



Memorandum

Date: April 28, 2014

To: SOUTHERN NEVADA DISTRICT BOARD OF HEALTH

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

Subject: Variance Request to Operate a Public Bathing Place not in Compliance with the Nevada Administrative Code NAC 444.134.1 and 444.136.3, 3535 LV Corp. dba The Quad Hotel & Casino, 3535 South Las Vegas Blvd, Las Vegas, NV 89109. [Assessor's Parcel Number (APN) 162-16-411-005] For Health Permit: SR0018274; Karyn Steenkamp, Owner's Representative.

I. BACKGROUND:

The Quad Hotel & Casino is petitioning for a variance as requested by Karyn Steenkamp, Owner's Representative of The Quad Hotel & Casino, 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..." and NAC 444.136.3 which states in part: "In the case of a swimming pool operated solely for and in conjunction with a hotel, motel or other place of lodging... the barrier must be not less than 5 feet (1.5 meters) in height. Courtyard-type concepts in which gates or doors open directly into a pool enclosure from a dwelling unit or hotel or motel room are not permitted. In any other case, the barrier must be not less than 6 feet (1.8 meters) in height."

II. DISCUSSION:

The petitioner requests a variance to construct a free standing pool on the existing post tension slab that is currently part of an existing deck at The Quad Hotel & Casino. Pool will be raised 18" above the surrounding deck encompassing 67% of the pool's perimeter. Four feet of unobstructed decking will be located just past the raised wall within that majority of the perimeter. In this case the obstruction would be the changes in elevation. The remaining 33%

of the pool perimeter consist of a wall containing a narrow 18" low planter. The structural integrity of the post tension beams and slabs prevent the pool from being constructed flush with the deck. Two stair entries will be provided at each end of the pool. This pool is proposed to be constructed on the second floor, opposite the main pool.

Several guest rooms have direct access to the pool area through individual sliding doors. This facility was built and approved prior to current codes associated with barrier compliance implemented in 1988 and courtyard style rooms presently exist. The Quad Hotel & Casino plans to expand those pool access points from the room to include a patio with seating area for guests directly on the pool deck. Plans will include a compliant barrier with properly self closing and positively self latching gates for each room maintaining direct access to pool area from said rooms.

The evidence presented for granting a variance to permit The Quad Hotel & Casino to deviate from NAC regulation 444.134.1 accommodating a pool with a perimeter edge raised 18" above the surrounding deck, and NAC 444.136.3 accommodating a courtyard style entrance from guest rooms directly to pool area is thus:

(a) There are circumstances or conditions which –

(1) Are unique to the applicant:

Raised Edge:

A unique condition exists at this project: The building's primary structural members include a post tension slabs that is now part of the existing pool deck. The Kool Pool will be raised 18" above its surrounding deck with 67% of the perimeter accessible beyond the vertical wall. The remaining 33% of the perimeter will have a narrow 18" planter. There will be a bench inside the Kool Pool approximately 28' long against 3 walls. Access to the pool will be recessed steps on the North and South sides of the pool. The feature will not have jets or be heated to spa temperatures so it will be classified as a pool. Due to the high bather load expected, the pool will be constructed to achieve a one hour turnover rate.

Barrier:

Currently the facility is maintaining rooms surrounding the pool deck with patio doors permanently locked and inaccessible to room guests. By allowing an extended patio design a barrier not present in the existing facility will be constructed. This will create added value to those poolside rooms which currently have very large patio windows.

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

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

(3) Make compliance with the regulation unduly burdensome:

Raised Edge:

Compliance with the deck obstruction would prohibit the Kool Pool from being built due to structural limitations previously described, thus limiting the water recreation resources at this resort. Cutting a hole into the existing post tension slab would cause serious damage and total possible destruction of existing slabs. The existing spa must be eliminated due to weight constraints.

Barrier:

Compliance with the current regulation would be unduly burdensome for The Quad Hotel & Casino as the facility is currently land locked. Adding a fully compliant barrier will decrease the deck space, decrease the occupancy amount required by other jurisdictions and alienate those courtyard-type rooms. This could create blind spots for security and increase crime in that area. The existing building's pool area will already require major waterproofing and structural repair due to age.

(4) Hardships caused and substantial property right abridged by complying with the regulation include.

- (i) An extremely costly reconfiguration would incur fees in excess of \$4,000,000 if the building's current structural design is compromised by cutting through the existing post tension slab. This estimate does not take into account the loss of revenue associated with any related closures of the facility.
- (ii) Without being granted a variance to install a raised edge pool and rooms with extended patios directly accessing the pool, the facility 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.

(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 amenities offering high aesthetic value and aquatic ambiance, in conjunction with the operation of a hotel/casino.

(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 provide an operational plan that must be reviewed, field verified, and approved by SNHD, prior to opening the bodies of water to the public. Verification of the plan will include a site visit to inspect all components, (security, cameras, gates/doors, lighting, etc.) The operation plan will include the following conditions:
 - a. In lieu of a compliant barrier, the petitioner must provide at least one security guard in the pool enclosure 24 hours a day 7 days a week. Additional guards may be deemed necessary by SNHD to maintain adequate surveillance.
 - b. If the variance for courtyard-style gates is approved the barrier must still meet all other requirements of NAC 444.136 and be properly maintained to ensure compliance with this section.
 - c. All gates entering the pool enclosure must be self-closing and positively self-latching from any open position and in working condition at all times. Failure to meet this requirement will result in immediate closure of pools and the closure fee assessed.
 - d. Gates shall not be propped open or have the latching or closing mechanisms disabled in any way by either the petitioner or guests. Failure to meet this requirement will result in immediate closure of the pools and fee assessment.
3. The petitioner agrees to any additional modification of their operational plan and/or facility, as determined by the health authority, to prevent public health and safety issues and meet the requirements of NAC 444;
4. The petitioner agrees to operate the facility as approved by the health authority and shall notify health authority in writing prior to any modifications to the approved plan and/or facility;
5. Failure of the petitioner to maintain all components of the operational plan, as approved by the health authority, will result in the voiding of this variance;
6. Facility will construct pool to achieve a maximum 1 hour turnover rate;
7. Approved steps/stair entries will be constructed on the North and South ends of the pool;
8. Pertinent design changes that deviate from the plans proposed during the initial review of this variance may void the variance;
9. 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.

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

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3535 LV CORP.

Business Entity Information			
Status:	Active	File Date:	9/8/2005
Type:	Domestic Corporation	Entity Number:	E0594342005-6
Qualifying State:	NV	List of Officers Due:	9/30/2014
Managed By:		Expiration Date:	
NV Business ID:	NV20051457952	Business License Exp:	9/30/2014

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

Financial Information			
No Par Share Count:	1,000.00	Capital Amount:	\$ 0
No stock records found for this company			

Officers				<input type="checkbox"/> Include Inactive Officers
Secretary - MICHAEL D COHEN				
Address 1:	ONE CAESARS PALACE DR	Address 2:		
City:	LAS VEGAS	State:	NV	
Zip Code:	89109	Country:	USA	
Status:	Active	Email:		
Director - MICHAEL D COHEN				
Address 1:	ONE CAESARS PALACE DRIVE	Address 2:		
City:	LAS VEGAS	State:	NV	
Zip Code:	89109	Country:	USA	
Status:	Active	Email:		
President - ERIC HESSION				
Address 1:	ONE CAESARS PALACE DR	Address 2:		
City:	LAS VEGAS	State:	NV	
Zip Code:	89109	Country:	USA	
Status:	Active	Email:		
Treasurer - ERIC HESSION				
Address 1:	ONE CAESARS PALACE DR	Address 2:		
City:	LAS VEGAS	State:	NV	

<http://nvsos.gov/sosentitysearch/PrintCorp.aspx?lx8nvq=%252f6PgxbGj1VRdcQd6QOd%...> 3/11/2014

Zip Code:	89109	Country:	USA
Status:	Active	Email:	
Director - GARY W LOVEMAN			
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:	Articles of Incorporation		
Document Number:	20050383827-18	# of Pages:	1
File Date:	9/8/2005	Effective Date:	
FAX AND PU SAE 9-8-05			
Initial Stock Value: No Par Value Shares: 1,000 ----- Total Authorized Capital: \$ 0.00			
Action Type:	Correction		
Document Number:	20050408878-62	# of Pages:	1
File Date:	9/15/2005	Effective Date:	
PU 09/16/05			
Action Type:	Initial List		
Document Number:	20050489586-37	# of Pages:	1
File Date:	10/19/2005	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20060598284-14	# of Pages:	2
File Date:	9/19/2006	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20070658161-36	# of Pages:	2
File Date:	9/27/2007	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20080629335-48	# of Pages:	2
File Date:	9/23/2008	Effective Date:	
(No notes for this action)			
Action Type:	Amended List		
Document Number:	20090018312-46	# of Pages:	2
File Date:	1/12/2009	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20090710418-92	# of Pages:	1
File Date:	9/29/2009	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20100731952-30	# of Pages:	2
File Date:	9/29/2010	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20110633935-63	# of Pages:	2
File Date:	8/30/2011	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		

Document Number:	20120617864-87	# of Pages:	2
File Date:	9/7/2012	Effective Date:	
(No notes for this action)			
Action Type:	Amendment		
Document Number:	20120620103-57	# of Pages:	1
File Date:	9/7/2012	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20130563758-60	# of Pages:	2
File Date:	8/27/2013	Effective Date:	
(No notes for this action)			

Attachment B: Variance Candidate Letter



★
CAESARS
ENTERTAINMENT,
INC.

One
Caesars Palace
Drive

Las Vegas,
Nevada
89109
TEL
702
494
4281

FAX
702
407
6062

VARIANCE REQUEST

Ms. Jacquelyn Raiche-Cure
Ms. Candice S. Konold
SNHD Aquatic Health Program
330 S Valley View Blvd, Las Vegas, NV 89152

Re: Variance for The Quad (Imperial Palace) Resort & Casino
Assessor's Parcel Number (APN): 162-16-411-005

The Quad (Imperial Palace) Resort & Casino is located between Harrahs and The Flamingo on Las Vegas Blvd. This facility has had a pool area on the second floor above a loading dock for decades. The Hotel is land locked and has no other space to expand the Pool area. The Pool area sits on post tension beams and slabs. These beams and slabs were engineered to carry a limited load. The existing Pool will be remodeled, most of the work being re-waterproofing under the Pool structure and existing deck. The existing post tension deck structure also has settlement issues that must be included in the new design. It will also require in-filling parts of the Pool. The remodel of the Pool and deck will require adding weight. This weight will have to be offset by eliminating the existing Spa that sits next to the Pool. The loss of water area will be offset by installation of the new Kool Pool.

With limited space on this site, the only place to install the Kool Pool area is on the top of the existing post tension slab, far enough away from the existing Pool that it doesn't place additional load on the Pool post tension beams. Obviously, doing so comes with challenges, including installation of support under the slab at the loading dock area, below the new raised Pool. There is NO WAY to cut a hole in the existing post tension slab without causing serious damage and possible total destruction of the existing slab. Doing so would end up costing the operator in excess of \$4,000,000. This added scope will not be done. This would mean that upgrade of the facility would be postponed. Without an upgrade, it will be impossible for this property to keep up with its competitors.

If this area moves forward, it is expected that Guests to the remodeled Resort and attached Pool area will additionally gain access to the new LINQ experience by way of a walkway that allows entrance into the Central Plaza of the LINQ. The LINQ includes Food and Beverage establishments that will cater to young 21 to 35 year old visitors looking to enjoy the Las Vegas lifestyle by walking to desired locations. The Pool area would be an additional event area for these visitors. 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 Strip/LINQ venue and hope the Southern Nevada Health District will support our design and grant us a variance.

Karyn Steenkamp-Owners Representative

The Quad Resort & Casino (Imperial Palace)
Quad Resort & Casino
3535 Las Vegas Blvd. South
Las Vegas, Nevada
702-494-4281

★ Caesars.com

Attachment C: Assessor's Parcel Information

Clark County Real Property

Page 1 of 2

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

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

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

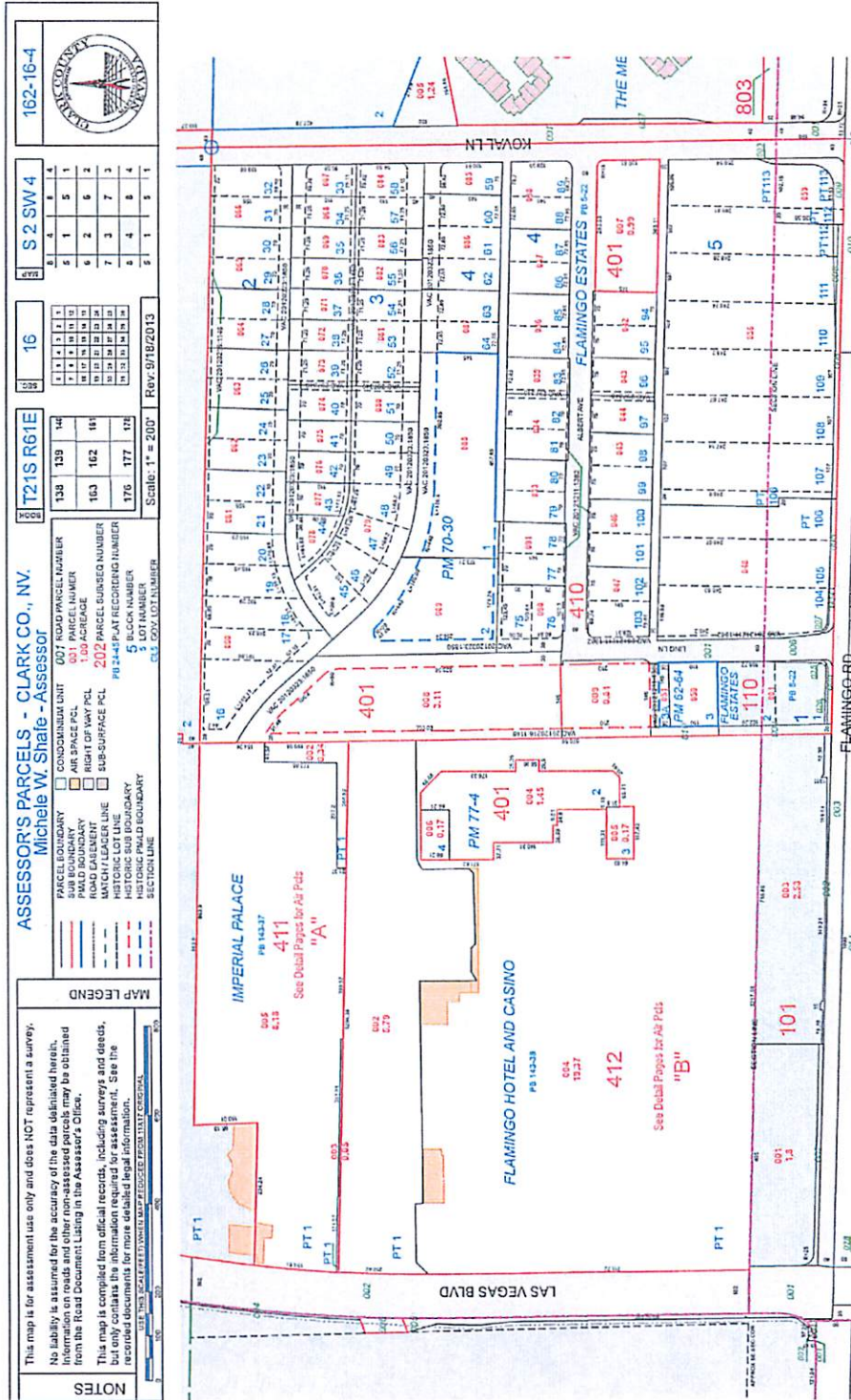
REAL PROPERTY ASSESSED VALUE		
<u>FISCAL YEAR</u>	2013-14	2014-15
<u>LAND</u>	17662460	19134332
<u>IMPROVEMENTS</u>	99141602	96544945
<u>PERSONAL PROPERTY</u>	0	0
<u>EXEMPT</u>	5789060	0
<u>GROSS ASSESSED (SUBTOTAL)</u>	116804062	115679277
<u>TAXABLE LAND+IMP (SUBTOTAL)</u>	333725891	330512220
<u>COMMON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

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

DWELLING UNITS	2637
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PRIMARY RESIDENTIAL STRUCTURE					
TOTAL LIVING SQ. FT.	0	CARPORT SQ. FT.	0	ADDN/CONV	
1ST FLOOR SQ. FT.	0	STORIES	Casino / Hotel	POOL	YES
2ND FLOOR SQ. FT.	0	BEDROOMS	0	SPA	YES
BASEMENT SQ. FT.	73416	BATHROOMS	0.00	TYPE OF CONSTRUCTION	
GARAGE SQ. FT.	0	FIREPLACE	0	ROOF TYPE	
CASITA SQ. FT.	0				

Attachment D: Assessor's Map



TAX DIST 470

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 Quad Resort and Casino, located at 3535 Las Vegas Blvd, Las Vegas, Nevada 89109, APN 162-16-411-005. 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; and NAC 444.136 Barriers: exclusion of unauthorized persons.

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.



Jacqueline Reszetar, Environmental Health Director
Southern Nevada Health District

02-13-14
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 0000094427

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

Stacey M. Lewis
LEGAL ADVERTISEMENT REPRESENTATIVE

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

Notary *Mary A. Lee*




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 QUAD RESORT AND CASINO, located at 3535 Las Vegas Blvd., Las Vegas, Nevada 89109, APN 162-16-411-003. 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; and NAC 444.138 Barriers' exclusion of unauthorized persons.

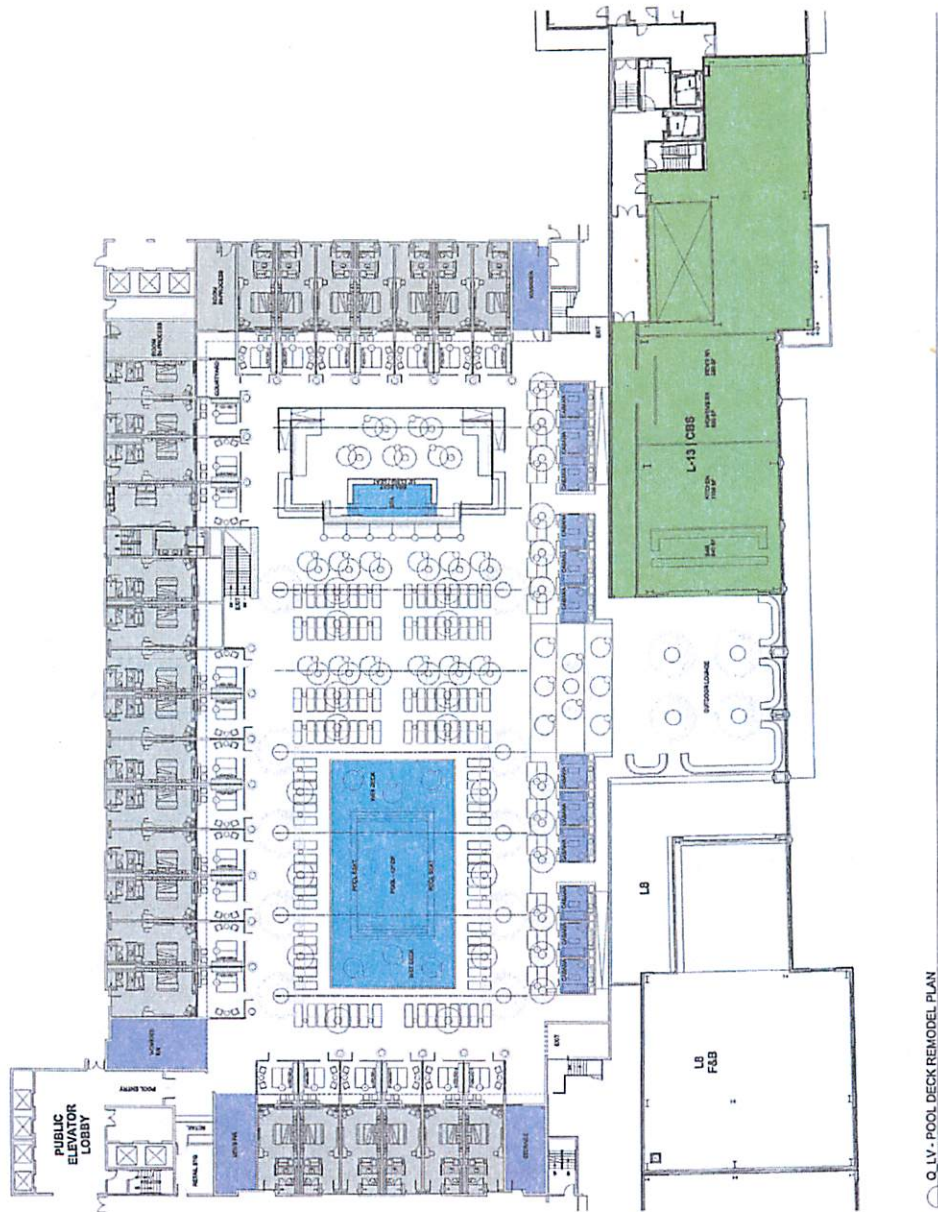
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/s/ Jacqueline Raszeter
Environmental Health Director
Southern Nevada Health District
PUB: February 19, 2014
LV Review-Journal

Attachment G: Site Plans

			THE QUAD - POOL DECK REMODEL DATE: 04/28/14 SCALE: 1/8" = 1'-0"					
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0.14 - POOL DECK REMODEL PLAN