

Memorandum

Date:

September 28, 2017

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 Mark

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) 444.214; County of Clark, dba Sandy Valley Peace Park, located at 650 West Quartz Ave., Sandy Valley, Nevada 89019; [Assessor's Parcel Number (APN) 200-36-401-003] for Health Permit PR0124753; Roland Wisdom, for the Owner(s), County of Clark.

I. **BACKGROUND:**

County of Clark, dba Sandy Valley Peace Park, is petitioning for a variance as requested by Roland Wisdom, Design and Construction Administrator, representative for the owner, to construct and operate one public bathing facility not in compliance with Nevada Administrative Code (NAC) 444.214 - Minimum sanitary plumbing facilities, which states the following:

Minimum sanitary plumbing facilities must be provided at each public bathing or swimming facility as follows:

(a) For males: One water flush toilet, two water flush urinals and one lavatory is presumed adequate for the first 100 bathers. One water closet, one urinal and one lavatory must be provided for each additional 100 bathers or major fraction thereof. Not less than two shower heads must be provided which will be assumed to be adequate for the first 80 bathers. One additional shower head must be provided for each additional 40 bathers.

(b) For females: Not less than three water flush toilets and one lavatory must be provided which will be assumed to be adequate for the first 100 bathers. Two water closets and one lavatory must be provided for each additional 100 bathers or major fraction thereof. Not less than two shower heads must be provided which is presumed to be adequate for the first 80 bathers. One shower head must be added for each 40 additional bathers.

The public bathing place will be located on APN 200-36-401-003, at 650 West Quartz Ave., Sandy Valley, Nevada.

II. <u>DISCUSSION</u>:

The petitioner is requesting a variance from the regulations, which would allow them to construct a spray pool/splash pad located within a public park operated by Clark County Parks and Recreation and utilize the existing restroom building, which is located approximately 30 feet from the proposed splash pad site, for the bathhouse. The existing restroom facility does not meet the fixture requirement outlined in NAC 444.214, as the regulations require, at minimum, one flush toilet, two flush urinals, and one lavatory for males; and three flush toilets and one lavatory for females. The existing bathhouse contains one flush toilet, one urinal, and one lavatory for males; and two flush toilets and one lavatory for females.

In addition, two existing park buildings, the library/community center building, as well as the senior center building, are located within 300 feet of the splash pad and both contain restroom facilities. Note that the entrances to the restrooms for each building is outside of the 300 foot boundary, so these facilities are not considered to meet the bathhouse requirements for the splash pad, but the facilities are available.

The evidence presented by the applicant for granting a variance to permit County of Clark to deviate from NAC 444 by allowing a splash pad to be constructed and use the existing restroom facilities as the bathhouse, 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 unique condition exists at the project site. The developed nine acres of Peace Park has residential dwellings and open land around it. If the splash pad is not added, neighborhood residents will continue to be forced to travel approximately 48 miles to find park amenities similar to these. Sandy Valley has no park other than Peace Park.

This condition does not generally affect other persons subject to the regulations as the design of the spray pool does comply with the requirements of Nevada Administrative Code Chapter 444 except as requested herein.

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 regulation would be unduly burdensome for the Sandy Valley Park Improvements Project as this is part of CDBG (Community Development Block Grant) funding which has been allocated. No other funds are available to increase the existing restroom facilities and add fixtures to the park.

Compliance with the regulation would cause the owner to fund and construct additional restroom facilities for which funding are not available. Budget requests submitted would take two to four years to become available, and would deprive Sandy Valley

residents of valuable park amenities. It would negatively impact those residents' activities and negatively affect the owner's ability to provide much needed recreational services to the Sandy Valley area.

Furthermore, the splash pad is also an important, high profile structure and the focal point of the park improvements project. It is an identifying feature of the project, and is used in the owner's advertising and marketing materials. Removing the splash pad would require the owner to revise and reduce scheduled recreational services identified under this CDBG funding request.

Lastly, park visitors and residents who live in the neighborhood have limited outdoor recreational opportunities. Peace Park has nine acres of developed park land which has a baseball field, play ware, picnic pavilion, and a small horse arena. The neighborhood consists primarily of residential homes, and 51% or more of the residents have low and moderate income. There are no public pools or water related recreational activities offered in the area around Peace Park or in Sandy Valley. To enjoy water related recreational activities, residents must travel to Las Vegas.

Granting the variance will allow Clark County Parks and Recreation to maintain their mission, which is to enrich our community through excellent parks, programs, and services. Clark County's CIP Park Prioritization first identifies health and safety programmatic needs in existing parks. Peace Park is the only County developed park land in Sandy Valley. There is a small play apparatus as well as Peace Park. Residents are in need of additional recreational opportunities. The addition of a splash pad and a pedestrian walking trail to Peace Park would greatly enhance the park amenities for residents of Sandy Valley. Residents of Sandy Valley have to travel 48 miles to enjoy a public pool. According to the State of Nevada, approximately 1,846 people reside in and around Sandy Valley. Over 51% of Sandy Valley residents have low and moderate income.

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

Operation of this splash pad will be during posted regular park hours. Parks and Recreation staff is on site at the Peace Park. Please note that existing plumbing facilities are part of a restroom building that is less than 30 feet away from the proposed spray pool. Additionally, two existing park buildings, the library/community center building and the senior center building are within 300 feet of the proposed spray pool and contain restroom facilities.

III. RECOMMENDATION:

With regard to a variance from NAC 444.214 – Minimum sanitary plumbing facilities, staff is of the opinion that circumstances exist which satisfies the requirements for a variance. Due to the population of Sandy Valley, the maximum intended use for the splash pad, and the fact that additional plumbing fixtures are located in the nearby library/community center and senior center restrooms, staff believes that granting a variance from these regulations will likely not be detrimental or pose an unreasonable danger to public health and safety.

Variance Request Sandy Valley Peace Park Page 4 September 28, 2017

Staff recommends approval of a variance with the conditions outlined below.

IV. CONDITIONS

- 1. The petitioner agrees to monitor and limit bather occupancy if the sanitary conditions of the existing bathhouse cannot be maintained;
- 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.

JΗ

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. Site Plan
- G. Public Notice

A

CLARK COUNTY

Non-Title 7 Business Entity Information					
Status:	Expired	File Date:	4/22/2014		
Type:	Other	Exemption Code:	001		
NV Business ID:	NV20141276467	Exemption Exp:	4/30/2015		

Registered Agent Information	
No Registered Agent required for Non-Title 7 Business Licenses.	

B

Department of Real Property Management Design and Construction Division

500 S Grand Central Pky 4th FI • Box 551825 • Las Vegas NV 89155-1825 (702) 455-4917 • Fax (702) 455-5817

Lisa Kremer, Director . Chuck James, Manager

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September 13, 2017

Jacqueline Reszetar
Director of Environmental Health
SOUTHERN NEVADA HEALTH DISTRICT
Environmental Health Division – Aquatic Health Program
280 S. Decatur Blvd.
Las Vegas, NV 89107

RE:

Variance Application Letter

Request for Variance from Nevada Administrative Code Section 444.124

SUBJECT:

Project: Sandy Valley Peace Park Improvements

Owner: Clark County Nevada

Address: 650 W. Quartz Ave., Sandy Valley, NV 89019

Dear Ms. Reszetar:

Please accept this letter, together with the Variance Candidate worksheet and Site Plans for the referenced Project's Spray Pool ("Splash Pad"), as the request of the Owner for a variance from Nevada Administrative Code section 444.124.1(a) requiring for males: two water flush urinals and NAC 444.124.1 (b) requiring for females three flush toilets.

Please note that existing plumbing facilities are part of a restroom building that is less than 30 feet away from the proposed Spray Pool. Additionally, two existing park buildings, the Library/ Community Center Building and the Senior Center Building are within 300' of the proposed spray pool (Splash Pad) and contain restroom facilities.

Specifically, the variance application is to grant a condition that the current plumbing facilities be allowed to be adequate for the first eighty (80) bathers. Construction of additional restroom facilities would be very costly and would cause an undue burden on the Owner.

Please note that the address of the Project is 650 W. Quartz Ave., Sandy Valley, Nevada 89019. The Parcel Identification Number is 200-36-401-003. The Owner is also the operator of the Project and its physical and business address is 500 S. Grand Central Parkway, Las Vegas, NV 89155. The contact person for the Owner is Roland Wisdom, Design & Construction Administrator, Owner's Representative for the Project. His office phone is (702) 455-4900.

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

EVIDENCE SUBMITTED FOR GRANTING A VARIANCE

The evidence submitted for granting a variance to permit **PR0124753** to deviate from <u>Nevada Administrative Code</u> section 444.124 by allowing Owner to use existing adjacent sanitary plumbing facilities as adequate is as follows:

A. <u>There are circumstances or conditions which:</u>

- Are unique to the applicant: A unique condition exists at the Project Site. The nine (9) developed acres of Peace Park has residential dwellings and open land around it. If the splash pad is not added, neighborhood resident will continue to be forced to travel approximately 48 miles to find these park amenities similar to these. Sand Valley has no other park besides Peace Park.
- 2. <u>Do not generally affect other persons subject to the Regulation</u>: This condition does not generally affect other persons subject to the regulation as the design of the Spray Pool does comply with the requirements of <u>Nevada Administrative Code</u> Chapter 444 except as requested herein.
- 3. <u>Make compliance with the Regulation unduly burdensome</u>: Compliance with the Regulation would be unduly burdensome for the Sandy Valley Park Improvements Project as this is part of CDBG funding which has been allocated. No other funds are available to increase the existing restroom facilities and add fixtures to the park.
- B. Hardships caused and substantial property rights abridged by complying with the Regulation: Compliance with the Regulation would cause Owner to fund and construct additional restroom facilities for which funding is not available. Budget requests submitted would take 2 to 4 years to become available and deprive Sandy Valley residents of valuable park amenities. It would, negatively impact those residents' activities and negatively affect both the Owner's ability to provide much needed recreational services to the Sandy Valley area.

Furthermore, the splash pad is also an important, high profile structure and the focal point of the park improvements project. It is an identifying feature of the Project and is used in Owner's advertising and marketing materials. Removing the splash pad would require Owner to revise and reduce scheduled recreational services identified under this CDBG funding request.

Lastly, Park visitors and residents who live in the neighborhood have limited outdoor recreational opportunities. Peace Park has 9 acres of developed park land which has a baseball field, play area, picnic pavilion and small horse arena. The neighborhood consists primarily of residential homes and 51% or more of the residents have low and moderate income. There are no public pools or water related recreational activities offered in the area around Peace Park or in Sandy Valley. To enjoy water related recreational activities residents must travel to Las Vegas.

C. Granting the variance is necessary to render substantial justice to the Owner and to enable its preservation and enjoyment of a property right: Granting the variance will allow Clark County Parks and Recreation to maintain their mission, which is to enrich our community through excellent park, programs and services. Clark County's CIP Park Prioritization first identifies health and safety programmatic need in existing parks. Peace Park is the only County developed park land in Sandy Valley. There is a small play apparatus and Peace Park. Residents are in need of additional recreational opportunities. The addition of a splash pad and a pedestrian walking trail to Peace Park would greatly enhance the park amenities for residents of Sandy Valley. Residents of Sandy Valley have to travel 48 miles to enjoy a public pool. According to the State of Nevada, approximately 1,846 people reside in and around Sandy Valley. Over 51% of Sandy Valley residents have low and moderate income.

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

Enclosed are:

- A. Two (2) sets of the site plan showing the Spray Pool and overall park.
- B. Two (2) sets of the existing rest room facility.
- C. Variance Candidate Worksheet.
- D. Payment for Invoice No. IN0176748 in the amount of \$1,387.64 for the Variance Meeting Fee and for the Variance Application fee.

I hope to have this heard by the Clark County Board of Health as soon as possible. Please let me know the meeting date during which this Variance Application will be heard.

Please contact me with any questions or comments or if you require any additional information for your consideration of this variance request.

Sincerely,

Roland Wisdom, Design & Construction Administrator

Clark County Nevada

Department of Real Property Management

Sland O. Wisdom

Design & Construction Division

C







VARIANCE CANDIDATE WORKSHEET

PART I:
ESTBLISHMENT INFORMATION
Name of Facility/Establishment: SANDY VALLEY PEACE PARK
Health Permit Number: Date of Inquiry: JUNE 8, 2017
Name of Operator / Agent: CLARK COUNTY NEVADA
Address of Operator/Agent: 500 S. GRAND CENTRAL PARKWAY, LAS VEGAS, NV 89155
Contact Information of Operator/Agent:
Office Phone: (702) 455-2907 Cell Phone:
If corporation, the name/title of individual to sign for Variance document:
Name: LISA KREMER
Title: DIRECTOR OF REAL PROPERTY MANAGEMENT
OWNER INFORMATION
Name of Property Owner: CLARK COUNTY NEVADA
Address of Property Owner: 500 S. GRAND CENTRAL PARKWAY, LAS VEGAS, NV 89155
Contact Information of Property Owner: LISA KREMER
Office Phone: (702) 455-2907 Cell Phone:
Fax Number: (702) 455-5817 Email Address: LisaK@clarkcountynv.gov
PROPERTY INFORMATION
Property Address: 650 W. QUARTZ AVE., SANDY VALLEY, NEVADA 89019
Assessor's Parcel Number (APN): 200-36-401-003
Describe location within larger facility (i.e. hotel/casino/resort, etc.):
PROPOSED 800 SQ FT SPRAY POOL (SPLASH PAD) WITHIN EXISTING 9 ACRE PEACE PARK, LOCATED IN SANDY VALLEY,
NEVADA.
Describe Variance Issue (s): (Include sections of the Regulation or Nevada Administrative Code
that applies to the request for a variance)
DEVIATE FROM NEVADA ADMINSTRATIVE CODE, SECTION 444.124 - MINIMUM SANITARY PLUBMING FACILITIES:
WHERE REQUIREMENT IS BASED ON 100 BATHERS IS - MALE: TWO FLUSH UNRINALS ARE REQUIRED
WHERE ONE IS CURRENTLY PROVIDED, AND FEMALE: THREE FLUSH TOILETS REQUIRED WHERE TWO ARE PROVIDED.

P	A	R	Т	TT:

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:

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 the regulations:
The 9 developed acres of Peace Park has residential dwellings and open land around it. If the splash pad is not added,
neighborhood resident will continue to be forced to travel approximately 48 miles to find these park amenities similar to these.
Sand Valley has no other park besides Peace Park.
The design of the Spray Pool does comply with the requirements of Nevada Administrative Code Chapter 444 except as requested herein.
Compliance with the Regulation would be unduly burdensome for the Sandy Valley Park Improvements Project as this is part of
CDBG funding which has been allocated. No other funds are available to increase the existing restroom facilities and add fixtures to the park.
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):
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NAC 439.240 Approval by State Board of Health, (NRS 439.150, 439.190, 439.200)

- 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.
- 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]

PART III:

A Variance Application Letter, which includes all information provided by the applicant on his worksheet, must be submitted in writing to the Environmental Health Division (EHD) Director no later than 40 days before the monthly Board of Health Meeting. 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 $81/2^{\circ} \times 11^{\circ}$ or $11^{\circ} \times 17^{\circ}$ detailed drawings and/or photographs.

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

This section to be completed by SNHD staff ONLY

Next closing date is: $8/8/17$ for the $9/28/17$	BOH Meeting.
Referred by:	
(Print Name of REHS)	aliulia
Completed by: Remy Hoper	Date: 9/14/17
Completed by: Print Name of REHS if not by supervisor) Received by:	11.
Received by:	Date: _ 9/14/17
(Owner/Operator/Agent)	
Reviewed by:	Date:
(Signature of SNHD Manager)	

GENERAL INFORMATION			
PARCEL NO.	200-36-401-003		
OWNER AND MAILING ADDRESS	COUNTY OF CLARK(ADMINISTRATIVE) 500 S GRAND CENTRAL PKWY LAS VEGAS NV 89155		
LOCATION ADDRESS CITY/UNINCORPORATED TOWN	650 W QUARTZ AVE CLARK COUNTY		
ASSESSOR DESCRIPTION	GOV LOT 6		
RECORDED DOCUMENT NO.	* 19940819:01626		
RECORDED DATE	Aug 19 1994		
VESTING	NS		
COMMENTS	+2.48A COR		

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

ASSESSMENT INFORMATION AND VALUE EXCLUDED FROM PARTIAL ABATEMENT				
TAX DISTRICT	103			
APPRAISAL YEAR	2016			
FISCAL YEAR	2017-18			
SUPPLEMENTAL IMPROVEMENT VALUE	0			
INCREMENTAL LAND	0			
INCREMENTAL IMPROVEMENTS	0			

REAL PROPERTY ASSESSED VALUE				
FISCAL YEAR	2016-17	2017-18		
LAND	17679	25256		
IMPROVEMENTS	696912	689590		
PERSONAL PROPERTY	0	0		
ЕХЕМРТ	714592	714846		
GROSS ASSESSED (SUBTOTAL)	714592	714846		
TAXABLE LAND+IMP (SUBTOTAL)	2041691	2042417		
COMMON ELEMENT ALLOCATION ASSD	0	0		
TOTAL ASSESSED VALUE	714592	714846		
TOTAL TAXABLE VALUE	2041691	2042417		

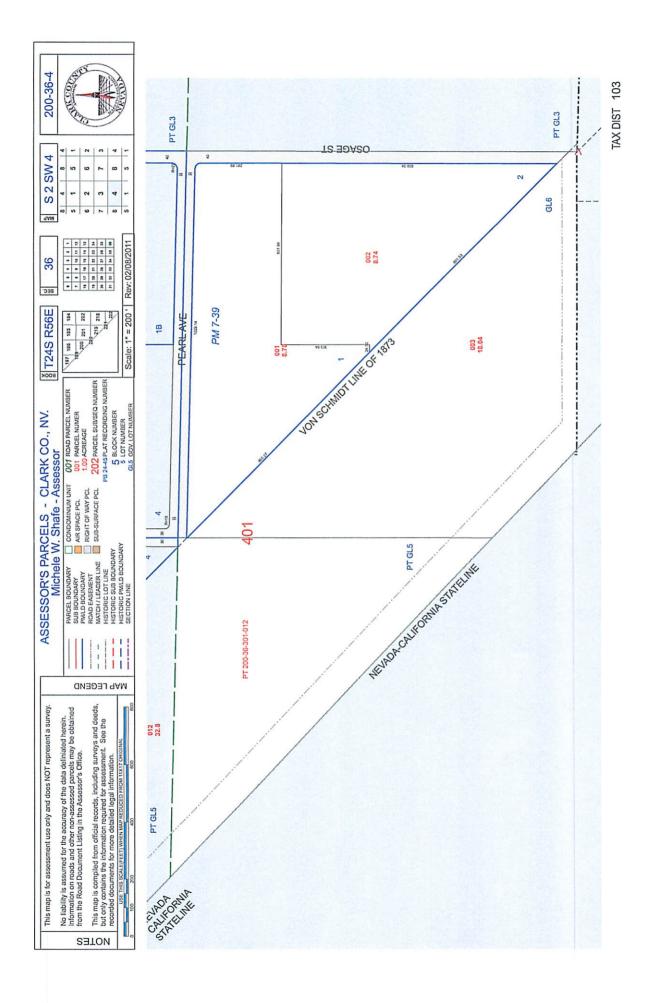
ESTIMATED LOT SIZE AND APPRAISAL INFORMATION				
ESTIMATED SIZE	18.04 Acres			
ORIGINAL CONST. YEAR	1982			
LAST SALE PRICE MONTH/YEAR SALE TYPE	0			
LAND USE	41.460 - Offices, Professional and Business Services. Government Facilities			
DWELLING UNITS	1			

PRIMARY RESIDENTIAL STRUCTURE					
1ST FLOOR SQ. FT.	0	CASITA SQ. FT.	0	ADDN/CONV	
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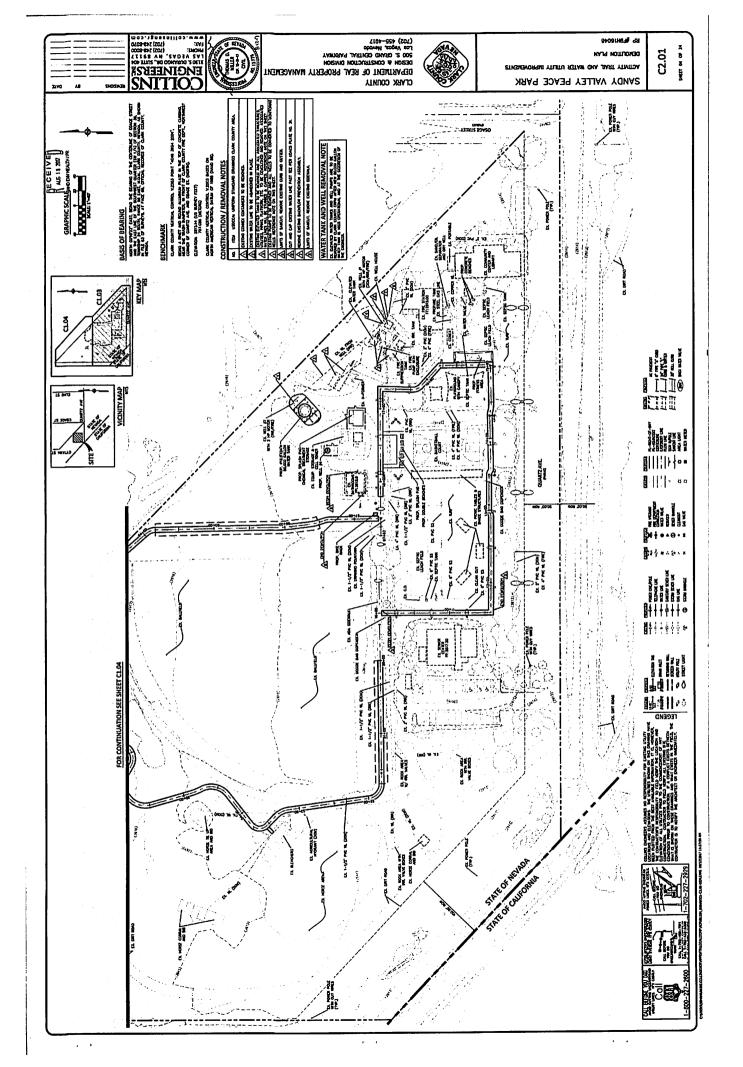
Clark County Real Property

2ND FLOOR SQ. FT.	0	CARPORT SQ. FT.		POOL	NO
3RD FLOOR SQ. FT.	0	STYLE	Clubhouse	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				

E



F



G



PUBLIC NOTICE

The Southern Nevada Health District Board of Health will conduct a PUBLIC HEARING on September 28, 2017 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 County of Clark, DBA Sandy Valley Peace Park, located at 650 West Quartz Ave, APN 200-36-401-003. Note, if this application is not presented at the September 28, 2017 meeting, it will be presented at the October 26, 2017 meeting.

The variance request is made to allow the Petitioner to operate a public bathing place – a splash pad – not in accordance with the Nevada Administrative Code (NAC) 444 Public Bathing Places and Public Spas: NAC 444.214; for bathhouse fixture 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, or via email at harper@snhdmail.org, no later than September 21, 2017. 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.

	9-12-17
Jacqueline L Reszetar, Environmental Health Director	Date
Southern Nevada Health District	