



# Memorandum

**Date:** June 23<sup>rd</sup>, 2016

**To:** SOUTHERN NEVADA DISTRICT BOARD OF HEALTH

**From:** Jeremy Harper, REHS, *Environmental Health Supervisor* (SR)  
Paul Klouse, REHS, *Environmental Health Manager* (✓)  
Jacqueline Reszetar, REHS, *Director of Environmental Health*  
Joseph P. Iser, MD, DrPH, MSc, *Chief Health Officer* (✓)

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**Subject:** Variance Request to Operate Public a Bathing Place not in Compliance with the Nevada Administrative Code (NAC) 444.136 and 444.454, Plaza Hotel & Casino LLC, dba Plaza Hotel & Casino, located at 1 Main Street, Las Vegas, Nevada 89101; [Assessor's Parcel Number (APN) 139-34-101-007] for Health Permit PR0119220, James Barger, for the Owner(s), Plaza Hotel & Casino, LLC.

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## I. BACKGROUND:

Plaza Hotel & Casino LLC, dba Plaza Hotel & Casino (Plaza Hotel) is petitioning for a variance as requested by James Barger of Pacific Custom Pools, representative for the owner, to operate a public bathing place not in compliance with the Nevada Administrative Code (NAC) 444.136(1), which states in part that: "...No part of a pool enclosure may be used for common foot traffic," NAC 444.136(3), which states in part that: "In the case of a swimming pool operated solely for and in conjunction with a hotel, motel or other place of lodging, or a trailer park, apartment, condominium or other facility containing multiple dwellings, 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," and NAC 444.454(1), which states: "A continuous unobstructed deck at least 4 feet (1.22 m) wide, including the coping, must be provided around at least half of the perimeter of the spa..." The public bathing place is located on APN 139-34-101-007, at 1 Main Street, Las Vegas, Nevada.

## II. DISCUSSION:

The petitioner is requesting three variances:

- 1) A variance from NAC 444.454(1), which would allow the Plaza Hotel to construct a spa which will be raised 18" above the rest of the deck. This elevation change will result in a deck obstruction which will be greater than 50% of the perimeter of the spa;
- 2) A variance from NAC 444.136(1), which would allow the Plaza Hotel to have common foot traffic to the tennis courts via the pool deck; and

- 3) A variance from NAC 444.136(3), which would allow the Plaza Hotel to have doors or gates that exit directly from a guest room onto the pool deck without an intervening barrier. The variance would permit the existing guest rooms which will have patios exiting directly to the pool enclosure. This configuration would make these rooms courtyard-type entrances to the pool enclosure, which is prohibited by NAC 444.136(3).

The evidence presented for granting a variance to permit Plaza Hotel & Casino LLC to deviate from 444.454(1) by allowing a greater percentage of deck obstruction as well as deviations from the barrier requirements, is listed below.

The petitioner states the following in regard to this requirement:

1. There must be circumstances or conditions which are unique to the applicant, and do not generally affect other persons subject to the regulation:

The Spa is designed to be a 7'6" x 10' 10" - 84 Sq. ft. free standing 3' deep Spa installed on the existing reinforced slab that is now a part of the existing Pool deck. The Spa will be raised 18" above its surrounding deck that is 70% around its perimeter. That deck in turn is 18" above the existing Pool deck. The remaining 30% of the Spa perimeter will have decking at the pool deck elevation that the spa is sitting on. This area will have an acrylic viewing wall which will be the full height and length of the spa-facing the fireplace sitting area. The wall along this perimeter will be the same height as the rest of the perimeter, allowing access for safety concerns. There will be a bench inside the spa approximately 26' long along 3 walls of the Spa. Access into the Spa will be by steps at the East side of the Spa. The feature will have jets and will be called a leisure spa, having a turnover rate less than 1/2 hour allowing for a higher expected bather load.

Granting a variance would involve NAC 444.330, which defines a spa deck as *"the unobstructed area around the perimeter of a spa which is specifically used by bathers."* In this case the obstruction would be the changes in elevation. The deck obstruction involves more than 50% of the perimeter.

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:

The Plaza Hotel and Casino is located downtown on Main Street. This facility has had a pool area on the fifth floor above a casino for decades. The Hotel is land locked and has no other space to expand the Pool area. The Pool area sits on structural steel beams and reinforced 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 deck structure also has corrosion issues that must be included in the new design. The remodel of the Pool and deck will require adding weight. With limited space on this site, the only place to install the Spa area is on the top of the existing structural steel beams covered by the existing reinforced slab, far enough away from the existing Pool that it doesn't place additional load on beams that carry the pool. Obviously, doing so comes with challenges, including installation of support under the slab at the lower casino area, below the new raised spa. There is no

way to cut a hole in the existing reinforced 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 canceled. Without an upgrade, it will be impossible for this property to keep up with its competitors.

3. Granting the variance will not be detrimental or pose a danger to the public health and safety:

There exist facilities that prove that granting these variance requests would not be a substantial detriment to public welfare. Sunset Station has had a raised area in their Pool area for over a decade and a half. Other longtime locations that share a similar design include The Resort at Green Valley, The Mirage Bare Pool, Wynn Resort Villas, and The Hard Rock Hotel West Pool (HRH Pool was granted a variance with no rails as well), and recently, The LINQ Hotel and Casino. All properties share a track record for continuous safe operations. The purpose of the Health Regulations is safety. By allowing this design to be built, there still exists 100% access to all sides of the Pool. Safety is not in any way compromised.

The evidence presented for granting a variance to permit Plaza Hotel & Casino LLC to deviate from 444.136(1) by allowing common foot traffic through the pool enclosure, is listed below.

The petitioner states the following in regard to this requirement:

1. There must be circumstances or conditions which are unique to the applicant, and do not generally affect other persons subject to the regulation:

The pool is on the fifth floor and guests using the tennis courts already have access to the pool area through a common walkway.

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:

The petitioner does not provide support for this condition with regard to this variance.

3. Granting the variance will not be detrimental or pose a danger to the public health and safety:

This facility has had no fence outside the North and South Towers for over 30 years. All existing properties share a track record for continuous safe operations.

The evidence presented for granting a variance to permit Plaza Hotel & Casino LLC to deviate from 444.136(3) by allowing courtyard-type entrances into the pool enclosure, is listed below.

The petitioner states the following in regard to this requirement:

1. There must be circumstances or conditions which are unique to the applicant, and do

not generally affect other persons subject to the regulation:

The existing Pool is on the fifth floor and guest rooms already have access to the Pool area through individual doors. The Plaza plans to enhance these entrances, expanding the area to include a patio with seating area in the deck outside each of the units. For safety and as an additional security feature, current plans include a new fence with self-closing, self-latching gates at each of these personal patios. This installation would be exactly like the Villas at the Hard Rock Hotel.

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:

The petitioner does not provide support for this condition with regard to this variance.

3. Granting the variance will not be detrimental or pose a danger to the public health and safety:

There exist facilities that prove that granting these requests would not be a substantial detriment to public welfare. Longtime locations that share a similar design include The LINQ (previously Imperial Palace) and The Hard Rock Hotel West Pool. Fenced private patios opening to Pool areas have been in Clark County for decades, the LINQ and Hard Rock Patio Villas being the most current allowance given by the Board sometime in 2014 and 2010, respectively. This facility has had no fence outside the North and South Towers for over 30 years. All existing properties share a track record for continuous safe operations.

### III. RECOMMENDATION:

Recommendations from staff regarding the three variances are listed below:

1. With regard to a variance from NAC 444.454(1), deck obstruction, staff is of the opinion that circumstances exist which satisfy the requirements for a variance, and that granting a variance from this regulation will likely not be detrimental or pose an unreasonable danger to public health and safety. Staff recommends approval of a variance with the conditions outlined below in section IV.
2. With regard to a variance from NAC 444.136(1), common foot traffic, staff is of the opinion that granting a variance from this regulation will likely not be detrimental or pose an unreasonable danger to public health and safety. Staff recommends approval of a variance with the conditions outlined below in section V.
3. With regard to a variance from NAC 444.136(3), courtyard-type entrances, staff is of the opinion that the granting of this variance could potentially be detrimental or pose an unreasonable danger to public health and safety. Staff is of the opinion that approval of a variance from this regulation, which would allow courtyard-type entrances from the guest room patios into the pool enclosure, does not satisfy the requirements due to the following:

#### A. Courtyard-type Prohibition

- i. NAC 444.136(3), which states in part: "...*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,*" specifically prohibits the scenario which would be created by the granting of this variance.

B. Existing Construction

- i. The petitioner states that the guest rooms currently have access to the pool enclosure through individual doors. The images in attachment G demonstrate that the existing rooms had continuous railing along the length of the patios prior to construction, ensuring that guests did not have direct access to the pool enclosure from the patio.
- ii. The plans submitted for the spa as well as the approved plans for the pool indicated that a compliant barrier would be installed thereby eliminating the courtyard-type entrances.

C. Prior Compliance History

- i. The facility granted a variance for courtyard-type entrances from guest room patios in June 2014 has had compliance issues on each unannounced visit to the property since being released from construction in March 2015.

In June 2015, during an unannounced, routine inspection, there were multiple gates leading from the guest room patios which were found to be non-compliant, i.e. not self-closing and/or self-latching. These issues were corrected during the inspection. This visit was followed by a mandatory supervisory conference with facility staff and SNHD program supervision to discuss their operational deficiencies and mutually come up with a solution. A security plan was submitted following this initial meeting.

An additional meeting involving members of EH management and supervision, as well as facility representatives followed, where further operational considerations were discussed. In January 2016, SNHD staff visited the property to perform a survey of the facility and discuss the security plan, and to observe the procedures which were implemented.

At the most recent unannounced inspection in April 2016, several of the patio gates were again found to be out of compliance.

Given that the approved pool plans and the spa plans submitted to SNHD included a compliant barrier, staff does not believe that there are circumstances which make compliance unduly burdensome. The documented compliance issues present at the facility granted a variance from this regulation in 2014 demonstrate that granting the variance could potentially be detrimental or pose a danger to public health and safety.

IV. CONDITIONS FOR VARIANCE FROM NAC 444.454(1), DECK OBSTRUCTION

1. The petitioner agrees to maintain the walkway area around the spa 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. 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;
4. 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 and spas to any other person or entity.

V. CONDITIONS FOR VARIANCE FROM NAC 444.136(1), COMMON FOOT TRAFFIC:

1. 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 as applicable, (security, cameras, gates/doors, lighting, etc.) The operational plan shall include the following conditions:
  - a. Access to the tennis courts via the pool deck will only be available during open pool hours, in accordance with the approved operational plan;
  - b. Failure to meet the requirements of NAC 444.136 will result in immediate closure of pool and spa with a closure fee assessed.
2. 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;
3. The petitioner agrees to operate the facility in accordance with the plan approved by the health authority, and shall notify health authority in writing prior to any modifications to the approved plan or facility;
4. 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;
5. The petitioner agrees to adhere to all other applicable requirements of the Public Bathing Places Public Spas Regulations, NAC 444;
6. 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;
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 and spas to any other person or entity.

JH

Attachments:

- A. Nevada Secretary of State Corporate Information
- B. Variance Application Letter
- C. Variance Candidate Worksheet

- D. Assessor's Parcel Information
- E. Assessor's Map
- F. Public Notice
- G. Existing Patio Images

Attachment A: Nevada Secretary of State Corporate Information



## PLAZA HOTEL & CASINO, LLC

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### Business Entity Information

Status:	Active	File Date:	1/10/2003
Type:	Domestic Limited-Liability Company	Entity Number:	LLC307-2003
Qualifying State:	NV	List of Officers Due:	1/31/2017
Managed By:	Managers	Expiration Date:	1/10/2503
NV Business ID:	NV20031005277	Business License Exp:	1/31/2017

### Additional Information

Central Index Key:	
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### Registered Agent Information

Name:	PLAYLV GAMING OPERATIONS LLC attention: Chief Executive officer	Address 1:	1 MAIN STREET
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89101
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	NV
Mailing Zip Code:			
Agent Type:	Noncommercial Registered Agent		

[View all business entities under this registered agent](#)

### Financial Information

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



- Officers		<input checked="" type="checkbox"/> Include Inactive Officers	
Manager - PLAYLV GAMING OPERATIONS LLC			
Address 1:	ONE MAIN STREET	Address 2:	
City:	LAS VEGAS	State:	NV
Zip Code:	89101	Country:	USA
Status:	Historical	Email:	
Manager - PLAYLV GAMING OPERATIONS LLC			
Address 1:	ONE MAIN STREET	Address 2:	
City:	LAS VEGAS	State:	NV
Zip Code:	89101	Country:	USA
Status:	Active	Email:	
+ Actions\Amendments			

## Attachment B – Variance Application Letter

### VARIANCE REQUEST

Ms. Jacqueline Reszetar  
280 S Decatur Blvd  
Las Vegas, NV 89107

Re: Variance for The Plaza Hotel & Casino  
Assessor's Parcel Number (APN): 139-34-101-007

The Plaza Hotel & Casino is located in downtown Las Vegas at 1 Main Street—directly across from the Fremont Street experience. This facility has had a pool area on the fifth floor above the casino for decades. The Hotel is land locked and has no other space to expand the Pool area. The Pool area sits on structural steel beams and reinforced 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 deck structure also has corrosion issues that must be included in the new design. The remodel will also require in-filling parts of the Pool. The remodel of the Pool and deck will require adding weight to allow for a new spa to the pool deck.

With limited space on this site, the only place to install the spa area is on the top of the existing pool slab, far enough away from the existing Pool that it doesn't place additional load on the Pool structural beams. Obviously, doing so comes with challenges, including installation of support under the slab above the casino as well as below the new Pool. There is NO WAY to cut a hole in the existing pool 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 could not be financially done. This would mean that upgrade of the facility would be canceled. Without an upgrade, it will be impossible for this property to keep up with its competitors.

The existing Pool is on the fifth floor and guest rooms already have access to the Pool area through individual doors. The Plaza plans to enhance these entrances, expanding the area to include a patio with seating area in the deck outside each of the units. For safety and as an additional security feature, current plans include a new fence with a self-closing, self latching gates at each of these personal patios. This installation would be exactly like the Villas at the Hard Rock Hotel.

There do exist facilities that prove that granting these requests would not be a substantial detriment to public welfare. Longtime locations that share a similar design include The LINQ (previously Imperial Palace), Wynn Resort Villas, and The Hard Rock Hotel West Pool. Fenced private patios opening to Pool areas have been in Clark County for decades, the LINQ and Hard Rock Patio Villas being the most current allowance given by the Board sometime in n 2015 and 2009, respectively. This facility has had no fence a outside the North and South Towers for over 30 years. All existing properties share a track record for continuous safe operations.

If this area moves forward, it is expected that guests to the Hotel and attached remodeled Pool area will additionally gain access to the entire local downtown area. The

Plaza Hotel and Casino includes Food and Beverage establishments that will cater to young 21 to 35 year old visitors looking to enjoy the Downtown 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 downtown Las Vegas area. We are excited to join in the downtown Las Vegas venue and hope the Southern Nevada Health District will support our design and grant us a variance.

Phil Reed-Owners Representative  
The Plaza Hotel and Casino  
1 Main Street  
Las Vegas, Nevada  
702-386-2110



Attachment C: Variance Candidate Worksheet



**AQUATIC HEALTH PROGRAM VARIANCE CANDIDATE  
WORKSHEET**

**PART I:**

**ESTABLISHMENT INFORMATION**

Name of Facility/Establishment: Plaza Hotel and Casino  
Health Permit Number: Date of Inquiry: May 9, 2016  
Name of Operator/Agent: Sam Cherry  
Address of Operator/Agent: 1 South Main Street Las Vegas, Nevada 89101  
Contact Information of Operator/Agent:  
Office Phone: 1-702-386-2110 Cell Phone:  
Fax Number: 1-702-386-2591 Email Address: jonathan.jossell@playlv.com  
If corporation, the name/title of individual to sign for Variance document:  
Name: T-UPR LLC./Plaza Hotel and Casino-Phil Reed  
Title: Owners Representative

**OWNER INFORMATION**

Name of Property Owner: T-UPR LLC./Plaza Hotel and Casino  
Address of Property Owner: 1 South Main Street Las Vegas, Nevada 89101  
Contact Information of Property Owner: T-UPR LLC./Plaza Hotel and Casino/Sam Cherry  
Office Phone: 1-702-386-2110 Cell Phone:  
Fax Number: 1-702-386-2591 Email Address: jonathan.jossell@playlv.com

#### PROPERTY INFORMATION

Property Address: 1 South Main Street Las Vegas, Nevada 89101

Assessor's Parcel Number (APN): 139-34-101-007

Describe location within larger facility (i.e. hotel/casino/resort, etc.):

Hotel/Casino located on Main Street in downtown Las Vegas. Existing pool area is on 5th floor of building.

Describe Variance Issue (s): (Include sections of the Nevada Administrative Code that applies to the request for a variance)

Per NRS 439.200:

*The State Board of Health may grant a variance from the requirements of a regulation if it finds that:*

*(a) Strict application of that regulation would result in exceptional and undue hardship to the person requesting the variance; and*

*(b) The variance, if granted, would not:*

- (1) Cause substantial detriment to the public welfare; or*
- (2) Impair substantially the purpose of that regulation.*

Variance 1.)

The Spa is designed to be a 7'6" X 10'10"-84 Sq. Ft. free standing 3' deep Spa installed on the existing reinforced slab that is now a part of the existing Pool deck. The Spa will be raised 18" above its surrounding deck that is 70% around its perimeter. That deck in turn is 18' above the existing Pool deck. The remaining 30% of the Spa perimeter will have decking at the pool deck elevation that the spa is sitting on. This area will have an acrylic viewing wall which will be the full height and length of the spa-facing the fireplace sitting area. The wall along this perimeter will be the same height as the rest of the perimeter, allowing access for safety concerns. There will be a bench inside the Spa approximately 26' long along 3 walls of the Spa. Access into the Spa will be by steps at the East side of the Spa. The feature will have jets and will be called a leisure spa, having a turnover rate less than 1/2 hour allowing for a higher expected bather load. The regulations governing decks around Spas make up the following sections of the statute:

NAC 444.330 "Deck" defined. (NRS 439.200, 444.070) "Deck" means the unobstructed area around the perimeter of a spa which is specifically used by bathers.

[Bd. of Health, Public Spa Reg. Art. 1 § 1.3, eff. 11-27-79]—(NAC 444-2-33)

*NAC 444.454 Decks: Dimensional design. (NRS 439.200, 444.070)*

1. A continuous unobstructed deck at least 4 feet (1.22 m) wide, including the coping, must be provided around at least half of the perimeter of the spa. Deck and wall junctures must be covered with a minimum of 4 inches (10.16 cm). Decks elevated above the normal walking level of the area must have protective safety barriers at the edge as required by NAC 444.463.
2. Risers of steps for the deck must be uniform and be not less than 3.75 inches (9.53 cm) nor more than 7.75 inches (19.70 cm) high. The minimum tread width is 10 inches (25.40 cm).
3. The maximum slope of decks is .5 inch per foot (4.0 cm per meter) except for ramps. Ramps may have a slope of not more than 5 percent.
4. The maximum voids between adjoining concrete slabs or between concrete slabs and expansion joint material is .2 inch (.51 cm) of horizontal clearance, with a maximum difference in elevation of .25 inch (.64 cm).
5. Joints where spa coping meets concrete deck work must be watertight and must not allow water to seep to the ground beneath. Joints in decks must be provided to prevent cracks which may be hazardous because of differences in elevations, separation of surfaces or movement of the deck.
6. Areas where deck work joins concrete work other than the spa must be protected by expansion joints filled with nonrigid material such as mastic to protect the spa from the pressures of relative movements. In the absence of specific local engineering practices, the work must be performed in accordance with recommended practices of the American Concrete Institute.
7. Where deck work joins the spa coping, the joining areas must be designed and installed to protect adequately the spa coping and its mortar bed from damage as a result of reasonable movement of adjoining deck work.
8. Decks must be edged, radiused or otherwise relieved so as to present no exposed sharp corners.
9. Decks must be sloped as required by subsection 3 to drain to perimeter areas or to deck drains. Deck drains must not be greater than 25 feet (7.62 m) apart and must not return water to the recirculation system. Drains must remove spa splash water, deck cleaning water, and rainwater at a rate approximately equal to the rate of arrival without leaving excessive puddles.
10. Deck work must be designed and installed in accordance with engineering practices required in the area of installation. This includes, but is not limited to, the design and quality of the subbase when required, concrete mix design, and reinforcing. In the absence of specific local engineering practices, the work must be performed in accordance with recommended practices of the American Concrete Institute.

*[Bd. of Health, Public Spa Reg. Art. 13 §§ 13.4 & 13.7-13.16, eff. 11-27-79]—(NAC 444.454)*

Granting a variance would involve NAC 444.330, dealing with a clear, unobstructed deck being provided around the entire perimeter of a spa. In this case the obstruction would be the changes in elevation. The step from one level to another does not involve more than 30% of the perimeter

In review of the plans, this facility is similar to previous installations and would comply with sections 444.454 Sections (1) through (10).

Variance 2.)



We would ask for relief from NAC 444.136 Barriers; exclusion of unauthorized persons, Subsection 1 and 3, included below:

*NAC 444.136 Barriers; exclusion of unauthorized persons. (NRS 439.200, 444.070)*

1. Provision must be made to exclude unauthorized persons from any pool or pool area. A pool must be surrounded by a fence, wall, building or other barrier that completely encloses the pool area and otherwise complies with the requirements of this section. No part of a pool enclosure may be used for common foot traffic.

2. The barrier must be impenetrable for small children and must not offer any external handholds or footholds.

3. In the case of a swimming pool operated solely for and in conjunction with a hotel, motel or other place of lodging, or a trailer park, apartment, condominium or other facility containing multiple dwellings, the barrier must be not less than 5 feet (1.5 meters) in height. *Column and-type concepts in which gates or doors open directly into a pool enclosure from a building 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.*

4. Any vertical members in the barrier must not be more than 4 inches (10.16 centimeters) apart.

5. Any opening at the bottom of the barrier must not be more than 4 inches (10.16 centimeters) in height.

6. Any gate or door that opens into the pool area:

(a) Must be equipped with permanent locking devices and self-closing and positive self-latching mechanisms. Self-closing and self-latching mechanisms must be located not less than 3 1/2 feet above the ground.

(b) Must self-close and positively self-latch from any open position.

(c) Must not be blocked open or otherwise disabled to prevent closing and latching.

(d) Must, in the case of an indoor pool, be made of metal and installed in a metal frame.

7. The operator of the pool shall periodically inspect each such gate or door to ensure that it is operating properly.

8. Facilities, such as large resort hotels, which have continuous, 24-hour-a-day security of the pool area may be exempt from the requirements of this section.

9. Where existing construction prohibits compliance with the requirements of this section, the owner shall file with the health authority an operation procedure which will serve to ensure the exclusion of unattended small children from the pool.

[Bd. of Health, Public Bathing Places Reg. Art. 16, eff. 5-21-74]—(NAC 444.136)

The existing Pool is on the fifth floor and the tennis courts already have access to the Pool area through a common walkway.

There do exist facilities that prove that granting these variance requests would not be a substantial detriment to public welfare. Sunset Station has had a raised area in their Pool area for over a decade and a half. Other longtime locations that share a similar design include The Resort at Green Valley, The Mirage Bare Pool, Wynn Resort Villas, and The Hard Rock Hotel West Pool (HRH Pool was granted a variance with no rails as well), and recently, The LINQ Hotel and Casino. All properties share a track record for continuous safe operations. The purpose of the Health Regulations is safety. By allowing this

design to be built, there still exists 100% access to all sides of the Pool. Safety is not in any way compromised.

The existing Pool is on the fifth floor and guest rooms already have access to the Pool area through individual doors. The Plaza plans to enhance these entrances, expanding the area to include a patio with seating area in the deck outside each of the units. For safety and as an additional security feature, current plans include a new fence with a self-closing, self latching gates at each of these personal patios. This installation would be exactly like the Villas at the Hard Rock Hotel.

There do exist facilities that prove that granting these requests would not be a substantial detriment to public welfare. Longtime locations that share a similar design include The LINQ (previously Imperial Palace), Wynn Resort Villas, and The Hard Rock Hotel West Pool. Fenced private patios opening to Pool areas have been in Clark County for decades, the LINQ and Hard Rock Patio Villas being the most current allowance given by the Board sometime in n 2015 and 2009, respectively. This facility has had no fence a outside the North and South Towers for over 30 years. All existing properties share a track record for continuous safe operations.

#### 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:
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 incurred by compliance):



3. Granting the variance will not be detrimental or pose a danger to the 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:

NAC 439.240 Approval by State Board of Health. (NRS 439.150, 439.190, 439.200)

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 the applicant to preserve and enjoy his or her 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 or she suffers or will suffer economic hardship by complying with the regulation, the applicant must submit evidence demonstrating the costs of 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]

The Plaza Hotel and Casino is located downtown on Main Street. This facility has had a pool area on the fifth floor above a casino for decades. The Hotel is land locked and has no other space to expand the Pool area. The Pool area sits on structural steel beams and reinforced 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 deck structure also has corrosion issues that must be included in the new design. The remodel of the Pool and deck will require adding weight. With limited space on this site, the only place to install the Spa area is on the top of the existing structural steel beams covered by the existing reinforced slab, far enough away from the existing Pool that it doesn't place additional load on beams that carry the pool. Obviously, doing so comes with challenges, including installation of support under the slab at the lower casino area, below the new raised spa. There is NO WAY to cut a hole in the existing reinforced 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 canceled. Without an upgrade, it will be impossible for this property to keep up with its competitors.

The enclosure as now detailed is much more safe than the original Pool enclosure, existing for over 30 years. The gates are set up similar to the LINQ and will have locking latches that do not allow access during the time the Pool area is closed. These locks are in excess of what had been installed for over 30 years at this facility. In addition, security cameras have been installed with motion sensors that will notify security as soon as entry into the Pool enclosure is detected. This also is an upgrade from the previous set-up.

PART III:

A Variance Application Letter, which includes all information provided by the applicant on his worksheet, must be submitted in writing to 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 8 1/2" 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 SOUTHERNNEVADAHEALTH DISTRICT (SNHD).

Referred by: **INSERT HERE**  
(Print Name of APR or DEHS)  
Completed by: **INSERT HERE**  
(Print Name of APR or DEHS if not by supervisor)  
Received by: **INSERT**  
(Owner/Operator/Agent)  
Reviewed by:  
(Signature of SNHD Manager)



Attachment D: Assessor's Parcel Information

GENERAL INFORMATION	
PARCEL NO.	139-34-101-007
OWNER AND MAILING ADDRESS	T-U P R L L C 1 MAIN ST LAS VEGAS NV 89101-6370
LOCATION ADDRESS CITY/UNINCORPORATED TOWN	1 S MAIN ST LAS VEGAS
ASSESSOR DESCRIPTION	PT N2 NW4 SEC 34 20 61
RECORDED DOCUMENT NO.	* 20061017:05582
RECORDED DATE	Oct 17 2006
VESTING	NS
COMMENTS	

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

ASSESSMENT INFORMATION AND SUPPLEMENTAL VALUE	
TAX DISTRICT	203
APPRAISAL YEAR	2015
FISCAL YEAR	2016-17
SUPPLEMENTAL IMPROVEMENT VALUE	0
SUPPLEMENTAL IMPROVEMENT ACCOUNT NUMBER	N/A

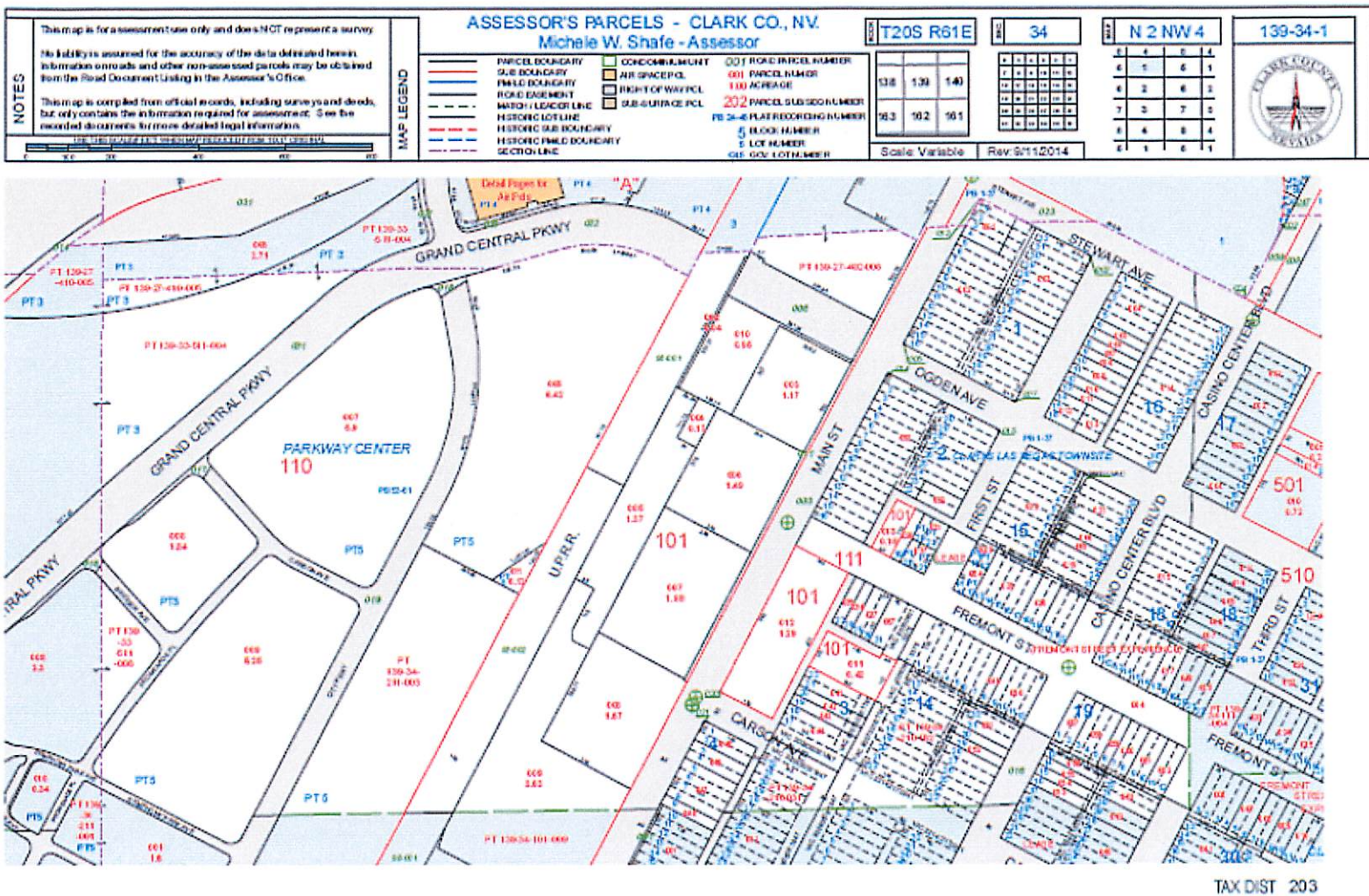
REAL PROPERTY ASSESSED VALUE		
FISCAL YEAR	2015-16	2016-17
LAND	1003189	1146502
IMPROVEMENTS	305325	388459
PERSONAL PROPERTY	0	0
EXEMPT	0	0
GROSS ASSESSED (SUBTOTAL)	1308514	1534961
TAXABLE LAND+IMP (SUBTOTAL)	3738611	4385603
COMMON ELEMENT ALLOCATION ASSD	0	0
TOTAL ASSESSED VALUE	1308514	1534961
TOTAL TAXABLE VALUE	3738611	4385603

ESTIMATED LOT SIZE AND APPRAISAL INFORMATION	
ESTIMATED SIZE	1.88 Acres
ORIGINAL CONST. YEAR	1981
LAST SALE PRICE MONTH/YEAR	54527000 3/2004
LAND USE	311 - Hotels - Class 2
DWELLING UNITS	508

PRIMARY RESIDENTIAL STRUCTURE					
1ST FLOOR SQ. FT.	0	CASITA SQ. FT.	0	ADDN/CONV	
2ND FLOOR SQ. FT.	0	CARPORT SQ. FT.	0	POOL	YES
3RD FLOOR SQ. FT.	0	STYLE	Hotel, Full Service	SPA	NO
UNFINISHED BASEMENT SQ. FT.	0	BEDROOMS	0	TYPE OF CONSTRUCTION	
FINISHED BASEMENT SQ. FT.	0	BATHROOMS	0	ROOF TYPE	
BASEMENT GARAGE SQ. FT.	0	FIREPLACE	0		
TOTAL GARAGE SQ. FT.	0				



Attachment E: Assessor's Map



Attachment F: Public Notice



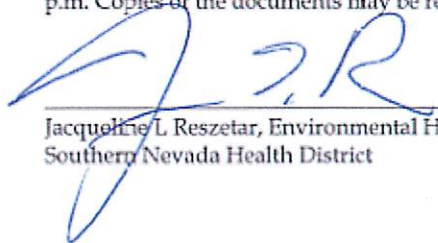
PUBLIC NOTICE

The Southern Nevada Health District Board of Health will conduct a PUBLIC HEARING on June 23, 2016 at 8:30 a.m. during its monthly meeting held at 280 S Decatur Blvd, Las Vegas, NV 89107, to approve or deny a variance request to operate a public bathing place not in compliance for Plaza Hotel & Casino, LLC, DBA Plaza Hotel & Casino, located at 1 Main Street, Las Vegas, Nevada 89101, APN 139-34-101-007. Note, if this application is not presented at the June 23, 2016 meeting, it will be presented at the July 28, 2016 meeting.

The variance request is made to allow the Petitioner to operate public bathing places which are not in accordance with the Nevada Administrative Code (NAC) 444 Public Bathing Places and Public Spas; NAC 444.136 Barriers; exclusion of unauthorized persons and NAC 444.454 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 Jeremy Harper, Environmental Health Supervisor for the Aquatic Health Program, Southern Nevada Health District, P.O. Box 3902, Las Vegas, Nevada 89127-3902, no later than June 17, 2016. The variance application request is available for review at the Southern Nevada Health District, Environmental Health Division, 333 N Rancho Drive, Las Vegas, NV 89106.

If there are special viewing needs, please contact Bonnie Archie 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 L. Reszetar, Environmental Health Director  
Southern Nevada Health District

17 May 16  
Date



Attachment G: Existing Patio Images

