






Memorandum

Date: June 23rd, 2016

To: SOUTHERN NEVADA DISTRICT BOARD OF HEALTH

From: Jeremy Harper, REHS, Environmental Health Supervisor 
Paul Klouse, REHS, Environmental Health Manager
Jacqueline Reszetar, REHS, 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) 444.128 and 444.134, Zuffa Landco, LLC, dba UFC Global Headquarters, located at 6650 S Torrey Pines Drive, Las Vegas, Nevada 89118; [Assessor's Parcel Number (APN) 176-02-501-022] for Health Permit PR0118970; David Kruljak and Desmond Stevens, for the Owner(s), Zuffa Landco, LLC.

I. BACKGROUND:

Zuffa Landco, LLC., dba UFC Global Headquarters is petitioning for a variance as requested by David Kruljac of Station Casinos and Desmond Stevens of STO Design Group, to operate a public bathing place not in compliance with the Nevada Administrative Code (NAC) 444.128(6), which states in part: "*Stairs leading into the pool must be of slip-resistant design, have a minimum tread of 12 inches (30 centimeters), and a maximum rise of 10 inches (25 centimeters),*" and NAC 444.134(1), which states: "*... 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 if: (a) The design of the obstruction does not endanger the health or safety of persons using the pool; (b) An unobstructed area of deck not less than 4 feet wide is provided around or through the obstruction not more than 15 feet (4.55 meters) from the edge of the pool; and (c) Written approval for the obstruction is obtained from the health authority before construction or installation of the obstruction.*" The public bathing place is located on APN 176-02-501-022, at 4450 S Torrey Pines Drive, Las Vegas, Nevada.

II. DISCUSSION:

The petitioner requests to construct a cold plunge pool with less than 100% unobstructed deck around the perimeter of the pool. The petitioner states the following:

"The pool, which is of compact size and slender width, does have 50% continuous

perimeter deck. There is unhindered access to the body of water from a four (4) foot wide expanse of surrounding deck around 50% of the pool. At any location in the pool, a bather is within five (5) feet of an edge handhold and nine (9) feet of a deck, thereby meeting NAC 444's intent for safety requirements."

The petitioner also requests to construct the pool with a maximum riser height of 12 inches, rather than the maximum allowable height in NAC 444.128(6), which is 10 inches. The petitioner states that "stairs with 10 inch risers or less will occupy more than half of the pool area which is only slightly over 11 feet in length," and that "the able-bodied users of the pool in this fitness amenity will be readily capable of negotiating 12 inch risers." The petitioner also points out that 12 inch risers are allowed in spas.

The evidence presented for granting a variance to permit Zuffa Landco, LLC to deviate from NAC 444.128(6) and 444.134(1) by allowing a greater percentage of deck obstruction and greater riser height, 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:

A complete deck around the cold plunge pool, which is only 9'-6" wide, would require a disproportionately enlarged room and necessitate enlarging the floor space in a high cost development. The deck provided meets the intents of safety and easy access to bathers, as embodied in NAC chapter 444.

Stairs limited to 10" max. height risers will necessitate configuring this small pool with an area of stairs larger than the full depth portion, or necessitate enlarging the pool, precluded by the available deck space.

Granting a variance will not affect other persons subject to regulations regarding pool decks and pool stairs. The design of the body of water will comply in all respects with the requirements of NAC 444.

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:

Compliance with the current regulations would be unduly burdensome for UFC. The building would need to be reconfigured, revising both proportions and increasing encroachments into adjacent spaces – all of which bear substantial associated costs.

Hardships caused and substantial property rights abridged by complying with the regulation include:

- Redesign of part of the building to provide an enlarged pool space to accommodate a complete perimeter deck and stairs with risers limited to 10" max.
- Encroachment into adjacent rooms and reduction of required size in those

areas

- Additional design costs for space reconfiguration at \$75,000
- Additional construction costs estimated at \$275,000
- Additional time associated with re-submittal to Clark County Planning & Zoning, redesign time and permitting of five months
- Increased maintenance over project lifetime for upkeep, cleaning and repair of a larger deck area, estimated at \$13,000 per annum

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

Granting the variance will allow the use of the deck for training in conjunction with the operation of other project facilities; a right currently enjoyed by other athletic and training facilities.

Granting the variance will not be detrimental or pose a danger to public health and safety, because the cold plunge pool is compact, has 50% of perimeter deck, and is of narrow width. Bathers in any part of the pool have a handhold with a reach no further than five (5) feet, and a four (4) feet wide expanse of deck at a maximum of nine (9) feet from any part of the pool (significantly less than many pools which do have a complete perimeter deck). The users will be readily able to negotiate 12 inch stair risers which are typical in many spas (and allowed by NAC 444).

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 likely not be detrimental or pose an unreasonable danger to public health and safety. Staff recommends approval of the variance with the following conditions.

IV. CONDITIONS:

1. The petitioner agrees to maintain the walkway around the pool accessible and free from obstructions during open hours and all periods of use;
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.

Attachments:

- A. Nevada Secretary of State Corporate Information
- B. Variance Application Letter
- C. Assessor's Parcel Information
- D. Assessor's Map
- E. Public Notice

Attachment A: Nevada Secretary of State Corporate Information

ZUFFA LANDCO, LLC

[Q New Search](#)

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[\\$ Calculate List Fees](#)

Business Entity Information

Status:	Active	File Date:	6/12/2013
Type:	Domestic Limited-Liability Company	Entity Number:	E0291092013-9
Qualifying State:	NV	List of Officers Due:	6/30/2017
Managed By:	Managing Members	Expiration Date:	
NV Business ID:	NV20131355570	Business License Exp:	6/30/2017

Additional Information

Central Index Key:	
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Registered Agent Information

Name:	LAND R SERVICE COMPANY OF NEVADA, LLC - LAS VEGAS	Address 1:	3993 HOWARD HUGHES PKWY STE 600
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89169
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	NV
Mailing Zip Code:			
Agent Type:	Commercial Registered Agent - Limited-Liability Corporation		
Jurisdiction:	NEVADA	Status:	Active

[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	
Managing Member - ZUFFA, LLC			
Address 1:	2960 W. SAHARA AVENUE	Address 2:	
City:	LAS VEGAS	State:	NV
Zip Code:	89102	Country:	USA
Status:	Historical	Email:	
Managing Member - ZUFFA, LLC			
Address 1:	2960 W. SAHARA AVENUE	Address 2:	
City:	LAS VEGAS	State:	NV
Zip Code:	89102	Country:	USA
Status:	Active	Email:	
- Actions\Amendments			
Click here to view 5 actions\amendments associated with this company			

Attachment B – Variance Application Letter



P.O. Box 26959
Las Vegas, Nevada
89126-0959

March 2, 2016

Ms. Jacqueline Reszetar, Environmental Health Division Dir.
Southern Nevada Health District
Environmental Health Division - Pool Plan Desk
330 S. Valley View Blvd.
Las Vegas, NV 89152

**Subject: UFC Headquarters Bldg.
6650 S Torrey Pines Drive
Las Vegas, NV 89118
Variance Application Letter / Request for a Variance from NAC 444.134.1-
Continuous Deck on Cold Plunge Pool:
NAC 444.128.6 - Maximum Stair Riser Dimension**

Dear Ms. Reszetar:

At the Owner's request, please accept this letter together with the Variance Candidate worksheet and plans plus sections of the referenced project's Cold Plunge pool, as an application for a variance from NAC 444.134.1 requiring an entire perimeter, unobstructed deck around a pool and from NAC 444.130.6 requiring 10" maximum stair risers.

Specifically, the variance application is to grant conditions that:

1. The pool can be constructed with less than 100% unobstructed deck. This is because the pool, which is of compact size and slender width, does have 50% continuous perimeter deck. There is unhindered access to the water body from a four ft. wide expanse of surrounding deck around the 50% of the pool. At any location in the pool, a bather is within five (5) ft. of an edge handhold and nine (9) ft. of a deck, thereby meeting NAC Ch. 444's intent for safety requirements.
2. The maximum stair riser height can be twelve (12) inches, in lieu of the NAC 444.128.6 of ten (10) inches for pools. Stairs with 10" risers or less will occupy more than half of the pool area which is only slightly over 11 ft. in length. The able-bodied users of the pool in this Fitness amenity will be readily capable of negotiating 12" risers - (which are allowed in spas).

Please note the following:

Business Address of Owner, (Zuffa Landco, LLC):
2960 West Sahara, Las Vegas, NV 89102





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Las Vegas, Nevada
89126-0959

Ms. Jacqueline Reszetar
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Project Location:
6650 S Torrey Pines Drive, Las Vegas, NV 89118

Assessor's Parcel Number is 176-02-501-009, 010, 011

Operator:
Zuffa Landco LLC, 2960 West Sahara, Las Vegas, NV 89102

Contact name for the Owner:
David Kruljac, Project Manager - Cell phone: (702) 591-5705

Per the plans dated October 21, 2015 and reviewed at the Variance Candidate meeting on November 16, 2015, the Cold Plunge pool is 11' - 1" long x 9' - 6" wide; 5 feet deep with 106 sq. ft. water surface area and has a perimeter of 41 lineal ft.

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 Ultimate Fighting Championship to deviate from NAC regulations 444.134.1 and NAC 444.128.6, i.e. accommodating a pool with a clear, unobstructed deck around less than the entire perimeter of the pool and stairs with 12" risers (in lieu of 10" max.), is thus:

(a) There are circumstances or conditions which -

(1) Are unique to the applicant:

Unique conditions exist at the project, thus:

A complete deck around the Cold Plunge pool, which is only 9'-6" wide, would require a disproportionately enlarged room and necessitate enlarging the floor space in a high cost development. The deck provided meets the intents of safety and easy access to bathers, as embodied in NAC Ch. 444.

Stairs limited to 10" max. height risers will necessitate configuring this small pool with an area of stairs larger than the full depth portion, or necessitate enlarging the pool, precluded by the available space.

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

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



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Las Vegas, Nevada
89126-0959

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March 2, 2016
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(3) Make compliance with the regulation unduly burdensome:

Compliance with the current regulations would be unduly burdensome for UFC. The building would need to be reconfigured, revising both proportions and increasing encroachments into adjacent spaces - all of which bear substantial associated costs.

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

- i) Re-design of part of the building to provide an enlarged pool space to accommodate a complete perimeter deck and stairs with risers limited to 10" max.
- ii) Encroachment into adjacent rooms and reduction of required size in those areas
- iii) Additional design costs for space reconfiguration at \$75,000
- iv) Additional construction costs estimated at \$275,000
- v) Additional time associated with re-submittal to Clark County Planning & Zoning, re-design time and permitting of five (5) months
- vi) Increased maintenance over project lifetime for upkeep, cleaning and repair of a larger deck area, estimated at \$13,000 per annum

(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 training in conjunction with the operation of other project facilities; a right currently enjoyed by other athletic and training 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 Cold Plunge pool is compact, has 50% of perimeter deck and is of narrow width. Bathers in any part of the pool have a handhold within a reach no further than 5 ft. and a four feet wide expanse of deck at a maximum of nine (9) ft. from any part of the pool; (significantly less than many pools which do have a complete perimeter deck). The users will be readily able to negotiate 12" stair risers which are typical in many spas (and allowed by NAC Ch. 444).

Enclosed herein are:

- 1. Three (3) sets of plans and sections of the pool
- 2. Variance Candidate Worksheet
- 3. Variance Application Letter
- 4. Variance Application Fee of \$1,181.00



P.O. Box 26859
Las Vegas, Nevada
89126-0859

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

Sincerely

A handwritten signature in black ink, appearing to read "Lawrence Epstein", is written over a horizontal line.

Lawrence Epstein, Zuffa Landco, LLC

cc: Joe Haley, Station Casinos
David Kruljac, Station Casinos
Lee Norsworthy, KGA Architecture
Desmond Stevens, STO Design Group

Attachment C: Assessor's Parcel Information

GENERAL INFORMATION	
PARCEL NO.	176-02-501-022
OWNER AND MAILING ADDRESS	ZUFFA LANDCO L L C 2960 W SAHARA AVE LAS VEGAS NV 89102
LOCATION ADDRESS CITY/UNINCORPORATED TOWN	6650 S TORREY PINES DR ENTERPRISE
ASSESSOR DESCRIPTION	PARCEL MAP FILE 121 PAGE 29 LOT 1
RECORDED DOCUMENT NO.	* 20130621:02960
RECORDED DATE	Jun 21 2013
VESTING	NS
COMMENTS	+45A COR; PT-20130815:923,PT-2430

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

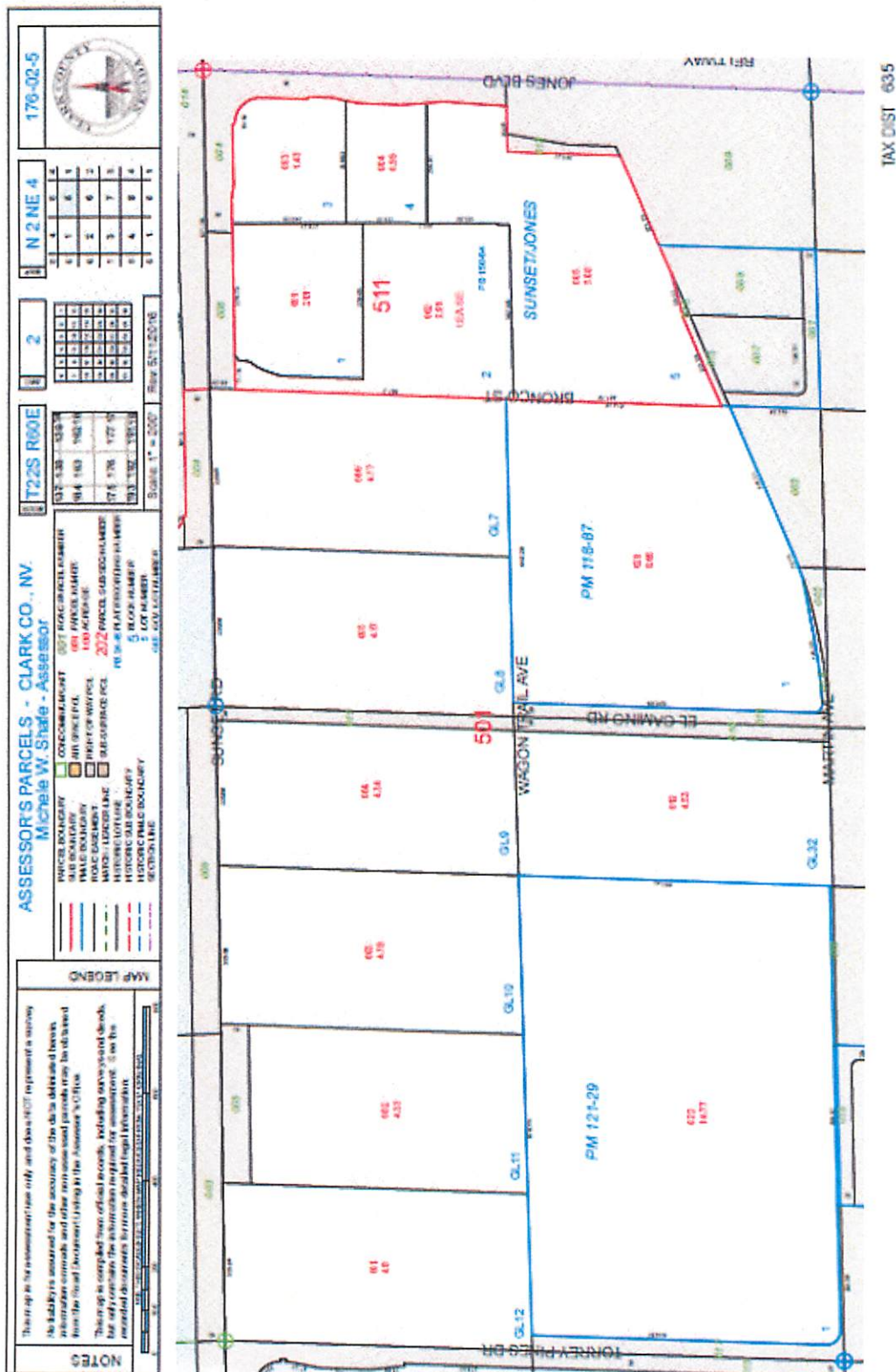
ASSESSMENT INFORMATION AND SUPPLEMENTAL VALUE	
TAX DISTRICT	635
APPRAISAL YEAR	2015
FISCAL YEAR	2016-17
SUPPLEMENTAL IMPROVEMENT VALUE	0
SUPPLEMENTAL IMPROVEMENT ACCOUNT NUMBER	N/A

REAL PROPERTY ASSESSED VALUE		
FISCAL YEAR	2015-16	2016-17
LAND	0	0
IMPROVEMENTS	0	0
PERSONAL PROPERTY	0	0
EXEMPT	0	0
GROSS ASSESSED (SUBTOTAL)	0	0
TAXABLE LAND+IMP (SUBTOTAL)	0	0
COMMON ELEMENT ALLOCATION ASSD	0	0
TOTAL ASSESSED VALUE	0	0
TOTAL TAXABLE VALUE	0	0

ESTIMATED LOT SIZE AND APPRAISAL INFORMATION	
ESTIMATED SIZE	14.77 Acres
ORIGINAL CONST. YEAR	0
LAST SALE PRICE MONTH/YEAR	0
LAND USE	000 - Vacant
DWELLING UNITS	0

PRIMARY RESIDENTIAL STRUCTURE					
1ST FLOOR SQ. FT.	0	CASITA SQ. FT.	0	ADDN/CONV	
2ND FLOOR SQ. FT.	0	CARPORT SQ. FT.	0	POOL	NO
3RD FLOOR SQ. FT.	0	STYLE		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 D: Assessor's Map



Attachment E: 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 Zuffa Landco, LLC, DBA UFC Global Headquarters, located at 6650 S Torrey Pines DR, APN 176-02-501-022. 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 a public bathing places not in accordance with the Nevada Administrative Code (NAC) 444 Public Bathing Places and Public Spas: NAC 444.524 Heater and temperature requirements.

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

6-3-16
Date