

Memorandum

Date:

April 28, 2014

To:

SOUTHERN NEVADA DISTRICT BOARD OF HEALTH

From:

Jacquelyn Raiche-Curl, REHS, Environmental Health Supervisor

Paul Klouse, REHS, Environmental Health Manager

Jacqueline Reszetar, Director of Environmental Health Joseph P. Iser, MD, DrPH, MSc, Chief Health Officer

Subject: Variance Request to Operate a Public Bathing Place not in Compliance with the Nevada Administrative Code NAC 444.134.1, Harrah's Las Vegas, 3475 South Las Vegas Blvd, Las Vegas, NV 89109. [Assessor's Parcel Number (APN) 162-16-312-002] For Health Permits: PR0109580; Shane Jacob, Chief Engineer/Owner's Agent

I. **BACKGROUND:**

Harrah's Las Vegas is petitioning for a variance as requested by Shane Jacob, Owner's Representative of Harrah's, to construct a public bathing place not in compliance with the Nevada Administrative Code NAC 444.134.1, which states in part: "... a clear, unobstructed deck must be provided around the entire perimeter of a pool. In no case may the width of the deck be less than 4 feet (1.2 meters). A deck may be obstructed for a distance equal to not more than 10 percent of the perimeter of the pool ..."

II. **DISCUSSION:**

The petitioner requests a variance to grant a condition that a pool at the Harrah's Las Vegas, NV be constructed with a raised wall 16" wide and 22" above the deck. The pool is proposed to be constructed on the second floor, near the existing main pool. The structural trusses prevent the pool from being constructed flush with the deck. 4 feet of unobstructed deck space will be provided around the entire perimeter of the pool after the raised wall. Stair entries will be provided.

The evidence presented for granting a variance to permit Harrah's Las Vegas to deviate from NAC regulation 444.134.1 accommodating a pool with a perimeter edge raised 22" above the surrounding deck, is thus:

(a) There are circumstances or conditions which -

(1) Are unique to the applicant:

A unique condition exists at this project, i.e. the building's primary structural members include substantial steel trusses, intrinsic to the design, that preclude viably being able to tie the coping elevation of the new water bodies flush with the surrounding deck elevation. The matter is resolved by raising the pool edges 22".

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

Granting a variance will not affect other persons subject to regulations regarding pool deck, pool stairs/ladders. The design to the water body will comply in all respects with the requirements of Nevada Administrative Code, Chapter 444 other than the subsection cited.

(3) Make compliance with the regulation unduly burdensome:

Compliance with the current regulation would be unduly burdensome for Harrah's Las Vegas. The building's structural steel would need to be reconfigured, which would necessitate extensive additional columns and slabs, temporary property closure, very extensive demolition and reconstruction, all at an exorbitant cost.

- (4) <u>Hardships caused and substantial property right abridged by complying with the regulation include.</u>
 - (i) An extremely costly reconfiguration of the building's proposed structural steel design to eliminate the trusses which create the required spans would be required, as well as a temporary property closure to complete the reconfiguration. The estimated additional cost of a reconfigured structural system is \$4,500,000.00 and the estimated loss of revenue during the closure is \$5,070,000.00.
 - (ii) Without being granted a variance to install the raised edge pool, the project would be deprived of important, high profile amenities. As well as being a swimmable body of water, the pool affords iconic, signature marketing value to the use and operation of this space. Without this the property would suffer impaired visibility, reduced property occupancy and decreased revenues. That opportunity cost is estimated to be at least \$5,070,000.00 per annum.

(b) Granting the Variance -

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

Granting the variance will allow the use of the deck for swimming and to provide

amenities offering high aesthetic value and aquatic ambiance, in conjunction with the operation of a hotel/casino, 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 pool 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 so long as the following conditions are included. Therefore, staff recommends approval of the variance in accordance with the outlined conditions.

IV. CONDITIONS:

- 1. The petitioner agrees to maintain the walkway area around the pools accessible and free from obstructions;
- 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 both the interior and exterior of the pools;
- 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. Facility will construct pool to achieve a maximum 2 hour turnover rate;
- 6. Pertinent design changes that deviate from the plans proposed during the initial review of this variance may void the variance;
- 7. 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 pools to any other person or entity.

JRC

Attachments:

- A. Nevada Secretary of State Corporation Information
- B. Variance Application Letter
- C. Assessor's Parcel Information
- D. Assessor's Map
- E. Public Notice
- F. Affidavit of Public Notice
- G. Site plans

Attachment A: Nevada Secretary of State Corporate Information

Entity Details - Secretary of State, Nevada

Page 1 of 7

HARRAH'S LAS VEGAS, LLC

usiness Entity I	nformation		
Status:	Active	File Date:	3/21/1968
Туре:	Domestic Limited-Liability Company	Entity Number:	C528-1968
Qualifying State:		List of Officers Due:	3/31/2014
Managed By:	Managing Members	Expiration Date:	
NV Business ID:	NV19681000649	Business License Exp:	3/31/2014

Additional Information	
Central Index Key:	

egistered 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:	75511750 505 00100 103 2 11 11 10 10 10 10 10
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	NV
Mailing Zip Code:			
Agent Type:	Commercial Registered Agent - 0	Corporation	
Jurisdiction:	NEVADA	Status:	Active

Financial Inforn	nation			
No Par Share Count:	0	Capital Amount:	\$ 100,000.00	
Par Share Count:	100,000.00	Par Share Value:	\$ 1.00	

Officers	¥I		☐ Include Inactive Officers
Managing Membe	er - CAESARS ENTERTAINMENT CORP	ORATION	
Address 1:	ONE CAESARS PALACE DRIVE	Address 2:	
City:	LAS VEGAS	State:	NV
Zip Code:	89109	Country:	USA
Status:	Active	Email:	

Action Type:	Articles of Incorporation		
Document Number:	C528-1968-001	# of Pages:	4
File Date:	3/21/1968	Effective Date:	
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Action Type:	Amendment		
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Entity Details - Secretary of State, Nevada

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Attachment B: Variance Candidate Letter

February 6, 2014

Mrs. Jacqueline Reszetar Director of Environmental Health Division Southern Nevada Health Department 330 S. Valley View Blvd. Las Vegas, NV 89152

Subject: Harrah's Las Vegas

3475 Las Vegas Blvd. S. Las Vegas, NV 89109

Variance Application Letter / Request for a Variance from NAC

444.134.- Deck Obstruction:

Dear Mrs. Reszetar,

Please accept this letter, together with the Variance Candidate worksheet, preliminary plans and sections of the referenced projects 2nd floor pool deck area, as the request of the Owner for a variance from NAC 444.134 requiring unobstructed decks around a pool, so as to accommodate these water bodies with raised edges.

Specifically, the variance application is to grant a condition that a pool be constructed with 16" wide edge, 22" above the deck. This is because on the 2nd floor, the necessary building structural trusses spanning the horizontal distances, to accommodate all the project elements, preclude being able to recess the pool flush with the deck.

Please note the current business address of the owner, 3475 Las Vegas Blvd. S. is that shown at the foot of this page. The project is located at 3475 Las Vegas Blvd. S. Las Vegas NV. 89109; the Assessor's Parcel Number is 162-16-301-008 and the Operator is Harrah's Las Vegas, 3475 Las Vegas Blvd. S. The contact name for the Owner is Shane Jacob and the phone number is (702) 369-5106.

Per the plans reviewed and discussed at the January 27, 2014 Variance Meeting at SNHD, the 2nd floor pool water depth is 10°. The edge of the water bodies are surrounded by minimum of 4'-0° wide decks, fully compliant with the requirements of NAC 444.134. However, on the 2nd floor, necessary structural trusses spanning in a N-S orientation preclude depressing the water body to the elevation where the pool coping would coincide with the deck. This structural configuration, intrinsic to the design of the building, causes a discrepancy between the pools' coping elevation and that of the adjacent deck. This can be readily and pragmatically resolved by raising the pool edges 22° above elevation of the unobstructed, perimeter deck.

For the water body, unhindered access to the entire water body will be maintained from the surrounding deck. Furthermore, stair entries compliant with the requirements of NAC 44.128 will be provided to enter the water body. The raised edge will not create a tripping hazard as warning tiles will be installed on both the interior and exterior of the pool. Also, consistent with typical pool design and the requirements of NAC 444.134.3 and NAC 444.454.9, a positive slope away from the raised edge of the water body and towards area deck drains will be provided to remove any water that splashes out from the pool.

The following lists the conditions, circumstances and issues that support granting a variance to the project, thus:

EVIDENCE SUBMITTED FOR GRANTING A VARIANCE:

The evidence presented for granting a variance to permit Harrah's Las Vegas to deviate from NAC regulation 444.134.1 i.e. accommodating a pool with a perimeter edge raised 22" above the surrounding deck, is thus:

- (a) There are circumstances or conditions which-
- (1) Are unique to the applicants:

A unique condition exists at this project, i.e. the building's primary structural members include substantial steel trusses, intrinsic to the design, that preclude viably being able to tie the coping elevation of the new water bodies flush with the surrounding deck elevation. The matter is resolved by raising the pool edges 22°.

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

Granting a variance will not affect other persons subject to regulations regarding pool deck, pool stairs/ladders. The design to the water body will comply in all respects with the requirements of Nevada Administrative Code, Chapter 444 other than the subsection cited.

(3) Make compliance with the regulation unduly burdensome:

Compliance with the current regulation would be unduly burdensome for Harrah's Las Vegas. The building's structural steel would need to be reconfigured, which would necessitate extensive additional columns and slabs, temporary property closure, very extensive demolition and reconstruction, all at an exorbitant cost.

- (4) Hardships caused and substantial property right abridged by complying with the regulation include:
 - (i) An extremely costly reconfiguration of the building's proposed structural steel design to eliminate the trusses which create the required spans would be required, as well as a temporary property closure to complete the reconfiguration. The estimated additional cost of a reconfigured structural system is \$4,500,000.00 and the estimated loss of revenue during the closure is \$5,070,000.00.
 - (ii) Without being granted a variance to install the raised edge pool, the project would be deprived of important, high profile amenities. As well as being a swimmable body of water, the pool afford iconic, signature marketing value to the use and operation of this space. Without this the property would suffer impaired visibility, reduced property occupancy and decreased revenues. That opportunity cost is estimated to be at least \$5,070,000.00 per annum.
- (b) Granting the Variance -
- 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 ambiance, in conjunction with the operation of a hotel/casino, a right currently enjoyed by other nearby properties.

2. Will not be detrimental or pose a danger to public health safety:

Granting the variance will not be detrimental or pose a danger ti public health and safety, because the pool 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.

Enclosed are:

- Two (2) sets of site plans, plans of the pool deck and associated sections through the proposed pool, plus pertinent structural plans and sections showing the necessary steel trusses, etc.
- 2. Variance Candidate Worksheet.
- Two checks for the Variance Meeting fee of \$160 and the Variance Application fee of \$1181 are herein remitted.

It is our understanding that submittal of this letter and the listed attachments to SNHD on or before Monday February 9, 2014 assures that this Variance Application will be included on the earliest agenda scheduled Clark County Board of Health meeting.

Please contact me if you require any further information for your consideration of this variance request.

Sincerely,

Shane Jacob - Chief Engineer Harrah's Las Vegas

CC: Jacquelyn Curl, REHS Environmental Health Supervisor (702) 759-0611

Candice Konold, SNHD Aquatic Health Program (702) 759-0658 Konold@snhdmail.com

Gerald Tuthill, Vice President and Assistant General Manager Harrah's Las Vegas (702) 731-7361

Brad Bittermann, Director of Food and Beverage Harrah's Las Vegas (702) 731-5170

David DeLeo, Beverage Operations Manager Harrah's Las Vegas (702) 369-5107

Attachment C: Assessor's Parcel Information

Clark County Real Property

Page 1 of 2

GENERAL INFORMATION	
PARCEL NO.	162-16-312-002
OWNER AND MAILING ADDRESS	HARRAH'S LAS VEGAS L L C HARRAHS PPTY TAX 1 CAESARS PALACE DR LAS VEGAS NV 89109-8969
LOCATION ADDRESS CITY/UNINCORPORATED TOWN	3475 S LAS VEGAS BLVD PARADISE
ASSESSOR DESCRIPTION	HARRAH'S HOTEL & CASINO PLAT BOOK 143 PAGE 39 PT LOT 1
RECORDED DOCUMENT NO.	* 20131011:04742
RECORDED DATE	Oct 11 2013
VESTING	NS

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

ASSESSMENT INFORMATION AND	SUPPLEMENTAL VALUE
TAX DISTRICT	470
APPRAISAL YEAR	2013
FISCAL YEAR	2014-15
SUPPLEMENTAL IMPROVEMENT VALUE	0
SUPPLEMENTAL IMPROVEMENT ACCOUNT NUMBER	N/A

REAL PROPERTY ASSESSED VALUE						
FISCAL YEAR	2013-14	2014-15				
LAND	17662460	19134332				
IMPROVEMENTS	99141602	96544945				
PERSONAL PROPERTY	0	0				
EXEMPT	5789060	0				
GROSS ASSESSED (SUBTOTAL)	116804062	115679277				
TAXABLE LAND+IMP (SUBTOTAL)	333725891	330512220				
COMMON ELEMENT ALLOCATION ASSD	О	0				
TOTAL ASSESSED VALUE	116804062	115679277				
TOTAL TAXABLE VALUE	333725891	330512220				

ESTIMATED LOT SIZE AND	APPRAISAL INFORMATION			
ESTIMATED SIZE	17.87 Acres			
ORIGINAL CONST. YEAR	1971			
LAST SALE PRICE MONTH/YEAR	0			
LAND USE	311 - Hotels - Class 2			
DWELLING UNITS	2559			

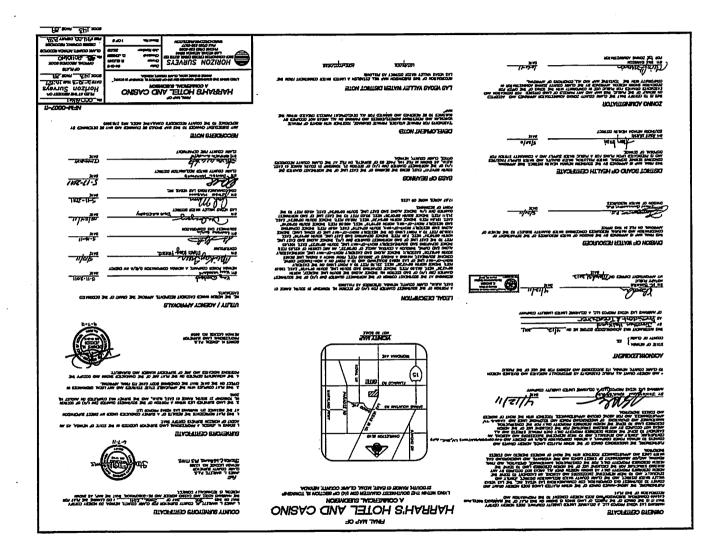
http://sandgate.co.clark.nv.us/AssrRealProp/ParcelDetail.aspx?hdnParcel=16216312002&h... 3/3/2014

Clark County Real Property

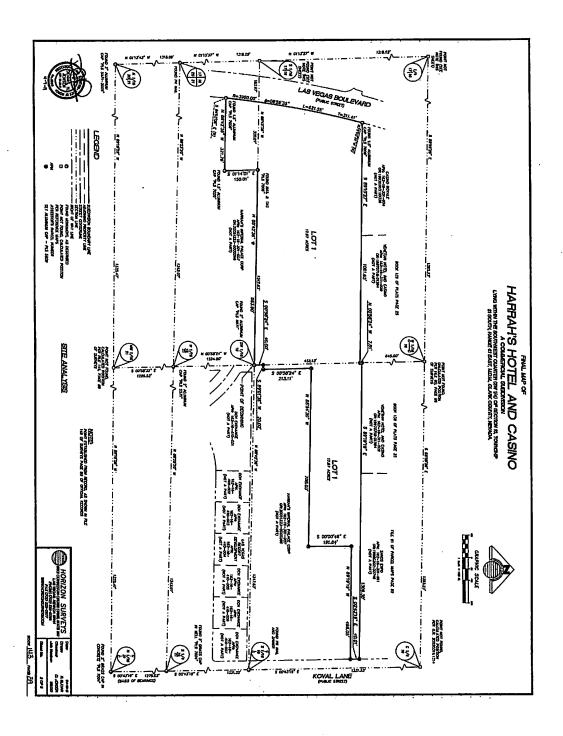
Page 2 of 2

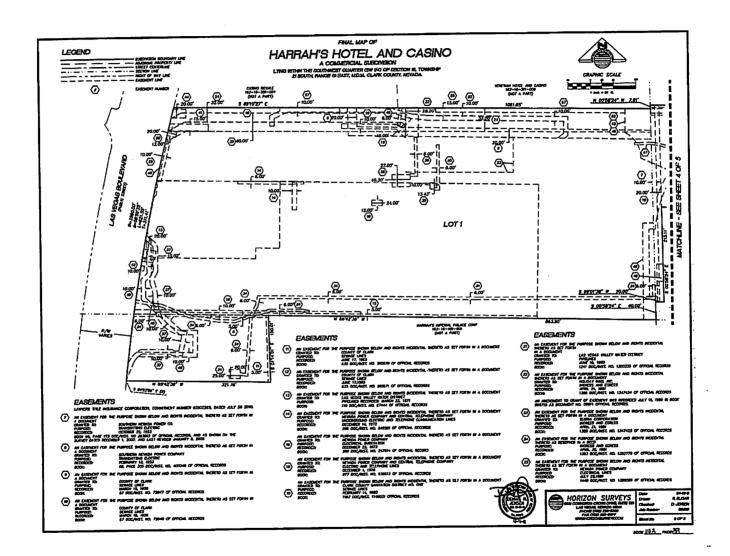
PRIMARY RESIDENTIAL STRUCTURE							
TOTAL LIVING SQ. FT.	0	CARPORT SQ. FT.	0	ADDN/CONV]		
1ST FLOOR SQ. FT.	0	STORIES	Casino, Category I	POOL	YES		
2ND FLOOR SQ. FT.	0	BEDROOMS	0	SPA	NO		
BASEMENT SQ. FT.	94780	BATHROOMS	0.00	TYPE OF CONSTRUCTION			
GARAGE SQ. FT.	0	FIREPLACE	0	ROOF TYPE			
CASITA SQ. FT.	0						

Harrah's Las Vegas



15





Attachment E: Public Notice



PUBLIC NOTICE

The Southern Nevada Health District Board of Health will conduct a PUBLIC HEARING on March 27, 2014 at 8:30 a.m., during its monthly meeting held at 330 S. VALLEY VIEW BOULEVARD, LAS VEGAS, NEVADA 89127 to approve or deny a variance request to operate a public bathing place not in compliance for the Harrah's Las Vegas, 3475 Las Vegas Blvd., Las Vegas, NV 89109, APN 162-16-301-008. Note, if this application is not presented at the March 27, 2014 meeting, it will be presented at the April 28, 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 444.134 Decks.

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 March 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 Korie Maxfield 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.

Jacqueliné Reszetar, Environmental Health Director

Southern Nevada Health District

Date



Attachment F: 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

0000094437

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 02/19/2014 to 02/19/2014, on the following days:

02/19/14

LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 19th day of February, 2014

Notary

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

PUBLIC NOTICE

interested persons may appear at the public hearing and present their views and present their views will also be considered by the Southern Nevada Health District Board of Health and the Southern Nevada Health District Polymers Southern Nevada Supervisor Southern Nevada Health District, Pol. 80x 3902 Las Vegas, Nevada 39127 13902, no later than March 17 2014. The variance application request is available for reyle at the Southern Nevad Health District, Environment, Health Division, 330 S. Valid View Blvd, Las Vegas 189107.

/s/ Jacqueline Reszel ironmental Health Di Southern Nevada Health District

PUB: February 19, 2014 LV Review-Journal

Attachment H: Site Plans

