always suffered competitively as a result.

With limited space on this site, the only place to install a pool area is on the top of the building. Obviously, doing so comes with many challenges. The most obvious challenges are weight and waterproofing. The existing roof structure also has elevation changes that must be included in the design.

The 5 spas proposed will have entry/exit access from the upper cabana level. The edge facing the cabanas will be raised 24" with 2 steps acting as the entry point. There will be decking around 100% of the Spas although it will be 24" and 36" below the bond beam of the Spas. We are asking for relief from sections of the code that refer to decking requirements around Spas. Our design is similar to those that have already been approved at resorts such as Sunset Station, Hard Rock, and Downtown Grand.

The new Hotel Casino Pool area is going to be marketed to the 21-35 year old "party pool" visitor. The pool area will have entertainment and will provide an area for socializing right in the heart of

the Las Vegas Strip area. We are excited to join in the Las Vegas pool party venue and hope the Southern Nevada Health District will support our design and grant us a variance.



[Redacted Signature]

Scott Gibson-Owners Representative

Caesars Entertainment, Inc. (Bills Gambling Hall)

Corner Investment Propco, LLC

3595 Las Vegas Blvd. South

Las Vegas, Nevada

702-733-3200

Attachment D: Assessor's Parcel Information

Michele W. Shafe, Assessor

REAL PROPERTY PARCEL RECORD

[Click Here for a Print Friendly Version](#)

Assessor Map	Aerial View	Building Sketch	Ownership History	Neighborhood Sales	New Search
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GENERAL INFORMATION	
PARCEL NO.	162-21-101-001
OWNER AND MAILING ADDRESS	CORNER INVESTMENT PROPCO L L C %C SOMMELLA 1 CAESARS PALACE DR LAS VEGAS NV 89109-8969
LOCATION ADDRESS CITY/UNINCORPORATED TOWN	3595 S LAS VEGAS BLVD PARADISE
ASSESSOR DESCRIPTION	PT NW4 NW4 SEC 21 21 61 SEC 21 TWP 21 RNG 61
RECORDED DOCUMENT NO.	* 20121102-01974
RECORDED DATE	11/02/2012
VESTING	NO STATUS

*Note: Only documents from September 15, 1999 through present are available for viewing.

ASSESSMENT INFORMATION AND SUPPLEMENTAL VALUE	
TAX DISTRICT	470
APPRAISAL YEAR	2012
FISCAL YEAR	12-13
SUPPLEMENTAL IMPROVEMENT VALUE	0
SUPPLEMENTAL IMPROVEMENT ACCOUNT NUMBER	N/A

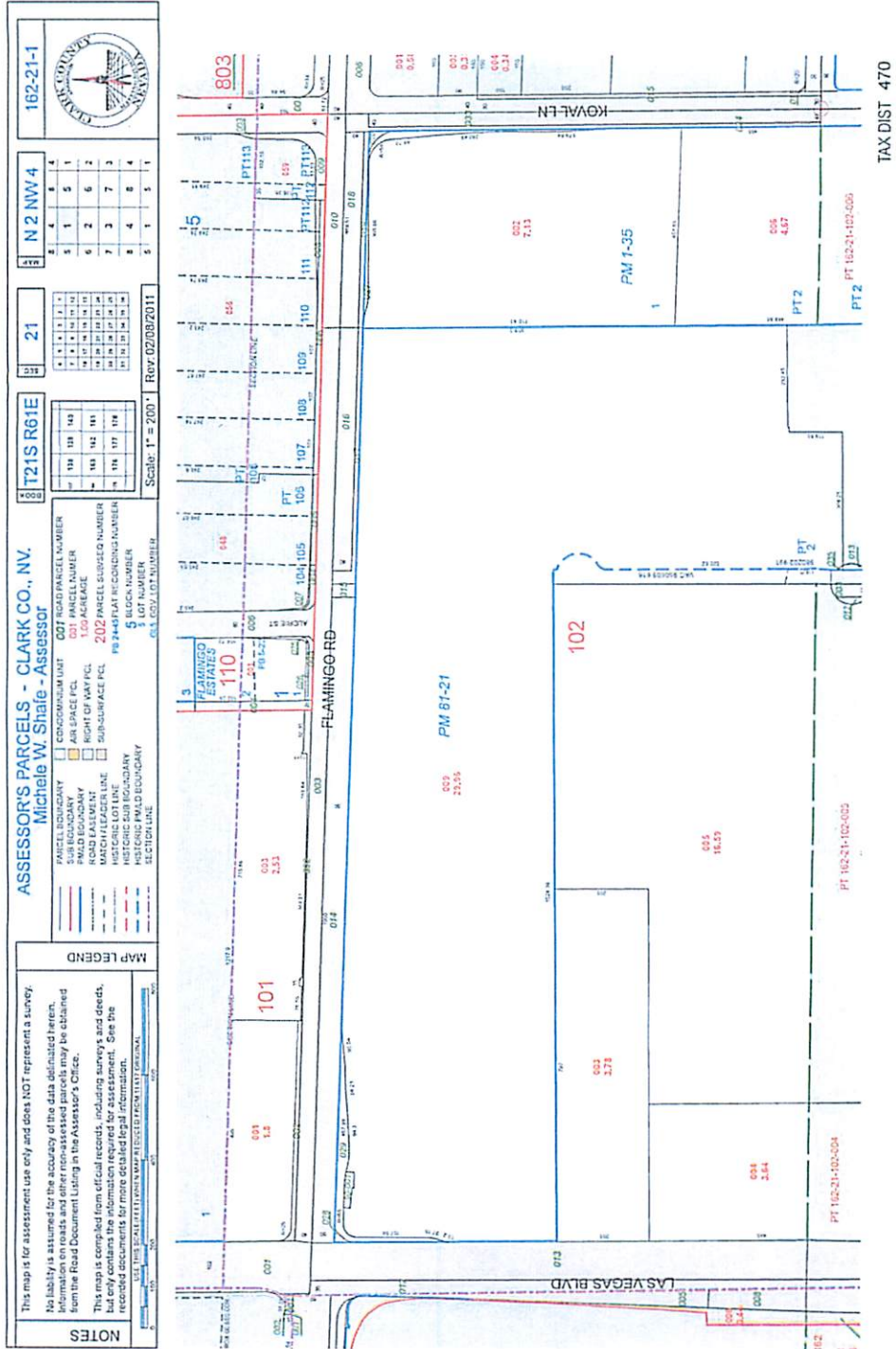
REAL PROPERTY ASSESSED VALUE		
FISCAL YEAR	2012-13	2013-14
LAND	2091142	2091142
IMPROVEMENTS	6698463	6535572
PERSONAL PROPERTY	0	0
EXEMPT	0	0
GROSS ASSESSED (SUBTOTAL)	8789605	8626714
TAXABLE LAND+IMP (SUBTOTAL)	25113157	24647754
COMMON ELEMENT ALLOCATION ASSD	0	0
TOTAL ASSESSED VALUE	8789605	8626714
TOTAL TAXABLE VALUE	25113157	24647754

[Click here for Treasurer Information regarding real property taxes.](#)

[Click here for Flood Control Information.](#)

ESTIMATED LOT SIZE AND APPRAISAL INFORMATION	
ESTIMATED SIZE	1.80 Acres
ORIGINAL CONST. YEAR	1979
LAST SALE PRICE MONTH/YEAR	15700000 08/05
LAND USE	3-11 COMMERCIAL HOTELS
DWELLING UNITS	200

Attachment E: Assessor's Map



Attachment F – Public Notice




PUBLIC NOTICE

The Southern Nevada Health District Board of Health will conduct a PUBLIC HEARING on January 23, 2014 at 8:30 a.m., during its monthly meeting held at 330 S. VALLEY VIEW BOULEVARD, LAS VEGAS, NEVADA 89107 to approve or deny a variance request to operate a public bathing place not in compliance for Corner Investment Propco, LLC dba Caesars Entertainment, Inc. Bills Gambling Hall, located at 3595 Las Vegas Blvd, Las Vegas, Nevada 89109, APN 162-21-101-001. Note, if this application is not presented at the January 23, 2014 meeting, it will be presented at the February 27, 2014 meeting.

The variance request is made to allow the Petitioner to construct and operate public bathing places which are not in accordance with the Nevada Administrative Code (NAC) 444 Public Bathing Places and Public Spas: NAC 444.454, paragraph 1: Decks: Dimensional design.

Interested persons may appear at the public hearing and present their views thereon. Written comments will also be considered by the Southern Nevada Health District Board of Health and must be forwarded to Jacquelyn Curl, Environmental Health Supervisor, Southern Nevada Health District, P.O. Box 3902, Las Vegas, Nevada 89127-3902, no later than January 10, 2014. The variance application request is available for review at the Southern Nevada Health District, Environmental Health Division, 330 S. Valley View Blvd, Las Vegas NV 89107.

If there are special viewing needs, please contact Aivelhyn Santos at (702) 759-0571 to schedule an appointment to review the permit application during normal business hours of 8:00 a.m. to 4:00 p.m. Copies of the documents may be requested during that time for \$1.00 per page.



Paul Klouse, R.E.H.S., Acting - Environmental Health Director
Southern Nevada Health District

12/12/13
Date

Attachment G: Affidavit of Public Notice

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

SOUTHERN NEVADA HEALTH DIST
PO BOX 3902
LAS VEGAS NV 89127-3902

Account # 22345
Ad Number 0000056410

Stacey M. Lewis, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 12/18/2013 to 12/18/2013, on the following days:

12 / 18 / 13

IS/ [Redacted Signature]
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 18th day of December, 2013

Notary [Redacted Signature]

MARY A. LEE
Notary Public State of Nevada
No. 09-8941-1
My Appt. Exp. Nov. 13, 2016

SNHD
Southern Nevada Health District
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/s/ Paul Klouse, R.E.H.S.,
Acting - Environmental Health Director
Southern Nevada Health District
Date 12/18/13
PUB: December 18, 2013
LV Review-Journal

