City of Las Vegas

CITY COUNCIL AGENDA

COUNCIL CHAMBERS · 400 STEWART AVENUE · PHONE 229-6011
CITY OF LAS VEGAS INTERNET ADDRESS: www.lasvegasnevada.gov
COUNCIL MEMBERS: OSCAR B. GOODMAN, MAYOR (At-Large)
COUNCILMAN GARY REESE, MAYOR PRO TEM (Ward 3)
STEVE WOLFSON (Ward 2), LOIS TARKANIAN (Ward 1), STEVEN D. ROSS (Ward 6)
RICKI Y. BARLOW (Ward 5), STAVROS S. ANTHONY (Ward 4)

Facilities are provided throughout City Hall for convenience of persons with disabilities. For meetings held in the Council Chambers, sound equipment is available for persons with hearing impairments. If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 229-6311 and advise of your need at least 48 hours in advance of the meeting. The City's TDD number is 386-9108.

September 16, 2009

Morning Session begins at 9:00 a.m. (following Redevelopment Agency Meeting)
Afternoon Session begins at 1:00 p.m.

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR ACTION UNLESS SPECIFICALLY NOTED OTHERWISE.

THESE PROCEEDINGS ARE BEING VIDEO RECORDED AS WELL AS PRESENTED LIVE ON KCLV, CABLE CHANNEL 2, AND ARE CLOSED CAPTIONED FOR OUR HEARING IMPAIRED VIEWERS. THE COUNCIL MEETING, AS WELL AS ALL OTHER KCLV PROGRAMMING, CAN BE VIEWED ON THE INTERNET AT www.kclv.tv. THE PROCEEDINGS WILL BE REBROADCAST ON KCLV CHANNEL 2 AND THE WEB THE WEDNESDAY OF THE MEETING AT 8:00 PM, AND ALSO ON FRIDAY AT 4:00 AM, SATURDAY AT 7:00 PM, SUNDAY AT 7:00 AM AND THE FOLLOWING MONDAY AT 1:00 PM.

DUPLICATE AUDIO CD'S AND DUPLICATE AUDIO/VIDEO DVD'S MAY BE AVAILABLE AT A COST OF $5.00 EACH THROUGH THE CITY CLERK'S OFFICE.

NOTE: CELLULAR PHONES ARE TO BE TURNED OFF DURING THE COUNCIL MEETING.

CEREMONIAL MATTERS

1. CALL TO ORDER

2. ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

3. INVOCATION – PASTOR EDGAR GARCIA, IGLESIA PIEDRA ANGULAR (CORNERSTONE CHRISTIAN FELLOWSHIP)

4. PLEDGE OF ALLEGIANCE

5. RECOGNITION OF THE EMPLOYEE OF THE MONTH

6. RECOGNITION OF HISPANIC HERITAGE MONTH

7. RECOGNITION OF EDUCATIONAL EXCELLENCE BY WARD 6 TEACHERS

8. RECOGNITION OF CHAZZ BLUNT FOR CONTRIBUTIONS TO THE WARD 5 COMMUNITY

9. RECOGNITION OF THE KEEP AMERICA BEAUTIFUL CAMPAIGN

BUSINESS ITEMS - MORNING

10. Any items from the morning session that the Council, staff and/or the applicant wish to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time

11. Approval of the Final Minutes by reference of the regular City Council meeting of August 19, 2009

CONSENT AGENDA

MATTERS LISTED ON THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE AND HAVE BEEN RECOMMENDED FOR APPROVAL BY THE SUBMITTING DEPARTMENTS. ALL ITEMS ON THE CONSENT AGENDA MAY BE APPROVED IN A SINGLE MOTION. HOWEVER, IF A COUNCIL MEMBER SO REQUESTS, ANY CONSENT ITEM MAY BE MOVED TO THE DISCUSSION PORTION OF THE AGENDA AND OTHER ACTION, INCLUDING POSTPONEMENT OR DENIAL OF THE ITEM, MAY TAKE PLACE.

ADMINISTRATIVE - CONSENT

12. Approval to accept the award notification for the Department of Justice Byrne Memorial Grant for the City of Las Vegas as fiscal agent of the disparate jurisdiction of the City of Las Vegas, the County of Clark, the City of North Las Vegas and the City of Henderson - All Wards

BUSINESS DEVELOPMENT - CONSENT

13. Approval of Economic Development Incentive Grant Program Guidelines to provide an economic incentive to certain new businesses within the City of Las Vegas to create employment opportunities for City residents and, more particular, those residents from Community Development Block Grant (CDBG) Eligible Census Tracts ($1,500,000 – Industrial Revenue Fund and Office District Parking I, Inc.) - All Wards

FIELD OPERATIONS - CONSENT

14. Approval of Second Amendment to Memorandum of Understanding No. 2005-02 between the City of Las Vegas and the Andre Agassi Charitable Foundation to utilize certain City premises known as the Doolittle Community Center located at 1950 North J Street - Ward 5 (Barlow)

FINANCE & BUSINESS SERVICES - ADMINISTRATION CONSENT

15. Approval of Service and Material Checks/Payroll Checks/Wire Transfers/Other Checks and Investments

FINANCE & BUSINESS SERVICES - BUSINESS SERVICES CONSENT

16. Approval of a Special Event Alcoholic Beverage License for California Hotel & Casino, Location: Main Street Parking Lot, 100 Stewart Avenue, Date: September 19, 2009, Type: Special Event General, Event: Tailgate Party before Hawaii vs. UNLV football game, Responsible Person in Charge: Lane Conley - Ward 5 (Barlow)

17. Approval of a Special Event Alcoholic Beverage License Hogs & Heifers Saloon of Las Vegas, Location: Hogs & Heifers Saloon of Las Vegas, 201 North 3rd Street, Suite 130, Dates: September 30, 2009 - October 4, 2009, Type: Special Event General, Event: Anniversary Event/Bike Fest 2009, Responsible Person in Charge: Bruce Heaton - Ward 5 (Barlow)

18. Approval of a Special Event Alcoholic Beverage License for Innerout, Inc., dba Charlie's Bar Down Under, Location: Charlie's Bar Down Under, 1950 North Buffalo Drive, Date: October 3, 2009, Type: Special Event General, Event: Summer/Fall BBQ, Responsible Person in Charge: Gary Heckethorn - Ward 1 (Tarkanian)

19. Approval of a Special Event Beer/Wine License for Las Vegas Blues Society, Location: Sammy Davis Jr. Festival Plaza, 720 Twin Lakes Drive, Date: September 26, 2009, Type: Special Event Beer/Wine, Event: Blues Festival, Responsible Person in Charge: Michael Edmiston - Ward 5 (Barlow)

20. Approval of a Special Event Alcoholic Beverage License for St. Anne Catholic School, Location: St. Anne Catholic School, 1813 South Maryland Parkway, Date: October 3, 2009, Type: Special Event General, Event: Fun Fair, Responsible Person in Charge: Lesa Coder - Ward 3 (Reese)

21. Approval of a Change of Business Name and Change of Ownership for a Package License subject to the provisions of the fire code, From: New Albertsons, Inc., dba Albertsons Store 6008, To: Cardenas Markets, Inc., dba Cardenas Markets, 4421 East Bonanza Road, Jesus M. Cardenas Sr., CEO, Dir, Luz M. Cardenas, Sr Vice Pres, Dir, Guadalupe Cardenas, CFO, Dir, Jesus Cardenas Jr, Sr Vice Pres, Mkt Dir, and George Cardenas, Vice Pres of IT, Dir - Ward 3 (Reese)

22. Approval of a new Psychic Arts and Science License subject to the provisions of the planning and fire codes, Jennifer L. Grosso, dba Jenevieve The Serpentine Sorceress, 6848 West Charleston Boulevard, Jennifer L. Grosso, Owner, 100% - Ward 1 (Tarkanian) [NOTE: This license is located in an existing business – Psychic Eye Book Shop]

23. Approval of a Special Event Alcoholic Beverage License for Mulugeta Abraham, Location: 475 South Grand Central Parkway, Date: September 29, 2009, Type: Special Event General, Event: Wedding Reception, Responsible Person in Charge: Zeman Nelson - Ward 5 (Barlow)

FINANCE & BUSINESS SERVICES - PURCHASING & CONTRACTS CONSENT

24. Preapproval of award of Bid No. 07.15341.05-DC, Pavilion Pool Cover located at 101 South Pavilion Center Drive to the lowest responsive and responsible or best bidder and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works ($4,800,000 - Parks and Leisure Activities Capital Projects Fund) - Ward 2 (Wolfson)

25. Approval of award of Modification No. 4 to Contract No. 050051-DK, Software, Support, Training and Professional Services - Department of Human Resources - Award recommended to: AON ESOLUTIONS, INC. ($20,625 - Employee Benefit and Liability Insurance and Property Damage Internal Service Funds)

PUBLIC WORKS - CONSENT

26. Approval of an Encroachment Request from Slater Hanifan Group on behalf of HQ Metro, LLC, owner (northwest corner of Alta Drive and Martin L. King Boulevard) - Ward 5 (Barlow)

27. Approval of a Customer Payment Information Form (Agreement) with Embarq for the relocation of existing overhead facilities for the Neon Boneyard Park project located east of Las Vegas Boulevard at McWilliams Avenue ($64,158 - Southern Nevada Public Land Management Act [SNPLMA]) - Ward 5 (Barlow)

28. Approval of an Amendment to an Easement Agreement with the Kern River Gas Transmission Company which will modify the language to increase the operating pressure of the pipeline located within the City of Las Vegas bounded by Cheyenne Avenue to the north, Rampart Boulevard to the east, Charleston Boulevard to the south and CC-215 Beltway to the west - Wards 2 and 4 (Wolfson and Anthony)

29. Approval of Interlocal Agreement 113734 between the City of Las Vegas and the Las Vegas Valley Water District for water services to provide irrigation for landscaping of the 1st Street Beautification project located at 1st Street between Boulder Avenue and Hoover Avenue ($7,389 - Southern Nevada Public Land Management Act [SNPLMA]) - Ward 3 (Reese)

30. Approval of a Facilities Relocation Agreement between the City of Las Vegas and Nevada Power Company d/b/a NV Energy for relocation of power facilities for the Charleston Bus Turn Out project located along Charleston Boulevard from Fremont Street to Nellis Boulevard ($286,887 - Regional Transportation Commission of Southern Nevada [RTC]) - Ward 3 (Reese) and County

31. Approval of a Non Refundable Contribution in Aid of Construction Agreement with Nevada Power Company d/b/a NV Energy for the relocation of power facilities for the Charleston Bus Turnout project located along Charleston Boulevard from Fremont Street to Nellis Boulevard ($46,868 - Regional Transportation Commission of Southern Nevada [RTC]) - Ward 3 (Reese) and County

32. Approval of a Rule 9 Line Extension Agreement between the City of Las Vegas and Nevada Power Company d/b/a NV Energy for the extension of existing power facilities to provide power for the Traffic Signal project at Pecos Road and Harris Avenue ($6,426 - Traffic Signal Impact Fees) - Ward 3 (Reese)

33. Approval of a request to install speed humps on Dalecrest Drive between Gowan Road and Alexander Road ($10,400 - Neighborhood Traffic Management Program) - Ward 4 (Anthony)

RESOLUTIONS - CONSENT

34. R-69-2009 - Approval of a Resolution amending Schedule 25-IV, 45 MPH Speed Limits, to add the speed limit of 45 mph on Fort Apache Road between Alexander Road and Hickam Avenue - Ward 4 (Anthony)

35. R-70-2009 - Approval of a Resolution to refund surplus amounts of $8,836.40 in Special Improvement District (SID) 1409 - Wards 1, 3 and 5 (Tarkanian, Reese and Barlow)

DISCUSSION/ACTION ITEMS

HEARINGS - DISCUSSION

36. Hearing and possible action on a 45-day review for the vacant or abandoned buildings located at 4152 Silver Dollar Avenue Units 2, 4, 5, 7-8, 4168 Silver Dollar Avenue Units 1-4, 6-8, 4186 Silver Dollar Avenue Units 1-7. PROPERTY OWNERS: RFH LA PAZ LLC - Ward 1 (Tarkanian)

37. Public Hearing to consider the report of expenses to recover costs for abatement of dangerous building demolition located at 620 Madison Avenue in the amount of $9,704.60 (General Fund) and assess a maximum of $94,000 in daily civil penalties. PROPERTY OWNER: BANK DEUTSCHE NATIONAL TR CO TRS - Ward 5 (Barlow)

38. Public Hearing to consider the report of expenses to recover costs for abatement of vacant or abandoned dangerous building located at 1212 Tumbleweed Avenue in the amount of $1,252.10 (General Fund) and assess a maximum of $24,500 in daily civil penalties. PROPERTY OWNER: FERNANDO & TRACY JIMENEZ - Ward 5 (Barlow)

39. Hearing to consider the appeal regarding Nuisance Notice and Order to Comply Regarding Dangerous Building property located at 3018 Ashby Avenue. PROPERTY OWNERS: SANARP TRUST – SANCHEZ HENRY W & SHIRLEY A TRS - Ward 1 (Tarkanian)

ADMINISTRATIVE - DISCUSSION

40. Discussion and possible action regarding an Exclusive Negotiation Agreement between City Parkway V, Inc., and the Cleveland Clinic Foundation to undertake due diligence to determine the feasibility of developing and operating a medical facility on parcels A2, B, J and K at Symphony Park located at 100 South Grand Central Parkway (APNs 139-33-610-027, 025 and 139-34-211-002) - Ward 5 (Barlow)

ADMINISTRATIVE SERVICES - DISCUSSION

41. Report on the proposed repository for high-level nuclear waste at Yucca Mountain from Bruce Breslow, Executive Director for the Nevada Agency for Nuclear Projects, and Irene Navis, Clark County's Nuclear Waste Planning Manager - All Wards

DETENTION & ENFORCEMENT - DISCUSSION

42. Discussion and possible action regarding an Interlocal Agreement between the Board of Regents on behalf of the College of Southern Nevada (CSN), the City of Henderson Police Department, the City of North Las Vegas Police Department and the City of Las Vegas Department of Detention and Enforcement to provide basic level category I, II and III law enforcement training - All Wards

FINANCE & BUSINESS SERVICES - BUSINESS SERVICES DISCUSSION

43. Discussion and possible action regarding Approval of a Change of Ownership for a Beer/Wine/Cooler On-sale License, From: Victor Aranda, To: Juan Manuel Moreno Lepe, dba El Chamizal, 1054 North Rancho Drive, Juan Manuel Moreno Lepe, Owner, 100% - Ward 5 (Barlow)

44. Discussion and possible action regarding a Six Month Review of a Temporary Package License, Ramzi Suliman, dba Super Azteca II, 3140 South Valley View Boulevard, Suite 3, Ramzi Suliman, Owner, 100% - Ward 1 (Tarkanian)

45. ABEYANCE ITEM - Discussion and possible action regarding an Appeal of Work Card Denial for Gina Mourning, db at Buy Low Market 4, 1061 West Owens Avenue - Ward 5 (Barlow)

RESOLUTIONS - DISCUSSION

46. R-71-2009 - Discussion and possible action regarding a Resolution consenting to the undertakings of the City of Las Vegas Redevelopment Agency (RDA) in connection with the Commercial Visual Improvement Program (CVIP) Agreement between the RDA and Necal Associates, LLC, (Owner) located at 1112 South Casino Center Boulevard (APN 162-03-110-072) to be in compliance with and in furtherance of the goals and objectives of the RDA - Ward 3 (Reese) [NOTE: This item is related to RDA Item 5 (RA-16-2009)]

BOARDS & COMMISSIONS - DISCUSSION

47. ABEYANCE ITEM - CIVIL SERVICE BOARD OF TRUSTEES – Johan Aliseo – Term Expiration 9-19-2009

48. DEPARTMENT OF TRANSPORTATION REGIONAL ADVISORY COMMITTEE – Jorge Cervantes – Term Expiration 10-3-2009

RECOMMENDING COMMITTEE REPORT - DISCUSSION

BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING

49. Bill No. 2009-38 - Ordinance Creating Special Improvement District No. 1514 - Ann Road and Cimarron Road (West of Leggett Road) Sponsored by: Step Requirement

BILLS ELIGIBLE FOR ADOPTION AT A LATER MEETING

THERE IS NO PUBLIC COMMENT ON THESE ITEMS AND NO ACTION WILL BE TAKEN BY THE COUNCIL AT THIS MEETING, EXCEPT THOSE ITEMS WHICH MAY BE STRICKEN OR TABLED. PUBLIC TESTIMONY TAKES PLACE AT THE RECOMMENDING COMMITTEE MEETING HELD FOR THAT PURPOSE.

NEW BILLS - DISCUSSION

THERE IS NO PUBLIC COMMENT ON THESE ITEMS. NEW BILLS ARE READ INTO THE RECORD AND REFERRED TO RECOMMENDING COMMITTEE FOR A SEPARATE HEARING TO RECEIVE PUBLIC TESTIMONY BEFORE ACTION BY THE COUNCIL AT A LATER MEETING. EXCEPTION: EMERGENCY BILLS OR THOSE ITEMS TO BE STRICKEN OR TABLED.

50. Bill No. 2009-39 - Authorizes the issuance of General Obligation (Limited Tax) Medium-Term Bonds (Main Street Parking Garage), Series 2009 in an aggregate principal amount not to exceed $15,000,000. Proposed by Mark R. Vincent, Director of Finance and Business Services

51. Bill No. 2009-40 - Prohibits the parking of a mobile billboard within five hundred feet of a single-family dwelling. Sponsored by: Councilman Gary Reese

1:00 P.M. - AFTERNOON SESSION

BUSINESS ITEMS - AFTERNOON

52. Any items from the afternoon session that the Council, staff and /or the applicant wish to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time

PLANNING & DEVELOPMENT

THE ITEMS LISTED BELOW, WHERE APPROPRIATE, HAVE BEEN REVIEWED BY THE VARIOUS CITY DEPARTMENTS RELATIVE TO REQUIREMENTS FOR STORM DRAINAGE AND FLOOD CONTROL, CONNECTION TO SANITARY SEWER, TRAFFIC CIRCULATION, AND BUILDING AND FIRE REGULATIONS. THEIR COMMENTS AND/OR RECOMMENDATIONS AND REQUIREMENTS HAVE BEEN INCORPORATED INTO THE ACTION.

PLANNING & DEVELOPMENT - CONSENT

PM SESSION - ALL ITEMS LISTED ON THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE AND HAVE BEEN RECOMMENDED "FOR APPROVAL". ALL ITEMS ON THE CONSENT AGENDA MAY BE APPROVED IN A SINGLE MOTION. HOWEVER, IF A COUNCIL MEMBER SO REQUESTS, ANY CONSENT ITEM MAY BE MOVED TO THE DISCUSSION PORTION OF THE AGENDA AND OTHER ACTION, INCLUDING POSTPONEMENT OR DENIAL OF THE ITEM, MAY TAKE PLACE.

53. EOT-35350 - EXTENSION OF TIME - VARIANCE - APPLICANT/OWNER: CLOUDBREAK LAS VEGAS, LLC - Request for an Extension of Time for a previously approved Variance (VAR-19666) TO ALLOW 158 PARKING SPACES WHERE 394 IS THE MINIMUM NUMBER OF SPACES REQUIRED FOR A PROPOSED EXPANSION OF AN EXISTING MULTI-FAMILY RESIDENTIAL/SINGLE ROOM OCCUPANCY ESTABLISHMENT AND SOCIAL SERVICE PROVIDER on 2.77 acres at 525 East Bonanza Road and 602 Encanto Drive (APNs 139-27-805-003 and 139-27-812-017), C-2 (General Commercial) Zone, Ward 5 (Barlow). Staff recommends APPROVAL

54. EOT-35351 - EXTENSION OF TIME - VARIANCE - APPLICANT/OWNER: CLOUDBREAK LAS VEGAS, LLC - Request for an Extension of Time of a previously approved Variance (VAR-19665) TO ALLOW A TEN FOOT SETBACK FROM A PRIMARY ARTERIAL STREET WHERE 44 FEET IS THE MINIMUM SETBACK REQUIRED; TO ALLOW A FRONT YARD SETBACK OF TEN FEET WHERE 20 FEET IS REQUIRED AND A SIDE YARD SETBACK OF 8.5 FEET WHERE 10 FEET IS REQUIRED; TO ALLOW A RESIDENTIAL ADJACENCY SETBACK OF 66.42 FEET TO THE FOURTH FLOOR WHERE 127.5 FEET IS THE MINIMUM SETBACK REQUIRED ON THE NORTH SIDE OF THE PROPERTY FOR A PROPOSED EXPANSION OF AN EXISTING MULTI-FAMILY RESIDENTIAL/SINGLE ROOM OCCUPANCY ESTABLISHMENT on 2.77 acres at 525 East Bonanza Road and 602 Encanto Drive (APNs 139-27-805-003 and 139-27-812-017), C-2 (General Commercial) Zone, Ward 5 (Barlow). Staff recommends APPROVAL

55. EOT-35349 - EXTENSION OF TIME - WAIVER - APPLICANT/OWNER: CLOUDBREAK LAS VEGAS, LLC - Request for an Extension of Time of a previously approved Waiver (WVR-19668) of Title 18.12.130 TO ALLOW ENCANTO DRIVE TO CONTINUE TO END IN A DEAD END STREET WHERE A CUL-DE-SAC IS REQUIRED at 525 East Bonanza Road and 602 Encanto Drive (APNs 139-27-805-003 and 139-27-812-017), C-2 (General Commercial) Zone, Ward 5 (Barlow). Staff recommends APPROVAL

56. EOT-35352 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT/OWNER: CLOUDBREAK LAS VEGAS, LLC - Request for an Extension of Time for a previously approved Special Use Permit (SUP-19661) FOR A PROPOSED EXPANSION OF A SINGLE ROOM OCCUPANCY RESIDENCE at 525 East Bonanza Road and 602 Encanto Drive (APNs 139-27-805-003 and 139-27-812-017), C-2 (General Commercial) Zone, Ward 5 (Barlow). Staff recommends APPROVAL

57. EOT-35492 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT: USVI - OWNER: CLOUDBREAK LAS VEGAS, LLC - Request for an Extension of Time of a previously approved Special Use Permit (SUP-20052) FOR A PROPOSED SOCIAL SERVICE PROVIDER at 525 East Bonanza Road and 602 Encanto Drive (APNs 139-27-805-003 and 139-27-812-017), C-2 (General Commercial) Zone, Ward 5 (Barlow). Staff recommends APPROVAL

58. EOT-35353 - EXTENSION OF TIME - SITE DEVELOPMENT PLAN REVIEW - APPLICANT/OWNER: CLOUDBREAK LAS VEGAS, LLC - Request for an Extension of Time of a previously approved Site Development Plan Review (SDR-19659) FOR A PROPOSED EXPANSION OF AN EXISTING MULTI-FAMILY RESIDENTIAL/SINGLE ROOM OCCUPANCY ESTABLISHMENT on 2.77 acres at 525 East Bonanza Road and 602 Encanto Drive (APNs 139-27-805-003 and 139-27-812-017), C-2 (General Commercial) Zone, Ward 5 (Barlow). Staff recommends APPROVAL

59. EOT-35440 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT/OWNER: CENTENNIAL GATEWAY, LLC - Request for an Extension of Time of a previously approved Special Use Permit (SUP-2214) FOR A SUPPER CLUB adjacent to the west side of Centennial Center Boulevard, approximately 660 feet north of Ann Road (APN 125-27-411-013), T-C (Town Center) Zone, Ward 6 (Ross). Staff recommends APPROVAL

60. EOT-35441 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT/OWNER: CENTENNIAL GATEWAY, LLC - Request for an Extension of Time of a previously approved Special Use Permit (SUP-2215) FOR A SUPPER CLUB adjacent to the east side of Centennial Center Boulevard, approximately 860 feet north of Ann Road (APN 125-27-411-013), T-C (Town Center) Zone, Ward 6 (Ross). Staff recommends APPROVAL

61. EOT-35442 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT/OWNER: CENTENNIAL GATEWAY, LLC - Request for an Extension of Time of a previously approved Special Use Permit (SUP-2216) FOR A SUPPER CLUB adjacent to the west side of Centennial Center Boulevard, approximately 775 feet north of Ann Road (APN 125-27-411-013), T-C (Town Center) Zone, Ward 6 (Ross). Staff recommends APPROVAL

PLANNING & DEVELOPMENT - ONE MOTION/ONE VOTE

THE FOLLOWING ARE ITEMS THAT MAY BE CONSIDERED IN ONE MOTION/ONE VOTE. THEY ARE CONSIDERED ROUTINE NON-PUBLIC AND PUBLIC HEARING ITEMS. ALL PUBLIC HEARINGS AND NON-PUBLIC HEARINGS WILL BE OPENED AT ONE TIME. ANY PERSON REPRESENTING AN APPLICATION OR A MEMBER OF THE PUBLIC OR A MEMBER OF THE CITY COUNCIL NOT IN AGREEMENT WITH THE CONDITIONS AND ALL STANDARD CONDITIONS FOR THE APPLICATION RECOMMENDED BY STAFF, SHOULD REQUEST TO HAVE THAT ITEM REMOVED FROM THIS PART OF THE AGENDA.

62. DIR-35264 - DIRECTOR'S BUSINESS - NON-PUBLIC HEARING - APPLICANT/OWNER: THE HOWARD HUGHES CORPORATION - Required review of an annual development report as required by Section 11.01 of the Howard Hughes Properties, Limited Partnership for the Summerlin West Area generally located west of the I-215 Beltway and north of Charleston Boulevard (APN multiple), Ward 2 (Wolfson). Staff recommends APPROVAL

63. EOT-34971 - EXTENSION OF TIME - NON-PUBLIC HEARING - VARIANCE - APPLICANT: AHERN RENTALS - OWNER: DFA, LLC - Request an Extension of Time of an approved Variance (VAR-22723) TO ALLOW A WALL TO CONTAIN NO CONTRASTING MATERIAL WHERE TWENTY PERCENT CONTRASTING MATERIAL IS REQUIRED on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive (APN 139-28-302-034), R-E (Residence-Estates) Zone, R-3 (Medium Density Residential) Zone and C-1 (Limited Commercial) Zone under Resolution of Intent to C-2 (General Commercial) Zone, Ward 5 (Barlow). The Planning Commission (7-0 vote) and staff recommend APPROVAL

64. EOT-34972 - EXTENSION OF TIME - SITE DEVELOPMENT REVIEW – NON-PUBLIC HEARING - APPLICANT: AHERN RENTALS - OWNER: DFA, LLC - Request for an Extension of Time of an approved Major Amendment (SDR-22206) of an approved Site Development Plan Review (SDR-13833) FOR A COMMERCIAL DEVELOPMENT OF 30,000 SQUARE FEET OF HARDWARE STORE, 30,000 SQUARE FEET OF OFFICE SPACE, 40,000 SQUARE FEET OF COVERED STORAGE AREA, AND 60,000 SQUARE FEET OF AUTO REPAIR GARAGE (MAJOR) WITH A WAIVER OF PERIMETER LANDSCAPE REQUIREMENTS TO ALLOW A 10-FOOT WIDE BUFFER WHERE 15 FEET IS REQUIRED ALONG SOUTH PROPERTY LINE on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive (APN 139-28-302-034), R-E (Residence-Estates) Zone, R-3 (Medium Density Residential) Zone and C-1 (Limited Commercial) Zone under Resolution of Intent to C-2 (General Commercial) Zone, Ward 5 (Barlow). The Planning Commission (7-0 vote) and staff recommend APPROVAL

65. DIR-35626 - WATER FEATURE EXEMPTION – NON-PUBLIC HEARING - APPLICANT/OWNER: CORTA BELLA COMMUNITY ASSOCIATION - Request TO ALLOW THE OPERATION OF A 205 SQUARE-FOOT WATER FEATURE AT THE ENTRANCE OF 1900 Corta Bella Lane (APN 138-20-218-011),P-C (Planned Community) Zone, Ward 2 (Wolfson). Staff recommends APPROVAL

66. RQR-34682 - ABEYANCE ITEM - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT: CLEAR CHANNEL OUTDOOR, LLC - OWNER: BRIGHT PATH, LLC - Request for Required Review of a previously approved Special Use Permit (SUP-4521) FOR A 40-FOOT BY 48- FOOT OFF-PREMISE SIGN at 820 South Valley View Boulevard (APN 139-31-801-002), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend APPROVAL

67. RQR-34844 - REQUIRED ONE YEAR REVIEW - PUBLIC HEARING - APPLICANT: CBS OUTDOOR - OWNER: WMC III ASSOCIATES, LLC - Required Review of an approved Rezoning (Z-0100-97) WHICH ALLOWED AN EXISTING 80-FOOT HIGH, 14-FOOT X 48-FOOT OFF-PREMISE SIGN on property bounded by U.S. 95, I-15 and Grand Central Parkway (APN 139-33-511-004), PD (Planned Development) Zone, Ward 5 (Barlow). The Planning Commission (7-0 vote) and staff recommend APPROVAL

68. SUP-35049 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: TUNE & LUBE PLUS - OWNER: CHARLESTON PLAZA - Request for a Special Use Permit FOR A PROPOSED 1,820 SQUARE-FOOT AUTO REPAIR GARAGE, MINOR at 1752 East Charleston Boulevard (APN 162-02-510-003), C-1 (Limited Commercial) Zone, Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL

69. VAC-35041 - VACATION - PUBLIC HEARING - APPLICANT: JHR ASSOCIATES - OWNER: REBEL OIL COMPANY INC. - Petition to Vacate a 10-foot wide public sewer easement located on the east side of Pecos Road approximately 140 feet south of Washington Avenue, Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL

70. SUP-35521 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: NORA'S WINE BAR AND OSTERIA, LLC - OWNER: RAMPART COMMONS, LTD., LLC - Request for a Major Amendment to an approved Special Use Permit (SUP-5947) FOR A 1,100 SQUARE-FOOT ADDITION TO AN EXISTING LIQUOR ESTABLISHMENT (ON AND OFF-PREMISE SALE OF BEER AND WINE) at 1031 South Rampart Boulevard (APN 138-32-411-003), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

71. VAR-32640 - ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY - Request for a Variance TO ALLOW 119 PARKING SPACES WHERE 146 ARE REQUIRED on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard (APN 138-24-703-006), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 5 (Barlow). Staff recommends DENIAL. The Planning Commission (5-1-1 vote) recommends APPROVAL

72. VAR-33015 - ABEYANCE ITEM - VARIANCE RELATED TO VAR-32640 - PUBLIC HEARING - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY - Request for a Variance TO ALLOW A 10-FOOT SETBACK WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE 132 FEET AND TO ALLOW A LOT COVERAGE OF 82% WHERE 50% IS THE MAXIMUM PERMITTED on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard (APN 138-24-703-006), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 5 (Barlow). Staff recommends DENIAL. The Planning Commission (5-1-1 vote) recommends APPROVAL

73. SUP-32639 - ABEYANCE ITEM - SPECIAL USE PERMIT RELATED TO VAR-32640 AND VAR-33015 - PUBLIC HEARING - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY - Request for a Special Use Permit FOR A PROPOSED SENIOR CITIZEN APARTMENT COMPLEX WITH A WAIVER TO ALLOW APARTMENTS ON THE GROUND FLOOR WHERE NONE ARE PERMITTED adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard (APN 138-24-703-006), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 5 (Barlow). Staff recommends DENIAL. The Planning Commission (5-1-1 vote) recommends APPROVAL

74. SDR-32638 - ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-32640, VAR-33015, AND SUP-32639 - PUBLIC HEARING - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY - Request for a Site Development Plan Review FOR A PROPOSED THREE-STORY, 44-FOOT TALL, 151-UNIT SENIOR CITIZEN APARTMENT COMPLEX WITH 5,460 SQUARE FEET OF COMMERCIAL SPACE on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard (APN 138-24-703-006), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 5 (Barlow). Staff recommends DENIAL. The Planning Commission (5-1-1 vote) recommends APPROVAL

75. VAR-34008 - ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC - Request for a Variance TO ALLOW A ZERO-FOOT SIDE YARD SETBACK WHERE 10 FEET IS THE MINIMUM REQUIRED AND TO ALLOW A RESIDENTIAL ADJACENCY SETBACK OF 20 FEET WHERE 57 FEET IS REQUIRED on 0.58 acres at the southwest corner of Sahara Avenue and Valley View Boulevard (APN 162-07-512-010), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend DENIAL

76. SUP-34006 - ABEYANCE ITEM - SPECIAL USE PERMIT RELATED TO VAR-34008 - PUBLIC HEARING - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC - Request for a Special Use Permit FOR A BEER/WINE/COOLER OFF-SALE ESTABLISHMENT at the southwest corner of Sahara Avenue and Valley View Boulevard (APN 162-07-512-010), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend DENIAL

77. SDR-34010 - ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-34008 AND SUP-34006 - PUBLIC HEARING - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC - Request for a Site Development Plan Review FOR A PROPOSED 3,018 SQUARE-FOOT CONVENIENCE STORE WITH FUEL PUMPS AND A WAIVER TO ALLOW A ZERO-FOOT LANDSCAPE BUFFER ON A PORTION OF THE SOUTH AND WEST PERIMETER WHERE EIGHT FEET IS THE MINIMUM REQUIRED AND TO ALLOW A WAIVER OF THE BUILDING PLACEMENT AND ORIENTATION STANDARDS on 0.58 acres at the southwest corner of Sahara Avenue and Valley View Boulevard (APN 162-07-512-010), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend DENIAL

78. SUP-34016 - ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CLEAR WIRELESS, LLC - OWNER: LXT4, LLC – Appeal filed from the denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED 80-FOOT TALL WIRELESS COMMUNICATION FACILITY, STEALTH DESIGN (MONOPALM) approximately 560 feet north of Meadows Lane and approximately 530 feet east of Decatur Boulevard (APN 139-31-110-001), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (6-0 vote) recommends DENIAL. Staff recommends APPROVAL

79. ROC-35306 - ABEYANCE ITEM - REVIEW OF CONDITION - PUBLIC HEARING - APPLICANT: HARMONY 2 LLC - OWNERS: HARMONY 2 LLC AND FARM HUALAPAI LLC - Request for a Review of Condition to change Condition Number 6 of a previously approved Site Development Plan Review (SDR-29026) TO ALLOW A SIDE YARD SETBACK OF THREE FEET WHERE 5 FEET IS THE MINIMUM REQUIRED FOR ALL LOTS OF A 70-LOT RESIDENTIAL SUBDIVISION WITH THE EXCEPTION OF 5, 9, 13, 16, 18, 19, 20, 23, 24, 25, 28, 29, 30, 35, 58, AND 60 on 10.52 acres on the east side of Tonkinese Avenue and Hualapai Way (APNs 126-13-612-001 through 068), R-PD7 (Residential Planned Development- 7 Units per Acre) Zone, Ward 6 (Ross). Staff recommends DENIAL

80. GPA-34597 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT: DR. ARTHUR WEATHERS - OWNER: 2701 WESTWOOD, LLC - Request to Amend a portion of the Southeast Sector Plan of the General Plan FROM: C (COMMERCIAL) TO: LI/R (LIGHT INDUSTRY/RESEARCH) on 1.45 acres at 2701 Westwood Drive (APN 162-09-102-002), Ward 1 (Tarkanian). The Planning Commission (5-2 vote) and staff recommend APPROVAL

81. SUP-34598 - SPECIAL USE PERMIT RELATED TO GPA-34597 - PUBLIC HEARING - APPLICANT: DR. ARTHUR WEATHERS - OWNER: 2701 WESTWOOD, LLC - Request for a Special Use Permit FOR A PROPOSED 23,390 SQUARE-FOOT, 100-INMATE CUSTODIAL INSTITUTION WITH ACCESSORY DOG KENNELS FOR TRAINING at 2701 Westwood Drive (APN 162-09-102-002), M (Industrial) Zone, Ward 1 (Tarkanian). NOTE: THIS APPLICATION HAS BEEN AMENDED FOR A PROPOSED 22,790 SQUARE-FOOT, 120-INMATE CUSTODIAL INSTITUTION. The Planning Commission (5-2 vote) recommends DENIAL. Staff recommends APPROVAL

82. ROC-35500 - REVIEW OF CONDITION - PUBLIC HEARING - APPLICANT/OWNER: CECILE PROPERTIES - Request for a Review of Condition Number 5 of a previously approved Special Use Permit (SUP-27082) TO CHANGE THE PARKING LAYOUT FOR THE APPROVED SECONDHAND DEALER at 420 East Sahara Avenue (APN 162-03-416-022), C-1 (Limited Commercial) Zone, Ward 3 (Reese). Staff recommends APPROVAL

83. RQR-34160 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT/OWNER: CECILE PROPERTIES, LLC - Required Review of a previously approved Special Use Permit (SUP-27082) FOR A SECONDHAND DEALER at 420 East Sahara Avenue (APN 162-03-416-022), C-1 (Limited Commercial) Zone, Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (5-0-2 vote) recommends APPROVAL

84. RQR-35347 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT/OWNER: MARIO PENA PENA - Required Review of a previously approved Special Use Permit (SUP-31367) FOR AN AUTO REPAIR GARAGE, MINOR WITH SERVICE BAY DOORS FACING THE RIGHT-OF-WAY at 1550 North Rancho Drive (APN 139-29-112-120), C-1 (Limited Commercial) Zone, Ward 5 (Barlow). Staff recommends DENIAL

85. SUP-34859 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: FUN CITY MOTEL - OWNER: CHETAK DEVELOPMENT CORPORATION - Request for a Special Use Permit FOR A PROPOSED TAVERN WITH A WAIVER TO ALLOW A DISTANCE SEPARATION OF 20 FEET WHERE 1,500 FEET IS REQUIRED FROM A SIMILAR USE at 2233 Las Vegas Boulevard (APN 162-03-410-007), C-2 (General Commercial) Zone, Ward 3 (Reese). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

86. SDR-34469 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: CARDAN LINDELL NORTH, LLC - Request for a Major Amendment to an approved Site Development Plan Review (SDR-4551) FOR THE ADDITION OF VEHICLE DISPLAY PARKING SPACES; PARKING LOT SHADE STRUCTURES; FACADE RENOVATIONS; AND TWO PORTE COCHERES ADJACENT TO THE SOUTH AND EAST SIDES OF THE BUILDING AT AN EXISTING MOTOR VEHICLE SALES (NEW) FACILITY on 4.01 acres at 5550 West Sahara Avenue (APN 163-01-404-022), C-2 (General Commercial) and P-R (Professional Office and Parking) Zones, Ward 1 (Tarkanian). The Planning Commission (4-3 vote) and staff recommend APPROVAL

87. SDR-35202 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request for a Site Development Plan Review FOR AN EXISTING 67-SPACE PARKING LOT AND A PROPOSED 96-SPACE PARKING LOT WITH WAIVERS OF THE PERIMETER LANDSCAPE BUFFER STANDARDS TO ALLOW BUFFERS OF ZERO FEET ALONG THE WEST PERIMETER AND A PORTION OF THE SOUTH PERIMETER WHERE 15 FEET AND EIGHT FEET, RESPECTIVELY, ARE REQUIRED on a portion of 6.59 acres at 1510 North Decatur Boulevard (APN 139-30-101-001), C-V (Civic) Zone, Ward 5 (Barlow). The Planning Commission (4-3 vote) and staff recommend APPROVAL

SET DATE

88. SET DATE ON ANY APPEALS FILED OR REQUIRED PUBLIC HEARINGS FROM THE CITY PLANNING COMMISSION MEETINGS AND DANGEROUS BUILDING OR NUISANCE/LITTER ABATEMENTS

CITIZENS PARTICIPATION

89. CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE CITY COUNCIL. NO SUBJECT MAY BE ACTED UPON BY THE CITY COUNCIL UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED

COUNCIL MEMBER PARTICIPATION

90. COUNCIL MEMBER RECOGNITION: COMMENTS MADE BY INDIVIDUAL CITY COUNCIL MEMBERS DURING THIS PORTION OF THE AGENDA WILL NOT BE ACTED UPON BY THE CITY COUNCIL UNLESS THAT SUBJECT IS ON THE AGENDA AND SCHEDULED FOR ACTION

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THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:
City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge
Bulletin Board, City Hall Plaza, (next door to Metro Records)
Las Vegas Library, 833 Las Vegas Boulevard North
Clark County Government Center, 500 S. Grand Central Parkway
Grant Sawyer Building, 555 E. Washington Avenue

City of Las Vegas Agenda Item No.: **1.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

SUBJECT:
CALL TO ORDER

City of Las Vegas

Agenda Item No.: **2.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

SUBJECT:
ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

City of Las Vegas Agenda Item No.: **3.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

SUBJECT:
INVOCATION – PASTOR EDGAR GARCIA, IGLESIA PIEDRA ANGULAR (CORNERSTONE CHRISTIAN FELLOWSHIP)

City of Las Vegas Agenda Item No.: **4.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

SUBJECT:
PLEDGE OF ALLEGIANCE

City of Las Vegas Agenda Item No.: **5.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:
RECOGNITION OF THE EMPLOYEE OF THE MONTH

City of Las Vegas Agenda Item No.: **6.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:
RECOGNITION OF HISPANIC HERITAGE MONTH

City of Las Vegas Agenda Item No.: **7.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:
RECOGNITION OF EDUCATIONAL EXCELLENCE BY WARD 6 TEACHERS

City of Las Vegas Agenda Item No.: **8.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:
RECOGNITION OF CHAZZ BLUNT FOR CONTRIBUTIONS TO THE WARD 5 COMMUNITY

City of Las Vegas Agenda Item No.: **9.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:
RECOGNITION OF THE KEEP AMERICA BEAUTIFUL CAMPAIGN

City of Las Vegas

Agenda Item No.: **10.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES

☐ **Consent** ☒ **Discussion**

SUBJECT:
BUSINESS ITEMS:

Any items from the morning session that the Council, staff and/or the applicant wish to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time

City of Las Vegas Agenda Item No.: **11.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES ☐ **Consent** ☒ **Discussion**

SUBJECT:
BUSINESS ITEMS:

Approval of the Final Minutes by reference of the regular City Council meeting of August 19, 2009

City of Las Vegas Agenda Item No.: **12.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: CITY MANAGER
DIRECTOR: ELIZABETH N. FRETWELL ☒ **Consent** ☐ **Discussion**

SUBJECT:
ADMINISTRATIVE:

Approval to accept the award notification for the Department of Justice Byrne Memorial Grant for the City of Las Vegas as fiscal agent of the disparate jurisdiction of the City of Las Vegas, the County of Clark, the City of North Las Vegas and the City of Henderson - All Wards

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
The U.S. Department of Justice, Bureau of Justice Assistance Byrne Memorial Justice Assistance Grant (JAG) Local Solicitation opened May 26, 2009. According to the Department of Justice State and Local Allocation List, the southern Nevada region has the following allocation for a four year period:

NV	CLARK COUNTY	County*		
NV	HENDERSON CITY	Municipal	$69,018	
NV	LAS VEGAS CITY	Municipal	$1,546,676	
NV	NORTH LAS VEGAS CITY	Municipal	$206,840	$1,822,534

On August 26, 2009 the Department of Justice sent a notice of award for this grant in the amount of $1,822,534.

RECOMMENDATION:
Accept the grant award for the amount of $1,822,534

BACKUP DOCUMENTATION:
1. Department of Justice Award Notification
2. Byrne Justice Assistance Grant Solicitation
3. Final Application Packet

Department of Justice

Office of Justice Programs

Bureau of Justice Assistance

Office of Justice Programs

Washington, D.C. 20531

August 26, 2009

Ms. Elizabeth Fretwell
City of Las Vegas
400 East Stewart Avenue
Las Vegas, NV 89101-2913

Dear Ms. Fretwell:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 09 Edward Byrne Memorial Justice Assistance Grant Program: Local Solicitation in the amount of $1,822,534 for City of Las Vegas.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Kathy Mason, Program Manager at (202) 514-8692; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,

James H. Burch II
Acting Director

Enclosures

Department of Justice
Office of Justice Programs
Office for Civil Rights

Washington, D.C. 20531

August 26, 2009

Ms. Elizabeth Fretwell
City of Las Vegas
400 East Stewart Avenue
Las Vegas, NV 89101-2913

Dear Ms. Fretwell:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of Federal funding to compliance with Federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice is responsible for ensuring that recipients of financial aid from OJP, its component offices and bureaus, the Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) comply with applicable Federal civil rights statutes and regulations. We at OCR are available to help you and your organization meet the civil rights requirements that come with Justice Department funding.

Ensuring Access to Federally Assisted Programs

As you know, Federal laws prohibit recipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in respect to employment practices but also in the delivery of services or benefits. Federal law also prohibits funded programs or activities from discriminating on the basis of age in the delivery of services or benefits.

Providing Services to Limited English Proficiency (LEP) Individuals

In accordance with Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website at http://www.lep.gov.

Ensuring Equal Treatment for Faith-Based Organizations

The Department of Justice has published a regulation specifically pertaining to the funding of faith-based organizations. In general, the regulation, Participation in Justice Department Programs by Religious Organizations; Providing for Equal Treatment of all Justice Department Program Participants, and known as the Equal Treatment Regulation 28 C.F.R. part 38, requires State Administering Agencies to treat these organizations the same as any other applicant or recipient. The regulation prohibits State Administering Agencies from making award or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the Department of Justice to fund inherently religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must be held separately from the Department of Justice funded program, and customers or beneficiaries cannot be compelled to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see OCR's website at http://www.ojp.usdoj.gov/ocr/etfbo.htm.

State Administering Agencies and faith-based organizations should also note that the Safe Streets Act, as amended; the Victims of Crime Act, as amended; and the Juvenile Justice and Delinquency Prevention Act, as amended, contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the Justice Department has concluded that the Religious Freedom Restoration Act (RFRA) is reasonably construed, on a case-by-case basis, to require that its funding agencies permit faith-based organizations applying for funding under the applicable program statutes both to receive DOJ funds and to continue considering religion when hiring staff, even if the statute that authorizes the funding program generally forbids considering of religion in employment decisions by grantees.

Questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment may be directed to this Office.

Enforcing Civil Rights Laws

All recipients of Federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to the prohibitions against unlawful discrimination. Accordingly, OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal employment opportunity standards.

Complying with the Safe Streets Act or Program Requirements

In addition to these general prohibitions, an organization which is a recipient of financial assistance subject to the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, 42 U.S.C. § 3789d(c), or other Federal grant program requirements, must meet two additional requirements:(1) complying with Federal regulations pertaining to the development of an Equal Employment Opportunity Plan (EEOP), 28 C.F.R. § 42.301-.308, and (2) submitting to OCR Findings of Discrimination (see 28 C.F.R. §§ 42.205(5) or 31.202(5)).

1) Meeting the EEOP Requirement

In accordance with Federal regulations, Assurance No. 6 in the Standard Assurances, COPS Assurance No. 8.B, or certain Federal grant program requirements, your organization must comply with the following EEOP reporting requirements:

If your organization has received an award for $500,000 or more and has 50 or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare an EEOP and submit it to OCR for review **within 60 days from the date of this letter**. For assistance in developing an EEOP, please consult OCR's website at http://www.ojp.usdoj.gov/ocr/eeop.htm. You may also request technical assistance from an EEOP specialist at OCR by dialing (202) 616-3208.

If your organization received an award between $25,000 and $500,000 and has 50 or more employees, your organization still has to prepare an EEOP, but it does not have to submit the EEOP to OCR for review. Instead, your organization has to maintain the EEOP on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to OCR. The Certification Form can be found at http://www.ojp.usdoj.gov/ocr/eeop.htm.

If your organization received an award for less than $25,000; or if your organization has less than 50 employees, regardless of the amount of the award; or if your organization is a medical institution, educational institution, nonprofit organization or Indian tribe, then your organization is exempt from the EEOP requirement. However, your organization must complete Section A of the Certification Form and return it to OCR. The Certification Form can be found at http://www.ojp.usdoj.gov/ocr/eeop.htm.

2) Submitting Findings of Discrimination

In the event a Federal or State court or Federal or State administrative agency makes an adverse finding of discrimination against your organization after a due process hearing, on the ground of race, color, religion, national origin, or sex, your organization must submit a copy of the finding to OCR for review.

Ensuring the Compliance of Subrecipients

If your organization makes subawards to other agencies, you are responsible for assuring that subrecipients also comply with all of the applicable Federal civil rights laws, including the requirements pertaining to developing and submitting an EEOP, reporting Findings of Discrimination, and providing language services to LEP persons. State agencies that make subawards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of subrecipients.

If we can assist you in any way in fulfilling your civil rights responsibilities as a recipient of Federal funding, please call OCR at (202) 307-0690 or visit our website at http://www.ojp.usdoj.gov/ocr/.

Sincerely,

Michael L. Alston
Director

cc: Grant Manager
Financial Analyst

Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Grant

1. RECIPIENT NAME AND ADDRESS (Including Zip Code)

City of Las Vegas
400 East Stewart Avenue
Las Vegas, NV 89101-2913

4. AWARD NUMBER: 2009-DJ-BX-0466

5. PROJECT PERIOD: FROM 10/01/2008 TO 09/30/2012

BUDGET PERIOD: FROM 10/01/2008 TO 09/30/2012

6. AWARD DATE 08/26/2009

7. ACTION: Initial

1A. GRANTEE IRS/VENDOR NO.

886000198

8. SUPPLEMENT NUMBER: 00

9. PREVIOUS AWARD AMOUNT: $ 0

3. PROJECT TITLE

FY 2009 Justice Assistance Grant Program

10. AMOUNT OF THIS AWARD: $ 1,822,534

11. TOTAL AWARD: $ 1,822,534

12. SPECIAL CONDITIONS

THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).

13. STATUTORY AUTHORITY FOR GRANT

This project is supported under 42 U.S.C. 3751(a) (BJA - JAG Formula)

15. METHOD OF PAYMENT

PAPRS

AGENCY APPROVAL

16. TYPED NAME AND TITLE OF APPROVING OFFICIAL

James H. Burch II

Acting Director

17. SIGNATURE OF APPROVING OFFICIAL

James H. Burch II

GRANTEE ACCEPTANCE

18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL

Elizabeth Fretwell
City Manager

19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL

Elizabeth N. Fretwell

19A. DATE: 8/27/09

AGENCY USE ONLY

20. ACCOUNTING CLASSIFICATION CODES

FISCAL YEAR	FUND CODE	BUD. ACT.	OFC.	DIV. REG.	SUB.	POMS	AMOUNT
X	B	DJ	80	00	00		1822534

21. IDJUGT3974

PROJECT NUMBER 2009-DJ-BX-0466 AWARD DATE 08/26/2009

SPECIAL CONDITIONS

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.

2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.

3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide, Chapter 19.

4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.

5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -

   mail:

   Office of the Inspector General
   U.S. Department of Justice
   Investigations Division
   950 Pennsylvania Avenue, N.W.
   Room 4706
   Washington, DC 20530

   e-mail: oig.hotline@usdoj.gov

   hotline: (contact information in English and Spanish): (800) 869-4499

   or hotline fax: (202) 616-9881

   Additional information is available from the DOJ OIG website at www.usdoj.gov/oig.

SPECIAL CONDITIONS

6. The grantee agrees to assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these grant funds, either directly by the grantee or by a subgrantee. Accordingly, the grantee agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the grant, the grantee agrees to contact BJA.

   The grantee understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the grantee, a subgrantee, or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:
   a. New construction;
   b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
   c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
   d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
   e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

   The grantee understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The grantee further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at http://www.ojp.usdoj.gov/BJA/resource/nepa.html, for programs relating to methamphetamine laboratory operations.

   Application of This Special Condition to Grantee's Existing Programs or Activities: For any of the grantee's or its subgrantees' existing programs or activities that will be funded by these grant funds, the grantee, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

7. To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdiction, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.

8. To support public safety and justice information sharing, OJP requires the grantee to use the National Information Exchange Model (NIEM) specifications and guidelines for this particular grant. Grantee shall publish and make available without restriction all schemas generated as a result of this grant to the component registry as specified in the guidelines. For more information on compliance with this special condition, visit http://www.niem.gov/implementationguide.php.

9. The recipient is required to establish a trust fund account. (The trust fund may or may not be an interest-bearing account.) The fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate and expend the grant funds in the trust fund (including any interest earned) during the period of the grant. Grant funds (including any interest earned) not expended by the end of the grant period must be returned to the Bureau of Justice Assistance no later than 90 days after the end of the grant period, along with the final submission of the Financial Status Report (SF-269).

PROJECT NUMBER 2009-DJ-BX-0466 AWARD DATE 08/26/2009

SPECIAL CONDITIONS

10. The grantee agrees to comply with all reporting, data collection and evaluation requirements, as prescribed by law and detailed by the BJA in program guidance for the Justice Assistance Grant (JAG) Program. Compliance with these requirements will be monitored by BJA.

11. The recipient agrees that any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 42 U.S.C. 3789g(c)-(d). Recipient may not satisfy such a fine with federal funds.

12. The recipient agrees to ensure that the State Information Technology Point of Contact receives written notification regarding any information technology project funded by this grant during the obligation and expenditure period. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these grant funds. In addition, the recipient agrees to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to http://www.it.ojp.gov/default.aspx?area=policyAndPractice&page=1046.

13. The grantee agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See http://www.ojp.gov/about/ocr/equal_fbo.htm.

14. The recipient acknowledges that all programs funded through subawards, whether at the state or local levels, must conform to the grant program requirements as stated in BJA program guidance.

15. Grantee agrees to comply with the requirements of 28 C.F.R. Part 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.

16. Grantee agrees to comply with all confidentiality requirements of 42 U.S.C. section 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. Grantee further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, section 22.23.

17. The recipient agrees that funds received under this award will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.

PROJECT NUMBER 2009-DJ-BX-0466 AWARD DATE 08/26/2009

SPECIAL CONDITIONS

18. The grantee agrees that within 120 days of award, for any law enforcement task force funded with these funds, the task force commander, agency executive, task force officers, and other task force members of equivalent rank, will complete required online (internet-based) task force training to be provided free of charge through BJA's Center for Task Force Integrity and Leadership. This training will address task force effectiveness as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. Additional information will be provided by BJA regarding the required training and access methods via BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).

19. Recipient may not obligate, expend or drawdown funds until the Bureau of Justice Assistance, Office of Justice Programs has received and approved the signed Memorandum of Understanding (MOU) between the disparate jurisdictions and has issued a Grant Adjustment Notice (GAN) releasing this special condition.

20. Recipient may not obligate, expend or drawdown funds until the Bureau of Justice Assistance, Office of Justice Programs has received documentation demonstrating that the state or local governing body review and/or community notification requirements have been met and has issued a Grant Adjustment Notice (GAN) releasing this special condition.

Department of Justice

Office of Justice Programs

Bureau of Justice Assistance

Washington, D.C. 20531

Memorandum To: Official Grant File

From: M. A. Berry, Environmental Coordinator

Subject: Incorporates NEPA Compliance in Further Developmental Stages for City of Las Vegas

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system, some of which could have environmental impacts. All recipients of JAG funding must assist BJA in complying with NEPA and other related federal environmental impact analyses requirements in the use of grant funds, whether the funds are used directly by the grantee or by a subgrantee or third party. Accordingly, prior to obligating funds for any of the specified activities, the grantee must first determine if any of the specified activities will be funded by the grant.

The specified activities requiring environmental analysis are:
a. New construction;
b. Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

Complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. Further, for programs relating to methamphetamine laboratory operations, the preparation of a detailed Mitigation Plan will be required. For more information about Mitigation Plan requirements, please see http://www.ojp.usdoj.gov/BJA/resource/nepa.html.

Please be sure to carefully review the grant conditions on your award document, as it may contain more specific information about environmental compliance.

Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

GRANT MANAGER'S MEMORANDUM, PT. I: PROJECT SUMMARY

Grant

PROJECT NUMBER
2009-DJ-BX-0466

This project is supported under 42 U.S.C. 3751(a) (BJA - JAG Formula)

1. STAFF CONTACT (Name & telephone number)

Kathy Mason
(202) 514-8692

2. PROJECT DIRECTOR (Name, address & telephone number)

Becky Spray
Management Analyst II
400 Stewart Avenue
City Hall
Las Vegas, NV 89101-2913
(702) 229-4172

3a. TITLE OF THE PROGRAM

BJA FY 09 Edward Byrne Memorial Justice Assistance Grant Program: Local Solicitation

3b. POMS CODE (SEE INSTRUCTIONS ON REVERSE)

4. TITLE OF PROJECT

FY 2009 Justice Assistance Grant Program

5. NAME & ADDRESS OF GRANTEE

City of Las Vegas
400 East Stewart Avenue
Las Vegas, NV 89101-2913

6. NAME & ADRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 10/01/2008 TO: 09/30/2012

8. BUDGET PERIOD

FROM: 10/01/2008 TO: 09/30/2012

9. AMOUNT OF AWARD

$ 1,822,534

10. DATE OF AWARD

08/26/2009

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and units of local governments, including tribes, to support a broad range of activities to prevent and control crime based on their own state and local needs and conditions. Grant funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, including for any one or more of the following purpose areas: 1) law enforcement programs; 2) prosecution and court programs; 3) prevention and education programs; 4) corrections and community corrections programs; 5) drug treatment and enforcement programs; 6) planning, evaluation, and technology improvement programs; and 7) crime victim and witness programs (other than compensation).

The disparate jurisdictions consisting of Clark County and the cities of Las Vegas, Henderson, and North Las Vegas will use their Fiscal Year 2009 JAG award in the amount of $1,822,534 to support personnel, equipment purchases, and multi-agency information technology programs across the county. The city of Las Vegas,

acting as the fiscal agent, will use its portion to hire a Court Compliance Officer, restore a full-time bilingual victim witness advocate to provide timely and accurate criminal justice information and assistance to victims of crimes, and support a Neighborhood Services Inmate Discharge Planning Initiative. This initiative will assist with employment placement and employment retention of 80 formally incarcerated or court involved individuals on an annual basis. Clark County will use its portion of the grant within the Clark County District Attorney's Office, Eighth Judicial District Court, and Department of Family Services. Specifically, the county will fund two gang attorneys, a Specialty Court Specialist to improve retention and graduation rates of Adult Drug Court participants, and hire a program and office assistant to offer new, more intensive services to families in the child welfare system using the Triple P Positive Parenting Program. This program will also offer a parent support hotline to encourage the maintenance of newly learned parenting skills and explore the feasibility of implementing an online registration process for parents and caregivers in the community. The cities of Henderson and North Las Vegas have agreed to use their shares for the Clark County Shared Computer Operations for Protection and Enforcement and Wanted Vehicles System (SCOPE/WVS) project. This project is administered by the Clark County Department of Information Technologies (IT) and is the primary database used by the regional law enforcement agencies, including the Henderson and North Las Vegas Police Departments. Through a competitive process, Clark County IT will implement Phase 1A of the SCOPE/WVS project, which includes installing and configuring the development system's hardware and base software and to perform system testing to verify that the base system functions.

NCA/NCF

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

The U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance is pleased to announce that it is seeking applications for funding under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. This program furthers the Department's mission by assisting state, local, and tribal efforts to prevent or reduce crime and violence.

Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2009 Local Solicitation

Eligibility

Applicants are limited to units of local government appearing on the FY 2009 JAG Allocations List. To view this list, go to www.ojp.usdoj.gov/BJA/grant/09jagallocations.html.
(See "Eligibility," page 1)

Deadline

Registration with OJP's Grants Management System is required prior to application submission. All applications are due by 8:00 p.m. e.t. on July 9, 2009.
(See "Deadline: Applications," page1)

Contact Information

For assistance with the requirements of this solicitation, contact your State Policy Advisor: www.ojp.usdoj.gov/BJA/resource/ProgramsOffice.pdf.

This application must be submitted through OJP's Grants Management System (GMS). For technical assistance with submitting the application, call the Grants Management System Support Hotline at 1–888–549–9901, option 3. The GMS Help Desk hours of operation are Monday-Friday from 7:00 a.m. to 9:00 p.m. e.t.

Release date: May 22, 2009

CONTENTS

Overview of the JAG Program 1

Deadline: Registration 1

Deadline: Applications 1

Eligibility 1

JAG Program—Specific Information 1

Match Requirement 4

Performance Measures 4

How to Apply 4

What an Application Must Include: 5

- Standard Form 424
- Program Narrative
- Budget and Budget Narrative
- Review Narrative
- Abstract

Additional Requirements 6

Edward Byrne Memorial
Justice Assistance Grant Program
CFDA #16.738

Overview of the JAG Program

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program (42 U.S.C. 3751(a)) is the primary provider of federal criminal justice funding to state and local jurisdictions. JAG funds support all components of the criminal justice system, from multijurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatment, and justice information sharing initiatives. JAG funded projects may address crime through the provision of services directly to individuals and/or communities and by improving the effectiveness and efficiency of criminal justice systems, processes, and procedures.

Deadline: Registration

Applicants must register with the Office of Justice Programs' (OJP) Grants Management System (GMS) prior to applying.

Deadline: Applications

The due date for applying for funding under this announcement is 8:00 p.m. e.t. on July 9, 2009.

Eligibility

Applicants are limited to units of local government appearing on the FY 2009 JAG Allocations List. To view this list, go to www.ojp.usdoj.gov/BJA/grant/09jagallocations.html. For JAG program purposes, a unit of local government is: a town, township, village, parish, city, county, borough, or other general purpose political subdivision of a state; or, it may also be a federally recognized Indian tribe or Alaskan Native organization that performs law enforcement functions as determined by the Secretary of the Interior. Otherwise a unit of local government may be any law enforcement district or judicial enforcement district established under state law with authority to independently establish a budget and impose taxes. In Louisiana, a unit of local government means the office of a district attorney or a parish sheriff. In the District of Columbia or any United States Trust Territory, a unit of local government is any agency of the District of Columbia or Federal government performing law enforcement functions for the District of Columbia or Trust Territories of the United States. For a listing of eligible units of local government, go to www.ojp.usdoj.gov/BJA/grant/09jagallocations.html.

JAG Program—Specific Information

All awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law.

Established to streamline justice funding and grant administration, the JAG Program allows states, tribes, and local governments to support a broad range of activities to prevent and control crime based on their own local needs and conditions. JAG blends the previous Byrne

Formula and Local Law Enforcement Block Grant (LLEBG) Programs to provide agencies with the flexibility to prioritize and place justice funds where they are needed most.

Formula
The Bureau of Justice Statistics (BJS) calculates, for each *state and territory, a* minimum base allocation which, based on the statutory JAG formula, can be enhanced by (1) the state's share of the national population and (2) the state's share of the country's Part 1 violent crime statistics. Once the state funding is calculated, 60 percent of the allocation is awarded to the state and 40 percent to eligible units of local government.

States also have a variable percentage of the allocation that is required *to* "pass through" to units of local government. This amount, also calculated by BJS, is based on each state's crime expenditures. In addition, the formula calculates direct allocations for local governments within each state, based on their share of the total violent crime reported within the state. Local governments that are entitled to at least $10,000 awards may apply directly to BJA for local JAG funds.

Purpose Areas
JAG funds may be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, information systems for criminal justice, and criminal justice related research and evaluation activities that will improve or enhance:

- Law enforcement programs.
- Prosecution and court programs.
- Prevention and education programs.
- Corrections and community corrections programs.
- Drug treatment and enforcement programs.
- Planning, evaluation, and technology improvement programs.
- Crime victim and witness programs (other than compensation).

Responsibilities
The Chief Executive Officer (CEO) of an eligible unit of local government or a local agency designated by the CEO must submit the application for JAG funds. A unit of local government receiving a JAG award will be responsible for the administration of the funds including: distributing the funds; monitoring the award; submitting reports including performance measures and program assessment data; and providing ongoing oversight and assistance to any subrecipients of the funds.

Administrative Funds
A unit of local government may use up to 10 percent of the award, plus any interest accrued, for costs associated with administering JAG funds.

Disparate Certification
A disparate allocation occurs when a city or municipality is scheduled to receive one-and-one-half times (150 percent) more than the county, while the county bears more than 50 percent of the costs associated with prosecution or incarceration of the municipality's Part 1 violent crime. Multiple disparate allocations occur when multiple cities or municipalities are collectively eligible to receive four times (400 percent) more than the county.

★ Jurisdictions certified as disparate must identify a fiscal agent that will submit a **joint application** for the total eligible allocation. The joint application must specify the award distribution to each unit of local government and the purposes for which the funds will be used. When beginning the JAG application process, a Memorandum of Understanding (MOU) that identifies which jurisdiction will serve as the applicant/fiscal agent for joint funds, must be completed, and signed by the Authorized Representative for each participating jurisdiction. The signed MOU should be attached to the application. For a sample MOU, go to www.ojp.usdoj.gov/BJA/grant/jag09/09JAGMOU.pdf.

Governing Body Review
The applicant agency (fiscal agent) must make the grant application available for review by the governing body (or to the organization designated by the governing body) not fewer than 30 days before the application is submitted to BJA.

Public Comment
The Local JAG application must include a statement that the application was made public and that, to the extent of applicable law or established procedure, an opportunity to comment was provided to citizens and neighborhood or community organizations.

Supplanting
Federal funds may be used to supplement appropriated funds, in an effort to augment program activities. However, federal funds cannot replace or supplant nonfederal funds that have been appropriated for the grant's purpose.

Award Amount
The FY 2009 JAG Allocations List indicates the amount for which each unit of local government is eligible to apply. For a listing of eligible units of local government and eligible amounts, go to www.ojp.usdoj.gov/BJA/grant/09jagallocations.html.

Length of Awards
Awards are made in the first fiscal year of the appropriation and may be expended during the following 3 years, for a total of 4 years. Extensions may be granted at the discretion of the BJA Director and must be requested via GMS **no less than 30 days prior to the grant's end date.**

Trust Fund
Each unit of local government may draw down any and all JAG funds after acceptance of the award. To do so, a trust fund must be established in which to deposit the funds. The trust fund may or may not be an interest- bearing account. If subrecipients draw down JAG funds in advance, they also must establish a trust fund in which to deposit funds.

Prohibited Uses
No JAG funds may be expended outside of JAG purpose areas. Even within these purpose areas, however, JAG funds cannot be used directly or indirectly for security enhancements or equipment for nongovernmental entities not engaged in criminal justice or public safety. Nor may JAG funds be used directly or indirectly to provide for any of the following matters unless BJA certifies that extraordinary and exigent circumstances exist, making them essential to the maintenance of public safety and good order:

- Vehicles (excluding police cruisers), vessels (excluding police boats), or aircraft (excluding police helicopters).
- Luxury items.

- Real estate.
- Construction projects (other than penal or correctional institutions).
- Any similar matters.

Reporting Requirements
- Once an award is accepted, quarterly financial status reports (SF-269s), quarterly performance metrics reports, and an annual progress report must be submitted to BJA.
- For more detailed information on reporting and other JAG requirements, refer to the JAG FAQs.

Match Requirement

While match is not required with the JAG Program, match is an effective strategy for states and units of local government to expand justice funds and build buy-in for local criminal justice initiatives.

Performance Measures

To assist in fulfilling the Department's responsibilities under the Government Performance and Results Act of 1993 (GPRA), P.L. 103-62, applicants who receive funding under this solicitation must provide data that measure the results of their work. In addition, applicants must discuss their data collection methods in the application. New performance measures have been developed by BJA with input from criminal justice members in the field (including SAAs). Performance measures for the JAG Program can be found at: www.ojp.usdoj.gov/BJA/grant/JAG_Measures.pdf.

How to Apply

Grants Management System Instructions. Applications must be submitted through OJP's online Grants Management System (GMS). To access the system, go to https://grants.ojp.usdoj.gov. Applicants should begin the process a few weeks prior to the GMS registration deadline, especially if this is the first time they have used the system. Each application requires a separate GMS registration. For a step-by-step guide, visit http://www.ojp.gov/gmscbt/ and refer to the section entitled "External Overview: Locating & Applying for Funding Opportunities." For additional assistance, call the GMS Help Desk at 1–888–549–9901 from 7:00 a.m. to 9:00 p.m. e.t.

Note: OJP will not review any application whose attachments are in Microsoft Vista or Microsoft 2007 format. Applications submitted via GMS must be in the following word processing formats: Microsoft Word (*.doc), Microsoft Excel files (*.xlm), PDF files (*.pdf), or Text Documents (*.txt). GMS is not yet compatible with Vista and cannot yet process Microsoft Word 2007 documents saved in the new default format with the extension ".docx." Please ensure the documents you are submitting are saved using "Word 97-2003 Document (*.doc)" format.
In addition, GMS does not accept executable file types as application attachments. These disallowed file types include, but are not limited to, the following extensions: ".com," ".bat," ".exe," ".vbs," ".cfg," ".dat," ".db," ".dbf," ".dll," ".ini," ".log," ".ora," ".sys," and ".zip."

CFDA Number: The Catalog of Federal Domestic Assistance (CFDA) number for this solicitation is 16.738, titled "Edward Byrne Memorial Justice Assistance Grant Program."

A DUNS number is required: The Office of Management and Budget requires that all applicants for federal funds include a DUNS (Data Universal Numeric System) number in their application. Applications without a DUNS number are incomplete. A DUNS number is a unique nine-digit sequence recognized as the universal standard for identifying and keeping track of entities worldwide, including those receiving federal funds. The identifier is used for tracking purposes, to assist federal agencies with transparency of federal funding, and to validate address and point of contact information for federal assistance applicants, recipients, and subrecipients. The DUNS number will be used throughout the grant life cycle. Obtaining a DUNS number is a free, simple, one-time activity. Obtain one by calling 1–866–705–5711 or by applying online at www.dunandbradstreet.com.

What an Application Must Include

Standard Form 424

Program Narrative (Attachment 1)

Applicants must submit a program narrative that generally describes the proposed program activities for the 4-year grant period. The narrative must outline the type of programs to be funded by the JAG award and provide a brief analysis of the need for the programs. Narratives must also identify anticipated coordination efforts involving JAG and related justice funds. Certified disparate jurisdictions submitting a **joint application** must specify the funding distribution to each disparate unit of local government and the purposes for which the funds will be used.

Budget and Budget Narrative (Attachment 2)

Applicants must submit a budget and budget narrative outlining how JAG funds, including administrative funds if applicable, will be used to support and implement the program. A sample budget form may be found at www.ojp.usdoj.gov/funding/forms/budget_detail.pdf.

Review Narrative (Attachment 3)

Applicants must include in this attachment documentation regarding the following requirements:

- Include the date that the JAG application was made available for review by the governing body. This governing body notification must occur no less than 30 days before submission to BJA.
- Include a statement that the application was made public and that, to the extent of applicable law or established procedure, an opportunity to comment was provided to citizens and neighborhood or community organizations.
- If the applicant is part of a disparate jurisdiction, include the Memorandum of Understanding (MOU), which has been executed and signed by each jurisdiction's Authorized Representative, outlining each jurisdiction's allocation and indicating which jurisdiction is serving as the applicant/fiscal agent for the joint funds.

Abstract (Attachment 4)

Applicants must provide an abstract that includes the applicant's name, title of the project, goals of the project, and a description of the strategies to be used. The abstract must not exceed a half-page, or 400-500 words.

Additional Requirements

Successful applicants selected for award must agree to comply with additional applicable requirements prior to receiving grant funding. We strongly encourage you to review the list below pertaining to these additional requirements prior to submitting your application. Additional information for each can be found at www.ojp.usdoj.gov/funding/other_requirements.htm.

- Civil Rights Compliance
- Funding to Faith-Based Organizations
- Confidentiality and Human Subjects Protections Regulations
- Anti-Lobbying Act
- Financial and Government Audit Requirements
- National Environmental Policy Act (NEPA) Compliance
- DOJ Information Technology Standards
- Single Point of Contact Review
- Non-Supplanting of State or Local Funds
- Criminal Penalty for False Statements
- Compliance with Office of the Chief Financial Officer *Financial Guide*
- Suspension or Termination of Funding
- Non-Profit Organizations
- Government Performance and Results Act (GPRA)
- Rights in Intellectual Property
- Federal Funding Accountability and Transparency Act (FFATA) of 2006

Byrne Memorial Justice Assistance Grant Local Solicitation
Disparate Jurisdiction Application
Fiscal Agent: City of Las Vegas, Nevada
CFDA # 16.738, 2009-H2827-NV-DJ

ABSTRACT

The City of Las Vegas, acting as Fiscal Agent for the disparate jurisdiction consisting of Clark County and the cities of Las Vegas, North Las Vegas, and Henderson, is applying for the Byrne Memorial Justice Assistance Grant Local Solicitation funds in the amount of $1,822,534.

Through funding from this grant it is proposed that the following projects will serve the community:

- SCOPE/WVS (Shared Computer Operations for Protection and Enforcement/Wanted Vehicles System). Hosted by Clark County IT, it is the primary database system used by the Las Vegas Metropolitan Police Department, North Las Vegas Police Department, Henderson Police Department, and City of Las Vegas departments of Detention & Enforcement, City Attorney, and Municipal Court.
- Clark County District Attorney Gang Attorney (one existing position and one new position)
- Clark County Eighth Judicial District Adult Criminal Drug Court Program
- Clark County Department of Family Services Triple P Parenting Project
- City of Las Vegas City Attorney Victim Witness Advocate Program expansion (restoration of a position)
- City of Las Vegas Municipal Court Compliance Officer (new position)
- City of Las Vegas Neighborhood Services Inmate Discharge Planning Inititiave

Coordination of services will be provided through quarterly regional meetings, program reviews and audits by the fiscal agent and consistent communication through telephone, e-mail, and personal contact.

Byrne Memorial Justice Assistance Grant Local Solicitation
Disparate Jurisdiction Application
Fiscal Agent: City of Las Vegas, Nevada
CFDA # 16.738, 2009-H2827-NV-DJ

REVIEW NARRATIVE

The City of Las Vegas, acting as Fiscal Agent for the disparate jurisdiction consisting of Clark County and the cities of Las Vegas, North Las Vegas, and Henderson, is applying for the Byrne Memorial Justice Assistance Grant Local Solicitation funds in the amount of $1,822,534. As such, a Memorandum of Understanding has been accepted by the jurisdictions and is currently up for review and approval by elected officials at Council and Commission meetings during the month of July (see MOU, attached). A formal, signed copy will be provided as soon as all of the jurisdictions submit their original, signed copies.

The City of Las Vegas, as fiscal agent, made the grant application available for review by its governing body (or to the organization designated by that governing body) not fewer than 30 days before the application is submitted to BJA during City Council Briefings the week of June 30th through July 3rd and at the City Council Meeting July 15, 2009 (see Agenda Summary Page, attached).

The City of Las Vegas, as fiscal agent, made the application was made public and that, to the extent of applicable law or established procedure, an opportunity to comment was provided to citizens and neighborhood or community organizations. Request for public comments notices were posted at all disparate jurisdiction entity government buildings from June 17, 2009 until July 1, 2009, with opportunities to comment via telephone and e-mail. No comments were received (See Request for Public Comment Notice, attached).

The City of Las Vegas, as fiscal agent, agrees to collect data, both fiscal and programmatic, for reports that will be submitted by the 10th of the month following the quarter for which the report is being submitted. A prototype of Recipient Reporting Template, based on the screenshots from the ARRA Workflow document has been created for use and is attached as Attachment 5.

The City of Las Vegas, as fiscal agent, attests that federal funds will be used to supplement existing state and local funds for program activities and will not replace those funds that have been appropriated for the same purpose. Each governmental entity within the disparate jurisdiction has attested to the same and will agree to audits verifying such as part of each interlocal agreement that shall be signed prior to receipt of funds.

MEMORANDUM OF UNDERSTANDING AMONG THE CITY OF LAS VEGAS, THE COUNTY OF CLARK, THE CITY OF HENDERSON, AND THE CITY OF NORTH LAS VEGAS REGARDING THE DESIGNATION OF THE CITY OF LAS VEGAS AS THE APPLICANT/FISCAL AGENT PURSUANT TO THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

This Memorandum of Understanding (MOU) is made and executed by and among The City of Las Vegas ("City"), the County of Clark ("County"), the City of Henderson ("Henderson"), and the City of North Las Vegas ("NLV"). The City, County, Henderson, and North Las Vegas may hereinafter be referred to individually as a "Party" or collectively as the "Parties."

RECITALS

1. The City, County, Henderson, and North Las Vegas are each lawful political subdivisions of the State of Nevada.

2. There are grant funds available to the Parties under the United States Department of Justice, Bureau of Justice Assistance Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program ("JAG Program") Local Solicitation in the combined amount of $1,822,534 ("Grant Funds") for "the support of all components of the criminal justice system, from multi-jurisdictional drug and task forces to crime prevention and domestic violence programs, courts, corrections, treatment and justice information sharing initiatives. JAG funded projects may address crime through the provision of services directly to individuals and/or communities and by improving the effectiveness and efficiency of criminal justice systems, processes and procedures." (*quoting*, Overview of Edward Byrne Memorial Justice Assistance Grant).

3. The Parties have communicated and expressed a collective desire to apply for the Grant Funds through the JAG Program.

4. The Parties were certified by the Director of the Bureau of Justice Assistance as a JAG Disparate Jurisdiction, and because of this certification, the Parties must identify an applicant/fiscal agent that will submit a joint application to the Department of Justice, Office of Justice Program's Bureau of Justice Assistance ("BJA") for joint funds.

5. The Parties intend for this MOU to identify the applicant/fiscal agent, as well as identify a timetable for the Parties to negotiate and execute an interlocal agreement to determine the proper administration for the Grant Funds, the procedure for distribution of the Grant Funds, the monitoring of the Grants Funds, including rules regarding the permitted and prohibited use of Grant Funds pursuant to the JAG Program, the submission of reports pursuant to the rules of the JAG Program, and oversight of the Grant Funds.

AGREEMENT

A. Identification of the Applicant/Fiscal Agent for the Grant Funds.

The Parties hereby agree that the **City of Las Vegas** is the Applicant/Fiscal Agent of the Grant Funds for purposes of the Edward Byrne Memorial Justice Assistance Grant Formula Program.

B. Interlocal Agreement Between the Parties Required.

The Parties hereby acknowledge and agree that no later than August 9, 2009, the Parties will execute an interlocal agreement among one another that will provide the rules and procedures for the administration of the JAG Program and the distribution of the Grant Funds, in accordance with the United States Department of Justice, Bureau of Justice Assistance Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program:

Local Solicitation (attached hereto at Exhibit 1) and any other rules and regulations promulgated by the Department of Justice.

. . .

C. Deadline for Application.

For the Parties to qualify for the disbursement of the Grant Funds, this MOU must be executed by each of the Parties prior to the July 9, 2009 application deadline. Failure by any Party to so execute will preclude the City of Las Vegas from submitting the application for the Grant Funds on behalf of the Parties.

IN WITNESS WHEREOF, the Parties have set their hands the day and year last written below.

CITY OF LAS VEGAS

By: _____
Oscar B. Goodman, Mayor Date

ATTEST:

_____
Beverly K. Bridges, CMC, City Clerk

APPROVED AS TO FORM:

_____
James B. Lewis, Deputy City Attorney

IN WITNESS WHEREOF, the Parties have set their hands the day and year last written below.

CLARK COUNTY

By: _____
Rory Ried, Commission Chair Date

ATTEST:

_____
Shirley B. Parraguirre, County Clerk

APPROVED AS TO FORM:

_____

IN WITNESS WHEREOF, the Parties have set their hands the day and year last written below.

CITY OF HENDERSON

By: _____
James B. Gibson, Mayor Date

By: _____
Jutta G. Chambers, Chief of Police Date

ATTEST:

_____
Monica Martinez Simmons, MMC, City Clerk Date

APPROVED AS TO FORM:

_____
Shauna M. Hughes, City Attorney Date

IN WITNESS WHEREOF, the Parties have set their hands the day and year last written below.

CITY OF NORTH LAS VEGAS

By: _____
Michael L. Montandon, Mayor Date

ATTEST:

_____
Karen L. Storms, CMC, City Clerk

APPROVED AS TO FORM:

_____

City of Las Vegas

Agenda Item No.:

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: JULY 15 , 2009

DEPARTMENT: CITY MANAGER

DIRECTOR: ELIZABETH (BETSY) FRETWELL

[X] **CONSENT** [ ] **DISCUSSION**

SUBJECT:

ADMINISTRATIVE:

Approval of a Memorandum of Understanding (MOU) for the City of Las Vegas to act as fiscal agent for the Department of Justice/Bureau of Justice Assistance Byrne Justice Assistance Grant Local Solicitation between the City of Las Vegas, City of North Las Vegas, City of Henderson, and Clark County – All Wards

Fiscal Impact: Unknown

[X] **No Impact** — **Amount:**

[ ] **Budget Funds Available** — **Dept./Division:** City Manager's Office

[ ] **Augmentation Required** — **Funding Source:** U.S. Department of Justice, Bureau of Justice Assistance Local Grant

PURPOSE/BACKGROUND:

The City of Las Vegas is currently working on a regional, four-year grant for a total of $1,822,534 to fund justice related programs. No matching funds are required. The Memorandum of Understanding (MOU) is a document required by the Department of Justice to confirm regional collaboration. The four jurisdictions have been identified as a disparate jurisdiction and must apply through a single proposal with one governmental entity designated as fiscal agent. As a requirement of the grant, the MOU must be made available for review to the City Council not fewer than thirty (30) days prior to the grant deadline of July 9, 2009; discussion at the Council Briefings prior to approval at the Council meeting is considered acceptable.

RECOMMENDATION:

That the City Council approve the Memorandum of Understanding

BACKUP DOCUMENTATION:

Memorandum of Understanding

Byrne Justice Assistance Grant Local Solicitation

JAG Request Priority Matrix Final Breakdown

CITY OF LAS VEGAS

PUBLIC NOTICE – REQUESTS FOR PUBLIC COMMENTS

DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE
EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)
FORMULA PROGRAM: LOCAL SOLICITATION

As a "disparate jurisdiction" (largest population distribution in the state and highest in crime statistics), the grant is a regional application process that must have agreement between the city of Las Vegas, the city of North Las Vegas, the city of Henderson, and Clark County.

Funds from this Byrne JAG grant may be used for local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, information systems for criminal justice, and criminal justice-related research and evaluation activities. The jurisdictions involved

Byrne Justice Assistance Grant Breakdown

City of Las Vegas	$469,156.33	25.74%
SCOPE/WVS Project* allocated to Clark County IT	**$808,377.67**	44.35%
Clark Co. projects w/o SCOPE	$545,000.00	29.90%
	$1,822,534.00	100.00%

The Byrne Justice Assistance Local Solicitation RFP is available for review and comment at the following locations, between the hours of 9 a.m. and 5 p.m.:

City Hall – City Manager's Office
400 Stewart Ave., 8th Floor
Clark County Government Building
500 S. Grand Central Parkway
Henderson City Hall
240 Water St.
North Las Vegas City Hall
2200 Civic Center Drive

Comments on the Byrne Grant are solicited from the Public from
June 17, 2009 until July 1, 2009

To provide comment, please contact Becky Jo Spray, Office of Administrative Services,
400 Stewart Ave., 8th Floor, Las Vegas, NV 89101, 229-4172
Or
Submit online at ByrneGrantPublicComments@lasvegasnevada.gov
If you have a disability and need special accommodations, please call: (702) 229-6501.

PERFORMANCE MEASURES OUTSOMES/RESULTS

Prime Recipient

Funding Agency Name	0	Project Grant Period	0
Program Source (TAPS)	0	Reporting Period End Date	0
Grant Award Number	0	Final Report	0
FBO/CFDA Number	0	Report Frequency	0
Project Name	0	Award Date (Date Signed)	0
Transaction Type	0	Award Description	0
Recipient DUNS No.	0	Amount of Award (Obligation)	0
Recipient Account Number	0	Federal Expenditure:	0
Recipient Area of Benefit	0	Project Description (NAICS)	0
		Project Status	0
Primary Place of Performance - Location Name	0	Jobs Created	#DIV/0!
Primary Place of Performance - City	0	Total Infrastructure Expenditure	0
Primary Place of Performance - State	0	Total Federal ARRA Expenditure	0
Primary Place of Performance - County	0	Total Federal non-ARRA Expenditure	0
Primary Place of Performance - Congressional District	0	Total non-Federal Share of Expenditure	0
		Jobs Retained	#DIV/0!

Related JAG Performance Measures Met (enter the appropriate JAG Performance Measures below)

Department Name:		Department Project Name:	
Description of Department Project or Activities		Department Project Area of Benefit:	
Number of Individuals Receiving Essential Services:		Percent of Department Project or Activity Complete:	
			If measure is not applicable, please enter N/A below.
Performance Measure 1	Number of local initiatives planned	Performance Measure 1 Results	
Performance Measure 2	Number of individuals or individuals and families served (receiving services)	Performance Measure 2 Results	
Performance Measure 3	Number of communities and/or organizations served (receiving services)	Performance Measure 3 Results	
Performance Measure 4	Number of programs/ program slots offered through initiatives	Performance Measure 4 Results	
Performance Measure 4a	4a. Number of programs or program slots available at the start of the reporting period	Performance Measure 4a Results	
Performance Measure 4b	4b. Number of programs/program slots created (added) during the reporting period using grant funds	Performance Measure 4b Results	
Performance Measure 4c	4c. Percent Created/Added (b/a)	Performance Measure 4c Results	#DIV/0!
Performance Measure 5	Number of hours of programming provided	Performance Measure 5 Results	
Performance Measure 6	Number of (task force) partners that are sharing resources/ information and strategies	Performance Measure 6 Results	

PERFORMANCE MEASURES OUTSOMES/RESULTS

Prime Recipient

0	Project Grant Period	
0	Reporting Period End Date	
0	Final Report	
0	Report Frequency	
0	Award Date (Date Signed)	
0	Award Description	
0	Amount of Award (Obligation)	
0	Federal Expenditure:	
0	Project Description (NAICS)	
	Project Status	
# Cumulative Hours Worked for Reporting Period	# Cumulative Hours Worked on a FTE Schedule for Reporting Period	# Full Time Employee Equivalents
		#DIV/0!
		#DIV/0!

OP/OC = Output/ Outcome; LT-OC = Long-Term Outcome	DS/SI = Direct Service/ System Improvement	BJA Purpose Areas = (1) Law Enforcement; (2) Prosecution and Court; (3) Prevention and Education; (4) Corrections and Community Corrections; (5) Drug Treatment and Enforcement; (6) Planning, Evaluation, and Technology Improvement; (7) Crime Victim and Witness
OP	SI	1, 2, 3, 4, 5, 6, 7
OP	DS	1, 2, 3, 4, 5, 6, 7
OP	DS	1, 2, 3, 4, 5, 7
OP	DS	1, 2, 3, 4, 5, 7
OP	DS	1, 2, 3, 4, 5, 7
OP	DS	1, 2, 3, 4, 5, 7
OC	DS	1, 2, 3, 4, 5, 7
OP	DS	1, 2, 3, 4, 5, 7
OP	SI	1, 2, 3, 4, 5, 7

Agency: City of Las Vegas

Department: Municipal Court **Division:** ASED
Program Title: Court Compliance Officer
Program Type: Reorganization
Start Date: October 1, 2009 **End Date:** September 30, 2011

Program Purpose Area(s) Met: Corrections and community corrections programs.

Need for the Program: To implement a continuum of probation-based practices as the means of increasing defendant accountability, compliance, all of which is for the purpose of enhancing public safety. The requested funding for the Compliance Officer Supervisor is part of an entire project designed to shift the court's operational paradigm to a probation-based/ compliance model.

Numbers to be Served: As of this date, 52,532 traffic related court filings (including 125 year to date case filings under aggressive driving) and 32,484 criminal court case filings are projected through June 30, 2010.

Program Activities: To recruit and hire one (1) Compliance Officer Supervisor under this ARRA funding opportunity thereby creating one job and preserving (six) the jobs of existing staff.

The Las Vegas Municipal Court (LVMC) Judges and court administration have been examining ways to improve defendant compliance. The court is in the process of reorganizing to strengthen defendant compliance at the staff level. The plan is to adapt a post-adjudication probation model, or to use LVMC's terminology, a "compliance model" and implement the same practices that support the goals of probation departments—ensuring compliance.

The implementation of an "in-house" Compliance Unit is a prudent and efficient way of implementing probation/compliance practices for LVMC. This new business practice is spearheaded by Court Administrator, James P. Carmany, who oversees a staff of 191 and an annual budget of $19.3 million. Mr. Carmany's prior experience, relative to this project, was serving as Director of Clark County's Juvenile Court where he supervised its parole and probation departments for 9 years.

LVMC, a lower court of limited jurisdiction, has a state-certified Evaluation Center as part of its Alternative Sentencing and Education Division (ASED). The re-organization design of LVMC is consistent with both the Nevada Revised Statutes (NRS) Chapters 176 A, Probation and Suspension of Sentence, and Chapter 211A. The latter authorizes courts to mandate probation on a suspended sentence, and applies to misdemeanants served by Alternative Sentencing and Education Departments. However, to optimally protect public safety and impact recidivism rates, both face-to-face and telephone meetings with the court's projected annual 32,484 criminal court case filings, the court requires a Compliance Officer Supervisor to whom staff would report directly.

The re-organization will model the Pacific Northwest cities of Renton and Spokane whose Municipal Court judges mandate their misdemeanants to their court's in-house probation department staff who then refers out to the community for other services. LVMC, although it does not yet have a formal Compliance Unit, has, however, the unique ability to provide many of its educational and substance abuse evaluation and testing services in-house instead of referring out like the Washington State's Municipal Court Probation models.

Obstacles to Optimal Project Implementation and Efficacy

The obstacle to LVMC's successful implementation is what the Las Vegas Municipal Court and other city departments in Las Vegas as well as across the nation face—the inability to hire due to severe revenue shortfalls. For LVMC, it is an experienced probation officer supervisor, or in LVMC's parlance, a "Compliance Officer Supervisor" that is the critically missing human resource piece. An experienced Compliance Officer Supervisor knows the defendant supervision and appropriate line staff training approaches and tools to make this newly added business practice a success.

This includes training staff how to administer and score defendant predictors of risk assessments such as the highly recommended LSI-R; conducting pre-and post-sentence investigations and writing recommendations to the judges; writing pre-plea recommendations, accurate reporting of probation violations; and overseeing the expeditious calendaring of probation revocation hearings. This individual will also have the experience of implementing a continuum of defendant compliance after they successfully complete their required mandates by connecting them with community referrals for appropriate case-by-case "after-care" services. Lastly, a qualified Compliance Officer Supervisor is needed at the staff level to lead the line staff of compliance officers to impart the responsibility that they do not currently have –the ability to enforce not just report defendant status updates. This missing piece is crucial at the staff level to better protect the public and lower recidivism rates.

Program Objectives: To affect a Probation Department Model within the Operational Structure of Municipal Court by reorganizing the court units.

Anticipated Project Outcomes

If fully funded, the court's reorganization and the addition of a Compliance Officer Supervisor provide several key outcomes:

1) It gives the court staff more leverage in terms of defendant compliance;
2) This shift has a strong potential of preventing future criminal activity, which supports the city's and court's public safety agenda;
3) This change is projected to reduce criminal caseloads by approximately 18% per judicial department for compliant-defendant status checks.
4) It ensures that the court is in full alignment with the Mayor and City Council's Strategic Business Plan priorities under public safety. To meet these key performance and outcome measures, it is important to arm staff with the tools they need to reinforce compliance.
5) It creates one new job position created for Compliance Officer Supervisor can successfully organize, supervise, and re-train existing six current staff (whose current job tasks can be performed by other courtroom clerks), and thus

6) preserve the jobs of these six existing staff.
Among the most important is 7) the reorganization of court staff duties into a highly effective operational framework that is optimally beneficial to public safety and one that advances the goal of lowering recidivism rates.

Sustainability

The court's sustainability plan will model P&P's collection of victim restitution, supervision, and program offender fees under NRS 211A.130. Defendant payment of fines, program and supervision fees are part of complying with court orders, and will include a sliding fee scale. Other grant funding will be pursued to augment the personnel and fringe beyond the life of this grant award.

The Byrne Justice Assistance Grant, administered through the Department of Justice, is very timely as it correlates with the Court's current and long-time consideration to shift the operational paradigm to a probation model.

Program Timeline or Project Plan:

Month 1: Seeking approval from the Mayor and City Council according to policy, followed by activities associated with recruiting, interviewing, and hiring;
Month 3: Implementing new Compliance related Policies and Procedures; staff training
Month 4: First of the quarterly reports submitted; meeting with city attorney and other Community Partners; re-locating affected staff to new work locations
Month 12: Project evaluation and reports on rates of defendant compliance at the previous six months; rate of revocations, collections; and initiated, issued; or satisfied warrants

Performance Measures Established to Ensure Grant Objectives are being Met:

No. 3 – Number of individuals receiving services;
No. 6 – Number of local initiatives implemented;
No. 8 – Number of program participants who completed (intended) programming;
No. 10 – Number of program participants who exhibit a desired change in a targeted behavior;
No. 15 – Number of criminal justice system or individual-serving professionals trained
No. 33 – Number of new FTEs funded with JAG funds

Anticipated Coordination Efforts: Office of the City Attorney

Number of Collaborative Partnerships Established: Partnerships have been on-going and will continue with city departments that include the Metropolitan Police Department (METRO), Neighborhood Services Department and the City Attorney's Office. There are at least seven (7) community agencies representing substance abuse prevention, transitional housing that have representative working with the court on various other projects.

Total Program Cost: **$2,300,000+** JAG Funding Request: **$106,991.65**

Agency: City of Las Vegas
Department: City Attorney's Office, City of Las Vegas **Division:** Criminal
Program Title: Victim Witness Advocate
Program Type: Restored
Start Date: October 1, 2009 **End Date:** September 30, 2013

Program Purpose Area Met: Crime victim and witness program (other than compensation)

The stagnated economy and home foreclosure crisis in Southern Nevada has created a myriad of problems for local government and social service agencies to keep up with. As bills and stress lingers, negative behaviors of residents and tourists rise to the surface. Violence, drinking, illicit drug use and addictive gambling contribute heavily to emotional and financial difficulties for these families. According to City of Las Vegas Case Management Tracking, domestic violence crimes; such as, battery, stalking, violation of protection orders and destruction of property or pets, along with incidents of driving under the influence dominate the misdemeanor crimes charged in Las Vegas.

In Fiscal Year 2008, there were nearly 8,900 requests for prosecution of domestic violence battery and violation of protection order crimes. In addition, there were more than 8,500 requests for prosecution of driving under the influence. These were requests for prosecution of incidents that occurred in the City of Las Vegas' boundaries.

According to the U.S. Census Bureau, American Community Survey 2007, the percent of persons of Hispanic or Latino origin had increased to more that 29% of the population in Las Vegas. Also of note from the 2000 U.S. census is the report that more than 26% of reporting individuals speak a language other than English at home. More than 25% of the victims assisted through the Victim Witness Program are Hispanic and approximately 10% speak only Spanish.

Need for the Program: In Fiscal Year 2008, there were nearly 8,900 requests for prosecution of domestic violence battery and violation or protection order crimes. In addition, there were more than 8.500 requests for prosecution of driving under the influence. These requests were for prosecution of incidents that occurred in the City of Las Vegas.

Unmet Needs:

Even though the Las Vegas Metropolitan Police Department employs advocates to provide services to crime victims throughout Clark County, victims of crimes where an arrest is made bypass the police advocates. Because an arrest was made, the case does not need to be investigated by a police detective and forwarded to a police advocate. These misdemeanor arrests are automatically closed in the detective bureau because the cases are automatically handled by the appropriate prosecutor's office. Nearly half of the 8,900 requests for prosecution were sent directly from the City of Las Vegas jail.

Many victims of domestic violence battery will have immediate needs that must be addressed, while the perpetrator is in jail. Advocates in the Las Vegas City Attorney's Office are trained to provide assistance from immediate crisis-mode to months and years after an incident. Copies of all domestic violence arrest reports are available to the City of Las Vegas victim witness advocates upon processing in data entry.

The bi-lingual victim witness advocate would be able to provide crisis intervention counseling, criminal justice information, case advocacy, referrals, information packets, emergency assistance and court escorts to any crime victims in Las Vegas, while specifically, addressing the needs of Spanish speaking victims.

Numbers to be Served: Due to the processing time in resolving criminal prosecutions, it is projected that an advocate funded by this grant would assist 30 new victims each month along with assisting 30 ongoing victims. Over the four year funding period, the advocate would assist 2,880 victims.

Program Activities: Advocates provide crisis intervention counseling, court information, referrals, resource packets, court escorts and act as liaisons between the prosecutor, judges, police officers and victims/witnesses.

Program Objectives: To restore a full-time bilingual victim witness advocate to provide timely and accurate criminal justice information/assistance to victims of crimes that occur in the City of Las Vegas.

Documenting Outcomes:

The victim witness advocates record all interactions with clients, prosecutors, investigators and other service providers on Contact Sheets. The contact sheets include personal identifier information on the victim and defendant, case number, police report number, court information, services and referrals provided as well as type and amount of contacts made (phone, mail or in person).

All interactions within a calendar month are recorded together. Contacts in subsequent months are recorded on Ongoing Contact Sheets. The average length of time to resolve a case in the City Attorney's Office is nine months. Most victims have extensive files with many contacts over several months and often are re-victimized during the pendency of the case.

Historically, it is recognized that domestic violence is a cycle of violence. Cycles repeat themselves. For every abusive situation, there will be similar thoughts and beliefs along with unique emotional and physical abuse. As domestic violence is similar and dissimilar, how, when and why a victim escapes the abusive relationship is also similar and dissimilar.

Education and resources are always factors in leaving an abusive relationship. Knowledge of beliefs, characteristics, community resources and the criminal justice process form the foundation the victim builds upon to leave the abuse. Each incident of domestic violence may not see the safe termination of the relationship or abuse, but the interactions continue to build on the foundation for the victim to draw from in the future. It is our belief that all of the clients are better off for learning about the criminal justice process, the beliefs and safety planning steps.

Holding the offenders accountable is a primary goal of this office. Enforcing Nevada's laws and securing sentences as dictated by the law are paramount. The City Attorney's Office employs investigators to locate witnesses and victims for testifying at trial.

Occasionally, the prosecutors must request orders to show cause or material witness warrants for the witnesses and victims to come to trial. Requests of this nature are extremely limited and only done in the cases of greatest concern.

Performance Measures Established to Ensure Grant Objectives are being Met:
No. 3 – Number of individuals receiving services;
No. 33 – Number of new FTEs funded with JAG funds;

Program Timeline: To post the Request for Position within 30 days of funding, then conduct interviews within two weeks of the position closing. Ideally, the individual selected would begin work within the first 90 days of funding.

Total Program Cost: $252,156.33 JAG Funding Request: $252,156.33

Cost effectiveness:

This request for Victims of Crime Act funds would reinstate funding a bi-lingual victim witness advocate. The request covers the salary and benefits for a full-time advocate. The City of Las Vegas has dedicated a work space, computer equipment, telephone and all office supplies necessary for the advocate to do the work she does.

All of the telephone voice mail messages and the resource materials produced by the Victim Witness Program are done in both English and Spanish. These resource materials include the agency brochure, testifying tips and a pocket safety plan.

Below is the Cost Per Unit Table: Year 1 would fund the position for six months, subsequent years are for twelve months.

As stated previously, the average length of time for a case to be resolved is nine months. Each victim is only documented as a new victim once per new victimization within a month. During subsequent months, contact sheets are tracked as Ongoing. However, the services and referrals provided each month will be for new and ongoing clients.

Requested Amount	Year 1 - $35,000	Year 2 -$71,000	Year 3 - $72,250	Year 4 - $73,750
Cost per Victim	$97.27	$98.61	$100.35	$102.43
Cost per Service	$19.44	$18.21	$18.53	$18.91

Agency: City of Las Vegas

Department: Neighborhood Services **Division:** EVOLVE
Program Title: Discharge Planning Initiative – Employment Services
Program Type: New
Start Date: 10/1/2009 **End Date:** 9/30/2011

Program Purpose Area(s) Met:

Law enforcement programs
Prosecution and court programs
Prevention and education programs
Corrections and community corrections programs

Need for the Program:

On average, persons entering and staying in city jail cost local governments and tax payers between 90 and 100 dollars per day ($2700 - $3,000 month) for housing, which does not take into consideration cost for arrest, processing, court or medical cost. With the strain on existing budgets to include jail and court staff, the need for programs that assist in reduction of recidivism by providing employment services coupled with social interaction is both necessary and critical in reducing jail and court cost.

Over the course of the last 2 years, the city of Las Vegas Neighborhood Services Department in conjunction with the city's Department of Detention and Enforcement and Municipal Courts has been working to implement a Discharge Planning Initiative for inmates pending release from city jail, and/or released offenders who are still under court supervision. The program has assisted homeless inmates and or court involved individuals in locating appropriate housing, supportive services, and treatment, so that they return to safe and secure housing situations at the completion of their sentences.

In this ailing economy, however, one of the most critical components for ex-offenders is their ability to secure and maintain gainful employment. In today's job market, competition for employment opportunities has become increasingly intense and those with criminal records or other social issues find themselves competing against individuals who are sometimes highly qualified, highly educated, and have less social issues. Therefore, it is the intent of Neighborhood Services department to seek out job development and job placement services on behalf of ex-offender clients participating in the cities discharge planning initiative.

It is our intent and belief that by providing this population of ex-offenders job opportunities, coupled with intensive case management and wraparound social support they would be less likely to reoffend.

Numbers to be Served: 80 unduplicated participants, annually

Program Activities:

Over the course of the last 2 years, the city of Las Vegas Neighborhood Services Department in conjunction with the city's Department of Detention and Enforcement and Municipal Courts has been working to implement a Discharge Planning Initiative for the inmates pending release from city jail, and/or released offenders who are still under court supervision.

With this funding the Neighborhood Services department plans to seek out job development services on behalf of clients participating in the discharge planning initiative to secure employment.

These activities include: submitting an RFP (Request for Proposal) in order to select service provider(s) to provide: Individualized Employment Development, Employment Coaching, Employment Placement, and Employment Retention Services. Client tracking will be provided by Neighborhood Services Caseworkers throughout the course of this project to ensure participants are receiving needed services and obtaining desired outcomes.

Program Objectives:

To assist with employment placement and employment retention of 80 (annually) formally incarcerated (city jails) or court involved individuals.

Program Timeline or Project Plan:

It is the intent of the Neighborhood Services Department to seek out employment development, employment placement, and employment retention services on behalf of ex-offender clients participating in the cities Discharge Planning Program. Contractors will be procured using the Request for Proposal process with contractors being paid in the following increments: *Employment Placement *3 Month Retention Mark * 6 Month Retention Mark

It should be noted that from Approximately May 2003 through June 2006, the City of Las Vegas previously contracted with a provider who provided employment development and placement services. However, to promote free and open competition, this contract will be bid on a competitive basis and will follow all necessary procurement procedures.

Participants will be selected based upon employment suitability, meaning that they have been assessed by a case worker and are deemed ready to work. Once determined suitable for program enrollment the program clients will be referred to the contractor for employment placement assistance.

- Program Enrollment
- Referral to Employment Developer (Contractor) Month 1
- Employment Placement by contractor (1 month from referral)
- 3 Month Retention Mark (3 Months from initial placement)
- 6 Month Retention Mark (6 Months from initial placement)
- On going follow-up by existing city staff 7 -12 months from initial placement

Performance Measures Established to Ensure Grant Objectives are being Met:

No. 3 – Number of individuals receiving services;
No. 8 – Number of program participants who completed (intended) programming;
No. 10 – Number of program participants who exhibit a desired change in a targeted behavior
No. 42 - Number of contractual support hours paid with JAG funds

Anticipated Coordination Efforts: Three, as follows:

- Coordination with City Detention and Enforcement Department
- Coordination with Local Workforce Investment Board Providers
- Coordination with Nevada Job Connect (unemployment office) Offices

Number of Collaborative Partnerships Established: Nine, as follows:
(1) Municipal Court (City Department)
(2) Detention and Enforcement Department (City Department)
(3) Alternative Sentencing and Education Department (ASED) (City Department)
(4) Nevada Job Connect (State Unemployment Office)
(5) U.S. Vets
(6) Nevada Partners Inc. (Local Non-Profit)
(7) Caring Helping Restoring Lives (CHR local non-profit)
(8) Clark County Social Services (Local Social Services Provider)
(9) West Care Inc. (Local Substance Abuse Treatment Provider)

Total Program Cost: **$220,000** JAG Funding Request: **$110,000**

Agency: Clark County

Department: Information Technologies **Division:**
Program Title: LVMPD SCOPE/WVS Replacement Project
Program Type: New
Start Date: October 1, 2009 **End Date:** September 30, 2011

Program Purpose Area(s) Met: Planning, evaluation, and technology improvement programs

Need for the Program: The need for the project is so severe that the cities of North Las Vegas and Henderson requested their entire portion of their grant allotments be used for this project. The City of Las Vegas also requested that a portion of their eligible allotment be used for this project. The city of Mesquite, while not an eligible entity under this grant, also sent an e-mail endorsing this project as of significant value for their community.

SCOPE is a 24-hour, on-line computerized master name index. It provides information on individuals and businesses. It contains both criminal history (arrest and conviction-related data) and noncriminal history information (physical descriptors, work application information, traffic accidents, etc.). WVS is available through SCOPE terminals. It provides detailed information regarding local wanted or impounded vehicles. LVMPD information is entered, updated and maintained by the Police Records Bureau. Other Nevada agencies also enter information into the system and are responsible for entering, updating and maintaining their own information.

There are approximately 11,000 law enforcement and justice personnel ranging from officers to prosecutors who depend on an archaic 40 plus year old information system to gather intelligence to include, but not limited to criminal background checks, produce crime reports, or assist with determining sentencing in court. The Justice & Public Safety Community of Interest of the Information Technology Department for Clark County is managing the project for the new system. The new system will remove the risk of failure of an obsolete system and deliver new functionalities to law enforcement and justice stakeholders in Nevada.

Since July 2007, $443,831 has been invested in an independent and comprehensive study of the legacy systems in Clark County, Nevada. The study produced a Needs Assessment, Business Case, Request for Proposal, and Strategic Plan documents. These documents substantiated the threat to law enforcement posed by the continued use of a Shared Computer Operations for Protection and Enforcement (SCOPE) system. The study also addressed the limitations of the 30 year old Wanted Vehicles System (WVS) as well. The study confirmed the need for a new system.
As a result of the study, a new Justice Information Sharing System was estimated at a cost of $10.5 million dollars. Under the current economic duress for local governments, sufficient funding for the new system is not available. The project is divided into 5 phases to be funded as separate project components as monies become available.

Implementing a Justice Information Sharing System will initially improve information sharing in southern Nevada but open the door for other interested participating agencies across Nevada.

Numbers to be Served: Approximately 11,000 law enforcement and justice personnel

Program Activities: The project has raised $383,000 ($248,728 from a FY08 Homeland Security Grant and a local contribution of $137,272 from Clark County.) for the Kick-Off (Phase 0). Phase 1 requires $3.5 million to deliver the core system. The project is divided into 5 phases of activity:

- Phase 0-Kick Off: Develop detail specifications, system designs and an implementation plan through the use of FY08 HSGP and local Clark County funds – nearing completion.
- Phase 1A: Procure, install, and configure the development system's hardware and base software through the use of Local JAG. Local JAG funds will be expended to perform system testing to verify that the base system functions.
- Phase 1B: Procure, install, and configure the Staging system equipment and software environment through the use of State ARRA JAG funds. The new software will be adapted to address 1/3 of the mandatory criminal history repository requirements. A pilot group of agencies will be involved in the test and use of the application.
- Phase 1C: Procure, install, and configure the production level equipment and software environment through the use of State ARRA JAG funds. The remaining mandatory criminal history system requirements will be integrated into the new system. Users will be trained to use the new criminal history component of the new Justice Information Sharing System.

Program Objectives: To partially fund Phase 1 of the SCOPE/WVS Replacement Project
*NOTE: The total cost of the SCOPE/WVS project is not yet set in stone. Based on projections from the comprehensive study conducted by MTG Management Consultants, the estimated cost of the project is $10,198,000. However, we are currently in the review portion of the RFP process, and are reviewing the three top scoring vendor proposals. Depending on the vendor, or vendors, that are selected after the presentation segment of the process, the final budget may be significantly less.

Program Timeline or Project Plan:

- Month 1: Procure servers, racks, and software; prepare area in Data Center for new equipment.
- Month 3: Install and configure system development hardware and Software. Test to verify functionality. Prepare/Plan for installing Staging hardware environment.
- Month 6: Install Staging Hardware Environment, Program in 1/3 of mandatory criminal history system requirements into software. Start to prep for installing the production hardware environment. Test and pilot software.
- Month 9: Build remaining mandatory criminal history system requirements into software.
- Month 10: Perform System and User base system.
- Month 12: Conduct Training
- Month 14: Release new system.

The project is in the process of executing a Request For Proposal. A revision of time estimates and activities will be produced after a vendor has been confirmed.

Performance Measures Established to Ensure Grant Objectives are being Met:
No. 42 - Number of contractual support hours paid with JAG funds;
No. 43 - Number of units that report a desired change in efficiency;
No. 44 - Number of units that report a desired change in program quality;
No. 45 - Amount of award expended for improvements to information systems for criminal justice systems;
No. 46 - Number of units that used JAG funds to make improvements to information systems for criminal justice;
No. 47 - Number units that completed improvements to information systems for criminal justice
No. 48 - Number of units that report a desired change in efficiency
No. 49 - Number of units that report a desired change in program quality

Anticipated Coordination Efforts: In a coordinated effort, the Nevada Department of Public Safety, City of North Las Vegas Police Department, Las Vegas Metropolitan Police Department, Henderson Police Department, Clark County (District Attorney, District and Justice Courts), and the City of Las Vegas (Detention and Enforcement, Municipal Court, and Office of the City Attorney) have collaborated to bring in a new Justice Information Sharing System (JISS).

Number of Collaborative Partnerships Established: 5 governmental entities

Total Program Cost: $10,198,000* **JAG Funding Request:** $808,377
A project cost, based on an average of the bids from the three highest scoring bids, is $5,746,112.81. This is significantly lower than the estimated cost from the consultant; however, we are continuing to seek funds at the higher range to ensure that the total project receives needed funding. The project is requesting $808,377 from this local Byrne JAG request and is requesting $2,782,304 million from State ARRA JAG funds for Phase 1. The project is also pursuing an earmark[1] for $1 million through Senator Harry Reid.

1 http://reid.senate.gov/appropriations_requests.cfm

Agency: Clark County

Department: District Attorney **Division:** Criminal
Program Title: Clark County District Attorney Gang Unit
Program Type: Expanded
Start Date: October 1, 2009 **End Date:** September 30, 2011

Program Purpose Area(s) Met: Prosecution and court programs.

Need for the Program: Clark County District Attorney's Office Gang Unit program enhancement. The frequency of violent gang activity is a major, ongoing problem in Southern Nevada. Gangs pose a threat to the safety of all citizens and visitors in Clark County. Gang members are responsible for a significant number of area homicides and commit a large percentage of robberies, assaults, home invasions and carjackings in Clark County. The following statistic charts help illustrate the extent of the problem (Source: LVMPD Crime Analysis Section). Affected Geographic Area - The area to be served under this project encompasses all of Clark County.

Problem Description – Violent gang activity is a major problem in Southern Nevada. Gangs pose a threat to the safety of Clark County citizens and visitors. As of December 2008, there were 9,852 known gang members and associates in Clark County (Charts Source: LVMPD Crime Analysis Section). There has been an increase of over 66% in the total number of gang members within the past five years.

General Information	2004	2005	2006	2007	2008
Gangs	395	704	292	355	454
Gang Members	5905	7042	8644	8098	9852
Gang Associates	2741	1897	1794	860	1541

Gangs are responsible for a significant portion of all violent deaths occurring within Clark County. In 2008 gang members were responsible for over 20% of all murders. Further, gang members commit a substantial portion of the robberies, home invasions and carjackings that occur in Las Vegas. Violent gang activity particularly impacts low income neighborhoods and minority populations.

LVMPD Violent Deaths	2004	2005	2006	2007	2008	Total
Murder/Non-Negligent Manslaughter	132	144	153	125	138	692
Gang Related Homicides	34	24	32	25	29	144
% of all Homicides	25.8 %	16.7%	20.9%	20.0%	21%	20.8%

Gang shootings are especially troublesome because they endanger innocent people who may be at the wrong place at the wrong time.

Drive-by Shootings	2004	2005	2006	2007	2008
Felony Arrests	91	81	85	71	67

Numbers to be Served: The Clark County District Attorney's Office delivers prosecutorial services within a geographical area of approximately 8,000 square miles to a general population nearing 2.2 million people and a tourist population that reached 37.4 million persons in 2008. Last year, more than 77,000 cases were submitted to the Criminal Division for prosecution.

Program Activities: Retain for an additional year one Gang Unit Deputy District Attorney and hire one additional Deputy District Attorney for one year. Both attorneys will be dedicated to the prosecution of gang members and gang-related crimes.

Program Objectives: To combat the growth in the number of gang-related crimes in Clark County.

- Goal 1: The primary goal of this program is to reduce the growth in the number of gang related crimes in Clark County.
  - Objective 1: Gang Unit Associate Attorneys will continue to be dedicated to the Gang Unit and increase the number of gang cases prosecuted by 2.5 %, as compared with 2008, by the end of the grant period, as measured by internal, quarterly and bi-annual reports issued by the District Attorney's Gang Unit.
  - Objective 2: The Gang Unit Associate Attorneys will continue to participate in a case review panel with the US Attorney's Office to determine the most effective jurisdiction for cases to obtain the maximum crime penalty, thereby increasing the number of felony convictions by 2%, as compared 2008, by the end of the grant period as measured by internal, quarterly and bi-annual reports issued by the District Attorney's Gang Unit.

Program Timeline or Project Plan:

Month 1: Begin recruitment for the new Deputy District Attorney
Month 3: Hire Deputy District Attorney*
Month 4: Assign gang-related cases to Deputy District Attorney
Month 12: Evaluate processes and results

*Although the grant will be used to cover salary and benefit expenses for the newly hired Deputy District Attorney, this position is not appropriate for an entry-level attorney. Therefore, the Office of the Clark County District Attorney will assign a more experienced attorney to the new Gang Unit position and use the entry-level attorney to replace the Gang Unit Deputy in his or her previous assignment.

Performance Measures Established to Ensure Grant Objectives are being Met:
No. 2 - Number of local initiatives planned;
No. 6 – Number of local initiatives implemented
No. 33 – Number of new FTEs funded with JAG funds
No. 36 - Percent of units that report increased program quality

To accomplish the objectives of this proposal, the CCDA will continue to utilize the Gang Unit Attorneys in aggressive prosecution of gang related cases and participating in the case review panel, through the direct partnership with LVMPD Gang Detectives and in conjunction with the US Attorney's Office, to increase the number of felony convictions and cases closed by the Unit.

The Deputy District Attorneys are responsible for accepting the increased number of gang cases prosecuted by performing duties to include: conducting pre-trial interviews with victims, discussion and review with law enforcement of pertinent statutes relating to the filing of complaints, preparation of cases for trial, drafting legal pleadings, conducting preliminary hearings, prosecuting cases before County and State Courts and training LVMPD officers.

The Gang Unit participates in the case review panel with the US Attorney's Office. The panel was created in coordination with the US Attorney's Office to evaluate gang crimes for prosecution in the court system to ensure maximum results and act as a deterrent to violent gang crimes being committed in Clark County. The CCDA hosts the panel's monthly meetings which focus on the evaluation of new cases, discussion of the case merits and legal obstacles, defendants' prior histories and any witness difficulties. The determination of whether a case is more appropriately prosecuted by the Gang Crimes Unit or the US Attorney's Office is predicated on the jurisdiction that can enforce the maximum penalty. If further investigation or case development is required prior to making a final decision, those tasks are assigned to the law enforcement agency.

Receipt of these JAG grant funds will enable the CCDA to continue prosecuting gang related cases, and act in tandem with law enforcement and the US Attorney's Office to provide a sound approach to resolving more cases. These efforts will increase the level of safety for Clark County citizens and visitors.

Project Evaluation: Case statistics will be maintained and monitored for the program by the attorneys in addition to tracking information concerning cases presented to the case review panel, breakdown of felony convictions and prison sentences, including an average term of incarceration for all cases. Monthly review meetings will continue and include status reports of cases being investigated (pending filing in both jurisdictions) and those actively moving through the criminal justice systems. JAG performance measures 2, 6, 33 and 36 will also be tracked and reported.

Anticipated Coordination Efforts: The Gang Unit Attorneys will continue aggressive prosecution of gang related cases through participation in the case review panel, a direct partnership with the Las Vegas Metropolitan Police Department (LVMPD) Gang Detectives in conjunction with the US Attorney's Office, to increase the number of felony convictions and cases closed by the Unit.

Number of Collaborative Partnerships Established: The existing prosecutor and the new prosecutor will be dedicated positions in the CCDA's office to advise and assist the LVMPD Gang Crimes Bureau in the preparation of cases during the investigation stage and then pipelining those cases via vertical prosecution. The Gang Unit attorneys have assisted in numerous investigations, reviewed search warrants, assisted in the preparation of pen register applications and attended case conferences with the DEA/LVMPD/ATF task force and federal prosecutors. Additionally, the Gang Unit attorneys provide training to LVMPD gang officers regarding the legal issues attendant to these cases. As an active participant in the Southern Nevada Gang Task Force, attorney provides informational sessions to the general public regarding gang related activity and prosecution efforts of the CCDA's Office.

Total Program Cost: **$207,257.44** JAG Funding Request: **$207,257.44**

Agency: Clark County

Department: Eighth Judicial District Court **Division:** Specialty Courts
Program Title: Adult Criminal Drug Court
Program Type: New
Start Date: 9/1/2009 **End Date:** 8/31/2011
Program Purpose Area(s) Met: Drug treatment and enforcement programs.

Need for the Program: The Adult Criminal Drug Court Program was established in 1992 with the goal of providing cost effective drug rehabilitation targeted to felony offenders with a substance abuse problem. An internal recidivism study conducted on cases from 2000 and 2001 indicated a graduation rate of 52%. We believe with the addition of a clinical case manager position, the Court can be more proactive in assisting Criminal Judges in identifying defendants who would benefit from the intensive treatment program and monitoring compliance with treatment obligations, thus improving program retention and graduation rates. The substance abusing population is difficult to motivate and to keep engaged in treatment, therefore, intensive case management is needed to ensure continued participation in the program.

Numbers to be Served: 300 Drug Court participants during the 2-year program period.

Program Activities: The Clinical Case Management program will consist of a case manager conducting comprehensive substance abuse and mental health assessments, motivational interviewing and performing case management services for defendants referred to the Adult Drug Court program.

Program Objectives: To improve retention and graduation rates of Adult Drug Court participants.

Program Timeline or Project Plan:
1) 7/1/09 – begin recruitment of a Specialty Court Specialist (case manager) position;
2) 9/1/09 – begin assignment of cases to the case manager for the provision of assessment and case management services;
3) 1/15/10 – provide first quarterly report for period 10/1/09 –12/31/09;
4) provide additional quarterly reports every three months;
5) Send final report by 9/15/2011.

Performance Measures Established to Ensure Grant Objectives are being met:
No. 3 – Number of individuals receiving services;
No. 8 – Number of program participants who completed (intended) programming;
No. 10 - 10, Number of program participants who exhibit a desired change in a targeted behavior;
No. 33 – Number of new FTEs funded with JAG funds;
No. 34 – Number of overtime hours paid with JAG funds;
No. 37 – Amount of funds expended on equipment and/or supplies;
No. 38 – Types of equipment and/or supplies purchased with JAG funds.

In addition to the above, we will be measuring the length of time clients are in treatment by tracking the number of clients in the case management and non-case management groups and number of days clients are in "active" status. We will also measure the percentage of clients who are in "active" and "graduate" status by tracking the number of clients in "active" and the number of clients in "graduate" status in each group.

Anticipated Coordination Efforts: The Specialty Courts Manager for the Eighth Judicial District Court will recruit and hire the Specialty Court Specialist (Case Manager) position. The Specialty Courts Manager will supervise the case manager position, monitor the performance of job duties, and coordinate the collection and submission of data reports to the grantor.

Number of Collaborative Partnerships Established: The Specialty Courts Manager and Case Manager will both work very closely with Choices Group, the treatment provider for the Adult Drug Court Program.

Total Program Cost: **$199,053** JAG Funding Request: **$187,700**

Agency: Clark County

Department: Department of Family Services
Program Title: Triple P Parenting Project
Program Type: New
Start Date: 9/1/2009 **End Date:** 8/31/2011
Program Purpose Area(s) Met: Prevention and Education Programs

Need for the Program: Parents play a critical role in the positive development of their children. While parent education services may be relevant to all parents, very few services are available in Clark County to help parents address severe behavioural, emotional and developmental problems in children. Parents/caregivers struggling with behaviour problems in children need access to intensive parent education resources and support to increase their parenting skills and competence and reduce problematic behaviors in their children. Research has shown that parents can be taught to modify their children's behavior (Forehand, et al., 1984) and that parent education programs are effective in increasing knowledge and skill in appropriate parenting methods.

This project will provide funding to the Department of Family Services Parenting Project to offer new, more intensive services to families in the child welfare system using the Triple P Positive Parenting Program, offer a parent support hotline to encourage the maintenance of newly learned parenting skills and explore the feasibility of implementing an online registration process for parents and caregivers in the community.

Numbers to be Served: At least 144 parent/caregivers who receive parent education.

Program Activities: Project Services: In the first year of this project, a minimum of one facilitator will be trained in the Triple P parenting program. A minimum of 12 parent education programs consisting of 8 sessions each and 3-4 follow-up phone calls per family will be offered to at least 144 parents/caregivers. In addition, the feasibility of implementing an online registration process for parents and caregivers will be explored.

Program Objectives: Goals of this project include: 1) educating parents and caregivers of children with difficult to manage behaviors in effective parenting and behavior management strategies using the Group Triple P parenting program, 2) increasing parental competency providing access to skilled facilitators between sessions and after programs to encourage the maintenance of the new skills, and 3) exploring the feasibility of improving access to services by creating an online registration program so that parents and caregivers can register themselves for training programs.

Project Outcomes:
1) Implement the Triple P Positive Parenting Program and hotline/phone support system designed to increase parental competence and confidence by:

- improving parents' ability to manage their child's behavior
- reducing parents' use of coercive and punitive discipline methods,

- improving parents' ability to communicate effectively about parenting issues, and
- reducing parenting stress related to caring for children.

Changes in these four areas will be assessed through the use of pre- and post-test measures. Demographic and pre/post data will be collected and entered into SPSS

(Statistical Package for Social Services) with analysis and outcomes reported at the end of the grant period. Client satisfaction data will also be collected, analyzed and reported. The Triple P program is research-based and has been evaluated through controlled studies since 1978 producing predictable decreases in problematic behaviors in children.
2) Determine the feasibility/cost of implementing an online registration process to increase access and improve services to families in a cost-efficient efficient manner.

Program Timeline or Project Plan:
1) 7/1/09 – begin recruitment of a Specialty Court Specialist (case manager) position;
2) 9/1/09 – begin assignment of cases to the case manager for the provision of assessment and case management services;
3) 1/15/10 – provide first quarterly report for period 10/1/09 –12/31/09;
4) provide additional quarterly reports every three months;
5) Send final report by 9/15/2011.

Performance Measures Established to Ensure Grant Objectives are being met:
No. 3 – Number of individuals receiving services;
No. 8 – Number of program participants who completed (intended) programming;
No. 10 - Number of program participants who exhibit a desired change in a targeted behavior;
No. 33 – Number of new FTEs funded with JAG funds;

Anticipated Coordination Efforts: The CCDFS Parenting Project has been successfully operating since 1989 with both Clark County and grant funds offering a variety of parent education services to more than 80,000 parents and caregivers and has a proven record in delivering services in a reliable and consistent manner.

Number of Collaborative Partnerships Established: A minimum of five in Year 1.

Total Program Cost: **$134,245.39** JAG Funding Request: **$37,500**

APPLICATION FOR FEDERAL ASSISTANCE	2. DATE SUBMITTED July 09, 2009	Applicant Identifier
1. TYPE OF SUBMISSION Application Non-Construction	3. DATE RECEIVED BY STATE	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5.APPLICANT INFORMATION	
Legal Name City of Las Vegas	Organizational Unit Office of Administrative Services
Address 400 Stewart Avenue City Hall Las Vegas, Nevada 89101-2913	Name and telephone number of the person to be contacted on matters involving this application Spray, Becky (702) 229-4172
6. EMPLOYER IDENTIFICATION NUMBER (EIN) 88-6000198	7. TYPE OF APPLICANT Municipal
8. TYPE OF APPLICATION New	9. NAME OF FEDERAL AGENCY Bureau of Justice Assistance
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 16.738 CFDA TITLE: EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM	11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT Southern Nevada Regional Justice-Related Projects - City of Las Vegas as Fiscal Agent/Application
12. AREAS AFFECTED BY PROJECT Disparate Jurisdiction of the cities of Las Vegas, North Las Vegas, Henderson, Mesquite, and the County of Clark	
13. PROPOSED PROJECT Start Date: October 01, 2009 End Date: September 30, 2012	14. CONGRESSIONAL DISTRICTS OF a. Applicant b. Project NV01
15. ESTIMATED FUNDING	16. IS APPLICATION SUBJECT TO REVIEW BY
Federal $1,822,534	

Applicant	$0	STATE EXECUTIVE ORDER 12372 PROCESS? Program has not been selected by state for review
State	$0	
Local	$0	
Other	$0	
Program Income	$0	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? N
TOTAL	$1,822,534	
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS REQUIRED.		

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Byrne Justice Assistance Grant
CITY OF LAS VEGAS

Budget Detail Worksheet
Three-Year Budget Projections

A. PERSONNEL SALARIES

Jurisdiction/Program	Job Title	Grade or Calculation	Year 1	Year 2	Year 3	TOTAL
CLV Municipal Court	Court Compliance Unit Supervisor	Grade CS40, $31.17/hour plus 2.5% CoLA for FY2010, based upon Civil Service Collective Bargaining Agreement	$67,605.72	projected to be self-supporting by Year 2	projected to be self-supporting by Year 2	$67,605.72
CLV City Attorney	Victim Witness Advocate	AP3 @ 43,038 minimum salary at $20.69/hr ($1,655.31 biweekly)	$43,035.20	$44,111.08	$45,213.86	$132,360.14
Clark County 8th Judicial District Court	Specialty Court Specialist	Salary midpoint of $70,595 per year	$70,595.00	$70,595.00	$0.00	$141,190.00
Clark County DA	Existing gang attorney	Computed at existing salary	$76,817.57	$0.00	$0.00	$76,817.57
Clark County DA	New gang attorney	Computed at entry salary	$68,130.40	$0.00	$0.00	$68,130.40
Clark County DFS	Parent Education Facilitator (PTH)	$25/hour * 1039 hours	$25,975.00	$25,975.00	$25,975.00	$77,925.00
Clark County DFS	Program Assistant (PTH)	$15/hour * 8 hours/week * 30 weeks for Year one and for 52 weeks in Years 2 & 3	$3,600.00	$6,240.00	$6,240.00	$16,080.00
Clark County DFS	Office Assistant (PTH)	$10/hour * 20 hours/week * 52 weeks	$0.00	$10,400.00	$10,400.00	$20,800.00
		Subtotal	***$355,758.89***	***$157,321.08***	***$87,828.86***	$600,908.83

B. FRINGE

BENEFITS	JobTitle	% (Benefits)	Year 1	Year 2	Year 3	TOTAL
CLV Municipal Court	Court Compliance Unit Supervisor	61% of salaries, for medical and other group related coverage, insurance, sick leave, 401k contributions, PERS, etc.	$41,239.49	projected to be self-supporting by Year 2	projected to be self-supporting by Year 2	$41,239.49
CLV City Attorney	Victim Witness Advocate	61% of salaries, for medical and other group related coverage, insurance, sick leave, 401k contributions, PERS, etc.	$26,251.47	$26,907.76	$27,580.45	$80,739.68
Clark County 8th Judicial District Court	Specialty Court Specialist	Benefits are calculated at a total rate of 33.35% of the annual salary	$23,523.67	$23,522.25	$0.00	$47,045.92
Clark County DA	Existing gang attorney	Computed at 42.9875% of salary	$33,021.95	$0.00	$0.00	$33,021.95
Clark County DA	New gang attorney	Computed at 42.9875% of salary	$29,287.56	$0.00	$0.00	$29,287.56
Clark County DFS	Parent Education Facilitator (PTH)	Benefits for part-time employees are calculated at 4.55% per salary	$1,181.86	$1,181.86	$1,181.86	$3,545.59
Clark County DFS	Program Assistant (PTH)	Benefits for part-time employees are calculated at 4.55% per salary	$163.80	$283.92	$283.92	$731.64
Clark County DFS	Office Assistant (PTH)	Benefits for part-time employees are calculated at 4.55% per salary	$0.00	$473.20	$473.20	$946.40
		Subtotal	***$154,669.80***	***$52,369.00***	***$29,519.44***	$236,558.23

C. TRAVEL	Purpose/Location, etc.	Computation	Year 1	Year 2	Year 3	TOTAL
CLV City Attorney	Round Trip travel plus hotel, transportation, and meals for expert witnesses	Estimated based upon airline costs, hotel, ground transportation, and meals for expert witnesses flown into Las Vegas to testify in court cases.	$4,956.00	$0.00	$0.00	$4,956.00
CLV Neighborhood Services	In-town travel for case workers to monitor and follow-up with clients	$.585 per mile * 2564 miles travelled annually by case workers, estimated by the allowed IRS mileage rate for reimbursement and historical data for miles travelled by case workers	$1,499.94	$0.00	$0.00	$1,499.94
CLV OAS	Required trip to DC	Roundtrip from LV to Wash. DC $808 * 1 person	$808.00	$808.00	$808.00	$2,424.00
CLV OAS	Required trip to DC	Lodging for 1 person for 3 nights ($233/night)	$699.00	$699.00	$699.00	$2,097.00
CLV OAS	Required trip to DC	Meals and Per Diem ($64) for 1 personfor 3 days	$192.00	$192.00	$192.00	$576.00
CLV OAS	Required trip to DC	Ground Transportation	$192.00	$192.00	$192.00	$576.00
CLV OAS	Required trip to Regional Meeting, estimated in San Francisco, CA	Roundtrip from LV to San Francisco, CA $808 * 1 person	$808.00	$808.00	$808.00	$2,424.00
CLV OAS	Required trip to Regional Meeting, estimated in San Francisco, CA	Lodging for 1 personfor 3 nights ($233/night)	$699.00	$699.00	$699.00	$2,097.00
CLV OAS	Required trip to Regional Meeting, estimated in San Francisco, CA	Meals and Per Diem ($64) for 1 person for 3 days	$192.00	$192.00	$192.00	$576.00

CLV OAS	Required trip to Regional Meeting, estimated in San Francisco, CA	Ground Transportation, if needed	$192.00	$192.00	$192.00	$576.00
Clark County 8th Judicial District Court	NADCP Conference in Boston, MA	Round trip airfare (LV to Boston) at $500 + Lodging for 3 nights at $200/night + Meals at $55/day for 4 days + ground transportation of $50/day for 4 days	$1,520.00	$1,520.00	$1,520.00	$4,560.00
Clark County DFS	Triple P Facilitator Training in Sacramento, CA	Round-trip airfare (LV to Sacramento) at $280 + Transportation at $70 + Lodging at $350 + Per Diem at $150	$850.00	$850.00	$850.00	$2,550.00
		Subtotal	***$12,607.94***	***$6,152.00***	***$6,152.00***	$24,911.94

	D. EQUIPMENT	Computation	Year 1	Year 2	Year 3	TOTAL
CLV City Attorney	Dell 17" Monitor w/ Ultra Small Factor	City of Las Vegas IT standard equipment price list	$1,050.00	$0.00	$0.00	$1,050.00
CLV City Attorney	HP P3005 Laser printers (3)	One printer for the new Victim Witness Advocate and the additional two printers to replace printers that are in need of capital replacement for two existing Victim Witness Advocates. Each printer, per CLV IT Standard Equipment pricing, is $518	$1,554.00	$0.00	$0.00	$1,554.00
Clark County 8th Judicial District Court	Dell PC 760 SFF w/monitor	Standard costs from purchasing	$940.00	$0.00	$0.00	$940.00
Clark County 8th Judicial District Court	Standard software package	Standard costs from purchasing	$484.00	$0.00	$0.00	$484.00
Clark County 8th Judicial District Court	HP LaserJet 5200dtn Printer	Standard costs from purchasing	$2,553.00			$2,553.00
		Subtotal	***$6,581.00***	***$0.00***	***$0.00***	$6,581.00

	E. SUPPLIES	Computation	Year 1	Year 2	Year 3	TOTAL
CLV City Attorney	Educational materials, outreach pamplets, copier expenses, etc.	Average of $903.11 per year for educational pamplets; will purchase in year one to get quantity discount	$2,709.33	$0.00	$0.00	$2,709.33
CLV Neighborhood Services	Office Supplies, postage, paper, copying, etc.	$1,500 annual ly	$1,500.00	$0.00	$0.00	$1,500.00
CLV Neighborhood Services	Client Work Cards	estimated $68.75 per person for various required work cards	$5,500.00	$0.00	$0.00	$5,500.00
CLV Neighborhood Services	Client Bus Passes	$4,000 annually	$4,000.00	$0.00	$0.00	$4,000.00
CLV Neighborhood Services	Client Work Clothing/ Uniforms	$8,000 annually	$8,000.00	$0.00	$0.00	$8,000.00
CLV Neighborhood Services	Client Tools	$8,000 annually	$8,000.00	$0.00	$0.00	$8,000.00
Clark County 8th Judicial District Court	General office supplies	$500 per year * 2 years	$500.00	$500.00	$0.00	$1,000.00
Clark County 8th Judicial District Court	Computer Software Upgrades	$500 per year * 2 years	$500.00	$500.00	$0.00	$1,000.00
Clark County 8th Judicial District Court	Books, manuals, and publications	$250 per year * 2 years	$250.00	$250.00	$0.00	$500.00
Clark County DFS	Office supplies, printing, and educational materials	Annual costs include: Office Supplies at $729 , printing at $.06/copy * 5,130 copies), and publications from Triple P (DVDs, Facilitator manuals, pre- and post-test materials, and educational/ experiential learning material) at $3,000	$4,529.00	$4,529.00	$4,529.00	$13,587.00
		Subtotal	***$35,488.33***	***$5,779.00***	***$4,529.00***	$45,796.33

	F. CONSTRUCTION	Not Applicable	Year 1	Year 2	Year 3	TOTAL
N/A	N/A	N/A	$0.00	$0.00	$0.00	$0.00
		Subtotal	***$0.00***	***$0.00***	***$0.00***	$0.00

	G. CONTRACTUAL	Computation	Year 1	Year 2	Year 3	TOTAL
CLV City Attorney	Consultation Fees for expert witnesses	Estimated $250/hour time 24 hours for one high profile case	$12,500.00	$0.00	$0.00	$12,500.00
CLV Neighborhood Services	Employment development, placement, and retention services for ex-offiender clients	RFP will bid out for up to $80,000 for services for Year 1.	$80,000.00	$0.00	$0.00	$80,000.00
Clark County IT	SCOPE/WVS Replacement Project	The top three bidders are currently under review. Final presentations are scheduled for the week of July 20th, then the Best and Final Offer process begins.	$808,377.67	$0.00	$0.00	$808,377.67
		Subtotal	***$900,877.67***	***$0.00***	***$0.00***	$900,877.67

	H. OTHER COSTS	Computation	Year 1	Year 2	Year 2	TOTAL

CLV Neighborhood Services	Data System Maintenance	$1,500 annual fy	$1,500.00	$0.00	$0.00	$1,500.00
Clark County 8th Judicial District Court	NADCP Conference in Boston, MA	Registration costs at $600 per year	$600.00	$600.00	$600.00	$1,800.00
Clark County DFS	Triple P Facilitator Training in Sacramento, CA	Registration costs at $1,200 per year	$1,200.00	$1,200.00	$1,200.00	$3,600.00
		Subtotal	***$3,300.00***	***$1,800.00***	***$1,800.00***	$6,900.00

	I. ADMINISTRATIVE COSTS	**Computation**	Year 1	Year 2	Year 3	**TOTAL**
N/A	N/A	N/A	$0.00	$0.00	$0.00	$0.00
		Subtotal	***$0.00***	***$0.00***	***$0.00***	$0.00
		TOTAL:	**$1,469,283.63**	**$223,421.08**	**$129,829.29**	**$1,822,534.00**

Las Vegas Municipal Court
Edward Byrne Memorial Edward Byrne Memorial Justice Assistance Grant Program
Prosecution and Courts Program Purpose Area
CFDA # 16.738
BUDGET NARRATIVE

A. Personnel

Five full-time positions are requested through this grant, as follows:

1. City of Las Vegas Municipal Court – Court Compliance Unit Supervisor (one year only) Grade CS40, calculated at $31.71 per hour plus the 2.5% COLA for FY10 times 2080 hours for $67,605.72
2. City of Las Vegas City Attorney – Victim Witness Advocate (three years) Grade AP3, calculated at starting salary of $43,038 ($20.69/hr) times 2080 hours/year plus 2.5% COLA for year two ($44,111.08) and year three ($45,213.86) for a total of $132,360.14
3. Clark County 8th Judicial District – Specialty Court Specialist (two years) Calculated at a midpoint salary range of $70,595 for both years one and two for a total of $141,190.00
4. Clark County DA – Gang Attorney, existing (one year) Calculated at the current salary of $76,817.57
5. Clark County DA – Gang Attorney, new (one year) Calculated at the entry level salary of $68,130.40

Three part-time positions are requested through this grant, as follows:

1. Clark County Department of Family Services – Parent Education Facilitator (three years) Calculated at $25/hour for 1039 hours per year for an annual cost of $25,975 and a three year total of $77,925.00
2. Clark County Department of Family Services – Program Assistant (three years) Calculated at $15/hour for 8 hours/week for 30 weeks in year one ($3,600.00) and for 52 weeks for year two ($6,240.00) and year three ($6,240.00) for a three year total of $16,080.00
3. Clark County Department of Family Services – Office Assistant (two years) Calculated at $10/hour for 20 hours/week for 52 weeks per year ($10,400.00) for years two and three for a total of $20,800.00

TOTAL PERSONNEL COSTS: $600,908.83

B. Fringe Benefits

Benefits for the five full-time positions requested through this grant, are as follows:

1. City of Las Vegas Municipal Court – Court Compliance Unit Supervisor (one year only) 61% of salaries for medical and other group related coverage, insurance, sick leave, 401K contributions (if applicable), retirement, etc. for a total of $41,239.49
2. City of Las Vegas City Attorney – Victim Witness Advocate (three years) 61% of salaries for medical and other group related coverage, insurance, sick leave, 401K contributions (if applicable), retirement, etc. for a total of $26,251.47 in year one, $26,907.76 for year two, and $27,580.45 for year three for a total of $80,739.68
3. Clark County 8th Judicial District – Specialty Court Specialist (two years) 33.35% of salaries for $23,523.67 each for years one and two for a total of $47,045.92

4. Clark County DA – Gang Attorney, existing (one year)
   42.9875% of salaries for a total of $33,021.95
5. Clark County DA – Gang Attorney, new (one year)
   42.9875% of salaries for a total of $29,287.56

Benefits for the three part-time positions requested through this grant, are as follows:

1. Clark County Department of Family Services – Parent Education Facilitator (three years)
   4.55% benefits for an annual cost of $1,181.86 and a three year total of $3,545.59
2. Clark County Department of Family Services – Program Assistant (three years)
   4.55% benefits for year one are $163.80; years two and three are $1,181.86 each for a three year total of $731.64
3. Clark County Department of Family Services – Office Assistant (two years)
   4.55% benefits for an annual cost of $473.20 for years two and three for a total of $946.40

TOTAL FRINGE BENEFIT COSTS: $236,558.23

C. Travel

Travel costs are requested as follows:

1. City of Las Vegas – Office of Administrative Services: Included is mandatory travel to DOJ meetings for this grant, both in Washington, D.C. and at a regional meeting for one person that consists of airfare, lodging, ground transportation and per diems at an estimated $3,782 per year for a three year total of $11,346.00
2. City of Las Vegas - City Attorney: Costs for travel to bring expert witness(es) to Las Vegas to testify in court are estimated at $4,956 for three years; if the total costs are not used for this or the consultant fees for year one, they will be used in years two and three
3. City of Las Vegas – Neighborhood Services: Mileage for caseworkers to follow up on clients, including verification of attendance in court mandated programs, employment, and residence checks are estimated at $.585 per mile for 2,564 miles travelled for a one year cost of $1,499.94
4. Clark County 9th Judicial District Court has requested travel funds to attend the NADCP Conference in Boston, Massachusetts, with round-trip airfare ($500), lodging for three nights at $200 per night ($600), per diems of $55 per day for four days ($220), and ground transportation at $50 per day for four days for an annual total of $1,520 and a three year total of $4,560.00
5. Clark County Department of Family Services has requested travel funds to attend Triple P Parenting Training in Sacramento, California with round-trip airfare at $280, lodging of $350, per diems of $150, and ground transportation at $70 for an annual total of $850 and a three year total of $2,550.00

TOTAL TRAVEL COSTS: $24,911.94

D. Equipment

Equipment costs are requested as follows:

1. City of Las Vegas – City Attorney requests for the Victim Witness Advocate funded through this grant: one computer and monitor, based upon the standard make and model provided through the I.T. department at the rate of $1,050 and a standard printer at $518; two additional printers are requested for two existing Victim Witness Advocates to replace obsolete printers with more energy and cost efficient models at $518 each; total equipment request for the City Attorney is $2,604.00
2. Clark County – 8th Judicial District Court requests one standard computer and monitor, one printer, and one software package for the new Gang Attorney funded by this grant for a total of $3,977.00

TOTAL EQUIPMENT COSTS: $6,581.00

E. Supplies

Costs for supplies are requested as follows:

1. City of Las Vegas – City Attorney: educational pamphlets and brochures for victims and witnesses of domestic violence, DUI, etc., estimated at an annual cost of $903.11, but purchased entirely in Year 1 to obtain a quantity discount and get more materials, for a total cost of $2,709.33
2. City of Las Vegas – Neighborhood Services: Office supplies at $1,500; Client work and identification cards at an estimated $68.75 per client for 80 clients ($5,500); Client bus passes at $4,000; Client work clothing/uniform allowance at $8,000; Client tool allowances at $8,000 for a total of $27,000.00
3. Clark County – 8th Judicial District Court: general office supplies at $500 per year for two years; and books, manuals, and professional publications at $250 per year for two years for a total of $1,000
4. Clark County – Department of Family Services: office supplies at $729 per year, printing costs ($.06 per copy * 5,130 copies), and educational materials for the parenting project ($3,000) per year for a three year total of $13,587.00

TOTAL SUPPLIES COSTS: $45,796.33

F. Construction – Not Applicable

G. Contractual

Costs for consultants and contracts are as follows:

1. City of Las Vegas – City Attorney: consultation fees for expert witnesses – pilot project to determine whether or not this service will improve successful outcomes of trials for which the City Attorney is a part, at $12,500 for the first year; any monies not spent in year one will be used in years two and three

2. City of Las Vegas – Neighborhood Services: Contract for a vendor to provide employment development, placement, and retention services for ex-offender clients. An RFP will competitively bid out the process for up to $80,000 from this request
3. Clark County – Information Technologies: SCOPE/WVS Replacement Vendor. The competitive RFP process in currently half-way complete, with the top three bidders selected through a panel of the regional partners. Presentations of the top three bidders are scheduled for the week of July 20, 2009 will result in the final candidate, after which the Best and Final Offer (BOFA) phase will begin. $808,377.67 has been allocated by the disparate entities in this disparate jurisdiction to Clark County IT to help fund this project, which is estimated at up to $11,000,000, depending on the vendor selected. The average vendor bid of the top three vendor proposals is approximately $5,900,000.

TOTAL CONTRACTUAL COSTS: $900,877.67

H. Other Costs

Other costs requested that do not fall into any of the above categories include the following:

1. City of Las Vegas – Neighborhood Services: $1,500 for annual data system maintenance for the database that maintains all information on clients in this program
2. Clark County – 8th Judicial District Court: conference registration fees for the NADCP Conference at $600 per year for a three year total of $1,800
3. Clark County – Department of Family Services: training conference registration fees for the Triple P Facilitator training at $1,200 per year for a three year total of $3,600

TOTAL OTHER COSTS: $6,900.00

I. Administrative Costs – Not Requested

TOTAL FUNDING REQUESTED: $1,822,534.00

Total Requested by Jurisdiction and Department per Year

	Year 1	Year 2	Year 3	Total
Clark County 8th Judicial District Court	$101,465.67	$97,487.25	$2,120.00	$201,072.92
Clark County DA	$207,257.48	$0.00	$0.00	$207,257.48
Clark County DFS	$37,499.66	$51,132.98	$51,132.98	$139,765.63
Clark County IT	$808,377.67	$0.00	$0.00	$808,377.67
CLV City Attorney	$82,042.67	$78,670.84	$80,446.31	$241,159.82
CLV Municipal Court	$108,845.21	$0.00	$0.00	$108,845.21
CLV Neighborhood Services	$109,999.94	$0.00	$0.00	$109,999.94
CLV OAS	$3,782.00	$3,782.00	$3,782.00	$11,346.00
	$1,459,270.30	$231,073.08	$137,481.29	$1,827,824.67

APPLICATION FOR FEDERAL ASSISTANCE	2. DATE SUBMITTED July 09, 2009	Applicant Identifier
1. TYPE OF SUBMISSION Application Non-Construction	3. DATE RECEIVED BY STATE	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5.APPLICANT INFORMATION	
Legal Name City of Las Vegas	Organizational Unit Office of Administrative Services
Address 400 Stewart Avenue City Hall Las Vegas, Nevada 89101-2913	Name and telephone number of the person to be contacted on matters involving this application Spray, Becky (702) 229-4172
6. EMPLOYER IDENTIFICATION NUMBER (EIN) 88-6000198	7. TYPE OF APPLICANT Municipal
8. TYPE OF APPLICATION New	9. NAME OF FEDERAL AGENCY Bureau of Justice Assistance
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 16.738 CFDA TITLE: EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM	11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT Southern Nevada Regional Justice-Related Projects - City of Las Vegas as Fiscal Agent/Application
12. AREAS AFFECTED BY PROJECT Disparate Jurisdiction of the cities of Las Vegas, North Las Vegas, Henderson, Mesquite, and the County of Clark	
13. PROPOSED PROJECT Start Date: October 01, 2009 End Date: September 30, 2012	14. CONGRESSIONAL DISTRICTS OF a. Applicant b. Project NV01
15. ESTIMATED FUNDING	16. IS APPLICATION SUBJECT TO REVIEW BY
Federal $1,822,534	

Applicant	$0	STATE EXECUTIVE ORDER 12372 PROCESS? Program has not been selected by state for review
State	$0	
Local	$0	
Other	$0	
Program Income	$0	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? N
TOTAL	$1,822,534	
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS REQUIRED.		

Close Window

Agency: City of Las Vegas

Department: Municipal Court **Division:** ASED
Program Title: Court Compliance Officer
Program Type: Reorganization
Start Date: October 1, 2009 **End Date:** September 30, 2011

Program Purpose Area(s) Met: Corrections and community corrections programs.

Need for the Program: To implement a continuum of probation-based practices as the means of increasing defendant accountability, compliance, all of which is for the purpose of enhancing public safety. The requested funding for the Compliance Officer Supervisor is part of an entire project designed to shift the court's operational paradigm to a probation-based/ compliance model.

Numbers to be Served: As of this date, 52,532 traffic related court filings (including 125 year to date case filings under aggressive driving) and 32,484 criminal court case filings are projected through June 30, 2010.

Program Activities: To recruit and hire one (1) Compliance Officer Supervisor under this ARRA funding opportunity thereby creating one job and preserving (six) the jobs of existing staff.

The Las Vegas Municipal Court (LVMC) Judges and court administration have been examining ways to improve defendant compliance. The court is in the process of reorganizing to strengthen defendant compliance at the staff level. The plan is to adapt a post-adjudication probation model, or to use LVMC's terminology, a "compliance model" and implement the same practices that support the goals of probation departments—ensuring compliance.

The implementation of an "in-house" Compliance Unit is a prudent and efficient way of implementing probation/compliance practices for LVMC. This new business practice is spearheaded by Court Administrator, James P. Carmany, who oversees a staff of 191 and an annual budget of $19.3 million. Mr. Carmany's prior experience, relative to this project, was serving as Director of Clark County's Juvenile Court where he supervised its parole and probation departments for 9 years.

LVMC, a lower court of limited jurisdiction, has a state-certified Evaluation Center as part of its Alternative Sentencing and Education Division (ASED). The re-organization design of LVMC is consistent with both the Nevada Revised Statutes (NRS) Chapters 176 A, Probation and Suspension of Sentence, and Chapter 211A. The latter authorizes courts to mandate probation on a suspended sentence, and applies to misdemeanants served by Alternative Sentencing and Education Departments. However, to optimally protect public safety and impact recidivism rates, both face-to-face and telephone meetings with the court's projected annual 32,484 criminal court case filings, the court requires a Compliance Officer Supervisor to whom staff would report directly.

The re-organization will model the Pacific Northwest cities of Renton and Spokane whose Municipal Court judges mandate their misdemeanants to their court's in-house probation department staff who then refers out to the community for other services. LVMC, although it does not yet have a formal Compliance Unit, has, however, the unique ability to provide many of its educational and substance abuse evaluation and testing services in-house instead of referring out like the Washington State's Municipal Court Probation models.

Obstacles to Optimal Project Implementation and Efficacy

The obstacle to LVMC's successful implementation is what the Las Vegas Municipal Court and other city departments in Las Vegas as well as across the nation face—the inability to hire due to severe revenue shortfalls. For LVMC, it is an experienced probation officer supervisor, or in LVMC's parlance, a "Compliance Officer Supervisor" that is the critically missing human resource piece. An experienced Compliance Officer Supervisor knows the defendant supervision and appropriate line staff training approaches and tools to make this newly added business practice a success.

This includes training staff how to administer and score defendant predictors of risk assessments such as the highly recommended LSI-R; conducting pre-and post-sentence investigations and writing recommendations to the judges; writing pre-plea recommendations, accurate reporting of probation violations; and overseeing the expeditious calendaring of probation revocation hearings. This individual will also have the experience of implementing a continuum of defendant compliance after they successfully complete their required mandates by connecting them with community referrals for appropriate case-by-case "after-care" services. Lastly, a qualified Compliance Officer Supervisor is needed at the staff level to lead the line staff of compliance officers to impart the responsibility that they do not currently have –the ability to enforce not just report defendant status updates. This missing piece is crucial at the staff level to better protect the public and lower recidivism rates.

Program Objectives: To affect a Probation Department Model within the Operational Structure of Municipal Court by reorganizing the court units.

Anticipated Project Outcomes

If fully funded, the court's reorganization and the addition of a Compliance Officer Supervisor provide several key outcomes:

1) It gives the court staff more leverage in terms of defendant compliance;
2) This shift has a strong potential of preventing future criminal activity, which supports the city's and court's public safety agenda;
3) This change is projected to reduce criminal caseloads by approximately 18% per judicial department for compliant-defendant status checks.
4) It ensures that the court is in full alignment with the Mayor and City Council's Strategic Business Plan priorities under public safety. To meet these key performance and outcome measures, it is important to arm staff with the tools they need to reinforce compliance.
5) It creates one new job position created for Compliance Officer Supervisor can successfully organize, supervise, and re-train existing six current staff (whose current job tasks can be performed by other courtroom clerks), and thus

6) preserve the jobs of these six existing staff.
Among the most important is 7) the reorganization of court staff duties into a highly effective operational framework that is optimally beneficial to public safety and one that advances the goal of lowering recidivism rates.

Sustainability

The court's sustainability plan will model P&P's collection of victim restitution, supervision, and program offender fees under NRS 211A.130. Defendant payment of fines, program and supervision fees are part of complying with court orders, and will include a sliding fee scale. Other grant funding will be pursued to augment the personnel and fringe beyond the life of this grant award.

The Byrne Justice Assistance Grant, administered through the Department of Justice, is very timely as it correlates with the Court's current and long-time consideration to shift the operational paradigm to a probation model.

Program Timeline or Project Plan:
Month 1: Seeking approval from the Mayor and City Council according to policy, followed by activities associated with recruiting, interviewing, and hiring;
Month 3: Implementing new Compliance related Policies and Procedures; staff training
Month 4: First of the quarterly reports submitted; meeting with city attorney and other Community Partners; re-locating affected staff to new work locations
Month 12: Project evaluation and reports on rates of defendant compliance at the previous six months; rate of revocations, collections; and initiated, issued; or satisfied warrants

Performance Measures Established to Ensure Grant Objectives are being Met:
No. 3 – Number of individuals receiving services;
No. 6 – Number of local initiatives implemented;
No. 8 – Number of program participants who completed (intended) programming;
No. 10 – Number of program participants who exhibit a desired change in a targeted behavior;
No. 15 – Number of criminal justice system or individual-serving professionals trained
No. 33 – Number of new FTEs funded with JAG funds

Anticipated Coordination Efforts: Office of the City Attorney

Number of Collaborative Partnerships Established: Partnerships have been on-going and will continue with city departments that include the Metropolitan Police Department (METRO), Neighborhood Services Department and the City Attorney's Office. There are at least seven (7) community agencies representing substance abuse prevention, transitional housing that have representative working with the court on various other projects.

Total Program Cost: **$2,300,000+** JAG Funding Request: **$106,991.65**

Agency: City of Las Vegas

Department: City Attorney's Office, City of Las Vegas **Division:** Criminal
Program Title: Victim Witness Advocate
Program Type: Restored
Start Date: October 1, 2009 **End Date:** September 30, 2013

Program Purpose Area Met: Crime victim and witness program (other than compensation)

The stagnated economy and home foreclosure crisis in Southern Nevada has created a myriad of problems for local government and social service agencies to keep up with. As bills and stress lingers, negative behaviors of residents and tourists rise to the surface. Violence, drinking, illicit drug use and addictive gambling contribute heavily to emotional and financial difficulties for these families. According to City of Las Vegas Case Management Tracking, domestic violence crimes; such as, battery, stalking, violation of protection orders and destruction of property or pets, along with incidents of driving under the influence dominate the misdemeanor crimes charged in Las Vegas.

In Fiscal Year 2008, there were nearly 8,900 requests for prosecution of domestic violence battery and violation of protection order crimes. In addition, there were more than 8,500 requests for prosecution of driving under the influence. These were requests for prosecution of incidents that occurred in the City of Las Vegas' boundaries.

According to the U.S. Census Bureau, American Community Survey 2007, the percent of persons of Hispanic or Latino origin had increased to more that 29% of the population in Las Vegas. Also of note from the 2000 U.S. census is the report that more than 26% of reporting individuals speak a language other than English at home. More than 25% of the victims assisted through the Victim Witness Program are Hispanic and approximately 10% speak only Spanish.

Need for the Program: In Fiscal Year 2008, there were nearly 8,900 requests for prosecution of domestic violence battery and violation or protection order crimes. In addition, there were more than 8.500 requests for prosecution of driving under the influence. These requests were for prosecution of incidents that occurred in the City of Las Vegas.

Unmet Needs:

Even though the Las Vegas Metropolitan Police Department employs advocates to provide services to crime victims throughout Clark County, victims of crimes where an arrest is made bypass the police advocates. Because an arrest was made, the case does not need to be investigated by a police detective and forwarded to a police advocate. These misdemeanor arrests are automatically closed in the detective bureau because the cases are automatically handled by the appropriate prosecutor's office. Nearly half of the 8,900 requests for prosecution were sent directly from the City of Las Vegas jail.

Many victims of domestic violence battery will have immediate needs that must be addressed, while the perpetrator is in jail. Advocates in the Las Vegas City Attorney's Office are trained to provide assistance from immediate crisis-mode to months and years after an incident. Copies of all domestic violence arrest reports are available to the City of Las Vegas victim witness advocates upon processing in data entry.

The bi-lingual victim witness advocate would be able to provide crisis intervention counseling, criminal justice information, case advocacy, referrals, information packets, emergency assistance and court escorts to any crime victims in Las Vegas, while specifically, addressing the needs of Spanish speaking victims.

Numbers to be Served: Due to the processing time in resolving criminal prosecutions, it is projected that an advocate funded by this grant would assist 30 new victims each month along with assisting 30 ongoing victims. Over the four year funding period, the advocate would assist 2,880 victims.

Program Activities: Advocates provide crisis intervention counseling, court information, referrals, resource packets, court escorts and act as liaisons between the prosecutor, judges, police officers and victims/witnesses.

Program Objectives: To restore a full-time bilingual victim witness advocate to provide timely and accurate criminal justice information/assistance to victims of crimes that occur in the City of Las Vegas.

Documenting Outcomes:

The victim witness advocates record all interactions with clients, prosecutors, investigators and other service providers on Contact Sheets. The contact sheets include personal identifier information on the victim and defendant, case number, police report number, court information, services and referrals provided as well as type and amount of contacts made (phone, mail or in person).

All interactions within a calendar month are recorded together. Contacts in subsequent months are recorded on Ongoing Contact Sheets. The average length of time to resolve a case in the City Attorney's Office is nine months. Most victims have extensive files with many contacts over several months and often are re-victimized during the pendency of the case.

Historically, it is recognized that domestic violence is a cycle of violence. Cycles repeat themselves. For every abusive situation, there will be similar thoughts and beliefs along with unique emotional and physical abuse. As domestic violence is similar and dissimilar, how, when and why a victim escapes the abusive relationship is also similar and dissimilar.

Education and resources are always factors in leaving an abusive relationship. Knowledge of beliefs, characteristics, community resources and the criminal justice process form the foundation the victim builds upon to leave the abuse. Each incident of domestic violence may not see the safe termination of the relationship or abuse, but the interactions continue to build on the foundation for the victim to draw from in the future. It is our belief that all of the clients are better off for learning about the criminal justice process, the beliefs and safety planning steps.

Holding the offenders accountable is a primary goal of this office. Enforcing Nevada's laws and securing sentences as dictated by the law are paramount. The City Attorney's Office employs investigators to locate witnesses and victims for testifying at trial.

Occasionally, the prosecutors must request orders to show cause or material witness warrants for the witnesses and victims to come to trial. Requests of this nature are extremely limited and only done in the cases of greatest concern.

Performance Measures Established to Ensure Grant Objectives are being Met:
No. 3 – Number of individuals receiving services;
No. 33 – Number of new FTEs funded with JAG funds;

Program Timeline: To post the Request for Position within 30 days of funding, then conduct interviews within two weeks of the position closing. Ideally, the individual selected would begin work within the first 90 days of funding.

Total Program Cost: $252,156.33 JAG Funding Request: $252,156.33

Cost effectiveness:

This request for Victims of Crime Act funds would reinstate funding a bi-lingual victim witness advocate. The request covers the salary and benefits for a full-time advocate. The City of Las Vegas has dedicated a work space, computer equipment, telephone and all office supplies necessary for the advocate to do the work she does.

All of the telephone voice mail messages and the resource materials produced by the Victim Witness Program are done in both English and Spanish. These resource materials include the agency brochure, testifying tips and a pocket safety plan.

Below is the Cost Per Unit Table: Year 1 would fund the position for six months, subsequent years are for twelve months.

As stated previously, the average length of time for a case to be resolved is nine months. Each victim is only documented as a new victim once per new victimization within a month. During subsequent months, contact sheets are tracked as Ongoing. However, the services and referrals provided each month will be for new and ongoing clients.

Requested Amount	Year 1 - $35,000	Year 2 -$71,000	Year 3 - $72,250	Year 4 - $73,750
Cost per Victim	$97.27	$98.61	$100.35	$102.43
Cost per Service	$19.44	$18.21	$18.53	$18.91

Agency: City of Las Vegas

Department: Neighborhood Services **Division:** EVOLVE
Program Title: Discharge Planning Initiative – Employment Services
Program Type: New
Start Date: 10/1/2009 **End Date:** 9/30/2011

Program Purpose Area(s) Met:

Law enforcement programs
Prosecution and court programs
Prevention and education programs
Corrections and community corrections programs

Need for the Program:

On average, persons entering and staying in city jail cost local governments and tax payers between 90 and 100 dollars per day ($2700 - $3,000 month) for housing, which does not take into consideration cost for arrest, processing, court or medical cost. With the strain on existing budgets to include jail and court staff, the need for programs that assist in reduction of recidivism by providing employment services coupled with social interaction is both necessary and critical in reducing jail and court cost.

Over the course of the last 2 years, the city of Las Vegas Neighborhood Services Department in conjunction with the city's Department of Detention and Enforcement and Municipal Courts has been working to implement a Discharge Planning Initiative for inmates pending release from city jail, and/or released offenders who are still under court supervision. The program has assisted homeless inmates and or court involved individuals in locating appropriate housing, supportive services, and treatment, so that they return to safe and secure housing situations at the completion of their sentences.

In this ailing economy, however, one of the most critical components for ex-offenders is their ability to secure and maintain gainful employment. In today's job market, competition for employment opportunities has become increasingly intense and those with criminal records or other social issues find themselves competing against individuals who are sometimes highly qualified, highly educated, and have less social issues. Therefore, it is the intent of Neighborhood Services department to seek out job development and job placement services on behalf of ex-offender clients participating in the cities discharge planning initiative.

It is our intent and belief that by providing this population of ex-offenders job opportunities, coupled with intensive case management and wraparound social support they would be less likely to reoffend.

Numbers to be Served: 80 unduplicated participants, annually

Program Activities:

Over the course of the last 2 years, the city of Las Vegas Neighborhood Services Department in conjunction with the city's Department of Detention and Enforcement and Municipal Courts has been working to implement a Discharge Planning Initiative for the inmates pending release from city jail, and/or released offenders who are still under court supervision.

With this funding the Neighborhood Services department plans to seek out job development services on behalf of clients participating in the discharge planning initiative to secure employment.

These activities include: submitting an RFP (Request for Proposal) in order to select service provider(s) to provide: Individualized Employment Development, Employment Coaching, Employment Placement, and Employment Retention Services. Client tracking will be provided by Neighborhood Services Caseworkers throughout the course of this project to ensure participants are receiving needed services and obtaining desired outcomes.

Program Objectives:

To assist with employment placement and employment retention of 80 (annually) formally incarcerated (city jails) or court involved individuals.

Program Timeline or Project Plan:

It is the intent of the Neighborhood Services Department to seek out employment development, employment placement, and employment retention services on behalf of ex-offender clients participating in the cities Discharge Planning Program. Contractors will be procured using the Request for Proposal process with contractors being paid in the following increments: *Employment Placement *3 Month Retention Mark * 6 Month Retention Mark

It should be noted that from Approximately May 2003 through June 2006, the City of Las Vegas previously contracted with a provider who provided employment development and placement services. However, to promote free and open competition, this contract will be bid on a competitive basis and will follow all necessary procurement procedures.

Participants will be selected based upon employment suitability, meaning that they have been assessed by a case worker and are deemed ready to work. Once determined suitable for program enrollment the program clients will be referred to the contractor for employment placement assistance.

- Program Enrollment
- Referral to Employment Developer (Contractor) Month 1
- Employment Placement by contractor (1 month from referral)
- 3 Month Retention Mark (3 Months from initial placement)
- 6 Month Retention Mark (6 Months from initial placement)
- On going follow-up by existing city staff 7 -12 months from initial placement

Performance Measures Established to Ensure Grant Objectives are being Met:

No. 3 – Number of individuals receiving services;
No. 8 – Number of program participants who completed (intended) programming;
No. 10 – Number of program participants who exhibit a desired change in a targeted behavior
No. 42 - Number of contractual support hours paid with JAG funds

Anticipated Coordination Efforts: Three, as follows:

- Coordination with City Detention and Enforcement Department
- Coordination with Local Workforce Investment Board Providers
- Coordination with Nevada Job Connect (unemployment office) Offices

Number of Collaborative Partnerships Established: Nine, as follows:
(1) Municipal Court (City Department)
(2) Detention and Enforcement Department (City Department)
(3) Alternative Sentencing and Education Department (ASED) (City Department)
(4) Nevada Job Connect (State Unemployment Office)
(5) U.S. Vets
(6) Nevada Partners Inc. (Local Non-Profit)
(7) Caring Helping Restoring Lives (CHR local non-profit)
(8) Clark County Social Services (Local Social Services Provider)
(9) West Care Inc. (Local Substance Abuse Treatment Provider)

Total Program Cost: **$220,000** JAG Funding Request: **$110,000**

Agency: Clark County

Department: Information Technologies **Division:**
Program Title: LVMPD SCOPE/WVS Replacement Project
Program Type: New
Start Date: October 1, 2009 **End Date:** September 30, 2011

Program Purpose Area(s) Met: Planning, evaluation, and technology improvement programs

Need for the Program: The need for the project is so severe that the cities of North Las Vegas and Henderson requested their entire portion of their grant allotments be used for this project. The City of Las Vegas also requested that a portion of their eligible allotment be used for this project. The city of Mesquite, while not an eligible entity under this grant, also sent an e-mail endorsing this project as of significant value for their community.

SCOPE is a 24-hour, on-line computerized master name index. It provides information on individuals and businesses. It contains both criminal history (arrest and conviction-related data) and noncriminal history information (physical descriptors, work application information, traffic accidents, etc.). WVS is available through SCOPE terminals. It provides detailed information regarding local wanted or impounded vehicles. LVMPD information is entered, updated and maintained by the Police Records Bureau. Other Nevada agencies also enter information into the system and are responsible for entering, updating and maintaining their own information.

There are approximately 11,000 law enforcement and justice personnel ranging from officers to prosecutors who depend on an archaic 40 plus year old information system to gather intelligence to include, but not limited to criminal background checks, produce crime reports, or assist with determining sentencing in court. The Justice & Public Safety Community of Interest of the Information Technology Department for Clark County is managing the project for the new system. The new system will remove the risk of failure of an obsolete system and deliver new functionalities to law enforcement and justice stakeholders in Nevada.

Since July 2007, $443,831 has been invested in an independent and comprehensive study of the legacy systems in Clark County, Nevada. The study produced a Needs Assessment, Business Case, Request for Proposal, and Strategic Plan documents. These documents substantiated the threat to law enforcement posed by the continued use of a Shared Computer Operations for Protection and Enforcement (SCOPE) system. The study also addressed the limitations of the 30 year old Wanted Vehicles System (WVS) as well. The study confirmed the need for a new system.
As a result of the study, a new Justice Information Sharing System was estimated at a cost of $10.5 million dollars. Under the current economic duress for local governments, sufficient funding for the new system is not available. The project is divided into 5 phases to be funded as separate project components as monies become available.

Implementing a Justice Information Sharing System will initially improve information sharing in southern Nevada but open the door for other interested participating agencies across Nevada.

Numbers to be Served: Approximately 11,000 law enforcement and justice personnel

Program Activities: The project has raised $383,000 ($248,728 from a FY08 Homeland Security Grant and a local contribution of $137,272 from Clark County.) for the Kick-Off (Phase 0). Phase 1 requires $3.5 million to deliver the core system. The project is divided into 5 phases of activity:

- Phase 0-Kick Off: Develop detail specifications, system designs and an implementation plan through the use of FY08 HSGP and local Clark County funds – nearing completion.
- Phase 1A: Procure, install, and configure the development system's hardware and base software through the use of Local JAG. Local JAG funds will be expended to perform system testing to verify that the base system functions.
- Phase 1B: Procure, install, and configure the Staging system equipment and software environment through the use of State ARRA JAG funds. The new software will be adapted to address 1/3 of the mandatory criminal history repository requirements. A pilot group of agencies will be involved in the test and use of the application.
- Phase 1C: Procure, install, and configure the production level equipment and software environment through the use of State ARRA JAG funds. The remaining mandatory criminal history system requirements will be integrated into the new system. Users will be trained to use the new criminal history component of the new Justice Information Sharing System.

Program Objectives: To partially fund Phase 1 of the SCOPE/WVS Replacement Project
*NOTE: The total cost of the SCOPE/WVS project is not yet set in stone. Based on projections from the comprehensive study conducted by MTG Management Consultants, the estimated cost of the project is $10,198,000. However, we are currently in the review portion of the RFP process, and are reviewing the three top scoring vendor proposals. Depending on the vendor, or vendors, that are selected after the presentation segment of the process, the final budget may be significantly less.

Program Timeline or Project Plan:

- Month 1: Procure servers, racks, and software; prepare area in Data Center for new equipment.
- Month 3: Install and configure system development hardware and Software. Test to verify functionality. Prepare/Plan for installing Staging hardware environment.
- Month 6: Install Staging Hardware Environment, Program in 1/3 of mandatory criminal history system requirements into software. Start to prep for installing the production hardware environment. Test and pilot software.
- Month 9: Build remaining mandatory criminal history system requirements into software.
- Month 10: Perform System and User base system.
- Month 12: Conduct Training
- Month 14: Release new system.

The project is in the process of executing a Request For Proposal. A revision of time estimates and activities will be produced after a vendor has been confirmed.

Performance Measures Established to Ensure Grant Objectives are being Met:
No. 42 - Number of contractual support hours paid with JAG funds;
No. 43 - Number of units that report a desired change in efficiency;
No. 44 - Number of units that report a desired change in program quality;
No. 45 - Amount of award expended for improvements to information systems for criminal justice systems;
No. 46 - Number of units that used JAG funds to make improvements to information systems for criminal justice;
No. 47 - Number units that completed improvements to information systems for criminal justice
No. 48 - Number of units that report a desired change in efficiency
No. 49 - Number of units that report a desired change in program quality

Anticipated Coordination Efforts: In a coordinated effort, the Nevada Department of Public Safety, City of North Las Vegas Police Department, Las Vegas Metropolitan Police Department, Henderson Police Department, Clark County (District Attorney, District and Justice Courts), and the City of Las Vegas (Detention and Enforcement, Municipal Court, and Office of the City Attorney) have collaborated to bring in a new Justice Information Sharing System (JISS).

Number of Collaborative Partnerships Established: 5 governmental entities

Total Program Cost: $10,198,000* **JAG Funding Request:** $808,377
A project cost, based on an average of the bids from the three highest scoring bids, is $5,746,112.81. This is significantly lower than the estimated cost from the consultant; however, we are continuing to seek funds at the higher range to ensure that the total project receives needed funding. The project is requesting $808,377 from this local Byrne JAG request and is requesting $2,782,304 million from State ARRA JAG funds for Phase 1. The project is also pursuing an earmark[1] for $1 million through Senator Harry Reid.

1 http://reid.senate.gov/appropriations_requests.cfm

Agency: Clark County

Department: District Attorney **Division:** Criminal
Program Title: Clark County District Attorney Gang Unit
Program Type: Expanded
Start Date: October 1, 2009 **End Date:** September 30, 2011

Program Purpose Area(s) Met: Prosecution and court programs.

Need for the Program: Clark County District Attorney's Office Gang Unit program enhancement. The frequency of violent gang activity is a major, ongoing problem in Southern Nevada. Gangs pose a threat to the safety of all citizens and visitors in Clark County. Gang members are responsible for a significant number of area homicides and commit a large percentage of robberies, assaults, home invasions and carjackings in Clark County. The following statistic charts help illustrate the extent of the problem (Source: LVMPD Crime Analysis Section). Affected Geographic Area - The area to be served under this project encompasses all of Clark County.

Problem Description – Violent gang activity is a major problem in Southern Nevada. Gangs pose a threat to the safety of Clark County citizens and visitors. As of December 2008, there were 9,852 known gang members and associates in Clark County (Charts Source: LVMPD Crime Analysis Section). There has been an increase of over 66% in the total number of gang members within the past five years.

General Information	2004	2005	2006	2007	2008
Gangs	395	704	292	355	454
Gang Members	5905	7042	8644	8098	9852
Gang Associates	2741	1897	1794	860	1541

Gangs are responsible for a significant portion of all violent deaths occurring within Clark County. In 2008 gang members were responsible for over 20% of all murders. Further, gang members commit a substantial portion of the robberies, home invasions and carjackings that occur in Las Vegas. Violent gang activity particularly impacts low income neighborhoods and minority populations.

LVMPD Violent Deaths	2004	2005	2006	2007	2008	Total
Murder/Non-Negligent Manslaughter	132	144	153	125	138	692
Gang Related Homicides	34	24	32	25	29	144
% of all Homicides	25.8 %	16.7%	20.9%	20.0%	21%	20.8%

Gang shootings are especially troublesome because they endanger innocent people who may be at the wrong place at the wrong time.

Drive-by Shootings	2004	2005	2006	2007	2008
Felony Arrests	91	81	85	71	67

Numbers to be Served: The Clark County District Attorney's Office delivers prosecutorial services within a geographical area of approximately 8,000 square miles to a general population nearing 2.2 million people and a tourist population that reached 37.4 million persons in 2008. Last year, more than 77,000 cases were submitted to the Criminal Division for prosecution.

Program Activities: Retain for an additional year one Gang Unit Deputy District Attorney and hire one additional Deputy District Attorney for one year. Both attorneys will be dedicated to the prosecution of gang members and gang-related crimes.

Program Objectives: To combat the growth in the number of gang-related crimes in Clark County.

- Goal 1: The primary goal of this program is to reduce the growth in the number of gang related crimes in Clark County.
  - Objective 1: Gang Unit Associate Attorneys will continue to be dedicated to the Gang Unit and increase the number of gang cases prosecuted by 2.5 %, as compared with 2008, by the end of the grant period, as measured by internal, quarterly and bi-annual reports issued by the District Attorney's Gang Unit.
  - Objective 2: The Gang Unit Associate Attorneys will continue to participate in a case review panel with the US Attorney's Office to determine the most effective jurisdiction for cases to obtain the maximum crime penalty, thereby increasing the number of felony convictions by 2%, as compared 2008, by the end of the grant period as measured by internal, quarterly and bi-annual reports issued by the District Attorney's Gang Unit.

Program Timeline or Project Plan:

Month 1: Begin recruitment for the new Deputy District Attorney
Month 3: Hire Deputy District Attorney*
Month 4: Assign gang-related cases to Deputy District Attorney
Month 12: Evaluate processes and results

*Although the grant will be used to cover salary and benefit expenses for the newly hired Deputy District Attorney, this position is not appropriate for an entry-level attorney. Therefore, the Office of the Clark County District Attorney will assign a more experienced attorney to the new Gang Unit position and use the entry-level attorney to replace the Gang Unit Deputy in his or her previous assignment.

Performance Measures Established to Ensure Grant Objectives are being Met:
No. 2 - Number of local initiatives planned;
No. 6 – Number of local initiatives implemented
No. 33 – Number of new FTEs funded with JAG funds
No. 36 - Percent of units that report increased program quality

To accomplish the objectives of this proposal, the CCDA will continue to utilize the Gang Unit Attorneys in aggressive prosecution of gang related cases and participating in the case review panel, through the direct partnership with LVMPD Gang Detectives and in conjunction with the US Attorney's Office, to increase the number of felony convictions and cases closed by the Unit.

The Deputy District Attorneys are responsible for accepting the increased number of gang cases prosecuted by performing duties to include: conducting pre-trial interviews with victims, discussion and review with law enforcement of pertinent statutes relating to the filing of complaints, preparation of cases for trial, drafting legal pleadings, conducting preliminary hearings, prosecuting cases before County and State Courts and training LVMPD officers.

The Gang Unit participates in the case review panel with the US Attorney's Office. The panel was created in coordination with the US Attorney's Office to evaluate gang crimes for prosecution in the court system to ensure maximum results and act as a deterrent to violent gang crimes being committed in Clark County. The CCDA hosts the panel's monthly meetings which focus on the evaluation of new cases, discussion of the case merits and legal obstacles, defendants' prior histories and any witness difficulties. The determination of whether a case is more appropriately prosecuted by the Gang Crimes Unit or the US Attorney's Office is predicated on the jurisdiction that can enforce the maximum penalty. If further investigation or case development is required prior to making a final decision, those tasks are assigned to the law enforcement agency.

Receipt of these JAG grant funds will enable the CCDA to continue prosecuting gang related cases, and act in tandem with law enforcement and the US Attorney's Office to provide a sound approach to resolving more cases. These efforts will increase the level of safety for Clark County citizens and visitors.

Project Evaluation: Case statistics will be maintained and monitored for the program by the attorneys in addition to tracking information concerning cases presented to the case review panel, breakdown of felony convictions and prison sentences, including an average term of incarceration for all cases. Monthly review meetings will continue and include status reports of cases being investigated (pending filing in both jurisdictions) and those actively moving through the criminal justice systems. JAG performance measures 2, 6, 33 and 36 will also be tracked and reported.

Anticipated Coordination Efforts: The Gang Unit Attorneys will continue aggressive prosecution of gang related cases through participation in the case review panel, a direct partnership with the Las Vegas Metropolitan Police Department (LVMPD) Gang Detectives in conjunction with the US Attorney's Office, to increase the number of felony convictions and cases closed by the Unit.

Number of Collaborative Partnerships Established: The existing prosecutor and the new prosecutor will be dedicated positions in the CCDA's office to advise and assist the LVMPD Gang Crimes Bureau in the preparation of cases during the investigation stage and then pipelining those cases via vertical prosecution. The Gang Unit attorneys have assisted in numerous investigations, reviewed search warrants, assisted in the preparation of pen register applications and attended case conferences with the DEA/LVMPD/ATF task force and federal prosecutors. Additionally, the Gang Unit attorneys provide training to LVMPD gang officers regarding the legal issues attendant to these cases. As an active participant in the Southern Nevada Gang Task Force, attorney provides informational sessions to the general public regarding gang related activity and prosecution efforts of the CCDA's Office.

Total Program Cost: **$207,257.44** JAG Funding Request: **$207,257.44**

Agency: Clark County

Department: Eighth Judicial District Court **Division:** Specialty Courts
Program Title: Adult Criminal Drug Court
Program Type: New
Start Date: 9/1/2009 **End Date:** 8/31/2011
Program Purpose Area(s) Met: Drug treatment and enforcement programs.

Need for the Program: The Adult Criminal Drug Court Program was established in 1992 with the goal of providing cost effective drug rehabilitation targeted to felony offenders with a substance abuse problem. An internal recidivism study conducted on cases from 2000 and 2001 indicated a graduation rate of 52%. We believe with the addition of a clinical case manager position, the Court can be more proactive in assisting Criminal Judges in identifying defendants who would benefit from the intensive treatment program and monitoring compliance with treatment obligations, thus improving program retention and graduation rates. The substance abusing population is difficult to motivate and to keep engaged in treatment, therefore, intensive case management is needed to ensure continued participation in the program.

Numbers to be Served: 300 Drug Court participants during the 2-year program period.

Program Activities: The Clinical Case Management program will consist of a case manager conducting comprehensive substance abuse and mental health assessments, motivational interviewing and performing case management services for defendants referred to the Adult Drug Court program.

Program Objectives: To improve retention and graduation rates of Adult Drug Court participants.

Program Timeline or Project Plan:
1) 7/1/09 – begin recruitment of a Specialty Court Specialist (case manager) position;
2) 9/1/09 – begin assignment of cases to the case manager for the provision of assessment and case management services;
3) 1/15/10 – provide first quarterly report for period 10/1/09 –12/31/09;
4) provide additional quarterly reports every three months;
5) Send final report by 9/15/2011.

Performance Measures Established to Ensure Grant Objectives are being met:
No. 3 – Number of individuals receiving services;
No. 8 – Number of program participants who completed (intended) programming;
No. 10 - 10, Number of program participants who exhibit a desired change in a targeted behavior;
No. 33 – Number of new FTEs funded with JAG funds;
No. 34 – Number of overtime hours paid with JAG funds;
No. 37 – Amount of funds expended on equipment and/or supplies;
No. 38 – Types of equipment and/or supplies purchased with JAG funds.

In addition to the above, we will be measuring the length of time clients are in treatment by tracking the number of clients in the case management and non-case management groups and number of days clients are in "active" status. We will also measure the percentage of clients who are in "active" and "graduate" status by tracking the number of clients in "active" and the number of clients in "graduate" status in each group.

Anticipated Coordination Efforts: The Specialty Courts Manager for the Eighth Judicial District Court will recruit and hire the Specialty Court Specialist (Case Manager) position. The Specialty Courts Manager will supervise the case manager position, monitor the performance of job duties, and coordinate the collection and submission of data reports to the grantor.

Number of Collaborative Partnerships Established: The Specialty Courts Manager and Case Manager will both work very closely with Choices Group, the treatment provider for the Adult Drug Court Program.

Total Program Cost: **$199,053** JAG Funding Request: **$187,700**

Agency: Clark County

Department: Department of Family Services
Program Title: Triple P Parenting Project
Program Type: New
Start Date: 9/1/2009 **End Date:** 8/31/2011
Program Purpose Area(s) Met: Prevention and Education Programs

Need for the Program: Parents play a critical role in the positive development of their children. While parent education services may be relevant to all parents, very few services are available in Clark County to help parents address severe behavioural, emotional and developmental problems in children. Parents/caregivers struggling with behaviour problems in children need access to intensive parent education resources and support to increase their parenting skills and competence and reduce problematic behaviors in their children. Research has shown that parents can be taught to modify their children's behavior (Forehand, et al., 1984) and that parent education programs are effective in increasing knowledge and skill in appropriate parenting methods.

This project will provide funding to the Department of Family Services Parenting Project to offer new, more intensive services to families in the child welfare system using the Triple P Positive Parenting Program, offer a parent support hotline to encourage the maintenance of newly learned parenting skills and explore the feasibility of implementing an online registration process for parents and caregivers in the community.

Numbers to be Served: At least 144 parent/caregivers who receive parent education.

Program Activities: Project Services: In the first year of this project, a minimum of one facilitator will be trained in the Triple P parenting program. A minimum of 12 parent education programs consisting of 8 sessions each and 3-4 follow-up phone calls per family will be offered to at least 144 parents/caregivers. In addition, the feasibility of implementing an online registration process for parents and caregivers will be explored.

Program Objectives: Goals of this project include: 1) educating parents and caregivers of children with difficult to manage behaviors in effective parenting and behavior management strategies using the Group Triple P parenting program, 2) increasing parental competency providing access to skilled facilitators between sessions and after programs to encourage the maintenance of the new skills, and 3) exploring the feasibility of improving access to services by creating an online registration program so that parents and caregivers can register themselves for training programs.

Project Outcomes:
1) Implement the Triple P Positive Parenting Program and hotline/phone support system designed to increase parental competence and confidence by:

- improving parents' ability to manage their child's behavior
- reducing parents' use of coercive and punitive discipline methods,

- improving parents' ability to communicate effectively about parenting issues, and
- reducing parenting stress related to caring for children.

Changes in these four areas will be assessed through the use of pre- and post-test measures. Demographic and pre/post data will be collected and entered into SPSS

(Statistical Package for Social Services) with analysis and outcomes reported at the end of the grant period. Client satisfaction data will also be collected, analyzed and reported. The Triple P program is research-based and has been evaluated through controlled studies since 1978 producing predictable decreases in problematic behaviors in children.
2) Determine the feasibility/cost of implementing an online registration process to increase access and improve services to families in a cost-efficient efficient manner.

Program Timeline or Project Plan:
1) 7/1/09 – begin recruitment of a Specialty Court Specialist (case manager) position;
2) 9/1/09 – begin assignment of cases to the case manager for the provision of assessment and case management services;
3) 1/15/10 – provide first quarterly report for period 10/1/09 –12/31/09;
4) provide additional quarterly reports every three months;
5) Send final report by 9/15/2011.

Performance Measures Established to Ensure Grant Objectives are being met:
No. 3 – Number of individuals receiving services;
No. 8 – Number of program participants who completed (intended) programming;
No. 10 - Number of program participants who exhibit a desired change in a targeted behavior;
No. 33 – Number of new FTEs funded with JAG funds;

Anticipated Coordination Efforts: The CCDFS Parenting Project has been successfully operating since 1989 with both Clark County and grant funds offering a variety of parent education services to more than 80,000 parents and caregivers and has a proven record in delivering services in a reliable and consistent manner.

Number of Collaborative Partnerships Established: A minimum of five in Year 1.

Total Program Cost: **$134,245.39** JAG Funding Request: **$37,500**

Byrne Justice Assistance Grant
CITY OF LAS VEGAS

Budget Detail Worksheet
Three-Year Budget Projections

A. PERSONNEL SALARIES

Jurisdiction/Program	Job Title	Grade or Calculation	Year 1	Year 2	Year 3	TOTAL
CLV Municipal Court	Court Compliance Unit Supervisor	Grade CS40, $31.17/hour plus 2.5% CoLA for FY2010, based upon Civil Service Collective Bargaining Agreement	$67,605.72	projected to be self-supporting by Year 2	projected to be self-supporting by Year 2	$67,605.72
CLV City Attorney	Victim Witness Advocate	AP3 @ 43,038 minimum salary at $20.69/hr ($1,655.31 biweekly)	$43,035.20	$44,111.08	$45,213.86	$132,360.14
Clark County 8th Judicial District Court	Specialty Court Specialist	Salary midpoint of $70,595 per year	$70,595.00	$70,595.00	$0.00	$141,190.00
Clark County DA	Existing gang attorney	Computed at existing salary	$76,817.57	$0.00	$0.00	$76,817.57
Clark County DA	New gang attorney	Computed at entry salary	$68,130.40	$0.00	$0.00	$68,130.40
Clark County DFS	Parent Education Facilitator (PTH)	$25/hour * 1039 hours	$25,975.00	$25,975.00	$25,975.00	$77,925.00
Clark County DFS	Program Assistant (PTH)	$15/hour * 8 hours/week * 30 weeks for Year one and for 52 weeks in Years 2 & 3	$3,600.00	$6,240.00	$6,240.00	$16,080.00
Clark County DFS	Office Assistant (PTH)	$10/hour * 20 hours/week * 52 weeks	$0.00	$10,400.00	$10,400.00	$20,800.00
		Subtotal	***$355,758.89***	***$157,321.08***	***$87,828.86***	$600,908.83

B. FRINGE BENEFITS

JobTitle	% (Benefits)	Year 1	Year 2	Year 3	TOTAL
Court Compliance Unit Supervisor	61% of salaries, for medical and other group related coverage, insurance, sick leave, 401k contributions, PERS, etc.	$41,239.49	projected to be self-supporting by Year 2	projected to be self-supporting by Year 2	$41,239.49
Victim Witness Advocate	61% of salaries, for medical and other group related coverage, insurance, sick leave, 401k contributions, PERS, etc.	$26,251.47	$26,907.76	$27,580.45	$80,739.68
Specialty Court Specialist	Benefits are calculated at a total rate of 33.35% of the annual salary	$23,523.67	$23,522.25	$0.00	$47,045.92
Existing gang attorney	Computed at 42.9875% of salary	$33,021.95	$0.00	$0.00	$33,021.95
New gang attorney	Computed at 42.9875% of salary	$29,287.56	$0.00	$0.00	$29,287.56
Parent Education Facilitator (PTH)	Benefits for part-time employees are calculated at 4.55% per salary	$1,181.86	$1,181.86	$1,181.86	$3,545.59
Program Assistant (PTH)	Benefits for part-time employees are calculated at 4.55% per salary	$163.80	$283.92	$283.92	$731.64
Office Assistant (PTH)	Benefits for part-time employees are calculated at 4.55% per salary	$0.00	$473.20	$473.20	$946.40
	Subtotal	***$154,669.80***	***$52,369.00***	***$29,519.44***	$236,558.23

C. TRAVEL	Purpose/Location, etc.	Computation	Year 1	Year 2	Year 3	TOTAL
CLV City Attorney	Round Trip travel plus hotel, transportation, and meals for expert witnesses	Estimated based upon airline costs, hotel, ground transportation, and meals for expert witnesses flown into Las Vegas to testify in court cases.	$4,956.00	$0.00	$0.00	$4,956.00
CLV Neighborhood Services	In-town travel for case workers to monitor and follow-up with clients	$.585 per mile * 2564 miles travelled annually by case workers, estimated by the allowed IRS mileage rate for reimbursement and historical data for miles travelled by case workers	$1,499.94	$0.00	$0.00	$1,499.94
CLV OAS	Required trip to DC	Roundtrip from LV to Wash. DC $808 * 1 person	$808.00	$808.00	$808.00	$2,424.00
CLV OAS	Required trip to DC	Lodging for 1 person for 3 nights ($233/night)	$699.00	$699.00	$699.00	$2,097.00
CLV OAS	Required trip to DC	Meals and Per Diem ($64) for 1 personfor 3 days	$192.00	$192.00	$192.00	$576.00
CLV OAS	Required trip to DC	Ground Transportation	$192.00	$192.00	$192.00	$576.00
CLV OAS	Required trip to Regional Meeting, estimated in San Francisco, CA	Roundtrip from LV to San Francisco, CA $808 * 1 person	$808.00	$808.00	$808.00	$2,424.00
CLV OAS	Required trip to Regional Meeting, estimated in San Francisco, CA	Lodging for 1 personfor 3 nights ($233/night)	$699.00	$699.00	$699.00	$2,097.00
CLV OAS	Required trip to Regional Meeting, estimated in San Francisco, CA	Meals and Per Diem ($64) for 1 person for 3 days	$192.00	$192.00	$192.00	$576.00

CLV OAS	Required trip to Regional Meeting, estimated in San Francisco, CA	Ground Transportation, if needed	$192.00	$192.00	$192.00	$576.00
Clark County 8th Judicial District Court	NADCP Conference in Boston, MA	Round trip airfare (LV to Boston) at $500 + Lodging for 3 nights at $200/night + Meals at $55/day for 4 days + ground transportation of $50/day for 4 days	$1,520.00	$1,520.00	$1,520.00	$4,560.00
Clark County DFS	Triple P Facilitator Training in Sacramento, CA	Round-trip airfare (LV to Sacramento) at $280 + Transportation at $70 + Lodging at $350 + Per Diem at $150	$850.00	$850.00	$850.00	$2,550.00
		Subtotal	***$12,607.94***	***$6,152.00***	***$6,152.00***	$24,911.94

	D. EQUIPMENT	Computation	Year 1	Year 2	Year 3	TOTAL
CLV City Attorney	Dell 17" Monitor w/ Ultra Small Factor	City of Las Vegas IT standard equipment price list	$1,050.00	$0.00	$0.00	$1,050.00
CLV City Attorney	HP P3005 Laser printers (3)	One printer for the new Victim Witness Advocate and the additional two printers to replace printers that are in need of capital replacement for two existing Victim Witness Advocates. Each printer, per CLV IT Standard Equipment pricing, is $518	$1,554.00	$0.00	$0.00	$1,554.00
Clark County 8th Judicial District Court	Dell PC 760 SFF w/monitor	Standard costs from purchasing	$940.00	$0.00	$0.00	$940.00
Clark County 8th Judicial District Court	Standard software package	Standard costs from purchasing	$484.00	$0.00	$0.00	$484.00
Clark County 8th Judicial District Court	HP LaserJet 5200dtn Printer	Standard costs from purchasing	$2,553.00			$2,553.00
		Subtotal	***$6,581.00***	***$0.00***	***$0.00***	$6,581.00

	E. SUPPLIES	Computation	Year 1	Year 2	Year 3	TOTAL
CLV City Attorney	Educational materials, outreach pamplets, copier expenses, etc.	Average of $903.11 per year for educational pamplets; will purchase in year one to get quantity discount	$2,709.33	$0.00	$0.00	$2,709.33
CLV Neighborhood Services	Office Supplies, postage, paper, copying, etc.	$1,500 annual ly	$1,500.00	$0.00	$0.00	$1,500.00
CLV Neighborhood Services	Client Work Cards	estimated $68.75 per person for various required work cards	$5,500.00	$0.00	$0.00	$5,500.00
CLV Neighborhood Services	Client Bus Passes	$4,000 annually	$4,000.00	$0.00	$0.00	$4,000.00
CLV Neighborhood Services	Client Work Clothing/ Uniforms	$8,000 annually	$8,000.00	$0.00	$0.00	$8,000.00
CLV Neighborhood Services	Client Tools	$8,000 annually	$8,000.00	$0.00	$0.00	$8,000.00
Clark County 8th Judicial District Court	General office supplies	$500 per year * 2 years	$500.00	$500.00	$0.00	$1,000.00
Clark County 8th Judicial District Court	Computer Software Upgrades	$500 per year * 2 years	$500.00	$500.00	$0.00	$1,000.00
Clark County 8th Judicial District Court	Books, manuals, and publications	$250 per year * 2 years	$250.00	$250.00	$0.00	$500.00
Clark County DFS	Office supplies, printing, and educational materials	Annual costs include: Office Supplies at $729 , printing at $.06/copy * 5,130 copies), and publications from Triple P (DVDs, Facilitator manuals, pre- and post-test materials, and educational/ experiential learning material) at $3,000	$4,529.00	$4,529.00	$4,529.00	$13,587.00
		Subtotal	***$35,488.33***	***$5,779.00***	***$4,529.00***	$45,796.33

	F. CONSTRUCTION	Not Applicable	Year 1	Year 2	Year 3	TOTAL
N/A	N/A	N/A	$0.00	$0.00	$0.00	$0.00
		Subtotal	***$0.00***	***$0.00***	***$0.00***	$0.00

	G. CONTRACTUAL	Computation	Year 1	Year 2	Year 3	TOTAL
CLV City Attorney	Consultation Fees for expert witnesses	Estimated $250/hour time 24 hours for one high profile case	$12,500.00	$0.00	$0.00	$12,500.00
CLV Neighborhood Services	Employment development, placement, and retention services for ex-offiender clients	RFP will bid out for up to $80,000 for services for Year 1.	$80,000.00	$0.00	$0.00	$80,000.00
Clark County IT	SCOPE/WVS Replacement Project	The top three bidders are currently under review. Final presentations are scheduled for the week of July 20th, then the Best and Final Offer process begins.	$808,377.67	$0.00	$0.00	$808,377.67
		Subtotal	***$900,877.67***	***$0.00***	***$0.00***	$900,877.67

	H. OTHER COSTS	Computation	Year 1	Year 2	Year 2	TOTAL

CLV Neighborhood Services	Data System Maintenance	$1,500 annual ly	$1,500.00	$0.00	$0.00	$1,500.00
Clark County 8th Judicial District Court	NADCP Conference in Boston, MA	Registration costs at $600 per year	$600.00	$600.00	$600.00	$1,800.00
Clark County DFS	Triple P Facilitator Training in Sacramento, CA	Registration costs at $1,200 per year	$1,200.00	$1,200.00	$1,200.00	$3,600.00
		Subtotal	***$3,300.00***	***$1,800.00***	***$1,800.00***	$6,900.00

	I. ADMINISTRATIVE COSTS	**Computation**	Year 1	Year 2	Year 3	TOTAL
N/A	N/A	N/A	$0.00	$0.00	$0.00	$0.00
		Subtotal	***$0.00***	***$0.00***	***$0.00***	$0.00
		TOTAL:	**$1,469,283.63**	**$223,421.08**	**$129,829.29**	**$1,822,534.00**

Las Vegas Municipal Court
Edward Byrne Memorial Edward Byrne Memorial Justice Assistance Grant Program
Prosecution and Courts Program Purpose Area
CFDA # 16.738
BUDGET NARRATIVE

A. Personnel

Five full-time positions are requested through this grant, as follows:

1. City of Las Vegas Municipal Court – Court Compliance Unit Supervisor (one year only)
   Grade CS40, calculated at $31.71 per hour plus the 2.5% COLA for FY10 times 2080 hours for $67,605.72
2. City of Las Vegas City Attorney – Victim Witness Advocate (three years)
   Grade AP3, calculated at starting salary of $43,038 ($20.69/hr) times 2080 hours/year plus 2.5% COLA for year two ($44,111.08) and year three ($45,213.86) for a total of $132,360.14
3. Clark County 8th Judicial District – Specialty Court Specialist (two years)
   Calculated at a midpoint salary range of $70,595 for both years one and two for a total of $141,190.00
4. Clark County DA – Gang Attorney, existing (one year)
   Calculated at the current salary of $76,817.57
5. Clark County DA – Gang Attorney, new (one year)
   Calculated at the entry level salary of $68,130.40

Three part-time positions are requested through this grant, as follows:

1. Clark County Department of Family Services – Parent Education Facilitator (three years)
   Calculated at $25/hour for 1039 hours per year for an annual cost of $25,975 and a three year total of $77,925.00
2. Clark County Department of Family Services – Program Assistant (three years)
   Calculated at $15/hour for 8 hours/week for 30 weeks in year one ($3,600.00) and for 52 weeks for year two ($6,240.00) and year three ($6,240.00) for a three year total of $16,080.00
3. Clark County Department of Family Services – Office Assistant (two years)
   Calculated at $10/hour for 20 hours/week for 52 weeks per year ($10,400.00) for years two and three for a total of $20,800.00

TOTAL PERSONNEL COSTS: $600,908.83

B. Fringe Benefits

Benefits for the five full-time positions requested through this grant, are as follows:

1. City of Las Vegas Municipal Court – Court Compliance Unit Supervisor (one year only)
   61% of salaries for medical and other group related coverage, insurance, sick leave, 401K contributions (if applicable), retirement, etc. for a total of $41,239.49
2. City of Las Vegas City Attorney – Victim Witness Advocate (three years)
   61% of salaries for medical and other group related coverage, insurance, sick leave, 401K contributions (if applicable), retirement, etc. for a total of $26,251.47 in year one, $26,907.76 for year two, and $27,580.45 for year three for a total of $80,739.68
3. Clark County 8th Judicial District – Specialty Court Specialist (two years)
   33.35% of salaries for $23,523.67 each for years one and two for a total of $47,045.92

4. Clark County DA – Gang Attorney, existing (one year)
   42.9875% of salaries for a total of $33,021.95
5. Clark County DA – Gang Attorney, new (one year)
   42.9875% of salaries for a total of $29,287.56

Benefits for the three part-time positions requested through this grant, are as follows:

1. Clark County Department of Family Services – Parent Education Facilitator (three years)
   4.55% benefits for an annual cost of $1,181.86 and a three year total of $3,545.59
2. Clark County Department of Family Services – Program Assistant (three years)
   4.55% benefits for year one are $163.80; years two and three are $1,181.86 each for a three year total of $731.64
3. Clark County Department of Family Services – Office Assistant (two years)
   4.55% benefits for an annual cost of $473.20 for years two and three for a total of $946.40

TOTAL FRINGE BENEFIT COSTS: $236,558.23

C. Travel

Travel costs are requested as follows:

1. City of Las Vegas – Office of Administrative Services: Included is mandatory travel to DOJ meetings for this grant, both in Washington, D.C. and at a regional meeting for one person that consists of airfare, lodging, ground transportation and per diems at an estimated $3,782 per year for a three year total of $11,346.00
2. City of Las Vegas - City Attorney: Costs for travel to bring expert witness(es) to Las Vegas to testify in court are estimated at $4,956 for three years; if the total costs are not used for this or the consultant fees for year one, they will be used in years two and three
3. City of Las Vegas – Neighborhood Services: Mileage for caseworkers to follow up on clients, including verification of attendance in court mandated programs, employment, and residence checks are estimated at $.585 per mile for 2,564 miles travelled for a one year cost of $1,499.94
4. Clark County 9th Judicial District Court has requested travel funds to attend the NADCP Conference in Boston, Massachusetts, with round-trip airfare ($500), lodging for three nights at $200 per night ($600), per diems of $55 per day for four days ($220), and ground transportation at $50 per day for four days for an annual total of $1,520 and a three year total of $4,560.00
5. Clark County Department of Family Services has requested travel funds to attend Triple P Parenting Training in Sacramento, California with round-trip airfare at $280, lodging of $350, per diems of $150, and ground transportation at $70 for an annual total of $850 and a three year total of $2,550.00

TOTAL TRAVEL COSTS: $24,911.94

D. Equipment

Equipment costs are requested as follows:

1. City of Las Vegas – City Attorney requests for the Victim Witness Advocate funded through this grant: one computer and monitor, based upon the standard make and model provided through the I.T. department at the rate of $1,050 and a standard printer at $518; two additional printers are requested for two existing Victim Witness Advocates to replace obsolete printers with more energy and cost efficient models at $518 each; total equipment request for the City Attorney is $2,604.00
2. Clark County – 8th Judicial District Court requests one standard computer and monitor, one printer, and one software package for the new Gang Attorney funded by this grant for a total of $3,977.00

TOTAL EQUIPMENT COSTS: $6,581.00

E. Supplies

Costs for supplies are requested as follows:

1. City of Las Vegas – City Attorney: educational pamphlets and brochures for victims and witnesses of domestic violence, DUI, etc., estimated at an annual cost of $903.11, but purchased entirely in Year 1 to obtain a quantity discount and get more materials, for a total cost of $2,709.33
2. City of Las Vegas – Neighborhood Services: Office supplies at $1,500; Client work and identification cards at an estimated $68.75 per client for 80 clients ($5,500); Client bus passes at $4,000; Client work clothing/uniform allowance at $8,000; Client tool allowances at $8,000 for a total of $27,000.00
3. Clark County – 8th Judicial District Court: general office supplies at $500 per year for two years; and books, manuals, and professional publications at $250 per year for two years for a total of $1,000
4. Clark County – Department of Family Services: office supplies at $729 per year, printing costs ($.06 per copy * 5,130 copies), and educational materials for the parenting project ($3,000) per year for a three year total of $13,587.00

TOTAL SUPPLIES COSTS: $45,796.33

F. Construction – Not Applicable

G. Contractual

Costs for consultants and contracts are as follows:

1. City of Las Vegas – City Attorney: consultation fees for expert witnesses – pilot project to determine whether or not this service will improve successful outcomes of trials for which the City Attorney is a part, at $12,500 for the first year; any monies not spent in year one will be used in years two and three

2. City of Las Vegas – Neighborhood Services: Contract for a vendor to provide employment development, placement, and retention services for ex-offender clients. An RFP will competitively bid out the process for up to $80,000 from this request
3. Clark County – Information Technologies: SCOPE/WVS Replacement Vendor. The competitive RFP process in currently half-way complete, with the top three bidders selected through a panel of the regional partners. Presentations of the top three bidders are scheduled for the week of July 20, 2009 will result in the final candidate, after which the Best and Final Offer (BOFA) phase will begin. $808,377.67 has been allocated by the disparate entities in this disparate jurisdiction to Clark County IT to help fund this project, which is estimated at up to $11,000,000, depending on the vendor selected. The average vendor bid of the top three vendor proposals is approximately $5,900,000.

TOTAL CONTRACTUAL COSTS: $900,877.67

H. Other Costs

Other costs requested that do not fall into any of the above categories include the following:

1. City of Las Vegas – Neighborhood Services: $1,500 for annual data system maintenance for the database that maintains all information on clients in this program
2. Clark County – 8th Judicial District Court: conference registration fees for the NADCP Conference at $600 per year for a three year total of $1,800
3. Clark County – Department of Family Services: training conference registration fees for the Triple P Facilitator training at $1,200 per year for a three year total of $3,600

TOTAL OTHER COSTS: $6,900.00

I. Administrative Costs – Not Requested

TOTAL FUNDING REQUESTED: $1,822,534.00

Total Requested by Jurisdiction and Department per Year

	Year 1	Year 2	Year 3	Total
Clark County 8th Judicial District Court	$101,465.67	$97,487.25	$2,120.00	$201,072.92
Clark County DA	$207,257.48	$0.00	$0.00	$207,257.48
Clark County DFS	$37,499.66	$51,132.98	$51,132.98	$139,765.63
Clark County IT	$808,377.67	$0.00	$0.00	$808,377.67
CLV City Attorney	$82,042.67	$78,670.84	$80,446.31	$241,159.82
CLV Municipal Court	$108,845.21	$0.00	$0.00	$108,845.21
CLV Neighborhood Services	$109,999.94	$0.00	$0.00	$109,999.94
CLV OAS	$3,782.00	$3,782.00	$3,782.00	$11,346.00
	$1,459,270.30	$231,073.08	$137,481.29	$1,827,824.67

Byrne Memorial Justice Assistance Grant Local Solicitation
Disparate Jurisdiction Application
Fiscal Agent: City of Las Vegas, Nevada
CFDA # 16.738, 2009-H2827-NV-DJ

REVIEW NARRATIVE

The City of Las Vegas, acting as Fiscal Agent for the disparate jurisdiction consisting of Clark County and the cities of Las Vegas, North Las Vegas, and Henderson, is applying for the Byrne Memorial Justice Assistance Grant Local Solicitation funds in the amount of $1,822,534. As such, a Memorandum of Understanding has been accepted by the jurisdictions and is currently up for review and approval by elected officials at Council and Commission meetings during the month of July (see MOU, attached). A formal, signed copy will be provided as soon as all of the jurisdictions submit their original, signed copies.

The City of Las Vegas, as fiscal agent, made the grant application available for review by its governing body (or to the organization designated by that governing body) not fewer than 30 days before the application is submitted to BJA during City Council Briefings the week of June 30th through July 3rd and at the City Council Meeting July 15, 2009 (see Agenda Summary Page, attached).

The City of Las Vegas, as fiscal agent, made the application was made public and that, to the extent of applicable law or established procedure, an opportunity to comment was provided to citizens and neighborhood or community organizations. Request for public comments notices were posted at all disparate jurisdiction entity government buildings from June 17, 2009 until July 1, 2009, with opportunities to comment via telephone and e-mail. No comments were received (See Request for Public Comment Notice, attached).

The City of Las Vegas, as fiscal agent, agrees to collect data, both fiscal and programmatic, for reports that will be submitted by the 10th of the month following the quarter for which the report is being submitted. A prototype of Recipient Reporting Template, based on the screenshots from the ARRA Workflow document has been created for use and is attached as Attachment 5.

The City of Las Vegas, as fiscal agent, attests that federal funds will be used to supplement existing state and local funds for program activities and will not replace those funds that have been appropriated for the same purpose. Each governmental entity within the disparate jurisdiction has attested to the same and will agree to audits verifying such as part of each interlocal agreement that shall be signed prior to receipt of funds.

MEMORANDUM OF UNDERSTANDING AMONG THE CITY OF LAS VEGAS, THE COUNTY OF CLARK, THE CITY OF HENDERSON, AND THE CITY OF NORTH LAS VEGAS REGARDING THE DESIGNATION OF THE CITY OF LAS VEGAS AS THE APPLICANT/FISCAL AGENT PURSUANT TO THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

This Memorandum of Understanding (MOU) is made and executed by and among The City of Las Vegas ("City"), the County of Clark ("County"), the City of Henderson ("Henderson"), and the City of North Las Vegas ("NLV"). The City, County, Henderson, and North Las Vegas may hereinafter be referred to individually as a "Party" or collectively as the "Parties."

RECITALS

1. The City, County, Henderson, and North Las Vegas are each lawful political subdivisions of the State of Nevada.

2. There are grant funds available to the Parties under the United States Department of Justice, Bureau of Justice Assistance Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program ("JAG Program") Local Solicitation in the combined amount of $1,822,534 ("Grant Funds") for "the support of all components of the criminal justice system, from multi-jurisdictional drug and task forces to crime prevention and domestic violence programs, courts, corrections, treatment and justice information sharing initiatives. JAG funded projects may address crime through the provision of services directly to individuals and/or communities and by improving the effectiveness and efficiency of criminal justice systems, processes and procedures." (*quoting*, Overview of Edward Byrne Memorial Justice Assistance Grant).

3. The Parties have communicated and expressed a collective desire to apply for the Grant Funds through the JAG Program.

4. The Parties were certified by the Director of the Bureau of Justice Assistance as a JAG Disparate Jurisdiction, and because of this certification, the Parties must identify an applicant/fiscal agent that will submit a joint application to the Department of Justice, Office of Justice Program's Bureau of Justice Assistance ("BJA") for joint funds.

5. The Parties intend for this MOU to identify the applicant/fiscal agent, as well as identify a timetable for the Parties to negotiate and execute an interlocal agreement to determine the proper administration for the Grant Funds, the procedure for distribution of the Grant Funds, the monitoring of the Grants Funds, including rules regarding the permitted and prohibited use of Grant Funds pursuant to the JAG Program, the submission of reports pursuant to the rules of the JAG Program, and oversight of the Grant Funds.

AGREEMENT

A. Identification of the Applicant/Fiscal Agent for the Grant Funds.

The Parties hereby agree that the **City of Las Vegas** is the Applicant/Fiscal Agent of the Grant Funds for purposes of the Edward Byrne Memorial Justice Assistance Grant Formula Program.

B. Interlocal Agreement Between the Parties Required.

The Parties hereby acknowledge and agree that no later than August 9, 2009, the Parties will execute an interlocal agreement among one another that will provide the rules and procedures for the administration of the JAG Program and the distribution of the Grant Funds, in accordance with the United States Department of Justice, Bureau of Justice Assistance Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program:

Local Solicitation (attached hereto at Exhibit 1) and any other rules and regulations promulgated by the Department of Justice.

. . .

C. Deadline for Application.

For the Parties to qualify for the disbursement of the Grant Funds, this MOU must be executed by each of the Parties prior to the July 9, 2009 application deadline. Failure by any Party to so execute will preclude the City of Las Vegas from submitting the application for the Grant Funds on behalf of the Parties.

IN WITNESS WHEREOF, the Parties have set their hands the day and year last written below.

CITY OF LAS VEGAS

By: _____
Oscar B. Goodman, Mayor Date

ATTEST:

_____
Beverly K. Bridges, CMC, City Clerk

APPROVED AS TO FORM:

_____
James B. Lewis, Deputy City Attorney

IN WITNESS WHEREOF, the Parties have set their hands the day and year last written below.

CLARK COUNTY

By: _____
Rory Ried, Commission Chair Date

ATTEST:

_____
Shirley B. Parraguirre, County Clerk

APPROVED AS TO FORM:

_____

IN WITNESS WHEREOF, the Parties have set their hands the day and year last written below.

CITY OF HENDERSON

By: _____
James B. Gibson, Mayor Date

By: _____
Jutta G. Chambers, Chief of Police Date

ATTEST:

_____
Monica Martinez Simmons, MMC, City Clerk Date

APPROVED AS TO FORM:

_____
Shauna M. Hughes, City Attorney Date

IN WITNESS WHEREOF, the Parties have set their hands the day and year last written below.

CITY OF NORTH LAS VEGAS

By: _____
Michael L. Montandon, Mayor Date

ATTEST:

_____
Karen L. Storms, CMC, City Clerk

APPROVED AS TO FORM:

_____

City of Las Vegas

Agenda Item No.:

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: JULY 15 , 2009

DEPARTMENT: CITY MANAGER

DIRECTOR: ELIZABETH (BETSY) FRETWELL

[X] CONSENT [ ] DISCUSSION

SUBJECT:

ADMINISTRATIVE:

Approval of a Memorandum of Understanding (MOU) for the City of Las Vegas to act as fiscal agent for the Department of Justice/Bureau of Justice Assistance Byrne Justice Assistance Grant Local Solicitation between the City of Las Vegas, City of North Las Vegas, City of Henderson, and Clark County – All Wards

Fiscal Impact: Unknown

[X] No Impact
[ ] Budget Funds Available
[ ] Augmentation Required

Amount:
Dept./Division: City Manager's Office
Funding Source: U.S. Department of Justice, Bureau of Justice Assistance Local Grant

PURPOSE/BACKGROUND:

The City of Las Vegas is currently working on a regional, four-year grant for a total of $1,822,534 to fund justice related programs. No matching funds are required. The Memorandum of Understanding (MOU) is a document required by the Department of Justice to confirm regional collaboration. The four jurisdictions have been identified as a disparate jurisdiction and must apply through a single proposal with one governmental entity designated as fiscal agent. As a requirement of the grant, the MOU must be made available for review to the City Council not fewer than thirty (30) days prior to the grant deadline of July 9, 2009; discussion at the Council Briefings prior to approval at the Council meeting is considered acceptable.

RECOMMENDATION:

That the City Council approve the Memorandum of Understanding

BACKUP DOCUMENTATION:

Memorandum of Understanding

Byrne Justice Assistance Grant Local Solicitation

JAG Request Priority Matrix Final Breakdown

CITY OF LAS VEGAS

PUBLIC NOTICE – REQUESTS FOR PUBLIC COMMENTS

DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE
EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)
FORMULA PROGRAM: LOCAL SOLICITATION

As a "disparate jurisdiction" (largest population distribution in the state and highest in crime statistics), the grant is a regional application process that must have agreement between the city of Las Vegas, the city of North Las Vegas, the city of Henderson, and Clark County.

Funds from this Byrne JAG grant may be used for local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, information systems for criminal justice, and criminal justice-related research and evaluation activities. The jurisdictions involved

Byrne Justice Assistance Grant Breakdown

City of Las Vegas	$469,156.33	25.74%
SCOPE/WVS Project* allocated to Clark County IT	**$808,377.67**	44.35%
Clark Co. projects w/o SCOPE	$545,000.00	29.90%
	$1,822,534.00	100.00%

The Byrne Justice Assistance Local Solicitation RFP is available for review and comment at the following locations, between the hours of 9 a.m. and 5 p.m.:

City Hall – City Manager's Office
400 Stewart Ave., 8th Floor
Clark County Government Building
500 S. Grand Central Parkway
Henderson City Hall
240 Water St.
North Las Vegas City Hall
2200 Civic Center Drive

Comments on the Byrne Grant are solicited from the Public from
June 17, 2009 until July 1, 2009

To provide comment, please contact Becky Jo Spray, Office of Administrative Services, 400 Stewart Ave., 8th Floor, Las Vegas, NV 89101, 229-4172
Or
Submit online at ByrneGrantPublicComments@lasvegasnevada.gov
If you have a disability and need special accommodations, please call: (702) 229-6501.

Byrne Memorial Justice Assistance Grant Local Solicitation
Disparate Jurisdiction Application
Fiscal Agent: City of Las Vegas, Nevada
CFDA # 16.738, 2009-H2827-NV-DJ

ABSTRACT

The City of Las Vegas, acting as Fiscal Agent for the disparate jurisdiction consisting of Clark County and the cities of Las Vegas, North Las Vegas, and Henderson, is applying for the Byrne Memorial Justice Assistance Grant Local Solicitation funds in the amount of $1,822,534.

Through funding from this grant it is proposed that the following projects will serve the community:

- SCOPE/WVS (Shared Computer Operations for Protection and Enforcement/Wanted Vehicles System). Hosted by Clark County IT, it is the primary database system used by the Las Vegas Metropolitan Police Department, North Las Vegas Police Department, Henderson Police Department, and City of Las Vegas departments of Detention & Enforcement, City Attorney, and Municipal Court.
- Clark County District Attorney Gang Attorney (one existing position and one new position)
- Clark County Eighth Judicial District Adult Criminal Drug Court Program
- Clark County Department of Family Services Triple P Parenting Project
- City of Las Vegas City Attorney Victim Witness Advocate Program expansion (restoration of a position)
- City of Las Vegas Municipal Court Compliance Officer (new position)
- City of Las Vegas Neighborhood Services Inmate Discharge Planning Inititiave

Coordination of services will be provided through quarterly regional meetings, program reviews and audits by the fiscal agent and consistent communication through telephone, e-mail, and personal contact.

PERFORMANCE MEASURES OUTSOMES/RESULTS

Prime Recipient

Funding Agency Name	0	Project Grant Period	0
Program Source (TAPS)	0	Reporting Period End Date	0
Grant Award Number	0	Final Report	0
FBO/CFDA Number	0	Report Frequency	0
Project Name	0	Award Date (Date Signed)	0
Transaction Type	0	Award Description	0
Recipient DUNS No.	0	Amount of Award (Obligation)	0
Recipient Account Number	0	Federal Expenditure:	0
Recipient Area of Benefit	0	Project Description (NAICS)	0
		Project Status	0
Primary Place of Performance - Location Name	0	Jobs Created	#DIV/0!
Primary Place of Performance - City	0	Total Infrastructure Expenditure	0
Primary Place of Performance - State	0	Total Federal ARRA Expenditure	0
Primary Place of Performance - County	0	Total Federal non-ARRA Expenditure	0
Primary Place of Performance - Congressional District	0	Total non-Federal Share of Expenditure	0
		Jobs Retained	#DIV/0!

Related JAG Performance Measures Met (enter the appropriate JAG Performance Measures below)			
Department Name:		Department Project Name:	
Description of Department Project or Activities		Department Project Area of Benefit:	
Number of Individuals Receiving Essential Services:		Percent of Department Project or Activity Complete:	
			If measure is not applicable, please enter N/A below.
Performance Measure 1	Number of local initiatives planned	Performance Measure 1 Results	
Performance Measure 2	Number of individuals or individuals and families served (receiving services)	Performance Measure 2 Results	
Performance Measure 3	Number of communities and/or organizations served (receiving services)	Performance Measure 3 Results	
Performance Measure 4	Number of programs/ program slots offered through initiatives	Performance Measure 4 Results	
Performance Measure 4a	4a. Number of programs or program slots available at the start of the reporting period	Performance Measure 4a Results	
Performance Measure 4b	4b. Number of programs/program slots created (added) during the reporting period using grant funds	Performance Measure 4b Results	
Performance Measure 4c	4c. Percent Created/Added (b/a)	Performance Measure 4c Results	#DIV/0!
Performance Measure 5	Number of hours of programming provided	Performance Measure 5 Results	
Performance Measure 6	Number of (task force) partners that are sharing resources/ information and strategies	Performance Measure 6 Results	

PERFORMANCE MEASURES OUTSOMES/RESULTS

Prime Recipient

0	Project Grant Period	
0	Reporting Period End Date	
0	Final Report	
0	Report Frequency	
0	Award Date (Date Signed)	
0	Award Description	
0	Amount of Award (Obligation)	
0	Federal Expenditure:	
0	Project Description (NAICS)	
	Project Status	
# Cumulative Hours Worked for Reporting Period	# Cumulative Hours Worked on a FTE Schedule for Reporting Period	# Full Time Employee Equivalents
		#DIV/0!
		#DIV/0!

OP/OC = Output/ Outcome; LT-OC = Long-Term Outcome	DS/SI = Direct Service/ System Improvement	BJA Purpose Areas = (1) Law Enforcement; (2) Prosecution and Court; (3) Prevention and Education; (4) Corrections and Community Corrections; (5) Drug Treatment and Enforcement; (6) Planning, Evaluation, and Technology Improvement; (7) Crime Victim and Witness
OP	SI	1, 2, 3, 4, 5, 6, 7
OP	DS	1, 2, 3, 4, 5, 6, 7
OP	DS	1, 2, 3, 4, 5, 7
OP	DS	1, 2, 3, 4, 5, 7
OP	DS	1, 2, 3, 4, 5, 7
OP	DS	1, 2, 3, 4, 5, 7
OC	DS	1, 2, 3, 4, 5, 7
OP	DS	1, 2, 3, 4, 5, 7
OP	SI	1, 2, 3, 4, 5, 7

City of Las Vegas Agenda Item No.: **13.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: OFFICE OF BUSINESS DEVELOPMENT
DIRECTOR: BILL ARENT, ACTING ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of Economic Development Incentive Grant Program Guidelines to provide an economic incentive to certain new businesses within the City of Las Vegas to create employment opportunities for City residents and, more particular, those residents from Community Development Block Grant (CDBG) Eligible Census Tracts ($1,500,000 – Industrial Revenue Fund and Office District Parking I, Inc.) - All Wards

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $1,500,000
Funding Source: Industrial Revenue Fund and Office District Parking I, Inc.
Dept./Division: Office of Business Development

PURPOSE/BACKGROUND:
The objective of this Economic Development Incentive Grant (EDIG) Program is to promote economic development and commerce within the City of Las Vegas (City). To be able to conduct this EDIG Program, the City must enter into an agreement with a non-profit organization to administer the EDIG Program and ensure that all Performance Objectives are met by a new business, which is expanding or relocating to the City of Las Vegas. This will create new jobs for City residents, especially those from CDBG Eligible Census Tracts.

RECOMMENDATION:
Staff recommends approving the Economic Development Incentive Grant Program Guidelines and the funding authority for the Program.

BACKUP DOCUMENTATION:
1. Economic Development Incentive Grant Program Guidelines
2. CDBG Eligible Census Tracts Map

CITY OF LAS VEGAS

ECONOMIC DEVELOPMENT INCENTIVE GRANT PROGRAM GUIDELINES

SUMMARY

This program is intended to provide a new or existing business with an economic development incentive to locate within the boundaries of the City of Las Vegas. In consideration for the incentive, the participating business will have to meet certain performance objectives, as detailed below, to be eligible for the grant.

OBJECTIVE AND GOALS

The primary objective of the EDIGP is to promote and facilitate economic development and commerce within the City of Las Vegas to new and/or expanding businesses.

This objective can be accomplished through direct contact with businesses and/or through a third-party that is engaged to attract, retain and expand the business base in the City of Las Vegas.

Potential businesses looking to participate in this grant program should be prepared to demonstrate how its proposed project meets one, or more, of the following economic development goals:

1. The project results in the significant improvement of a vacant commercial, industrial or mixed-use building, or in the construction of a new building/facility on a vacant or underutilized parcel.

2. Quality and number of jobs that are expected to be created. Are these full-time positions? Will the newly created jobs be entry-level, mid-level or executive level positions? How many jobs for each specific position?

3. Projected wages for each class of job and level of benefits for each position.

4. Positive economic impact and increase in state and local tax revenue, as a benefit to the state and local economy.

5. Diversification of the local economy.

6. Providing opportunities for minority contractors to bid on contracts for construction (all trades); furniture, fixtures and equipment; products and services.

PERFORMANCE OBJECTIVES

Qualified projects will be required to meet the following performance objectives:

1. Capital expenditures for the construction of exterior and interior improvements to an existing building or a newly constructed building that will be significant in nature; and

2. Create in excess of 250 jobs, in aggregate, over a specified time period.

3. Hire a specific number of employees from Eligible Community Development Block Grant Census Tracts throughout the city of Las Vegas. (See attached map).

4. Provide employment reports and capital expenditure reports on a quarterly and annual basis.

CRITERIA FOR ECONOMIC DEVELOPMENT INCENTIVE GRANT

1. Job Cost Ratio – Will not exceed $6,000 per qualified job.

2. Qualified Job – Full-Time Job is one in which the employee is scheduled to work 1,750 hours annually, or 35 hours per week and has been employed for an indefinite period of time and is staffed by city of Las Vegas residents that can be verified to be living within an Eligible Community Development Block Grant Census Tract.

3. Wage Rates and Benefits – Wages must meet a minimum hourly wage that is at least the higher of the federal minimum hourly wage or the Nevada minimum hourly wage so that jobs can provide a decent standard of living for employees.

4. Employment Plan – An Employment Plan which provides details on how the Grantee is going seek qualified construction, service and equipment contract bids from women, minority, disabled, and veteran owned business enterprises.

   Additionally, the Grantee will also need to provide details on its efforts to attract and employ residents living within an Eligible Community Development Block Grant Census Tract.

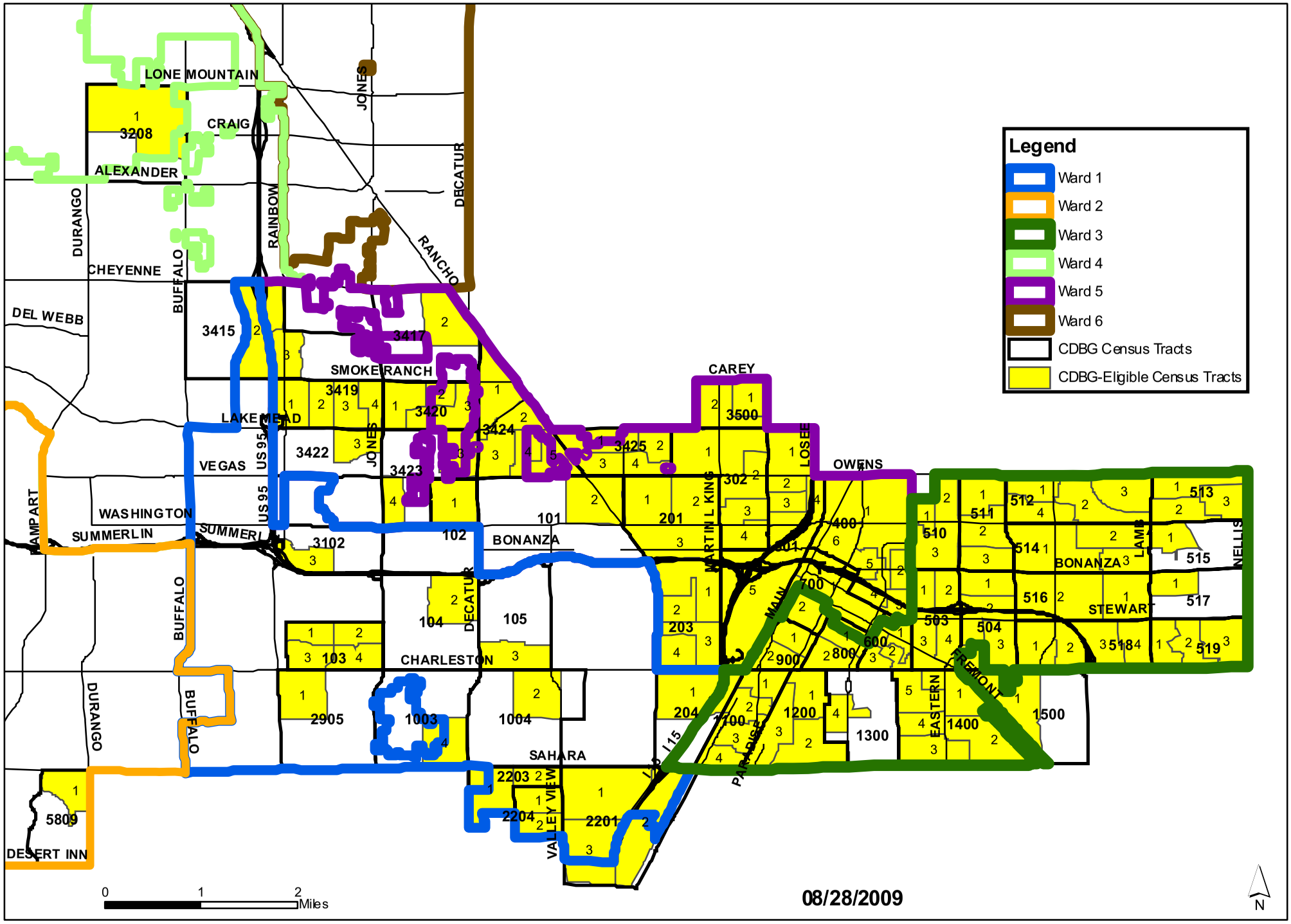
ADMINISTRATION OF PROGRAM

For an eligible business, the City will have to enter into a Cooperative Grant Agreement with a non-profit organization to administer the Economic Development Incentive Grant which will promote and facilitate the goals and objectives of the City. Additionally, the eligible business, as a recipient of the grant funds, will also need to enter into an agreement with the non-profit organization, which details the Performance Objectives and process for disbursing the Economic Development Incentive Grant from the City to the non-profit organization.

AVAILABILITY OF FUNDS

Consideration for this program will be conducted on a case-by-case basis and will meet the Objectives and Goals for the city of Las Vegas.

CDBG-Eligible Census Tracts



City of Las Vegas Agenda Item No.: **14.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: FIELD OPERATIONS
DIRECTOR: LARRY HAUGSNESS ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of Second Amendment to Memorandum of Understanding No. 2005-02 between the City of Las Vegas and the Andre Agassi Charitable Foundation to utilize certain City premises known as the Doolittle Community Center located at 1950 North J Street - Ward 5 (Barlow)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
The Andre Agassi Charitable Foundation owns and operates the Andre Agassi College Preparatory Academy (AACPA). AACPA utilizes the premises located at the Doolittle Community Center pursuant to the terms of the MOU. AACPA desires to extend the term of the MOU for a period of two years and shall have the right to renew for one additional term of two years.

RECOMMENDATION:
Staff recommends approval

BACKUP DOCUMENTATION:
Second Amendment to Memorandum of Understanding No. 2005-02

SECOND AMENDMENT TO MEMORANDUM OF UNDERSTANDING #2005-02 BETWEEN CITY OF LAS VEGAS AND ANDRE AGASSI CHARITABLE FOUNDATION

This Second Amendment to the Memorandum of Understanding (MOU) is entered into this _____ day of _____, 2009, by and between the City of Las Vegas, a municipal corporation with the State of Nevada ("City") and the Andre Agassi Charitable Foundation, an Ohio Corporation ("Foundation").

WHEREAS, this MOU Second Amendment is made pursuant to, and is subject to, the terms and conditions of the Original MOU dated October 5, 2005, and subsequent Amendment on October 17, 2007 between the City and the Foundation.

WHEREAS, Foundation desires to extend the term of the MOU.

NOW, THEREFORE, in consideration of the foregoing recitals and of the mutual promises contained herein and other good and valuable consideration, the receipt of which is hereby acknowledges, City and Foundation agree to amend the MOU as follows:

1. Section five (5)-Term of the MOU shall be amended as follows: Unless earlier terminated, in accordance with Section Six (6), Right of Termination, this MOU and the authorization provided herein shall remain in full force and effect by the governing body of the City and execution by Foundation for an extended period of two (2) years. The term will now expire on October 4, 2011. The Foundation shall have the right to renew this MOU for one (1) additional term of two (2) years.
2. Foundation represents and acknowledges that as of the date of this Second Amendment, Foundation (i) is not in default under the terms of the MOU; (ii) has no defense, set off or counterclaim to the enforcement by City of the terms of the MOU; and (iii) is not aware of any action or inaction by City that would constitute an Event of Default by City under the MOU.
3. In the event of a conflict between any provision(s) of the MOU and of this Second Amendment, the Second Amendment shall control.
4. In all other respects, the MOU is hereby ratified and confirmed, in full.
5. Upon approval of this Amendment by the City Council of the CITY and after it has been fully executed by signature of all parties, the CITY designates the Administrator of Facilities Managements' Real Estate & Utilities Section in conjunction with the City Clerk who shall have the authority to complete and execute any additional documents necessary for the completion of the intent of this contractual obligation during the original term of this Agreement, such as amendments, document requiring signature authority, adjustments to monetary revenue or expenditure not to exceed ten thousand ($10,000.00) dollars, filing and recording of appropriate documents with the County Recorders Office or the County Tax Assessors Office, and recordings and filing with the City Clerk's Office. No amendment, change or modification of this Agreement shall be valid unless in writing and signed by all parties hereto.

IN WITNESS WHEREOF, the Parties hereto have executed this Second Amendment as of the date first above written.

CITY OF LAS VEGAS

OSCAR B. GOODMAN, MAYOR

ATTEST:

BEVERLY K. BRIDGES CMC, City Clerk

APPROVED AS TO FORM:

John S. Ridilla 8/7/09
DEPUTY CITY ATTORNEY Date

ANDRE AGASSI CHARITABLE FOUNDATION

~~PERRY ROGERS, PRESIDENT~~
Steve Miller, President/CEO

City of Las Vegas Agenda Item No.: **15.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of Service and Material Checks/Payroll Checks/Wire Transfers/Other Checks and Investments

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $63,545,334.16
Funding Source: All Funds
Dept./Division: Finance and Business Services

PURPOSE/BACKGROUND:
In compliance with the City's Municipal Code, Chapter 4.12, this is an informational item that provides the dollar amount of disbursements processed by the Finance and Business Services Department.

RECOMMENDATION:
None

BACKUP DOCUMENTATION:
Summary of Cash Expenditures for the period 08/16-08/31/09

City of Las Vegas

Summary of Cash Expenditures

For period of 8/16-31/09

Total Services & Materials Checks :	**$21,641,420.07**
Total Services & Materials EFT Payments :	**$2,875,339.09**
Total Wire Transfers:	**$32,121,062.82**
Total Payroll Checks:	**$6,907,512.18**
Grand Total:	**$63,545,334.16**

I hereby certify that I have reviewed the above amounts and approved them for payment as being in compliance with all applicable laws to the best of my knowledge and belief.

Mark R. Vincent
Director of Finance

Beverly K. Bridges, CMC
City Clerk

On September 16, 2009, the City Council approved the above cash expenditures.

Oscar B. Goodman
Mayor

City of Las Vegas Agenda Item No.: **16.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a Special Event Alcoholic Beverage License for California Hotel & Casino, Location: Main Street Parking Lot, 100 Stewart Avenue, Date: September 19, 2009, Type: Special Event General, Event: Tailgate Party before Hawaii vs. UNLV football game, Responsible Person in Charge: Lane Conley - Ward 5 (Barlow)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Approval of a Special Event Alcoholic Beverage License. Event time is 2:00 p.m. - 5:00 p.m. Estimated attendance is 2,000 - 3,000. Security provided by in house staff.

RECOMMENDATION:
Recommend approval.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **17.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a Special Event Alcoholic Beverage License Hogs & Heifers Saloon of Las Vegas, Location: Hogs & Heifers Saloon of Las Vegas, 201 North 3rd Street, Suite 130, Dates: September 30, 2009 - October 4, 2009, Type: Special Event General, Event: Anniversary Event/Bike Fest 2009, Responsible Person in Charge: Bruce Heaton - Ward 5 (Barlow)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Approval of a Special Event Alcoholic Beverage License. Event time is 10:00 a.m. - 4:00 a.m. Estimated attendance is 10,000. Security provided by in house staff.

RECOMMENDATION:
Recommend approval.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **18.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a Special Event Alcoholic Beverage License for Innerout, Inc., dba Charlie's Bar Down Under, Location: Charlie's Bar Down Under, 1950 North Buffalo Drive, Date: October 3, 2009, Type: Special Event General, Event: Summer/Fall BBQ, Responsible Person in Charge: Gary Heckethorn - Ward 1 (Tarkanian)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Approval of a Special Event Alcoholic Beverage License. Event time is 4:00 p.m. - 10:00 p.m. Estimated attendance is 300. Security provided by Becker Gaming.

RECOMMENDATION:
Recommend approval.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **19.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a Special Event Beer/Wine License for Las Vegas Blues Society, Location: Sammy Davis Jr. Festival Plaza, 720 Twin Lakes Drive, Date: September 26, 2009, Type: Special Event Beer/Wine, Event: Blues Festival, Responsible Person in Charge: Michael Edmiston - Ward 5 (Barlow)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Approval of a Special Event Beer/Wine License. Event time is 12:00 p.m. - 6:00 p.m. Estimated attendance is 1,000. Security provided by City of Las Vegas.

RECOMMENDATION:
Recommend approval.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **20.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a Special Event Alcoholic Beverage License for St. Anne Catholic School, Location: St. Anne Catholic School, 1813 South Maryland Parkway, Date: October 3, 2009, Type: Special Event General, Event: Fun Fair, Responsible Person in Charge: Lesa Coder - Ward 3 (Reese)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Approval of a Special Event Alcoholic Beverage License. Event time is 10:00 a.m. - 10:00 p.m. Estimated attendance is 500 to 1,000. Security provided by American Security Protection Inc.

RECOMMENDATION:
Recommend approval.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **21.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a Change of Business Name and Change of Ownership for a Package License subject to the provisions of the fire code, From: New Albertsons, Inc., dba Albertsons Store 6008, To: Cardenas Markets, Inc., dba Cardenas Markets, 4421 East Bonanza Road, Jesus M. Cardenas Sr., CEO, Dir, Luz M. Cardenas, Sr Vice Pres, Dir, Guadalupe Cardenas, CFO, Dir, Jesus Cardenas Jr, Sr Vice Pres, Mkt Dir, and George Cardenas, Vice Pres of IT, Dir - Ward 3 (Reese)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Approval of a Change of Business Name and Change of Ownership for a Package License.

RECOMMENDATION:
Recommend approval subject to the provisions of the fire code.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **22.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a new Psychic Arts and Science License subject to the provisions of the planning and fire codes, Jennifer L. Grosso, dba Jenevieve The Serpentine Sorceress, 6848 West Charleston Boulevard, Jennifer L. Grosso, Owner, 100% - Ward 1 (Tarkanian) [NOTE: This license is located in an existing business – Psychic Eye Book Shop]

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Approval of a new Psychic Arts and Science License.

RECOMMENDATION:
Recommend approval subject to the provisions of the planning and fire codes.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **23.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a Special Event Alcoholic Beverage License for Mulugeta Abraham, Location: 475 South Grand Central Parkway, Date: September 29, 2009, Type: Special Event General, Event: Wedding Reception, Responsible Person in Charge: Zeman Nelson - Ward 5 (Barlow)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Approval of a Special Event Alcoholic Beverage License. Event time is 8:00 p.m. - 4:00 a.m. Estimated attendance is 400. Security provided by World Market Center.

RECOMMENDATION:
Recommend approval.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **24.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT ☒ **Consent** ☐ **Discussion**

SUBJECT:
Preapproval of award of Bid No. 07.15341.05-DC, Pavilion Pool Cover located at 101 South Pavilion Center Drive to the lowest responsive and responsible or best bidder and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works ($4,800,000 - Parks and Leisure Activities Capital Projects Fund) - Ward 2 (Wolfson)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $4,800,000
Funding Source: Parks and Leisure Activities CPF
Dept./Division: Public Works

PURPOSE/BACKGROUND:
This project includes construction of an approximately 25,471 square foot pool enclosure cover with operable roof panels, roll up doors, minor interior modifications, replaster of existing pool shell, concrete deck modifications and boiler replacement. This project is located at the existing Pavilion Pool.

PCC: D. Collins

RECOMMENDATION:
That City Council preapprove award of Bid No. 07.15341.05-DC, Pavilion Pool Cover to the lowest responsive and responsible or best bidder and approve the construction conflicts and contingency reserve set by Finance and Business Services. Authority to execute the Contract is given to the Purchasing Manager per R-48-2006.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **25.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of award of Modification No. 4 to Contract No. 050051-DK, Software, Support, Training and Professional Services - Department of Human Resources - Award recommended to: AON ESOLUTIONS, INC. ($20,625 - Employee Benefit and Liability Insurance and Property Damage Internal Service Funds)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $20,625
Funding Source: Employee Benefit and Liability Insurance and Property Damage ISFs
Dept./Division: Human Resources

PURPOSE/BACKGROUND:
On December 15, 2004 City Council approved Contract No. 050051-DK to Valley Oak Systems, now AON eSOLUTIONS, Inc. to provide a comprehensive workers' compensation and liability claims management system to the Division of Insurance Services. Modification No. 4 will provide for new system functionality to meet new Federal reporting requirements. City Council approval is required as this modification will exceed the Purchasing Manager's authority per Resolution R-48-2006. This item is exempt from the competitive bidding process pursuant to NRS 332.115.1(b), Professional Services.

PCC: C. White
POC: Kari Bryant - (925) 242-6110

RECOMMENDATION:
That City Council approve Modification No. 4 to Contract No. 050051-DK, Software, Support, Training and Professional Services to AON eSOLUTIONS, Inc. in the amount of $20,625 for a total Contract amount of $358,126. Authority to execute the Modification is given to the Purchasing Manager per R-48-2006.

BACKUP DOCUMENTATION:
1. Certificate - Disclosure of Ownership/Principals
2. Modification No. 4
3. Agenda Memo

ATTACHMENT 1

CERTIFICATE
DISCLOSURE OF OWNERSHIP/PRINCIPALS

1. Definitions

"City" means the City of Las Vegas.

"City Council" means the governing body of the City of Las Vegas.

"Contracting Entity," means the individual, partnership, or corporation seeking to enter into a contract or agreement with the City of Las Vegas.

"*Principal"* means, for each type of business organization, the following: (a) sole proprietorship – the owner of the business; (b) corporation – the directors and officers of the corporation; but not any branch managers of offices which are a part of the corporation; (c) partnership – the general partner and limited partners; (d) limited liability company – the managing member as well as all the other members; (e) trust – the trustee and beneficiaries.

2. Policy

In accordance with Resolution 79-99 and 105-99 adopted by the City Council, Contracting Entities seeking to enter into certain contracts or agreements with the City of Las Vegas must disclose information regarding ownership interests and principals. Such disclosure generally is required in conjunction with a Request for Proposals (RFP). In other cases, such disclosure must be made prior to the execution of a contract or agreement.

3. Instructions

The disclosure required by the Resolutions referenced above shall be made through the completion and execution of this Certificate. The Contracting Entity shall complete Block 1, Block 2, and Block 3. The Contracting entity shall complete either Block 4 or its alternate in Block 5. Specific information, which must be provided, is highlighted. An Officer or other official authorized to contractually bind the Contracting Entity shall sign and date the Certificate, and such signing shall be notarized.

4. Incorporation

This Certificate shall be incorporated into the resulting contract or agreement, if any, between the City and the Contracting entity. Upon execution of such contract or agreement, the Contracting Entity is under a continuing obligation to notify the City in writing of any material changes to the information in this Certificate. This notification shall be made within fifteen (15) days of the change. Failure to notify the City of any material change may result, at the option of the City, in a default termination (in whole or in part) of the contract or agreement, and/or a withholding of payments due the Contracting Entity.

Block 1 Contracting Entity

Name: Aon eSolutions, Inc.

Address:
Bishop Ranch 8
5000 Executive Parkway, Suite 340
San Ramon, CA 94583

Telephone:
(925) 242-4600

EIN or DUNS:
68-0331363

Block 2 Description

Subject Matter of Contract/Agreement
Software, Professional Services, and Support & Maintenance

Contract No. 050051

Block 3 **Type of Business**

☐ Individual ☐ Partnership ☐ Limited Liability Company ☒ Corporation ☐ Trust ☐ Other:

ATTACHMENT 1

CERTIFICATE – DISCLOSURE OF OWNERSHIP/PRINCIPALS (CONTINUED)

Block 4 Disclosure of Ownership and Principals

In the space below, the Contracting Entity must disclose all principals (including partners) of the Contracting Entity, as well as persons or entities holding more than one-percent (1%) ownership interest in the Contracting Entity.

	FULL NAME/TITLE	BUSINESS ADDRESS	BUSINESS PHONE
1.	Kathleen M. Burns / CEO	200 East Randolph Chicago, IL 60601	312-381-3092
2.	Stephen Rhee / COO	200 East Randolph Chicago, IL 60601	312-381-4718
3.	Douglas Wilson / Global Director Administration & Operations	531 Roselane Street, NW Suite 800 Marietta, GA 30060	678-784-4636
4.	Paul Holden / CIO	531 Roselane Street, NW Suite 800 Marietta, GA 30060	678-784-4603
5.			
6.			
7.			
8.			
9.			
10.			

The Contracting Entity shall continue the above list on a sheet of paper entitled "disclosure of Principals – Continuation" until full and complete disclosure is made. If continuation sheets are attached, please indicate the number of sheets: ____.

Block 5 DISCLOSURE OF OWNERSHIP AND PRINCIPALS – ALTERNATE

If the Contracting Entity, or its principals or partners, are required to provide disclosure (of persons or entities holding an ownership interest) under federal law (such as disclosure required by the Securities and Exchange Commission or the Employee Retirement Income Act), a copy of such disclosure may be attached to this Certificate in lieu of providing the information set forth in Block 4 above. A description of such disclosure documents must be included below.

Name of Attached Document: _____

Date of Attached Document: _____ Number of Pages: _____

I certify under penalty of perjury, that all the information provided in this Certificate is current, complete and accurate. I further certify that I am an individual authorized to contractually bind the above named Contracting Entity

Douglas Wilson, Global Director Administration & Operations

August 31, 2009
Date

Subscribed and sworn to before me this 31st day of August, ~~2007~~ 2009

Notary Public

HOLLY CROWE NOTARY PUBLIC COBB COUNTY, GEORGIA MY COMMISSION EXPIRES FEBRUARY 19, 2012

Modification No. 4
Software Support, Training and Professional Services

THIS MODIFICATION NO. 4 is being entered into this _____ day of _____, 2009, by and between the CITY OF LAS VEGAS (hereinafter the "City"), a municipal corporation within the State of Nevada having its principal office at 400 Stewart Avenue, Las Vegas, Nevada 89101, and AON eSOLUTIONS, INC. (hereinafter the "Company") having its principal office at Bishop Ranch 8, 5000 Executive Parkway, Suite 340 San Ramon, California, 94583.

The Contract between the City and the Company, dated December 15, 2004, with Modification No. 1 dated August 19, 2005, Modification No. 2 dated November 30, 2006, and Modification No. 3 dated June 26, 2009, is hereby modified as follows:

1. Paragraph B-3 Prices/Costs - 9. Add Maintenance for IVOS CMS Module license at $5,625.

Delete: Annual Fee $23,738

Replace with: Annual Fee $29,363

2. Paragraph B-3.1 Prices/Costs. Modify paragraph to add the CMS MMSEA Module.

INSERT: CMS MMSEA Module Not-To-Exceed Amount $15,000

3. Paragraph B-3.12. Add paragraph 12 to list Total Contract Value.

ADD:

12. Total Contract Value: The total contract value is increased by $20,625 from $337,501 to $358,126.

4. C-2 Licensed Software. Add IVOS CMS MMSEA Module.

The Company shall provide Licensed Software that meets the functionality and specifications set forth within Attachment 7 "CMS MMSEA Section 111 Medicare Secondary Payer Mandatory Reporting Liability Insurance (Including Self-Insurance), No-Fault Insurance, and Workers' Compensation User Guide" under the terms and conditions of this Contract. The specified functionality implementation will meet the timelines specified by the Center for Medicare and Medicaid Services for Section 111 reporting and allow for sufficient time by the City to test new functionality prior to installation in a production environment.

5. C-4 Application Hosting Services Provided. Add CMS Module to list.

ADD TO LIST:

- IVOS CMS MMSEA Module

6. C-7 Maintenance and Support Services. Paragraph (a). Add IVOS CMS MMSEA Module to list. Add Paragraph (h).

ADD TO (a) LIST:

- **IVOS CMS MMSEA Module**

ADD PARAGRAPH (h):

(h) The Company will provide functionality through the CMS MMSEA Module to satisfy the most current reporting requirements as set forth in Attachment 7 "CMS MMSEA 111 Medicare Secondary Payer Mandatory Reporting Liability Insurance (Including Self-Insurance), No-Fault Insurance, and Workers' Compensation User Guide".

7. **Section F – List of Attachments/Exhibits.** Add Attachment 7.

ADD:

Identifier	Title/Text Reference	Date	Pages
Attachment 7	CMS MMSEA Section 111 Medicare Secondary Payer Mandatory Reporting Updated Version as found on http.//cms.hhs.gov/mandatoryinsrep	Version 2.0 July 31, 2009 or latest version	223

8. **General.** In the event of any conflict between the Contract, as unmodified and this modification, the provisions of Modification No. 4 take precedence. All other contract terms and conditions remain unchanged.

THE BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the parties hereto have caused this Modification No. 4 to be executed by their duly authorized representatives.

CITY OF LAS VEGAS

ATTEST:

KATHLEEN C. RAINEY, Manager
Purchasing and Contracts

"City"

Beverly K. Bridges, CMC
City Clerk

APPROVED AS TO FORM:

Robert S. Sylvain 6-28-09
Date

AON eSOLUTIONS, INC.

DOUG WILSON, Global Director of
Operations and Administration

"Company"

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 16, 2009
DEPARTMENT: FINANCE AND BUSINESS SERVICES
ITEM DESCRIPTION: 050051-DK (CW), SOFTWARE, SUPPORT, TRAINING AND PROFESSIONAL SERVICES - MODIFICATION NO. 4

Original Contract No. 050051-DK
Council Approval 12/15/2004
Item No. 25
This contract provided software, support, training, and professional services for a comprehensive workers' compensation and liability claims management system for the Division of Insurance Services in the amount of $305,000.

Modification No. 1
P&C Manager Approval 08/19/2005
This modification increased Project Management/Implementation Support for $24,938.

Modification No. 2
P&C Manager Approval 11/30/2006
This modification added AP Interface Enhancement for $900.

Modification No. 3
P&C Manager Approval 06/26/2009
This modification added $600 to AP Interface Enhancement, $2,500 to add PERI GL Interface License Fee and $3,000 for Project Management/Implementation Support for a total modification of $6,663.

Assignment, Acceptance of Assignment and Consent to Assignment
P&C Manager Approval 07/09/2009
Documentation of name change from Valley Oak Systems, Inc. to AON eSOLUTIONS, INC.

City of Las Vegas Agenda Item No.: **26.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of an Encroachment Request from Slater Hanifan Group on behalf of HQ Metro, LLC, owner (northwest corner of Alta Drive and Martin L. King Boulevard) - Ward 5 (Barlow)

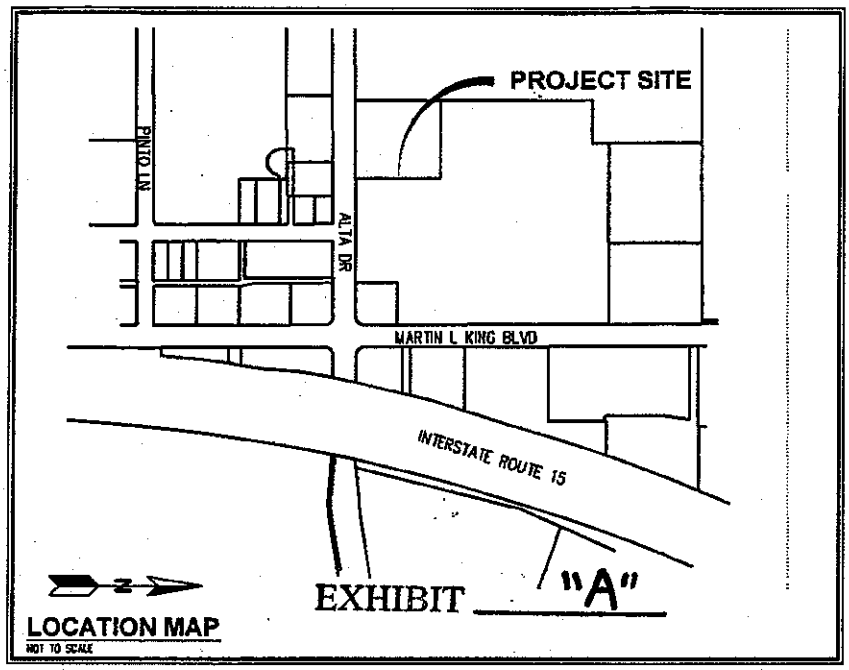
Fiscal Impact

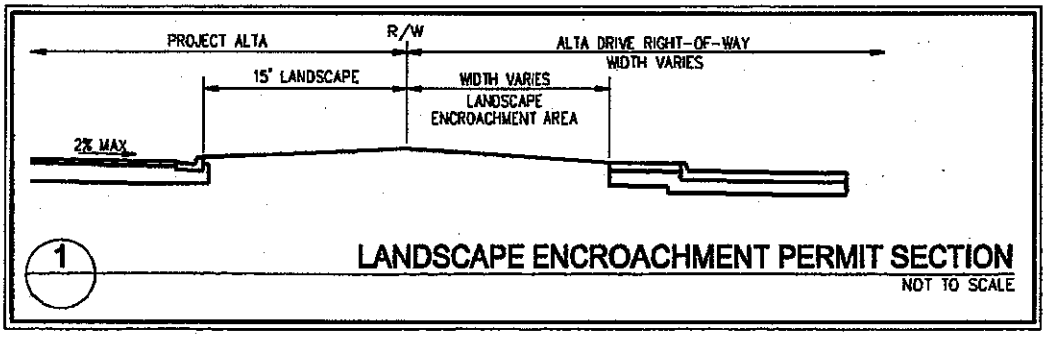
☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

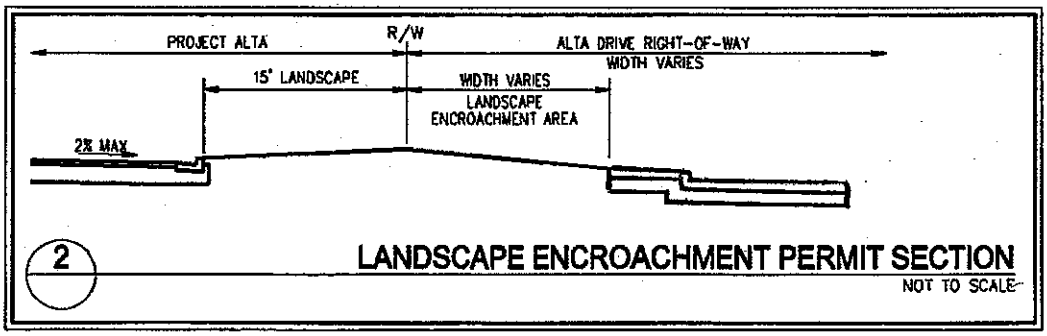
PURPOSE/BACKGROUND:
This request is for a varying width area of landscaping on the north side of Alta Drive extending approximately 449-feet westward from Martin L. King Boulevard consisting of trees, shrubs, ground cover and an irrigation system for the proposed Metro Headquarters. If approved, the applicant will be required to sign an Encroachment Agreement that has conditions of maintenance, liability and removal.

RECOMMENDATION:
Approval

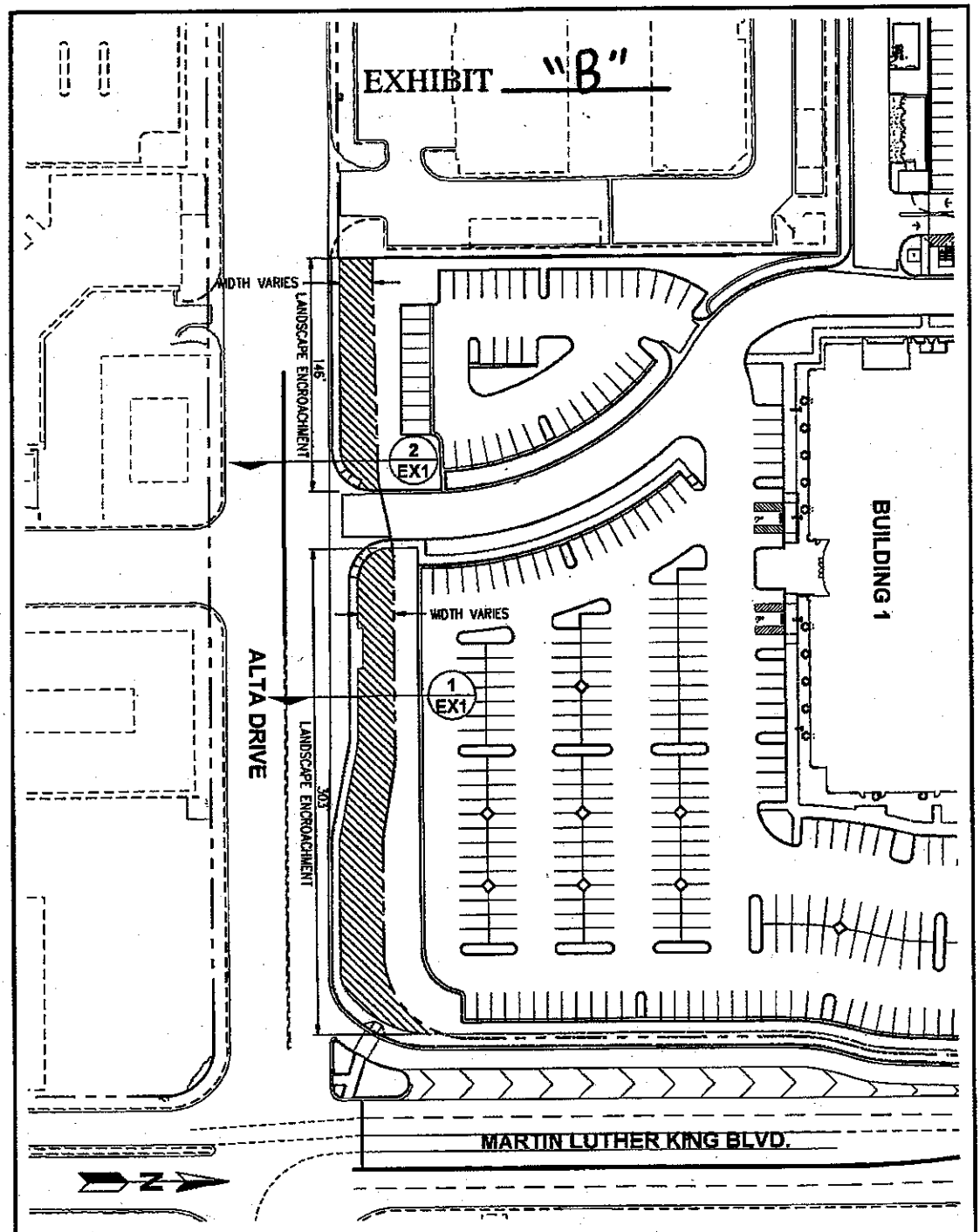
BACKUP DOCUMENTATION:
1. Copy of Encroachment Exhibit "A" (Alta Drive typical section)
2. Copy of Encroachment Exhibit "B" (Alta Drive)







PROJECT ALTA, LLC	DATE: 07/02/09	PROJECT NO.
	SCALE: 1"=100'	FVP0802.000
LANDSCAPE ENCROACHMENT EXHIBIT		EX-1



PROJECT ALTA, LLC	DATE: 07/02/09	PROJECT NO. FVP0802.000
	SCALE: 1"=100'	
LANDSCAPE ENCROACHMENT EXHIBIT		EX-2

City of Las Vegas Agenda Item No.: **27.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a Customer Payment Information Form (Agreement) with Embarq for the relocation of existing overhead facilities for the Neon Boneyard Park project located east of Las Vegas Boulevard at McWilliams Avenue ($64,158 - Southern Nevada Public Land Management Act [SNPLMA]) - Ward 5 (Barlow)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $64,158
Funding Source: SNPLMA
Dept./Division: PW/City Engineer

PURPOSE/BACKGROUND:
The City of Las Vegas is beginning the construction phase for the Neon Boneyard Park project that will be located east of Las Vegas Boulevard at McWilliams Avenue. The utility improvements associated with this payment agreement will relocate the existing overhead facilities underground and allow for construction of the park.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Customer Payment Information Form (Agreement)

CUSTOMER PAYMENT INFORMATION FORM

Work Order #	24200835
Location Code	05292
Physical address of work location	McWilliams and Las Vegas Blvd/

FUNCTIONAL ACCOUNT	COST CENTER	ESTIMATED DOLLAR AMOUNT
241111	05292	$3,597
242111	05292	$9,805
242211	05292	$29,337
244111	05292	$2,510
342115	05292	$13,033
342215	05292	$4,276
GRAND TOTAL of all functional accounts		**$62,558**

ENGINEER NAME and PHONE NUMBER	**Len Bellows 702-2447839**
SUPERVISOR NAME	**Rick Naugle**

DESCRIBE NATURE OF WORK

JUSTIFICATION: This job has been requested by the City of Las Vegas to remove an existing cable that is on the south side of Cashman Field running east to west. All work will be done at their expenses. Embarq is within an existing public utility easement. Therefore the estimated cost is $64,158 to do this work. We need to get the customer signature and payment before any work commences. If the job goes over the customer will be invoiced for the balance and if it is less they will be reimbursed.

DESCRIPTION OF WORK: This project covers the cost of placing and splicing 1330 feet of aerial and underground cable ranging in size from 25 pair to 400 pair 24 gauge filled and air core. The line crew will place a 900 pair pole mounted box on pole P19451 which will service as a breaking point for the feeder to distribution cables. After all of the cables have been transferred, the power company will remove 5 existing poles.

Is this for a **PREPAYMENT** Invoice or **FINAL BILLING ONLY** Invoice **(Please indicate one)**	**PREPAYMENT**
If for Prepayment Invoice, is this a **ONE-TIME** or **ESTIMATE** Billing **(Please indicate one)**	**ESTIMATE**

BILLING INFORMATION

A) Embarq Bill Amount	$62,558
B) Admin 8% (Embarq amount x .08) -- **(NOT TO EXCEED $1,600.00)**	$1.600
TOTAL to bill customer (A+B) (TOTAL PREPAY AMT IF ONE-TIME BILLING)	**$64,158**
***Or* total % of bill customer for: (TOTAL % IF ESTIMATE BILLING)**	**100%**

CUSTOMER INFORMATION

Customer Name	City of Las Vegas		
Attn:	Gina Venglass		
Address	400 Steward Av.		
City, State, Zip	Las Vegas, Nevada 89101		
Telephone Numbers	**OFC: 702-229-6790**	**CELL:**	**FAX:**
Email Address			
Email Note	**Place Engineer Email Address if check has been received in local office**		

Please note above whether this is a one-time payment or a prepayment of an estimated amount. If Embarq is billing you for an estimated amount, you agree to pay a final billing that will be rendered after the work has been completed. The final billing will be based on actual time and material charges as they relate to this project, less the prepayment amount. Differences of less than $100 between the actual cost and the estimate will not be billed or refunded to the customer. If you wish to proceed with the work as described herein, please sign the line of approval provided below and return to Embarq within ten (10) days.

EMBARQ APPROVAL:

Rick Naugle — 8-14-09
(Date)

CITY OF LAS VEGAS

(Oscar B. Goodman-Mayor) — (Date)

Approve At To Form

John S. Ridilla — 8/19/09
(Deputy City Attorney) — (Date)

Attest:

(Beverly K. Bridges-City Clerk) — (Date)

City of Las Vegas Agenda Item No.: **28.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of an Amendment to an Easement Agreement with the Kern River Gas Transmission Company which will modify the language to increase the operating pressure of the pipeline located within the City of Las Vegas bounded by Cheyenne Avenue to the north, Rampart Boulevard to the east, Charleston Boulevard to the south and CC-215 Beltway to the west - Wards 2 and 4 (Wolfson and Anthony)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
This Agreement is to amend the language of five (5) existing easements on City owned parcels as identified on Exhibit A to delete the existing phrase "with a maximum allowable operating pressure of 1200 pounds per square inch gauge (p.s.i.g.)" with the phrase "with a maximum allowable operating pressure as determined pursuant to regulations of the United States Department of Transportation". The original easement that is being amended was recorded December 10, 1993.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Amendment to Easement Agreement

PARCEL ID # 137-24-899-006, other parcels are found on Exhibit A.

When recorded, please return to:
Kern River Gas Transmission Company
Attn: Land & Environmental Department
2755 East Cottonwood Parkway, # 300
Salt Lake City, Utah, 84121

AMENDMENT TO EASEMENT AGREEMENT

WHEREAS, City of Las Vegas ("City"), is the owner of record of the parcels located in Clark County, Nevada, as identified in Exhibit A, attached hereto and incorporated herein by this reference; and

WHEREAS, said parcels are burdened by that certain written instrument dated December 10, 1993, wherein the then owner of the parcels, Howard Hughes Properties, granted to Kern River Gas Transmission Company ("Kern River") an easement to construct, operate, and maintain a high pressure natural gas pipeline; and

WHEREAS, said easement ("Easement Agreement") was recorded in the office of the Clark County Recorder on December 10, 1993, at Book 931210, Instrument 01286; and

WHEREAS, the Easement Agreement allows Kern River to operate an "interstate natural gas pipeline operating with a maximum allowable operating pressure of 1,200 p.s.i.g."; and,

WHEREAS, the maximum pressure at which Kern River is allowed to operate its pipeline is determined by relevant federal regulations promulgated by the Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation and may be subject to change under certain conditions; and

WHEREAS, Kern River and City wish to replace the reference to a specific pressure with a reference to the pressure as allowed pursuant to said regulations.

THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the parties amend the Easement Agreement as follows:

1. The phrase "with a maximum allowable operating pressure of 1,200 p.s.i.g." on the first page of the Easement Agreement is deleted in its entirety and replaced with the phrase "with a maximum allowable operating pressure as determined pursuant to regulations of the United States Department of Transportation".

In witness whereof, the parties have executed this AMENDMENT TO EASEMENT AGREEMENT this _____ day of _____, 20____.

City of Las Vegas, Nevada

_____

By: _____

Its: _____

Kern River Gas Transmission Company

_____

By: Douglas R. Gibbons

Its: Attorney-in-fact

Approved as to form

John S. Ridilla 9/1/09

John S. Ridilla Date

Deputy City Attorney

ACKNOWLEDGMENT

State of Utah

County of Salt Lake

On August 31, 2009 (Date) before me, Jeanne H. Young (Name and Title of Officer (e.g."Jane Doe, Notary Public"))

Personally appeared Douglas R. Gibbons (Names(s) of Signer(s))

☑ personally known to me --OR-- ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Notary Public
JEANNE H. YOUNG
851 South 2200 East
Salt Lake City, UT 84108
My Commission Expires
May 7, 2010
State of Utah

WITNESS my hand and official seal.

Jeanne H. Young

ACKNOWLEDGMENT

State of _____

County of _____

On _____ (Date) before me, _____ (Name and Title of Officer (e.g."Jane Doe, Notary Public"))

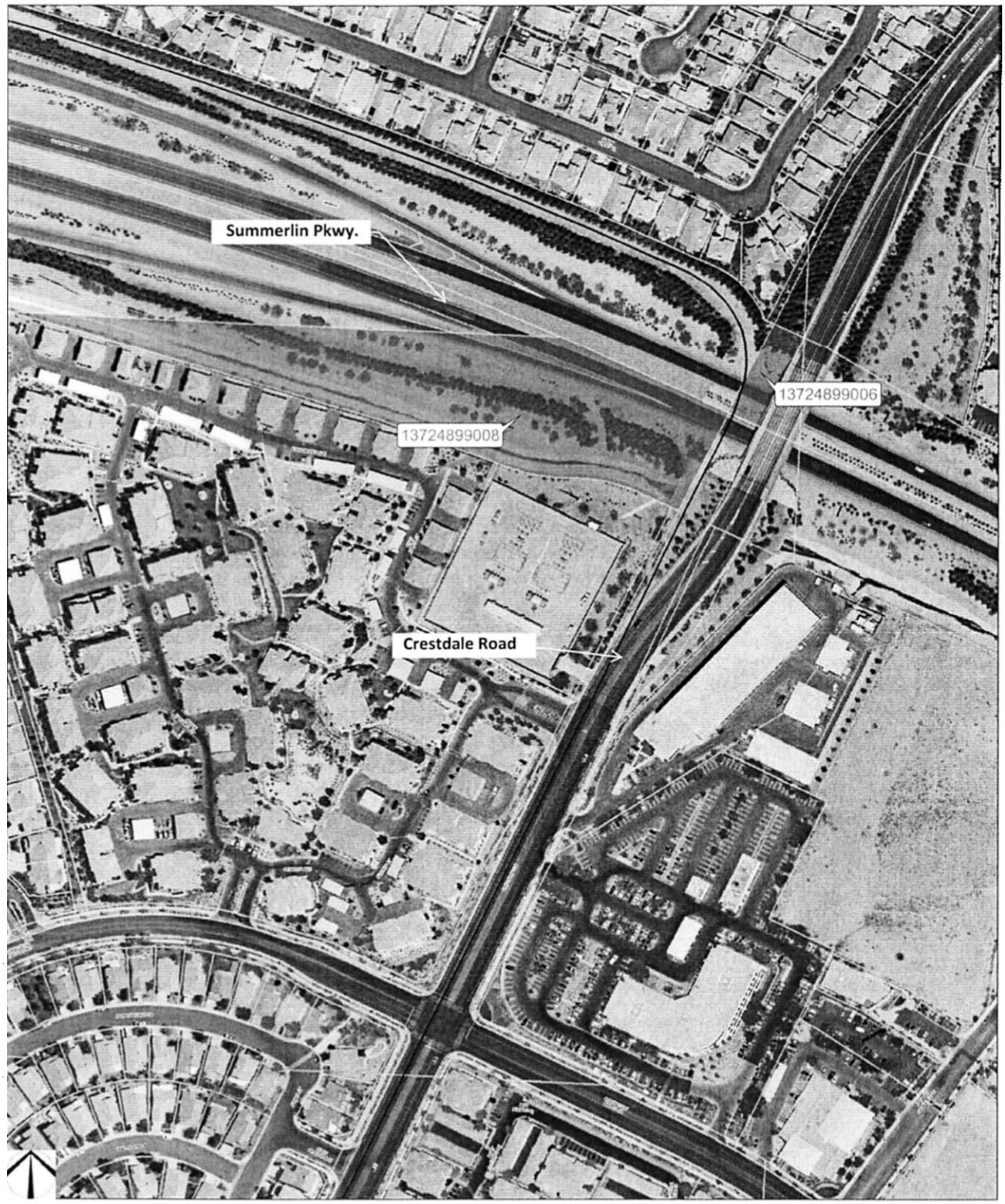
Personally appeared _____ (Names(s) of Signer(s))

☐ personally known to me --OR-- ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

_____

EXHIBIT A					
Panel Number	Parcel Number	Parcel Owner	Mailing Address	Use	Comments
5	137-24-899-006	City of Las Vegas	731 S. Fourth Street, Las Vegas NV 89101	Crossing @ Summerlin Pkwy	Inadvertently mislabeled and previously amended as 134-24-899-006.
5	137-24-899-008	City of Las Vegas	731 S. Fourth Street, Las Vegas NV 89101	Crossing @ Summerlin Pkwy	Inadvertently mislabeled and previously amended as 134-24-899-008.
7	137-25-799-001	City of Las Vegas	732 S. Fourth Street, Las Vegas NV 89101	Common Area - Street Median	Inadvertently excluded from original request.
10	137-36-899-003	City of Las Vegas	731 S. Fourth Street, Las Vegas NV 89101	ROW Hualapai Wy	Inadvertently mislabeled and previously amended as 138-36-899-003.
11	163-06-299-001	City of Las Vegas	731 S. Fourth Street, Las Vegas NV 89101	ROW Charleston Blvd @ Hualapai Wy	Inadvertently amended as Clark County.



Legend

- Kern River Gas Pipeline
- Parcel Outlines
- City of Las Vegas Owned Parcel

0 125 250 500 Feet

K:\Land Environmental\...

August 2009

Kern River GAS TRANSMISSION COMPANY
A MidAmerican Energy Holdings Company

Panel 5

Las Vegas, NV

SOURCES: AERIAL IMAGERY, AERO GRAPHICS 2008, Nevteq street dataset
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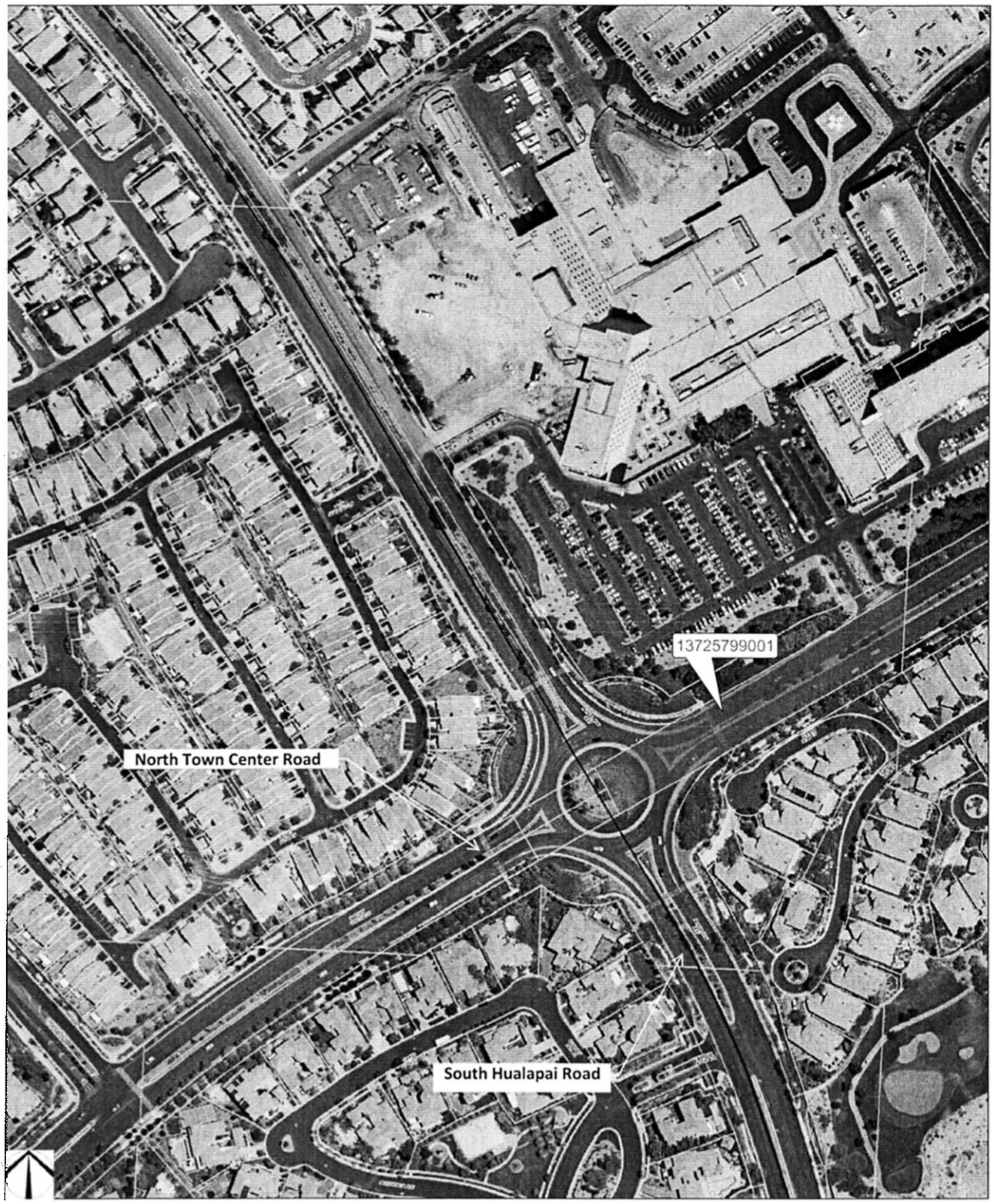
INFORMATION HEREIN CONTAINS CRITICAL ENERGY INFRASTRUCTURE INFORMATION - DO NOT RELEASE



Legend

Kern River Gas Pipeline

Parcel Outlines

City of Las Vegas Owned Parcel

0 125 250 500 Feet

August 2009

Kern River GAS TRANSMISSION COMPANY

A MIDAMERICAN ENERGY HOLDINGS COMPANY

Panel 7

Las Vegas, NV

SOURCES: AERIAL IMAGERY, AERO-GRAPHICS 2008, Nevada street dataset

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Legend

Kern River Gas Pipeline

Parcel Outlines

City of Las Vegas Owned Parcel

0 125 250 500 Feet

August 2009

Kern River® GAS TRANSMISSION COMPANY

A MIDAMERICAN ENERGY HOLDINGS COMPANY

Panel 10

Las Vegas, NV

SOURCES: AERIAL IMAGERY, AERO GRAPHICS 2008, Nevtec; street (street)

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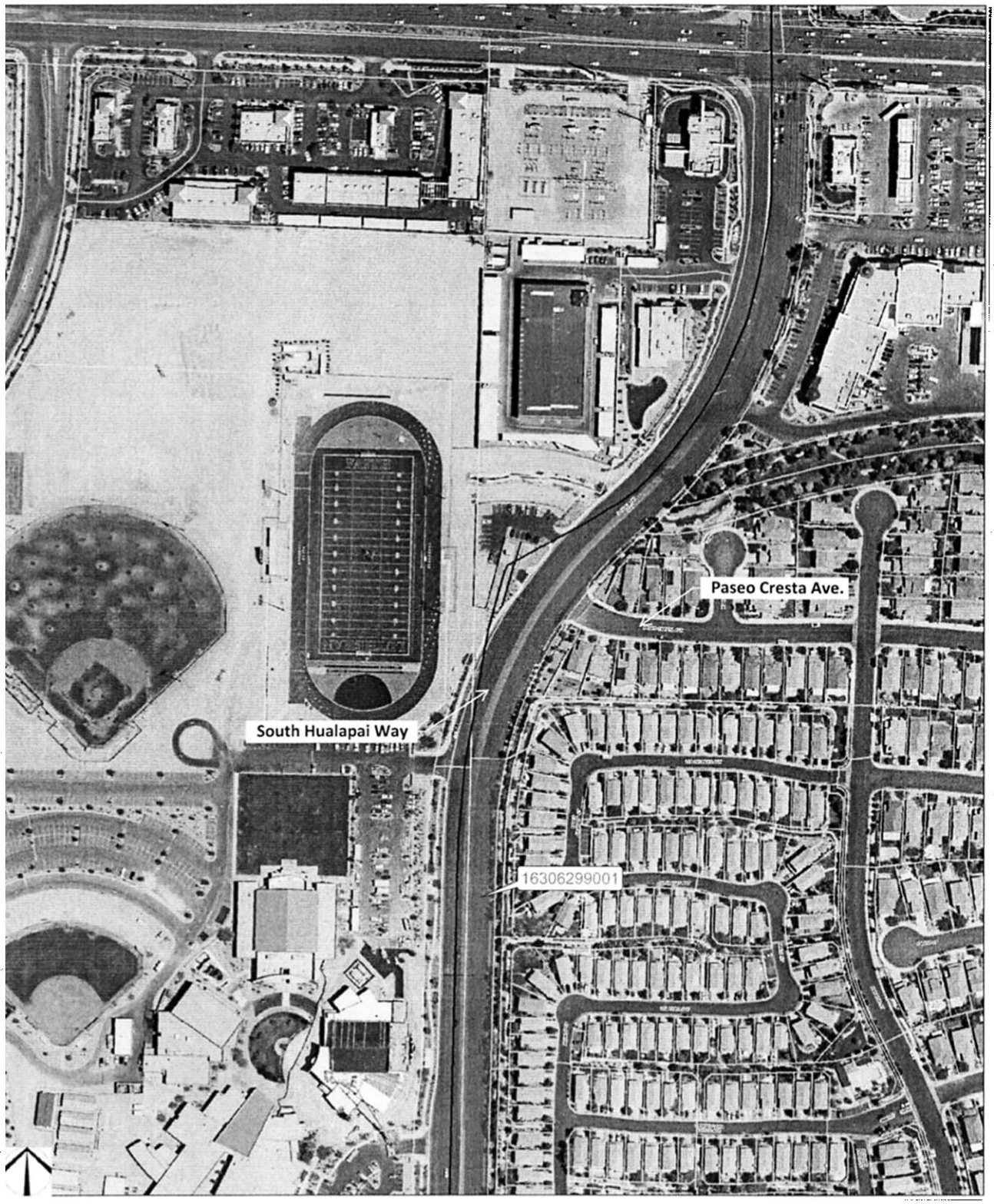

Legend

Kern River Gas Pipeline

Parcel Outlines

City of Las Vegas Owned Parcel

0 125 250 500 Feet

August 2009

Kern River® GAS TRANSMISSION COMPANY

A MIDAMERICAN ENERGY HOLDINGS COMPANY

Panel 11

Las Vegas, NV

SOURCES: AERIAL IMAGERY, AERO-GRAPHICS 2008, Navteq street dataset
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City of Las Vegas Agenda Item No.: **29.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of Interlocal Agreement 113734 between the City of Las Vegas and the Las Vegas Valley Water District for water services to provide irrigation for landscaping of the 1st Street Beautification project located at 1st Street between Boulder Avenue and Hoover Avenue ($7,389 - Southern Nevada Public Land Management Act [SNPLMA]) - Ward 3 (Reese)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $7,389
Funding Source: SNPLMA
Dept./Division: PW/City Engineer

PURPOSE/BACKGROUND:
The City of Las Vegas is currently at the 90 percent design phase for this project. The improvements associated with this Interlocal Agreement will provide water service for irrigation for the 1st Street Beautification project.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Interlocal Agreement 113734

INTERLOCAL AGREEMENT FOR CITY OF LAS VEGAS 1ST STREET BEAUTIFICATION

THIS AGREEMENT made and entered into by and between the CITY OF LAS VEGAS, a municipal corporation of the State of Nevada, hereinafter called "CITY", and the LAS VEGAS VALLEY WATER DISTRICT, a quasi-municipal corporation of the State of Nevada, whose address is 1001 S. Valley View Boulevard, Las Vegas, NV 89153, hereinafter called "DISTRICT".

RECITALS

WHEREAS, the DISTRICT is engaged in the business of distributing potable water in the City of Las Vegas, Nevada, and portions of the County of Clark, Nevada; and

WHEREAS, the CITY is engaged in the development of real property located in the public right-of-way of 1st Street, between Boulder Avenue and Hoover Avenue, further referenced as Clark County Assessor's Parcel Number(s) 139-33-899-003 and 139-34-499-001, and has submitted plans for a beautification project, and is desirous of receiving potable water from the DISTRICT and has made application for water service to said project; and

WHEREAS, the CITY has approved the development of the real property for beautification and has authorized a distribution of water for the development subject to the DISTRICT'S Service Rules; and

WHEREAS, DISTRICT is willing to serve said real property with water pursuant to its Service Rules as adopted by its Board of Directors and subject to the CITY performing all of the terms, conditions and provisions hereinafter set forth and required of the CITY; and

WHEREAS, the CITY is willing to construct at its sole cost and expense the required water service connections and appurtenances for the purpose of providing water service to said real property; and

WHEREAS, both the CITY and the DISTRICT are authorized to enter into interlocal agreements pursuant to NRS 277.180.

NOW, this Agreement WITNESSETH:

ARTICLE I

CITY AGREES:

A. That this Agreement provides a water commitment on a conditional basis only for a beautification project, located in the right-of-way of 1st Street, between Boulder Avenue and Hoover Avenue. The conditional water commitment is provided in accordance with the DISTRICT'S Service Rules which are made a part of the Agreement by reference and applies only to the development identified in this paragraph.

B. The water commitment will be conditional until all water facilities identified in paragraph E of this Article I are constructed by the CITY and accepted by the DISTRICT for the complete development described in paragraph A of this Article I.

C. That in the event the use of the property changes and modifications to the water facilities are required, the CITY will be required to either obtain a new conditional water commitment from the DISTRICT, or at the option of the DISTRICT, to amend the Agreement.

D. That the CITY has had the opportunity to review the Service Rules and agrees to comply with the Service Rules that are in force on the effective date of this Agreement including those sections pertaining to the water commitment process.

E. At CITY'S sole cost and expense to furnish all necessary materials, labor, and equipment for the construction of the service connections and appurtenances which may include, but not be limited to, the connection to the main and the lateral pipe, a meter, or battery thereof, a meter box or vault, valves, and backflow prevention assembly hereinafter called "WATER FACILITIES", from the main to the point where the water being delivered leaves the piping owned by the DISTRICT. The location and type of said WATER FACILITIES are identified on the plan entitled:

1ST STREET BEAUTIFICATION
Utility Plan

F. That said WATER FACILITIES may be sized to ultimately provide water service to development other than described herein, however the conditional water commitment is only for that portion of the project described herein and any additional construction requires a separate and additional conditional water commitment from the DISTRICT.

G. That said WATER FACILITIES shall be constructed in the location shown, and in accordance with the above-mentioned plan, as approved by the DISTRICT, and in conformance with DISTRICT specifications.

H. That all work shall be subject to inspection and approval by an authorized representative of the DISTRICT and the DISTRICT shall be notified a minimum of 48 hours in advance of actual construction start and 24 hours prior to an inspection of any part of the work, in order that necessary inspection can be arranged.

I. To comply with the DISTRICT'S Service Rules that are in force on the effective date of this Agreement including those sections pertaining to the water commitment process and construction of the WATER FACILITIES identified in Article I, paragraph E above.

J. At CITY'S sole cost and expense, to perform all survey work necessary to ensure installation of the WATER FACILITIES to the location and grades called for in the plans.

K. At CITY'S sole cost and expense, to disinfect and pressure test the WATER FACILITIES to the satisfaction of the DISTRICT and the health authorities having jurisdiction.

L. That connections to existing mains shall be made only in the presence of an authorized representative of the DISTRICT and at the times specified by the DISTRICT.

M. That the WATER FACILITIES shall be located outside of driveways, driveway approaches, or other areas subject to vehicular traffic. In the event the WATER FACILITIES are located within those areas either inadvertently or otherwise, the CITY shall cause such WATER FACILITIES to be relocated outside of the driveways, driveway approaches or other areas described above, in accordance with DISTRICT'S requirements, or shall reimburse the DISTRICT for the cost of relocating said WATER FACILITIES. If extraordinary conditions exist that would prevent compliance with this requirement, the CITY may submit to the DISTRICT a written request for a waiver of this requirement pursuant to the DISTRICT'S Service Rules.

N. To furnish to the DISTRICT easements, in a form satisfactory to the DISTRICT, where WATER FACILITIES are approved to be installed in other than dedicated street or alleys. Said easements shall conform to the requirements as indicated on the approved water plans and be perpetual. The conditions of said easements shall be such that no buildings, structures, trees, shrubs, or other improvements which would interfere with its use by DISTRICT can be placed upon it, that DISTRICT will have the right to operate, maintain, repair, replace, and/or change the size and/or number of WATER FACILITIES; and that proper access to all parts of the easement by DISTRICT forces and equipment is provided. The conditions of said easements shall further provide that the property owner agrees to pay any and all costs incurred by the DISTRICT to make and/or maintain said easements accessible to the DISTRICT. It may be provided that other utility lines can be installed in said easement, so long as they do not interfere with its use by DISTRICT, and are in compliance with state laws and regulations.

O. Should any defective material or workmanship affecting the WATER FACILITIES installed by the CITY be disclosed within one (1) year of the date of completion and acceptance of the WATER FACILITIES by the DISTRICT, the CITY shall immediately cause the defect to be corrected, or shall reimburse DISTRICT for its cost to correct said defect. For the purpose of this Agreement, failures including, but not limited to, any leak or break in the WATER FACILITIES, or any pavement settlement, shall be considered conclusive evidence of defective materials and/or workmanship.

P. That upon completion of construction of the work and acceptance of the work by the DISTRICT, the CITY will provide final acceptance of all work associated with the project and the final acceptance shall include providing the DISTRICT with all its right, title, and interest, in and to the WATER FACILITIES. The CITY will warrant at the time of said final acceptance that there are no encumbrances for material and labor claims.

Q. That installation of said WATER FACILITIES does not assure or guarantee that a complete water service will be available in the future. Until such time as a complete service connection is approved by the DISTRICT and a water commitment is obtained from the DISTRICT, no water may be taken from the new WATER FACILITIES installed under this Agreement.

R. That all water will be taken through metered service connections, in accordance with DISTRICT'S Service Rules. The CITY will require its contractor to install the meters in a timely manner.

S. To require its contractor to protect all existing water facilities during construction and to promptly undertake the repair of damaged facilities upon authorization of the DISTRICT.

ARTICLE II

DISTRICT AGREES:

A. That upon completion of construction of the WATER FACILITIES, acceptance of same by the DISTRICT, and fulfillment by the CITY of all requirements of this Agreement, to supply water to, and to thereafter operate and maintain the WATER FACILITIES installed pursuant to this Agreement in accordance with the DISTRICT'S Service Rules as the same are established and amended.

B. That construction water may be provided through metered fire hydrants and/or metered service connections in accordance with the DISTRICT'S Service Rules.

C. If required as a condition of the District's Service Rules, to refund to the CITY any overpayment of Regional Connection Charges based on a confirmed audit of annual water usage by the above described property within the first three (3) years of operation. All payments will be based on the Regional Connection Charge Rates paid at the time of project approval.

ARTICLE III

IT IS MUTUALLY AGREED:

A. That the parties understand that this Agreement does not create "water rights", but only rights to conditional water service as a potential customer. This Agreement does not create a property interest in such water service and the CITY is not deemed a DISTRICT water customer until the water facilities and development identified herein are completed as specified.

B. That the WATER FACILITIES installed under this Agreement shall be and remain the exclusive property of the DISTRICT, and shall become a part of the DISTRICT'S general water distribution system after acceptance by the District.

C. That in the event a portion of the WATER FACILITIES are constructed but this Agreement terminates, the above described property shall have no water commitment by virtue of the installation of the WATER FACILITIES. Requests for future use of said WATER FACILITIES if retained in place, shall require that a new water commitment be obtained before the WATER FACILITIES can be utilized.

D. That this Agreement shall terminate and the conditional commitment shall be void if any of the following occurs:

   1. Construction of the water facilities covered by the plan or plans identified in Article I, paragraph E of this Agreement is not diligently commenced within one (1) year from the date of DISTRICT approval of said plan or plans; or

   2. If active construction work is discontinued for a period of one (1) year; or if such construction is commenced within said one (1) year period, but is not diligently prosecuted to completion in a manner acceptable to the DISTRICT.

E. That if this Agreement terminates in accordance with its terms, right, title and interest of all or any portion of the WATER FACILITIES installed, as determined solely and exclusively by the DISTRICT, shall become the exclusive property of the DISTRICT for the DISTRICT to use, modify, or to dispose of as the DISTRICT deems appropriate.

F. That noncompliance or violation of the DISTRICT'S Service Rules or any provision of this Agreement by the CITY or its officers, employees, agents, contractors, licensees or invitees shall be cause for the District, at its sole discretion, to discontinue water service to CITY'S project without challenge by CITY and without liability for any damages caused by said discontinuation.

G. That the CITY will be responsible for any loss, damage, liability, cost or expense, except those exempted by law, caused by the actions or inactions of its employees, consultants, contractors, or agents arising under this Agreement, to the extent permitted by law including, but not limited to the provisions in NRS Chapter 41. The CITY shall protect, indemnify, and hold the DISTRICT, its officers, employees, and agents harmless from and against any and all claims, damages, losses, expenses, suits, actions, judgements, and awards including attorney's fees and court costs which may be brought against it or them as a result of or by reason of or arising out of or as a consequence of the construction of the WATER FACILITIES contemplated in this Agreement.

H. That this Agreement shall not be deemed to be for the benefit of any entity or person who is not a party hereto, and is not a commitment for water service, and neither this Agreement, nor any interest therein, may be assigned without the prior written consent of the non-assigning party.

I. That this Agreement represents the entire understanding of the CITY and the DISTRICT relative to the installation of the WATER FACILITIES in conjunction with the CITY'S project.

J. That should any part of this Agreement be rendered void, invalid, or unenforceable by any court of law, for any reason, such determination shall not render void, invalid, or unenforceable, any other part of this Agreement.

K. That the laws of the State of Nevada will govern as to the interpretation, validity, and effect of this Agreement.

L. That each party shall not discriminate against employees or applicants based on race, color, religion, sex, sexual orientation, age, or national origin, and shall ensure that applicants are employed and employees are treated without regard to the above-mentioned factors and agrees to post in conspicuous places for employees and applicants' notices provided by the Equal Employment Opportunity Commission setting forth these provisions. Each party further agrees that solicitation for employees shall state that qualified applicants will receive consideration without regard to the above-mentioned factors and will send to labor unions or collectives with which he/it has an agreement a notice of the commitments required herein and each party will comply with all local, state and federal laws prohibiting discrimination in hiring or employment opportunities.

IN WITNESS WHEREOF, the parties hereto have entered into this Interlocal Agreement on the _____ day of _____, 200___.

Date of Council Action

_____

ATTEST:

CITY OF LAS VEGAS

_____
BEVERLY K. BRIDGES, CMC, City Clerk

BY:_____
OSCAR B. GOODMAN, Mayor

APPROVED AS TO FORM:

John S. Ridilla
Deputy City Attorney

John S. Ridilla
~~BRADFORD JERBIC, Deputy City Attorney~~

8/31/09
Date

ATTEST:

LAS VEGAS VALLEY WATER DISTRICT

_____
PATRICIA MULROY, Secretary
Las Vegas Valley Water District

BY:_____
RORY REID, President
Board of Directors

APPROVED:

_____
CHARLES K. HAUSER, General Counsel

City of Las Vegas Agenda Item No.: **30.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a Facilities Relocation Agreement between the City of Las Vegas and Nevada Power Company d/b/a NV Energy for relocation of power facilities for the Charleston Bus Turn Out project located along Charleston Boulevard from Fremont Street to Nellis Boulevard ($286,887 - Regional Transportation Commission of Southern Nevada [RTC]) - Ward 3 (Reese) and County

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $286,887
Funding Source: RTC
Dept./Division: PW/City Engineer

PURPOSE/BACKGROUND:
The City of Las Vegas is constructing bus turnouts along Charleston Boulevard from Fremont Street to Nellis Boulevard. The utility improvements associated with this Interlocal Agreement provide for relocation of NV Energy Transmission facilities to accommodate the new bus turnouts.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Facilities Relocation Agreement

FACILITIES RELOCATION AGREEMENT

This Facilities Relocation Agreement ("**Agreement**") is entered into by and between Nevada Power Company, a Nevada corporation, d/b/a NV Energy ("**Utility**") and City of Las Vegas, Department of Public Works, a municipal corporation of the State of Nevada, ("**Applicant**"). The Parties are referred to herein individually as a "**Party**," and collectively as the "**Parties**."

RECITALS

(A) Utility owns and operates electric transmission and distribution facilities and provides electric service to the public in accordance with a tariff filed with the Public Utilities Commission of Nevada ("**Commission**").

(B) Utility holds certain Property Rights for the Facilities, which among other things permit Utility to locate and operate certain communication facilities and electric line systems for the distribution and transmission of electricity.

(C) [RESERVED]

(D) Applicant proposes to develop the property commonly known as City of Las Vegas Three Bus Turnouts and further described as APN(s) 162-01-111-003, 162-01-102-001, 162-01-501-002, 162-01-501-003, 161-06-110-020, 161-06-110-035 through 161-06-110-038, 161-06-110-052 through 161-06-110-056, and 161-06-110-069. Because the Development conflicts with the Facilities, Applicant has requested that Utility modify a portion of the Facilities generally located at south side of Charleston Blvd. between Fremont St. and Nellis Blvd. ("**Original Location**"). The modification might include a relocation of certain Facilities.

(E) Utility has determined that, in accordance with Rule 9, other applicable provisions in its Tariff Schedules, and this Agreement, it can modify its Facilities.

(F) Applicant agrees with Utility's proposed solution and agrees to pay all Costs associated with this Agreement.

(G) Applicant acknowledges that it must follow Utility's procedures for identifying and resolving conflicts between its Development and Utility's above-ground and underground electric transmission and distribution facilities and that Utility will only waive or approve a particular conflict through Utility's standard, transmission use agreement signed by the property owner(s) and Utility, duly notarized, and recorded.

(H) Applicant acknowledges that Utility does not have an obligation to provide service to Applicant's Development until after Applicant resolves all conflicts between the Development and the Facilities and provides all necessary Property Rights – all at Applicant's expense and to Utility's satisfaction.

In consideration of the above recitals, mutual covenants, terms and conditions contained in this Agreement, the Parties agree as follows:

FACILITIES RELOCATION AGREEMENT

AGREEMENT

1. DEFINITIONS

In addition to other terms defined elsewhere in this Agreement, when the following terms appear, whether used in the singular or plural, they have the following meanings.

1.1 Betterment: Any deviation, modification or upgrade to the Facilities or any modification of the Plan and Profile made primarily for the benefit and at the voluntary election of Utility.

1.2 Contributions in Aid of Construction ("**CIAC**"): Costs including, but not limited to, those referred to in Rule 9, Sections A.3, A.5, A.6, A.9, and A.10.

1.3 Costs: Direct and indirect costs attributable to the Project, including, but not limited to, those for permitting; satisfying condition(s) of a Permit(s); engineering; procurement; construction; repair; materials/equipment; surveys; labor; material/equipment acquisition, handling and storage; contractors and subcontractors; acquisition of Property Rights, escrow fees; contract termination or cancellation fees; administrative and general overheads such as "Allowance for Funds Used During Construction" (AFUDC); remediation of a Hazardous Material(s) or otherwise contaminated soil or environment at the work site; local, state and federal taxes and assessments; Tax Effect; litigation guarantees; appraisals; attorneys' fees and expenses; compensation for Property Rights (permanent and temporary); expenses associated with acquiring an easement(s) for the modified facilities whether through negotiation or a condemnation lawsuit(s); and, expenses associated with terminating or dismissing a condemnation lawsuit(s). Costs incurred by Utility in good faith prior to the execution of this Agreement are included within this definition.

1.4 Development: Applicant's project commonly known as the City of Las Vegas Three Bus Turnouts and generally located at south side of Charleston Blvd. between Fremont St. and Nellis Blvd.

1.5 Effective Date: The last date on which this Agreement is signed by the Parties required to sign, as set forth in the signature blocks at the end of this Agreement.

1.6 Facilities: Utility's existing communication and electric line systems for the distribution and transmission of electricity commonly known as the Olive-Prince 69kV transmission lines.

1.7 Force Majeure: An event or condition that is beyond the control of the affected Party, that occurs without the fault or negligence of the affected Party, and that renders performance impossible or impractical. Force Majeure may include orders of government agencies, war, riots, acts of terrorism, sabotage, a Hazardous Material relating to the Work Area (defined in Section 13.1), civil insurrection, fires, floods, earthquakes, lightning, epidemics, weather, strikes, lock-outs, work stoppages or other labor difficulties (including a labor difficulty involving Utility's work force), and other events or conditions.

1.8 Hazardous Material: Any product, substance, chemical, material or waste whose presence, nature, quantity or intensity of existence, use, manufacture, disposal, transportation, spill, release or effect, either by itself or in combination with other materials is either: (A) potentially injurious to the public health, safety or welfare, or the environment; (B) regulated or monitored by any governmental authority; or (C) a basis for potential liability to any governmental agency or third party under any applicable Permit or Law.

1.9 Improvement Plans: Applicant's grading, detail, utility, and traffic drawings attached as Exhibit D to this Agreement.

1.10 In-Service Date: The date on which all modified facilities are operational, having passed all required testing as part of Utility's electric system, as determined by Utility in its discretion.

1.11 Laws: Any federal, state, or local code, ordinance, rule, statute, enactment, regulation, or order. Any specific reference to a Law in this Agreement refers to the Law as amended from time to time unless otherwise specified.

1.12 Permit: Any applicable approval, permit, consent, waiver, exemption, variance, franchise, order, authorization, right, action, or license required from any federal, state, or local governmental authority, agency, court or other governmental body having jurisdiction over the matter in question which is necessary for the Parties to perform their obligations under this Agreement and under the applicable Laws. Any specific reference to a Permit in this Agreement refers to the Permit as amended from time to time unless otherwise specified.

1.13 Plan and Profile: Utility's Project design showing the modifications to the Facilities. The Plan and Profile approved by the Parties is attached to this Agreement as Exhibit E.

1.14 Project: The engineering, inspection, survey, design, right-of-way work, procurement, permitting, construction and removal necessary to modify certain Facilities and associated appurtenances, as described in Section 2 and as further specified in Exhibit E.

1.15 Project Manager: The individual appointed by each Party to serve as the single point of contact for all issues relating to the Agreement.

1.16 Property Rights: Real property rights such as easements, rights of entry, subordination agreements, conveyances, deeds, transmission use agreements, Permits, prescriptive rights, and rights-of-way.

1.17 Rule 9: Utility's Electric Service Rule No. 9, Electric Line Extensions. Rule 9 is part of the Tariff Schedules and is the version in effect as of the Effective Date. The applicable provisions of Rule 9 apply to this Agreement.

1.18 Tariff Schedules: The entire body of effective rates, charges, and rules, collectively, of the Utility as set forth in its rate schedules and rules for electric customers, as those

rates, charges, and rules are amended from time to time. However, Rule 9 is the version in effect as of the Effective Date.

1.19 Tax Effect: The amount of any gross-up on Utility tax liability under Section 118 of the Internal Revenue Service Code for CIAC and Applicant's non-cash contributions that Applicant must pay in accordance with the Nevada Administrative Code (NAC) § 704.6532 and Rule 9. Any applicable Tax Effect will be payable and applied at the rate effect in Rule 9 as of the Effective Date.

1.20 Third-Party Attachments: Those attachments that are attached to or co-located with the Facilities.

2. PROJECT SCOPE

2.1 Utility's Scope of Work. Utility will, at Applicant's Cost, perform (or cause to be performed) the following in association with the Project:

Scope of Work on three (3) Bus Turnouts Location

Fremont Street

(A) Perform engineering, survey, design and construction work in connection with the Project.

(B) Construction of bus turnout just west Atlantic St. requires change out existing wood pole structure no X8979 into steel pole no. X24422 with (6) 11' arms, to be located approximately 12' south and 6' west of current location. Existing wood pole X8978 is to be reframed to roadside insulators.

Mohave Road

(C) Construction of bus turnouts just west of the Oasis Ridge Apartments entrance change out of existing wood pole structure nos. X9000 into a taller steel pole no. X24423 to be located approximately 90' east of current location.

Palm Street

(D) Construction of bus turnout between May Avenue and June Avenue requires change out of existing wood poles X9008 and X9009 into taller steel poles X24424 and X24425, and X24424 is to be located approximately 82 ft west of X9008 and X24424 is to be located a few feet east of X9009, X9007 and X9010 are to be reframed to roadside insulators.

(E) Transfer existing shield wire, transmission phase conductors, communications cable, and other electrical appurtenances as required.

(F) Provide notice to third parties that they must remove their Third-Party Attachments from certain Facilities.

2.2 Applicant's Scope of Work. In addition to other obligations identified in this Agreement, Applicant must (at no expense to Utility) coordinate relocation of Third-

Party Attachments with the third parties. However, Utility will provide initial notice in accordance with Section 2.1(G).

2.3 [RESERVED]

3. PLAN AND PROFILE DEVELOPMENT

3.1 Preparing Plan and Profile. Based on information provided by Applicant and in accordance with Utility's standards, Utility prepared the Plan and Profile attached as Exhibit E. Applicant approved the Plan and Profile attached as Exhibit E.

3.2 Modifying Plan and Profile. Notwithstanding Section 16.4, Utility may (in its discretion) modify Exhibit E. This modified Plan and Profile will replace the Plan and Profile attached as Exhibit E on the Effective Date. Utility will provide Applicant with a copy of the modified Plan and Profile for informational purposes only.

4. IMPROVEMENT PLAN DEVELOPMENT AND TRANSMISSION USE AGREEMENT

4.1 Improvement Plans – General Requirements. Applicant must use a professional engineer, licensed in the State of Nevada, to prepare, sign, and affix stamps to the Improvement Plans. These drawings must show Facilities placement and identify adequate safety measures for the protection of the Facilities and the public in accordance with Utility's standards.

4.2 Submitting Improvement Plans to Utility. Within thirty (30) days of the date of execution of this Agreement and before continuing with (or beginning) any work, entering or encroaching onto Utility's Property Rights, or working near the Facilities, Applicant must submit its final Improvement Plans to Utility for review and written comment by Utility's Land Services Department and Transmission Engineering Department. Applicant must correct all deficiencies identified by Utility.

4.3 Utility Approval Notice. Within five (5) business days after Utility's Land Services Department and its Transmission Engineering Department approve the location of the modified facilities in relation to the improvements identified on the Improvement Plans initially submitted to them by Applicant, Utility will send Applicant written notice that approval ("**Approval Notice**").

4.4 Submitting Improvement Plans to Governmental Entity(ies). After Utility sends Applicant the Approval Notice, Applicant must submit the Improvement Plans to the appropriate governmental entity(ies) for review and approval and must obtain written authorization by the governmental entity(ies) permitting road closures for maintenance and construction and as otherwise required.

4.5 Revisions to Improvement Plans; Additional Approvals Required. Before submitting revisions to the Improvement Plans to the appropriate government authority(ies) for approval, Applicant must submit all changes to the Improvement Plans to Utility's Land Services Department and Transmission Engineering Department for review and

comment. Applicant must correct all deficiencies identified by Utility. Within five (5) business days after Utility's Land Services Department and its Transmission Engineering Department approve the location of the modified facilities in relation to the improvements identified on the revised Improvement Plans, Utility will notify Applicant of that approval or that no comment is required by Utility.

4.6 Executing Transmission Use Agreement. If any portion of the Facilities and modified facilities are on property owned or controlled by Applicant or by an affiliate of Applicant, within five (5) business days of Utility's written request, the Parties must document Utility's consent to the particular improvements through, and Applicant must execute (or cause the affiliate of Applicant to execute), Utility's standard transmission use agreement, a copy of which is attached as Exhibit F.

5. PROJECT SCHEDULE

5.1 Project Schedule. Utility will make commercially reasonable efforts to complete the Project substantially in accordance with the Project schedule attached to this Agreement as Exhibit C ("**Schedule**") but failure to meet any scheduled date is not a Utility event of default.

5.2 Modification of Schedule. Each Party must promptly provide written notice to the other of any change in the Schedule or any factor that is delaying or threatens to delay the Schedule. Utility may, in its discretion, provide a modified Schedule to Applicant. If Utility provides Applicant with a modified Schedule, then (notwithstanding Section 16.4) this modified Schedule will replace all previously issued Schedules.

5.3 Expediting Schedule. Applicant, at its sole Cost, may request that Utility use commercially reasonable efforts to expedite the Project In-Service Date.

5.4 Project Completion. The Project is deemed complete (A) after Utility receives all Property Rights in accordance with Section 6 and (B) after Utility completes modification of the Facilities in accordance with the Plan and Profile.

6. SITE ACCESS, INFORMATION REQUESTED BY UTILITY, PROPERTY RIGHTS, AND APPLICABLE PERMITS

6.1 Access on Applicant's Property. Applicant must permit Utility access to, over, and across, any property owned or controlled by Applicant, as Utility deems necessary for the purposes of carrying out this Agreement.

6.2 Obligation to Provide Information to Utility. Within ten (10) business days after Utility's written request, Applicant must provide information and documentation requested by Utility, such as information and documentation relating to the Development; to the amount(s) Applicant paid, if any, for third-party Property Rights; and, to the actual cost of Applicant's non-cash contributions to Utility pursuant to Rule 9, Section A.12.

6.3 Obligation to Acquire and Convey Property Rights. Applicant must, without expense to Utility, grant and convey (or use commercially reasonable efforts to obtain for Utility) all Property Rights in a manner that is satisfactory to Utility as to type, location and form (including, but not limited to, the dimensions of the Property Rights area and terms and conditions relating to the Property Rights). In Utility's discretion and at Applicant's Cost, Utility may obtain an appraisal(s) of the Property Rights. If Applicant cannot obtain one or more Property Rights, Utility (at Applicant's Cost) will, if permitted by Law, acquire those Property Rights so that they are satisfactory to Utility as to type, location and form (including, but not limited to, the dimensions of the Property Rights area and terms and conditions relating to the Property Rights).

6.4 Condition Precedent to Commence Construction. Utility is not obligated to commence any construction or removal work in connection with the Project until after the Property Rights are granted to Utility in a manner that is satisfactory to Utility as to type, location and form (including, but not limited to, the dimensions of the Property Rights area and terms and conditions relating to the Property Rights) and until after Utility obtains all Permits.

6.5 Permits for the Project.

(A) Obtaining Permits. Utility will obtain all Permits that it deems necessary for, or incidental to, the construction and continued operations and maintenance of the Project.

(B) Providing Assistance with Permits. Applicant must provide reasonable assistance, as Utility may request, to obtain these Permits. Applicant's support may include such things as writing letters of support to the applicable governmental authorities, speaking on behalf of Utility at hearings at Utility's request, and other actions reasonably requested to assist Utility in obtaining necessary governmental authorizations.

7. COST RESPONSIBILITY, PAYMENT AND SETTLEMENT

7.1 Responsibility for Costs.

(A) General Obligation. Applicant is responsible for all Costs associated with this Agreement.

(B) Increased Costs. If a condition in the field or some other event (such as surface or subsurface field conditions or conditions in a Permit) affects construction of the Project, affects Utility's ability to complete the Project or increases the Cost of the Project, Applicant is responsible for those increased Costs.

7.2. Estimated Cost. The estimated Cost is $286,886.30 ("**Estimated Cost**"). Applicant must pay the Estimated Cost to Utility when Applicant delivers the signed Agreement to Utility. The actual Costs might be more or less than the Estimated Cost and it is possible that not all Costs are identified on Exhibit B; however, Applicant is required to pay the actual Costs.

7.3. Cost True-Up. No later than 60 days after the In-Service Date and after all Costs have been recorded, Utility will conduct a project audit and true-up to compare the Estimated Cost to the actual Costs associated with this Agreement, as amended, and with the Design Cost Agreement ("**Cost True-up**"). Utility will either invoice or refund the difference to Applicant.

7.4. Invoicing. Utility may periodically invoice Applicant for its Costs under this Agreement. Applicant must pay all invoices, even if Utility sends Applicant an invoice after Utility performed a Cost True-up and even if Utility provided a refund.

7.5. Payment of Invoices; Work Stoppage for Non-Payment. No later than thirty (30) days after receiving an invoice from Utility, Applicant must pay the invoice in full. If Utility does not receive timely payment, then Utility, in its discretion and without liability to Applicant, may stop some or all work on the Project, complete the Project, move the Facilities that have been (or are partially) modified back to the Original Location in accordance with Utility's standards. Any delay in payment might result in a delay in completion of the Project.

7.6. No Interest on Amounts Paid by Applicant. Utility will not pay Applicant any interest on the amount of any payment made in connection with this Agreement.

7.7. Interest on Amounts Due Utility. Any amount unpaid by Applicant and due under this Agreement will accrue interest at the then current per annum simple prime rate, as published in the Money Rates section of the Wall Street Journal, plus one percent (1%), from the original due date through the date of receipt of payment by Utility.

7.8. Right to Set Off.

(A) Utility's Right to Set Off Amounts Owing. Utility may set off any sum or obligation (whether or not arising under this Agreement) owed by Utility to Applicant against any sum or obligation (whether or not arising under this Agreement) owed by Applicant to Utility.

(B) Utility's Right to Withhold Additional Amount. Utility may also deduct the following from any sum or obligation (whether or not arising under this Agreement) owed by Applicant to Utility:

(1) The value of any claim against Utility that Applicant has failed to settle in accordance with an indemnity obligation; and

(2) The amount to resolve all conflicts between the Development and Utility's distribution and transmission facilities located within or adjacent to the Development (see Section 8.4(B)).

(3) The amount to resolve all conflicts between the Development and Utility's Property Rights within and adjacent to the Development (see Section 8.4(C)).

(C) Other Rights and Remedies. If Utility offsets any amount in accordance with this Section, Utility may still pursue all other rights and remedies it may have.

8. DEFAULT, TERM, AND OBLIGATIONS SURVIVING TERMINATION

8.1 Default.

(A) Procedure. If a Party ("**Defaulting Party**") fails to comply with the terms and conditions of this Agreement and the failure continues for 30 days after the Defaulting Party receives written notice of the particular failure from the other Party ("**Non-Defaulting Party**"), then the Non-Defaulting Party is entitled to declare a default. The Non-Defaulting Party is entitled to all remedies authorized by law, with the exception that Utility's failure to achieve any scheduled date is not an event of default.

(B) Utility's Right to Terminate. Notwithstanding Section 8.1(A), Utility may immediately terminate this Agreement if Utility is unable to obtain applicable Permits or Property Rights it deems necessary after making commercially reasonable efforts to do so.

(C) Notice to Utility's Legal Department. In addition to sending Section 8.1(A) written notice to Utility's Project Manager, Applicant must also send a copy of that notice to Utility's Legal Department at the address specified in the "Notices" Section of this Agreement.

8.2. Term of Agreement. This Agreement is effective on the Effective Date. Unless termination occurs under Section 8.1, Section 9.4, Section 10.3 or another Section, this Agreement terminates five (5) years from the Effective Date in accordance with Rule 9, Section B.5.

8.3. Duty to Mitigate.

(A) Taking Reasonable Actions to Mitigate Costs. At Applicant's Cost, the Parties must take all reasonable actions to minimize the Costs associated with Agreement termination, whether termination occurs under Section 8.1, Section 9.4, Section 10.3 or otherwise. These actions may include, but are not limited to, such things as stopping some or all Project work, completing the Project, moving the Facilities that have been (or are partially) modified back to the Original Location in accordance with Utility's standards, acquiring Property Rights through condemnation, and dismissing condemnation lawsuits, if any. An action is not reasonable if it inhibits, prevents or otherwise negatively impacts Utility's ability to provide electric service to its customers – as determined by Utility in its discretion.

(B) Applicant's Obligation to Resolve Conflicts. If Utility moves the Facilities that have been (or are partially) modified back to the Original Location, Applicant must follow Utility's procedures for identifying and resolving

conflicts between its Development and Utility's above-ground and underground electric transmission and distribution facilities. Applicant acknowledges that it might incur additional Costs and expenses, such as further revising its Improvement Plans, submitting those plans to Utility for review and comment, obtaining approval of those plans from the governmental entity(ies), relocating improvements on its property, and modifying the Facilities.

(C) True Up. If the Agreement terminates and Utility has not performed a Section 7.3 Cost True-up, then no later than sixty (60) days after all Costs have been recorded, Utility will conduct a project audit and true-up to compare the Estimated Cost to the actual Costs associated with this Agreement. Utility will either invoice or refund the difference to Applicant.

(D) This Section 8.3 survives termination of the Agreement.

8.4. Obligations Surviving Default or Termination. Any default, expiration, or termination of this Agreement or excuse of performance for Force Majeure or otherwise does not release Applicant from any liability or obligation to Utility for:

(A) Paying all Costs associated with the Agreement, whether incurred before or after excuse of performance, default or termination, and paying all Costs that result from excuse of performance, termination or a Party's default.

(B) Resolving all conflicts between the Development and Utility's distribution and transmission facilities located within or adjacent to the Development, at Applicant's Cost.

(C) Resolving all conflicts between the Development and Utility's Property Rights within and adjacent to the Development.

(D) Applicant's obligations under Section 4.

(E) Applicant's obligations under Section 6.

(F) Applicant's obligations under Section 8.3.

The provisions of Section 7.4, Section 7.5, Section 7.6, and Section 7.7 continue to apply to Section 8.4.

9. FORCE MAJEURE (EXCUSABLE DELAY)

9.1 Notice of Force Majeure. If any delay due to Force Majeure occurs or is anticipated, Utility must promptly notify Applicant in writing of the delay within twenty (20) business days after Utility has actual knowledge that a Force Majeure event exists. This notice must include a description of the delay and the cause and estimated duration of the delay.

9.2 Duty to Mitigate Effects of Delay. Utility must exercise due diligence to shorten, avoid, and mitigate the effects of the delay.

9.3 Notice of Resumption of Performance. Utility must promptly notify Applicant in writing when the Force Majeure event has ended and when performance will resume.

9.4 Liability; Termination Option. Utility is not liable to Applicant for Costs incurred as a result of any delay or failure to perform as a result of Force Majeure. In the event of any delay due to Force Majeure, Utility may terminate the Agreement without liability upon 30-days prior written notice to Applicant.

10. HAZARDOUS MATERIALS

10.1 Work Suspension; Notifying Applicant. Upon discovery of a Hazardous Material or otherwise contaminated soil, water or environment at the work site, Utility will stop work and immediately notify Applicant's Project Manager of the unacceptable site condition ("**USC**").

10.2 Notifying Governmental Authority. When required by Law as determined by Utility, Utility will notify the appropriate governmental authority(ies), such as but not limited to the Nevada Division of Environmental Protection, (collectively, "**NDEP**") of the USC.

10.3 Remediation or Termination. At its option, Applicant may either remediate the USC at its Cost or terminate the Agreement. Within fifteen (15) business days after the date identified on Utility's Section 10.1 notice, Applicant must provide Utility with written notice of its decision to remediate or terminate ("**Section 10.3 Notice**"). If Applicant does not provide Utility with this notice in a timely manner, then Utility (without liability to Applicant) may terminate the Agreement.

10.4 Remediation Requirements. If Applicant decides to remediate the USC, Applicant must remediate the USC in accordance with Subsection (A) or Subsection (B), as applicable.

(A) Remediation When NDEP Involvement Is Required. Within twenty-one (21) days after providing Utility with Section 10.3 Notice, Applicant must develop a corrective action plan ("**Corrective Action Plan**"), submit the Corrective Action plan to the NDEP, and provide a copy of the Corrective Action Plan to Utility. After receiving written approval of the Corrective Action Plan from the NDEP, Applicant must complete remediation the earlier of (1) the date specified in the Corrective Action Plan or (2) within sixty (60) days of the date specified on that written approval from the NDEP. Promptly after completing remediation of the USC, Applicant must notify Utility in writing that Applicant believes remediation is complete. Applicant's obligation to remediate the USC is not complete until after Applicant obtains a "no further action letter," "closure letter" or similar letter from the NDEP.

(B) Remediation When NDEP Involvement Is Not Required. With respect to the USC that Utility has identified in its notice to Applicant under Section 10.1 but that does not require notification to NDEP as determined by Utility and within twenty-one (21) days after providing Utility with Section 10.3 Notice,

Applicant must develop a remediation plan ("**Remediation Plan**") and provide a copy of the Remediation Plan to Utility for review and concurrence. Applicant must complete remediation of the USC within sixty (60) days of developing the Remediation Plan. If the remediation work cannot be completed within the 60-day period and Applicant is using commercially reasonable efforts to accomplish the remediation, the period for performing the remediation work will be extended until remediation is completed. But remediation must be completed within six (6) months of the date identified on the Section 10.3 Notice. Promptly after completing remediation, Applicant must notify Utility in writing that Applicant believes remediation is complete. Applicant's obligation to remediate the USC is not complete until after Applicant obtains a "no further action letter," "no further requirement letter" or similar correspondence from a State of Nevada Certified Environmental Manager, who is approved by Utility.

11. PRECEDENCE

11.1 Utility's Tariff Schedules; Commission. This Agreement is made by the Parties pursuant to Utility's Tariff Schedules. Those Tariff Schedules apply to this Agreement, are binding on the Parties, and supersede any portion of this Agreement should a conflict arise. However, the applicable portions of Rule 1 and Rule 9 that relate to Section 7 of this Agreement are the versions of those rules that are in effect as of the Effective Date. Notwithstanding Section 16.4, this Agreement is, at all times, subject to such changes or modifications by the Commission as the Commission may from time to time direct in the exercise of its jurisdiction.

11.2 Integration. This Agreement, together with all other written agreements executed with the same formality as this instrument directly in connection with the Project such as the Design Cost Agreement, represent the entire and integrated agreement between Utility and Applicant and supersede all prior and contemporaneous oral and written communications, representations, and agreements relating to the subject matter of the Agreement.

12. CONFIDENTIALITY

12.1 Exchanging Information. Utility might provide Applicant with information to be used in complying with the Agreement. Some or all of this information, including, but not limited to, oral information, documents, supplier information, files, drawings, and data, may be confidential.

12.2 Labeling Information Confidential. If Utility wants information to be treated as confidential, Utility must label the written information as "CONFIDENTIAL" ("**Confidential Information**").

12.3 Protection of Confidential Information.

(A) Applicant's Obligation to Keep Information Strictly Confidential and Not Disclose It. Applicant must keep the Confidential Information strictly confidential and in a secure location. Applicant must also keep any discussion regarding Confidential Information strictly confidential. Applicant must not disclose any Confidential Information or a discussion regarding Confidential Information to any person or entity except as expressly provided in this Section 12 or as otherwise approved in writing in advance by Utility.

(B) Additional Protection of Information. If Utility has failed to label or advise Applicant that certain information requires protection, the restrictions and limitations in this Section 12 will also apply to the receipt of non-public information that Applicant should reasonably recognize as being confidential.

(C) Transmitting Information. If Applicant transmits any Confidential Information electronically or discusses the Confidential Information in an email, it must encrypt the email and all attachments to it and insert "[CONFIDENTIAL]" as the first word in the subject line of the email.

12.4 Return or Destruction of Confidential Information. Upon Utility's request, Applicant must promptly either return to Utility, or certify the destruction of, all Confidential Information that Applicant received, together with all copies, excerpts, notes and documents derived or generated from the Confidential Information.

12.5 Sharing Confidential Information. Applicant may disclose Confidential Information to and discuss Confidential Information with its affiliates, attorneys, consultants, contractors and subcontractors (collectively, "**Other Parties**"); provided, that the Other Party signs an agreement in a form acceptable to Utility in which the Other Party agrees to be bound by the terms of this "Confidentiality" Section and to submit to the jurisdiction of the District Court, Clark County, Nevada, or any Nevada court with jurisdiction in or over that matter, for purposes of enforcement of that agreement and this "Confidentiality" Section, and any ancillary proceedings regarding interpretation, enforcement or effect of those agreements.

12.6 Request for Confidential Information Through Legal Process. If Applicant becomes legally compelled (by deposition, interrogatory, request for documents, order, subpoena, civil investigative demand or similar process issued by a court of competent jurisdiction or by a government body) to disclose any Confidential Information, to disclose excerpts, notes or documents derived or generated from the Confidential Information, or to disclose discussions regarding the Confidential Information, Applicant must provide prompt written notice to Utility's legal department of any such requirement and seek a protective order preventing or limiting disclosure.

12.7 Rights and Limitations. Utility does not grant any right or license, by implication or otherwise, to Applicant as a result of Utility's disclosure or discussion of Confidential Information. Utility makes no representation or warranties regarding the accuracy or completeness of this information. Applicant expressly recognizes that this information is provided "AS IS" and Utility makes NO WARRANTIES, EXPRESS OR IMPLIED

STATUTORY OR OTHERWISE, WITH RESPECT TO THE CONFIDENTIAL INFORMATION AND EXPRESSLY DISCLAIMS ALL IMPLIED WARRANTIES.

13. INSURANCE AND INDEMNIFICATION

13.1 Insurance. Applicant must procure and maintain in effect and provide, and cause its contractors and subcontractors who are performing work in the Work Area (defined below) to procure and maintain in effect, the insurance coverages set forth in Exhibit G until after all conflicts between the Facilities and the Development are resolved to Utility's satisfaction and until after Applicant's contractors and subcontractors have completed their work in the Work Area. The "**Work Area**" means the area where the Facilities are located and the area where the modified facilities will be located. This insurance requirement does not apply to Applicant if Applicant, its contractors and its subcontractors are not performing any work in the Work Area. The requirements of this "Insurance" Section are not intended to and will not in any manner limit or qualify the liabilities and obligations of Applicant under this Agreement.

13.2 Indemnity. Applicant agrees to indemnify Utility, its directors, officers, employees, and contractors against and from any claim, loss, cost, suit, judgment, damage, and expense, including attorneys' fees, that arise from or are related to (A) Applicant's breach of any representation, warranty, or undertaking under the Agreement; (B) the acts or omissions of Applicant, or its employees, agents, contractors or subcontractors, in connection with this Agreement; or (C) bodily injury to or death of any person (including any employee of Utility) or damage to or loss of use of property resulting from the acts or omissions of Applicant, or its employees, agents, contractors or subcontractors, in connection with this Agreement (collectively, "**Indemnity Claim**"). At Applicant's expense, Utility has sole authority to direct and control its defense and all settlement and compromise negotiations regarding an Indemnity Claim. Applicant must pay all attorneys' fees and costs that Utility incurs or is subject to as a result of an Indemnity Claim. This indemnity will be effective regardless of any negligence (whether active, passive, derivative, joint, concurrent or comparative) on the part of Utility, unless caused solely by the gross negligence or willful misconduct of Utility. For purposes of Utility's enforcement of this indemnity only, Applicant expressly waives all immunity given to Applicant under the workers' compensation laws or other employee benefits acts of any state or jurisdiction that conflicts with Applicant's indemnification obligations under this "Indemnity" Section.

14. REPRESENTATIONS

14.1 Utility's Standing in Nevada. Utility represents that, as of the date of this Agreement, it is duly organized, validly existing and in good standing under the laws of the State of Nevada with the valid corporate power to enter into and perform all of its obligations under this Agreement.

14.2 Applicant's Standing in Nevada. Applicant represents that, as of the date of this Agreement, it (A) is duly organized, validly existing and in good standing under the

laws of the State of Nevada, (B) is registered as a foreign corporation, if applicable, and (C) is licensed to do business in the State of Nevada, and (D) has valid corporate or governmental power to enter into and perform all of its obligations under this Agreement.

14.3 Authority. Each Party has taken all actions as may be necessary or advisable and proper to authorize this Agreement, the execution and delivery of it, and the performance contemplated in it. The persons executing this Agreement state and acknowledge that they are authorized and empowered to do so on behalf of the Party so designated.

15. NOTICES

15.1 Method of Delivery. Each notice, consent, request, or other communication required or permitted under the Agreement must be in writing, delivered personally or sent by certified mail (postage prepaid, return receipt requested), by facsimile (with electronic confirmation of receipt), or by a recognized international courier, and addressed to the Party's Project Manager as identified in Exhibit A.

15.2 Receipt of Notice; Change of Information. Each notice, consent, request, or other communication is deemed to have been received by the Party to whom it was addressed (A) when delivered if delivered personally; (B) on the third business day after the date of mailing if mailed by certified mail; (C) on the first business day after the facsimile transmission if delivered by facsimile; or (D) on the date officially recorded as delivered according to the record of delivery if delivered by courier. Each Party may change its Project Manager or contact information for purposes of the Agreement by giving written notice to the other Party in the manner set forth above.

15.3 Reference to Contract Number. Applicant must include a reference to contract number 07-01014 in any notice to Utility and when paying any invoice.

15.4 Notice to Utility's Legal Department. For all notices given by Applicant to Utility under Section 8, Section 9, Section 10, or Section 13, Applicant must also send a copy of the notice to:

NV Energy
Attn: Legal Department
6226 West Sahara Avenue, M/S 3A
Las Vegas, NV 89146
FAX: (702) 402-2069

16. MISCELLANEOUS PROVISIONS

16.1 Limitation of Damages. Notwithstanding anything to the contrary, Utility is not liable to Applicant for any consequential, indirect, exemplary or incidental damages, including, but not limited to, damages based upon delay, lost revenues or profits.

16.2 No Obligation to Provide Electric Service to Development. Utility does not have an obligation to provide electric service to Applicant's Development until after (A)

Applicant resolves all conflicts between the Development and Utility's transmission and distribution facilities, at Applicant's Cost and to Utility's satisfaction, (B) Applicant resolves all conflicts between the Development and Utility's Property Rights, at Applicant's Cost and to Utility's satisfaction, (C) pays the Estimated Cost in accordance with Section 7, and (D) Applicant satisfies all of its other obligations under this Agreement. If Applicant requires electric service for its Development and Utility must modify its system in order to provide the requested electric service, Applicant must follow Utility's procedures and enter into a separate contract for that electric service.

16.3 No Waiver. The failure of either Party to enforce any of the provisions of the Agreement at any time, or to require performance by the other Party of any of the provisions of the Agreement at any time, will not be a waiver of any provisions, nor in any way affect the validity of the Agreement, or the right of any Party to enforce each and every provision.

16.4 Amendments. Any changes, modifications, or amendments to this Agreement are not enforceable unless consented to in writing by the Parties and executed with the same formality as this Agreement.

16.5 Counterparts. The Parties may execute this Agreement in counterparts. Each of these counterparts, when signed and delivered, is deemed an original and, taken together, constitutes one and the same instrument. A facsimile or email copy of a signature has the same legal effect as an originally-drawn signature.

16.6 Assignment. This Agreement is binding upon the successors and assigns of both Parties effective upon receipt of written consent of the non-assigning Party, such consent not to be unreasonably withheld. Notwithstanding the foregoing, either Party may assign this Agreement with written notice, but without the consent of the other Party, to any successor corporation in any merger. Applicant's successor or assignee must agree in writing to assume all obligations and liabilities under this Agreement.

16.7 Choice of Law and Venue. This Agreement is governed by and will be construed in accordance with the laws of the State of Nevada, without giving effect to its choice or conflicts of laws provisions. All actions that are beyond the scope of the Commission's jurisdiction must be initiated in the courts of Clark County, Nevada or the federal district court with jurisdiction over Clark County, Nevada. Applicant agrees it will not initiate an action against Utility in any other jurisdiction.

16.8 Discretion. Reference in this Agreement to the "discretion" of a Party means the Party's sole and absolute discretion. This discretion is not subject to any external standard, including, but not limited to, any standard of custom, "good faith" or reasonableness.

16.9 Commercially Reasonable Efforts. Reference in this Agreement to the "commercially reasonable efforts" of a Party means that, with respect to a given goal, the efforts that a

reasonable person in the position of that Party would use so as to achieve that goal as expeditiously as possible.

16.10 No Third-Party Beneficiaries. Nothing expressed or implied in this Agreement is intended, or should be construed, to confer upon or give any person or entity not a party to this Agreement any third-party beneficiary rights, interests, or remedies under or by reason of any term, provision, condition, undertaking, warranty, representation, or agreement contained in this Agreement.

16.11 Remedies. All rights and remedies of the Parties provided for in this Agreement will be cumulative and in addition to, and not in lieu of, any other available remedies at law, in equity, or otherwise.

16.12 Headings; Exhibits; Cross References. The headings or section titles contained in this Agreement are used solely for convenience and do not constitute a part of this Agreement, nor should they be used to aid in any manner in the construction of this Agreement. All exhibits attached to this Agreement are incorporated into the Agreement by reference. All references in this Agreement to Sections, Subsections, and Exhibits are to Sections, Subsections, and Exhibits of or to this Agreement, unless otherwise specified.

16.13 Severability. If any portion or provision of the Agreement is invalid, illegal, or unenforceable, or any event occurs that renders any portion or provision of the Agreement void, the other portions or provisions of the Agreement will remain valid and enforceable. Any void portion or provision will be deemed severed from the Agreement, and the balance of the Agreement will be construed and enforced as if the Agreement did not contain the particular portion or provision held to be void. The Parties further agree to amend the Agreement to replace any stricken portion or provision with a valid provision that comes as close as possible to the intent of the stricken portion or provision.

16.14 Performance of Acts on Business Days. Any reference in this Agreement to time of day refers to local time in Nevada. All references to days in this Agreement refer to calendar days, unless stated otherwise. Any reference in this Agreement to a "business day" refers to a day that is not a Saturday, Sunday or legal holiday (or observed as a legal holiday) for Nevada state governmental offices under the Nevada Revised Statutes. If the final date for payment of any amount or performance of any act required by this Agreement falls on a Saturday, Sunday or legal holiday, that payment is required to be made or act is required to be performed on the next business day.

16.15 Independent Contractors. Each Party is not and will not be deemed to be, for any purpose, the agent, representative, contractor or employee of the other by reason of this Agreement.

[signature page to follow]

FACILITIES RELOCATION AGREEMENT

NEVADA POWER COMPANY d/b/a NV Energy	**CITY OF LAS VEGAS DEPARTMENT OF PUBLIC WORKS**
By: _____	By: _____
Printed Name: _____	Printed Name: _____
Title: _____	Title: _____
Date: _____	Date: _____

Approved as to form

John S. Ridilla 8/19/09

John S. Ridilla Date

Deputy City Attorney

FACILITIES RELOCATION AGREEMENT

Exhibit A
Agreement Contacts

Utility (Nevada Power Company d/b/a NV Energy)	
Address	6226 W. Sahara Ave. Las Vegas, NV 89146
Mailing Address	P.O. Box 98910, M/S 10 Las Vegas, NV 89151-0001
Project Manager	Todd Stremming
Telephone	(702) 402-2264
Cellular Telephone	(702) 376-0247
FAX	N/A
Email	tstremming@nvenergy.com

Applicant (City of Las Vegas Department of Public Works)	
Address	400 Stewart Avenue Las Vegas, Nevada 89101
Project Manager	Jeremy P. Leavitt P.E.
Telephone	(702) 229-6278
Cellular Telephone	(702) 376-7098
FAX	N/A
Email	jeleavitt@lasvegasnevada.gov

Exhibit B
Estimated Costs

[Attached]

Charleston Bus Turnouts Relocation Costs

Engineering	$ 67,224
Materials	$ 65,403
Installation Labor	$120,299
Removal Labor	$ 7,620
Project Supervision	$ 23,946
Administrative Expenses	$ 2,395
Total	**$286,887**

Exhibit C
Project Schedule

[Attached]

TO.TL709	TL709 CLV CHARLESTON BUS TURN OUT (...	01-Jun-07 A	21-Jun-10
TOCBT09530	5300-TL709 Actual Cost Activity	01-Jan-09 A	01-Jul-09
TOCBT09540	5400-TL709 Actual Cost Activity	01-Jan-09 A	01-Jul-09
TOCBT1500	RELOCATION CONTRACTS & AGREEMENTS	22-Jun-07 A	25-Sep-09
TOCBT1501	TL329 Charleston Bus - PID Created - #07-01014	22-Jun-07 A	22-Jun-07 A
TOCBT1520	Facility Relo Agree-Prepare/Approval f/Cont Team #07-01014	02-Jul-07 A	07-Nov-07 A
TOCBT1521	Facility Relo Agree -Issued to Customer	07-Aug-08 A	23-Jul-09
TOCBT1522	Facility Relo Agree -Signed/Executed	03-Mar-09 A	25-Sep-09
TOCBT1525	Facility Relo Agree -PO Pmt Received	28-Sep-09	28-Sep-09
TOCBT1580	AGREEMENTS, EASEMENTS, & PERMITS MILESTONE		25-Sep-09
TOCBT1590	Project Complete-Scheduler notifies Financial	31-Dec-09	23-Apr-10
TOCBT1595	Final Audit/True-up	26-Apr-10	21-Jun-10
TOCBT1599	TL329 Charleston Bus - Contract #07-01014 Closed	29-Sep-09	29-Sep-09
TOTL7095400	5400-TL709 Actual Cost Activity	01-Jun-07 A	01-Jul-09
TO.TL709.00	COMMON	21-Aug-09	21-Aug-09
TOTL709A600	CIAC Payment	21-Aug-09*	21-Aug-09
TO.TL709.51	TRANSMISSION PRELIMINARY DESIGN	30-Jun-07 A	06-Oct-07 A
TOCBT5100	TRANSMISSION PRELIMINARY DESIGN (30%)	30-Jun-07 A	06-Oct-07 A
TO.TL709.53	OH LINE DESIGN	22-Jul-07 A	07-Jan-09 A
TOCBT5300	OH LINE DESIGN	22-Jul-07 A	07-Jan-09 A
TO.TL709.52	TRANSMISSION MATERIAL PROCUREMENT	30-Jun-08 A	30-Nov-09
TOCBT5200	TRANSMISSION MATERIAL PROCUREMENT	30-Jun-08 A	27-Nov-09
TOCBT5281	Structures Payment	04-Nov-08 A	04-Nov-08 A
TOCBT5282	DRAW CONDUCTOR FROM STOCK	30-Nov-09	30-Nov-09
TOCBT5283	DRAW INSULATORS FROM STOCK	30-Nov-09	30-Nov-09
TOCBT5285	Switches Payment	30-Nov-09	30-Nov-09
TO.TL709.62	FOUNDATION CONSTRUCTION	30-Nov-09	04-Dec-09
TOCBT6200	DRILL HOLES & FOUNDATION CONSTRUCTION	30-Nov-09	04-Dec-09
TO.TL709.64	TRANSMISSION OUTAGES	30-Nov-09	23-Dec-09
TOCBT6420	CONSTRUCTION LINE OUTAGES	30-Nov-09	23-Dec-09
TO.TL709.61	OH LINE CONSTRUCTION	07-Dec-09	30-Dec-09
TOCBT6100	OH LINE CONSTRUCTION	07-Dec-09	29-Dec-09
TOCBT6180	Trans Facilities In-Service (Update PID to I)	30-Dec-09	30-Dec-09*
TO.TL709.68	TRANSMISSION CLOSE-OUT	31-Dec-09	19-Feb-10
TOCBT6800	TRANSMISSION CLOSE-OUT	31-Dec-09	18-Feb-10
TOCBT6830	REMOVALS	31-Dec-09	27-Jan-10
TOCBT6850	Trans Const Complete (Update PID to L Status)	19-Feb-10	19-Feb-10*

Exhibit D
Improvement Plans

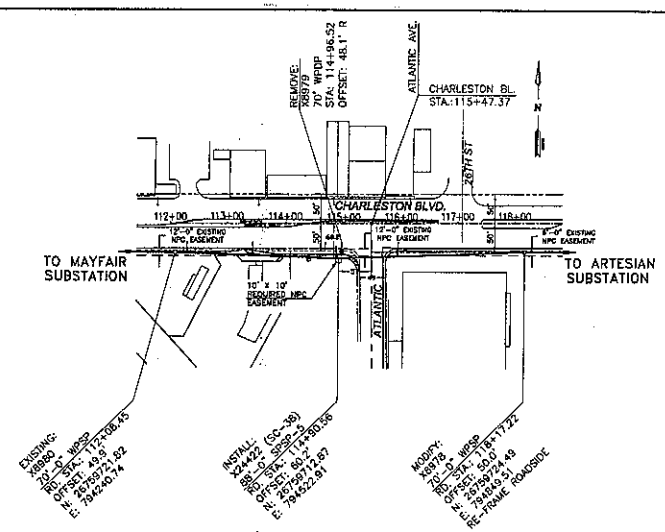
[Attached]

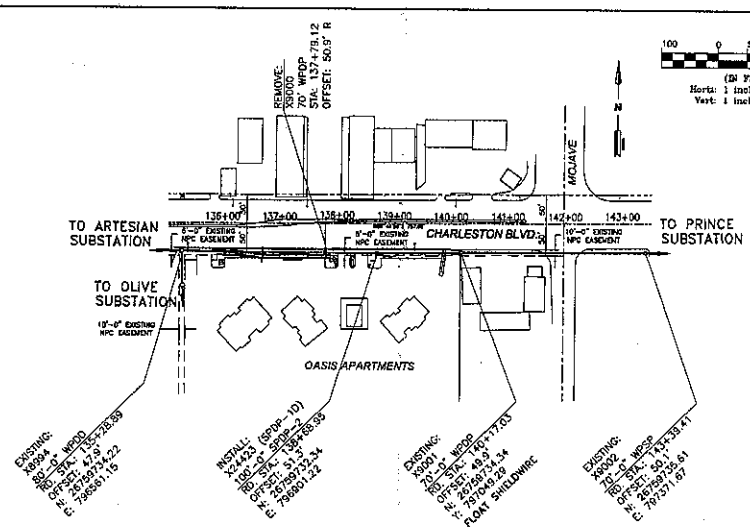
Exhibit E
Plan and Profile

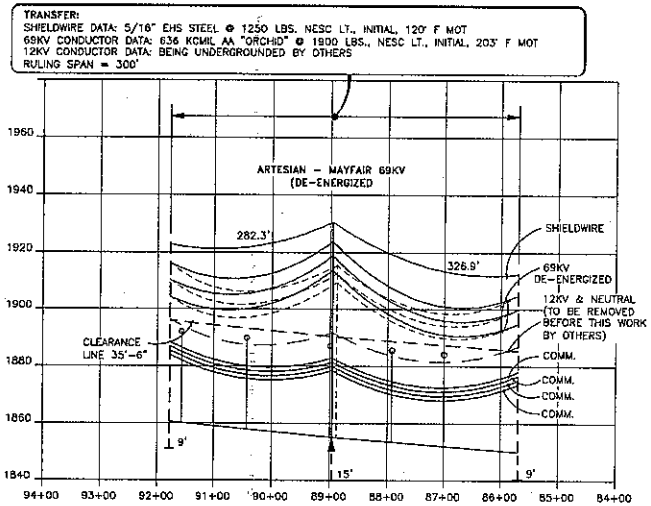
[Attached]

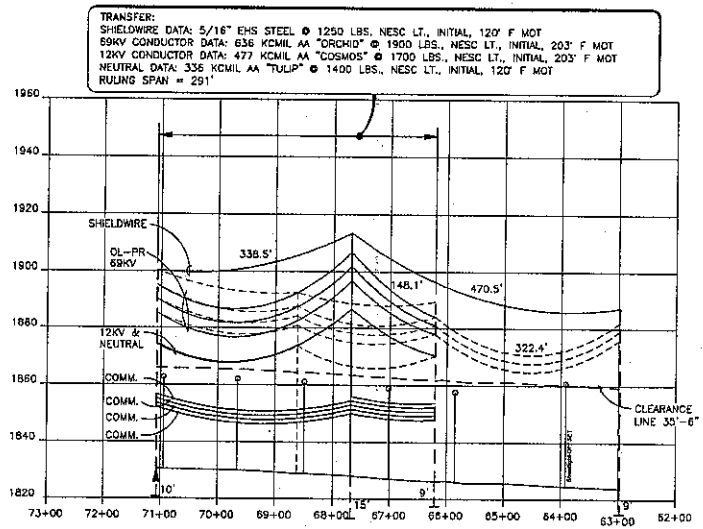






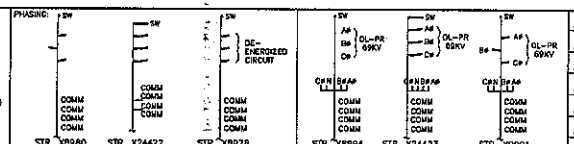






CONST. NO.	X8980	X24422	X8978	X8994	X24423	X9001	X9002
STRUCTURE TYPE	70'-0" WPSP	88'-0" SPSP-5	70'-0" WPSP	80'-0" WPDD	100'-0" SPDP-2	70'-0" WPDP	70'-0" WPSP
LINE ANGLE	00°00'00"	03°57'14" R	00°00'00"	90°19'42" L	00°46'44" R	00°28'27" L	00°00'00"
STATION LOC.	91+78.42	88+96.11	85+69.24	71+07.04	67+68.50	66+20.39	52+98.04
EXISTING GRADE	1860.50	1855.00	1850.00	1830.52	1828.00	1826.09	1823.76
FUTURE GRADE							

LEGEND:
- NEW POLE
- EXISTING POLE
- EXISTING POLE TO BE REMOVED
- EXISTING POLE TO BE REPLACED
- ANGLE
- D DEAD END



REV	DESCRIPTION REVISION RECORD	DRAFTER	DATE	DESIGNER	DATE	CHECKED	DATE	APPROVED	DATE
6	FIRST PLAN AND PROFILE	DEK	2/11/09	BTD	2/11/09	BTD	2/11/09	BTD	2/11/09
5									
4									
3									
2									
1									

Nevada Power Co.
69KV TRANSMISSION
OLIVE – PRINCE
EAST CHARLESTON BUS TURNOUT
NDOT OVERHANG PERMIT PLAN AND PROFILE

REF. NDOT ROAD STATIONING | SCALE: AS NOTED
PROJ. ID. TL329TOCBT | DWG. 441.69.11 P&P | 6

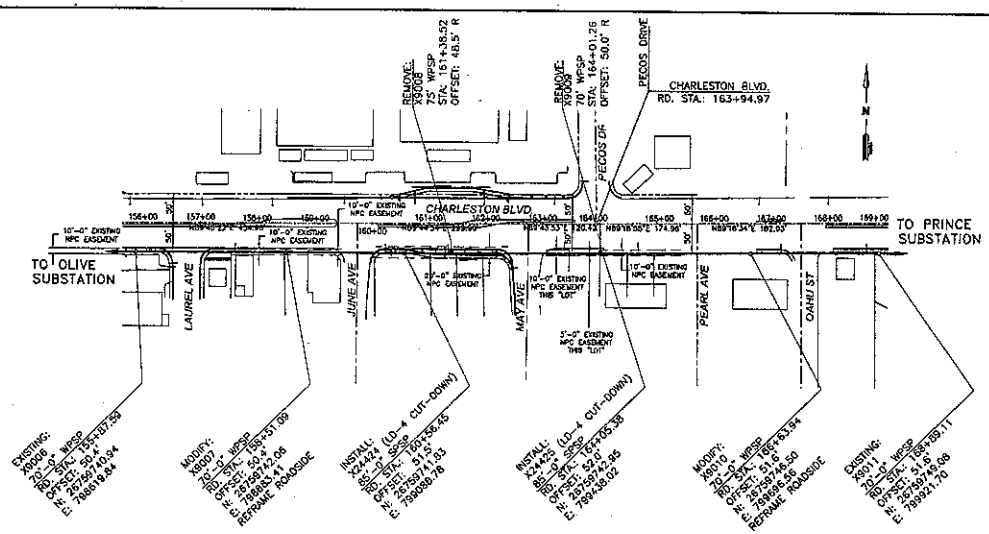
T 20 S | R 61 E | 35 | 36 | 2 | 1 | CLARK CO.

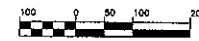
SHEET NO. 1 OF 2

PLOT DATE/TIME: 2/11/2009 9:32 AM PLOTTED BY: BROWN1955

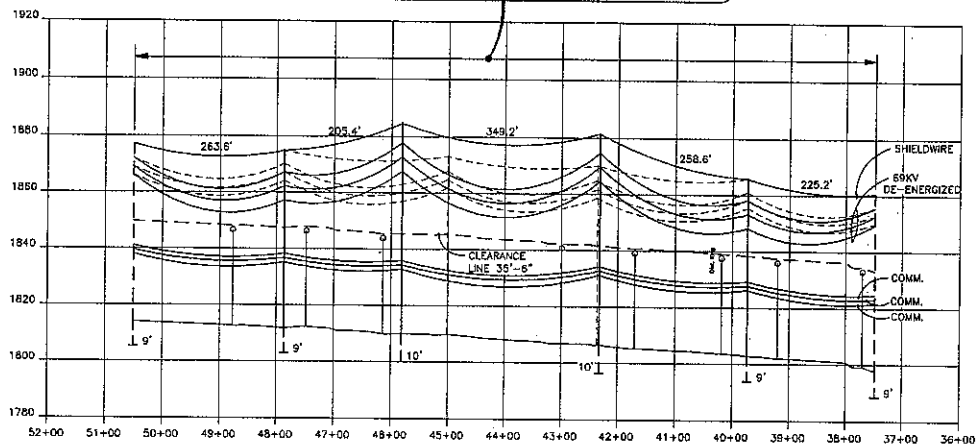






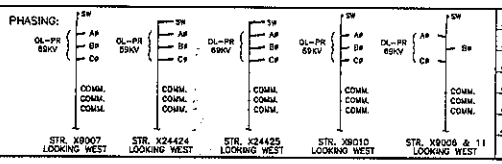


TRANSFER:
SHIELDWIRE DATA: 5/16" EHS STEEL @ 1250 LBS. NESC LT., INITIAL, 120° F MOT
69KV CONDUCTOR DATA: 636 KCMIL AA "ORCHID" @ 1900 LBS., NESC LT., INITIAL, 203° F MOT
RULING SPAN = 308'



LEGEND:
- NEW POLE
- EXISTING POLE
- EXISTING POLE TO BE REMOVED
- EXISTING POLE TO BE REPLACED
- ANGLE
- D DEAD END

PHASING:



REV	DESCRIPTION REVISION RECORD	DRAWN	DATE	DESIGNED	DATE	CHECKED	DATE	APPROVED	DATE
5									
4									
3									
2									
1	FIRST PLAN AND PROFILE	DEK	2/11/09	BTO	2/11/09	BTO	2/11/09	BTO	2/11/09

Nevada Power SM

69KV TRANSMISSION
OLIVE – PRINCE
EAST CHARLESTON BUS TURNOUT
NDOT OVERHANG PERMIT PLAN AND PROFILE

REF. NDOT ROAD STATIONING | SCALE: AS NOTED
PROJ. ID. TL329TOCBT | DWG. 441.69.11 P&P | 0

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CLARK CO.

SHEET NO. 2 OF 2

PLOT DATE/TIME: 2/11/2009 9:30 AM PLOTTED BY: DUDRIL1935
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Exhibit F
Transmission Use Agreement

[Attached]

Exhibit G
Insurance Coverages

1. Types of Insurance Required. In accordance with the "Insurance" Section of the Agreement, Applicant must procure and maintain in effect and provide, and cause its contractors and subcontractors who are performing work in the Work Area to procure and maintain in effect the following (required limits can be met by use of primary, underlying, and umbrella/excess combinations):

   (A) Workers' Compensation and Employer's Liability. Workers' compensation insurance in the form and manner required by the State of Nevada. Employer's liability insurance with the following limits: (1) one million dollars ($1,000,000.00) per each accident; (2) one million dollars ($1,000,000.00) per each employee disease; and (3) one million dollars ($1,000,000.00) in the annual aggregate per each occupational disease.

   (B) Commercial General Liability Insurance. Comprehensive general liability providing bodily injury, property damage, personal injury/advertising injury, premises/operations, and products/completed operations coverage with a per occurrence limit of not less than two million dollars ($2,000,000.00) and an aggregate limit of not less than two million dollars ($2,000,000.00).

   (C) Automobile Liability Insurance. Comprehensive automobile liability with a combined single limit of one million dollars ($1,000,000.00) for each person and one million dollars ($1,000,000.00) for each occurrence.

   (D) Excess or Umbrella Liability Insurance. Excess or umbrella liability with a combined single limit of not less than three million dollars ($3,000,000.00) per occurrence. Except with respect to the workers' compensation insurance, these limits apply in excess of each of the above-mentioned policies.

2. Insurer and Policy Requirements. Each contract of insurance must be with an insurer approved to do business in the State of Nevada, is A-Rated or better by A.M. Best Company and must include the following provisions or endorsements:

   (A) Additional Insured. Naming Utility, its directors, officers, and employees as additional insureds on the general liability, automobile liability insurance policies and excess/umbrella liability insurance.

   (B) Primary Insurance. Stating that the insurance is primary insurance with respect to the interest of Utility and that any insurance maintained by Utility is excess and not contributory insurance.

(C) Subrogation Waivers. Providing Utility with waivers of subrogation on all coverages.

(D) Severability and Cross Liability. Providing for severability of interest and providing cross liability coverage in the general liability, automobile liability insurance policies and excess/umbrella liability insurance.

(E) Notice Requirement. Providing that Utility is entitled to 30-days prior written notice before cancellation of the coverage provided above.

3. Notice Requirement. Applicant must provide Utility with 30-days prior written notice before the termination, expiration, or alteration of the coverage provided above.

4. Deductible and Retention Limits. Deductible or retention amounts under the policies described above must not exceed 5% of the per occurrence coverage limits, without the express written consent of Utility.

5. Certificate of Insurance. Applicant must provide Utility with certificates of insurance, naming Utility as additional insured, evidencing the coverage required above including additional insured endorsement numbers before Applicant, its contractors or subcontractors commence any work in the Work Area. Applicant must provide Utility with a current copy of the certificate of insurance evidencing the coverage set forth above.

City of Las Vegas Agenda Item No.: **31.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a Non-Refundable Contribution in Aid of Construction Agreement with Nevada Power Company d/b/a NV Energy for the relocation of power facilities for the Charleston Bus Turnout project located along Charleston Boulevard from Fremont Street to Nellis Boulevard ($46,868 - Regional Transportation Commission of Southern Nevada [RTC]) - Ward 3 (Reese) and County

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $46,868
Funding Source: RTC
Dept./Division: Public Works

PURPOSE/BACKGROUND:
The City of Las Vegas is constructing bus turnouts along Charleston Boulevard from Fremont Street to Nellis Boulevard. The utility improvements associated with this Interlocal Agreement provide for relocation of NV Energy distribution facilities to accommodate the new bus turnouts.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Non-Refundable Contribution in Aid Construction Agreement

NVEnergy

NON-REFUNDABLE CONTRIBUTION IN AID OF CONSTRUCTION AGREEMENT

Contract No: CIAC0000181881A
Project No: 0000181881
Date Prepared: 06/03/2009

This Non-Refundable Contribution in Aid of Construction Agreement ("**Agreement**") is made and entered between **NEVADA POWER COMPANY**, a Nevada Corporation, d/b/a NV Energy (hereinafter called **"Utility"**) and CITY OF LAS VEGAS (hereinafter called "**Applicant**") (individually, a "**Party**" and collectively, the "**Parties**").

BASIS

A. Utility owns and operates electric transmission and distribution facilities and provides electric service within Clark and Nye Counties, Nevada, in accordance with a tariff filed with and approved by the Public Utilities Commission of Nevada ("**Commission**").

B. Applicant has requested that Utility relocate or alter existing Utility facilities on and/or Applicant has requested "Service," or a "Line Extension," both as defined in Rule 1, for the provision of service by Utility to the premises owned or controlled by Applicant commonly known as CHARLESTON BL. FROM FREMONT TO NELLIS and further described as APN 16201510017 (the "**Property**").

C. Utility will in accordance with Rule 9, applicable provisions of other portions of its Tariff Schedules, and this Agreement, relocate or alter Utility facilities, as requested by Applicant.

D. This Agreement involves a project of typical risk.

E. Applicant acknowledges that it must follow Utility's procedures for identifying and resolving conflicts between its Development and Utility's above-ground and underground electric transmission and distribution facilities and that Utility will only waive or approve such a conflict through a recordable use agreement signed by Applicant and Utility and duly notarized.

NOW, THEREFORE, it is agreed by and between the Parties as follows:

WITNESSETH

A. Line Extension. Utility must remove, relocate or extend its lines as shown on the service design identified as CLV - BUS TURNOUT PROJECT FY 2 which is attached to this Agreement as **Exhibit "A"** and made a part it. Applicant approves this design.

B. Estimated Costs. As summarized on **Exhibit "B"** attached to this Agreement, Utility estimates the Costs of the CIAC Project to be **$39,369.00**.

C. Estimated Advance. The estimated Advance is **$46,868.00**, consisting of:

(1) CIAC. A CIAC in the amount of **$39,345.00**. This amount includes a non-taxable, non-refundable cost of **$4,255.00** and a taxable, non-refundable cost of **$35,090.00**. The Excess Allowance, if any, has been applied. The CIAC is subject to Cost True-up.

(2) Advance Subject to Refund. An Advance Subject to Refund in the amount of $0.

(3) Tax Effect. Tax Effect as follows:

(a) A Tax Effect relating to the Advance Subject to Refund in the amount of $0.

(b) A Tax Effect relating to the CIAC in the amount of **$6,457.00**.

(c) A Tax Effect relating to Applicant's non-cash contributions to Utility pursuant to Rule 9, Section A.12 (such as trenching and substructures

performed by Applicant and/or its contractors/subcontractors) in the amount of $**1,066.00**. This Tax Effect is not subject to refund.

D. Estimated and Excess Allowance. Applicant's estimated Allowance pursuant to Rule 9, Section B.3 is $**.00** ("**Estimated Allowance**"). Of this amount, $**.00** is being provided to Applicant on the Effective Date based on Applicant's representation and Utility's reasonable expectation that the supporting number of meters and/or Demand will be initiated within the 12-month period following the In-Service Date ("**Initial Allowance**"). If the Estimated Allowance is more than Applicant's Cost Responsibility, the Allowance may offset any applicable CIAC pursuant to Rule 9, Sections A.6 and B.3 ("**Excess Allowance**"). The Excess Allowance is $**.00**.

E. Initial Payment. Contemporaneously with execution of this Agreement, Applicant must pay Utility $**46,868.00** ("**Initial Payment**").

F. Projects Agreement Is Contingent on. This Agreement is contingent on projects and/or completion of projects as listed:

Project No.	Initiated	Title

AGREEMENT

1. Definitions

In addition to other terms defined elsewhere in this Agreement, when the following terms appear in the Agreement, they have the following meanings.

1.1 Acceptance: Acknowledgement that particular components of applicable drawings or work specifically corresponding to discrete specifications of Utility Standards are, to the best of Utility's knowledge, compliant with the applicable Utility Standards.

1.2 Adjustment: Without limitation, the addition to, alteration, relocation or removal of Utility facilities under this Agreement and as may be further described in **Exhibit "A"**. Adjustments include without limitation Betterments.

1.3 Advance: Three components consisting of CIAC, Advances Subject to Refund and the Tax Effect(s).

1.4 Advance Subject to Refund: The portion of the Advance that is eligible to be refunded.

1.5 Allowance: The maximum amount that Utility may invest toward Applicant's CIAC Project per Rule 9, Section B.3, including the Cost of Adjustments but excluding Betterments and Applicant requested upgrades. Applicant is not entitled to an Allowance if Applicant's Development does not have permanent structures.

1.6 Betterment: Any deviation or upgrade in the Adjustment to an Utility facility, made primarily for the benefit and at the voluntary election of a Party, that is determined by Utility not to be in accordance with:

(A) Utility's normal design and construction practices with respect to size, type and quality of materials used that is adequate to accommodate Development's Demand, or

(B) The shortest practical route deemed suitable by Utility.

1.7 CIAC Project: The Utility facilities that will be added, altered, relocated or removed, as shown in **Exhibit "A"**.

1.8 Contributions in Aid of Construction ("**CIAC**"): The portion of the Advance that is not eligible to be offset by an Allowance, including but not limited to those Costs referred to in Rule 9, Sections A.3, A.5, A.6, A.9, and A.10.

1.9 Cost or Costs: Direct and related indirect costs associated with this Agreement. Cost or Costs include but are not limited to: permitting; labor; engineering; surveys; material acquisition, handling and storage; contractors and subcontractors; third-party attachments to Utility facilities; administrative and general overheads; local, state and federal taxes and assessments; Allowance for Funds Used During Construction [AFUDC]; litigation guarantees; appraisals; attorneys' fees and expenses; acquisition of and compensation for property rights; expenses associated with acquiring an easement(s) for Utility facilities whether through negotiation or a condemnation lawsuit(s); Tax Effect; and improvements to real property that are related to the Utility facilities but not directly related to electrical requirements, such as fencing and landscaping, reduced by any applicable salvage value.

1.10 Cost True-up: The accounting process in which Utility compares actual Costs to the estimated Costs.

1.11 Development: Applicant's project on the Property for which Applicant has requested service from Utility which may include new service and/or the relocation or alteration of existing Utility facilities. Utility may assign a project identification number, aka "PID #," to this Development.

1.12 Effective Date: The date on which this Agreement is signed by the last of the Parties required to sign it, as set forth below the signatures at the end of this Agreement.

1.13 Force Majeure: An event or condition that is beyond the control of the affected Party and occurs without the fault or negligence of the affected Party. Force Majeure may include orders of government agencies, war, riots, acts of terrorism, civil insurrection, fires, floods, earthquakes, epidemics; weather, strikes, lock-outs, work stoppages or other labor difficulties, and other acts of God.

1.14 In-Service Date: The date on which the CIAC Project has been energized.

1.15 Laws: All federal, state, and local codes, ordinances, rules, statutes, enactments, orders, standards, and regulations, including those of any governmental agency, and all interpretations and replacements of, and changes and supplements to, any of the foregoing. Any specific reference to a Law in this Agreement refers to the Law as amended or supplemented.

1.16 Project Coordinator: The individual with authority to act as an agent of Utility or Applicant for purposes of the Agreement, as identified in Section 14.2 below.

1.17 Rule 1: NPC's Electric Service Rule No. 1, Definitions. Rule 1 is part of the Tariff Schedules.

1.18 Rule 9: Utility's Electric Service Rule No. 9, Electric Line Extensions. Rule 9 is part of the Tariff Schedules and is the version in effect as of the Effective Date.

1.19 Tariff Schedules: The entire body of effective rates, charges, and rules, collectively, of the Utility as set forth in its rate schedules and rules for electric customers, as those rates, charges, and rules are amended from time to time. However, Rule 9 is the version in effect as of the Effective Date.

1.20 Tax Effect: The amount of any gross-up on Utility tax liability under Section 118 of the Internal Revenue Service Code for Advances Subject to Refund, CIAC, and Applicant's non-cash contributions that Applicant must pay in accordance with NAC § 704.6532 and

Rule 9. Any applicable Tax Effect will be payable and applied at the rate in effect in Rule 9 as of the date the Agreement was prepared, which is 06/03/2009.

1.21 Utility Standards: Utility's required design, construction, material, and testing specifications as provided in writing to Applicant on Utility's website, as subsequently revised as deemed appropriate in Utility's discretion.

2. Description and Design of the CIAC Project

2.1 Design for CIAC Project; Amendment. Utility's conceptual engineering design for the CIAC Project is provided in **Exhibit "A."** Applicant approves the design and acknowledges that Applicant is bound by all notes on the design. **Exhibit "A"** may be amended from time to time by Utility to reflect changes as required.

2.2 Condition Precedent to Provide Service. Utility does not have an obligation to provide service to Applicant's Development until after Applicant resolves all conflicts between the Development and Utility's transmission and distribution facilities, at Applicant's expense and to Utility's satisfaction.

2.3 Inaccurate Information and Field Conditions. Applicant understands that inaccurate, incomplete or outdated information and that surface and subsurface field conditions could delay the In-Service Date.

2.4 Sources of Power. The sources of power to the Development are subject to change, at Utility's discretion.

2.5 Providing Service to Applicant. Utility will provide electric service to Applicant in accordance with this Agreement, applicable Laws and Utility's Tariff Schedules.

3. Project Cost, Cash Advance, Allowance and Refunds

3.1 Estimated Costs on Exhibit "B". The estimated Costs of the CIAC Project are delineated on **Exhibit "B"**.

3.2 Limitation on Refund of Advance. Applicant may not necessarily receive a 100% refund of the Advance. Depending upon the risk, project length, and other factors pertaining to the Applicant's CIAC Project, the refund may range from $0 to the maximum allowable.

3.3 Non-Refundable Tax Effect. Given that CIAC, non-cash contributions, and Applicant facilities that exceed the minimum requirements are non-refundable, the Tax Effect associated with these is also non-refundable. However, CIACs are subject to Cost True-up.

3.4 Performance of Cost True-up. Utility will perform a Cost True-up within 60 days after Utility has received and recorded all Costs.

3.5 Refunds and Invoices Associated with Accounting Adjustments. Based on the accounting adjustments in Section 3.4 above, Utility will apply amounts paid by Applicant to Utility under this Agreement and will either invoice Applicant or provide a refund. The total of all refunds must not exceed the Advance Subject to Refund.

3.6 No Interest on Amounts Paid by Applicant. Utility will not pay Applicant any interest on the amount of any payment made in connection with this Agreement.

4. Applicant's Obligations

4.1 Responsibility for Costs. Applicant is responsible for all Costs associated with this Agreement, except for those Utility is specifically responsible for under Rule 9 ("**Applicant's Cost Responsibility**"). If one or more of the projects identified in Witnesseth Section F(2) cancels, is not completed on time, is reduced in scope or in

some other manner affects Utility's ability to provide service to the Development or increases the Cost to serve the Development, the design for the Development might change and Applicant will be responsible for all Costs associated with that design change and increased Cost to serve the Development. Utility is not obligated to perform under this Agreement until after Applicant approves a modified design and pays Utility the additional Costs.

4.2 Payment of Advances. Applicant must pay all Advances based on the Costs identified initially in **Exhibit "B"** and those identified subsequently as part of the Section 3.4 accounting adjustment process.

4.3 Obligation to Construct Facilities in Compliance with Laws. Applicant and its agents must, at Applicant's expense, construct and install Rule 9, Section A.12 improvements, as shown on **Exhibit "A"**, perform work associated with these improvements, and comply with and perform in accordance with all Laws, Utility Standards, the Tariff Schedules, the National Electric Code, and the National Electrical Safety Code. These Rule 9, Section A.12 improvements and the work associated with these improvements include but are not limited to trenching, backfilling, excavation, pavement removal, restoration, repaving, conduits, risers, transformer pads, vaults, enclosures, boxes, work and materials relating to such structures and substructures, and other materials Utility deems necessary for the electrical facilities.

4.4 Identification and Resolution of Conflicts; Costs Associated with Conflicts. Utility is not obligated to provide service to the Development until after Applicant meets its obligations under this Section to Utility's satisfaction:

(A) Identification of Conflicts. Applicant must identify, in writing and in a manner satisfactory to Utility, all conflicts between (1) the Development and Utility's underground and above-ground distribution and transmission facilities located within the Development, (2) the Development and Utility's underground and above-ground distribution and transmission facilities located within or adjacent to offsite improvements required for the Development (3) the Development and Utility's above-ground distribution and transmission facilities located adjacent to the Development, and (4) the Development and Utility's property rights within and adjacent to the Development, including easements, rights-of-way, and any other use or occupancy rights.

(B) Resolution of Conflicts with Utility's Facilities and Payment of Costs. If Applicant, its agents, its contractors, or its subcontractors damage, have damaged, render unsafe or have rendered unsafe Utility's above-ground or underground distribution and transmission facilities located within or adjacent to the Development or to the offsite improvements required for the Development, Applicant must (1) pay all Costs to render those facilities safe, to relocate the facilities impacted, and to construct any new facilities needed, and (2) provide or obtain property rights in Utility's name for the relocated facilities and/or new facilities, at no cost to Utility and in a location and form satisfactory to Utility (including but not limited to the type of property rights, the dimensions of the property rights area, and terms and conditions of the property rights).

(C) Resolution of Conflicts with Utility's Easements and Payment of Costs. If Utility determines, in its discretion, that Applicant, its agents, its contractors, or its subcontractors interfered with Utility's property rights, Applicant must (1) pay all Costs incurred by Utility that are associated with the interference and (2) either remove the interference and return the property rights area to a condition that is

usable by Utility or provide or obtain replacement property rights in Utility's name, at no cost to Utility and in a location and form satisfactory to Utility (including but not limited to the type of property rights, the dimensions of the property rights area, and terms and conditions of the property rights).

4.5 Payment of Invoices; Work Stoppage and Service Delay for Non-Payment. Applicant must pay Utility's invoices within 30 days of receipt. If Utility does not receive timely payment of its invoices, then Utility, without liability to Applicant, may stop work and/or not provide service to Applicant, until after Utility receives payment in full. Any delay in payment may result in a delay in the In-Service Date.

4.6 Interest. Any amount unpaid and due under this Agreement will accrue interest at the then current per annum simple prime rate, as published in the Money Rates section of the Wall Street Journal, plus one percent (1%), from the original due date through the date of receipt of payment by Utility.

4.7 Information Provided by and Needed from Applicant. Applicant understands that Utility relies on information provided by Applicant when performing Utility's obligations under this Agreement. Applicant understands that it has a continuing obligation to provide the most current and accurate information concerning its Development to Utility. Applicant also understands that Utility is not aware of and cannot know all surface and subsurface field conditions. Notwithstanding anything to the contrary in this Agreement, Applicant assumes all responsibilities, liabilities, and Costs for repair, replacement, redesign, modification or other work to the facilities associated with this Agreement:

(A) Resulting from or arising out of incomplete, inaccurate or outdated data and other information supplied to Utility by Applicant; or

(B) Resulting from or arising out of changes affecting the accuracy or completeness of data or information after it is supplied to Utility by Applicant; or

(C) Resulting from or arising out of surface or subsurface field conditions; or

(D) That were installed based on surveys or staking provided by Applicant or Applicant's agents that are found to be located outside the recorded property rights granted for such facilities.

4.8 Inspection of and Responsibility for Facilities Installed by Applicant. For facilities installed by the Applicant:

(A) Applicant must allow Utility to inspect the construction or installation of such facilities for Acceptance.

(B) Applicant assumes all responsibilities and liabilities for such facilities until Utility's Acceptance, in addition to providing the guarantees in Section 6.

4.9 Reduction of Service or Termination Charges. If Applicant fails to complete the Development, terminates or, as determined by Utility, significantly curtails or reduces electric service thereto during the depreciable life of the facilities installed under **Exhibit "A"**, then within 60 days of written notification by Utility, Applicant must pay reduction of service or termination charges in accordance with Rule 9, Section A.25.

4.10 Obligation to Provide Information to Utility. Within 10 days of Utility's written request, Applicant must provide information and documentation requested by Utility, including but not limited to absorption information, information and documentation relating to the amount(s) Applicant paid, if any, for third-party property rights, and information and documentation relating to the actual cost of Applicant's non-cash contributions to Utility pursuant to Rule 9, Section A.12. With respect to absorption information, Applicant must,

at a minimum: (A) for residential-type developments, identify the number of units, type of units (single- or multi-family), sales and cancellations (or net sales) at given time intervals and (B) for commercial-type developments, identify the number of units, square footage for each type of load (casino, retail, convention, etc.), and dates of major load blocks such as chillers or pumps, if applicable, at given time intervals.

5. Property Rights

5.1 Obligation to Acquire and Convey Property Rights. Applicant must, without cost to Utility, grant and convey, or obtain for Utility, all property rights, such as easements, subordination agreements, conveyances, deeds, permits and rights-of-way, that Utility deems it requires for the Utility facilities (or any portion thereof) affected under this Agreement. In Utility's discretion and at Applicant's Cost, Utility may obtain an appraisal(s) of the property rights.

5.2 Condition Precedent to Commence Construction. Utility is not obligated to commence construction of any facilities until the required property rights are permanently granted to Utility in a manner that is satisfactory to Utility as to both location and form (including but not limited to the dimensions of the property rights area and terms and conditions relating to the property rights).

5.3 Ownership of Facilities and Equipment. All facilities constructed and equipment installed by the Applicant and Utility under this Agreement will become property owned, maintained, and controlled by Utility upon Utility's Acceptance. Utility has the right to use, and allow other Utility customers to use, those facilities and equipment for any purpose. Utility may also allow designated telecommunications carriers and cable television companies to use the facilities and equipment if Utility is required to do so by the federal Telecommunications Act or other laws. If Applicant requests that spare conduit be installed in connection with this Agreement and pays the Costs associated with that conduit, Utility is not required to reserve that conduit for Applicant and may use it for other Utility customers and allow designated telecommunications carriers and cable television companies to use that conduit. Further, the sources of power to the Development are subject to change, at Utility's discretion.

5.4 Survival. This Section 5 will survive termination of this Agreement.

6. Guarantees

6.1 Guarantee Against Defects. Applicant guarantees, regardless of Utility's Acceptance, all work Applicant and its contractors/subcontractors perform and all material they furnish under this Agreement against defects in materials and workmanship for a period of 1 year beginning with the In-Service Date of the applicable facilities and equipment.

6.2 Utility's Option to Remedy Defect. Utility may, at its option and upon written notice to Applicant, either itself remedy or require Applicant to remedy any defect in materials or workmanship provided by Applicant and its contractors/subcontractors that develop during the one-year period provided for in Section 6.1. Should Utility choose to remedy such defect, Applicant will pay Utility all Costs incurred.

6.3 Modification or Relocation of Electric Facilities. Where Applicant has requested that Utility install electric facilities prior to the establishment of final grade or the alignment of roads, streets, or alleys, or in unimproved areas and a conflict arises, Applicant must pay all Costs associated with the relocation or modification of any electric facilities and, at Applicant's expense, must grant or obtain for Utility all property rights Utility deems it requires for the relocated/modified facilities, in accordance with Rule 9, Section A.10. The property rights must be granted to Utility in a manner that is satisfactory to Utility as

to both location and form (including but not limited to the dimensions of the property rights area and terms and conditions relating to the property rights).

6.4 Sole Source Guarantee. Applicant guarantees that Utility will be the sole source of electric service to the Development.

7. Default

7.1 Procedure. If a Party ("**Defaulting Party**") fails to comply with the terms and conditions of this Agreement and the failure continues for 30 days after the Defaulting Party receives written notice of such failure from the other Party ("**Non-Defaulting Party**"), then the Non-Defaulting Party is entitled to declare the Defaulting Party in default and is entitled to all remedies authorized by law, with the exception that Utility's failure to achieve any scheduled date is not an event of default.

7.2 Notice to Utility's Legal Department. In addition to sending written notice to Utility's Project Coordinator regarding Utility's failure to comply with the terms and conditions of this Agreement, Applicant must also send a copy of the notice to Utility's Legal Department at the address specified in the "Notices" Section of the Agreement.

8. Confidentiality

8.1 Exchanging Information. Utility may provide Applicant with information to be used in complying with the Agreement. Some or all of this information, including but not limited to, oral information, documents, files, drawings, and data, may be confidential.

8.2 Labeling Information Confidential. If Utility wants this information to be treated as "Confidential Information", Utility must clearly label the written information as "Confidential Information" and, with respect to oral information, Utility must prior to or within twenty-four (24) after the particular oral communication is made identify in writing that the oral communications are confidential.

8.3 Protection of Confidential Information. Applicant must keep all information designated as "Confidential Information" in a secure location.

8.4 Return or Destruction of Confidential Information. Upon Utility's request, Applicant must promptly either return to Utility, or certify the destruction of, all information identified as "Confidential Information" that Applicant received, together with all copies and extracts.

8.5 Sharing Confidential Information. Applicant may disclose confidential information to its affiliates, attorneys, consultants, contractors and subcontractors (collectively, "**Third Parties**"); provided, that the Third Party signs an agreement in a form acceptable to Utility in which the Third Party agrees to be bound by the terms of this Confidentiality Section and to submit to the jurisdiction of the District Court, Clark County, Nevada, or any Nevada court with jurisdiction in or over that matter, for purposes of enforcement of that agreement and this Confidentiality Section, and any ancillary proceedings regarding interpretation, enforcement or effect of those agreements.

8.6 Request for Confidential Information Through Legal Process. If Applicant becomes legally compelled (by deposition, interrogatory, request for documents, order, subpoena, civil investigative demand or similar process issued by a court of competent jurisdiction or by a government body) to disclose any information identified as "Confidential Information", Applicant must provide prompt written notice of any such requirement to Utility and seek a protective order preventing or limiting disclosure.

8.7 Rights and Limitations. Utility does not grant any right or license, by implication or otherwise, to Applicant as a result of Utility's disclosure of information identified as "Confidential Information". Utility makes no representation or warranties regarding the

accuracy or completeness of this information. Applicant expressly recognizes that this information is provided "AS IS" and Utility makes NO WARRANTIES, EXPRESS OR IMPLIED STATUTORY OR OTHERWISE, WITH RESPECT TO THE CONFIDENTIAL INFORMATION AND EXPRESSLY DISCLAIMS ALL IMPLIED WARRANTIES.

9. Force Majeure

9.1 Notice of Force Majeure. If any delay due to Force Majeure occurs or is anticipated, the affected Party must promptly notify the other Party in writing of the delay. This notice must include a description of the delay and the cause and estimated duration of the delay.

9.2 Duty to Mitigate Effects of Delay. The affected Party must exercise due diligence to shorten, avoid, and mitigate the effects of the delay.

9.3 Notice of Resumption of Performance. The affected Party must promptly notify the other Party in writing when the Force Majeure event has ended and when performance will resume.

9.4 Liability; Termination Option. Utility is not liable to Applicant for Costs incurred as a result of any delay or failure to perform as a result of Force Majeure. In the event of any delay due to Force Majeure, Utility may terminate the Agreement without liability upon 30-days notice.

9.5 Notice to Utility's Legal Department. In addition to sending written notice to the Project Coordinator for delay, anticipated delay, and resumption of performance in relation to Force Majeure, Applicant must also send a copy of the notice to Utility's Legal Department at the address specified in the Section 14.3 of the Agreement.

10. Representations

10.1 No Pending Actions, Suits or Proceedings. Applicant represents that to its knowledge as of the date of this Agreement, there are no actions, suits or proceedings pending or threatened against Applicant in any court or before any administrative agency that would prevent its performance under this Agreement.

10.2 Authority. Each Party has taken all actions as may be necessary or advisable and proper to authorize this Agreement, the execution and delivery of it, and the performance contemplated in it. The persons executing this Agreement state and acknowledge that they are authorized and empowered to do so on behalf of the Party so designated.

11. Precedence

11.1 Utility's Tariff Schedules; Commission. This Agreement is made by the Parties pursuant to Utility's Tariff Schedules. Those Tariff Schedules apply to this Agreement, are binding on the Parties, and supersede any portion of this Agreement should a conflict arise. However, the applicable portions of Rule 1 and Rule 9 that relate to Section 3 of this Agreement will be the versions of those rules that are in effect as of the Effective Date. This Agreement is, at all times, subject to such changes or modifications by the Commission as the Commission may from time to time direct in the exercise of its jurisdiction.

11.2 Integration. The Agreement, together with all other documents and agreements executed in connection with providing service to Applicant's project(s), represents the entire and integrated agreement between Utility and Applicant and supersedes all prior and contemporaneous oral and written communications, representations, and agreements relating to the subject matter of the Agreement. However, should a conflict arise between this Agreement and the "Applicant Mylar/Improvement Plans Certification &

Acknowledgement" for the Development (if any) or between this Agreement and the "Property Owner Final Map Acknowledgement" for the Development (if any), this Agreement will supersede the portion of the acknowledgement that conflicts even if the acknowledgement is signed after the Effective Date.

12. Miscellaneous Provisions

12.1 Indemnity. Applicant agrees to indemnify Utility, its directors, officers, employees, and contractors against and from any claims, losses, costs, suits, judgments, damages, and expenses, including attorneys' fees, that arise from and/or are based upon (A) Applicant's breach of any representation, warranty, or undertaking under the Agreement, (B) the acts or omissions of Applicant, or its employees, agents, contractors or subcontractors, in connection with this Agreement, and (C) bodily injury to or death of any person (including employees of Utility) or damage to or loss of use of property resulting from the acts or omissions of Applicant, or its employees, agents, contractors or subcontractors, in connection with this Agreement. This indemnity will be effective regardless of any negligence (whether active, passive, derivative, joint, concurrent or comparative) on the part of Utility, unless caused solely by the gross negligence or willful misconduct of Utility. For purposes of Utility's enforcement of this indemnity only, Applicant expressly waives all immunity given to Applicant under the workers' compensation laws or other employee benefits acts of any state or jurisdiction that conflicts with Applicant's indemnification obligations under this Section.

12.2 Assignment. This Agreement will be binding upon the successors and assigns of both Parties effective upon receipt of written consent of the non-assigning Party, such consent not to be unreasonably withheld. Notwithstanding the foregoing, either Party may assign this Agreement with written notice, but without the consent of the other Party, to any successor corporation in any merger. Applicant's successor or assignee must agree in writing to assume all obligations and liabilities under this Agreement.

12.3 Limitation of Damages. Notwithstanding anything to the contrary, Utility is not liable to Applicant for any punitive, consequential, indirect, exemplary or incidental damages, including, without limitation, damages based upon lost revenues or profits.

12.4 Choice of Law and Venue. The Agreement will be governed by and construed in accordance with the laws of the State of Nevada, without giving effect to its choice or conflicts of laws provisions. All actions that are beyond the scope of the Commission's jurisdiction must be initiated in the courts of Clark County, Nevada or the federal district court with jurisdiction over Clark County, Nevada. Applicant agrees it will not initiate an action against Utility in any other jurisdiction.

12.5 No Waiver. The failure of either Party to enforce any of the provisions of the Agreement at any time, or to require performance by the other Party of any of the provisions of the Agreement at any time, will not be a waiver of any provisions, nor in any way affect the validity of the Agreement, or the right of any Party to enforce each and every provision.

12.6 Independent Contractor. Applicant is an independent contractor for all purposes of the Agreement, and all persons engaged in fulfilling Applicant's obligation under the Agreement are employees, agents, contractors, or subcontractors of Applicant and not the employees, agents, contractors, or subcontractors of Utility. Nothing in the Agreement or any contract/subcontract by Applicant will create any contractual relationship between Applicant's contractor/subcontractor and Utility.

12.7 Interpretation. Each Party to this Agreement acknowledges that it has been represented by counsel in connection with negotiating and entering this Agreement, that each has carefully reviewed and discussed its provisions with counsel and that each fully

understands and has participated in drafting its provisions, and, accordingly, the normal rules of construction to the effect that any ambiguities are to be resolved against the drafting party are not to be employed or used in any interpretation of this Agreement.

12.8 Amendments. Any changes, modifications, or amendments to the Agreement are not enforceable unless consented to in writing by the Parties and executed with same formality as this Agreement.

12.9 No Third-Party Beneficiaries. Nothing expressed or implied in this Agreement is intended, or should be construed, to confer upon or give any person or entity not a party to this Agreement any third-party beneficiary rights, interests, or remedies under or by reason of any term, provision, condition, undertaking, warranty, representation, or agreement contained in this Agreement.

12.10 Remedies. All rights and remedies of Utility provided for in the Agreement will be cumulative and in addition to, and not in lieu of, any other remedies available to Utility at law, in equity, or otherwise.

12.11 Headings. The headings or section titles contained in this Agreement are used solely for convenience and do not constitute a part of this Agreement, nor should they be used to aid in any manner in the construction of this Agreement.

12.12 Discretion. Reference in this Agreement to the "discretion" of a Party means the Party's sole and absolute discretion. Such discretion is not subject to any external standard, including but not limited to, any standard of custom, "good faith" or reasonableness.

12.13 Severability. If any portion or provision of the Agreement is invalid, illegal, or unenforceable, or any event occurs that renders any portion or provision of the Agreement void, the other portions or provisions of the Agreement will remain valid and enforceable. Any void portion or provision will be deemed severed from the Agreement, and the balance of the Agreement will be construed and enforced as if the Agreement did not contain the particular portion or provision held to be void. The Parties further agree to amend the Agreement to replace any stricken portion or provision with a valid provision that comes as close as possible to the intent of the stricken portion or provision.

13. Term and Termination

13.1 Term of Agreement. This Agreement is effective on the Effective Date and will continue for a term of five (5) years unless otherwise terminated under the provisions of this Agreement. Applicant will not be entitled to any refunds or moneys after the termination of this Agreement per Rule 9, Section B.4.

13.2 Obligations Surviving Default, Expiration, or Termination. Any default, expiration, or termination of this Agreement does not release Applicant from any liability or obligation to Utility for:

(A) Applicant's obligations under Section 4.3 above;

(B) Applicant's obligations under Section 4.4 above;

(C) Applicant's obligations under Section 4.7 above;

(D) Payment of reduction of service or termination charges in accordance with Section 4.9 above;

(E) Applicant's obligations under Section 5 above;

(F) Applicant's obligations under Section 6 above;

(G) Any indemnification obligation that arises pursuant to Section 12.1 above; and

(H) Payment of all Costs associated with the Agreement, whether incurred before or after default, expiration or termination, and payment of all Costs that result from termination.

14. Notices

14.1 Method of Delivery. Each notice, consent, request, or other communication required or permitted under the Agreement must be in writing, delivered personally or sent by certified mail (postage prepaid, return receipt requested), by facsimile (with electronic confirmation of receipt), or by a recognized international courier, and addressed to the Party's Project Coordinator as provided below.

14.2 Contact Information. The contact information for the Parties is:

	Utility	**Applicant**
Address	6626 W. SAHARA AVE. LAS VEGAS, NV 89146	400 N. STEWART AVE LAS VEGAS, NV 89101
Mailing Address	NORTH DISTRICT OFFICE 2215 E.LONE MOUNTAIN RD LAS VEGAS, NV 89031 MS: 10	,
Project Coordinator	DON JACKSON	JEREMY LEAVITT
Telephone	702/402-4309	229-1160
Cellular Telephone		
FAX		382-0619
Email Address	DJACKSON@NVENERGY.COM	

14.3 Notice to Utility's Legal Department. For all notices given by Applicant to Utility under Sections 7.1 and 9.5, above, Applicant must also send a copy of the notice to:

NV Energy
Attn: Legal Department
6226 West Sahara Avenue, M/S 3A
Las Vegas, Nevada 89146
FAX: (702) 402-2069

14.4 Receipt of Notice; Change of Information. Each notice, consent, request, or other communication is deemed to have been received by the Party to whom it was addressed (A) when delivered if delivered personally; (B) on the third business day after the date of mailing if mailed by certified mail; (C) on the first business day after the facsimile transmission if delivered by facsimile; or (D) on the date officially recorded as delivered according to the record of delivery if delivered by courier. Each Party may change its Project Coordinator or contact information for purposes of the Agreement by giving written notice to the other Party in the manner set forth above.

IN WITNESS WHEREOF, the Parties execute this Agreement.

NEVADA POWER COMPANY d/b/a NV Energy

By: _____

Name: **KEITH** JACKSON

Title: **Suprv** Design LVN

Date: 7-29-09

CITY OF LAS VEGAS

By: _____

Name: _____

Representing: _____

Title: _____

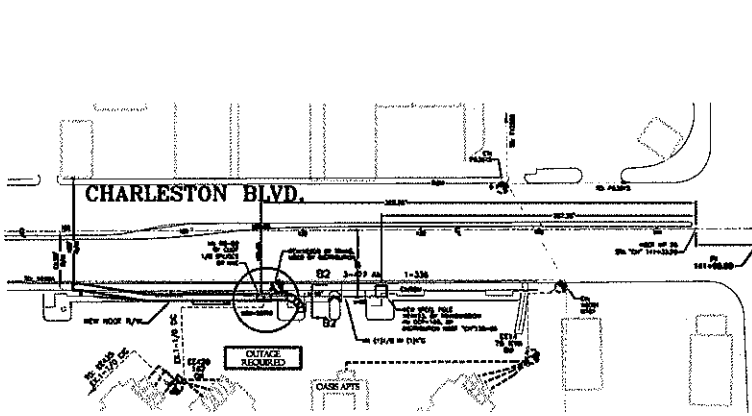
Date: _____

Approved as to form
John S. Ridilla 8/19/09
John S. Ridilla Date
Deputy City Attorney

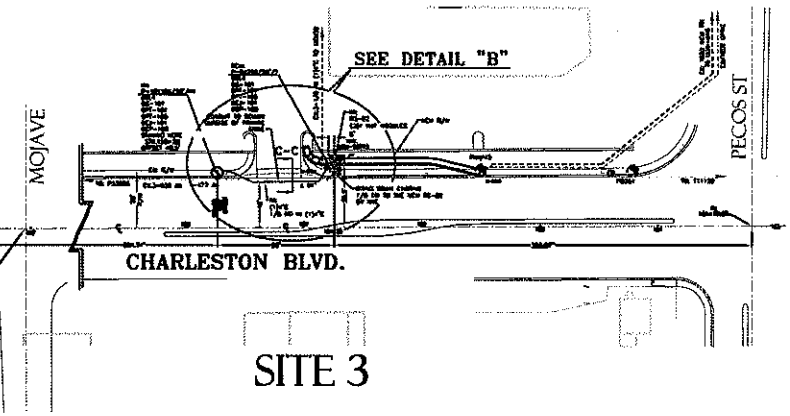
Exhibit "A"

Design

(Attached)



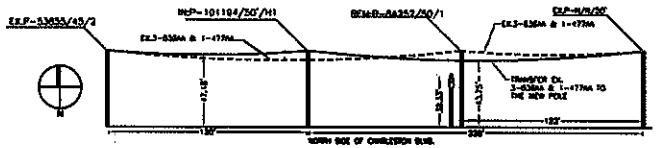
SITE 2



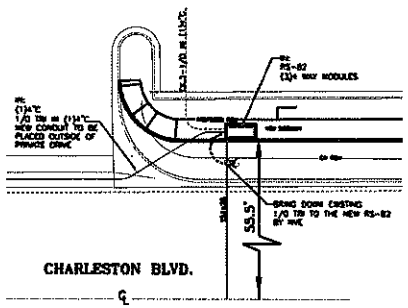
SITE 3

N

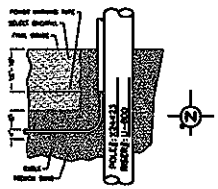
T,R,S: 20S1-36
APN: 138



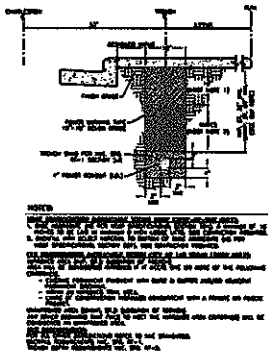
FINAL SAG @ 194°F.
INCLUDING 10 YEARS CREEP



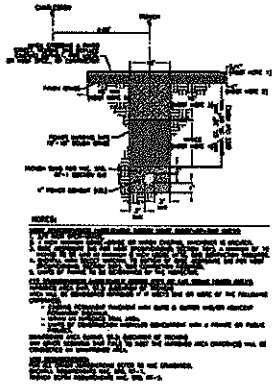
DETAIL "B"



RISER DETAIL



TRENCH DETAIL 'B2-B2'



TRENCH DETAIL 'B2-B2'

NVE OVERHEAD SYMBOLS

FEEDER

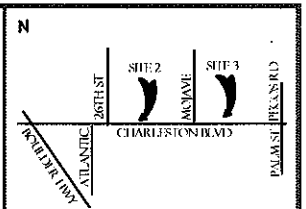
NVE WORK AND SERVICES TO CONSIST OF:

APPLICANT TO FURNISH AND INSTALL:

GENERAL NOTES:

PURPOSE OF PROJECT:
RELOCATE EXISTING OH LINE AND FACILITIES WITHIN BUS TURN OUT PROJECT AREA

CIVIL LINETYPE LEGEND



VICINITY MAP
(NOT TO SCALE)

CALL BEFORE YOU DIG OVERHEAD
CALL 1-702-402-2929
Call 811
1-800-227-2600
1-702-455-7944

REVISIONS

1	NO WORK DNE BY JH	01/26/2007
2	REMOVE SPC 2, ADD NEW STRUCTURE, VERIFY REQUEST T-10 POLE DESIGN-MMC	04/03/2006
3	REMOVE SPC 1 PER CLV-MMC	05/15/2006

TYPE OF EASEMENT:

JPA NOTES:

JPA NOTES:
ENGINEER CONTACT: L.WILLIAMS
PHONE NUMBER: 591-3536
DATE OF CONTACT: 05/17/2006
___ TO SET NEW POLES
___ TO STAKE NEW POLES
___ TO REMOVE ___ POLES
___ FT. CLASS ___
___ FT. CLASS ___
___ TO DIG POLE HOLES
___ TO REMOVE EX. POLES
REMOVE POLE #-ADDRESS ADD.
DETAIL B-WILLIAMS
JPA#: 20060000000

EXHIBIT 'A'

NVE INFORMATION:
JANE KING
402-4340
JORGE NAJERA/MMC
N/A
378-3725
402-4117,402-4116,402-4118
LAS VEGAS

CUSTOMER INFORMATION:
CITY OF LAS VEGAS
CITY OF LAS VEGAS
JEREMY LEAVITT

GOVERNMENT INFORMATION:
CITY OF LAS VEGAS
01/26/2007

NVEnergy

CLV - BUS TURNOUT
PROJECT FY 2005
E. CHARLESTON BL. - FREMONT TO NELLIS

181881	1" = 40'
1 1	03/30/2006

Exhibit "B"

Cost Worksheet

(Attached)

NEVADA POWER COMPANY
PROJECT COST WORKSHEET ("Exhibit B")

Project ID: 0000181881 Title: CLV - BUS TURNOUT PROJECT FY 2 Units: 0 KVA: 0

Contract Type: Government CIAC Coordinator: DON JACKSON Version Nbr 1

COST ESTIMATE SUMMARY

Cost Estimate Category	Total Cost Estimate	Total Applicant Cost	Applicant Non-Refundable	NPC Responsibility
Labor & Overhead	$32,606	$32,606	$32,606	$0
Material & Overhead	$6,763	$6,763	$6,763	$0
DCA	$0	$0	$0	$0
Trenching	$0	$0	$0	$0
Permits	$0	$0	$0	$0
Salvage	$0	$(24)	$(24)	$0
Total	**$39,369**	**$39,345**	**$39,345**	**$0**

ADVANCE CALCULATION

Cost Item	Cost Subject to Refund	Cost Item	Non-Refundable Cost
Applicant Cost Subject to Refund	$0	Applicant Non-Refundable Cost	$39,345
Equal Participant	$0	Amount Not Subject To Excess Allowance (app. upgrade/relocation, temp power)	$(39,345)
Proportionate Share	$0	**Amount Subject to Excess Allowance**	**$0**
Refund Subject To Allowance	$0	Excess Allowance	$0
Allowance	$0	**Remaining Non-Refundable (Subject to Excess Allowance)**	**$0**
Adjusted Applicant Cost	**$0**		
		Amount Not Subject to Excess Allowance	$39,345
		Attachments To Existing (LE/MP)	$0
Total Subject to Refund	**$0**	**Total Non-Refundable Cost**	**$39,345**
		Non-Taxable Installation Costs	$0
		Removal of Existing Facilities	$4,255
		Total Non-Taxable Non-Refundable Cost	**$4,255**
		Total Taxable Non-Refundable Cost	**$35,090**

ADVANCE SUMMARY

Advance Subject to Refund	
Non-Taxable Advance	$0
Taxable Advance	$0
Tax	$0
Total Advance Subject to Refund	**$0**
Non-Refundable Advance	
Non-Taxable Advance	$4,255
Taxable Advance	$35,090
Tax	$6,457
Trench Tax	$1,066
Total Non-Refundable Advance	**$46,868**
Total Advance	**$46,868**

Current Tax Rate 18.4000%

Total Non-Taxable	$4,255
Total Taxable (Less Tax)	$35,090
Total Tax	$7,523
Total Advance	**$46,868**

Date Printed 7/29/2009

City of Las Vegas Agenda Item No.: **32.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a Rule 9 Line Extension Agreement between the City of Las Vegas and Nevada Power Company d/b/a NV Energy for the extension of existing power facilities to provide power for the Traffic Signal project at Pecos Road and Harris Avenue ($6,426 - Traffic Signal Impact Fees) - Ward 3 (Reese)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $6,426
Funding Source: Traffic Signal Impact Fees
Dept./Division: PW/City Engineer

PURPOSE/BACKGROUND:
The City of Las Vegas will be beginning the construction phase for the Traffic Signal project at Pecos Road and Harris Avenue. The utility improvements associated with this Line Extension Agreement will provide power for the traffic signal associated with the project.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Rule 9 Line Extension Agreement

NVEnergy

RULE 9
LINE EXTENSION AGREEMENT

Contract No: LEA0000192642A
Project No: 0000192642
Date Prepared: 07/13/2009

This Line Extension Agreement ("**Agreement**") is made and entered between **NEVADA POWER COMPANY**, a Nevada Corporation, d/b/a NV Energy (hereinafter called **"Utility"**) and CITY OF LAS VEGAS (hereinafter called "**Applicant**") (individually, a "**Party**" and collectively, the "**Parties**").

BASIS

A. Utility owns and operates electric transmission and distribution facilities and provides electric service within Clark and Nye Counties, Nevada, in accordance with a tariff filed with and approved by the Public Utilities Commission of Nevada ("**Commission**").

B. Applicant has requested that Utility relocate or alter existing Utility facilities on and/or Applicant has requested "Service" or a "Line Extension," as defined in Rule 1, for the provision of service by Utility to the premises owned or controlled by Applicant commonly known as HARRIS AVE AND PECOS RD. SE CORN. and further described as APN 14030401001 (the "**Property**").

C. Utility will in accordance with Rule 9, applicable provisions of other portions of its Tariff Schedules, and this Agreement, relocate or alter Utility facilities, as requested by Applicant.

D. This Agreement involves a project of typical risk with service for new capacity.

E. Applicant acknowledges that it must follow Utility's procedures for identifying and resolving conflicts between its Development and Utility's above-ground and underground electric transmission and distribution facilities and that Utility will only waive or approve such a conflict through a recordable use agreement signed by Applicant and Utility and duly notarized.

NOW, THEREFORE, it is agreed by and between the Parties as follows:

WITNESSETH

A. Line Extension. In order to provide service to Applicant, Utility must extend its lines as shown on the service design identified as CLV-HARRIS AVE. AND PECOS RD. which is attached to this Agreement as **Exhibit "A**" and made a part of it. Applicant approves this design.

B. Estimated Costs. As summarized on **Exhibit "B"** attached to this Agreement, Utility estimates the Costs of the Line Extension Project to be $**7,378.00**.

C. Estimated Advance. The estimated Advance is $**6,426.00**, consisting of:

(1) CIAC. A CIAC in the amount of $**255.00**. This amount includes a non-taxable, non-refundable cost of $**60.00** and a taxable, non-refundable cost of $**195.00**. The Excess Allowance, if any, has been applied. The CIAC is subject to Cost True-up.

(2) Advance Subject to Refund. An Advance Subject to Refund in the amount of $**5,182.00**. This amount includes Applicant's responsibility for proportionate share attachments per Rule 9, Section A.16 ("**Proportionate Share Attachments**") in the amount of $**.00**.

(3) Tax Effect. Tax Effect as follows:

(A) A Tax Effect relating to the Advance Subject to Refund in the amount of $**953.00**.

(B) A Tax Effect relating to the CIAC in the amount of $**36.00**.

(C) A Tax Effect relating to Applicant's non-cash contributions to Utility pursuant to Rule 9, Section A.12 (such as trenching and substructures performed by Applicant and/or its contractors/subcontractors) in the amount of $**.00.** This Tax Effect is not subject to refund.

D. Estimated Allowance. Applicant's estimated Allowance pursuant to Rule 9, Section B.3 is $**1,763.00** ("**Estimated Allowance**"). Of this amount, $**1,763.00** is being provided to Applicant on the Effective Date based on Applicant's representation and Utility's reasonable expectation that the supporting number of meters and/or Demand will be initiated within the 12-month period following the In-Service Date ("**Initial Allowance**"). If the Estimated Allowance is more than Applicant's Cost Responsibility, the Allowance may offset any applicable CIAC pursuant to Rule 9, Sections A.6 and B.3 ("**Excess Allowance**"). The Excess Allowance is $**.00**.

E. Initial Payment. Contemporaneously with execution of this Agreement, Applicant must pay Utility $**6,426.00** ("**Initial Payment**").

F. Other Contracts/Projects.

(1) Proportionate Share Contracts. Because Applicant is attaching to existing line extensions, Applicant is a proportionate participant per Rule 9, Section A.16 with respect to the following contracts:

Contract No.	Dated	Expiration	Title

(2) Projects Agreement Is Contingent on. This Agreement is contingent on projects and/or completion of projects as listed:

Project No.	Initiated	Title

(3) Master Planned Community Contracts. If this Development is within a master planned community, this Agreement is associated with the following master planned community contracts:

Contract No.	Dated	Expiration	Title

AGREEMENT

1. Definitions

In addition to other terms defined elsewhere in this Agreement, when the following terms appear in the Agreement, they have the following meanings.

1.1 Acceptance: Acknowledgement that particular components of applicable drawings or work specifically corresponding to discrete specifications of Utility Standards are, to the best of Utility's knowledge, compliant with the applicable Utility Standards.

1.2 Adjustment: Without limitation, the addition to, alteration, relocation or removal of Utility facilities under this Agreement and as may be further described in **Exhibit "A"**. Adjustments include without limitation Betterments.

1.3 Advance: Three components consisting of CIAC, Advances Subject to Refund and the Tax Effect(s).

1.4 Advance Subject to Refund: The portion of the Advance that is eligible to be refunded.

1.5 Allowance: The maximum amount that Utility may invest toward Applicant's Line Extension Project per Rule 9, Section B.3, including the Cost of Adjustments but excluding Betterments and Applicant requested upgrades. Applicant is not entitled to an Allowance if Applicant's Development does not have permanent structures.

1.6 Allowance True-up: The accounting process in which Utility recalculates the Allowance based on Applicant's actual meter sets or Applicant's actual Demand, compares this recalculated Allowance to the Estimated Allowance, and adjusts the Allowance accordingly.

1.7 Betterment: Any deviation or upgrade in the Adjustment to an Utility facility, made primarily for the benefit and at the voluntary election of a Party, that is determined by Utility not to be in accordance with:

(A) Utility's normal design and construction practices with respect to size, type and quality of materials used that is adequate to accommodate Development's Demand, or

(B) The shortest practical route deemed suitable by Utility.

1.8 Contributions in Aid of Construction ("**CIAC**"): The portion of the Advance that is not eligible to be offset by an Allowance, including but not limited to those Costs referred to in Rule 9, Sections A.3, A.5, A.6, A.9, and A.10.

1.9 Cost or Costs: Direct and related indirect costs associated with this Agreement. Cost or Costs include but are not limited to: permitting; labor; engineering; surveys; material acquisition, handling and storage; contractors and subcontractors; third-party attachments to Utility facilities; administrative and general overheads; local, state and federal taxes and assessments; Allowance for Funds Used During Construction [AFUDC]; litigation guarantees; appraisals; attorneys' fees and expenses; acquisition of and compensation for property rights; expenses associated with acquiring an easement(s) for Utility facilities whether through negotiation or a condemnation lawsuit(s); Tax Effect; and improvements to real property that are related to the Utility facilities but not directly related to electrical requirements, such as fencing and landscaping, reduced by any applicable salvage value.

1.10 Cost True-up: The accounting process in which Utility compares actual Costs to the estimated Costs.

1.11 Demand: The Applicant's highest energy consumption for a given period of time. This time period is generally based on Applicant's peak load.

1.12 Development: Applicant's project on the Property for which Applicant has requested service from Utility which may include new service and/or the relocation or alteration of existing Utility facilities. Utility may assign a project identification number, aka "PID #," to this Development.

1.13 Effective Date: The date on which this Agreement is signed by the last of the Parties required to sign it, as set forth below the signatures at the end of this Agreement.

1.14 Force Majeure: An event or condition that is beyond the control of the affected Party and occurs without the fault or negligence of the affected Party. Force Majeure may include orders of government agencies, war, riots, acts of terrorism, civil insurrection, fires,

floods, earthquakes, epidemics, weather, strikes, lock-outs, work stoppages or other labor difficulties, and other acts of God.

1.15 In-Service Date: The date on which the Line Extension Project has been energized to provide Service to the Development.

1.16 Laws: All federal, state, and local codes, ordinances, rules, statutes, enactments, orders, standards, and regulations, including those of any governmental agency, and all interpretations and replacements of, and changes and supplements to, any of the foregoing. Any specific reference to a Law in this Agreement refers to the Law as amended or supplemented.

1.17 Line Extension Project: The Utility facilities that will be added, altered, relocated or removed in order to provide service to the Development, as shown in **Exhibit "A"**.

1.18 Project Coordinator: The individual with authority to act as an agent of Utility or Applicant for purposes of the Agreement, as identified in Section 14.2 below.

1.19 Proportionate Share Refund: The refund Applicant receives if other Utility customers connect to Applicant's line extension and Applicant does not waive the refund, pursuant to Rule 9, Section A.16.

1.20 Refund of Advance: The refund Applicant will receive if the Allowance True-up is more than the Cost True-up. However, the refund provided to Applicant, if any, must not exceed the Advance Subject to Refund.

1.21 Rule 1: NPC's Electric Service Rule No. 1, Definitions. Rule 1 is part of the Tariff Schedules.

1.22 Rule 9: Utility's Electric Service Rule No. 9, Electric Line Extensions. Rule 9 is part of the Tariff Schedules and is the version in effect as of the Effective Date.

1.23 Tariff Schedules: The entire body of effective rates, charges, and rules, collectively, of the Utility as set forth in its rate schedules and rules for electric customers, as those rates, charges, and rules are amended from time to time. However, Rule 9 is the version in effect as of the Effective Date.

1.24 Tax Effect: The amount of any gross-up on Utility tax liability under Section 118 of the Internal Revenue Service Code for Advances Subject to Refund, CIAC, and Applicant's non-cash contributions that Applicant must pay in accordance with NAC § 704.6532 and Rule 9. Any applicable Tax Effect will be payable and applied at the rate in effect in Rule 9 as of the date the Agreement was prepared, which is 07/13/2009.

1.25 Utility Standards: Utility's required design, construction, material, and testing specifications as provided in writing to Applicant on Utility's website, as subsequently revised as deemed appropriate in Utility's discretion.

2. Description and Design of the Line Extension Project

2.1 Design for Line Extension Project; Amendment. Utility's conceptual engineering design for the Line Extension Project is provided in **Exhibit "A."** Applicant approves the design and acknowledges that Applicant is bound by all notes on the design. **Exhibit "A"** may be amended from time to time by Utility to reflect changes as required.

2.2 Condition Precedent to Provide Service. Utility does not have an obligation to provide service to Applicant's Development until after Applicant resolves all conflicts between the Development and Utility's transmission and distribution facilities, at Applicant's expense and to Utility's satisfaction.

2.3 Inaccurate Information and Field Conditions. Applicant understands that inaccurate, incomplete or outdated information and that surface and subsurface field conditions could delay the In-Service Date.

2.4 Sources of Power. The sources of power to the Development are subject to change, at Utility's discretion.

2.5 Providing Service to Applicant. Utility will provide electric service to Applicant in accordance with this Agreement, applicable Laws and Utility's Tariff Schedules.

3. Project Cost, Cash Advance, Allowance and Refunds

3.1 Estimated Costs on Exhibit "B". The estimated Costs of the Line Extension Project are delineated on **Exhibit "B"**.

3.2 Limitation on Refund of Advance. Applicant may not necessarily receive a 100% refund of the Advance. Depending upon the risk, project length, certainty of Demand, and other factors pertaining to the Applicant's Line Extension Project, the refund may range from $0 to the maximum allowable.

3.3 Offset of Advance Subject to Refund. The Advance Subject to Refund may be offset by any Allowance, Proportionate Share Refunds, or other credits.

3.4 Non-Refundable Tax Effect. Given that CIAC, non-cash contributions, and Applicant facilities that exceed the minimum requirements are non-refundable, the Tax Effect associated with these is also non-refundable. However, CIACs are subject to Cost True-up.

3.5 Performance of Allowance and Cost True-ups. At Utility's discretion, Utility may perform an Allowance True-up and/or a Cost True-up after the In-Service Date. If Utility does not perform an Allowance True-up and/or a Cost True-up, Applicant is only responsible for the Costs identified on Exhibit "B" and as otherwise invoiced by Utility.

3.6 Refunds and Invoices Associated with Accounting Adjustments; Proportionate Share Refunds. If Utility performs the accounting adjustments in Section 3.5 above, Utility will apply amounts paid by Applicant to Utility under this Agreement and either invoice Applicant or provide a Refund of Advance. Applicant will receive an invoice from Utility if the Cost True-Up is more than the Allowance True-up. Applicant might receive additional refunds because of Proportionate Share Refunds. The total of all refunds must not exceed the Advance Subject to Refund.

3.7 No Interest on Amounts Paid by Applicant. Utility will not pay Applicant any interest on the amount of any payment made in connection with this Agreement.

4. Applicant's Obligations

4.1 Responsibility for Costs. Applicant is responsible for all Costs associated with this Agreement, except for those Utility is specifically responsible for under Rule 9 ("**Applicant's Cost Responsibility**"). If one or more of the projects identified in Witnesseth Section F(2) cancels, is not completed on time, is reduced in scope or in some other manner affects Utility's ability to provide service to the Development or increases the Cost to serve the Development, the design for the Development might change and Applicant will be responsible for all Costs associated with that design change and increased Cost to serve the Development. Utility is not obligated to perform under this Agreement until after Applicant approves a modified design and pays Utility the additional Costs.

4.2 Payment of Advances. Applicant must pay all Advances based on the Costs identified initially in **Exhibit "B"** and those identified subsequently as part of the Section 3.5 accounting adjustment process.

4.3 Obligation to Construct Facilities in Compliance with Laws. Applicant and its agents must, at Applicant's expense, construct and install Rule 9, Section A.12 improvements, as shown on **Exhibit "A"**, perform work associated with these improvements, and comply with and perform in accordance with all Laws, Utility Standards, the Tariff Schedules, the National Electric Code, and the National Electrical Safety Code. These Rule 9, Section A.12 improvements and the work associated with these improvements include but are not limited to trenching, backfilling, excavation, pavement removal, restoration, repaving, conduits, risers, transformer pads, vaults, enclosures, boxes, work and materials relating to such structures and substructures, and other materials Utility deems necessary for the electrical facilities.

4.4 Identification and Resolution of Conflicts; Costs Associated with Conflicts. Utility is not obligated to provide service to the Development until after Applicant meets its obligations under this Section to Utility's satisfaction:

(A) Identification of Conflicts. Applicant must identify, in writing and in a manner satisfactory to Utility, all conflicts between (1) the Development and Utility's underground and above-ground distribution and transmission facilities located within the Development, (2) the Development and Utility's underground and above-ground distribution and transmission facilities located within or adjacent to offsite improvements required for the Development (3) the Development and Utility's above-ground distribution and transmission facilities located adjacent to the Development, and (4) the Development and Utility's property rights within and adjacent to the Development, including easements, rights-of-way, and any other use or occupancy rights.

(B) Resolution of Conflicts with Utility's Facilities and Payment of Costs. If Applicant, its agents, its contractors, or its subcontractors damage, have damaged, render unsafe or have rendered unsafe Utility's above-ground or underground distribution and transmission facilities located within or adjacent to the Development or to the offsite improvements required for the Development, Applicant must (1) pay all Costs to render those facilities safe, to relocate the facilities impacted, and to construct any new facilities needed, and (2) provide or obtain property rights in Utility's name for the relocated facilities and/or new facilities, at no cost to Utility and in a location and form satisfactory to Utility (including but not limited to the type of property rights, the dimensions of the property rights area, and terms and conditions of the property rights).

(C) Resolution of Conflicts with Utility's Easements and Payment of Costs. If Utility determines, in its discretion, that Applicant, its agents, its contractors, or its subcontractors interfered with Utility's property rights, Applicant must (1) pay all Costs incurred by Utility that are associated with the interference and (2) either remove the interference and return the property rights area to a condition that is usable by Utility or provide or obtain replacement property rights in Utility's name, at no cost to Utility and in a location and form satisfactory to Utility (including but not limited to the type of property rights, the dimensions of the property rights area, and terms and conditions of the property rights).

4.5 Payment of Invoices; Work Stoppage and Service Delay for Non-Payment. Applicant must pay Utility's invoices within 30 days of receipt. If Utility does not receive timely payment of its invoices, then Utility, without liability to Applicant, may stop work and/or not provide service to Applicant, until after Utility receives payment in full. Any delay in payment may result in a delay in the In-Service Date.

4.6 Interest. Any amount unpaid and due under this Agreement will accrue interest at the then current per annum simple prime rate, as published in the Money Rates section of the Wall Street Journal, plus one percent (1%), from the original due date through the date of receipt of payment by Utility.

4.7 Information Provided by and Needed from Applicant. Applicant understands that Utility relies on information provided by Applicant when performing Utility's obligations under this Agreement. Applicant understands that it has a continuing obligation to provide the most current and accurate information concerning its Development to Utility. Applicant also understands that Utility is not aware of and cannot know all surface and subsurface field conditions. Notwithstanding anything to the contrary in this Agreement, Applicant assumes all responsibilities, liabilities, and Costs for repair, replacement, redesign, modification or other work to the facilities associated with this Agreement:

(A) Resulting from or arising out of incomplete, inaccurate or outdated data and other information supplied to Utility by Applicant; or

(B) Resulting from or arising out of changes affecting the accuracy or completeness of data or information after it is supplied to Utility by Applicant; or

(C) Resulting from or arising out of surface or subsurface field conditions; or

(D) That were installed based on surveys or staking provided by Applicant or Applicant's agents that are found to be located outside the recorded Property Rights granted for such facilities.

4.8 Inspection of and Responsibility for Facilities Installed by Applicant. For facilities installed by the Applicant:

(A) Applicant must allow Utility to inspect the construction or installation of such facilities for Acceptance.

(B) Applicant assumes all responsibilities and liabilities for such facilities until Utility's Acceptance, in addition to providing the guarantees in Section 6.

4.9 Reduction of Service or Termination Charges. If Applicant fails to complete the Development, terminates or, as determined by Utility, significantly curtails or reduces electric service thereto during the depreciable life of the facilities installed under **Exhibit "A,"** then within 60 days of written notification by Utility, Applicant must pay reduction of service or termination charges in accordance with Rule 9, Section A.25.

4.10 Obligation to Provide Information to Utility. Within 10 days of Utility's written request, Applicant must provide information and documentation requested by Utility, including but not limited to absorption information, information and documentation relating to the amount(s) Applicant paid, if any, for third-party property rights, and information and documentation relating to the actual cost of Applicant's non-cash contributions to Utility pursuant to Rule 9, Section A.12. With respect to absorption information, Applicant must, at a minimum: (A) for residential-type developments, identify the number of units, type of units (single- or multi-family), sales and cancellations (or net sales) at given time intervals and (B) for commercial-type developments, identify the number of units, square footage

for each type of load (casino, retail, convention, etc.), and dates of major load blocks such as chillers or pumps, if applicable, at given time intervals.

5. Property Rights

5.1 Obligation to Acquire and Convey Property Rights. Applicant must, without cost to Utility, grant and convey, or obtain for Utility, all property rights, such as easements, subordination agreements, conveyances, deeds, permits and rights-of-way, that Utility deems it requires for the Utility facilities (or any portion thereof) affected under this Agreement. In Utility's discretion and at Applicant's Cost, Utility may obtain an appraisal(s) of the property rights.

5.2 Condition Precedent to Commence Construction. Utility is not obligated to commence construction of any facilities until the required property rights are permanently granted to Utility in a manner that is satisfactory to Utility as to both location and form (including but not limited to the dimensions of the property rights area and terms and conditions relating to the property rights).

5.3 Ownership of Facilities and Equipment. All facilities constructed and equipment installed by the Applicant and Utility under this Agreement will become property owned, maintained, and controlled by Utility upon Utility's Acceptance. Utility has the right to use, and allow other Utility customers to use, those facilities and equipment for any purpose. Utility may also allow designated telecommunications carriers and cable television companies to use the facilities and equipment if Utility is required to do so by the federal Telecommunications Act or other laws. If Applicant requests that spare conduit be installed in connection with this Agreement and pays the Costs associated with that conduit, Utility is not required to reserve that conduit for Applicant and may use it for other Utility customers and allow designated telecommunications carriers and cable television companies to use that conduit. Further, the sources of power to the Development are subject to change, at Utility's discretion.

5.4 Survival. This Section 5 will survive termination of this Agreement.

6. Guarantees

6.1 Guarantee Against Defects. Applicant guarantees, regardless of Utility's Acceptance, all work Applicant and its contractors/subcontractors perform and all material they furnish under this Agreement against defects in materials and workmanship for a period of 1 year beginning with the In-Service Date of the applicable facilities and equipment.

6.2 Utility's Option to Remedy Defect. Utility may, at its option and upon written notice to Applicant, either itself remedy or require Applicant to remedy any defect in materials or workmanship provided by Applicant and its contractors/subcontractors that develop during the one-year period provided for in Section 6.1. Should Utility choose to remedy such defect, Applicant will pay Utility all Costs incurred.

6.3 Modification or Relocation of Electric Facilities. Where Applicant has requested that Utility install electric facilities prior to the establishment of final grade or the alignment of roads, streets, or alleys, or in unimproved areas and a conflict arises, Applicant must pay all Costs associated with the relocation or modification of any electric facilities and, at Applicant's expense, must grant or obtain for Utility all property rights Utility deems it requires for the relocated/modified facilities, in accordance with Rule 9, Section A.10. The property rights must be granted to Utility in a manner that is satisfactory to Utility as to both location and form (including but not limited to the dimensions of the property rights area and terms and conditions relating to the property rights).

6.4 Sole Source Guarantee. Applicant guarantees that Utility will be the sole source of electric service to the Development.

7. Default

7.1 Procedure. If a Party ("**Defaulting Party**") fails to comply with the terms and conditions of this Agreement and the failure continues for 30 days after the Defaulting Party receives written notice of such failure from the other Party ("**Non-Defaulting Party**"), then the Non-Defaulting Party is entitled to declare the Defaulting Party in default and is entitled to all remedies authorized by law, with the exception that Utility's failure to achieve any scheduled date is not an event of default.

7.2 Notice to Utility's Legal Department. In addition to sending written notice to Utility's Project Coordinator regarding Utility's failure to comply with the terms and conditions of this Agreement, Applicant must also send a copy of the notice to Utility's Legal Department at the address specified in the "Notices" Section of the Agreement.

8. Confidentiality

8.1 Exchanging Information. Utility may provide Applicant with information to be used in complying with the Agreement. Some or all of this information, including but not limited to, oral information, documents, files, drawings, and data, may be confidential.

8.2 Labeling Information Confidential. If Utility wants this information to be treated as "Confidential Information", Utility must clearly label the written information as "Confidential Information" and, with respect to oral information, Utility must prior to or within twenty-four (24) after the particular oral communication is made identify in writing that the oral communications are confidential.

8.3 Protection of Confidential Information. Applicant must keep all information designated as "Confidential Information" in a secure location.

8.4 Return or Destruction of Confidential Information. Upon Utility's request, Applicant must promptly either return to Utility, or certify the destruction of, all information identified as "Confidential Information" that Applicant received, together with all copies and extracts.

8.5 Sharing Confidential Information. Applicant may disclose confidential information to its affiliates, attorneys, consultants, contractors and subcontractors (collectively, "**Third Parties**"); provided, that the Third Party signs an agreement in a form acceptable to Utility in which the Third Party agrees to be bound by the terms of this Confidentiality Section and to submit to the jurisdiction of the District Court, Clark County, Nevada, or any Nevada court with jurisdiction in or over that matter, for purposes of enforcement of that agreement and this Confidentiality Section, and any ancillary proceedings regarding interpretation, enforcement or effect of those agreements.

8.6 Request for Confidential Information Through Legal Process. If Applicant becomes legally compelled (by deposition, interrogatory, request for documents, order, subpoena, civil investigative demand or similar process issued by a court of competent jurisdiction or by a government body) to disclose any information identified as "Confidential Information", Applicant must provide prompt written notice of any such requirement to Utility and seek a protective order preventing or limiting disclosure.

8.7 Rights and Limitations. Utility does not grant any right or license, by implication or otherwise, to Applicant as a result of Utility's disclosure of information identified as "Confidential Information". Utility makes no representation or warranties regarding the accuracy or completeness of this information. Applicant expressly recognizes that this information is provided "AS IS" and Utility makes NO WARRANTIES, EXPRESS OR

IMPLIED STATUTORY OR OTHERWISE, WITH RESPECT TO THE CONFIDENTIAL INFORMATION AND EXPRESSLY DISCLAIMS ALL IMPLIED WARRANTIES.

9. Force Majeure

9.1 Notice of Force Majeure. If any delay due to Force Majeure occurs or is anticipated, the affected Party must promptly notify the other Party in writing of the delay. This notice must include a description of the delay and the cause and estimated duration of the delay.

9.2 Duty to Mitigate Effects of Delay. The affected Party must exercise due diligence to shorten, avoid, and mitigate the effects of the delay.

9.3 Notice of Resumption of Performance. The affected Party must promptly notify the other Party in writing when the Force Majeure event has ended and when performance will resume.

9.4 Liability; Termination Option. Utility is not liable to Applicant for Costs incurred as a result of any delay or failure to perform as a result of Force Majeure. In the event of any delay due to Force Majeure, Utility may terminate the Agreement without liability upon 30-days notice.

9.5 Notice to Utility's Legal Department. In addition to sending written notice to the Project Coordinator for delay, anticipated delay, and resumption of performance in relation to Force Majeure, Applicant must also send a copy of the notice to Utility's Legal Department at the address specified in the Section 14.3 of the Agreement.

10. Representations

10.1 No Pending Actions, Suits or Proceedings. Applicant represents that to its knowledge as of the date of this Agreement, there are no actions, suits or proceedings pending or threatened against Applicant in any court or before any administrative agency that would prevent its performance under this Agreement.

10.2 Authority. Each Party has taken all actions as may be necessary or advisable and proper to authorize this Agreement, the execution and delivery of it, and the performance contemplated in it. The persons executing this Agreement state and acknowledge that they are authorized and empowered to do so on behalf of the Party so designated.

11. Precedence

11.1 Utility's Tariff Schedules; Commission. This Agreement is made by the Parties pursuant to Utility's Tariff Schedules. Those Tariff Schedules apply to this Agreement, are binding on the Parties, and supersede any portion of this Agreement should a conflict arise. However, the applicable portions of Rule 1 and Rule 9 that relate to Section 3 of this Agreement will be the versions of those rules that are in effect as of the Effective Date. This Agreement is, at all times, subject to such changes or modifications by the Commission as the Commission may from time to time direct in the exercise of its jurisdiction.

11.2 Integration. The Agreement, together with all other documents and agreements executed in connection with providing service to Applicant's project(s), represents the entire and integrated agreement between Utility and Applicant and supersedes all prior and contemporaneous oral and written communications, representations, and agreements relating to the subject matter of the Agreement. However, should a conflict arise between this Agreement and the "Applicant Mylar/Improvement Plans Certification & Acknowledgement" for the Development (if any) or between this Agreement and the

"Property Owner Final Map Acknowledgement" for the Development (if any), this Agreement will supersede the portion of the acknowledgement that conflicts even if the acknowledgement is signed after the Effective Date.

12. Miscellaneous Provisions

12.1 Indemnity. Applicant agrees to indemnify Utility, its directors, officers, employees, and contractors against and from any claims, losses, costs, suits, judgments, damages, and expenses, including attorneys' fees, that arise from and/or are based upon (A) Applicant's breach of any representation, warranty, or undertaking under the Agreement, (B) the acts or omissions of Applicant, or its employees, agents, contractors or subcontractors, in connection with this Agreement, and (C) bodily injury to or death of any person (including employees of Utility) or damage to or loss of use of property resulting from the acts or omissions of Applicant, or its employees, agents, contractors or subcontractors, in connection with this Agreement. This indemnity will be effective regardless of any negligence (whether active, passive, derivative, joint, concurrent or comparative) on the part of Utility, unless caused solely by the gross negligence or willful misconduct of Utility. For purposes of Utility's enforcement of this indemnity only, Applicant expressly waives all immunity given to Applicant under the workers' compensation laws or other employee benefits acts of any state or jurisdiction that conflicts with Applicant's indemnification obligations under this Section.

12.2 Assignment. This Agreement will be binding upon the successors and assigns of both Parties effective upon receipt of written consent of the non-assigning Party, such consent not to be unreasonably withheld. Notwithstanding the foregoing, either Party may assign this Agreement with written notice, but without the consent of the other Party, to any successor corporation in any merger. Applicant's successor or assignee must agree in writing to assume all obligations and liabilities under this Agreement.

12.3 Limitation of Damages. Notwithstanding anything to the contrary, Utility is not liable to Applicant for any punitive, consequential, indirect, exemplary or incidental damages, including, without limitation, damages based upon lost revenues or profits.

12.4 Choice of Law and Venue. The Agreement will be governed by and construed in accordance with the laws of the State of Nevada, without giving effect to its choice or conflicts of laws provisions. All actions that are beyond the scope of the Commission's jurisdiction must be initiated in the courts of Clark County, Nevada or the federal district court with jurisdiction over Clark County, Nevada. Applicant agrees it will not initiate an action against Utility in any other jurisdiction.

12.5 No Waiver. The failure of either Party to enforce any of the provisions of the Agreement at any time, or to require performance by the other Party of any of the provisions of the Agreement at any time, will not be a waiver of any provisions, nor in any way affect the validity of the Agreement, or the right of any Party to enforce each and every provision.

12.6 Independent Contractor. Applicant is an independent contractor for all purposes of the Agreement, and all persons engaged in fulfilling Applicant's obligation under the Agreement are employees, agents, contractors, or subcontractors of Applicant and not the employees, agents, contractors, or subcontractors of Utility. Nothing in the Agreement or any contract/subcontract by Applicant will create any contractual relationship between Applicant's contractor/subcontractor and Utility.

12.7 Interpretation. Each Party to this Agreement acknowledges that it has been represented by counsel in connection with negotiating and entering this Agreement, that each has carefully reviewed and discussed its provisions with counsel and that each fully understands and has participated in drafting its provisions, and, accordingly, the normal

rules of construction to the effect that any ambiguities are to be resolved against the drafting party are not to be employed or used in any interpretation of this Agreement.

12.8 Amendments. Any changes, modifications, or amendments to the Agreement are not enforceable unless consented to in writing by the Parties and executed with same formality as this Agreement.

12.9 No Third-Party Beneficiaries. Nothing expressed or implied in this Agreement is intended, or should be construed, to confer upon or give any person or entity not a party to this Agreement any third-party beneficiary rights, interests, or remedies under or by reason of any term, provision, condition, undertaking, warranty, representation, or agreement contained in this Agreement.

12.10 Remedies. All rights and remedies of Utility provided for in the Agreement will be cumulative and in addition to, and not in lieu of, any other remedies available to Utility at law, in equity, or otherwise.

12.11 Headings. The headings or section titles contained in this Agreement are used solely for convenience and do not constitute a part of this Agreement, nor should they be used to aid in any manner in the construction of this Agreement.

12.12 Discretion. Reference in this Agreement to the "discretion" of a Party means the Party's sole and absolute discretion. Such discretion is not subject to any external standard, including but not limited to, any standard of custom, "good faith" or reasonableness.

12.13 Severability. If any portion or provision of the Agreement is invalid, illegal, or unenforceable, or any event occurs that renders any portion or provision of the Agreement void, the other portions or provisions of the Agreement will remain valid and enforceable. Any void portion or provision will be deemed severed from the Agreement, and the balance of the Agreement will be construed and enforced as if the Agreement did not contain the particular portion or provision held to be void. The Parties further agree to amend the Agreement to replace any stricken portion or provision with a valid provision that comes as close as possible to the intent of the stricken portion or provision.

13. Term and Termination

13.1 Term of Agreement. This Agreement is effective on the Effective Date and will continue for a term of five (5) years unless otherwise terminated under the provisions of this Agreement. Applicant will not be entitled to any refunds or moneys after the termination of this Agreement per Rule 9, Section B.4.

13.2 Obligations Surviving Default, Expiration, or Termination. Any default, expiration, or termination of this Agreement does not release Applicant from any liability or obligation to Utility for:

(A) Applicant's obligations under Section 4.3 above;

(B) Applicant's obligations under Section 4.4 above;

(C) Applicant's obligations under Section 4.7 above;

(D) Payment of reduction of service or termination charges in accordance with Section 4.9 above;

(E) Applicant's obligations under Section 5 above;

(F) Applicant's obligations under Section 6 above;

(G) Any indemnification obligation that arises pursuant to Section 12.1 above; and

(H) Payment of all Costs associated with the Agreement, whether incurred before or after default, expiration or termination, and payment of all Costs that result from termination.

14. Notices

14.1 Method of Delivery. Each notice, consent, request, or other communication required or permitted under the Agreement must be in writing, delivered personally or sent by certified mail (postage prepaid, return receipt requested), by facsimile (with electronic confirmation of receipt), or by a recognized international courier, and addressed to the Party's Project Coordinator as provided below.

14.2 Contact Information. The contact information for the Parties is:

	Utility	Applicant
Address	6226 W. SAHARA AVE. LAS VEGAS, NV 89146	400 N. STEWART AVE LAS VEGAS, NV 89101
Mailing Address	NORTH DISTRICT OFFICE 2215 E.LONE MOUNTAIN RD LAS VEGAS, NV 89031 MS 10	,
Project Coordinator	JANE KING	MARK SORENSON
Telephone	702/402-4340	229-2203
Cellular Telephone	702-275-6263	
FAX	702-657-4321	
Email Address	JKing@nvenergy.com	MSORENSON@LASVEGASNEVADA.GOV

14.3 Notice to Utility's Legal Department. For all notices given by Applicant to Utility under Sections 7.1 and 9.5, above, Applicant must also send a copy of the notice to:

NV Energy
Attn: Legal Department
6226 West Sahara Avenue, M/S 3A
Las Vegas, Nevada 89146
FAX: (702) 402-2069

14.4 Receipt of Notice; Change of Information. Each notice, consent, request, or other communication is deemed to have been received by the Party to whom it was addressed (A) when delivered if delivered personally; (B) on the third business day after the date of mailing if mailed by certified mail; (C) on the first business day after the facsimile transmission if delivered by facsimile; or (D) on the date officially recorded as delivered according to the record of delivery if delivered by courier. Each Party may change its

Project Coordinator or contact information for purposes of the Agreement by giving written notice to the other Party in the manner set forth above.

IN WITNESS WHEREOF, the Parties execute this Agreement.

NEVADA POWER COMPANY d/b/a NV Energy

By: Ivory H. Blue II

Name: IVORY BLUE

Title: Suprv, Design, New Business LVN

Date: 8-7-09

CITY OF LAS VEGAS

By: _____

Name: _____

Representing: _____

Title: _____

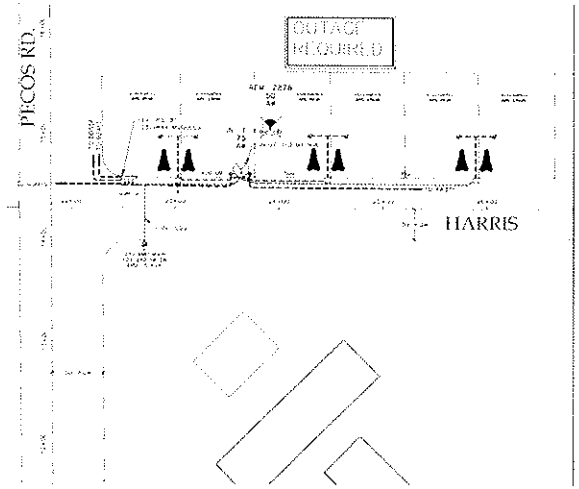
Date: _____

Approved as to form

John S. Ridilla 8/31/09

John S. Ridilla Date
Deputy City Attorney

!!!! CAUTION !!!!
ENERGIZED CABLES...
CALL BEFORE YOU DIG


OUTAGE REQUIRED
PECOS RD.
HARRIS
NEW 2278
EXIST. 2278
EXIST. 2278
EXIST.

NEVADA POWER COMPANY
PROJECT COST WORKSHEET ("Exhibit B")

Project ID: 0000192642 Title: CLV-HARRIS AVE. AND PECOS RD. Units: 1 KVA: 5

Contract Type: Government LEA Coordinator: JANE KING Version Nbr 1

COST ESTIMATE SUMMARY

Cost Estimate Category	Total Cost Estimate	Total Applicant Cost	Applicant Non-Refundable	NPC Responsibility
Labor & Overhead	$2,745	$2,745	$433	$0
Material & Overhead	$4,633	$4,633	$0	$0
DCA	$0	$0	$0	$0
Trenching	$0	$0	$0	$0
Permits	$0	$0	$0	$0
Salvage	$0	$(178)	$(178)	$0
Total	**$7,378**	**$7,200**	**$255**	**$0**

ADVANCE CALCULATION

Cost Item	Cost Subject to Refund	Cost Item	Non-Refundable Cost
Applicant Cost Subject to Refund	$6,945	Applicant Non-Refundable Cost	$255
Equal Participant	$0	Amount Not Subject To Excess Allowance (app. upgrade/relocation, temp power)	$(255)
Proportionate Share	$0	**Amount Subject to Excess Allowance**	**$0**
Refund Subject To Allowance	$6,945	Excess Allowance	$0
Allowance	$1,763	**Remaining Non-Refundable (Subject to Excess Allowance)**	**$0**
Adjusted Applicant Cost	**$5,182**		
		Amount Not Subject to Excess Allowance	$255
		Attachments To Existing (LE/MP)	$0
Total Subject to Refund	**$5,182**	**Total Non-Refundable Cost**	**$255**
		Non-Taxable Installation Costs	$0
		Removal of Existing Facilities	$60
		Total Non-Taxable Non-Refundable Cost	**$60**
		Total Taxable Non-Refundable Cost	**$195**

ADVANCE SUMMARY

Advance Subject to Refund	
Non-Taxable Advance	$0
Taxable Advance	$5,182
Tax	$953
Total Advance Subject to Refund	**$6,135**
Non-Refundable Advance	
Non-Taxable Advance	$60
Taxable Advance	$195
Tax	$36
Trench Tax	$0
Total Non-Refundable Advance	**$291**
Total Advance	**$6,426**

Current Tax Rate 18.4000%

Total Non-Taxable	$60
Total Taxable (Less Tax)	$5,377
Total Tax	$989
Total Advance	**$6,426**

Date Printed 8/5/2009

City of Las Vegas Agenda Item No.: **33.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a request to install speed humps on Dalecrest Drive between Gowan Road and Alexander Road ($10,400 - Neighborhood Traffic Management Program) - Ward 4 (Anthony)

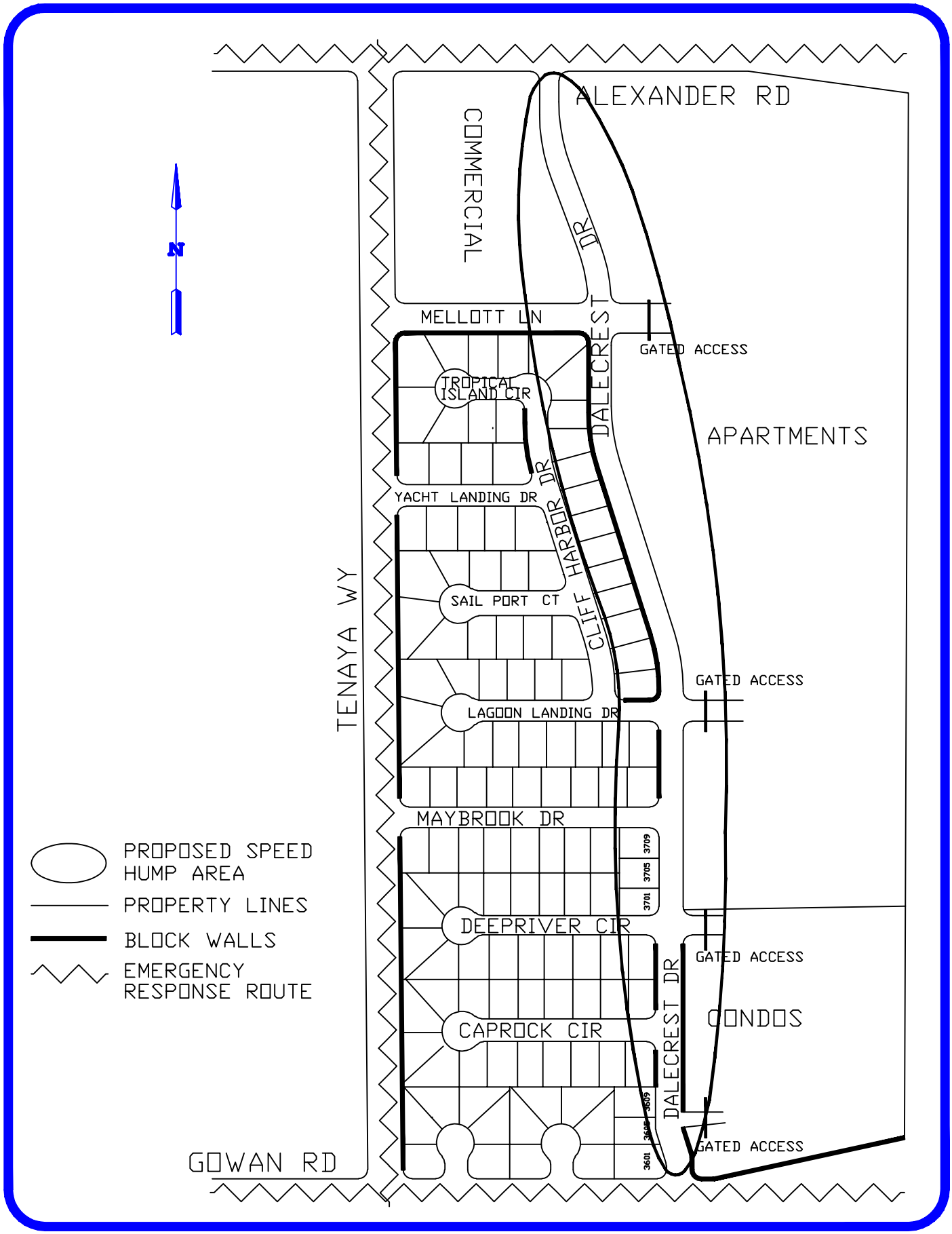
Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $10,400
Funding Source: Neighborhood Traffic Management Program
Dept./Division: PW/Traffic Engineering

PURPOSE/BACKGROUND:
The Traffic Engineering Division received a request to install speed humps on Dalecrest Drive between Gowan Road and Alexander Road. An 85th percentile speed of at least 35 mph and a volume of 800 vehicles per day are needed to meet the criteria for speed humps. Studies conducted on this street showed that the 85th percentile speed was 39 mph and the volume of traffic was 1425 vehicles per day. A total of 40 points is recommended for the installation of speed humps and Dalecrest Drive accumulated 43 points. Staff is therefore recommending approval of the speed humps. This street is not an emergency response route.

RECOMMENDATION:
Traffic and Parking Commission: Approval
Staff: Approval

BACKUP DOCUMENTATION:
Map


ALEXANDER RD
COMMERCIAL
DALECREST DR
MELLOTT LN
GATED ACCESS
TROPICAL ISLAND CIR
APARTMENTS
YACHT LANDING DR
CLIFF HARBOR DR
TENAYA WY
SAIL PORT CT
GATED ACCESS
LAGOON LANDING DR
MAYBROOK DR
3709
3705
3701
DEEPRIVER CIR
GATED ACCESS
DALECREST DR
CONDOS
CAPROCK CIR
3609
3605
3601
GATED ACCESS
GOWAN RD
N
PROPOSED SPEED HUMP AREA
PROPERTY LINES
BLOCK WALLS
EMERGENCY RESPONSE ROUTE

City of Las Vegas Agenda Item No.: **34.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
RESOLUTIONS:

R-69-2009 - Approval of a Resolution amending Schedule 25-IV, 45 MPH Speed Limits, to add the speed limit of 45 mph on Fort Apache Road between Alexander Road and Hickam Avenue - Ward 4 (Anthony)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
The Traffic Engineering Division is recommending that the speed limit on Fort Apache Road between Alexander Road and Hickam Avenue be changed from 35 mph to 45 mph. Traffic studies conducted on this stretch of Fort Apache Road showed that the 85th percentile speed was 50 mph. The west side of Fort Apache Road for this stretch of roadway is in Clark County's jurisdiction and the east side is in the City of Las Vegas' jurisdiction. Clark County has already posted their portion at 45 mph. Staff feels that a 45 mph speed limit is appropriate for this roadway. Staff is recommending approval of the 45 mph speed limit.

RECOMMENDATION:
Traffic and Parking Commission: Approval
Staff: Approval

BACKUP DOCUMENTATION:
1. Resolution No. R-69-2009
2. Map

R-69-2009

R E S O L U T I O N

WHEREAS, various sections of TITLE 11 of the Las Vegas Municipal Code allow for additions to and corrections of the Schedules which are established in the respective sections to be effected by Resolution; and

WHEREAS, it has been determined and recommended by the Traffic and Parking Commission and the City Traffic Engineer that the following additions and corrections be made in said Schedule;

NOW, THEREFORE, be it resolved by the City Council of the City of Las Vegas, Nevada, that the following Schedule pertaining to TITLE 11 of the City Code be amended as follows:

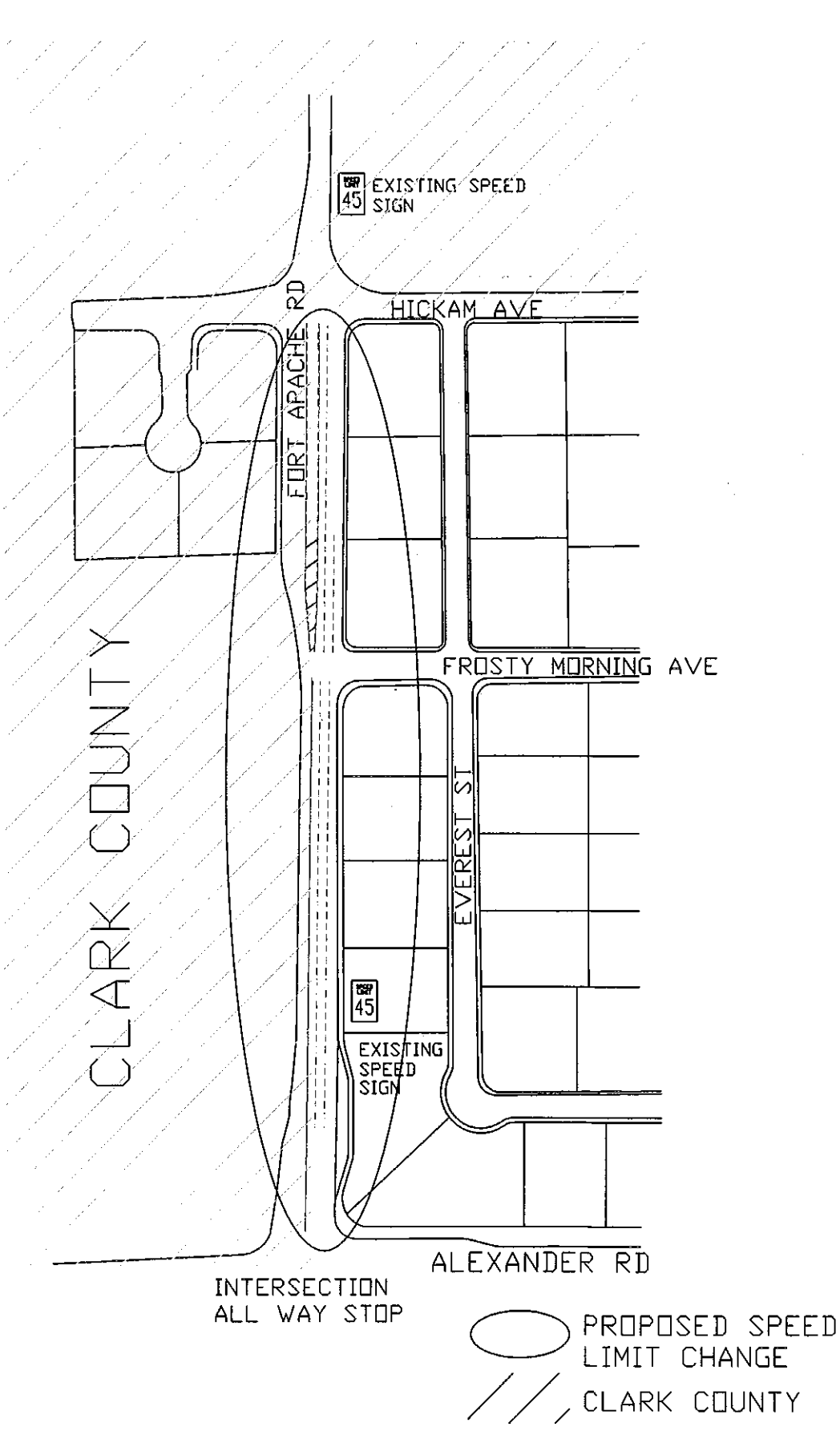
Schedule 25-IV be amended to **add** the following 45 MPH Speed Limit Zone:

STREET	**FROM**	**TO**
Fort Apache Road	Cheyenne Avenue	Hickam Avenue

_____
OSCAR GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, CMC
City Clerk


N
45
EXISTING SPEED SIGN
HICKAM AVE
FORT APACHE RD
FROSTY MORNING AVE
CLARK COUNTY
EVEREST ST
45
EXISTING SPEED SIGN
ALEXANDER RD
INTERSECTION ALL WAY STOP
PROPOSED SPEED LIMIT CHANGE
CLARK COUNTY

City of Las Vegas Agenda Item No.: **35.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT ☒ **Consent** ☐ **Discussion**

SUBJECT:
RESOLUTIONS:

R-70-2009 - Approval of a Resolution to refund surplus amounts of $8,836.40 in Special Improvement District (SID) 1409 - Wards 1, 3 and 5 (Tarkanian, Reese and Barlow)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Per NRS 271.429, surplus funds in excess of $10,000 in an SID must be refunded. SID 1409 has an excess of $8,836.40. The City Treasurer has apportioned the refund to property owners of record on September 16, 2009.

RECOMMENDATION:
Staff recommends approval.

BACKUP DOCUMENTATION:
1. Resolution No. R-70-2009
2. Exhibit A - Apportionment of Surplus Funds Report

RESOLUTION NO. R-70-2009

A RESOLUTION APPROVING THE APPORTIONMENT BY THE CITY TREASURER OF SURPLUS AMOUNTS REMAINING IN THE SPECIAL FUND CREATED FOR THE PAYMENT OF BONDS AND INTEREST FOR SPECIAL IMPROVEMENT DISTRICT NO. 1409 (WARDS 1, 3 & 5).

Summary: Refunding Resolution

WHEREAS, the City Council of the City of Las Vegas in the County of Clark, Nevada (hereinafter the "City Council" and the "City" respectively) has created by ordinance a special fund (hereinafter the "Fund"), from which money has been paid for improvements made in Special Improvement District No 1409 (WARDS 1, 3 & 5) (hereinafter the "District"), and from which money has been paid toward the principal and interest relating to the District's improvements; and

WHEREAS, all principal and interest, if any, of the District have been paid in full; and

WHEREAS, surplus amounts remain in the Fund, which surplus amounts must be refunded to the property owner in accordance with Nevada Revised Statutes ("NRS") section 271.429 (as in effect on the date the surplus amounts were calculated); and

WHEREAS, no amounts were advanced from the City's general fund or surplus and deficiency fund for the payment of interest thereon of the District; and

WHEREAS, pursuant to NRS 271.429(1)(e)(1) (as in effect on the date the surplus amounts were calculated), when the surplus is more than $10,000, the Treasurer must deposit $10,000 in the Surplus and Deficiency Fund and apportion the amount of the surplus in excess of $10,000 and administrative costs among the tracts of land assessed in the District; and

WHEREAS, the City Treasurer (hereinafter the "Treasurer") has determined the surplus remaining in the fund to be $18,836.40, which exceeds $10,000; and

WHEREAS, the remaining surplus, after deduction of the administrative costs and the $10,000.00 deposited in the Surplus and Deficiency Fund, is $8,836.40; and

WHEREAS, the Treasurer has apportioned the remaining surplus among the tracts of land assessed in the District, which apportionment is hereby reported to the City Council, a copy of which is attached hereto as Exhibit A; and

WHEREAS, the approval by the City Council of the Treasurer's apportionment is required pursuant to

NRS 271.429 before the apportioned surplus may be made available for refund.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAS VEGAS IN THE COUNTY OF CLARK IN THE STATE OF NEVADA; THAT:

Section 1. The City Council hereby approves the apportionment of the surplus as prepared by the Treasurer and as found at Exhibit A.

Section 2. The Treasurer is hereby authorized to provide notice by mail and by publication of the availability of the surplus for refund, in the amounts found at Exhibit A.

Section 3. In accordance with NRS 271.429, the Treasurer shall give notice by publication in the Las Vegas Review-Journal, a newspaper of general circulation in the City, and published at least once a week, for three consecutive weeks, by three weekly insertions, the first publication being at least 60 days prior to the end of the refund period wherein the owner or owners of record on the date specified by the notice of the tracts of land assessed in the District may request a refund. It shall not be necessary that the notice be published on the same day of the week in each of the three calendar weeks but not less than 14 days shall intervene between the first publication and the last publication. Such service by publication shall be verified by the affidavit of the publisher and filed with the City Clerk. In accordance with NRS 271.429, the Treasurer shall also give written notice of the availability of the surplus for refund by mailing a copy of such notice in the United States mails, postage prepaid as first-class mail, to the last known owner or owners of record on the date specified by the notice of each tract within the District at his or her last-known address or addresses. Proof of such mailing shall be made by the affidavit of the Treasurer and such proof shall be filed with the City Clerk. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the City Clerk until all claims for refund are perpetually barred by an appropriate statutes of limitation. The City Council hereby determines that the manner of giving notice herein provided by publication and by mail is reasonably calculated to inform the parties of the proceedings concerning the District and the right to claim a refund.

Section 4. The notice provided for in NRS 271.429 and in Section 3 of this Resolution shall be in substantially the following form:

(Start of Form)

Notice of the Availability of a Refund on Surplus Assessments in City of Las Vegas, Nevada, Special Improvement District No. 1409 (Wards 1, 3 & 5)

NOTICE IS HEREBY GIVEN to the owners of property within City of Las Vegas, Nevada, Special Improvement District No. 1409 (hereinafter the "District") and other interested persons that the City Council of the City of Las Vegas in the County of Clark, Nevada (hereinafter the "City" and "City Council" respectively), adopted on September 16, 2009, a resolution which approved the apportionment and refund of a portion of the amounts assessed against lots, tracts and parcels of land within the District (hereinafter the "Surplus") in accordance with Nevada Revised Statutes ("NRS") section 271.429.

The owner or owners of record on September 16, 2009 of each tract of land which was assessed in the District may claim the refund apportioned to such tract by filing a claim with the City Treasurer within sixty (60) days after the date of the mailing of this notice (i.e., within 60 days of September 21, 2009). Thereafter, claims for such refund are perpetually barred.

Valid claims for refund filed in excess of the surplus available for each separate tract may be apportioned ratably among the claimants by the City Treasurer.

Dated this September 21, 2009.

City of Las Vegas
Mark Vincent, Treasurer
400 Stewart Avenue, 6th Floor
Las Vegas NV 89101
(702) 229-6321

*Parcel No. of property _____

*Amount of Surplus available for refund on this property $_____

(*Included in mailed, not published, notice.)

TO BE COMPLETED BY PROPERTY OWNER OF RECORD ON SEPTEMBER 16, 2009

*Property Owners may use this Form to Request a Refund

Dear Mr. Vincent:

I am the property owner of record on September 16, 2009 of Parcel No. _____, found in Special Improvement District 1409 (Wards 1, 3 & 5).

I request that I be mailed a refund check as explained in your notice dated September 21, 2009

_____
Signature

_____
Print Name

_____

_____
Address

If mailed, form must be notarized. If submitted in person, please bring two forms of identification.

Signature of Owner of Record on 9/21/09 _____ Date_____

This person is personally known or provided identifications:

Notary signature_____ Notary Stamp

Printed name_____ Date_____ My commission expires_____

RETURN TO:

City of Las Vegas
SID Collections
400 Stewart Avenue, 6th Floor
Las Vegas, Nevada 89101

(End of Form of Notice)

Section 5. Surplus amounts, if any, remaining after the payment of all valid claims filed with the Treasurer within the 60-day period will be transferred to the City's Surplus and Deficiency Fund.

Section 6. Valid claims for the refund filed in excess of the surplus available for each separate tract may be apportioned ratably among the claimants by the City Treasurer.

Section 6. The officers of the City be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 8. This Resolution shall be effective on passage and approval.

PASSED and APPROVED on September 16, 2009

OSCAR B. GOODMAN, Mayor

Attest:

BEVERLY K. BRIDGES, City Clerk

Approved as to form:

9/1/09 Assistant City Attorney

Date

EXHIBIT “A”

City of Las Vegas, Nevada
Special Improvement District No. 1409
(Sawtooth Phase II and III)

APPORTIONMENT OF SURPLUS FUNDS REPORT
(September, 16 2009)

RETURN TO:

City of Las Vegas
Department of Public Works
Special Improvement District
420 N. Fourth Street
Las Vegas, Nevada 89101

APPORTIONMENT OF SURPLUS FUNDS REPORT

The assessment that has heretofore been levied against those certain parcels of property that are identified in the Final Assessment Roll No. 1994-7 as recorded in Book 940818, Instrument 819 in the Office of the County Recorder, Clark County, Nevada, in which a surplus amount of $8,836.40 remains, is hereby apportioned among the said lots or parcels, as currently constituted, as follows:

Assessor's Parcel Number	Amount to be Refunded
140-29-101-017	$ 110.79
140-29-118-001	$ 15.84
140-29-118-002	$ 15.84
140-29-118-003	$ 15.84
140-29-118-004	$ 15.84
140-29-118-005	$ 15.84
140-29-118-006	$ 15.84
140-29-118-007	$ 15.84
140-29-118-008	$ 15.84
140-29-118-009	$ 15.84
140-29-118-010	$ 15.84
140-29-118-011	$ 15.84
140-29-118-012	$ 15.84
140-29-118-013	$ 15.84
140-29-118-014	$ 15.84
140-29-118-015	$ 15.84
140-29-118-016	$ 15.84

Assessor's Parcel Number	Amount to be Refunded
140-29-118-017	$ 15.84
140-29-118-018	$ 15.84
140-29-118-019	$ 15.84
140-29-118-020	$ 15.84
140-29-118-021	$ 15.84
140-29-118-022	$ 15.84
140-29-118-023	$ 15.84
140-29-118-024	$ 15.84
140-29-118-025	$ 15.84
140-29-118-026	$ 15.84
140-29-118-027	$ 15.84
140-29-118-028	$ 15.84
140-29-118-029	$ 15.84
140-29-118-030	$ 15.84
140-29-118-031	$ 15.84
140-29-118-032	$ 15.84
140-29-118-033	$ 15.84
140-29-118-034	$ 15.84
140-29-118-035	$ 15.84
140-29-118-036	$ 15.84
140-29-118-037	$ 15.84
140-29-118-038	$ 15.84
140-29-118-039	$ 15.84
140-29-118-040	$ 15.84
140-29-118-041	$ 15.84
140-29-118-042	$ 15.84
140-29-118-043	$ 15.84
140-29-118-044	$ 15.84
140-29-118-045	$ 15.84
140-29-117-001	$ 15.84
140-29-117-002	$ 15.84
140-29-117-003	$ 15.84
140-29-117-004	$ 15.84
140-29-117-005	$ 15.84
140-29-117-006	$ 15.84
140-29-117-007	$ 15.84
140-29-117-008	$ 15.84
140-29-117-009	$ 15.84
140-29-117-010	$ 15.84
140-29-117-011	$ 15.84
140-29-117-012	$ 15.84
140-29-117-013	$ 15.84
140-29-117-014	$ 15.84
140-29-117-015	$ 15.84
140-29-117-016	$ 15.84

Assessor's Parcel Number	Amount to be Refunded
140-29-117-017	$ 15.84
140-29-117-018	$ 15.84
140-29-117-019	$ 15.84
140-29-117-020	$ 15.84
140-29-117-021	$ 15.84
140-29-117-022	$ 15.84
140-29-117-023	$ 15.84
140-29-117-024	$ 15.84
140-29-117-025	$ 15.84
140-32-101-016	$ 313.92
140-32-501-001	$ 150.84
140-32-501-002	$ 603.36
138-36-601-009	$ 1,081.54
139-26-507-003	$ 409.76
139-26-508-002	$ 48.81
139-26-508-006	$ 485.75
139-26-508-008	$ 40.40
139-26-508-016	$ 682.38
139-32-705-002	$ 54.90
139-32-705-005	$ 98.82
139-32-705-007	$ 76.13
139-32-803-001	$ 71.37
139-32-803-002	$ 49.41
139-32-803-003	$ 54.90
139-32-803-004	$ 168.00
139-32-803-010	$ 269.02
139-33-302-024	$ 137.25
139-33-310-001	$ 10.29
139-33-310-002	$ 10.29
139-33-310-003	$ 10.29
139-33-310-004	$ 10.29
139-33-310-005	$ 10.29
139-33-310-006	$ 10.30
139-33-310-007	$ 10.30
139-33-310-008	$ 10.30
139-33-302-028	$ 153.72
139-33-410-001	$ 543.52
139-33-410-029	$ 54.90
139-33-410-018	$ 54.90
139-33-405-002	$ 379.98
162-08-410-007	$ 164.90
162-08-410-014	$ 427.81
162-08-410-018	$ 314.24
162-08-410-019	$ 149.34
162-08-410-020	$ 164.90

Assessor's Parcel Number	Amount to be Refunded
162-08-410-021	$ 164.90
162-08-410-022	$ 164.90
TOTAL	**$ 8,836.40**

DATED this ___ day of September 2009.

Respectfully submitted,

MARK R. VINCENT, City Treasurer

City of Las Vegas Agenda Item No.: **36.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: NEIGHBORHOOD SERVICES
DIRECTOR: STEPHEN K. HARSIN ☐ **Consent** ☒ **Discussion**

SUBJECT:
Hearing and possible action on a 45-day review for the vacant or abandoned buildings located at 4152 Silver Dollar Avenue Units 2, 4, 5, 7-8, 4168 Silver Dollar Avenue Units 1-4, 6-8, 4186 Silver Dollar Avenue Units 1-7. PROPERTY OWNERS: RFH LA PAZ LLC - Ward 1 (Tarkanian)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
The subject properties were determined to be substandard, dangerous and declared a public nuisance as defined in Las Vegas Municipal Code (LVMC), Title 9.04.020 and Section 202 of the Uniform Housing Code. A Nuisance Housing Code Notice and Order to Comply was mailed to the property owners to correct the nuisance per 9.04 – Graffiti, Refuse and Waste, Weeds/Turf; LVMC 13.28 – Street Naming and Address Assignment; 16.20 – Housing Codes; and Title 19. Today's hearing is a review regarding the status of violations and civil penalties from the Public Hearing item on March 4, 2009 and April 15, 2009.

RECOMMENDATION:
Review status of violations listed in Nuisance Housing Code Notice and Order to Comply mailed on September 11, 2008 and the Notice and Order Regarding Vacant or Abandoned Building mailed on August 11, 2008 and recommends a one year review.

BACKUP DOCUMENTATION:
1. Agenda Memo
2. Location Maps
3. Nuisance Housing Code and Vacant or Abandoned Notice and Orders to Comply dated September 11, 2008 and August 11, 2008
4. Reinspection Report for August 31, 2009
5. Review Hearing Notification Letters

City of Las Vegas

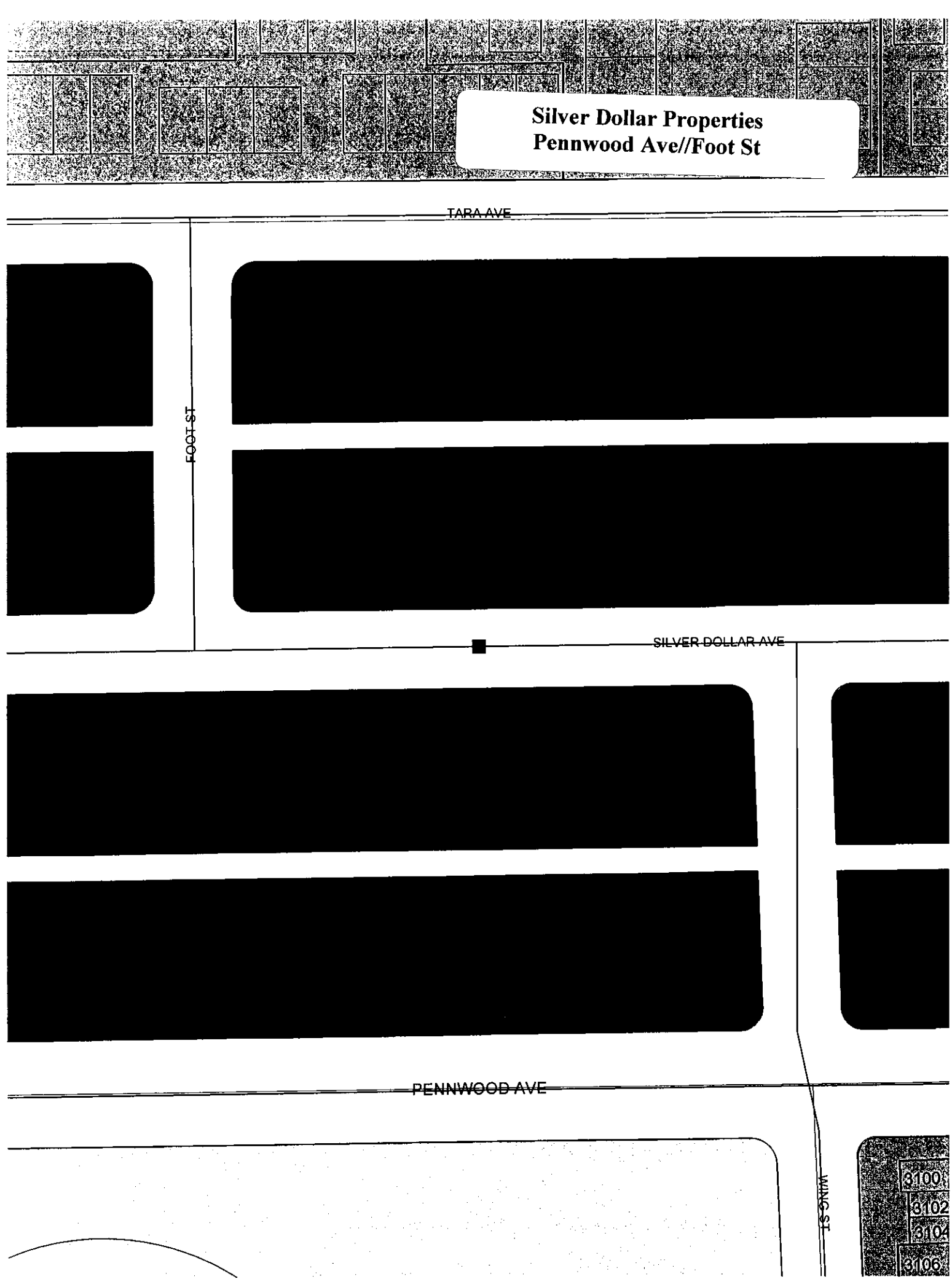
AGENDA MEMO

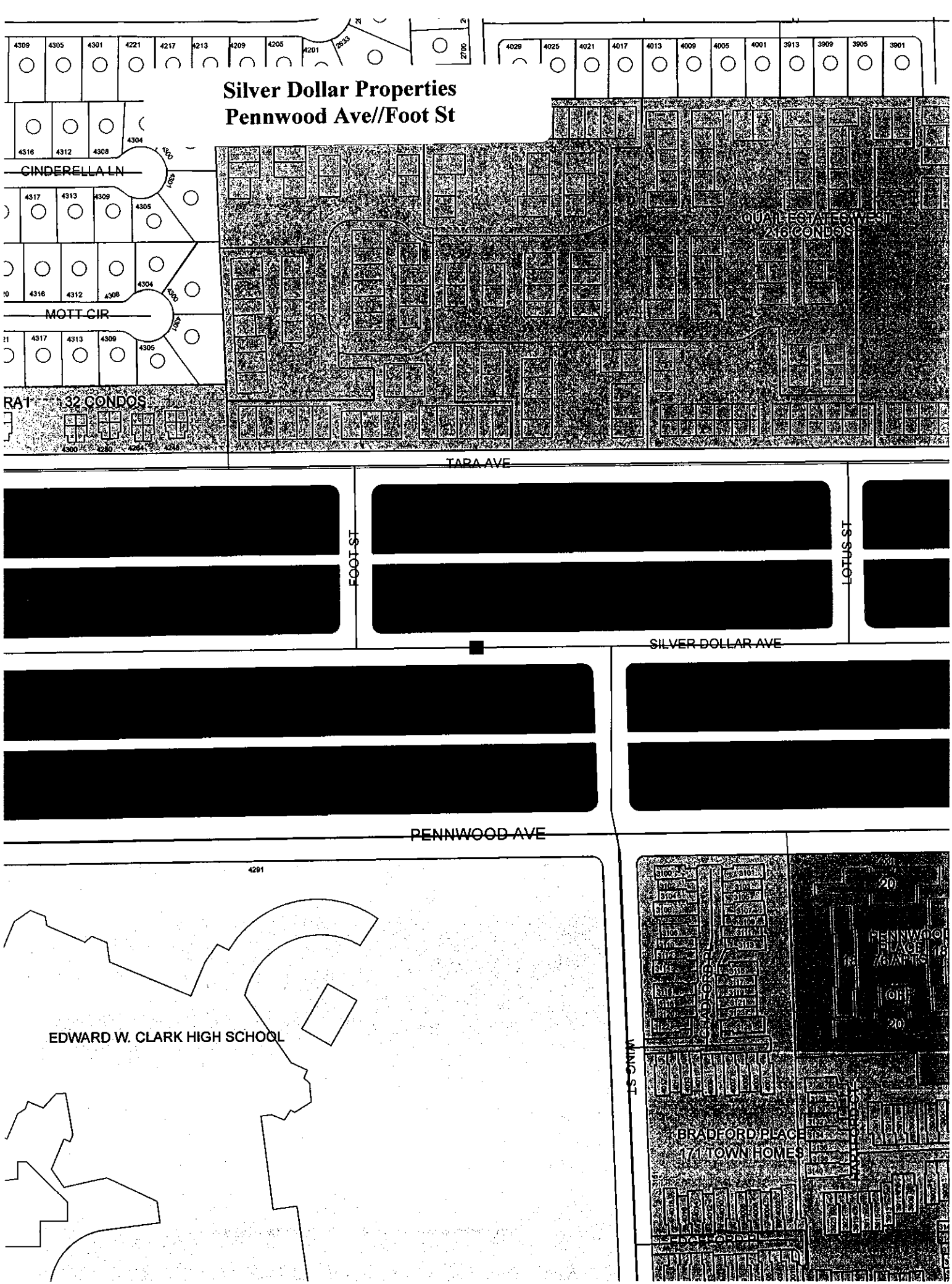
CITY COUNCIL MEETING DATE: SEPTEMBER 16, 2009
DEPARTMENT: Neighborhood Services
ITEM DESCRIPTION: Hearing and possible action on a 45-day review for the vacant or abandoned buildings located at 4152 Silver Dollar Avenue Unit 2, 4, 5, 7-8, 4168 Silver Dollar Avenue Units 1-4, 6-8, 4186 Silver Dollar Avenue Units 1-7.
PROPERTY OWNERS: RFH LA PAZ LLC - Ward 1 (Tarkanian)

The subject properties were determined to be substandard, dangerous and declared a public nuisance as defined in Las Vegas Municipal Code (LVMC), Title 9.04.020 and Section 202 of the Uniform Housing Code.

Nuisance Housing Code Notice and Order to Comply and a Notice and Order Regarding Vacant or Abandoned Building was mailed to the property owners by regular mail and certified mail requesting they correct the nuisance per 9.04 – Graffiti, Refuse and Waste, Weeds/Turf; LVMC 13.28 – Street Naming and Address Assignment; 16.20 – Housing Codes; and Title 19. A copy of the notice was also posted on the property.

Today's hearing is a review of the status of violations listed in Nuisance Housing Code Notice and Order to Comply mailed on September 11, 2008 and the Notice and Order Regarding Vacant or Abandoned Building mailed on August 11, 2008 and a review of civil penalties assessed. Neighborhood Response recommends a one year review.


Silver Dollar Properties
Pennwood Ave//Foot St
TARA AVE
FOOT ST
SILVER DOLLAR AVE
PENNWOOD AVE
WING ST
3100
3102
3104
3106


Silver Dollar Properties
Pennwood Ave//Foot St
CINDERELLA LN
MOTT CIR
QUAIL ESTATES WEST
216 CONDOS
TARA AVE
FOOT ST
LOTUS ST
SILVER DOLLAR AVE
PENNWOOD AVE
EDWARD W. CLARK HIGH SCHOOL
WING ST
BRADFORD PLACE
171 TOWN HOMES
PENNWOOD PLACE
76 APTS

Receipt/Conformed Copy
Requestor:
LAS VEGAS CITY
09/18/2008 12:14:22 T20080215079
Book/Instr: 20080918-0002777
Notice Page Count: 7
Fees: $20.00 N/C Fee: $0.00

Debbie Conway
Clark County Recorder

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

COPY

APN: 162-07-622-018

September 11, 2008

Case #68190

Certified/Regular Mail
Return Receipt Requested

R F H La Paz, LLC
3910 Pecos-McLeod Rd. #B-100
Las Vegas, NV 89121-0000

REVISED
NOTICE AND ORDER REGARDING VACANT OR ABANDONED BUILDING

You are hereby notified as recorded owner(s) of the property located at **4152 Silver Dollar Ave.- #2, Las Vegas, NV, Parcel # 162-07-622-018,** as follows:

One or more vacant or abandoned buildings on the property, by reason of their condition or impact on surrounding property, have been identified as buildings that need to be boarded, demolished, rehabilitated, or any combination thereof, in accordance with Chapter 16.31 of the Las Vegas Municipal Code. The building or buildings are identified as a **residential condominium located at 4152 Silver Dollar Ave. - #2.**

Per 9.04 – Refuse & Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code. i.e., paper, plastic, wood, bottles, etc.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards. Cut back all trees and bushes to allow unobstructed view from street, sidewalk, and/or alleyway.

Per 16.04 – Building Permits Required - Department of Building and Safety, 731 S. 4th Street, (702) 229-6251.

LAS VEGAS CITY COUNCIL
MAYOR OSCAR B. GOODMAN
MAYOR PRO TEM GARY REESE • LARRY BROWN • STEVE WOLFSON • LOIS TARKANIAN
STEVEN D. ROSS • RICKI Y. BARLOW
CITY MANAGER DOUGLAS A. SELBY
CITY OF LAS VEGAS • 400 STEWART AVENUE • LAS VEGAS, NEVADA 89101
VOICE 702.229.6615 • FAX 702.382.4341 • TTY 702.386.9108 • www.lasvegasnevada.gov

Per 16.20 – Housing Codes:

LVMC 9.04.010 (2) (2) Any violation of Title 16, including violations of the codes pertaining to building, construction, housing, and fire safety adopted there under.

LVMC 16.20.010 A Uniform Housing Code

1994 Uniform Housing Code Chapter 2 Enforcement

Section 202 Substandard Buildings

Buildings or portions thereof which are determined to be substandard as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Chapter 11 of this code.

1994 Uniform Housing Code Chapter 4 Definitions

Section 401 Definitions

Health Officer *is the legally designated head of the Clark County Health District or his designee. For purposes of this Code, the term also includes the building official or his designee, except with respect to any determination to be made by the health officer under Item #8 of the definition of "NUISANCE" in Section 401 of this Code.*

Nuisance. The following shall be defined as nuisances:

1. Any public nuisance known at common law or in equity jurisprudence, or identified in Chapter 9.04 of the Las Vegas Municipal Code, as it may be amended from time to time.

1994 Uniform Housing Code Chapter 10 Substandard Buildings

1001.1 General.

Any building or portion thereof which is determined to be an unsafe building in accordance with Section 102 of the Building code; or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby are declared to be substandard buildings.

1001. 2 Inadequate Sanitation.

Buildings or portions thereof shall be deemed substandard when they are unsanitary. Inadequate sanitation shall include, but not be limited to, the following:

13. General dilapidation or improper maintenance.

1) Provide drainage free from obstruction including the jetting of common drain system.

2) Interior walls and ceilings are to have all hole penetrations, annular openings sealed or caulked.

3) Interior laundry room to be in good repair, sanitary, with good drainage and serviceable utilities.

4) Flooring to be made sanitary or replaced.

5) Bathroom to have fixtures properly installed, good drainage, leak free and sanitary.

12. Infestation of insects, vermin or rodents as determined by the health officer.
Provide continuous extermination by licensed pest control.

1994 Uniform Housing Code 1001.6 Hazardous Plumbing.
16.28.010 Uniform Plumbing Code and supplement adopted.
(A) Uniform Plumbing Code, 2006 Edition, including its Standards and Appendices, except as otherwise indicated, designated as Part 1 of this Chapter; and
(B) A document entitled "Southern Nevada Amendments to the 2006 Uniform Plumbing Code," adding to, deleting from and amending the Uniform Plumbing Code, 2006 Edition, designated as Part 2 of this Chapter.
Chapter 5 Water Heaters
Install correct plumbing fittings and material for water heater by license contractor.
Chapter 6 Water Supply and Distribution
Section 601.3 Existing piping used for grounding
Restore and return the copper water piping as the grounding electrode.

1994 Uniform Housing Chapter 10 Section 1001.8 Faulty Weather Protection.
Any and all windows broken or in disrepair are to be made in good repair or replaced.

1994 Uniform Housing Code Section Chapter 7 Mechanical Requirements
1994 UHC 701.1 Heating
Dwelling units, guest rooms and congregate residences shall be provided with heating facilities capable of maintaining a room temperature of 70°F. (21.1°C.) at a point 3 feet (914 mm) above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with Section 3102 of the Building Code , the Mechanical Code, and all other applicable laws. Unvented fuel-burning heaters are not permitted. All heating devices or appliances shall be of an approved type.

1. Cooling Facilities and Cooking Equipment. If a dwelling unit or guest room has been provided with cooling facilities or cooking equipment, or both, such facilities and equipment shall be maintained in a safe working condition or replaced.

Provide safe working cooling facilities or replace.
Provide safe working cooking equipment or replace.

LVMC 16.32.270 Applicability.
The requirements set out in this Article shall apply to all residential-type buildings including those existing, those new and those to be constructed in order to provide the maximum possible security from criminal actions to the permanent and transient occupants thereof, and to their possessions.

16.32.280 Entrance doors direct to outside.
These requirements shall apply to all housing units, whether detached, attached to or within a building, having individual entrances immediately accessible from the outside without other intervening entrance doors:
(A) Entrance doors to housing units shall be capable of resisting forcible entry equal to a single-panel or hollow-core door one-and-three eighths inches thick.

(B) Dead bolts openable without key from the inside shall be provided on all housing unit entrance doors.
(C) Double entry doors: The active leaf shall be equipped as above. The inactive leaf shall be equipped with flush bolts at head and sill.

Replace and properly install entry door with all required hardware.

LVMC 13.28 STREET NAMING AND ADDRESS ASSIGNMENTS
LVMC 13.28.080

(A) Use of display a street name, building number or address number that does not conform to the provisions of this Chapter;
(B) Display a street name, building number or address number in a manner that does not conform to the provisions of this Chapter; or
(C) Fail to display a street name, building number or address number in the manner required by this Chapter.

Provide Correct Address as Defined by County Records. Provide address on building and include design of address sign.

LVMC 9.04.010 (5) Any violation of Title 19 of this code.

LVMC 19.10.010 On-site parking standards

J) Design of Parking Areas.
(6) Maintenance. Parking facilities shall be continually maintained in compliance with approved Site Development Plans and shall be free of litter and debris.

(7) Surfacing and Striping. Except as otherwise provided in this Chapter, all parking and loading facilities shall be surfaced (paved), striped and marked to clearly define access lanes, compact and handicapped parking spaces, and internal circulation movements.

(9) Wheel Stops/Curbing. Concrete wheel stops or curbing at least six inches high and six inches wide shall be provided to prevent vehicles overhanging abutting sidewalks, properties or public rights-of-way, to protect landscaped areas and to protect adjacent properties. Such wheel stops or curbing shall be located at least two feet from any adjacent wall, fence, property line, walkway, landscape area or structure where parking and/or drive aisles are located. Wheel stops or curbing shall not be required to protect a sidewalk or walkway around the perimeter of a building if the sidewalk or walkway is at least seven feet wide.

Provide litter free parking stalls, marked, and provide wheel stops.

LVMC 19.12.070 Multi-family development--Preexisting.

(A) Multi-family developments that were approved before the minimum landscaping requirements of this Chapter went into effect may be required to comply with those requirements, within a reasonable time and to the extent reasonably possible. Upon notice from the Department of Neighborhood Services, and within the time period specified in the notice, the owner or manager of a development shall submit to the Planning and Development Department a proposed landscaping plan. The submittal shall be subject to the approval of the Director. If a

proposed landscaping plan is denied, the owner or manager may appeal the denial to the Planning Commission.

(B) Upon approval of a landscaping plan, the owner and manager of the development shall be jointly and severally responsible for maintaining the approved landscaping in accordance with this Chapter.

Provide and maintain landscaping

The listed corrections must be completed in order to obtain compliance. Please note that any repairs requiring replacement of building components must include permits, inspections and must be performed by a licensed contractor.

Per 16.31 – Vacant Buildings: Submit Letter of Intent. Obtain Boarding Certificate. Provide Mitigation Plan. Provide Rehabilitation Plan.

Post: No trespassing (per NRS 207.200), contact Bolden Area Command, COP Office at 289-5593 to have building properly posted.

Upon correction of violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer #16 at 229-4918 to supply your current phone number, email address, fax number, or additional mailing address.

In accordance with Chapter 16.31, you are required to:

- **Submit, within 60 days, a Mitigation and Rehabilitation Plan to address the vacant property. The Mitigation and Rehabilitation Plan must be filed with the Department of Neighborhood Services and must include:**

A statement indicating your intentions, as owner(s) of the property, for the future use of the property for the next 12 months, including, without limitation, plans to maintain, redevelop, or reestablish lawful occupancy of the property, or any combination of such activities;

A detailed plan of mitigation measures that you intend to take regarding the property, including, without limitation, measures to maintain the property; restore and maintain landscaping on the property; and provide and maintain adequate security for the property;

A detailed plan of rehabilitation measures that you intend to take regarding the property, including, without limitation, plans to restore buildings, and to maintain the property so as to remove the negative impact on surrounding properties;

A detailed scope of the rehabilitation work to be performed, a timeline for the work, and a set of plans for the work that have been approved by the Department of Building and Safety; and

A detailed landscape plan showing grass, shrubs and trees that conform to the landscape of surrounding properties, or low-maintenance, drought-resistant xeriscape, including such items as desert plants and decorative rock.

- **Board one or more buildings on the property, the building(s) being identified as a residential condominium located at 4152 Silver Dollar Ave., #2.**

- **Obtain a building permit for one or more buildings on the property that have been boarded without obtaining a permit, the building(s) being identified as a residential condominium located at 4152 Silver Dollar Ave., #2.**

In order to demolish one or more buildings, you are required to first obtain a demolition permit, and then to secure and maintain the remaining vacant property so as to remove the negative impact on surrounding properties.

If you fail to submit a Mitigation and Rehabilitation Plan or board a building within the timeframe(s) set forth above, the Director of Neighborhood Services is authorized to cause to be performed appropriate mitigation or rehabilitation work, or any combination thereof. As the property owner(s), you will be responsible for all costs incurred, including a fifteen percent (15%) administrative fee. You will be notified of a public hearing to be conducted by the City Council to review the costs, and the Council's decision shall be final and conclusive. Upon approval of the costs by the City Council, the City will be authorized to file a Lien of Assessment with the County Recorder's Office. Thereafter, certified copies of the lien will be given to the County Treasurer, and the amount of the Lien of Assessment shall then be collected at the same time and in the same manner as ordinary taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

Moreover, you are hereby given notice:

1. That within ten (10) days after service of this Notice and Order, you as the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen (15) days after the appeal has been filed, you will be given written notice of the procedure and time frame for the hearing of the appeal. The appeal will be heard by the City Council or by the Council's designee, with a right to final appeal to the Council. An owner or responsible party who fails to appeal shall be deemed to have waived any and all objections to the actions taken by the Director of Neighborhood Services to satisfy the requirements of this Notice and Order.
2. That this Notice and Order or a copy thereof must be presented to the Department of Building and Safety when requesting any permit(s).
3. That failure to appeal will constitute a waiver of all rights to an administrative hearing to determine this matter.

LVMC 9.04.020 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

The City is authorized to record this Notice and Order until such time as compliance has been obtained. Should you have any questions or concerns please call me at (702) 229-6615.

Sincerely,

Devin S. Smith, Manager
Neighborhood Response Division
Neighborhood Services Department

Enclosures: City of Las Vegas Abatement Specifications
City of Las Vegas Vacant & Boarded Structures Mitigation/Rehabilitation Plan
City of Las Vegas Vacant & Boarded Structures Statement of Intent
City of Las Vegas Boarded Building Certificate Application

14

20080813-0003469

Fee: $18.00
N/C Fee: $0.00
08/13/2008 14:07:56
T20080176105
Requestor:
LAS VEGAS CITY
Debbie Conway KXC
Clark County Recorder Pgs: 5

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

APN: 162-07-622-018

August 11, 2008

Case #68190

(5)

Certified/Regular Mail
Return Receipt Requested

RANDAZZO JOSEPH A & MICHELLE M
DEMATTEO LAWRENCE A
%D B BOGGESS ESQ
%BOGGESS & HARKER
7201 W LAKE MEAD BLVD #210
LAS VEGAS NV 89128-8360

NOTICE AND ORDER REGARDING VACANT OR ABANDONED

You are hereby notified as recorded owner(s) of the property located at **4152 Silver Dollar Ave.- #2, Las Vegas, NV, Parcel # 162-07-622-018,** as follows:

One or more vacant or abandoned buildings on the property, by reason of their condition or impact on surrounding property, have been identified as buildings that need to be boarded, demolished, rehabilitated, or any combination thereof, in accordance with Chapter 16.31 of the Las Vegas Municipal Code. The building or buildings are identified as **single family dwelling located at 4152 Silver Dollar Ave. - #2.**

Per 9.04 – Refuse & Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code. i.e., paper, plastic, wood, bottles, etc.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards. Cut back all trees and bushes to allow unobstructed view from street, sidewalk, and/or alleyway.

Per 16.04 – Building Permits Required - Department of Building and Safety, 731 S. 4th Street, (702) 229-6251.

LAS VEGAS CITY COUNCIL
MAYOR OSCAR B. GOODMAN
MAYOR PRO TEM GARY REESE • LARRY BROWN • STEVE WOLFSON • LOIS TARKANIAN
STEVEN D. ROSS • RICKI Y. BARLOW
CITY MANAGER DOUGLAS A. SELBY

RETURN TO:
CITY OF LAS VEGAS • 400 STEWART AVENUE • LAS VEGAS, NEVADA 89101
VOICE 702.229.6615 • FAX 702.382.4341 • TTY 702.386.9108 • www.lasvegasnevada.gov

PER ORD 3744-PROVIDE CORRECT ADDRESS AS DEFINED BY COUNTY RECORDS.

PER 2006 IBC SECTION 501.2 AND ORD 3744: PROVIDE ADDRESS ON BUILDING AND INCLUDE IN DESIGN OF ADDRESS SIGN.

PER LVMC 19.10: PROVIDE LITTER FREE PARKING STALL MARKED AND PROVIDE WHEEL STOPS.

PER LVMC 19.12: SUBMIT LANDSCAPE PLAN TO CITY OF LAS VEGAS PLANNING AND DEVELOPMENT LOCATED AT 731 S 4TH ST AND INSTALL TO APPROVED SPECIFICATIONS. KEEP MAINTAINED AT ALL TIMES.

1994 UNIFORM HOUSING CODE SUPPLEMENT, SECTION 12 -OBTAIN PROPER PERMITS FOR THE REHABILITATION OF UNIT AND ACHIEVE A CERTIFICATE OF OCCUPANCY FOR CONDOMINIUM. REPAIRS MUST INCLUDE (BUT NOT LIMITED TO) THE FOLLOWING:

1994 UNIFORM HOUSING CODE, CHAPTER 10: PROVIDE DRAINAGE FREE FROM OBSTRUCTION INCLUDING THE JETTING OF COMMON DRAIN SYSTEM.

2006 INTERNATIONAL PLUMBING CODE, SECTION 601.3: RESTORE AND RETURN THE COPPER WATER PIPING AS THE GROUNDING ELECTRODE.

1994 UNIFORM HOUSING CODE, SECTION 1001.1: INTERIOR WALLS AND CEILINGS ARE TO HAVE ALL HOLES, PENETRATIONS, ANNULAR OPENINGS SEALED OR CAULKED.

1994 UNIFORM HOUSING CODE, CHAPTER 10: INTERIOR LAUNDRY ROOM TO BE IN GOOD REPAIR AND SANITARY

1994 UNIFORM HOUSING CODE, SECTION 1001.8: ANY/ALL WINDOWS BROKEN OR IN DISREPAIR ARE TO BE MADE IN GOOD REPAIR OR REPLACED.

2006 INTERNATIONAL PLUMBING CODE, CHAPTER 5: OBTAIN LICENSED PLUMBING CONTRACTOR TO INSTALL CORRECT PLUMING FITTINGS AND MATERIAL FOR WATER HEATER.

1994 UNIFORM HOUSING CODE, SUPPLEMENT, SECTIONS 9 AND 10: PROVIDE SAFE WORKING COOKING FACILITIES

1994 UNIFORM HOUSING CODE, SUPPLEMENT SECTION 10: PROVIDE SAFE WORKING COOLING FACILITIES.

1994 UNIFORM HOUSING CODE CHAPTER 10: FLOORING TO BE MADE SANITARY

1994 UNIFORM HOUSING CODE, SECTION 1001: BATHROOMS TO HAVE FIXTURES PROPERLY INSTALLED, GOOD DRAINAGE, LEAK FREE AND SANITARY.

LVMC TITLE 16.32: REPLACE AND PROPERLY INSTALL ENTRY DOOR WITH ALL REQUIRED HARDWARE

Per 16.31 – Vacant Buildings: Submit Letter of Intent. Obtain Boarding Certificate. Provide Mitigation Plan. Provide Rehabilitation Plan.

Post: No trespassing (per NRS 207.200), no dumping (per NRS 444.630), no vehicles (per CLVMC 10.78.020 & 11.24.020) sign on site to deter illegal activity and prevent future violations. All trespassers, squatters, and anyone unable to prove occupancy must vacate premises within 10 days of posting of this notice.

Upon correction of violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer #16 at 229-4918 to supply your current phone number, email address, fax number, or additional mailing address.

In accordance with Chapter 16.31, you are required to:

- **Submit, within 60 days, a Mitigation and Rehabilitation Plan to address the vacant property. The Mitigation and Rehabilitation Plan must be filed with the Department of Neighborhood Services and must include:**

A statement indicating your intentions, as owner(s) of the property, for the future use of the property for the next 12 months, including, without limitation, plans to maintain, redevelop, or reestablish lawful occupancy of the property, or any combination of such activities;

A detailed plan of mitigation measures that you intend to take regarding the property, including, without limitation, measures to maintain the property; restore and maintain landscaping on the property; and provide and maintain adequate security for the property;

A detailed plan of rehabilitation measures that you intend to take regarding the property, including, without limitation, plans to restore buildings, and to maintain the property so as to remove the negative impact on surrounding properties;

A detailed scope of the rehabilitation work to be performed, a timeline for the work, and a set of plans for the work that have been approved by the Department of Building and Safety; and

A detailed landscape plan showing grass, shrubs and trees that conform to the landscape of surrounding properties, or low-maintenance, drought-resistant xeriscape, including such items as desert plants and decorative rock.

- **Board one or more buildings on the property, the building(s) being identified as a single family dwelling located at 4152 Silver Dollar Ave., #2.**

- **Obtain a building permit for one or more buildings on the property that have been boarded without obtaining a permit, the building(s) being identified as a single family dwelling located at 4152 Silver Dollar Ave., #2.**

  In order to demolish one or more buildings, you are required to first obtain a demolition permit, and then to secure and maintain the remaining vacant property so as to remove the negative impact on surrounding properties.

If you fail to submit a Mitigation and Rehabilitation Plan or board a building within the timeframe(s) set forth above, the Director of Neighborhood Services is authorized to cause to be performed appropriate mitigation or rehabilitation work, or any combination thereof. As the property owner(s), you will be responsible for all costs incurred, including a fifteen percent (15%) administrative fee. You will be notified of a public hearing to be conducted by the City Council to review the costs, and the Council's decision shall be final and conclusive. Upon approval of the costs by the City Council, the City will be authorized to file a Lien of Assessment with the County Recorder's Office. Thereafter, certified copies of the lien will be given to the County Treasurer, and the amount of the Lien of Assessment shall then be collected at the same time and in the same manner as ordinary taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

Moreover, you are hereby given notice:

1. That within fifteen (15) days after service of this Notice and Order, you as the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen (15) days after the appeal has been filed, you will be given written notice of the procedure and time frame for the hearing of the appeal. The appeal will be heard by the City Council or by the Council's designee, with a right to final appeal to the Council. An owner or responsible party who fails to appeal shall be deemed to have waived any and all objections to the actions taken by the Director of Neighborhood Services to satisfy the requirements of this Notice and Order.
2. That this Notice and Order or a copy thereof must be presented to the Department of Building and Safety when requesting any permit(s).
3. That failure to appeal will constitute a waiver of all rights to an administrative hearing to determine this matter.

LVMC 9.04.020 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more

than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

The City is authorized to record this Notice and Order until such time as compliance has been obtained. Should you have any questions or concerns please call me at (702) 229-6615.

Sincerely,

Devin S. Smith, Manager
Neighborhood Response Division
Neighborhood Services Department

Enclosures: City of Las Vegas Abatement Specifications
City of Las Vegas Vacant & Boarded Structures Mitigation/Rehabilitation Plan
City of Las Vegas Vacant & Boarded Structures Statement of Intent

cc: La paz Nuevo Homeowners Association, Inc.
645 Helmhill Ave.
Las Vegas, NV 89123

La paz Nuevo Homeowners Association, Inc.
P. O. Box 94642
Las Vegas, NV 89193-4642

Lawrence A. Dematteo
President
La paz Nuevo Homeowners Association, Inc.
3172 Rowena
Rossmoor, CA 90720

14

20080918-0002768

Fee: $20.00
N/C Fee: $0.00
09/18/2008 12:14:22
T20080215079
Requestor:
LAS VEGAS CITY
Debbie Conway SCA
Clark County Recorder Pgs: 7

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

(7)

APN: 162-07-622-020

September 11, 2008

Case #68189

Certified/Regular Mail
Return Receipt Requested

R F H La Paz, LLC
3910 Pecos-McLeod Rd. #B-100
Las Vegas, NV 89121-0000

REVISED
NOTICE AND ORDER REGARDING VACANT OR ABANDONED BUILDING

You are hereby notified as recorded owner(s) of the property located at **4152 Silver Dollar Ave.-#4, Las Vegas, NV, Parcel # 162-07-622-020,** as follows:

One or more vacant or abandoned buildings on the property, by reason of their condition or impact on surrounding property, have been identified as buildings that need to be boarded, demolished, rehabilitated, or any combination thereof, in accordance with Chapter 16.31 of the Las Vegas Municipal Code. The building or buildings are identified as a **residential condominium located at 4152 Silver Dollar Ave. - #4.**

Per 9.04 – Refuse & Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code. i.e., paper, plastic, wood, bottles, etc.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards. Cut back all trees and bushes to allow unobstructed view from street, sidewalk, and/or alleyway.

Per 16.04 – Building Permits Required - Department of Building and Safety, 731 S. 4th Street, (702) 229-6251.

LAS VEGAS CITY COUNCIL
MAYOR OSCAR B. GOODMAN
MAYOR PRO TEM GARY REESE • LARRY BROWN • STEVE WOLFSON • LOIS TARKANIAN
STEVEN D. ROSS • RICKI Y. BARLOW
CITY MANAGER DOUGLAS A. SELBY

Return to: CITY OF LAS VEGAS • 400 STEWART AVENUE • LAS VEGAS, NEVADA 89101
VOICE 702.229.6615 • FAX 702.382.4341 • TTY 702.386.9108 • www.lasvegasnevada.gov

Per 16.20 – Housing Codes:

LVMC 9.04.010 (2) (2) Any violation of Title 16, including violations of the codes pertaining to building, construction, housing, and fire safety adopted there under.

LVMC 16.20.010 A Uniform Housing Code

1994 Uniform Housing Code Chapter 2 Enforcement

Section 202 Substandard Buildings

Buildings or portions thereof which are determined to be substandard as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Chapter 11 of this code.

1994 Uniform Housing Code Chapter 4 Definitions

Section 401 Definitions

Health Officer *is the legally designated head of the Clark County Health District or his designee. For purposes of this Code, the term also includes the building official or his designee, except with respect to any determination to be made by the health officer under Item #8 of the definition of "NUISANCE" in Section 401 of this Code.*

Nuisance. The following shall be defined as nuisances:

1. Any public nuisance known at common law or in equity jurisprudence, or identified in Chapter 9.04 of the Las Vegas Municipal Code, as it may be amended from time to time.

1994 Uniform Housing Code Chapter 10 Substandard Buildings

1001.1 General.

Any building or portion thereof which is determined to be an unsafe building in accordance with Section 102 of the Building code; or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby are declared to be substandard buildings.

1001. 2 Inadequate Sanitation.

Buildings or portions thereof shall be deemed substandard when they are unsanitary. Inadequate sanitation shall include, but not be limited to, the following:

13. General dilapidation or improper maintenance.

1) Provide drainage free from obstruction including the jetting of common drain system.

2) Interior walls and ceilings are to have all hole penetrations, annular openings sealed or caulked.

3) Interior laundry room to be in good repair, sanitary, with good drainage and serviceable utilities.

4) ***Flooring to be made sanitary or replaced.***

5) Bathroom to have fixtures properly installed, good drainage, leak free and sanitary.

12. Infestation of insects, vermin or rodents as determined by the health officer.
Provide continuous extermination by licensed pest control.

1994 Uniform Housing Code 1001.6 Hazardous Plumbing.

16.28.010 Uniform Plumbing Code and supplement adopted.

(A) Uniform Plumbing Code, 2006 Edition, including its Standards and Appendices, except as otherwise indicated, designated as Part 1 of this Chapter; and

(B) A document entitled "Southern Nevada Amendments to the 2006 Uniform Plumbing Code," adding to, deleting from and amending the Uniform Plumbing Code, 2006 Edition, designated as Part 2 of this Chapter.

Chapter 5 Water Heaters

Install correct plumbing fittings and material for water heater by license contractor.

Chapter 6 Water Supply and Distribution

Section 601.3 Existing piping used for grounding

Restore and return the copper water piping as the grounding electrode.

1994 Uniform Housing Chapter 10 Section 1001.8 Faulty Weather Protection.

Any and all windows broken or in disrepair are to be made in good repair or replaced.

1994 Uniform Housing Code Section Chapter 7 Mechanical Requirements

1994 UHC 701.1 Heating

Dwelling units, guest rooms and congregate residences shall be provided with heating facilities capable of maintaining a room temperature of 70°F. (21.1°C.) at a point 3 feet (914 mm) above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with Section 3102 of the Building Code , the Mechanical Code, and all other applicable laws. Unvented fuel-burning heaters are not permitted. All heating devices or appliances shall be of an approved type.

1. Cooling Facilities and Cooking Equipment. If a dwelling unit or guest room has been provided with cooling facilities or cooking equipment, or both, such facilities and equipment shall be maintained in a safe working condition or replaced.

Provide safe working cooling facilities or replace.
Provide safe working cooking equipment or replace.

LVMC 16.32.270 Applicability.

The requirements set out in this Article shall apply to all residential-type buildings including those existing, those new and those to be constructed in order to provide the maximum possible security from criminal actions to the permanent and transient occupants thereof, and to their possessions.

16.32.280 Entrance doors direct to outside.

These requirements shall apply to all housing units, whether detached, attached to or within a building, having individual entrances immediately accessible from the outside without other intervening entrance doors:

(A) Entrance doors to housing units shall be capable of resisting forcible entry equal to a single-panel or hollow-core door one-and-three eighths inches thick.

(B) Dead bolts openable without key from the inside shall be provided on all housing unit entrance doors.
(C) Double entry doors: The active leaf shall be equipped as above. The inactive leaf shall be equipped with flush bolts at head and sill.

Replace and properly install entry door with all required hardware.

LVMC 13.28 STREET NAMING AND ADDRESS ASSIGNMENTS
LVMC 13.28.080

(A) Use of display a street name, building number or address number that does not conform to the provisions of this Chapter;
(B) Display a street name, building number or address number in a manner that does not conform to the provisions of this Chapter; or
(C) Fail to display a street name, building number or address number in the manner required by this Chapter.

Provide Correct Address as Defined by County Records. Provide address on building and include design of address sign.

LVMC 9.04.010 (5) Any violation of Title 19 of this code.

LVMC 19.10.010 On-site parking standards

J) Design of Parking Areas.
(6) Maintenance. Parking facilities shall be continually maintained in compliance with approved Site Development Plans and shall be free of litter and debris.

(7) Surfacing and Striping. Except as otherwise provided in this Chapter, all parking and loading facilities shall be surfaced (paved), striped and marked to clearly define access lanes, compact and handicapped parking spaces, and internal circulation movements.

(9) Wheel Stops/Curbing. Concrete wheel stops or curbing at least six inches high and six inches wide shall be provided to prevent vehicles overhanging abutting sidewalks, properties or public rights-of-way, to protect landscaped areas and to protect adjacent properties. Such wheel stops or curbing shall be located at least two feet from any adjacent wall, fence, property line, walkway, landscape area or structure where parking and/or drive aisles are located. Wheel stops or curbing shall not be required to protect a sidewalk or walkway around the perimeter of a building if the sidewalk or walkway is at least seven feet wide.

Provide litter free parking stalls, marked, and provide wheel stops.

LVMC 19.12.070 Multi-family development--Preexisting.

(A) Multi-family developments that were approved before the minimum landscaping requirements of this Chapter went into effect may be required to comply with those requirements, within a reasonable time and to the extent reasonably possible. Upon notice from the Department of Neighborhood Services, and within the time period specified in the notice, the owner or manager of a development shall submit to the Planning and Development Department a proposed landscaping plan. The submittal shall be subject to the approval of the Director. If a

proposed landscaping plan is denied, the owner or manager may appeal the denial to the Planning Commission.

(B) Upon approval of a landscaping plan, the owner and manager of the development shall be jointly and severally responsible for maintaining the approved landscaping in accordance with this Chapter.

Provide and maintain landscaping

The listed corrections must be completed in order to obtain compliance. Please note that any repairs requiring replacement of building components must include permits, inspections and must be performed by a licensed contractor.

Per 16.31 – Vacant Buildings: Submit Letter of Intent. Obtain Boarding Certificate. Provide Mitigation Plan. Provide Rehabilitation Plan.

Post: No trespassing (per NRS 207.200), contact Bolden Area Command, COP Office at 289-5593 to have building properly posted.

Upon correction of violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer #16 at 229-4918 to supply your current phone number, email address, fax number, or additional mailing address.

In accordance with Chapter 16.31, you are required to:

- **Submit, within 60 days, a Mitigation and Rehabilitation Plan to address the vacant property. The Mitigation and Rehabilitation Plan must be filed with the Department of Neighborhood Services and must include:**

A statement indicating your intentions, as owner(s) of the property, for the future use of the property for the next 12 months, including, without limitation, plans to maintain, redevelop, or reestablish lawful occupancy of the property, or any combination of such activities;

A detailed plan of mitigation measures that you intend to take regarding the property, including, without limitation, measures to maintain the property; restore and maintain landscaping on the property; and provide and maintain adequate security for the property;

A detailed plan of rehabilitation measures that you intend to take regarding the property, including, without limitation, plans to restore buildings, and to maintain the property so as to remove the negative impact on surrounding properties;

A detailed scope of the rehabilitation work to be performed, a timeline for the work, and a set of plans for the work that have been approved by the Department of Building and Safety; and

A detailed landscape plan showing grass, shrubs and trees that conform to the landscape of surrounding properties, or low-maintenance, drought-resistant xeriscape, including such items as desert plants and decorative rock.

- **Board one or more buildings on the property, the building(s) being identified as a residential condominium located at 4152 Silver Dollar Ave., #4.**

- **Obtain a building permit for one or more buildings on the property that have been boarded without obtaining a permit, the building(s) being identified as a residential condominium located at 4152 Silver Dollar Ave., #4.**

In order to demolish one or more buildings, you are required to first obtain a demolition permit, and then to secure and maintain the remaining vacant property so as to remove the negative impact on surrounding properties.

If you fail to submit a Mitigation and Rehabilitation Plan or board a building within the timeframe(s) set forth above, the Director of Neighborhood Services is authorized to cause to be performed appropriate mitigation or rehabilitation work, or any combination thereof. As the property owner(s), you will be responsible for all costs incurred, including a fifteen percent (15%) administrative fee. You will be notified of a public hearing to be conducted by the City Council to review the costs, and the Council's decision shall be final and conclusive. Upon approval of the costs by the City Council, the City will be authorized to file a Lien of Assessment with the County Recorder's Office. Thereafter, certified copies of the lien will be given to the County Treasurer, and the amount of the Lien of Assessment shall then be collected at the same time and in the same manner as ordinary taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

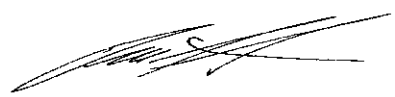
Moreover, you are hereby given notice:

1. That within ten (10) days after service of this Notice and Order, you as the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen (15) days after the appeal has been filed, you will be given written notice of the procedure and time frame for the hearing of the appeal. The appeal will be heard by the City Council or by the Council's designee, with a right to final appeal to the Council. An owner or responsible party who fails to appeal shall be deemed to have waived any and all objections to the actions taken by the Director of Neighborhood Services to satisfy the requirements of this Notice and Order.
2. That this Notice and Order or a copy thereof must be presented to the Department of Building and Safety when requesting any permit(s).
3. That failure to appeal will constitute a waiver of all rights to an administrative hearing to determine this matter.

LVMC 9.04.020 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

The City is authorized to record this Notice and Order until such time as compliance has been obtained. Should you have any questions or concerns please call me at (702) 229-6615.

Sincerely,



Devin S. Smith, Manager
Neighborhood Response Division
Neighborhood Services Department

Enclosures: City of Las Vegas Abatement Specifications
City of Las Vegas Vacant & Boarded Structures Mitigation/Rehabilitation Plan
City of Las Vegas Vacant & Boarded Structures Statement of Intent
City of Las Vegas Boarded Building Certificate Application

14

20080813-0003468

Fee: $18.00
N/C Fee: $0.00
08/13/2008 14:07:56
T20080176105
Requestor:
LAS VEGAS CITY
Debbie Conway KXC
Clark County Recorder Pgs: 5

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

APN: 162-07-622-020

August 11, 2008

Case #68189

5

Certified/Regular Mail
Return Receipt Requested

RANDAZZO JOSEPH A & MICHELLE M
DEMATTEO LAWRENCE A
%D B BOGGESS ESQ
%BOGGESS & HARKER
7201 W LAKE MEAD BLVD #210
LAS VEGAS NV 89128-8360

NOTICE AND ORDER REGARDING VACANT OR ABANDONED

You are hereby notified as recorded owner(s) of the property located at **4152 Silver Dollar Ave.- #4, Las Vegas, NV, Parcel # 162-07-622-020,** as follows:

One or more vacant or abandoned buildings on the property, by reason of their condition or impact on surrounding property, have been identified as buildings that need to be boarded, demolished, rehabilitated, or any combination thereof, in accordance with Chapter 16.31 of the Las Vegas Municipal Code. The building or buildings are identified as **single family dwelling located at 4152 Silver Dollar Ave. - #4.**

Per 9.04 – Refuse & Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code. i.e., paper, plastic, wood, bottles, etc.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards. Cut back all trees and bushes to allow unobstructed view from street, sidewalk, and/or alleyway.

Per 16.04 – Building Permits Required - Department of Building and Safety, 731 S. 4th Street, (702) 229-6251.

LAS VEGAS CITY COUNCIL
MAYOR OSCAR B. GOODMAN
MAYOR PRO TEM GARY REESE • LARRY BROWN • STEVE WOLFSON • LOIS TARKANIAN
STEVEN D. ROSS • RICKI Y. BARLOW
CITY MANAGER DOUGLAS A. SELBY

RETURN TO: CITY OF LAS VEGAS • 400 STEWART AVENUE • LAS VEGAS, NEVADA 89101
VOICE 702.229.6615 • FAX 702.382.4341 • TTY 702.386.9108 • www.lasvegasnevada.gov

PER ORD 3744-PROVIDE CORRECT ADDRESS AS DEFINED BY COUNTY RECORDS.

PER 2006 IBC SECTION 501.2 AND ORD 3744: PROVIDE ADDRESS ON BUILDING AND INCLUDE IN DESIGN OF ADDRESS SIGN.

PER LVMC 19.10: PROVIDE LITTER FREE PARKING STALL MARKED AND PROVIDE WHEEL STOPS.

PER LVMC 19.12: SUBMIT LANDSCAPE PLAN TO CITY OF LAS VEGAS PLANNING AND DEVELOPMENT LOCATED AT 731 S 4TH ST AND INSTALL TO APPROVED SPECIFICATIONS. KEEP MAINTAINED AT ALL TIMES.

1994 UNIFORM HOUSING CODE SUPPLEMENT, SECTION 12 -OBTAIN PROPER PERMITS FOR THE REHABILITATION OF UNIT AND ACHIEVE A CERTIFICATE OF OCCUPANCY FOR CONDOMINIUM. REPAIRS MUST INCLUDE (BUT NOT LIMITED TO) THE FOLLOWING:

1994 UNIFORM HOUSING CODE, CHAPTER 10: PROVIDE DRAINAGE FREE FROM OBSTRUCTION INCLUDING THE JETTING OF COMMON DRAIN SYSTEM.

2006 INTERNATIONAL PLUMBING CODE, SECTION 601.3: RESTORE AND RETURN THE COPPER WATER PIPING AS THE GROUNDING ELECTRODE.

1994 UNIFORM HOUSING CODE, SECTION 1001.1: INTERIOR WALLS AND CEILINGS ARE TO HAVE ALL HOLES, PENETRATIONS, ANNULAR OPENINGS SEALED OR CAULKED.

1994 UNIFORM HOUSING CODE, CHAPTER 10: INTERIOR LAUNDRY ROOM TO BE IN GOOD REPAIR AND SANITARY

1994 UNIFORM HOUSING CODE, SECTION 1001.8: ANY/ALL WINDOWS BROKEN OR IN DISREPAIR ARE TO BE MADE IN GOOD REPAIR OR REPLACED.

2006 INTERNATIONAL PLUMBING CODE, CHAPTER 5: OBTAIN LICENSED PLUMBING CONTRACTOR TO INSTALL CORRECT PLUMING FITTINGS AND MATERIAL FOR WATER HEATER.

1994 UNIFORM HOUSING CODE, SUPPLEMENT, SECTIONS 9 AND 10: PROVIDE SAFE WORKING COOKING FACILITIES

1994 UNIFORM HOUSING CODE, SUPPLEMENT SECTION 10: PROVIDE SAFE WORKING COOLING FACILITIES.

1994 UNIFORM HOUSING CODE CHAPTER 10: FLOORING TO BE MADE SANITARY

1994 UNIFORM HOUSING CODE, SECTION 1001: BATHROOMS TO HAVE FIXTURES PROPERLY INSTALLED, GOOD DRAINAGE, LEAK FREE AND SANITARY.

LVMC TITLE 16.32: REPLACE AND PROPERLY INSTALL ENTRY DOOR WITH ALL REQUIRED HARDWARE

Per 16.31 – Vacant Buildings: Submit Letter of Intent. Obtain Boarding Certificate. Provide Mitigation Plan. Provide Rehabilitation Plan.

Post: No trespassing (per NRS 207.200), no dumping (per NRS 444.630), no vehicles (per CLVMC 10.78.020 & 11.24.020) sign on site to deter illegal activity and prevent future violations. All trespassers, squatters, and anyone unable to prove occupancy must vacate premises within 10 days of posting of this notice.

Upon correction of violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer #16 at 229-4918 to supply your current phone number, email address, fax number, or additional mailing address.

In accordance with Chapter 16.31, you are required to:

- **Submit, within 60 days, a Mitigation and Rehabilitation Plan to address the vacant property. The Mitigation and Rehabilitation Plan must be filed with the Department of Neighborhood Services and must include:**

A statement indicating your intentions, as owner(s) of the property, for the future use of the property for the next 12 months, including, without limitation, plans to maintain, redevelop, or reestablish lawful occupancy of the property, or any combination of such activities;

A detailed plan of mitigation measures that you intend to take regarding the property, including, without limitation, measures to maintain the property; restore and maintain landscaping on the property; and provide and maintain adequate security for the property;

A detailed plan of rehabilitation measures that you intend to take regarding the property, including, without limitation, plans to restore buildings, and to maintain the property so as to remove the negative impact on surrounding properties;

A detailed scope of the rehabilitation work to be performed, a timeline for the work, and a set of plans for the work that have been approved by the Department of Building and Safety; and

A detailed landscape plan showing grass, shrubs and trees that conform to the landscape of surrounding properties, or low-maintenance, drought-resistant xeriscape, including such items as desert plants and decorative rock.

- **Board one or more buildings on the property, the building(s) being identified as a single family dwelling located at 4152 Silver Dollar Ave., #4.**

- **Obtain a building permit for one or more buildings on the property that have been boarded without obtaining a permit, the building(s) being identified as a single family dwelling located at 4152 Silver Dollar Ave., #4.**

In order to demolish one or more buildings, you are required to first obtain a demolition permit, and then to secure and maintain the remaining vacant property so as to remove the negative impact on surrounding properties.

If you fail to submit a Mitigation and Rehabilitation Plan or board a building within the timeframe(s) set forth above, the Director of Neighborhood Services is authorized to cause to be performed appropriate mitigation or rehabilitation work, or any combination thereof. As the property owner(s), you will be responsible for all costs incurred, including a fifteen percent (15%) administrative fee. You will be notified of a public hearing to be conducted by the City Council to review the costs, and the Council's decision shall be final and conclusive. Upon approval of the costs by the City Council, the City will be authorized to file a Lien of Assessment with the County Recorder's Office. Thereafter, certified copies of the lien will be given to the County Treasurer, and the amount of the Lien of Assessment shall then be collected at the same time and in the same manner as ordinary taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

Moreover, you are hereby given notice:

1. That within fifteen (15) days after service of this Notice and Order, you as the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen (15) days after the appeal has been filed, you will be given written notice of the procedure and time frame for the hearing of the appeal. The appeal will be heard by the City Council or by the Council's designee, with a right to final appeal to the Council. An owner or responsible party who fails to appeal shall be deemed to have waived any and all objections to the actions taken by the Director of Neighborhood Services to satisfy the requirements of this Notice and Order.
2. That this Notice and Order or a copy thereof must be presented to the Department of Building and Safety when requesting any permit(s).
3. That failure to appeal will constitute a waiver of all rights to an administrative hearing to determine this matter.

LVMC 9.04.020 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more

than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

The City is authorized to record this Notice and Order until such time as compliance has been obtained. Should you have any questions or concerns please call me at (702) 229-6615.

Sincerely,

Devin S. Smith, Manager
Neighborhood Response Division
Neighborhood Services Department

Enclosures: City of Las Vegas Abatement Specifications
City of Las Vegas Vacant & Boarded Structures Mitigation/Rehabilitation Plan
City of Las Vegas Vacant & Boarded Structures Statement of Intent

cc: La paz Nuevo Homeowners Association, Inc.
645 Helmhill Ave.
Las Vegas, NV 89123

La paz Nuevo Homeowners Association, Inc.
P. O. Box 94642
Las Vegas, NV 89193-4642

Lawrence A. Dematteo
President
La paz Nuevo Homeowners Association, Inc.
3172 Rowena
Rossmoor, CA 90720

31

20080918-0002762

Fee: $19.00
N/C Fee: $0.00
09/18/2008 12:14:22
T20080215079
Requestor:
LAS VEGAS CITY
Debbie Conway SCA
Clark County Recorder Pgs: 6

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

(6)

APN: 162-07-622-021

September 11, 2008

Case #68177

Certified/Regular Mail
Return Receipt Requested

R F H La Paz, LLC
3910 Pecos-McLeod Rd. #B-100
Las Vegas, NV 89121-0000

NUISANCE HOUSING CODE NOTICE AND ORDER TO COMPLY

As recorded owner(s) of the **residential condominium located at 4152 Silver Dollar Ave. - #5, Las Vegas, NV, legally described as Parcel # 162-07-622-021**, you are hereby given notice that the Building Official or his designee has determined that the aforementioned building(s) is substandard. Said building(s) is substandard, dangerous and declared a public nuisance under Las Vegas Municipal Code (LVMC) 9.04.020 and Section 202 of the Uniform Housing Code because of the following conditions:

Per 9.04 – Graffiti: Remove or paint over graffiti on any building, wall, fence, or other structure allowed to remain for more than 24 hours.

Per 9.04 – Refuse & Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code. i.e., paper, plastic, wood, bottles, etc.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards. Cut back all trees and bushes to allow unobstructed view from street, sidewalk, and/or alleyway.

LAS VEGAS CITY COUNCIL
MAYOR OSCAR B. GOODMAN
MAYOR PRO TEM GARY REESE • LARRY BROWN • STEVE WOLFSON • LOIS TARKANIAN
STEVEN D. ROSS • RICKI Y. BARLOW
CITY MANAGER DOUGLAS A. SELBY

Return to: CITY OF LAS VEGAS • 400 STEWART AVENUE • LAS VEGAS, NEVADA 89101
VOICE 702.229.6615 • FAX 702.382.4341 • TTY 702.386.9108 • www.lasvegasnevada.gov

Per 16.20 – Housing Codes:

LVMC 9.04.010 (2) (2) Any violation of Title 16, including violations of the codes pertaining to building, construction, housing, and fire safety adopted there under.

LVMC 16.20.010 A Uniform Housing Code

1994 Uniform Housing Code Chapter 2 Enforcement

Section 202 Substandard Buildings

Buildings or portions thereof which are determined to be substandard as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Chapter 11 of this code.

1994 Uniform Housing Code Chapter 4 Definitions

Section 401 Definitions

Health Officer *is the legally designated head of the Clark County Health District or his designee. For purposes of this Code, the term also includes the building official or his designee, except with respect to any determination to be made by the health officer under Item #8 of the definition of "NUISANCE" in Section 401 of this Code.*

Nuisance. The following shall be defined as nuisances:

1. Any public nuisance known at common law or in equity jurisprudence, or identified in Chapter 9.04 of the Las Vegas Municipal Code, as it may be amended from time to time.

1994 Uniform Housing Code Chapter 10 Substandard Buildings

1001.1 General.

Any building or portion thereof which is determined to be an unsafe building in accordance with Section 102 of the Building code; or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby are declared to be substandard buildings.

1001. 2 Inadequate Sanitation.

Buildings or portions thereof shall be deemed substandard when they are unsanitary. Inadequate sanitation shall include, but not be limited to, the following:

13. General dilapidation or improper maintenance.

1) Provide drainage free from obstruction including the jetting of common drain system.

2) Interior walls and ceilings are to have all hole penetrations, annular openings sealed or caulked.

3) Interior laundry room to be in good repair, sanitary, with good drainage and serviceable utilities.

4) ***Flooring to be made sanitary or replaced.***

5) Bathroom to have fixtures properly installed, good drainage, leak free and sanitary.

12. Infestation of insects, vermin or rodents as determined by the health officer.

Provide continuous extermination by licensed pest control.

1994 Uniform Housing Code 1001.6 Hazardous Plumbing.

16.28.010 Uniform Plumbing Code and supplement adopted.

(A) Uniform Plumbing Code, 2006 Edition, including its Standards and Appendices, except as otherwise indicated, designated as Part 1 of this Chapter; and

(B) A document entitled "Southern Nevada Amendments to the 2006 Uniform Plumbing Code," adding to, deleting from and amending the Uniform Plumbing Code, 2006 Edition, designated as Part 2 of this Chapter.

Chapter 5 Water Heaters

Install correct plumbing fittings and material for water heater by licensed contractor.

Chapter 6 Water Supply and Distribution

Section 601.3 Existing piping used for grounding

Restore and return the copper water piping as the grounding electrode.

1994 Uniform Housing Chapter 10 Section 1001.8 Faulty Weather Protection.

Any and all windows broken or in disrepair are to be made in good repair or replaced.

1994 Uniform Housing Code Section Chapter 7 Mechanical Requirements

1994 UHC 701.1 Heating

Dwelling units, guest rooms and congregate residences shall be provided with heating facilities capable of maintaining a room temperature of 70°F. (21.1°C.) at a point 3 feet (914 mm) above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with Section 3102 of the Building Code , the Mechanical Code, and all other applicable laws. Unvented fuel-burning heaters are not permitted. All heating devices or appliances shall be of an approved type.

1. Cooling Facilities and Cooking Equipment. If a dwelling unit or guest room has been provided with cooling facilities or cooking equipment, or both, such facilities and equipment shall be maintained in a safe working condition or replaced.

Provide safe working cooling facilities or replace.
Provide safe working cooking equipment or replace.

LVMC 16.32.270 Applicability.

The requirements set out in this Article shall apply to all residential-type buildings including those existing, those new and those to be constructed in order to provide the maximum possible security from criminal actions to the permanent and transient occupants thereof, and to their possessions.

16.32.280 Entrance doors direct to outside.

These requirements shall apply to all housing units, whether detached, attached to or within a building, having individual entrances immediately accessible from the outside without other intervening entrance doors:

(A) Entrance doors to housing units shall be capable of resisting forcible entry equal to a single-panel or hollow-core door one-and-three eighths inches thick.

(B) Dead bolts openable without key from the inside shall be provided on all housing unit entrance doors.

(C) Double entry doors: The active leaf shall be equipped as above. The inactive leaf shall be equipped with flush bolts at head and sill.

Replace and properly install entry door with all required hardware.

LVMC 13.28 STREET NAMING AND ADDRESS ASSIGNMENTS
LVMC 13.28.080

(A) Use of display a street name, building number or address number that does not conform to the provisions of this Chapter;
(B) Display a street name, building number or address number in a manner that does not conform to the provisions of this Chapter; or
(C) Fail to display a street name, building number or address number in the manner required by this Chapter.

Provide Correct Address as Defined by County Records. Provide address on building and include design of address sign.

LVMC 9.04.010 (5) Any violation of Title 19 of this code.

LVMC 19.10.010 On-site parking standards

J) Design of Parking Areas.
(6) Maintenance. Parking facilities shall be continually maintained in compliance with approved Site Development Plans and shall be free of litter and debris.

(7) Surfacing and Striping. Except as otherwise provided in this Chapter, all parking and loading facilities shall be surfaced (paved), striped and marked to clearly define access lanes, compact and handicapped parking spaces, and internal circulation movements.

(9) Wheel Stops/Curbing. Concrete wheel stops or curbing at least six inches high and six inches wide shall be provided to prevent vehicles overhanging abutting sidewalks, properties or public rights-of-way, to protect landscaped areas and to protect adjacent properties. Such wheel stops or curbing shall be located at least two feet from any adjacent wall, fence, property line, walkway, landscape area or structure where parking and/or drive aisles are located. Wheel stops or curbing shall not be required to protect a sidewalk or walkway around the perimeter of a building if the sidewalk or walkway is at least seven feet wide.

Provide litter free parking stalls, marked, and provide wheel stops.

LVMC 19.12.070 Multi-family development--Preexisting.

(A) Multi-family developments that were approved before the minimum landscaping requirements of this Chapter went into effect may be required to comply with those requirements, within a reasonable time and to the extent reasonably possible. Upon notice from the Department of Neighborhood Services, and within the time period specified in the notice, the owner or manager of a development shall submit to the Planning and Development Department a proposed landscaping plan. The submittal shall be subject to the approval of the Director. If a

proposed landscaping plan is denied, the owner or manager may appeal the denial to the Planning Commission.

(B) Upon approval of a landscaping plan, the owner and manager of the development shall be jointly and severally responsible for maintaining the approved landscaping in accordance with this Chapter.

Provide and maintain landscaping

The listed corrections must be completed in order to obtain compliance. Please note that any repairs requiring replacement of building components must include permits, inspections and must be performed by a licensed contractor.

Post: No trespassing (per NRS 207.200), contact Bolden Area Command, COP Office at 289-5593 to have building properly posted.

Upon correction of violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer #31 at 229-2016 to supply your current phone number, email address, fax number, or additional mailing address.

Moreover, you are hereby given notice:

1. That within ten (10) days after service of this Notice and Order, you as the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen (15) days after the appeal has been filed, you will be given written notice of the procedure and time frame for the hearing of the appeal. The appeal will be heard by the City Council or by the Council's designee, with a right to final appeal to the Council. An owner or responsible party who fails to appeal shall be deemed to have waived any and all objections to the actions taken by the Director of Neighborhood Services to satisfy the requirements of this Notice and Order.
2. That this Notice and Order or a copy thereof must be presented to the Department of Building and Safety when requesting any permit(s).
3. That failure to appeal will constitute a waiver of all rights to an administrative hearing to determine this matter.

LVMC 9.04.020 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed

a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

The City is authorized to record this Notice and Order until such time as compliance has been obtained. Should you have any questions or concerns please call me at (702) 229-6615.

Sincerely,

Devin S. Smith, Manager
Neighborhood Response Division
Neighborhood Services Department

Receipt/Conformed Copy
Requestor:
LAS VEGAS CITY
09/18/2008 12:14:22 T20080215079
Book/Instr: 20080918-0002766
Notice Page Count: 7
Fees: $20.00 N/C Fee: $0.00

Debbie Conway
Clark County Recorder

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

APN: 162-07-622-023

COPY

September 11, 2008

Case #68191

Certified/Regular Mail
Return Receipt Requested

R F H La Paz, LLC
3910 Pecos-McLeod Rd. #B-100
Las Vegas, NV 89121-0000

REVISED
NOTICE AND ORDER REGARDING VACANT OR ABANDONED BUILDING

You are hereby notified as recorded owner(s) of the property located at **4152 Silver Dollar Ave.- #7, Las Vegas, NV, Parcel # 162-07-622-023,** as follows:

One or more vacant or abandoned buildings on the property, by reason of their condition or impact on surrounding property, have been identified as buildings that need to be boarded, demolished, rehabilitated, or any combination thereof, in accordance with Chapter 16.31 of the Las Vegas Municipal Code. The building or buildings are identified as a **residential condominium located at 4152 Silver Dollar Ave. - #7.**

Per 9.04 – Refuse & Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code. i.e., paper, plastic, wood, bottles, etc.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards. Cut back all trees and bushes to allow unobstructed view from street, sidewalk, and/or alleyway.

Per 16.04 – Building Permits Required - Department of Building and Safety, 731 S. 4th Street, (702) 229-6251.

Per 16.20 – Housing Codes:

LVMC 9.04.010 (2) (2) Any violation of Title 16, including violations of the codes pertaining to building, construction, housing, and fire safety adopted there under.

LVMC 16.20.010 A Uniform Housing Code

1994 Uniform Housing Code Chapter 2 Enforcement
Section 202 Substandard Buildings
Buildings or portions thereof which are determined to be substandard as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Chapter 11 of this code.

1994 Uniform Housing Code Chapter 4 Definitions
Section 401 Definitions

Health Officer *is the legally designated head of the Clark County Health District or his designee. For purposes of this Code, the term also includes the building official or his designee, except with respect to any determination to be made by the health officer under Item #8 of the definition of "NUISANCE" in Section 401 of this Code.*

Nuisance. The following shall be defined as nuisances:
1. Any public nuisance known at common law or in equity jurisprudence, or identified in Chapter 9.04 of the Las Vegas Municipal Code, as it may be amended from time to time.

1994 Uniform Housing Code Chapter 10 Substandard Buildings

1001.1 General.
Any building or portion thereof which is determined to be an unsafe building in accordance with Section 102 of the Building code; or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby are declared to be substandard buildings.

1001. 2 Inadequate Sanitation.
Buildings or portions thereof shall be deemed substandard when they are unsanitary. Inadequate sanitation shall include, but not be limited to, the following:

13. General dilapidation or improper maintenance.
1) Provide drainage free from obstruction including the jetting of common drain system.
2) Interior walls and ceilings are to have all hole penetrations, annular openings sealed or caulked.
3) Interior laundry room to be in good repair, sanitary, with good drainage and serviceable utilities.
4) ***Flooring to be made sanitary or replaced.***
5) Bathroom to have fixtures properly installed, good drainage, leak free and sanitary.

12. Infestation of insects, vermin or rodents as determined by the health officer.
Provide continuous extermination by licensed pest control.

1994 Uniform Housing Code 1001.6 Hazardous Plumbing.

16.28.010 Uniform Plumbing Code and supplement adopted.

(A) Uniform Plumbing Code, 2006 Edition, including its Standards and Appendices, except as otherwise indicated, designated as Part 1 of this Chapter; and

(B) A document entitled "Southern Nevada Amendments to the 2006 Uniform Plumbing Code," adding to, deleting from and amending the Uniform Plumbing Code, 2006 Edition, designated as Part 2 of this Chapter.

Chapter 5 Water Heaters

Install correct plumbing fittings and material for water heater by license contractor.

Chapter 6 Water Supply and Distribution

Section 601.3 Existing piping used for grounding

Restore and return the copper water piping as the grounding electrode.

1994 Uniform Housing Chapter 10 Section 1001.8 Faulty Weather Protection.

Any and all windows broken or in disrepair are to be made in good repair or replaced.

1994 Uniform Housing Code Section Chapter 7 Mechanical Requirements

1994 UHC 701.1 Heating

Dwelling units, guest rooms and congregate residences shall be provided with heating facilities capable of maintaining a room temperature of 70°F. (21.1°C.) at a point 3 feet (914 mm) above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with Section 3102 of the Building Code , the Mechanical Code, and all other applicable laws. Unvented fuel-burning heaters are not permitted. All heating devices or appliances shall be of an approved type.

1. Cooling Facilities and Cooking Equipment. If a dwelling unit or guest room has been provided with cooling facilities or cooking equipment, or both, such facilities and equipment shall be maintained in a safe working condition or replaced.

Provide safe working cooling facilities or replace.
Provide safe working cooking equipment or replace.

LVMC 16.32.270 Applicability.

The requirements set out in this Article shall apply to all residential-type buildings including those existing, those new and those to be constructed in order to provide the maximum possible security from criminal actions to the permanent and transient occupants thereof, and to their possessions.

16.32.280 Entrance doors direct to outside.

These requirements shall apply to all housing units, whether detached, attached to or within a building, having individual entrances immediately accessible from the outside without other intervening entrance doors:

(A) Entrance doors to housing units shall be capable of resisting forcible entry equal to a single-panel or hollow-core door one-and-three eighths inches thick.

(B) Dead bolts openable without key from the inside shall be provided on all housing unit entrance doors.
(C) Double entry doors: The active leaf shall be equipped as above. The inactive leaf shall be equipped with flush bolts at head and sill.

Replace and properly install entry door with all required hardware.

LVMC 13.28 STREET NAMING AND ADDRESS ASSIGNMENTS
LVMC 13.28.080

(A) Use of display a street name, building number or address number that does not conform to the provisions of this Chapter;
(B) Display a street name, building number or address number in a manner that does not conform to the provisions of this Chapter; or
(C) Fail to display a street name, building number or address number in the manner required by this Chapter.

Provide Correct Address as Defined by County Records. Provide address on building and include design of address sign.

LVMC 9.04.010 (5) Any violation of Title 19 of this code.

LVMC 19.10.010 On-site parking standards

J) Design of Parking Areas.
(6) Maintenance. Parking facilities shall be continually maintained in compliance with approved Site Development Plans and shall be free of litter and debris.

(7) Surfacing and Striping. Except as otherwise provided in this Chapter, all parking and loading facilities shall be surfaced (paved), striped and marked to clearly define access lanes, compact and handicapped parking spaces, and internal circulation movements.

(9) Wheel Stops/Curbing. Concrete wheel stops or curbing at least six inches high and six inches wide shall be provided to prevent vehicles overhanging abutting sidewalks, properties or public rights-of-way, to protect landscaped areas and to protect adjacent properties. Such wheel stops or curbing shall be located at least two feet from any adjacent wall, fence, property line, walkway, landscape area or structure where parking and/or drive aisles are located. Wheel stops or curbing shall not be required to protect a sidewalk or walkway around the perimeter of a building if the sidewalk or walkway is at least seven feet wide.

Provide litter free parking stalls, marked, and provide wheel stops.

LVMC 19.12.070 Multi-family development--Preexisting.

(A) Multi-family developments that were approved before the minimum landscaping requirements of this Chapter went into effect may be required to comply with those requirements, within a reasonable time and to the extent reasonably possible. Upon notice from the Department of Neighborhood Services, and within the time period specified in the notice, the owner or manager of a development shall submit to the Planning and Development Department a proposed landscaping plan. The submittal shall be subject to the approval of the Director. If a

proposed landscaping plan is denied, the owner or manager may appeal the denial to the Planning Commission.

(B) Upon approval of a landscaping plan, the owner and manager of the development shall be jointly and severally responsible for maintaining the approved landscaping in accordance with this Chapter.

Provide and maintain landscaping

The listed corrections must be completed in order to obtain compliance. Please note that any repairs requiring replacement of building components must include permits, inspections and must be performed by a licensed contractor.

Per 16.31 – Vacant Buildings: Submit Letter of Intent. Obtain Boarding Certificate. Provide Mitigation Plan. Provide Rehabilitation Plan.

Post: No trespassing (per NRS 207.200), contact Bolden Area Command, COP Office at 289-5593 to have building properly posted.

Upon correction of violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer #16 at 229-4918 to supply your current phone number, email address, fax number, or additional mailing address.

In accordance with Chapter 16.31, you are required to:

- **Submit, within 60 days, a Mitigation and Rehabilitation Plan to address the vacant property. The Mitigation and Rehabilitation Plan must be filed with the Department of Neighborhood Services and must include:**

A statement indicating your intentions, as owner(s) of the property, for the future use of the property for the next 12 months, including, without limitation, plans to maintain, redevelop, or reestablish lawful occupancy of the property, or any combination of such activities;

A detailed plan of mitigation measures that you intend to take regarding the property, including, without limitation, measures to maintain the property; restore and maintain landscaping on the property; and provide and maintain adequate security for the property;

A detailed plan of rehabilitation measures that you intend to take regarding the property, including, without limitation, plans to restore buildings, and to maintain the property so as to remove the negative impact on surrounding properties;

A detailed scope of the rehabilitation work to be performed, a timeline for the work, and a set of plans for the work that have been approved by the Department of Building and Safety; and

A detailed landscape plan showing grass, shrubs and trees that conform to the landscape of surrounding properties, or low-maintenance, drought-resistant xeriscape, including such items as desert plants and decorative rock.

- **Board one or more buildings on the property, the building(s) being identified as a residential condominium located at 4152 Silver Dollar Ave., #7.**

- **Obtain a building permit for one or more buildings on the property that have been boarded without obtaining a permit, the building(s) being identified as a residential condominium located at 4152 Silver Dollar Ave., #7.**

In order to demolish one or more buildings, you are required to first obtain a demolition permit, and then to secure and maintain the remaining vacant property so as to remove the negative impact on surrounding properties.

If you fail to submit a Mitigation and Rehabilitation Plan or board a building within the timeframe(s) set forth above, the Director of Neighborhood Services is authorized to cause to be performed appropriate mitigation or rehabilitation work, or any combination thereof. As the property owner(s), you will be responsible for all costs incurred, including a fifteen percent (15%) administrative fee. You will be notified of a public hearing to be conducted by the City Council to review the costs, and the Council's decision shall be final and conclusive. Upon approval of the costs by the City Council, the City will be authorized to file a Lien of Assessment with the County Recorder's Office. Thereafter, certified copies of the lien will be given to the County Treasurer, and the amount of the Lien of Assessment shall then be collected at the same time and in the same manner as ordinary taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

Moreover, you are hereby given notice:

1. That within ten (10) days after service of this Notice and Order, you as the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen (15) days after the appeal has been filed, you will be given written notice of the procedure and time frame for the hearing of the appeal. The appeal will be heard by the City Council or by the Council's designee, with a right to final appeal to the Council. An owner or responsible party who fails to appeal shall be deemed to have waived any and all objections to the actions taken by the Director of Neighborhood Services to satisfy the requirements of this Notice and Order.
2. That this Notice and Order or a copy thereof must be presented to the Department of Building and Safety when requesting any permit(s).
3. That failure to appeal will constitute a waiver of all rights to an administrative hearing to determine this matter.

LVMC 9.04.020 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

The City is authorized to record this Notice and Order until such time as compliance has been obtained. Should you have any questions or concerns please call me at (702) 229-6615.

Sincerely,

Devin S. Smith, Manager
Neighborhood Response Division
Neighborhood Services Department

Enclosures: City of Las Vegas Abatement Specifications
City of Las Vegas Vacant & Boarded Structures Mitigation/Rehabilitation Plan
City of Las Vegas Vacant & Boarded Structures Statement of Intent

Receipt/Conformed Copy
Requestor:
LAS VEGAS CITY
08/13/2008 14:07:56 T20080176105
Book/Instr: 20080813-0003462
Notice Page Count: 5
Fees: $18.00 N/C Fee: $0.00

Debbie Conway
Clark County Recorder

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

APN: 162-07-622-023

August 11, 2008

Case #68191

Certified/Regular Mail
Return Receipt Requested

RANDAZZO JOSEPH A & MICHELLE M
DEMATTEO LAWRENCE A
%D B BOGGESS ESQ
%BOGGESS & HARKER
7201 W LAKE MEAD BLVD #210
LAS VEGAS NV 89128-8360

NOTICE AND ORDER REGARDING VACANT OR ABANDONED

You are hereby notified as recorded owner(s) of the property located at **4152 Silver Dollar Ave.-#7, Las Vegas, NV, Parcel # 162-07-622-023,** as follows:

One or more vacant or abandoned buildings on the property, by reason of their condition or impact on surrounding property, have been identified as buildings that need to be boarded, demolished, rehabilitated, or any combination thereof, in accordance with Chapter 16.31 of the Las Vegas Municipal Code. The building or buildings are identified as **single family dwelling located at 4168 Silver Dollar Ave. - #4 .**

Per 9.04 – Refuse & Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code. i.e., paper, plastic, wood, bottles, etc.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards. Cut back all trees and bushes to allow unobstructed view from street, sidewalk, and/or alleyway.

Per 16.04 – Building Permits Required - Department of Building and Safety, 731 S. 4th Street, (702) 229-6251.

PER ORD 3744-PROVIDE CORRECT ADDRESS AS DEFINED BY COUNTY RECORDS.

PER 2006 IBC SECTION 501.2 AND ORD 3744: PROVIDE ADDRESS ON BUILDING AND INCLUDE IN DESIGN OF ADDRESS SIGN.

PER LVMC 19.10: PROVIDE LITTER FREE PARKING STALL MARKED AND PROVIDE WHEEL STOPS.

PER LVMC 19.12: SUBMIT LANDSCAPE PLAN TO CITY OF LAS VEGAS PLANNING AND DEVELOPMENT LOCATED AT 731 S 4TH ST AND INSTALL TO APPROVED SPECIFICATIONS. KEEP MAINTAINED AT ALL TIMES.

1994 UNIFORM HOUSING CODE SUPPLEMENT, SECTION 12 -OBTAIN PROPER PERMITS FOR THE REHABILITATION OF UNIT AND ACHIEVE A CERTIFICATE OF OCCUPANCY FOR CONDOMINIUM. REPAIRS MUST INCLUDE (BUT NOT LIMITED TO) THE FOLLOWING:

1994 UNIFORM HOUSING CODE, CHAPTER 10: PROVIDE DRAINAGE FREE FROM OBSTRUCTION INCLUDING THE JETTING OF COMMON DRAIN SYSTEM.

2006 INTERNATIONAL PLUMBING CODE, SECTION 601.3: RESTORE AND RETURN THE COPPER WATER PIPING AS THE GROUNDING ELECTRODE.

1994 UNIFORM HOUSING CODE, SECTION 1001.1: INTERIOR WALLS AND CEILINGS ARE TO HAVE ALL HOLES, PENETRATIONS, ANNULAR OPENINGS SEALED OR CAULKED.

1994 UNIFORM HOUSING CODE, CHAPTER 10: INTERIOR LAUNDRY ROOM TO BE IN GOOD REPAIR AND SANITARY

1994 UNIFORM HOUSING CODE, SECTION 1001.8: ANY/ALL WINDOWS BROKEN OR IN DISREPAIR ARE TO BE MADE IN GOOD REPAIR OR REPLACED.

2006 INTERNATIONAL PLUMBING CODE, CHAPTER 5: OBTAIN LICENSED PLUMBING CONTRACTOR TO INSTALL CORRECT PLUMING FITTINGS AND MATERIAL FOR WATER HEATER.

1994 UNIFORM HOUSING CODE, SUPPLEMENT, SECTIONS 9 AND 10: PROVIDE SAFE WORKING COOKING FACILITIES

1994 UNIFORM HOUSING CODE, SUPPLEMENT SECTION 10: PROVIDE SAFE WORKING COOLING FACILITIES.

1994 UNIFORM HOUSING CODE CHAPTER 10: FLOORING TO BE MADE SANITARY

1994 UNIFORM HOUSING CODE, SECTION 1001: BATHROOMS TO HAVE FIXTURES PROPERLY INSTALLED, GOOD DRAINAGE, LEAK FREE AND SANITARY.

LVMC TITLE 16.32: REPLACE AND PROPERLY INSTALL ENTRY DOOR WITH ALL REQUIRED HARDWARE

Per 16.31 – Vacant Buildings: Submit Letter of Intent. Obtain Boarding Certificate. Provide Mitigation Plan. Provide Rehabilitation Plan.

Post: No trespassing (per NRS 207.200), no dumping (per NRS 444.630), no vehicles (per CLVMC 10.78.020 & 11.24.020) sign on site to deter illegal activity and prevent future violations. All trespassers, squatters, and anyone unable to prove occupancy must vacate premises within 10 days of posting of this notice.

Upon correction of violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer #16 at 229-4918 to supply your current phone number, email address, fax number, or additional mailing address.

In accordance with Chapter 16.31, you are required to:

- **Submit, within 60 days, a Mitigation and Rehabilitation Plan to address the vacant property. The Mitigation and Rehabilitation Plan must be filed with the Department of Neighborhood Services and must include:**

A statement indicating your intentions, as owner(s) of the property, for the future use of the property for the next 12 months, including, without limitation, plans to maintain, redevelop, or reestablish lawful occupancy of the property, or any combination of such activities;

A detailed plan of mitigation measures that you intend to take regarding the property, including, without limitation, measures to maintain the property; restore and maintain landscaping on the property; and provide and maintain adequate security for the property;

A detailed plan of rehabilitation measures that you intend to take regarding the property, including, without limitation, plans to restore buildings, and to maintain the property so as to remove the negative impact on surrounding properties;

A detailed scope of the rehabilitation work to be performed, a timeline for the work, and a set of plans for the work that have been approved by the Department of Building and Safety; and

A detailed landscape plan showing grass, shrubs and trees that conform to the landscape of surrounding properties, or low-maintenance, drought-resistant xeriscape, including such items as desert plants and decorative rock.

- **Board one or more buildings on the property, the building(s) being identified as a single family dwelling located at 4152 Silver Dollar Ave., #7.**

- **Obtain a building permit for one or more buildings on the property that have been boarded without obtaining a permit, the building(s) being identified as a single family dwelling located at 4152 Silver Dollar Ave., #7.**

In order to demolish one or more buildings, you are required to first obtain a demolition permit, and then to secure and maintain the remaining vacant property so as to remove the negative impact on surrounding properties.

If you fail to submit a Mitigation and Rehabilitation Plan or board a building within the timeframe(s) set forth above, the Director of Neighborhood Services is authorized to cause to be performed appropriate mitigation or rehabilitation work, or any combination thereof. As the property owner(s), you will be responsible for all costs incurred, including a fifteen percent (15%) administrative fee. You will be notified of a public hearing to be conducted by the City Council to review the costs, and the Council's decision shall be final and conclusive. Upon approval of the costs by the City Council, the City will be authorized to file a Lien of Assessment with the County Recorder's Office. Thereafter, certified copies of the lien will be given to the County Treasurer, and the amount of the Lien of Assessment shall then be collected at the same time and in the same manner as ordinary taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

Moreover, you are hereby given notice:

1. That within fifteen (15) days after service of this Notice and Order, you as the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen (15) days after the appeal has been filed, you will be given written notice of the procedure and time frame for the hearing of the appeal. The appeal will be heard by the City Council or by the Council's designee, with a right to final appeal to the Council. An owner or responsible party who fails to appeal shall be deemed to have waived any and all objections to the actions taken by the Director of Neighborhood Services to satisfy the requirements of this Notice and Order.
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3. That failure to appeal will constitute a waiver of all rights to an administrative hearing to determine this matter.

LVMC 9.04.020 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more

than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

The City is authorized to record this Notice and Order until such time as compliance has been obtained. Should you have any questions or concerns please call me at (702) 229-6615.

Sincerely,

Devin S. Smith, Manager
Neighborhood Response Division
Neighborhood Services Department

Enclosures: City of Las Vegas Abatement Specifications
City of Las Vegas Vacant & Boarded Structures Mitigation/Rehabilitation Plan
City of Las Vegas Vacan & Boarded Structures Statement of Intent
City of Las Vegas Boarded Building Certificate Application

cc: La paz Nuevo Homeowners Association, Inc.
645 Helmhill Ave.
Las Vegas, NV 89123

La paz Nuevo Homeowners Association, Inc.
P. O. Box 94642
Las Vegas, NV 89193-4642

Lawrence A. Dematteo
President
La paz Nuevo Homeowners Association, Inc.
3172 Rowena
Rossmoor, CA 90720

16

20080918-0002767

Fee: $20.00
N/C Fee: $0.00
09/18/2008 12:14:22
T20080215079
Requestor:
LAS VEGAS CITY
Debbie Conway SCA
Clark County Recorder Pgs: 7

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

APN: 162-07-622-024

(7)

September 11, 2008

Case #68472

Certified/Regular Mail
Return Receipt Requested

R F H La Paz, LLC
3910 Pecos-McLeod Rd. #B-100
Las Vegas, NV 89121-0000

REVISED
NOTICE AND ORDER REGARDING VACANT OR ABANDONED BUILDING

You are hereby notified as recorded owner(s) of the property located at **4152 Silver Dollar Ave.- #8, Las Vegas, NV, Parcel # 162-07-622-024,** as follows:

One or more vacant or abandoned buildings on the property, by reason of their condition or impact on surrounding property, have been identified as buildings that need to be boarded, demolished, rehabilitated, or any combination thereof, in accordance with Chapter 16.31 of the Las Vegas Municipal Code. The building or buildings are identified as a **residential condominium located at 4152 Silver Dollar Ave. - #8.**

Per 9.04 – Refuse & Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code. i.e., paper, plastic, wood, bottles, etc.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards. Cut back all trees and bushes to allow unobstructed view from street, sidewalk, and/or alleyway.

Per 16.04 – Building Permits Required - Department of Building and Safety, 731 S. 4th Street, (702) 229-6251.

LAS VEGAS CITY COUNCIL
MAYOR OSCAR B. GOODMAN
MAYOR PRO TEM GARY REESE • LARRY BROWN • STEVE WOLFSON • LOIS TARKANIAN
STEVEN D. ROSS • RICKI Y. BARLOW
CITY MANAGER DOUGLAS A. SELBY
Return to: CITY OF LAS VEGAS • 400 STEWART AVENUE • LAS VEGAS, NEVADA 89101
VOICE 702.229.6615 • FAX 702.382.4341 • TTY 702.386.9108 • www.lasvegasnevada.gov

Per 16.20 – Housing Codes:

LVMC 9.04.010 (2) (2) Any violation of Title 16, including violations of the codes pertaining to building, construction, housing, and fire safety adopted there under.

LVMC 16.20.010 A Uniform Housing Code

1994 Uniform Housing Code Chapter 2 Enforcement
Section 202 Substandard Buildings
Buildings or portions thereof which are determined to be substandard as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Chapter 11 of this code.
1994 Uniform Housing Code Chapter 4 Definitions
Section 401 Definitions

Health Officer *is the legally designated head of the Clark County Health District or his designee. For purposes of this Code, the term also includes the building official or his designee, except with respect to any determination to be made by the health officer under Item #8 of the definition of "NUISANCE" in Section 401 of this Code.*

Nuisance. The following shall be defined as nuisances:
1. Any public nuisance known at common law or in equity jurisprudence, or identified in Chapter 9.04 of the Las Vegas Municipal Code, as it may be amended from time to time.

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1001.1 General.
Any building or portion thereof which is determined to be an unsafe building in accordance with Section 102 of the Building code; or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby are declared to be substandard buildings.
1001. 2 Inadequate Sanitation.
Buildings or portions thereof shall be deemed substandard when they are unsanitary. Inadequate sanitation shall include, but not be limited to, the following:

13. General dilapidation or improper maintenance.
1) Provide drainage free from obstruction including the jetting of common drain system.
2) Interior walls and ceilings are to have all hole penetrations, annular openings sealed or caulked.
3) Interior laundry room to be in good repair, sanitary, with good drainage and serviceable utilities.
4) ***Flooring to be made sanitary or replaced.***
5) Bathroom to have fixtures properly installed, good drainage, leak free and sanitary.

12. Infestation of insects, vermin or rodents as determined by the health officer.
Provide continuous extermination by licensed pest control.

1994 Uniform Housing Code 1001.6 Hazardous Plumbing.

16.28.010 Uniform Plumbing Code and supplement adopted.

(A) Uniform Plumbing Code, 2006 Edition, including its Standards and Appendices, except as otherwise indicated, designated as Part 1 of this Chapter; and

(B) A document entitled "Southern Nevada Amendments to the 2006 Uniform Plumbing Code," adding to, deleting from and amending the Uniform Plumbing Code, 2006 Edition, designated as Part 2 of this Chapter.

Chapter 5 Water Heaters

Install correct plumbing fittings and material for water heater by license contractor.

Chapter 6 Water Supply and Distribution

Section 601.3 Existing piping used for grounding

Restore and return the copper water piping as the grounding electrode.

1994 Uniform Housing Chapter 10 Section 1001.8 Faulty Weather Protection.

Any and all windows broken or in disrepair are to be made in good repair or replaced.

1994 Uniform Housing Code Section Chapter 7 Mechanical Requirements

1994 UHC 701.1 Heating

Dwelling units, guest rooms and congregate residences shall be provided with heating facilities capable of maintaining a room temperature of 70°F. (21.1°C.) at a point 3 feet (914 mm) above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with Section 3102 of the Building Code , the Mechanical Code, and all other applicable laws. Unvented fuel-burning heaters are not permitted. All heating devices or appliances shall be of an approved type.

1. Cooling Facilities and Cooking Equipment. If a dwelling unit or guest room has been provided with cooling facilities or cooking equipment, or both, such facilities and equipment shall be maintained in a safe working condition or replaced.

Provide safe working cooling facilities or replace.
Provide safe working cooking equipment or replace.

LVMC 16.32.270 Applicability.

The requirements set out in this Article shall apply to all residential-type buildings including those existing, those new and those to be constructed in order to provide the maximum possible security from criminal actions to the permanent and transient occupants thereof, and to their possessions.

16.32.280 Entrance doors direct to outside.

These requirements shall apply to all housing units, whether detached, attached to or within a building, having individual entrances immediately accessible from the outside without other intervening entrance doors:

(A) Entrance doors to housing units shall be capable of resisting forcible entry equal to a single-panel or hollow-core door one-and-three eighths inches thick.

(B) Dead bolts openable without key from the inside shall be provided on all housing unit entrance doors.
(C) Double entry doors: The active leaf shall be equipped as above. The inactive leaf shall be equipped with flush bolts at head and sill.

Replace and properly install entry door with all required hardware.

LVMC 13.28 STREET NAMING AND ADDRESS ASSIGNMENTS
LVMC 13.28.080

(A) Use of display a street name, building number or address number that does not conform to the provisions of this Chapter;
(B) Display a street name, building number or address number in a manner that does not conform to the provisions of this Chapter; or
(C) Fail to display a street name, building number or address number in the manner required by this Chapter.

Provide Correct Address as Defined by County Records. Provide address on building and include design of address sign.

LVMC 9.04.010 (5) Any violation of Title 19 of this code.

LVMC 19.10.010 On-site parking standards

J) Design of Parking Areas.
(6) Maintenance. Parking facilities shall be continually maintained in compliance with approved Site Development Plans and shall be free of litter and debris.

(7) Surfacing and Striping. Except as otherwise provided in this Chapter, all parking and loading facilities shall be surfaced (paved), striped and marked to clearly define access lanes, compact and handicapped parking spaces, and internal circulation movements.

(9) Wheel Stops/Curbing. Concrete wheel stops or curbing at least six inches high and six inches wide shall be provided to prevent vehicles overhanging abutting sidewalks, properties or public rights-of-way, to protect landscaped areas and to protect adjacent properties. Such wheel stops or curbing shall be located at least two feet from any adjacent wall, fence, property line, walkway, landscape area or structure where parking and/or drive aisles are located. Wheel stops or curbing shall not be required to protect a sidewalk or walkway around the perimeter of a building if the sidewalk or walkway is at least seven feet wide.

Provide litter free parking stalls, marked, and provide wheel stops.

LVMC 19.12.070 Multi-family development--Preexisting.

(A) Multi-family developments that were approved before the minimum landscaping requirements of this Chapter went into effect may be required to comply with those requirements, within a reasonable time and to the extent reasonably possible. Upon notice from the Department of Neighborhood Services, and within the time period specified in the notice, the owner or manager of a development shall submit to the Planning and Development Department a proposed landscaping plan. The submittal shall be subject to the approval of the Director. If a

proposed landscaping plan is denied, the owner or manager may appeal the denial to the Planning Commission.

(B) Upon approval of a landscaping plan, the owner and manager of the development shall be jointly and severally responsible for maintaining the approved landscaping in accordance with this Chapter.

Provide and maintain landscaping

The listed corrections must be completed in order to obtain compliance. Please note that any repairs requiring replacement of building components must include permits, inspections and must be performed by a licensed contractor.

Per 16.31 – Vacant Buildings: Submit Letter of Intent. Obtain Boarding Certificate. Provide Mitigation Plan. Provide Rehabilitation Plan.

Post: No trespassing (per NRS 207.200), contact Bolden Area Command, COP Office at 289-5593 to have building properly posted.

Upon correction of violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer #16 at 229-4918 to supply your current phone number, email address, fax number, or additional mailing address.

In accordance with Chapter 16.31, you are required to:

- **Submit, within 60 days, a Mitigation and Rehabilitation Plan to address the vacant property. The Mitigation and Rehabilitation Plan must be filed with the Department of Neighborhood Services and must include:**

A statement indicating your intentions, as owner(s) of the property, for the future use of the property for the next 12 months, including, without limitation, plans to maintain, redevelop, or reestablish lawful occupancy of the property, or any combination of such activities;

A detailed plan of mitigation measures that you intend to take regarding the property, including, without limitation, measures to maintain the property; restore and maintain landscaping on the property; and provide and maintain adequate security for the property;

A detailed plan of rehabilitation measures that you intend to take regarding the property, including, without limitation, plans to restore buildings, and to maintain the property so as to remove the negative impact on surrounding properties;

A detailed scope of the rehabilitation work to be performed, a timeline for the work, and a set of plans for the work that have been approved by the Department of Building and Safety; and

A detailed landscape plan showing grass, shrubs and trees that conform to the landscape of surrounding properties, or low-maintenance, drought-resistant xeriscape, including such items as desert plants and decorative rock.

- **Board one or more buildings on the property, the building(s) being identified as a residential condominium located at 4152 Silver Dollar Ave., #8.**

- **Obtain a building permit for one or more buildings on the property that have been boarded without obtaining a permit, the building(s) being identified as a residential condominium located at 4152 Silver Dollar Ave., #8.**

In order to demolish one or more buildings, you are required to first obtain a demolition permit, and then to secure and maintain the remaining vacant property so as to remove the negative impact on surrounding properties.

If you fail to submit a Mitigation and Rehabilitation Plan or board a building within the timeframe(s) set forth above, the Director of Neighborhood Services is authorized to cause to be performed appropriate mitigation or rehabilitation work, or any combination thereof. As the property owner(s), you will be responsible for all costs incurred, including a fifteen percent (15%) administrative fee. You will be notified of a public hearing to be conducted by the City Council to review the costs, and the Council's decision shall be final and conclusive. Upon approval of the costs by the City Council, the City will be authorized to file a Lien of Assessment with the County Recorder's Office. Thereafter, certified copies of the lien will be given to the County Treasurer, and the amount of the Lien of Assessment shall then be collected at the same time and in the same manner as ordinary taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

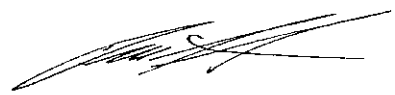
Moreover, you are hereby given notice:

1. That within ten (10) days after service of this Notice and Order, you as the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen (15) days after the appeal has been filed, you will be given written notice of the procedure and time frame for the hearing of the appeal. The appeal will be heard by the City Council or by the Council's designee, with a right to final appeal to the Council. An owner or responsible party who fails to appeal shall be deemed to have waived any and all objections to the actions taken by the Director of Neighborhood Services to satisfy the requirements of this Notice and Order.
2. That this Notice and Order or a copy thereof must be presented to the Department of Building and Safety when requesting any permit(s).
3. That failure to appeal will constitute a waiver of all rights to an administrative hearing to determine this matter.

LVMC 9.04.020 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

The City is authorized to record this Notice and Order until such time as compliance has been obtained. Should you have any questions or concerns please call me at (702) 229-6615.

Sincerely,



Devin S. Smith, Manager
Neighborhood Response Division
Neighborhood Services Department

Enclosures: City of Las Vegas Abatement Specifications
City of Las Vegas Vacant & Boarded Structures Mitigation/Rehabilitation Plan
City of Las Vegas Vacant & Boarded Structures Statement of Intent

Receipt/Conformed Copy
Requestor:
LAS VEGAS CITY
08/13/2008 14:07:56 T20080176105
Book/Instr. 20080813-0003461
Notice Page Count: 5
Fees. $18.00 N/C Fee: $0.00

Debbie Conway
Clark County Recorder

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

APN: 162-07-622-024

August 11, 2008

Case #68472

Certified/Regular Mail
Return Receipt Requested

RANDAZZO JOSEPH A & MICHELLE M
DEMATTEO LAWRENCE A
%D B BOGGESS ESQ
%BOGGESS & HARKER
7201 W LAKE MEAD BLVD #210
LAS VEGAS NV 89128-8360

NOTICE AND ORDER REGARDING VACANT OR ABANDONED DANGEROUS BUILDING

You are hereby notified as recorded owner(s) of the property located at **4152 Silver Dollar Ave.- #8, Las Vegas, NV, Parcel # 162-07-622-024,** as follows:

One or more vacant or abandoned buildings on the property, by reason of their condition or impact on surrounding property, have been identified as buildings that need to be boarded, demolished, rehabilitated, or any combination thereof, in accordance with Chapter 16.31 of the Las Vegas Municipal Code. The building or buildings are identified as **single family dwelling located at 4152 Silver Dollar Ave. - #8 .**

Per 9.04 – Refuse & Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code. i.e., paper, plastic, wood, bottles, etc.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards. Cut back all trees and bushes to allow unobstructed view from street, sidewalk, and/or alleyway.

Per 16.04 – Building Permits Required - Department of Building and Safety, 731 S. 4th Street, (702) 229-6251.

10/21

PER ORD 3744-PROVIDE CORRECT ADDRESS AS DEFINED BY COUNTY RECORDS.

PER 2006 IBC SECTION 501.2 AND ORD 3744: PROVIDE ADDRESS ON BUILDING AND INCLUDE IN DESIGN OF ADDRESS SIGN.

PER LVMC 19.10: PROVIDE LITTER FREE PARKING STALL MARKED AND PROVIDE WHEEL STOPS.

PER LVMC 19.12: SUBMIT LANDSCAPE PLAN TO CITY OF LAS VEGAS PLANNING AND DEVELOPMENT LOCATED AT 731 S 4TH ST AND INSTALL TO APPROVED SPECIFICATIONS. KEEP MAINTAINED AT ALL TIMES.

1994 UNIFORM HOUSING CODE SUPPLEMENT, SECTION 12 -OBTAIN PROPER PERMITS FOR THE REHABILITATION OF UNIT AND ACHIEVE A CERTIFICATE OF OCCUPANCY FOR CONDOMINIUM. REPAIRS MUST INCLUDE (BUT NOT LIMITED TO) THE FOLLOWING:

1994 UNIFORM HOUSING CODE, CHAPTER 10: PROVIDE DRAINAGE FREE FROM OBSTRUCTION INCLUDING THE JETTING OF COMMON DRAIN SYSTEM.

2006 INTERNATIONAL PLUMBING CODE, SECTION 601.3: RESTORE AND RETURN THE COPPER WATER PIPING AS THE GROUNDING ELECTRODE.

1994 UNIFORM HOUSING CODE, SECTION 1001.1: INTERIOR WALLS AND CEILINGS ARE TO HAVE ALL HOLES, PENETRATIONS, ANNULAR OPENINGS SEALED OR CAULKED.

1994 UNIFORM HOUSING CODE, CHAPTER 10: INTERIOR LAUNDRY ROOM TO BE IN GOOD REPAIR AND SANITARY

1994 UNIFORM HOUSING CODE, SECTION 1001.8: ANY/ALL WINDOWS BROKEN OR IN DISREPAIR ARE TO BE MADE IN GOOD REPAIR OR REPLACED.

2006 INTERNATIONAL PLUMBING CODE, CHAPTER 5: OBTAIN LICENSED PLUMBING CONTRACTOR TO INSTALL CORRECT PLUMING FITTINGS AND MATERIAL FOR WATER HEATER.

1994 UNIFORM HOUSING CODE, SUPPLEMENT, SECTIONS 9 AND 10: PROVIDE SAFE WORKING COOKING FACILITIES

1994 UNIFORM HOUSING CODE, SUPPLEMENT SECTION 10: PROVIDE SAFE WORKING COOLING FACILITIES.

1994 UNIFORM HOUSING CODE CHAPTER 10: FLOORING TO BE MADE SANITARY

1994 UNIFORM HOUSING CODE, SECTION 1001: BATHROOMS TO HAVE FIXTURES PROPERLY INSTALLED, GOOD DRAINAGE, LEAK FREE AND SANITARY.

LVMC TITLE 16.32: REPLACE AND PROPERLY INSTALL ENTRY DOOR WITH ALL REQUIRED HARDWARE

Per 16.31 – Vacant Buildings: Submit Letter of Intent. Obtain Boarding Certificate. Provide Mitigation Plan. Provide Rehabilitation Plan.

Post: No trespassing (per NRS 207.200), no dumping (per NRS 444.630), no vehicles (per CLVMC 10.78.020 & 11.24.020) sign on site to deter illegal activity and prevent future violations. All trespassers, squatters, and anyone unable to prove occupancy must vacate premises within 10 days of posting of this notice.

Upon correction of violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer #16 at 229-4918 to supply your current phone number, email address, fax number, or additional mailing address.

In accordance with Chapter 16.31, you are required to:

- **Submit, within 60 days, a Mitigation and Rehabilitation Plan to address the vacant property. The Mitigation and Rehabilitation Plan must be filed with the Department of Neighborhood Services and must include:**

A statement indicating your intentions, as owner(s) of the property, for the future use of the property for the next 12 months, including, without limitation, plans to maintain, redevelop, or reestablish lawful occupancy of the property, or any combination of such activities;

A detailed plan of mitigation measures that you intend to take regarding the property, including, without limitation, measures to maintain the property; restore and maintain landscaping on the property; and provide and maintain adequate security for the property;

A detailed plan of rehabilitation measures that you intend to take regarding the property, including, without limitation, plans to restore buildings, and to maintain the property so as to remove the negative impact on surrounding properties;

A detailed scope of the rehabilitation work to be performed, a timeline for the work, and a set of plans for the work that have been approved by the Department of Building and Safety; and

A detailed landscape plan showing grass, shrubs and trees that conform to the landscape of surrounding properties, or low-maintenance, drought-resistant xeriscape, including such items as desert plants and decorative rock.

- **Board one or more buildings on the property, the building(s) being identified as a single family dwelling located at 4152 Silver Dollar Ave., #8.**

- **Obtain a building permit for one or more buildings on the property that have been boarded without obtaining a permit, the building(s) being identified as a single family dwelling located at 4152 Silver Dollar Ave., #8.**

In order to demolish one or more buildings, you are required to first obtain a demolition permit, and then to secure and maintain the remaining vacant property so as to remove the negative impact on surrounding properties.

If you fail to submit a Mitigation and Rehabilitation Plan or board a building within the timeframe(s) set forth above, the Director of Neighborhood Services is authorized to cause to be performed appropriate mitigation or rehabilitation work, or any combination thereof. As the property owner(s), you will be responsible for all costs incurred, including a fifteen percent (15%) administrative fee. You will be notified of a public hearing to be conducted by the City Council to review the costs, and the Council's decision shall be final and conclusive. Upon approval of the costs by the City Council, the City will be authorized to file a Lien of Assessment with the County Recorder's Office. Thereafter, certified copies of the lien will be given to the County Treasurer, and the amount of the Lien of Assessment shall then be collected at the same time and in the same manner as ordinary taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

Moreover, you are hereby given notice:

1. That within fifteen (15) days after service of this Notice and Order, you as the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen (15) days after the appeal has been filed, you will be given written notice of the procedure and time frame for the hearing of the appeal. The appeal will be heard by the City Council or by the Council's designee, with a right to final appeal to the Council. An owner or responsible party who fails to appeal shall be deemed to have waived any and all objections to the actions taken by the Director of Neighborhood Services to satisfy the requirements of this Notice and Order.
2. That this Notice and Order or a copy thereof must be presented to the Department of Building and Safety when requesting any permit(s).
3. That failure to appeal will constitute a waiver of all rights to an administrative hearing to determine this matter.

LVMC 9.04.020 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more

than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

The City is authorized to record this Notice and Order until such time as compliance has been obtained. Should you have any questions or concerns please call me at (702) 229-6615.

Sincerely,

Devin S. Smith, Manager
Neighborhood Response Division
Neighborhood Services Department

Enclosures: City of Las Vegas Abatement Specifications
City of Las Vegas Vacant & Boarded Structures Mitigation/Rehabilitation Plan
City of Las Vegas Vacan & Boarded Structures Statement of Intent
City of Las Vegas Boarded Building Certificate Application

cc: La paz Nuevo Homeowners Association, Inc.
645 Helmhill Ave.
Las Vegas, NV 89123

La paz Nuevo Homeowners Association, Inc.
P. O. Box 94642
Las Vegas, NV 89193-4642

Lawrence A. Dematteo
President
La paz Nuevo Homeowners Association, Inc.
3172 Rowena
Rossmoor, CA 90720

16

20080918-0002776

Fee: $20.00
N/C Fee: $0.00
09/18/2008 12:14:22
T20080215079
Requestor:
LAS VEGAS CITY
Debbie Conway SCA
Clark County Recorder Pgs: 7

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

(9)

APN: 162-07-622-009

September 11, 2008

Case #68005

Certified/Regular Mail
Return Receipt Requested

R F H La Paz, LLC
3910 Pecos-McLeod Rd. #B-100
Las Vegas, NV 89121-0000

REVISED
NOTICE AND ORDER REGARDING VACANT OR ABANDONED BUILDING

You are hereby notified as recorded owner(s) of the property located at **4168 Silver Dollar Ave.- #1, Las Vegas, NV, Parcel # 162-07-622-016,** as follows:

One or more vacant or abandoned buildings on the property, by reason of their condition or impact on surrounding property, have been identified as buildings that need to be boarded, demolished, rehabilitated, or any combination thereof, in accordance with Chapter 16.31 of the Las Vegas Municipal Code. The building or buildings are identified as a **residential condominium located at 4168 Silver Dollar Ave. - #1.**

Per 9.04 – Refuse & Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code. i.e., paper, plastic, wood, bottles, etc.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards. Cut back all trees and bushes to allow unobstructed view from street, sidewalk, and/or alleyway.

Per 16.04 – Building Permits Required - Department of Building and Safety, 731 S. 4th Street, (702) 229-6251.

LAS VEGAS CITY COUNCIL
MAYOR OSCAR B. GOODMAN
MAYOR PRO TEM GARY REESE • LARRY BROWN • STEVE WOLFSON • LOIS TARKANIAN
STEVEN D. ROSS • RICKI Y. BARLOW
CITY MANAGER DOUGLAS A. SELBY
Return to: CITY OF LAS VEGAS • 400 STEWART AVENUE • LAS VEGAS, NEVADA 89101
VOICE 702.229.6615 • FAX 702.382.4341 • TTY 702.386.9108 • www.lasvegasnevada.gov

Per 16.20 – Housing Codes:

LVMC 9.04.010 (2) (2) Any violation of Title 16, including violations of the codes pertaining to building, construction, housing, and fire safety adopted there under.

LVMC 16.20.010 A Uniform Housing Code

1994 Uniform Housing Code Chapter 2 Enforcement
Section 202 Substandard Buildings
Buildings or portions thereof which are determined to be substandard as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Chapter 11 of this code.
1994 Uniform Housing Code Chapter 4 Definitions
Section 401 Definitions

Health Officer *is the legally designated head of the Clark County Health District or his designee. For purposes of this Code, the term also includes the building official or his designee, except with respect to any determination to be made by the health officer under Item #8 of the definition of "NUISANCE" in Section 401 of this Code.*

Nuisance. The following shall be defined as nuisances:
1. Any public nuisance known at common law or in equity jurisprudence, or identified in Chapter 9.04 of the Las Vegas Municipal Code, as it may be amended from time to time.

1994 Uniform Housing Code Chapter 10 Substandard Buildings
1001.1 General.
Any building or portion thereof which is determined to be an unsafe building in accordance with Section 102 of the Building code; or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby are declared to be substandard buildings.
1001. 2 Inadequate Sanitation.
Buildings or portions thereof shall be deemed substandard when they are unsanitary. Inadequate sanitation shall include, but not be limited to, the following:

13. General dilapidation or improper maintenance.
1) Provide drainage free from obstruction including the jetting of common drain system.
2) Interior walls and ceilings are to have all hole penetrations, annular openings sealed or caulked.
3) Interior laundry room to be in good repair, sanitary, with good drainage and serviceable utilities.
4) ***Flooring to be made sanitary or replaced.***
5) Bathroom to have fixtures properly installed, good drainage, leak free and sanitary.

12. Infestation of insects, vermin or rodents as determined by the health officer.
Provide continuous extermination by licensed pest control.

1994 Uniform Housing Code 1001.6 Hazardous Plumbing.

16.28.010 Uniform Plumbing Code and supplement adopted.

(A) Uniform Plumbing Code, 2006 Edition, including its Standards and Appendices, except as otherwise indicated, designated as Part 1 of this Chapter; and

(B) A document entitled "Southern Nevada Amendments to the 2006 Uniform Plumbing Code," adding to, deleting from and amending the Uniform Plumbing Code, 2006 Edition, designated as Part 2 of this Chapter.

Chapter 5 Water Heaters

Install correct plumbing fittings and material for water heater by license contractor.

Chapter 6 Water Supply and Distribution

Section 601.3 Existing piping used for grounding

Restore and return the copper water piping as the grounding electrode.

1994 Uniform Housing Chapter 10 Section 1001.8 Faulty Weather Protection.

Any and all windows broken or in disrepair are to be made in good repair or replaced.

1994 Uniform Housing Code Section Chapter 7 Mechanical Requirements

1994 UHC 701.1 Heating

Dwelling units, guest rooms and congregate residences shall be provided with heating facilities capable of maintaining a room temperature of 70°F. (21.1°C.) at a point 3 feet (914 mm) above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with Section 3102 of the Building Code , the Mechanical Code, and all other applicable laws. Unvented fuel-burning heaters are not permitted. All heating devices or appliances shall be of an approved type.

1. Cooling Facilities and Cooking Equipment. If a dwelling unit or guest room has been provided with cooling facilities or cooking equipment, or both, such facilities and equipment shall be maintained in a safe working condition or replaced.

Provide safe working cooling facilities or replace.
Provide safe working cooking equipment or replace.

LVMC 16.32.270 Applicability.

The requirements set out in this Article shall apply to all residential-type buildings including those existing, those new and those to be constructed in order to provide the maximum possible security from criminal actions to the permanent and transient occupants thereof, and to their possessions.

16.32.280 Entrance doors direct to outside.

These requirements shall apply to all housing units, whether detached, attached to or within a building, having individual entrances immediately accessible from the outside without other intervening entrance doors:

(A) Entrance doors to housing units shall be capable of resisting forcible entry equal to a single-panel or hollow-core door one-and-three eighths inches thick.

(B) Dead bolts openable without key from the inside shall be provided on all housing unit entrance doors.
(C) Double entry doors: The active leaf shall be equipped as above. The inactive leaf shall be equipped with flush bolts at head and sill.

Replace and properly install entry door with all required hardware.

LVMC 13.28 STREET NAMING AND ADDRESS ASSIGNMENTS
LVMC 13.28.080

(A) Use of display a street name, building number or address number that does not conform to the provisions of this Chapter;
(B) Display a street name, building number or address number in a manner that does not conform to the provisions of this Chapter; or
(C) Fail to display a street name, building number or address number in the manner required by this Chapter.

Provide Correct Address as Defined by County Records. Provide address on building and include design of address sign.

LVMC 9.04.010 (5) Any violation of Title 19 of this code.

LVMC 19.10.010 On-site parking standards

J) Design of Parking Areas.
(6) Maintenance. Parking facilities shall be continually maintained in compliance with approved Site Development Plans and shall be free of litter and debris.

(7) Surfacing and Striping. Except as otherwise provided in this Chapter, all parking and loading facilities shall be surfaced (paved), striped and marked to clearly define access lanes, compact and handicapped parking spaces, and internal circulation movements.

(9) Wheel Stops/Curbing. Concrete wheel stops or curbing at least six inches high and six inches wide shall be provided to prevent vehicles overhanging abutting sidewalks, properties or public rights-of-way, to protect landscaped areas and to protect adjacent properties. Such wheel stops or curbing shall be located at least two feet from any adjacent wall, fence, property line, walkway, landscape area or structure where parking and/or drive aisles are located. Wheel stops or curbing shall not be required to protect a sidewalk or walkway around the perimeter of a building if the sidewalk or walkway is at least seven feet wide.

Provide litter free parking stalls, marked, and provide wheel stops.

LVMC 19.12.070 Multi-family development--Preexisting.

(A) Multi-family developments that were approved before the minimum landscaping requirements of this Chapter went into effect may be required to comply with those requirements, within a reasonable time and to the extent reasonably possible. Upon notice from the Department of Neighborhood Services, and within the time period specified in the notice, the owner or manager of a development shall submit to the Planning and Development Department a proposed landscaping plan. The submittal shall be subject to the approval of the Director. If a

proposed landscaping plan is denied, the owner or manager may appeal the denial to the Planning Commission.

(B) Upon approval of a landscaping plan, the owner and manager of the development shall be jointly and severally responsible for maintaining the approved landscaping in accordance with this Chapter.

Provide and maintain landscaping

The listed corrections must be completed in order to obtain compliance. Please note that any repairs requiring replacement of building components must include permits, inspections and must be performed by a licensed contractor.

Per 16.31 – Vacant Buildings: Submit Letter of Intent. Obtain Boarding Certificate. Provide Mitigation Plan. Provide Rehabilitation Plan.

Post: No trespassing (per NRS 207.200), contact Bolden Area Command, COP Office at 289-5593 to have building properly posted.

Upon correction of violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer #16 at 229-4918 to supply your current phone number, email address, fax number, or additional mailing address.

In accordance with Chapter 16.31, you are required to:

- **Submit, within 60 days, a Mitigation and Rehabilitation Plan to address the vacant property. The Mitigation and Rehabilitation Plan must be filed with the Department of Neighborhood Services and must include:**

A statement indicating your intentions, as owner(s) of the property, for the future use of the property for the next 12 months, including, without limitation, plans to maintain, redevelop, or reestablish lawful occupancy of the property, or any combination of such activities;

A detailed plan of mitigation measures that you intend to take regarding the property, including, without limitation, measures to maintain the property; restore and maintain landscaping on the property; and provide and maintain adequate security for the property;

A detailed plan of rehabilitation measures that you intend to take regarding the property, including, without limitation, plans to restore buildings, and to maintain the property so as to remove the negative impact on surrounding properties;

A detailed scope of the rehabilitation work to be performed, a timeline for the work, and a set of plans for the work that have been approved by the Department of Building and Safety; and

A detailed landscape plan showing grass, shrubs and trees that conform to the landscape of surrounding properties, or low-maintenance, drought-resistant xeriscape, including such items as desert plants and decorative rock.

- **Board one or more buildings on the property, the building(s) being identified as a residential condominium located at 4168 Silver Dollar Ave., #1.**

- **Obtain a building permit for one or more buildings on the property that have been boarded without obtaining a permit, the building(s) being identified as a residential condominium located at 4168 Silver Dollar Ave., #1.**

In order to demolish one or more buildings, you are required to first obtain a demolition permit, and then to secure and maintain the remaining vacant property so as to remove the negative impact on surrounding properties.

If you fail to submit a Mitigation and Rehabilitation Plan or board a building within the timeframe(s) set forth above, the Director of Neighborhood Services is authorized to cause to be performed appropriate mitigation or rehabilitation work, or any combination thereof. As the property owner(s), you will be responsible for all costs incurred, including a fifteen percent (15%) administrative fee. You will be notified of a public hearing to be conducted by the City Council to review the costs, and the Council's decision shall be final and conclusive. Upon approval of the costs by the City Council, the City will be authorized to file a Lien of Assessment with the County Recorder's Office. Thereafter, certified copies of the lien will be given to the County Treasurer, and the amount of the Lien of Assessment shall then be collected at the same time and in the same manner as ordinary taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

Moreover, you are hereby given notice:

1. That within ten (10) days after service of this Notice and Order, you as the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen (15) days after the appeal has been filed, you will be given written notice of the procedure and time frame for the hearing of the appeal. The appeal will be heard by the City Council or by the Council's designee, with a right to final appeal to the Council. An owner or responsible party who fails to appeal shall be deemed to have waived any and all objections to the actions taken by the Director of Neighborhood Services to satisfy the requirements of this Notice and Order.
2. That this Notice and Order or a copy thereof must be presented to the Department of Building and Safety when requesting any permit(s).
3. That failure to appeal will constitute a waiver of all rights to an administrative hearing to determine this matter.

LVMC 9.04.020 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

The City is authorized to record this Notice and Order until such time as compliance has been obtained. Should you have any questions or concerns please call me at (702) 229-6615.

Sincerely,

Devin S. Smith, Manager
Neighborhood Response Division
Neighborhood Services Department

Enclosures: City of Las Vegas Abatement Specifications
City of Las Vegas Vacant & Boarded Structures Mitigation/Rehabilitation Plan
City of Las Vegas Vacant & Boarded Structures Statement of Intent
City of Las Vegas Boarded Building Certificate Application

Receipt/Conformed Copy
Requestor:
LAS VEGAS CITY
08/13/2008 14:07:56 T20080176105
Book/Instr: 20080813-0003471
Notice Page Count: 5
Fees: $18.00 N/C Fee: $0.00

Debbie Conway
Clark County Recorder

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

APN: 162-07-622-009

COPY

August 11, 2008

Case #68005

Certified/Regular Mail
Return Receipt Requested

RANDAZZO JOSEPH A & MICHELLE M
DEMATTEO LAWRENCE A
%D B BOGGESS ESQ
%BOGGESS & HARKER
7201 W LAKE MEAD BLVD #210
LAS VEGAS NV 89128-8360

NOTICE AND ORDER REGARDING VACANT OR ABANDONED

You are hereby notified as recorded owner(s) of the property located at **4168 Silver Dollar Ave.- #1, Las Vegas, NV, Parcel # 162-07-622-009,** as follows:

One or more vacant or abandoned buildings on the property, by reason of their condition or impact on surrounding property, have been identified as buildings that need to be boarded, demolished, rehabilitated, or any combination thereof, in accordance with Chapter 16.31 of the Las Vegas Municipal Code. The building or buildings are identified as **single family dwelling located at 4168 Silver Dollar Ave. - #1 .**

Per 9.04 – Refuse & Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code. i.e., paper, plastic, wood, bottles, etc.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards. Cut back all trees and bushes to allow unobstructed view from street, sidewalk, and/or alleyway.

Per 16.04 – Building Permits Required - Department of Building and Safety, 731 S. 4th Street, (702) 229-6251.

PER ORD 3744-PROVIDE CORRECT ADDRESS AS DEFINED BY COUNTY RECORDS.

PER 2006 IBC SECTION 501.2 AND ORD 3744: PROVIDE ADDRESS ON BUILDING AND INCLUDE IN DESIGN OF ADDRESS SIGN.

PER LVMC 19.10: PROVIDE LITTER FREE PARKING STALL MARKED AND PROVIDE WHEEL STOPS.

PER LVMC 19.12: SUBMIT LANDSCAPE PLAN TO CITY OF LAS VEGAS PLANNING AND DEVELOPMENT LOCATED AT 731 S 4TH ST AND INSTALL TO APPROVED SPECIFICATIONS. KEEP MAINTAINED AT ALL TIMES.

1994 UNIFORM HOUSING CODE SUPPLEMENT, SECTION 12 -OBTAIN PROPER PERMITS FOR THE REHABILITATION OF UNIT AND ACHIEVE A CERTIFICATE OF OCCUPANCY FOR CONDOMINIUM. REPAIRS MUST INCLUDE (BUT NOT LIMITED TO) THE FOLLOWING:

1994 UNIFORM HOUSING CODE, CHAPTER 10: PROVIDE DRAINAGE FREE FROM OBSTRUCTION INCLUDING THE JETTING OF COMMON DRAIN SYSTEM.

2006 INTERNATIONAL PLUMBING CODE, SECTION 601.3: RESTORE AND RETURN THE COPPER WATER PIPING AS THE GROUNDING ELECTRODE.

1994 UNIFORM HOUSING CODE, SECTION 1001.1: INTERIOR WALLS AND CEILINGS ARE TO HAVE ALL HOLES, PENETRATIONS, ANNULAR OPENINGS SEALED OR CAULKED.

1994 UNIFORM HOUSING CODE, CHAPTER 10: INTERIOR LAUNDRY ROOM TO BE IN GOOD REPAIR AND SANITARY

1994 UNIFORM HOUSING CODE, SECTION 1001.8: ANY/ALL WINDOWS BROKEN OR IN DISREPAIR ARE TO BE MADE IN GOOD REPAIR OR REPLACED.

2006 INTERNATIONAL PLUMBING CODE, CHAPTER 5: OBTAIN LICENSED PLUMBING CONTRACTOR TO INSTALL CORRECT PLUMING FITTINGS AND MATERIAL FOR WATER HEATER.

1994 UNIFORM HOUSING CODE, SUPPLEMENT, SECTIONS 9 AND 10: PROVIDE SAFE WORKING COOKING FACILITIES

1994 UNIFORM HOUSING CODE, SUPPLEMENT SECTION 10: PROVIDE SAFE WORKING COOLING FACILITIES.

1994 UNIFORM HOUSING CODE CHAPTER 10: FLOORING TO BE MADE SANITARY

1994 UNIFORM HOUSING CODE, SECTION 1001: BATHROOMS TO HAVE FIXTURES PROPERLY INSTALLED, GOOD DRAINAGE, LEAK FREE AND SANITARY.

LVMC TITLE 16.32: REPLACE AND PROPERLY INSTALL ENTRY DOOR WITH ALL REQUIRED HARDWARE

Per 16.31 – Vacant Buildings: Submit Letter of Intent. Obtain Boarding Certificate. Provide Mitigation Plan. Provide Rehabilitation Plan.

Post: No trespassing (per NRS 207.200), no dumping (per NRS 444.630), no vehicles (per CLVMC 10.78.020 & 11.24.020) sign on site to deter illegal activity and prevent future violations. All trespassers, squatters, and anyone unable to prove occupancy must vacate premises within 10 days of posting of this notice.

Upon correction of violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer #16 at 229-4918 to supply your current phone number, email address, fax number, or additional mailing address.

In accordance with Chapter 16.31, you are required to:

- **Submit, within 60 days, a Mitigation and Rehabilitation Plan to address the vacant property. The Mitigation and Rehabilitation Plan must be filed with the Department of Neighborhood Services and must include:**

A statement indicating your intentions, as owner(s) of the property, for the future use of the property for the next 12 months, including, without limitation, plans to maintain, redevelop, or reestablish lawful occupancy of the property, or any combination of such activities;

A detailed plan of mitigation measures that you intend to take regarding the property, including, without limitation, measures to maintain the property; restore and maintain landscaping on the property; and provide and maintain adequate security for the property;

A detailed plan of rehabilitation measures that you intend to take regarding the property, including, without limitation, plans to restore buildings, and to maintain the property so as to remove the negative impact on surrounding properties;

A detailed scope of the rehabilitation work to be performed, a timeline for the work, and a set of plans for the work that have been approved by the Department of Building and Safety; and

A detailed landscape plan showing grass, shrubs and trees that conform to the landscape of surrounding properties, or low-maintenance, drought-resistant xeriscape, including such items as desert plants and decorative rock.

- **Board one or more buildings on the property, the building(s) being identified as a single family dwelling located at 4168 Silver Dollar Ave., #1.**

- **Obtain a building permit for one or more buildings on the property that have been boarded without obtaining a permit, the building(s) being identified as a single family dwelling located at 4168 Silver Dollar Ave., #1.**

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Sincerely,

Devin S. Smith, Manager
Neighborhood Response Division
Neighborhood Services Department

Enclosures: City of Las Vegas Abatement Specifications
City of Las Vegas Vacant & Boarded Structures Mitigation/Rehabilitation Plan
City of Las Vegas Vacant & Boarded Structures Statement of Intent

cc: La paz Nuevo Homeowners Association, Inc.
645 Helmhill Ave.
Las Vegas, NV 89123

La paz Nuevo Homeowners Association, Inc.
P. O. Box 94642
Las Vegas, NV 89193-4642

Lawrence A. Dematteo
President
La paz Nuevo Homeowners Association, Inc.
3172 Rowena
Rossmoor, CA 90720

16

20080918-0002771

Fee: $20.00
N/C Fee: $0.00

09/18/2008 12:14:22
T20080215079
Requestor:
LAS VEGAS CITY

Debbie Conway SCA
Clark County Recorder Pgs: 7

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

(7)

APN: 162-07-622-010

September 11, 2008

Case #68125

Certified/Regular Mail
Return Receipt Requested

R F H La Paz, LLC
3910 Pecos-McLeod Rd. #B-100
Las Vegas, NV 89121-0000

REVISED
NOTICE AND ORDER REGARDING VACANT OR ABANDONED DANGEROUS BUILDING

You are hereby notified as recorded owner(s) of the property located at **4168 Silver Dollar Ave.- #2, Las Vegas, NV, Parcel # 162-07-622-010,** as follows:

One or more vacant or abandoned buildings on the property, by reason of their condition or impact on surrounding property, have been identified as buildings that need to be boarded, demolished, rehabilitated, or any combination thereof, in accordance with Chapter 16.31 of the Las Vegas Municipal Code. The building or buildings are identified as a **residential condominium located at 4168 Silver Dollar Ave. - #2.**

Per 9.04 – Refuse & Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code. i.e., paper, plastic, wood, bottles, etc.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards. Cut back all trees and bushes to allow unobstructed view from street, sidewalk, and/or alleyway.

Per 16.04 – Building Permits Required - Department of Building and Safety, 731 S. 4th Street, (702) 229-6251.

LAS VEGAS CITY COUNCIL
MAYOR OSCAR B. GOODMAN
MAYOR PRO TEM GARY REESE • LARRY BROWN • STEVE WOLFSON • LOIS TARKANIAN
STEVEN D. ROSS • RICKI Y. BARLOW
CITY MANAGER DOUGLAS A. SELBY

Return to: CITY OF LAS VEGAS • 400 STEWART AVENUE • LAS VEGAS, NEVADA 89101
VOICE 702.229.6615 • FAX 702.382.4341 • TTY 702.386.9108 • www.lasvegasnevada.gov

Per 16.20 – Housing Codes:

LVMC 9.04.010 (2) (2) Any violation of Title 16, including violations of the codes pertaining to building, construction, housing, and fire safety adopted there under.

LVMC 16.20.010 A Uniform Housing Code

1994 Uniform Housing Code Chapter 2 Enforcement

Section 202 Substandard Buildings

Buildings or portions thereof which are determined to be substandard as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Chapter 11 of this code.

1994 Uniform Housing Code Chapter 4 Definitions

Section 401 Definitions

Health Officer *is the legally designated head of the Clark County Health District or his designee. For purposes of this Code, the term also includes the building official or his designee, except with respect to any determination to be made by the health officer under Item #8 of the definition of "NUISANCE" in Section 401 of this Code.*

Nuisance. The following shall be defined as nuisances:

1. Any public nuisance known at common law or in equity jurisprudence, or identified in Chapter 9.04 of the Las Vegas Municipal Code, as it may be amended from time to time.

1994 Uniform Housing Code Chapter 10 Substandard Buildings

1001.1 General.

Any building or portion thereof which is determined to be an unsafe building in accordance with Section 102 of the Building code; or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby are declared to be substandard buildings.

1001. 2 Inadequate Sanitation.

Buildings or portions thereof shall be deemed substandard when they are unsanitary. Inadequate sanitation shall include, but not be limited to, the following:

13. General dilapidation or improper maintenance.

1) Provide drainage free from obstruction including the jetting of common drain system.

2) Interior walls and ceilings are to have all hole penetrations, annular openings sealed or caulked.

3) Interior laundry room to be in good repair, sanitary, with good drainage and serviceable utilities.

4) ***Flooring to be made sanitary or replaced.***

5) Bathroom to have fixtures properly installed, good drainage, leak free and sanitary.

12. Infestation of insects, vermin or rodents as determined by the health officer.
Provide continuous extermination by licensed pest control.

1994 Uniform Housing Code 1001.6 Hazardous Plumbing.
16.28.010 Uniform Plumbing Code and supplement adopted.
(A) Uniform Plumbing Code, 2006 Edition, including its Standards and Appendices, except as otherwise indicated, designated as Part 1 of this Chapter; and
(B) A document entitled "Southern Nevada Amendments to the 2006 Uniform Plumbing Code," adding to, deleting from and amending the Uniform Plumbing Code, 2006 Edition, designated as Part 2 of this Chapter.
Chapter 5 Water Heaters
Install correct plumbing fittings and material for water heater by license contractor.
Chapter 6 Water Supply and Distribution
Section 601.3 Existing piping used for grounding
Restore and return the copper water piping as the grounding electrode.

1994 Uniform Housing Chapter 10 Section 1001.8 Faulty Weather Protection.
Any and all windows broken or in disrepair are to be made in good repair or replaced.

1994 Uniform Housing Code Section Chapter 7 Mechanical Requirements
1994 UHC 701.1 Heating
Dwelling units, guest rooms and congregate residences shall be provided with heating facilities capable of maintaining a room temperature of 70°F. (21.1°C.) at a point 3 feet (914 mm) above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with Section 3102 of the Building Code , the Mechanical Code, and all other applicable laws. Unvented fuel-burning heaters are not permitted. All heating devices or appliances shall be of an approved type.

1. Cooling Facilities and Cooking Equipment. If a dwelling unit or guest room has been provided with cooling facilities or cooking equipment, or both, such facilities and equipment shall be maintained in a safe working condition or replaced.

Provide safe working cooling facilities or replace.
Provide safe working cooking equipment or replace.

LVMC 16.32.270 Applicability.
The requirements set out in this Article shall apply to all residential-type buildings including those existing, those new and those to be constructed in order to provide the maximum possible security from criminal actions to the permanent and transient occupants thereof, and to their possessions.

16.32.280 Entrance doors direct to outside.
These requirements shall apply to all housing units, whether detached, attached to or within a building, having individual entrances immediately accessible from the outside without other intervening entrance doors:
(A) Entrance doors to housing units shall be capable of resisting forcible entry equal to a single-panel or hollow-core door one-and-three eighths inches thick.

(B) Dead bolts openable without key from the inside shall be provided on all housing unit entrance doors.
(C) Double entry doors: The active leaf shall be equipped as above. The inactive leaf shall be equipped with flush bolts at head and sill.

Replace and properly install entry door with all required hardware.

LVMC 13.28 STREET NAMING AND ADDRESS ASSIGNMENTS
LVMC 13.28.080

(A) Use of display a street name, building number or address number that does not conform to the provisions of this Chapter;
(B) Display a street name, building number or address number in a manner that does not conform to the provisions of this Chapter; or
(C) Fail to display a street name, building number or address number in the manner required by this Chapter.

Provide Correct Address as Defined by County Records. Provide address on building and include design of address sign.

LVMC 9.04.010 (5) Any violation of Title 19 of this code.

LVMC 19.10.010 On-site parking standards

J) Design of Parking Areas.
(6) Maintenance. Parking facilities shall be continually maintained in compliance with approved Site Development Plans and shall be free of litter and debris.

(7) Surfacing and Striping. Except as otherwise provided in this Chapter, all parking and loading facilities shall be surfaced (paved), striped and marked to clearly define access lanes, compact and handicapped parking spaces, and internal circulation movements.

(9) Wheel Stops/Curbing. Concrete wheel stops or curbing at least six inches high and six inches wide shall be provided to prevent vehicles overhanging abutting sidewalks, properties or public rights-of-way, to protect landscaped areas and to protect adjacent properties. Such wheel stops or curbing shall be located at least two feet from any adjacent wall, fence, property line, walkway, landscape area or structure where parking and/or drive aisles are located. Wheel stops or curbing shall not be required to protect a sidewalk or walkway around the perimeter of a building if the sidewalk or walkway is at least seven feet wide.

Provide litter free parking stalls, marked, and provide wheel stops.

LVMC 19.12.070 Multi-family development--Preexisting.

(A) Multi-family developments that were approved before the minimum landscaping requirements of this Chapter went into effect may be required to comply with those requirements, within a reasonable time and to the extent reasonably possible. Upon notice from the Department of Neighborhood Services, and within the time period specified in the notice, the owner or manager of a development shall submit to the Planning and Development Department a proposed landscaping plan. The submittal shall be subject to the approval of the Director. If a

proposed landscaping plan is denied, the owner or manager may appeal the denial to the Planning Commission.

(B) Upon approval of a landscaping plan, the owner and manager of the development shall be jointly and severally responsible for maintaining the approved landscaping in accordance with this Chapter.

Provide and maintain landscaping

The listed corrections must be completed in order to obtain compliance. Please note that any repairs requiring replacement of building components must include permits, inspections and must be performed by a licensed contractor.

Per 16.31 – Vacant Buildings: Submit Letter of Intent. Obtain Boarding Certificate. Provide Mitigation Plan. Provide Rehabilitation Plan.

Post: No trespassing (per NRS 207.200), contact Bolden Area Command, COP Office at 289-5593 to have building properly posted.

Upon correction of violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer #16 at 229-4918 to supply your current phone number, email address, fax number, or additional mailing address.

In accordance with Chapter 16.31, you are required to:

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A detailed scope of the rehabilitation work to be performed, a timeline for the work, and a set of plans for the work that have been approved by the Department of Building and Safety; and

A detailed landscape plan showing grass, shrubs and trees that conform to the landscape of surrounding properties, or low-maintenance, drought-resistant xeriscape, including such items as desert plants and decorative rock.

- **Board one or more buildings on the property, the building(s) being identified as a residential condominium located at 4168 Silver Dollar Ave., #2.**

- **Obtain a building permit for one or more buildings on the property that have been boarded without obtaining a permit, the building(s) being identified as a residential condominium located at 4168 Silver Dollar Ave., #2.**

In order to demolish one or more buildings, you are required to first obtain a demolition permit, and then to secure and maintain the remaining vacant property so as to remove the negative impact on surrounding properties.

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Sincerely,

Devin S. Smith, Manager
Neighborhood Response Division
Neighborhood Services Department

Enclosures: City of Las Vegas Abatement Specifications
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City of Las Vegas Vacant & Boarded Structures Statement of Intent

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Debbie Conway
Clark County Recorder

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

APN: 162-07-622-010

August 11, 2008

Case #68125

Certified/Regular Mail
Return Receipt Requested

RANDAZZO JOSEPH A & MICHELLE M
DEMATTEO LAWRENCE A
%D B BOGGESS ESQ
%BOGGESS & HARKER
7201 W LAKE MEAD BLVD #210
LAS VEGAS NV 89128-8360

NOTICE AND ORDER REGARDING VACANT OR ABANDONED DANGEROUS BUILDING

You are hereby notified as recorded owner(s) of the property located at **4168 Silver Dollar Ave.-#2, Las Vegas, NV, Parcel # 162-07-622-010,** as follows:

One or more vacant or abandoned buildings on the property, by reason of their condition or impact on surrounding property, have been identified as buildings that need to be boarded, demolished, rehabilitated, or any combination thereof, in accordance with Chapter 16.31 of the Las Vegas Municipal Code. The building or buildings are identified as **single family dwelling located at 4168 Silver Dollar Ave. - #2** .

Per 9.04 – Refuse & Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code. i.e., paper, plastic, wood, bottles, etc.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards. Cut back all trees and bushes to allow unobstructed view from street, sidewalk, and/or alleyway.

Per 16.04 – Building Permits Required - Department of Building and Safety, 731 S. 4th Street, (702) 229-6251.

10/21

PER ORD 3744-PROVIDE CORRECT ADDRESS AS DEFINED BY COUNTY RECORDS.

PER 2006 IBC SECTION 501.2 AND ORD 3744: PROVIDE ADDRESS ON BUILDING AND INCLUDE IN DESIGN OF ADDRESS SIGN.

PER LVMC 19.10: PROVIDE LITTER FREE PARKING STALL MARKED AND PROVIDE WHEEL STOPS.

PER LVMC 19.12: SUBMIT LANDSCAPE PLAN TO CITY OF LAS VEGAS PLANNING AND DEVELOPMENT LOCATED AT 731 S 4TH ST AND INSTALL TO APPROVED SPECIFICATIONS. KEEP MAINTAINED AT ALL TIMES.

1994 UNIFORM HOUSING CODE SUPPLEMENT, SECTION 12 -OBTAIN PROPER PERMITS FOR THE REHABILITATION OF UNIT AND ACHIEVE A CERTIFICATE OF OCCUPANCY FOR CONDOMINIUM. REPAIRS MUST INCLUDE (BUT NOT LIMITED TO) THE FOLLOWING:

1994 UNIFORM HOUSING CODE, CHAPTER 10: PROVIDE DRAINAGE FREE FROM OBSTRUCTION INCLUDING THE JETTING OF COMMON DRAIN SYSTEM.

2006 INTERNATIONAL PLUMBING CODE, SECTION 601.3: RESTORE AND RETURN THE COPPER WATER PIPING AS THE GROUNDING ELECTRODE.

1994 UNIFORM HOUSING CODE, SECTION 1001.1: INTERIOR WALLS AND CEILINGS ARE TO HAVE ALL HOLES, PENETRATIONS, ANNULAR OPENINGS SEALED OR CAULKED.

1994 UNIFORM HOUSING CODE, CHAPTER 10: INTERIOR LAUNDRY ROOM TO BE IN GOOD REPAIR AND SANITARY

1994 UNIFORM HOUSING CODE, SECTION 1001.8: ANY/ALL WINDOWS BROKEN OR IN DISREPAIR ARE TO BE MADE IN GOOD REPAIR OR REPLACED.

2006 INTERNATIONAL PLUMBING CODE, CHAPTER 5: OBTAIN LICENSED PLUMBING CONTRACTOR TO INSTALL CORRECT PLUMING FITTINGS AND MATERIAL FOR WATER HEATER.

1994 UNIFORM HOUSING CODE, SUPPLEMENT, SECTIONS 9 AND 10: PROVIDE SAFE WORKING COOKING FACILITIES

1994 UNIFORM HOUSING CODE, SUPPLEMENT SECTION 10: PROVIDE SAFE WORKING COOLING FACILITIES.

1994 UNIFORM HOUSING CODE CHAPTER 10: FLOORING TO BE MADE SANITARY

1994 UNIFORM HOUSING CODE, SECTION 1001: BATHROOMS TO HAVE FIXTURES PROPERLY INSTALLED, GOOD DRAINAGE, LEAK FREE AND SANITARY.

LVMC TITLE 16.32: REPLACE AND PROPERLY INSTALL ENTRY DOOR WITH ALL REQUIRED HARDWARE

Per 16.31 – Vacant Buildings: Submit Letter of Intent. Obtain Boarding Certificate. Provide Mitigation Plan. Provide Rehabilitation Plan.

Post: No trespassing (per NRS 207.200), no dumping (per NRS 444.630), no vehicles (per CLVMC 10.78.020 & 11.24.020) sign on site to deter illegal activity and prevent future violations. All trespassers, squatters, and anyone unable to prove occupancy must vacate premises within 10 days of posting of this notice.

Upon correction of violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer #16 at 229-4918 to supply your current phone number, email address, fax number, or additional mailing address.

In accordance with Chapter 16.31, you are required to:

- **Submit, within 60 days, a Mitigation and Rehabilitation Plan to address the vacant property. The Mitigation and Rehabilitation Plan must be filed with the Department of Neighborhood Services and must include:**

A statement indicating your intentions, as owner(s) of the property, for the future use of the property for the next 12 months, including, without limitation, plans to maintain, redevelop, or reestablish lawful occupancy of the property, or any combination of such activities;

A detailed plan of mitigation measures that you intend to take regarding the property, including, without limitation, measures to maintain the property; restore and maintain landscaping on the property; and provide and maintain adequate security for the property;

A detailed plan of rehabilitation measures that you intend to take regarding the property, including, without limitation, plans to restore buildings, and to maintain the property so as to remove the negative impact on surrounding properties;

A detailed scope of the rehabilitation work to be performed, a timeline for the work, and a set of plans for the work that have been approved by the Department of Building and Safety; and

A detailed landscape plan showing grass, shrubs and trees that conform to the landscape of surrounding properties, or low-maintenance, drought-resistant xeriscape, including such items as desert plants and decorative rock.

- **Board one or more buildings on the property, the building(s) being identified as a single family dwelling located at 4168 Silver Dollar Ave., #2.**

- **Obtain a building permit for one or more buildings on the property that have been boarded without obtaining a permit, the building(s) being identified as a single family dwelling located at 4168 Silver Dollar Ave., #2.**

In order to demolish one or more buildings, you are required to first obtain a demolition permit, and then to secure and maintain the remaining vacant property so as to remove the negative impact on surrounding properties.

If you fail to submit a Mitigation and Rehabilitation Plan or board a building within the timeframe(s) set forth above, the Director of Neighborhood Services is authorized to cause to be performed appropriate mitigation or rehabilitation work, or any combination thereof. As the property owner(s), you will be responsible for all costs incurred, including a fifteen percent (15%) administrative fee. You will be notified of a public hearing to be conducted by the City Council to review the costs, and the Council's decision shall be final and conclusive. Upon approval of the costs by the City Council, the City will be authorized to file a Lien of Assessment with the County Recorder's Office. Thereafter, certified copies of the lien will be given to the County Treasurer, and the amount of the Lien of Assessment shall then be collected at the same time and in the same manner as ordinary taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

Moreover, you are hereby given notice:

1. That within fifteen (15) days after service of this Notice and Order, you as the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen (15) days after the appeal has been filed, you will be given written notice of the procedure and time frame for the hearing of the appeal. The appeal will be heard by the City Council or by the Council's designee, with a right to final appeal to the Council. An owner or responsible party who fails to appeal shall be deemed to have waived any and all objections to the actions taken by the Director of Neighborhood Services to satisfy the requirements of this Notice and Order.
2. That this Notice and Order or a copy thereof must be presented to the Department of Building and Safety when requesting any permit(s).
3. That failure to appeal will constitute a waiver of all rights to an administrative hearing to determine this matter.

LVMC 9.04.020 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more

than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

The City is authorized to record this Notice and Order until such time as compliance has been obtained. Should you have any questions or concerns please call me at (702) 229-6615.

Sincerely,

Devin S. Smith, Manager
Neighborhood Response Division
Neighborhood Services Department

CANCELED

Enclosures: City of Las Vegas Abatement Specifications
City of Las Vegas Vacant & Boarded Structures Mitigation/Rehabilitation Plan
City of Las Vegas Vacan & Boarded Structures Statement of Intent
City of Las Vegas Boarded Building Certificate Application

cc: La paz Nuevo Homeowners Association, Inc.
645 Helmhill Ave.
Las Vegas, NV 89123

La paz Nuevo Homeowners Association, Inc.
P. O. Box 94642
Las Vegas, NV 89193-4642

Lawrence A. Dematteo
President
La paz Nuevo Homeowners Association, Inc.
3172 Rowena
Rossmoor, CA 90720

31

20080918-0002757

Fee: $19.00
N/C Fee: $0.00
09/18/2008 12:14:22
T20080215079
Requestor:
LAS VEGAS CITY
Debbie Conway SCA
Clark County Recorder Pgs: 6

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

(6)

APN: 162-07-622-011

September 11, 2008

Case #68172

Certified/Regular Mail
Return Receipt Requested

R F H La Paz, LLC
3910 Pecos-McLeod Rd. #B-100
Las Vegas, NV 89121-0000

NUISANCE HOUSING CODE NOTICE AND ORDER TO COMPLY

As recorded owner(s) of the **residential condominium located at 4168 Silver Dollar Ave. - #3, Las Vegas, NV, legally described as Parcel # 162-07-622-011**, you are hereby given notice that the Building Official or his designee has determined that the aforementioned building(s) is substandard. Said building(s) is substandard, dangerous and declared a public nuisance under Las Vegas Municipal Code (LVMC) 9.04.020 and Section 202 of the Uniform Housing Code because of the following conditions:

Per 9.04 – Graffiti: Remove or paint over graffiti on any building, wall, fence, or other structure allowed to remain for more than 24 hours.

Per 9.04 – Refuse & Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code. i.e., paper, plastic, bottles, windblown trash and debris, etc.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards. Cut back all trees and bushes to allow unobstructed view from street, sidewalk, and/or alleyway.

LAS VEGAS CITY COUNCIL
MAYOR OSCAR B. GOODMAN
MAYOR PRO TEM GARY REESE • LARRY BROWN • STEVE WOLFSON • LOIS TARKANIAN
STEVEN D. ROSS • RICKI Y. BARLOW
CITY MANAGER DOUGLAS A. SELBY

Return to: CITY OF LAS VEGAS • 400 STEWART AVENUE • LAS VEGAS, NEVADA 89101
VOICE 702.229.6615 • FAX 702.382.4341 • TTY 702.386.9108 • www.lasvegasnevada.gov

Per 16.20 – Housing Codes:

LVMC 9.04.010 (2) (2) Any violation of Title 16, including violations of the codes pertaining to building, construction, housing, and fire safety adopted there under.

LVMC 16.20.010 A Uniform Housing Code
1994 Uniform Housing Code Chapter 2 Enforcement
Section 202 Substandard Buildings
Buildings or portions thereof which are determined to be substandard as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Chapter 11 of this code.
1994 Uniform Housing Code Chapter 4 Definitions
Section 401 Definitions

Health Officer *is the legally designated head of the Clark County Health District or his designee. For purposes of this Code, the term also includes the building official or his designee, except with respect to any determination to be made by the health officer under Item #8 of the definition of "NUISANCE" in Section 401 of this Code.*

Nuisance. The following shall be defined as nuisances:
1. Any public nuisance known at common law or in equity jurisprudence, or identified in Chapter 9.04 of the Las Vegas Municipal Code, as it may be amended from time to time.

1994 Uniform Housing Code Chapter 10 Substandard Buildings
1001.1 General.
Any building or portion thereof which is determined to be an unsafe building in accordance with Section 102 of the Building code; or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby are declared to be substandard buildings.
1001. 2 Inadequate Sanitation.
Buildings or portions thereof shall be deemed substandard when they are unsanitary. Inadequate sanitation shall include, but not be limited to, the following:

13. General dilapidation or improper maintenance.
1) Provide drainage free from obstruction including the jetting of common drain system.
2) Interior walls and ceilings are to have all hole penetrations, annular openings sealed or caulked.
3) Interior laundry room to be in good repair, sanitary, with good drainage and serviceable utilities.
4) *Flooring to be made sanitary or replaced.*
5) Bathroom to have fixtures properly installed, good drainage, leak free and sanitary.

12. Infestation of insects, vermin or rodents as determined by the health officer.
Provide continuous extermination by licensed pest control.

1994 Uniform Housing Code 1001.6 Hazardous Plumbing.

16.28.010 Uniform Plumbing Code and supplement adopted.

(A) Uniform Plumbing Code, 2006 Edition, including its Standards and Appendices, except as otherwise indicated, designated as Part 1 of this Chapter; and

(B) A document entitled "Southern Nevada Amendments to the 2006 Uniform Plumbing Code," adding to, deleting from and amending the Uniform Plumbing Code, 2006 Edition, designated as Part 2 of this Chapter.

Chapter 5 Water Heaters

Install correct plumbing fittings and material for water heater by licensed contractor.

Chapter 6 Water Supply and Distribution

Section 601.3 Existing piping used for grounding

Restore and return the copper water piping as the grounding electrode.

Chapter 7 Inspection, Testing, and Purging

Section 7.1.5.3 Where leakage or other defects are located, the affected portion of the piping system shall be repaired or replaced and retest.

Replace gas piping by license contractor.

1994 Uniform Housing Chapter 10 Section 1001.8 Faulty Weather Protection.

Any and all windows broken or in disrepair are to be made in good repair or replaced.

1994 Uniform Housing Code Section Chapter 7 Mechanical Requirements

1994 UHC 701.1 Heating

Dwelling units, guest rooms and congregate residences shall be provided with heating facilities capable of maintaining a room temperature of 70°F. (21.1°C.) at a point 3 feet (914 mm) above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with Section 3102 of the Building Code , the Mechanical Code, and all other applicable laws. Unvented fuel-burning heaters are not permitted. All heating devices or appliances shall be of an approved type.

1. Cooling Facilities and Cooking Equipment. If a dwelling unit or guest room has been provided with cooling facilities or cooking equipment, or both, such facilities and equipment shall be maintained in a safe working condition or replaced.

Provide safe working cooling facilities or replace.
Provide safe working cooking equipment or replace.

LVMC 16.32.270 Applicability.

The requirements set out in this Article shall apply to all residential-type buildings including those existing, those new and those to be constructed in order to provide the maximum possible security from criminal actions to the permanent and transient occupants thereof, and to their possessions.

16.32.280 Entrance doors direct to outside.

These requirements shall apply to all housing units, whether detached, attached to or within a building, having individual entrances immediately accessible from the outside without other intervening entrance doors:

(A) Entrance doors to housing units shall be capable of resisting forcible entry equal to a single-

panel or hollow-core door one-and-three eighths inches thick.
(B) Dead bolts openable without key from the inside shall be provided on all housing unit entrance doors.

(C) Double entry doors: The active leaf shall be equipped as above. The inactive leaf shall be equipped with flush bolts at head and sill.

Replace and properly install entry door with all required hardware.

LVMC 13.28 STREET NAMING AND ADDRESS ASSIGNMENTS
LVMC 13.28.080

(A) Use of display a street name, building number or address number that does not conform to the provisions of this Chapter;
(B) Display a street name, building number or address number in a manner that does not conform to the provisions of this Chapter; or
(C) Fail to display a street name, building number or address number in the manner required by this Chapter.

Provide Correct Address as Defined by County Records. Provide address on building and include design of address sign.

LVMC 9.04.010 (5) Any violation of Title 19 of this code.

LVMC 19.10.010 On-site parking standards

J) Design of Parking Areas.
(6) Maintenance. Parking facilities shall be continually maintained in compliance with approved Site Development Plans and shall be free of litter and debris.

(7) Surfacing and Striping. Except as otherwise provided in this Chapter, all parking and loading facilities shall be surfaced (paved), striped and marked to clearly define access lanes, compact and handicapped parking spaces, and internal circulation movements.

(9) Wheel Stops/Curbing. Concrete wheel stops or curbing at least six inches high and six inches wide shall be provided to prevent vehicles overhanging abutting sidewalks, properties or public rights-of-way, to protect landscaped areas and to protect adjacent properties. Such wheel stops or curbing shall be located at least two feet from any adjacent wall, fence, property line, walkway, landscape area or structure where parking and/or drive aisles are located. Wheel stops or curbing shall not be required to protect a sidewalk or walkway around the perimeter of a building if the sidewalk or walkway is at least seven feet wide.

Provide litter free parking stalls, marked, and provide wheel stops.

LVMC 19.12.070 Multi-family development--Preexisting.

(A) Multi-family developments that were approved before the minimum landscaping requirements of this Chapter went into effect may be required to comply with those requirements, within a reasonable time and to the extent reasonably possible. Upon notice from the Department of Neighborhood Services, and within the time period specified in the notice, the owner or

manager of a development shall submit to the Planning and Development Department a proposed landscaping plan. The submittal shall be subject to the approval of the Director. If a proposed landscaping plan is denied, the owner or manager may appeal the denial to the Planning Commission.

(B) Upon approval of a landscaping plan, the owner and manager of the development shall be jointly and severally responsible for maintaining the approved landscaping in accordance with this Chapter.

Provide and maintain landscaping

The listed corrections must be completed in order to obtain compliance. Please note that any repairs requiring replacement of building components must include permits, inspections and must be performed by a licensed contractor.

Post: No trespassing (per NRS 207.200), contact Bolden Area Command, COP Office at 289-5593 to have building properly posted.

Upon correction of violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer #31 at 229-2016 to supply your current phone number, email address, fax number, or additional mailing address.

Moreover, you are hereby given notice:

1. That within ten (10) days after service of this Notice and Order, you as the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen (15) days after the appeal has been filed, you will be given written notice of the procedure and time frame for the hearing of the appeal. The appeal will be heard by the City Council or by the Council's designee, with a right to final appeal to the Council. An owner or responsible party who fails to appeal shall be deemed to have waived any and all objections to the actions taken by the Director of Neighborhood Services to satisfy the requirements of this Notice and Order.
2. That this Notice and Order or a copy thereof must be presented to the Department of Building and Safety when requesting any permit(s).
3. That failure to appeal will constitute a waiver of all rights to an administrative hearing to determine this matter.

LVMC 9.04.020 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil

penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

The City is authorized to record this Notice and Order until such time as compliance has been obtained. Should you have any questions or concerns please call me at (702) 229-6615.

Sincerely,

Devin S. Smith, Manager
Neighborhood Response Division
Neighborhood Services Department

16

20080918-0002775

Fee: $20.00
N/C Fee: $0.00
09/18/2008 12:14:22
T20080215079
Requestor:
LAS VEGAS CITY
Debbie Conway SCA
Clark County Recorder Pgs: 7

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

(7)

APN: 162-07-622-012

September 11, 2008

Case #68007

Certified/Regular Mail
Return Receipt Requested

R F H La Paz, LLC
3910 Pecos-McLeod Rd. #B-100
Las Vegas, NV 89121-0000

REVISED
NOTICE AND ORDER REGARDING VACANT OR ABANDONED BUILDING

You are hereby notified as recorded owner(s) of the property located at **4168 Silver Dollar Ave.-#4, Las Vegas, NV, Parcel # 162-07-622-012,** as follows:

One or more vacant or abandoned buildings on the property, by reason of their condition or impact on surrounding property, have been identified as buildings that need to be boarded, demolished, rehabilitated, or any combination thereof, in accordance with Chapter 16.31 of the Las Vegas Municipal Code. The building or buildings are identified as a **residential condominium located at 4168 Silver Dollar Ave. - #4.**

Per 9.04 – Refuse & Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code. i.e., paper, plastic, wood, bottles, etc.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards. Cut back all trees and bushes to allow unobstructed view from street, sidewalk, and/or alleyway.

Per 16.04 – Building Permits Required - Department of Building and Safety, 731 S. 4th Street, (702) 229-6251.

LAS VEGAS CITY COUNCIL
MAYOR OSCAR B. GOODMAN
MAYOR PRO TEM GARY REESE • LARRY BROWN • STEVE WOLFSON • LOIS TARKANIAN
STEVEN D. ROSS • RICKI Y. BARLOW
CITY MANAGER DOUGLAS A. SELBY
Return to: CITY OF LAS VEGAS • 400 STEWART AVENUE • LAS VEGAS, NEVADA 89101
VOICE 702.229.6615 • FAX 702.382.4341 • TTY 702.386.9108 • www.lasvegasnevada.gov

Per 16.20 – Housing Codes:

LVMC 9.04.010 (2) (2) Any violation of Title 16, including violations of the codes pertaining to building, construction, housing, and fire safety adopted there under.

LVMC 16.20.010 A Uniform Housing Code

1994 Uniform Housing Code Chapter 2 Enforcement

Section 202 Substandard Buildings

Buildings or portions thereof which are determined to be substandard as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Chapter 11 of this code.

1994 Uniform Housing Code Chapter 4 Definitions

Section 401 Definitions

Health Officer *is the legally designated head of the Clark County Health District or his designee. For purposes of this Code, the term also includes the building official or his designee, except with respect to any determination to be made by the health officer under Item #8 of the definition of "NUISANCE" in Section 401 of this Code.*

Nuisance. The following shall be defined as nuisances:

1. Any public nuisance known at common law or in equity jurisprudence, or identified in Chapter 9.04 of the Las Vegas Municipal Code, as it may be amended from time to time.

1994 Uniform Housing Code Chapter 10 Substandard Buildings

1001.1 General.

Any building or portion thereof which is determined to be an unsafe building in accordance with Section 102 of the Building code; or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby are declared to be substandard buildings.

1001. 2 Inadequate Sanitation.

Buildings or portions thereof shall be deemed substandard when they are unsanitary. Inadequate sanitation shall include, but not be limited to, the following:

13. General dilapidation or improper maintenance.

1) Provide drainage free from obstruction including the jetting of common drain system.

2) Interior walls and ceilings are to have all hole penetrations, annular openings sealed or caulked.

3) Interior laundry room to be in good repair, sanitary, with good drainage and serviceable utilities.

4) ***Flooring to be made sanitary or replaced.***

5) Bathroom to have fixtures properly installed, good drainage, leak free and sanitary.

12. Infestation of insects, vermin or rodents as determined by the health officer.
Provide continuous extermination by licensed pest control.

1994 Uniform Housing Code 1001.6 Hazardous Plumbing.

16.28.010 Uniform Plumbing Code and supplement adopted.

(A) Uniform Plumbing Code, 2006 Edition, including its Standards and Appendices, except as otherwise indicated, designated as Part 1 of this Chapter; and

(B) A document entitled "Southern Nevada Amendments to the 2006 Uniform Plumbing Code," adding to, deleting from and amending the Uniform Plumbing Code, 2006 Edition, designated as Part 2 of this Chapter.

Chapter 5 Water Heaters

Install correct plumbing fittings and material for water heater by license contractor.

Chapter 6 Water Supply and Distribution

Section 601.3 Existing piping used for grounding

Restore and return the copper water piping as the grounding electrode.

1994 Uniform Housing Chapter 10 Section 1001.8 Faulty Weather Protection.

Any and all windows broken or in disrepair are to be made in good repair or replaced.

1994 Uniform Housing Code Section Chapter 7 Mechanical Requirements

1994 UHC 701.1 Heating

Dwelling units, guest rooms and congregate residences shall be provided with heating facilities capable of maintaining a room temperature of 70°F. (21.1°C.) at a point 3 feet (914 mm) above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with Section 3102 of the Building Code , the Mechanical Code, and all other applicable laws. Unvented fuel-burning heaters are not permitted. All heating devices or appliances shall be of an approved type.

1. Cooling Facilities and Cooking Equipment. If a dwelling unit or guest room has been provided with cooling facilities or cooking equipment, or both, such facilities and equipment shall be maintained in a safe working condition or replaced.

Provide safe working cooling facilities or replace.
Provide safe working cooking equipment or replace.

LVMC 16.32.270 Applicability.

The requirements set out in this Article shall apply to all residential-type buildings including those existing, those new and those to be constructed in order to provide the maximum possible security from criminal actions to the permanent and transient occupants thereof, and to their possessions.

16.32.280 Entrance doors direct to outside.

These requirements shall apply to all housing units, whether detached, attached to or within a building, having individual entrances immediately accessible from the outside without other intervening entrance doors:

(A) Entrance doors to housing units shall be capable of resisting forcible entry equal to a single-panel or hollow-core door one-and-three eighths inches thick.

(B) Dead bolts openable without key from the inside shall be provided on all housing unit entrance doors.
(C) Double entry doors: The active leaf shall be equipped as above. The inactive leaf shall be equipped with flush bolts at head and sill.

Replace and properly install entry door with all required hardware.

LVMC 13.28 STREET NAMING AND ADDRESS ASSIGNMENTS
LVMC 13.28.080

(A) Use of display a street name, building number or address number that does not conform to the provisions of this Chapter;
(B) Display a street name, building number or address number in a manner that does not conform to the provisions of this Chapter; or
(C) Fail to display a street name, building number or address number in the manner required by this Chapter.

Provide Correct Address as Defined by County Records. Provide address on building and include design of address sign.

LVMC 9.04.010 (5) Any violation of Title 19 of this code.

LVMC 19.10.010 On-site parking standards

J) Design of Parking Areas.
(6) Maintenance. Parking facilities shall be continually maintained in compliance with approved Site Development Plans and shall be free of litter and debris.

(7) Surfacing and Striping. Except as otherwise provided in this Chapter, all parking and loading facilities shall be surfaced (paved), striped and marked to clearly define access lanes, compact and handicapped parking spaces, and internal circulation movements.

(9) Wheel Stops/Curbing. Concrete wheel stops or curbing at least six inches high and six inches wide shall be provided to prevent vehicles overhanging abutting sidewalks, properties or public rights-of-way, to protect landscaped areas and to protect adjacent properties. Such wheel stops or curbing shall be located at least two feet from any adjacent wall, fence, property line, walkway, landscape area or structure where parking and/or drive aisles are located. Wheel stops or curbing shall not be required to protect a sidewalk or walkway around the perimeter of a building if the sidewalk or walkway is at least seven feet wide.

Provide litter free parking stalls, marked, and provide wheel stops.

LVMC 19.12.070 Multi-family development--Preexisting.

(A) Multi-family developments that were approved before the minimum landscaping requirements of this Chapter went into effect may be required to comply with those requirements, within a reasonable time and to the extent reasonably possible. Upon notice from the Department of Neighborhood Services, and within the time period specified in the notice, the owner or manager of a development shall submit to the Planning and Development Department a proposed landscaping plan. The submittal shall be subject to the approval of the Director. If a

proposed landscaping plan is denied, the owner or manager may appeal the denial to the Planning Commission.

(B) Upon approval of a landscaping plan, the owner and manager of the development shall be jointly and severally responsible for maintaining the approved landscaping in accordance with this Chapter.

Provide and maintain landscaping

The listed corrections must be completed in order to obtain compliance. Please note that any repairs requiring replacement of building components must include permits, inspections and must be performed by a licensed contractor.

Per 16.31 – Vacant Buildings: Submit Letter of Intent. Obtain Boarding Certificate. Provide Mitigation Plan. Provide Rehabilitation Plan.

Post: No trespassing (per NRS 207.200), contact Bolden Area Command, COP Office at 289-5593 to have building properly posted.

Upon correction of violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer #16 at 229-4918 to supply your current phone number, email address, fax number, or additional mailing address.

In accordance with Chapter 16.31, you are required to:

- **Submit, within 60 days, a Mitigation and Rehabilitation Plan to address the vacant property. The Mitigation and Rehabilitation Plan must be filed with the Department of Neighborhood Services and must include:**

A statement indicating your intentions, as owner(s) of the property, for the future use of the property for the next 12 months, including, without limitation, plans to maintain, redevelop, or reestablish lawful occupancy of the property, or any combination of such activities;

A detailed plan of mitigation measures that you intend to take regarding the property, including, without limitation, measures to maintain the property; restore and maintain landscaping on the property; and provide and maintain adequate security for the property;

A detailed plan of rehabilitation measures that you intend to take regarding the property, including, without limitation, plans to restore buildings, and to maintain the property so as to remove the negative impact on surrounding properties;

A detailed scope of the rehabilitation work to be performed, a timeline for the work, and a set of plans for the work that have been approved by the Department of Building and Safety; and

A detailed landscape plan showing grass, shrubs and trees that conform to the landscape of surrounding properties, or low-maintenance, drought-resistant xeriscape, including such items as desert plants and decorative rock.

- **Board one or more buildings on the property, the building(s) being identified as a residential condominium located at 4168 Silver Dollar Ave., #4.**

- **Obtain a building permit for one or more buildings on the property that have been boarded without obtaining a permit, the building(s) being identified as a residential condominium located at 4168 Silver Dollar Ave., #4.**

In order to demolish one or more buildings, you are required to first obtain a demolition permit, and then to secure and maintain the remaining vacant property so as to remove the negative impact on surrounding properties.

If you fail to submit a Mitigation and Rehabilitation Plan or board a building within the timeframe(s) set forth above, the Director of Neighborhood Services is authorized to cause to be performed appropriate mitigation or rehabilitation work, or any combination thereof. As the property owner(s), you will be responsible for all costs incurred, including a fifteen percent (15%) administrative fee. You will be notified of a public hearing to be conducted by the City Council to review the costs, and the Council's decision shall be final and conclusive. Upon approval of the costs by the City Council, the City will be authorized to file a Lien of Assessment with the County Recorder's Office. Thereafter, certified copies of the lien will be given to the County Treasurer, and the amount of the Lien of Assessment shall then be collected at the same time and in the same manner as ordinary taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

Moreover, you are hereby given notice:

1. That within ten (10) days after service of this Notice and Order, you as the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen (15) days after the appeal has been filed, you will be given written notice of the procedure and time frame for the hearing of the appeal. The appeal will be heard by the City Council or by the Council's designee, with a right to final appeal to the Council. An owner or responsible party who fails to appeal shall be deemed to have waived any and all objections to the actions taken by the Director of Neighborhood Services to satisfy the requirements of this Notice and Order.
2. That this Notice and Order or a copy thereof must be presented to the Department of Building and Safety when requesting any permit(s).
3. That failure to appeal will constitute a waiver of all rights to an administrative hearing to determine this matter.

LVMC 9.04.020 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

The City is authorized to record this Notice and Order until such time as compliance has been obtained. Should you have any questions or concerns please call me at (702) 229-6615.

Sincerely,

Devin S. Smith, Manager
Neighborhood Response Division
Neighborhood Services Department

Enclosures: City of Las Vegas Abatement Specifications
City of Las Vegas Vacant & Boarded Structures Mitigation/Rehabilitation Plan
City of Las Vegas Vacant & Boarded Structures Statement of Intent
City of Las Vegas Boarded Building Certificate Application

16

20080813-0003470

Fee: $18.00
N/C Fee: $0.00
08/13/2008 14:07:56
T20080176105
Requestor:
LAS VEGAS CITY
Debbie Conway KXC
Clark County Recorder Pgs: 5

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

APN: 162-07-622-012

August 11, 2008

Case #68007

6

Certified/Regular Mail
Return Receipt Requested

RANDAZZO JOSEPH A & MICHELLE M
DEMATTEO LAWRENCE A
%D B BOGGESS ESQ
%BOGGESS & HARKER
7201 W LAKE MEAD BLVD #210
LAS VEGAS NV 89128-8360

NOTICE AND ORDER REGARDING VACANT OR ABANDONED

You are hereby notified as recorded owner(s) of the property located at **4168 Silver Dollar Ave.-#4, Las Vegas, NV, Parcel # 162-07-622-012,** as follows:

One or more vacant or abandoned buildings on the property, by reason of their condition or impact on surrounding property, have been identified as buildings that need to be boarded, demolished, rehabilitated, or any combination thereof, in accordance with Chapter 16.31 of the Las Vegas Municipal Code. The building or buildings are identified as **single family dwelling located at 4168 Silver Dollar Ave. - #4 .**

Per 9.04 – Refuse & Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code. i.e., paper, plastic, wood, bottles, etc.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards. Cut back all trees and bushes to allow unobstructed view from street, sidewalk, and/or alleyway.

Per 16.04 – Building Permits Required - Department of Building and Safety, 731 S. 4th Street, (702) 229-6251.

LAS VEGAS CITY COUNCIL
MAYOR OSCAR B. GOODMAN
MAYOR PRO TEM GARY REESE • LARRY BROWN • STEVE WOLFSON • LOIS TARKANIAN
STEVEN D. ROSS • RICKI Y. BARLOW
CITY MANAGER DOUGLAS A. SELBY
RETURN TO:
CITY OF LAS VEGAS • 400 STEWART AVENUE • LAS VEGAS, NEVADA 89101
VOICE 702.229.6615 • FAX 702.382.4341 • TTY 702.386.9108 • www.lasvegasnevada.gov

PER ORD 3744-PROVIDE CORRECT ADDRESS AS DEFINED BY COUNTY RECORDS.

PER 2006 IBC SECTION 501.2 AND ORD 3744: PROVIDE ADDRESS ON BUILDING AND INCLUDE IN DESIGN OF ADDRESS SIGN.

PER LVMC 19.10: PROVIDE LITTER FREE PARKING STALL MARKED AND PROVIDE WHEEL STOPS.

PER LVMC 19.12: SUBMIT LANDSCAPE PLAN TO CITY OF LAS VEGAS PLANNING AND DEVELOPMENT LOCATED AT 731 S 4TH ST AND INSTALL TO APPROVED SPECIFICATIONS. KEEP MAINTAINED AT ALL TIMES.

1994 UNIFORM HOUSING CODE SUPPLEMENT, SECTION 12 -OBTAIN PROPER PERMITS FOR THE REHABILITATION OF UNIT AND ACHIEVE A CERTIFICATE OF OCCUPANCY FOR CONDOMINIUM. REPAIRS MUST INCLUDE (BUT NOT LIMITED TO) THE FOLLOWING:

1994 UNIFORM HOUSING CODE, CHAPTER 10: PROVIDE DRAINAGE FREE FROM OBSTRUCTION INCLUDING THE JETTING OF COMMON DRAIN SYSTEM.

2006 INTERNATIONAL PLUMBING CODE, SECTION 601.3: RESTORE AND RETURN THE COPPER WATER PIPING AS THE GROUNDING ELECTRODE.

1994 UNIFORM HOUSING CODE, SECTION 1001.1: INTERIOR WALLS AND CEILINGS ARE TO HAVE ALL HOLES, PENETRATIONS, ANNULAR OPENINGS SEALED OR CAULKED.

1994 UNIFORM HOUSING CODE, CHAPTER 10: INTERIOR LAUNDRY ROOM TO BE IN GOOD REPAIR AND SANITARY

1994 UNIFORM HOUSING CODE, SECTION 1001.8: ANY/ALL WINDOWS BROKEN OR IN DISREPAIR ARE TO BE MADE IN GOOD REPAIR OR REPLACED.

2006 INTERNATIONAL PLUMBING CODE, CHAPTER 5: OBTAIN LICENSED PLUMBING CONTRACTOR TO INSTALL CORRECT PLUMING FITTINGS AND MATERIAL FOR WATER HEATER.

1994 UNIFORM HOUSING CODE, SUPPLEMENT, SECTIONS 9 AND 10: PROVIDE SAFE WORKING COOKING FACILITIES

1994 UNIFORM HOUSING CODE, SUPPLEMENT SECTION 10: PROVIDE SAFE WORKING COOLING FACILITIES.

1994 UNIFORM HOUSING CODE CHAPTER 10: FLOORING TO BE MADE SANITARY

1994 UNIFORM HOUSING CODE, SECTION 1001: BATHROOMS TO HAVE FIXTURES PROPERLY INSTALLED, GOOD DRAINAGE, LEAK FREE AND SANITARY.

LVMC TITLE 16.32: REPLACE AND PROPERLY INSTALL ENTRY DOOR WITH ALL REQUIRED HARDWARE

Per 16.31 – Vacant Buildings: Submit Letter of Intent. Obtain Boarding Certificate. Provide Mitigation Plan. Provide Rehabilitation Plan.

Post: No trespassing (per NRS 207.200), no dumping (per NRS 444.630), no vehicles (per CLVMC 10.78.020 & 11.24.020) sign on site to deter illegal activity and prevent future violations. All trespassers, squatters, and anyone unable to prove occupancy must vacate premises within 10 days of posting of this notice.

Upon correction of violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer #16 at 229-4918 to supply your current phone number, email address, fax number, or additional mailing address.

In accordance with Chapter 16.31, you are required to:

- **Submit, within 60 days, a Mitigation and Rehabilitation Plan to address the vacant property. The Mitigation and Rehabilitation Plan must be filed with the Department of Neighborhood Services and must include:**

A statement indicating your intentions, as owner(s) of the property, for the future use of the property for the next 12 months, including, without limitation, plans to maintain, redevelop, or reestablish lawful occupancy of the property, or any combination of such activities;

A detailed plan of mitigation measures that you intend to take regarding the property, including, without limitation, measures to maintain the property; restore and maintain landscaping on the property; and provide and maintain adequate security for the property;

A detailed plan of rehabilitation measures that you intend to take regarding the property, including, without limitation, plans to restore buildings, and to maintain the property so as to remove the negative impact on surrounding properties;

A detailed scope of the rehabilitation work to be performed, a timeline for the work, and a set of plans for the work that have been approved by the Department of Building and Safety; and

A detailed landscape plan showing grass, shrubs and trees that conform to the landscape of surrounding properties, or low-maintenance, drought-resistant xeriscape, including such items as desert plants and decorative rock.

- **Board one or more buildings on the property, the building(s) being identified as a single family dwelling located at 4168 Silver Dollar Ave., #4.**

- **Obtain a building permit for one or more buildings on the property that have been boarded without obtaining a permit, the building(s) being identified as a single family dwelling located at 4168 Silver Dollar Ave., #4.**

In order to demolish one or more buildings, you are required to first obtain a demolition permit, and then to secure and maintain the remaining vacant property so as to remove the negative impact on surrounding properties.

If you fail to submit a Mitigation and Rehabilitation Plan or board a building within the timeframe(s) set forth above, the Director of Neighborhood Services is authorized to cause to be performed appropriate mitigation or rehabilitation work, or any combination thereof. As the property owner(s), you will be responsible for all costs incurred, including a fifteen percent (15%) administrative fee. You will be notified of a public hearing to be conducted by the City Council to review the costs, and the Council's decision shall be final and conclusive. Upon approval of the costs by the City Council, the City will be authorized to file a Lien of Assessment with the County Recorder's Office. Thereafter, certified copies of the lien will be given to the County Treasurer, and the amount of the Lien of Assessment shall then be collected at the same time and in the same manner as ordinary taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

Moreover, you are hereby given notice:

1. That within fifteen (15) days after service of this Notice and Order, you as the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen (15) days after the appeal has been filed, you will be given written notice of the procedure and time frame for the hearing of the appeal. The appeal will be heard by the City Council or by the Council's designee, with a right to final appeal to the Council. An owner or responsible party who fails to appeal shall be deemed to have waived any and all objections to the actions taken by the Director of Neighborhood Services to satisfy the requirements of this Notice and Order.
2. That this Notice and Order or a copy thereof must be presented to the Department of Building and Safety when requesting any permit(s).
3. That failure to appeal will constitute a waiver of all rights to an administrative hearing to determine this matter.

LVMC 9.04.020 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more

than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

The City is authorized to record this Notice and Order until such time as compliance has been obtained. Should you have any questions or concerns please call me at (702) 229-6615.

Sincerely,

Devin S. Smith, Manager
Neighborhood Response Division
Neighborhood Services Department

Enclosures: City of Las Vegas Abatement Specifications
City of Las Vegas Vacant & Boarded Structures Mitigation/Rehabilitation Plan
City of Las Vegas Vacan & Boarded Structures Statement of Intent

cc: La paz Nuevo Homeowners Association, Inc.
645 Helmhill Ave.
Las Vegas, NV 89123

La paz Nuevo Homeowners Association, Inc.
P. O. Box 94642
Las Vegas, NV 89193-4642

Lawrence A. Dematteo
President
La paz Nuevo Homeowners Association, Inc.
3172 Rowena
Rossmoor, CA 90720

16

20080918-0002770

Fee: $20.00
N/C Fee: $0.00
09/18/2008 12:14:22
T20080215079
Requestor:
LAS VEGAS CITY
Debbie Conway SCA
Clark County Recorder Pgs: 7

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

APN: 162-07-622-014

(7)

September 11, 2008

Case #68009

Certified/Regular Mail
Return Receipt Requested

R F H La Paz, LLC
3910 Pecos-McLeod Rd. #B-100
Las Vegas, NV 89121-0000

REVISED
NOTICE AND ORDER REGARDING VACANT OR ABANDONED DANGEROUS BUILDING

You are hereby notified as recorded owner(s) of the property located at **4168 Silver Dollar Ave.- #6, Las Vegas, NV, Parcel # 162-07-622-014,** as follows:

One or more vacant or abandoned buildings on the property, by reason of their condition or impact on surrounding property, have been identified as buildings that need to be boarded, demolished, rehabilitated, or any combination thereof, in accordance with Chapter 16.31 of the Las Vegas Municipal Code. The building or buildings are identified as a **residential condominium located at 4168 Silver Dollar Ave. - #6.**

Per 9.04 – Refuse & Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code. i.e., paper, plastic, wood, bottles, etc.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards. Cut back all trees and bushes to allow unobstructed view from street, sidewalk, and/or alleyway.

Per 16.04 – Building Permits Required - Department of Building and Safety, 731 S. 4th Street, (702) 229-6251.

LAS VEGAS CITY COUNCIL
MAYOR OSCAR B. GOODMAN
MAYOR PRO TEM GARY REESE • LARRY BROWN • STEVE WOLFSON • LOIS TARKANIAN
STEVEN D. ROSS • RICKI Y. BARLOW
CITY MANAGER DOUGLAS A. SELBY
Return to: CITY OF LAS VEGAS • 400 STEWART AVENUE • LAS VEGAS, NEVADA 89101
VOICE 702.229.6615 • FAX 702.382.4341 • TTY 702.386.9108 • www.lasvegasnevada.gov

Per 16.20 – Housing Codes:

LVMC 9.04.010 (2) (2) Any violation of Title 16, including violations of the codes pertaining to building, construction, housing, and fire safety adopted there under.

LVMC 16.20.010 A Uniform Housing Code

1994 Uniform Housing Code Chapter 2 Enforcement
Section 202 Substandard Buildings
Buildings or portions thereof which are determined to be substandard as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Chapter 11 of this code.

1994 Uniform Housing Code Chapter 4 Definitions
Section 401 Definitions

Health Officer *is the legally designated head of the Clark County Health District or his designee. For purposes of this Code, the term also includes the building official or his designee, except with respect to any determination to be made by the health officer under Item #8 of the definition of "NUISANCE" in Section 401 of this Code.*

Nuisance. The following shall be defined as nuisances:

1. Any public nuisance known at common law or in equity jurisprudence, or identified in Chapter 9.04 of the Las Vegas Municipal Code, as it may be amended from time to time.

1994 Uniform Housing Code Chapter 10 Substandard Buildings

1001.1 General.

Any building or portion thereof which is determined to be an unsafe building in accordance with Section 102 of the Building code; or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby are declared to be substandard buildings.

1001. 2 Inadequate Sanitation.

Buildings or portions thereof shall be deemed substandard when they are unsanitary. Inadequate sanitation shall include, but not be limited to, the following:

13. General dilapidation or improper maintenance.

1) Provide drainage free from obstruction including the jetting of common drain system.

2) Interior walls and ceilings are to have all hole penetrations, annular openings sealed or caulked.

3) Interior laundry room to be in good repair, sanitary, with good drainage and serviceable utilities.

4) ***Flooring to be made sanitary or replaced.***

5) Bathroom to have fixtures properly installed, good drainage, leak free and sanitary.

12. Infestation of insects, vermin or rodents as determined by the health officer.
Provide continuous extermination by licensed pest control.

1994 Uniform Housing Code 1001.6 Hazardous Plumbing.

16.28.010 Uniform Plumbing Code and supplement adopted.

(A) Uniform Plumbing Code, 2006 Edition, including its Standards and Appendices, except as otherwise indicated, designated as Part 1 of this Chapter; and

(B) A document entitled "Southern Nevada Amendments to the 2006 Uniform Plumbing Code," adding to, deleting from and amending the Uniform Plumbing Code, 2006 Edition, designated as Part 2 of this Chapter.

Chapter 5 Water Heaters

Install correct plumbing fittings and material for water heater by license contractor.

Chapter 6 Water Supply and Distribution

Section 601.3 Existing piping used for grounding

Restore and return the copper water piping as the grounding electrode.

1994 Uniform Housing Chapter 10 Section 1001.8 Faulty Weather Protection.

Any and all windows broken or in disrepair are to be made in good repair or replaced.

1994 Uniform Housing Code Section Chapter 7 Mechanical Requirements

1994 UHC 701.1 Heating

Dwelling units, guest rooms and congregate residences shall be provided with heating facilities capable of maintaining a room temperature of 70°F. (21.1°C.) at a point 3 feet (914 mm) above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with Section 3102 of the Building Code , the Mechanical Code, and all other applicable laws. Unvented fuel-burning heaters are not permitted. All heating devices or appliances shall be of an approved type.

1. Cooling Facilities and Cooking Equipment. If a dwelling unit or guest room has been provided with cooling facilities or cooking equipment, or both, such facilities and equipment shall be maintained in a safe working condition or replaced.

Provide safe working cooling facilities or replace.
Provide safe working cooking equipment or replace.

LVMC 16.32.270 Applicability.

The requirements set out in this Article shall apply to all residential-type buildings including those existing, those new and those to be constructed in order to provide the maximum possible security from criminal actions to the permanent and transient occupants thereof, and to their possessions.

16.32.280 Entrance doors direct to outside.

These requirements shall apply to all housing units, whether detached, attached to or within a building, having individual entrances immediately accessible from the outside without other intervening entrance doors:

(A) Entrance doors to housing units shall be capable of resisting forcible entry equal to a single-panel or hollow-core door one-and-three eighths inches thick.

(B) Dead bolts openable without key from the inside shall be provided on all housing unit entrance doors.
(C) Double entry doors: The active leaf shall be equipped as above. The inactive leaf shall be equipped with flush bolts at head and sill.

Replace and properly install entry door with all required hardware.

LVMC 13.28 STREET NAMING AND ADDRESS ASSIGNMENTS
LVMC 13.28.080

(A) Use of display a street name, building number or address number that does not conform to the provisions of this Chapter;
(B) Display a street name, building number or address number in a manner that does not conform to the provisions of this Chapter; or
(C) Fail to display a street name, building number or address number in the manner required by this Chapter.

Provide Correct Address as Defined by County Records. Provide address on building and include design of address sign.

LVMC 9.04.010 (5) Any violation of Title 19 of this code.

LVMC 19.10.010 On-site parking standards

J) Design of Parking Areas.
(6) Maintenance. Parking facilities shall be continually maintained in compliance with approved Site Development Plans and shall be free of litter and debris.

(7) Surfacing and Striping. Except as otherwise provided in this Chapter, all parking and loading facilities shall be surfaced (paved), striped and marked to clearly define access lanes, compact and handicapped parking spaces, and internal circulation movements.

(9) Wheel Stops/Curbing. Concrete wheel stops or curbing at least six inches high and six inches wide shall be provided to prevent vehicles overhanging abutting sidewalks, properties or public rights-of-way, to protect landscaped areas and to protect adjacent properties. Such wheel stops or curbing shall be located at least two feet from any adjacent wall, fence, property line, walkway, landscape area or structure where parking and/or drive aisles are located. Wheel stops or curbing shall not be required to protect a sidewalk or walkway around the perimeter of a building if the sidewalk or walkway is at least seven feet wide.

Provide litter free parking stalls, marked, and provide wheel stops.

LVMC 19.12.070 Multi-family development--Preexisting.

(A) Multi-family developments that were approved before the minimum landscaping requirements of this Chapter went into effect may be required to comply with those requirements, within a reasonable time and to the extent reasonably possible. Upon notice from the Department of Neighborhood Services, and within the time period specified in the notice, the owner or manager of a development shall submit to the Planning and Development Department a proposed landscaping plan. The submittal shall be subject to the approval of the Director. If a

proposed landscaping plan is denied, the owner or manager may appeal the denial to the Planning Commission.

(B) Upon approval of a landscaping plan, the owner and manager of the development shall be jointly and severally responsible for maintaining the approved landscaping in accordance with this Chapter.

Provide and maintain landscaping

The listed corrections must be completed in order to obtain compliance. Please note that any repairs requiring replacement of building components must include permits, inspections and must be performed by a licensed contractor.

Per 16.31 – Vacant Buildings: Submit Letter of Intent. Obtain Boarding Certificate. Provide Mitigation Plan. Provide Rehabilitation Plan.

Post: No trespassing (per NRS 207.200), contact Bolden Area Command, COP Office at 289-5593 to have building properly posted.

Upon correction of violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer #16 at 229-4918 to supply your current phone number, email address, fax number, or additional mailing address.

In accordance with Chapter 16.31, you are required to:

- **Submit, within 60 days, a Mitigation and Rehabilitation Plan to address the vacant property. The Mitigation and Rehabilitation Plan must be filed with the Department of Neighborhood Services and must include:**

A statement indicating your intentions, as owner(s) of the property, for the future use of the property for the next 12 months, including, without limitation, plans to maintain, redevelop, or reestablish lawful occupancy of the property, or any combination of such activities;

A detailed plan of mitigation measures that you intend to take regarding the property, including, without limitation, measures to maintain the property; restore and maintain landscaping on the property; and provide and maintain adequate security for the property;

A detailed plan of rehabilitation measures that you intend to take regarding the property, including, without limitation, plans to restore buildings, and to maintain the property so as to remove the negative impact on surrounding properties;

A detailed scope of the rehabilitation work to be performed, a timeline for the work, and a set of plans for the work that have been approved by the Department of Building and Safety; and

A detailed landscape plan showing grass, shrubs and trees that conform to the landscape of surrounding properties, or low-maintenance, drought-resistant xeriscape, including such items as desert plants and decorative rock.

- **Board one or more buildings on the property, the building(s) being identified as a residential condominium located at 4168 Silver Dollar Ave., #6.**

- **Obtain a building permit for one or more buildings on the property that have been boarded without obtaining a permit, the building(s) being identified as a residential condominium located at 4168 Silver Dollar Ave., #6.**

In order to demolish one or more buildings, you are required to first obtain a demolition permit, and then to secure and maintain the remaining vacant property so as to remove the negative impact on surrounding properties.

If you fail to submit a Mitigation and Rehabilitation Plan or board a building within the timeframe(s) set forth above, the Director of Neighborhood Services is authorized to cause to be performed appropriate mitigation or rehabilitation work, or any combination thereof. As the property owner(s), you will be responsible for all costs incurred, including a fifteen percent (15%) administrative fee. You will be notified of a public hearing to be conducted by the City Council to review the costs, and the Council's decision shall be final and conclusive. Upon approval of the costs by the City Council, the City will be authorized to file a Lien of Assessment with the County Recorder's Office. Thereafter, certified copies of the lien will be given to the County Treasurer, and the amount of the Lien of Assessment shall then be collected at the same time and in the same manner as ordinary taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

Moreover, you are hereby given notice:

1. That within ten (10) days after service of this Notice and Order, you as the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen (15) days after the appeal has been filed, you will be given written notice of the procedure and time frame for the hearing of the appeal. The appeal will be heard by the City Council or by the Council's designee, with a right to final appeal to the Council. An owner or responsible party who fails to appeal shall be deemed to have waived any and all objections to the actions taken by the Director of Neighborhood Services to satisfy the requirements of this Notice and Order.
2. That this Notice and Order or a copy thereof must be presented to the Department of Building and Safety when requesting any permit(s).
3. That failure to appeal will constitute a waiver of all rights to an administrative hearing to determine this matter.

LVMC 9.04.020 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

The City is authorized to record this Notice and Order until such time as compliance has been obtained. Should you have any questions or concerns please call me at (702) 229-6615.

Sincerely,

Devin S. Smith, Manager
Neighborhood Response Division
Neighborhood Services Department

Enclosures: City of Las Vegas Abatement Specifications
City of Las Vegas Vacant & Boarded Structures Mitigation/Rehabilitation Plan
City of Las Vegas Vacant & Boarded Structures Statement of Intent

16

20080813-0003460

Fee: $18.00
N/C Fee: $0.00
08/13/2008 14:07:56
T20080176105
Requestor:
LAS VEGAS CITY
Debbie Conway KXC
Clark County Recorder Pgs: 5

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

APN: 162-07-622-014

August 11, 2008

Case #68009

(5)

Certified/Regular Mail
Return Receipt Requested

RANDAZZO JOSEPH A & MICHELLE M
DEMATTEO LAWRENCE A
%D B BOGGESS ESQ
%BOGGESS & HARKER
7201 W LAKE MEAD BLVD #210
LAS VEGAS NV 89128-8360

NOTICE AND ORDER REGARDING VACANT OR ABANDONED DANGEROUS BUILDING

You are hereby notified as recorded owner(s) of the property located at **4168 Silver Dollar Ave.- #6, Las Vegas, NV, Parcel # 162-07-622-014,** as follows:

One or more vacant or abandoned buildings on the property, by reason of their condition or impact on surrounding property, have been identified as buildings that need to be boarded, demolished, rehabilitated, or any combination thereof, in accordance with Chapter 16.31 of the Las Vegas Municipal Code. The building or buildings are identified as **single family dwelling located at 4168 Silver Dollar Ave. - #6 .**

Per 9.04 – Refuse & Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code. i.e., paper, plastic, wood, bottles, etc.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards. Cut back all trees and bushes to allow unobstructed view from street, sidewalk, and/or alleyway.

Per 16.04 – Building Permits Required - Department of Building and Safety, 731 S. 4th Street, (702) 229-6251.

LAS VEGAS CITY COUNCIL
MAYOR OSCAR B. GOODMAN
MAYOR PRO TEM GARY REESE • LARRY BROWN • STEVE WOLFSON • LOIS TARKANIAN
STEVEN D. ROSS • RICKI Y. BARLOW
CITY MANAGER DOUGLAS A. SELBY

RETURN TO: CITY OF LAS VEGAS • 400 STEWART AVENUE • LAS VEGAS, NEVADA 89101
VOICE 702.229.6615 • FAX 702.382.4341 • TTY 702.386.9108 • www.lasvegasnevada.gov

PER ORD 3744-PROVIDE CORRECT ADDRESS AS DEFINED BY COUNTY RECORDS.

PER 2006 IBC SECTION 501.2 AND ORD 3744: PROVIDE ADDRESS ON BUILDING AND INCLUDE IN DESIGN OF ADDRESS SIGN.

PER LVMC 19.10: PROVIDE LITTER FREE PARKING STALL MARKED AND PROVIDE WHEEL STOPS.

PER LVMC 19.12: SUBMIT LANDSCAPE PLAN TO CITY OF LAS VEGAS PLANNING AND DEVELOPMENT LOCATED AT 731 S 4TH ST AND INSTALL TO APPROVED SPECIFICATIONS. KEEP MAINTAINED AT ALL TIMES.

1994 UNIFORM HOUSING CODE SUPPLEMENT, SECTION 12 -OBTAIN PROPER PERMITS FOR THE REHABILITATION OF UNIT AND ACHIEVE A CERTIFICATE OF OCCUPANCY FOR CONDOMINIUM. REPAIRS MUST INCLUDE (BUT NOT LIMITED TO) THE FOLLOWING:

1994 UNIFORM HOUSING CODE, CHAPTER 10: PROVIDE DRAINAGE FREE FROM OBSTRUCTION INCLUDING THE JETTING OF COMMON DRAIN SYSTEM.

2006 INTERNATIONAL PLUMBING CODE, SECTION 601.3: RESTORE AND RETURN THE COPPER WATER PIPING AS THE GROUNDING ELECTRODE.

1994 UNIFORM HOUSING CODE, SECTION 1001.1: INTERIOR WALLS AND CEILINGS ARE TO HAVE ALL HOLES, PENETRATIONS, ANNULAR OPENINGS SEALED OR CAULKED.

1994 UNIFORM HOUSING CODE, CHAPTER 10: INTERIOR LAUNDRY ROOM TO BE IN GOOD REPAIR AND SANITARY

1994 UNIFORM HOUSING CODE, SECTION 1001.8: ANY/ALL WINDOWS BROKEN OR IN DISREPAIR ARE TO BE MADE IN GOOD REPAIR OR REPLACED.

2006 INTERNATIONAL PLUMBING CODE, CHAPTER 5: OBTAIN LICENSED PLUMBING CONTRACTOR TO INSTALL CORRECT PLUMING FITTINGS AND MATERIAL FOR WATER HEATER.

1994 UNIFORM HOUSING CODE, SUPPLEMENT, SECTIONS 9 AND 10: PROVIDE SAFE WORKING COOKING FACILITIES

1994 UNIFORM HOUSING CODE, SUPPLEMENT SECTION 10: PROVIDE SAFE WORKING COOLING FACILITIES.

1994 UNIFORM HOUSING CODE CHAPTER 10: FLOORING TO BE MADE SANITARY

1994 UNIFORM HOUSING CODE, SECTION 1001: BATHROOMS TO HAVE FIXTURES PROPERLY INSTALLED, GOOD DRAINAGE, LEAK FREE AND SANITARY.

LVMC TITLE 16.32: REPLACE AND PROPERLY INSTALL ENTRY DOOR WITH ALL REQUIRED HARDWARE

Per 16.31 – Vacant Buildings: Submit Letter of Intent. Obtain Boarding Certificate. Provide Mitigation Plan. Provide Rehabilitation Plan.

Post: No trespassing (per NRS 207.200), no dumping (per NRS 444.630), no vehicles (per CLVMC 10.78.020 & 11.24.020) sign on site to deter illegal activity and prevent future violations. All trespassers, squatters, and anyone unable to prove occupancy must vacate premises within 10 days of posting of this notice.

Upon correction of violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer #16 at 229-4918 to supply your current phone number, email address, fax number, or additional mailing address.

In accordance with Chapter 16.31, you are required to:

- **Submit, within 60 days, a Mitigation and Rehabilitation Plan to address the vacant property. The Mitigation and Rehabilitation Plan must be filed with the Department of Neighborhood Services and must include:**

A statement indicating your intentions, as owner(s) of the property, for the future use of the property for the next 12 months, including, without limitation, plans to maintain, redevelop, or reestablish lawful occupancy of the property, or any combination of such activities;

A detailed plan of mitigation measures that you intend to take regarding the property, including, without limitation, measures to maintain the property; restore and maintain landscaping on the property; and provide and maintain adequate security for the property;

A detailed plan of rehabilitation measures that you intend to take regarding the property, including, without limitation, plans to restore buildings, and to maintain the property so as to remove the negative impact on surrounding properties;

A detailed scope of the rehabilitation work to be performed, a timeline for the work, and a set of plans for the work that have been approved by the Department of Building and Safety; and

A detailed landscape plan showing grass, shrubs and trees that conform to the landscape of surrounding properties, or low-maintenance, drought-resistant xeriscape, including such items as desert plants and decorative rock.

- **Board one or more buildings on the property, the building(s) being identified as a single family dwelling located at 4168 Silver Dollar Ave., #6.**

- **Obtain a building permit for one or more buildings on the property that have been boarded without obtaining a permit, the building(s) being identified as a single family dwelling located at 4168 Silver Dollar Ave., #6.**

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Sincerely,

Devin S. Smith, Manager
Neighborhood Response Division
Neighborhood Services Department

Enclosures: City of Las Vegas Abatement Specifications
City of Las Vegas Vacant & Boarded Structures Mitigation/Rehabilitation Plan
City of Las Vegas Vacan & Boarded Structures Statement of Intent
City of Las Vegas Boarded Building Certificate Application

cc: La paz Nuevo Homeowners Association, Inc.
645 Helmhill Ave.
Las Vegas, NV 89123

La paz Nuevo Homeowners Association, Inc.
P. O. Box 94642
Las Vegas, NV 89193-4642

Lawrence A. Dematteo
President
La paz Nuevo Homeowners Association, Inc.
3172 Rowena
Rossmoor, CA 90720

16

20080918-0002774

Fee: $20.00
N/C Fee: $0.00
09/18/2008 12:14:22
T20080215079
Requestor:
LAS VEGAS CITY
Debbie Conway SCA
Clark County Recorder Pgs: 7

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

APN: 162-07-622-015

(7)

September 11, 2008

Case #68010

Certified/Regular Mail
Return Receipt Requested

R F H La Paz, LLC
3910 Pecos-McLeod Rd. #B-100
Las Vegas, NV 89121-0000

REVISED
NOTICE AND ORDER REGARDING VACANT OR ABANDONED BUILDING

You are hereby notified as recorded owner(s) of the property located at **4168 Silver Dollar Ave.- #7, Las Vegas, NV, Parcel # 162-07-622-015,** as follows:

One or more vacant or abandoned buildings on the property, by reason of their condition or impact on surrounding property, have been identified as buildings that need to be boarded, demolished, rehabilitated, or any combination thereof, in accordance with Chapter 16.31 of the Las Vegas Municipal Code. The building or buildings are identified as a **residential condominium located at 4168 Silver Dollar Ave. - #7.**

Per 9.04 – Refuse & Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code. i.e., paper, plastic, wood, bottles, etc.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards. Cut back all trees and bushes to allow unobstructed view from street, sidewalk, and/or alleyway.

Per 16.04 – Building Permits Required - Department of Building and Safety, 731 S. 4th Street, (702) 229-6251.

LAS VEGAS CITY COUNCIL
MAYOR OSCAR B. GOODMAN
MAYOR PRO TEM GARY REESE • LARRY BROWN • STEVE WOLFSON • LOIS TARKANIAN
STEVEN D. ROSS • RICKI Y. BARLOW
CITY MANAGER DOUGLAS A. SELBY
Return to: CITY OF LAS VEGAS • 400 STEWART AVENUE • LAS VEGAS, NEVADA 89101
VOICE 702.229.6615 • FAX 702.382.4341 • TTY 702.386.9108 • www.lasvegasnevada.gov

Per 16.20 – Housing Codes:

LVMC 9.04.010 (2) (2) Any violation of Title 16, including violations of the codes pertaining to building, construction, housing, and fire safety adopted there under.

LVMC 16.20.010 A Uniform Housing Code

1994 Uniform Housing Code Chapter 2 Enforcement
Section 202 Substandard Buildings
Buildings or portions thereof which are determined to be substandard as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Chapter 11 of this code.
1994 Uniform Housing Code Chapter 4 Definitions
Section 401 Definitions

Health Officer *is the legally designated head of the Clark County Health District or his designee. For purposes of this Code, the term also includes the building official or his designee, except with respect to any determination to be made by the health officer under Item #8 of the definition of "NUISANCE" in Section 401 of this Code.*

Nuisance. The following shall be defined as nuisances:
1. Any public nuisance known at common law or in equity jurisprudence, or identified in Chapter 9.04 of the Las Vegas Municipal Code, as it may be amended from time to time.

1994 Uniform Housing Code Chapter 10 Substandard Buildings
1001.1 General.
Any building or portion thereof which is determined to be an unsafe building in accordance with Section 102 of the Building code; or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby are declared to be substandard buildings.
1001. 2 Inadequate Sanitation.
Buildings or portions thereof shall be deemed substandard when they are unsanitary. Inadequate sanitation shall include, but not be limited to, the following:

13. General dilapidation or improper maintenance.
1) Provide drainage free from obstruction including the jetting of common drain system.
2) Interior walls and ceilings are to have all hole penetrations, annular openings sealed or caulked.
3) Interior laundry room to be in good repair, sanitary, with good drainage and serviceable utilities.
4) ***Flooring to be made sanitary or replaced.***
5) Bathroom to have fixtures properly installed, good drainage, leak free and sanitary.

12. Infestation of insects, vermin or rodents as determined by the health officer.
Provide continuous extermination by licensed pest control.

1994 Uniform Housing Code 1001.6 Hazardous Plumbing.

16.28.010 Uniform Plumbing Code and supplement adopted.

(A) Uniform Plumbing Code, 2006 Edition, including its Standards and Appendices, except as otherwise indicated, designated as Part 1 of this Chapter; and

(B) A document entitled "Southern Nevada Amendments to the 2006 Uniform Plumbing Code," adding to, deleting from and amending the Uniform Plumbing Code, 2006 Edition, designated as Part 2 of this Chapter.

Chapter 5 Water Heaters

Install correct plumbing fittings and material for water heater by license contractor.

Chapter 6 Water Supply and Distribution

Section 601.3 Existing piping used for grounding

Restore and return the copper water piping as the grounding electrode.

1994 Uniform Housing Chapter 10 Section 1001.8 Faulty Weather Protection.

Any and all windows broken or in disrepair are to be made in good repair or replaced.

1994 Uniform Housing Code Section Chapter 7 Mechanical Requirements

1994 UHC 701.1 Heating

Dwelling units, guest rooms and congregate residences shall be provided with heating facilities capable of maintaining a room temperature of 70°F. (21.1°C.) at a point 3 feet (914 mm) above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with Section 3102 of the Building Code , the Mechanical Code, and all other applicable laws. Unvented fuel-burning heaters are not permitted. All heating devices or appliances shall be of an approved type.

1. Cooling Facilities and Cooking Equipment. If a dwelling unit or guest room has been provided with cooling facilities or cooking equipment, or both, such facilities and equipment shall be maintained in a safe working condition or replaced.

Provide safe working cooling facilities or replace.
Provide safe working cooking equipment or replace.

LVMC 16.32.270 Applicability.

The requirements set out in this Article shall apply to all residential-type buildings including those existing, those new and those to be constructed in order to provide the maximum possible security from criminal actions to the permanent and transient occupants thereof, and to their possessions.

16.32.280 Entrance doors direct to outside.

These requirements shall apply to all housing units, whether detached, attached to or within a building, having individual entrances immediately accessible from the outside without other intervening entrance doors:

(A) Entrance doors to housing units shall be capable of resisting forcible entry equal to a single-panel or hollow-core door one-and-three eighths inches thick.

(B) Dead bolts openable without key from the inside shall be provided on all housing unit entrance doors.
(C) Double entry doors: The active leaf shall be equipped as above. The inactive leaf shall be equipped with flush bolts at head and sill.

Replace and properly install entry door with all required hardware.

LVMC 13.28 STREET NAMING AND ADDRESS ASSIGNMENTS
LVMC 13.28.080

(A) Use of display a street name, building number or address number that does not conform to the provisions of this Chapter;
(B) Display a street name, building number or address number in a manner that does not conform to the provisions of this Chapter; or
(C) Fail to display a street name, building number or address number in the manner required by this Chapter.

Provide Correct Address as Defined by County Records. Provide address on building and include design of address sign.

LVMC 9.04.010 (5) Any violation of Title 19 of this code.

LVMC 19.10.010 On-site parking standards

J) Design of Parking Areas.
(6) Maintenance. Parking facilities shall be continually maintained in compliance with approved Site Development Plans and shall be free of litter and debris.

(7) Surfacing and Striping. Except as otherwise provided in this Chapter, all parking and loading facilities shall be surfaced (paved), striped and marked to clearly define access lanes, compact and handicapped parking spaces, and internal circulation movements.

(9) Wheel Stops/Curbing. Concrete wheel stops or curbing at least six inches high and six inches wide shall be provided to prevent vehicles overhanging abutting sidewalks, properties or public rights-of-way, to protect landscaped areas and to protect adjacent properties. Such wheel stops or curbing shall be located at least two feet from any adjacent wall, fence, property line, walkway, landscape area or structure where parking and/or drive aisles are located. Wheel stops or curbing shall not be required to protect a sidewalk or walkway around the perimeter of a building if the sidewalk or walkway is at least seven feet wide.

Provide litter free parking stalls, marked, and provide wheel stops.

LVMC 19.12.070 Multi-family development--Preexisting.

(A) Multi-family developments that were approved before the minimum landscaping requirements of this Chapter went into effect may be required to comply with those requirements, within a reasonable time and to the extent reasonably possible. Upon notice from the Department of Neighborhood Services, and within the time period specified in the notice, the owner or manager of a development shall submit to the Planning and Development Department a proposed landscaping plan. The submittal shall be subject to the approval of the Director. If a

proposed landscaping plan is denied, the owner or manager may appeal the denial to the Planning Commission.

(B) Upon approval of a landscaping plan, the owner and manager of the development shall be jointly and severally responsible for maintaining the approved landscaping in accordance with this Chapter.

Provide and maintain landscaping

The listed corrections must be completed in order to obtain compliance. Please note that any repairs requiring replacement of building components must include permits, inspections and must be performed by a licensed contractor.

Per 16.31 – Vacant Buildings: Submit Letter of Intent. Obtain Boarding Certificate. Provide Mitigation Plan. Provide Rehabilitation Plan.

Post: No trespassing (per NRS 207.200), contact Bolden Area Command, COP Office at 289-5593 to have building properly posted.

Upon correction of violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer #16 at 229-4918 to supply your current phone number, email address, fax number, or additional mailing address.

In accordance with Chapter 16.31, you are required to:

- **Submit, within 60 days, a Mitigation and Rehabilitation Plan to address the vacant property. The Mitigation and Rehabilitation Plan must be filed with the Department of Neighborhood Services and must include:**

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A detailed plan of mitigation measures that you intend to take regarding the property, including, without limitation, measures to maintain the property; restore and maintain landscaping on the property; and provide and maintain adequate security for the property;

A detailed plan of rehabilitation measures that you intend to take regarding the property, including, without limitation, plans to restore buildings, and to maintain the property so as to remove the negative impact on surrounding properties;

A detailed scope of the rehabilitation work to be performed, a timeline for the work, and a set of plans for the work that have been approved by the Department of Building and Safety; and

A detailed landscape plan showing grass, shrubs and trees that conform to the landscape of surrounding properties, or low-maintenance, drought-resistant xeriscape, including such items as desert plants and decorative rock.

- **Board one or more buildings on the property, the building(s) being identified as a residential condominium located at 4168 Silver Dollar Ave., #7.**

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City of Las Vegas Vacant & Boarded Structures Mitigation/Rehabilitation Plan
City of Las Vegas Vacant & Boarded Structures Statement of Intent

16

20080813-0003464

Fee: $18.00
N/C Fee: $0.00

08/13/2008 14:07:56
T20080176105
Requestor:
LAS VEGAS CITY

Debbie Conway KXC
Clark County Recorder Pgs: 5

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

APN: 162-07-622-015

August 11, 2008

(5)

Case #68010

Certified/Regular Mail
Return Receipt Requested

RANDAZZO JOSEPH A & MICHELLE M
DEMATTEO LAWRENCE A
%D B BOGGESS ESQ
%BOGGESS & HARKER
7201 W LAKE MEAD BLVD #210
LAS VEGAS NV 89128-8360

NOTICE AND ORDER REGARDING VACANT OR ABANDONED

You are hereby notified as recorded owner(s) of the property located at **4168 Silver Dollar Ave.- #7 Las Vegas, NV, Parcel # 162-07-622-015,** as follows:

One or more vacant or abandoned buildings on the property, by reason of their condition or impact on surrounding property, have been identified as buildings that need to be boarded, demolished, rehabilitated, or any combination thereof, in accordance with Chapter 16.31 of the Las Vegas Municipal Code. The building or buildings are identified as **single family dwelling located at 4168 Silver Dollar Ave. - #7 .**

Per 9.04 – Refuse & Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code. i.e., paper, plastic, wood, bottles, etc.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards. Cut back all trees and bushes to allow unobstructed view from street, sidewalk, and/or alleyway.

Per 16.04 – Building Permits Required - Department of Building and Safety, 731 S. 4th Street, (702) 229-6251.

LAS VEGAS CITY COUNCIL
MAYOR OSCAR B. GOODMAN
MAYOR PRO TEM GARY REESE • LARRY BROWN • STEVE WOLFSON • LOIS TARKANIAN
STEVEN D. ROSS • RICKI Y. BARLOW
CITY MANAGER DOUGLAS A. SELBY

RETURN TO: CITY OF LAS VEGAS • 400 STEWART AVENUE • LAS VEGAS, NEVADA 89101
VOICE 702.229.6615 • FAX 702.382.4341 • TTY 702.386.9108 • www.lasvegasnevada.gov

PER ORD 3744-PROVIDE CORRECT ADDRESS AS DEFINED BY COUNTY RECORDS.

PER 2006 IBC SECTION 501.2 AND ORD 3744: PROVIDE ADDRESS ON BUILDING AND INCLUDE IN DESIGN OF ADDRESS SIGN.

PER LVMC 19.10: PROVIDE LITTER FREE PARKING STALL MARKED AND PROVIDE WHEEL STOPS.

PER LVMC 19.12: SUBMIT LANDSCAPE PLAN TO CITY OF LAS VEGAS PLANNING AND DEVELOPMENT LOCATED AT 731 S 4TH ST AND INSTALL TO APPROVED SPECIFICATIONS. KEEP MAINTAINED AT ALL TIMES.

1994 UNIFORM HOUSING CODE SUPPLEMENT, SECTION 12 -OBTAIN PROPER PERMITS FOR THE REHABILITATION OF UNIT AND ACHIEVE A CERTIFICATE OF OCCUPANCY FOR CONDOMINIUM. REPAIRS MUST INCLUDE (BUT NOT LIMITED TO) THE FOLLOWING:

1994 UNIFORM HOUSING CODE, CHAPTER 10: PROVIDE DRAINAGE FREE FROM OBSTRUCTION INCLUDING THE JETTING OF COMMON DRAIN SYSTEM.

2006 INTERNATIONAL PLUMBING CODE, SECTION 601.3: RESTORE AND RETURN THE COPPER WATER PIPING AS THE GROUNDING ELECTRODE.

1994 UNIFORM HOUSING CODE, SECTION 1001.1: INTERIOR WALLS AND CEILINGS ARE TO HAVE ALL HOLES, PENETRATIONS, ANNULAR OPENINGS SEALED OR CAULKED.

1994 UNIFORM HOUSING CODE, CHAPTER 10: INTERIOR LAUNDRY ROOM TO BE IN GOOD REPAIR AND SANITARY

1994 UNIFORM HOUSING CODE, SECTION 1001.8: ANY/ALL WINDOWS BROKEN OR IN DISREPAIR ARE TO BE MADE IN GOOD REPAIR OR REPLACED.

2006 INTERNATIONAL PLUMBING CODE, CHAPTER 5: OBTAIN LICENSED PLUMBING CONTRACTOR TO INSTALL CORRECT PLUMING FITTINGS AND MATERIAL FOR WATER HEATER.

1994 UNIFORM HOUSING CODE, SUPPLEMENT, SECTIONS 9 AND 10: PROVIDE SAFE WORKING COOKING FACILITIES

1994 UNIFORM HOUSING CODE, SUPPLEMENT SECTION 10: PROVIDE SAFE WORKING COOLING FACILITIES.

1994 UNIFORM HOUSING CODE CHAPTER 10: FLOORING TO BE MADE SANITARY

1994 UNIFORM HOUSING CODE, SECTION 1001: BATHROOMS TO HAVE FIXTURES PROPERLY INSTALLED, GOOD DRAINAGE, LEAK FREE AND SANITARY.

LVMC TITLE 16.32: REPLACE AND PROPERLY INSTALL ENTRY DOOR WITH ALL REQUIRED HARDWARE

Per 16.31 – Vacant Buildings: Submit Letter of Intent. Obtain Boarding Certificate. Provide Mitigation Plan. Provide Rehabilitation Plan.

Post: No trespassing (per NRS 207.200), no dumping (per NRS 444.630), no vehicles (per CLVMC 10.78.020 & 11.24.020) sign on site to deter illegal activity and prevent future violations. All trespassers, squatters, and anyone unable to prove occupancy must vacate premises within 10 days of posting of this notice.

Upon correction of violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer #16 at 229-4918 to supply your current phone number, email address, fax number, or additional mailing address.

In accordance with Chapter 16.31, you are required to:

- **Submit, within 60 days, a Mitigation and Rehabilitation Plan to address the vacant property. The Mitigation and Rehabilitation Plan must be filed with the Department of Neighborhood Services and must include:**

A statement indicating your intentions, as owner(s) of the property, for the future use of the property for the next 12 months, including, without limitation, plans to maintain, redevelop, or reestablish lawful occupancy of the property, or any combination of such activities;

A detailed plan of mitigation measures that you intend to take regarding the property, including, without limitation, measures to maintain the property; restore and maintain landscaping on the property; and provide and maintain adequate security for the property;

A detailed plan of rehabilitation measures that you intend to take regarding the property, including, without limitation, plans to restore buildings, and to maintain the property so as to remove the negative impact on surrounding properties;

A detailed scope of the rehabilitation work to be performed, a timeline for the work, and a set of plans for the work that have been approved by the Department of Building and Safety; and

A detailed landscape plan showing grass, shrubs and trees that conform to the landscape of surrounding properties, or low-maintenance, drought-resistant xeriscape, including such items as desert plants and decorative rock.

- **Board one or more buildings on the property, the building(s) being identified as a single family dwelling located at 4168 Silver Dollar Ave., #7.**

- **Obtain a building permit for one or more buildings on the property that have been boarded without obtaining a permit, the building(s) being identified as a single family dwelling located at 4168 Silver Dollar Ave., #7.**

In order to demolish one or more buildings, you are required to first obtain a demolition permit, and then to secure and maintain the remaining vacant property so as to remove the negative impact on surrounding properties.

If you fail to submit a Mitigation and Rehabilitation Plan or board a building within the timeframe(s) set forth above, the Director of Neighborhood Services is authorized to cause to be performed appropriate mitigation or rehabilitation work, or any combination thereof. As the property owner(s), you will be responsible for all costs incurred, including a fifteen percent (15%) administrative fee. You will be notified of a public hearing to be conducted by the City Council to review the costs, and the Council's decision shall be final and conclusive. Upon approval of the costs by the City Council, the City will be authorized to file a Lien of Assessment with the County Recorder's Office. Thereafter, certified copies of the lien will be given to the County Treasurer, and the amount of the Lien of Assessment shall then be collected at the same time and in the same manner as ordinary taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

Moreover, you are hereby given notice:

1. That within fifteen (15) days after service of this Notice and Order, you as the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen (15) days after the appeal has been filed, you will be given written notice of the procedure and time frame for the hearing of the appeal. The appeal will be heard by the City Council or by the Council's designee, with a right to final appeal to the Council. An owner or responsible party who fails to appeal shall be deemed to have waived any and all objections to the actions taken by the Director of Neighborhood Services to satisfy the requirements of this Notice and Order.
2. That this Notice and Order or a copy thereof must be presented to the Department of Building and Safety when requesting any permit(s).
3. That failure to appeal will constitute a waiver of all rights to an administrative hearing to determine this matter.

LVMC 9.04.020 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more

than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

The City is authorized to record this Notice and Order until such time as compliance has been obtained. Should you have any questions or concerns please call me at (702) 229-6615.

Sincerely,

Devin S. Smith, Manager
Neighborhood Response Division
Neighborhood Services Department

Enclosures: City of Las Vegas Abatement Specifications
City of Las Vegas Vacant & Boarded Structures Mitigation/Rehabilitation Plan
City of Las Vegas Vacan & Boarded Structures Statement of Intent
City of Las Vegas Boarded Building Certificate Application

cc: La paz Nuevo Homeowners Association, Inc.
645 Helmhill Ave.
Las Vegas, NV 89123

La paz Nuevo Homeowners Association, Inc.
P. O. Box 94642
Las Vegas, NV 89193-4642

Lawrence A. Dematteo
President
La paz Nuevo Homeowners Association, Inc.
3172 Rowena
Rossmoor, CA 90720

16

20080918-0002772

Fee: $20.00
N/C Fee: $0.00
09/18/2008 12:14:22
T20080215079
Requestor:
LAS VEGAS CITY
Debbie Conway SCA
Clark County Recorder Pgs: 7

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

(7)

APN: 162-07-622-016

September 11, 2008

Case #68176

Certified/Regular Mail
Return Receipt Requested

R F H La Paz, LLC
3910 Pecos-McLeod Rd. #B-100
Las Vegas, NV 89121-0000

REVISED
NOTICE AND ORDER REGARDING VACANT OR ABANDONED DANGEROUS BUILDING

You are hereby notified as recorded owner(s) of the property located at **4168 Silver Dollar Ave.- #8, Las Vegas, NV, Parcel # 162-07-622-016,** as follows:

One or more vacant or abandoned buildings on the property, by reason of their condition or impact on surrounding property, have been identified as buildings that need to be boarded, demolished, rehabilitated, or any combination thereof, in accordance with Chapter 16.31 of the Las Vegas Municipal Code. The building or buildings are identified as a **residential condominium located at 4168 Silver Dollar Ave. - #8.**

Per 9.04 – Refuse & Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code. i.e., paper, plastic, wood, bottles, etc.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards. Cut back all trees and bushes to allow unobstructed view from street, sidewalk, and/or alleyway.

Per 16.04 – Building Permits Required - Department of Building and Safety, 731 S. 4th Street, (702) 229-6251.

LAS VEGAS CITY COUNCIL
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STEVEN D. ROSS • RICKI Y. BARLOW
CITY MANAGER DOUGLAS A. SELBY

Per 16.20 – Housing Codes:

LVMC 9.04.010 (2) (2) Any violation of Title 16, including violations of the codes pertaining to building, construction, housing, and fire safety adopted there under.

LVMC 16.20.010 A Uniform Housing Code

1994 Uniform Housing Code Chapter 2 Enforcement

Section 202 Substandard Buildings

Buildings or portions thereof which are determined to be substandard as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Chapter 11 of this code.

1994 Uniform Housing Code Chapter 4 Definitions

Section 401 Definitions

Health Officer *is the legally designated head of the Clark County Health District or his designee. For purposes of this Code, the term also includes the building official or his designee, except with respect to any determination to be made by the health officer under Item #8 of the definition of "NUISANCE" in Section 401 of this Code.*

Nuisance. The following shall be defined as nuisances:

1. Any public nuisance known at common law or in equity jurisprudence, or identified in Chapter 9.04 of the Las Vegas Municipal Code, as it may be amended from time to time.

1994 Uniform Housing Code Chapter 10 Substandard Buildings

1001.1 General.

Any building or portion thereof which is determined to be an unsafe building in accordance with Section 102 of the Building code; or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby are declared to be substandard buildings.

1001. 2 Inadequate Sanitation.

Buildings or portions thereof shall be deemed substandard when they are unsanitary. Inadequate sanitation shall include, but not be limited to, the following:

13. General dilapidation or improper maintenance.

1) Provide drainage free from obstruction including the jetting of common drain system.

2) Interior walls and ceilings are to have all hole penetrations, annular openings sealed or caulked.

3) Interior laundry room to be in good repair, sanitary, with good drainage and serviceable utilities.

4) ***Flooring to be made sanitary or replaced.***

5) Bathroom to have fixtures properly installed, good drainage, leak free and sanitary.

12. Infestation of insects, vermin or rodents as determined by the health officer.
Provide continuous extermination by licensed pest control.

1994 Uniform Housing Code 1001.6 Hazardous Plumbing.

16.28.010 Uniform Plumbing Code and supplement adopted.

(A) Uniform Plumbing Code, 2006 Edition, including its Standards and Appendices, except as otherwise indicated, designated as Part 1 of this Chapter; and

(B) A document entitled "Southern Nevada Amendments to the 2006 Uniform Plumbing Code," adding to, deleting from and amending the Uniform Plumbing Code, 2006 Edition, designated as Part 2 of this Chapter.

Chapter 5 Water Heaters

Install correct plumbing fittings and material for water heater by license contractor.

Chapter 6 Water Supply and Distribution

Section 601.3 Existing piping used for grounding

Restore and return the copper water piping as the grounding electrode.

1994 Uniform Housing Chapter 10 Section 1001.8 Faulty Weather Protection.

Any and all windows broken or in disrepair are to be made in good repair or replaced.

1994 Uniform Housing Code Section Chapter 7 Mechanical Requirements

1994 UHC 701.1 Heating

Dwelling units, guest rooms and congregate residences shall be provided with heating facilities capable of maintaining a room temperature of 70°F. (21.1°C.) at a point 3 feet (914 mm) above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with Section 3102 of the Building Code , the Mechanical Code, and all other applicable laws. Unvented fuel-burning heaters are not permitted. All heating devices or appliances shall be of an approved type.

1. Cooling Facilities and Cooking Equipment. If a dwelling unit or guest room has been provided with cooling facilities or cooking equipment, or both, such facilities and equipment shall be maintained in a safe working condition or replaced.

Provide safe working cooling facilities or replace.
Provide safe working cooking equipment or replace.

LVMC 16.32.270 Applicability.

The requirements set out in this Article shall apply to all residential-type buildings including those existing, those new and those to be constructed in order to provide the maximum possible security from criminal actions to the permanent and transient occupants thereof, and to their possessions.

16.32.280 Entrance doors direct to outside.

These requirements shall apply to all housing units, whether detached, attached to or within a building, having individual entrances immediately accessible from the outside without other intervening entrance doors:

(A) Entrance doors to housing units shall be capable of resisting forcible entry equal to a single-panel or hollow-core door one-and-three eighths inches thick.

(B) Dead bolts openable without key from the inside shall be provided on all housing unit entrance doors.
(C) Double entry doors: The active leaf shall be equipped as above. The inactive leaf shall be equipped with flush bolts at head and sill.

Replace and properly install entry door with all required hardware.

LVMC 13.28 STREET NAMING AND ADDRESS ASSIGNMENTS
LVMC 13.28.080

(A) Use of display a street name, building number or address number that does not conform to the provisions of this Chapter;
(B) Display a street name, building number or address number in a manner that does not conform to the provisions of this Chapter; or
(C) Fail to display a street name, building number or address number in the manner required by this Chapter.

Provide Correct Address as Defined by County Records. Provide address on building and include design of address sign.

LVMC 9.04.010 (5) Any violation of Title 19 of this code.

LVMC 19.10.010 On-site parking standards

J) Design of Parking Areas.
(6) Maintenance. Parking facilities shall be continually maintained in compliance with approved Site Development Plans and shall be free of litter and debris.

(7) Surfacing and Striping. Except as otherwise provided in this Chapter, all parking and loading facilities shall be surfaced (paved), striped and marked to clearly define access lanes, compact and handicapped parking spaces, and internal circulation movements.

(9) Wheel Stops/Curbing. Concrete wheel stops or curbing at least six inches high and six inches wide shall be provided to prevent vehicles overhanging abutting sidewalks, properties or public rights-of-way, to protect landscaped areas and to protect adjacent properties. Such wheel stops or curbing shall be located at least two feet from any adjacent wall, fence, property line, walkway, landscape area or structure where parking and/or drive aisles are located. Wheel stops or curbing shall not be required to protect a sidewalk or walkway around the perimeter of a building if the sidewalk or walkway is at least seven feet wide.

Provide litter free parking stalls, marked, and provide wheel stops.

LVMC 19.12.070 Multi-family development--Preexisting.

(A) Multi-family developments that were approved before the minimum landscaping requirements of this Chapter went into effect may be required to comply with those requirements, within a reasonable time and to the extent reasonably possible. Upon notice from the Department of Neighborhood Services, and within the time period specified in the notice, the owner or manager of a development shall submit to the Planning and Development Department a proposed landscaping plan. The submittal shall be subject to the approval of the Director. If a

proposed landscaping plan is denied, the owner or manager may appeal the denial to the Planning Commission.

(B) Upon approval of a landscaping plan, the owner and manager of the development shall be jointly and severally responsible for maintaining the approved landscaping in accordance with this Chapter.

Provide and maintain landscaping

The listed corrections must be completed in order to obtain compliance. Please note that any repairs requiring replacement of building components must include permits, inspections and must be performed by a licensed contractor.

Per 16.31 – Vacant Buildings: Submit Letter of Intent. Obtain Boarding Certificate. Provide Mitigation Plan. Provide Rehabilitation Plan.

Post: No trespassing (per NRS 207.200), contact Bolden Area Command, COP Office at 289-5593 to have building properly posted.

Upon correction of violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer #16 at 229-4918 to supply your current phone number, email address, fax number, or additional mailing address.

In accordance with Chapter 16.31, you are required to:

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A statement indicating your intentions, as owner(s) of the property, for the future use of the property for the next 12 months, including, without limitation, plans to maintain, redevelop, or reestablish lawful occupancy of the property, or any combination of such activities;

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A detailed scope of the rehabilitation work to be performed, a timeline for the work, and a set of plans for the work that have been approved by the Department of Building and Safety; and

A detailed landscape plan showing grass, shrubs and trees that conform to the landscape of surrounding properties, or low-maintenance, drought-resistant xeriscape, including such items as desert plants and decorative rock.

- **Board one or more buildings on the property, the building(s) being identified as a residential condominium located at 4168 Silver Dollar Ave., #8.**

- **Obtain a building permit for one or more buildings on the property that have been boarded without obtaining a permit, the building(s) being identified as a residential condominium located at 4168 Silver Dollar Ave., #8.**

In order to demolish one or more buildings, you are required to first obtain a demolition permit, and then to secure and maintain the remaining vacant property so as to remove the negative impact on surrounding properties.

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Moreover, you are hereby given notice:

1. That within ten (10) days after service of this Notice and Order, you as the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen (15) days after the appeal has been filed, you will be given written notice of the procedure and time frame for the hearing of the appeal. The appeal will be heard by the City Council or by the Council's designee, with a right to final appeal to the Council. An owner or responsible party who fails to appeal shall be deemed to have waived any and all objections to the actions taken by the Director of Neighborhood Services to satisfy the requirements of this Notice and Order.
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Sincerely,

Devin S. Smith, Manager
Neighborhood Response Division
Neighborhood Services Department

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Debbie Conway KXC
Clark County Recorder Pgs: 5

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

APN: 162-07-622-016

August 11, 2008

Case #68176

5

Certified/Regular Mail
Return Receipt Requested

RANDAZZO JOSEPH A & MICHELLE M
DEMATTEO LAWRENCE A
%D B BOGGESS ESQ
%BOGGESS & HARKER
7201 W LAKE MEAD BLVD #210
LAS VEGAS NV 89128-8360

NOTICE AND ORDER REGARDING VACANT OR ABANDONED DANGEROUS BUILDING

You are hereby notified as recorded owner(s) of the property located at **4168 Silver Dollar Ave.-#8, Las Vegas, NV, Parcel # 162-07-622-016,** as follows:

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LAS VEGAS CITY COUNCIL
MAYOR OSCAR B. GOODMAN
MAYOR PRO TEM GARY REESE • LARRY BROWN • STEVE WOLFSON • LOIS TARKANIAN
STEVEN D. ROSS • RICKI Y. BARLOW
CITY MANAGER DOUGLAS A. SELBY

RETURN TO: CITY OF LAS VEGAS • 400 STEWART AVENUE • LAS VEGAS, NEVADA 89101
VOICE 702.229.6615 • FAX 702.382.4341 • TTY 702.386.9108 • www.lasvegasnevada.gov

PER ORD 3744-PROVIDE CORRECT ADDRESS AS DEFINED BY COUNTY RECORDS.

PER 2006 IBC SECTION 501.2 AND ORD 3744: PROVIDE ADDRESS ON BUILDING AND INCLUDE IN DESIGN OF ADDRESS SIGN.

PER LVMC 19.10: PROVIDE LITTER FREE PARKING STALL MARKED AND PROVIDE WHEEL STOPS.

PER LVMC 19.12: SUBMIT LANDSCAPE PLAN TO CITY OF LAS VEGAS PLANNING AND DEVELOPMENT LOCATED AT 731 S 4TH ST AND INSTALL TO APPROVED SPECIFICATIONS. KEEP MAINTAINED AT ALL TIMES.

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1994 UNIFORM HOUSING CODE, SECTION 1001.1: INTERIOR WALLS AND CEILINGS ARE TO HAVE ALL HOLES, PENETRATIONS, ANNULAR OPENINGS SEALED OR CAULKED.

1994 UNIFORM HOUSING CODE, CHAPTER 10: INTERIOR LAUNDRY ROOM TO BE IN GOOD REPAIR AND SANITARY

1994 UNIFORM HOUSING CODE, SECTION 1001.8: ANY/ALL WINDOWS BROKEN OR IN DISREPAIR ARE TO BE MADE IN GOOD REPAIR OR REPLACED.

2006 INTERNATIONAL PLUMBING CODE, CHAPTER 5: OBTAIN LICENSED PLUMBING CONTRACTOR TO INSTALL CORRECT PLUMING FITTINGS AND MATERIAL FOR WATER HEATER.

1994 UNIFORM HOUSING CODE, SUPPLEMENT, SECTIONS 9 AND 10: PROVIDE SAFE WORKING COOKING FACILITIES

1994 UNIFORM HOUSING CODE, SUPPLEMENT SECTION 10: PROVIDE SAFE WORKING COOLING FACILITIES.

1994 UNIFORM HOUSING CODE CHAPTER 10: FLOORING TO BE MADE SANITARY

1994 UNIFORM HOUSING CODE, SECTION 1001: BATHROOMS TO HAVE FIXTURES PROPERLY INSTALLED, GOOD DRAINAGE, LEAK FREE AND SANITARY.

LVMC TITLE 16.32: REPLACE AND PROPERLY INSTALL ENTRY DOOR WITH ALL REQUIRED HARDWARE

Per 16.31 – Vacant Buildings: Submit Letter of Intent. Obtain Boarding Certificate. Provide Mitigation Plan. Provide Rehabilitation Plan.

Post: No trespassing (per NRS 207.200), no dumping (per NRS 444.630), no vehicles (per CLVMC 10.78.020 & 11.24.020) sign on site to deter illegal activity and prevent future violations. All trespassers, squatters, and anyone unable to prove occupancy must vacate premises within 10 days of posting of this notice.

Upon correction of violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer #16 at 229-4918 to supply your current phone number, email address, fax number, or additional mailing address.

In accordance with Chapter 16.31, you are required to:

- **Submit, within 60 days, a Mitigation and Rehabilitation Plan to address the vacant property. The Mitigation and Rehabilitation Plan must be filed with the Department of Neighborhood Services and must include:**

A statement indicating your intentions, as owner(s) of the property, for the future use of the property for the next 12 months, including, without limitation, plans to maintain, redevelop, or reestablish lawful occupancy of the property, or any combination of such activities;

A detailed plan of mitigation measures that you intend to take regarding the property, including, without limitation, measures to maintain the property; restore and maintain landscaping on the property; and provide and maintain adequate security for the property;

A detailed plan of rehabilitation measures that you intend to take regarding the property, including, without limitation, plans to restore buildings, and to maintain the property so as to remove the negative impact on surrounding properties;

A detailed scope of the rehabilitation work to be performed, a timeline for the work, and a set of plans for the work that have been approved by the Department of Building and Safety; and

A detailed landscape plan showing grass, shrubs and trees that conform to the landscape of surrounding properties, or low-maintenance, drought-resistant xeriscape, including such items as desert plants and decorative rock.

- **Board one or more buildings on the property, the building(s) being identified as a single family dwelling located at 4168 Silver Dollar Ave., #8.**

- **Obtain a building permit for one or more buildings on the property that have been boarded without obtaining a permit, the building(s) being identified as a single family dwelling located at 4168 Silver Dollar Ave., #8.**

In order to demolish one or more buildings, you are required to first obtain a demolition permit, and then to secure and maintain the remaining vacant property so as to remove the negative impact on surrounding properties.

If you fail to submit a Mitigation and Rehabilitation Plan or board a building within the timeframe(s) set forth above, the Director of Neighborhood Services is authorized to cause to be performed appropriate mitigation or rehabilitation work, or any combination thereof. As the property owner(s), you will be responsible for all costs incurred, including a fifteen percent (15%) administrative fee. You will be notified of a public hearing to be conducted by the City Council to review the costs, and the Council's decision shall be final and conclusive. Upon approval of the costs by the City Council, the City will be authorized to file a Lien of Assessment with the County Recorder's Office. Thereafter, certified copies of the lien will be given to the County Treasurer, and the amount of the Lien of Assessment shall then be collected at the same time and in the same manner as ordinary taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

Moreover, you are hereby given notice:

1. That within fifteen (15) days after service of this Notice and Order, you as the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen (15) days after the appeal has been filed, you will be given written notice of the procedure and time frame for the hearing of the appeal. The appeal will be heard by the City Council or by the Council's designee, with a right to final appeal to the Council. An owner or responsible party who fails to appeal shall be deemed to have waived any and all objections to the actions taken by the Director of Neighborhood Services to satisfy the requirements of this Notice and Order.
2. That this Notice and Order or a copy thereof must be presented to the Department of Building and Safety when requesting any permit(s).
3. That failure to appeal will constitute a waiver of all rights to an administrative hearing to determine this matter.

LVMC 9.04.020 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more

than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

The City is authorized to record this Notice and Order until such time as compliance has been obtained. Should you have any questions or concerns please call me at (702) 229-6615.

Sincerely,

Devin S. Smith, Manager
Neighborhood Response Division
Neighborhood Services Department

Enclosures: City of Las Vegas Abatement Specifications
City of Las Vegas Vacant & Boarded Structures Mitigation/Rehabilitation Plan
City of Las Vegas Vacan & Boarded Structures Statement of Intent
City of Las Vegas Boarded Building Certificate Application

cc: La paz Nuevo Homeowners Association, Inc.
645 Helmhill Ave.
Las Vegas, NV 89123

La paz Nuevo Homeowners Association, Inc.
P. O. Box 94642
Las Vegas, NV 89193-4642

Lawrence A. Dematteo
President
La paz Nuevo Homeowners Association, Inc.
3172 Rowena
Rossmoor, CA 90720

20080918-0002765

Fee: $19.00
N/C Fee: $0.00
09/18/2008 12:14:22
T20080215079
Requestor:
LAS VEGAS CITY
Debbie Conway SCA
Clark County Recorder Pgs: 6

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

APN: 162-07-622-001

(10)

September 11, 2008

Case #67914

Certified/Regular Mail
Return Receipt Requested

R F H La Paz, LLC
3910 Pecos-McLeod Rd. #B-100
Las Vegas, NV 89121-0000

NUISANCE HOUSING CODE NOTICE AND ORDER TO COMPLY

As recorded owner(s) of the **residential condominium located at 4186 Silver Dollar Ave. - #1, Las Vegas, NV, legally described as Parcel # 162-07-622-001**, you are hereby given notice that the Building Official or his designee has determined that the aforementioned building(s) is substandard. Said building(s) is substandard, dangerous and declared a public nuisance under Las Vegas Municipal Code (LVMC) 9.04.020 and Section 202 of the Uniform Housing Code because of the following conditions:

Per 9.04 – Graffiti: Remove or paint over graffiti on any building, wall, fence, or other structure allowed to remain for more than 24 hours.

Per 9.04 – Refuse & Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code. i.e., paper, plastic, bottles, windblown trash and debris, etc.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards. Cut back all trees and bushes to allow unobstructed view from street, sidewalk, and/or alleyway.

LAS VEGAS CITY COUNCIL
MAYOR OSCAR B. GOODMAN
MAYOR PRO TEM GARY REESE • LARRY BROWN • STEVE WOLFSON • LOIS TARKANIAN
STEVEN D. ROSS • RICKI Y. BARLOW
CITY MANAGER DOUGLAS A. SELBY

Return to: CITY OF LAS VEGAS • 400 STEWART AVENUE • LAS VEGAS, NEVADA 89101
VOICE 702.229.6615 • FAX 702.382.4341 • TTY 702.386.9108 • www.lasvegasnevada.gov

Per 16.20 – Housing Codes:

LVMC 9.04.010 (2) (2) Any violation of Title 16, including violations of the codes pertaining to building, construction, housing, and fire safety adopted there under.

LVMC 16.20.010 A Uniform Housing Code

1994 Uniform Housing Code Chapter 2 Enforcement
Section 202 Substandard Buildings
Buildings or portions thereof which are determined to be substandard as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Chapter 11 of this code.

1994 Uniform Housing Code Chapter 4 Definitions
Section 401 Definitions

Health Officer *is the legally designated head of the Clark County Health District or his designee. For purposes of this Code, the term also includes the building official or his designee, except with respect to any determination to be made by the health officer under Item #8 of the definition of "NUISANCE" in Section 401 of this Code.*

Nuisance. The following shall be defined as nuisances:
1. Any public nuisance known at common law or in equity jurisprudence, or identified in Chapter 9.04 of the Las Vegas Municipal Code, as it may be amended from time to time.

1994 Uniform Housing Code Chapter 10 Substandard Buildings
1001.1 General.
Any building or portion thereof which is determined to be an unsafe building in accordance with Section 102 of the Building code; or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby are declared to be substandard buildings.

1001. 2 Inadequate Sanitation.
Buildings or portions thereof shall be deemed substandard when they are unsanitary. Inadequate sanitation shall include, but not be limited to, the following:

13. General dilapidation or improper maintenance.
1) Provide drainage free from obstruction including the jetting of common drain system.
2) Interior walls and ceilings are to have all hole penetrations, annular openings sealed or caulked.
3) Interior laundry room to be in good repair, sanitary, with good drainage and serviceable utilities.
4) ***Flooring to be made sanitary or replaced.***
5) Bathroom to have fixtures properly installed, good drainage, leak free and sanitary.

12. Infestation of insects, vermin or rodents as determined by the health officer.
Provide continuous extermination by licensed pest control.

1994 Uniform Housing Code 1001.6 Hazardous Plumbing.

16.28.010 Uniform Plumbing Code and supplement adopted.

(A) Uniform Plumbing Code, 2006 Edition, including its Standards and Appendices, except as otherwise indicated, designated as Part 1 of this Chapter; and

(B) A document entitled "Southern Nevada Amendments to the 2006 Uniform Plumbing Code," adding to, deleting from and amending the Uniform Plumbing Code, 2006 Edition, designated as Part 2 of this Chapter.

Chapter 5 Water Heaters

Install correct plumbing fittings and material for water heater by licensed contractor.

Chapter 6 Water Supply and Distribution

Section 601.3 Existing piping used for grounding

Restore and return the copper water piping as the grounding electrode.

1994 Uniform Housing Chapter 10 Section 1001.8 Faulty Weather Protection.

Any and all windows broken or in disrepair are to be made in good repair or replaced.

1994 Uniform Housing Code Section Chapter 7 Mechanical Requirements

1994 UHC 701.1 Heating

Dwelling units, guest rooms and congregate residences shall be provided with heating facilities capable of maintaining a room temperature of 70°F. (21.1°C.) at a point 3 feet (914 mm) above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with Section 3102 of the Building Code , the Mechanical Code, and all other applicable laws. Unvented fuel-burning heaters are not permitted. All heating devices or appliances shall be of an approved type.

1. Cooling Facilities and Cooking Equipment. If a dwelling unit or guest room has been provided with cooling facilities or cooking equipment, or both, such facilities and equipment shall be maintained in a safe working condition or replaced.

Provide safe working cooling facilities or replace.
Provide safe working cooking equipment or replace.

LVMC 16.32.270 Applicability.

The requirements set out in this Article shall apply to all residential-type buildings including those existing, those new and those to be constructed in order to provide the maximum possible security from criminal actions to the permanent and transient occupants thereof, and to their possessions.

16.32.280 Entrance doors direct to outside.

These requirements shall apply to all housing units, whether detached, attached to or within a building, having individual entrances immediately accessible from the outside without other intervening entrance doors:

(A) Entrance doors to housing units shall be capable of resisting forcible entry equal to a single-panel or hollow-core door one-and-three eighths inches thick.

(B) Dead bolts openable without key from the inside shall be provided on all housing unit entrance doors.

(C) Double entry doors: The active leaf shall be equipped as above. The inactive leaf shall be equipped with flush bolts at head and sill.

Replace and properly install entry door with all required hardware.

LVMC 13.28 STREET NAMING AND ADDRESS ASSIGNMENTS
LVMC 13.28.080

(A) Use of display a street name, building number or address number that does not conform to the provisions of this Chapter;
(B) Display a street name, building number or address number in a manner that does not conform to the provisions of this Chapter; or
(C) Fail to display a street name, building number or address number in the manner required by this Chapter.

Provide Correct Address as Defined by County Records. Provide address on building and include design of address sign.

LVMC 9.04.010 (5) Any violation of Title 19 of this code.

LVMC 19.10.010 On-site parking standards

J) Design of Parking Areas.
(6) Maintenance. Parking facilities shall be continually maintained in compliance with approved Site Development Plans and shall be free of litter and debris.

(7) Surfacing and Striping. Except as otherwise provided in this Chapter, all parking and loading facilities shall be surfaced (paved), striped and marked to clearly define access lanes, compact and handicapped parking spaces, and internal circulation movements.

(9) Wheel Stops/Curbing. Concrete wheel stops or curbing at least six inches high and six inches wide shall be provided to prevent vehicles overhanging abutting sidewalks, properties or public rights-of-way, to protect landscaped areas and to protect adjacent properties. Such wheel stops or curbing shall be located at least two feet from any adjacent wall, fence, property line, walkway, landscape area or structure where parking and/or drive aisles are located. Wheel stops or curbing shall not be required to protect a sidewalk or walkway around the perimeter of a building if the sidewalk or walkway is at least seven feet wide.

Provide litter free parking stalls, marked, and provide wheel stops.

LVMC 19.12.070 Multi-family development--Preexisting.

(A) Multi-family developments that were approved before the minimum landscaping requirements of this Chapter went into effect may be required to comply with those requirements, within a reasonable time and to the extent reasonably possible. Upon notice from the Department of Neighborhood Services, and within the time period specified in the notice, the owner or manager of a development shall submit to the Planning and Development Department a proposed landscaping plan. The submittal shall be subject to the approval of the Director. If a

proposed landscaping plan is denied, the owner or manager may appeal the denial to the Planning Commission.

(B) Upon approval of a landscaping plan, the owner and manager of the development shall be jointly and severally responsible for maintaining the approved landscaping in accordance with this Chapter.

Provide and maintain landscaping

The listed corrections must be completed in order to obtain compliance. Please note that any repairs requiring replacement of building components must include permits, inspections and must be performed by a licensed contractor.

Post: **No trespassing (per NRS 207.200), contact Bolden Area Command, COP Office at 289-5593 to have building properly posted.**

Upon correction of violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer #31 at 229-2016 to supply your current phone number, email address, fax number, or additional mailing address.

Moreover, you are hereby given notice:

1. That within ten (10) days after service of this Notice and Order, you as the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen (15) days after the appeal has been filed, you will be given written notice of the procedure and time frame for the hearing of the appeal. The appeal will be heard by the City Council or by the Council's designee, with a right to final appeal to the Council. An owner or responsible party who fails to appeal shall be deemed to have waived any and all objections to the actions taken by the Director of Neighborhood Services to satisfy the requirements of this Notice and Order.
2. That this Notice and Order or a copy thereof must be presented to the Department of Building and Safety when requesting any permit(s).
3. That failure to appeal will constitute a waiver of all rights to an administrative hearing to determine this matter.

LVMC 9.04.020 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or

maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

The City is authorized to record this Notice and Order until such time as compliance has been obtained. Should you have any questions or concerns please call me at (702) 229-6615.

Sincerely,



Devin S. Smith, Manager
Neighborhood Response Division
Neighborhood Services Department

16

20080918-0002780

Fee: $20.00
N/C Fee: $0.00
09/18/2008 12:14:22
T20080215079
Requestor:
LAS VEGAS CITY
Debbie Conway SCA
Clark County Recorder Pgs: 7

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

(7)

APN: 162-07-622-002

September 11, 2008

Case #68011

Certified/Regular Mail
Return Receipt Requested

R F H La Paz, LLC
3910 Pecos-McLeod Rd. #B-100
Las Vegas, NV 89121-0000

REVISED
NOTICE AND ORDER REGARDING VACANT OR ABANDONED BUILDING

You are hereby notified as recorded owner(s) of the property located at **4186 Silver Dollar Ave.- #2, Las Vegas, NV, Parcel # 162-07-622-002,** as follows:

One or more vacant or abandoned buildings on the property, by reason of their condition or impact on surrounding property, have been identified as buildings that need to be boarded, demolished, rehabilitated, or any combination thereof, in accordance with Chapter 16.31 of the Las Vegas Municipal Code. The building or buildings are identified as **residential condominium located at 4186 Silver Dollar Ave. - #2 .**

Per 9.04 – Refuse & Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code. i.e., paper, plastic, wood, bottles, etc.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards. Cut back all trees and bushes to allow unobstructed view from street, sidewalk, and/or alleyway.

Per 16.04 – Building Permits Required - Department of Building and Safety, 731 S. 4th Street, (702) 229-6251.

LAS VEGAS CITY COUNCIL
MAYOR OSCAR B. GOODMAN
MAYOR PRO TEM GARY REESE • LARRY BROWN • STEVE WOLFSON • LOIS TARKANIAN
STEVEN D. ROSS • RICKI Y. BARLOW
CITY MANAGER DOUGLAS A. SELBY
Return to: CITY OF LAS VEGAS • 400 STEWART AVENUE • LAS VEGAS, NEVADA 89101
VOICE 702.229.6615 • FAX 702.382.4341 • TTY 702.386.9108 • www.lasvegasnevada.gov

Per 16.20 – Housing Codes:

LVMC 9.04.010 (2) (2) Any violation of Title 16, including violations of the codes pertaining to building, construction, housing, and fire safety adopted there under.

LVMC 16.20.010 A Uniform Housing Code

1994 Uniform Housing Code Chapter 2 Enforcement
Section 202 Substandard Buildings
Buildings or portions thereof which are determined to be substandard as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Chapter 11 of this code.

1994 Uniform Housing Code Chapter 4 Definitions
Section 401 Definitions

Health Officer *is the legally designated head of the Clark County Health District or his designee. For purposes of this Code, the term also includes the building official or his designee, except with respect to any determination to be made by the health officer under Item #8 of the definition of "NUISANCE" in Section 401 of this Code.*

Nuisance. The following shall be defined as nuisances:
1. Any public nuisance known at common law or in equity jurisprudence, or identified in Chapter 9.04 of the Las Vegas Municipal Code, as it may be amended from time to time.

1994 Uniform Housing Code Chapter 10 Substandard Buildings

1001.1 General.
Any building or portion thereof which is determined to be an unsafe building in accordance with Section 102 of the Building code; or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby are declared to be substandard buildings.

1001. 2 Inadequate Sanitation.
Buildings or portions thereof shall be deemed substandard when they are unsanitary. Inadequate sanitation shall include, but not be limited to, the following:

13. General dilapidation or improper maintenance.
1) Provide drainage free from obstruction including the jetting of common drain system.
2) Interior walls and ceilings are to have all hole penetrations, annular openings sealed or caulked.
3) Interior laundry room to be in good repair, sanitary, with good drainage and serviceable utilities.
4) Flooring to be made sanitary or replaced.
5) Bathroom to have fixtures properly installed, good drainage, leak free and sanitary.

12. Infestation of insects, vermin or rodents as determined by the health officer.
Provide continuous extermination by licensed pest control.

1994 Uniform Housing Code 1001.6 Hazardous Plumbing.

16.28.010 Uniform Plumbing Code and supplement adopted.

(A) Uniform Plumbing Code, 2006 Edition, including its Standards and Appendices, except as otherwise indicated, designated as Part 1 of this Chapter; and

(B) A document entitled "Southern Nevada Amendments to the 2006 Uniform Plumbing Code," adding to, deleting from and amending the Uniform Plumbing Code, 2006 Edition, designated as Part 2 of this Chapter.

Chapter 5 Water Heaters

Install correct plumbing fittings and material for water heater by license contractor.

Chapter 6 Water Supply and Distribution

Section 601.3 Existing piping used for grounding

Restore and return the copper water piping as the grounding electrode.

1994 Uniform Housing Chapter 10 Section 1001.8 Faulty Weather Protection.

Any and all windows broken or in disrepair are to be made in good repair or replaced.

1994 Uniform Housing Code Section Chapter 7 Mechanical Requirements

1994 UHC 701.1 Heating

Dwelling units, guest rooms and congregate residences shall be provided with heating facilities capable of maintaining a room temperature of 70°F. (21.1°C.) at a point 3 feet (914 mm) above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with Section 3102 of the Building Code , the Mechanical Code, and all other applicable laws. Unvented fuel-burning heaters are not permitted. All heating devices or appliances shall be of an approved type.

1. Cooling Facilities and Cooking Equipment. If a dwelling unit or guest room has been provided with cooling facilities or cooking equipment, or both, such facilities and equipment shall be maintained in a safe working condition or replaced.

Provide safe working cooling facilities or replace.
Provide safe working cooking equipment or replace.

LVMC 16.32.270 Applicability.

The requirements set out in this Article shall apply to all residential-type buildings including those existing, those new and those to be constructed in order to provide the maximum possible security from criminal actions to the permanent and transient occupants thereof, and to their possessions.

16.32.280 Entrance doors direct to outside.

These requirements shall apply to all housing units, whether detached, attached to or within a building, having individual entrances immediately accessible from the outside without other intervening entrance doors:

(A) Entrance doors to housing units shall be capable of resisting forcible entry equal to a single-panel or hollow-core door one-and-three eighths inches thick.

(B) Dead bolts openable without key from the inside shall be provided on all housing unit entrance doors.
(C) Double entry doors: The active leaf shall be equipped as above. The inactive leaf shall be equipped with flush bolts at head and sill.

Replace and properly install entry door with all required hardware.

LVMC 13.28 STREET NAMING AND ADDRESS ASSIGNMENTS
LVMC 13.28.080

(A) Use of display a street name, building number or address number that does not conform to the provisions of this Chapter;
(B) Display a street name, building number or address number in a manner that does not conform to the provisions of this Chapter; or
(C) Fail to display a street name, building number or address number in the manner required by this Chapter.

Provide Correct Address as Defined by County Records. Provide address on building and include design of address sign.

LVMC 9.04.010 (5) Any violation of Title 19 of this code.

LVMC 19.10.010 On-site parking standards

J) Design of Parking Areas.
(6) Maintenance. Parking facilities shall be continually maintained in compliance with approved Site Development Plans and shall be free of litter and debris.

(7) Surfacing and Striping. Except as otherwise provided in this Chapter, all parking and loading facilities shall be surfaced (paved), striped and marked to clearly define access lanes, compact and handicapped parking spaces, and internal circulation movements.

(9) Wheel Stops/Curbing. Concrete wheel stops or curbing at least six inches high and six inches wide shall be provided to prevent vehicles overhanging abutting sidewalks, properties or public rights-of-way, to protect landscaped areas and to protect adjacent properties. Such wheel stops or curbing shall be located at least two feet from any adjacent wall, fence, property line, walkway, landscape area or structure where parking and/or drive aisles are located. Wheel stops or curbing shall not be required to protect a sidewalk or walkway around the perimeter of a building if the sidewalk or walkway is at least seven feet wide.

Provide litter free parking stalls, marked, and provide wheel stops.

LVMC 19.12.070 Multi-family development--Preexisting.

(A) Multi-family developments that were approved before the minimum landscaping requirements of this Chapter went into effect may be required to comply with those requirements, within a reasonable time and to the extent reasonably possible. Upon notice from the Department of Neighborhood Services, and within the time period specified in the notice, the owner or manager of a development shall submit to the Planning and Development Department a proposed landscaping plan. The submittal shall be subject to the approval of the Director. If a

proposed landscaping plan is denied, the owner or manager may appeal the denial to the Planning Commission.

(B) Upon approval of a landscaping plan, the owner and manager of the development shall be jointly and severally responsible for maintaining the approved landscaping in accordance with this Chapter.

Provide and maintain landscaping

The listed corrections must be completed in order to obtain compliance. Please note that any repairs requiring replacement of building components must include permits, inspections and must be performed by a licensed contractor.

<u>Per 16.31 – Vacant Buildings</u>: Submit Letter of Intent. Obtain Boarding Certificate. Provide Mitigation Plan. Provide Rehabilitation Plan.

<u>Post</u>: No trespassing (per NRS 207.200), contact Bolden Area Command, COP Office at 289-5593 to have building properly posted.

Upon correction of violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer #16 at 229-4918 to supply your current phone number, email address, fax number, or additional mailing address.

In accordance with Chapter 16.31, you are required to:

- **Submit, within 60 days, a Mitigation and Rehabilitation Plan to address the vacant property. The Mitigation and Rehabilitation Plan must be filed with the Department of Neighborhood Services and must include:**

A statement indicating your intentions, as owner(s) of the property, for the future use of the property for the next 12 months, including, without limitation, plans to maintain, redevelop, or reestablish lawful occupancy of the property, or any combination of such activities;

A detailed plan of mitigation measures that you intend to take regarding the property, including, without limitation, measures to maintain the property; restore and maintain landscaping on the property; and provide and maintain adequate security for the property;

A detailed plan of rehabilitation measures that you intend to take regarding the property, including, without limitation, plans to restore buildings, and to maintain the property so as to remove the negative impact on surrounding properties;

A detailed scope of the rehabilitation work to be performed, a timeline for the work, and a set of plans for the work that have been approved by the Department of Building and Safety; and

A detailed landscape plan showing grass, shrubs and trees that conform to the landscape of surrounding properties, or low-maintenance, drought-resistant xeriscape, including such items as desert plants and decorative rock.

- **Board one or more buildings on the property, the building(s) being identified as a residential condominium located at 4186 Silver Dollar Ave., #2.**

- **Obtain a building permit for one or more buildings on the property that have been boarded without obtaining a permit, the building(s) being identified as a residential condominium located at 4186 Silver Dollar Ave., #2.**

In order to demolish one or more buildings, you are required to first obtain a demolition permit, and then to secure and maintain the remaining vacant property so as to remove the negative impact on surrounding properties.

If you fail to submit a Mitigation and Rehabilitation Plan or board a building within the timeframe(s) set forth above, the Director of Neighborhood Services is authorized to cause to be performed appropriate mitigation or rehabilitation work, or any combination thereof. As the property owner(s), you will be responsible for all costs incurred, including a fifteen percent (15%) administrative fee. You will be notified of a public hearing to be conducted by the City Council to review the costs, and the Council's decision shall be final and conclusive. Upon approval of the costs by the City Council, the City will be authorized to file a Lien of Assessment with the County Recorder's Office. Thereafter, certified copies of the lien will be given to the County Treasurer, and the amount of the Lien of Assessment shall then be collected at the same time and in the same manner as ordinary taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

Moreover, you are hereby given notice:

1. That within ten (10) days after service of this Notice and Order, you as the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen (15) days after the appeal has been filed, you will be given written notice of the procedure and time frame for the hearing of the appeal. The appeal will be heard by the City Council or by the Council's designee, with a right to final appeal to the Council. An owner or responsible party who fails to appeal shall be deemed to have waived any and all objections to the actions taken by the Director of Neighborhood Services to satisfy the requirements of this Notice and Order.
2. That this Notice and Order or a copy thereof must be presented to the Department of Building and Safety when requesting any permit(s).
3. That failure to appeal will constitute a waiver of all rights to an administrative hearing to determine this matter.

LVMC 9.04.020 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

The City is authorized to record this Notice and Order until such time as compliance has been obtained. Should you have any questions or concerns please call me at (702) 229-6615.

Sincerely,

Devin S. Smith, Manager
Neighborhood Response Division
Neighborhood Services Department

Enclosures: City of Las Vegas Abatement Specifications
City of Las Vegas Vacant & Boarded Structures Mitigation/Rehabilitation Plan
City of Las Vegas Vacant & Boarded Structures Statement of Intent
City of Las Vegas Boarded Building Certificate Application

16

20080813-0003466

Fee: $18.00
N/C Fee: $0.00
08/13/2008 14:07:56
T20080176105
Requestor:
LAS VEGAS CITY
Debbie Conway KXC
Clark County Recorder Pgs: 5

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

APN: 162-07-622-002

August 11, 2008

Case #68011

5

Certified/Regular Mail
Return Receipt Requested

RANDAZZO JOSEPH A & MICHELLE M
DEMATTEO LAWRENCE A
%D B BOGGESS ESQ
%BOGGESS & HARKER
7201 W LAKE MEAD BLVD #210
LAS VEGAS NV 89128-8360

NOTICE AND ORDER REGARDING VACANT OR ABANDONED

You are hereby notified as recorded owner(s) of the property located at **4186 Silver Dollar Ave.- #2, Las Vegas, NV, Parcel # 162-07-622-002,** as follows:

One or more vacant or abandoned buildings on the property, by reason of their condition or impact on surrounding property, have been identified as buildings that need to be boarded, demolished, rehabilitated, or any combination thereof, in accordance with Chapter 16.31 of the Las Vegas Municipal Code. The building or buildings are identified as **single family dwelling located at 4186 Silver Dollar Ave. - #2 .**

Per 9.04 – Refuse & Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code. i.e., paper, plastic, wood, bottles, etc.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards. Cut back all trees and bushes to allow unobstructed view from street, sidewalk, and/or alleyway.

Per 16.04 – Building Permits Required - Department of Building and Safety, 731 S. 4th Street, (702) 229-6251.

LAS VEGAS CITY COUNCIL
MAYOR OSCAR B. GOODMAN
MAYOR PRO TEM GARY REESE • LARRY BROWN • STEVE WOLFSON • LOIS TARKANIAN
STEVEN D. ROSS • RICKI Y. BARLOW
CITY MANAGER DOUGLAS A. SELBY
RETURN TO: CITY OF LAS VEGAS • 400 STEWART AVENUE • LAS VEGAS, NEVADA 89101
VOICE 702.229.6615 • FAX 702.382.4341 • TTY 702.386.9108 • www.lasvegasnevada.gov

PER ORD 3744-PROVIDE CORRECT ADDRESS AS DEFINED BY COUNTY RECORDS.

PER 2006 IBC SECTION 501.2 AND ORD 3744: PROVIDE ADDRESS ON BUILDING AND INCLUDE IN DESIGN OF ADDRESS SIGN.

PER LVMC 19.10: PROVIDE LITTER FREE PARKING STALL MARKED AND PROVIDE WHEEL STOPS.

PER LVMC 19.12: SUBMIT LANDSCAPE PLAN TO CITY OF LAS VEGAS PLANNING AND DEVELOPMENT LOCATED AT 731 S 4TH ST AND INSTALL TO APPROVED SPECIFICATIONS. KEEP MAINTAINED AT ALL TIMES.

1994 UNIFORM HOUSING CODE SUPPLEMENT, SECTION 12 -OBTAIN PROPER PERMITS FOR THE REHABILITATION OF UNIT AND ACHIEVE A CERTIFICATE OF OCCUPANCY FOR CONDOMINIUM. REPAIRS MUST INCLUDE (BUT NOT LIMITED TO) THE FOLLOWING:

1994 UNIFORM HOUSING CODE, CHAPTER 10: PROVIDE DRAINAGE FREE FROM OBSTRUCTION INCLUDING THE JETTING OF COMMON DRAIN SYSTEM.

2006 INTERNATIONAL PLUMBING CODE, SECTION 601.3: RESTORE AND RETURN THE COPPER WATER PIPING AS THE GROUNDING ELECTRODE.

1994 UNIFORM HOUSING CODE, SECTION 1001.1: INTERIOR WALLS AND CEILINGS ARE TO HAVE ALL HOLES, PENETRATIONS, ANNULAR OPENINGS SEALED OR CAULKED.

1994 UNIFORM HOUSING CODE, CHAPTER 10: INTERIOR LAUNDRY ROOM TO BE IN GOOD REPAIR AND SANITARY

1994 UNIFORM HOUSING CODE, SECTION 1001.8: ANY/ALL WINDOWS BROKEN OR IN DISREPAIR ARE TO BE MADE IN GOOD REPAIR OR REPLACED.

2006 INTERNATIONAL PLUMBING CODE, CHAPTER 5: OBTAIN LICENSED PLUMBING CONTRACTOR TO INSTALL CORRECT PLUMING FITTINGS AND MATERIAL FOR WATER HEATER.

1994 UNIFORM HOUSING CODE, SUPPLEMENT, SECTIONS 9 AND 10: PROVIDE SAFE WORKING COOKING FACILITIES

1994 UNIFORM HOUSING CODE, SUPPLEMENT SECTION 10: PROVIDE SAFE WORKING COOLING FACILITIES.

1994 UNIFORM HOUSING CODE CHAPTER 10: FLOORING TO BE MADE SANITARY

1994 UNIFORM HOUSING CODE, SECTION 1001: BATHROOMS TO HAVE FIXTURES PROPERLY INSTALLED, GOOD DRAINAGE, LEAK FREE AND SANITARY.

LVMC TITLE 16.32: REPLACE AND PROPERLY INSTALL ENTRY DOOR WITH ALL REQUIRED HARDWARE

Per 16.31 – Vacant Buildings: Submit Letter of Intent. Obtain Boarding Certificate. Provide Mitigation Plan. Provide Rehabilitation Plan.

Post: No trespassing (per NRS 207.200), no dumping (per NRS 444.630), no vehicles (per CLVMC 10.78.020 & 11.24.020) sign on site to deter illegal activity and prevent future violations. All trespassers, squatters, and anyone unable to prove occupancy must vacate premises within 10 days of posting of this notice.

Upon correction of violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer #16 at 229-4918 to supply your current phone number, email address, fax number, or additional mailing address.

In accordance with Chapter 16.31, you are required to:

- **Submit, within 60 days, a Mitigation and Rehabilitation Plan to address the vacant property. The Mitigation and Rehabilitation Plan must be filed with the Department of Neighborhood Services and must include:**

A statement indicating your intentions, as owner(s) of the property, for the future use of the property for the next 12 months, including, without limitation, plans to maintain, redevelop, or reestablish lawful occupancy of the property, or any combination of such activities;

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- **Board one or more buildings on the property, the building(s) being identified as a single family dwelling located at 4186 Silver Dollar Ave., #2.**

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Sincerely,

Devin S. Smith, Manager
Neighborhood Response Division
Neighborhood Services Department

Enclosures: City of Las Vegas Abatement Specifications
City of Las Vegas Vacant & Boarded Structures Mitigation/Rehabilitation Plan
City of Las Vegas Vacant & Boarded Structures Statement of Intent

cc: La paz Nuevo Homeowners Association, Inc.
645 Helmhill Ave.
Las Vegas, NV 89123

La paz Nuevo Homeowners Association, Inc.
P. O. Box 94642
Las Vegas, NV 89193-4642

Lawrence A. Dematteo
President
La paz Nuevo Homeowners Association, Inc.
3172 Rowena
Rossmoor, CA 90720

14

20080918-0002773

Fee: $20.00
N/C Fee: $0.00
09/18/2008 12:14:22
T20080215079
Requestor:
LAS VEGAS CITY
Debbie Conway SCA
Clark County Recorder Pgs: 7

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

(7)

APN: 162-07-622-003

September 11, 2008

Case #68012

Certified/Regular Mail
Return Receipt Requested

R F H La Paz, LLC
3910 Pecos-McLeod Rd. #B-100
Las Vegas, NV 89121-0000

REVISED
NOTICE AND ORDER REGARDING VACANT OR ABANDONED DANGEROUS BUILDING

You are hereby notified as recorded owner(s) of the property located at **4186 Silver Dollar Ave.-#3, Las Vegas, NV, Parcel # 162-07-622-006,** as follows:

One or more vacant or abandoned buildings on the property, by reason of their condition or impact on surrounding property, have been identified as buildings that need to be boarded, demolished, rehabilitated, or any combination thereof, in accordance with Chapter 16.31 of the Las Vegas Municipal Code. The building or buildings are identified as a **residential condominium located at 4186 Silver Dollar Ave. - #3.**

Per 9.04 – Refuse & Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code. i.e., paper, plastic, wood, bottles, etc.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards. Cut back all trees and bushes to allow unobstructed view from street, sidewalk, and/or alleyway.

Per 16.04 – Building Permits Required - Department of Building and Safety, 731 S. 4th Street, (702) 229-6251.

LAS VEGAS CITY COUNCIL
MAYOR OSCAR B. GOODMAN
MAYOR PRO TEM GARY REESE • LARRY BROWN • STEVE WOLFSON • LOIS TARKANIAN
STEVEN D. ROSS • RICKI Y. BARLOW
CITY MANAGER DOUGLAS A. SELBY
Return to: CITY OF LAS VEGAS • 400 STEWART AVENUE • LAS VEGAS, NEVADA 89101
VOICE 702.229.6615 • FAX 702.382.4341 • TTY 702.386.9108 • www.lasvegasnevada.gov

Per 16.20 – Housing Codes:

LVMC 9.04.010 (2) (2) Any violation of Title 16, including violations of the codes pertaining to building, construction, housing, and fire safety adopted there under.

LVMC 16.20.010 A Uniform Housing Code

1994 Uniform Housing Code Chapter 2 Enforcement

Section 202 Substandard Buildings

Buildings or portions thereof which are determined to be substandard as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Chapter 11 of this code.

1994 Uniform Housing Code Chapter 4 Definitions

Section 401 Definitions

Health Officer *is the legally designated head of the Clark County Health District or his designee. For purposes of this Code, the term also includes the building official or his designee, except with respect to any determination to be made by the health officer under Item #8 of the definition of "NUISANCE" in Section 401 of this Code.*

Nuisance. The following shall be defined as nuisances:

1. Any public nuisance known at common law or in equity jurisprudence, or identified in Chapter 9.04 of the Las Vegas Municipal Code, as it may be amended from time to time.

1994 Uniform Housing Code Chapter 10 Substandard Buildings

1001.1 General.

Any building or portion thereof which is determined to be an unsafe building in accordance with Section 102 of the Building code; or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby are declared to be substandard buildings.

1001. 2 Inadequate Sanitation.

Buildings or portions thereof shall be deemed substandard when they are unsanitary. Inadequate sanitation shall include, but not be limited to, the following:

13. General dilapidation or improper maintenance.

1) Provide drainage free from obstruction including the jetting of common drain system.

2) Interior walls and ceilings are to have all hole penetrations, annular openings sealed or caulked.

3) Interior laundry room to be in good repair, sanitary, with good drainage and serviceable utilities.

4) ***Flooring to be made sanitary or replaced.***

5) Bathroom to have fixtures properly installed, good drainage, leak free and sanitary.

12. Infestation of insects, vermin or rodents as determined by the health officer.
Provide continuous extermination by licensed pest control.

1994 Uniform Housing Code 1001.6 Hazardous Plumbing.

16.28.010 Uniform Plumbing Code and supplement adopted.

(A) Uniform Plumbing Code, 2006 Edition, including its Standards and Appendices, except as otherwise indicated, designated as Part 1 of this Chapter; and

(B) A document entitled "Southern Nevada Amendments to the 2006 Uniform Plumbing Code," adding to, deleting from and amending the Uniform Plumbing Code, 2006 Edition, designated as Part 2 of this Chapter.

Chapter 5 Water Heaters

Install correct plumbing fittings and material for water heater by license contractor.

Chapter 6 Water Supply and Distribution

Section 601.3 Existing piping used for grounding

Restore and return the copper water piping as the grounding electrode.

1994 Uniform Housing Chapter 10 Section 1001.8 Faulty Weather Protection.

Any and all windows broken or in disrepair are to be made in good repair or replaced.

1994 Uniform Housing Code Section Chapter 7 Mechanical Requirements

1994 UHC 701.1 Heating

Dwelling units, guest rooms and congregate residences shall be provided with heating facilities capable of maintaining a room temperature of 70°F. (21.1°C.) at a point 3 feet (914 mm) above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with Section 3102 of the Building Code , the Mechanical Code, and all other applicable laws. Unvented fuel-burning heaters are not permitted. All heating devices or appliances shall be of an approved type.

1. Cooling Facilities and Cooking Equipment. If a dwelling unit or guest room has been provided with cooling facilities or cooking equipment, or both, such facilities and equipment shall be maintained in a safe working condition or replaced.

Provide safe working cooling facilities or replace.
Provide safe working cooking equipment or replace.

LVMC 16.32.270 Applicability.

The requirements set out in this Article shall apply to all residential-type buildings including those existing, those new and those to be constructed in order to provide the maximum possible security from criminal actions to the permanent and transient occupants thereof, and to their possessions.

16.32.280 Entrance doors direct to outside.

These requirements shall apply to all housing units, whether detached, attached to or within a building, having individual entrances immediately accessible from the outside without other intervening entrance doors:

(A) Entrance doors to housing units shall be capable of resisting forcible entry equal to a single-panel or hollow-core door one-and-three eighths inches thick.

(B) Dead bolts openable without key from the inside shall be provided on all housing unit entrance doors.
(C) Double entry doors: The active leaf shall be equipped as above. The inactive leaf shall be equipped with flush bolts at head and sill.

Replace and properly install entry door with all required hardware.

LVMC 13.28 STREET NAMING AND ADDRESS ASSIGNMENTS
LVMC 13.28.080

(A) Use of display a street name, building number or address number that does not conform to the provisions of this Chapter;
(B) Display a street name, building number or address number in a manner that does not conform to the provisions of this Chapter; or
(C) Fail to display a street name, building number or address number in the manner required by this Chapter.

Provide Correct Address as Defined by County Records. Provide address on building and include design of address sign.

LVMC 9.04.010 (5) Any violation of Title 19 of this code.

LVMC 19.10.010 On-site parking standards

J) Design of Parking Areas.
(6) Maintenance. Parking facilities shall be continually maintained in compliance with approved Site Development Plans and shall be free of litter and debris.

(7) Surfacing and Striping. Except as otherwise provided in this Chapter, all parking and loading facilities shall be surfaced (paved), striped and marked to clearly define access lanes, compact and handicapped parking spaces, and internal circulation movements.

(9) Wheel Stops/Curbing. Concrete wheel stops or curbing at least six inches high and six inches wide shall be provided to prevent vehicles overhanging abutting sidewalks, properties or public rights-of-way, to protect landscaped areas and to protect adjacent properties. Such wheel stops or curbing shall be located at least two feet from any adjacent wall, fence, property line, walkway, landscape area or structure where parking and/or drive aisles are located. Wheel stops or curbing shall not be required to protect a sidewalk or walkway around the perimeter of a building if the sidewalk or walkway is at least seven feet wide.

Provide litter free parking stalls, marked, and provide wheel stops.

LVMC 19.12.070 Multi-family development--Preexisting.

(A) Multi-family developments that were approved before the minimum landscaping requirements of this Chapter went into effect may be required to comply with those requirements, within a reasonable time and to the extent reasonably possible. Upon notice from the Department of Neighborhood Services, and within the time period specified in the notice, the owner or manager of a development shall submit to the Planning and Development Department a proposed landscaping plan. The submittal shall be subject to the approval of the Director. If a

proposed landscaping plan is denied, the owner or manager may appeal the denial to the Planning Commission.

(B) Upon approval of a landscaping plan, the owner and manager of the development shall be jointly and severally responsible for maintaining the approved landscaping in accordance with this Chapter.

Provide and maintain landscaping

The listed corrections must be completed in order to obtain compliance. Please note that any repairs requiring replacement of building components must include permits, inspections and must be performed by a licensed contractor.

Per 16.31 – Vacant Buildings: Submit Letter of Intent. Obtain Boarding Certificate. Provide Mitigation Plan. Provide Rehabilitation Plan.

Post: No trespassing (per NRS 207.200), contact Bolden Area Command, COP Office at 289-5593 to have building properly posted.

Upon correction of violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer #16 at 229-4918 to supply your current phone number, email address, fax number, or additional mailing address.

In accordance with Chapter 16.31, you are required to:

- **Submit, within 60 days, a Mitigation and Rehabilitation Plan to address the vacant property. The Mitigation and Rehabilitation Plan must be filed with the Department of Neighborhood Services and must include:**

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A detailed plan of mitigation measures that you intend to take regarding the property, including, without limitation, measures to maintain the property; restore and maintain landscaping on the property; and provide and maintain adequate security for the property;

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A detailed scope of the rehabilitation work to be performed, a timeline for the work, and a set of plans for the work that have been approved by the Department of Building and Safety; and

A detailed landscape plan showing grass, shrubs and trees that conform to the landscape of surrounding properties, or low-maintenance, drought-resistant xeriscape, including such items as desert plants and decorative rock.

- **Board one or more buildings on the property, the building(s) being identified as a residential condominium located at 4186 Silver Dollar Ave., #3.**

- **Obtain a building permit for one or more buildings on the property that have been boarded without obtaining a permit, the building(s) being identified as a residential condominium located at 4186 Silver Dollar Ave., #3.**

In order to demolish one or more buildings, you are required to first obtain a demolition permit, and then to secure and maintain the remaining vacant property so as to remove the negative impact on surrounding properties.

If you fail to submit a Mitigation and Rehabilitation Plan or board a building within the timeframe(s) set forth above, the Director of Neighborhood Services is authorized to cause to be performed appropriate mitigation or rehabilitation work, or any combination thereof. As the property owner(s), you will be responsible for all costs incurred, including a fifteen percent (15%) administrative fee. You will be notified of a public hearing to be conducted by the City Council to review the costs, and the Council's decision shall be final and conclusive. Upon approval of the costs by the City Council, the City will be authorized to file a Lien of Assessment with the County Recorder's Office. Thereafter, certified copies of the lien will be given to the County Treasurer, and the amount of the Lien of Assessment shall then be collected at the same time and in the same manner as ordinary taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

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1. That within ten (10) days after service of this Notice and Order, you as the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen (15) days after the appeal has been filed, you will be given written notice of the procedure and time frame for the hearing of the appeal. The appeal will be heard by the City Council or by the Council's designee, with a right to final appeal to the Council. An owner or responsible party who fails to appeal shall be deemed to have waived any and all objections to the actions taken by the Director of Neighborhood Services to satisfy the requirements of this Notice and Order.
2. That this Notice and Order or a copy thereof must be presented to the Department of Building and Safety when requesting any permit(s).
3. That failure to appeal will constitute a waiver of all rights to an administrative hearing to determine this matter.

LVMC 9.04.020 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

The City is authorized to record this Notice and Order until such time as compliance has been obtained. Should you have any questions or concerns please call me at (702) 229-6615.

Sincerely,

Devin S. Smith, Manager
Neighborhood Response Division
Neighborhood Services Department

Enclosures: City of Las Vegas Abatement Specifications
City of Las Vegas Vacant & Boarded Structures Mitigation/Rehabilitation Plan
City of Las Vegas Vacant & Boarded Structures Statement of Intent

16

20080813-0003463

Fee: $18.00
N/C Fee $0.00
08/13/2008 14:07:56
T20080176105
Requestor:
LAS VEGAS CITY
Debbie Conway KXC
Clark County Recorder Pgs: 5

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

APN: 162-07-622-003

August 11, 2008

Case #68012

(5)

Certified/Regular Mail
Return Receipt Requested

RANDAZZO JOSEPH A & MICHELLE M
DEMATTEO LAWRENCE A
%D B BOGGESS ESQ
%BOGGESS & HARKER
7201 W LAKE MEAD BLVD #210
LAS VEGAS NV 89128-8360

NOTICE AND ORDER REGARDING VACANT OR ABANDONED DANGEROUS BUILDING

You are hereby notified as recorded owner(s) of the property located at **4186 Silver Dollar Ave.-#3, Las Vegas, NV, Parcel # 162-07-622-003,** as follows:

One or more vacant or abandoned buildings on the property, by reason of their condition or impact on surrounding property, have been identified as buildings that need to be boarded, demolished, rehabilitated, or any combination thereof, in accordance with Chapter 16.31 of the Las Vegas Municipal Code. The building or buildings are identified as **single family dwelling located at 4186 Silver Dollar Ave. - #3.**

Per 9.04 – Refuse & Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code. i.e., paper, plastic, wood, bottles, etc.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards. Cut back all trees and bushes to allow unobstructed view from street, sidewalk, and/or alleyway.

Per 16.04 – Building Permits Required - Department of Building and Safety, 731 S. 4th Street, (702) 229-6251.

LAS VEGAS CITY COUNCIL
MAYOR OSCAR B. GOODMAN
MAYOR PRO TEM GARY REESE • LARRY BROWN • STEVE WOLFSON • LOIS TARKANIAN
STEVEN D. ROSS • RICKI Y. BARLOW
CITY MANAGER DOUGLAS A. SELBY

RETURN TO: CITY OF LAS VEGAS • 400 STEWART AVENUE • LAS VEGAS, NEVADA 89101
VOICE 702.229.6615 • FAX 702.382.4341 • TTY 702.386.9108 • www.lasvegasnevada.gov

PER ORD 3744-PROVIDE CORRECT ADDRESS AS DEFINED BY COUNTY RECORDS.

PER 2006 IBC SECTION 501.2 AND ORD 3744: PROVIDE ADDRESS ON BUILDING AND INCLUDE IN DESIGN OF ADDRESS SIGN.

PER LVMC 19.10: PROVIDE LITTER FREE PARKING STALL MARKED AND PROVIDE WHEEL STOPS.

PER LVMC 19.12: SUBMIT LANDSCAPE PLAN TO CITY OF LAS VEGAS PLANNING AND DEVELOPMENT LOCATED AT 731 S 4TH ST AND INSTALL TO APPROVED SPECIFICATIONS. KEEP MAINTAINED AT ALL TIMES.

1994 UNIFORM HOUSING CODE SUPPLEMENT, SECTION 12 -OBTAIN PROPER PERMITS FOR THE REHABILITATION OF UNIT AND ACHIEVE A CERTIFICATE OF OCCUPANCY FOR CONDOMINIUM. REPAIRS MUST INCLUDE (BUT NOT LIMITED TO) THE FOLLOWING:

1994 UNIFORM HOUSING CODE, CHAPTER 10: PROVIDE DRAINAGE FREE FROM OBSTRUCTION INCLUDING THE JETTING OF COMMON DRAIN SYSTEM.

2006 INTERNATIONAL PLUMBING CODE, SECTION 601.3: RESTORE AND RETURN THE COPPER WATER PIPING AS THE GROUNDING ELECTRODE.

1994 UNIFORM HOUSING CODE, SECTION 1001.1: INTERIOR WALLS AND CEILINGS ARE TO HAVE ALL HOLES, PENETRATIONS, ANNULAR OPENINGS SEALED OR CAULKED.

1994 UNIFORM HOUSING CODE, CHAPTER 10: INTERIOR LAUNDRY ROOM TO BE IN GOOD REPAIR AND SANITARY

1994 UNIFORM HOUSING CODE, SECTION 1001.8: ANY/ALL WINDOWS BROKEN OR IN DISREPAIR ARE TO BE MADE IN GOOD REPAIR OR REPLACED.

2006 INTERNATIONAL PLUMBING CODE, CHAPTER 5: OBTAIN LICENSED PLUMBING CONTRACTOR TO INSTALL CORRECT PLUMING FITTINGS AND MATERIAL FOR WATER HEATER.

1994 UNIFORM HOUSING CODE, SUPPLEMENT, SECTIONS 9 AND 10: PROVIDE SAFE WORKING COOKING FACILITIES

1994 UNIFORM HOUSING CODE, SUPPLEMENT SECTION 10: PROVIDE SAFE WORKING COOLING FACILITIES.

1994 UNIFORM HOUSING CODE CHAPTER 10: FLOORING TO BE MADE SANITARY

1994 UNIFORM HOUSING CODE, SECTION 1001: BATHROOMS TO HAVE FIXTURES PROPERLY INSTALLED, GOOD DRAINAGE, LEAK FREE AND SANITARY.

LVMC TITLE 16.32: REPLACE AND PROPERLY INSTALL ENTRY DOOR WITH ALL REQUIRED HARDWARE

Per 16.31 – Vacant Buildings: Submit Letter of Intent. Obtain Boarding Certificate. Provide Mitigation Plan. Provide Rehabilitation Plan.

Post: No trespassing (per NRS 207.200), no dumping (per NRS 444.630), no vehicles (per CLVMC 10.78.020 & 11.24.020) sign on site to deter illegal activity and prevent future violations. All trespassers, squatters, and anyone unable to prove occupancy must vacate premises within 10 days of posting of this notice.

Upon correction of violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer #16 at 229-4918 to supply your current phone number, email address, fax number, or additional mailing address.

In accordance with Chapter 16.31, you are required to:

- **Submit, within 60 days, a Mitigation and Rehabilitation Plan to address the vacant property. The Mitigation and Rehabilitation Plan must be filed with the Department of Neighborhood Services and must include:**

A statement indicating your intentions, as owner(s) of the property, for the future use of the property for the next 12 months, including, without limitation, plans to maintain, redevelop, or reestablish lawful occupancy of the property, or any combination of such activities;

A detailed plan of mitigation measures that you intend to take regarding the property, including, without limitation, measures to maintain the property; restore and maintain landscaping on the property; and provide and maintain adequate security for the property;

A detailed plan of rehabilitation measures that you intend to take regarding the property, including, without limitation, plans to restore buildings, and to maintain the property so as to remove the negative impact on surrounding properties;

A detailed scope of the rehabilitation work to be performed, a timeline for the work, and a set of plans for the work that have been approved by the Department of Building and Safety; and

A detailed landscape plan showing grass, shrubs and trees that conform to the landscape of surrounding properties, or low-maintenance, drought-resistant xeriscape, including such items as desert plants and decorative rock.

- **Board one or more buildings on the property, the building(s) being identified as a single family dwelling located at 4186 Silver Dollar Ave., #3.**

- **Obtain a building permit for one or more buildings on the property that have been boarded without obtaining a permit, the building(s) being identified as a single family dwelling located at 4186 Silver Dollar Ave., #3.**

In order to demolish one or more buildings, you are required to first obtain a demolition permit, and then to secure and maintain the remaining vacant property so as to remove the negative impact on surrounding properties.

If you fail to submit a Mitigation and Rehabilitation Plan or board a building within the timeframe(s) set forth above, the Director of Neighborhood Services is authorized to cause to be performed appropriate mitigation or rehabilitation work, or any combination thereof. As the property owner(s), you will be responsible for all costs incurred, including a fifteen percent (15%) administrative fee. You will be notified of a public hearing to be conducted by the City Council to review the costs, and the Council's decision shall be final and conclusive. Upon approval of the costs by the City Council, the City will be authorized to file a Lien of Assessment with the County Recorder's Office. Thereafter, certified copies of the lien will be given to the County Treasurer, and the amount of the Lien of Assessment shall then be collected at the same time and in the same manner as ordinary taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

Moreover, you are hereby given notice:

1. That within fifteen (15) days after service of this Notice and Order, you as the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen (15) days after the appeal has been filed, you will be given written notice of the procedure and time frame for the hearing of the appeal. The appeal will be heard by the City Council or by the Council's designee, with a right to final appeal to the Council. An owner or responsible party who fails to appeal shall be deemed to have waived any and all objections to the actions taken by the Director of Neighborhood Services to satisfy the requirements of this Notice and Order.
2. That this Notice and Order or a copy thereof must be presented to the Department of Building and Safety when requesting any permit(s).
3. That failure to appeal will constitute a waiver of all rights to an administrative hearing to determine this matter.

LVMC 9.04.020 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more

than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

The City is authorized to record this Notice and Order until such time as compliance has been obtained. Should you have any questions or concerns please call me at (702) 229-6615.

Sincerely,

Devin S. Smith, Manager
Neighborhood Response Division
Neighborhood Services Department

Enclosures: City of Las Vegas Abatement Specifications
City of Las Vegas Vacant & Boarded Structures Mitigation/Rehabilitation Plan
City of Las Vegas Vacan & Boarded Structures Statement of Intent
City of Las Vegas Boarded Building Certificate Application

cc: La paz Nuevo Homeowners Association, Inc.
645 Helmhill Ave.
Las Vegas, NV 89123

La paz Nuevo Homeowners Association, Inc.
P. O. Box 94642
Las Vegas, NV 89193-4642

Lawrence A. Dematteo
President
La paz Nuevo Homeowners Association, Inc.
3172 Rowena
Rossmoor, CA 90720

31

20080918-0002763

Fee: $19.00
N/C Fee: $0.00
09/18/2008 12:14:22
T20080215079
Requestor:
LAS VEGAS CITY
Debbie Conway SCA
Clark County Recorder Pgs: 6

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

APN: 162-07-622-004

(6)

September 11, 2008

Case #68016

Certified/Regular Mail
Return Receipt Requested

R F H La Paz, LLC
3910 Pecos-McLeod Rd. #B-100
Las Vegas, NV 89121-0000

NUISANCE HOUSING CODE NOTICE AND ORDER TO COMPLY

As recorded owner(s) of the **residential condominium located at 4186 Silver Dollar Ave. - #4, Las Vegas, NV, legally described as Parcel # 162-07-622-004**, you are hereby given notice that the Building Official or his designee has determined that the aforementioned building(s) is substandard. Said building(s) is substandard, dangerous and declared a public nuisance under Las Vegas Municipal Code (LVMC) 9.04.020 and Section 202 of the Uniform Housing Code because of the following conditions:

Per 9.04 – Graffiti: Remove or paint over graffiti on any building, wall, fence, or other structure allowed to remain for more than 24 hours.

Per 9.04 – Refuse & Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code. i.e., paper, plastic, bottles, windblown trash and debris, etc.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards. Cut back all trees and bushes to allow unobstructed view from street, sidewalk, and/or alleyway.

LAS VEGAS CITY COUNCIL
MAYOR OSCAR B. GOODMAN
MAYOR PRO TEM GARY REESE • LARRY BROWN • STEVE WOLFSON • LOIS TARKANIAN
STEVEN D. ROSS • RICKI Y. BARLOW
CITY MANAGER DOUGLAS A. SELBY

Return to: CITY OF LAS VEGAS • 400 STEWART AVENUE • LAS VEGAS, NEVADA 89101
VOICE 702.229.6615 • FAX 702.382.4341 • TTY 702.386.9108 • www.lasvegasnevada.gov

Per 16.20 – Housing Codes:

LVMC 9.04.010 (2) (2) Any violation of Title 16, including violations of the codes pertaining to building, construction, housing, and fire safety adopted there under.

LVMC 16.20.010 A Uniform Housing Code
1994 Uniform Housing Code Chapter 2 Enforcement
Section 202 Substandard Buildings
Buildings or portions thereof which are determined to be substandard as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Chapter 11 of this code.
1994 Uniform Housing Code Chapter 4 Definitions
Section 401 Definitions

Health Officer *is the legally designated head of the Clark County Health District or his designee. For purposes of this Code, the term also includes the building official or his designee, except with respect to any determination to be made by the health officer under Item #8 of the definition of "NUISANCE" in Section 401 of this Code.*

Nuisance. The following shall be defined as nuisances:
1. Any public nuisance known at common law or in equity jurisprudence, or identified in Chapter 9.04 of the Las Vegas Municipal Code, as it may be amended from time to time.

1994 Uniform Housing Code Chapter 10 Substandard Buildings
1001.1 General.
Any building or portion thereof which is determined to be an unsafe building in accordance with Section 102 of the Building code; or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby are declared to be substandard buildings.
1001. 2 Inadequate Sanitation.
Buildings or portions thereof shall be deemed substandard when they are unsanitary. Inadequate sanitation shall include, but not be limited to, the following:

13. General dilapidation or improper maintenance.
1) Provide drainage free from obstruction including the jetting of common drain system.
2) Interior walls and ceilings are to have all hole penetrations, annular openings sealed or caulked.
3) Interior laundry room to be in good repair, sanitary, with good drainage and serviceable utilities.
4) ***Flooring to be made sanitary or replaced.***
5) Bathroom to have fixtures properly installed, good drainage, leak free and sanitary.

12. Infestation of insects, vermin or rodents as determined by the health officer.
Provide continuous extermination by licensed pest control.

1994 Uniform Housing Code 1001.6 Hazardous Plumbing.

16.28.010 Uniform Plumbing Code and supplement adopted.

(A) Uniform Plumbing Code, 2006 Edition, including its Standards and Appendices, except as otherwise indicated, designated as Part 1 of this Chapter; and

(B) A document entitled "Southern Nevada Amendments to the 2006 Uniform Plumbing Code," adding to, deleting from and amending the Uniform Plumbing Code, 2006 Edition, designated as Part 2 of this Chapter.

Chapter 5 Water Heaters

Install correct plumbing fittings and material for water heater by licensed contractor.

Chapter 6 Water Supply and Distribution

Section 601.3 Existing piping used for grounding

Restore and return the copper water piping as the grounding electrode.

1994 Uniform Housing Chapter 10 Section 1001.8 Faulty Weather Protection.

Any and all windows broken or in disrepair are to be made in good repair or replaced.

1994 Uniform Housing Code Section Chapter 7 Mechanical Requirements

1994 UHC 701.1 Heating

Dwelling units, guest rooms and congregate residences shall be provided with heating facilities capable of maintaining a room temperature of 70°F. (21.1°C.) at a point 3 feet (914 mm) above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with Section 3102 of the Building Code , the Mechanical Code, and all other applicable laws. Unvented fuel-burning heaters are not permitted. All heating devices or appliances shall be of an approved type.

1. Cooling Facilities and Cooking Equipment. If a dwelling unit or guest room has been provided with cooling facilities or cooking equipment, or both, such facilities and equipment shall be maintained in a safe working condition or replaced.

Provide safe working cooling facilities or replace.
Provide safe working cooking equipment or replace.

LVMC 16.32.270 Applicability.

The requirements set out in this Article shall apply to all residential-type buildings including those existing, those new and those to be constructed in order to provide the maximum possible security from criminal actions to the permanent and transient occupants thereof, and to their possessions.

16.32.280 Entrance doors direct to outside.

These requirements shall apply to all housing units, whether detached, attached to or within a building, having individual entrances immediately accessible from the outside without other intervening entrance doors:

(A) Entrance doors to housing units shall be capable of resisting forcible entry equal to a single-panel or hollow-core door one-and-three eighths inches thick.

(B) Dead bolts openable without key from the inside shall be provided on all housing unit entrance doors.

(C) Double entry doors: The active leaf shall be equipped as above. The inactive leaf shall be equipped with flush bolts at head and sill.

Replace and properly install entry door with all required hardware.

LVMC 13.28 STREET NAMING AND ADDRESS ASSIGNMENTS
LVMC 13.28.080

(A) Use of display a street name, building number or address number that does not conform to the provisions of this Chapter;
(B) Display a street name, building number or address number in a manner that does not conform to the provisions of this Chapter; or
(C) Fail to display a street name, building number or address number in the manner required by this Chapter.

Provide Correct Address as Defined by County Records. Provide address on building and include design of address sign.

LVMC 9.04.010 (5) Any violation of Title 19 of this code.

LVMC 19.10.010 On-site parking standards

J) Design of Parking Areas.
(6) Maintenance. Parking facilities shall be continually maintained in compliance with approved Site Development Plans and shall be free of litter and debris.

(7) Surfacing and Striping. Except as otherwise provided in this Chapter, all parking and loading facilities shall be surfaced (paved), striped and marked to clearly define access lanes, compact and handicapped parking spaces, and internal circulation movements.

(9) Wheel Stops/Curbing. Concrete wheel stops or curbing at least six inches high and six inches wide shall be provided to prevent vehicles overhanging abutting sidewalks, properties or public rights-of-way, to protect landscaped areas and to protect adjacent properties. Such wheel stops or curbing shall be located at least two feet from any adjacent wall, fence, property line, walkway, landscape area or structure where parking and/or drive aisles are located. Wheel stops or curbing shall not be required to protect a sidewalk or walkway around the perimeter of a building if the sidewalk or walkway is at least seven feet wide.

Provide litter free parking stalls, marked, and provide wheel stops.

LVMC 19.12.070 Multi-family development--Preexisting.

(A) Multi-family developments that were approved before the minimum landscaping requirements of this Chapter went into effect may be required to comply with those requirements, within a reasonable time and to the extent reasonably possible. Upon notice from the Department of Neighborhood Services, and within the time period specified in the notice, the owner or manager of a development shall submit to the Planning and Development Department a proposed landscaping plan. The submittal shall be subject to the approval of the Director. If a

proposed landscaping plan is denied, the owner or manager may appeal the denial to the Planning Commission.

(B) Upon approval of a landscaping plan, the owner and manager of the development shall be jointly and severally responsible for maintaining the approved landscaping in accordance with this Chapter.

Provide and maintain landscaping

The listed corrections must be completed in order to obtain compliance. Please note that any repairs requiring replacement of building components must include permits, inspections and must be performed by a licensed contractor.

Post: **No trespassing (per NRS 207.200), contact Bolden Area Command, COP Office at 289-5593 to have building properly posted.**

Upon correction of violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer #31 at 229-2016 to supply your current phone number, email address, fax number, or additional mailing address.

Moreover, you are hereby given notice:

1. That within ten (10) days after service of this Notice and Order, you as the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen (15) days after the appeal has been filed, you will be given written notice of the procedure and time frame for the hearing of the appeal. The appeal will be heard by the City Council or by the Council's designee, with a right to final appeal to the Council. An owner or responsible party who fails to appeal shall be deemed to have waived any and all objections to the actions taken by the Director of Neighborhood Services to satisfy the requirements of this Notice and Order.
2. That this Notice and Order or a copy thereof must be presented to the Department of Building and Safety when requesting any permit(s).
3. That failure to appeal will constitute a waiver of all rights to an administrative hearing to determine this matter.

LVMC 9.04.020 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or

maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

The City is authorized to record this Notice and Order until such time as compliance has been obtained. Should you have any questions or concerns please call me at (702) 229-6615.

Sincerely,



Devin S. Smith, Manager
Neighborhood Response Division
Neighborhood Services Department

16

20080918-0002769

Fee: $20.00
N/C Fee: $0.00
09/18/2008 12:14:22
T20080215079
Requestor:
LAS VEGAS CITY
Debbie Conway SCA
Clark County Recorder Pgs: 7

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

(7)

APN: 162-07-622-005

September 11, 2008

Case #68168

Certified/Regular Mail
Return Receipt Requested

R F H La Paz, LLC
3910 Pecos-McLeod Rd. #B-100
Las Vegas, NV 89121-0000

REVISED
NOTICE AND ORDER REGARDING VACANT OR ABANDONED DANGEROUS BUILDING

You are hereby notified as recorded owner(s) of the property located at **4186 Silver Dollar Ave.- #5, Las Vegas, NV, Parcel # 162-07-622-005,** as follows:

One or more vacant or abandoned buildings on the property, by reason of their condition or impact on surrounding property, have been identified as buildings that need to be boarded, demolished, rehabilitated, or any combination thereof, in accordance with Chapter 16.31 of the Las Vegas Municipal Code. The building or buildings are identified as a **residential condominium located at 4186 Silver Dollar Ave. - #5.**

Per 9.04 – Refuse & Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code. i.e., paper, plastic, wood, bottles, etc.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards. Cut back all trees and bushes to allow unobstructed view from street, sidewalk, and/or alleyway.

Per 16.04 – Building Permits Required - Department of Building and Safety, 731 S. 4th Street, (702) 229-6251.

LAS VEGAS CITY COUNCIL
MAYOR OSCAR B. GOODMAN
MAYOR PRO TEM GARY REESE • LARRY BROWN • STEVE WOLFSON • LOIS TARKANIAN
STEVEN D. ROSS • RICKI Y. BARLOW
CITY MANAGER DOUGLAS A. SELBY

Return to: CITY OF LAS VEGAS • 400 STEWART AVENUE • LAS VEGAS, NEVADA 89101
VOICE 702.229.6615 • FAX 702.382.4341 • TTY 702.386.9108 • www.lasvegasnevada.gov

Per 16.20 – Housing Codes:

LVMC 9.04.010 (2) (2) Any violation of Title 16, including violations of the codes pertaining to building, construction, housing, and fire safety adopted there under.

LVMC 16.20.010 A Uniform Housing Code

1994 Uniform Housing Code Chapter 2 Enforcement

Section 202 Substandard Buildings

Buildings or portions thereof which are determined to be substandard as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Chapter 11 of this code.

1994 Uniform Housing Code Chapter 4 Definitions

Section 401 Definitions

Health Officer *is the legally designated head of the Clark County Health District or his designee. For purposes of this Code, the term also includes the building official or his designee, except with respect to any determination to be made by the health officer under Item #8 of the definition of "NUISANCE" in Section 401 of this Code.*

Nuisance. The following shall be defined as nuisances:

1. Any public nuisance known at common law or in equity jurisprudence, or identified in Chapter 9.04 of the Las Vegas Municipal Code, as it may be amended from time to time.

1994 Uniform Housing Code Chapter 10 Substandard Buildings

1001.1 General.

Any building or portion thereof which is determined to be an unsafe building in accordance with Section 102 of the Building code; or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby are declared to be substandard buildings.

1001. 2 Inadequate Sanitation.

Buildings or portions thereof shall be deemed substandard when they are unsanitary. Inadequate sanitation shall include, but not be limited to, the following:

13. General dilapidation or improper maintenance.

1) Provide drainage free from obstruction including the jetting of common drain system.

2) Interior walls and ceilings are to have all hole penetrations, annular openings sealed or caulked.

3) Interior laundry room to be in good repair, sanitary, with good drainage and serviceable utilities.

4) ***Flooring to be made sanitary or replaced.***

5) Bathroom to have fixtures properly installed, good drainage, leak free and sanitary.

12. Infestation of insects, vermin or rodents as determined by the health officer.
Provide continuous extermination by licensed pest control.

1994 Uniform Housing Code 1001.6 Hazardous Plumbing.

16.28.010 Uniform Plumbing Code and supplement adopted.

(A) Uniform Plumbing Code, 2006 Edition, including its Standards and Appendices, except as otherwise indicated, designated as Part 1 of this Chapter; and

(B) A document entitled "Southern Nevada Amendments to the 2006 Uniform Plumbing Code," adding to, deleting from and amending the Uniform Plumbing Code, 2006 Edition, designated as Part 2 of this Chapter.

Chapter 5 Water Heaters

Install correct plumbing fittings and material for water heater by license contractor.

Chapter 6 Water Supply and Distribution

Section 601.3 Existing piping used for grounding

Restore and return the copper water piping as the grounding electrode.

1994 Uniform Housing Chapter 10 Section 1001.8 Faulty Weather Protection.

Any and all windows broken or in disrepair are to be made in good repair or replaced.

1994 Uniform Housing Code Section Chapter 7 Mechanical Requirements

1994 UHC 701.1 Heating

Dwelling units, guest rooms and congregate residences shall be provided with heating facilities capable of maintaining a room temperature of 70°F. (21.1°C.) at a point 3 feet (914 mm) above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with Section 3102 of the Building Code , the Mechanical Code, and all other applicable laws. Unvented fuel-burning heaters are not permitted. All heating devices or appliances shall be of an approved type.

1. Cooling Facilities and Cooking Equipment. If a dwelling unit or guest room has been provided with cooling facilities or cooking equipment, or both, such facilities and equipment shall be maintained in a safe working condition or replaced.

Provide safe working cooling facilities or replace.
Provide safe working cooking equipment or replace.

LVMC 16.32.270 Applicability.

The requirements set out in this Article shall apply to all residential-type buildings including those existing, those new and those to be constructed in order to provide the maximum possible security from criminal actions to the permanent and transient occupants thereof, and to their possessions.

16.32.280 Entrance doors direct to outside.

These requirements shall apply to all housing units, whether detached, attached to or within a building, having individual entrances immediately accessible from the outside without other intervening entrance doors:

(A) Entrance doors to housing units shall be capable of resisting forcible entry equal to a single-panel or hollow-core door one-and-three eighths inches thick.

(B) Dead bolts openable without key from the inside shall be provided on all housing unit entrance doors.
(C) Double entry doors: The active leaf shall be equipped as above. The inactive leaf shall be equipped with flush bolts at head and sill.

Replace and properly install entry door with all required hardware.

LVMC 13.28 STREET NAMING AND ADDRESS ASSIGNMENTS
LVMC 13.28.080

(A) Use of display a street name, building number or address number that does not conform to the provisions of this Chapter;
(B) Display a street name, building number or address number in a manner that does not conform to the provisions of this Chapter; or
(C) Fail to display a street name, building number or address number in the manner required by this Chapter.

Provide Correct Address as Defined by County Records. Provide address on building and include design of address sign.

LVMC 9.04.010 (5) Any violation of Title 19 of this code.

LVMC 19.10.010 On-site parking standards

J) Design of Parking Areas.
(6) Maintenance. Parking facilities shall be continually maintained in compliance with approved Site Development Plans and shall be free of litter and debris.

(7) Surfacing and Striping. Except as otherwise provided in this Chapter, all parking and loading facilities shall be surfaced (paved), striped and marked to clearly define access lanes, compact and handicapped parking spaces, and internal circulation movements.

(9) Wheel Stops/Curbing. Concrete wheel stops or curbing at least six inches high and six inches wide shall be provided to prevent vehicles overhanging abutting sidewalks, properties or public rights-of-way, to protect landscaped areas and to protect adjacent properties. Such wheel stops or curbing shall be located at least two feet from any adjacent wall, fence, property line, walkway, landscape area or structure where parking and/or drive aisles are located. Wheel stops or curbing shall not be required to protect a sidewalk or walkway around the perimeter of a building if the sidewalk or walkway is at least seven feet wide.

Provide litter free parking stalls, marked, and provide wheel stops.

LVMC 19.12.070 Multi-family development--Preexisting.

(A) Multi-family developments that were approved before the minimum landscaping requirements of this Chapter went into effect may be required to comply with those requirements, within a reasonable time and to the extent reasonably possible. Upon notice from the Department of Neighborhood Services, and within the time period specified in the notice, the owner or manager of a development shall submit to the Planning and Development Department a proposed landscaping plan. The submittal shall be subject to the approval of the Director. If a

proposed landscaping plan is denied, the owner or manager may appeal the denial to the Planning Commission.

(B) Upon approval of a landscaping plan, the owner and manager of the development shall be jointly and severally responsible for maintaining the approved landscaping in accordance with this Chapter.

Provide and maintain landscaping

The listed corrections must be completed in order to obtain compliance. Please note that any repairs requiring replacement of building components must include permits, inspections and must be performed by a licensed contractor.

Per 16.31 – Vacant Buildings: Submit Letter of Intent. Obtain Boarding Certificate. Provide Mitigation Plan. Provide Rehabilitation Plan.

Post: No trespassing (per NRS 207.200), contact Bolden Area Command, COP Office at 289-5593 to have building properly posted.

Upon correction of violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer #16 at 229-4918 to supply your current phone number, email address, fax number, or additional mailing address.

In accordance with Chapter 16.31, you are required to:

- **Submit, within 60 days, a Mitigation and Rehabilitation Plan to address the vacant property. The Mitigation and Rehabilitation Plan must be filed with the Department of Neighborhood Services and must include:**

A statement indicating your intentions, as owner(s) of the property, for the future use of the property for the next 12 months, including, without limitation, plans to maintain, redevelop, or reestablish lawful occupancy of the property, or any combination of such activities;

A detailed plan of mitigation measures that you intend to take regarding the property, including, without limitation, measures to maintain the property; restore and maintain landscaping on the property; and provide and maintain adequate security for the property;

A detailed plan of rehabilitation measures that you intend to take regarding the property, including, without limitation, plans to restore buildings, and to maintain the property so as to remove the negative impact on surrounding properties;

A detailed scope of the rehabilitation work to be performed, a timeline for the work, and a set of plans for the work that have been approved by the Department of Building and Safety; and

A detailed landscape plan showing grass, shrubs and trees that conform to the landscape of surrounding properties, or low-maintenance, drought-resistant xeriscape, including such items as desert plants and decorative rock.

- **Board one or more buildings on the property, the building(s) being identified as a residential condominium located at 4186 Silver Dollar Ave., #5.**

- **Obtain a building permit for one or more buildings on the property that have been boarded without obtaining a permit, the building(s) being identified as a residential condominium located at 4186 Silver Dollar Ave., #5.**

In order to demolish one or more buildings, you are required to first obtain a demolition permit, and then to secure and maintain the remaining vacant property so as to remove the negative impact on surrounding properties.

If you fail to submit a Mitigation and Rehabilitation Plan or board a building within the timeframe(s) set forth above, the Director of Neighborhood Services is authorized to cause to be performed appropriate mitigation or rehabilitation work, or any combination thereof. As the property owner(s), you will be responsible for all costs incurred, including a fifteen percent (15%) administrative fee. You will be notified of a public hearing to be conducted by the City Council to review the costs, and the Council's decision shall be final and conclusive. Upon approval of the costs by the City Council, the City will be authorized to file a Lien of Assessment with the County Recorder's Office. Thereafter, certified copies of the lien will be given to the County Treasurer, and the amount of the Lien of Assessment shall then be collected at the same time and in the same manner as ordinary taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

Moreover, you are hereby given notice:

1. That within ten (10) days after service of this Notice and Order, you as the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen (15) days after the appeal has been filed, you will be given written notice of the procedure and time frame for the hearing of the appeal. The appeal will be heard by the City Council or by the Council's designee, with a right to final appeal to the Council. An owner or responsible party who fails to appeal shall be deemed to have waived any and all objections to the actions taken by the Director of Neighborhood Services to satisfy the requirements of this Notice and Order.
2. That this Notice and Order or a copy thereof must be presented to the Department of Building and Safety when requesting any permit(s).
3. That failure to appeal will constitute a waiver of all rights to an administrative hearing to determine this matter.

LVMC 9.04.020 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

The City is authorized to record this Notice and Order until such time as compliance has been obtained. Should you have any questions or concerns please call me at (702) 229-6615.

Sincerely,

Devin S. Smith, Manager
Neighborhood Response Division
Neighborhood Services Department

Enclosures: City of Las Vegas Abatement Specifications
City of Las Vegas Vacant & Boarded Structures Mitigation/Rehabilitation Plan
City of Las Vegas Vacant & Boarded Structures Statement of Intent

Receipt/Conformed Copy
Requestor:
LAS VEGAS CITY
08/13/2008 14:07:56 T20080176105
Book/Instr: 20080813-0003458
Notice Page Count: 5
Fees: $18.00 N/C Fee: $0.00

Debbie Conway
Clark County Recorder

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

APN: 162-07-622-005

August 11, 2008

Case #68168

Certified/Regular Mail
Return Receipt Requested

RANDAZZO JOSEPH A & MICHELLE M
DEMATTEO LAWRENCE A
%D B BOGGESS ESQ
%BOGGESS & HARKER
7201 W LAKE MEAD BLVD #210
LAS VEGAS NV 89128-8360

NOTICE AND ORDER REGARDING VACANT OR ABANDONED DANGEROUS BUILDING

You are hereby notified as recorded owner(s) of the property located at **4186 Silver Dollar Ave.- #5, Las Vegas, NV, Parcel # 162-07-622-005,** as follows:

One or more vacant or abandoned buildings on the property, by reason of their condition or impact on surrounding property, have been identified as buildings that need to be boarded, demolished, rehabilitated, or any combination thereof, in accordance with Chapter 16.31 of the Las Vegas Municipal Code. The building or buildings are identified as **single family dwelling located at 4186 Silver Dollar Ave. - #5 .**

Per 9.04 – Refuse & Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code. i.e., paper, plastic, wood, bottles, etc.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards. Cut back all trees and bushes to allow unobstructed view from street, sidewalk, and/or alleyway.

Per 16.04 – Building Permits Required - Department of Building and Safety, 731 S. 4th Street, (702) 229-6251.

PER ORD 3744-PROVIDE CORRECT ADDRESS AS DEFINED BY COUNTY RECORDS.

PER 2006 IBC SECTION 501.2 AND ORD 3744: PROVIDE ADDRESS ON BUILDING AND INCLUDE IN DESIGN OF ADDRESS SIGN.

PER LVMC 19.10: PROVIDE LITTER FREE PARKING STALL MARKED AND PROVIDE WHEEL STOPS.

PER LVMC 19.12: SUBMIT LANDSCAPE PLAN TO CITY OF LAS VEGAS PLANNING AND DEVELOPMENT LOCATED AT 731 S 4TH ST AND INSTALL TO APPROVED SPECIFICATIONS. KEEP MAINTAINED AT ALL TIMES.

1994 UNIFORM HOUSING CODE SUPPLEMENT, SECTION 12 -OBTAIN PROPER PERMITS FOR THE REHABILITATION OF UNIT AND ACHIEVE A CERTIFICATE OF OCCUPANCY FOR CONDOMINIUM. REPAIRS MUST INCLUDE (BUT NOT LIMITED TO) THE FOLLOWING:

1994 UNIFORM HOUSING CODE, CHAPTER 10: PROVIDE DRAINAGE FREE FROM OBSTRUCTION INCLUDING THE JETTING OF COMMON DRAIN SYSTEM.

2006 INTERNATIONAL PLUMBING CODE, SECTION 601.3: RESTORE AND RETURN THE COPPER WATER PIPING AS THE GROUNDING ELECTRODE.

1994 UNIFORM HOUSING CODE, SECTION 1001.1: INTERIOR WALLS AND CEILINGS ARE TO HAVE ALL HOLES, PENETRATIONS, ANNULAR OPENINGS SEALED OR CAULKED.

1994 UNIFORM HOUSING CODE, CHAPTER 10: INTERIOR LAUNDRY ROOM TO BE IN GOOD REPAIR AND SANITARY

1994 UNIFORM HOUSING CODE, SECTION 1001.8: ANY/ALL WINDOWS BROKEN OR IN DISREPAIR ARE TO BE MADE IN GOOD REPAIR OR REPLACED.

2006 INTERNATIONAL PLUMBING CODE, CHAPTER 5: OBTAIN LICENSED PLUMBING CONTRACTOR TO INSTALL CORRECT PLUMING FITTINGS AND MATERIAL FOR WATER HEATER.

1994 UNIFORM HOUSING CODE, SUPPLEMENT, SECTIONS 9 AND 10: PROVIDE SAFE WORKING COOKING FACILITIES

1994 UNIFORM HOUSING CODE, SUPPLEMENT SECTION 10: PROVIDE SAFE WORKING COOLING FACILITIES.

1994 UNIFORM HOUSING CODE CHAPTER 10: FLOORING TO BE MADE SANITARY

1994 UNIFORM HOUSING CODE, SECTION 1001: BATHROOMS TO HAVE FIXTURES PROPERLY INSTALLED, GOOD DRAINAGE, LEAK FREE AND SANITARY.

LVMC TITLE 16.32: REPLACE AND PROPERLY INSTALL ENTRY DOOR WITH ALL REQUIRED HARDWARE

Per 16.31 – Vacant Buildings: Submit Letter of Intent. Obtain Boarding Certificate. Provide Mitigation Plan. Provide Rehabilitation Plan.

Post: No trespassing (per NRS 207.200), no dumping (per NRS 444.630), no vehicles (per CLVMC 10.78.020 & 11.24.020) sign on site to deter illegal activity and prevent future violations. All trespassers, squatters, and anyone unable to prove occupancy must vacate premises within 10 days of posting of this notice.

Upon correction of violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer #16 at 229-4918 to supply your current phone number, email address, fax number, or additional mailing address.

In accordance with Chapter 16.31, you are required to:

- **Submit, within 60 days, a Mitigation and Rehabilitation Plan to address the vacant property. The Mitigation and Rehabilitation Plan must be filed with the Department of Neighborhood Services and must include:**

A statement indicating your intentions, as owner(s) of the property, for the future use of the property for the next 12 months, including, without limitation, plans to maintain, redevelop, or reestablish lawful occupancy of the property, or any combination of such activities;

A detailed plan of mitigation measures that you intend to take regarding the property, including, without limitation, measures to maintain the property; restore and maintain landscaping on the property; and provide and maintain adequate security for the property;

A detailed plan of rehabilitation measures that you intend to take regarding the property, including, without limitation, plans to restore buildings, and to maintain the property so as to remove the negative impact on surrounding properties;

A detailed scope of the rehabilitation work to be performed, a timeline for the work, and a set of plans for the work that have been approved by the Department of Building and Safety; and

A detailed landscape plan showing grass, shrubs and trees that conform to the landscape of surrounding properties, or low-maintenance, drought-resistant xeriscape, including such items as desert plants and decorative rock.

- **Board one or more buildings on the property, the building(s) being identified as a single family dwelling located at 4186 Silver Dollar Ave., #5.**

- **Obtain a building permit for one or more buildings on the property that have been boarded without obtaining a permit, the building(s) being identified as a single family dwelling located at 4186 Silver Dollar Ave., #5.**

In order to demolish one or more buildings, you are required to first obtain a demolition permit, and then to secure and maintain the remaining vacant property so as to remove the negative impact on surrounding properties.

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Moreover, you are hereby given notice:

1. That within fifteen (15) days after service of this Notice and Order, you as the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen (15) days after the appeal has been filed, you will be given written notice of the procedure and time frame for the hearing of the appeal. The appeal will be heard by the City Council or by the Council's designee, with a right to final appeal to the Council. An owner or responsible party who fails to appeal shall be deemed to have waived any and all objections to the actions taken by the Director of Neighborhood Services to satisfy the requirements of this Notice and Order.
2. That this Notice and Order or a copy thereof must be presented to the Department of Building and Safety when requesting any permit(s).
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LVMC 9.04.020 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more

than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

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Sincerely,

Devin S. Smith, Manager
Neighborhood Response Division
Neighborhood Services Department

Enclosures: City of Las Vegas Abatement Specifications
City of Las Vegas Vacant & Boarded Structures Mitigation/Rehabilitation Plan
City of Las Vegas Vacan & Boarded Structures Statement of Intent
City of Las Vegas Boarded Building Certificate Application

cc: La paz Nuevo Homeowners Association, Inc.
645 Helmhill Ave.
Las Vegas, NV 89123

La paz Nuevo Homeowners Association, Inc.
P. O. Box 94642
Las Vegas, NV 89193-4642

Lawrence A. Dematteo
President
La paz Nuevo Homeowners Association, Inc.
3172 Rowena
Rossmoor, CA 90720

16

20080918-0002778

Fee: $20.00
N/C Fee: $0.00
09/18/2008 12:14:22
T20080215079
Requestor:
LAS VEGAS CITY
Debbie Conway SCA
Clark County Recorder Pgs: 7

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

(7)

APN: 162-07-622-006

September 11, 2008

Case #68013

Certified/Regular Mail
Return Receipt Requested

R F H La Paz, LLC
3910 Pecos-McLeod Rd. #B-100
Las Vegas, NV 89121-0000

REVISED
NOTICE AND ORDER REGARDING VACANT OR ABANDONED BUILDING

You are hereby notified as recorded owner(s) of the property located at **4186 Silver Dollar Ave.-#6, Las Vegas, NV, Parcel # 162-07-622-006,** as follows:

One or more vacant or abandoned buildings on the property, by reason of their condition or impact on surrounding property, have been identified as buildings that need to be boarded, demolished, rehabilitated, or any combination thereof, in accordance with Chapter 16.31 of the Las Vegas Municipal Code. The building or buildings are identified as a **residential condominium located at 4186 Silver Dollar Ave. - #6.**

Per 9.04 – Refuse & Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code. i.e., paper, plastic, wood, bottles, etc.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards. Cut back all trees and bushes to allow unobstructed view from street, sidewalk, and/or alleyway.

Per 16.04 – Building Permits Required - Department of Building and Safety, 731 S. 4th Street, (702) 229-6251.

LAS VEGAS CITY COUNCIL
MAYOR OSCAR B. GOODMAN
MAYOR PRO TEM GARY REESE • LARRY BROWN • STEVE WOLFSON • LOIS TARKANIAN
STEVEN D. ROSS • RICKI Y. BARLOW
CITY MANAGER DOUGLAS A. SELBY

Return to: CITY OF LAS VEGAS • 400 STEWART AVENUE • LAS VEGAS, NEVADA 89101
VOICE 702.229.6615 • FAX 702.382.4341 • TTY 702.386.9108 • www.lasvegasnevada.gov

Per 16.20 – Housing Codes:

LVMC 9.04.010 (2) (2) Any violation of Title 16, including violations of the codes pertaining to building, construction, housing, and fire safety adopted there under.

LVMC 16.20.010 A Uniform Housing Code

1994 Uniform Housing Code Chapter 2 Enforcement
Section 202 Substandard Buildings
Buildings or portions thereof which are determined to be substandard as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Chapter 11 of this code.

1994 Uniform Housing Code Chapter 4 Definitions
Section 401 Definitions

Health Officer *is the legally designated head of the Clark County Health District or his designee. For purposes of this Code, the term also includes the building official or his designee, except with respect to any determination to be made by the health officer under Item #8 of the definition of "NUISANCE" in Section 401 of this Code.*

Nuisance. The following shall be defined as nuisances:

1. Any public nuisance known at common law or in equity jurisprudence, or identified in Chapter 9.04 of the Las Vegas Municipal Code, as it may be amended from time to time.

1994 Uniform Housing Code Chapter 10 Substandard Buildings

1001.1 General.

Any building or portion thereof which is determined to be an unsafe building in accordance with Section 102 of the Building code; or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby are declared to be substandard buildings.

1001. 2 Inadequate Sanitation.

Buildings or portions thereof shall be deemed substandard when they are unsanitary. Inadequate sanitation shall include, but not be limited to, the following:

13. General dilapidation or improper maintenance.

1) Provide drainage free from obstruction including the jetting of common drain system.

2) Interior walls and ceilings are to have all hole penetrations, annular openings sealed or caulked.

3) Interior laundry room to be in good repair, sanitary, with good drainage and serviceable utilities.

4) ***Flooring to be made sanitary or replaced.***

5) Bathroom to have fixtures properly installed, good drainage, leak free and sanitary.

12. Infestation of insects, vermin or rodents as determined by the health officer.
Provide continuous extermination by licensed pest control.

1994 Uniform Housing Code 1001.6 Hazardous Plumbing.

16.28.010 Uniform Plumbing Code and supplement adopted.

(A) Uniform Plumbing Code, 2006 Edition, including its Standards and Appendices, except as otherwise indicated, designated as Part 1 of this Chapter; and

(B) A document entitled "Southern Nevada Amendments to the 2006 Uniform Plumbing Code," adding to, deleting from and amending the Uniform Plumbing Code, 2006 Edition, designated as Part 2 of this Chapter.

Chapter 5 Water Heaters

Install correct plumbing fittings and material for water heater by license contractor.

Chapter 6 Water Supply and Distribution

Section 601.3 Existing piping used for grounding

Restore and return the copper water piping as the grounding electrode.

1994 Uniform Housing Chapter 10 Section 1001.8 Faulty Weather Protection.

Any and all windows broken or in disrepair are to be made in good repair or replaced.

1994 Uniform Housing Code Section Chapter 7 Mechanical Requirements

1994 UHC 701.1 Heating

Dwelling units, guest rooms and congregate residences shall be provided with heating facilities capable of maintaining a room temperature of 70°F. (21.1°C.) at a point 3 feet (914 mm) above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with Section 3102 of the Building Code , the Mechanical Code, and all other applicable laws. Unvented fuel-burning heaters are not permitted. All heating devices or appliances shall be of an approved type.

1. Cooling Facilities and Cooking Equipment. If a dwelling unit or guest room has been provided with cooling facilities or cooking equipment, or both, such facilities and equipment shall be maintained in a safe working condition or replaced.

Provide safe working cooling facilities or replace.
Provide safe working cooking equipment or replace.

LVMC 16.32.270 Applicability.

The requirements set out in this Article shall apply to all residential-type buildings including those existing, those new and those to be constructed in order to provide the maximum possible security from criminal actions to the permanent and transient occupants thereof, and to their possessions.

16.32.280 Entrance doors direct to outside.

These requirements shall apply to all housing units, whether detached, attached to or within a building, having individual entrances immediately accessible from the outside without other intervening entrance doors:

(A) Entrance doors to housing units shall be capable of resisting forcible entry equal to a single-panel or hollow-core door one-and-three eighths inches thick.

(B) Dead bolts openable without key from the inside shall be provided on all housing unit entrance doors.
(C) Double entry doors: The active leaf shall be equipped as above. The inactive leaf shall be equipped with flush bolts at head and sill.

Replace and properly install entry door with all required hardware.

LVMC 13.28 STREET NAMING AND ADDRESS ASSIGNMENTS
LVMC 13.28.080

(A) Use of display a street name, building number or address number that does not conform to the provisions of this Chapter;
(B) Display a street name, building number or address number in a manner that does not conform to the provisions of this Chapter; or
(C) Fail to display a street name, building number or address number in the manner required by this Chapter.

Provide Correct Address as Defined by County Records. Provide address on building and include design of address sign.

LVMC 9.04.010 (5) Any violation of Title 19 of this code.

LVMC 19.10.010 On-site parking standards

J) Design of Parking Areas.
(6) Maintenance. Parking facilities shall be continually maintained in compliance with approved Site Development Plans and shall be free of litter and debris.

(7) Surfacing and Striping. Except as otherwise provided in this Chapter, all parking and loading facilities shall be surfaced (paved), striped and marked to clearly define access lanes, compact and handicapped parking spaces, and internal circulation movements.

(9) Wheel Stops/Curbing. Concrete wheel stops or curbing at least six inches high and six inches wide shall be provided to prevent vehicles overhanging abutting sidewalks, properties or public rights-of-way, to protect landscaped areas and to protect adjacent properties. Such wheel stops or curbing shall be located at least two feet from any adjacent wall, fence, property line, walkway, landscape area or structure where parking and/or drive aisles are located. Wheel stops or curbing shall not be required to protect a sidewalk or walkway around the perimeter of a building if the sidewalk or walkway is at least seven feet wide.

Provide litter free parking stalls, marked, and provide wheel stops.

LVMC 19.12.070 Multi-family development--Preexisting.

(A) Multi-family developments that were approved before the minimum landscaping requirements of this Chapter went into effect may be required to comply with those requirements, within a reasonable time and to the extent reasonably possible. Upon notice from the Department of Neighborhood Services, and within the time period specified in the notice, the owner or manager of a development shall submit to the Planning and Development Department a proposed landscaping plan. The submittal shall be subject to the approval of the Director. If a

proposed landscaping plan is denied, the owner or manager may appeal the denial to the Planning Commission.

(B) Upon approval of a landscaping plan, the owner and manager of the development shall be jointly and severally responsible for maintaining the approved landscaping in accordance with this Chapter.

Provide and maintain landscaping

The listed corrections must be completed in order to obtain compliance. Please note that any repairs requiring replacement of building components must include permits, inspections and must be performed by a licensed contractor.

Per 16.31 – Vacant Buildings: Submit Letter of Intent. Obtain Boarding Certificate. Provide Mitigation Plan. Provide Rehabilitation Plan.

Post: No trespassing (per NRS 207.200), contact Bolden Area Command, COP Office at 289-5593 to have building properly posted.

Upon correction of violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer #16 at 229-4918 to supply your current phone number, email address, fax number, or additional mailing address.

In accordance with Chapter 16.31, you are required to:

- **Submit, within 60 days, a Mitigation and Rehabilitation Plan to address the vacant property. The Mitigation and Rehabilitation Plan must be filed with the Department of Neighborhood Services and must include:**

A statement indicating your intentions, as owner(s) of the property, for the future use of the property for the next 12 months, including, without limitation, plans to maintain, redevelop, or reestablish lawful occupancy of the property, or any combination of such activities;

A detailed plan of mitigation measures that you intend to take regarding the property, including, without limitation, measures to maintain the property; restore and maintain landscaping on the property; and provide and maintain adequate security for the property;

A detailed plan of rehabilitation measures that you intend to take regarding the property, including, without limitation, plans to restore buildings, and to maintain the property so as to remove the negative impact on surrounding properties;

A detailed scope of the rehabilitation work to be performed, a timeline for the work, and a set of plans for the work that have been approved by the Department of Building and Safety; and

A detailed landscape plan showing grass, shrubs and trees that conform to the landscape of surrounding properties, or low-maintenance, drought-resistant xeriscape, including such items as desert plants and decorative rock.

- **Board one or more buildings on the property, the building(s) being identified as a residential condominium located at 4186 Silver Dollar Ave., #6.**

- **Obtain a building permit for one or more buildings on the property that have been boarded without obtaining a permit, the building(s) being identified as a residential condominium located at 4186 Silver Dollar Ave., #6.**

In order to demolish one or more buildings, you are required to first obtain a demolition permit, and then to secure and maintain the remaining vacant property so as to remove the negative impact on surrounding properties.

If you fail to submit a Mitigation and Rehabilitation Plan or board a building within the timeframe(s) set forth above, the Director of Neighborhood Services is authorized to cause to be performed appropriate mitigation or rehabilitation work, or any combination thereof. As the property owner(s), you will be responsible for all costs incurred, including a fifteen percent (15%) administrative fee. You will be notified of a public hearing to be conducted by the City Council to review the costs, and the Council's decision shall be final and conclusive. Upon approval of the costs by the City Council, the City will be authorized to file a Lien of Assessment with the County Recorder's Office. Thereafter, certified copies of the lien will be given to the County Treasurer, and the amount of the Lien of Assessment shall then be collected at the same time and in the same manner as ordinary taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

Moreover, you are hereby given notice:

1. That within ten (10) days after service of this Notice and Order, you as the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen (15) days after the appeal has been filed, you will be given written notice of the procedure and time frame for the hearing of the appeal. The appeal will be heard by the City Council or by the Council's designee, with a right to final appeal to the Council. An owner or responsible party who fails to appeal shall be deemed to have waived any and all objections to the actions taken by the Director of Neighborhood Services to satisfy the requirements of this Notice and Order.
2. That this Notice and Order or a copy thereof must be presented to the Department of Building and Safety when requesting any permit(s).
3. That failure to appeal will constitute a waiver of all rights to an administrative hearing to determine this matter.

LVMC 9.04.020 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

The City is authorized to record this Notice and Order until such time as compliance has been obtained. Should you have any questions or concerns please call me at (702) 229-6615.

Sincerely,

Devin S. Smith, Manager
Neighborhood Response Division
Neighborhood Services Department

Enclosures: City of Las Vegas Abatement Specifications
City of Las Vegas Vacant & Boarded Structures Mitigation/Rehabilitation Plan
City of Las Vegas Vacant & Boarded Structures Statement of Intent
City of Las Vegas Boarded Building Certificate Application

16

20080813-0003465

Fee: $18.00
N/C Fee: $0.00
08/13/2008 14:07:56
T20080176105
Requestor:
LAS VEGAS CITY
Debbie Conway KXC
Clark County Recorder Pgs: 5

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

APN: 162-07-622-006

August 11, 2008

Case #68013

5

Certified/Regular Mail
Return Receipt Requested

RANDAZZO JOSEPH A & MICHELLE M
DEMATTEO LAWRENCE A
%D B BOGGESS ESQ
%BOGGESS & HARKER
7201 W LAKE MEAD BLVD #210
LAS VEGAS NV 89128-8360

NOTICE AND ORDER REGARDING VACANT OR ABANDONED

You are hereby notified as recorded owner(s) of the property located at **4186 Silver Dollar Ave.- #6, Las Vegas, NV, Parcel # 162-07-622-006,** as follows:

One or more vacant or abandoned buildings on the property, by reason of their condition or impact on surrounding property, have been identified as buildings that need to be boarded, demolished, rehabilitated, or any combination thereof, in accordance with Chapter 16.31 of the Las Vegas Municipal Code. The building or buildings are identified as **single family dwelling located at 4186 Silver Dollar Ave. - #6 .**

Per 9.04 – Refuse & Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code. i.e., paper, plastic, wood, bottles, etc.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards. Cut back all trees and bushes to allow unobstructed view from street, sidewalk, and/or alleyway.

Per 16.04 – Building Permits Required - Department of Building and Safety, 731 S. 4th Street, (702) 229-6251.

LAS VEGAS CITY COUNCIL
MAYOR OSCAR B. GOODMAN
MAYOR PRO TEM GARY REESE • LARRY BROWN • STEVE WOLFSON • LOIS TARKANIAN
STEVEN D. ROSS • RICKI Y. BARLOW
CITY MANAGER DOUGLAS A. SELBY

RETURN TO: CITY OF LAS VEGAS • 400 STEWART AVENUE • LAS VEGAS, NEVADA 89101
VOICE 702.229.6615 • FAX 702.382.4341 • TTY 702.386.9108 • www.lasvegasnevada.gov

PER ORD 3744-PROVIDE CORRECT ADDRESS AS DEFINED BY COUNTY RECORDS.

PER 2006 IBC SECTION 501.2 AND ORD 3744: PROVIDE ADDRESS ON BUILDING AND INCLUDE IN DESIGN OF ADDRESS SIGN.

PER LVMC 19.10: PROVIDE LITTER FREE PARKING STALL MARKED AND PROVIDE WHEEL STOPS.

PER LVMC 19.12: SUBMIT LANDSCAPE PLAN TO CITY OF LAS VEGAS PLANNING AND DEVELOPMENT LOCATED AT 731 S 4TH ST AND INSTALL TO APPROVED SPECIFICATIONS. KEEP MAINTAINED AT ALL TIMES.

1994 UNIFORM HOUSING CODE SUPPLEMENT, SECTION 12 -OBTAIN PROPER PERMITS FOR THE REHABILITATION OF UNIT AND ACHIEVE A CERTIFICATE OF OCCUPANCY FOR CONDOMINIUM. REPAIRS MUST INCLUDE (BUT NOT LIMITED TO) THE FOLLOWING:

1994 UNIFORM HOUSING CODE, CHAPTER 10: PROVIDE DRAINAGE FREE FROM OBSTRUCTION INCLUDING THE JETTING OF COMMON DRAIN SYSTEM.

2006 INTERNATIONAL PLUMBING CODE, SECTION 601.3: RESTORE AND RETURN THE COPPER WATER PIPING AS THE GROUNDING ELECTRODE.

1994 UNIFORM HOUSING CODE, SECTION 1001.1: INTERIOR WALLS AND CEILINGS ARE TO HAVE ALL HOLES, PENETRATIONS, ANNULAR OPENINGS SEALED OR CAULKED.

1994 UNIFORM HOUSING CODE, CHAPTER 10: INTERIOR LAUNDRY ROOM TO BE IN GOOD REPAIR AND SANITARY

1994 UNIFORM HOUSING CODE, SECTION 1001.8: ANY/ALL WINDOWS BROKEN OR IN DISREPAIR ARE TO BE MADE IN GOOD REPAIR OR REPLACED.

2006 INTERNATIONAL PLUMBING CODE, CHAPTER 5: OBTAIN LICENSED PLUMBING CONTRACTOR TO INSTALL CORRECT PLUMING FITTINGS AND MATERIAL FOR WATER HEATER.

1994 UNIFORM HOUSING CODE, SUPPLEMENT, SECTIONS 9 AND 10: PROVIDE SAFE WORKING COOKING FACILITIES

1994 UNIFORM HOUSING CODE, SUPPLEMENT SECTION 10: PROVIDE SAFE WORKING COOLING FACILITIES.

1994 UNIFORM HOUSING CODE CHAPTER 10: FLOORING TO BE MADE SANITARY

1994 UNIFORM HOUSING CODE, SECTION 1001: BATHROOMS TO HAVE FIXTURES PROPERLY INSTALLED, GOOD DRAINAGE, LEAK FREE AND SANITARY.

LVMC TITLE 16.32: REPLACE AND PROPERLY INSTALL ENTRY DOOR WITH ALL REQUIRED HARDWARE

Per 16.31 – Vacant Buildings: Submit Letter of Intent. Obtain Boarding Certificate. Provide Mitigation Plan. Provide Rehabilitation Plan.

Post: No trespassing (per NRS 207.200), no dumping (per NRS 444.630), no vehicles (per CLVMC 10.78.020 & 11.24.020) sign on site to deter illegal activity and prevent future violations. All trespassers, squatters, and anyone unable to prove occupancy must vacate premises within 10 days of posting of this notice.

Upon correction of violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer #16 at 229-4918 to supply your current phone number, email address, fax number, or additional mailing address.

In accordance with Chapter 16.31, you are required to:

- **Submit, within 60 days, a Mitigation and Rehabilitation Plan to address the vacant property. The Mitigation and Rehabilitation Plan must be filed with the Department of Neighborhood Services and must include:**

A statement indicating your intentions, as owner(s) of the property, for the future use of the property for the next 12 months, including, without limitation, plans to maintain, redevelop, or reestablish lawful occupancy of the property, or any combination of such activities;

A detailed plan of mitigation measures that you intend to take regarding the property, including, without limitation, measures to maintain the property; restore and maintain landscaping on the property; and provide and maintain adequate security for the property;

A detailed plan of rehabilitation measures that you intend to take regarding the property, including, without limitation, plans to restore buildings, and to maintain the property so as to remove the negative impact on surrounding properties;

A detailed scope of the rehabilitation work to be performed, a timeline for the work, and a set of plans for the work that have been approved by the Department of Building and Safety; and

A detailed landscape plan showing grass, shrubs and trees that conform to the landscape of surrounding properties, or low-maintenance, drought-resistant xeriscape, including such items as desert plants and decorative rock.

- **Board one or more buildings on the property, the building(s) being identified as a single family dwelling located at 4186 Silver Dollar Ave., #6.**

- **Obtain a building permit for one or more buildings on the property that have been boarded without obtaining a permit, the building(s) being identified as a single family dwelling located at 4186 Silver Dollar Ave., #6.**

In order to demolish one or more buildings, you are required to first obtain a demolition permit, and then to secure and maintain the remaining vacant property so as to remove the negative impact on surrounding properties.

If you fail to submit a Mitigation and Rehabilitation Plan or board a building within the timeframe(s) set forth above, the Director of Neighborhood Services is authorized to cause to be performed appropriate mitigation or rehabilitation work, or any combination thereof. As the property owner(s), you will be responsible for all costs incurred, including a fifteen percent (15%) administrative fee. You will be notified of a public hearing to be conducted by the City Council to review the costs, and the Council's decision shall be final and conclusive. Upon approval of the costs by the City Council, the City will be authorized to file a Lien of Assessment with the County Recorder's Office. Thereafter, certified copies of the lien will be given to the County Treasurer, and the amount of the Lien of Assessment shall then be collected at the same time and in the same manner as ordinary taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

Moreover, you are hereby given notice:

1. That within fifteen (15) days after service of this Notice and Order, you as the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen (15) days after the appeal has been filed, you will be given written notice of the procedure and time frame for the hearing of the appeal. The appeal will be heard by the City Council or by the Council's designee, with a right to final appeal to the Council. An owner or responsible party who fails to appeal shall be deemed to have waived any and all objections to the actions taken by the Director of Neighborhood Services to satisfy the requirements of this Notice and Order.
2. That this Notice and Order or a copy thereof must be presented to the Department of Building and Safety when requesting any permit(s).
3. That failure to appeal will constitute a waiver of all rights to an administrative hearing to determine this matter.

LVMC 9.04.020 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more

than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

The City is authorized to record this Notice and Order until such time as compliance has been obtained. Should you have any questions or concerns please call me at (702) 229-6615.

Sincerely,

Devin S. Smith, Manager
Neighborhood Response Division
Neighborhood Services Department

Enclosures: City of Las Vegas Abatement Specifications
City of Las Vegas Vacant & Boarded Structures Mitigation/Rehabilitation Plan
City of Las Vegas Vacan & Boarded Structures Statement of Intent

cc: La paz Nuevo Homeowners Association, Inc.
645 Helmhill Ave.
Las Vegas, NV 89123

La paz Nuevo Homeowners Association, Inc.
P. O. Box 94642
Las Vegas, NV 89193-4642

Lawrence A. Dematteo
President
La paz Nuevo Homeowners Association, Inc.
3172 Rowena
Rossmoor, CA 90720

16

20080918-0002779

Fee: $20.00
N/C Fee: $0.00
09/18/2008 12:14:22
T20080215079
Requestor:
LAS VEGAS CITY
Debbie Conway SCA
Clark County Recorder Pgs: 7

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

(7)

APN: 162-07-622-007

September 11, 2008

Case #68014

Certified/Regular Mail
Return Receipt Requested

R F H La Paz, LLC
3910 Pecos-McLeod Rd. #B-100
Las Vegas, NV 89121-0000

REVISED
NOTICE AND ORDER REGARDING VACANT OR ABANDONED BUILDING

You are hereby notified as recorded owner(s) of the property located at **4186 Silver Dollar Ave.- #7, Las Vegas, NV, Parcel # 162-07-622-007,** as follows:

One or more vacant or abandoned buildings on the property, by reason of their condition or impact on surrounding property, have been identified as buildings that need to be boarded, demolished, rehabilitated, or any combination thereof, in accordance with Chapter 16.31 of the Las Vegas Municipal Code. The building or buildings are identified as **residential condominium located at 4186 Silver Dollar Ave. - #7.**

Per 9.04 – Refuse & Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code. i.e., paper, plastic, wood, bottles, etc.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards. Cut back all trees and bushes to allow unobstructed view from street, sidewalk, and/or alleyway.

Per 16.04 – Building Permits Required - Department of Building and Safety, 731 S. 4th Street, (702) 229-6251.

LAS VEGAS CITY COUNCIL
MAYOR OSCAR B. GOODMAN
MAYOR PRO TEM GARY REESE • LARRY BROWN • STEVE WOLFSON • LOIS TARKANIAN
STEVEN D. ROSS • RICKI Y. BARLOW
CITY MANAGER DOUGLAS A. SELBY
Return to: CITY OF LAS VEGAS • 400 STEWART AVENUE • LAS VEGAS, NEVADA 89101
VOICE 702.229.6615 • FAX 702.382.4341 • TTY 702.386.9108 • www.lasvegasnevada.gov

Per 16.20 – Housing Codes:

LVMC 9.04.010 (2) (2) Any violation of Title 16, including violations of the codes pertaining to building, construction, housing, and fire safety adopted there under.

LVMC 16.20.010 A Uniform Housing Code

1994 Uniform Housing Code Chapter 2 Enforcement
Section 202 Substandard Buildings
Buildings or portions thereof which are determined to be substandard as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Chapter 11 of this code.
1994 Uniform Housing Code Chapter 4 Definitions
Section 401 Definitions

Health Officer *is the legally designated head of the Clark County Health District or his designee. For purposes of this Code, the term also includes the building official or his designee, except with respect to any determination to be made by the health officer under Item #8 of the definition of "NUISANCE" in Section 401 of this Code.*

Nuisance. The following shall be defined as nuisances:
1. Any public nuisance known at common law or in equity jurisprudence, or identified in Chapter 9.04 of the Las Vegas Municipal Code, as it may be amended from time to time.

1994 Uniform Housing Code Chapter 10 Substandard Buildings
1001.1 General.
Any building or portion thereof which is determined to be an unsafe building in accordance with Section 102 of the Building code; or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby are declared to be substandard buildings.

1001. 2 Inadequate Sanitation.
Buildings or portions thereof shall be deemed substandard when they are unsanitary. Inadequate sanitation shall include, but not be limited to, the following:

13. General dilapidation or improper maintenance.
1) Provide drainage free from obstruction including the jetting of common drain system.
2) Interior walls and ceilings are to have all hole penetrations, annular openings sealed or caulked.
3) Interior laundry room to be in good repair, sanitary, with good drainage and serviceable utilities.
4) ***Flooring to be made sanitary or replaced.***
5) Bathroom to have fixtures properly installed, good drainage, leak free and sanitary.

12. Infestation of insects, vermin or rodents as determined by the health officer.
Provide continuous extermination by licensed pest control.

1994 Uniform Housing Code 1001.6 Hazardous Plumbing.

16.28.010 Uniform Plumbing Code and supplement adopted.

(A) Uniform Plumbing Code, 2006 Edition, including its Standards and Appendices, except as otherwise indicated, designated as Part 1 of this Chapter; and

(B) A document entitled "Southern Nevada Amendments to the 2006 Uniform Plumbing Code," adding to, deleting from and amending the Uniform Plumbing Code, 2006 Edition, designated as Part 2 of this Chapter.

Chapter 5 Water Heaters

Install correct plumbing fittings and material for water heater by license contractor.

Chapter 6 Water Supply and Distribution

Section 601.3 Existing piping used for grounding

Restore and return the copper water piping as the grounding electrode.

1994 Uniform Housing Chapter 10 Section 1001.8 Faulty Weather Protection.

Any and all windows broken or in disrepair are to be made in good repair or replaced.

1994 Uniform Housing Code Section Chapter 7 Mechanical Requirements

1994 UHC 701.1 Heating

Dwelling units, guest rooms and congregate residences shall be provided with heating facilities capable of maintaining a room temperature of 70°F. (21.1°C.) at a point 3 feet (914 mm) above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with Section 3102 of the Building Code , the Mechanical Code, and all other applicable laws. Unvented fuel-burning heaters are not permitted. All heating devices or appliances shall be of an approved type.

1. Cooling Facilities and Cooking Equipment. If a dwelling unit or guest room has been provided with cooling facilities or cooking equipment, or both, such facilities and equipment shall be maintained in a safe working condition or replaced.

Provide safe working cooling facilities or replace.
Provide safe working cooking equipment or replace.

LVMC 16.32.270 Applicability.

The requirements set out in this Article shall apply to all residential-type buildings including those existing, those new and those to be constructed in order to provide the maximum possible security from criminal actions to the permanent and transient occupants thereof, and to their possessions.

16.32.280 Entrance doors direct to outside.

These requirements shall apply to all housing units, whether detached, attached to or within a building, having individual entrances immediately accessible from the outside without other intervening entrance doors:

(A) Entrance doors to housing units shall be capable of resisting forcible entry equal to a single-panel or hollow-core door one-and-three eighths inches thick.

(B) Dead bolts openable without key from the inside shall be provided on all housing unit entrance doors.
(C) Double entry doors: The active leaf shall be equipped as above. The inactive leaf shall be equipped with flush bolts at head and sill.

Replace and properly install entry door with all required hardware.

LVMC 13.28 STREET NAMING AND ADDRESS ASSIGNMENTS
LVMC 13.28.080

(A) Use of display a street name, building number or address number that does not conform to the provisions of this Chapter;
(B) Display a street name, building number or address number in a manner that does not conform to the provisions of this Chapter; or
(C) Fail to display a street name, building number or address number in the manner required by this Chapter.

Provide Correct Address as Defined by County Records. Provide address on building and include design of address sign.

LVMC 9.04.010 (5) Any violation of Title 19 of this code.

LVMC 19.10.010 On-site parking standards

J) Design of Parking Areas.
(6) Maintenance. Parking facilities shall be continually maintained in compliance with approved Site Development Plans and shall be free of litter and debris.

(7) Surfacing and Striping. Except as otherwise provided in this Chapter, all parking and loading facilities shall be surfaced (paved), striped and marked to clearly define access lanes, compact and handicapped parking spaces, and internal circulation movements.

(9) Wheel Stops/Curbing. Concrete wheel stops or curbing at least six inches high and six inches wide shall be provided to prevent vehicles overhanging abutting sidewalks, properties or public rights-of-way, to protect landscaped areas and to protect adjacent properties. Such wheel stops or curbing shall be located at least two feet from any adjacent wall, fence, property line, walkway, landscape area or structure where parking and/or drive aisles are located. Wheel stops or curbing shall not be required to protect a sidewalk or walkway around the perimeter of a building if the sidewalk or walkway is at least seven feet wide.

Provide litter free parking stalls, marked, and provide wheel stops.

LVMC 19.12.070 Multi-family development--Preexisting.

(A) Multi-family developments that were approved before the minimum landscaping requirements of this Chapter went into effect may be required to comply with those requirements, within a reasonable time and to the extent reasonably possible. Upon notice from the Department of Neighborhood Services, and within the time period specified in the notice, the owner or manager of a development shall submit to the Planning and Development Department a proposed landscaping plan. The submittal shall be subject to the approval of the Director. If a

proposed landscaping plan is denied, the owner or manager may appeal the denial to the Planning Commission.

(B) Upon approval of a landscaping plan, the owner and manager of the development shall be jointly and severally responsible for maintaining the approved landscaping in accordance with this Chapter.

Provide and maintain landscaping

The listed corrections must be completed in order to obtain compliance. Please note that any repairs requiring replacement of building components must include permits, inspections and must be performed by a licensed contractor.

Per 16.31 – Vacant Buildings: Submit Letter of Intent. Obtain Boarding Certificate. Provide Mitigation Plan. Provide Rehabilitation Plan.

Post: No trespassing (per NRS 207.200), contact Bolden Area Command, COP Office at 289-5593 to have building properly posted.

Upon correction of violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer #16 at 229-4918 to supply your current phone number, email address, fax number, or additional mailing address.

In accordance with Chapter 16.31, you are required to:

- **Submit, within 60 days, a Mitigation and Rehabilitation Plan to address the vacant property. The Mitigation and Rehabilitation Plan must be filed with the Department of Neighborhood Services and must include:**

A statement indicating your intentions, as owner(s) of the property, for the future use of the property for the next 12 months, including, without limitation, plans to maintain, redevelop, or reestablish lawful occupancy of the property, or any combination of such activities;

A detailed plan of mitigation measures that you intend to take regarding the property, including, without limitation, measures to maintain the property; restore and maintain landscaping on the property; and provide and maintain adequate security for the property;

A detailed plan of rehabilitation measures that you intend to take regarding the property, including, without limitation, plans to restore buildings, and to maintain the property so as to remove the negative impact on surrounding properties;

A detailed scope of the rehabilitation work to be performed, a timeline for the work, and a set of plans for the work that have been approved by the Department of Building and Safety; and

A detailed landscape plan showing grass, shrubs and trees that conform to the landscape of surrounding properties, or low-maintenance, drought-resistant xeriscape, including such items as desert plants and decorative rock.

- **Board one or more buildings on the property, the building(s) being identified as a residential condominium located at 4186 Silver Dollar Ave., #7.**

- **Obtain a building permit for one or more buildings on the property that have been boarded without obtaining a permit, the building(s) being identified as a residential condominium located at 4186 Silver Dollar Ave., #7.**

In order to demolish one or more buildings, you are required to first obtain a demolition permit, and then to secure and maintain the remaining vacant property so as to remove the negative impact on surrounding properties.

If you fail to submit a Mitigation and Rehabilitation Plan or board a building within the timeframe(s) set forth above, the Director of Neighborhood Services is authorized to cause to be performed appropriate mitigation or rehabilitation work, or any combination thereof. As the property owner(s), you will be responsible for all costs incurred, including a fifteen percent (15%) administrative fee. You will be notified of a public hearing to be conducted by the City Council to review the costs, and the Council's decision shall be final and conclusive. Upon approval of the costs by the City Council, the City will be authorized to file a Lien of Assessment with the County Recorder's Office. Thereafter, certified copies of the lien will be given to the County Treasurer, and the amount of the Lien of Assessment shall then be collected at the same time and in the same manner as ordinary taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

Moreover, you are hereby given notice:

1. That within ten (10) days after service of this Notice and Order, you as the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen (15) days after the appeal has been filed, you will be given written notice of the procedure and time frame for the hearing of the appeal. The appeal will be heard by the City Council or by the Council's designee, with a right to final appeal to the Council. An owner or responsible party who fails to appeal shall be deemed to have waived any and all objections to the actions taken by the Director of Neighborhood Services to satisfy the requirements of this Notice and Order.
2. That this Notice and Order or a copy thereof must be presented to the Department of Building and Safety when requesting any permit(s).
3. That failure to appeal will constitute a waiver of all rights to an administrative hearing to determine this matter.

LVMC 9.04.020 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

The City is authorized to record this Notice and Order until such time as compliance has been obtained. Should you have any questions or concerns please call me at (702) 229-6615.

Sincerely,

Devin S. Smith, Manager
Neighborhood Response Division
Neighborhood Services Department

Enclosures: City of Las Vegas Abatement Specifications
City of Las Vegas Vacant & Boarded Structures Mitigation/Rehabilitation Plan
City of Las Vegas Vacant & Boarded Structures Statement of Intent
City of Las Vegas Boarded Building Certificate Application

14

20080813-0003467

Fee: $18.00
N/C Fee: $0.00
08/13/2008 14:07:56
T20080176105
Requestor:
LAS VEGAS CITY
Debbie Conway KXC
Clark County Recorder Pgs: 5

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN HARSIN, AICP

NOTICE AND ORDER

APN: 162-07-622-007

August 11, 2008

Case #68014

(5)

Certified/Regular Mail
Return Receipt Requested

RANDAZZO JOSEPH A & MICHELLE M
DEMATTEO LAWRENCE A
%D B BOGGESS ESQ
%BOGGESS & HARKER
7201 W LAKE MEAD BLVD #210
LAS VEGAS NV 89128-8360

NOTICE AND ORDER REGARDING VACANT OR ABANDONED

You are hereby notified as recorded owner(s) of the property located at **4186 Silver Dollar Ave.-#7, Las Vegas, NV, Parcel # 162-07-622-007,** as follows:

One or more vacant or abandoned buildings on the property, by reason of their condition or impact on surrounding property, have been identified as buildings that need to be boarded, demolished, rehabilitated, or any combination thereof, in accordance with Chapter 16.31 of the Las Vegas Municipal Code. The building or buildings are identified as **single family dwelling located at 4186 Silver Dollar Ave. - #7.**

Per 9.04 – Refuse & Waste: Remove any visible non-usable materials, goods, etc. from all yards and other areas, to comply with code. i.e., paper, plastic, wood, bottles, etc.

Per 9.04 – Weeds/Turf: Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height in all yards. Cut back all trees and bushes to allow unobstructed view from street, sidewalk, and/or alleyway.

Per 16.04 – Building Permits Required - Department of Building and Safety, 731 S. 4th Street, (702) 229-6251.

LAS VEGAS CITY COUNCIL
MAYOR OSCAR B. GOODMAN
MAYOR PRO TEM GARY REESE • LARRY BROWN • STEVE WOLFSON • LOIS TARKANIAN
STEVEN D. ROSS • RICKI Y. BARLOW
CITY MANAGER DOUGLAS A. SELBY

RETURN TO:
CITY OF LAS VEGAS • 400 STEWART AVENUE • LAS VEGAS, NEVADA 89101
VOICE 702.229.6615 • FAX 702.382.4341 • TTY 702.386.9108 • www.lasvegasnevada.gov

PER ORD 3744-PROVIDE CORRECT ADDRESS AS DEFINED BY COUNTY RECORDS.

PER 2006 IBC SECTION 501.2 AND ORD 3744: PROVIDE ADDRESS ON BUILDING AND INCLUDE IN DESIGN OF ADDRESS SIGN.

PER LVMC 19.10: PROVIDE LITTER FREE PARKING STALL MARKED AND PROVIDE WHEEL STOPS.

PER LVMC 19.12: SUBMIT LANDSCAPE PLAN TO CITY OF LAS VEGAS PLANNING AND DEVELOPMENT LOCATED AT 731 S 4TH ST AND INSTALL TO APPROVED SPECIFICATIONS. KEEP MAINTAINED AT ALL TIMES.

1994 UNIFORM HOUSING CODE SUPPLEMENT, SECTION 12 -OBTAIN PROPER PERMITS FOR THE REHABILITATION OF UNIT AND ACHIEVE A CERTIFICATE OF OCCUPANCY FOR CONDOMINIUM. REPAIRS MUST INCLUDE (BUT NOT LIMITED TO) THE FOLLOWING:

1994 UNIFORM HOUSING CODE, CHAPTER 10: PROVIDE DRAINAGE FREE FROM OBSTRUCTION INCLUDING THE JETTING OF COMMON DRAIN SYSTEM.

2006 INTERNATIONAL PLUMBING CODE, SECTION 601.3: RESTORE AND RETURN THE COPPER WATER PIPING AS THE GROUNDING ELECTRODE.

1994 UNIFORM HOUSING CODE, SECTION 1001.1: INTERIOR WALLS AND CEILINGS ARE TO HAVE ALL HOLES, PENETRATIONS, ANNULAR OPENINGS SEALED OR CAULKED.

1994 UNIFORM HOUSING CODE, CHAPTER 10: INTERIOR LAUNDRY ROOM TO BE IN GOOD REPAIR AND SANITARY

1994 UNIFORM HOUSING CODE, SECTION 1001.8: ANY/ALL WINDOWS BROKEN OR IN DISREPAIR ARE TO BE MADE IN GOOD REPAIR OR REPLACED.

2006 INTERNATIONAL PLUMBING CODE, CHAPTER 5: OBTAIN LICENSED PLUMBING CONTRACTOR TO INSTALL CORRECT PLUMING FITTINGS AND MATERIAL FOR WATER HEATER.

1994 UNIFORM HOUSING CODE, SUPPLEMENT, SECTIONS 9 AND 10: PROVIDE SAFE WORKING COOKING FACILITIES

1994 UNIFORM HOUSING CODE, SUPPLEMENT SECTION 10: PROVIDE SAFE WORKING COOLING FACILITIES.

1994 UNIFORM HOUSING CODE CHAPTER 10: FLOORING TO BE MADE SANITARY

1994 UNIFORM HOUSING CODE, SECTION 1001: BATHROOMS TO HAVE FIXTURES PROPERLY INSTALLED, GOOD DRAINAGE, LEAK FREE AND SANITARY.

LVMC TITLE 16.32: REPLACE AND PROPERLY INSTALL ENTRY DOOR WITH ALL REQUIRED HARDWARE

Per 16.31 – Vacant Buildings: Submit Letter of Intent. Obtain Boarding Certificate. Provide Mitigation Plan. Provide Rehabilitation Plan.

Post: No trespassing (per NRS 207.200), no dumping (per NRS 444.630), no vehicles (per CLVMC 10.78.020 & 11.24.020) sign on site to deter illegal activity and prevent future violations. All trespassers, squatters, and anyone unable to prove occupancy must vacate premises within 10 days of posting of this notice.

Upon correction of violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer #16 at 229-4918 to supply your current phone number, email address, fax number, or additional mailing address.

In accordance with Chapter 16.31, you are required to:

- **Submit, within 60 days, a Mitigation and Rehabilitation Plan to address the vacant property. The Mitigation and Rehabilitation Plan must be filed with the Department of Neighborhood Services and must include:**

A statement indicating your intentions, as owner(s) of the property, for the future use of the property for the next 12 months, including, without limitation, plans to maintain, redevelop, or reestablish lawful occupancy of the property, or any combination of such activities;

A detailed plan of mitigation measures that you intend to take regarding the property, including, without limitation, measures to maintain the property; restore and maintain landscaping on the property; and provide and maintain adequate security for the property;

A detailed plan of rehabilitation measures that you intend to take regarding the property, including, without limitation, plans to restore buildings, and to maintain the property so as to remove the negative impact on surrounding properties;

A detailed scope of the rehabilitation work to be performed, a timeline for the work, and a set of plans for the work that have been approved by the Department of Building and Safety; and

A detailed landscape plan showing grass, shrubs and trees that conform to the landscape of surrounding properties, or low-maintenance, drought-resistant xeriscape, including such items as desert plants and decorative rock.

- **Board one or more buildings on the property, the building(s) being identified as a single family dwelling located at 4186 Silver Dollar Ave., #7.**

- **Obtain a building permit for one or more buildings on the property that have been boarded without obtaining a permit, the building(s) being identified as a single family dwelling located at 4186 Silver Dollar Ave., #7.**

In order to demolish one or more buildings, you are required to first obtain a demolition permit, and then to secure and maintain the remaining vacant property so as to remove the negative impact on surrounding properties.

If you fail to submit a Mitigation and Rehabilitation Plan or board a building within the timeframe(s) set forth above, the Director of Neighborhood Services is authorized to cause to be performed appropriate mitigation or rehabilitation work, or any combination thereof. As the property owner(s), you will be responsible for all costs incurred, including a fifteen percent (15%) administrative fee. You will be notified of a public hearing to be conducted by the City Council to review the costs, and the Council's decision shall be final and conclusive. Upon approval of the costs by the City Council, the City will be authorized to file a Lien of Assessment with the County Recorder's Office. Thereafter, certified copies of the lien will be given to the County Treasurer, and the amount of the Lien of Assessment shall then be collected at the same time and in the same manner as ordinary taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

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1. That within fifteen (15) days after service of this Notice and Order, you as the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen (15) days after the appeal has been filed, you will be given written notice of the procedure and time frame for the hearing of the appeal. The appeal will be heard by the City Council or by the Council's designee, with a right to final appeal to the Council. An owner or responsible party who fails to appeal shall be deemed to have waived any and all objections to the actions taken by the Director of Neighborhood Services to satisfy the requirements of this Notice and Order.
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LVMC 9.04.020 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more

than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

The City is authorized to record this Notice and Order until such time as compliance has been obtained. Should you have any questions or concerns please call me at (702) 229-6615.

Sincerely,

Devin S. Smith, Manager
Neighborhood Response Division
Neighborhood Services Department

Enclosures: City of Las Vegas Abatement Specifications
City of Las Vegas Vacant & Boarded Structures Mitigation/Rehabilitation Plan
City of Las Vegas Vacant & Boarded Structures Statement of Intent

cc: La paz Nuevo Homeowners Association, Inc.
645 Helmhill Ave.
Las Vegas, NV 89123

La paz Nuevo Homeowners Association, Inc.
P. O. Box 94642
Las Vegas, NV 89193-4642

Lawrence A. Dematteo
President
La paz Nuevo Homeowners Association, Inc.
3172 Rowena
Rossmoor, CA 90720

Silver Dollar Re-Inspection Report 8/31/2009

4186 Silver Dollar

Case Number	Unit	Violations Remaining	Inspection Results	Occupied/Vacant
67914	1	Interior Insp- Previously passed. Leave Case Open for Common Area Inspected 8/31/09 1)Cleanout not to Grade Level	Failed	Occupied
68011	2	No Insp/ Previously passed.	Passed	Occupied
68012	3	No Insp/ Previously passed.	Passed	Occupied
68016	4	No Insp/ Previously passed.	Passed	Occupied
68168	5	Violations repaired.	Passed	Occupied
68013	6	No Insp/ Previously passed.	Passed	Occupied
68014	7	No Insp/ Previously passed.	Passed	Occupied
68171	8	None	Passed	Owner Occupied

4168 Silver Dollar

Case Number	Unit	Violations Remaining	Inspection Results	Occupied/Vacant
68005	1	Violations repaired.	Passed	Occupied
68125	2	No inspection completed- Will be ready on 3/2/09 Inspected 4/30/09 1) Broken door knob assembly 2) Lvngrm window broken 3) GFCI broken-ktchn 4) Kichn snk not secured 5) Hood outlet incomplete 6) Exhaust duct not installed 7) No stove 8) Missing interior door casing 9) Bedroom window broken 10) Circuit Breakers unlabeled 11) Cabinets in disrepair 12) Toilet needs base caulked 13) Incorrect tail piece-lavatory 14) Tub drain backed up 15) Tub shower valve disrepair 16) Bathroom wall unfinished 17) Need electricity Inspected 7/10/09 Violations repaired	First Fail from boarded status Passed	Vacant Vacant Occupied
68172	3	No inspection completed, will be moved to unit 3 when completed. Then unit to be rehabbed. Not ready for inspection of 4/30/09 Inspected 7/10/09 Violations repaired	Vacant Passed	Occupied Now Vacant Occupied
68007	4	1)Window broken Inspected 8/31/09 Compliance Made	Passed	Occupied
68173	5	None	Passed	Owner Occupied
68009	6	Violations repaired.	Passed	Occupied

68010	7	1) diverter valve not functional, needs replaced.* Inspection 7/10/09 Compliance Made	Passed	Occupied
68176	8	No inspection completed- Will be ready on 3/2/09 Inspected 7/10/09 Compliance Made	Passed	Occupied

4152 Silver Dollar Av.

Case Number	Unit	Violations	Inspection Results	Occupied/Vacant
67733	1	None	Passed	Owner Occupied no inspection performed on unit.
68190	2	No inspection completed, will be completed in March.	Passed	Vacant
67735	3	None	Passed	Owner Occupied no inspection performed on unit.
68189	4	No inspection completed, will be completed in March. Inspected 4/30/09: 1)Wall unfinished at entry door 2)Broken outlet face plate 3)No cooking stove 4)Drainage fittings incorrect 5)Incorrect wiring of disposal 6)Broken thermostat 7)Broken bedroom door hardware 8)Broken bedroom window 9)Circuit breakers not labeled 10)Bath exhaust fan not installed 11)Incorrect tailpiece drainage fittings 12)missing sink drain screen 13)Need electricity Inspected 7/10/09 Violations repaired	First fail from boarded status Passed	Vacant Vacant Occupied
68177	5	All items repaired.	Passed	Occupied
68178	6	No Inspection performed on this unit.	Passed	Owner occupied
68191	7	No inspection completed, will be completed in March. Inspected 4/30/09: 1)Kitchen sink drain backed up 2)Incorrect drain fittings and installatn 3)Cabinets broken and disrepair 4)Kitchen walls in disrepair 5)shower valve/spout unsupported 6)Deadfront cover missing at panel 7)Smoke detectors missing 8)Missing sink drain screen 9)Broken shower diverter valve 10)Inoperable heat pump	First fail from boarded status	Vacant Vacant

		11)Need electricity Inspected 7/10/09 Violations repaired	Passed	Occupied
	8	No inspection completed, will be completed in March. Inspected 4/30/09: 1)Missing range hood w/exhaust 2)Kitchen cabinets in disrepair 3)Bathroom sink/cabinet not replaced 4)Exhaust fan to have roof flashing 5)Carpet not installed throughout 6)Unusable stove 7)Need electricity	First fail from boarded status	Vacant Vacant
68472		Inspected on 7/10/09 1)Common Area Clean Out Buried	Failed	Occupied

Items with * are new violations.

Common Area Violations :

1) Needs to restore and return the copper water piping as the grounding electrode or repair by other approved means. – Inspector verified repaired.

2) Interior area landscaping has been completed.

3) Repair all damaged stucco to exterior areas of building. This item was completed.

*4) Common Area at 4152 is to have cleanout raised to grade level. As of 8/31/09 this has not been completed.

*5) Common Area at 4186 is to have back flow protection at front landscape connection. As of 8/31/09 this has not been completed.

LAS VEGAS CITY COUNCIL

MAYOR
OSCAR B. GOODMAN

GARY REESE, WARD 3
(MAYOR PRO-TEM)
STEVE WOLFSON, WARD 2
LOIS TARKANIAN, WARD 1
STEVEN D. ROSS, WARD 6
RICKI Y. BARLOW, WARD 5
STAVROS S. ANTHONY, WARD 4

CITY MANAGER
ELIZABETH N. FRETWELL

NEIGHBORHOOD
SERVICES DEPARTMENT

DIRECTOR
STEPHEN K. HARSIN, AICP

September 1, 2009

Certified/Regular Mail
Return Receipt Requested

RFH LA PAZ LLC
3910 Pecos-McLeod Rd #B-100
Las Vegas, NV 89121-4304

4152 Silver Dollar Ave – Units 2, 4, 5, and 7-8
4168 Silver Dollar Ave – Units 1-4, 6-8
4186 Silver Dollar Ave – Units 1-7

Dear Property Owner:

At the City Council meeting held on July 15, 2009, Agenda Item #49 was approved for a forty-five day review hearing. The hearing review is scheduled to be heard on September 16, 2009. This will be a review of the violations listed in the Notice and Orders to Comply dated August 11, 2008 and September 11, 2009 for status of compliance and a review of civil penalties assessed.

If you have any questions concerning this procedure, please contact the Neighborhood Response Division located in the Department of Neighborhood Services, by telephoning (702)229-6615.

Sincerely,

Devin Smith, Manager
Neighborhood Response Division
Department of Neighborhood Services

DSS:jl

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.2330
FAX 702.598-3938
TTY 792 386.3045
www.lasvegasnevada.gov

LAS VEGAS CITY COUNCIL

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RICKI Y. BARLOW, WARD 5
STAVROS S. ANTHONY, WARD 4

CITY MANAGER
ELIZABETH N. FRETWELL

NEIGHBORHOOD
SERVICES DEPARTMENT

DIRECTOR
STEPHEN K. HARSIN, AICP

June 18, 2009

Certified/Regular Mail
Return Receipt Requested

RFH LA PAZ LLC
3910 Pecos-McLeod Rd #B-100
Las Vegas, NV 89121-4304

4152 Silver Dollar Ave – Units 2, 4, 5, and 7-8
4168 Silver Dollar Ave – Units 1-4, 6-8
4186 Silver Dollar Ave – Units 1-7

Dear Property Owner:

At the City Council meeting held on April 15, 2009, Agenda Items #53-57 were approved for a three (3) month review hearing. The hearing review is scheduled to be heard on July 15, 2009. This will be a review of the violations listed in the Notice and Orders to Comply dated August 11, 2008 and September 11, 2009 for status of compliance and a review of civil penalties assessed.

If you have any questions concerning this procedure, please contact the Neighborhood Response Division located in the Department of Neighborhood Services, by telephoning (702)229-6615.

Sincerely,

Devin Smith, Manager
Neighborhood Response Division
Department of Neighborhood Services

DSS:jl

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

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TTY 792 386.3045
www.lasvegasnevada.gov

City of Las Vegas Agenda Item No.: **37.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: NEIGHBORHOOD SERVICES
DIRECTOR: STEPHEN K. HARSIN ☐ **Consent** ☒ **Discussion**

SUBJECT:
Public Hearing to consider the report of expenses to recover costs for abatement of dangerous building demolition located at 620 Madison Avenue in the amount of $9,704.60 (General Fund) and assess a maximum of $94,000 in daily civil penalties. PROPERTY OWNER: BANK DEUTSCHE NATIONAL TR CO TRS - Ward 5 (Barlow)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $9,704.60
Funding Source: General Fund
Dept./Division: Neighborhood Services/Response

PURPOSE/BACKGROUND:
The condition of the property was a public hazard and an attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed the Department of Neighborhood Services hired Baldwin Development, LLC. To date, there have been three (3) inspections conducted at this location. The value of the property based on the sale date of August 2008 was $299,275.

RECOMMENDATION:
That the City Council: Approve the report of expenses to include $7,499 invoice for Baldwin Development, LLC services and $825 invoice for CamAir asbestos survey in addition to other fees assessed for a total of $9,704.60 and consider assessing a maximum of $94,000 in daily civil penalties.

BACKUP DOCUMENTATION:
1. Agenda Memo
2. Location Maps
3. Report of Expenses
4. Contractor Disclosures
5. Notice of Public Hearing
6. Chronological List of Events
7. Copy of the Notice and Claim of Lien

City of Las Vegas

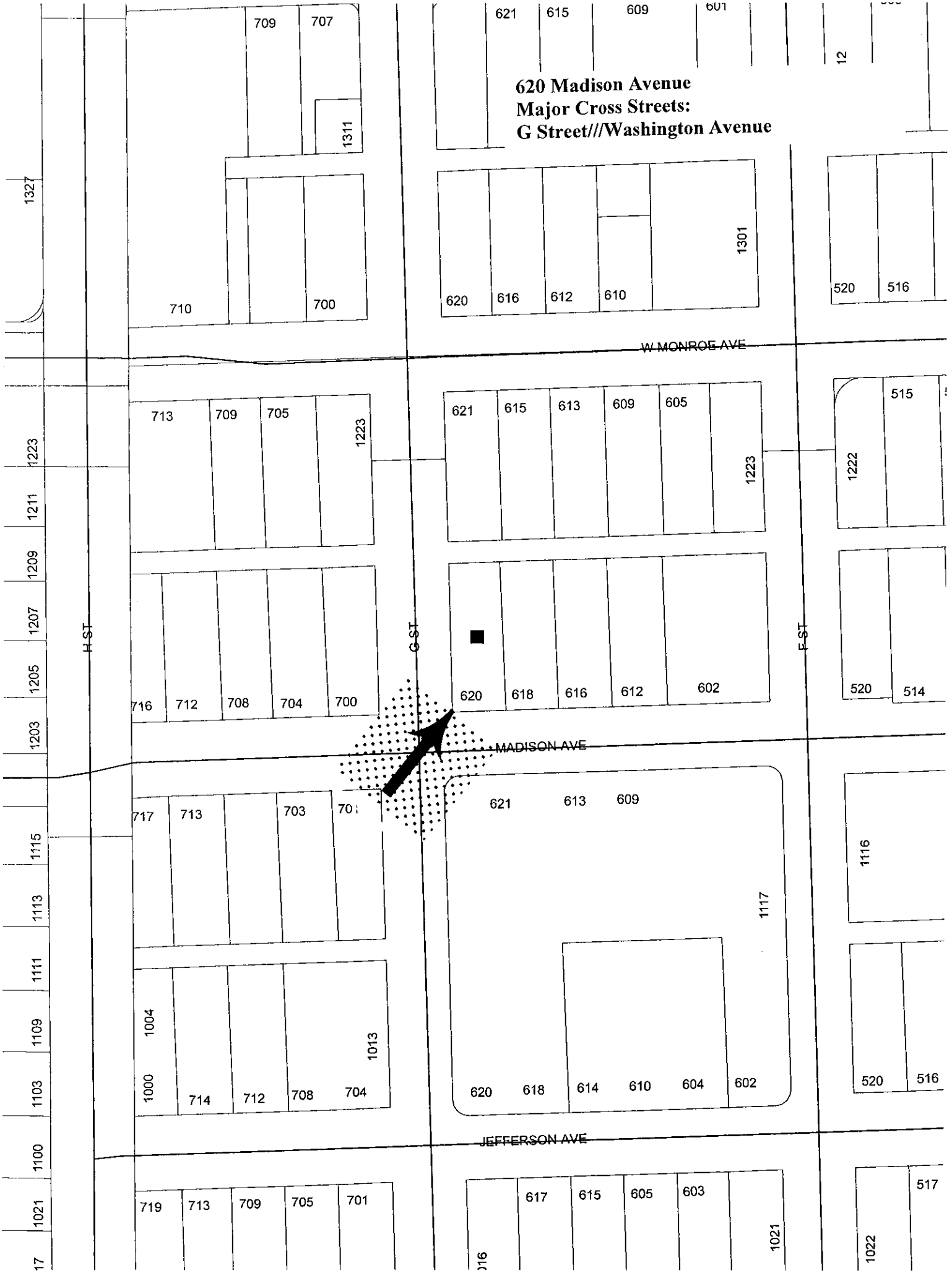
AGENDA MEMO

CITY COUNCIL MEETING DATE: September 16, 2009
DEPARTMENT: Neighborhood Services
ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for abatement of dangerous building demolition located at 620 Madison Avenue in the amount of $9,704.60 (General Fund) and assess a maximum of $94,000 in daily civil penalties. PROPERTY OWNER: BANK DEUTSCHE NATIONAL TR CO TRS – Ward 5 (Barlow)

Baldwin Development, LLC completed work on June 23, 2009 at a cost of $7,499; CamAir conducted asbestos survey at a cost of $825; $132 in reinspection fees (w/late fees); plus a 15% administrative processing fee, for a total of $9,704.60.

Today's public hearing is to consider the Report of Expenses filed by the Department of Neighborhood Services and to hear any objections thereto. Under the Uniform Code for the Abatement of Dangerous Building Demolition and Civil Penalties, the City Council may make revisions or adjustments to the Report of Expenses as deemed proper. If the Report of Expenses is confirmed and accepted by the Council, the Council can then declare the charges to be a personal obligation on the part of the property owner or may order the charges assessed against the property by means of a Lien of Assessment. In this particular case, we recommend a Lien of Assessment.

If the Lien is approved by the Council, certified copies of the recorded lien will be given to the County Treasurer's Office and the amount of the assessment will be collected at the same time and in the same manner as ordinary property taxes. All laws applicable to the collection and enforcement of property taxes shall be applicable to such assessment, and the amount of the assessment will be added to the next regular property tax bill levied against the parcel.


620 Madison Avenue
Major Cross Streets:
G Street///Washington Avenue
W MONROE AVE
MADISON AVE
JEFFERSON AVE
H ST
G ST
F ST
1327
1223
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620 Madison Avenue
Major Cross Streets:
G Street///Washington Avenue
H ST
HARRISON AVE
W VAN BUREN AVE
C ST
JACKSON AVE
W MONROE AVE
MADISON AVE
IVY LN
MADISON AVE
CUNNINGHAM DR
I ST
G ST
E ST
D ST
JEFFERSON AVE
W ADAMS AVE
W WASHINGTON AVE
MORGAN AVE
MORGAN AVE
J ST
GRANT ST
GERSON AVE
W MCWILLIAMS AVE
I 15
I 15

Memorandum

City of Las Vegas
Neighborhood Services Department

To: Beverly Bridges, CMC, City Clerk

From: Devin S. Smith, Manager – Neighborhood Response Division

CC: File

Date: September 1, 2009

Re: Report of Expenses for the abatement of Dangerous Building Demolition at 620 Madison Avenue - Ward 5 (Barlow)

LVMC Ordinance 5873 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the nuisance violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for "Dangerous Building Demolition," the Department of Neighborhood Services caused the above-referenced property to be corrected by demolishing the structure(s) to City of Las Vegas specifications, leaving slab to grade (all work must be done in compliance with Clark County Health regulations (bid must include asbestos removal)), removing trash, refuse, debris, the dilapidated wooden perimeter fence and posting No Trespassing, No Dumping, No Vehicle signs on site. The abatement was completed by Baldwin Development, LLC on June 23, 2009 at a cost of $7,499.00, and asbestos survey on February 20, 2009 at a cost of $825.00 which was accepted by the Department of Neighborhood Services.

Contract Amount Breakdown:	
Demolish the Structure	$7,249.00
Remove trash, refuse and debris	$100.00
Remove dilapidated wooden perimeter fence	$100.00
Posting of Signs (No Trespassing, No Dumping, No Vehicles)	$50.00
Asbestos Survey	$825.00
AMOUNT DUE:	$8,324.00
Administrative Processing Fee:	$1,248.60
Sub-Total:	$9,572.60
Reinspection Fees (w/late fees):	$132.00
Civil Penalties:	$0
Payments	$0
TOTAL AMOUNT DUE:	**$9,704.60**
Daily Civil Penalties – 188 days @ $500 a day (excluding fees already assessed) December 18, 2008 to June 23, 2009	**$94,000.00**
Maximum Total:	**$103,704.60**
OWNER OF RECORD:	BANK DEUTSCHE NATIONAL TR CO TRS
PROPERTY ABATED:	620 Madison Avenue

ASSESSOR PARCEL:	139-27-210-006
LEGAL DESCRIPTION:	H F M & M ADD
	PLAT BOOK 1 PAGE 47
	LOT 1 BLOCK 20

DSS:jl

CamAir
3233 Barbuda Rd.
Las Vegas, NV 89117

Disclosure of Principals

The principals and partners of *CamAir*, and all persons and entities holding more than 1% interest in *CamAir* or any principal of *CamAir* are the following:

	Full Name	Business Address	Business Phone
1.	DENNIS J. KISH	3233 BARBUDA Rd, LV, NV 89117	(702) 610-4226
2.			
3.			
4.			
5.			
6.			
7.			

Continue list until full and complete disclosure is made.

I certify under penalty of perjury, that the foregoing list is full and complete.

By: *CamAir* DENNIS J. KISH

STATE OF NEVADA)
)
COUNTY OF CLARK)

Subscribed and sworn to before me, a Notary Public, on this 26th day of December, 2002, by Dennis J. Kish.

SALLY ARMENDARIZ
Notary Public - Nevada
No. 00-64713-1
My appt. exp. June 27, 2004

NOTARY PUBLIC in and for said County and State

Baldwin Development, LLC
6935 Aliante Pkwy, Suite 104-283
N Las Vegas, NV 89084

Disclosure of Principals

The principals and partners of *Baldwin Development, LLC* and all persons and entities holding more than 1% interest in *Baldwin Development, LLC* or any principal of *Baldwin Development, LLC* are the following:

	Full Name	Business Address	Business Phone
1.	Morgan Baldwin	6935 Aliante Pkwy #104-283 NLV, NV 89084	469-8874
2.	Devin Baldwin	- Same -	- Same
3.			
4.			
5.			
6.			
7.			

Continue list until full and complete disclosure is made.

I certify under penalty of perjury, that the foregoing list is full and complete.

Baldwin Development, LLC

By: [signature]

State of Nevada)
) ss:
County of Clark)

Subscribed and sworn to before me, a Notary Public, on this 4th day of September, 2008.

[signature]
Notary Public in and for Clark County, State of Nevada

KIMBERLY A. HOSACK
Notary Public State of Nevada
No. 08-7453-1
My appt. exp. Nov. 15, 2011

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW
STAVROS S. ANTHONY

ELIZABETH N. FRETWELL
CITY MANAGER

NOTICE OF PUBLIC HEARING

SEPTEMBER 16, 2009

Pursuant to Las Vegas Municipal Code for the Abatement of Dangerous Buildings/Nuisance Code and/or Housing Code, NOTICE IS HEREBY GIVEN THAT ON **WEDNESDAY, SEPTEMBER 16, 2009,** at the hour of **9:00 A.M.** in the City Council Chambers, 400 Stewart Avenue, Las Vegas, Nevada, the City Council will consider the REPORT OF EXPENSES submitted by the Director of Neighborhood Services for:

> Abatement of the violations on the property located at **620 MADISON AVENUE.** The Director of Neighborhood Services certifies that the sum of **$9,704.60** was expended and Civil Penalties in the sum of **$94,000.00** may be imposed for a total of **$103,704.60.** Owner of record at time of abatement: **BANK DEUTSCHE NATIONAL TR CO TRS – WARD 5 (BARLOW)**

If the City Council is satisfied with the report, it may order a lien of assessment recorded against the property. Any person affected by the proposed charge may file a written protest with the City Clerk any time prior to the hearing. Each protest must contain a description of the property and the grounds for the protest.

BEVERLY K. BRIDGES
CITY CLERK

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

Printed with environmentally friendly soy ink.

CASENO 71580 ABANDB **02325-31**

Address: **620 MADISON AVE**

MTRO
DBPROJ

VACANT 3PIEX,OPEN AND ACCESSIBLE.

Parcel(s)

Parcel:	*Size:*	*Subdivision Name:*
13927210006	0.16 ACRE	H F M & M ADD

Owner Information:

21-Jan-04	28-Jan-04	REYNOSO ARTURO 1421 N JONES BLVD #111; LAS VEGAS, NV 89108
28-Jan-04	28-Aug-08	REYNOSO ARTURO 1421 N JONES BLVD #111; LAS VEGAS, NV 89108-1610
28-Aug-08	04-Sep-08	BANK DEUTSCHE NATIONAL TR CO TRS P O BOX 11000; SANTA ANA, CA 92711
04-Sep-08		BANK DEUTSCHE NATIONAL TR CO TRS P O BOX 11000; SANTA ANA, CA 92711-1000
10-Aug-02	21-Jan-04	REYNOSO ARTURO 240 N JONES BLVD #257; LAS VEGAS, NV 89107-1450

Inspection Summary

Inspector:	*Status:*	*Scheduled DT:*	*Start Dt:*	*Comp DT:*	*Min:*
982400	Failed	11/7/2008	11/04/2008 13:26	11/04/2008 13:35	9
982400	Failed	12/19/2008	12/29/2008 12:45	12/29/2008 12:50	5
960066	Passed	5/20/2009	06/26/2009 7:31	06/26/2009 7:35	4
				Time in Minutes:	18

Violation Details

Violation	*Violation DT:*	*Resolve DT:*	*Location:*
A-REFUSE/WST	11/4/2008	6/26/2009	REMOVE ALL REFUSE AND WASTE TO INCLUDE, PAPER,PLASTIC,CARDBOARD,HOUSEHOLD ITEMS
A-MITIGATION	11/4/2008	6/26/2009	SUBMIT DETAILED MITIGATION PLAN
A-GRAFFITI	11/4/2008	6/26/2009	REMOVE GRAFFITI FROM ALL SURFACES AND MAINTAIN FREE OF GRAF
A-INTENT LTR	11/4/2008	6/26/2009	SUBMIT STATEMENT OF INTENT
A-BLD DNGR	11/4/2008	6/26/2009	SECURE ALL OPENINGS TO CLV SPECIFICATONS OR REPAIR ALL DOOR
A-WEEDS	11/4/2008	6/26/2009	REMOVE ALL HIGH, DRY AND DEAD VEGETATION TO INCLUDE ALL DEAD

Log

Type:	*Date:*	*Employee:*	*Min:*
MEET	9/1/2009 8:38:00 AM	JESSICA LARRAMENDY	0
JL) Scheduled to be heard at City Council meeting on September 16, 2009			

LETTER	9/1/2009 8:37:00 AM	JESSICA LARRAMENDY	0
JL) Report of expense letter and memo mailed certified and regular mail.			
PHONE	7/13/2009 3:22:00 PM	GREGG GALLEGOS	1
31)recieved call from Kary Smith of Luxury Homes of Las Vegas 777-9996 asking where the structure went and was surprised to find no building exists on property when showing to a client.			
MISC	6/26/2009 7:53:00 AM	LAURA DEARMOND	0
Ld) VIDEO COMPLETED PER #21, PAID $7,499 TO BALDWIN DEVELOPMENT LLC			
VIDREQ	6/24/2009 11:27:00 AM	LAURA DEARMOND	0
Ld) RECEIVED BALDWIN INVOICE, SENT VIDEO REQUEST EMAIL TO #21			
VIDPRE	5/20/2009 4:03:00 PM	ANTHONY GUARINO	0
21)pre video and photos done, phots in CC items File			
VIDREQ	5/19/2009 10:44:00 AM	LAURA DEARMOND	0
Ld) BALDWIN WANTS TO PURCHASE DUST PERMIT, SENT VIDEO REQUEST EMAIL TO #21			
BIDA	5/18/2009 3:45:00 PM	LAURA DEARMOND	0
Ld) BID AWARDED TO BALDWIN DEVELOPMENT			
EMAIL	5/11/2009 2:29:00 PM	LAURA DEARMOND	0
Ld) SENT EMAIL TO DEVIN FOR APPROVAL REQUISITION #151468 $7,499 TO BALDWIN			
PHONE	4/7/2009 10:15:00 AM	LISA MORRIS HIBBLER	5
LMH)SPOKE WITH ANDREA AT REMAX,SHE STATED THAT THEY ARE NO LONGER THE LISTING AGENT SINCE JANUARY OF 09. NO FORWARDING BANK INFO			
PHONE	4/7/2009 10:00:00 AM	LISA MORRIS HIBBLER	5
LMH)SPOKE WITH ANDREA AT REMAX,SHE WILL CALL BACK ON THE STATUS OF THE PROPERTY.			
MEMO	4/7/2009 9:55:00 AM	LISA MORRIS HIBBLER	5
LMH)REVIEWED CASE,THERE HAS BEEN NO CONTACT WITH OWNERS,AGENTS NO LONGER INVOLVED, PROCEED			
DIRECT	4/7/2009 9:18:00 AM	VICKI OZUNA	0
19) Approved by Lisa to move forward with abatement.			
MEMO	3/25/2009 9:29:00 AM	LYNN NIHIPALI	0
16)PICTURE PREPARED FOR BID REVIEW.			
RESEAR	3/24/2009 1:47:00 PM	LYNN NIHIPALI	0
16)NO PERMITS ON FILE			
INSP	3/24/2009 7:31:00 AM	LYNN NIHIPALI	4
16)UNITS ARE BOARDED NOT TO SPECS,GRAFFITI STILL ON BUILDING. CHECK FOR DEMO PERMIT,IF NONE, PROCEED WITH DEMOLITION PIX FAIL FEE			
MISC	3/10/2009 8:09:00 AM	LAURA DEARMOND	0
Ld) RECEIVED CERTIFIED CARD FROM OWNER Deutsche Bank National Trust Company TRS P O Box 11000 Santa Ana, CA 92711-1000			
NOPOST	3/6/2009 2:33:00 PM	LYNN NIHIPALI	0
16)NOTICE POSTED ON FRONT DOOR, CONTRACTOR ON SITE TO BOARD.			
MISC	3/2/2009 10:11:00 AM	LAURA DEARMOND	0
Ld) SENT 10 DAY NOTICE BEFORE ABATEMENT TO OWNER Deutsche Bank National Trust Company TRS P O Box 11000 Santa Ana, CA 92711-1000			
BIDR	3/2/2009 7:40:00 AM	LAURA DEARMOND	0
Ld) RECEIVED BIDS 1) BALDWIN DEVELOPMENT $7,499 (2) AMERICAN DEMOLITION $9,100 (3) W A CONSTRUCTION $14,429 (4) WEAVER CONSTRUCTION $15,540 (5) LEVELEX $17,300 (6) CONSTRUCTION GROUP INTERNATIONAL $19,560			
BIDS	2/23/2009 7:30:00 AM	LAURA DEARMOND	0
Ld) DEMO BID FAXED TO CONTRACTORS, DUE BACK 2-27			
MISC	2/23/2009 7:00:00 AM	LAURA DEARMOND	0
Ld) $825.00 PAID TO CAMAIR FOR ASBESTOS SURVEY			
BIDA	2/11/2009 3:30:00 PM	LAURA DEARMOND	0
Ld) ASBESTOS SURVEY BID AWARDED TO CAMAIR			

EMAIL	2/10/2009 7:30:00 AM	LAURA DEARMOND	0
Ld) SENT EMAIL TO DEVIN FOR APPROVAL REQUISITION #146861 $825 TO CAMAIR			
BIDR	2/10/2009 7:00:00 AM	LAURA DEARMOND	0
Ld) RECEIVED BIDS (1) CAMAIR $825 (2) GCA $1,180			
MISC	2/5/2009	KARAN CROSIER	0
Caller says there are squatters living in this building, they throw trash all over the property, and next door, they bother her tenants next door			
BIDS	1/30/2009 7:33:00 AM	LAURA DEARMOND	0
Ld) FAXED ASBESTOS SURVEY BID TO CONTRACTORS, DUE BACK 2-4			
DIRECT	1/29/2009 2:12:00 PM	PAMELA HINES	7
24)REVIEWED & SUBMITTED BID SHEET TO OFFICE STAFF TO OBTAIN BIDS.			
PHONE	12/30/2008 3:01:00 PM	LYNN NIHIPALI	0
16)SPOKE WITH ANDREA,REP FOR REALTOR,LET HER KNOW I NEED THE PROPERTY SECURED. CHECK BACK ON 1/13			
INSP	12/29/2008 12:45:00 PM	LYNN NIHIPALI	5
16)BUILDING STILL THERE,REAR UNITS ARE OPEN AND ACCESSIBLE,PIX,FAIL,FEE,CONTINUE WITH ABATEMENT (DEMOLITION) WILL CONTACT REALTOR TO SEE IF THEY CAN SECURE UNTIL DEMOLITION DAY.			
MISC	12/11/2008 7:45:00 AM	ELIZABETH DOUGLAS	0
PLACED N&O RECORDED 12/8/08 IN FILE. ED			
RECORD	12/8/2008 12:38:00 PM	JESSICA LARRAMENDY	0
JL) Recorded Ten (10) Day N&O to Abate Dngr Bldg/Demo dated November 25, 2008. Release recorded in Book: 20081208 Inst:01374.			
MISC	12/5/2008 10:02:00 AM	LAURA DEARMOND	0
Ld) RECEIVED CERTIFIED CARD FROM OWNER Deutsche Bank National Trust Company TRS P O Box 11000 Santa Ana, CA 92711-1000			
NOPOST	12/1/2008 10:24:00 AM	LYNN NIHIPALI	4
16)POSTED ON FRONT GATE AS GATES ARE LOCKED AT THIS TIME. CB 12/11			
MISC	11/25/2008 7:44:00 AM	LAURA DEARMOND	0
Ld) SENT TEN (10) DAY NOTICE AND ORDER TO ABATE DANGEROUS BUILDING/DEMOLITION TO OWNER Deutsche Bank National Trust Company TRS P O Box 11000 Santa Ana, CA 92711-1000			
NOREQ	11/17/2008 2:13:00 PM	LYNN NIHIPALI	0
16)notice and order prepared and forwarded to 24 for review. check status 11-26			
MEMO	11/14/2008 8:00:00 AM	GREGG GALLEGOS	90
31)completed report to request for demolition** returned case file to 16)			
PHONE	11/13/2008 3:00:00 PM	LYNN NIHIPALI	5
16)spoke to val at remax, will forward copy of demo report.			
PHONE	11/10/2008 7:00:00 AM	GREGG GALLEGOS	0
31)Alejandra from ReMax-Advantage called to inquire details of the impending demolition** 6556693 or 2407007			
NOREQ	11/6/2008 6:47:00 AM	LYNN NIHIPALI	0
16)NOTICE AND ORDER PREPARED AND FORWARDED TO 24 FOR REVIEW.			
FORCLO	11/6/2008 6:46:00 AM	LYNN NIHIPALI	0
16)TO BANK DEUTCHE NATIONAL TRUST ON 8/15/2008			
INSP	11/4/2008 1:26:00 PM	LYNN NIHIPALI	6
16)ON SITE WITH METRO BAC AND 21. TRIPLEX,SEEMS TO BE RECENTLY VACATED,NOW BANK OWNED.SIGNS OF VAGRANT ACTIVITY, GRAFFITI ON BLDG WEST SIDE,AND ON SIDEWALK,WILL PREPARE NOTICE AND ORDER.			
		Time in minutes:	137

APN 139-27-210-006

NOTICE AND CLAIM OF LIEN OF ASSESSMENT
TO: **BANK DEUTSCHE NATIONAL TR CO TRS**
Reputed Owner(s) at time of abatement.

Assessor's Parcel No.:	**139-27-210-006**
Commonly known as:	**620 Madison Avenue**
Legal Description:	**H F M & M ADD**
	PLAT BOOK 1 PAGE 47
	LOT 1 BLOCK 20

On **June 23, 2009**, as provided in the Municipal Code, 16.08 the City of Las Vegas caused the abatement of a nuisance condition on the following property after due notification.

Expenses costs and fees in the amount of **$9,704.60** were incurred by the City of Las Vegas in the above-referenced nuisance condition abatement procedure. Additionally, pursuant to Municipal Code 9.040.120, civil penalties in the amount of **$94,000** were levied against the property as for violation(s) of Municipal Code 9.04.010 for a total charge in the amount of **$103,704.60** assessed against the property.

The Las Vegas City Council, at a duly noticed public hearing held on **September 16, 2009** ordered the above charges in the amount of **$103,704.60**, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

All or any portion of this lien of assessment, which remains unpaid after 30 days from the date of the recording thereof on the assessment roll, shall become delinquent and shall accrue interest at the rate of 7 percent per annum from and after said date. This lien shall continue until the assessment, which forms the subject matter thereof, and all interest due and payable thereon, shall have been paid in full.

BEVERLY K. BRIDGES, CMC, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

STATE OF NEVADA)
)
COUNTY OF CLARK)

BEVERLY K. BRIDGES, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated herein are true to her own knowledge, except such matters as are stated to be on information and belief, and as to those matters, she believes them to be true.

BEVERLY K. BRIDGES, CMC, City Clerk

Subscribed and sworn to before me this ____ day of September, 2009

NOTARY PUBLIC, in and for said County and State

WHEN RECORDED, RETURN TO: CITY OF LAS VEGAS, DEPARTMENT OF NEIGHBORHOOD RESPONSE, 400 STEWART AVENUE, LAS VEGAS, NV 89101
Case # - 71580

City of Las Vegas Agenda Item No.: **38.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: NEIGHBORHOOD SERVICES
DIRECTOR: STEPHEN K. HARSIN ☐ **Consent** ☒ **Discussion**

SUBJECT:
Public Hearing to consider the report of expenses to recover costs for abatement of vacant or abandoned dangerous building located at 1212 Tumbleweed Avenue in the amount of $1,252.10 (General Fund) and assess a maximum of $24,500 in daily civil penalties. PROPERTY OWNER: FERNANDO & TRACY JIMENEZ - Ward 5 (Barlow)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $1,252.10
Funding Source: General Fund
Dept./Division: Neighborhood Services/Response

PURPOSE/BACKGROUND:
The condition of the property was a public hazard and an attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed the Department of Neighborhood Services hired American Demolition to board all open doors and windows on main structure, remove all trash, debris, high grass and weeds. To date, there have been five (5) inspections conducted at this location. The value of the property based on the sale date of June 2002 was $122,500.

RECOMMENDATION:
That the City Council: Approve the report of expenses to include $974 for work completed by American Demolition in addition to other fees assessed for a total of $1,252.10 and consider assessing a maximum of $24,500 in daily civil penalties.

BACKUP DOCUMENTATION:
1. Agenda Memo
2. Location Maps
3. Report of Expenses
4. Contractor Disclosure
5. Notice of Public Hearing
6. Chronological List of Events
7. Copy of the Notice and Claim of Lien

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: September 16, 2009
DEPARTMENT: Neighborhood Services
ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for abatement of vacant or abandoned dangerous building located at 1212 Tumbleweed Avenue in the amount of $1,252.10 (General Fund) and assess a maximum of $24,500 in daily civil penalties. PROPERTY OWNER: FERNANDO & TRACY JIMENEZ – Ward 5 (Barlow)

American Demolition completed work on July 17, 2009 at a cost of $974; $132 inspection fees (w/late fees); plus a 15% administrative fee, for a total of $1,252.10.

Today's public hearing is to consider the Report of Expenses filed by the Department of Neighborhood Services and to hear any objections thereto. Under the Uniform Code for the Abatement of Vacant or Abandoned Building and Civil Penalties, the City Council may make revisions or adjustments to the Report of Expenses as deemed proper. If the Report of Expenses is confirmed and accepted by the Council, the Council can then declare the charges to be a personal obligation on the part of the property owner or may order the charges assessed against the property by means of a Lien of Assessment. In this particular case, we recommend a Lien of Assessment.

If the Lien is approved by the Council, certified copies of the recorded lien will be given to the County Treasurer's Office and the amount of the assessment will be collected at the same time and in the same manner as ordinary property taxes. All laws applicable to the collection and enforcement of property taxes shall be applicable to such assessment, and the amount of the assessment will be added to the next regular property tax bill levied against the parcel.


1212 Tumbleweed Avenue
Major Cross Streets:
Vegas Drive///Rancho Drive
VEGAS DR
TURQUOISE RD
PALM TERR
TAMERACK AVE
TUMBLEWEED AVE
RIVERSIDE DR
ARROWHEAD AVE
N RANCHO DR
FERRELL ST


1212 Tumbleweed Avenue
Major Cross Streets:
Vegas Drive///Rancho Drive
FERRELL
WILLOWBROOK DR
CRYSTAL CHIMES DR
WINDCHIME DR
DESERT SONG DR
GOLDEN SKY DR
WHISTLING VINES AVE
WOODLAND AVE
VEGAS DR
RIVERSIDE DR
PALM TERR
CHEROKEE LN
TURQUOISE RD
SMOKE TREE AVE
PURPLE SAGE AVE
ARROW PL
SILVER LAKE DR
N RANCHO DR
ARROWHEAD AVE
TUMBLEWEED AVE
TAMERACK AVE
RAMONA CIR
ORANGE AVE
MAGNOLIA AVE
DUNE DR

Memorandum

City of Las Vegas
Neighborhood Services Department

To: Beverly Bridges, CMC, City Clerk

From: Devin S. Smith, Manager – Neighborhood Response Division

CC: File

Date: September 1, 2009

Re: Report of Expenses for the abatement of Vacant or Abandoned Dangerous Building at 1212 Tumbleweed Avenue - Ward 5 (Barlow)

LVMC Ordinance 5873 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the nuisance violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for "Vacant or Abandoned Building," the Department of Neighborhood Services caused the above-referenced property to be corrected by boarding all open doors and windows on main structure, removing all trash, debris, high grass and weeds. The abatement was completed by American Demolition on July 17, 2009 at a cost of $974.00, which was accepted by the Department of Neighborhood Services.

Contract Amount Breakdown:	
Board all open doors and windows on main structure	$650.00
Remove all trash/debris discarded items in all yards	$175.00
Cut/remove all high grass and weeds entire property	$149.00
AMOUNT DUE:	**$974.00**
Administrative Processing Fee:	$146.10
Sub-Total:	$1,120.10
Reinspection Fees (w/late fees):	$132.00
Civil Penalties:	0
Payment:	**0**
TOTAL AMOUNT DUE:	**$1,252.10**
Daily Civil Penalties – 49 days @ $500 a day (excluding civil penalty fees already assessed) May 30, 2009 to July 17, 2009	**$24,500.00**
MAXIMUM TOTAL:	**$25,752.10**
OWNER OF RECORD:	FERNANDO & TRACY JIMENEZ
PROPERTY ABATED:	1212 Tumbleweed Avenue
ASSESSOR PARCEL:	TWIN LAKES VILLAGE UNIT 5
LEGAL DESCRIPTION:	PLAT BOOK 4 PAGE 61
	LOT 18 BLOCK 24

DSS:jl

American Demolition
4516 W Diablo Drive, E-108
Las Vegas, NV 89118

Disclosure of Principals

The principals and partners of *American Demolition* and all persons and entities holding more than 1% interest in *American Demolition* or any principal of *American Demolition* are the following:

	Full Name	Business Address	Business Phone
1.	Jack Praskovich	4516 W. Diablo #E108 LV NV 89118	561-3244
2.			
3.			
4.			
5.			
6.			
7.			

Continue list until full and complete disclosure is made.

I certify under penalty of perjury, that the foregoing list is full and complete.

American Demolition

By: _____

State of Nevada }
} ss:
County of Clark }

Subscribed and sworn to before me, a Notary Public, on this 22 day of December, 2008.

Notary Public - State of Nevada
County of Clark
ARTILUR WILLIAMS
My Appointment Expires
August 14, 2011
No: 07-4375-1

_____
Notary Public in and for Clark County,
State of Nevada

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW
STAVROS S. ANTHONY

ELIZABETH N. FRETWELL
CITY MANAGER

NOTICE OF PUBLIC HEARING

SEPTEMBER 16, 2009

Pursuant to Las Vegas Municipal Code for the Abatement of Dangerous Buildings/Nuisance Code and/or Housing Code, NOTICE IS HEREBY GIVEN THAT ON **WEDNESDAY, SEPTEMBER 16, 2009,** at the hour of **9:00 A.M.** in the City Council Chambers, 400 Stewart Avenue, Las Vegas, Nevada, the City Council will consider the REPORT OF EXPENSES submitted by the Director of Neighborhood Services for:

> Abatement of the violations on the property located at **1212 Tumbleweed Avenue.** The Director of Neighborhood Services certifies that the sum of **$1,252.10** was expended and Civil Penalties in the sum of **$24,500.00** may be imposed for a total of **$25,752.10.** Owner of record at time of abatement: **FERNANDO & TRACY JIMENEZ – WARD 5 (BARLOW)**

If the City Council is satisfied with the report, it may order a lien of assessment recorded against the property. Any person affected by the proposed charge may file a written protest with the City Clerk any time prior to the hearing. Each protest must contain a description of the property and the grounds for the protest.

BEVERLY K. BRIDGES
CITY CLERK

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

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CASENO 78039 CODEENF **02323-13**

Address: **1212 TUMBLEWEED AVE** **CITZ**

t/d throughout front and side yards.

Parcel(s)

Parcel:	*Size:*	*Subdivision Name:*
13929112128	0.17 ACRE	TWIN LAKES VILLAGE UNIT 5

Owner Information:

10-Aug-02 JIMENEZ FERNANDO & TRACY

1212 TUMBLEWEED AVE; LAS VEGAS, NV 89106-1426

Inspection Summary

Inspector:	*Status:*		*Scheduled DT:*	*Start Dt:*	*Comp DT:*	*Min:*
970581	Failed		5/13/2009	05/15/2009 15:45	05/15/2009 16:00	15
970581	Passed	Partial	5/18/2009	05/22/2009 14:30	05/22/2009 14:40	10
970581	Failed		6/1/2009	06/01/2009 12:00	06/01/2009 12:07	7
970581	Passed	Partial	6/12/2009	06/12/2009 12:10	06/12/2009 12:15	5
960066	Passed		7/9/2009	07/20/2009 11:26	07/20/2009 11:26	0
					Time in Minutes:	37

Violation Details

Violation	*Violation DT:*	*Resolve DT:*	*Location:*
A-BLD DNGR	5/15/2009		Vacant house
SECURE ALL OPENINGS TO CLV SPECIFICATIONS, OR REPAIR ALL DOORS AND WINDOWS TO PROPERLY SECURE STRUCTURE.			
AH-002	5/15/2009		Vacant house
Attractive nusance			
AN-006	6/1/2009	7/20/2009	All yards
Cut and remove high dried weeds			
AN-003	6/1/2009	7/20/2009	All yards
Remove all visible r/w from all yards			

Log

Type:	*Date:*	*Employee:*	*Min:*
LETTER	9/1/2009 8:39:00 AM	JESSICA LARRAMENDY	0
JL) Report of expense letter and memo mailed both certified and regular mail.			
MEET	9/1/2009 8:38:00 AM	JESSICA LARRAMENDY	0
JL) Scheduled to be heard at City Council meeting on September 16, 2009			
MISC	7/21/2009 7:14:00 AM	ANTHONY GUARINO	0
21)refered to JL for CC			
MISC	7/20/2009 1:36:00 PM	LAURA DEARMOND	0
Ld) $974 PAID TO AMERICAN DEMOLITION			
VIDPST	7/20/2009 11:26:00 AM	ANTHONY GUARINO	0
21)post video and photos done in cc items file/ close case do not release untill all fees/liens paid			
VIDREQ	7/17/2009 11:14:00 AM	LAURA DEARMOND	0
Ld) RECEIVED AMERICAN DEMO COMPLETION DATE 7-17 FAX & SENT VIDEO REQUEST EMAIL TO #21			

VIDPRE	7/13/2009 12:56:00 PM	ANTHONY GUARINO	0
21)pre video and photos done, photos in CC items file			
VIDREQ	7/13/2009 7:54:00 AM	LAURA DEARMOND	0
LD) PER #21 AMERICAN DEMO START DATE TOMORROW 7-14, SENT VIDEO REQUEST EMAIL TO #21			
BIDA	7/8/2009 1:21:00 PM	LAURA DEARMOND	0
Ld) BID AWARDED TO AMERICAN DEMOLITION			
MEMO	6/29/2009 9:02:00 AM	ANTHONY GUARINO	0
21)proceed with abatement, now in default. contacted Steve Bolin WF, he does not have control of this property.			
LETTER	6/16/2009 7:53:00 AM	LAURA DEARMOND	0
Ld) CERTIFIED LETTER TO OWNERS Fernando and Tracy Jimenez 1212 Tumbleweed Avenue Las Vegas, NV 89106-1426 RETURNED UNCLAIMED UNABLE TO FORWARD			
NTCABT	6/12/2009 12:10:00 PM	ROBERT KAEMPFER	5
26) Posted 10 N&O on front door and took pixs, cb 6-22			
NOTICE	6/10/2009 2:58:00 PM	LAURA DEARMOND	0
Ld) SENT 10 DAY NOTICE BEFORE ABATEMENT TO OWNERS Fernando and Tracy Jimenez 1212 Tumbleweed Avenue Las Vegas, NV 89106-1426			
BIDR	6/10/2009 2:21:00 PM	LAURA DEARMOND	0
Ld) RECEIVED BIDS (1) AMERICAN DEMOLITION $974 (2) WEAVER $1,385 (3) NDX $1,749 (4) DISASTER KLEEN-UP OF NV $2,768			
RECORD	6/3/2009 3:43:00 PM	JESSICA LARRAMENDY	0
JL) Recorded N&O Regarding Vacant or Abandoned Dangerous Building dated May 20, 2009 at Clark County. Recorded in Book: 20090603 Inst: 04598.			
BIDS	6/3/2009 11:37:00 AM	LAURA DEARMOND	0
Ld) FAXED BID TO CONTRACTORS, DUE BACK 6-9			
MISC	6/3/2009	ELIZABETH DOUGLAS	0
PLACED N & O RECORDED 6/3/09 IN FILE.			
INSP	6/1/2009 12:00:00 PM	ROBERT KAEMPFER	10
26) Property remains the same, took new pixs CONTINUE ABATEMENT			
NOPOST	5/22/2009 2:30:00 PM	ROBERT KAEMPFER	10
26) Posted N&O on front door, cb 6-1			
NOTICE	5/20/2009 8:18:00 AM	LAURA DEARMOND	0
Ld) SENT NOTICE AND ORDER REGARDING VACANT OR ABANDONED DANGEROUS BUILDING TO OWNERS Fernando and Tracy Jimenez 1212 Tumbleweed Avenue Las Vegas, NV 89106-1426			
FORCLO	5/19/2009 2:10:00 PM	LYNN NIHIPALI	0
16)BREACH FILED ON 033109			
CONTCT	5/19/2009 2:07:00 PM	LYNN NIHIPALI	0
16)OWNER FERNANDO 538-5666, TRACY 332-8800			
NOREQ	5/19/2009 2:07:00 PM	LYNN NIHIPALI	0
16)NOTIC AND ORDER PREPARED AND FORWARDED TO 21 FOR REVIEW.			
INSP	5/15/2009 3:45:00 PM	ROBERT KAEMPFER	15
26) Observed vacant house, open and accessible with t/d, r/w, & high weeds in all yards, took pixs cb 5-18			

Time in minutes: **40**

APN 139-29-112-128

NOTICE AND CLAIM OF LIEN OF ASSESSMENT
TO: **FERNANDO & TRACY JIMENEZ**
Reputed Owner(s) at time of abatement.

Assessor's Parcel No.:	**139-29-112-128**
Commonly known as:	**1212 Tumbleweed Avenue**
Legal Description:	**TWIN LAKES VILLAGE UNIT 5**
	PLAT BOOK 4 PAGE 61
	LOT 18 BLOCK 24

On **July 17, 2009** as provided in the Municipal Code, 16.31, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due notification.

Expenses costs and fees in the amount of **$1,252.10** were incurred by the City of Las Vegas in the above-referenced nuisance condition abatement procedure. Additionally, pursuant to Municipal Code 9.040.120, civil penalties in the amount of **$24,500** were levied against the property as for violation(s) of Municipal Code 9.04.010 for a total charge in the amount of **$25,752.10** assessed against the property.

The Las Vegas City Council, at a duly noticed public hearing held on **September 16, 2009** ordered the above charges in the amount of **$25,752.10**, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

All or any portion of this lien of assessment, which remains unpaid after 30 days from the date of the recording thereof on the assessment roll, shall become delinquent and shall accrue interest at the rate of 7 percent per annum from and after said date. This lien shall continue until the assessment, which forms the subject matter thereof, and all interest due and payable thereon, shall have been paid in full.

_____
BEVERLY BRIDGES, CMC, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

STATE OF NEVADA)
)
COUNTY OF CLARK)

BEVERLY BRIDGES, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated herein are true to her own knowledge, except such matters as are stated to be on information and belief, and as to those matters, she believes them to be true.

_____
BEVERLY BRIDGES, CMC, City Clerk

Subscribed and sworn to before me this ____ day of September, 2009

_____
NOTARY PUBLIC, in and for said County and State

WHEN RECORDED, RETURN TO: CITY OF LAS VEGAS, DEPARTMENT OF NEIGHBORHOOD RESPONSE 400 STEWART AVENUE, LAS VEGAS, NV 89101 **Case # - 78039**

City of Las Vegas Agenda Item No.: **39.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: NEIGHBORHOOD SERVICES
DIRECTOR: STEPHEN K. HARSIN ☐ **Consent** ☒ **Discussion**

SUBJECT:
Hearing to consider the appeal regarding Nuisance Notice and Order to Comply Regarding Dangerous Building property located at 3018 Ashby Avenue. PROPERTY OWNERS: SANARP TRUST – SANCHEZ HENRY W & SHIRLEY A TRS - Ward 1 (Tarkanian)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
The subject property was determined to be a public nuisance as defined in Las Vegas Municipal Code, Title 9, dealing with nuisances. A Nuisance Notice and Order to Comply Regarding Dangerous Building was mailed to the property owner to correct the public nuisance as defined in Las Vegas Municipal Code 16.08 and 19.04.010(1). A copy of the notice was also posted on the property. Today's hearing is to consider the Appeal to the Nuisance Notice and Order to Comply Regarding Dangerous Building filed by Stephanie H. Allen, Esq., Kaempfer, Crowell, Renshaw, Gronauer & Fiorentino, representative of Mr. Henry Sanchez.

RECOMMENDATION:
That the City Council approve the Nuisance Notice and Order to Comply Regarding Dangerous Building.

BACKUP DOCUMENTATION:
1. Agenda Memo
2. Location Maps
3. Nuisance Notice and Order to Comply Regarding Dangerous Building
4. Appeal Letter from Appellant
5. Notice of Appeal

City of Las Vegas

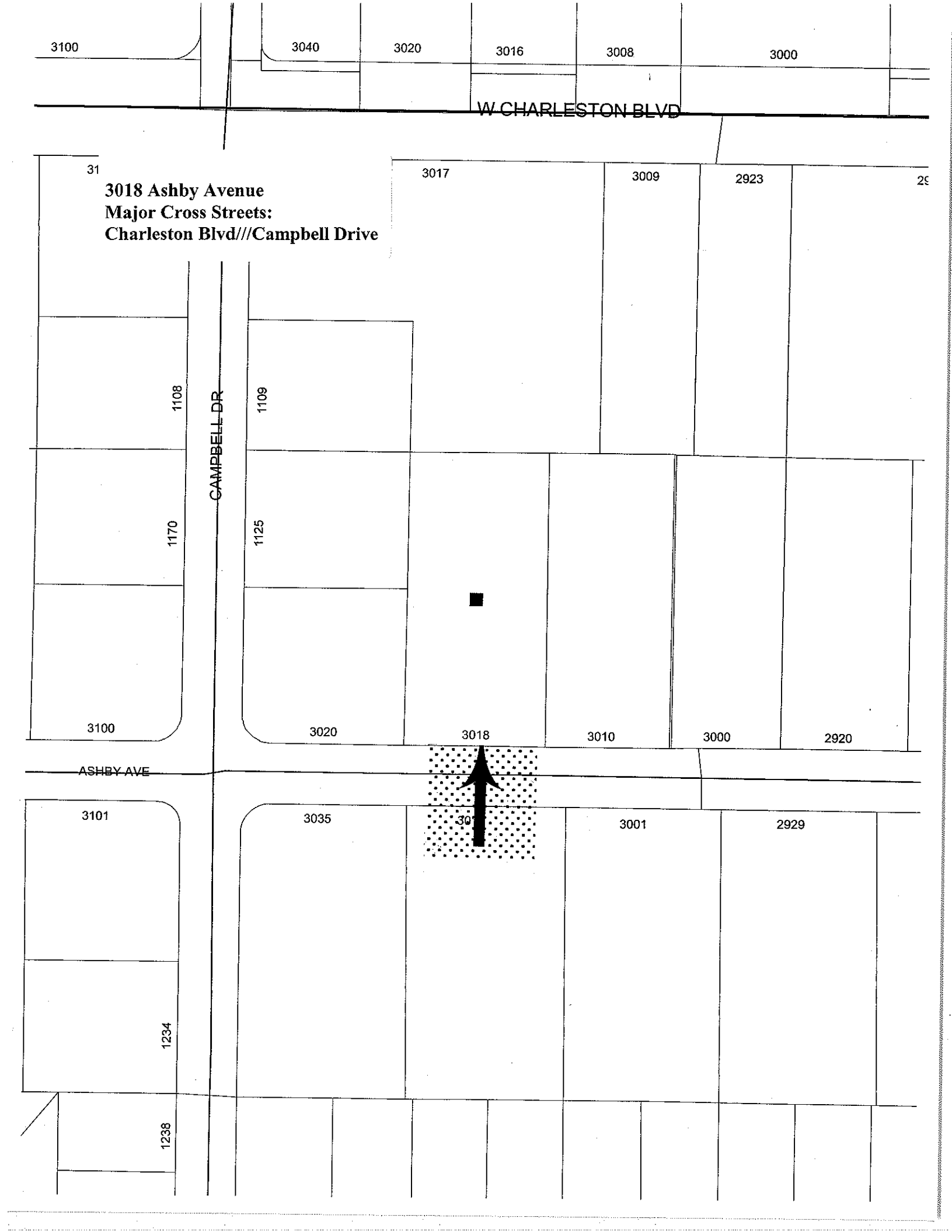
AGENDA MEMO

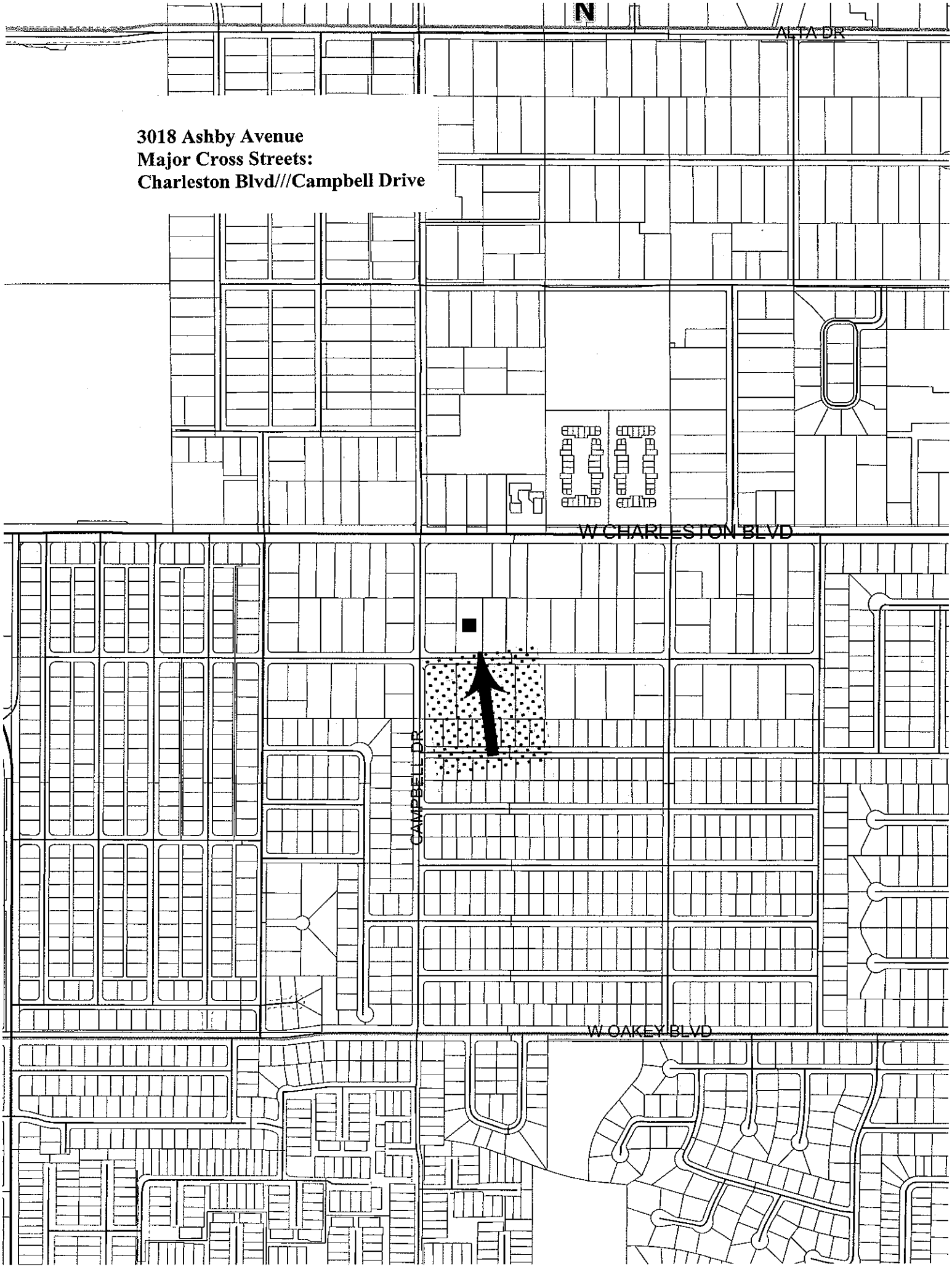
CITY COUNCIL MEETING DATE: September 16, 2009
DEPARTMENT: Neighborhood Services
ITEM DESCRIPTION: Hearing to consider the appeal regarding Nuisance Notice and Order to Comply Regarding Dangerous Building property located at 3018 Ashby Avenue. PROPERTY OWNERS: SANARP TRUST – SANCHEZ HENRY W & SHIRLEY A TRS – Ward 1 (Tarkanian)

The subject property was deemed to be a public nuisance as defined in Las Vegas Municipal Code, Title 9, dealing with public nuisance.

A Nuisance Notice and Order to Comply Regarding Dangerous Building was sent to the property owner by regular and certified mail requesting they correct the public nuisance as defined in Las Vegas Municipal Code Title 9 - Nuisances; 16.08 - Uniform Dangerous Building; and Title 19.04.010(1) - Residential Vehicle Storage. A copy of the notice was also posted on the property.

Today's hearing is to consider the appeal of the Nuisance Notice and Order to Comply Regarding Dangerous Building filed by Stephanie H. Allen, Esq., Kaempfer, Crowell, Renshaw, Gronauer & Fiorentino, representative of Mr. Henry Sanchez.


3100
3040
3020
3016
3008
3000
W CHARLESTON BLVD
3017
3009
2923
3018 Ashby Avenue
Major Cross Streets:
Charleston Blvd///Campbell Drive
1108
1109
CAMPBELL DR
1170
1125
3100
3020
3018
3010
3000
2920
ASHBY AVE
3101
3035
3001
2929
1234
1238


N
ALTA DR
3018 Ashby Avenue
Major Cross Streets:
Charleston Blvd///Campbell Drive
W CHARLESTON BLVD
CAMPBELL DR
W OAKEY BLVD

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
STEPHEN K. HARSIN, AICP

NOTICE AND ORDER

APN: 162-05-115-006

August 24, 2009
Case #71185

Certified/Regular Mail
Return Receipt Requested

SANARP Trust
Shirley A. and Henry W. Sanchez TRS
3018 Ashby Avenue
Las Vegas, NV 89102-1947

NUISANCE NOTICE AND ORDER TO COMPLY REGARDING DANGEROUS BUILDING

You are hereby notified as owner(s) of the property located at **3018 Ashby Avenue, Las Vegas, Las Vegas, NV, Parcel #162-05-115-006**, that you are in violation of **Las Vegas Municipal Code, Title 9, dealing with nuisances.**

Per LVMC 19.04.010 (1) Residential Vehicle Storage: Remove and discontinue parking vehicles on dirt, grass or rock surfaces. All vehicles must be stored on a surface of concrete or asphalt. Vehicles may not be stored in the rear yard.

Per LMVC 16.08 Uniform Dangerous Building Code: Remove illegal, non-permitted shed structure in rear yard.

Upon correction of this violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain the property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact area code enforcement officer #16 at (702) 229-4918 to supply your current phone number, e-mail address, fax number, or additional mailing address.

LAS VEGAS CITY COUNCIL
MAYOR OSCAR B. GOODMAN
MAYOR PRO TEM GARY REESE • STEVE WOLFSON • LOIS TARKANIAN
STEVEN D. ROSS • RICKI Y. BARLOW • STAVROS S. ANTHONY
CITY MANAGER ELIZABETH N. FRETWELL
Return to: CITY OF LAS VEGAS • 400 STEWART AVENUE • LAS VEGAS, NEVADA 89101
VOICE 702.229.2330 • FAX 702.382.4341 • TDD 702.302.3045 • www.lasvegasnevada.gov

LVMC 9.04.020 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

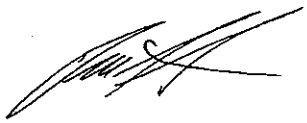
You are hereby ordered to correct the nuisance by the eleventh day after the day of mailing, servicing or posting of the Notice and Order by hand. If you do not correct the violation within that time, the City may issue a misdemeanor citation for violation for each and every day the violation exists, with a penalty of up to Five Hundred ($500.00) Dollars or fine of up to six (6) months in jail or both for each violation, or the City may direct a licensed contractor to remove the nuisance described above, or both. Be advised, the contractor will collect all debris at this location and will not separate those items which you may consider useful or valuable. If you wish to salvage any items, please have them removed.

As the property owner(s), you will be responsible for all costs incurred to correct this condition. A 15% percent administrative fee shall be added to the costs of the contract price. You will be notified of a public hearing to be conducted by the City Council to review the costs, and their decision shall be final and conclusive. Upon approval of the costs by the City Council, a Lien of Assessment shall then be collected at the same time and in the same manner as ordinary taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

If you disagree with the assessment of Neighborhood Response, then within ten days after service of the notice of violation, the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen days after the appeal has been filed, the appellant shall be given written notice of the procedure and time frame for the hearing of the appeal. The appeal shall be heard by the City council or by the Council's designee, with a right of final appeal to the Council. The decision of the City Council or the Council's designee, in cases where a designee hears an appeal and no further appeal is taken, shall be final and conclusive. An owner or responsible party failing to appeal as provided in this Section shall be deemed to have waived any and all objections to the existence of a public nuisance and the abatement of such nuisance. Failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter.

It is recommended that you contact the Department of Neighborhood Services, Neighborhood Response Division, by telephoning (702) 229-6615 concerning your intentions with regard to the referenced property at your earliest convenience.

Sincerely,



Devin Smith, Manager
Neighborhood Response Division
Department of Neighborhood Services

KAEMPFER CROWELL

ATTORNEYS AT LAW

KAEMPFER CROWELL RENSHAW GRONAUER & FIORENTINO

LAS VEGAS OFFICE
3800 Howard Hughes Parkway
[illegible] Floor
Las Vegas, NV 89169
Tel: 702.792.7000
Fax: 702.796.7181

RENO OFFICE
5585 Kietzke Lane
Reno, NV 89511
Tel: 775.852.3900
Fax: 775.852.3982

CARSON CITY OFFICE
510 W. Fourth Street
Carson City, NV 89703
Tel: 775.884.8300
Fax: 775.882.0257

LAS VEGAS OFFICE

STEPHANIE H. ALLEN
sallen@kcnvlaw.com
702.792.7045

September 3, 2009

VIA FACSIMILE
382-4803

City of Las Vegas
Attn: City Clerk
400 Stewart Avenue
Las Vegas, NV 89101

Re: Appeal of Code Enforcement Case #71185
3018 Ashby Avenue (APN # 162-05-115-006)

Our office represents the above property owner with regards to a Nuisance Notice and Order to Comply Regarding a Dangerous Building (Case #71185). Pursuant to the notice dated August 24, 2009, we would like to appeal the matter to the City Council. Please direct the hearing information and all future correspondence to our office.

Thank you for your consideration. If you have any questions, please do not hesitate to contact me at (702) 792-7045.

Sincerely,

KAEMPFER CROWELL RENSHAW GRONAUER & FIORENTINO

Stephanie H. Allen

SHA/mlt

cc: Henry Sanchez (via fax: 870-5633)

827269_1.DOC

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW
STAVROS S. ANTHONY

ELIZABETH N. FRETWELL
CITY MANAGER

September 3, 2009

CERTIFIED & REGULAR MAIL

Stephanie H. Allen, Esq.
Kaempfer, Crowell, Renshaw, Gronauer & Fiorentino
3800 Howard Hughes Parkway, 7th Floor
Las Vegas, Nevada 89189

Re: Appeal of the Notice and Order to Comply for property located at 3018 Ashby Avenue, Case #71185

Dear Ms. Allen:

You are hereby notified that a hearing has been scheduled before the Las Vegas City Council at 400 Stewart Avenue, Las Vegas, Nevada on the 16th day of September, 2009, at the hour of 9:00 a.m. This hearing is in response to the Notice of Appeal received by the Las Vegas City Clerk on September 3, 2009, requesting the same, concerning the Notice and Order to Comply for property located at 3018 Ashby Avenue.

You may be present at the hearing. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you.

If you have any questions or need further information please do not hesitate to contact Devin Smith, Manager, Neighborhood Response at 229-6615.

Sincerely,

Beverly K. Bridges, MMC
City Clerk

cc: Stephen Harsin, Director, Neighborhood Services
Devin Smith, Manager, Neighborhood Response
James W. Erbeck, Deputy City Attorney
Adriana Martinez, Ward 1 Senior Council Liaison

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

Printed with environmentally friendly soy ink.

City of Las Vegas Agenda Item No.: **40.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: CITY MANAGER
DIRECTOR: ELIZABETH N. FRETWELL ☐ **Consent** ☒ **Discussion**

SUBJECT:
ADMINISTRATIVE:

Discussion and possible action regarding an Exclusive Negotiation Agreement between City Parkway V, Inc., and the Cleveland Clinic Foundation to undertake due diligence to determine the feasibility of developing and operating a medical facility on parcels A2, B, J and K at Symphony Park located at 100 South Grand Central Parkway (APNs 139-33-610-027, 025 and 139-34-211-002) - Ward 5 (Barlow)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Cleveland Clinic has taken over the operations of the Cleveland Clinic Lou Ruvo Center for Brain Health at Symphony Park and would like the opportunity to study the feasibility of developing a medical care and/or research facility and onsite parking on parcels A2, B, J and K at Symphony Park. The project to be developed must be consistent with the Symphony Park Master Plan. The Exclusive Negotiation Agreement requires Cleveland Clinic Foundation to comply with a Task Completion Schedule for certain deliverables, with the intent of agreeing upon the terms for a Disposition and Development Agreement to bring before City Council before the Exclusive Negotiation Agreement expires on November 29, 2010.

RECOMMENDATION:
Approval and authorization of City Parkway V, Inc., to execute the Exclusive Negotiation Agreement.

BACKUP DOCUMENTATION:
1. Exclusive Negotiation Agreement
2. Disclosure of Principals
3. Site Map

EXCLUSIVE NEGOTIATION AGREEMENT

THIS EXCLUSIVE NEGOTIATION AGREEMENT (this "*Agreement*") is entered into this _____ day of _____, 2009, by and between CITY PARKWAY V, INC., a Nevada nonprofit corporation (hereinafter "*CPV*") and the CLEVELAND CLINIC FOUNDATION, an Ohio non-profit corporation (hereinafter "*CCF*"), on the terms and provisions set forth below. CPV and CCF may be referred to herein singularly as a "p*arty*" and collectively as the "*parties*". This Agreement shall be effective on that date (the "*Effective Date*") which the City Council of the City of Las Vegas ("*City*") approves the execution of this Agreement.

WHEREAS:

A. The parties and Newland Communities, LLC, a Delaware limited liability company ("*Newland*"), have entered in that certain Nonbinding Memorandum of Understanding dated April 24, 2009 (the "*MOU*") whereby the parties and Newland set forth certain understandings concerning the possible development by CCF of that certain real property owned by CPV located in that certain development in downtown Las Vegas, Nevada known as Symphony Park and more fully described below in Section 2 (the "*Site*");

B. The parcel located adjacent to the Site (the "*Adjacent Parcel*") is owned by the Keep Memory Alive Foundation ("*KMAF*") for the operation of a brain research and treatment center and CCF has entered into an agreement with KMAF whereby an affiliate of CCF shall manage and operate such brain research center to be known as the Cleveland Clinic Lou Ruvo Center for Brain Health (the "*Brain Center*");

C. Pursuant to the MOU, the parties desire that CCF undertake a due diligence inquiry as to the feasibility of developing and operating a medical facility or other related non-profit use on the Site;

D. CPV and KMAF have entered into that certain Parking Agreement dated May 2, 2007 whereby CPV agrees to allow temporary parking on the Site for use by the Center (the "*KMA Parking Agreement*").

E. The Parties mutually intend that the design and development of the Site will accommodate all of the parking requirements of the Brain Center on the Site along with all parking requirements for the Project (as hereinafter defined).

F. CCF and CPV mutually desire to enter into this Agreement in order for CPV and CCF to investigate the feasibility of the intended development of the Project on the Site by CCF and to permit CPV to negotiate exclusively with CCF regarding a DDA (defined below) between CPV and CCF or its permitted designee; and

G. Pursuant to that certain Project Management and Consulting Agreement entered into December 27, 2005, by and between CPV, City, and Newland, as such may be amended from time to time (the "*PMA*"), Newland has certain rights and responsibilities with respect to the marketing and disposition of property within Symphony Park including the Site, including the right pursuant to the PMA of payment of a fee to Newland upon a disposition of the Site.

NOW, THEREFORE, for and in consideration of the mutual agreements, which are hereinafter contained, the parties do hereby agree as follows:

1. Purpose and Term. The parties agree that the purpose of this Agreement is to provide a framework for their respective determinations of the feasibility and timing of the development of the Project (defined below). As part of such determination, each party agrees to expeditiously and on a timely basis to complete its respective submittals and tasks required under this Agreement. The term of this Agreement shall commence on the Effective Date and, automatically expire on November 29, 2010 (the "*Term*"), provided, however, that the Term may be extended by mutual agreement of the parties at each party's respective sole discretion and subject to approval by the City Council of the City of Las Vegas, Nevada (the "*Council*").

2. Site. The Project is to be developed on the Site which consists of approximately 533,609 gross square feet of land and approximately 388,292 net square feet of land (which is approximately 12.25 gross acres and approximately 8.91 net acres) located within Symphony Park, known as parcels A2, B, J and K as depicted on Exhibit "A" attached hereto and hereby made a part of this Agreement. The actual legal description of the Site will be finalized by a Category II, Condition 1A survey to be provided by CPV at its sole cost and expense within thirty (30) days of the Effective Date.

3. Project.

(a) CCF and CPV agree that CCF's intended development of the Site will consist of the following project (the "*Project*") (i) for the development of a medical care and/or research facilities or other related non-profit use and (ii) onsite parking garage or garages providing all of the parking requirements of the Project and the parking requirements of the Brain Center as required by the KMA Parking Agreement. CCF agrees that any agreement between CCF and the Brain Center for parking on the Site will be subject to the approval of CPV to which approval shall not be unreasonably withheld, conditioned or delayed.

(b) The Project will be part of the Symphony Park Master Association. The Project will be subject to all obligations and restrictions as set forth in the Symphony Park Master Association's governing and controlling documents, including the obligations to pay assessments as set forth therein. All such documentation shall be provided as part of CCF's due diligence review.

4. Feasibility Analysis.

(a) CCF agrees to conduct during the Term all activities required to determine the nature, scope and feasibility of the Project. CCF agrees and acknowledges that it will use all commercially reasonable efforts to perform its investigations and complete the specific deliverables required of it hereunder on the dates set forth below and that the expeditious and timely performance of such tasks is a material consideration of CPV to enter into this Agreement. The failure of CCF to timely perform and complete its obligations hereunder as required by the Task Completion Schedule below and the dates set forth therein (subject to Section 4(b) below) shall be a default under this Agreement. Such due diligence activities shall include, but not limited to, the following deliverables and approvals (collectively the "*Tasks*") pursuant to the following task completion schedule (the "*Task Schedule*"):

Deliverable	Date
(i) CCF shall submit an overall program of development of the project for the Site and Developer's planned operations for the	1/31/2010

Site.	
(ii) A conceptual site plan showing building footprints, parking requirements and configuration, ingress and egress and traffic flow solutions, and the conceptual renderings of the buildings.	3/31/2010
(iii) CCF shall complete its environmental due diligence with respect to the Site and provide CPV with a written and final report on remediation.	6/30/2010
(iv) CCF to submit a Site specific risk assessment and estimated cost of remediation	7/31/2010
(v) CCF shall submit to CPV and the Symphony Park Design Review Committee a block plan for the Project, including the medical development and the parking structure. (see Design Review Submission requirements)	3/31/2010
(vi) CCF shall submit the parking agreement between Keep Memory Alive (Parcel A) and Cleveland Clinic.	3/31/2010
(vii) Submission of a preliminary development timeline for the development and construction of the project.	8/31/2010
(viii) Submission to CPV for CPV's approval a phasing plan for development and acquisition of the Site.	8/31/2010
(ix) Submission to CPV for approval of an economic impact report of the estimated jobs to be created by the Project	8/31/2010
(x) CCF shall submit to Newland for review on behalf of CPV, CCF's plan for the financing of the development and operation of the Project, including all third party loans and any sources of equity and partners.	8/31/2010

(xi) Disclosure of control, ownership and developer partnership if entering into a joint venture (if any)	8/31/2010
(xii) CCF shall re-submit to the Symphony Park Design Review Committee the block plan for the Project incorporating the comments and revisions required by the Symphony Park Design Review Committee and also submit for review by the Symphony Park Design Review Committee a Design Development package necessary to apply to the City of Las Vegas Planning Commission for a Site Development Plan review.	8/31/2010
(xiii) CCF shall meet with the City of Las Vegas Planning Department to apply for a Site Development Plan review for consideration of project by Las Vegas Planning Commission and Las Vegas City Council.	10/1/2010
(xiv) Submission by the Parties to City Clerk of the agreed upon DDA and related documents for review and approval by the Council and the Redevelopment Agency.	10/1/2010

All submittals listed above are referenced in a document called "Union Park Design Review Process" (Revised 1/13/09, attached hereto as Exhibit B).

Any of the foregoing submitted to CPV for approval shall be deemed approved unless CPV shall, within twenty (20) days of receipt of the submission, give CCF written notice of disapproval specifying, in reasonable detail, the basis for such disapproval. In the event CPV shall disapprove of any matter requiring CPV's approval, then CCF shall resubmit the matter within twenty (20) days after notice of such disapproval addressing CPV's basis for disapproval or informing CPV that it does not agree with the CPV's reason for disapproval. In the event CCF disagrees with CPV's reason(s) for disapproval, the parties agree to meet and negotiate in good faith for a period of thirty (30) days to attempt to resolve the issues. The parties agree that the scope of development on each of the parcels constituting the Site will comply with the minimum densities required for

each such parcel under the Symphony Park master plan as currently entitled. CCF acknowledges that all approvals are subject to the approval by the Symphony Park Design Review Committee, the City of Las Vegas Planning Commission, the City of Las Vegas Redevelopment Agency and the Council in accordance with the terms of this Agreement, such design and other criteria established by such entities, and subject to their respective time periods for application and review and any approvals of CPV as required herein. In the event any such approvals are not obtained by CCF CCF's sole recourse will be to terminate this Agreement without any obligations or liability on the part of CPV, including, any obligation to reimburse CCF for any of CCF's expenses or costs

All non-proprietary reports and studies pertaining to the Site and Project, including surveys and geotechnical and environmental reports and studies, shall become the property of CPV upon the expiration or termination of this Agreement, unless CCF proceeds with its planned development. In the event that CCF elects not to proceed with the development of the Project for ay reason other than the breach by CPV of its obligations hereunder, CCF shall cause such non-proprietary reports and studies to be delivered to CPV within thirty (30) days after the expiration or termination of this Agreement.

(b) In the event CCF fails to perform any of the Tasks in accordance with the dates set forth in the Task Schedule and such failure shall continue for a period of thirty (30) days after receipt of written notice by CCF from CPV specifying the Task which has not been completed, CCF shall be in default of this Agreement and CPV shall have the right to terminate this Agreement pursuant to Section 10 below; provided, however, (i) if CCF has commenced the Task and is proceeding with due diligence to complete same, CCF shall be granted a single extension of thirty (30) days to complete such Task and (ii) if any such failure is caused by CPV's failure to act as and when required by this Agreement, then CCF's obligation to perform a Task shall be extended for each day of delay caused by CPV

(c) CPV agrees that during the Term and during the term of the DDA it shall not and shall not grant any other persons or entities the right to negotiate directly or indirectly, with any person or entity any matters regarding development, sale, lease or

other disposition of the Site or any portion thereof. Such exclusive shall apply to the Site only and shall not apply to any other portion of Symphony Park including any other use within Symphony Park. CPV agrees that during the Term and during the term of the DDA, CPV shall not and shall not grant any other persons or entities the right to contact any parties with which CCF is in active negotiation with as a user of the Project ("*Potential User*"), provided, however, that (i) CCF has notified CPV in writing of any Potential User, (ii) in the event CPV or any third party is already in discussions with a Potential User in connection with Symphony Park, CPV or such third party will not be precluded from continuing such discussions and (iii) upon expiration or other termination of the Term or the expiration of the term of the DDA and the Project does not proceed, CPV or such third party may contact and consummate a transaction with any Potential User.

(d) CPV shall cooperate fully and timely, but at no cost to CPV, in providing CCF with appropriate information and assistance to support CCF's completion of the Tasks and implementation of the development concept. In particular, CPV shall provide CCF with copies of all reports, plans, drawings and other documents pertaining to the Site as soon as they become available to CPV. Newland's and CPV's designated representative for all matters under this Agreement is Sam Gladstein. CCF and CPV agree to meet in person in Las Vegas, Nevada no less than one time a month in connection with the feasibility analysis of the Site and Project. In addition, CCF agrees to provide CPV with a monthly written status report of its feasibility analysis no later than the last day of each month.

5. CCF Site Access.

(a) CPV authorizes CCF and its respective employees, agents, representatives, architects, engineers, consultants and contractors to access the Site to conduct surface and subsurface engineering, geotechnical and environmental investigations, studies and assessments and boundary and topographic surveys as CCF deem necessary ("*Due Diligence Investigations*") for the development of the Project. Such authorization will be for a period commencing on the Effective Date and automatically expiring on the date set forth in Section 4(a) (iii). CCF agrees that any delegation of its rights under this Section 5 shall not release CCF of any of its obligations and duties under this Section 5. This

authorization does not authorize CCF to access or otherwise use any property not included within the Site so long as CCF has reasonable access from a public right of way for ingress into and egress from the Site for purposes of completing the Due Diligence Investigations. Subject to certain limitations under other agreements copies of which shall be provided to CCF by CPV, pursuant to which representatives of CPV or Union Pacific Railroad may have to receive advance notice thereof, CCF will have the right to enter upon and conduct Due Diligence Investigations at any time during the Term upon seven (7) days advance notice. CCF shall conduct Due Diligence Investigations in accordance with standards customarily employed in the industry and in compliance with all applicable governmental laws, rules, and regulations. Following CCF's Due Diligence Investigations on the Site, CCF, at its sole cost and expense, promptly will restore the Site to substantially the same condition as existed as of the Effective Date, normal wear and tear and normal weather related conditions excepted. If CCF undertakes any boring or other disturbance of the soils on the Site, the soils so disturbed will be recompacted to substantially their original condition as of the date of such boring or other disturbance, and CCF will obtain at its own expense a certificate from a soils engineer certifying that the disturbed soils have been recompacted to substantially their original condition as of the date of the soil disturbance. CPV agrees that as an alternative to filling and recompacting borings with soil, CCF may fill such borings with neat cement or bentonite in compliance with the Nevada Department of Environmental Protection's fact sheet for filling abandoned wells and subject to the approval of CPV which approval shall not be unreasonably withheld, conditioned or delayed. This authorization shall extend to soil borings with drilling rigs and hand augers and groundwater sampling with bailers or comparable equipment, but shall not be construed to authorize CCF to install groundwater monitoring wells or excavate soils with earth moving equipment. To assist CCF in its environmental due diligence, CPV has provided CCF with a copy of the documents identified in Exhibit "C" attached hereto and incorporated herein by reference. CPV makes no warranty as to the accuracy or completeness of any statement or data contained in or referred to by such documents.

(b) If CCF should discover any hydrocarbon substances or any other hazardous substances, asbestos or asbestos-bearing materials, waste or materials subject

to legal requirements or corrective action under any environmental laws, CCF will follow all processes as specified in the Soil and Ground Water Management Plan dated March 21, 2007 and will promptly notify CPV in writing of such discovery. CCF shall not use disturbed contaminated soils for restoration of the Site, and instead shall store or otherwise handle (through use of a properly licensed contractor), at CPV's cost, disturbed contaminated soils in compliance with all applicable governmental laws, rules, and regulations until such time as CPV takes possession of such materials. For the purposes of this Agreement, the phrase "h*azardous substances*" means any product, byproduct, compound, substance, chemical, material or waste, including, without limitation, asbestos, solvents, degreasers, heavy metals, refrigerants, nitrates, urea formaldehyde, polychlorinated byphenyls, dioxins, petroleum and petroleum products and derivatives, fuel additives, and any other solid, liquid, gaseous or thermal irritant, chemical or waste material, whose presence, characteristics, nature, quantity, intensity, existence, use, manufacture, possession, handling, disposal, transportation, spill, release threatened release, treatment, storage, production, discharge, emission, remediation, cleanup, abatement, removal, migration, or effect, either by itself or in combination with other materials is or is allegedly: (i) injurious, dangerous, toxic, hazardous to human or animal health, aquatic or biota life, safety or welfare or any other portion of the environment; (ii) regulated, defined, listed, prohibited, controlled, studied or monitored in any manner by any governmental authority or environmental laws; or (iii) a basis for liability to any government entity or agency or third party under any regulatory, statutory or common law theory. For purposes of this Agreement, the phrase "e*nvironmental laws*" means any applicable past or then existing federal, state or local law, statute, rule, regulation, code, ordinance, order, decree, judgment, injunction, notice, policy, or binding agreement, and all amendments thereto, issued, promulgated, or entered into by any governmental authority, relating in any way to the environment, the preservation, degradation, loss, damage, restoration, replacement or reclamation of natural resources, waste management, health, industrial hygiene, safety, environmental conditions or hazardous substances.

(c) CCF shall promptly deliver to CPV without charge therefore, any lab or field environmental data, environmental reports, environmental compilations, environmental correspondence, or other documents or information which is generated by

or as a result of Due Diligence Investigations and which is reasonably related to the environmental condition of the Site; provided, however, that CCF need not disclose any communication, written or oral, to the extent the same is protected by the attorney-client privilege.

(d) CCF covenants and agrees to pay in full for all materials, if any, supplied, used, joined, or affixed to the Site by or for CCF in connection with the Due Diligence Investigations and to pay in full all persons who perform labor upon the Site in connection with CCF's Due Diligence Investigations, and not to permit or suffer any mechanic's or materialman's lien of any kind or nature to be enforced against the Site relating to CCF's Due Diligence Investigations. CCF shall, at CCF's sole cost and expense, take any action necessary to promptly remove any lien filed against the Site for work performed or materials delivered to the Site in connection with the Due Diligence Investigations.

(e) CCF hereby agrees to protect, indemnify, and hold CPV, the City of Las Vegas, Newland, and their respective officers, employees and agents, harmless from and against any and all claims, damages, losses, expenses, suits, actions, decrees, judgments, awards, attorneys' fees and court costs, which CPV, the City of Las Vegas, Newland or their respective officers, employees or agents, may suffer or which may be sought against or are recovered or obtainable from CPV, the City of Las Vegas, Newland and their respective officers, employees or agents, as a result of, or by reason of, or arising out of or in connection with the Due Diligence Investigations at the Site, or the actions (negligent or otherwise) of CCF or its officers, employees, contractors, subcontractors, agents, volunteers or anyone who is directly or indirectly employed or engaged by, or is acting on behalf of CCF, its officers, employees, contractors, subcontractors, volunteers or agents in connection with this Agreement. CCF agrees to obtain and to furnish to CPV prior to or concurrent with execution of this Agreement, a certificate showing that there is in effect a policy of a Minimum of $2,000,000.00 combined single limit bodily injury and broad form property damage coverage, including broad form Contractual liability Such coverage shall be on a "claims made" basis. CPV, City of Las Vegas and Newland each shall be named as an additional insured party and such notation shall appear on the Certificate of Insurance furnished by CCF's insurance company. The certificates and

endorsements for each insurance policy are to be signed by a person authorized by that insurer. Each insurance company's rating as shown in the latest Best's Key Rating Guide shall be fully disclosed and entered on the required certificate of insurance. The adequacy of the insurance supplied by the Company, including the rating and financial health of each insurance company providing coverage, is subject to the approval of CPV, which approval shall not be unreasonably withheld, conditioned or delayed. CPV requires insurance carriers to maintain a Best's Key rating of "A VII" or higher; provided, however that CCF may self insure the coverages provided above. The Certificate shall indicate that neither the insurance company nor CCF can cancel the insurance without at least 10 days prior written notice to CPV. Any exclusion to the effect that the insurance company or surety company will "endeavor to inform" must be stricken from the certificate of insurance. The parties agree that the specified coverage or limits of insurance in no way limit the liability of the CCF. CCF will not do or permit to be done anything in or upon any portion of the Site, or bring or keep anything thereon which will in any way conflict with the conditions of any insurance policy upon the Property. All deductibles and self-insurance retentions shall be fully disclosed in certificates of insurance.

(f) CCF expressly agrees, at its sole cost and expense, to defend CPV, the City of Las Vegas, Newland, and their respective officers, employees and agents, in any suit or action that may be brought against it or them, or any of them by reason of the Due Diligence Investigations at the Site which are covered by CCF's obligations as set forth in Section (e) herein. If CCF fails so to do, CPV and the City of Las Vegas shall have the right, but not the obligation to defend same and to charge all reasonable attorneys' fees and costs, including court costs of such defense, to CCF.

(i) CCF will be taking the Site "as-is" based entirely on its own investigations and studies and CPV will not make any representation or warranty as to the condition of the Site or the development of the Project on the Site. Except for certain offsite infrastructure to be installed to serve the Site and except as provided in paragraph 6 below, CCF agrees that neither CPV nor the City shall have any obligation to provide any funds, concessions, offsite parking or other financial incentives or concessions in connection with the development of the Project.

(j) The obligations and covenants of CCF under this Section 5 shall survive any expiration of the Term or other termination of the Agreement, including, without limitation, any termination pursuant to Section 10 below.

(k) CPV has constructed surface parking on a portion of parcel A2 and is currently permitting patient and employee parking for the Brain Center. Such parking is provided pursuant to KMA Parking Agreement. CPV will permit such continued use during the Term and DDA pursuant to the KMA Parking Agreement. In the event CCF desires any covered parking on the Site, CCF agrees that it will construct such covered parking at its sole cost and expense.

6. Disposition and Development Agreement; Effect of Agreement.

(a) CCF and CPV agree to negotiate in good faith during the Term a form of Disposition and Development Agreement between CPV and CCF whereby CPV will, subject to its terms and conditions, convey to CCF the Site for the development of the Project by CCF (the "*DDA*"). In connection therewith:

(i) CPV agrees that the conveyance of the parcels A2, and J will be a donation to CCF and will be for no consideration. In addition, the DDA shall provide that CPV shall pay up to $12.00 per gross square foot of land for all costs incurred in connection with the environmental remediation of parcels A2 and J required and undertaken by CCF. The remediation plan for the overall Site and the Project will be agreed to by CPV and CCF as part of the negotiations of the DDA.

(ii) The parties shall negotiate in good faith the terms and conditions for the conveyance of parcels B and K to CCF, including, without limitation, whether the conveyance of parcels B and K will be a donation or a sale and whether any payment will be made by CPV for any costs incurred for the environmental remediation of parcels B and K.

(iii) The conveyance of the Site will be in phases based on the timing of the commencement of development of each phase by CCF as agreed by the parties pursuant to Section 4(a) above.

(iv) The DDA will provide that if CCF fails to commence construction of the Project or sells the Site or any portion thereof after construction but prior to the expiration of a period agreed to in the DDA, CPV will have , (A) the right to recapture the Property at no consideration in the event construction is not commenced or (B) the right to be paid the then fair market value for the Property at its then highest and best use if CCF sells the project prior to the expiration of such agreed period. The method of determining such value and the length of such agreed period will be negotiated during the Term and set forth in the DDA. In the event CCF purchases parcels B and K, and (i) fails to commence construction on either of those parcels, CPV's right to recapture parcel B and/or K shall be conditioned upon the repayment to CCF of the purchase price paid by CCF for parcel B and/or parcels K or (ii) if CCF sells either parcel B or K after construction but prior to the expiration of the period agreed to in the DDA, CCF shall have no obligation to compensate CPV, or the City in connection with parcel B or parcel K. Such obligations and rights will survive the closing and be contained in a Special Declaration of Restrictions to be recorded against the Property at Closing.

The parties acknowledge that, in compliance with the provisions of Nevada Revised Statutes, Chapter 268 and other applicable law, CPV, at its cost, will obtain and rely upon independent and confidential appraisal of the Site prepared within six months of the date of the DDA and that the City Council of the City of Las Vegas adopts a formal resolution finding that it is in the best interests of the public to donate all or part of the Site without offering such real property to the public. Notwithstanding the foregoing, the parties agree that any such appraisal may be subject to public records laws or ordinances of the City or the State of Nevada.

(b) The parties agree that they shall negotiate in good faith the DDA consistent with the terms of this Agreement and the Project as approved pursuant to Section 4 above. Notwithstanding the foregoing sentence, CCF and CPV agree and acknowledge (i) that this Agreement creates no obligation on either party to enter into the DDA or any other agreement related to the Site or Symphony Park, and (ii) the decision to enter into a DDA will be at each party's respective discretion: provided however, if CCF satisfies all of its obligations under this Agreement and elects to enter into a DDA, CPV shall enter into good faith negotiations with CCF to negotiate and enter into the

DDA. If the parties agree on the terms of the DDA, then (i) the consummation thereof shall be subject only to the discretionary approval of the Council and (ii) CPV represents that it will recommend to Council that it approve the DDA. CCF agrees and acknowledges that this Agreement creates no rights, title or interest in CCF whatsoever, legal, equitable or otherwise, in the Site or in Symphony Park, including, without limitation, any rights to purchase, lease, option or otherwise. The parties agree that in the event the parties do not enter into a DDA for any reason whatsoever neither party shall have any liability whatsoever to the other party. CPV agrees that at any time during the Term, if CCF determines in its reasonable judgment that it is not feasible to move forward with the Project, CCF may terminate this Agreement with no further obligations or liability to CPV, except for such obligations or liabilities which survive the termination of this Agreement. Except as may be otherwise provided for herein, CCF agrees and acknowledges that this Agreement creates no rights, title or interest in CCF whatsoever, legal, equitable or otherwise, in the Site or in Symphony Park, including, without limitation, any rights to purchase, lease, option or otherwise and by its execution of this Agreement, CPV is not committing itself to or agreeing to donate the land to CCF or any other acts or activities requiring the subsequent independent exercise of discretion by the City or any governmental authority with authority over the resulting development.

(c) CCF agrees that upon expiration of the Term without the Parties entering into the DDA or upon any other termination of this Agreement, (i) CCF shall have no rights whatsoever to the Site, and except if CCF has independently acquired other parcels in Symphony Park, any other part of Symphony Park or any other property owned by CPV or the City and (ii) neither CPV nor the City shall have any obligation or liability whatsoever to continue to negotiate with or attempt to accommodate in any manner CCF for a location for the Project.

7. CCF Control and Ownership.

(a) CCF represents and warrants that it is a non-profit corporation organized pursuant to the laws of the State of Ohio and CCF is duly authorized to do business in the State of Nevada.

(b) CCF is required to make full disclosure to CPV of its principals, officers and key managerial employees, and all other material information concerning CCF. CCF

will be required to submit a completed Exhibit "D", Disclosure of Principals form, which includes all principals, and members of CCF, as well as all persons and entities holding more than a 1% interest in CCF or any principal, partner or member of the same, and agree in writing to the terms of this Section 7(b) and Section 9 below. Throughout the Term hereof, CCF shall provide written notification of any material change in the above disclosure within 15 days of such change.

8. Real Estate Commission. Each party represents to the other party that it has not engaged any broker, agent or finder in connection with this Agreement, and agrees to hold the other party harmless from any claim by any broker or finder retained by such party. The provisions of this Section 8 shall survive any termination or expiration of this Agreement.

9. Conflict of Interest.

(a) Any official of CPV, who is authorized in such capacity and on behalf of CPV to negotiate, make, accept or approve, or take part in negotiating, making, accepting, or approving this Agreement, payments under this Agreement, or work under this Agreement, shall not be directly or indirectly interested personally in this Agreement or in any part hereof. No officer, employee, architect, attorney, engineer or inspector of, or for CPV, who is authorized in such capacity and on behalf of CPV to exercise any legislative, executive, supervisory or other similar functions in connection with this Agreement, shall become directly or indirectly interested personally in this Agreement or in any part hereof, any material supply contract, subcontract, insurance contract, or any other contract pertaining to this Agreement.

(b) Each party represents that it is unaware of any financial or economic interest of any public officer or employee of CPV relating to this Agreement. Notwithstanding any other provision of this Agreement, if such interest becomes known, CPV may immediately terminate this Agreement for default or convenience, based on the culpability of the parties.

(c) CPV represents that no employee, officer or director of CCF is an employee, officer or director of CPV or serves on any boards or committees of or in any advisory capacity with CPV. To the extent that any employee, officer or director of CCF may in the future serve on any board or committee of or in any advisory capacity to CPV,

any payments made to such parties will be at fair market value for the services rendered.

10. Default; Appropriation.

(a) In the event CCF (i) is in default beyond any applicable grace period pursuant to Section 4(b) above in connection with the Task Schedule or (ii) is otherwise in default of its obligations or performance under this Agreement and such other default is not cured within thirty (30) days after written notice specifying the precise nature of the default, then CPV shall have the right to immediately terminate this Agreement upon written notice to CCF. Except as specifically provided for herein, CCF shall not be liable for any, lost profits, expense reimbursement, or any consequential, special or exemplary damages incurred by CPV as a result of such termination.

(b) In the event CPV is in default of its obligations under this Agreement, CCF's sole and exclusive remedy will be to terminate this Agreement. Neither CPV nor the City shall be liable for any damages whatsoever, including, without limitation, out-of-pocket expenses lost profits, consequential, special or exemplary damages incurred by CCF.

(c) No obligation assumed by or imposed upon CPV by this Agreement or remedy granted or otherwise arising in, under or pursuant to this Agreement against CPV shall require the payment of money by CPV, or the performance of any action by CPV, the performance of which requires money from CPV, except to the extent that funds are available for such payment or performance from City appropriations therefor lawfully made by the City. This Agreement shall not be construed as obligating the City Council to make future appropriations for the payment of monies or the performance of any obligations of CPV under this Agreement.

11. Notices. All legal notices required pursuant to the terms and conditions of this Agreement shall be in writing, unless an emergency situation dictates otherwise. Any notice required to be given under the terms of this Agreement shall be deemed to have been given when (i) received by the party to whom it is directed by hand delivery or personal service, all fees pre-paid, (ii) transmitted by facsimile with confirmation of transmission (an original signed copy, via first-class U. S. Mail, shall follow facsimile

transmissions) or (iii) received or delivery refused if sent by U.S. mail via certified mail-return receipt requested, postal fees pre-paid at the following addresses:

If to CCF:

Cleveland Clinic Foundation
9500 Euclid Avenue / (H-18)
Cleveland, Ohio 44195
Attention: Chief of Operations
Phone: (216) 445-0686
Facsimile: (216) 636-0044

And to:

Cleveland Clinic Foundation
9500 Euclid Avenue (H-18)
Cleveland, Ohio 44195
Attention: Chief Legal Officer

If to CPV:

William Arnet, Director
City Parkway V, Inc.
c/o Office of Business Development
400 Stewart Avenue, 2nd Floor
Las Vegas, 89101
Phone: 702-229-6551
FAX: 702-385-3128

And to:

Manager, Purchasing & Contracts
City Hall, First Floor
400 Stewart Avenue
Las Vegas, NV 89101
Phone: 702-229-6021
Fax: 702-384-9964

And to:

Sam Gladstein
Newland Communities, LLC
2300 West Sahara Avenue. Suite 750
Las Vegas, Nevada 89102
Phone: 702.220.8094
FAX: 702.220.7636

12. Publicity. The parties agree that neither party shall make any public announcement or any press release with respect to this Agreement or the Project without the consent of the other party which consent shall not be unreasonably withheld or delayed. Nothing in this Section 12 shall limit or prevent CPV or the City from undertaking any actions required by Nevada's open meeting laws or causing or allowing the release of information or dissemination of documents as may be required or appropriate in connection with any administrative hearings or proceedings pertaining to the City's approval or implementation of this Agreement. Notwithstanding the foregoing, the Parties shall have the right to disclose any and all information to a governmental body or law enforcement agency which has been properly designated to collect information from CCF about its planned project.

13. Assignment. Neither party may assign or transfer all or any part of its interest in this Agreement without first obtaining the written consent of the other party which consent may be granted or withheld in such other party's sole and unfettered discretion; provided, however (i) CCF shall have the right to transfer all or part of its interest in this Agreement to an affiliate which is a not-for-profit entity which is controlled by, or under common control with, CCF with the consent of CPV which consent shall not be unreasonably withheld, conditioned or delayed and (ii) CPV shall have the right to transfer all or part of its interest in this Agreement to an affiliate which is controlled by, or under common control with, CPV with the consent of CCF which consent shall not be unreasonably withheld, conditioned or delayed. Any transfer or assignment in violation of this Section 13 shall be null and void and constitute a default of this Agreement.

14. Time of the Essence. Time is of the essence in this Agreement and each and every term and provision hereof.

15. Interpretation; Governing Law. This Agreement shall be construed as if prepared by both parties. This Agreement shall be construed, interpreted and governed by the laws of the State of Nevada.

16. Entire Agreement; Amendments. This Agreement and the Exhibits attached hereto are intended by the parties to be the final expression of their agreement with respect to the subject matter hereof, and is intended as the complete and exclusive statement of the terms of the agreement between the parties. As such, this Agreement

supersedes any and all prior understandings between the parties, whether oral or written. Any amendments to this Agreement shall be in writing and shall be signed by both parties hereto.

17. No Waiver. A waiver by either party hereto of a breach of any of the covenants or agreements hereof to be performed by the other party shall not be construed as a waiver of any succeeding breach of the same or other covenants, agreements, restrictions or conditions hereof.

18. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, representatives, successors and permitted assigns.

19. Headings; Exhibits; Cross References. The headings and captions used in this Agreement are for convenience and ease of reference only and shall not be used to construe, interpret, expand or limit the terms of this Agreement. All exhibits attached to this Agreement and the Recitals at the front of this Agreement are incorporated herein by the references thereto contained herein. All references in this Agreement to Articles, Sections and exhibits shall be to Articles, Sections and Exhibits of or to this Agreement, unless otherwise specified.

20. Severability. In the event that any phrase, clause, sentence, paragraph, section, article or other portion of this Agreement shall become illegal, null or void, or against public policy for any reason, or shall be held by any court of competent jurisdiction to be illegal, null or void, or against public policy, the remaining portions of this Agreement shall not be affected thereby and shall remain in force and effect to the full extent permitted by law.

21. Performance of Acts on Business Days. Unless specifically stated to the contrary, all references to days herein shall be deemed to refer to calendar days. In the event that the final date for payment of any amount or performance of any act hereunder falls on a Saturday, Sunday or holiday, such payment may be made or act performed on the next succeeding business day.

22. No Third Party Beneficiaries. This Agreement is intended for the exclusive benefit of CPV and CCF and their respective permitted assigns and is not intended and shall not be construed as conferring any benefit on any third party or the

general public. Further, nothing contained herein is intended to grant to CPV or any other party, nor shall CPV have any third party have, any rights or benefits flowing from any agreement between CCF and any other party except to the extent rights shall be expressly transferred or created in any such agreement.

23. Counterpart Signatures; Facsimile Transmission. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, and all of such counterparts shall constitute one agreement. Delivery of this Agreement may be accomplished by facsimile transmission of this Agreement. In such event, the parties hereto shall promptly thereafter deliver to each other executed counterpart originals of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date set forth beneath their respective signatures below.

CPV	CCF
CITY PARKWAY V, INC, a Nevada corporation	CLEVELAND CLINIC FOUNDATION, an Ohio non-profit corporation
By_____ _____, President	By: _____ **William M. Peacock, III** Chief of Operations
ATTEST:	Execution Date:
_____	_____
_____, Title	

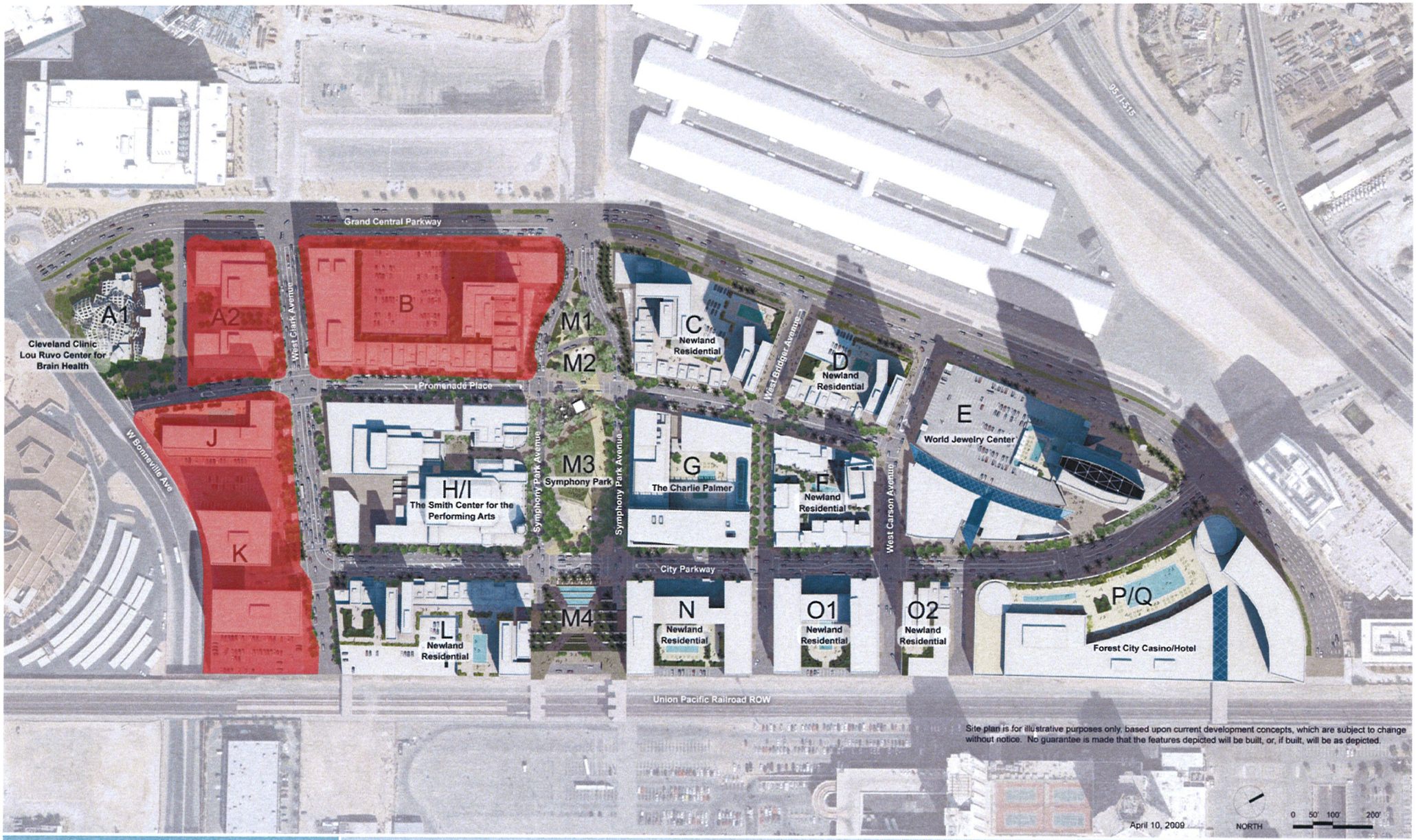
APPROVED AS TO FORM:

Date: 09/03/09

LIST OF EXHIBITS

EXHIBIT "A"	SITE DEPICTION
EXHIBIT "B"	SYMPHONY PARK DESIGN REVIEW PROCESS
EXHIBIT "C"	LIST OF ENVIRONMENTAL INFORMATION
EXHIBIT "D"	PRINCIPALS AND DISCLOSURE FORM

EXHIBIT A



SYMPHONY PARK

ILLUSTRATIVE SITE PLAN

CITY OF LAS VEGAS NEVADA

Newland COMMUNITIES
AT THE HEART OF GREAT LIVING

EXHIBIT B

Exhibit B

CLEVELAND CLINIC ENA

Symphony Park Design Review Process (Revised 1-13-09)

Committee: 5 members - 1 from OBD (Scott Adams or designee Steve Van Gorp, 1 from Planning and Development (Margo Wheeler or designee Flinn Fagg), 1 from Public Works (Jorge Cervantes or designee David Bowers) , 2 from Newland Communities (Rita Brandin or designee, and Charles Kubat)

Committee will meet for project reviews the first and third Fridays of each month. Submittals must be received a minimum of 15 calendar days prior to a meeting date. Applicant may meet with the committee to present a project and answer questions but the committee will then meet without the applicant to discuss its comments and recommendations.

Process Steps	Requirements	Time Allotted	Typ Private Submittals
1. SP Master Developer Review Concept review of 3rd party project by Newland during discussion of ENA and DDA	Site plans, massing, and project character	As required by project	Conceptual drawings, bldg program, objectives, schedule, etc.
2. Block Plan Review a. Applicant prepares "Block Plan" concept submission and submits to SP-DRC administrator (Newland Communities) who reviews the submission for completeness. Incomplete submissions will be returned to the applicant. With complete submission the meeting is confirmed with committee members.	See submission requirements: ie. Site plan for whole block, parking and access, pedestrian access and open space, conceptual elevations, 3-D massing, building program, LEED checklist (preliminary), etc.	As required	Schematic Design documents
b. Newland distributes submission to appropriate review consultants and they complete initial review and checklist.		15 days or sooner	
c. SP-DRC reviews "Block Plan" concept submission including an informal review by OBD/Newland with Mayor and City Council person for SP district. Applicant may be present for formal DRC meeting if desired. Newland documents meeting conclusions and they are approved by committee chair.		30 days or sooner	

d. SP-DRC communicates recommendation on project to applicant. If not approved applicant must resubmit revised project.	Letter to applicant	End of 30 days or sooner	
3. Design Development Review a. Upon approval of the initial block plan submission, applicant prepares design development information and submits to SP_DRC administrator (Newland Communities), who confirms completeness of submission. Incomplete submissions will be returned to the applicant. With a complete submission the meeting is confirmed with committee members.	See submission requirements: ie. Site plan, grading plan, floor plans, elevations with key details, landscape and streetscape, material, finishes and colors, site signage, refined 3-D massing, solar shading, LEED checklist with explanation.	As Required	Design Development documents / may not be full DD level drawings
b. SP-DRC administrator distributes submission to review consultants for their checklist review and preparation of issues for committee discussion.		5 days or less	
c. SP-DRC Consultants complete their review		10 days or less	
d. SP-DRC meets to make a recommendation on the submission (approve, approve with conditions, or deny). Newland documents meeting conclusions and they are approved by committee chair.			
e. SP-DRC administrator communicates, with written notice, the committee's recommendation to the applicant and to Dept. of Planning and Development for use in the formal staff report.	Letter to applicant	30 days total from submission or sooner	
4. Site Development Plan Review a. Upon approval of the Design Development review, applicant prepares Site Development Plan Review application to Planning and Development Dept and is put on agendas for Planning Commission	Letter of design development approval from UP-DRC and	As required	

and City Council	required documents per Title 19.18 of the Las Vegas Municipal code	
b. Planning Commission hearing/approval		Per adopted Planning Commission schedule (approx 30-45 days)
c. City Council hearing/approval		Per adopted City Council schedule (approx 30 days)
5. Building Permit Review		
a. After receiving approval of the Site Development Plan application and any other required applications, applicant completes construction documents and submits to SP-DRC administrator prior to or concurrently with submission to the Building Dept.	Construction Documents	As required
b. SP-DRC /consultant review of construction drawings for conformance with City Council approval.		10-15 days
c. SP-DRC communicates its recommendation on the documents to the applicant in writing. (approval or denial)	Letter to applicant	30 days from submittal or less
d. Applicant provides letter of approval to Building Dept. before building permit is issued.		

EXHIBIT C

Symphony Park Park Environmental Disclosure Documents
Exhibit C to Cleveland Clinic ENA

Electronic Documents on Two Compact Discs

Identifier	Title/Text Reference
01	Remedial Action Plan

DamesMooreReports

FinalReport.TIF
Off-Site Evaluation 09-29-1998 Appendices A-H.TIF
SummaryReportPhaseI&II Site Characterization 11-11-1987.TIF

Site Characterization Investigation and Recommended Remedial Action Plan, July 29, 1989

-Appendices

Appendices.tif,
Appendix A - Summary of Buried Disposal Area Investigation.tif
Appendix B - Investigative Procedures.tif
Appendix C - Chain-of-Custody Records.tif
Appendix D - Field and Laboratory QA&QC Program.tif
Appendix E - Health and Safety Plan.tif
Appendix F - Regional Geology and Hydrogeology.tif
Appendix G - Exploratory Boring Logs.tif
Appendix H - Soil and Hydrogeoloic Conditions By Area.tif
Appendix I - Gauging Data and Hydrographs.tif
Appendix J - Soil Laboratory Data Reports.tif
Appendix K - Ground-Water Laboratory Data Reports.tif
Appendix L - Maps of Approx Dist of Soils Containing PH.tif
Appendix M - Observed Versus Actual Thickness of Liquid Hydrocarbon.tif
Appendix N - Liquid Hydrocarbon Volume Estimates.tif
Appendix O - Air Quality Monitoring Report.tif
Appendix P - Report of Industrial Hygiene Evaluation.tif
Appendix Q - Desert Research Institute Report.tif
Appendix R - Health Risk Assessment.tif
Appendix S - USPCI Report of Oil Recovery Operations.tif
OIL RECOVERY SYSTEM.TIF

-1) Table of Contents and Executive Summary.tif
- Sect 1 Introduction.tif
- Sect 2 Purpose & Scope.tif
- Sect 3 Site Background.tif
- Sect 4 Hydrocarbon Contamination.tif
- Sect 5 Lead Contamination.tif
- Sect 6 Assessment of Potential Mobility and Fate of Contaminants.tif
- Sect 7 Health Risk Assessment.tif
- Sect 8 Site Remediation Criteria.tif
- Sect 9 Recommended Remedial Action.tif

PLATE 01.TIF, PLATE 02.TIF, PLATE 03.TIF, PLATE 04.TIF, PLATE 05.TIF, PLATE 06.TIF, PLATE 07.TIF, PLATE 08.TIF, PLATE 09.TIF, PLATE 10.TIF, PLATE 11.TIF, PLATE 12.TIF, PLATE 13.TIF, PLATE 14.TIF

01) Final Remedial Action Plan 06-5-1992.pdf
02) Addendum I to RAP 08-18-1992.pdf
03) Request For Final Closure 10-06-1997.pdf
04) Depart of the Army Letter 12-09-2003.pdf
05) Interim Closure Report of Rem Action 09-27-93.pdf
06) NDEP Letter 03-26-1998.pdf
07) NDEP Remediation Requirements Sept 10, 1991.pdf

08) Phase 1 Env Site Assess Northern Tract 11-10-2000.pdf
09) Phase 1 Env Site Assess Southern Tract 11-10-2000.pdf

02 Plystadium Agreement
- 01) Plystadium Agreement.pdf
- 02) Amended and Restated Mem of Rights.pdf
- 03) Estoppel Certificate.pdf
- 04) Termination of Mem of Repurchase Option.pdf
- 05) Trusetee's Deed - Lehman to PAMI.pdf
- 06) GBSD UPRR Ply Stadium.pdf

03 Pollution Legal Liability Select
- Pollution Insurance PLS 8194919.pdf

04 Environmental Risk Management – Converse Consultant, August 23, 2000
- 01) Environmental Risk Management 08-23-2000.pdf
- 02) Risk-Based Evaluation 09-24-2002.pdf
- 03) Hydrocarbon Free Product Plumes Map.pdf
- 04) Soil Impact Map.pdf

05 Trenching Exercise – Converse Consultants.pdf, Sept 11, 2002

06 Terracon Phase I & Phase II Environmental Site Assessment.pdf – March 26, 2003 & April 2, 2003
- Exhibit 12 - Terracon Phase I & II Environmental Site Assessment.pdf
- Phaselexec.pdf
- Phasellexec.pdf

07 Preliminary Geotechnical Studies – Converse Consultants
- Northern Prelim. Geotech.pdf
- Soouthern Prelim. Geotech.pdf

08 Groundwater Monitoring Reports
- 2nd Half 2005 Groundwater Report
  - Cover 2nd Half 2005 Groundwater Report.tif; DOC060509-003.tif; DOC060509-004.tif; DOC060509.pdf; DOC060509.tif; DOC060509a.tif; DOC060509b.tif; DOC060509c.tif; DOC060509d.tif; DOC060509e.tif; DOC060509f.tif
- Abondoned Wells July 2004
  - -Abandoned Wells July 2004.pdf
  - -Completion of Well Plugging Abandonment Former Las Vegas Rail Yard.htm
- 01) 2nd Quarter 1991 Groundwater Report.pdf
- 02) 2nd Quarter 2001 Groundwater Report.pdf
- 03) 3rd Quarter 2001 Groundwater Report.pdf
- 04) 4th Quarter 2001Groundwater Report.pdf
- 05) 1st Quarter 2002 Groundwater Report.pdf
- 06) 2nd Quarter 2002 Groundwater Report.pdf
- 07) 1st Half 2002 Semi-annual Compliance Report.pdf
- 08) 3rd Quarter 2002 Groundwater Report.pdf
- 09) 4th Quarter 2002 Groundwater Report.pdf
- 10) 1st Half 2003 Groundwater Report.pdf
- 11) 1st Half 2003 Semi-annual Compliance Report.pdf
- 12) 2nd Half 2003 Groundwater Report.pdf
- 13) 2nd Half 2003 Semi-annual Compliance Report.pdf
- 13a) UP letter Jan 7 2004.tif
- 14) 1st Half 2004 Groundwater Report.pdf
- 15) 1st Half 2004 Semi-annula Compliance Report.pdf
- 15a) Well Monitoring Modification Plan 05-06-2004.tif
- 16) 2nd Half 2004 Groundwater Report.pdf
- 16a) TABLE 2 Groundwater Analytical Data 06-16-2004.xls
- 17) 2nd Half 2004 Semi-annual Compliance Report.pdf
- 18) 1st Half 2005 Groundwater Report.pdf
- 19) 1st Half 2005 Semi-annual Compliance Report.pdf

20) NDEP letter on Groundwater monitoring 08-13-2008.pdf
21) Monitoring Well MW-47 A & B abandonment.msg
22) UPRR letter on Wells Abandonment and sampling.msg
23) FW Waste Water Discharge Permit MSC-0002.msg

09 Maps

01) Remediation Depth.jpg
02) Uphcfreeprod.pdf
03) upenvscan012803ssm.pdf
04) Envirnmental vs architectural.pdf
05) Master Plan Remaining Contamination.JPG
06) Master Plan Depth.JPG

10 Union Park Master Planning

BRT

BRT - Grand Central borings 06-09-2007.pdf
BRT Stockpile Samples 08-27-2007 thru 09-07-2007.pdf
BRT Stockpile Samples 09-08-2007 thru 09-24-2007.pdf
BRT Stockpile Samples 09-25-2007 thru 10-05-2007.pdf
BRT Stockpile Samples 10-06-2007 thru 10-23-2007.pdf
BRT Stockpile Samples 10-24-2007 thru 11-12-2007.pdf
BRT Stockpile Samples 11-13-2007 thru 11-30-2007.pdf
BRT Stockpile Samples 12-1-2007 thru 12-31-2007.pdf

Phase 1 Infrastructure

Phase 1 Stockpile Samples 01-01-2009 thru 01-31-2009.pdf
Phase 1 Stockpile Samples 02-01-2009 thru 03-03-2009.pdf
Phase 1 Stockpile Samples 04-15-2008 thru 5-6-2008.pdf
Phase 1 Stockpile Samples 05-7-08 thru 6-10-08.pdf
Phase 1 Stockpile Samples 06-11-2008 thru 6-19-2008.pdf
Phase 1 Stockpile Samples 06-20-2008 thru 7-3-2008.pdf
Phase 1 Stockpile Samples 07-4-08 thru 8-8-08.pdf
Phase 1 Stockpile Samples 08-9-2008 thru 8-31-2008.pdf
Phase 1 Stockpile Samples 09-1-08 through 9-30-08.pdf
Phase 1 Stockpile Samples 10-1-2008 thru 10-31-2008.pdf
Phase 1 Stockpile Samples 11-1-2008 thru 11-30-2008.pdf
Phase 1 Stockpile Samples 12-1-2008 thru 12-31-2008.pdf
Soil Samples-Buried Drum- 04-21-09.pdf

1) UnionParkSoil&GroundwaterManagementPlan03-21-2007.pdf
2) Converse Risk Assessment Addendum - arsenic evaluation final – 07-03-2007.pdf
3) Kleinfelder Soil and Groundwater Management Plan - arsenic addendum final 7-5-07.pdf
Kleinfelder Phase I Environmental Site Assessment Update_Union Park 03-15-2007.pdf
Un Park Roadway and Drain Geotech LVE7R220 Complete 06-15-2007.pdf
Un Park Street Borings 06-15-2007.pdf

11 Additional Disclosures

Depart of the Army Letter 12-09-2003.pdf
NDEP Letter 03-26-1998.pdf
Phase 1 Env Site Assess Northern Tract 11-10-2000.pdf
Phase 1 Env Site Assess Southern Tract 11-10-2000.pdf

Parcel A1 - Ruvo

01) Ruvo Pre-excavaton Sampling Summary 03-27-2007.pdf
02) Ruvo Mass Excavation Soil Report 05-10-2007- .pdf
03) Ruvo Sewer excavation report 06-07-2007.pdf
04) Ruvo Power Trench 06-29-2007.pdf
05) Ruvo Environmental Services 07-07-2006.pdf
06) LV Paving Job Ticket 07-19-2007.pdf
07) Ruvo Stockpile Testing Results 11-7-07.pdf
08) LV Paving Remediation Certificates 2008.pdf
09) Kleinfelder letter for Ruvo Site Excavation 02-13-2009.pdf

Parcel E - WJC	01) WJC Terracon limited site investigation 4-5-07.pdf 02) DRAFT Impacted Soil and Groundwater Work Plan WJC 07-19-2007.pdf 03) 2007-08-01_UP_3P_WJC_Remediation Cost Estimate.pdf
Parcel G - City Core	01) Charlie Palmer - City Core Prelim Geotech 08-27-2007.pdf 02) CITY CORE Phase 1 ESA 09-20-2007.pdf 03) City Core -soil cutting report Sept 2007.pdf 03a) City Core Pictures -soil cutting.pdf 04) City-Core Geotech 01-02-2008.pdf 04) Phase II ESA 12-13-2007.pdf 05) Site specific risk assessment - Sage Solutions 01-11-2008.pdf
Parcel H/I - PAC	Groundwater Smiths Center 10-23-2007.pdf PAC Kleinfelder Risk Assessment 09-25-2006.pdf PAC Remediation Cost Cap- Final 05-04-2007.pdf PAC Soil Excavations 05-27-09 thru 6-12-09.pdf PAC Soil Samples- 05-13-2009.pdf PAC Terracon Geotech Report 05-23-2008.pdf Soil Samples-Buried Drum- 04-16-09.pdf
Parcel J -	2007-11-19_UP-3P-Final Report Plates.pdf 2007-11-19_UP-3P-Parcel J - Final Subsurface Assessment Report.pdf
Parcel PQ – LiveWork	Plate 1 041608.pdf

Parcels C, D, F, L, N, O1 & O2 – Newland Communities

Kleinfelder Prelim Geotech Report on Parcel C 04-23-2007.pdf
Kleinfelder Prelim Geotech Report on Parcel D 04-23-2007.pdf
Kleinfelder Prelim Geotech Report on Parcel F 04-23-2007.pdf
Kleinfelder Prelim Geotech Report on Parcel O1 04-23-2007.pdf
Kleinfelder Prelim Geotech Report on Parcel O2 04-23-2007.pdf
Kleinfelder Vapor Survey of Parcels C,D,F, and O.pdf

EXHIBIT D

CERTIFICATE
DISCLOSURE OF OWNERSHIP/PRINCIPALS

1. Definitions

"City" means the City of Las Vegas.

"City Council" means the governing body of the City of Las Vegas.

"Contracting Entity," means the individual, partnership, or corporation seeking to enter into a contract or agreement with the City of Las Vegas.

"*Principal"* means, for each type of business organization, the following: (a) sole proprietorship – the owner of the business; (b) corporation – the directors and officers of the corporation; but not any branch managers of offices which are a part of the corporation; (c) partnership – the general partner and limited partners; (d) limited liability company – the managing member as well as all the other members; (e) trust – the trustee and beneficiaries.

2. Policy

In accordance with Resolution 79-99 and 105-99 adopted by the City Council, Contracting Entities seeking to enter into certain contracts or agreements with the City of Las Vegas must disclose information regarding ownership interests and principals. Such disclosure generally is required in conjunction with a Request for Proposals (RFP). In other cases, such disclosure must be made prior to the execution of a contract or agreement.

3. Instructions

The disclosure required by the Resolutions referenced above shall be made through the completion and execution of this Certificate. The Contracting Entity shall complete Block 1, Block 2, and Block 3. The Contracting entity shall complete either Block 4 or its alternate in Block 5. Specific information, which must be provided, is highlighted. An Officer or other official authorized to contractually bind the Contracting Entity shall sign and date the Certificate, and such signing shall be notarized.

4. Incorporation

This Certificate shall be incorporated into the resulting contract or agreement, if any, between the City and the Contracting entity. Upon execution of such contract or agreement, the Contracting Entity is under a continuing obligation to notify the City in writing of any material changes to the information in this Certificate. This notification shall be made within fifteen (15) days of the change. Failure to notify the City of any material change may result, at the option of the City, in a default termination (in whole or in part) of the contract or agreement, and/or a withholding of payments due the Contracting Entity.

Block 1 **Contracting Entity**
Name
Address
Telephone
EIN or DUNS

Block 2 **Description**
Subject Matter of Contract/Agreement
RFP#

Block 3 **Type of Business**
☐ Individual ☐ Partnership ☐ Limited Liability Company ☐ Corporation ☐ Trust ☐ Other:

CERTIFICATE – DISCLOSURE OF OWNERSHIP/PRINCIPALS (CONTINUED)

Block 4 Disclosure of Ownership and Principals
In the space below, the Contracting Entity must disclose all principals (including partners) of the Contracting Entity, as well as persons or entities holding more than one-percent (1%) ownership interest in the Contracting Entity.

	FULL NAME/TITLE	BUSINESS ADDRESS	BUSINESS PHONE
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

The Contracting Entity shall continue the above list on a sheet of paper entitled "disclosure of Principals – Continuation" until full and complete disclosure is made. If continuation sheets are attached, please indicate the number of sheets: ___.

Block 5 DISCLOSURE OF OWNERSHIP AND PRINCIPALS – ALTERNATE

If the Contracting Entity, or its principals or partners, are required to provide disclosure (of persons or entities holding an ownership interest) under federal law (such as disclosure required by the Securities and Exchange Commission or the Employee Retirement Income Act), a copy of such disclosure may be attached to this Certificate in lieu of providing the information set forth in Block 4 above. A description of such disclosure documents must be included below.

Name of Attached Document: _____

Date of Attached Document: _____ Number of Pages: _____

I certify under penalty of perjury, that all the information provided in this Certificate is current, complete and accurate. I further certify that I am an individual authorized to contractually bind the above named Contracting Entity

_____
Name

_____
Date

Subscribed and sworn to before me this _____day of

_____, 2009

_____
Notary Public

ATTACHMENT 1

CERTIFICATE
DISCLOSURE OF OWNERSHIP/PRINCIPALS

1. Definitions

"Agency" means the City of Las Vegas Redevelopment Agency.

"City Council" means the governing body of the City of Las Vegas acting as the Board of Directors for the City of Las Vegas Redevelopment Agency.

"Development Entity" means the entity which is seeking to enter into a contract or agreement with the City of Las Vegas Las Vegas Redevelopment Agency.

"Principal" means, for each type of business organization, the following: (a) sole proprietorship – the owner of the business; (b) corporation – the directors and officers of the corporation; but not any branch managers of offices which are a part of the corporation; (c) partnership – the general partner and limited partners; (d) limited liability company – the managing member as well as all the other members.

2. Policy

In accordance with Resolution 79-99 and 105-99 adopted by the City Council, Development Entities seeking to enter into certain contracts or agreements with the Agency must disclose information regarding ownership interests and principals. Such disclosure generally is required in conjunction with a Request for Proposals (RFP). In other cases, such disclosure must be made prior to the execution of a contract or agreement with the Agency.

3. Instructions

The disclosure required by the Resolutions referenced above shall be made through the completion and execution of this Certificate. The Development Entity shall complete Block 1, Block 2, and Block 3. The Development Entity shall complete either Block 4 or its alternate in Block 5. Specific information, which must be provided, is highlighted. An Officer or other official authorized to contractually bind the Development Entity shall sign and date the Certificate, and such signing shall be notarized.

4. Incorporation

This Certificate shall be incorporated into the resulting contract or agreement, if any, between the Agency and the Development Entity. Upon execution of such contract or agreement, the Development Entity is under a continuing obligation to notify the Agency in writing of any material changes to the information in this Certificate. This notification shall be made within fifteen (15) days of the change. Failure to notify the Agency of any material change may result, at the option of the Agency, in a default termination (in whole or in part) of the contract or agreement, and/or a withholding of payments due to the Development Entity.

CERTIFICATE – DISCLOSURE OF OWNERSHIP/PRINCIPALS (CONTINUED)

Block 1	Development Entity
Name	The Cleveland Clinic Foundation
Address	9500 Euclid Avenue Cleveland, Ohio 44195
Telephone	216-444-2000
EIN or DUNS	34-0714585

Block 2 Description

Subject Matter of Contract/Agreement: **Exclusive Negotiation Agreement for property located at Symphony Park**

RFP #:

Block 3 Type of Business

☐ Individual ☐ Partnership ☐ Limited Liability Company ☒x Non-Profit Corporation

Block 4 Disclosure of Ownership and Principals

In the space below, the Development Entity must disclose all principals (including partners) of the Development Entity, as well as persons or entities holding more than one-percent (1%) ownership interest in the Development Entity.

	FULL NAME/TITLE	BUSINESS ADDRESS	BUSINESS PHONE
1.	Delos T.Cosgrove, M.D. President , CEO and Director	9500 Euclid Ave Cleveland, Ohio 44195	216-444-2300
2.	Steven C. Glass Chief Financial Officer	9500 Euclid Ave Cleveland, Ohio 44195	216-444-9308
3.	Dave Rowan Chief Legal Officer	9500 Euclid Ave Cleveland, Ohio 44195	216-444-3441
4.	William C. Peacock Chief of Operations	9500 Euclid Ave Cleveland, Ohio 44195	216-445-0686
5.	Michael Modic MD Chief Emerging Business Officer	9500 Euclid Ave Cleveland, Ohio 44195	216-444-9308
6.	Joseph Hahn, M.D. Chief of Staff and Director	9500 Euclid Ave Cleveland, Ohio 44195	216-444-3382
7.	Michael Harrington Chief Accounting Officer	9500 Euclid Ave Cleveland, Ohio 44195	216-445-8990
8.	A. Malachi Mixon, III, Chairman, Board of Directors	9500 Euclid Ave Cleveland, Ohio 44195	216-444-2000
9.	Samuel H. Miller, Director	9500 Euclid Ave Cleveland, Ohio 44195	216-444-2000
10.	Stephen R. Hardis, Director	9500 Euclid Ave Cleveland, Ohio 44195	216-444-2000

The Development Entity shall continue the above list on a sheet of paper entitled "Disclosure of Principals – Continuation" until full and complete disclosure is made. If continuation sheets are attached, please indicate the number of sheets: One

Block 5	**Disclosure of Ownership and Principals – Alternate**

If the Development Entity, or its principals or partners, are required to provide disclosure (of persons or entities holding an ownership interest) under federal law (such as disclosure required by the Securities and Exchange Commission or the Employee Retirement Income Act), a copy of such disclosure may be attached to this Certificate in lieu of providing the information set forth in Block 4 above. A description of such disclosure documents must be included below.

Name of Attached Document: _____

Date of Attached Document: _____ Number of Pages: _____

I certify, under penalty of perjury, that all the information provided in this Certificate is current, complete, and accurate. I further certify that I am an individual authorized to contractually bind the above named Development Entity.

_____
Name

9/4/09
Date

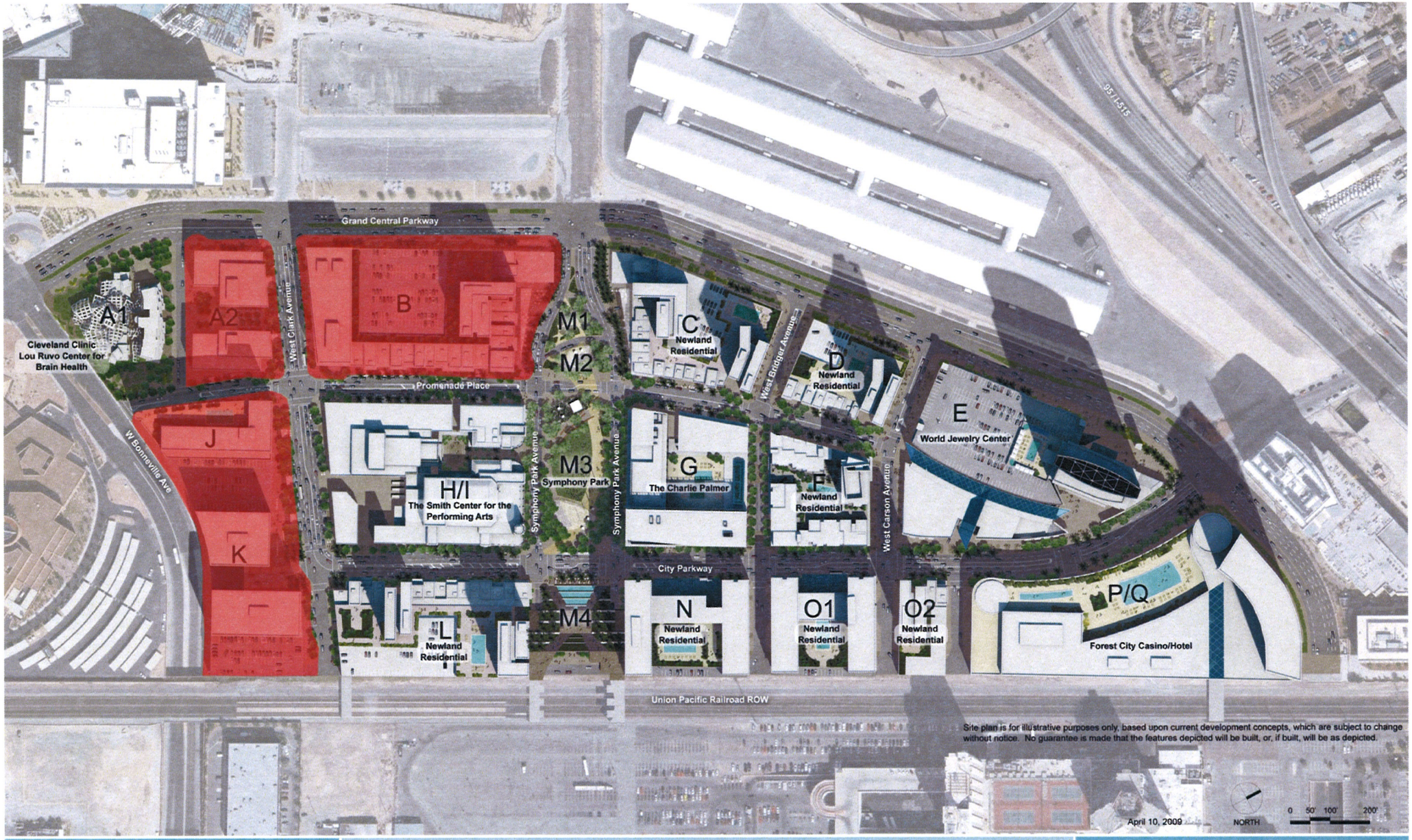
Subscribed and sworn to before me this 4th day of September, 2008.

_____ _____
Notary Public Official Seal

JAMI BALAZS
Notary Public - State of Ohio
My Commission Expires April 15, 2013

APPROVED AS TO FORM
CCF - LAW DEPT.
DATE: 9-4-09 CMSI #:
BY: _____

Block 4	Disclosure of Ownership and Principals - Continuation		
	FULL NAME/TITLE	**BUSINESS ADDRESS**	**BUSINESS PHONE**
1.	Thomas A. Commes, Director	9500 Euclid Ave Cleveland, Ohio 44195	216-444-2000
2.	Patrick F. McCartan, Director	9500 Euclid Ave Cleveland, Ohio 44195	216-444-2000
3.	Bill R. Sanford, Director	9500 Euclid Ave Cleveland, Ohio 44195	216-444-2000
4.	Dan T. Moore, III, Director	9500 Euclid Ave Cleveland, Ohio 44195	216-444-2000
5.	Joseph M. Scaminace, Director	9500 Euclid Ave Cleveland, Ohio 44195	216-444-2000
6.	David J. Hessler, Esq., Director	9500 Euclid Ave Cleveland, Ohio 44195	216-444-2000
7.	William E. MacDonald, III, Director	9500 Euclid Ave Cleveland, Ohio 44195	216-444-2000
8.	Morry Weiss, Director	9500 Euclid Ave Cleveland, Ohio 44195	216-444-2000
9.	Ronald J. Ross, M.D., Director	9500 Euclid Ave Cleveland, Ohio 44195	216-444-2000
10.	Patrick Auletta, Director	9500 Euclid Ave Cleveland, Ohio 44195	216-444-2000
11.	Umberto P. Fedeli, Director	9500 Euclid Ave Cleveland, Ohio 44195	216-444-2000
12.	Robert J. Tomsich, Director	9500 Euclid Ave Cleveland, Ohio 44195	216-444-2000
13.	John W. Kemper, Sr., Director	9500 Euclid Ave Cleveland, Ohio 44195	216-444-2000
14.	Nancy Fisher, Director	9500 Euclid Ave Cleveland, Ohio 44195	216-444-2000
15.	Robert E. Rich, Jr., Director	9500 Euclid Ave Cleveland, Ohio 44195	216-444-2000
16.	Jack C. Shewmaker, Director	9500 Euclid Ave Cleveland, Ohio 44195	216-444-2000
17.	Norma Lerner, Director	9500 Euclid Ave Cleveland, Ohio 44195	216-444-2000
18.	Beth Mooney, Director	9500 Euclid Ave Cleveland, Ohio 44195	216-444-2000
19.	Brian Bolwell, M.D., Director	9500 Euclid Ave Cleveland, Ohio 44195	216-444-2000



SYMPHONY PARK

ILLUSTRATIVE SITE PLAN

CITY OF LAS VEGAS NEVADA

Newland COMMUNITIES
AT THE HEART OF GREAT LIVING

City of Las Vegas Agenda Item No.: **41.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: ADMINISTRATIVE SERVICES
DIRECTOR: TED J. OLIVAS ☐ **Consent** ☒ **Discussion**

SUBJECT:
Report on the proposed repository for high-level nuclear waste at Yucca Mountain from Bruce Breslow, Executive Director for the Nevada Agency for Nuclear Projects, and Irene Navis, Clark County's Nuclear Waste Planning Manager - All Wards

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
On June 3, 2008, the Department of Energy (DOE) filed a license with the Nuclear Regulatory Commission (NRC) to construct a repository for high-level radioactive waste and spent nuclear fuel at Yucca Mountain in Nye County, Nevada. Bruce Breslow will provide an update about the State's activities regarding Yucca Mountain. Irene Navis, Clark County's Nuclear Waste Planning Manager, will provide an update regarding that application process as well as discuss the contentions filed by Clark County with the NRC to challenge the DOE's capacity to construct and operate a safe repository.

RECOMMENDATION:
Report only, no action

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **42.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: DETENTION AND ENFORCEMENT
DIRECTOR: KAREN COYNE ☐ **Consent** ☒ **Discussion**

SUBJECT:
Discussion and possible action regarding an Interlocal Agreement between the Board of Regents on behalf of the College of Southern Nevada (CSN), the City of Henderson Police Department, the City of North Las Vegas Police Department and the City of Las Vegas Department of Detention and Enforcement to provide basic level category I, II and III law enforcement training – All Wards

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
This interlocal agreement will add the City of Las Vegas Department of Detention and Enforcement as a voting member of the Executive Committee to provide basic category I, II and III POST certified law enforcement training.

RECOMMENDATION:
Approve

BACKUP DOCUMENTATION:
Interlocal Agreement

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: September 16, 2009
DEPARTMENT: Detention and Enforcement
ITEM DESCRIPTION: Discussion and possible action regarding an Interlocal Agreement between the Board of Regents on behalf of the College of Southern Nevada (CSN), the City of Henderson Police Department, the City of North Las Vegas Police Department and the City of Las Vegas Department of Detention and Enforcement

The municipalities listed above have enjoyed a long standing and productive relationship by patterning to provide academy level instruction for police and corrections officers for the past 27 years. The Department of Detention and Enforcement hosted those academies, exclusively until 2006, when our facilities could no longer adequately accommodate the high intensity of academy instruction, given the growth in our communities. At that time, the cities of Henderson and North Las Vegas entered into an agreement with the College of Southern Nevada (CSN) to provide academy instruction for their employees. CSN also opened academy instruction to non-affiliates, or students of the college who were not actively employed by a law enforcement agency. This unique arrangement created an excellent recruitment tool and maintains the continuity of law enforcement instruction for our collective recruits. This agreement eliminates the need to formally petition the college for credit hours, after completing the academy, a practice of the past, as each course is sanctioned by the college and therefore credit hours are earned through the instruction process. While the Department of Detention and Enforcement has continued to provide corrections officer academy instruction, they began sending police officer recruits to the Southern Desert Regional Academy in 2006 and have been pleased with the product.

Today, the above listed groups have elected to embark upon a new program in which academy instruction for police and corrections officers will be integrated. This structure will further break down perceived barriers between these professionals, standardize training and, to an extent, offer cross training opportunities and will build camaraderie amongst the officers. The participating agencies envision this partnership will benefit our communities in a variety of ways including, but not limited to, enhancing our succession planning efforts, sharing resources, and potentially saving time and money for future training, particularly in those cases where officers choose to change the focus of their law enforcement careers, from one discipline to another. The agreement before you has been in place for nearly three years between CSN, the City of Henderson and the City of North Las Vegas, the amendment simply adds the City of Las Vegas to that partnership.

AGREEMENT
between
the BOARD OF REGENTS on behalf of the
COLLEGE OF SOUTHERN NEVADA
and
the CITY OF HENDERSON, POLICE DEPARTMENT
and
the CITY OF NORTH LAS VEGAS, POLICE DEPARTMENT
and
the CITY OF LAS VEGAS DEPARTMENT OF DETENTION AND ENFORCEMENT

This Agreement, dated the 1st day of September, 2009, is entered into by the Board of Regents of the Nevada System of Higher Education on behalf of the College of Southern Nevada (CSN), the City of Henderson on behalf of its Police Department (HPD), the City of North Las Vegas on behalf of its Police Department (NLVPD), and the City of Las Vegas on behalf of its Department of Detention and Enforcement (CLVDE) for the purpose of operating the Southern Desert Regional Police Academy (SDRPA) in order to provide instruction for law enforcement trainees in accordance with minimum standards as outlined by Nevada Police Officer Standards and Training (POST) and to provide SDRPA attendees with CSN college credit.

WITNESSETH:

WHEREAS, pursuant to Nev. Rev. Stat., Chapter 277, the parties are authorized to enter into Interlocal Agreements for the purpose of carrying out a government function; and

WHEREAS, the parties to this agreement desire to provide educational opportunities for the training of police recruits and SDRPA students in furthering the law enforcement training needs of the community, to provide basic level police training that meets POST, Category I, II, and III, to provide basic law enforcement training specific to the needs of the parties, to improve the skills and performance of peace officers in their current positions, and to facilitate opportunities for career advancement within their respective agencies; and

WHEREAS, the parties each share a common mission and responsibility with regard to law enforcement training and the quality of life and social development of our community; and

WHEREAS, the parties to this agreement have the requisite expertise, desire and capability to collaborate to facilitate educational opportunities for prospective law enforcement officers and students, and to develop customized educational programs to meet the unique educational and training needs of the law enforcement profession; and

WHEREAS, the parties wish to provide and coordinate certain resources, in-kind services, and training opportunities to support the SDRPA at CSN facilities;

NOW, THEREFORE, the parties agree as follows:

ARTICLE I – TERM

1. The initial term of this Agreement will be for a term of four years, from the 1st day of September, 2009, through the 31st day of August 2013. It is contemplated that prior to the end of this initial contract term, the parties will meet to review this Agreement in order to make any desired revisions and execute another contract to operate the SDRPA.

ARTICLE II – FACILITIES AND EQUIPMENT

2. CSN shall:

2.1. provide, as mutually agreed, classroom and office facilities for instructional and administrative functions by the SDRPA. CSN shall not charge HPD, NLVPD and/or CLVDE for these facilities other than by the tuition and fees indicated in this Agreement. Notwithstanding the foregoing, the decision to construct or renovate any facility remains solely the decision and prerogative of CSN.

2.2. provide, as mutually agreed, office and administrative support, equipment, and supplies for the Academy Commander, Executive Director, and SDRPA training staff.

2.3. commit to resolve disputes and/or concerns regarding CSN facilities and other issues between CSN staff and SDRPA staff in consultation with the SDRPA Operating Committee and/or Executive Committee.

2.4. bear the costs of the items specified below:

A. Security personnel
B. CCTV related costs
C. Computer support
D. Construction and/or renovation costs if CSN decides to undertake such.

2.5. provide security coverage for the SDRPA facilities.

2.6. assume the costs of relocating the SDRPA as a result of the unforeseen closing of the training facilities. Notwithstanding the foregoing, CSN must agree to the level of cost prior to the implementation of this provision.

ARTICLE III – EXECUTIVE and OPERATING COMMITTEES

3. To facilitate the need to manage and operate the SDRPA, an Executive Committee and an Operating Committee is formed by the parties.

3.1. The Executive Committee is comprised of the Chiefs of Police of HPD and NLVPD, the Chief of CLVDE, and the Vice President of Academic Affairs from CSN.

3.1.1. The Executive Committee will meet at least semi-annually and more frequently if needed.

3.1.2. The Executive Committee will provide strategic direction to the Operating Committee in the overall management of SDRPA.

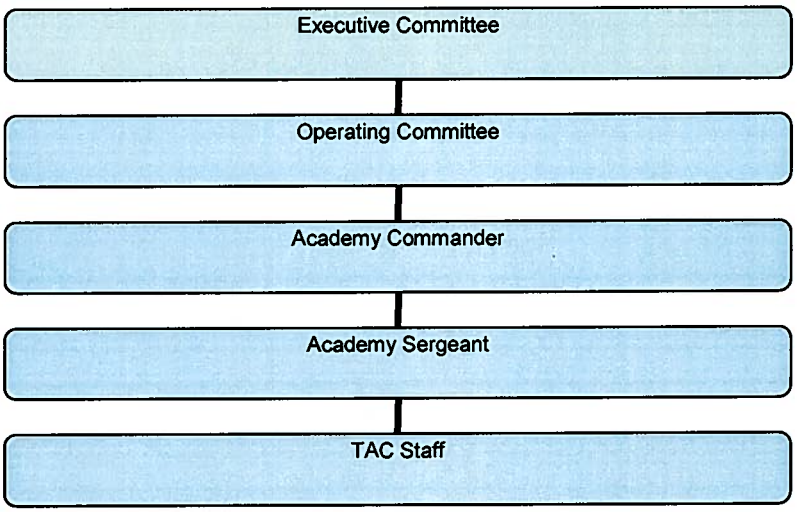
3.1.3. Subject to the provisions of this Agreement, the Executive Committee will be the final decision making authority on all issues relating to the SDRPA.

3.2. The Operating Committee is comprised of the SDRPA Commander, the CSN Executive Director, the SDRPA Sergeant, and a Lieutenant from CLVDE.

3.2.1. The Operating Committee will meet as necessary to manage and address operational issues.

3.2.2. The Operating Committee will present a semi-annual report to the Executive Committee, which will include, but not be limited to, the status of the SDRPA, number of recruits being served, staffing issues, financial concerns, *etc.*

The reporting responsibilities within the SDRPA are generally as follows:



ARTICLE IV – CURRICULUM AND TRAINING

4.1. The primary goal of the SDRPA is to provide basic police training to meet Nevada POST Category I, II, and III requirements. In doing so, all training curriculum must meet the minimum Nevada POST standards. Any training that is in addition to the basic required Nevada POST curriculum shall satisfy at least (1) general agency basic law enforcement training needs, and (2) CSN identified requirements in order to meet specific college accreditation standards.

4.2. The secondary goal of this joint law enforcement training effort is to maximize the educational learning experience and to provide college credits to those who attend SDRPA. SDRPA curriculum will be designed and approved through CSN's academic credentialing process. CSN will provide guidance and materials on integrating academic content and learning concepts into SDRPA curriculum and programs. CSN will provide coordination and development of curriculum, a portion of instruction, orientation of faculty and program evaluation/assessment.

4.3. CSN will work with the appropriate police department coordinators to identify and recommend models and examples that incorporate best practices in integrating academic support and enrichment for SDRPA recruits based on specific workforce needs.

4.4. CSN will ensure that minimum standards for credit course content, instructional design, and testing consistent with current regulations and CSN curriculum standards are met.

4.5. CSN will provide each SDRPA Category I student with 33 semester hours of college credit upon successful completion of each of the SDRPA classes, and not less than 880 hours of law enforcement academic education. CSN will determine, in consultation with the other parties to this agreement, the number of semester hours to be awarded to the SDRPA Category II and III students who will successfully complete the SDRPA classes. Category III students will be evaluated and provided a similar and equitable number of semester hours upon successful completion.

4.6. CSN will maintain its typical student admissions documents and academic records as required by the Nevada System of Higher Education. If at any time, academic records are requested, appropriate Family Educational Rights and Privacy Act (FERPA) releases will be required.

4.7. HPD, NLVPD, and CLVDE shall develop the course presentation for credit courses consistent with college curriculum guidelines and as approved by the CSN Department of Public Safety faculty.

4.8. All parties to this Agreement will jointly ensure that ancillary and support services are provided for SDRPA attendees.

4.9. CSN, HPD, NLVPD, and CLVDE will mutually advise one another in a timely manner of any recommendations to existing SDRPA curriculum, recommendations regarding the initiation of new courses, or any other proposals for changes to courses or programs.

4.10. CSN alone shall control and direct the educational programs at SDRPA. CSN shall demonstrate control and direction by ensuring that the instructors are provided with an orientation faculty handbook, course outlines, curriculum materials, testing and grading procedures, and any other materials and services needed to offer a credit course. HPD, NLVPD, and CLVDE may develop instructional curriculum but the final responsibility and approval of such remains with CSN.

4.11. CSN shall approve the selection of SDRPA instructors based upon satisfaction of minimum qualifications for instructors. HPD, NLVPD, and CLVDE will jointly work with CSN to ensure that each instructor will instruct to the standards established by CSN, including, but not limited to adherence to the course outline. CSN has the right to dismiss SDRPA instructors as an instructor at SDRPA based upon instructor evaluations and in consultation with HPD, NLVPD, and CLVDE. All instructors will be required to review and execute "Agreement for Vocational Training Services" (Attachment A) (incorporated herein by this reference) as a prerequisite to engagement as an instructor at the SDRPA.

4.12. The parties to this Agreement shall begin to meet no later than May 1st prior to the start of each fiscal year to discuss the educational program for the coming year. The fiscal year is defined as July 1st – June 30th. Topics of the discussion shall include, by way of

example, new or revised courses, anticipated attendance levels, including the desired levels of non-affiliated recruits, and consideration for the attendance growth factor assigned to CSN by the State of Nevada. Finalization of the growth discussion will occur within 30 days of the approval of the State of Nevada budget which provides funding for CSN and assignment of CSN actual growth factor for the contract/fiscal year.

ARTICLE V – PROGRAM BUDGET

5. CSN will establish a program budget for the SDRPA to provide materials, supplies, equipment and administrative support for this program. The budget amount shall be approved by the Executive Committee after recommendations from the Operations Committee. The CSN Executive Director shall have primary fiduciary responsibility for this program budget and will keep the Academy Commander apprised of fiscal expenditures throughout the year. The budget will be subject to annual review.

SDRPA Special Course Fee Revenues are designated for and are restricted for use solely by SDRPA, and will be used for materials, supplies, consumables and equipment replacement at SDRPA.

ARTICLE VI – SDRPA COMMANDER AND SERGEANT

6.1. The SDRPA Commander will serve a two year term as designated by the respective department Chiefs of Police (HPD and NLVPD). This position will be alternated between HPD and NLVPD, and will be a sworn officer no lower in rank than Lieutenant. The SDRPA Commander will exercise authority, responsibility and supervision over sworn training academy police staff.

6.2. The SDRPA Sergeant will serve a two year term. The SDRPA Sergeant serves as the senior police training officer. At the direction of the SDRPA Commander, the SDRPA Sergeant will exercise authority, responsibility and supervision over sworn training academy police staff.

6.3. At no time will the standing SDRPA Commander and Sergeant be appointed from the same agency.

ARTICLE VII – FEES

7.1. For FY 2006-2007, starting Fall 2006, CSN's academic year, in-state tuition and fees will be $52.50 per semester per credit hour plus associated special course fees as applicable. There is a Technology Fee of $4.00 per semester per credit hour. The new student application fee is a one-time, non-refundable $5.00. All fees are subject to change as approved by the Nevada System of Higher Education Board of Regents; CSN will notify HPD, NLVPD, and CLVDE of any changes in the fees or tuition rates.

7.2. In-kind service will be credited to the HPD, NLVPD, and CLVDE account equal to the amount of funds provided to the general fund currently set at $39.75 per credit hour, with the amount to be reviewed in October of every odd year.

7.3. CSN's Bursar's Office will bill each police department sponsoring SDRPA attendees for the total amount of tuition and fees each semester after October 15th for the,

Fall Semester and March 15th for the Spring Semester. Checks should be sent to the CSN designee, made out to "the Board of Regents."

ARTICLE VIII – LIABILITY

8. HPD, NLVPD, and CLVDE shall defend, indemnify and hold harmless CSN, its officers, employees, agents and representatives against any and all non-criminal claims arising out of the employee benefits and/or salary of the instructors, coordinators and/or staff employed by them but which are assigned to perform duties at SDRPA.

Each of the parties to this Agreement shall assume the responsibility and the liability for the acts and omissions of their own officers or employees in connection with the performance of their duties under this Agreement. For tort liability purposes, neither HPD, NLVPD, CLVDE, nor CSN nor their officers, agents or employees shall be considered an agent of the other parties.

The provisions contained herein pertain to any violation of applicable law, ordinance, regulation, or rule including where the claim, loss, damage, change or expense was caused by deliberate, willful, or criminal acts of each party, or any of its agents, officers, or employees in its or their performance hereunder.

It is the intent of the parties hereto that, where negligence is determined to have been contributory, principles of comparative negligence will be followed and each party shall bear the proportionate cost of any loss, damage, expense and liability attributable to that party's negligence.

The parties shall provide written notification to the other parties within thirty (30) days of receipt of any claims, administrative actions or legal actions with respect to any of the matters described in this provision. The parties shall establish procedures for the sharing of information and cooperate in the defense of such actions brought by others with respect to the matters covered in this Agreement, unless to do so creates a conflict of interest. Nothing set forth in this Agreement shall establish a standard of care for, or create any legal right in, any person not a party to this Agreement.

It is expressly understood and agreed that no personal liability attaches to any officer or employee of CSN, the Nevada System of Higher Education Board of Regents, any member of the HPD, Henderson City Council Members, the NLVPD, North Las Vegas City Council Members, CLVDE, Las Vegas City Council, or to any of the officers or employees thereof by virtue of this Agreement.

ARTICLE IX – MISCELLANEOUS

9.1. MODIFICATION. No waiver, alteration, modification, or termination of this Agreement shall be valid unless made in writing and signed by the authorized parties hereof.

9.2. CAPTIONS. The heading or captions to the Articles of this MOU are not a part of the agreement and shall have no effect upon the construction or interpretation of any part thereof.

9.3. SEVERABILITY. If any term, covenant, or condition of this Agreement is held by a court of competent jurisdiction to be invalid, the remainder of this Agreement shall remain in full force and effect.

9.4. AMBIGUITIES. The parties have each carefully reviewed this Agreement and have agreed to each term of it. No ambiguity shall be presumed to be construed against any other party.

9.5. GOVERNING LAW. The interpretation and enforcement of the Agreement shall be governed by the laws of the State of Nevada. Venue shall be in Clark County.

9.6. INTEGRATION. This Agreement, including Attachment A, embodies the entire agreement of the parties in relation to the scope of the relationship herein described, and no other agreement or understanding, verbal or otherwise, exists between the parties.

9.7. TERMINATION.

9.7.1. Any party may, without cause, terminate this agreement at any time, subject to the requirement that the terminating party provide a minimum of ninety (90) days written notice to the other parties stating the intent to terminate the Agreement on a date specified in the written notice, but in no event will the termination date be prior to the end of then pending school semester

9.7.2. This Agreement may be terminated by any party in the event of a breach of contract. Prior to termination, the party seeking termination shall provide the other parties of this Agreement with written notice of the breach and ninety (90) days to cure the breach. If the breach is not cured or otherwise resolved to the satisfaction of the parties within the specified ninety (90) day period, the requesting party's participation in this Agreement may be terminated, but in no event will the termination date be prior to the end of then pending school semester.

9.7.3. This Agreement may also be terminated prior to the expiration of the four year term upon the mutual written consent of the parties.

With respect to each of the foregoing subsections under Termination, it is agreed that to the extent practicable the attendees at SDRPA sponsored by the terminating party or parties will be given the opportunity to complete the courses for which the tuition and fees have been paid.

9.8. WAIVER. Waiver by either party of any breach, default or condition precedent shall not constitute a continuing waiver or a waiver of any other subsequent breach default or condition precedent or any other right hereunder.

9.9. COUNTERPARTS. This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute but one and the same instrument.

9.10. COMPLIANCE WITH THE LAW. The parties shall comply with all applicable federal, state, and local laws, ordinances, rules and regulations pertaining to their obligations and the services to be provided under this Agreement.

9.11. NO GRANT OR AGENCY. Except as parties may specify in writing, no party shall have authority, express or implied, to act on behalf of the other parties in any capacity whatsoever as an agent. No party shall have any authority express or implied, pursuant to this Agreement to bind the other parties to any obligation whatsoever.

IN WITNESS WHEREOF, the parties hereto have caused this MOU to be executed by their duly authorized representatives.

COLLEGE OF SOUTHERN NEVADA:

Approved by: Michael D. Richards,
President

CITY OF NORTH LAS VEGAS POLICE DEPARTMENT

Approved by: Gregory E. Rose
City Manager

CITY OF HENDERSON POLICE DEPARTMENT

Approved by: Jutta Chambers
Chief of Police

CITY OF LAS VEGAS DEPARTMENT OF DETENTION AND ENFORCEMENT

Approved by: Oscar B. Goodman
Mayor

Attest by: Beverly K. Bridges, CMC
City Clerk

Approved as to Form (CSN): Date

APPROVED AS TO FORM
9/3/09
James B. Lewis Date
Deputy City Attorney

ATTACHMENT A of the AGREEMENT
between the BOARD OF REGENTS on behalf of the COLLEGE OF SOUTHERN NEVADA and the CITY OF HENDERSON (POLICE DEPARTMENT) the CITY OF NORTH LAS VEGAS (POLICE DEPARTMENT), and the CITY OF LAS VEGAS (DEPARTMENT OF DETENTION AND ENFORCEMENT)

THIS AGREEMENT is made and entered into this _____ day of _____, 20__, by and between the College of Southern Nevada, hereinafter referred to as CSN, the City of Henderson Police Department, hereinafter referred to as HPD, the City of North Las Vegas Police Department, hereinafter referred to as NLVPD, the city of Las Vegas Department of Detention and Enforcement , herein referred to as CLVDE and _____, hereinafter referred to as INSTRUCTOR.

W I T N E S S E T H:

1. The INSTRUCTOR agrees to provide instructional services at the Southern Desert Regional Police Academy, hereinafter referred to as SDRPA, CSN provides the physical facilities on its Henderson Campus, and provides college credit to the attendees as described in the Agreement, dated September 1, 2009 between CSN, HPD, NLVPD, and CLVDE.

2. The INSTRUCTOR agrees to work to the standards established by CSN, including, but not limited to, adherence to the course outline during the time the INSTRUCTOR is instructing at the SDRPA.

3. CSN shall have the primary right to control and direct the educational program that is the subject of this Agreement and shall have the primary right to direct and control the minimum course content. INSTRUCTOR shall instruct the class in accordance with such responsibility and control, subject to the provisions set forth more particularly in this Agreement.

4. At all times while performing services under this Agreement, the INSTRUCTOR shall be an employee of HPD, NLVPD , CLVDE, or other agency, and not an employee of CSN. The INSTRUCTOR acknowledges his/her status as a guest instructor at CSN for SDRPA, the significance of such status and that such status does not entitle the INSTRUCTOR to the same benefits nor impose upon the INSTRUCTOR the same obligations as an employee of CSN.

I have read all of this Agreement and understand it, and/or have consulted with my own attorney if I so desired, and by my signature below represent that this Agreement is the only statement by or on behalf of CSN upon which I have relied in signing this Attachment A to this Agreement.

IN WITNESS WHEREOF, the said parties have hereunto set their names.

INSTRUCTOR	COLLEGE OF SOUTHERN NEVADA
_____	_____
(Signature)	(Signature)
_____	_____
(Printed Name)	(Printed Name)
_____	_____
(Address)	Date
_____	
(City, State, Zip Code)	

City of Las Vegas Agenda Item No.: **43.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT ☐ **Consent** ☒ **Discussion**

SUBJECT:
Discussion and possible action regarding Approval of a Change of Ownership for a Beer/Wine/Cooler On-sale License, From: Victor Aranda, To: Juan Manuel Moreno Lepe, dba El Chamizal, 1054 North Rancho Drive, Juan Manuel Moreno Lepe, Owner, 100% - Ward 5 (Barlow)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Discussion and possible action regarding Approval of a Change of Ownership for a Beer/Wine/Cooler On-sale License.

RECOMMENDATION:
Recommendation to be provided following the discussion of this item at the City Council Meeting.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **44.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT ☐ **Consent** ☒ **Discussion**

SUBJECT:
Discussion and possible action regarding a Six Month Review of a Temporary Package License, Ramzi Suliman, dba Super Azteca II, 3140 South Valley View Boulevard, Suite 3, Ramzi Suliman, Owner, 100% - Ward 1 (Tarkanian)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Discussion and possible action regarding a Six Month Review of a Temporary Package License.

RECOMMENDATION:
Recommendation to be provided following the discussion of this item at the City Council Meeting.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **45.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT ☐ **Consent** ☒ **Discussion**

SUBJECT:
ABEYANCE ITEM - Discussion and possible action regarding an Appeal of Work Card Denial for Gina Mourning, db at Buy Low Market 4, 1061 West Owens Avenue - Ward 5 (Barlow)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Discussion and possible action regarding an Appeal of Work Card Denial.

RECOMMENDATION:
Recommendation to be provided following the discussion of this item at the City Council Meeting.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **46.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: OFFICE OF BUSINESS DEVELOPMENT
DIRECTOR: BILL ARENT, ACTING ☐ **Consent** ☒ **Discussion**

SUBJECT:
RESOLUTIONS:

R-71-2009 - Discussion and possible action regarding a Resolution consenting to the undertakings of the City of Las Vegas Redevelopment Agency (RDA) in connection with the Commercial Visual Improvement Program (CVIP) Agreement between the RDA and Necal Associates, LLC, (Owner) located at 1112 South Casino Center Boulevard (APN 162-03-110-072) to be in compliance with and in furtherance of the goals and objectives of the RDA - Ward 3 (Reese) [NOTE: This item is related to RDA Item 5 (RA-16-2009)]

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
This is a related item to discussion and possible action regarding assisting Necal Associates, LLC, with the cost of improvements to the property to create the Brett Wesley Gallery located at 1112 South Casino Center Boulevard. Approval will adopt findings that the CVIP Agreement is in compliance with and in furtherance of the goals and objectives of the RDA and the Redevelopment Plan.

RECOMMENDATION:
None.

BACKUP DOCUMENTATION:
1. Resolution No. R-71-2009
2. Before and After Photos
3. Site Map

RESOLUTION NO. R-71-2009

RESOLUTION CONSENTING TO CERTAIN UNDERTAKINGS OF THE CITY OF LAS VEGAS REDEVELOPMENT AGENCY IN CONNECTION WITH THE COMMERCIAL VIP AGREEMENT ("CVIP") BETWEEN THE CITY OF LAS VEGAS REDEVELOPMENT AGENCY ("AGENCY") AND NECAL ASSOCIATES, LLC ("OWNER") FOR THE PROJECT CONCERNING THE DEVELOPMENT OF IMPROVEMENTS TO REAL PROPERTY DESCRIBED AS APN 162-03-110-072.

WHEREAS, the City of Las Vegas Redevelopment Agency (the "Agency") adopted on March 5, 1986, that plan of redevelopment entitled, to-wit: the Redevelopment Plan for the Downtown Las Vegas Redevelopment Area pursuant to Ordinance 3218, which Redevelopment Plan has been subsequently amended on February 3, 1988, by Ordinance 3339; April 11, 1992, by Ordinance 3637, on November 4, 1996, by Ordinance 4036, on December 17, 2003, by Ordinance 5652 and on May 17, 2006, by Ordinance 5830 (the "Redevelopment Plan"); and

WHEREAS, the Redevelopment Plan identifies and designates an area within the corporate boundaries of the City of Las Vegas (the "Redevelopment Area") as in need of redevelopment in order to eliminate the environmental deficiencies and blight existing therein; and

WHEREAS, the Agency approved on October 20, 2004 the form for the Commercial VIP Agreement, the Commercial VIP Affidavit, and the Commercial VIP Program Manual, in order to provide funding to owners of commercial properties located within the Redevelopment Area for the purpose of making improvements to the exterior of such commercial properties; and

WHEREAS, NECAL ASSOCIATES, LLC (the "OWNER") the owner of real property and improvements located at 1112 SOUTH CASINO CENTER BOULEVARD, and which parcel is commonly known as APN 162-03-110-072 (the "Site"); and

WHEREAS, NECAL ASSOCIATES, LLC (the "CVIP PARTICIPANT") is the owner of the real property located at 1112 SOUTH CASINO CENTER BOULEVARD and is undertaking certain exterior improvements to the property in accordance with the Commercial VIP Program;

WHEREAS, the City Council of the City of Las Vegas has considered the findings that the development of improvements to a building, facilities, structures or other improvements to be located at the Site are of benefit to the Redevelopment Area or the immediate neighborhood in which the Redevelopment Area is located; and

WHEREAS, the City Council of the City of Las Vegas has considered the findings that no other reasonable means of financing the building, facilities or structures or other improvements on the Site are available; and

WHEREAS, the City Council of the City of Las Vegas has considered the undertakings of the Agency in connection with the Commercial VIP Agreement (the "Agreement" and attached hereto as Exhibit A), which provides for the contribution of funds to NECAL ASSOCIATES, LLC for making physical, visual improvements to the building located on the Site, all as more fully set forth in the Agreement.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council of the City of Las Vegas hereby finds and determines that the development of building, facilities, structures or other improvements on the Site are of benefit to the Redevelopment Area or the immediate neighborhood in which the Redevelopment Area is located; and

RESOLVED FURTHER, that the City Council of the City of Las Vegas hereby finds and determines there are no reasonable means of financing those building, facilities, structural or other improvements on the Site; and

RESOLVED FURTHER, that the City Council of the City of Las Vegas hereby consents to the undertakings of the Agency in connection with the Agreement with the "Owner" for the Project concerning the development on the Site.

THE FOREGOING RESOLUTION was passed, adopted and approved this _____ day of _____, 2009.

CITY OF LAS VEGAS

By_____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, CMC
CITY CLERK

APPROVED AS TO FORM:

Michael Nichols 8-26-09
_____
Date

Exhibit A

CITY OF LAS VEGAS REDEVELOPMENT AGENCY
COMMERCIAL VISUAL IMPROVEMENT AGREEMENT
AND GRANT OF FACADE EASEMENT

THIS COMMERCIAL VISUAL IMPROVEMENT AGREEMENT AND GRANT OF FAÇADE EASEMENT (the "Agreement") is entered into this _____ day of _____, 2009, by and between the CITY OF LAS VEGAS REDEVELOPMENT AGENCY, a public body in the State of Nevada (hereinafter referred to as the "Agency") and NECAL ASSOCIATES, LLC ("Owner")

Recitals

WHEREAS, the City of Las Vegas Redevelopment Agency ("Agency") administers and funds and is funded by the Agency for the purposes of improving the physical appearance of, and encouraging reinvestment in existing commercial structures; and

WHEREAS, in furtherance of the Redevelopment Plan (the "Redevelopment Plan") for the City of Las Vegas Redevelopment Area (the "Redevelopment Area"), the Agency approved a Commercial Visual Improvement Program (the "Commercial VIP") for the purpose of assisting property owners and their tenants in the rehabilitation of their buildings in order to revitalize and promote the economic stability of the Redevelopment Area; and

WHEREAS, pursuant to the implementation of the Commercial VIP, the Agency wishes to acquire an easement in gross on and upon the exterior walls of buildings (the "Facade Easement"), and a maintenance agreement for the Façade Easement Area (the "Building Façade Maintenance Agreement") located on that certain property, as more particularly described in the "Legal Description of the Site", attached hereto as Attachment " 1 " and incorporated herein, subject to the Owner's agreement to rehabilitate and improve the exterior walls and faces of the buildings on the Property, as described hereafter, in accordance with this Agreement and the Commercial VIP Guidelines (the "CVIP Guidelines"), incorporated herein by reference. The Property is located within or is contiguous to the boundaries of the redevelopment area; and

WHEREAS, in consideration for the acquisition of the Façade Easement, the Agency shall reimburse the Owner for any Pre-approved Qualified Exterior Improvements to a maximum of $50,000 and the Owner has provided a 100% matching cash contribution to the Agency's participation to ensure that a Owner has a vested interest in the completion of its site improvements and to ensure a high leveraging of public resources and such improvements are significant in character, as determined by the Agency; and

WHEREAS, the Owner desires to participate in the Commercial VIP pursuant to the terms and provisions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and agreement contained herein, the AGENCY and OWNER do hereby agree as follows:

SECTION 1: SCOPE OF AGREEMENT. The purpose of this agreement is to effectuate the Redevelopment Plan by contributing funds to that certain property, as more particularly described in the "Legal Description of the Site," attached hereto as Attachment " 1 " and incorporated herein by reference (the "Property" or "Site"). Implementation of this Agreement will further the goals and objectives of the Redevelopment Plan. This Agreement is subject to the provisions of the Redevelopment Plan which the City Council of the City of Las Vegas adopted on March 5, 1986, by Ordinance No. 3218, as amended.

Said Redevelopment Plan, as it now exists and as it may be subsequently amended, is incorporated herein by reference and made a part hereof as though fully set forth herein.

SECTION 2: PARTIES TO THE AGREEMENT. The Agency is a public body, corporate and politic, exercising governmental functions and powers, and organized and existing under the Community Redevelopment Law of the State of Nevada (NRS 279.382, et seq.). The principal office of the Agency is located at 400 Stewart Avenue, Las Vegas, Nevada, 89101. "Agency", as used in this Agreement, includes the City of Las Vegas Redevelopment Agency and any assignee of or successor to its rights, powers and responsibilities. The Owner warrants it has a valid and binding fee simple interest in (as defined hereinafter), the Site. Such ownership is demonstrated by Attachment " 2 ", "Proof of Ownership or Leasehold Interest", which is attached hereto and is incorporated herein by reference. "Owner", as used in this Agreement, includes not only the Owner as identified in the opening paragraph of this Agreement, but also any assignee of, or successor to, its rights, powers and responsibilities. The Agency and the Owner individually may be referred to as "party" or collectively as "parties" hereinafter.

SECTION 3: GRANT OF FAÇADE EASEMENT AND MAINTENANCE AGREEMENT. The Owner agrees to grant and convey and the Agency agrees to acquire and accept conveyance of a nonexclusive easement in gross (the "Facade Easement") on and upon that certain area described in Exhibit A of Attachment " 2 ", attached hereto and incorporated herein (the "Facade Easement Area"), subject to the following conditions:

a. The purchase price for the Facade Easement shall be an amount up to one hundred percent (100%) of the façade improvements, with a not to exceed maximum of fifty thousand dollars **($50,000.00)** for "Pre-approved Qualified Exterior Improvements". Pre-approved Qualified Exterior Improvements which shall be considered for reimbursement includes the following: painting, cleaning, tuck pointing, façade repair/replacement, window repair/replacement, doorways, lighting, new or substantially rehabilitated signage, window tinting, new or replacement awnings, permanent landscaping, parking lots, and rear access renovations. All Pre-approved Qualified Exterior Improvements must be seen from the public right-of-way. The final purchase price will be determined when the project improvements are completed and Owner have submitted paid invoices from contractor(s) to the Agency.

b. Owner shall have provided Agency with all the documents required for participation in the CVIP, as set forth in the CVIP Guidelines in a form acceptable to and approved by the Agency, including without limitation an executed Facade Easement Deed, in substantially the form attached hereto as Attachment " 3 " and a Building Façade Maintenance Agreement, in substantially the form attached hereto as Attachment " 4 ".

c. Agency shall pay Owner the Purchase Price within forty-five (45) days after submission of paid invoices by Owner for the Project improvements, as defined in Section 5, and inspection and approval of such Improvements, in accordance with the CVIP Guidelines.

d. The Agency shall cause the Facade Easement Deed and the Building Façade Maintenance Agreement to be recorded against the Property promptly after completion of the Project improvements and upon payment of the Purchase Price by the Agency to the Owner. The Facade Easement and the Building Façade Maintenance Agreement shall commence upon such recordation and shall terminate on the date five (5) years thereafter.

e. Owner hereby agrees to maintain the Property, including without limitation the Facade Easement Area and the Project improvements to be constructed thereon, in accordance with

the maintenance provisions set forth in the Building Façade Maintenance Agreement, Attachment " 4 " attached hereto. Owner agrees that all material future changes to the exterior surfacing of the building(s) on the Property, including the Facade Easement Area, shall be subject to the approval of the Agency, which approval shall not be unreasonably withheld. No painting or exterior surfacing which, in the opinion and judgment of Agency, are inharmonious with the general surroundings shall be used on the exterior of any buildings now or to be located on the Property. This covenant shall run with the land for a period of five (5) years from the date the Facade Easement Deed is recorded against the Property. Owner shall be in default of this Agreement if Owner breaches any of the obligations under this Section 3 or Attachment " 4 ".

f. The Agency shall not use or exercise any right granted by the Facade Easement or do anything in a manner that will damage or impair the Facade Easement Area or the structural integrity of the building.

SECTION 4: OWNER'S REPURCHASE OPTION. The Agency hereby grants the option to repurchase the Facade Easement (the "Option") from the Agency pursuant to the following terms and conditions:

a. Option Term. The term of the Option (the "Option Term" or "Option") shall commence upon recordation of the Facade Easement Deed and shall continue until the termination date of the Facade Easement. In order to exercise the Option, the Owner and/or Tenant must give sixty (60) days written notice to the Agency that it wishes to exercise the Option.

b. Repurchase Price. If the Owner exercises the Option, the Agency agrees to sell and the Owner agrees to repurchase the Facade Easement in an amount equal to the unamortized portion of the Purchase Price amortized on a straight-line basis over five (5) years. The Amortization Schedule is set out in Exhibit C of Attachment " 3 ", attached hereto and incorporated herein (the "Amortization Schedule").

c. Title, Escrow and Closing Costs. The Owner shall each all title, escrow and closing costs and fees associated with the repurchase of the Facade Easement. The Owner and/or Tenant shall execute such documents and take such actions as may be necessary to effectuate such repurchase.

d. The Owner's right to this Option and the terms and conditions of this Option shall be contained in the Facade Easement Deed to be recorded on the Property.

SECTION 5: IMPROVEMENTS TO THE SITE AND PROJECT BUDGET. The Owner shall make improvements to the Site, or to the buildings, fixtures or appurtenances thereon, according to the Scope of Work and Tentative Schedule of Improvements, which is attached hereto as Attachment " 5 " and by this reference is made a part hereof. The Scope of Work and Tentative Schedule of Improvements shall provide a line item budget, acceptable to the Agency, for all work to be performed. Within 60 days of execution of this Agreement by the Agency, Owner agrees to commence, or cause the commencement of, rehabilitation and improvement of the Site, including the Façade Easement Area, pursuant to the plans and other documents submitted by Owner and approved by Agency in accordance with the CVIP Guidelines. Owner shall complete the improvements within 120 days of commencement of work. Additional time may be given upon approval of the Agency, which approval shall not be unreasonably withheld. The improvements to the Site also shall be referred to as the "Project" or "Improvements" hereinafter. The Agency shall maintain a right of access to the Site, provided that the Agency gives the Owner a minimum of twenty-four (24) hours written, advance notice prior to entering the Site.

SECTION 6: CONTRACTOR SELECTION REQUIREMENTS. If the Project exceeds $10,000, then the Owner in compliance with NRS 279.478 must obtain three (3) or more competitive bids from properly licensed contractors. If the Owner is unable to obtain (3) or more competitive bids, the Owner shall provide the Agency, upon request, with documentation detailing when and which licensed contractor(s) were contacted.

SECTION 7: DESIGN REVIEW COMMITTEE. For reviewing the architectural and engineering design of the Project, the Agency has appointed a Design Review Committee comprised of one or more staff members from the following City of Las Vegas municipal departments: Office of Business Development; Planning and Development Department; Land Development, Public Works; Development Coordination, Public Works; and City of Las Vegas Department of Building & Safety. At its discretion, the Agency may solicit input from additional City staff depending on the individual needs of the Project. The Design Review Committee shall meet on an ad hoc basis. The Design Review Committee shall recommend approval or disapproval of the Project Scope of Work. If the Project is disapproved, the Agency shall retain the right to ask the Owner to make changes to the proposed Scope of Work.

SECTION 8: COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS. The Owner must comply with all development standards applicable to the Scope of Work, including but not limited to, the Zoning Code of the City of Las Vegas, the Building Code of the City of Las Vegas, and the Fire Code of the City of Las Vegas. Additional development standards may apply depending on the specific location of the Site.

SECTION 9: FAILURE TO COMPLETE WORK. If the contractor selected by the Owner fails to complete all of the work specified in the Scope of Work, then the Agency may pursue any and all legal and equitable remedies available under this Agreement, as more specifically described in Section 13 hereinafter.

SECTION 10: UNRELATED IMPROVEMENTS. Nothing herein is intended to limit, restrict or prohibit the Owner from undertaking any other work in or about the subject premises which is unrelated to Commercial VIP provided for in this Agreement.

SECTION 11: COMPLIANCE WITH THE REDEVELOPMENT PLAN AND EMPLOYMENT PLAN. The Agency finds that the Project as contemplated by this Agreement complies with the Commercial VIP Guidelines and therefore would be deemed a substantial benefit to the Redevelopment Area. The Agency finds that the Project, upon completion, would achieve one or more of the following:

1. Encourage new commercial development;
2. Create or retain jobs for nearby residents;
3. Increase local revenues from private revenue sources;
4. Increase levels of human activity in the Redevelopment Area;
5. Possess attributes that are unique, either as to type of use or level of quality and design;
6. Require for their construction, installation or operation the use of qualified and trained labor; or
7. Demonstrate greater social or financial benefits to the community that would a similar set of buildings, facilities, structures or other improvements not paid for by the Agency.

The Agency has also considered the opinions of persons who reside in the Redevelopment Area or the immediate vicinity of the Redevelopment Area. In addition, the Agency has compared the level of spending proposed by the Agency and the projections of future revenue made on the buildings, facilities, structures or other improvements.

The Owner has declared that no other reasonable means of financing are available to undertake the improvements to the Property because the return on investment is not reasonable and the improvements are being financed through cash on hand and/or debt financing through a private lender. Furthermore, the Owner would not undertake the full set of improvements contemplated in the Agreement through resources reasonably available to the Owner pursuant to the Participant Affidavit and Employment Plan, attached hereto as Attachment " 7 " and by this reference made a part hereof.

The Owner has also declared and provided the Agency with an Employment Plan, which is attached hereto as Attachment " 7 " and by this reference is made a part hereof. The Owner, for itself and its successors and assigns, represents that in the construction of improvements on the Site provided for in this Agreement, the Owner shall not discriminate against any employee or applicant for employment because of race, color, creed, religion, sex, marital status, ancestry or national origin.

SECTION 12: CONFLICTS OF INTEREST AND DISCLOSURE REQUIREMENTS. No member, official or employee of the Agency shall have any personal interest, direct or indirect, in this Agreement, nor shall any such member, official or employee participate in any decision relating to this Agreement which affects his personal interests or the interests of any corporation, partnership or association in which he is directly or indirectly interested. The Owner warrants that it has not paid or given, and will not pay or give, any third party any money or other consideration for obtaining this Agreement. No member, official or employee of the Agency shall be personally liable to the Owner in the event of any default or breach by the Agency or for any amount which may become due to the Owner or on any obligations under the terms of this Agreement. Pursuant to Resolution RA-4-99 adopted by the governing board of the Agency effective October 1, 1999, Owner warrants that it has disclosed, on the Disclosure of Principals form attached hereto as Attachment " 6 " and incorporated herein by reference, all persons and entities holding more than 1% (one percent) interest in Owner or any principal member of Owner. Throughout the term hereof, Owner shall notify City in writing of any material change in the above disclosure within 15 (fifteen) days of any such change.

SECTION 13: DEFAULTS AND REMEDIES. Failure or delay by either party to perform any term or provision of this Agreement constitutes a default under this Agreement. The nondefaulting party shall notify the defaulting party that a default exists and that the defaulting party must cure same within thirty (30) days of receipt of the notice of default. The party who so fails or delays must immediately commence to cure, correct or remedy such failure or delay, and shall complete such cure, correction or remedy with reasonable diligence and during any period of curing shall not be in default. In addition to any other rights or remedies, either party may institute legal action to cure, correct or remedy any default, to recover damages for any default or to obtain any other remedy consistent with the purpose of this Agreement. Such legal actions must be instituted in the District Court, County of Clark State of Nevada, in any other appropriate court in that county, or in the Federal District Court in the appropriate district of Nevada. The nondefaulting party may also, at its option, cure the breach and sue in any court of proper jurisdiction to collect the reasonable costs incurred by virtue of curing or correcting the defaulting party's breach. Further, the nondefaulting party may file legal action to require the defaulting party to specifically perform the terms and conditions of this Agreement. Upon occurrence of an Event of Default by either the Owner or the Agency during the existence of this Agreement, the non-defaulting party, at its option, may institute an action for specific performance of the terms and obligations (including the payment of any monetary obligation) of this Agreement. During the existence of this Agreement and upon the occurrence of a Owner Event of Default, the Agency shall have the right to terminate, and this Agreement shall so terminate, the date that the written notice of termination is received by the Owner or such other date as may be specified in the written notice. In the event of termination of this Agreement by the Agency, the Owner agrees to return any and all Agency Funds heretofore paid to the Owner pursuant to the provisions of this Agreement within ten (10) calendar

days after the termination date. Failure to return any and all Agency Funds paid to the Owner shall entitle the Agency to sue the Owner for specific performance as provided in this Section and to pursue the Agency's remedies, legal and equitable, for such damages as permitted by law.

SECTION 14: SUBSEQUENT AGENCY APPROVALS. Any approvals of the Agency required and permitted by the terms of this Agreement may be given by the Executive Director of the Agency or such other person that the Agency designates in writing.

SECTION 15: TERM. The term of this Agreement shall end upon the completion of all duties and obligations to be performed by each of the parties hereto.

SECTION 16: SEVERABILITY. Whenever possible, each provision of this Agreement shall be interpreted in such a manner as to be valid under applicable law, but if any provision shall be invalidated, it shall be deemed to be severed from this Agreement and the remaining provisions shall remain in full force and effect.

SECTION 17: GOVERNING LAW. The interpretation and enforcement of this Agreement shall be governed in all respects by the laws of the State of Nevada.

SECTION 18: NOTICES. Notices shall be in writing and shall be given by personal delivery, by deposit in the United States mail, certified mail, return receipt requested, postage prepaid, or by express delivery service, freight prepaid, in each case by delivery to the Owner and the Agency at the addresses set forth in this Agreement or at such other address as a party may designate in writing. The date notice given shall be the date on which the notice is delivered, if notice is given by personal deliver, or five (5) calendar days after the date of deposit in the mail or with an express delivery service, if the notice is sent through the United States mail.

SECTION 19: CAPTIONS. The captions contained in this Agreement are for the convenience of the parties and shall not be construed so as to alter the meaning of the provisions of the Agreement.

SECTION 20: ENTIRE AGREEMENT, WAIVERS AND AMENDMENTS. This Agreement is executed in two duplicate originals, each of which is deemed to be an original. This includes Attachment " 1 " through Attachment " 7 " inclusive, attached hereto and incorporated herein by reference, all of which constitute the entire understanding and agreement of the parties. This Agreement integrates all of the terms and conditions mentioned herein or incidental hereto, and supersedes all negotiations or previous agreements between the parties with respect to all or any part of the subject matter hereof. All waivers of the provisions of this Agreement must be in writing and signed by the appropriate authorities of Agency and the Owner and no waiver of one provision shall be construed as a waiver of that provision in the future or as a waiver of any other provision. All amendments hereto must be in writing and signed by the appropriate authorities of Agency and the Owner.

SECTION 21: TIME FOR AGENCY TO ACCEPT AGREEMENT. This Agreement has been approved on _____, 2009 by the City of Las Vegas Redevelopment Agency. The effective date of this Agreement shall be the date when this Agreement has been signed by the Agency ("Effective Date").

Date of Agency Approval:

_____,2009.

CITY OF LAS VEGAS REDEVELOPMENT AGENCY

By: _____
OSCAR B. GOODMAN, CHAIRMAN
"Agency"

APPROVED AS TO FORM:

Michael Nichols

Counsel to the Agency 8-26-09 Date

ATTEST:

_____
BEVERLY K. BRIDGES, CMC
Secretary

OWNER – NECAL ASSOCIATES, LLC

By: _____
Stephen Rubyor
Its: Authorized Representative

LIST OF ATTACHMENTS

ATTACHMENT " 1 "	LEGAL DESCRIPTION OF THE PROPERTY
ATTACHMENT " 2 "	PROOF OF OWNERSHIP OR LEASEHOLD INTEREST
ATTACHMENT " 3 "	FORM OF FAÇADE EASEMENT DEED
ATTACHMENT " 4 "	FORM OF BUILDING FAÇADE MAINTENANCE AGREEMENT
ATTACHMENT " 5 "	SCOPE OF WORK AND TENTATIVE SCHEDULE OF IMPROVEMENTS
ATTACHMENT " 6 "	DISCLOSURE OF PRINCIPALS
ATTACHMENT " 7 "	PARTICIPANT AFFIDAVIT & EMPLOYMENT PLAN

ATTACHMENT 1

LEGAL DESCRIPTION OF THE PROPERTY

Lots Eleven (11) & Twelve (12) in Block Seven (7) of BOULDER ADDITIONS as shown by map thereof on file in Book 1 of Plats, Page 52, in the Office of the County Recorder of Clark County, Nevada.

Excepting Thereform that portion of the Lot 12 conveyed to the City of Las Vegas by Deed recorded December 6, 1972 in Book 284 as Document No. 243569, of Official Records, Clark County, Nevada.

ATTACHMENT 2

PROOF OF OWNERSHIP OR LEASEHOLD INTEREST

EXHIBIT A
of Attachment 2

DESCRIPTION OF THE FAÇADE EASEMENT AREA

Facade Easement Area: The area consisting of the building face of said building, which is set-back from the southern boundary of East Charleston Boulevard and the western boundary of Casino Center Boulevard. Including in the area consisting of the building face is the southern and western boundaries of the property, as described in *"Attachment 1 – Legal Description of the Property"* and other public areas, including all exterior wall planes, window, doors, fascias, awnings, landscaping, parking area and other architectural projections.

The Façade Easement granted herein shall terminate five (5) years from the date of execution of the recordation of this Façade Easement Deed without further action upon the City of Las Vegas Redevelopment Agency.

ATTACHMENT 3

FORM OF FACADE EASEMENT DEED

APN: 162-03-110-072

RECORDING REQUESTED BY

CITY OF LAS VEGAS
REDEVELOPMENT AGENCY

AND WHEN RECORDED RETURN TO:

City of Las Vegas Redevelopment Agency
400 Stewart Avenue, 2nd Floor
Las Vegas, NV 89101
ATTN: Operations Officer

FACADE EASEMENT DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, NECAL ASSOCIATES, LLC ("Grantor"), does hereby grant to the CITY OF LAS VEGAS REDEVELOPMENT AGENCY, a public body, corporate and politic ("Grantee"), a nonexclusive facade easement (the "Facade Easement") in gross on and upon a portion of the real property described in Exhibit A, attached hereto and incorporated herein by this reference (the "Property"). The precise description of the area of the facade easement is described in Exhibit B attached hereto and incorporated hereby by reference (the "Facade Easement Area").

1. Grantee is responsible for carrying out the Redevelopment Plan for the City of Las Vegas Redevelopment Area (the "Redevelopment Area"). In furtherance of the Redevelopment Plan, Grantor and Grantee entered into a Commercial Visual Improvement Agreement and Grant of Facade Easement dated _____ (the "CVIP Agreement") which required the Grantor to improve the facades(s) of the building(s) on the Property in accordance with the CVIP Agreement and Grantee's Commercial Visual Improvement Guidelines.

2. Grantor shall maintain the Property and the Facade Easement Area in accordance with the Facade Easement Agreement, including without limitation, the provisions set forth in the Building Façade Maintenance Agreement, recorded against the Property by separate instrument. Grantor agrees that all material future changes to the exterior surface of the facades of the building that has been improved on the Property shall be subject to the approval of the Grantee, which approval shall not be unreasonably withheld. This covenant shall run with the land until five (5) years from the date this Facade Easement Deed is recorded against the Property.

3. Grantee may use the Facade Easement for the purpose of ensuring the repair and maintenance of the Facade Easement Area, including the Facade Improvements to be constructed thereon, in accordance with the Facade Easement Agreement.

4. The Facade Easement shall include ancillary rights of ingress and egress over any portion of the Property that is necessary in order to repair and maintain the Facade Improvements located on and within the Facade Easement Area.

5. Grantor covenants by and for himself or herself, his or her heirs, executors, administrators, and assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of race, color, creed, religion, sex, marital status, national origin, ancestry, age, sexual preference, physical handicap or medical condition in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the premises herein conveyed, nor shall Grantor or any person claiming under or through him or her, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees, or vendees in the premises herein conveyed. The foregoing covenants shall run with the land.

6. The Grantee shall not use or exercise any right granted by the Facade Easement or do anything in a manner that will damage or impair the Facade Easement Area or the structural integrity of the building.

7. In the event of a violation of this Agreement by Grantor, the Grantee may, following reasonable notice to Grantor and after allowing thirty (30) days to correct said violation, institute a suit to enjoin such violation and to require the restoration of the Facade Improvements to their prior condition. In the alternative, the Grantee may enter upon the Property, correct any such violation and hold the Grantor and, his or her heirs, successors and assigns, responsible for the costs thereof in accordance with the Facade Easement Agreement and Building Facade Maintenance Agreement.

8. The Facade Easement granted herein shall terminate on the date which is five (5) years from the date of recordation of this Facade Easement Deed.

9. Grantor shall have the option to repurchase the Facade Easement granted herein (the "Option") from the Grantee pursuant to the terms and conditions set forth hereunder.

a. Option Term. The term of the Option (the "Option Term") shall commence thirty (30) days after recordation of the Facade Easement Deed and shall continue until five (5) years from the date of the recordation of this Façade Easement Deed. In order to exercise the Option, the Grantor must give sixty (60) days written notice to the Grantee that it wishes to exercise the Option.

b. Repurchase Price. If the Grantor exercises the Option, the Grantee agrees to sell and the Grantor agrees to repurchase the Facade Easement in an amount equal

to the unamortized portion of the Purchase Price amortized on a straight-line basis over five (5) years. The Amortization Schedule is set out in Exhibit C, attached hereto and incorporated herein (the "Amortization Schedule").

c. Title, Escrow and Closing Costs. The Owner shall pay for all title, escrow and closing costs and fees associated with the repurchase of the Facade Easement. The Owner and Agency shall cooperate in good faith and execute such documents and take such actions as may be necessary to effectuate such repurchase.

10. The obligations and benefits imposed and granted in this Facade Easement Deed shall be binding on Grantor and all successor owners of the Property and inure to the benefit of the Grantee, its successors and assigns and are intended to run with the land.

11. The provisions of this Facade Easement Deed may be amended or terminated in full only by a written agreement between the Grantor and Grantee.

12. Nothing contained in this Facade Easement Deed shall be deemed to be a gift or dedication of any portion of Property to the general public or for the general public for any public purpose whatsoever, it being the intention of the parties to this Facade Easement Deed that the Facade Easement shall be strictly limited to and for the purposes expressed in this Facade Easement Deed.

13. This declaration shall be governed by and construed in accordance with the laws of the State of Nevada.

14. The Facade Easement granted herein shall be binding on and inure to the benefit of the successors and assigns of the parties and are intended to bind and burden the Property described in Exhibit A.

...

...

...

IN WITNESS WHEREOF, Grantor has executed this Facade Easement Deed as of this _____ day of _____, _____.

OWNER – NECAL ASSOCIATES, LLC

By:_____
Stephen Rubyor

Its: AUTHORIZED REPRESENTATIVE (Title)
"GRANTOR"

ACCEPTED AND AGREED TO:

CITY OF LAS VEGAS REDEVELOPMENT AGENCY

By:_____
OSCAR B. GOODMAN

Its: CHAIRMAN
"GRANTEE"

ATTEST:

_____
BEVERLY K. BRIDGES, CMC
City Clerk

APPROVED AS TO FORM

_____
Counsel to the Agency Date

ACKNOWLEDGMENTS

STATE OF NEVADA)
)ss.
COUNTY OF CLARK)

This instrument was acknowledged before me on the ____ day of _____, 2009 by STEPHEN RUBYOR as AUTHORIZED REPRESENTATIVE of NECAL ASSOCIATES, LLC

_____
Notary Public in and for said County and State

STATE OF NEVADA)
)ss.
COUNTY OF CLARK)

This instrument was acknowledged before me on the ____ day of _____, 2009 by OSCAR B. GOODMAN as Chairman of the City of Las Vegas Redevelopment Agency.

_____
Notary Public in and for said County and State

EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY

Lots Eleven (11) & Twelve (12) in Block Seven (7) of BOULDER ADDITIONS as shown by map thereof on file in Book 1 of Plats, Page 52, in the Office of the County Recorder of Clark County, Nevada.

Excepting Thereform that portion of the Lot 12 conveyed to the City of Las Vegas by Deed recorded December 6, 1972 in Book 284 as Document No. 243569, of Official Records, Clark County, Nevada.

EXHIBIT B

DESCRIPTION OF THE FACADE EASEMENT AREA

Facade Easement Area: The area consisting of the building face of said building, which is set-back from the southern boundary of East Charleston Boulevard and the western boundary of Casino Center Boulevard. Including in the area consisting of the building face is the southern and western boundaries of the property, as described in *"Attachment 1 – Legal Description of the Property"* and other public areas, including all exterior wall planes, window, doors, fascias, awnings, landscaping, parking area and other architectural projections.

The Façade Easement granted herein shall terminate five (5) years from the date of execution of the recordation of this Façade Easement Deed without further action upon the City of Las Vegas Redevelopment Agency.

EXHIBIT C

FORM OF FAÇADE EASEMENT REPURCHASE PRICE AMORTIZATION SCHEDULE

1. Amount of Purchase Price: $50,000.00 (Maximum)

2. Repurchase Price based on unamortized portion of Purchase Price amortized on straight-line basis over five (5) years as follows:

Anytime during first year:	$50,000.00
Anytime during second year:	$40,000.00
Anytime during third year:	$30,000.00
Anytime during fourth year:	$20,000.00
Anytime during fifth year:	$10,000.00
After five full years from recordation of the Façade Easement Deed:	$0.00

ATTACHMENT 4

FORM OF BUILDING FAÇADE MAINTENANCE AGREEMENT

APN: 162-03-110-072

RECORDING REQUESTED BY

CITY OF LAS VEGAS
REDEVELOPMENT AGENCY

AND WHEN RECORDED RETURN TO:

City of Las Vegas Redevelopment Agency
400 Stewart Avenue, 2nd Floor
Las Vegas, NV 89101
ATTN: Operations Officer

BUILDING FACADE MAINTENANCE AGREEMENT

THIS AGREEMENT is made this ____ day of _____, 20___, between NECAL ASSOCIATES, LLC, hereinafter referred to as "Owner" and the CITY of LAS VEGAS REDEVELOPMENT AGENCY, a public body, corporate and politic, hereinafter referred to as "Agency" with reference to the following facts:

WHEREAS, Owner is the owner of that real property ("the Property") in the City of Las Vegas, County of Clark, State of Nevada, legally described in Exhibit " A " attached hereto by this reference, commonly known as 1112 SOUTH CASINO CENTER BOULEVARD, Las Vegas, Nevada and currently designated as Assessor's Parcel Nos. 162-03-110-072; and

WHEREAS, the Property is located within the City of Las Vegas Redevelopment Area (the "Redevelopment Area"), and in furtherance of the Redevelopment Plan for the Redevelopment Area, the Agency approved a Commercial Visual Improvement Program (the "Commercial VIP") for the purpose of revitalization and elimination of blighting influences in the Redevelopment Area; and

WHEREAS, Owner has rehabilitated the facades of the Property facing the Facade Easement Area: The area consisting of the building face of said building, which is set-back from the southern boundary of East Charleston Boulevard and the western boundary of Casino Center Boulevard. Including in the area consisting of the building face is the southern and western boundaries of the property, as described in *"Attachment 1 – Legal Description of the Property"* and other public areas, including all exterior wall planes, window, doors, fascias, awnings, landscaping, parking area and other architectural projections.

The Façade Easement granted herein shall terminate five (5) years from the date of execution of the recordation of this Façade Easement Deed without further action upon the City of Las Vegas Redevelopment Agency.

Agency purchased a Facade Easement for the Property (hereinafter "the Facade Easement") which ensures that the building facades on the Property will be preserved in a manner consistent with the Commercial Visual Improvement Agreement and Grant of Facade Easement dated _____ _____ (the "CVIP Agreement"); and

WHEREAS, by the terms of said Façade Easement, Owner is required to enter into an agreement for a period of five (5) years giving the Agency authority to lien the Property to ensure that the façade(s) covered by the Façade Easement, legally described in Exhibit " B " attached hereto (the "Façade Easement Area"), will be diligently maintained and that violations will be corrected promptly; and

WHEREAS, this agreement is entered into to ensure that the Property is maintained because both parties recognize that diligent maintenance is an integral part of preservation of the Property and one of the considerations for Agency's purchase of the Façade Easement;

NOW, THEREFORE, IT IS AGREED BETWEEN THE PARTIES AS FOLLOWS:

1. Purpose. The purpose of this agreement is to ensure diligent maintenance of the building facades on the Property facing public streets and/or alleys, the Façade Easement Area, in accordance with the plans approved by the City of Las Vegas Office of Redevelopment Agency and any other City of Las Vegas department that may have issued approvals and/or permits as of the date of this agreement, or as may be otherwise approved by City during the term of this agreement. Copies of the plans for the Façade Easement Area required to be maintained under this agreement and which are incorporated herein by this reference, are on file with the City of Redevelopment Agency, c/o Office of Business Development, 400 Stewart Avenue, Las Vegas, NV 89101.

2. Duty to Maintain Property. Owner covenants and agrees, for itself, its lessees, successors and assigns during the term of this agreement to diligently maintain and care for the Façade Easement Area in accordance with the plans approved by Agency. "Diligent maintenance" is persistent upkeep which employs the standard of care necessary to meet all requirements of applicable local ordinances and regulations and standards of workmanship in accordance with the generally accepted standards for maintenance observed by comparable uses located within the City of Las Vegas. In particular, Owner covenants that:

    a) All exterior building facades shall be maintained, repaired, or used in accordance with the City of Las Vegas Building Code and the plans approved by, any and all, appropriate City of Las Vegas department(s) as of the date of this agreement, or as may be otherwise approved by Agency during the term of this agreement.

    b) The exterior of the buildings and structures shall have effective weatherproofing and waterproofing, including non-deteriorated paint, uncracked or unbroken plaster, sound siding, sealing of doors and windows and adequate and approved roof covering.

c) All exterior doors, door hardware, handles, locksets and latchsets shall be in safe and operable condition, free of cracks, splits, holes, inadequate fastening and warpage.

d) All windows shall be secure, well sealed, unbroken, and with undamaged frames. No window bars, grills or grates of any kind shall be installed without the express approval of the City of Las Vegas Department of Building and Safety.

e) All exterior lighting, including but not limited to security, carport, stairway or balcony, and building lighting, must be operable at all times as required by the City of Las Vegas Building Code.

3. Agency's Right to Cure Owner's Default. Owner shall be in default of this agreement if Owner breaches any of the Owner's obligations under Paragraph 2 above, and the breach is not cured within thirty (30) days (or such longer period as may be specified in the Notice of Breach) after the Agency gives notice ("Notice of Breach") to the Owner of the failure to perform, which Notice of Breach shall specify in reasonable detail the conditions constituting the breach. The Agency's Executive Director ("Director") (or, if that position no longer exists, an Agency official with comparable duties) or the Director's designee may impose conditions on any extension of time to cure the breach, which conditions may include but are not limited to (i) requiring Owner to post a cash deposit or surety bond in the amount of the estimated cost of curing the breach or default, and (ii) requiring that Owner commence curing the breach or default by a specified date and thereafter diligently and in good faith continue to cure the breach until completion of the cure.

In the event of default, in addition to any other remedies available to Agency at law or in equity, Agency in its sole and absolute discretion may enter the Property and cure the default at Owner's cost at any time after giving not less than thirty (30) days' notice ("Notice of Default") to Owner, which Notice of Default shall state the Agency's intent to enter the Property and shall specify in reasonable detail the work or correction the Agency intends to perform.

4. Hold Harmless. Owner shall waive any and all claims for damage or loss as a result of Agency's entry onto the Property. Owner shall defend, indemnify and hold harmless Agency, its employees, officers, agents and contractors from and against any and all liability, loss, expense, including reasonable attorney's fees or claims for injury or damage caused by or as a result of the Agency, its employees, officers, agents or contractors entry onto the Property. Notwithstanding the foregoing, the above waiver and indemnity shall not apply with respect to any negligent acts or omissions or willful misconduct by the Agency, it's employees, officers, agents and/or contractors.

5. Agency's Cost of Cure. If Agency, acting through its own employees or through its contractors, enters the Property and cures the breach or default, Agency shall perform the work in a reasonably efficient, cost effective and competitively priced manner. The cost of curing the default shall be due and payable within ten (10) days after delivery of an invoice to Owner, and if paid at a later date shall bear interest at the rate of 10% per annum from the date of the invoice until Agency is reimbursed by Owner. Any warranties provided by

Agency's contractors shall be assigned to Owner upon Owner's payment in full of the amounts due hereunder.

6. Additional Remedies. The Agency, in addition to the collection procedure set forth above in paragraph 4, may make the cost incurred in maintaining the Property a lien upon the Property by recording a notice with the Clark County Recorder. The lien may also include any and all costs incurred in recording the lien. The notice shall state that the Agency has incurred maintenance costs under the terms of this agreement and shall state the amount, together with a statement that it is unpaid. Such lien shall be immediately released upon Owner's payment of said costs.

7. Notices. Notices required or permitted to be given under the terms of this agreement shall be served personally, or by certified mail, return receipt requested, or by overnight courier, addressed as follows:

AGENCY: CITY OF LAS VEGAS REDEVELOPMENT AGENCY
400 Stewart Avenue, 2nd Floor
Las Vegas, NV 89101
Attn: Operations Officer

OWNER: NECAL ASSOCIATES, LLC
7956 Marbella Cir.
Las Vegas, NV 89128
Attn: Stephen Rubyor

and, in the event that Owner hereafter conveys Property, to each successive Owner as shown on the tax rolls for Clark County.

8. Property Owner. If Owner conveys, grants or transfers the Property or a portion thereof to another, such grantee or transferee shall be responsible for complying with the terms and conditions of this agreement as to the Property or as to that portion thereof so conveyed and Owner shall have no further obligation hereunder as to said Property or that portion thereof. If Owner leases the Property or any portion thereof to another, the lease shall provide for Owner's right of entry to perform Owner's obligations under this agreement. The lease also shall provide for Agency's right of entry to inspect the Property for compliance with this agreement and in the event of breach to perform required maintenance in accordance with the procedure set forth in Paragraph 3. Owner shall advise the Executive Director of the Agency in writing of any changes in address of Owner and of the names and addresses of any subsequent owners of the property or any portion thereof.

9. Miscellaneous Terms and Provisions.

a) If any provision of this agreement is adjudged invalid, the remaining provisions of it are not affected.

b) Notice to Agency or Owner shall be considered to have been given when sent in the manner and to the addresses stated in Paragraph 6 above.

c) This writing contains a full, final and exclusive statement of the agreement of the parties.

d) By executing this agreement Owner, on its behalf and on behalf of any successor in interest, authorizes and grants to Agency or to Agency's agent, permission with 48 hours advance notice to enter upon the Property subject to this agreement to perform inspections of the façade improvements or to perform any work authorized by this agreement in the event of breach by Owner of any covenant set forth in Paragraphs 2 above. However, the Agency shall coordinate the time of such inspections with the Owner in order to minimize the disruption of business or inconvenience to the Owner's customers.

10. Recordation: Covenant Running With the Land for Five Years. Upon recordation of the Façade Easement Deed and execution of this agreement by both parties, the Agency shall record this agreement with the Clark County Recorder's Office. Agency shall provide Owner a copy of the agreement showing the Recorder's stamp.

This agreement pertains to that area of the Property covered by the Façade Easement, and shall run with the land for a period of five (5) years from the date of recordation, including a period of time after the expiration of the Façade Easement. This agreement binds the successors in interest of each of the parties to it.

11. Priority of Mortgage Lien. No breach of the covenants, conditions or restrictions of this agreement shall defeat or render invalid the lien or charge or any first mortgage or deed of trust made in good faith and for value encumbering the Property, but all of said covenants, conditions and restrictions shall be binding upon and effective against any successor to the Owner whose title is derived through foreclosure or trustee's sale, or otherwise, with respect to the Property.

12. Attorneys' Fees. If any party to this agreement resorts to a legal action to enforce any provision of this agreement, the prevailing party shall be entitled to recover reasonable attorneys' fees in addition to any other relief to which it may be entitled. This provision applies to the entire agreement.

13. Estoppel Certificate. Upon written request by Owner or a subsequent owner, Agency shall promptly execute and deliver an estoppel certificate, in a form reasonably approved by the Agency, addressed as indicated in the request, stating that the property is in compliance with this agreement, or not, and stating the amount of any outstanding fees or charges.

. . .
. . .
. . .

IN WITNESS WHEREOF, the parties have executed this agreement on the day and year set forth above.

By: _____ Date: _____
Name: STEPHEN RUBYOR
Title: AUTHORIZED REPRESENTATIVE FOR NECAL ASSOCIATES, LLC

CITY OF LAS VEGAS REDEVELOPMENT AGENCY,
a public body, corporate and politic

By: _____ Date: _____
OSCAR B. GOODMAN
CHAIRMAN

ATTEST:

_____
BEVERLY K. BRIDGES, CMC
City Clerk

APPROVED AS TO FORM:

_____
Counsel to the Agency Date

ACKNOWLEDGMENTS

STATE OF NEVADA)
)ss.
COUNTY OF CLARK)

This instrument was acknowledged before me on the ____ day of _____, 2009 by STEPHEN RUBYOR as AUTHORIZED REPRESENTATIVE of NECAL ASSOCIATES, LLC.

_____
Notary Public in and for said County and State

STATE OF NEVADA)
)ss.
COUNTY OF CLARK)

This instrument was acknowledged before me on the ____ day of _____, 2009 by OSCAR B. GOODMAN as Chairman of the City of Las Vegas Redevelopment Agency.

_____
Notary Public in and for said County and State

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

Lots Eleven (11) & Twelve (12) in Block Seven (7) of BOULDER ADDITIONS as shown by map thereof on file in Book 1 of Plats, Page 52, in the Office of the County Recorder of Clark County, Nevada.

Excepting Thereform that portion of the Lot 12 conveyed to the City of Las Vegas by Deed recorded December 6, 1972 in Book 284 as Document No. 243569, of Official Records, Clark County, Nevada.

EXHIBIT B

DESCRIPTION OF THE FACADE EASEMENT AREA

Facade Easement Area: The area consisting of the building face of said building, which is set-back from the southern boundary of East Charleston Boulevard and the western boundary of Casino Center Boulevard. Including in the area consisting of the building face is the southern and western boundaries of the property, as described in *"Attachment 1 – Legal Description of the Property"* and other public areas, including all exterior wall planes, window, doors, fascias, awnings, landscaping, parking area and other architectural projections.

The Façade Easement granted herein shall terminate five (5) years from the date of execution of the recordation of this Façade Easement Deed without further action upon the City of Las Vegas Redevelopment Agency.

ATTACHMENT 5

SCOPE OF WORK AND TENTATIVE SCHEDULE OF IMPROVEMENTS

Work Item	Cost
Fence, Stairwell & Pipe Columns	**15,310.00**
Exterior Framing	**20,400.00**
Parking Lot Asphalt	**10,270.00**
Storefront Glass & Windows	**30,287.00**
Exterior Painting	**15,625.00**
Exterior Brick Veneer	**4,959.00**
Exterior Plastering	**20,915.00**
Landscape	**1,230.00**
Subtotal	**118,996.00**

TOTAL ESTIMATED PROJECT COSTS	**$610,000.00**
Estimated CVIP Grant	$50,000.00
plus Contingency	$00.00
Maximum Reimbursement for CVIP Grant	**$50,000.00**

Note – Items in bold are "Pre-approved Qualified Exterior Improvements"

Schedule of Improvements

Work will begin 90 days after approval of Agreement and should be complete within 120-180 days, depending on contractor's work schedule/work load.

VIP Disclosure of Ownership/Principals

Please Print Legibly

Real Property - Page 1 of 2

VIP Contracting Entity Information

Name Necal Associates, LLC

Mailing Address 7956 Marbella Cir. Las Vegas, NV 89128

Business Phone 702-595-2998

Tax ID or Social Security Number 88-0504485

Ownership Interest

Estate in Severalty X Tenancy in Common_____ Joint Tenancy_____

Disclosure of Ownership/Principals

In the space below, the Contracting Entity must disclose all persons or entities holding more than one percent ownership interest in the real property.

Full Name & Title	Business Address	Business Phone
Stephen Rubyor	7956 Marbella Cir. Las Vegas, NV 89128	702-595-2998
Brett Wesley Sperry	200 Hoover Ave Unit 1903 Las Vegas, NV 89101	702-460-6042

Additional Ownership/Principals

The Contracting Entity shall continue the above list on a sheet of paper entitled "Disclosure of Principals – Continuation" until full and complete disclosure is made.

If continuation sheets are attached, please indicate the *number of sheets*:_____

Please Print Legibly

VIP Disclosure of Ownership/Principals

Alternative Disclosure of Ownership/Principal

If the Contracting Entity, or its principals or partners, are required to provide disclosure (of persons or entities holding an ownership interest) under federal law (such as disclosure required by the Securities and Exchange Commission or the Employee Retirement Income Act), a copy of such disclosure may be attached to this certificate in lieu of providing the information set forth on the previous page. A description of such disclosure documents must be included below.

Name of Attached Document _____

Date of Attached Document _____

Number of Pages _____

Certification of Disclosure of Ownership/Principal - Real Property

I certify, under penalty of perjury, that all the information provided in this certificate is current, complete and accurate.

Signature _____

Date 8-14-09

State of Nevada
County of Clark

This instrument was acknowledged before me on

8-14-2009 (date) by

Stephen Rubyor (name of person)

_____
Notary Public

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
DAVID DORR
No: 07-3050-1
My Appointment Expires May 19, 2011

VIP Participant Affidavit and Employment Plan

Please Print Legibly

STATE OF NEVADA }
} ss:
COUNTY OF CLARK }

I, Stephen Rubyor, being first duly sworn, depose and state under penalty of perjury as follows:

1. I am a corporate officer, managing member, or sole proprietor of the Necal Associates, LLC, a company duly organized in the State of Nevada as a LLC, (Corporation/LLC/Sole Proprietorship). The Participant is seeking the assistance of the city of Las Vegas Redevelopment Agency ("Agency") for making improvements to the property at 1112 S. Casino Center Blvd. ("Site"), as more particularly described by the VIP agreement ("Agreement") being contemplated by the city of Las Vegas Redevelopment Agency at its public hearing to be held on _____.

2. I hereby warrant that I either own the site, or have a leasehold interest in the site for a minimum of five years subsequent to the effective date of this agreement.

   Assistance from the Agency will allow me to make improvements to the site which I could not otherwise do. This will result in substantial benefit to the Redevelopment Plan Area and the neighborhood adjacent to the Site because of one or more of the following reasons (check one or more):

   (a) Encourage the creation of new business or other appropriate development; X
   b. Create jobs or other business opportunities for nearby residents;
   c. Increase local revenues from desirable sources;
   d. Increase levels of human activity in the redevelopment area or the immediate neighborhood in which the redevelopment area is located;
   (e) Possess attributes that are unique, either as to type of use or level of quality and design; X
   f. Require for their construction, installation or operation the use of qualified and trained labor; and
   g. Demonstrate greater social or financial benefits to the community than would a similar set of buildings, facilities, structures or other improvements not paid for by the agency.

3. No other reasonable means of financing those buildings, facilities, structures or other improvements are available, because of one or more of the following reason(s) as checked by the Participant:

   a. An inducement for new businesses to locate or existing businesses to remain within the redevelopment area in which the business would ordinarily choose to locate outside the redevelopment area if the grant were not provided. Evidenced by a "but for" letter or statement from the business owner.; or
   b. There is a public objective and/or requirement that is more stringent and/or costly to undertake than a business would ordinarily embark upon. Evidenced by state or city ordinance. or
   (c.) There has been a lack of rehabilitation in the area and it is deemed unreasonable for the business to invest in improving the area unless the grant is provided. Evidenced by photographs of the immediate surrounding area displaying the slum and blight; X or
   d. The exterior improvements to the property or business do not have a direct affect on revenues therefore making such an investment is not deemed acceptable by a customary financial institution. Evidenced by a denial letter from a financial institution. or

VIP Participant Affidavit and Employment Plan

Please Print Legibly

e. The visual improvement of the property or addition of the business to the area is so dramatic that it is a catalyst for economic development in the area. Evidenced by a positive economic impact analysis.

Participant agrees to submit to the Agency its documentation which evidences that no reasonable means of financing are available to the Participant.

4. Participant hereby warrants the following:

a. The property on which the project is situated is free of all Mechanic's Liens at the time of application. _____(initial)

b. The applicant has no current bankruptcy proceedings, or past bankruptcy proceedings, whether corporate or personal, within the past five years. _____(initial)

c. The applicant has no past-due federal, state, county or city of Las Vegas tax bills at the time of application. _____(initial)

d. The applicant has no past-due bills or debts payable to the city of Las Vegas or the Redevelopment Agency. _____(initial)

5. Participant hereby acknowledges that existing opportunities for employment within the surrounding neighborhood of the redevelopment project are limited for neighborhood residents. Most residents must travel outside the neighborhood to find employment opportunities outside the redevelopment area, via public transportation or personal vehicles. Of the existing businesses within the neighborhood, many are family owned and have been in business for a long time. These existing businesses are not in an expansion mode and are not likely to employee neighborhood residents.

Furthermore, the project will help facilitate the continued expansion of employment opportunities by setting an example to other property/business owners to renovate their property/business and help create more employment opportunities through an expansion of business and renovation of vacant storefronts. The Project will allow neighborhood residents to apply for those positions (when available) for which they are qualified for as an employment opportunity. Appropriate measures will be taken to ensure that the neighborhood is aware of any job opportunities available from the business.

DATED this 14 day of August, 2009.

Authorized Signature: _____

SIGNED AND SWORN TO before

me this 14 day of Aug, 2009, by Stephen Rubyor

NOTARY PUBLIC
My Commission Expires: May 19, 2011

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
DAVID DORR
No: 07-3050-1
My Appointment Expires May 19, 2011

Brett Wesley Gallery
1112 S. Casino Center Blvd

Before Photo



After Renderings



Site Map – Brett Wesley Gallery
1112 S. Casino Center Blvd.



City of Las Vegas Agenda Item No.: **47.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES ☐ **Consent** ☒ **Discussion**

SUBJECT:
BOARDS & COMMISSIONS:

ABEYANCE ITEM - CIVIL SERVICE BOARD OF TRUSTEES – Johan Aliseo – Term Expiration 9-19-2009

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $50.00 per meeting
Funding Source: General Fund
Dept./Division: Human Resources

PURPOSE/BACKGROUND:
The Board of Civil Service Trustees is comprised of 5 members appointed by the City Council. Members of this board must be City residents and attendance is compensatory. Members are limited to two full terms and there is no requirement to fill an unexpired portion of a term. Ms. Aliseo is not eligible to be reappointed. This item was held in abeyance from the September 2, 2009 City Council meeting.

RECOMMENDATION:
Procedure for this Board requires appointment by the City Council. Option is for any member of the City Council to appoint a new member to fill the seat.

BACKUP DOCUMENTATION:
Current Listing and Authority

Per Senate Bill 147, effective June 11, 2003, compensated boards meeting certain criteria are no longer required to file State Financial Disclosure Statements. This board meets that established criteria.

Board of Civil Service Trustees

	Name	Appointment Date	Expiration Date	Recommended By:
1	**(Ms.) Johan Aliseo** Ward 6 Resident Replaced Lou Johnson	9 /19/2001 **Reapp: 9/7/2005**	9/19/2009	Mayor
2	**Malcolm White** Ward 4 Resident Effective 11/8/2006	10/18/2006 **Reapp: N/A**	11/8/2010	Brown
3	**Edmund Miramontes** Ward 1 Resident	10/29/2003 **Reapp: 11/7/2007**	10/29/2011	Barlow
4	**Priscilla Rocha** Ward 3 Resident Effective 2/21/2004	2 /18/2004 **Reapp: 1/16/2008**	2/21/2012	Reese
5	**Evelyn Beals** Ward 5 Resident	7 /6 /2005 **Reapp: 7/15/2009**	7/6/2013	Reese

AUTHORITY: City Charter Article 10 - L.V.M.C. 3.04 - Amended per Bill 2001-70, Ordinance 5346, of 8-1-2001 indicating Financial Disclosures requirement.

TERM: 4 year terms (do not have to fill unexpired terms).
Members are limited to two full terms. (Ord. 3321, 11-4-87)

APPOINTED: 5 members appointed by the City Council.

COMPENSATION: $50.00 for each meeting attended.

NOTES: **MUST BE CITY OF LAS VEGAS RESIDENT (Ord. 3527, LVMC 2.49).**

PURPOSE: The Board of Civil Service Trustees administers the system of civil service.

City of Las Vegas Agenda Item No.: **48.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES ☐ **Consent** ☒ **Discussion**

SUBJECT:
BOARDS & COMMISSIONS:

DEPARTMENT OF TRANSPORTATION REGIONAL ADVISORY COMMITTEE – Jorge Cervantes – Term Expiration 10-3-2009

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Chapter 484 of Nevada Revised Statutes was amended by Senate Bill 450 during the 2007 Legislative Session, mandating the establishment of a regional advisory committee to advise the Department of Transportation on certain issues relating to oversized and overweight vehicles. Membership of the committee includes one member appointed by the Department of Transportation to serve as the chair of the committee; one member appointed by the Board of County Commissioners, one member appointed by the City Council of each city within the county; one member appointed by the largest construction industry association in the county; and one member appointed by the largest motor transport association in the county. Members serve a two year term with no limit to the number of terms, and unexpired terms must be filled. Mr. Cervantes was appointed to fill the unexpired portion of Mr. Kajkowksi's term. He is eligible for reappointment. Procedure for this Board is appointment by City Council.

RECOMMENDATION:
Options are: Reappoint Mr. Cervantes or a new member who possesses the same general qualifications

BACKUP DOCUMENTATION:
Current Listing and Authority

Department of Transportation
Regional Advisory Committee

Name	Appointment Date	Expiration Date
Jorge Cervantes Director, Public Works Fills Unexpired Term of Charlie Kajkowski	5 /21/2008	10/3/2009

Authority: Nevada Revised Statutes (NRS) 484.7631, 484.765), as amended by Senate Bill 450 effective July 1, 2007

Purpose: Advise the Department of Transportation on certain issues relating to oversized and overweight vehicles.

Term: 2 Years
No Limit to Number of Terms
Unexpired Terms must be filled with a member who possesses the same general qualifications as his predecessor

Appointment: 1 Member Appointed by City Council

Susan Martinovich, P.E
Director
Department of Transportation
1263 South Stewart Street
Carson City, Nevada 89712

Christi Thompson
Administrative Services Division
775-888-7070

City of Las Vegas Agenda Item No.: **49.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING

Bill No. 2009-38 - Ordinance Creating Special Improvement District No. 1514 - Ann Road and Cimarron Road (West of Leggett Road) Sponsored by: Step Requirement

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $296,243.40
Funding Source: Capital Projects Fund - Special Assessments
Dept./Division: Public Works/SID

PURPOSE/BACKGROUND:
The construction and installation of pavement, "L" type curb and gutter, sidewalks, streetlights and driveways.

RECOMMENDATION:
This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:
Bill No. 2009-38

BILL NO. 2009-38

ORDINANCE NO. _____

AN ORDINANCE CREATING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1514 - ANN ROAD AND CIMARRON ROAD (WEST OF LEGGETT ROAD) PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO.

Summary: Creation Ordinance

WHEREAS, the City Council of the City of Las Vegas (hereinafter the "City Council" and "City", respectively) in the County of Clark, State of Nevada, has determined and does hereby declare that the public convenience and necessity require, and the City Council deems it necessary to create, the City of Las Vegas, Nevada, Special Improvement District No. 1514 - Ann Road and Cimarron Road (west of Leggett Road) (hereinafter the "District"), for the purpose of constructing and improving or acquiring and improving a Street Project as defined in NRS 271.225 (hereinafter the "Project"), and to defray a portion of the entire cost and expense of such Project by special assessments, according to benefits, against the benefited lots, tracts and parcels of land within the District; and

WHEREAS, by a resolution heretofore passed and approved (the "Provisional Order Resolution"), the City Council declared its determination to create the District for the purpose of making the Project, stating therein the character and location of the Project, what portion of the entire expense thereof shall be paid by special assessments, and that the assessments are to be made according to benefits, by apt description designating the District, including the lands to be so assessed and definitely locating the improvements to be made; and

WHEREAS, the City Council has heretofore determined that a portion of the cost and expense of the Project is to be paid by special assessments levied against the benefited lots, tracts and parcels of land in the District which the City Council has determined will receive special benefits (and corresponding market value increases) from in the Project; and

WHEREAS, among other documents, the City Engineer together with the City Engineer Division (hereinafter the "Engineer", collectively) made out a preliminary assessment roll and an assessment plat for the District which contains, among other things, the names and addresses of the last known owners of the property to be assessed, or if not known, stating the name is "unknown"; a description of each lot, tract, or parcel of land to be assessed; the market value of each lot; the amount of the estimated

assessment to be levied thereon; and the amount of maximum special benefits (and corresponding market value increases); and the Engineer has reported the preliminary assessment roll and assessment plat to the City Council and has prepared and reported the "Engineer's Report to the City Council on Benefits," and has filed the assessment plat, preliminary assessment roll and the Engineer's Report with the City Clerk; and

WHEREAS, pursuant to the Provisional Order Resolution, the City Council gave notice (in the manner specified by NRS 271.305) of the filing of the preliminary plans, assessment plat, preliminary assessment roll, typical section of the contemplated improvements, preliminary estimate of cost, and estimate of maximum benefits (and corresponding market value increases), and of the time and place of a hearing thereon; and

WHEREAS, the manner of giving such notice by mail, publication and posting was reasonably calculated to inform the parties of the proceedings concerning the District which might directly and adversely affect their legally protected interests; and

WHEREAS, all owners of property to be assessed and interested persons so desiring were permitted to file a written complaint, protest or objection on or before Friday, July 31, 2009, and to appear before the City Council on Wednesday, August 5, 2009, to be heard as to the propriety and advisability of acquiring and improving the Project provisionally ordered, as to the estimated cost thereof, the manner of payment therefor, and as to the amount thereof to be assessed, the benefits estimated to be conferred against each tract, and the corresponding market value increases expected for each tract in the District; and

WHEREAS, the City Council has determined, and does hereby determine, that there are not more than 2,640-feet between existing improvements and that the exception provided by NRS 271.306(2)(b) does exist with respect to the Project; and

WHEREAS, the written and oral objections and protests received were duly considered, and the City Council has determined that it is in the best interests of the City, and the inhabitants thereof, to create the District as theretofore proposed; and

WHEREAS, every written protest and other objection was found to be without sufficient merit and was overruled by the City Council by the Special Improvement District No. 1514 Protest Disposal Resolution; and

WHEREAS, any person filing a written complaint, protest or objection shall have the right, within 30 days after the City Council has finally passed on such complaint, protest or objection to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination; and

WHEREAS, the City Council and the Engineer have done all things necessary and preliminary to the creation of the District, by filing with the City Clerk an accurate estimate of cost, full and detailed, final revised plans and specifications, revised assessment plat, revised final map, and a report on benefits by the Engineer. The City Council desires now to authorize such improvements and work and to create the District by this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL, OF THE CITY OF LAS VEGAS, DOES ORDAIN AS FOLLOWS:

Section 1. That this Ordinance shall be known as, and may be cited by, the short title "Special Improvement District No. 1514 Creation Ordinance" (the "Ordinance").

Section 2. That the City Council has heretofore determined and does hereby determine that each and every protest and objection made in connection with the District is without sufficient merit and the same be, and the same heretofore have been, by the Special Improvement District No. 1514 Protest Disposal Resolution, overruled, and finally passed upon by the City Council.

Section 3. That the City Council has also determined and does hereby declare as follows:

(a) The public convenience and necessity require the creation of the District.

(b) The creation of the District is economically sound and feasible.

(c) The market value of each of the benefited lots, tracts and parcels of land in the District will be increased by an amount directly attributable to the Project for which the assessment is made.

Section 4. That there hereby is created in the City an improvement district designated as the "City of Las Vegas, Nevada, Special Improvement District No. 1514 - Ann Road and Cimarron Road (west of Leggett Road)" for the purpose of acquiring a Project as more particularly described below. The

boundaries of the District, which include the location of the Project and the lots, tracts and parcels of land to be assessed, shall be the exterior boundary of each parcel of property fronting a street to be improved by the improvements (as described below). The streets to be improved by the improvements are:

Ann Road (NORTH SIDE) - from the centerline of Cimarron Road east along Ann Road to the centerline of Leggett Road (100-foot right-of-way).

Cimarron Road (EAST SIDE) – from the centerline of Ann Road north approximately 360 feet. (80-foot right-of-way).

Section 5. That the Project, which is hereby ordered to be acquired, shall be located within the boundaries of the District, and shall be as shown in the final plans and specifications heretofore filed in the City Clerk's office, without minor details being described. The character of the improvements shall be described more particularly as follows:

The project on Ann Road will consist of the grading, regrading, graveling, and asphalt paving as necessary for approximately 43 feet of roadway width, and "L" type curb and gutter. The improvements on Cimarron Road will consist of the grading, regrading, graveling, and asphalt paving as necessary for approximately 33 feet of roadway width, "L" type curb and gutter, sidewalk (APN 125-28-801-015), street lights (APN 125-28-801-015), and residential driveway approaches (APN 125-28-801-015). The streetlights will be installed at the back of the sidewalk at appropriate intervals. At the request of the owners of property in the District water and sewer laterals will be installed from the existing or proposed main lines in Ann Road and Cimarron Road to such property. (hereinafter collectively referred to as the "Improvements"). Sewer lines within the District are owned and maintained by the City. The City will require that properties connecting to the sewer line pay a connection fee and are annexed to the City at the time of hookup. THE CITY HAS NO OBLIGATION TO PROVIDE WATER OR SEWER SERVICE TO ANY PROPERTY WITHIN THE DISTRICT REGARDLESS OF WHETHER THE CITY COUNCIL PROCEEDS WITH ALL OR ANY PART OF THE PROJECT.

The City Council has determined that a portion of the cost of the Project is of special benefit and shall be paid by special assessments against the lots, tracts and parcels of land so benefited.

Section 6. That the estimated total cost of the Project shall be apportioned and assessed as follows:

Total Cost	Estimated Amount of Special Assessments	Amount Available from Other Sources
$ 362,530.00	$ 296,243.40	$ 66,286.60

The amounts to be assessed for the Project will be levied upon all tracts in the District, i.e., upon all abutting tracts in proportion to the special benefits derived (as shown by the estimated benefits and corresponding market value increases); provided, however, that an equitable adjustment will be made for assessments to be levied against wedge or "V" or other irregularly shaped lots or lands, if any, and for any lot, tract or parcel not specially benefited by the improvements so that assessments according to benefits are equal and uniform.

The assessments will be levied on a front foot basis, provided that those tracts which front a cul-de-sac and which abut or front a street or streets being improved will be assessed on a "unit lot" basis, i.e., all lots abutting the cul-de-sac are to be assessed the same amount based upon the front footage of those lots abutting the street or streets being improved which also abut the cul-de-sac. Each property owner will be assessed for the cost of a street pavement section, curb and gutter, sidewalks (APN 125-28-801-015), streetlights (APN 125-28-801-015), and driveway approaches (APN 125-28-801-015), where not already existing. The owners of property who elect to have water or sewer installed will be assessed on a per service or unit lot method for the installation of sewer laterals or water laterals.

Such basis of assessments has been designated by the City Council in the Special Improvement District No. 1514 Provisional Order Resolution.

Section 7. That the portion of the costs to be assessed against, and the maximum amount of benefits estimated (and corresponding market value increases) to be conferred upon, each piece or parcel of property in the District is stated in the assessment plat and addendum thereto, as designated preliminary assessment roll. In cases of wedge or "V" or any other irregularly-shaped tracts, the amount apportioned thereto shall be in proportion to the special benefits thereby derived.

Section 8. That the City Engineer, in cooperation with the City, is hereby authorized to advertise for performing the work and making the Improvements in the Las Vegas Review-Journal, a daily newspaper published in Las Vegas, Nevada, and of general circulation in the City. Such notice shall be published at least once, not less than seven days before the opening of bids. The notice shall be in substantially the form provided by the plans, specifications and contract documents.

Section 9. That after the award of the contract, the City Council shall determine the total cost of the work performed, including incidentals, and assessments shall be levied in accordance with the laws of the State, and the City Council shall provide that the assessments may be payable without interest or demand at the election of the owner during a specified cash payment period, or in forty (40) substantially equal semi-annual installments of principal and interest. The City Director of Finance and Business Services shall provide the rate of interest on unpaid installments of assessments which will not exceed the maximum rate of interest permitted under the Nevada Revised Statutes. If assessment bonds are issued, such rate will not exceed more than one percent (1%) of the highest rate of interest on any of the assessment bonds for the District. The effective interest rate on the assessment bonds of the District will not exceed the statutory maximum rate, i.e., will not exceed more than three percent (3%) the "Index of Twenty Bonds", which shall have been most recently published at the time bids for the bonds are received, or at a time a negotiated offer for the sale of such bonds is accepted. If assessment bonds are not issued, such rate will not exceed 9%.

Section 10. That all action, proceedings, matters and things heretofore taken, had and done by the City, and the officers thereof, (not inconsistent with the provisions of this Ordinance) concerning the District, including, but not limited to, the performing of all prerequisites to the creation of the District, the acquisition of the Improvements, the specially benefited property therein, the determination that the lots, tracts and parcels of land in the District will receive special benefits and market value increases, and the levy of assessments for that purpose be, and the same hereby are, ratified, approved and confirmed.

Section 11. That the officers of the City be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including without limiting the generality of the foregoing, the preparation of all necessary documents, legal proceedings, construction contracts, engineering specifications, contract addenda, and other items necessary or desirable for the completion of the levying of the assessments for the District and the issuance of the bonds.

Section 12. That in accordance with NRS 271.325 (6), upon the final adoption of this Ordinance, the City Clerk is hereby authorized and directed to immediately file in the office of the Clark County Recorder a certified copy of the preliminary assessment roll (the list of the tracts to be assessed).

The County Recorder is to record such assessment roll for the purpose of establishing the record of lien or liens against the lots, tracts, and parcels of land and the amounts of maximum benefits estimated to be assessed against each tract in the assessment area as set forth in this Ordinance.

Section 13. That all ordinances or resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

Section 14. That in accordance with Section 2.110 of the Charter, this Ordinance when first proposed is to be read by title to the City Council, immediately after which an adequate number of copies of the proposed Ordinance are to be deposited with the office of the City Clerk for public examination and distribution upon request. Thereafter, the City Clerk is authorized and directed to give notice of the deposit together with the title of the Ordinance by publication at least once in the Las Vegas Review-Journal, i.e., a newspaper published and having general circulation in the City, at least ten (10) days before the adoption of the Ordinance, i.e., at least ten (10) days before the adoption of this Ordinance, such publication to be in substantially the following form:

(Form of Publication of Notice of Filing)

Notice of Filing Of:

ORDINANCE NO. _____

AN ORDINANCE CREATING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1514 - ANN ROAD AND CIMARRON ROAD (WEST OF LEGGETT ROAD) PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN that an adequate number of typewritten copies of the above-entitled proposed Ordinance were filed with and are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, 400 Stewart Avenue, Las Vegas, Nevada, and that such ordinance was proposed on the 19th day of August, 2009, and will be considered for adoption at the regular meeting of the City Council of the City of Las Vegas on the 16th day of September, 2009.

/s/ Beverly K. Bridges
City Clerk

(End of Form of Publication of Notice of Filing)

Section 15. That this Ordinance shall be in effect on the day after its publication, as hereinafter provided. After this Ordinance is signed by the Mayor and attested and sealed by the City Clerk, this Ordinance shall be published by title only, together with the names of the City Council voting for and against its passage, and with a statement that typewritten copies of the Ordinance are available for inspection by all interested parties at the office of the City Clerk, such publication to be made in the Las Vegas Review-Journal, a newspaper published and having general circulation in the City, at least once, pursuant to Section 2.110 of the City of Las Vegas Charter and all laws thereunto enabling. Such publication shall be in substantially the following form:

(Form for Publication After Final Adoption of Ordinance)

ORDINANCE NO. _____

AN ORDINANCE CREATING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1514 - ANN ROAD AND CIMARRON ROAD (WEST OF LEGGETT ROAD) PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN that the above Ordinance was proposed on August 19, 2009, and was passed at a regular meeting held on September 16, 2009, by the following vote of the City Council of the City of Las Vegas, Nevada:

Those Voting Aye:	Oscar B. Goodman Gary Reese Steve Wolfson Lois Tarkanian Steven D. Ross Ricki Y. Barlow Stavros S. Anthony
Those Voting Nay:	_____ _____
Those Absent:	_____ _____

This Ordinance shall be in full force and effect from and after September 20, 2009, i.e., the day after its publication by title only.

IN WITNESS WHEREOF, the City Council of the City of Las Vegas, Nevada, has caused this Ordinance to be published by title only.

This _____ day of _____, 2009.

/s/ OSCAR B. GOODMAN
Mayor
City of Las Vegas, Nevada

(SEAL)

Attest:
/s/ BEVERLY K. BRIDGES
City Clerk

Section 16. That if any section, paragraph, clause or other provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance.

Introduced August 19, 2009, PASSED, ADOPTED AND APPROVED September 16, 2009.

OSCAR B. GOODMAN, Mayor

Attest:

Beverly K. Bridges, CMC
City Clerk

Approved as to form:

8/4/09
Date

Assistant City Attorney

STATE OF NEVADA)
)
COUNTY OF CLARK) SS
)
CITY OF LAS VEGAS)

I, Beverly K. Bridges, the duly chosen, qualified City Clerk of the City of Las Vegas (hereinafter the "City Clerk" and "City", respectively), in the State of Nevada, do hereby certify:

1. The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced at the meeting of the City Council on August 19, 2009, and finally adopted and approved on September 16, 2009.

2. The following members of the City Council were present at the August 19, 2009, Council meeting:

Mayor:	Oscar B. Goodman
Councilmembers:	Gary Reese
	Steve Wolfson
	Lois Tarkanian
	Steven D. Ross
	Ricki Y. Barlow
	Stavros S. Anthony

3. The foregoing Ordinance was first proposed and read by title to the City Council on August 19, 2009, and referred to a committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said Ordinance on September 16, 2009, which was a regular meeting of said City Council; that at said regular meeting, the proposed Ordinance was again read by title to the City Council and adopted. The members of the City Council were present at the September 16, 2009, meeting and voted upon the adoption of the Ordinance as follows:

Those Voting Aye:	Oscar B. Goodman
	Gary Reese
	Steve Wolfson
	Lois Tarkanian
	Steven D. Ross
	Ricki Y. Barlow
	Stavros S. Anthony
Those Voting Nay:	_____
	_____
Those Absent:	_____
	_____

4. The original of the Ordinance has been approved and authenticated by the signatures of the Mayor of the City and myself, as Clerk of the City, and sealed with the seal of the City, and has been recorded in the journal of the City Council kept for that purpose in my office, which record has been duly signed by such officers and properly sealed.

5. All members of the City Council were given due and proper notice of the meetings held on August 19, 2009, and September 16, 2009. Pursuant to § 241.020, Nevada Revised Statues, written notice of the meetings was given no later than 9:00 a.m. on the third working day before the meetings, including in the notice the time, place, location, and agenda of the meeting:

(a) By posting a copy of the notice by 9:00 a.m. at least three (3) working days before the meetings at the principal office of the City Council, or if there is no principal office, at the building in which the meeting is to be held, and at least three (3) other separate, prominent places within the jurisdiction of the City Council, to wit:

(i) City Clerk's Bulletin Board
City Hall Plaza
2nd Floor Skybridge
Las Vegas, Nevada

(ii) Bulletin Board
City Hall Plaza (next door to Metro Records)
Las Vegas, Nevada

(iii) Las Vegas Library
833 Las Vegas Boulevard North
Las Vegas, Nevada

(iv) Clark County Government Center
500 South Grand Central Parkway
Las Vegas, Nevada

(v) Grant Sawyer Building
555 E. Washington Avenue
Las Vegas, Nevada

(vi) The City of Las Vegas website

; and

(b) By mailing a copy of the notice by 9:00 a.m. no later than three (3) working days before the meetings to each person, if any, who has requested notice of the meetings of the City Council in the same manner in which notice is required to be mailed to a member of the City Council.

6. A copy of such notice so given of the meeting of the City Council on August 19, 2009, is attached to this certificate as Exhibit A and a copy of the notice so given of the meeting of the City Council on September 16, 2009, is attached to this certificate as Exhibit B.

7. Upon request, the governing body provides, at no charge, at least one copy of the agenda for its public meetings, any proposed ordinance or regulation which will be discussed at the public meeting, and any other supporting materials provided to the members of the governing body for an item on the agenda, except for certain confidential materials and materials pertaining to the closed meetings, as provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand on this September 16, 2009.

BEVERLY K. BRIDGES, CMC
City Clerk

(SEAL)

EXHIBIT A

(Attach Copy of Notice of August 19, 2009 Meeting)

EXHIBIT B

(Attach Copy of Notice of September 16, 2009 Meeting)

EXHIBIT C

(Attach Affidavit of Publication of Notice of Filing of Creation Ordinance)

EXHIBIT D

(Attach Affidavit of Publication of Title of Creation Ordinance)

City of Las Vegas Agenda Item No.: **50.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
NEW BILL:

Bill No. 2009-39 - Authorizes the issuance of General Obligation (Limited Tax) Medium-Term Bonds (Main Street Parking Garage), Series 2009 in an aggregate principal amount not to exceed $15,000,000. Proposed by Mark R. Vincent, Director of Finance and Business Services

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $15,000,000
Funding Source: City Facilities CPF - Bond Proceeds
Dept./Division: Finance and Business Services

PURPOSE/BACKGROUND:
This bill will authorize the issuance of the City's General Obligation (Limited Tax) Medium-Term Bonds, Series 2009, for the reimbursement of prior expenditures for the purpose of acquiring, constructing, improving and equipping a parking garage at 500 South Main Street to be used by the Smith Center and other City properties.

RECOMMENDATION:
This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:
Bill No. 2009-39

Summary - An ordinance authorizing the issuance by the City of Las Vegas, Nevada, of its General Obligation (Limited Tax) Medium-Term Bonds (Main Street Parking Garage), Series 2009 in the aggregate principal amount of not to exceed $15,000,000 and providing other matters relating thereto.

BILL NO. 2009-39
ORDINANCE NO. _____

AN ORDINANCE DESIGNATED BY THE SHORT TITLE "2009 MEDIUM-TERM BOND ORDINANCE"; PROVIDING FOR THE ISSUANCE BY THE CITY OF LAS VEGAS OF ITS REGISTERED, NEGOTIABLE, GENERAL OBLIGATION (LIMITED TAX) MEDIUM-TERM BONDS (MAIN STREET PARKING GARAGE), SERIES 2009 IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED $15,000,000, FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, EQUIPPING AND IMPROVING A PARKING GARAGE AT 500 S. MAIN STREET TO BE USED FOR THE SMITH CENTER AND OTHER CITY PROPERTIES; PROVIDING COVENANTS, AGREEMENTS AND OTHER DETAILS CONCERNING THE BONDS, THE PROJECT AND GENERAL TAX PROCEEDS; RATIFYING ACTION PREVIOUSLY TAKEN AND PERTAINING TO THE FOREGOING BY THE CITY AND ITS OFFICERS AND EMPLOYEES; AND PROVIDING OTHER MATTERS RELATING THERETO.

WHEREAS, the City of Las Vegas in the County of Clark and State of Nevada (the "City," the "County" and the "State," respectively) is a political subdivision of the State duly organized and operating as a city under the provisions of Nevada Revised Statutes ("NRS") chapter 268 and an act entitled "AN ACT incorporating the City of Las Vegas in Clark County, Nevada, under a charter; defining the boundaries thereof; and providing other matters properly relating thereto," cited as chapter 517, Statutes of Nevada, 1983, as amended (the "Charter"); and

WHEREAS, pursuant to Section 7.020 of the Charter, the City, acting through the City Council (the "Council") is authorized to borrow money for any municipal purpose and for such purpose may issue bonds or other securities, and pursuant to Nevada Revised Statutes ("NRS") 268.672 to 268.740, inclusive (the "City Bond Law"), the City is authorized to issue bonds to finance the costs of acquiring, constructing, improving and equipping a parking garage at 500 S. Main Street to be used for the Smith Center and other City properties (the "Project"); and

WHEREAS, pursuant to NRS 350.087 to 350.095, inclusive (the "Act"), the City is authorized to issue medium-term obligations to finance the Project and to issue, as evidence thereof, negotiable medium-term notes or bonds which shall not be paid in whole or in part from a levy of a special tax exempt from the limitations on the levy of ad valorem tax, but which shall be paid from other legally available funds of the City (subject to certain Constitutional and statutory tax limitations), which must mature not later than 10 years after the date of issuance and must bear interest at a rate or rates which do not exceed by more than 3 percent the "Index of Twenty Bonds" which was most recently published before bids for their purchase are received; and

WHEREAS, pursuant to NRS 350.087, the Council determined to publish a notice (the "Notice") of its intention to authorize and to issue medium-term obligations in the maximum principal amount of $15,000,000 in a newspaper of general circulation in the City and an affidavit of such publication is on file in the office of the City Clerk; and

WHEREAS, the Council adopted by at least a two-thirds majority a resolution authorizing medium-term obligations in the maximum principal amount of $15,000,000 to finance the Project (the "Authorizing Resolution") which contained a finding by the Council that the public interest requires medium-term obligations and a statement of the facts upon which the finding was based, which vote was taken at least 10 days after the publication of the Notice; and

WHEREAS, pursuant to NRS 350.089 and relevant provisions of the Nevada Administrative Code, the Council caused a certified copy of the Authorizing Resolution and supporting documents to be submitted to the Executive Director of the Department of Taxation of the State of Nevada (the "Department of Taxation") for his approval; and

WHEREAS, the City received the approval of the Executive Director of the Department of Taxation for such medium-term obligations, a copy of such approval being attached to the following page as follows:

(Attach Approval of Department of Taxation)

JIM GIBBONS
Governor
THOMAS R. SHEETS
Chair, Nevada Tax Commission
DINO DICIANNO
Executive Director

STATE OF NEVADA
DEPARTMENT OF TAXATION
Web Site: http://tax.state.nv.us
1550 College Parkway, Suite 115
Carson City, Nevada 89706-7937
Phone: (775) 684-2000 Fax: (775) 684-2020

LAS VEGAS OFFICE
Grant Sawyer Office Building, Suite 1300
555 E. Washington Avenue
Las Vegas, Nevada, 89101
Phone: (702) 486-2300 Fax: (702) 486-2373

RENO OFFICE
4600 Kietzke Lane
Building L, Suite 235
Reno, Nevada 89502
Phone: (775) 688-1295
Fax: (775) 688-1303

HENDERSON OFFICE
2550 Paseo Verde Parkway Suite 180
Henderson, Nevada 89074
Phone:(702) 486-2300
Fax: (702) 486-3377

September 1, 2009

Mrs. Venetta K. Appleyard
Financial Services Manager
City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Re: Medium-term Financing Request

Dear Mrs. Appleyard:

The request of the City Council of the City of Las Vegas for the approval of a medium-term obligation has been received. The purpose of the obligation is to fund the cost of acquiring, constructing, improving & equipping a parking garage project in the City, in an amount not to exceed $ 15,000,000.00; and for a period not to exceed ten years. The request has been reviewed as required by NRS 350.089 and is **approved.**

Pursuant to NRS 350.089, this approval must be recorded in the minutes of the governing board. You are reminded the financing must be secured within eighteen months of receipt of this approval.

Sincerely,

Dino DiClanno
Executive Director

DD:wra

cc: Andrew Artusa
John Swendseid

ST OF NV DEPT TAXATION Fax:7756842020 Sep 3 2009 14:12 P.02

WHEREAS, the approval of the Department of Taxation as set forth in the preambles hereof is hereby recorded in the minutes of the Council as required by NRS 350.089; and

WHEREAS, the City has not previously utilized any of the authority so approved by the Department of Taxation; and

WHEREAS, pursuant to the Authorizing Resolution, the Council ordered the medium-term obligations to be offered for sale in the form of medium-term bonds and authorized the City's Director of Finance and Business Services (the "Finance Director") to arrange for the sale of such medium-term bonds; and

WHEREAS, the Council hereby determines that the bonds herein authorized to be issued shall be designated the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Medium-Term Bonds (Main Street Parking Garage), Series 2009" in the aggregate principal amount of not to exceed $15,000,000 (the "Bonds"); and

WHEREAS, the Council has determined and hereby declares and determines that legally available funds of the City will at least equal the amount required in each year for the payment of interest on and the principal of the Bonds; and

WHEREAS, pursuant to NRS 350.091, the Council has determined and hereby determines that the maximum term of the Bonds does not exceed the estimated useful life of the Project financed with the proceeds of the Bonds; and

WHEREAS, the Council elects to and hereby determines to issue the Bonds in accordance with the provisions of NRS 350.500 to 350.720, inclusive and all laws amendatory thereof, designated in NRS 350.500 thereof by the short title "Local Government Securities Law" (the "Bond Act"); and

WHEREAS, the Council is <u>not</u> authorized to levy general ad valorem taxes (the "General Taxes") to pay the principal of or interest on the Bonds exempt from the limitations of any statutes of the State; any General Taxes levied for the purpose of paying principal or interest on the Bonds will be subject to the limitations contained in the Constitution and the statutes of the State, including, without limitation, the limitations on ad valorem taxes contained in NRS 354.59811, 354.59813, 354.59815, 354.5982 and 361.453; and

WHEREAS, the Council is therefore authorized and empowered by the Charter, the City Bond Law, the Act, the approval of the Executive Director of the Department of Taxation, and the Bond Act, without any further preliminaries:

A. To issue and sell the City's Bonds; and

B. To exercise the incidental powers provided in the Bond Act in connection with the powers authorized therein or as otherwise expressly provided therein; and

WHEREAS, in the Authorizing Resolution, the Council authorized the Finance Director or his designee to arrange for the issuance and sale of the Bonds, subject to, among other conditions, adoption by the City of this Ordinance specifying the Bond terms and details and approving their sale; and

WHEREAS, after notice inviting bids for their purchase, the Finance Director, as the chief financial officer of the City, or the City Manager, as the chief administrative officer of the City, is hereby authorized to receive bids and sell the Bonds to the best bidder therefor (the "Purchaser") and the Finance Director or the City Manager is hereby authorized to accept a binding bid for the Bonds, the Bonds to bear interest at the rates per annum provided in the bond purchase proposal submitted by the Purchaser (the "Bond Purchase Proposal"), such rates not to exceed 3 percent over the Index of Twenty Bonds most recently published in The Bond Buyer prior to the time bids were received for the Bonds, at a price equal to the principal amount thereof plus accrued interest to the date of delivery of the Bonds, if any, plus a premium or less a discount not to exceed 9 percent of the principal amount of the Bonds, all as specified by the Finance Director or the City Manager in a certificate dated on or before the date of delivery of the Bonds (the "Certificate of the Finance Director"); and

WHEREAS, the Council hereby elects to have the provisions of Chapter 348 of NRS (the "Supplemental Bond Act") apply to the Bonds; and

WHEREAS, there have been presented to the Council at this meeting (i) the Preliminary Official Statement for the Bonds (the "Preliminary Official Statement"), and (ii) the proposed form of the Continuing Disclosure Certificate (the "Disclosure Certificate"); and

WHEREAS, the Council has determined and hereby declares that each of the limitations and other conditions to the issuance of the Bonds in the Charter, the City Bond Law, the Act, the Bond Act, the Supplemental Bond Act, and in any other relevant act of the State or

the Federal Government, has been met; and pursuant to NRS 350.708, this determination of the Council that the limitations in the Bond Act have been met shall be conclusive in the absence of fraud or arbitrary or gross abuse of discretion.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES ORDAIN:

SECTION 1. Short Title. This Ordinance shall be known and may be cited as the "2009 Medium-Term Bond Ordinance" (this "Ordinance").

SECTION 2. Acceptance of Purchase Proposal. The City Manager or the Finance Director is hereby authorized to accept the Purchase Proposal submitted by the Purchaser for the purchase of the Bonds as set forth in the preambles hereof.

SECTION 3. Ratification. All action heretofore taken by the Council and the officers and employees of the City directed toward the Project and toward the issuance, sale and delivery of the Bonds is ratified, approved and confirmed including, without limitation, the Official Notice of Bond Sale, and the distribution of the Preliminary Official Statement and the and the Final Official Statement in substantially the form thereof (the "Official Statement").

SECTION 4. Necessity of Project and Bonds. It is necessary and in the best interests of the Council, its officers, and the inhabitants of the City, that the City effect the Project and defray wholly or in part the cost thereof by the issuance of the Bonds therefor; and it is hereby so determined and declared.

SECTION 5. Authorization of Project. The Council hereby authorizes the Project.

SECTION 6. Authorization of Bonds. For the purpose of providing funds to pay all or a portion of the cost of the Project, the City shall issue its "City of Las Vegas, Nevada, General Obligation (Limited Tax) Medium-Term Bonds (Main Street Parking Garage), Series 2009" in the aggregate principal amount set forth in the Certificate of the Finance Director (not to exceed $15,000,000). The Bonds shall be in the form substantially as set forth in Section 24 of this Ordinance.

SECTION 7. Ordinance to Constitute Contract. In consideration of the purchase and the acceptance of the Bonds by those who shall own the same from time to time, the provisions hereof shall be deemed to be and shall constitute a contract between the City and the registered owners from time to time of the Bonds.

SECTION 8. Bonds Equally Secured. The covenants and agreements herein set forth to be performed shall be for the equal benefit, protection and security of the owners of any and all of the outstanding Bonds, all of which, regardless of the time or times of their maturity, shall be of equal rank without preference, priority or distinction except as otherwise expressly provided in or pursuant to this Ordinance.

SECTION 9. General Obligations. All of the Bonds, as to the principal thereof and the interest thereon (the "Bond Requirements"), shall constitute general obligations of the City, which hereby pledges its full faith and credit for their payment.

SECTION 10. Payment of the Bonds. The Bond Requirements of the Bonds shall be payable from any monies legally available therefor, and provision for the payment of the Bond Requirements of the Bonds shall be made as provided in the Act, provided, however, that ad valorem taxes levied for the purpose of paying the principal of or interest on the Bonds shall be subject to the limitations contained in the Constitution and statutes of the State, including, without limitation, the limitations on the levy of ad valorem taxes imposed by NRS 354.59811, 354.59813, 354.59815, 354.5982 and 361.453. The City is not authorized to levy ad valorem taxes exempt from the limitations of any of said statutes to pay the Bond Requirements of the Bonds. The City hereby irrevocably covenants with the registered owners of the Bonds from time to time that it will make sufficient provisions annually in its budget to pay the Bond Requirements of the Bonds, when due.

SECTION 11. Limitations upon Security. The payment of the Bonds is not secured by an encumbrance, mortgage or other pledge of property of the City, except for the proceeds of General Taxes and any other moneys pledged for the payment of the Bonds. No property of the City, subject to such exception, shall be liable to be forfeited or taken in payment of the Bonds.

SECTION 12. No Recourse Against Officers and Agents. No recourse shall be had for the payment of the Bond Requirements of the Bonds or for any claim based thereon or otherwise upon this Ordinance authorizing their issuance or any other instrument relating thereto, against any individual member of the Council or any officer or other agent of the Council or City, past, present or future, either directly or indirectly through the Council or the City, or otherwise, whether by virtue of any constitution, statute or rule of law, or by the enforcement of

any penalty or otherwise, all such liability, if any, being by the acceptance of the Bond and as a part of the consideration of its issuance specially waived and released.

SECTION 13. Bond Details. The Bonds shall be issued in fully registered form. The Bonds shall be dated as of the date of their delivery, and except as otherwise provided in Section 17 hereof, shall be issued in denominations of $5,000 or any integral multiple thereof (provided that no Bond may be in a denomination which exceeds the principal coming due on the maturity date, and no individual Bond will be issued with more than one maturity). The Bonds shall bear interest from their date until their maturity date at the rates set forth in the Certificate of the Finance Director, payable on April 1 and October 1 of each year commencing on April 1, 2010; provided that those Bonds which are reissued upon transfer, exchange or other replacement shall bear interest at the rates set forth in the Certificate of the Finance Director from the most recent interest payment date to which interest has been paid or duly provided for, or if no interest has been paid, from the date of the Bonds. The Bonds shall mature on the designated dates (not to exceed ten years from the date of the Bonds) and in the amounts of principal as designated in the Certificate of the Finance Director. The principal of any Bond shall be payable to the owner thereof as shown on the registration records kept by the City Treasurer in Las Vegas, Nevada, as registrar for the Bonds (the "Registrar"), upon maturity and upon presentation and surrender at the office of the City Treasurer, in Las Vegas, Nevada, as paying agent for the Bonds (the "Paying Agent"). If any Bond shall not be paid upon such presentation and surrender at or after maturity, it shall continue to draw interest at the interest rate borne by said Bond until the principal thereof is paid in full.

Except as otherwise provided in Section 17 hereof, payment of interest on any Bond shall be made to the owner thereof by check or draft mailed by the Paying Agent, on each interest payment date (or, if such interest payment date is not a business day, on the next succeeding business day), to the owner thereof, at his or her address as shown on the registration records kept by the Registrar as of the close of business on the fifteenth day of the calendar month next preceding each interest payment date (other than a special interest payment date hereafter fixed for payment of defaulted interest) (the "Regular Record Date"); but any such interest not so timely paid or duly provided for shall cease to be payable to the owner thereof as shown on the registration records of the Registrar as of the close of business on the Regular Record Date and shall be payable to the owner thereof, at his or her address, as shown on the

registration records of the Registrar as of the close of business on a date fixed to determine the names and addresses of owners for the purpose of paying defaulted interest (the "Special Record Date"). Such Special Record Date and the date for payment of defaulted interest shall be fixed by the Registrar whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date and the date for payment of defaulted interest shall be given to the owners of the Bonds not less than ten days prior thereto by first-class mail to each such owner as shown on the Registrar's registration records as of a date selected by the Registrar, stating the date of the Special Record Date and the date fixed for the payment of such defaulted interest. The Paying Agent may make payments of interest on any Bond by such alternative means as may be mutually agreed to between the owner of such Bond and the Paying Agent. All such payments of principal and interest shall be made in lawful money of the United States of America without deduction for any service charges of the Paying Agent or Registrar.

SECTION 14. A. Optional Redemption. The Bonds may be subject to redemption at the option of the City, to the extent provided in the Certificate of the Finance Director, from any legally available funds on the dates and at the prices set forth in the Certificate of the Finance Director, if any.

B. Mandatory Redemption. The Bonds set forth in the Certificate of the Finance Director, if any (the "Term Bonds"), shall be subject to mandatory sinking fund redemption at a redemption price equal to 100% of the principal amount thereof and accrued interest to the redemption date. As and for a sinking fund for the redemption of the Term Bonds, there shall be deposited into the Medium-Term Debt Service Fund (as defined in Section 30 hereof) on or before the principal payment date, of the years set forth in the Certificate of the Finance Director, a sum which, together with other moneys available in the Medium-Term Debt Service Fund, is sufficient to redeem (after credit is provided below) on the dates and in the principal amounts of the Term Bonds as set forth in the Certificate of the Finance Director plus accrued interest to the redemption date.

Not more than sixty days nor less than thirty days prior to the sinking fund payment dates for the Term Bonds, the Registrar shall proceed to select for redemption (by lot or in such other manner as the Registrar may determine) from all outstanding Term Bonds, a principal amount of the Term Bonds equal to the aggregate principal amount of the Term Bonds redeemable with the required sinking fund payments, and shall call such Term Bonds or portions

thereof for redemption from the sinking fund on the next principal payment date, and give notice of such call as provided in subparagraph C of this Section.

At the option of the City to be exercised by delivery of a written certificate to the Registrar not less than sixty days next preceding any sinking fund redemption date, it may (i) deliver to the Registrar for cancellation Term Bonds, or portions thereof ($5,000 or any integral multiple thereof) in an aggregate principal amount desired by the City or, (ii) specify a principal amount of Term Bonds, or portions thereof ($5,000 or any integral multiple thereof) which prior to said date have been redeemed (otherwise than through the operation of the sinking fund) and canceled by the Registrar and not theretofore applied as a credit against any sinking fund redemption obligation. Each Term Bond or portions thereof so delivered or previously redeemed shall be credited by the Registrar at 100% of the principal amount thereof against the obligation of the City on the sinking fund redemption dates and any excess shall be so credited against future sinking fund redemption obligations in such manner as the City determines. In the event the City shall avail itself of the provisions of clause (i) of the first sentence of this paragraph, the certificate required by the first sentence of this paragraph shall be accompanied by the respective Term Bonds or portions thereof to be canceled or in the event the Bonds are registered in the name of Cede & Co. as provided in Section 17 of this Ordinance, the certificate required by the first sentence of this paragraph shall be accompanied by such direction and evidence of ownership as is satisfactory to The Depository Trust Company.

C. Partial Redemption. In the case of Bonds in a denomination larger than $5,000, a portion of such Bond ($5,000 or any integral multiple thereof) may be redeemed, in which case the Registrar shall, except as otherwise provided in Section 17 hereof, without charge to the owner of such Bond, authenticate and issue a replacement Bond or Bonds for the unredeemed portion thereof. In the case of a partial redemption of Bonds of a single maturity pursuant to Subsections A or B of this Section, the Paying Agent shall select the Bonds to be redeemed by lot at such time as directed by the City (but at least 30 days prior to the redemption date), and if such selection is more than 60 days before a redemption date, except as otherwise provided in Section 17 hereof, shall direct the Registrar to appropriately identify the Bonds so called for redemption by stamping them at the time any Bond so selected for redemption is presented to the Registrar for stamping or for transfer or exchange, or by such other method of identification as deemed adequate by the Registrar, and any Bond or Bonds issued in exchange

for, or to replace, any Bond or Bonds so called for prior redemption shall likewise be stamped or otherwise identified.

D. Notice of Redemption. Unless waived by the registered owner of a Bond to be redeemed, notice of redemption shall be given by the Registrar in the name of the City by mailing such notice at least fifteen days and not more than sixty days prior to the redemption date, by first-class mail, postage prepaid, to the registered owners (initially Cede & Co.) of the Bonds to be redeemed at their addresses as shown on the registration records. Failure to give such notice to the registered owner of any Bond, or any defect therein, shall not affect the validity of the proceedings for the redemption of any other Bonds. All such notices of redemption shall be dated and shall state: (i) the CUSIP number or numbers of the Bonds to be redeemed; (ii) the redemption date, (iii) the redemption price, (iv) if less than all outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption, the respective principal amounts) of the Bonds to be redeemed, (v) that on the redemption date the redemption price will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date; and (vi) the place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the principal corporate trust office of the Registrar. After such notice has been given in the manner hereinbefore provided, the Bond or Bonds called for redemption shall become due and payable on the designated redemption date, and upon presentation and surrender thereof the City will pay the Bond or Bonds called for redemption. Installments of interest due on the redemption date shall be payable as herein provided for payment of interest. A certificate by the Registrar that a notice of redemption has been given as herein set forth shall be conclusive and receipt by the Bondholder of a notice of redemption shall not be a condition precedent to the redemption of that Bond.

Notwithstanding the foregoing provisions, any notice of redemption may contain a statement that the redemption is conditioned upon the receipt by the Registrar of funds on or before the date fixed for redemption sufficient to pay the redemption price of the bonds so called for redemption, and that if such funds are not available, such redemption shall be canceled by written notice to the registered owners of the Bonds called for redemption in the same manner as the original redemption notice was mailed.

SECTION 15. Negotiability. Subject to the registration provisions herein provided, the Bonds shall be fully negotiable within the meaning of and for the purpose of the Uniform Commercial Code - Investment Securities and each owner shall possess all rights enjoyed by holders of negotiable instruments under the Uniform Commercial Code - Investment Securities.

SECTION 16. Registration, Transfer and Exchange of Bonds. Except as otherwise provided in Section 17 hereof:

A. Records for the registration and transfer of the Bonds shall be kept by the Registrar. Upon the surrender of any Bond at the Registrar, duly endorsed for transfer or accompanied by an assignment in form satisfactory to the Registrar duly executed by the owner or his or her attorney duly authorized in writing, the Registrar shall authenticate and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount and of the same maturity, bearing a number or numbers not previously assigned. Bonds may be exchanged at the Registrar for an equal aggregate principal amount of Bonds of the same maturity of other authorized denominations, as provided in Section 13 hereof. The Registrar shall authenticate and deliver a Bond or Bonds which the owner making the exchange is entitled to receive, bearing a number or numbers not previously assigned. For every exchange or transfer of Bonds requested by the owner thereof, the Registrar may make a sufficient charge to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer and may charge a sum sufficient to pay the cost of preparing and authenticating a new Bond.

B. The person in whose name any Bond shall be registered, on the registration records kept by the Registrar, shall be deemed and regarded as the absolute owner thereof for the purpose of payment and for all other purposes (except to the extent otherwise provided in Section 13 hereof with respect to interest payments); and payment of or on account of either principal or interest on any Bond shall be made only to or upon the written order of the owner thereof or his or her legal representative. All such payments shall be valid and effectual to discharge the liability upon such Bond to the extent of the sum or sums so paid.

C. If any Bond shall be lost, stolen, destroyed or mutilated, the Registrar shall, upon receipt of such evidence, information or indemnity relating thereto as it or the City may reasonably require, and upon payment of all expenses in connection therewith, authenticate

and deliver a replacement Bond or Bonds of a like aggregate principal amount and of the same maturity, bearing a number or numbers not previously assigned. If such lost, stolen, destroyed or mutilated Bond shall have matured, the Registrar may direct that such Bond be paid by the Paying Agent in lieu of replacement.

D. Whenever any Bond shall be surrendered to the Paying Agent upon payment thereof, or to the Registrar for transfer, exchange or replacement as provided herein, such Bond shall be promptly canceled by the Paying Agent or Registrar, and counterparts of a certificate of such cancellation shall be furnished by the Paying Agent or Registrar to the Council upon request.

SECTION 17. Book Entry.

A. Notwithstanding the foregoing provisions of this Ordinance, the Bonds shall initially be evidenced by one Bond per maturity in denominations equal to the aggregate principal amount of such maturity or, in the case of any Term Bonds, the Bonds shall initially be evidenced by one Bond for each term in denominations equal to the aggregate principal amount of the Bonds maturing in that term.. Such initially delivered Bonds shall be registered in the name of "Cede & Co." as nominee for The Depository Trust Company, the securities depository for the Bonds. The Bonds may not thereafter be transferred or exchanged except:

(1) to any successor of The Depository Trust Company or its nominee, which successor must be both a "clearing corporation" as defined in NRS 104.8102, and a qualified and registered "clearing agency" under Section 17A of the Securities Exchange Act of 1934, as amended; or

(2) upon the resignation of The Depository Trust Company or a successor or new depository under clause (1) or this clause (2) of this Subsection A, or a determination by the Council that The Depository Trust Company or such successor or new depository is no longer able to carry out its functions, and the designation by the Council of another depository institution acceptable to the Council and to the depository then holding the bonds, which new depository institution must be both a "clearing corporation" as defined in NRS 104.8102 and a qualified and registered "clearing agency" under Section 17A of the Securities Exchange Act of 1934, as amended, to carry out the functions of The Depository Trust Company or such successor or new depository; or

(3) upon the resignation of The Depository Trust Company or a successor or new depository under clause (1) or clause (2) of this Subsection A, or a determination of the Council that The Depository Trust Company or such successor or new depository is no longer able to carry out its functions, and the failure by the Council, after reasonable investigation, to locate another qualified depository institution under clause (2) to carry out such depository functions.

B. In the case of a transfer to a successor of The Depository Trust Company or its nominee as referred to in clause (1) of Subsection A hereof or designation of a new depository pursuant to clause (2) of Subsection A hereof, upon receipt of the outstanding Bonds by the Registrar, together with written instructions for transfer satisfactory to the Registrar, a new Bond for each maturity of the Bonds then outstanding or, in the case of the Term Bonds, for each term of the Bonds then outstanding shall be issued to such successor or new depository, as the case may be, or its nominee, as is specified in such written transfer instructions. In the case of a resignation or determination under clause (3) of Subsection A hereof and the failure after reasonable investigation to locate another qualified depository institution for the bonds as provided in clause (3) of Subsection A hereof, and upon receipt of the outstanding bonds by the Registrar, together with written instructions for transfer satisfactory to the Registrar, new Bonds shall be issued in the denominations of $5,000 or any integral multiple thereof, as provided in any subject to the limitations of Section 13 hereof, registered in the names of such persons, and in such denominations as are requested in such written transfer instructions; however, the Registrar shall not be required to deliver such new Bonds within a period of less than 60 days from the date of receipt of such written transfer instructions.

C. The Council, the Registrar and the Paying Agent shall be entitled to treat the registered owner of any Bond as the absolute owner thereof for all purposes hereof and any applicable laws, notwithstanding any notice to the contrary received by any or all of them and the Council, the Registrar and the Paying Agent shall have no responsibility for transmitting payments to the beneficial owners of the Bonds held by The Depository Trust Company or any successor or new depository named pursuant to Subsection A hereof.

D. The Council, the Registrar and the Paying Agent shall endeavor to cooperate with The Depository Trust Company or any successor or new depository named pursuant to clause (1) or (2) of Subsection A hereof in effectuating payment of the Bond

Requirements of the Bonds by arranging for payment in such a manner that funds representing such payments are available to the depository on the date they are due.

SECTION 18. Execution and Authentication.

A. Prior to the execution of any Bonds by facsimile signature and pursuant to NRS 350.638, to the act known as the Uniform Facsimile Signatures of Public Officials Act, cited as Chapter 351, NRS, and to the Supplemental Bond Act, the Mayor of the City (the "Mayor"), the City Treasurer of the City (the "Treasurer") and the City Clerk of the City (the "Clerk") shall have each filed with the Secretary of State of Nevada his or her manual signature certified by him or her under oath.

B. The Bonds shall be approved, signed and executed in the name of and on behalf of the City with the manual or facsimile signature of the Mayor, shall be signed and executed with the manual or facsimile signature of the Treasurer, and shall bear a manual impression or a facsimile of an impression of the official seal of the City attested with the manual or facsimile signature of the Clerk.

C. No Bond shall be valid or obligatory for any purpose unless the certificate of authentication thereon, in substantially the form hereinafter provided, has been duly manually executed by the Registrar. The Registrar's certificate of authentication shall be deemed to have been duly executed by it if manually signed by an authorized officer or employee of the Registrar, but it shall not be necessary that the same officer sign the certificate of authentication on all of the Bonds issued hereunder. By authenticating any of the Bonds initially delivered pursuant to this Ordinance, the Registrar shall be deemed to have assented to all of the provisions of this Ordinance.

D. The Mayor, the Treasurer and the Clerk are hereby authorized and directed to prepare and to execute the Bonds as herein provided.

SECTION 19. Use of Predecessor's Signature. The Bonds bearing the signatures of the officers in office at the time of the execution of the Bonds shall be valid and binding obligations of the City, notwithstanding that before their delivery any or all of the persons who executed them shall have ceased to fill their respective offices. The Mayor, the Treasurer, and the Clerk, at the time of the execution of a signature certificate relating to the Bonds, may each adopt as and for his own facsimile signature, the facsimile signature of his predecessor in office if such facsimile signature appears upon any of the Bonds.

SECTION 20. Incontestable Recital. Pursuant to NRS 350.628, the Bonds shall contain a recital that they are issued pursuant to the Bond Act, which recital shall be conclusive evidence of the validity of the Bonds and the regularity of their issuance.

SECTION 21. State Tax Exemption. Pursuant to NRS 350.710, the Bonds, their transfer and the income therefrom shall forever be and remain free and exempt from taxation by the State or any subdivision thereof, except for the tax on estates imposed pursuant to Chapter 375A of NRS and the tax on generation-skipping transfers imposed pursuant to Chapter 375B of NRS.

SECTION 22. Initial Registration. The Registrar shall maintain separate registration records of the City for the Bonds, showing the name and address of the owner of each Bond authenticated and delivered, the date of authentication, the maturity of the Bond, and its interest rate, principal amount, and bond number.

SECTION 23. Bond Delivery. After such registration by the Registrar and after their execution and authentication as provided herein, the Treasurer shall cause the Bonds to be delivered to the Purchaser, upon payment being made in accordance with the terms of their sale.

SECTION 24. Bond Form. Subject to the provisions of this Ordinance, the Bonds shall be in substantially the following form, with such omissions, insertions, endorsements, and variations as may be required by the circumstances, be required or permitted by this Ordinance, or be consistent with this Ordinance and necessary or appropriate to conform to the rules and requirements of any governmental authority or any usage or requirement of law with respect thereto:

(Form of Bond)

TRANSFER OF THIS BOND OTHER THAN BY REGISTRATION IS NOT EFFECTIVE

CITY OF LAS VEGAS, NEVADA
GENERAL OBLIGATION (LIMITED TAX)
MEDIUM-TERM BONDS
(MAIN STREET PARKING GARAGE)
SERIES 2009

No. _____ **$_____**

Interest Rate	**Maturity Date**	**Dated As of**	**CUSIP**
_____%	**October 1, _____**	**_____, 2009**	

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT:

The City of Las Vegas, Clark County, in the State of Nevada (the "City", the "County" and the "State", respectively) for value received, hereby acknowledges itself to be indebted and promises to pay to the registered owner specified above, or registered assigns, the principal amount specified above, on the maturity date specified above, and to pay interest thereon on April 1 and October 1 of each year, commencing on April 1, 2010, at the interest rate per annum specified above, until the principal sum is paid or payment has been provided for. This Bond shall bear interest from the most recent interest payment date to which interest has been paid or, if no interest has been paid, from the date of this Bond. The principal of this Bond is payable upon presentation and surrender hereof at the principal office of the City's paying agent for the Bonds (the "Paying Agent"), presently the City Treasurer in Las Vegas, Nevada, who is also now acting as the City's Registrar for the Bonds (the "Registrar"). Interest on this Bond will be paid on each interest payment date (or, if such date is not a business day, on the next succeeding business day) by check or draft mailed by first class mail to the person in whose name this Bond is registered (the "registered owner") in the registration records of the City maintained by the Registrar, at the address appearing thereon, as of the close of business on the fifteenth day of the calendar month next preceding such interest payment date (the "Regular Record Date"). Any such interest not so timely paid or duly provided for shall cease to be payable to the person who is the registered owner as of the close of business on the Regular Record Date and shall be payable to the person who is the registered owner as of the close of business on a special record date for the payment of any defaulted interest (the "Special Record Date"). Such Special Record Date and the date for payment of defaulted interest shall be fixed by the Registrar whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date and the date for payment of defaulted interest shall be given to the registered owner not less than ten (10) days prior thereto. Alternative means of payment of

interest may be used if mutually agreed to by the registered owner and the Paying Agent, as provided in the ordinance of the City Council of the City of Las Vegas (the "Council") authorizing the issuance of the Bonds (the "Bonds") and designated in Section 1 thereof as the "2009 Medium-Term Bond Ordinance" (the "Ordinance"), duly adopted by the Council on October 7, 2009. All such payments shall be made in lawful money of the United States of America without deduction for any service charges of the Paying Agent or Registrar.

The Bonds are issuable solely as fully registered Bonds in denominations of $5,000 each or (subject to certain conditions) any integral multiple thereof, and are exchangeable for fully registered Bonds of the same maturity in equivalent aggregate principal amounts and in authorized denominations at the aforesaid office of the Registrar but only in the manner, subject to the limitations, and on payment of charges provided in the Ordinance.

This Bond is fully transferable by the registered owner in person or by his or her duly authorized attorney on the registration records kept by the Registrar upon surrender of this Bond together with a duly executed written instrument of transfer satisfactory to the Registrar. Upon such transfer a new fully registered Bond of authorized denomination or denominations of the same aggregate principal amount and maturity will be issued to the transferee in exchange for this Bond, on payment of the charges and subject to the terms and conditions as set forth in the Ordinance.

Unless this Bond is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the City or its agent for registration of transfer, exchange, or payment, and any Bond issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

This Bond must be registered in the name of the owner as to both principal and interest on the registration records kept by the Registrar in conformity with the provisions stated herein and endorsed hereon and subject to the terms and conditions set forth in the Ordinance. No transfer of this Bond shall be valid unless made on the registration records maintained at the principal office of the Registrar by the registered owner or his or her attorney duly authorized in writing.

The City and the Registrar and Paying Agent may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of payment and for all other purposes, except to the extent otherwise provided hereinabove and in the Ordinance with respect to Regular and Special Record Dates for the payment of interest.

** The Bonds shall not be transferable or exchangeable except as set forth in the Ordinance.**

This Bond is one of a series of Bonds issued by the City upon its behalf and upon the credit thereof, for the purpose of defraying wholly or in part the cost of acquiring,

constructing, improving and equipping a parking garage adjacent at 500 S. Main Street to be used for the Smith Center and other City properties, under the authority of and in full compliance with the Constitution and laws of the State, and pursuant to the Ordinance.

This Bond is issued pursuant to Chapter 517, Statutes of Nevada, 1983, as amended (the "Charter") pursuant to Nevada Revised Statutes ("NRS") 268.672 to 268.740, inclusive (the "City Bond Law"), pursuant to NRS 350.087 to 350.095, inclusive (the "Act"), pursuant to NRS 350.500 through 350.720, and all laws amendatory thereof, designated in NRS 350.500 as the "Local Government Securities Law" (the "Bond Act"), and pursuant to the Ordinance; pursuant to NRS 350.628, this recital is conclusive evidence of the validity of the Bonds and the regularity of their issuance; and pursuant to NRS 350.710, the Bonds, their transfer, and the income therefrom shall forever be and remain free and exempt from taxation by the State or any subdivision thereof, except for the tax on estates imposed pursuant to Chapter 375A of NRS and the tax on generation-skipping transfers imposed pursuant to Chapter 375B of NRS.

The Bonds, as to all Bond Requirements, shall be payable from any moneys of the City legally available for the purpose of making such payment and the full faith and credit of the City are hereby irrevocably pledged for making such payment. Provision for the payment of the Bonds shall be made as provided in NRS 350.093 and 350.095, provided, however, that ad valorem taxes levied for the purpose of paying the principal of and interest on the Bonds are subject to the limitations contained in the Constitution and the statutes of the State, including, without limitation, the limitations on ad valorem taxes contained in NRS 354.59811, 354.5913, 354.59815, 354.5982 and 361.453. The City is not authorized to levy ad valorem taxes to pay the principal of or interest on the Bonds exempt from the limitations of any such statutes, but the City has covenanted in the Ordinance to make sufficient provision annually in its budget to pay the Bond Requirements of the Bonds, when due.

[Certain maturities of the Bonds are subject to optional redemption, as provided in the Ordinance and the Certificate of the Finance Director.]

[Certain of the Bonds are subject to mandatory sinking fund redemption, as provided in the Ordinance and the Certificate of the Finance Director.]

The City covenants and agrees with the owner of this Bond and with each and every person who may become the owner hereof that it will keep and will perform all of the covenants of the Ordinance.

No recourse shall be had for the payment of the Bond Requirements of this Bond or for any claim based thereon or otherwise in respect to the Ordinance or other instrument pertaining thereto against any individual member of the Council, or any officer or other agent of the City, past, present, or future, either directly or indirectly through the Council or otherwise, whether by virtue of any constitution, statute or rule of law, or by the enforcement of any penalty or otherwise, all such liability, if any, being by the acceptance of this Bond and as a part of the consideration of its issuance specially waived and released.

It is hereby certified, recited, declared and warranted that all actions required to be taken prior to the issuance hereof have been had and taken by the City; that the issuance of the Bonds has been approved by the Executive Director of the Department of Taxation of the State of Nevada as required by the Act, and that the principal of the Bonds, when added to other City indebtedness, does not exceed the limits on indebtedness of the City provided in the Constitution and statutes of the State.

This Bond shall not be valid or obligatory for any purpose until the Registrar shall have manually signed the certificate of authentication hereon.

IN WITNESS WHEREOF, the City Council of the City of Las Vegas, Clark County, State of Nevada, has caused this Bond to be executed in the name and on behalf of the City with the manual or facsimile signature of the Mayor of the City, to be attested, signed and executed with a manual or facsimile signature of the City Clerk and to be signed, subscribed and executed by the manual or facsimile signature of the City Treasurer, and has caused a manual or facsimile impression of the seal of the City to be affixed hereon, all as of October __, 2009.

(MANUAL OR FACSIMILE CITY SEAL)

CITY OF LAS VEGAS, NEVADA

Attest:

(Manual or Facsimile Signature)
Mayor

(Manual or Facsimile Signature)
City Clerk

(Manual or Facsimile Signature)
City Treasurer

* Insert only if Bonds are delivered pursuant to Section 16(A)(3) of this Ordinance.

** Insert only if Bonds are delivered pursuant to Section 16(A) of this Ordinance.

(End of Form of Bond)

(Form of Registrar's Certificate of Authentication for Bonds)

Date of authentication
and registration _____

This is one of the Bonds described in the within-mentioned Ordinance, and this Bond has been duly registered on the registration records kept by the undersigned as Registrar for such Bonds.

CITY OF LAS VEGAS TREASURER
as Registrar

By_____Manual Signature_____
Authorized Officer or Employee

(End of Form of Registrar's Certificate of Authentication for Bonds)

[STATEMENT OF INSURANCE]
add statement of insurance, if applicable

(Form of Assignment for Bonds)

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Bond and hereby irrevocably constitutes and appoints _____ attorney, to transfer the same on the records kept for registration of the within Bond, with full power of substitution in the premises.

Dated: _____

_____
Signature Guaranteed:

_____

Name of Transferee:

_____

Address of Transferee:

_____
_____
_____

Social Security or other tax identification number of Transferee:

_____

NOTE: The signature to this Assignment must correspond with the name as written on the face of the within Bond in every particular, without alteration or enlargement or any change whatsoever.

NOTICE: TRANSFER FEES MUST BE PAID TO THE REGISTRAR IN ORDER TO TRANSFER OR EXCHANGE THIS BOND AS PROVIDED IN THE WITHIN-MENTIONED ORDINANCE.

(End of Form of Assignment for Bonds)

SECTION 25. Use of Bond Proceeds. Upon the issuance of the Bonds, the Treasurer shall cause the proceeds of the Bonds received from the sale of the Bonds to be deposited into a special account hereby created and designated as the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Medium-Term Bonds (Main Street Parking Garage), Series 2009, Construction Account" (the "Construction Account") to be held by the City. Moneys in the Construction Account shall be used solely to defray wholly or in part the cost of the Project including, without limitation, as provided in NRS 350.516, all costs of issuing the Bonds, and the costs of rebates to the United States under Section 148 of the Internal Revenue Code of 1986, as amended (the "Tax Code"), which the Council hereby determines are necessary and desirable and pertain to the Project. After the Project is complete and after all expenses have been paid or adequate provision therefor is made, pursuant to NRS 350.650, any unexpended balance of Bond proceeds (or, unless otherwise required by law, any other moneys) remaining in the Construction Account shall be deposited into the Medium-Term Debt Service Fund hereinafter created to be used to pay the principal of and interest on the Bonds.

SECTION 26. Use of Investment Gain. Pursuant to NRS 350.658, any gain from any investment and any reinvestment of any proceeds of the Bonds, if needed to defray the cost of the Project, shall be deposited promptly upon the receipt of such gain at any time or from time to time into the Construction Account, and if not needed to defray the cost of the Project, shall be deposited promptly into the Medium-Term Debt Service Fund, for the respective payment of the principal of or interest on the Bonds, or any combination thereof. As provided in Section 34 hereof, any annual General Taxes for the payment of the principal of or interest on the Bonds levied after such deposits of any such investment or reinvestment gain, may be diminished to the extent of the availability of such deposit for the payment of such principal or interest.

SECTION 27. Completion of Project. The City, with the proceeds derived from the sale of the Bonds, shall proceed to complete the Project without delay and with due diligence to the best of the City's ability, as hereinabove provided.

SECTION 28. Prevention of Bond Default. Subject to the provisions of Sections 30 and 34 hereof, the Treasurer shall use any Bond proceeds credited to the Construction Account, without further order or warrant, to pay the Bond Requirements of the Bonds as the same become due whenever and to the extent moneys otherwise available therefor

are insufficient for that purpose, unless such Bond proceeds shall be needed to defray obligations accrued and to accrue under any contracts then existing and relating to the Project. The Treasurer shall promptly notify the Council of any such use.

SECTION 29. Purchaser Not Responsible. The validity of the Bonds shall not be dependent on nor be affected by the validity or regularity of any proceedings relating to the Project, or any part thereof, or to the completion of the Project. The Purchaser, any associate thereof, and any subsequent owner of any Bond shall in no manner be responsible for the application or disposal by the City or by any of its officers, agents and employees of the moneys derived from the sale of the Bonds or of any other moneys herein designated.

SECTION 30. General Tax Levies. Pursuant to NRS 350.596, any sums coming due on the Bonds at any time when there are not on hand in the Medium-Term Debt Service Fund sufficient funds to pay same shall be promptly paid when due out of the Construction Account or out of a general fund of the City or out of any other funds that may be available for such purpose, including, without limitation, any proceeds of General Taxes legally available therefor. For the purpose of repaying any moneys so paid from any such fund or funds (other than any moneys available without replacement for the payment of such Bond Requirements on other than a temporary basis), and for the purpose of creating funds for the payment of the Bond Requirements, there is hereby created a separate account designated as the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Medium-Term Bonds (Main Street Parking Garage), Series 2009, Debt Service Fund" (the "Medium-Term Debt Service Fund"). Pursuant to NRS 350.592, 350.594, 350.093 and 350.095, except to the extent other funds are legally available therefor, there shall be duly levied immediately after the issuance of the Bonds and annually thereafter, until all of the Bond Requirements shall have been fully paid, satisfied and discharged, a General Tax on all property, both real and personal, subject to taxation within the boundaries of the City, including the net proceeds of mines, fully sufficient to reimburse such fund or funds for any such amounts temporarily advanced to pay such initial installment of interest, and to pay the interest on the Bonds becoming due after such initial installment, and to pay and retire the Bonds as they thereafter become due at maturity as herein provided, after there are made due allowances for probable delinquencies. The proceeds of such annual levies shall be duly credited to the Medium-Term Debt Service Fund for the payment of such Bond Requirements. In the preparation of the annual budget or appropriation resolution or ordinance

for the City, the Council shall first make proper provisions through the levy of sufficient General Taxes for the payment of the interest on and the retirement of the principal of the bonded indebtedness of the City, including, without limitation, the Bonds, subject to the limitation imposed by NRS 354.59811, 354.59813, 354.59815, 354.5982 and 361.453, and Section 2, art. 10, State Constitution, and the amount of money necessary for this purpose shall be a first charge against all such revenues received by the City.

SECTION 31. Priorities for Bonds. In any year in which the total General Taxes levied against the property in the City by all overlapping units within the boundaries of the City exceeds the limitation imposed by NRS 361.453, or a lesser or greater amount fixed by the State Board of Examiners in any fiscal year, and it becomes necessary by reason thereof to reduce the levies made by any and all such units, the reductions so made shall be in General Taxes levied by such unit or units (including, without limitation, the City and the State) for purposes other than the payment of their bonded indebtedness, including interest thereon. The General Taxes levied for the payment of such bonded indebtedness and the interest thereon shall always enjoy a priority over General Taxes levied by each such unit (including, without limitation, the City and the State) for all other purposes where reduction is necessary in order to comply with the limitations of NRS 361.453, 354.59811, 354.59813 and 354.5982.

SECTION 32. Correlation of Levies. Such General Taxes shall be levied and collected in the same manner and at the same time as other taxes are levied and collected, and the proceeds thereof for the Bonds herein authorized shall be kept in the Medium-Term Debt Service Fund, which accounts shall be used for no other purpose than the payment of principal and interest, respectively, as the same fall due.

SECTION 33. Use of General Funds. Any sums becoming due on the Bonds at any time when there are on hand from such General Taxes (and any other legally available moneys) insufficient funds to pay the same shall be promptly paid when due from general funds on hand belonging to the City, reimbursement to be made for such general funds in the amounts so advanced when the General Taxes herein provided for have been collected, pursuant to NRS 350.596.

SECTION 34. Use of Other Funds. Nothing in this Ordinance prevents the City from applying any funds (other than General Taxes) that may be available for that purpose to the payment of the Bond Requirements as the same, respectively, mature, and upon such payments,

the levy or levies herein provided may thereupon to that extent be diminished, pursuant to NRS 350.598.

SECTION 35. Legislative Duties. In accordance with NRS 350.592, it shall be the duty of the Council annually, at the time and in the manner provided by law for levying other General Taxes of the City, if such action shall be necessary to effectuate the provisions of this Ordinance, to ratify and carry out the provisions hereof with reference to the levy and collection of General Taxes; and the Council shall require the officers of the City to levy, extend and collect such General Taxes in the manner provided by law for the purpose of creating funds for the payment of the principal of the Bonds and the interest thereon. Such General Taxes, when collected, shall be kept for and applied only to the payment of the principal of and the interest on the Bonds as hereinbefore specified.

SECTION 36. Appropriation of General Taxes. In accordance with NRS 350.602, there are hereby specially appropriated the proceeds of such General Taxes to the payment of such principal of and interest on the Bonds; and such appropriations will not be repealed nor the General Taxes postponed or diminished (except as herein otherwise expressly provided) until the Bond Requirements the Bonds have been wholly paid or provided for.

SECTION 37. Protective Covenants. The City covenants and agrees with each and every owner from time to time of the Bonds, that:

A. The Project shall be completed without delay; and

B. The City will make the principal and interest payments on the Bonds at the place, on the date, and in the manner specified according to the true intent and meaning hereof.

SECTION 38. Tax Covenant. The City covenants for the benefit of the owners of the Bonds that it will not take any action or omit to take any action with respect to the Bonds, the proceeds thereof, any other funds of the City or any facilities financed with the proceeds of the Bonds if such action or omission (i) would cause the interest on the Bonds to lose its exclusion from gross income for federal income tax purposes under Section 103 of the Tax Code, or (ii) would cause interest on the Bonds to lose its exclusion from alternative minimum taxable income as defined in Section 55(b)(2) of the Tax Code. The foregoing covenant shall remain in full force and effect notwithstanding the payment in full or defeasance of the Bonds until the date on which all obligations of the City in fulfilling the above covenant under the Tax Code have been met.

SECTION 39. The City covenants and agrees that it will execute, comply with and carry out all of the provisions of the Disclosure Certificate, a copy of which is on file for public inspection in the office of the City Clerk. In the event the City fails to comply with the Disclosure Certificate, any holder or beneficial owner of the Bonds may take the remedial actions set forth therein. Breach of the undertakings of the City in the Disclosure Certificate shall not constitute a default of this Ordinance.

SECTION 40. Defeasance. When all Bond Requirements of any Bond have been duly paid, the pledge, the lien, and all obligations hereunder shall thereby be discharged as to that Bond and the Bond shall no longer be deemed to be outstanding within the meaning of this Ordinance. There shall be deemed to be such due payment when the City has placed in escrow or in trust with a trust bank located within or without the State, an amount sufficient (including the known minimum yield available for such purpose from bills, certificates of indebtedness, notes, bonds or similar securities which are direct obligations of, or the principal of and interest on which are unconditionally guaranteed by, the United States ("Federal Securities") in which such amount may be initially invested wholly or in part) to meet all Bond Requirements of the Bond, as the same become due. The Federal Securities shall become due before the respective times on which the proceeds thereof shall be needed, in accordance with a schedule established and agreed upon between the City and the bank at the time of the creation of the escrow or trust, or the Federal Securities shall be subject to redemption at the option of the holders thereof to assure availability as needed to meet the schedule. For the purpose of this section "Federal Securities" shall include only Federal Securities which are not callable for redemption prior to their maturities except at the option of the owner thereof.

SECTION 41. Continuing Disclosure Certificate. The City covenants for the benefit of the holders and beneficial owners of the Bonds to comply with the provisions of the final Continuing Disclosure Certificate in substantially the form now on file with the Clerk and is hereby authorized to be executed by the Finance Director and delivered in connection with the delivery of the Bonds.

SECTION 42. Replacement of Registrar or Paying Agent. If the Registrar or Paying Agent initially appointed hereunder shall resign, or if the Council shall reasonably determine that it is in the best interests of the City to replace said Registrar or Paying Agent, the Council may, upon notice mailed to each owner of any Bond at his or her address last shown on

the registration records, appoint a successor Registrar or Paying Agent, or both. No resignation or dismissal of the Registrar or Paying Agent may take effect until a successor is appointed. It shall not be required that the same institution serve as both Registrar and Paying Agent hereunder, but the City shall have the right to have the same institution serve as both Registrar and Paying Agent.

SECTION 43. Delegated Powers. The officers and employees of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including, without limitation:

A. The printing of the Bonds, including, without limitation, and if appropriate, a statement of insurance, if any;

B. The printing, distribution and execution of the final official statement for the Bonds (the "Final Official Statement") in substantially the form now before the Council, but with such amendments, additions and deletions as are in accordance with the facts and not inconsistent with this Ordinance, and are approved by the execution of the Final Official Statement by the officials designated in the Final Official Statement

C. The execution of such certificates as may be reasonably required by the Purchaser, relating, inter alia, to:

(1) the signing of the Bonds,

(2) the tenure and identity the officials of the City,

(3) the assessed valuation of the taxable property in and the indebtedness of the City,

(4) the rate of General Taxes levied against taxable property in the City,

(5) the exclusion from gross income for federal income tax purposes of interest on the Bonds,

(6) the delivery of the Bonds and the receipt of the Bond purchase price,

(7) the accuracy and completeness of any information provided in connection with the Bonds, including information contained in the Official Statement,

(8) if it is in accordance with the fact, the absence of litigation, pending or threatened, affecting the validity of the Bonds; and

D. The assembly and dissemination of financial and other information concerning the City and the Bonds.

SECTION 44. Ordinance Irrepealable. After any of the Bonds are issued, this Ordinance shall constitute an irrevocable contract between the City and the owner or owners of the Bonds; and this Ordinance, if any Bonds are in fact issued, shall be and shall remain irrepealable until the Bonds, as to all Bond Requirements, shall be fully paid, canceled and discharged, as herein provided.

SECTION 45. Implied Repealer. All ordinances, resolution bylaws and orders, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolutions, bylaw or order, or part hereof, heretofore repealed.

SECTION 46. Publication. When first proposed, this Ordinance must be read to the Council by title and referred to a committee for consideration, after which an adequate number of copies of this Ordinance must be deposited with the City Clerk for public examination and distribution. Notice of the deposit must be published once in a newspaper, printed, published and having general circulation in the City at least 10 days before the adoption of the Ordinance, such publication to be in substantially the following form:

(FORM OF PUBLICATION OF NOTICE OF DEPOSIT OF AN ORDINANCE)

BILL NO. _____
ORDINANCE NO. _____

AN ORDINANCE DESIGNATED BY THE SHORT TITLE "2009 MEDIUM-TERM BOND ORDINANCE"; PROVIDING FOR THE ISSUANCE BY THE CITY OF LAS VEGAS OF ITS REGISTERED, NEGOTIABLE, GENERAL OBLIGATION (LIMITED TAX) MEDIUM-TERM BONDS (MAIN STREET PARKING GARAGE), SERIES 2009 IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED $15,000,000, FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, EQUIPPING AND IMPROVING A PARKING GARAGE AT 500 S. MAIN STREET TO BE USED FOR THE SMITH CENTER AND OTHER CITY PROPERTIES; PROVIDING COVENANTS, AGREEMENTS AND OTHER DETAILS CONCERNING THE BONDS, THE PROJECT AND GENERAL TAX PROCEEDS; RATIFYING ACTION PREVIOUSLY TAKEN AND PERTAINING TO THE FOREGOING BY THE CITY AND ITS OFFICERS AND EMPLOYEES; AND PROVIDING OTHER MATTERS RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN, and that an adequate number of typewritten copies of the above-numbered and entitled proposed Ordinance are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, at her office in City Hall, 400 Stewart Avenue, Las Vegas, Nevada, and that such Ordinance was proposed on the September 16, 2009, and will be considered for adoption at the a regular meeting of the City Council of the City of Las Vegas held on October 7, 2009.

/s/ Beverly K. Bridges, CMC
City Clerk

(End of Form of Publication of Notice of Deposit of An Ordinance)

SECTION 47. Publication After Adoption. After this Ordinance is signed by the Mayor and attested and sealed by the City Clerk, this Ordinance shall be published once by its title only, together with the names of the Councilmembers voting for or against its passage, such publication to be made in the Las Vegas Review-Journal, a newspaper printed, published and having a general circulation in the City, such publication to be in substantially the following form:

(FORM OF PUBLICATION OF ADOPTION OF ORDINANCE)

ORDINANCE NO. __
(of Las Vegas, Nevada)

AN ORDINANCE DESIGNATED BY THE SHORT TITLE "2009 MEDIUM-TERM BOND ORDINANCE"; PROVIDING FOR THE ISSUANCE BY THE CITY OF LAS VEGAS OF ITS REGISTERED, NEGOTIABLE, GENERAL OBLIGATION (LIMITED TAX) MEDIUM-TERM BONDS (MAIN STREET PARKING GARAGE), SERIES 2009 IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED $15,000,000, FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, EQUIPPING AND IMPROVING A PARKING GARAGE AT 500 S. MAIN STREET TO BE USED FOR THE SMITH CENTER AND OTHER CITY PROPERTIES; PROVIDING COVENANTS, AGREEMENTS AND OTHER DETAILS CONCERNING THE BONDS, THE PROJECT AND GENERAL TAX PROCEEDS; RATIFYING ACTION PREVIOUSLY TAKEN AND PERTAINING TO THE FOREGOING BY THE CITY AND ITS OFFICERS AND EMPLOYEES; AND PROVIDING OTHER MATTERS RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN, and that such Ordinance was proposed on September 16, 2009, and was passed at the meeting held on October 7, 2009, by the following vote of the City Council:

Those Voting Aye:	Oscar B. Goodman Gary Reese Steve Wolfson Lois Tarkanian Steven D. Ross Ricki Y. Barlow Stavros S. Anthony
Those Voting Nay:	_____
Those Absent:	_____

This Ordinance shall be in full force and effect from and after the 9th day of October, 2009, i.e., the day after the publication of such Ordinance by its title only.

IN WITNESS WHEREOF, the City Council of the City of Las Vegas, Nevada, has caused this Ordinance to be published by title only.

DATED this October 7, 2009.

Attest:

/s/ Oscar B. Goodman
Mayor

/s/ Beverly K. Bridges, CMC
City Clerk

(End of Form of Publication)

SECTION 48. Severability. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Adopted October 7, 2009.

_____
Oscar B. Goodman, Mayor

Attest:

_____
Beverly K. Bridges, CMC, City Clerk

APPROVED AS TO FORM:

J. Pinkerton 9/8/09
Deputy City Attorney

This Ordinance shall be in full force and effect from and after October 9, 2009, i.e., the day after the publication of such Ordinance by its title only.

STATE OF NEVADA)
)
COUNTY OF CLARK) **ss.**
)
CITY OF LAS VEGAS)

I, Beverly K. Bridges, the duly chosen and qualified City Clerk of Las Vegas (the "City"), in the State of Nevada, do hereby certify:

1. The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced on September 16, 2009 and finally adopted and approved on October 7, 2009.

2. The following members of the Council were present at the September 16, 2009 Council meeting:

Mayor: Oscar B. Goodman
Gary Reese
Steve Wolfson
Lois Tarkanian
Steven D. Ross
Ricki Y. Barlow
Stavros S. Anthony

Those Absent: _____
_____

3. The foregoing Ordinance was first proposed and read by title to the City Council on September 16, 2009, and referred to a committee composed of _____ _____ for recommendation; thereafter said committee reported favorably on said Ordinance on October 7, 2009, which was a regular meeting of said Council; that as said regular meeting, the proposed Ordinance was again read by title to the City Council and adopted. The members of the City Council were present at the October 7, 2009 meeting and voted upon the adoption of the Ordinance as follows:

Those Voting Aye: Oscar B. Goodman
Gary Reese
Steve Wolfson
Lois Tarkanian
Steven D. Ross
Ricki Y. Barlow
Stavros S. Anthony

Those Voting Nay: _____

Those Absent: _____

_____

4. The original of the Ordinance has been approved and authenticated by the signatures of the Mayor of the City and myself as Clerk of the City, and sealed with the seal of the City, and has been recorded in the journal of the Council kept for that purpose in my office, which record has been duly signed by such officers and properly sealed.

5. All members of the Council were given due and proper notice of the meetings held on September 16, 2009 and October 7, 2009. Pursuant to NRS 241.020, written notice of the meetings was given no later than 9:00 a.m. on the third working day before the meetings including in the notice the time, place, location, and agenda of the meeting:

(a) By posting a copy of the notice by 9:00 a.m. at least three working days before the meetings at the principal office of the Council, or if there is no principal office, at the building in which the meeting is to be held, on the City's website, and at least three (3) other separate, prominent places within the jurisdiction of the Council, to wit:

(i) Court Clerk's Office Bulletin Board
City Hall Plaza
Las Vegas, Nevada;

(ii) City Hall Plaza
Special Outside Posting Bulletin Board
Las Vegas, Nevada;

(iii) Las Vegas Library
833 Las Vegas Boulevard North
Las Vegas, Nevada;

(iv) Clark County Government Center
500 S. Grand Central Parkway
Las Vegas, Nevada; and

(v) Grant Sawyer Building
555 E. Washington Avenue
Las Vegas, Nevada.

and

(b) By mailing a copy of the notice to each person, if any, who has requested notices of meetings of the Council in compliance with NRS 241.020(3)(b) by United States Mail, or if feasible and agreed to by the requestor, by electronic mail.

6. A copy of such notice so given of the meeting of the Council on September 16, 2009 is attached to this certificate as Exhibit A, and a copy of such notice so given of the meeting of the Council on October 7, 2009 is attached to this certificate as Exhibit B.

7. A copy of the affidavit of publication of the notice of deposit of ordinance is attached to this certificate as Exhibit C. A copy of the affidavit of publication of the adoption of the ordinance is attached to this certificate as Exhibit D.

8. Upon request, the governing body provides, at no charge, at least one copy of the agenda for its public meetings, any proposed ordinance or regulation which will be discussed at the public meeting, and any other supporting materials provided to the members of the governing body for an item on the agenda, except for certain confidential materials and materials pertaining to the closed meetings, as provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand on this October __, 2009.

(SEAL)

_____
City Clerk

EXHIBIT A

(Attach Copy of Notice of September 16, 2009 Meeting)

EXHIBIT B

(Attach Copy of Notice of October 7, 2009 Meeting)

EXHIBIT C

(Attach Affidavit of Publication of Deposit of Ordinance)

EXHIBIT D

(Attach Affidavit of Publication of Adoption of Ordinance)

City of Las Vegas Agenda Item No.: **51.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
NEW BILL:

Bill No. 2009-40 - Prohibits the parking of a mobile billboard within five hundred feet of a single-family dwelling. Sponsored by: Councilman Gary Reese

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
This bill will prohibit the parking of a mobile billboard within five hundred feet of a single-family dwelling. The bill is intended to help protect the quality of residential neighborhoods and is consistent with existing rules governing the parking of certain commercial vehicles in residential areas.

RECOMMENDATION:
This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:
1. Bill No. 2009-40
2. Business Impact Statement

BILL NO. 2009-40

ORDINANCE NO. _____

AN ORDINANCE TO PROHIBIT THE PARKING OF A MOBILE BILLBOARD WITHIN FIVE HUNDRED FEET OF A SINGLE-FAMILY DWELLING, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Gary Reese

Summary: Prohibits the parking of a mobile billboard within five hundred feet of a single-family dwelling.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 11, Chapter 52, Section 305, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11.52.305: (A) It is unlawful for a person to stand, park or store, upon any residential street, a commercial vehicle, recreational vehicle, trailer, or any combination of vehicle and trailer having an overall length of twenty-four feet or more, except in front of property from which or to which goods or passengers are being picked up or delivered, and then only for that period of time during which goods or passengers are being expeditiously loaded or unloaded.

(B) It is unlawful for a person to stand, park or store a mobile billboard upon any street at a location within five hundred feet of a single-family dwelling. For purposes of this Subsection (B), "mobile billboard" means one or more sign structures that are mounted on a vehicle or trailer and are used for general advertising or advertising for hire. The term does not include signs that are displayed or installed on:

(1) A bus, taxicab or similar vehicle that is used primarily for the purpose of transporting multiple passengers; or

(2) A vehicle operated in the normal course of the vehicle owner's business, if the signs contain advertising or identifying information directly related to the business and are not used to display advertising unrelated to that business.

SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or

effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 3: Whenever in this ordinance any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than $1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2009.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, CMC
City Clerk

APPROVED AS TO FORM:

Valstead 9-2-09
Date

The above and foregoing ordinance was first proposed and read by title to the City Council on the _____ day of _____, 2009, and referred to the following committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said ordinance on the _____ day of _____, 2009, which was a _____ meeting of said Council; that at said _____ meeting, the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE": _____

VOTING "NAY": _____

ABSENT: _____

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, CMC
City Clerk

BUSINESS IMPACT STATEMENT
BILL NO. 2009-40
(Prohibits the parking of a mobile billboard within five hundred feet of a single-family dwelling)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2009-40, that will prohibit the parking of a mobile billboard within five hundred feet of a single-family dwelling.

1. The following constitutes a description of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

A copy of the proposed language was provided to several businesses whose City license might encompass mobile billboard advertising. No formal comments were provided. One business provided informal comments regarding the proposal but had no formal objection.

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

Restrictions on where a mobile billboard business might park its vehicles

Beneficial effects:

Better preservation of the quality of residential neighborhoods

Direct effects:

Restrictions on where a mobile billboard business might park its vehicles

Indirect effects:

None noted

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Not applicable

4. The estimate of the annual cost to the local government for enforcement of the proposed rule is:

Minimal additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

No fee to be imposed on businesses

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

No fee to be imposed on businesses

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains why such duplicative or more stringent provisions are necessary:

N/A

Date: September 2, 2009

City of Las Vegas Agenda Item No.: **52.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES ☐ **Consent** ☒ **Discussion**

SUBJECT:

Any items from the afternoon session that the Council, staff and /or the applicant wish to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time

City of Las Vegas Agenda Item No.: **53.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

SUBJECT:

EOT-35350 - EXTENSION OF TIME - VARIANCE - APPLICANT/OWNER: CLOUDBREAK LAS VEGAS, LLC - Request for an Extension of Time for a previously approved Variance (VAR-19666) TO ALLOW 158 PARKING SPACES WHERE 394 IS THE MINIMUM NUMBER OF SPACES REQUIRED FOR A PROPOSED EXPANSION OF AN EXISTING MULTI-FAMILY RESIDENTIAL/SINGLE ROOM OCCUPANCY ESTABLISHMENT AND SOCIAL SERVICE PROVIDER on 2.77 acres at 525 East Bonanza Road and 602 Encanto Drive (APNs 139-27-805-003 and 139-27-812-017), C-2 (General Commercial) Zone, Ward 5 (Barlow). Staff recommends APPROVAL

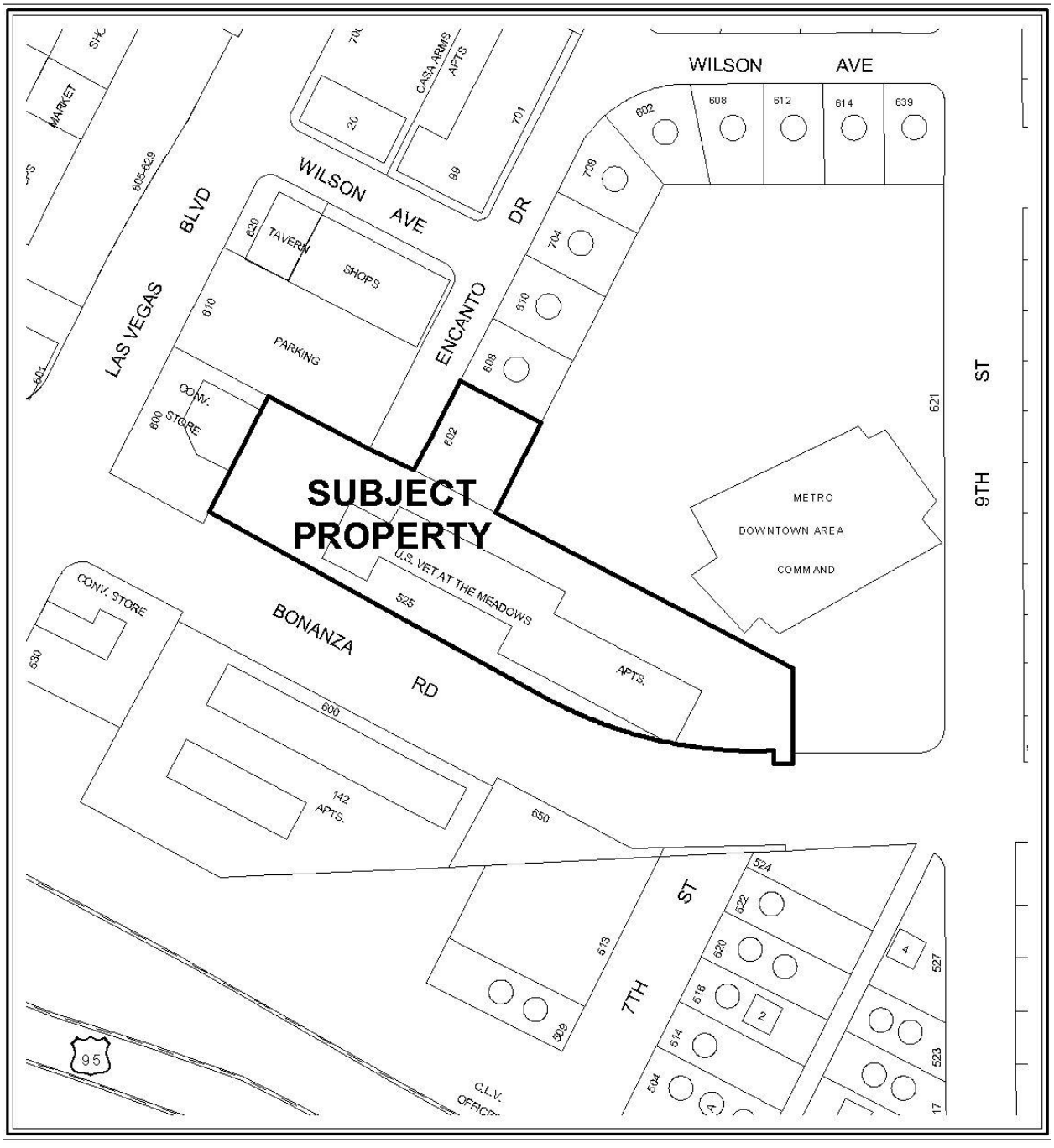
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. City Council Approval Letter for VAR-19666



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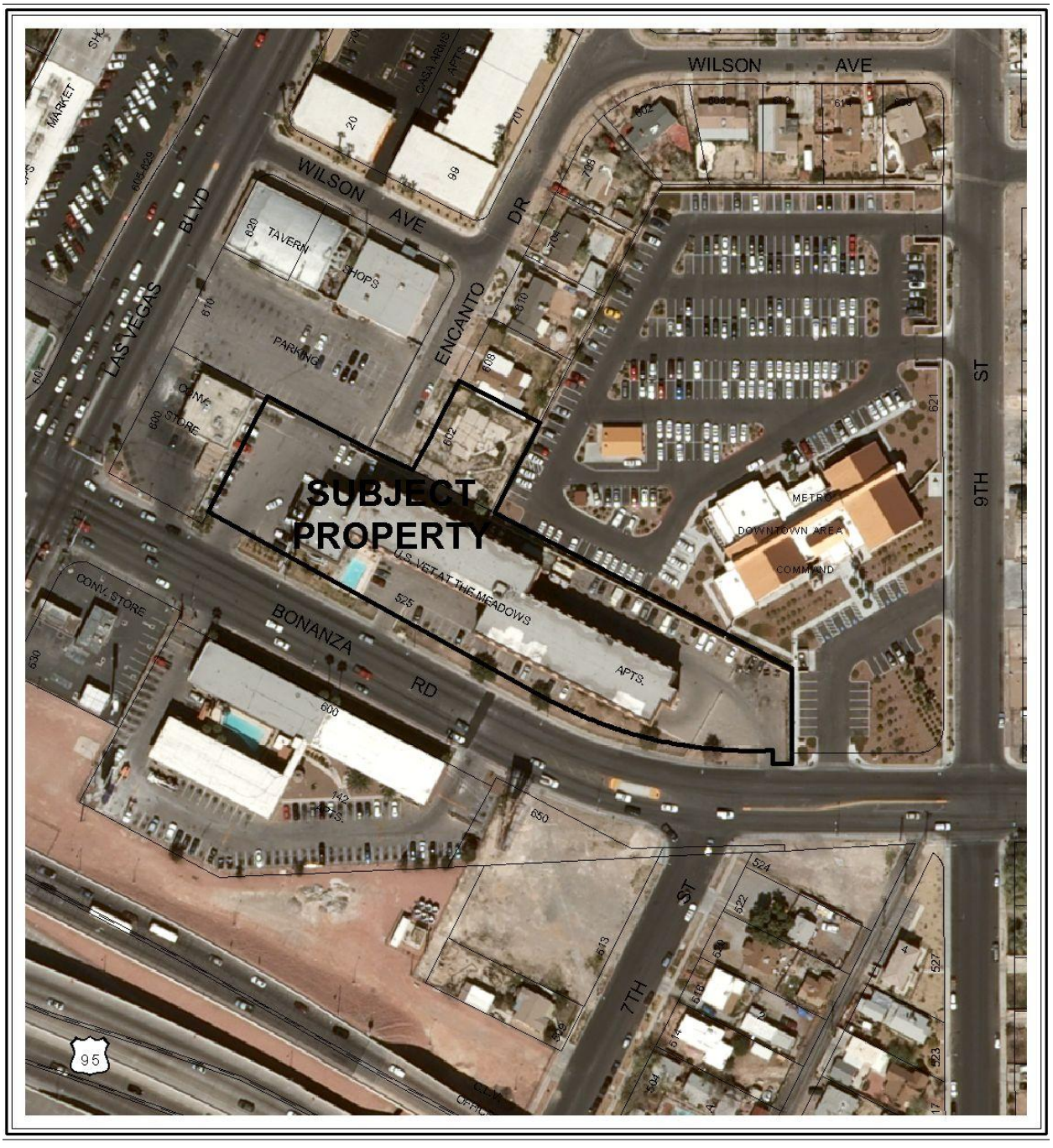
CASE: **EOT-35350**

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N



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CASE: **EOT-35350**

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 16, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-35350 – EXTENSION OF TIME – VARIANCE -
APPLICANT/OWNER: CLOUDBREAK LAS VEGAS, LLC

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. This Variance (VAR-19666) shall expire on August 15, 2011 unless another Extension of Time request is approved by the City Council.

2. Conformance to the Condition of Approval of Variance (VAR-19666) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site currently has a single room occupancy establishment with a previously approved Site Development Plan Review (SDR-19659) for the expansion of the existing structure and a Variance (VAR-19666) to allow 158 parking spaces where 394 is the minimum number of spaces required at 525 East Bonanza Road and 602 Encanto Drive. No building permits have been issued for the proposed expansion. Since the construction of the original building in 1985, new development has occurred in the surrounding area to include a 2,768 square-foot Museum to the north, a 17,235 square-foot Metropolitan Police Department Substation to the northeast, and a Convenience Store to the west. The applicant is requesting an extension of time to secure financing. Staff is recommending approval with a two-year time limit.

It is noted that there are six (6) related Extension of Times (EOT-35349, EOT-35351, EOT-35352, EOT-35353, EOT-35354, and EOT-35492) that will be heard concurrently with this application.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
08/11/66	The Planning Commission approved a request for Rezoning (Z-0049-66) from C-1 (Limited Commercial) to C-2 (General Commercial) of property generally located on the north side of Bonanza Road in between Las Vegas Boulevard and 9TH Street.
09/27/83	The City Council approved a request for Rezoning (Z-0076-83) from C-1 (Limited Commercial) and C-2 (General Commercial) to C-2 (General Commercial) of property generally located on the north side of Bonanza Road between Las Vegas Boulevard and 9th Street.
08/21/02	The City Council approved a request for a Variance (V-0042-02) to allow 159 parking spaces where 306 parking spaces are the minimum required for a proposed single room occupancy residence at 525 East Bonanza Road. The Planning Commission recommended approval on 07/25/02.
08/21/02	The City Council approved a request for a Special Use Permit (U-0077-02) for a single room occupancy residence at 525 East Bonanza Road. The Planning Commission recommended approval on 07/25/02.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
08/21/02	The City Council approved a request for a Site Development Plan Review [Z-0073-83(2)] and reduction of the onsite landscaping requirements for a single room occupancy residence on 1.58 acres at 525 East Bonanza Road. The Planning Commission recommended approval on 07/25/02.
10/01/03	The City Council approved a request for an Extension of Time (EOT-2778) of a previously approved Variance (V-0042-02) which allowed 159 parking spaces where 306 are required for a proposed single room occupancy residence at 525 East Bonanza Road.
06/25/03	A Code Enforcement case (1149) was processed for the property lacking dumpsters at 525 East Bonanza Road. Code Enforcement closed the case on 08/16/03.
08/04/04	A Code Enforcement case (19733) was processed for sewage leaking into the parking lot from the building; bugs; may be overcrowding; 20 vehicles in the rear not working on property at 525 East Bonanza Road. Code Enforcement closed the case on 08/27/04.
08/18/04	The City Council approved a request for an Extension of Time (EOT-4778) of a previously approved Site Development Plan Review [Z-0076-83(2)] for a single room occupancy residence at 525 East Bonanza Road.
08/18/04	The City Council approved a request for an Extension of Time (EOT-4779) of a previously approved Variance (V-0042-02) which allowed 159 parking spaces where 306 are required for a proposed single room occupancy residence at 525 East Bonanza Road.
01/06/06	A Code Enforcement case (37394) was processed for fire alarms not up to code and mattresses being stores on the east side of the building at 525 East Bonanza Road. Code Enforcement closed the case on 01/23/06.
01/25/06	A Code Enforcement case (37825) was processed for a mess in the rear of the building at 525 East Bonanza Road. Code Enforcement closed the case on 03/09/06.
08/15/07	The City Council approved a request for a Site Development Plan Review (SDR-19659) for a proposed expansion of an existing multi-family residential/single room occupancy establishment with waivers of the perimeter landscape buffer standards to allow a one-foot wide buffer along a portion of the south property line where a 15–foot wide buffer is required; a six-foot wide buffer along a portion of the east property line where an eight-foot wide buffer is required; a three-foot wide buffer along a portion of the north property line where an eight-foot wide buffer is required; and a six-foot wide buffer along the west property line where an eight-foot wide buffer is required on 2.77 acres at 525 East Bonanza Road and 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.
08/15/07	The City Council approved a request for a Special Use Permit (SUP-19661) for a proposed expansion of a single room occupancy residence at 525 East Bonanza Road and 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
08/15/07	The City Council approved a request for a Variance (VAR-19665) to allow a ten-foot setback from a primary arterial street where 44 feet is the minimum setback required; to allow a front yard setback of ten feet where 20 feet is required and a side yard setback of 8.5 feet where 10 feet is required; to allow a residential adjacency setback of 66.42 feet to the fourth floor where 127.5 feet is the minimum setback required on the north side of the property for a proposed expansion of an existing multi-family residential/single room occupancy establishment on 2.77 acres at 525 East Bonanza Road and 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.
08/15/07	The City Council approved a request for a Variance (VAR-19666) to allow 158 parking spaces where 394 spaces are required for a proposed expansion of an existing multi-family residential/single room occupancy establishment and social service provider on 2.77 acres at 525 East Bonanza Road and 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.
08/15/07	The City Council approved a request for a Waiver (WVR-19668) of Title 18.12.130 to allow Encanto Drive to continue to end in a dead end street where a cul-de-sac is required at 525 East Bonanza Road and 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.
08/15/07	The City Council approved a request for a Petition to Vacate (VAC-19669) the southern 101 feet of Encanto Drive, commencing approximately 97 feet south of the intersection of Encanto Drive and Wilson Avenue. The Planning Commission recommended approval on 07/12/07.
08/15/07	The City Council approved a request for a Special Use Permit (SUP-20052) for a proposed Social Service Provider at 525 East Bonanza Road and 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.
08/17/07	The City Council approved a request for Rezoning (ZON-21991) from R-1 (Single Family Residential) to C-2 (General Commercial) on 0.21 acres at 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.
11/06/08	The Planning and Development Department administratively approved a request for an Extension of Time (EOT-30355) of a previously approved Petition to Vacate (VAC-19669) the southern 101 feet of Encanto Drive, commencing approximately 97 feet south of the intersection of Encanto Drive and Wilson Avenue.

Related Building Permits/Business Licenses	
11/10/05	A building permit (46941) was issued for fire alarm system at 525 East Bonanza Road. The permit was finalized on 12/27/07.
12/30/05	A building permit (56901) was issued for a central station monitoring system at 525 east Bonanza Road. The permit was finalized on 01/08/08.
09/07/07	A business license (N41-00040) was issued for a Social Service Provider at 525 East Bonanza Road. The activity is actually at 610 Las Vegas Boulevard, therefore a business license was never issued and the entitlements of Special Use Permit (SUP-20822) where never exercised and have therefore expired. An investigator is researching the activity.
09/07/07	A business license (N42-00004) was issued for Intermediary Housing at 525 East Bonanza Road. The license is still active.
01/18/08	A business license (A07-01795) was issued for an Apartment Complex at 525 East Bonanza Road. The license is still active.
05/29/09	A business license (P06-01029) was issued for a Photography business at 525 East Bonanza Road, Ste 247 (Home Occupation Permit).
05/29/09	A business license (P20-00280) was issued for Photo sales at 525 East Bonanza Road, Ste 247 (Home Occupation Permit).

Pre-Application Meeting
A pre-application meeting is not required for this type of application, nor was one held.
Neighborhood Meeting
A neighborhood meeting is not required for this type of application, nor was one held.

Details of Application Request	
Site Area	
Gross Acres	2.77

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Residential/Single Room Occupancy Establishment	MXU (Mixed-Use)	C-2 (General Commercial)
North	Single-Family Residences	MXU (Mixed-Use)	R-1 (Single Family Residential)
	Tavern and Retail Establishments	MXU (Mixed-Use)	C-2 (General Commercial)
South	Apartments	MXU (Mixed-Use)	C-2 (General Commercial)
East	Government Facility	PF (Public Facilities)	C-V (Civic)
West	Retail Establishment	MXU (Mixed-Use)	C-1 (Limited Commercial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
Downtown North Plan	X		Y
Las Vegas Redevelopment Plan	X		Y
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (200 feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the first request for an extension of time of a previously approved Variance (VAR-19666) to allow 158 parking spaces where 394 is the minimum number of spaces required for a proposed expansion of an existing multi-family residential single room occupancy establishment. No building permits have been issued for the proposed project. The expansion of the existing structure will not negatively affect the new development in the surrounding areas.

Title 19.18.070 deems a Variance exercised when a business license is issued to conduct the activity, if required, or upon the issuance of a certificate of occupancy or approval of a final inspection.

FINDINGS

The Variance (VAR-19666) has not met the requirements outlined in Title 19.18.070 to exercise the entitlement as building permits have been not yet been issued for the proposed project. The applicant is requesting an extension of time to secure financing. Staff is recommending approval with a two-year time limit. Conformance to the conditions of approval of Variance (VAR-19666) shall be required.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT **N/A**

SENATE DISTRICT **N/A**

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **EOT-35350** APN: 139-27-805-003, 139-27-812-017

Name of Property Owner: Cloudbreak Las Vegas LLC

Name of Applicant: Cloudbreak Las Vegas LLC

Name of Representative: Cloudbreak Las Vegas LLC

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: Ronald Bishop Manager

Subscribed and sworn before me Andrew M. Villarreal, Notary Public

This 15 day of July, 2009

_____

Notary Public in and for said County and State

ANDREW MARCELLUS VILLARREAL
Commission # 1612213
Notary Public - California
Los Angeles County
My Comm. Expires Oct 9, 2009

ACKNOWLEDGMENT

State of California
County of Los Angeles)

On July 15, 2009 before me, Andrew M. Villarreal, Notary Public
(insert name and title of the officer)

personally appeared Randall A. Bishop,
who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed the same in his/~~her~~/~~their~~ authorized capacity(~~ies~~), and that by his/~~her~~/~~their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

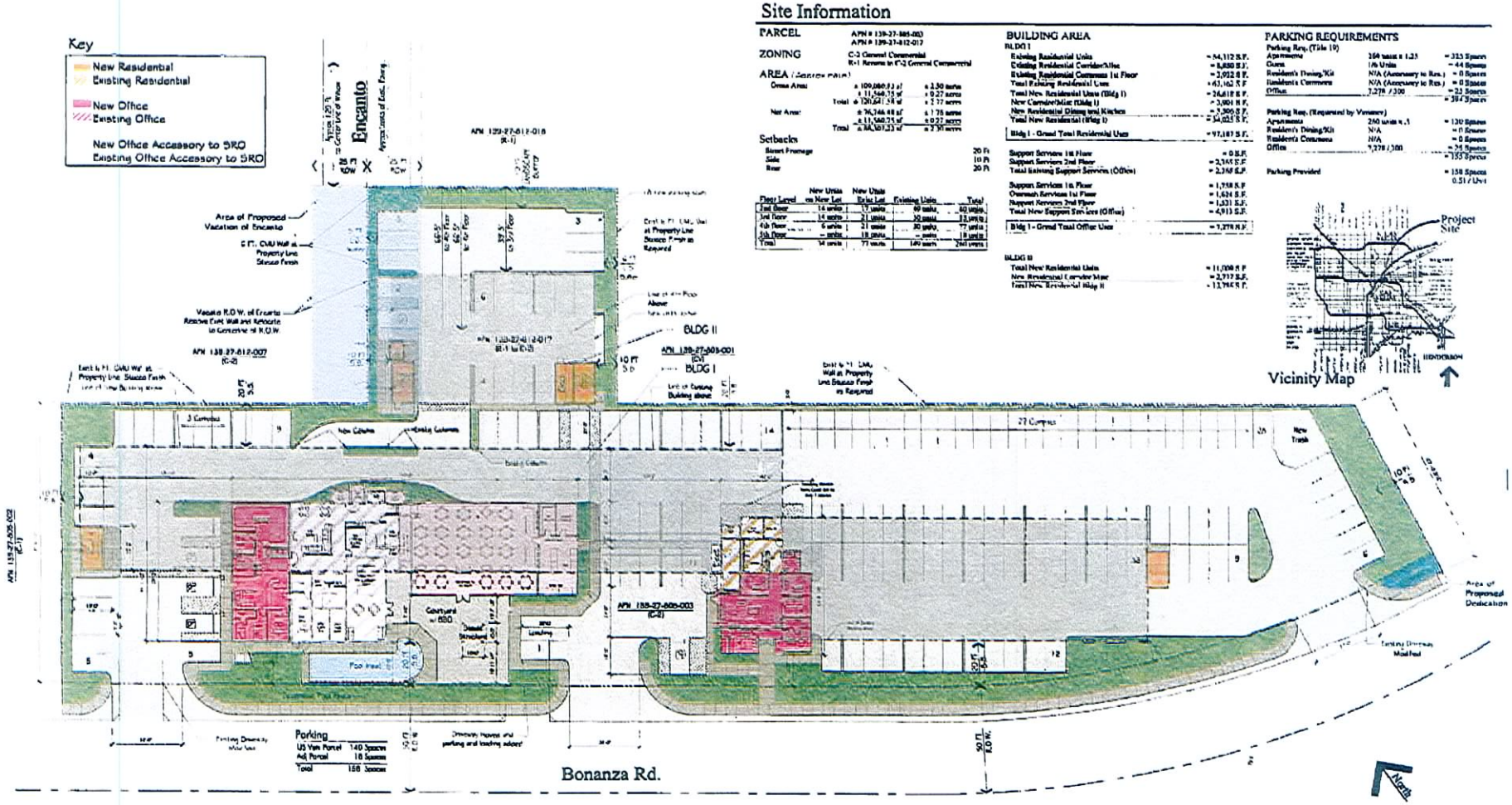
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

ANDREW MARCELLUS VILLARREAL
Commission # 1612213
Notary Public - California
Los Angeles County
My Comm. Expires Oct 9, 2009

Signature _____ **(Seal)**

EOT-35350
09-16-09 CC



Conceptual Site Plan - Scheme G

Project # 905029 February 2, 2007

Cloudbreak Las Vegas, LLC

US Vets at the Meadows - Addition

Las Vegas, Nevada

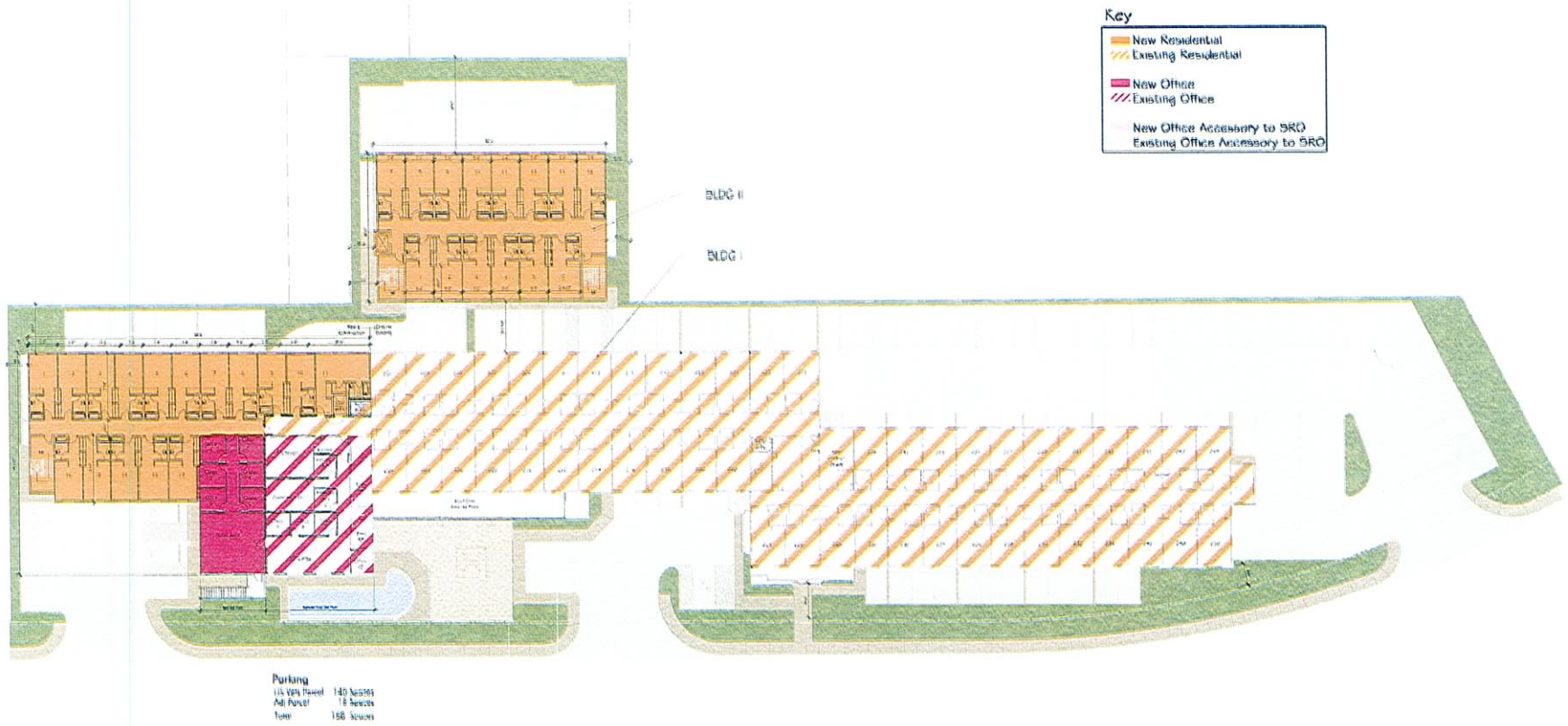
Perlman

F1

RECEIVED

EOT-35350

09-16-09 CC



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JUL 27 2009

Conceptual 2nd Floor Plan

Cloudbreak Las Vegas, LLC

US Vets at the Meadows - Addition

Las Vegas, Nevada

Perlman

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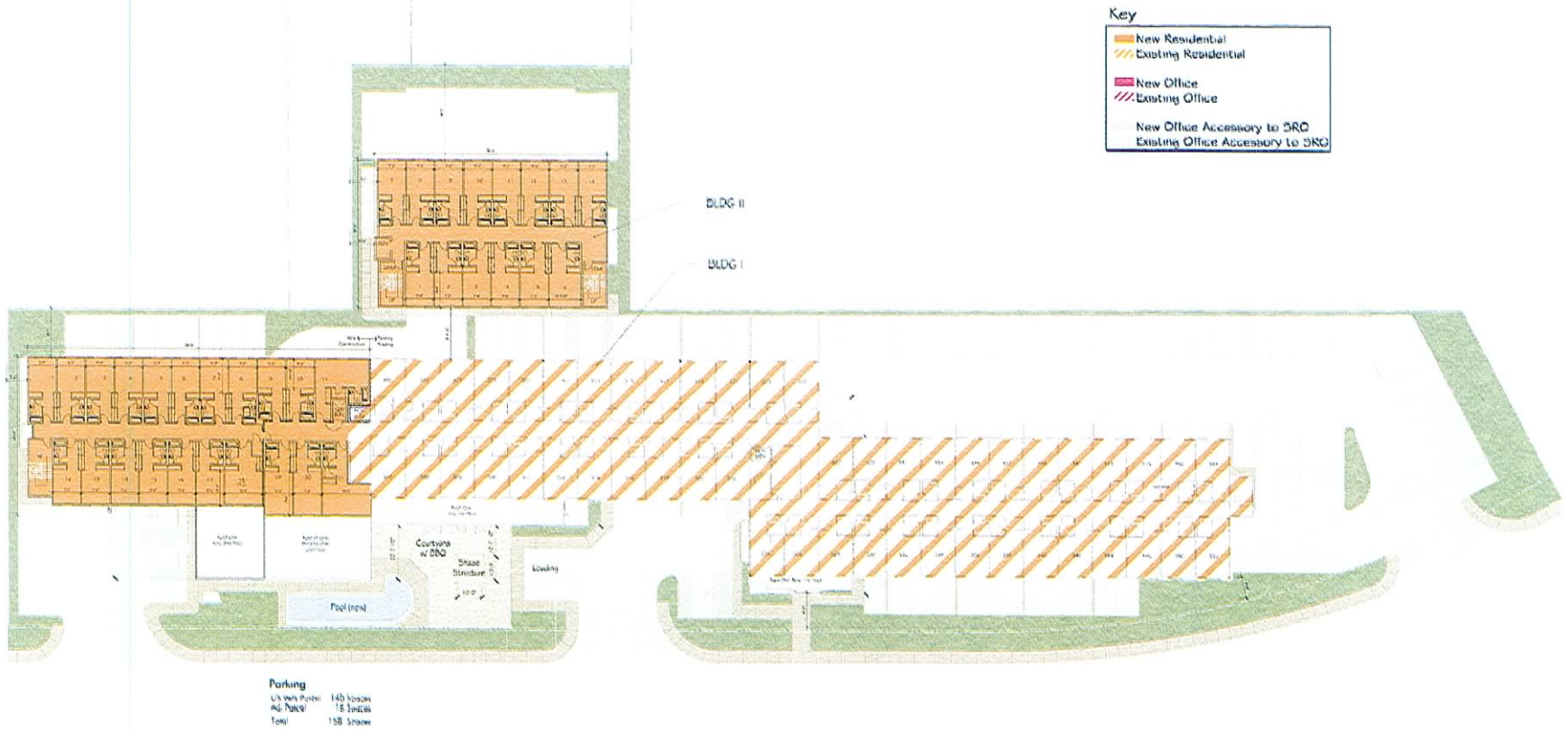
EOT-35350

09-16-09 CC



RECEIVED

JUL 27 2009

Conceptual 3rd Floor Plan

Scale: 1" = 20'-0"

Project # 905029 February 02, 2007

Cloudbreak Las Vegas, LLC

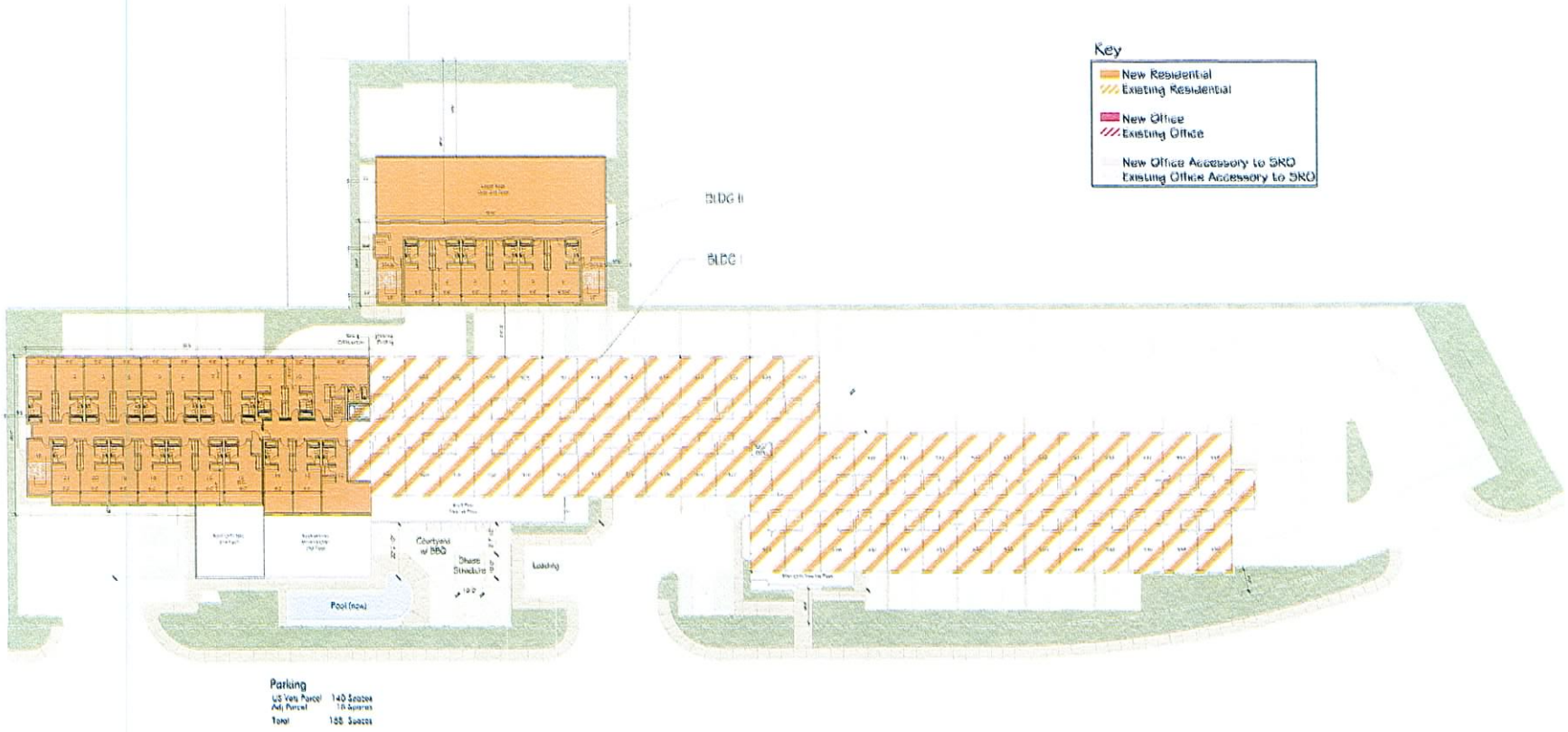
US Vets at the Meadows - Addition

Las Vegas, Nevada

Perlman F3

EOT-35350

09-16-09 CC



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JUL 27 200

Scale: 1" = 20'-0"

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Project # 903029 February 02, 2007

Conceptual 4th Floor Plan

Cloudbreak Las Vegas, LLC

US Vets at the Meadows - Addition

Las Vegas, Nevada

Perlman

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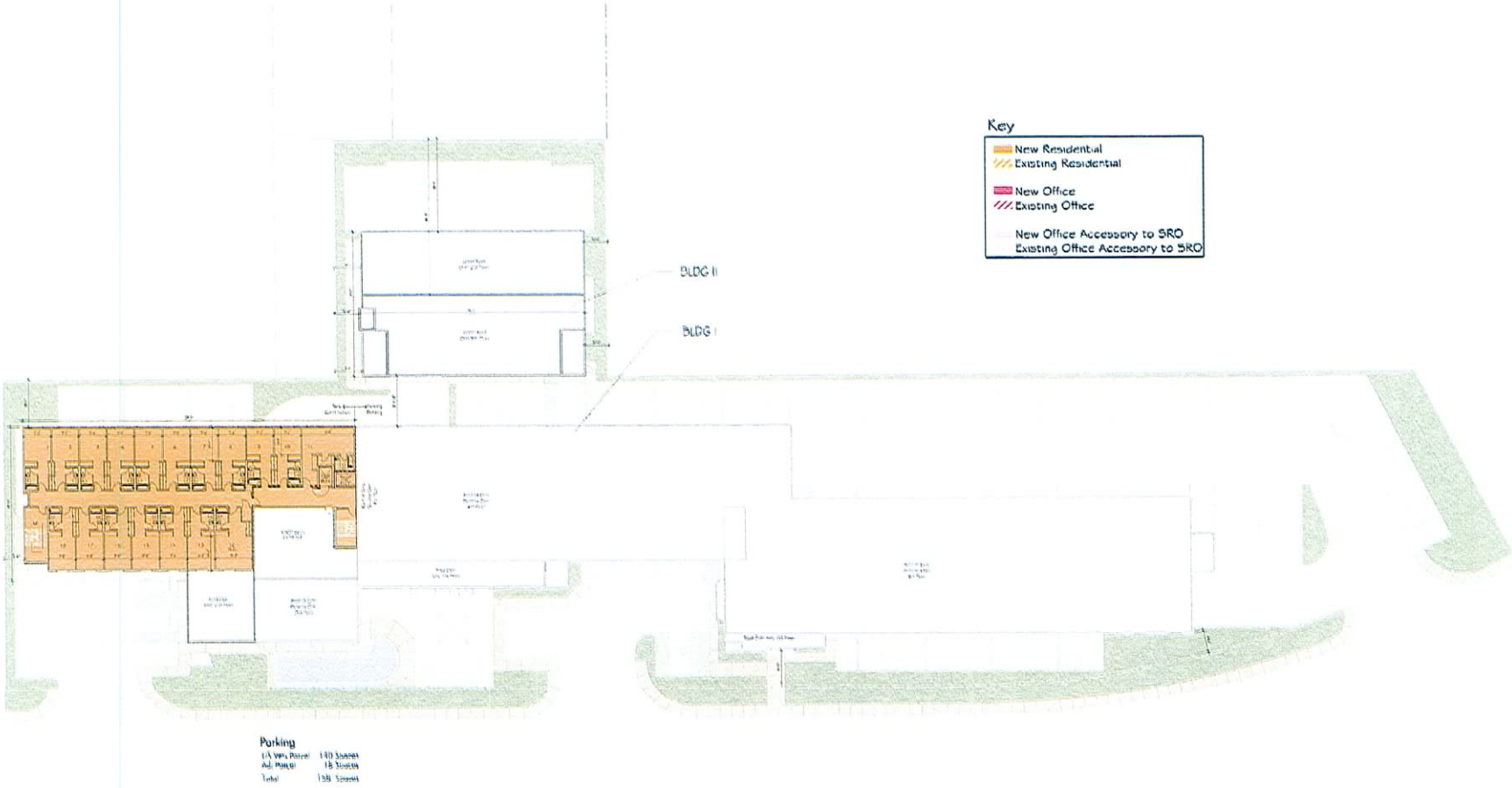
EOT-35350

09-16-09 CC



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JUL 27 2009

Conceptual 5th Floor Plan

Cloudbreak Las Vegas, LLC

US Vets at the Meadows - Addition

Las Vegas, Nevada

Perlman

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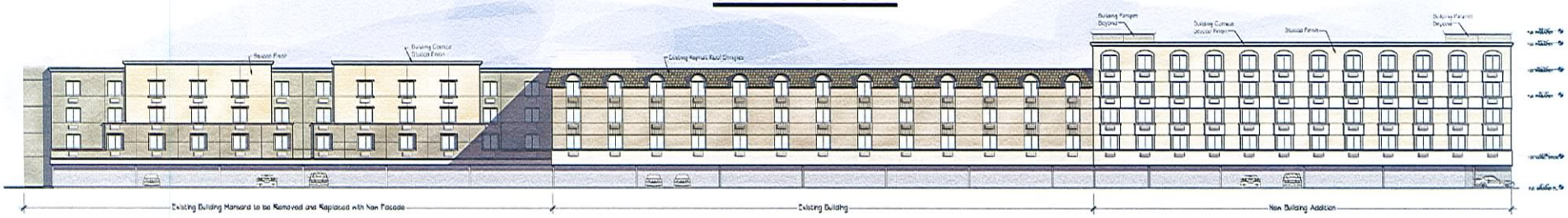
EOT-35350

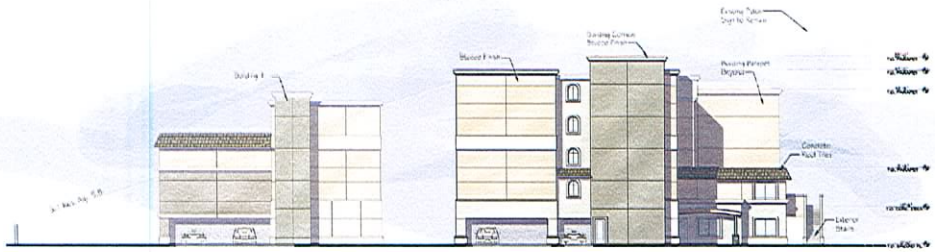
09-16-09 CC



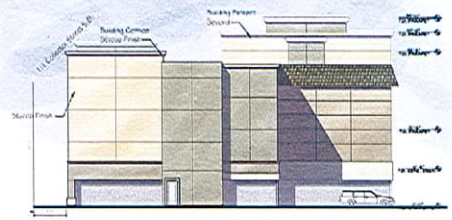
South Elevation



North Elevation



West Elevation



East Elevation

RECEIVED
JUL 27 2009

Scale: 1/16" = 1'-0"

Project # 905029 June 20, 2007

Conceptual Elevations Building 1

Cloudbreak Las Vegas, LLC

US Vets at the Meadows - Addition

Las Vegas, Nevada

EOT-35350
09-16-09 CC

Perlman Elia

AS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW

DOUGLAS A. SELBY
CITY MANAGER

August 17, 2007

Mr. Randy Bishop
Cloudbreak Las Vegas, LLC
733 South Hindry Avenue
Inglewood, California 90301

RE: VAR-19666 - VARIANCE
CITY COUNCIL MEETING OF AUGUST 15, 2007
RELATED TO ZON-21991, WVR-19668, VAR-19665, SUP-19661, SUP-20052, SUP-20822, VAC-19669 AND SDR-19659

Dear Mr. Bishop:

The City Council at a regular meeting held August 15, 2007 APPROVED the request for a Variance TO ALLOW 158 PARKING SPACES WHERE 394 IS THE MINIMUM NUMBER OF SPACES REQUIRED FOR A PROPOSED EXPANSION OF AN EXISTING MULTI-FAMILY RESIDENTIAL/SINGLE ROOM OCCUPANCY ESTABLISHMENT AND SOCIAL SERVICE PROVIDER on 2.77 acres at 525 East Bonanza Road and 602 Encanto Drive (APNs 139-27-805-003 and 139-27-812-017), C-2 (General Commercial) and R-1 (Single Family Residential) Zones [PROPOSED: C-2 (General Commercial)]. The Notice of Final Action was filed with the Las Vegas City Clerk on August 16, 2007. This approval is subject to:

Planning & Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-21991), Waiver (WVR-19668), Variance (VAR-19665), Special Use Permit (SUP-19661), Special Use Permit (SUP-20052), Vacation (VAC-19669) and Site Development Plan Review (SDR-19659) shall be required.

2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

Sincerely,

Angela Crolli

Angela Crolli
Deputy City Clerk II for
Beverly K. Bridges, CMC, City Clerk

cc: See Attached List

EOT-35350
09-16-09 CC

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. of Fire Services

Ms. Sue Gray
Perlman Design Group
2230 Corporate Circle, Suite #200
Henderson, Nevada 89074

EOT-35350
09-16-09 CC

City of Las Vegas Agenda Item No.: **54.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

SUBJECT:

EOT-35351 - EXTENSION OF TIME - VARIANCE - APPLICANT/OWNER: CLOUDBREAK LAS VEGAS, LLC - Request for an Extension of Time of a previously approved Variance (VAR-19665) TO ALLOW A TEN FOOT SETBACK FROM A PRIMARY ARTERIAL STREET WHERE 44 FEET IS THE MINIMUM SETBACK REQUIRED; TO ALLOW A FRONT YARD SETBACK OF TEN FEET WHERE 20 FEET IS REQUIRED AND A SIDE YARD SETBACK OF 8.5 FEET WHERE 10 FEET IS REQUIRED; TO ALLOW A RESIDENTIAL ADJACENCY SETBACK OF 66.42 FEET TO THE FOURTH FLOOR WHERE 127.5 FEET IS THE MINIMUM SETBACK REQUIRED ON THE NORTH SIDE OF THE PROPERTY FOR A PROPOSED EXPANSION OF AN EXISTING MULTI-FAMILY RESIDENTIAL/SINGLE ROOM OCCUPANCY ESTABLISHMENT on 2.77 acres at 525 East Bonanza Road and 602 Encanto Drive (APNs 139-27-805-003 and 139-27-812-017), C-2 (General Commercial) Zone, Ward 5 (Barlow). Staff recommends APPROVAL

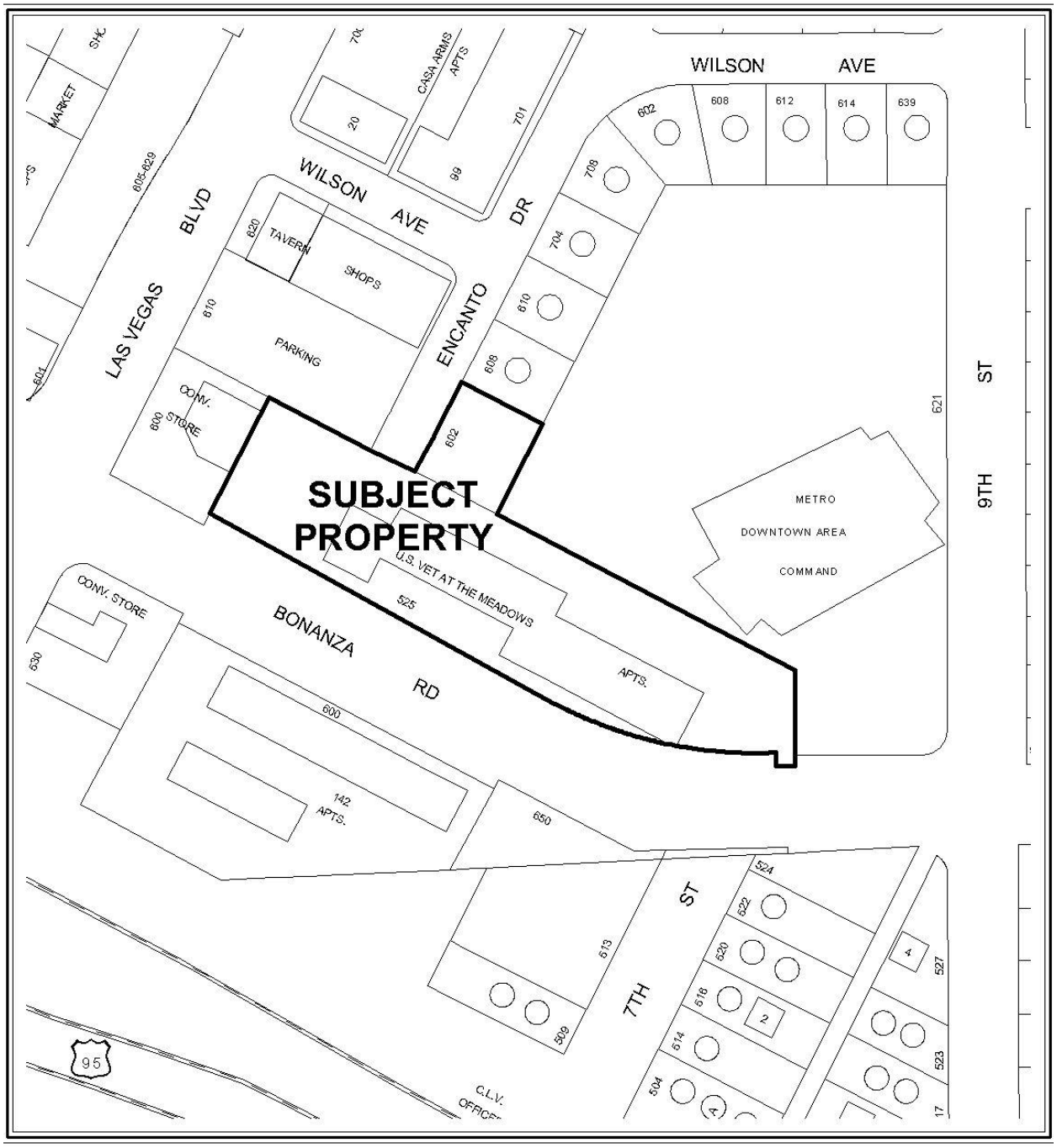
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. City Council Approval Letter for VAR-19665



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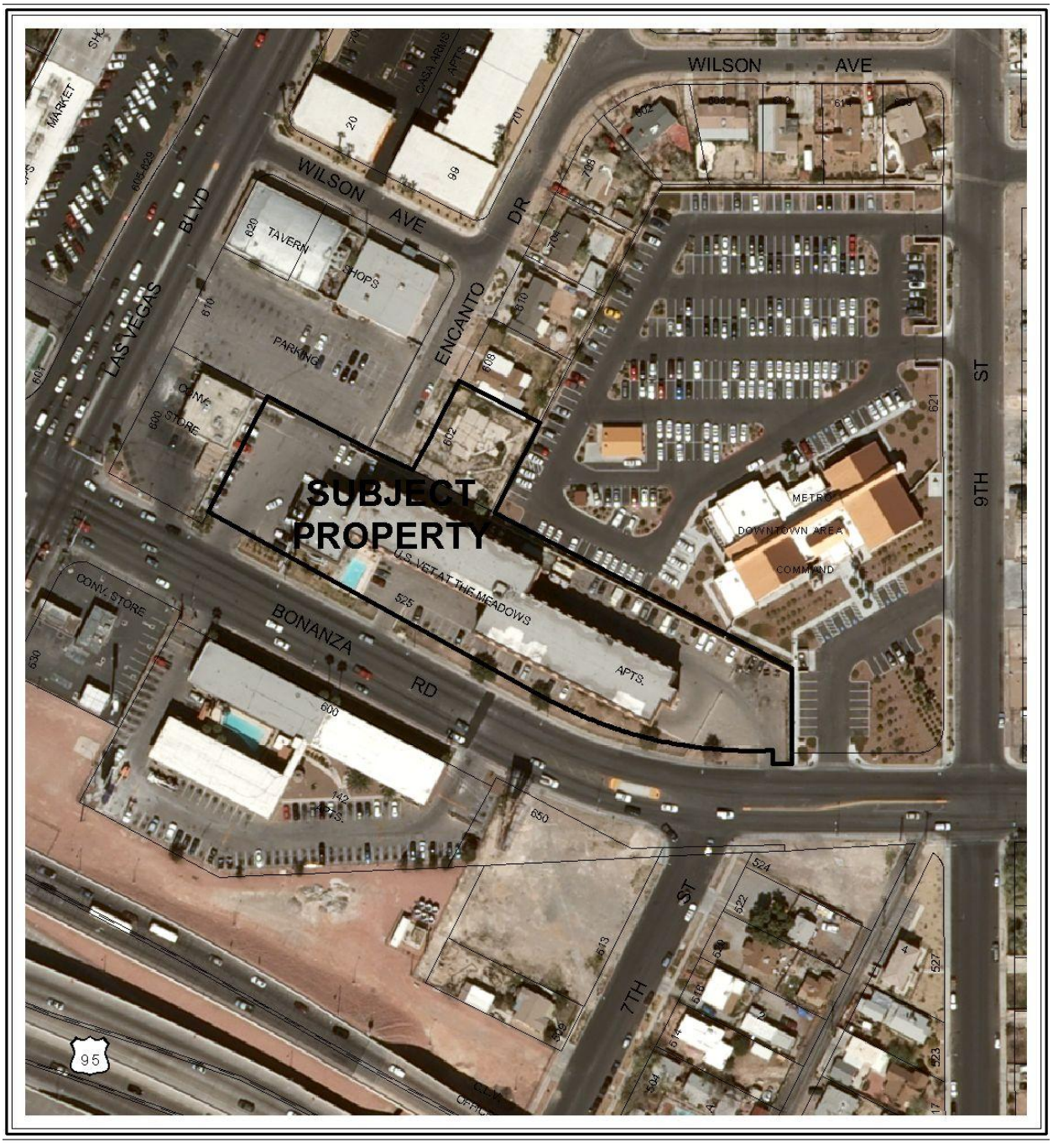
CASE: **EOT-35351**

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N



0 200 Feet

CASE: **EOT-35351**

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 16, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-35351 – EXTENSION OF TIME – VARIANCE -
APPLICANT/OWNER: CLOUDBREAK LAS VEGAS, LLC

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. This Variance (VAR-19665) shall expire on August 15, 2011 unless another Extension of Time is approved by the City Council.

2. Conformance to the conditions of approval of Variance (VAR-19665) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site currently has single room occupancy residences with a previously approved Special Use Permit (SUP-19661) to expand the facility and a Variance (VAR-19665) to allow a 10-foot setback from a primary arterial street where 44 feet is the minimum setback required; to allow a front yard setback of 10 feet where 20 feet is required and a side yard setback of 8.5 feet where 10 feet is required; to allow a residential adjacency setback of 66.42 feet to the fourth floor where 127.5 feet is the minimum required on the north side of the property. In the last six years, new development has occurred in the surrounding area that includes a 2,768 square-foot Museum to the north, a 17, 235 square-foot Metropolitan Police Department Substation to the northeast, and a Convenience Store to the west. No building permits have been issued for the expansion project. The applicant is requesting an extension of time to secure financing. Staff is recommending approval with a two-year time limit.

It is noted that there are six (6) related Extension of Times (EOT-35349, EOT-35350, EOT-35352, EOT-35353, EOT-35354, and EOT-35492) that will be heard concurrently with this application.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
08/11/66	The Planning Commission approved a request for Rezoning (Z-0049-66) from C-1 (Limited Commercial) to C-2 (General Commercial) of property generally located on the north side of Bonanza Road in between Las Vegas Boulevard and 9TH Street.
09/27/83	The City Council approved a request for Rezoning (Z-0076-83) from C-1 (Limited Commercial) and C-2 (General Commercial) to C-2 (General Commercial) of property generally located on the north side of Bonanza Road between Las Vegas Boulevard and 9th Street.
08/21/02	The City Council approved a request for a Variance (V-0042-02) to allow 159 parking spaces where 306 parking spaces are the minimum required for a proposed single room occupancy residence at 525 East Bonanza Road. The Planning Commission recommended approval on 07/25/02.
08/21/02	The City Council approved a request for a Special Use Permit (U-0077-02) for a single room occupancy residence at 525 East Bonanza Road. The Planning Commission recommended approval on 07/25/02.
Related Relevant City Actions by P&D, Fire, Bldg., etc.	
08/21/02	The City Council approved a request for a Site Development Plan Review [Z-0073-83(2)] and reduction of the onsite landscaping requirements for a single

	room occupancy residence on 1.58 acres at 525 East Bonanza Road. The Planning Commission recommended approval on 07/25/02.

10/01/03	The City Council approved a request for an Extension of Time (EOT-2778) of a previously approved Variance (V-0042-02) which allowed 159 parking spaces where 306 are required for a proposed single room occupancy residence at 525 East Bonanza Road.
06/25/03	A Code Enforcement case (1149) was processed for the property lacking dumpsters at 525 East Bonanza Road. Code Enforcement closed the case on 08/16/03.
08/04/04	A Code Enforcement case (19733) was processed for sewage leaking into the parking lot from the building; bugs; may be overcrowding; 20 vehicles in the rear not working on property at 525 East Bonanza Road. Code Enforcement closed the case on 08/27/04.
08/18/04	The City Council approved a request for an Extension of Time (EOT-4778) of a previously approved Site Development Plan Review [Z-0076-83(2)] for a single room occupancy residence at 525 East Bonanza Road.
08/18/04	The City Council approved a request for an Extension of Time (EOT-4779) of a previously approved Variance (V-0042-02) which allowed 159 parking spaces where 306 are required for a proposed single room occupancy residence at 525 East Bonanza Road.
01/06/06	A Code Enforcement case (37394) was processed for fire alarms not up to code and mattresses being stores on the east side of the building at 525 East Bonanza Road. Code Enforcement closed the case on 01/23/06.
01/25/06	A Code Enforcement case (37825) was processed for a mess in the rear of the building at 525 East Bonanza Road. Code Enforcement closed the case on 03/09/06.
08/15/07	The City Council approved a request for a Site Development Plan Review (SDR-19659) for a proposed expansion of an existing multi-family residential/single room occupancy establishment with waivers of the perimeter landscape buffer standards to allow a one-foot wide buffer along a portion of the south property line where a 15–foot wide buffer is required; a six-foot wide buffer along a portion of the east property line where an eight-foot wide buffer is required; a three-foot wide buffer along a portion of the north property line where an eight-foot wide buffer is required; and a six-foot wide buffer along the west property line where an eight-foot wide buffer is required on 2.77 acres at 525 East Bonanza Road and 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.
08/15/07	The City Council approved a request for a Special Use Permit (SUP-19661) for a proposed expansion of a single room occupancy residence at 525 East Bonanza Road and 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
08/15/07	The City Council approved a request for a Variance (VAR-19665) to allow a ten-foot setback from a primary arterial street where 44 feet is the minimum setback required; to allow a front yard setback of ten feet where 20 feet is required and a side yard setback of 8.5 feet where 10 feet is required; to allow a residential adjacency setback of 66.42 feet to the fourth floor where 127.5 feet is the minimum setback required on the north side of the property for a proposed expansion of an existing multi-family residential/single room occupancy establishment on 2.77 acres at 525 East Bonanza Road and 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.
08/15/07	The City Council approved a request for a Variance (VAR-19666) to allow 158 parking spaces where 394 spaces are required for a proposed expansion of an existing multi-family residential/single room occupancy establishment and social service provider on 2.77 acres at 525 East Bonanza Road and 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.
08/15/07	The City Council approved a request for a Waiver (WVR-19668) of Title 18.12.130 to allow Encanto Drive to continue to end in a dead end street where a cul-de-sac is required at 525 East Bonanza Road and 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.
08/15/07	The City Council approved a request for a Petition to Vacate (VAC-19669) the southern 101 feet of Encanto Drive, commencing approximately 97 feet south of the intersection of Encanto Drive and Wilson Avenue. The Planning Commission recommended approval on 07/12/07.
08/15/07	The City Council approved a request for a Special Use Permit (SUP-20052) for a proposed Social Service Provider at 525 East Bonanza Road and 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.
08/17/07	The City Council approved a request for Rezoning (ZON-21991) from R-1 (Single Family Residential) to C-2 (General Commercial) on 0.21 acres at 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.
11/06/08	The Planning and Development Department administratively approved a request for an Extension of Time (EOT-30355) of a previously approved Petition to Vacate (VAC-19669) the southern 101 feet of Encanto Drive, commencing approximately 97 feet south of the intersection of Encanto Drive and Wilson Avenue.

Related Building Permits/Business Licenses	
11/10/05	A building permit (46941) was issued for fire alarm system at 525 East Bonanza Road. The permit was finalized on 12/27/07.
12/30/05	A building permit (56901) was issued for a central station monitoring system at 525 east Bonanza Road. The permit was finalized on 01/08/08.
09/07/07	A business license (N41-00040) was issued for a Social Service Provider at 525 East Bonanza Road. The activity is actually at 610 Las Vegas Boulevard, therefore a business license was never issued and the entitlements of Special Use Permit (SUP-20822) where never exercised and have therefore expired. An investigator is researching the activity.
09/07/07	A business license (N42-00004) was issued for Intermediary Housing at 525 East Bonanza Road. The license is still active.
01/18/08	A business license (A07-01795) was issued for an Apartment Complex at 525 East Bonanza Road. The license is still active.
05/29/09	A business license (P06-01029) was issued for a Photography business at 525 East Bonanza Road, Ste 247 (Home Occupation Permit).
05/29/09	A business license (P20-00280) was issued for Photo Sales at 525 East Bonanza Road, Ste 247 (Home Occupation Permit).
Pre-Application Meeting	
A pre-application meeting is not required for this type of application, nor was one held.	
Neighborhood Meeting	
A neighborhood meeting is not required for this type of application, nor was one held.	

Details of Application Request	
Site Area	
Gross Acres	2.77

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Residential/Single Room Occupancy Establishment	MXU (Mixed-Use)	C-2 (General Commercial)
North	Single-Family Residences	MXU (Mixed-Use)	R-1 (Single Family Residential)
	Tavern and Retail Establishments	MXU (Mixed-Use)	C-2 (General Commercial)
South	Apartments	MXU (Mixed-Use)	C-2 (General Commercial)
East	Government Facility	PF (Public Facilities)	C-V (Civic)
West	Retail Establishment	MXU (Mixed-Use)	C-1 (Limited Commercial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
Downtown North Plan	X		Y
Las Vegas Redevelopment Plan	X		Y
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (200 feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the first request for an extension of time for a previously approved Variance (VAR-19665) to allow a 10-foot setback from a primary arterial street where 44 feet is the minimum setback required; to allow a front yard setback of 10 feet where 20 feet is required and a side yard setback of 8.5 feet where 10 feet is required; to allow a residential adjacency setback of 66.42 feet to the fourth floor where 127.5 feet is the minimum required on the north side of the property for a proposed expansion of an existing multi-family residential single room occupancy establishment at 525 East Bonanza and 602 Encanto Drive. The applicant has not made any progress on the proposed project. There have been five (5) Code Enforcement cases processed for the subject site, but all were prior to the approval of the expansion project and Variance.

Title 19.18.070 deems a Variance exercised when a business license is issued to conduct the activity, if required, or upon the issuance of a certificate of occupancy or an approved final inspection.

FINDINGS

The Variance (VAR-19665) has not met the requirements outlined in Title 19.18.070 to exercise the entitlement, as the applicant has not begun construction of the new project. The expansion of the existing structure will not negatively affect the new development that has occurred in the surrounding areas. The applicant is requesting an extension of time to secure financing for the project. Staff recommends approval with a two-year time limit. Conformance to the conditions of approval of Variance (VAR-19665) shall be required.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT **N/A**

SENATE DISTRICT **N/A**

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: EOT-35351 APN: 139-27-805-003, 139-27-812-017

Name of Property Owner: Cloudbreak Las Vegas LLC

Name of Applicant: Cloudbreak Las Vegas LLC

Name of Representative: Cloudbreak Las Vegas LLC

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: Randall Bishop Whitzen

Subscribed and sworn before me Andrew M. Villarreal, Notary Public

This 15 day of July, 20 09

_____

Notary Public in and for said County and State

ANDREW MARCELLUS VILLARREAL
Commission # 1612213
Notary Public - California
Los Angeles County
My Comm. Expires Oct 9, 2009

ACKNOWLEDGMENT

State of California
County of Los Angeles)

On July 15, 2009 before me, Andrew M. Villarreal, Notary Public
(insert name and title of the officer)

personally appeared Randall A. Bishop,
who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

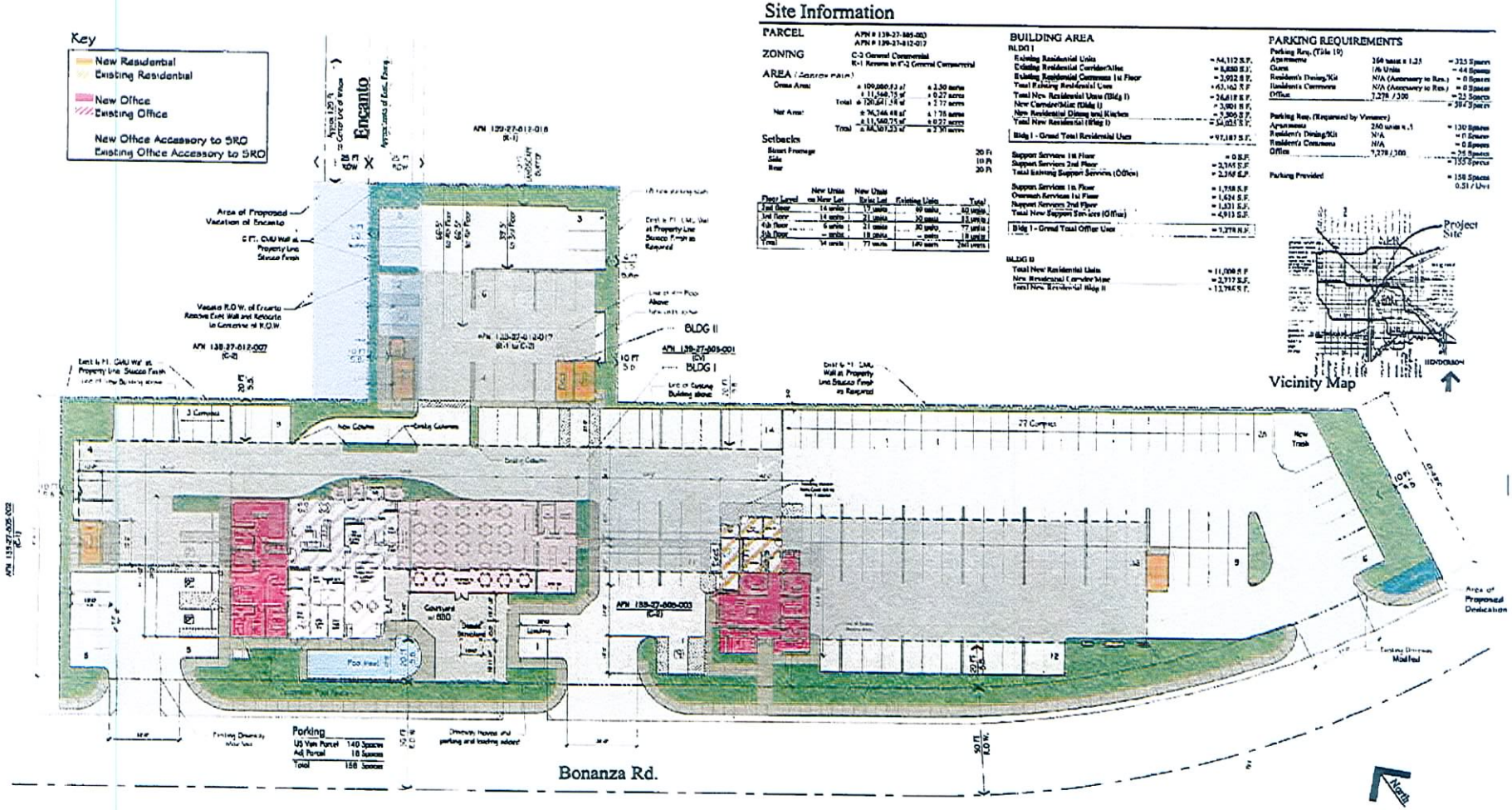
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

ANDREW MARCELLUS VILLARREAL
Commission # 1612213
Notary Public - California
Los Angeles County
My Comm. Expires Oct 9, 2009

Signature _____ **(Seal)**

EOT-35351
09-16-09 CC



Conceptual Site Plan - Scheme G

Cloudbreak Las Vegas, LLC

US Vets at the Meadows - Addition

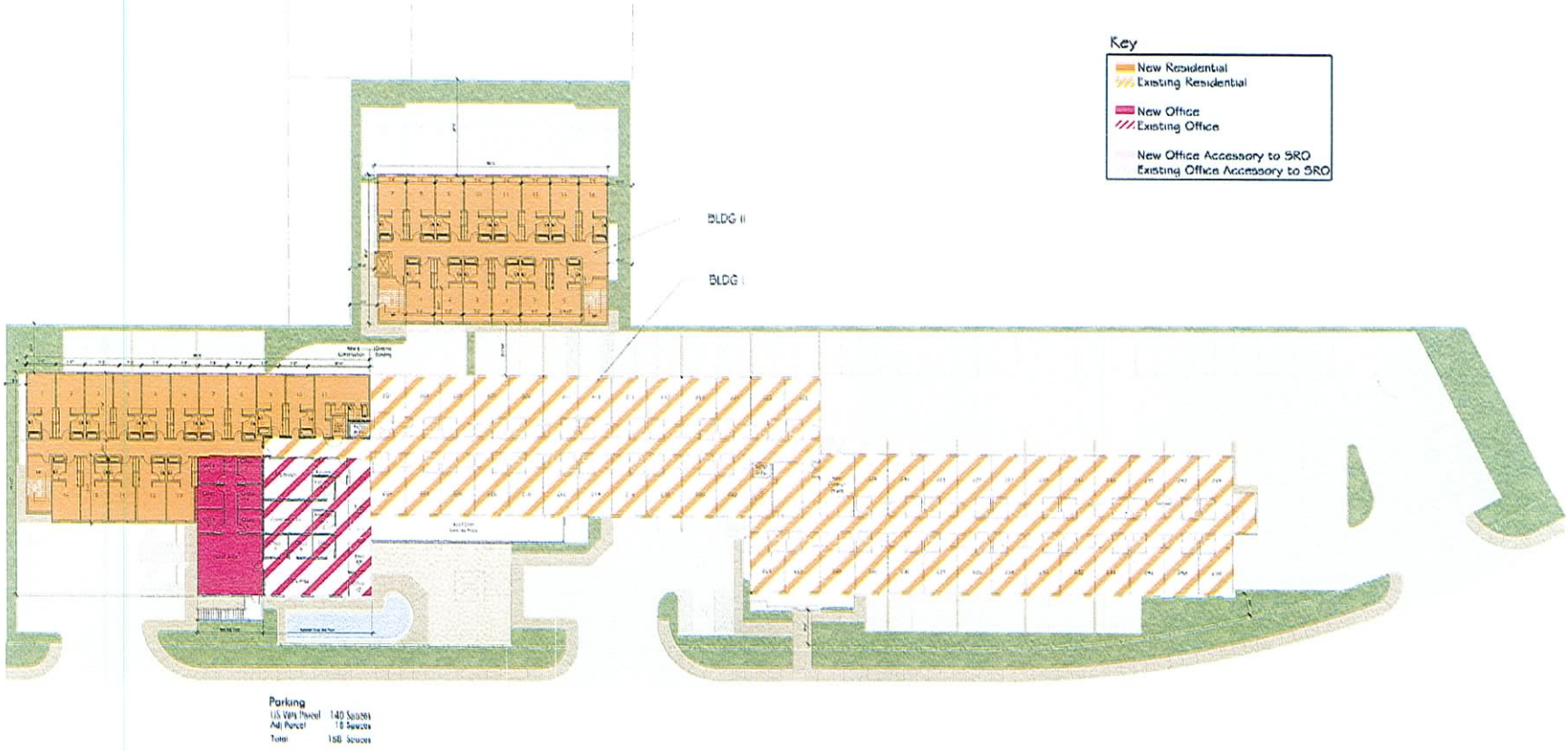
Las Vegas, Nevada

Project # 905029 February 2, 2007

Perlman F1

EOT-35351

09-16-09 CC



Conceptual 2nd Floor Plan

Scale: 1" = 20'-0"

Project # 905029 February 09, 2009

Cloudbreak Las Vegas, LLC

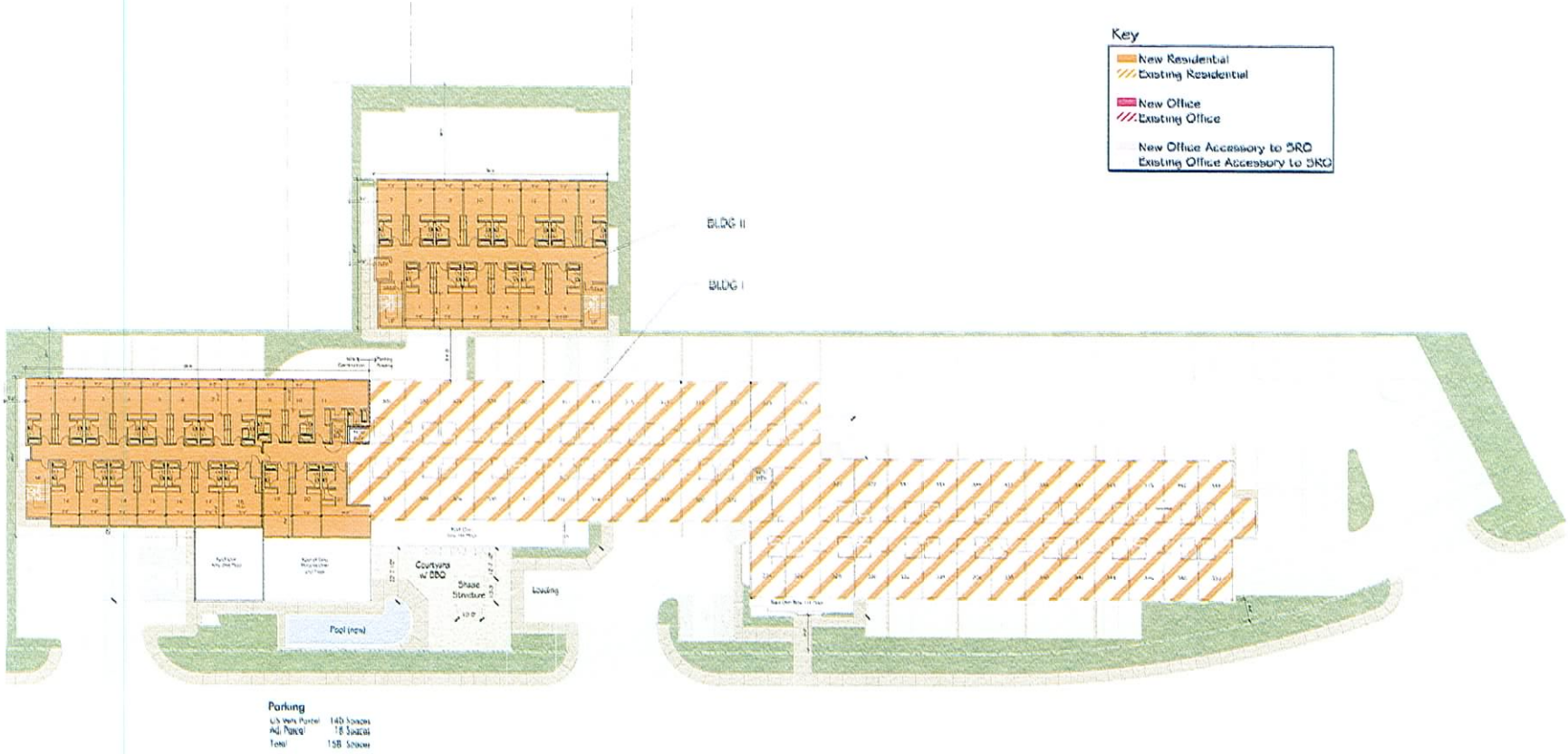
US Vets at the Meadows - Addition

Las Vegas, Nevada

Perlman F2

EOT-35351

09-16-09 CC



Conceptual 3rd Floor Plan

Scale: 1" = 20'-0"

Project # 905029 February 02, 2007

Cloudbreak Las Vegas, LLC

US Vets at the Meadows - Addition

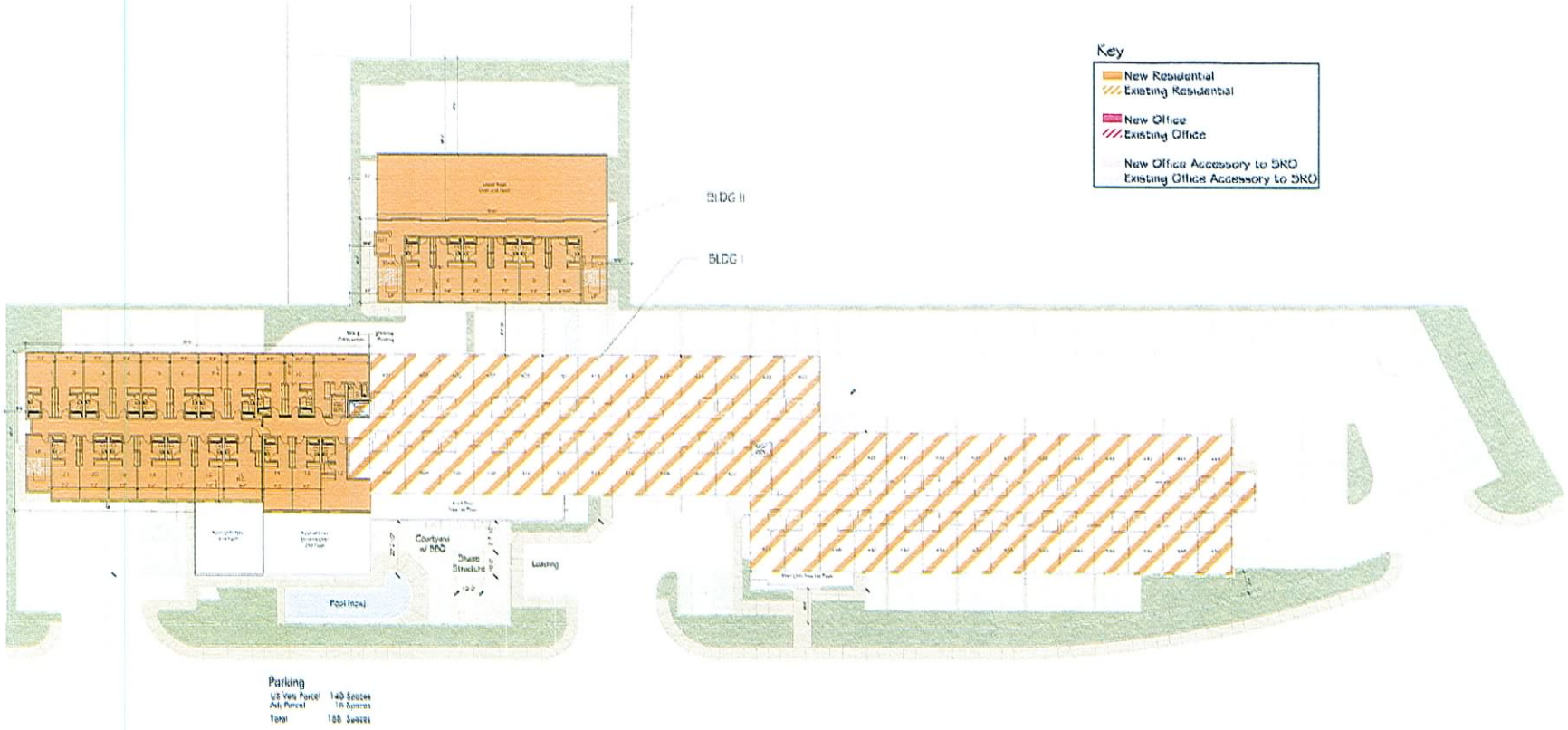
Las Vegas, Nevada

Perlman

F3

EOT-35351

09-16-09 CC



Conceptual 4th Floor Plan

Scale: 1" = 20'-0"

Project # 903029 February 02, 2007

Cloudbreak Las Vegas, LLC

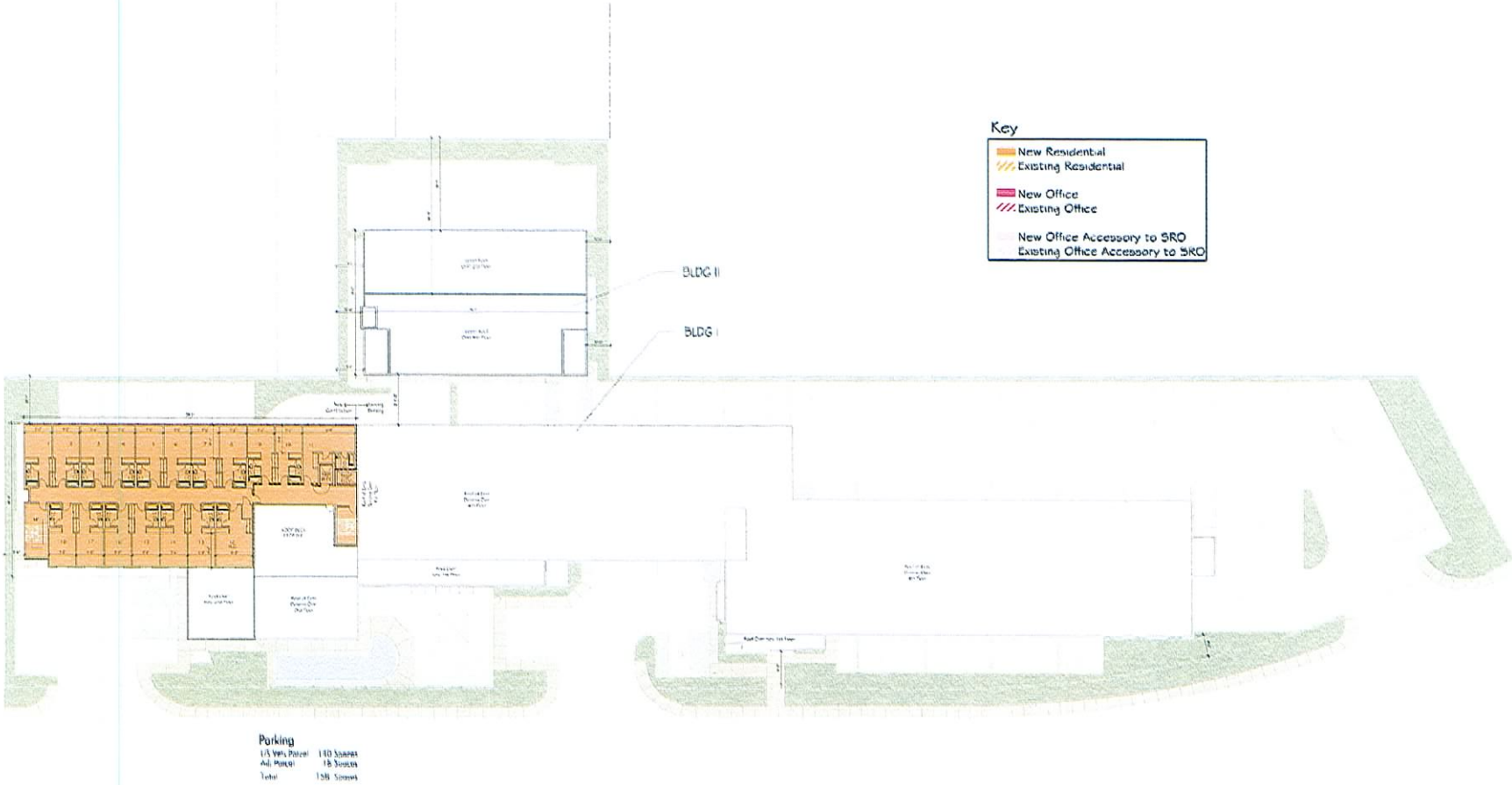
US Vets at the Meadows - Addition

Las Vegas, Nevada

Perlman F4

EOT-35351

09-16-09 CC



Conceptual 5th Floor Plan

Scale: 1" = 20'-0"

Project # 703029 February 09, 2009

Cloudbreak Las Vegas, LLC

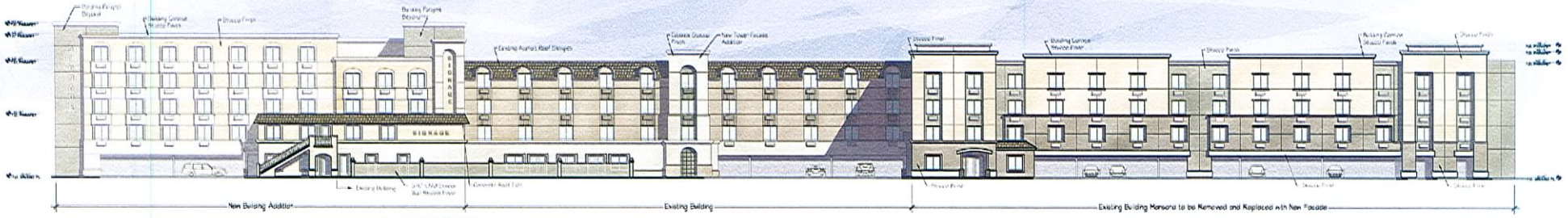
US Vets at the Meadows - Addition

Las Vegas, Nevada

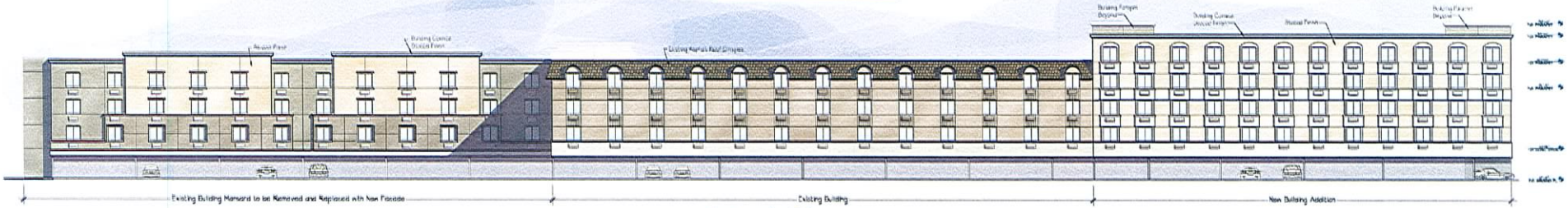
Perlman F5

EOT-35351

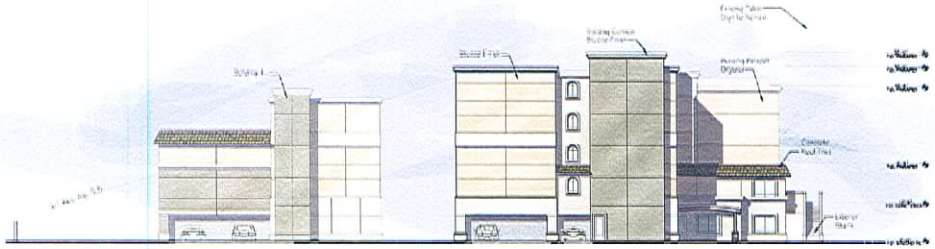
09-16-09 CC



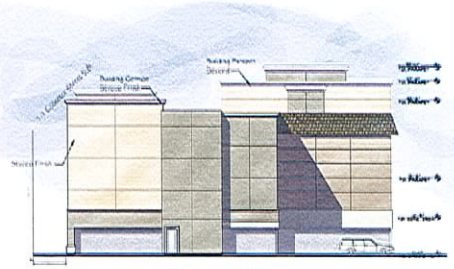
South Elevation



North Elevation



West Elevation



East Elevation

Conceptual Elevations Building 1

Scale: 1/16" = 1'-0"

Project # 905029 June 20, 2007

Cloudbreak Las Vegas, LLC

US Vets at the Meadows - Addition

Las Vegas, Nevada

Perlman Elevation

EOT-35351

09-16-09 CC

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW

DOUGLAS A. SELBY
CITY MANAGER



CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov

August 17, 2007

Mr. Randy Bishop
Cloudbreak Las Vegas, LLC
733 South Hindry Avenue
Inglewood, California 90301

RE: VAR-19665 - VARIANCE
CITY COUNCIL MEETING OF AUGUST 15, 2007
RELATED TO ZON-21991, WVR-19668, VAR-19666, SUP-19661, SUP-20052, SUP-20822, VAC-19669 AND SDR-19659

Dear Mr. Bishop:

The City Council at a regular meeting held August 15, 2007 APPROVED the request for a Variance TO ALLOW A TEN FOOT SETBACK FROM A PRIMARY ARTERIAL STREET WHERE 44 FEET IS THE MINIMUM SETBACK REQUIRED; TO ALLOW A FRONT YARD SETBACK OF TEN FEET WHERE 20 FEET IS REQUIRED AND A SIDE YARD SETBACK OF 8.5 FEET WHERE 10 FEET IS REQUIRED; TO ALLOW A RESIDENTIAL ADJACENCY SETBACK OF 66.42 FEET TO THE FOURTH FLOOR WHERE 127.5 FEET IS THE MINIMUM SETBACK REQUIRED ON THE NORTH SIDE OF THE PROPERTY FOR A PROPOSED EXPANSION OF AN EXISTING MULTI-FAMILY RESIDENTIAL/SINGLE ROOM OCCUPANCY ESTABLISHMENT on 2.77 acres at 525 East Bonanza Road and 602 Encanto Drive (APNs 139-27-805-003 and 139-27-812-017), C-2 (General Commercial) and R-1 (Single Family Residential) Zones [PROPOSED: C-2 (General Commercial)]. The Notice of Final Action was filed with the Las Vegas City Clerk on August 16, 2007. This approval is subject to:

Planning & Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-21991), Waiver (WVR-19668), Variance (VAR-19666), Special Use Permit (SUP-19661), Special Use Permit (SUP-20052), Vacation (VAC-19669) and Site Development Plan Review (SDR-19659) shall be required.

EOT-35351
09-16-09 CC

2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

Sincerely,

Angela Crolli

Angela Crolli
Deputy City Clerk II for
Beverly K. Bridges, CMC, City Clerk

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. of Fire Services

Ms. Sue Gray
Perlman Design Group
2230 Corporate Circle, Suite #200
Henderson, Nevada 89074

EOT-35351
09-16-09 CC

City of Las Vegas Agenda Item No.: **55.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

SUBJECT:

EOT-35349 - EXTENSION OF TIME - WAIVER - APPLICANT/OWNER: CLOUDBREAK LAS VEGAS, LLC - Request for an Extension of Time of a previously approved Waiver (WVR-19668) of Title 18.12.130 TO ALLOW ENCANTO DRIVE TO CONTINUE TO END IN A DEAD END STREET WHERE A CUL-DE-SAC IS REQUIRED at 525 East Bonanza Road and 602 Encanto Drive (APNs 139-27-805-003 and 139-27-812-017), C-2 (General Commercial) Zone, Ward 5 (Barlow). Staff recommends APPROVAL

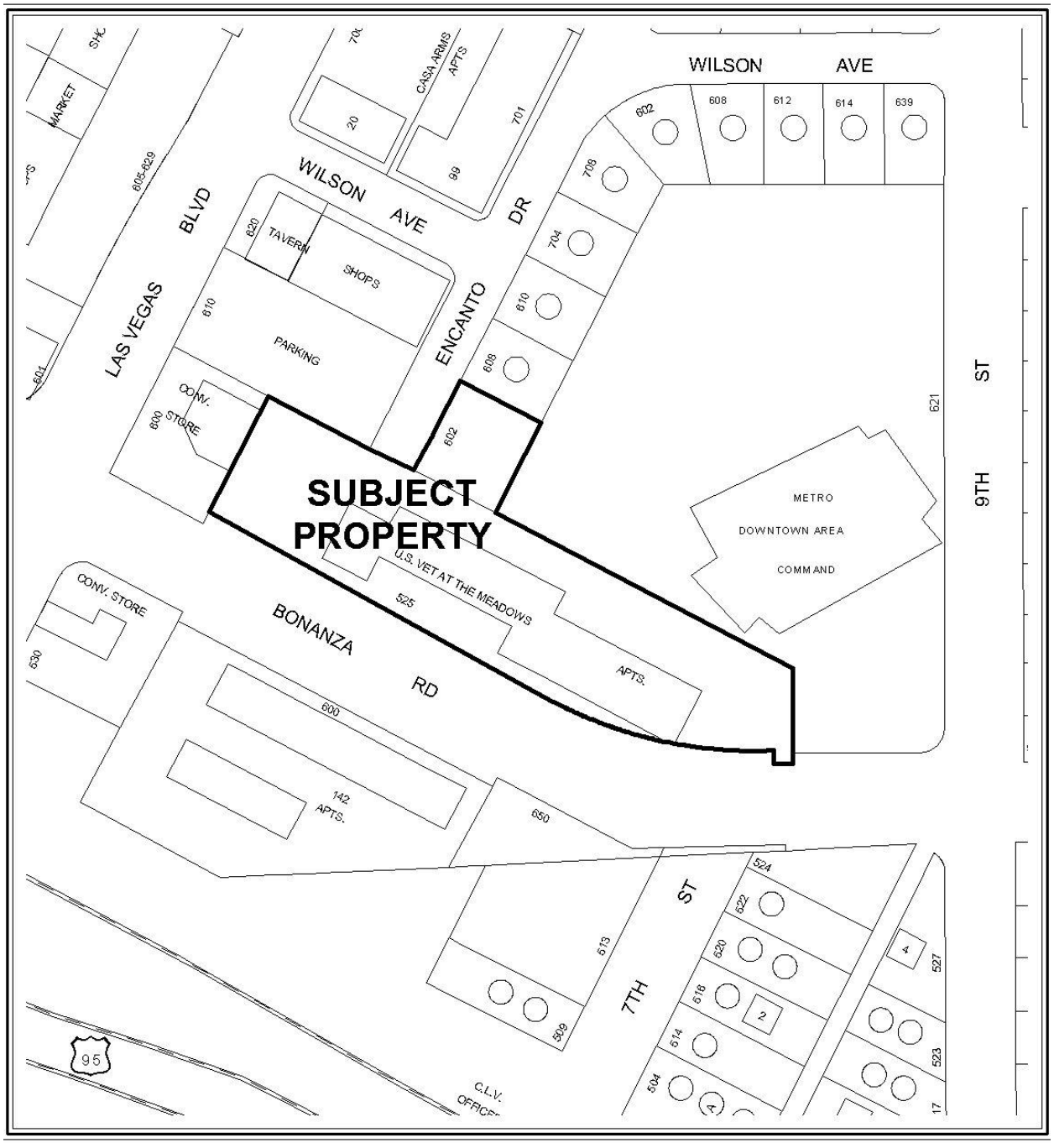
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. City Council Approval Letter for WVR-19668

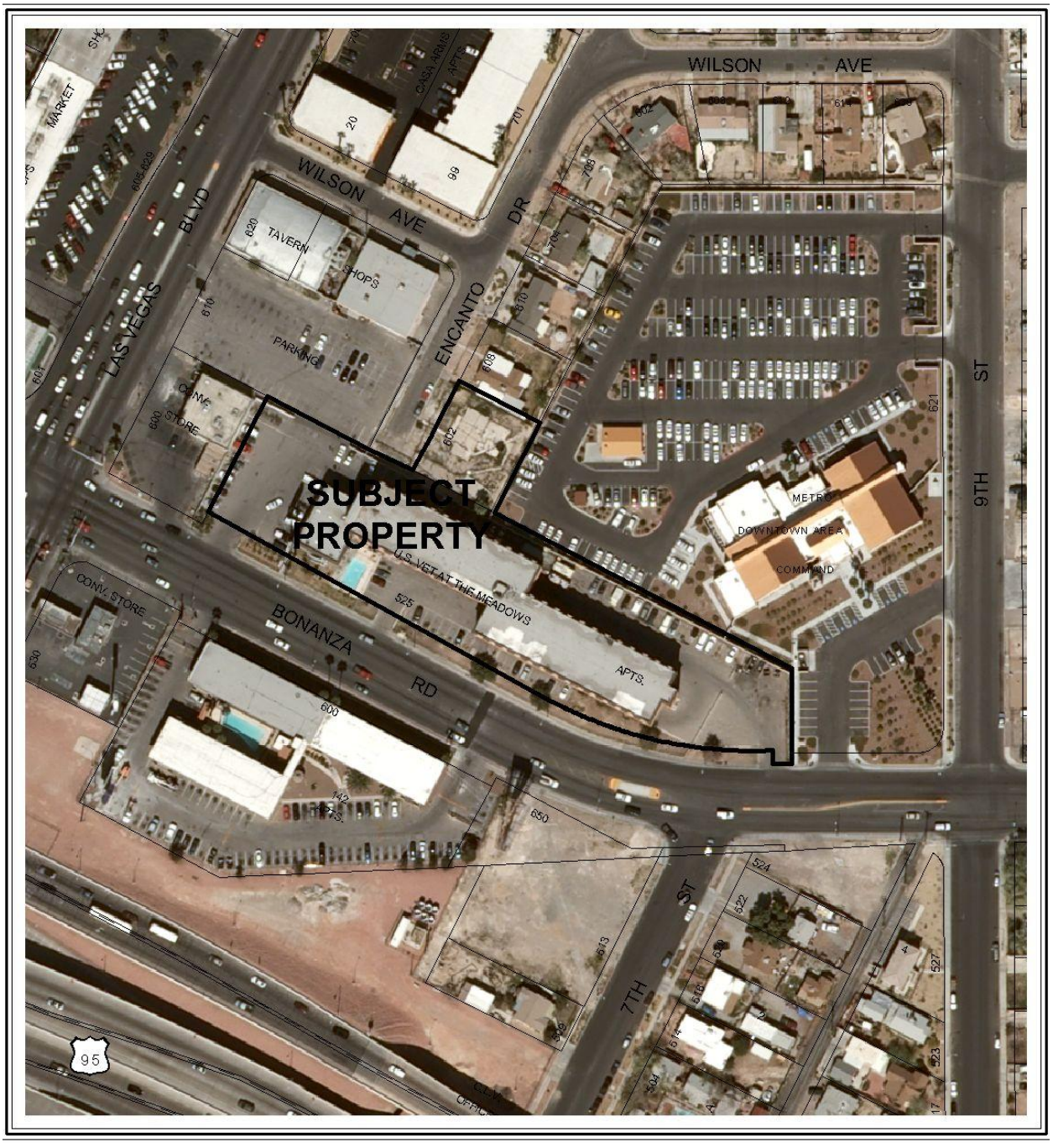


0 200 Feet

CASE: **EOT-35349**

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N



0 200 Feet

CASE: **EOT-35349**

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 16, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-35349 – EXTENSION OF TIME – WAIVER -
APPLICANT/OWNER: CLOUDBREAK LAS VEGAS, LLC

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. This Waiver (WVR-19668) shall expire on August 15, 2011 unless another Extension of Time is approved by City Council.

2. Conformance to the conditions of approval of Waiver (WVR-19668) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site currently has several Special Use Permits, Variances, a Site Development Plan Review, Vacation, and a Waiver (WVR-19668) to Title 18.12.130 to allow Encanto Drive to continue to end in a dead end street where a cul-de-sac is required for the expansion of an existing single room occupancy establishment and Social Service Provider at 525 East Bonanza Road and 602 Encanto Drive. Since the construction of the original building in 1985, some new development has occurred in the surrounding area to include a 2,768 square-foot Museum to the north, a 17,235 square-foot Metropolitan Police Department Substation to the northeast, and a Convenience Store to the west. No building permits have been issued for the expansion project. The applicant is requesting an extension of time to secure financing. The Department of Public Works has no objection on the request for the Extension of Time. Staff is recommending approval with a two-year time limit.

It is noted that there are six (6) related Extension of Times (EOT-35350, EOT-35351, EOT-35352, EOT-35353, EOT-35354, and EOT-35492) that will be heard concurrently with this application.

BACKGROUND INFORMATION

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08/15/07	The City Council approved a request for a Site Development Plan Review (SDR-19659) for a proposed expansion of an existing multi-family residential/single room occupancy establishment with waivers of the perimeter landscape buffer standards to allow a one-foot wide buffer along a portion of the south property line where a 15–foot wide buffer is required; a six-foot wide buffer along a portion of the east property line where an eight-foot wide buffer is required; a three-foot wide buffer along a portion of the north property line where an eight-foot wide buffer is required; and a six-foot wide buffer along the west property line where an eight-foot wide buffer is required on 2.77 acres at 525 East Bonanza Road and 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.

08/15/07	The City Council approved a request for a Special Use Permit (SUP-19661) for a proposed expansion of a single room occupancy residence at 525 East Bonanza Road and 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
08/15/07	The City Council approved a request for a Variance (VAR-19665) to allow a ten-foot setback from a primary arterial street where 44 feet is the minimum setback required; to allow a front yard setback of ten feet where 20 feet is required and a side yard setback of 8.5 feet where 10 feet is required; to allow a residential adjacency setback of 66.42 feet to the fourth floor where 127.5 feet is the minimum setback required on the north side of the property for a proposed expansion of an existing multi-family residential/single room occupancy establishment on 2.77 acres at 525 East Bonanza Road and 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.
08/15/07	The City Council approved a request for a Variance (VAR-19666) to allow 158 parking spaces where 394 spaces are required for a proposed expansion of an existing multi-family residential/single room occupancy establishment and social service provider on 2.77 acres at 525 East Bonanza Road and 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.
08/15/07	The City Council approved a request for a Waiver (WVR-19668) of Title 18.12.130 to allow Encanto Drive to continue to end in a dead end street where a cul-de-sac is required at 525 East Bonanza Road and 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.
08/15/07	The City Council approved a request for a Petition to Vacate (VAC-19669) the southern 101 feet of Encanto Drive, commencing approximately 97 feet south of the intersection of Encanto Drive and Wilson Avenue. The Planning Commission recommended approval on 07/12/07.
08/15/07	The City Council approved a request for a Special Use Permit (SUP-20052) for a proposed Social Service Provider at 525 East Bonanza Road and 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.
08/17/07	The City Council approved a request for Rezoning (ZON-21991) from R-1 (Single Family Residential) to C-2 (General Commercial) on 0.21 acres at 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.
11/06/08	The Planning and Development Department administratively approved a request for an Extension of Time (EOT-30355) of a previously approved Petition to Vacate (VAC-19669) the southern 101 feet of Encanto Drive, commencing approximately 97 feet south of the intersection of Encanto Drive and Wilson Avenue.

Related Building Permits/Business Licenses	
11/10/05	A building permit (46941) was issued for fire alarm system at 525 East Bonanza Road. The permit was finalized on 12/27/07.
12/30/05	A building permit (56901) was issued for a central station monitoring system at 525 east Bonanza Road. The permit was finalized on 01/08/08.
09/07/07	A business license (N41-00040) was issued for a Social Service Provider at 525 East Bonanza Road. The activity is actually at 610 Las Vegas Boulevard, therefore a business license was never issued and the entitlements of Special Use Permit (SUP-20822) where never exercised and have therefore expired. An investigator is researching the activity.
09/07/07	A business license (N42-00004) was issued for Intermediary Housing at 525 East Bonanza Road. The license is still active.
01/18/08	A business license (A07-01795) was issued for an Apartment Complex at 525 East Bonanza Road. The license is still active.
05/29/09	A business license (P06-01029) was issued for a Photography business at 525 East Bonanza Road, Ste 247 (Home Occupation Permit).
05/29/09	A business license (P20-00280) was issued for Photo sales at 525 East Bonanza Road, Ste 247 (Home Occupation Permit).
Pre-Application Meeting	
A pre-application meeting is not required for this type of application, nor was one held.	
Neighborhood Meeting	
A neighborhood meeting is not required for this type of application, nor was one held.	

Details of Application Request	
Site Area	
Gross Acres	2.77

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Residential/Single Room Occupancy Establishment	MXU (Mixed-Use)	C-2 (General Commercial)
North	Single-Family Residences	MXU (Mixed-Use)	R-1 (Single Family Residential)
	Tavern and Retail Establishments	MXU (Mixed-Use)	C-2 (General Commercial)
South	Apartments	MXU (Mixed-Use)	C-2 (General Commercial)
East	Government Facility	PF (Public Facilities)	C-V (Civic)
West	Retail Establishment	MXU (Mixed-Use)	C-1 (Limited Commercial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
Downtown North Plan	X		Y
Las Vegas Redevelopment Plan	X		Y
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (200 feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

- **Planning and Development Discussion:**

  This is the first request for an extension of time of a previously approved Waiver (WVR-19668) to Title 18.12.130 to allow Encanto Drive to continue to end in a dead end street where a cul-de-sac is required for the expansion of an existing single room occupancy establishment and Social Service Provider located at 525 East Bonanza Road and 602 Encanto Drive. The applicant has not made any progress on the proposed project in the form of building permits. There has not been any recent development in the surrounding areas, though new entitlements were approved and projects completed since the original construction of the existing facility.

- Department of Public Works Discussion:

  The Department of Public Works has no objection on the request for an extension of time as long as all previously imposed conditions of approval of the Waiver (WVR-19668) and all other subsequent site related actions are ultimately complied with.

FINDINGS

Approval of the original Waiver (WVR-19668) was granted on 08/15/07. This request is deemed appropriate as the approved Site Development Plan Review (SDR-19659) and related approvals are being considered for Extension of Times with this request. Staff recommends approval with a two-year time limit.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT **N/A**

SENATE DISTRICT **N/A**

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **EOT-35349** APN: 139-27-805-003, 139-27-812-017

Name of Property Owner: Cloudbreak Las Vegas LLC

Name of Applicant: Cloudbreak Las Vegas LLC

Name of Representative: Cloudbreak Las Vegas LLC

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: Randall Bishop Manager

Subscribed and sworn before me Andrew M. Villarreal, Notary Public

This 15 day of July, 20 09

_____

Notary Public in and for said County and State

ANDREW MARCELLUS VILLARREAL
Commission # 1612213
Notary Public - California
Los Angeles County
My Comm. Expires Oct 9, 2009

ACKNOWLEDGMENT

State of California
County of Los Angeles)

On July 15, 2009 before me, Andrew M. Villarreal, Notary Public
(insert name and title of the officer)

personally appeared Randall A. Bishop,
who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed the same in his/~~her~~/~~their~~ authorized capacity(~~ies~~), and that by his/~~her~~/~~their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

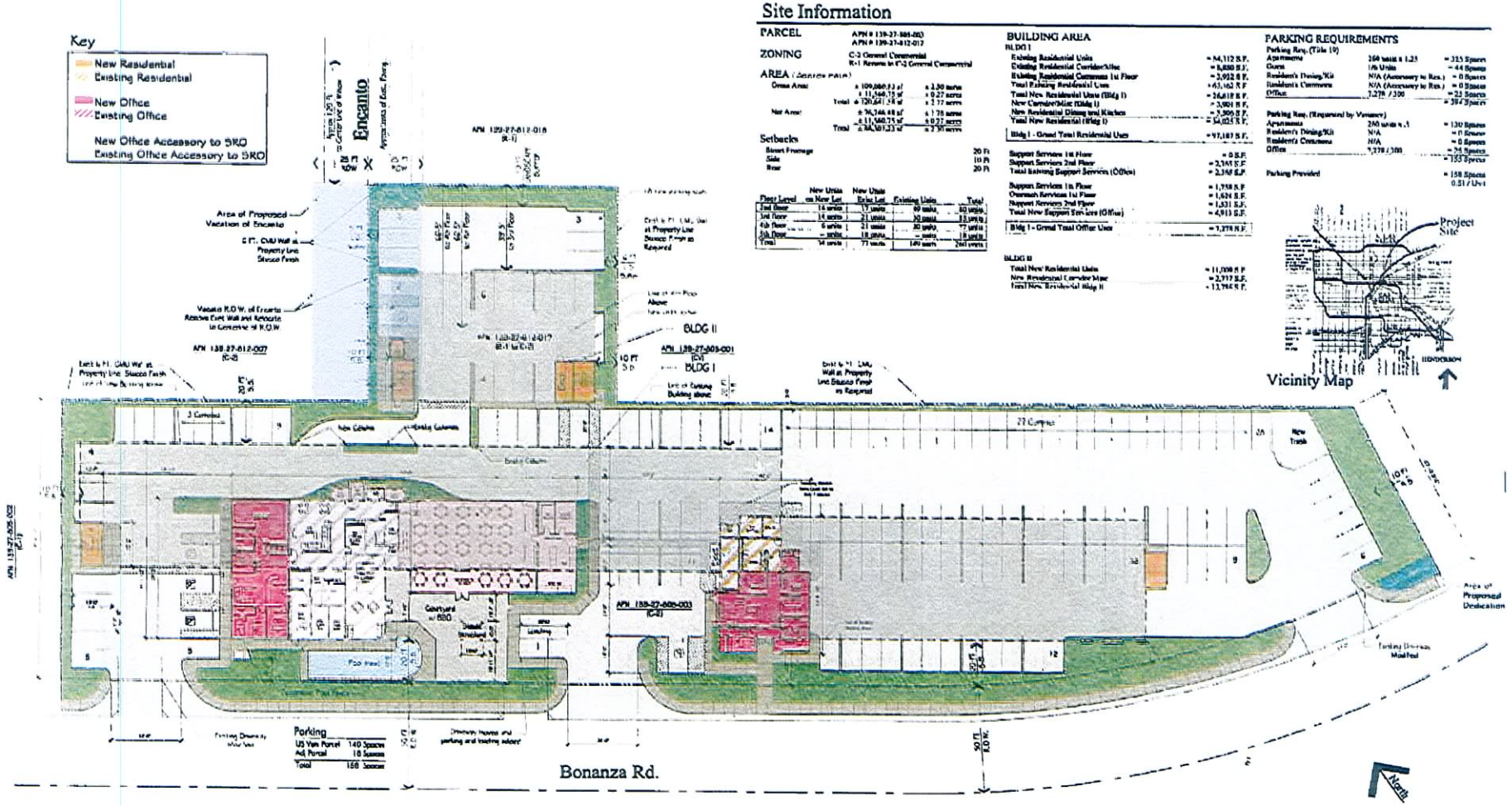
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

ANDREW MARCELLUS VILLARREAL
Commission # 1612213
Notary Public - California
Los Angeles County
My Comm. Expires Oct 9, 2009

Signature _____ (Seal)

EOT-35349
09-16-09 CC



Conceptual Site Plan - Scheme G

Cloudbreak Las Vegas, LLC

US Vets at the Meadows - Addition

Las Vegas, Nevada

Project # 905029 February 2, 2007

Perlman F1

EOT-35349
09-16-09 CC

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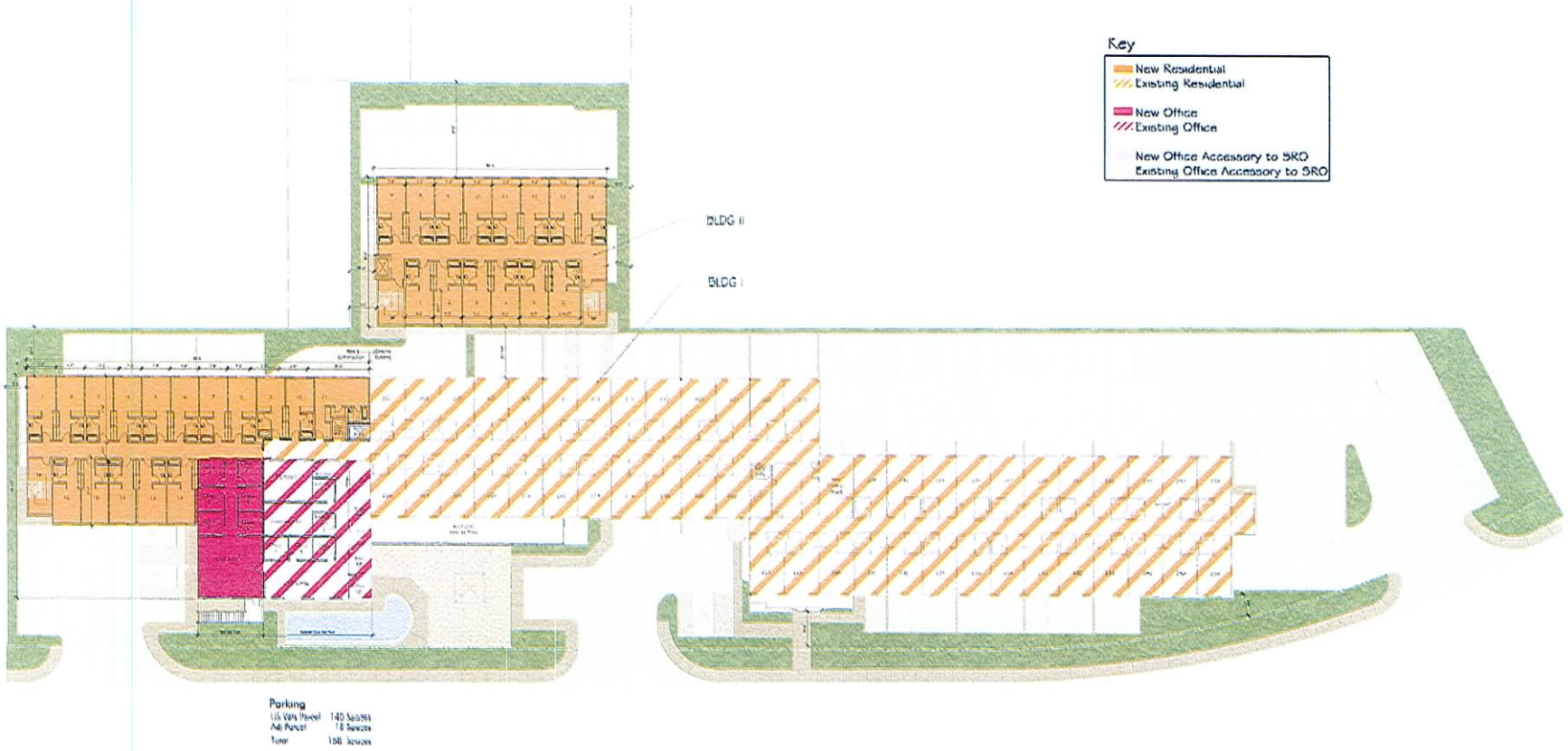
JUL 27 2009



Conceptual 2nd Floor Plan

Scale: 1" = 20'-0"

Project # 105029 February 02, 2007

Cloudbreak Las Vegas, LLC

US Vets at the Meadows - Addition

Las Vegas, Nevada

Perlman F2

EOT-35349

09-16-09 CC

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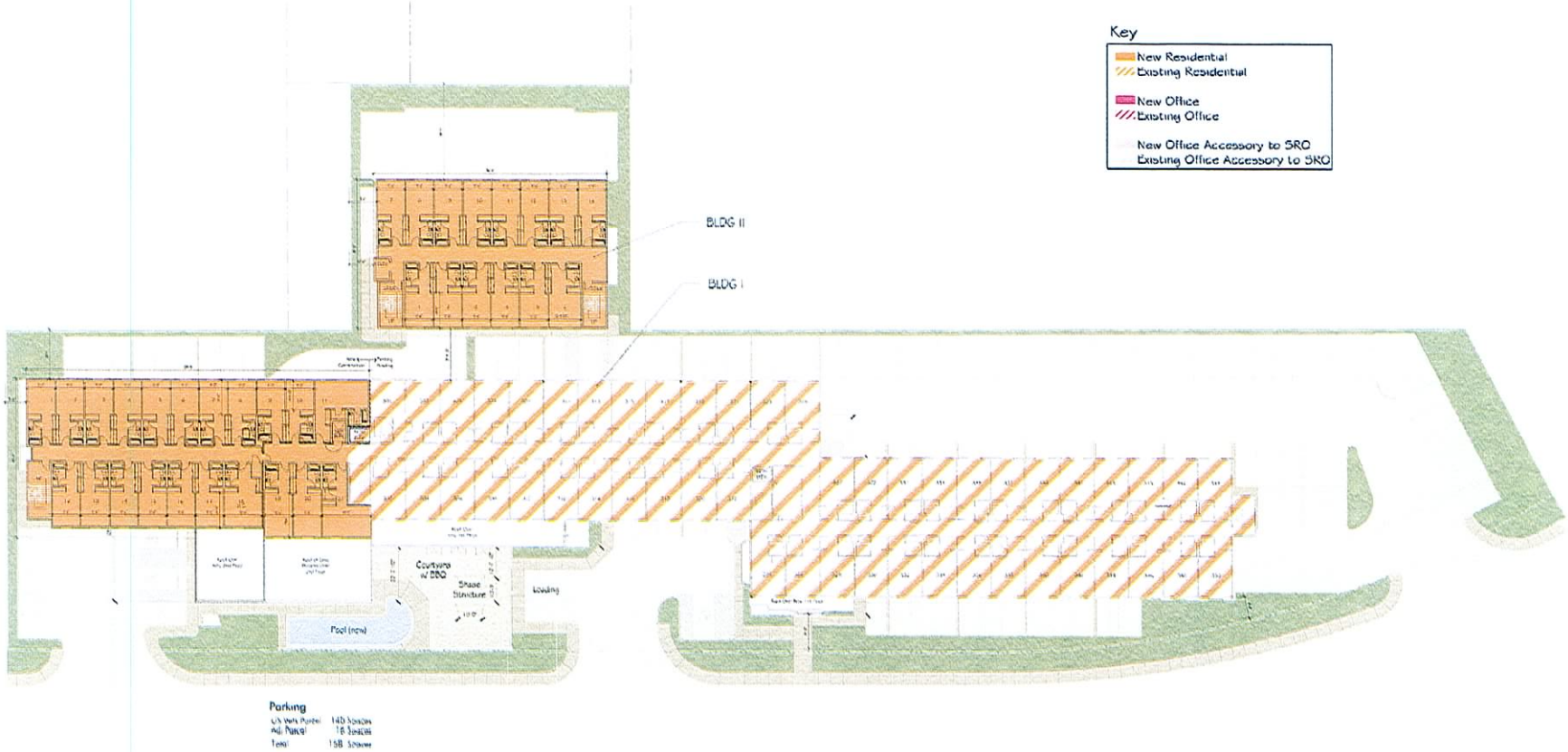
JUL 27 2009



Conceptual 3rd Floor Plan

Scale: 1" = 20'-0"

Project # 905029 February 02, 2007

Cloudbreak Las Vegas, LLC

US Vets at the Meadows - Addition

Las Vegas, Nevada

Perlman F3

EOT-35349

09-16-09 CC

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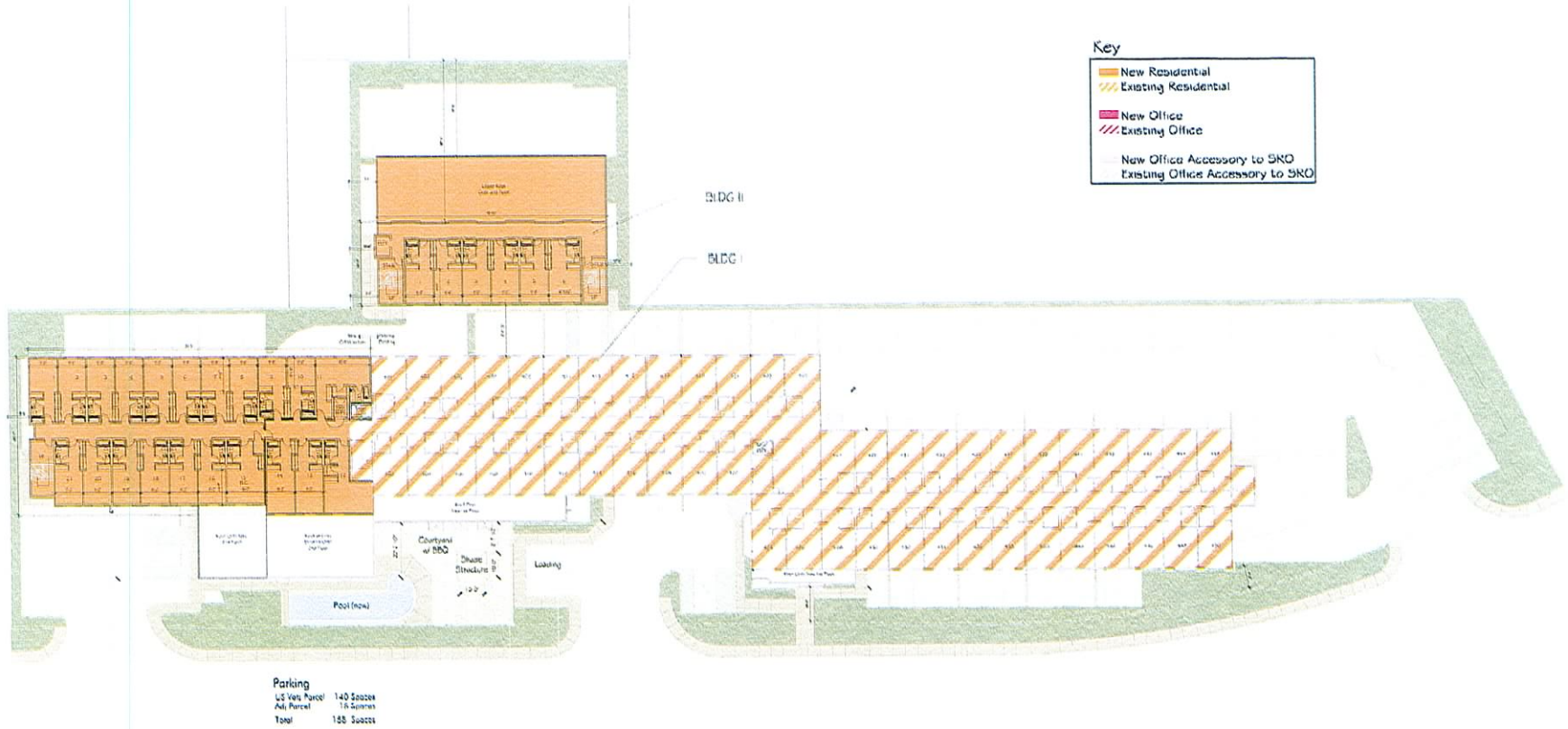
JUL 27 2009



Conceptual 4th Floor Plan

Scale: 1" = 20'-0"

Project # 905029 February 02, 2007

Cloudbreak Las Vegas, LLC

US Vets at the Meadows - Addition

Las Vegas, Nevada

Perlman F4

EOT-35349

09-16-09 CC

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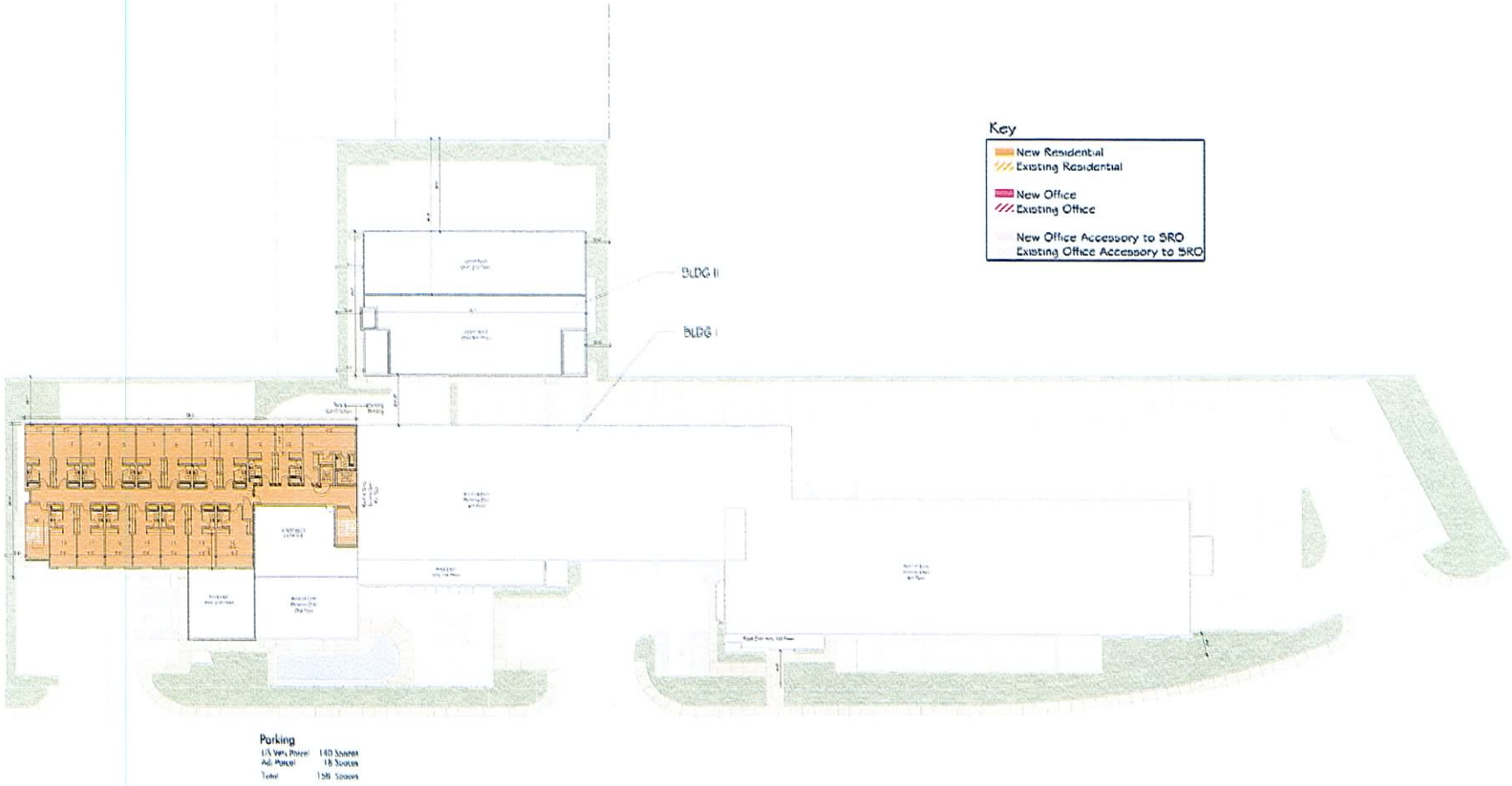
JUL 27 2009



Conceptual 5th Floor Plan

Scale: 1" = 20'-0"

Project # 705029 February 02, 2007

Cloudbreak Las Vegas, LLC

US Vets at the Meadows - Addition

Las Vegas, Nevada

Perlman F5

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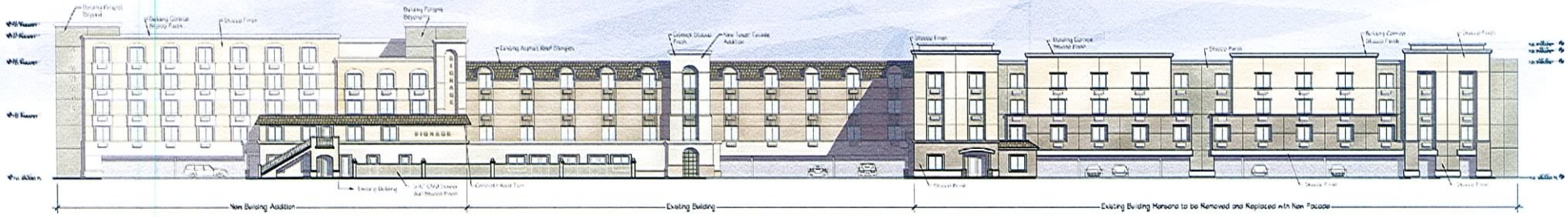
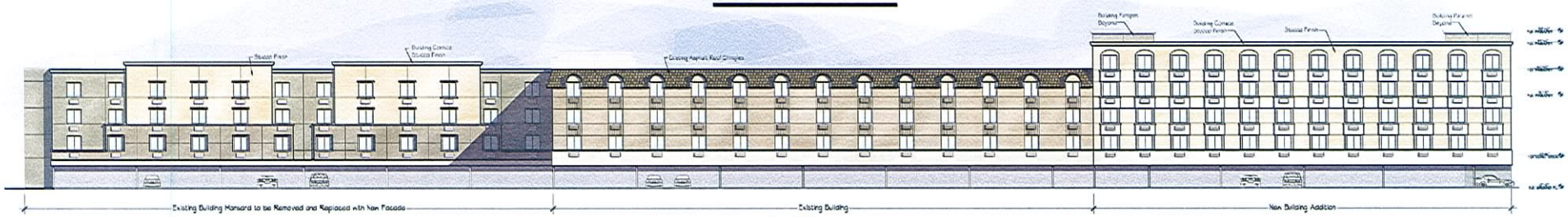
JUL 27 2009

EOT-35349

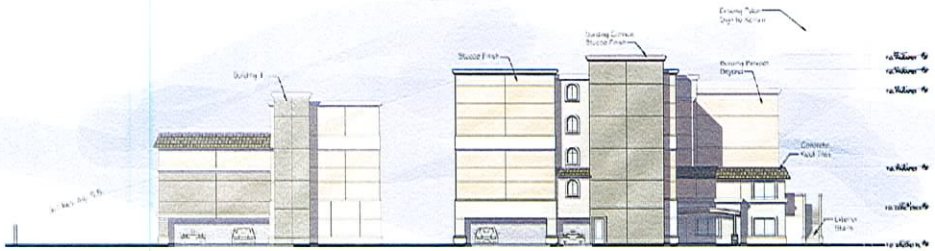
09-16-09 CC



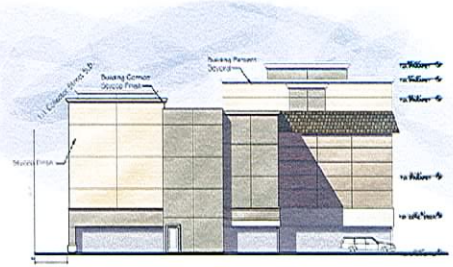
South Elevation



North Elevation



West Elevation



East Elevation

Scale: 1/16" = 1'-0"

Conceptual Elevations Building 1

Project # 905029 June 20, 2007

Cloudbreak Las Vegas, LLC

US Vets at the Meadows - Addition

Las Vegas, Nevada

EOT-35349

09-16-09 CC

Perlman Elia

RECEIVED

JUL 27 2009

AS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW

DOUGLAS A. SELBY
CITY MANAGER

August 17, 2007

Mr. Randy Bishop
Cloudbreak Las Vegas, LLC
733 South Hindry Avenue
Inglewood, California 90301

RE: WVR-19668 - WAIVER
CITY COUNCIL MEETING OF AUGUST 15, 2007
RELATED TO ZON-21991, VAR-19665, VAR-19666, SUP-19661, SUP-20052, SUP-20822, VAC-19669 AND SDR-19659

Dear Mr. Bishop:

The City Council at a regular meeting held August 15, 2007 APPROVED the request for a Waiver of Title 18.12.130 TO ALLOW ENCANTO DRIVE TO CONTINUE TO END IN A DEAD END STREET WHERE A CUL-DE-SAC IS REQUIRED at 525 East Bonanza Road and 602 Encanto Drive (APNs 139-27-805-003 and 139-27-812-017), C-2 (General Commercial) and R-1 (Single Family Residential) Zones [PROPOSED: C-V (Civic)]. The Notice of Final Action was filed with the Las Vegas City Clerk on August 16, 2007. This approval is subject to:

Planning & Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-21991), Variance (VAR-19665), Variance (VAR-19666), Special Use Permit (SUP-19661), Special Use Permit (SUP-20052), Vacation (VAC-19669) and Site Development Plan Review (SDR-19659) shall be required.

2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

Public Works

3. Prior to the submittal of any construction plans or the issuance of any permits, submit a plan for the termination of Encanto Drive acceptable to the City Engineer. The termination shall be constructed with curb, gutter and sidewalk and shall be constructed with a radius that accommodates street sweepers.

CITY OF LAS VEGAS
400 STEWART AVENUE
AS VEGAS, NEVADA 89101

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov

EOT-35349
09-16-09 CC

4. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of any construction plans, the issuance of any permits or the submittal of a map for this site. The design and layout of all onsite private circulation and access drives, and the termination of Encanto Drive, shall meet the approval of the Department of Fire Services.

5. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-21991 and Site Development Plan Review SDR-19659 and all other applicable site-related actions.

Sincerely,

Angela Crolli

Angela Crolli
Deputy City Clerk II for
Beverly K. Bridges, CMC, City Clerk

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. of Fire Services

Ms. Sue Gray
Perlman Design Group
2230 Corporate Circle, Suite #200
Henderson, Nevada 89074

EOT-35349
09-16-09 CC

City of Las Vegas Agenda Item No.: **56.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

SUBJECT:

EOT-35352 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT/OWNER: CLOUDBREAK LAS VEGAS, LLC - Request for an Extension of Time for a previously approved Special Use Permit (SUP-19661) FOR A PROPOSED EXPANSION OF A SINGLE ROOM OCCUPANCY RESIDENCE at 525 East Bonanza Road and 602 Encanto Drive (APNs 139-27-805-003 and 139-27-812-017), C-2 (General Commercial) Zone, Ward 5 (Barlow). Staff recommends APPROVAL

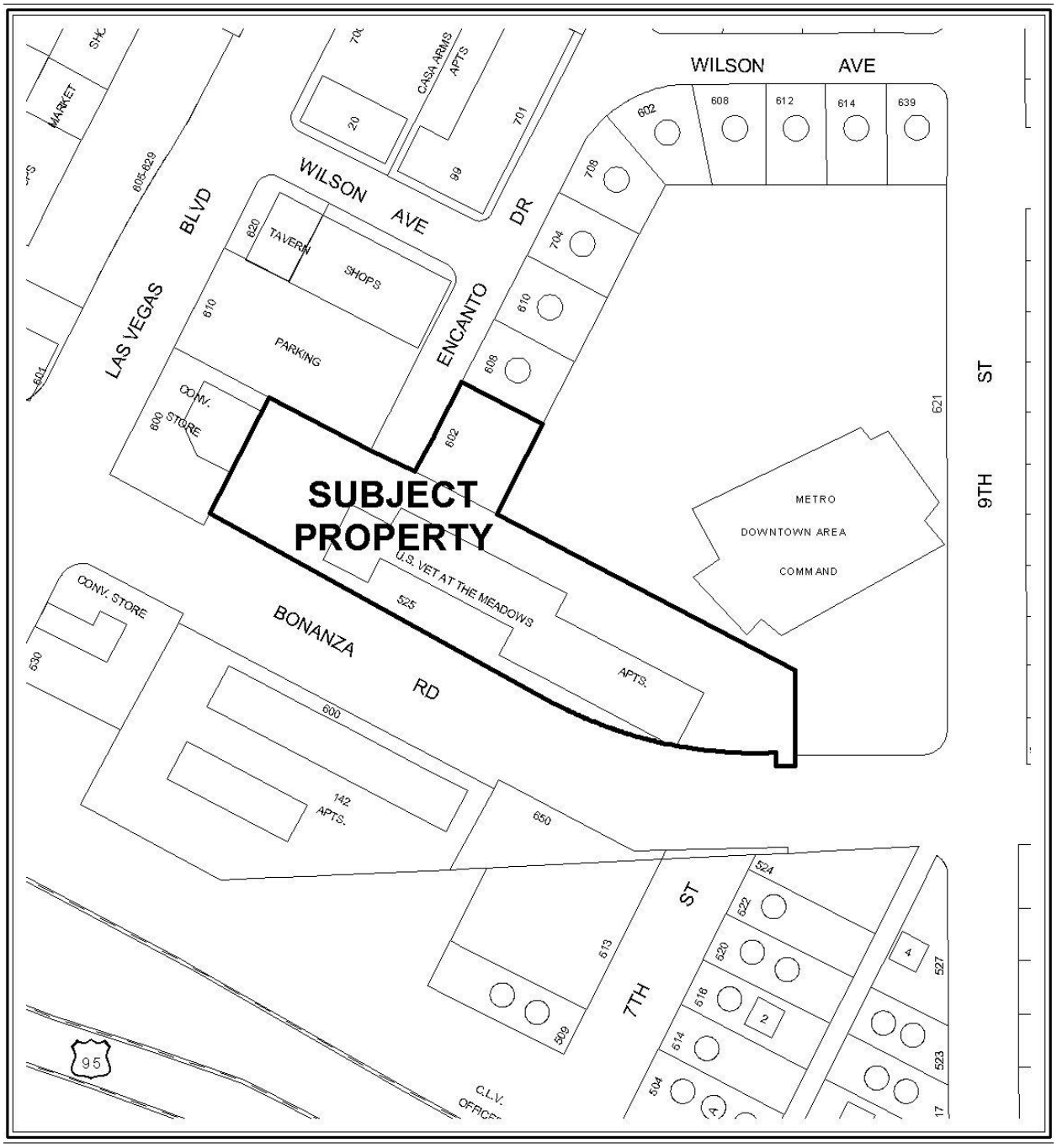
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. City Council Approval Letter for SUP-19661

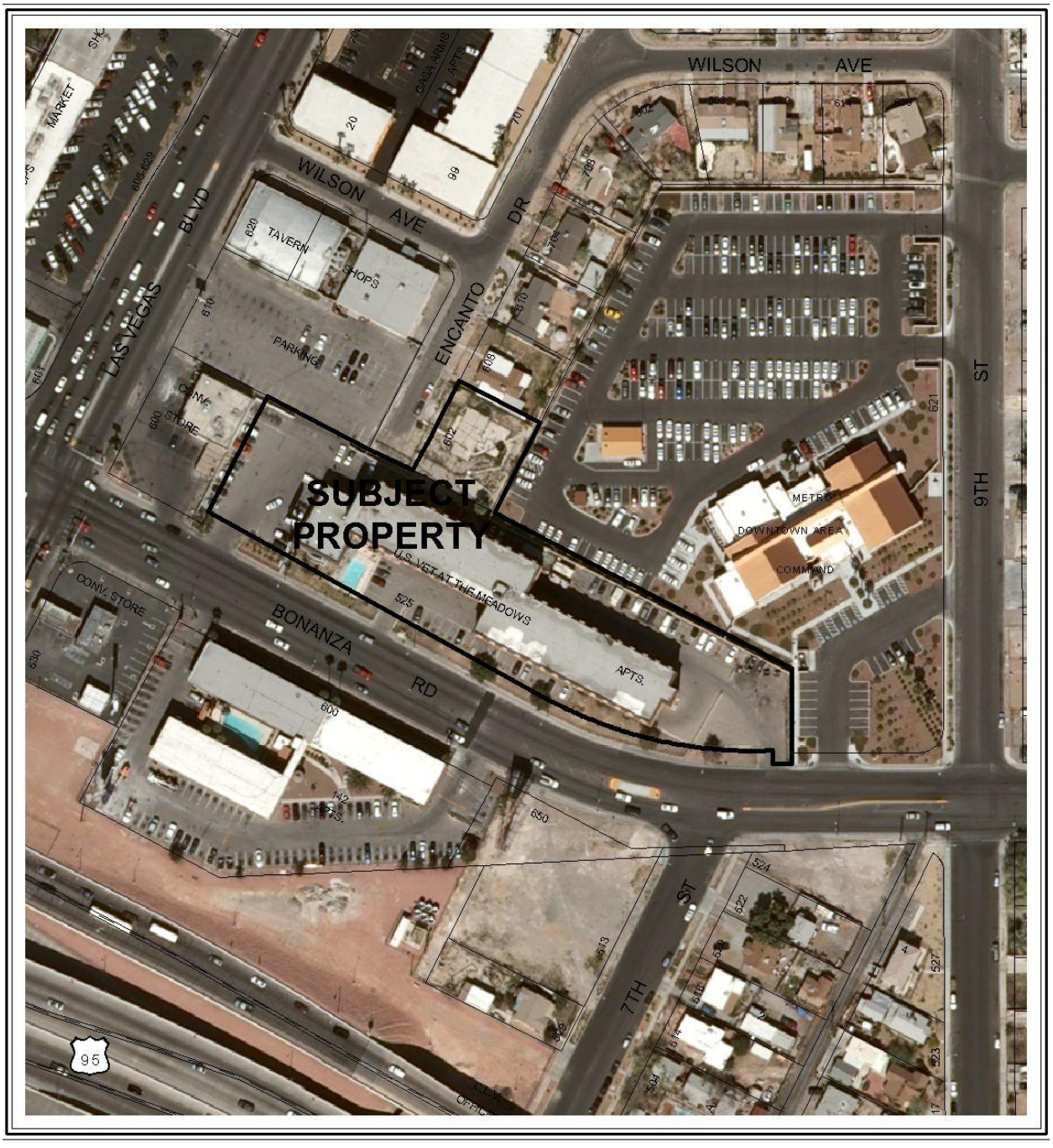


0 200 Feet

CASE: **EOT-35352**

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N



0 200 Feet

CASE: **EOT-35352**

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 16, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-35352 – EXTENSION OF TIME – SPECIAL USE PERMIT -
APPLICANT/OWNER: CLOUDBREAK LAS VEGAS, LLC

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. This Special Use Permit (SUP-19661) shall expire on August 15, 2011 unless another Extension of Time is approved by the City Council.

2. Conformance to the conditions of approval of Special Use Permit (SUP-19661) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site currently has a single room occupancy establishment with a previously approved Special Use Permit (SUP-19661) for the expansion of the existing building at 525 East Bonanza Road and 602 Encanto Drive. Since the construction of the original building in 1985, some new development has occurred in the surrounding area to include a 2,768 square-foot Museum to the north, a 17,235 square-foot Metropolitan Police Department Substation to the northeast, and a Convenience Store to the west. No building permits have been issued for the expansion project. The applicant is requesting an extension of time to secure financing. Staff is recommending approval with a two-year time limit.

It is noted that there are six (6) related Extension of Times (EOT-35349, EOT-35350, EOT-35351, EOT-35353, EOT-35354, and EOT-35492) that will be heard concurrently with this application.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
08/11/66	The Planning Commission approved a request for Rezoning (Z-0049-66) from C-1 (Limited Commercial) to C-2 (General Commercial) of property generally located on the north side of Bonanza Road in between Las Vegas Boulevard and 9TH Street.
09/27/83	The City Council approved a request for Rezoning (Z-0076-83) from C-1 (Limited Commercial) and C-2 (General Commercial) to C-2 (General Commercial) of property generally located on the north side of Bonanza Road between Las Vegas Boulevard and 9th Street.
08/21/02	The City Council approved a request for a Variance (V-0042-02) to allow 159 parking spaces where 306 parking spaces are the minimum required for a proposed single room occupancy residence at 525 East Bonanza Road. The Planning Commission recommended approval on 07/25/02.
08/21/02	The City Council approved a request for a Special Use Permit (U-0077-02) for a single room occupancy residence at 525 East Bonanza Road. The Planning Commission recommended approval on 07/25/02.
08/21/02	The City Council approved a request for a Site Development Plan Review [Z-0073-83(2)] and reduction of the onsite landscaping requirements for a single room occupancy residence on 1.58 acres at 525 East Bonanza Road. The Planning Commission recommended approval on 07/25/02.
Related Relevant City Actions by P&D, Fire, Bldg., etc.	
10/01/03	The City Council approved a request for an Extension of Time (EOT-2778) of a previously approved Variance (V-0042-02) which allowed 159 parking

	spaces where 306 are required for a proposed single room occupancy residence at 525 East Bonanza Road.

06/25/03	A Code Enforcement case (1149) was processed for the property lacking dumpsters at 525 East Bonanza Road. Code Enforcement closed the case on 08/16/03.
08/04/04	A Code Enforcement case (19733) was processed for sewage leaking into the parking lot from the building; bugs; may be overcrowding; 20 vehicles in the rear not working on property at 525 East Bonanza Road. Code Enforcement closed the case on 08/27/04.
08/18/04	The City Council approved a request for an Extension of Time (EOT-4778) of a previously approved Site Development Plan Review [Z-0076-83(2)] for a single room occupancy residence at 525 East Bonanza Road.
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08/17/07	The City Council approved a request for Rezoning (ZON-21991) from R-1 (Single Family Residential) to C-2 (General Commercial) on 0.21 acres at 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.
11/06/08	The Planning and Development Department administratively approved a request for an Extension of Time (EOT-30355) of a previously approved Petition to Vacate (VAC-19669) the southern 101 feet of Encanto Drive, commencing approximately 97 feet south of the intersection of Encanto Drive and Wilson Avenue.

Related Building Permits/Business Licenses	
11/10/05	A building permit (46941) was issued for fire alarm system at 525 East Bonanza Road. The permit was finalized on 12/27/07.
12/30/05	A building permit (56901) was issued for a central station monitoring system at 525 east Bonanza Road. The permit was finalized on 01/08/08.
09/07/07	A business license (N41-00040) was issued for a Social Service Provider at 525 East Bonanza Road. The activity is actually at 610 Las Vegas Boulevard, therefore a business license was never issued and the entitlements of Special Use Permit (SUP-20822) where never exercised and have therefore expired. An investigator is researching the activity.
09/07/07	A business license (N42-00004) was issued for Intermediary Housing at 525 East Bonanza Road. The license is still active.
01/18/08	A business license (A07-01795) was issued for an Apartment Complex at 525 East Bonanza Road. The license is still active.
05/29/09	A business license (P06-01029) was issued for a Photography business at 525 East Bonanza Road, Ste 247 (Home Occupation Permit).
05/29/09	A business license (P20-00280) was issued for Photo sales at 525 East Bonanza Road, Ste 247 (Home Occupation Permit).
Pre-Application Meeting	
A pre-application meeting is not required for this type of application, nor was one held.	
Neighborhood Meeting	
A neighborhood meeting is not required for this type of application, nor was one held.	

Details of Application Request	
Site Area	
Gross Acres	2.77

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Residential/Single Room Occupancy Establishment	MXU (Mixed-Use)	C-2 (General Commercial)
North	Single-Family Residences	MXU (Mixed-Use)	R-1 (Single Family Residential)
	Tavern and Retail Establishments	MXU (Mixed-Use)	C-2 (General Commercial)
South	Apartments	MXU (Mixed-Use)	C-2 (General Commercial)
East	Government Facility	PF (Public Facilities)	C-V (Civic)
West	Retail Establishment	MXU (Mixed-Use)	C-1 (Limited Commercial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
Downtown North Plan	X		Y
Las Vegas Redevelopment Plan	X		Y
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (200 feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the first request for an extension of time of a previously approved Special Use Permit (SUP-19661) for the expansion of an existing single room occupancy residence at 525 East Bonanza Road and 602 Encanto Drive. There have been five (5) Code Enforcement cases processed and closed for various reasons, but all prior to the approval of the Special Use Permit (SUP-19661). No building permits have been issued for the proposed project. The applicant is requesting an extension of time to secure financing for the expansion.

Title 19.18.060 deems a Special Use Permit exercised upon the approval of a business license, if required, or upon the issuance of a certificate of occupancy or approval of a final inspection.

FINDINGS

The Special Use Permit (SUP-19661) has not met the requirements outlined in Title 19.18.060 to exercise the entitlement. Staff recommends approval of the extension of time request with a two-year time limit. Conformance to the conditions of approval of Special Use Permit (SUP-19661) shall be required.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT **N/A**

SENATE DISTRICT **N/A**

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **EOT-35352** APN: 139-27-805-003, 139-27-812-017

Name of Property Owner: Cloudbreak Las Vegas LLC

Name of Applicant: Cloudbreak Las Vegas LLC

Name of Representative: Cloudbreak Las Vegas LLC

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: Randall Bishop Manager

Subscribed and sworn before me Andrew M. Villarreal, Notary Public

This 15 day of July, 2009

_____

Notary Public in and for said County and State

ANDREW MARCELLUS VILLARREAL
Commission # 1612213
Notary Public - California
Los Angeles County
My Comm. Expires Oct 9, 2009

ACKNOWLEDGMENT

State of California
County of Los Angeles)

On July 15, 2009 before me, Andrew M. Villarreal, Notary Public
(insert name and title of the officer)

personally appeared Randall A. Bishop,
who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed the same in his/~~her~~/~~their~~ authorized capacity(~~ies~~), and that by his/~~her~~/~~their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

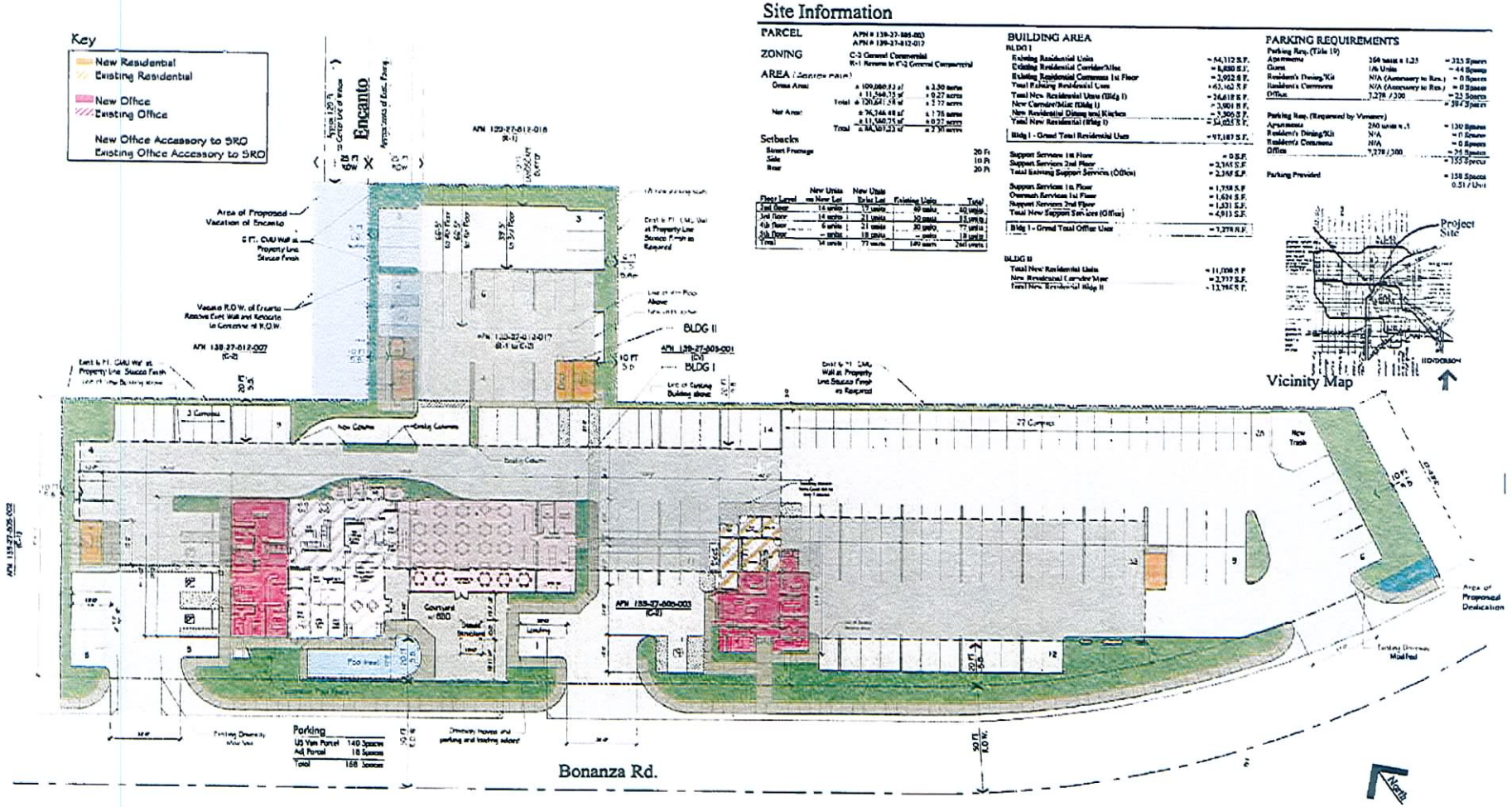
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

ANDREW MARCELLUS VILLARREAL
Commission # 1612213
Notary Public - California
Los Angeles County
My Comm. Expires Oct 9, 2009

Signature _____ (Seal)

EOT-35352
09-16-09 CC



Conceptual Site Plan - Scheme G

Cloudbreak Las Vegas, LLC

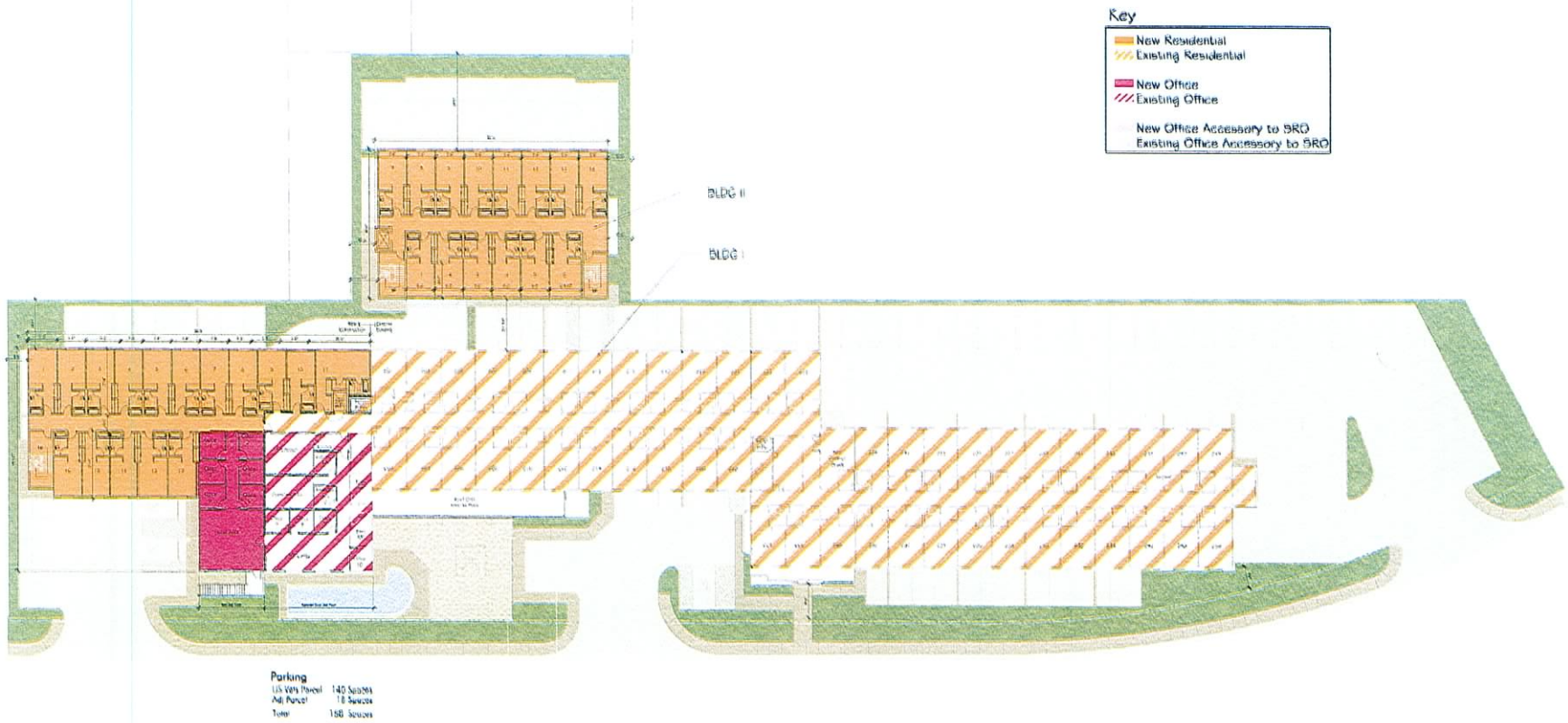
US Vets at the Meadows - Addition

Las Vegas, Nevada

Perlman F1

EOT-35352
09-16-09 CC

RECEIVED
JUL 27 2009



Conceptual 2nd Floor Plan

Scale: 1" = 20'-0"

Project # 905029 February 02, 2007

Cloudbreak Las Vegas, LLC

US Vets at the Meadows - Addition

Las Vegas, Nevada

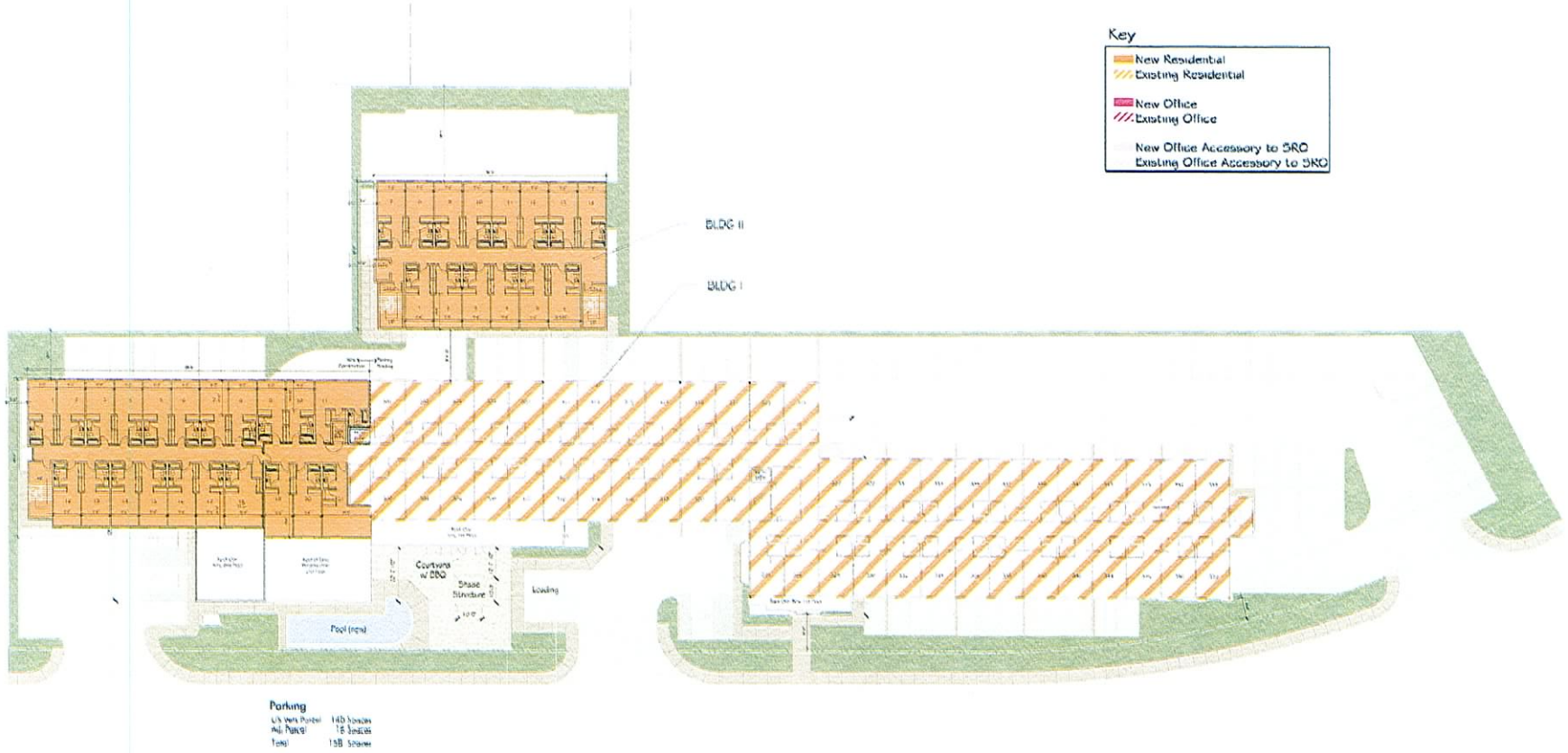
Perlman F2

EOT-35352

09-16-09 CC

RECEIVED

JUL 27 2009



Conceptual 3rd Floor Plan

Scale: 1" = 20'-0"

Project # 905029 February 02, 2007

Cloudbreak Las Vegas, LLC

US Vets at the Meadows - Addition

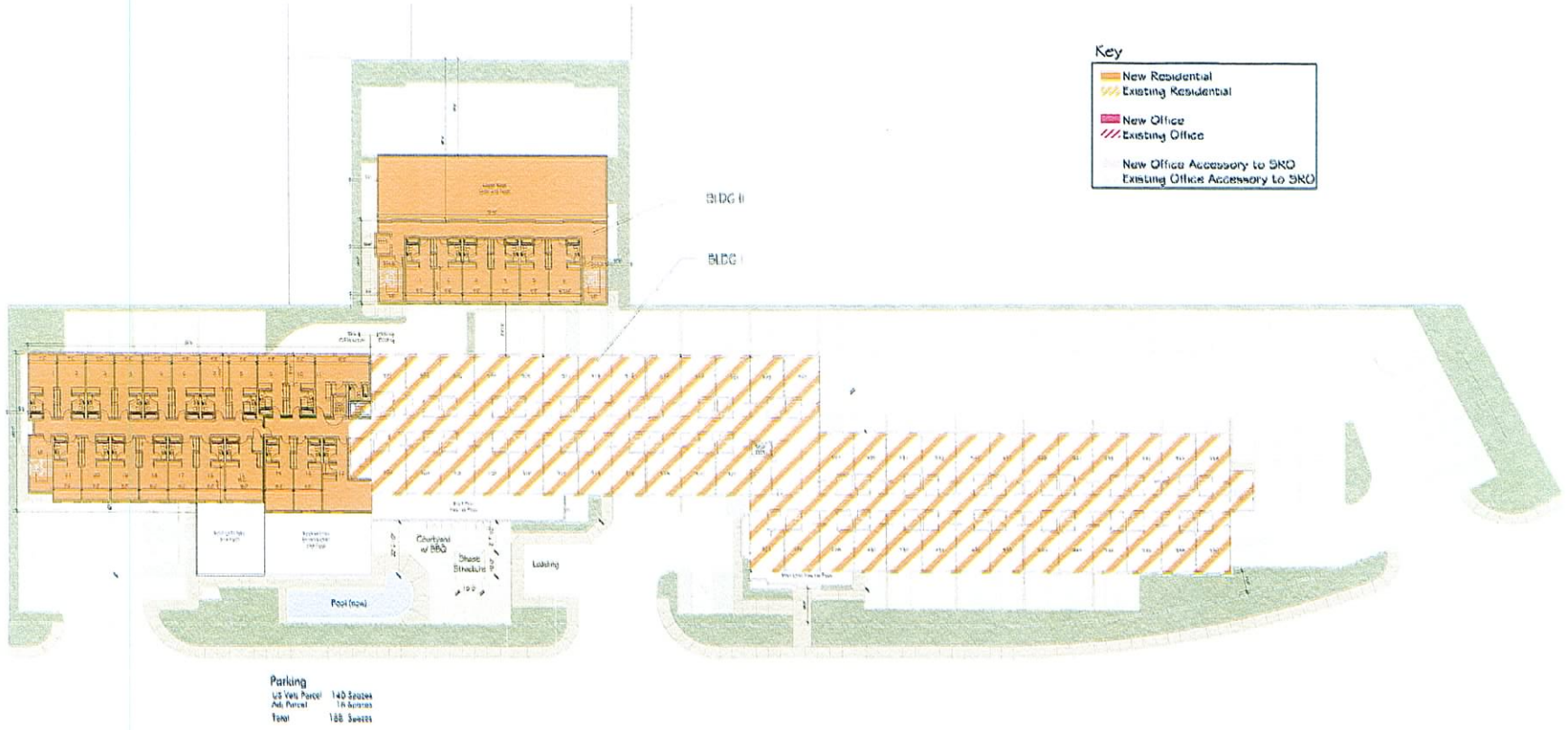
Las Vegas, Nevada

Perlman F3

EOT-35352
09-16-09 CC

RECEIVED

JUL 27 2009



Conceptual 4th Floor Plan

Scale: 1" = 20'-0"

Project # 900029 February 09, 2007

Cloudbreak Las Vegas, LLC

US Vets at the Meadows - Addition

Las Vegas, Nevada

Perlman

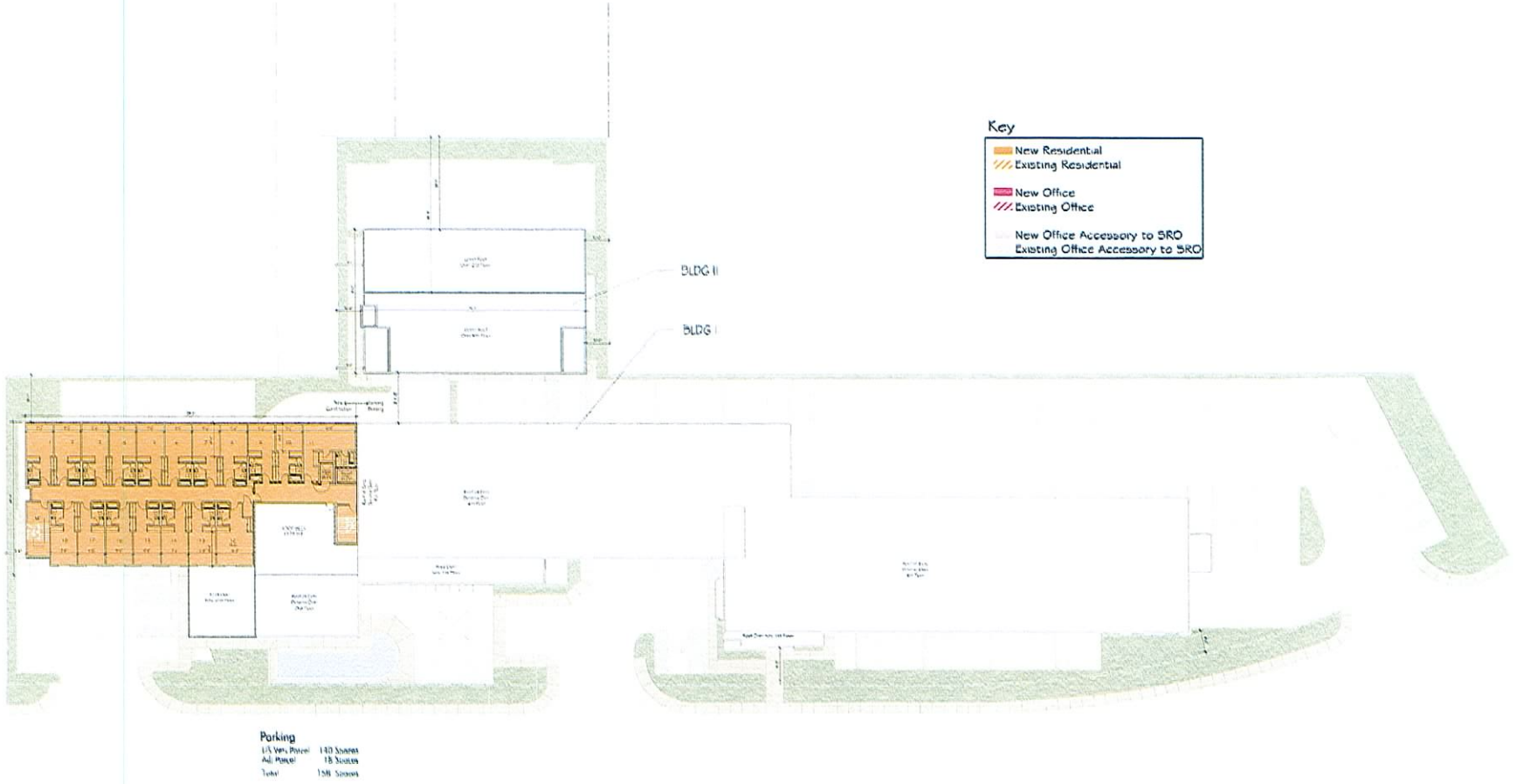
F4

RECEIVED

JUL 27 2009

EOT-35352

09-16-09 CC



Conceptual 5th Floor Plan

Scale: 1" = 20'-0"

Project # P05029 February 02, 2007

Cloudbreak Las Vegas, LLC

US Vets at the Meadows - Addition

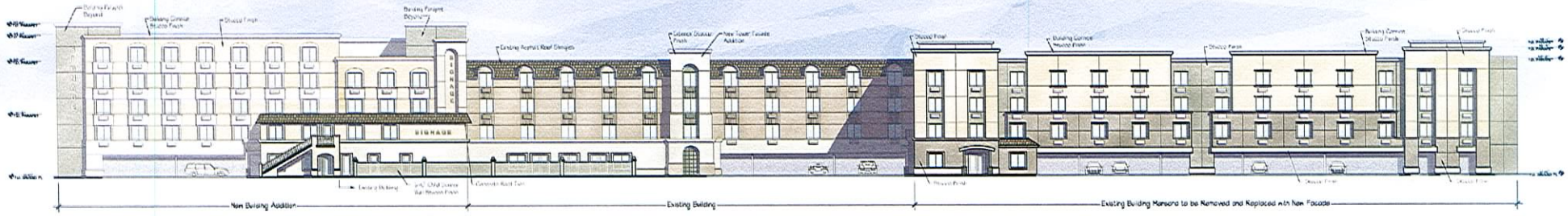
Las Vegas, Nevada

Perlman

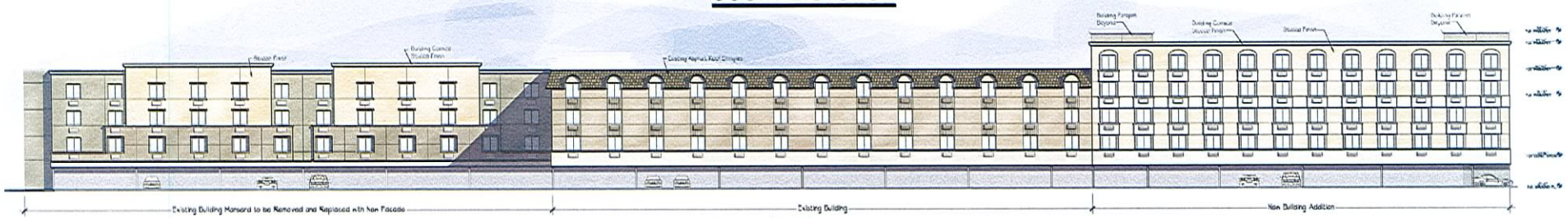
F5

EOT-35352
09-16-09 CC

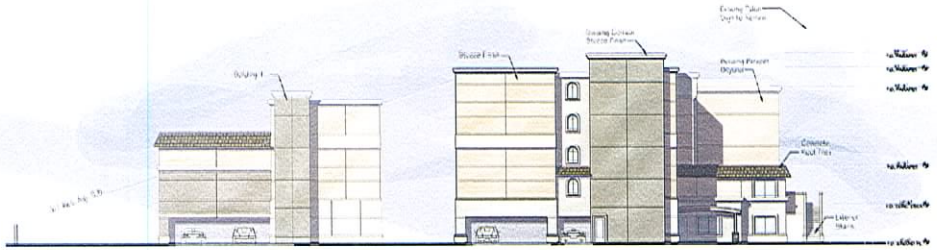
RECEIVED
JUL 27 2009



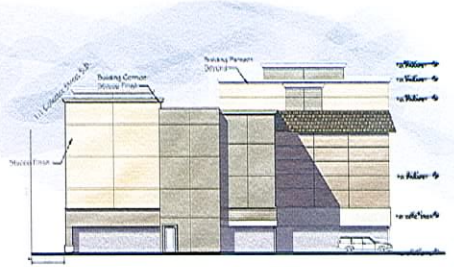
South Elevation



North Elevation



West Elevation



East Elevation

Conceptual Elevations Building 1

Scale: 1/16" = 1'-0"

Project # 905029 June 20, 2007

Cloudbreak Las Vegas, LLC

US Vets at the Meadows - Addition

Las Vegas, Nevada

Perlman E1a

RECEIVED
JUL 27 2009

EOT-35352
09-16-09 CC

AS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW

DOUGLAS A. SELBY
CITY MANAGER

August 17, 2007

Mr. Randy Bishop
Cloudbreak Las Vegas, LLC
733 South Hindry Avenue
Inglewood, California 90301

RE: SUP-19661 – SPECIAL USE PERMIT
CITY COUNCIL MEETING OF AUGUST 15, 2007
RELATED TO ZON-21991, WVR-19668, VAR-19665, VAR-19666, SUP-20052, SUP-20822, VAC-19669 AND SDR-19659

Dear Mr. Bishop:

The City Council at a regular meeting held August 15, 2007 APPROVED the request for a Special Use Permit FOR A PROPOSED EXPANSION OF A SINGLE ROOM OCCUPANCY RESIDENCE at 525 East Bonanza Road and 602 Encanto Drive (APNs 139-27-805-003 and 139-27-812-017), C-2 (General Commercial) and R-1 (Single Family Residential) Zones [PROPOSED: C-V (Civic)]. NOTE: C-2 (GENERAL COMMERCIAL) IS REQUESTED. The Notice of Final Action was filed with the Las Vegas City Clerk on August 16, 2007. This approval is subject to:

Planning & Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-21991), Variance (VAR-19665), Variance (VAR-19666), Special Use Permit (SUP-20052), Vacation (VAC-19669), Waiver (WVR-19668), and Site Development Plan Review (SDR-19659) shall be required.

2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Sincerely,

Angela Crolli

Angela Crolli
Deputy City Clerk II for
Beverly K. Bridges, CMC, City Clerk

cc: See Attached List

EOT-35352
09-16-09 CC

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. of Fire Services

Ms. Sue Gray
Perlman Design Group
2230 Corporate Circle, Suite #200
Henderson, Nevada 89074

EOT-35352
09-16-09 CC

City of Las Vegas Agenda Item No.: **57.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

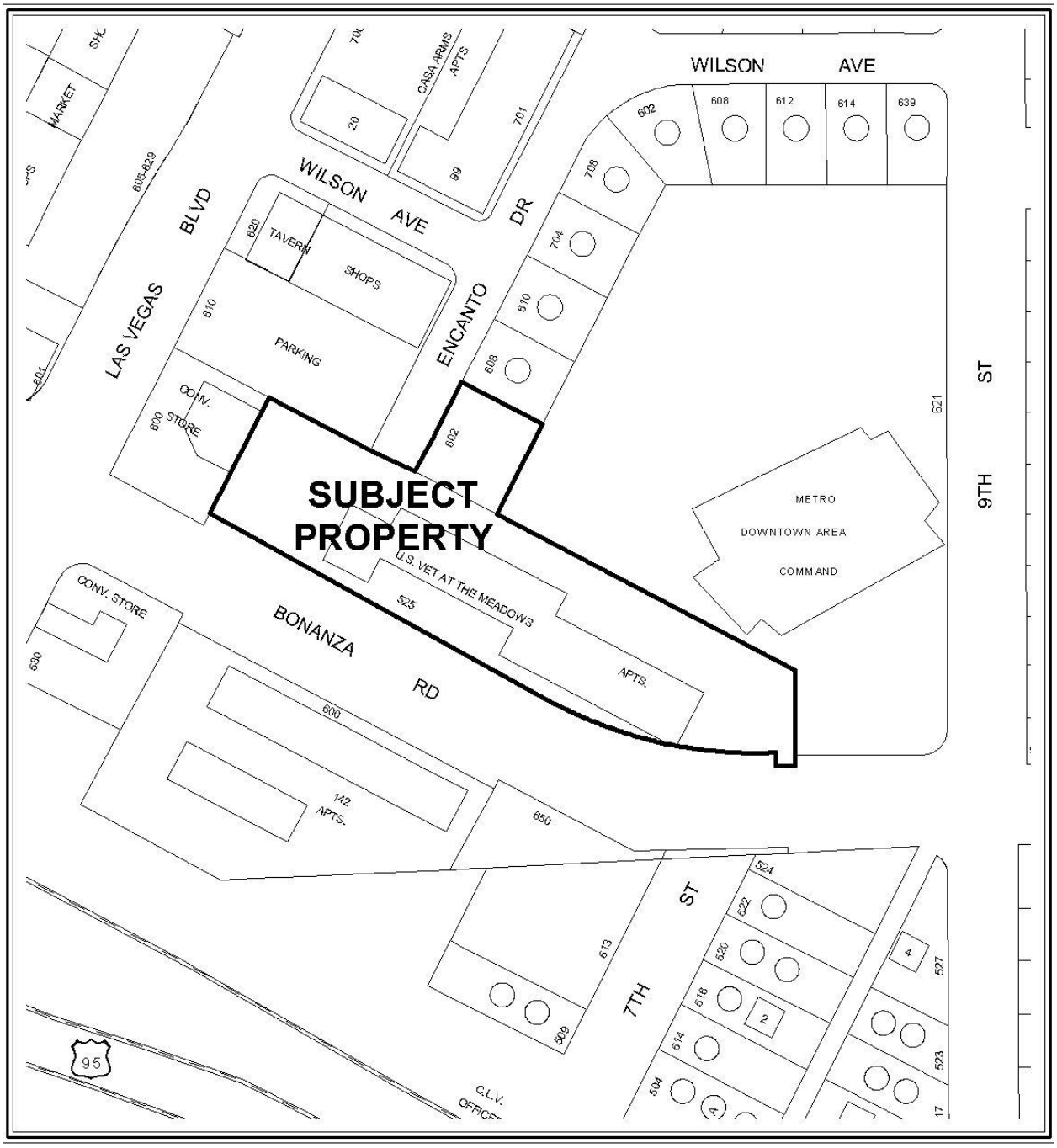
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

SUBJECT:
EOT-35492 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT: USVI - OWNER: CLOUDBREAK LAS VEGAS, LLC - Request for an Extension of Time of a previously approved Special Use Permit (SUP-20052) FOR A PROPOSED SOCIAL SERVICE PROVIDER at 525 East Bonanza Road and 602 Encanto Drive (APNs 139-27-805-003 and 139-27-812-017), C-2 (General Commercial) Zone, Ward 5 (Barlow). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. City Council Approval Letter for SUP-20052

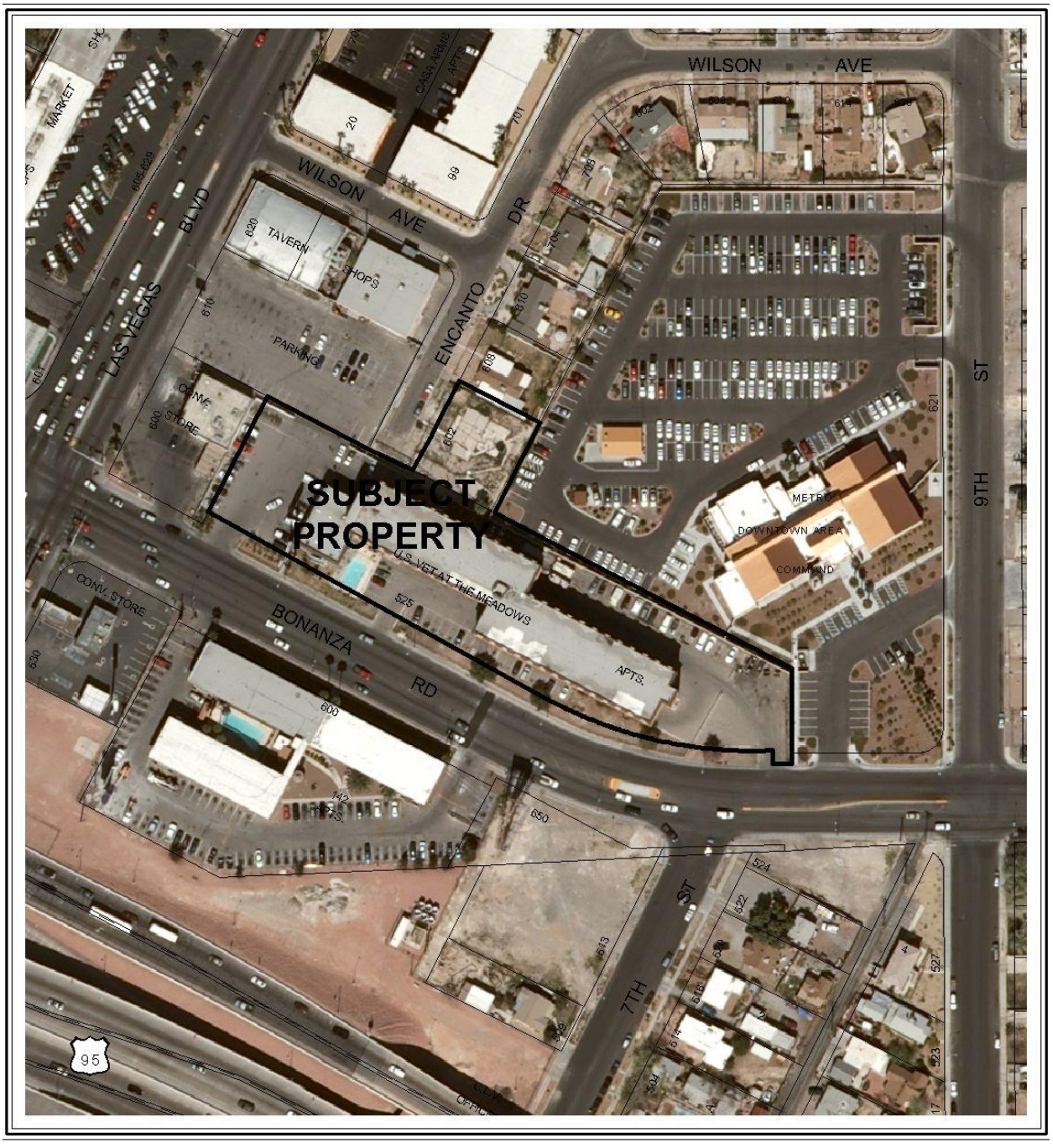


0 200 Feet

CASE: **EOT-35492**

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N



0 200 Feet

CASE: **EOT-35492**

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 16, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-35492 – EXTENSION OF TIME – SPECIAL USE PERMIT -
APPLICANT/OWNER: CLOUDBREAK LAS VEGAS, LLC

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. This Special Use Permit (SUP-20052) shall expire on August 15, 2011 unless another Extension of Time request is approved by the City Council.

2. Conformance to the conditions of approval of Special Use Permit (SUP-20052) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site currently has a single room occupancy establishment with a previously approved Special Use Permit (SUP-20052) for a Social Service Provider at 525 East Bonanza Road and 602 Encanto Drive. Since the existing building at 525 East Bonanza Road was constructed in 1985, the surrounding area has experienced some changes in development and land use that includes a 2,768 square-foot Museum to the north, a 17,235 square-foot Metropolitan Police Department Substation to the northeast, and a Convenience Store to the west. No building permits have been issued for the proposed project. The applicant is requesting an extension of time to secure financing. Staff is recommending approval with a two-year time limit.

It is noted that there are six (6) related Extension of Times (EOT-35349, EOT-35350, EOT-35351, EOT-35352 EOT-35353, and EOT-35354) that will be heard concurrently with this application.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
08/11/66	The Planning Commission approved a request for Rezoning (Z-0049-66) from C-1 (Limited Commercial) to C-2 (General Commercial) of property generally located on the north side of Bonanza Road in between Las Vegas Boulevard and 9TH Street.
09/27/83	The City Council approved a request for Rezoning (Z-0076-83) from C-1 (Limited Commercial) and C-2 (General Commercial) to C-2 (General Commercial) of property generally located on the north side of Bonanza Road between Las Vegas Boulevard and 9th Street.
08/21/02	The City Council approved a request for a Variance (V-0042-02) to allow 159 parking spaces where 306 parking spaces are the minimum required for a proposed single room occupancy residence at 525 East Bonanza Road. The Planning Commission recommended approval on 07/25/02.
08/21/02	The City Council approved a request for a Special Use Permit (U-0077-02) for a single room occupancy residence at 525 East Bonanza Road. The Planning Commission recommended approval on 07/25/02.
08/21/02	The City Council approved a request for a Site Development Plan Review [Z-0073-83(2)] and reduction of the onsite landscaping requirements for a single room occupancy residence on 1.58 acres at 525 East Bonanza Road. The Planning Commission recommended approval on 07/25/02.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
10/01/03	The City Council approved a request for an Extension of Time (EOT-2778) of a previously approved Variance (V-0042-02) which allowed 159 parking spaces where 306 are required for a proposed single room occupancy residence at 525 East Bonanza Road.
06/25/03	A Code Enforcement case (1149) was processed for the property lacking dumpsters at 525 East Bonanza Road. Code Enforcement closed the case on 08/16/03.
08/04/04	A Code Enforcement case (19733) was processed for sewage leaking into the parking lot from the building; bugs; may be overcrowding; 20 vehicles in the rear not working on property at 525 East Bonanza Road. Code Enforcement closed the case on 08/27/04.
08/18/04	The City Council approved a request for an Extension of Time (EOT-4778) of a previously approved Site Development Plan Review [Z-0076-83(2)] for a single room occupancy residence at 525 East Bonanza Road.
08/18/04	The City Council approved a request for an Extension of Time (EOT-4779) of a previously approved Variance (V-0042-02) which allowed 159 parking spaces where 306 are required for a proposed single room occupancy residence at 525 East Bonanza Road.
01/06/06	A Code Enforcement case (37394) was processed for fire alarms not up to code and mattresses being stores on the east side of the building at 525 East Bonanza Road. Code Enforcement closed the case on 01/23/06.
01/25/06	A Code Enforcement case (37825) was processed for a mess in the rear of the building at 525 East Bonanza Road. Code Enforcement closed the case on 03/09/06.
08/15/07	The City Council approved a request for a Site Development Plan Review (SDR-19659) for a proposed expansion of an existing multi-family residential/single room occupancy establishment with waivers of the perimeter landscape buffer standards to allow a one-foot wide buffer along a portion of the south property line where a 15–foot wide buffer is required; a six-foot wide buffer along a portion of the east property line where an eight-foot wide buffer is required; a three-foot wide buffer along a portion of the north property line where an eight-foot wide buffer is required; and a six-foot wide buffer along the west property line where an eight-foot wide buffer is required on 2.77 acres at 525 East Bonanza Road and 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.
08/15/07	The City Council approved a request for a Special Use Permit (SUP-19661) for a proposed expansion of a single room occupancy residence at 525 East Bonanza Road and 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
08/15/07	The City Council approved a request for a Variance (VAR-19665) to allow a ten-foot setback from a primary arterial street where 44 feet is the minimum setback required; to allow a front yard setback of ten feet where 20 feet is required and a side yard setback of 8.5 feet where 10 feet is required; to allow a residential adjacency setback of 66.42 feet to the fourth floor where 127.5 feet is the minimum setback required on the north side of the property for a proposed expansion of an existing multi-family residential/single room occupancy establishment on 2.77 acres at 525 East Bonanza Road and 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.
08/15/07	The City Council approved a request for a Variance (VAR-19666) to allow 158 parking spaces where 394 spaces are required for a proposed expansion of an existing multi-family residential/single room occupancy establishment and social service provider on 2.77 acres at 525 East Bonanza Road and 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.
08/15/07	The City Council approved a request for a Waiver (WVR-19668) of Title 18.12.130 to allow Encanto Drive to continue to end in a dead end street where a cul-de-sac is required at 525 East Bonanza Road and 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.
08/15/07	The City Council approved a request for a Petition to Vacate (VAC-19669) the southern 101 feet of Encanto Drive, commencing approximately 97 feet south of the intersection of Encanto Drive and Wilson Avenue. The Planning Commission recommended approval on 07/12/07.
08/15/07	The City Council approved a request for a Special Use Permit (SUP-20052) for a proposed Social Service Provider at 525 East Bonanza Road and 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.
08/17/07	The City Council approved a request for Rezoning (ZON-21991) from R-1 (Single Family Residential) to C-2 (General Commercial) on 0.21 acres at 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.
11/06/08	The Planning and Development Department administratively approved a request for an Extension of Time (EOT-30355) of a previously approved Petition to Vacate (VAC-19669) the southern 101 feet of Encanto Drive, commencing approximately 97 feet south of the intersection of Encanto Drive and Wilson Avenue.

Related Building Permits/Business Licenses	
11/10/05	A building permit (46941) was issued for fire alarm system at 525 East Bonanza Road. The permit was finalized on 12/27/07.
12/30/05	A building permit (56901) was issued for a central station monitoring system at 525 east Bonanza Road. The permit was finalized on 01/08/08.
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09/07/07	A business license (N42-00004) was issued for Intermediary Housing at 525 East Bonanza Road. The license is still active.
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05/29/09	A business license (P20-00280) was issued for Photo sales at 525 East Bonanza Road, Ste 247 (Home Occupation Permit).
Pre-Application Meeting	
A pre-application meeting is not required for this type of application, nor was one held.	
Neighborhood Meeting	
A neighborhood meeting is not required for this type of application, nor was one held.	

Details of Application Request	
Site Area	
Gross Acres	2.77

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Residential/Single Room Occupancy Establishment	MXU (Mixed-Use)	C-2 (General Commercial)
North	Single-Family Residences	MXU (Mixed-Use)	R-1 (Single Family Residential)
	Tavern and Retail Establishments	MXU (Mixed-Use)	C-2 (General Commercial)
South	Apartments	MXU (Mixed-Use)	C-2 (General Commercial)
East	Government Facility	PF (Public Facilities)	C-V (Civic)
West	Retail Establishment	MXU (Mixed-Use)	C-1 (Limited Commercial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
Downtown North Plan	X		Y
Las Vegas Redevelopment Plan	X		Y
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (200 feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the first request for an extension of time of a previously approved Special Use Permit (SUP-20052) for a proposed Social Service Provider at 525 East Bonanza Road and 602 Encanto Drive. The subject site currently has single room occupancy residences with approval for an expansion of the facility in addition to a Social Service Provider. There have been five (5) Code Enforcement cases processed for various reasons with all cases closed prior to the approval of the Special Use Permit (SUP-20052). No building permits have been issued for the proposed project. The applicant is requesting an extension of time to secure financing for the expansion.

Title 19.18.060 deems a Special Use Permit exercised upon the approval of a business license, if required, or upon the issuance of a certificate of occupancy or approval of a final inspection.

FINDINGS

The Special Use Permit (SUP-20052) has not met the requirements outlined in Title 19.18.060 to exercise the entitlement. Staff recommends approval of the extension of time request with a two-year time limit. Conformance to the conditions of approval of Special Use Permit (SUP-20052) shall be required.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT **N/A**

SENATE DISTRICT **N/A**

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: EOT-35492 APN: 139-27-805-003 & 139-27-812-017

Name of Property Owner: CLOUBREAK LAS VEGAS LLC

Name of Applicant: USVI

Name of Representative: CLOUDBREAK LAS VEGAS LLC

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: Randall Bishop

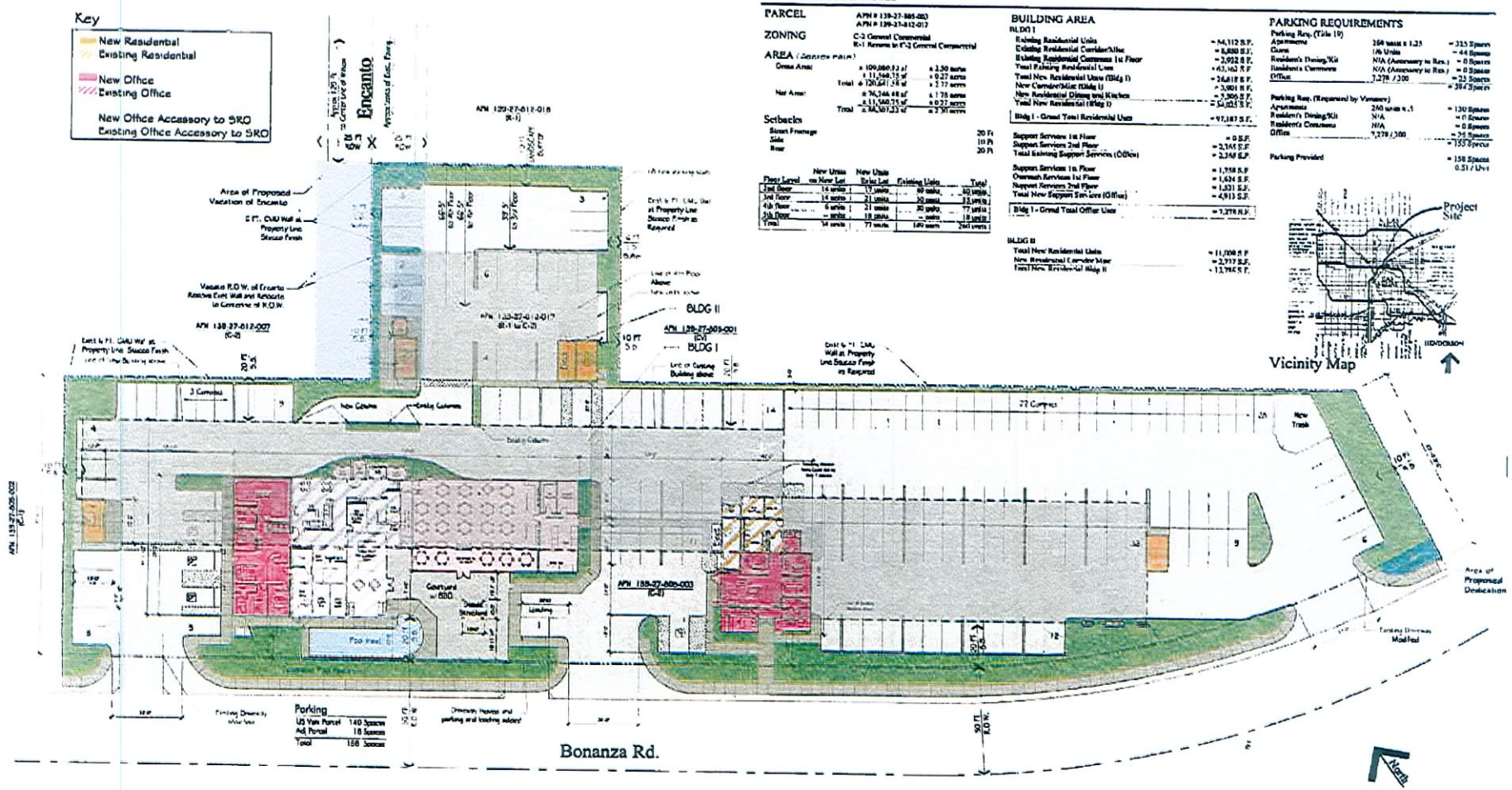
Subscribed and sworn before me

This 30th day of July, 2009

_____

Notary Public in and for said County and State

GILBERT ROMERO
COMM. # 1739567
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
MY COMM. EXP. APR. 22, 2011



Conceptual Site Plan - Scheme G

Cloudbreak Las Vegas, LLC

US Vets at the Meadows - Addition

Las Vegas, Nevada

Project # 905029 February 2, 2007

Perlman F1

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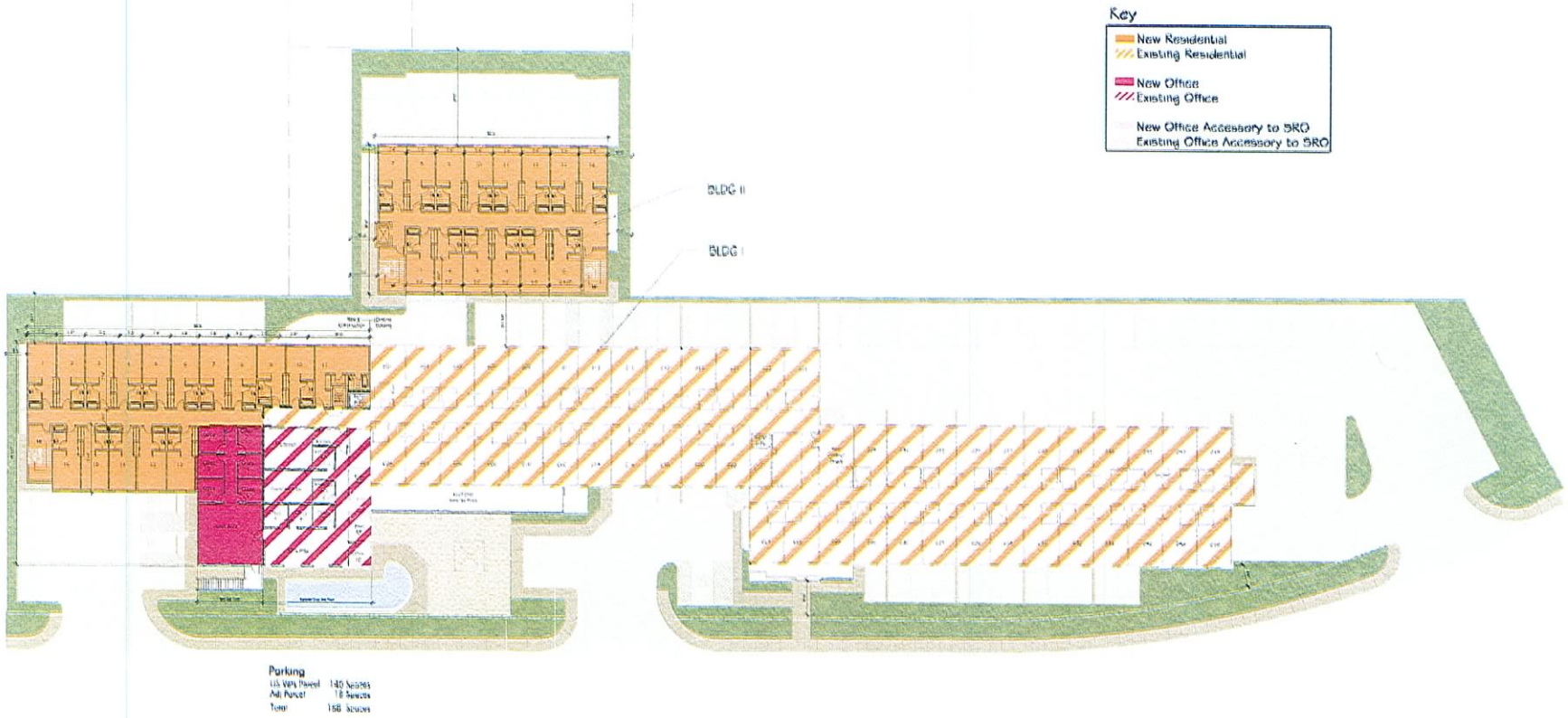
EOT-35492
09-16-09 CC



Conceptual 2nd Floor Plan

Scale: 1" = 20'-0"

Project # 905029 February 02, 2037

Cloudbreak Las Vegas, LLC

US Vets at the Meadows - Addition

Las Vegas, Nevada

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Perlman F2

EOT-35492

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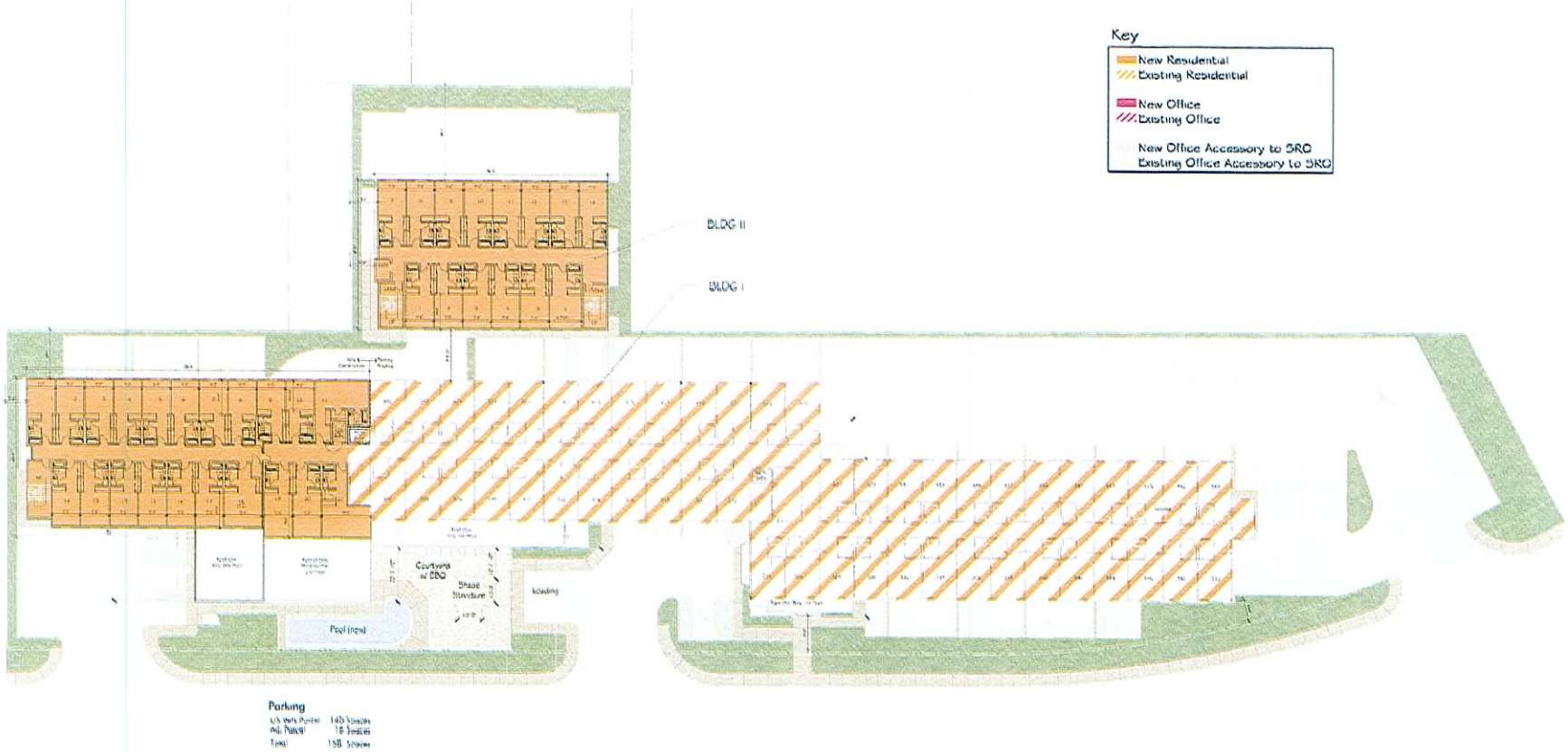

Conceptual 3rd Floor Plan

Scale: 1" = 20'-0"

Project # 903029 February 02, 2009

Cloudbreak Las Vegas, LLC

US Vets at the Meadows - Addition

Las Vegas, Nevada

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EOT-35492

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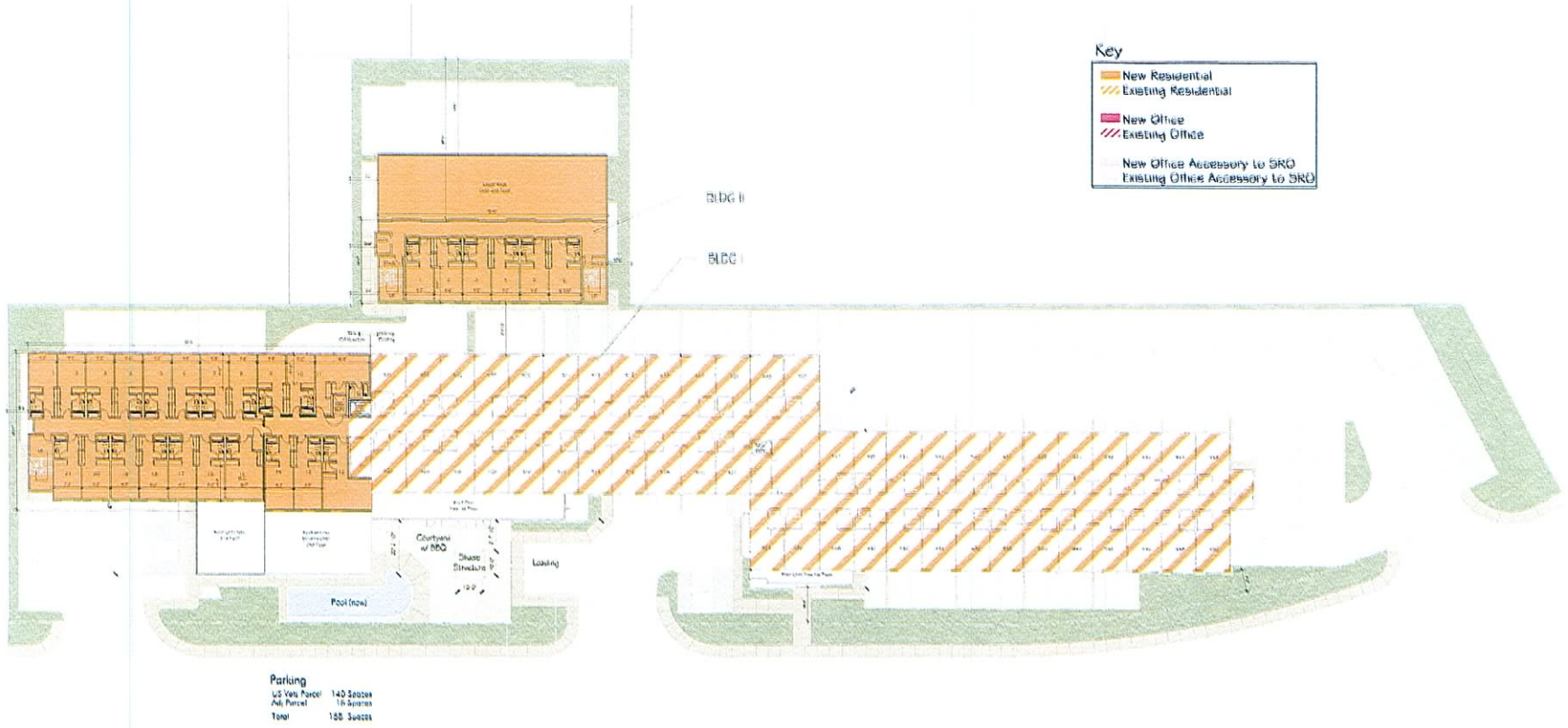

EOT-35492
09-16-09 CC

Scale: 1" = 20'-0"
Project # 905029 February 02, 2007

Conceptual 4th Floor Plan

Cloudbreak Las Vegas, LLC

US Vets at the Meadows - Addition

Las Vegas, Nevada

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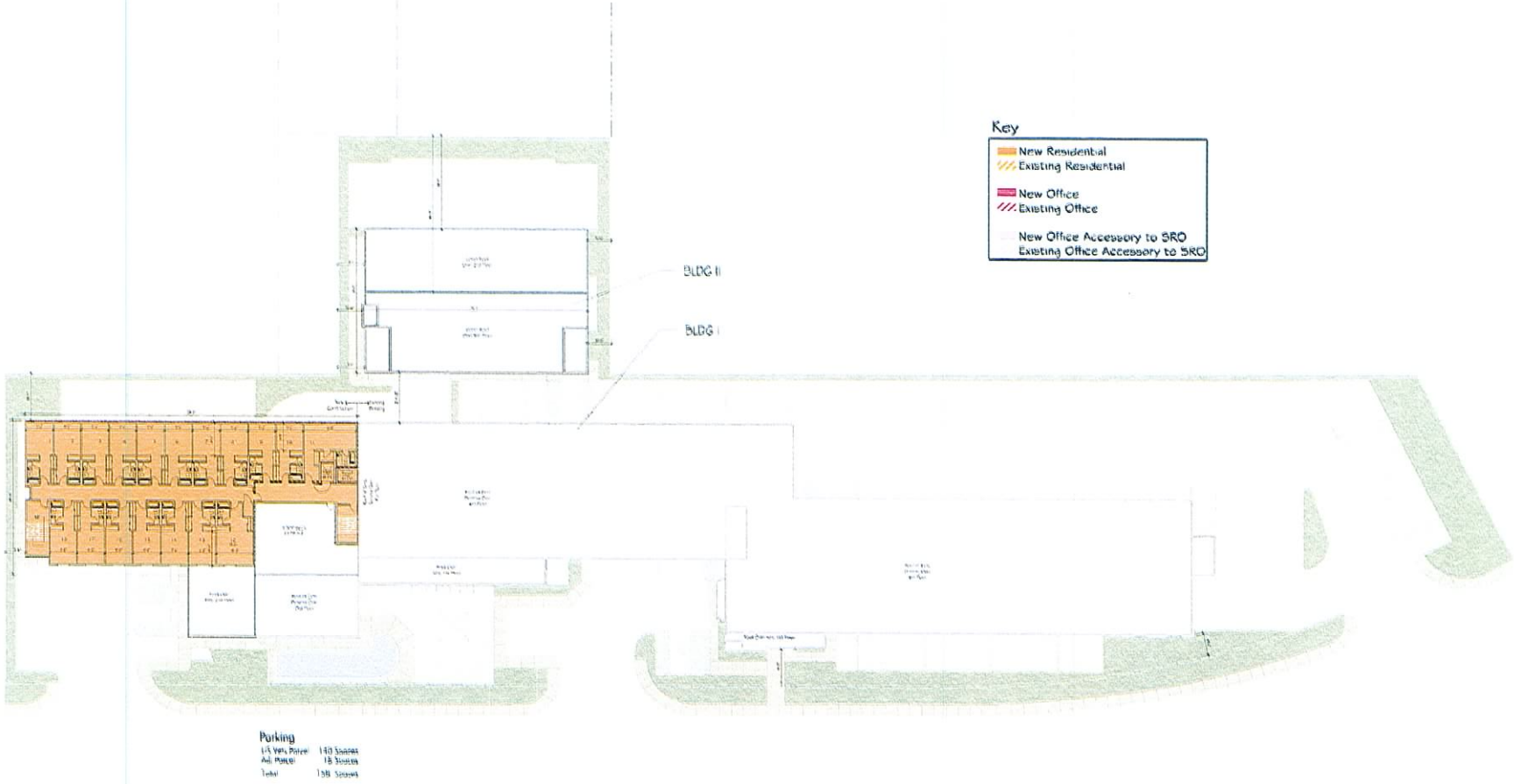

EOT-35492
09-16-09 CC

Conceptual 5th Floor Plan

Cloudbreak Las Vegas, LLC

US Vets at the Meadows - Addition

Las Vegas, Nevada

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Perlman

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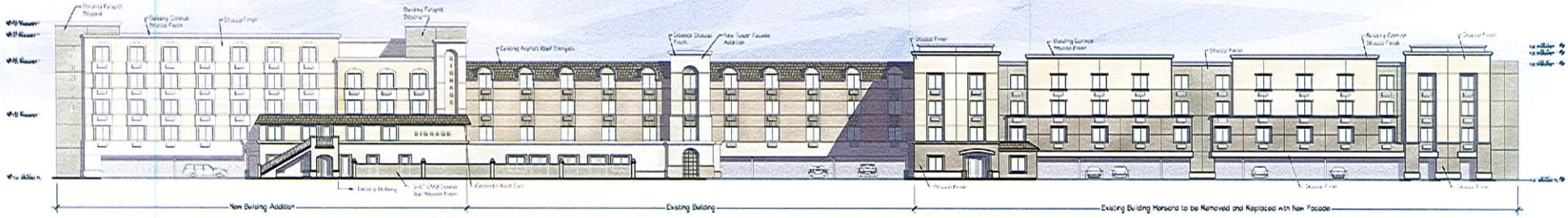
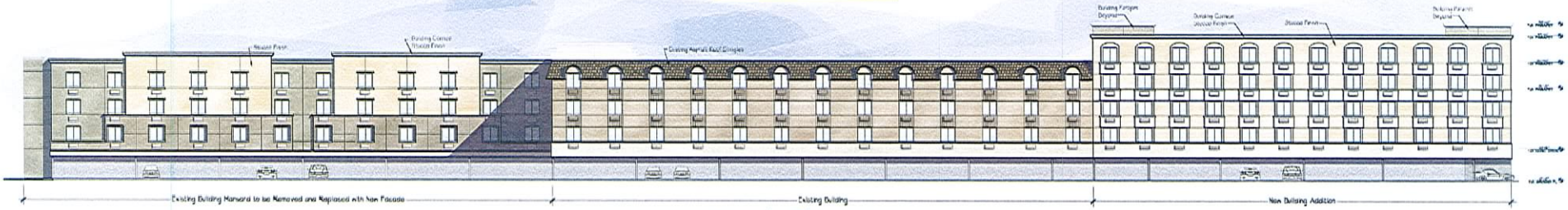
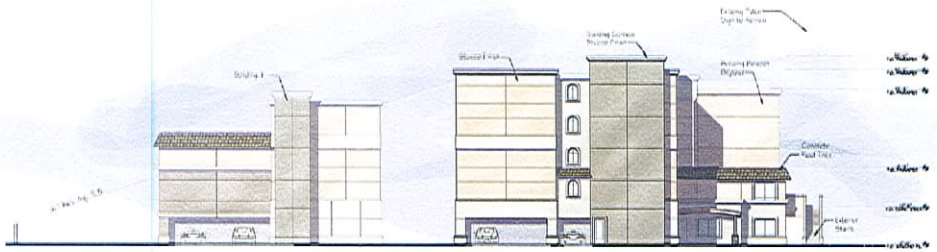


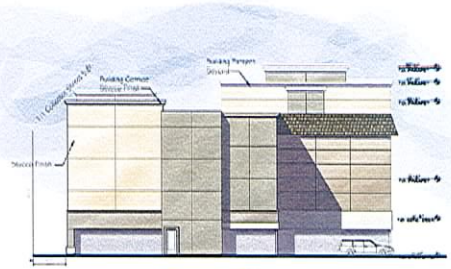
South Elevation



North Elevation



West Elevation



East Elevation

Conceptual Elevations Building 1

Scale: 1/16" = 1'-0"

Project # 905029 June 20, 2007

Cloudbreak Las Vegas, LLC

US Vets at the Meadows - Addition

Las Vegas, Nevada

EOT-35492

09-16-09 CC

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Perlman E1a

AS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW

DOUGLAS A. SELBY
Y MANAGER

August 17, 2007

Mr. Randy Bishop
Cloudbreak Las Vegas, LLC
733 South Hindry Avenue
Inglewood, California 90301

RE: SUP-20052 – SPECIAL USE PERMIT
CITY COUNCIL MEETING OF AUGUST 15, 2007
RELATED TO ZON-21991, WVR-19668, VAR-19665, VAR-19666, SUP-19661, SUP-20822, VAC-19669 AND SDR-19659

Dear Mr. Bishop:

The City Council at a regular meeting held August 15, 2007 APPROVED the request for a Special Use Permit FOR A PROPOSED SOCIAL SERVICE PROVIDER at 525 East Bonanza Road and 602 Encanto Drive (APNs 139-27-805-003 and 139-27-812-017), C-2 (General Commercial) and R-1 (Single Family Residential) Zones [PROPOSED: C-V (Civic)]. NOTE: C-2 (GENERAL COMMERCIAL) IS REQUESTED. The Notice of Final Action was filed with the Las Vegas City Clerk on August 16, 2007. This approval is subject to:

Planning & Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-21991), Variance (VAR-19665), Variance (VAR-19666), Special Use Permit (SUP-19661), Vacation (VAC-19669), Waiver (WVR-19668), and Site Development Plan Review (SDR-19659) shall be required.

2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Sincerely,

Angela Crolli
Deputy City Clerk II for
Beverly K. Bridges, CMC, City Clerk

EOT-35492
09-16-09 CC

cc: See Attached List

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TDD 702.386.9108

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. of Fire Services

Ms. Sue Gray
Perlman Design Group
2230 Corporate Circle, Suite #200
Henderson, Nevada 89074

EOT-35492
09-16-09 CC

City of Las Vegas Agenda Item No.: **58.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

SUBJECT:

EOT-35353 - EXTENSION OF TIME - SITE DEVELOPMENT PLAN REVIEW - APPLICANT/OWNER: CLOUDBREAK LAS VEGAS, LLC - Request for an Extension of Time of a previously approved Site Development Plan Review (SDR-19659) FOR A PROPOSED EXPANSION OF AN EXISTING MULTI-FAMILY RESIDENTIAL/SINGLE ROOM OCCUPANCY ESTABLISHMENT on 2.77 acres at 525 East Bonanza Road and 602 Encanto Drive (APNs 139-27-805-003 and 139-27-812-017), C-2 (General Commercial) Zone, Ward 5 (Barlow). Staff recommends APPROVAL

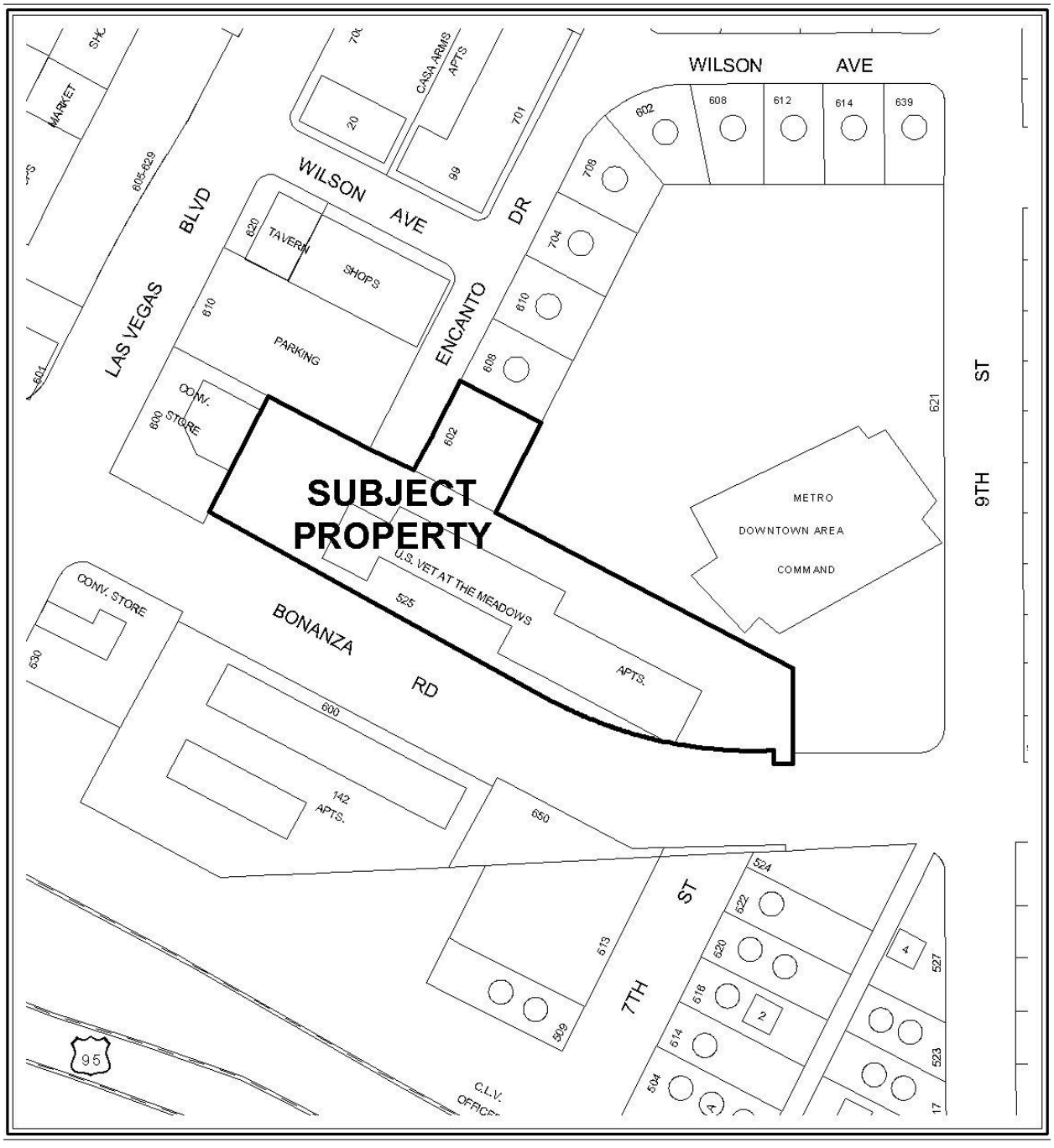
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. City Council Approval Letter for SDR-19659



0 200 Feet

CASE: **EOT-35353**

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 16, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-35353 – EXTENSION OF TIME – SITE DEVELOPMENT PLAN REVIEW - APPLICANT/OWNER: CLOUDBREAK LAS VEGAS, LLC

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. This Site Development Plan Review (SDR-19659) shall expire on August 15, 2011 unless another Extension of Time is approved by the City Council.

2. Conformance to the conditions of approval of Site Development Plan Review (SDR-19659) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

** STAFF REPORT **

PROJECT DESCRIPTION

The applicant is requesting an extension of time of a previously approval Site Development Plan Review (SDR-19659) for the proposed expansion of an existing single room occupancy establishment on 2.77 acres located at 525 East Bonanza Road and 602 Encanto Drive. Since the completion of the original building in 1985, new development has occurred in the surrounding areas to include a 2,768 square-foot Museum to the north, a 17,235 square-foot Metropolitan Police Department Substation to the northeast, and a Convenience Store to the west. No building permits have been issued for the expansion project. The applicant is requesting an extension of time to secure financing. Staff is recommending approval with a two-year time limit.

It is noted that there are six (6) related Extension of Times (EOT-35349, EOT-35350, EOT-35351, EOT-35352, EOT-35354, and EOT-35492) that will be heard concurrently with this application.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
08/11/66	The Planning Commission approved a request for Rezoning (Z-0049-66) from C-1 (Limited Commercial) to C-2 (General Commercial) of property generally located on the north side of Bonanza Road in between Las Vegas Boulevard and 9TH Street.
09/27/83	The City Council approved a request for Rezoning (Z-0076-83) from C-1 (Limited Commercial) and C-2 (General Commercial) to C-2 (General Commercial) of property generally located on the north side of Bonanza Road between Las Vegas Boulevard and 9th Street.
08/21/02	The City Council approved a request for a Variance (V-0042-02) to allow 159 parking spaces where 306 parking spaces are the minimum required for a proposed single room occupancy residence at 525 East Bonanza Road. The Planning Commission recommended approval on 07/25/02.
08/21/02	The City Council approved a request for a Special Use Permit (U-0077-02) for a single room occupancy residence at 525 East Bonanza Road. The Planning Commission recommended approval on 07/25/02.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
08/21/02	The City Council approved a request for a Site Development Plan Review [Z-0073-83(2)] and reduction of the onsite landscaping requirements for a single room occupancy residence on 1.58 acres at 525 East Bonanza Road. The Planning Commission recommended approval on 07/25/02.
10/01/03	The City Council approved a request for an Extension of Time (EOT-2778) of a previously approved Variance (V-0042-02) which allowed 159 parking spaces where 306 are required for a proposed single room occupancy residence at 525 East Bonanza Road.
06/25/03	A Code Enforcement case (1149) was processed for the property lacking dumpsters at 525 East Bonanza Road. Code Enforcement closed the case on 08/16/03.
08/04/04	A Code Enforcement case (19733) was processed for sewage leaking into the parking lot from the building; bugs; may be overcrowding; 20 vehicles in the rear not working on property at 525 East Bonanza Road. Code Enforcement closed the case on 08/27/04.
08/18/04	The City Council approved a request for an Extension of Time (EOT-4778) of a previously approved Site Development Plan Review [Z-0076-83(2)] for a single room occupancy residence at 525 East Bonanza Road.
08/18/04	The City Council approved a request for an Extension of Time (EOT-4779) of a previously approved Variance (V-0042-02) which allowed 159 parking spaces where 306 are required for a proposed single room occupancy residence at 525 East Bonanza Road.
01/06/06	A Code Enforcement case (37394) was processed for fire alarms not up to code and mattresses being stores on the east side of the building at 525 East Bonanza Road. Code Enforcement closed the case on 01/23/06.
01/25/06	A Code Enforcement case (37825) was processed for a mess in the rear of the building at 525 East Bonanza Road. Code Enforcement closed the case on 03/09/06.
08/15/07	The City Council approved a request for a Site Development Plan Review (SDR-19659) for a proposed expansion of an existing multi-family residential/single room occupancy establishment with waivers of the perimeter landscape buffer standards to allow a one-foot wide buffer along a portion of the south property line where a 15–foot wide buffer is required; a six-foot wide buffer along a portion of the east property line where an eight-foot wide buffer is required; a three-foot wide buffer along a portion of the north property line where an eight-foot wide buffer is required; and a six-foot wide buffer along the west property line where an eight-foot wide buffer is required on 2.77 acres at 525 East Bonanza Road and 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.

08/15/07	The City Council approved a request for a Special Use Permit (SUP-19661) for a proposed expansion of a single room occupancy residence at 525 East Bonanza Road and 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
08/15/07	The City Council approved a request for a Variance (VAR-19665) to allow a ten-foot setback from a primary arterial street where 44 feet is the minimum setback required; to allow a front yard setback of ten feet where 20 feet is required and a side yard setback of 8.5 feet where 10 feet is required; to allow a residential adjacency setback of 66.42 feet to the fourth floor where 127.5 feet is the minimum setback required on the north side of the property for a proposed expansion of an existing multi-family residential/single room occupancy establishment on 2.77 acres at 525 East Bonanza Road and 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.
08/15/07	The City Council approved a request for a Variance (VAR-19666) to allow 158 parking spaces where 394 spaces are required for a proposed expansion of an existing multi-family residential/single room occupancy establishment and social service provider on 2.77 acres at 525 East Bonanza Road and 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.
08/15/07	The City Council approved a request for a Waiver (WVR-19668) of Title 18.12.130 to allow Encanto Drive to continue to end in a dead end street where a cul-de-sac is required at 525 East Bonanza Road and 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.
08/15/07	The City Council approved a request for a Petition to Vacate (VAC-19669) the southern 101 feet of Encanto Drive, commencing approximately 97 feet south of the intersection of Encanto Drive and Wilson Avenue. The Planning Commission recommended approval on 07/12/07.
08/15/07	The City Council approved a request for a Special Use Permit (SUP-20052) for a proposed Social Service Provider at 525 East Bonanza Road and 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.
08/17/07	The City Council approved a request for Rezoning (ZON-21991) from R-1 (Single Family Residential) to C-2 (General Commercial) on 0.21 acres at 602 Encanto Drive. The Planning Commission recommended approval on 07/12/07.
11/06/08	The Planning and Development Department administratively approved a request for an Extension of Time (EOT-30355) of a previously approved Petition to Vacate (VAC-19669) the southern 101 feet of Encanto Drive, commencing approximately 97 feet south of the intersection of Encanto Drive and Wilson Avenue.

Related Building Permits/Business Licenses	
11/10/05	A building permit (46941) was issued for fire alarm system at 525 East Bonanza Road. The permit was finalized on 12/27/07.
12/30/05	A building permit (56901) was issued for a central station monitoring system at 525 east Bonanza Road. The permit was finalized on 01/08/08.
09/07/07	A business license (N41-00040) was issued for a Social Service Provider at 525 East Bonanza Road. The activity is actually at 610 Las Vegas Boulevard, therefore a business license was never issued and the entitlements of Special Use Permit (SUP-20822) where never exercised and have therefore expired. An investigator is researching the activity.
09/07/07	A business license (N42-00004) was issued for Intermediary Housing at 525 East Bonanza Road. The license is still active.
01/18/08	A business license (A07-01795) was issued for an Apartment Complex at 525 East Bonanza Road. The license is still active.
05/29/09	A business license (P06-01029) was issued for a Photography business at 525 East Bonanza Road, Ste 247 (Home Occupation Permit).
05/29/09	A business license (P20-00280) was issued for Photo sales at 525 East Bonanza Road, Ste 247 (Home Occupation Permit).
Pre-Application Meeting	
A pre-application meeting is not required for this type of application, nor was one held.	
Neighborhood Meeting	
A neighborhood meeting is not required for this type of application, nor was one held.	

Details of Application Request	
Site Area	
Gross Acres	2.77

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Residential/Single Room Occupancy Establishment	MXU (Mixed-Use)	C-2 (General Commercial)
North	Single-Family Residences	MXU (Mixed-Use)	R-1 (Single Family Residential)
	Tavern and Retail Establishments	MXU (Mixed-Use)	C-2 (General Commercial)
South	Apartments	MXU (Mixed-Use)	C-2 (General Commercial)
East	Government Facility	PF (Public Facilities)	C-V (Civic)
West	Retail Establishment	MXU (Mixed-Use)	C-1 (Limited Commercial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
Downtown North Plan	X		Y
Las Vegas Redevelopment Plan	X		Y
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (200 feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the first request for an extension of time of a previously approved Site Development Plan Review (SDR-19659) for the proposed expansion of an existing single room occupancy establishment. No building permits for the project have been issued. There have been five (5) Code Enforcement cases processed for the subject site, but all were prior to the approval of the Site Development Plan Review (SDR-19659).

Title 19.18.050 deems a Site Development Plan Review exercised upon the issuance of a building permit for the principal structure on site, unless otherwise specified in connection with its approval.

FINDINGS

The Site Development Plan Review (SDR-19659) has not met the requirements outlined in Title 19.18.050 to exercise the entitlement as no building permits have been issued. The applicant is requesting an extension of time to secure financing for the proposed project. Staff is recommending approval of this request with a two-year time limit. Conformance to the conditions of approval of Site Development Plan Review (SDR-19659) shall be required.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT **N/A**

SENATE DISTRICT **N/A**

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: EOT-35353 APN: 139-27-805-003, 139-27-812-017

Name of Property Owner: Cloudbreak Las Vegas LLC

Name of Applicant: Cloudbreak Las Vegas LLC

Name of Representative: Cloudbreak Las Vegas LLC

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: Randall Bishop Manager

Subscribed and sworn before me Andrew M. Villarreal, Notary Public

This 15 day of July, 20 09

_____

Notary Public in and for said County and State

ANDREW MARCELLUS VILLARREAL
Commission # 1612213
Notary Public - California
Los Angeles County
My Comm. Expires Oct 9, 2009

ACKNOWLEDGMENT

State of California
County of Los Angeles)

On July 15, 2009 before me, Andrew M. Villarreal, Notary Public
(insert name and title of the officer)

personally appeared Randall A. Bishop,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed the same in his/~~her~~/~~their~~ authorized capacity(~~ies~~), and that by his/~~her~~/~~their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

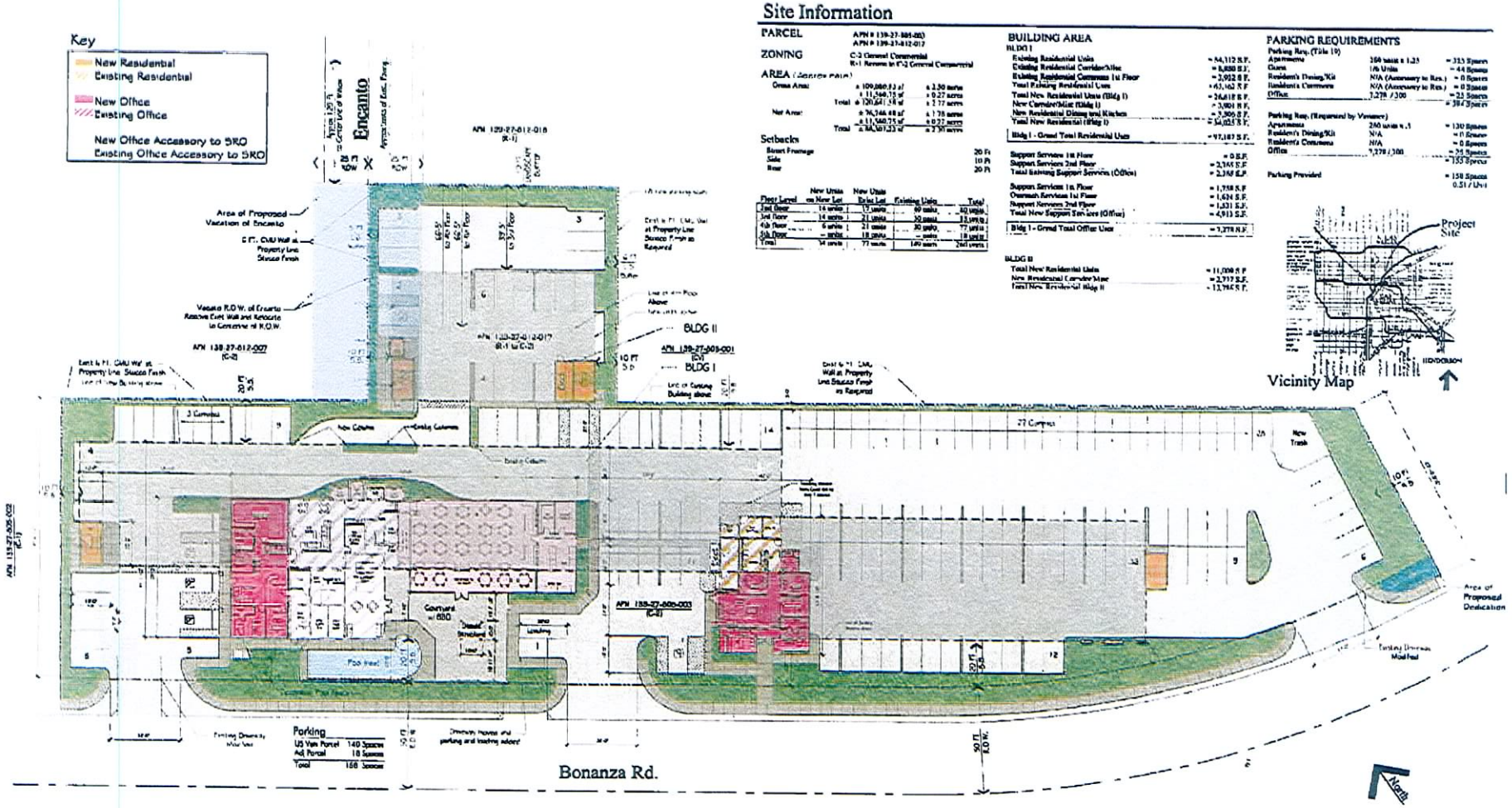
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

ANDREW MARCELLUS VILLARREAL
Commission # 1612213
Notary Public - California
Los Angeles County
My Comm. Expires Oct 9, 2009

Signature _____ (Seal)

EOT-35353
09-16-09 CC



Conceptual Site Plan - Scheme G

Cloudbreak Las Vegas, LLC

US Vets at the Meadows - Addition

Las Vegas, Nevada

Project # 905029 February 2, 2007

Perlman F1

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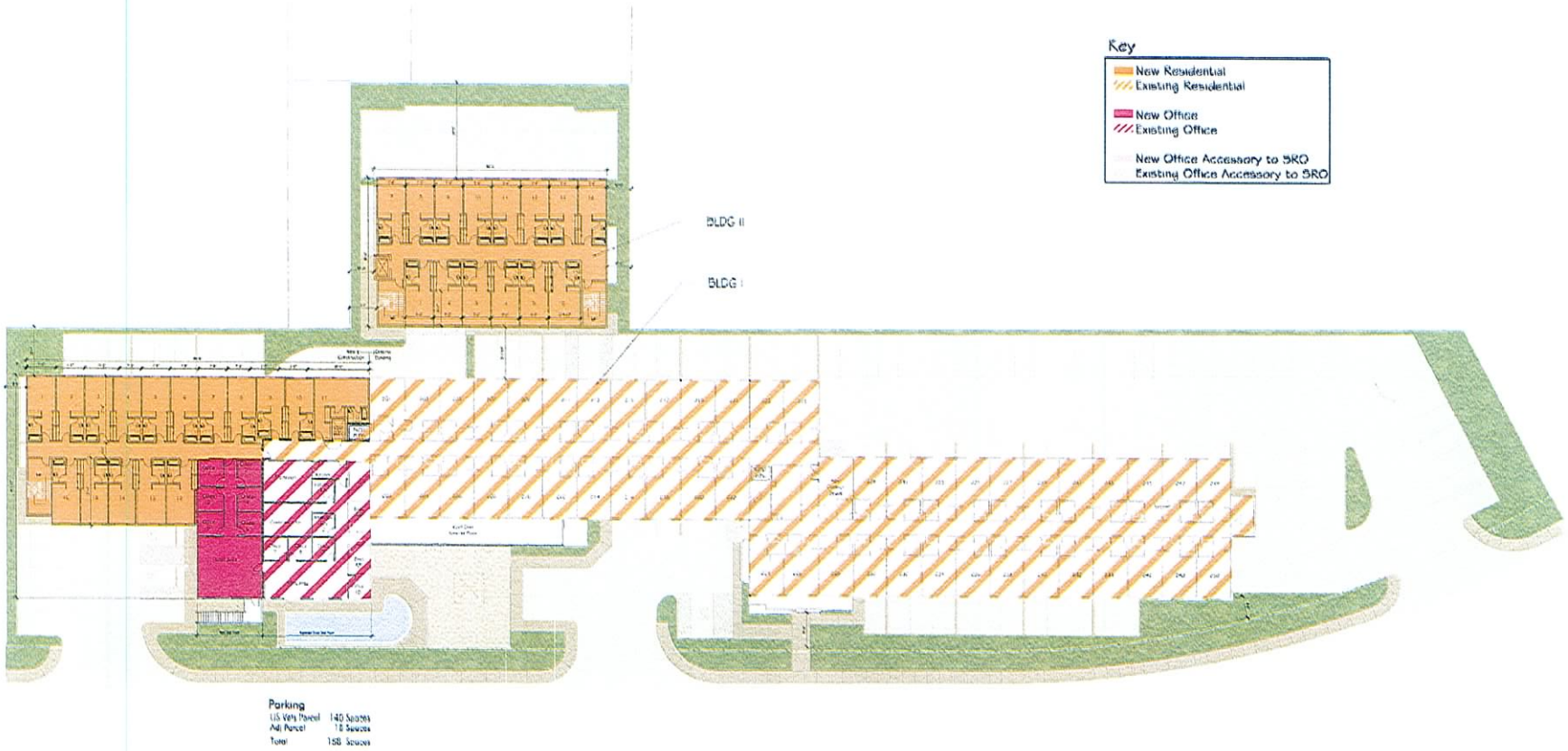
EOT-35353

09-16-09 CC



Conceptual 2nd Floor Plan

Scale: 1" = 20'-0"

Project # 905029 February 09, 2009

Cloudbreak Las Vegas, LLC

US Vets at the Meadows - Addition

Las Vegas, Nevada

EOT-35353

09-16-09 CC

Perlman F2

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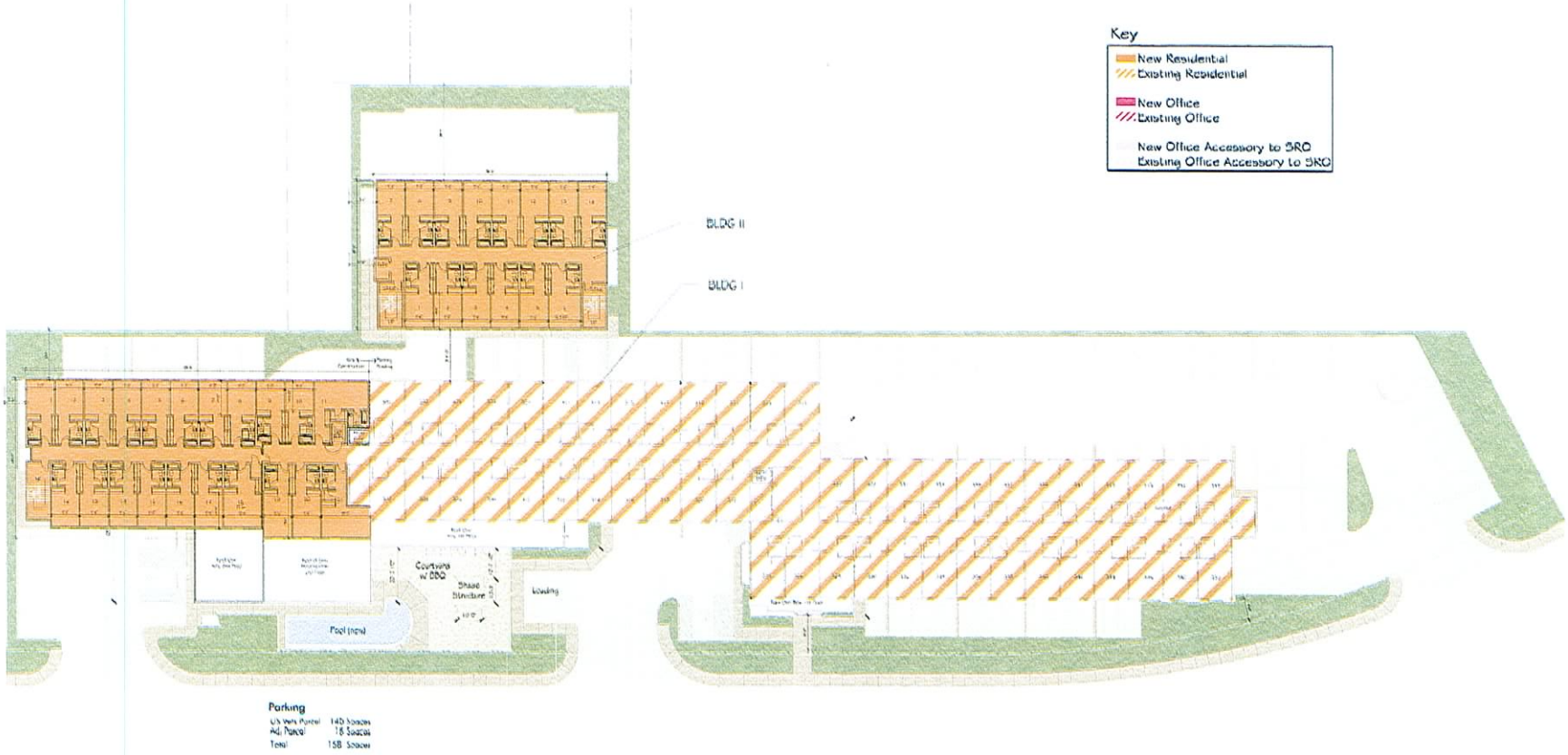
JUL 27 2009



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Project # 905029 February 02, 2007

Conceptual 3rd Floor Plan

Cloudbreak Las Vegas, LLC

US Vets at the Meadows - Addition

Las Vegas, Nevada

Perlman F3

EOT-35353

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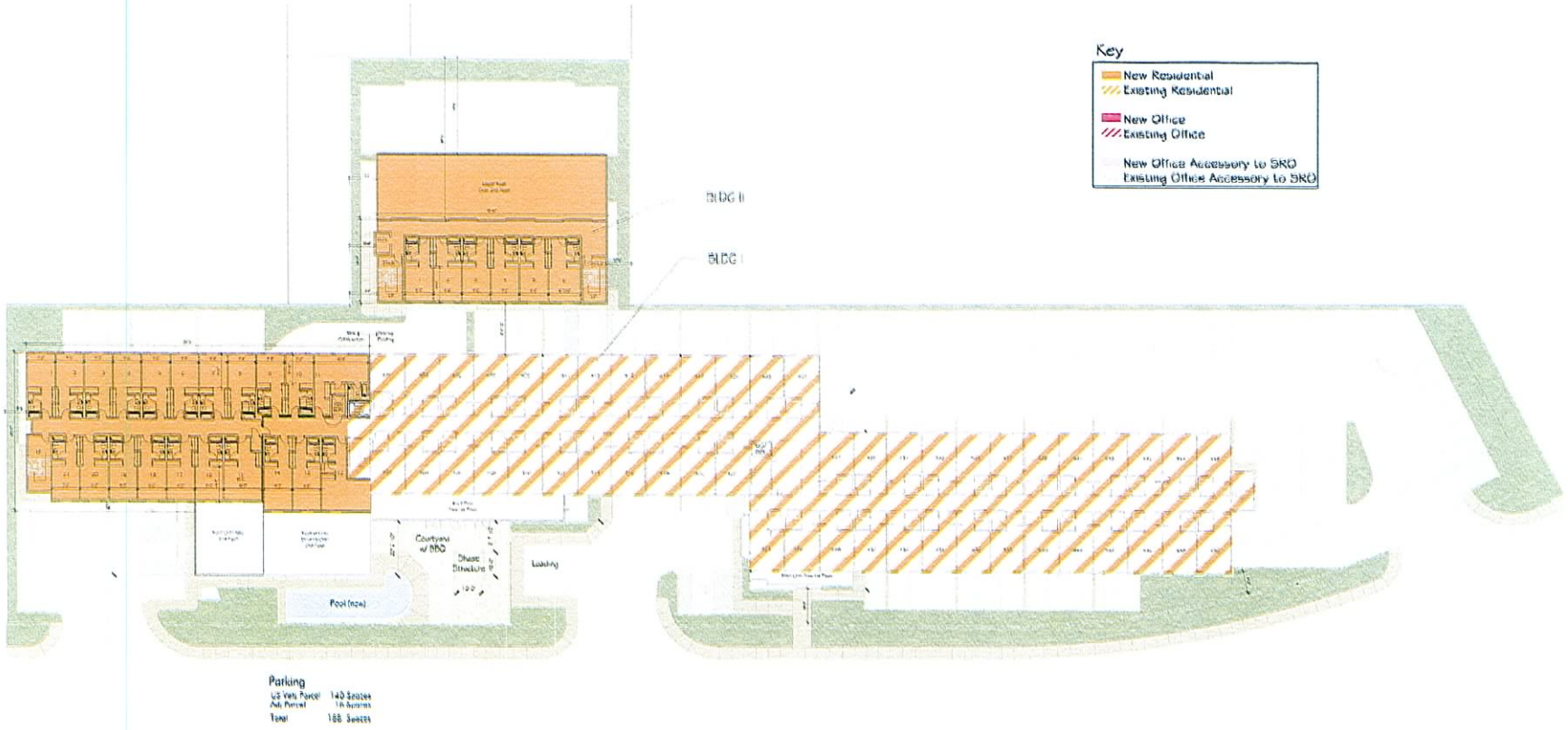
JUL 27 2009



Conceptual 4th Floor Plan

Scale: 1" = 20'-0"

Project # 903029 February 02, 2007

Cloudbreak Las Vegas, LLC

US Vets at the Meadows - Addition

Las Vegas, Nevada

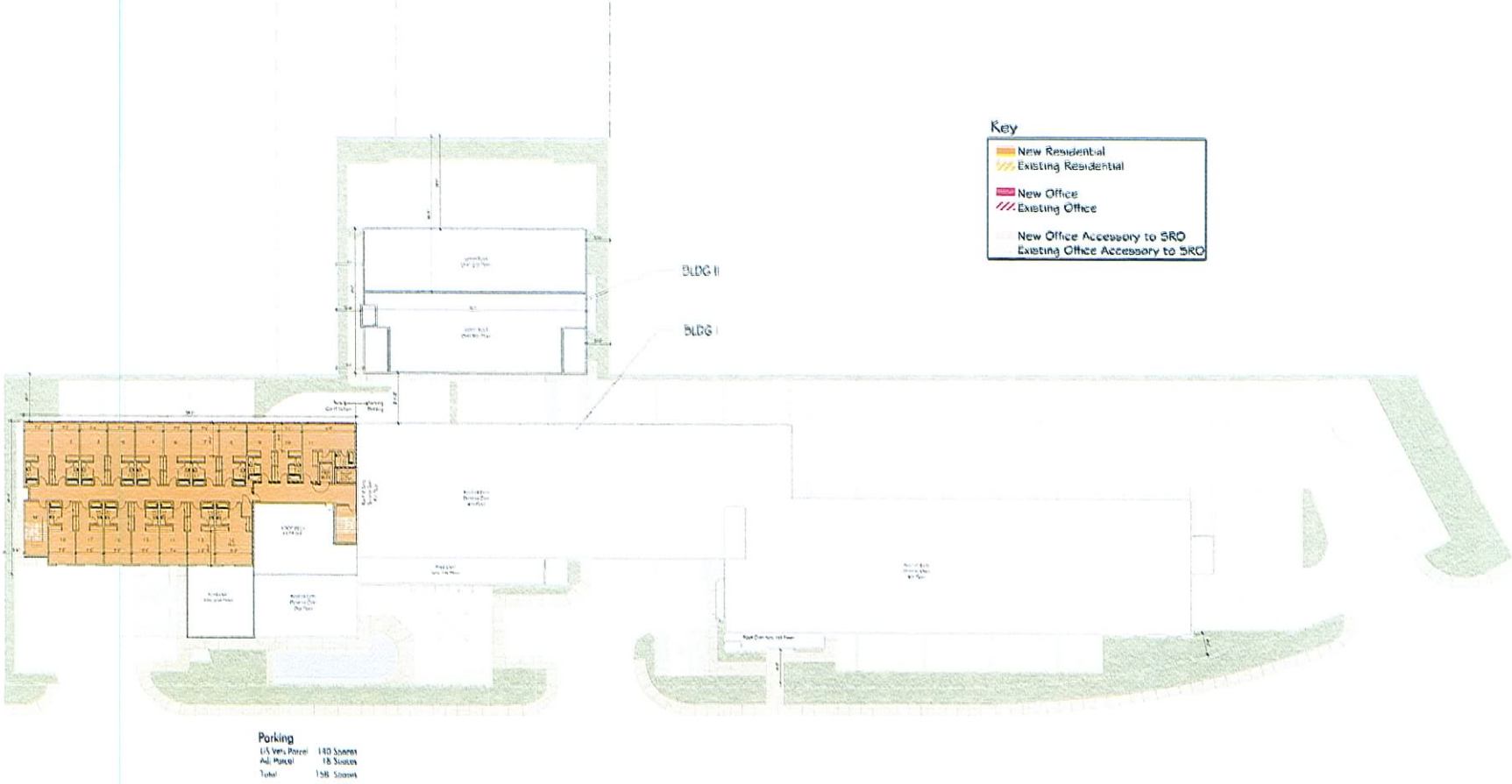
Perlman F4

EOT-35353

09-16-09 CC

RECEIVED

JUL 27 2009



Conceptual 5th Floor Plan

Scale: 1" = 20'-0"

Project # 705029 February 02, 2007

Cloudbreak Las Vegas, LLC

US Vets at the Meadows - Addition

Las Vegas, Nevada

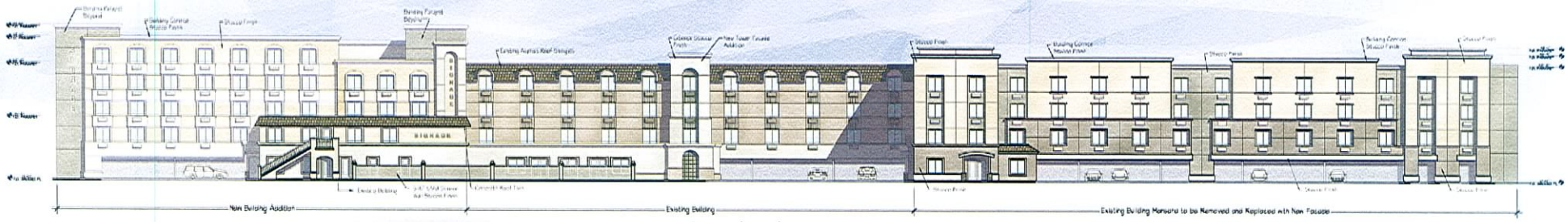
EOT-35353

09-16-09 CC

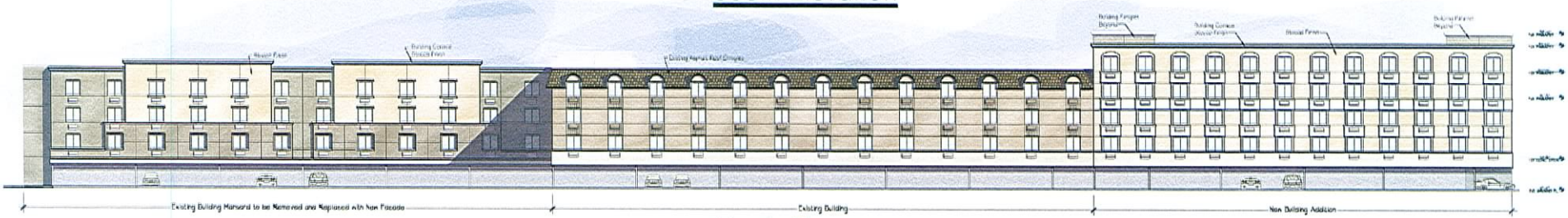
Perlman F5

RECEIVED

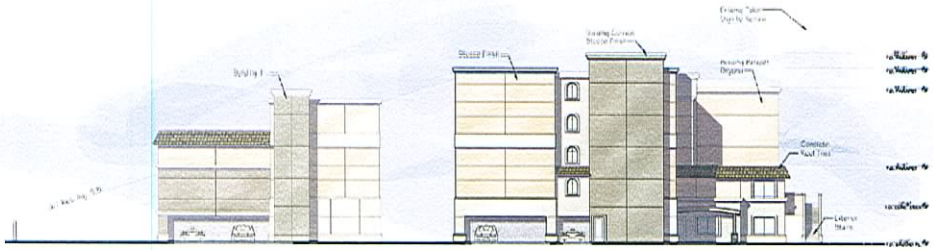
JUL 27 2009



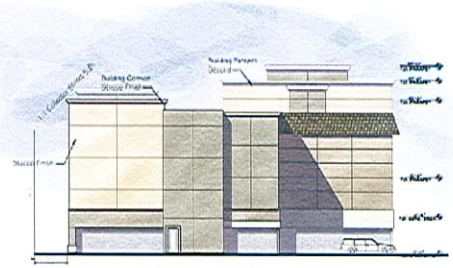
South Elevation



North Elevation



West Elevation



East Elevation

Conceptual Elevations Building 1

Scale: 1/16" = 1'-0"

Project # 905029 June 20, 2007

Cloudbreak Las Vegas, LLC

US Vets at the Meadows - Addition

Las Vegas, Nevada

EOT-35353

09-16-09 CC

Perlman E1a

RECEIVED

JUL 27 2009

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW

DOUGLAS A. SELBY
CITY MANAGER

September 27, 2007

Mr. Randy Bishop
Cloudbreak Las Vegas, LLC
733 South Hindry Avenue
Inglewood, California 90301

RE: SDR-19659
CITY COUNCIL MEETING OF AUGUST 15, 2007
RELATED TO ZON-21991, WVR-19668, VAR-19665, VAR-19666;
SUP-19661, SUP-20052, SUP-20822 AND VAC-19669

Dear Mr. Bishop:

The City Council at a regular meeting held August 15, 2007 APPROVED the request for a Site Development Plan Review FOR A PROPOSED EXPANSION OF AN EXISTING MULTI-FAMILY RESIDENTIAL/SINGLE ROOM OCCUPANCY ESTABLISHMENT on 2.77 acres at 525 East Bonanza Road and 602 Encanto Drive (APNs 139-27-805-003 and 139-27-812-017), C-2 (General Commercial) and R-1 (Single Family Residential) Zones [PROPOSED: C-V (Civic)]. NOTE: C-2 (GENERAL COMMERCIAL) IS REQUESTED AND WAIVERS OF THE PERIMETER LANDSCAPE BUFFER STANDARD TO ALLOW A ONE-FOOT WIDE BUFFER ALONG A PORTION OF THE SOUTH PROPERTY LINE WHERE A 15-FOOT WIDE BUFFER IS REQUIRED; A SIX-FOOT WIDE BUFFER ALONG A PORTION OF THE EAST PROPERTY LINE WHERE AN EIGHT FOOT WIDE BUFFER IS REQUIRED; A THREE FOOT WIDE BUFFER ALONG A PORTION OF THE NORTH PROPERTY LINE WHERE AN EIGHT-FOOT WIDE BUFFER IS REQUIRED; AND A SIX-FOOT WIDE BUFFER ALONG THE WEST PROPERTY LINE WHERE AN EIGHT-FOOT WIDE BUFFER IS REQUIRED. The Notice of Final Action was filed with the Las Vegas City Clerk on August 16, 2007. This approval is subject to:

Planning & Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-21991), Waiver (WVR-19668), Variance (VAR-19665), Variance (VAR-19666) Special Use Permit (SUP-19661), Special Use Permit (SUP-20052) and Vacation (VAC-19669) shall be required.

2. Recordation of a reversionary parcel map or administrative joining consolidating the parcels on the site prior to issuance of any building or grading permits.

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov

EOT-35353
09-16-09 CC

3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

4. All development shall be in conformance with the site plan, date stamped 05/15/07; landscape plan, date stamped 03/09/07; and building elevations, date stamped 07/12/07, except as amended by conditions herein.

5. A Waiver from LVMC 19.12.040 is hereby approved, to allow a perimeter landscape buffer of one foot along the southern property line where 15 feet are required.

6. A Waiver from LVMC 19.12.040 is hereby approved, to allow a perimeter landscape buffer of as little as three feet along the interior property lines as indicated on the landscape plan, date stamped 03/09/07, where eight feet is required.

7. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.

8. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

9. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

12. Any property line wall shall be decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.

13. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

EOT-35353
09-16-09 CC

14. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

15. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

16. A Petition of Vacation, such as VAC-19669, shall be recorded for the full width of Encanto Drive adjacent to Assessor's Parcel Number 139-27-812-017 prior to the issuance of any permits for this site or the recordation of a map, whichever may occur first. Any improvements required as a result of the vacation, including relocation of the existing block wall along the western edge of Encanto Drive, shall be included in the construction drawings and shall be constructed concurrent with development of this site. In addition, a Waiver of Title 18.12.130, such as WVR-19668, shall be approved to allow Encanto Drive to terminate with a dead-end prior to the issuance of any permits for this site. If a Vacation and/or Waiver are not approved, dedication and construction of a cul-de-sac meeting current City Standards at the end of Encanto Drive will be required concurrent with development and a revised site plan shall be submitted to the City reflecting these improvements.

17. Dedicate additional right-of-way adjacent to this southeast corner of this site to provide for a uniform right-of-way width on Bonanza Road prior to the issuance of any permits; coordinate with the Right-of-Way Section of the Department of Public Works for assistance in the preparation of appropriate documents.

18. Unless otherwise allowed by the City Engineer, construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network and shall be terminated on-site with a handicap ramp.

19. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.

20. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved

Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

21. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits, or the submittal of a map for this site, whichever may occur first. Provide and improve all drainage ways as recommended.

22. Submit an application for a deviation from Standard Drawing #222a for the driveways accessing this site from Bonanza Road.

23. Landscape and maintain all unimproved right-of-way, if any, on Bonanza Road adjacent to this site. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

24. Submit an Encroachment Agreement for all landscaping, if any, located in the Bonanza Road public right-of-way adjacent to this site prior to occupancy of this site.

25. Site development to comply with all applicable conditions of approval for Waiver WVR-19668 and all other applicable site-related actions.

Sincerely,

Angela Crolli
Deputy City Clerk II for
Beverly K. Bridges, CMC, City Clerk

M. Margo Wheeler, AICP
Director
Planning and Development Department

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. of Fire Services

Ms. Sue Gray
Perlman Design Group
2230 Corporate Circle, Suite #200
Henderson, Nevada 89074

EOT-35353
09-16-09 CC

City of Las Vegas Agenda Item No.: **59.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

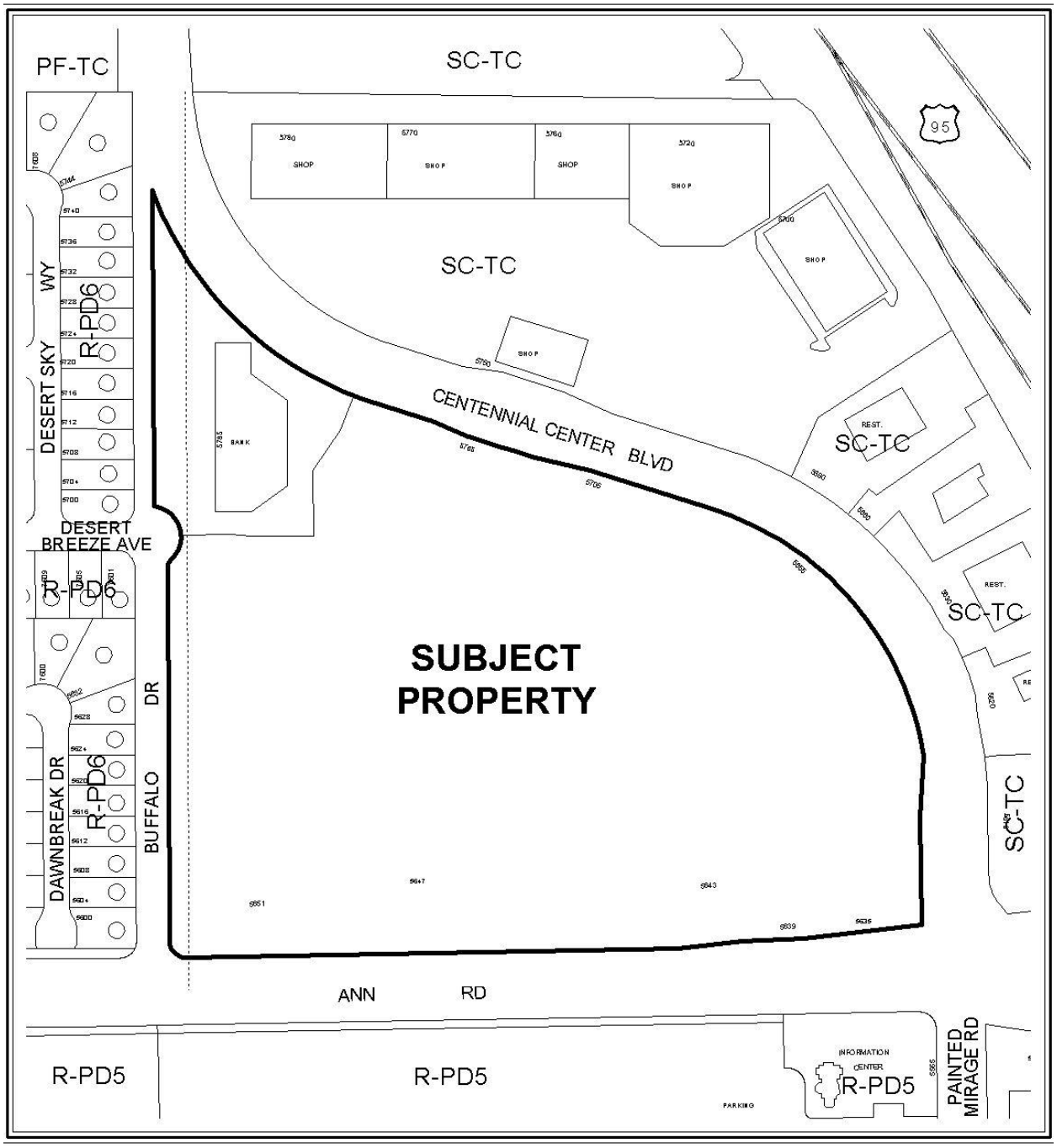
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

SUBJECT:
EOT-35440 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT/OWNER: CENTENNIAL GATEWAY, LLC - Request for an Extension of Time of a previously approved Special Use Permit (SUP-2214) FOR A SUPPER CLUB adjacent to the west side of Centennial Center Boulevard, approximately 660 feet north of Ann Road (APN 125-27-411-013), T-C (Town Center) Zone, Ward 6 (Ross). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. City Council Approval Letter for EOT-23584
6. City Council Approval Letter for EOT-8271
7. City Council Approval Letter for SUP-2214

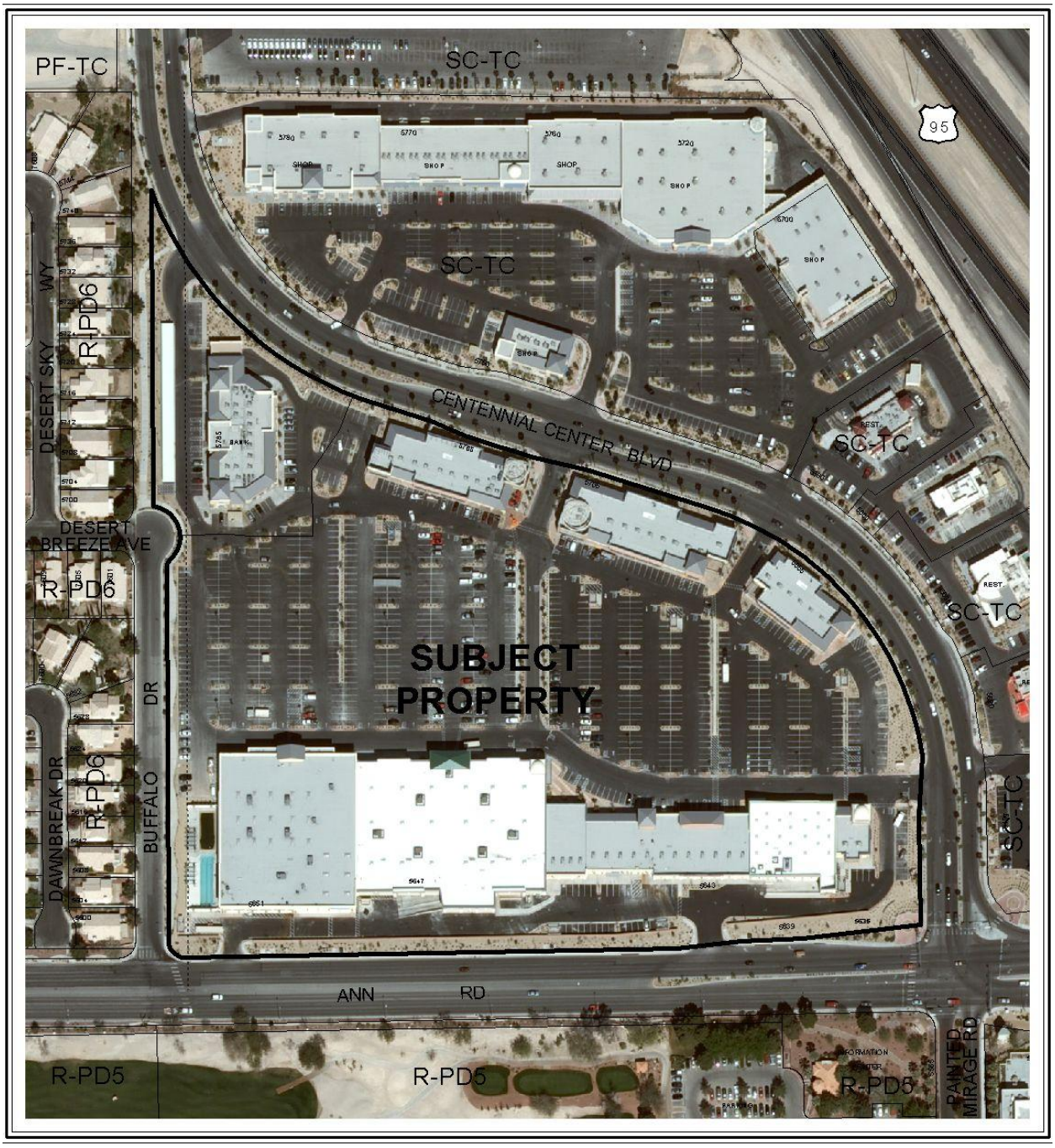


0 200 400 Feet

CASE: **EOT-35440**

ZONING OF SUBJECT PROPERTY:
T-C (TOWN CENTER) ZONE [SC-TC (SERVICE COMMERCIAL - TOWN CENTER) SPECIAL LAND USE DESIGNATION]

N



0 200 400 Feet

CASE: **EOT-35440**

ZONING OF SUBJECT PROPERTY:
T-C (TOWN CENTER) ZONE [SC-TC (SERVICE COMMERCIAL - TOWN CENTER) SPECIAL LAND USE DESIGNATION]

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 16, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-35440 – EXTENSION OF TIME – SPECIAL USE PERMIT -
APPLICANT/OWNER: CENTENNIAL GATEWAY, LLC

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. This Special Use Permit (SUP-2214) shall expire on August 6, 2011 unless another Extension of Time is approved by the City Council.

2. Conformance to the conditions of approval of Special Use Permit (SUP-2214) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site is part of a 397,244 square-foot commercial development bordered by Centennial Center Boulevard to the southwest, Buffalo Drive to the east, and Ann Road to the north. The structure is built with a certificate of completion issued and an address assigned off 5705 Centennial Center Boulevard. The applicant is requesting an extension of time of a previously approved Special Use Permit (SUP-2214) for a Supper Club, as they have been unable to locate a tenant/operator to lease the space due to the current state of the economy. Staff recommends approval with a two-year time limit.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
08/06/03	The City Council approved a request for a Petition to Vacate (VAC-2204) a roadway easement on Buffalo Drive, north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Petition to Vacate (VAC-2205) portions of Centennial Center Boulevard, north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Petition to Vacate (VAC-2206) a portion of Desert Breeze Avenue between Buffalo Drive and Centennial Center Boulevard. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Site Development Plan Review (SDR-2208) for a proposed 397,244 square-foot commercial development and waivers of the Town Center Development Standards are requested to eliminate the landscaping within the Ann Road median, to allow the hardscapes areas within the amenity zone every 600 feet along Centennial Center Boulevard where 105 feet is the maximum permitted, to allow parking adjacent to the right-of-way to allow 50 percent screening of the mechanical installations along Centennial Center Boulevard where 100 percent is required, to allow less than 60 percent of the building to be built-to-line, and to allow doorways to be more than every 50 feet along a building façade that fronts a street or plaza area on 36.5 acres adjacent to the northeast and northwest corners of Ann Road and Centennial Center Boulevard. The Planning Commission recommended approval on 06/12/03.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2209) for Outdoor Sales in conjunction with a commercial development adjacent to the northeast and northwest corners of Ann Road and Centennial Center Boulevard. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2211) for a Restaurant with drive through adjacent to the west side of Centennial Center Boulevard, approximately 500 feet north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2212) for a Restaurant with drive through adjacent to the east side of Centennial Center Boulevard, approximately 300 feet north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2214) for a Supper Club adjacent to the east side of Centennial Center Boulevard, approximately 880 feet north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2215) for a Supper Club adjacent to the east side of Centennial Center Boulevard, approximately 860 feet north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2216) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 775 feet north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2217) for a Supper Club adjacent to the northeast corner of Ann Road and Centennial Center Road. The Planning Commission recommended approval on 06/12/03.
09/22/04	The Planning and Development Department administratively approved a request for an Extension of Time (EOT-4945) of a previously approved Vacation (VAC-2206) to vacate a portion of Desert Breeze Avenue between Buffalo Drive and Centennial Center Boulevard.
10/15/04	A Code Enforcement case (22890) was processed for weeds along right-of-way on vacant lot at the northeast corner of Ann Road and Buffalo Drive. Code Enforcement closed the case on 10/19/04.
12/13/04	A Code Enforcement case (24447) was processed after Parking Enforcement located an out-of-state tractor-trailer parked on a dirt lot east of Buffalo Drive. Code Enforcement closed the case on 02/07/05.
03/16/05	The Planning and Development Department approved a request for a Final Map Technical Review (FMP-6053) for Centennial Gateway (A Commercial Subdivision). The map was recorded on 05/10/05 CLV Drawing #107v4179.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
09/07/05	The City Council approved a request to Petition to Vacate (VAC-7235) a drainage easement adjacent to the northeast corner of Ann Road and Centennial Center Boulevard. The Planning Commission recommended approval on 07/28/05.
09/07/05	The City Council approved a request for an Extension of Time (EOT-8267) of a previously approved Special Use Permit (SUP-2209) for Outdoor Sales in conjunction with a proposed commercial development adjacent to the northeast and northwest corners of Ann Road and Centennial Center Boulevard.
09/07/05	The City Council approved a request for an Extension of Time (EOT-8269) of a previously approved Special Use Permit (SUP-2211) for a Restaurant with drive through adjacent to the east side of Centennial Center Boulevard, approximately 700 feet north of Ann Road.
09/07/05	The City Council approved a request for an Extension of Time (EOT-8271) of a previously approved Special Use Permit (SUP-2214) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 660 feet north of Ann Road.
09/07/05	The City Council approved a request for an Extension of Time (EOT-8272) of a previously approved Special Use Permit (SUP-2215) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 860 feet north of Ann Road.
09/07/05	The City Council approved a request for an Extension of Time (EOT-8273) of a previously approved Special Use Permit (SUP-2216) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 600 feet north of Ann Road.
09/07/05	The City Council approved a request for a Minor Amendment (SDR-8695) to a previously approved Site Development Plan Review (SDR-2208) for a proposed 397,244 square-foot commercial development on 36.5 acres adjacent to the northeast and northwest corners of Ann Road and Centennial Center Boulevard.
09/05/06	The Town Center Architectural Review Committee approved a request for an amendment (ARC-16122) to an approved Master Sign Plan (CHARC-0009-03) for a proposed 397,244 square-foot expansion of a commercial center on 36.5 acres adjacent to the northeast and northwest corners of Ann Road and Centennial Center Boulevard.
09/19/07	The City Council approved a request for an Extension of Time (EOT-23584) of a previously approved Special Use Permit (SUP-2214) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 660 feet north of Ann Road. The City Council approved a request for an Extension of Time (EOT-23587) of a previously approved Special Use Permit (SUP-2215) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 860 feet north of Ann Road

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
09/19/07	The City Council approved a request for an Extension of Time (EOT-23589) of a previously approved Special Use Permit (SUP-2216) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 600 feet north of Ann Road.
06/18/08	The City Council approved a request for a Special Use Permit (SUP-27693) for a proposed Beer/Wine/Cooler Off-Sale Establishment within a previously approved 13,969 square-foot General Retail Establishment "Grocery Store" at the northeast corner of Ann Road and Buffalo Drive. The Planning Commission recommended approval on 05/22/08.
02/04/09	The City Council approved a request for a Special Use Permit (SUP-32016) for Beer/Wine/Cooler On-Sale Establishment within a proposed restaurant at 5643 Centennial Center Boulevard, Suite 130. The Planning Commission recommended approval on 01/08/09.
04/13/09	A Code Enforcement case (76697) was processed for illegal signage for a 24-hour fitness center at 5651 Centennial Center Boulevard. Code Enforcement closed the case on 04/29/09.
04/29/09	A Code Enforcement case (77616) was processed for illegal signage and banners at 5705 Centennial Center Boulevard. Code Enforcement closed the case on 05/06/09.
05/06/09	The City Council approved a request for a Special Use Permit (SUP-33491) for a Secondhand Dealer at 5765 Centennial Center Boulevard, Suite 160. The Planning Commission recommended approval on 04/09/09.
Related Building Permits/Business Licenses	
03/25/08	A building permit (107476) was issued for a retail shell building at 5705 Centennial Center Boulevard. A certificate of completion was issued on 10/07/08.
Numerous building permits have been issued and finalized for 5705 Centennial Center Boulevard.	
Pre-Application Meeting	
A pre-application meeting is not required for this type of application, nor was one held.	
Neighborhood Meeting	
A neighborhood meeting is not required for this type of application, nor was one held.	

Details of Application Request	
Site Area	
Gross Acres	36.5

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial Development	TC (Town Center)	T-C (Town Center) [SC-TC (Service Commercial- Town Center) Special Land Use designation]
North	Commercial Development	TC (Town Center)	T-C (Town Center) [SC-TC (Service Commercial- Town Center) Special Land Use designation]
South	Condominiums	ML (Medium-Low Density Residential)	R-PD5 (Residential Planned Development- 5 Units per Acre)
	Golf Course	PR-OS (Parks/Recreation/Open Space)	R-PD5 Residential Planned Development- 5 Units per Acre)
East	Restaurants and Retail Establishments	TC (Town Center)	T-C (Town Center) [SC-TC (Service Commercial- Town Center) Special Land Use designation]
West	Single-Family Residences	ML (Medium-Low Density Residential)	R-PD6 (Residential Planned Development- 6 Units per Acre)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan			
Centennial Hills Sector Plan	X		Y
T-C Town Center District	X		Y
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
T-C (Town Center) District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the third request for an extension of time of a previously approved Special Use Permit (SUP-2214) for a supper club within a 397,244 square-foot commercial development bordered by Centennial Center Boulevard to the southwest, Buffalo Drive to the east, and Ann Road to the north. The structure is built with a certificate of completion issued on 10/07/08 and an addressed assigned of 5705 Centennial Center Boulevard. Due to the current state of the economy, the applicant is requesting an extension of time to secure a tenant/operator for the proposed use.

FINDINGS

According to Title 19.18.060, though the building is completed, the applicant has been unable to secure a tenant/operator for the supper club; therefore, the use has not yet been exercised. Staff is recommending approval of the Extension of Time with a two-year time limit. Conformance to the conditions of approval of the Special Use Permit (SUP-2214) shall be required.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT **N/A**

SENATE DISTRICT **N/A**

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **EOT-35440** APN: 125-27-411-001

Name of Property Owner: Centennial Gateway, LLC

Name of Applicant: Territory, Incorporated

Name of Representative: Michael Shohet

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: A. Jonathan Schwartz

Print Name: A. Jonathan Schwartz

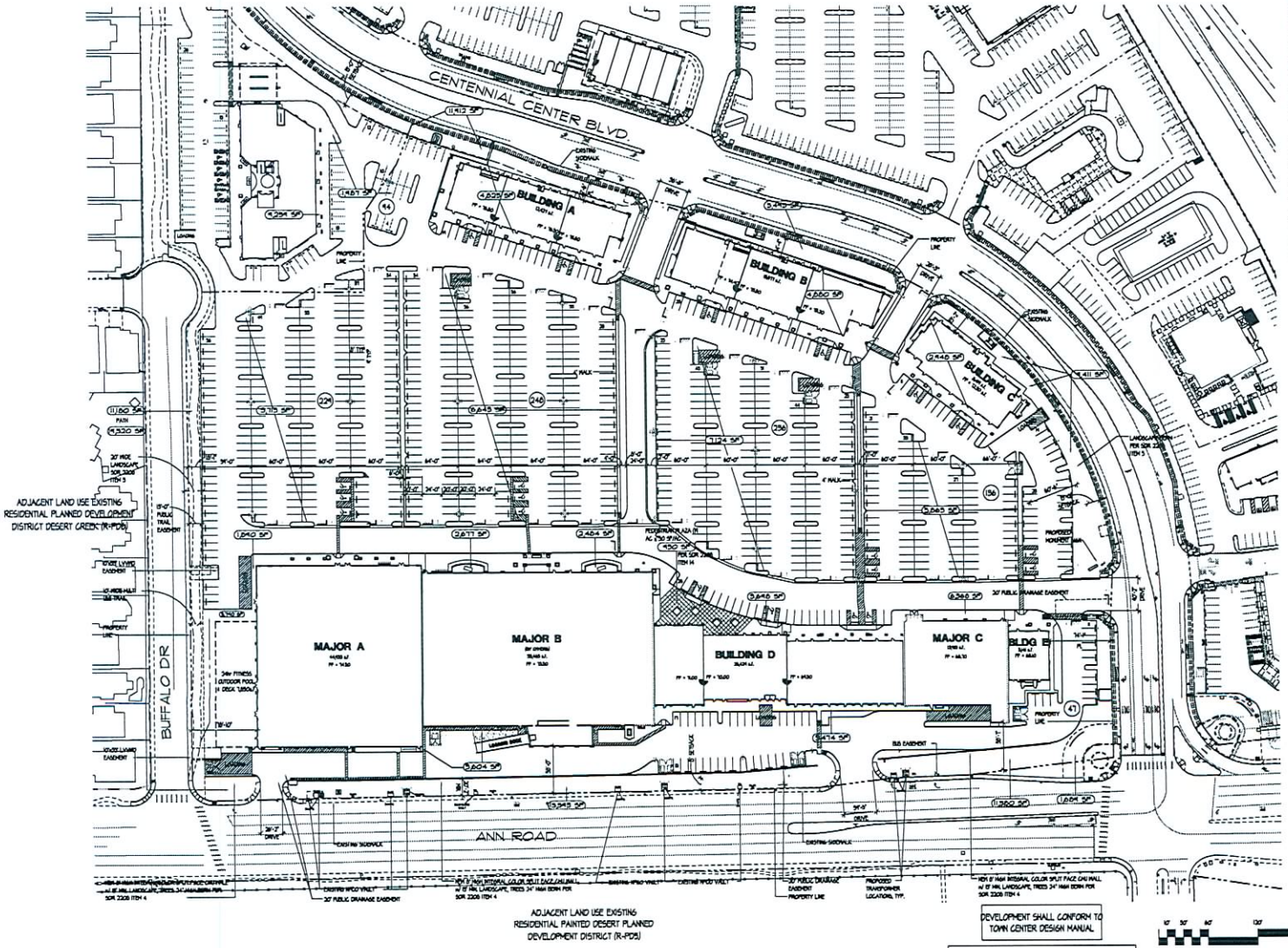
Subscribed and sworn before me

This 28th day of July, 2009

Susan Jean Pacheco

Notary Public in and for said County and State

SUSAN JEAN PACHECO
NOTARY PUBLIC
STATE OF NEVADA
Date Appointment Exp: 11-26-2011
Certificate No: 91-0018-1



Summary

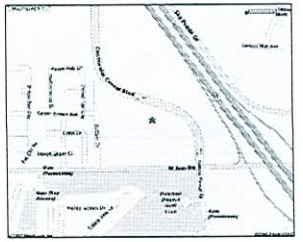
Land	18.73 AC	815,323 SF
Building Area		211,606 SF
20% Open Space Req'd		163,000 SF
Open Space Provided		163,573 SF
Plaza Area Req'd		950 SF
Plaza Area Provided		990 SF
Land-to-Bldg Ratio		3.88/1
Coverage		25.87%
Retail Shops 'A-E'		65,293 SF
Sportsman Warehouse		55,465 SF
24 Hr Fitness Center		44,933 SF
Fresh & Easy Market		13,915 SF
Sub Total Shopping Ctr		179,606 SF
Existing Office		32,000 SF
Total Building Area		211,606 SF

PARKING BY CODE REQUIREMENTS:

CODE REQUIRED:			
SHOPPING CENTER	179,606sf	1/250	717 SPACES
EXISTING OFFICE	32,000sf	1/300	106 SPACES
TOTAL REQUIRED			823 SPACES

PARKING BY USE

EXISTING OFFICE	32,000sf	1/300	106 SPACES
24 HR FITNESS	44,933sf	1/200	224 SPACES
SPORTSMAN WH.	55,465sf	1/250	222 SPACES
FRESH & EASY MARKET	13,915sf	1/250	55 SPACES
RETAIL "A"	12,427sf	1/250	50 SPACES
RETAIL "B"	15,877sf	1/250	63 SPACES
RETAIL "C"	8,419sf	1/250	33 SPACES
RETAIL "D"	25,429sf	1/250	102 SPACES
RETAIL "E"	3,141sf	1/250	12 SPACES
TOTAL REQUIRED			867 SPACES
TOTAL PROVIDED:			990
H.C. REQUIRED (2%)			20 (4 VAN)
H.C. PROVIDED:			24 (6 VAN)



Vicinity Map
Not to Scale

ALL BUILDINGS, IMPROVEMENTS, THEIR OCCUPANTS AND THE USES AS SHOWN ON THIS PLAN ARE PRELIMINARY AND SUBJECT TO MODIFICATION AT THE OWNER'S DISCRETION WITHOUT NOTICE.

THIS PRELIMINARY SITE PLAN IS BASED ON INFORMATION FURNISHED TO NADEL ARCHITECTS NEVADA, LLP AND IS SUBJECT TO VERIFICATION BY LEGALS, SURVEYS AND GOVERNING AGENCIES ETC. THIS EXHIBIT IS NOT NECESSARILY A REPRESENTATION AS TO IDENTITY, TYPE, SIZE, LOCATION, TIMING OR OCCUPANCY OF ANY BUILDING WITHIN THIS CENTER.

DATE: JANUARY 24, 2008
NADEL JOB # 07821

NADEL ARCHITECTS NEVADA, LLP
7380 S. DEAN MARTIN DR., SUITE 800
LAS VEGAS, NV 89118
T.702.896.3000 F.702.896.7170
WWW.NADELARC.COM

NADEL RETAIL

SITE PLAN

CENTENNIAL GATEWAY phase II
LAS VEGAS, NEVADA

TERRITORY INCORPORATED

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EOT-35440

09-16-09 CC

TERRITORY
INCORPORATED

July 24, 2009

City of Las Vegas
Planning & Development
731 South 4th Street
Las Vegas, NV 89101

Subject: **Centennial Gateway Phase 2**
Extension of Time for Special Use Permit for Supper Club (SUP-2214)
APN Numbers: 125-27-411-001

On behalf of Territory Incorporated, I respectfully submit the subject application for your consideration. The proposed site is generally located within the South Half (S ½) of the Southwest Quarter (SW ¼) of Section 27, Township 19 South, Range 60 East (APN Numbers 125-27-411-001) and is bordered by Centennial Center Boulevard to the Southwest, Buffalo Drive to the East, and Ann Road to the North. This site is a portion of the Master Planned Community of Town Center and a portion of the Centennial Gateway Commercial Development for which development and construction is ongoing.

The developer is currently seeking an additional Extension of Time for the above referenced Special Use Permit (SUP-2214). The Special Use Permit is for a Supper Club which was approved by the City of Las Vegas City Council on August 6, 2003 and a Notice of Final Action was filed with the City Clerk on August 7, 2003. Due to unresolved hydrology issues, an Extension of Time (EOT-8271) was filed and approved by City of Las Vegas City Council on September 7, 2005 and a Notice of Final Action was filed with the City Clerk on September 8, 2005. Originally, on September 7, 2005, four other EOT Applications had been filed due to the hydrology issues, and three have been currently exercised (SUP-2211, SUP-2217, & SUP-2209). An additional extension was applied for on July 30, 2007 and approved on September 19, 2007 (EOT-23584). Since that time, the shopping center has been constructed and several tenants are open for business.

At this time, due to the state of the economy, we have not been able to secure tenants/operators for these supper clubs. An additional extension of time is needed for SUP-2214, along with SUP-2215 & SUP-2216. We are confident that, as the economy improves, we will fill these empty spaces and be in a position to exercise these special use permits. We are hopeful that the Planning Department will be supportive of our efforts in these extraordinary circumstances. Please schedule this Extension of Time to be heard by the City Council on September 16, 2009.

If you should have any further questions, please do not hesitate to call.

Sincerely,

Michael Shohet
Project Manager

EOT-35440
09-16-09 CC

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Real Estate & Development
5785 Centennial Center Blvd., Suite 230 • Las Vegas, Nevada 89149 • Phone 702-822-8200 • Fax 702-822-8201
Please visit our web site at: www.territoryinc.com

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW

DOUGLAS A. SELBY
CITY MANAGER

September 21, 2007

Mr. Michael Shohet
Centennial Gateway, LLC
5785 Centennial Center Boulevard, Suite #230
Las Vegas, Nevada 89149

RE: EOT-23584 – EXTENSION OF TIME
CITY COUNCIL MEETING OF SEPTEMBER 19, 2007

Dear Mr. Shohet:

The City Council at a regular meeting held September 19, 2007 APPROVED the request for an Extension of Time of an approved Special Use Permit (SUP-2214) FOR A SUPPER CLUB adjacent to the west side of Centennial Center Boulevard, approximately 660 feet north of Ann Road (APN 125-27-411-001), T-C (Town Center) Zone [SC-TC (Service Commercial - Town Center) Special Land Use Designation]. The Notice of Final Action was filed with the Las Vegas City Clerk on September 20, 2007. This approval is subject to:

Planning & Development

1. Conformance to the conditions for Special Use Permit (SUP-2214), and all other site related actions.

2. This Special Use Permit (SUP-2214) shall expire on August 6, 2009 unless another Extension of Time is approved.

Sincerely,

Angela Crolli
Deputy City Clerk II for
Beverly K. Bridges, CMC, City Clerk

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. of Fire Services

Ms. Jeanna Gaitan
Territory, Inc.
5785 Centennial Center Boulevard, Suite #230
Las Vegas, Nevada 89149

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov

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LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS

DOUGLAS A. SELBY
CITY MANAGER

September 12, 2005

Mr. Bruce Barton
Centennial Gateway, LLC
7448 West Sahara Avenue, #101
Las Vegas, Nevada 89117

RE: EOT-8271 - EXTENSION OF TIME - SPECIAL USE PERMIT
CITY COUNCIL MEETING OF SEPTEMBER 7, 2005
RELATED TO EOT-8267, EOT-8269, EOT-8270, EOT-8272, EOT-8273, EOT-8275 and SDR-8695

Dear Applicant:

The City Council at a regular meeting held September 7, 2005 APPROVED the request for n Extension of Time of an approved Special Use Permit (SUP-2214) FOR A SUPPER CLUB adjacent to the west side of Centennial Center Boulevard, approximately 660 feet north of Ann Road (APN 125-27-411-001), T-C (Town Center) Zone [SC-TC (Service Commercial - Town Center) Special Land Use Designation]. The Notice of Final Action was filed with the Las Vegas City Clerk on September 8, 2005. This approval is subject to:

Planning and Development

1. This Extension of Time will expire on 08/06/07 unless the Special Use Permit is exercised or another Extension of Time is approved by the City Council.

2. Conformance to all conditions of approval for Special Use Permit SUP-2214 and Site Development Plan Review SDR-8695 as required by the Planning and Development Department and Department of Public Works.

Sincerely,

Yddleena Yturralde
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. Of Fire Services

Ms. Jennifer Lazovich
Kummer Kaempfer Bonner & Renshaw
3800 Howard Hughes Parkway, 7th Floor
Las Vegas, Nevada 89109

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09-16-09 CC

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400 STEWART AVENUE
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www.lasvegasnevada.gov

18112-001-06-05
CLV 7009

038540





MAYOR
OSCAR B. GOODMAN

CITY COUNCIL
GARY REESE
(MAYOR PRO-TEM)
LARRY BROWN
LYNETTE B. McDONALD
LAWRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF

CITY MANAGER
DOUGLAS A. SELBY

August 8, 2003

Mr. Bruce Barton
Territory, Inc.
7448 West Sahara Avenue, Suite #101
Las Vegas, Nevada 89117

RE: SUP-2214 - SPECIAL USE PERMIT
CITY COUNCIL MEETING OF AUGUST 6, 2003
Related to SDR-2208, SUP-2209, SUP-2211, SUP-2212, SUP-2215, SUP-2216, SUP-2217, VAC-2204, VAC-2205 and VAC-2206

Dear Mr. Barton:

The City Council at a regular meeting held August 6, 2003 APPROVED the request for a Special Use Permit FOR A SUPPER CLUB adjacent to the east side of Centennial Center Boulevard, approximately 880 feet north of Ann Road (APN: 125-27-401-010), T-C (Town Center) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on August 7, 2003. This approval is subject to:

Planning and Development

1. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

2. Conformance to all Minimum Requirements under the Town Center Development Standards for a Supper Club use.

3. Approval and conformance to the Conditions of Approval Site Development Plan Review (SDR-2208).

4. All City Code requirements and design standards of all City departments must be satisfied.

5. Approval of this Special Use Permit does not constitute approval of a liquor license.

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CITY OF LAS VEGAS
400 STEWART AVENUE
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www.ci.las-vegas.nv.us

EOT-35440
09-16-09 CC

6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

Sincerely,

Diana Davis

Diana Davis
Deputy City Clerk I for
Barbara Jo Ronemus, City Clerk

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. Of Fire Services

Ms. Jennifer Lazovich
KKB&R
3800 Howard Hughes Pkwy, 7th Floor
Las Vegas, Nevada 89109

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EOT-35440
09-16-09 CC

City of Las Vegas Agenda Item No.: **60.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

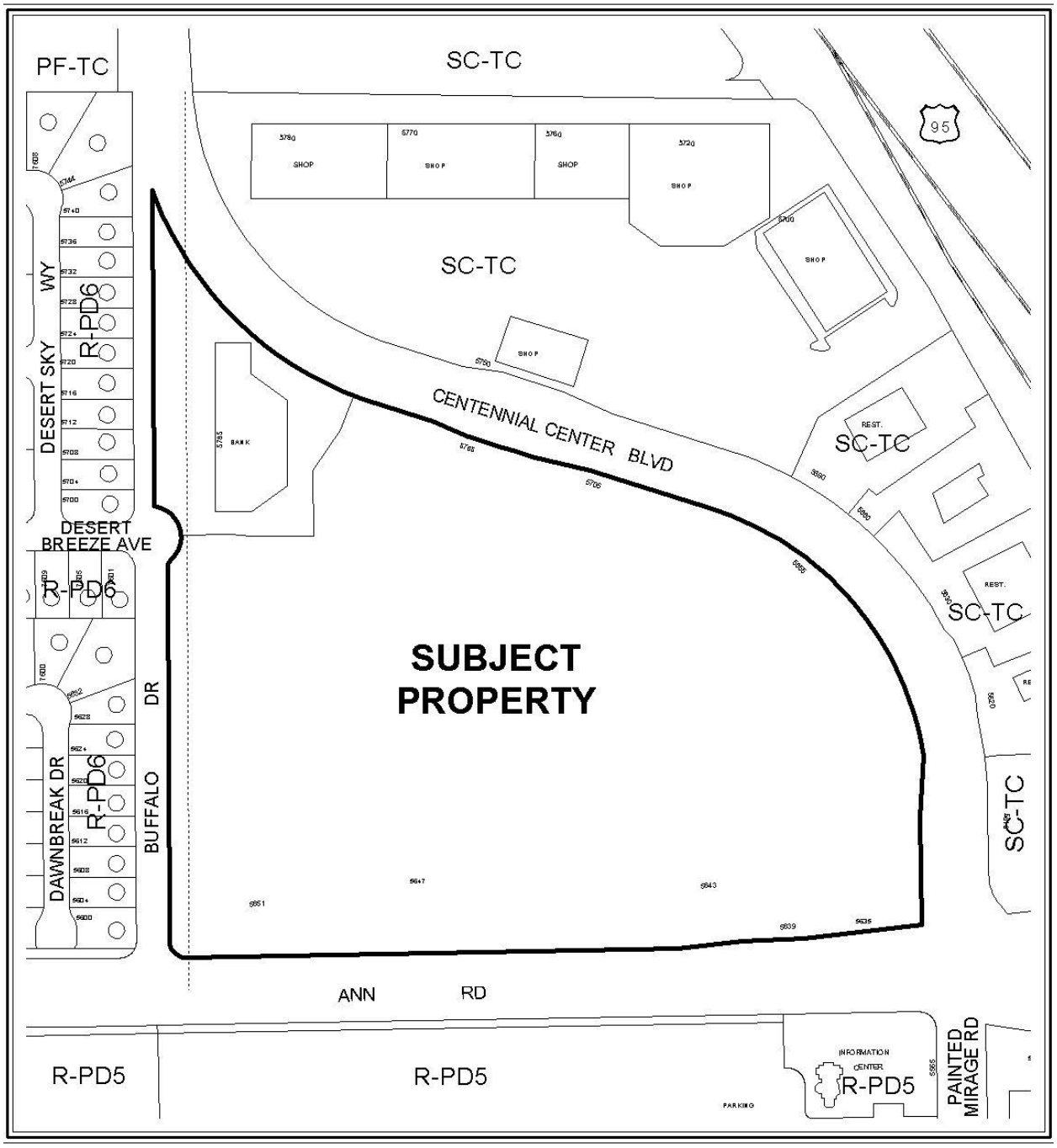
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

SUBJECT:
EOT-35441 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT/OWNER: CENTENNIAL GATEWAY, LLC - Request for an Extension of Time of a previously approved Special Use Permit (SUP-2215) FOR A SUPPER CLUB adjacent to the east side of Centennial Center Boulevard, approximately 860 feet north of Ann Road (APN 125-27-411-013), T-C (Town Center) Zone, Ward 6 (Ross). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends APPROVAL, subject to conditions.

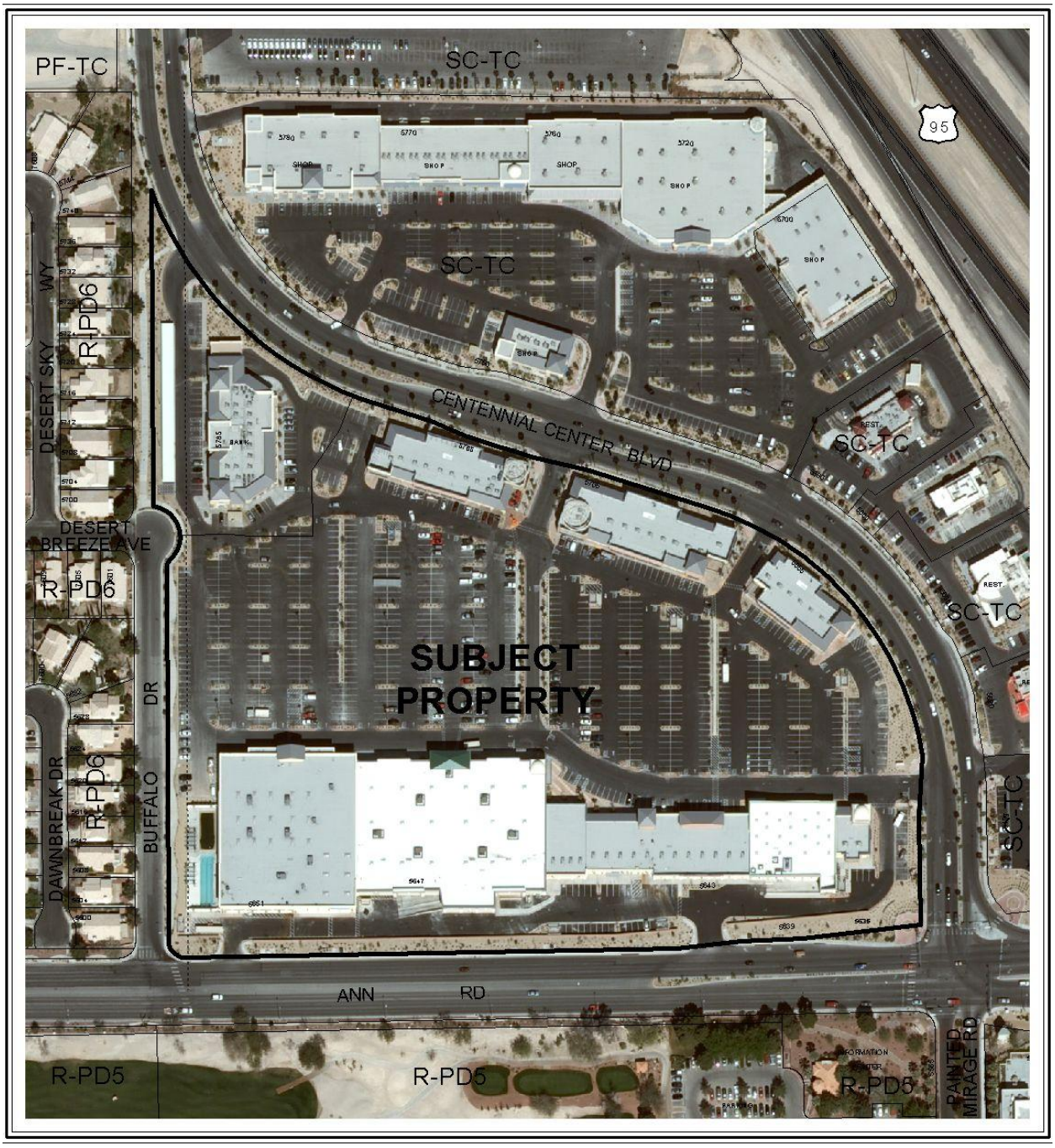
BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. City Council Approval Letter for EOT-23587
6. City Council Approval Letter for EOT-8272
7. City Council Approval Letter for SUP-2215



CASE: **EOT-35441**

ZONING OF SUBJECT PROPERTY:
T-C (TOWN CENTER) ZONE [SC-TC (SERVICE COMMERCIAL - TOWN CENTER) SPECIAL LAND USE DESIGNATION]

N



0 200 400 Feet

CASE: **EOT-35441**

ZONING OF SUBJECT PROPERTY:
T-C (TOWN CENTER) ZONE [SC-TC (SERVICE COMMERCIAL - TOWN CENTER) SPECIAL LAND USE DESIGNATION]

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 16, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-35441 – EXTENSION OF TIME – SPECIAL USE PERMIT -
APPLICANT/OWNER: CENTENNIAL GATEWAY, LLC

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. This Special Use Permit (SUP-2215) shall expire on August 6, 2011 unless another Extension of Time is approved by the City Council.

2. Conformance to the conditions of approval of Special Use Permit (SUP-2215) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site is part of a 397,244 square-foot commercial development bordered by Centennial Center Boulevard to the southwest, Buffalo Drive to the east, and Ann Road to the north. The structure is built with a certificate of completion issued and an address assigned off 5643 Centennial Center Boulevard. The applicant is requesting an extension of time of a previously approved Special Use Permit (SUP-2215) for a Supper Club, as they have been unable to locate a tenant/operator to lease the space due to the current state of the economy. Staff recommends approval with a two-year time limit.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
08/06/03	The City Council approved a request for a Petition to Vacate (VAC-2204) a roadway easement on Buffalo Drive, north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Petition to Vacate (VAC-2205) portions of Centennial Center Boulevard, north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Petition to Vacate (VAC-2206) a portion of Desert Breeze Avenue between Buffalo Drive and Centennial Center Boulevard. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Site Development Plan Review (SDR-2208) for a proposed 397,244 square-foot commercial development and waivers of the Town Center Development Standards are requested to eliminate the landscaping within the Ann Road median, to allow the hardscapes areas within the amenity zone every 600 feet along Centennial Center Boulevard where 105 feet is the maximum permitted, to allow parking adjacent to the right-of-way to allow 50 percent screening of the mechanical installations along Centennial Center Boulevard where 100 percent is required, to allow less than 60 percent of the building to be built-to-line, and to allow doorways to be more than every 50 feet along a building façade that fronts a street or plaza area on 36.5 acres adjacent to the northeast and northwest corners of Ann Road and Centennial Center Boulevard. The Planning Commission recommended approval on 06/12/03.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2209) for Outdoor Sales in conjunction with a commercial development adjacent to the northeast and northwest corners of Ann Road and Centennial Center Boulevard. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2211) for a Restaurant with drive through adjacent to the west side of Centennial Center Boulevard, approximately 500 feet north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2212) for a Restaurant with drive through adjacent to the east side of Centennial Center Boulevard, approximately 300 feet north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2214) for a Supper Club adjacent to the east side of Centennial Center Boulevard, approximately 880 feet north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2215) for a Supper Club adjacent to the east side of Centennial Center Boulevard, approximately 860 feet north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2216) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 775 feet north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2217) for a Supper Club adjacent to the northeast corner of Ann Road and Centennial Center Road. The Planning Commission recommended approval on 06/12/03.
09/22/04	The Planning and Development Department administratively approved a request for an Extension of Time (EOT-4945) of a previously approved Vacation (VAC-2206) to vacate a portion of Desert Breeze Avenue between Buffalo Drive and Centennial Center Boulevard.
10/15/04	A Code Enforcement case (22890) was processed for weeds along right-of-way on vacant lot at the northeast corner of Ann Road and Buffalo Drive. Code Enforcement closed the case on 10/19/04.
12/13/04	A Code Enforcement case (24447) was processed after Parking Enforcement located an out-of-state tractor-trailer parked on a dirt lot east of Buffalo Drive. Code Enforcement closed the case on 02/07/05.
03/16/05	The Planning and Development Department approved a request for a Final Map Technical Review (FMP-6053) for Centennial Gateway (A Commercial Subdivision). The map was recorded on 05/10/05 CLV Drawing #107v4179.

09/07/05	The City Council approved a request to Petition to Vacate (VAC-7235) a drainage easement adjacent to the northeast corner of Ann Road and Centennial Center Boulevard. The Planning Commission recommended approval on 07/28/05.
Related Relevant City Actions by P&D, Fire, Bldg., etc.	
09/07/05	The City Council approved a request for an Extension of Time (EOT-8267) of a previously approved Special Use Permit (SUP-2209) for Outdoor Sales in conjunction with a proposed commercial development adjacent to the northeast and northwest corners of Ann Road and Centennial Center Boulevard.
09/07/05	The City Council approved a request for an Extension of Time (EOT-8269) of a previously approved Special Use Permit (SUP-2211) for a Restaurant with drive through adjacent to the east side of Centennial Center Boulevard, approximately 700 feet north of Ann Road.
09/07/05	The City Council approved a request for an Extension of Time (EOT-8271) of a previously approved Special Use Permit (SUP-2214) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 660 feet north of Ann Road.
09/07/05	The City Council approved a request for an Extension of Time (EOT-8272) of a previously approved Special Use Permit (SUP-2215) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 860 feet north of Ann Road.
09/07/05	The City Council approved a request for an Extension of Time (EOT-8273) of a previously approved Special Use Permit (SUP-2216) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 600 feet north of Ann Road.
09/07/05	The City Council approved a request for a Minor Amendment (SDR-8695) to a previously approved Site Development Plan Review (SDR-2208) for a proposed 397,244 square-foot commercial development on 36.5 acres adjacent to the northeast and northwest corners of Ann Road and Centennial Center Boulevard.
09/05/06	The Town Center Architectural Review Committee approved a request for an amendment (ARC-16122) to an approved Master Sign Plan (CHARC-0009-03) for a proposed 397,244 square-foot expansion of a commercial center on 36.5 acres adjacent to the northeast and northwest corners of Ann Road and Centennial Center Boulevard.
09/19/07	The City Council approved a request for an Extension of Time (EOT-23584) of a previously approved Special Use Permit (SUP-2214) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 660 feet north of Ann Road.

09/19/07	The City Council approved a request for an Extension of Time (EOT-23587) of a previously approved Special Use Permit (SUP-2215) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 860 feet north of Ann Road.
09/19/07	The City Council approved a request for an Extension of Time (EOT-23589) of a previously approved Special Use Permit (SUP-2216) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 600 feet north of Ann Road.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
06/18/08	The City Council approved a request for a Special Use Permit (SUP-27693) for a proposed Beer/Wine/Cooler Off-Sale Establishment within a previously approved 13,969 square-foot General Retail Establishment "Grocery Store" at the northeast corner of Ann Road and Buffalo Drive. The Planning Commission recommended approval on 05/22/08.
02/04/09	The City Council approved a request for a Special Use Permit (SUP-32016) for Beer/Wine/Cooler On-Sale Establishment within a proposed restaurant at 5643 Centennial Center Boulevard, Suite 130. The Planning Commission recommended approval on 01/08/09.
04/13/09	A Code Enforcement case (76697) was processed for illegal signage for a 24-hour fitness center at 5651 Centennial Center Boulevard. Code Enforcement closed the case on 04/29/09.
04/29/09	A Code Enforcement case (77616) was processed for illegal signage and banners at 5705 Centennial Center Boulevard. Code Enforcement closed the case on 05/06/09.
05/06/09	The City Council approved a request for a Special Use Permit (SUP-33491) for a Secondhand Dealer at 5765 Centennial Center Boulevard, Suite 160. The Planning Commission recommended approval on 04/09/09.
Related Building Permits/Business Licenses	
03/27/08	A building permit (107108) was issued for building D and finalized on 10/17/08. A certificate of completion was issued on 10/08/08.
Numerous building permits have been issued and/or finalized 5643 Centennial Center Boulevard.	
Pre-Application Meeting	
A pre-application meeting is not required for this type of application, nor was one held.	
Neighborhood Meeting	
A neighborhood meeting is not required for this type of application, nor was one held.	

Details of Application Request	
Site Area	
Gross Acres	36.5

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial Development	TC (Town Center)	T-C (Town Center) [SC-TC (Service Commercial- Town Center) Special Land Use designation]
North	Commercial Development	TC (Town Center)	T-C (Town Center) [SC-TC (Service Commercial- Town Center) Special Land Use designation]
South	Condominiums	ML (Medium-Low Density Residential)	R-PD5 (Residential Planned Development- 5 Units per Acre)
	Golf Course	PR-OS (Parks/Recreation/Open Space)	R-PD5 Residential Planned Development- 5 Units per Acre)
East	Restaurants and Retail Establishments	TC (Town Center)	T-C (Town Center) [SC-TC (Service Commercial- Town Center) Special Land Use designation]

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan			
Centennial Hills Sector Plan	X		Y
T-C Town Center District	X		Y
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
T-C (Town Center) District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the third request for an extension of time of a previously approved Special Use Permit (SUP-2215) for a supper club within a 397,244 square-foot commercial development bordered by Centennial Center Boulevard to the southwest, Buffalo Drive to the east, and Ann Road to the north. The structure is built with a certificate of completion issued on 10/08/08 and an addressed assigned off 5643 Centennial Center Boulevard. Due to the current state of the economy, the applicant is requesting an extension of time to secure a tenant/operator for the proposed use.

FINDINGS

According to Title 19.18.060, though the building is completed, the applicant has been unable to secure a tenant/operator for the supper club; therefore, the use has not yet been exercised. Staff is recommending approval of the Extension of Time with a two-year time limit. Conformance to the conditions of approval of the Special Use Permit (SUP-2215) shall be required.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT **N/A**

SENATE DISTRICT **N/A**

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: EOT-35441 APN: 125-27-411-001

Name of Property Owner: Centennial Gateway, LLC

Name of Applicant: Territory, Incorporated

Name of Representative: Michael Shohet

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: A. Jonathan Schwartz

Print Name: A. Jonathan Schwartz

Subscribed and sworn before me

This 28th day of July, 2009

Susan Jean Pacheco

Notary Public in and for said County and State

SUSAN JEAN PACHECO
NOTARY PUBLIC
STATE OF NEVADA
Date Appointment Exp: 11-26-2011
Certificate No: 91-0015-1

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AUG 03 2009

Revised 11-14-06

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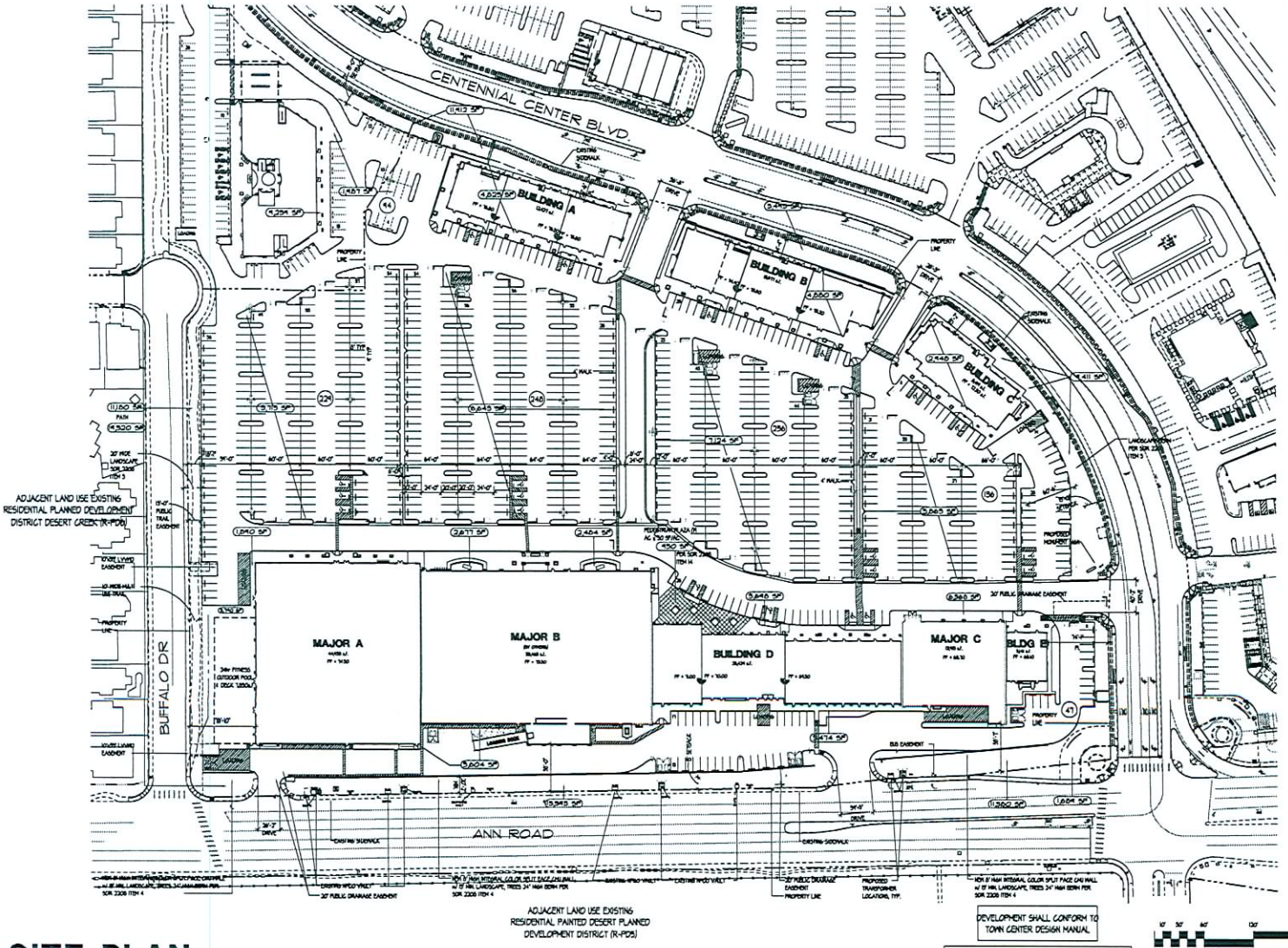


Summary

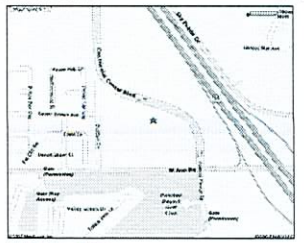
Land	18.73 AC	815,323 SF
Building Area		211,606 SF
20% Open Space Req'd		163,000 SF
Open Space Provided		163,573 SF
Plaza Area Req'd		950 SF
Plaza Area Provided		990 SF
Land-to-Bldg Ratio		3.88/1
Coverage		25.87%
Retail Shops 'A-E'		65,293 SF
Sportsman Warehouse		55,465 SF
24 Hr Fitness Center		44,933 SF
Fresh & Easy Market		13,915 SF
Sub Total Shopping Ctr		179,606 SF
Existing Office		32,000 SF
Total Building Area		211,606 SF

PARKING BY CODE REQUIREMENTS:

CODE REQUIRED:			
SHOPPING CENTER	179,606sf	1/250	717 SPACES
EXISTING OFFICE	32,000sf	1/300	106 SPACES
TOTAL REQUIRED			823 SPACES

PARKING BY USE

EXISTING OFFICE	32,000sf	1/300	106 SPACES
24 HR FITNESS	44,933sf	1/200	224 SPACES
SPORTSMAN W.H.	55,465sf	1/250	222 SPACES
FRESH & EASY MARKET	13,915sf	1/250	55 SPACES
RETAIL "A"	12,427sf	1/250	50 SPACES
RETAIL "B"	15,877sf	1/250	63 SPACES
RETAIL "C"	8,419sf	1/250	33 SPACES
RETAIL "D"	25,429sf	1/250	102 SPACES
RETAIL "E"	3,141sf	1/250	12 SPACES
TOTAL REQUIRED			867 SPACES
TOTAL PROVIDED:			990
H.C. REQUIRED (2%)			20 (4 VAN)
H.C. PROVIDED:			24 (6 VAN)



Vicinity Map
Not to Scale

ALL BUILDINGS, IMPROVEMENTS, THEIR OCCUPANTS AND THE USES AS SHOWN ON THIS PLAN ARE PRELIMINARY AND SUBJECT TO MODIFICATION AT THE OWNER'S DISCRETION WITHOUT NOTICE.

THIS PRELIMINARY SITE PLAN IS BASED ON INFORMATION FURNISHED TO NADEL ARCHITECTS NEVADA, LLP AND IS SUBJECT TO VERIFICATION BY LEGALS, SURVEYS AND GOVERNING AGENCIES ETC. THIS EXHIBIT IS NOT NECESSARILY A REPRESENTATION AS TO IDENTITY, TYPE, SIZE, LOCATION, TIMING OR OCCUPANCY OF ANY BUILDING WITHIN THIS CENTER.

SITE PLAN

CENTENNIAL GATEWAY phase II
LAS VEGAS, NEVADA

60

DATE: JANUARY 24, 2008
NADEL JOB # 07821

NADEL ARCHITECTS NEVADA, LLP
7160 S. DEAN MARTIN DR., SUITE 200
LAS VEGAS, NV 89118
T.702.896.2000 F.702.896.7170
WWW.NADELARC.COM

NADEL RETAIL

TERRITORY INCORPORATED

~~EOT~~-35441
09-16-09 CC

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TERRITORY
INCORPORATED

July 24, 2009

City of Las Vegas
Planning & Development
731 South 4th Street
Las Vegas, NV 89101

Subject: **Centennial Gateway Phase 2**
Extension of Time for Special Use Permit for Supper Club (SUP-2215)
APN Numbers: 125-27-411-001

On behalf of Territory Incorporated, I respectfully submit the subject application for your consideration. The proposed site is generally located within the South Half (S ½) of the Southwest Quarter (SW ¼) of Section 27, Township 19 South, Range 60 East (APN Numbers 125-27-411-001) and is bordered by Centennial Center Boulevard to the Southwest, Buffalo Drive to the East, and Ann Road to the North. This site is a portion of the Master Planned Community of Town Center and a portion of the Centennial Gateway Commercial Development for which development and construction is ongoing.

The developer is currently seeking an additional Extension of Time for the above referenced Special Use Permit (SUP-2215). The Special Use Permit is for a Supper Club which was approved by the City of Las Vegas City Council on August 6, 2003 and a Notice of Final Action was filed with the City Clerk on August 7, 2003. Due to unresolved hydrology issues, an Extension of Time (EOT-8272) was filed and approved by City of Las Vegas City Council on September 7, 2005 and a Notice of Final Action was filed with the City Clerk on September 8, 2005. Originally, on September 7, 2005, four other EOT Applications had been filed due to the hydrology issues, and three have been currently exercised (SUP-2211, SUP-2217, & SUP-2209). An additional extension was applied for on July 30, 2007 and approved on September 19, 2007 (EOT-23587). Since that time, the shopping center has been constructed and several tenants are open for business.

At this time, due to the state of the economy, we have not been able to secure tenants/operators for these supper clubs. An additional extension of time is needed for SUP-2215, along with SUP-2214 & SUP-2216. We are confident that, as the economy improves, we will fill these empty spaces and be in a position to exercise these special use permits. We are hopeful that the Planning Department will be supportive of our efforts in these extraordinary circumstances. Please schedule this Extension of Time to be heard by the City Council on September 16, 2009.

If you should have any further questions, please do not hesitate to call.

Sincerely,

M. Shohet

Michael Shohet
Project Manager

EOT-35441
09-16-09 CC

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Real Estate & Development
5785 Centennial Center Blvd., Suite 230 • Las Vegas, Nevada 89149 • Phone 702-822-8200 • Fax 702-822-8201
Please visit our web site at: www.territoryinc.com

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW

DOUGLAS A. SELBY
CITY MANAGER

September 21, 2007

Mr. Michael Shohet
Centennial Gateway, LLC
5785 Centennial Center Boulevard, Suite #230
Las Vegas, Nevada 89149

RE: EOT-23587 – EXTENSION OF TIME
CITY COUNCIL MEETING OF SEPTEMBER 19, 2007

Dear Mr. Shohet:

The City Council at a regular meeting held September 19, 2007 APPROVED the request for an Extension of Time of an approved Special Use Permit (SUP-2215) FOR A SUPPER CLUB adjacent to the west side of Centennial Center Boulevard, approximately 60 feet north of Ann Road (APN 125-27-411-001), T-C (Town Center) Zone [SC-TC (Service Commercial - Town Center) Special Land Use Designation]. The Notice of Final Action was filed with the Las Vegas City Clerk on September 20, 2007. This approval is subject to:

Planning & Development

1. Conformance to the conditions for Special Use Permit (SUP-2215), and all other site related actions.

2. This Special Use Permit (SUP-2215) shall expire on August 6, 2009 unless another Extension of Time is approved.

Sincerely,

Angela Crolli

Angela Crolli
Deputy City Clerk II for
Beverly K. Bridges, CMC, City Clerk

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. of Fire Services

EOT-35441
09-16-09 CC

Ms. Jeanna Gaitan
Territory, Inc.
5785 Centennial Center Boulevard, Suite #230
Las Vegas, Nevada 89149

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov

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LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS

DOUGLAS A. SELBY
CITY MANAGER

September 12, 2005

Mr. Bruce Barton
Centennial Gateway, LLC
7448 West Sahara Avenue, #101
Las Vegas, Nevada 89117

RE: EOT-8272 - EXTENSION OF TIME - SPECIAL USE PERMIT
CITY COUNCIL MEETING OF SEPTEMBER 7, 2005
RELATED TO EOT-8267, EOT-8269, EOT-8270, EOT-8271, EOT-8273, EOT-8275 and SDR-8695

Dear Applicant:

The City Council at a regular meeting held September 7, 2005 APPROVED the request for an Extension of Time of an approved Special Use Permit (SUP-2215) FOR A SUPPER CLUB adjacent to the west side of Centennial Center Boulevard, approximately 60 feet north of Ann Road (APN 125-27-411-001), T-C (Town Center) Zone [SC-TC (Service Commercial - Town Center) Special Land Use Designation]. The Notice of Final Action was filed with the Las Vegas City Clerk on September 8, 2005. This approval is subject to:

Planning and Development

1. This Extension of Time will expire on 08/06/07 unless the Special Use Permit is exercised or another Extension of Time is approved by the City Council.

2. Conformance to all conditions of approval for Special Use Permit SUP-2215 and Site Development Plan Review SDR-8695 as required by the Planning and Development Department and Department of Public Works.

Sincerely,

Ydoleena Yturralde
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk

EOT-35441
09-16-09 CC

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. Of Fire Services

Ms. Jennifer Lazovich
Kummer Kaempfer Bonner & Renshaw
3800 Howard Hughes Parkway, 7th Floor
Las Vegas, Nevada 89109

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400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
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18112-001-05-05
CLV 7009



MAYOR
OSCAR B. GOODMAN

CITY COUNCIL
GARY REESE
(MAYOR PRO-TEM)
LARRY BROWN
LYNETTE B. McDONALD
LAWRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF

CITY MANAGER
DOUGLAS A. SELBY

August 8, 2003

Mr. Bruce Barton
Territory, Inc.
7448 West Sahara Avenue, Suite #101
Las Vegas, Nevada 89117

RE: SUP-2215 - SPECIAL USE PERMIT
CITY COUNCIL MEETING OF AUGUST 6, 2003
Related to SDR-2208, SUP-2209, SUP-2211, SUP-2212, SUP-2214, SUP-2216, SUP-2217, VAC-2204, VAC-2205 and VAC-2206

Dear Mr. Barton:

The City Council at a regular meeting held August 6, 2003 APPROVED the request for a Special Use Permit FOR A SUPPER CLUB adjacent to the east side of Centennial Center Boulevard, approximately 860 feet north of Ann Road (APN: 125-27-401-010), T-C (Town Center) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on August 7, 2003. This approval is subject to:

Planning and Development

1. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

2. Conformance to all Minimum Requirements under the Town Center Development Standards for a Supper Club use.

3. Approval and conformance to the Conditions of Approval Site Development Plan Review SDR-2208.

4. All City Code requirements and design standards of all City departments must be satisfied.

5. Approval of this Special Use Permit does not constitute approval of a liquor license.

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CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
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www.ci.las-vegas.nv.us

68112-012-6/03

EOT-35441
09-16-09 CC

EOT-8272

6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

Sincerely,

Diana Davis

Diana Davis
Deputy City Clerk I for
Barbara Jo Ronemus, City Clerk

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. Of Fire Services

Ms. Jennifer Lazovich
KKB&R
3800 Howard Hughes Pkwy, 7th Floor
Las Vegas, Nevada 89109

EOT-35441
09-16-09 CC

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AUG 03 2009

City of Las Vegas Agenda Item No.: **61.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

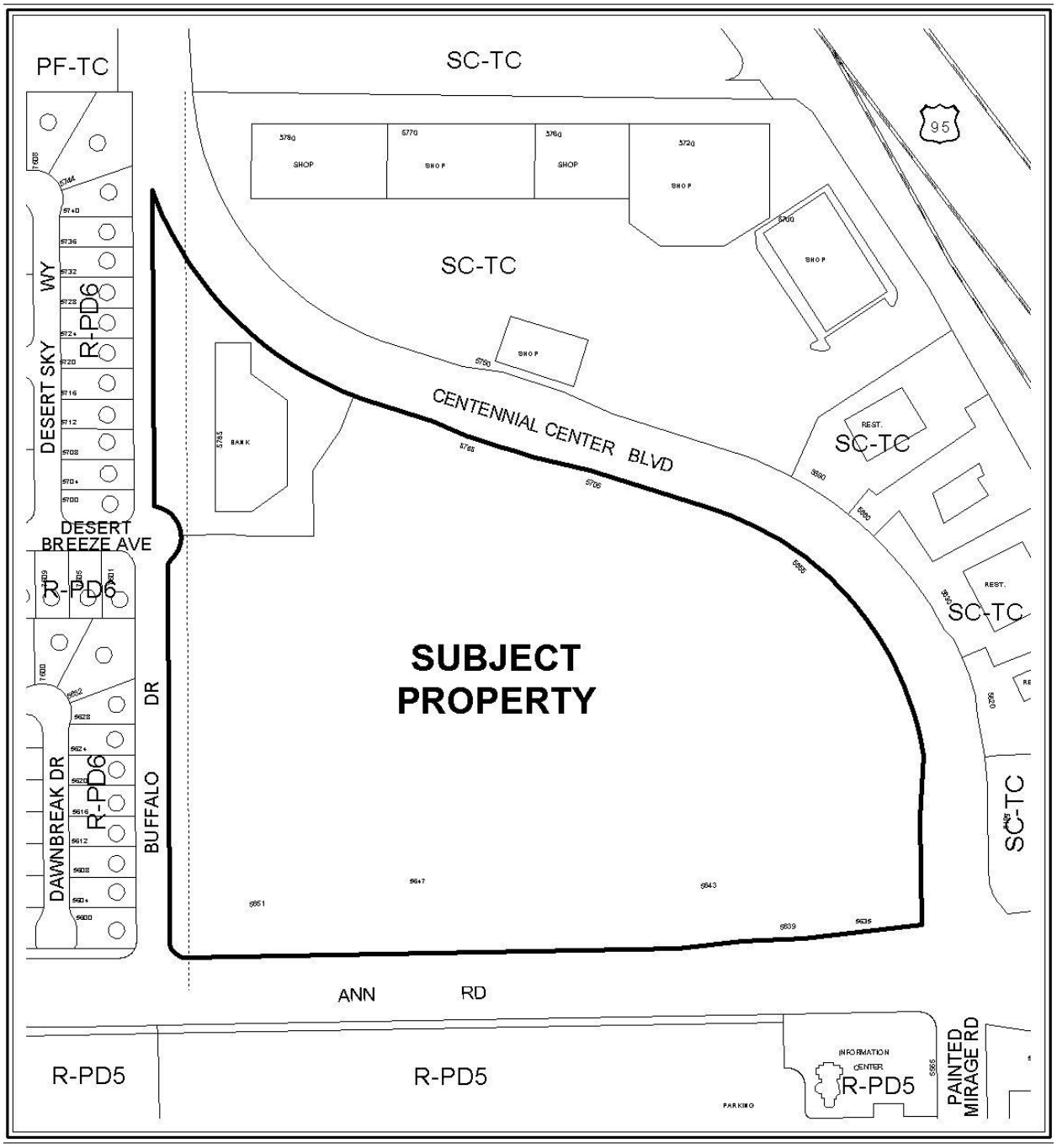
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

SUBJECT:
EOT-35442 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT/OWNER: CENTENNIAL GATEWAY, LLC - Request for an Extension of Time of a previously approved Special Use Permit (SUP-2216) FOR A SUPPER CLUB adjacent to the west side of Centennial Center Boulevard, approximately 775 feet north of Ann Road (APN 125-27-411-013), T-C (Town Center) Zone, Ward 6 (Ross). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. City Council Approval Letter for EOT-23589
6. City Council Approval Letter for EOT-8273
7. City Council Approval Letter for SUP-2216



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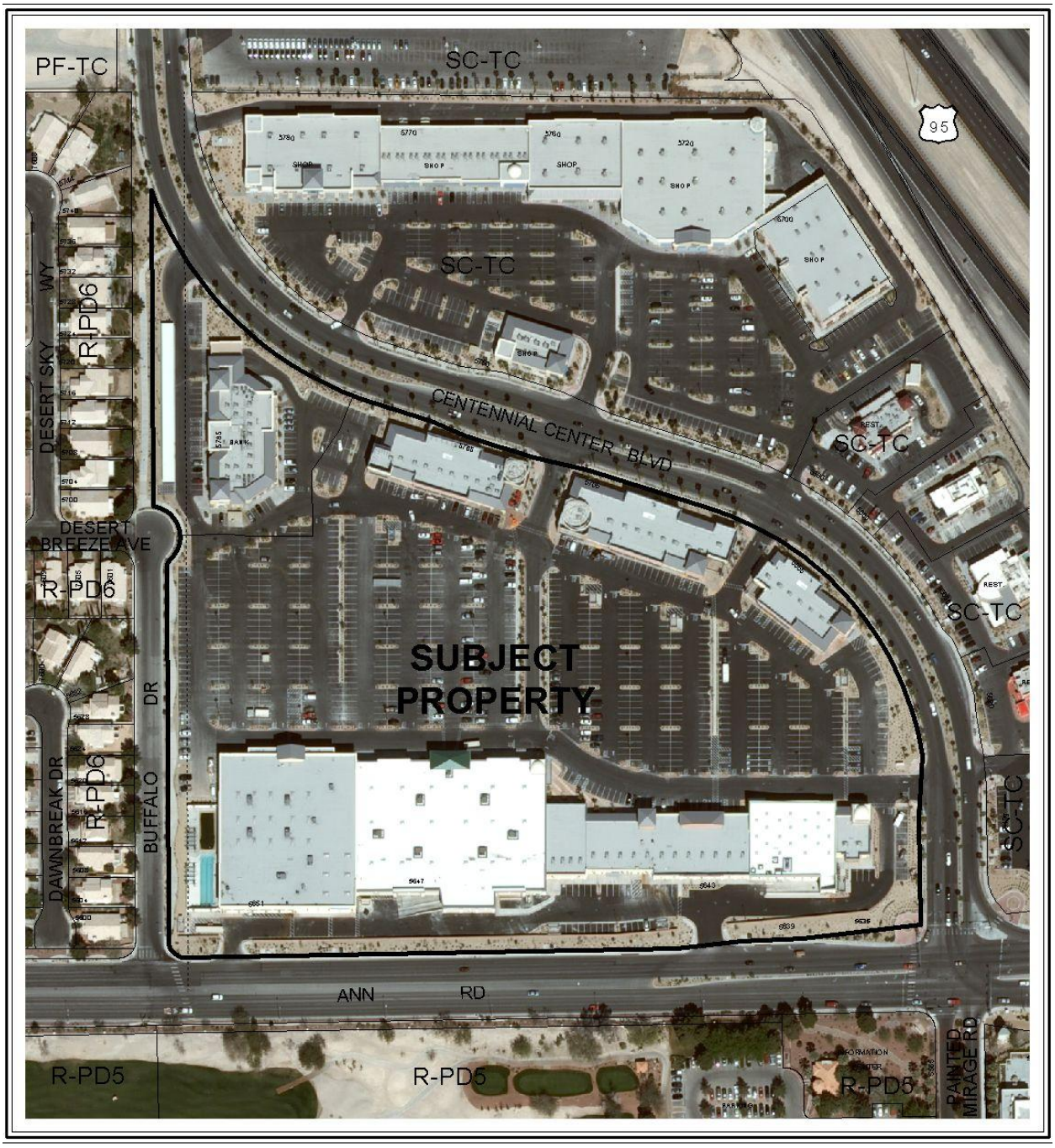
CASE: **EOT-35442**

ZONING OF SUBJECT PROPERTY:
T-C (TOWN CENTER) ZONE [SC-TC (SERVICE COMMERCIAL - TOWN CENTER) SPECIAL LAND USE DESIGNATION]

N



0 200 400 Feet

CASE: **EOT-35442**

ZONING OF SUBJECT PROPERTY:
T-C (TOWN CENTER) ZONE [SC-TC (SERVICE COMMERCIAL - TOWN CENTER) SPECIAL LAND USE DESIGNATION]

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 16, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-35442 – EXTENSION OF TIME – SPECIAL USE PERMIT -
APPLICANT/OWNER: CENTENNIAL GATEWAY, LLC

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. This Special Use Permit (SUP-2216) shall expire on August 6, 2011 unless another Extension of Time is approved by the City Council.

2. Conformance to the conditions of approval of Special Use Permit (SUP-2216) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site is part of a 397,244 square-foot commercial development bordered by Centennial Center Boulevard to the southwest, Buffalo Drive to the east, and Ann Road to the north. The structure is built with a certificate of completion issued and an address assigned off 5655 Centennial Center Boulevard. The applicant is requesting an extension of time of a previously approved Special Use Permit (SUP-2216) for a Supper Club, as they have been unable to locate a tenant/operator to lease the space due to the current state of the economy. Staff recommends approval with a two-year time limit.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
08/06/03	The City Council approved a request for a Petition to Vacate (VAC-2204) a roadway easement on Buffalo Drive, north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Petition to Vacate (VAC-2205) portions of Centennial Center Boulevard, north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Petition to Vacate (VAC-2206) a portion of Desert Breeze Avenue between Buffalo Drive and Centennial Center Boulevard. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Site Development Plan Review (SDR-2208) for a proposed 397,244 square-foot commercial development and waivers of the Town Center Development Standards are requested to eliminate the landscaping within the Ann Road median, to allow the hardscapes areas within the amenity zone every 600 feet along Centennial Center Boulevard where 105 feet is the maximum permitted, to allow parking adjacent to the right-of-way to allow 50 percent screening of the mechanical installations along Centennial Center Boulevard where 100 percent is required, to allow less than 60 percent of the building to be built-to-line, and to allow doorways to be more than every 50 feet along a building façade that fronts a street or plaza area on 36.5 acres adjacent to the northeast and northwest corners of Ann Road and Centennial Center Boulevard. The Planning Commission recommended approval on 06/12/03.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2209) for Outdoor Sales in conjunction with a commercial development adjacent to the northeast and northwest corners of Ann Road and Centennial Center Boulevard. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2211) for a Restaurant with drive through adjacent to the west side of Centennial Center Boulevard, approximately 500 feet north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2212) for a Restaurant with drive through adjacent to the east side of Centennial Center Boulevard, approximately 300 feet north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2214) for a Supper Club adjacent to the east side of Centennial Center Boulevard, approximately 880 feet north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2215) for a Supper Club adjacent to the east side of Centennial Center Boulevard, approximately 860 feet north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2216) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 775 feet north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2217) for a Supper Club adjacent to the northeast corner of Ann Road and Centennial Center Road. The Planning Commission recommended approval on 06/12/03.
09/22/04	The Planning and Development Department administratively approved a request for an Extension of Time (EOT-4945) of a previously approved Vacation (VAC-2206) to vacate a portion of Desert Breeze Avenue between Buffalo Drive and Centennial Center Boulevard.
10/15/04	A Code Enforcement case (22890) was processed for weeds along right-of-way on vacant lot at the northeast corner of Ann Road and Buffalo Drive. Code Enforcement closed the case on 10/19/04.
12/13/04	A Code Enforcement case (24447) was processed after Parking Enforcement located an out-of-state tractor-trailer parked on a dirt lot east of Buffalo Drive. Code Enforcement closed the case on 02/07/05.
03/16/05	The Planning and Development Department approved a request for a Final Map Technical Review (FMP-6053) for Centennial Gateway (A Commercial Subdivision). The map was recorded on 05/10/05 CLV Drawing #107v4179.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
09/07/05	The City Council approved a request to Petition to Vacate (VAC-7235) a drainage easement adjacent to the northeast corner of Ann Road and Centennial Center Boulevard. The Planning Commission recommended approval on 07/28/05.
09/07/05	The City Council approved a request for an Extension of Time (EOT-8267) of a previously approved Special Use Permit (SUP-2209) for Outdoor Sales in conjunction with a proposed commercial development adjacent to the northeast and northwest corners of Ann Road and Centennial Center Boulevard.
09/07/05	The City Council approved a request for an Extension of Time (EOT-8269) of a previously approved Special Use Permit (SUP-2211) for a Restaurant with drive through adjacent to the east side of Centennial Center Boulevard, approximately 700 feet north of Ann Road.
09/07/05	The City Council approved a request for an Extension of Time (EOT-8271) of a previously approved Special Use Permit (SUP-2214) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 660 feet north of Ann Road.
09/07/05	The City Council approved a request for an Extension of Time (EOT-8272) of a previously approved Special Use Permit (SUP-2215) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 860 feet north of Ann Road.
09/07/05	The City Council approved a request for an Extension of Time (EOT-8273) of a previously approved Special Use Permit (SUP-2216) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 600 feet north of Ann Road.
09/07/05	The City Council approved a request for a Minor Amendment (SDR-8695) to a previously approved Site Development Plan Review (SDR-2208) for a proposed 397,244 square-foot commercial development on 36.5 acres adjacent to the northeast and northwest corners of Ann Road and Centennial Center Boulevard.
09/05/06	The Town Center Architectural Review Committee approved a request for an amendment (ARC-16122) to an approved Master Sign Plan (CHARC-0009-03) for a proposed 397,244 square-foot expansion of a commercial center on 36.5 acres adjacent to the northeast and northwest corners of Ann Road and Centennial Center Boulevard.
09/19/07	The City Council approved a request for an Extension of Time (EOT-23584) of a previously approved Special Use Permit (SUP-2214) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 660 feet north of Ann Road. The City Council approved a request for an Extension of Time (EOT-23587) of a previously approved Special Use Permit (SUP-2215) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 860 feet north of Ann Road

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
09/19/07	The City Council approved a request for an Extension of Time (EOT-23589) of a previously approved Special Use Permit (SUP-2216) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 600 feet north of Ann Road.
06/18/08	The City Council approved a request for a Special Use Permit (SUP-27693) for a proposed Beer/Wine/Cooler Off-Sale Establishment within a previously approved 13,969 square-foot General Retail Establishment "Grocery Store" at the northeast corner of Ann Road and Buffalo Drive. The Planning Commission recommended approval on 05/22/08.
02/04/09	The City Council approved a request for a Special Use Permit (SUP-32016) for Beer/Wine/Cooler On-Sale Establishment within a proposed restaurant at 5643 Centennial Center Boulevard, Suite 130. The Planning Commission recommended approval on 01/08/09.
04/13/09	A Code Enforcement case (76697) was processed for illegal signage for a 24-hour fitness center at 5651 Centennial Center Boulevard. Code Enforcement closed the case on 04/29/09.
04/29/09	A Code Enforcement case (77616) was processed for illegal signage and banners at 5705 Centennial Center Boulevard. Code Enforcement closed the case on 05/06/09.
05/06/09	The City Council approved a request for a Special Use Permit (SUP-33491) for a Secondhand Dealer at 5765 Centennial Center Boulevard, Suite 160. The Planning Commission recommended approval on 04/09/09.
Related Building Permits/Business Licenses	
03/17/09	A building permit (133983) was issued for a retail shell building at 5655 Centennial Center Boulevard. A certificate of completion was issued on 07/14/09.
Numerous building permits have been issued and/or finalized for 5705 Centennial Center Boulevard.	
Pre-Application Meeting	
A pre-application meeting is not required for this type of application, nor was one held.	
Neighborhood Meeting	
A neighborhood meeting is not required for this type of application, nor was one held.	

Details of Application Request	
Site Area	
Gross Acres	36.5

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial Development	TC (Town Center)	T-C (Town Center) [SC-TC (Service Commercial- Town Center) Special Land Use designation]
Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
North	Commercial Development	TC (Town Center)	T-C (Town Center) [SC-TC (Service Commercial- Town Center) Special Land Use designation]
South	Condominiums	ML (Medium-Low Density Residential)	R-PD5 (Residential Planned Development- 5 Units per Acre)
	Golf Course	PR-OS (Parks/Recreation/Open Space)	R-PD5 Residential Planned Development- 5 Units per Acre)
East	Restaurants and Retail Establishments	TC (Town Center)	T-C (Town Center) [SC-TC (Service Commercial- Town Center) Special Land Use designation]

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan			
Centennial Hills Sector Plan	X		Y
T-C Town Center District	X		Y
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
T-C (Town Center) District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the third request for an extension of time of a previously approved Special Use Permit (SUP-2216) for a supper club within a 397,244 square-foot commercial development bordered by Centennial Center Boulevard to the southwest, Buffalo Drive to the east, and Ann Road to the north. The structure is built with a certificate of completion issued on 07/14/09 and an addressed assigned off 5655 Centennial Center Boulevard. Due to the current state of the economy, the applicant is requesting an extension of time to secure a tenant/operator for the proposed use.

FINDINGS

According to Title 19.18.060, though the building is completed, the applicant has been unable to secure a tenant/operator for the supper club; therefore, the use has not yet been exercised. Staff is recommending approval of the Extension of Time with a two-year time limit. Conformance to the conditions of approval of the Special Use Permit (SUP-2216) shall be required.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT **N/A**

SENATE DISTRICT **N/A**

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **EOT-35442** APN: 125-27-411-001

Name of Property Owner: Centennial Gateway, LLC

Name of Applicant: Territory, Incorporated

Name of Representative: Michael Shohet

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: A. Jonathan Schwartz

Print Name: A. Jonathan Schwartz

Subscribed and sworn before me

This 28th day of July, 2009

Susan Jean Pacheco

Notary Public in and for said County and State

SUSAN JEAN PACHECO
NOTARY PUBLIC
STATE OF NEVADA
Date Appointment Exp: 11-26-2011
Certificate No: 91-0015-1

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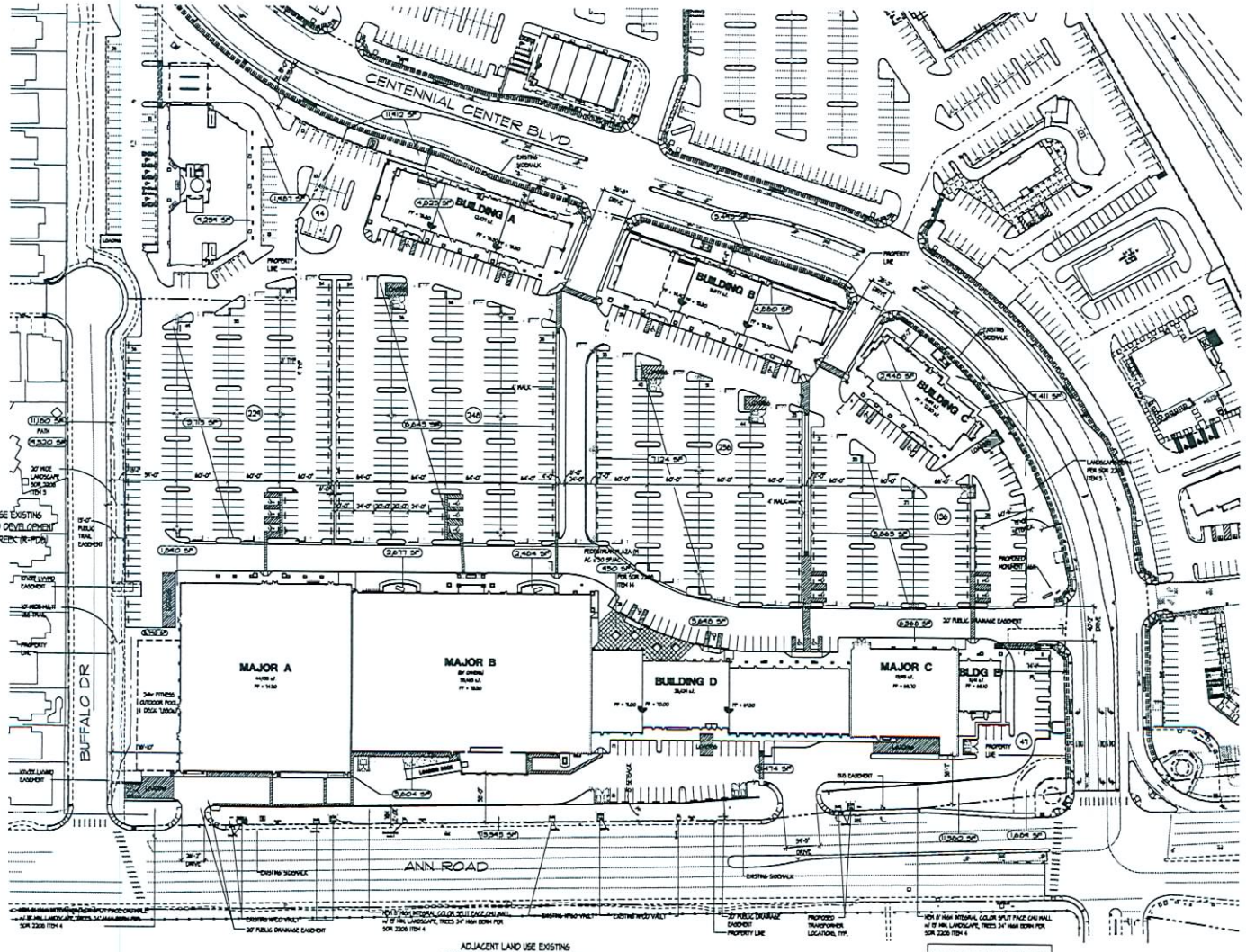


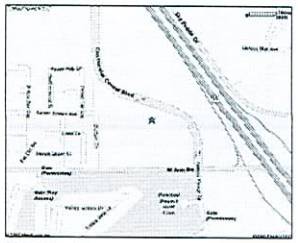
Summary

Land	18.73 AC	815,323 SF
Building Area		211,606 SF
20% Open Space Req'd		163,000 SF
Open Space Provided		163,573 SF
Plaza Area Req'd		950 SF
Plaza Area Provided		990 SF
Land-to-Bldg Ratio		3.88/1
Coverage		25.87%
Retail Shops 'A-E'		65,293 SF
Sportsman Warehouse		55,465 SF
24 Hr Fitness Center		44,933 SF
Fresh & Easy Market		13,915 SF
Sub Total Shopping Ctr		179,606 SF
Existing Office		32,000 SF
Total Building Area		211,606 SF

PARKING BY CODE REQUIREMENTS:

CODE REQUIRED:			
SHOPPING CENTER	179,606sf	1/250	717 SPACES
EXISTING OFFICE	32,000sf	1/300	106 SPACES
TOTAL REQUIRED			823 SPACES

PARKING BY USE			
EXISTING OFFICE	32,000sf	1/300	106 SPACES
24 HR FITNESS	44,933sf	1/200	224 SPACES
SPORTSMAN WH.	55,465sf	1/250	222 SPACES
FRESH & EASY MARKET	13,915sf	1/250	55 SPACES
RETAIL "A"	12,427sf	1/250	50 SPACES
RETAIL "B"	15,877sf	1/250	63 SPACES
RETAIL "C"	8,419sf	1/250	33 SPACES
RETAIL "D"	25,429sf	1/250	102 SPACES
RETAIL "E"	3,141sf	1/250	12 SPACES
TOTAL REQUIRED			867 SPACES
TOTAL PROVIDED:			990
H.C. REQUIRED (2%)			20 (4 VAN)
H.C. PROVIDED:			24 (6 VAN)



Vicinity Map
Not to Scale

ALL BUILDINGS, IMPROVEMENTS, THEIR OCCUPANTS AND THE USES AS SHOWN ON THIS PLAN ARE PRELIMINARY AND SUBJECT TO MODIFICATION AT THE OWNER'S DISCRETION WITHOUT NOTICE.

THIS PRELIMINARY SITE PLAN IS BASED ON INFORMATION FURNISHED TO NADEL ARCHITECTS NEVADA, LLP AND IS SUBJECT TO VERIFICATION BY LEGALS, SURVEYS AND GOVERNING AGENCIES ETC. THIS EXHIBIT IS NOT NECESSARILY A REPRESENTATION AS TO IDENTITY, TYPE, SIZE, LOCATION, TIMING OR OCCUPANCY OF ANY BUILDING WITHIN THIS CENTER.

60

North

DATE: JANUARY 24, 2008
NADEL JOB # 07821

NADEL ARCHITECTS NEVADA, LLP
7160 S. DEAN MARTIN DR., SUITE 200
LAS VEGAS, NV 89118
T.702.896.3000 F.702.896.7170
WWW.NADELARC.COM

NADEL RETAIL

TERRITORY INCORPORATED

SITE PLAN

CENTENNIAL GATEWAY phase II
LAS VEGAS, NEVADA

~~EOT-35442~~

09-16-09 CC

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TERRITORY
INCORPORATED

July 24, 2009

City of Las Vegas
Planning & Development
731 South 4th Street
Las Vegas, NV 89101

Subject: **Centennial Gateway Phase 2**
Extension of Time for Special Use Permit for Supper Club (SUP-2216)
APN Numbers: 125-27-411-001

On behalf of Territory Incorporated, I respectfully submit the subject application for your consideration. The proposed site is generally located within the South Half (S ½) of the Southwest Quarter (SW ¼) of Section 27, Township 19 South, Range 60 East (APN Numbers 125-27-411-001) and is bordered by Centennial Center Boulevard to the Southwest, Buffalo Drive to the East, and Ann Road to the North. This site is a portion of the Master Planned Community of Town Center and a portion of the Centennial Gateway Commercial Development for which development and construction is ongoing.

The developer is currently seeking an additional Extension of Time for the above referenced Special Use Permit (SUP-2216). The Special Use Permit is for a Supper Club which was approved by the City of Las Vegas City Council on August 6, 2003 and a Notice of Final Action was filed with the City Clerk on August 7, 2003. Due to unresolved hydrology issues, an Extension of Time (EOT-8273) was filed and approved by City of Las Vegas City Council on September 7, 2005 and a Notice of Final Action was filed with the City Clerk on September 8, 2005. Originally, on September 7, 2005, four other EOT Applications had been filed due to the hydrology issues, and three have been currently exercised (SUP-2211, SUP-2217, & SUP-2209). An additional extension was applied for on July 30, 2007 and approved on September 19, 2007 (EOT-23589). Since that time, the shopping center has been constructed and several tenants are open for business.

At this time, due to the state of the economy, we have not been able to secure tenants/operators for these supper clubs. An additional extension of time is needed for SUP-2216, along with SUP-2214 & SUP-2215. We are confident that, as the economy improves, we will fill these empty spaces and be in a position to exercise these special use permits. We are hopeful that the Planning Department will be supportive of our efforts in these extraordinary circumstances. Please schedule this Extension of Time to be heard by the City Council on September 16, 2009.

If you should have any further questions, please do not hesitate to call.

Sincerely,

M. Shohet

Michael Shohet
Project Manager

EOT-35442
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Real Estate & Development
5785 Centennial Center Blvd., Suite 230 • Las Vegas, Nevada 89149 • Phone 702-822-8200 • Fax 702-822-8201
Please visit our web site at: www.territoryinc.com

LAS VEGAS CITY COUNCIL

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LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW

DOUGLAS A. SELBY
CITY MANAGER

September 21, 2007

Mr. Michael Shohet
Centennial Gateway, LLC
5785 Centennial Center Boulevard, Suite #230
Las Vegas, Nevada 89149

RE: EOT-23589 – EXTENSION OF TIME
CITY COUNCIL MEETING OF SEPTEMBER 19, 2007

Dear Mr. Shohet:

The City Council at a regular meeting held September 19, 2007 APPROVED the request for an Extension of Time of an approved Special Use Permit (SUP-2216) FOR A SUPPER CLUB adjacent to the west side of Centennial Center Boulevard, approximately 600 feet north of Ann Road (APN 125-27-411-001), T-C (Town Center) Zone [SC-TC (Service Commercial - Town Center) Special Land Use Designation]. The Notice of Final Action was filed with the Las Vegas City Clerk on September 20, 2007. This approval is subject to:

Planning & Development

1. Conformance to the conditions for Special Use Permit (SUP-2216), and all other site related actions.

2. This Special Use Permit (SUP-2216) shall expire on August 6, 2009 unless another Extension of Time is approved.

Sincerely,

Angela Crolli

Angela Crolli
Deputy City Clerk II for
Beverly K. Bridges, CMC, City Clerk

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. of Fire Services

EOT-35442
09-16-09 CC

Ms. Jeanna Gaitan
Territory, Inc.
5785 Centennial Center Boulevard, Suite #230
Las Vegas, Nevada 89149

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CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov

LAS VEGAS CITY COUNCIL

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MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS

DOUGLAS A. SELBY
CITY MANAGER

September 12, 2005

Mr. Bruce Barton
Centennial Gateway, LLC
7448 West Sahara Avenue, #101
Las Vegas, Nevada 89117

RE: EOT-8273 - EXTENSION OF TIME - SPECIAL USE PERMIT
CITY COUNCIL MEETING OF SEPTEMBER 7, 2005
RELATED TO EOT-8267, EOT-8269, EOT-8270, EOT-8271, EOT-8272, EOT-8275 and SDR-8695

Dear Applicant:

The City Council at a regular meeting held September 7, 2005 APPROVED the request for an Extension of Time of an approved Special Use Permit (SUP-2216) FOR A SUPPER CLUB adjacent to the west side of Centennial Center Boulevard, approximately 600 feet north of Ann Road (APN 125-27-411-001), T-C (Town Center) Zone [SC-TC (Service Commercial - Town Center) Special Land Use Designation]. The Notice of Final Action was filed with the Las Vegas City Clerk on September 8, 2005. This approval is subject to:

Planning and Development

1. This Extension of Time will expire on 08/06/07 unless the Special Use Permit is exercised or another Extension of Time is approved by the City Council.

2. Conformance to all conditions of approval for Special Use Permit SUP-2216 and Site Development Plan Review SDR-8695 as required by the Planning and Development Department and Department of Public Works.

Sincerely,

Ydaleena Yturralde
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. Of Fire Services

Ms. Jennifer Lazovich
Kummer Kaempfer Bonner & Renshaw
3800 Howard Hughes Parkway, 7th Floor
Las Vegas, Nevada 89109

CITY OF LAS VEGAS
400 STEWART AVENUE
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18112-001-06-05
CLV 7009

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MAYOR
OSCAR B. GOODMAN

CITY COUNCIL
GARY REESE
(MAYOR PRO-TEM)
LARRY BROWN
LYNETTE B. McDONALD
LAWRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF

CITY MANAGER
DOUGLAS A. SELBY



August 8, 2003

Mr. Bruce Barton
Territory, Inc.
7448 West Sahara Avenue, Suite #101
Las Vegas, Nevada 89117

RE: SUP-2216 - SPECIAL USE PERMIT
CITY COUNCIL MEETING OF AUGUST 6, 2003
Related to SDR-2208, SUP-2209, SUP-2211, SUP-2212, SUP-2214, SUP-2215, SUP-2217, VAC-2204, VAC-2205 and VAC-2206

Dear Mr. Barton:

The City Council at a regular meeting held August 6, 2003 APPROVED the request for a Special Use Permit FOR A SUPPER CLUB adjacent to the west side of Centennial Center Boulevard, approximately 775 feet north of Ann Road (APN: 125-27-401-009), T-C (Town Center) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on August 7, 2003. This approval is subject to:

Planning and Development

1. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

2. Conformance to all Minimum Requirements under the Town Center Development Standards for a Supper Club use.

3. Approval and conformance to the Conditions of Approval Site Development Plan Review SDR-2208.

4. All City Code requirements and design standards of all City departments must be satisfied.

5. Approval of this Special Use Permit does not constitute approval of a liquor license.

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

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68112-012-6/03

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EOT-8273

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6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

Sincerely,

Diana Davis
Deputy City Clerk I for
Barbara Jo. Ronemus, City Clerk

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. Of Fire Services

Ms. Jennifer Lazovich
KKB&R
3800 Howard Hughes Pkwy, 7th Floor
Las Vegas, Nevada 89109

EOT-35442
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City of Las Vegas Agenda Item No.: **62.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
DIR-35264 - DIRECTOR'S BUSINESS - NON-PUBLIC HEARING - APPLICANT/OWNER: THE HOWARD HUGHES CORPORATION - Required review of an annual development report as required by Section 11.01 of the Howard Hughes Properties, Limited Partnership for the Summerlin West Area generally located west of the I-215 Beltway and north of Charleston Boulevard (APN multiple), Ward 2 (Wolfson). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends APPROVAL

BACKUP DOCUMENTATION:
1. Staff Report
2. Summerlin West Development Agreement

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: DIR-35264 – APPLICANT/OWNER: HOWARD HUGHES CORPORATION

** CONDITIONS **

STAFF RECOMMENDATION: APPROVAL

** STAFF REPORT **

APPLICATION REQUEST

This request is for approval of a two-year development report as required by Nevada Revised Statutes Chapter 278 and Section 11.1 of the Howard Hughes Properties, Limited Partnership for the Summerlin West Area Development Agreement entered into between Howard Hughes Corporation ("Owner") and the city of Las Vegas on February 24, 1997.

Planning and Development Department staff has reviewed the submitted development report and has determined that the Owner is currently in compliance with the requirements of the Summerlin West Development Agreement. Staff recommends approval of the two-year development report as submitted.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
01/27/97	The City Council approved a Development Agreement (DA-01-96) for Summerlin West. The Planning Commission and staff recommended approval.
02/28/97	The City Council approved the Annexation [A-0020-96(A)] of 8,318 acres west of I-215 between Charleston Boulevard and Cheyenne Avenue. The Planning Commission and staff recommended approval.
02/28/97	The City Council approved a Rezoning (ZON-119-96) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) on approximately 8,318 acres in the Summerlin West area. The Planning Commission and staff recommended approval.
11/19/03	The City Council approved a First Amendment to Development Agreement between the City of Las Vegas and the Howard Hughes Corporation for the Summerlin West Area. The Real Estate Committee and staff recommended approval.

REVIEW AND DEFAULT REQUIREMENTS				
CATEGORY	**REFERENCE**	**PERFORMANCE REQUIREMENT**	**PROGRESS**	**STATUS**
Number of residential units approved	DA 4.04; First Amendment 21	Maximum of 30,000 possible residential units	4,681 units approved through TMP or SDR	In compliance
Square footage of Commercial Space	DA 4.04; First Amendment 21	Up to 5,850,000 square feet of commercial floor space on up to 508 acres of land	94,000 square feet of commercial floor space on 11.2 acres	In compliance

ANALYSIS

In accordance with NRS Chapter 278 and Section 11.01 of the Summerlin West Development Agreement, the Owner is required to submit a development report at least once every 24 months documenting compliance with the terms of the agreement during the preceding two years. The report is subject to review and consideration by the City Council.

This is the first such report for the Summerlin West Master Planned Community. As such, this will correct the default of not reporting for the past 10 years and bring the Development Agreement into full compliance.

FINDINGS

Planning and Development Department staff has reviewed the submitted development report and has determined that the Owner is currently in compliance with the requirements of the Summerlin West Development Agreement.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT **N/A**

SENATE DISTRICT **N/A**

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

Summerlin West Development Agreement
24-Month Report Detailed Review
July 15, 2009

The Howard Hughes Corporation (THHC) ("Owner") confirms that to the best of its knowledge, information, and belief, it is generally in compliance with all material obligations stated within the Development Agreement for the Summerlin West Area between the Owner and the City of Las Vegas ("City") recorded November 21, 1997 and amended by a First Amendment November 19, 2003. The terms contained within those sections of the Development Agreement that are not specifically listed or addressed herein are being met and are in effect.

Section 3.03 Village Development Plans

The following Development Plans and Village-level Conceptual Drainage Studies have been submitted and approved:

Village	Approval Date
Village 20	June 9, 1997
Village 23A	January 16, 2002
Village 23B	January 16, 2002
Village 24	May 5, 2004
Village 26	By Pulte Homes, June 7, 2006
Summerlin West Master Conceptual Study	(2206 Update) April 13, 2007 – CLV (Final)
Village 22	November 5, 2002 – CLV December 26, 2002 – CCPW Concurrence December 30, 2002 – CCRFCD Concurrence

Drainage Study	Approval Date
Village 20	October 22, 1997 – CLV November 19, 1997 – CCRFCD Concurrence
Village 23A	(Update) May 16, 2003 – CLV
Village 23B	October 24, 2003 – CLV November 20, 2003 – CCRRCD Concurrence
Village 24	June 10, 2004 – CLV (Final) May 14, 2004 – CCRFCD Concurrence May 4, 2004 – CCPW Concurrence
Village 26	(Update #2) April 29, 2008 – CLV
Summerlin West Master Conceptual Study	(2206 Update) April 13, 2007 – CLV (Final)
Village 22	November 5, 2002 – CLV December 26, 2002 – CCPW Concurrence December 30, 2002 – CCRFCD Concurrence

Section 3.05(a) Reliance on Concurrent Approvals

Under this section of the Development Agreement, the City agrees that THHC shall have the right to develop and construct residential, non-residential, and golf course developments, as well as "...such other land uses and facilities as are described in or reasonably inferable from the Summerlin West General Development Plan". Current development activity of these uses is as follows:

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1. Residential Development: Please see Section 21/First Amendment/ Maximum Residential Units in this report.

2. Non-Residential Development:
   Allowed: Up to 5.850 million square feet of office, retail, or industrial uses on up to 508 acres.
   Currently developed: 94,000 square feet on 11.2 acres in Village 20.

3. Golf Course Development:
   Allowed: Golf courses having up to ninety (90) holes of golf and related facilities.
   Currently developed: None.

4. Other Development
   Allowed: Such other land uses as are described in the Summerlin West General Development Plan.
   Currently developed: An 11-acre school (Givens Elementary) in Village 20.

Section 5.01 City Fire Station
In 2007, THHC completed the design and construction of Fire Station 47 located near the intersection of Desert Foothills and Far Hills Avenue. THHC and the City have agreed to a location for a second fire station, Fire Station 46, near the intersection of Lake Mead Boulevard and the Beltway. THHC will dedicate up to 1.75 acres of land for this station at such time in the future the City requests this property. The City will construct and operate the fire station at its own expense.

Section 5.02 Satellite Government Facility
THHC and the City will work together to determine the appropriate timing for this facility. THHC will dedicate up to five (5) acres of land for this facility when appropriate.

Section 5.03 Planned Community Sports Park
THHC and the City will work together to determine the appropriate timing for this facility. THHC will dedicate up to 20 acres of land for this facility when appropriate.

Section 6.01 Water Conservation
Water conservation is an ongoing obligation that runs with the development of property in Summerlin West. THHC agrees to use its best effort to encourage water conservation in Summerlin West. Water conservation guidelines are attached to the Development Declarations in the form of an exhibit and recorded with every sale of property to a third party (refer to the attached document entitled, "Water Conservation Guidelines For New Homes In Summerlin" as a typical example of these guidelines).

Section 8.01 Park Flood Criteria
There are no parks or recreational facilities currently located within any existing drainage facilities in Summerlin West. However, there are preliminary plans to locate public park facilities in Detention Basin 5 in Village 30 as well as in the future Detention Basin in Village 22.

Section 8.03 Residential Construction Tax Credit
THHC, as well as any "Designated Builder", is entitled to park credits against the "residential construction tax" for every "Qualified Park" as defined in the Development Agreement. Park credits are accumulated on the basis of 330 square feet of qualified park area/ single family home or multi-family unit. To date, Summerlin has built 49.75 acres of qualified parks in Village 20 and 16.28

acres of qualified parks in Village 23A. Based on current development, Designated Builders have received 3,400 park credits in Village 20 and 1,281 park credits in Village 23A. There are currently 3,167 available park credits in Village 20 and 867 available park credits in Village 23A.

Section 9.02 Village Traffic Studies

A Village Traffic Study has been prepared and approved by the City of Las Vegas (CLV) for Villages 20, 23A, 23B, and 24. A Traffic Study has also been done for Village 26 by Pulte Homes. A Summerlin West master traffic study was also done and approved by CLV for the remaining area in Summerlin West.

Traffic Study	Approval Date
Village 20	October 29, 1997 – CLV
Village 23A	May 7, 2003 – CLV
Village 23B	May 7, 2003 – CLV
Village 24	May 18, 2004 – CLV
Village 26	By Pulte Homes
Summerlin West Master Traffic Study	May 16, 2006 – CLV

The remaining Summerlin West Villages (25-32) will have a Traffic Study completed as development progresses.

Section 9.03 Mitigation of Off-Site Traffic Improvements

To date, there have been no Offsite Traffic Mitigation Fees paid to the City.

Section 9.04 Summerlin Parkway Extension

THHC has completed all of its obligations as listed in the Development Agreement for the extension of Summerlin Parkway from Town Center Drive to the Beltway.

Section 9.09 Interchanges

THHC has completed all of its obligations as listed in the Development Agreement to dedicate land to the City for right-of-way and easements for interchanges at Town Center Drive and Summerlin Parkway and Anasazi Drive and Summerlin Parkway.

Section 9.12 Underground Conduit

THHC will continue to require any user of any underground conduit, including THHC, to provide reasonable additional capacity for the City's exclusive use.

Section 10.01 Flood Control Facilities and Technical Drainage Studies

Drainage Study	Approval Date
Village 20 Rough Grading	(Included w/CDS) October 22, 1997
Village 20 Unit 1	July 18, 2001
Village 20 Unit 2	November 7, 2000
Village 20 Far Hills Drainage Improvements	April 7, 2000
Village 20 Alta Drive Drainage Improvements	April 20, 2000
Village 23A Charleston Drainage Improvements	May 30, 2002
Village 23A Unit 1	December 31, 2003
Village 23A Rough Grading	May 16, 2002
Village 23A Unit 2	September 5, 2003

Drainage Study	Approval Date
Village 24 Unit 1	March 20, 2006
Village 24 Parcel A	September 27, 2007
Village 24 Parcel B	February 4, 2005
Village 20 Unit 3	April 11, 2001
Village 20 Parcel ES-1 Utilities Interconnect	August 2, 2002
Village 20 Parcel NP-1 Park Rough Grading	August 21, 2002
Village 20 parcel NP-1 Park	October 31, 2002
Village 20 parcel CP-1 Park	December 3, 2002
Village 20 parcel CP-1 Park Update #2	March 15, 2007
Village 23A/23B Alta Drive RCB	October 13, 2003
Village 23B Rough Grading	November 22, 2006
Village 23A/23B Alta Drive Improvements	November 7, 2006
Village 23A/24 Sky Vista Drive	June 11, 2004

A Technical Drainage Study (TDS) has been prepared and approved by CLV for each phase of development within Villages 20 and 23A. A TDS has also been prepared for Village 24 Unit 1, Village 24 Parcels "A" and "B".

Section 10.02 CCRFCD Priority
The Clark County Regional Flood Control District has recently released the LAS VEGAS VALLEY FLOOD CONTROL MASTER PLAN UPDATE dated 2008. All of the Regional drainage facilities for complete buildout of Summerlin West have already been incorporated into the update.

Section 11.01 Frequency of Reviews
This is the first comprehensive 24-Month Report for Summerlin West. The next report will be submitted to the City approximately two years from the date of this report.

Section 1/First Amendment Recreational Space
Currently, THHC exceeds its obligation for providing a minimum of 2 acres of "programmable space" per 1000 residents and 0.5 acres of "passive space" per 1000 residents in Summerlin West per the following calculations:

Village 20:
3,400 units sold x 2.5 people per residence = 8,500 residents ÷ 1,000 = 8.5
8.5 x 2 = 17 acres of "programmable space" required (compared to 38.15 acres provided)
8.5 x 0.5 = 4.25 acres of "passive space" required (compared to 11.6 acres provided)

Village 23A:
1,281 units sold x 2.5 people per residence = 3,202 residents ÷ 1,000 = 3.2
3.2 x 2 = 6.4 acres of "programmable space" required (compared to 13.39 acres provided)
3.2 x 0.5 = 1.6 acres of "passive space" required (compared to 2.89 acres provided)

Section 2/First Amendment Neighborhood Pool
THHC notified the City in July 2007 that the swimming pool to be built in the Vistas Park will fulfill this obligation under the Development Agreement. Pool plans were reviewed and approved by the Leisure Services group at the City in 2007. To date, the pool has not been built.

Section 3/First Amendment Community Center
THHC and the City will work together to determine the appropriate timing for this facility.

Section 4/First Amendment Police Substation
THHC is currently negotiating with the Las Vegas Metropolitan Police Department and the City with regards to the location and timing of this facility.

Section 5/First Amendment Third Fire Station
THHC will dedicate up to 1.75 acres of land for a third fire station if the City determines that a third fire station is necessary to serve the area. Timing of this dedication will be predicated on the development of homes along the westerly boundary of Villages 24, 30, 28, and 29.

Section 6/First Amendment Plans and Specifications
This is an ongoing obligation that THHC continues to meet.

Section 7/First Amendment Notification and Inspection
This is an ongoing obligation that THHC will continue to meet.

Section 10/First Amendment As-Built Drawings and Specifications
This is an ongoing obligation that THHC will continue to meet.

Section 12/First Amendment Maps, Plans, and Other Documents
This is an ongoing obligation that THHC will continue to meet.

Section 18/First Amendment Disclosure of Principles
This is an ongoing obligation that THHC will continue to meet.

Section 19/First Amendment Special Improvement District Funding
To date, a Special Improvement District has not been established to fund the design and construction of the regional park (to be dedicated to the City), the Community Center, and the Police Substation.

Section 20/First Amendment Transportation Master Plan Update
To date, THHC has not reimbursed, nor has been made aware of the need to reimburse,the City for costs incurred to update the Transportation Master Plan as it relates to the Property.

Section 21/First Amendment Maximum Residential Units

Allowed:	Up to 30,000 units
Currently developed:	Village 20 - 3,400 units
	Village 23A - 1,281 units

WATER CONSERVATION GUIDELINES FOR NEW HOMES IN SUMMERLIN

September 15, 2003
Revised: July 13, 2007

General

Southern Nevada Water Authority (SNWA) rules on water usage change according to drought conditions and when they are more restrictive than the guidelines below, take precedence. Specific items such as turf limits and types of grass that can be planted in the summer are based on the drought stage in effect at the time a building permit is issued.

Front Yards (and Corner Side Yards)

1. No turf is allowed.
2. A minimum of 50% of the landscape area shall be covered with organic material at two year's growth on the ground plane.
3. Artificial turf may not be used.
4. Trees and shrubs must be chosen from the approved Summerlin plant list.
5. Planting areas shall be covered with a minimum 2" layer of mulch material (rock, decomposed granite, fiber, etc.). Bare soil is not permitted. If a weed barrier fabric is used, it shall be permeable to air and water.
6. Decorative fountains are allowed but shall not exceed 25 square feet of surface area.

Rear Yards (and Large Side Yards)

1. Turf is allowed but shall be limited to 50% of the total rear yard area.
2. The surface area of swimming pools, spas, water features and fountains shall be counted as turf area, but shall not exceed 2,000 square feet in total.
3. Turf shall be set back 3 feet min. from the house or property line walls if spray irrigation is used. There are no setback restrictions if subterranean irrigation is used.
4. Artificial turf may be used without restriction.
5. Non-turf planting areas shall be covered with a minimum 2" layer of mulch material (rock, decomposed granite, fiber, etc.). Bare soil is not permitted. If a weed barrier fabric is used, it shall be permeable to air and water.
6. Swimming pools and spas shall be permanently plumbed to the sanitary sewer system for draining.
7. No misting systems are allowed.

Irrigation

1. Irrigation systems shall be designed so that, if properly operated, no spray or runoff leaves the property.
2. Spray irrigation is allowed for turf and flower beds only. Drip irrigation shall be used on all other planting areas.
3. Subterranean irrigation may be used in lieu of spray or drip irrigation.
4. Spray heads shall have a 4" or greater pop-up height and matched precipitation nozzles.

5. Turf, flower beds and non-turf planting areas shall be on different valves.
6. Drip irrigation systems shall be equipped with a pressure regulator, filter, flush end assembly and any other appropriate components. Components shall be accessible for maintenance.
7. Irrigation systems shall be zoned for exposure (north and east exposures together, south and west exposures together). Wherever feasible, valves should also be separated into "hydrozones" that group plants with similar water needs.
8. Solid state residential irrigation controllers shall be installed for each home that provide the following minimum features:
   a. Three independent programs
   b. Station run times of 0-99 minutes in one-minute increments
   c. Three watering start times per day per program
   d. Watering schedules that are selectable per program for any day of the week from daily to every fourteen days
   e. Non-volatile memory for program data (no battery required to maintain program)
   f. Capable of accepting external soil moisture and/or rain sensors
9. Self-adjusting ET (evapo-transpiration rate) controllers shall be offered as an option.
10. An owner's manual shall be provided for all irrigation controllers and other components.
11. SNWA assigns a "Watering Group" to all customers that determine spray irrigation requirements, days acceptable for spray irrigation, etc.

Interior of the Home

1. Service pressure for all uses (indoor and outdoor) shall be set to a maximum 60 psi by a pressure regulating valve (PRV) downstream of the water meter.
2. Builders shall provide the following water conserving features as standards:
   a. Toilets using 1.6 gallons per flush maximum
   b. Kitchen faucets using 2.2 gallons per minute (gpm) maximum
   c. Bathroom faucets using 1.5 gallons per minute (gmp) maximum
   d. Shower heads using 2.5 gallons per minute (gpm) maximum
      (Note: There shall be no limit to the number of shower heads or spray jets if the total flow is less than 2.5 gpm. If multiple heads or spray jets exceed 2.5 gpm, they shall be on separate valves so that each valve controls a flow of 2.5 gpm or less. The total available flow cannot exceed 5 gpm in any single shower enclosure.
   e. Sink faucet aerators
3. Builders shall provide the following water conserving features as options:
   a. Hot water recirculating systems (with timer required) and/or point of use devices
   b. Ultra-high efficiency dishwashers (if dishwashers are offered)
   c. Pressure assisted toilets and/or other high performance (1.6 gallons per flush) technologies
   f. Water softeners, if offered, shall be a type where the interval of regeneration is variable (either automatically or manually) and can be adjusted to match actual use. It shall also be capable of using potassium instead of sodium in the exchange process.
4. No evaporative cooling systems are allowed.

City of Las Vegas Agenda Item No.: **63.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

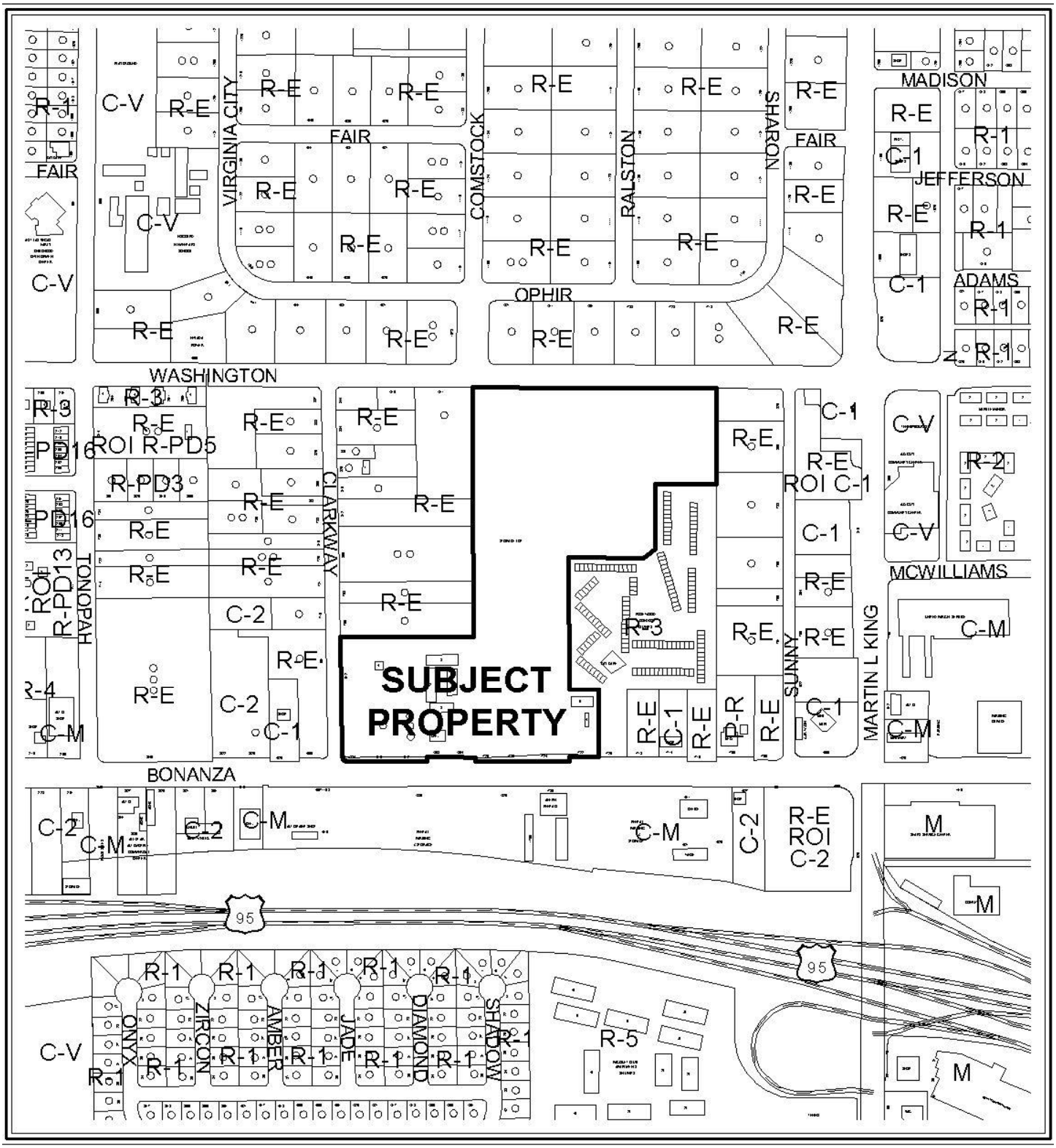
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
EOT-34971 - EXTENSION OF TIME - NON-PUBLIC HEARING - VARIANCE - APPLICANT: AHERN RENTALS - OWNER: DFA, LLC - Request an Extension of Time of an approved Variance (VAR-22723) TO ALLOW A WALL TO CONTAIN NO CONTRASTING MATERIAL WHERE TWENTY PERCENT CONTRASTING MATERIAL IS REQUIRED on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive (APN 139-28-302-034), R-E (Residence-Estates) Zone, R-3 (Medium Density Residential) Zone and C-1 (Limited Commercial) Zone under Resolution of Intent to C-2 (General Commercial) Zone, Ward 5 (Barlow). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Planning Commission Action Letter for VAR-22723
7. Backup referenced from the August 13, 2009 Planning Commission Meeting Item 6



0 400 800 Feet

CASE: **EOT-34971**

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES) ZONE, R-3 (MEDIUM DENSITY RESIDENTIAL) ZONE, AND C-1 (LIMITED COMMERCIAL) ZONE UNDER RESOLUTION OF INTENT TO C-2 (GENERAL COMMERCIAL) ZONE]

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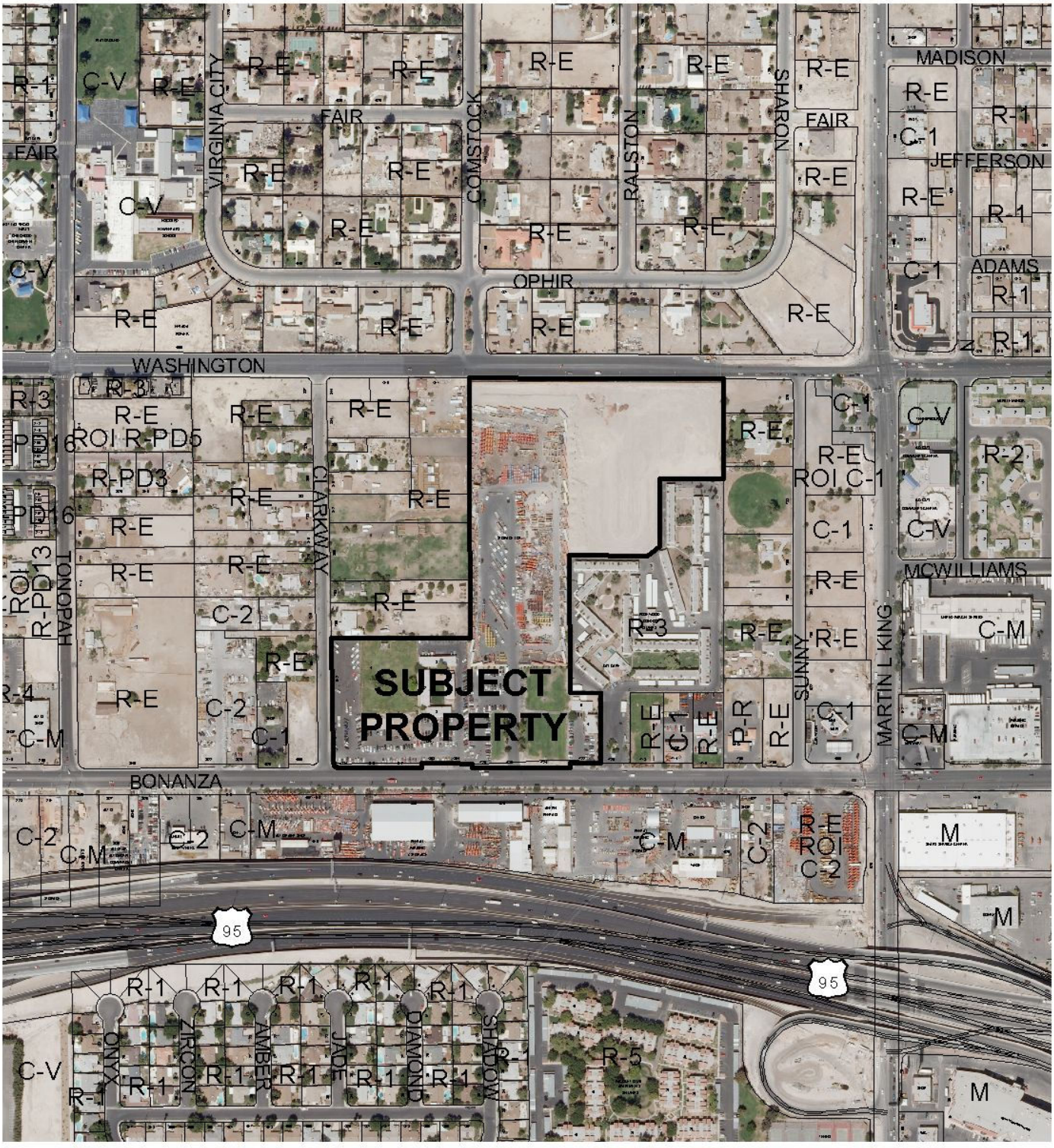

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CASE: **EOT-34971**

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R-E (RESIDENCE ESTATES) ZONE, R-3 (MEDIUM DENSITY RESIDENTIAL) ZONE, AND C-1 (LIMITED COMMERCIAL) ZONE UNDER RESOLUTION OF INTENT TO C-2 (GENERAL COMMERCIAL) ZONE]

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-34971 - APPLICANT: AHERN RENTALS - OWNER: DFA, LLC

** CONDITIONS **

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. This Variance (VAR-22723) shall expire on July 12, 2011 unless another Extension of Time is approved by the City Council.

2. Conformance to all conditions of approval of Variance (VAR-22723) and all other related actions required by the Planning and Development Department and Department of Public Works.

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site contains several offices, apartments and ancillary uses with a previously approved Variance (VAR-22723) to allow a wall to contain no contrasting material where twenty percent contrasting material is required on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. Since the original approval, five building permits were applied for on August 13, 2008 (#121846, 121847, 121848, 121850 and 121851); no Building Permits have been issued, as they are still under review. Staff has no objection to the request and is therefore recommending approval of the request.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
07/21/71	The Board of City Commissioners approved a Rezoning (Z-0039-71) from R-E (Residence Estates) to R-3 (Medium Density Residential) on property generally located on the north side of Bonanza Road between Clarkway Drive and Sunny Place.
09/28/71	The Planning Commission approved a Plot Plan Review [Z-0039-71(1)] for a proposed two-story 24-unit apartment development at 1804 West Bonanza Road.
06/15/94	The City Council approved a Rezoning (Z-0043-94) from R-E (Residence Estates) to C-1 (Limited Commercial) at 1724 West Bonanza Road. The approval expired 06/15/96.
01/27/98	A deed was recorded for a change of ownership for APN 139-28-302-034.
12/21/98	The City Council approved a General Plan Amendment (GPA-0014-98) from M (Medium Density Residential) to SC (Service Commercial) and a request for Rezoning (Z-0026-98) from R-E (Residence Estates) to C-1 (Limited Commercial) on 1.0 acre at the northeast corner of Bonanza Road and Clarkway Drive. The Resolution of Intent did not have an expiration date.
05/21/03	The City Council approved requests for a General Plan Amendment (GPA-1989) from M (Medium Density Residential) and SC (Service Commercial) to SC (Service Commercial); Rezoning (ZON-1992) from R-3 (Medium Density Residential) to C-1 (Limited Commercial) and Site Development Plan Review (SDR-1991) for a proposed 5,255 square-foot office development on 0.57 acres at 1722 West Bonanza Road. The offices were to be converted from two existing apartment buildings. The Planning Commission and staff recommended approval.
01/29/04	A Code Enforcement citation (#9287) was issued for outside storage at 1812 West Bonanza Road.

01/18/06	The City Council approved a Rezoning (ZON-9925) of property on the south side of Bonanza abutting the current Ahern property from C-2 (General Commercial) and R-E (Residence Estates) to C-M (Commercial/Industrial. The Planning Commission and staff recommended approval.
02/24/06	A Code Enforcement citation (#38662) was issued for a parking lot at 612 Clarkway Drive. Code Enforcement closed the case on 06/19/06.
03/14/06	A Code Enforcement citation (#39207) was issued for a review of violations at 1726 West Bonanza Road. Code Enforcement closed the case on 05/01/06.
03/14/06	A Code Enforcement citation (#39206) was issued for a review of violations at 1804 West Bonanza Road. Code Enforcement closed the case on 10/15/06.
03/14/06	A Code Enforcement citation (#39205) was issued for a review of violations at 1824 West Bonanza Road. Code Enforcement closed the case on 10/15/06.
03/24/06	A Code Enforcement citation (#39562) was issued for paved property and a portable toilet being used by employees at 1724 West Bonanza Road. Code Enforcement closed the case on 06/05/06.
03/24/06	A Code Enforcement citation (#39563) was issued for paved property at 1816 West Bonanza Road. The issue was resolved on 10/15/06.
03/24/06	A Code Enforcement citation (#103189) was issued for a paved parking lot and an illegal business use at 1812 West Bonanza Road. The issue was resolved on 11/18/06.
04/05/06	The City Council approved a Variance (VAR-11006) to allow an eight-foot wrought iron fence where four feet is the maximum height allowed and a waiver of the 20 percent contrasting material requirement at 1700, 1710, 1714, 1718, 1722, 1804, 1808, 1812, 1816, and 1824 West Bonanza Road.
04/24/06	The Code Enforcement Division of the Neighborhood Services Department issued to the applicant a Notice and Order to Comply with Municipal Code. Violations included employee parking on R-E and R-3 zoned property, portable toilet onsite, vacant R-3 zoned property has piles of refuse, waste, asphalt and dirt, and R-E (Residence Estates) property being used as commercial storage yard.
05/17/06	The City Council approved a revision (GPA-9219) to the land use map of the Downtown Redevelopment Area and an ordinance (Ord. #5830) adopting the amended plan. The amended plan includes all parcels within the subject site.
05/25/06	The Planning Commission approved the appeal (DIR-11779) of the Director's decision to deny a Temporary Commercial Permit per Title 19.18.100.D that would allow a Temporary Contractor's Construction Yard on 15.54 acres adjacent to the north side of Bonanza Road, approximately 460 feet east of Clarkway Drive. The Temporary Commercial Permit was not to exceed six months from the date of approval.
07/24/06	A Code Enforcement citation (#44793) was issued for a violation of conditions. Code Enforcement closed the case on 10/15/06.
07/24/06	A Code Enforcement citation (#44795) was issued for a violation of conditions. Code Enforcement closed the case on 10/18/06.

10/04/06	The City Council approved a request for a Site Development Plan Review (SDR-13833) for a proposed rental store with outside storage; a 99,000 square-foot covered storage area; a 21,600 square-foot auto repair garage, major; a 25,200 square-foot hardware store and waivers of perimeter landscape buffer and wall design requirements, a Rezoning (ZON-13837) request from: R-E (Residence Estates), R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial), R-3 (Medium Density Residential) and C-1 (Limited Commercial) to C-2 (General Commercial), a Variance (VAR-14320) to allow a setback of 73 feet where residential adjacency standards require a minimum 84-foot setback, and to allow a zero-foot side yard building setback where 10 feet is the minimum setback required in conjunction with a rental store with outside storage, a Variance (VAR-16049) to allow a proposed 10-foot high block wall where eight feet is the maximum allowed, and three Special Use Permits (SUP-13836, SUP-14324, SUP-14329) for a rental store with outside storage, for a truck rental establishment, and an auto repair garage, major on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. Planning Commission and staff recommended approval.
07/12/07	The Planning Commission approved a request for a request for a Major Amendment (SDR-22206) to a Site Development Plan Review (SDR-13833) for a Commercial Development of 30,000 square feet of Hardware Store, 30,000 square feet of Office space, 40,000 square feet of Covered Storage Area, and 60,000 square feet of Auto Repair Garage (Major) with a Waiver of Perimeter Landscape requirements to allow a 10-foot wide buffer where 15 feet is required along the south property line and a Variance (VAR-22723) to allow a wall to contain no contrasting material where twenty percent contrasting material is required on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. Staff recommended approval of the Site Development Plan Review and denial of the Variance.
03/17/08	A Code Enforcement citation (#63479) was issued for sewage coming out of a bathtub at 1804 West Bonanza. The issue was resolved on 04/01/08.
08/13/09	The Planning Commission recommended approval of companion item EOT-34972 concurrently with this application. The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #6/bts).

Related Building Permits/Business Licenses	
08/19/05	A Building Permit (#49300) was issued for a demolition permit at 1816 West Bonanza Road. The permit has since expired.
04/17/06	A Business License (#A07-00648) was issued for an Apartment House at 1804 West Bonanza Road. The license is currently active.
08/15/06	A Building Permit (#71003) was issued for grading at 1798 West Bonanza Road. The permit was finaled on 08/15/06.
01/09/07	A Building Permit (#79433) was issued for fencing at 1808 West Bonanza Road. The permit was has since expired.
01/22/07	A Business License (#L33-00898) was issued for a Lawn and Landscape Maintenance business at 1804 West Bonanza Road. The license is currently active.
06/22/07	A Building Permit (#92357) was issued for an eight-foot block wall at 1798 West Bonanza Road. The permit was finaled on 11/30/07.
09/21/07	A Building Permit (#98452) was issued for a demolition permit at 1808 West Bonanza Road.
11/30/07	A Building Permit (#103181) was issued for a demolition permit at 1816 West Bonanza Road.
11/30/07	A Building Permit (#103189) was issued for a demolition permit at 1812 West Bonanza.
08/13/08	Building Permits (#'s: 121846, 121847, 121848 121850 and 121851) were issued for buildings one, two, on-sites, trash enclosures and grading for APN 139-28-302-034. No Building Permits have been issued as they are still under review.
Pre-Application Meeting	
A pre-application meeting is not required for this type of application, nor was one held.	
Neighborhood Meeting	
A neighborhood meeting is not required for this type of application, nor was one held.	
Field Check	
07/09/09	A field check was completed on the subject site on the indicated date. The following items were indicated by Planning and Development Department staff: • The existing business operated by the Ahern Companies. • No additional changes have occurred on-site since the approved Site Development Plan Review (SDR-22206)

Details of Application Request	
Site Area	
Net Acres	20.53 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped, Apartments and Contractors Construction Yard	C (Commercial) and MXU (Mixed Use)	R-E (Residence-Estates), R-3 (Medium Density Residential) and C-1 (Limited Commercial) Zone under Resolution of Intent to C-2 (General Commercial)
North	Single-Family Residential	R (Rural Density Residential)	R-E (Residence Estates)
South	Equipment Rental Store	LI/R (Light Industrial/Research)	C-M (Commercial/Industrial)
East	Condominiums and Single-Family Residential	MXU (Mixed Use)	R-E (Residence Estates) and R-3 (Medium Density Residential)
West	Single-Family Residential	MXU (Mixed Use)	R-E (Residence Estates)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan			
West Las Vegas Plan	X		Y
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O Airport Overlay District	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the first request for an Extension of Time of a previously approved Variance (VAR-22723) to allow a wall to contain no contrasting material where twenty percent contrasting material is required on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. Title 19.18.050 deems a Site Development Plan Review exercised upon the issuance of a building permit for the principle structure on-site, unless otherwise specified in connection with its approval.

FINDINGS

The Variance (VAR-22723) has not met the requirements outlined in Title 19.18.050, since no permits have been issued for the proposed wall. No new development or changes in land use in the surrounding areas have occurred, but there has since been one Code Enforcement violation cited for the subject property. The applicant is requesting a two year Extension of Time, since they have not progressed to a stage in the project to obtain final building permits. Conformance to the conditions of approval of Variance (VAR-22723) shall be required. Staff recommends approval of this request with a two-year time limit.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 22

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: EOT-34971 APN: 139-28-302-034

Name of Property Owner: DFA, LLC

Name of Applicant: Ahern Rentals

Name of Representative: APTUS Architecture

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ Yes ☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: X Don F Ahern

Print Name: Don F. Ahern

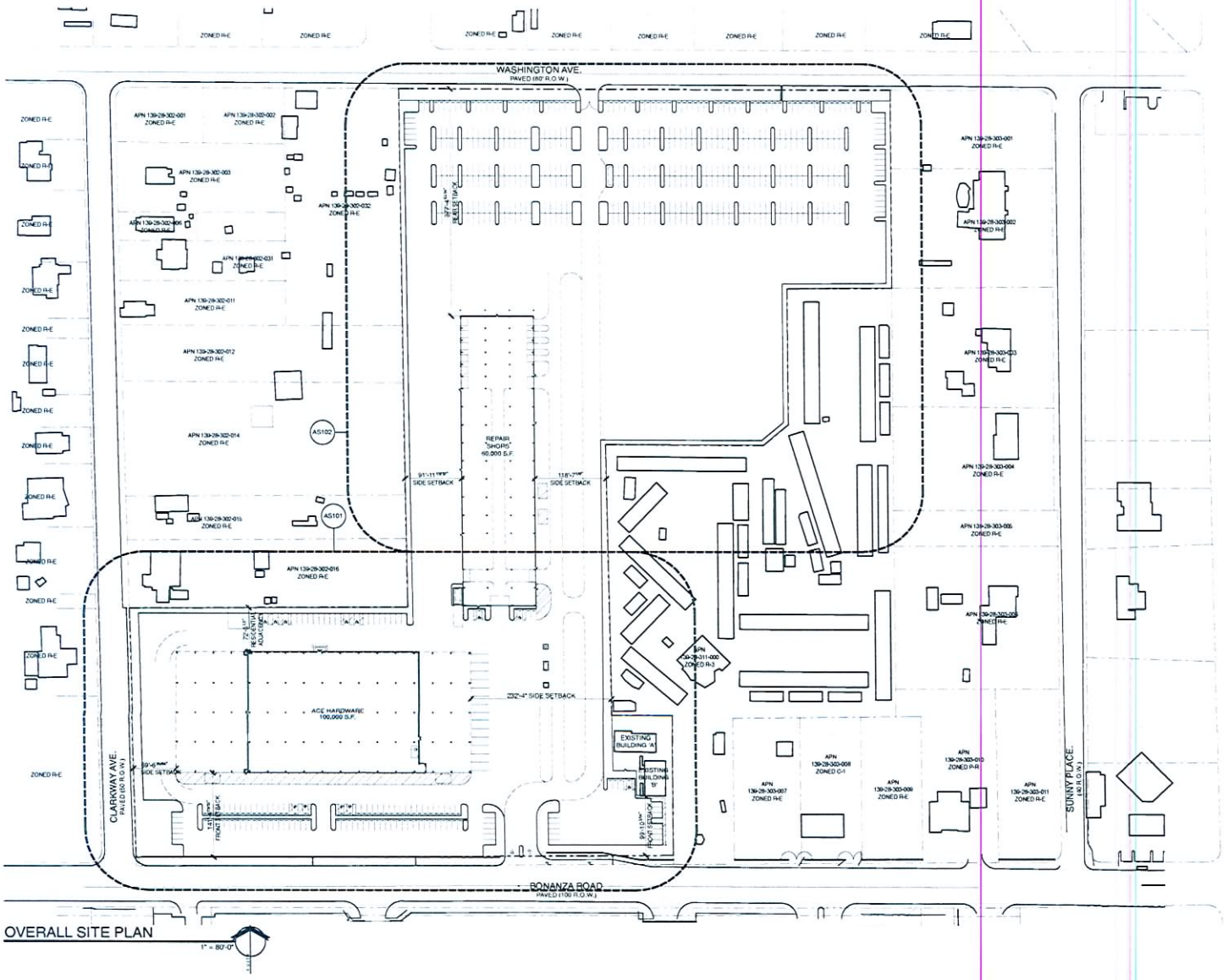
Subscribed and sworn before me

This 22nd day of June, 2009

Joni B Starcher

Notary Public in and for said County and State

Notary Public - State of Nevada
County of Clark
JONI B. STARCHER
My Appointment Expires
No: 93-0701-1 July 30, 2009



OVERALL SITE PLAN

1" = 80'-0"



VICINITY & LOCATION MAP

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APTUS Architecture
1200 South 4th Street
Suite 206
Las Vegas, Nevada 89104
P 702.839.1200
F 702.839.1213

Ahern Ace - Bonanza
Site Development Review
1800 Bonanza Road
Las Vegas, Nevada 89106

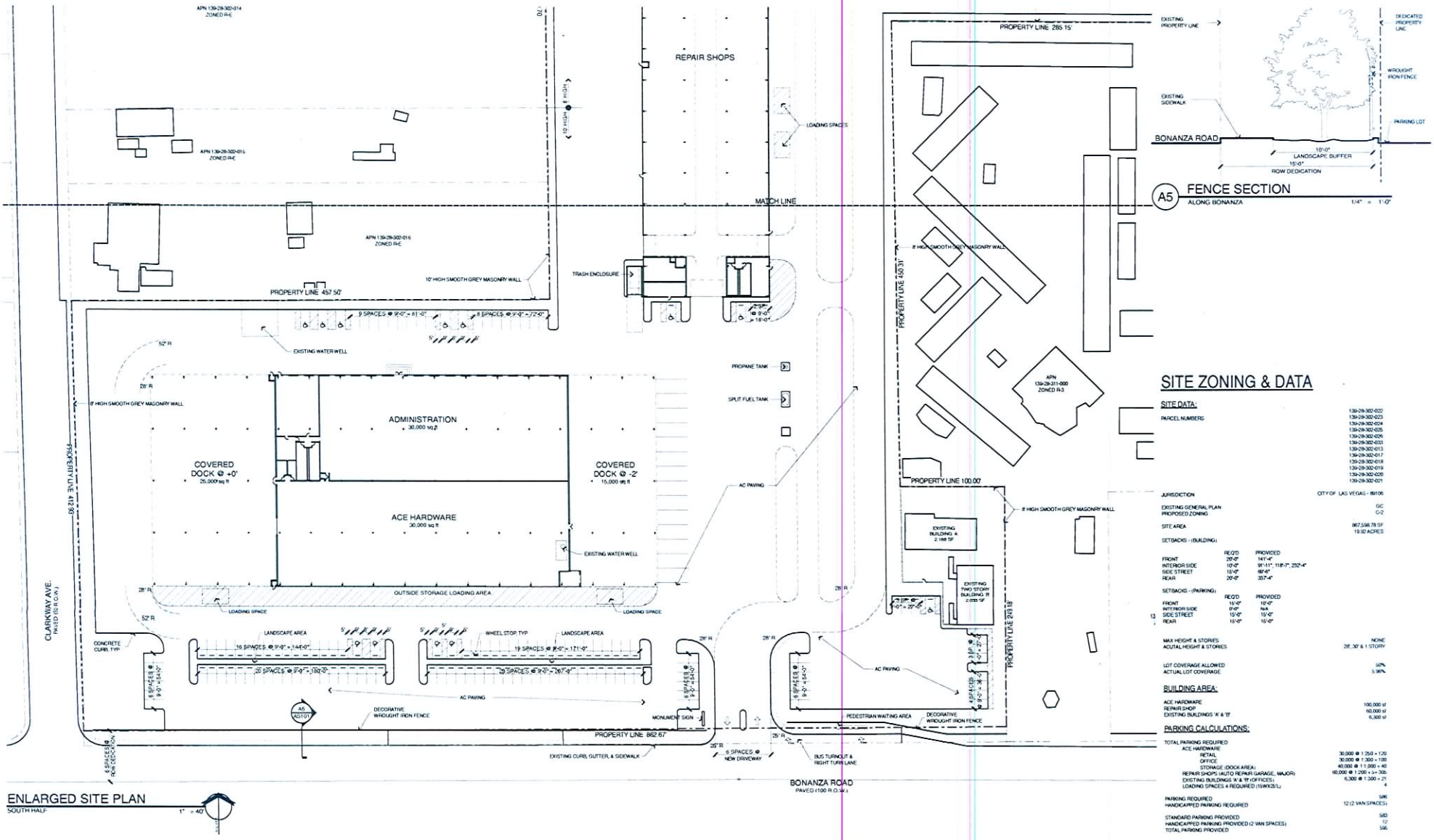
EOT-34971
08/13/09 PC

City of Las Vegas SDR Submittal	05.24.07
City of Las Vegas SDR Submittal (Rev.)	06.13.07
City of Las Vegas EOT Submittal	06.08.09

OVERALL SITE PLAN

AS100

06.151 Ahern Ace - Bonanza



ENLARGED SITE PLAN
SOUTH HALF
1" = 40'

SITE ZONING & DATA

SITE DATA:

PARCEL NUMBERS: 139-29-302-022, 139-29-302-023, 139-29-302-024, 139-29-302-025, 139-29-302-026, 139-29-302-033, 139-29-302-013, 139-29-302-017, 139-29-302-018, 139-29-302-019, 139-29-302-020, 139-29-302-021

JURISDICTION	CITY OF LAS VEGAS - 89106
EXISTING GENERAL PLAN	GC
PROPOSED ZONING	C-2
SITE AREA	867,598.78 SF 19.92 ACRES

SETBACKS - (BUILDING)

	REQ'D	PROVIDED
FRONT	20'-0"	141'-4"
INTERIOR SIDE	10'-0"	91'-11", 118'-7", 232'-4"
SIDE STREET	15'-0"	69'-4"
REAR	20'-0"	357'-4"

SETBACKS - (PARKING)

	REQ'D	PROVIDED
FRONT	15'-0"	15'-0"
INTERIOR SIDE	0'-0"	N/A
SIDE STREET	15'-0"	15'-0"
REAR	15'-0"	15'-0"

MAX HEIGHT & STORIES	NONE
ACUTAL HEIGHT & STORIES	28', 30' & 1 STORY
LOT COVERAGE ALLOWED	50%
ACTUAL LOT COVERAGE	9.96%

BUILDING AREA:

ACE HARDWARE	100,000 sf
REPAIR SHOP	60,000 sf
EXISTING BUILDINGS 'A' & 'B'	6,300 sf

PARKING CALCULATIONS:

TOTAL PARKING REQUIRED	
ACE HARDWARE	
RETAIL	30,000 @ 1:250 = 120
OFFICE	30,000 @ 1:300 = 100
STORAGE (DOCK AREA)	40,000 @ 1:1,000 = 40
REPAIR SHOPS (AUTO REPAIR GARAGE, MAJOR)	60,000 @ 1:200 = 300
EXISTING BUILDINGS 'A' & 'B' (OFFICES)	6,300 @ 1:300 = 21
LOADING SPACES 4 REQUIRED (15'WX25'L)	4
PARKING REQUIRED	595
HANDICAPPED PARKING REQUIRED	12 (2 VAN SPACES)
STANDARD PARKING PROVIDED	583
HANDICAPPED PARKING PROVIDED (2 VAN SPACES)	12
TOTAL PARKING PROVIDED	595

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EOT-34971
08/13/09 PC

City of Las Vegas SDR Submittal	05.24.07
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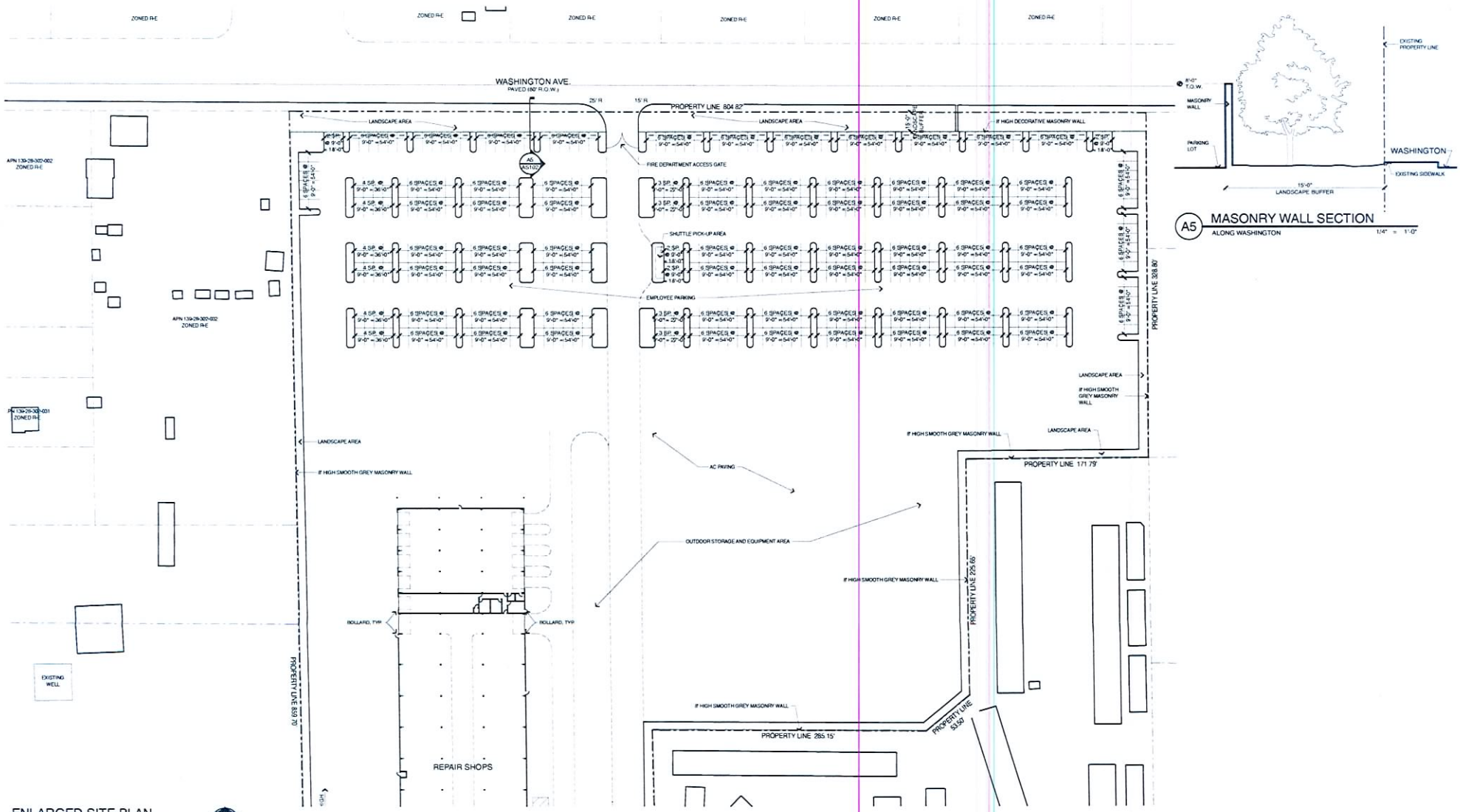
ENLARGED SITE PLAN

AS101

06.151 - Ahern Ace - Bonanza



A5 MASONRY WALL SECTION
ALONG WASHINGTON
1/4" = 1'-0"

ENLARGED SITE PLAN
NORTH HALF
1" = 40'

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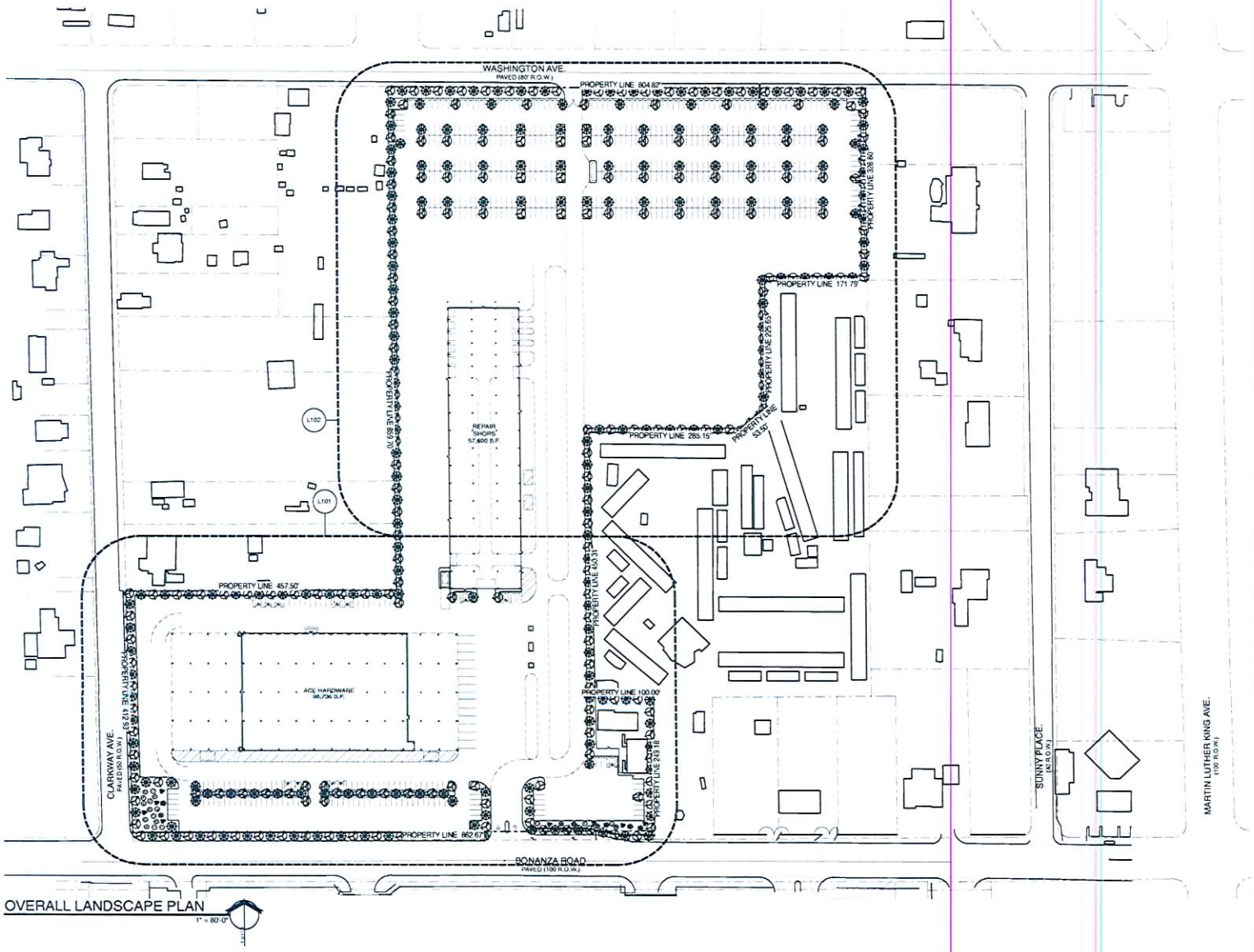
JUN 23 2009

ENLARGED SITE PLAN
AS102
06.151 Ahern Ace - Bonanza



OVERALL LANDSCAPE PLAN

1" = 80'-0"

LANDSCAPE BUFFERS (WAIVER REQUESTED)

	REQ'D	PROVIDED
FRONT	15'-0"	10'-0"
INTERIOR SIDE	8'-0"	8'-0"
SIDE STREET	15'-0"	15'-0"
REAR	8'-0"	8'-0", 15'-0"

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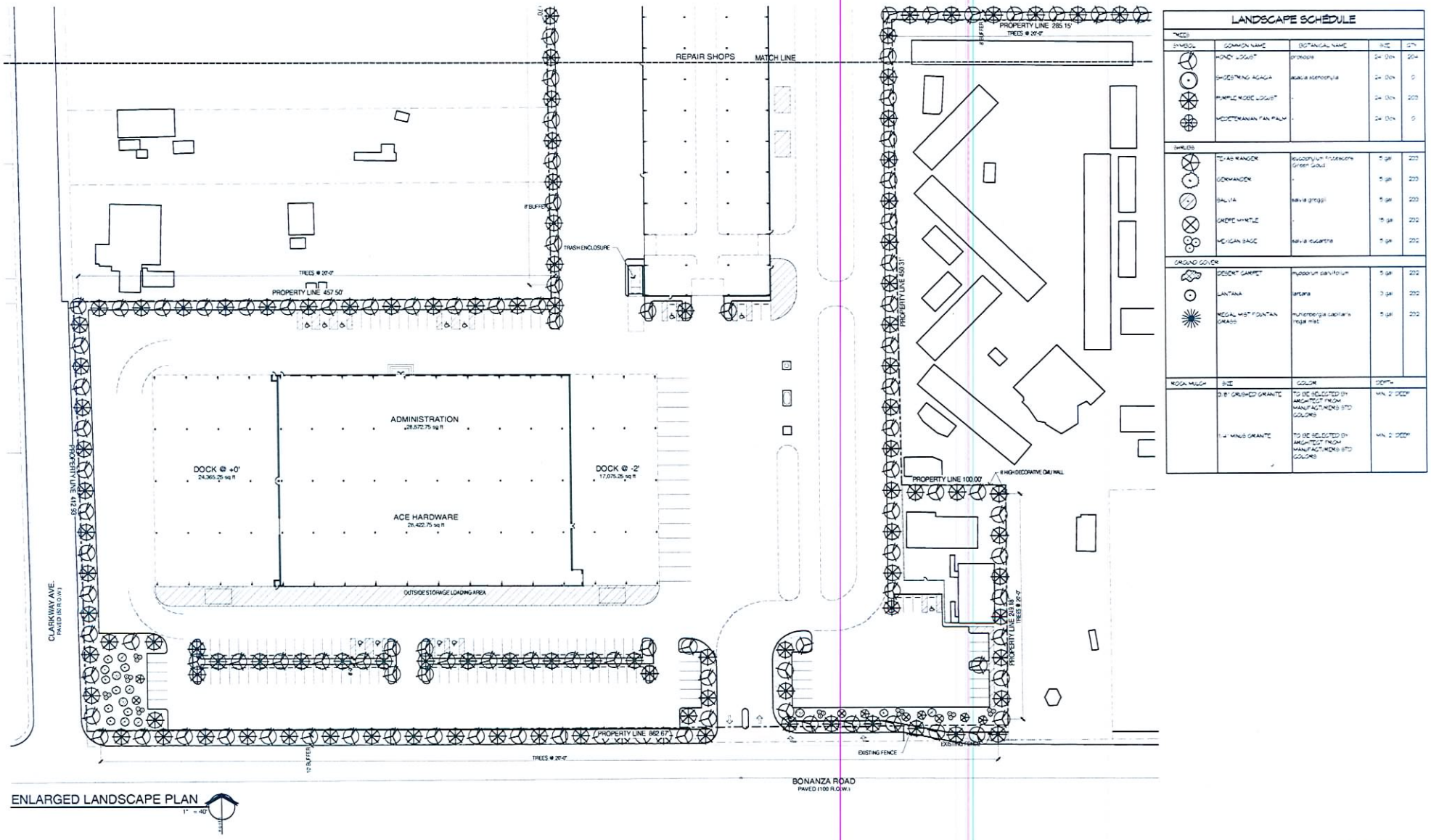
OVERALL LANDSCAPE PLAN

L100

06.151 - Ahern Ace - Bonanza



LANDSCAPE SCHEDULE

SYMBOL	COMMON NAME	BOTANICAL NAME	SIZE	QTY
TREES				
	HONEY LOCUST	gleditsia	24" Box	204
	SHOESTRING ACACIA	acacia stenophylla	24" Box	0
	PURPLE ROBE LOCUST	-	24" Box	203
	MEDITERRANEAN FAN PALM	-	24" Box	0
SHRUBS				
	TEXAS RANGER	leucophyllum frutescens Green Cloud	5 gal	203
	COMMANDER	-	5 gal	203
	SALVIA	salvia greggii	5 gal	203
	CREPE MYRTLE	-	15 gal	202
	MEXICAN SAGE	salvia eugenia	5 gal	202
GROUND COVER				
	DESERT CARPET	eremophila parvifolium	5 gal	202
	LANTANA	lantana	5 gal	202
	REGAL MIST FOUNTAIN GRASS	muhlenbergia capillaris 'regal mist'	5 gal	202
ROCK MULCH	SIZE	COLOR	DEPTH	
	3/8" CRUSHED GRANITE	TO BE SELECTED BY ARCHITECT FROM MANUFACTURERS STD COLORS	MIN. 2" DEEP	
	1 1/2" MINUS GRANITE	TO BE SELECTED BY ARCHITECT FROM MANUFACTURERS STD COLORS	MIN. 2" DEEP	

ENLARGED LANDSCAPE PLAN
1" = 40'

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Suite 206
Las Vegas, Nevada 89104
P 702.839.1200
F 702.839.1213

Ahern Ace - Bonanza
Site Development Review
1800 Bonanza Road
Las Vegas, Nevada 89106

EOT-34971
08/13/09 PC

City of Las Vegas SDR Submittal 05.24.07
City of Las Vegas SDR Submittal (Rev.) 06.13.07
City of Las Vegas EOT Submittal 06.08.09

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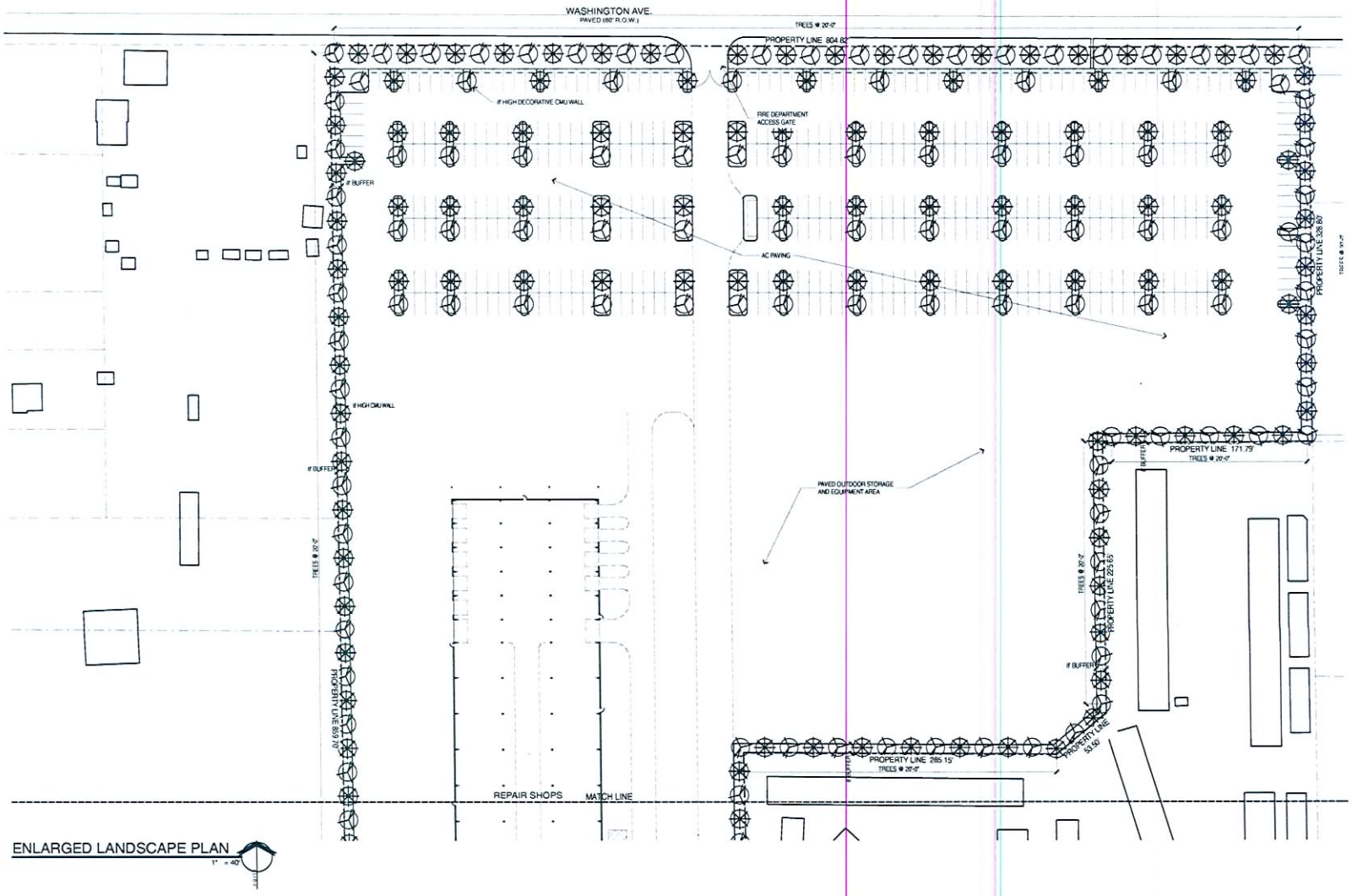
JUN 23 2009

ENLARGED LANDSCAPE PLAN

L101

06.151 Ahern Ace - Bonanza



ENLARGED LANDSCAPE PLAN
1" = 40'-0"

APTUS Architecture
1200 South 4th Street
Suite 206
Las Vegas, Nevada 89104
P 702.839.1200
F 702.839.1213

Ahern Ace - Bonanza
Site Development Review
1800 Bonanza Road
Las Vegas, Nevada 89106

City of Las Vegas SDR Submittal	05.24.07
City of Las Vegas SDR Submittal (Rev.)	06.13.07
City of Las Vegas EOT Submittal	06.04.09

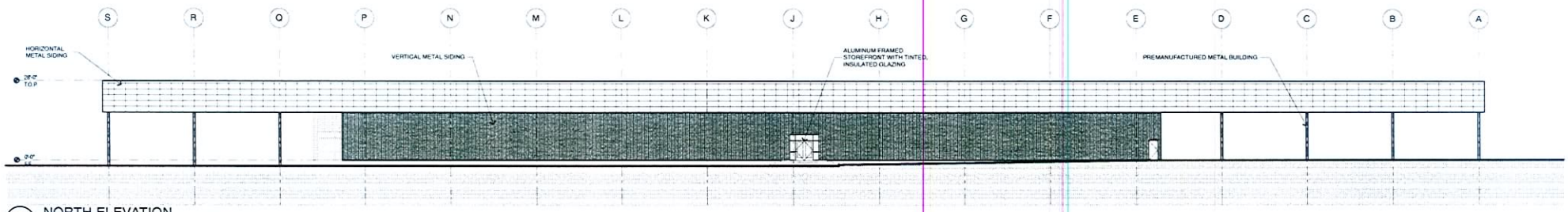
EOT-34971
08/13/09 PC

RECEIVED
JUN 23 2009

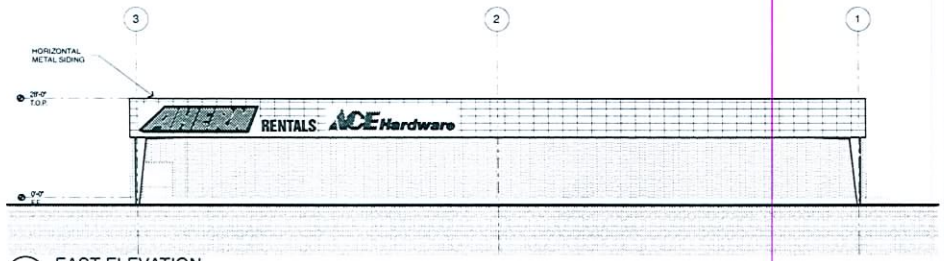
ENLARGED LANDSCAPE PLAN

L102

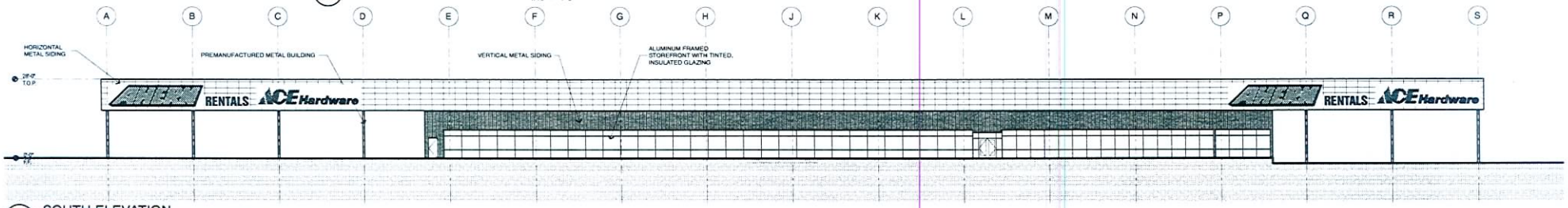
06.151 - Ahern Ace - Bonanza



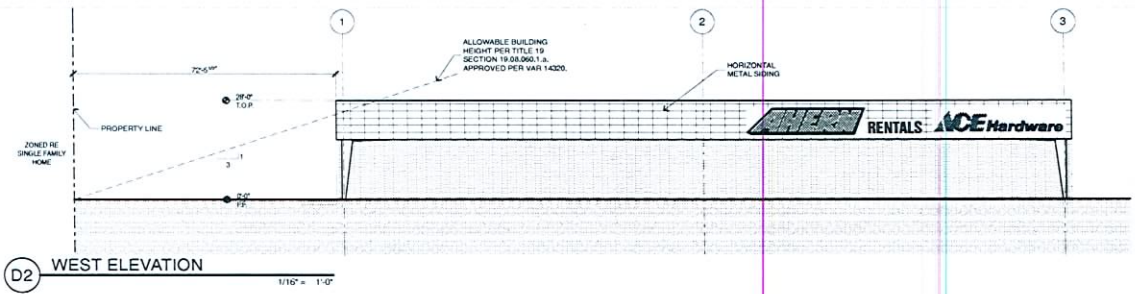
A1 NORTH ELEVATION
1/16" = 1'-0"



B2 EAST ELEVATION
1/16" = 1'-0"



C1 SOUTH ELEVATION
1/16" = 1'-0"



D2 WEST ELEVATION
1/16" = 1'-0"

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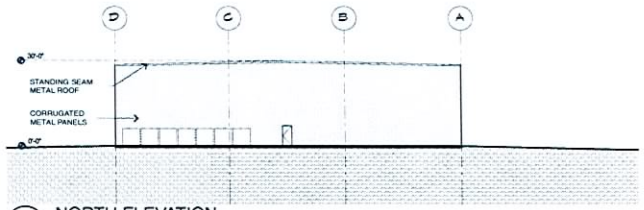
City of Las Vegas SDR Submittal	05.24.07
City of Las Vegas SDR Submittal (Rev.)	06.13.07
City of Las Vegas EOT Submittal	06.08.09

ACE HARDWARE BUILDING ELEVATIONS

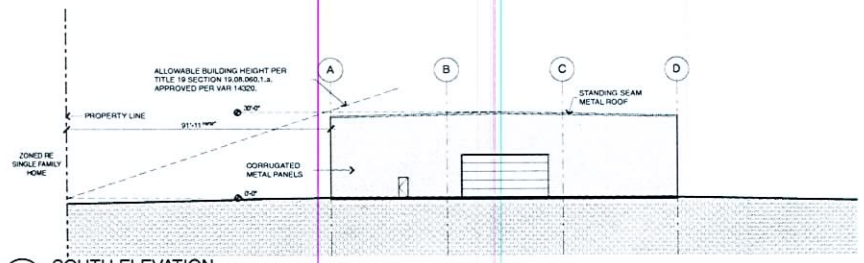
A200

06.151 - Ahern Ace - Bonanza



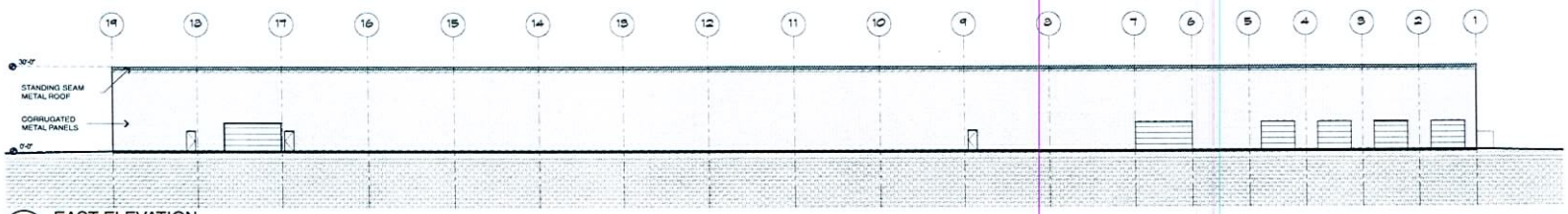
B1 NORTH ELEVATION

1" = 20'



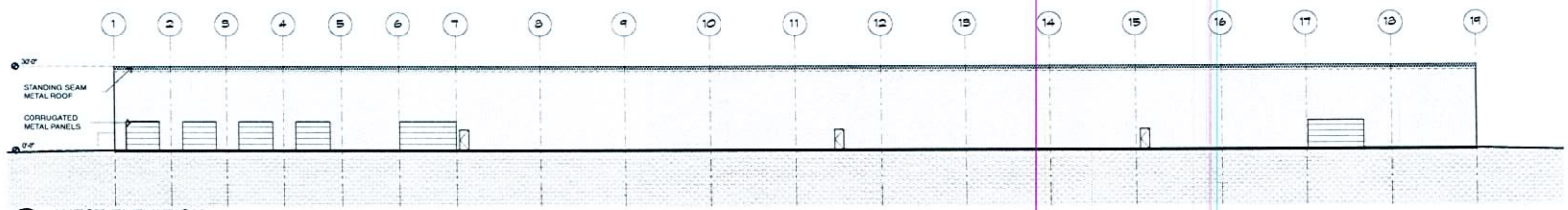
B3 SOUTH ELEVATION

1" = 20'



C1 EAST ELEVATION

1" = 20'



D1 WEST ELEVATION

1" = 20'

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Las Vegas, Nevada 89104
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F 702.839.1213

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EOT-34971
08/13/09 PC

City of Las Vegas SDR Submittal	05.24.07
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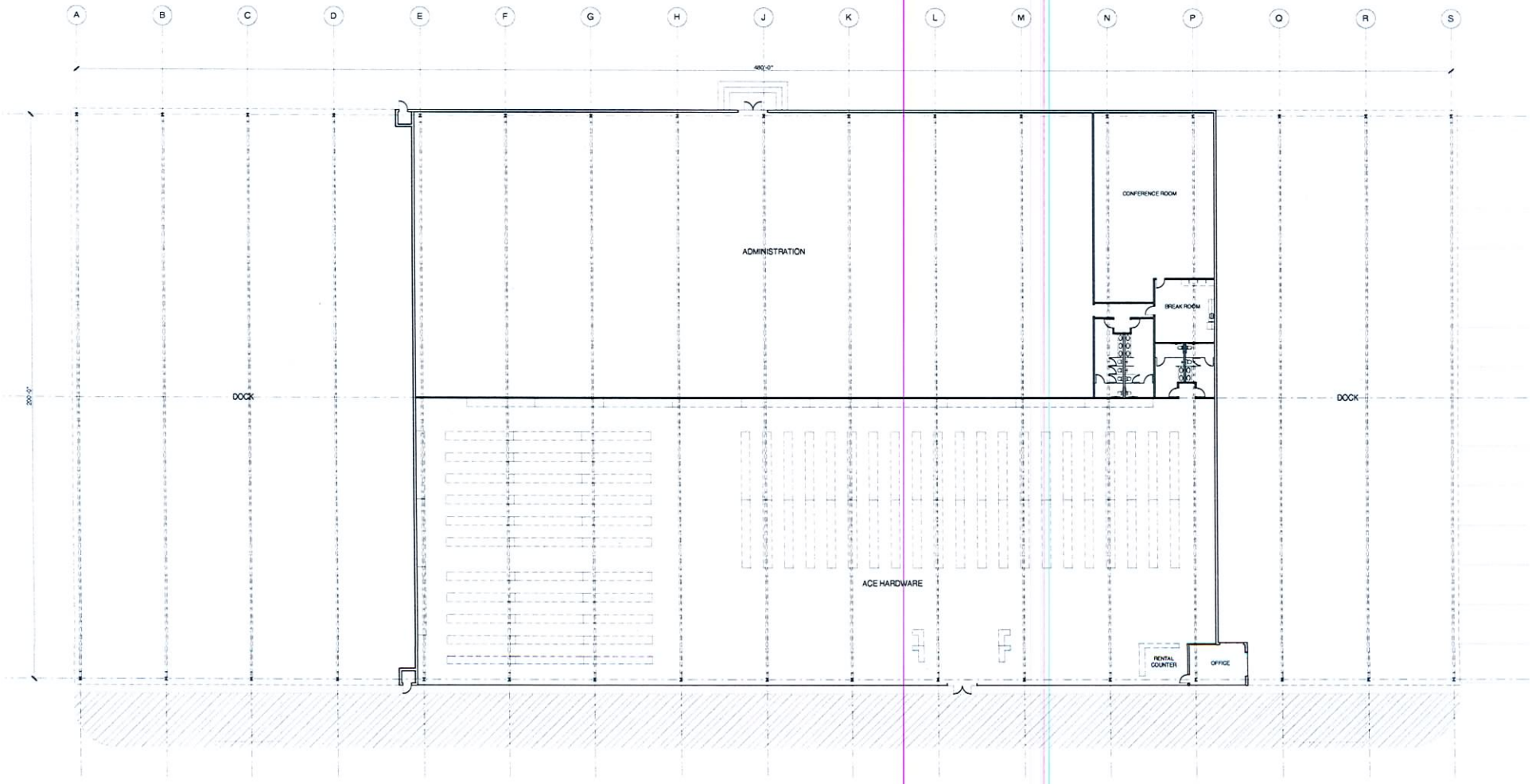
JUN 23 2009

SHOPS BUILDING ELEVATIONS

A201

06.151 Ahern Ace - Bonanza



FLOOR PLAN

1/16" = 1'-0"

APTUS Architecture
1200 South 4th Street
Suite 206
Las Vegas, Nevada 89104
P 702.839.1200
F 702.839.1213

Ahern Ace - Bonanza
Site Development Review
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EOT-34971
08/13/09 PC

RECEIVED
JUN 23 2009

City of Las Vegas SDR Submittal	05.24.07
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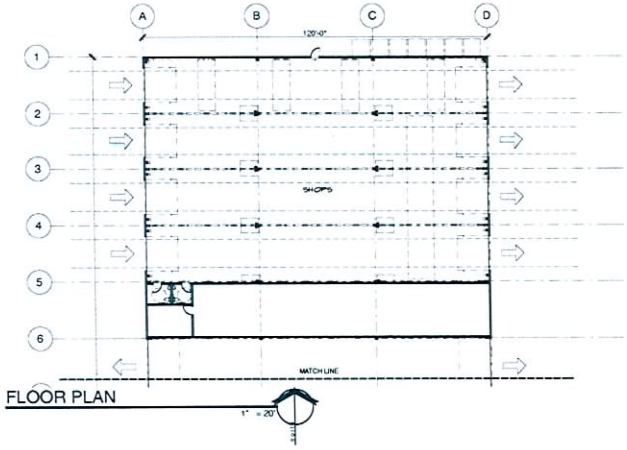
City of Las Vegas EOT Submittal	06.08.09

ACE HARDWARE
FLOOR PLAN

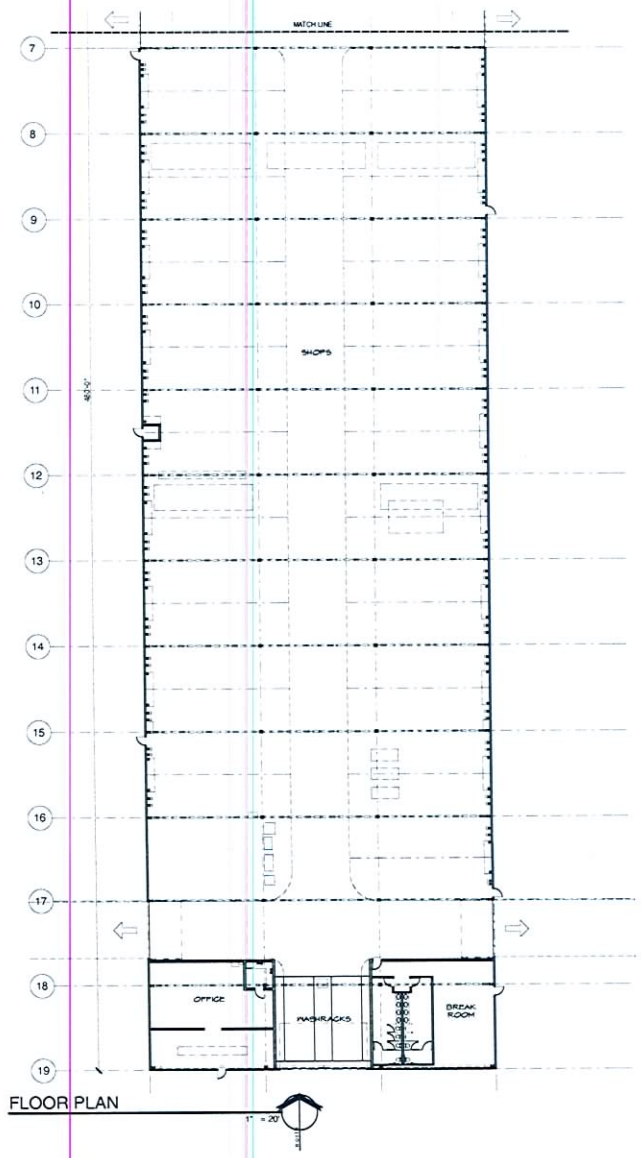
A100

06.151 Ahern Ace - Bonanza



FLOOR PLAN

1" = 20'



FLOOR PLAN

1" = 20'

APTUS Architecture
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Ahern Ace - Bonanza

Site Development Review

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City of Las Vegas SDR Submittal	05.24.07
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City of Las Vegas EOT Submittal	06.08.09

RECEIVED
JUN 23 2009

SHOPS FLOOR PLAN

A101

06.151 Ahern Ace - Bonanza



EOT-34971 - APPLICANT: AHERN RENTALS - OWNER: DFA, LLC
NORTHEAST CORNER OF BONANZA ROAD AND CLARKWAY DRIVE
AUGUST 13, 2009 PLANNING COMMISSION

07/09/09



EOT-34971 - APPLICANT: AHERN RENTALS - OWNER: DFA, LLC
NORTHEAST CORNER OF BONANZA ROAD AND CLARKWAY DRIVE
AUGUST 13, 2009 PLANNING COMMISSION

07/09/09



EOT-34971 - APPLICANT: AHERN RENTALS - OWNER: DFA, LLC
NORTHEAST CORNER OF BONANZA ROAD AND CLARKWAY DRIVE
AUGUST 13, 2009 PLANNING COMMISSION

07/09/09



EOT-34971 - APPLICANT: AHERN RENTALS - OWNER: DFA, LLC
NORTHEAST CORNER OF BONANZA ROAD AND CLARKWAY DRIVE
AUGUST 13, 2009 PLANNING COMMISSION

07/09/09



EOT-34971 - APPLICANT: AHERN RENTALS - OWNER: DFA, LLC
NORTHEAST CORNER OF BONANZA ROAD AND CLARKWAY DRIVE
AUGUST 13, 2009 PLANNING COMMISSION

07/09/09

APTUS Architecture

July 10, 2009

City of Las Vegas
Planning and Development Department
731 S. Fourth Street
Las Vegas, NV 89101

APN: 139-28-302-034

Re: EOT – Extension of Time

To Whom It May Concern:

We respectfully submit this request for an Extension of Time for a combined rental / retail facility for Ahern and Ace Hardware. This development is located on the north side of Bonanza between Sunny Place and Clarkway Ave.

The applications we are requesting extensions on are as follows:
SDR - 22206
ZON - 13837

We are requesting an extension of time for two years. This project has been submitted to the City of Las Vegas for building permits and approvals are forthcoming. The plan check number is 29391-C-08.

We believe the project, as submitted, is consistent with the City of Las Vegas' vision in this area of the City. We have endeavored to follow Title 19 of the Code as closely as possible, both in the design and layout of this site. We hope you share in our vision for this site and support us in our effort to bring a high-quality and much-needed amenity to the residents of Las Vegas.

Respectfully Submitted,

Kristen G. Neuman

Kristen G. Neuman, AIA
APTUS Architecture

EOT-34971
08/13/09 PC
REVISED

1200 South 4th Street, Suite 206, Las Vegas, Nevada 89104 P 702.839.1200 F 702.839.1213 info@aptusarchitecture.com

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER
731 S. Fourth Street
Las Vegas, NV 89101

Voice: 702-229-6301
Fax: 702-474-0352
TTY: 702-386-9108
www.lasvegasnevada.gov

July 13, 2007

Mr. Bruce Bilyeu
DFA, LLC
4141 South Arville Street
Las Vegas, Nevada 89106

RE: VAR-22723 - VARIANCE

Dear Mr. Bilyeu:

Your request for a Variance TO ALLOW A WALL TO CONTAIN NO CONTRASTING MATERIAL WHERE TWENTY PERCENT CONTRASTING MATERIAL IS REQUIRED on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive (APNs 139-28-302-013, 017-026, and 033), R-E (Residence-Estates) Zone under Resolution of Intent to C-2 (General Commercial) Zone, R-3 (Medium Density Residential) Zone under Resolution of Intent to C-2 (General Commercial) Zone, C-1 (Limited Commercial) Zone under Resolution of Intent to C-2 (General Commercial) Zone, Ward 5 (Barlow), was considered by the Planning Commission on July 12, 2007.

The Planning Commission voted to ***APPROVE*** your request, subject to the following:

Planning and Development

1. Conformance to the conditions for Site Development Plan Review (SDR-22006) and Review of Condition (ROC-22207), if approved.

2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

Mayor
Oscar B. Goodman

City Council
Gary Reese
(Mayor Pro Tem)
Larry Brown
Steve Wolfson
Lois Tarkanian
Steven D. Ross
Ricki Y. Barlow

City Manager
Douglas A. Selby

EOT-34971
08/13/09 PC

07101-001-06-07

This action by the Planning Commission on ***July 12, 2007*** is final unless a written appeal is filed with the City Clerk within ten days of the date of the Planning Commission's decision or there is a review action filed by the City Council within the same time period. The Notice of Final Action was filed with the Las Vegas City Clerk on ***July 13, 2007***.

Sincerely,

Andrew P. Reed

Andrew P. Reed, Planning Supervisor
Planning and Development Department
Current Planning Division

AR:dm

cc: Mr. Bruce Bilyeu
Don F. Ahern
1611 West Bonanza Road
Las Vegas, Nevada 89106

Ms. Kristen Neuman
APTUS Architecture
1200 South Fourth Street, Suite 206
Las Vegas, Nevada 89104

EOT-34971
08/13/09 PC

NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

CITY OF LAS VEGAS

ONE MOTION/ONE VOTE

Planning and Development Department
Case Planning Division
731 South Fourth Street
Las Vegas, Nevada 89101
(702) 229-6301 Phone (702) 385-7268 Fax

RECEIVED
AUG 10 2009

SUBJECT: EOT-34971 - APPLICANT: AHERN RENTALS - OWNER: DFA, LLC

The above item has been placed on the One Motion/One Vote portion of the Planning Commission Agenda for the *August 13, 2009* Planning Commission meeting. All of these items will be placed at the beginning of the agenda. The Chairman of the Planning Commission will open them at the same time.

Enclosed please find the proposed conditions of approval. If you agree to these conditions, please sign this form and fax it to Nora Lares at 385-7268. If there is no one present at the Planning Commission meeting who wants to discuss this item, you will not be called to the podium to discuss the case. However, you must be present in case any Planning Commissioner or member of the public wants to discuss the item. If you have any questions, please contact my office at (702) 229-6301.

Please sign and date that you have read and agree to the conditions.

Bruce E Bilyeu — Signature

8-6-09 — Date

BRUCE E BILYEU — Please print name

AHERN RENTALS — Company Name

Sincerely,

Steve Gebeke
Planning Supervisor
Case Planning Division

Submitted after final agenda

Date 8/10/09 Item 6

City of Las Vegas Agenda Item No.: **64.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

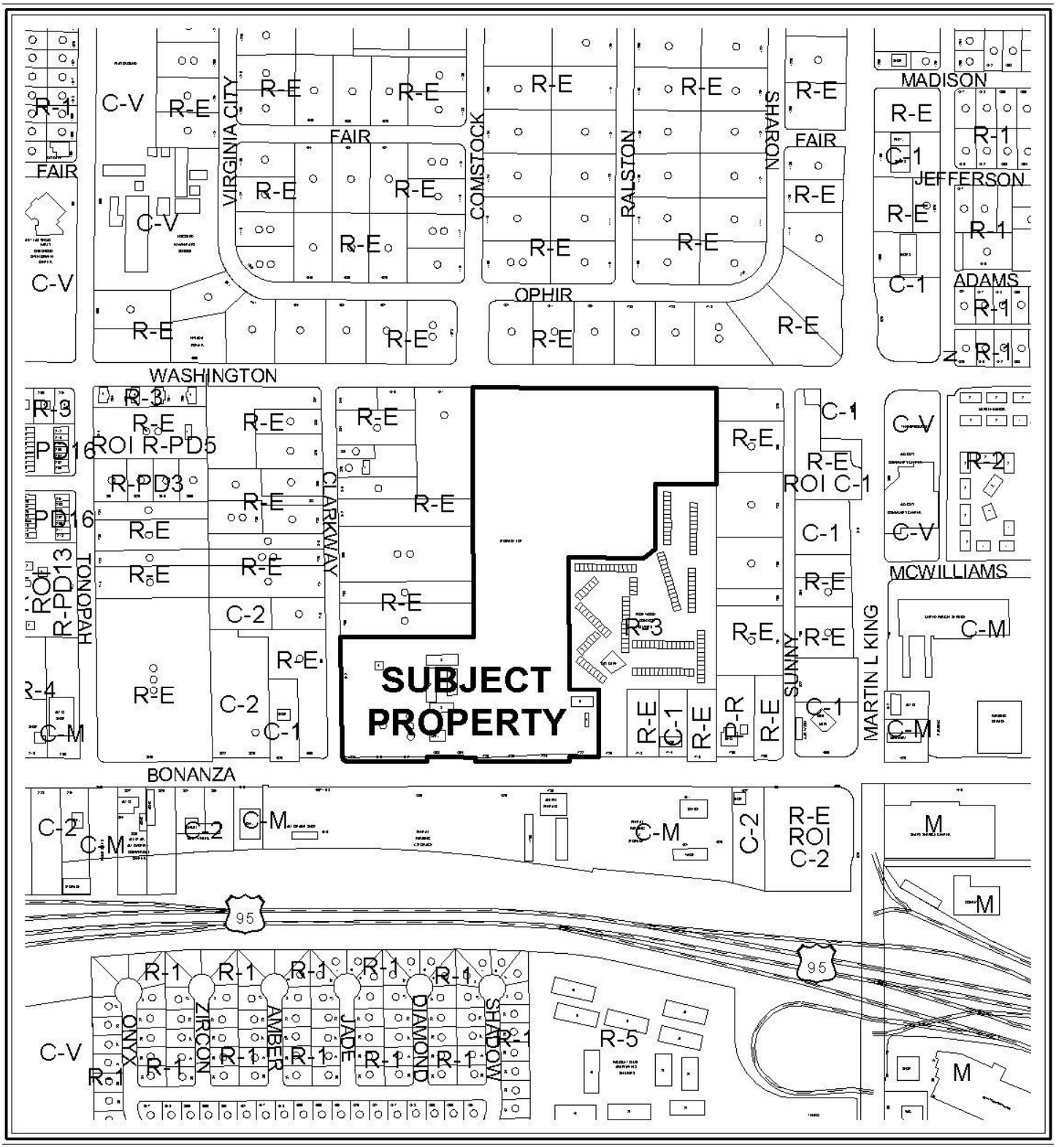
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
EOT-34972 - EXTENSION OF TIME - SITE DEVELOPMENT REVIEW – NON-PUBLIC HEARING - APPLICANT: AHERN RENTALS - OWNER: DFA, LLC - Request for an Extension of Time of an approved Major Amendment (SDR-22206) of an approved Site Development Plan Review (SDR-13833) FOR A COMMERCIAL DEVELOPMENT OF 30,000 SQUARE FEET OF HARDWARE STORE, 30,000 SQUARE FEET OF OFFICE SPACE, 40,000 SQUARE FEET OF COVERED STORAGE AREA, AND 60,000 SQUARE FEET OF AUTO REPAIR GARAGE (MAJOR) WITH A WAIVER OF PERIMETER LANDSCAPE REQUIREMENTS TO ALLOW A 10-FOOT WIDE BUFFER WHERE 15 FEET IS REQUIRED ALONG SOUTH PROPERTY LINE on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive (APN 139-28-302-034), R-E (Residence-Estates) Zone, R-3 (Medium Density Residential) Zone and C-1 (Limited Commercial) Zone under Resolution of Intent to C-2 (General Commercial) Zone, Ward 5 (Barlow). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Planning Commission Action Letter for SDR-22206
7. Backup referenced from the August 13, 2009 Planning Commission Meeting Item 7



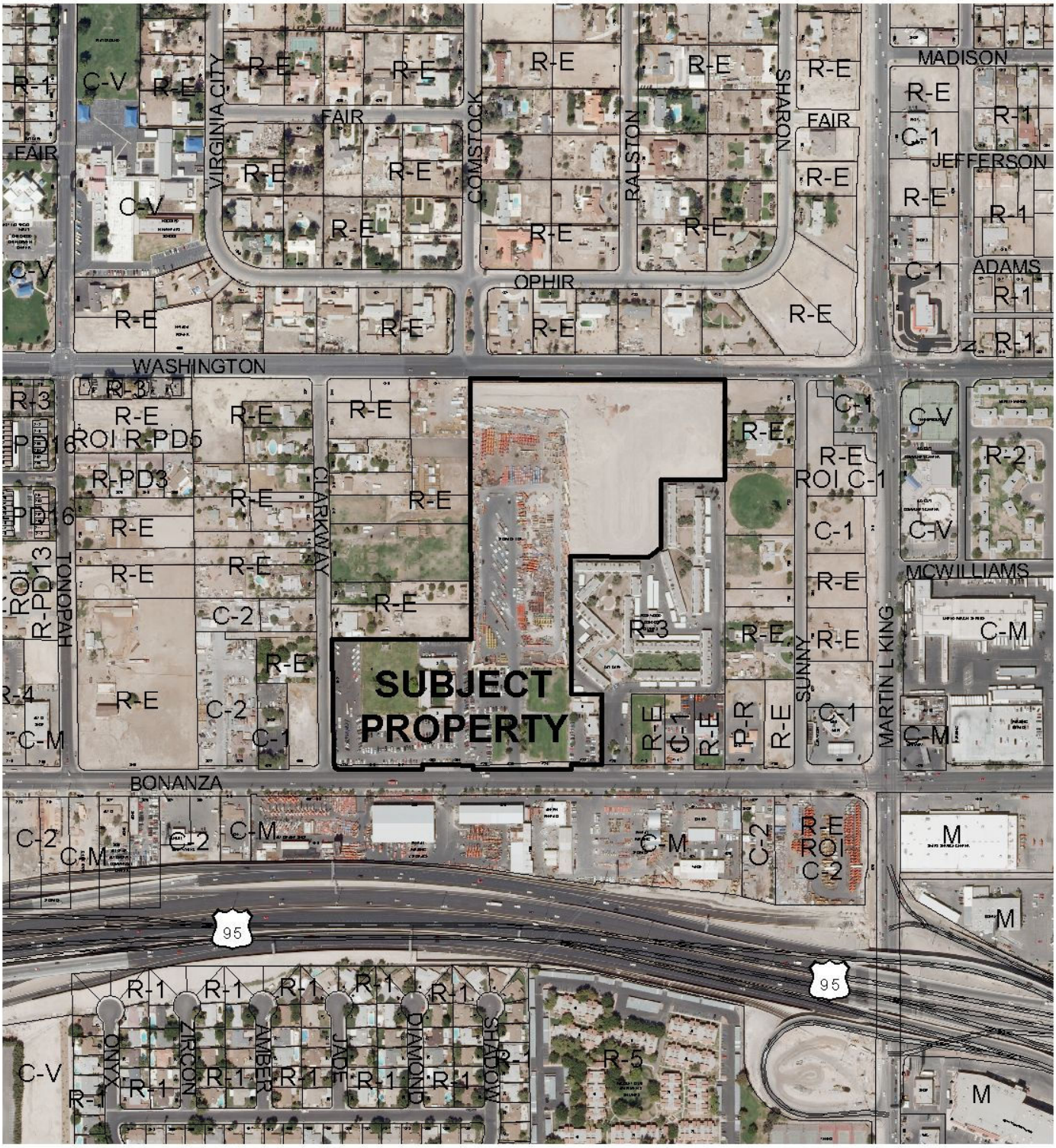
0 400 800 Feet

CASE: **EOT-34972**

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES) ZONE, R-3 (MEDIUM DENSITY RESIDENTIAL) ZONE, AND C-1 (LIMITED COMMERCIAL) ZONE UNDER RESOLUTION OF INTENT TO C-2 (GENERAL COMMERCIAL) ZONE]

N



0 400 800 Feet

CASE: **EOT-34972**

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES) ZONE, R-3 (MEDIUM DENSITY RESIDENTIAL) ZONE, AND C-1 (LIMITED COMMERCIAL) ZONE UNDER RESOLUTION OF INTENT TO C-2 (GENERAL COMMERCIAL) ZONE]

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-34972 - APPLICANT: AHERN RENTALS - OWNER: DFA, LLC

** CONDITIONS **

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. This Site Development Plan Review (SDR-22206) shall expire on July 12, 2011 unless another Extension of Time is approved by the City Council.

2. Conformance to all conditions of approval of Site Development Plan Review (SDR-22206) and all other site related actions required by the Planning and Development Department and Department of Public Works.

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site contains several offices, apartments and ancillary uses with a previously approved Site Development Plan Review (SDR-22206) for a Commercial Development of 30,000 square feet of Hardware Store, 30,000 square feet of Office space, 40,000 square feet of covered storage area, and 60,000 square feet of Auto Repair Garage (Major) with a Waiver of Perimeter Landscape Requirements to allow a 10-foot wide buffer where 15 feet is required along the south property line on 20.53 acres at the northeast corner of Bonanza and Clarkway Drive. Since the original approval, five building permits were applied for on August 13, 2008 (#121846, 121847, 121848, 121850 and 121851); no Building Permits have been issued as they are still under review. Staff has no objection to the request and is therefore recommending approval of the request.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
07/21/71	The Board of City Commissioners approved a Rezoning (Z-0039-71) from R-E (Residence Estates) to R-3 (Medium Density Residential) on property generally located on the north side of Bonanza Road between Clarkway Drive and Sunny Place.
09/28/71	The Planning Commission approved a Plot Plan Review [Z-0039-71(1)] for a proposed two-story 24-unit apartment development at 1804 West Bonanza Road.
06/15/94	The City Council approved a Rezoning (Z-0043-94) from R-E (Residence Estates) to C-1 (Limited Commercial) at 1724 West Bonanza Road. The approval expired 06/15/96.
01/27/98	A deed was recorded for a change of ownership for APN 139-28-302-034.
12/21/98	The City Council approved a General Plan Amendment (GPA-0014-98) from M (Medium Density Residential) to SC (Service Commercial) and a request for Rezoning (Z-0026-98) from R-E (Residence Estates) to C-1 (Limited Commercial) on 1.0 acre at the northeast corner of Bonanza Road and Clarkway Drive. The Resolution of Intent did not have an expiration date.
05/21/03	The City Council approved requests for a General Plan Amendment (GPA-1989) from M (Medium Density Residential) and SC (Service Commercial) to SC (Service Commercial); Rezoning (ZON-1992) from R-3 (Medium Density Residential) to C-1 (Limited Commercial) and Site Development Plan Review (SDR-1991) for a proposed 5,255 square-foot office development on 0.57 acres at 1722 West Bonanza Road. The offices were to be converted from two existing apartment buildings. The Planning Commission and staff recommended approval.

01/29/04	A Code Enforcement citation (#9287) was issued for outside storage at 1812 West Bonanza Road.
01/18/06	The City Council approved a Rezoning (ZON-9925) of property on the south side of Bonanza abutting the current Ahern property from C-2 (General Commercial) and R-E (Residence Estates) to C-M (Commercial/Industrial. The Planning Commission and staff recommended approval.
02/24/06	A Code Enforcement citation (#38662) was issued for a parking lot at 612 Clarkway Drive. Code Enforcement closed the case on 06/19/06.
03/14/06	A Code Enforcement citation (#39207) was issued for a review of violations at 1726 West Bonanza Road. Code Enforcement closed the case on 05/01/06.
03/14/06	A Code Enforcement citation (#39206) was issued for a review of violations at 1804 West Bonanza Road. Code Enforcement closed the case on 10/15/06.
03/14/06	A Code Enforcement citation (#39205) was issued for a review of violations at 1824 West Bonanza Road. Code Enforcement closed the case on 10/15/06.
03/24/06	A Code Enforcement citation (#39562) was issued for paved property and a portable toilet being used by employees at 1724 West Bonanza Road. Code Enforcement closed the case on 06/05/06.
03/24/06	A Code Enforcement citation (#39563) was issued for paved property at 1816 West Bonanza Road. The issue was resolved on 10/15/06.
03/24/06	A Code Enforcement citation (#103189) was issued for a paved parking lot and an illegal business use at 1812 West Bonanza Road. The issue was resolved on 11/18/06.
04/05/06	The City Council approved a Variance (VAR-11006) to allow an eight-foot wrought iron fence where four feet is the maximum height allowed and a waiver of the 20 percent contrasting material requirement at 1700, 1710, 1714, 1718, 1722, 1804, 1808, 1812, 1816, and 1824 West Bonanza Road.
04/24/06	The Code Enforcement Division of the Neighborhood Services Department issued to the applicant a Notice and Order to Comply with Municipal Code. Violations included employee parking on R-E and R-3 zoned property, portable toilet onsite, vacant R-3 zoned property has piles of refuse, waste, asphalt and dirt, and R-E (Residence Estates) property being used as commercial storage yard.
05/17/06	The City Council approved a revision (GPA-9219) to the land use map of the Downtown Redevelopment Area and an ordinance (Ord. #5830) adopting the amended plan. The amended plan includes all parcels within the subject site.
05/25/06	The Planning Commission approved the appeal (DIR-11779) of the Director's decision to deny a Temporary Commercial Permit per Title 19.18.100.D that would allow a Temporary Contractor's Construction Yard on 15.54 acres adjacent to the north side of Bonanza Road, approximately 460 feet east of Clarkway Drive. The Temporary Commercial Permit was not to exceed six months from the date of approval.
07/24/06	A Code Enforcement citation (#44793) was issued for a violation of conditions. Code Enforcement closed the case on 10/15/06.

07/24/06	A Code Enforcement citation (#44795) was issued for a violation of conditions. Code Enforcement closed the case on 10/18/06.
10/04/06	The City Council approved a request for a Site Development Plan Review (SDR-13833) for a proposed rental store with outside storage; a 99,000 square-foot covered storage area; a 21,600 square-foot auto repair garage, major; a 25,200 square-foot hardware store and waivers of perimeter landscape buffer and wall design requirements, a Rezoning (ZON-13837) request from: R-E (Residence Estates), R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial), R-3 (Medium Density Residential) and C-1 (Limited Commercial) to C-2 (General Commercial), a Variance (VAR-14320) to allow a setback of 73 feet where residential adjacency standards require a minimum 84-foot setback, and to allow a zero-foot side yard building setback where 10 feet is the minimum setback required in conjunction with a rental store with outside storage, a Variance (VAR-16049) to allow a proposed 10-foot high block wall where eight feet is the maximum allowed, and three Special Use Permits (SUP-13836, SUP-14324, SUP-14329) for a rental store with outside storage, for a truck rental establishment, and an auto repair garage, major on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. Planning Commission and staff recommended approval.
07/12/07	The Planning Commission approved a request for a Major Amendment (SDR-22206) to an approved Site Development Plan Review (SDR-13833) for a Commercial Development of 30,000 square feet of Hardware Store, 30,000 square feet of Office space, 40,000 square feet of Covered Storage Area, and 60,000 square feet of Auto Repair Garage (Major) with a Waiver of Perimeter Landscape requirements to allow a 10-foot wide buffer where 15 feet is required along the south property line and a Variance (VAR-22723) to allow a wall to contain no contrasting material where twenty percent contrasting material is required on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. Staff recommended approval of the Site Development Plan Review and denial of the Variance.
03/17/08	A Code Enforcement citation (#63479) was issued for sewage coming out of a bathtub at 1804 West Bonanza. The issue was resolved on 04/01/08.
08/13/09	The Planning Commission recommended approval of companion item EOT-34971 concurrently with this application. The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #7/bts).
Related Building Permits/Business Licenses	
08/19/05	A Building Permit (#49300) was issued for a demolition permit at 1816 West Bonanza Road. The permit has since expired.
04/17/06	A Business License (#A07-00648) was issued for an Apartment House at 1804 West Bonanza Road. The license is currently active.
08/15/06	A Building Permit (#71003) was issued for grading at 1798 West Bonanza Road. The permit was finaled on 08/15/06.

01/09/07	A Building Permit (#79433) was issued for fencing at 1808 West Bonanza Road. The permit was has since expired.
01/22/07	A Business License (#L33-00898) was issued for a Lawn and Landscape Maintenance business at 1804 West Bonanza Road. The license is currently active.
06/22/07	A Building Permit (#92357) was issued for an eight-foot block wall at 1798 West Bonanza Road. The permit was finaled on 11/30/07.
09/21/07	A Building Permit (#98452) was issued for a demolition permit at 1808 West Bonanza Road.
11/30/07	A Building Permit (#103181) was issued for a demolition permit at 1816 West Bonanza Road.
11/30/07	A Building Permit (#103189) was issued for a demolition permit at 1812 West Bonanza.
08/13/08	Building Permits (#'s: 121846, 121847, 121848 121850 and 121851) were issued for buildings one, two, on-sites, trash enclosures and grading for APN 139-28-302-034. No Building Permits have been issued, as they are still under review.
Pre-Application Meeting	
A pre-application meeting is not required for this type of application, nor was one held.	
Neighborhood Meeting	
A neighborhood meeting is not required for this type of application, nor was one held.	
Field Check	
07/09/09	A field check was completed on the subject site on the indicated date. The following items were indicated by Planning and Development Department staff: • The existing business is operated by the Ahern Companies. • No additional changes have occurred on-site since the approved Site Development Plan Review (SDR-22206)

Details of Application Request	
Site Area	
Net Acres	20.53 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped, Apartments and Contractors Construction Yard	C (Commercial) and MXU (Mixed Use)	R-E (Residence-Estates), R-3 (Medium Density Residential) Zone and C-1 (Limited Commercial) under Resolution of Intent to C-2 (General Commercial)

North	Single-Family Residential	R (Rural Density Residential)	R-E (Residence Estates)
South	Equipment Rental Store	LI/R (Light Industrial/Research)	C-M (Commercial/Industrial)
East	Condominiums and Single-Family Residential	MXU (Mixed Use)	R-E (Residence Estates) and R-3 (Medium Density Residential)
West	Single-Family Residential	MXU (Mixed Use)	R-E (Residence Estates)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan			
West Las Vegas Plan	X		Y
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O Airport Overlay District (140 Feet)	X		Y
Trails (Pioneer Trail)	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the first request for an Extension of Time of a previously approved Site Development Plan Review (SDR-22206) for a Major Amendment to a Site Development Plan Review (SDR-13833) for a Commercial Development of 30,000 square feet of Hardware Store, 30,000 square feet of Office space, 40,000 square feet of Covered Storage Area, and 60,000 square feet of Auto Repair Garage (Major) with a Waiver of Perimeter Landscape requirements to allow a 10-foot wide buffer where 15 feet is required along the south property line on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. Title 19.18.050 deems a Site Development Plan Review exercised upon the issuance of a building permit for the principle structure on-site, unless otherwise specified in connection with its approval.

FINDINGS

The Site Development Plan Review (SDR-22206) has not met the requirements outlined in Title 19.18.050, since no permits have been issued for the principle structure. No new development or changes in land use in the surrounding areas have occurred, but there has since been one Code Enforcement violation cited for the subject property. The applicant is requesting a two year Extension of Time, since they have not progressed to a stage in the project to obtain final building permits. Conformance to the conditions of approval of Site Development Plan Review (SDR-22206) shall be required. Staff recommends approval of this request with a two-year time limit.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 22

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: EOT-34972 APN: 139-28-302-034

Name of Property Owner: DFA, LLC

Name of Applicant: Ahern Rentals

Name of Representative: APTUS Architecture

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ Yes ☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: X Don F Ahern

Print Name: Don F. Ahern

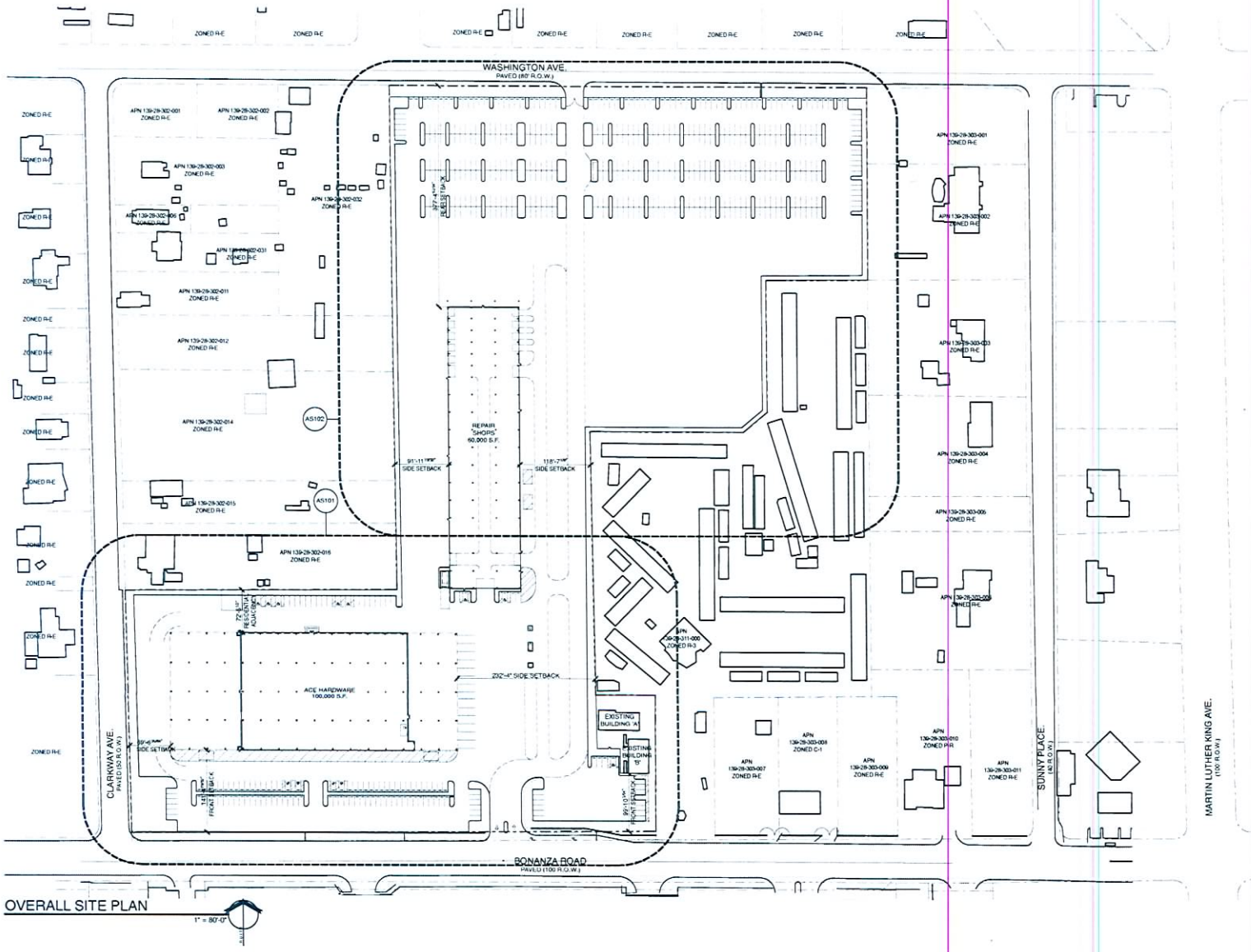
Subscribed and sworn before me

This 22nd day of June, 2009

Joni B Starcher

Notary Public in and for said County and State

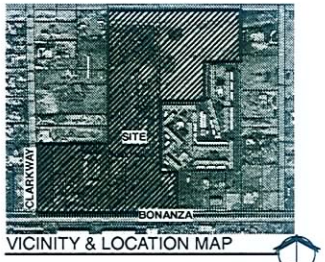
Notary Public - State of Nevada
County of Clark
JONI B. STARCHER
My Appointment Expires
July 30, 2009
No: 93-0701-1



OVERALL SITE PLAN

1" = 80'-0"





VICINITY & LOCATION MAP

APTUS Architecture
1200 South 4th Street
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Las Vegas, Nevada 89104
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F 702.839.1213

Ahern Ace - Bonanza
Site Development Review
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EOT-34972
08/13/09 PC

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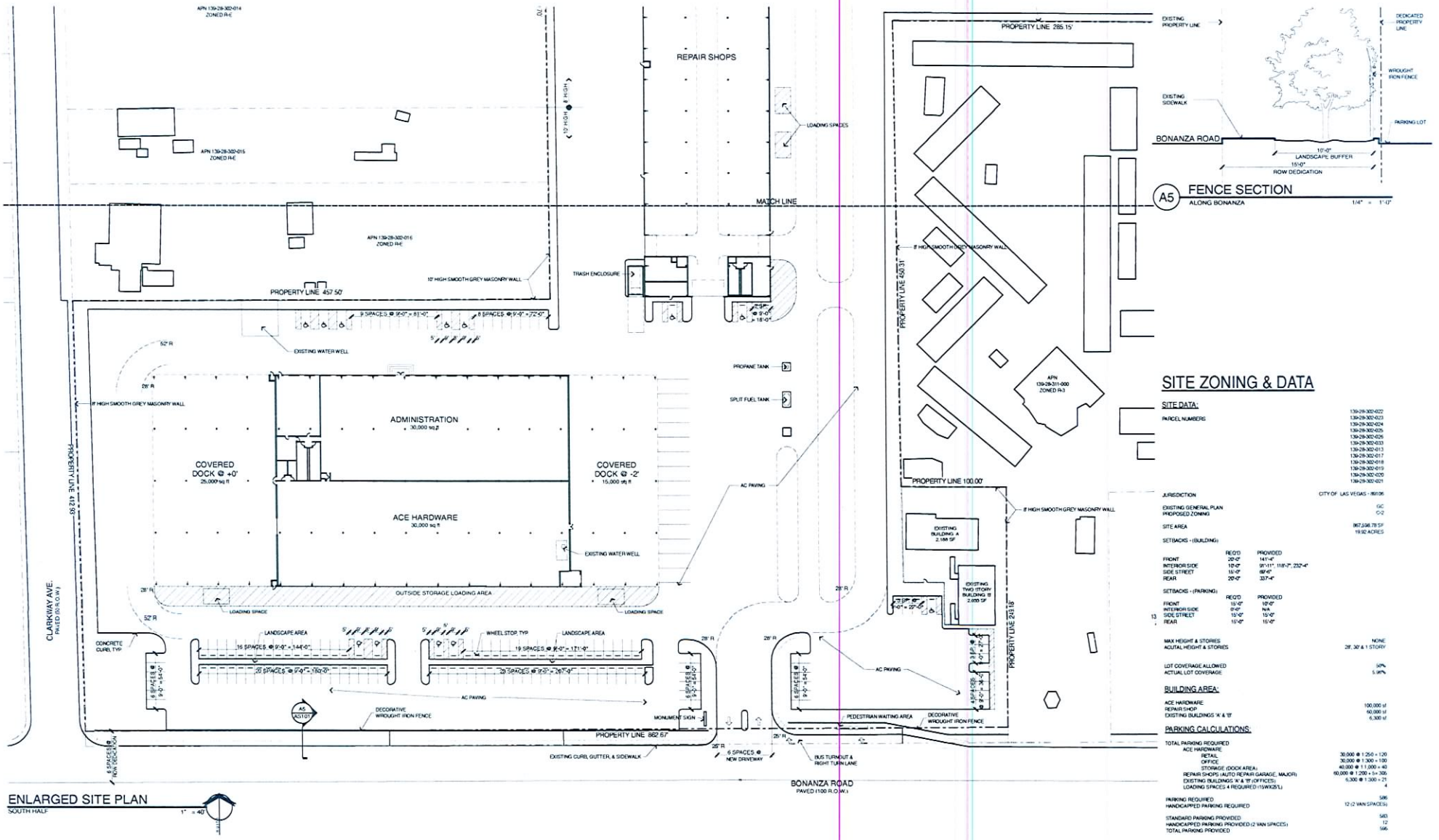
City of Las Vegas EOT Submittal	06.08.09

OVERALL SITE PLAN

AS100

06.151 Ahern Ace - Bonanza



ENLARGED SITE PLAN
SOUTH HALF
1" = 40'

SITE ZONING & DATA

SITE DATA:

PARCEL NUMBERS
139-28-302-022
139-28-302-023
139-28-302-024
139-28-302-025
139-28-302-026
139-28-302-033
139-28-302-013
139-28-302-017
139-28-302-018
139-28-302-019
139-28-302-020
139-28-302-021

JURISDICTION: CITY OF LAS VEGAS - 89106

EXISTING GENERAL PLAN: GC
PROPOSED ZONING: C-2

SITE AREA: 867,596.78 SF / 19.92 ACRES

SETBACKS = (BUILDING)

	REQ'D	PROVIDED
FRONT	20'-0"	141'-4"
INTERIOR SIDE	10'-0"	91'-11", 118'-7", 232'-4"
SIDE STREET	15'-0"	69'-6"
REAR	20'-0"	33'-7"

SETBACKS = (PARKING)

	REQ'D	PROVIDED
FRONT	15'-0"	10'-0"
INTERIOR SIDE	0'-0"	N/A
SIDE STREET	15'-0"	15'-0"
REAR	15'-0"	15'-0"

MAX HEIGHT & STORIES: NONE
ACUTAL HEIGHT & STORIES: 28', 30' & 1 STORY

LOT COVERAGE ALLOWED: 90%
ACTUAL LOT COVERAGE: 5.99%

BUILDING AREA:

ACE HARDWARE	100,000 sf
REPAIR SHOP	60,000 sf
EXISTING BUILDINGS 'A' & 'B'	6,300 sf

PARKING CALCULATIONS:

TOTAL PARKING REQUIRED

ACE HARDWARE	
RETAIL	30,000 @ 1:250 = 120
OFFICE	30,000 @ 1:300 = 100
STORAGE (DOCK AREA)	40,000 @ 1:1,000 = 40
REPAIR SHOPS (AUTO REPAIR GARAGE, MAJOR)	60,000 @ 1:200 + 3 = 306
EXISTING BUILDINGS 'A' & 'B' (OFFICES)	6,300 @ 1:300 = 21
LOADING SPACES 4 REQUIRED (15'WX25'L)	4
PARKING REQUIRED	586
HANDICAPPED PARKING REQUIRED	12 (2 VAN SPACES)
STANDARD PARKING PROVIDED	583
HANDICAPPED PARKING PROVIDED (2 VAN SPACES)	12
TOTAL PARKING PROVIDED	595

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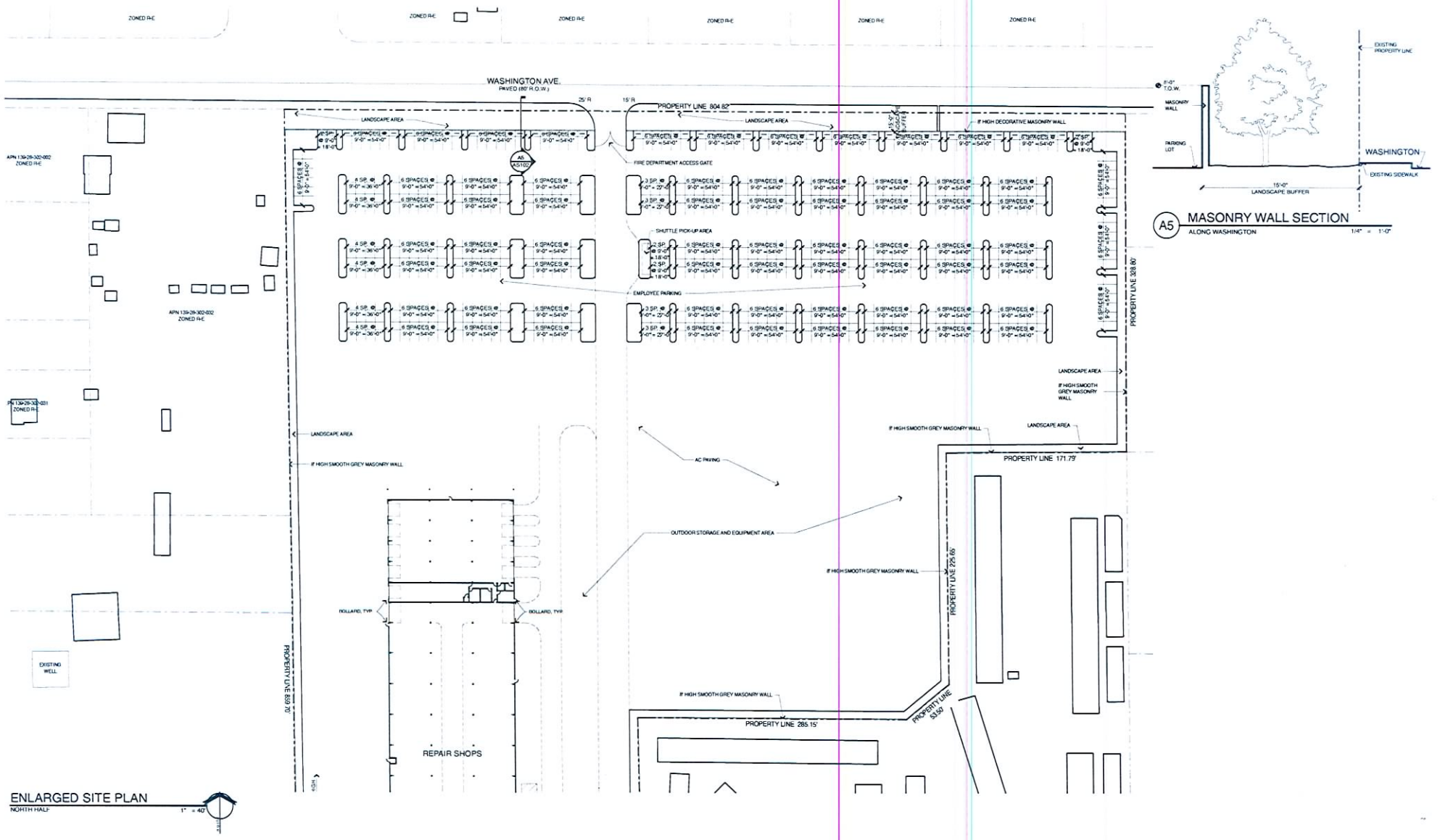
ENLARGED SITE PLAN

AS101

06.151 Ahern Ace - Bonanza



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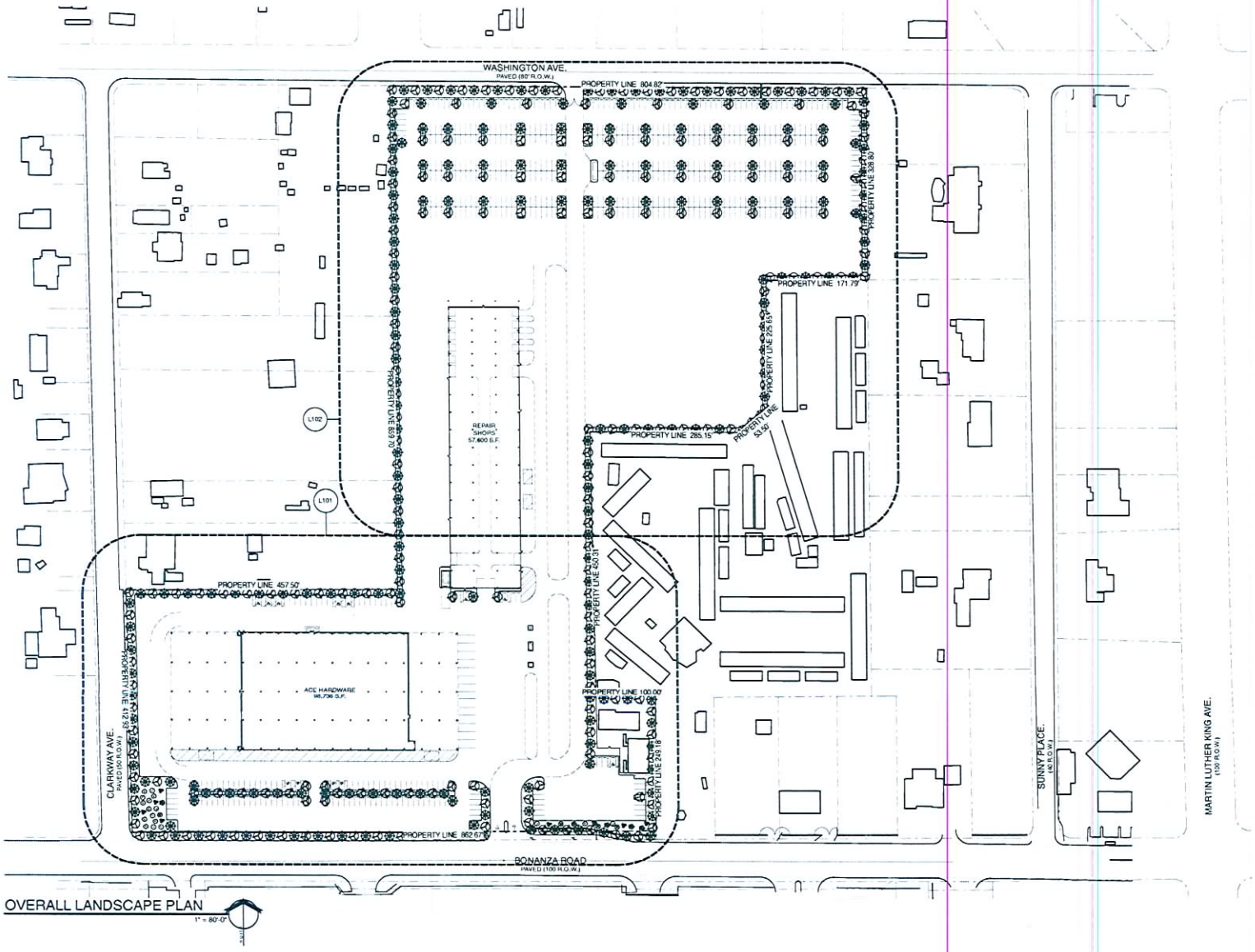
ENLARGED SITE PLAN

AS102

06.151 Ahern Ace - Bonanza



OVERALL LANDSCAPE PLAN
1" = 80'-0"

LANDSCAPE BUFFERS (WAIVER REQUESTED)

	REQ'D	PROVIDED
FRONT	15'-0"	10'-0"
INTERIOR SIDE	8'-0"	8'-0"
SIDE STREET	15'-0"	15'-0"
REAR	8'-0"	8'-0", 15'-0"

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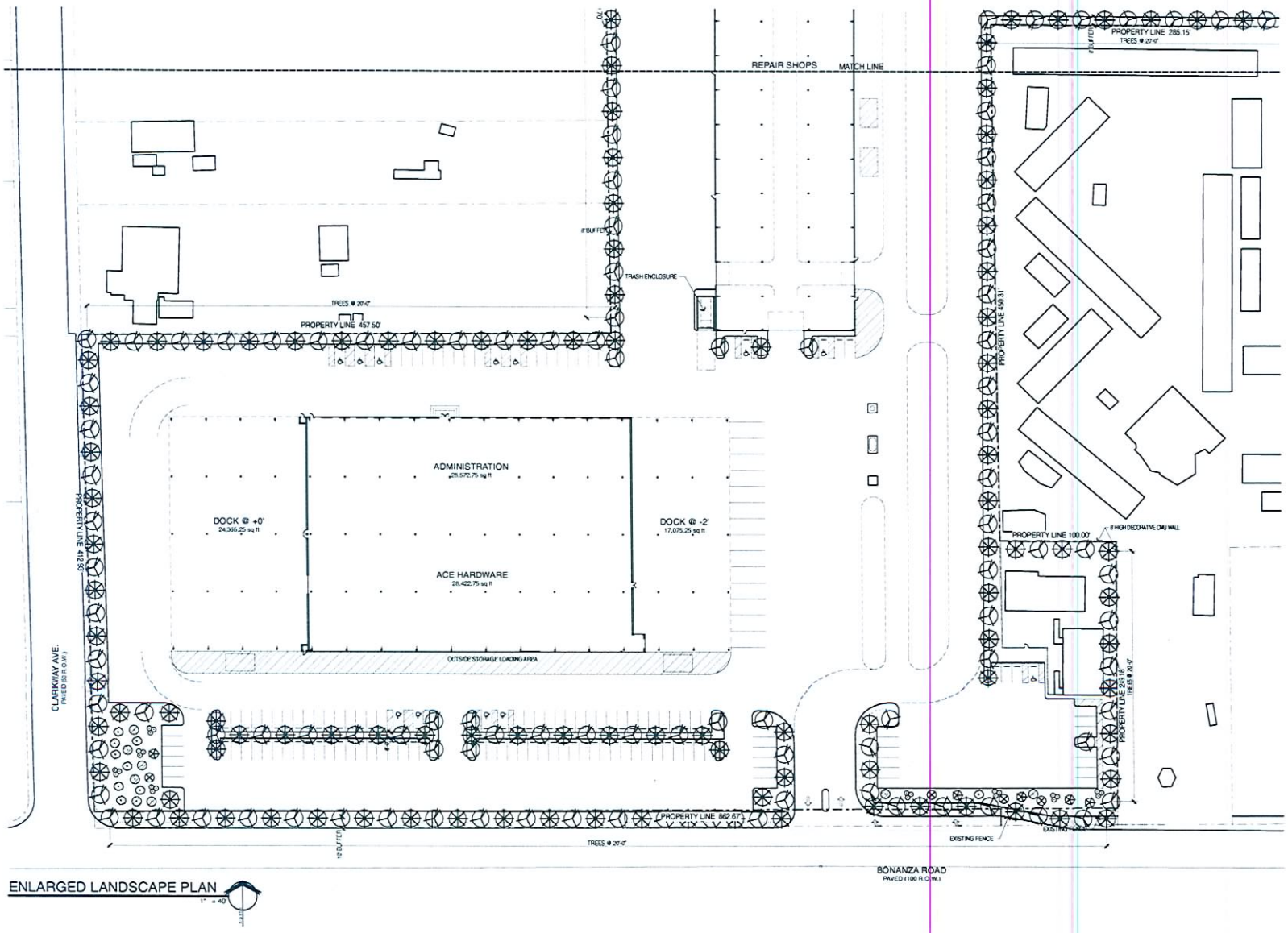
OVERALL LANDSCAPE PLAN

L100

06.151 Ahern Ace - Bonanza



ENLARGED LANDSCAPE PLAN
1" = 40'

LANDSCAPE SCHEDULE

SYMBOL	COMMON NAME	BOTANICAL NAME	SIZE	QTY
TREES				
	HONEY LOCUST	prosopis	24" Box	204
	SHOESTRING ACACIA	acacia stenophylla	24" Box	0
	PURPLE ROBE LOCUST	-	24" Box	203
	MEDETERANIAN FAN PALM	-	24" Box	0
SHRUBS				
	TEXAS RANGER	leucophyllum frutescens Green Cloud	5 gal	233
	GERMANDER	-	5 gal	233
	SALVIA	salvia greggii	5 gal	233
	CREPE MYRTLE	-	15 gal	232
	MEXICAN SAGE	salvia leucantha	5 gal	232
GROUND COVER				
	DESERT CARPET	hypoporum parvifolium	5 gal	232
	LANTANA	lantana	3 gal	232
	REGAL MIST FOUNTAIN GRASS	muhlenbergia capillaris regal mist	5 gal	232

ROCK MULCH	SIZE	COLOR	DEPTH
	3/8" CRUSHED GRANITE	TO BE SELECTED BY ARCHITECT FROM MANUFACTURERS STD COLORS	MIN. 2" DEEP
	1-4" MINUS GRANITE	TO BE SELECTED BY ARCHITECT FROM MANUFACTURERS STD COLORS	MIN. 2" DEEP

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ENLARGED LANDSCAPE PLAN

L101

06.151 Ahern Ace - Bonanza

EOT-34972
08/13/09 PC

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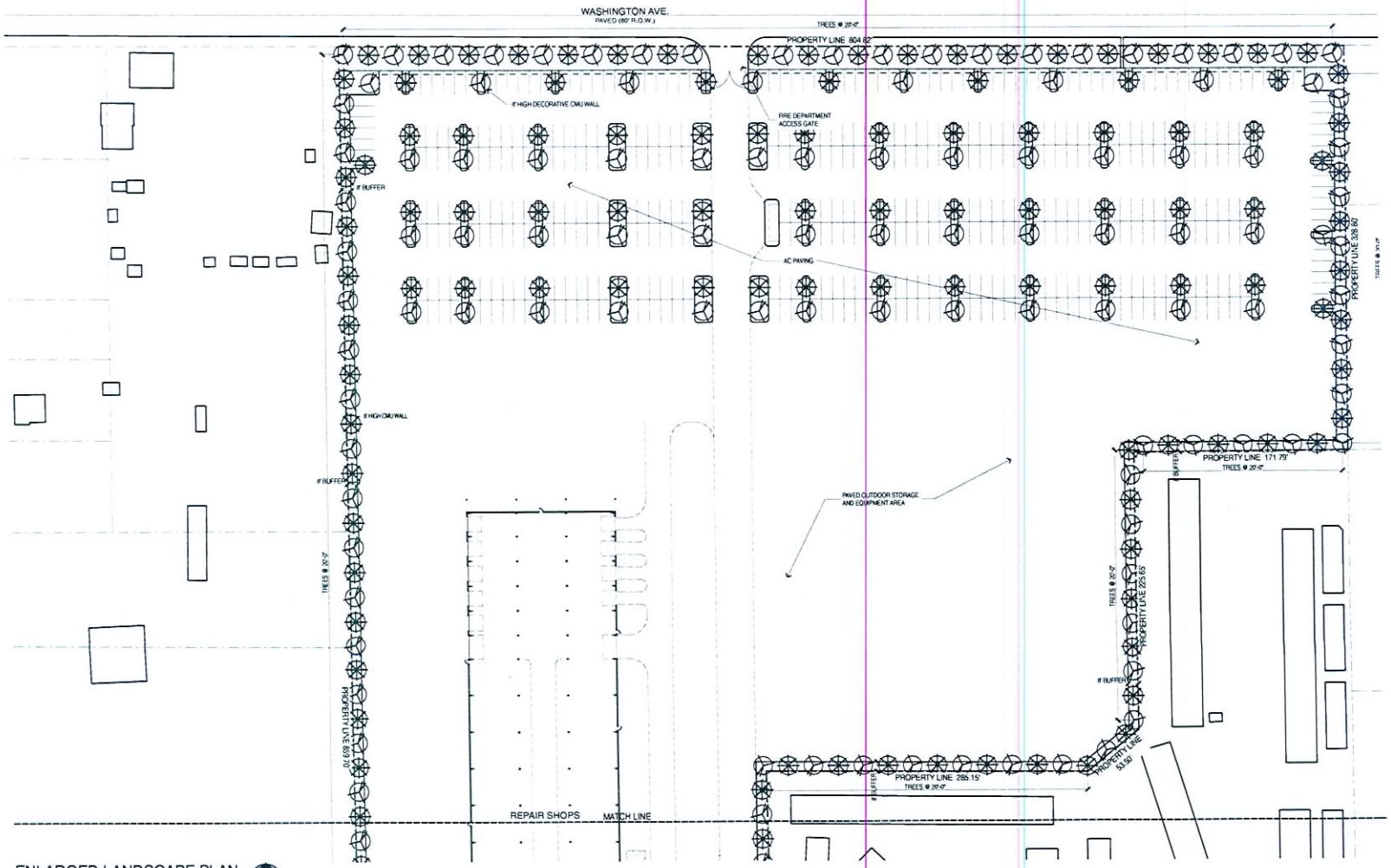

ENLARGED LANDSCAPE PLAN

1" = 40'

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ENLARGED LANDSCAPE PLAN

L102

06.151 Ahern Ace - Bonanza

EOT-34972
08/13/09 PC

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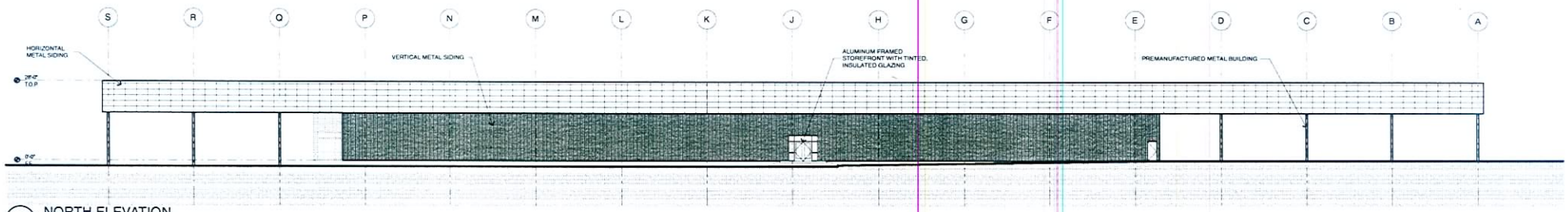
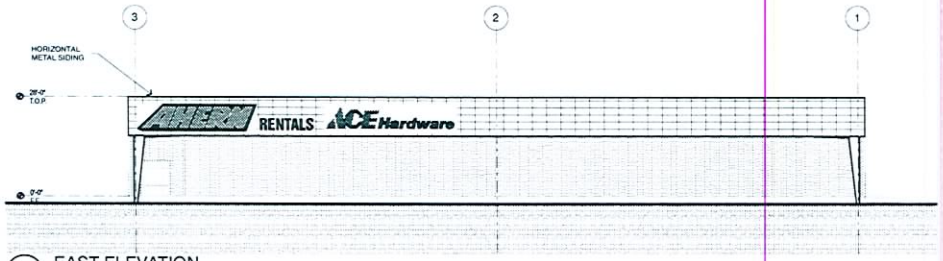


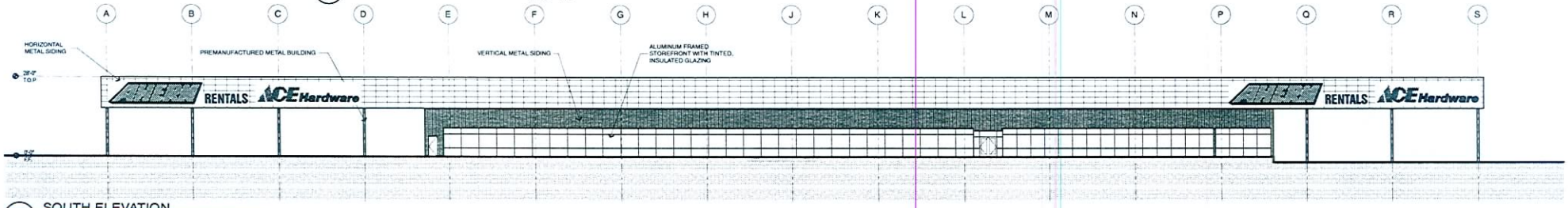
A1 NORTH ELEVATION

1/16" = 1'-0"



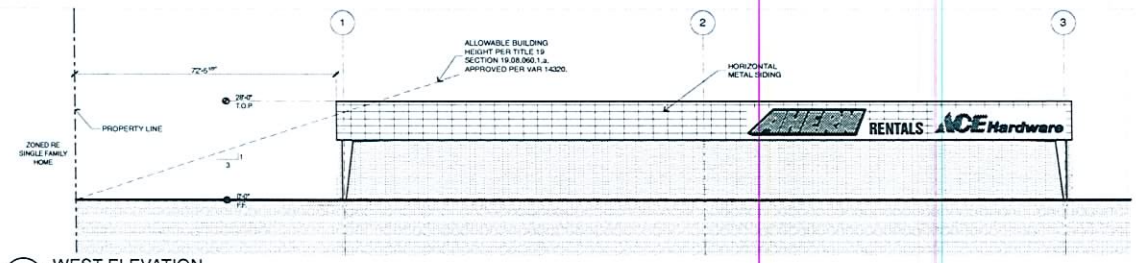
B2 EAST ELEVATION

1/16" = 1'-0"



C1 SOUTH ELEVATION

1/16" = 1'-0"



D2 WEST ELEVATION

1/16" = 1'-0"

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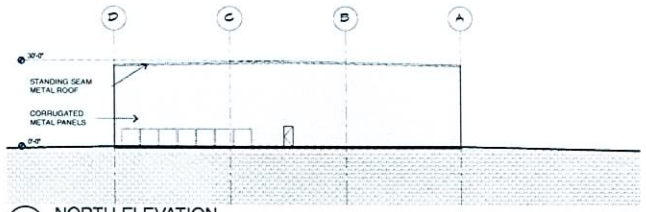
ACE HARDWARE BUILDING ELEVATIONS

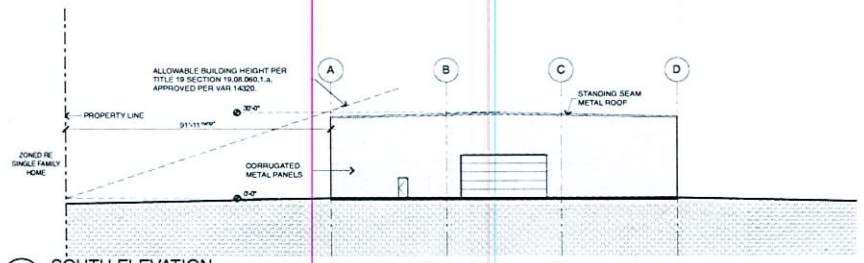
A200

06.151 Ahern Ace - Bonanza



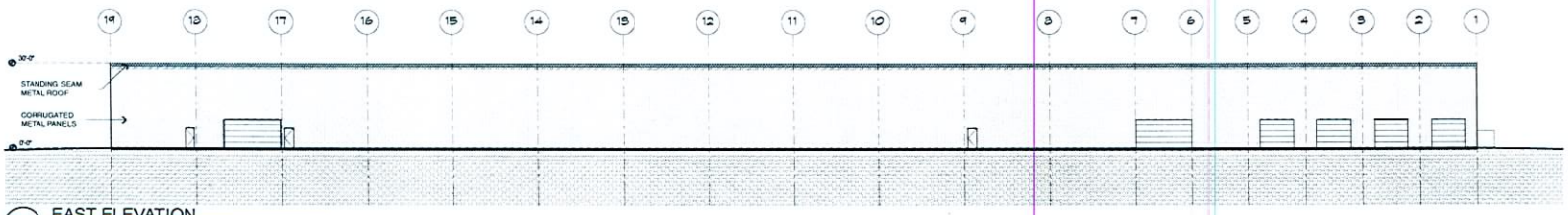
B1 NORTH ELEVATION

1" = 20'



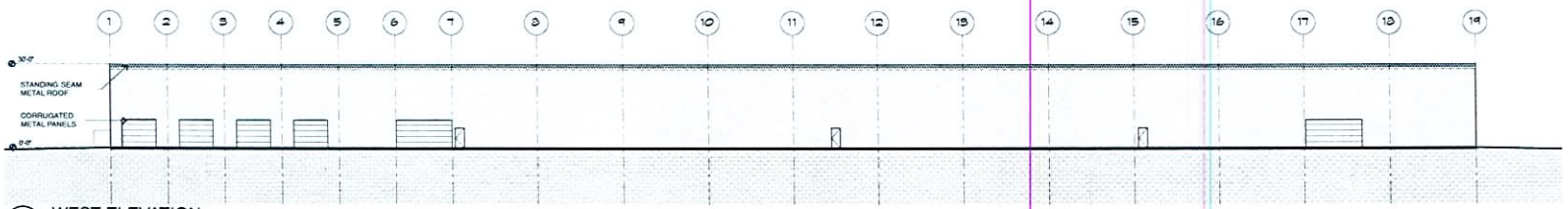
B3 SOUTH ELEVATION

1" = 20'



C1 EAST ELEVATION

1" = 20'



D1 WEST ELEVATION

1" = 20'

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EOT-34972
08/13/09 PC

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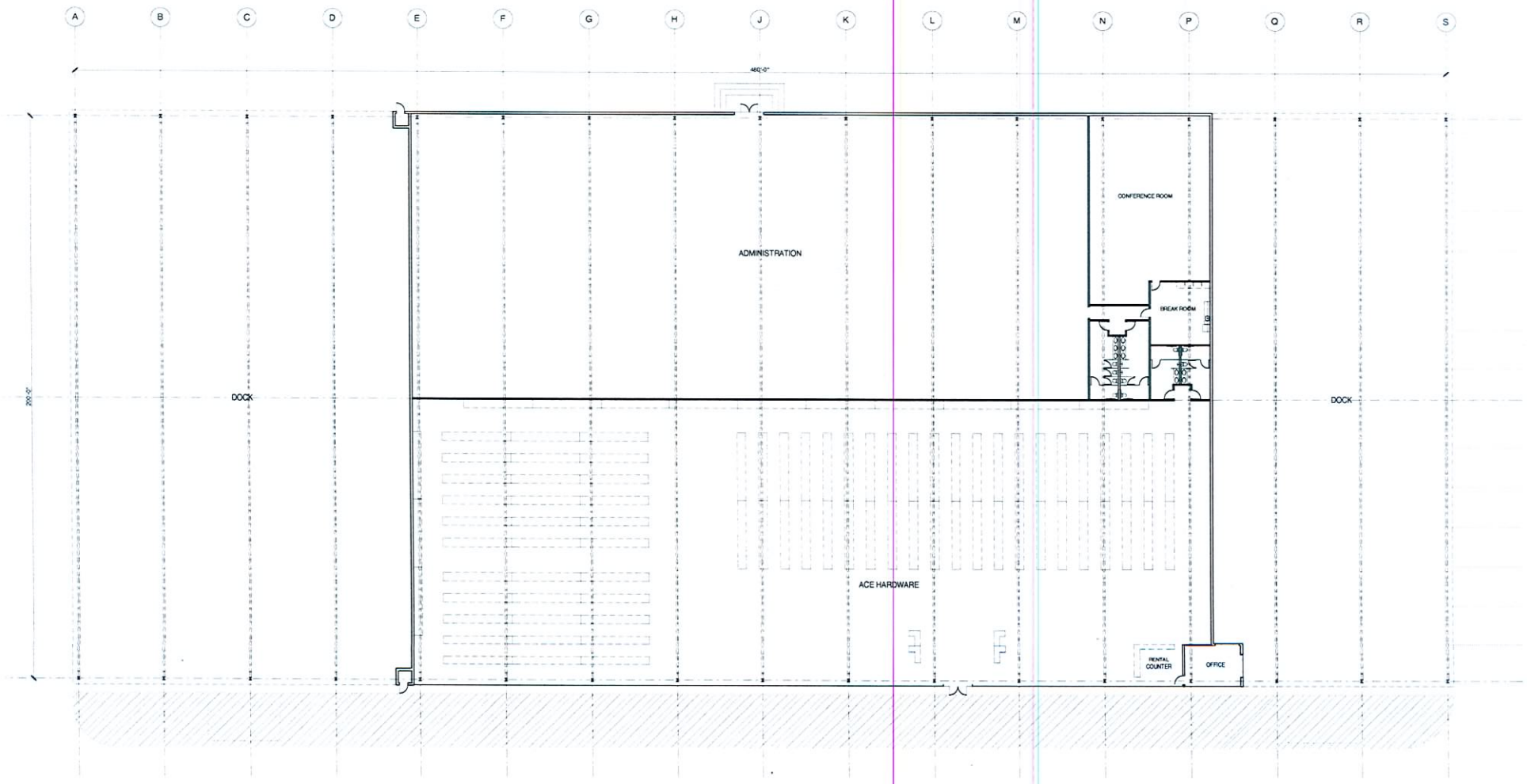
SHOPS BUILDING ELEVATIONS

A201

06.151 Ahern Ace - Bonanza



FLOOR PLAN

1/16" = 1'-0"

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F 702.839.1213

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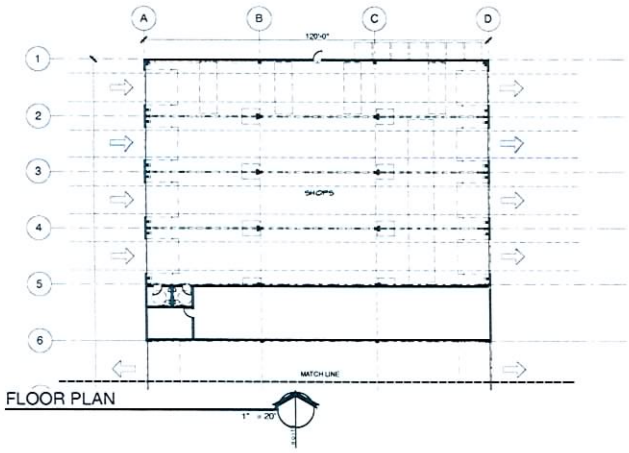
ACE HARDWARE
FLOOR PLAN

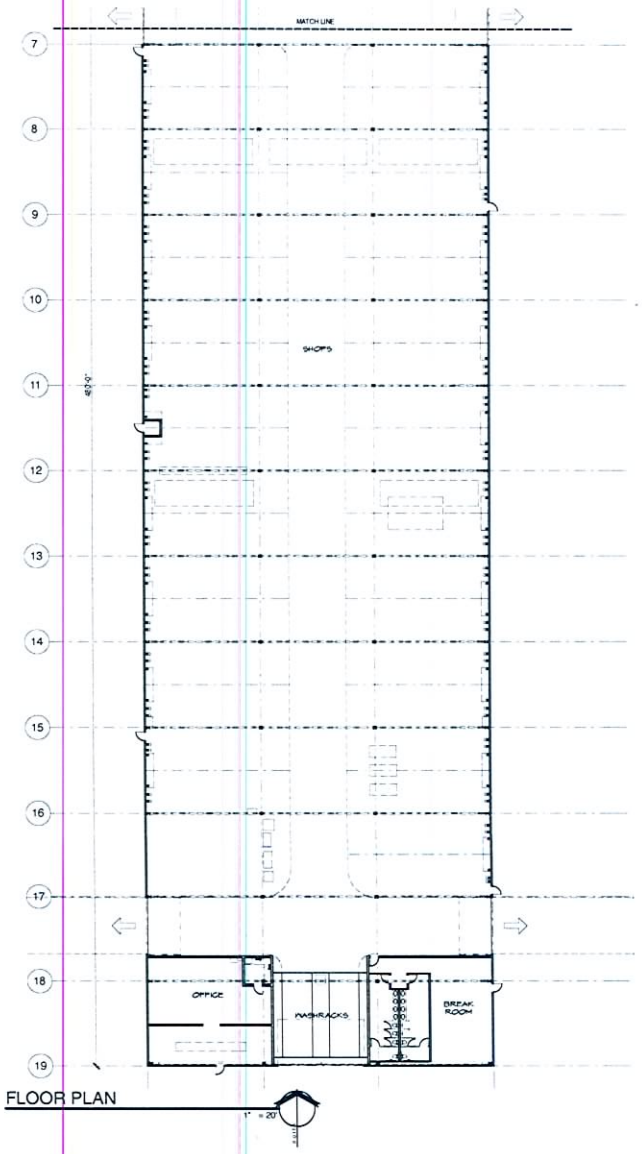
A100

06.151 Ahern Ace - Bonanza



FLOOR PLAN

1" = 20'



FLOOR PLAN

1" = 20'

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SHOPS FLOOR PLAN

A101

06.151 - Ahern Ace - Bonanza



EOT-34972 - APPLICANT: AHERN RENTALS - OWNER: DFA, LLC
NORTHEAST CORNER OF BONANZA ROAD AND CLARKWAY DRIVE
AUGUST 13, 2009 PLANNING COMMISSION

07/09/09



EOT-34972 - APPLICANT: AHERN RENTALS - OWNER: DFA, LLC
NORTHEAST CORNER OF BONANZA ROAD AND CLARKWAY DRIVE
AUGUST 13, 2009 PLANNING COMMISSION

07/09/09



EOT-34972 - APPLICANT: AHERN RENTALS - OWNER: DFA, LLC
NORTHEAST CORNER OF BONANZA ROAD AND CLARKWAY DRIVE
AUGUST 13, 2009 PLANNING COMMISSION

07/09/09



EOT-34972 - APPLICANT: AHERN RENTALS - OWNER: DFA, LLC
NORTHEAST CORNER OF BONANZA ROAD AND CLARKWAY DRIVE
AUGUST 13, 2009 PLANNING COMMISSION

07/09/09



EOT-34972 - APPLICANT: AHERN RENTALS - OWNER: DFA, LLC
NORTHEAST CORNER OF BONANZA ROAD AND CLARKWAY DRIVE
AUGUST 13, 2009 PLANNING COMMISSION

07/09/09

APTUS Architecture

July 10, 2009

City of Las Vegas
Planning and Development Department
731 S. Fourth Street
Las Vegas, NV 89101

APN: 139-28-302-034

Re: EOT – Extension of Time

To Whom It May Concern:

We respectfully submit this request for an Extension of Time for a combined rental / retail facility for Ahern and Ace Hardware. This development is located on the north side of Bonanza between Sunny Place and Clarkway Ave.

The applications we are requesting extensions on are as follows:
SDR - 22206
ZON - 13837

We are requesting an extension of time for two years. This project has been submitted to the City of Las Vegas for building permits and approvals are forthcoming. The plan check number is 29391-C-08.

We believe the project, as submitted, is consistent with the City of Las Vegas' vision in this area of the City. We have endeavored to follow Title 19 of the Code as closely as possible, both in the design and layout of this site. We hope you share in our vision for this site and support us in our effort to bring a high-quality and much-needed amenity to the residents of Las Vegas.

Respectfully Submitted,

Kristen G. Neuman

Kristen G. Neuman, AIA
APTUS Architecture

EOT-34972
08/13/09 PC
REVISED

1200 South 4th Street, Suite 206, Las Vegas, Nevada 89104 P 702.839.1200 F 702.839.1213 info@aptusarchitecture.com

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER
731 S. Fourth Street
Las Vegas, NV 89101

Voice: 702-229-6301
Fax: 702-474-0352
TTY 702-386-9108
www.lasvegasnevada.gov

July 13, 2007

Mr. Bruce Bilyeu
DFA, LLC
4141 South Arville Street
Las Vegas, Nevada 89106

RE: SDR-22206 - SITE DEVELOPMENT PLAN REVIEW

Dear Mr. Bilyeu:

Your request for a Major Amendment to a Site Development Plan Review (SDR-13833) FOR A COMMERCIAL DEVELOPMENT OF 30,000 SQUARE FEET OF HARDWARE STORE, 30,000 SQUARE FEET OF OFFICE SPACE, 40,000 SQUARE FEET OF COVERED STORAGE AREA, AND 60,000 SQUARE FEET OF AUTO REPAIR GARAGE (MAJOR) WITH A WAIVER OF PERIMETER LANDSCAPE REQUIREMENTS TO ALLOW A 10 FOOT WIDE BUFFER WHERE 15 FEET IS REQUIRED ALONG SOUTH PROPERTY LINE on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive (APNs 139-28-302-013, 017-026, and 033), R-E (Residence-Estates) Zone under Resolution of Intent to C-2 (General Commercial) Zone, R-3 (Medium Density Residential) Zone under Resolution of Intent to C-2 (General Commercial) Zone, C-1 (Limited Commercial) Zone under Resolution of Intent to C-2 (General Commercial) Zone, Ward 5 (Barlow), was considered by the Planning Commission on July 12, 2007.

The Planning Commission voted to ***APPROVE*** your request, subject to the following:

Planning and Development

1. Conformance to the conditions for Rezoning (ZON-13837), Variances (VAR-14320 and VAR-16049) and Special Use Permits (SUP-13836, SUP-14324 and SUP-14329).

2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. All development shall be in conformance with the site plan and landscape plan date stamped 06/14/07 and building elevations date stamped 05/24/07, except as amended by conditions herein.

4. Site Development Plan Review (SDR-13833) is hereby expunged.

Mayor
Oscar B. Goodman

City Council
Gary Reese
(Mayor Pro Tem)
Larry Brown
Steve Wolfson
Lois Tarkanian
Steven D. Ross
Ricki Y. Barlow

City Manager
Douglas A. Selby

EOT-34972
08/13/09 PC

5. All parking and storage areas shall be paved using asphalt and concrete only.

6. A master sign plan shall be submitted for approval by the City of Las Vegas prior to the issuance of the certificate of occupancy for any building on the site prior to the issuance of sign permits as per Title 19.14.

7. A Waiver from Title 19.12.040A Landscape, Wall and Buffer Standards is hereby approved to allow a ten foot perimeter landscape buffer along the south property line where 15 feet is required.

8. The 60,000 square feet labeled Repair Shop (Auto Repair Garage, Major) shall be utilized as rental repair shop for the owner's rental equipment.

9. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.

10. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

11. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

12. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

13. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

EOT-34972
08/13/09 PC

14. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

15. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

16. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

17. The driveway on Washington Avenue shall be designed, located and constructed in accordance with Standard Drawing #224.

18. Submit an application to the Land Development section of the Department of Public Works for a deviation from Standard Drawing #222a for the depth of the driveway accessing this site from Bonanza Road.

19. Unless otherwise allowed by the City Engineer, construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network and shall be terminated on-site with a handicap ramp. Also, grant appropriate pedestrian access easements for all sidewalks located outside of the public right-of-way.

20. Coordinate with the Collection Systems Planning Section of the Department of Public Works to determine offsite relief sewer requirements in Bonanza Road necessary to meet the demands of this development. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.

EOT-34972
08/13/09 PC

21. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

22. Site development to comply with all applicable conditions of approval for ZON-13837 and all other site-related actions.

This action by the Planning Commission on ***July 12, 2007*** is final unless a written appeal is filed with the City Clerk within ten days of the date of the Planning Commission's decision or there is a review action filed by the City Council within the same time period. The Notice of Final Action was filed with the Las Vegas City Clerk on ***July 13, 2007***.

Sincerely,

Andrew P. Reed

Andrew P. Reed, Planning Supervisor
Planning and Development Department
Current Planning Division

AR:dm

cc: Mr. Bruce Bilyeu
Don F. Ahern
1611 West Bonanza Road
Las Vegas, Nevada 89106

Ms. Kristen Neuman
APTUS Architecture
1200 South Fourth Street, Suite 206
Las Vegas, Nevada 89104

EOT-34972
08/13/09 PC

NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

CITY OF LAS VEGAS

ONE MOTION / ONE VOTE

Planning and Development Department
Case Planning Division
731 South Fourth Street
Las Vegas, Nevada 89101
(702) 229-6301 Phone (702) 385-7268 Fax

RECEIVED
AUG 12 2009

SUBJECT: EOT-34972 - APPLICANT: AHERN RENTALS - OWNER: DFA, LLC

The above item has been placed on the One Motion/One Vote portion of the Planning Commission Agenda for the *August 13, 2009* Planning Commission meeting. All of these items will be placed at the beginning of the agenda. The Chairman of the Planning Commission will open them at the same time.

Enclosed please find the proposed conditions of approval. If you agree to these conditions, please sign this form and fax it to Nora Lares at 385-7268. If there is no one present at the Planning Commission meeting who wants to discuss this item, you will not be called to the podium to discuss the case. However, you must be present in case any Planning Commissioner or member of the public wants to discuss the item. If you have any questions, please contact my office at (702) 229-6301.

Please sign and date that you have read and agree to the conditions.

Bruce E Bilyeu — Signature

6-12-09 — Date

Bruce E Bilyeu — Please print name

Ahern Rentals — Company Name

Sincerely,

Steve Gebeke
Planning Supervisor
Case Planning Division

Submitted after final agenda

Date 8/12/09 Item 7

City of Las Vegas Agenda Item No.: **65.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
DIR-35626 - WATER FEATURE EXEMPTION – NON-PUBLIC HEARING - APPLICANT/OWNER: CORTA BELLA COMMUNITY ASSOCIATION - Request TO ALLOW THE OPERATION OF A 205 SQUARE-FOOT WATER FEATURE AT THE ENTRANCE OF 1900 Corta Bella Lane (APN 138-20-218-011),P-C (Planned Community) Zone, Ward 2 (Wolfson). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Conditions and Staff Report
2. Supporting Documentation
3. Justification Letter
4. Approval Letter from Summerlin North Community Association

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 16, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: DIR-35626 – APPLICANT/OWNER: CORTA BELLA COMMUNITY ASSOCIATION

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. The applicant shall pay a fee to the City through the Planning and Development Department in the amount of $1,800.00 to operate the water feature through December 31, 2009. This fee shall be paid within 30 days of the approval of this application. For subsequent years in which Drought Watch or Drought Alert is declared, an annual fee of $250.00 shall be paid.

2. The applicant shall post a sign at the water feature to indicate an exemption has been received allowing its operation.

** STAFF REPORT **

PROJECT DESCRIPTION

This request is for a Water Feature Exemption to allow the operation of a 205 square-foot water feature at the entrance of a residential planned development located at 1900 Corta Bella Lane.

ANALYSIS

The applicant is requesting to activate an existing 205 square-foot water feature. The fountain was constructed February 1993 and is located at the entrance of the gated housing development. Under current drought conditions, a maximum of 25 square feet is permitted without receiving an exemption. The water feature at the subject site exceeds the maximum permissible area by 180 square feet. The applicant proposes no reduction in turf; therefore, Title 14.11.190 will require the applicant to pay an initial fee of $10.00 per square foot of surface area that exceeds the allowable 25 square feet permitted, a cost totaling $1,800.00. In subsequent years beginning January 1, 2011, Title 14.11 requires the property owner to pay an annual fee of $250.00 during Drought Watch or Alert Conditions to continue operating the water feature.

FINDINGS

The applicant has been notified of the applicable costs, and agrees to comply with the requirements of Title 14.11. Staff is recommending approval of this request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT **N/A**

SENATE DISTRICT **N/A**

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **DIR-35626** APN: 138-20-218-011

Name of Property Owner: Corta Bella Community Association

Name of Applicant: same

Name of Representative: Michael Saxe

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

____ Yes X No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: [signature]

Print Name: Michael Saxe, President

Subscribed and sworn before me

This 22nd day of June, 2009

[signature]

Notary Public in and for said County and State

Lisa Kim
Notary Public
State of Nevada
Date Appointment Exp: 06-15-2010
Certificate No: 06-107092-1

430226

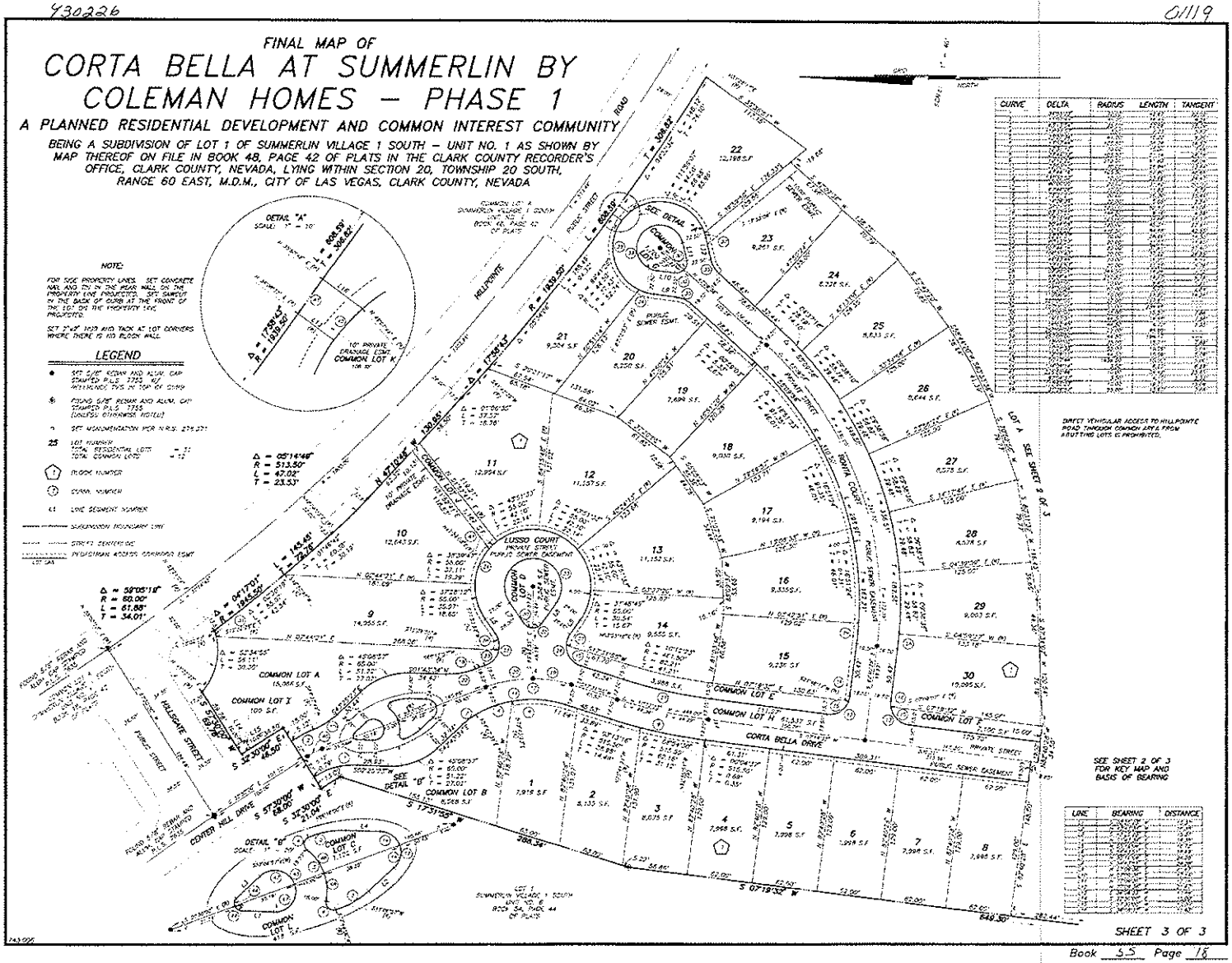
01119

FINAL MAP OF

CORTA BELLA AT SUMMERLIN BY COLEMAN HOMES – PHASE 1

A PLANNED RESIDENTIAL DEVELOPMENT AND COMMON INTEREST COMMUNITY

BEING A SUBDIVISION OF LOT 1 OF SUMMERLIN VILLAGE 1 SOUTH – UNIT NO. 1 AS SHOWN BY MAP THEREOF ON FILE IN BOOK 48, PAGE 42 OF PLATS IN THE CLARK COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA, LYING WITHIN SECTION 20, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA



SHEET 3 OF 3

Book 55 Page 76

DIR-35626

09-16-09 CC

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FINAL MAP OF

CORTA BELLA AT SUMMERLIN BY COLEMAN HOMES – PHASE 1

A PLANNED RESIDENTIAL DEVELOPMENT AND COMMON INTEREST COMMUNITY

BEING A SUBDIVISION OF LOT 1 OF "SUMMERLIN VILLAGE 1 SOUTH – UNIT NO. 1" AS SHOWN BY MAP THEREOF ON FILE IN BOOK 48, PAGE 42 OF PLATS IN THE CLARK COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA, LYING WITHIN SECTION 20, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY NEVADA

OWNER'S CERTIFICATE & DEDICATION

HOWARD HUGHES PROPERTIES LIMITED PARTNERSHIP, a Delaware limited partnership
By SUMMERLIN, a division of SUMMA CORPORATION, a Delaware corporation its sole general partner

DOES HEREBY CERTIFY THAT IT IS THE OWNER OF THE PARCEL OF LAND WHICH IS SHOWN UPON THIS MAP OF:

"CORTA BELLA AT SUMMERLIN BY COLEMAN HOMES – PHASE 1"

AND DOES HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP AND DOES HEREBY GRANT AND DEDICATE THE PUBLIC STREETS, RIGHTS-OF-WAY AND EASEMENTS AS INDICATED AND DELINEATED HEREON TO THE CITY OF LAS VEGAS, FOR THE USE OF THE PUBLIC FOREVER; AND THE UNDERSIGNED OWNER OF THE WITHIN PLATTED LANDS, HEREBY GRANTS AND CONVEYS TO NEVADA POWER COMPANY, CENTRAL TELEPHONE COMPANY, SOUTHWEST GAS CORPORATION, LAS VEGAS VALLEY WATER DISTRICT AND COMMUNITY CABLE T.V. INC., JOINTLY AND SEVERALLY AND TO THEIR SUCCESSORS AND ASSIGNS, A THREE FOOT WIDE EASEMENT ON ALL SIDE PROPERTY LINES AND UNDERGROUND SERVICES TO METER PANELS, A NINE FOOT WIDE EASEMENT ON ALL PROPERTY LINES ABUTTING PRIVATE STREETS, ABOVE GROUND TRANSFORMER PADS AND ABOVE GROUND TELEPHONE EQUIPMENT PADS, AND AN ADDITIONAL TWO FEET AROUND TRANSFORMER PADS AND TELEPHONE EQUIPMENT PADS, AND A PERMANENT EASEMENT OVER ALL PRIVATE STREETS AND COMMON AREA LOTS, A PARCEL OF LAND, WITHIN THE PLATTED LANDS FOR THE CONSTRUCTION, MAINTENANCE, OPERATION AND FINAL PROVISION OF SUBTERRANEAN AND ABOVE-GROUND UTILITY AND CABLE TV LINES AND APPURTENANCES, TOGETHER WITH THE RIGHT OF ACCESS AND EGRESS THERETO. FURTHERMORE, THE UNDERSIGNED OWNER HEREBY GRANTS AND CONVEYS TO THE CITY OF LAS VEGAS, A TEN FOOT WIDE EASEMENT ON ALL PROPERTY LINES ABUTTING PRIVATE STREETS FOR FIRE HYDRANT AND STREET LIGHT PURPOSES, AND AN ADDITIONAL TWO FEET AT FIRE HYDRANT AND STREET LIGHT LOCATIONS.

DATED THIS 10th DAY OF February, 1993

HOWARD HUGHES PROPERTIES, LIMITED PARTNERSHIP, A Delaware limited partnership
By SUMMERLIN, a division of SUMMA CORPORATION, a Delaware corporation its sole general partner

BY: Mark L. Fine
MARK L. FINE
PRESIDENT

ACKNOWLEDGMENT

STATE OF NEVADA }
} ss
COUNTY OF CLARK }

ON THIS 10th DAY OF February 1993, BEFORE ME, CYNTHIA G. SAENZ, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED MARK L. FINE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THIS INSTRUMENT.

Cynthia G. Saenz
CYNTHIA G. SAENZ
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE
MY APPOINTMENT EXPIRES: 10-30-94

CYNTHIA G. SAENZ
Notary Public - State of Nevada
Clark County
My Appointment Expires Oct 30, 1994

UTILITY / AGENCY APPROVALS

WE, THE HEREIN NAMED PUBLIC UTILITY COMPANIES AND AGENCIES APPROVE THE GRANT OF THE DESIGNATED EASEMENTS.

LAS VEGAS VALLEY WATER DISTRICT GEORGE A. JACOBY — 1-27-93 DATE

SOUTHWEST GAS CORPORATION JOHN P. HAZARD — 1-27-93 DATE

NEVADA POWER COMPANY SHARON McSHEA — 2-10-93 DATE

CENTRAL TELEPHONE COMPANY NYLES SMITH — 1-26-93 DATE

COMMUNITY CABLE T.V. INC. B. CARNEY — 1/27/93 DATE

CITY OF LAS VEGAS DENNIS ANDERSON — 2-23-93 DATE

SURVEYOR'S CERTIFICATE

I, ALLEN L. HARDY, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF NEVADA, CERTIFICATE NO. 7710;

1. THIS IS A TRUE AND ACCURATE REPRESENTATION OF THE LANDS SURVEYED UNDER MY SUPERVISION AT THE INSTANCE OF HOWARD HUGHES PROPERTIES LIMITED PARTNERSHIP;
2. THE LANDS SURVEYED LIE WITHIN SECTION 20, T. 20 S., R. 60 E., M.D.M., CLARK COUNTY, NEVADA, AND THE SURVEY WAS COMPLETED ON DEC. 91, 1992;
3. THIS PLAT COMPLIES WITH THE APPLICABLE STATE STATUTES AND ANY LOCAL ORDINANCES;
4. THE MONUMENTS WILL BE OF THE CHARACTER SHOWN, AND OCCUPY THE POSITIONS INDICATED BY MARCH 6, 1994 AND THAT SO MONUMENTED THE SUBDIVISION WORK WAS TAKEN PLACED WITH THE CONTROLLING BODY TO ASSURE THEIR INSTALLATION.

ALLEN L. HARDY
HOWARD HUGHES CORP.
NEVADA CERTIFICATE NO. 7710

12-21-92
DATE

LEGAL DESCRIPTION

ALL OF LOT 1 OF "SUMMERLIN VILLAGE 1 SOUTH – UNIT NO. 1" AS SHOWN BY MAP THEREOF ON FILE IN BOOK 48, PAGE 42 OF PLATS IN THE CLARK COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA, LYING WITHIN SECTION 20, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA.

CONTAINING 20.822 ACRES

TITLE COMPANY CERTIFICATE

NEVADA TITLE COMPANY DOES HEREBY CERTIFY THAT EACH PERSON SIGNING THE FINAL MAP GIVES OF RECORD AN INTEREST IN THE LAND AND THAT ALL OF THE GIVERS OF RECORD OF THE SAID HAVE SIGNED THE FINAL MAP. FURTHER, THERE ARE NO HERITAGE HOLDERS OF RECORD AND THERE ARE NO LIENS AGAINST THE COMMON INTEREST COMMUNITY OR ANY PART THEREOF FOR DELINQUENT STATE, COUNTY, MUNICIPAL, FEDERAL OR LOCAL TAXES OR ASSESSMENTS COLLECTED AS TAXES OR SPECIAL ASSESSMENTS.

MARK L. HARDER
ASSISTANT VICE PRESIDENT
NEVADA TITLE COMPANY
1-27-93
DATE

ACKNOWLEDGMENT

STATE OF NEVADA }
} ss
COUNTY OF CLARK }

ON THIS 27th DAY OF February 1993, BEFORE ME, PATSY A. HARRIS, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED MARK L. HARDER AND ACKNOWLEDGED TO ME THAT HE EXECUTED THIS INSTRUMENT.

Patsy A. Harris
PATSY A. HARRIS
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE
MY APPOINTMENT EXPIRES:

PATSY A. HARRIS
NOTARY PUBLIC
STATE OF NEVADA
My Appt. Exp. Dec. 27, 1993

CITY ENGINEER'S CERTIFICATE

I, DENNIS ANDERSON, CITY ENGINEER OF THE CITY OF LAS VEGAS, NEVADA HEREBY CERTIFY THAT I HAVE EXAMINED THE FINAL MAP OF:

"CORTA BELLA AT SUMMERLIN BY COLEMAN HOMES – PHASE 1"

AND THAT I AM SATISFIED THAT THE MAP IS TECHNICALLY CORRECT, THAT A PERFORMANCE BOND HAS BEEN DEPOSITED GUARANTEEING THAT MONUMENTS OF THE CHARACTER SHOWN AND DESIGNATING THE REMAINING REQUIRED WILL BE SET ON OR BEFORE THE 8th DAY OF March, 1994

DENNIS ANDERSON
CITY ENGINEER, CITY OF LAS VEGAS, NEVADA
NEVADA P.E. CERTIFICATE NO. 6816

2-23-93
DATE

DENNIS ANDERSON
Registered Professional Engineer
NEVADA

CLARK COUNTY HEALTH DISTRICT CERTIFICATE

THIS FINAL MAP IS APPROVED BY THE CLARK COUNTY HEALTH DISTRICT FOR THE HEALTH DIVISION OF THE DEPARTMENT OF HUMAN RESOURCES. THIS APPROVAL CONCERNS SEWAGE DISPOSAL, WATER POLLUTION, WATER QUALITY AND WATER SUPPLY FACILITIES, AND IS PREDICATED UPON PLANS FOR A PUBLIC WATER SUPPLY AND COMMUNITY SYSTEM FOR DISPOSAL OF SEWAGE.

CLARK COUNTY HEALTH DISTRICT CLARK A. DEMAUTZ
3-11-93
DATE

DIVISION OF WATER RESOURCES CERTIFICATE

THIS FINAL MAP IS APPROVED BY THE DIVISION OF WATER RESOURCES OF THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES CONCERNING WATER QUANTITY SUBJECT TO THE REVIEW OF APPROVAL ON FILE IN THIS OFFICE.

DIVISION OF WATER RESOURCES JASON KING, P.E.
1/22/93
DATE

COMMUNITY PLANNING AND DEVELOPMENT

I CERTIFY THAT THIS FINAL MAP SUBSTANTIALLY COMPLIES WITH THE TENTATIVE MAP AND ANY APPROVED ALTERNATIVE TENTATIVE, THAT THE MAP COMPLIES WITH APPLICABLE STATUTORY AND ORDINANCE PROVISIONS, AND THAT ALL CONDITIONS IMPOSED UPON THE FINAL MAP HAVE BEEN MET.

NORMAN K. STANDERFER
DIRECTOR OF COMMUNITY PLANNING AND DEVELOPMENT
CITY OF LAS VEGAS, NEVADA
DATE

APPROVAL

THIS MAP IS APPROVED AND THE PARCELS HEREIN OFFERED FOR DEDICATION ARE ACCEPTED THIS 8th DAY OF March, 1993, BY THE PLANNING COMMISSION OF THE CITY OF LAS VEGAS, NEVADA

CERTIFIED BY

NORMAN K. STANDERFER
SECRETARY OF THE PLANNING COMMISSION
CITY OF LAS VEGAS, NEVADA

NOTE:

ANY SUBSEQUENT CHANGES TO THIS MAP SHOULD BE EXAMINED AND MAY BE DETERMINED BY REFERENCE TO THE COUNTY RECORDER'S CERTIFICATE MAP INDEX. N.R.S. 278.5695

CORTA BELLA AT SUMMERLIN BY COLEMAN HOMES – PHASE 1
DOCUMENT NO. 311119
OFFICIAL RECORDS BOOK NO. 930226
FILED AT THE REQUEST OF
C.C. WALLACE INC.
DATE 3-24-93 AT 10:21
BOOK 55 PAGE 18
OF PLATS
CLARK COUNTY, NEVADA RECORDS
JOAN L. SWIFT, RECORDER
FEE $ 65.50 SURVEY 116

SHEET 1 OF 3

Book 55 Page 18

143.004

DIR-35626
09-16-09 CC

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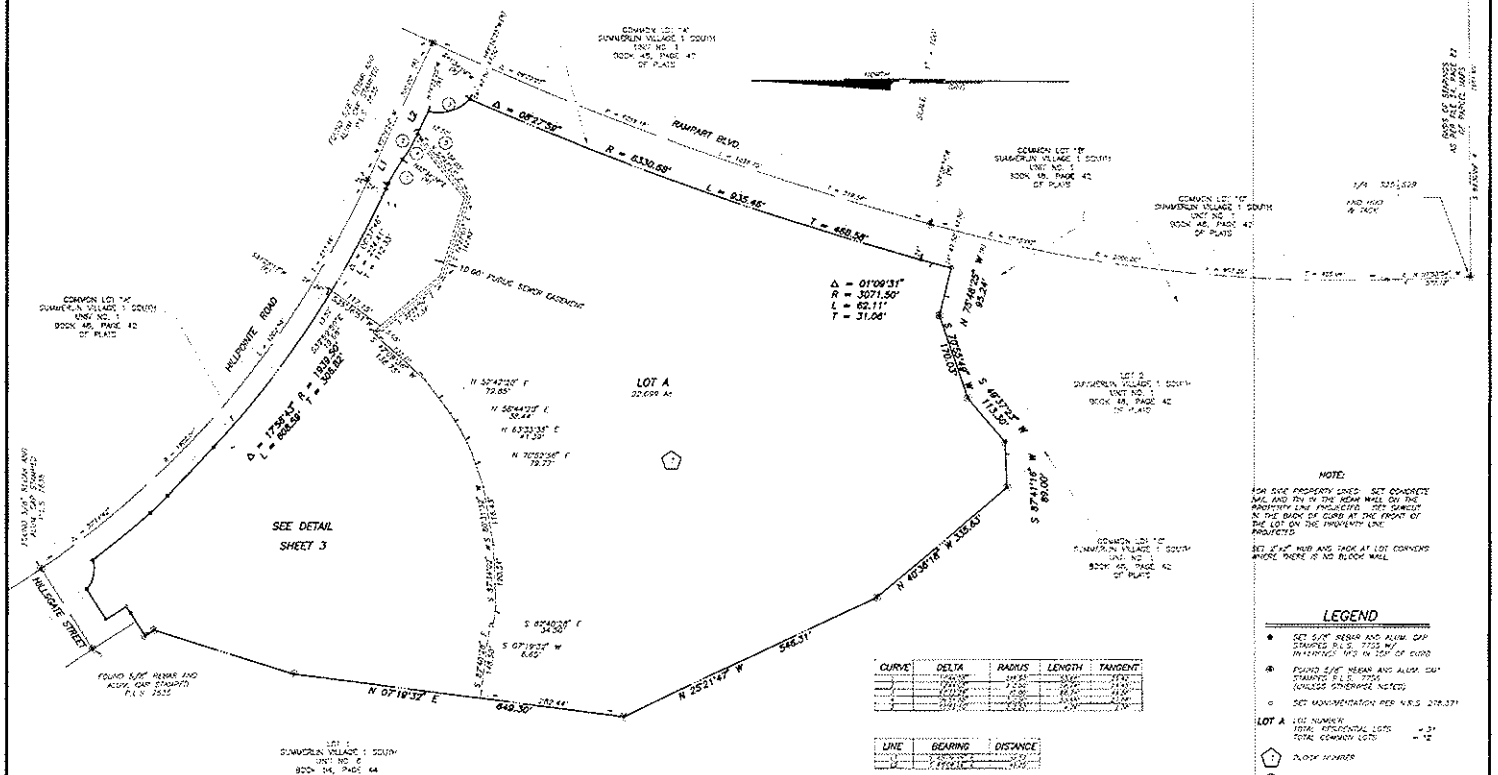
FINAL MAP OF

CORTA BELLA AT SUMMERLIN BY COLEMAN HOMES – PHASE 1

A PLANNED RESIDENTIAL DEVELOPMENT AND COMMON INTEREST COMMUNITY

BEING A SUBDIVISION OF LOT 1 OF "SUMMERLIN VILLAGE 1 SOUTH – UNIT NO. 1" AS SHOWN BY MAP THEREOF ON FILE IN BOOK 48, PAGE 42 OF PLATS IN THE CLARK COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA, LYING WITHIN SECTION 20, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY NEVADA



CURVE	DELTA	RADIUS	LENGTH	TANGENT
C1	08°37'58"	6330.69'	935.46'	468.54'
C2	01°09'31"	3071.50'	62.11'	31.06'
C3	17°58'47"	1939.50'	608.59'	306.82'

LINE	BEARING	DISTANCE
L1	N 52°42'08" E	72.85'
L2	N 58°44'22" E	56.44'
L3	N 63°33'35" E	47.20'
L4	N 70°03'56" E	79.77'
L5	S 85°45'03" E	54.06'
L6	S 07°19'37" W	6.82'

NOTE:

FOR SIDE PROPERTY LINES: SET CONCRETE NAIL AND TIN IN THE MORTAR WALL ON THE PROPERTY LINE PROJECTED. SET SURVEY TAC AT THE BACK OF CURB AT THE FRONT OF THE LOT ON THE PROPERTY LINE PROJECTED.

SET 5/8"x8" REBAR AND TAGS AT LOT CORNERS WHERE THERE IS NO BLOCK WALL.

LEGEND

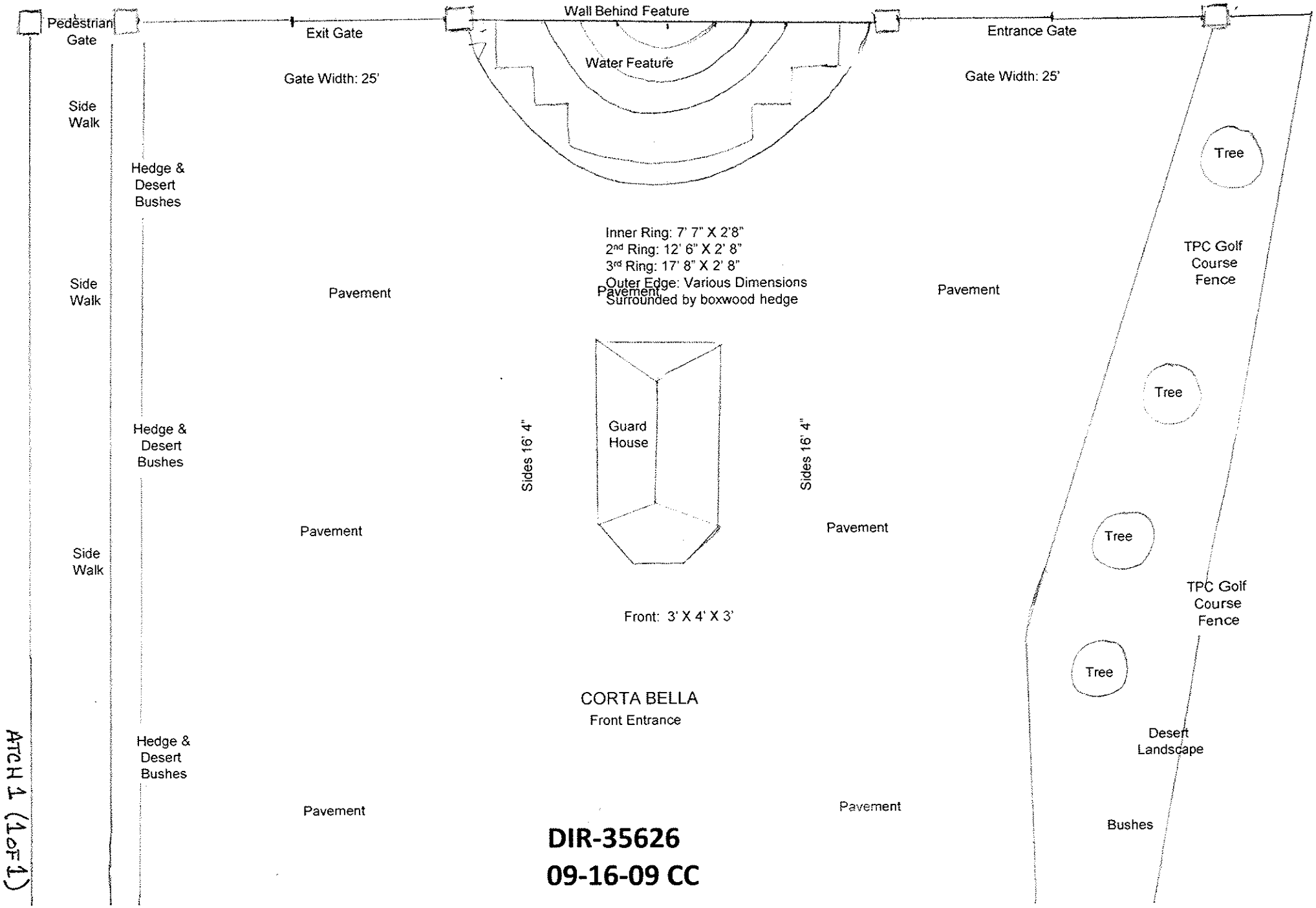
- SET 5/8" REBAR AND ALUM. CAP STAMPED P.L.S. 7705 W/ IMPRINTED "PT" IN TOP OF CURB
- FOUND 5/8" REBAR AND ALUM. CAP STAMPED P.L.S. 7705 (UNLESS OTHERWISE NOTED)
- SET MONUMENTATION PER N.R.S. 278.371
- LOT A — LOT NUMBER; TOTAL RESIDENTIAL LOTS = 31; TOTAL COMMON LOTS = 12
- (1) BLOCK NUMBER
- (C1) CURVE NUMBER
- L1 LINE SEGMENT NUMBER
- SUBDIVISION BOUNDARY LINE
- STREET CENTERLINE

SHEET 2 OF 3

Book 55 Page 78

DIR-35626

09-16-09 CC



ATTCH 1 (1 OF 1)

DIR-35626
09-16-09 CC



DIR-35626
09-16-09 CC

ATCH 2 (1 OF 5)



DIR-35626
09-16-09 CC

ATCH 2 (2 OF 5)



DIR-35626
09-16-09 CC

ATCH 2 (3 OF 5)



ATCH 2 (4 OF 5)



DIR-35626
09-16-09 CC

ATCH 2 (5 pgs)

Corta Bella Community Association
c/o Community Management Group, Inc.
3360 West Sahara Avenue, Suite 200
Las Vegas, Nevada 89102
Telephone (702) 942-2500 ~ Facsimile (702) 942-2510

July 17, 2009

City of Las Vegas, Planning and Development Department
731 South Fourth Street
Las Vegas, Nevada 89101

Re: Water Feature Exemption – Justification Letter

Dear City of Las Vegas:

At the entrance to the Corta Bella Community Association is an existing water feature that was originally included in the design and development of the neighborhood by Coleman Homes. Its physical address is 1900 Corta Bella Drive, although the County Assessor's records show it as part of the common area parcel at 8803 Lusso Court. The parcel number is 138-20-218-011. It was intended to provide a beautiful and tranquil setting for residents returning from work or play. The water feature consists of an inner ring that is 7' 7" x 2'8", the second ring is 12'6" x 2'8" and the third ring is 17'8" x 2'8". The outer edge is various paved dimensions and is surrounded by a boxwood hedge. The water is recycled using a single pump, which when connected, runs several hours per day.

At our most recent Board meeting, questions from homeowners continued regarding the association's ability to run the fountain. They believe that the fountain adds value to the homes and thus, would like it to be functioning. Realtors have also expressed that several potential homebuyers were concerned about the unattractive and unkempt appearance at the front gate because it appears to be dry and gives an odd appearance.

Corta Bella is a relatively high-density development with very small turf areas in the common areas. There are two (2) small common areas with turf that are adjacent to gates leading to the Summerlin trail system and these areas are used frequently by residents and their children and pets. Given the limited options for consumptive use savings, our association has determined that the best solution for our community is to pay the first-year fee based on the surface areas of the fountain and the required annual fee each year thereafter.

The Corta Bella Community Association respectfully requests approval of the attached application/petition. Thank you for your consideration of this request.

Michael Saxe
President
Corta Bella Community Association

DIR-35626
09-16-09 CC

SUMMERLIN
NORTH
COMMUNITY ASSOCIATION

June 18, 2009

RECEIVED

Gerry Sawyer
Corta Bella Community Association
1917 Corta Bella Drive
Las Vegas, NV 89134

Re: Water Feature

Dear Mr. Sawyer:

I am in receipt of the Corta Bella request to re-activate the water feature located in your entry.

Please be advised that Summerlin North has no opposition to the re-activation of the entry water feature. It is our understanding that there will be no architectural change to the existing water feature. Further, it is understood that Summerlin North Community Association assumes no responsibility for the maintenance, water, permit or any other cost associated with the operation of the water feature.

We wish you the best of luck in securing the exemptions you need to re-activate the entry water feature.

Sincerely,

Diane Kugler

Diane Kugler
Design Review Administrator

DIR-35626
09-16-09 CC

2120 SNOW TRAIL, LAS VEGAS, NEVADA 89134
TELEPHONE (702) 838-5500 FAX: (702) 256-2585

City of Las Vegas Agenda Item No.: **66.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

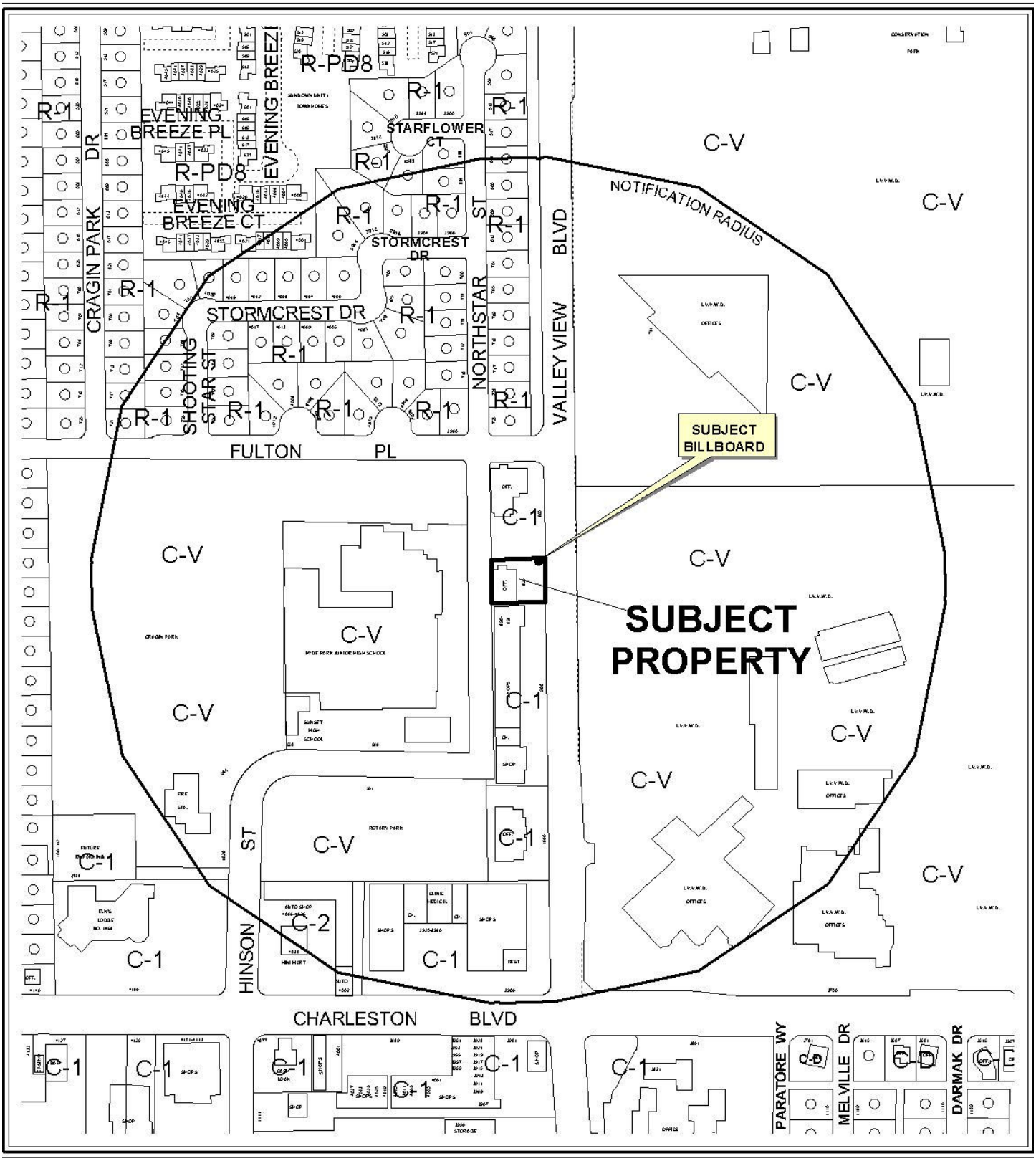
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
RQR-34682 – ABEYANCE ITEM - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT: CLEAR CHANNEL OUTDOOR, LLC - OWNER: BRIGHT PATH, LLC - Request for Required Review of a previously approved Special Use Permit (SUP-4521) FOR A 40-FOOT BY 48- FOOT OFF-PREMISE SIGN at 820 South Valley View Boulevard (APN 139-31-801-002), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**1**	**Planning Commission Mtg.**	**0**
City Council Meeting	**2**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. City Council Approval Letter for SUP-4521
5. Protest Postcards
6. Backup referenced from the July 23, 2009 Planning Commission Meeting Item 23



0 300 600 Feet

CASE: **RQR-34682**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



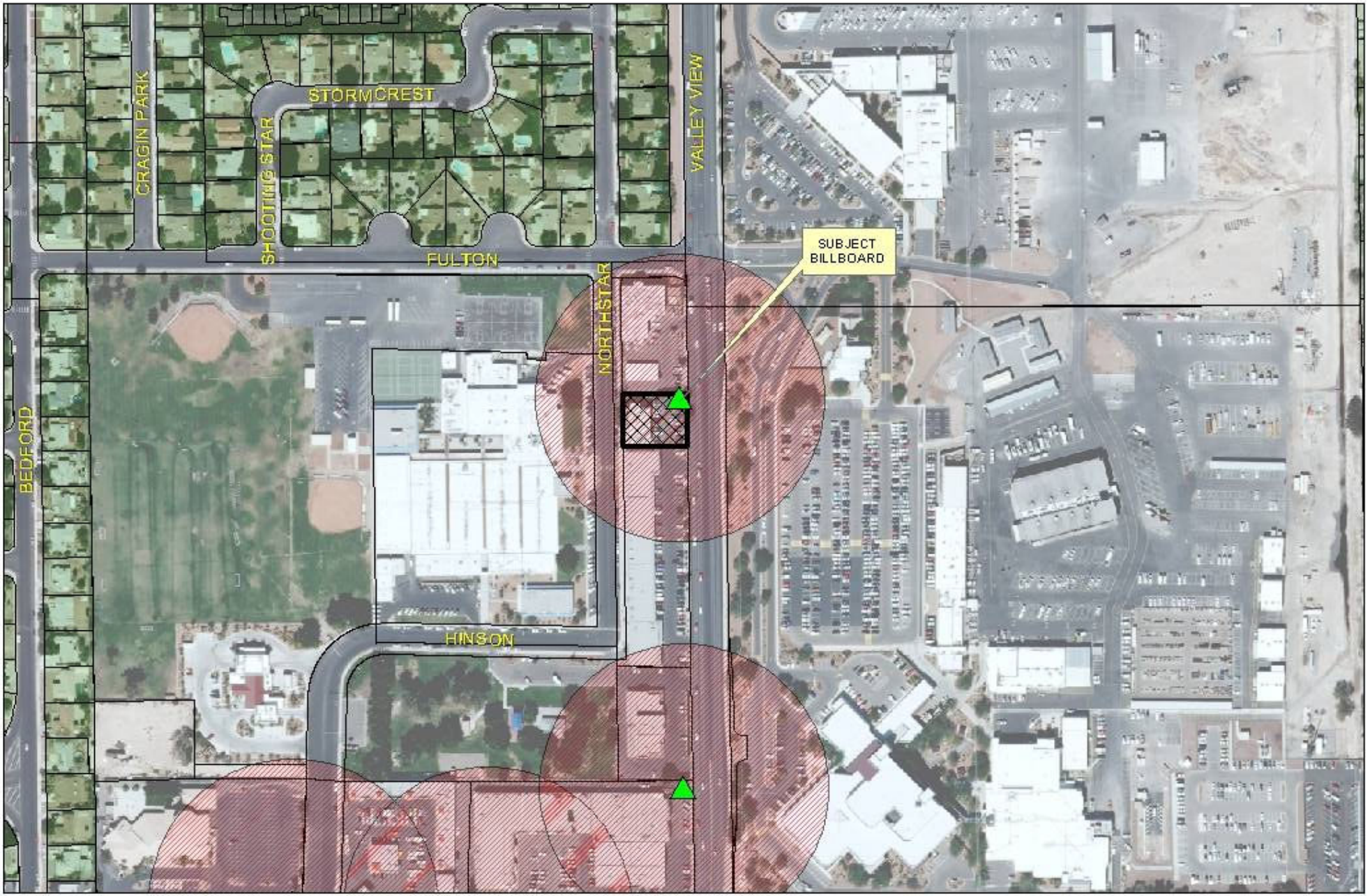
0 300 600 Feet

CASE: **RQR-34682**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



RQR-34682

City of Las Vegas Billboard Data

- Subject Parcel
- City of Las Vegas Billboard Location
- Clark County Billboard Location
- 300 Foot Buffer Around Billboard
- 750 Foot Buffer Around Freeway Billboard
- Residential Zoned Property
- Off Premise Sign Exclusion Area
- Exempt - Off Premise Area Sign Area

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: RQR-34682 - APPLICANT: CLEAR CHANNEL OUTDOOR, LLC - OWNER: BRIGHT PATH, LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 2, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

** CONDITIONS **

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. Conformance to the conditions for Special Use Permit (SUP- 4521).

2. This Special Use Permit (SUP-4521) shall be placed on an agenda closest to August 18, 2012 at which time the City Council may require the Off-Premise Sign be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Sign be removed.

3. The Off-Premise Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Sign.

4. If the existing off-premise sign is voluntarily demolished, this Special Use Permit (SUP-4521) shall be expunged and a new off-premise sign shall not be permitted in the same location unless a Special Use Permit is approved for the new structure by the City Council.

5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site currently has a single building for Office use, along with a previously approved Special Use Permit (SUP-4521) that allowed a 14-foot by 48-foot, 40-foot tall Off-Premise Sign to be located in the parking lot at 820 South Valley View Boulevard. The sign faces and supporting structure of the Off-Premise Sign are in good condition with no discrepancies noted. A research of the building permit activity found that permit #95884385 was issued for the installation of a billboard sign under the address of 820 South Valley View Boulevard, which received a final inspection on 12/26/95. There have been no recent changes in land use or new development in the surrounding area since the approval of the Special Use Permit (SUP-4521). If the application is denied, the Off-Premise sign will have to be removed. Staff recommends approval of this request with a three-year review.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
01/18/95	The City Council approved a request for a Special Use Permit (U-0296-94) for a 14-foot by 48-foot Off-Premise Sign located at 820 South Valley View Boulevard. The Board of Zoning Adjustment recommended approval on 12/27/94.
02/16/00	The City Council approved a request for a Required Review [U-0296-94(1)] of a previously approved Special Use Permit (U-0296-94) for a 14-foot by 48-foot Off-Premise Sign located at 820 South Valley View Boulevard. The Planning Commission recommended denial on 01/13/00.
07/05/01	The City Council approved a request for a Required Review [U-0296-94(2)] of a previously approved Special Use Permit (U-0296-94) for a 14-foot by 48-foot Off-Premise Sign located at 820 South Valley View Boulevard. The Planning Commission recommended denial on 02/22/01.
07/25/02	The Planning Commission denied a request for the Required Review [U-0296-94(3)] of a previously approved Special Use Permit (U-0296-94) for a 14-foot by 48-foot Off-Premise Sign located at 820 South Valley View Boulevard.
04/21/04	A Code Enforcement case (#13373) was processed for the removal of an Off-Premise Sign due to zoning violation. Code Enforcement closed the case on 06/29/04.
08/14/04	The City Council approved a request for Special Use Permit (SUP-4521) for a 14-foot by 48-foot, 40-foot tall Off-Premise Sign at 820 South Valley View Boulevard. The Planning Commission recommended approval on 07/22/04.

10/15/08	The City Council approved a request for a Review of Condition (ROC-29270) to delete Condition Number Five of a previously approved Special Use Permit (SUP-4521) that limited one advertising sign per face at 820 South Valley View Boulevard.
07/23/09	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #23/ds).
Related Building Permits/Business Licenses	
12/13/95	A building permit (#95884385) was issued for an Off-Premise Sign at 820 South Valley View Boulevard. The permit was finalized on 12/26/95.
Pre-Application Meeting	
A pre-application meeting was not required for this type of application, nor was one held.	
Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	
Field Check	
06/18/09	Staff conducted a field inspection of the site with the following observations: • The subject billboard has no embellishment, animated signage, or electronic displays. • All structural elements have been properly screened. • The sign and supporting structure is in good condition and does not require repainting or bird deterrents.

Details of Application Request	
Site Area	
Gross Acres	.33

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Offices	SC (Service Commercial)	C-1 (Limited Commercial)
North	Offices	SC (Service Commercial)	C-1 (Limited Commercial)
South	Retail Establishments	SC (Service Commercial)	C-1 (Limited Commercial)
East	Las Vegas Water District Facilities	PF (Public Facilities)	C-V (Civic)
West	School	PF (Public Facilities)	C-V (Civic)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan			
Rancho Charleston Land Use Study	X		Y

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
A-O Airport Overlay District (175 feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Standard	*Required/Allowed*	*Provided*	*Compliance*
Location	No Off-Premise Sign may be located within the public right-of way	Sign is not in public right-of way	Y
Zoning	Off-Premise Signs are permitted in the C-1, C-2, C-M and M Zoning Districts only	Sign is located in the C-1 (Limited Commercial) zoning district	Y
Area	No off-premise sign shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet.	Sign is 672 square feet in size. The sign does not have an embellishment.	Y
Height	No higher than 40 feet from grade t the point of construction: may be raised to a maximum of 55 feet with approval of the City Council if significantly obscured from view of travel lanes.	Sign is 40 feet tall	Y
Screening	All structural elements of an Off-Premise Sign to which the display panels are attached shall be screened from view.	Structure elements of the sign are adequately screened from public view	Y

Standard	Required/Allowed	Provided	Compliance
Off-Premise (Billboard)	At least 750 feet to another Off-Premise Sign along US-95 or at least 300 feet to another Off-Premise Sign (if not along US-95)	The sign is approximately 770 feet from another Off-Premise Sign	Y
Off-Premise Sign (Billboard)	At least 300 feet to the nearest property line of a lot in any "R" zoned district.	Sign is approximately 330 feet from the nearest property line zoned for residential use.	Y
Other	All Off-Premise Signs (Billboards) shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	The sign is secured to the ground on C-1 (Limited Commercial) zoned property.	Y

ANALYSIS

This is the first Required Review of an approved Special Use Permit (SUP-4521) for a 14-foot by 48-foot, 40-foot tall Off-Premise Sign located at 820 South Valley View Boulevard. The billboard had a previous Special Use Permit (U-0296-94) approved in January 1995. In July 2002, the Planning Commission denied a request for a Required Review for the billboard, thereby requiring the sign to be removed, which was never accomplished.

The applicant reapplied for a Special Use Permit (SUP-4521) for the Off-Premise Sign and received approval in August 2004. The sign complies with all Title 19.14.100 requirements. A building permit (95884385) was issued for the installation, which received a final inspection on 12/26/95. During a field inspection of the site, the sign and supporting structure were in good condition with no discrepancies noted.

FINDINGS

The Off-Premise Sign meets Title 19.14.100 requirements, and is in good condition. There have been no significant changes in land use or new development since the approval of the Special Use Permit (SUP-4521) in August 2004; therefore, staff recommends approval, subject to a three-year review.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 19

ASSEMBLY DISTRICT 34

SENATE DISTRICT 11

NOTICES MAILED 80 by City Clerk

APPROVALS 0

PROTESTS 1

PLANNING & DEVELOPMENT

CITY OF LAS VEGAS

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **RQR-34682** APN: 139 31 801 002

Name of Property Owner: BRIGHT PATH, LLC

Name of Applicant: Clear Channel Outdoor

Name of Representative: Paul Larsen

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____ Yes __X__ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: Stephanie Cooper Herdman

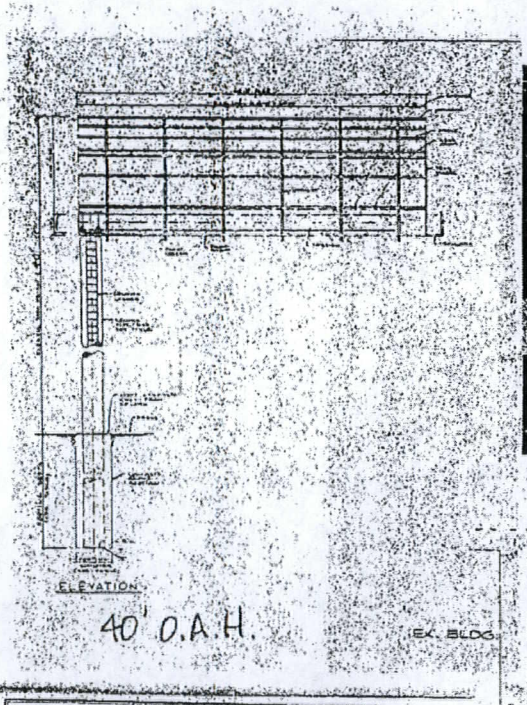
Subscribed and sworn before me

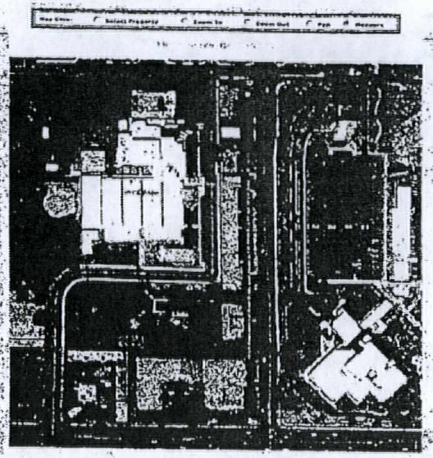
This 29th day of May, 2009

_____

Notary Public in and for said County and State

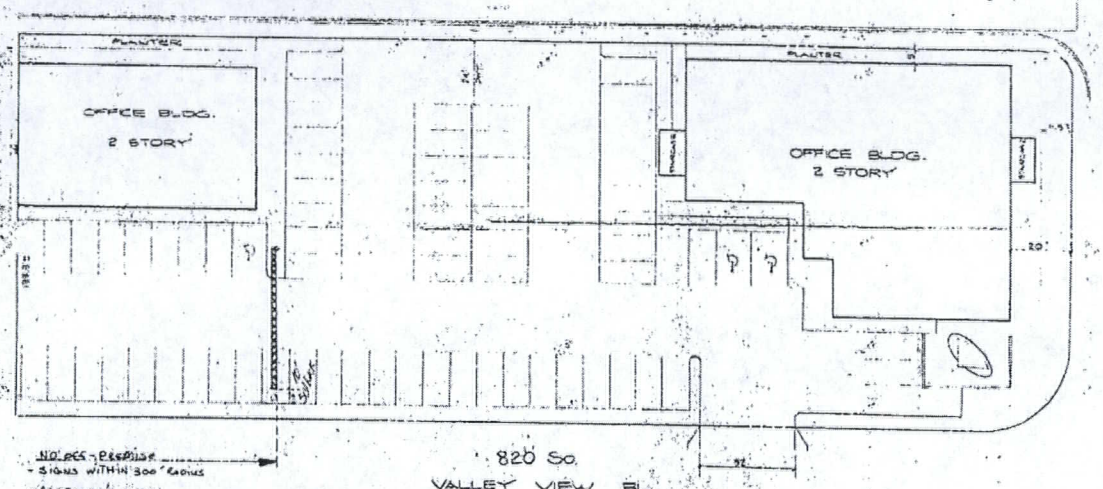
REGAN STOKES
Notary Public-State of Nevada
APPT. NO. 09-8971-1
My App. Expires December 09, 2012





798' FROM ANOTHER OFF PREMISE ADVERTISING SIGN (BILLBOARD). WHERE 300' IS CODE.

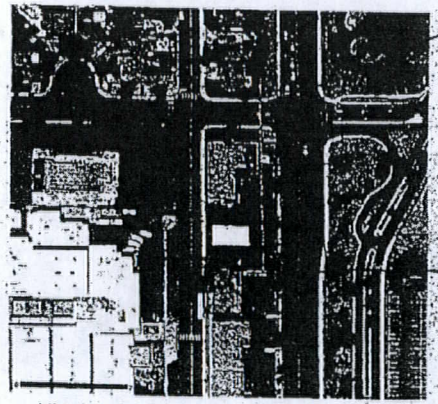
HINSON ST.



NO RES. PREMISE
- SIGNS WITHIN 300' RADIUS
- ASSESSOR'S PARCEL # 139-31-801-002
- NO RESIDENTIAL USE WITHIN 300' RADIUS
- LOCATION IS CONFORMING TO TITLE 19A CITY OF LAS VEGAS PLANNING & SIGN CODE

820' SO. VALLEY VIEW BL.

139-31-801-002



LOCATION

AERIAL PROVIDED BY COUNTY ASSESSOR'S WEB SIGHT
338' FROM RESIDENTIAL USE

PARKING SPACES AVAILABLE = 72

RECEIVED
JUN 01 2009

RQR-34682
07/23/09 PC

ELIMINATE PYLON SIGN
REVERSED NORTH ARROW
REVISIONS

CHANNEL 15
SITE PLAN

ALCA ENGINEERING & SURVEYING INC



LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF
STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

November 2, 2004

Ms. Stephanie Christensen
Bright Pathologists, Limited Liability Company
820 South Valley View Boulevard
Las Vegas, Nevada 89107

RE: SUP-4521 – SPECIAL USE PERMIT
CITY COUNCIL MEETING OF AUGUST 18, 2004

Dear Ms. Christensen:

The City Council at a regular meeting held August 18, 2004 APPROVED the request for a Special Use Permit FOR A 40 FOOT HIGH, 14 FOOT X 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 820 South Valley View Boulevard (APN 139-31-801-002), C-1 (Limited Commercial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on August 19, 2004. This approval is subject to:

Planning and Development

1. An aesthetic enhancement covering to be placed around the column of the billboard that may consist of a stucco feature or some other architectural feature that is compatible to the buildings on the property and to the area which is subject to the Planning and Development Department approval.

2. The Special Use Permit shall be reviewed in five (5) years at which time the City Council may require the off-premise sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the off-premise advertising (billboard) sign is removed.

3. The off-premise advertising (billboard) sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the off-premise advertising (billboard) sign.

4. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the off-premise sign.

5. Only one advertising sign is permitted per sign face.

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov
18112-001-6/04

RQR-34682
07/23/09 PC

6. If the existing off-premise advertising sign structure is removed, this Special Use Permit shall be expunged and a new off-premise advertising sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19 of the Las Vegas Municipal Code including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.

7. All City Code requirements and design standards of all City Departments shall be satisfied.

Public Works

8. The off-premise advertising (billboard) sign shall not be located within public right-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.

Sincerely,

Angela Ciolli
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk

M. Margo Wheeler, AICP
Deputy Director
Planning and Development Department

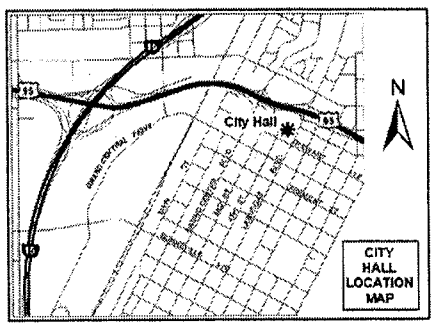
cc: Planning and Development Dept.
Development Coordination-DPW
Dept. of Fire Services

Mr. Rod Carter
Clear Channel Outdoor
2880-B Meade Avenue, Suite #300
Las Vegas, Nevada 89102

RQR-34682
07/23/09 PC

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

Return Service Requested
Official Notice of Public Hearin



If you wish to file your protest or support on this re
appropriate box below and return this card in an envelope w
Office Of The City Clerk at the address listed above or fa
card to (702) 382-4803. If you would like to conta
Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your co:

RQR-34682
City Council Meeting of 8/19/2009

Maggie Avalos
725 Northstar St
Las Vegas, NV 89107 ★

RECEIVED
CITY CLERK
2009 AUG 14 A 10:37

Submitted after final agenda
Date 8/14/09 Item 66
W-1

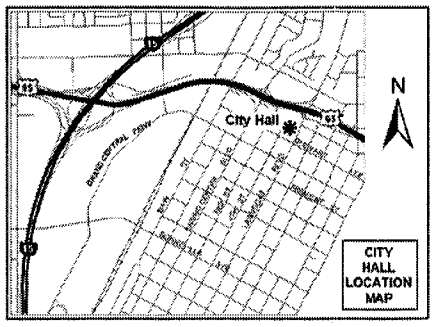
City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED
FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M $ 00.41⁴
0004279218 AUG 07 2009
MAILED FROM ZIP CODE 89101

RECEIVED
CITY CLERK
2009 AUG 19 A 11:17

Return Service Requested
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-34682
City Council Meeting of 8/19/2009

HAFER MARK C
HEELAN ROBERTA J
P O BOX 27769
LAS VEGAS NV 89126-1769

APN#13931712040

Submitted after final agenda

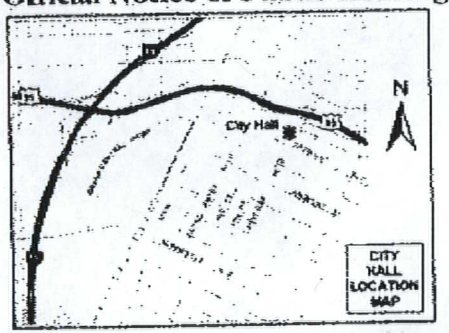
Date 8/19/09 Item 66 W-1

NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested

Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-34682

Planning Commission Meeting of 7/23/2009

Case: RQR-34682

13931712004
HERRICK WILLIAM M
708 SHOOTING STAR ST
LAS VEGAS NV 89107-4356

EAUDP11 89107

231

City of Las Vegas Agenda Item No.: **67.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

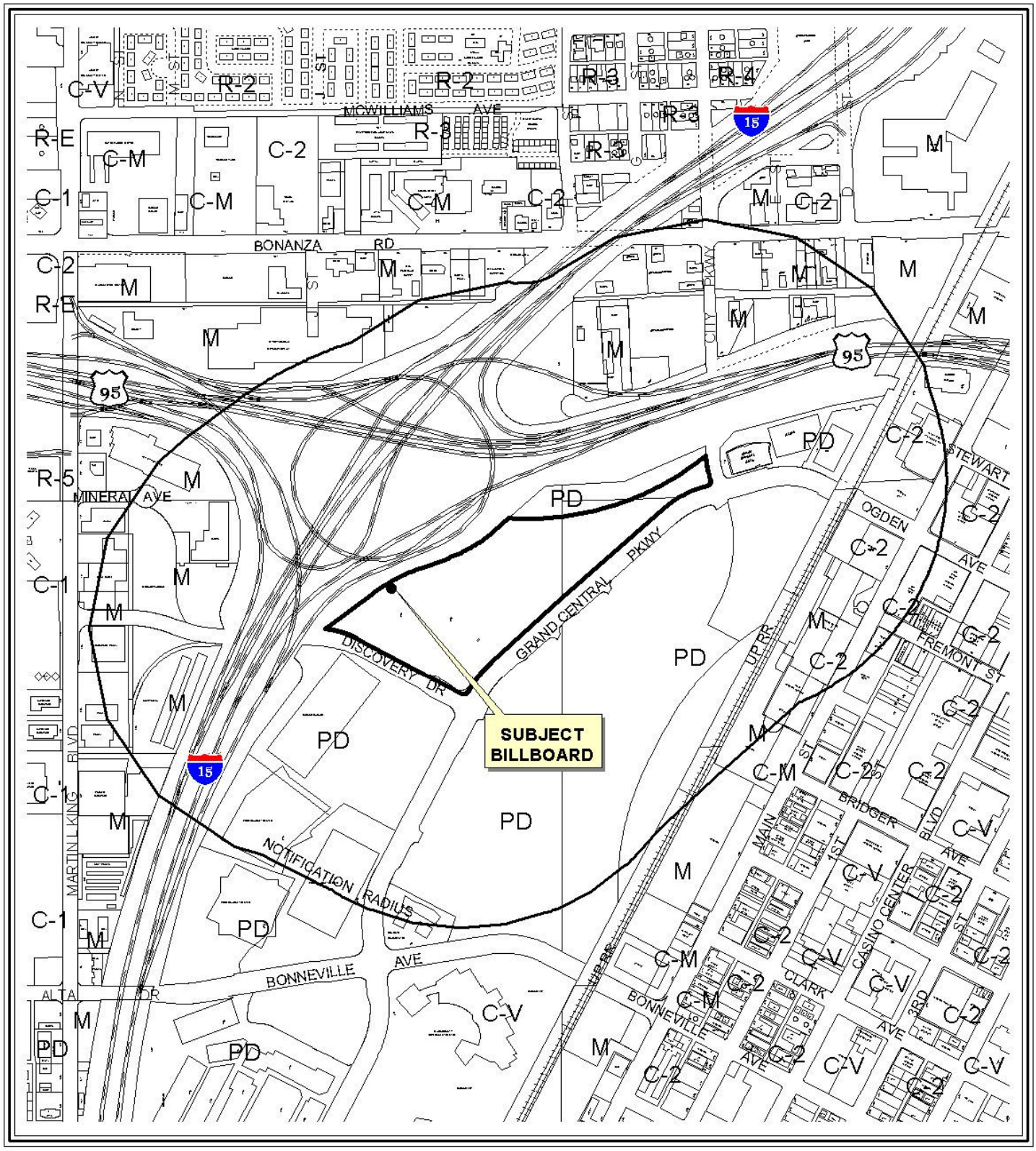
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
RQR-34844 - REQUIRED ONE YEAR REVIEW - PUBLIC HEARING - APPLICANT: CBS OUTDOOR - OWNER: WMC III ASSOCIATES, LLC - Required Review of an approved Rezoning (Z-0100-97) WHICH ALLOWED AN EXISTING 80-FOOT HIGH, 14-FOOT X 48-FOOT OFF-PREMISE SIGN on property bounded by U.S. 95, I-15 and Grand Central Parkway (APN 139-33-511-004), PD (Planned Development) Zone, Ward 5 (Barlow). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. City Council Action Letter for Z-100-97
6. City Council Action Letter for RQR-27496
7. Backup referenced from the August 13, 2009 Planning Commission Meeting Item 8



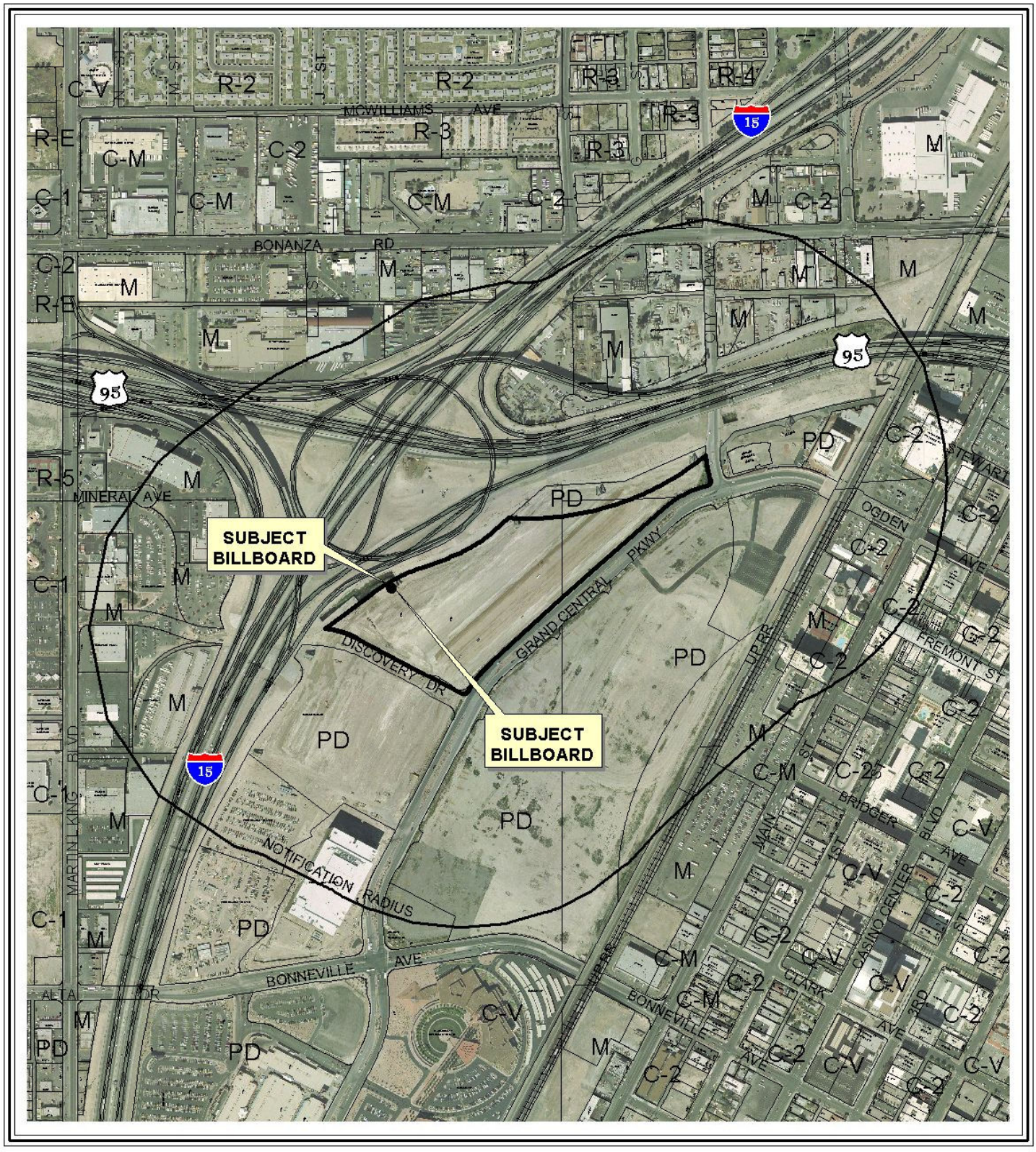
0 700 1400 Feet

CASE: **RQR-34844**

RADIUS: 1250 FT

ZONING OF SUBJECT PROPERTY: PD (PLANNED DEVELOPMENT)

N



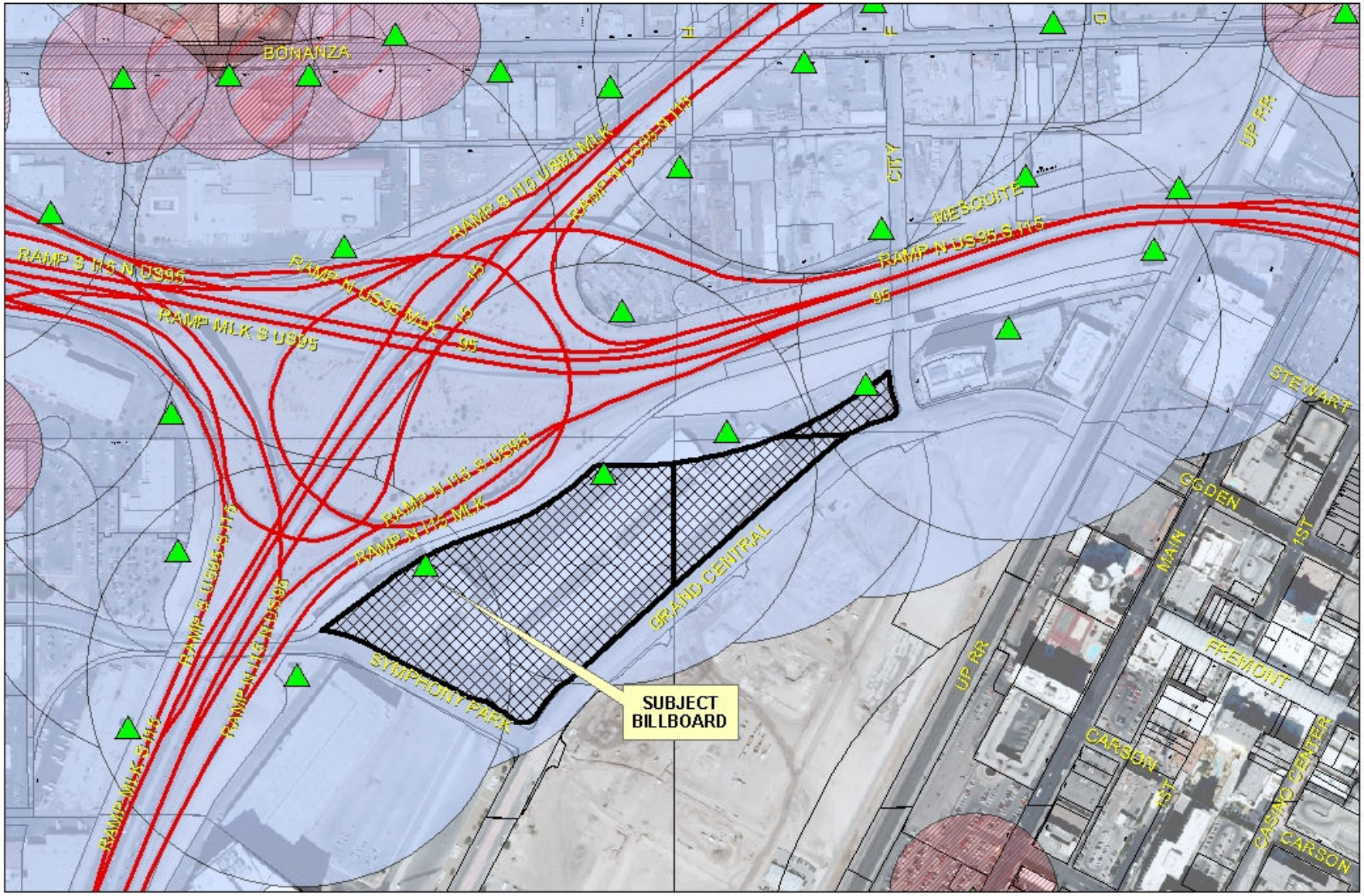
0 700 1400 Feet

CASE: **RQR-34844**

RADIUS: 1250 FT

ZONING OF SUBJECT PROPERTY: PD (PLANNED DEVELOPMENT)

N



RQR-34844

City of Las Vegas Billboard Data

- Subject Parcel
- City of Las Vegas Billboard Location
- Clark County Billboard Location
- 300 Foot Buffer Around Billboard
- 750 Foot Buffer Around Freeway Billboard
- Residential Zoned Property
- Off Premise Sign Exclusion Area
- Exempt - Off Premise Area Sign Area

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: RQR-34844 - APPLICANT: CBS OUTDOOR - OWNER: WMC III ASSOCIATES, LLC

** CONDITIONS **

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. This Special Use Permit shall be reviewed in three (3) years at which time the City Council may require the Off-Premise Advertising (Billboard) Sign be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Advertising (Billboard) Sign is removed.

2. The Off-Premise Advertising (Billboard) Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.

3. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.

4. If the existing off-premise sign is voluntarily demolished, this Special Use Permit shall be expunged and a new off-premise sign shall not be permitted in the same location unless a Special Use Permit is approved for the new structure by the City Council.

5. The Off-Premise Advertising (Billboard) sign shall be removed prior to the issuance of building permits for any new development on this site.

6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site contains an 80-foot tall, 14-foot x 48-foot Off-Premise Sign (Billboard) along with a 345,670 square foot temporary exhibit space on property bounded by U.S. 95, I-15 and Grand Central Parkway. This is the sixth Required Review of the subject sign. If this request is denied, the subject sign must be removed.

ISSUES

- Staff can support the request as the sign has a building permit with an approved final inspection, and the faces and supporting structure of the Off-Premise Sign are in good condition with no discrepancies noted; therefore, staff is recommending approval.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
11/23/98	The City Council approved a Rezoning (Z-0100-97) from M (Industrial) to PD (Planned Development) zoning designation for this site as part of an action on a 222-acre site located along the east side of Interstate 15 between Charleston Boulevard and Interstate 95. The Planning Commission recommended approval of the request.
02/07/01	The City Council approved a Required Review [Z-0100-97(2)] of 13 existing Off-Premise Advertising (Billboard) Signs on property bounded by U.S.-95, I-15, and Grand Central Parkway. The Planning Commission recommended approval of the request.
05/16/01	The City Council approved a Site Development Plan Review [Z-0100-97(3)] for a proposed 1,000,000 square foot commercial development on approximately 36.11 acres at the northwest corner of the intersection of Bonneville Avenue and Grand Central Parkway. The Planning Commission recommended approval of the request.
05/21/03	The City Council approved a Required Review (RQR-1974) of twelve Off-Premise Advertising (Billboard) Signs on property bounded by U.S.-95, I-15 and Grand Central Parkway. The Planning Commission recommended approval of the request.
10/06/04	The City Council approved a Site Development Plan Review (SDR-4841) for a 345,670 square foot temporary exhibit space at 495 South Grand Central Parkway. The Planning Commission recommended approval of the request.
04/20/05	The City Council approved a Required Review (RQR-5683) of eight Off-Premise Advertising (Billboard) Signs on property bounded by U.S.-95, I-15 and Grand Central Parkway. The Planning Commission recommended approval of the request.

04/20/05	The City Council approved a Required Review (RQR-6003) of one Off-Premise Advertising (Billboard) Sign on property bounded by U.S.-95, I-15 and Grand Central Parkway. The Planning Commission recommended approval of the request.
05/18/05	The City Council approved a request for a Review of Condition (ROC-6466) to allow required landscaping to be installed in phases and to change the location of a required trail at 495 South Grand Central Parkway.
06/07/06	The City Council approved a Required Review (RQR-11403) of eight Off-Premise Advertising (Billboard) Signs on property bounded by U.S.-95, I-15 and Grand Central Parkway. The Planning Commission recommended approval of the request.
06/07/06	The City Council approved a Required Review (RQR-12065) of one Off-Premise Advertising (Billboard) Sign on property bounded by U.S.-95, I-15 and Grand Central Parkway. The Planning Commission recommended approval of the request.
08/15/07	The City Council approved a Required Review (RQR-21496) of one Off-Premise Advertising (Billboard) Sign on property bounded by U.S. 95, I-15 and Grand Central Parkway. The Planning Commission recommended approval of the request.
09/05/07	The City Council approved a Required Review (RQR-21345) of multiple Off-Premise Advertising (Billboard) Signs on property bounded by U.S. 95, I-15 and Grand Central Parkway. The Planning Commission recommended approval of the request.
10/17/07	The City Council approved a request for a Site Development Plan Review (SDR-23606) for a proposed 2,495,091 square-foot commercial center with a Waiver of Downtown Centennial Plan build-to-line standards to allow a 206-foot front setback and the expansion of an approved parking garage located adjacent to the southwest corner of Grand Central Parkway and Discovery Drive, and a 2,306 space temporary parking lot located adjacent to the northwest corner of Grand Central Parkway and Discovery Drive. The Planning Commission recommended approval of the request.
03/18/09	The City Council approved a request for a Street Name Change (SNC-32359) from Discovery Drive to Symphony Park Avenue between Martin Luther King Boulevard and Grand Central Parkway. The Planning Commission recommended approval of the request.
08/13/09	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #8/jb).
Related Building Permits/Business Licenses	
04/29/99	A building permit (#99008207) was issued for the subject billboard at 203 South Grand Central Parkway. A final sign inspection was approved on 01/11/00.
Pre-Application Meeting	
A pre-application meeting is not required for this type of application.	
Neighborhood Meeting	
A neighborhood meeting is not required for this type of application.	

Field Check	
07/09/09	During a routine site inspection, staff observed a well maintained Off-Premise Sign (Billboard).

Details of Application Request	
Site Area	
Gross Acres	17.97

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Temporary Exhibit Space and two Off-Premise Signs	MXU (Downtown Mixed-Use)	PD (Planned Development)
North	ROW (US 95)	ROW (US 95)	ROW (US 95)
South	Trade Center/Wholesale and Retail Showroom	MXU (Mixed-Use)	PD (Planned Development)
East	Undeveloped (Symphony Park)	MXU (Mixed-Use)	PD (Planned Development)
West	ROW (US 15)	ROW (US 15)	ROW (US 15)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
Downtown Centennial Plan	X		Y
Redevelopment Plan Area	X		Y
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
A-O Airport Overlay District -175 Feet	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Standards	Code Requirement	Provided	Compliance
Location	No Off-Premise Sign may be located within public right-of-way	Sign is not located within a public right of-way or the Off-Premise Sign Exclusionary Zone	Y

Standards	Code Requirement	Provided	Compliance
Zoning	Off-Premise Signs are permitted in C-1. C-2, C-M, and M zoning districts only	Sign is located within a PD (Planned Development) zoning district	N*
Area	No Off-Premise Sign shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet.	Sign is 672 square feet	Y
Height	No higher than 40 feet from grade at the point of construction: may be raised to a maximum of 55 feet with approval of the City Council if significantly obscured from view of travel lanes.	The sign is 80 feet tall per approved Rezoning (Z-0100-97)	Y
Screening	All structural elements of an Off-Premise Sign to which the display panels are attached shall be screened from view.	The structural screening of the Off-Premise Sign does not require repainting to match the structural supports	Y
Off-Premise Sign (Billboard)	At least 750 feet to another Off-Premise Sign along US-95 or at least 300 feet to another Off-premise Sign (if not along US-95)	The sign is located 700 feet from another Off-Premise Sign along U-95	N*
Off-Premise Sign (Billboard)	At least 300 feet to the nearest property line of a lot in any “R” or U” zoned districts.	There are no “R” or “U’ zoned districts within 300 feet	Y
Other	All Off-Premise Signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	The billboard is permanently secured to the ground on PD zoned property.	Y

*The sign was approved as a non-conforming use in its current location in its current location by rezoning (Z-0100-97)

ANALYSIS

This is the sixth review of the approved Rezoning (Z-0100-97) which allowed a non-conforming 80-foot tall, 12-foot x 24-foot Off-Premise Advertising Sign (Billboard) to remain on property bounded by U.S. 95, I-15 and Grand Central Parkway. During a field check of the site, staff found the sign and supporting structure in good condition. The sign has a building permit and has received a final inspection. There has been no significant change in development or land use since the previous Required Review (RQR-21496). Therefore, staff is recommending approval of the subject Required Review.

FINDINGS

Approval of this request is recommended, subject to a required review in three years. The Off-Premise Advertising (Billboard) Sign shall be removed prior to commencement of construction of new development.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 48 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

RQR-34844

Case Number: 2-100-97 APN: 139-33-511-004

Name of Property Owner: WMC III Associates LLC

Name of Applicant: CBS Outdoor

Name of Representative: The Skancke Company

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

____ Yes __X__ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: [signature]

Print Name: _____

Subscribed and sworn before me

This 30 day of July, 2009

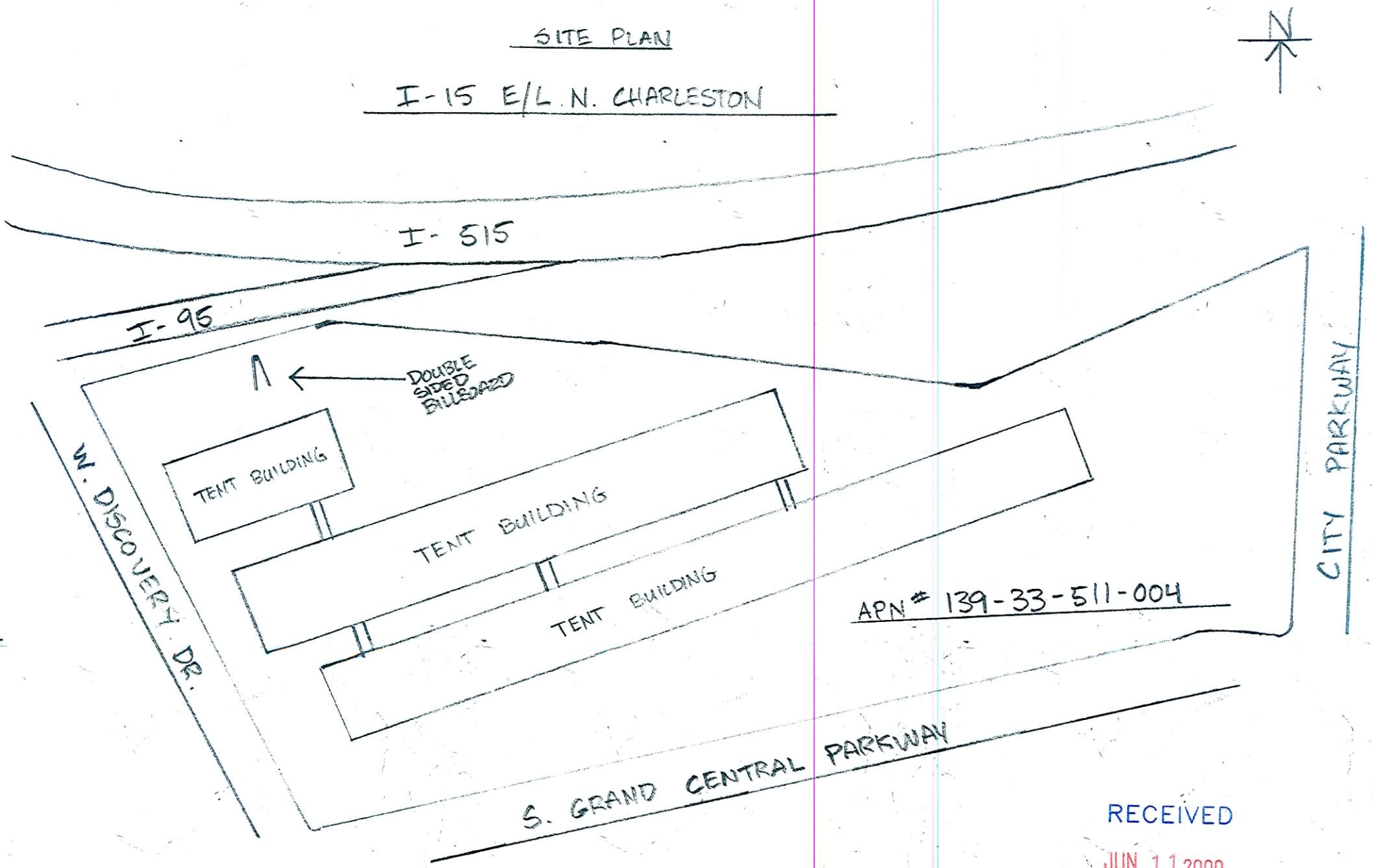
[signature]

Notary Public in and for said County and State

JESSICA GREEN
Notary Public
State of Nevada
Appt. No. 07-5137-1
My Appt. Expires Oct. 25, 2011

SITE PLAN

I-15 E/L N. CHARLESTON



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JUN 11 2009

RQR-34844
08/13/09 PC

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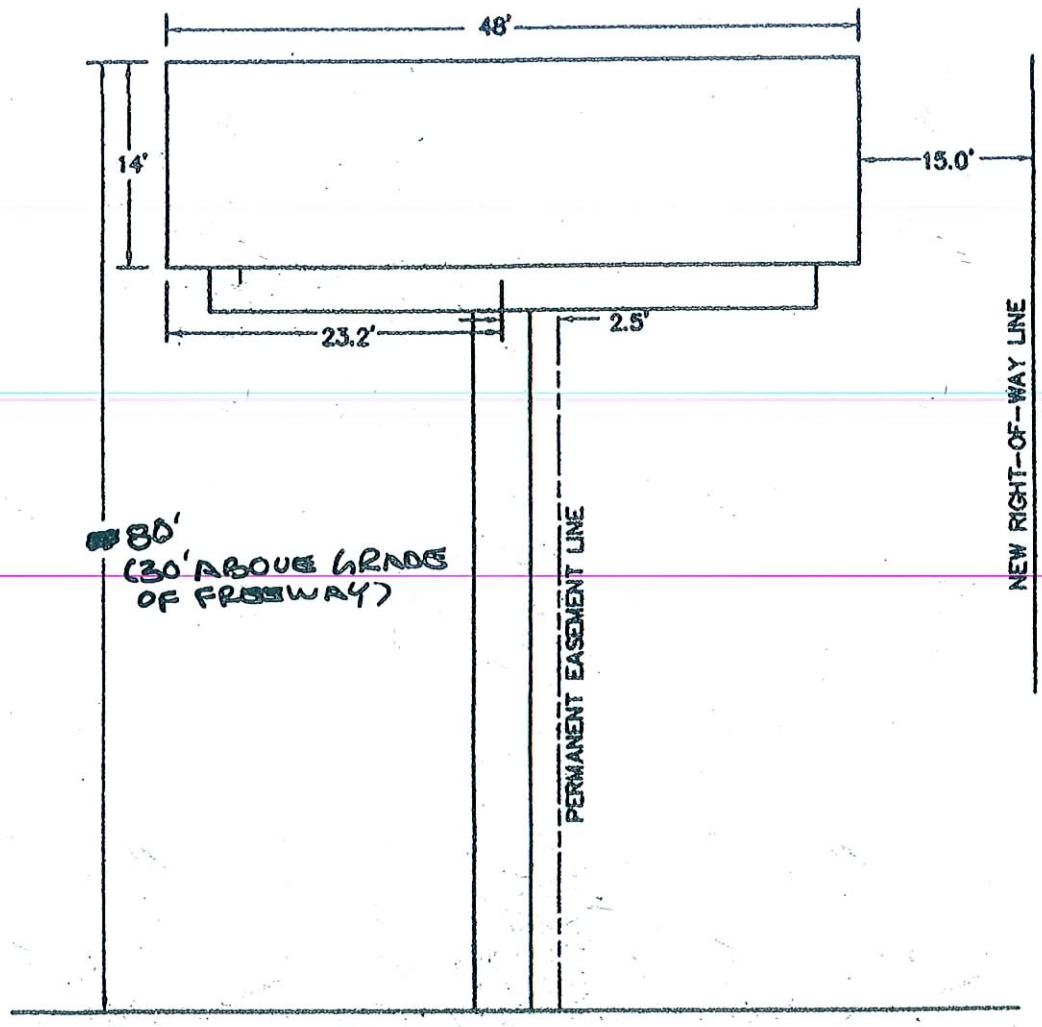

DETAIL "C" NO SCALE

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JUN 11 2009

RQR-34844
08/13/09 PC



RQR-34844 - APPLICANT: CBS OUTDOOR - OWNER: WMC III ASSOCIATES, LLC
PROPERTY BOUNDED BY U.S. 95, I-15 AND GRAND CENTRAL PARKWAY
AUGUST 13, 2009 PLANNING COMMISSION

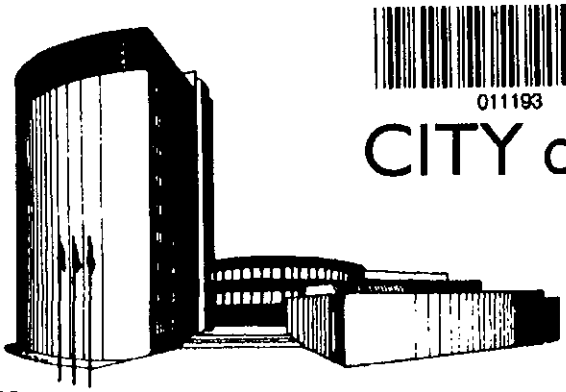
07/09/09

011193

MAYOR
JAN LAVERTY JONES

COUNCILMEN
ARNIE ADAMSEN
MICHAEL J. MCDONALD
GARY REESE
LARRY BROWN

CITY MANAGER
VIRGINIA VALENTINE



CITY of LAS VEGAS

December 22, 1998

Union Pacific Railroad Company
1700 Farnum Street
Omaha, Nebraska 68102

RE: Z-100-97 - REZONING

Dear Applicant:

The City Council at a regular meeting held November 23, 1998 APPROVED the request for a Rezoning on property located along the east side of Interstate 15 (I-15) between Charleston Boulevard and Interstate 95 (I-95) (Union Pacific property), From: M (Industrial) Zone To: P-D (Planned Development) FOR FUTURE MIXED USE PROJECT, Size: approximately 178.00 Acres. The Notice of Final Action was filed with the Las Vegas City Clerk on November 24, 1998. This approval is subject to:

1. The permitted uses shall be those uses listed within the "Proposed Permitted Land Uses" section of the staff report as follows:

   A. Commercial Office: General Office, Government Office, Medical Office, Professional Office, and Research and Development

   B. Commercial Retail: Bank, Day Care Center, General Retail (excluding adult book stores and other adult uses), Health Club, Incidental Convenience Retail, Regional Shopping Mall, Restaurant/Delicatessen/Coffee Shop/Bakery, and Trade Center

   C. Conference/Convention Facility

   D. Entertainment (excluding adult entertainment, sexually oriented business): Movie Theaters, Museums, Musical Theaters, Performing Arts Center, Sports Facility

   E. High Density Residential

   F. Hotels

RQR-34844
08/13/09 PC

400 E. STEWART AVENUE • LAS VEGAS, NEVADA 89101-2986
(702) 229-6011 (VOICE) • (702) 386-9108 (TDD)
www.ci.las-vegas.nv.us (WEBSITE)

G. Transportation: Gasoline Sales Station (with no automobile repair or servicing), Heliport, Monorail Station, Parking Facilities, Transportation Center.

2. A Master Development Plan and Development Standards shall be submitted for review and approval by the Planning Commission in conjunction with or prior to the submittal of any Site Development Plan Review application for any phase of this site.

3. New off-premise signs (billboards) shall not be a permitted use on the property, however the pre-existing off-premise signs (billboards) on the property shall be allowed to be relocated and remain on-site subject to a two year review.

4. Resolution of Intent.

5. All City Code requirements and design standards of all City departments must be satisfied.

Sincerely,

BARBARA JO RONEMUS
City Clerk

/ac

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. Of Fire Services
Land Development Services

Nevada Stadium Builders, LLP
16885 Dallas Parkway, Fourth Floor
Dallas, Texas 75248

City of Las Vegas
400 Stewart Avenue
Las Vegas, Nevada 89101

RQR-34844
08/13/09 PC

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW

DOUGLAS A. SELBY
CITY MANAGER



CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov

August 17, 2007

Mr. Robert Holgate
WMC III Associates, LLC
495 South Grand Central Parkway
Las Vegas, Nevada 89106

RE: RQR-21496 – REQUIRED REVIEW
CITY COUNCIL MEETING OF AUGUST 15, 2007

Dear Mr. Holgate:

The City Council at a regular meeting held August 15, 2007 APPROVED the Required One Year Review of an approved Rezoning (Z-0100-97) WHICH APPROVED ONE EXISTING OFF-PREMISE ADVERTISING (BILLBOARD) SIGN on property bounded by U.S. 95, I-15 and Grand Central Parkway (APN 139-33-511-004), PD (Planned Development) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on August 16, 2007. This approval is subject to:

Planning & Development

1. This Special Use Permit shall be reviewed in two (2) years at which time the City Council may require the Off-Premise Advertising (Billboard) Sign be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Advertising (Billboard) Sign is removed.

2. All of the supporting structure shall be repainted, as required by the Planning and Development Department, within 30 days of final approval of this review by the City Council. Failure to perform the required painting may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.

3. The Off-Premise Advertising (Billboard) Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.

4. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.

RQR-34844
08/13/09 PC

5. If the existing off-premise sign is voluntarily demolished, this Special Use Permit shall be expunged and a new off-premise sign shall not be permitted in the same location unless a Special Use Permit is approved for the new structure by the City Council.

6. The off-premise advertising (billboard) sign shall be removed prior to the issuance of building permits for any new development on this site.

7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Sincerely,

Angela Crolli
Deputy City Clerk II for
Beverly K. Bridges, CMC, City Clerk

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. of Fire Services

Mr. Shawn Paulsen
CBS Outdoor
5426 South Valley View, Suite #103
Las Vegas, Nevada 89118

Mr. Ryan Arnold
The Skanke Company
3225-B South Rainbow Boulevard, Suite #204
Las Vegas, Nevada 89146

RQR-34844
08/13/09 PC

NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

CITY OF LAS VEGAS

ONE MOTION / ONE VOTE

Planning and Development Department
Case Planning Division
731 South Fourth Street
Las Vegas, Nevada 89101
(702) 229-6301 Phone (702) 385-7268 Fax

RECEIVED
AUG 07 2009

SUBJECT: **RQR-34844 - APPLICANT: CBS OUTDOOR - OWNER: WMC III ASSOCIATES, LLC**

The above item has been placed on the One Motion/One Vote portion of the Planning Commission Agenda for the ***August 13, 2009*** Planning Commission meeting. All of these items will be placed at the beginning of the agenda. The Chairman of the Planning Commission will open them at the same time.

Enclosed please find the proposed conditions of approval. If you agree to these conditions, please sign this form and fax it to Nora Lares at 385-7268. If there is no one present at the Planning Commission meeting who wants to discuss this item, you will not be called to the podium to discuss the case. However, you must be present in case any Planning Commissioner or member of the public wants to discuss the item. If you have any questions, please contact my office at (702) 229-6301.

Please sign and date that you have read and agree to the conditions.

_____ 07/06/09

Signature Date

_____

Please print name

_____

Company Name

Sincerely,

Steve Gebeke
Planning Supervisor
Case Planning Division

Submitted after final agenda

Date 8/7/09 Item 8

CITY OF LAS VEGAS

ONE MOTION / ONE VOTE

Planning and Development Department
Case Planning Division
731 South Fourth Street
Las Vegas, Nevada 89101
(702) 229-6301 Phone (702) 385-7268 Fax

RECEIVED
AUG 10 2009

SUBJECT: **RQR-34844 - APPLICANT: CBS OUTDOOR - OWNER: WMC III ASSOCIATES, LLC**

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Please sign and date that you have read and agree to the conditions.

[signature] 8/10/09

Signature Date

Ryan Arnold

Please print name

The Skancke Company

Company Name

Sincerely,

Steve Gebeke
Planning Supervisor
Case Planning Division

City of Las Vegas Agenda Item No.: **68.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

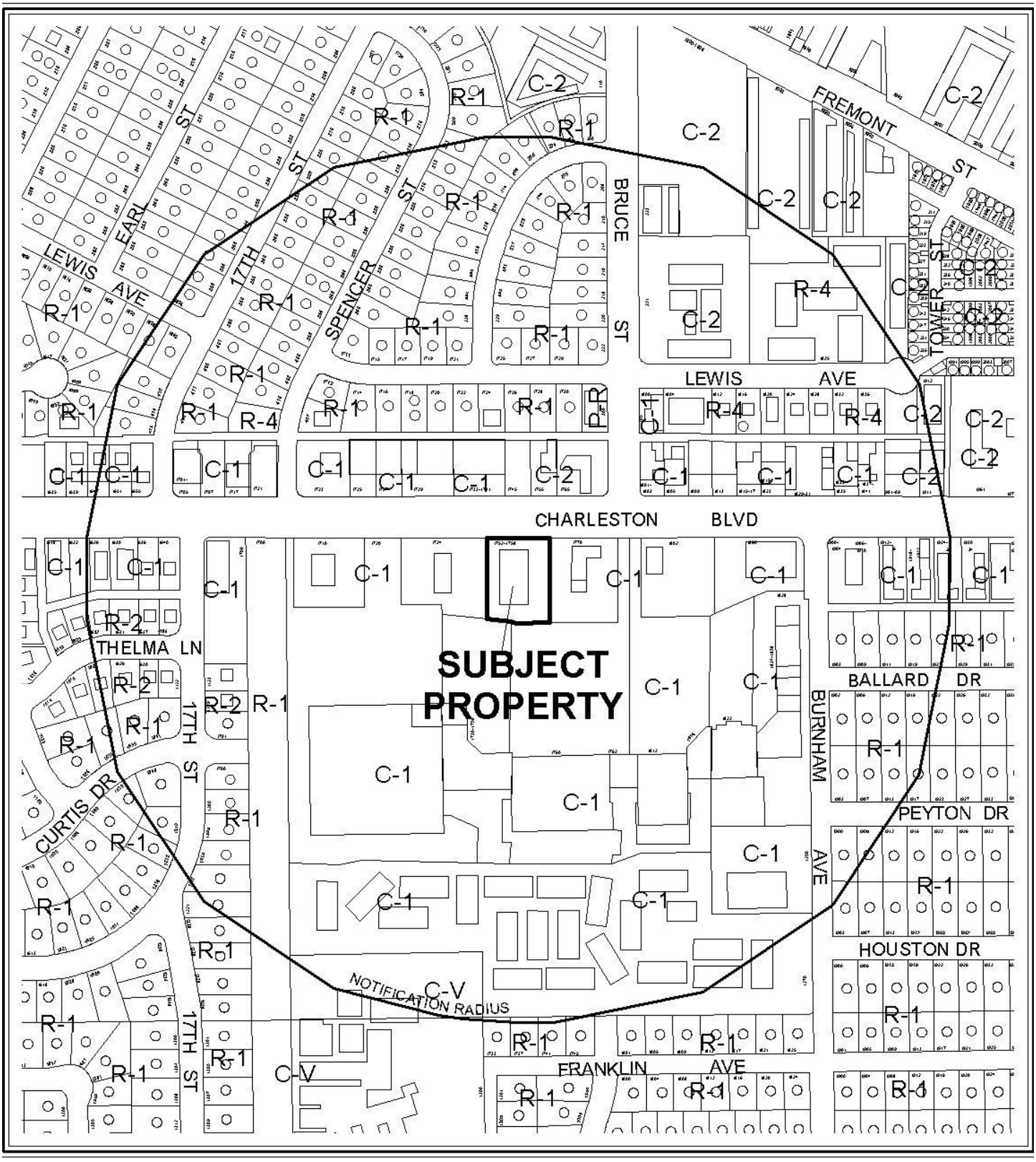
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-35049 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: TUNE & LUBE PLUS - OWNER: CHARLESTON PLAZA - Request for a Special Use Permit FOR A PROPOSED 1,820 SQUARE-FOOT AUTO REPAIR GARAGE, MINOR at 1752 East Charleston Boulevard (APN 162-02-510-003), C-1 (Limited Commercial) Zone, Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**1**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Backup referenced from the August 13, 2009 Planning Commission Meeting Item 18



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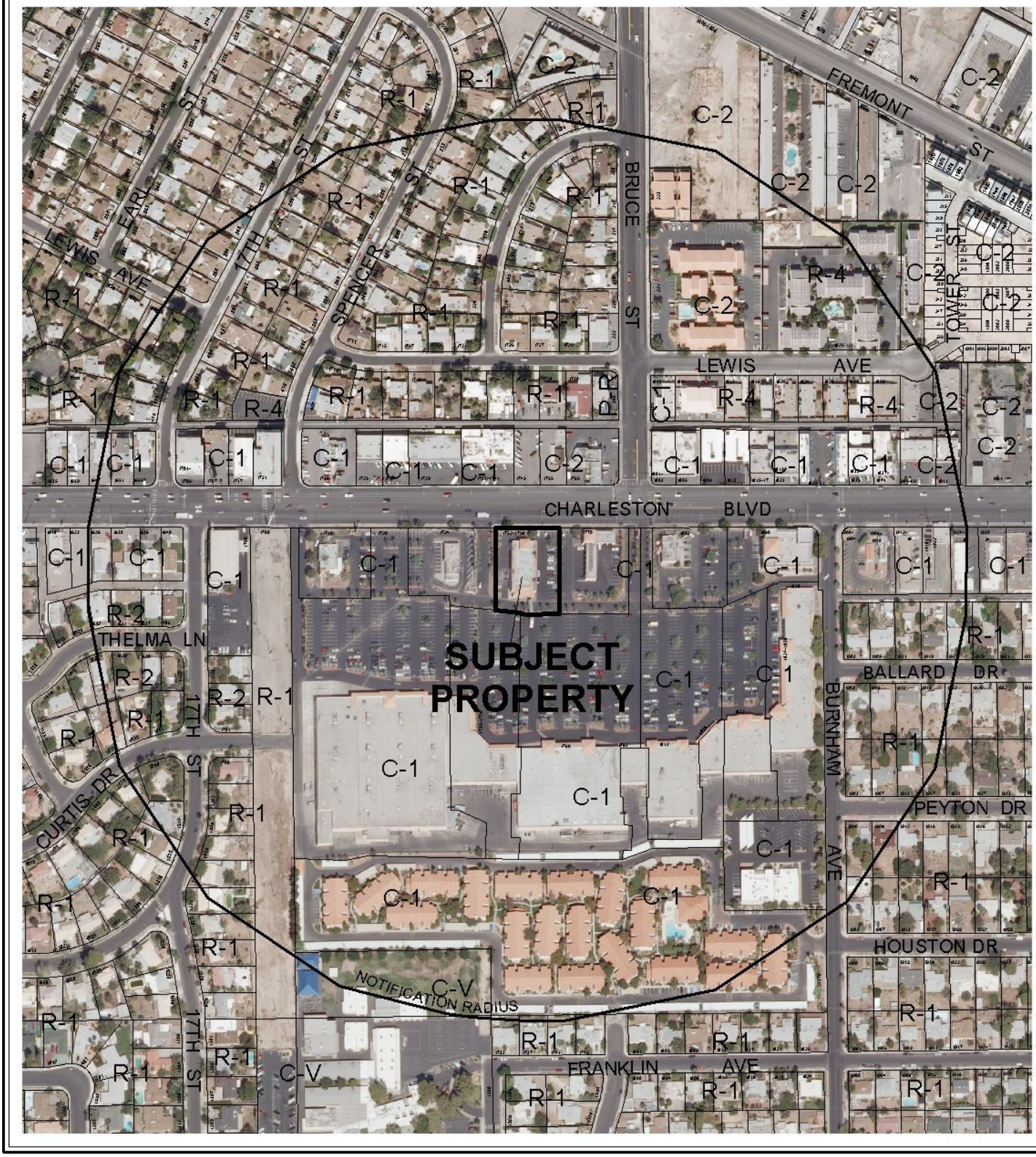
CASE: **SUP-35049**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



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CASE: **SUP-35049**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-35049 - APPLICANT: TUNE & LUBE PLUS - OWNER: CHARLESTON PLAZA

** CONDITIONS **

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. There shall be a one-year administrative review.

2. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for an Auto Repair Garage, Minor use.

3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit for an Auto Repair Garage, Minor to be located at 1752 East Charleston Boulevard. Currently, the site consists of an existing building of 7,216 square feet containing a garage facility with two bays not facing the public right-of-way, a second garage, and two restaurants. Previously, the proposed site for the garage was occupied by another tenant that also operated a garage. The previous garage ceased operation 03/10/08, and the business's Special Use Permit expired one year later, therefore a new Special Use Permit for the proposed use at that location must be obtained. If denied, the proposed use will not be permitted within the commercial retail shopping plaza. Staff is recommending approval of the request as it is a permitted use within the C-1 (Limited Commercial) zoning designation and can be conducted in a manner that is compatible with surrounding land uses.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
09/26/91	The Board of Zoning Adjustment approved a request for a Special Use Permit (U-226-91) to allow a minor automotive service and repair facility located at 1752 East Charleston Boulevard.
01/28/92	The Board of Zoning Adjustment approved a request for a Variance (V-186-91) to allow a Major Automotive parts exchange (transmissions) where such use is not allowed, and a minor automotive repair and service facility located at 1752 East Charleston Boulevard.
04/22/04	A deed was recorded for change of ownership.
11/17/04	A Code Enforcement case (#23827) was processed for vehicle sales at 1752 East Charleston Boulevard. The case was closed by Code Enforcement on 01/13/05.
02/08/05	A Code Enforcement case (#25805) was processed for illegal storage of vehicles at a shopping center, no major auto repairs at C-1 zoned property and other zoning/business license violations at 1752 East Charleston Boulevard. The case was closed by Code Enforcement on 04/27/05.
11/21/05	A Code Enforcement case (#36448) was processed to verify conditions of use; applicant was licensed for Minor Auto Repair but operated a Major Auto Repair, and applicant also stored vehicles in shopping center parking spaces 1752 East Charleston Boulevard. The case was closed by Code Enforcement on 09/27/07.
11/28/07	A Code Enforcement case (#60134) was processed for graffiti at 1752 East Charleston Boulevard. The case was closed by Code Enforcement on 12/04/07.
08/13/09	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #18/ao).

Related Building Permits/Business Licenses	
06/22/92	A building permit (#93149970) was issued for a non-work certificate of occupancy at 1752 East Charleston Boulevard. The permit was completed on 11/13/92.
10/08/92	A building permit (#92162999) was issued for a tenant improvement at 1752 East Charleston Boulevard. The permit was completed on 11/19/92.
12/14/92	A building permit (#92170076) was issued for a non-work certificate of occupancy at 1752 East Charleston Boulevard. The permit was completed on 03/11/93.
06/26/00	A business license (#G03-02252) was issued for a garage major auto repair at 1752 East Charleston Boulevard. The license was marked out of business on 03/10/08.
02/20/04	A business license (#R05-00028) was issued for a restaurant - take out only at 1752 East Charleston Boulevard. The license is still active.
09/28/04	A business license (#E03-00442) was issued for an express delivery service at 1752 East Charleston Boulevard. The license was marked out of business on 03/10/08.
07/16/07	A business license (#G02-00448) was issued to for a garage minor auto repair at 1752 East Charleston Boulevard. The license is still active.
05/26/09	A business license application (#G02-99289) was submitted for a garage-minor auto repair at 1752 East Charleston Boulevard. The license was denied by the Planning Development Department on 06/24/09 pending approval of Special Use Permit.
06/01/09	A business license (#R09-01508) was issued for a restaurant with seating for 45 or more at 1752 East Charleston Boulevard. The license is still active.
Pre-Application Meeting	
06/12/09	A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit for Automotive Repair Garage Minor were discussed. Topics included: • Application materials, documents, meeting dates and submittal deadlines were also discussed.
Neighborhood Meeting	
A neighborhood meeting was not required, nor was one conducted.	
Field Check	
07/09/09	During a routine site inspection staff observed: • There is adequate space for the proposed location of the facility; the facility will not interfere with on-site parking or circulation. • The subject site contains an existing 7,216 square-foot building with multiple tenants. • The building façade has multiply banner signs that are not permitted. This issue has being referred to Code Enforcement.

Details of Application Request	
Site Area	
Gross Acres	.76 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	C (Commercial)	C-1 (Limited Commercial)
North	Restaurant	C (Commercial)	C-1 (Limited Commercial)/ C-2 (General Commercial)
South	Shopping Center	C (Commercial)	C-1 (Limited Commercial)
East	Shopping Center	C (Commercial)	C-1 (Limited Commercial)
West	Restaurant Establishment	C (Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan		X	N/A
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts	X		
Las Vegas Downtown Redevelopment Plan	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Parking Requirement - Downtown							
	Gross Floor Area or Number of Units	***Base Parking Requirement***			***Provided***		***Compliance***
			Parking		*Parking*		
Use		***Parking Ratio***	Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	37,521 S F	1:250	1,208	23			Y
TOTAL (including handicap)			1,231 S F		1,272 S F		

ANALYSIS

This is a request for a Special Use Permit for a proposed Auto Repair Garage Minor, within an existing Commercial Retail Shopping Center located at 1752 East Charleston Boulevard. The subject site is part of a multi-lot commercial subdivision, with shared access and parking defined by the final map. This gives the uses associated with the subdivision ample parking. The hours of operation for the store will be from 8:00 am from 5:00 pm Monday through Friday; and 8:00 am to1:00 pm on Saturdays. The subject site was previously occupied by a tenant that also operated a garage. This garage ceased operation 03/10/08, and the business's Special Use Permit expired one year later, therefore a new Special Use Permit for the proposed use must be obtained. The current proposed use complies with all minimum Special Use Permit requirements of Title 19.04, and can be conducted in a manner that is compatible with existing surrounding land uses; therefore, staff recommends approval of this request.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

   The proposed Auto Repair Garage Minor use can be conducted in a manner that is harmonious and compatible with the existing surrounding commercial uses.

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

   The subject site is part of a larger commercial subdivision that can accommodate a variety of uses, and is physically suitable for the proposed Auto Repair Garage Minor use.

3. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use."**

   Access to the site is via a driveway from Charleston Boulevard which is a 100-foot wide Primary Arterials, according to the Master Plan of streets and Highways.

4. **"Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan."**

The proposed use on this site will be subject to periodic inspection by regulatory agencies for business licensing and environmental health, and it will therefore not compromise the public health, safety and welfare, or the overall objectives of the General Plan.

5. **The use meets all of the applicable conditions per Title 19.04.**

   The proposed Auto Repair Garage Minor meets the minimum special use permit requirements of Title 19.04.

PLANNING COMMISSION ACTION

The Planning Commission added condition #1 to which the applicant agreed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 12

SENATE DISTRICT 10

NOTICES MAILED 196 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-35049 APN: 162-02-510-003

Name of Property Owner: Charleston Plaza

Name of Applicant: TUNE & LUBE Plus JOHN RYAN

Name of Representative: _____

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____Yes ✓ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: JOHN SAFI

Subscribed and sworn before me

This _____day of _____, 20__

_____

Notary Public in and for said County and State

CALIFORNIA JURAT WITH AFFIANT STATEMENT

☑ See Attached Document (Notary to cross out lines 1–6 below)
☐ See Statement Below (Lines 1–5 to be completed only by document signer[s], *not* Notary)

1
2
3
4
5
6

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

State of California

County of Los Angeles

Subscribed and sworn to (or affirmed) before me on this

23rd (Date) day of June (Month), 20 09 (Year), by

(1) JOHN SAFI (Name of Signer),

proved to me on the basis of satisfactory evidence to be the person who appeared before me (.) (;)

(and

(2) _____ (Name of Signer),

proved to me on the basis of satisfactory evidence to be the person who appeared before me.)

Signature Myla P. Lanto (Signature of Notary Public)

MYLA P. LANTO
Commission # 1717603
Notary Public - California
Los Angeles County
My Comm. Expires Jan 16, 2011

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Further Description of Any Attached Document

Title or Type of Document: Statement of Financial Interest

Document Date: June 23, 2009 Number of Pages: One

Signer(s) Other Than Named Above: No other Signer

RIGHT THUMBPRINT OF SIGNER #1	RIGHT THUMBPRINT OF SIGNER #2
Top of thumb here	Top of thumb here

©2007 National Notary Association • 9350 De Soto Ave., P.O. Box 2402 • Chatsworth, CA 91313-2402 • www.NationalNotary.org Item #5910 Reorder: Call Toll-Free 1-800-876-6827

SUP-35049
08/13/09 PC

ALTA / ACSM LAND TITLE SURVEY

CHARLESTON PLAZA MALL

SURVEYOR'S CERTIFICATE

THE UNDERSIGNED, A LAND SURVEYOR, DULY REGISTERED AND LICENSED IN THE STATE OF NEVADA, HEREBY CERTIFIES TO SAFECO CAPITAL CORPORATION, UNITED TITLE OF NEVADA AND GREENWICH CAPITAL FINANCIAL PRODUCTS, INC.,ITS SUCCESSORS AND ASSIGNS THAT:

(I) THIS LAND SURVEY PLAT HAS BEEN PREPARED BASED UPON FIELD WORK CONDUCTED ON THE PROPERTY SHOWN HEREON, PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION ON FEBRUARY 15, 2004, (II) THE DESCRIPTION OF THE PROPERTY SHOWN HEREON IS TRUE AND CORRECT, AND SUCH DESCRIPTION CLOSES BY ENGINEERING CALCULATION, (III) THIS SURVEY PLAT CORRECTLY SHOWS THE LOCATIONS AND DIMENSIONS OF ALL BOUNDARIES OF THE PROPERTY, AND ALL BUILDINGS, STRUCTURES, OTHER IMPROVEMENTS, SETBACK LINES , PARTY WALLS, DITCHES, FLOOD PLAINS, WATERWAYS, BODIES OF WATER, FENCES, EASEMENTS, RIGHTS-OF-WAY, UTILITIES, STREETS, ALLEYS, ROADWAYS, CURBS, GUTTERS, DRIVEWAYS, CURB CUTS, PARKING STALLS, TRAVELED WAYS, DISPOSAL SITES AND OTHER SIGNIFICANT ITEMS, LOCATED ON, ADJACENT TO, APPURTENANT TO, OR AFFECTING THE SUBJECT PROPERTY, IN ALL CASES ARE OF RECORD, DISCOVERABLE UPON VISUAL INSPECTION, OR OTHERWISE KNOWN TO ME, (IV) ALL INFORMATION SHOWN HEREON IS TRUE, CORRECT, AND COMPLETE, (V) THE SUBJECT PROPERTY CONTAINS 765,992.48 SQUARE FEET AND 842 STRIPED PARKING STALLS, (VI) NO PORTION OF SAID PROPERTY SHOWN HEREON LIES WITHIN THE ONE HUNDRED YEAR FLOOD PLAIN OR ANY AREA SUBJECT TO SPECIAL FLOOD HAZARDS AS DESIGNATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, THE FLOOD INSURANCE ADMINISTRATION, OR ANY GOVERNMENTAL AGENCY HAVING JURISDICTION OVER THE PROPERTY, (VII) NO IMPROVEMENTS UPON, UNDER, OR ADJACENT TO THE PROPERTY CONSTITUTE OR ARE SUBJECT TO ENCROACHMENTS, OVERLAPS, OR OVERHANGS, EXCEPT AS SHOWN HEREON, (VIII) NO COVENANTS, RESTRICTIONS, OR EASEMENTS THAT ARE OF RECORD, DISCOVERABLE UPON VISUAL INSPECTION, OR OTHERWISE KNOWN TO ME APPEAR TO HAVE BEEN VIOLATED IN ANY RESPECT, (IX) THIS MAP OR PLAT AND THE SURVEY ON WHICH IT WAS BASED WERE MADE IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ASCM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ASCM, AND NSPS IN 1999; AND PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA, NSPS, AND ASCM AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, THE UNDERSIGNED FURTHER CERTIFIES THAT THE SURVEY MEASUREMENTS WERE MADE IN ACCORDANCE WITH THE "MINIMUM ANGLE, DISTANCE AND CLOSURE REQUIREMENTS FOR SURVEY MEASUREMENTS WHICH CONTROL LAND BOUNDARIES FOR ALTA/ACSM LAND TITLE SURVEYS", AND MEETS THE ACCURACY REQUIREMENTS OF AN "URBAN SURVEY" AS DEFINED THEREIN, AND ALSO IN ALL RESPECTS MEETS THE REQUIREMENTS OF ALL APPLICABLE LAW.

BY:

ALLEN L. HAGEN
PROFESSIONAL LAND SURVEYOR
NEVADA CERTIFICATE NO. 7755

PROFESSIONAL LAND SURVEYOR · STATE OF NEVADA · ALLEN L. HAGEN · NO. 7755

EXP. DATE
8/30/09

ZONING

THIS PROPERTY IS ZONED C-1 (LIMITED COMMERCIAL DISTRICT) PER THE CITY OF LAS VEGAS COMMERCIAL AND INDUSTRIAL DISTRICT DEVELOPMENT STANDARDS.

SETBACK REQUIREMENTS FOR C-1 ZONING
CITY OF LAS VEGAS STANDARDS (REV. NOVEMBER, 2001)

FRONT:	20'
SIDE AT CORNER:	15'(MIN.) SEE NOTE 4
SIDE:	10' (MIN.) SEE NOTE 4
REAR:	20' (MIN.) SEE NOTE 4
LOT COVERAGE:	50% (MAX.) SEE NOTE 4

NOTE 4: DOWNTOWN OVERLAY DISTRICT - ALL STRUCTURES IN THE DOWNTOWN OVERLAY DISTRICT ARE EXEMPTED FROM THE AUTOMATIC APPLICATION OF THE HEIGHT LIMITATIONS, REQUIRED SETBACKS AND LOT COVERAGE REQUIREMENTS SPECIFIED IN THIS CHAPTER. HOWEVER THE EXEMPTION DOES NOT PROHIBIT THE CITY COUNCIL FROM IMPOSING SIMILAR OR EQUIVALENT LIMITATIONS IN CONNECTION WITH THE APPROVAL OF A SITE DEVELOPMENT PLAN IN ACCORDANCE WITH SUBCHAPTER 19.06.060.

TITLE REPORT INFORMATION

INFORMATION BASED ON TITLE REPORT FROM UNITED TITLE OF NEVADA
ORDER NO. 03904481 (1ST AMENDED), DATED FEBRUARY 18, 2004 AT 7:30 PM

FLOOD ZONE

THIS PROPERTY HAS A FLOOD ZONE DESIGNATION OF X (AREA DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD PLAIN) AS SHOWN ON FLOOD INSURANCE RATE MAP PANEL 2170E & 2186E OF 4090, MAP NO. 32003C2170 E & 32003C2186 E WITH AN EFFECTIVE DATE OF SEPTEMBER 27, 2002.

TABLE A, ITEM 14

THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS

TABLE A, ITEM 15

THERE ARE NO KNOWN CHANGES IN STREET RIGHT-OF-WAY LINES EITHER COMPLETED OR PROPOSED, AND AVAILABLE FROM THE CONTROLLING JURISDICTION.

TABLE A, ITEM 16

THIS PROPERTY IS NOT CURRENTLY BEING USED AS, NOR HAS PREVIOUSLY BEEN USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.

PARKING

STANDARD PARKING STALLS	818
HANDICAPPED PARKING SPACES	24
TOTAL PARKING SPACES	842

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JUN 30 2009

EXCEPTIONS

ONLY THOSE EXCEPTIONS LISTED IN UNITED TITLE OF NEVADA ORDER NO. 03904481, (1ST AMENDED), DATED FEBRUARY 18, 2004 AND RELISTED BELOW WERE CONSIDERED FOR THIS SURVEY. ITEM NUMBERS CORRESPOND TO ITEM NUMBERS IN SAID COMMITMENT FOR TITLE INSURANCE. NO ADDITIONAL RESEARCH WAS PERFORMED BY THE CERTIFYING SURVEYOR.

THE FOLLOWING ITEMS LISTED AFFECT PARCEL ONE (1):

(4) WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT SHOWN BY THE PUBLIC RECORD.

(5) MINERAL RIGHTS, RESERVATIONS, EASEMENTS AND EXCLUSIONS IN PATENT FROM THE STATE OF NEVADA.
RECORDED :SEPTEMBER 11, 1911 IN BOOK 2 OF DEEDS, PAGE 62
DOCUMENT NO. :03168, OFFICIAL RECORDS.

(6) AN EASEMENT AFFECTING A PORTION OF SAID LAND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES
IN FAVOR OF :LAS VEGAS VALLEY WATER DISTRICT
FOR :WATER LINES
RECORDED :NOVEMBER 5, 1979 IN BOOK 1143
DOCUMENT NO. :1102257, OFFICIAL RECORDS.

(8) DEDICATIONS AND EASEMENTS AS INDICATED OR DELINEATED ON THE PLAT OF SAID SUBDIVISION ON FILE IN BOOK 43 OF PLATS, PAGE 85, OFFICIAL RECORDS

(9) THE HEREIN DESCRIBED PROPERTY LIES WITHIN THE BOUNDARIES OF THE CITY OF LAS VEGAS DOWNTOWN REDEVELOPMENT AREA, AND MAY BE SUBJECT TO ALL ASSESSMENTS AND OBLIGATIONS RELATED THERETO, AS DISCLOSED BY AN INSTRUMENTS ENTITLED "NOTICE OF ADOPTION OF REDEVELOPMENT PLAN FOR THE CITY OF LAS VEGAS DOWNTOWN REDEVELOPMENT AREA."
RECORDED :NOVEMBER 22, 1996 IN BOOK 961122
DOCUMENT NO. :00847, OFFICIAL RECORDS.

AND AMENDED BY AN INSTRUMENT
RECORDED :NOVEMBER 22, 1996 IN BOOK 961122
DOCUMENT NO. :00848, OFFICIAL RECORDS.

AND RE-RECORDED :NOVEMBER 25, 1996 IN BOOK 961125
DOCUMENT NO. :00566, OFFICIAL RECORDS.

AND AS SHOWN BY MAP
FILE :LC, OF SURVEYS AT PAGE 78
RECORDED :NOVEMBER 22, 1996 IN BOOK 961122
DOCUMENT NO. :00849, OFFICIAL RECORDS.

THE FOLLOWING ITEMS LISTED AFFECT PARCEL TWO (2):

(20) WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT SHOWN BY THE PUBLIC RECORD.

(21) MINERAL RIGHTS, RESERVATIONS, EASEMENTS AND EXCLUSIONS IN PATENT FROM THE STATE OF NEVADA.
RECORDED :SEPTEMBER 11, 1911 IN BOOK 2 OF DEEDS, PAGE 62
DOCUMENT NO. :03168, OFFICIAL RECORDS.

(22) AN EASEMENT AFFECTING A PORTION OF SAID LAND FOR THE PURPOSE STATED HEREIN, AND INCIDENTAL PURPOSES
IN FAVOR OF :NEVADA POWER COMPANY AND CENTRAL TELEPHONE COMPANY
FOR :POLE LINES, UNDERGROUND LINES AND CONDUITS
RECORDED :MAY 10, 1965 IN BOOK 626
DOCUMENT NO. :503254, OFFICIAL RECORDS.

A RELINQUISHMENT OF RIGHT OF WAY GRANT
DATED :JANUARY 24, 1995
EXECUTED BY :NEVADA POWER COMPANY
RECORDED :JANUARY 31, 1995 IN BOOK 950131
DOCUMENT NO. :00903, OFFICIAL RECORDS.
(AFFECTS LOTS 1 AND 2)

(25) AN EASEMENT AFFECTING A PORTION OF SAID LAND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES
IN FAVOR OF :LAS VEGAS VALLEY WATER DISTRICT
FOR :WATER LINES
RECORDED :JUNE 23, 1989 IN BOOK 890623
DOCUMENT NO. :00561, OFFICIAL RECORDS.
(AFFECTS LOT 7)

(26) EASEMENTS RESERVED TO THE CITY OF LAS VEGAS, CENTRAL TELEPHONE COMPANY, NEVADA POWER COMPANY AND THE LAS VEGAS VALLEY WATER DISTRICT OVER, ACROSS AND UNDER SAID VACATED PARCEL FOR STREETLIGHT AND FIRE HYDRANT PURPOSES TOGETHER WITH REASONABLE RIGHTS OF INGRESS THERETO AND EGRESS THEREFROM, AS DISCLOSED BY AN INSTRUMENT ENTITLED "ORDER OF VACATION".
RECORDED :JULY 18, 1989 IN BOOK 890718
DOCUMENT NO. :00524, OFFICIAL RECORDS
(AFFECTS LOTS 6 AND 7)

(27) AN EASEMENT AFFECTING A PORTION OF SAID LAND FOR THE PURPOSE STATED HEREIN, AND INCIDENTAL PURPOSES
IN FAVOR OF :LUCKY STORES, INC., A NEVADA CORPORATION
FOR :INSTALLATION AND WATER LINES
RECORDED :AUGUST 31, 1989 IN BOOK 890831
DOCUMENT NO. :00252, OFFICIAL RECORDS.
(AFFECTS LOTS 4, 6 AND 7)

(28) DEDICATIONS AND EASEMENTS AS INDICATED OR DELINEATED ON THE PLAT OF SAID SUBDIVISION ON FILE IN BOOK 43 OF PLATS, PAGE 85, OFFICIAL RECORDS.

(29) AN EASEMENT AFFECTING A PORTION OF SAID LAND FOR THE PURPOSE STATED HEREIN, AND INCIDENTAL PURPOSES
IN FAVOR OF :CHARLESTON SENIOR APARTMENTS
FOR :INGRESS, EGRESS AND INCIDENTAL PURPOSES
RECORDED :JULY 17, 1990 IN BOOK 900717
DOCUMENT NO. :00723, OFFICIAL RECORDS.
(AFFECTS LOT 1)

(30) THE HEREIN DESCRIBED PROPERTY LIES WITHIN THE BOUNDARIES OF THE CITY OF LAS VEGAS DOWNTOWN REDEVELOPMENT AREA, AND MAY BE SUBJECT TO ALL ASSESSMENTS AND OBLIGATIONS RELATED THERETO, AS DISCLOSED BY AN INSTRUMENTS ENTITLED "NOTICE OF ADOPTION OF REDEVELOPMENT PLAN FOR THE CITY OF LAS VEGAS DOWNTOWN REDEVELOPMENT AREA."
RECORDED :NOVEMBER 22, 1996 IN BOOK 961122
DOCUMENT NO. :00847, OFFICIAL RECORDS.

AND AMENDED BY AN INSTRUMENT
RECORDED :NOVEMBER 22, 1996 IN BOOK 961122
DOCUMENT NO. :00848, OFFICIAL RECORDS.

AND RE-RECORDED :NOVEMBER 25, 1996 IN BOOK 961125
DOCUMENT NO. :00566, OFFICIAL RECORDS.

AND AS SHOWN BY MAP
FILE :LC, OF SURVEYS AT PAGE 78
RECORDED :NOVEMBER 22, 1996 IN BOOK 961122
DOCUMENT NO. :00849, OFFICIAL RECORDS.

LEGAL DESCRIPTION

ALL THAT REAL PROPERTY SITUATED IN THE STATE OF NEVADA, COUNTY OF CLARK DESCRIBED AS FOLLOWS:

PARCEL ONE (1):

PARCEL 1A:

LOTS EIGHT (8) AND THIRTEEN (13) AS SHOWN ON A PLAT ENTITLED "RESUBDIVISION OF LOTS 1 AND 2 OF THE AMENDED OFFICIAL PLATS OF CHARLESTON PLAZA MALL" ON FILE IN BOOK 43, PAGE 85 OF PLATS IN THE OFFICIAL RECORDS OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

PARCEL 1B:

EASEMENTS AND ALL OTHER APPURTENANT RIGHTS AS GRANTED BY AND PROVIDED FOR IN THE RESTATED DECLARATION OF RESTRICTIONS AND GRANT OF EASEMENTS RECORDED DECEMBER 6, 1988 IN BOOK 881206 AS DOCUMENT NO. 00428 AND AMENDED BY INSTRUMENT RECORDED APRIL 14, 1997 IN BOOK 970414 AS DOCUMENT NO. 00347, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

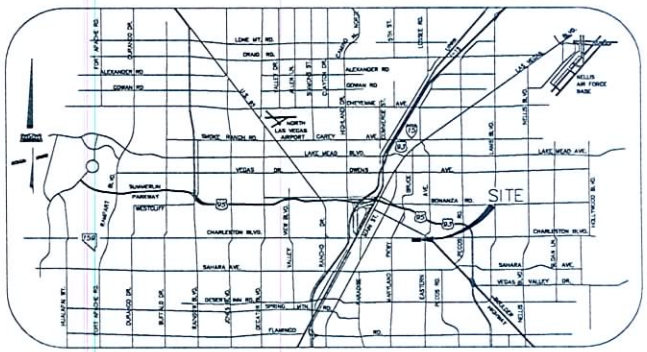
PARCEL TWO (2):

PARCEL 2A:

LOTS ONE (1), TWO (2), FOUR (4), FIVE (5), SIX (6), SEVEN (7), TEN (10), AND ELEVEN (11), AS SHOWN ON A PLAT ENTITLED "RESUBDIVISION OF LOTS 1 AND 2 OF THE AMENDED OFFICIAL PLATS OF CHARLESTON PLAZA MALL" ON FILE IN BOOK 43, PAGE 85 OF PLATS IN THE OFFICIAL RECORDS OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

PARCEL 2B:

EASEMENTS AND ALL OTHER APPURTENANT RIGHTS AS GRANTED BY AND PROVIDED FOR IN THE RESTATED DECLARATION OF RESTRICTIONS AND GRANT OF EASEMENTS RECORDED DECEMBER 6, 1988 IN BOOK 881206 AS DOCUMENT NO. 00428 AND AMENDED BY INSTRUMENT RECORDED APRIL 14, 1997 IN BOOK 970414 AS DOCUMENT NO. 00347, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.



VICINITY MAP

SUP-35049
08/13/09 PC

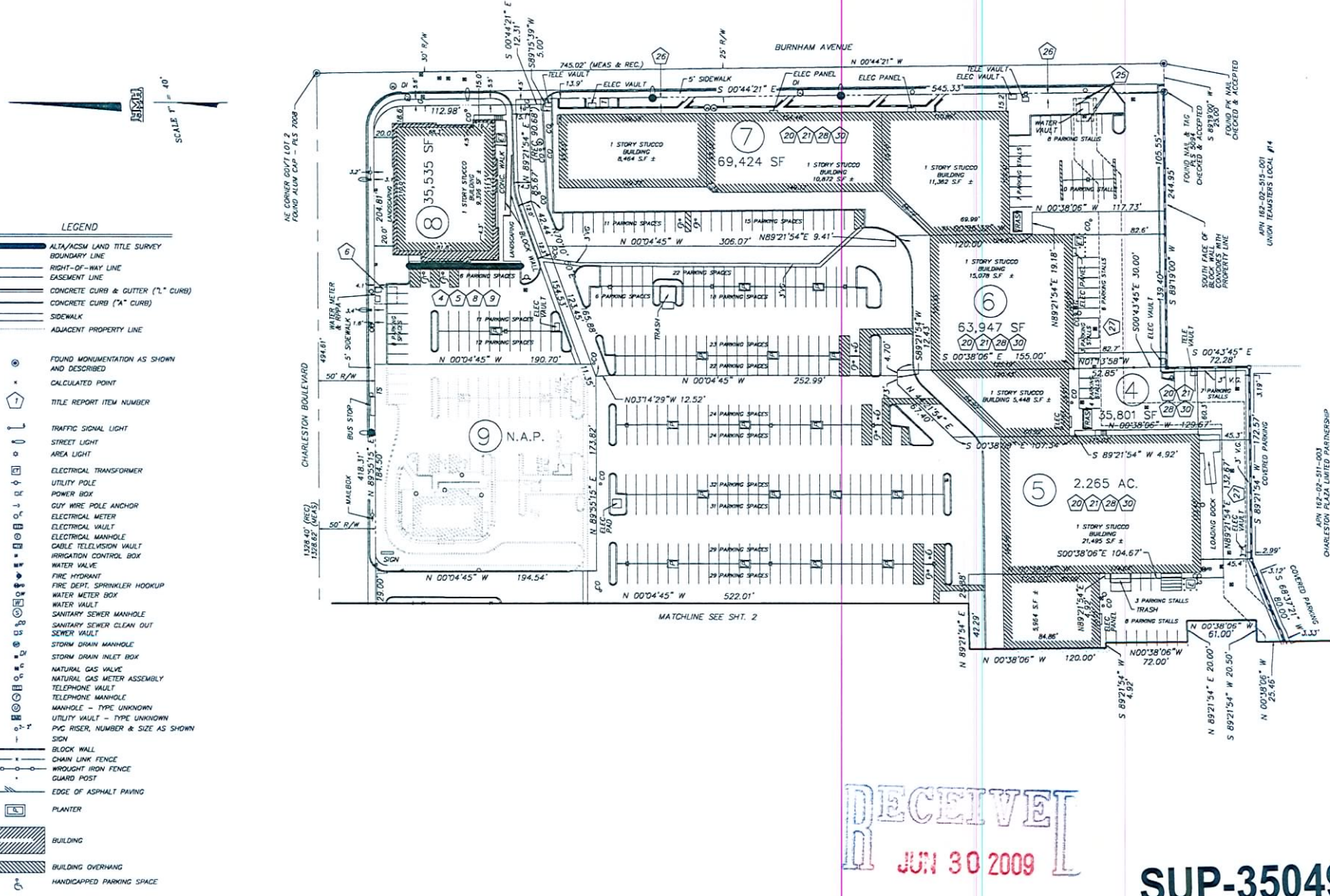
PLOTTED:

DESCRIPTION | REV | DATE

8650 WEST SAHARA AVENUE, SUITE 140
LAS VEGAS, NEVADA 89117
PHONE: (702) 256-7850
FAX: (702) 256-1710

SAFCO CAPITAL CORPORATION
CHARLESTON PLAZA
ALTA/ACSM LAND TITLE SURVEY

SHEET 1 OF 3 SHEETS



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SUP-35049
08/13/09 PC

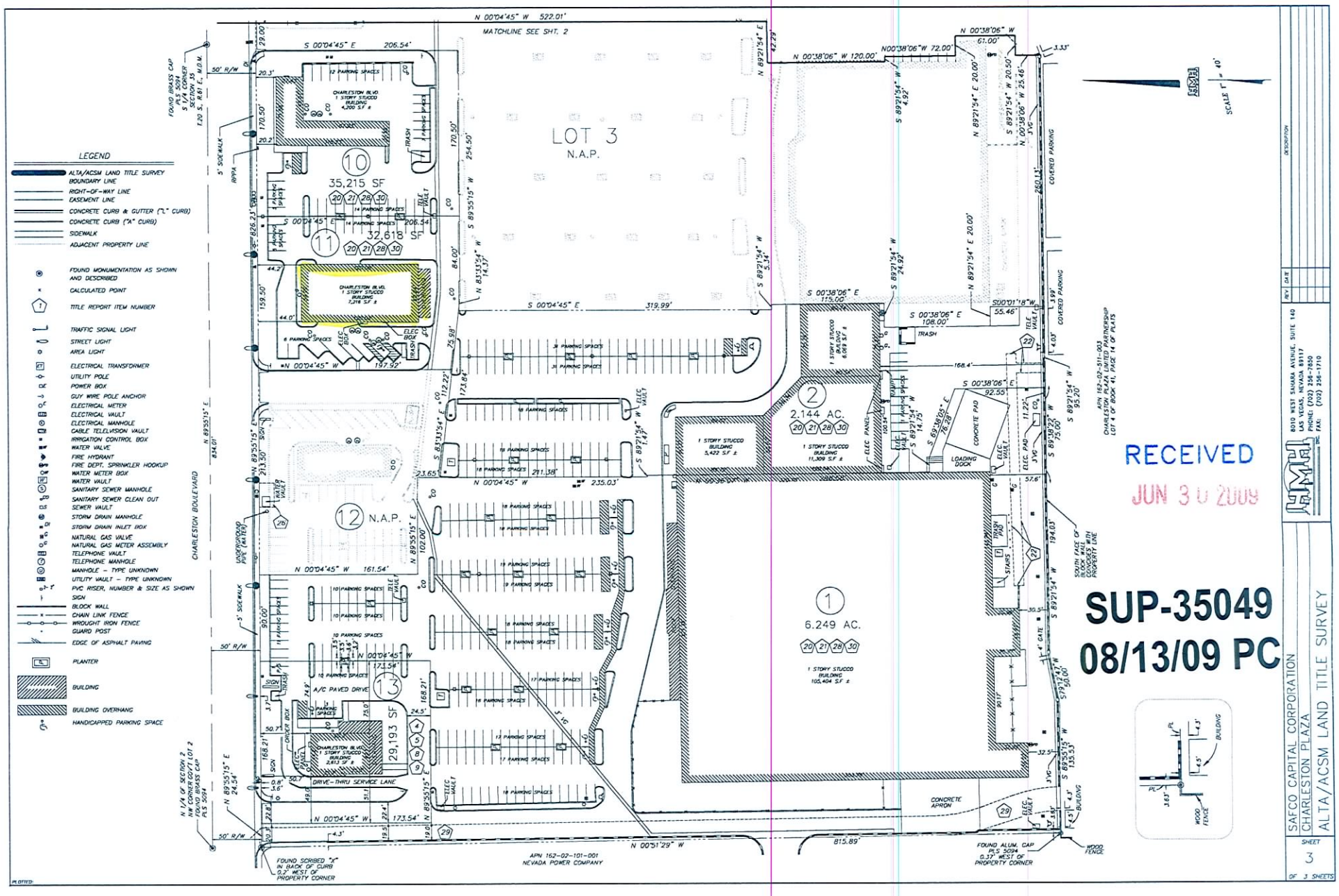
SAFCO CAPITAL CORPORATION
CHARLESTON PLAZA
ALTA/ACSM LAND TITLE SURVEY

SHEET 2 OF 3 SHEETS

8010 WEST SAHARA AVENUE, SUITE 140
LAS VEGAS, NEVADA 89117
PHONE: (702) 255-7550
FAX: (702) 255-1710

REV | DATE | DESCRIPTION

PLOTTED:


LEGEND
ALTA/ACSM LAND TITLE SURVEY BOUNDARY LINE
RIGHT-OF-WAY LINE
EASEMENT LINE
CONCRETE CURB & GUTTER ("L" CURB)
CONCRETE CURB ("A" CURB)
SIDEWALK
ADJACENT PROPERTY LINE
FOUND MONUMENTATION AS SHOWN AND DESCRIBED
CALCULATED POINT
TITLE REPORT ITEM NUMBER
TRAFFIC SIGNAL LIGHT
STREET LIGHT
AREA LIGHT
ELECTRICAL TRANSFORMER
UTILITY POLE
POWER BOX
GUY WIRE POLE ANCHOR
ELECTRICAL METER
ELECTRICAL VAULT
ELECTRICAL MANHOLE
CABLE TELEVISION VAULT
IRRIGATION CONTROL BOX
WATER VALVE
FIRE HYDRANT
FIRE DEPT. SPRINKLER HOOKUP
WATER METER BOX
WATER VAULT
SANITARY SEWER MANHOLE
SANITARY SEWER CLEAN OUT
SEWER VAULT
STORM DRAIN MANHOLE
STORM DRAIN INLET BOX
NATURAL GAS VALVE
NATURAL GAS METER ASSEMBLY
TELEPHONE VAULT
TELEPHONE MANHOLE
MANHOLE – TYPE UNKNOWN
UTILITY VAULT – TYPE UNKNOWN
PVC RISER, NUMBER & SIZE AS SHOWN
SIGN
BLOCK WALL
CHAIN LINK FENCE
WROUGHT IRON FENCE
GUARD POST
EDGE OF ASPHALT PAVING
PLANTER
BUILDING
BUILDING OVERHANG
HANDICAPPED PARKING SPACE
LOT 3
N.A.P.
10
35,215 SF
11
32,618 SF
12
N.A.P.
13
29,193 SF
1
6.249 AC.
2
2.144 AC.
CHARLESTON BOULEVARD
MATCHLINE SEE SHT. 2
APN 162-02-101-001
NEVADA POWER COMPANY
APN 162-02-511-003
CHARLESTON PLAZA LIMITED PARTNERSHIP
LOT 4 OF BOOK 41, PAGE 14 OF PLATS
RECEIVED
JUN 30 2009
SUP-35049
08/13/09 PC
SAFCO CAPITAL CORPORATION
CHARLESTON PLAZA
ALTA/ACSM LAND TITLE SURVEY
SHEET 3 OF 3 SHEETS
8010 WEST SAHARA AVENUE, SUITE 140
LAS VEGAS, NEVADA 89117
PHONE: (702) 256-7850
FAX: (702) 256-1710



SUP-35049 - APPLICANT: TUNE & LUBE PLUS - OWNER: CHARLESTON PLAZA
1752 EAST CHARLESTON BOULEVARD
AUGUST 13, 2009 PLANNING COMMISSION

07/09/09



SUP-35049 - APPLICANT: TUNE & LUBE PLUS - OWNER: CHARLESTON PLAZA
1752 EAST CHARLESTON BOULEVARD
AUGUST 13, 2009 PLANNING COMMISSION

07/09/09



SUP-35049 - APPLICANT: TUNE & LUBE PLUS - OWNER: CHARLESTON PLAZA
1752 EAST CHARLESTON BOULEVARD
AUGUST 13, 2009 PLANNING COMMISSION

07/09/09



SUP-35049 - APPLICANT: TUNE & LUBE PLUS - OWNER: CHARLESTON PLAZA
1752 EAST CHARLESTON BOULEVARD
AUGUST 13, 2009 PLANNING COMMISSION

07/09/09



SUP-35049 - APPLICANT: TUNE & LUBE PLUS - OWNER: CHARLESTON PLAZA
1752 EAST CHARLESTON BOULEVARD
AUGUST 13, 2009 PLANNING COMMISSION

07/09/09

6/30/09

Planning Dept.

REF: SUP 35049

This letter is to get a Special use permit for 1752 E. Charleston Blv. LV. NV. 89104.

This location is to Automotive minor Repair. This Building was always for mechanic shop (more than 10 years).

Work Description:

- Tune ups
- A/C SVC.
- Trans. SVC.
- Balance
- Lubrication
- etc....

RECEIVED
JUN 30 2009

SUP-35049
08/13/09 PC

John Ryan

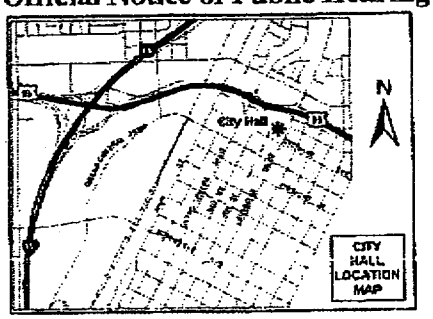
NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 JUL 31 2009
MAILED FROM ZIPCODE 89101

Return Service Requested
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request

☑ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-35049
Planning Commission Meeting of 8/13/2009

RECEIVED
AUG 10 2009

RECEIVED
AUG 10 2009

Case: SUP-35049
13935413124
NEVADA TREATMENT CENTER
1721 E CHARLESTON BLVD
LAS VEGAS NV 89104-1902

Submitted after final agenda

Date 8/10/09 Item 18P

City of Las Vegas Agenda Item No.: **69.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

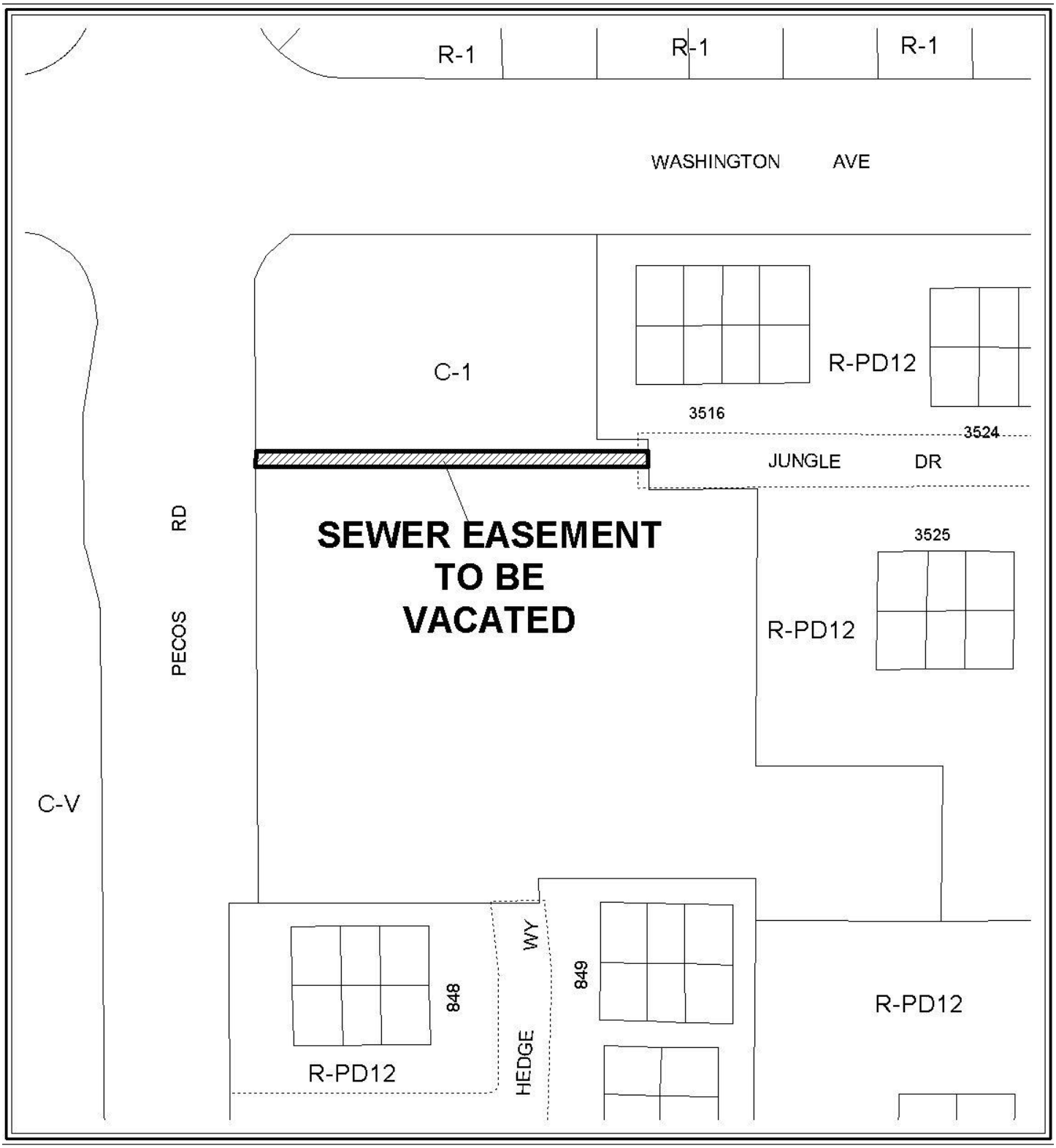
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
VAC-35041 - VACATION - PUBLIC HEARING - APPLICANT: JHR ASSOCIATES - OWNER: REBEL OIL COMPANY INC. - Petition to Vacate a 10-foot wide public sewer easement located on the east side of Pecos Road approximately 140 feet south of Washington Avenue, Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**4**
City Council Meeting	**0**	**City Council Meeting**	**2**

RECOMMENDATION:
The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Approval Postcards
7. Backup referenced from the August 13, 2009 Planning Commission Meeting Item 9



CASE: **VAC-35041**



0 80 160 Feet

CASE: **VAC-35041**

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAC-35041 - APPLICANT: JHR ASSOCIATES - OWNER: REBEL OIL COMPANY INC.

** CONDITIONS **

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

1. The limits of this Petition of Vacation shall be the public sewer easement located within Assessor Parcel Number #140-30-301-001, generally located at the southeast corner of Pecos Road and Washington Avenue granted by document #1732:1691736.

2. Provide a sewer relocation/abandonment plan acceptable to the Collection System Planning Section of the Department of Public Works prior to the recordation of the Order of Vacation. This Petition of Vacation shall not record until civil improvement plans are approved by the City of Las Vegas, a temporary sewer easement is submitted overlying the vacation limits, and an easement for the new sewer alignment is submitted. The temporary easement shall remain on file until the relocated sewer is accepted for use by the City of Las Vegas; Otherwise, the temporary sewer easement may be recorded by the City of Las Vegas if the sewer relocation is not completed within one year of civil plan approval.

3. All public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.

4. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.

5. All development shall be in conformance with code requirements and design standards of all City Departments.

6. If the Order of Vacation is not recorded within one (1) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.

** STAFF REPORT **

PROJECT DESCRIPTION

The subject property is currently an undeveloped lot surrounded by a City park as well as single and multi-family residential dwellings. This request proposes to Vacate a 10-foot wide public sewer easement which is necessary to facilitate construction of a phased commercial development beginning with a convenience store on the northwest corner of the subject property. If denied, the applicant must redesign the proposed site plan so the proposed structures do not encroach into the existing public sewer easement.

ISSUES:

- The applicant has indicated that this request is being submitted to fulfill Condition of Approval number 17 of a previously approved Site Development Plan Review (SDR-28320), which required Vacation of the subject easement.
- Since the proposed Vacation is consistent with Condition of Approval number 17 of the approved Site Development Plan Review (SDR-28320), staff recommends approval of the request.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
09/11/80	The Board of City Commissioners approved a Reclassification of Property (Z-0056-80) from R-1 (Single-Family Residential) to R-PD12 (Residential Planned Development -12 Units per Acre) generally located on the southeast corner of Washington Avenue and Pecos Drive. The Planning Commission recommended approval of this request.
11/15/00	The City Council approved a request to amend a portion of the Southeast Sector of the General Plan (GPA-0025-00) from M (Medium Density Residential) to SC (Service Commercial), a request for a Rezoning (Z-0079-00) from R-1 (Single Family Residential) under Resolution of Intent to R-3 (Medium Density Residential) to C-1 (Limited Commercial) and a Site Development Plan Review [Z-0079-00(1)] with a Waiver of the required landscaping for a proposed 21,425 square-foot commercial center on 3.05 acres on the southeast corner of Washington Avenue and Pecos Road. The Planning Commission recommended approval of these requests.
02/05/03	The City Council approved a request for an Extension of Time (EOT-1287) on an approved Rezoning (Z-0079-00) from R-1 (Single Family Residential) under Resolution of Intent to R-3 (Medium Density Residential) to C-1 (Limited Commercial) on 3.05 acres adjacent to the southeast corner of Washington Avenue and Pecos Road. The Planning Commission recommended approval of this request.

09/17/08	The City Council approved a request for a Rezoning (ZON-28325) from R-1 (Single Family Residential) to C-1 (Limited Commercial) zone designation; a request for a Variance (VAR-28326) to allow a 11.33-foot setback where residential adjacency standards require 60 feet for a proposed retail development; a request for a Special Use Permit (SUP-28323) for a proposed Beer/Wine/Cooler Off-Sale Establishment within a proposed convenience store with a Waiver to allow a 100-foot distance separation where 400 feet is required from a City Park; and a request for a Site Development Plan Review (SDR-28320) for a 4,618 square-foot convenience store with fuel pumps, a 748 square-foot restaurant with drive-thru, a 2,608 square-foot restaurant with drive-thru and a 9,449 square-foot retail building with a Waiver to allow a six-foot three-inch landscape buffer where eight feet is required at the southeast corner of Washington Avenue and Pecos Road. The Planning Commission recommended approval of this request.
05/15/09	A deed was recorded for a change of ownership.
08/13/09	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #9/jb).
Related Building Permits/Business Licenses	
No relevant building permit or licensing history exists pertaining to this request.	
Pre-Application Meeting	
A pre-application meeting was neither required nor held for this Vacation request.	
Neighborhood Meeting	
A neighborhood meeting was neither required nor held for this Vacation request.	
Field Check	
07/08/09	During a routine site inspection, staff observed a relatively flat and undeveloped site with numerous political advertising signs on the property.

Details of Application Request	
Site Area	
Gross Acres	2.78

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped [Proposed Retail Development – per SDR-28320]	SC (Service Commercial)	C-1 (Limited Commercial)
North	Single-Family Residences	L (Low Density Residential)	R-1 (Single-Family Residential)
South	Multi-Family Residences	ML (Medium Low Density Residential)	R-PD12 (Residential Planned Development – 12 Units per Acre)
East	Multi-Family Residences	ML (Medium Low Density Residential)	R-PD12 (Residential Planned Development – 12 Units per Acre)

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
West	City of Las Vegas Public Park	PR-OS (Parks/ Recreation/Open Space)	C-V (Civic)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan		X	N/A
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

LEGAL DESCRIPTION

A request has been submitted by Rebel Oil Company Incorporated to Vacate a public sewer easement generally located on the eastside of Pecos Road, approximately 150 feet south of Washington Avenue.

The above property is legally described as follows:

A portion of the North Half (N ½) of the Southwest Quarter (SW ¼) of Section 30, Township 20 South, Range 62 East, M.D.M.,

ANALYSIS

A) Planning discussion

This is a request to Vacate a 10-foot wide public sewer easement generally located on the eastside of Pecos Road, approximately 150 feet south of Washington Avenue. The applicant has indicated that this request is being submitted to fulfill Condition of Approval number 17 of a previously approved Site Development Plan Review (SDR-28320), which is required prior to the issuance of any permits or recordation of a map for this site. Since the proposed Vacation is consistent with the Conditions of Approval number 17 of the approved Site Development Plan Review (SDR-28320), staff recommends approval of the request.

B) Public Works discussion

This Vacation application proposes to vacate existing public sewer easements. As no right-of-way is proposed to be vacated, and thus no franchise rights are involved, it is not necessary to send this Vacation request to the utility companies and franchise holders, nor wait for their responses. Since only City easements are involved; any utility company interests will not be affected.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

ASSEMBLY DISTRICT 28

SENATE DISTRICT 10

NOTICES MAILED 112 by City Clerk

APPROVALS 1

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAC-35041 APN: 140-30-301-001

Name of Property Owner: REBEL OIL COMPANY INC.

Name of Applicant: JHR ASSOCIATES LTD.

Name of Representative: DERRICK FENNER PLS

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Jean Cason

Print Name: _____

Subscribed and sworn before me

This 23rd day of June, 2009

P. Gregory Shupe

Notary Public in and for said County and State

CLARK COUNTY, NEVADA

P. GREGORY SHUPE
Notary Public State of Nevada
No. 96-1968-1
My appt. exp. Apr. 3, 2012



VAC-35041 - APPLICANT: JHR ASSOCIATES - OWNER: REBEL OIL COMPANY INC.
EAST SIDE OF PECOS ROAD APPROXIMATELY 140 FEET SOUTH OF WASHINGTON AVENUE
AUGUST 13, 2009 PLANNING COMMISSION

07/09/09



VAC-35041 - APPLICANT: JHR ASSOCIATES - OWNER: REBEL OIL COMPANY INC.
EAST SIDE OF PECOS ROAD APPROXIMATELY 140 FEET SOUTH OF WASHINGTON AVENUE
AUGUST 13, 2009 PLANNING COMMISSION

07/09/09



VAC-35041 - APPLICANT: JHR ASSOCIATES - OWNER: REBEL OIL COMPANY INC.
EAST SIDE OF PECOS ROAD APPROXIMATELY 140 FEET SOUTH OF WASHINGTON AVENUE
AUGUST 13, 2009 PLANNING COMMISSION

07/09/09



VAC-35041 - APPLICANT: JHR ASSOCIATES - OWNER: REBEL OIL COMPANY INC.
EAST SIDE OF PECOS ROAD APPROXIMATELY 140 FEET SOUTH OF WASHINGTON AVENUE
AUGUST 13, 2009 PLANNING COMMISSION

07/09/09

JHR Associates, Ltd.
Civil Engineers & Land Surveyors
Internet: WWW.JHRASSOCIATES.COM
4880 W. University, Suite B-2 Las Vegas, Nevada 89103 Ph: (702) 876-2341
Fax: (702) 876-8395

June 29, 2009

RECEIVED
JUN 29 2009

City of Las Vegas
Planning and Development Department
731 South Fourth Street
Las Vegas, NV 89101

Attn: Planner

Subject: Justification for Vacation of Right of Way Grant for Sewer Purposes:
Vacation of portions of Right of Way Grant as shown in Book 1732, instrument No. 1691736. recorded May 11,1983.

To whom it concerns,

It is necessary to vacate a portion of the above mentioned Right of Way Grant to allow for the construction of a phased commercial development starting with a convenience store on the northwest corner of the subject property.

APN 140-30-301-001
Located on the southeast corner of Pecos Road and Washington Avenue.

If you have questions or concerns that we need to address please don't hesitate to contact our office.

Respectfully submitted,

Derrick R. Fenner P.L.S.
JHR Associates Ltd.

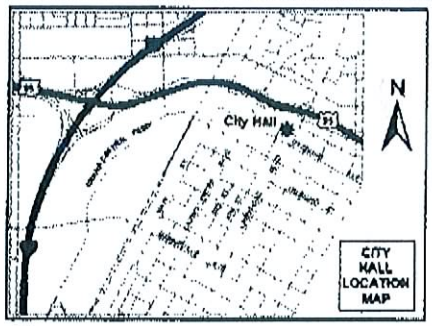
VAC-35041
08/13/09 PC

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 JUL 31 2009
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAC-35041
Planning Commission Meeting of 8/13/2009

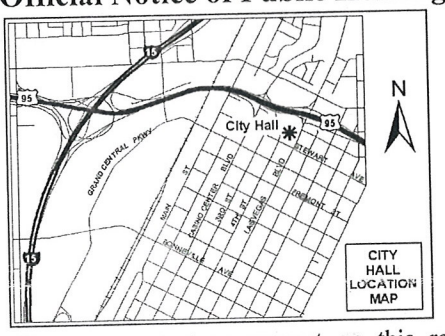
RECEIVED
AUG 03 2009

Case: VAC-35041
14030313025
WILLIAMS ALLAN R & LILY H
4900 QUASAR CT
LAS VEGAS NV 89130-1821

9A

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

Return Service Requested
Official Notice of Public Hearing



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CITY CLERK
2009 SEP -3 A 10:14

Case: VAC-35041

14030310035
GARLAND MARIA E
849 HEDGE WY #5
LAS VEGAS NV 89110-2157

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

[✓] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

VAC-35041
City Council Meeting of 9/16/2009

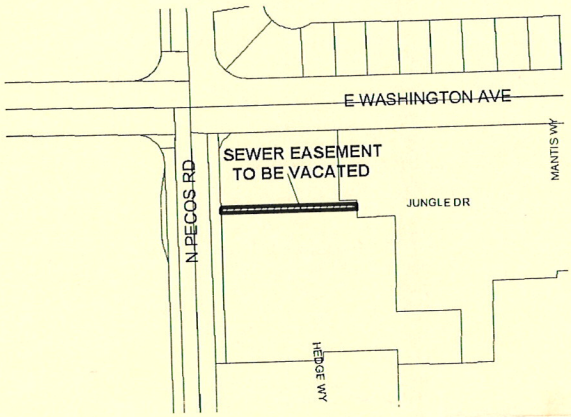
Application Information

VAC-35041 - APPLICANT: JHR ASSOCIATES - OWNER: REBEL OIL COMPANY INC. - Petition to Vacate a 10-foot wide public sewer easement located on the east side of Pecos Road approximately 140 feet south of Washington Avenue, Ward 3 (Reese)

Yes I would like to see something building on this corner.

Maria E Garland

Application Location



The proposed project may not pertain to the entire highlighted project site.

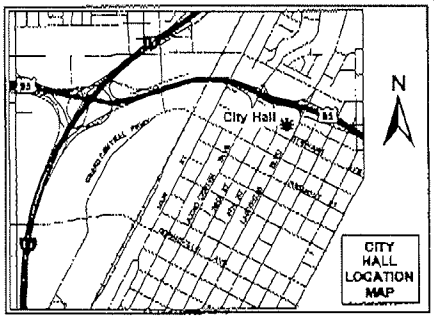
Public Hearing Information

Meeting:	City Council
Date:	***September 16, 2009***
Time:	1:00 P.M.
Location:	City Council Chambers 400 Stewart Avenue Las Vegas, Nevada

Any and all interested persons may appear and be heard at said meeting, or may, prior thereto, file written objections thereto or approvals thereof with the City Clerk, 1st Floor, City Hall, 400 Stewart Avenue, Las Vegas, Nevada, 89101. For further information, please call (702) 229-6311 (TDD 386-9108) or go to www.lasvegasnevada.gov.

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

Return Service Requested
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAC-35041
City Council Meeting of 9/16/2009

Case: VAC-35041
14030313025
WILLIAMS ALLAN R & LILY H
4900 QUASAR CT
LAS VEGAS NV 89130-1821

2009 SEP -2 A 6:42
RECEIVED
CITY CLERK

NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

CITY OF LAS VEGAS

ONE MOTION / ONE VOTE

Planning and Development Department
Case Planning Division
731 South Fourth Street
Las Vegas, Nevada 89101
(702) 229-6301 Phone (702) 385-7268 Fax

RECEIVED
AUG 12 2009

SUBJECT: VAC-35041 - APPLICANT: JHR ASSOCIATES - OWNER: REBEL OIL COMPANY INC.

The above item has been placed on the One Motion/One Vote portion of the Planning Commission Agenda for the ***August 13, 2009*** Planning Commission meeting. All of these items will be placed at the beginning of the agenda. The Chairman of the Planning Commission will open them at the same time.

Enclosed please find the proposed conditions of approval. If you agree to these conditions, please sign this form and fax it to Nora Lares at 385-7268. If there is no one present at the Planning Commission meeting who wants to discuss this item, you will not be called to the podium to discuss the case. However, you must be present in case any Planning Commissioner or member of the public wants to discuss the item. If you have any questions, please contact my office at (702) 229-6301.

Please sign and date that you have read and agree to the conditions.

Derrick R Fenner — 8-12-09

Signature — Date

Derrick R Fenner

Please print name

JHR Associates

Company Name

Sincerely,

Steve Gebeke
Planning Supervisor
Case Planning Division

Post-it® Fax Note 7671	Date 8-12-09	# of pages ▶ 1
To NORA LARES	From DERRICK FENNER	
Co./Dept.	Co. JHR Assoc.	
Phone #	Phone # 876-2341	
Fax # 385-7268	Fax # 876-8395	

Submitted after final agenda

Date 8/12/09 Item 9

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

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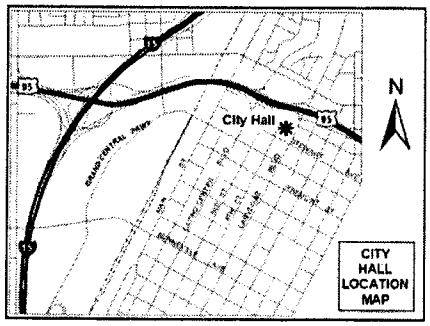

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAC-35041
Planning Commission Meeting of 8/13/2009

RECEIVED
AUG 07 2009

08-03-09 P02:1

Case: VAC-35041
14030314015
WOMENS DEVELOPMENT CENTER INC
4020 PECOS MCLEOD
LAS VEGAS NV 89121-4350

Submitted after final agenda

Date 8/7/09 Item 9A

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

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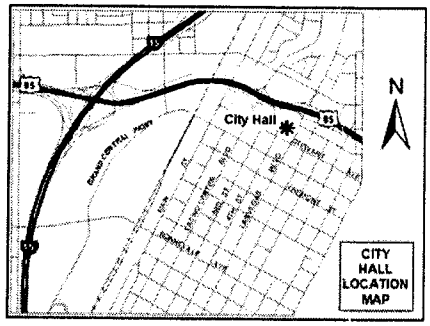

RECEIVED
AUG 10 2009

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☑ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAC-35041
Planning Commission Meeting of 8/13/2009

Case: VAC-35041
14030310018
WALKER MAGGIE
880 MANTIS WY #3
LAS VEGAS NV 89110-6455

Submitted after final agenda
Date 8/10/09 Item 9A

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED
FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M
0004279218
$ 00.41⁴
JUL 31 2009
MAILED FROM ZIP CODE 89101

Return Service Requested
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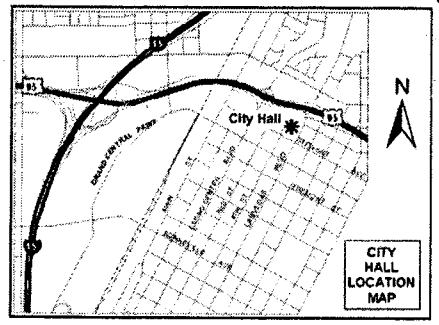

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☑ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAC-35041
Planning Commission Meeting of 8/13/2009

RECEIVED
AUG 10 2009

Case: VAC-35041
140030313023
ENAMORADO MARCO T
821 HEDGE WY #5
LAS VEGAS NV 89110-2169

Submitted after final agenda

Date 8/10/09 Item 9A

City of Las Vegas Agenda Item No.: **70.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

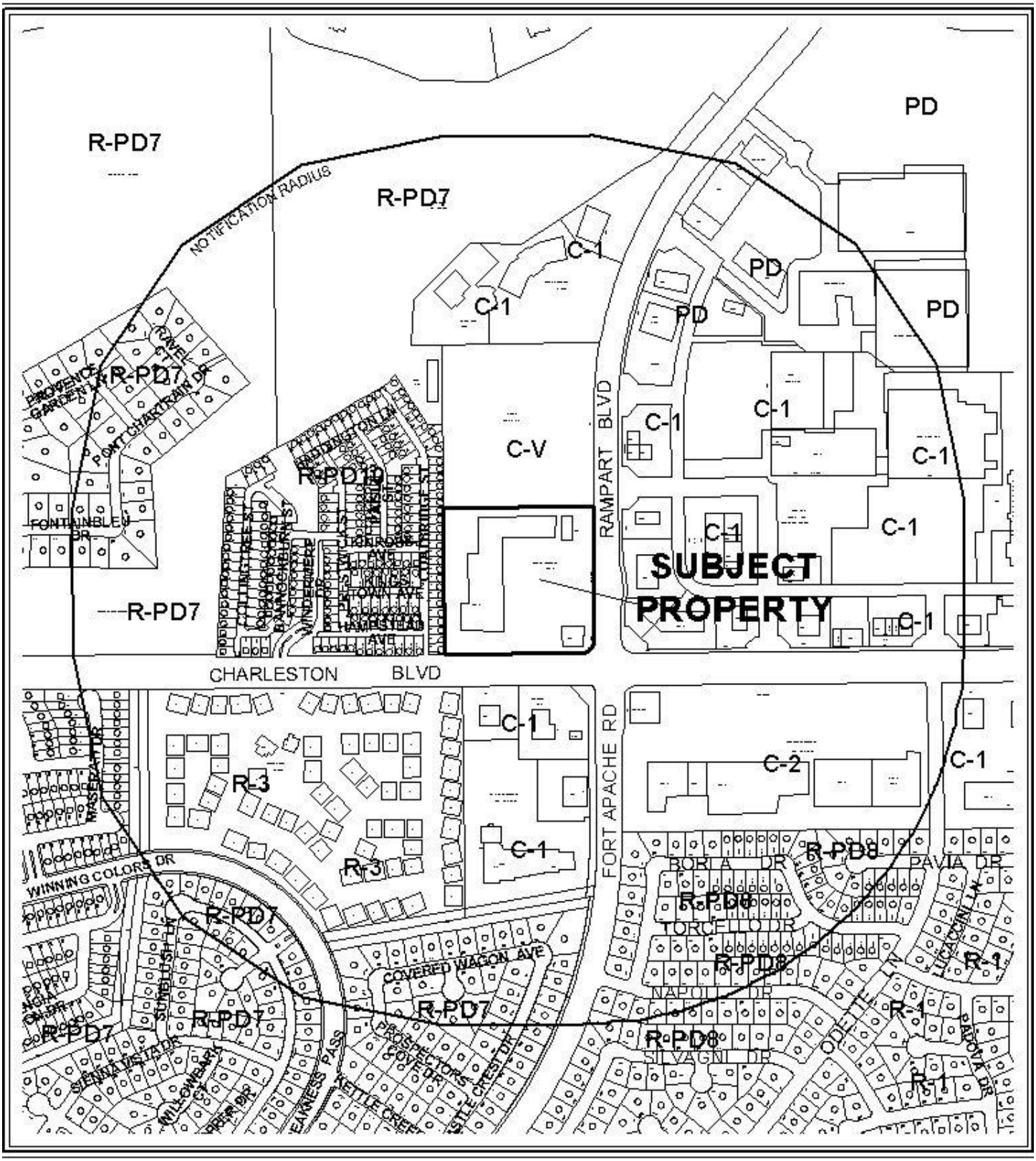
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-35521 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: NORA'S WINE BAR AND OSTERIA, LLC - OWNER: RAMPART COMMONS, LTD., LLC - Request for a Major Amendment to an approved Special Use Permit (SUP-5947) FOR A 1,100 SQUARE-FOOT ADDITION TO AN EXISTING LIQUOR ESTABLISHMENT (ON AND OFF-PREMISE SALE OF BEER AND WINE) at 1031 South Rampart Boulevard (APN 138-32-411-003), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**1**	**Planning Commission Mtg.**	**1**
City Council Meeting	**0**	**City Council Meeting**	**1**

RECOMMENDATION:
The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Support Postcard
7. Backup referenced from the August 27, 2009 Planning Commission Meeting Item 19



0 500 1000 Feet

CASE: **SUP-35521**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)



0 500 1000 Feet

CASE: **SUP-35521**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-35521 - APPLICANT: NORA'S WINE BAR AND OSTERIA, LLC

** CONDITIONS **

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Beer/Wine/Cooler (On-and Off-Premise Sale Establishment).

2. Conformance to the conditions for Special Use Permit (SUP-5947) and Site Development Plan Review (SDR-5946) if approved.

3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

4. Approval of this Special Use Permit does not constitute approval of a liquor license.

5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

** STAFF REPORT **

PROJECT DESCRIPTION

The applicant Nora's Wine Bar and Osteria is proposing to expand their existing 3,430 square-foot Restaurant with Beer/Wine/Cooler (On-and Off-Premise Sale Establishment) by 1,103 square feet at 1031 South Rampart Boulevard. The proposed expansion has necessitated the need for the subject Special Use Permit request. If denied, the proposed expansion of the existing use would not be permitted, but the existing Restaurant with Beer/Wine/Cooler (On-and Off-Premise Sale Establishment) use would remain in its current condition. The proposed expansion is appropriate at this location; therefore staff is recommending approval of this request.

ISSUES

- The applicant is expanding the existing Restaurant with Beer/Wine/Cooler (On-and Off-Premise Sale Establishment) by 1,103 square feet, which requires the subject Special Use Permit application.
- No Waivers are needed as a part of the subject application.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
01/17/01	The City Council approved a Site Development Plan Review [Z-0017-90(34)] for a 75,650 square-foot commercial center on the northwest corner of Charleston Boulevard and Rampart Boulevard. The Planning Commission and staff recommended approval of the request.
04/06/05	The City Council approved a Site Development Plan Review (SDR-5946) for a 737 square-foot expansion to an existing Shopping Center and a Special Use Permit (SUP-5947) for a Liquor Establishment (On and Off-Premise Sale of Beer and Wine) on 8.28 acres at 1031 South Rampart Boulevard. The Planning Commission and staff recommended approval of the requests.
Related Building Permits/Business Licenses	
1999	The subject Shopping Center was constructed in 1999 and has not changed ownership since construction.
08/16/02	A Building Permit (#2014948) was issued for a tenant improvement at 1031 South Rampart Boulevard. The permit was finaled on 10/09/02.
08/25/05	A Building Permit (#5006066) was issued for a 658 square-foot addition to an existing restaurant and a tenant improvement at 1031 South Rampart Boulevard. The permit was finaled on 05/18/06.
04/28/06	A Business License (#L11-00004) was issued for Beer/Wine/Cooler On-and-Off-Sale at 1031 South Rampart Boulevard.

07/09/09	A Building Permit (#143142) was denied for a tenant improvement at 1031 South Rampart Boulevard. The permit is pending approval of the subject Special Use Permit application.
08/27/09	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #19/bts).
Pre-Application Meeting	
08/13/09	A pre-application meeting was held on the indicated date to discuss the elements of a Special Use Permit application: • A new Special Use Permit is required as the applicant is expanding the existing business by 1,103 square feet. • No Waivers are required as a part of the request.
Neighborhood Meeting	
A neighborhood meeting is not required, nor was one held.	
Field Check	
08/06/09	A field check was completed on the indicated date. Planning and Development staff identified the following issues: • Nora's Wine Bar currently exists on the subject site as Restaurant with Beer/Wine/Cooler (On-and Off-Premise Sale Establishment) at 1031 South Rampart Boulevard.

Details of Application Request	
Site Area	
Net Acres	8.28 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	L.V.V.W.D. Pump Station	PF (Public Facilities)	C-V (Civic)
South	Shopping Center	M (Medium Density Residential) and SC (Service Commercial)	C-1 (Limited Commercial)
East	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
West	Single-Family Dwellings	M (Medium Density Residential)	R-PD10 (Residential Planned Development – 10 Units per Acre)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan			
Peccole Ranch	X		Y

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts		X	N/A
Trails (Multi-Use Non Equestrian)	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
	Gross Floor Area or Number of Units	***Required***			***Provided***		***Compliance***
			Parking		*Parking*		
Use		***Parking Ratio***	Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	73,915 s.f.	1 space per 250 square feet of g.f.a	296	7	430	12	
Restaurant with Beer/Wine/ Cooler (On-and Off-Premise Sale Establishment)	1,103 s.f. addition to existing 3,430 s.f. Restaurant		19	1			
TOTAL	78,448 s.f.		314		430		Y

ANALYSIS

The applicant is proposing to add 1,103 square feet to an existing 3,430 Restaurant with Beer/Wine/Cooler (On-and Off-Premise Sale Establishment) at 1031 South Rampart Boulevard. The proposed addition has necessitated the need for the subject Special Use Permit. The existing business has been in operation since 2006. The proposed addition of 1,103 square feet to the existing use is compatible with existing and surrounding land uses; therefore approval of the subject Special Use Permit is recommended.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

The proposed expansion of the existing use is compatible with the SC (Service Commercial) land use designation and surrounding uses in the area.

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

   The proposed expansion of the existing Beer/Wine/Cooler (On-and Off-Premise Sale Establishment) use will be located within an existing Shopping Center, which is physically suitable for the type and intensity of the land use proposed.

3. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use."**

   Access to the site is provided from Charleston Boulevard and Rampart Boulevard, which are both 100-foot Primary Arterials, as indicated on the Master Plan of Streets and Highways. Both are adequate to facilitate the traffic generated by the proposed expansion of the Beer/Wine/Cooler (On-and Off-Premise Sale Establishment) use.

4. **"Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan."**

   Approval of this Special Use Permit will not compromise the public health, safety, or welfare as the proposed Beer/Wine/Cooler (On-and Off-Premise Sale Establishment) will be subject to regular inspections.

5. **The use meets all of the applicable conditions per Title 19.04.**

   The proposed Beer/Wine/Cooler (On-and Off-Premise Sale Establishment) use meets all requirements as pursuant to Title 19.04.

PLANNING COMMISSION ACTION

The applicant agreed to all conditions at the Planning Commission Meeting.

ASSEMBLY DISTRICT 2

SENATE DISTRICT 8

NOTICES MAILED 438 by City Clerk

APPROVALS 1

PROTESTS 1

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-35521** APN: 138-32-411-003

Name of Property Owner: Rampart Commons LTD, LLC

Name of Applicant: Nora's Wine Bar & Osteria

Name of Representative: John David Burke, Architect

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____Yes XX No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: James B. Bayne

Subscribed and sworn before me

This 11 day of August, 2009

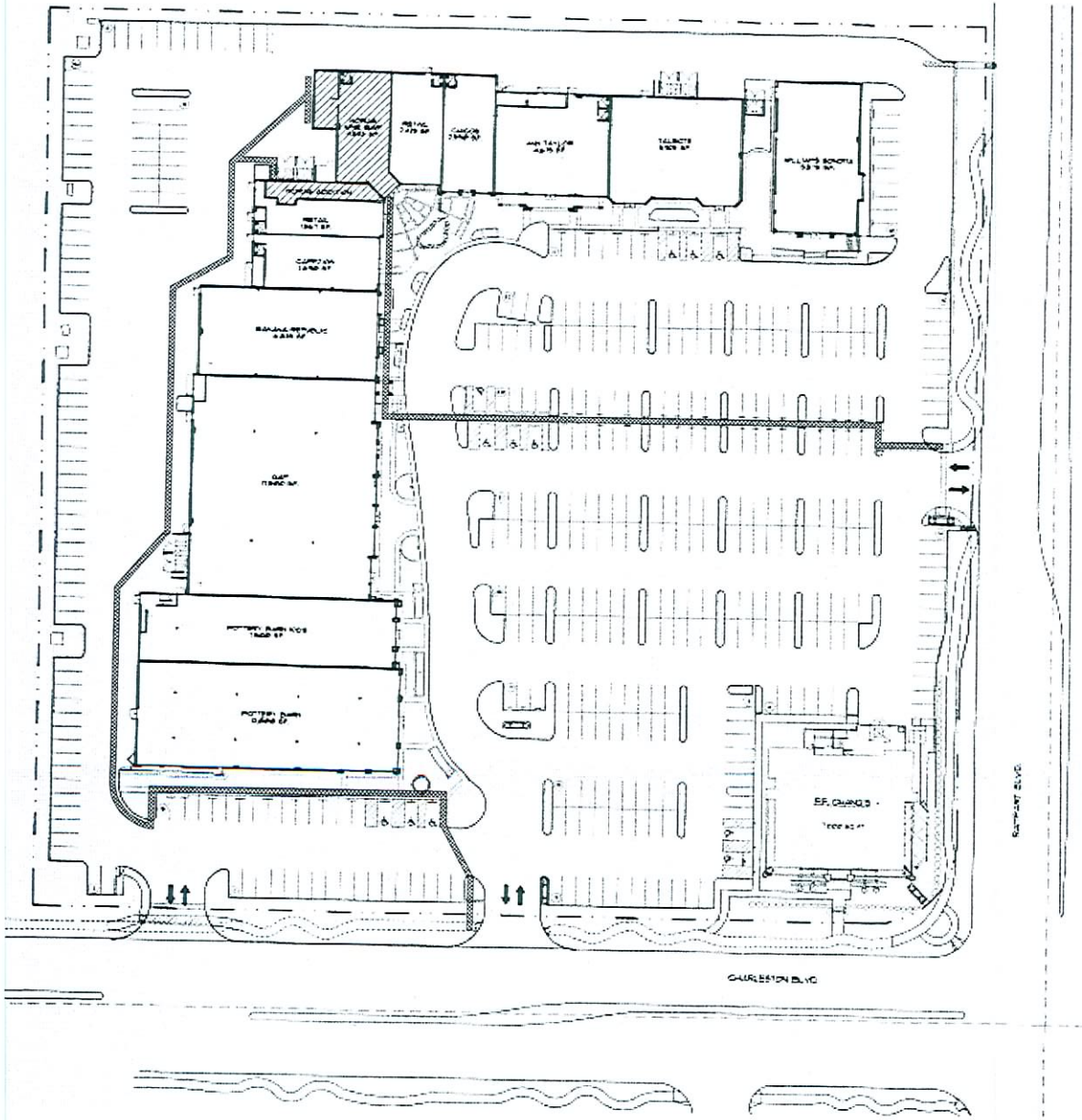
_____

Notary Public in and for said County and State

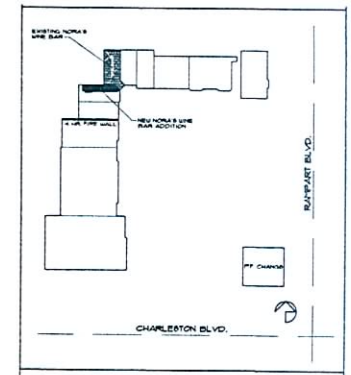
TOBI L. LAND
Notary Public, State of Nevada
Appointment No. 9603521
My Appt. Expires Sept. 27, 2009

RECEIVED

AUG 10 2009



SITE PLAN



PARKING STUDY

REQUIRED ZONING: CI
EXISTING ZONING: CI
APN#: 138-32-411-003

AREA/PARKING SUMMARY

USE:	AREA	FACTOR	PARKING REQUIRED	PARKING PROVIDED
RETAIL	66,552 SF.	1/250	277 SPACES	277 SPACES
NORA'S WINE BAR	4,893 SF 2,487 SF SEAT/WAITING 2,046 SF REMAIN G.O.F.A.	1/50 1/200	50 SPACES 11 SPACES	50 SPACES 11 SPACES
P.F. CHANGE	7,000 SF.	calculated separately previously approved	92 SPACES	92 SPACES
TOTALS:	78,445 SF.		430 SPACES	430 SPACES

HANDICAP PARKING REQUIRED: 1 VAN + 8 H.C. + 9 H.C.
HANDICAP PARKING PROVIDED: 1 VAN + 11 H.C. + 12 H.C.

TYPE OF CONSTURCTION: III-B
SPRINKLED: YES - 300 % INCREASE
ALLOWABLE AREA (A-2): (A-2 W/ NONSEPARATED USES) 9,500 SF. + 28,500 SF. + 38,000 SF.
ATUCAL AREA 'C' + 'D': 29,415 SF.

RECEIVED
AUG 10 2009

SUP-35521
08/27/09 PC

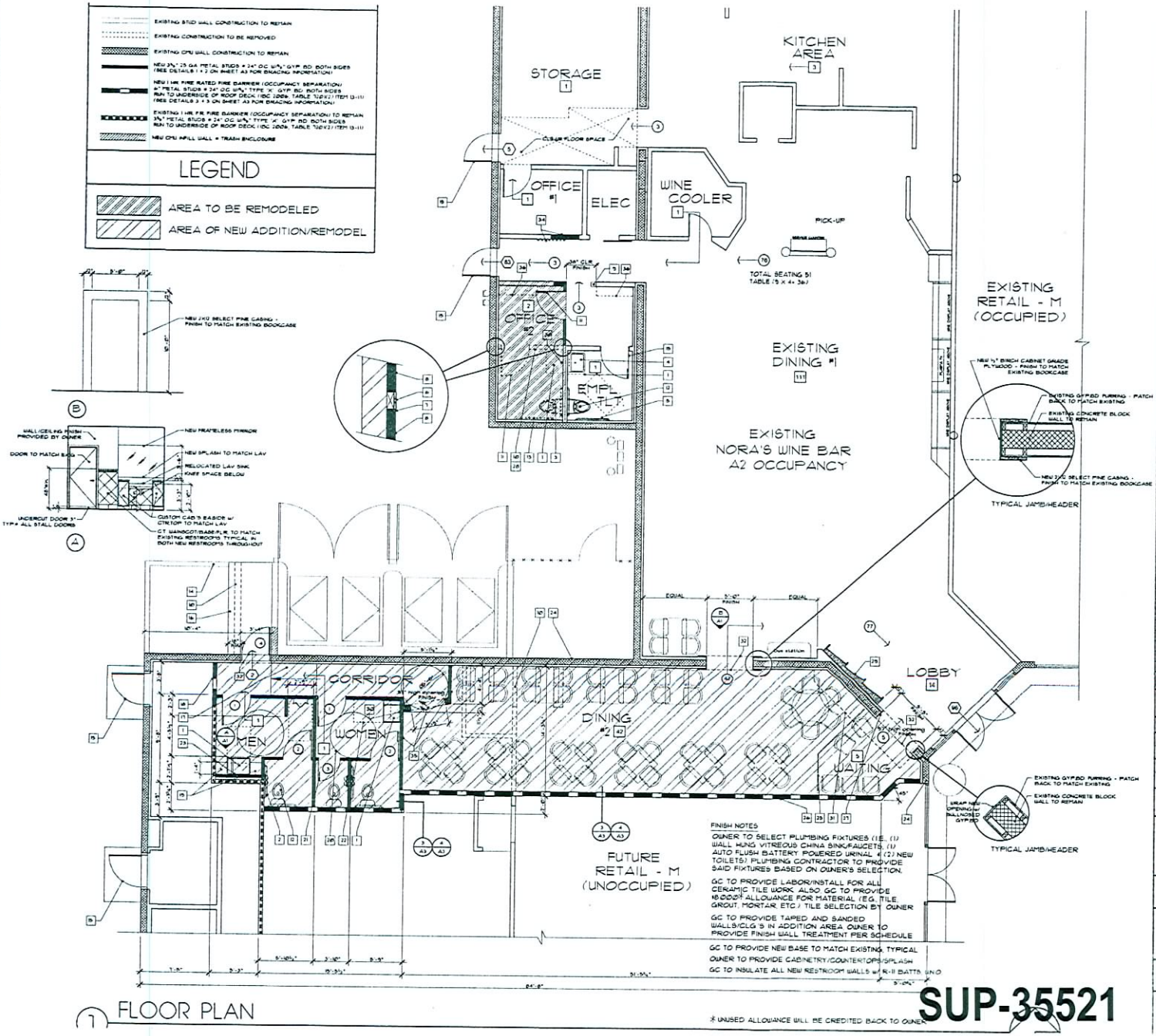
revisions

john dauli
hunke architect

THESE PLANS ARE SUBJECT TO INTERNAL & CITY/COUNTY PLANCHECK CORRECTIONS AND OWNER REQUESTED CHANGES. GENERAL CONTRACTOR AND ALL SUBCONTRACTORS TO VERIFY WITH THE OWNER AND ARCHITECT THAT THEY ARE IN POSSESSION OF THE MOST

Nora's Wine Bar
1031 S. Rampart Blvd.

date
proj. no.
drwn by



1 FLOOR PLAN

*	description
A	RELOCATE EXISTING LAV SINKS TO NEW RESTROOM LOCATION
B	NEW HANDICAP GRAB BARS PER ANSI 117.1 2003 EDITION
C	RELOCATE EXISTING TOILET TO NEW RESTROOM LOCATION
D	NEW WALL HUNG VITREOUS CHINA SINK - SELECTED BY OWNER
E	EXISTING HANDICAP GRAB BARS TO REMAIN
F	PAINT GRADE MDF (to be PAINTED to MATCH EXG. WALLS - SHIM AS REQ'D
G	CAULK WALL SURFACE TRANSITION - TYPICAL
H	EXISTING WALL FINISH TO REMAIN - PATCH AND REPAIR AS NEEDED
I	DEMOLISH EXISTING WALL BACK TO PROVIDE REQ'D 36" FINISH WIDTH - PATCH BACK TO MATCH
J	DASHED LINE OF EXISTING WALL TO BE DEMOLISHED
K	EXISTING DOOR TO BE RELOCATED
L	NEW TOILET - SEE PLUMBING DRAWINGS
M	RELOCATE EXISTING HANDICAP GRAB BARS TO NEW RESTROOM LOCATION
N	EXISTING CONCRETE CURB TO REMAIN
O	EXISTING EXTERIOR DOOR TO REMAIN
P	NEW CONCRETE SLAB TO PROVIDE REQUIRED CLEARANCE
Q	CERAMIC TILE FLOORING OVER MORTAR BED TO BE FLOATED UP TO MEET NEW EXIT DOOR THRESHOLD IN WALL + ITEM RESTROOM
R	FILL IN WALL OPENING WITH WALL PER WALL SCHEDULE ON THIS SHEET
S	CUSTOM BASE CABINET
T	5'-0" DIAMETER HANDICAP ACCESS RADIUS
U	NEW DOOR - SEE DOOR SCHEDULE
V	36" x 48" MANEUVERING CLEARANCE PER ANSI
W	NEW FRAMELESS MIRROR ABOVE COUNTER
X	EXISTING WALL CONSTRUCTION TO REMAIN
Y	MOVEABLE PARTITION - BY OWNER
Z	NEW WALL CONSTRUCTION - SEE WALL LEGEND ON THIS SHEET
AA	NEW 91" HIGH OPENING IN EXISTING WALL UNFRAMED W/FULLNORED GYP.BD. PER DETAIL
AB	PATCH + REPAIR FLOORING TO MATCH
AC	EXISTING CUSTOM DISPLAY/BOOK CASE TO REMAIN
AD	RELOCATE EXISTING MIRROR
AE	DEMOLISH AND REMOVE EXISTING CABINETRY
AF	CUT OPENING IN EXISTING MASONRY WALL - REINFORCE PER DETAIL A1A3
AG	GC TO DISASSEMBLE & STORE CABINETRY AS REQUIRED FOR REINSTALL BY OWNER'S CABINET CONTRACTOR
AH	GC REMOVE DOOR + PATCH BACK WALL/BASE/FLOOR TO MATCH EXISTING
AI	RUN WEST DINING 72 WALL FULL HEIGHT w/ GYP.BD. CONTRACTOR on dining side - SLIP TRACK 4 TOP
AJ	GC TO DISASSEMBLE CABINETS + STORE AS DIRECTED BY OWNER

INTERIOR FINISH SCHEDULE

ROOMS	FLR.	BASE	WALLS	CEILING	REMARKS
	EXISTING TO REMAIN - PATCH EXISTING	EXISTING TO REMAIN - PATCH EXISTING	EXISTING TO REMAIN - PATCH, SAND & PAINT TO MATCH EXISTING	EXISTING CEILING TO REMAIN - PATCH EXISTING	
LOBBY	EXISTING TO REMAIN - PATCH BACK IF REQ'D				
DINING #1	EXISTING TO REMAIN - PATCH BACK IF REQ'D				
DINING #2	•	•	•	•	•
WAITING	•	•	•	•	•
MEN	•	•	•	•	•
WOMEN	•	•	•	•	•
HALL	•	•	•	•	•
OFFICE #2	•	•	•	•	PATCH EXG. AS REQ'D TO MATCH
KITCHEN/WINE	EXISTING TO REMAIN - PATCH BACK IF REQ'D				
STOR/ELEC	EXISTING TO REMAIN - PATCH BACK IF REQ'D				

NOTE - VERIFY ALL FINISH SELECTIONS WITH OWNER PRIOR TO PURCHASE/FABRICATION/INSTALLATION

DOOR SCHEDULE

SYM	SIZE	DOOR TYPE	DOOR FINISH	FRAME TYPE	FRAME FINISH	HARDWARE	REMARKS
A	3'-0" x 6'-8"	SC	MATCH EXISTING	MATCH EXISTING	MATCH EXISTING	H01	
B	3'-0" x 6'-8"	SC	MATCH EXISTING	MATCH EXISTING	MATCH EXISTING	H02	UNDERCUT DOOR 3"
C	2'-4" x 6'-8"	SC	MATCH EXISTING	MATCH EXISTING	MATCH EXISTING	H03	UNDERCUT DOOR 3"
D	3'-0" x 7'-0"	SC/ INSUL	MATCH EXISTING	MATCH EXISTING	MATCH EXISTING	H03	

HARDWARE SCHEDULE

HARDWARE GROUP

Conform to ANSI A117.1 for all hardware requirements

H01 HINGES, LOCKSET - RESTROOM, WALL STOP, SOUND SEALS, SELF CLOSER, LEVER HANDLES TO MATCH EXG.

H02 SELF CLOSING HINGES, PRIVACY LOCKSET, WALL STOP, LEVER HANDLES TO MATCH EXG.

H03 HINGES, LOCKSET - RESTROOM, PANIC HARDWARE W/ TK, WEATHER STRIP, SELF CLOSER, EXTERIOR HANDLES TO MATCH EXG, ALUMINUM THRESHOLD, ½" STEP MAXIMUM

EXITING SUMMARY

OCCUPANCY LOADS: (Table 1004.1.2)

WAITING/DINING	1 OCC / 15 SF
OFFICE	1 OCC / 100 SF
STORAGE/RESTROOMS	1 OCC / 300 SF
KITCHEN	1 OCC / 200 SF

EXITING LEGEND

(X) → NUMBER OF OCCUPANTS EXITING AN AREA

SUP-35521
08/27/09 PC

RECEIVED
AUG 10 2009

revisions

john paul burke. architect

HERE PLANS ARE SUBJECT TO INTERNAL CONSTANT FEEDBACK, CORRECTIONS AND OWNER REQUESTED CHANGES. GENERAL CONTRACTOR AND ALL SUBCONTRACTORS TO VERIFY WITH THE OWNER AND ARCHITECT THAT THEY ARE IN POSSESSION OF THE MOST RECENT SET BEFORE INITIATING ANY CONSTRUCTION

Nora's Wine Bar
1031 S. Rampart Blvd.
for: Marcello Mauro

date
proj. no.
drawn. by

sheet no. A1



SUP-35521 - APPLICANT: NORA'S WINE BAR AND OSTERIA, LLC - OWNER: RAMPART COMMONS, LTD., LLC
1031 SOUTH RAMPART BOULEVARD
AUGUST 27, 2009 PLANNING COMMISSION

08/11/09



SUP-35521 - APPLICANT: NORA'S WINE BAR AND OSTERIA, LLC - OWNER: RAMPART COMMONS, LTD., LLC
1031 SOUTH RAMPART BOULEVARD
AUGUST 27, 2009 PLANNING COMMISSION

08/11/09



SUP-35521 - APPLICANT: NORA'S WINE BAR AND OSTERIA, LLC - OWNER: RAMPART COMMONS, LTD., LLC
1031 SOUTH RAMPART BOULEVARD
AUGUST 27, 2009 PLANNING COMMISSION

08/11/09

John David Burke, Architect

July 31, 2009

CITY OF LAS VEGAS
DEPARTMENT OF PLANNING & DEVELOPMENT
731 South Fourth Street
Las Vegas, Nevada 89101

Re: Justification Letter – Special Use Permit, On Site Consumption of Beer and Wine
Nora's Wine Bar – 1,100 s.f. Addition
1031 South Rampart Boulevard

The plans we are submitting today for your review depict an 1,100 square foot addition to the existing Nora's Wine Bar. The restaurant is located in the Rampart Commons Shopping Center in an existing C1 zone at the northwest corner of a major section line intersection – Charleston and Rampart. This a request for a Special Use Permit for On Site Consumption of Beer and Wine A Special Use Permit for the same use in the same location already exists for this same business license. This request is merely to allow an expansion of the restaurant floor area into an adjacent lease area. No exterior façade work is included in this request.

Nora's is a fine dining restaurant that offers a European menu. The Mauro family has operated this business since 2005 and the addition is a reflection of their success. The restaurant is now a quality member of the Las Vegas business community. With the addition, it will be even more so.

Otherwise, these plans are consistent with the master plan and with the requirements of City of Las Vegas Zoning Code and all previous approvals.

We respectfully request your consideration in this matter. If you have any questions or comments, please call.

Sincerely,

JEFF FREUND, ARCHITECT

RECEIVED

AUG 10 2009

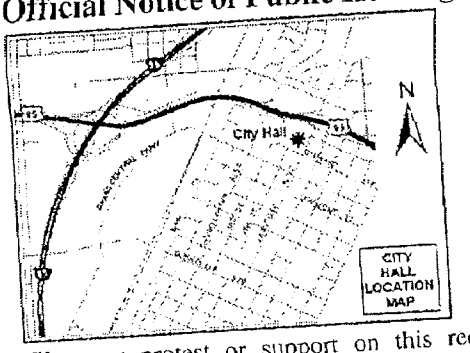
3471 West Oquendo Rd., Suite 301, Las Vegas, Nevada 89118, (702)876-4863, fax (702)876-9355, jburke@jburkearchitect.com

SUP-35521
08/27/09 PC

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

Return Service Requested

Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☒ I SUPPORT this Request

☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-35521

City Council Meeting of 9/16/2009

PACE CYNTHIA D
953 CONTADERO PL
LAS VEGAS NV 89138-4545

APN#13832415017

CAUSE1 A5108

2009 SEP -8 A 8:07

RECEIVED
CITY CLERK

NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
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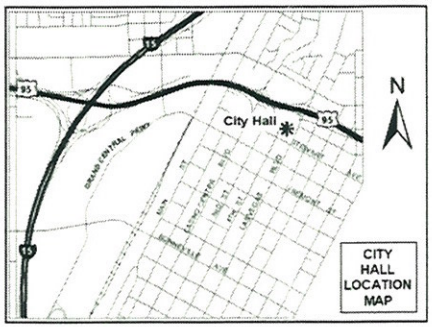
0004279218 AUG 14 2009
MAILED FROM ZIPCODE 89101

RECEIVED
AUG 18 2009

Return Service Requested
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-35521

Planning Commission Meeting of 8/27/2009

Case: SUP-35521
13832415085
CORR HOWARD A REVOCABLE TR AGMT
993 COATBRIDGE ST
LAS VEGAS NV 89145-8526

FAVOP11 89145

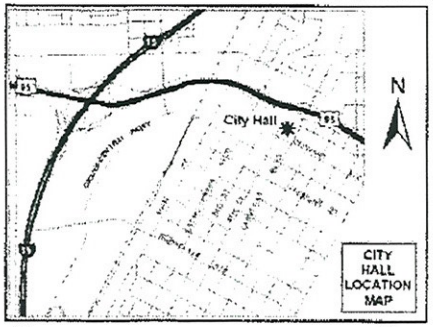
AP

19p

Aug 16 09 11:41a Suzuki 7022409321 p.2

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-35521

Planning Commission Meeting of 8/27/2009

Case: SUP-35521

13832415017
PACE CYNTHIA D
953 CONTADERO PL
LAS VEGAS NV 8913—4545

FAVDS11 89138

19A

City of Las Vegas Agenda Item No.: **71.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

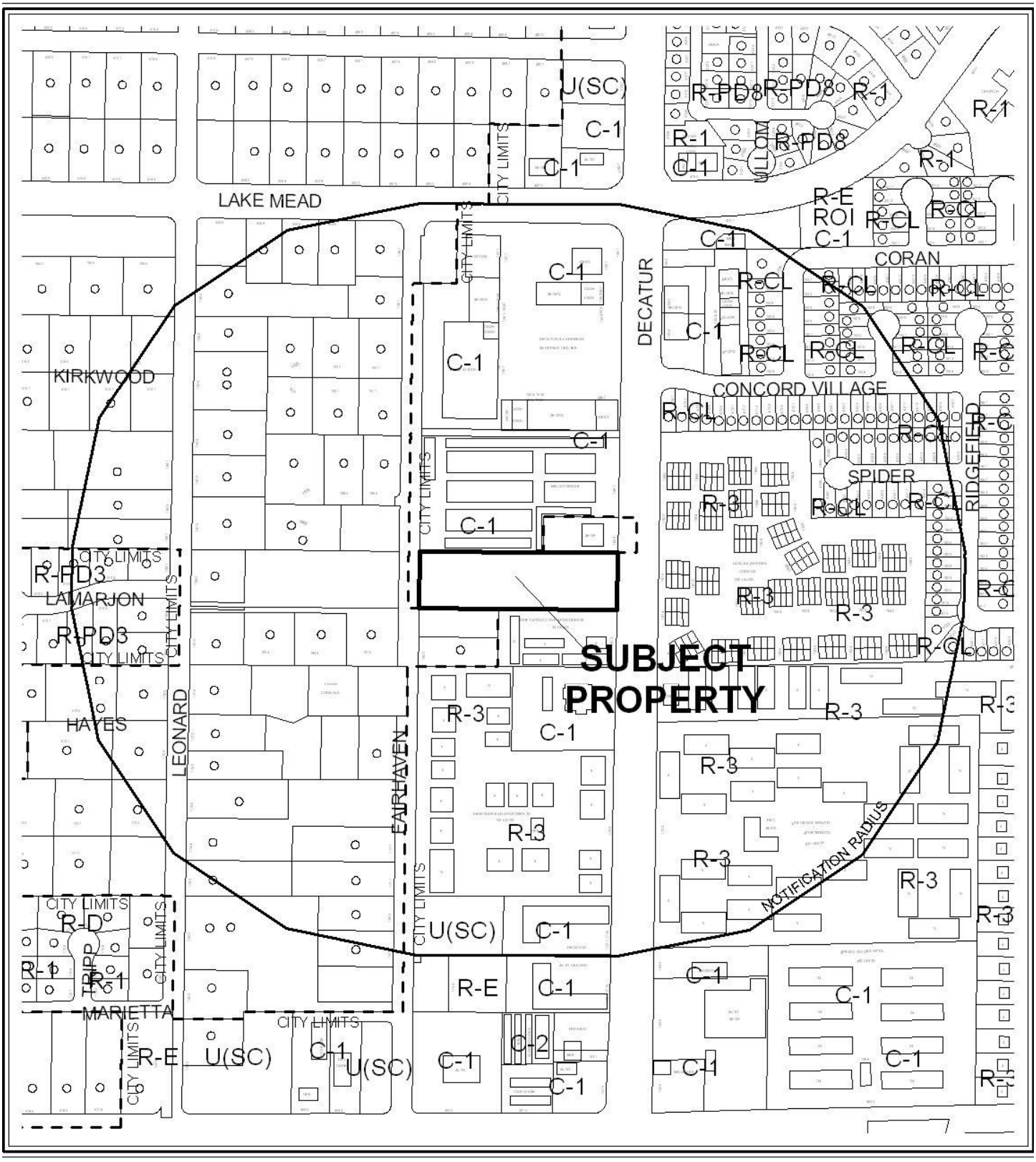
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
VAR-32640 – ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY - Request for a Variance TO ALLOW 119 PARKING SPACES WHERE 146 ARE REQUIRED on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard (APN 138-24-703-006), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 5 (Barlow). Staff recommends DENIAL. The Planning Commission (5-1-1 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**3**	**Planning Commission Mtg.**	**87**
City Council Meeting	**4**	**City Council Meeting**	**4**

RECOMMENDATION:
Staff recommends DENIAL. The Planning Commission (5-1-1 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards
7. Backup Referenced from the 03-12-2009 Planning Commission Meeting Item 15



CASE: **VAR-32640**

RADIUS: 1000 FT

0 500 Feet

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)

N



CASE: VAR-32640

RADIUS: 1000 FT

0 500 Feet

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 16, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-32640 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY

THIS ITEM WAS HELD IN ABEYANCE FROM THE AUGUST 19, 2009 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN BARLOW.

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (5-1/vq-1/ke vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (Z-0050-97), Variance (VAR-33015), Special Use Permit (SUP-32639) and Site Development Plan Review (SDR-32638) shall be required, if approved.

2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Variance to allow 119 parking spaces where 146 are required on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The applicant has also submitted applications for a Variance (VAR-33015) to allow a 10-foot setback where Residential Adjacency standards require 132 feet, and to allow a lot coverage of 82% where 50% is the maximum permitted; a Special Use Permit (SUP-32639) for a proposed three-story, 44-foot tall, 151-unit Senior Citizen Apartment Complex with a Waiver to allow apartments on the ground floor where none are permitted; and a Site Development Plan Review (SDR-32638) for a proposed three-story, 44-foot tall, 151-unit Senior Citizen Apartment Complex with 5,460 square feet of commercial space As part of the Site Development Plan Review, the applicant is requesting an Exception to allow ground cover only (no trees or shrubs) in a required landscape buffer along the north perimeter. Staff is recommending denial of the request because the applicant has created a self-imposed hardship that could be alleviated through alternative site design.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
12/08/97	The City Council approved a request for Rezoning (Z-0050-97) from U (Undeveloped) [SC (Service Commercial) General Plan designation] to C-1 (Limited Commercial) on 2.16 acres located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard.
02/18/04	The City Council approved requests for a Site Development Plan Review (SDR-3496) for a Senior Housing Complex with a Waiver of the perimeter landscaping requirements, and a Special Use Permit (SUP-3491) for a Senior Apartment Complex on 2.16 acres located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The Planning Commission recommended approval. These entitlements expired 02/18/06 as no Extension of Time was submitted.
11/15/04	A Code Enforcement complaint (#23727) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 01/12/05.
10/10/05	A Code Enforcement complaint (#35225) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 10/12/05.

03/20/06	A Code Enforcement complaint (#39426) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 04/26/06.
02/15/07	A Code Enforcement complaint (#50556) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 04/16/07.
04/18/08	A Code Enforcement complaint (#64758) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 05/19/08.
03/12/09	The Planning Commission recommended approval of companion items VAR-33015, SUP-32639 and SDR-32638 concurrently with this application. The Planning Commission voted 5-1/vq-1/ke to recommend APPROVAL (PC Agenda Item #15/sg).

Related Building Permits/Business Licenses
There are no related building permits or business licenses associated with the site.

Pre-Application Meeting	
01/07/09	A pre-application meeting was held to discuss the requirements for applications for a Site Development Plan Review, a Special Use Permit and two Variances. Issues discussed included the minimum requirements for a Senior Apartment use, parking requirements and development standards.
Neighborhood Meeting	
A neighborhood meeting was neither required nor held for this application.	

Field Check	
01/21/09	A field check was conducted by staff. The subject site is a vacant, undeveloped lot with an unpermitted chain link fence at the east perimeter and a portion of the north perimeter, which is topped with barb wire. There was assorted trash and debris at the site.

Details of Application Request	
Site Area	
Gross Acres	2.16 Acres

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Undeveloped	SC (Service Commercial)	U (Undeveloped) Zone [SC (Service Commercial) General Plan designation] Under Resolution of Intent to C-1 (Limited Commercial)
North	Mini-Storage Facility	SC (Service Commercial)	C-1 (Limited Commercial)
	Wireless Communications Facility	RN (Rural Neighborhood) [Clark County]	C-1 (Local Business) [Clark County]
South	Apartments	SC (Service Commercial)	R-3 (Medium Density Residential)
	Undeveloped	RN (Rural Neighborhood) [Clark County]	R-E (Rural Estates Residential) [Clark County]
East	Condominiums	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Undeveloped	RN (Rural Neighborhood) [Clark County]	R-E (Rural Estates Residential) [Clark County]

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan		X	N/A
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (70 Feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
	Gross Floor Area or Number of Units	***Required***			***Provided***		***Compliance***
			Parking		*Parking*		
Use		***Parking Ratio***	Regular	Handi-capped	Regular	Handi-capped	
Senior Apartments	151 Units	0.75 / Unit	114				
General Retail	5460 SF	1 / 175	32				
SubTotal			146				
TOTAL			141	5	114	5	N*
Loading Spaces		1 / Less Than 10,000 SF	1		1		Y
Percent Deviation					19%		

**The applicant has submitted this request for a Variance to allow 119 parking spaces where 146 are required, a 19% deviation.*

ANALYSIS

This is a request for a Variance to allow 119 parking spaces where 146 are required on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. This Variance is related to an associated request for a Site Development Plan Review (SDR-32638) for a proposed three-story, 44-foot tall, 151-unit Senior Citizen Apartment Complex with 5,460 square feet of commercial space, with parking for the site provided on the ground floor in a garage, located under the apartment complex. The 119 parking spaces provided on the site represent a 19% deviation from the 146 parking spaces required to meet the minimum standards of Title 19.04. This Variance, combined with an associated Variance for lot coverage and setback requirements and a Waiver of a minimum Special Use Permit requirement prohibiting the location of apartments on the ground floor indicate that the site, as proposed, will be overbuilt. Alternative site design or a project of smaller scope would alleviate the need for this Variance; therefore, staff is recommending denial of the request as the applicant has created a self-imposed hardship by proposing to overbuild the site.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070L states:

> "Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to overbuild the site. Alternative site design would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

PLANNING COMMISSION ACTION

There were three speakers in opposition at the Planning Commission. A Petition was submitted at the meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 390 by City Clerk

APPROVALS 1

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-32640 APN: 138-24-703-006

Name of Property Owner: Isani Rasia and Sarihan Gunay

Name of Applicant: Metropolitan Homes

Name of Representative: Maren Parry, Ballard Spahr Andrews & Ingersoll

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

____ Yes __X__ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Gunay Sarihan

Print Name: Gunay Sarihan

Subscribed and sworn before me

This 11 day of December, 2008

Notary Public in and for said County and State Broward, Florida

Revised 11-14-06

F:\Apps\Application Packet\Statement of Financial Interest.doc

CAROL B SINGEL
MY COMMISSION # DD508263
EXPIRES: Feb. 12, 2010
Florida Notary Service.com

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-32640 APN: 138-24-703-006

Name of Property Owner: Isani Razia and Sarihan Gunay

Name of Applicant: Metropolitan Homes

Name of Representative: Maren Parry, Ballard Spahr Andrews & Ingersoll

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____ Yes x No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Razia Isani

Print Name: RAZIA ISANI

Subscribed and sworn before me

This 11th day of December, 2008

Candice Salerno

Notary Public in and for said County and State

CANDICE R. SALERNO
Notary Public State of Nevada
No. 94-2734-1 2012
My appt. exp. April 8, 2008



VICINITY MAP

PROJECT DATA

APN # 138-24-703-006

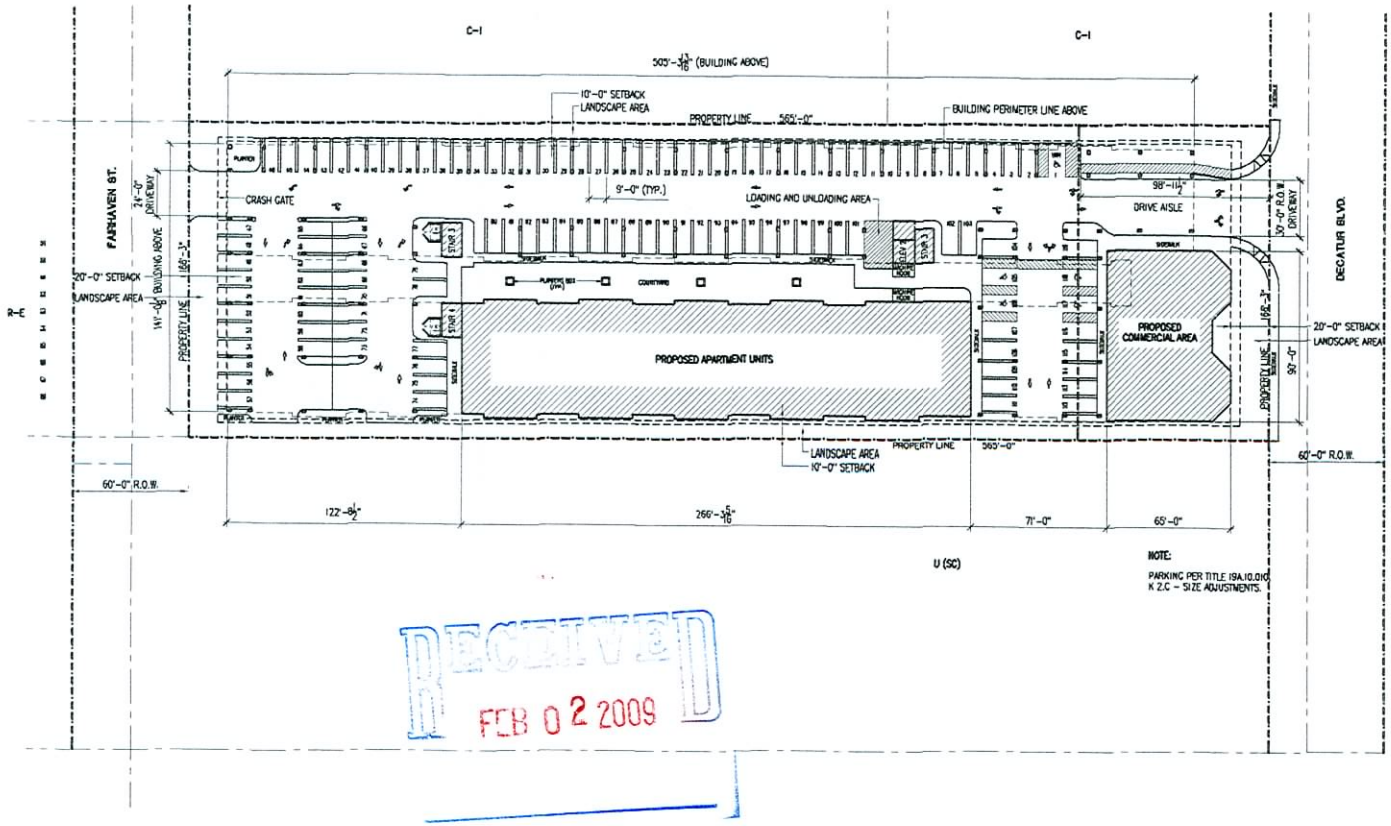
ADDRESS:	1841 N. DECATUR BLVD. LAS VEGAS, NV
LOT COVERAGE:	76%
LOT AREA:	93,934 S.F. (2.16 ACRE)

PARKING REQUIRED:

RESIDENTIAL:	151 UNITS @ .75=150 = 114
RETAIL:	5460 SF @ 1: 175 SF = 32
TOTAL REQUIRED	146

PARKING PROVIDED:

STANDARD CAR: 9' X 18'	114
HANDICAP (CAR) : 9' X 18'	4
HANDICAP (VAN) : 9' X 18'	1
PARKING PROVIDED	119



NOTE:
PARKING PER TITLE 19A.10.010 K 2.C - SIZE ADJUSTMENTS.

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FEB 02 2009

1 SITE DEVELOPMENT PLAN
SCALE: 1" = 30'-0"
NORTH

DENNIS E. RUSK ARCHITECT, LLC

SITE DEVELOPMENT PLAN

DECATUR SENIOR HOUSING

1841 N. DECATUR BLVD.
LAS VEGAS, NV

Revisions:

Date: 1-08-09
Project No: 0321
Drawn By: JGL/RCS
Check By: DERMLB
Sheet No: SP1.0

VAR-33015 VAR-32640
SUP-32639 SDR-32638
REVISED 02/26/09 PC



VAR-32640 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY
WEST SIDE OF DECATUR BOULEVARD, APPROXIMATELY 1,000 FEET SOUTH OF LAKE MEAD BOULEVARD
FEBRUARY 26, 2009 PLANNING COMMISSION

01/21/09



VAR-32640 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY
WEST SIDE OF DECATUR BOULEVARD, APPROXIMATELY 1,000 FEET SOUTH OF LAKE MEAD BOULEVARD
FEBRUARY 26, 2009 PLANNING COMMISSION

01/21/09



VAR-32640 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY
WEST SIDE OF DECATUR BOULEVARD, APPROXIMATELY 1,000 FEET SOUTH OF LAKE MEAD BOULEVARD
FEBRUARY 26, 2009 PLANNING COMMISSION

01/21/09



VAR-32640 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY
WEST SIDE OF DECATUR BOULEVARD, APPROXIMATELY 1,000 FEET SOUTH OF LAKE MEAD BOULEVARD
FEBRUARY 26, 2009 PLANNING COMMISSION

01/21/09



VAR-32640 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY
WEST SIDE OF DECATUR BOULEVARD, APPROXIMATELY 1,000 FEET SOUTH OF LAKE MEAD BOULEVARD
FEBRUARY 26, 2009 PLANNING COMMISSION

01/21/09

LAW OFFICES
BALLARD SPAHR ANDREWS & INGERSOLL, LLP
100 CITY PARKWAY, SUITE 1750
LAS VEGAS, NV 89106-4614
702-471-7000
FAX: 702-471-7070
WWW.BALLARDSPAHR.COM

ATLANTA, GA
BALTIMORE, MD
BETHESDA, MD
DENVER, CO
LAS VEGAS, NV
LOS ANGELES, CA
PHILADELPHIA, PA
PHOENIX, AZ
SALT LAKE CITY, UT
VOORHEES, NJ
WASHINGTON, DC
WILMINGTON, DE

MAREN PARRY
PERSONAL FAX: (866) 381-5357
E-MAIL: PARRYM@BALLARDSPAHR.COM

January 13, 2009

By Hand Delivery

Doug Rankin
City of Las Vegas Planning and Development Dept.
731 South Fourth Street
Las Vegas, Nevada 89101

Re: **REVISED Justification Letter**
Metropolitan Homes
APN 138-24-703-006

Dear Mr. Rankin:

Enclosed please find a Variance application to supplement the prior application package submitted to your office on Friday, December 12, 2008, requesting approvals for a Senior Housing facility in a C-1 zone proposed at 1821 North Decatur Blvd (west side of Decatur, between Vegas Drive and Lake Mead Boulevard). The proposed facility was approved by way of applications SDR-3498 and SUP-3491 in 2004, but subsequent litigation surrounding the sale of the property delayed the commencement of development, and the approvals expired.

Metropolitan Homes respectfully requests renewed approvals to construct the same project at the same site. The development consists of a 150-unit low income apartment complex on 2.16 acres. The project will provide approximately 6000 square feet of commercial development to support the tenants and the neighborhood. The project design provides a unique floor plan wherein two main corridors are separated by a courtyard above the first floor, providing a cover to the parking beneath. The second floor area above the commercial portion of the property provides a recreation area for residents of the facility. The architecture of the structure provides a "stepped-back" look to offer additional articulation and interest in the building design and making the building more appropriate to the neighboring residential area. To facilitate this unique style and to provide covered parking for the proposed senior residents, a Variance to permit an increase in permitted lot coverage and a reduction in the required separation from neighboring residences will be necessary. This variance from the development

VAR-32640
02/26/09 PC

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code allows the upper units to shield the parking area during the hot summers, while providing a feeling of open space to a greater number of residents by way of the open courtyard between the two main corridors.

An additional Variance for a reduction in parking spaces is also required, and is appropriate for a senior center which is anticipated to have fewer residents who are automobile owners.

If you have any questions or need additional information, please do not hesitate to contact me at the above number.

Sincerely,

Maren Parry

Maren Parry

MP/mp
Enclosure

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JAN 13 2009

y of Las Vegas
ice Of The City Clerk
) Stewart Avenue
s Vegas, Nevada 89101

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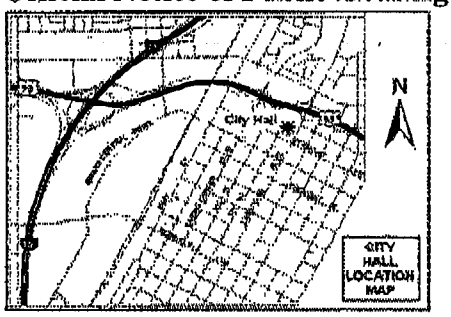

you wish to file your protest or support on this request, check the ropriate box below and return this card in an envelope with postage to the fice Of The City Clerk at the address listed above or fax this side of this d to (702) 382-4803. If you would like to contact your Council presentative, please call (702) 229-6405.

☐ I SUPPORT this Request

☒ I OPPOSE this Request

ease use available blank space on card for your comments.

AR-32640 & VAR-33015
ty Council Meeting of 4/15/2009

RAMEY PATRICIA A
4625 CONCORD VILLAGE DR
LAS VEGAS NV 89108-2143

APN#13919310026

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2009 APR -7 P 12:02

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

TO

LAS VEGAS, NV 890

08 APR 2009

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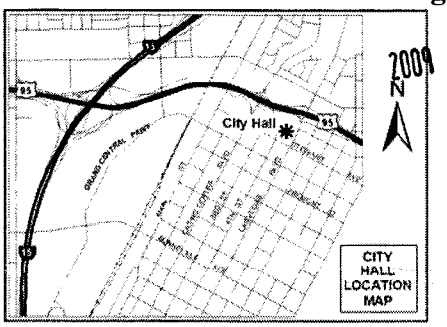

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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VAR-32640 & VAR-33015
City Council Meeting of 4/15/2009

FROM:
EWING MARY K
1750 LEONARD LN
LAS VEGAS NV 89108-2321

APN#13824803006

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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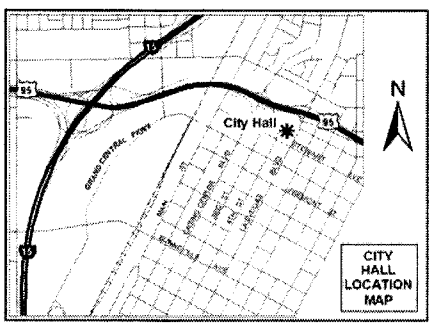

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VAR-32640 & VAR-33015
City Council Meeting of 4/15/2009

2009 APR 13 A 10:59

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JASINSKI DENNIS G & KATHRINE K
1810 LEONARD LN
LAS VEGAS NV 89108-2329

APN#13824702026

after final agenda

Date 4/15/09 Item 114 & 115 W-5

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2009 APR 13 P 1:44

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Office Of The City Clerk
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Las Vegas, Nevada 89101

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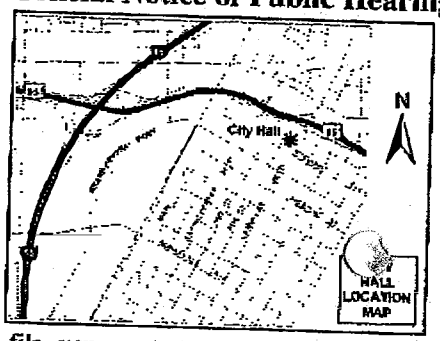

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☐ I SUPPORT this Request

☑ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-32640 & VAR-33015

City Council Meeting of 4/15/2009

RATHJE FAMILY TRUST
RATHJE LARRY L & BARBARA J TRS
1927 FAIRHAVEN CIR
LAS VEGAS NV 89108-2302

APN#13824702010

BAVOR11 89108

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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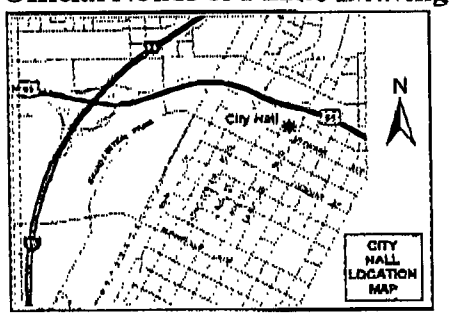

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.
VAR-32640 & VAR-33015
City Council Meeting of 4/15/2009

HUGHES FAMILY L L C #3
COURY FAMILY L L C #2
2975 S HIGHLAND DR
LAS VEGAS NV 89109-1011

APN#13919401003

04/08/2009 WED 13:22 [TX/RX NO 5404] 001

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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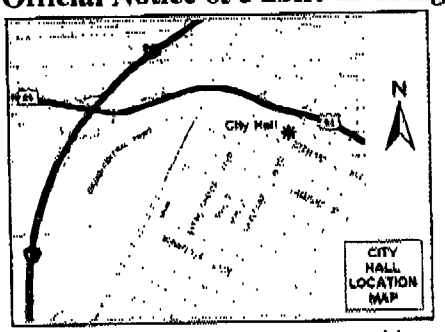

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.
VAR-32640 & VAR-33015
City Council Meeting of 4/15/2009

SWABY ELSA M TRUST
8440 DESERT QUAIL DR
LAS VEGAS NV 89128-8223

2009 APR 13 A 8:12

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APN#13919311188

04/10/2009 22:02 7022334251 ELSA SWABY PAGE 01

City of Las Vegas
Office Of The City Clerk
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Las Vegas, Nevada 89101

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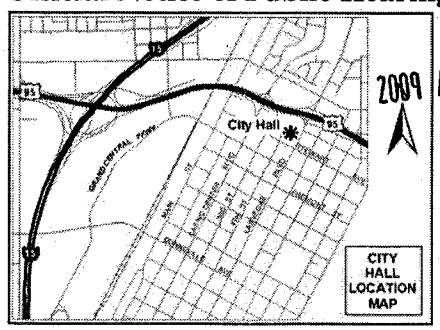

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☑ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-32640 & VAR-33015
City Council Meeting of 4/15/2009

WOOD MICHAEL
12820 WILLOW CENTRE DR #D
HOUSTON TX 77066-1031

APN#13824703005

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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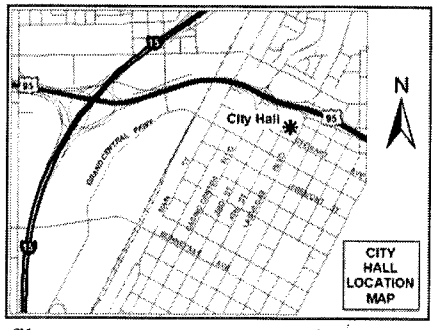

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Please use available blank space on card for your comments.

VAR-32640 & VAR-33015
City Council Meeting of 4/15/2009

WEST DAVID & DONNA
1895 FAIRHAVEN ST
LAS VEGAS NV 89108-2301

APN#13824702020

89108230 2012

NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

By signing below as a resident of the neighborhood near the proposed mixed-use, Senior Apartment project, I indicate that I do not oppose the development, and that I understand that it will have a retail development on the ground level facing Decatur, with apartments limited to Senior Citizens on the remainder of property.

Signature	Printed Name	Address
Ashley Wells	Ashley Wells	1815 Fairmount St.
[illegible]	Dominic J. Nolan	1799 N. Decatur Ave #109
[illegible]	MARIA Lopez	1799 N Decatur #104
[illegible]	Donnie Simons	1799 N Decatur #106
Michael Isabell	MICHAEL ISABELL	1799 N. DECATUR #206
Gustavo Muñoz	Gus Muñoz	1799 N. Decatur #203
Silvia Sanchez	Silvia Sanchez	1799 N. Decatur - 108
Desirae Walls	[illegible] Walls	1799. N Decatur 107
Kelli Stevens	Kelli Stevens	1799 N Decatur #208
Reynaldo Cantu	[illegible]	1799 N Decatur #114
[illegible]	[illegible]	1799 N Decatur 1214
Robert A Rogers	Robert A Rogers	1799 N Decatur 113
Edith Nilsen	Edith Nilsen	1799 N. Decatur #117
Maria Ortiz	Maria Ortiz	1799 N Decatur #125
Lordee Humphreys	Lordee Humpherys	1799 No Decatur #148

Submitted at Planning Commission

DMWEST #6794314 v1

Date 3/12/09 Item 15-18

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

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VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
	JARED YOUNG	1799 N Decatur #142
	FRANK JONES	1799 N DECATUR #235
	Melissa Cardenas	1799 N. Decatur #235
	Robert EARL	1799 N. Decatur #235
	Marquinn Thomas	8121 JADE HARBOR CT.
	TONY CORTINA	1799 N DECATUR #209
	Ryan Ferguson	1799 N. DECATUR #129
	Wade West	1799 N Decatur #138
	Richard Gillman	1799 N. Decatur #215

Petition/Statement of Non-Opposition

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Signature	Printed Name	Address
	DAVID PLUMMER	1812 DECATUR #102
	Jose Guevara	1810 Decatur #102
	Arcadia Santiago	1810 " "
	DOROTHY BUTLER	1810 " " #103
	Rory Miller	1812 " " #203
	Curtis Byrd	1850 " " 102
	1802 N Rancho #104	
	Estefana Gutierrez	1802 N. Decatur #102
	Derrick Trotter	1860 N. Decatur #101
	Reagyna Trotter	1860 N. Decatur #101
	CHRISTIVE LE	1860 N DECATUR #104
	Richard Anderson	1802 N. Decatur Apt 203
	Floong Pollard	1802 N. Decatur Blvd Apt 202
	Ronnie Stewart	1804 N Decatur #103

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
Dwight Beasley	DWIGHT BEASLEY	1858 N. DECATUR #201
Ona Coleman	ONA COLEMAN	1858 N. Decatur #101
Lori Carter	LORI CARTER	1858 N. Decatur #101
[illegible]	John gomez	1858 N. Decatur #104
[illegible]	SIG KUUSK	1806 N. DECATUR #101
[illegible]	Shenika Warner	1806 N. Decatur Blvd #201
Beverly Kelley	Beverly Kelley	1806 N Decatur #104
[illegible]	GREGORY QUITUGUA	1852 N. Decatur # 101
Maryl Hendricks	Marylee Hendricks	1856 N Decatur #101
Francis Romanoski	FRANCIS ROMANOSKI	1856 N DECATOR
Angel Vanscyoc	ANGEL VANSCYOC	1854 N DECATOR
Nyeesha Cook	NYEESHA COOK	1848 N Decatur #102
E J Marlowe	EDITH MARLOWE	1824 N — #104
Emily Gumas	Emily Gumas	1824 N. Decatur #101
Jazmin Lozoyo	Jazmin Lozoyo	1824 N. Decatur #203

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
Kim AND Paul S Miller	Kim AND Paul Miller	1834 North Decatur #102 " " " #101

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
	Darrell Henson	1813 N Decatur Blvd 89108 APT 208 LOS VEGAS NV
	Antonio Cordero	1675 Fairhaven st.
	SUBJECT TO 2-STORY DWELLINGS ONLY. EUALIO G. NORIEGA	1751 N. FAIRHAVEN ST.
	Eduardo Gonzalez	1961 Fairhaven st
	SUBJECT TO MAYBE 2 STORY NOT THREE Larry L Rothje	1927 FAIRHAVEN CIR
	CHARLES APLIN	192, Fairhaven Cr.
	STAN BEIKOWSKY	1923 FAIRHAVEN
Donna West	Donna West	1895 Fairhaven St. 89108
David R West	David West	1895 Fairhaven St. 8910
Coleen Campbell	Coleen Campbell	1865 Fairhaven St. 89108
	DAVID GRANT	1885 FAIRHAVEN ST
Michele Tombary	MICHELE TOMBARY	1885 FAIRHAVEN ST

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
Jeremy Shipton	Jeremy Shipton	1813 N. Decatur #104A
Renate Ogle	Renate Ogle	" "

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
Donica G. Beckett	Donica' G. Beckett	1813 N. Decatur Blvd Las Vegas, NV 89108
		1813 N. Decatur
	Gabriela Martinez	1813 N Decatur
	KHANH TO	1813 N. DECATUR #110
	Melanie Peek	1813 N. Decature #111
	Nick Mais	1813 N. Decatur #111
	Beverly J Pattison	1813 N. DECATUR Blvd 108
	Linda Sandoval	1813N. DecatueBlVD 108
	Lamont Johnson	1813N DecaturBlvd 115
	DEBBIE Allen	1813N N. Decatur #216
	Evaristo Melo	1813 N. Decatur #213
	Julie Butler	1813 N Decatur Blvd #113
	Joe wiley JR	1813 N. Decatur #211
	Rose Lopez	1813 N. Decatur #210
	James Rowton	1813 N. Decatur #206

01/09/1996 12:14 7023639198 WEEDEN III PAGE 01

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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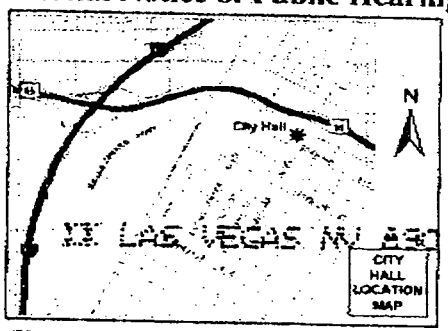

LAS VEGAS NV 89 02-14-09

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-32640 & VAR-33015

Planning Commission Meeting of 2/26/2009

13824701005 Case: VAR-32640
WEEDEN JOSEPH EDWARD III
1955 LEONARD LN
LAS VEGAS NV 89108-2336

RECEIVED
FEB 25 2009

89108-2336 A 80789

Submitted after final agenda
Date 2/25/09 Item 34 & 35 - 340

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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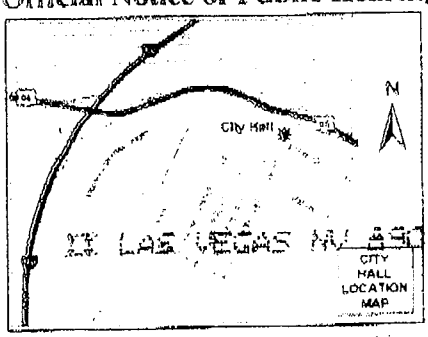

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VAR-32640 & VAR-33015

Planning Commission Meeting of 2/26/2009

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FEB 13 2009

MAILED FROM ZIPCODE 89101

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FEB 20 2009

Case: VAR-32640

13919311188
SWABY ELSA M TRUST
8440 DESERT QUAIL DR
LAS VEGAS NV 89128-8223

34P

02/19/2009 20:27 7022334251 ELSA SWABY PAGE 02

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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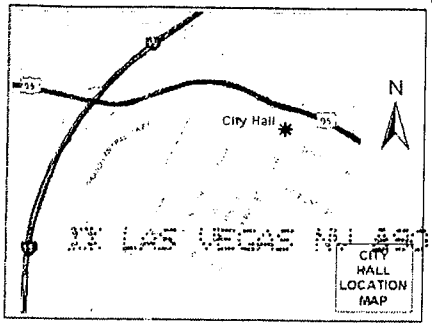

1X LAS VEGAS NV 890 02-14-09

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[X] I SUPPORT this Request
[ ] I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-32640 & VAR-33015
Planning Commission Meeting of 2/26/2009

Case: VAR-32640
13824703005
WOOD MICHAEL
12820 WILLOW CENTRE DR #D
HOUSTON TX 77066-1031

77066$1031 R035

34A

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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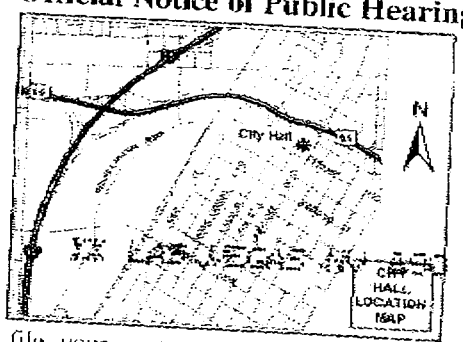

02-14-05

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☐ I SUPPORT this Request

☐ I OPPOSE this Request

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VAR-32640 & VAR-33015

Planning Commission Meeting of 2/26/2009

13919311171 Case: VAR-32640
ALANIZ VICTOR E & VINCENT
1736 ISABEL WY
UPLAND CA 91784-9275

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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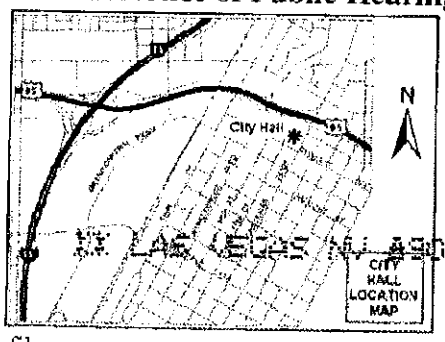

LAS VEGAS NV 890 02-14-09

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Please use available blank space on card for your comments.

VAR-32640 & VAR-33015
Planning Commission Meeting of 2/26/2009

Case: VAR-32640
13824701014
FALKENSAMMER LEOPOLD & K REV TR
2224 GLENBROOK WY
LAS VEGAS NV 89117-5852

891178565240327

City of Las Vegas Agenda Item No.: **72.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

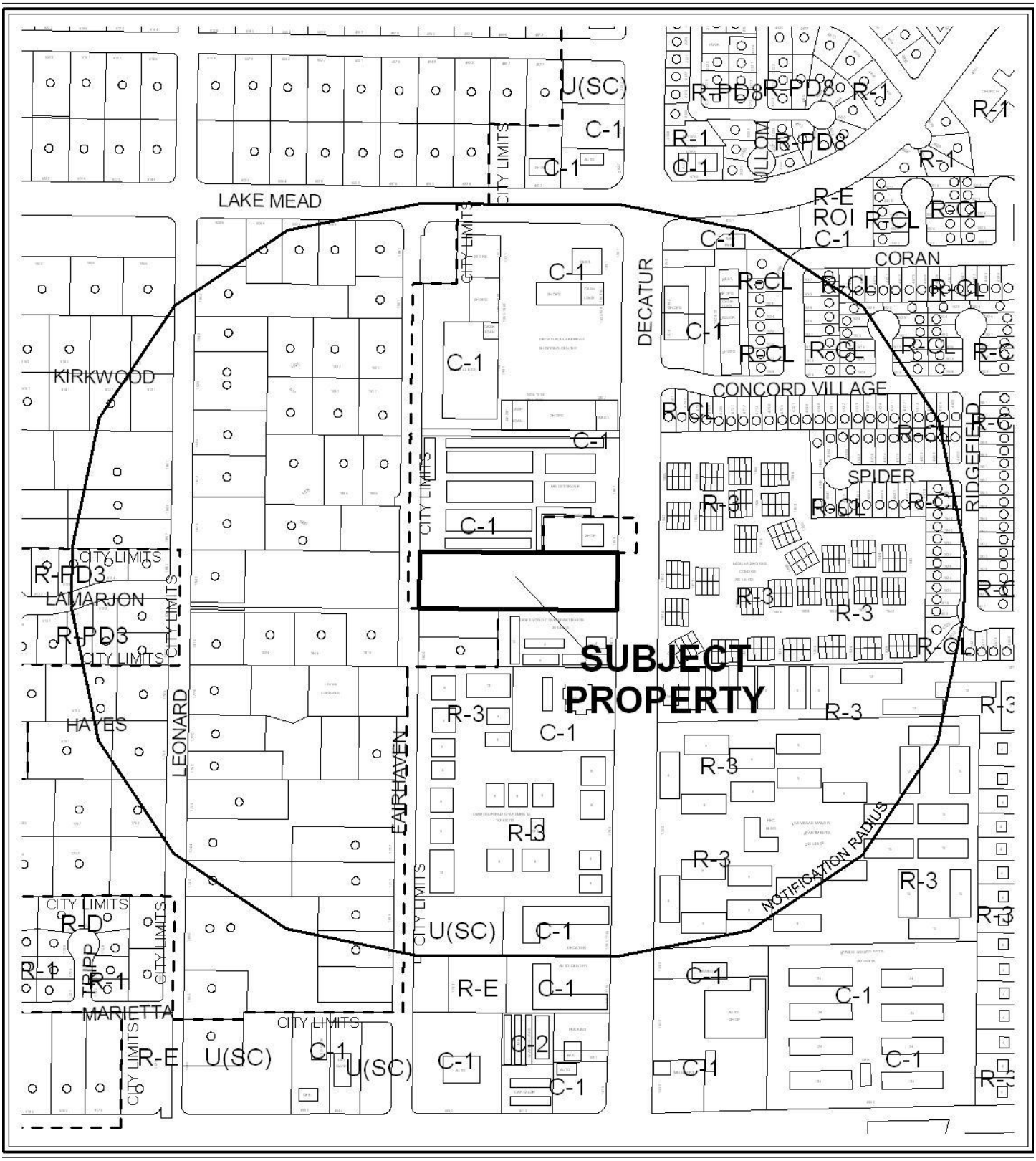
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
VAR-33015 – ABEYANCE ITEM - VARIANCE RELATED TO VAR-32640 - PUBLIC HEARING - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY - Request for a Variance TO ALLOW A 10-FOOT SETBACK WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE 132 FEET AND TO ALLOW A LOT COVERAGE OF 82% WHERE 50% IS THE MAXIMUM PERMITTED on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard (APN 138-24-703-006), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 5 (Barlow). Staff recommends DENIAL. The Planning Commission (5-1-1 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**3**	**Planning Commission Mtg.**	**3**
City Council Meeting	**4**	**City Council Meeting**	**4**

RECOMMENDATION:
Staff recommends DENIAL. The Planning Commission (5-1-1 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards
7. Backup Referenced from the 03-12-2009 Planning Commission Meeting Item 16



CASE: VAR-33015

RADIUS: 1000 FT

0 500 Feet

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)

N



CASE: VAR-33015

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 16, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-33015 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY

THIS ITEM WAS HELD IN ABEYANCE FROM THE AUGUST 19, 2009 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN BARLOW.

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (5-1/q-1ke vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (Z-0050-97), Variance (VAR-32640), Special Use Permit (SUP-32639) and Site Development Plan Review (SDR-32638) shall be required, if approved.

2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Variance to allow a 10-foot setback where Residential Adjacency standards require 132 feet, and to allow a lot coverage of 82% where 50% is the maximum permitted on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The applicant has also submitted applications for a Variance (VAR-32640) to allow 119 parking spaces where 146 are required; a Special Use Permit (SUP-32639) for a proposed three-story, 44-foot tall, 151-unit Senior Citizen Apartment Complex with a Waiver to allow apartments on the ground floor where none are permitted; and a Site Development Plan Review (SDR-32638) for a proposed three-story, 44-foot tall, 151-unit Senior Citizen Apartment Complex with 5,460 square feet of commercial space As part of the Site Development Plan Review, the applicant is requesting an Exception to allow ground cover only (no trees or shrubs) in a required landscape buffer along the north perimeter. Staff is recommending denial of the request because the applicant has created a self-imposed hardship that could be alleviated through alternative site design.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
12/08/97	The City Council approved a request for Rezoning (Z-0050-97) from U (Undeveloped) [SC (Service Commercial) General Plan designation] to C-1 (Limited Commercial) on 2.16 acres located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard.
02/18/04	The City Council approved requests for a Site Development Plan Review (SDR-3496) for a Senior Housing Complex with a Waiver of the perimeter landscaping requirements, and a Special Use Permit (SUP-3491) for a Senior Apartment Complex on 2.16 acres located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The Planning Commission recommended approval. These entitlements expired 02/18/06 as no Extension of Time was submitted.
11/15/04	A Code Enforcement complaint (#23727) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 01/12/05.
10/10/05	A Code Enforcement complaint (#35225) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 10/12/05.

03/20/06	A Code Enforcement complaint (#39426) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 04/26/06.
02/15/07	A Code Enforcement complaint (#50556) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 04/16/07.
04/18/08	A Code Enforcement complaint (#64758) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 05/19/08.
03/12/09	The Planning Commission recommended approval of companion items VAR-32640, SUP-32639 and SDR-32638 concurrently with this application. The Planning Commission voted 5-1/vq-1/ke to recommend APPROVAL (PC Agenda Item #16/sg).

Related Building Permits/Business Licenses
There are no related building permits or business licenses associated with the site.

Pre-Application Meeting	
01/07/09	A pre-application meeting was held to discuss the requirements for applications for a Site Development Plan Review, a Special Use Permit and two Variances. Issues discussed included the minimum requirements for a Senior Apartment use, parking requirements and development standards.
Neighborhood Meeting	
A neighborhood meeting was neither required nor held for this application.	

Field Check	
01/21/09	A field check was conducted by staff. The subject site is a vacant, undeveloped lot with an unpermitted chain link fence at the east perimeter and a portion of the north perimeter, which is topped with barb wire. There was assorted trash and debris at the site.

Details of Application Request	
Site Area	
Gross Acres	2.16 Acres

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Undeveloped	SC (Service Commercial)	U (Undeveloped) Zone [SC (Service Commercial) General Plan designation] Under Resolution of Intent to C-1 (Limited Commercial)
North	Mini-Storage Facility	SC (Service Commercial)	C-1 (Limited Commercial)
	Wireless Communications Facility	RN (Rural Neighborhood) [Clark County]	C-1 (Local Business) [Clark County]
South	Apartments	SC (Service Commercial)	R-3 (Medium Density Residential)
	Undeveloped	RN (Rural Neighborhood) [Clark County]	R-E (Rural Estates Residential) [Clark County]
East	Condominiums	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Undeveloped	RN (Rural Neighborhood) [Clark County]	R-E (Rural Estates Residential) [Clark County]

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan		X	N/A
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (70 Feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Size	N/A	93,226 SF	Y
Min. Lot Width	100 Feet	162 Feet	Y
Min. Setbacks			
• Front	20 Feet	20 Feet	Y
• Side	10 Feet	10 Feet	Y
• Corner	15 Feet	N/A	Y
• Rear	20 Feet	20 Feet	Y
Max. Lot Coverage	50%	82%	N*
Max. Building Height	N/A	44 Feet	Y

** The applicant has submitted a request for this Variance to allow lot coverage of 82% where 50% is the maximum allowed. This represents a 32% deviation.*

Residential Adjacency Standards	*Required/Allowed*	*Provided*	*Compliance*
3:1 proximity slope	132 feet	10 Feet	N*
Adjacent development matching setback	20 Feet	20 Feet	Y
Trash Enclosure	50 Feet	54 Feet	Y

**The applicant has submitted a request for this Variance to allow a 10-foot setback where Residential Adjacency standards require 132 feet. This represents a 92% deviation.*

ANALYSIS

This is a request for a Variance to allow a 10-foot setback where Residential Adjacency standards require 132 feet, and to allow a lot coverage of 82% where 50% is the maximum permitted on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. This Variance is related to an associated request for a Site Development Plan Review (SDR-32638) for a proposed three-story, 44-foot tall, 151-unit Senior Citizen Apartment Complex with 5,460 square feet of commercial space, with parking for the site provided on the ground floor in a garage, located under the apartment complex. The subject site is located adjacent to property to the south that is designated for single-family residential development, and is required to meet the Residential Adjacency Standards of Title 19.08.060. The apartment complex is proposed at 44 feet in height, which requires a 132-foot setback to meet the minimum 3:1 Proximity Slope requirement. The building is located 10 feet from the property line. The proposed apartment complex also covers approximately 82% of the available lot area, where a maximum of 50% coverage is allowed within the C-1 (Limited Commercial) zoning district, per the Development Standards of Title 19.08.050. Approval of this Variance is required to allow the reduced setback distance that is provided along the south perimeter, as well as the excessive lot coverage that is proposed. Alternative site design or a project of smaller scope would alleviate the need for this Variance; therefore, staff is recommending denial of the request as the applicant has created a self-imposed hardship by proposing to overbuild the site.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070L states:

> "Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to overbuild the site. Alternative site design would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

PLANNING COMMISSION ACTION

There were three speakers in opposition at the Planning Commission Meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 390 by City Clerk

APPROVALS 1

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-33015** APN: 138-24-703-006

Name of Property Owner: Isani Razia and Sarihan Gunay

Name of Applicant: Metropolitan Homes

Name of Representative: Maren Parry, Ballard Spahr Andrews & Ingersoll

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

____ Yes X No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Gunay Sarihan

Print Name: Gunay Sarihan

Subscribed and sworn before me

This 11 day of December, 2008

Notary Public in and for said County and State Broward, Florida

Revised 11-14-06

f:\depot\Application Packet\Statement of Financial Interest.doc

CAROL B SINGEL
MY COMMISSION # DD508263
EXPIRES: Feb. 12, 2010
(407) 398-0153 Florida Notary Service.com

PLANNING & DEVELOPMENT

CITY OF LAS VEGAS

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-33015** APN: 138-24-703-006

Name of Property Owner: Isani Razia and Sarihan Gunay

Name of Applicant: Metropolitan Homes

Name of Representative: Maren Parry, Ballard Spahr Andrews & Ingersoll

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_____ Yes x No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Razia Isani

Print Name: RAZIA ISANI

Subscribed and sworn before me

This 11th day of December, 2008

Candice Salerno

Notary Public in and for said County and State

CANDICE R. SALERNO
Notary Public State of Nevada
No. 94-2734-1
My appt. exp. April 8, ~~2008~~ 2012



VICINITY MAP

PROJECT DATA

APN # 138-24-703-006

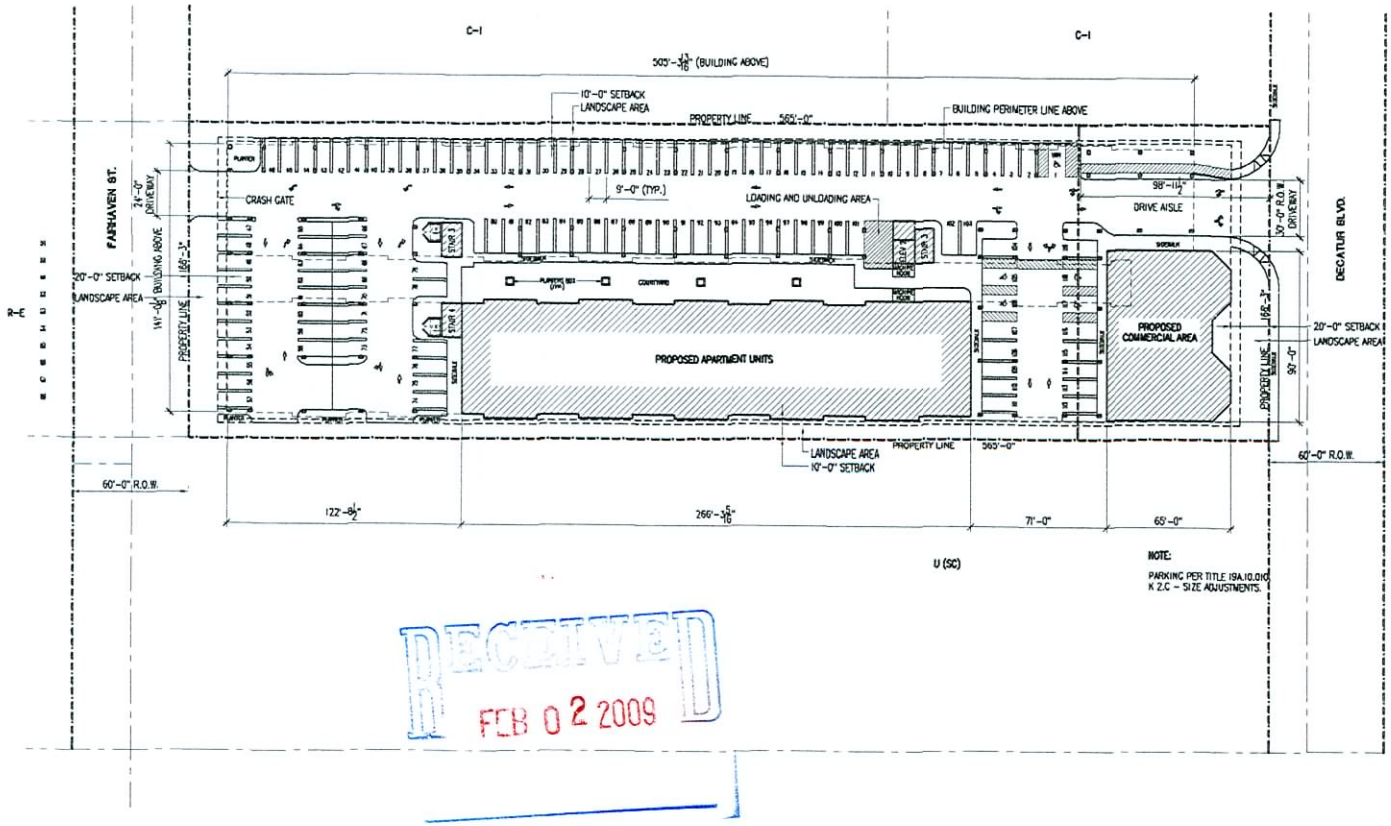
ADDRESS:	1841 N. DECATUR BLVD. LAS VEGAS, NV
LOT COVERAGE:	76%
LOT AREA:	93,934 S.F. (2.16 ACRE)

PARKING REQUIRED:

RESIDENTIAL:	151 UNITS @ .75=150 = 114
RETAIL:	5460 SF @ 1: 175 SF = 32
TOTAL REQUIRED	146

PARKING PROVIDED:

STANDARD CAR: 9' X 18'	114
HANDICAP (CAR) : 9' X 18'	4
HANDICAP (VAN) : 9' X 18'	1
PARKING PROVIDED	119



NOTE:
PARKING PER TITLE 19A.10.010 K 2.C - SIZE ADJUSTMENTS.

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1 SITE DEVELOPMENT PLAN
SCALE: 1" = 30'-0"
NORTH

DENNIS E. RUSK ARCHITECT, LLC

SITE DEVELOPMENT PLAN

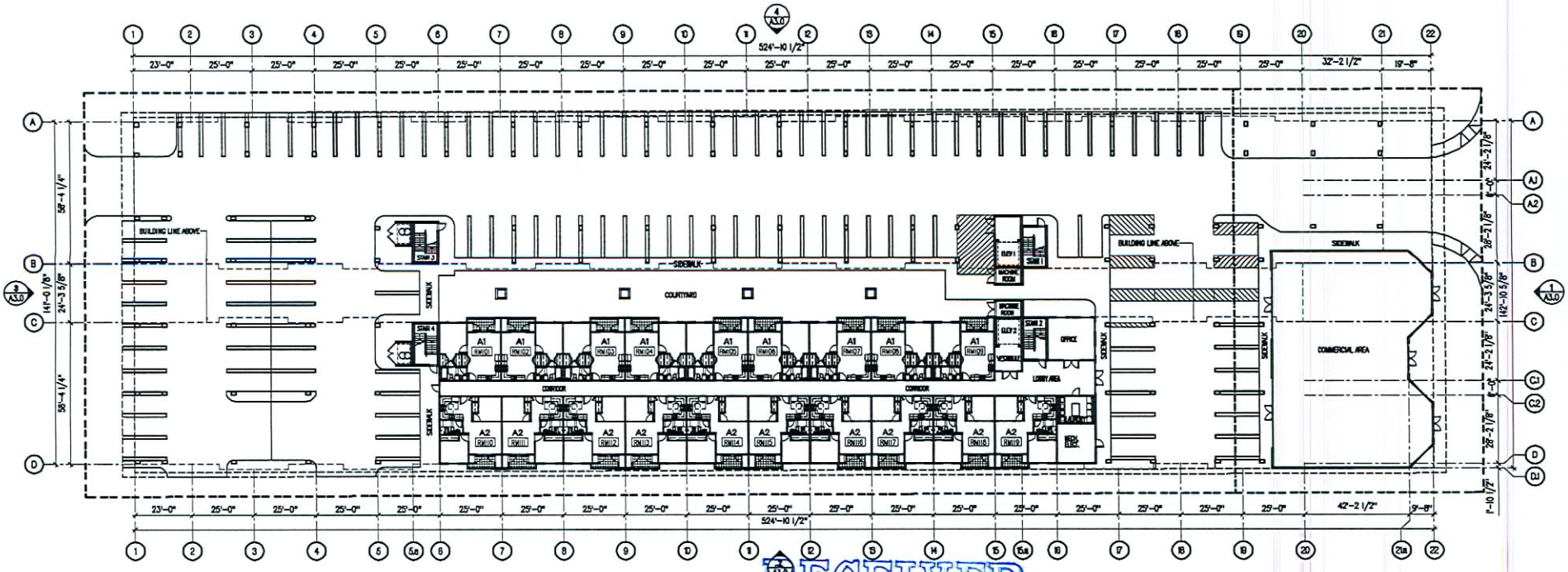
DECATUR SENIOR HOUSING

1841 N. DECATUR BLVD.
LAS VEGAS, NV

Revisions:

Date: 1-08-09
Project No: 0321
Drawn By: JGL/RCS
Check By: DERMLB
Sheet No: SP1.0

VAR-33015 VAR-32640
SUP-32639 SDR-32638
REVISED 02/26/09 PC



FIRST FLOOR PLAN
SCALE: 1" = 20'-0"

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VAR-33015

02/26/09 PC

DENNIS E. RUSK
ARCHITECT, LLC

FIRST FLOOR PLAN

DECATUR SENIOR HOUSING

1841 N. DECATUR BLVD.
LAS VEGAS, NV

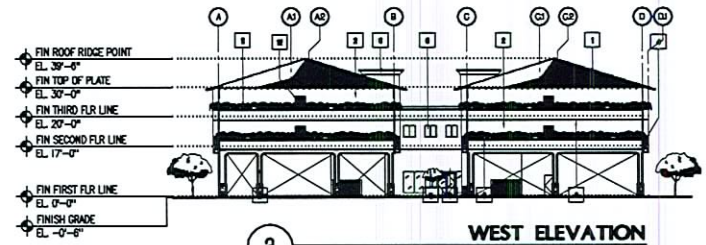
Revisions:

Date: 1-8-09
Project No.: 08100
Drawn By: JDL
Check By: DERUS
Sheet No.: A1.0

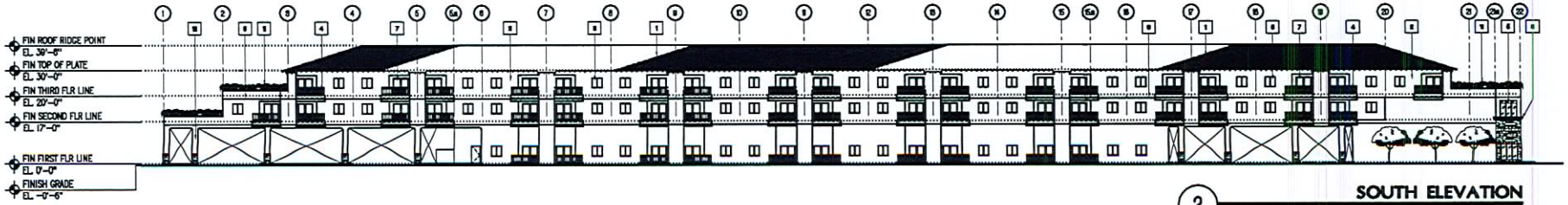
A1.0



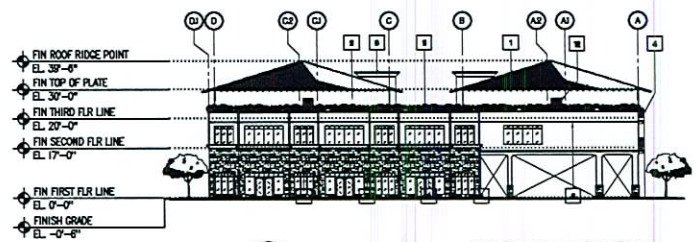
4 NORTH ELEVATION
SCALE: 1"=20'-0"



3 WEST ELEVATION
SCALE: 1"=20'-0"



2 SOUTH ELEVATION
SCALE: 1"=20'-0"



1 EAST ELEVATION
SCALE: 1"=20'-0"

KEYED NOTES: (ELEVATION)

1	CONCRETE ROOF TILES	7	SLIDING GLASS DOOR WITH ALUMINUM FRAME
2	7/8" THK STUCCO FINISH	8	METAL DOOR WITH STEEL FRAME
3	CORNICE	9	REVEAL LINE WITH FINISH STUCCO
4	RAILING	10	LEDGE STONES
5	STORE FRONT W/ ALUMINUM FRAME	11	PLANTERS
6	SLIDING WINDOW WITH ALUMINUM FRAME		

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VAR-33015
02/26/09 PC

DENNIS E. RUSK
ARCHITECT, LLC

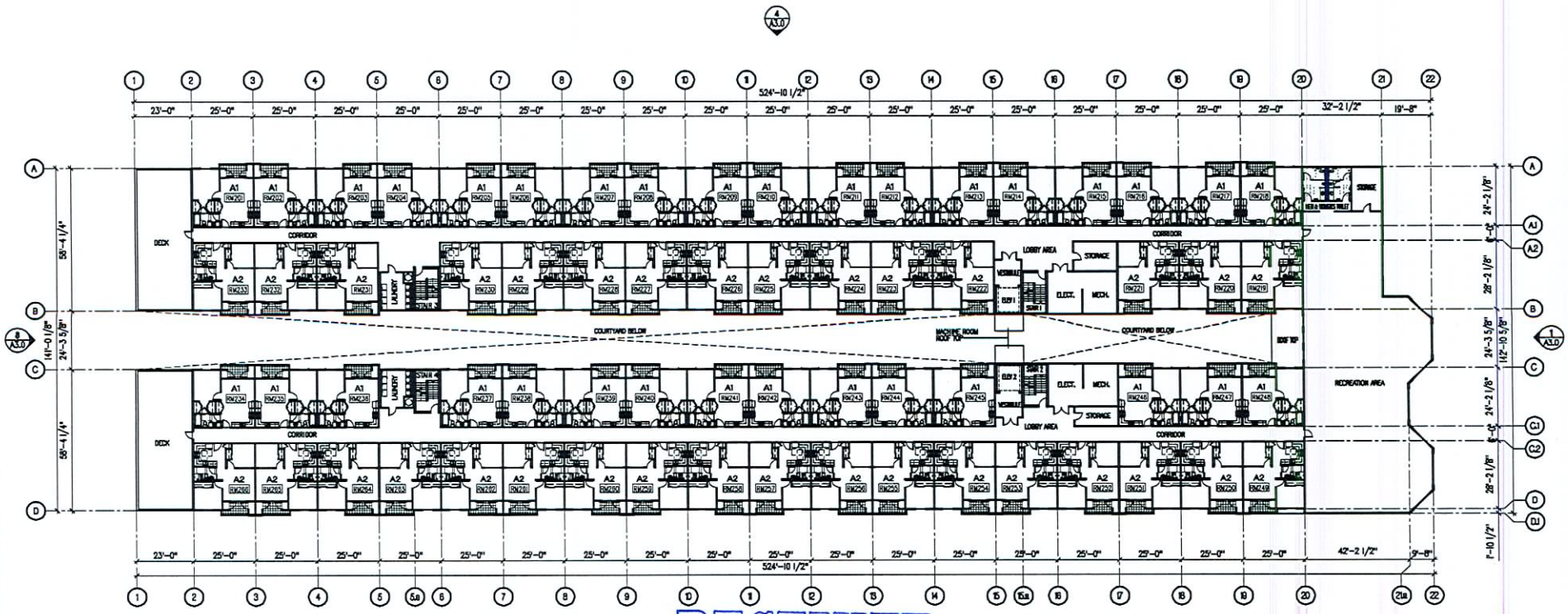
BUILDING ELEVATIONS

DECATUR SENIOR HOUSING

1841 N. DECATUR BLVD.
LAS VEGAS, NV

Revisions:

Date: 1-8-09
Project No.: 09100
Drawn By: JGL
Check By: DER/FLB
Sheet No.: A3.0



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SECOND FLOOR PLAN
SCALE: 1" = 20'-0"

NORTH

VAR-33015
02/26/09 PC

DENNIS E. RUSK
ARCHITECT, LLC

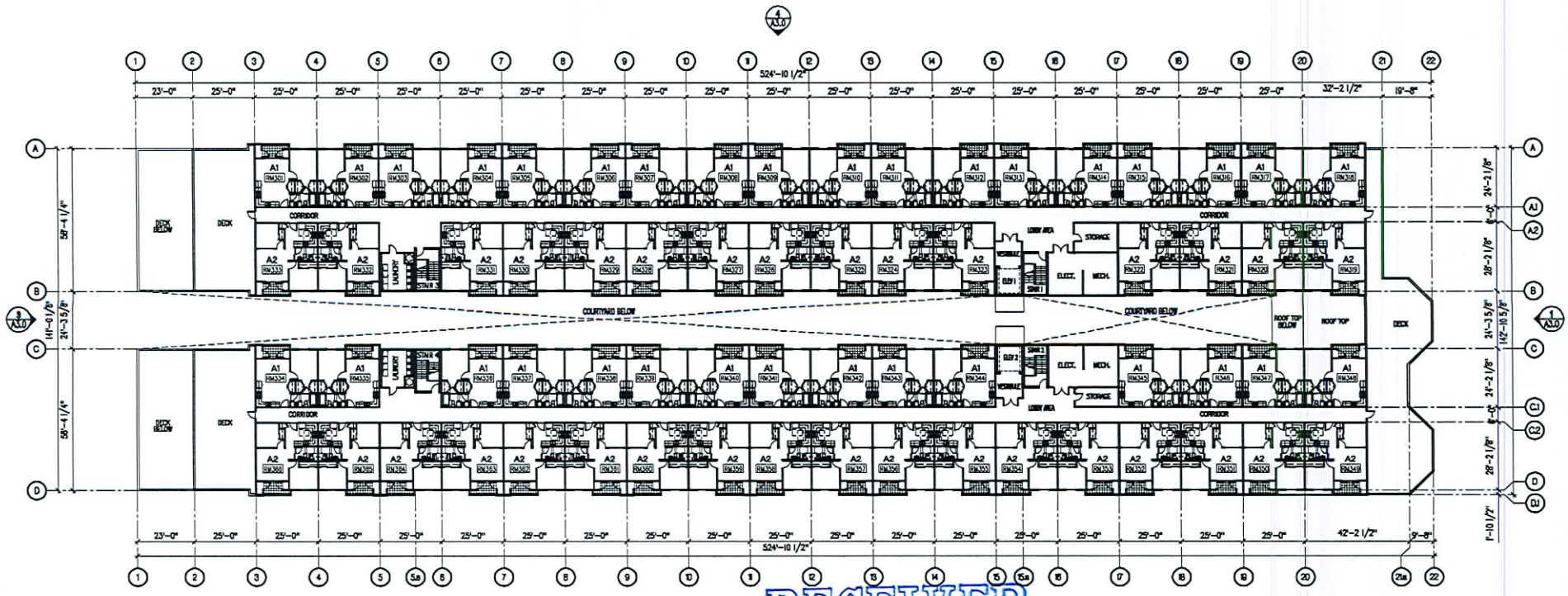
SECOND FLOOR PLAN

DECATUR SENIOR HOUSING

1841 N. DECATUR BLVD.
LAS VEGAS, NV

Revisions:

Date: 1-8-09
Project No.: 09100
Drawn By: JGL
Check By: DERVRLB
Sheet No.: A1.0a



THIRD FLOOR PLAN
SCALE: 1" = 20'-0"

NORTH

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VAR-33015
02/26/09 PC

DENNIS E. RUSK
ARCHITECT, LLC

THIRD FLOOR PLAN

DECATUR SENIOR HOUSING
1841 N. DECATUR BLVD.
LAS VEGAS, NV

Revisions:

Date: 1-8-09
Project No.: 0900
Drawn By: JGL
Check By: DER/FLB
Sheet No.: A10b

A10b



VAR-33015 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY
WEST SIDE OF DECATUR BOULEVARD, APPROXIMATELY 1,000 FEET SOUTH OF LAKE MEAD BOULEVARD
MARCH 12, 2009 PLANNING COMMISSION

01/21/09



VAR-33015 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY
WEST SIDE OF DECATUR BOULEVARD, APPROXIMATELY 1,000 FEET SOUTH OF LAKE MEAD BOULEVARD
MARCH 12, 2009 PLANNING COMMISSION

01/21/09



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MARCH 12, 2009 PLANNING COMMISSION

01/21/09



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WEST SIDE OF DECATUR BOULEVARD, APPROXIMATELY 1,000 FEET SOUTH OF LAKE MEAD BOULEVARD
MARCH 12, 2009 PLANNING COMMISSION

01/21/09



VAR-33015 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY
WEST SIDE OF DECATUR BOULEVARD, APPROXIMATELY 1,000 FEET SOUTH OF LAKE MEAD BOULEVARD
MARCH 12, 2009 PLANNING COMMISSION

01/21/09

LAW OFFICES
BALLARD SPAHR ANDREWS & INGERSOLL, LLP
100 CITY PARKWAY, SUITE 1750
LAS VEGAS, NV 89106-4614
702-471-7000
FAX: 702-471-7070
WWW.BALLARDSPAHR.COM

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SALT LAKE CITY, UT
VOORHEES, NJ
WASHINGTON, DC
WILMINGTON, DE

MAREN PARRY
PERSONAL FAX: (866) 381-5357
E-MAIL: PARRYM@BALLARDSPAHR.COM

January 13, 2009

By Hand Delivery

Doug Rankin
City of Las Vegas Planning and Development Dept.
731 South Fourth Street
Las Vegas, Nevada 89101

Re: **REVISED Justification Letter**
Metropolitan Homes
APN 138-24-703-006

Dear Mr. Rankin:

Enclosed please find a Variance application to supplement the prior application package submitted to your office on Friday, December 12, 2008, requesting approvals for a Senior Housing facility in a C-1 zone proposed at 1821 North Decatur Blvd (west side of Decatur, between Vegas Drive and Lake Mead Boulevard). The proposed facility was approved by way of applications SDR-3498 and SUP-3491 in 2004, but subsequent litigation surrounding the sale of the property delayed the commencement of development, and the approvals expired.

Metropolitan Homes respectfully requests renewed approvals to construct the same project at the same site. The development consists of a 150-unit low income apartment complex on 2.16 acres. The project will provide approximately 6000 square feet of commercial development to support the tenants and the neighborhood. The project design provides a unique floor plan wherein two main corridors are separated by a courtyard above the first floor, providing a cover to the parking beneath. The second floor area above the commercial portion of the property provides a recreation area for residents of the facility. The architecture of the structure provides a "stepped-back" look to offer additional articulation and interest in the building design and making the building more appropriate to the neighboring residential area. To facilitate this unique style and to provide covered parking for the proposed senior residents, a Variance to permit an increase in permitted lot coverage and a reduction in the required separation from neighboring residences will be necessary. This variance from the development

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code allows the upper units to shield the parking area during the hot summers, while providing a feeling of open space to a greater number of residents by way of the open courtyard between the two main corridors.

An additional Variance for a reduction in parking spaces is also required, and is appropriate for a senior center which is anticipated to have fewer residents who are automobile owners.

If you have any questions or need additional information, please do not hesitate to contact me at the above number.

Sincerely,

Maren Parry

Maren Parry

MP/mp
Enclosure

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y of Las Vegas
ice Of The City Clerk
) Stewart Avenue
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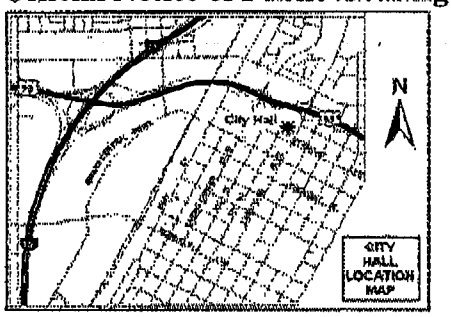

you wish to file your protest or support on this request, check the ropriate box below and return this card in an envelope with postage to the fice Of The City Clerk at the address listed above or fax this side of this d to (702) 382-4803. If you would like to contact your Council presentative, please call (702) 229-6405.

☐ I SUPPORT this Request

☒ I OPPOSE this Request

ease use available blank space on card for your comments.

AR-32640 & VAR-33015
ty Council Meeting of 4/15/2009

RAMEY PATRICIA A
4625 CONCORD VILLAGE DR
LAS VEGAS NV 89108-2143

APN#13919310026

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LAS VEGAS, NV 890

08 APR 2009

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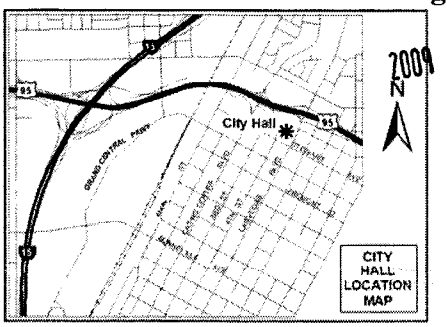

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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VAR-32640 & VAR-33015
City Council Meeting of 4/15/2009

FROM:
EWING MARY K
1750 LEONARD LN
LAS VEGAS NV 89108-2321

APN#13824803006

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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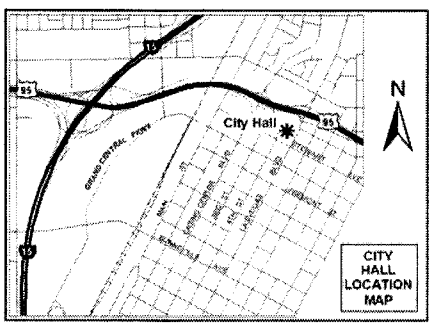

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VAR-32640 & VAR-33015
City Council Meeting of 4/15/2009

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JASINSKI DENNIS G & KATHRINE K
1810 LEONARD LN
LAS VEGAS NV 89108-2329

APN#13824702026

after final agenda

Date 4/15/09 Item 114 & 115 W-5

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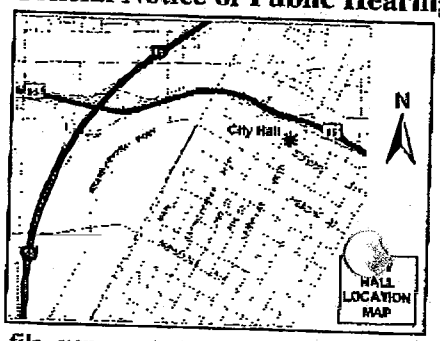

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☐ I SUPPORT this Request

☑ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-32640 & VAR-33015

City Council Meeting of 4/15/2009

RATHJE FAMILY TRUST
RATHJE LARRY L & BARBARA J TRS
1927 FAIRHAVEN CIR
LAS VEGAS NV 89108-2302

APN#13824702010

BAVOR11 89108

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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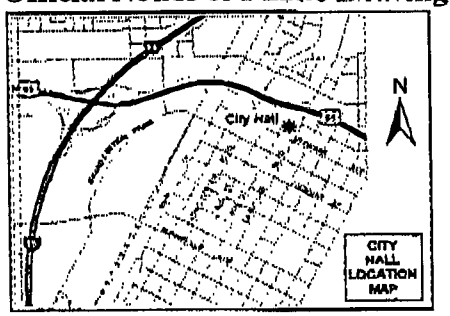

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

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VAR-32640 & VAR-33015
City Council Meeting of 4/15/2009

HUGHES FAMILY L L C #3
COURY FAMILY L L C #2
2975 S HIGHLAND DR
LAS VEGAS NV 89109-1011

APN#13919401003

04/08/2009 WED 13:22 [TX/RX NO 5404] 001

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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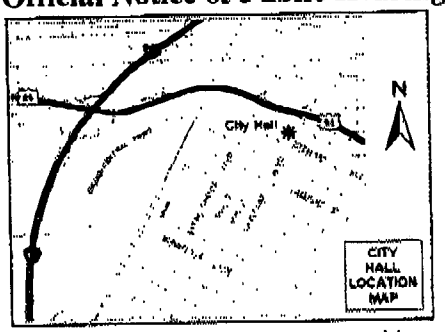

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

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VAR-32640 & VAR-33015
City Council Meeting of 4/15/2009

SWABY ELSA M TRUST
8440 DESERT QUAIL DR
LAS VEGAS NV 89128-8223

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04/10/2009 22:02 7022334251 ELSA SWABY PAGE 01

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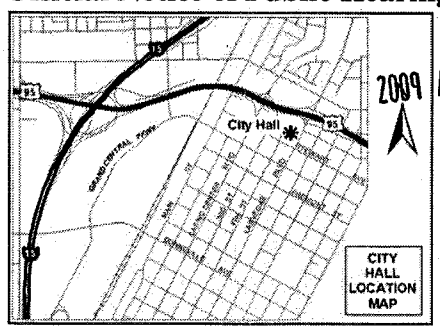

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☑ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-32640 & VAR-33015
City Council Meeting of 4/15/2009

WOOD MICHAEL
12820 WILLOW CENTRE DR #D
HOUSTON TX 77066-1031

APN#13824703005

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

RESORTED FIRST CLASS

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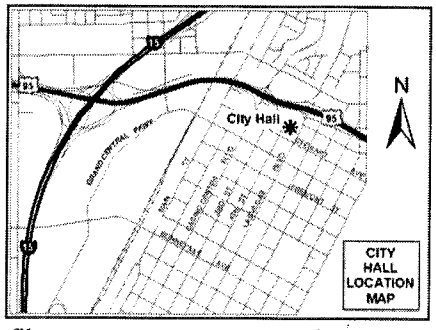

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-32640 & VAR-33015
City Council Meeting of 4/15/2009

WEST DAVID & DONNA
1895 FAIRHAVEN ST
LAS VEGAS NV 89108-2301

APN#13824702020

89108230 2012

NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

By signing below as a resident of the neighborhood near the proposed mixed-use, Senior Apartment project, I indicate that I do not oppose the development, and that I understand that it will have a retail development on the ground level facing Decatur, with apartments limited to Senior Citizens on the remainder of property.

Signature	Printed Name	Address
Ashley Wells	Ashley Wells	1815 Fairmount St.
[illegible]	Dominic J. Nolan	1799 N. Decatur Ave #109
[illegible]	MARIA Lopez	1799 N Decatur #104
[illegible]	Donnie Simons	1799 N Decatur #106
Michael Isabell	MICHAEL ISABELL	1799 N. DECATUR #206
Gustavo Muñoz	Gus Muñoz	1799 N. Decatur #203
Silvia Sanchez	Silvia Sanchez	1799 N. Decatur - 108
Desirae Walls	[illegible] Walls	1799. N Decatur 107
Kelli Stevens	Kelli Stevens	1799 N Decatur #208
Reynaldo Cantu	[illegible]	1799 N Decatur #114
[illegible]	[illegible]	1799 N Decatur 1214
Robert A Rogers	Robert A Rogers	1799 N Decatur 113
Edith Nilsen	Edith Nilsen	1799 N. Decatur #117
Maria Ortiz	Maria Ortiz	1799 N Decatur #125
Lordee Humphreys	Lordee Humpherys	1799 No Decatur #148

Submitted at Planning Commission

DMWEST #6794314 v1

Date 3/12/09 Item 15-18

Petition/Statement of Non-Opposition

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VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
	JARED YOUNG	1799 N Decatur #142
	FRANK JONES	1799 N DECATUR #235
	Melissa Cardenas	1799 N. Decatur #235
	Robert EARL	1799 N. Decatur #235
	Marquinn Thomas	8121 JADE HARBOR CT.
	TONY CORTINA	1799 N DECATUR #209
	Ryan Ferguson	1799 N. DECATUR #129
	Wade West	1799 N Decatur #138
	Richard Gillman	1799 N. Decatur #215

Petition/Statement of Non-Opposition

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Signature	Printed Name	Address
	DAVID PLUMMER	1812 DECATUR #102
	Jose Guevara	1810 Decatur #102
	Arcadia Santiago	1810 " "
	DOROTHY BUTLER	1810 " " #103
	Rory Miller	1812 " " #203
	Curtis Byrd	1850 " " 102
	1802 N Rancho #104	
	Estefana Gutierrez	1802 N. Decatur #102
	Derrick Trotter	1860 N. Decatur #101
	Reagyna Trotter	1860 N. Decatur #101
	CHRISTIVE LE	1860 N DECATUR #104
	Richard Anderson	1802 N. Decatur Apt 203
	Floong Pollard	1802 N. Decatur Blvd Apt 202
	Ronnie Stewart	1804 N Decatur #103

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
Dwight Beasley	DWIGHT BEASLEY	1858 N. DECATUR #201
Ona Coleman	ONA COLEMAN	1858 N. Decatur #101
Lori Carter	LORI CARTER	1858 N. Decatur #101
[illegible]	John gomez	1858 N. Decatur #104
[illegible]	SIG KUUSK	1806 N. DECATUR #101
[illegible]	Shenika Warner	1806 N. Decatur Blvd #201
Beverly Kelley	Beverly Kelley	1806 N Decatur #104
[illegible]	GREGORY QUITUGUA	1852 N. Decatur # 101
Maryl Hendricks	Marylee Hendricks	1856 N Decatur #101
Francis Romanoski	FRANCIS ROMANOSKI	1856 N DECATOR
Angel Vanscyoc	ANGEL VANSCYOC	1854 N DECATOR
Nyeesha Cook	NYEESHA COOK	1848 N Decatur #102
E J Marlowe	EDITH MARLOWE	1824 N — #104
Emily Gumas	Emily Gumas	1824 N. Decatur #101
Jazmin Lozoyo	Jazmin Lozoyo	1824 N. Decatur #203

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
Kim AND Paul S Miller	Kim AND Paul Miller	1834 North Decatur #102 " " " #101

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
	Darrell Henson	1813 N Decatur Blvd 89108 APT 208 LOS VEGAS NV
	Antonio Cordero	1675 Fairhaven st.
	SUBJECT TO 2-STORY DWELLINGS ONLY. EUALIO G. NORIEGA	1751 N. FAIRHAVEN ST.
	Eduardo Gonzalez	1961 Fairhaven st
	SUBJECT TO MAYBE 2 STORY NOT THREE Larry L Rothje	1927 FAIRHAVEN CIR
	CHARLES APLIN	192, Fairhaven Cr.
	STAN BEIKOWSKY	1923 FAIRHAVEN
Donna West	Donna West	1895 Fairhaven St. 89108
David R West	David West	1895 Fairhaven St. 8910
Coleen Campbell	Coleen Campbell	1865 Fairhaven St. 89108
	DAVID GRANT	1885 FAIRHAVEN ST
Michele Tombary	MICHELE TOMBARY	1885 FAIRHAVEN ST

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

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VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
Jeremy Shipton	Jeremy Shipton	1813 N. Decatur #104A
Renate Ogle	Renate Ogle	" "

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
Donica G. Beckett	Donica' G. Beckett	1813 N. Decatur Blvd Las Vegas, NV 89108
		1813 N. Decatur
	Gabriela Martinez	1813 N Decatur
	KHANH TO	1813 N. DECATUR #110
	Melanie Peek	1813 N. Decature #111
	Nick Mais	1813 N. Decatur #111
	Beverly J Pattison	1813 N. DECATUR Blvd 108
	Linda Sandoval	1813N. DecatueBlVD 108
	Lamont Johnson	1813N DecaturBlvd 115
	DEBBIE Allen	1813N N. Decatur #216
	Evaristo Melo	1813 N. Decatur #213
	Julie Butler	1813 N Decatur Blvd #113
	Joe wiley JR	1813 N. Decatur #211
	Rose Lopez	1813 N. Decatur #210
	James Rowton	1813 N. Decatur #206

01/09/1996 12:14 7023639198 WEEDEN III PAGE 01

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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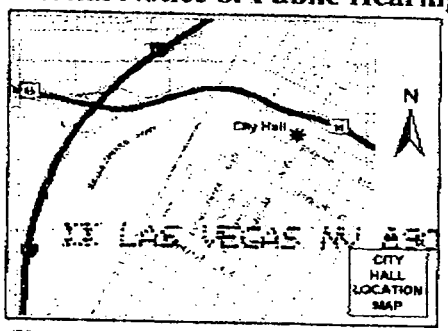

LAS VEGAS NV 89 02-14-09

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-32640 & VAR-33015

Planning Commission Meeting of 2/26/2009

13824701005 Case: VAR-32640
WEEDEN JOSEPH EDWARD III
1955 LEONARD LN
LAS VEGAS NV 89108-2336

RECEIVED
FEB 25 2009

89108-2336 A 80789

Submitted after final agenda
Date 2/25/09 Item 34 & 35 - 340

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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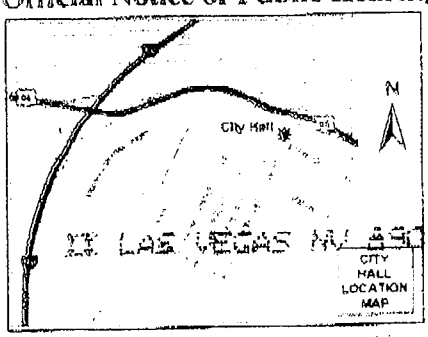

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☒ I OPPOSE this Request

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VAR-32640 & VAR-33015

Planning Commission Meeting of 2/26/2009

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MAILED FROM ZIPCODE 89101

RECEIVED
FEB 20 2009

Case: VAR-32640

13919311188
SWABY ELSA M TRUST
8440 DESERT QUAIL DR
LAS VEGAS NV 89128-8223

34P

02/19/2009 20:27 7022334251 ELSA SWABY PAGE 02

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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FIRST CLASS

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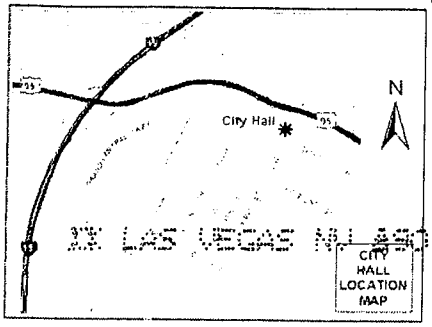

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[X] I SUPPORT this Request
[ ] I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-32640 & VAR-33015
Planning Commission Meeting of 2/26/2009

Case: VAR-32640
13824703005
WOOD MICHAEL
12820 WILLOW CENTRE DR #D
HOUSTON TX 77066-1031

77066$1031 R035

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City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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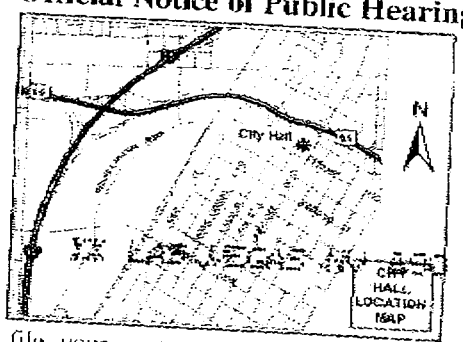

02-14-05

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☐ I SUPPORT this Request

☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-32640 & VAR-33015

Planning Commission Meeting of 2/26/2009

13919311171 Case: VAR-32640
ALANIZ VICTOR E & VINCENT
1736 ISABEL WY
UPLAND CA 91784-9275

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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MAILED FROM ZIPCODE 89101

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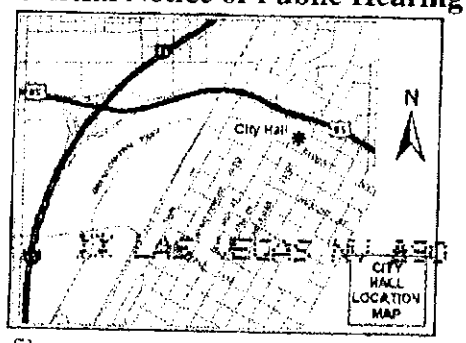
Official Notice of Public Hearing



LAS VEGAS NV 890 02-14-09

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☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-32640 & VAR-33015

Planning Commission Meeting of 2/26/2009

Case: VAR-32640

13824701014
FALKENSAMMER LEOPOLD & K REV TR
2224 GLENBROOK WY
LAS VEGAS NV 89117-5852

89117$5852 00207

City of Las Vegas Agenda Item No.: **73.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

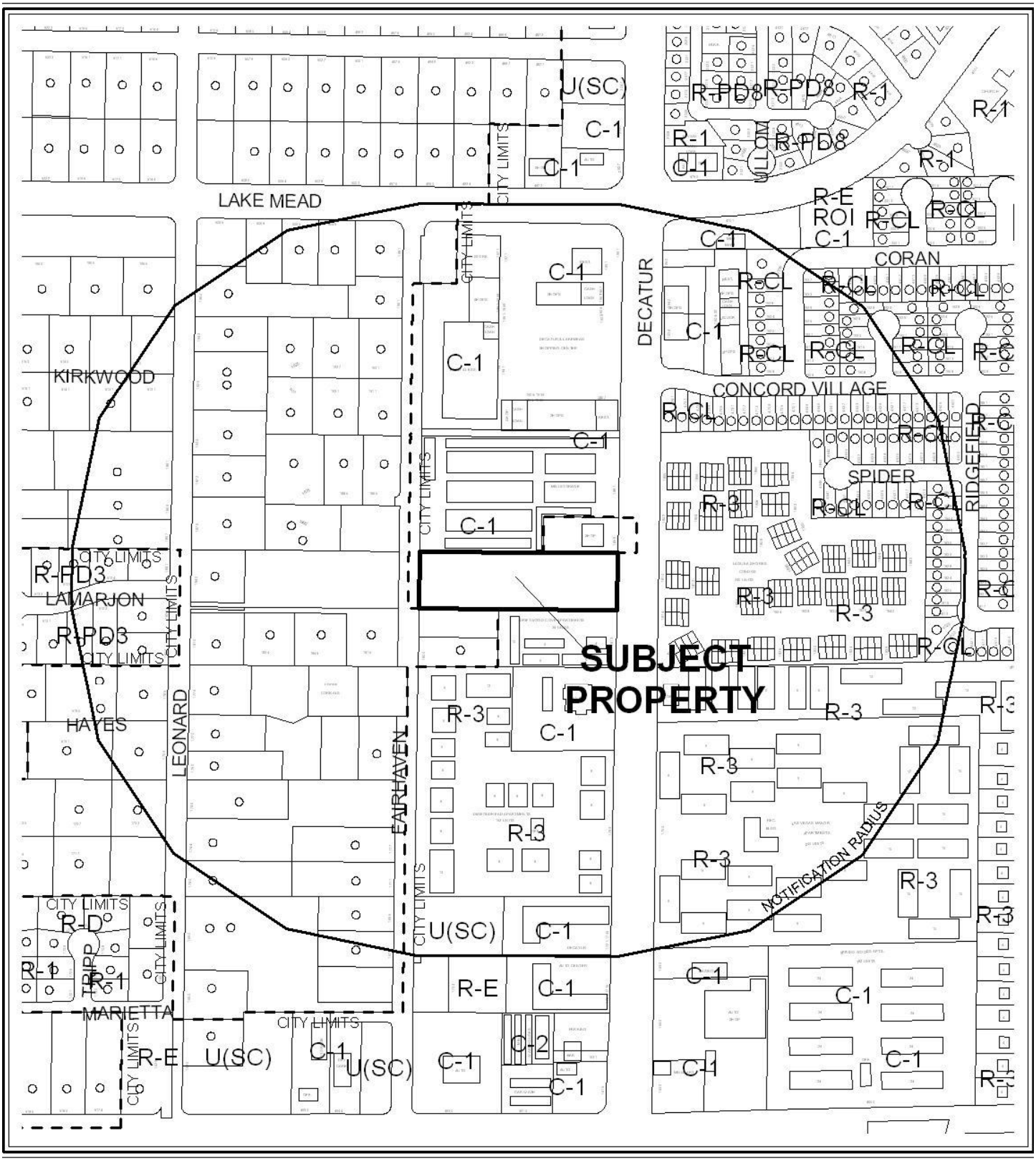
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-32639 – ABEYANCE ITEM - SPECIAL USE PERMIT RELATED TO VAR-32640 AND VAR-33015 - PUBLIC HEARING - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY - Request for a Special Use Permit FOR A PROPOSED SENIOR CITIZEN APARTMENT COMPLEX WITH A WAIVER TO ALLOW APARTMENTS ON THE GROUND FLOOR WHERE NONE ARE PERMITTED adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard (APN 138-24-703-006), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 5 (Barlow). Staff recommends DENIAL. The Planning Commission (5-1-1 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**4**	**Planning Commission Mtg.**	**3**
City Council Meeting	**3**	**City Council Meeting**	**7**

RECOMMENDATION:
Staff recommends DENIAL. The Planning Commission (5-1-1 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards
7. Backup Referenced from the 03-12-2009 Planning Commission Meeting Item 17



CASE: **SUP-32639**

RADIUS: 1000 FT

0 500 Feet

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)

N



CASE: **SUP-32639**

RADIUS: 1000 FT

0 500 Feet

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 16, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-32639 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY

THIS ITEM WAS HELD IN ABEYANCE FROM THE AUGUST 19, 2009 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN BARLOW.

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (5-1/vq-1/ke vote) recommends APPROVAL, subject to:

Planning and Development

1. Commercial business hours shall be limited to 7:00 a.m. to 9:00 p.m.

2. Occupancy shall be limited to persons 55 or older to the extent allowed by law.

3. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Senior Citizen Apartments use.

4. Approval of and conformance to the Conditions of Approval for Rezoning (Z-0050-97), Variances (VAR-32640 and VAR-33015) and Site Development Plan Review (SDR-32638) shall be required, if approved.

5. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit (SUP-32639) for a proposed three-story, 44-foot tall, 151-unit Senior Citizen Apartment Complex with a Waiver to allow apartments on the ground floor where none are permitted on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The applicant has also submitted applications for a Variance (VAR-32640) to allow 119 parking spaces where 146 are required; a Variance (VAR-33015) to allow a 10-foot setback where Residential Adjacency standards require 132 feet, and to allow a lot coverage of 82% where 50% is the maximum permitted; and a Site Development Plan Review for a proposed three-story, 44-foot tall, 151-unit Senior Citizen Apartment Complex with 5,460 square feet of commercial space. As part of the Site Development Plan Review, the applicant is requesting an Exception to allow ground cover only (no trees or shrubs) in a required landscape buffer along the north perimeter. Staff is recommending denial of the request as the proposed use does not meet the minimum Special Use Permit requirements, and the number of Variances, Waivers and Exceptions required indicates that the site is to be overbuilt.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
12/08/97	The City Council approved a request for Rezoning (Z-0050-97) from U (Undeveloped) [SC (Service Commercial) General Plan designation] to C-1 (Limited Commercial) on 2.16 acres located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard.
02/18/04	The City Council approved requests for a Site Development Plan Review (SDR-3496) for a Senior Housing Complex with a Waiver of the perimeter landscaping requirements, and a Special Use Permit (SUP-3491) for a Senior Apartment Complex on 2.16 acres located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The Planning Commission recommended approval. These entitlements expired 02/18/06 as no Extension of Time was submitted.
11/15/04	A Code Enforcement complaint (#23727) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 01/12/05.
10/10/05	A Code Enforcement complaint (#35225) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 10/12/05.

03/20/06	A Code Enforcement complaint (#39426) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 04/26/06.
02/15/07	A Code Enforcement complaint (#50556) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 04/16/07.
04/18/08	A Code Enforcement complaint (#64758) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 05/19/08.
03/12/09	The Planning Commission recommended approval of companion items VAR-32640, VAR-33015 and SDR-32638 concurrently with this application. The Planning Commission voted 5-1/vq-1/ke to recommend APPROVAL (PC Agenda Item #17/sg).

Related Building Permits/Business Licenses
There are no related building permits or business licenses associated with the site.

Pre-Application Meeting	
01/07/09	A pre-application meeting was held to discuss the requirements for applications for a Site Development Plan Review, a Special Use Permit and two Variances. Issues discussed included the minimum requirements for a Senior Apartment use, parking requirements and development standards.
Neighborhood Meeting	
A neighborhood meeting was neither required nor held for this application.	

Field Check	
01/21/09	A field check was conducted by staff. The subject site is a vacant, undeveloped lot with an unpermitted chain link fence at the east perimeter and a portion of the north perimeter, which is topped with barb wire. There was assorted trash and debris at the site.

Details of Application Request	
Site Area	
Gross Acres	2.16 Acres

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Undeveloped	SC (Service Commercial)	U (Undeveloped) Zone [SC (Service Commercial) General Plan designation] Under Resolution of Intent to C-1 (Limited Commercial)
North	Mini-Storage Facility	SC (Service Commercial)	C-1 (Limited Commercial)
	Wireless Communications Facility	RN (Rural Neighborhood) [Clark County]	C-1 (Local Business) [Clark County]
South	Apartments	SC (Service Commercial)	R-3 (Medium Density Residential)
	Undeveloped	RN (Rural Neighborhood) [Clark County]	R-E (Rural Estates Residential) [Clark County]
East	Condominiums	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Undeveloped	RN (Rural Neighborhood) [Clark County]	R-E (Rural Estates Residential) [Clark County]

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan		X	N/A
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (70 Feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance	X		Y*

**Pursuant to Ordinance Number 5227, this proposed project has been deemed to be a "Project of Regional Significance" because it is a request for a Special Use Permit concerning property within 500 feet of the City boundary with Clark County. The applicant completed the required forms, which were then distributed by the City to the appropriate agencies for comments. No comments were received.*

SG

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
	Gross Floor Area or Number of Units	***Required***			***Provided***		***Compliance***
			Parking		*Parking*		
Use		***Parking Ratio***	Regular	Handi-capped	Regular	Handi-capped	
Senior Apartments	151 Units	0.75 / Unit	114				
General Retail	5460 SF	1 / 175	32				
SubTotal			146				
TOTAL			141	5	114	5	N*
Loading Spaces		1 / Less Than 10,000 SF	1		1		Y
Percent Deviation					19%		

**The applicant has submitted a request for a Variance (VAR-32640) to allow 119 parking spaces where 146 are required, a 19% deviation.*

Waivers		
Request	**Requirement**	**Staff Recommendation**
To allow apartments on the ground floor where none are permitted.	In the case of a multi-floor structure, the apartments themselves. must be located above the ground floor	Denial

ANALYSIS

This is a request for a Special Use Permit (SUP-32639) for a proposed three-story, 44-foot tall, 151-unit Senior Citizen Apartment Complex with a Waiver to allow apartments on the ground floor where none are permitted on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The minimum Special Use Permit requirements listed in Title 19.04 for a Senior Citizen Apartment Complex include the provision that "In the case of a multi-floor structure, the apartments themselves must be located above the ground floor, but access ways, entryways and community rooms may be located on the ground floor." The applicant is proposing to locate 19 apartment units on the ground floor of the complex, along with a parking garage containing 119 spaces, an enclosed courtyard, a manager's office and 5,460 square feet of commercial space at the east end of the site,. There are both one bedroom and two bedroom apartments depicted on the ground floor. Staff is recommending denial of the request as the number of associated Variances, Waivers and Exceptions required for the proposed development indicates that the site will be overbuilt.

SG

- **Zoning**

The subject site is located within the Southeast Sector Plan of the General Plan and has a land use designation of SC (Service Commercial), which allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons, and that do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. The Service Commercial category may also allow mixed-use development with a residential component where appropriate.

The subject site is currently zoned U (Undeveloped) [SC (Service Commercial) General Plan Designation] Under Resolution of Intent to the C-1 (Limited Commercial) district, which is intended to provide most retail shopping and personal services, and may be appropriate for mixed-use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-l (Limited Commercial) district is consistent with the Service Commercial, and the Neighborhood Center categories of the General Plan. A Senior Citizen Apartment Complex is permitted in the C-1 (Limited Commercial) district with the approval of a Special Use Permit.

- **Use**

A Senior Apartment is an apartment house or other multi-family dwelling in which each unit is occupied by at least one person 55 years of age or older, or in which the units are intended and operated for occupancy by persons 55 years of age or older. This use includes an apartment house or other multi-family dwelling that qualifies as "housing for older persons" under the provisions of Federal law, including without limitation housing developments that:

1. Provide significant facilities and services specifically designed to meet the physical or social needs of older persons; and
2. Publish and adhere to policies and procedures that demonstrate an intent to provide housing for persons 55 years of age or older to the extent allowed by applicable State or Federal law.

- **Minimum Special Use Permit Requirements**

1. For any development that is over three stories in height:
   a. The structures shall be compatible with the scale and massing of the types of development allowed in the applicable zoning district and shall provide a transition to less intensive development.
   b. Rooflines and façade elements shall be articulated in order to break down the apparent massing of the structures.

2. The use shall be developed and operated only in connection with ground-level nonresidential development. In the case of a multi-floor structure, the apartments themselves must be located above the ground floor, but access ways, entryways and community rooms may be located on the ground floor.

3. The primary resident or guest entryway to the apartments must be independent of ground floor commercial uses, and must be directly accessible from and oriented to a street.

4. The overall architecture of the front elevation shall highlight the difference in uses through variations in volume and proportion, and shall be treated as a cohesive whole through finishes and colors.

5. For any development that, in accordance with LVMC 19.08.050, is allowed to exceed the maximum lot coverage provisions set forth in that Section, all landscape buffer requirements, and all minimum setback requirements for the C-1 district, shall be met.

The proposed use does not meet requirements number 2; the applicant has requested a Waiver to allow 19 apartment units on the ground floor. Staff is recommending denial of the Special Use Permit request as the proposed development does not meet the minimum Special Use Permit requirements, and the site, as proposed, will be overbuilt.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

   The proposed land use cannot be conducted in a manner that is harmonious with existing surrounding land uses. The development is monolithic in scale and is not compatible with development in the area. A smaller building or multiple buildings would be more appropriate.

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

   The subject site is not physically suitable for the proposed type and intensity of land use proposed as demonstrated by the number of associated Variances, Waivers and the Exception required for approval.

3. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use."**

   The primary access to the site is a proposed driveway onto Decatur Boulevard, a 100-foot Primary Arterial, with a second driveway for emergency access via a crash gate on to Fairhaven Street, which is a 60-foot Local street, as designated by the Master Plan of Streets and Highways. These streets will provide adequate site access, and adjacent roadways and neighborhood traffic will not be negatively impacted.

4. **"Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan."**

   The site will be subject to permitting, inspections and licensing by the City of Las Vegas, and will not compromise the health, safety, and welfare, or the overall objectives of the General Plan.

5. **The use meets all of the applicable conditions per Title 19.04.**

   The use does not meet all applicable conditions of Title 19.04 and the applicant is requesting a Waiver to allow 19 apartment units on the ground floor where none are allowed.

PLANNING COMMISSION ACTION

Conditions 1 and 2 were added at the Planning Commission Meeting to which the applicant agreed. Condition #2 is recommended to read: "Sign and record a deed restriction with language determined to be satisfactory by the City Attorney which restricts the use of the site to an age-restricted community for those persons 55 years of age or older, to the full extent of the law."

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 390 by City Clerk

APPROVALS 1

PROTESTS 1

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-32639 APN: 138-24-703-006

Name of Property Owner: Isani Razia and Sarihan Gunay

Name of Applicant: Metropolitan Homes

Name of Representative: Maren Parry, Ballard Spahr Andrews & Ingersoll

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____ Yes X No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Gunay Sarihan

Print Name: Gunay Sarihan

Subscribed and sworn before me

This 11 day of December, 2008

C B Smail

Notary Public in and for said County and State Broward, Florida

Revised 11-14-06

CAROL B SINGER
COMMISSION # DD[illegible]
[illegible]ES: Feb. 12, 2010
[illegible]ry Service.com

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-32639 APN: 138-24-703-006

Name of Property Owner: Isani Razia and Sarihan Gunay

Name of Applicant: Metropolitan Homes

Name of Representative: Maren Parry, Ballard Spahr Andrews & Ingersoll

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

____ Yes x No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Razia Isani

Print Name: RAZIA ISANI

Subscribed and sworn before me

This 11th day of December, 2008

Candice Salerno

Notary Public in and for said County and State

CANDICE R. SALERNO
Notary Public State of Nevada
No. 94-2734-1 2012
My appt. exp. April 8, 2008



VICINITY MAP

PROJECT DATA

APN # 138-24-703-006

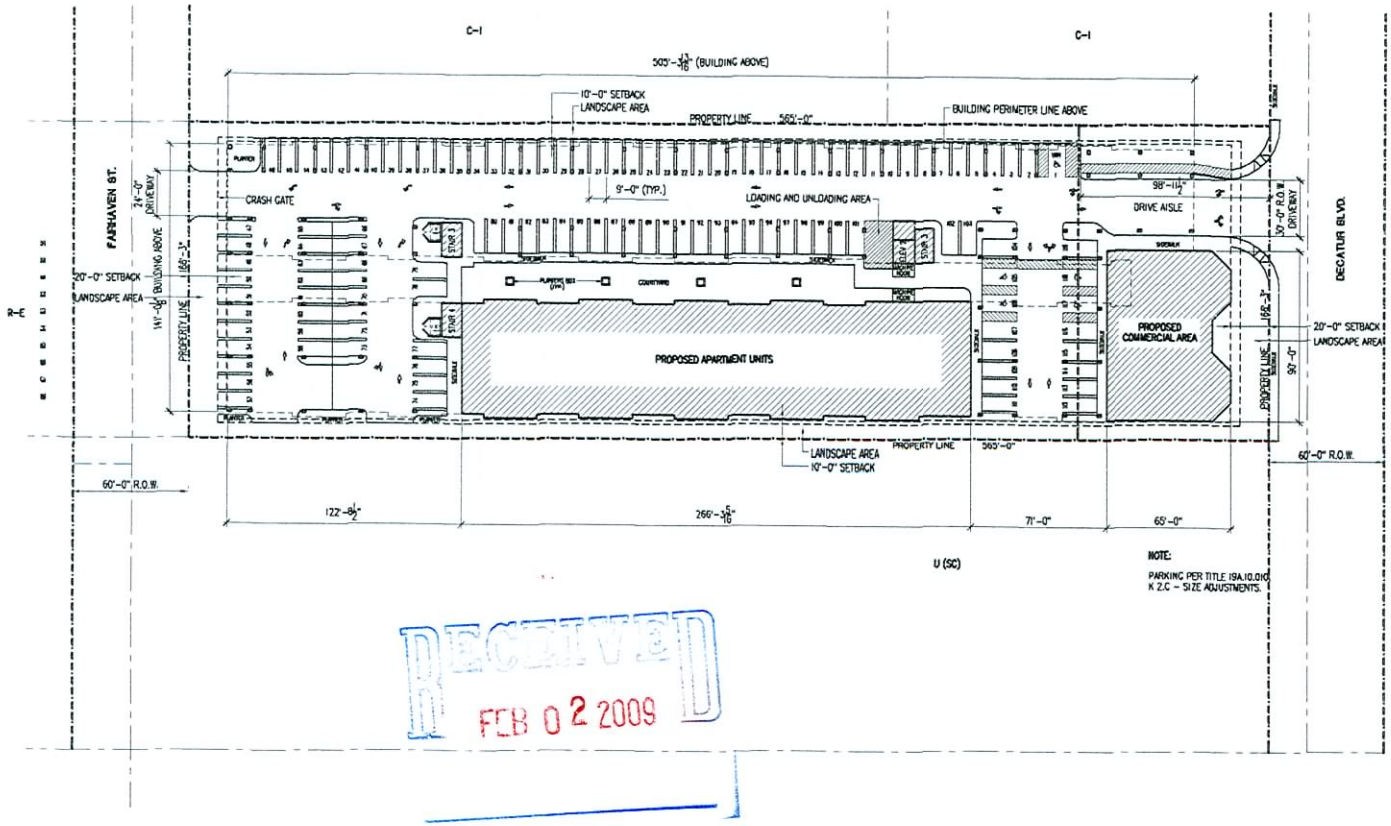
ADDRESS:	1841 N. DECATUR BLVD. LAS VEGAS, NV
LOT COVERAGE:	76%
LOT AREA:	93,934 S.F. (2.16 ACRE)

PARKING REQUIRED:

RESIDENTIAL:	151 UNITS @ .75=150 = 114
RETAIL:	5460 SF @ 1: 175 SF = 32
TOTAL REQUIRED	146

PARKING PROVIDED:

STANDARD CAR: 9' X 18'	114
HANDICAP (CAR) : 9' X 18'	4
HANDICAP (VAN) : 9' X 18'	1
PARKING PROVIDED	119



NOTE:
PARKING PER TITLE 19A.10.010 K 2.C - SIZE ADJUSTMENTS.

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1 SITE DEVELOPMENT PLAN
SCALE: 1" = 30'-0"
NORTH

DENNIS E. RUSK ARCHITECT, LLC

SITE DEVELOPMENT PLAN

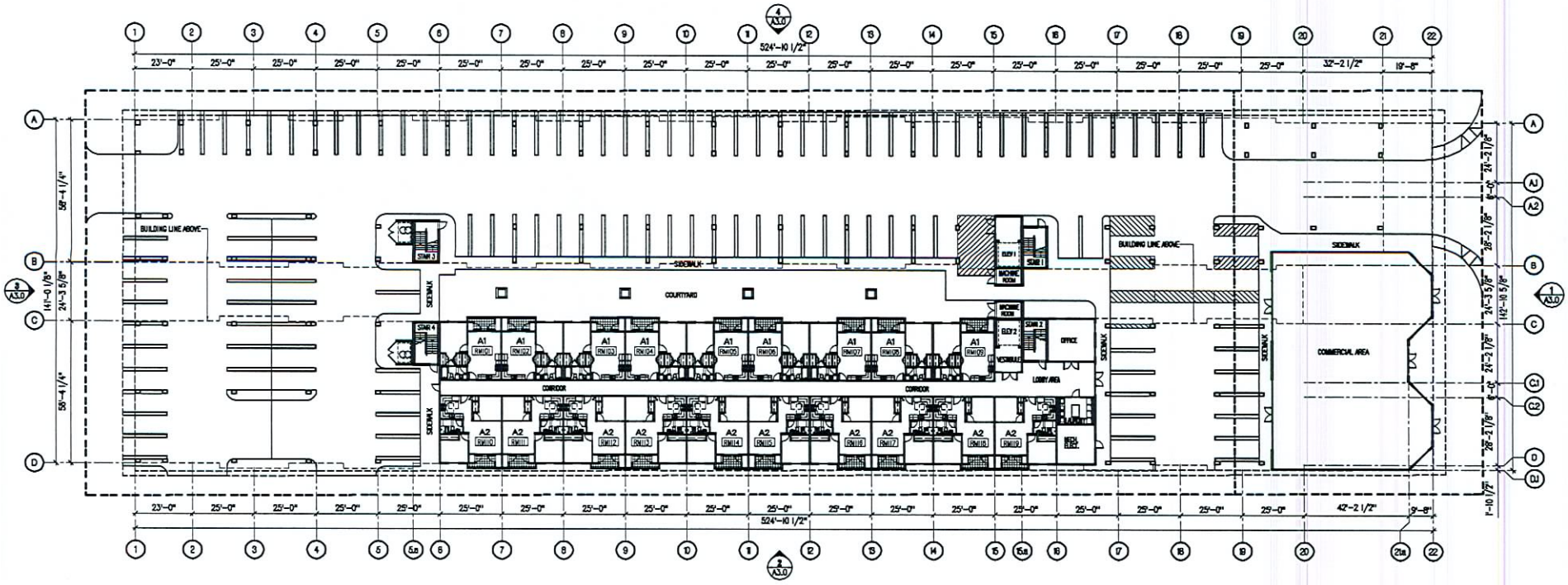
DECATUR SENIOR HOUSING

1841 N. DECATUR BLVD.
LAS VEGAS, NV

Revisions:

Date: 1-08-09
Project No: 0321
Drawn By: JGL/RCS
Check By: DERMLB
Sheet No: SP1.0

VAR-33015 VAR-32640
SUP-32639 SDR-32638
REVISED 02/26/09 PC



SUP-32639

02/26/09 PC

FIRST FLOOR PLAN
SCALE: 1" = 20'-0"

NORTH

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JAN 13 2009

DENNIS E. RUSK
ARCHITECT, LLC

FIRST FLOOR PLAN

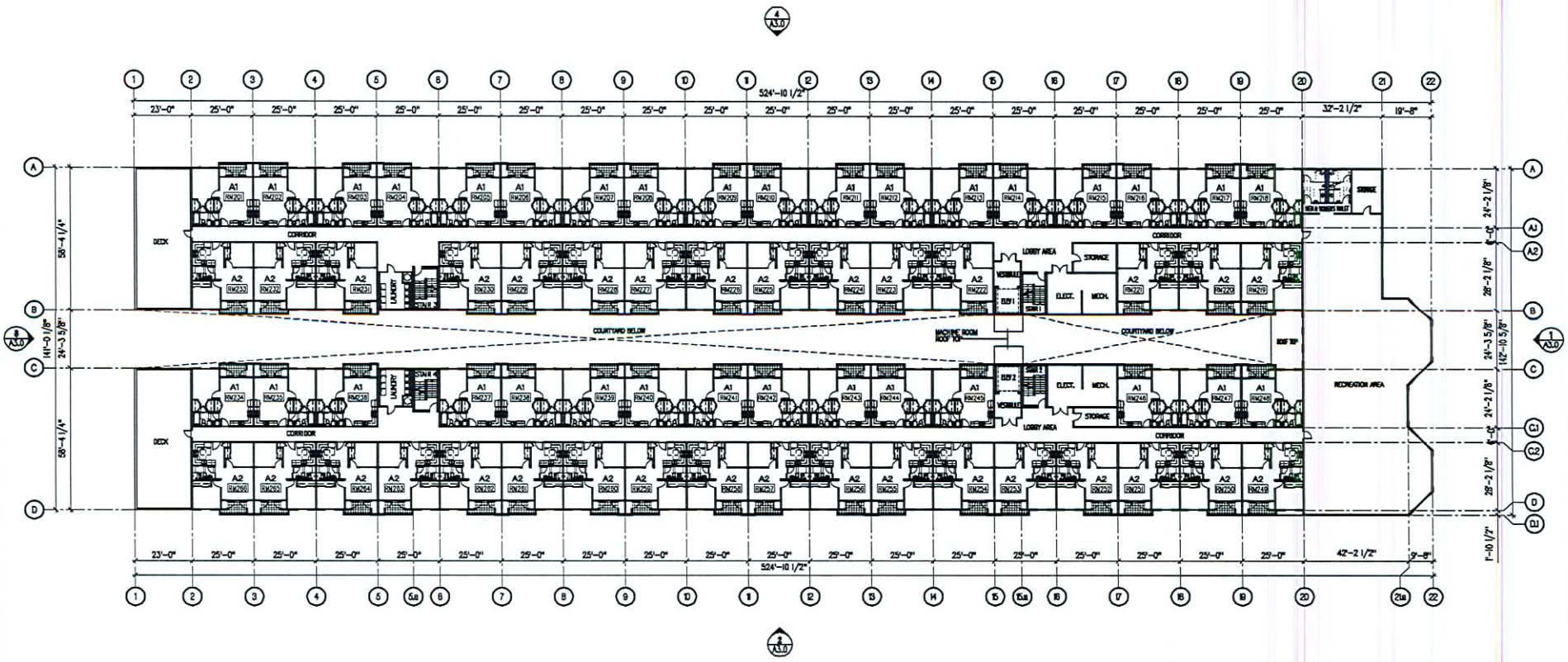
DECATUR SENIOR HOUSING

1841 N. DECATUR BLVD.
LAS VEGAS, NV

Revisions:

Date
1-9-09
Project No.
0900
Drawn By:
JDL
Check By:
DERUSK
Sheet No.

A1.0



SECOND FLOOR PLAN
SCALE: 1" = 20'-0"

NORTH

SECOND FLOOR PLAN

DECATUR SENIOR HOUSING

1841 N. DECATUR BLVD.
LAS VEGAS, NV

DENNIS E. RUSK
ARCHITECT, LLC

Revisions:

Date: 1-8-09
Project No.: 0800
Drawn By: JDL
Check By: DERVLB
Sheet No.: A10a

SUP-32639
02/26/09 PC

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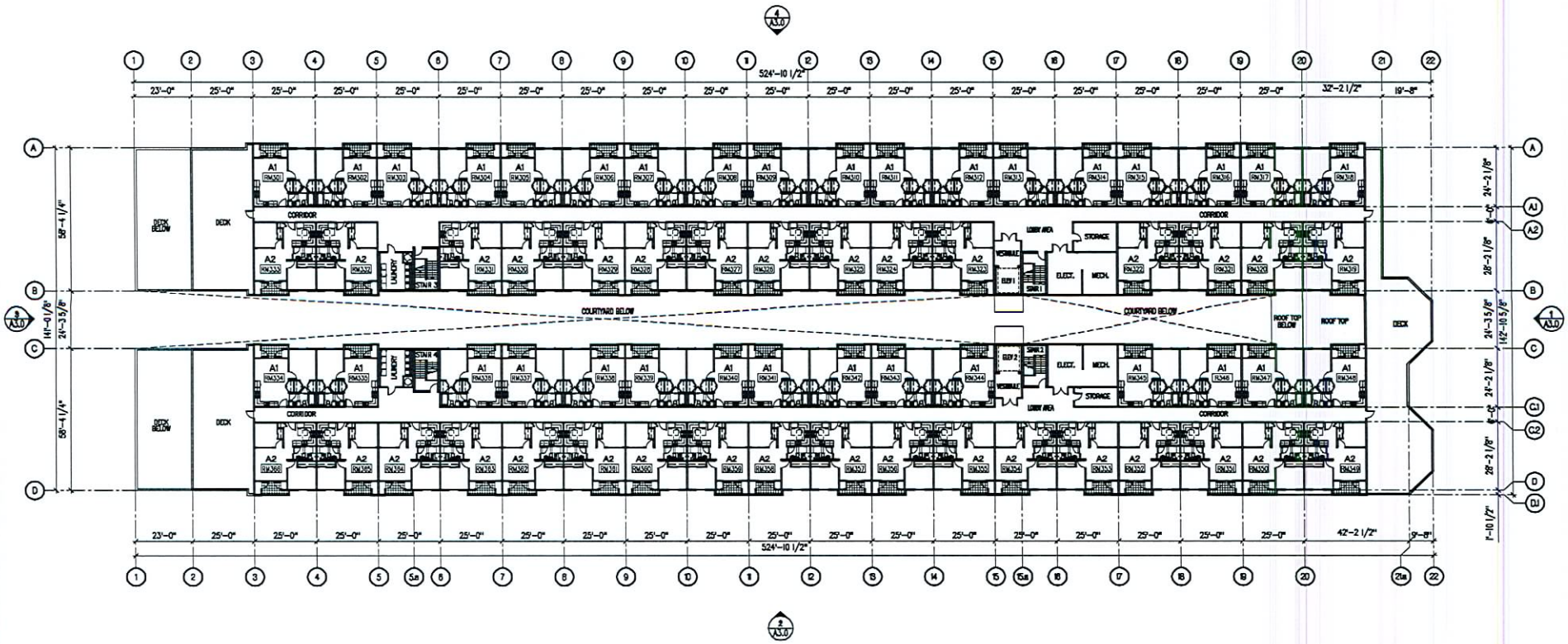

THIRD FLOOR PLAN
SCALE: 1" = 20'-0"

NORTH

SUP-32639

02/26/09 PC

DENNIS E. RUSK ARCHITECT, LLC

THIRD FLOOR PLAN

DECATUR SENIOR HOUSING

1841 N. DECATUR BLVD.
LAS VEGAS, NV

Revisions:

Date: 1-8-09
Project No.: 09100
Drawn By: JGL
Check By: DER/FLB
Sheet No.: A1.0b

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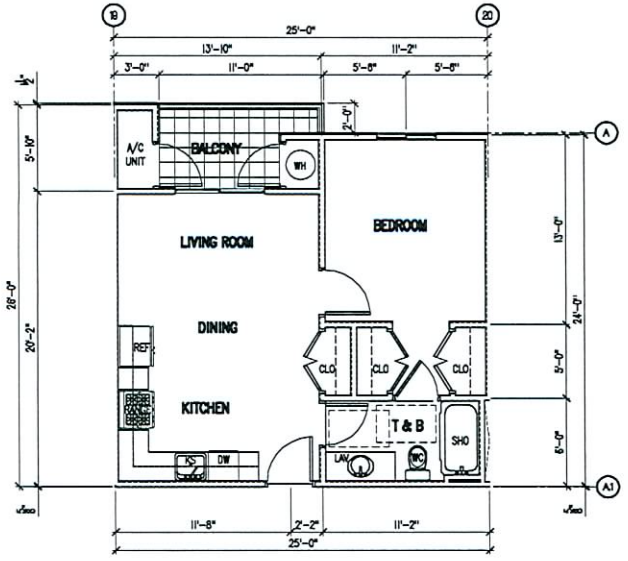

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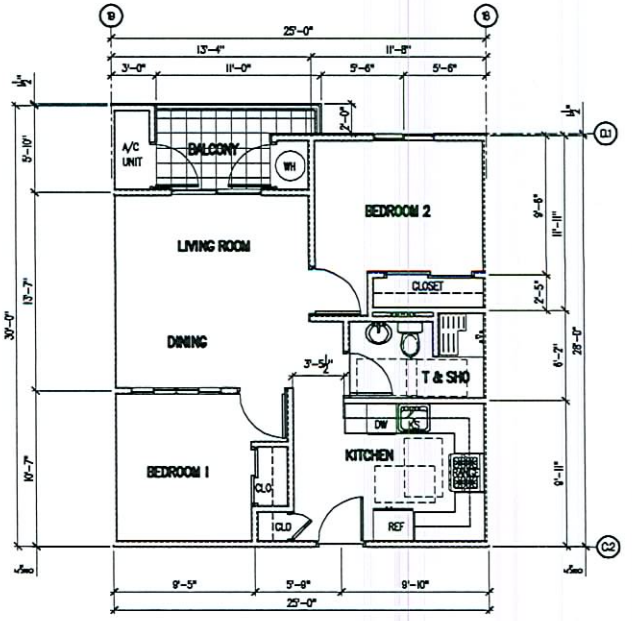

1 ENLARGED FLOOR PLAN - TYPE A2
SCALE: 1/4" = 1'-0"

SUP-32639

02/26/09 PC

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DENNIS E. RUSK
ARCHITECT, LLC

ENLARGED FLOOR PLAN - TYPE A1 & A2

DECATUR SENIOR HOUSING

1841 N. DECATUR BLVD.
LAS VEGAS, NV

Revisions:

Date: 2-8-09
Project No.: 09100
Drawn By: JGL
Check By: DER/FLB
Sheet No.: A2.0

DENNIS E. RUSK ARCHITECT, LLC 8800 SPATRICK LANE SUITE 200 LAS VEGAS, NEVADA 89128 PHONE (702) 363-8800 FAX (702) 363-8171



SUP-32639 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY
WEST SIDE OF DECATUR BOULEVARD, APPROXIMATELY 1,000 FEET SOUTH OF LAKE MEAD BOULEVARD
MARCH 12, 2009 PLANNING COMMISSION

01/21/09



SUP-32639 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY
WEST SIDE OF DECATUR BOULEVARD, APPROXIMATELY 1,000 FEET SOUTH OF LAKE MEAD BOULEVARD
MARCH 12, 2009 PLANNING COMMISSION

01/21/09



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MARCH 12, 2009 PLANNING COMMISSION

01/21/09



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WEST SIDE OF DECATUR BOULEVARD, APPROXIMATELY 1,000 FEET SOUTH OF LAKE MEAD BOULEVARD
MARCH 12, 2009 PLANNING COMMISSION

01/21/09



SUP-32639 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY
WEST SIDE OF DECATUR BOULEVARD, APPROXIMATELY 1,000 FEET SOUTH OF LAKE MEAD BOULEVARD
MARCH 12, 2009 PLANNING COMMISSION

01/21/09

LAW OFFICES
BALLARD SPAHR ANDREWS & INGERSOLL, LLP
100 CITY PARKWAY, SUITE 1750
LAS VEGAS, NV 89106-4614
702-471-7000
FAX: 702-471-7070
WWW.BALLARDSPAHR.COM

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PHILADELPHIA, PA
PHOENIX, AZ
SALT LAKE CITY, UT
VOORHEES, NJ
WASHINGTON, DC
WILMINGTON, DE

MAREN PARRY
PERSONAL FAX: (866) 381-5357
E-MAIL: PARRYM@BALLARDSPAHR.COM

January 13, 2009

By Hand Delivery

Doug Rankin
City of Las Vegas Planning and Development Dept.
731 South Fourth Street
Las Vegas, Nevada 89101

Re: **REVISED Justification Letter**
Metropolitan Homes
APN 138-24-703-006

Dear Mr. Rankin:

Enclosed please find a Variance application to supplement the prior application package submitted to your office on Friday, December 12, 2008, requesting approvals for a Senior Housing facility in a C-1 zone proposed at 1821 North Decatur Blvd (west side of Decatur, between Vegas Drive and Lake Mead Boulevard). The proposed facility was approved by way of applications SDR-3498 and SUP-3491 in 2004, but subsequent litigation surrounding the sale of the property delayed the commencement of development, and the approvals expired.

Metropolitan Homes respectfully requests renewed approvals to construct the same project at the same site. The development consists of a 150-unit low income apartment complex on 2.16 acres. The project will provide approximately 6000 square feet of commercial development to support the tenants and the neighborhood. The project design provides a unique floor plan wherein two main corridors are separated by a courtyard above the first floor, providing a cover to the parking beneath. The second floor area above the commercial portion of the property provides a recreation area for residents of the facility. The architecture of the structure provides a "stepped-back" look to offer additional articulation and interest in the building design and making the building more appropriate to the neighboring residential area. To facilitate this unique style and to provide covered parking for the proposed senior residents, a Variance to permit an increase in permitted lot coverage and a reduction in the required separation from neighboring residences will be necessary. This variance from the development

SUP-32639
02/26/09 PC

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code allows the upper units to shield the parking area during the hot summers, while providing a feeling of open space to a greater number of residents by way of the open courtyard between the two main corridors.

An additional Variance for a reduction in parking spaces is also required, and is appropriate for a senior center which is anticipated to have fewer residents who are automobile owners.

If you have any questions or need additional information, please do not hesitate to contact me at the above number.

Sincerely,

Maren Parry

Maren Parry

MP/mp
Enclosure

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JAN 13 2009

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

LAS VEGAS NV 890

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FIRST CLASS

02 1M
0004239954
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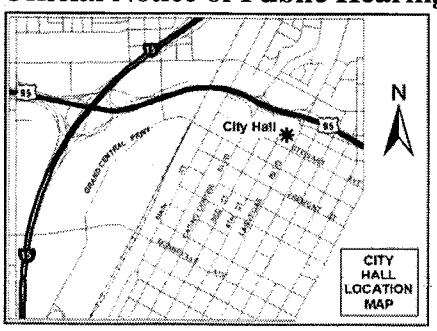
USA FIRST CLASS FOREVER

Return Service Requested
Official Notice of Public Hearing



2009 APR -9 A 11:01

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32639 & SDR-32638
City Council Meeting of 4/15/2009

FROM:
EWING MARY K
1750 LEONARD LN
LAS VEGAS NV 89108-2321

APN#13824803006

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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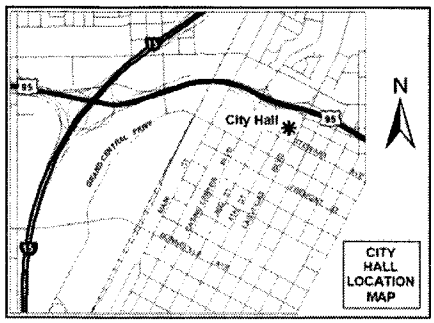

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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SUP-32639 & SDR-32638
City Council Meeting of 4/15/2009

JASINSKI DENNIS G & KATHRINE K
1810 LEONARD LN
LAS VEGAS NV 89108-2329

APN#13824702026

after final agenda

Date 4/13/09 Item 116 9 11 7
W-5

PAGE 01
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04/13/2009 13:32

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2009 APR 13 P 1:44

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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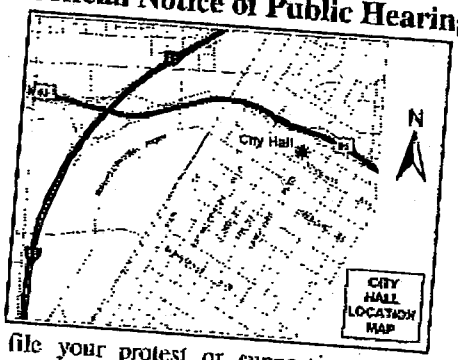

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☐ I SUPPORT this Request

☑ I OPPOSE this Request

lease use available blank space on card for your comments.
UP-32639 & SDR-32638
ity Council Meeting of 4/15/2009

RATHJE FAMILY TRUST
RATHJE LARRY L & BARBARA J TRS
1927 FAIRHAVEN CIR
LAS VEGAS NV 89108-2302

APN#13824702010

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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0004239954 APR 03 2009
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing

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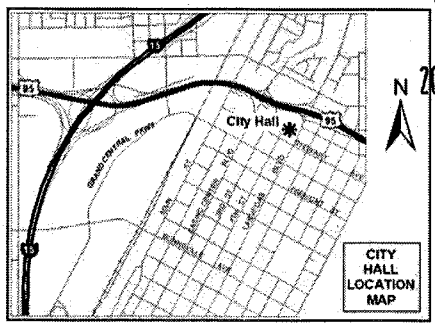
CITY CLERK
2009 APR -9 A 11:01



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☑ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32639 & SDR-32638
City Council Meeting of 4/15/2009

WOOD MICHAEL
12820 WILLOW CENTRE DR #D
HOUSTON TX 77066-1031

APN#13824703005

77066

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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0004239954 APR 03 2009
MAILED FROM ZIP CODE 89101

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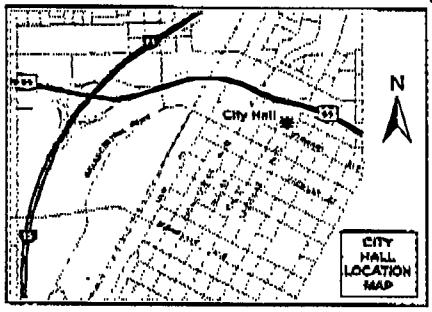
Official Notice of Public Hearing



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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32639 & SDR-32638
City Council Meeting of 4/15/2009

HUGHES FAMILY L L C #3
COURY FAMILY L L C #2
2975 S HIGHLAND DR
LAS VEGAS NV 89109-1011

APN#13919401003

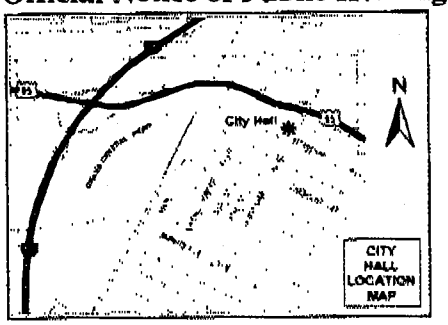
ENVELOPE ENVELOPE

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M $ 00.39⁴
0004239954 APR 03 2009
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32639 & SDR-32638
City Council Meeting of 4/15/2009

SWABY ELSA M TRUST
8440 DESERT QUAIL DR
LAS VEGAS NV 89128-8223

2009 APR 13 A 8:13

APN#13919311188

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CITY CLERK

ENVELOPE ENVELOPE

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2009 APR -6 P 12:01

ity of Las Vegas
ffice Of The City Clerk
00 Stewart Avenue
as Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
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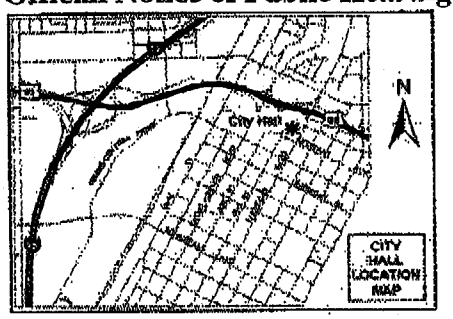
Official Notice of Public Hearing



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☑ I SUPPORT this Request ☐ I OPPOSE this Request

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;UP-32639 & SDR-32638

:ity Council Meeting of 4/15/2009

SIAZ RAYANLDO G & ELOISA
1447 N MAIN
SALINAS CA 93906-2403

APN#13919311110

04/07/2009 TUE 13:24 [TX/RX NO 5396] 001

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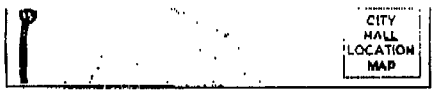
CITY CLERK

2009 APR -7 P 2:17



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☑ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP 32639 & SDR 32638

City Council Meeting of 4/15/2009

CHEN SHYH YAW
9622 E NAOMI AVE
ARCADIA CA 91007-7410

APN# 5391031020

APR-08-09 02:35 AM P.01

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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CITY CLERK

2009 APR -7 A 10:50

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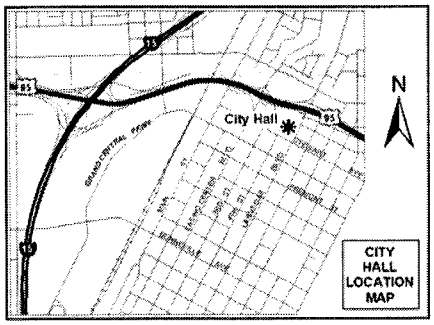
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32639 & SDR-32638
City Council Meeting of 4/15/2009

WEST DAVID & DONNA
1895 FAIRHAVEN ST
LAS VEGAS NV 89108-2301

APN#13824702020

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

RECEIVED
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2009 APR -6 A 11:06

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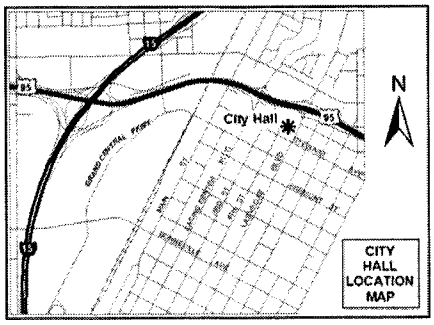
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32639 & SDR-32638
City Council Meeting of 4/15/2009

SECRETARY HOUSING & URBAN DEV
%MICHAELSON CONNOR & BOUL INC
13832 N 32N ST #D-150
PHOENIX AZ 85032-5613

APN#13919311166

NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

By signing below as a resident of the neighborhood near the proposed mixed-use, Senior Apartment project, I indicate that I do not oppose the development, and that I understand that it will have a retail development on the ground level facing Decatur, with apartments limited to Senior Citizens on the remainder of property.

Signature	Printed Name	Address
Ashley Wells	Ashley Wells	1815 Fairmount St.
[illegible]	Dominic J. Nolan	1799 N. Decatur Ave #109
[illegible]	MARIA Lopez	1799 N Decatur #104
[illegible]	Donnie Simons	1799 N Decatur #106
Michael Isabell	MICHAEL ISABELL	1799 N. DECATUR #206
Gustavo Muñoz	Gus Muñoz	1799 N. Decatur #203
Silvia Sanchez	Silvia Sanchez	1799 N. Decatur - 108
Desirae Walls	[illegible] Walls	1799. N Decatur 107
Kelli Stevens	Kelli Stevens	1799 N Decatur #208
Reynaldo Cantu	[illegible]	1799 N Decatur #114
[illegible]	[illegible]	1799 N Decatur 1214
Robert A Rogers	Robert A Rogers	1799 N Decatur 113
Edith Nilsen	Edith Nilsen	1799 N. Decatur #117
Maria Ortiz	Maria Ortiz	1799 N Decatur #125
Lordee Humphreys	Lordee Humpherys	1799 No Decatur #148

Submitted at Planning Commission

DMWEST #6794314 v1

Date 3/12/09 Item 15-18

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
	JARED YOUNG	1799 N Decatur #142
	FRANK JONES	1799 N DECATUR #235
	Melissa Cardenas	1799 N. Decatur #235
	Robert EARL	1799 N. Decatur #235
	Marquinn Thomas	8121 JADE HARBOR CT.
	TONY CORTINA	1799 N DECATUR #209
	Ryan Ferguson	1799 N. DECATUR #129
	Wade West	1799 N Decatur #138
	Richard Gillman	1799 N. Decatur #215

Petition/Statement of Non-Opposition

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Signature	Printed Name	Address
	DAVID PLUMMER	1812 DECATUR #102
	Jose Guevara	1810 Decatur #102
	Arcadia Santiago	1810 " "
	DOROTHY BUTLER	1810 " " #103
	Rory Miller	1812 " " #203
	Curtis Byrd	1850 " " 102
	1802 N Rancho #104	
	Estefana Gutierrez	1802 N. Decatur #102
	Derrick Trotter	1860 N. Decatur #101
	Reagyna Trotter	1860 N. Decatur #101
	CHRISTIVE LE	1860 N DECATUR #104
	Richard Anderson	1802 N. Decatur Apt 203
	Floong Pollard	1802 N. Decatur Blvd Apt 202
	Ronnie Stewart	1804 N Decatur #103

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
Dwight Beasley	DWIGHT BEASLEY	1858 N. DECATUR #201
Ona Coleman	ONA COLEMAN	1858 N. Decatur #101
Lori Carter	LORI CARTER	1858 N. Decatur #101
[illegible]	John Gomez	1858 N. Decatur #104
[illegible]	SIG KUUSK	1806 N. DECATUR #101
[illegible]	Shenika Warner	1806 N. Decatur Blvd #201
Beverly Kelley	Beverly Kelley	1806 N Decatur #104
[illegible]	GREGORY QUITUGUA	1852 N. Decatur #101
Maryl Hendricks	Marylee Hendricks	1856 N Decatur #101
Francis Romanoski	FRANCIS ROMANOSKI	1856 N DECATOR
Angel Vanscyoc	ANGEL VANSCYOC	1854 N DECATOR
Nyeesha Cook	NYEESHA COOK	1848 N Decatur #102
E J Marlowe	EDITH MARLOWE	1824 N — #104
Emily Gumas	Emily Gumas	1824 N. Decatur #101
Jazmin Lozoyo	Jazmin Lozoyo	1824 N. Decatur #203

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

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VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
Kim AND Paul S Miller	Kim AND Paul Miller	1834 North Decatur #102 " " " #101

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
	Darrell Henson	1813 N Decatur Blvd 89108 APT 208 LOS VEGAS NV
	Antonio Cordero	1675 Fairhaven st.
	SUBJECT TO 2-STORY DWELLINGS ONLY. EUALIO G. NORIEGA	1751 N. FAIRHAVEN ST.
	Eduardo Gonzalez	1961 Fairhaven st
	SUBJECT TO MAYBE 2 STORY NOT THREE Larry L Rothje	1927 FAIRHAVEN CIR
	CHARLES APLIN	192, Fairhaven Cr.
	STAN BEIKOWSKY	1923 FAIRHAVEN
Donna West	Donna West	1895 Fairhaven St. 89108
David R West	David West	1895 Fairhaven St. 8910
Coleen Campbell	Coleen Campbell	1865 Fairhaven St. 89108
	DAVID GRANT	1885 FAIRHAVEN ST
Michele Tombary	MICHELE TOMBARY	1885 FAIRHAVEN ST

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
Jeremy Shipton	Jeremy Shipton	1813 N. Decatur #104A
Renate Ogle	Renate Ogle	" "

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

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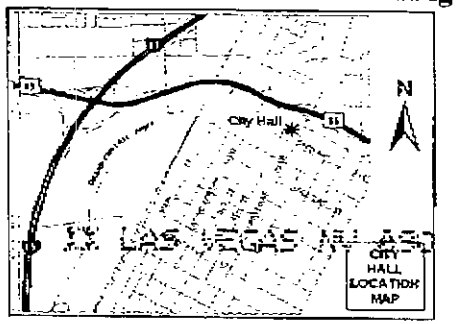
Signature	Printed Name	Address
Donica G. Beckett	Donica' G. Beckett	1813 N. Decatur Blvd Las Vegas, NV 89108
		1813 N. Decatur
	Gabriela Martinez	1813 N Decatur
	KHANH TO	1813 N. DECATUR #110
	Melanie Peek	1813 N. Decature #111
	Nick Mais	1813 N. Decatur #111
	Beverly J Pattison	1813 N. DECATUR Blvd 108
	Linda Sandoval	1813N. DecatueBlVD 108
	Lamont Johnson	1813N DecaturBlvd 115
	DEBBIE Allen	1813N N. Decatur #216
	Evaristo Melo	1813 N. Decatur #213
	Julie Butler	1813 N Decatur Blvd #113
	Joe wiley JR	1813 N. Decatur #211
	Rose Lopez	1813 N. Decatur #210
	James Rowton	1813 N. Decatur #206

☑001 COUNTRYSIDE HOME LOANS 02/18/2009 15:14 FAX 702 870 1188

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



LV LAS VEGAS NV 890 02-14-09

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32639 & SDR-32638

Planning Commission Meeting of 2/26/2009

PRESORTED FIRST CLASS

UNITED STATES POSTAGE

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0004239954 FEB 13 2009

MAILED FROM ZIPCODE 89101

Case: SUP-32639

13824702014
POWELL THOMAS L & C J REV LIV TR
1921 FAIRHAVEN CIR
LAS VEGAS NV 89108-2302

891086230Z C013

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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FIRST CLASS

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FEB 13 2009
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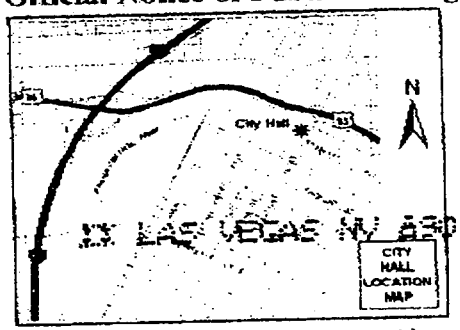

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☒ I OPPOSE this Request

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SUP-32639 & SDR-32638

Planning Commission Meeting of 2/26/2009

Case: SUP-32639
13824701005
WEEDEN JOSEPH EDWARD III
1955 LEONARD LN
LAS VEGAS NV 89108-2336

89108$2336 C075

RECEIVED
FEB 23 2009
CITY CLERK

Submitted after final agenda

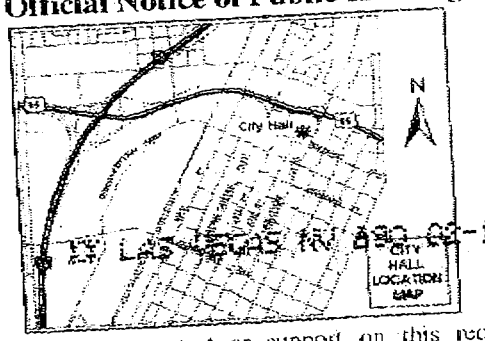
Date 2/25/09 Item 36 & 37

02/22/2009 00:11 9099496168 VEA & ASSOCIATES PAGE 02/03

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested

Official Notice of Public Hearing



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SUP-32639 & SDR-32638

Planning Commission Meeting of 2/26/2009

Case: SUP-32639

13919311171
ALANIZ VICTOR E & VINCENT
1736 ISABEL WY
UPLAND CA 91784-9275

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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FIRST CLASS

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MAILED FROM ZIPCODE 89101

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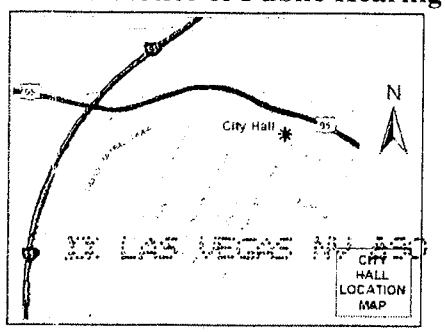
Official Notice of Public Hearing



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FEB 23 2009

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SUP-32639 & SDR-32638
Planning Commission Meeting of 2/26/2009

Case: SUP-32639
13824703005
WOOD MICHAEL
12820 WILLOW CENTRE DR #D
HOUSTON TX 77066-1031

77066$1031 P095

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City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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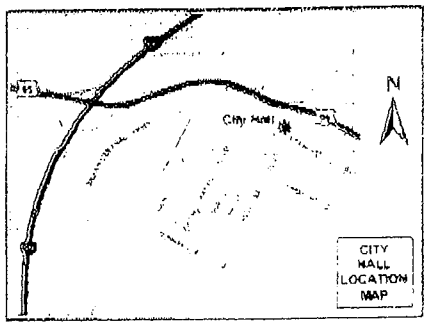

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SUP-32639 & SDR-32638

Planning Commission Meeting of 2/26/2009

PRESORTED FIRST CLASS

UNITED STATES POSTAGE

$ 00.39⁴

0004259354 FEB 18 2009

MAILED FROM ZIPCODE 89101

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FEB 20 2009

Case: SUP-32639

13919311188
SWABY ELSA M TRUST
8440 DESERT QUAIL DR
LAS VEGAS NV 89128-8223

36 A

89128-8223 CODE

02/19/2009 20:27 7022334251 ELSA SWABY PAGE 01

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
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0004239954 FEB 13 2009
MAILED FROM ZIP CODE 89101

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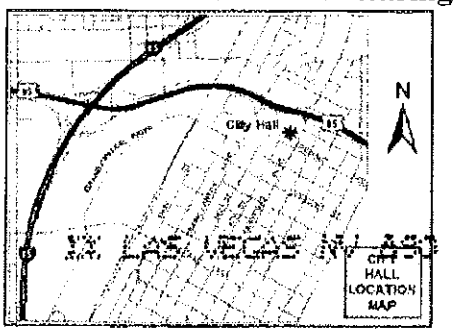
Official Notice of Public Hearing



LAS VEGAS NV 890 02-14-09

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32639 & SDR-32638
Planning Commission Meeting of 2/26/2009

Case: SUP-32639
13824701014
FALKENSAMMER LEOPOLD & K REV TR
2224 GLENBROOK WY
LAS VEGAS NV 89117-5852

89117385852 C020

City of Las Vegas Agenda Item No.: **74.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

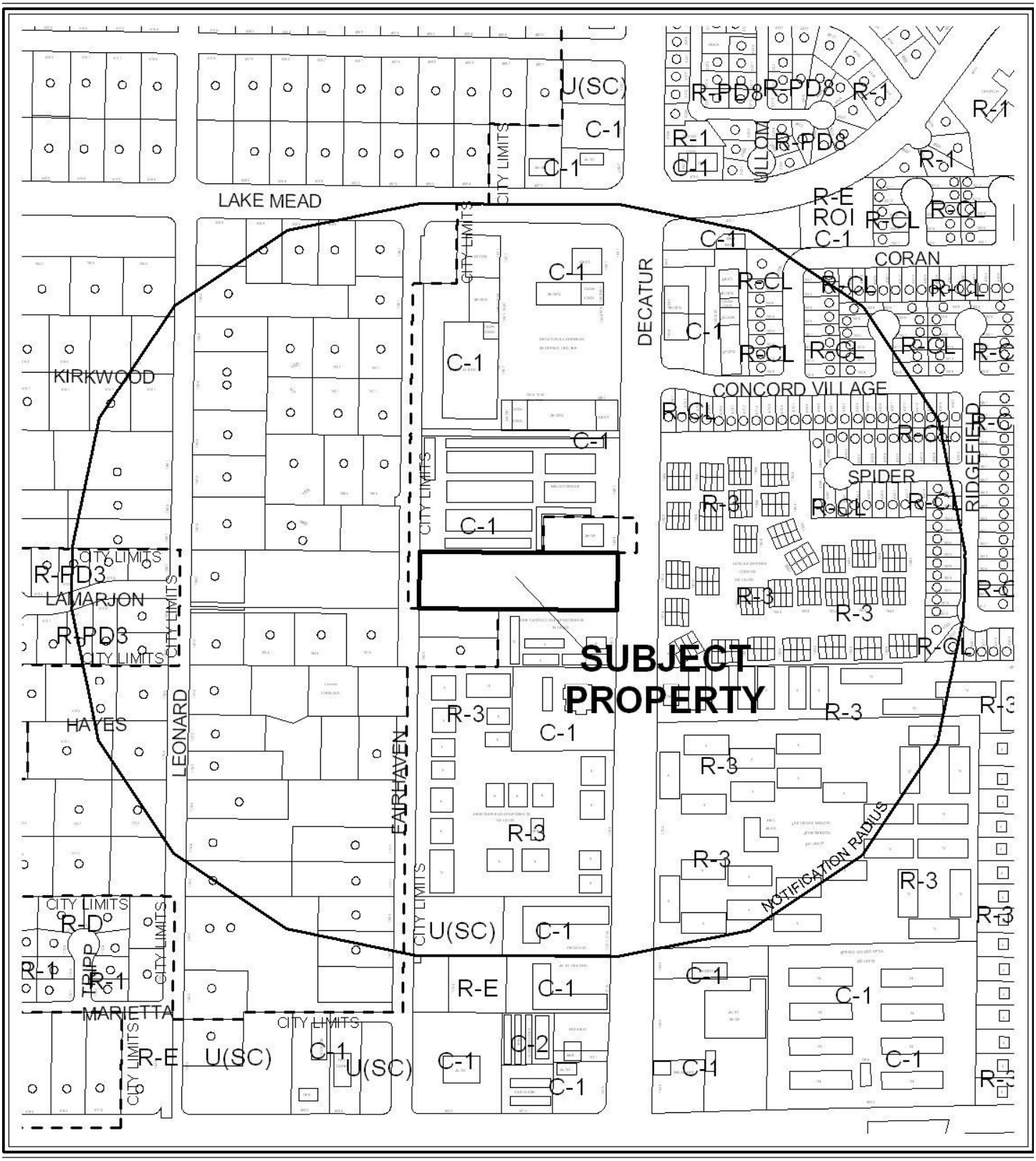
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SDR-32638 – ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-32640, VAR-33015, AND SUP-32639 - PUBLIC HEARING - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY - Request for a Site Development Plan Review FOR A PROPOSED THREE-STORY, 44-FOOT TALL, 151-UNIT SENIOR CITIZEN APARTMENT COMPLEX WITH 5,460 SQUARE FEET OF COMMERCIAL SPACE on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard (APN 138-24-703-006), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 5 (Barlow). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**4**	**Planning Commission Mtg.**	**3**
City Council Meeting	**0**	**City Council Meeting**	**4**

RECOMMENDATION:
Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards
7. Backup Referenced from the 03-12-2009 Planning Commission Meeting Item 18



CASE: **SDR-32638**

RADIUS: 1000 FT

0 500 Feet

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)



CASE: **SDR-32638**

RADIUS: 1000 FT

0 500 Feet

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 16, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-32638 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY

THIS ITEM WAS HELD IN ABEYANCE FROM THE AUGUST 19, 2009 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN BARLOW.

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (5-1/vq-1/ke vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (Z-0050-97), Variances (VAR-32640 and VAR-33015) and Special Use Permit (SUP-32639) shall be required, if approved.

2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. All development shall be in conformance with the site plan and landscape plan, date stamped 02/02/09, and building elevations and floor plans, date stamped 01/13/09, except as amended by conditions herein.

4. An Exception from Title 19.12.040 is hereby approved, to allow ground cover only (no trees or shrubs) in a required landscape buffer along the north perimeter.

5. The western perimeter wall shall be eight (8) feet in height and the decorative block wall shall be stucco, or otherwise designed to discourage graffiti, subject to the approval of the Planning and Development staff.

6. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan: 24-inch box size trees shall be planted in the east perimeter landscape buffer at 20 feet on-center, with four, five-gallon shrubs planted for each required tree.

7. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

8. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

9. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

11. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

12. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

13. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

14. Construct half-street improvements on Fairhaven and extend pavement northward and southward to tie into existing paving, if legally able, on Fairhaven Street adjacent to this site concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public right-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).

15. Remove all substandard public street improvements and unused driveway cuts on Decatur Boulevard adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.

16. Meet with the Collection System Planning section of the Department of Public Works to discuss extending public sewer to the western edge of this site at a size, depth and acceptable location. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.

17. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

18. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

19. Submit an application to the Land Development section of the Department of Public Works for a deviation from Standard Drawing #222a for the driveway accessing this site from Decatur Boulevard prior to the submittal of construction drawings. Coordinate with the Traffic Engineering Department regarding the possible modification of existing medians on Decatur Boulevard

20 A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainage ways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a proposed three-story, 44-foot tall, 151-unit Senior Citizen Apartment Complex with 5,460 square feet of commercial space on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. As part of the Site Development Plan Review, the applicant is requesting an Exception to allow ground cover only (no trees or shrubs) in a required landscape buffer along the north perimeter. The applicant has also submitted applications for a Variance (VAR-32640) to allow 119 parking spaces where 146 are required; a Variance (VAR-33015) to allow a 10-foot setback where Residential Adjacency standards require 132 feet, and to allow a lot coverage of 82% where 50% is the maximum permitted; and a Special Use Permit (SUP-32639) for a proposed three-story, 44-foot tall, 151-unit Senior Citizen Apartment Complex with a Waiver to allow apartments on the ground floor where none are permitted. Staff is recommending denial of the request as the number of Variances, Waivers and Exceptions required for the proposed development indicates that the site is to be overbuilt.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
12/08/97	The City Council approved a request for Rezoning (Z-0050-97) from U (Undeveloped) [SC (Service Commercial) General Plan designation] to C-1 (Limited Commercial) on 2.16 acres located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard.
02/18/04	The City Council approved requests for a Site Development Plan Review (SDR-3496) for a Senior Housing Complex with a Waiver of the perimeter landscaping requirements, and a Special Use Permit (SUP-3491) for a Senior Apartment Complex on 2.16 acres located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The Planning Commission recommended approval. These entitlements expired 02/18/06 as no Extension of Time was submitted.
11/15/04	A Code Enforcement complaint (#23727) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 01/12/05.
10/10/05	A Code Enforcement complaint (#35225) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 10/12/05.

03/20/06	A Code Enforcement complaint (#39426) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 04/26/06.
02/15/07	A Code Enforcement complaint (#50556) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 04/16/07.
04/18/08	A Code Enforcement complaint (#64758) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 05/19/08.
03/12/09	The Planning Commission recommended approval of companion items VAR-32640, VAR-33015 and SUP-32639 concurrently with this application. The Planning Commission voted 5-1/vq-1/ke to recommend APPROVAL (PC Agenda Item #18/sg).

Related Building Permits/Business Licenses
There are no related building permits or business licenses associated with the site.

Pre-Application Meeting	
01/07/09	A pre-application meeting was held to discuss the requirements for applications for a Site Development Plan Review, a Special Use Permit and two Variances. Issues discussed included the minimum requirements for a Senior Apartment use, parking requirements and development standards.
Neighborhood Meeting	
A neighborhood meeting was neither required nor held for this application.	

Field Check	
01/21/09	A field check was conducted by staff. The subject site is a vacant, undeveloped lot with an unpermitted chain link fence at the east perimeter and a portion of the north perimeter, which is topped with barb wire. There was assorted trash and debris at the site.

Details of Application Request	
Site Area	
Gross Acres	2.16 Acres

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Undeveloped	SC (Service Commercial)	U (Undeveloped) Zone [SC (Service Commercial) General Plan designation] Under Resolution of Intent to C-1 (Limited Commercial)
North	Mini-Storage Facility	SC (Service Commercial)	C-1 (Limited Commercial)
	Wireless Communications Facility	RN (Rural Neighborhood) [Clark County]	C-1 (Local Business) [Clark County]
South	Apartments	SC (Service Commercial)	R-3 (Medium Density Residential)
	Undeveloped	RN (Rural Neighborhood) [Clark County]	R-E (Rural Estates Residential) [Clark County]
East	Condominiums	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Undeveloped	RN (Rural Neighborhood) [Clark County]	R-E (Rural Estates Residential) [Clark County]

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan		X	N/A
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (70 Feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Size	N/A	93,226 SF	Y
Min. Lot Width	100 Feet	162 Feet	Y
Min. Setbacks			
• Front	20 Feet	20 Feet	Y
• Side	10 Feet	10 Feet	Y
• Corner	15 Feet	N/A	Y
• Rear	20 Feet	20 Feet	Y
Max. Lot Coverage	50%	82%	N*
Max. Building Height	N/A	44 Feet	Y
Trash Enclosure	Screened, Roofed	Interior	Y
Mech. Equipment	Screened	Not Indicated	N**

** The applicant has submitted a request for a Variance (VAR-33015) to allow lot coverage of 82% where 50% is the maximum allowed.*
***A condition has been added to require screening of any mechanical equipment to comply with the minimum requirements of Title 19.08.*

Residential Adjacency Standards	*Required/Allowed*	*Provided*	*Compliance*
3:1 proximity slope	132 feet	10 Feet	N*
Adjacent development matching setback	20 Feet	20 Feet	Y
Trash Enclosure	50 Feet	54 Feet	Y

**The applicant has submitted a request for a Variance (VAR-33015) to allow a 10-foot setback where Residential Adjacency standards require 132 feet.*

Pursuant to Title 19.12, the following standards apply:

Landscaping and Open Space Standards				
Standards	*Required*		*Provided*	*Compliance*
	Ratio	*Trees*		
Parking Area	1 Tree / 6 Uncovered Spaces	Zero Trees	Zero Trees	Y
Buffer				
Min. Trees:				
North	1 Tree / 30 Lineal Feet	27 Trees	Zero Trees	N*
South	1 Tree / 20 Linear Feet	27 Trees	34 Trees	Y
East	1 Tree / 20 Linear Feet	7 Trees	5 Trees	N**
West	1 Tree / 20 Linear Feet	7 Trees	7 Trees	Y
TOTAL		68 Trees	46 Trees	N*

Min. Zone Width	15 Feet (East and West) 8 Feet (North and South)	15 Feet 8 Feet	Y Y
Wall Height	Minimum 6 Feet, Maximum 8 Feet (South Perimeter, Adjacent to Residential)	Not Indicated	N***

**The applicant is requesting an Exception to the Title 19.12.040 Landscape Buffer Planting Standards to allow ground cover only (no trees or shrubs) in the required landscape buffer along the north perimeter, to allow for utility (sewer) access easements.*
***A condition has been added to require landscaping in the east perimeter landscape buffer to comply with the minimum planting requirements of Title 19.12.040.*
****A condition has been added to require a solid screen wall at least six feet in height and complying with all requirements of Title 19.12.075 along the south perimeter, adjacent to residentially zoned properties.*

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
	Gross Floor Area or Number of Units	***Required***			***Provided***		***Compliance***
			Parking		*Parking*		
Use		***Parking Ratio***	Regular	Handi-capped	Regular	Handi-capped	
Senior Apartments	151 Units	0.75 / Unit	114				
General Retail	5460 SF	1 / 175	32				
SubTotal			146				
TOTAL			141	5	114	5	N*
Loading Spaces		1 / Less Than 10,000 SF	1		1		Y
Percent Deviation					19%		

**The applicant has submitted a request for a Variance (VAR-32640) to allow 119 parking spaces where 146 are required, a 19% deviation.*

Exceptions		
Request	**Requirement**	**Staff Recommendation**
To allow ground cover only (no trees or shrubs) in a required landscape buffer along the north perimeter.	One 24-inch box size tree for every 30 lineal feet, plus four, 5-gallon shrubs for every required tree.	Denial

ANALYSIS

This is a request for a Site Development Plan Review for a proposed three-story, 44-foot tall, 151-unit Senior Citizen Apartment Complex with 5,460 square feet of commercial space on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. As part of the Site Development Plan Review, the applicant is requesting an Exception to allow ground cover only (no trees or shrubs) in a required landscape buffer along the north perimeter. The applicant has also submitted applications for a Variance (VAR-32640) to allow 119 parking spaces where 146 are required; a Variance (VAR-33015) to allow a 10-foot setback where Residential Adjacency standards require 132 feet, and to allow a lot coverage of 82% where 50% is the maximum permitted and a Special Use Permit (SUP-32639) for a proposed three-story, 44-foot tall, 151-unit Senior Citizen Apartment Complex with a Waiver to allow apartments on the ground floor where none are permitted. Staff is recommending denial of the request as the number of Variances, Waivers and Exceptions required for the development indicates that the site, as proposed, is to be overbuilt.

- **Zoning**

  The subject site is located within the Southeast Sector Plan of the General Plan and has a land use designation of SC (Service Commercial), which allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons, and that do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. The Service Commercial category may also allow mixed-use development with a residential component where appropriate.

  The subject site is currently zoned U (Undeveloped) [SC (Service Commercial) General Plan Designation] Under Resolution of Intent to the C-1 (Limited Commercial) district, which is intended to provide most retail shopping and personal services, and may be appropriate for mixed-use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-l (Limited Commercial) district is consistent with the Service Commercial, and the Neighborhood Center categories of the General Plan.

- **Site Plan**

  The site plan shows a large, single structure that occupies the entire lot, with the exception of required building setback areas and a driveway area, resulting in the need for an associated Variance (VAR-33015) to allow a lot coverage of 82% where 50% is allowed. At the front (east) of the site is approximately 5,460 square feet of commercial space, with a driveway providing access from Decatur Boulevard to the parking garage under the apartment complex. There are a total of 119 parking spaces provided, including five handicap accessible spaces. One of the handicap accessible spaces is van accessible. There is a crash

gate located at the northwest corner of the site to provide emergency access from Fairhaven Street. There is an enclosed courtyard area in the garage level between proposed apartments along the south perimeter and parking spaces along the north perimeter.

- **Landscape Plan**

  The landscape plan depicts the use of 24-inch box size Aleppo and Mondel Pine trees in the required landscape buffers along the south, east and west perimeters. Shrubs, including five-gallon size Texas Ranger, Desert Broom and Indian Hawthorne, are also provided in these areas. The size and quantities shown are adequate, except along the east perimeter where five trees are indicated, but seven are required. A condition has been added to require the correct number of trees and corresponding shrubs in the planting area.

  The applicant has requested an Exception to allow ground cover only (no trees or shrubs) in the required landscape buffer along the north perimeter to allow for an access easement to accommodate a sewer line extension. Staff recommends denial of the request as an alternative design could have been used to accommodate utilities without compromising the requirement for landscaping to buffer the apartments from the commercial development to the north.

- **Elevations**

  The elevations depict a three-story apartment complex with a maximum height of 44 feet. The east (front) façade is two stories, with commercial on the ground floor, a recreation area on the second floor and a third floor deck above, which allows the building to step back before the additional height of the third floor apartments is apparent. At the rear of the building, step backs occur for second and third floor deck areas, prior to the full height of the third floor apartments. The primary façade material is stucco, with aluminum framed windows, small, railed balconies and a concrete tile roof. The commercial storefront is a stone veneer. The materials are appropriate for the area and typical of commercial and apartment complexes.

- **Floor Plan**

  The floor plans depict a first floor consisting of 5,460 square feet of commercial space at the east end of the site, parking garage, an enclosed courtyard, a manager's office and 19 apartment units. The second floor consists of 66 apartment units, outside deck area at the west end and recreation room at the east end. The third floor consists of 66 apartment units and outside deck areas at both the east and west ends. The apartment units are centered around the interior courtyard, providing natural light for the interior apartments and the garage below. There are both one bedroom and two bedroom apartments depicted.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **The proposed development is compatible with adjacent development and development in the area;**

   The proposed development is monolithic in scale and is not compatible with development in the area. A smaller building or multiple buildings would be more appropriate.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

   The proposed development is consistent with the General Plan, but is not consistent with Title 19 as the applicant is requesting numerous Variances, Waivers and an Exception to the development standards, indicating that the site, as proposed, will be overbuilt.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

   The primary access to the site is a proposed driveway onto Decatur Boulevard, a 100-foot Primary Arterial, with a second driveway for emergency access via a crash gate on to Fairhaven Street, which is a 60-foot Local street, as designated by the Master Plan of Streets and Highways. These streets will provide adequate site access, and adjacent roadways and neighborhood traffic will not be negatively impacted. Site circulation is adequate, with the only exception being the dead end drive aisle necessary to access parking between the commercial area and the apartment complex; the lack of a turn-around will necessitate that any vehicle pulling into the area will have to back out, if no parking spaces are available.

4. **Building and landscape materials are appropriate for the area and for the City;**

   Building materials are appropriate for the area and the city. The landscape materials are appropriate in size. A condition has been added for additional trees and shrubs along the east perimeter to meet the minimum requirements of Title 19.12. Staff is recommending denial of the request for an Exception to allow no trees or shrubs in the buffer area along the north perimeter.

5. **Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

Building elevations are not unsightly or obnoxious, but are monolithic in scale and will not be compatible with surrounding development. A smaller building or multiple buildings would be more appropriate.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

   The proposed development is subject to permit review and inspection; therefore, appropriate measures will be taken to protect the health, safety and general welfare.

PLANNING COMMISSION ACTION

Condition #5 was added at the Planning Commission meeting to which the applicant agreed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 390 by City Clerk

APPROVALS 1

PROTESTS 1

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-32638** APN: 138-24-703-006

Name of Property Owner: Isani Razia and Sarihan Gunay

Name of Applicant: Metropolitan Homes

Name of Representative: Maren Parry, Ballard Spahr Andrews & Ingersoll

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____ Yes x No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Razia Isani

Print Name: RAZIA ISANI

Subscribed and sworn before me

This 11th day of December, 2008

Candice Salerno

Notary Public in and for said County and State

CANDICE R. SALERNO
Notary Public State of Nevada
No. 94-2734-1
My appt. exp. April 8, 2012

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-32368 APN: 138-24-703-006

Name of Property Owner: Isani Razia and Sarihan Gunay

Name of Applicant: Metropolitan Homes

Name of Representative: Maren Parry, Ballard Spahr Andrews & Ingersoll

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

____ Yes __X__ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Gunay Sarihan

Print Name: Gunay Sarihan

Subscribed and sworn before me

This 11 day of December, 2008

Notary Public in and for said County and State Broward, Florida.

Revised 11-14-06

I:\Dept\Application Packet\Statement of Financial Interest.doc

CAROL ANN ENGEL
MY COMMISSION # DD500263
EXPIRES: Feb. 12, 2010
Florida Notary Service.com



VICINITY MAP

PROJECT DATA

APN # 138-24-703-006

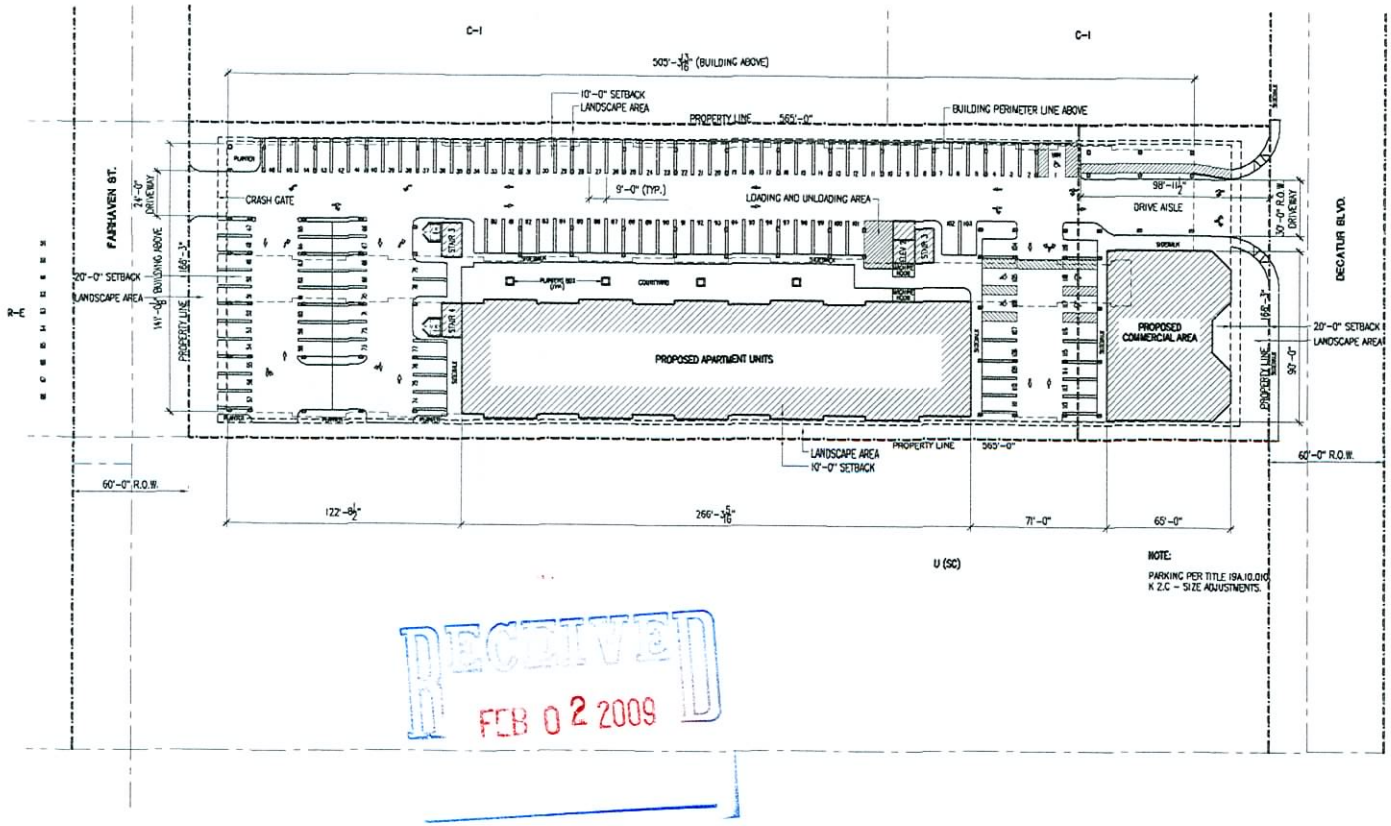
ADDRESS:	1841 N. DECATUR BLVD. LAS VEGAS, NV
LOT COVERAGE:	76%
LOT AREA:	93,934 S.F. (2.16 ACRE)

PARKING REQUIRED:

RESIDENTIAL:	151 UNITS @ .75=150 = 114
RETAIL:	5460 SF @ 1: 175 SF = 32
TOTAL REQUIRED	146

PARKING PROVIDED:

STANDARD CAR: 9' X 18'	114
HANDICAP (CAR) : 9' X 18'	4
HANDICAP (VAN) : 9' X 18'	1
PARKING PROVIDED	119



NOTE:
PARKING PER TITLE 19A.10.010 K 2.C - SIZE ADJUSTMENTS.

RECEIVED
FEB 02 2009

1 SITE DEVELOPMENT PLAN
SCALE: 1" = 30'-0"
NORTH

DENNIS E. RUSK ARCHITECT, LLC

SITE DEVELOPMENT PLAN

DECATUR SENIOR HOUSING

1841 N. DECATUR BLVD.
LAS VEGAS, NV

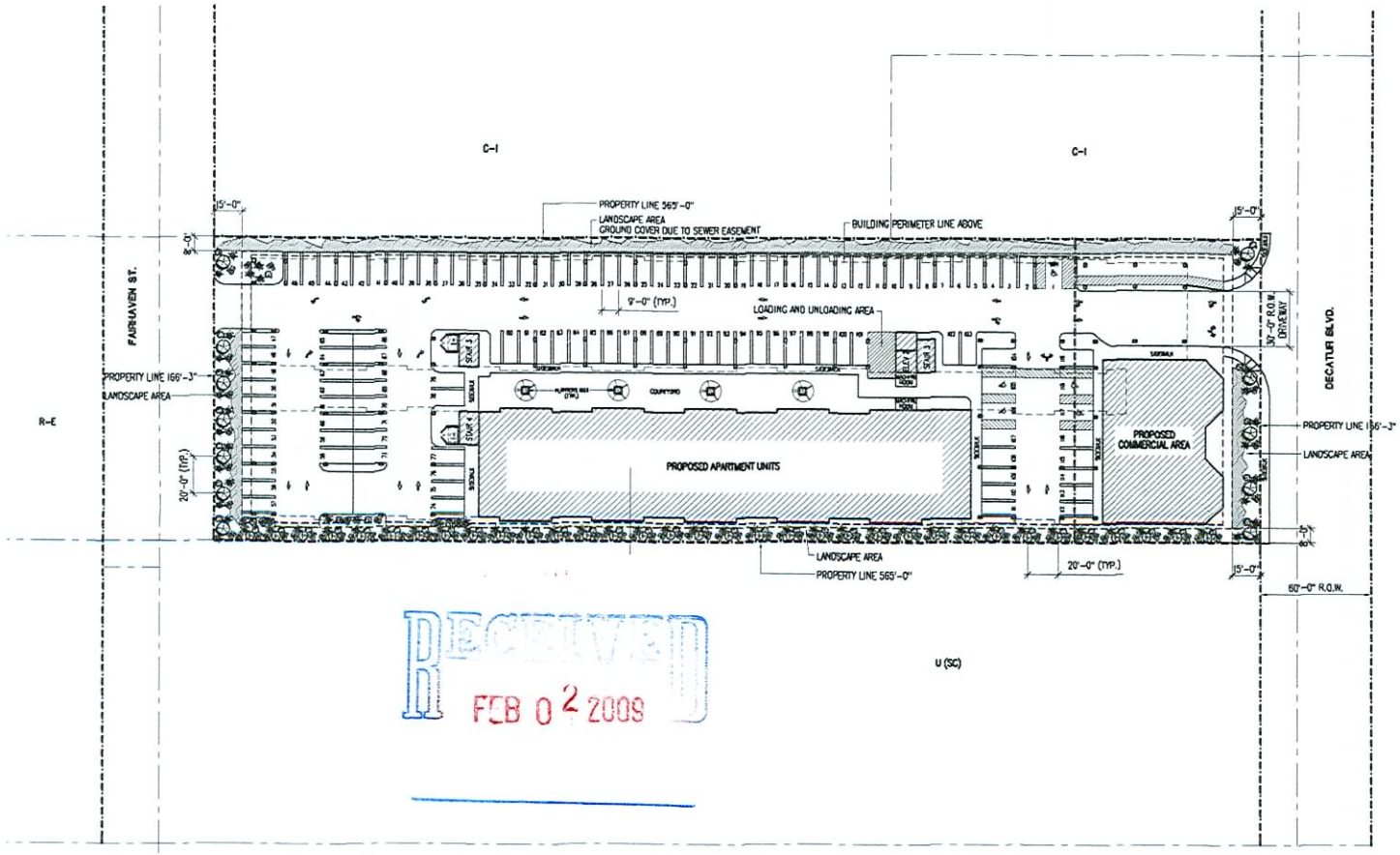
Revisions:

Date: 1-08-09
Project No: 0321
Drawn By: JGL/RCS
Check By: DERMLB
Sheet No: SP1.0

VAR-33015 VAR-32640
SUP-32639 SDR-32638
REVISED 02/26/09 PC

LANDSCAPE LEGEND

SYMBOL	NO.	BOTANICAL NAME	COMMON NAME	USE	FULL SIZE	DESCRIPTION	SYMBOL	NO.	BOTANICAL NAME	COMMON NAME	USE	FULL SIZE	DESCRIPTION
	15	PINUS	ALEPPO PINE	EVERGREEN TREE	LARGE OVER 40'	24" BOX, STD. TRUNK		50	LEUCOPHYLLUN	TEXAS RANGER	EVERGREEN SHRUB	6'X6'	5 GALON
	34	PINUS	NONDEL PINE	EVERGREEN TREE	MEDIUM 20'-40'	24" BOX, STD. TRUNK		66	BACCHARIS	DESERT BROOM	EVERGREEN SHRUB	5'x5'	5 GALON
	0	GAZANIA	GAZANIA	GROUND COVER				72	RHAPIOLEPIS	INDIAN HAWTHORNE	EVERGREEN SHRUB	4'X4'	5 GALON



RECEIVED
FEB 02 2009

1 LANDSCAPING PLAN
SCALE: 1" = 30'-0"

NORTH

VAR-33015 VAR-32640
SUP-32639 SDR-32638
REVISED 02/26/09 PC

DENNIS E. RUSK ARCHITECT, LLC

LANDSCAPING PLAN

DECATUR SENIOR HOUSING

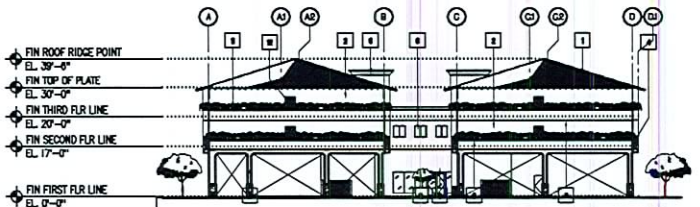
1841 N. DECATUR BLVD.
LAS VEGAS, NV

Revisions:

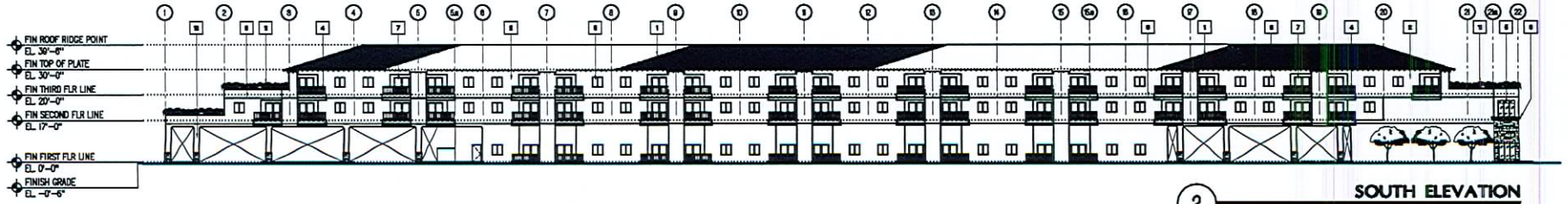
Date: 1-8-09
Project No.: 0321
Drawn By: JGL/RCB
Check By: DER/RJB
Sheet No.: LP1.0
of



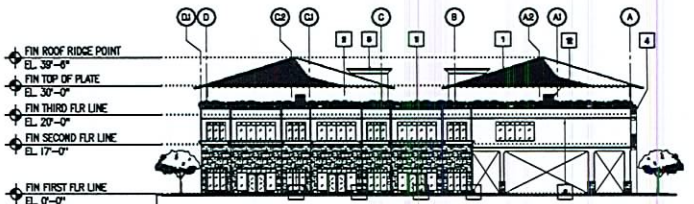
4 **NORTH ELEVATION**
SCALE: 1"=20'-0"



3 **WEST ELEVATION**
SCALE: 1"=20'-0"



2 **SOUTH ELEVATION**
SCALE: 1"=20'-0"



1 **EAST ELEVATION**
SCALE: 1"=20'-0"

KEYED NOTES: (ELEVATION)

1	CONCRETE ROOF TILES	7	SLIDING GLASS DOOR WITH ALUMINUM FRAME
2	7/8" THK STUCCO FINISH	8	METAL DOOR WITH STEEL FRAME
3	CORNICE	9	REVEAL LINE WITH FINISH STUCCO
4	RAILING	10	LEDGE STONES
5	STORE FRONT W/ ALUMINUM FRAME	11	PLANTERS
6	SLIDING WINDOW WITH ALUMINUM FRAME		

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BUILDING ELEVATIONS

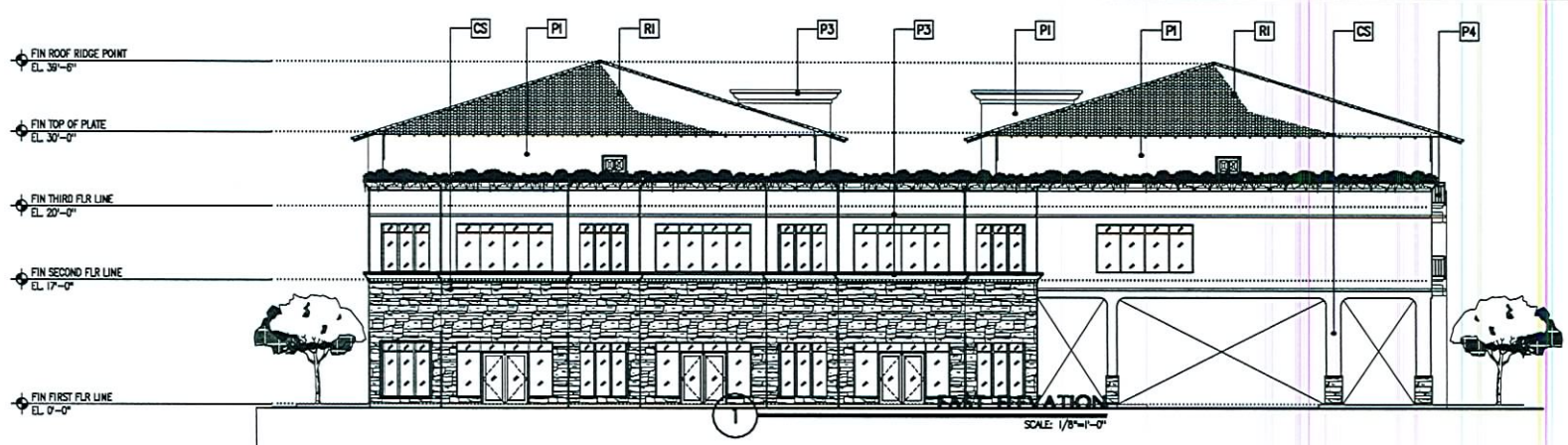
DECATUR SENIOR HOUSING

1841 N. DECATUR BLVD.
LAS VEGAS, NV

Revisions:

Date: 1-8-09
Project No.: 0800
Drawn By: JDL
Check By: DER/RJB
Sheet No.: A3.0

DENNIS E. RUSK ARCHITECT, LLC 8180 KYATHOS CAVE SUITE 206 LAS VEGAS, NEVADA 89139 PHONE (702) 395-4880 FAX (702) 395-4881





PAINT, FINISH AND MATERIAL SCHEDULE

SYMBOL	DESCRIPTION	COLOR NAME	COLOR NUMBER	SAMPLE	SYMBOL	DESCRIPTION	COLOR NAME	COLOR NUMBER	SAMPLE
R1	ROOF TILE	ST. THOMAS MCA TILE	B336		P3	EXTERIOR PAINT	SEVILLE ORANGE	7967	
P1	EXTERIOR PAINT	ZAHRIA	7962		P4	DOOR & WINDOW FRAME, RAILING	THUNDER	30	
P2	EXTERIOR PAINT	ANTIQUE GOLD	7918		CS	EXTERIOR WALL CULTURED STONE	CULTURED STONE	PLATINUM COUNTRY LEDGESTONE	

DENNIS E. RUSK ARCHITECT, LLC

COLOR + MATERIAL BOARD

DECATUR SENIOR HOUSING

1841 N. DECATUR BLVD.
LAS VEGAS, NV

Revisions:

Date: 1-8-09
Project No.: 0900
Drawn By: JGL
Check By: DER/FLB
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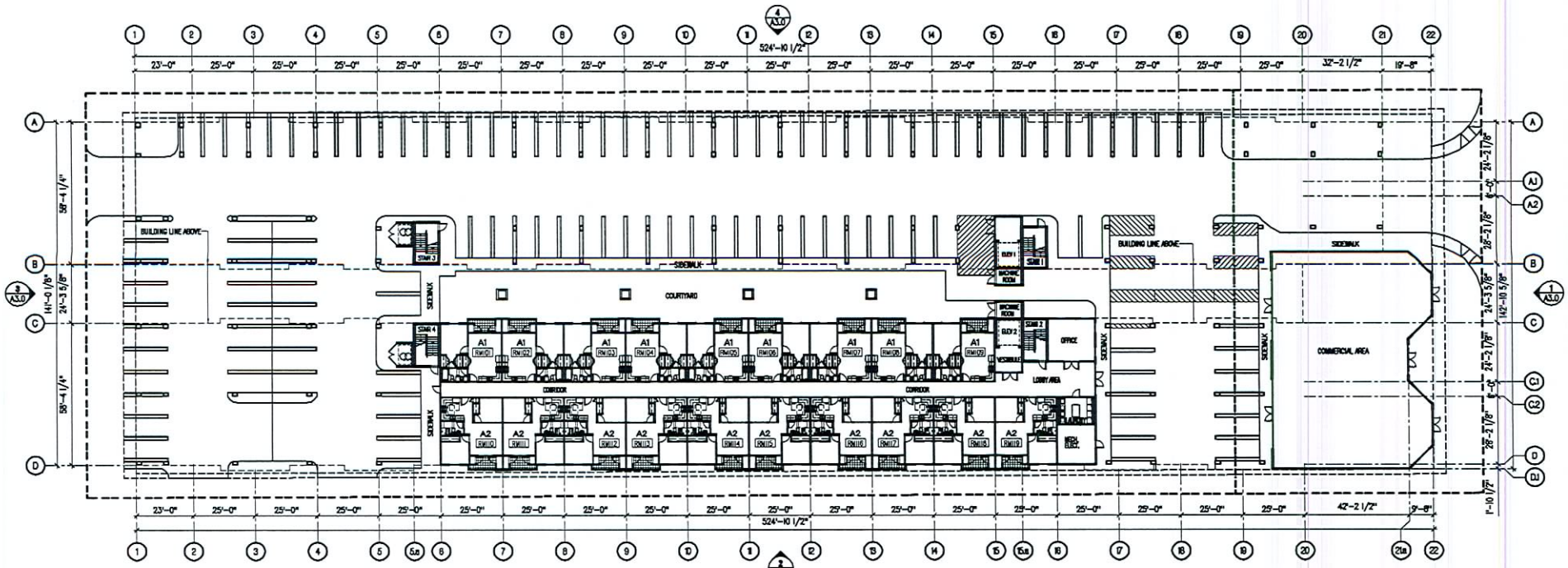

FIRST FLOOR PLAN
SCALE: 1" = 20'-0"
NORTH

DENNIS E. RUSK
ARCHITECT, LLC

FIRST FLOOR PLAN

DECATUR SENIOR HOUSING

1841 N. DECATUR BLVD.
LAS VEGAS, NV

Revisions:

Date: 1-8-09
Project No.: 09100
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Sheet No.: A1.0

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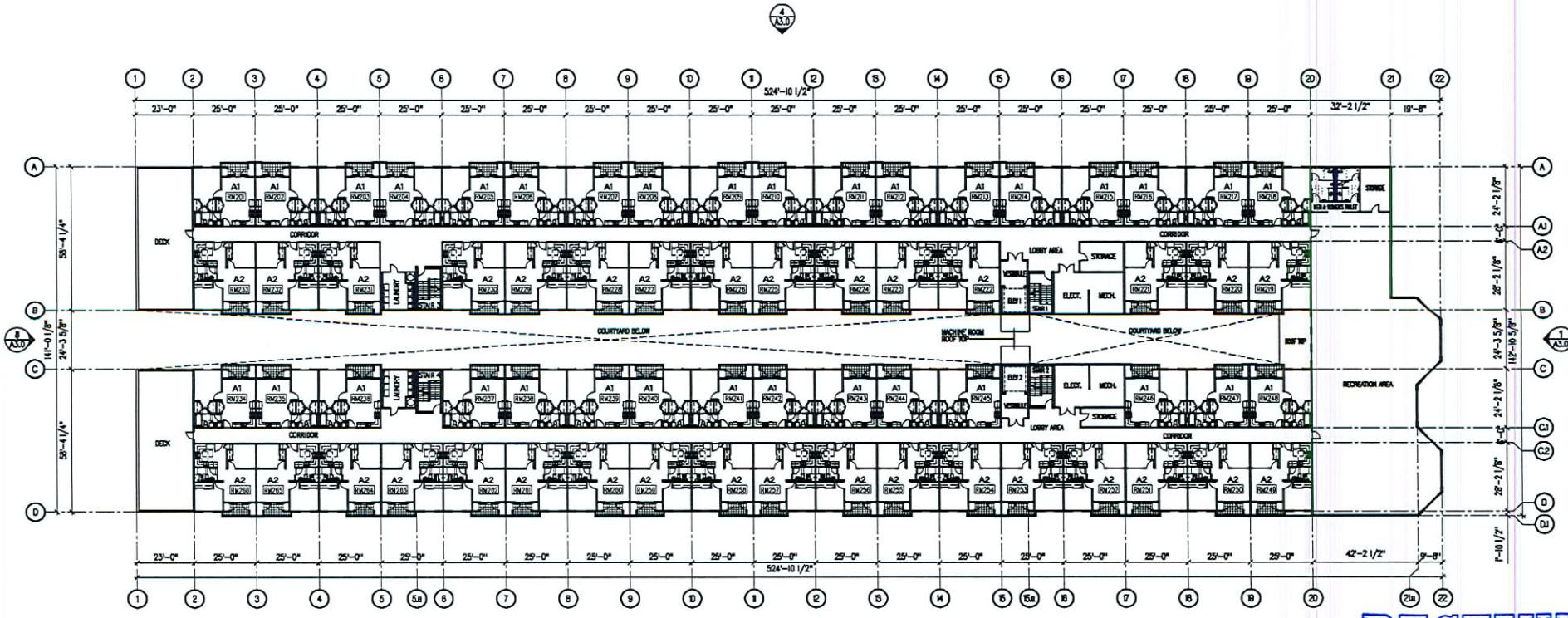

SECOND FLOOR PLAN

SCALE: 1" = 20'-0"

NORTH

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SECOND FLOOR PLAN

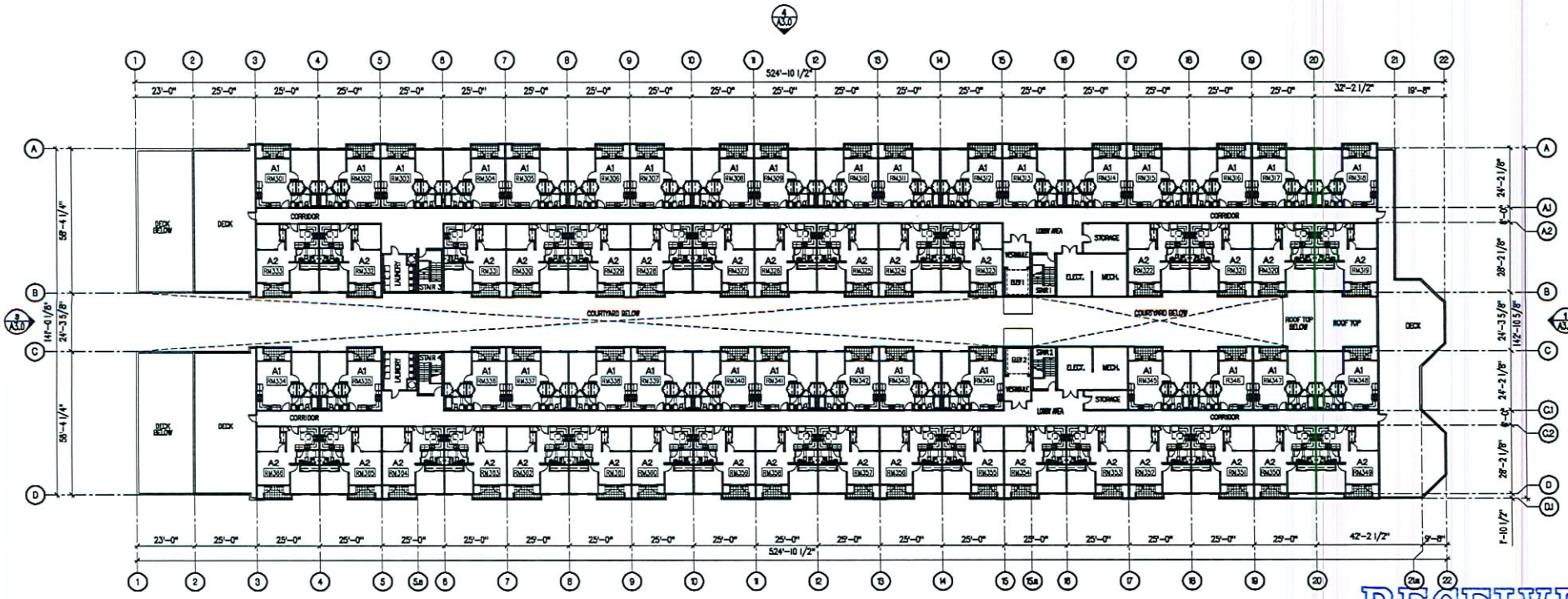
DECATUR SENIOR HOUSING

1841 N. DECATUR BLVD.
LAS VEGAS, NV

Revisions:

Date: 1-9-09
Project No.: 0900
Drawn By: JR
Check By: DERVLB
Sheet No.: A10a

A10a



1 THIRD FLOOR PLAN
SCALE: 1" = 20'-0"

NORTH

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THIRD FLOOR PLAN

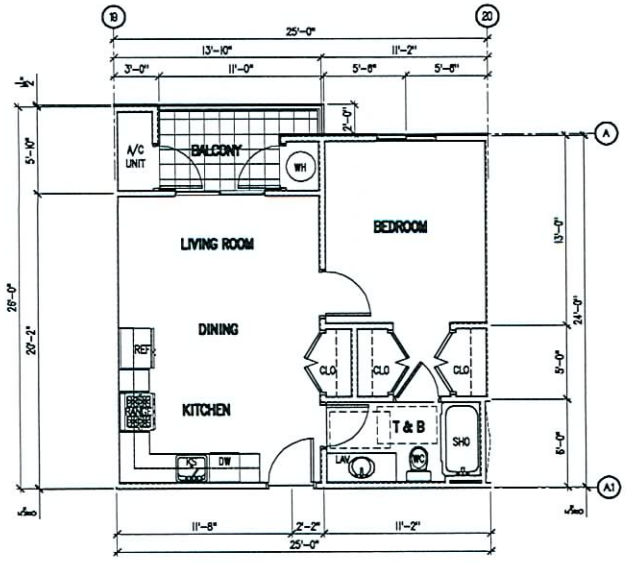
DECATUR SENIOR HOUSING

1841 N. DECATUR BLVD.
LAS VEGAS, NV

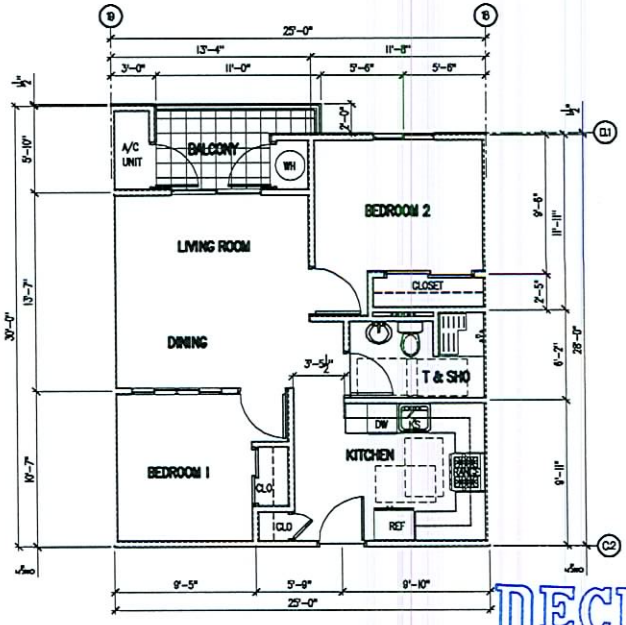
Revisions:

Date: 1-8-09
Project No.: 0800
Drawn By: JDL
Check By: DER/RLB
Sheet No.: A10b

A10b



1 ENLARGED FLOOR PLAN - TYPE A1
SCALE: 1/4" = 1'-0"



1 ENLARGED FLOOR PLAN - TYPE A2
SCALE: 1/4" = 1'-0"

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DENNIS E. RUSK
ARCHITECT, LLC

ENLARGED FLOOR PLAN - TYPE A1 & A2

DECATUR SENIOR HOUSING

1841 N. DECATUR BLVD.
LAS VEGAS, NV

Revisions:

Date: 2-6-09
Project No.: 0910
Drawn By: JGL
Check By: DEFVRLB
Sheet No.: A2.0

A2.0

DENNIS E. RUSK ARCHITECT, LLC 8900 S. PATRICK LANE SUITE 205 LAS VEGAS, NEVADA 89126 PHONE (702) 693-8600 FAX (702) 693-8171



SDR-32638 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY
WEST SIDE OF DECATUR BOULEVARD, APPROXIMATELY 1,000 FEET SOUTH OF LAKE MEAD BOULEVARD
MARCH 12, 2009 PLANNING COMMISSION

01/21/09



SDR-32638 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY
WEST SIDE OF DECATUR BOULEVARD, APPROXIMATELY 1,000 FEET SOUTH OF LAKE MEAD BOULEVARD
MARCH 12, 2009 PLANNING COMMISSION

01/21/09



SDR-32638 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY
WEST SIDE OF DECATUR BOULEVARD, APPROXIMATELY 1,000 FEET SOUTH OF LAKE MEAD BOULEVARD
MARCH 12, 2009 PLANNING COMMISSION

01/21/09



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MARCH 12, 2009 PLANNING COMMISSION

01/21/09



SDR-32638 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY
WEST SIDE OF DECATUR BOULEVARD, APPROXIMATELY 1,000 FEET SOUTH OF LAKE MEAD BOULEVARD
MARCH 12, 2009 PLANNING COMMISSION

01/21/09

LAW OFFICES
BALLARD SPAHR ANDREWS & INGERSOLL, LLP
100 CITY PARKWAY, SUITE 1750
LAS VEGAS, NV 89106-4614
702-471-7000
FAX: 702-471-7070
WWW.BALLARDSPAHR.COM

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VOORHEES, NJ
WASHINGTON, DC
WILMINGTON, DE

MAREN PARRY
PERSONAL FAX: (866) 381-5357
E-MAIL: PARRYM@BALLARDSPAHR.COM

January 13, 2009

By Hand Delivery

Doug Rankin
City of Las Vegas Planning and Development Dept.
731 South Fourth Street
Las Vegas, Nevada 89101

Re: **REVISED Justification Letter**
Metropolitan Homes
APN 138-24-703-006

Dear Mr. Rankin:

Enclosed please find a Variance application to supplement the prior application package submitted to your office on Friday, December 12, 2008, requesting approvals for a Senior Housing facility in a C-1 zone proposed at 1821 North Decatur Blvd (west side of Decatur, between Vegas Drive and Lake Mead Boulevard). The proposed facility was approved by way of applications SDR-3498 and SUP-3491 in 2004, but subsequent litigation surrounding the sale of the property delayed the commencement of development, and the approvals expired.

Metropolitan Homes respectfully requests renewed approvals to construct the same project at the same site. The development consists of a 150-unit low income apartment complex on 2.16 acres. The project will provide approximately 6000 square feet of commercial development to support the tenants and the neighborhood. The project design provides a unique floor plan wherein two main corridors are separated by a courtyard above the first floor, providing a cover to the parking beneath. The second floor area above the commercial portion of the property provides a recreation area for residents of the facility. The architecture of the structure provides a "stepped-back" look to offer additional articulation and interest in the building design and making the building more appropriate to the neighboring residential area. To facilitate this unique style and to provide covered parking for the proposed senior residents, a Variance to permit an increase in permitted lot coverage and a reduction in the required separation from neighboring residences will be necessary. This variance from the development

SDR-32638
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code allows the upper units to shield the parking area during the hot summers, while providing a feeling of open space to a greater number of residents by way of the open courtyard between the two main corridors.

An additional Variance for a reduction in parking spaces is also required, and is appropriate for a senior center which is anticipated to have fewer residents who are automobile owners.

If you have any questions or need additional information, please do not hesitate to contact me at the above number.

Sincerely,

Maren Parry

Maren Parry

MP/mp
Enclosure

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City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

LAS VEGAS NV 890

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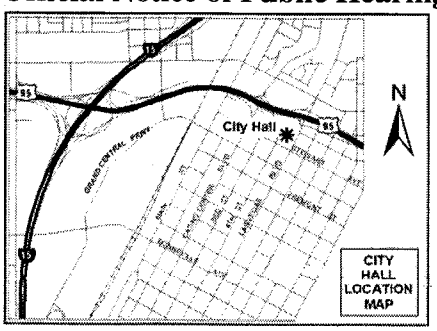

2009 APR -9 A 11:01

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32639 & SDR-32638
City Council Meeting of 4/15/2009

FROM:
EWING MARY K
1750 LEONARD LN
LAS VEGAS NV 89108-2321

APN#13824803006

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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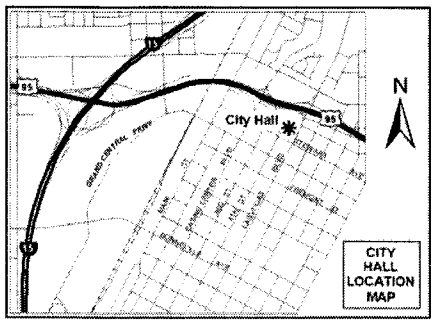

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SUP-32639 & SDR-32638
City Council Meeting of 4/15/2009

JASINSKI DENNIS G & KATHRINE K
1810 LEONARD LN
LAS VEGAS NV 89108-2329

APN#13824702026

after final agenda

Date 4/13/09 Item 116 9 11 7
W-5

PAGE 01
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7026438530
04/13/2009 13:32

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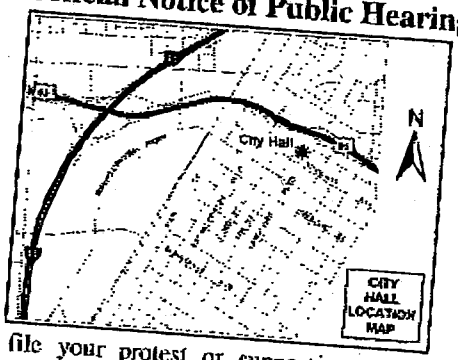

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☐ I SUPPORT this Request

☑ I OPPOSE this Request

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UP-32639 & SDR-32638
ity Council Meeting of 4/15/2009

RATHJE FAMILY TRUST
RATHJE LARRY L & BARBARA J TRS
1927 FAIRHAVEN CIR
LAS VEGAS NV 89108-2302

APN#13824702010

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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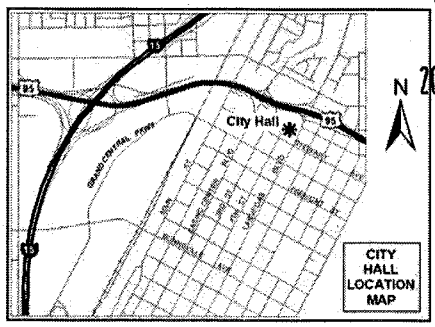

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☑ I SUPPORT this Request ☐ I OPPOSE this Request

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SUP-32639 & SDR-32638
City Council Meeting of 4/15/2009

WOOD MICHAEL
12820 WILLOW CENTRE DR #D
HOUSTON TX 77066-1031

APN#13824703005

77066

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Office Of The City Clerk
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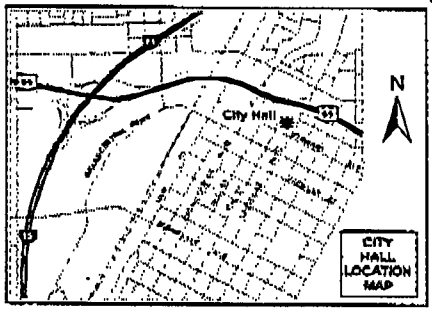

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

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SUP-32639 & SDR-32638
City Council Meeting of 4/15/2009

HUGHES FAMILY L L C #3
COURY FAMILY L L C #2
2975 S HIGHLAND DR
LAS VEGAS NV 89109-1011

APN#13919401003

ENVELOPE ENVELOPE

City of Las Vegas
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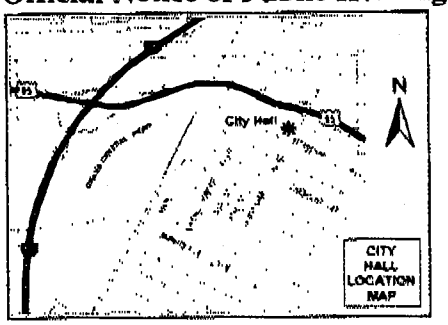

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

[X] I SUPPORT this Request [ ] I OPPOSE this Request

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SUP-32639 & SDR-32638
City Council Meeting of 4/15/2009

SWABY ELSA M TRUST
8440 DESERT QUAIL DR
LAS VEGAS NV 89128-8223

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APN#13919311188

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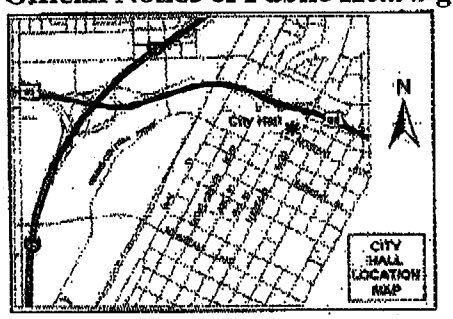

f you wish to file your protest or support on this request, check the ppropriate box below and return this card in an envelope with postage to the)ffice Of The City Clerk at the address listed above or fax this side of this ard to (702) 382-4803. If you would like to contact your Council :epresentative, please call (702) 229-6405.

☑ I SUPPORT this Request ☐ I OPPOSE this Request

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;UP-32639 & SDR-32638

:ity Council Meeting of 4/15/2009

SIAZ RAYANLDO G & ELOISA
1447 N MAIN
SALINAS CA 93906-2403

APN#13919311110

04/07/2009 TUE 13:24 [TX/RX NO 5396] 001

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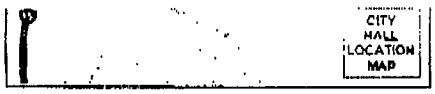

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☑ I SUPPORT this Request ☐ I OPPOSE this Request

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SUP 32639 & SDR 32638

City Council Meeting of 4/15/2009

CHEN SHYH YAW
9622 E NAOMI AVE
ARCADIA CA 91007-7410

APN# 5391031020

APR-08-09 02:35 AM P.01

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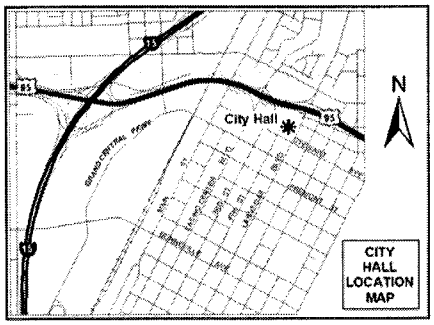

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

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SUP-32639 & SDR-32638
City Council Meeting of 4/15/2009

WEST DAVID & DONNA
1895 FAIRHAVEN ST
LAS VEGAS NV 89108-2301

APN#13824702020

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400 Stewart Avenue
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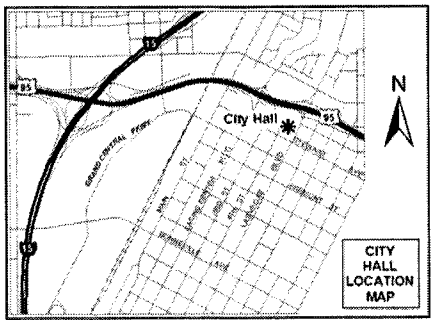

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

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SUP-32639 & SDR-32638
City Council Meeting of 4/15/2009

SECRETARY HOUSING & URBAN DEV
%MICHAELSON CONNOR & BOUL INC
13832 N 32N ST #D-150
PHOENIX AZ 85032-5613

APN#13919311166

NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

By signing below as a resident of the neighborhood near the proposed mixed-use, Senior Apartment project, I indicate that I do not oppose the development, and that I understand that it will have a retail development on the ground level facing Decatur, with apartments limited to Senior Citizens on the remainder of property.

Signature	Printed Name	Address
Ashley Wells	Ashley Wells	1815 Fairmount St.
[illegible]	Dominic J. Nolan	1799 N. Decatur Ave #109
[illegible]	MARIA Lopez	1799 N Decatur #104
[illegible]	Donnie Simons	1799 N Decatur #106
Michael Isabell	MICHAEL ISABELL	1799 N. DECATUR #206
Gustavo Muñoz	Gus Muñoz	1799 N. Decatur #203
Silvia Sanchez	Silvia Sanchez	1799 N. Decatur - 108
Desirae Walls	[illegible] Walls	1799. N Decatur 107
Kelli Stevens	Kelli Stevens	1799 N Decatur #208
Reynaldo Cantu	[illegible]	1799 N Decatur #114
[illegible]	[illegible]	1799 N Decatur 1214
Robert A Rogers	Robert A Rogers	1799 N Decatur 113
Edith Nilsen	Edith Nilsen	1799 N. Decatur #117
Maria Ortiz	Maria Ortiz	1799 N Decatur #125
Lordee Humphreys	Lordee Humpherys	1799 No Decatur #148

Submitted at Planning Commission

DMWEST #6794314 v1

Date 3/12/09 Item 15-18

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
	JARED YOUNG	1799 N Decatur #142
	FRANK JONES	1799 N DECATUR #235
	Melissa Cardenas	1799 N. Decatur #235
	Robert EARL	1799 N. Decatur #235
	Marquinn Thomas	8121 JADE HARBOR CT.
	TONY CORTINA	1799 N DECATUR #209
	Ryan Ferguson	1799 N. DECATUR #129
	Wade West	1799 N Decatur #138
	Richard Gillman	1799 N. Decatur #215

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
	DAVID PLUMMER	1812 DECATUR #102
	Jose Guevara	1810 Decatur #102
	Arcadia Santiago	1810 " "
	DOROTHY BUTLER	1810 " " #103
	Rory Miller	1812 " " #203
	Curtis Byrd	1850 " " 102
	1802 N Rancho #104	
	Estefana Gutierrez	1802 N. Decatur #102
	Derrick Trotter	1860 N. Decatur #101
	Reagyna Trotter	1860 N. Decatur #101
	CHRISTIVE LE	1860 N DECATUR #104
	Richard Anderson	1802 N. Decatur Apt 203
	Floong Pollard	1802 N. Decatur Blvd Apt 202
	Ronnie Stewart	1804 N Decatur #103

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
Dwight Beasley	DWIGHT BEASLEY	1858 N. DECATUR #201
Ona Coleman	ONA COLEMAN	1858 N. Decatur #101
Lori Carter	LORI CARTER	1858 N. Decatur #101
[illegible]	John gomez	1858 N. Decatur #104
[illegible]	SIG KUUSK	1806 N. DECATUR #101
[illegible]	Shenika Warner	1806 N. Decatur Blvd #201
Beverly Kelley	Beverly Kelley	1806 N Decatur #104
[illegible]	GREGORY QUITUGUA	1852 N. Decatur # 101
Maryl Hendricks	Marylee Hendricks	1856 N Decatur #101
Francis Romanoski	FRANCIS ROMANOSKI	1856 N DECATOR
Angel Vanscyoc	ANGEL VANSCYOC	1854 N DECATOR
Nyeesha Cook	NYEESHA COOK	1848 N Decatur #102
E J Marlowe	EDITH MARLOWE	1824 N — #104
Emily Gumas	Emily Gumas	1824 N. Decatur #101
Jazmin Lozoyo	Jazmin Lozoyo	1824 N. Decatur #203

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
Kim AND Paul S Miller	Kim AND Paul Miller	1834 North Decatur #102 " " " #101

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
	Darrell Henson	1813 N Decatur Blvd 89108 APT 208 LOS VEGAS NV
	Antonio Cordero	1675 Fairhaven st.
	SUBJECT TO 2-STORY DWELLINGS ONLY. EUALIO G. NORIEGA	1751 N. FAIRHAVEN ST.
	Eduardo Gonzalez	1961 Fairhaven st
	SUBJECT TO MAYBE 2 STORY NOT THREE Larry L Rothje	1927 FAIRHAVEN CIR
	CHARLES APLIN	192, Fairhaven Cr.
	STAN BEIKOWSKY	1923 FAIRHAVEN
Donna West	Donna West	1895 Fairhaven St. 89108
David R West	David West	1895 Fairhaven St. 8910
Coleen Campbell	Coleen Campbell	1865 Fairhaven St. 89108
	DAVID GRANT	1885 FAIRHAVEN ST
Michele Tombary	MICHELE TOMBARY	1885 FAIRHAVEN ST

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
Jeremy Shipton	Jeremy Shipton	1813 N. Decatur #104A
Renate Ogle	Renate Ogle	" "

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

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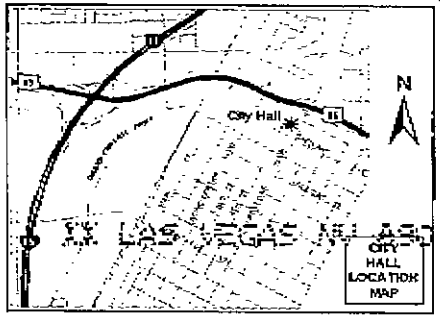
Signature	Printed Name	Address
Donica G. Beckett	Donica' G. Beckett	1813 N. Decatur Blvd Las Vegas, NV 89108
		1813 N. Decatur
	Gabriela Martinez	1813 N Decatur
	KHANH TO	1813 N. DECATUR #110
	Melanie Peek	1813 N. Decature #111
	Nick Mais	1813 N. Decatur #111
	Beverly J Pattison	1813 N. DECATUR Blvd 108
	Linda Sandoval	1813N. DecatueBlVD 108
	Lamont Johnson	1813N DecaturBlvd 115
	DEBBIE Allen	1813N N. Decatur #216
	Evaristo Melo	1813 N. Decatur #213
	Julie Butler	1813 N Decatur Blvd #113
	Joe wiley JR	1813 N. Decatur #211
	Rose Lopez	1813 N. Decatur #210
	James Rowton	1813 N. Decatur #206

02/18/2009 15:14 FAX 702 870 1188 COUNTRYSIDE HOME LOANS 001

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



LV LAS VEGAS NV 890 02-14-09

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request

☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32639 & SDR-32638

Planning Commission Meeting of 2/26/2009

PRESORTED FIRST CLASS

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FEB 13 2009
MAILED FROM ZIPCODE 89101

Case: SUP-32639

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1921 FAIRHAVEN CIR
LAS VEGAS NV 89108-2302

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City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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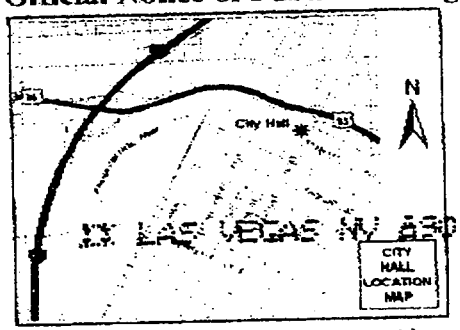

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SUP-32639 & SDR-32638

Planning Commission Meeting of 2/26/2009

Case: SUP-32639
13824701005
WEEDEN JOSEPH EDWARD III
1955 LEONARD LN
LAS VEGAS NV 89108-2336

89108$2336 C075

RECEIVED
FEB 23 2009
CITY CLERK

Submitted after final agenda

Date 2/25/09 Item 36 & 37

02/22/2009 00:11 9099496168 VEA & ASSOCIATES PAGE 02/03

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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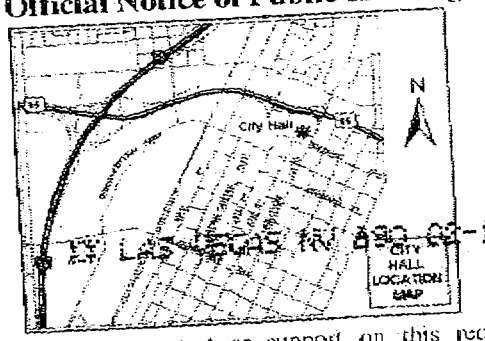
Official Notice of Public Hearing



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SUP-32639 & SDR-32638

Planning Commission Meeting of 2/26/2009

Case: SUP-32639

13919311171
ALANIZ VICTOR E & VINCENT
1736 ISABEL WY
UPLAND CA 91784-9275

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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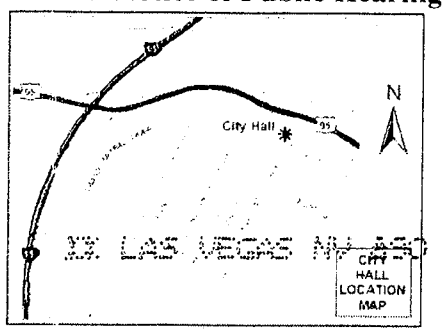
Return Service Requested
Official Notice of Public Hearing



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SUP-32639 & SDR-32638
Planning Commission Meeting of 2/26/2009

Case: SUP-32639
13824703005
WOOD MICHAEL
12820 WILLOW CENTRE DR #D
HOUSTON TX 77066-1031

77066$1031 P095

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City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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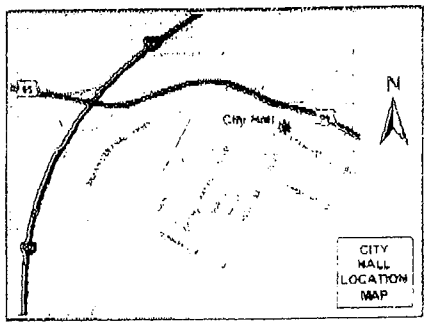
Official Notice of Public Hearing



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SUP-32639 & SDR-32638

Planning Commission Meeting of 2/26/2009

PRESORTED FIRST CLASS

UNITED STATES POSTAGE

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Case: SUP-32639

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LAS VEGAS NV 89128-8223

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City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

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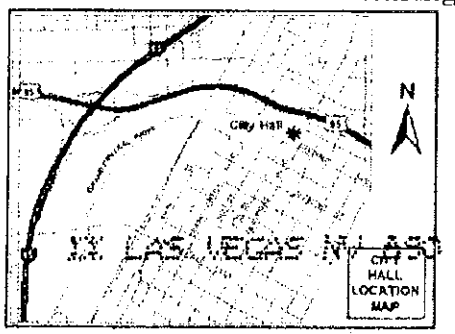
Return Service Requested
Official Notice of Public Hearing



LAS VEGAS NV 890 02-14-09

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Please use available blank space on card for your comments.

SUP-32639 & SDR-32638
Planning Commission Meeting of 2/26/2009

Case: SUP-32639
13824701014
FALKENSAMMER LEOPOLD & K REV TR
2224 GLENBROOK WY
LAS VEGAS NV 89117-5852

89117358852 C020

City of Las Vegas Agenda Item No.: **75.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

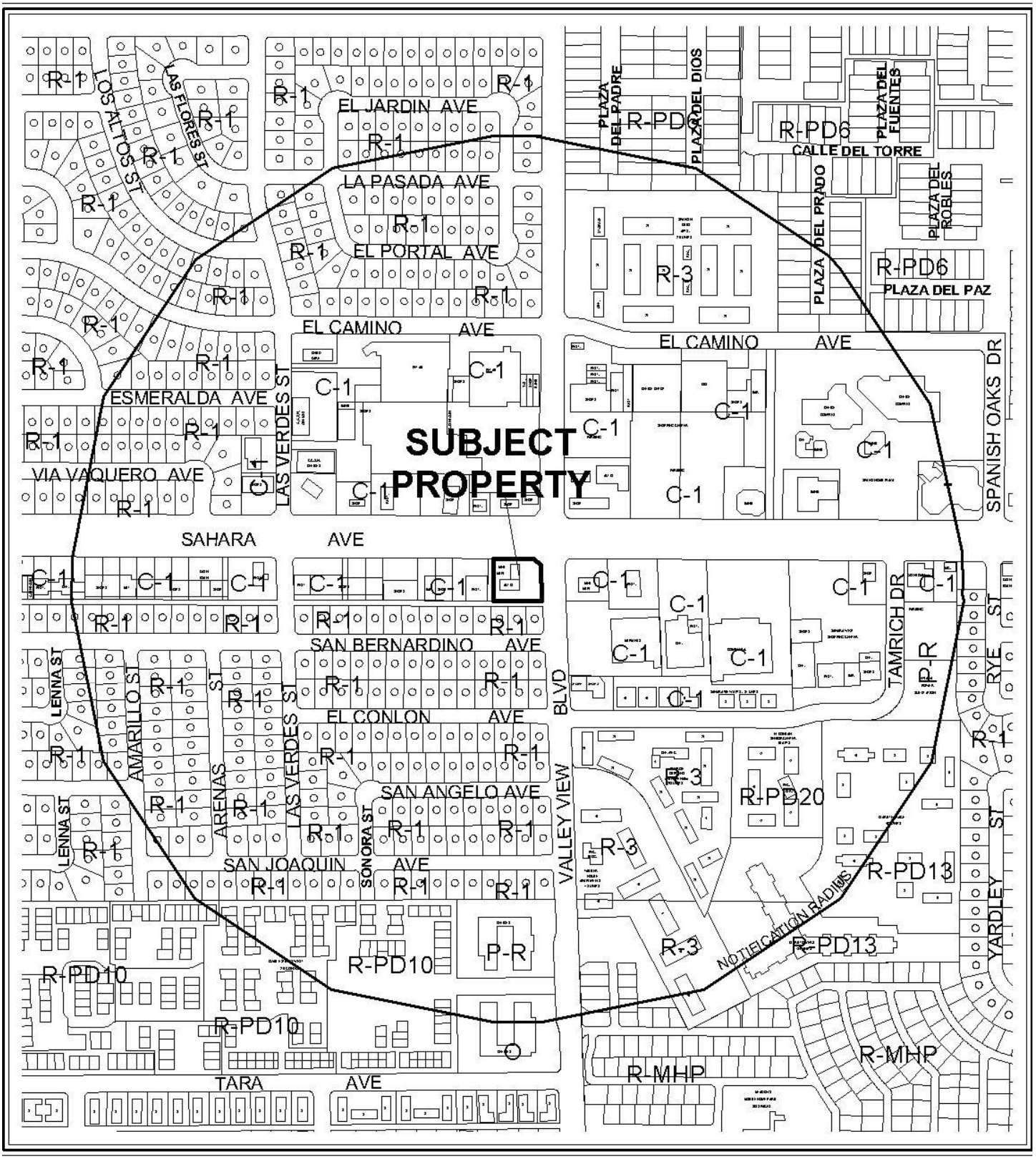
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
VAR-34008 – ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC - Request for a Variance TO ALLOW A ZERO-FOOT SIDE YARD SETBACK WHERE 10 FEET IS THE MINIMUM REQUIRED AND TO ALLOW A RESIDENTIAL ADJACENCY SETBACK OF 20 FEET WHERE 57 FEET IS REQUIRED on 0.58 acres at the southwest corner of Sahara Avenue and Valley View Boulevard (APN 162-07-512-010), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**10**	**Planning Commission Mtg.**	**0**
City Council Meeting	**3**	**City Council Meeting**	**2**

RECOMMENDATION:
The Planning Commission (7-0 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards
7. Backup referenced from the June 11, 2009 Planning Commission Meeting Item 21



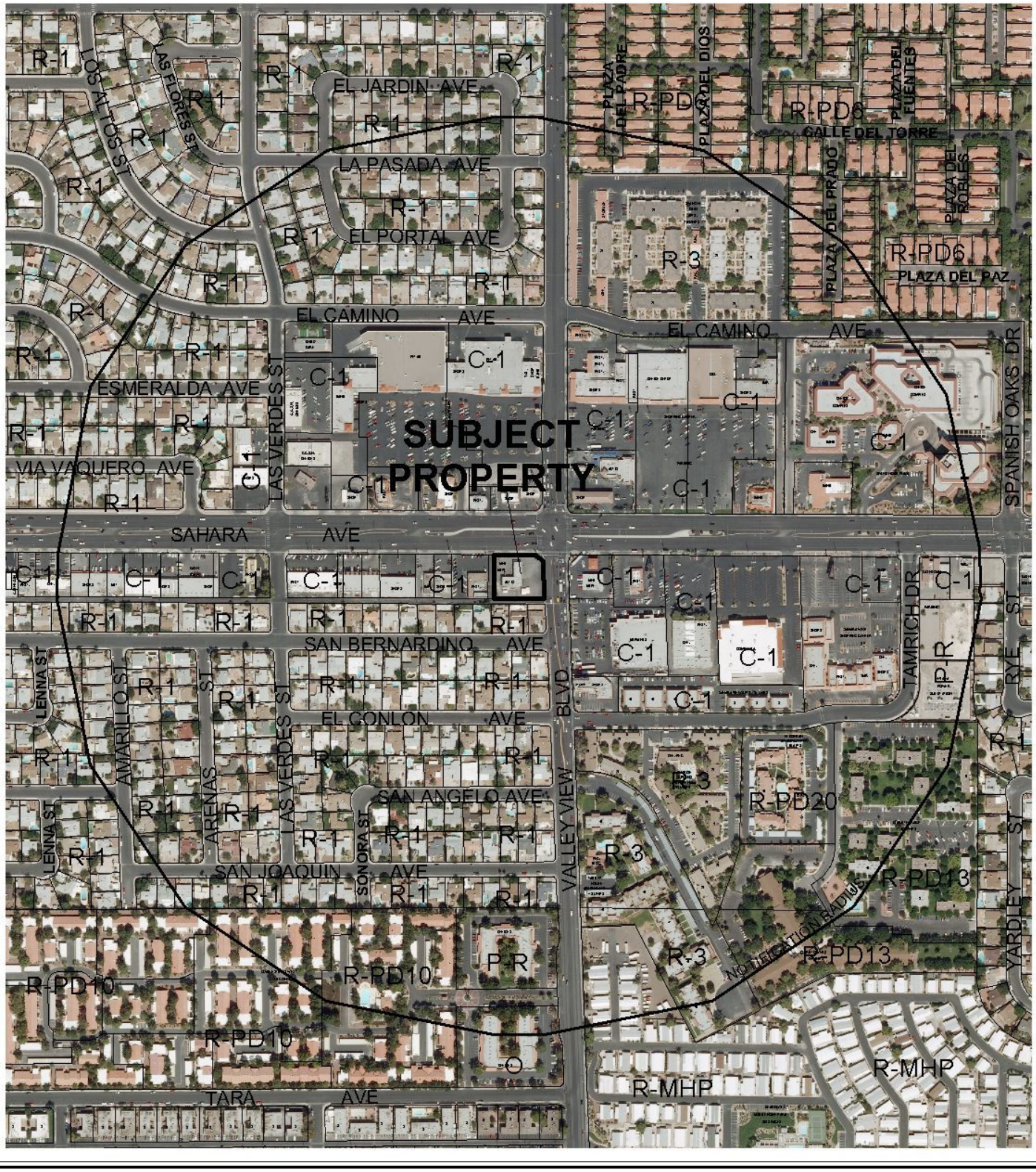
0 400 800 Feet

CASE: **VAR-34008**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



CASE: **VAR-34008**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-34008 - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 2, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

** CONDITIONS **

The Planning Commission (7-0 vote) and staff recommend DENIAL.

Planning and Development

1. Approval of and conformance to the conditions for Special Use Permit (SUP-34006) and Site Development Plan Review (SDR-34010), if approved.

2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Variance to allow a zero-foot side yard setback where 10 feet is the minimum required and to allow a residential adjacency setback of 20 feet where 57 feet is required at the southwest corner of Sahara Avenue and Valley View Boulevard. The proposed uses cannot be conducted in a compatible and harmonious manner, as the applicant fails to meet both Title 19.08.050 Development Standards and Title 19.08.060 Residential Adjacency Standards; therefore staff is recommending denial of the subject application.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
03/11/65	The Planning Commission approved a Rezoning (Z-0018-65) from R-3 (Medium Density Residential) to C-1 (Limited Commercial) and a Plot Plan Review [Z-0018-65(1) for a proposed Convenience Store with fuel pumps on 0.58 acres at the southwest corner of Sahara Avenue and Valley View Boulevard.
06/03/97	The Board of Zoning Adjustment approved a Variance (V-0047-97) to allow an existing 65-foot tall non-conforming pole sign two feet from the front property line where five feet is the minimum required setback in a C-1 (Limited Commercial) district.
12/18/03	The Planning Commission approved a Site Development Plan Review (SDR-3321) for a 2,400 square-foot expansion of an existing Convenience Store with a Waiver of the perimeter and parking lot landscaping at 3701 W. Sahara Avenue. Staff recommended approval of the request.
08/03/07	A deed was recorded for a change of ownership at 3701 W. Sahara Avenue.
02/08/08	A Code Enforcement complaint (#62166) was processed for illegal signage at 3701 W. Sahara Avenue. The issue was resolved on 02/21/08.
05/19/08	A Code Enforcement complaint (#65746) was processed for a structure built without permits at 3701 W. Sahara Avenue. The issue was closed by Code Enforcement on 09/17/08.
08/21/08	A Code Enforcement complaint (#68941) was processed for a repair shop using paint and chemicals at 3701 W. Sahara Avenue. The issue was closed by Code Enforcement on 08/22/08.

06/11/09	The Planning Commission recommended denial of companion item SUP-34006 and SDR-34010 concurrently with this application. The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #21/bts).
Related Building Permits/Business Licenses	
1966	The County Assessor's Office indicates a construction date of 1966 for the building located at 3701 W. Sahara Avenue.
10/30/97	A Building Permit (#97022032) was issued to re-locate an existing pole sign at 3701 W. Sahara Avenue. The permit was finaled on 12/06/97.
10/08/07	A Business License (#C05-01515) was issued for a tobacco dealer at 3701 W. Sahara Avenue. The license was marked out of business on 03/05/09.
10/08/07	A Business License (#G02-00779) was issued for a garage – minor auto repair at 3701 W. Sahara Avenue. The license was marked out of business on 03/05/09.
02/14/08	A Business License (#R05-00573) was issued for a restaurant, take-out only at 3701 W. Sahara Avenue. The license is currently active.
04/10/08	A Business License (#C05-02600) was issued for a tobacco dealer at 3701 W. Sahara Avenue. The license was marked out of business on 03/05/09.
04/10/08	A Business License (#C15-00361) was issued for a convenience store at 3701 W. Sahara Avenue. The license was marked out of business on 03/05/09.
07/30/08	A Business License (#C05-02627) was issued for a tobacco dealer at 3701 W. Sahara Avenue. The license was marked out of business on 03/06/09.
07/30/08	A Business License (#S05-01046) was issued for a service station at 3701 W. Sahara Avenue. The license was marked out of business on 03/06/09.
07/30/08	A Business License (#C05-00366) was issued for a convenience store at 3701 W. Sahara Avenue. The license was marked out of business on 03/06/09.
08/06/08	A Business License (#A45-00533) was issued for auto detailing at 3701 W. Sahara Avenue. The license is currently active.
08/11/08	A Business License (#G02-00823) was issued for a garage – minor auto repair at 3701 W. Sahara Avenue. The license is currently active.
Pre-Application Meeting	
03/06/09	Staff met with the applicant and reviewed the requirements for a Site Development Plan Review, Variance and Special Use permit applications. • Waivers and exceptions of perimeter landscaping and building placement and orientation standards were also discussed. • Existing business licenses and building permits • Intended use and residential adjacency requirements

Neighborhood Meeting	
A neighborhood meeting is not required for this application nor was one held.	
Field Check	
04/09/09	A field check was completed on the indicated date. An existing Auto Repair Garage, Minor with fuel pumps at 3701 W. Sahara Avenue was noted.

Details of Application Request	
Site Area	
Net Acres	0.58 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
North	Retail	SC (Service Commercial)	C-1 (Limited Commercial)
South	Single-Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)
East	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
West	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan		X	
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O Airport Overlay District (200-foot)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.050, the following development standards are proposed:

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Size	N/A	0.58 acres	Y
Min. Lot Width	100 Feet	170 Feet	Y
Min. Setbacks			
• Front (east property line)	25 Feet	66.5 Feet	Y
• Side (south property line)	10 Feet	Zero Feet	N
• Corner (north property line)	15 Feet	34.5 Feet	Y
• Rear (west property line)	20 Feet	25.9 Feet	Y
Max. Lot Coverage	50%	25%	Y
Max. Building Height	N/A	19 Feet	Y
Trash Enclosure	Screened	Screened	Y
Mech. Equipment	Screened	Screened	Y

Pursuant to Title 19.08.060 Residential Adjacency Standards

Residential Adjacency Standards	*Required/Allowed*	*Provided*	*Compliance*
3:1 proximity slope	57 Feet	20 Feet	N
Adjacent development matching setback	15 Feet	20 Feet	Y
Trash Enclosure	50 Feet	60 Feet	Y

ANALYSIS

The proposed 3,018 square-foot Convenience Store with fuel pumps fails to meet both Title 19.08.050 Development Standards and Title 19.08.060 Residential Adjacency Standards. The proposed building is located zero feet from the southern property line, which requires a 10-foot setback in a C-1 (Limited Commercial) district is required, which is a deviation of 100%. Furthermore, the applicant fails to meet the 3:1 proximity slope requirement, which requires the proposed 19-foot building to be located 57 feet from the residential property to the south, but due the intervening right-of-way the setback is reduced to 20 feet.

Alternative site design or a project of smaller scope would alleviate the need for this Variance; therefore, staff is recommending denial of the request as the applicant has created a self-imposed hardship by proposing to build within the required setback and locate the proposed Convenience Store to close to existing single-family residential homes to the south.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070L states:
"Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to build within the required setback and locate the proposed Convenience Store to close to existing single-family residential homes to the south. Alternative site design would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

ASSEMBLY DISTRICT 8

SENATE DISTRICT 11

NOTICES MAILED 871 by City Clerk

APPROVALS 0

PROTESTS 10

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR- 34998 APN: 162-07-512-010

Name of Property Owner: Pham Capital, LLC

Name of Applicant: American West Petroleum.

Name of Representative: Ken Ballard

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: THANH T PHAM

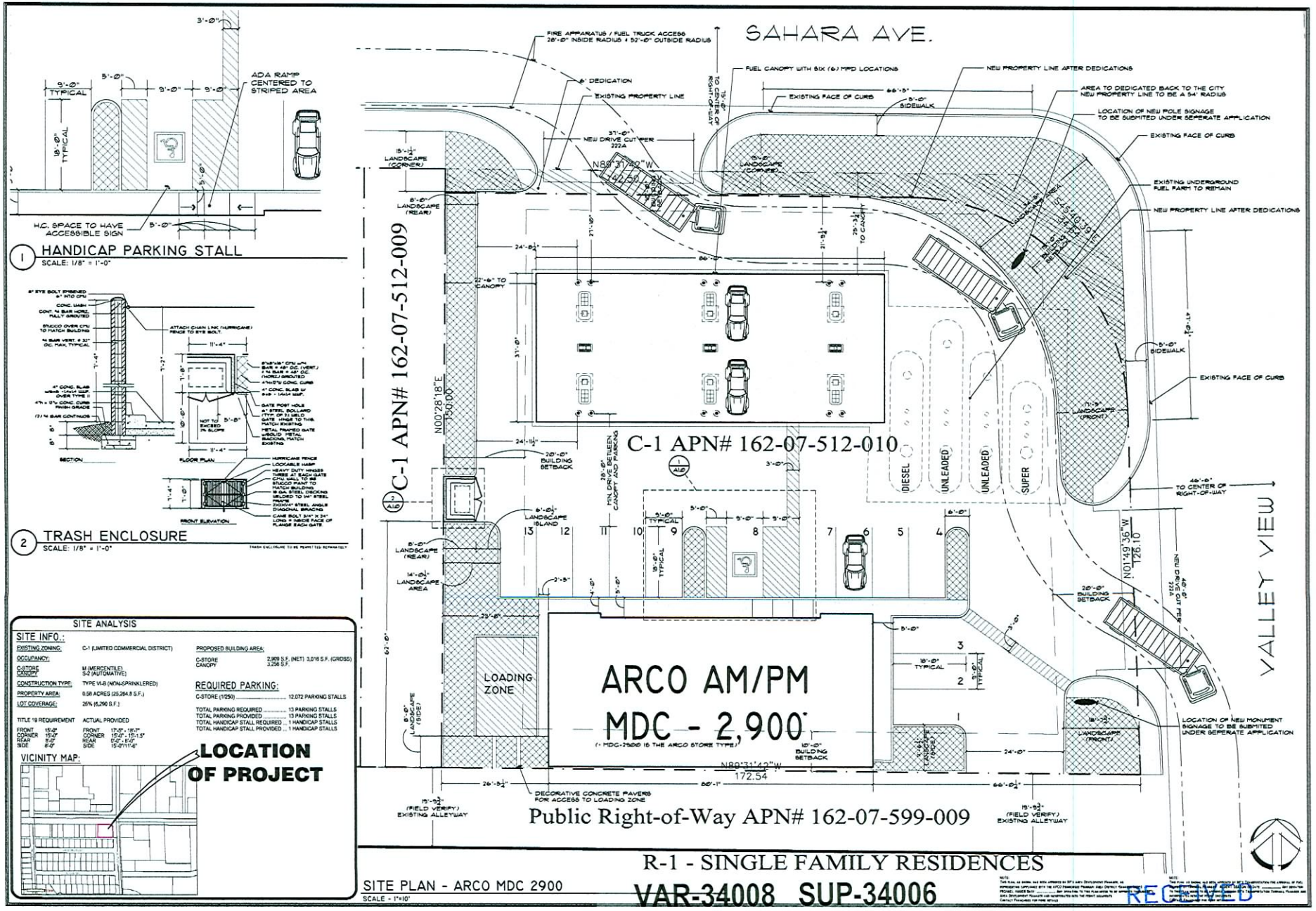
Subscribed and sworn before me

This 1 day of April 2007

_____

Notary Public in and for said County and State

JENNIFER E. LEHR
Notary Public State of Nevada
No. 02-73181-1
My appt. exp. Feb. 1, 2010



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A Professional Corporation

PRELIMINARY NOT FOR CONSTRUCTION

SITE PLAN
ARCO NT1
SAHARA & VALLEY VIEW

OWNER'S NAME
CITY OF LAS VEGAS

PROJECT NAME:
CLIENT:

PROJECT NO.	DATE
2985-ARC_ENT	2.27.09
DRAWN BY: KAB	CHECKED BY: KAB

NO.	DATE	DESCRIPTION
1	4.9.08	STAFF COMMENT

DRAWING NO.: A1.0

INITIAL PROJECT PACKAGE SUBMITTAL

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VAR-34008 SUP-34006

SDR-34010 05/14/09 PC

REVISED

APR 09 2009

PLANT SCHEDULE

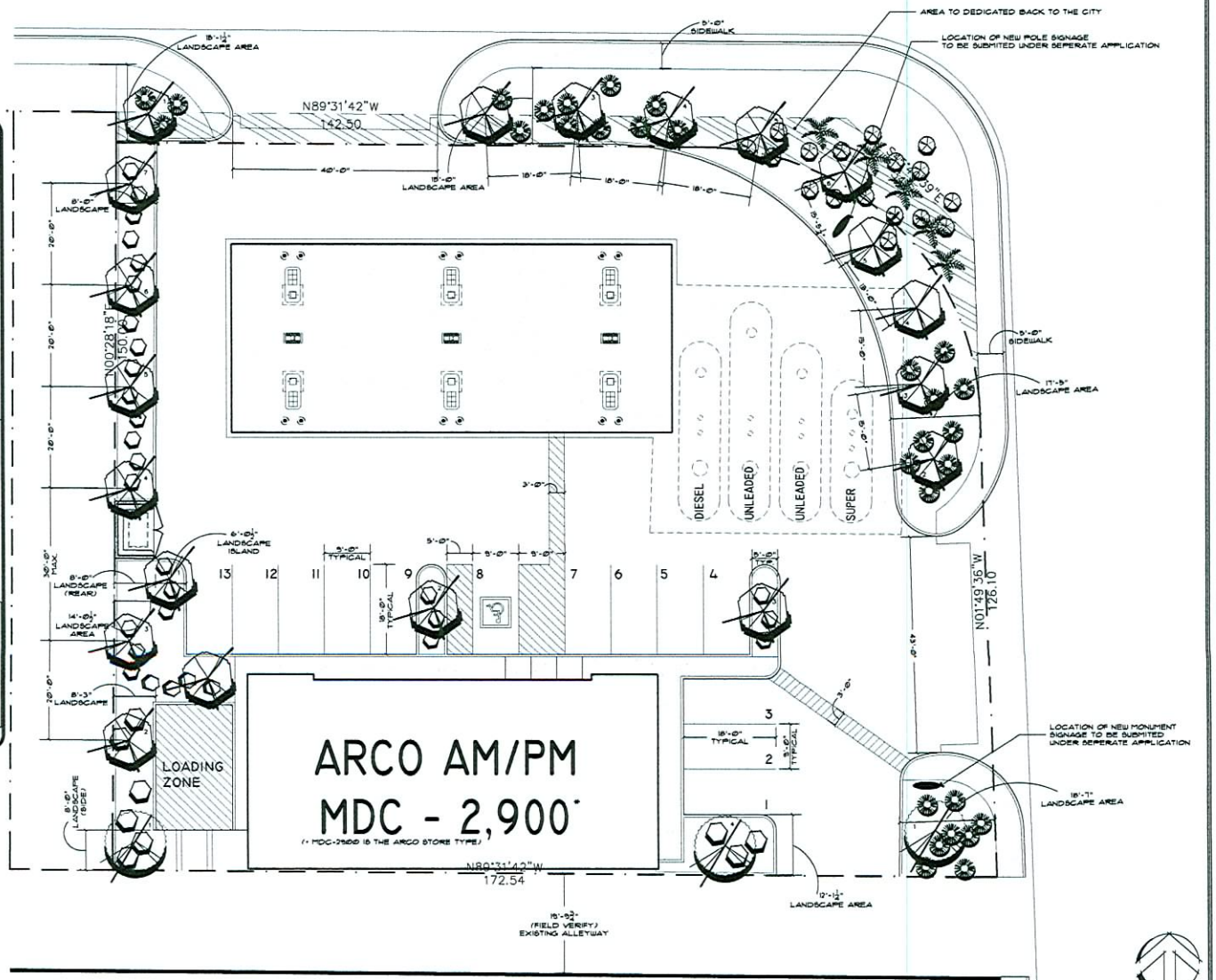
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY
TREES				
	ULMUS PARVIFOLIA	EVERGREEN ELM	24"	3
	PROSOPIS CHILENSIS	CHILEAN MESQUITE	24"	20
	SABAL PALM	SMART PALM PALMETTO	24"	5
SHRUBS				
	PITTOSPORUM TOBIRA	JAPANESE MOCK ORANGE	5 GAL	30
	CYCAS REVOLUTA	SAGO PALM	5 GAL	40
	SALVIA GREGGII 'CHERRY RED'	AUTUMN SAGE	5 GAL	17

GENERAL NOTES:

1. CONTRACTOR IS RESPONSIBLE TO VERIFY ALL PLANT QUANTITIES. THE PLANT LIST IS INTENDED AS A REFERENCE ONLY.
2. LANDSCAPE ARCHITECT IS TO APPROVE ALL PLANT MATERIAL PRIOR TO INSTALLATION WITH PRIOR NOTICE OF 48 HOURS.
3. PLANT MATERIAL IG TO HAVE IDENTIFICATION TAGS ON 10% OF TOTAL QUANTITY OF EACH SPECIES SHOWING GENUS, SPECIES AND VARIETY, ETC.
4. PROVIDE MATCHING SIZES AND FORMS OF LIKE SHRUB SPECIES AS SHOWN ON DRAWINGS.
5. DECOMPOSED GRANITE 1/2" MINUS, COLOR PER CONSTRUCTION DOCUMENTS, 2" DEPTH TYPICAL IN ALL PLANTING BEDS. DECOMPOSED GRANITE TO CONTAIN 40% FINES AND 60% AGGREGATE. CONTRACTOR TO RECEIVE VERIFICATION OF THIS FROM THE SUPPLIER AND PRESENT VERIFICATION TO THE OWNER PRIOR TO ANY INSTALLATION.
6. ALL UTILITY BOXES EXCEEDING 27 CUBIC FEET IN SIZE SHALL MEET THE STANDARDS OF LVMC TITLE 19.2.040
7. THIS LANDSCAPE PLAN, AS SUBMITTED, IS ONLY TO SHOW INTENT OF COMPLYING WITH THE STANDARDS OF LVMC 19.12. A TECHNICAL LANDSCAP PLAN WILL BE SEALED BY A LISCENSED ARCHITECT/LANDSCAPE ARCHITECT AT THE TIME AN APPLICATION IS MADE FOR A BUILDING PERMIT.

TITLE 19.12 LANDSCAPE AND OPEN SPACE STANDARDS

	STANDARD	REQUIRED **	PROVIDED	COMPLIANCE
PARKING AREA	1 TREE / 6 SPACES	4 TREES	4 TREES	YES
BUFFER: MIN. TREES				
(FRONT: EAST PROPERTY LINE) - 94.42' *	1 TREE / 20 LINEAR FEET	5 TREES	6 TREES	YES
(SIDE: SOUTH PROPERTY LINE) - 168.76' *	1 TREE / 20 LINEAR FEET	9 TREES	9 TREES	NO *** *
(CORNER: NORTH PROPERTY LINE) - 119.62' *	1 TREE / 20 LINEAR FEET	6 TREES	7 TREES	YES
(REAR: WEST PROPERTY LINE) - 150.0' *	1 TREE / 30 LINEAR FEET	5 TREES	7 TREES	YES
TOTAL		25 TREES	29 TREES	NO ***
MIN. ZONE WIDTH				
(FRONT: EAST PROPERTY LINE)		15 FEET	12.42 FEET	YES
(SIDE: SOUTH PROPERTY LINE)		8 FEET	0 FEET	NO *** *
(CORNER: NORTH PROPERTY LINE)		15 FEET	15 FEET	YES
(REAR: WEST PROPERTY LINE)		8 FEET	8 FEET	YES **



LANDSCAPE PLAN - ARCO MDC 2900
SCALE - 1"=10'

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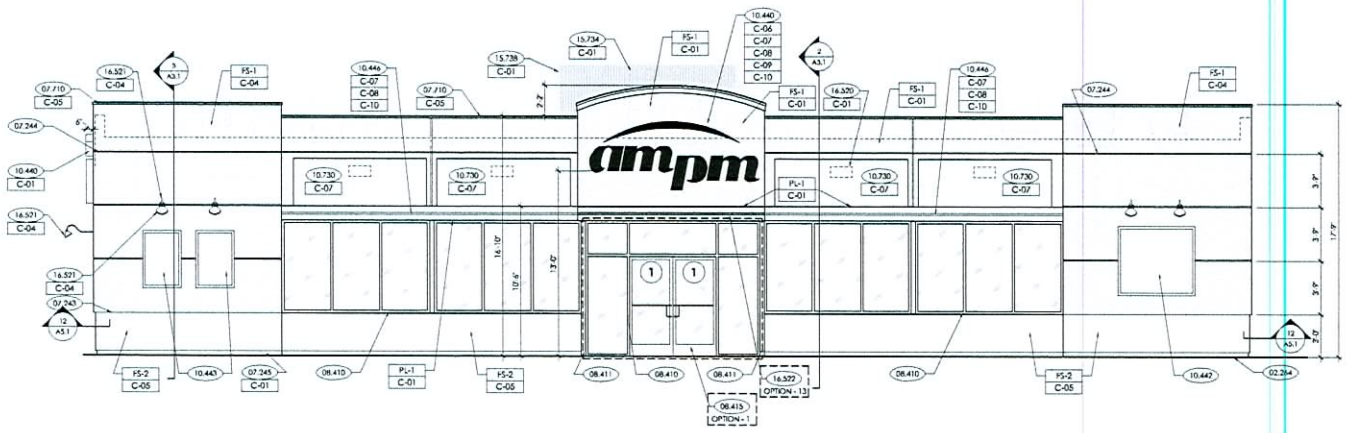
ANY CONSTRUCTION IN CONNECTION WITH OR PURSUANT TO THIS DRAWING SET, INCLUDING BUT NOT LIMITED TO SITE PREPARATION, FOUNDATION WORK, GRADING, CONSTRUCTION OF BUILDINGS, AND INSTALLATION OF UTILITIES, SHALL CONSTITUTE AND BE DEEMED TO BE ACCEPTANCE OF ALL TERMS AND CONDITIONS OF THIS AGREEMENT. IN THE EVENT THAT ANY PERSON OR ENTITY DOES NOT AGREE WITH THE TERMS AND CONDITIONS OF THIS AGREEMENT, SUCH PERSON OR ENTITY SHALL NOTIFY SUZANA RUTAR, ARCHITECT, IN WRITING WITHIN FIVE (5) DAYS OF RECEIPT OF THIS DOCUMENT AND SHALL IMMEDIATELY CEASE ALL WORK ON THE PROJECT. IN THE EVENT THAT SUZANA RUTAR, ARCHITECT, IS NOT NOTIFIED WITHIN FIVE (5) DAYS OF RECEIPT OF THIS DOCUMENT, ALL TERMS AND CONDITIONS OF THIS AGREEMENT SHALL BE DEEMED ACCEPTED BY ALL PARTIES.

PROJECT NAME: LANDSCAPE PLAN
ARCO NTI
SAHARA & VALLEY VIEW
CLIENT: OWNER'S NAME
CITY OF LAS VEGAS

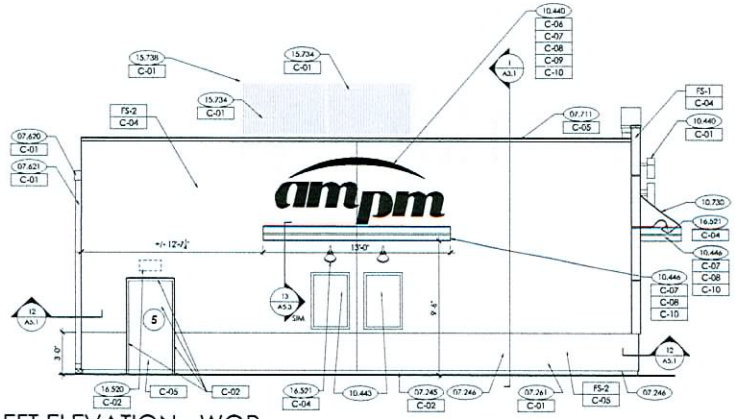
WORK NO.	DATE
2903-ARC_ENT	2.27.09
DRAWN BY: KAR	CHECKED BY: KAR

No.	DATE	DESCRIPTION
1	4.9.09	STAFF COMMENTS

DRAWING NO.: LI.0



1 FRONT ELEVATION - WOR
1/4"=1'-0"



2 LEFT ELEVATION - WOR
1/4"=1'-0"

GENERAL NOTES:

A. REVEAL LOCATIONS IN FINISH SYSTEM SHOWN ARE TO ALIGN AS CLOSELY AS POSSIBLE.
B. DIMENSIONS ARE TO THE CENTERLINE OF REVEALS.

KEYED NOTES:

02.264 GRADE, REFER TO CIVIL PLAN
07.243 TERMINATION REFER TO DETAIL **13/A5.1**
07.244 1" REVEAL IN FINISH REFER DETAIL **10/A5.1**
07.245 4" BREAK METAL BASE. SEE DETAIL **11/A5.1**
07.246 CONTROL JOINT IN FINISH SYSTEM, MAXIMUM 20'-0" O.C.
07.460 ACM PANEL
07.533 APPROXIMATE ROOF LINE
07.620 6" PRE-FINISHED 22 GA. METAL GUTTER. REFER TO DETAIL **6/A5.1**
07.621 3"x5" 22 GA. GALVANIZED PREFINISHED METAL DOWNSPOUT
07.710 SHOP FORMED PREFINISHED METAL COPING, REFER TO DETAIL **1/A5.1**
07.711 SHOP FORMED PREFINISHED METAL COPING CAP. REFER TO **2/A5.1**
08.410 ALUMINUM ENTRANCE AND STOREFRONT SYSTEM. REFER TO **A5.3** & SPEC.
08.411 ALUMINUM CLADDING (OMIT @ SIM.)
08.413 OPTION 1 - AUTOMATIC BI-PARTING ENTRANCE DOORS, REFER TO DETAIL **1/A5.4**
10.440 INTERNALLY ILLUMINATED SIGN BY SIGNAGE CONTRACTOR
10.442 64"Wx96"H POP POSTER, BY SIGNAGE CONTRACTOR
10.443 32"Wx48"H POP POSTER, BY SIGNAGE CONTRACTOR
10.446 VINYL DECAL APPLIED TO ACM PANEL
10.730 ALUMINUM FRAME FABRIC AWNING - SUNBRELLA ORANGE - 4609-0000, REFER TO SHEET **4/A3.2**
15.734 ROOF MECHANICAL UNITS
15.737 3' H. MECHANICAL SCREEN AT REAR OF BUILDING SEE DETAIL **9/A5.2**
15.738 6' H. MECHANICAL SCREEN AT RTU SEE DETAIL 9/A5.2
16.520 EXTERIOR LIGHT. REFER TO LIGHTING PLAN SHEET E1.3
16.521 GOOSENECK LIGHTING FIXTURES
16.522 OPTION 13 - LED LIGHT TUBE, SURFACE MOUNTED TO FACE OF ACM PANEL

EXTERIOR FINISHES:

PL-1 ALUMINUM ACM PANEL
FS-1 EXTERIOR INSULATION AND FINISH SYSTEM PROVIDE CONTROL JOINTS AS SHOWN
FS-2 DIRECT APPLIED FINISH SYSTEM

EXTERIOR PAINTS:

C-01 COLOR: BP PEARL - RAL 1013 ICI #A0083 "INDIAN LEGEND"
C-02 COLOR: BP DARK PEARL ICI #A0767, "DESERT VALLEY"
C-04 COLOR: ampm TAN ICI #A0717, "INDIAN CORN"
C-05 COLOR: ampm DARK TAN ICI #A1761, "ONIONSKIN TAN"
C-06 COLOR: ampm YELLOW PMS 116C
C-07 COLOR: SUNBRELLA ORANGE #4609-0000
C-08 COLOR: ampm RED PMS 032C
C-09 COLOR: ampm PURPLE PANTONE PURPLE
C-10 COLOR: ampm BLUE PMS 072C
C-11 COLOR: BP HIGH HIDING WHITE ICI BP HIGH HIDING WHITE (CUSTOM)
C-12 COLOR: ARCO BLUE PMS 288
C-13 COLOR: ARCO LIGHT BLUE PMS 2935
C-14 COLOR: OMEGA YELLOW ICI #A0775

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FRONT & LEFT ELEVATIONS
ARCO NTI
SAHARA & VALLEY VIEW
OWNER'S NAME
CITY OF LAS VEGAS

PROJECT NAME:
CLIENT:

PROJECT NO.: 2903-ARC_ENT
DATE: 7.27.09
DRAWN BY: KAR
CHECKED BY: KAR

NO.	DATE	DESCRIPTION

DRAWING NO.: A2.1
ENTITLEMENT PACKAGE SUBMITTAL

VAR-34008 SUP-34006
SDR-34010 05/14/09 PC

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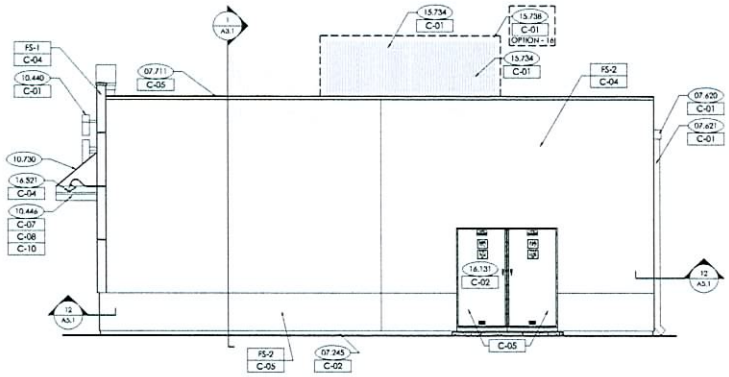
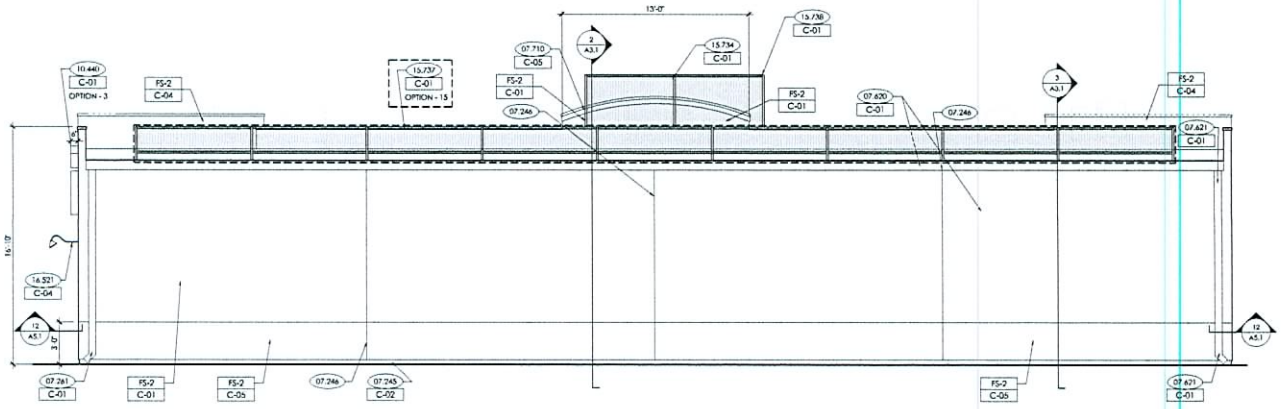


1 RIGHT ELEVATION - WOR
1/4"=1'-0"



2 REAR ELEVATION - WOR
1/4"=1'-0"

GENERAL NOTES:

A. REVEAL LOCATIONS IN FINISH SYSTEM SHOWN ARE TO ALIGN AS CLOSELY AS POSSIBLE
B. DIMENSIONS ARE TO THE CENTERLINE OF REVEALS

KEYED NOTES:

02.264 GRADE, REFER TO CIVIL PLAN
03.480 STEEL BOLLARD, REFER TO DETAIL **1/S2.1**
07.243 TERMINATION REFER TO DETAIL **13/A5.1**
07.244 1" REVEAL IN FINISH REFER DETAIL **10/A5.1**
07.245 4" BREAK METAL BASE, SEE DETAIL **11/A5.1**
07.246 CONTROL JOINT IN FINISH SYSTEM, MAXIMUM 20'-0" O.C.
07.460 ACM PANEL
07.533 APPROXIMATE ROOF LINE
07.620 6" PRE-FINISHED 22 GA. METAL GUTTER, REFER TO DETAIL **6/A5.1**
07.621 3"x5" 22 GA. GALVANIZED PREFINISHED METAL DOWNSPOUT
07.710 SHOP FORMED PREFINISHED METAL COPING, REFER TO DETAIL **1/A5.1**
07.711 SHOP FORMED PREFINISHED METAL COPING CAP, REFER TO **2/A5.1**
08.415 OPTION 1 - AUTOMATIC BI-PARTING ENTRANCE DOORS, REFER TO DETAIL **1/A5.4**
10.440 INTERNALLY ILLUMINATED SIGN BY SIGNAGE CONTRACTOR
10.443 32"Wx48"H POP POSTER, BY SIGNAGE CONTRACTOR
10.446 VINYL DECAL APPLIED TO ACM PANEL
15.734 ROOF MECHANICAL UNITS
15.737 3' H. MECHANICAL SCREEN AT REAR OF BUILDING SEE DETAIL **9/A5.2**
15.738 6' H. MECHANICAL SCREEN AT RTU SEE DETAIL **9/A5.2**
16.131 ELECTRICAL CABINETS, REFER TO SHEET **E1.2**
16.520 EXTERIOR LIGHT, REFER TO LIGHTING PLAN SHEET **E1.3**
16.521 GOOSENECK LIGHTING FIXTURES

EXTERIOR FINISHES:

PL-1	ALUMINUM ACM PANEL
FS-1	EXTERIOR INSULATION AND FINISH SYSTEM PROVIDE CONTROL JOINTS AS SHOWN
FS-2	DIRECT APPLIED FINISH SYSTEM

EXTERIOR PAINTS:

C-01	COLOR: BP PEARL - RAL 1013 ICI #A0083 "INDIAN LEGEND"
C-02	COLOR: BP DARK PEARL ICI #A0767, "DESERT VALLEY"
C-04	COLOR: ampm TAN ICI #A0717, "INDIAN CORN"
C-05	COLOR: ampm DARK TAN ICI #A1761, "ONIONSKIN TAN"
C-06	COLOR: ampm YELLOW PMS 116C
C-07	COLOR: SUNBRELLA ORANGE #4609-0000
C-08	COLOR: ampm RED PMS 032C
C-09	COLOR: ampm PURPLE PANTONE PURPLE
C-10	COLOR: ampm BLUE PMS 072C
C-11	COLOR: BP HIGH HIDING WHITE ICI BP HIGH HIDING WHITE (CUSTOM)
C-12	COLOR: ARCO BLUE PMS 288
C-13	COLOR: ARCO LIGHT BLUE PMS 2935
C-14	COLOR: OMEGA YELLOW ICI #A0775

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PROJECT NAME: REAR & RIGHT ELEVATIONS
ARCO NTI
SAHARA & VALLEY VIEW

CLIENT: OWNER'S NAME
CITY OF LAS VEGAS

PROJECT NO.: 2005-ARC_ENT
DATE: 2.27.09
DRAWN BY: KAR
CHECKED BY: KAR
NO. | DATE | DESCRIPTION

DRAWING NO.: A2.2
ENTITLEMENT PACKAGE SUBMITTAL

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SDR-34010 05/14/09 PC

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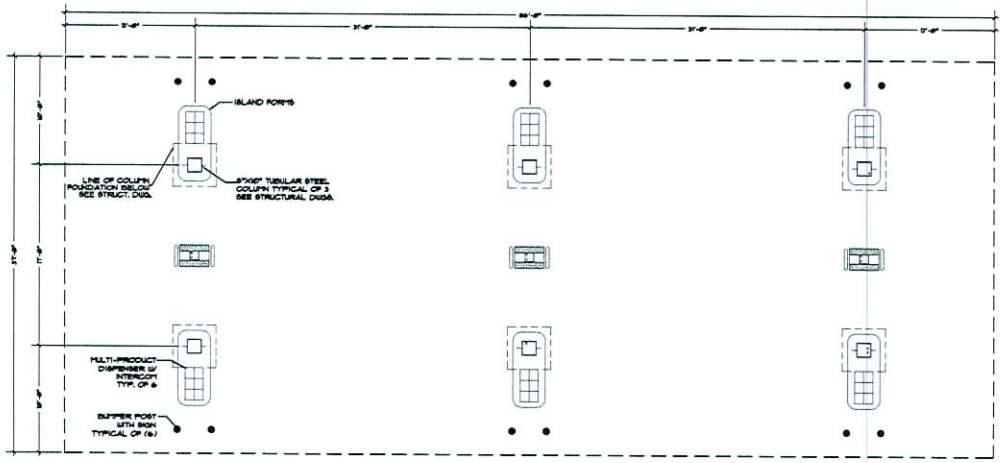
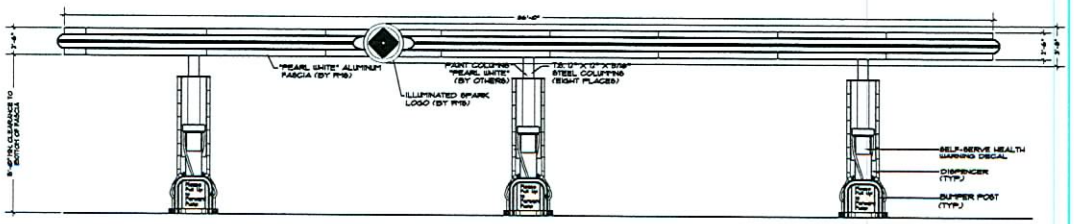
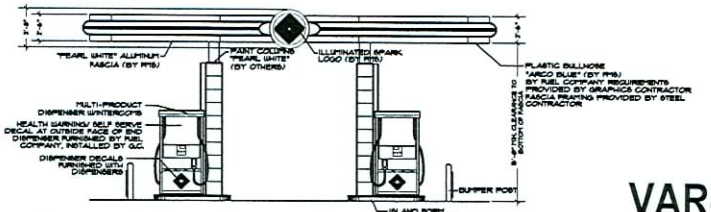


1 FLOOR PLAN
SCALE: 3/16"=1'-0"



2 FRONT/REAR ELEVATION
SCALE: 3/16"=1'-0"



3 SIDE ELEVATIONS
SCALE: 3/16"=1'-0"

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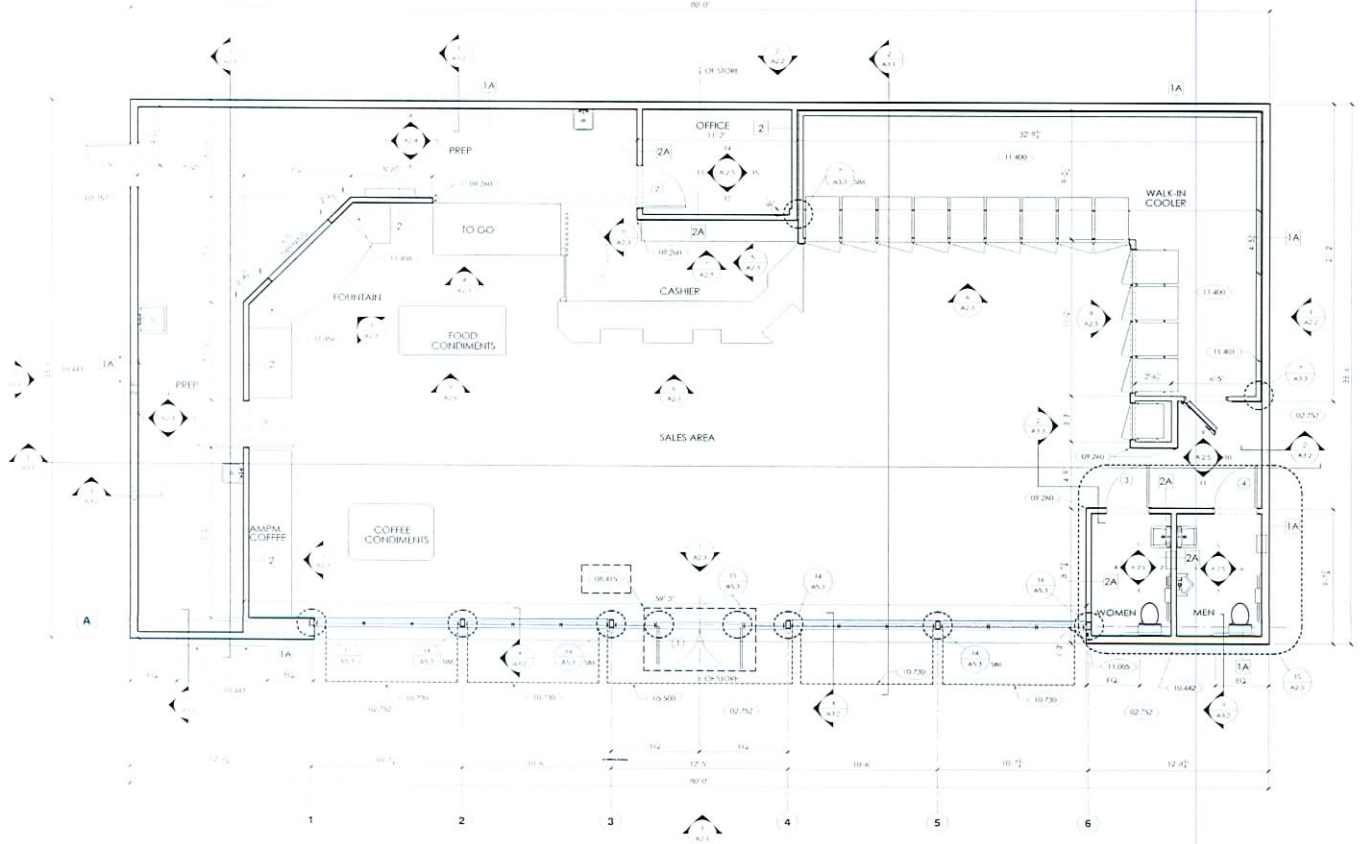
PROJECT NAME: CANOPY FLOOR PLAN AND ELEVATIONS
ARCO NTI
SAHARA & VALLEY VIEW

CLIENT: OWNER'S NAME
CITY OF LAS VEGAS

PROJECT NO: 2005-ARC_ENT
DATE: 7.27.09
DRAWN BY: KAR
CHECKED BY: SJR

NO.	DATE	DESCRIPTION

DRAWING NO.: CAI.0



1 CONSTRUCTION FLOOR PLAN
1/4"=1'-0"

GENERAL NOTES:

A. DIMENSION LINES ARE FROM FACE OF FRAMING OR FOUNDATION UNLESS NOTED OTHERWISE.
B. FACE OF FRAMING ON EXTERIOR WALLS IS SAME AS OUTSIDE FACE OF FOUNDATION WALL.
C. METAL STUDS MAY BE USED IN PLACE OF WOOD STUDS. PLAN DIMENSIONS ARE BASED ON WOOD STUDS.
D. MOISTURE RESISTANT GYPSUM TO BE USED IN TOILET ROOMS, BEHIND MOP SINK AND ADJACENT TO COOLERS. FOR SPECIFIC SUBSTRATE REQUIREMENTS, REFER TO INTERIOR ELEVATIONS.
E. PROVIDE BLOCKING AS REQ'D FOR ALL EQUIPMENT AND ACCESSORIES.
F. PROVIDE CLEAR SILICONE SEALANT FOR ALL WALL TRANSITIONS.
G. REFER TO DETAILS **3 & 4/A3.3** FOR ATTACHMENT OF ALL WALLS TO STRUCTURE ABOVE.
H. FOR FLOORING LAYOUT REFER TO SHEET **A1.2**
I. FOR CEILING LAYOUT REFER TO SHEET **A1.3**
J. FOR FINISH MATERIAL REFER TO INTERIOR ELEVATIONS SHEETS **A2.3**, **A2.4** AND **A2.5**
K. FOR INTERIOR GRAPHIC ELEVATIONS REFER TO SHEET **A2.6**
L. FOR DOOR AND WINDOW DETAILS REFER TO SHEET **A5.3**
M. FOR EQUIPMENT PLAN REFER TO SHEET **Q1.1**
N. FOR EQUIPMENT SCHEDULE REFER TO SHEET **Q2.1**
O. ALL MATERIALS AND APPLICATION TO MEET OR EXCEED LOCAL OR STATE REQUIREMENTS.
P. FOR DOOR SCHEDULE & ELEVATIONS REFER TO SHEET **A5.3**

KEYED NOTES:

02.752 SLOPE SIDEWALK AWAY FROM DOOR/BUILDING 2" / FOOT.
03.480 STEEL BOLLARD. REFER TO DETAIL **1/S2.1**
05.500 CANOPY ABOVE.
08.410 ALUMINUM ENTRANCE AND STOREFRONT SYSTEM. REFER TO **A5.3** & SPEC.
08.415 OPERATOR - AUTOMATIC BI-PARTING ENTRANCE DOORS.
09.260 CLEAR PLASTIC COFFEE GUARDS.
10.442 48 WIDE M POP POSTER. BY SIGNAGE CONTRACTOR.
10.443 32 W x 48 H POP POSTER. BY SIGNAGE CONTRACTOR.
10.730 ALUMINUM FRAME FABRIC AWNING - SUNBRELLA ORANGE - 4609-0000. REFER TO SHEET **4/A3.2**
11.005 RECESSED KNOX BOX - INSTALL PER MANUFACTURERS SPECIFICATIONS.
11.400 FOR COOLER AND FREEZER INFORMATION AND DIMENSIONS REFER TO SHEET **Q1.2**
11.401 MAINTAIN MINIMUM 1" AIR GAP BEHIND COOLERS AND FREEZERS ADJACENT TO WALLS. CLOSE SPACE AT ENDS WITH 2"x2" ALUMINUM ANGLE.
11.496 PROVIDE FILLER COUNTER AND MILLWORK TOP GAP WITH FINISHES TO MATCH.

WALL LEGEND

WOOD FRAMED WALL
1A 2x6 STUDS @ 16" O.C. W/ THERMAL INSULATION
2 2x4 STUDS @ 16" O.C.
2A 2x4 STUDS @ 16" O.C. W/ SOUND BATT INSULATION
INSULATED WALL
PREFABRICATED COOLER UNIT

VAR-34008 SUP-34006
SDR-34010 05/14/09 PC

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SUZANA RUTAR, Architect Ltd.
Architectural Design & Planning
1950 E. Horm Springs Road
Las Vegas, Nevada 89119
Telephone (702) 263-8176
Fax (702) 361-2582
A Professional Corporation

PRELIMINARY
NOT FOR CONSTRUCTION

CONSTRUCTION FLOOR PLAN
ARCO NTI
SAHARA & VALLEY VIEW
OWNER'S NAME
CITY OF LAS VEGAS

A1.1



VAR-34008 - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC
SOUTHWEST CORNER OF SAHARA AVENUE AND VALLEY VIEW BOULEVARD
JUNE 11, 2009 PLANNING COMMISSION

04/09/09



VAR-34008 - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC
SOUTHWEST CORNER OF SAHARA AVENUE AND VALLEY VIEW BOULEVARD
JUNE 11, 2009 PLANNING COMMISSION

04/09/09



VAR-34008 - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC
SOUTHWEST CORNER OF SAHARA AVENUE AND VALLEY VIEW BOULEVARD
JUNE 11, 2009 PLANNING COMMISSION

04/09/09



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JUNE 11, 2009 PLANNING COMMISSION

04/09/09



VAR-34008 - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC
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JUNE 11, 2009 PLANNING COMMISSION

04/09/09



VAR-34008 - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC
SOUTHWEST CORNER OF SAHARA AVENUE AND VALLEY VIEW BOULEVARD
JUNE 11, 2009 PLANNING COMMISSION

04/09/09

SUZANA RUTAR, Architect Ltd.,
A Professional Corporation

RUTAR

April 9, 2009

City of Las Vegas
Planning & Development
Current Planning Department
731 South Fourth Street
Las Vegas, Nevada 89101

Re: Design Review
Justification Letter for (revised)
3701 Sahara (Sahara/Valley View)
APN # 162-07-512-010
SUP-34006, VAR-34008 & SDR-34010

To Whom It May Concern:

Suzana Rutar, Architect (SRA) is pleased to present this justification letter for the above referenced property. The above referenced property is zoned C-1 and has a General Plan designation of Service Commercial (SC). We are proposing to demolish the existing convenience store and fuel canopy and construct a convenience store (Arco AM/PM – gross floor area (gfa) is 3,018 S.F.), as well as a fuel canopy consisting of 6 MPD stations. The convenience store is the new MDC 2900 Arco Standard store that will be the first in the Las Vegas valley area, the fuel canopy, also an Arco Standard, will be 17'-6" in height and will have a clearance of 15'-0".

We respectfully request a waiver for the orientation of the building on the site. Per 19.08.050.D.2.e.i, *"Buildings on corner lots should be oriented to the corner and to the street fronts... unless the applicant can demonstrate by substantial and convincing evidence that to do so would be infeasible..."* We request that the Convenience Store and fuel canopy be oriented as shown on the site plan, as we feel that we have substantially demonstrated and convincingly shown that this site plan was developed utilizing the existing underground fuel farm. Multiple building orientations were considered with the re-use of the underground fuel farm prior to developing the site plan proposed; however, these did not allow for proper site circulation, parking, fire apparatus circulation, etc. The proposed development incorporates a design that re-uses the existing underground fuel farm as well as providing adequate site circulation, parking, fire apparatus circulation, etc. Orienting the building on the corner is neither feasible nor responsible to the location and existing infrastructure required to operate this facility.

We respectfully request a Variance to reduce the setback at the South side yard from 10'-0" to a 0'-0" setback. The property directly to the West appears to be part of the same sub-division with alley way access and parallel parking directly abutting the common West property line. The property directly to the South appears to be an existing alley way, Public Right-of-Way, between the subject site and the R-1 residential properties to the South of the alley way. An ALTA Survey completed in late March '09 indicates that the distance from the subject site's property line and the R-1 masonry wall on the South side of the alley way is 19'-9 ¾" (actual width of Public Right-of-Way is 20'-0"). After examining the site and the traffic flow requirements of the City of Las Vegas and Arco, SRA believes placing the store on the South property line, with a zero

1950 E. Warm Springs Road · Las Vegas, Nevada 89119
Phone: (702) 263-6176· Fax: (702) 361-2582
Email: ballardk@srutar.lvcoxmail.com

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SDR-34010 05/14/09 PC
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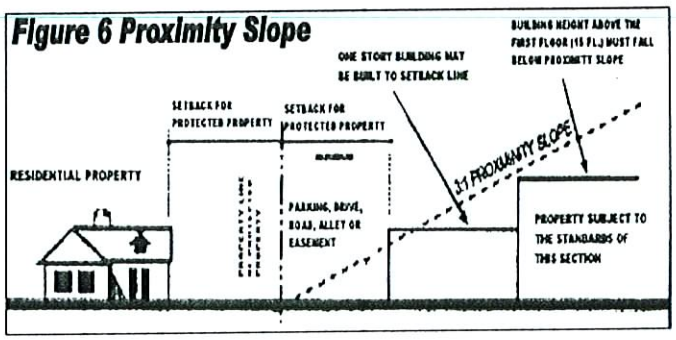
setback, is the only solution that enables our client to responsibly enhance and redevelop this corner.

We also would like to request a waiver for the reduction of the Residential Proximity Slope requirement of a 3:1 setback ratio, per the City of Las Vegas Title 19 Development Code Section 19.08.060.B.5. SRA believes that not only the intent of the 3:1 ratio (to ensure natural light to neighboring properties ('protected property') is not impeded) is being meet and the residential properties to the South are not being denied access to natural light. Also the 20'-0" Public Right-of-Way meets the intent of Figure 6 Proximity Slope per 19.08.060 (*"one story building may be built to setback line"* – proposed building is a one story building with a roof line/height at the rear of the building of 14'6"). Although the proposed building is on the property line (VAR-34008) the Public Right-of-Way is essentially providing twice the width of the *"setback line"*. Please see the attached Residential Proximity Slope Massing Exhibits indicating the sun pattern relevant to the development of this site and the surrounding properties.



The landscape design is per City of Las Vegas Title 19 Development Code Section 19.12, except where we are requesting a variance (VAR-34006) for the building setback at the South property line directly adjacent to an existing alley way. Because of this we are requesting an exception for the number of required trees to be reduced at the South property line buffer. SRA feel that the Parking Landscape design meets and exceeds the intent of Chapter 19.10.010.L.11, *"...at a ratio of one landscape island for every six parking spaces, ..."* The configuration of the required parking is not continuous but the intent of one landscape island for every six parking spaces is meet. Twelve parking spaces are required/provided and *"...at a ratio of one landscape island for every six parking spaces, ..."* the design provides two landscape islands parallel to the parking spaces, a ratio of 1:6 as required. We would also like to request a landscape waiver; *if required*, to reduce the landscape along the rear of the C-Store where we are requesting the Variance to reduce the setback. Please note that this site has an abundance of landscape coverage, so much that the provided landscape coverage exceeds, 3.5% more, what would be required if no waiver, *if required* would be requested. Please also note that additional trees are incorporated into the landscape design at the intersection.

TITLE 19.12 LANDSCAPE AND OPEN SPACE STANDARDS	STANDARD	REQUIRED **	PROVIDED	COMPLIANCE
PARKING AREA	1 TREE / 6 SPACES	4 TREES	4 TREES	YES
BUFFER: MIN. TREES				
(FRONT: EAST PROPERTY LINE) - 94.42' *	1 TREE / 20 LINERAR FEET	5 TREES	8 TREES	YES
(SIDE: SOUTH PROPERTY LINE) - 148.54' *	1 TREE / 30 LINERAR FEET	5 TREES	0 TREES	NO *** *
(CORNER: NORTH PROPERTY LINE) - 119.82' *	1 TREE / 20 LINERAR FEET	6 TREES	7 TREES	YES
(REAR: WEST PROPERTY LINE) - 150.0' *	1 TREE / 30 LINERAR FEET	5 TREES	7 TREES	YES
TOTAL		21 TREES	24 TREES	NO *** *
MIN. ZONE WIDTH				
(FRONT: EAST PROPERTY LINE)	15 FEET		17.42 FEET	YES
(SIDE: SOUTH PROPERTY LINE)	8 FEET		0 FEET	NO *** *
(CORNER: NORTH PROPERTY LINE)	15 FEET		15 FEET	YES
(REAR: WEST PROPERTY LINE)	8 FEET		8 FEET	YES **

* DENOTES LENGTH OF PROPERTY LINE
EAST - 123.10' + 14.32' - 43.00' = 94.42'
SOUTH - 172.54' - 24.00' = 148.54'
NORTH - 142.50' + 17.32 - 40.00' = 119.82'
WEST - 150.0' = 150.00'
CORNER - 34.64' (ADD HALF TO NORTH & EAST)
DRIVE CUT ON SAHARA - 40.0'
DRIVE CUT AT VALLEY VIEW - 43.0'
DRIVE PAN AT ALLEY WAY - 24.0'
** WITH THE 10.00' RIGHT HAND TURN LANE AND REDUCED PROPERTY LINES THE REQUIRED AMOUNT OF TREES WILL REMAIN UNCHANGED.
*** SIDE YARD TREE REQUIREMENT NOT MEET DUE TO BUILDING PLACEMENT AND VARIANCE REQUEST. ADDITIONAL TREES HAVE BEEN LOCATED ELSEWHERE ON THE SITE TO COMPENSATE FOR THE NUMBER OF TREES.
* MIN. REQUIRED LANDSCAPE WIDTH IS PROVIDED EXECPT WHERE BUILDING IS LOCATED.
** MIN. REQUIRED LANDSCAPE WIDTH IS PROVIDED EXCEPT WHERE TRASH ENCLOSURE IS PROVIDED.

1050 E. Warm Springs Road · Las Vegas, Nevada 89119
Phone: (702) 263-6176· Fax: (702) 361-2582
Email: ballardk@srutar.lvcoxmail.com

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SUZANA RUTAR, Architect Ltd.,
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Parking is provided in accordance to the Development Code 19.10.E.2 and 19.10 table 1 (Retail, Personal, Commercial & Business Services and Auto-Related) Convenience Store - 1/250 sf of gfa providing 13 parking stalls including the required Handicap accessible stall located in front of the entrance of the Convenience Store.

Additionally we are requesting a Special Use Permit for this site:

1. For the on-site sales of beer/wine in conjunction with the Convenience Store. Recently this site has been allowed to operate with the sales of beer/wine under a Non-Conforming Conforming Use. However, Non-Conforming Conforming Use may expire during the 180 day permitted window. Also this site being a Nonconforming use of a Conforming Building, to meet the requirements for "expansion of use", per development code section 19.16.030.B the following must be met:
    a. Will not increase the size or extent of the use by more than 50%
    b. Will not require a Variance or Waiver regarding any other provision of Title19, including those that pertain to parking, landscape and residential adjacency requirements.

Our increase is less that the 50%, but the before mentioned setback reduction (Variance) requires us to request the SUP and secure this site as a Conforming Use.

We feel that revitalizing the site with a new Convenience Store and Fuel Canopy will enhance the character of the site and surrounding area. We also feel the proposed removal of the two access points nearest the intersection of Sahara and Valley View (directly adjacent to the intersection) along with the relocation of the other two access points further South and West of the intersection will enhance vehicular mobility of the intersection.

Thank you for your consideration of this request. If you have any questions or if you require additional information, please call me at 263-6176.

Sincerely,

Kenneth A. Ballard, Associate AIA
Project Manager

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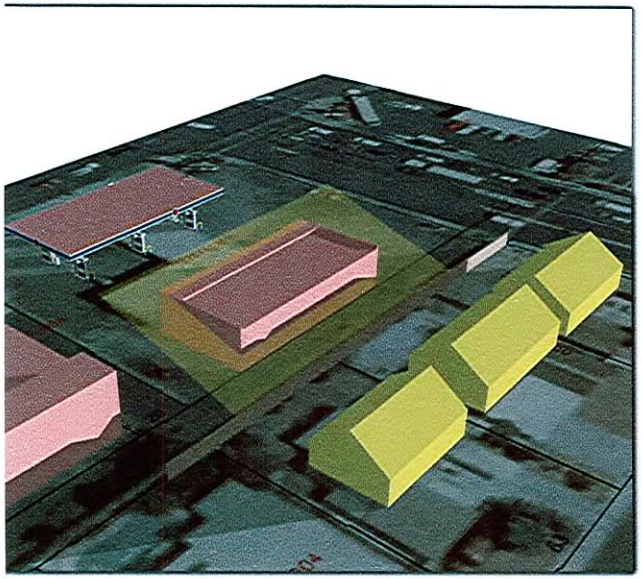
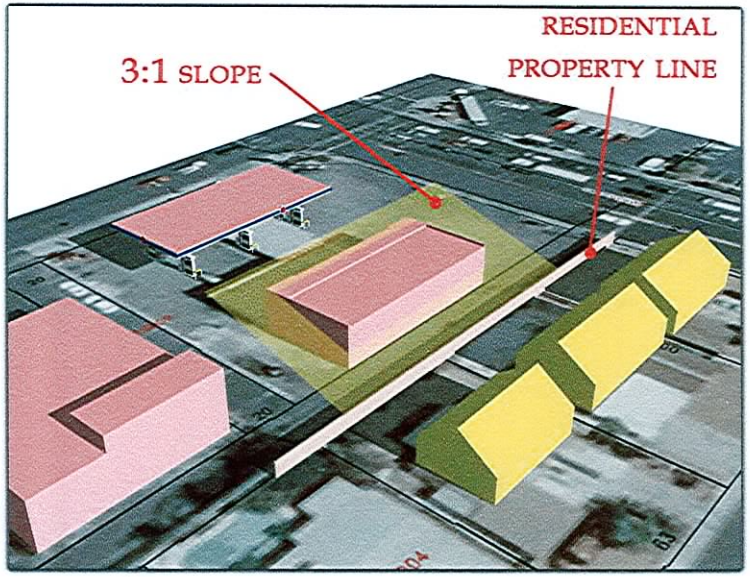


DECEMBER 21, 8:00 AM



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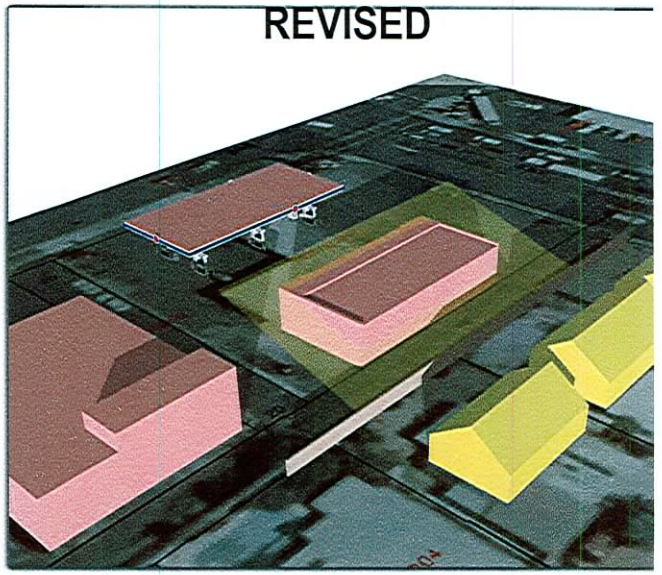

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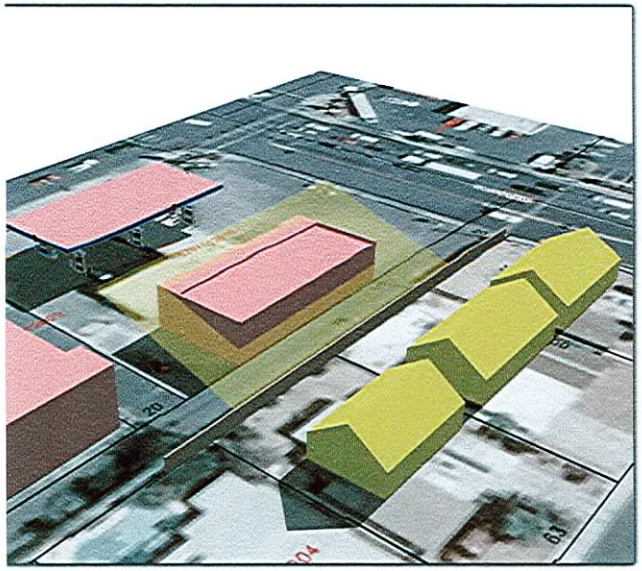
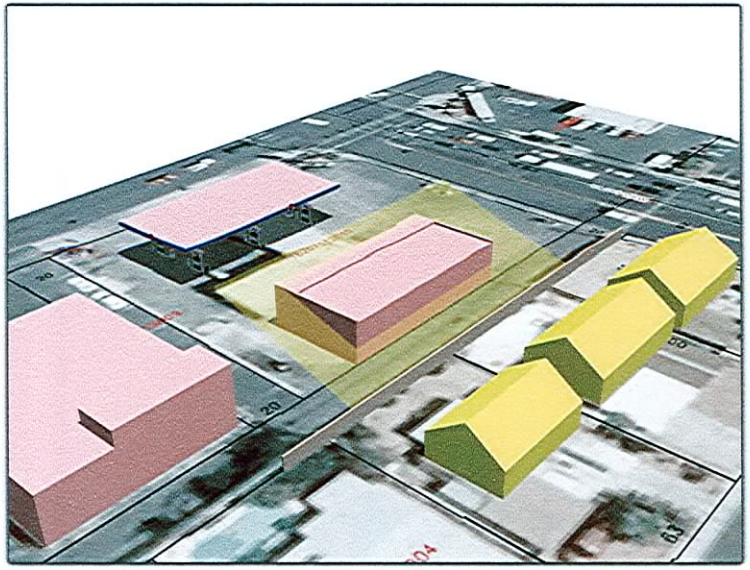


JUNE 21, 8:00 AM



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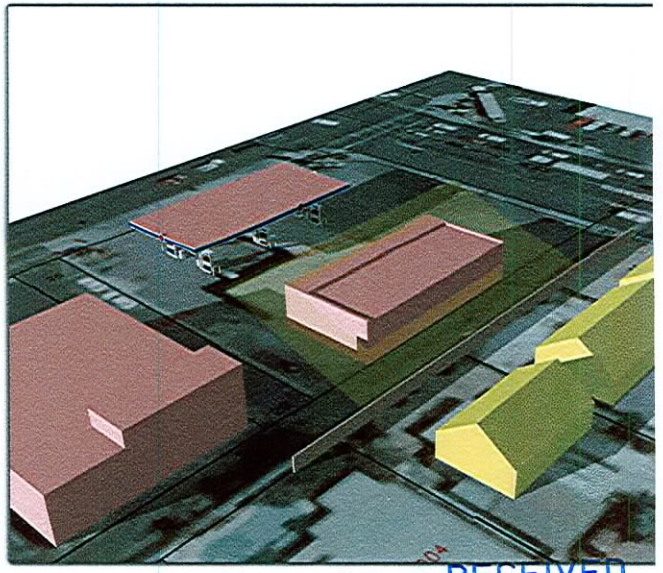

JUNE 21, 6:00 PM

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RESIDENTIAL PROXIMITY SLOPE MASSING EXHIBIT

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2009 JUL -6 A 8:21

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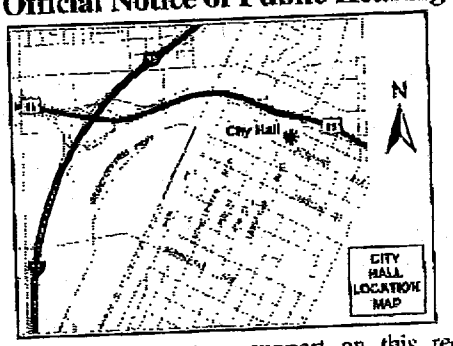

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

STEWART SANDRA
3809 FAIRWAY CIR
LAS VEGAS NV 89108-1106

APN#16207516003

VAR-34008 & SUP-34006
City Council Meeting of 7/15/2009

EAUDF11 89108

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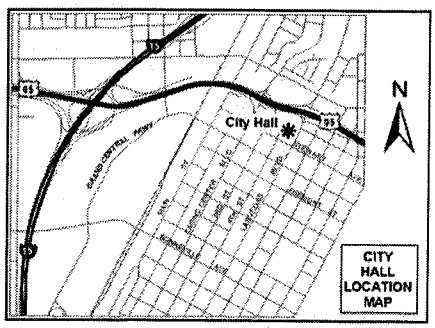

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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VAR-34008 & SUP-34006
City Council Meeting of 7/15/2009

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WILSON ELIZABETH A
3813 LA PASADA AVE
LAS VEGAS NV 89102-3835

APN#16206811043

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400 Stewart Avenue
Las Vegas, Nevada 89101

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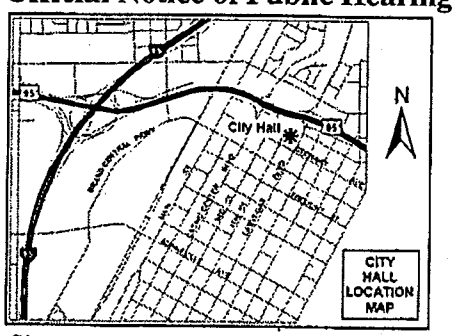

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VAR-34008 & SUP-34006
City Council Meeting of 7/15/2009

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CITY CLERK

PAT/JOE Occupant
VAR-34008&SUP-34006
Meadows Mobile Home Park
2900 South Valley View Boulevard, Space 44
Las Vegas, Nevada 89102

EAVDP11 89102

07-07-09:05:30AM:

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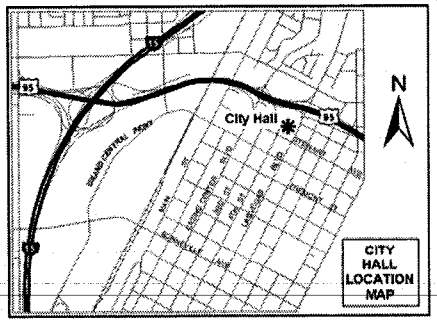

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

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VAR-34008 & SUP-34006
City Council Meeting of 7/15/2009

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VAR-34008&SUP-34006 Occupant
Meadows Mobile Home Park
2900 South Valley View Boulevard, Space 230
Las Vegas, Nevada 89102

EAVOP11 89102

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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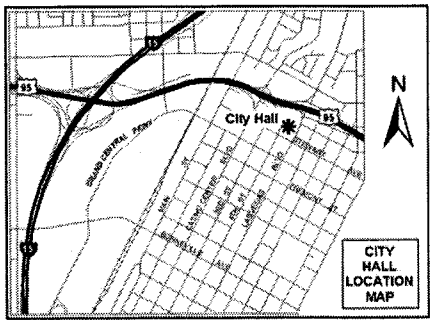

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

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VAR-34008 & SUP-34006
City Council Meeting of 7/15/2009

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FORNER TSUYUKO
2605 AMARILLO ST
LAS VEGAS NV 89102-0602

APN#16207513042

89102$0602 FP32

Submitted after final agenda

Date 7/13/09 Item 105 & 106
V.1

NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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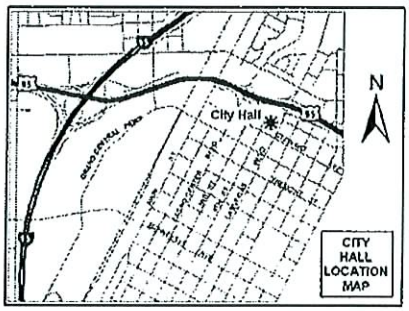

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If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34008 & SUP-34006
Planning Commission Meeting of 5/14/2009

PAT
Occupant
VAR-34008, SUP-34006
Meadows Mobile Home Park
2900 South Valley View Boulevar
Las Vegas, Nevada 89102

8910285931 C017

21P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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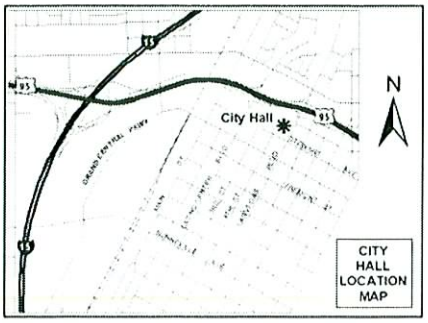

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34008 & SUP-34006

Planning Commission Meeting of 5/14/2009

Case: VAR-34008

16207613046
FOYT ELIZABETH ANN
2851 S VALLEY VIEW #1143
LAS VEGAS NV 89102-0143

27P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.39⁴
0004239954 MAY 01 2009
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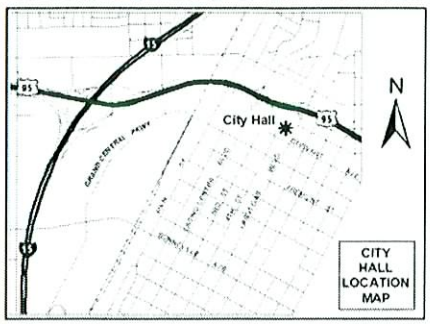
Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34008 & SUP-34006
Planning Commission Meeting of 5/14/2009

Case: VAR-34008
16207613026
FOYT ELIZABETH ANN
2851 S VALLEY VIEW BLVD #1143
LAS VEGAS NV 89102-0143

21 P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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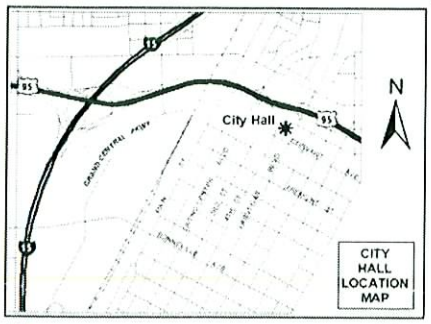

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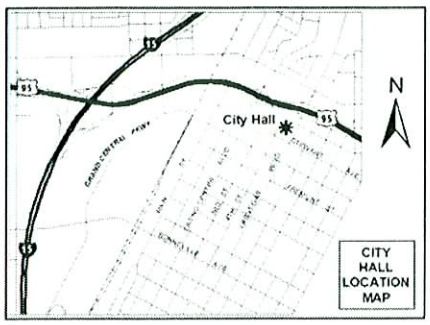
VAR-34008 & SUP-34006
Planning Commission Meeting of 5/14/2009

Case: VAR-34008
16207612024
FAULKNOR [redacted] & MARY
2125 PLAZA DEL PADRE
LAS VEGAS NV 89102-3917

89102$3917 C029

ZIP



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VAR-34008 & SUP-34006

Planning Commission Meeting of 5/14/2009

RECEIVED
MAY 06 2009

Case: VAR-34008

16207516012
PAULUS EVERETT T & BARBARA A
2612 SONORA ST
LAS VEGAS NV 89102-5912

27P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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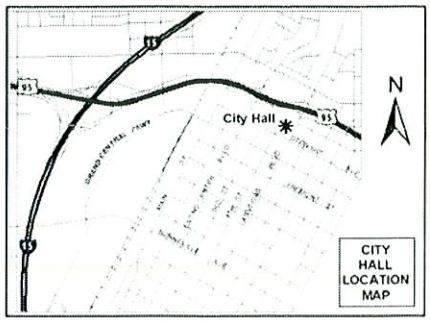

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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VAR-34008 & SUP-34006
Planning Commission Meeting of 5/14/2009

VAR-34008, SUP-34006 Occupant
Meadows Mobile Home Park
2900 South Valley View Boulevard, Space 320
Las Vegas, Nevada 89102

89102855C0 C017

27P

RECEIVED

MAY 07 2009

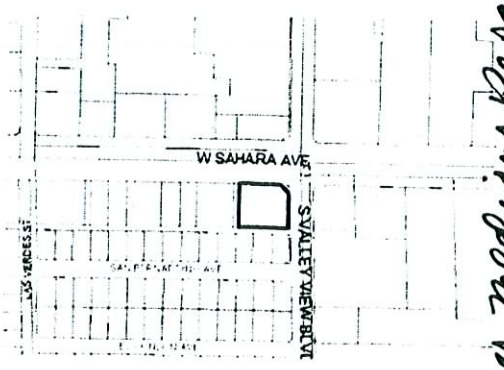
Application Information

VAR-34008 - VARIANCE - PUBLIC HEARING - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC - Request for a Variance TO ALLOW A ZERO-FOOT SIDE YARD SETBACK WHERE 10 FEET IS THE MINIMUM REQUIRED AND TO ALLOW A RESIDENTIAL ADJACENCY SETBACK OF 20 FEET WHERE 57 FEET IS REQUIRED on 0.58 acres at the southwest corner of Sahara Avenue and Valley View Boulevard (APN 162-07-512-010), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian)

SUP-34006 - SPECIAL USE PERMIT RELATED TO VAR-34008 - PUBLIC HEARING - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC - Request for a Special Use Permit FOR A BEER/WINE/COOLER OFF-SALE ESTABLISHMENT at the southwest corner of Sahara Avenue and Valley View Boulevard (APN 162-07-512-010), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian)

I oppose! Valley View & West Sahara is already a deadly congested Intersection. It's a mess

Application Location



The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

Meeting:	Planning Commission
Date:	*May 14, 2009*
Time:	6:00 P.M.
Location:	City Council Chambers 400 Stewart Avenue Las Vegas, Nevada

Any and all interested persons may appear before the City Planning Commission either in person or by representative and object to or express approval of this request; or may, prior to this meeting, file a written objection thereto or approval thereof with the Planning and Development Department, Development Services Center, 731 South Fourth Street, Las Vegas, Nevada 89101. Final Action on General Plan Amendments and Rezonings will be determined by the City Council. Other public hearing items may be deemed Final Action by the Planning Commission or forwarded to the City Council. The date of the City Council meeting, if applicable, will be announced at the Planning Commission meeting after the discussion of the item. For further information, including the full staff report, please call (702) 229-6301 (TDD 386-9108) or go to http://www.lasvegasnevada.gov.

The medians & concrete road dividers need to be re-painted Bright Yellow — You cannot see them at night. The whole city should have the corner medians Repainted

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

I offer my deep appreciation to Ms. Tarkanian in her very conscientious efforts to put the residents on notice & give them a chance to respond!

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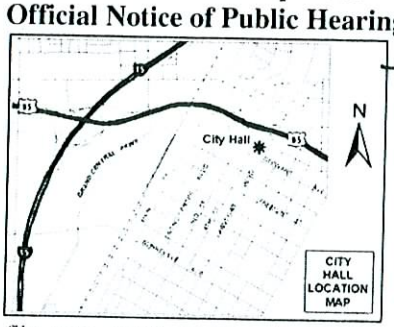

Sahara & Valley View is a very central part of the city — It (the area) should be commercially up & coming — But due to so many variances — It's unsightly. There are too many Pay Day Cash stores!! — Too many disgusting massage parlors!! many pawn shops!! It's (This city) is embarrassing when family members come to visit

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VAR-34008 & SUP-34006
Planning Commission Meeting of 5/14/2009

Case: VAR-34008

16207515015
COLLETTE CAROLYN
2620 ARENAS ST
LAS VEGAS NV 89102-0603

To-o

Those houses on San Bernardino already have practically no residential backyard space — They are jutted right up to alleyways and commercial dirty back small lots — If you drive down that alleyway you'll see the filth

27P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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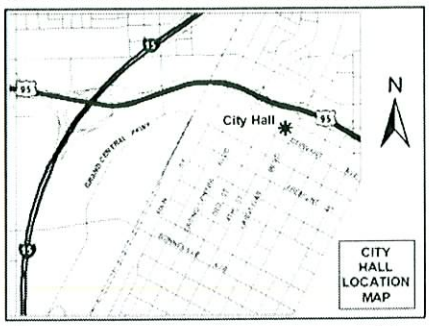

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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VAR-34008 & SUP-34006

Planning Commission Meeting of 5/14/2009

RECEIVED
MAY 07 2009

VAR-34008, SUP-34006 Occupant
Meadows Mobile Home Park
2900 South Valley View Boulevard, Space 261
Las Vegas, Nevada 89102

89102$5944 C017

21P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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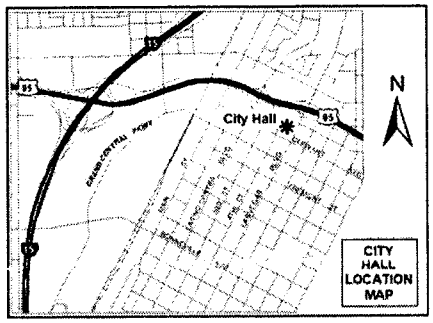

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VAR-34008 & SUP-34006
Planning Commission Meeting of 5/14/2009

RECEIVED
MAY 12 2009

Case: VAR-34008
16207513038
VAZQUEZ PROVIDENCIA & ANGEL
2525 AMARILLO ST
LAS VEGAS NV 89102-5714

Submitted after final agenda

Date 5/12/09 **Item** 27P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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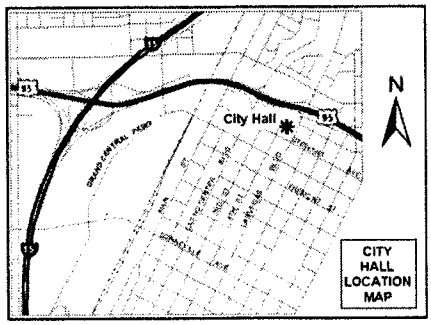

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Please use available blank space on card for your comments.

VAR-34008 & SUP-34006
Planning Commission Meeting of 5/14/2009

RECEIVED
MAY 12 2009

Case: VAR-34008
16206810106
CASTRICONE RICHARD J & GLORIA R
4017 EL CAMINO AVE
LAS VEGAS NV 89102-3601

Submitted after final agenda
Date 5/12/09 Item 27 P

City of Las Vegas Agenda Item No.: **76.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

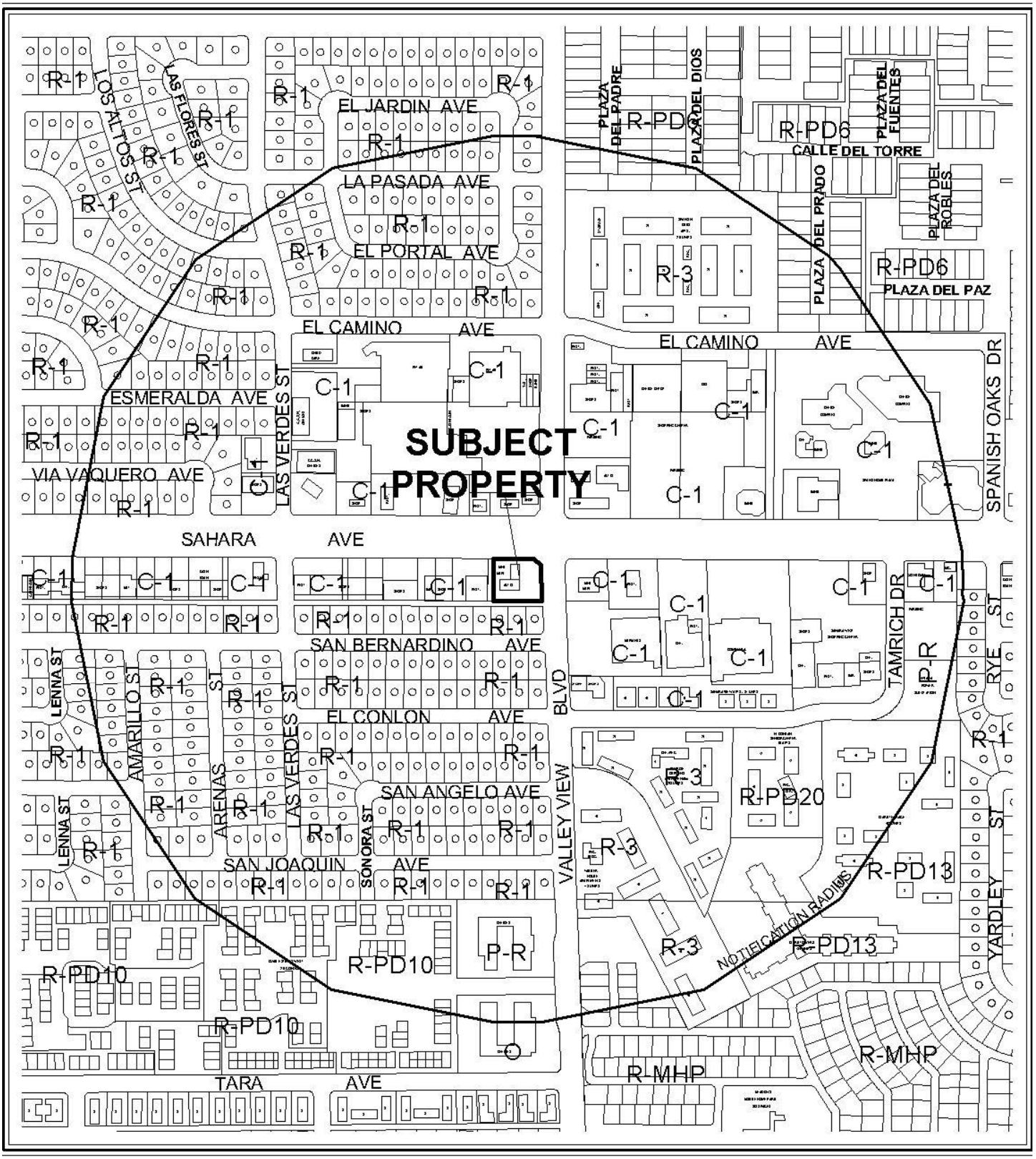
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-34006 – ABEYANCE ITEM - SPECIAL USE PERMIT RELATED TO VAR-34008 - PUBLIC HEARING - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC - Request for a Special Use Permit FOR A BEER/WINE/COOLER OFF-SALE ESTABLISHMENT at the southwest corner of Sahara Avenue and Valley View Boulevard (APN 162-07-512-010), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**10**	**Planning Commission Mtg.**	**0**
City Council Meeting	**3**	**City Council Meeting**	**1**

RECOMMENDATION:
The Planning Commission (7-0 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards
7. Backup referenced from the June 11, 2009 Planning Commission Meeting Item 22



0 400 800 Feet

CASE: **SUP-34006**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

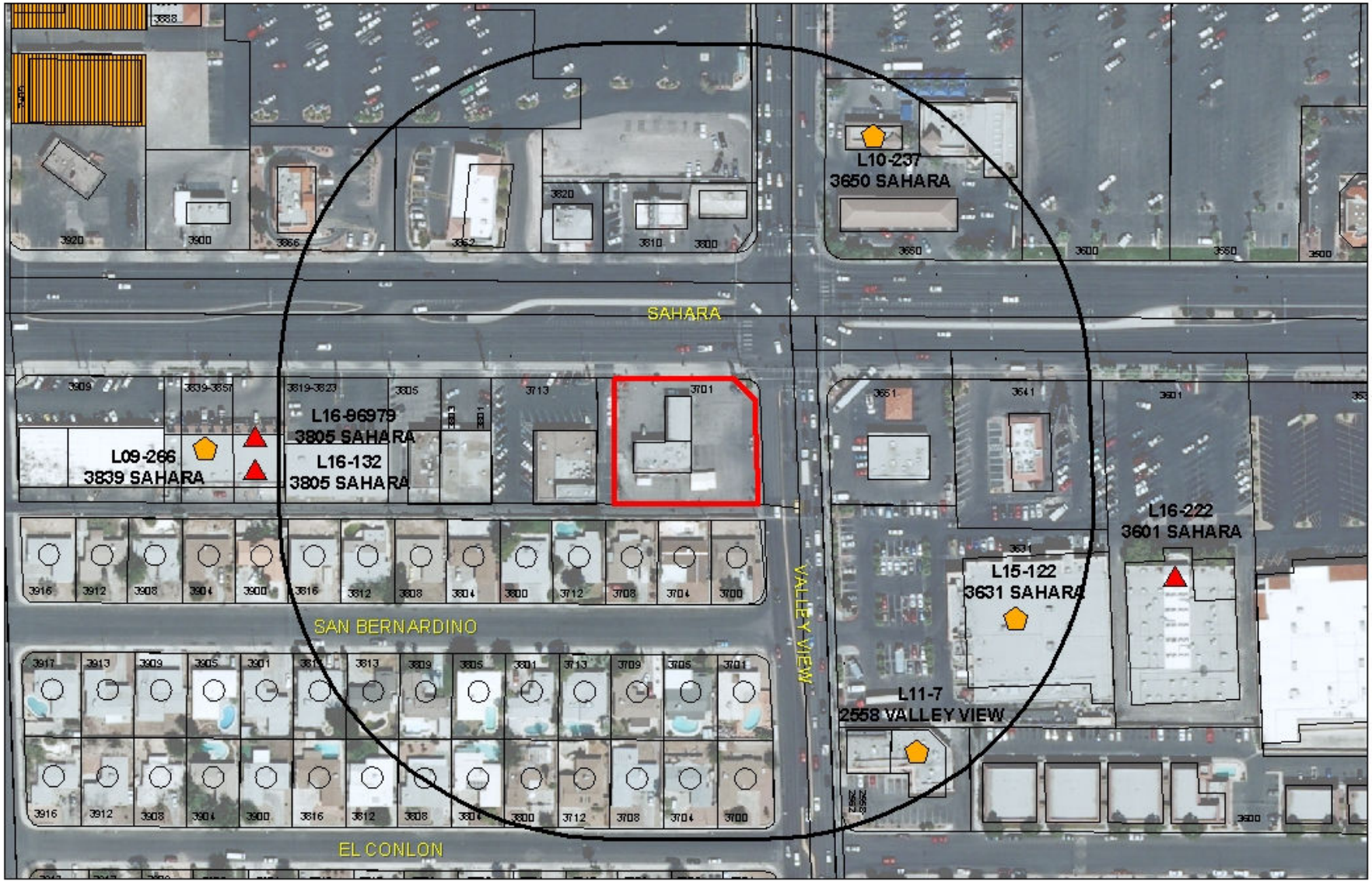
N



CASE: **SUP-34006**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)



SUP-34006

Business Licenses

- Child Care/ Children Facility
- Supper Club/ Restaurant Service Bar
- Tavern
- Liquor on/off Sales
- RELIGIOUS
- CITY PARKS
- SCHOOLS
- Subject Property
- 400 foot buffer

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - SUP-34006 - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 2, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

** CONDITIONS **

The Planning Commission (7-0 vote) and staff recommend DENIAL.

Planning and Development

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for a Beer/Wine/Cooler Off-Sale use, including parking requirements.

2. Approval of and conformance to the conditions for Variance (VAR-34008) and Site Development Plan Review (SDR-34010), if approved.

3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

4. Approval of this Special Use Permit does not constitute approval of a liquor license.

5. All beer and wine coolers shall remain in their original manufacturer's configuration of four or six-packs.

6. The sale of single beers, malt beverages, or wine coolers of any size with alcohol by volume greater than 6% shall be prohibited. The sale of wines with an alcohol by volume of greater than 16% shall be prohibited.

7. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request to allow a Beer/Wine/Cooler Off-Sale Establishment at the southwest corner of Sahara Avenue and Valley View Boulevard. The proposed Beer/Wine/Cooler Off-Sale Establishment cannot be supported on the subject site, as the use cannot function without the approval of the Site Development Plan Review and Variance, which is too intense for the subject site as evidenced by the number of deviations from Title 19 requirements; therefore staff is recommending denial of the application.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
03/11/65	The Planning Commission approved a Rezoning (Z-0018-65) from R-3 (Medium Density Residential) to C-1 (Limited Commercial) and a Plot Plan Review [Z-0018-65(1) for a proposed Convenience Store with fuel pumps on 0.58 acres at the southwest corner of Sahara Avenue and Valley View Boulevard.
06/03/97	The Board of Zoning Adjustment approved a Variance (V-0047-97) to allow an existing 65-foot tall non-conforming pole sign two feet from the front property line where five feet is the minimum required setback in a C-1 (Limited Commercial) district.
12/18/03	The Planning Commission approved a Site Development Plan Review (SDR-3321) for a 2,400 square-foot expansion of an existing Convenience Store with a Waiver of the perimeter and parking lot landscaping at 3701 W. Sahara Avenue. Staff recommended approval of the request.
08/03/07	A deed was recorded for a change of ownership at 3701 W. Sahara Avenue.
05/19/08	A Code Enforcement complaint (#65746) was processed for a structure built without permits at 3701 W. Sahara Avenue. The issue was closed by Code Enforcement on 09/17/08.

08/21/08	A Code Enforcement complaint (#68941) was processed for a repair shop using paint and chemicals at 3701 W. Sahara Avenue. The issue was closed by Code Enforcement on 08/22/08.
06/11/09	The Planning Commission recommended denial of companion item VAR-34008 and SDR-34010 concurrently with this application. The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #22/bts).
Related Building Permits/Business Licenses	
1966	The County Assessor's Office indicates a construction date of 1966 for the building located at 3701 W. Sahara Avenue.
10/30/97	A Building Permit (#97022032) was issued to re-locate an existing pole sign at 3701 W. Sahara Avenue. The permit was finaled on 12/06/97.
10/08/07	A Business License (#C05-01515) was issued for a tobacco dealer at 3701 W. Sahara Avenue. The license was marked out of business on 03/05/09.
10/08/07	A Business License (#G02-00779) was issued for a garage – minor auto repair at 3701 W. Sahara Avenue. The license was marked out of business on 03/05/09.
02/14/08	A Business License (#R05-00573) was issued for a restaurant, take-out only at 3701 W. Sahara Avenue. The license is currently active.
04/10/08	A Business License (#C05-02600) was issued for a tobacco dealer at 3701 W. Sahara Avenue. The license was marked out of business on 03/05/09.
04/10/08	A Business License (#C15-00361) was issued for a convenience store at 3701 W. Sahara Avenue. The license was marked out of business on 03/05/09.
07/30/08	A Business License (#C05-02627) was issued for a tobacco dealer at 3701 W. Sahara Avenue. The license was marked out of business on 03/06/09.
07/30/08	A Business License (#S05-01046) was issued for a service station at 3701 W. Sahara Avenue. The license was marked out of business on 03/06/09.
07/30/08	A Business License (#C05-00366) was issued for a convenience store at 3701 W. Sahara Avenue. The license was marked out of business on 03/06/09.
08/06/08	A Business License (#A45-00533) was issued for auto detailing at 3701 W. Sahara Avenue. The license is currently active.
08/11/08	A Business License (#G02-00823) was issued for a garage – minor auto repair at 3701 W. Sahara Avenue. The license is currently active.
Pre-Application Meeting	
03/06/09	Staff met with the applicant and reviewed the requirements for a Site Development Plan Review, Variance and Special Use permit applications. • Waivers and exceptions of perimeter landscaping and building placement and orientation standards were also discussed. • Existing business licenses and building permits • Intended use and residential adjacency requirements
Neighborhood Meeting	
A neighborhood meeting is not required for this application nor was one held.	

Field Check	
04/09/09	A field check was completed on the indicated date. An existing Auto Repair Garage, Minor with fuel pumps at 3701 W. Sahara Avenue was noted.

Details of Application Request	
Site Area	
Net Acres	0.58 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
North	Retail	SC (Service Commercial)	C-1 (Limited Commercial)
South	Single-Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)
East	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
West	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan		X	
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O Airport Overlay District (200-foot)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
	Gross Floor Area or Number of Units	***Required***			***Provided***		***Compliance***
			Parking		*Parking*		
Use		***Parking Ratio***	Regular	Handi-capped	Regular	Handi-capped	
Convenience Store	3,018 SF	1 space per 250 square feet of gfa	12	1	12	1	Y
TOTAL			13		13		Y
Loading Spaces			1		1		Y

ANALYSIS

This is a request for a proposed Special Use Permit for Beer/Wine/Cooler Off-Sale Establishment use within a proposed 3,018 square-foot Convenience Store with associated fuel pumps at the southwest corner of Sahara Avenue and Valley View Boulevard. The applicant indicates that they would like to see beer and wine as an additional item within their proposed Convenience Store.

The proposed Beer/Wine/Cooler Off-Sale Establishment requires the approval of a Special Use Permit within a C-1 (Limited Commercial) zoning district. No Waivers are needed as a part of this request. The proposed Beer/Wine/Cooler Off-Sale Establishment use is not appropriate at this location as staff cannot support the subject Site Development Plan Review (SDR-34010) and related Variance (VAR-34008).

- **Use**

  A Beer/Wine/Cooler Off-Sale Establishment is defined by Title 19 as an establishment whose license to sell alcoholic beverages is limited to the sale of beer, wine or coolers to consumers only and not for resale, in original sealed or corked containers, for the consumption off the premises where the same are sold, and is operated in connection with a grocery store, convenience store, or specialty merchandise store. Beer/Wine/Cooler Off-Sale cannot be located within 400 feet of any church, synagogue, school, childcare facility licensed for more than 12 children or City Park. The subject location does not has any of the aforementioned protected uses within the required 400-foot distance separation.

- **Minimum Special Use Requirements**

1. Except as otherwise provided, no Beer/Wine/Cooler Off-Sale Establishment (hereinafter "establishment") shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City Park.

2. Except as otherwise provided in Requirement 3 below, the distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term "property line" refers to property lines of fee interest parcels and does not include the property line of:
    a. Any leasehold parcel; or

    b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Requirement 1.

3. In the case of an establishment proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:

    a. From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or

    b. In the case of a proposed establishment which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles.

4. When considering a Special Use Permit application for an establishment which also requires a waiver of the distance limitation in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.

5. The minimum distance requirements in Requirement 1 do not apply to:

    a. An establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992; or

    b. A proposed establishment having more than 50,000 square feet of retail floor space.

6. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

7. The minimum distance requirement set forth in Requirement 1, which are otherwise non-waivable under the provisions of Section 19.04.050(A)(4), may be waived:

    a. In accordance with the provisions of Section 19.040.050(A)(4) for any establishment which is proposed to be located on a parcel within the Downtown Casino Overlay District;

    b. In accordance with the applicable provisions of the "Town Center Development Standards Manual" for any establishment which is proposed to be located within the T-C (Town Center) zoning district and which is designated MS-TC (Main Street Mixed Use) in the Town Center Land Use Plan;

    c. In connection with a proposed establishment having between 20,000 square feet and 50,000 square feet of retail floor space, if no more than 10 percent of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages; or

    d. In connection with a retail establishment having less than 20,000 square feet of retail floor space, if the area to be used for the sale, display, or merchandising or alcoholic beverages and each use to be protected are separated by a highway or a right-of-way with a width of a least 100 feet.

The proposed use meets the minimum requirements of a Beer/Wine/Cooler Off-Sale Establishment use, but the related Site Development Plan Review (SDR-34010) and Variance (VAR-34008) are not appropriate and are too intense for the subject site. Therefore, staff is recommending denial of the proposed Beer/Wine/Cooler Off-Sale Establishment, as the use cannot function without the approval of the Site Development Plan Review and Variance.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

   The proposed Convenience Store use is not compatible or harmonious with adjacent protected residential properties to the south.

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

   The subject site is physically suitable for the type of land use proposed, however it is not suitable for the intensity of the intended Convenience Store thereby making the proposed ancillary Beer/Wine/Cooler Off-Sale use unsuitable as well.

3. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use."**

   Adequate site access is provided from both Sahara Avenue and Valley View Boulevard. Sahara Avenue is indicated as a 100-foot Primary Arterial and Valley View Boulevard is indicated as an 80-foot Secondary Collector. Both are designated by the Master Plan of Streets and Highways.

4. **"Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan."**

   The subject establishment is subject to State of Nevada and City of Las Vegas inspections and would not compromise public health or safety.

5. **The use meets all of the applicable conditions per Title 19.04.**

   The subject site complies with all applicable conditions pursuant to Title 19.04.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

ASSEMBLY DISTRICT 8

SENATE DISTRICT 11

NOTICES MAILED 871 by City Clerk

APPROVALS 0

PROTESTS 10

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-34006 APN: 162-07-512-010

Name of Property Owner: Pham Capital, LLC

Name of Applicant: American West Petroleum.

Name of Representative: Ken Ballard

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: THANH T PHAM

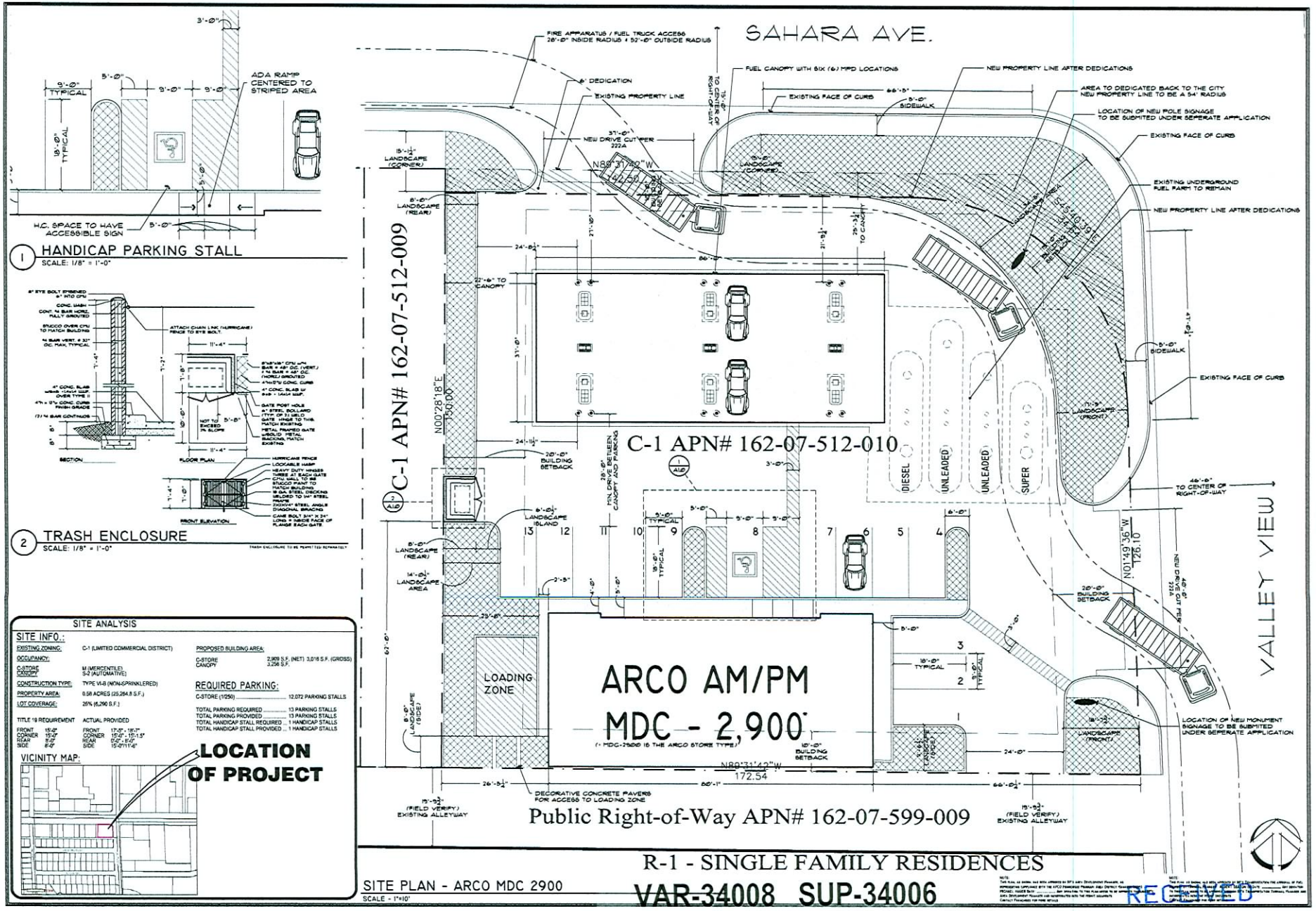
Subscribed and sworn before me

This 1 day of April, 2009

_____

Notary Public in and for said County and State

JENNIFER E. LEHR
Notary Public State of Nevada
No. 02-73181-1
My appt. exp. Feb. 1, 2010



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PRELIMINARY NOT FOR CONSTRUCTION

SITE PLAN
ARCO NT1
SAHARA & VALLEY VIEW

OWNER'S NAME
CITY OF LAS VEGAS

PROJECT NAME:
CLIENT:

PROJECT NO.	DATE
2985-ARC_ENT	2.27.09
DRAWN BY: KAB	CHECKED BY: KAB

NO.	DATE	DESCRIPTION
1	4.9.08	STAFF COMMENT

DRAWING NO.: A1.0

INITIAL PROJECT PACKAGE SUBMITTAL

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VAR-34008 SUP-34006

SDR-34010 05/14/09 PC

REVISED

APR 09 2009

PLANT SCHEDULE

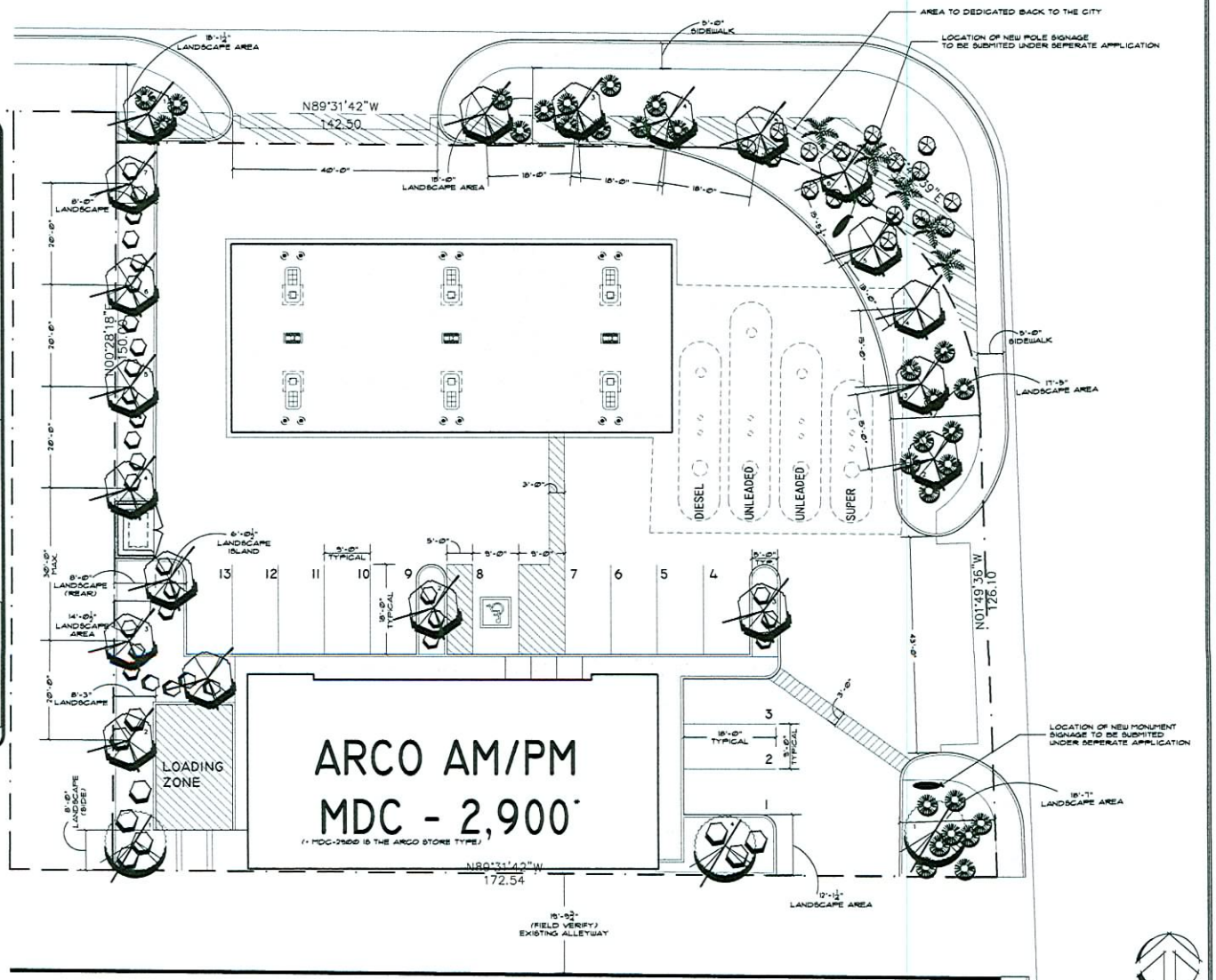
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY
TREES				
	ULMUS PARVIFOLIA	EVERGREEN ELM	24"	3
	PROSOPIS CHILENSIS	CHILEAN MESQUITE	24"	20
	SABAL PALM	SMART PALM PALMETTO	24"	5
SHRUBS				
	PITTOSPORUM TOBIRA	JAPANESE MOCK ORANGE	5 GAL	30
	CYCAS REVOLUTA	SAGO PALM	5 GAL	40
	SALVIA GREGGII 'CHERRY RED'	AUTUMN SAGE	5 GAL	17

GENERAL NOTES:

1. CONTRACTOR IS RESPONSIBLE TO VERIFY ALL PLANT QUANTITIES. THE PLANT LIST IS INTENDED AS A REFERENCE ONLY.
2. LANDSCAPE ARCHITECT IS TO APPROVE ALL PLANT MATERIAL PRIOR TO INSTALLATION WITH PRIOR NOTICE OF 48 HOURS.
3. PLANT MATERIAL IG TO HAVE IDENTIFICATION TAGS ON 10% OF TOTAL QUANTITY OF EACH SPECIES SHOWING GENUS, SPECIES AND VARIETY, ETC.
4. PROVIDE MATCHING SIZES AND FORMS OF LIKE SHRUB SPECIES AS SHOWN ON DRAWINGS.
5. DECOMPOSED GRANITE 1/2" MINUS, COLOR PER CONSTRUCTION DOCUMENTS, 2" DEPTH TYPICAL IN ALL PLANTING BEDS. DECOMPOSED GRANITE TO CONTAIN 40% FINES AND 60% AGGREGATE. CONTRACTOR TO RECEIVE VERIFICATION OF THIS FROM THE SUPPLIER AND PRESENT VERIFICATION TO THE OWNER PRIOR TO ANY INSTALLATION.
6. ALL UTILITY BOXES EXCEEDING 27 CUBIC FEET IN SIZE SHALL MEET THE STANDARDS OF LVMC TITLE 19.2.040
7. THIS LANDSCAPE PLAN, AS SUBMITTED, IS ONLY TO SHOW INTENT OF COMPLYING WITH THE STANDARDS OF LVMC 19.12. A TECHNICAL LANDSCAP PLAN WILL BE SEALED BY A LISCENSED ARCHITECT/LANDSCAPE ARCHITECT AT THE TIME AN APPLICATION IS MADE FOR A BUILDING PERMIT.

TITLE 19.12 LANDSCAPE AND OPEN SPACE STANDARDS

	STANDARD	REQUIRED **	PROVIDED	COMPLIANCE
PARKING AREA	1 TREE / 6 SPACES	4 TREES	4 TREES	YES
BUFFER: MIN. TREES				
(FRONT: EAST PROPERTY LINE) - 94.42' *	1 TREE / 20 LINEAR FEET	5 TREES	6 TREES	YES
(SIDE: SOUTH PROPERTY LINE) - 168.76' *	1 TREE / 20 LINEAR FEET	9 TREES	9 TREES	NO *** *
(CORNER: NORTH PROPERTY LINE) - 119.62' *	1 TREE / 20 LINEAR FEET	6 TREES	7 TREES	YES
(REAR: WEST PROPERTY LINE) - 150.0' *	1 TREE / 30 LINEAR FEET	5 TREES	7 TREES	YES
TOTAL		25 TREES	29 TREES	NO ***
MIN. ZONE WIDTH				
(FRONT: EAST PROPERTY LINE)		15 FEET	12.42 FEET	YES
(SIDE: SOUTH PROPERTY LINE)		8 FEET	0 FEET	NO *** *
(CORNER: NORTH PROPERTY LINE)		15 FEET	15 FEET	YES
(REAR: WEST PROPERTY LINE)		8 FEET	8 FEET	YES **



LANDSCAPE PLAN - ARCO MDC 2900
SCALE - 1"=10'

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SDR-34010 05/14/09 PC
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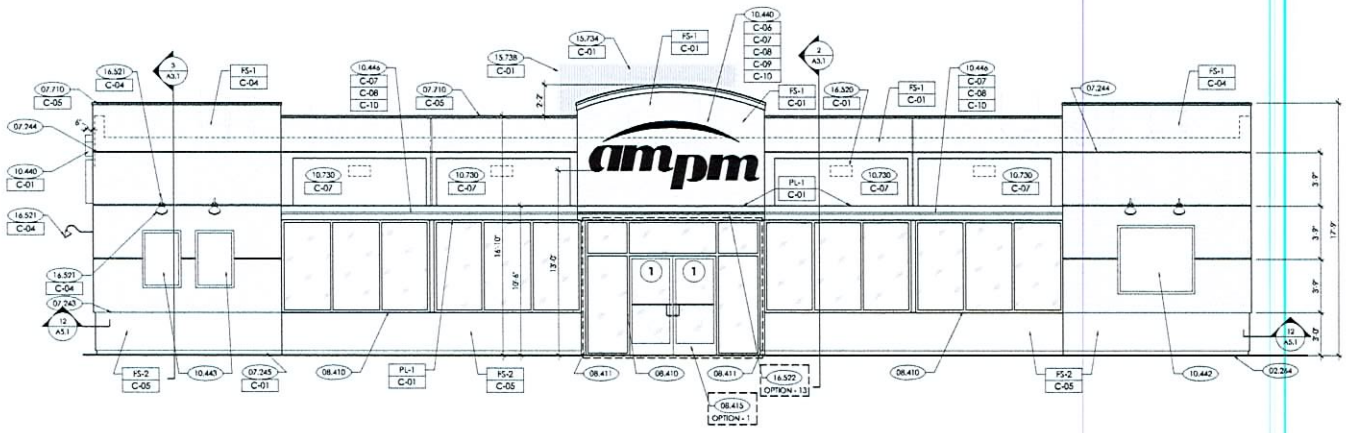
PROJECT NAME: LANDSCAPE PLAN
ARCO NTI
SAHARA & VALLEY VIEW
CLIENT: OWNER'S NAME
CITY OF LAS VEGAS

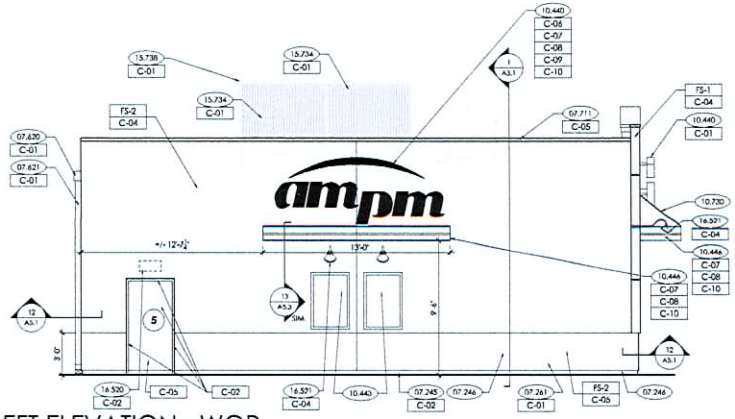
WORK NO.	DATE
2903-ARC_ENT	2.27.09
DRAWN BY: KAR	CHECKED BY: KAR

No.	DATE	DESCRIPTION
1	4.9.09	STAFF COMMENTS

DRAWING NO.: LI.0



1 FRONT ELEVATION - WOR
1/4"=1'-0"



2 LEFT ELEVATION - WOR
1/4"=1'-0"

GENERAL NOTES:

A. REVEAL LOCATIONS IN FINISH SYSTEM SHOWN ARE TO ALIGN AS CLOSELY AS POSSIBLE.
B. DIMENSIONS ARE TO THE CENTERLINE OF REVEALS.

KEYED NOTES:

02.264 GRADE. REFER TO CIVIL PLAN
07.243 TERMINATION REFER TO DETAIL **13/A5.1**
07.244 1" REVEAL IN FINISH REFER DETAIL **10/A5.1**
07.245 4" BREAK METAL BASE. SEE DETAIL **11/A5.1**
07.246 CONTROL JOINT IN FINISH SYSTEM, MAXIMUM 20'-0" O.C.
07.460 ACM PANEL
07.533 APPROXIMATE ROOF LINE
07.620 6" PRE-FINISHED 22 GA. METAL GUTTER. REFER TO DETAIL **6/A5.1**
07.621 3"x5" 22 GA. GALVANIZED PREFINISHED METAL DOWNSPOUT
07.710 SHOP FORMED PREFINISHED METAL COPING, REFER TO DETAIL **1/A5.1**
07.711 SHOP FORMED PREFINISHED METAL COPING CAP. REFER TO **2/A5.1**
08.410 ALUMINUM ENTRANCE AND STOREFRONT SYSTEM. REFER TO **A5.3** & SPEC.
08.411 ALUMINUM CLADDING (OMIT @ SIM.)
08.413 OPTION 1 - AUTOMATIC BI-PARTING ENTRANCE DOORS. REFER TO DETAIL **1/A5.4**
10.440 INTERNALLY ILLUMINATED SIGN BY SIGNAGE CONTRACTOR
10.442 64"Wx54"H POP POSTER, BY SIGNAGE CONTRACTOR
10.443 32"Wx48"H POP POSTER, BY SIGNAGE CONTRACTOR
10.446 VINYL DECAL APPLIED TO ACM PANEL
10.730 ALUMINUM FRAME FABRIC AWNING - SUNBRELLA ORANGE - 4609-0000, REFER TO SHEET **4/A3.2**
15.734 ROOF MECHANICAL UNITS
15.737 3' H. MECHANICAL SCREEN AT REAR OF BUILDING SEE DETAIL **9/A5.2**
15.738 6' H. MECHANICAL SCREEN AT RTU SEE DETAIL 9/A5.2
16.520 EXTERIOR LIGHT. REFER TO LIGHTING PLAN SHEET E1.3
16.521 GOOSENECK LIGHTING FIXTURE
16.522 OPTION 13 - LED LIGHT TUBE, SURFACE MOUNTED TO FACE OF ACM PANEL

EXTERIOR FINISHES:

PL-1	ALUMINUM ACM PANEL
FS-1	EXTERIOR INSULATION AND FINISH SYSTEM PROVIDE CONTROL JOINTS AS SHOWN
FS-2	DIRECT APPLIED FINISH SYSTEM

EXTERIOR PAINTS:

C-01	COLOR: BP PEARL - RAL 1013 ICI #AD083 "INDIAN LEGEND"
C-02	COLOR: BP DARK PEARL ICI #A0767, "DESERT VALLEY"
C-04	COLOR: ampm TAN ICI #A0717, "INDIAN CORN"
C-05	COLOR: ampm DARK TAN ICI #A1761, "ONIONSKIN TAN"
C-06	COLOR: ampm YELLOW PMS 116C
C-07	COLOR: SUNBRELLA ORANGE #4609-0000
C-08	COLOR: ampm RED PMS 032C
C-09	COLOR: ampm PURPLE PANTONE PURPLE
C-10	COLOR: ampm BLUE PMS 072C
C-11	COLOR: BP HIGH HIDING WHITE ICI BP HIGH HIDING WHITE (CUSTOM)
C-12	COLOR: ARCO BLUE PMS 298
C-13	COLOR: ARCO LIGHT BLUE PMS 2935
C-14	COLOR: OMEGA YELLOW ICI #A0775

VAR-34008 SUP-34006
SDR-34010 05/14/09 PC

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MAR 31 2009

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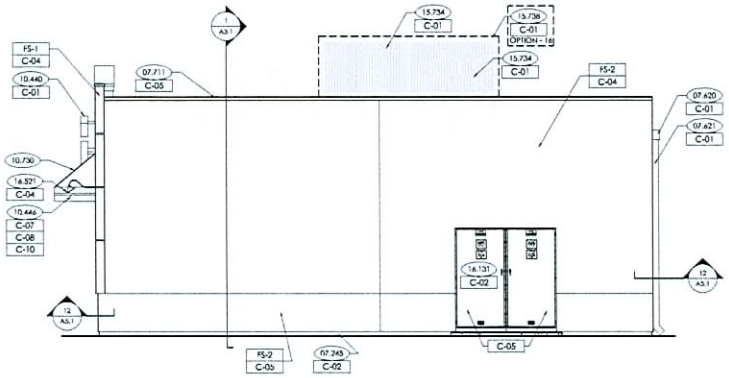
PROJECT TITLE:
FRONT & LEFT ELEVATIONS
ARCO NTI
SAHARA & VALLEY VIEW
CLIENT
OWNER'S NAME
CITY OF LAS VEGAS

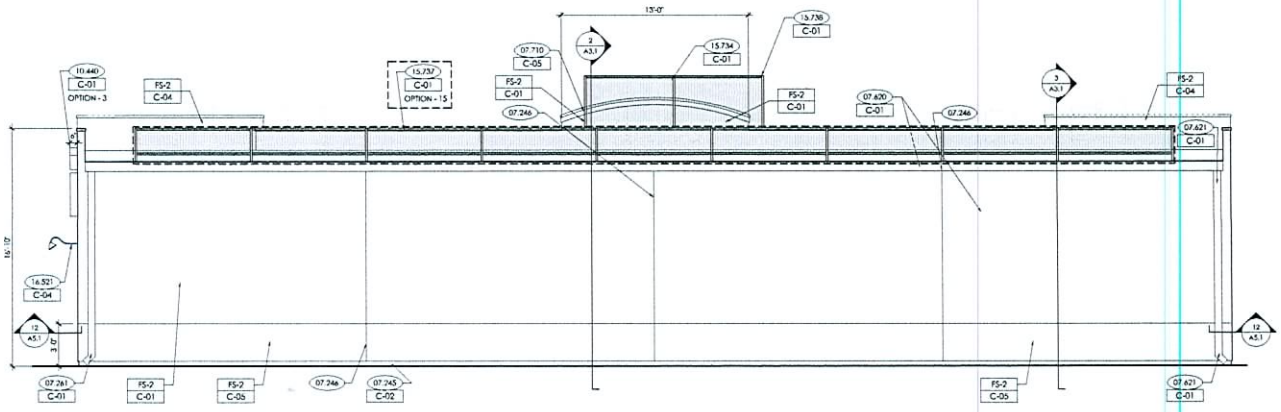
PROJECT NO.: 2905-ARC_PAT
DATE: 2.27.09
DRAWN BY: KAR
CHECKED BY: KAR

NO.	DATE	DESCRIPTION

DRAWING NO.:
A2.1
ENTITLEMENT PACKAGE SUBMITTAL



1 RIGHT ELEVATION - WOR
1/4"=1'-0"



2 REAR ELEVATION - WOR
1/4"=1'-0"

GENERAL NOTES:

A. REVEAL LOCATIONS IN FINISH SYSTEM SHOWN ARE TO ALIGN AS CLOSELY AS POSSIBLE.
B. DIMENSIONS ARE TO THE CENTERLINE OF REVEALS.

KEYED NOTES:

02.264 GRADE, REFER TO CIVIL PLAN
03.480 STEEL BOLLARD, REFER TO DETAIL **1/S2.1**
07.243 TERMINATION REFER TO DETAIL **13/A5.1**
07.244 1" REVEAL IN FINISH REFER DETAIL **10/A5.1**
07.245 4" BREAK METAL BASE, SEE DETAIL **11/A5.1**
07.246 CONTROL JOINT IN FINISH SYSTEM, MAXIMUM 20'-0" O.C.
07.460 ACM PANEL
07.533 APPROXIMATE ROOF LINE
07.620 6" PRE-FINISHED 22 GA. METAL GUTTER, REFER TO DETAIL **6/A5.1**
07.621 3"x5" 22 GA. GALVANIZED PREFINISHED METAL DOWNSPOUT
07.710 SHOP FORMED PREFINISHED METAL COPING, REFER TO DETAIL **1/A5.1**
07.711 SHOP FORMED PREFINISHED METAL COPING CAP, REFER TO **2/A5.1**
08.415 OPTION 1 - AUTOMATIC BI-PARTING ENTRANCE DOORS, REFER TO DITAIL **1/A5.4**
10.440 INTERNALLY ILLUMINATED SIGN BY SIGNAGE CONTRACTOR
10.443 32"Wx48"H POP POSTER, BY SIGNAGE CONTRACTOR
10.446 VINYL DECAL APPLIED TO ACM PANEL
15.734 ROOF MECHANICAL UNITS
15.737 3' H. MECHANICAL SCREEN AT REAR OF BUILDING SEE DETAIL **9/A5.2**
15.738 6' H. MECHANICAL SCREEN AT RTU SEE DETAIL **9/A5.2**
16.131 ELECTRICAL CABINETS, REFER TO SHEET **E1.2**
16.520 EXTERIOR LIGHT, REFER TO LIGHTING PLAN SHEET **E1.3**
16.521 GOOSENECK LIGHTING FIXTURES

EXTERIOR FINISHES:

PL-1	ALUMINUM ACM PANEL
FS-1	EXTERIOR INSULATION AND FINISH SYSTEM PROVIDE CONTROL JOINTS AS SHOWN
FS-2	DIRECT APPLIED FINISH SYSTEM

EXTERIOR PAINTS:

C-01	COLOR: BP PEARL - RAL 1013 ICI #A0083 "INDIAN LEGEND"
C-02	COLOR: BP DARK PEARL ICI #A0767, "DESERT VALLEY"
C-04	COLOR: ampm TAN ICI #A0717, "INDIAN CORN"
C-05	COLOR: ampm DARK TAN ICI #A1761, "ONIONSKIN TAN"
C-06	COLOR: ampm YELLOW PMS 116C
C-07	COLOR: SUNBRELLA ORANGE #4609-0000
C-08	COLOR: ampm RED PMS 032C
C-09	COLOR: ampm PURPLE PANTONE PURPLE
C-10	COLOR: ampm BLUE PMS 072C
C-11	COLOR: BP HIGH HIDING WHITE ICI BP HIGH HIDING WHITE (CUSTOM)
C-12	COLOR: ARCO BLUE PMS 288
C-13	COLOR: ARCO LIGHT BLUE PMS 2935
C-14	COLOR: OMEGA YELLOW ICI #A0775

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REAR & RIGHT ELEVATIONS
ARCO NTI
SAHARA & VALLEY VIEW

OWNER'S NAME
CITY OF LAS VEGAS

PROJECT NAME
CLIENT

PROJECT NO.: PMS-ARC_PNT
DATE: 2.27.09
DRAWN BY: KAR
CHECKED BY: KAR

NO	DATE	DESCRIPTION

DRAWING NO.: A2.2
ENTITLEMENT PACKAGE SUBMITTAL

VAR-34008 SUP-34006
SDR-34010 05/14/09 PC

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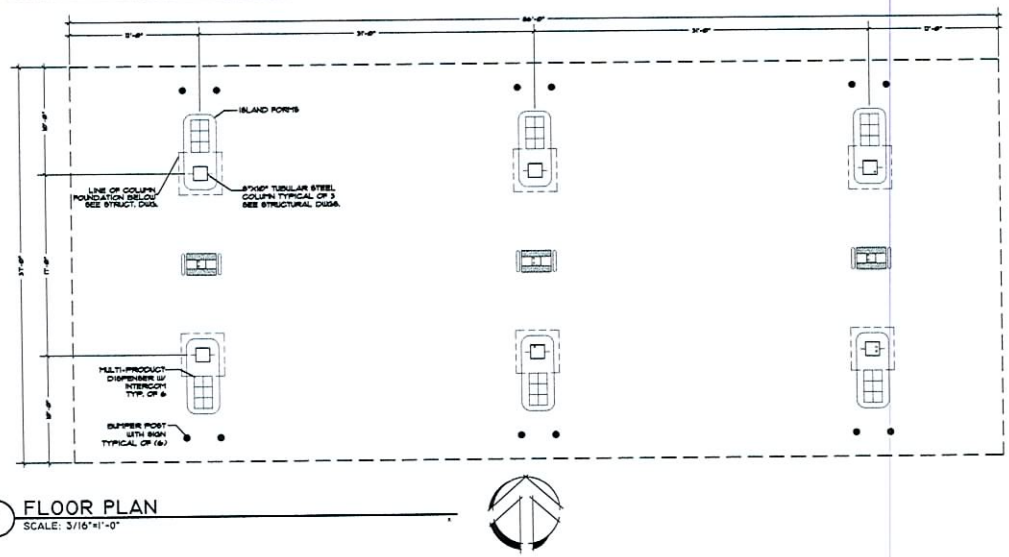
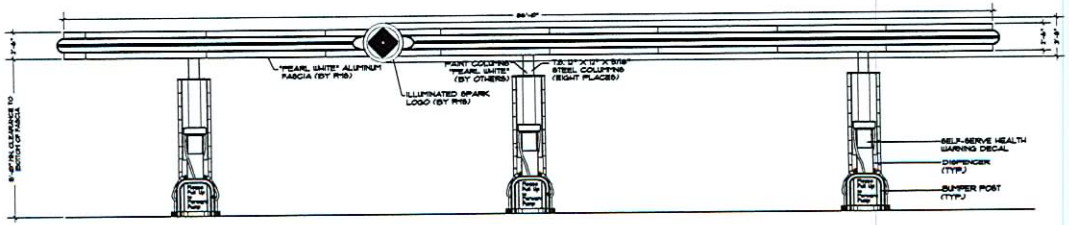
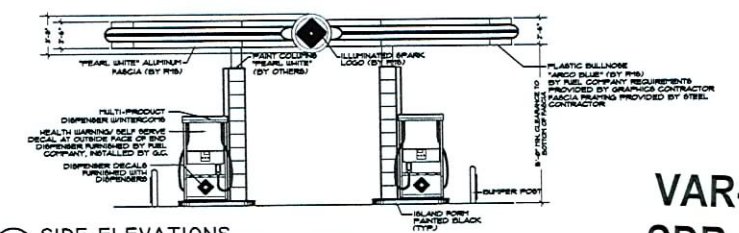


1 FLOOR PLAN
SCALE: 3/16"=1'-0"



2 FRONT/REAR ELEVATION
SCALE: 3/16"=1'-0"



3 SIDE ELEVATIONS
SCALE: 3/16"=1'-0"

VAR-34008 SUP-34006
SDR-34010 05/14/09 PC

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MAR 31 2009

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A Professional Corporation

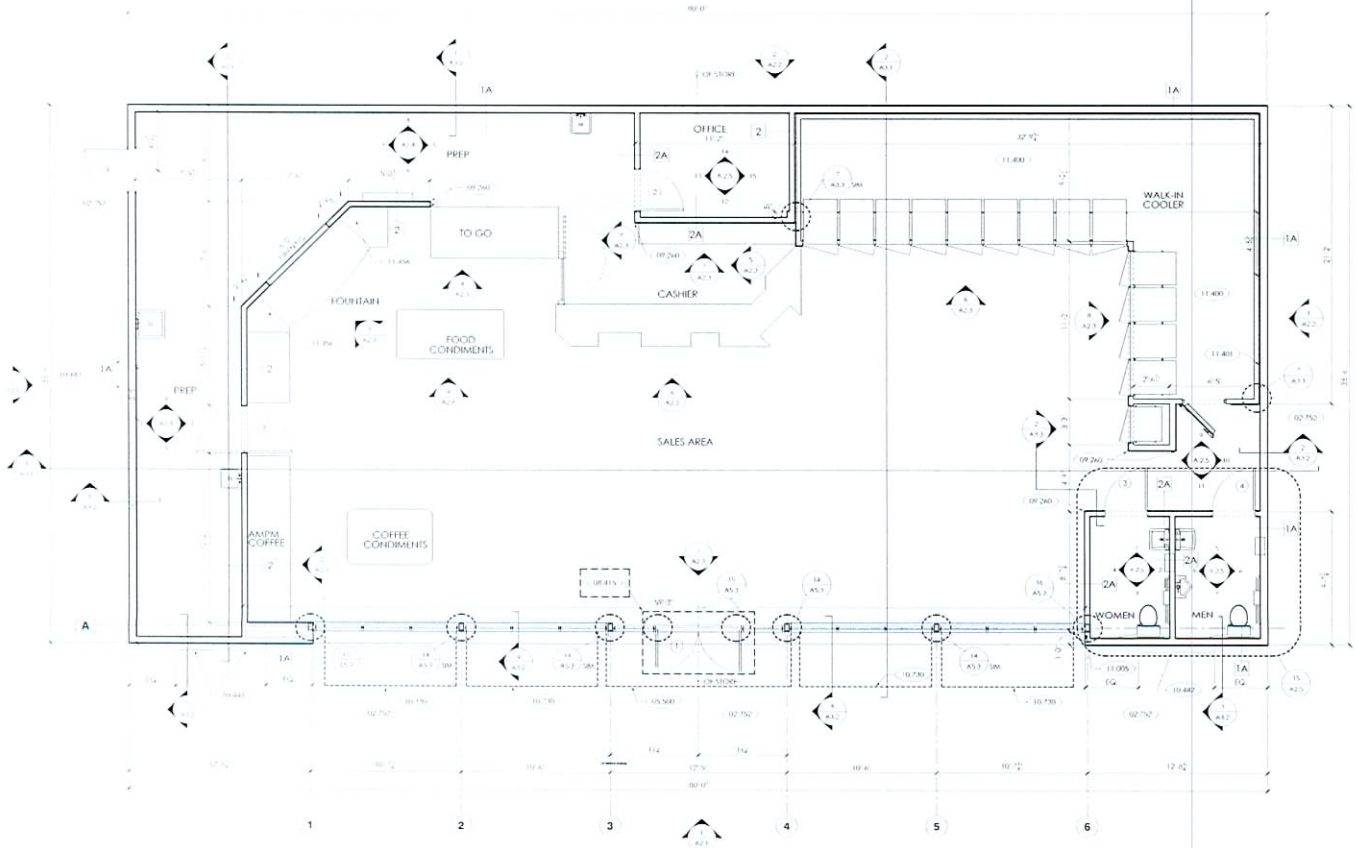
PRELIMINARY
NOT FOR CONSTRUCTION

PROJECT NAME: CANOPY FLOOR PLAN AND ELEVATIONS
ARCO NTI
SAHARA & VALLEY VIEW

CLIENT: OWNER'S NAME
CITY OF LAS VEGAS

PROJECT NO. 2005-ARC_ENT
DATE 2.27.09
DRAWN BY KAR
CHECKED BY KAR
NO. DATE DESCRIPTION

DRAWING NO.: CAI.0



1 CONSTRUCTION FLOOR PLAN
1/4"=1'-0"

GENERAL NOTES:

A. DIMENSION LINES ARE FROM FACE OF FRAMING OR FOUNDATION UNLESS NOTED OTHERWISE
B. FACE OF FRAMING ON EXTERIOR WALL IS SAME AS OUTSIDE FACE OF FOUNDATION WALL.
C. METAL STUDS MAY BE USED IN PLACE OF WOOD STUDS. PLAN DIMENSIONS ARE BASED ON WOOD STUDS.
D. MOISTURE RESISTANT GYPSUM TO BE USED IN TOILET ROOMS, BEHIND MOP SINK, AND ADJACENT TO COOLERS. FOR SPECIFIC SUBSTRATE REQUIREMENTS, REFER TO INTERIOR ELEVATIONS.
E. PROVIDE BLOCKING AS REQ'D FOR ALL EQUIPMENT AND ACCESSORIES.
F. PROVIDE CLEAR SILICONE SEALANT FOR ALL WALL TRANSITIONS.
G. REFER TO DETAILS **3 & 4/A3.3** FOR ATTACHMENT OF ALL WALLS TO STRUCTURE ABOVE.
H. FOR FLOORING LAYOUT REFER TO SHEET **A1.2**
I. FOR CEILING LAYOUT REFER TO SHEET **A1.3**
J. FOR FINISH MATERIAL REFER TO INTERIOR ELEVATIONS SHEETS **A2.3**, **A2.4** AND **A2.5**
K. FOR INTERIOR GRAPHIC ELEVATIONS REFER TO SHEET **A2.6**
L. FOR DOOR AND WINDOW DETAILS REFER TO SHEET **A5.3**
M. FOR EQUIPMENT PLAN REFER TO SHEET **Q1.1**
N. FOR EQUIPMENT SCHEDULE REFER TO SHEET **Q2.1**
O. ALL MATERIALS AND APPLICATION TO MEET OR EXCEED LOCAL OR STATE REQUIREMENTS
P. FOR DOOR SCHEDULE & ELEVATIONS REFER TO SHEET **A5.3**

KEYED NOTES:

02.752 SLOPE SIDEWALK AWAY FROM DOOR/BUILDING 2' FOOT
03.480 STEEL BOLLARD, REFER TO DETAIL **1/S2.1**
05.500 CANOPY ABOVE
03.410 ALUMINUM ENTRANCE AND STOREFRONT SYSTEM, REFER TO **A5.3** & SPEC.
08.415 OPTION 1 - AUTOMATIC REPARTING ENTRANCE DOORS
09.260 CLEAR PLASTIC CORNER GUARDS
10.442 44"Wx54"H POP POSTER, BY SIGNAGE CONTRACTOR
10.443 32"Wx48"H POP POSTER, BY SIGNAGE CONTRACTOR
10.730 ALUMINUM FRAME FABRIC AWNING - SUNBRELLA ORANGE - 4609 0000 REFER TO SHEET **4/A3.2**
11.005 RECESSED FNOX BOX, INSTALL PER MANUFACTURERS SPECIFICATIONS
11.400 FOR COOLER AND FREEZER INFORMATION AND DIMENSIONS REFER TO SHEET **Q1.2**
11.401 MAINTAIN MINIMUM 1" AIR GAP BEHIND COOLERS AND FREEZERS ADJACENT TO WALLS. CLOSE SPACE AT ENDS WITH 2"x2" ALUMINUM ANGLE.
11.456 PROVIDE FILLER COUNTER AND MILLWORK TOP GAP WITH FINISHES TO MATCH

WALL LEGEND

	WOOD FRAMED WALL
1A	2x6 STUDS = 16" O.C. W/ THERMAL INSULATION
2	2x4 STUDS = 16" O.C.
2A	2x4 STUDS = 16" O.C. W/ SOUND BATT INSULATION
	INSULATED WALL
	PREFABRICATED COOLER UNIT

SUZANA RUTAR, Architect Ltd.,
Architectural Design & Planning
1950 E. Warm Springs Road
Las Vegas, Nevada 89119
Telephone (702) 263-6176
Fax (702) 361-2582
A Professional Corporation

PRELIMINARY
NOT FOR CONSTRUCTION

CONSTRUCTION FLOOR PLAN
ARCO NTI
SAHARA & VALLEY VIEW

OWNER'S NAME
CITY OF LAS VEGAS

A1.1

VAR-34008 SUP-34006
SDR-34010 05/14/09 PC

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SUP-34006 - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC
SOUTHWEST CORNER OF SAHARA AVENUE AND VALLEY VIEW BOULEVARD
JUNE 11, 2009 PLANNING COMMISSION

04/09/09



SUP-34006 - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC
SOUTHWEST CORNER OF SAHARA AVENUE AND VALLEY VIEW BOULEVARD
JUNE 11, 2009 PLANNING COMMISSION

04/09/09



SUP-34006 - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC
SOUTHWEST CORNER OF SAHARA AVENUE AND VALLEY VIEW BOULEVARD
JUNE 11, 2009 PLANNING COMMISSION

04/09/09



SUP-34006 - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC
SOUTHWEST CORNER OF SAHARA AVENUE AND VALLEY VIEW BOULEVARD
JUNE 11, 2009 PLANNING COMMISSION

04/09/09



SUP-34006 - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC
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JUNE 11, 2009 PLANNING COMMISSION

04/09/09



SUP-34006 - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC
SOUTHWEST CORNER OF SAHARA AVENUE AND VALLEY VIEW BOULEVARD
JUNE 11, 2009 PLANNING COMMISSION

04/09/09

SUZANA RUTAR, Architect Ltd.,
A Professional Corporation

RUTAR

April 9, 2009

City of Las Vegas
Planning & Development
Current Planning Department
731 South Fourth Street
Las Vegas, Nevada 89101

Re: Design Review
Justification Letter for (revised)
3701 Sahara (Sahara/Valley View)
APN # 162-07-512-010
SUP-34006, VAR-34008 & SDR-34010

To Whom It May Concern:

Suzana Rutar, Architect (SRA) is pleased to present this justification letter for the above referenced property. The above referenced property is zoned C-1 and has a General Plan designation of Service Commercial (SC). We are proposing to demolish the existing convenience store and fuel canopy and construct a convenience store (Arco AM/PM – gross floor area (gfa) is 3,018 S.F.), as well as a fuel canopy consisting of 6 MPD stations. The convenience store is the new MDC 2900 Arco Standard store that will be the first in the Las Vegas valley area, the fuel canopy, also an Arco Standard, will be 17'-6" in height and will have a clearance of 15'-0".

We respectfully request a waiver for the orientation of the building on the site. Per 19.08.050.D.2.e.i, *"Buildings on corner lots should be oriented to the corner and to the street fronts... unless the applicant can demonstrate by substantial and convincing evidence that to do so would be infeasible..."* We request that the Convenience Store and fuel canopy be oriented as shown on the site plan, as we feel that we have substantially demonstrated and convincingly shown that this site plan was developed utilizing the existing underground fuel farm. Multiple building orientations were considered with the re-use of the underground fuel farm prior to developing the site plan proposed; however, these did not allow for proper site circulation, parking, fire apparatus circulation, etc. The proposed development incorporates a design that re-uses the existing underground fuel farm as well as providing adequate site circulation, parking, fire apparatus circulation, etc. Orienting the building on the corner is neither feasible nor responsible to the location and existing infrastructure required to operate this facility.

We respectfully request a Variance to reduce the setback at the South side yard from 10'-0" to a 0'-0" setback. The property directly to the West appears to be part of the same sub-division with alley way access and parallel parking directly abutting the common West property line. The property directly to the South appears to be an existing alley way, Public Right-of-Way, between the subject site and the R-1 residential properties to the South of the alley way. An ALTA Survey completed in late March '09 indicates that the distance from the subject site's property line and the R-1 masonry wall on the South side of the alley way is 19'-9 ¾" (actual width of Public Right-of-Way is 20'-0"). After examining the site and the traffic flow requirements of the City of Las Vegas and Arco, SRA believes placing the store on the South property line, with a zero

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Phone: (702) 263-6176· Fax: (702) 361-2582
Email: ballardk@srutar.lvcoxmail.com

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SDR-34010 05/14/09 PC
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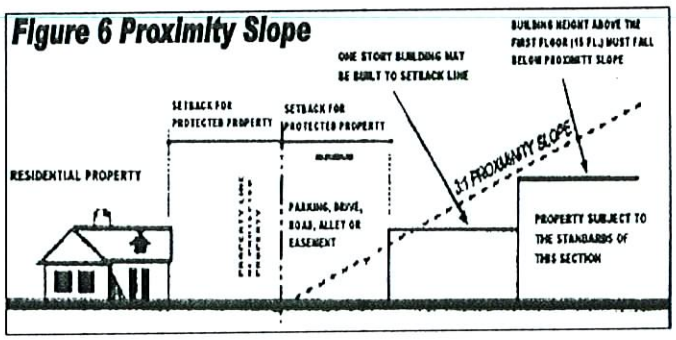
setback, is the only solution that enables our client to responsibly enhance and redevelop this corner.

We also would like to request a waiver for the reduction of the Residential Proximity Slope requirement of a 3:1 setback ratio, per the City of Las Vegas Title 19 Development Code Section 19.08.060.B.5. SRA believes that not only the intent of the 3:1 ratio (to ensure natural light to neighboring properties ('protected property') is not impeded) is being meet and the residential properties to the South are not being denied access to natural light. Also the 20'-0" Public Right-of-Way meets the intent of Figure 6 Proximity Slope per 19.08.060 (*"one story building may be built to setback line"* – proposed building is a one story building with a roof line/height at the rear of the building of 14'6"). Although the proposed building is on the property line (VAR-34008) the Public Right-of-Way is essentially providing twice the width of the *"setback line"*. Please see the attached Residential Proximity Slope Massing Exhibits indicating the sun pattern relevant to the development of this site and the surrounding properties.



The landscape design is per City of Las Vegas Title 19 Development Code Section 19.12, except where we are requesting a variance (VAR-34006) for the building setback at the South property line directly adjacent to an existing alley way. Because of this we are requesting an exception for the number of required trees to be reduced at the South property line buffer. SRA feel that the Parking Landscape design meets and exceeds the intent of Chapter 19.10.010.L.11, *"...at a ratio of one landscape island for every six parking spaces, ..."* The configuration of the required parking is not continuous but the intent of one landscape island for every six parking spaces is meet. Twelve parking spaces are required/provided and *"...at a ratio of one landscape island for every six parking spaces, ..."* the design provides two landscape islands parallel to the parking spaces, a ratio of 1:6 as required. We would also like to request a landscape waiver; *if required*, to reduce the landscape along the rear of the C-Store where we are requesting the Variance to reduce the setback. Please note that this site has an abundance of landscape coverage, so much that the provided landscape coverage exceeds, 3.5% more, what would be required if no waiver, *if required* would be requested. Please also note that additional trees are incorporated into the landscape design at the intersection.

TITLE 19.12 LANDSCAPE AND OPEN SPACE STANDARDS	STANDARD	REQUIRED **	PROVIDED	COMPLIANCE
PARKING AREA	1 TREE / 6 SPACES	4 TREES	4 TREES	YES
BUFFER: MIN. TREES				
(FRONT: EAST PROPERTY LINE) - 94.42' *	1 TREE / 20 LINERAR FEET	5 TREES	8 TREES	YES
(SIDE: SOUTH PROPERTY LINE) - 148.54' *	1 TREE / 30 LINERAR FEET	5 TREES	0 TREES	NO *** *
(CORNER: NORTH PROPERTY LINE) - 119.82' *	1 TREE / 20 LINERAR FEET	6 TREES	7 TREES	YES
(REAR: WEST PROPERTY LINE) - 150.0' *	1 TREE / 30 LINERAR FEET	5 TREES	7 TREES	YES
TOTAL		21 TREES	24 TREES	NO *** *
MIN. ZONE WIDTH				
(FRONT: EAST PROPERTY LINE)	15 FEET		17.42 FEET	YES
(SIDE: SOUTH PROPERTY LINE)	8 FEET		0 FEET	NO *** *
(CORNER: NORTH PROPERTY LINE)	15 FEET		15 FEET	YES
(REAR: WEST PROPERTY LINE)	8 FEET		8 FEET	YES **

* DENOTES LENGTH OF PROPERTY LINE
EAST - 123.10' + 14.32' - 43.00' = 94.42'
SOUTH - 172.54' - 24.00' = 148.54'
NORTH - 142.50' + 17.32 - 40.00' = 119.82'
WEST - 150.0' = 150.00'
CORNER - 34.64' (ADD HALF TO NORTH & EAST)
DRIVE CUT ON SAHARA - 40.0'
DRIVE CUT AT VALLEY VIEW - 43.0'
DRIVE PAN AT ALLEY WAY - 24.0'
** WITH THE 10.00' RIGHT HAND TURN LANE AND REDUCED PROPERTY LINES THE REQUIRED AMOUNT OF TREES WILL REMAIN UNCHANGED.
*** SIDE YARD TREE REQUIREMENT NOT MEET DUE TO BUILDING PLACEMENT AND VARIANCE REQUEST. ADDITIONAL TREES HAVE BEEN LOCATED ELSEWHERE ON THE SITE TO COMPENSATE FOR THE NUMBER OF TREES.
* MIN. REQUIRED LANDSCAPE WIDTH IS PROVIDED EXECPT WHERE BUILDING IS LOCATED.
** MIN. REQUIRED LANDSCAPE WIDTH IS PROVIDED EXCEPT WHERE TRASH ENCLOSURE IS PROVIDED.

1050 E. Warm Springs Road · Las Vegas, Nevada 89119
Phone: (702) 263-6176· Fax: (702) 361-2582
Email: ballardk@srutar.lvcoxmail.com

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Parking is provided in accordance to the Development Code 19.10.E.2 and 19.10 table 1 (Retail, Personal, Commercial & Business Services and Auto-Related) Convenience Store - 1/250 sf of gfa providing 13 parking stalls including the required Handicap accessible stall located in front of the entrance of the Convenience Store.

Additionally we are requesting a Special Use Permit for this site:

1. For the on-site sales of beer/wine in conjunction with the Convenience Store. Recently this site has been allowed to operate with the sales of beer/wine under a Non-Conforming Conforming Use. However, Non-Conforming Conforming Use may expire during the 180 day permitted window. Also this site being a Nonconforming use of a Conforming Building, to meet the requirements for "expansion of use", per development code section 19.16.030.B the following must be met:
    a. Will not increase the size or extent of the use by more than 50%
    b. Will not require a Variance or Waiver regarding any other provision of Title19, including those that pertain to parking, landscape and residential adjacency requirements.

Our increase is less that the 50%, but the before mentioned setback reduction (Variance) requires us to request the SUP and secure this site as a Conforming Use.

We feel that revitalizing the site with a new Convenience Store and Fuel Canopy will enhance the character of the site and surrounding area. We also feel the proposed removal of the two access points nearest the intersection of Sahara and Valley View (directly adjacent to the intersection) along with the relocation of the other two access points further South and West of the intersection will enhance vehicular mobility of the intersection.

Thank you for your consideration of this request. If you have any questions or if you require additional information, please call me at 263-6176.

Sincerely,

Kenneth A. Ballard, Associate AIA
Project Manager

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Email: ballardk@srutar.lvcoxmail.com

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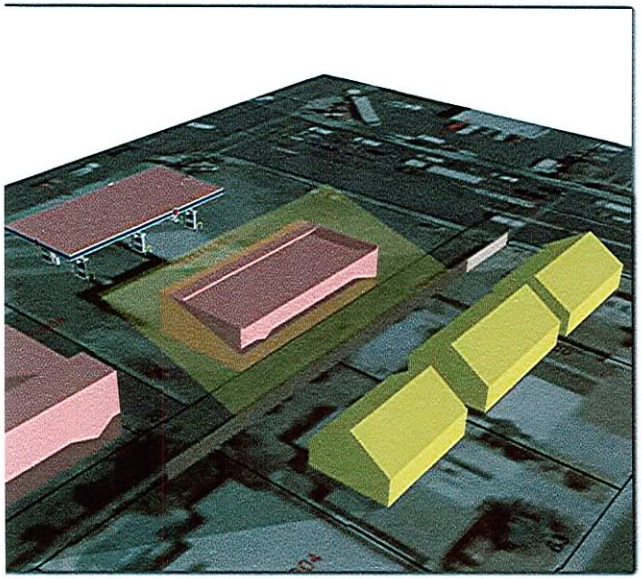

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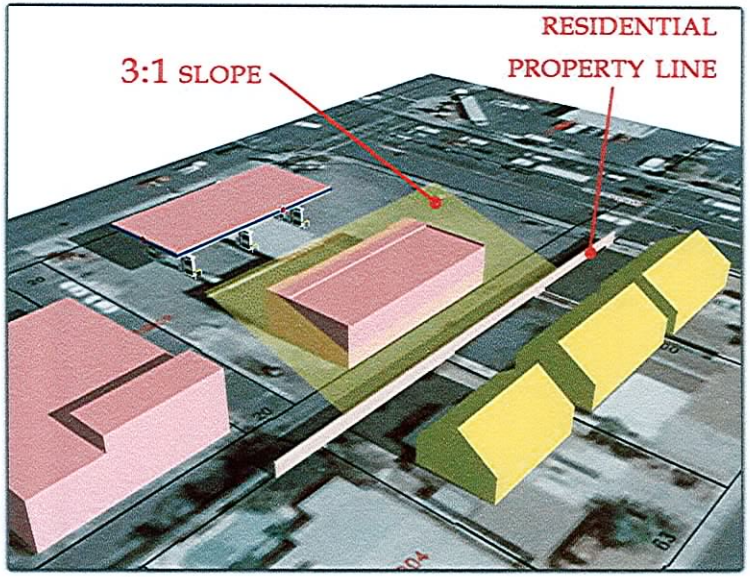

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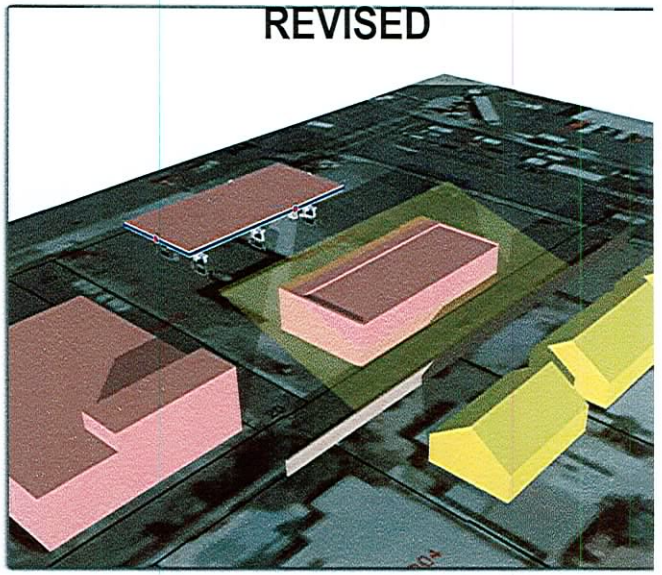

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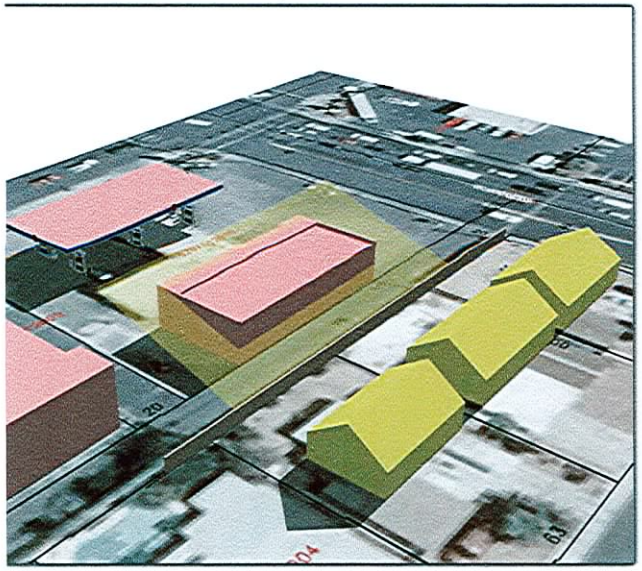

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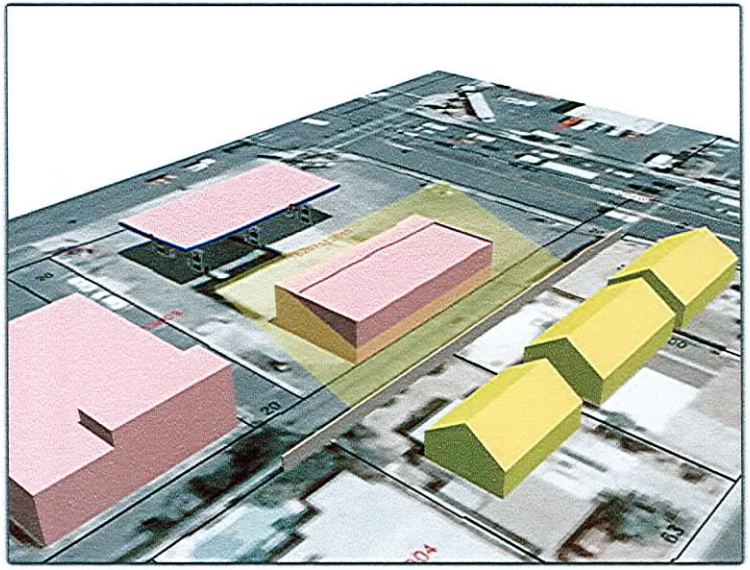

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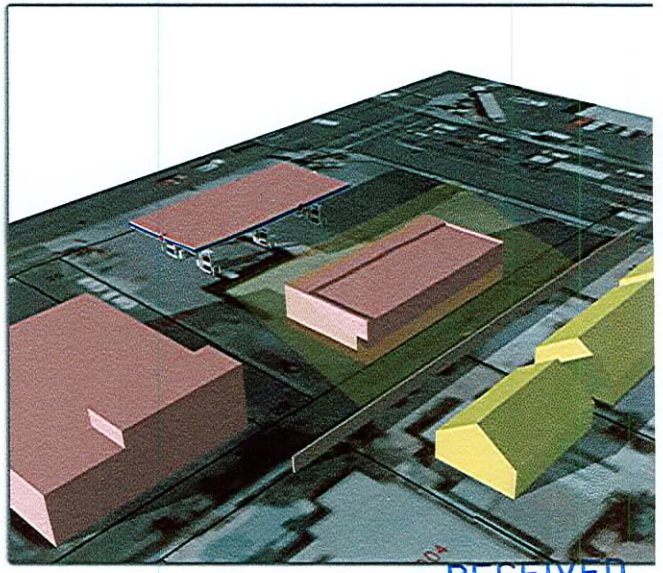

JUNE 21, 6:00 PM

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RESIDENTIAL PROXIMITY SLOPE MASSING EXHIBIT

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2009 JUL -6 A 8:21

City of Las Vegas
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400 Stewart Avenue
Las Vegas, Nevada 89101

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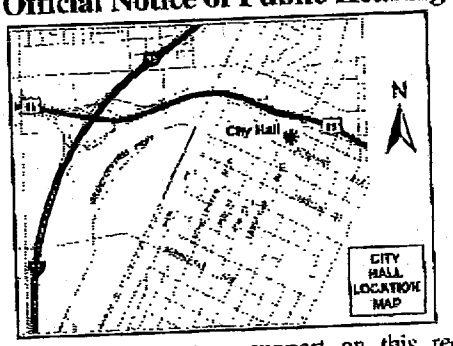

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

STEWART SANDRA
3809 FAIRWAY CIR
LAS VEGAS NV 89108-1106

APN#16207516003

VAR-34008 & SUP-34006
City Council Meeting of 7/15/2009

EAUDF11 89108

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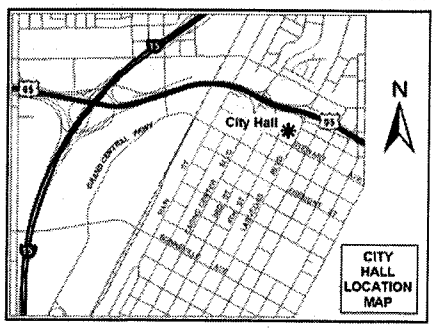

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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VAR-34008 & SUP-34006
City Council Meeting of 7/15/2009

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WILSON ELIZABETH A
3813 LA PASADA AVE
LAS VEGAS NV 89102-3835

APN#16206811043

EAVDP11 89102

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Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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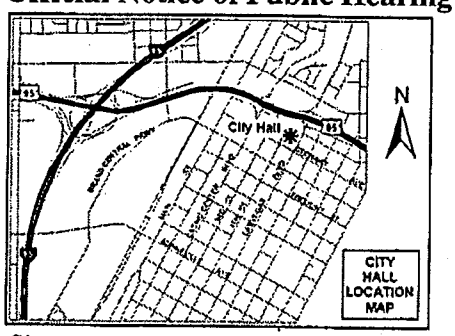

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VAR-34008 & SUP-34006
City Council Meeting of 7/15/2009

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PAT/JOE Occupant
VAR-34008&SUP-34006
Meadows Mobile Home Park
2900 South Valley View Boulevard, Space 44
Las Vegas, Nevada 89102

EAVDP11 89102

07-07-09:05:30AM:

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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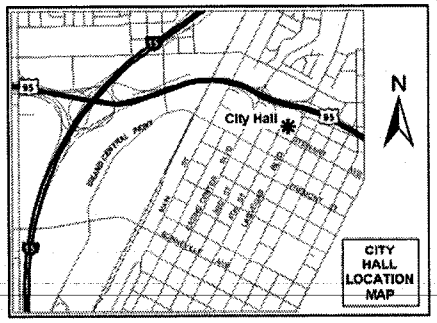

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

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VAR-34008 & SUP-34006
City Council Meeting of 7/15/2009

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2009 JUL -7 A 10:44

VAR-34008&SUP-34006 Occupant
Meadows Mobile Home Park
2900 South Valley View Boulevard, Space 230
Las Vegas, Nevada 89102

EAVOP11 89102

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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02 1M $ 00.41⁴
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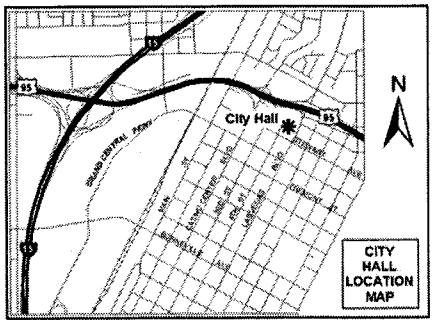

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

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VAR-34008 & SUP-34006
City Council Meeting of 7/15/2009

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FORNER TSUYUKO
2605 AMARILLO ST
LAS VEGAS NV 89102-0602

APN#16207513042

89102$0602 FP32

Submitted after final agenda

Date 7/13/09 Item 105 & 106
V.1

NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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MAY 05 2009

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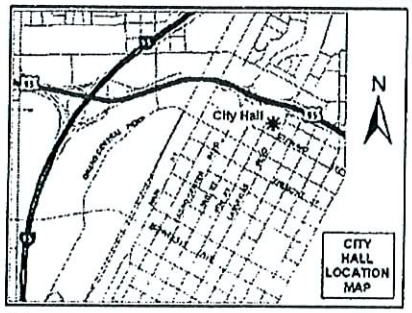


If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

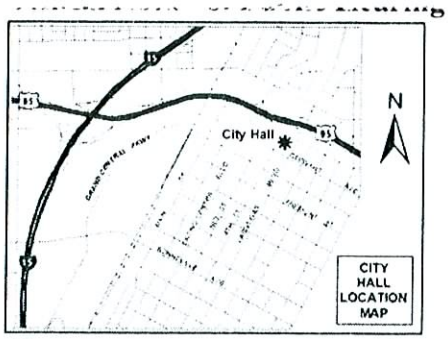
VAR-34008 & SUP-34006
Planning Commission Meeting of 5/14/2009

PAT

VAR-34008, SUP-34006 Occupant
Meadows Mobile Home Park
2900 South Valley View Boulevar
Las Vegas, Nevada 89102

8910285991 C017

28 P



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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VAR-34008 & SUP-34006

Planning Commission Meeting of 5/14/2009

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Case: VAR-34008

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2612 SONORA ST
LAS VEGAS NV 89102-5912

28P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.39⁴
0004239954 MAY 01 2009
MAILED FROM ZIPCODE 89101

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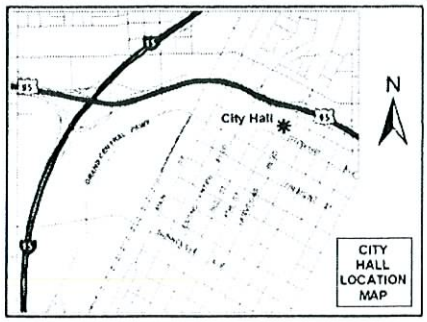
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34008 & SUP-34006

Planning Commission Meeting of 5/14/2009

VAR-34008, SUP-34006 Occupant
Meadows Mobile Home Park
2900 South Valley View Boulevard, Space 320
Las Vegas, Nevada 89102

89102E5950 C017

28 P

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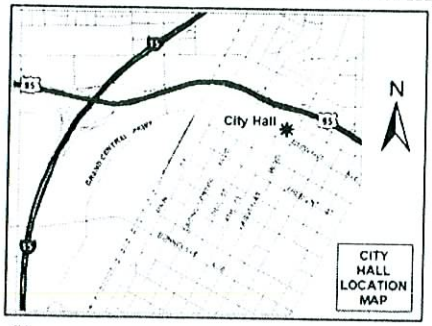

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VAR-34008 & SUP-34006

Planning Commission Meeting of 5/14/2009

Case: VAR-34008

16207612024
FAULKNOR [redacted] MARY
2125 PLAZA DEL PADRE
LAS VEGAS NV 89102-3917

89102$3917 C029

28 P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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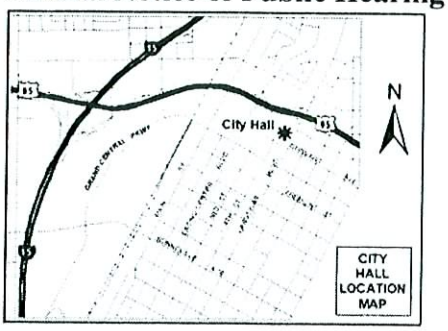

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VAR-34008 & SUP-34006

Planning Commission Meeting of 5/14/2009

Case: VAR-34008
16207613026
FOYT ELIZABETH ANN
2851 S VALLEY VIEW BLVD #1143
LAS VEGAS NV 89102-0143

28 P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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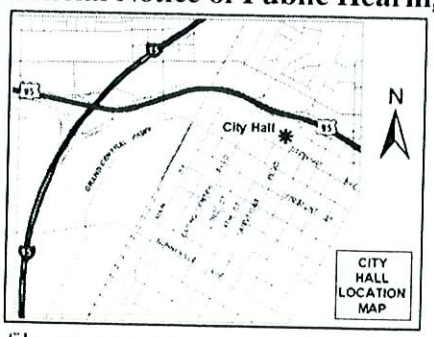

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VAR-34008 & SUP-34006

Planning Commission Meeting of 5/14/2009

Case: VAR-34008

16207613046
FOYT ELIZABETH ANN
2851 S VALLEY VIEW #1143
LAS VEGAS NV 89102-0143

28 P

RECEIVED
MAY 07 2009

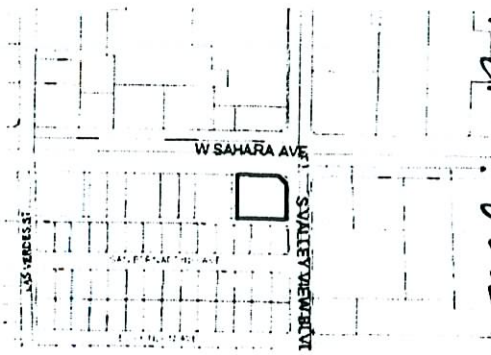
Application Information

VAR-34008 - VARIANCE - PUBLIC HEARING - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC - Request for a Variance TO ALLOW A ZERO-FOOT SIDE YARD SETBACK WHERE 10 FEET IS THE MINIMUM REQUIRED AND TO ALLOW A RESIDENTIAL ADJACENCY SETBACK OF 20 FEET WHERE 57 FEET IS REQUIRED on 0.58 acres at the southwest corner of Sahara Avenue and Valley View Boulevard (APN 162-07-512-010), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian)

SUP-34006 - SPECIAL USE PERMIT RELATED TO VAR-34008 - PUBLIC HEARING - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC - Request for a Special Use Permit FOR A BEER/WINE/COOLER OFF-SALE ESTABLISHMENT at the southwest corner of Sahara Avenue and Valley View Boulevard (APN 162-07-512-010), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian)

I oppose! Valley View & West Sahara is already a deadly congested Intersection. Medians

Application Location



The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

Meeting:	Planning Commission
Date:	*May 14, 2009*
Time:	6:00 P.M.
Location:	City Council Chambers 400 Stewart Avenue Las Vegas, Nevada

Any and all interested persons may appear before the City Planning Commission either in person or by representative and object to or express approval of this request; or may, prior to this meeting, file a written objection thereto or approval thereof with the Planning and Development Department, Development Services Center, 731 South Fourth Street, Las Vegas, Nevada 89101. Final Action on General Plan Amendments and Rezonings will be determined by the City Council. Other public hearing items may be deemed Final Action by the Planning Commission or forwarded to the City Council. The date of the City Council meeting, if applicable, will be announced at the Planning Commission meeting after the discussion of the item. For further information, including the full staff report, please call (702) 229-6301 (TDD 386-9108) or go to http://www.lasvegasnevada.gov.

Should be repainted Sahara Valley Intersection medians

The medians & concrete road dividers need to be repainted Bright Yellow — You cannot see them at night. The whole city should

I offer my deep appreciation to Mrs Tarkanian in her very conscientious efforts to put the residents of nature give them a chance to respond!

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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Official Notice of Public Hearing

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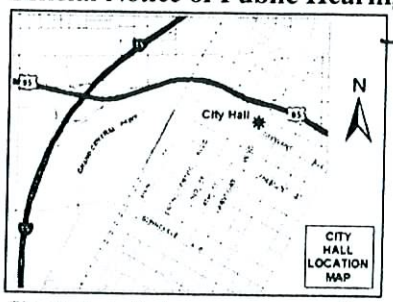

Sahara & Valley View is a very central part of the city — It (the area) should be commercially up & coming — But due to so many variances — It's unsightly! There are too many Pay Day Cash stores!! Too many disgusting massage parlors!! many pawn shops!! It's (this city) is embarrassing when family members come to visit

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Case: VAR-34008

16207515015
COLLETTE CAROLYN
2620 ARENAS ST
LAS VEGAS NV 89102-0603

☐ I SUPPORT this Request
☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34008 & SUP-34006
Planning Commission Meeting of 5/14/2009

Too-o

These houses on Sandreidge already have practically no residential back yard space — They are jutted right up to alleyways and Commercial dirty back Small lots — If You drive down that alleyway you'll see it first

2BP

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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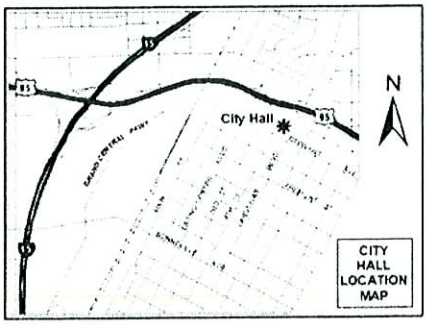

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34008 & SUP-34006

Planning Commission Meeting of 5/14/2009

RECEIVED
MAY 07 2009

VAR-34008, SUP-34006 Occupant
Meadows Mobile Home Park
2900 South Valley View Boulevard, Space 261
Las Vegas, Nevada 89102

8910285944 C017

28 P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
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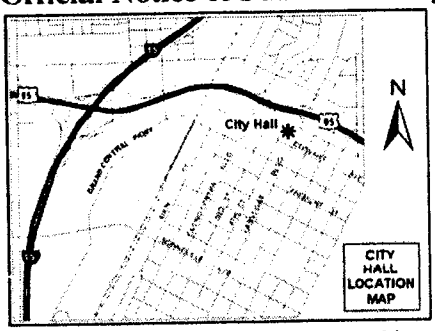

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34008 & SUP-34006
Planning Commission Meeting of 5/14/2009

RECEIVED
MAY 12 2009

Case: VAR-34008
16207513038
VAZQUEZ PROVIDENCIA & ANGEL
2525 AMARILLO ST
LAS VEGAS NV 89102-5714

Submitted after final agenda

Date 5/12/09 Item 28 P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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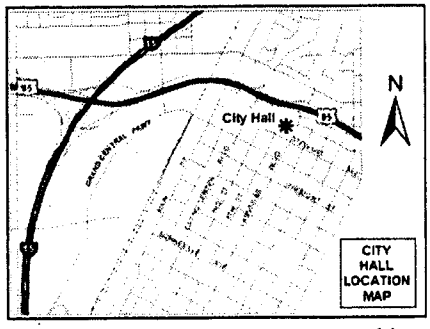

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34008 & SUP-34006
Planning Commission Meeting of 5/14/2009

RECEIVED
MAY 12 2009

Case: VAR-34008
16206810106
CASTRICONE RICHARD J & GLORIA R
4017 EL CAMINO AVE
LAS VEGAS NV 89102-3601

Submitted after final agenda
Date 5/12/09 Item 28 P

City of Las Vegas Agenda Item No.: **77.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:

SDR-34010 – ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-34008 AND SUP-34006 - PUBLIC HEARING - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC - Request for a Site Development Plan Review FOR A PROPOSED 3,018 SQUARE-FOOT CONVENIENCE STORE WITH FUEL PUMPS AND A WAIVER TO ALLOW A ZERO-FOOT LANDSCAPE BUFFER ON A PORTION OF THE SOUTH AND WEST PERIMETER WHERE EIGHT FEET IS THE MINIMUM REQUIRED AND TO ALLOW A WAIVER OF THE BUILDING PLACEMENT AND ORIENTATION STANDARDS on 0.58 acres at the southwest corner of Sahara Avenue and Valley View Boulevard (APN 162-07-512-010), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend DENIAL

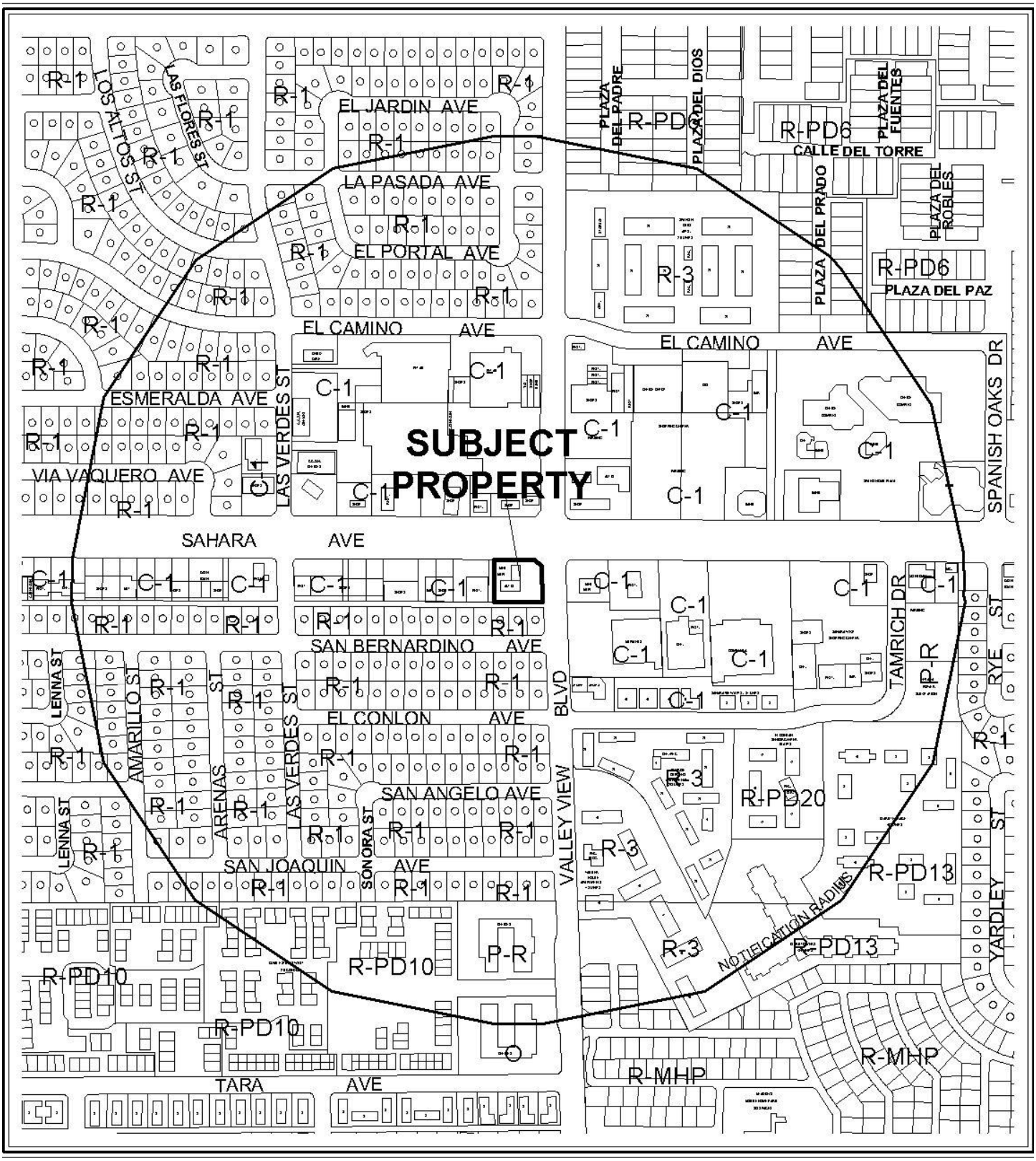
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**11**	**Planning Commission Mtg.**	**2**
City Council Meeting	**4**	**City Council Meeting**	**3**

RECOMMENDATION:

The Planning Commission (7-0 vote) and staff recommend DENIAL

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards
7. Backup referenced from the June 11, 2009 Planning Commission Meeting Item 23



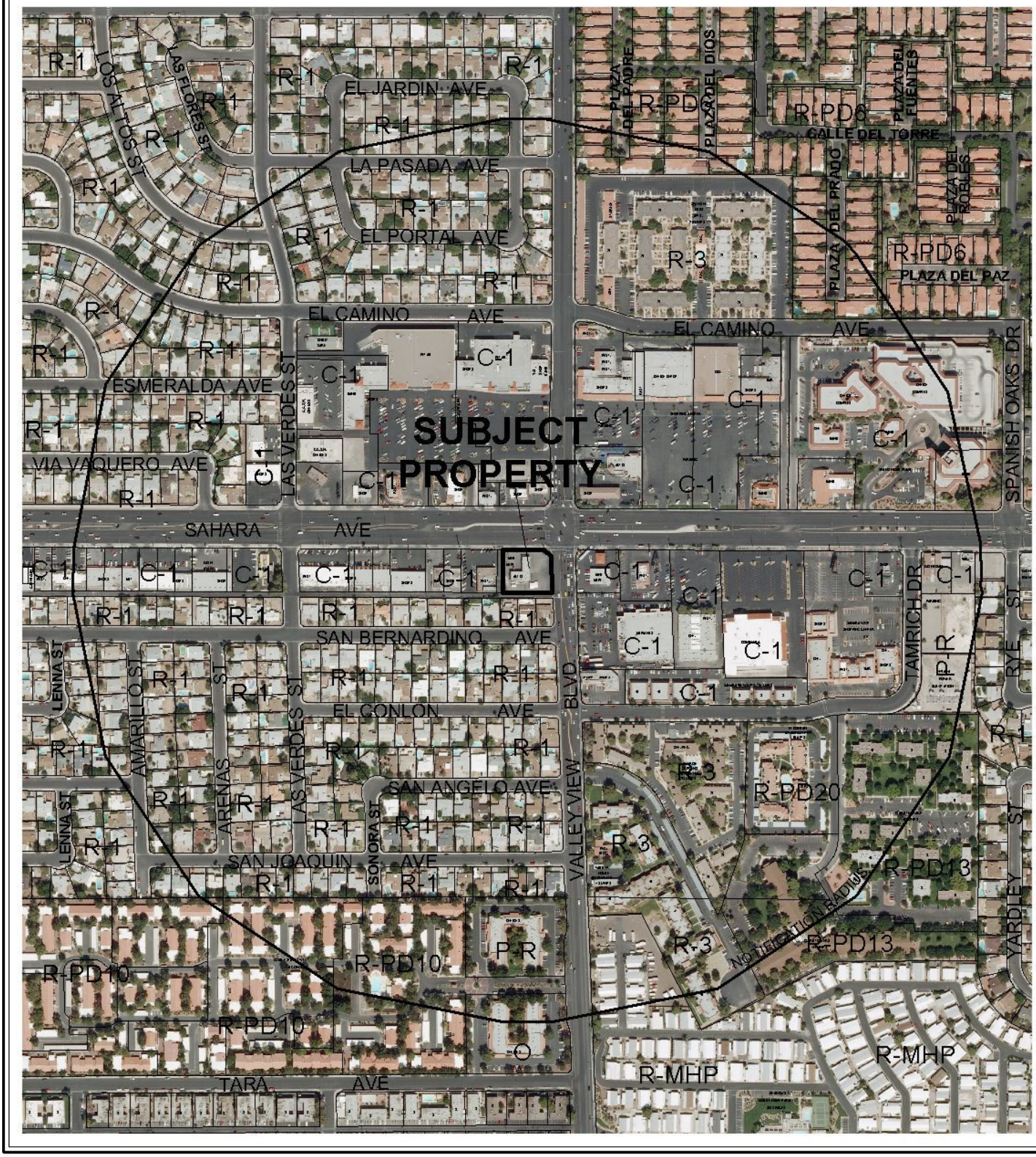
0 400 800 Feet

CASE: **SDR-34010**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



0 400 800 Feet

CASE: **SDR-34010**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-34010 - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 2, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

** CONDITIONS **

The Planning Commission (7-0 vote) and staff recommend DENIAL.

Planning and Development

1. Conformance to the conditions for Special Use Permit (SUP-34006) and Variance (VAR-34008), if approved.

2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. All development shall be in conformance with the site plan and landscape plan date stamped 04/09/09 and building elevations date stamped 03/31/09, except as amended by conditions herein.

4. A Waiver from Title 19.18.050 Commercial and Industrial District Development Standards to allow no Building Placement and Orientation Standards where buildings on corner lots are to be oriented to the corner and to the street fronts is hereby approved.

5. A Waiver from Title 19.12 Landscape and Buffer Standards to allow a zero-foot landscape buffer on a portion of the south and west perimeter where eight feet is the minimum required is hereby approved.

6. No signage is permitted as a part of the subject application; a building permit is required for all signage, if approved.

7. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.

8. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

9. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

12. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

15. Dedicate an additional six feet of right-of-way for a total half-street width of 81 feet on Sahara Avenue adjacent to this site prior to the issuance of any permits. Relocation of existing curb line on Sahara Avenue is not required at this time.

16. Dedicate an additional 31.5 feet of right-of-way for a total radius of 54 feet on the southwest corner of Sahara Avenue and Valley View Boulevard prior to the issuance of any permits. This condition shall be modified if the applicant submits information acceptable to Staff that shows a portion of any existing private signage or building is located on or over the area being requested for dedication.

17. Remove all substandard public street and alley improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.

18. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222a.

19. Landscape and maintain all unimproved rights-of-way on Sahara Avenue and Valley View Boulevard adjacent to this site.

20. As appropriate, submit an Encroachment Agreement to the City of Las Vegas and/or obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Valley View Boulevard and Sahara Avenue public rights of way adjacent to this site prior to the issuance of any permits.

21. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

22. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.

** STAFF REPORT **

PROJECT DESCRIPTION

The application is request for a new Convenience Store with fuel pumps. The existing Convenience store with fuel pumps is proposed to be demolished. The applicant intends to place the Convenience Store along the southern property line, which in turn results in deviations from required setback and residential adjacency standards, as well as a Waiver of required landscaping. In the site's current configuration, staff cannot support this application as the proposed deviations from standards will result in a development that will have a negative impact upon the surrounding residential development. An alternate site design would facilitate the elimination of Title 19 deviations and Waivers and thereby create a development that would be compatible and harmonious with the surrounding area.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
03/11/65	The Planning Commission approved a Rezoning (Z-0018-65) from R-3 (Medium Density Residential) to C-1 (Limited Commercial) and a Plot Plan Review [Z-0018-65(1) for a proposed Convenience Store with fuel pumps on 0.58 acres at the southwest corner of Sahara Avenue and Valley View Boulevard.
06/03/97	The Board of Zoning Adjustment approved a Variance (V-0047-97) to allow an existing 65-foot tall non-conforming pole sign two feet from the front property line where five feet is the minimum required setback in a C-1 (Limited Commercial) district.
12/18/03	The Planning Commission approved a Site Development Plan Review (SDR-3321) for a 2,400 square-foot expansion of an existing Convenience Store with a Waiver of the perimeter and parking lot landscaping at 3701 W. Sahara Avenue. Staff recommended approval of the request.
08/03/07	A deed was recorded for a change of ownership at 3701 W. Sahara Avenue.
05/19/08	A Code Enforcement complaint (#65746) was processed for a structure built without permits at 3701 W. Sahara Avenue. The issue was closed by Code Enforcement on 09/17/08.
08/21/08	A Code Enforcement complaint (#68941) was processed for a repair shop using paint and chemicals at 3701 W. Sahara Avenue. The issue was closed by Code Enforcement on 08/22/08.

06/11/09	The Planning Commission recommended denial of companion item VAR-34008 and SUP-34006 concurrently with this application. The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #23/bts).
Related Building Permits/Business Licenses	
1966	The County Assessor's Office indicates a construction date of 1966 for the building located at 3701 W. Sahara Avenue.
10/08/07	A Business License (#C05-01515) was issued for a tobacco dealer at 3701 W. Sahara Avenue. The license was marked out of business on 03/05/09.
10/08/07	A Business License (#G02-00779) was issued for a garage – minor auto repair at 3701 W. Sahara Avenue. The license was marked out of business on 03/05/09.
02/14/08	A Business License (#R05-00573) was issued for a restaurant, take-out only at 3701 W. Sahara Avenue. The license is currently active.
04/10/08	A Business License (#C05-02600) was issued for a tobacco dealer at 3701 W. Sahara Avenue. The license was marked out of business on 03/05/09.
04/10/08	A Business License (#C15-00361) was issued for a convenience store at 3701 W. Sahara Avenue. The license was marked out of business on 03/05/09.
07/30/08	A Business License (#C05-02627) was issued for a tobacco dealer at 3701 W. Sahara Avenue. The license was marked out of business on 03/06/09.
07/30/08	A Business License (#S05-01046) was issued for a service station at 3701 W. Sahara Avenue. The license was marked out of business on 03/06/09.
07/30/08	A Business License (#C05-00366) was issued for a convenience store at 3701 W. Sahara Avenue. The license was marked out of business on 03/06/09.
08/06/08	A Business License (#A45-00533) was issued for auto detailing at 3701 W. Sahara Avenue. The license is currently active.
08/11/08	A Business License (#G02-00823) was issued for a garage – minor auto repair at 3701 W. Sahara Avenue. The license is currently active.

Pre-Application Meeting	
03/06/09	The Planning and Development Department met with the applicant and reviewed the requirements for a Site Development Plan Review, Variance and Special Use Permit applications. • Waivers and exceptions of perimeter landscaping and building placement and orientation standards were also discussed. • Existing business licenses and building permits • Intended use and residential adjacency requirements
Neighborhood Meeting	
A neighborhood meeting is not required for this application nor was one held.	

Field Check	
04/09/09	A field check was completed on the indicated date. An existing Auto Repair Garage, Minor with fuel pumps and a storage container located at the rear of the property at 3701 W. Sahara Avenue were noted.

Details of Application Request	
Site Area	
Net Acres	0.58 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
North	Retail	SC (Service Commercial)	C-1 (Limited Commercial)
South	Single-Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)
East	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
West	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan		X	
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O Airport Overlay District (200-foot)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.050, the following development standards are proposed:

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Size	N/A	0.58 acres	Y
Min. Lot Width	100 Feet	150 Feet	Y

Min. Setbacks • Front (east property line) • Side (south property line) • Corner (north property line) • Rear (west property line)	 25 Feet 10 Feet 15 Feet 20 Feet	 66.5 Feet Zero Feet 105 Feet 26.5 Feet	 Y N Y Y
Max. Lot Coverage	50%	25%	Y
Max. Building Height	N/A	19 Feet	Y
Trash Enclosure	Screened	Screened	Y
Mech. Equipment	Screened	Screened	Y

Pursuant to Title 19.08.060 Residential Adjacency Standards

Residential Adjacency Standards	*Required/Allowed*	*Provided*	*Compliance*
3:1 proximity slope	57 Feet	20 Feet	N
Adjacent development matching setback	15 Feet	20 Feet	Y
Trash Enclosure	50 Feet	60 Feet	Y

Pursuant to Title 19.12 Landscape and Buffer Standards, the following standards apply:

Landscaping and Open Space Standards				
Standards	*Required*		*Provided*	*Compliance*
	Ratio	*Trees*		
Parking Area	1 Tree/6 Spaces	4 Trees	4 Trees	Y
Buffer: Min. Trees (Front: east property line) (Side: south property line) (Corner: north property line) (Rear: west property line)	 1 Tree/20 Linear Feet 1 Tree/30 Linear Feet 1 Tree/20 Linear Feet 1 Tree/30 Linear Feet	 6 Trees 6 Trees 5 Trees 5 Trees	 7 Trees Zero Trees 10 Trees 9 Trees	 Y N Y Y
TOTAL		26 Trees	26 Trees	Y
Min. Zone Width (Front: east property line) (Side: south property line) (Corner: north property line) (Rear: west property line)	 15 Feet 8 Feet 15 Feet 8 Feet		 17.5 Feet Zero Feet 15.1 Feet Zero Feet	 Y N Y N

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
	Gross Floor Area or Number of Units	***Required***			***Provided***		***Compliance***
			Parking		*Parking*		
Use		***Parking Ratio***	Regular	Handi-capped	Regular	Handi-capped	
Convenience Store	3,018 SF	1 space per 250 square feet of gfa	12	1	12	1	Y
TOTAL			13		13		Y
Loading Spaces			1		1		Y

Waivers		
Requirement	**Request**	**Staff Recommendation**
South and west property line: eight-foot landscape buffer	South and west property line: zero-foot landscape buffer on a portion of the south and west property line	Denial
Buildings on corner lots to be oriented to the corner and to the street fronts	Building oriented away from the corner and street front	Denial

ANALYSIS

- **Site Plan**

  There is an existing Service Station with Automotive Repair and associated fuel pumps on the subject site. The applicant has indicated that they will tear down the existing facility and rebuild it with a new Convenience Store with associated fuel pumps. The site plan indicates a 3,018 square-foot Convenience Store with six fuel pumps located under a 3,256 square-foot canopy.

  The applicant has failed to meet the minimum development standards for the side setback. The placement of the building has resulted in a Waiver and an associated Variance. The Waiver is for building placement, which requires buildings on Buildings on corner lots to be oriented to the corner and to the street fronts. The Variance (VAR-34008) is to allow a zero-foot setback where 10 feet is required and to allow a residential adjacency setback of 20 feet where 57 feet is required. These deviations are not compatible or appropriate with adjacent residential homes to the south of the subject site.

Primary access to the site is provided Sahara Avenue, Valley View Boulevard and an alley way. Sahara Avenue is indicated as a 100-foot Primary Arterial and View Boulevard is indicated as an 80-foot Secondary Collector. Both roadways are indicated on the Master Plan of Streets and Highways. The 20-foot wide alley way is located south of the subject site.

- **Parking**

A total of 13 parking spaces are provided, including one being handicapped accessible, on site. Convenience Stores require one parking space per 250 square feet of gross floor area. The applicant complies with this requirement by providing the required 13 parking spaces. Also, one loading zone is provided, which is required pursuant to Title 19.10. The loading zone is accessed from the 20-foot alley way located south of the subject site.

- **Waivers and Exceptions**

The applicant has requested three Waivers as a part of the subject application. The first and second Waivers are from Title 19.12 Landscape and Buffer Standards. The third Waiver is from Title 19.08.050 Commercial and Industrial District Development Standards. The applicant has also requested one Exception as a part of the subject application. The requested Waivers cannot be supported as they are self-imposed and could be mitigated through better site design.

- **Landscape Plan**

The landscape plan indicates the following: 24-inch box Evergreen Elm, Chilean Mesquite trees and five-gallon Japanese Mock Orange, Sago Palm and Autumn Sage. The landscape plan indicates conformance with all landscape buffer widths, except along the south and west landscape buffers. The overall site is deficient with respect to the landscape buffer widths. These deficiencies are evidenced in the number of associated Waivers.

- **Elevations and Floor Plan**

The elevations depict an overall building height of 19 feet. The elevations indicate a typical design for a Convenience Store with associated fuel pumps. The elevations indicate windows and canopies on the front elevation. The other elevations indicate two toned paint and various building pop-outs. The rear and side elevations depict flat unarticulated elevations, which do not carry the overall design on all sides of the building. The paint colors are indicated as various shades of tan and brown with orange awnings. The mechanical equipment has been adequately screened by the use of parapet walls. The elevations also indicate signage for the proposed tenant. No signage is permitted as a part of the subject application. A condition of approval has been added, which requires all

proposed signage to obtain proper building permits, if approved. The floor plan indicates a 3,018 square-foot convenience store. The floor plan is typical for the intended Convenience Store, with associated fuel pumps, which includes; sales area, walk-in cooler, office and bathrooms.

FINDINGS

The following findings must be made for a Site Development Plan Review:

1. **The proposed development is compatible with adjacent development and development in the area;**

   The proposed development is not compatible with adjacent protected residential properties as it will not comply with Residential Adjacency Standards. Additionally, minimum setback requirements are not met. The adjacent protected residential properties are not adequately protected from the proposed project.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

   The proposed development is inconsistent with both Title 19.08.050 Development Standards and Title 19.080.060 Residential Adjacency Requirements. The associated Variance (VAR-34008) demonstrates this inconsistency with both Title 19.08 deficiencies. This is also seen in the number of Waivers of Title 19.12 Landscape and Buffer Standards, which are requested as a part of the subject application. These deviations highlight the lack of regard for the single-family residences, which are located south of the subject site. The proposed development is both undesirable and obnoxious with regard to its overall design and adherence to minimum Title 19 requirements.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

   Adequate site access is provided from both Sahara Avenue and Valley View Boulevard. Sahara Avenue is designated as a 100-foot Primary Arterial and Valley View Boulevard is designated as an 80-foot Secondary Collector by the Master Plan of Streets and Highways.

4. **Building and landscape materials are appropriate for the area and for the City;**

   The proposed building and landscape materials are not appropriate for this area and for the City. The applicant is requesting a number of Waivers of Title 19.12 Landscape and Buffer Standards. The provided landscape materials are lacking in their overall width.

5. **Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

   The overall building fails to create an orderly and aesthetically pleasing environment, as it fails to be compatible with adjacent protected residential development in the area. The associated Variance (VAR-34008) seeks to allow a zero-foot side yard setback where 10 feet is the minimum required and to allow a residential adjacency setback of 20 feet where 57 feet is required.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

   The proposed Convenience Store use is to be located at a zero-foot setback from the southern property line. A zero-foot setback will precipitate an increase in the visual intrusion upon the existing single-family residences to the south and will therefore impact their overall welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

ASSEMBLY DISTRICT 8

SENATE DISTRICT 11

NOTICES MAILED 871 by City Clerk

APPROVALS 2

PROTESTS 11

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-34010 APN: 162-07-512-010

Name of Property Owner: PHAM CAPITAL, LLC

Name of Applicant: American West Petrolium

Name of Representative: KEN BALLARD.

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ Yes ☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: THANH T PHAM

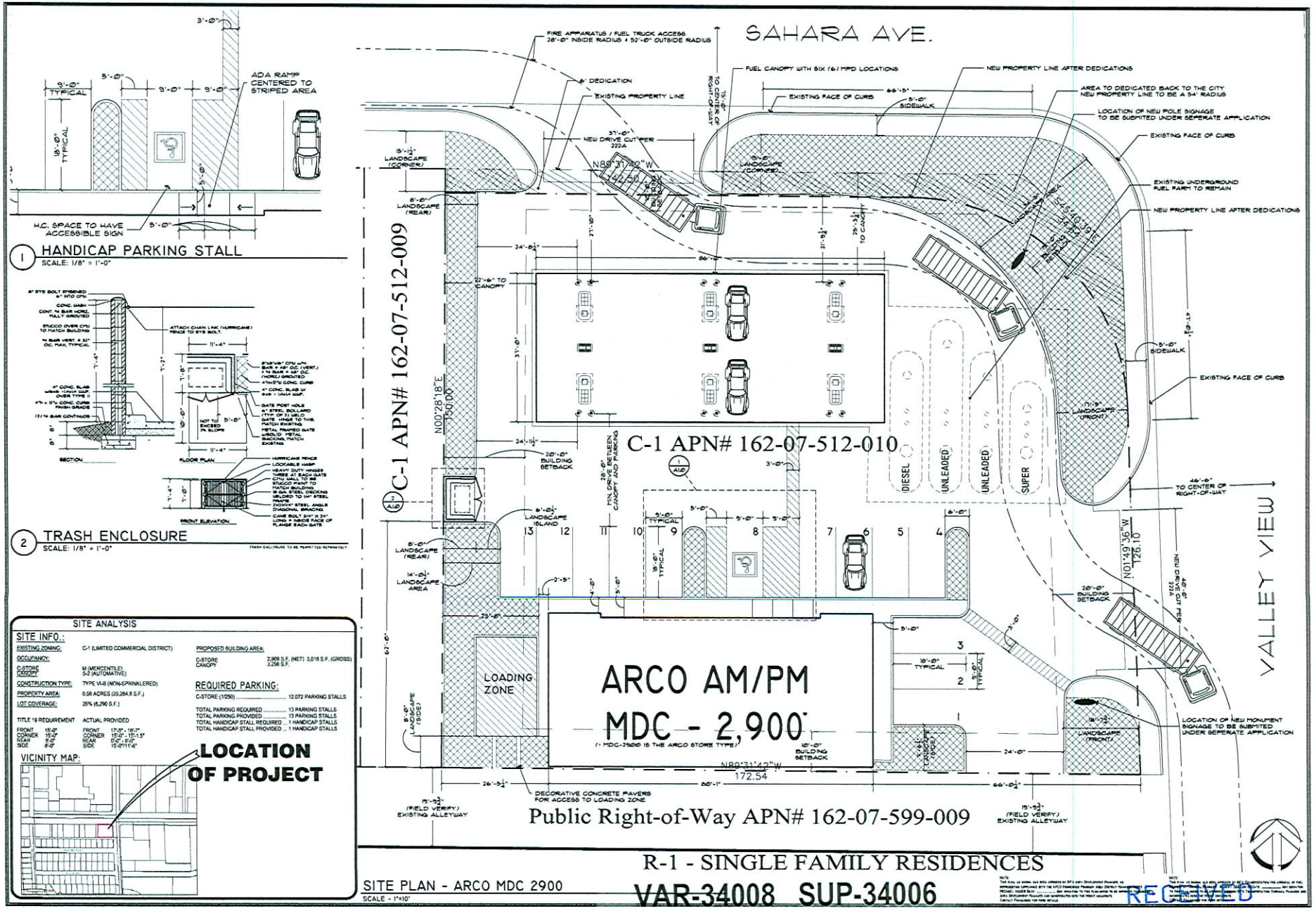
Subscribed and sworn before me

this 4th day of March, 2009

_____

Notary Public in and for said County and State

Toni P. Hansen
Notary Public
State of Nevada
Date Appointment Exp: 02-09-11
Certificate No: 98-49523-1



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PRELIMINARY NOT FOR CONSTRUCTION

SITE PLAN
ARCO NT1
SAHARA & VALLEY VIEW

OWNER'S NAME
CITY OF LAS VEGAS

PROJECT NAME:
CLIENT:

PROJECT NO.	DATE
2985-ARC_ENT	2.27.09
DRAWN BY: KAB	CHECKED BY: KAB

NO.	DATE	DESCRIPTION
1	4.9.08	STAFF COMMENT

DRAWING NO.: A1.0

INITIAL PROJECT PACKAGE SUBMITTAL

RECEIVED

VAR-34008 SUP-34006

SDR-34010 05/14/09 PC

REVISED

APR 09 2009

PLANT SCHEDULE

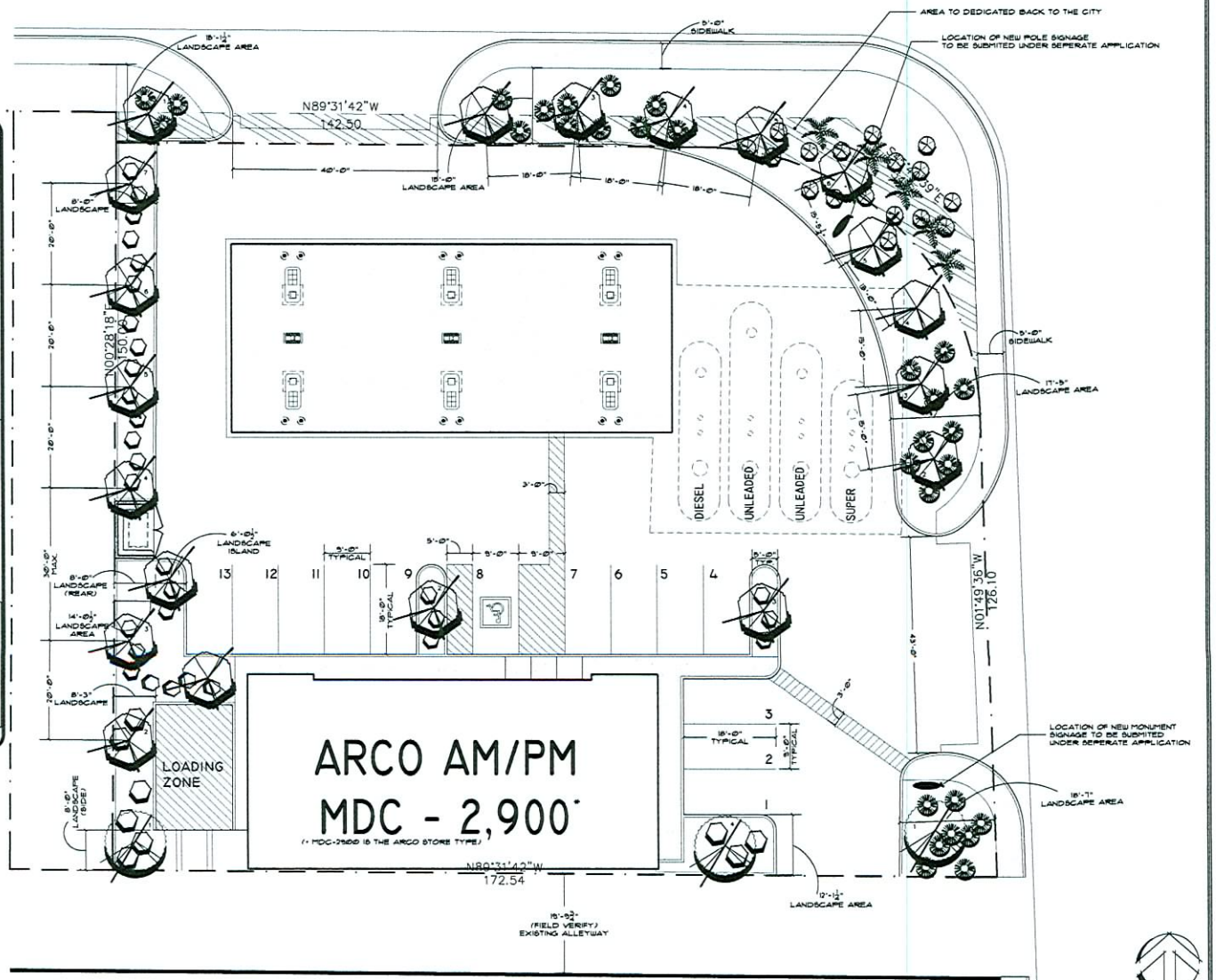
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY
TREES				
	ULMUS PARVIFOLIA	EVERGREEN ELM	24"	3
	PROSOPIS CHILENSIS	CHILEAN MESQUITE	24"	20
	SABAL PALM	SMART PALM PALMETTO	24"	5
SHRUBS				
	PITTOSPORUM TOBIRA	JAPANESE MOCK ORANGE	5 GAL	30
	CYCAS REVOLUTA	SAGO PALM	5 GAL	40
	SALVIA GREGGII 'CHERRY RED'	AUTUMN SAGE	5 GAL	17

GENERAL NOTES:

1. CONTRACTOR IS RESPONSIBLE TO VERIFY ALL PLANT QUANTITIES. THE PLANT LIST IS INTENDED AS A REFERENCE ONLY.
2. LANDSCAPE ARCHITECT IS TO APPROVE ALL PLANT MATERIAL PRIOR TO INSTALLATION WITH PRIOR NOTICE OF 48 HOURS.
3. PLANT MATERIAL IG TO HAVE IDENTIFICATION TAGS ON 10% OF TOTAL QUANTITY OF EACH SPECIES SHOWING GENUS, SPECIES AND VARIETY, ETC.
4. PROVIDE MATCHING SIZES AND FORMS OF LIKE SHRUB SPECIES AS SHOWN ON DRAWINGS.
5. DECOMPOSED GRANITE 1/2" MINUS, COLOR PER CONSTRUCTION DOCUMENTS, 2" DEPTH TYPICAL IN ALL PLANTING BEDS. DECOMPOSED GRANITE TO CONTAIN 40% FINES AND 60% AGGREGATE. CONTRACTOR TO RECEIVE VERIFICATION OF THIS FROM THE SUPPLIER AND PRESENT VERIFICATION TO THE OWNER PRIOR TO ANY INSTALLATION.
6. ALL UTILITY BOXES EXCEEDING 27 CUBIC FEET IN SIZE SHALL MEET THE STANDARDS OF LVMC TITLE 19.2.040
7. THIS LANDSCAPE PLAN, AS SUBMITTED, IS ONLY TO SHOW INTENT OF COMPLYING WITH THE STANDARDS OF LVMC 19.12. A TECHNICAL LANDSCAP PLAN WILL BE SEALED BY A LISCENSED ARCHITECT/LANDSCAPE ARCHITECT AT THE TIME AN APPLICATION IS MADE FOR A BUILDING PERMIT.

TITLE 19.12 LANDSCAPE AND OPEN SPACE STANDARDS

	STANDARD	REQUIRED **	PROVIDED	COMPLIANCE
PARKING AREA	1 TREE / 6 SPACES	4 TREES	4 TREES	YES
BUFFER: MIN. TREES				
(FRONT: EAST PROPERTY LINE) - 94.42' *	1 TREE / 20 LINEAR FEET	5 TREES	6 TREES	YES
(SIDE: SOUTH PROPERTY LINE) - 168.76' *	1 TREE / 20 LINEAR FEET	9 TREES	9 TREES	NO *** *
(CORNER: NORTH PROPERTY LINE) - 119.62' *	1 TREE / 20 LINEAR FEET	6 TREES	7 TREES	YES
(REAR: WEST PROPERTY LINE) - 150.0' *	1 TREE / 30 LINEAR FEET	5 TREES	7 TREES	YES
TOTAL		25 TREES	29 TREES	NO ***
MIN. ZONE WIDTH				
(FRONT: EAST PROPERTY LINE)		15 FEET	12.42 FEET	YES
(SIDE: SOUTH PROPERTY LINE)		8 FEET	0 FEET	NO *** *
(CORNER: NORTH PROPERTY LINE)		15 FEET	15 FEET	YES
(REAR: WEST PROPERTY LINE)		8 FEET	8 FEET	YES **



LANDSCAPE PLAN - ARCO MDC 2900
SCALE - 1"=10'

VAR-34008 SUP-34006
SDR-34010 05/14/09 PC
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APR 09 2009

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LANDSCAPE PLAN
ARCO NTI
SAHARA & VALLEY VIEW
OWNER'S NAME
CITY OF LAS VEGAS

PROJECT NAME
CLIENT

PROJECT NO.	DATE
0903-ARC_PKT	2.27.09
DRAWN BY: KAR	CHECKED BY: KAR

No.	DATE	DESCRIPTION
1	4.9.09	STAFF COMMENTS

DRAWING NO.:
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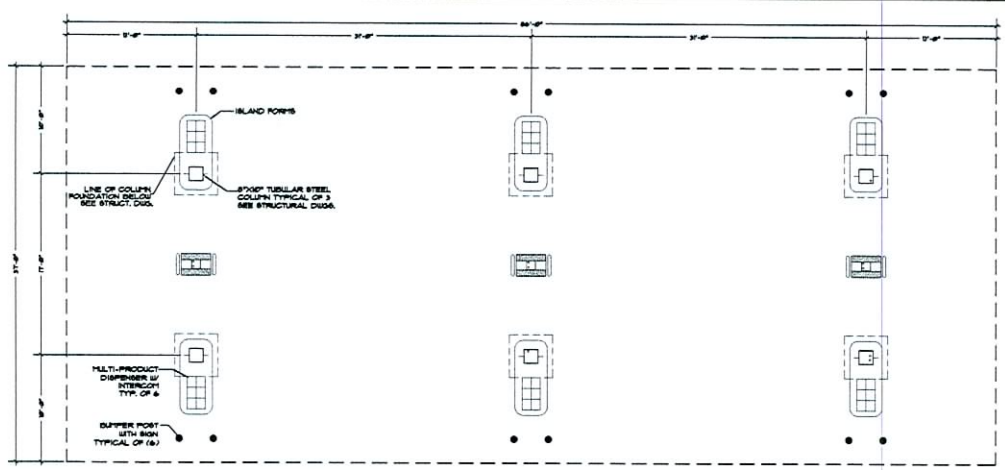
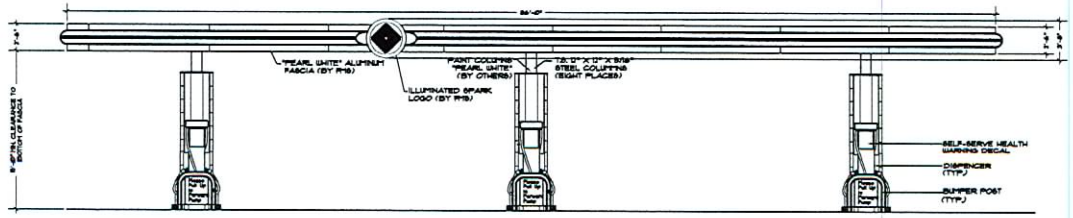
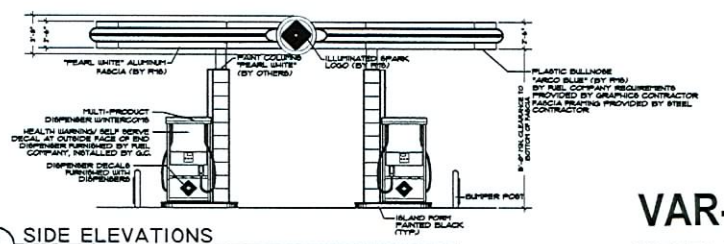


1 FLOOR PLAN
SCALE: 3/16"=1'-0"



2 FRONT/REAR ELEVATION
SCALE: 3/16"=1'-0"



3 SIDE ELEVATIONS
SCALE: 3/16"=1'-0"

VAR-34008 SUP-34006
SDR-34010 05/14/09 PC

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A Professional Corporation

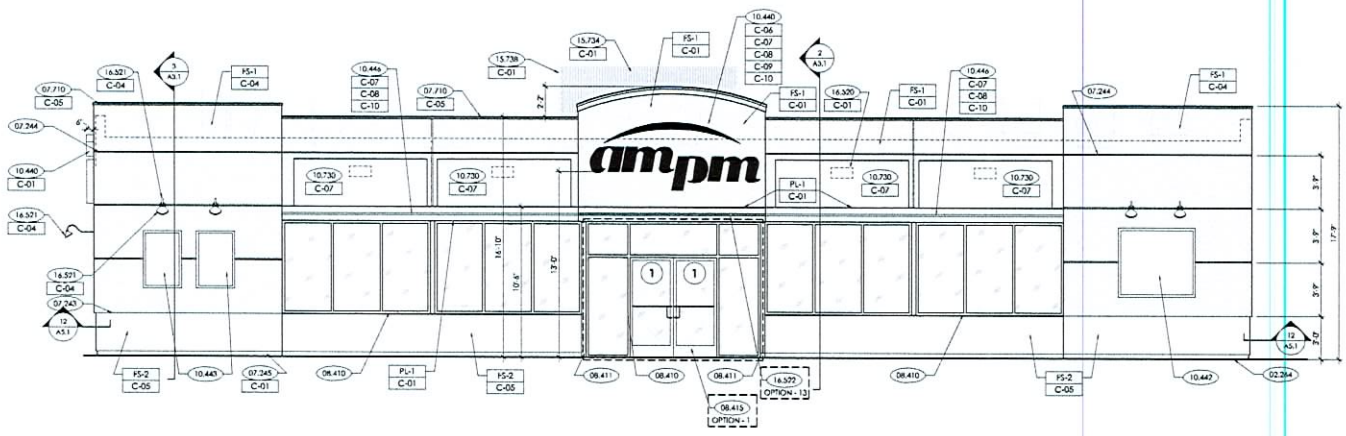
PRELIMINARY
NOT FOR CONSTRUCTION

PROJECT NAME: CANOPY FLOOR PLAN AND ELEVATIONS
ARCO NTI
SAHARA & VALLEY VIEW

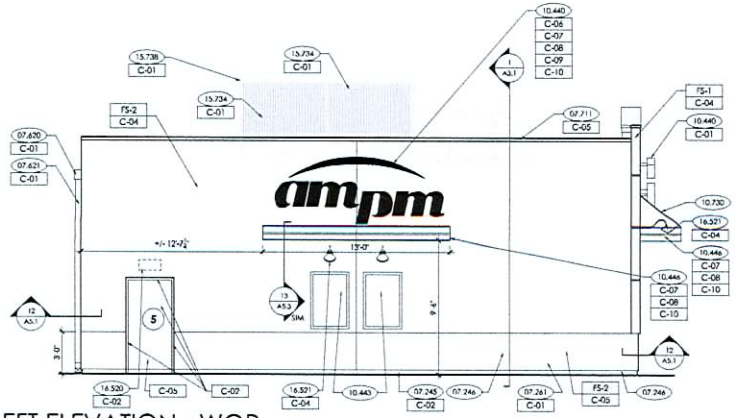
CLIENT: OWNER'S NAME
CITY OF LAS VEGAS

PROJECT NO. 2903-ARC_ENT
DATE 2.27.09
DRAWN BY: KAB
CHECKED BY: KAB
NO. DATE DESCRIPTION

DRAWING NO.: CAI.0
ENTITLEMENT PACKAGE SUBMITTAL



1 FRONT ELEVATION - WOR
1/4"=1'-0"



2 LEFT ELEVATION - WOR
1/4"=1'-0"

GENERAL NOTES:

A. REVEAL LOCATIONS IN FINISH SYSTEM SHOWN ARE TO ALIGN AS CLOSELY AS POSSIBLE.
B. DIMENSIONS ARE TO THE CENTERLINE OF REVEALS.

KEYED NOTES:

02.264 GRADE. REFER TO CIVIL PLAN
07.243 TERMINATION REFER TO DETAIL **13/A5.1**
07.244 1" REVEAL IN FINISH REFER DETAIL **10/A5.1**
07.245 4" BREAK METAL BASE. SEE DETAIL **11/A5.1**
07.246 CONTROL JOINT IN FINISH SYSTEM, MAXIMUM 20'-0" O.C.
07.460 ACM PANEL
07.533 APPROXIMATE ROOF LINE
07.620 6" PRE-FINISHED 22 GA. METAL GUTTER. REFER TO DETAIL **6/A5.1**
07.621 3"x5" 22 GA. GALVANIZED PREFINISHED METAL DOWNSPOUT
07.710 SHOP FORMED PREFINISHED METAL COPING; REFER TO DETAIL **1/A5.1**
07.711 SHOP FORMED PREFINISHED METAL COPING CAP. REFER TO **2/A5.1**
08.410 ALUMINUM ENTRANCE AND STOREFRONT SYSTEM. REFER TO **A5.3** & SPEC.
08.411 ALUMINUM CLADDING (OMIT @ SIM.)
08.415 OPTION 1 - AUTOMATIC BI-PARTING ENTRANCE DOORS. REFER TO DETAIL **1/A5.4**
10.440 INTERNALLY ILLUMINATED SIGN BY SIGNAGE CONTRACTOR
10.442 64"Wx96"H POP POSTER, BY SIGNAGE CONTRACTOR
10.443 32"Wx48"H POP POSTER, BY SIGNAGE CONTRACTOR
10.446 VINYL DECAL APPLIED TO ACM PANEL
10.730 ALUMINUM FRAME FABRIC AWNING - SUNBRELLA ORANGE - 4609-0000, REFER TO SHEET **4/A3.2**
15.734 ROOF MECHANICAL UNITS
15.737 3' H. MECHANICAL SCREEN AT REAR OF BUILDING SEE DETAIL **9/A5.2**
15.738 6' H. MECHANICAL SCREEN AT RTU SEE DETAIL 9/A5.2
16.520 EXTERIOR LIGHT. REFER TO LIGHTING PLAN SHEET E1.3
16.521 GOOSENECK LIGHTING FIXTURES
16.522 OPTION 13 - LED LIGHT TUBE, SURFACE MOUNTED TO FACE OF ACM PANEL

EXTERIOR FINISHES:

PL-1 ALUMINUM ACM PANEL
FS-1 EXTERIOR INSULATION AND FINISH SYSTEM PROVIDE CONTROL JOINTS AS SHOWN
FS-2 DIRECT APPLIED FINISH SYSTEM

EXTERIOR PAINTS:

C-01 COLOR: BP PEARL - RAL 1013 ICI #A0083 "INDIAN LEGEND"
C-02 COLOR: BP DARK PEARL ICI #A0767, "DESERT VALLEY"
C-04 COLOR: ampm TAN ICI #A0717, "INDIAN CORN"
C-05 COLOR: ampm DARK TAN ICI #A1761, "ONIONSKIN TAN"
C-06 COLOR: ampm YELLOW PMS 116C
C-07 COLOR: SUNBRELLA ORANGE #4609-0000
C-08 COLOR: ampm RED PMS 032C
C-09 COLOR: ampm PURPLE PANTONE PURPLE
C-10 COLOR: ampm BLUE PMS 072C
C-11 COLOR: BP HIGH HIDING WHITE ICI BP HIGH HIDING WHITE (CUSTOM)
C-12 COLOR: ARCO BLUE PMS 288
C-13 COLOR: ARCO LIGHT BLUE PMS 2935
C-14 COLOR: OMEGA YELLOW ICI #A0775

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FRONT & LEFT ELEVATIONS

ARCO NTI
SAHARA & VALLEY VIEW

PROJECT NAME: OWNER'S NAME
CLIENT: CITY OF LAS VEGAS

PROJECT NO.	DATE
2005-ARC_PMT	2.27.09
DRAWN BY: KAR	CHECKED BY: KAR

NO	DATE	DESCRIPTION

DRAWING NO.: A2.1
ENTITLEMENT PACKAGE SUBMITTAL

VAR-34008 SUP-34006
SDR-34010 05/14/09 PC

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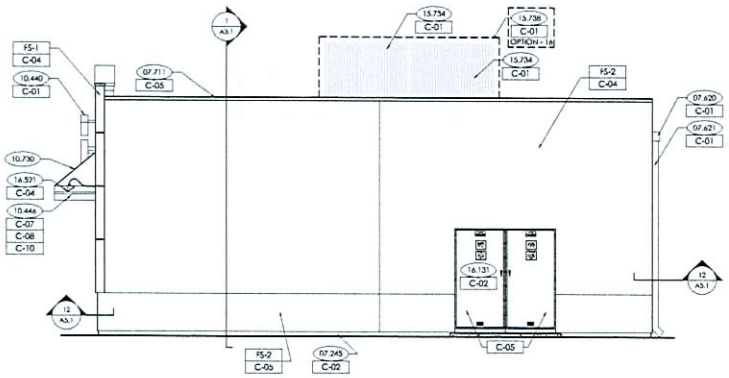
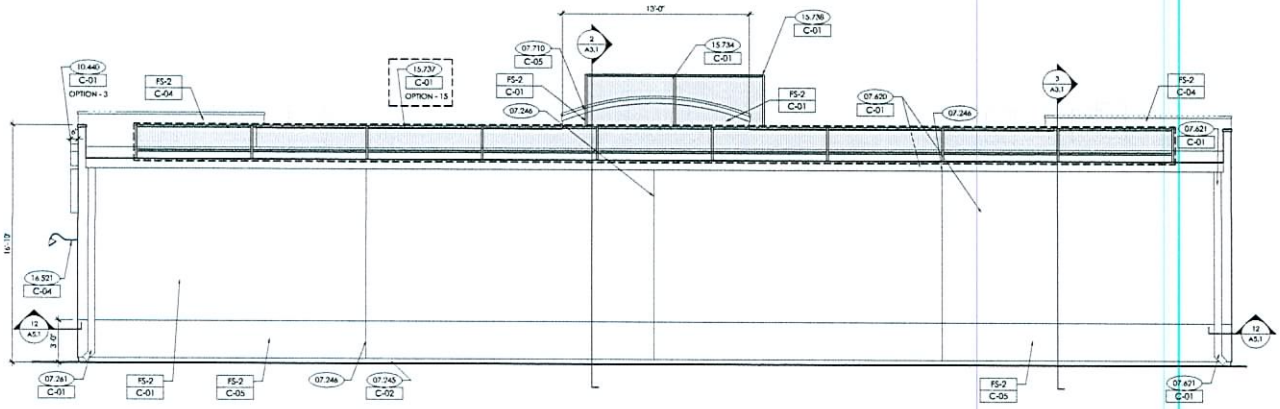
MAR 31 2009



1 RIGHT ELEVATION - WOR
1/4"=1'-0"



2 REAR ELEVATION - WOR
1/4"=1'-0"

GENERAL NOTES:

A. REVEAL LOCATIONS IN FINISH SYSTEM SHOWN ARE TO ALIGN AS CLOSELY AS POSSIBLE.
B. DIMENSIONS ARE TO THE CENTERLINE OF REVEALS.

KEYED NOTES:

02.264 GRADE, REFER TO CIVIL PLAN
03.480 STEEL BOLLARD, REFER TO DETAIL 1/S2.1
07.243 TERMINATION REFER TO DETAIL 13/A5.1
07.244 1" REVEAL IN FINISH REFER DETAIL 10/A5.1
07.245 4" BREAK METAL BASE, SEE DETAIL 11/A5.1
07.246 CONTROL JOINT IN FINISH SYSTEM, MAXIMUM 20'-0" O.C.
07.460 ACM PANEL
07.533 APPROXIMATE ROOF LINE
07.620 6" PRE-FINISHED 22 GA. METAL GUTTER, REFER TO DETAIL 6/A5.1
07.621 3"x5" 22 GA. GALVANIZED PREFINISHED METAL DOWNSPOUT
07.710 SHOP FORMED PREFINISHED METAL COPING, REFER TO DETAIL 1/A5.1
07.711 SHOP FORMED PREFINISHED METAL COPING CAP, REFER TO 2/A5.1
08.413 OPTION 1 - AUTOMATIC BI-PARTING ENTRANCE DOORS, REFER TO DETAIL 1/A5.4
10.440 INTERNALLY ILLUMINATED SIGN BY SIGNAGE CONTRACTOR
10.443 32"Wx48"H POP POSTER, BY SIGNAGE CONTRACTOR
10.446 VINYL DECAL APPLIED TO ACM PANEL
15.734 ROOF MECHANICAL UNITS
15.737 3' H. MECHANICAL SCREEN AT REAR OF BUILDING SEE DETAIL 9/A5.2
15.738 6' H. MECHANICAL SCREEN AT RTU SEE DETAIL 9/A5.2
16.131 ELECTRICAL CABINETS, REFER TO SHEET E1.2
16.520 EXTERIOR LIGHT, REFER TO LIGHTING PLAN SHEET E1.3
16.521 GOOSENECK LIGHTING FIXTURES

EXTERIOR FINISHES:

PL-1	ALUMINUM ACM PANEL
FS-1	EXTERIOR INSULATION AND FINISH SYSTEM PROVIDE CONTROL JOINTS AS SHOWN
FS-2	DIRECT APPLIED FINISH SYSTEM

EXTERIOR PAINTS:

C-01	COLOR: BP PEARL - RAL 1013 ICI #A0083 "INDIAN LEGEND"
C-02	COLOR: BP DARK PEARL ICI #A0767, "DESERT VALLEY"
C-04	COLOR: ampm TAN ICI #A0717, "INDIAN CORN"
C-05	COLOR: ampm DARK TAN ICI #A1761, "ONIONSKIN TAN"
C-06	COLOR: ampm YELLOW PMS 116C
C-07	COLOR: SUNBRELLA ORANGE #4609-0000
C-08	COLOR: ampm RED PMS 032C
C-09	COLOR: ampm PURPLE PANTONE PURPLE
C-10	COLOR: ampm BLUE PMS 072C
C-11	COLOR: BP HIGH HIDING WHITE ICI BP HIGH HIDING WHITE (CUSTOM)
C-12	COLOR: ARCO BLUE PMS 288
C-13	COLOR: ARCO LIGHT BLUE PMS 2935
C-14	COLOR: OMEGA YELLOW ICI #A0775

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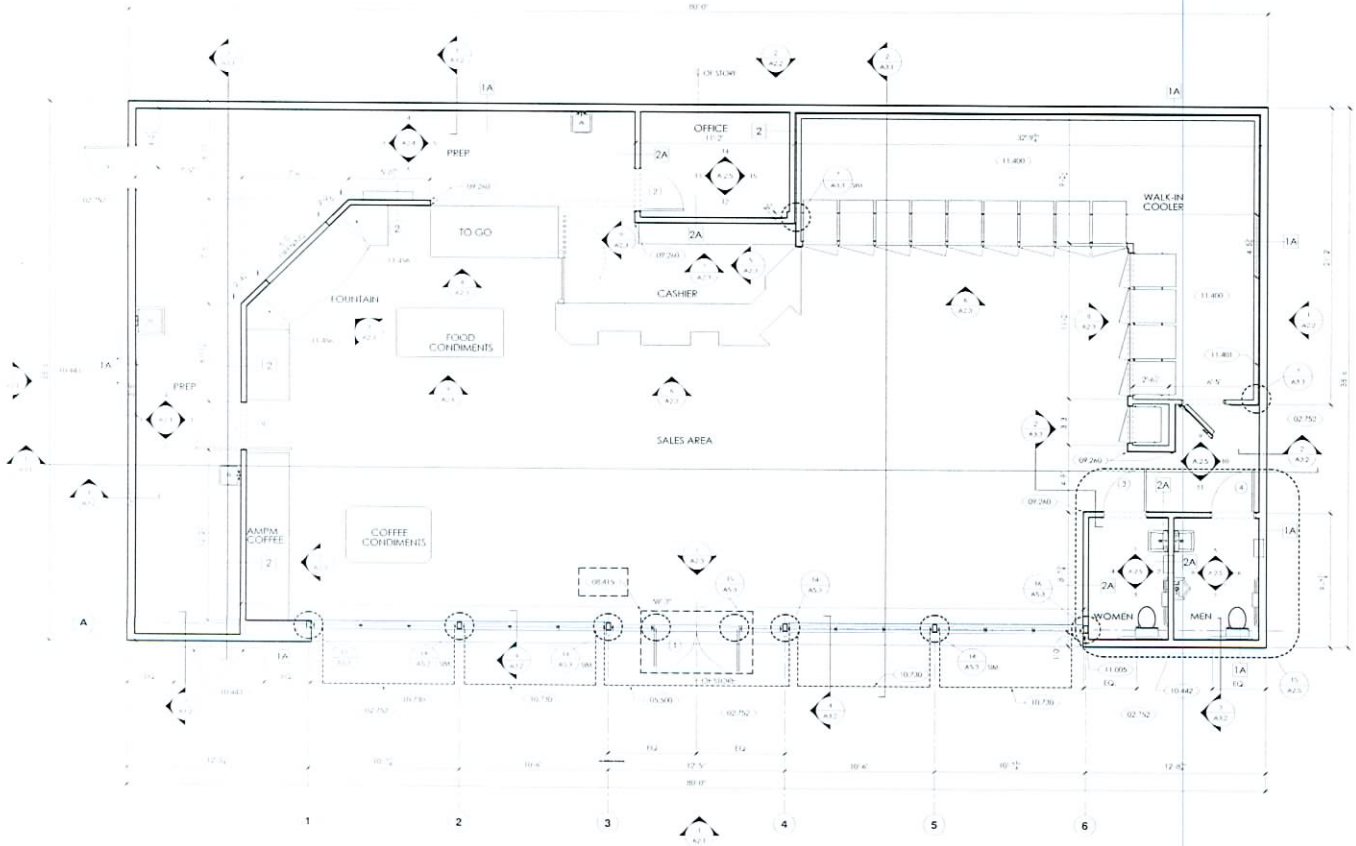
REAR & RIGHT ELEVATIONS
ARCONTI
SAHARA & VALLEY VIEW

PROJECT NAME
OWNER'S NAME
CITY OF LAS VEGAS
CLIENT

PROJECT NO.: 2905-ARC_ENT
DATE: 2.27.09
DRAWN BY: KAR
CHECKED BY: KAR

NO.	DATE	DESCRIPTION

DRAWING NO.: A2.2
ENTITLEMENT PACKAGE SUBMITTAL



1 CONSTRUCTION FLOOR PLAN
1/4"=1'-0"

GENERAL NOTES:

A. DIMENSION LINES ARE FROM FACE OF FRAMING OR FOUNDATION UNLESS NOTED OTHERWISE.
B. FACE OF FRAMING ON EXTERIOR WALLS IS SAME AS OUTSIDE FACE OF FOUNDATION WALL.
C. METAL STUDS MAY BE USED IN PLACE OF WOOD STUDS. PLAN DIMENSIONS ARE BASED ON WOOD STUDS.
D. MOISTURE RESISTANT GYPSUM TO BE USED IN TOILET ROOMS, BEHIND NOP SINK AND ADJACENT TO COOLERS. FOR SPECIFIC SUBSTRATE REQUIREMENTS, REFER TO INTERIOR ELEVATIONS.
E. PROVIDE BLOCKING AS REQ'D FOR ALL EQUIPMENT AND ACCESSORIES.
F. PROVIDE CLEAR SILICONE SEALANT FOR ALL WALL TRANSITIONS.
G. REFER TO DETAILS **3 & 4/A3.3** FOR ATTACHMENT OF ALL WALLS TO STRUCTURE ABOVE.
H. FOR FLOORING LAYOUT REFER TO SHEET **A1.2**
I. FOR CEILING LAYOUT REFER TO SHEET **A1.3**
J. FOR FINISH MATERIAL REFER TO INTERIOR ELEVATIONS SHEETS **A2.3 A2.4** AND **A2.5**
K. FOR INTERIOR GRAPHIC ELEVATIONS REFER TO SHEET **A2.6**
L. FOR DOOR AND WINDOW DETAILS REFER TO SHEET **A5.3**
M. FOR EQUIPMENT PLAN REFER TO SHEET **Q1.1**
N. FOR EQUIPMENT SCHEDULE REFER TO SHEET **Q2.1**
O. ALL MATERIALS AND APPLICATION TO MEET OR EXCEED LOCAL OR STATE REQUIREMENTS.
P. FOR DOOR SCHEDULE & ELEVATIONS REFER TO SHEET **A5.3**

KEYED NOTES:

02.752 SLOPE SIDEWALK AWAY FROM DOOR/BUILDING 2% FOOT
03.480 STEEL BOLLARD. REFER TO DETAIL **1/S2.1**
05.500 CANOPY ABOVE
08.410 ALUMINUM ENTRANCE AND STOREFRONT SYSTEM. REFER TO **A5.3** & SPEC
08.411 OPTION 1 - AUTOMATIC REPARTING DEMARCATION DOORS
09.260 GYP. BD. PLASTIC CORNER GUARDS
10.442 NEW SIGN POP POSTER BY SIGNAGE CONTRACTOR
10.443 32"W x 48"H POP POSTER BY SIGNAGE CONTRACTOR
10.730 ALUMINUM FRAME FABRIC AWNING - SUNBRELLA ORANGE - AWN 4000 REFER TO SHEET **4/A3.2**
11.005 RECESSED KNOX BOX. INSTALL PER MANUFACTURERS SPECIFICATIONS
11.890 FOR COOLER AND FREEZER INFORMATION AND DIMENSIONS REFER TO SHEET **Q1.2**
11.891 MAINTAIN MINIMUM 1" AIR GAP BEHIND COOLER AND FREEZERS ADJACENT TO WALLS. CLOSE SPACE AT ENDS WITH 2"x2" ALUMINUM ANGLE.
11.894 PROVIDE FILLER COUNTER AND MILLWORK TOP GAP WITH RIGIDS TO MATCH

WALL LEGEND

WOOD FRAMED WALL
1A 2x6 STUDS @ 16" O.C. W/ THERMAL INSULATION
2 2x4 STUDS @ 16" O.C.
2A 2x4 STUDS @ 16" O.C. W/ SOUND BATT INSULATION
INSULATED WALL
PREFABRICATED COOLER UNIT

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CONSTRUCTION FLOOR PLAN
ARCO NTI
SAHARA & VALLEY VIEW
OWNER'S NAME
CITY OF LAS VEGAS

A1.1

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INTERIOR

L1 **PLASTIC LAMINATE** - Wilsonart #7909-60 "Fusion Maple"

L2 **PLASTIC LAMINATE** - Wilsonart #D92-60 "Dove Grey"

L3 **FRP FOR CAFE BACKWALL** - Marlite, C118-G44 "Almond", with scored grid pattern

L4 **PLASTIC LAMINATE COUNTER TOP** - Wilsonart 4143-60 "Neutral Glace"

L5 **PLASTIC LAMINATE COUNTER TOP** - Wilsonart #6277 (419) Alumasteel

SS1 **COUNTER TOP** - Wilsonart 1530-TM "Beige Tempest"
Solid Surface Material

SS2 **COUNTER TOP** - Stainless Steel

P1 **WALL PAINT** - ICI #A0090, "Candle Wax" - Eggshell finish

P2 **PAINT FOR DROP CEILING & DOORS** - Semi-Gloss - ICI #A1807, "Water Chestnut"

P3 **PAINT FOR CAFE BACKWALL** - ICI #A0717, "Indian Corn"

P4 **PAINT FOR COFFEE BACKWALL** - ICI #A0409, "Red Badge"

C1 **CONCRETE FLOOR** - Scofield, CHROMIX - #5234, "Summer Beige", with A-29 "Terra Cotta" (flashed Lithochrome hardener), and with a wax/sealant that has a minimal wet COF of +/- <.60 and a dry COF of +/- <.70 when top coated on the finished concrete

WT1 **WALL TILE** - Daltile K-175 (Biscuitt) - 6"x6" Semigloss

WT2 **WALL TILE** - Daltile K-180 (Chamois) - 6"x6" Semigloss

OPTIONAL no go WALL TREATMENT

V1 **VINYL COVE BASE** - Roppe 772 "Champagne"

BUILDING EXTERIOR

bp PEARL - RAL 1013, ICI #A0083, "Indian Legend"

bp DARK PEARL - ICI #A0767, "Desert Valley"

ampm TAN - ICI #A0717, "Indian Corn"

ampm DARK TAN - ICI #A1761, "Onionskin Tan"

ampm EXTERIOR SIGNAGE

ampm YELLOW - PMS 116C

ampm ORANGE - PMS 021C

ampm RED - PMS 032C

ampm PURPLE - Pantone Purple

ampm BLUE - PMS 072C

ARCO EXTERIOR SIGNAGE

ARCO BLUE - PMS 288C

ARCO MED. BLUE - PMS 301C

ARCO LT. BLUE - PMS 2935C

ARCO RED - PMS 485C

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design development

ARCO - US Franchise - 2900 ampm NTI

WOR ampm 2900, material specifications

NTS | 04 Jan 2008 | 20 Aug 2008 | WOR.2900.0.0

SDR 34010

American West Petroleum

SWC Sahara Avenue and Valley View Boulevard

Proposed 12 fueling position gas station with convenience mart.

Traffic produced by proposed development:

New Use	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	GAS/SERVICE STATIONS [VEH. FUEL POSTIONS]	12	173.25	2,079
AM Peak Hour			12.07	145
PM Peak Hour			13.86	166
(heaviest 60 minutes)				

Old Use	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	GAS/SERVICE STATIONS [VEH. FUEL POSTIONS]	8	173.25	1,386
AM Peak Hour			12.07	97
PM Peak Hour			13.86	111
(heaviest 60 minutes)				

Net Change	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	GAS/SERVICE STATIONS [VEH. FUEL POSTIONS]	4	173.25	693
AM Peak Hour			12.07	48
PM Peak Hour			13.86	55
(heaviest 60 minutes)				

Existing traffic on all nearby streets:

Sahara Ave.	
Average Daily Traffic (ADT)	64,466
PM Peak Hour	5,157
(heaviest 60 minutes)	

Valley View Blvd.	
Average Daily Traffic (ADT)	32,895
PM Peak Hour	2,632
(heaviest 60 minutes)	

Traffic Capacity of adjacent streets:

	Existing Street Capacity			
Sahara Ave.	51800			
Valley View Blvd.	32775			
This project will add approximately 693 trips per day on Sahara Ave. and Valley View Blvd. This will increase expected volumes by about 1 percent on Sahara and by about 2 percent on Valley View. Currently both Sahara and Valley View are over capacity.				
Based on Peak Hour use, this development will add roughly 55 additional cars into the area; which works out to about 1 every minute.				
Note that this report assumes all traffic from this development uses all named streets.				



SDR-34010 - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC
SOUTHWEST CORNER OF SAHARA AVENUE AND VALLEY VIEW BOULEVARD
JUNE 11, 2009 PLANNING COMMISSION

04/09/09



SDR-34010 - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC
SOUTHWEST CORNER OF SAHARA AVENUE AND VALLEY VIEW BOULEVARD
JUNE 11, 2009 PLANNING COMMISSION

04/09/09



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JUNE 11, 2009 PLANNING COMMISSION

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JUNE 11, 2009 PLANNING COMMISSION

04/09/09



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SOUTHWEST CORNER OF SAHARA AVENUE AND VALLEY VIEW BOULEVARD
JUNE 11, 2009 PLANNING COMMISSION

04/09/09

SUZANA RUTAR, Architect Ltd.,
A Professional Corporation

RUTAR

April 9, 2009

City of Las Vegas
Planning & Development
Current Planning Department
731 South Fourth Street
Las Vegas, Nevada 89101

Re: Design Review
Justification Letter for (revised)
3701 Sahara (Sahara/Valley View)
APN # 162-07-512-010
SUP-34006, VAR-34008 & SDR-34010

To Whom It May Concern:

Suzana Rutar, Architect (SRA) is pleased to present this justification letter for the above referenced property. The above referenced property is zoned C-1 and has a General Plan designation of Service Commercial (SC). We are proposing to demolish the existing convenience store and fuel canopy and construct a convenience store (Arco AM/PM – gross floor area (gfa) is 3,018 S.F.), as well as a fuel canopy consisting of 6 MPD stations. The convenience store is the new MDC 2900 Arco Standard store that will be the first in the Las Vegas valley area, the fuel canopy, also an Arco Standard, will be 17'-6" in height and will have a clearance of 15'-0".

We respectfully request a waiver for the orientation of the building on the site. Per 19.08.050.D.2.e.i, *"Buildings on corner lots should be oriented to the corner and to the street fronts... unless the applicant can demonstrate by substantial and convincing evidence that to do so would be infeasible..."* We request that the Convenience Store and fuel canopy be oriented as shown on the site plan, as we feel that we have substantially demonstrated and convincingly shown that this site plan was developed utilizing the existing underground fuel farm. Multiple building orientations were considered with the re-use of the underground fuel farm prior to developing the site plan proposed; however, these did not allow for proper site circulation, parking, fire apparatus circulation, etc. The proposed development incorporates a design that re-uses the existing underground fuel farm as well as providing adequate site circulation, parking, fire apparatus circulation, etc. Orienting the building on the corner is neither feasible nor responsible to the location and existing infrastructure required to operate this facility.

We respectfully request a Variance to reduce the setback at the South side yard from 10'-0" to a 0'-0" setback. The property directly to the West appears to be part of the same sub-division with alley way access and parallel parking directly abutting the common West property line. The property directly to the South appears to be an existing alley way, Public Right-of-Way, between the subject site and the R-1 residential properties to the South of the alley way. An ALTA Survey completed in late March '09 indicates that the distance from the subject site's property line and the R-1 masonry wall on the South side of the alley way is 19'-9 ¾" (actual width of Public Right-of-Way is 20'-0"). After examining the site and the traffic flow requirements of the City of Las Vegas and Arco, SRA believes placing the store on the South property line, with a zero

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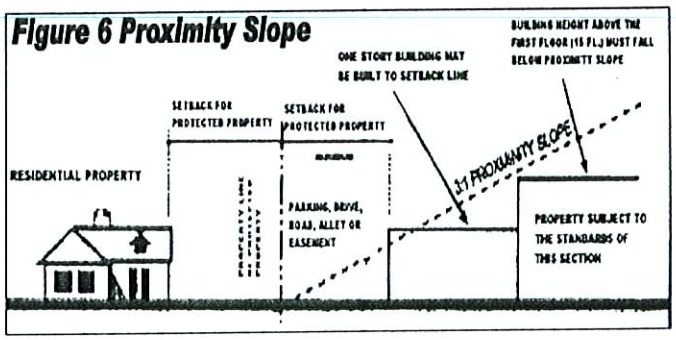
setback, is the only solution that enables our client to responsibly enhance and redevelop this corner.

We also would like to request a waiver for the reduction of the Residential Proximity Slope requirement of a 3:1 setback ratio, per the City of Las Vegas Title 19 Development Code Section 19.08.060.B.5. SRA believes that not only the intent of the 3:1 ratio (to ensure natural light to neighboring properties ('protected property') is not impeded) is being meet and the residential properties to the South are not being denied access to natural light. Also the 20'-0" Public Right-of-Way meets the intent of Figure 6 Proximity Slope per 19.08.060 (*"one story building may be built to setback line"* – proposed building is a one story building with a roof line/height at the rear of the building of 14'6"). Although the proposed building is on the property line (VAR-34008) the Public Right-of-Way is essentially providing twice the width of the *"setback line"*. Please see the attached Residential Proximity Slope Massing Exhibits indicating the sun pattern relevant to the development of this site and the surrounding properties.



The landscape design is per City of Las Vegas Title 19 Development Code Section 19.12, except where we are requesting a variance (VAR-34006) for the building setback at the South property line directly adjacent to an existing alley way. Because of this we are requesting an exception for the number of required trees to be reduced at the South property line buffer. SRA feel that the Parking Landscape design meets and exceeds the intent of Chapter 19.10.010.L.11, *"...at a ratio of one landscape island for every six parking spaces, ..."* The configuration of the required parking is not continuous but the intent of one landscape island for every six parking spaces is meet. Twelve parking spaces are required/provided and *"...at a ratio of one landscape island for every six parking spaces, ..."* the design provides two landscape islands parallel to the parking spaces, a ratio of 1:6 as required. We would also like to request a landscape waiver; *if required*, to reduce the landscape along the rear of the C-Store where we are requesting the Variance to reduce the setback. Please note that this site has an abundance of landscape coverage, so much that the provided landscape coverage exceeds, 3.5% more, what would be required if no waiver, *if required* would be requested. Please also note that additional trees are incorporated into the landscape design at the intersection.

TITLE 19.12 LANDSCAPE AND OPEN SPACE STANDARDS	STANDARD	REQUIRED **	PROVIDED	COMPLIANCE
PARKING AREA	1 TREE / 6 SPACES	4 TREES	4 TREES	YES
BUFFER: MIN. TREES				
(FRONT: EAST PROPERTY LINE) - 94.42' *	1 TREE / 20 LINERAR FEET	5 TREES	8 TREES	YES
(SIDE: SOUTH PROPERTY LINE) - 148.54' *	1 TREE / 30 LINERAR FEET	5 TREES	0 TREES	NO *** *
(CORNER: NORTH PROPERTY LINE) - 119.82' *	1 TREE / 20 LINERAR FEET	6 TREES	7 TREES	YES
(REAR: WEST PROPERTY LINE) - 150.0' *	1 TREE / 30 LINERAR FEET	5 TREES	7 TREES	YES
TOTAL		21 TREES	24 TREES	NO *** *
MIN. ZONE WIDTH				
(FRONT: EAST PROPERTY LINE)	15 FEET		17.42 FEET	YES
(SIDE: SOUTH PROPERTY LINE)	8 FEET		0 FEET	NO *** *
(CORNER: NORTH PROPERTY LINE)	15 FEET		15 FEET	YES
(REAR: WEST PROPERTY LINE)	8 FEET		8 FEET	YES **

* DENOTES LENGTH OF PROPERTY LINE
EAST - 123.10' + 14.32' - 43.00' = 94.42'
SOUTH - 172.54' - 24.00' = 148.54'
NORTH - 142.50' + 17.32 - 40.00' = 119.82'
WEST - 150.0' = 150.00'
CORNER - 34.64' (ADD HALF TO NORTH & EAST)
DRIVE CUT ON SAHARA - 40.0'
DRIVE CUT AT VALLEY VIEW - 43.0'
DRIVE PAN AT ALLEY WAY - 24.0'
** WITH THE 10.00' RIGHT HAND TURN LANE AND REDUCED PROPERTY LINES THE REQUIRED AMOUNT OF TREES WILL REMAIN UNCHANGED.
*** SIDE YARD TREE REQUIREMENT NOT MEET DUE TO BUILDING PLACEMENT AND VARIANCE REQUEST. ADDITIONAL TREES HAVE BEEN LOCATED ELSEWHERE ON THE SITE TO COMPENSATE FOR THE NUMBER OF TREES.
* MIN. REQUIRED LANDSCAPE WIDTH IS PROVIDED EXECPT WHERE BUILDING IS LOCATED.
** MIN. REQUIRED LANDSCAPE WIDTH IS PROVIDED EXCEPT WHERE TRASH ENCLOSURE IS PROVIDED.

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Parking is provided in accordance to the Development Code 19.10.E.2 and 19.10 table 1 (Retail, Personal, Commercial & Business Services and Auto-Related) Convenience Store - 1/250 sf of gfa providing 13 parking stalls including the required Handicap accessible stall located in front of the entrance of the Convenience Store.

Additionally we are requesting a Special Use Permit for this site:

1. For the on-site sales of beer/wine in conjunction with the Convenience Store. Recently this site has been allowed to operate with the sales of beer/wine under a Non-Conforming Conforming Use. However, Non-Conforming Conforming Use may expire during the 180 day permitted window. Also this site being a Nonconforming use of a Conforming Building, to meet the requirements for "expansion of use", per development code section 19.16.030.B the following must be met:
    a. Will not increase the size or extent of the use by more than 50%
    b. Will not require a Variance or Waiver regarding any other provision of Title19, including those that pertain to parking, landscape and residential adjacency requirements.

Our increase is less that the 50%, but the before mentioned setback reduction (Variance) requires us to request the SUP and secure this site as a Conforming Use.

We feel that revitalizing the site with a new Convenience Store and Fuel Canopy will enhance the character of the site and surrounding area. We also feel the proposed removal of the two access points nearest the intersection of Sahara and Valley View (directly adjacent to the intersection) along with the relocation of the other two access points further South and West of the intersection will enhance vehicular mobility of the intersection.

Thank you for your consideration of this request. If you have any questions or if you require additional information, please call me at 263-6176.

Sincerely,

Kenneth A. Ballard, Associate AIA
Project Manager

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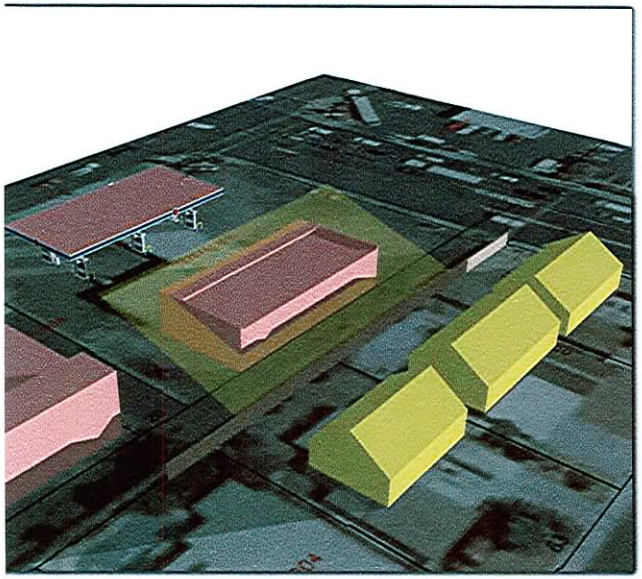

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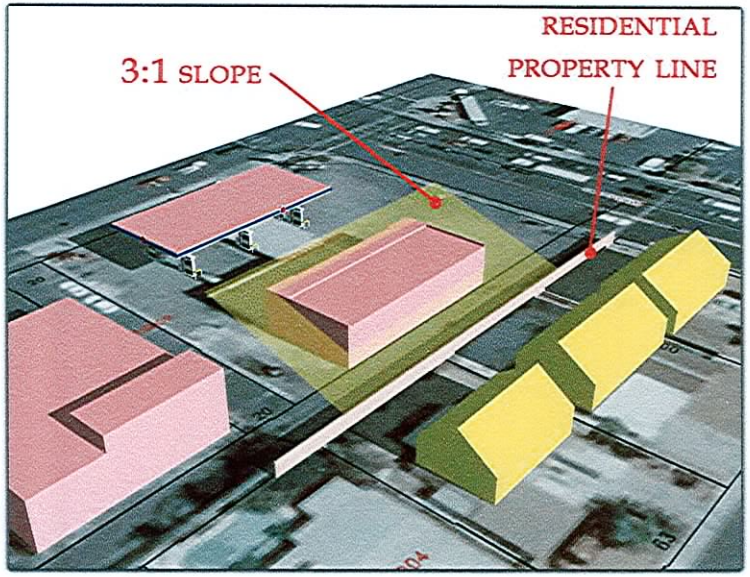

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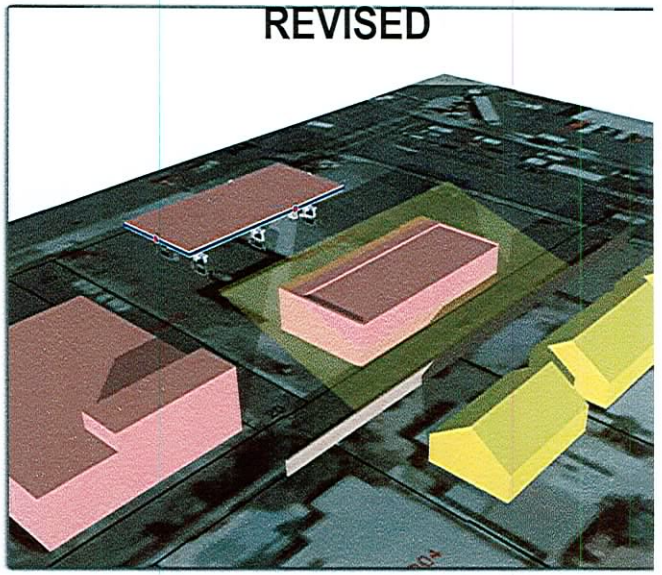

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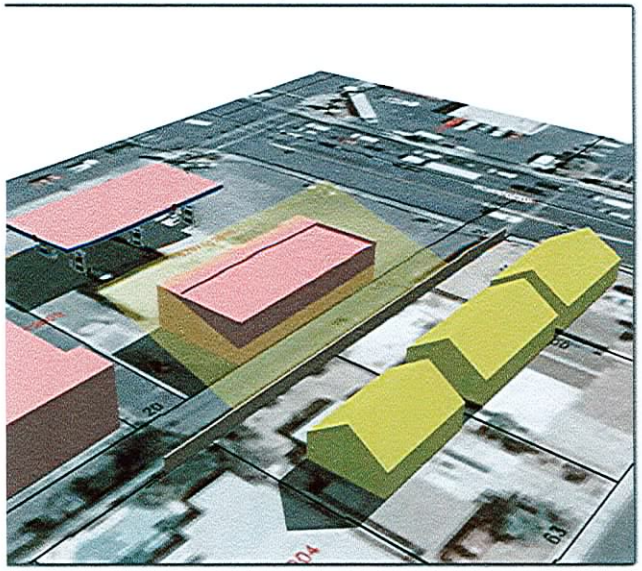
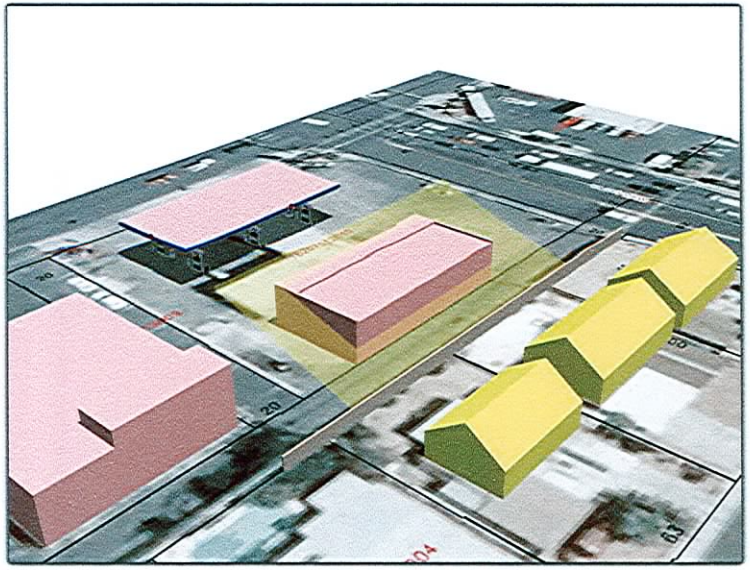


JUNE 21, 8:00 AM



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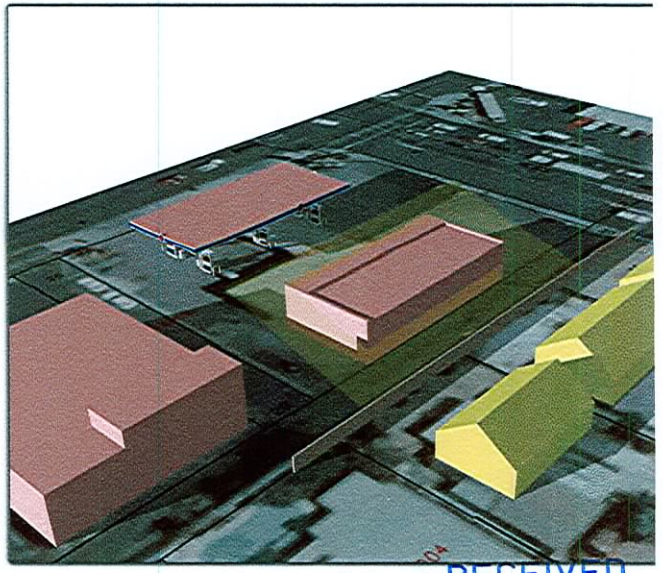

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RESIDENTIAL PROXIMITY SLOPE MASSING EXHIBIT

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Office Of The City Clerk
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Las Vegas, Nevada 89101

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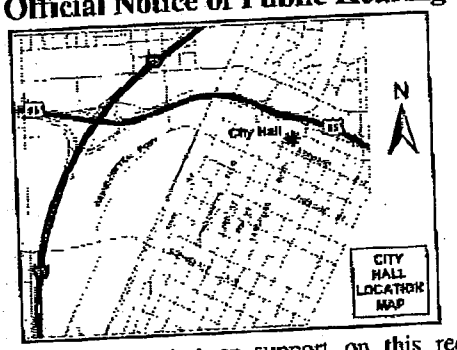
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

STEWART SANDRA
3809 FAIRWAY CIR
LAS VEGAS NV 89108-1106

APN#16207516003

SDR-34010
City Council Meeting of 7/15/2009

EAVDP11 89108

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 JUL 02 2009
MAILED FROM ZIP CODE 89101

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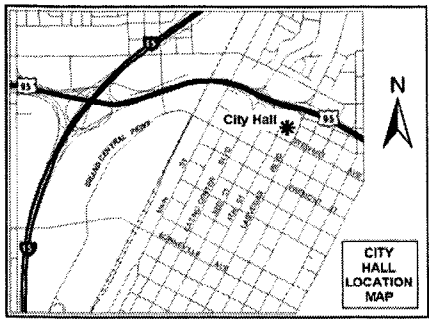

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Please use available blank space on card for your comments.

SDR-34010

City Council Meeting of 7/15/2009

RECEIVED
CITY CLERK
2009 JUL -7 A 10:44

SDR-34010 Occupant
Meadows Mobile Home Park
2900 South Valley View Boulevard, Space 320
Las Vegas, Nevada 89102

EAVDF11 A9102

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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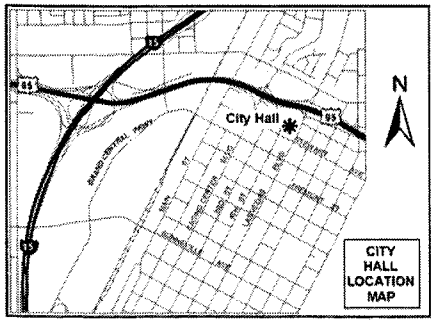

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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SDR-34010

City Council Meeting of 7/15/2009

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CITY CLERK
2009 JUL -7 A 10:44

WILSON ELIZABETH A
3813 LA PASADA AVE
LAS VEGAS NV 89102-3835

APN#16206811043

EAVDS11 A9102

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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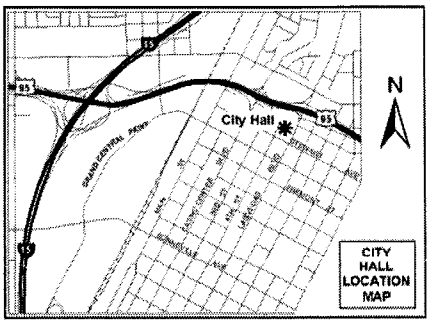

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

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SDR-34010
City Council Meeting of 7/15/2009

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CITY CLERK

SDR-34010 Occupant
Meadows Mobile Home Park
2900 South Valley View Boulevard, Space 230
Las Vegas, Nevada 89102

EAVDP11 89102

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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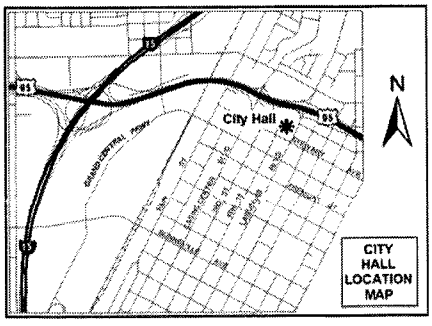

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SDR-34010
City Council Meeting of 7/15/2009

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2009 JUL -7 A 10:41
CITY CLERK

SDR-34010 Occupant
Meadows Mobile Home Park
2900 South Valley View Boulevard, Space 9
Las Vegas, Nevada 89102

EAVDP11 89102

NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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0004239954 MAY 01 2009
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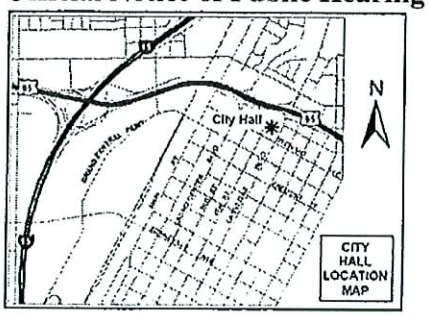
Official Notice of Public Hearing



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MAY 05 2009

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-34010
Planning Commission Meeting of 5/14/2009

PAT

SDR-34010 Occupant
Meadows Mobile Home Park
2900 South Valley View Boulevard, Space 44
Las Vegas, Nevada 89102

891028593I C017

29 P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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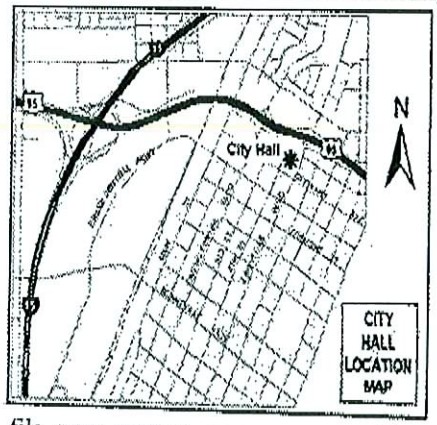

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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SDR-34010

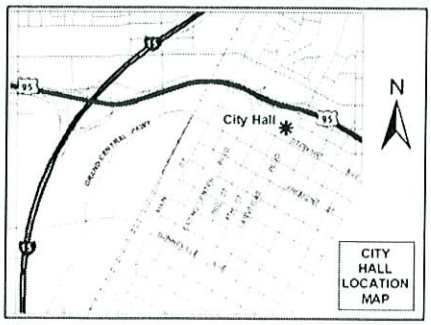
Planning Commission Meeting of 5/14/2009

16206810001 Case: SDR-34010
DOWNS DOROTHY C
2221 LOS ALTOS ST
LAS VEGAS NV 89102-3775

89102377R

29P

Official Notice of Public Hearing



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SDR-34010

Planning Commission Meeting of 5/14/2009

MAILED FROM ZIPCODE 89101

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MAY 06 2009

Case: SDR-34010

16207516012
PAULUS EVERETT T & BARBARA A
2612 SONORA ST
LAS VEGAS NV 89102-5912

29 P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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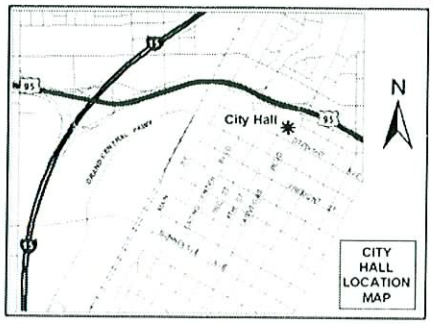

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SDR-34010
Planning Commission Meeting of 5/14/2009

SDR-34010 Occupant
Meadows Mobile Home Park
2900 South Valley View Boulevard, Space 320
Las Vegas, Nevada 89102

29 P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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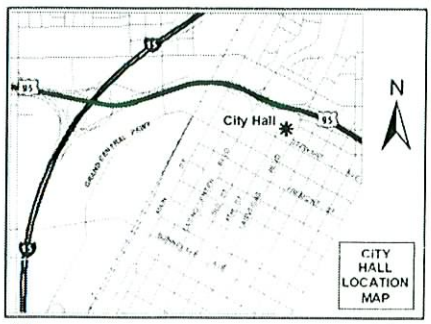
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

Case: SDR-34010

16207612024
FAULKNOR FORREST ~~SEHARY~~
2125 PLAZA DEL PADRE
LAS VEGAS NV 89102-3917

SDR-34010
Planning Commission Meeting of 5/14/2009

89102$3917 C029

29P

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MAY 07 2009

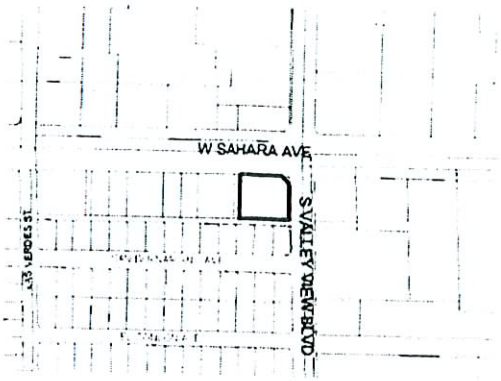
Application Information

Adamant No!

SDR-34010 - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-34008 AND SUP-34006 - PUBLIC HEARING - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC - Request for a Site Development Plan Review FOR A PROPOSED 3,018 SQUARE-FOOT CONVENIENCE STORE WITH FUEL PUMPS AND A WAIVER TO ALLOW A ZERO-FOOT LANDSCAPE BUFFER ON A PORTION OF THE SOUTH AND WEST PERIMETER WHERE EIGHT FEET IS THE MINIMUM REQUIRED AND TO ALLOW A WAIVER OF THE BUILDING PLACEMENT AND ORIENTATION STANDARDS on 0.58 acres at the southwest corner of Sahara Avenue and Valley View Boulevard (APN 162-07-512-010), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian)

That Four way corner is already Squeezed to the max - Look at the mess where Mariannas is! It's a hazard - You can't get in & out of the parking Lot - That alleyway on S/W corner is squeezed

Application Location



The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

Meeting:	Planning Commission
Date:	*May 14, 2009*
Time:	6:00 P.M.
Location:	City Council Chambers 400 Stewart Avenue Las Vegas, Nevada

Any and all interested persons may appear before the City Planning Commission either in person or by representative and object to or express approval of this request; or may, prior to this meeting, file a written objection thereto or approval thereof with the Planning and Development Department, Development Services Center, 731 South Fourth Street, Las Vegas, Nevada 89101. Final Action on General Plan Amendments and Rezonings will be determined by the City Council. Other public hearing items may be deemed Final Action by the Planning Commission or forwarded to the City Council. The date of the City Council meeting, if applicable, will be announced at the Planning Commission meeting after the discussion of the item. For further information, including the full staff report, please call (702) 229-6301 (TDD 386-9108) or go to http://www.lasvegasnevada.gov.

and is a filthy mess. Every Business on that corner (4 corners) is squeezed up to the sidewalk & built right to the alleys.

Ms. Tarkanian is the most concerned & conscientious Councilperson I've ever had. She truly tries to keep residents notified

Thank You

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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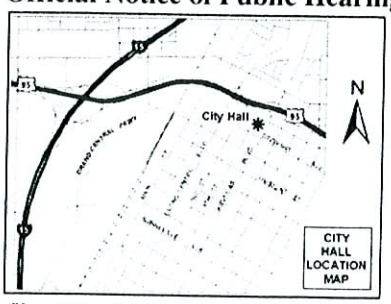

P.S. No bus stop should be a few feet from an intersection. It blocks Traffic flow in all directions & God forbid you get behind one - You are stuck - Cars trying to make Right turns are in a totally hazardous position - Many times not knowing a bus is stopped!

Where several people were run over a short time ago - The bus stop should be further down the road not close to a corner!

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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SDR-34010
Planning Commission Meeting of 5/14/2009

16207515015
COLLETTE CAROLYN
2620 ARENAS ST
LAS VEGAS NV 89102-0603

Case: SDR-34010

That corner (4) has too many businesses jutted to the sidewalk - Smog business & Mexican Drive In & Indian Restaurant Terrible Herbst - The Buss stop is a few feet from the corner

29P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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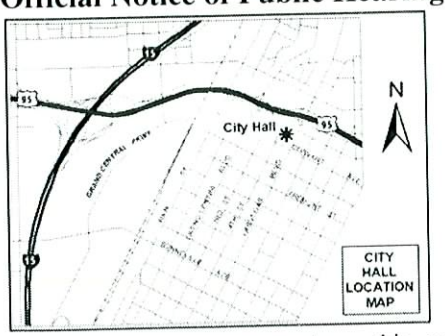

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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SDR-34010
Planning Commission Meeting of 5/14/2009

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MAY 07 2009

SDR-34010 Occupant
Meadows Mobile Home Park
2900 South Valley View Boulevard, Space 261
Las Vegas, Nevada 89102

89102594 C017

29P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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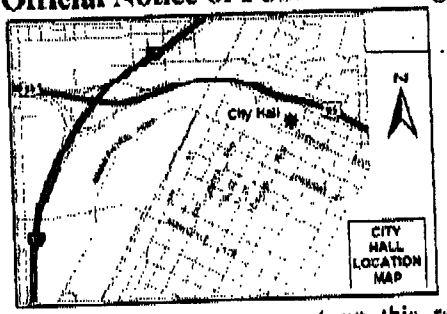

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

↑ Homeless & Crime Graffitee

No more

Please use available blank space on card for your comments

SDR-34010

Planning Commission Meeting of 5/14/2009

Case: SDR-34010

JAK T D FAMILY L P
%D KHAL
1626 S W WALKER RD
GRESHAM OR 97080-0000

Submitted after final agenda

Date 5/13/09 Item 29 P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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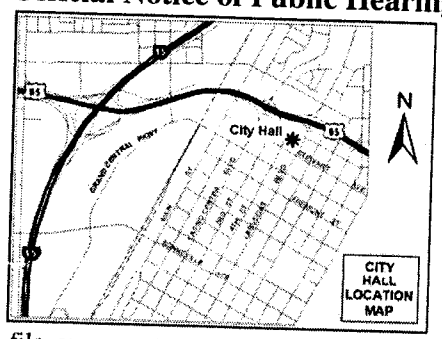

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SDR-34010

Planning Commission Meeting of 5/14/2009

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MAY 12 2009

16207513038 Case: SDR-34010
VAZQUEZ PROVIDENCIA & ANGEL
2525 AMARILLO ST
LAS VEGAS NV 89102-5714

89102857

Submitted after final agenda

Date 5/12/09 Item 29P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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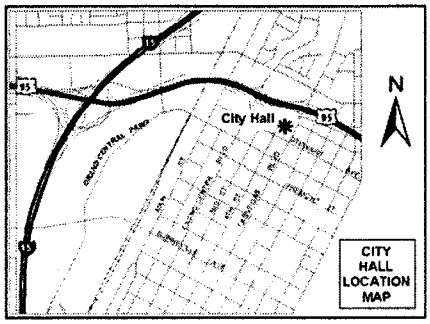

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-34010
Planning Commission Meeting of 5/14/2009

Case: SDR-34010
16206810106
CASTRICONE RICHARD J & GLORIA R
4017 EL CAMINO AVE
LAS VEGAS NV 89102-3601

Submitted after final agenda
Date 5/12/09 Item 29 P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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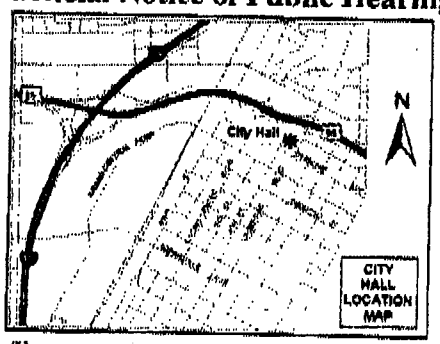

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

1 Homeless & Crime Graffiti

Please use available blank space on card for your comments.

No more

SDR-34010
Planning Commission Meeting of 5/14/2009

Case: SDR-34010
16208101005
JAK T D FAMILY L P
%D KHAL
1626 S W WALKER RD
GRESHAM OR 97080-0000

Submitted after final agenda

Date 5/12/09 Item 29P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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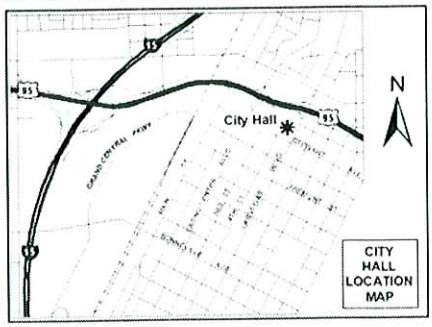

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Case: SDR-34010

16207613046
FOYT ELIZABETH ANN
2851 S VALLEY VIEW #1143
LAS VEGAS NV 89102-0143

☒ I SUPPORT this Request ☐ I OPPOSE this Request

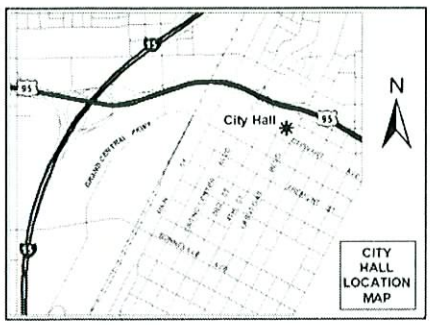
Please use available blank space on card for your comments.

SDR-34010
Planning Commission Meeting of 5/14/2009

29A

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-34010

Planning Commission Meeting of 5/14/2009

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M $ 00.39⁴
0004239954 MAY 01 2009
MAILED FROM ZIP CODE 89101

RECEIVED
MAY 06 2009

Case: SDR-34010
16207613026
FOYT ELIZABETH ANN
2851 S VALLEY VIEW BLVD #1143
LAS VEGAS NV 89102-0143

89102$0143-0063

29A

City of Las Vegas Agenda Item No.: **78.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

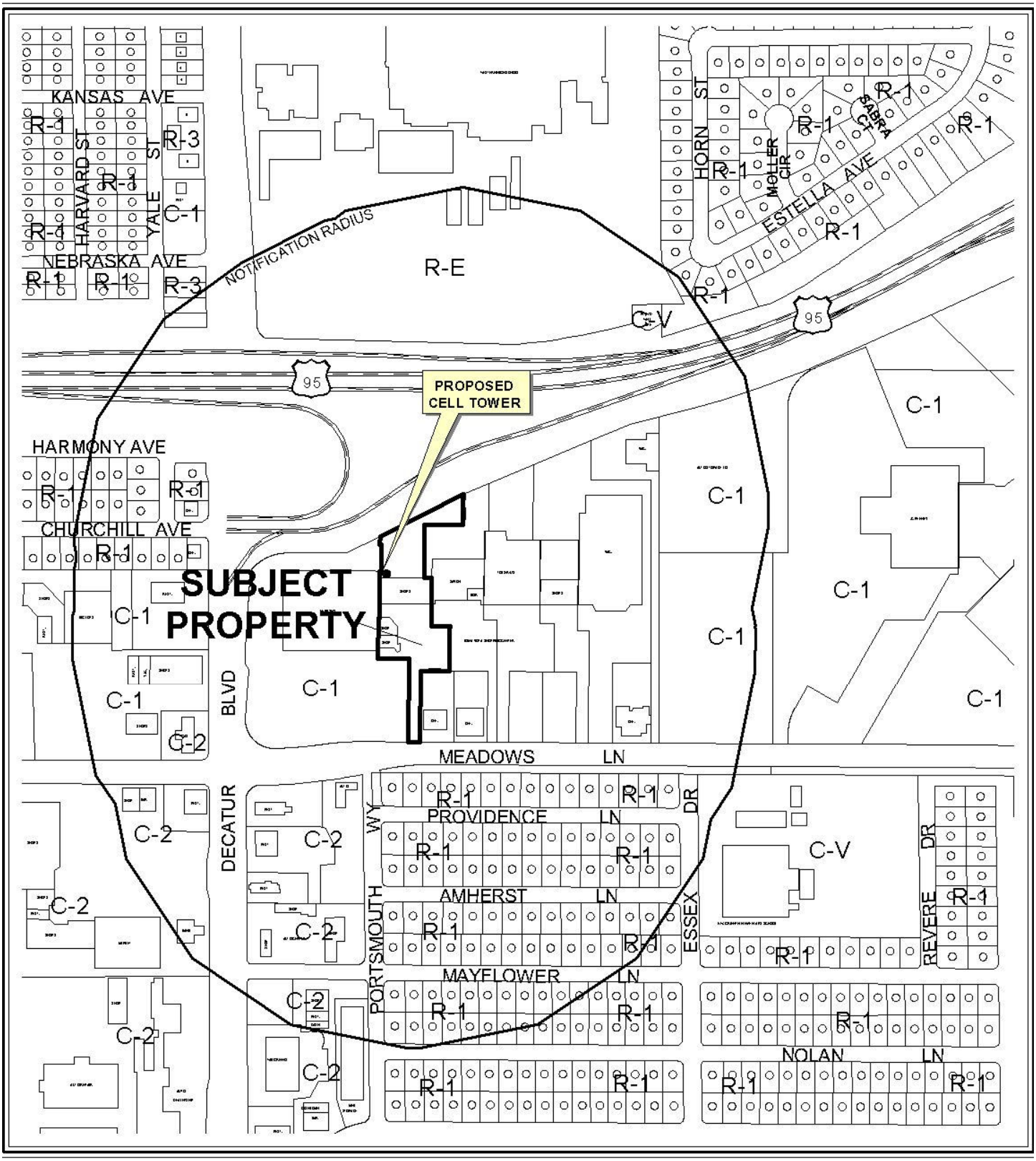
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-34016 – ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CLEAR WIRELESS, LLC - OWNER: LXT4, LLC – Appeal filed from the denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED 80-FOOT TALL WIRELESS COMMUNICATION FACILITY, STEALTH DESIGN (MONOPALM) approximately 560 feet north of Meadows Lane and approximately 530 feet east of Decatur Boulevard (APN 139-31-110-001), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (6-0 vote) recommends DENIAL. Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**3**	**Planning Commission Mtg.**	**2**
City Council Meeting	**11**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (6-0 vote) recommends DENIAL. Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Appeal Letter filed by WFI
7. Protest Postcards
8. Backup referenced from the May 14, 2009 Planning Commission Meeting Item 13



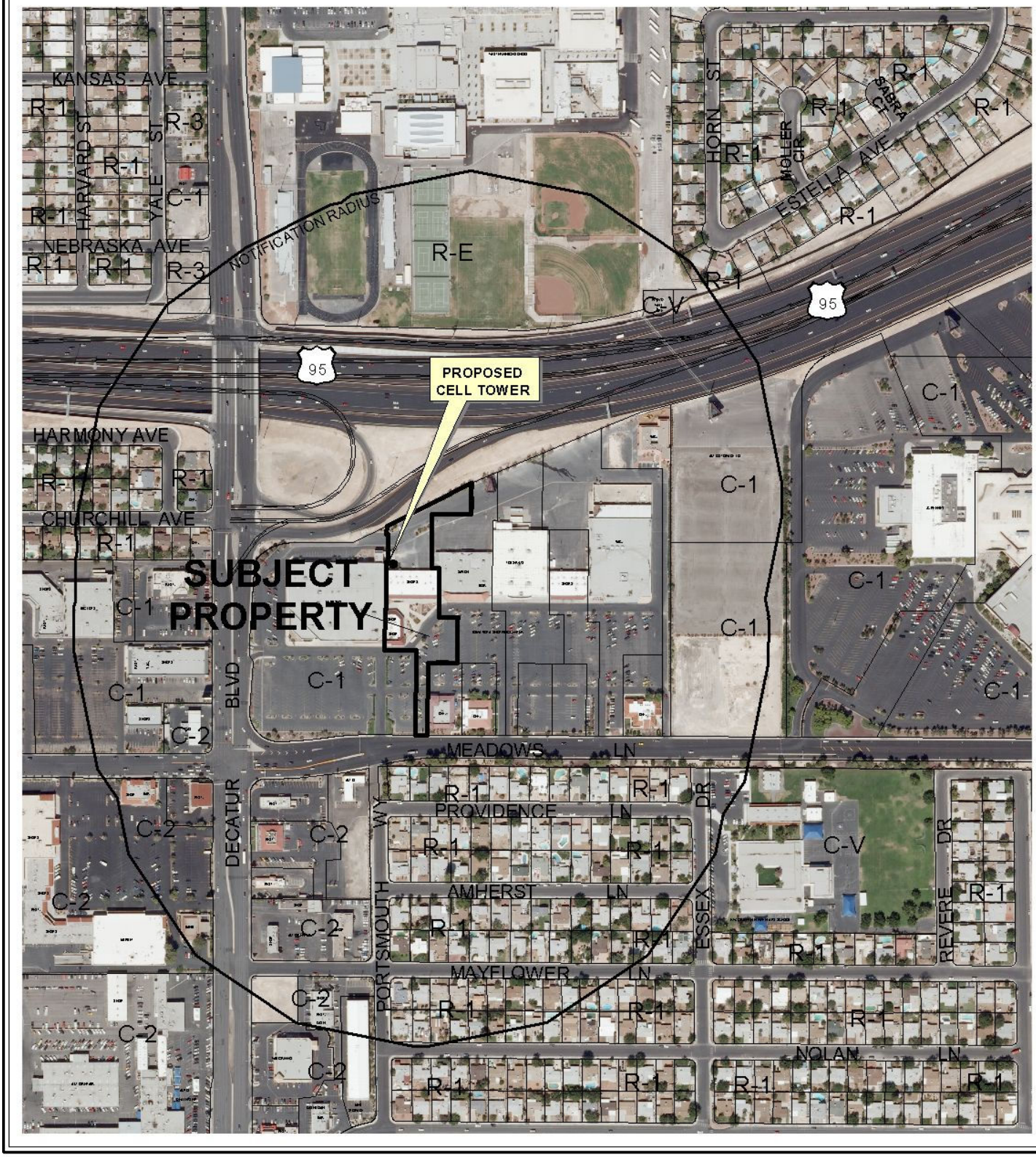
0 400 800 Feet

CASE: **SUP-34016**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



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CASE: **SUP-34016**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

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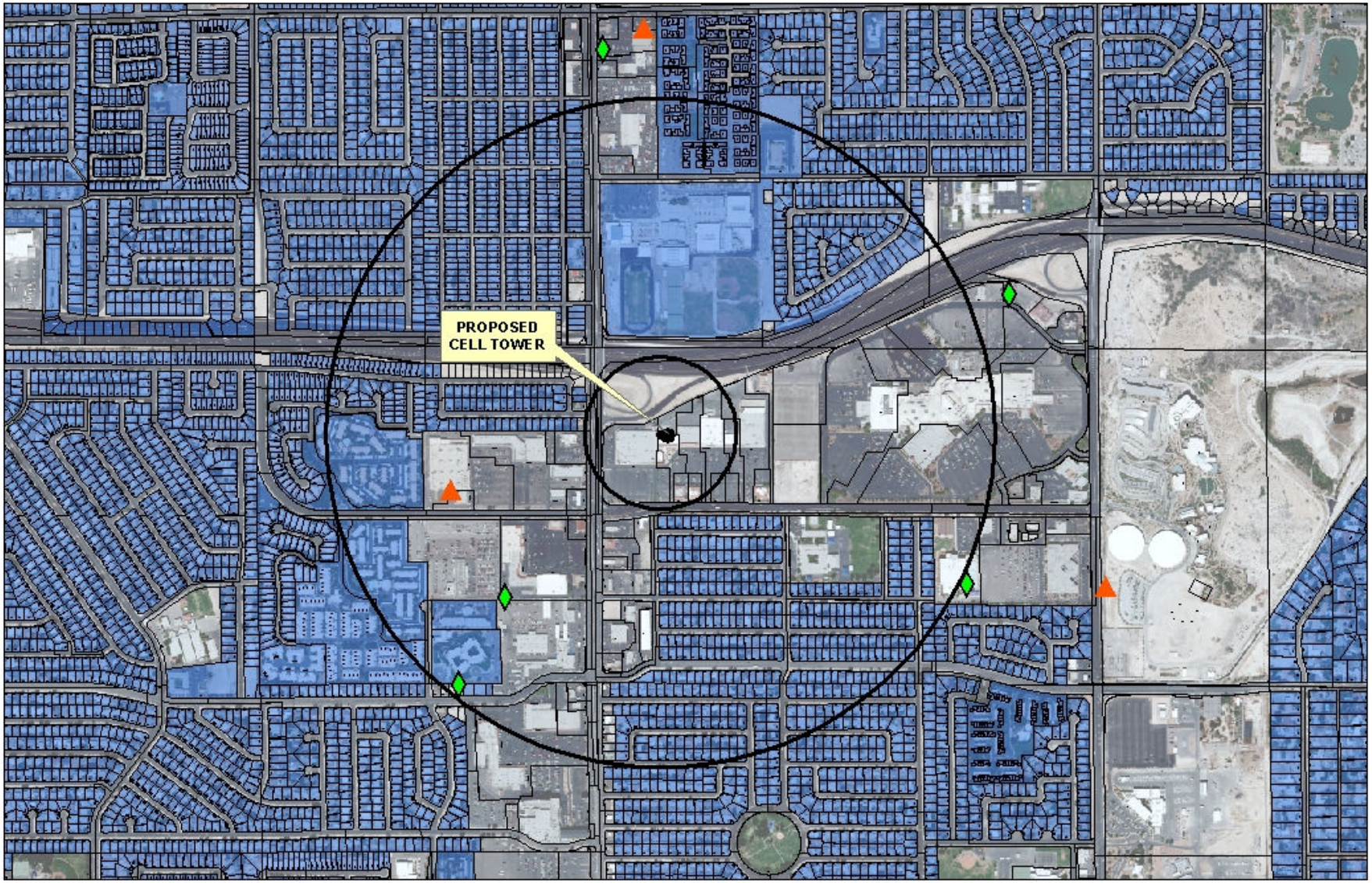

SUP-34016

Cell Tower Locations

Non-Stealth

Stealth

Subject Cell Tower

Residential Property

600ft &
1/2 mile Buffer

N

0 700 1,400 2,800 Feet

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 16, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-34016 - APPLICANT: CLEAR WIRELESS, LLC - OWNER: LXT4, LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 2, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

** CONDITIONS **

The Planning Commission (6-0 vote) recommends DENIAL. Staff recommends APPROVAL, subject to conditions.

Planning and Development

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for Wireless Communication Facility, Stealth Design use.

2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. The block wall enclosure shall consists of a decorative block wall with 20% contrasting material at least six feet in height and meeting all requirements of Title 19.12.075.

4. The communications monopole and its associated equipment and facility shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the communications monopole and its associated equipment and facility.

5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

6. The proposed wireless communications facility shall not be located within the public right-of–way or interfere with Site Visibility Restriction Zones. The proposed ground mounted bases shall not be located within existing or proposed public sewer or drainage easements.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed 80-foot tall Wireless Communication Facility, Stealth Design (Monopalm) approximately 560 feet north of Meadows Lane and approximately 530 feet east of Decatur Boulevard. The proposed 80-foot cellular facility will provide three small antennas and three microwave dishes at a 75-foot centerline. The antennas will be flush-mounted on the pole and partially camouflaged by the artificial palm fronds. The equipment enclosure consists of an eight-foot tall block wall with a metal gate. The enclosure will house the proposed cellular facility and the associated electrical equipment. The submitted elevations also indicate a future co-location on the proposed cellular facility.

The proposed monopalm complies with all residential adjacency standards as the site is located approximately 585 feet from the closest R-1 (Single Family Residential) zoned property to the west. The proposed Wireless Communication Facility, Stealth Design (Monopalm) use can be conducted in a compatible and harmonious manner with the surrounding development and land uses; therefore staff is recommending approval of this request.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
09/30/04	A deed was recorded for a change of ownership at 4600 Meadows Lane.
03/26/09	Staff denied a request for a Site Development Plan Review (SDR-33206) for a proposed 80-foot tall Wireless Communication Facility, Stealth Design (Monopalm) at 4640 Meadows Lane.
05/14/09	The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #13/bts).
Related Building Permits/Business Licenses	
1980	The County Assessor's Office indicates a construction date of 1980 for the building located at 4640 Meadows Lane.
Pre-Application Meeting	
03/11/09	The Planning and Development Department meeting was held where the submittal requirements for a Special Use Permit for a Wireless Communication Facility, Stealth Design was discussed. • Previously denied Site Development Plan Review (SDR-33206) • Design and location of the cellular facility and equipment • Residential adjacency concerns
Neighborhood Meeting	
A neighborhood meeting was not required for this application.	

Field Check	
04/09/09	A field check was completed on the indicated date. The site inspection reveled the proposed location of the facility, which is to be located at the rear of an existing commercial building. The overall site was clear of debris.

Details of Application Request	
Site Area	
Net Acres	2.28 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail	SC (Service Commercial)	C-1 (Limited Commercial)
North	Right-Of-Way (U.S. Highway 95)	Right-Of-Way (U.S. Highway 95)	Right-Of-Way (U.S. Highway 95)
South	Single-Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)
East	Retail	SC (Service Commercial)	C-1 (Limited Commercial)
West	Retail	SC (Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan		X	
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O Airport Overlay District – (140-Feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08 Development Standards

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Size	N/A	99,317 SF	Y
Min. Lot Width	100 Feet	40 Feet	N
Min. Setbacks			
• Front (South)	20 Feet	559 Feet	Y
• Side (West)	10 Feet	37 Feet	Y
• Corner (East)	15 Feet	122 Feet	Y
• Rear (North)	20 Feet	214 Feet	Y
Max. Lot Coverage	50%	N/A	N/A
Max. Building Height	N/A	80 Feet	Y

Residential Adjacency Standards per Title 19.08.060

Residential Adjacency Standards	*Required/Allowed*	*Provided*	*Compliance*
3:1 proximity slope	240 Feet	585 Feet	Y

ANALYSIS

- **Use (Wireless Communication Facility, Stealth Design (Monopalm)**

  Title 19.04 defines a Wireless Communication Facility, Stealth Design as a Wireless Communication Facility that is designed to blend into the surrounding environment. Examples include without limitation: antenna tower alternative structures; roof-mounted antennas (with architectural screening when appropriate); building-mounted antennas painted to match the existing structure; antennas integrated into architectural elements (such as steeples or cupolas); antennas and antenna structures designed to look like light poles, flagpoles, or any other camouflaging techniques available on the market; and a cable microcell network which utilizes multiple low-powered transmitters/receivers or repeaters attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

- **Minimum Conditional Use Regulations**

  1. The applicant must submit to the Department, for administrative review and approval, a site plan and an elevation drawing. The Director shall review the documents to determine if the proposed facility conforms to the conditions listed below for this use. If the Director, in his discretion:

a. Approves the proposed facility to proceed as a conditional use, the Director shall provide written notice of approval to the applicant, with a copy to the office of the City Council. Within 10 days after the notice is mailed or delivered, the applicant may proceed to apply for building permits, unless a member of the City Council files with the Director a written request for the Council to review the approval. If such a request to review is filed, the application must first be reviewed and approved by the Council.
b. Determines that the proposed facility does not conform to the conditions listed below, a Special Use Permit will be required for the use. Any determination by the Director that a Special Use Permit will be required is not subject to appeal.

2. No residential use may exist on the property.

3. The design must conform to the definition of the term A Wireless Communication Facility, Stealth Design,@ as set forth in Section 19.20.020 and as determined by the Director.

4. Within an area designated as a Historic Preservation District, the proposed facility must first be reviewed by the Historic Preservation Commission before the Director considers granting approval as a conditional use.

5. The design and location of the proposed facility must be deemed by the Director to be compatible with surrounding uses, and the facility must include appropriate screening and landscaping to ensure such compatibility.

6. The frequencies used by the communication provider shall be in conformance with Federal Communication Commission standards, as certified by a competent professional (such as a radio frequency engineer).

The applicant fails to comply with minimum conditional use regulations, number one. As the applicant fails to comply with minimum conditional use regulations, the subject Special Use Permit is required. The proposed Wireless Communication Facility, Stealth Design (Monopalm) use can be conducted in a compatible and harmonious manner with the surrounding development and land uses; therefore staff is recommending approval of this request.

- **Site Plan**

The applicant is proposing an 80-foot Wireless Communication Facility, Stealth Design (Monopalm) and an eight-foot block wall with a metal gate, which will house the associated electrical equipment. The facility is to be located behind an existing Shopping Center adjacent to the northeast corner of Meadows Lane and Decatur Boulevard.

Pursuant to Title 19.08.060 Residential Adjacency Setback Standards require a minimum separation of 240-feet from protected property for a proposed 80-foot Wireless Communication Facility, Stealth Design (Monopalm). The proposed communication facility will be approximately 585-feet from the R-1 (Single Family Residential) district to the west, and approximately 650 feet from the R-1 (Single Family Residential) district to the south. The proposed Wireless Communication Facility, Stealth Design (Monopalm) meets the minimum Residential Adjacency Setback requirements.

- **Elevations**

The elevations indicate a proposed 80-foot tall Wireless Communication Facility, Stealth Design (Monopalm). The submitted elevations indicate that the proposed cellular facility will provide three small antennas and three microwave dishes at a 75-foot centerline. The submitted elevations also indicate an area for a future co-location. The elevations also indicate an eight-foot block wall with a metal gate, which will house the associated electrical equipment. A condition of approval has been added, which requires that the proposed block wall comply with Title 19.12 Landscape and Buffer Standards for walls.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

   The proposed Wireless Communication Facility, Stealth Design (Monopalm) use can be conducted in a manner that is harmonious and compatible with the existing surrounding area.

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

   The subject site is physically suitable for the type and intensity of land use proposed as the addition of a Wireless Communication Facility, Stealth Design (Monopalm) will not intensify the land use.

3. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use."**

Adequate access to the subject site is from Decatur Boulevard a 100-foot Primary Arterial and Meadows Lane a 70-foot Local Street, as defined by the Master Plan of Streets and Highways and Meadows Lane.

4. **"Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan."**

   The approval of this request would not compromise public health, safety, and welfare or the overall objectives of the General Plan.

5. **The use meets all of the applicable conditions per Title 19.04.**

   The proposed 80-foot Wireless Communication Facility, Stealth Design (Monopalm) meets the minimum requirements for a Wireless Communication Facility, Stealth Design

PLANNING COMMISSION ACTION

The Planning Commission determined that the 80' monopalm was not appropriate in this location.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 19

ASSEMBLY DISTRICT 34

SENATE DISTRICT 3

NOTICES MAILED 147 by City Clerk

APPROVALS 2

PROTESTS 1

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-34016 APN: 139-31-110-001

Name of Property Owner: LXT4, LLC

Name of Applicant: Clear Wireless, LLC (Clearwire - Alex Blasscyk)

Name of Representative: Wireless Facilities, Inc. (Matthew Steadman)

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ Yes ☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: Thu Xuan Le

Subscribed and sworn before me

This 25th day of March, 2009

_____

Notary Public in and for said County and State

NADINE DA ROZA
Commission # 1581470
Notary Public - California
San Benito County
My Comm. Expires Jun 20, 2009

Revised 11-14-08

I:\depot\Application Packet\Statement of Financial Interest.pdf

clearwire®
U.S., L.L.C.

NV-LSV618D
LXT 4 LLC

4640 MEADOWS LANE
LAS VEGAS, NEVADA 89107
APN# 139-31-110-001

CONSULTANT TEAM

ENGINEERING SERVICES:

CMX
2800 W SAHARA AVE SUITE F BUILDING 2
LAS VEGAS, NV 89102
CONTACT: TANNER YOUNG
E-MAIL: TYOUNG@CMXENGINEERING.COM
OFFICE: (702)220-5172 X109
MOBILE: (702)540-6213

ZONING MANAGER:
WIRELESS FACILITIES INCORPORATED
7030 SMOKE RANCH RD
LAS VEGAS, NV 89128
CONTACT: MATTHEW STEADMAN
E-MAIL: matthew.steadman@wfinet.com
PHONE: (702) 501-4851 FAX:(702) 586-3685

CONSTRUCTION MANAGER:
WIRELESS FACILITIES INCORPORATED
7030 SMOKE RANCH RD
LAS VEGAS, NV 89128
CONTACT: BOB BIRON
E-MAIL: robert.biron@wfinet.com
PHONE: (702) 588-2961 FAX:(702) 586-3685

SITE ACQUISITION:
WIRELESS FACILITIES INCORPORATED
7030 SMOKE RANCH RD
LAS VEGAS, NV 89128
CONTACT: MATTHEW STEADMAN
E-MAIL: matthew.steadman@wfinet.com
PHONE: (702) 501-4851 FAX:(702) 586-3685

POWER:
NEVADA POWER COMPANY
(702) 633-8400

TELEPHONE:
EMBARQ
702-361-3332

APPLICABLE CODES

JURISDICTION: CITY OF LAS VEGAS

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.

INTERNATIONAL BUILDING CODE (IBC) 2006 EDITION
WITH NEVADA STATE AMENDMENTS
NATIONAL ELECTRIC CODE (NEC) 2005 EDITION
EIA/TIA-222-F STANDARDS FOR BROADCAST STRUCTURES LOCAL CODES AND ORDINANCES

IN THE EVENT OF A CONFLICT, THE MOST RESTRICTIVE CODE SHALL PREVAIL

VICINITY MAP



COORDINATES: (NAD 83) LATITUDE: 36.171811 LONGITUDE: -115.204250

DRIVING DIRECTIONS

Start out going EAST on MARY CREST RD toward N GIBSON RD. 0.1 mi Map

TURN LEFT ONTO N GIBSON RD.
TURN RIGHT ONTO AUTO SHOW DR.
MERGE ONTO US-95 N VIA THE RAMP ON THE LEFT.
TAKE THE DECATUR BLVD EXIT, EXIT 79. 0.5
TAKE THE DECATUR BLVD RAMP. 0.2
TURN LEFT ONTO N DECATUR BLVD. 0.3
TURN LEFT ONTO MEADOWS LN. 0.2 MI
END AT 4640 MEADOWS LN LAS VEGAS, NV 89107-2909

SPECIAL INSPECTIONS

SPECIAL INSPECTIONS ARE REQUIRED FOR THE TYPES OF WORK DESCRIBED BELOW:

1. HIGH-STRENGTH BOLTS.

PROJECT SUMMARY

APPLICANT/LESSEE

CLEARWIRE US, LLC
4400 CARILLON POINT
KIRKLAND, WASHINGTON 98033
PHONE: 425-216-7600
FAX: 425-216-7900

LOCAL ADDRESS:
1051 MARY CREST ROAD, SUITE K
HENDERSON, NEVADA 89074
CONTACT: ALEX BLASSCYK
PHONE: (702) 273-0609

PROPERTY INFORMATION

OWNER:	L X T 4 L L C 4640 MEADOWS LN LAS VEGAS, NV 89107
JURISDICTION	CITY OF LAS VEGAS
ASSESSORS PARCEL NUMBER:	139-31-110-001
CURRENT ZONING:	C-1
PROPOSED AREA OF CONSTRUCTION:	587.500 SQ. FT.
EXISTING OCCUPANCY:	N/A
PROJECT OCCUPANCY:	NONE
TYPE OF CONSTRUCTION:	U
PROJECT INFORMATION	
EQUIPMENT LOCATION:	OUTDOOR
ANTENNA LOCATION:	NEW MONOPALM

SCALE

THE DRAWING SCALES SHOWN IN THIS SET REPRESENT THE CORRECT SCALE ONLY WHEN THESE DRAWINGS ARE PRINTED IN AN 11" X 17" FORMAT. IF PLOTTED SMALLER OR LARGER PLEASE USE THE BAR SCALE AS THE REFERENCE

ACCESSIBILITY DISCLAIMER

THIS PROPOSED PROJECT IS AN UNOCCUPIED TELECOMMUNICATIONS FACILITY AND IS NOT TO BE ACCESSED BY THE GENERAL PUBLIC. THIS FACILITY IS EXEMPT FROM DISABLED ACCESS REQUIREMENTS PER IBC 1103.2.9 LISTED AS AN EQUIPMENT SPACE.

SHEET SCHEDULE

T-1	TITLE
A-1	PARCEL PLAN
A-2	ENLARGED SITE PLAN
A-3	ELEVATION

PROJECT DESCRIPTION

THE PROPOSED PROJECT INCLUDES THE FOLLOWING:

-NEW CLEARWIRE ANTENNAS MOUNTED ONTO AN NEW 80'-0" HIGH MONOPALM. ANTENNAS TO BE MOUNTED AT 75'-0" HIGH RAD CENTER WITH 1 FLAT PANEL ANTENNA , 1 DAP HEAD PER SECTOR (3 SECTORS TOTAL) WITH UP TO 3 MICROWAVE DISHES AT THE AT SAME RAD CENTER.

-INSTALLATION OF ONE COMMUNICATION CABINET.

-INSTALLATION OF ONE GPS ANTENNA

APPROVALS

THE FOLLOWING PARTIES HEREBY APPROVE AND ACCEPT THESE DOCUMENTS AND AUTHORIZE THE CONTRACTOR TO PROCEED WITH THE CONSTRUCTION DESCRIBED HEREIN. ALL CONSTRUCTION DOCUMENTS ARE SUBJECT TO REVIEW BY THE LOCAL BUILDING DEPARTMENT AND ANY CHANGES AND MODIFICATIONS THEY MAY IMPOSE.

	SIGNATURE	DATE
LEASING		
ZONING		
RF		
CONSTRUCTION		
INTER CONNECT		
LESSOR		
BACKHAUL		

clearwire
U.S., L.L.C.
1051 MARY CREST RD. STE K
HENDERSON, NV 89074

NV-LSV618D

4640 MEADOWS LANE
LAS VEGAS, NV 89107
CLARK COUNTY

JURISDICTION: CITY OF LAS VEGAS
A.P.N. # 139-31-110-001

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2800 W SAHARA AVE
BUILDING 2, SUITE F
LAS VEGAS, NV 89102
TEL (702) 228-4901 FAX (702) 228-6336
ARIZONA • FLORIDA • MARYLAND • NEVADA • NEW JERSEY
NEW YORK • PENNSYLVANIA • MEXICO

SCHEDULE OF REVISIONS

REV. NO.	DATE	DESCRIPTION OF CHANGES
7	--	--
6	--	--
5	--	--
4	--	--
3	--	--
2	--	--
1	1/15/09	100% ZONING DRAWINGS
0	12/24/08	90% ZD'S FOR APPROVAL

DRAWN BY: BG CHECKED BY: RAB
CMX JOB #: 080562102

ENGINEERING SEAL:

FOR ZONING ONLY NOT FOR CONSTRUCTION

THIS INFORMATION CONTAINED WITHIN THIS SET OF DOCUMENTS/DRAWINGS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO THE CLIENT NAME IS STRICTLY PROHIBITED

DRAWING TITLE:

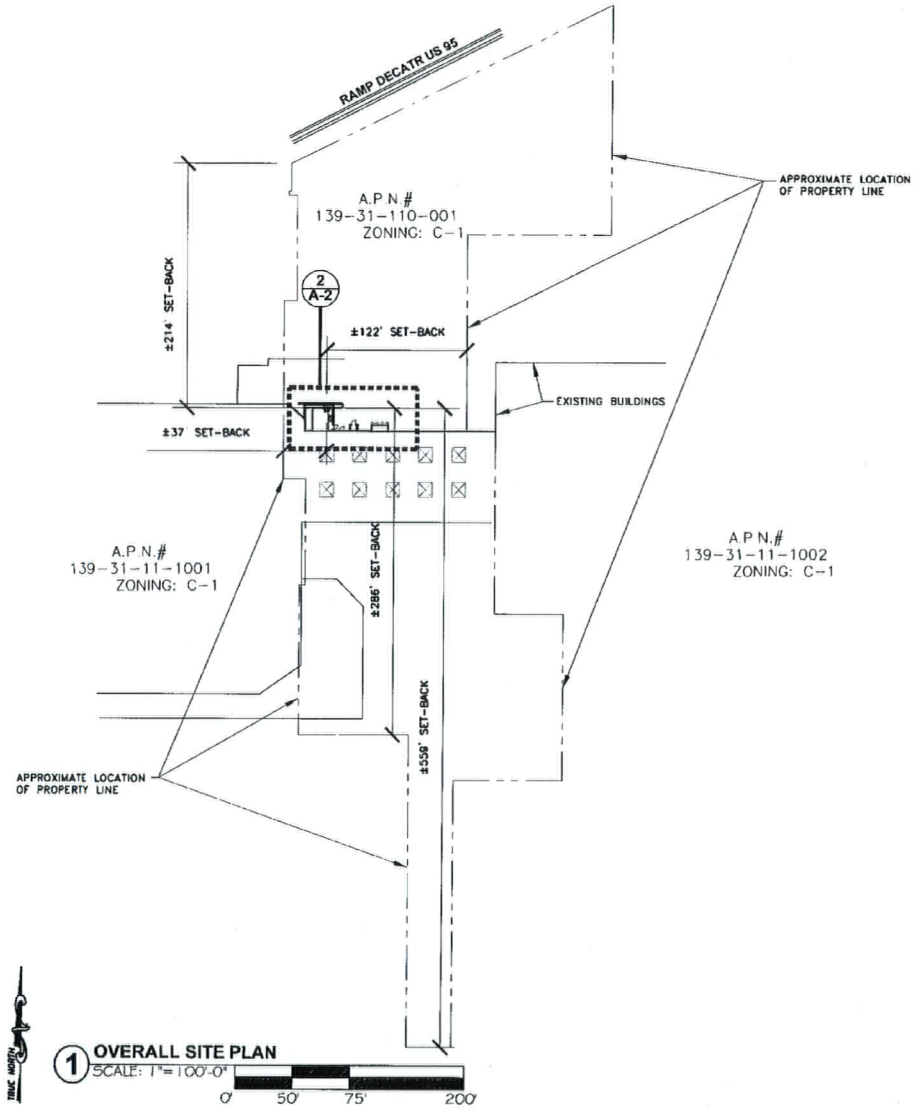
TITLE SHEET

DRAWING SHEET:

T-1

SUP-34016
REVISED
05/14/09 PC

RECEIVED
APR 15 2009



clear Wireless LLC
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REV. NO.	DATE	DESCRIPTION OF CHANGES
7	--	--
6	--	--
5	--	--
4	--	--
3	--	--
2	--	--
1	--	--
0	04/09/09	100% CD'S

DRAWN BY: BG CHECKED BY: RAB

CMX JOB #: 08056210.2

ENGINEERING SEAL:

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DRAWING TITLE:

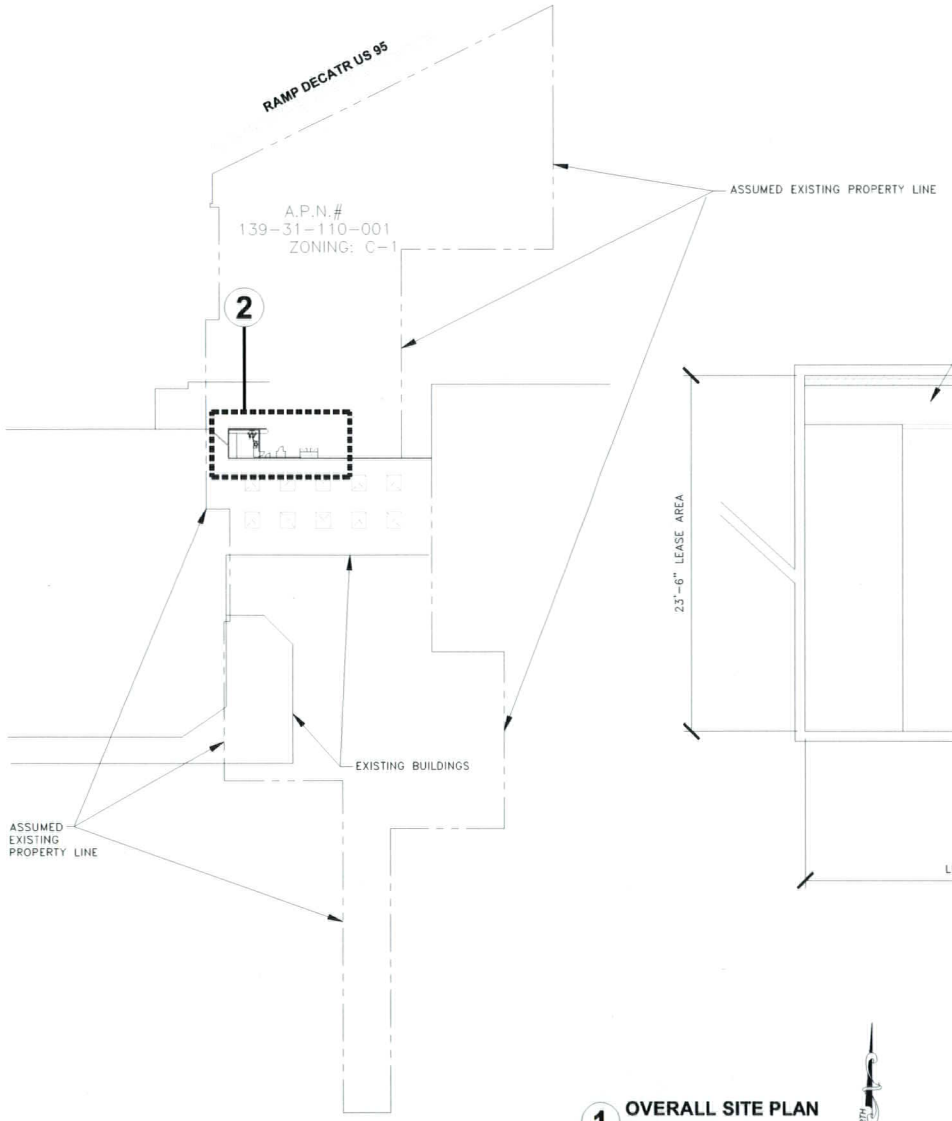
ENLARGED SITE PLAN

DRAWING SHEET:

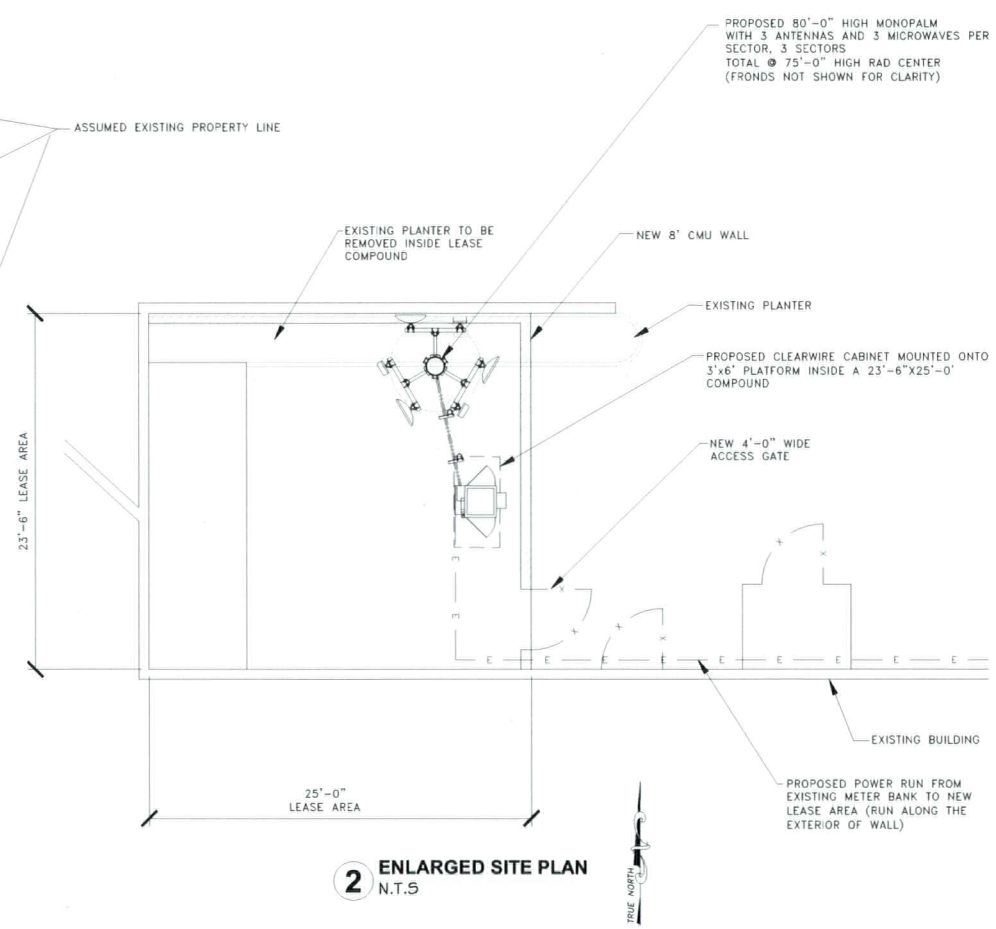
A-1

SUP-34016
REVISED
05/14/09 PC

RECEIVED
APR 15 2009



1 OVERALL SITE PLAN
N.T.S



2 ENLARGED SITE PLAN
N.T.S

clearwire U.S., L.L.C.
1051 MARY CREST RD. STE K
HENDERSON, NV 89074

NV-LSV618D

4640 MEADOWS LANE
LAS VEGAS, NV 89107
CLARK COUNTY

JURISDICTION: CITY OF LAS VEGAS
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ENGINEERING SEAL:

FOR ZONING ONLY NOT FOR CONSTRUCTION

THIS INFORMATION CONTAINED WITHIN THIS SET OF DOCUMENTS/DRAWINGS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO THE CLIENT NAME IS STRICTLY PROHIBITED

DRAWING TITLE:

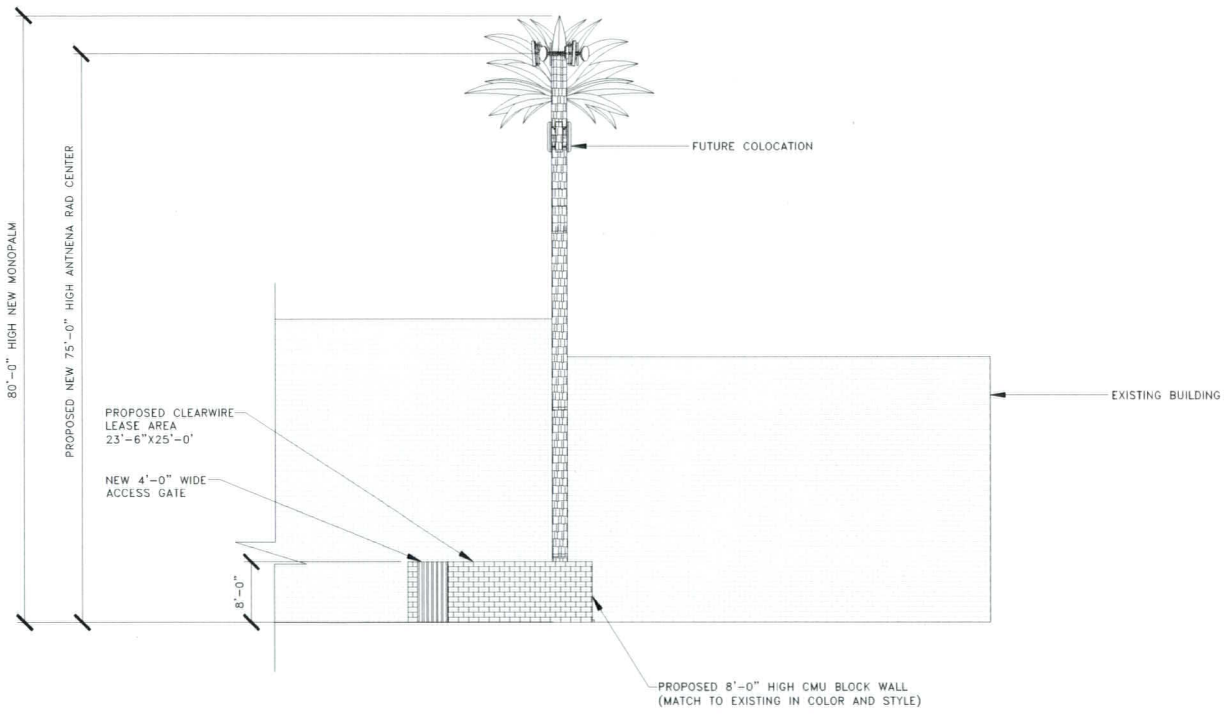
ENLARGED SITE PLAN

DRAWING SHEET:

A-2

RECEIVED
APR 15 2009

SUP-34016
REVISED
05/14/09 PC



1 EAST ELEVATION
N.T.S.

clearwire U.S., L.L.C.
1051 MARY CREST RD. STE K
HENDERSON, NV 89074

NV-LSV618D

4640 MEADOWS LANE
LAS VEGAS, NV 89107
CLARK COUNTY

JURISDICTION: CITY OF LAS VEGAS
A.P.N. # 139-31-110-001

CMX
2800 W SAHARA AVE
BUILDING 3, SUITE F
LAS VEGAS, NV 89102
TEL (720) 220-4901 FAX (703) 220-8338
ARIZONA • FLORIDA • MARYLAND • NEVADA • NEW JERSEY
NEW YORK • PENNSYLVANIA • MEXICO

SCHEDULE OF REVISIONS

REV. NO.	DATE	DESCRIPTION OF CHANGES
7	–	–
6	–	–
5	–	–
4	–	–
3	–	–
2	–	–
1	1/15/09	100% ZONING DRAWINGS
0	12/24/08	90% ZD'S FOR APPROVAL

DRAWN BY: BG CHECKED BY: RAB
CMX JOB #: 080562102

ENGINEERING SEAL:

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DRAWING TITLE:

ELEVATION

DRAWING SHEET:

A-3

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SUP-34016
REVISED
05/14/09 PC



SUP-34016 - APPLICANT: CLEAR WIRELESS, LLC - OWNER: LXT4, LLC
NORTH OF MEADOWS LANE AND APPROXIMATELY 530 FEET EAST OF DECATUR BOULEVARD
MAY 14, 2009 PLANNING COMMISSION

04/09/09



SUP-34016 - APPLICANT: CLEAR WIRELESS, LLC - OWNER: LXT4, LLC
NORTH OF MEADOWS LANE AND APPROXIMATELY 530 FEET EAST OF DECATUR BOULEVARD
MAY 14, 2009 PLANNING COMMISSION

04/09/09

7030 Smoke Ranch Road | Las Vegas, NV 89128 | Phone 702-586-2178 | Fax 702.560.3685 | wfinet.com

March 30, 2009

RECEIVED
MAR 31 2009

City of Las Vegas
Planning & Development Department
731 South Fourth Street
Las Vegas, NV 89101

Re: Wireless Communication Facility Special Use Permit Application
Clearwire US, NV-LSV 618d – APN 139-31-110-001 – Decatur & Meadows

Dear Planning Representative:

On behalf of Clear Wireless, LLC, I respectfully request your consideration and acceptance of the attached application. This project is located on APN 139-31-110-001 on the north side of Meadows Drive and east of Decatur Boulevard on the north side (back) of the shopping center. It is designed as an 80-foot stealth mono-palm facility and will accommodate 3 small antennas and 3 microwave dishes within the stealth branches for Clear Wireless's use.

Clear Wireless, LLC (www.Clear Wireless.com) – a provider of next-generation wireless Internet services enabling fast, simple, portable, reliable and affordable communications anytime and anywhere within Clear Wireless's coverage area – is now in the process of building a network in the greater Las Vegas valley. Clear Wireless provides an easy, off-the-shelf wireless high-speed Internet solution where customers typically have the service operating within minutes of receiving the modem without any need for a technician to visit. There is no software to load and generally no configuring or changes to the customer's computer. The fast and simple service can be accessed by simply taking the modem out of the box, plugging it in and connecting the Ethernet cord to the customer's computer.

Clear Wireless currently provides a next-generation, non-line-of-site WiMAX-class solution. The portable Clear Wireless service can be moved from place-to-place inside Clear Wireless's coverage area, which upon network launch, will allow customers to use the service throughout their home, office or favorite coffee house. Customers will use Clear Wireless to connect to the Internet using licensed spectrum, thus eliminating the confines of traditional cable or phone wiring. For the consumer, the wireless communication facility tower equipment will transmit radio signals from a base site to a small, wireless modem, which easily connects a user's computer to the Internet.

Headquartered in Kirkland, Washington, Clear Wireless has launched wireless high-speed Internet service in 33 metro markets, covering more than 370 cities and towns in Alaska, California, Florida, Hawaii, Idaho, Minnesota, Nevada, North Carolina, Oregon, Texas, Washington and Wisconsin in the United States, as well as Ireland, Belgium, Denmark (under the Clear Wireless name with Danske Telecom) and Mexico (via its partner MVSNet). Clear Wireless is here to provide Internet service as astounding as the Internet itself.

It is our feeling that the proposed use is compatible with the adjacent uses and will not generate any additional traffic, noise, lighting odor, dust, or any other external impacts as it will be an unmanned

7030 Smoke Ranch Road | Las Vegas, NV 89128 | Phone 702-586-2178 | Fax 702.586.3685 | wfinet.com

wireless telecommunication facility with visits by the technician as necessary – typically once a month. The proposed use will not exceed the capacity of public services and will not require the use of public transportation. The utility usage is minimal and the site will be maintained on a regular basis. There are not any significant impacts on the natural environment and if an impact occurs, it will be mitigated to the maximum practical extent.

Unfortunately though, as aesthetically pleasing as the project is currently designed, the proposed location was denied an administrative approval although meeting all setback requirements and residential adjacency standards as required by the City of Las Vegas Development Code Title 19 – please refer to the included site plan, page A-1, for all additional information.

This application located on APN 139-31-110-001 is for 3 Clear Wireless antennas and 3 microwave dishes with a centerline of 75-feet to simply be bolted on to a new, proposed, 80-foot stealth mono-palm communication facility. The small antennas will measure 42-inches in length and the microwave dishes will have a diameter of 24-inches. All associated radio equipment will be housed within an adjacent block wall compound with plenty of ground space available for additional collocations by others. If you have any concerns regarding this application, please do not hesitate to contact me at (702) 501-4851.

Sincerely,

Matthew Steadman
WFI, representing Clear Wireless

SUP-34016
05/14/09 PC

WFI 7030 Smoke Ranch Road | Las Vegas, NV 89128 | Phone 702-586-2178 | Fax 702.586.3685 | wfinet.com

May 21, 2009

City of Las Vegas City Clerk
City Hall, First Floor
400 Stewart Avenue
Las Vegas, NV 89101
Fax: (702) 382-9108

2009 MAY 22 A 8:01
RECEIVED
CITY CLERK

Re: Wireless Communication Facility, Special Use Permit Application, Planning Commission Appeal
Clearwire US, NV-LSV 618d - APN 139-31-110-001 - Decatur & Meadows

Dear City Clerk & Planning Representatives:

On behalf of Clear Wireless, LLC, I respectfully request to appeal the Las Vegas Planning Commission denial decision on item 13 (SUP-34016 Special Use Permit - Public Hearing - Applicant: Clear Wireless, LLC - Owner: LXT4, LLC) from the May 14, 2009 meeting to the Las Vegas City Council. The project & item is located on APN 139-31-110-001 on the north side of Meadows Drive and east of Decatur Boulevard on the north side (back) of the shopping center. It is designed as an 80-foot stealth mono-palm facility and will accommodate 3 small antennas and 3 microwave dishes within the stealth branches for Clear Wireless' use.

Should you have any concerns regarding this appeal request, please do not hesitate to contact me directly at (702) 812-3338. Thank you for your time.

Sincerely,

Shane Hennessy-York, for
Matthew Steadman
WFI, representing Clear Wireless

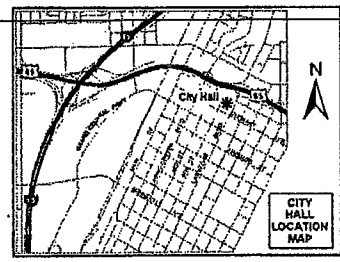
SUP-34016

Jun 10 09 08:56a Home

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

Return Service Requested

Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34016

City Council Meeting of 6/17/2009

2009 JUN 10 A 9:47

RECEIVED
CITY CLERK

MURPHY KAI DOMINIC & JUDY A
4620 PROVIDENCE LN
LAS VEGAS NV 89107-2954

APN#13931210003

7022598636 P.1

after final agenda

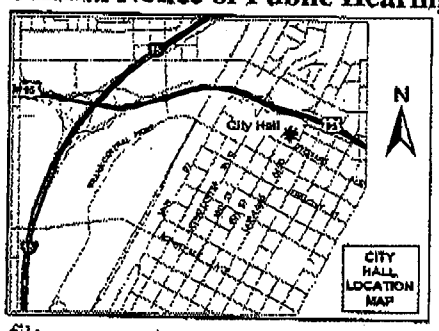
6/10/09 pm 164

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 JUN 05 2009
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34016
City Council Meeting of 6/17/2009

RECEIVED
2009 JUN 12 P 2:05
CITY CLERK

O'BANNON PAUL TRUST
O'BANNON PAUL E TRS
P O BOX 26623
LAS VEGAS NV 89126-0623

APN#13836511025

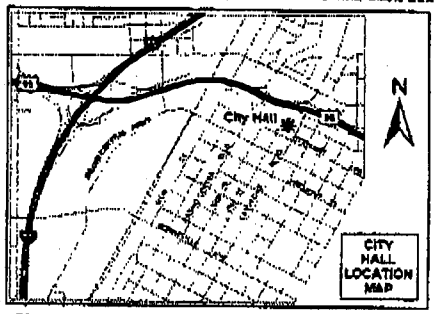
891260623 B06

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 JUN 05 2009
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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SUP-34016
City Council Meeting of 6/17/2009

RECEIVED
2009 JUN 16 AM 8:00
CITY CLERK

DECATUR CROSSING CENTER L L C
%COHEN INVEST GROUP
15490 VENTURA BLVD #200
SHERMAN OAKS CA 91403-3016

APN#13836516002

Absent any studies indicating otherwise, We believe this will Block the Visibility of our TARGET sign

after final agenda

Date 6/16/09 Item 164
W-1

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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CITY CLERK

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FIRST CLASS

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JUN 05 2009
MAILED FROM ZIP CODE 89101

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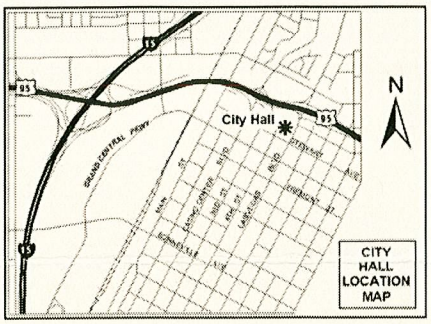
Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34016

City Council Meeting of 6/17/2009

YONKOUSKI JOSEPH P & MELVENA M
128 S YALE ST
LAS VEGAS NV 89107-2723

APN#13836514015

NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

RECEIVED
MAY 12 2009

CITY OF LAS VEGAS

Planning and Development Department
Case Planning Division
731 South Fourth Street
Las Vegas, Nevada 89101
(702) 229-6301 Phone (702) 385-7268 Fax

SUBJECT: SUP-34016 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CLEAR WIRELESS, LLC - OWNER: LXT4, LLC

The above item has been placed on the One Motion/One Vote portion of the Planning Commission Agenda for the ***May 14, 2009*** Planning Commission meeting. All of these items will be placed at the beginning of the agenda. The Chairman of the Planning Commission will open them at the same time.

Enclosed please find the proposed conditions of approval. If you agree to these conditions, please sign this form and fax it to Nora Lares at 385-7268. If there is no one present at the Planning Commission meeting who wants to discuss this item, you will not be called to the podium to discuss the case. However, you must be present in case any Planning Commissioner or member of the public wants to discuss the item. If you have any questions, please contact my office at (702) 229-6301.

Please sign and date that you have read and agree to the conditions.

Signature

5/11/2009
Date

SHANE HENNESSY-YORK ON BEHALF OF WFI (REPRESENTING APPLICANT)
Please print name

CLEAR WIRELESS, LLC - APPLICANT.
Company Name

Sincerely,

Peter Lowenstein
Planning Supervisor
Case Planning Division

SHANE HENNESSY-YORK
702 - 812-3338
SHANE@HYDEVELOPMENTS.CO

Submitted after final agenda

Date 5/12/09 Item 13

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
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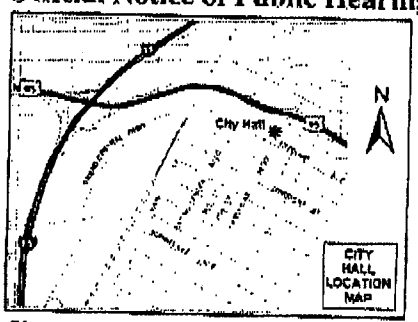
Official Notice of Public Hearing



RECEIVED
MAY 08 2009

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☐ I SUPPORT this Request

☒ I OPPOSE this Request *

Please use available blank space on card for your comments.

SUP-34016

Planning Commission Meeting of 5/14/2009

Case: SUP-34016

13836516003
DECATUR CROSSING CENTER L L C
%COHEN INVEST GROUP
15490 VENTURA BLVD #200
SHERMAN OAKS CA 91403-3016

* This will Block our New TARGET Sign Visibility

CANCEL STAMP

Submitted after final agenda

Date 5/8/09 Item 13P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
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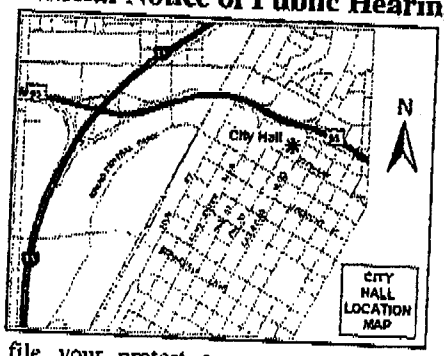
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



RECEIVED
MAY 11 2009

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34016

Planning Commission Meeting of 5/14/2009

13836511025 Case: SUP-34016
O'BANNON PAUL TRUST
P O BOX 26623
LAS VEGAS NV 89126-0623

89126306 23 8066

Submitted after final agenda

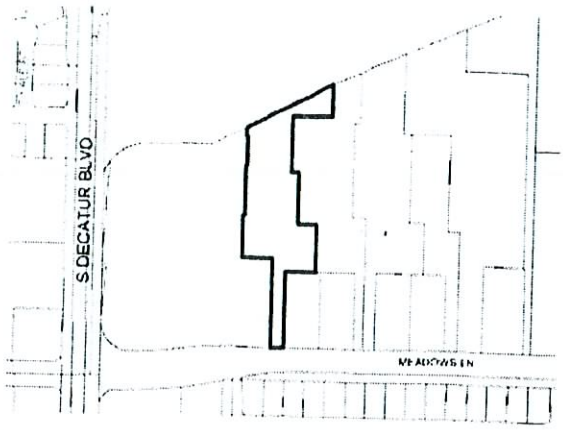
Date 5/11/09 Item 13P

Application Information

SUP-34016 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CLEAR WIRELESS, LLC - OWNER: LXT4, LLC - Request for a Special Use Permit FOR A PROPOSED 80-FOOT TALL WIRELESS COMMUNICATION FACILITY, STEALTH DESIGN (MONOPALM) approximately 560 feet north of Meadows Lane and approximately 530 feet east of Decatur Boulevard (APN 139-31-110-001), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian)

There is enough cancer already in this city. this causes CANCER

Application Location



The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

Meeting:	Planning Commission
Date:	***May 14, 2009***
Time:	6:00 P.M.
Location:	City Council Chambers 400 Stewart Avenue Las Vegas, Nevada

Any and all interested persons may appear before the City Planning Commission either in person or by representative and object to or express approval of this request; or may, prior to this meeting, file a written objection thereto or approval thereof with the Planning and Development Department, Development Services Center, 731 South Fourth Street, Las Vegas, Nevada 89101. Final Action on General Plan Amendments and Rezonings will be determined by the City Council. Other public hearing items may be deemed Final Action by the Planning Commission or forwarded to the City Council. The date of the City Council meeting, if applicable, will be announced at the Planning Commission meeting after the discussion of the item. For further information, including the full staff report, please call (702) 229-6301 (TDD 386-9108) or go to http://www.lasvegasnevada.gov.

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
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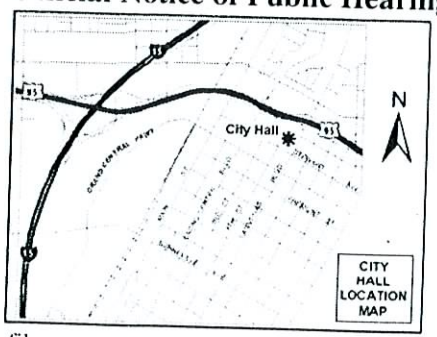

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34016
Planning Commission Meeting of 5/14/2009

13931211030
SPIROS GEORGIA
4625 AMHERST LN
LAS VEGAS NV 89107-2926

Case: SUP-34016

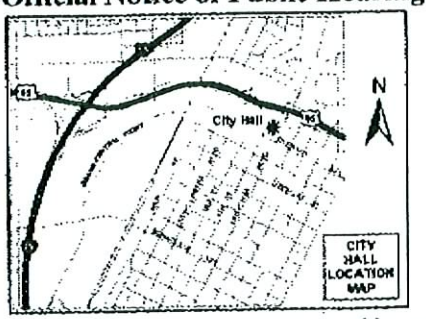
13P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.39⁴
0004239954 MAY 01 2009
MAILED FROM ZIPCODE 89101

Return Service Requested
Official Notice of Public Hearing



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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34016
Planning Commission Meeting of 5/14/2009

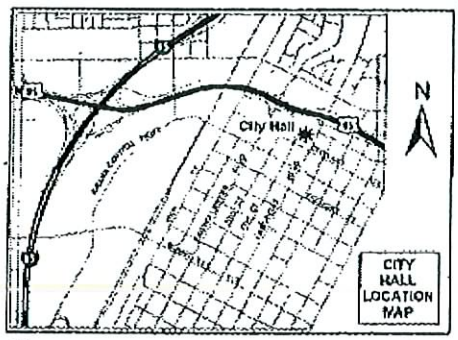
RECEIVED
MAY 05 2009

Case: SUP-34016
13836511026
DUDMAN TIMOTHY J
4909 HARMONY AVE
LAS VEGAS NV 89107-0318

13A

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34016
Planning Commission Meeting of 5/14/2009

RECEIVED
MAY 05 2009

Case: SUP-34016

13836514018
MARGISON ROBERT L JR REV TR
2300 PEARL CREST ST
LAS VEGAS NV 89134-6732

13A

City of Las Vegas Agenda Item No.: **79.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:

ROC-35306 – ABEYANCE ITEM - REVIEW OF CONDITION - PUBLIC HEARING - APPLICANT: HARMONY 2 LLC - OWNERS: HARMONY 2 LLC AND FARM HUALAPAI LLC - Request for a Review of Condition to change Condition Number 6 of a previously approved Site Development Plan Review (SDR-29026) TO ALLOW A SIDE YARD SETBACK OF THREE FEET WHERE 5 FEET IS THE MINIMUM REQUIRED FOR ALL LOTS OF A 70-LOT RESIDENTIAL SUBDIVISION WITH THE EXCEPTION OF 5, 9, 13, 16, 18, 19, 20, 23, 24, 25, 28, 29, 30, 35, 58, AND 60 on 10.52 acres on the east side of Tonkinese Avenue and Hualapai Way (APNs 126-13-612-001 through 068), R-PD7 (Residential Planned Development-7 Units per Acre) Zone, Ward 6 (Ross). Staff recommends DENIAL

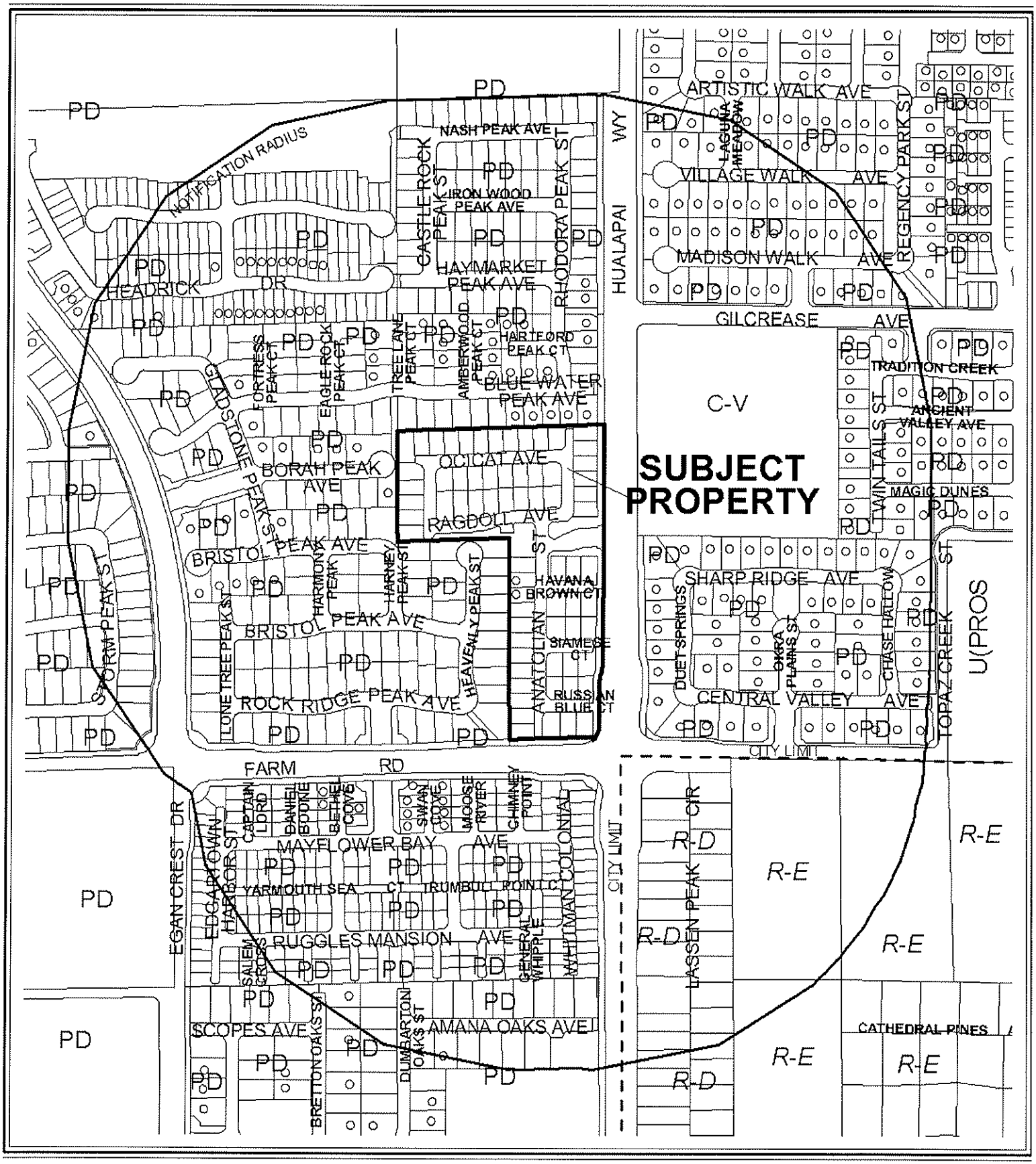
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**6**	**City Council Meeting**	**0**

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. City Council Approval Letter for SDR-29026
6. Protest Postcards

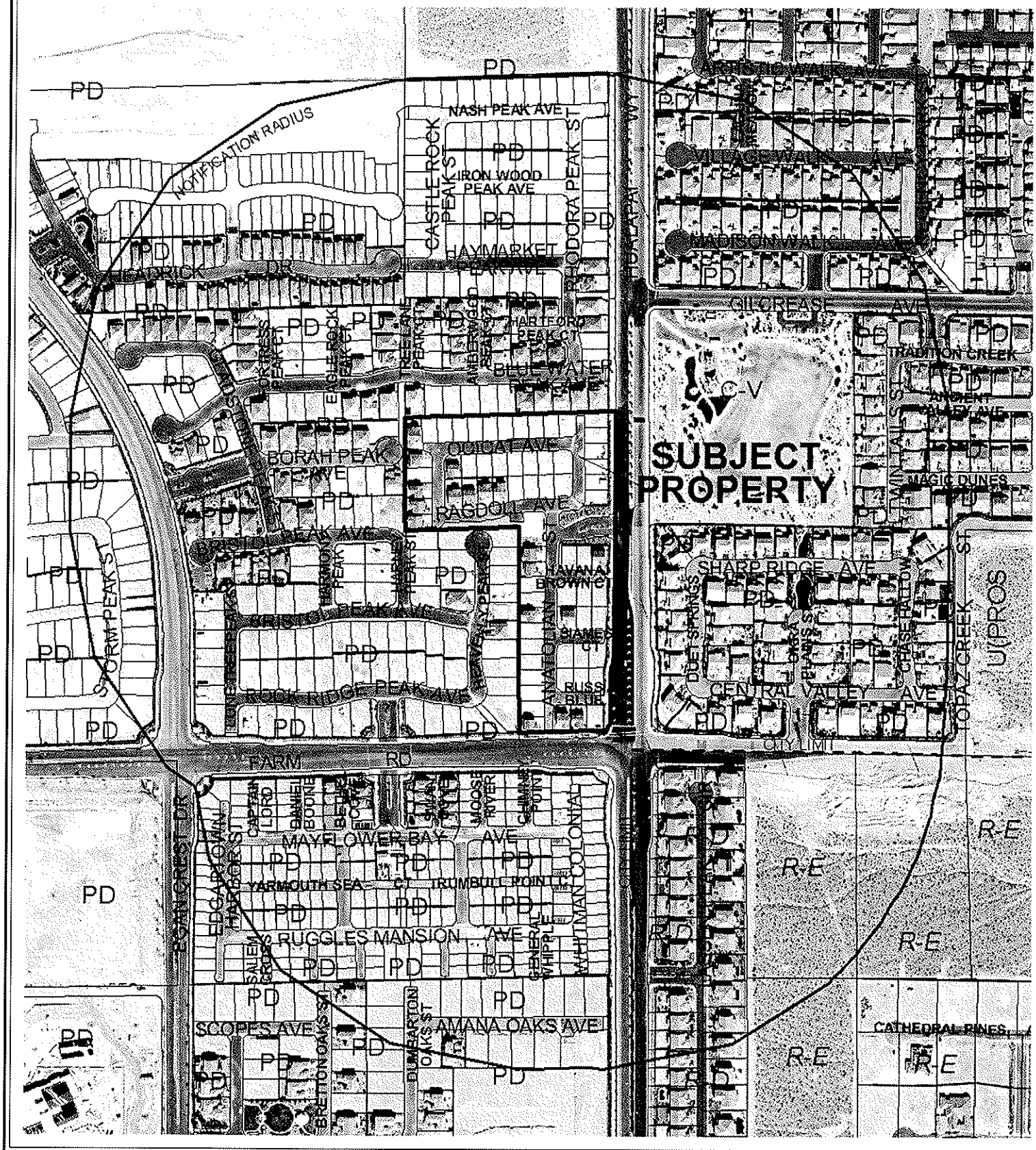


CASE: **ROC-35306**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

R-PD7 (RESIDENTIAL PLANNED DEVELOPMENT- 7 UNITS PER ACRE)



CASE: **ROC-35306**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

R-PD7 (RESIDENTIAL PLANNED DEVELOPMENT- 7 UNITS PER ACRE)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 16, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ROC-35306 – REVIEW OF CONDITION – SITE DEVELOPMENT PLAN REVIEW – APPLICANT: HARMONY 2, LLC - OWNERS: FARM/HUALAPAI AND HARMONY 2, LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 2, 2009 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN ROSS.

** CONDITIONS **

STAFF RECOMMENDATION: **DENIAL.** If approved, subject to:

Planning and Development

1. Condition Number 6 of Site Development Plan Review (SDR-29026) shall be changed to read,

   "The setbacks for this development shall be a minimum of 18 feet to the front of the garage as measured from back of sidewalk or from back of curb if no sidewalk is provided, three feet on the side except for lots 5, 9, 13, 16, 18, 19, 20, 23, 24, 25, 28, 29, 30, 35, 58, and 60 which will have a five-foot side yard setback, 10 feet on the corner side, and five feet in the rear excluding rear lots backing Farm Road and lots backing residential to the west, which shall be 10 feet."

2. Conformance to all other conditions of approval for Site Development Plan Review (SDR-29026) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

** STAFF REPORT **

PROJECT DESCRIPTION

The applicant is requesting a Review of Condition Number 6 of a previously approved Site Development Plan Review (SDR-29026) to reduce the side yard setback from five feet to a minimum of three feet for all lots of a proposed 70-lot residential subdivision with the exception of lots 5, 9, 13, 16, 18, 19, 20, 23, 24, 25, 28, 29, 30, 35, 58, and 60, which will keep the current five-foot side setback. A Final Map Technical Review (FMP-34440) was submitted on 06/22/09, but as of yet it has not been recorded. The applicant is requesting the change to Site Development Plan Review (SDR-29026) to introduce additional floor plans.

By changing the side setbacks to three feet, the dwellings will be at a closer proximity to the neighboring units, reducing privacy to the homeowners, while making it difficult to access utilities and the rear yard especially if access gates, walls, and/or air conditioning units are constructed between property lines. The proposed three-foot side setback is not acceptable as a standard for the development. Staff recommends denial of this request.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
02/05/03	The City Council approved a request for a Petition to Annex (A-0035-02) approximately 1,056.684 acres generally located between Grand Teton Drive to the north, Hualapai Way to the east, Puli Road to the west, and Centennial Hill Parkway and the I-215 Beltway with an effective date of 02/14/03. The Planning Commission recommended approval on 09/26/02.
10/07/04	The Planning Commission approved a request for a Tentative Map (TMP-4920) for a 69-lot single-family residential subdivision on 10.52 acres adjacent to the northwest corner of Farm Road and Hualapai Way.
09/15/04	The City Council approved a request for Rezoning (ZON-4368) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to R-PD7 (Residential Planned Development- 7 Units per Acre) on 10.52 acres adjacent to the northwest corner of Farm Road and Hualapai Way. The Planning Commission recommended approval on 07/22/04.
09/15/04	The City Council approved a request for a Site Development Plan Review (SDR-4370) for a 73-lot single-family residential development on 10.52 acres adjacent to the northwest corner of farm Road and Hualapai Way. The Planning Commission recommended approval on 07/22/04.

Related Relevant City Actions by P&D, Fire, Bldg., etc	
09/15/04	The City Council approved a request for a Petition to Vacate (VAC-4420) U.S. Government Patent Easements and the Donald Nelson Avenue Right-of-Way, generally located west of Hualapai Way, north of Farm Road. The Planning Commission recommended approval on 07/22/04.
11/17/04	The City Council approved a request for a Review of Condition Number 5 (ROC-5445) of a previously approved Site Development Plan Review (SDR-4370) to allow a five-foot side yard setback where 10 feet is the minimum setback required for lots that have a side property line adjacent to Hualapai Way (Lots 3, 4, 9, 10, 15, and 16 on approved Site Plan) for an approved 68-lot single-family development on 10.52 acres adjacent to the northwest corner of Farm Road and Hualapai Way.
11/29/05	The Planning and Development Department approved a request for a Final Map Technical Review (FMP-10106) for a 69-lot single-family residential subdivision on 10.52 acres adjacent to the northwest corner of Farm Road and Hualapai Way. The map was recorded on 08/04/06 as CLV Drawing #107Y4905.
10/01/08	The City Council approved a request for a Site Development Plan Review (SDR-29026) for a 70-lot single-family residential development on 10.52 acres on the east side of Tonkinese Avenue and Hualapai Way. The Planning Commission recommended approval on 08/28/08
10/15/08	The City Council approved a request for a Variance (VAR-29028) to allow 43,996 square feet of open space where 50,094 square feet are required for a 70-lot single-family residential development on 10.52 acres on the east side of Tonkinese Avenue and Hualapai Way. The Planning Commission recommended approval on 08/28/08.
01/08/09	The Planning Commission approved a request for a Tentative Map (TMP-31945) for a 70-lot single-family residential development on 10.52 acres at the northwest corner of Farm Road and Hualapai Way.
06/22/09	The Planning and Development Department and Department of Public Works approved a request for a Final Map Technical Review (FMP-34440) for a 70-lot single-family residential development on 10.52 acres at the northwest corner of Farm Road and Hualapai Way. The map has not yet been recorded.
Related Building Permits/Business Licenses	
Several building permits were issued for single-family tract homes within the residential development.	
Pre-Application Meeting	
A pre-application meeting is not required for this type of application, nor was one held.	
Neighborhood Meeting	
A neighborhood meeting is not required for this type of application, nor was one held.	

Details of Application Request	
Site Area	
Gross Acres	10.52

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped Land- Proposed 70-lot Single-Family Residential Development	PCD (Planned Community Development)	R-PD7 (Residential Planned Development- 7 Units per Acre)
North	Single-Family Residences	PCD (Planned Community Development)	PD (Planned Development)
South	Single-Family Residences	PCD (Planned Community Development)	PD (Planned Development)
East	Park	PR-OS (Parks/Recreation/Open Space)	C-V (Civic)
	Single-Family Residences	PCD (Planned Community Development)	PD (Planned Development)
West	Single-Family Residences	PCD (Planned Community Development)	PD (Planned Development)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan		X	N/A
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.06.030, the following Development Standards were approved for the subject residential subdivision:

Standard	Approved (10/1/08)	Requested
Minimum Setbacks:		
• Front	18 feet to the front of the garage as measured from back of sidewalk or from back of curb if no sidewalk is provided.	Same
• ***Side***	5 feet	3 feet except for lots 5, 9, 13, 16, 18, 19, 20, 23, 24, 25, 28, 29, 30, 35, 58, and 60
• Corner side	10 feet	Same
• Rear	5 feet excluding rear lots backing Farm Road and lots backing residential to the west, which shall be 10 feet.	Same

ANALYSIS

The applicant is requesting a Review of Condition Number 6 of a previously approved Site Development Plan Review (SDR-29026) to change the required five-foot side yard setback to a minimum of three feet for 54 of the lots within a 70-lot residential subdivision with the exception of lots 5, 9, 13, 16, 18, 19, 20, 23, 24, 25, 28, 29, 30, 35, 58, and 60.

The Site Development Plan Review (SDR-29026) was approved in October 2008 with the applicant agreeing to the conditions and development standards for the proposed residential subdivision. The applicant is now asking for a reduction to the side yard setback to allow additional floor plans to be introduced to potential homebuyers.

Note: Previous Site Development Plan Review (SDR-4370) approved 09/15/04 had allowed a 3-foot side yard setback, but was superseded by the new Site Development Plan Review (SDR-29026) in 2008 with 5-foot side yard setbacks.

FINDINGS

By reducing the side yard setbacks, dwellings will be even closer together diminishing the privacy to homeowners, while making it difficult to access utilities and the rear yards especially if access gates, walls, and/or air conditioning units are constructed between property lines. The proposed three-foot side yard setbacks are not acceptable as a standard for the development; therefore, staff is recommending denial of this request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

ASSEMBLY DISTRICT

SENATE DISTRICT

NOTICES MAILED

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: ROC-35306 APN: 126-13-612-002, 025-028, 034 037-056, 062-068

Name of Property Owner: Farm Hualapai, LLC

Name of Applicant: Harmony 2, LLC

Name of Representative: Slater Hanifan Group

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____ Yes __X__ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: [signature]

Print Name: Todd Parriott

Subscribed and sworn before me

This 31 day of July, 2009

[signature]
Notary Public in and for said County and State

MORGAN RAKE
Notary Public, State of Nevada
Appointment No. 06-108680-1
My Appt. Expires Aug 3, 2010

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: ROC-35306 APN: 126-13-612-001, 004-006, 008-016 020-022, 024, 030

Name of Property Owner: Harmony 2, LLC

Name of Applicant: Harmony 2, LLC

Name of Representative: Slater Hanifan Group

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____ Yes _X_ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: JOHN RHODES

Subscribed and sworn before me

This 16th day of June, 2009

_____

Notary Public in and for said County and State

Notary Public - State of Nevada
County of Clark
MARLENE J. WILKIE
My Appointment Expires
May 8, 2011
No: 03-81791-1



ROC-35306

09-02-09 CC

SLATER HANIFAN GROUP
CONSULTING ENGINEERS & PLANNERS

August 7, 2009

Planning & Development
City of Las Vegas
731 S. Fourth Street
Las Vegas, NV 89101

Subject: Farm and Hualapai Justification Letter ROC

Dear Planner:

On behalf of our client, Harmony Homes, we respectfully request review and approval of the attached revised Site Development Plan Review (SDR). The site is generally located at the northwest corner of Hualapai Way and Farm Road and is currently comprised of 70 residential lots on approximately 10.52 gross acres for a project density of 6.5 dwelling units per acre. The project is currently zoned at R-PD7. **The developer is requesting a side yard set back of three feet where five is currently required.**

The subject project has the following approved entitlements:

ZON-4368 SDR-29026 ROC-5445 VAR-29028

Site Development Review ROC

Our client would like to amend the following condition for the setbacks within the currently approved SDR-29026:

1. Because of the current economic status of the housing market the applicant wishes to introduce additional floor plans to the development that have been successful in other subdivisions they are currently developing. To introduce this product they are asking for a review and approval of the set backs as stated below. The requested set backs had previously been approved for this project under SDR-4370. This request is for all lots except the following: 5,9,13,16,18,19,20,23-25,28-30,35,58 & 60.

Approved
18' Front Garage
5' Side Yard
10' Front to Building
10' Corner Side
5' Rear
10' Rear lots 19-31
10' Side lots 3,4,9 & 10

Requested
18' Front Garage
3' Side Yard
10' Front to Building
5' Corner Side
5' Rear
10' Rear lots 19-31
10' Side lots 3,4,9 & 10

RECEIVED
AUG 10 2009

5740 S. Arville Street #216, Las Vegas, NV 89118 ph (702) 284-5300 fax (702) 284-5399

ROC-35306
09-02-09 CC

If you have any questions or require further information, please do not hesitate to contact me at 284-5300.

Respectfully submitted,

SLATER HANIFAN GROUP, INC.

Alan Whittington, EI
Assistant Project Manager

ROC-35306
09-02-09 CC

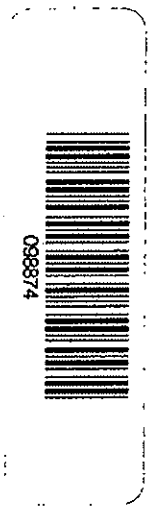
LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW

DOUGLAS A. SELBY
CITY MANAGER



CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov

October 16, 2008

Mr. Paul Huygens
Farm Hualapai, LLC
1291 Galleria Drive, Suite #200
Henderson, Nevada 89014

RE: SDR-29026 – SITE DEVELOPMENT PLAN REVIEW
CITY COUNCIL MEETING OF OCTOBER 15, 2008
RELATED TO VAR-29028

Dear Mr. Huygens:

The City Council at a regular meeting held October 15, 2008 APPROVED the request for a Site Development Plan Review FOR A 70-LOT RESIDENTIAL SUBDIVISION on a 10.52 acre site on the east side of Tonkinese Avenue and Hualapai Way (APNs 126-13-612-001 through 068), R-PD7 (Residential Planned Development - 7 Units Per Acre) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on October 16, 2008. This approval is subject to:

Planning & Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-4368) and Vacation (VAC-4420) shall be required, if approved.

2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. Site Development Plan Review (SDR-4370) shall be expunged, if approved.

4. All development shall be in conformance with the site plan and landscape plan date stamped 07/15/08 and building elevations date stamped 08/06/08, except as amended by conditions herein.

5. The standards for this development shall include a minimum lot size of 3,312 square feet and building height shall not exceed two stories or 35 feet, whichever is less.

6. The setbacks for this development shall be a minimum of 18 feet to the front of the garage as measured from back of sidewalk or from back of curb if no sidewalk is provided, five feet on the side, 10 feet on the corner side, and five feet in the rear excluding rear lots backing Farm Road and lots backing residential to the west, which shall be 10 feet.

ROC-35306
09-02-09 CC

7. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time as Final Map submittal. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications

8. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

9. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

10. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

11. Air conditioning units shall not be mounted on rooftops.

12. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

13. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

14. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

15. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

16. Submit an Amended Final Map for this site or coordinate with the City Surveyor to determine an acceptable mapping method; comply with the recommendations of the City Surveyor.

ROC-35306
09-02-09 CC

17. Dimensions and information presented on the submitted civil improvement plans shall match the future Amended Final Map. Revise drawings as necessary.

18. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities. All existing public improvements adjacent to this site damaged during construction shall be repaired at the applicant's expense.

19. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

20. Landscape and maintain all unimproved rights-of-way on Hualapai Way and Farm Road adjacent to this site.

21. Submit an Encroachment Agreement for all landscaping and private improvements located in the Hualapai Way and Farm Road public rights-of-way adjacent to this site prior to occupancy of this site.

22. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

23. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, submittal of any construction drawings or the submittal of a Final Map for this site, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.

24. Site development to comply with all applicable conditions of approval for ZON-4368 and all other subsequent site-related actions.

ROC-35306
09-02-09 CC

25. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first. We note that non-standard private drive/private street intersections are proposed within in this development.

Sincerely,

Gabriela Portillo-Brenner
Deputy City Clerk II for
Beverly K. Bridges, CMC, City Clerk

cc: Mr. Ron Gillette
Harmony Homes, LLC
4730 South Fort Apache Road, Suite #300
Las Vegas, Nevada 89147

Ms. Chelsea Pelteir
Slater Hanifan Group
5740 South Arville Street, Suite #216
Las Vegas, Nevada 89118

ROC-35306
09-02-09 CC

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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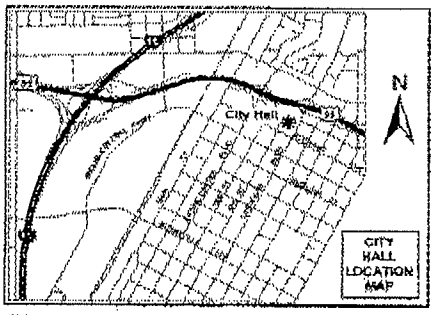

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☑ I OPPOSE this Request

Please use available blank space on card for your comments.

ROC-35306
City Council Meeting of **09/02/2009**

Case: ROC-35306

12518111011
FUNG TERRY K
9949 MADISON WALK AVE
LAS VEGAS NV 89149-3770

FAUDF11 89143

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2009 AUG 24 P 3:34

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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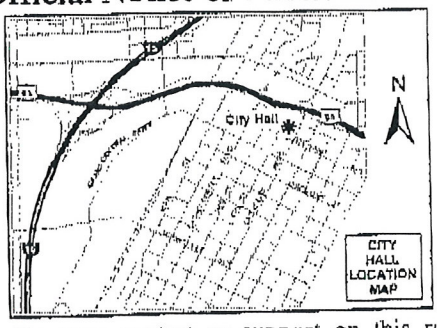

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ROC-35306
City Council Meeting of **09/02/2009**

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Case: ROC-35306
12613517023
CARROLL JENNIFER R
10233 HEADRICK DR
LAS VEGAS NV 89166-2501

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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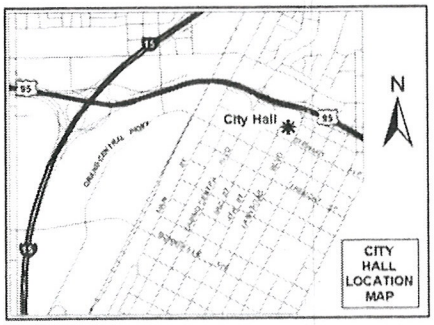

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ROC-35306
City Council Meeting of **09/02/2009**

Case: ROC-35306
12518211043
SHAVER RONALD & CAMILLE
7616 OKRA PLAINS ST
LAS VEGAS NV 89149-1940

FAVDF11 89149

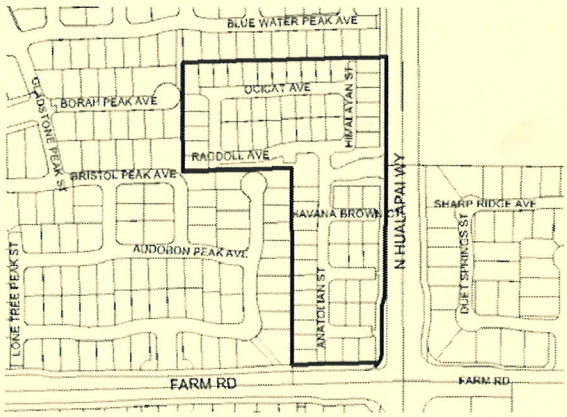
Application Information

ROC-35306 - REVIEW OF CONDITION - PUBLIC HEARING - APPLICANT: HARMONY 2 LLC - OWNERS: HARMONY 2 LLC AND FARM HUALAPAI LLC - Request for a Review of Condition to change Condition Number 6 of a previously approved Site Development Plan Review (SDR-29026) TO ALLOW A SIDE YARD SETBACK OF THREE FEET WHERE 5 FEET IS THE MINIMUM REQUIRED FOR ALL LOTS OF A 70-LOT RESIDENTIAL SUBDIVISION WITH THE EXCEPTION OF 5, 9, 13, ~~16,~~ 18, 19, 20, 23, 24, 25, 28, 29, 30, 35, 58, AND 60 on 10.52 acres on the east side of Tonkinese Avenue and Hualapai Way (APNs 126-13-612-001 through 068), R-PD7 (Residential Planned Development- 7 Units per Acre) Zone, Ward 6 (Ross).

THREE FEET IS TOO CLOSE TO THE DIVIDING WALL FOR A HOUSE — AT FIVE FEET, THE HOUSES ARE TOO CLOSE TOGETHER. THE OVER BUILDING OF 4 STORY APARTMENTS IN THIS AREA IS ALREADY CAUSING OVERCROWDING,

Ron Shaver

Application Location



The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

Meeting:	City Council
Date:	***September 2, 2009***
Time:	1:00 P.M.
Location:	City Council Chambers 400 Stewart Avenue Las Vegas, Nevada

Any and all interested persons may appear and be heard at said meeting, or may, prior thereto, file written objections thereto or approvals there of with the City Clerk, 1st Floor, City Hall, 400 Stewart Avenue, Las Vegas, Nevada 89101. For further information, please call 702-229-6301 (TDD 702-386-9108), http://www.lasvegasnevada.gov.

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

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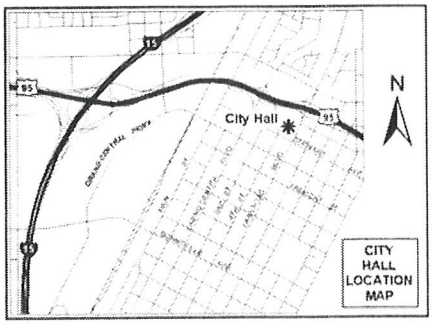
Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☑ I OPPOSE this Request

Please use available blank space on card for your comments.

ROC-35306
City Council Meeting of **09/02/2009**

Case: ROC-35306
12613616079
MALISZEWSKI JOSEPH R
10228 BORAH PEAK AVE
LAS VEGAS NV 89166-5208

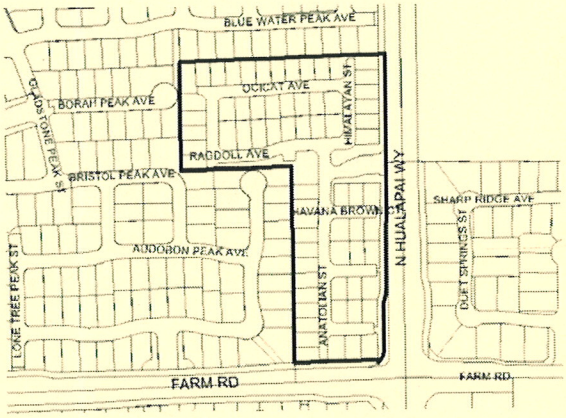
FAVOP11 89166

Application Information

ROC-35306 - REVIEW OF CONDITION - PUBLIC HEARING - APPLICANT: HARMONY 2 LLC - OWNERS: HARMONY 2 LLC AND FARM HUALAPAI LLC - Request for a Review of Condition to change Condition Number 6 of a previously approved Site Development Plan Review (SDR-29026) TO ALLOW A SIDE YARD SETBACK OF THREE FEET WHERE 5 FEET IS THE MINIMUM REQUIRED FOR ALL LOTS OF A 70-LOT RESIDENTIAL SUBDIVISION WITH THE EXCEPTION OF 5, 9, 13, 16, 18, 19, 20, 23, 24, 25, 28, 29, 30, 35, 58, AND 60 on 10.52 acres on the east side of Tonkinese Avenue and Hualapai Way (APNs 126-13-612-001 through -068), R-PD7 (Residential Planned Development- 7 Units per Acre) Zone, Ward 6 (Ross).

STOP THE INSANITY!
REFUSE TO LET THESE LOTS GET SMALLER. THEY ARE TOO SMALL ALREADY.
IT'S ALL ABOUT GREED AND MAKING MORE MONEY.
DENY THE REQUEST!!!

Application Location



The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

Meeting:	City Council
Date:	***September 2, 2009***
Time:	1:00 P.M.
Location:	City Council Chambers 400 Stewart Avenue Las Vegas, Nevada

Any and all interested persons may appear and be heard at said meeting, or may, prior thereto, file written objections thereto or approvals there of with the City Clerk, 1st Floor, City Hall, 400 Stewart Avenue, Las Vegas, Nevada 89101. For further information, please call 702-229-6301 (TDD 702-386-9108), http://www.lasvegasnevada.gov.

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

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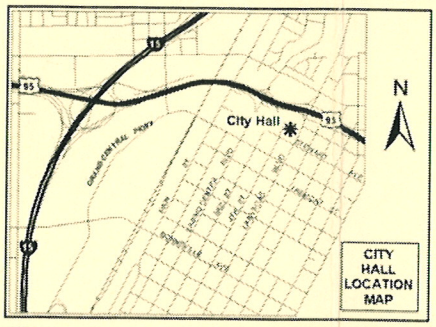

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

ROC-35306
City Council Meeting of **09/02/2009**

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Case: ROC-35306
12518212032
GLAZE KEITH & VANESSA
9937 TRADITION CREEK AVE
LAS VEGAS NV 89149-1945

89149$1 48 1C 07

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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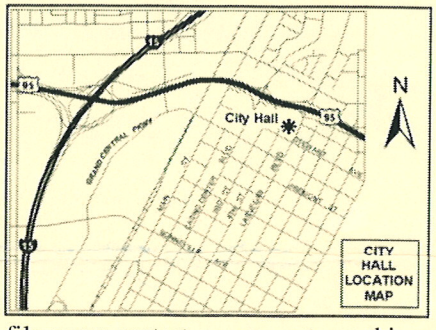
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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Please use available blank space on card for your comments.

ROC-35306
City Council Meeting of **09/02/2009**

Kim Kaempfer
8/24/09

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Case: ROC-35306
12613616003
KAEMPFER GARY A & KIMBERLIE K
10243 BLUE WATER PEAK AVE
LAS VEGAS NV 89166-5211

FAVOF11 89166

City of Las Vegas Agenda Item No.: **80.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

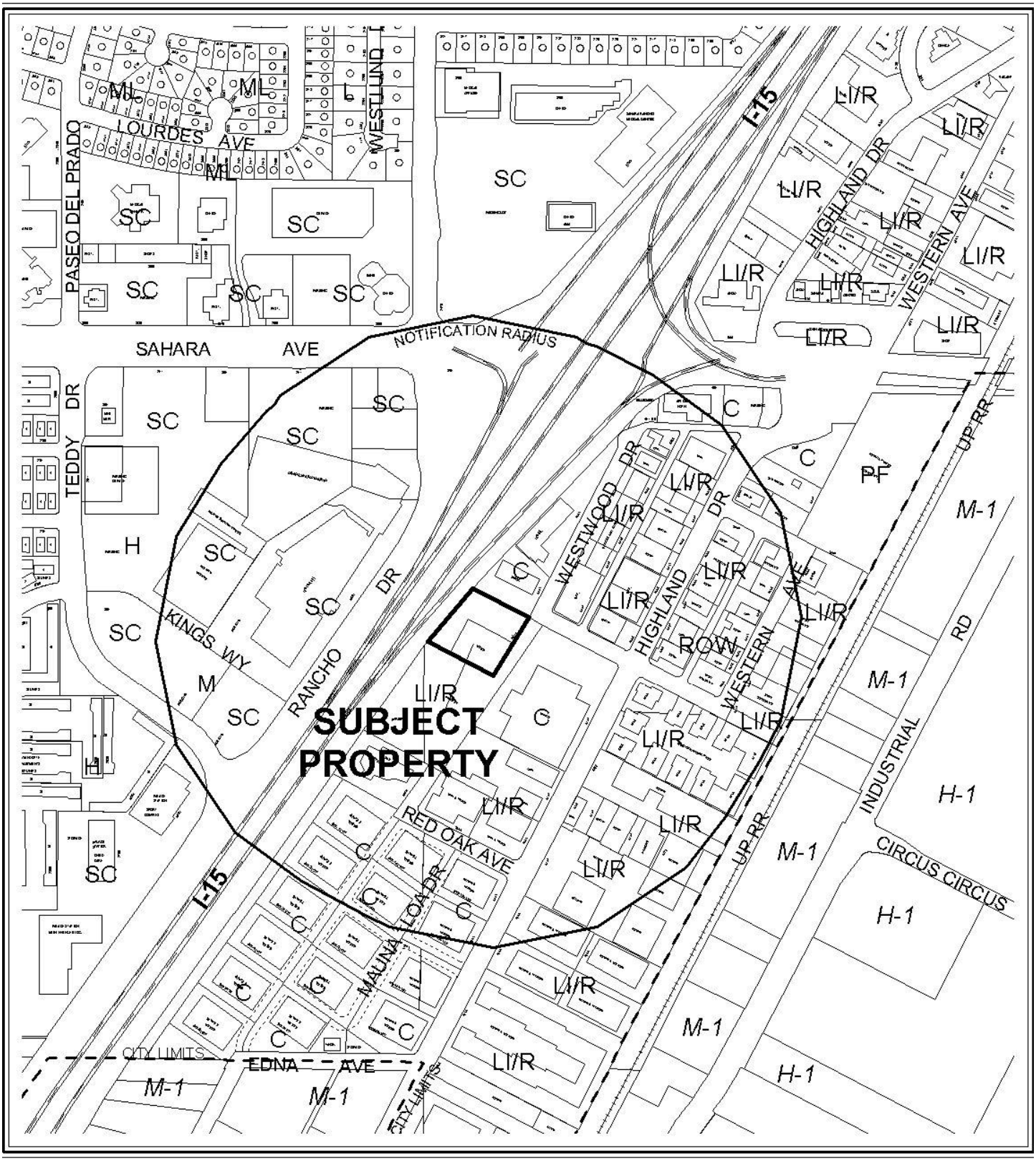
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
GPA-34597 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT: DR. ARTHUR WEATHERS - OWNER: 2701 WESTWOOD, LLC - Request to Amend a portion of the Southeast Sector Plan of the General Plan FROM: C (COMMERCIAL) TO: LI/R (LIGHT INDUSTRY/RESEARCH) on 1.45 acres at 2701 Westwood Drive (APN 162-09-102-002), Ward 1 (Tarkanian). The Planning Commission (5-2 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**10**	**Planning Commission Mtg.**	**1**
City Council Meeting	**2**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (5-2 vote) and staff recommend APPROVAL.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions (Not Applicable) and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest Postcards
7. Backup referenced from the August 13, 2009 Planning Commission Meeting Item 14



0 400 800 Feet

CASE: **GPA-34597**

RADIUS: 1000 FT

GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:
C (COMMERCIAL)

PROPOSED GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:
LI/R (LIGHT INDUSTRY/RESEARCH)

N



0 400 800 Feet

CASE: **GPA-34597**

RADIUS: 1000 FT

GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:
C (COMMERCIAL)

PROPOSED GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:
LI/R (LIGHT INDUSTRY/RESEARCH)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: GPA-34597 - APPLICANT: DR. ARTHUR WEATHERS - OWNER: 2701 WESTWOOD, LLC

** CONDITIONS **

The Planning Commission (5-2/vq/rt vote) and staff recommend APPROVAL.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a General Plan Amendment to amend a portion of the Southeast Sector of the Centennial Hills Master Plan from C (Commercial) to LI/R (Light Industry/ Research) on 1.45 acres at 2701 Westwood Drive. The applicant proposes to utilize the subject parcel as a Custodial Institution for up to 100 parolees, with accessory dog training facilities within an existing Office/Warehouse building. If denied, the associated Special Use Permit for a Custodial Institution cannot be approved, as the use is too intense for the existing General Plan designation.

ISSUES

- The proposed LI/R (Light Industry/Research) General Plan designation is consistent with the M (Industrial) zoning district, which will allow more intense uses, including the proposed Custodial Institution, and would be compatible with the surrounding land uses; therefore, staff is recommending approval of the request.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
01/12/61	The Board of City Commissioners approved a request for Reclassification of Property (Z-0062-60) from R-E (Residence Estates) to M-1 (Light Industry) generally located south Sahara Avenue between Highland Drive and the proposed freeway [Interstate 15].
10/28/93	The Planning Commission approved a request for a Plot Plan and Building Elevation Review [Z-0062-60(1)] for a warehouse and office building at 2701 Westwood Drive.
03/08/98	The Board of Zoning and Adjustment approved a request for a Variance (V-112-98) to allow a proposed 16,097 square-foot addition to an existing legal non-conforming warehouse building on the side property line where 10 feet is the minimum setback required; and to allow 51 parking spaces where 59 spaces are the minimum required at 2701 Westwood Drive.
05/27/99	The Planning Commission approved a request for a Site Development Plan Review [Z-0062-60(2)] for a proposed 23,148 square foot addition to an existing Print Shop on property located at 2701 Westwood Drive.
09/14/04	A deed was recorded for change of ownership.
04/20/05	A Code Enforcement case (#29063) was processed for outside storage at 2701 Westwood Drive. Code Enforcement closed the case on 06/16/05.

01/17/06	A Code Enforcement Case (#37578) was processed for using the designated parking area for storage, forcing employees to park in complainant's parking lot at 2701 Westwood Drive. Code Enforcement closed the case on 01/18/06.
05/17/06	The City Council approved a request for a General Plan Amendment (GPA-9219) to change the Future Land Use designation to Commercial, Mixed Use, Industrial or Public Facilities on various parcels located within the proposed Las Vegas Redevelopment Plan area and within the proposed Redevelopment Plan expansion area. The Planning Commission recommended approval of the request.
03/04/08	A Code Enforcement case (#62937) was processed for customer who called and asked for assistance at this commercial manufacturing & Processing Plant. States there are environmental and other issues and would like a complete exterior inspection of the business and grounds. Code Enforcement closed the case on 01/14/09.
07/24/08	The Planning Commission approved a request for a Site Development Plan Review (SDR-28536) for a minor amendment to an approved Site Development Plan Review [Z-0062-60(1)] to allow for parking lot modifications at 2701 Westwood Drive.
08/13/09	The Planning Commission recommended denial of companion item SUP-34598 concurrently with this application. The Planning Commission voted 5-2/vq/rt to recommend APPROVAL (PC Agenda Item #14/jb).
Related Building Permits/Business Licenses	
06/08/94	A building permit (#94335306) was issued for On-site Improvements at 2701 Westwood Drive. This permit was expired on 12/02/95.
	A building permit (#94335307) was issued for a warehouse/office building Certificate of Occupancy at 2701 Westwood Drive. This permit was completed on 11/02/94.
09/12/94	A building permit (#94347595) was issued for a masonry wall at 2701 Westwood Drive. This permit was completed on 11/03/94.
12/29/00	A building permit (#23291) was issued for a Tenant Improvement to install a paper collector at 2701 Westwood Drive. This permit was expired on 07/07/01.
Pre-Application Meeting	
05/14/09	A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit were discussed topics included. • Title 19 Zoning Code requirements • Application Materials and Documents • Meeting Dates and Deadlines

Neighborhood Meeting	
06/09/09	A neighborhood meeting was held on Tuesday, June 9th at 6:30 PM at 2701 Westwood Drive, Las Vegas. Four members from the applicant attended the meeting along with one staff member from the Ward 1 City Council office and one member of the Planning and Development staff. No members of the public attended the meeting. The applicant clarified that they would only be renovating and using the first floor of the building. Pending a positive review of their Special Use Permit (if approved), they may submit a request to renovate the second floor of the building and increase the number of residents. The applicant noted that the pet day care use shown on the plans would be a separate business unrelated to the custodial institution. The applicant would drive to major employment centers (such as casinos) in the morning, pick up employees' pets, care for them at the Westwood location during the day, and drive back to the employment centers to return the pets to employees.
Field Check	
06/04/09	During a routine site inspection performed by staff the subject property was noted as having • Required landscaping along the eastern property line has either been removed or is dying. • No ADA van accessible parking space located on the site. All landscaping infractions have been forwarded to code enforcement.

Details of Application Request	
Site Area	
Gross Acres	1.45

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Warehouse	C (Commercial)	M (Industrial)
North	Motel	C (Commercial)	M (Industrial)
South	Parking Lot	LI/R (Light Industry/ Research)	M (Industrial)
East	Parking Lot	LI/R (Light Industry/ Research)	M (Industrial)
West	Interstate (I-15)	ROW (Right-of-Way)	ROW (Right-of-Way)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan			
Downtown Centennial Plan	X		Y

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
Downtown Overlay District	X		Y
A-O Airport Overlay District – 175 feet	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

The subject site is located in the Southeast Sector of the General Plan and has a current General Plan designation of C (Commercial). This is a proposal to amend the General Plan designation to LI/R (Light Industry/ Research). The Light Industry / Research category allows areas appropriate for clean, low-intensity (non-polluting and non-nuisance) industrial uses, including light manufacturing, assembling and processing, warehousing and distributions, and research, development and testing laboratories. Typical supporting and ancillary general uses are also allowed. This category may also allow mixed-use development with a residential component as a transition to less-intense uses where appropriate. The LI/R (Light Industry/ Research) General Plan designation is compatible with the surrounding industrial and warehouse uses.

A companion application for a Special Use Permit (SUP-34598) has been submitted for a Custodial Institution use, and will utilize an existing Office/Warehouse to provide living space, re-entry programs, in-house counseling and job placement assistance for up to 100 parolees. The proposed use is permitted with the approval of a Special Use Permit in the M (Industrial) zoning district, and is consistent with the LI/R (Light Industry/Research) General Plan designation; therefore, staff is recommending approval of this request.

FINDINGS

Section 19.18.030.I of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

1. The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,

2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,

3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and

4. The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.

In regard to "1":

The LI/R (Light Industry/ Research) General Plan designation allows for low-intensity industrial uses. The proposed amendment is compatible with the existing adjacent LI/R (Light Industry/ Research) and C (Commercial) designations.

In regard to "2":

The subject property currently has an M (Industrial) zoning classification, which is consistent with the proposed LI/R (Light Industry/ Research) General plan designation.

In regard to "3":

The site is accessed by Westwood Drive, designated as a 70-foot Frontage Street in the Master Plan of Streets and Highways, and is adequate for the uses permitted by the proposed amendment.

In regard to "4":

The proposed amendment conforms to the Downtown Centennial Plan and the Downtown Overlay District.

PLANNING COMMISSION ACTION

There were seven speakers opposed to this project at the Planning Commission Meeting and one in favor.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

ASSEMBLY DISTRICT 10

SENATE DISTRICT 7

NOTICES MAILED 55 by City Clerk

APPROVALS 1

PROTESTS 9

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: GPA-34597 APN: 162-09-102-002

Name of Property Owner: 2701 WESTWOOD LLC, ROBERT BRANDY

Name of Applicant: DR. KIT WEATHERS

Name of Representative: LAW OFFICES OF JAY BROWN

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: Robert Brandy

Subscribed and sworn before me

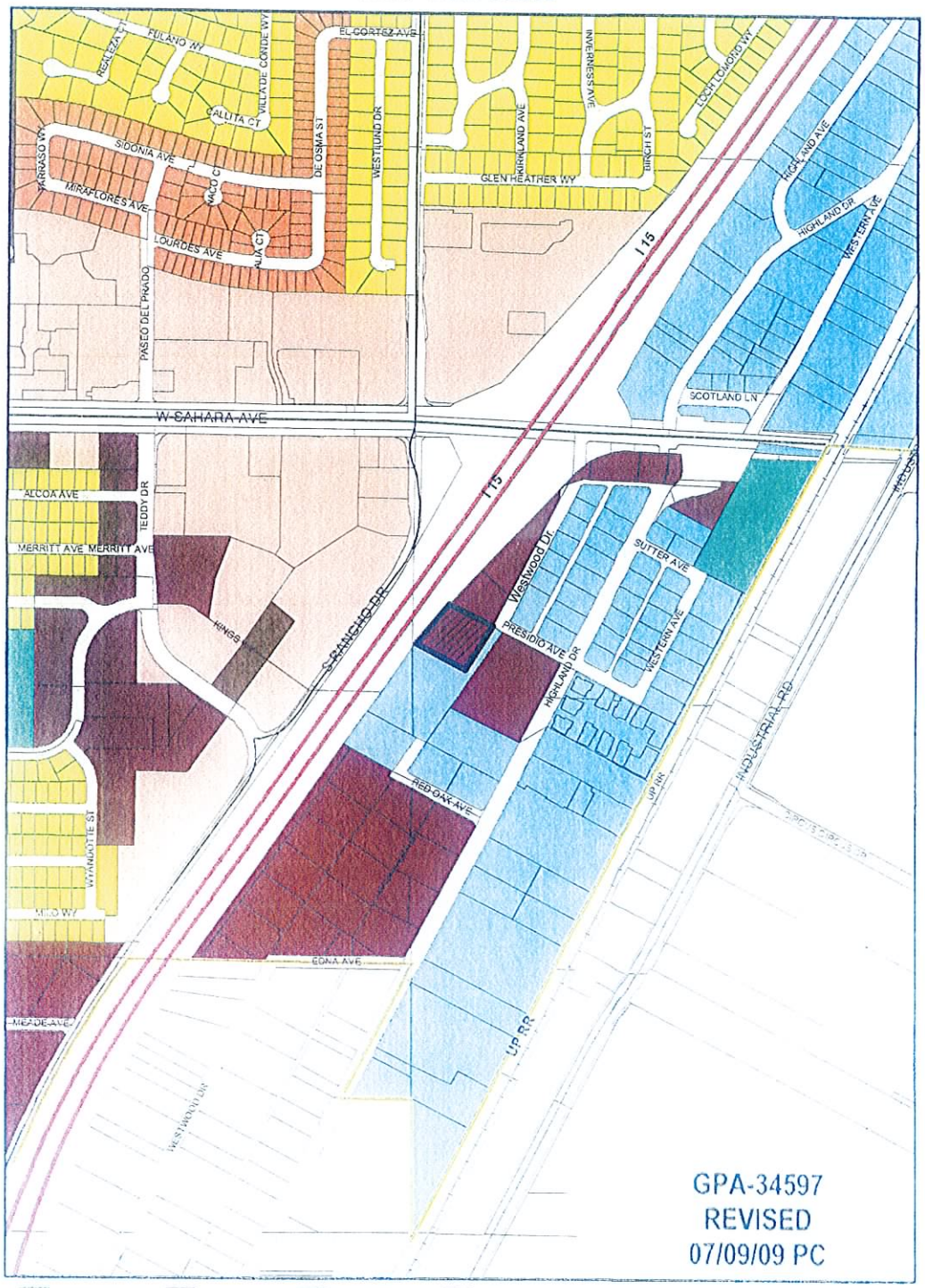
This 26th day of May, 2009

_____

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
ELLIOT ROSENBERGER
No: 07-3299-1
My Appointment Expires Jan. 23, 2011

Parcel: 16209102002



GPA-34597
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07/09/09 PC

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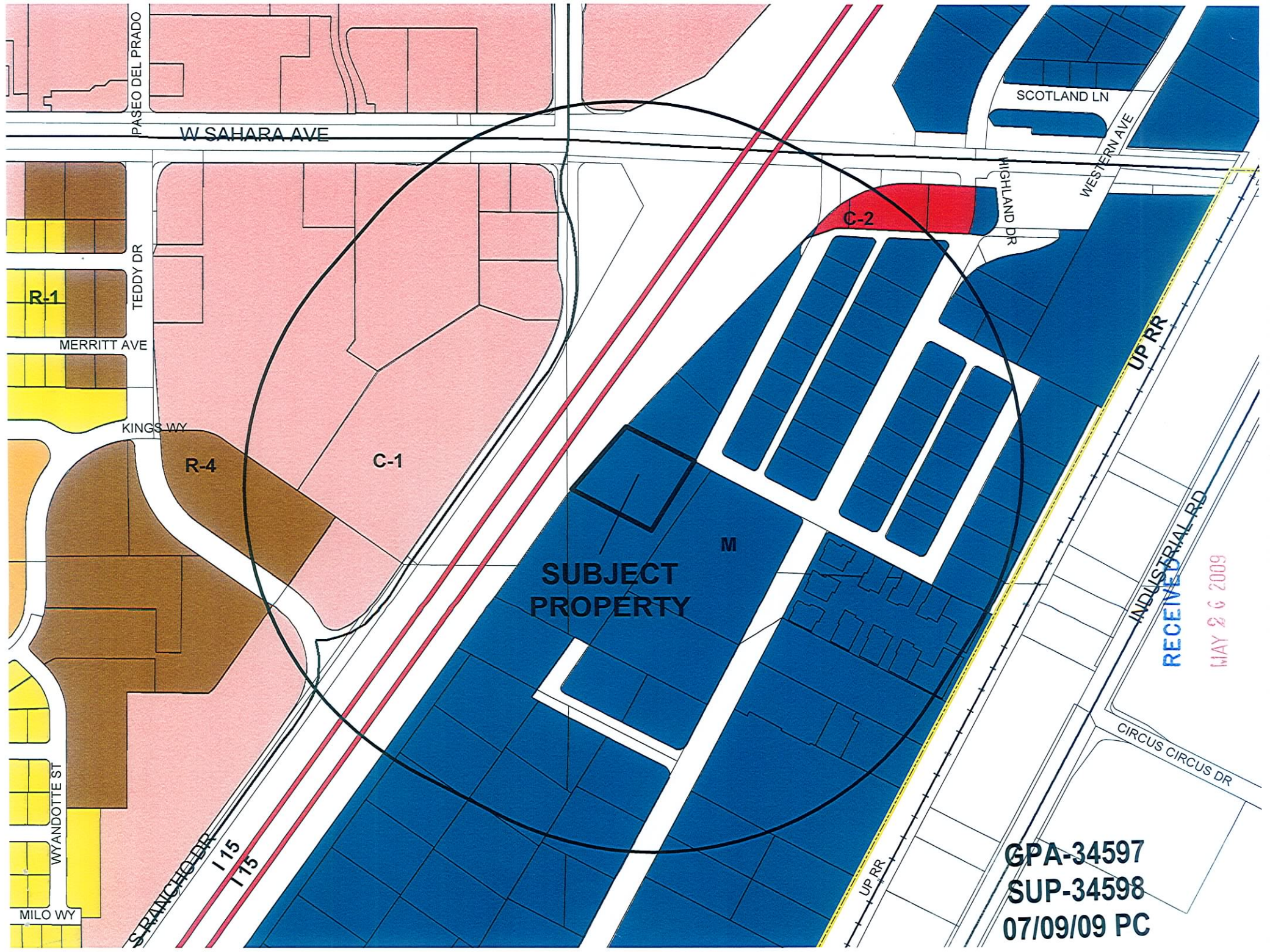
From C to LI/R


PASEO DEL PRADO
W SAHARA AVE
SCOTLAND LN
WESTERN AVE
HIGHLAND DR
C-2
TEDDY DR
R-1
MERRITT AVE
KINGS WY
R-4
C-1
M
SUBJECT PROPERTY
UP RR
INDUSTRIAL RD
CIRCUS CIRCUS DR
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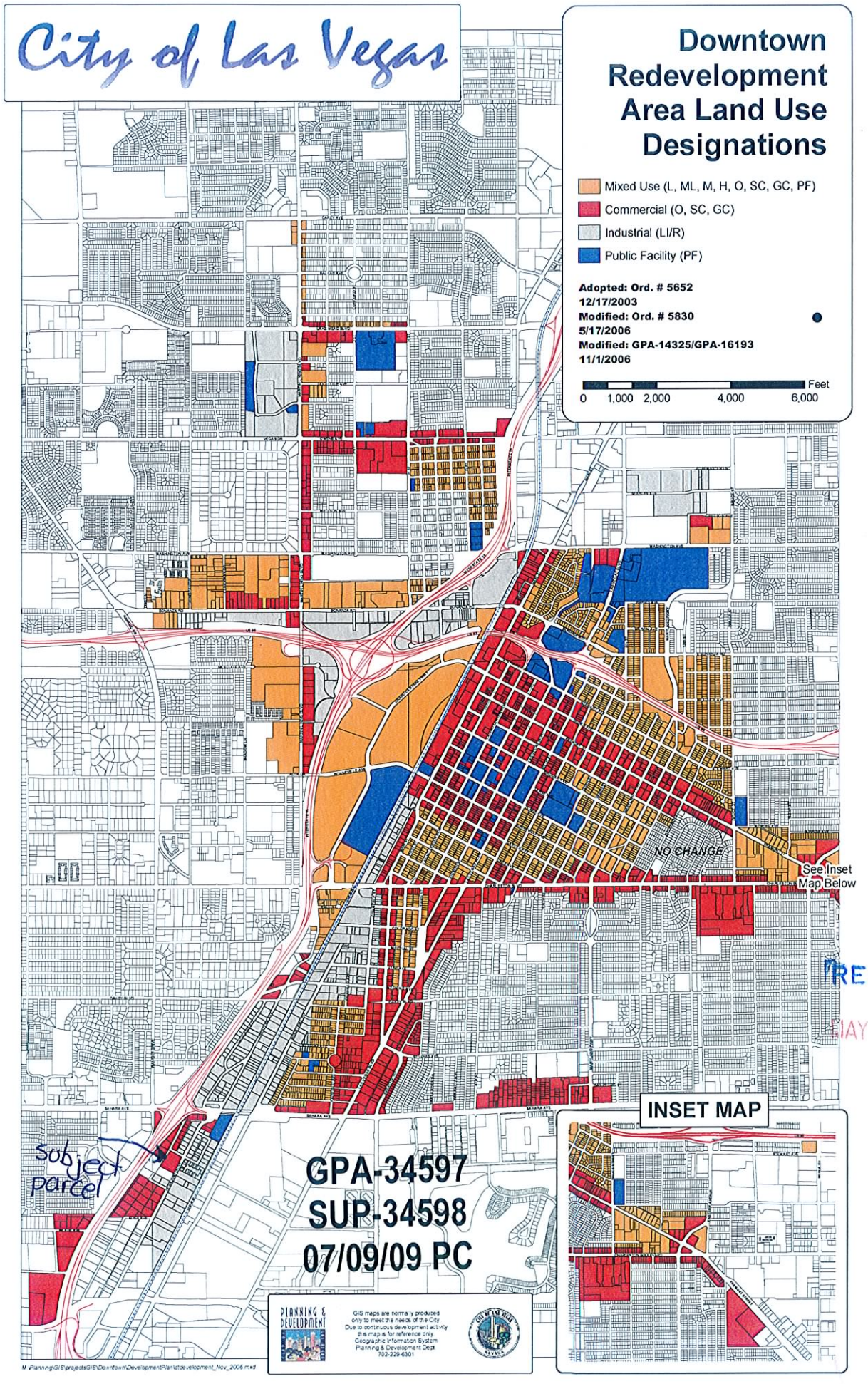
GPA-34597
SUP-34598
07/09/09 PC



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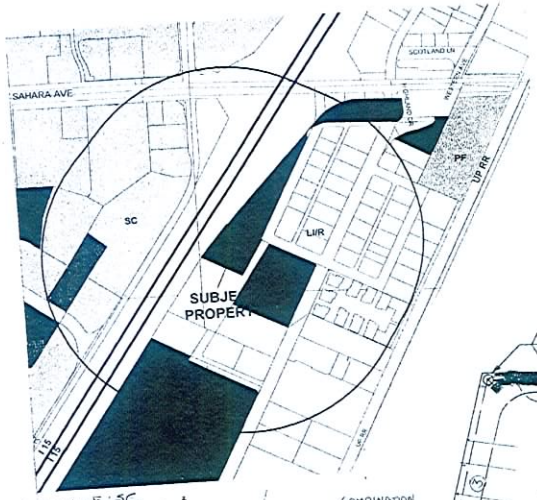
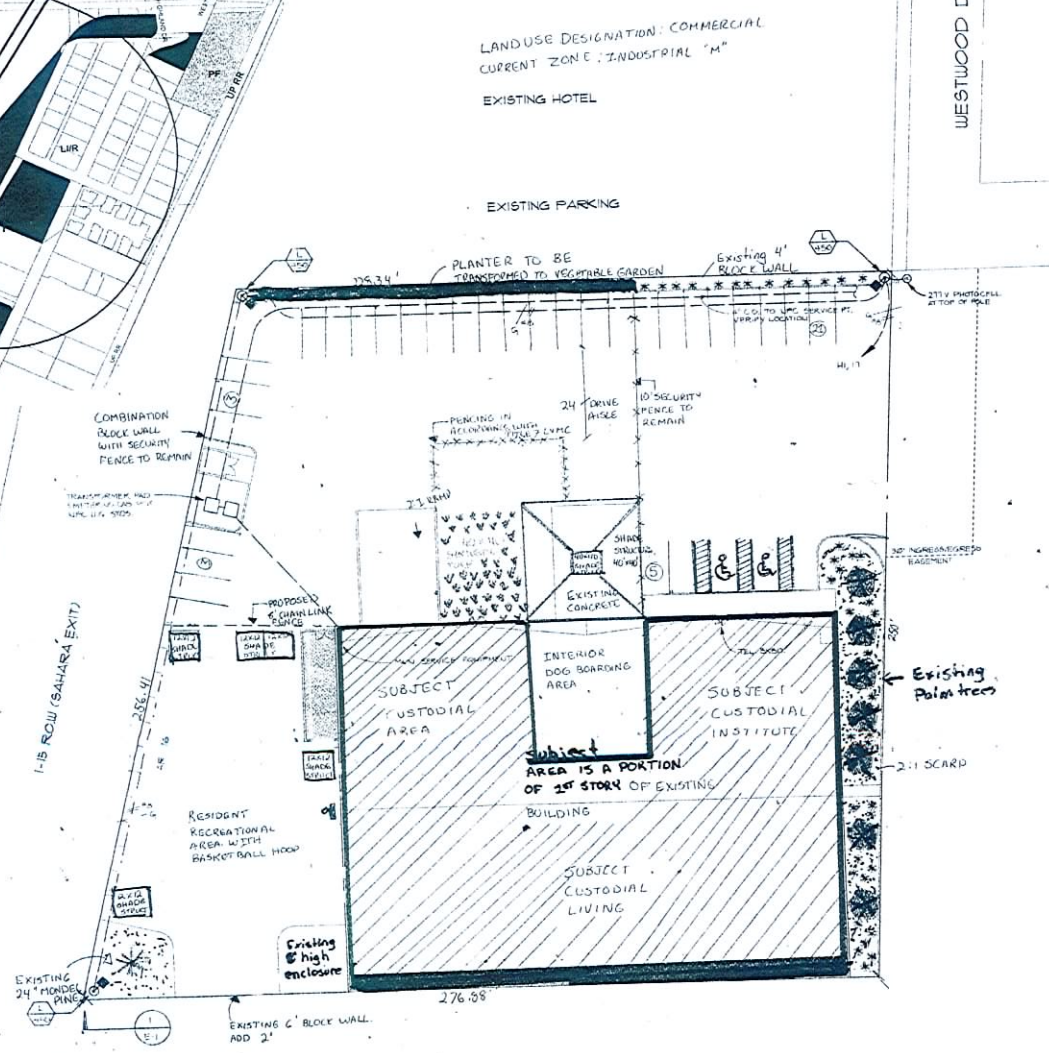
MAY 26 2009





LAND USE DESIGNATION: INDUSTRIAL "LIGHT"
CURRENT ZONING INDUSTRIAL "M"
USE: ADULT

1 SITE PLAN
SCALE: 1" = 20'-0"

SYMBOL LIST

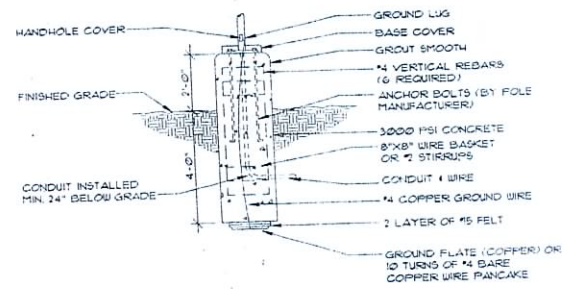
- 20A, 125V, 2P/3W DUPLEX RECEPTACLE, 18" AFF OR AS NOTED.
- DUPLEX RECEPTACLE AS ABOVE EXCEPT IN FLUSH FLOOR BOX.
- DUPLEX RECEPTACLE AS ABOVE EXCEPT W/G#1, 48" AFF.
- JUNCTION BOX.
- TELEPHONE OUTLET, 18" AFF OR AS NOTED.
- COMPUTER OUTLET, 18" AFF OR AS NOTED.
- S 20A, 277V, SPST TOGGLE SWITCH, 48" AFF.
- S_3 20A, 277V, 3-WAY TOGGLE SWITCH 48" AFF.
- S_4 20A, 277V, 4-WAY TOGGLE SWITCH, 48" AFF.
- SAFETY SWITCH.
- MOTORIZED EQUIPMENT CONNECTION.
- METALLIC CONDUIT AS NOTED.
- 2#12 THHN - ½" C.
- 3#12 THHN - ½" C.
- 4#12 THHN - ½" C.
- 5#12 THHN - ½" C.
- 6#12 THHN - ½" C.

PROPERTY INFORMATION
APN: 162-09-102-002

CURRENT LAND USE: COMMERCIAL
PROPOSED LAND USE: INDUSTRIAL
CURRENT ZONE: M
PROPOSED ZONE: M

PARKING ANALYSIS

REQUIRED:	20 SPACES
1 SPACE/20 RESIDENTS FOR CUSTODIAL INSTITUTE	= 5 SPACES
1 SPACE/300 SQFT FOR EXISTING 2ND STORY OFFICE	= 11 SPACES
1 SPACE/250 SQFT FOR PET BOARDING	= 4 SPACES
PROVIDED:	= 32 SPACES



TYPICAL POLE BASE 1 E-1
SCALE: NONE

GENERAL PLAN AMENDMENT
162-09-102-002
FROM C TO LI

revisions

sheet no. | date | proj.no. | drwn.by | chkd.by

GPA-34597
SUP-34598
07/09/09 PC



GPA-34597 - APPLICANT: DR. ARTHUR WEATHERS - OWNER: 2701 WESTWOOD, LLC
2701 WESTWOOD DRIVE
AUGUST 13, 2009 PLANNING COMMISSION

06/04/09



GPA-34597 - APPLICANT: DR. ARTHUR WEATHERS - OWNER: 2701 WESTWOOD, LLC
2701 WESTWOOD DRIVE
AUGUST 13, 2009 PLANNING COMMISSION

06/04/09



GPA-34597 - APPLICANT: DR. ARTHUR WEATHERS - OWNER: 2701 WESTWOOD, LLC
2701 WESTWOOD DRIVE
AUGUST 13, 2009 PLANNING COMMISSION

06/04/09



GPA-34597 - APPLICANT: DR. ARTHUR WEATHERS - OWNER: 2701 WESTWOOD, LLC
2701 WESTWOOD DRIVE
AUGUST 13, 2009 PLANNING COMMISSION

06/04/09



GPA-34597 - APPLICANT: DR. ARTHUR WEATHERS - OWNER: 2701 WESTWOOD, LLC
2701 WESTWOOD DRIVE
AUGUST 13, 2009 PLANNING COMMISSION

06/04/09

LAW OFFICE
Jay H. Brown, Ltd.
A PROFESSIONAL CORPORATION
520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101

TELEPHONE (702) 384-5563
FACSIMILE (702) 385-1023
EMAIL: jay@jhbrownltd.com

June 16, 2009

City of Las Vegas Planning and Zoning Department
731 South 4th Street
Las Vegas NV, 89101

RE: General Plan Amendment 162-09-102-002

Dear Mr. Boyles,

On behalf of the applicant, Dr. Kit Weathers, we respectfully request your support for a General Plan Amendment that will return the Land Use on the above mentioned parcel to Light Industrial. The subject property is located within an industrial district generally located south east or the I-15 Sahara interchange. This property has remained vacant since 2007. The attached Land Use map indicates the land use on this parcel was changed from Industrial to Commercial circa 2003. The applicant wishes to return the parcel to the original industrial land use in order to allow for a custodial facility as described in a companion application. The industrial designation will also allow for a pet boarding business.

A two story building exists on the site. The building was previously used as an office and warehouse. The applicant wishes to lease approximately 23,390 square feet on the first floor to house the custodial facility. The second story will remain vacant at this time. A portion of the building and site will be used for a separate pet boarding business which is permitted in the industrial zone. The pet boarding business will occupy a 600 square foot portion of the building in addition to an outdoor play area on the site. The hours of the pet boarding business will be 8:00 AM to 8:00 PM. The pet business is primarily directed to "day care" patrons. However, in order to accommodate a customer's unique needs and schedules, there will be crates for up to six dogs to stay over-night. The building layout does not facilitate interaction between the two uses. These uses are not allowed by right in a commercial district.

The attached land use map delineates that the subject property is the southernmost parcel that was reclassified to commercial. Meanwhile, several surrounding properties maintain the industrial land use. Further, all surrounding properties still hold industrial zoning. Because the subject parcel represents the commercial/industrial boundary, and because the area has not yet transitioned to commercial, this request will have little impact on the area.

Please direct questions and concerns to me at (702) 598-1408.

Sincerely,

Lora Dreja
Land Entitlements
Brown, Brown and Premsrirut.

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JUN 16 2009

GPA-34597
REVISED
07/09/09 PC

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE

02 1M $ 00.41[4]
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MAILED FROM ZIP CODE 89101

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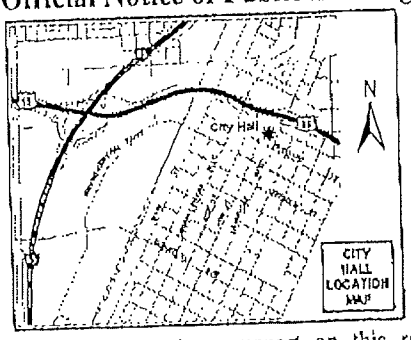

STOP THIS REZONING

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-34597 & SUP-34598

City Council Meeting of 9/16/2009

POSITIVE SPACE INC
%B ALLEN PHOTOGRAPHY
18 STAR BROOK AVE
HENDERSON NV 89052-6628

APN#16209202010

2009 SEP -8 A 8:09

RECEIVED CITY CLERK

GAVDS11 89052

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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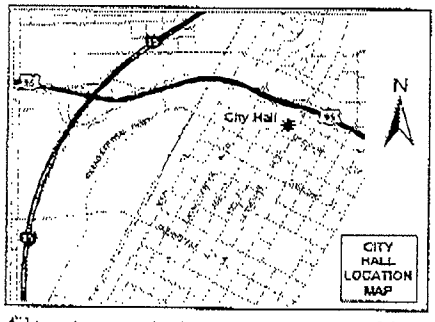
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☑ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-34597 & SUP-34598

City Council Meeting of 9/16/2009

RECEIVED
CITY CLERK
2009 SEP -8 P 2:26

BROSSEAU 1993 TRUST
BROSSEAU PAUL H TRS
2609 S HIGHLAND DR
LAS VEGAS NV 89109-1156

APN#16209110015

GAU0811 89109

NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

RECEIVED
AUG 03 2009

August 1st 2009
Development Service Center
731 South Fourth Street
Las Vegas, NV 89101

RE: Case#SUP-34598
RE Case#GPA-34597

Dear Sir/Madam;

My name is Paul Patel. I am the Managing Partner of the Sahara Westwood Hotel located at 2601 Westwood Drive. I am writing to express my great concern regarding the above outlined cases. These cases seek special permits to create 100 plus inmate custodial institution with accessory dog kennels at 2701 Westwood Drive. This location is two buildings away from my business.

We recently spend a lot of money to paint the building and to improve our room facilities for our clientele. The impact of the proposed facility, essentially a half-way-house for felons and transitioning convicts, would be devastating to my business.

Sahara Westwood Hotel is a Family Oriented Hotel. My clientele are family with kids who don't like to stay at casino hotel because of the non suitable atmosphere for their children. It is already hard to compete with gaming and non –gaming hotels and with a prison facility two buildings away from my location would be devastating to my business.

Although this kind of facilities is necessary, I cannot support one being built in the same block to my hotel.

Our neighborhood strongly opposes to this special use permit and would be devastating for all the business if a grant to this permit is given.

Sincerely,

Paul Patel
Sahara Westwood Hotel

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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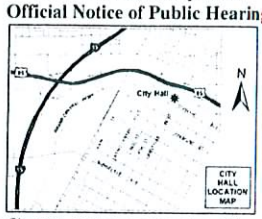
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☑ I OPPOSE this Request

Please use available blank space on card for your comments.
GPA-34597 & SUP-34598
Planning Commission Meeting of 8/13/2009

PRESORTED FIRST CLASS
UNITED STATES POSTAGE
02 1M $ 00.41⁴
0004278218 JUL 31 2009
MAILED FROM ZIPCODE 89101

RECEIVED
AUG 04 2009

Case: GPA-34597
16209102005
SAHARA WESTWOOD HOTEL L L C
2601 WESTWOOD DR
LAS VEGAS NV 89109-1117

EAGLE 89109

14 P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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02 1M $ 00.41⁴
0004278218 JUL 31 2009
MAILED FROM ZIPCODE 89101

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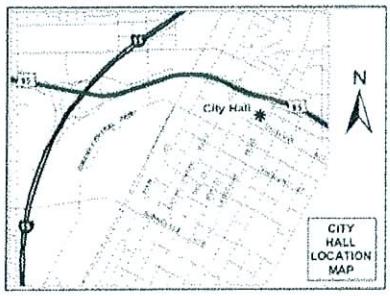

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-34597 & SUP-34598
Planning Commission Meeting of 8/13/2009

RECEIVED
AUG 04 2009

Case: GPA-34597
16209201002
WESTERN SUPPLY HOLDINGS L L C
2200 RED OAK AVE
LAS VEGAS NV 89109-1017

14P

Aug-02-09 07:24am From-A&B Printing +7027312272 T-741 P.001/001 F-640

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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02 1M $ 00.41⁴
0004279218 JUL 31 2009
MAILED FROM ZIP CODE 89101

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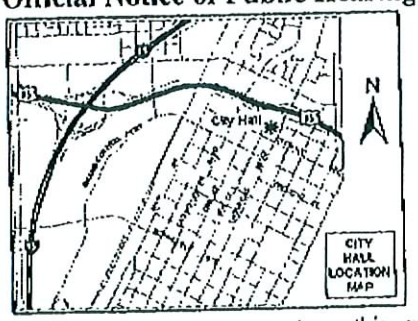

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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GPA-34597 & SUP-34598

Planning Commission Meeting of 8/13/2009

RECEIVED
AUG 03 2009

Case: GPA-34597

16209202010
POSITIVE SPACE INC
%B ALLEN PHOTOGRAPHY
18 STAR BROOK AVE
HENDERSON NV 89052-6628

14P

City of Las Vegas
Planning & Development Department
Development Services Center
31 S. Fourth Street
Las Vegas, Nevada 89101-2986

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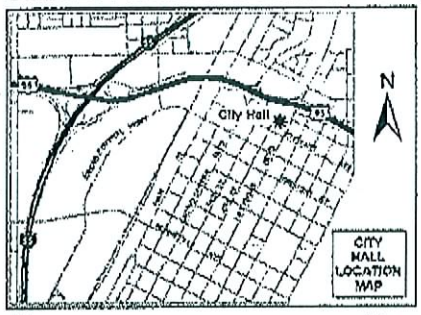

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☐ I SUPPORT this Request ☑ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-34597 & SUP-34598
Planning Commission Meeting of 8/13/2009

RECEIVED
AUG 03 2009

Case: GPA-34597
16209202008
KHAZAI SHAHRIAR & ISABELA
%IMPERIOAL DESIGN
14100 KINGSLEY DR
GARDENA CA 90249-3018

14P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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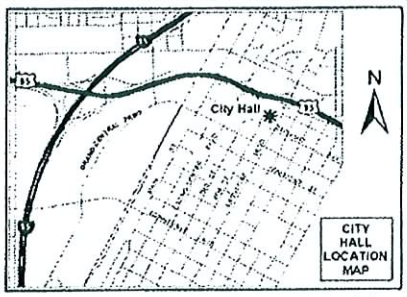

RECEIVED
AUG 05 2009

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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GPA-34597 & SUP-34598
Planning Commission Meeting of 8/13/2009

Case: GPA-34597
16208604002
HIGHLAND INDUSTRIAL PARK PTNRSHP
%NEVADA DEVELOPMENT & REALTY CO
2500 W SAHARA AVE #211
LAS VEGAS NV 89102-4393

14P

PAGE 01/01

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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02 1M $ 00.4
0004279218 JUN 26 2
MAILED FROM ZIP CODE 89

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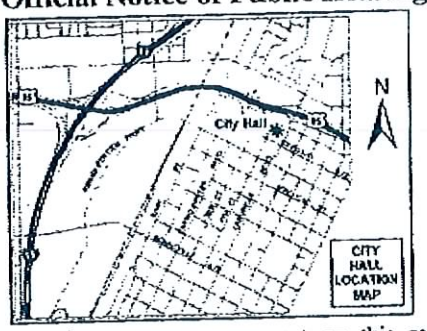

RECEIVED
JUN 29 2009

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☐ I SUPPORT this Request

☑ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-34597 & SUP-34598

Planning Commission Meeting of 7/9/2009

Case: GPA-34597
16209202008
KHAZAI SHAHRIAR & ISABELA
%IMPERIOAL DESIGN
14100 KINGSLEY DR
GARDENA CA 90249-3018

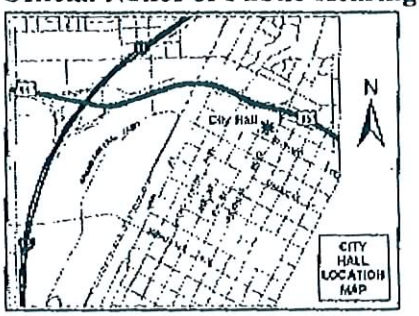
DAVDF1 90249

20 P

06/29/2009 13:01 1

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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GPA-34597 & SUP-34598

Planning Commission Meeting of 7/9/2009

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UNITED STATES POSTAGE
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02 1M $ 00.41[4]
0004279218 JUN 26 2009
MAILED FROM ZIP CODE 89101

RECEIVED
JUN 29 2009

Case: GPA-34597
16209202010
POSITIVE SPACE INC
%B ALLEN PHOTOGRAPHY
18 STAR BROOK AVE
HENDERSON NV 89052-6628

DAVDP11 89052

20P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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$ 00.44

MAILED FROM ZIPCODE 89101

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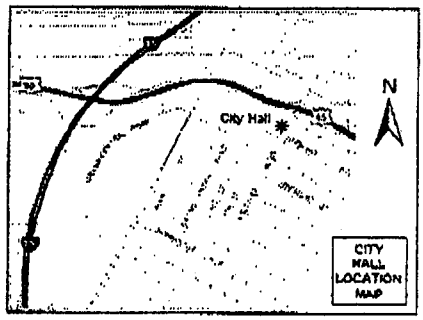

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☐ I SUPPORT this Request

☑ I OPPOSE this Request

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GPA-34597 & SUP-34598

Planning Commission Meeting of 7/9/2009

Paul Brosseau

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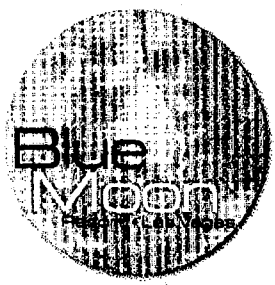
JUL 0 2009

Case: GPA-34597

16209110015
BROSSEAU 1993 TRUST
2609 S HIGHLAND DR
LAS VEGAS NV 89109-1156

Submitted after final agenda

Date 7/7/09 Item 20P



RECEIVED
JUL 07 2009

July 5, 2009

Development Services Center
731 South Fourth Street
Las Vegas, NV 89101

RE: Case# SUP-34598
Case# GPA-34597

Dear Sir/Ma'am;

My name is John Hessling. I am the Managing Partner of Blue Moon Resort located at 2651 Westwood Drive. I am writing to express my great concern regarding the above outlined cases. These cases seek special use permits to create a 23,000 square foot, 100-inmate, "custodial institution" with accessory dog kennels at 2701 Westwood Drive. This location is next door to my business.

The impact of the proposed facility, essentially a half-way-house for felons and transitioning convicts, would be devastating to my business.

Blue Moon Resort is Las Vegas' only resort for gay men. My clientele tend to be discriminate of where they spend their time and money. It is already challenging to get customers to choose Blue Moon over the mega-resorts on the strip. Once word gets out in the press and on the internet that we are now next to a prison, it will be impossible.

This is not to mention the difficulties with parking. The previous occupant of 2701 Westwood leased parking space from my hotel due to lack of parking on his property. I cannot and will not allow transitioning prisoners or facility employees to park in my parking lot and mix with my customers.

I understand that these facilities are necessary. I cannot however support one being built next to my hotel.

If possible I would like to discuss this in person prior to the July 9th Council meeting. I may be reached by cell phone at 860-0032. I appreciate your time.

Sincerely,

John E. Hessling
Managing Partner
Blue Moon Resort

Cc: Councilwoman Lois Tarkanian

Submitted after final agenda
Date 7/7/09 Item 20P

2651 Westwood Drive • Las Vegas, NV 89109
Phone: 702.784.4500 • Fax: 702.361.9110
BlueMoonLasVegas.com • E-mail: info@bluemoonlv.com

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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FIRST CLASS

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02 1M $ 00.41⁴
0004279218 JUL 31 2009
MAILED FROM ZIP CODE 89101

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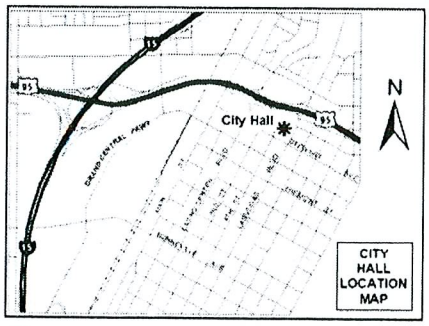

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-34597 & SUP-34598
Planning Commission Meeting of 8/13/2009

RECEIVED
AUG 07 2009

Case: GPA-34597

16209102006
O H D B L L C
%BLUE MOON RESORT
2651 WEST WOOD DR
LAS VEGAS NV 89109-1117

Submitted after final agenda
Date 8/7/09 Item 14 Planned
15

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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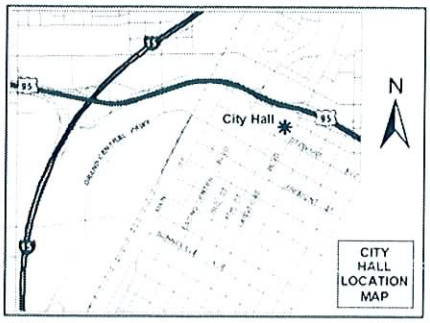
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-34597 & SUP-34598

Planning Commission Meeting of 7/9/2009

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02 1M $ 00.41[4]
0004279218 JUN 26 2009
MAILED FROM ZIP CODE 89101

RECEIVED
JUN 30 2009

Case: GPA-34597
16209102002
2701 WESTWOOD L L C
%MR R BRANDY
1113 PINE ISLAND CT
LAS VEGAS NV 89134-6330

89134$6330 5 0104

20A

Calls for Service
2701 Westwood Dr.
CCAC/M1

05/01/09 - 08/11/09

Top 10 Incident Types (All)	Total
9-1-1 DISCONNECT	96
DRUNK DRIVER	38
ACCIDENT (TRAFFIC)	29
TRAFFIC PROBLEM	27
OTHER DISTURBANCE	22
UNKNOWN TROUBLE	19
HIT AND RUN	17
SUSPICIOUS PERSON	17
SUSPICIOUS VEHICLE	17
RECKLESS DRIVER	16

Top 10 Crime Types (Excluding Traffic)	Total
OTHER DISTURBANCE	22
UNKNOWN TROUBLE	19
SUSPICIOUS PERSON	17
SUSPICIOUS VEHICLE	17
BURGLARY ALARM	13
FRAUD	13
MISSING/FOUND PROPER	12
STOLEN MOTOR VEHICLE	10
ASSAULT/BATTERY	9
ASSIST CITIZEN	8

Day of Week	Total
Sunday	56
Monday	60
Tuesday	80
Wednesday	72
Thursday	56
Friday	82
Saturday	66
Grand Total	**472**

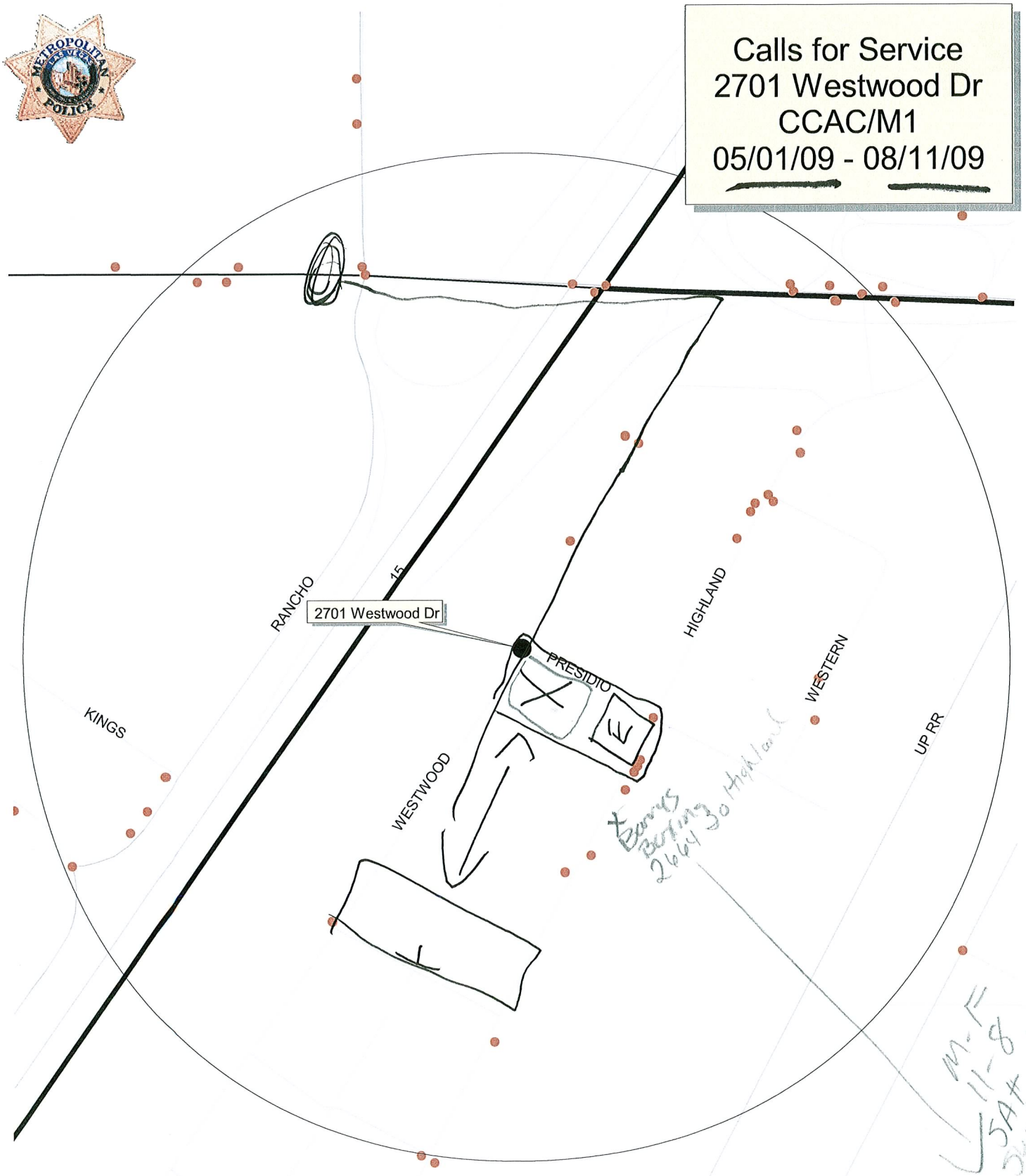
Shift	Total
Day	207
Graveyard	112
Swing	153
Grand Total	**472**

Submitted at Planning Commission
Date 8/13/09 Item 14+15

LVMPD CONFIDENTIAL
Source: CAD

S. Flaherty 14095
08/13/2009

Calls for Service
2701 Westwood Dr
CCAC/M1
05/01/09 - 08/11/09

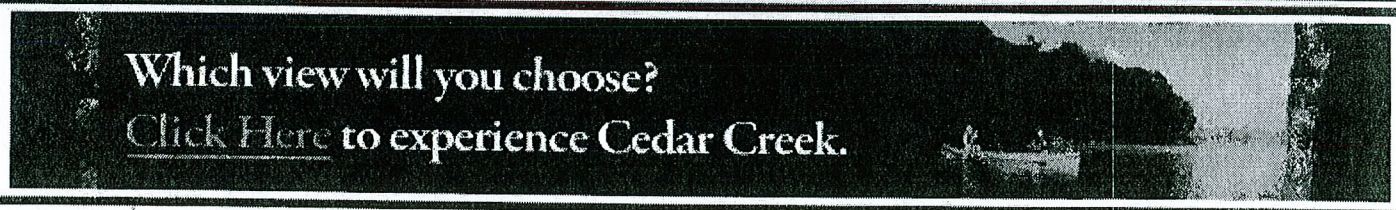


less than 1/2 mile
1/10 tenth of a mile

2701 - Westwood
Barrys Boxing

S. Flaherty14095

Crime Scene KC



Archives

07/01/2009
06/01/2009
05/01/2009
04/01/2009
03/01/2009
02/01/2009
01/01/2009
12/01/2008
11/01/2008
10/01/2008
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09/01/2005
08/01/2005

Categories

« KC homicide #103: Fight, Winner Road | Main | All The Star's crime stories today »

Thursday, October 20, 2005

Triple-murder suspect walked away from halfway house

From the Associated Press:

Police: Man charged in Missouri killings linked to Texas triple homicide

PINEVILLE, Mo. (AP) — A man charged with a double homicide in Missouri was linked to the slayings of a Texas family after a name tag belonging to one of the Texas victims was found in a truck he was driving, authorities said.

The bodies of Orlie and Dawn McCool were found by a relative in the couple's rural Pineville, Mo., home on Sept. 30, the same day that authorities in the Texas Panhandle discovered Brian Conrad, his wife, Michell Conrad and her 14-year-old son Zach Doan slain in their home south of Pampa. Michell Conrad was six months pregnant.

Levi A. King, 23, was charged with two counts of first-degree murder after he was caught the evening of Sept. 30 trying to re-enter the United States at the Mexican border in El Paso, Texas. He was driving Orlie McCool's pickup truck.

"During the course of our investigation, we learned about a triple homicide in Texas," McDonald County Chief Deputy Gregg Sweeten said. "The information we gathered so far links Levi King to those killings."

King has not been charged in the Texas slayings. James Egan, King's public defender, could not be reached by telephone for comment Wednesday.

Investigators with the Texas Rangers and the Gray County Sheriff's Office were en route late Wednesday to the McDonald County Jail, where King is being held without bail, Prosecutor Steve Geeding said.

Besides the name tag, Sweeten said the caliber of bullets recovered from the bodies of the victims in Texas matches

KansasCity.com

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July 2009

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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

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"The weakest link" foils KC robbery
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Gay couple say they were arrested for kissing near LDS temple
66 law-enforcement officers killed in first six months of 2009
DC cops put up roadblocks into high-crime neighborhoods
KCMO homicide count rises to 58
UPDATE: Home invaders kill couple who adopted dozen kids

KansasCity.com

Submitted at Planning Commission

Date 8/3/09 Item 14&15 7/13/2009

Amber Alerts
Anatomy of a KCK drive-by
Arsons
Assaults
Banned Kansas license plates
Burglaries, thefts, embezzlements
Capital punishment
Child abuse
Child porn
Courts administration
Crime prevention
Crime stats
Crime stats - JoCo sheriff
Crime stats - Kansas City
Crime stats - Leawood
Crime stats - Olathe
Crime stats - Overland Park
Crimes against animals
Current Affairs
Cyber-crime
Deaths - Other
Domestic violence
Drug offenses
Drunken fan arrest rates
DUI
Eco-crime
Film
Fires and arsons
Food and Drink
Frauds and hoaxes
Gang-related news
Gun raps
Homicides - Kansas
Homicides - Kansas City
Homicides - Missouri
Homicides - Other
Human Trafficking
Hurricanes of Ought Five
ID theft
Identity theft
Immigration and crime
Links to crime stories
Meta - Reactions to this blog
Missing persons
Morgue File
Most Wanted
Not remotely crime-related

the caliber of one of the weapons King is accused of stealing from his father's home.

King has not said why he tried to return to the United States, authorities said.

"We're guessing that he was out of money, couldn't speak the language and simply couldn't handle it in Mexico, so he headed home," Sweeten said.

Authorities believe the McCools were killed on the afternoon of Sept. 29. Investigators then believe King traveled Interstate 40 on his way to the Mexican border. The Conrad home is about 10 miles north of the interstate.

Michell Conrad's 10-year-old daughter called 911 Sept. 30 to report the shooting deaths. Texas authorities have not released any details about how she survived or what she might have seen.

There was no immediate connection apparent between the two murder scenes, which are about 375 miles apart.

King was released in July from prison to a halfway house in St. Louis, Sweeten said. He had served 17 months of a 14-year sentence for second-degree arson and burglary in 2003.

King left the halfway house on Sept. 23, saying he was going to work, Sweeten said. He never came back and no one at the halfway house called to notify authorities in King's hometown that he was in violation of his parole, he said.

"They should have called," Sweeten said. "That could have saved all these people."

Posted by Greg Reeves on Thursday, October 20, 2005 at 09:21 AM in Homicides - Other | Permalink

TrackBack

TrackBack URL for this entry:
http://www.typepad.com/services/trackback/6a00d83451b1b86

Listed below are links to weblogs that reference Triple-murder suspect walked away from halfway house:

Comments

Orlie McCool was my father. There are a lot of issues that I would love to discuss with the "lawmakers" in the state of Missouri. One of which, why aren't they responsible for not having to report an excaped convict? I feel the state should be held responsible. They should have picked the phone up and called somebody when Levi King failed to return to the halfway house. What if this horrible crime would have happened to your father and sister-in-law? I wish I were able to attend the trail but, I live in Florida and the expense is too much. This has been almost too much for my family to bear.
In God I pray,
Belinda McCool O'Brien

Posted by: Belinda McCool O'Brien | Monday, April 09, 2007 at 10:54 AM

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Crime WATCH

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April 2009

S	M	T	W	T	F	S
			1	2	3	4
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

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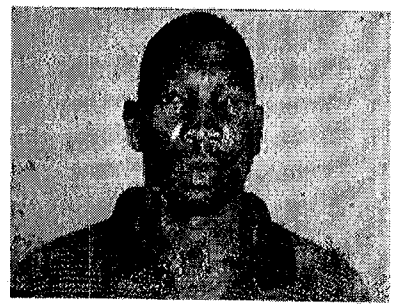
Gossip Girls

« Man arrested in Lake Conroe resort murder | Main | Owners of exclusive Galleria-area auction house get prison time »

HPD: Violent sex offender walks away from halfway house

1:40 PM Tue, Apr 28, 2009 | Permalink
Juanita Jimenez
E-mail

The search is on for a man who walked away from the Reed Halfway House at 10950 Beaumont Highway Tuesday Morning.



Authorities say that Eddie Ephiny Williams, 33, was assigned to the Reed facility as part of a civil commitment following incarceration as a violent sex offender.

They say that he should be considered violent and that no one should try to apprehend him.

Williams is 6' tall, about 165 pounds with very short black hair and brown eyes, say police.

If you have any information on the whereabouts of Eddie Ephiny Williams, call Crime Stoppers at 713-222-8477.

Leave a comment

Name:

Email:

URL:

☐ Remember personal info?

City of Las Vegas Agenda Item No.: **81.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:

SUP-34598 - SPECIAL USE PERMIT RELATED TO GPA-34597 - PUBLIC HEARING - APPLICANT: DR. ARTHUR WEATHERS - OWNER: 2701 WESTWOOD, LLC - Request for a Special Use Permit FOR A PROPOSED 23,390 SQUARE-FOOT, 100-INMATE CUSTODIAL INSTITUTION WITH ACCESSORY DOG KENNELS FOR TRAINING at 2701 Westwood Drive (APN 162-09-102-002), M (Industrial) Zone, Ward 1 (Tarkanian). NOTE: THIS APPLICATION HAS BEEN AMENDED FOR A PROPOSED 22,790 SQUARE-FOOT, 120-INMATE CUSTODIAL INSTITUTION. The Planning Commission (5-2 vote) recommends DENIAL. Staff recommends APPROVAL

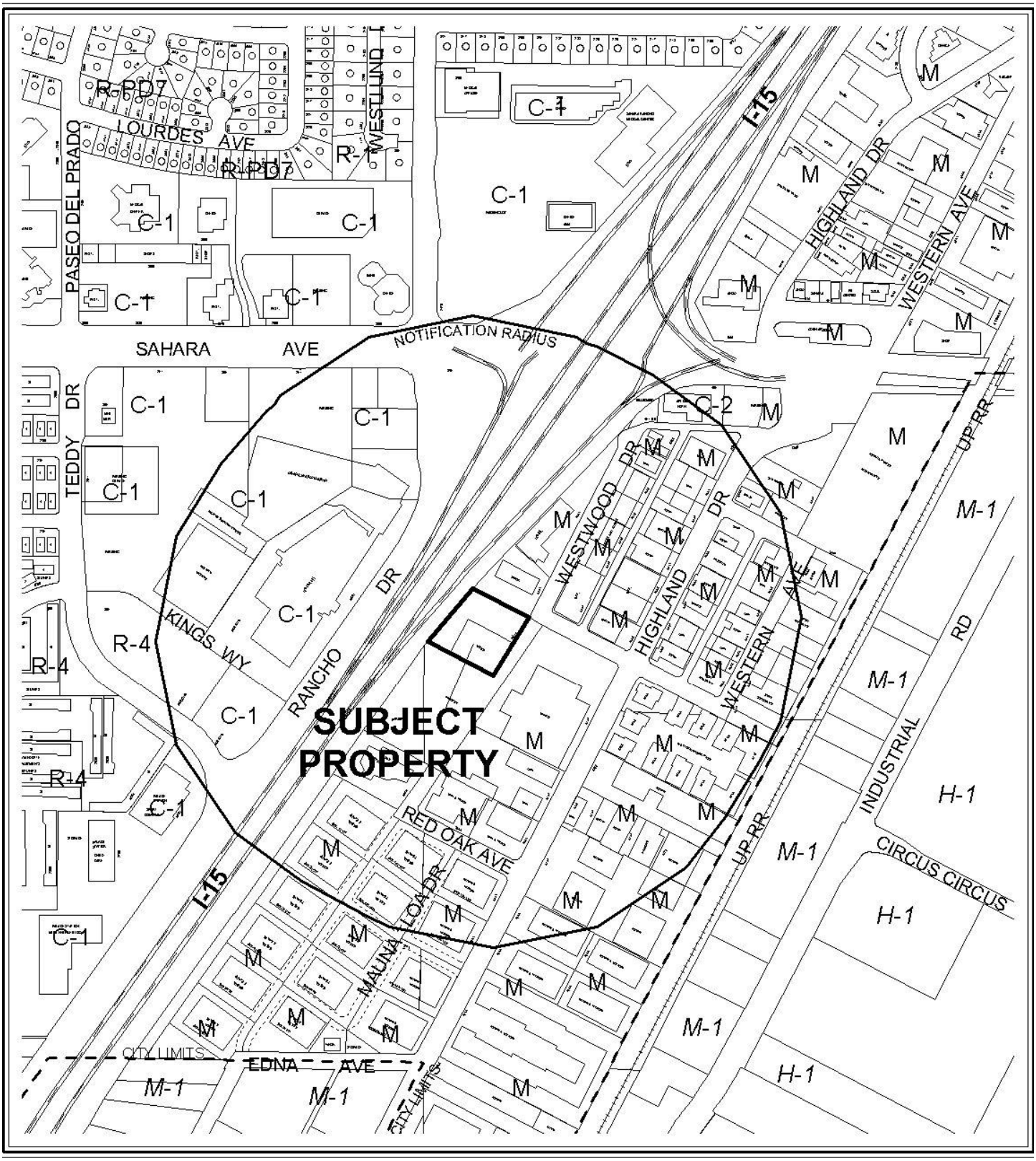
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**10**	**Planning Commission Mtg.**	**1**
City Council Meeting	**2**	**City Council Meeting**	**0**

RECOMMENDATION:

The Planning Commission (5-2 vote) recommends DENIAL. Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest Postcards
7. Backup referenced from the August 13, 2009 Planning Commission Meeting Item 15



0 400 800 Feet

CASE: **SUP-34598**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

N



0 400 800 Feet

CASE: **SUP-34598**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-34598 - APPLICANT: DR. ARTHUR WEATHERS - OWNER: 2701 WESTWOOD, LLC

** CONDITIONS **

The Planning Commission (5-2/se/gf vote) recommends DENIAL. Staff recommends APPROVAL, subject to conditions.

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Custodial Institution use.

2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

4. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to the time application is made for a business license removing all razor wire from perimeter fencing.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a Custodial Institution; the subject site contains an existing 26,638 square-foot Office/Warehouse located at 2701 Westwood Drive. The applicant has proposed to establish a facility that provides living space, re-entry programs, in-house counseling and job placement assistance for up to 120 parolees. If this application is denied, the applicant will have to find a suitable location for the proposed use.

ISSUES:

- Approval of an associated General Plan Amendment (GPA-34597) to change the General Plan designation from C (Commercial) to LI/R (Light Industry/Research) is required as the proposed Custodial Institution use is too intense for the existing C (Commercial) designation.
- The proposed use complies with all Title 19 Zoning Code requirements and can be conducted in a manner that is harmonious and compatible with the existing and future surrounding land uses; therefore, staff is recommending approval of this application.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
01/12/61	The Board of City Commissioners approved a request for Reclassification of Property (Z-62-60) from R-E (Residence Estates) to M-1 (Light Industry) generally located south Sahara Avenue between Highland Drive and the proposed freeway [Interstate 15].
10/28/93	The Planning Commission approved a request for a Plot Plan and Building Elevation Review [Z-0062-60(1)] for a warehouse and office building at 2701 Westwood Drive.
03/08/98	The Board of Zoning and Adjustment approved a request for a Variance (V-112-98) to allow a proposed 16,097 square-foot addition to an existing legal non-conforming warehouse building on the side property line where 10 feet is the minimum setback required; and to allow 51 parking spaces where 59 spaces are the minimum required at 2701 Westwood Drive.
05/27/99	The Planning Commission approved a request for a Site Development Plan Review [Z-62-60(2)] for a proposed 23,148 square foot addition to an existing Print Shop on property located at 2701 Westwood Drive.
09/14/04	Most recent of ownership
04/20/05	A Code Enforcement case (#29063) was processed for outside storage at 2701 Westwood Drive. Code Enforcement closed the case on 06/16/05.

01/17/06	A Code Enforcement Case (#37578) was processed for using parking area for storage, forcing employees to park in complainant's parking lot at 2701 Westwood Drive. Code Enforcement closed the case on 01/18/06.
05/17/06	The City Council approved a request for a General Plan Amendment (GPA-9219) to change the Future Land Use designation to Commercial, Mixed Use, Industrial or Public Facilities on various parcels located within the proposed Las Vegas Redevelopment Plan area and within the proposed Redevelopment Plan expansion area. The Planning Commission recommended approval of the request.
03/04/08	A Code Enforcement case (#62937) was processed for customer who called and asked for assistance at this commercial manufacturing & Processing Plant. States there are environmental and other issues and would like a complete exterior inspection of the business and grounds. Code Enforcement closed the case on 01/14/09.
07/24/08	The Planning Commission approved a request for a Site Development Plan Review (SDR-28536) for a minor amendment to an approved Site Development Plan Review [Z-0062-60(1)] to allow for parking lot modifications at 2701 Westwood Drive.
08/13/09	The Planning Commission recommended approval of companion item GPA-34597 concurrently with this application. The Planning Commission voted 5-2/se/gf to recommend DENIAL (PC Agenda Item #15/jb).
Related Building Permits/Business Licenses	
06/08/94	A building permit (#94335306) was issued for On-site Improvements at 2701 Westwood Drive. This permit was expired on 12/02/95.
	A building permit (#94335307) was issued for a warehouse/office building Certificate of Occupancy at 2701 Westwood Drive. This permit was completed on 11/02/94.
09/12/94	A building permit (#94347595) was issued for a masonry wall at 2701 Westwood Drive. This permit was completed on 11/03/94.
12/29/00	A building permit (#23291) was issued for a Tenant Improvement to install a paper collector at 2701 Westwood Drive. This permit was expired on 07/07/01.
Pre-Application Meeting	
05/14/09	A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit were discussed topics included. • Title 19 Zoning Code requirements • Application Materials and Documents • Meeting Dates and Deadlines

Neighborhood Meeting	
06/09/09	A neighborhood meeting was held on Tuesday, June 9th at 6:30 PM at 2701 Westwood Drive, Las Vegas. Four members from the applicant attended the meeting along with one staff member from the Ward 1 City Council office and one member of the Planning and Development staff. No members of the public attended the meeting. The applicant clarified that they would only be renovating and using the first floor of the building. Pending a positive review of their Special Use Permit (if approved), they may submit a request to renovate the second floor of the building and increase the number of residents. The applicant noted that the pet day care use shown on the plans would be a separate business unrelated to the custodial institution. The applicant would drive to major employment centers (such as casinos) in the morning, pick up employees' pets, care for them at the Westwood location during the day, and drive back to the employment centers to return the pets to employees.
Field Check	
06/04/09	During a routine site inspection performed by staff the subject property was noted as having • Required landscaping along the eastern property line has either been removed or is dying. • No ADA van accessible parking space located on the site

Details of Application Request	
Site Area	
Gross Acres	1.45

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Warehouse	C (Commercial)	M (Industrial)
North	Motel	C (Commercial)	M (Industrial)
South	Parking Lot	LI/R (Light Industrial/ Research)	M (Industrial)
East	Parking Lot	LI/R (Light Industrial/ Research)	M (Industrial)
West	Interstate (I-15)	ROW (Right-of-Way)	ROW (Right-of-Way)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
Downtown Centennial Plan	X		Y

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
Downtown Overlay District	X		Y
A-O Airport Overlay District – 175 feet	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
	Gross Floor Area or Number of Units	*Required*			*Provided*		*Compliance*
			Parking		*Parking*		
Use		*Parking Ratio*	Regular	Handi-capped	Regular	Handi-capped	
Custodial Institution	22,790 SF	1:20 Inmates	6	1	30	2	Y
Office	3,248 SF	1:300	11				
Pet Boarding	600 SF	1:250	3				
TOTAL	26,638 SF		21		32		

ANALYSIS

This is a request for a Special Use Permit for a proposed Custodial Institution defined is Title 19.04 as, "One or more buildings and related facilities used for the housing or detention of persons who have been charged with or have been convicted of felonies or misdemeanors." The subject site contains an existing Office/Warehouse building located at 2701 Westwood Drive. The applicant has proposed to establish a 22,790 square-foot facility that provides living space, re-entry programs, 12-step recovery programs, in-house counseling and job placement assistance for up to 120 parolees. The program was adopted by the Nevada State Senate in 2003, and is now monitored by the Nevada Department of Public Safety – Division of Parole and Probation. The proposed land use is not compatible with the existing C (Commercial) General Plan designation as it is too intense. However, this application has been submitted with an associated General Plan Amendment (GPA-34597) requesting a change from C (Commercial) to LI/R (Light Industrial/Research) which, if approved, would allow the intensity of the proposed use. Staff is recommending approval of this application, as the proposed use complies with all Title 19 Zoning Code requirements and can be conducted in a manner that is harmonious and compatible with the existing and future surrounding land uses.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

   The proposed land use can be conducted in a manner that is harmonious and compatible with existing and future surrounding land uses, as projected by the General Plan

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

   The subject site is physically suitable for the type and intensity of the land use proposed.

3. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use."**

   Site access is provided from Westwood Drive a 70-foot Frontage Street as designated in the Master Plan of Streets and Highways. This street provides adequate access to and from the subject property.

4. **"Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan."**

   Approval of this special use permit will not compromise public health, safety, or welfare as the proposed Custodial Institution use will be subject to regular inspections.

5. **The use meets all of the applicable conditions per Title 19.04.**

   The proposed Custodial Institution use complies with the conditions per Title 19.04.

PLANNING COMMISSION ACTION

The Planning Commission discussed adding the following condition:

- Required review at a Public Hearing of the Planning Commission six months after issuance of city business license and state license.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED	14
ASSEMBLY DISTRICT	10
SENATE DISTRICT	7
NOTICES MAILED	56 by City Clerk
APPROVALS	1
PROTESTS	9

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-34598 APN: 162-09-102-002

Name of Property Owner: 2701 WESTWOOD LLC, ROBERT BRANDY

Name of Applicant: DR. KIT WEATHERS

Name of Representative: LAW OFFICES OF JAY BROWN

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: Robert Brandy

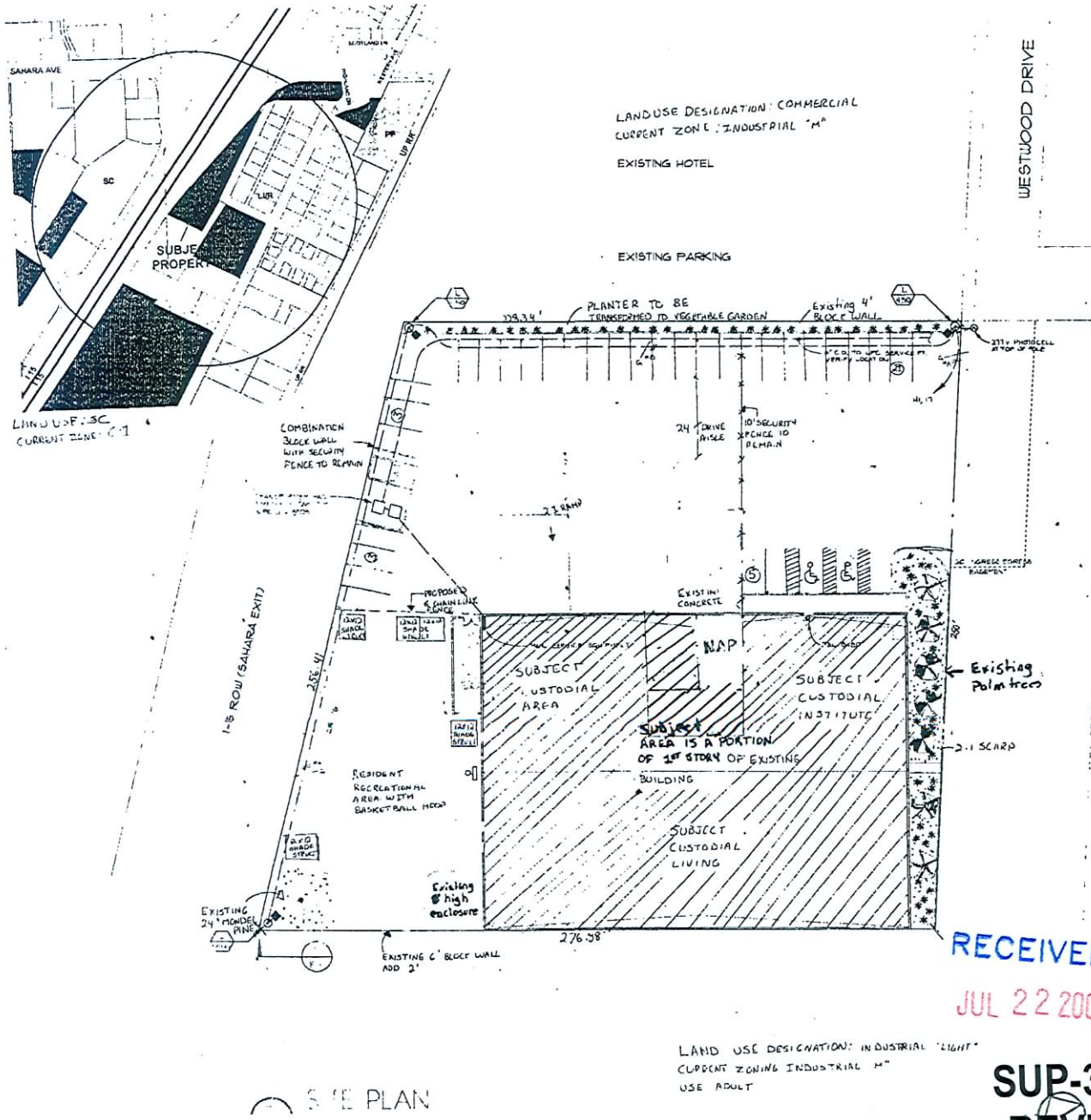
Subscribed and sworn before me

This 26th day of May, 2009

_____

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
ELLIOT ROSENBERGER
No: 07-3299-1
My Appointment Expires Jan. 23, 2011



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LAND USE DESIGNATION LI/P
CURRENT ZONE: M-INDUSTRIAL
EXISTING CREEL PRINTING
CURRENT USE: WAREHOUSE

LAND USE DESIGNATION: COMM
CURRENT ZONE: INDUSTRIAL
CURRENT USE: OFFICE & WAREHOUSE

EXISTING PARKING

SYMBOL LIST

- 20A, 125V, 2P/3W DUPLEX RECEPTACLE, 18" AFF OR AS NOTED
- DUPLEX RECEPTACLE AS ABOVE EXCEPT IN FLUSH FLOOR BOX.
- DUPLEX RECEPTACLE AS ABOVE EXCEPT A, G#2, 48" AFF.
- JUNCTION BOX
- TELEPHONE OUTLET 18" AFF OR AS NOTED.
- COMPUTER OUTLET, 18" AFF OR AS NOTED.
- S 20A, 277V, SPST TOGGLE SWITCH, 48" AFF.
- S_3 20A 277V 3-WAY TOGGLE SWITCH 48" AFF.
- S_4 20A 277V, 4 WAY TOGGLE SWITCH 48" AFF
- SAFETY SWITCH
- MOTOR ZED EQUIPMENT CONNECTION.
- METALLIC CONDUIT AS NOTED.
- 2#12 THHN - 3/4" C.
- 3#12 THHN - 3/4" C
- 4#12 THHN - 3/4" C
- 5#12 THHN - 3/4" C.
- 6#12 THHN - 3/4" C

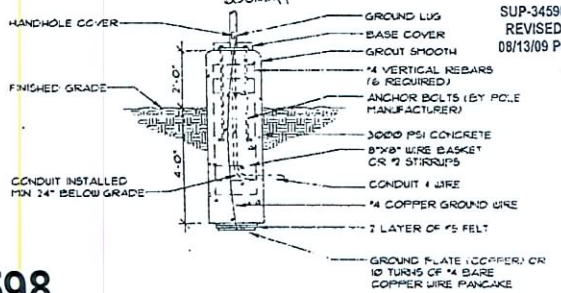
PROPERTY INFORMATION
APN: 162-09-102-002

CURRENT LAND USE: COMMERCIAL
PROPOSED LAND USE: INDUSTRIAL
CURRENT ZONE: M
PROPOSED ZONE: M

PARKING ANALYSIS

REQUIRED	20 SPACES
1 SPACE/20 RESIDENTS FOR CUSTODIAL INSTITUTE	= 5 SPACES
1 SPACE/300 SQFT FOR EXISTING 2ND STORY OFFICE	= 17 SPACES
1 SPACE/250 SQFT FOR PET BOARDING	= 4 SPACES
PROVIDED:	= 32 SPACES

NO TREES TO BE REMOVED FROM NORTHERN BOUNDRY



TYPICAL POLE BASE 1

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GENERAL PLAN AMENDMENT
162-09-102-002
FROM C TO LI

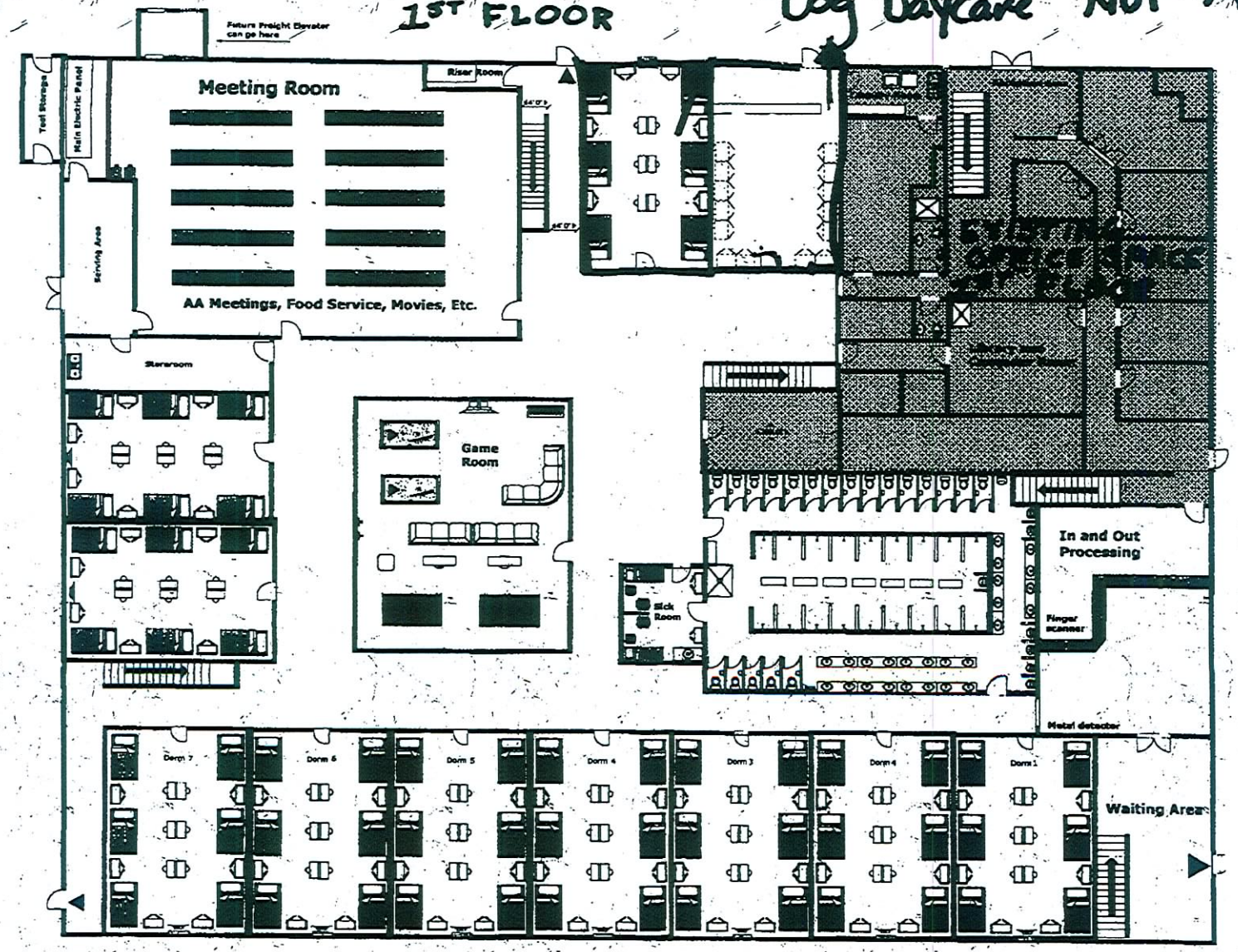
revisions

date
proj.no.
drwn.by
chkd.by

sheet no. E-1

1ST FLOOR

Dog Daycare NOT APART



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2701 Westwood Drive - First Floor - Ten 30' x 20' Dorms - 12 people per dorm
Golden Passages - 702-341-0987

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SUP-34598 - APPLICANT: DR. ARTHUR WEATHERS - OWNER: 2701 WESTWOOD, LLC
2701 WESTWOOD DRIVE
AUGUST 13, 2009 PLANNING COMMISSION

06/04/09



SUP-34598 - APPLICANT: DR. ARTHUR WEATHERS - OWNER: 2701 WESTWOOD, LLC
2701 WESTWOOD DRIVE
AUGUST 13, 2009 PLANNING COMMISSION

06/04/09



SUP-34598 - APPLICANT: DR. ARTHUR WEATHERS - OWNER: 2701 WESTWOOD, LLC
2701 WESTWOOD DRIVE
AUGUST 13, 2009 PLANNING COMMISSION

06/04/09



SUP-34598 - APPLICANT: DR. ARTHUR WEATHERS - OWNER: 2701 WESTWOOD, LLC
2701 WESTWOOD DRIVE
AUGUST 13, 2009 PLANNING COMMISSION

06/04/09



SUP-34598 - APPLICANT: DR. ARTHUR WEATHERS - OWNER: 2701 WESTWOOD, LLC
2701 WESTWOOD DRIVE
AUGUST 13, 2009 PLANNING COMMISSION

06/04/09

LAW OFFICE

Brown, Brown & Premsrirut

AN ASSOCIATION OF PROFESSIONAL CORPORATIONS

JAY H. BROWN
DAVID T. BROWN
PUOY K. PREMSRIRUT

520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101-6520

TELEPHONE (702) 384-5563
FACSIMILE (702) 385-1023
EMAIL: jbrown@brownlawlv.com

July 21, 2009

City of Las Vegas Planning and Zoning Department
731 South 4th Street
Las Vegas NV, 89101

RE: Use Permit to allow a Custodial Living Facility for Released Offenders
parcel 162-09-102-002

Dear Sir/Madam, Jon Mar Boyles

On behalf of the applicant, Dr. Kit Weathers, we respectfully request your support for a Custodial Institute in an existing building located at 2701 Westwood Road. This building has sat vacant since 2007. The property is currently zoned M with a *Commercial* Land Use Designation.

Dr. Arthur Weathers is working with the Nevada State Department of Corrections to establish a public/private partnership that both provide re-entry skills to parolees, and abate the costs of keeping offenders in the state prison facilities. This program was adopted by the Nevada State Senate in 2003. It is now monitored by the Nevada Department of Public Safety – Division of Parole and Probation. The Nevada State Division of Health – Bureau of Licensure and Certification also sets parameters for such facilities through NAC 449 Statutes. The Nevada State Department of Health and Human Services also contributes to this program by publishing a workbook that facilitates finding employment. The workbook lists companies throughout the valley that hire ex-felons including ten major strip hotels. The Nevada Department of Public Safety – Division of the Fire Marshal will conduct building inspections. Two similar facilities exist in the Las Vegas Valley. Released offenders that are not housed in Custodial Facilities commonly reside in housing within residential districts.

All residents will be recommended by Lieutenant John Del Villan of the Nevada State Department of Corrections. The recommendations are based on a parole review and the length of the remaining sentence, with a minimum 2/3 of the sentence having been served in a state prison facility. Individuals that have been convicted of crimes of a sexual or violent nature are not eligible for this program.

The facility provides both living space and re-entry programs to residents. Residents will have access to12 step recovery programs, in-house counseling and job placement assistance (as structured by the Division of Welfare and Supportive Services – Nevada). Each resident is expected to find employment within 30 days in order to pay a minimal rental rate of $400 each month. Bus passes are provided to each resident to commute to work. Participants can request terms that exceed the state determined release date if the additional time is needed for a more successful financial and emotional transition into the community. Residents will be subject to rules in addition to those set forth by the conditions of parole (see attached). Residents who fail to meet the requirements for the program will be returned to the prison at the discretion of the

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08/13/09 PC

Facilitator or parole staff. The facility will have continuous on-site employees, secured/alarmed doors and closed circuit monitoring cameras and any needed individual location devices to ensure security within and around the site.

The proposed use will benefit the surrounding community and residents the state. First, the property will be well maintained by residents assigned to daily custodial duties. Therefore, the now vacant building will be more attractive to adjacent properties. The nature of this use limits automobile traffic, the curfew restricts hours of operation, and the renovation does not add to the existing demand on infrastructure or services. Therefore, this proposed use will not be more dense nor intense than the surrounding area which allows for commercial, adult uses and industrial warehousing. The facility is beneficial to the residents of Nevada because removing prisoners from state supported facilities and into private facilities, ensures savings to the tax supported *State General Fund.*

The site location is ideal for custodial living. Because most residents will not have access to a personal automobile, it is important to have pedestrian access to employment centers. Also, the commercial nature of the area provides more nearby employment opportunities when compared to a site in an outlying area. The Las Vegas Valley's most frequent public transit routes are within an easy walking distance from the site thereby providing accessible transportation to many work places. As stated in the April 10 2003, State Assembly Seventy Second Session meeting, individuals in transition usually find employment in the areas of culinary, construction, manufacturing, mechanics and are often hired by the casinos. The area has nearby businesses and trade schools in these fields. The adult nature of the area is attractive as it does not interact with family oriented uses thereby minimizing concerns of the residential population. In summary, the minimal tenant improvements needed, paired with the location's suitability for the proposed use offer a suitable transition to an otherwise vacant building.

A two story building exists on the site. The building was previously used as an office and warehouse. The applicant wishes to lease approximately 23,390 square feet on the first floor to house upwards of 120 residents. The second story will remain vacant at this time. A separate business will occupy a 600 square foot portion of the building in addition to an outdoor area on the site. The building layout does not facilitate interaction between the two uses.

Improvements to the building will include additional walls to provide more bedrooms and additional showers and toilets as required by NAC 449. Residents will be served continental breakfasts; kitchen facilities will not be constructed. Because the applicant is leasing the property existing ancillary structures will remain on-site.

Please direct questions and concerns to me at (702) 598-1408.

Sincerely,

L U Dreja

Lora Dreja
Land Entitlements
Brown, Brown and Premsrirut.

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Attachments:
Halfway House Program Criteria – Nevada Department of Public Safety Parole and Probation
NAC 449 – Nevada State Division of Health – Bureau of Licensure and Certification

Half Way House Program Criteria

issued by
Nevada Department of Public Safety
Division of Parole & Probation

The purpose of placing parole or probation offenders into a half way house or residential living facility is to provide a positive, structured, sober/clean living environment, with available counseling, treatment, educational and/or employment services, which will enable the subjects to successfully complete those programs, reintegrate into society, and become active, responsible and law abiding members in our communities who are free from drug/alcohol abuse issues. With this in mind, the Division requires that Half Way House and Transitional Living Programs follow the rules listed below in order for parolees and probationers to be allowed to reside in those facilities.

1. The facility/residence location must have & maintain a current business license issued by the local jurisdiction (County or City).

2. If operating as a residential half way house for the treatment of alcohol or drug abusers, the facility must have & maintain a current license issued by the Nevada Department of Human Resources, Health Division, Bureau of Licensure & Certification. After October 2005 all facilities providing residential living services must be licensed. This license must specify the maximum number of residents allowed in the facility.

3. The facility must have had an initial inspection, and be regularly inspected by the State Fire Marshal, or the locally authorized fire/safety agency. All safety measures, fire/smoke detection devices, fire extinguishers and exit markings must be up to date, fully functioning and accessible. Emergency exits must be clear, and exit plans must be posted for residents and guests.

4. The facility must have full insurance coverages to operate in the business of providing half way house or residential living services.

5. The facility must not allow persons who are not residents in the home to enter the facility unescorted. Visitors must check in and out on a log. Visitors must comply with other facility rules.

6. The facility must not allow co-ed housing; separate male and female facilities are required.

7. The facility must be maintained in a clean, healthy & sanitary condition at all times. Adequate heating and cooling are required at appropriate times of the year. Waste materials, garbage, filthy conditions, excessive weeds, trash, debris, squalor, insects or vermin, etc. are not acceptable.

8. The facility must be operated in a positive and enabling manner, conducive to the well-being of those in residence; A Sober living environment, free from drugs, alcohol, contraband, illegal substances, distractions, internal conflicts or conflicting activities.

9. The facility must report any problems with compliance, illegal activities, suspected or confirmed drug or alcohol abuse, or attitude issues with parolees or probationers in the residence to the probation or parole officer, or their supervisor, as soon as possible. All incidents need to be documented.

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10. The facility will only house an appropriate number of residents, as either determined by their state license, or by the practical conditions in the residence. Facilities will not approve residential living space (beds) at any one time for more than the number of approved beds which are in that residence. The Division can limit the number of residents to a number which is lower than that which may appear on a license, based on practical considerations.

11. Rates for housing charged by the facilities must be reasonable and not excessive.

12. Honesty in all dealings with the state, licensing or facilitating agencies and residents in the program is required.

13. Ideally, the facility will be located near transportation services and/or bus routes, or provide transportation for their residents to/from employment, counseling or treatment programs.

14. Facilities must be aware of the rules and special conditions for parolees and probationers, and facilities must remain in compliance in order for subjects under P&P supervision to be residents in those programs.

RULE ACCEPTANCE AND UNDERSTANDING

Our program has read and understands the residential program criteria and rules of the Division of Parole & Probation for the placement of parolees and/or probationers in halfway house or transitional living facilities. Our program agrees to abide by these criteria and rules in order to be utilized for residential placement by the Division.

_____ _____

Signature Date

Contact information: Facility Name: _____

Facility Director/Manager: _____

Facility Location: _____

_____

_____

Phone: _____

2nd Phone: _____

Fax: _____

E-mail: _____

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In addition to any City or County business licenses or requirements, to operate a half way house you must also be licensed by the State of Nevada.

The agency which will regulate the licensing of all transitional living and half way house facilities is:

State of Nevada
Department of Human Resources
Health Division
Bureau of Licensure and Certification
4220 S. Maryland Parkway, Suite 810
Las Vegas NV 89119
(702) 486-6515

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JUL 21 2009

General Provisions

449.154951 Definitions. 67
449.154953 "Administrator" defined. 67
449.154955 "Facility" defined. 67
449.154957 "Resident" defined. 67
449.154959 "Supportive services" defined. 67

Administration

449.154961 Administrator: Qualifications. 67
449.154963 Administrator: General duties. 68
449.154965 Operation of facility. 68
449.154967 Policies and procedures. 68
449.154969 Preparations for disasters and other emergencies. 68

Operation

449.154971 Limitation on number of admissions. 69
449.154973 Prerequisites to provision of particular services. 69
449.154975 Sanitation, safety and comfort. 70
449.154977 Laundry facilities. 70
449.154979 Kitchens; preparation and storage of food. 70
449.154981 Bedrooms and bedding. 71
449.154983 Use of certain areas as bedroom prohibited. 71
449.154985 Bathrooms and toilet facilities; toiletries. 71
449.154987 First aid. 71
449.154989 Medication. 71
449.154991 Telephones. 72
449.154993 Notification of occurrence of certain incidents. 72
449.154995 Rights of residents. 72
449.154997 Files for residents. 72
449.154999 Safety from fire. 73

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JUL 21 2009

FACILITIES FOR TRANSITIONAL LIVING FOR RELEASED OFFENDERS

General Provisions

NAC 449.154951 Definitions. (NRS 449.037) As used in NAC 449.154951 to 449.154999, inclusive, unless the context otherwise requires, the words and terms defined in NAC 449.154953 to 449.154959, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154953 "Administrator" defined. (NRS 449.037) "Administrator" means a person:

1. Whose name appears on a license issued by the Bureau as administrator of record for a facility; and
2. Who is legally responsible for the management of the facility.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154955 "Facility" defined. (NRS 449.037) "Facility" means a facility for transitional living for released offenders as defined in NRS 449.0055.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154957 "Resident" defined. (NRS 449.037) "Resident" means a person who:

1. Is a person who has been released from prison as that term is defined in subsection 2 of NRS 449.0055; and
2. Is admitted to a facility.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154959 "Supportive services" defined. (NRS 449.037)

1. "Supportive services" mean services provided by a facility, directly or indirectly through arrangements with other providers, which are intended to assist a resident with reintegration into the community.
2. Those services may include, without limitation:

(a) Referrals and the provision of information concerning:
   (1) Health care, including mental health care;
   (2) Access to housing, benefits or employment;
   (3) Resume writing; and
   (4) Required counseling for sex offenders.

(b) Training concerning:
   (1) Life skills;
   (2) Resume writing; and
   (3) Any other topic pursuant to the policies of the facility.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

Administration

NAC 449.154961 Administrator: Qualifications. (NRS 449.037) An administrator must:

1. Be at least 21 years of age;
2. Have the physical examination or certification required by paragraph (a) of subsection 3 of NAC 441A.375 for a person employed in a facility for the dependent; and
3. Maintain evidence that he satisfies the requirements of this section in a file that is maintained on the premises of the facility.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

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NAC 449.154963 Administrator: General duties. (NRS 449.037) An administrator shall:

1. Post the license issued by the Bureau in a conspicuous place within the facility.
2. Organize and manage the facility.
3. Establish policies, procedures and rules for the operation of the facility, including, without limitation, the policies and procedures required to be established by NAC 449.154967.
4. Ensure that the records of the facility are maintained in accordance with the requirements of the policies, procedures and rules for the operation of the facility established pursuant to subsection 3.
5. Ensure that the facility complies with any applicable state statutes and regulations and local ordinances.
6. Ensure that the residents of the facility are afforded the opportunity to exercise their individual rights in a manner consistent with the rules of the facility.
7. Ensure that the facility is maintained in a safe and clean condition.
8. Review and approve changes in the policies and procedures established pursuant to subsection 3 at least annually. This review must be signed and dated.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154965 Operation of facility. (NRS 449.037) An administrator shall ensure that:

1. Alcohol or drugs are not allowed on the premises of the facility;
2. The policies, procedures and rules established pursuant to NAC 449.154963 are carried out;
3. Each resident complies with those policies, procedures and rules;
4. The facility provides an environment that will facilitate the reintegration of the residents of the facility into the community; and
5. The operation of the facility is not compromised by a resident who violates the policies, procedures or rules of the facility.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154967 Policies and procedures. (NRS 449.037)

1. An administrator shall establish written policies and procedures concerning:
   (a) The manner in which records of residents will be maintained and protected against unauthorized use;
   (b) The disclosure of confidential information about residents;
   (c) The criteria the facility will use to determine whether to:
      (1) Admit a resident to the facility; and
      (2) Discharge a resident from the facility;
   (d) The discharge of a resident for a violation of the rules of the facility;
   (e) The discharge of a resident for the use of alcohol or drugs;
   (f) The rights and responsibilities of a resident; and
   (g) The evacuation of residents in case of fire or other emergency as required by NAC 449.154999.
2. The administrator shall maintain a manual of policies, procedures and rules of the facility that includes, without limitation, the policies and procedures established pursuant to subsection 1. The manual must be available on the premises of the facility at all times.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154969 Preparations for disasters and other emergencies. (NRS 449.037)

1. An administrator shall develop a written plan for disasters that outlines procedures for members of the staff of the facility and residents of the facility to follow in case of a disaster or other emergency. The plan must include, without limitation, provisions outlining procedures to be followed with regard to:

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(a) Workplace threats and violence, bomb threats, and the possession of firearms or explosives by a resident;

(b) Medical emergencies;

(c) Natural disasters typical of the particular geographic area in which the facility is located; and

(d) Other disasters, including, without limitation, a power failure, an interruption in the normal supply of water to the facility and threats by terrorists.

2. The plan must include, without limitation, provisions concerning the provision of temporary shelter and other services for residents of the facility who are required to evacuate the facility because of a disaster.

3. The provisions of the plan must be communicated to each member of the staff of the facility and each resident of the facility.

4. Each facility shall conduct a drill for evacuation of the facility at least once each quarter and shall ensure that each shift of the staff of the facility participates in such a drill at least annually.

5. Each facility shall retain a written record of each drill conducted pursuant to subsection 4 on file at the facility for not less than 12 months after the drill is conducted. The administrator shall make such records available for inspection by the Health Division upon request.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

Operation

NAC 449.154971 Limitation on number of admissions. (NRS 449.037) An administrator shall ensure that the facility does not admit more residents to the facility than the number of beds for which it is licensed.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154973 Prerequisites to provision of particular services. (NRS 449.037)

1. In addition to satisfying the requirements of NAC 449.011, an applicant for a license to operate a facility must include with his application a statement indicating whether he will be operating a facility:

(a) That only provides a housing and living environment;

(b) That provides or arranges for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; or

(c) That provides or arranges for the provision of alcohol and drug abuse programs, in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.

2. If the applicant wishes to operate a facility described in paragraph (c) of subsection 1, the applicant must:

(a) Obtain certification of its program pursuant to subsection 4 of NRS 458.025 and include evidence of that certification with his application; and

(b) Satisfy the requirements set forth in NAC 449.019 to 449.153, inclusive, for a facility for the treatment of abuse of alcohol or drugs.

3. If the applicant wishes to operate a facility described in paragraph (b) or (c) of subsection 1 which has residents who are under the supervision of a parole officer, the applicant must:

(a) Obtain the approval of the Division of Parole and Probation of the Department of Public Safety; and

(b) Include evidence of that approval with his application.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

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NAC 449.154975 Sanitation, safety and comfort. (NRS 449.037)

1. An administrator shall ensure that the facility:

(a) Has a safe and sufficient supply of water, adequate drainage and an adequate system for the disposal of sewage; and

(b) Complies with all local ordinances and state and federal laws and regulations relating to zoning, sanitation, safety and accessibility to persons with disabilities.

2. A container used to store garbage outside of a facility must be kept reasonably clean and must be covered in such a manner that rodents are unable to get inside the container. At least once each week, the container must be emptied and the contents of the container must be removed from the premises of the facility.

3. To the extent practicable, the premises of the facility must be kept free from:

(a) Offensive odors;

(b) Hazards, including obstacles that impede the free movement of residents within and outside the facility;

(c) Insects and rodents; and

(d) Accumulations of dirt, garbage and other refuse.

4. The administrator shall ensure that the premises of the facility are clean and that the interior, exterior and landscaping of the facility are well maintained.

5. All windows that are capable of being opened in the facility and all doors that are left open to provide ventilation for the facility must be screened to prevent the entry of insects.

6. The administrator shall ensure that electrical lighting is maintained in the facility as necessary to ensure the comfort and safety of the residents of the facility.

7. The temperature in the facility must be maintained at a level that is not less than 68 degrees Fahrenheit and not more than 82 degrees Fahrenheit.

8. The administrator shall ensure that any pest control work performed at the facility is performed by a person licensed to engage in pest control pursuant to chapter 555 of NRS.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154977 Laundry facilities. (NRS 449.037)

1. An administrator shall ensure that laundry facilities are provided in the facility commensurate with the number of residents in the facility. At least one washer and at least one dryer must be provided in the facility.

2. The laundry area in a facility must be maintained in a sanitary manner. All the equipment in the laundry area must be maintained in good working condition. All dryers must be ventilated to the outside of the building.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154979 Kitchens; preparation and storage of food. (NRS 449.037)

1. The kitchen in a facility and the equipment in the kitchen must be clean and must allow for the sanitary preparation of food. The equipment must be in good working condition.

2. Perishable food must be refrigerated at a temperature of 40 degrees Fahrenheit or less. Frozen food must be kept at a temperature of 0 degrees Fahrenheit or less.

3. Food must not be stored in any area in which cleaning or pest control products are stored.

4. A facility with more than 10 residents must:

(a) Comply with applicable provisions of chapter 446 of NRS and the regulations adopted pursuant thereto; and

(b) Obtain the necessary permits from the Bureau of Health Protection Services of the Health Division.

5. The equipment used for cooking and storing food in a facility with more than 10 residents must be inspected and approved by the Bureau of Health Protection Services of the Health Division and the state and local fire safety authorities.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

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NAC 449.154981 **Bedrooms and bedding. (NRS 449.037)**

1. A bedroom in a facility that is used by more than one resident must have at least 50 square feet of floor space for each resident who resides in the bedroom. A bedroom that is occupied by only one resident must have at least 80 square feet of floor space.

2. The arrangement of the beds and other furniture in the bedroom must accommodate the residents occupying the bedroom in comfort and safety.

3. A bed with a comfortable and clean mattress must be provided for each resident. The bed must be made with a mattress cover, two clean sheets, a blanket, a pillow and a bedspread. Linens must be changed at least once each week and more often if the linens become dirty.

4. Each mattress used in a facility must comply with the provisions of NRS 444.010 to 444.040, inclusive, and the regulations adopted pursuant thereto.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154983 Use of certain areas as bedroom prohibited. (NRS 449.037) A hall, stairway, unfinished attic, garage, storage area or shed or other similar area of a facility must not be used as a bedroom. Any other room must not be used as a bedroom if it is used for any other purpose.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154985 **Bathrooms and toilet facilities; toiletries. (NRS 449.037)**

1. All bathrooms and toilet facilities in the facility must be sufficiently lighted.

2. Each facility must have:

(a) A flush toilet and lavatory for each four residents; and

(b) A tub or shower for each six residents.

3. Each resident must have his own towels and washcloths. Paper towels may be used for hand towels. The towels and washcloths must be changed as often as is necessary to maintain cleanliness, but in no event less often than once each week. A soap dispenser that provides liquid or granular soap may be used instead of individual bars of soap.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154987 **First aid. (NRS 449.037)**

1. A first-aid kit must be available at the facility. The first-aid kit must include, without limitation:

(a) A germicide safe for use by humans;

(b) Sterile gauze pads;

(c) Adhesive bandages, rolls of gauze and adhesive tape;

(d) Disposable gloves;

(e) A shield or mask to be used by a person who is administering cardiopulmonary resuscitation; and

(f) A thermometer or other device that may be used to determine the bodily temperature of a person.

2. Except for first aid in an emergency, no treatment or medication may be administered to a resident.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154989 **Medication. (NRS 449.037)**

1. Medication for self-administration may be kept at the facility. That medication must:

(a) Except as otherwise provided in subsection 3, be disposed of immediately when it expires or when a physician orders the medication to be discontinued;

(b) Be stored and controlled in a manner that protects the medication from unauthorized use; and

(c) Not be used by more than one of the residents.

2. Medication kept at the facility must be controlled and distributed in a manner that is consistent with applicable state and federal law.

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3. The provisions of paragraph (a) of subsection 1 do not apply to over-the-counter medication.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154991 Telephones. (NRS 449.037) An administrator shall ensure that:

1. The facility has at least one telephone that is in good working condition in the facility; and

2. The telephone number of the facility is listed in the telephone directory.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154993 Notification of occurrence of certain incidents. (NRS 449.037)

1. An administrator shall notify the Bureau within 24 hours after the occurrence of an incident that:

(a) Involved significant harm to a resident of the facility if the resident of the facility required medical treatment as a result of the incident;

(b) May cause imminent danger to the health or safety of a resident of the facility; or

(c) May jeopardize the integrity of the operation of the facility.

2. The administrator shall report to the Health Division any fire or other disaster that takes place in the facility within 24 hours after the fire or other disaster occurs.

3. The administrator shall notify the Division of Parole and Probation of the Department of Public Safety of the occurrence of any of the incidents described in this section.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154995 Rights of residents. (NRS 449.037) An administrator shall ensure that:

1. A resident of the facility is not abused, neglected or exploited by another resident of the facility or any person who is visiting the facility;

2. A resident is not prohibited from speaking to any person who advocates for the rights of the residents of the facility;

3. Each resident is treated with respect and dignity;

4. The facility provides a safe and comfortable environment;

5. A resident is not prohibited from interacting socially in a manner that is consistent with the rules of the facility;

6. To the extent practicable and in a manner that is consistent with the rules of the facility, each resident is allowed to make his own decisions;

7. The telephone number of the local office of the Bureau and the name and telephone number of the administrator is conspicuously posted on the premises of the facility; and

8. Each resident of the facility is allowed to exercise his right to vote.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154997 Files for residents. (NRS 449.037)

1. An administrator shall ensure that the facility maintains a separate file for each resident of the facility and retains the file for at least 5 years after the resident permanently leaves the facility. The file must be kept locked in a location that is protected against unauthorized use. Each file must contain the information obtained by the facility that is related to the resident, including, without limitation:

(a) The full name, address and date of birth of the resident;

(b) The address and telephone number of any next of kin or guardian of the resident;

(c) Evidence of compliance with the provisions of NAC 441A.380;

(d) A list of the rules of the facility that is signed by the resident; and

(e) The name and telephone number of the parole officer of the resident, if any.

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2. Except as otherwise provided in this subsection, the file of the resident must be kept confidential. The file of a resident must be made available upon request at any time to an employee of the Bureau who is acting in his capacity as an employee of the Bureau.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

NAC 449.154999 Safety from fire. (NRS 449.037)

1. An administrator shall ensure that the facility complies with the regulations adopted by the State Fire Marshal pursuant to chapter 477 of NRS and any local ordinances relating to safety from fire.

2. A facility with more than 16 beds must be equipped with a sufficient number of sprinklers to cover the entire area of the facility.

3. The administrator shall ensure that the facility has a plan for the evacuation of residents in case of fire or other emergency. The plan must be:

(a) Understood by all residents;

(b) Posted in a common area of the facility; and

(c) Discussed with each resident at the time of his admission.

4. At least one portable fire extinguisher must be available at the facility. Any portable fire extinguishers available at the facility must be inspected, recharged and tagged at least once each year by a person certified by the State Fire Marshal to conduct such inspections.

5. The administrator shall ensure that a written policy on smoking is developed and carried out by the facility. The policy must be:

(a) Developed with the purpose of preventing a fire caused by smoking in the facility; and

(b) Posted in a common area of the facility.

6. Smoke detectors installed in a facility must be maintained in proper operating condition at all times and must be tested monthly. The results of the tests conducted pursuant to this subsection must be recorded and maintained at the facility.

7. If an automatic fire sprinkler system is installed in a facility, the system must be inspected:

(a) Not less than once each calendar quarter by a person who understands the manner in which the system operates and the manner in which the system must be maintained; and

(b) Not less than once each calendar year by a person who is licensed to inspect such a system pursuant to the provisions of chapter 477 of NAC.

(Added to NAC by Bd. of Health by R094-06, eff. 7-14-2006)

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City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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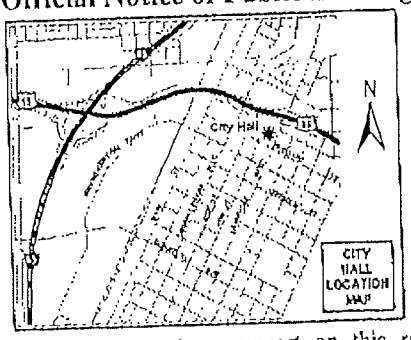

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-34597 & SUP-34598

City Council Meeting of 9/16/2009

POSITIVE SPACE INC
%B ALLEN PHOTOGRAPHY
18 STAR BROOK AVE
HENDERSON NV 89052-6628

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Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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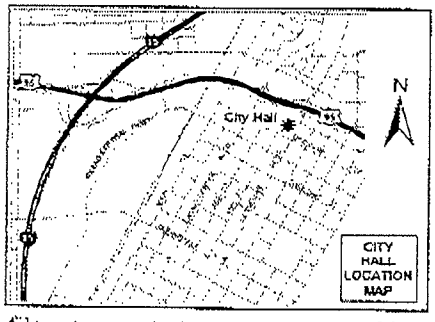

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City Council Meeting of 9/16/2009

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BROSSEAU 1993 TRUST
BROSSEAU PAUL H TRS
2609 S HIGHLAND DR
LAS VEGAS NV 89109-1156

APN#16209110015

GAU0811 89109

NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

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AUG 03 2009

August 1st 2009
Development Service Center
731 South Fourth Street
Las Vegas, NV 89101

RE: Case#SUP-34598
RE Case#GPA-34597

Dear Sir/Madam;

My name is Paul Patel. I am the Managing Partner of the Sahara Westwood Hotel located at 2601 Westwood Drive. I am writing to express my great concern regarding the above outlined cases. These cases seek special permits to create 100 plus inmate custodial institution with accessory dog kennels at 2701 Westwood Drive. This location is two buildings away from my business.

We recently spend a lot of money to paint the building and to improve our room facilities for our clientele. The impact of the proposed facility, essentially a half-way-house for felons and transitioning convicts, would be devastating to my business.

Sahara Westwood Hotel is a Family Oriented Hotel. My clientele are family with kids who don't like to stay at casino hotel because of the non suitable atmosphere for their children. It is already hard to compete with gaming and non –gaming hotels and with a prison facility two buildings away from my location would be devastating to my business.

Although this kind of facilities is necessary, I cannot support one being built in the same block to my hotel.

Our neighborhood strongly opposes to this special use permit and would be devastating for all the business if a grant to this permit is given.

Sincerely,

Paul Patel
Sahara Westwood Hotel

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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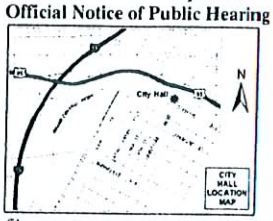
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☑ I OPPOSE this Request

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GPA-34597 & SUP-34598
Planning Commission Meeting of 8/13/2009

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0004279218 JUL 31 2009
MAILED FROM ZIP CODE 89101

RECEIVED
AUG 04 2009

16209102005 Case: GPA-34597
SAHARA WESTWOOD HOTEL L L C
2601 WESTWOOD DR
LAS VEGAS NV 89109-1117

EAVD511 89109

15P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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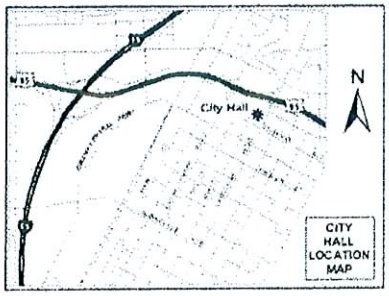

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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GPA-34597 & SUP-34598

Planning Commission Meeting of 8/13/2009

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Case: GPA-34597
16209201002
WESTERN SUPPLY HOLDINGS L L C
2200 RED OAK AVE
LAS VEGAS NV 89109-1017

15P

Aug-02-09 07:24am From-A&B Printing +7027312272 T-741 P.001/001 F-640

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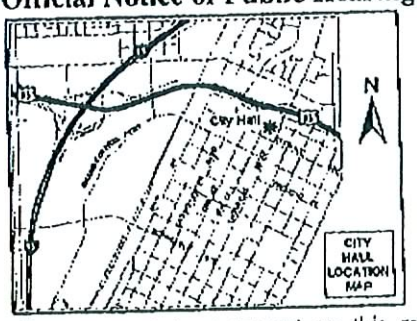

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GPA-34597 & SUP-34598

Planning Commission Meeting of 8/13/2009

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Case: GPA-34597
16209202010
POSITIVE SPACE INC
%B ALLEN PHOTOGRAPHY
18 STAR BROOK AVE
HENDERSON NV 89052-6628

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lanning & Development Department
)evelopment Services Center
31 S. Fourth Street
as Vegas, Nevada 89101-2986

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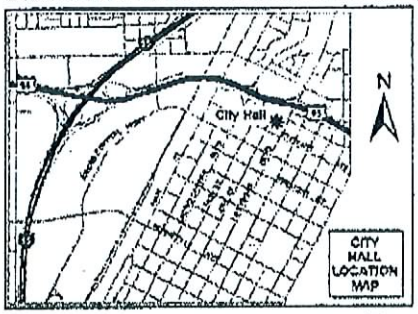

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☐ I SUPPORT this Request ☑ I OPPOSE this Request

lease use available blank space on card for your comments.
PA-34597 & SUP-34598
lanning Commission Meeting of 8/13/2009

Case: GPA-34597
16209202008
KHAZAI SHAHRIAR & ISABELA
%IMPERIOAL DESIGN
14100 KINGSLEY DR
GARDENA CA 90249-3018

15P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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GPA-34597 & SUP-34598
Planning Commission Meeting of 8/13/2009

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AUG 05 2009

Case: GPA-34597
16208604002
HIGHLAND INDUSTRIAL PARK PTNRSHP
%NEVADA DEVELOPMENT & REALTY CO
2500 W SAHARA AVE #211
LAS VEGAS NV 89102-4393

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PAGE 01/01

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Development Services Center
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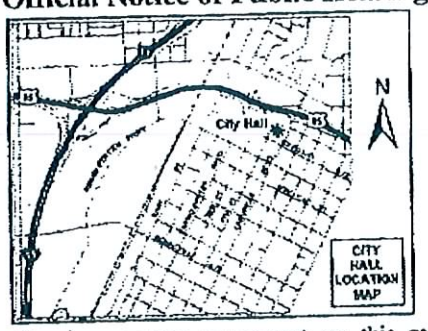

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GPA-34597 & SUP-34598

Planning Commission Meeting of 7/9/2009

Case: GPA-34597
16209202008
KHAZAI SHAHRIAR & ISABELA
%IMPERIOAL DESIGN
14100 KINGSLEY DR
GARDENA CA 90249-3018

DAVDP1.1 90249

06/29/2009 13:01 1

21P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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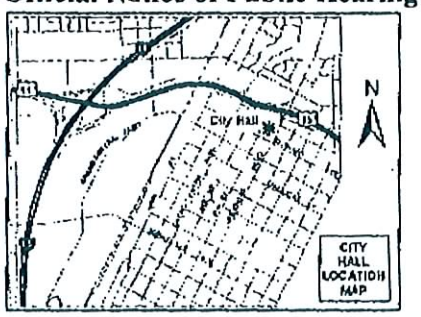

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GPA-34597 & SUP-34598

Planning Commission Meeting of 7/9/2009

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JUN 29 2009

Case: GPA-34597

16209202010
POSITIVE SPACE INC
%B ALLEN PHOTOGRAPHY
18 STAR BROOK AVE
HENDERSON NV 89052-6628

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City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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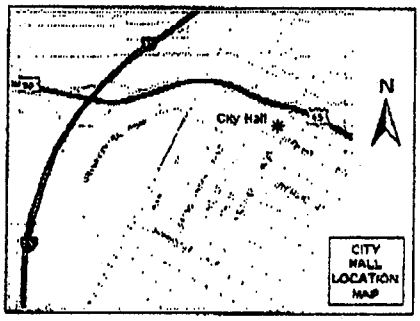

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GPA-34597 & SUP-34598

Planning Commission Meeting of 7/9/2009

Paul Brosseau

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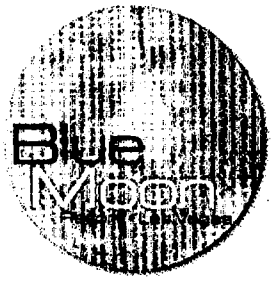
[illegible] 2009

Case: GPA-34597

16209110015
BROSSEAU 1993 TRUST
2609 S HIGHLAND DR
LAS VEGAS NV 89109-1156

Submitted after final agenda

Date 7/7/09 Item 21P



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JUL 07 2009

July 5, 2009

Development Services Center
731 South Fourth Street
Las Vegas, NV 89101

RE: Case# SUP-34598
Case# GPA-34597

Dear Sir/Ma'am;

My name is John Hessling. I am the Managing Partner of Blue Moon Resort located at 2651 Westwood Drive. I am writing to express my great concern regarding the above outlined cases. These cases seek special use permits to create a 23,000 square foot, 100-inmate, "custodial institution" with accessory dog kennels at 2701 Westwood Drive. This location is next door to my business.

The impact of the proposed facility, essentially a half-way-house for felons and transitioning convicts, would be devastating to my business.

Blue Moon Resort is Las Vegas' only resort for gay men. My clientele tend to be discriminate of where they spend their time and money. It is already challenging to get customers to choose Blue Moon over the mega-resorts on the strip. Once word gets out in the press and on the internet that we are now next to a prison, it will be impossible.

This is not to mention the difficulties with parking. The previous occupant of 2701 Westwood leased parking space from my hotel due to lack of parking on his property. I cannot and will not allow transitioning prisoners or facility employees to park in my parking lot and mix with my customers.

I understand that these facilities are necessary. I cannot however support one being built next to my hotel.

If possible I would like to discuss this in person prior to the July 9th Council meeting. I may be reached by cell phone at 860-0032. I appreciate your time.

Sincerely,

John E. Hessling
Managing Partner
Blue Moon Resort

Cc: Councilwoman Lois Tarkanian

Submitted after final agenda
Date 7/7/09 Item 21P

2651 Westwood Drive • Las Vegas, NV 89109
Phone: 702.784.4500 • Fax: 702.361.9110
BlueMoonLasVegas.com • E-mail: info@bluemoonlv.com

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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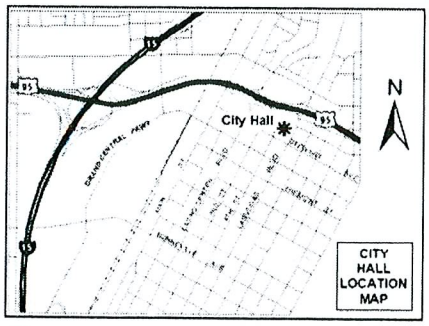

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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GPA-34597 & SUP-34598
Planning Commission Meeting of 8/13/2009

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AUG 07 2009

Case: GPA-34597

16209102006
O H D B L L C
%BLUE MOON RESORT
2651 WEST WOOD DR
LAS VEGAS NV 89109-1117

Submitted after final agenda
Date 8/7/09 Item 14 Planned
15

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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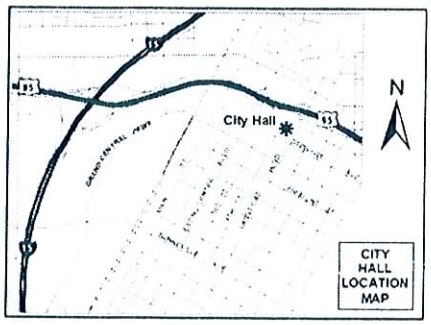

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GPA-34597 & SUP-34598

Planning Commission Meeting of 7/9/2009

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JUN 30 2009

Case: GPA-34597

16209102002
2701 WESTWOOD L L C
%MR R BRANDY
1113 PINE ISLAND CT
LAS VEGAS NV 89134-6330

21A

Calls for Service
2701 Westwood Dr.
CCAC/M1

05/01/09 - 08/11/09

Top 10 Incident Types (All)	Total
9-1-1 DISCONNECT	96
DRUNK DRIVER	38
ACCIDENT (TRAFFIC)	29
TRAFFIC PROBLEM	27
OTHER DISTURBANCE	22
UNKNOWN TROUBLE	19
HIT AND RUN	17
SUSPICIOUS PERSON	17
SUSPICIOUS VEHICLE	17
RECKLESS DRIVER	16

Top 10 Crime Types (Excluding Traffic)	Total
OTHER DISTURBANCE	22
UNKNOWN TROUBLE	19
SUSPICIOUS PERSON	17
SUSPICIOUS VEHICLE	17
BURGLARY ALARM	13
FRAUD	13
MISSING/FOUND PROPER	12
STOLEN MOTOR VEHICLE	10
ASSAULT/BATTERY	9
ASSIST CITIZEN	8

Day of Week	Total
Sunday	56
Monday	60
Tuesday	80
Wednesday	72
Thursday	56
Friday	82
Saturday	66
Grand Total	**472**

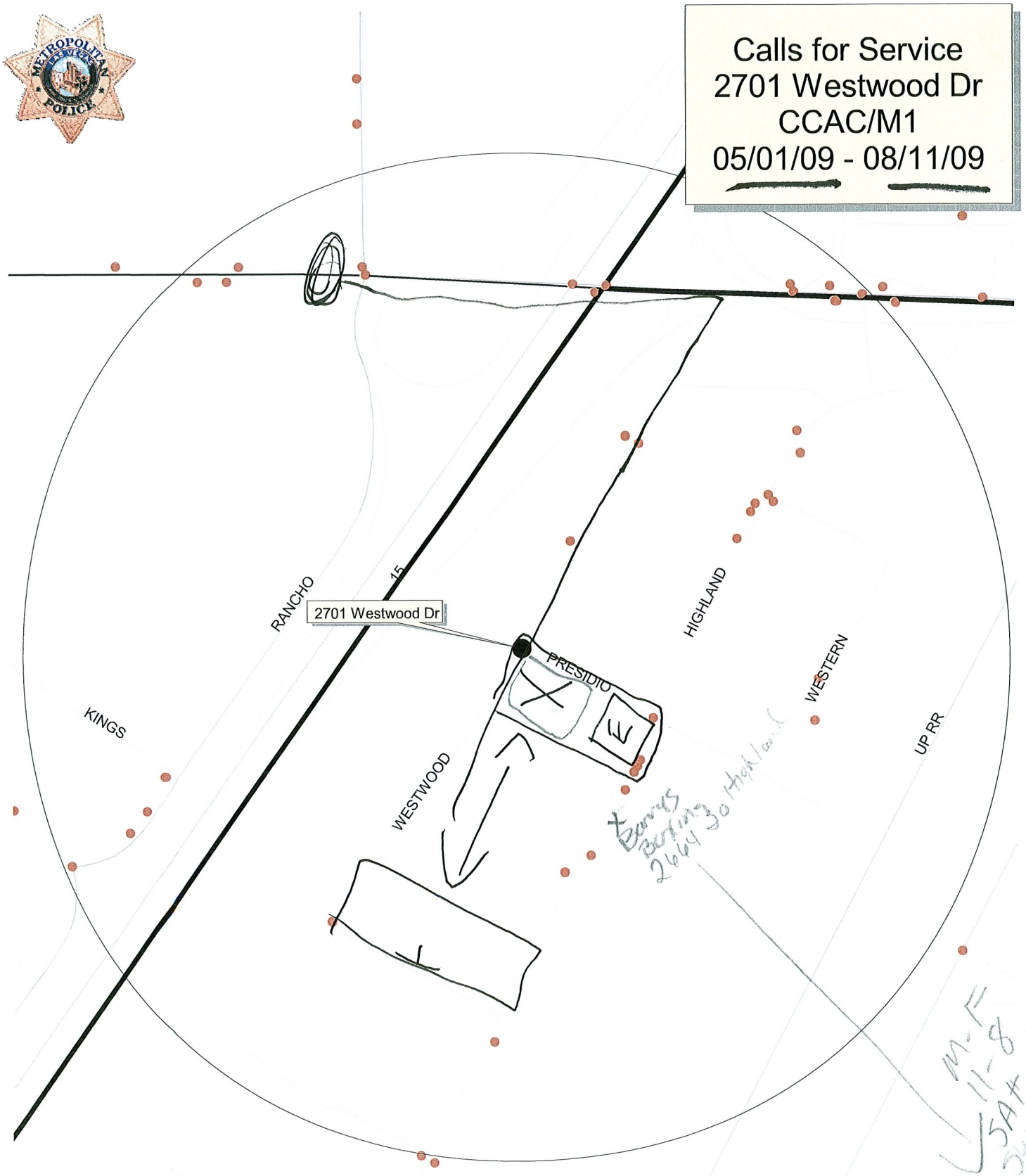
Shift	Total
Day	207
Graveyard	112
Swing	153
Grand Total	**472**

Submitted at Planning Commission
Date 8/13/09 Item 14+15

LVMPD CONFIDENTIAL
Source: CAD

S. Flaherty 14095
08/13/2009

Calls for Service
2701 Westwood Dr
CCAC/M1
05/01/09 - 08/11/09

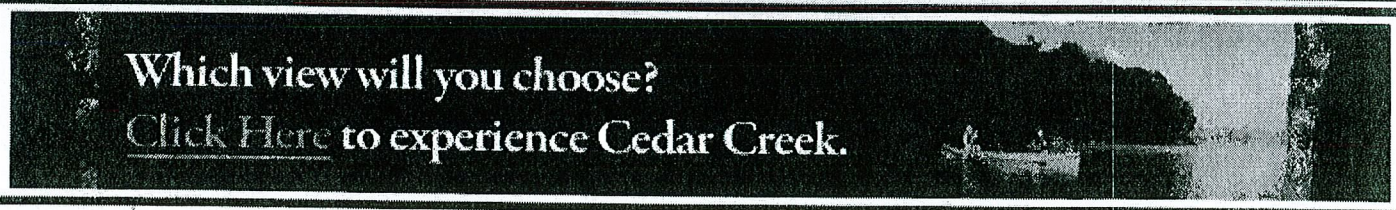


less than 1/2 mile
1/10 tenth of a mile

2701 - Westwood
Barrys Boxing

S. Flaherty14095

Crime Scene KC



Archives

07/01/2009
06/01/2009
05/01/2009
04/01/2009
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10/01/2005
09/01/2005
08/01/2005

Categories

« KC homicide #103: Fight, Winner Road | Main | All The Star's crime stories today »

Thursday, October 20, 2005

Triple-murder suspect walked away from halfway house

From the Associated Press:

Police: Man charged in Missouri killings linked to Texas triple homicide

PINEVILLE, Mo. (AP) — A man charged with a double homicide in Missouri was linked to the slayings of a Texas family after a name tag belonging to one of the Texas victims was found in a truck he was driving, authorities said.

The bodies of Orlie and Dawn McCool were found by a relative in the couple's rural Pineville, Mo., home on Sept. 30, the same day that authorities in the Texas Panhandle discovered Brian Conrad, his wife, Michell Conrad and her 14-year-old son Zach Doan slain in their home south of Pampa. Michell Conrad was six months pregnant.

Levi A. King, 23, was charged with two counts of first-degree murder after he was caught the evening of Sept. 30 trying to re-enter the United States at the Mexican border in El Paso, Texas. He was driving Orlie McCool's pickup truck.

"During the course of our investigation, we learned about a triple homicide in Texas," McDonald County Chief Deputy Gregg Sweeten said. "The information we gathered so far links Levi King to those killings."

King has not been charged in the Texas slayings. James Egan, King's public defender, could not be reached by telephone for comment Wednesday.

Investigators with the Texas Rangers and the Gray County Sheriff's Office were en route late Wednesday to the McDonald County Jail, where King is being held without bail, Prosecutor Steve Geeding said.

Besides the name tag, Sweeten said the caliber of bullets recovered from the bodies of the victims in Texas matches

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66 law-enforcement officers killed in first six months of 2009
DC cops put up roadblocks into high-crime neighborhoods
KCMO homicide count rises to 58
UPDATE: Home invaders kill couple who adopted dozen kids

KansasCity.com

Submitted at Planning Commission

Date 8/3/09 Item 14&15 7/13/2009

Amber Alerts
Anatomy of a KCK drive-by
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Assaults
Banned Kansas license plates
Burglaries, thefts, embezzlements
Capital punishment
Child abuse
Child porn
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Crime prevention
Crime stats
Crime stats - JoCo sheriff
Crime stats - Kansas City
Crime stats - Leawood
Crime stats - Olathe
Crime stats - Overland Park
Crimes against animals
Current Affairs
Cyber-crime
Deaths - Other
Domestic violence
Drug offenses
Drunken fan arrest rates
DUI
Eco-crime
Film
Fires and arsons
Food and Drink
Frauds and hoaxes
Gang-related news
Gun raps
Homicides - Kansas
Homicides - Kansas City
Homicides - Missouri
Homicides - Other
Human Trafficking
Hurricanes of Ought Five
ID theft
Identity theft
Immigration and crime
Links to crime stories
Meta - Reactions to this blog
Missing persons
Morgue File
Most Wanted
Not remotely crime-related

the caliber of one of the weapons King is accused of stealing from his father's home.

King has not said why he tried to return to the United States, authorities said.

"We're guessing that he was out of money, couldn't speak the language and simply couldn't handle it in Mexico, so he headed home," Sweeten said.

Authorities believe the McCools were killed on the afternoon of Sept. 29. Investigators then believe King traveled Interstate 40 on his way to the Mexican border. The Conrad home is about 10 miles north of the interstate.

Michell Conrad's 10-year-old daughter called 911 Sept. 30 to report the shooting deaths. Texas authorities have not released any details about how she survived or what she might have seen.

There was no immediate connection apparent between the two murder scenes, which are about 375 miles apart.

King was released in July from prison to a halfway house in St. Louis, Sweeten said. He had served 17 months of a 14-year sentence for second-degree arson and burglary in 2003.

King left the halfway house on Sept. 23, saying he was going to work, Sweeten said. He never came back and no one at the halfway house called to notify authorities in King's hometown that he was in violation of his parole, he said.

"They should have called," Sweeten said. "That could have saved all these people."

Posted by Greg Reeves on Thursday, October 20, 2005 at 09:21 AM in Homicides - Other | Permalink

TrackBack

TrackBack URL for this entry:
http://www.typepad.com/services/trackback/6a00d83451b1b86

Listed below are links to weblogs that reference Triple-murder suspect walked away from halfway house:

Comments

Orlie McCool was my father. There are a lot of issues that I would love to discuss with the "lawmakers" in the state of Missouri. One of which, why aren't they responsible for not having to report an excaped convict? I feel the state should be held responsible. They should have picked the phone up and called somebody when Levi King failed to return to the halfway house. What if this horrible crime would have happened to your father and sister-in-law? I wish I were able to attend the trail but, I live in Florida and the expense is too much. This has been almost too much for my family to bear.
In God I pray,
Belinda McCool O'Brien

Posted by: Belinda McCool O'Brien | Monday, April 09, 2007 at 10:54 AM

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Crime WATCH

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April 2009

S	M	T	W	T	F	S
			1	2	3	4
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11 Weather Blog

Crime Watch

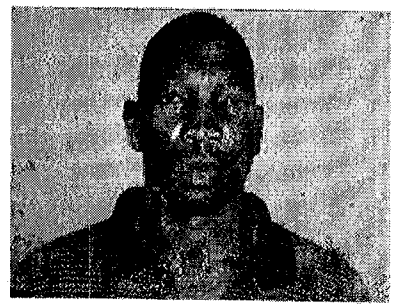
Gossip Girls

« Man arrested in Lake Conroe resort murder | Main | Owners of exclusive Galleria-area auction house get prison time »

HPD: Violent sex offender walks away from halfway house

1:40 PM Tue, Apr 28, 2009 | Permalink
Juanita Jimenez
E-mail

The search is on for a man who walked away from the Reed Halfway House at 10950 Beaumont Highway Tuesday Morning.



Authorities say that Eddie Ephiny Williams, 33, was assigned to the Reed facility as part of a civil commitment following incarceration as a violent sex offender.

They say that he should be considered violent and that no one should try to apprehend him.

Williams is 6' tall, about 165 pounds with very short black hair and brown eyes, say police.

If you have any information on the whereabouts of Eddie Ephiny Williams, call Crime Stoppers at 713-222-8477.

Leave a comment

Name:

Email:

URL:

☐ Remember personal info?

City of Las Vegas Agenda Item No.: **82.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:

ROC-35500 - REVIEW OF CONDITION - PUBLIC HEARING - APPLICANT/OWNER: CECILE PROPERTIES - Request for a Review of Condition Number 5 of a previously approved Special Use Permit (SUP-27082) TO CHANGE THE PARKING LAYOUT FOR THE APPROVED SECONDHAND DEALER at 420 East Sahara Avenue (APN 162-03-416-022), C-1 (Limited Commercial) Zone, Ward 3 (Reese). Staff recommends APPROVAL

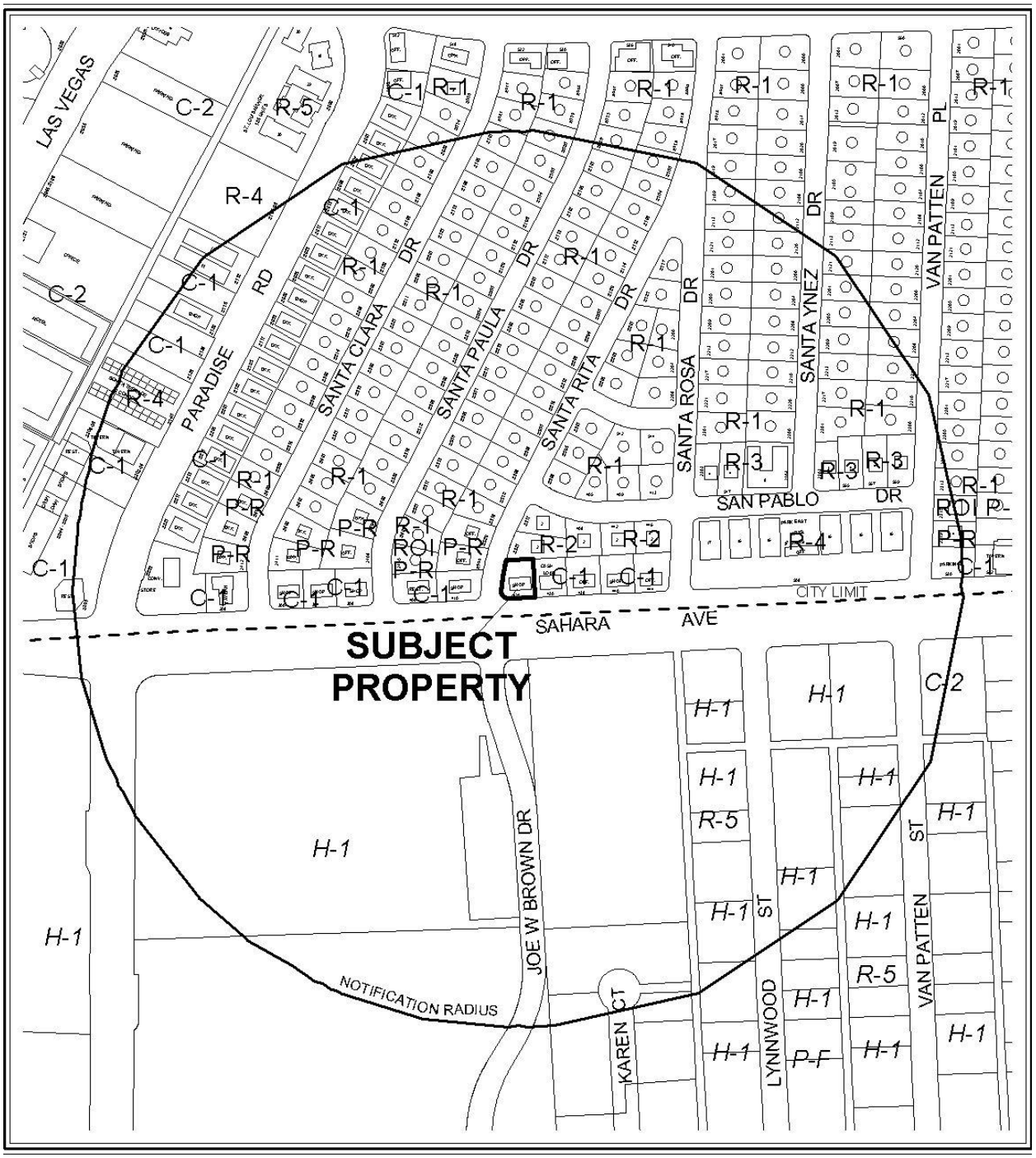
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**1**

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. City Council Approval Letter for SUP-27082
6. Support Postcard

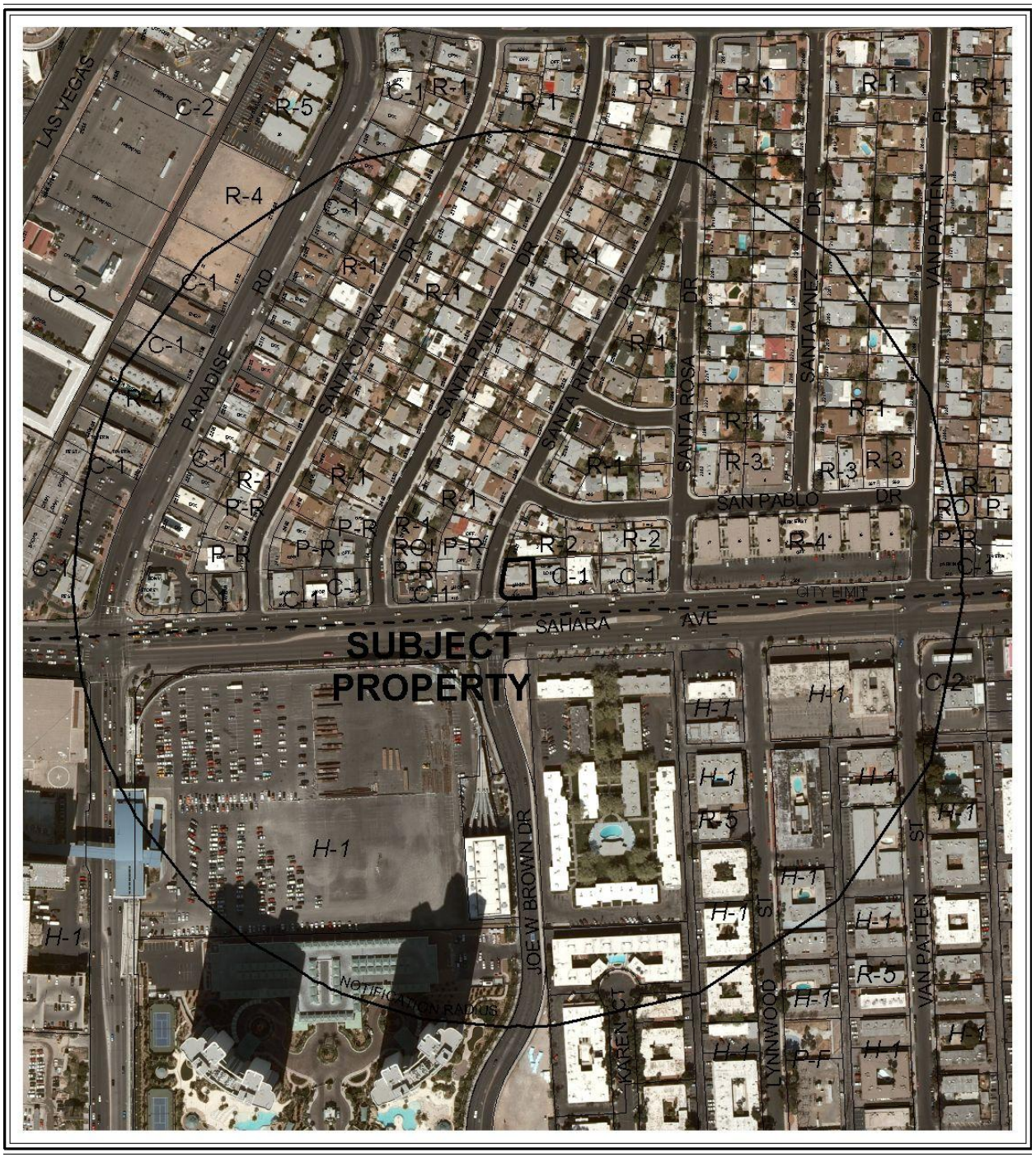


0 300 600 Feet

CASE: **ROC-35500**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)



0 300 600 Feet

CASE: **ROC-35500**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 16, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ROC-35500 - REVIEW OF CONDITION – SPECIAL USE PERMIT - APPLICANT/OWNER: CECILE PROPERTIES

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. Condition Number 5 shall be changed to read," Parking lot shall be striped to conform to the requirements of Title 19."

2. Conformance to the conditions of approval of Special Use Permit (SUP-27082) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site currently has a 2,349 square-foot building shared by a Secondhand Dealer and an Office (DMV Services). The required number of parking spaces for the subject site is 10 spaces, one of which must be dedicated for handicap use. Condition Number 5 of the previously approved Special Use Permit (SUP-27082) required the parking lot to be striped according to the site plan date stamped 03/04/08. The applicant states that due to the Las Vegas Water District and Nevada Power installing equipment and a bollard in one of the parking spaces, they did not follow the previously approved plans and restriped the parking area according to plans submitted on August 25, 2009. Access into most of the parking spaces requires the driver to enter the curb cut area over a sidewalk into the parking space, but all spaces require a patron to back out onto a public street. The parking spaces facing the front of the businesses back out onto Sahara Avenue, which is a major arterial.

The applicant is requesting Condition Number 5 of a previously approved Special Use Permit (SUP-27082) changed to allow parking to conform to the plans date stamped 08/25/09. The building placement precludes any other parking options in order to meet the required parking spaces in accordance with Title 19.04 for the type of use(s); therefore, staff recommends approval this request.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
11/19/64	The Board of Zoning Adjustment approved a request for a Variance (V-0020-64) to allow residential use in addition to professional office use on property generally located on the northeast corner of Santa Rita Drive and Sahara Avenue in land use designed as a P-R (Professional Office and Parking) zone.
02/21/68	The Board of City Commissioners approved a request for Rezoning (Z-0003-68) from P-R (Professional Office and Parking) to C-1 (Limited Commercial) of property generally located on the northeast corner of East Sahara Avenue and Santa Rita Drive. The Planning Commission recommended approval on 02/08/68.
05/07/08	The City Council approved a request for a Special Use Permit (SUP-27082) for a proposed Secondhand Dealer (Jewelry) at 420 East Sahara Avenue. The Planning Commission recommended approval on 04/10//08.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
06/15/09	A Code Enforcement case (78971) was processed for illegal signage on property located at 420 East Sahara Avenue. Code Enforcement closed the case on 07/10/09.
08/13/09	The Planning Commission is scheduled to hear a request for a Reviewed Review (RQR-34160) of a previously approved Special Use Permit (SUP-27082) for a Secondhand Dealer at 420 East Sahara Avenue.
Related Building Permits/Business Licenses	
07/07/08	A business license (S26-00020) was issued for a Secondhand Dealer at 420 East Sahara Avenue. The license is still active.
10/16/08	A building permit (123284) was issued for tenant improvements for a certificate of occupancy. The permit was finalized on 11/18/08.
06/19/09	A business license (P27-00587) was issued for Personal Services (DMV Services) at 424 East Sahara Avenue. The license is still active.
Pre-Application Meeting	
A pre-application meeting is not required for this type of application, nor was one held.	
Neighborhood Meeting	
A neighborhood meeting is not required for this type of application, nor was one held.	

Details of Application Request	
Site Area	
Gross Acres	0.15

Field Checks	
08-18-09	Staff conducted a field check of the subject site with the following observations: • The building is shared by a Secondhand Dealer (The Gold Exchange) and an office (DMV Services) • The only landscaping at the subject site is located by the front entrances • The three (3) parallel parking spaces depicted on the site plan dated August 25, 2009 are behind a gated area • The majority of the parking spaces require a patron to back out into a public street

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Secondhand Dealer and Office	SC (Service Commercial)	C-1 (Limited Commercial)
North	Duplex	ML (Medium-Low Density Residential)	R-2(Medium-Low Density Residential)
South	Apartments- Clark County	CT (Commercial Tourist)- Clark County	H-1 (Limited Resort and Apartments)- Clark County

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
East	Financial Institution-Specified	SC (Service Commercial)	C-1 (Limited Commercial)
West	Retail Establishment	SC (Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
Beverly South Ridge Neighborhood Plan	X		Y
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
G-O (Gaming Enterprise Overlay) District	X		Y
A-O (Airport Overlay) District (175 feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This request is to change Condition Number 5 of a previously approved Special Use Permit (SUP-27082) to allow the parking lot at 420 East Sahara Avenue to be striped according to site plans date stamped 08/25/09. Since the approval of the Special Use Permit, the Las Vegas Water District and Nevada Power Company installed equipment and a bollard at the subject site, requiring the applicant to deviate from the approved plans to provide the required number of parking spaces. Title 19.04 requires a total of 10 parking spaces for the subject site with one designated for handicap use: the site currently has 11 parking spaces. The applicant has met all other conditions of approval for the Special Use Permit (SUP-27082). There has not been any Code Enforcement violations or problems cited for the business license.

FINDINGS

The Department of Public Works reviewed the proposed plans and as they do not differ significantly from the plans approved for the Special Use Permit (SUP-27082), they have no comment or objections.

Though the majority of the parking spaces require a patron to back out into a public street, the building placement precludes any other parking options in order to meet the required parking spaces in accordance with Title 19.04 for the type of use(s); therefore, staff recommends approval this request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT **N/A**

SENATE DISTRICT **N/A**

NOTICES MAILED 517

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: RVC-35500 APN: 162-03-416-022

Name of Property Owner: CECILE PROPERTIES

Name of Applicant: CECILE PROPERTIES

Name of Representative: LENI SKAAR

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____Yes _____X___No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Stn

Print Name: SUSAN KESTENMAN

Subscribed and sworn before me

This 22nd day of May, 2009

Samuel Ornelas Jr.

Notary Public in and for said County and State

SAMUEL ORNELAS JR.
NOTARY PUBLIC
STATE OF NEVADA
My Commission Expires: 12-20-2012
Certificate No: 05-100409-1

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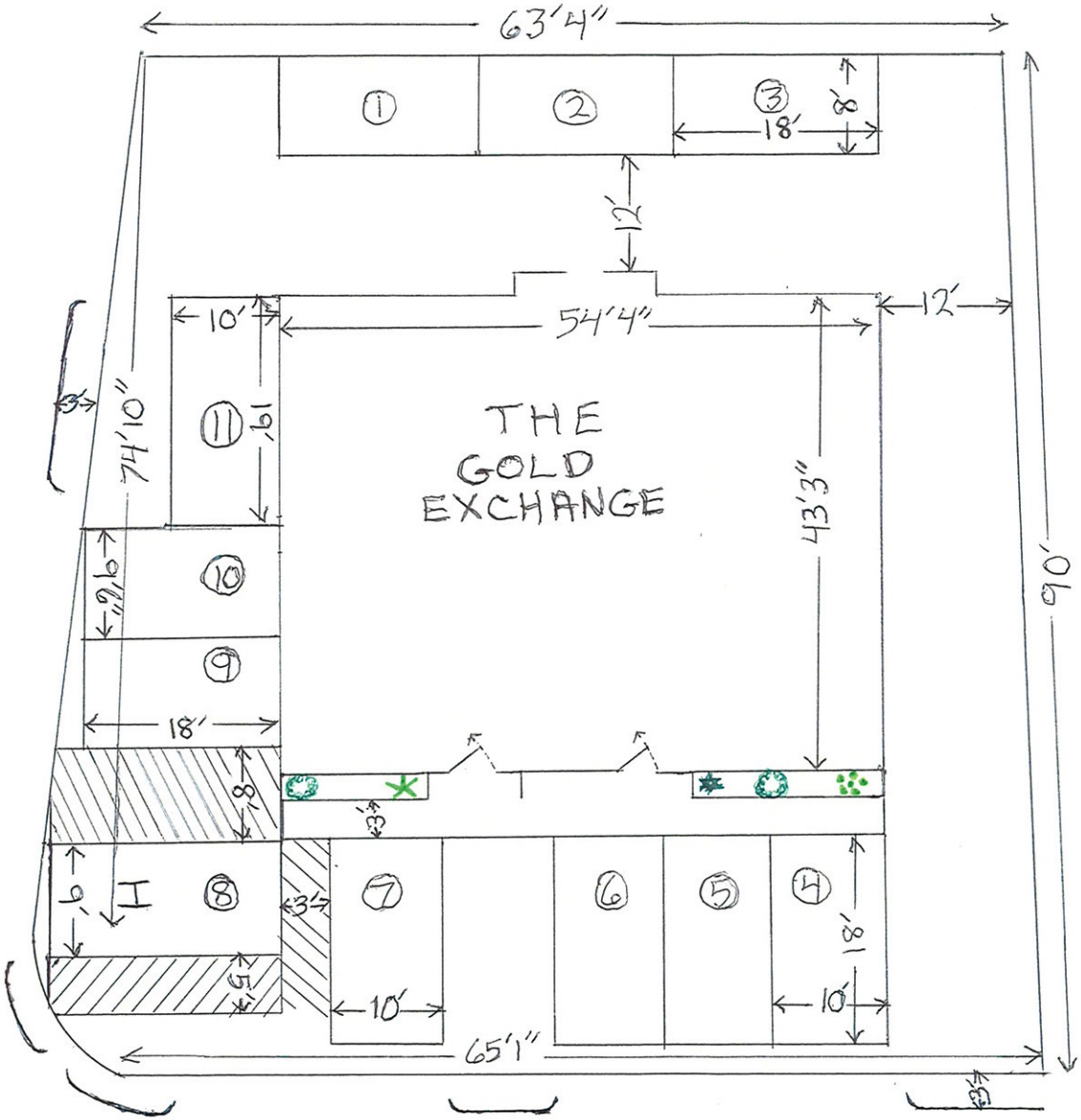

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420 EAST SAHARA

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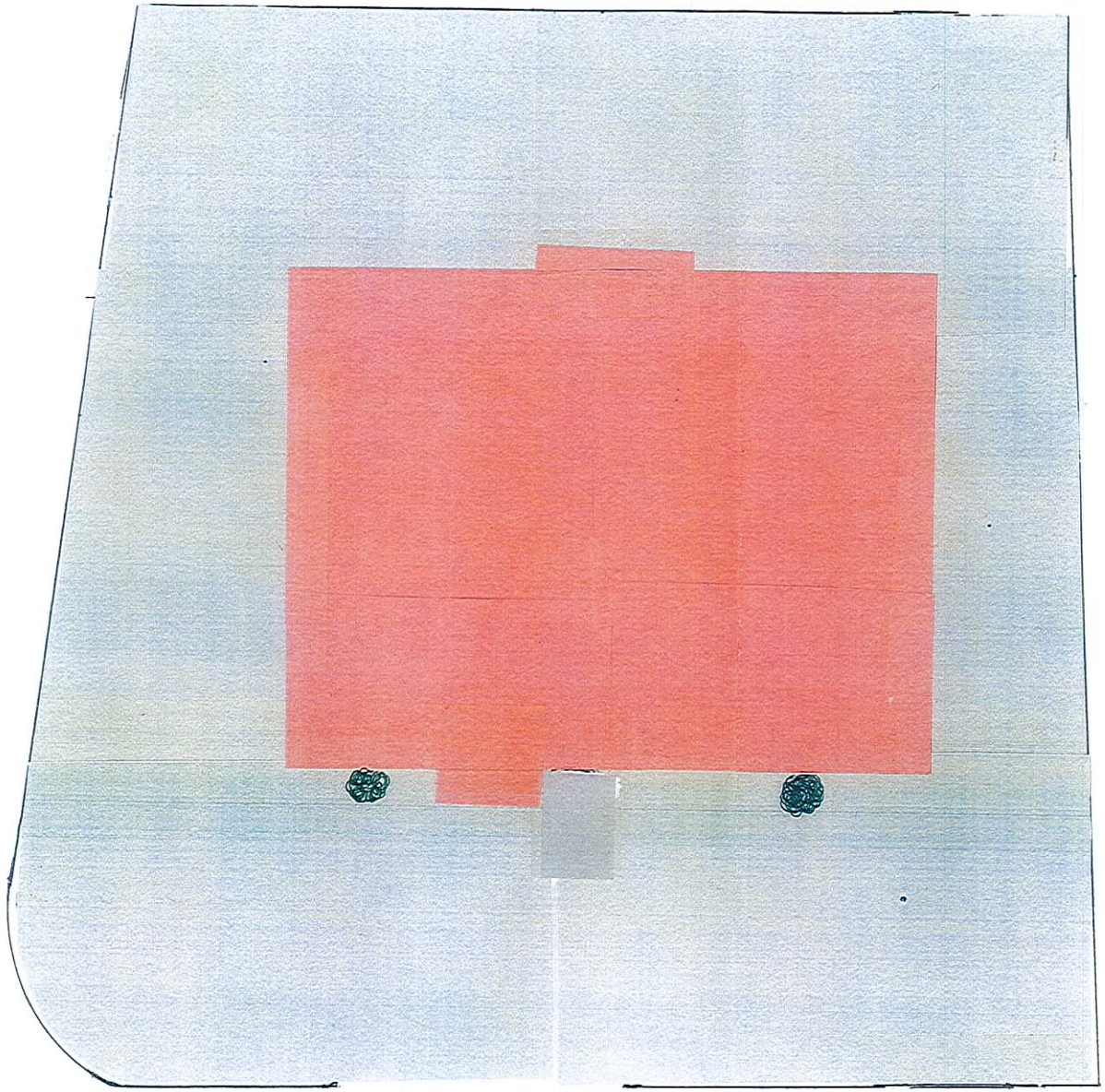
RECEIVED
AUG 25 2009

ROC-35500
09-1609 CC



420 E. SAHARA

ROC-35500
09-16-09 CC

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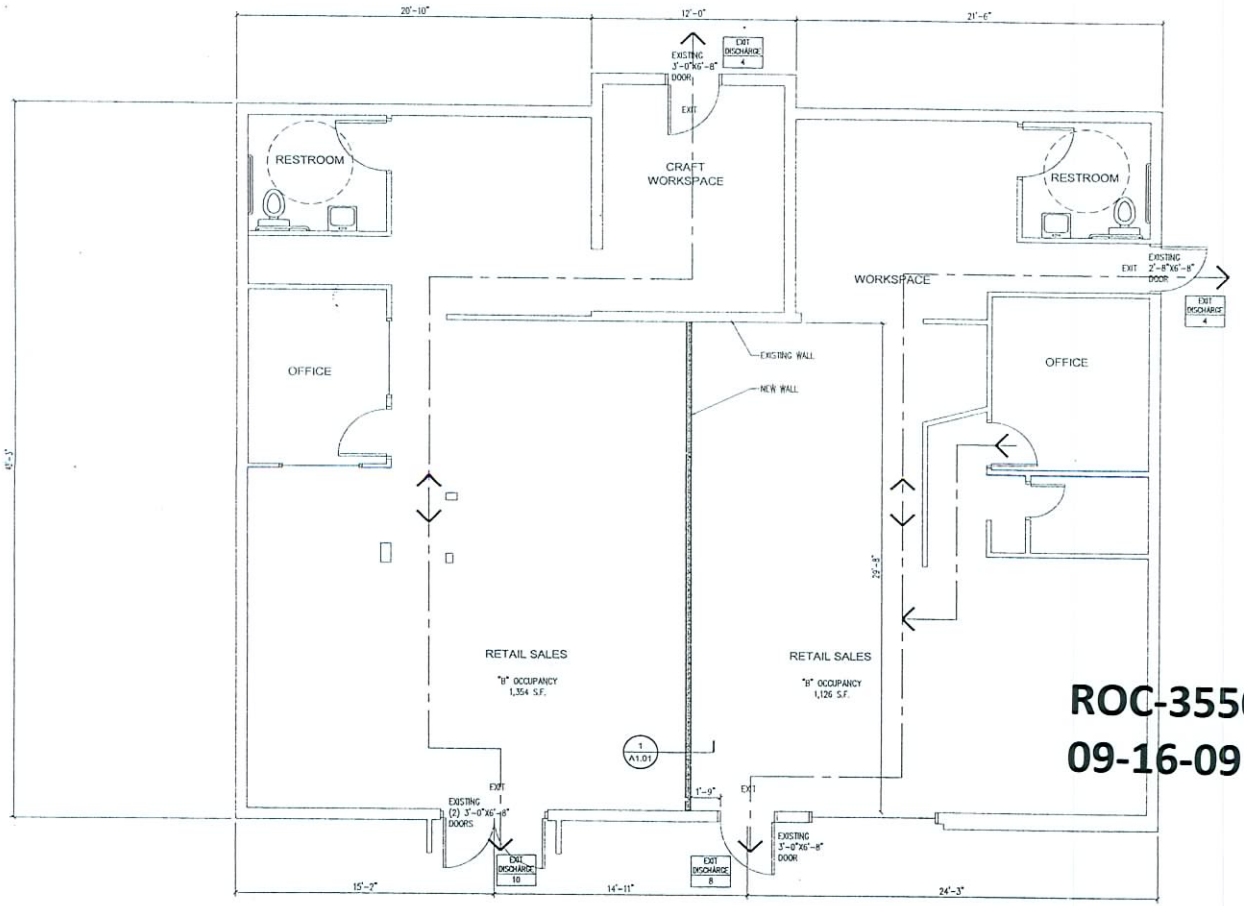
SCOPE OF WORK:

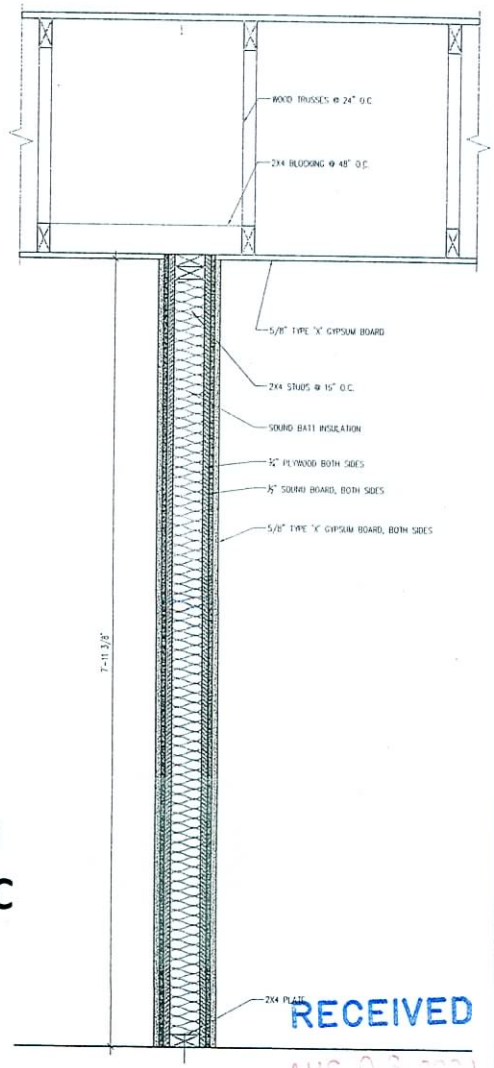
1. ADD ONE PARTITION WALL TO CREATE (2) RETAIL SPACES OF APPROXIMATELY 1,250 SQ. FT. AND 1,230 SQ. FT. IN LIEU OF (1) 2,480 SQ. FT. RETAIL SPACE.
2. PROVIDE SECURITY AND SOUND BARRIER BETWEEN SPACE WITH PLYWOOD, SOUNDBOARD, ⅝" TYPE 'X' GYP. BD. ON EACH SIDE OF WALL.
3. PROVIDE 110V ELECTRICAL OUTLETS FOR EACH NEW TENANT SPACE ALONG NEW DEMISING WALL.
4. THERE ARE NO PLUMBING REVISIONS.
5. THERE ARE NO MECHANICAL REVISIONS.

EXISTING WALL

NEW (NON-BEARING) WALL



2 FLOOR PLAN
2,480 S.F.
Scale: 1/4" = 1'-0"



1 WALL SECTION
Scale: 1 1/2" = 1'-0"

A1.01 PLAN

ROC-35500
09-16-09 CC

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AUG 0 0 2009





ROC-35500
09-16-09 CC

RECEIVED





ROC-35500
09-16-09 CC

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AUG 0 0 200

BRADSHAW & ASSOCIATES

Zoning • Variances
Special Use

A Land Use Consulting Company

June 4, 2009

Dear Sir or Madam,

On behalf of my client, Cecile Properties, I am requesting a Review of Condition for Condition of Approval #5 of SUP-27082, which required the parking lot to be striped as shown on our site plan date stamped 03/04/08.

The subject property, currently occupied by The Gold Exchange, is located at 420 East Sahara. The Assessors Parcel Number is 162-03-416-022.

Recently the Las Vegas Valley Water District and Nevada Power Company have placed additional equipment and a bollard within an area designated on that site plan for parking. As a result, a reconfiguration of the stall locations was necessary in order to provide the required number of parking spaces.

We would appreciate having this application heard in conjunction with RQR-34160, which is a Required 1-Year Review of SUP-27082.

Thank you, for your assistance with this matter.

Yours truly,

Leni Skaar

Leni Skaar

ROC-35500
09-16-09 CC

RECEIVED
AUG 03 2009

7464 W. Sahara Ave • Las Vegas, NV 89117 • Office 702.492.0708 • Fax 702.492.0709

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW

DOUGLAS A. SELBY
CITY MANAGER

May 9, 2008

Ms. Susan Kestenman
Cecile Properties, LLC
3175 Belair Drive
Las Vegas, Nevada 89109

RE: SUP-27082 – SPECIAL USE PERMIT
CITY COUNCIL MEETING OF MAY 7, 2008

Dear Ms. Kestenman:

The City Council at a regular meeting held May 7, 2008 APPROVED the request for a Special Use Permit FOR A PROPOSED SECONDHAND DEALER (JEWELRY) at 420 East Sahara Avenue (APN 162-03-416-022), C-1 (Limited Commercial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on May 8, 2008. This approval is subject to:

Planning & Development

1. One Year Review at a Public Hearing of the Planning Commission from the issuance of the business license.

2. Conformance to all minimum requirements under LVMC Title 19.04.010 for Secondhand Dealer use, including parking requirements.

3. Provide an additional 24-inch box tree at the front of the building, for a total of two trees on the south face of the building.

4. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

5. Parking lot shall be re-striped to conform to the site plan date stamped 03/04/08.

ROC-35500
09-16-09 CC

RECEIVED
AUG 0 3 2009

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

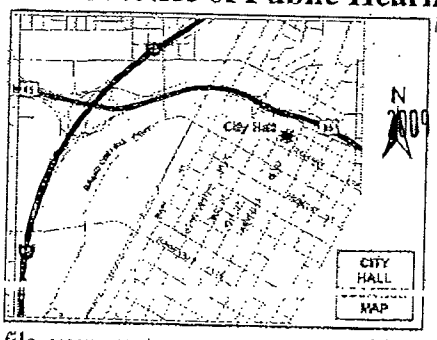
City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M $ 00.41
0004279218 SEP 04 200
MAILED FROM ZIPCODE 8910

Return Service Requested
Official Notice of Public Hearing

RECEIVED
CITY CLERK
2009 SEP -8 P 2:01



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☒ I SUPPORT this Request

☐ I OPPOSE this Request

Please use available blank space on card for your comments.

ROC-35500

City Council Meeting of **09/16/2009**

16203417051 Case: ROC-35500
FRANCESCHI SHERRILL A SURV TR
8385 W LA MADRE WY
LAS VEGAS NV 89149-4707

GAVDS11 89149

9-08-2009 12:35PM FROM FRANCESCH 702 396 2155

City of Las Vegas Agenda Item No.: **83.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

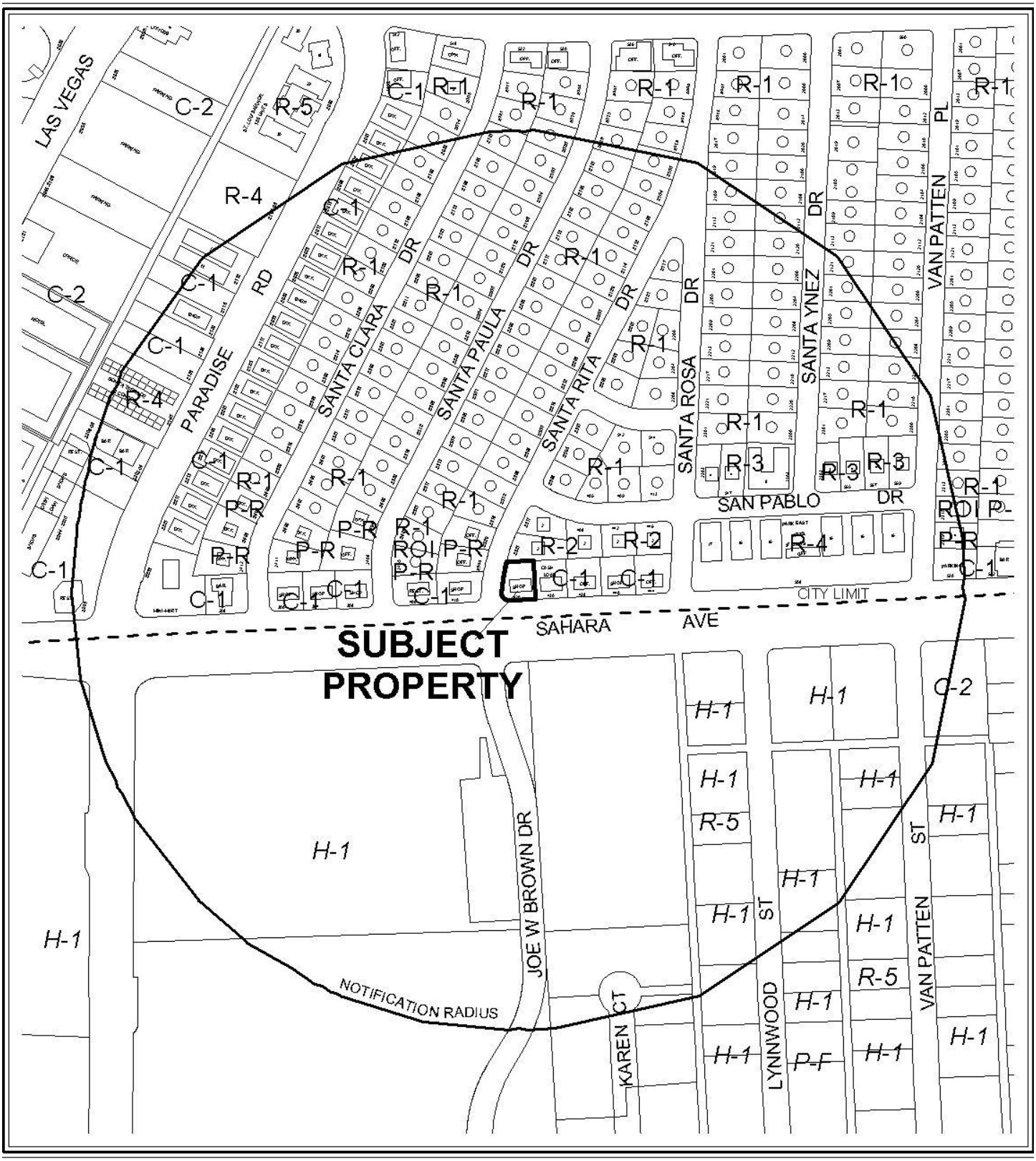
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
RQR-34160 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT/OWNER: CECILE PROPERTIES, LLC - Required Review of a previously approved Special Use Permit (SUP-27082) FOR A SECONDHAND DEALER at 420 East Sahara Avenue (APN 162-03-416-022), C-1 (Limited Commercial) Zone, Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (5-0-2 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**11**	**Planning Commission Mtg.**	**4**
City Council Meeting	**0**	**City Council Meeting**	**1**

RECOMMENDATION:
Staff recommends DENIAL. The Planning Commission (5-0-2 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. City Council Action Letter for SUP-27082
6. Support Postcard
7. Backup referenced from the August 13, 2009 Planning Commission Meeting Item 11



0 500 Feet

CASE: **RQR-34160**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

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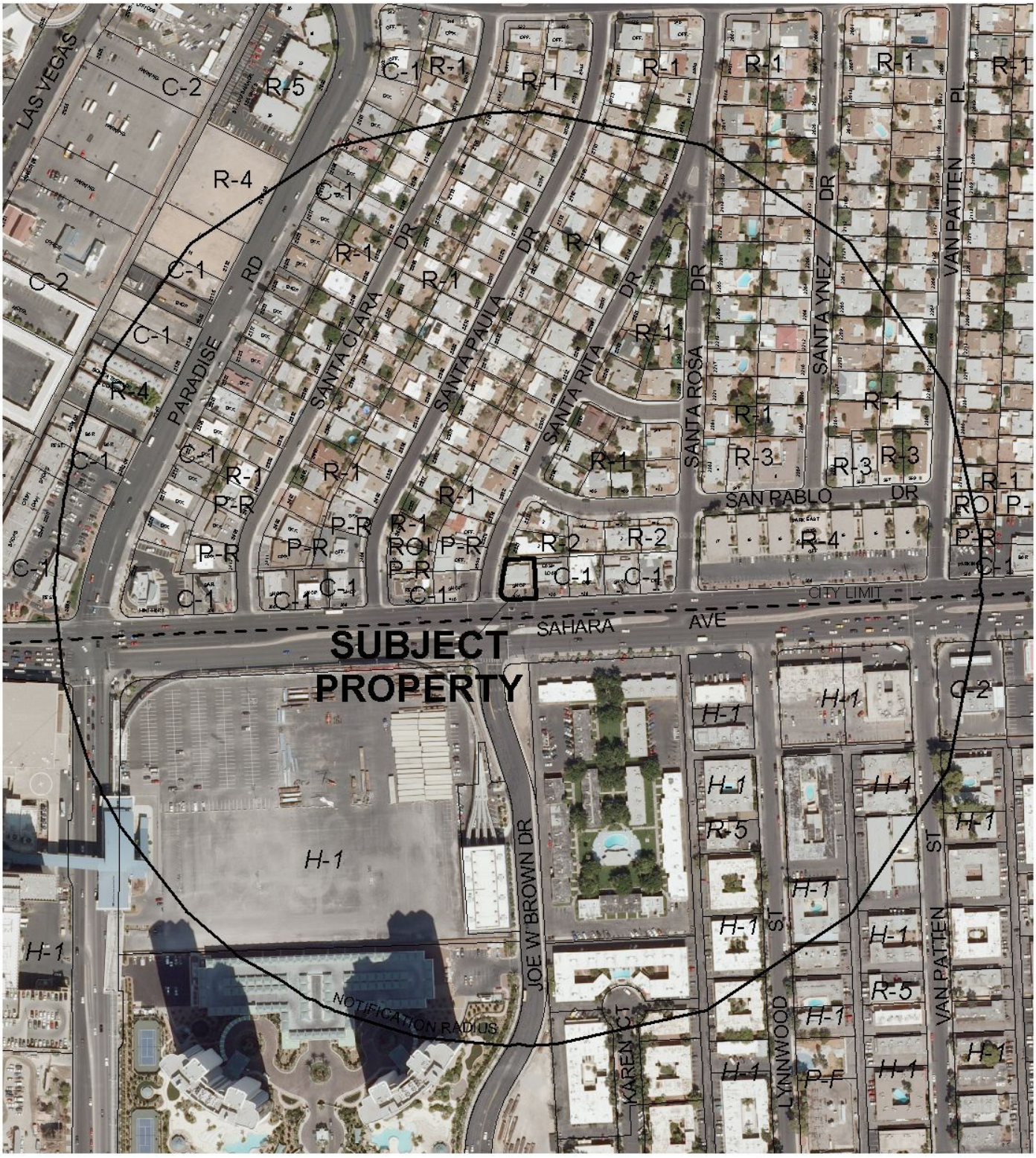

0 500 Feet

CASE: **RQR-34160**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - RQR-34160 - APPLICANT/OWNER: CECILE PROPERTIES, LLC

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (5-0-2/rt/gf vote) recommends APPROVAL, subject to conditions.

Planning and Development

1. There shall be a one-year administrative review.

2. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for Secondhand Dealer use.

3. Conformance to the conditions for Special Use Permit (SUP-27082).

** STAFF REPORT **

PROJECT DESCRIPTION

This application is in response to a Required Review of an approved Special Use Permit (SUP-27082) for a Secondhand Dealer use at 420 East Sahara Avenue.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
02/22/68	The Board of City Commissioners approved a Rezoning (Z-0003-68) from P-R (Professional Office and Parking) to C-1 (Limited Commercial) at the northeast corner of Sahara Avenue and Santa Rita Drive.
11/16/04	A Code Enforcement case (#23820) was processed for a sign violation involving a banner in front of the building at 420 East Sahara Avenue Code Enforcement closed the case 03/27/07.
05/07/08	The City Council approved a Special Use Permit (SUP-27082) for a proposed Secondhand Dealer use at 420 East Sahara Avenue. The Planning Commission recommended approval of the request.
08/13/09	The Planning Commission voted 5-0-2/rt/gf to recommend APPROVAL (PC Agenda Item #11/jb).
Related Building Permits/Business Licenses	
10/11/95	A building permit (#95879586) was issued for a wall sign at 420 East Sahara Avenue (Jewelry and Mineral). The permit expired on 09/21/96.
03/21/96	A building permit (#96005465) was issued for a single face sign at 420 East Sahara Avenue. The permit expired on 09/21/96.
07/07/08	A business license (#S26-00020) was issued for a Secondhand Dealer at 420 East Sahara Avenue. The license is still active.
10/16/08	A building permit (#123284) was issued for a Tenant Improvement at 420 East Sahara Avenue. The permit was finalized on 11/18/08.
Pre-Application Meeting	
A pre-application meeting was not required, nr was one held.	
Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
05/07/09	A field check was conducted and found that the parking lot at this facility requires re-stripping to conform to the site plan dated stamped 03/04/08 associated with Special Use Permit (SUP-27082). In addition, the two trees presently on the south side of the property are 15-gallon trees, not the required 24-inch box trees, nor are they in the correct location, as was approved by Special Use Permit (SUP-27082)
05/26/09 & 07/09/09	A field check was conducted and found that 24-inch box trees were installed, however they are not in the correct location indicated in Special Use Permit (SUP-27082). Also, the parking lot at this facility is still not in conformance with Condition #5 of the original Special Use Permit (SUP-27082), which required the parking lot to conform to the site plan dated stamped 03/04/08. The applicant has indicated that they will submit a Review of Condition application in the near future to amend this Condition.

Details of Application Request	
Site Area	
Gross Acres	0.15

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Secondhand Dealer (The Gold Exchange)	SC (Service Commercial)	C-1 (Limited Commercial)
North	Multi-family Residential	ML (Medium Low Density Residential)	R-2 (Medium-Low Density Residential)
South	Apartments – Clark County	CT (Commercial Tourist – Clark County)	H-1 (Limited Resort and Apartment District - Clark County designation)
East	Financial Institute, Specified (Star Loan Center)	SC (Service Commercial)	C-1 (Limited Commercial)
West	Office, General Retail	L (Low Density Residential), SC (Service Commercial)	P-R (Professional Office and Parking District) and C-1 (Limited Commercial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
Beverly Green Southridge Neighborhood Plan	X		Y
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
G-O Gaming Enterprise Overlay District	X		Y
A-O Airport Overlay District –175 Feet	X		Y

Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the first Required Review since the initial approval of the Special Use Permit (SUP-27082) for a Secondhand Dealership at 420 East Sahara Avenue. The existing business purchases and sells antique jewelry, coins, flatware and other precious metals. A research of the business license history reveals the jewelry store has a valid license for the intended use with no Metro incidents noted. Since the original approval of the Special Use Permit, there has been little to no tangible redevelopment in the surrounding area.

FINDINGS

The subject site is located in a C-2 (General Commercial) zoning district. The area surrounding the business is in good condition. During a routine site inspection Staff determined that the site was not is conformance with Condition number 5 of the previously approved Special Use Permit (SUP-27082) which state:

5. Parking lot shall be re-stripped to conform to the site plan date stamped 03/04/08.

As the current site fails to comply with the conditions of approval of Special Use Permit (SUP-27082), staff cannot support this application and is recommending denial.

PLANNING COMMISSION ACTION

The Planning Commission added condition #1 to which the applicant agreed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 512 by City Clerk

APPROVALS 4

PROTESTS 11

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **RQR-34160** APN: 162-03-416-022

Name of Property Owner: CECILE PROPERTIES, LLC

Name of Applicant: CECILE PROPERTIES, LLC

Name of Representative: BRADSHAW & ASSOCIATES

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____Yes _____X_____No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: Susi Kestenman

Subscribed and sworn before me

This 20 day of Feb, 2009

_____

Notary Public in and for said County and State

DANA A. FABIA
NOTARY PUBLIC
STATE OF NEVADA
Date Appointment Exp: Sept. 30, 2011
Certificate No: 04-89772-1

State of Nevada
County of Clark

Revised 11-14-06

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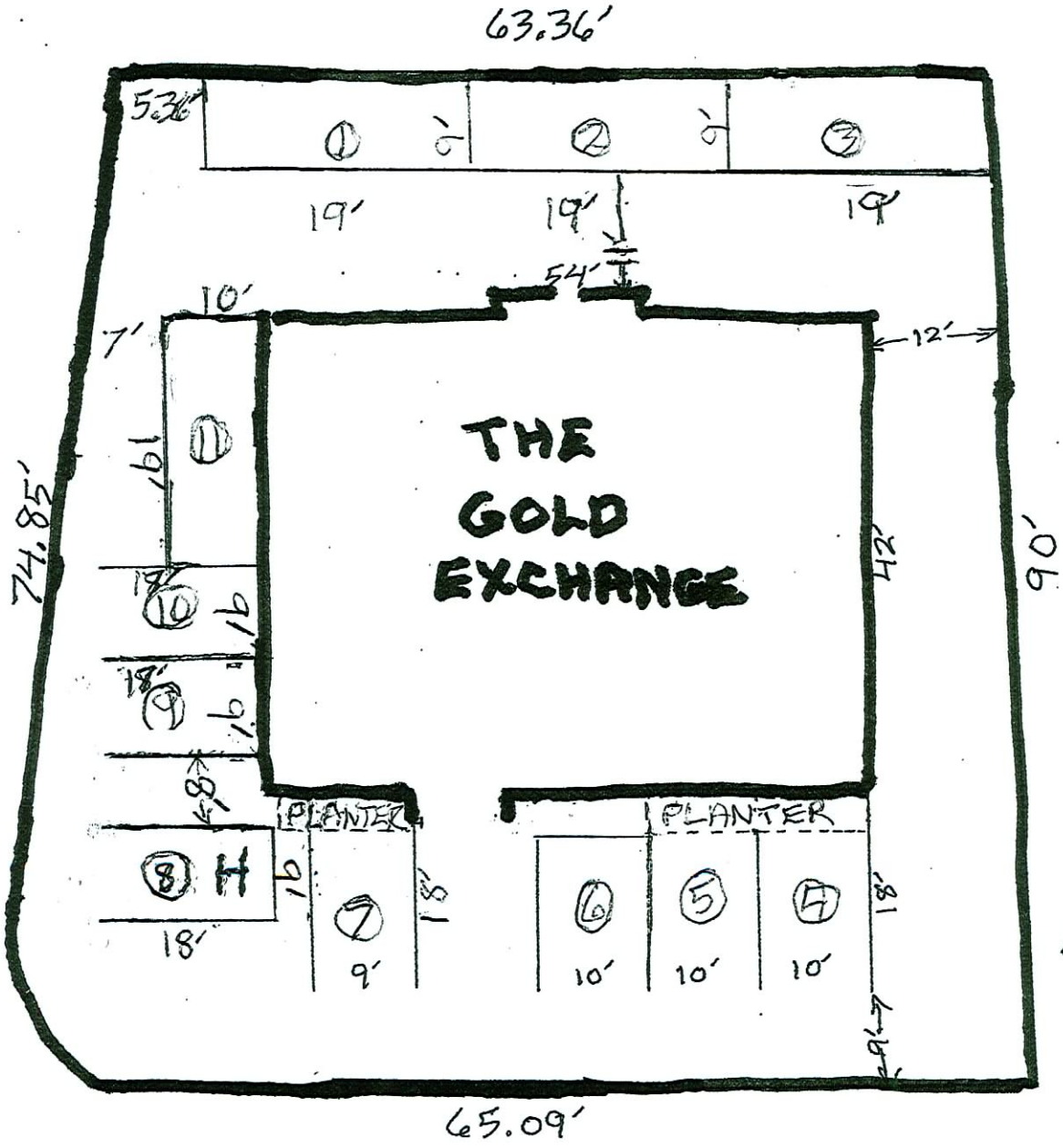

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1" = 10 FEET

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420 E. SAHARA

RQR-34160
06/11/09 PC

RECEIVED
APR 13 2009



THE GOLD EXCHANGE

RQR-34160
06/11/09 PC





RECEIVED
APR 13 2009



RQR-34160 - APPLICANT/OWNER: CECILE PROPERTIES, LLC
420 EAST SAHARA AVENUE
AUGUST 13, 2009 PLANNING COMMISSION

05/07/09



RQR-34160 - APPLICANT/OWNER: CECILE PROPERTIES, LLC
420 EAST SAHARA AVENUE
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07/09/09



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07/09/09



RQR-34160 - APPLICANT/OWNER: CECILE PROPERTIES, LLC
420 EAST SAHARA AVENUE
AUGUST 13, 2009 PLANNING COMMISSION

07/09/09

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW

DOUGLAS A. SELBY
CITY MANAGER



CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229 6011
TTY 702.386.9108
www.lasvegasnevada.gov

May 9, 2008

Ms. Susan Kestenman
Cecile Properties, LLC
3175 Belair Drive
Las Vegas, Nevada 89109

RE: SUP-27082 – SPECIAL USE PERMIT
CITY COUNCIL MEETING OF MAY 7, 2008

Dear Ms. Kestenman:

The City Council at a regular meeting held May 7, 2008 APPROVED the request for a Special Use Permit FOR A PROPOSED SECONDHAND DEALER (JEWELRY) at 420 East Sahara Avenue (APN 162-03-416-022), C-1 (Limited Commercial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on May 8, 2008. This approval is subject to:

Planning & Development

1. One Year Review at a Public Hearing of the Planning Commission from the issuance of the business license.

2. Conformance to all minimum requirements under LVMC Title 19.04.010 for Secondhand Dealer use, including parking requirements.

3. Provide an additional 24-inch box tree at the front of the building, for a total of two trees on the south face of the building.

4. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

5. Parking lot shall be re-striped to conform to the site plan date stamped 03/04/08.

RQR-34160
06/11/09 PC

6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Sincerely,

Lean Coleman
Deputy City Clerk II for
Beverly K. Bridges, CMC, City Clerk

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. of Fire Services

Ms. Leni Skaar
Bradshaw & Associates
3753 Howard Hughes Parkway, Suite #200
Las Vegas, Nevada 89106

RQR-34160
06/11/09 PC

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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CITY CLERK
2009 SEP -8 P 2:01

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UNITED STATES POSTAGE
PITNEY BOWES
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0004279218 SEP 04 2009
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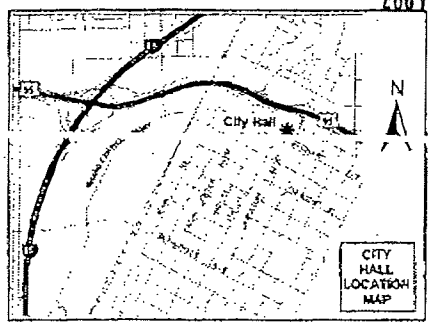
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-34160
City Council Meeting of 9/16/2009

FRANCESCHI SHERRILL A SURV TR
FRANCESCHI SHERRILL A TRS
8385 W LA MADRE WY
LAS VEGAS NV 89149-4707

APN#16203417052

GAVDS11 89149

9-08-2009 12:36PM FROM FRANCESCH 702 396 2155

NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

ASF REALTY & INVESTMENTS, INC.
200 W. Sahara Ave., #4001
Las Vegas, Nevada 89102
(702) 791-3432 BUSINESS
(702) 443-9644 FACSIMILE

Residential, Commercial & Land Specialists

To: City of Las Vegas Planning & Development Department

From: Andrew Fonfa, Gudrun Fonfa, Sahara Investments LLC & LV Land Ventures LLC

Tel/Fax: 702- 385-7268 Pages: inc. cover sheet

Phone: 702-791-3432 Fax 702-443-9644 Date: 6/15/09

Re: **Public Hearings/For the record**

Urgent For Review Please Reply ASAP

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JUN 15 2009

● Comments: **Andrew S. Fonfa & Gudrun Fonfa together & singularly, oppose SUP-34309, SUP-34310, VAR-34308, WVR-34311, & SDR-34306**

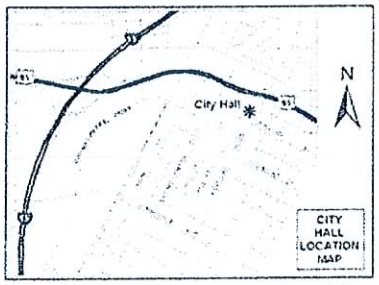
Sahara Investments LLC, opposes SUP-34309, SUP-34310 & SDR-34306

LV Land Ventures LLC opposes SUP-34309, SUP-34310, RQR-34160, VAR-34308, WVR-34311 & SDR-34306

11P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



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RQR-34160
Planning Commission Meeting of 6/11/2009

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JUN 01 2009

Case: RQR-34160
16210114276
INTERLIND MANAGEMENT SERV L L C
%J & A IMHOFF
933 NORTHWOOD BLVD #20
INCLINE VILLAGE NV 89451-8239

CAVDP11 A9451

31 P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
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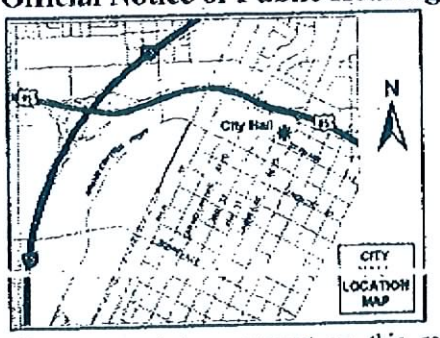

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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RQR-34160
Planning Commission Meeting of 6/11/2009

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Case: RQR-34160
16203417052
FRANCESCHI SHERRILL A SURV TR
8385 W LA MADRE WY
LAS VEGAS NV 89149-4707

89149$4707 C013
A9149

6-02-2009 7:10AM FROM FRANCESCH 702 396 2155 P.1

31 P

06/02/2009 13:00 FAX 702 366 9413 BARTSAS REALTY 003/003

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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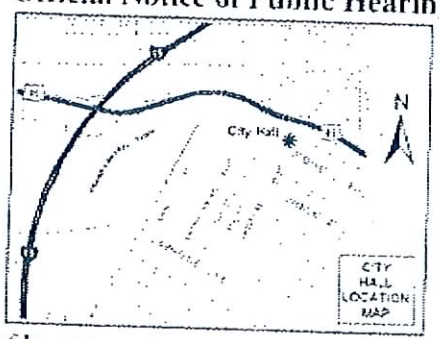

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RQR-34160

Planning Commission Meeting of 6/11/2009

Case: RQR-34160

16203416007
BARTSAS MARY 16 L L C
601 S RANCHO DR #C23
LAS VEGAS NV 89106-4825

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City of Las Vegas
Planning & Development Department
Development Services Center
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Las Vegas, Nevada 89101-2986

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

The AREA has continued to become more + more TRASHY; please Don't Add to it.

Please use available blank space on card for your comments.

RQR-34160
Planning Commission Meeting of 6/11/2009

Case: RQR-34160
16203413026
YANG HSI-CHIEH & BETTY TAYLOR
2400 & 2404 SANTA CLARA DR
LAS VEGAS NV 89104-0000

89104$2648 C079

31P

City of Las Vegas
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731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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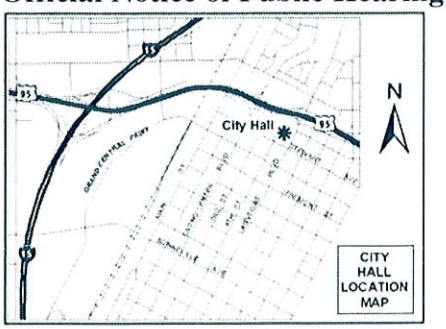

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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RQR-34160
Planning Commission Meeting of 6/11/2009

Case: RQR-34160
16203413027
YANG HSI-CHIEH & BETTY TAYLOR
8184 DOLCE VOLPE
LAS VEGAS NV 89178-8259

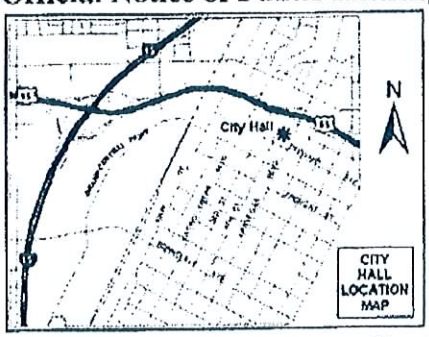
CAVDS11 A9175

31P

p.2
818-702-0610
Susan Hayes
Jun 02 09 03:21p

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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RQR-34160
Planning Commission Meeting of 6/11/2009

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Case: RQR-34160
16210114216
HAYES SUSAN J
23679 CALABASAS RD #382
CALABASAS CA 91302-1502

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Planning & Development Department
Development Services Center
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Las Vegas, Nevada 89101-2986

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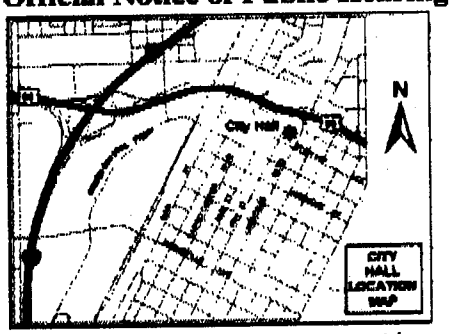

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RQR-34160

Planning Commission Meeting of 6/11/2009

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Case: RQR-34160

16210114123
MARKIEWICZ CHESTER LIVING TRUST
4750 N HARLEM AVE
HARWOOD HEIGHTS IL 60706-4607

Submitted after final agenda

Date 6/10/09 Item 31P

CAVOS11 60706

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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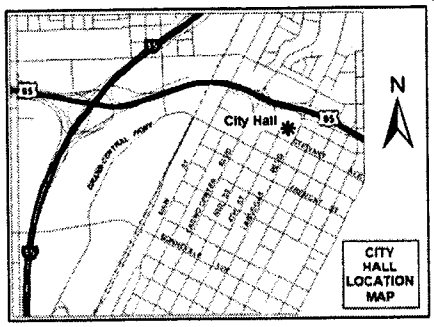

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Planning Commission Meeting of 6/11/2009

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Case: RQR-34160
16210114141
YEKTA MEHRDAD & B E REV TR ETAL
655 DUNHILL DR
DANVILLE CA 94506-1354

9450681354 0049

Submitted after final agenda

Date 6/8/09 Item 31P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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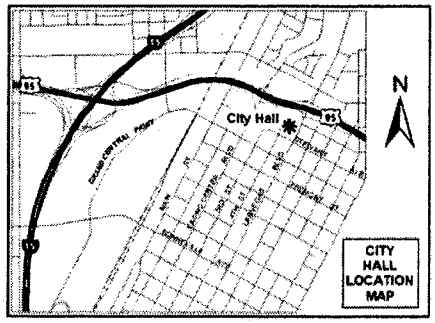

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RQR-34160
Planning Commission Meeting of 6/11/2009

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Case: RQR-34160
16210114557
GHASEDI GHOLAM R & JANET M
66 MEADOWBROOK C C
BALLWIN MO 63011-1697

CAUOF11 63011

Submitted after final agenda

Date 6/8/09 Item 31P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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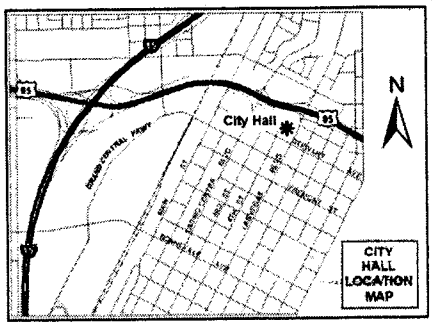

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RQR-34160
Planning Commission Meeting of 6/11/2009

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Case: RQR-34160
16210114628
BENINATO FRANK P JR & HELENA
1207 E GRAND ST
ELIZABETH NJ 07201-2319

CAVDP11 07301

Submitted after final agenda

Date 6/8/09 Item 31P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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FIRST CLASS

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PITNEY BOWES
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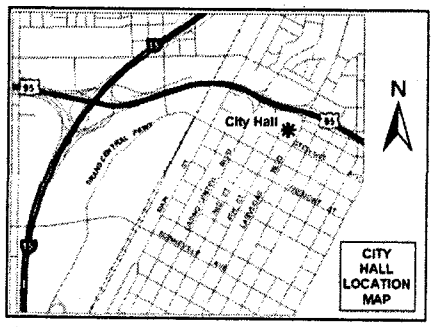

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RQR-34160
Planning Commission Meeting of 6/11/2009

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JUN 08 2009

Case: RQR-34160
16210114494
BENNETT & NANCY G LTD PTNRSHP
2310 PHILLIPS DR
GLENVIEW IL 60026-1175

CA9DF11 60026

Submitted after final agenda

Date 6/8/09 Item 31A

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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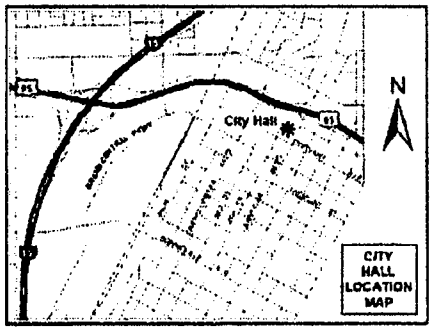
Official Notice of Public Hearing



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Case: RQR-34160

16203416022
CECILE PROPERTIES L L C
3175 BELAIR DR
LAS VEGAS NV 89109-1591

☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-34160

Planning Commission Meeting of 6/11/2009

CAVOP11 A3103

Submitted after final agenda

Date 6/4/09 Item 31A

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
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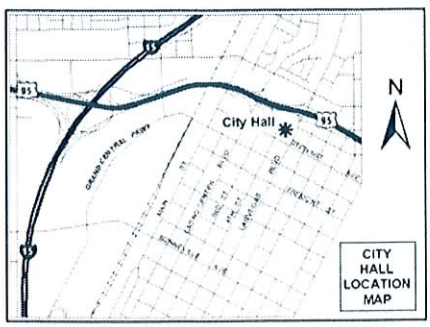

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☑ I SUPPORT this Request ☐ I OPPOSE this Request

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RQR-34160
Planning Commission Meeting of 6/11/2009

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JUN 03 2009

Case: RQR-34160
16210111005
GREYSTONE PARK INC
%G BARBIERI
5 VENTANA CANYON DR
LAS VEGAS NV 89113-0138

CAVDS11 89113

31A

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
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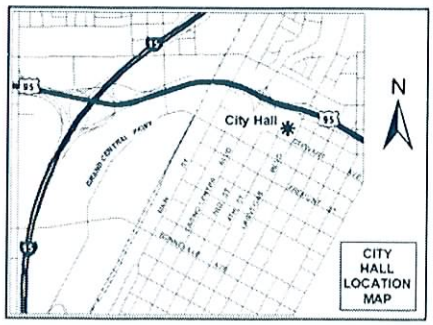

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[X] I SUPPORT this Request

[ ] I OPPOSE this Request

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RQR-34160

Planning Commission Meeting of 6/11/2009

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Case: RQR-34160
16210111014
LYNNWOOD PLACE L L C
%G BARBIERI
5 VENTANA CANYON DR
LAS VEGAS NV 89113-0138

CAVDS11 89113

31A

City of Las Vegas Agenda Item No.: **84.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

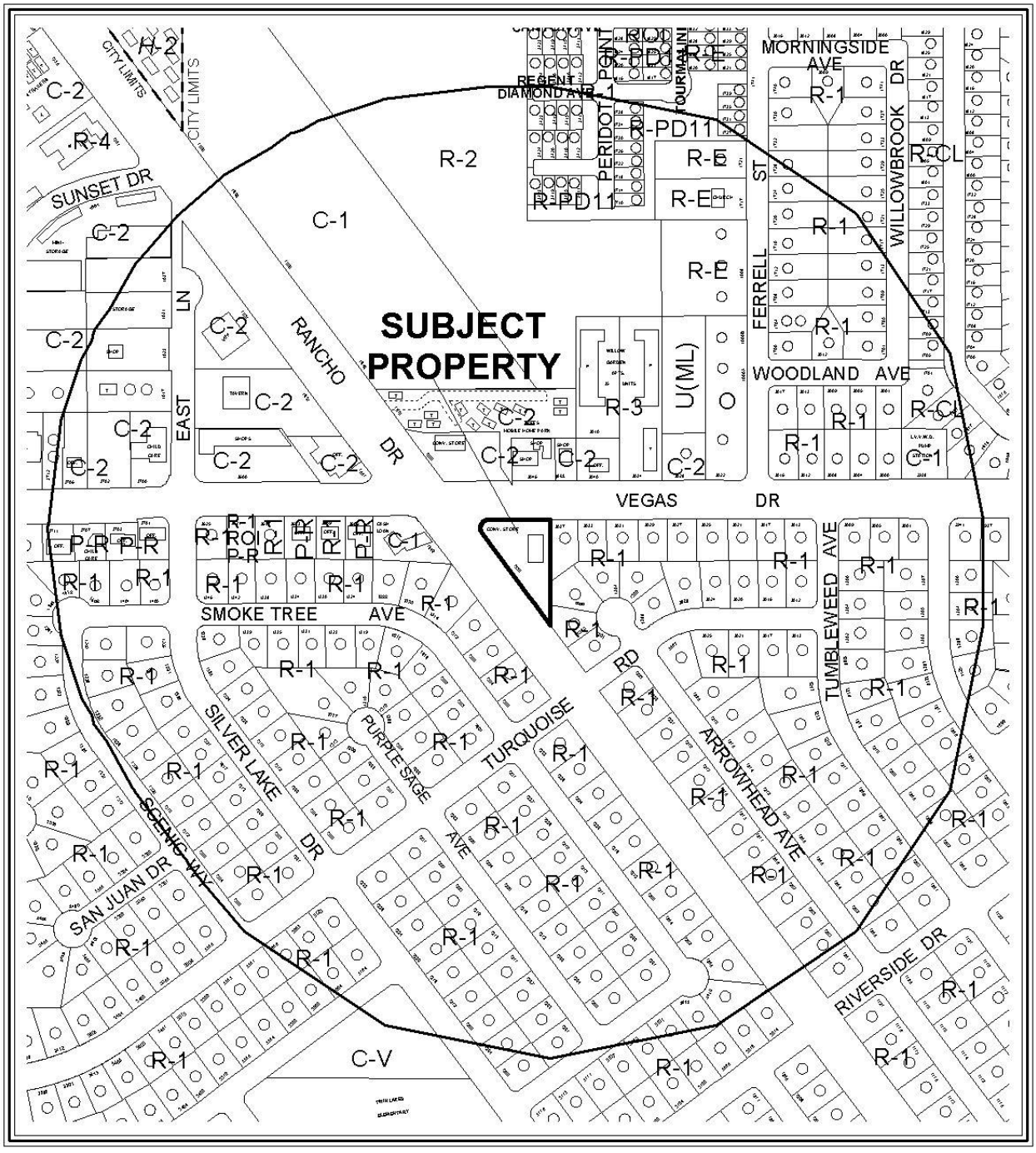
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
RQR-35347 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT/OWNER: MARIO PENA PENA - Required Review of a previously approved Special Use Permit (SUP-31367) FOR AN AUTO REPAIR GARAGE, MINOR WITH SERVICE BAY DOORS FACING THE RIGHT-OF-WAY at 1550 North Rancho Drive (APN 139-29-112-120), C-1 (Limited Commercial) Zone, Ward 5 (Barlow). Staff recommends DENIAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends DENIAL.

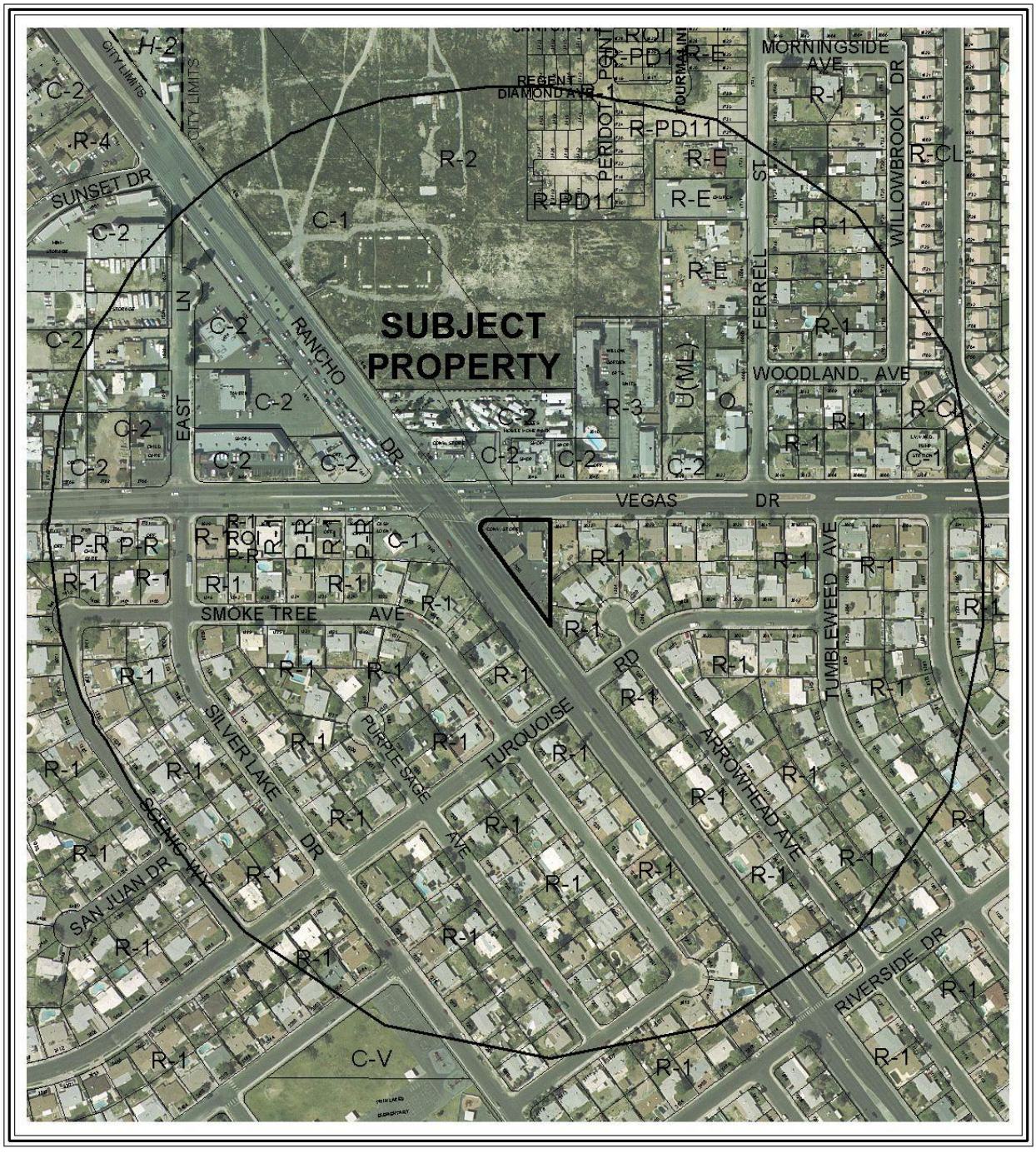
BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. City Council Approval Letter for SUP-31367
6. Planning Department Approval Letter for SDR-33534



CASE: **RQR-35347**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)



0 200 400 Feet

CASE: **RQR-35347**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 16, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: RQR-35347 – REQUIRED REVIEW – SPECIAL USE PERMIT-
APPLICANT/OWNER: MARIO PENA PENA

** CONDITIONS **

STAFF RECOMMENDATION: **DENIAL.** If approved, subject to:

Planning and Development

1. Conformance to the Conditions of Approval for Special Use Permit (SUP-31367) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

2. This Special Use Permit (SUP-31367) shall be subject to a six-month review at a public hearing at which time the City Council may require cessation of the use. The applicant shall be responsible for the notification costs of the review; failure to pay the City for these costs may result in termination of use.

3. All illegal signage on the property shall be removed within 10 days of City Council.

4. All City Code requirements and design standards of City departments must be satisfied, except as modified herein.

** STAFF REPORT **

PROJECT DESCRIPTION

This is the first Required Review of a previously approved Special Use Permit (SUP-31367) for an Auto Repair Garage, Minor with service bay doors facing the right-of-way at 1550 North Rancho Drive. One (1) Code Enforcement case (79251) was processed for outside storage and temporary signage on 06/22/09 that was subsequently closed on 06/29/09. Staff conducted a field check of the site on 08/18/09 and found the outside storage of rims and tires, tires being changed outside an enclosed building, the trash dumpster filled with tires and located outside the trash enclosure area, and temporary signage on the east side of the building. The perimeter landscaping was neat in appearance and was being properly maintained.

The business does not comply with Condition of Approval #2 of the Special Use Permit (SUP-31367) as the business fails to meet the requirements outlined in Title 19.04.010 for an Auto Repair Garage, Minor. Additionally, the business is non-compliant with Condition of Approval #3 by having temporary signage and the outdoor display of products or merchandise without the appropriate permits; therefore, staff is recommending denial of this request.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
03/04/09	The City Council approved a request for a Special Use Permit (SUP-31367) for an Auto Repair Garage, Minor with service bay doors facing the right-of-way at 1550 North Rancho Drive. The Planning Commission recommended denial on 12/04/08.
04/01/09	The Planning and Development Department administratively approved a request for a Minor Site Development Plan (SDR-33534) for exterior improvements to an existing building and landscape area for an Auto Repair Garage, Minor at 1550 North Rancho Drive.
04/12/09	A Code Enforcement case (76675) was processed for a car wash at a closed commercial business location at 1550 North Rancho Drive. Code Enforcement closed the case on 04/27/09.
06/22/09	A Code Enforcement case (79251) was processed for outside storage of tires in the front and rear of the business next to a house, along with temporary signage at 1550 North Rancho Drive. Code Enforcement closed the case on 06/29/09.

Related Building Permits/Business Licenses	
07/19/07	A building permit (94108) was issued for a non-work certificate of occupancy for an Auto Repair Garage, Minor at 1550 North Rancho Drive. The permit was finalized on 10/29/07.
04/06/09	A business license (A39-00490) was issued for auto glass installation at 1550 North Rancho Drive.
05/19/09	A business license (A39-00475) was issued for retail sales and installation of tires, and auto accessories at 1550 North Rancho Drive.
06/03/09	A business license (R05-00642) was issued for a take-out cart at 1550 North Rancho Drive.
Pre-Application Meeting	
A pre-application meeting is not required for this type of application, nor was one held.	
Neighborhood Meeting	
A neighborhood meeting is not required for this type of application, nor was one held.	
Field Check	
08/18/09	Staff conducted a field check of the subject site with the following observations: • Tires were being changed outside of the repair bays • Outside storage of rims and tires in the front of the business • The dumpster was outside the trash enclosure area and was completely full of tires • A banner was hung on the side of the building advertising window tinting service • The perimeter landscaping was in good condition and appeared well maintained.

Details of Application Request	
Site Area	
Gross Acres	0.49

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Auto Repair Garage, Minor	SC (Service Commercial)	C-1 (Limited Commercial)
North	Retail Establishment	SC (Service Commercial)	C-2 (General Commercial)
South	Single-Family Residences	L (Low Density Residential)	R-1 (Single Family Residential)
East	Single-Family Residences	L (Low Density Residential)	R-1 (Single Family Residential)
West	Financial Institution, Specified	SC (Service Commercial)	C-1 (Limited Commercial)
	Single-Family Residences	L (Low Density Residential)	R-1 (Single Family Residential)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
West Las Vegas Plan	X		Y
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (70 feet)			Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the first Required Review of a previously approved Special Use Permit (SUP-31367) for an Auto Repair Garage, Minor with service bay doors facing the right-of-way at 1550 North Rancho Drive. Since the approval of the Special Use Permit (SUP-31367) six months ago, there has been one Code Enforcement case (79251) processed for outside storage and temporary signage at the site that was subsequently closed on 06/29/09. During a field inspection of the subject site on 08/18/09, staff found outside storage of rims and tires, tires being changed outside an enclosed building, the trash dumpster filled with tires and located outside the trash enclosure area, and temporary signage on the east side of the building. The perimeter landscaping was being properly maintained and neat in appearance. The parking spaces and loading zone comply with Title 19 requirements and the previously approved plans.

FINDINGS

The business does not comply with Condition of Approval #2 and #3 of the Special Use Permit (SUP-31367). Title 19.04.010 mandates that an Auto Repair Garage, Minor have all repair and service performed within a completely enclosed building; and prohibits the outside storage of stock, equipment, or residual used equipment in any open area outside the enclosed building. Condition of Approval #3 prohibits temporary signage or the outdoor display of products or merchandise without the appropriate permits. As the business is non-compliant with the conditions of the Special Use Permit, staff is recommending denial of this request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT **N/A**

SENATE DISTRICT **N/A**

NOTICES MAILED 297

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: RQR-35347 APN: 139-29-112-120

Name of Property Owner: Mario Pena Pena

Name of Applicant: Mario Pena Pena

Name of Representative: G.C. Garcia, Inc. c/o George Garcia

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Mario Pena Pena

Print Name: Mario Pena Pena

Subscribed and sworn before me

This 20th day of July, 2009

Andrea Cole

Notary Public in and for said County and State

ANDREA COLE
NOTARY PUBLIC
STATE OF NEVADA
APPT. No. 05-97271-1
MY APPT. EXPIRES SEP. 10, 2012

RECEIVED
JUL 24 2009

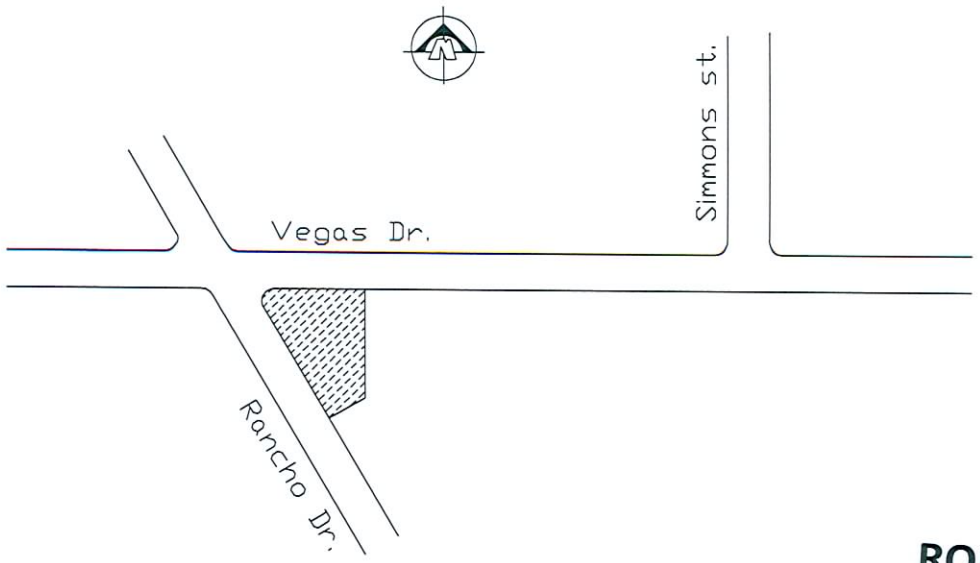
GENERAL INFORMATION .

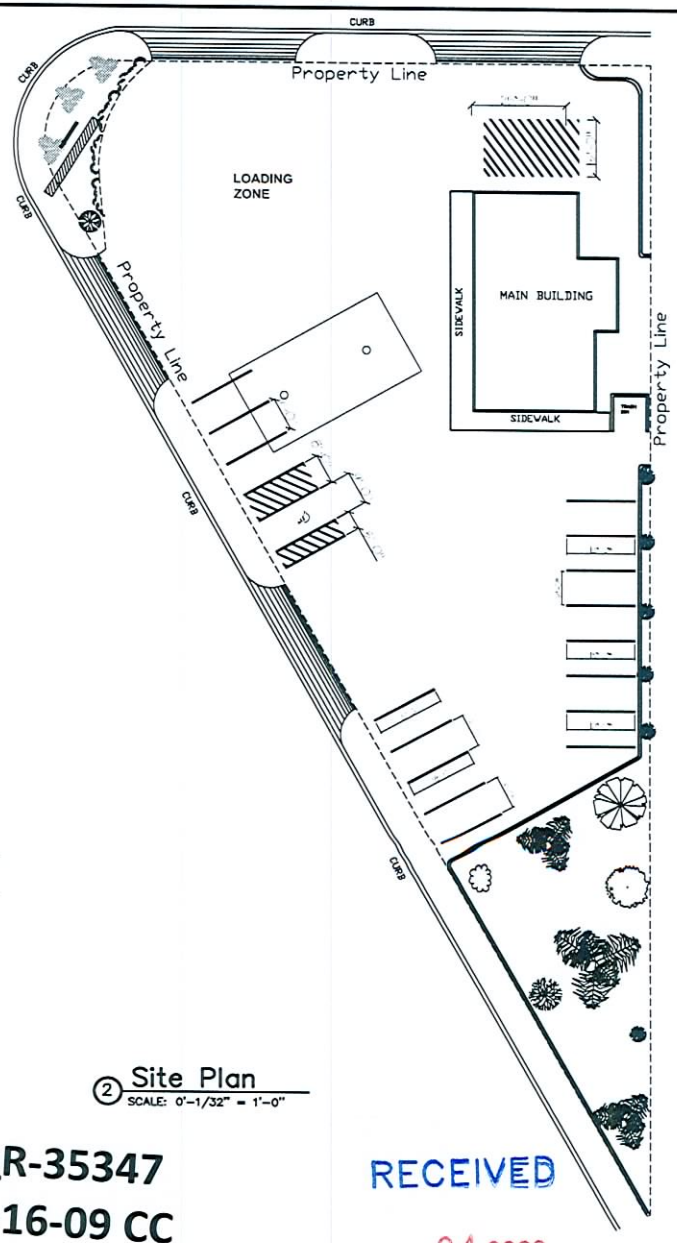
OWNER:
MARIO PENA
1550 N. RANCHO DR.
LAS VEGAS, NEVADA 89106

LEGAL DESCRIPTION:

RECORDED DOCUMENT.....	20070525; 00387
ASSESOR PARCEL No.....	139-29-112-120
ASSESOR DESCRIPTION.....	TWIN LAKES VILLAGE UNIT 5 PLAT BOOK 4 PAGE 61 LOT 1 BLOCK 21 & PT LOTS 19,20
MAP	139291
LOT SIZE (ESTIMATED).....	0.50 ACRES
ORIGINAL CONSTRUC. YEAR....	1964
LAND USE.....	3-58 COMMERCIAL RETAIL STORES AND SHOPPING

1 Site Map
SCALE: N.T.S.





2 Site Plan
SCALE: 0'-1/32" = 1'-0"

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09-16-09 CC

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MAY 24 2009

Rev.	Date	Appr.	Issues & Rev.

Sheet No. A-01

Owner:

Address: 1550 N. RANCHO DR.
LAS VEGAS, NV 89106

Drawing Title: SITE MAP & PLOT PLAN

Drawn: FRANCISCO IBARRA

Tel: (702) 332-3687

Phase: CDS | Date: 05.24.2008

Scale: EACH SHEET

Project: ECONOMY WHEELS & ACCESORIES.

RECEIVED
JUL 24 2009

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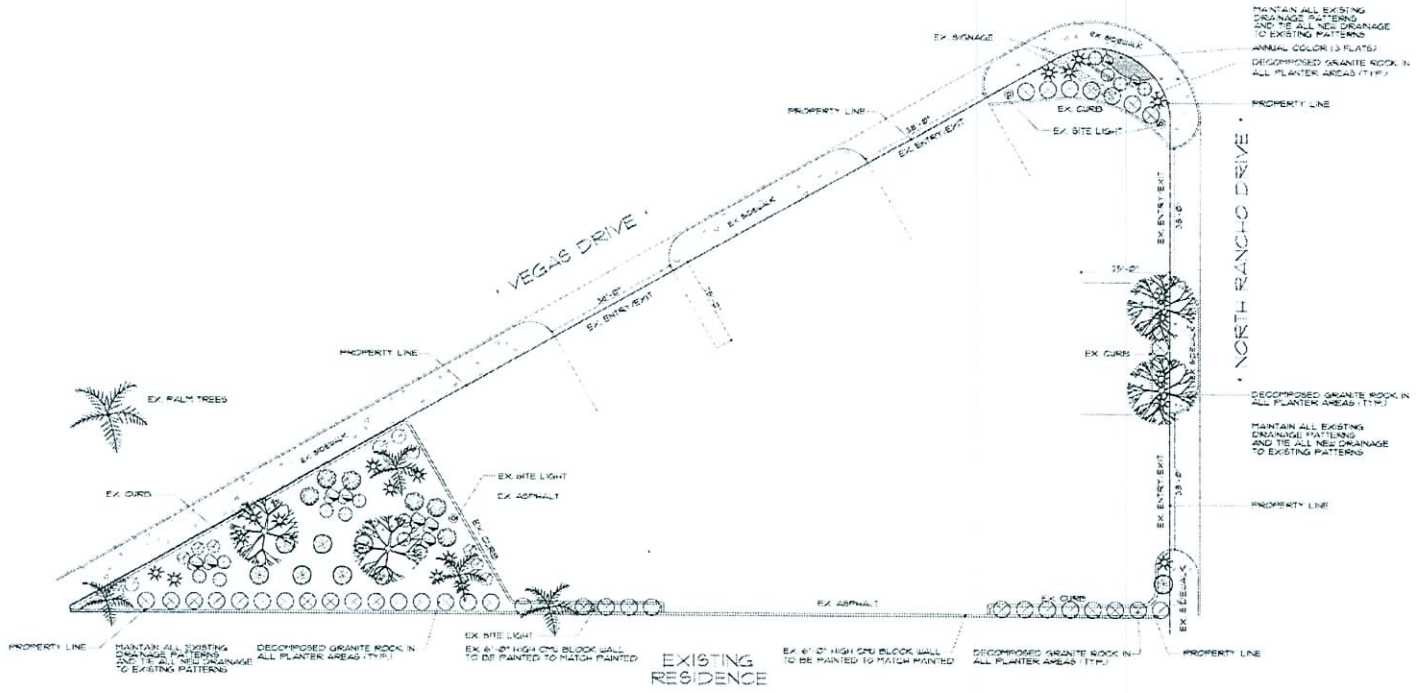
09-16-09 CC

③ Parking Plan
SCALE: 0'-1/32" = 1'-0"

Drawn:	FRANCISCO IBARRA
Tel:	(702) 332-3687
Phase: CDS	Date: 05.24.2008
Scale: EACH SHEET	
Project:	ECONOMY WHEELS & ACCESORIES.
Owner:	
Address:	1550 N. RANCHO DR. LAS VEGAS, NV 89106
Drawing Title:	PARKING
Sheet No.	A-03

Rev.	Date	Appr.	Issues & Rev.



PLANT SCHEDULE

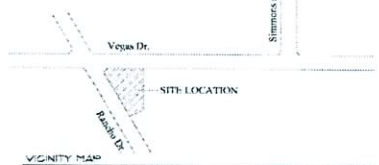
SYM.	QTY.	SIZE	SCIENTIFIC NAME	COMMON NAME
TREES				
	4	24" Box	Prosopis chilensis	Chilean mesquite (Multi-trunk)
SHRUBS				
	5	5 Gal	Cassia artemisioides	Feathery cassia
	20	5 Gal	Dasylirion wheeleri	Desert spoon
	13	5 Gal	Hesperaloe parviflora	Red yucca
	36	5 Gal	Leucophyllum sp.	Green texas rangers (Magenta)

SYM.	QTY.	SIZE	SCIENTIFIC NAME	COMMON NAME
GROUND COVERS				
	6	5 Gal	Lantana sp.	New gold lantana
	5	5 Gal	Lantana sp.	Purple lantana
	8	5 Gal	Rosmarinus officinalis	Trailing rosemary
MATERIALS				
	4370 SF.		DECOMPOSED GRANITE ROCK IN ALL PLANTER AREAS 2" DEPTH TYP. COLOR/SIZE: 3/8" SCREENED MOJAVE GOLD OR EQUAL	
	1 TONS		NEW GRANITE BOULDERS (2'X2'X2', 2'X2'X2') MOJAVE GOLD OR EQUAL	
	3 FLATS		ANNUAL COLOR (FLATS)	
			ALL NEW PLANT MATERIAL PER APPROVED PLANT LIST FROM CITY OF LAS VEGAS	
			CONTRACTOR TO VERIFY ALL PLANT MATERIAL QUANTITIES PRIOR TO INSTALLATION	

SITE CALCULATIONS:

ECONOMY WHEELS & ACCESSORIES
1550 NORTH RANCHO DRIVE
LAS VEGAS, NV 89106

SITE ZONING:	C-1	
TOTAL AREA OF SITE:	27,026 SF.	0.62 ACRES
TOTAL PARKING REQUIRED:	22 SPACES	
TOTAL PARKING PROVIDED:	22 SPACES	
TOTAL PARKING:	22 SPACES	
TOTAL EXISTING BUILDING:	1,880 SF.	0.043 ACRES
TOTAL OF NEW BUILDING:	1,040 SF.	0.024 ACRES
TOTAL OF BUILDING:	2,920 SF.	0.067 ACRES
TOTAL EXISTING LANDSCAPE AREA:	4,370 SF.	0.10 ACRES
NEW 24" BOX TREES:	4	
NEW 5 GALLON SHRUBS:	94	



VICINITY MAP

NOTE:

THIS PLAN IS SCHEMATIC AND NEED TO BE FIELD VERIFIED WITH CONTRACTOR. PRIOR TO INSTALLATION, ALL DISCREPANCIES TO BE NOTED AND REPORTED TO GENERAL CONTRACTOR. OWNER WILL BE GRADED AREAS TO HAVE PROPER DRAINAGE THAT MEETS CODE AS REQUIRED BY LAW.

Call before you Dig. 1-800-227-2600

REVISIONS:

NORTH:

LICENSURE:

PLAN: LANDSCAPE PLAN

ECONOMY WHEELS & ACCESSORIES
1550 N RANCHO DR
LAS VEGAS, NV 89106

S2 DESIGN STUDIO, LLC

REVIEWED BY: HS
DRAWN BY: TS
DATE: 01/28/09
SCALE: 1/16" = 1'-0"
SHEET NUMBER:
L-1.0

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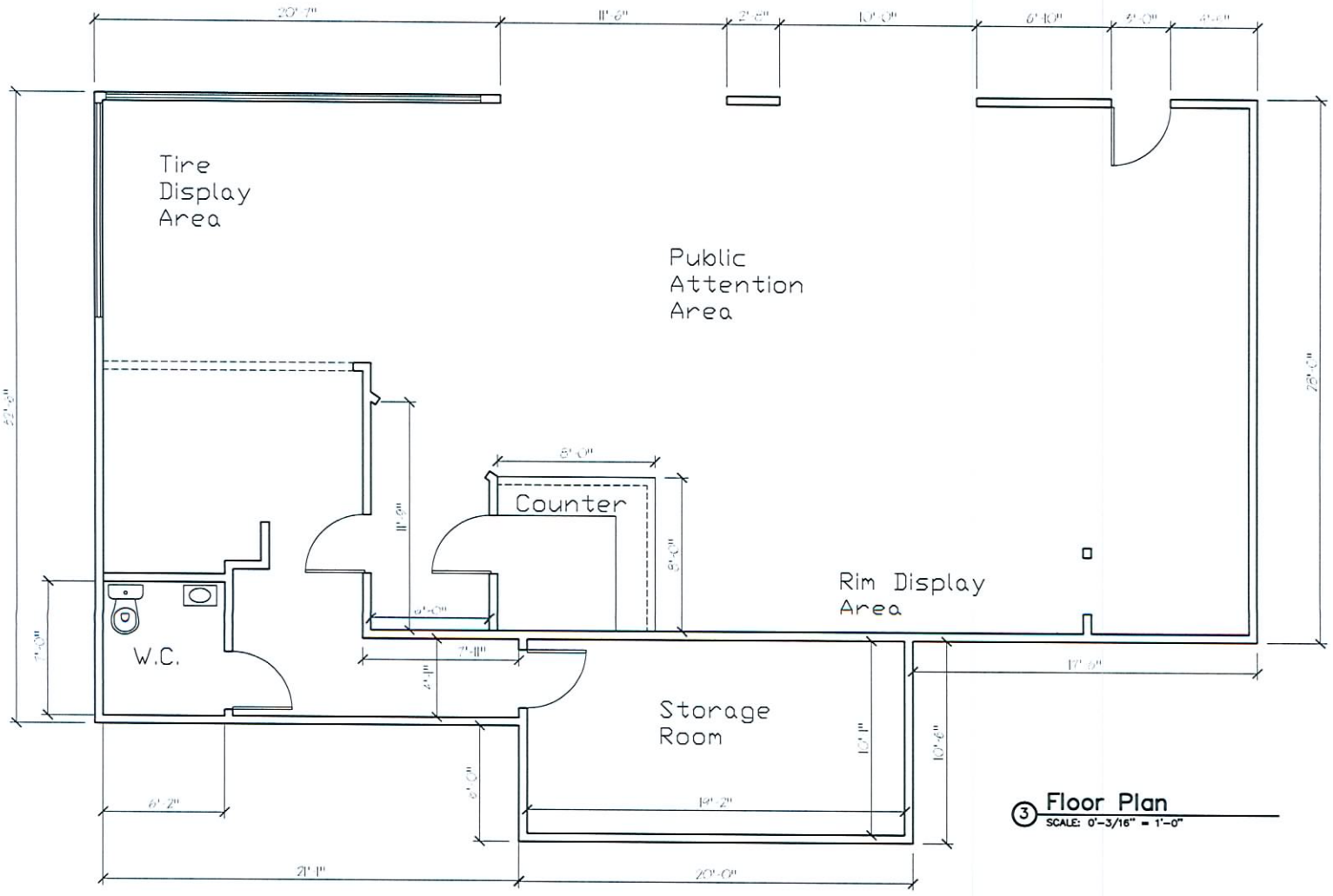

③ Floor Plan
SCALE: 0'-3/16" = 1'-0"

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Drawn: FRANCISCO IBARRA	Owner:	Rev. / Date / Appr. / Issues & Rev.	Sheet No. A-02
Tel: (702) 332-3687	Address: 1550 N. RANCHO DR. LAS VEGAS, NV 89106		
Phase: CDS Date: 05.24.2008	Drawing Title: FLOOR PLAN		
Scale: EACH SHEET			
Project: ECONOMY WHEELS & ACCESORIES.			

④ Elevations
SCALE: 0"-3/32" = 1'-0"

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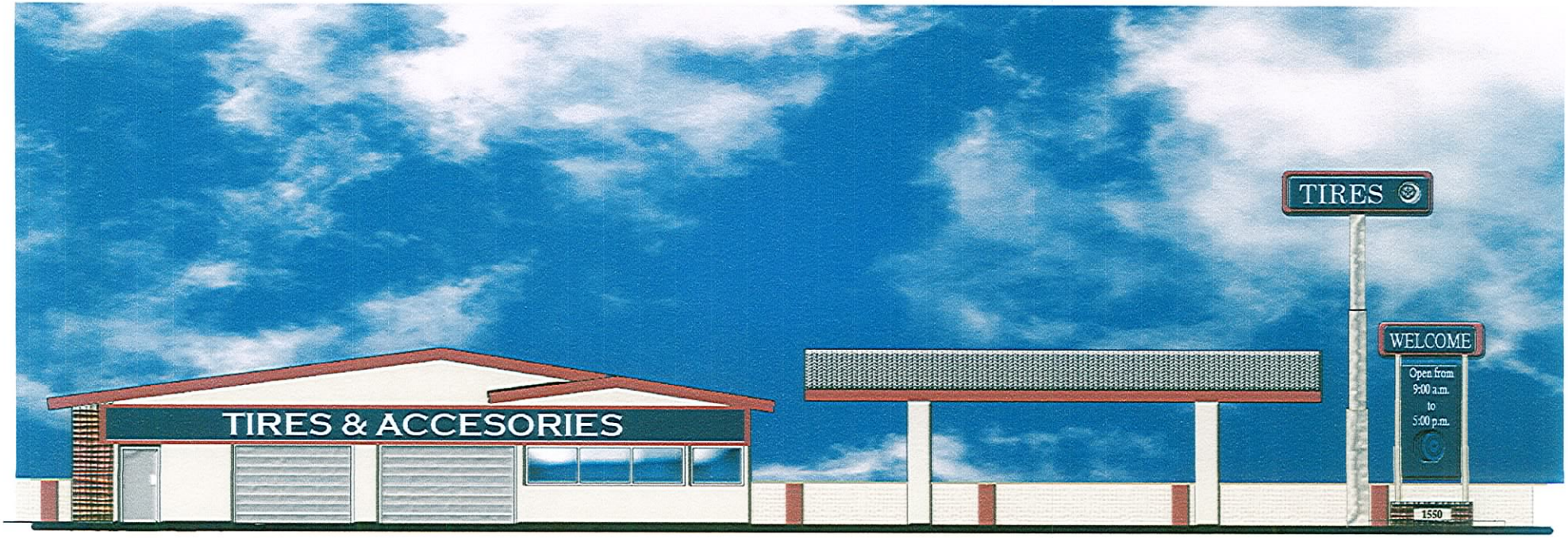
09-16-09 CC

Drawn: FRANCISCO IBARRA	Owner:
Tel: (702) 332-3687	
Phase: CDS / Date: 05.24.2008	Address: 1550 N. RANCHO DR. LAS VEGAS, NV 89106
Scale: EACH SHEET	Drawing Title: ELEVATIONS
Project: ECONOMY WHEELS & ACCESORIES.	Sheet No. A-04

Rev.	Date	Appr.	Issues & Rev.



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JUL 24 2009

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July 24, 2009

Margo Wheeler, Director
Planning and Development Department
City of Las Vegas
731 S. 4th Street
Las Vegas, NV 89131

RE: 1550 N. Rancho Drive Auto Repair Garage, Minor (SUP-31367)
Justification Letter for A Six Month Review of an Special Use Permit & in conjunction with Site Development Plan Review (SDR-33534)

Dear Ms. Wheeler:

On behalf of our client, Noe Zubia & Juan Pena, please accept this letter as justification for a Six Month Review of an SUP (SUP-31367) for an Auto Repair Garage, Minor to permit the sales and installation of tires at 1550 North Rancho Drive on the southeast corner of Rancho and Vegas Drive, APN# 139-29-112-120.

The SUP & SDR include specific conditions and plans for improving the appearance and operation of the site (see attached approval letters & approved plans). Below is a status report on compliance with the Conditions of Approval as summarized below for both items:

SUP-31367

A. Six Month Review – Applied for with the letter
B. Hours of Operation – The tire store is in compliance with this requirement.
C. Conformance to SDR – note: see comments below

1. Conformance to Title 19 including parking requirements – The attached plans were submitted and approved by the City which includes parking locations and sufficiency.
2. Conformance to Title 19.10 parking and on-site loading requirements and standards. A revised site plan indicating full compliance shall be submitted prior to any business license being issued – A plan was submitted and approved by the City April 10, 2009 (see attached approved plans). A conditional business license was reinstated on July 17, 2009.
3. No temporary signs such as banners, pennants, inflatable objects, streamers, flags, outdoor display of products or merchandise or other attention gaining items or devices shall displayed upon the subject property without the appropriate permits. Vehicles shall not be sold or displayed at this location. – No vehicles are being sold or displayed at this location and no such signage violations are occurring.
4. This approval is for one year unless a business license has been issued. – A business license has been issued.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein. – The site plans and elevations were approved by the City prior to reinstatement of the business license.

RQR-35347
09-16-09 CC

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GCGARCIA
A Planning & Development Services Corporation
1711 Whitney Mesa Drive, Suite 110, Henderson, Nevada 89014-2158
Telephone: 702 435 9909 Facsimile: 702 435 0457 E-Mail: ggarcia@gcgarciainc.com

While it is unusual for a site plan to accompany a Special Use Permit that does not materially change an existing building, one was requested due, in part of the history of this property and the fact it lies on a major intersection in the City. The purpose of the plan included the following:

1) Depict the appearance of the building and property subject to repainting the building, perimeter walls, canopy and installation of landscaping and signage as shown on the attached drawings;

2) Provide assurance that the business will be operated in a manner that advances the health, safety and welfare of the public

3) Establish a process of inspection and required reviews to ensure that development of the property takes place in an orderly manner in conformance with the City codes and conditions of approval.

Administrative Site Development Plan Review (SDR-33434) Conditions of Approval

1.) Conformance to conditions for SUP-31367
- ***See above noted SUP status***
-

2.) This approval is for one year unless a business license has been issued.
– A business license was reinstated and issued License#: A39-00475-2-143305 on 7/17/09

3.) All development shall be in conformance with the site plan, dated stamped 03/27/09, and the landscape plan, and building elevations, date stamped 02/19/09, except as amended by condition herein.
- ***Staff will review the work and report. A list of the plants and materials installed is attached along with some photos of the landscaping. The building and wall have been painted to match the approved elevations see attached photo.***
-

4.) The existing trash enclosure shall be brought up to current Title 19 standards to include a gate and roof or trellis.
- ***The work has been authorized and will be completed before the hearing date.***
-

5.) Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting shall be shielded and downward-directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
- ***This work has been authorized to evaluate and adjust the lighting as needed and any such work will be completed before the hearing date.***

6.) All City Code requirements and design of all City Departments must be satisfied.
- ***To the best of our knowledge all requirements are being met. One know incident of the licensed kiosk vendor staying open beyond the allowed time did occur on the 4th of July. When the information came to our attention, the vendor was issued a warning letter by the owner that one such additional occurrence would result in cancellation of her lease.***

RQR-35347
09-16-09 CC

The improvements made in conformance to the approved site plan and elevations are a tremendous improvement to the property. Additionally, along with the reinvestment into the community the jobs and taxes will help contribute to the economic vitality of the area.

In summary, we believe that the review will find a substantial change for the better has occurred and will carry over for years to come in making the site is development will result in an interesting, attractive business that will be a marked improvement over the existing building. We respectfully request your favorable consideration. Please do not hesitate to contact us if you have any questions or need additional information.

Sincerely,

George Garcia, President
GCG:ac

RQR-35347
09-16-09 CC

July 24, 2009

To whom it may concern;

This a list of materials we used for 1550 N. Rancho Dr. for landscaping.

25	Tons of	¼ Decorative rock.
4	24" Box	chilean mesquite
8	5 gal	feathery cassia
20	5 gal	Desert spoon
13	Red	yucca (5 gal)
36	5 gal	Green Texas rangers
6	5 gal	New gold lantana
5	5 gal	purple lantana
6	5 gal	Trailing rosemary

550 feet of ½ watering hose

RQR-35347
09-16-09 CC

RECEIVED
JUL 24 2009

Jose V. Peña

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW
DAVID W. STEINMAN
(INTERIM)

ELIZABETH N. FRETWELL
CITY MANAGER

April 3, 2009

Mr. Mario Pena Pena
441 Mountain Villa Drive
Las Vegas, Nevada 89110

RE: SUP-31367 - SPECIAL USE PERMIT
CITY COUNCIL MEETING OF MARCH 4, 2009

Dear Pena:

The City Council at a regular meeting held March 4, 2009 considered the Appeal from the denial by the Planning Commission of a request for a Special Use Permit FOR AUTO REPAIR GARAGE, MINOR, WITH SERVICE BAY DOORS FACING THE RIGHT-OF-WAY at 1550 North Rancho Drive (APN 139-29-112-120), C-1 (Limited Commercial) Zone.

The City Council granted the Appeal; thereby, APPROVING the Special Use Permit. The Notice of Final Action was filed with the Las Vegas City Clerk on March 5, 2009. This approval is subject to:

Added Conditions:

A. This Special Use Permit (SUP-31367) shall be reviewed in six months to ascertain compliance with these conditions or to impose additional conditions to ameliorate any undesirable aspects of the use. The applicant shall be responsible for notification costs of the review.

B. The hours of operation for all business activity on site shall be limited to 8:00 a.m. to 8:00 p.m.

C. Conformance to Site Development Plan Review (SDR-33534) shall be required.

Planning and Development

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for Auto Repair Garage, Minor use, including parking requirements.

2. Conformance to all Title 19.10 parking and on-site loading requirements and standards. A revised site plan indicating full compliance shall be submitted to the Department of Planning and Development prior to issuance of any business license for the subject site.

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JUL 24 2009

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

RQR-35347
09-16-09 CC

Printed with environmentally friendly soy ink.

3. No temporary signs such as banners, pennants, inflatable objects, streamers, flags, outdoor display of products or merchandise or other similar attention gaining items or devices shall be displayed upon the subject property without the appropriate permits. Vehicles shall not be sold or displayed at this location.

4. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Sincerely,

Doreen L. Araujo
Deputy City Clerk II for
Beverly K. Bridges, CMC, City Clerk

M. Margo Wheeler, AICP
Director
Planning and Development Department

cc: Mr. Noe Zubia
3641 Madrid Street
Las Vegas, Nevada 89121

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RQR-35347
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LAS VEGAS CITY COUNCIL

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(INTERIM)

ELIZABETH N. FRETWELL
CITY MANAGER

April 10, 2009

Mr. Mario Pena Pena
441 Mountain Villa Drive
Las Vegas, Nevada 89110

RE: SDR-33534 - ADMINISTRATIVE SITE DEVELOPMENT PLAN REVIEW

Dear Mr. Pena Pena:

Your request for a Minor Site Development Plan Review FOR EXTERIOR IMPROVEMENTS TO AN EXISTING BUILDING AND LANDSCAPE AREA FOR AN AUTO REPAIR GARAGE, MINOR (SALE AND INSTALLATION OF TIRES) at 1550 North Rancho Drive (APN 139-29-112-120), C-1 (Limited Commercial) Zone, Ward 5 (Barlow), was considered administratively by the Planning and Development Department staff.

The Planning and Development Department staff has administratively APPROVED your request subject to the following:

1. Conformance to the conditions for Special Use Permit (SUP-31367).

2. This approval shall be void one year from the date of final approval, unless a final inspection of the site is approved by the Planning and Development Department. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. All development shall be in conformance with the site plan, date stamped 03/27/09, and the landscape plan, and building elevations, date stamped 02/19/09, except as amended by conditions herein.

4. The existing trash enclosure shall be brought up to the current Title 19.08 standards, to include a gate and roof or trellis structure.

5. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

6. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
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www.lasvegasnevada.gov

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Printed with environmentally friendly soy ink.

This action by the Planning and Development Department staff is final.

Sincerely,

Peter Lowenstein, AICP
Planning Supervisor
Case Planning Division

PL:nl

cc: Mr. Dave Clapsaddle
G.C. Garcia, Inc.
1711 Whitney Mesa Drive, Ste.110

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City of Las Vegas Agenda Item No.: **85.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

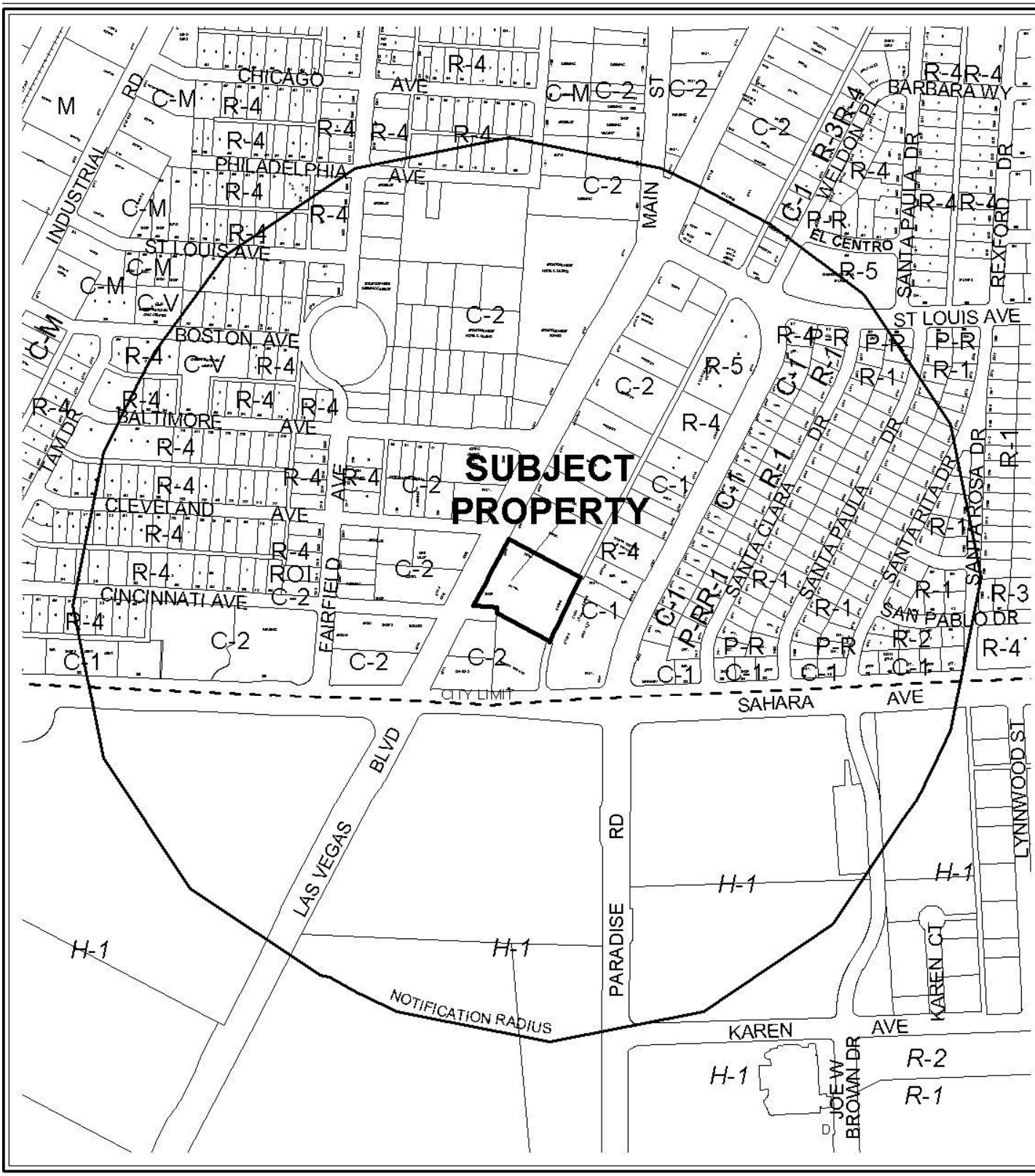
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-34859 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: FUN CITY MOTEL - OWNER: CHETAK DEVELOPMENT CORPORATION - Request for a Special Use Permit FOR A PROPOSED TAVERN WITH A WAIVER TO ALLOW A DISTANCE SEPARATION OF 20 FEET WHERE 1,500 FEET IS REQUIRED FROM A SIMILAR USE at 2233 Las Vegas Boulevard (APN 162-03-410-007), C-2 (General Commercial) Zone, Ward 3 (Reese). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**5**	**Planning Commission Mtg.**	**3**
City Council Meeting	**0**	**City Council Meeting**	**1**

RECOMMENDATION:
The Planning Commission (6-0-1 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Parking Analysis
7. Dust Permit
8. Support Postcard
9. Backup referenced from the August 13, 2009 Planning Commission Meeting Item 17



0 400 800 Feet

CASE: **SUP-34859**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

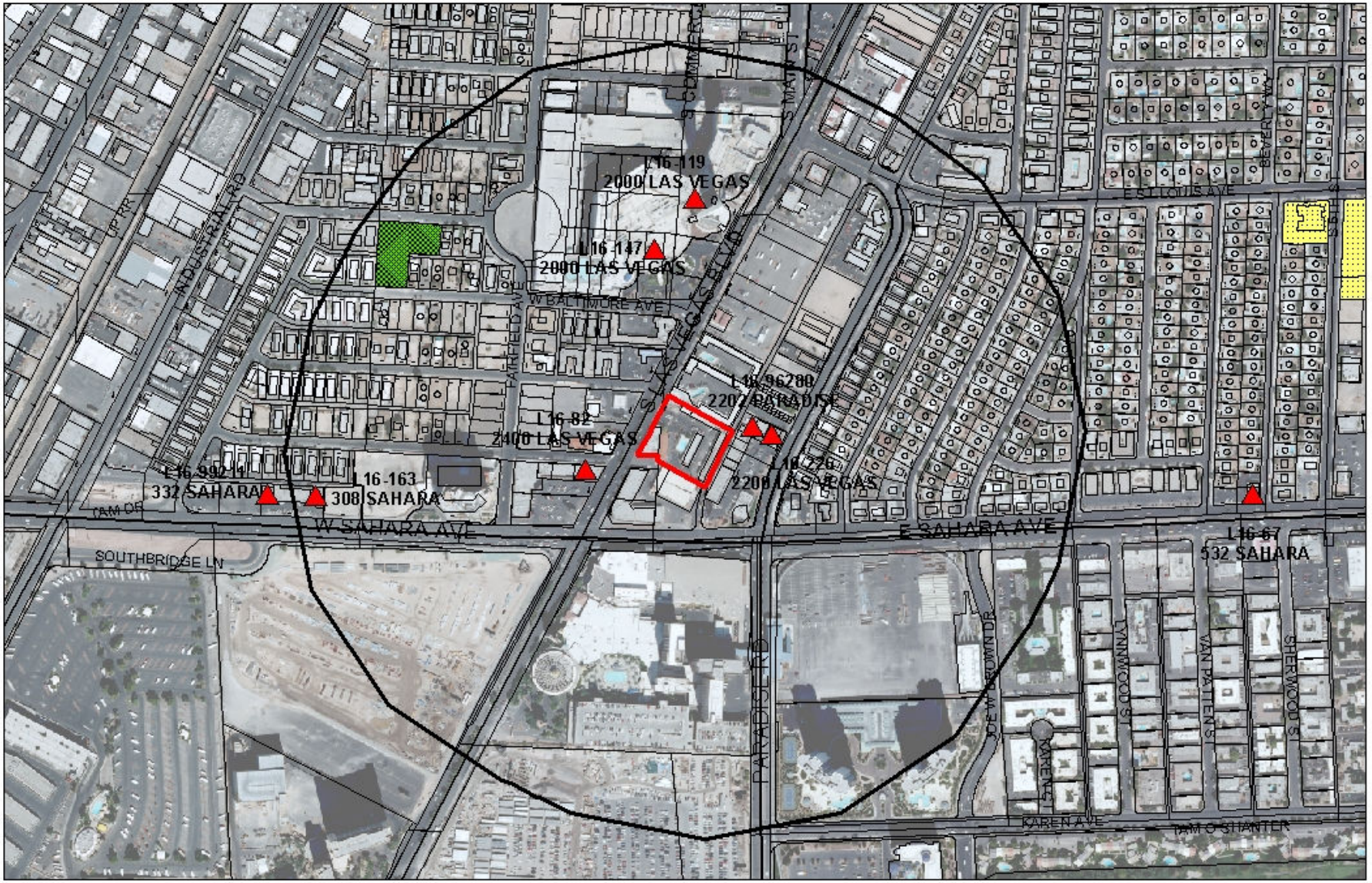
N



CASE: **SUP-34859**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)



SUP-34859

Business Licenses

Child Care/ Children Facility

Tavern

RELIGIOUS

CITY PARKS

SCHOOLS

Subject Property

1500 foot buffer

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-34859 - APPLICANT: FUN CITY MOTEL - OWNER: CHETAK DEVELOPMENT CORPORATION

** CONDITIONS **

The Planning Commission (6-0-1/rt vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. The applicant shall work with the Department of Building and Safety to comply with all requirements of the Building Code, including, but not limited to, the provision of exiting and restrooms as required, prior to the issuance of a Certificate of Occupancy for the site.

2. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Liquor Establishment (Tavern) use.

3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed Liquor Establishment (Tavern) with a waiver of the distance separation of 1500 feet and a waiver of the parking requirements for the subject property located at 2233 South Las Vegas Boulevard. The applicant is proposing to operate a facility for the sale of alcoholic beverages for consumption on the premise. Currently, the site consists of a wedding chapel, commercial retail development area, and where the proposed use it to be located is an existing 825 square feet motel office space that is within an existing motel. If denied, the proposed use will have to be relocated to a more suitable location with ample parking. Staff is recommending approval of the request as it is a permitted use within the C-2 (General Commercial) zoning district and can be conducted in a manner that is compatible with surrounding land uses.

Issues

- The floor plan for the proposed uses shows one restroom – it not clear whether the restroom is to service the staff or the customers. The plan also shows an inadequate access route for getting to the restroom.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
07/16/02	A deed was recorded for change of ownership.
12/04/02	The City Council approved request for a Vacation (VAC-0070-02) to vacate a public alley generally located north of Sahara Avenue. The Planning Commission recommended approval.
11/03/05	The Planning Commission pulled from the agenda a request for a Special Use Permit (SUP-9200) for a tavern and a Waiver of the minimum distance separation requirement from a similar use at 2233 South Las Vegas Boulevard.
01/09/08	The City Council approved request for a Special Use Permit (SUP-25068) for a proposed packaged liquor off-sale establishment at 2301 South Las Vegas Boulevard. The Planning Commission recommended approval.
01/07/09	The City Council approved a request for an Extension of Time (EOT-31998) of an approved Special Use Permit (SUP-25068) for a proposed packaged liquor off-sale establishment at 2301 South Las Vegas Boulevard.
04/09/09	The Planning Commission denied a request for a Minor Site Development Plan Review (SDR-33476) for the installation of a wireless communication facility, stealth design consisting of three antennas to an existing sign on top of the roof of an existing building located at 2233 S. Las Vegas Boulevard

07/01/09	The City Council request for a Special Use Permit (SUP-34158) for a proposed wireless communication facility, stealth design within an existing 61-foot sign at 2233 South Las Vegas Boulevard. The Planning Commission recommended approval.
08/13/09	The Planning Commission voted 6-0-1/rt to recommend APPROVAL (PC Agenda Item #17/ao).
Related Building Permits/Business Licenses	
11/28/89	A building permit (#89047964) was issued for the retrofit of rooms at 2233 South Las Vegas Boulevard. The permit was completed on 05/25/90.
01/02/90	A building permit (#90051709) was issued for remodeling at 2233 South Las Vegas Boulevard. The permit was completed on 02/28/90.
04/02/90	A building permit (#90063103) was issued for the retrofit of rooms at 2233 South Las Vegas Boulevard. The permit was completed on 05/25/90.
03/13/92	A building permit (#92139235) was issued for the exterior remodeling at 2233 South Las Vegas Boulevard. The permit was completed on 02/18/93.
02/04/93	A business license (#W01-00022) was issued for a wedding chapel at 2233 South Las Vegas Boulevard. This license is still active.
05/04/93	A business license (#M06-00267) was issued for miscellaneous sales at 2233 South Las Vegas Boulevard. This license is still active.
10/09/00	A business license (#W01-00040) was issued for a wedding chapel at 2233 South Las Vegas Boulevard. This license is still active.
01/05/01	A business license (#C05-01887) for a tobacco dealer at 2307 South Las Vegas Boulevard. This license is still active.
03/30/04	A business license (#M08-00034) for a motel at 2233 South Las Vegas Boulevard. This license is still active.
06/06/07	A business license (#M06-99690) for miscellaneous sales at 2301 South Las Vegas Boulevard. This license is still active.
12/06/05	A business license (#C07-03460) for a Clothing Store at 2303 South Las Vegas Boulevard. The license was marked out of business on 01/15/09.
08/16/07	A business license (#R11-92103) for Reflexology Practitioner at 2301 South Las Vegas Boulevard. The license was marked out of business on 12/13/08.
12/08/08	Business licenses (#L15-95907, C05-96244, M06-95920, W10-95917 and C23-95916) were submitted to the business license department for package liquor, tobacco dealer, miscellaneous sales, wire service and check cashing service limited at 2301 South Las Vegas Boulevard.
01/15/09	A business license (#C07-03460) expired for a clothing store at 2303 South Las Vegas Boulevard.
02/09/09	A business license (#S15-00065) was issued for a smoke shop at 2307 South Las Vegas Boulevard.
05/22/09	A business license (#B08-00847) for beauty and cosmetic sales at 2305 Las Vegas Boulevard. The license was marked out of business on 10/12/06.
06/30/09	A business license (#E02-00878) was issued for Equipment Rental & Leasing at 2305 South Las Vegas Boulevard.

Pre-Application Meeting	
No pre-application for this was done.	
Neighborhood Meeting	
A neighborhood meeting was not required, nor was one conducted.	
Field Check	
07/09/09	During a routine site inspection staff observed: • The existing two story motel building within which is the proposed 825 square feet tavern space is currently used as the motel office and is in generally good condition. • The subject site has limited parking. • There are a few other taverns within walking distance of the proposed Liquor Establishment (Tavern). • The streetscape does not conform to the standards of the Las Vegas Boulevard downtown district design standards.

Details of Application Request	
Site Area	
Gross Acres	1.89 acres

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Motel	C (Commercial)	C-2 (General Commercial)
North	Motel/Retail Establishment	C (Commercial)	C-2 (General Commercial)
South	Office Building / Parking Garage	C (Commercial)	C-2 (General Commercial)
East	Commercial Retail Establishment	C (Commercial)	C-1 (Limited Commercial)
West	Motel/Convenience Store	C (Commercial)	C-2 (General Commercial)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan	X		Y
Downtown Centennial Plan	X		Y
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts	X		Y
Las Vegas Redevelopment Plan	X		Y
G-O Gaming Enterprise Overlay District	X		Y
A-O Airport Overlay District	X		Y
Beverly Green Southridge Neighborhood Plan	X		Y
Las Vegas Boulevard Scenic Byway Overlay District	X		Y

Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	Y
Project of Regional Significance	X		Y

DEVELOPMENT STANDARDS

Taverns Within a 1,500-Foot Radius				
Location	**License Number**	**Still Active?**	**Current Use**	**Separation Distance**
332 W. Sahara Avenue	L16-00125	No (as of 03/16/09)	Pounder's Sports Lounge (Closed)	1,336 Feet
	L16-99211	Under Review (submitted 05/20/09)	Red Label Bar and Lounge (would replace Pounder's)	1,336 Feet
308 W. Sahara Avenue	L16-00163	Yes	Golden Steer Steak House	1,336 Feet
2202 Paradise Road	L16-00256	No (as of 09/17/08)	Willy's (Closed)	310 Feet
	L16-96280	Under Review (Submitted 01/05/09)	Doc's Place (would replace Willy's)	310 Feet
2000 S. Las Vegas Boulevard	L16-00147	Yes	Stratosphere Tower Casino and Hotel	420 Feet
2000 S. Las Vegas Boulevard	L16-00167	No (as of 12/01/08)	Polly Esther's (Closed)	420 Feet
2200 S. Las Vegas Boulevard	L16-00226	Yes	Aztec Gold Inn and Casino	205 Feet
2400 S. Las Vegas Boulevard	L16-00082	Yes	Bonanza Mall Liquor	190 Feet

Parking Requirement - Downtown							
	Gross Floor Area or Number of Units	***Base Parking Requirement***			***Provided***		***Compliance***
			Parking		*Parking*		
Use		***Parking Ratio***	Regular	Handi-capped	Regular	Handi-capped	
Motel		1: per room	87				Y*
Tavern	825 S F	1:50 1:200	13				
Wedding Chapel	800 S F	1:150	6				

Parking Requirement - Downtown							
	Gross Floor Area or Number of Units	***Base Parking Requirement***			***Provided***		***Compliance***
			Parking		*Parking*		
Use		***Parking Ratio***	Regular	Handi-capped	Regular	Handi-capped	
Tattoo Parlor	2,500 S F	1:250	10				
Super Liquor	2,000 S F	1:175	11				
Paradise Rentals	1,280 S F	1:250	5				
International Boutique	500 S F	1:175	3				
SubTotal	7,905 S F		130	5	87	5	
TOTAL (including handicap)	7,905 S F		135		92		

***** The parking requirements for the subject site were previously adequate at the time of completion, however, based on current Title 19 on-site parking requirements for the various uses, the subject site does not have ample parking; and is therefore parking impaired.

Waivers		
Requirement	**Request**	**Staff Recommendation**
No liquor establishment (tavern) may be located within fifteen hundred feet of any other liquor establishment (tavern), church, synagogue, school, child care facility licensed for more than twelve children, or City park.	A waiver of the distance separation of 1500-foot for the subject property located at 2233 South Las Vegas Boulevard.	Staff recommends approval, however, proposed use must meet the following conditional requirements of 19.04.050.
One space for each 50 square feet of public seating and waiting area (including areas for seating and waiting), plus one space for each 200 square feet of the total remaining gross floor area, with a minimum of ten spaces required.	A waiver of the parking requirements for the subject property located at 2233 South Las Vegas Boulevard	Staff recommends approval, however, proposed use must provide ample parking analysis to show that the use will not further impair the already congested site.

ANALYSIS

This is a request for a Special Use Permit for a for a proposed Liquor Establishment (Tavern) with a waiver of the distance separation of 1500 feet and a waiver of parking requirements to be located at 2233 South Las Vegas Boulevard. Title 19.20.020 defines a Liquor Establishment (Tavern) as a facility which sells alcoholic beverages for consumption on the premises where the same are sold and authorizes the sale, to consumers only and not for resale, of alcoholic beverages in original sealed or corked containers, for consumption off the premises where the same are sold. The proposed Tavern hours of operation will 24 hours.

Listed are the applicable conditions as listed in Title 19.04.050 for a Liquor establishment (Tavern):

(1) Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring both a minimum separation between liquor establishments (tavern), and a minimum separation between a liquor establishment (tavern) and certain other uses that should be protected from the impacts associated with a liquor establishment (tavern). Therefore, except as otherwise provided below, no liquor establishment (tavern) may be located within fifteen hundred feet of any other liquor establishment (tavern), church, synagogue, school, child care facility licensed for more than twelve children, or City park.

(2) The distance separation referred to in Paragraph (1) shall be measured with reference to the shortest distance between two property lines, one being the property line of the proposed liquor establishment (tavern) which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed liquor establishment (tavern). The distance shall be measured in a straight line without regard to intervening obstacles.

(3) For the purpose of Paragraph (2), and for that purpose only:

(a) The "property line" of a protected use refers to the property line of a fee interest parcel that has been created by an approved and recorded parcel map or subdivision map, and does not include the property line of a leasehold parcel; and

(b) The "property line" of a liquor establishment (tavern) refers to:

(i) The property line of a parcel that has been created by an approved and recorded parcel map or commercial subdivision map; or

(ii) The property line of a parcel that is located within an approved and recorded commercial subdivision and that been created by a recorded of survey or legal description, if:

(4) The distance separation requirement set forth in Paragraph (1) does not apply to an establishment which has a non-restricted gaming license in connection with a hotel having two hundred or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of two hundred guest rooms after July 1, 1992.

(5) The distance separation requirement set forth in Paragraph (1) may be waived in accordance with the provisions of Subsection 19.04.050(A)(4), but only in connection with a proposed liquor establishment (Tavern) that:

(a) Will be located on a parcel within the C-V District, the Parkway Center District within the Downtown Centennial Plan, the Gaming Enterprise Overlay District or the Downtown Casino Overlay District;
(b) Will be located on a parcel or within a building that, pursuant to State law or City ordinance, has been designated as historic property, historic building, or landmark; or
(c) Will be separated from the existing use by a street or highway with a minimum right-of-way width of one hundred feet.

(6) The use shall conform to the provisions of LVMC Chapter 6.50.

This is request for a Special Use Permit for a Liquor Establishment (Tavern) is an appropriate use for the location, as it is within the Downtown Centennial Plan area where a mixture of uses is encouraged to promote cultural, entertainment, culinary and other opportunities for both tourists and residents alike. A Waiver of the required distance separation from similar uses is required, and may be permitted pursuant to Bill 2009-18, which was adopted on the 06/03/09 City Council agenda. This bill allows for a Waiver of the required distance separation for those properties located with the G-O (Gaming Enterprise Overlay) District, and would apply to the subject site. The site surrounding the proposed Tavern consists of six Liquor Establishments, most within a minimum distance of 450-foot (walk-in) distance.
The floor plan for the proposed uses shows one restroom – it not clear whether the restroom is to service the staff or the customers. There plan also show inadequate access route for getting to the restroom. This issue has being referred to Code Enforcement. Staff recommends approval because area is can be conducted in a manner that is compatible with the existing surrounding land uses, and with future land uses.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

   The proposed land use can be conducted in a manner that is compatible with the existing surrounding land uses, and with future land uses.

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

   Yes, the subject site is physically suitable for the type and intensity of land use proposed.

3. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use."**

   Adequate access to the site is provided by existing driveways from Las Vegas Boulevard. Both Sahara Avenue and Las Vegas Boulevard are designated as 100-foot Primary Arterials. Site access and circulation will negatively impact adjacent roadways or neighborhood traffic.

4. **"Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan."**

   The proposed development is subject to permit review and inspection; therefore, appropriate measures will be taken to protect the health, safety and general welfare. It will not be inconsistent with the overall objectives of the General Plan.

5. **The use meets all of the applicable conditions per Title 19.04.**

   The use meets all applicable conditions per Title 19.04.

PLANNING COMMISSION ACTION

There was one additional approval to this project at the Planning Commission Meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 761 by City Clerk

APPROVALS 2

PROTESTS 4

PLANNING & DEVELOPMENT

CITY OF LAS VEGAS

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-34859 APN: 162-03-410-007

Name of Property Owner: Chetak Development Corp.

Name of Applicant: Fun City Motel

Name of Representative: Justin Michaels, Cornerstone Company

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

X Yes _____ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: Richard W. Truesdell, Planning Commissioner

Partner(s): Will Kemp _____

APN: same as above

Signature of Property Owner: Will Kemp, Pres Chetak

Print Name: Will Kemp, Pres. Chetak Devel., Managing Partner

Subscribed and sworn before me

This 9 day of June, 2009

Notary Public in and for said County and State

MONICA JACOBS
Notary Public State of Nevada
No. 08-6784-1
My appt. exp. Aug 25, 2011

Revised 11-14-06

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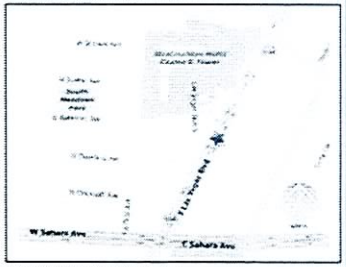
1 AS1.01 **ENLARGED SITE PLAN** SCALE: 1:250

VICINITY MAP



LOCATION MAP



KEYNOTES

1. PROPERTY LINE
2. 15'-0" LONG x 2'-6" WIDE x 30'-0" HIGH FREE STANDING SIGNAGE

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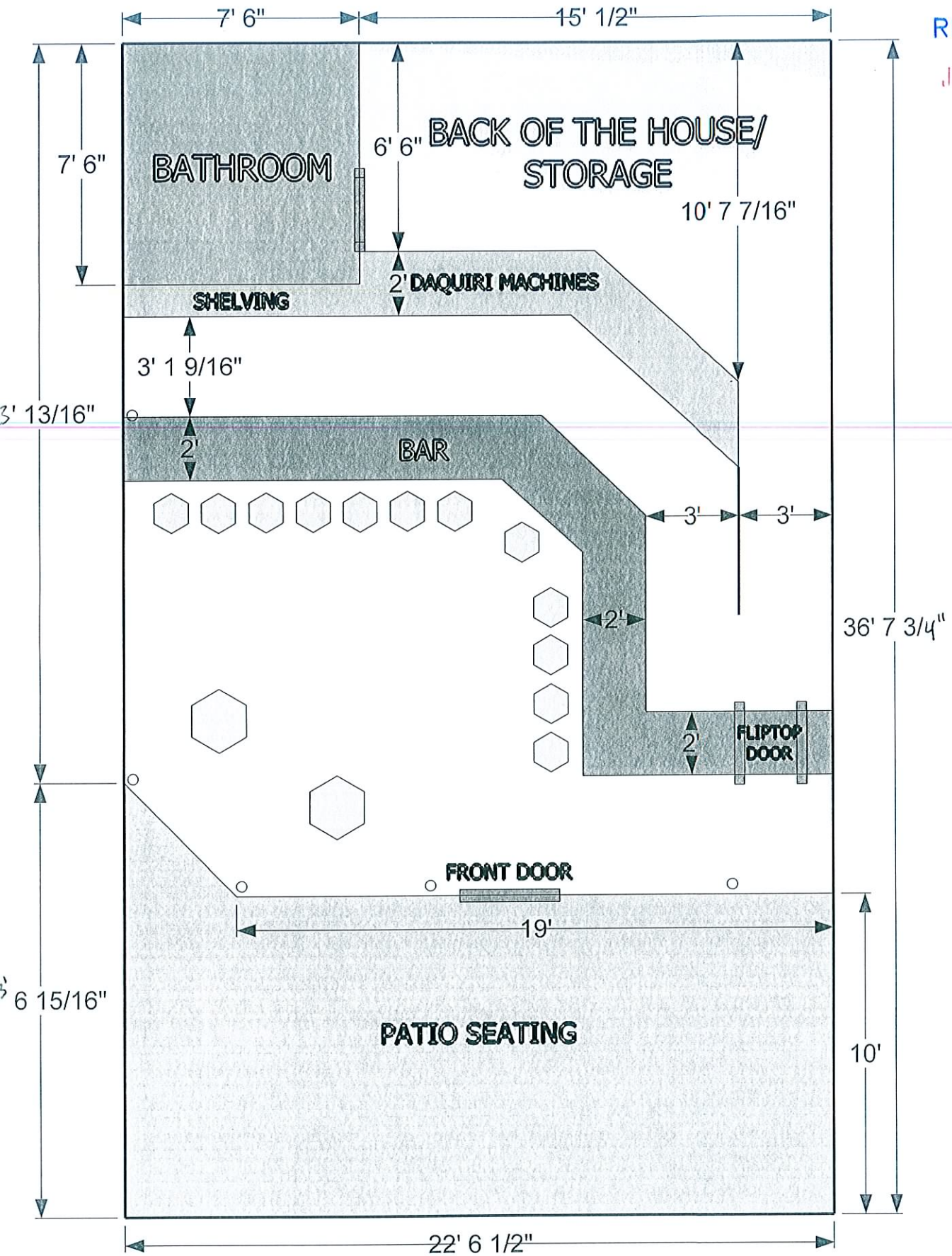

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Fun City Tavern
2233 S. Las Vegas Blvd.

SUP-34859
REVISED
08/13/09 PC



SUP-34859 - APPLICANT: FUN CITY MOTEL - OWNER: CHETAK DEVELOPMENT CORPORATION
2233 LAS VEGAS BOULEVARD
AUGUST 13, 2009 PLANNING COMMISSION

07/09/09



SUP-34859 - APPLICANT: FUN CITY MOTEL - OWNER: CHETAK DEVELOPMENT CORPORATION
2233 LAS VEGAS BOULEVARD
AUGUST 13, 2009 PLANNING COMMISSION

07/09/09



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2233 LAS VEGAS BOULEVARD
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07/09/09



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07/09/09



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2233 LAS VEGAS BOULEVARD
AUGUST 13, 2009 PLANNING COMMISSION

07/09/09



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2233 LAS VEGAS BOULEVARD
AUGUST 13, 2009 PLANNING COMMISSION

07/09/09



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07/09/09



SUP-34859 - APPLICANT: FUN CITY MOTEL - OWNER: CHETAK DEVELOPMENT CORPORATION
2233 LAS VEGAS BOULEVARD
AUGUST 13, 2009 PLANNING COMMISSION

07/09/09

Cornerstone Company

Commercial Real Estate Services

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JUL 10 2009

July 9, 2009

Mr. Douglas Rankin
City of Las Vegas
Planning Department
731 S. 4th Street
Las Vegas, NV 89101

RE: Proposed Tavern
Waiver of Separation and Waiver of Parking Requirements
NEC Las Vegas Boulevard and Cincinnati (APN: 162-03-410-007)

Dear Mr. Rankin,

Cornerstone Company represents the current owner of the above referenced property. On behalf of the owner, I request that the above referenced use and waivers be allowed based on the following reasons:

1. This property is located in the tourist corridor and the proposed use is consistent with existing tourist and commercial uses in the area.

2. This use will allow the owner of the property to reinvest and improve this space.

3. This use would rely predominately on the pedestrian traffic in the area; as most commonly used by tourists.
4. It is anticipated that this will be a twenty-four (24) hour operation as is common among most businesses along the Strip.

Thank you for your consideration in this matter on behalf of the Owner of the property.

Sincerely,

Justin M. Michaels
Associate

JMM/shs

SUP-34859
REVISED
08/13/09 PC

Phone: (702) 383-3033 • Fax: (702) 383-8576 • 9901 Covington Cross Drive, Suite 170, Las Vegas, NV 89144

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JUL 17 2009

Parking Analysis

The proposed tavern establishment will be located within an existing motel/hotel that was built in the 1950s. The site contains 92 parking spaces for the motel and its retail building. A tavern establishment requires an additional thirteen (13) parking spaces beyond that which is required for the principal use, a motel. Since this tavern's customer base is aimed solely at tourists walking the Strip, the existing 92 parking spaces are sufficient to service the tavern establishment.

SUP-34859
REVISED
08/13/09 PC

Use	Parking Requirement	Sq/ft/Size	# of Spaces Required
Motel	1 space per room	87 rooms	87 spaces/4 HC spaces
Wedding Chapel	1 Space per 150 sq/ft	800 sq/ft	6 spaces/1 HC space
Tavern	1 Space per 50 sq/ft of seating & 1 space per 200 sq/ft of remaining space.	825 sq/ft	13 spaces/0 HC spaces
Tatoo Parlor - Retail Bldg	1 space per 250 sq/ft	2500	10 spaces
Package Liquor Off-Sale Establishment	1 space per 175 sq/ft	2000	11 spaces
Paradise Rentals	1 space per 250 sq/ft	1280	5 spaces
International Boutique	1 space per 175 sq/ft	500	3 spaces
Total Required:	135 spaces/5 HC spaces		
Provided:	92 spaces.		

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JUL 1 / 2009

SUP-34859
REVISED
08/13/09 PC

Cornerstone Company
Commercial Real Estate Services

RECEIVED
JUL 1 , 2009

June 19, 2009

VIA FACSIMILE

Mr. Larry Parks
Clark County Air Quality & Environmental Management
500 S. Grand Central Parkway, 1st Floor
Las Vegas, NV 89155-1776

RE: Dust Permit Number: 37114

Dear Mr. Parks,

Due to a delay with the City of Las Vegas we are requesting a change of dates for our dust permit. The permit is for demolition of the bungalows at 2233 Las Vegas Boulevard South. The current dates on the permit are February 1, 2009 through February 3, 2009. We would like to change the demolition dates to July 21, 2009 through July 23, 2009.

Should you have any additional questions or concerns, please do not hesitate to contact me at 702-383-3033.

Sincerely,

Richard W. Truesdell
President/Broker
Property Manager

RWT/shs

SUP-34859
REVISED
08/13/09 PC

9901 Covington Cross Drive, Suite 170, Las Vegas, NV 89144 Phone: (702) 383-3033 Fax: (702) 383-8576

PAGE 01/01

RECEIVED
CITY CLERK

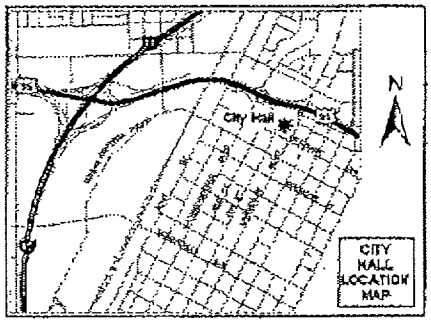
2009 SEP -8 P 12:19

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 SEP 04 2009
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34859
City Council Meeting of 9/16/2009

CRITELLI ANTHONY D & JEANNIE Critelli
200 W SAHARA AVE #1504
LAS VEGAS NV 89102-5058

APN#16204815131

GAV0511 89102

01/02/2007 20:12 7024439707

NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED
FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
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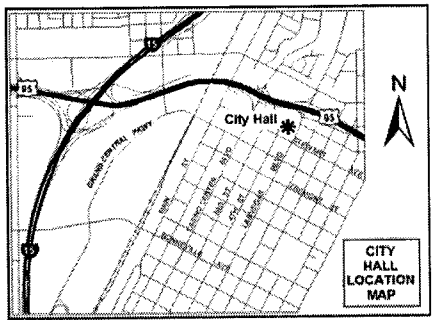
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34859
Planning Commission Meeting of 8/13/2009

RECEIVED
CITY CLERK
2009 AUG -7 A 10:37

Case: SUP-34859

16204815141
SIMON PAMELA & JEFFREY
771 VALLEY RD
GLENCOE IL 60022-1503

ENCLOSED

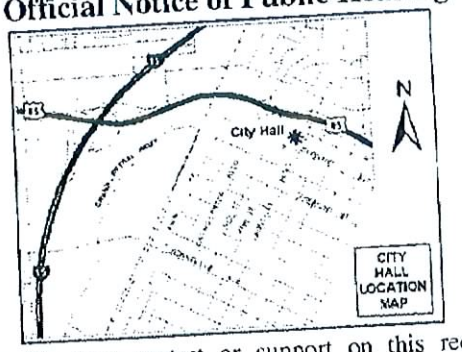
Submitted after final agenda

Date 8/7/09 Item 17

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested

Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34859

Planning Commission Meeting of 8/13/2009

RECEIVED
AUG 03 2009

Case: SUP-34859

16204815051
WARD-WALLACE JOSEPH R
4206 HALLDALE AVE
LOS ANGELES CA 90062-1858

17P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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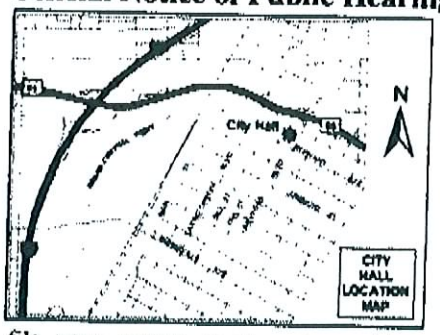
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34859

Planning Commission Meeting of 8/13/2009

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AUG 05 2009

16210114087 Case: SUP-34859
MARKIEWICZ CHESTER LIVING TRUST
4750 N HARLEM AVE
HARWOOD HEIGHTS IL 60706-4607

17P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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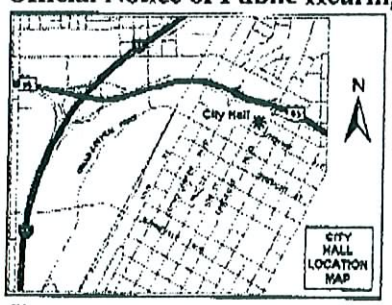
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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SUP-34859

Planning Commission Meeting of 8/13/2009

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AUG 05 2009

16210114305 Case: SUP-34859
DELPRINCIPE ROBERT M
2777 PARADISE ARD #2204
LAS VEGAS NV 89109-0400

17P

08/03/2009 15:38 7022218574 TYRE PAGE 01/01

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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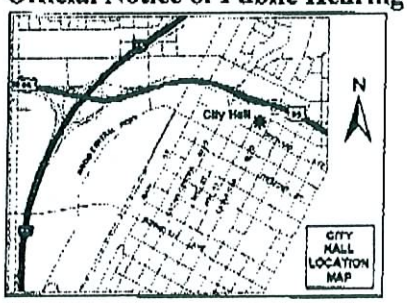

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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SUP-34859

Planning Commission Meeting of 8/13/2009

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AUG 05 2009

Case: SUP-34859
16210114550
TYRE R & C LIVING TRUST
2777 PARADISE RD #3602
LAS VEGAS NV 89109-0403

17P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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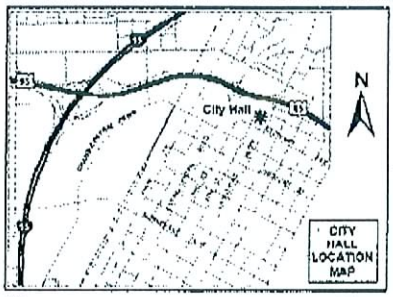

RECEIVED
AUG 03 2009

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

Case: SUP-34859

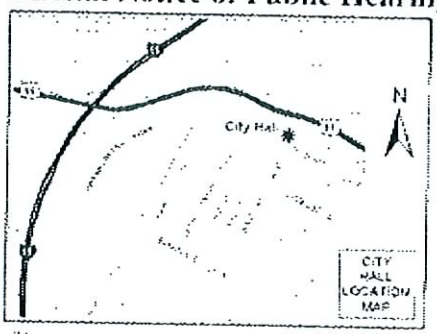
162048113003
PARK CIRCLE APARTMENTS L L C
%R OSTERHOUDT
6337 VISTA VERDE NORTH
LAS VEGAS NV 89146-1109

SUP-34859
Planning Commission Meeting of 8/13/2009

17A

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34859

Planning Commission Meeting of 8/13/2009

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16203416007 Case: SUP-34859
BARTSAS MARY 16 L L C
601 S RANCHO DR #C23
LAS VEGAS NV 89106-4825

EAVOS11 89106

17A

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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MAILED FROM ZIPCODE 89101

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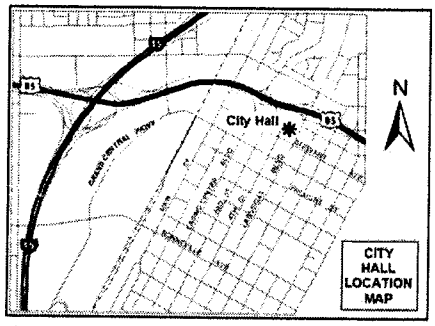
Official Notice of Public Hearing



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☑ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34859
Planning Commission Meeting of 8/13/2009

Case: SUP-34859

16210114094
SHUBERT WILLIAM E
2117 WILLIAMSBRIDGE RD
BRONX NY 10461-1601

Submitted after final agenda

Date 8/7/09 Item 17A

City of Las Vegas Agenda Item No.: **86.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

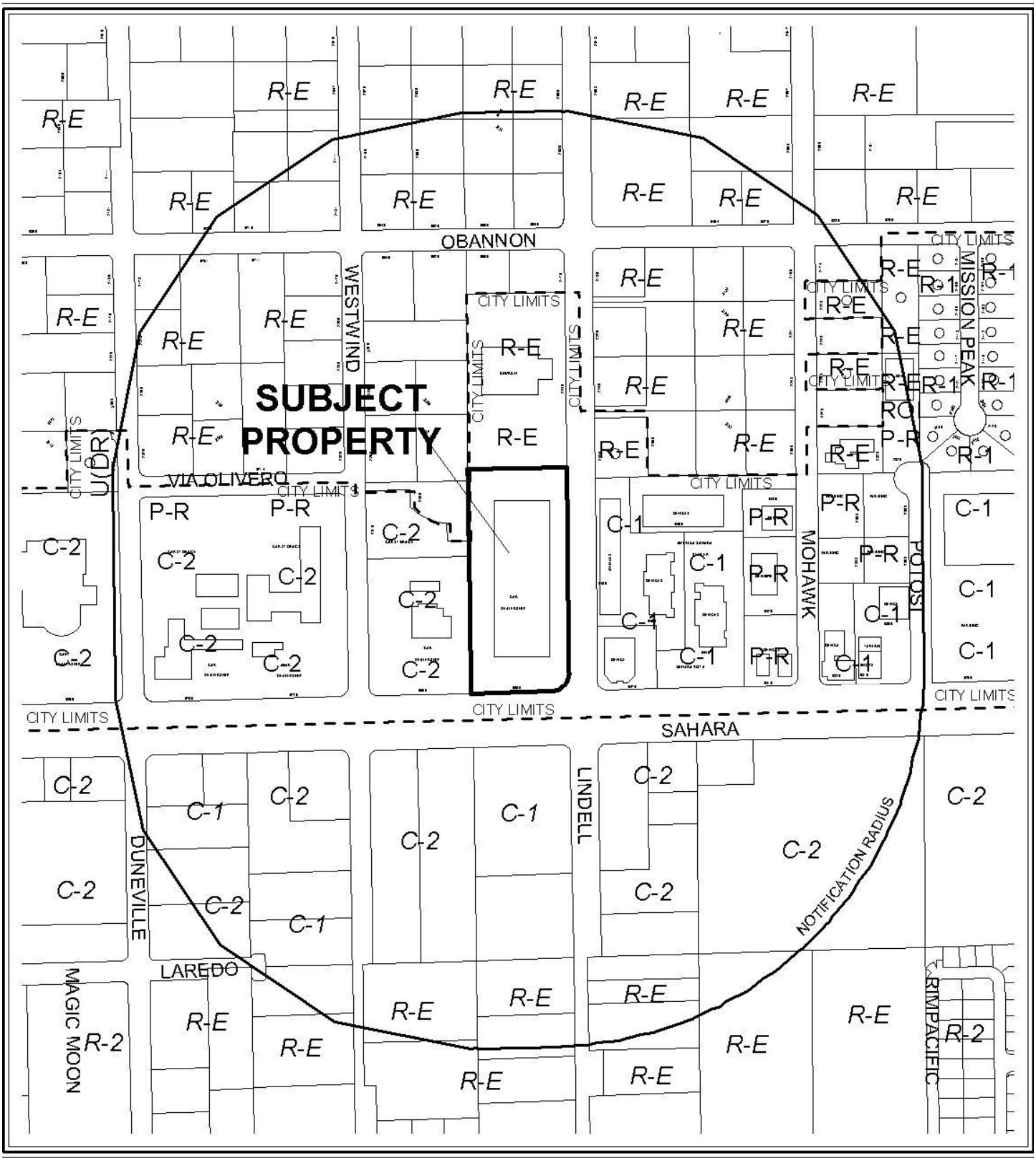
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SDR-34469 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: CARDAN LINDELL NORTH, LLC - Request for a Major Amendment to an approved Site Development Plan Review (SDR-4551) FOR THE ADDITION OF VEHICLE DISPLAY PARKING SPACES; PARKING LOT SHADE STRUCTURES; FACADE RENOVATIONS; AND TWO PORTE COCHERES ADJACENT TO THE SOUTH AND EAST SIDES OF THE BUILDING AT AN EXISTING MOTOR VEHICLE SALES (NEW) FACILITY on 4.01 acres at 5550 West Sahara Avenue (APN 163-01-404-022), C-2 (General Commercial) and P-R (Professional Office and Parking) Zones, Ward 1 (Tarkanian). The Planning Commission (4-3 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**7**	**Planning Commission Mtg.**	**0**
City Council Meeting	**1**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (4-3 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest Postcard
7. Backup referenced from the August 13, 2009 Planning Commission Meeting Item 12



CASE: **SDR-34469**

RADIUS: 1000 FT

0 500 Feet

ZONING OF SUBJECT PROPERTY:

C-2 (GENERAL COMMERCIAL) AND P-R (PROFESSIONAL OFFICES AND PARKING)

N



CASE: **SDR-34469**

RADIUS: 1000 FT

0 500 Feet

ZONING OF SUBJECT PROPERTY:
C-2 (GENERAL COMMERCIAL) AND P-R (PROFESSIONAL OFFICES AND PARKING)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION - SDR-34469 - APPLICANT/OWNER: CARDAN LINDELL NORTH, LLC

** CONDITIONS **

The Planning Commission (4-3/bg/se/ke vote) and staff recommend APPROVAL

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-4550), Site Development Plan Review (SDR-4551), and Variances (VAR-4553 and VAR-8348) shall be required.

2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. All development shall be in conformance with the site plan and building elevations, date stamped 05/12/09, and landscape plan, date stamped 05/27/09, except as amended by conditions herein.

4. All signage shall require permits pursuant to Title 19.14. A Master Sign Plan is not required for projects less than 15 acres in size, per Title 19.14.030, effective 07/16/03.

5. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.

6. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

7. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

10. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

11. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

12. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

13. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.

14. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits or the submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.

15. Site development to comply with all applicable conditions of approval for SDR-4551 and all other site-related actions.

** STAFF REPORT **

PROJECT DESCRIPTION

The subject property contains an existing 42,809 square-foot Motor Vehicle Sales (New) Establishment located at 5550 West Sahara Avenue. The applicant is proposing to place vehicle display parking spaces with enhanced paving within the existing parking lot along the south and west portions of the site, provide parking lot shade structures, provide façade renovations and add two porte cocheres along the south and east sides of the existing building. No expansion to the existing building or parking lot will take place as a result of this application. If the application is denied the subject property will remain in its current configuration without any further enhancements.

Issues

- Staff supports the request for a Major Amendment to an Approved Site Development Plan Review as this proposal will allow building façade and interior renovations to take place, place additional landscape within the existing parking lot and vehicle display areas, and add shade structures to the vehicle display area and drop-off areas.
- The proposed modifications to the existing site meet all applicable Title 19 requirements.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
05/16/90	The City Council approved a request for Rezoning (Z-0038-90) from R-E (Residence Estates) to P-R (Professional Office and Parking) on property located at 2333 Lindell Road. Staff recommended approval of this request.
06/15/94	The City Council approved a Variance (V-0061-94) to allow a Beauty Salon where such use is not allowed on property located at 2333 Lindell Road. The Board of Zoning Adjustment recommended approval of this application, whereas staff recommended denial.
09/14/95	The City Council approved a Review of Condition [V-0061-94(1)] for an approved Variance (V-0061-94) which required that any deviation from the Beauty Salon use be reviewed by the City Council at 2333 Lindell Road. Staff recommended approval of this request.
06/14/99	The City Council denied a Review of Condition [V-0061-94(2)] for an approved Variance (V-0061-94) to revise Conditions of Approval to allow a change in hours of operation and to allow parking in the front parking area where previously prohibited at 2333 Lindell Road. The Board of Zoning Adjustment and staff recommended approval of this request.

08/10/00	The Planning Commission approved a request for a Site Development Plan Review (SD-0043-00) for a proposed 7,979 square-foot addition to an existing 12,521 square-foot Auto Dealership at 5550 West Sahara Avenue.
11/01/02	A deed was recorded for change of ownership.
09/25/03	A Code Enforcement complaint (#4751) was processed for non-permitted temporary signs (banners) and trash and debris within the landscape areas at 5550 West Sahara Avenue. The case was closed by Code Enforcement on 03/16/04.
06/04/04	A Code Enforcement complaint (#15966) was processed for removal of the light shields on the parking lot lighting at 5550 West Sahara Avenue. The case was closed by Code Enforcement on 07/22/04.
08/04/04	The City Council approved a General Plan Amendment (GPA-4549) to amend a portion of the Southwest Sector Plan of the General Plan from O (Office) and DR (Desert Rural Density Residential) to GC (General Commercial), a Rezoning (ZON-4550) from P-R (Professional Office) and R-E (Residence Estates) Zone to C-2 (General Commercial) Zone, a Variance (VAR-4553) to allow a 83-foot 1-inch Residential Adjacency setback where 100 feet is required, a Site Development Plan Review (SDR-4551) for a proposed 37,950 square-foot Motor Vehicle Sales (New) facility on 4.15 acres adjacent to the northwest corner of Sahara Boulevard and Lindell Road. The Planning Commission and staff recommended approval of these requests.
07/13/05	The Planning and Development Department administratively approved a Parcel Map (PMP-6652) for a one-lot property located at the northwest corner of Sahara Avenue and Lindell Road. The map was recorded 10/26/05.
07/20/05	The City Council denied a Review of Condition (ROC-6575) Number 21 of an approved Site Development Plan Review (SDR-4551) to eliminate the Condition which prohibits parking and display of vehicles in the landscape buffer area for an approved 37,950 square-foot Motor Vehicle Sales (New) facility on 4.15 acres adjacent to the northwest corner of Sahara Boulevard and Lindell Road. Staff recommended denial of this request.
09/08/05	The Planning Commission approved a Variance (VAR-8348) to allow a proposed 55-foot Freestanding Sign where 40 feet is the maximum height allowed on 4.15 acres at the northwest corner of Sahara Avenue and Lindell Road. The City Council struck this request, which permitted the approval by the Planning Commission to stand. Staff recommended denial of this request.
09/16/05	A Code Enforcement complaint (#33919) was processed for zoning violations at 5550 West Sahara Avenue. The case was closed by Code Enforcement on 01/02/06.
05/03/06	The City Council approved a Variance (VAR-11759) to allow a proposed 130-foot tall Flagpole where 40 feet is the maximum height allowed on 4.15 acres at 5550 West Sahara Avenue. The Planning Commission recommended approval of this request, whereas staff recommended denial.

06/19/06	A Code Enforcement complaint (#43563) was processed for parking violations at 5550 West Sahara Avenue. The case was closed by Code Enforcement on 07/31/07.
04/24/07	A Code Enforcement complaint (#52451) was processed for graffiti on the south wall of 5550 West Sahara Avenue. The case was closed by Code Enforcement on 04/30/07.
06/05/07	A Code Enforcement complaint (#53564) was processed for failure to maintain adequate parking lot driveway aisle widths. The case was closed by Code Enforcement on 08/07/07.
08/01/07	The City Council denied a Required Review (RQR-20054) of a Variance (VAR-11759) to allow a proposed 100-foot tall Flagpole where 40 feet is the maximum height allowed at 5550 West Sahara Avenue. Staff recommended denial of this request.
08/07/07	A Code Enforcement complaint (#56505) was processed for a flag pole in excess of the permissible height. The case was closed by Code Enforcement on 12/22/08.
11/07/07	A Code Enforcement complaint (#59647) was processed for the test driving of new vehicles on O'Bannon Drive. The case was closed by Code Enforcement on 04/24/08.
06/25/09	The Planning Commission held in abeyance a request for a Major Amendment of a previously approved Site Development Plan Review (SDR-4551) for the addition of vehicle display parking spaces; parking lot shade structures; facade renovations; and two porte cocheres adjacent to the south and east sides of the building at an existing motor vehicle sales (new) facility on 4.01 acres at 5550 West Sahara Avenue. The abeyance was to allow the applicant to address possible code violations at the subject site.
06/25/09	A Code Enforcement complaint (#59647) was processed for display of vehicles in the landscape areas. The case was closed by Code Enforcement on 07/14/09.
08/13/09	The Planning Commission voted 4-3/bg/se/ke to recommend APPROVAL (PC Agenda Item #12/dc).

Related Building Permits/Business Licenses	
06/09/89	A building permit (#89027975) was issued for a tenant improvement at 5550 West Sahara Avenue. The permit received final approval on 10/02/89.
07/07/89	A building permit (#89030748) was issued for a tenant improvement at 5550 West Sahara Avenue. The permit received final approval on 08/08/89.
11/01/02	A deed was recorded for a change in ownership.
04/20/05	A building permit (#05002454) was issued for a new building at 5550 West Sahara Avenue. The permit received final approval on 01/10/07.
04/20/05	A building permit (#05002453) was issued for onsite improvements at 5550 West Sahara Avenue. The permit expired 10/22/05 without receiving final approval.
12/21/05	A building permit (#55373) was issued for a block wall at 5550 West Sahara Avenue. The permit received final approval on 07/21/06.

04/10/06	A building permit (#06002614) was issued for a sign at 5550 West Sahara Avenue. The permit expired 11/04/06 without receiving final approval.
04/28/06	A building permit (#06003130) was issued for a 100-foot tall flagpole at 5550 West Sahara Avenue. The permit received final approval on 06/07/06.
05/22/06	A business license (#A16-01267) was issued for new and used car sales at 5550 West Sahara Avenue. The license is currently active.
07/21/06	A building permit (#06004804) was issued for a neon bordered sign at 5550 West Sahara Avenue. The permit received final approval 01/10/07.
04/12/07	A building permit (#84241) was issued for the addition of pilasters and additional height to an existing block wall at 5550 West Sahara Avenue. The permit received final approval on 07/01/07.
08/07/08	A building permit (#118841) was issued for a tenant improvement at 5550 West Sahara Avenue. The permit received final approval 09/15/08.
08/11/08	A building permit (#121843) was issued for the installation of two sets of channel letter signs at 5550 West Sahara Avenue. The permit is still open awaiting final inspections.
08/29/08	A business license (#A16-01296) was issued for auto sales at 5550 West Sahara Avenue. The permit is currently active.

Pre-Application Meeting	
01/28/09	A pre-application meeting was held with the representative where the submittal requirements of a Major Amendment to an approved Site Development Plan Review were discussed.
Neighborhood Meeting	
A neighborhood meeting was not held, nor was one required	

Field Check	
05/21/09	A field check was conducted by staff with the following observations: • The subject site is an existing operating Motor Vehicle Sales (New) establishment. • Two vehicles were observed parked within the south landscape buffer fronting Sahara Avenue, which was a violation of Condition #21 of Site Development Plan Review (SDR-4551). • Graffiti was noted along the east perimeter wall fronting Lindell Road. • Several required trees and shrubs were noted as missing or removed from the north landscape buffer, and several required trees were noted as missing or removed from the parking lot landscape islands within the north (rear) parking lot area of the subject property. All violations were referred to Code Enforcement for further action.

Details of Application Request	
Site Area	
Gross Acres	4.01

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Motor Vehicle Sales (New)	GC (General Commercial)	C-2 (General Commercial) and P-R (Professional Office and Parking)
North	Church/House of Worship	DR (Desert Rural Density Residential)	R-E (Residence Estates)
South	Motor Vehicle Sales (New)	CG (Commercial General) – Clark County	C-1 (Local Business) – Clark County
East	Office	SC (Service Commercial)	C-1 (Limited Commercial)
	Single-Family Residence	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Motor Vehicle Sales (New)	GC (General Commercial)	C-2 (General Commercial)
	Single-Family Residences	RN (Rural Neighborhood) – Clark County	R-E (Rural Estates Residential) – Clark County

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan		X	N/A
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

Standard	***Required/Allowed***	***Provided***	***Compliance***
Min. Lot Size	N/A	182,951 SF	Y
Min. Lot Width	100 Feet	278 Feet	Y
Min. Setbacks			
• Front	20 Feet	222 Feet	Y
• Side	100 Feet	83 Feet	Y*
• Corner	15 Feet	14 Feet	Y**
• Rear	20 Feet	176 Feet	Y
Max. Lot Coverage	50%	18.3 %	Y

Max. Building Height	35 feet or two stories, whichever is less	33.25 Feet	Y
Trash Enclosure	Screened, Enclosed	Screened, Enclosed	Y
Mech. Equipment	Screened	Screened	Y

* As approved through Variance (VAR-4553).
** As approved through Site Development Plan Review (SDR-4551).

Pursuant to Title 19.08.060, the following Residential Adjacency Standards apply:

Residential Adjacency Standards	*Required/Allowed*	*Provided*	*Compliance*
3:1 proximity slope	83 Feet	83 Feet	Y*
Adjacent development matching setback	30 Feet	83 Feet	Y
Trash Enclosure	50 Feet	55 Feet	Y

* As approved through Variance (VAR-4553).

Pursuant to Title 19.12, the following standards apply:

Landscaping and Open Space Standards				
Standards	*Required*		*Provided*	*Compliance*
	Ratio	*Trees*		
Parking Area	1 Tree/6 Spaces	26 Trees*	44 Trees	Y
Buffer: Min. Trees				
(South)	1 Tree/20 Linear Feet	13 Trees*	13 Trees	Y
(East)	1 Tree/30 Linear Feet	25 Trees*	26 Trees	Y
(West)	1 Tree/20 Linear Feet	26 Trees*	27 Trees	Y
(North)	1 Tree/20 Linear Feet	11 Trees*	11 Trees	Y
TOTAL		101 Trees*	121 Trees	Y
Min. Zone Width				
(North)	8 Feet*		8 Feet	Y
(South)	10 Feet*		10.75 Feet	Y
(East)	8.75 Feet*		8.75 Feet	Y
(West)	14 Feet*		14 Feet	Y
Wall Height	6-8 Feet		Existing	Y

* As approved through Site Development Plan Review (SDR-4551).

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	*Gross Floor Area or Number of Units*	*Required*			*Provided*		*Compliance*
		Parking Ratio	*Parking*		*Parking*		
			Regular	Handi-capped	Regular	Handi-capped	
Motor Vehicle Sales (New)	42,809	1/500 SF of GFA	82	4	198	5	
TOTAL			86		203		Y

ANALYSIS

- **Site Plan**

  The site plan depicts a new hard surface vehicle display area along the southern portion of the site, and along portions of the east and west perimeters of the site. These vehicle display areas will replace existing asphalt paving, and add four circular display pads, which will not intrude into the existing 10-foot landscape buffer area, they will only replace existing asphalt. The two porte cocheres which will be added to the site enhance the proposed renovations to the façade of the building and meet all applicable Title 19 requirements. A total of seven additional shade structures will be added to the southern parking lot area of the site, all visible from Sahara Avenue. All proposed site modifications are in conformance with the requirements of Title 19.

- **Landscape Plan**

  The landscape plan indicates that new landscape material will be added to the southern buffer area, portions of the west and east landscape buffers, along the new porte cochere and within 11 proposed parking lot landscape islands within the southern parking lot area. One, five and fifteen-gallon size shrubs and ground cover will be utilized within the landscape buffers and parking lot landscape islands, and conform to the requirements of Title 19.12. The landscape plans indicate that the remainder of the site, which includes the north parking lot area, and landscape buffers towards the rear of the property, will remain as approved though Site Development Plan Review (SDR-4551).

- **Elevations**

  The elevations submitted depict the portions of the southern and eastern façades to be remodeled, as well as the new shade structures to be added. The southern façade of the existing building will receive an updated metal entry element, constructed of a curved black metal panel system with red accents, revise portions of the existing storefront glazing, and place a new metal porte cochere at the east portion of the building.

  The new metal porte cochere will mirror the curved angle of the existing roof line and be painted to match the existing metal roof. The east façade of the existing building will be affected by the new porte cochere, with the placement of four new red colored columns to support the structure. This shade structure will cover the existing service drive area and proposed vehicle display pads, and will be architecturally compatible with the existing building on site. The proposed porte cochere along the southern façade of the building will be an oval shaped canopy supported from a central pole and be located directly in front of the southern main entry.

The seven vehicle shade structures to be placed within the southern parking lot area will be supported by a central column at the back of the structures, and be streamlined in design. The remaining portions of the east, west and north facades will remain as approved through Side Development Plan Review (SDR-4551), and the existing building height will not be affected by the proposed improvements.

- **Floor Plans**

The floor plans submitted depict minor modifications made to the existing interior space, featuring an expanded showroom area. Renovations include relocated sales offices, management offices, and reception areas. The square-footage of the existing building will remain as approved through Site Development Plan Review (SDR-4551), and no expansions will be made.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **"The proposed development is compatible with adjacent development and development in the area;"**

   The proposed Major Amendment to an approved Site Development Plan Review (SDR-4551) is compatible with the surrounding uses and development in the area.

2. **"The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;"**

   The proposed development is consistent with the General Plan, Title 19 and the previously approved Site Development Plan Review (SDR-4551), as conditioned.

3. **"Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;"**

   The site is accessed from Sahara Avenue, a 100-foot Primary Arterial, and Lindell Road, an 80-foot Secondary Collector, according to the Master Plan of Streets and Highways. This proposal will not negatively impact adjacent roadways or neighborhood traffic.

4. **"Building and landscape materials are appropriate for the area and for the City;"**

   The building and landscape materials are appropriate for the area and for the City as conditioned. Compliance with the quantity of landscape material provided through Site Development Plan Review (SDR-4551) has been conditioned, as well as the requirement to indicate the materials utilized for the proposed shade structures and porte cocheres.

5. **"Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;"**

   The proposed building elevations and design characteristics are aesthetically pleasing and architecturally compatible with the existing building and the surrounding neighborhood.

6. **"Appropriate measures are taken to secure and protect the public health, safety and general welfare."**

   This proposal will not impact public health, safety or welfare since the development will be subject to the International Building Code and City inspections during construction.

PLANNING COMMISSION ACTION

The Planning Commission amended condition #3 as shown, to which the applicant agreed. There was one speaker in protest of this project at the meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 4

ASSEMBLY DISTRICT 3

SENATE DISTRICT 11

NOTICES MAILED 116 by City Clerk

APPROVALS 0

PROTESTS 7

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-34469 APN: 16301404022

Name of Property Owner: CARDAN LINDELL NORTH, LLC

Name of Applicant: VEDELAGO PETSCH ARCHITECTS

Name of Representative: S. MARK PETSCH

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

____ Yes __X__ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: DANIEL TOWBIN

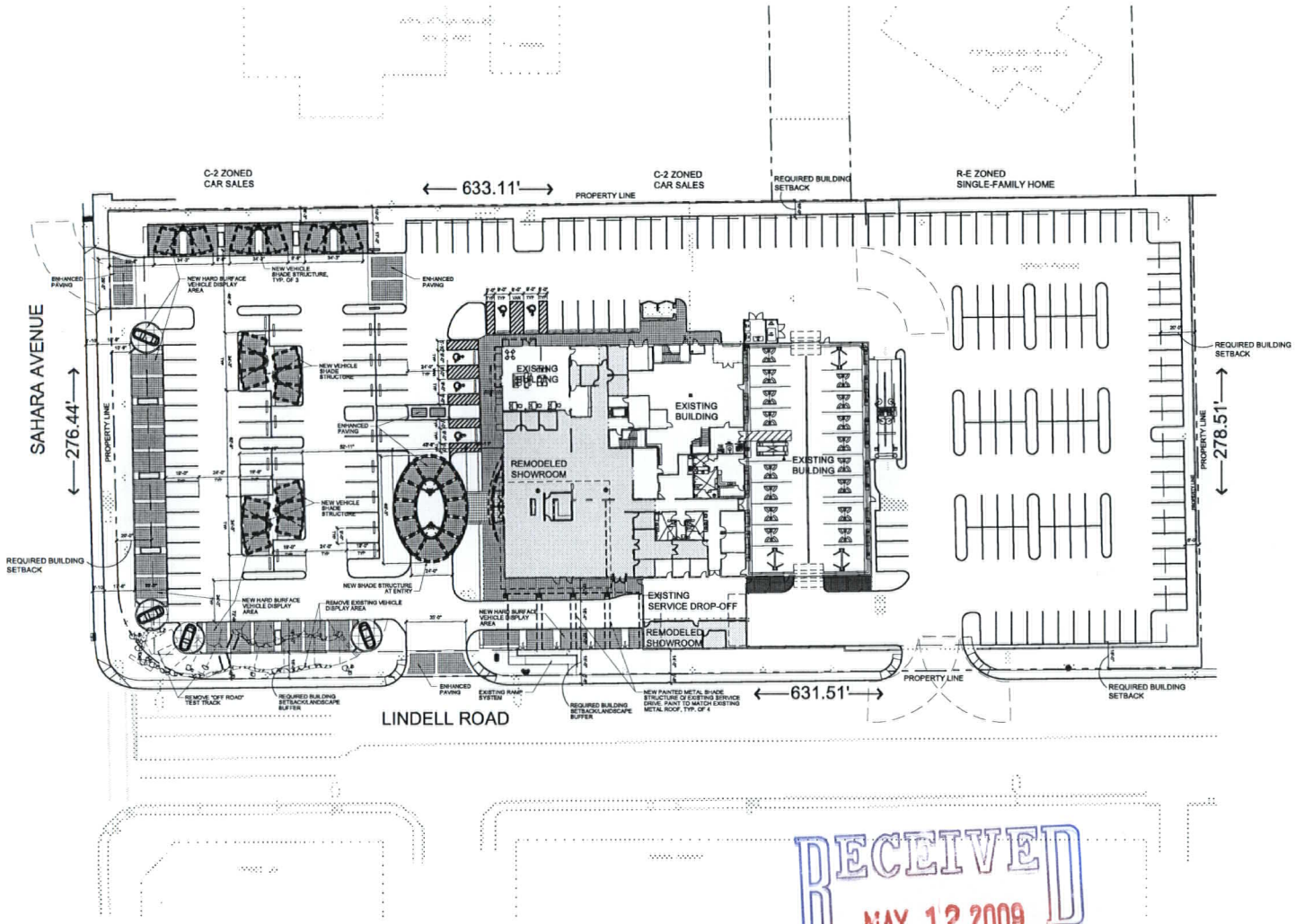
Subscribed and sworn before me

This 11th day of May, 2009

_____

Notary Public in and for said County and State

SONIA QUINONES
Notary Public, State of Nevada
Appointment No. 96-1033-1
My Appt. Expires Aug 29, 2009



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SITE INFORMATION

ASSESSORS PARCEL NUMBER (APN)	163-01-404-022
CURRENT ZONING	C-2
SITE AREA	+/- 4.15 ACRES - 182,951 S.F.
SITE COVERAGE	18.3%
F.A.R.	23.5%

EXISTING BUILDING

LEVEL 1	33,487 S.F.
LEVEL 2	9,322 S.F.
	42,809 S.F.

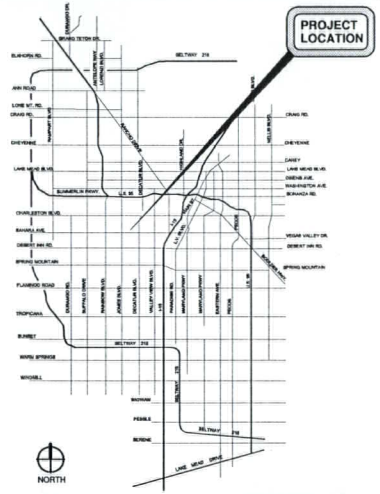
PARKING REQUIRED

AUTO DEALERSHIP - 1 / 500 S.F. (42,809 S.F.)	85 SPACES
TOTAL ACCESSIBLE PARKING REQUIRED	5 SPACES

PARKING PROVIDED

PARKING PROVIDED	198 SPACES
ACCESSIBLE PARKING PROVIDED	5 SPACES
SUB-TOTAL PARKING PROVIDED	203 SPACES
CAR DISPLAY PARKING PROVIDED	42 SPACES
TOTAL PARKING PROVIDED	245 SPACES

VICINITY MAP



Date: 05/12/09

Project No: 2008112

Scale: 1" = 30'-0"

0 15 30 60 90

Vedelago Petsch AIA
architects
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Fax (702)-951-0302

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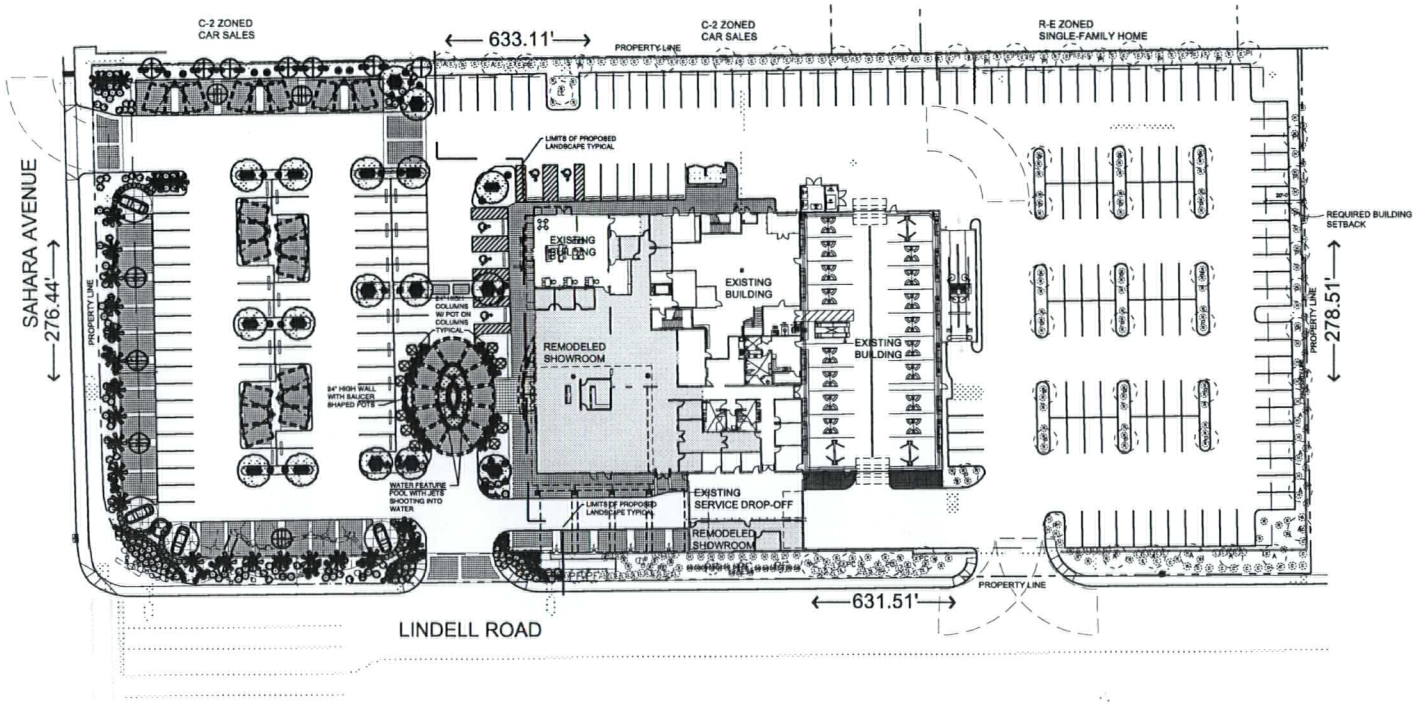
TOWBIN MOTORCARS LAS VEGAS

5550 WEST SAHARA AVENUE - LAS VEGAS, NV.

SITE PLAN

SDR-34469

06/25/09 PC



PLANT SCHEDULE

SYMBOL	BOTANICAL NAME	COMMON NAME	QTY.	SIZE	REMARKS
TREES					
	LAURUS NOBILIS	GRECIAN LAUREL	34	36" BOX	STD. TRUNK - 3" CLEAR TRUNK
	ELAEOCARPUS DECIPIENS	JAPANESE BLUEBERRY	10	24" BOX	STD. TRUNK - 4" CLEAR TRUNK
	QUERCUS ILEX	HOLLY OAK	17	24" BOX	
	WASHINGTONIA FILIFERA	CALIFORNIA FAN PALM	17	EXISTING & NEW PALMS	SKINNED TRUNK. QUANTITIES INCLUDE EXISTING PALMS. SEE NOTE 4
SHRUBS					
	BUXUS MICROPHYLLA JAPONICA 'COMPACTA'	DWARF JAPANESE BOXWOOD	332	5 GAL	
	EUONYMUS FORTUNEI	EUONYMUS		5 GAL	APPROX. 1,186 FT²
	PITTOSPORUM TOBIRA 'WHEELERS'	WHEELERS DWARF PITTOSPORUM	59	5 GAL	
	RAPHIOLEPIS INDICA 'PINK DANCER'	DWARF INDIAN HAWTHORN	118	5 GAL	
GROUNDCOVERS					
	ASPARAGUS DENSIFLORUS 'SPRENGER'	SPRENGER ASPARAGUS	62	5 GAL	
	GAZANIA	CLUMPING GAZANIA		1 GAL	APPROX. 242 FT²
	LANTANA SPECIES 'NEW GOLD'	NEW GOLD LANTANA	59	5 GAL	
	TEUCRIUM CHAMAEDRYS	BUSH GERMANDER	262	1 GAL	
	TRACHELOSPERMUM ASIATICUM	ASIATIC JASMINE		5 GAL	APPROX. 275 FT²
	TRACHELOSPERMUM JASMINOIDES	STAR JASMINE	151	5 GAL	
ACCENTS					
	CYCAS REVOLUTA	SAGO PALM	12	15 GAL	
	DASYLIRION QUADRANGULATUM	TOOTHLESS DESERT SPOON	29	5 GAL	
	DIETES BICOLOR	EVERGREEN IRIS	54	5 GAL	

NOTES:
1. CONTRACTOR IS RESPONSIBLE TO VERIFY ALL PLANT QUANTITIES. THE PLANT SCHEDULE IS INTENDED AS A REFERENCE ONLY.
2. PLANT MATERIAL IS TO HAVE IDENTIFICATION TAGS ON 10% OF THE TOTAL QUANTITY OF EACH SPECIES, SHOWING GENUS, SPECIES, VARIETY, ETC.
3. CONTRACTOR TO PROVIDE MATCHING SIZES AND FORMS OF LIKE SHRUB SPECIES AS SHOWN ON DRAWINGS.
4. CALIFORNIA FAN PALM NOTES:
   A. TREE TRUNKS TO BE STRAIGHT, EVEN AND MATCHING WITH THE OTHER PALM TRUNKS OF SIMILAR TYPE. 30" MIN WIDTH OR TO MATCH EXISTING PALMS WHICHEVER IS GREATER.
   B. PALMS TO BE SKINNED
   C. PAINT ALL PALMS TRUNKS WITH BROWN HORTICUTURAL PAINT
5. CRUSHED ROCK TYPICAL IN ALL PLANTING BEDS.
   SUBMITTAL REQUIREMENTS:
   A. SUBMIT ROCK SAMPLES TO THE ARCHITECT FOR APPROVAL PRIOR TO THE START OF CONSTRUCTION.
   B. APPROVED SOURCES: KALAMAZOO MATERIALS-PALOMINO CORAL
   C. ROCK DEPTH 2-INCH MINIMUM.
   D. SEE SHEET L3.01 DETAIL '5' FOR ROCK INSTALLATION REQUIREMENTS.
   E. REFER TO CRUSHED ROCK PLAN BELOW FOR ROCK SIZES AND LOCATIONS.
6. PRIOR TO SHIPPING THE DATE PALM TREES PRE-DIG THE PALM TREE HOLES TO VERIFY DEPTH AND LOCATION OF THE UNDERGROUND UTILITIES. THE PALM TREE LOCATIONS MAY CHANGE DUE TO THE UNDERGROUND UTILITIES. DIGGING NEW HOLES DUE TO THE UTILITIES SHALL BE PART OF THE BASE BID.

EXISTING PLANT SCHEDULE

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
TREES				
A	ACACIA SP.	ACACIA SP.	24" BOX	
B	BRACHYCHITON SPP.	BOTTLE TREE	24" BOX	
BC	BUTIA CAPITATA	PINDO PALM	24" BOX	
LL	LIGUSTRUM LUCIDUM	GLOSSY PRIVET	24" BOX	
PI	PINUS ELDARICA	MONDELL PINE	24" BOX	
P	PROSOPIS CHILENSIS	CHILEAN MESQUITE	24" BOX	
PC	PYRUS CALLERIANA	BRADFORD PEAR	24" BOX	
PF	WASHINGTONIA SPP	FAN PALM	24" BOX	

SHRUBS				
N	NANDINA DOMESTICA 'COMPACTA'	DWARF HEAVENLY BAMBOO	5 GAL	
SP	PHOTINIA SPP.	PHOTINIA	5 GAL	
H	RAPHIOLEPIS INDICA 'PINK DANCER'	DWARF INDIAN HAWTHORN	5 GAL	
X	XYLOSMA CONGESTUM 'COMPACTA'	COMPACT XYLOSMA	5 GAL	
GROUNDCOVERS				
C	COTONEASTER HORIZONTALIS	ROCK COTONEASTER	5 GAL	
L	LANTANA SP.	LANTANA	5 GAL	
GR	ROSEMARINUS 'HUNTINGTON CARPET'	'HUNTINGTON CARPET' SPREADING ROSEMARY	5 GAL	
DB	BACCHARIS SPP.	DWARF BACCHARIS	5 GAL	
ACCENTS				
AD	DIETES BICOLOR	EVERGREEN IRIS	5 GAL	
AH	HEMEROCALLIS SPP.	DAYLILLY	5 GAL	
R	HESPERALOE PARVIFLORA 'RED'	RED YUCCA	5 GAL	
M	MUHLENBERGIA SP.	REGAL MIST	5 GAL	

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Date: 05/12/09
Project No: 2008112
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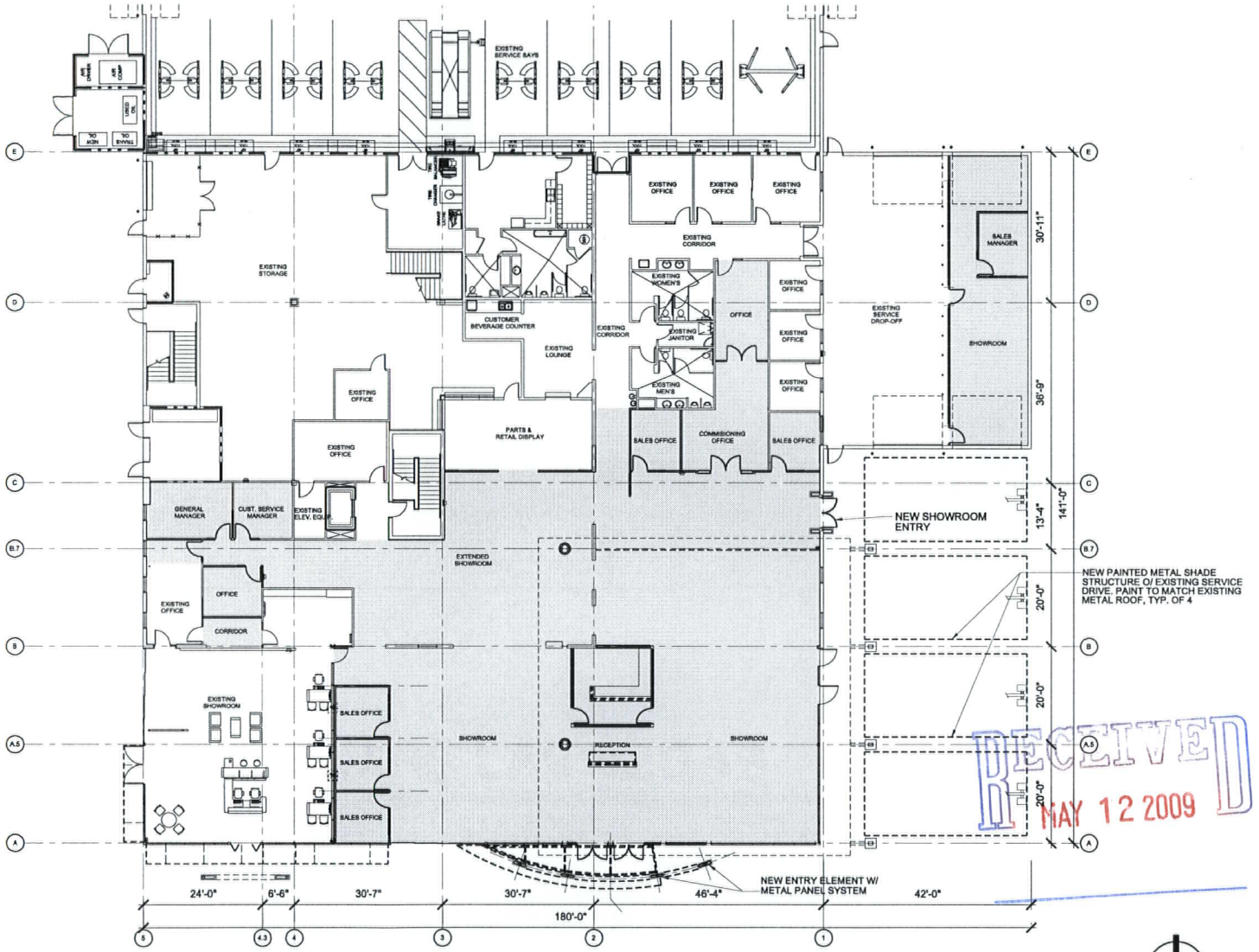
TOWBIN MOTORCARS LAS VEGAS

5550 WEST SAHARA AVENUE - LAS VEGAS, NV.

LANDSCAPE PLAN

SDR-34469
REVISED
06/25/09 PC



FLOOR PLAN INFORMATION

REMODEL AREA (SHADED): 10,300 S.F.

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TOWBIN MOTORCARS LAS VEGAS

5550 WEST SAHARA AVENUE - LAS VEGAS, NV.

PARTIAL FLOOR PLAN

Date: 05/12/09

Project No: 2008112

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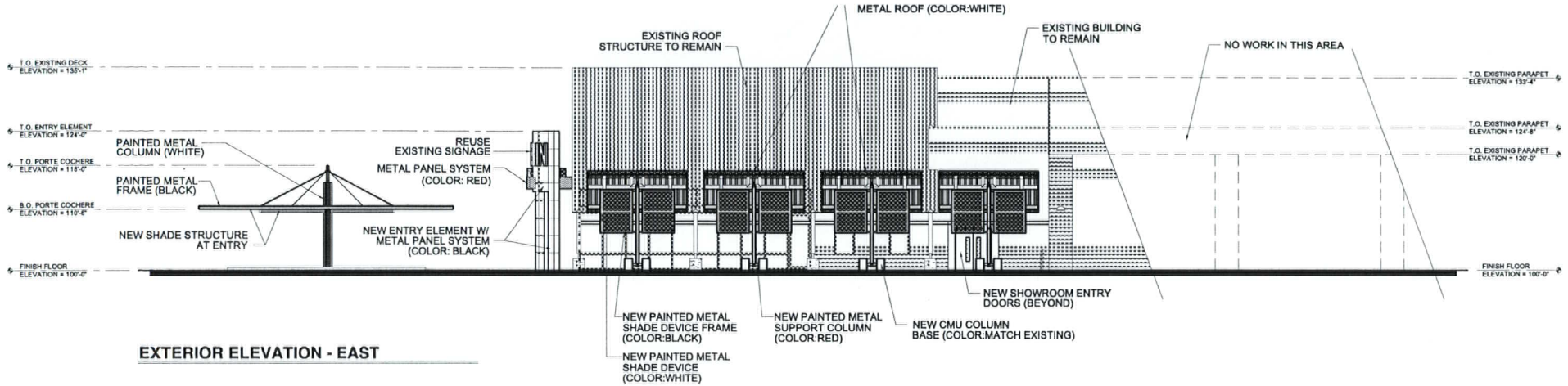
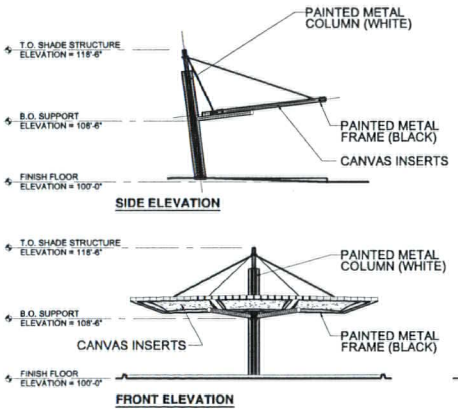
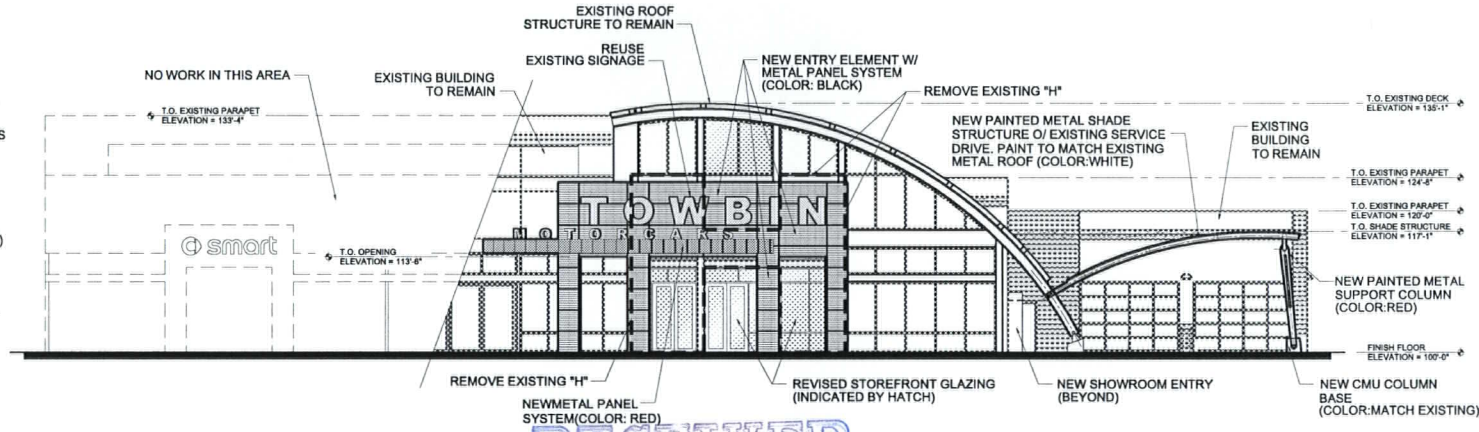


EXTERIOR ELEVATION - EAST



NEW VEHICLE SHADE STRUCTURE



EXTERIOR ELEVATION - SOUTH

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Date: 05/12/09

Project No: 2008112

Scale: 1/8" = 1'-0"

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5550 WEST SAHARA AVENUE - LAS VEGAS, NV.

ELEVATIONS

SDR-34469

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VIEW OF PORTE COCHERE / MAIN ENTRANCE

Schematic Design

TOWBIN
MOTORCARS
5550 W. SAHARA AVE. LAS VEGAS, NV

05.12.2009

LAS VEGAS Development Co.

VEDELAGO - PETSCH ARCHITECTS

SDR-34469
06/25/09 PC

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VIEW LOOKING NORTHWEST (FROM CORNER OF SAHARA AND LINDELL)

Schematic Design

TOWBIN
MOTORCARS
5550 W. SAHARA AVE. LAS VEGAS, NV

05.12.2009

LAS VEGAS Development Co.

VEDELAGO - PETSCH ARCHITECTS

SDR-34469
06/25/09 PC

EXTERIOR FINISHES

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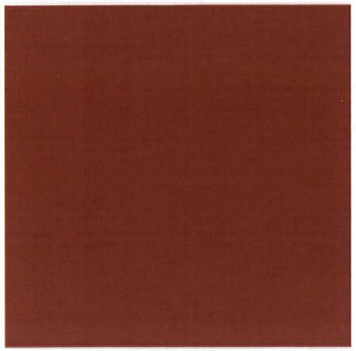
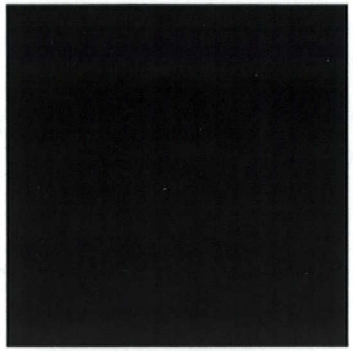
COLOR & MATERIALS BOARD

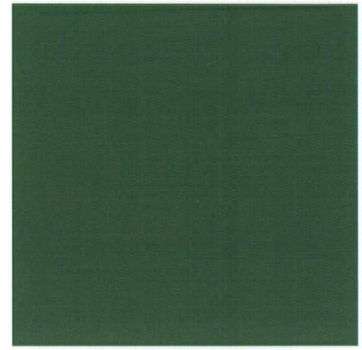


PITTSBURGH PAINTS
233-7 RED GUMBALL

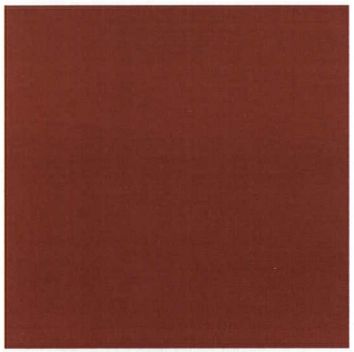


PITTSBURGH PAINTS
518-7 BLACK MAGIC

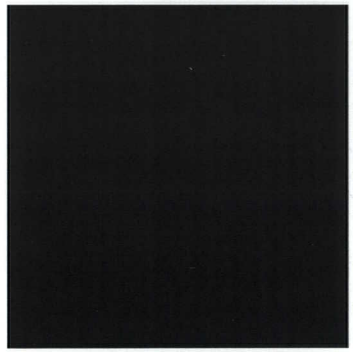
PITTSBURGH PAINTS
WHITE (TO MATCH EXISTING)



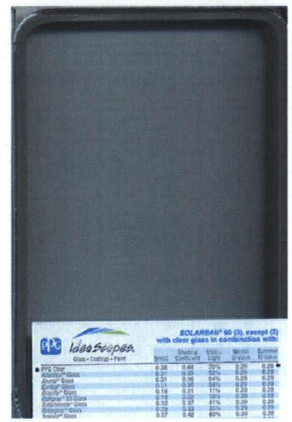
PITTSBURGH PAINTS
505-7 PINE FOREST



CITADEL ARCHITECTURAL
PRODUCTS
METAL PANEL SYSTEM
ENVELOPE 2000
REGAL RED (KYNAR 500)



CITADEL ARCHITECTURAL
PRODUCTS
METAL PANEL SYSTEM
ENVELOPE 2000
EBONY (KYNAR 500)



PPG STOREFRONT GLAZING
SOLARBAN 60 - 1" INSULATED
GLASS



PAVESTONE - PAVERS
PLAZA STONE SERIES
BLACK & GREY

TOWBIN MOTORCARS

5550 WEST SAHARA AVE. LAS VEGAS, NV

SDR-34469
06/25/09 PC



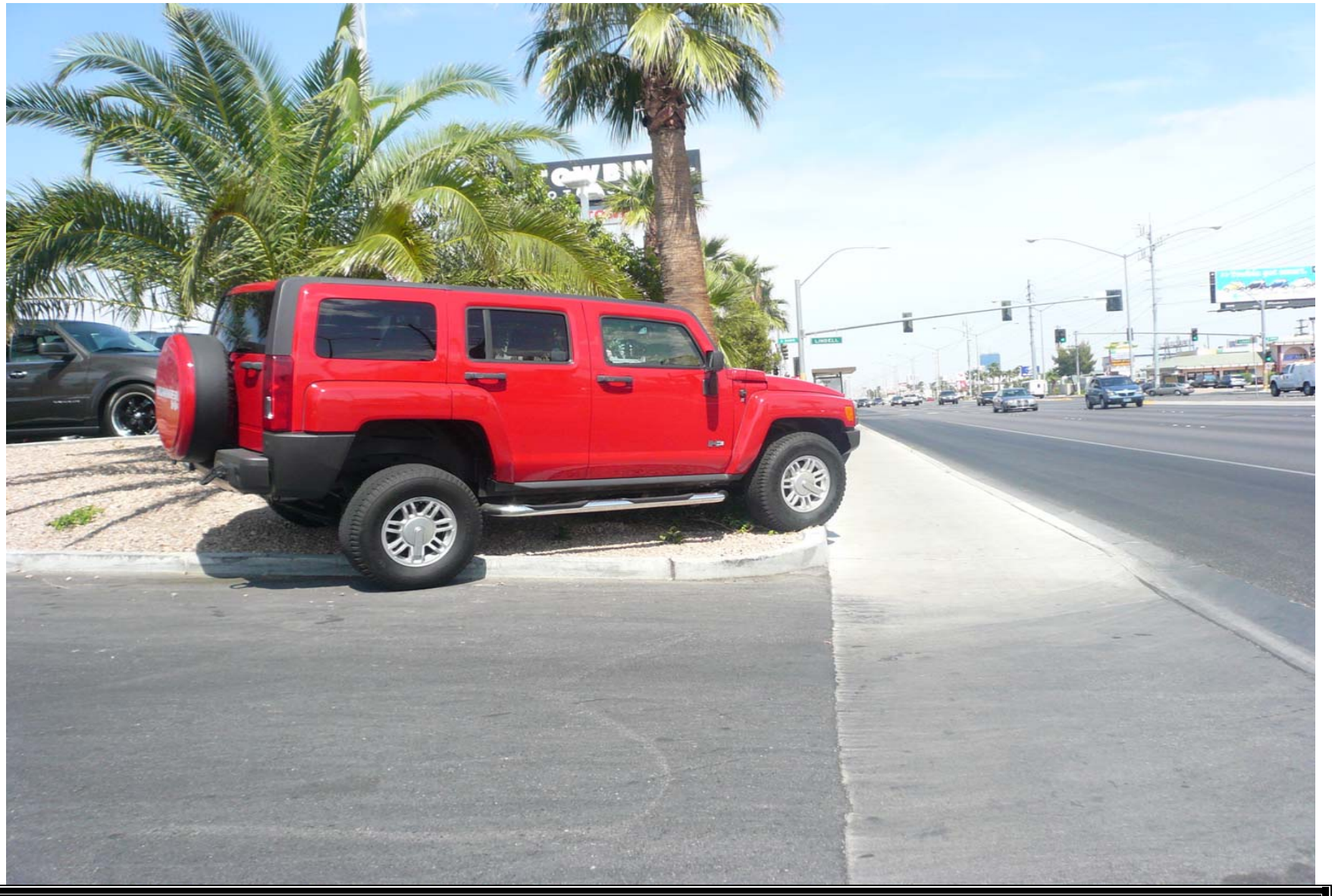
SDR-34469 - APPLICANT/OWNER: CARDAN LINDELL NORTH, LLC
5550 WEST SAHARA AVENUE
AUGUST 13, 2009 PLANNING COMMISSION

05/21//09



SDR-34469 - APPLICANT/OWNER: CARDAN LINDELL NORTH, LLC
5550 WEST SAHARA AVENUE
AUGUST 13, 2009 PLANNING COMMISSION

05/21//09



SDR-34469 - APPLICANT/OWNER: CARDAN LINDELL NORTH, LLC
5550 WEST SAHARA AVENUE
AUGUST 13, 2009 PLANNING COMMISSION

05/21//09



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05/21//09



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05/21//09



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05/21//09



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05/21//09



SDR-34469 - APPLICANT/OWNER: CARDAN LINDELL NORTH, LLC
5550 WEST SAHARA AVENUE
AUGUST 13, 2009 PLANNING COMMISSION

05/21//09


1-68 FT
Submitted at Planning Commission
Date 6/25/09 Item 29


STOP
PAYDAY
smart
TRAFFIC
MUST




CAT
204
2434


MOTOR
smart

SDR-34469 - Supplemental Page Two
August 13, 2009 - Planning Commission Meeting

SITE PHOTOS TAKEN ON TUESDAY, AUGUST 11, 2009



Along Sahara Drive.



Northwest corner.

SG

SDR-34469 - Supplemental Page Three
August 13, 2009 - Planning Commission Meeting



Along north wall, looking west.



Parking lot landscape planter with missing trees, shrubs.

SG

VEDELAGO - PETSCH ARCHITECTS

May 8, 2009

City of Las Vegas
Planning & Development Department
731 S. Fourth St.
Las Vegas, NV 89101

Re: Justification Letter – **Towbin Motorcars Remodel**
Vedelago Petsch Architects Project No. 2008112

To Whom It May Concern:

This justification letter is provided to explain the request and intended changes to the property.

The proposed project consists of a remodel to existing space & minor exterior improvements to an existing automotive dealership, zoned C-2, located at 5550 West Sahara Avenue, Las Vegas, NV 89146 (APN 163-01-404-022).

The proposed improvements consist of the remodel of approx. 10,300 sf of existing automotive showroom space, the addition of an architectural element at the entry & the service drive, the addition of decorative shade structures in the parking area & the revision of the vehicle display areas at the south & east edges of the front parking areas.

This proposed project is not adding to the existing building enclosed area square footage. Also, the proposed changes are not encroaching into any existing setbacks or height restrictions.

If you have any questions regarding this project or the content of this letter, please don't hesitate to contact me.

Sincerely,

S. Mark Petsch, AIA, NCARB

RECEIVED
MAY 12 2009

CC: file
H:\2008112\Docs\Justification3.doc

3535 EXECUTIVE TERMINAL DRIVE. • SUITE 310 • HENDERSON, NEVADA • 89052
PHONE (702) 951-0300 • FAX: (702) 951-0302

SDR-34469
06/25/09 PC

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M
0004279218
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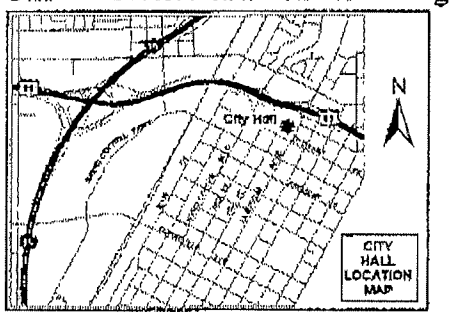
SEP 04 2009
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-34469
City Council Meeting of 9/16/2009

2009 SEP -8 A 8:16
RECEIVED
CITY CLERK

NICHOLSON KENNETH F
2155 S MOHAWK ST
LAS VEGAS NV 89146-3311

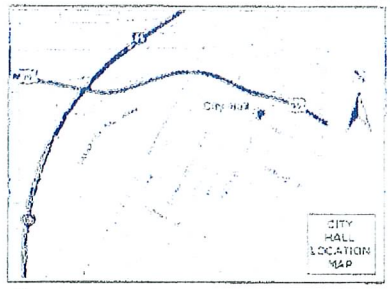
APN#16301801004

GAUDS11 89146

NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-34469

Planning Commission Meeting of 6/25/2009

16301404002 Case: SDR-34469
SAMPSON BILL & MARIANNE TRUST
5625 O'BANNON DR
LAS VEGAS NV 89146-0311

89146$0311 $0444

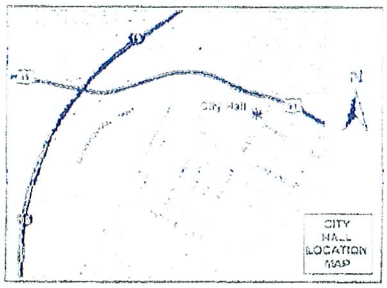
RECEIVED
JUN 22 2009

Submitted after final agenda
Date 6/25/09 PC Item 29 P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-5986

Return Service Requested

Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-34469

Planning Commission Meeting of 6/25/2009

Case: SDR-34469
16301404001
JONES TOM & CONITA TRUST
5645 OBANNON DR
LAS VEGAS NV 89146-0311

RECEIVED
JUN 22 2009

Submitted after final agenda
Date 6/25/09 PC Item 29

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

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0004279218 JUN 12 2009
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JUN 25 2009

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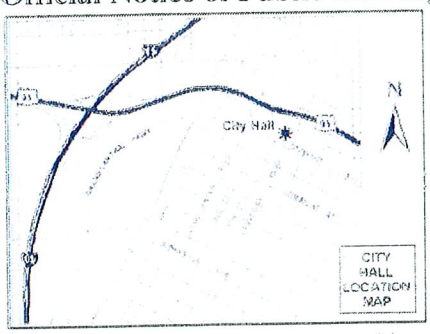

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-34469

Planning Commission Meeting of 6/25/2009

Case: SDR-34469

16301706006
LIEBL ANDREA CAE
5320 O BANNON DR
LAS VEGAS NV 89102-3318

DAVDF11 89146

Submitted after final agenda

Date 6/25/09 Item 29

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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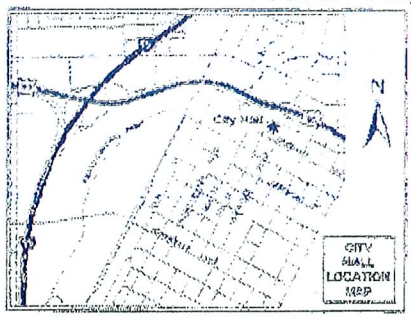
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-34469

Planning Commission Meeting of 6/25/2009

Case: SDR-34469

16301306013
O'BANNON PAUL TRUST
P O BOX 26623
LAS VEGAS NV 89126-0623

89126623 P25

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JUN 25 2009

Submitted after final agenda
Date 6/25/09 PC Item 29 P

06/23/2009 16:32 7022297725 PAUL O'BANNON CRS GRI PAGE 01/01

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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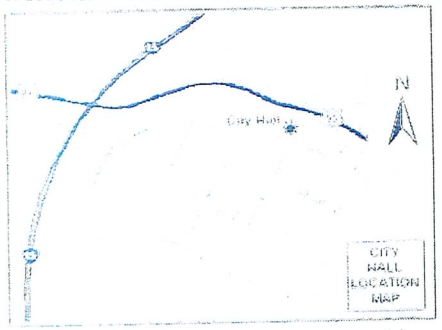

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JUN 22 2009

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

Case: SDR-34469

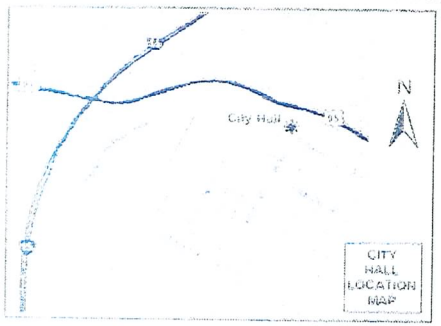
16301404017
SWANCIGER GARY L TRUST
2270 WESTWIND RD
LAS VEGAS NV 89146-0305

SDR-34469
Planning Commission Meeting of 6/25/2009

6/25/09RC
Item 29

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-34469

Planning Commission Meeting of 6/25/2009

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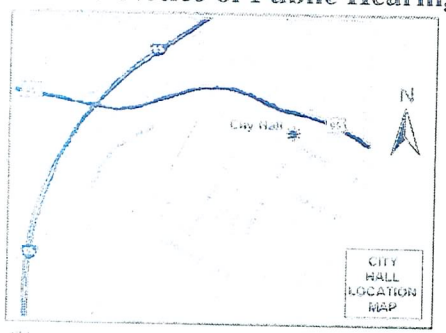
Case: SDR-34469
16301404001
JONES TOM & CONITA TRUST
5645 OBANNON DR
LAS VEGAS NV 89146-0311

DAVDS11 89146

Submitted after final agenda
Date 6/25/09 PC Item 29 p

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-34469

Planning Commission Meeting of 6/25/2009

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JUN 23 2009

Case: SDR-34469

16301404002
SAMPSON BILL & MARIANNE TRUST
5625 O'BANNON DR
LAS VEGAS NV 89146-0311

89146$0311 $044

Submitted after final report
Date 6/25/09 PC
Time 29 P

City of Las Vegas Agenda Item No.: **87.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

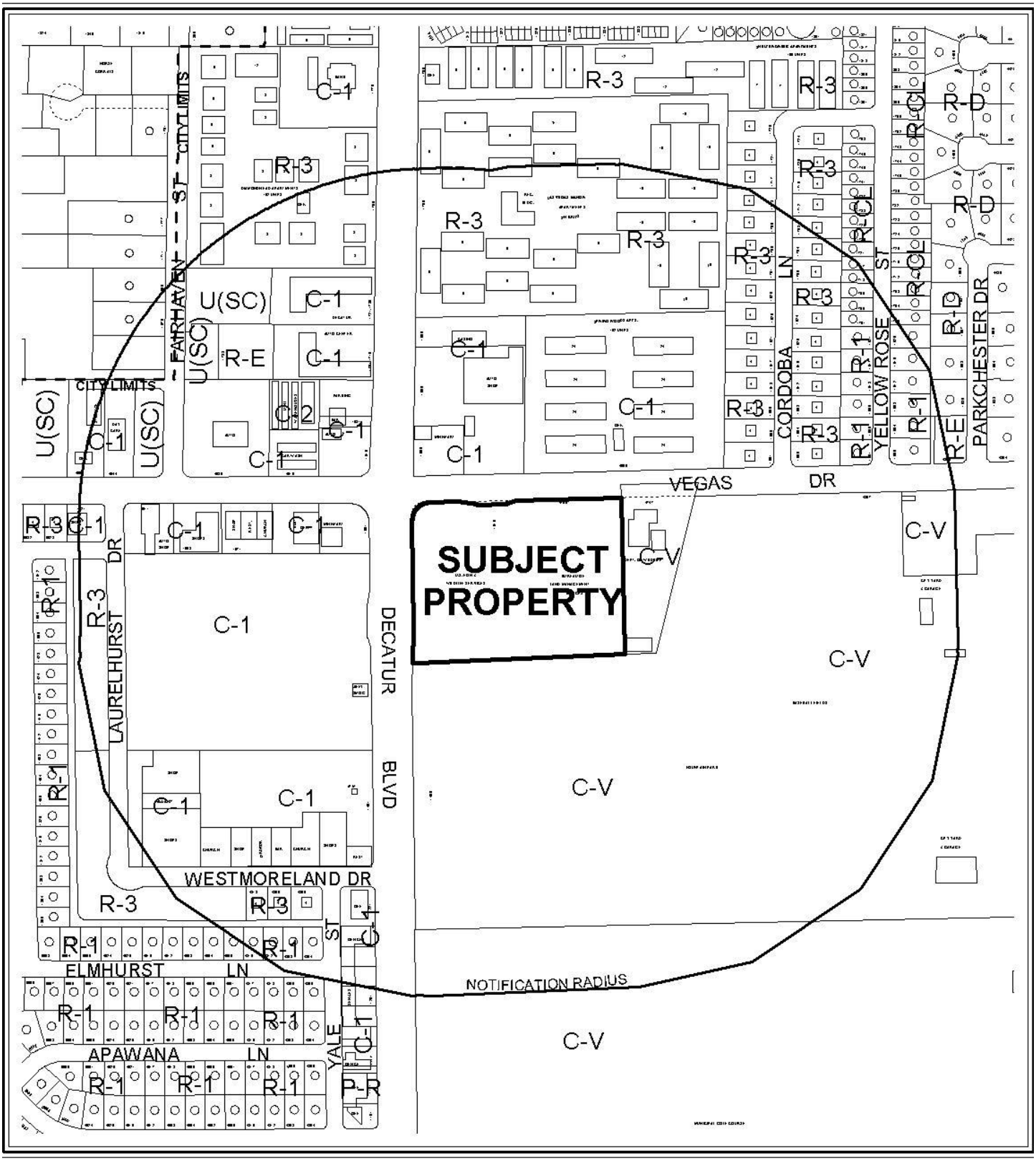
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SDR-35202 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request for a Site Development Plan Review FOR AN EXISTING 67-SPACE PARKING LOT AND A PROPOSED 96-SPACE PARKING LOT WITH WAIVERS OF THE PERIMETER LANDSCAPE BUFFER STANDARDS TO ALLOW BUFFERS OF ZERO FEET ALONG THE WEST PERIMETER AND A PORTION OF THE SOUTH PERIMETER WHERE 15 FEET AND EIGHT FEET, RESPECTIVELY, ARE REQUIRED on a portion of 6.59 acres at 1510 North Decatur Boulevard (APN 139-30-101-001), C-V (Civic) Zone, Ward 5 (Barlow). The Planning Commission (4-3 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**1**
City Council Meeting	**0**	**City Council Meeting**	**1**

RECOMMENDATION:
The Planning Commission (4-3 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Support Postcard
7. Backup referenced from the August 13, 2009 Planning Commission Meeting Item 19



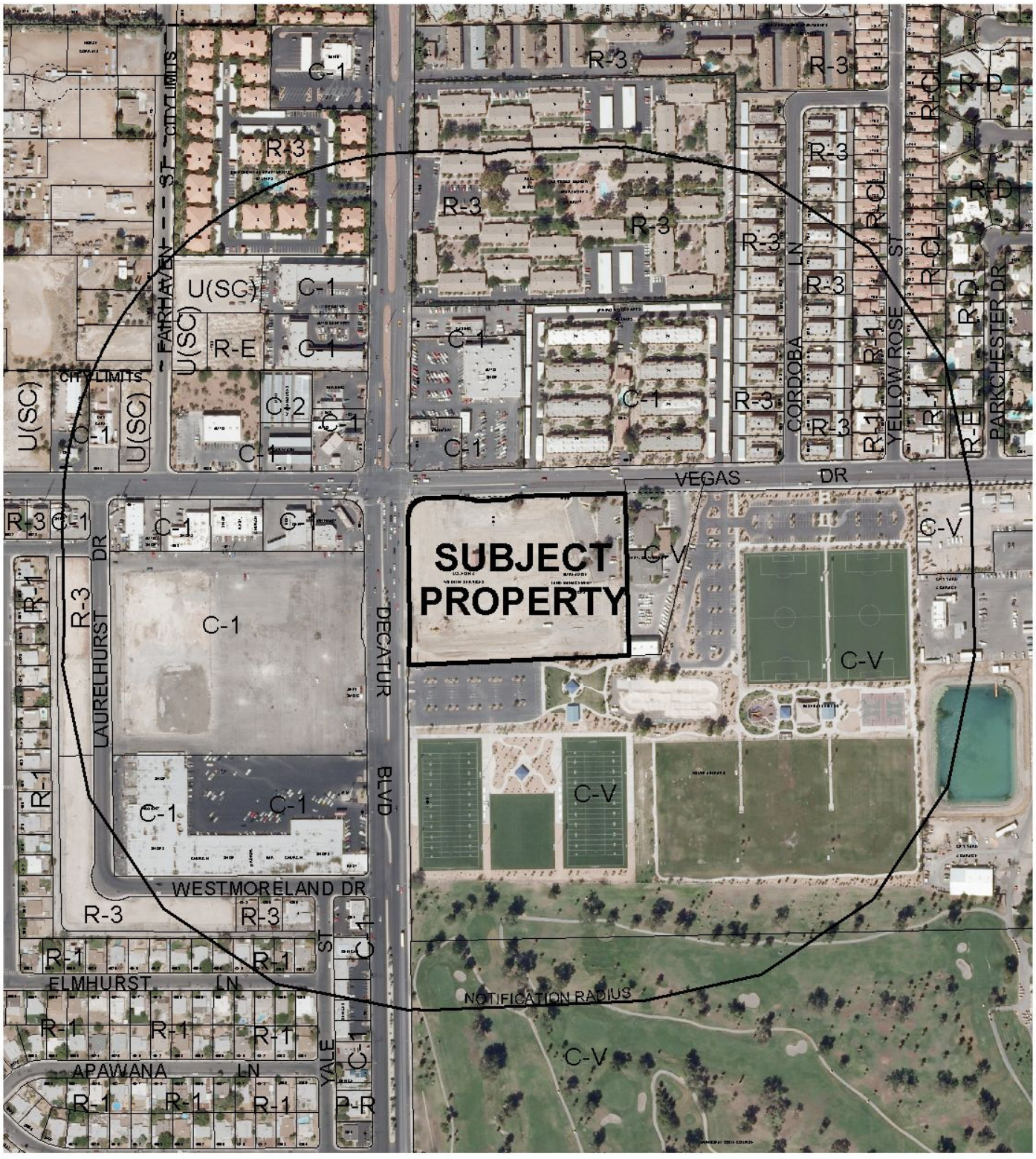
0 400 800 Feet

CASE: **SDR-35202**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-V (CIVIC)

N



CASE: **SDR-35202**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-V (CIVIC)

0 400 800 Feet

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-35202 - OWNER/APPLICANT: CITY OF LAS VEGAS

** CONDITIONS **

The Planning Commission (4-3/gt/rt/gf vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

2. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 07/14/09, except as amended by conditions herein.

3. A Waiver from Title 19.10.010 is hereby approved, to allow landscape buffers of zero feet along the west perimeter and a portion of the south perimeter where 15 feet and eight feet, respectively, are required.

4. An Exception from Title 19.10.010 is hereby approved, to allow six parking lot landscape islands and six trees where 24 parking lot landscape islands and 24 trees are required. Four, five-gallon shrubs shall be required for each required tree.

5. Barbed wire shall be removed from the existing chain link fence prior to final inspection.

6. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.

7. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

8. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

9. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

10. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

11. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives.

12. Submit a grading plan covering the entire parking area contiguous to the south property line of this site to the Department of Public Works prior to issuance of a grading permit for this site.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a proposed 96-space parking lot and an existing 67-space parking lot on a portion of 6.59 acres at 1510 North Decatur Boulevard. The subject site for the proposed parking lot is an undeveloped vacant lot. The existing parking lot was constructed prior to obtaining approval of a Site Development Plan Review as required by Title 19.18.050. If the application is denied, the existing parking lot must be demolished and the area of the proposed lot will remain undeveloped.

Issues

- The proposed lot requires an Exception to allow six parking lot landscape islands and six trees where 24 parking lot islands and 24 trees are required. Four, five-gallon shrubs shall be required for each required tree.
- The existing 67-space parking lot requires a Waiver of the landscape buffer requirements to allow zero feet along the west perimeter and a portion of the south perimeter where 15 feet and eight feet, respectively, are required.
- The existing lot also requires an Exception to allow zero parking lot landscape islands and zero parking lot trees where 16 parking lot islands and 16 trees are required.

The proposal is in conformance with the C-V (Civic) zoning district as well as Title 19 standards with the exception of the requested waiver and exceptions. Therefore, staff supports the project and recommends approval.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
03/05/07	A deed was recorded for a change of ownership at 1510 North Decatur Boulevard.
08/13/09	The Planning Commission voted 4-3/gt/rt/gf to recommend APPROVAL (PC Agenda Item #24/gk).
Related Building Permits/Business Licenses	
11/06/08	A building permit was issued (#126905) to demolish a house at 1510 North Decatur Boulevard.
Neighborhood Meeting	
A neighborhood meeting is not required, nor was one held.	
Field Check	
07/09/09	During a routine field check staff noted an undeveloped lot. The site was surrounded by a chain link fence with trash and weeds present.

Details of Application Request	
Site Area	
Net Acres	6.59

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	PF (Public Facilities)	C-V (Civic)
North	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
North	Auto Repair Garage (Major)	SC (Service Commercial)	C-1 (Limited Commercial)
South	City Park (Ed Fountain Park)	PF (Public Facilities)	C-V (Civic)
East	State of Nevada Department of Wildlife	PF (Public Facilities)	C-V (Civic)
West	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
West	Undeveloped	SC (Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts	X		Y
A-O Airport Overlay District - 105 Feet	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.12, the following standards apply

Landscaping and Open Space Standards				
Standards	***Required***		***Provided***	***Compliance***
	Ratio	***Trees***		
Parking Area				
Proposed Lot	1 Tree / 6 Spaces	24 Trees	6 Trees	N
Existing Lot	1 Tree / 6 Spaces	16 Trees	Zero Trees	N
Totals	40 Trees		6 Trees	N

Buffer:				
Proposed Lot				
Min. Trees	1 Tree / 30 Feet	16 Trees	16 Trees	Y
Existing Lot				
Min Trees	1 Tree / 30 Feet	13 Trees	Zero Trees	N
TOTAL		69 Trees	22 Trees	N
Proposed Lot				
Min. Zone Width				
South	8 Feet		8 Feet	Y
East	8 Feet		8 Feet	Y
Existing Lot				
Min. Zone Width				
South	8 Feet		Zero Feet	N
West	15 Feet		Zero Feet	N
Wall Height	6-8 Foot Screen Wall		6 Foot Chain Link Fence	N

Waivers		
Requirement	**Request**	**Staff Recommendation**
Title 19.12.040 West – 15 feet South – 8 feet	To allow landscape buffers of zero feet along the west perimeter and a portion of the south perimeter where 15 feet and eight feet, respectively, are required.	Approval

Exceptions		
Requirement	**Request**	**Staff Recommendation**
Title 19.10.010(J)(11)(a) Parking lot landscape islands shall be provided at the end of each row of parking spaces and at a ratio of one island for every six parking spaces.	To allow 6 parking lot landscape islands where 40 are required.	Approval
Title 19.10.010(J)(11)(c) One tree shall be planted for every six parking spaces. Each landscape island shall have at least one tree.	To allow 6 parking lot shade trees where 40 are required.	Approval

Title 19.12.040(B)(4) Shrubs are required in all buffer areas with a minimum of four 5-gallon shrubs for every required tree.	To allow zero 5-gallon shrubs and no groundcover along the east landscape buffer where 28 5-gallon shrubs and two inches of groundcover is required.	Approval
Title 19.12.040(B)(4) Shrubs are required in all buffer areas with a minimum of four 5-gallon shrubs for every required tree.	To allow zero 5-gallon shrubs and no groundcover along the south landscape buffer where 36 5-gallon shrubs and two inches of groundcover is required.	Approval

ANALYSIS

This is a request for a Site Development Plan Review for a proposed 96 space parking lot and an existing 67 space parking lot at 1510 North Decatur Boulevard. The existing parking lot was constructed prior to obtaining approval of a Site Development Plan Review as required by Title 19.18.050. The site meets all Title 19 requirements with the exception of a Waiver regarding the landscape buffer requirement and exceptions regarding parking lot landscape requirements. The site provides adequate access and circulation for both pedestrians and vehicles and the site utilizes materials that are consistent with similar developments, and will be compatible with adjacent surrounding development.

The proposed parking lot is located at the southeastern end of the parcel. The proposed 96 space parking lot will be paved, striped, and contain wheel stops. An existing six foot chain link fence with barbed wire on the south and east property lines will remain. However, a condition has been added requiring the owner to remove the barbed wire from the existing chain link fencing. Per Title 19.08.050 barbed wire is a prohibited material for use as a fence or wall. The applicant also proposes to install a new six foot chain link fence along the north and west sides of the proposed parking lot. Chain link fencing is a permitted material for fencing if approved through a Site Development Plan Review. Access to the site will be provided by one 24-foot drive aisle on the west side of the lot connecting to the existing 67 space parking lot.

The existing parking lot is located at the southwestern end of the parcel. The existing 67 space parking lot is paved, striped, and does not contain wheel stops. The parking lot has an existing six foot chain link fence with barbed wire around the perimeter of the lot. A condition has been added to remove the barbed wire from the chain link fence as it is not allowed within city limits per Title 19. The existing site contains a 24-foot drive aisle connecting to Decatur Boulevard, however, this drive aisle contains a crash gate and is not used as the main access point to the parking lot. Instead, the site contains two 24-foot drive aisles along the south property line connecting to the original Ed Fountain Park parking lot as approved in Site Development Plan Review (SDR-1327).

The landscaping proposed for both the proposed parking lot and existing parking lot will be minimal. In regards to the proposed 96-space parking lot, the applicant has requested Exceptions of the perimeter landscape buffering requirements listed in Title 19.12 to allow zero five-gallon shrubs and no groundcover along the south and east property lines where 36 5-gallon shrubs, 28 5-gallon shrubs, and two inches of groundcover are required, respectively. The applicant is also requesting exceptions from the Title 19.10.010 standards to allow six parking lot landscape islands and six trees where 24 landscape islands and 24 trees are required. Staff can support the landscape Exceptions as the request does not significantly impact the overall appearance of the site and the adjacent developments.

In regards to the existing 67-space parking lot, the applicant has requested a Waiver of the perimeter landscape buffer requirements to allow buffers of zero feet along the west perimeter and a portion of the south perimeter where 15 feet and eight feet, respectively, are required. The applicant is also requesting an Exception from the parking lot landscape requirements listed in Title 19.10.010 to allow zero parking lot landscape islands where 16 landscape islands are required. Staff can support the landscape buffer Waiver as the request does not significantly impact the overall appearance of the site and the adjacent developments.

The proposal is in conformance with the C-V (Civic) zoning district as well as Title 19 standards with the exception of the requested waiver and exceptions. Therefore, staff supports the project and recommends approval.

FINDINGS

The following findings must be made for an SDR:

1. **The proposed development is compatible with adjacent development and development in the area;**

   The proposed parking lot and existing parking lot are compatible with the surrounding C-V (Civic) zoned parcels and is appropriate for the neighborhood.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

   The proposed development is consistent with the General Plan but does not conform with Title 19 standards; however a Waiver and Exceptions have been requested as part of this approval. Staff supports the requested Waiver and Exceptions as the request does not impact the overall appearance of the site.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

   The site will be accessed from Decatur Boulevard, a 100-foot primary arterial as designated by the Master Plan Streets and Highways, which is more than adequate to handle the proposed use.

4. **Building and landscape materials are appropriate for the area and for the City;**

   Building materials and landscape materials are appropriate for the area and consistent with other commercial sites within the City.

5. **Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

   The proposed site is not unsightly or obnoxious in appearance and is compatible with the development in the area.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

   The proposed 163 space parking lot and fence installation will be subject to building inspection during construction and is subject to the Las Vegas Municipal Code. Staff finds that this proposal will not compromise the health, safety and welfare of the general public.

PLANNING COMMISSION ACTION

The Planning Commission amended condition #4 to which the applicant agreed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 17

ASSEMBLY DISTRICT 37

SENATE DISTRICT 4

NOTICES MAILED 92 by City Clerk

APPROVALS 1

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-35202 APN: 139-30-101-001

Name of Property Owner: CITY OF LAS VEGAS

Name of Applicant: HARLOW SMOOT

Name of Representative: HARLOW SMOOT

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

____ Yes X No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: ____

Partner(s): ____ ____

APN: 139-30-101-001

Signature of Property Owner: Steven Ford

Print Name: STEVEN FORD

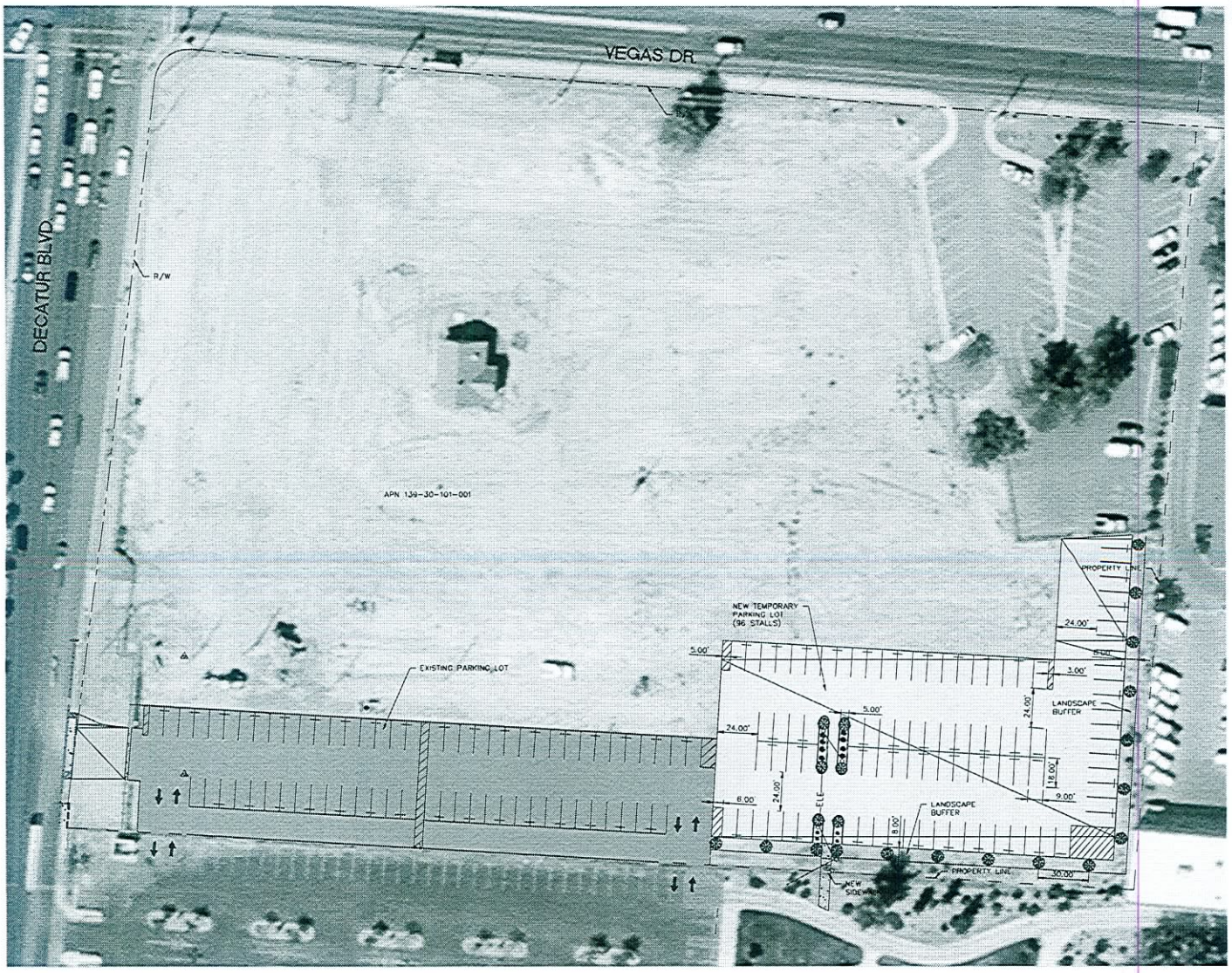
Subscribed and sworn before me — Christina Strong —

This 9th day of July, 2009

Christina Strong

Notary Public in and for said County and State

CHRISTINA STRONG
Notary Public State of Nevada
No. 07-1185-1
My appt. exp. Jan. 4, 2011



NORTH

GRAPHIC SCALE

(IN FEET)

1 inch = 30 ft.



VICINITY MAP

NOT TO SCALE

LEGEND

- FAN-TEX ASH (FRAXINUS VELUTINA RIO GRANDE)
- DEER GRASS (MUHLENBERGIA RIGENS)
- PARKING LOT LIGHT
- BUMPER BLOCK

SDR-35202
08/13/09 PC

JUL 14 2009

REVISIONS

NO.	DATE	DESCRIPTION	APP'D

DEPARTMENT OF PUBLIC WORKS
ENGINEERING DESIGN SECTION

ENGINEER: CHERI L. EDELMAN, P.E.
PROJECT MANAGER: PE
DESIGNED BY: ***
DRAWN BY: ***
CHECKED BY: ***
DATE: DECEMBER 2008

ED FOUNTAIN TEMPORARY PARKING LOT

EXHIBIT

Sheet EX1
1 of 1

7/14/09 F:\PEPOT\CITY_ENGINEER\EVG_DESIGN\TEAM\TEAM 1-MARK'S TEAM\MARLOW PROJECT FILES\DECATUR-EDAS PARKING LOT\DWG\070909 EXHIBIT.DWG



SDR-35202 – APPLICANT/OWNER: CITY OF LAS VEGAS
1510 NORTH DECATUR BOULEVARD
AUGUST 13, 2009 PLANNING COMMISSION

07/09/09



SDR-35202 – APPLICANT/OWNER: CITY OF LAS VEGAS
1510 NORTH DECATUR BOULEVARD
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07/09/09

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW
STAVROS S. ANTHONY

ELIZABETH N. FRETWELL
CITY MANAGER

July 13, 2009

City of Las Vegas
Department of Planning and Development
731 S. 4th Street
Las Vegas, Nevada 89101

RE: ED FOUNTAIN PARK TEMPORARY PARKING LOT
APN 139-30-101-001
REQUEST FOR SITE DEVELOPMENT REVIEW IN CIVIC (C-V)

LETTER OF JUSTIFICATION

Per a request from Council, the Department of Public Works has been tasked with providing additional temporary parking spaces adjacent to Ed Fountain Park. The existing parking lots do not meet the current high demand of the park causing public safety concerns with overflow traffic trespassing on adjacent private property. The City proposes to add 96 additional parking stalls by building a 31,915 SF temporary parking lot with limited landscaping and lighting.

The City appreciates your kind consideration of our request for a site development review to allow this temporary parking lot in Ed Fountain Park as it will help alleviate the current parking shortage.

Any concerns regarding the application should be directed to me at 229-6160.

Sincerely,

Harlow Smoot
Senior Engineering Associate
Department of Public Works

cc: Cheri Edelman, P.E., City Engineer (CLV)
Mark Sorensen, P.E. (CLV)
File

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

SDR-35202
08/13/09 PC

Printed with environmentally friendly soy ink.

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

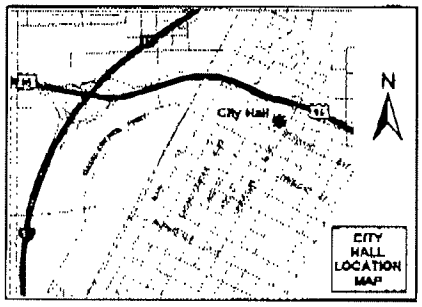
PRESORTED FIRST CLASS

$ 00.41[4]

2009 SEP -8 A 8:07

RECEIVED
CITY CLERK

Return Service Requested
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-35202
City Council Meeting of 9/16/2009

HUGGINS WILLIAM D
1601 YELLOW ROSE ST
LAS VEGAS NV 89108-2022

APN#13919413001

GAVDS11 89108

NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

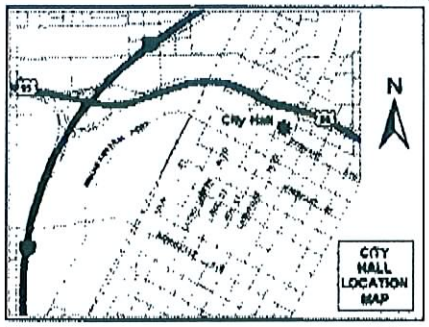
City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 JUL 31 2009
MAILED FROM ZIP CODE 89101

Return Service Requested

Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-35202

Planning Commission Meeting of 8/13/2009

RECEIVED
AUG 03 2009

Case: SDR-35202
13919413001
HUGGINS WILLIAM D
1601 YELLOW ROSE ST
LAS VEGAS NV 89108-2022

24A

City of Las Vegas Agenda Item No.: **88.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

SUBJECT:
SET DATE ON ANY APPEALS FILED OR REQUIRED PUBLIC HEARINGS FROM THE CITY PLANNING COMMISSION MEETINGS AND DANGEROUS BUILDING OR NUISANCE/LITTER ABATEMENTS

City of Las Vegas Agenda Item No.: **89.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

SUBJECT:
CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE CITY COUNCIL. NO SUBJECT MAY BE ACTED UPON BY THE CITY COUNCIL UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED

City of Las Vegas Agenda Item No.: **90.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: SEPTEMBER 16, 2009

SUBJECT:
COUNCIL MEMBER RECOGNITION: COMMENTS MADE BY INDIVIDUAL CITY COUNCIL MEMBERS DURING THIS PORTION OF THE AGENDA WILL NOT BE ACTED UPON BY THE CITY COUNCIL UNLESS THAT SUBJECT IS ON THE AGENDA AND SCHEDULED FOR ACTION